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SENATE—*Thursday, July 27, 1995*

(Legislative day of Monday, July 10, 1995)

The Senate met at 9:14 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Lord God of history, today as the Korean War Veterans Memorial is officially dedicated, we remember with profound gratitude the over 54,000 Americans who died, the more than 8,000 still listed as missing, and the over 100,000 who were wounded in the Korean war. May this day also be an opportunity to honor all those who served our country and the cause of freedom in this war. Never again may they feel they fought in what some have called the "forgotten war."

Lord, sharpen our memories so that we can realize again how crucial this war was for the liberation of the South Korean people from communism. Help us to remember that through this war there was an establishment of democracy and a dynamic industrial society. When we reflect on what might have happened to the destiny of South Korea had this battle for democracy not been fought, we enter into this day of memorial with a great sense of debt to those who paid the high price for the freedom of a people who at that time, could not defend themselves. May this day overcome the world's neglect of what these Americans endured, and at last, affirm what they achieved. Inscribe on our hearts what is inscribed on the 8-ton granite slab of this memorial in the Washington Mall:

> Our Nation honors her sons and daughters who answered the call to defend a country they never knew and a people they never met.

Lord God of hosts, be with us yet, lest we forget—lest we forget. Amen.

RYAN WHITE CARE REAUTHORIZATION ACT

The PRESIDENT pro tempore. The clerk will report the bill.

The assistant legislative clerk read as follows:

A bill (S. 641) to reauthorize the Ryan White CARE Act of 1990, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Helms amendment No. 1854, to prohibit the use of amounts made available under this act for the promotion or encouragement of homosexuality or intravenous drug use.

Helms amendment No. 1855, to limit amounts appropriated for each of fiscal years 1996 through 2000 under title XXVI of the Public Health Service Act to the level of such appropriations in fiscal year 1995.

Helms amendment No. 1856, to ensure that Federal employees will not be require to attend or participate in AIDS or HIV training programs.

Helms amendment No. 1857, to limit amounts appropriated for AIDS or HIV activities from exceeding amounts appropriated for cancer.

Kassebaum amendment No. 1858, to prohibit the use of funds to fund AIDS programs designed to promote or encourage intravenous drug use or sexual activity.

The PRESIDENT pro tempore. Under the previous order, the able Senator from Nevada is recognized.

Mr. REID. Mr. President, under the order that has previously been entered, how much time does the Senator from Nevada have?

The PRESIDENT pro tempore. Fifteen minutes.

Mr. REID. Mr. President, my oldest child, my only daughter, married a young man from North Carolina, a fine young man, someone that our whole family has accepted. He has been great to my daughter and to the whole family. We are very proud of both of them.

We have learned that when your child marries, other people automatically come into the family. As a result of my son-in-law coming into our family, his parents came into our family as well, a wonderful couple, Melvin and Mattie.

Mr. President, we got to love and appreciate both of them, and all the time that we knew Mattie, my daughter's mother-in-law, she was very ill. She was dying of cancer, and had been suffering for a long period of time.

Finally, Mattie passed away. Melvin and Mattie had been married 40-plus years. Then, after a few years had passed, Melvin and a woman that he had known his entire life—she was a widow, he was a widower—married.

This relatively elderly couple on their honeymoon recognized that Beulah, the new wife, was ill. She did not know what was wrong, but she was very sick. And after having a significant number of medical tests, it was learned that his new wife had AIDS. It was determined she had contracted the disease from her former husband. He had had open-heart surgery and was given tainted blood. So this angelic man, Melvin, who had spent many, many years caring for his very sick wife dying of cancer, now faced another tragic situation—his new wife was dying of AIDS. You see, Mr. President, anyone that gets AIDS dies. It is a terminal disease. It is only a question of how long. Beulah suffered significantly, and recently passed away.

Mr. President, the reason I relate this story to my colleagues here in the Senate is that AIDS affects everyone. It does not affect a specific community. It does not affect a specific ethnic group. It does not affect just young men. It does not affect only young women. It has some effect on all of us. Really, Mr. President, that is what the Ryan White legislation is all about. It recognizes that AIDS is an epidemic that is sweeping the country. It recognizes that victims with AIDS need special help as a result of the disease.

Ryan White, the young man whose name is affixed to this legislation, had a disease called hemophilia. As we know, this is a disease where the human body is unable to stop bleeding. These young people who have this disease need large amounts of blood in the form of transfusions. Ryan White, as a boy, was given tainted blood and wound up with the AIDS virus and ultimately full-blown AIDS. He suffered tremendously, as anyone who has this disease does.

● This "bullet" symbol identifies statements or insertions which are not spoken by a member of the Senate on the floor.

Mr. President, Ryan White lived to be 18 years of age. To add to this sad story, Ryan White also suffered significant, severe discrimination. Why? Because he had this disease—AIDS. He struggled merely to attend public schools. Eventually, he succeeded in getting a court order which allowed him into the school, but he was then ostracized by his peers. People lied about him. They claimed he spit on people and bit people. There were even accusations that he was a homosexual, with all of the connotations relating to that, and many other hateful and spiteful things that this young man had to endure.

His mother fought hard for her boy. She wanted him to have a normal childhood. Through her perseverance and her constant fighting to bring this disease to the forefront, we passed the Ryan White bill.

This CARE Act is a cornerstone of Federal funding for AIDS-specific care. There is bipartisan support, as there should be, for this reauthorization. We do not know exactly how many Americans are infected with the HIV virus. We do know it is over a million. There is not a place you can go in the United States that does not have a story to tell about AIDS.

A recent poll was taken that shows more than 70 percent of Americans believe that funding should either be increased or remain the same for AIDS-related causes. There has been some talk, Mr. President, on the Senate floor that too much money is being spent on people with AIDS. I have a number of answers to anyone who would make such a statement. First, any medical research that is done, whether it is for AIDS, cancer, diabetes, lupus, any disease you want to mention, helps us all, because it is through medical research that breakthroughs come that help us in understanding disease generally.

For example, Mr. President, the billions of dollars spent on star wars has not resulted in a defense to stop incoming missiles, however, significant scientific advancements were made as a result of doing work on that project. Laser technology has advanced a thousandfold as a result of that research. The same applies, in my estimation, to research on AIDS-related diseases. If we better understand the cause of AIDS, if we better understand and reach some conclusion as to better ways to treat AIDS, and perhaps someday cure AIDS, there would be all kinds of side effects, positive in nature, as a result of the research done on AIDS. I do not believe, Mr. President, that we are spending too much money on this disease.

The CARE Act is a model of local control—planning authority and funding decisions rest with State and local governments. The CARE Act programs provide health care and support services to more than 300,000 people with the HIV virus. The Ryan White CARE Act, enacted in 1990, has, in effect, disaster relief to help America's hardest hit cities with AIDS.

This act provides for Federal resources to States and localities to assess their needs and design effective strategies to meet them.

There are four titles to the CARE Act. Title I provides for primary care. Another title deals with a consortia of local providers, with prescription drugs, and insurance continuation. Title III provides for early intervention, and categorical grants to private and nonprofit entities already providing primary care. Title IV provides for coordinated comprehensive care for children, and families among other things.

This legislation, Mr. President, is an important step to relieve people and their immediate families and neighbors from the problems that relate to people who are suffering from HIV/AIDS. Having people with HIV involved with the CARE Act reduces further transmission of this disease.

Having said that, we save money as a result of people being treated properly that have AIDS. It also reduces inappropriate use of emergency rooms and inpatient hospitalization.

I believe that prevention is the best way to save money. With the Ryan White Act, we are spending money now in order to save money in the future. So we should not be shortsighted in our actions. The programs we have already established have reduced inpatient care costs, increased access to care for underserved populations, and improved quality of life for those infected by the epidemic.

The AIDS epidemic is getting worse. It was originally centered in large urban areas. Now it is truly national. It affects rural America.

Without funding through this act, the AIDS epidemic in some communities will simply become unmanageable.

Mr. President, Reno, NV, a relatively small community, has a real problem with treating people with this disease. Like all communities, we do not know exactly how many people have this disease, but at our early intervention clinic we have a caseload of about 275 people—again, Mr. President this is at an early intervention clinic.

The reason this clinic is important, Mr. President, and there are a number of reasons, but one reason is that it saves Nevada money. At this facility, people can come and receive advice, counsel, and treatment, therefore, avoiding unnecessary hospitalization. Through avoiding emergency visits alone, we save thousands and thousands of dollars.

The success of this early intervention clinic was so impressive that two Reno hospitals made grants of $50,000 each to the clinic in 1993 to support HIV and related direct patient care. It would save the hospital money in the long run to keep the clinics open.

Mr. President, Nevada has the 11th highest per capita reported HIV cases in the Nation. The overwhelming majority of HIV-infected Nevadans live in the Las Vegas area. Las Vegas is in region 9, which ranked fifth in the number of HIV cases. The majority of these infected individuals receive their medical care at the University Medical Center in Las Vegas. UMC spends millions of dollars each year of taxpayers' money on AIDS treatment.

The Ryan White legislation, Mr. President, will save the people of the State of Nevada money as a result of early intervention.

The Ryan White legislation, Mr. President, is something that we should all support. It is important legislation.

This disease affects almost every American. It has affected this Senator. It has affected many other people who work in these Chambers. I think it is important that we understand that when we help people who are sick, no matter what disease they have or why they have it, helping them is the right thing to do. It is the right thing from a moralistic standpoint, as well as the right thing to do from an economic standpoint. We save the taxpayers of this country money by providing appropriate and proper care. I yield the floor.

The PRESIDING OFFICER (Mr. ASHCROFT). The Senator from New Hampshire.

Mr. GREGG. Mr. President, it is my understanding under the unanimous-consent agreement, at this time I was allocated an hour to bring forth an amendment. I do not intend to bring that amendment forward.

I have been discussing this with the chairman of the subcommittee and ranking member of the committee and also with other cosponsors of this amendment, which deals with the export activity, drug, pharmaceutical, and device companies, and would address what I think is an absolutely essential need to reform our export activities so that our drug, our biological, and device companies are not put at the significant disadvantage relative to the international marketplace, and so they are not shipping abroad jobs, technology, and research which is what is occurring today.

This amendment, which would correct that problem and make our pharmaceutical, biologic, and device companies more competitive and give them the opportunity to produce goods here, sell them abroad in a reasonable manner, and to do their research here, rather than shipping them abroad, is a critical amendment.

I have received a commitment, and I am very appreciative of this from the chairman and ranking member of the committee, that this matter will be taken up at a markup in committee next Wednesday, as I understand it. That is very satisfactory to me.

I think that will give Members a chance to have a full airing at the committee level and, hopefully, bring legislation to the floor which will address this issue, which I do feel needs to be addressed in the short term rather than the long term.

With that background, I will not be offering my amendment. I yield back my time.

Mr. KENNEDY. Mr. President, I express appreciation to the Senator from New Hampshire for proceeding this way. It will permit the Human Resources Committee to have an opportunity to consider an extremely important and significant change in terms of our export policy, in terms of medical devices, and other pharmacological products.

It is a very, very important issue. At the present time, for example, we are able to export to the 21 countries that have the technological and scientific basis. If those countries have approved those particular products, we can export to those. But this would open up export to a wide range of different countries that do not have that kind of scientific basis.

We have to take note that we have Americans that will be living in those countries, that will be traveling in those countries, that will be perhaps consuming these various products. I think we want to make very, very sure that the type of product that will be exported from the United States is going to be safe and efficacious. We have seen too many instances in the past, even when products have been utilized in foreign countries and found to provide a very substantial and significant health hazard, they have still been exported to other countries and endangered the health and the well-being of children, expectant mothers, and others.

We want to be very, very sure that we are going to be part of a world system in terms of competitiveness, but also that if the products are going to be exported from the United States, that they are going to need, I think, some minimal standards either established here or established in other countries that have the scientific capability and capacity.

As I mentioned, 21 countries do have that. To even provide the degree of flexibility to the FDA, if they make a judgment that they believe other countries have that kind of expertise and they feel it is warranted and justified, to be able to export those, I think we ought to be able to consider that.

There are some very, very important public policy issues involving not only the economic issues in terms of export market, but also health issues in terms of products that are made here in the United States.

I am grateful to the Senator from New Hampshire. This will give Members an opportunity in the period of time in the next several days to see if we cannot find some common ground. There are some ideas and suggestions that we have that I think can move us very substantially toward the goal of the Senator from New Hampshire. It would do it in a somewhat different way.

I welcome the opportunities to explore those over the period of these next several days and see if we cannot have the discussion of those and consideration of those in the committee next week, and then move that whole process through in a timely way.

I appreciate the willingness to proceed in this way. I think we will get a better product and, hopefully, one that can have the broad support of the Members.

Mrs. KASSEBAUM. Mr. President, I, too, am appreciative of being able to work this out. We will put this legislation on the committee markup calendar for next week.

I am a cosponsor of the legislation that has been introduced by the Senator from New Hampshire. I know that Senator GREGG has some very strong and very constructive views on FDA reform, as many Members do. We are working toward a comprehensive approach including the specifics of the export policy. I think this is a very positive direction for Members to go.

I appreciate all parties concerned, including Senator KENNEDY and the other members of the Labor Committee, for being willing to put this legislation on the markup calendar.

Mr. President, we are trying to confirm that all Members are notified that the vote schedule will probably be a bit earlier than we had anticipated, since the FDA amendment has been worked out. I think we are trying to arrange for 10 o'clock, but this has not yet been finalized.

Mrs. MURRAY. Mr. President, I rise today in strong support of S. 641, the Ryan White CARE Reauthorization Act of 1995. I am proud to join 63 of my colleagues from both sides of the aisle in cosponsoring this bill, and I thank our distinguished majority leader, Senator DOLE, for bringing the measure to the floor.

The AIDS epidemic is one of the most serious public health crises the world has ever faced. AIDS is now the leading cause of death of Americans between the ages of 25 to 44. Even more startling to me, AIDS is the second highest cause of death among women across our country. In addition, AIDS cases among people of color are on the rise and rural populations are witnessing sharp increases of reported AIDS cases.

We all know that AIDS has devastated the gay and hemophiliac communities. Yet, surveillance data from the Centers for Disease Control show the rates of increases in AIDS cases are highest among women, adolescents, and persons infected through heterosexual contact. In my home State of Washington, 37 of our 39 counties have reported cases of AIDS.

The National Center for Health Statistics projects that deaths due to AIDS will increase 100 percent over the next 5 years. Clearly, the epidemic is not abating.

Mr. President, I believe the Federal Government has an important role to play in combating the AIDS epidemic. But I also believe we—as parents, neighbors, and human beings—have an obligation to care for those living with HIV/AIDS. As more adolescents, our Nation's children, become infected with the AIDS virus, we must ensure they have access to adequate HIV-related treatment and services.

When I see that adolescents are one of the fastest growing populations of people with HIV/AIDS, I get particularly concerned. I am the mother of two teenagers. I know AIDS is an issue they are very worried about. I want to do all I can to assure them that as a nation we are facing up to this crisis, and that perhaps one day they can raise their kids in a world that is no longer threatened by AIDS.

One of the first trips I took as a U.S. Senator was to the pediatric AIDS ward at the National Institutes of Health. I was both heartened by the progress made by the researchers, and heartbroken by the unimaginable loss of life that is inevitable in the coming decade.

I still have vivid memories of that trip to NIH.

I remember the face of a young boy, barely in his teens, although physically he was the size of a 6-year old. His whole young life and that of his family's were consumed with trying to outwit this terrible disease. Tragically, he died a short time later, but I am determined to ensure that we do all we can and not turn our backs on our children. They are our future and they deserve better.

The Ryan White CARE Act is one of the best programs to care for people living with HIV-infection. Our constituents have told us how much they have come to rely on the services funded through the Ryan White CARE Act.

Maybe we need to reflect for a moment on what these services mean to a person living with AIDS. Because of the lifesaving resources the Ryan White Act provides, people living with HIV/AIDS have access to mental health counseling, transportation to medical appointments, companion care, and the delivery of a nutritional meal. In other words, the Ryan White CARE Act gives people with AIDS a most precious gift—a little peace of mind.

I am proud of the people who are fighting on the frontlines of this epidemic in my State. Without Ryan

White funding, organizations like the Northwest AIDS Foundation and the Chicken Soup Brigade would not be able to continue their life-sustaining work.

Let me repeat that. Without funding from the Ryan White Act, people who are too sick to leave their homes could not count on a home-delivered meal, nor would they have access to HIV-related counseling and treatment services. It seems to me that ensuring the value of dignity in someone's last days is not too much to ask for in this greatest of countries on Earth.

And, let us not forget, the Ryan White CARE Act saves us money. Ryan White-supported volunteer programs and case management programs are cost-effective alternatives to hospitalization and institutional care. Early intervention care services keep people living with HIV healthy and working far longer. And Ryan White services help prevent the spread of HIV by increasing people's awareness and understanding of the disease.

Sooner or later, every Member of this Chamber will be personally touched by the shadow of AIDS.

I already know what it feels like to have a good friend call and sadly confirm he has been diagnosed with HIV. My very good friend and former colleague in the Washington State Senate, Cal Anderson, has been living with AIDS for several months. I served with Cal before coming to this body, and I feel honored to be able to call him my friend. Cal is one of the most determined, respected, and strongest people I know. He has not let his health get in the way of his drive and commitment to serving the people of our State, and I want to let him know how much I admire his courage and his wisdom.

This is a disease that affects us all, Mr. President. Finger-pointing and moralizing have no place in this debate. The AIDS virus does not choose its victims, and it does not seek to punish them either. None of us shall tolerate the suggestion that people who get AIDS are disgusting and reprehensible. All I know is that people with AIDS are sick—and they need our help and our compassion.

Mr. President, the time to act is now. I urge all of my colleagues to support swift and final passage of the reauthorization of the Ryan White CARE Act.

Mr. KERRY. Mr. President, The Ryan White CARE Act is about people. It is about community and caring and, fundamentally, it is about our response to a public health crisis, and the fairness with which we deal with such crises. It is about community and what we stand for as a nation. It is about adequate education and the prevention of a deadly disease. It is about Government's rightful role in protecting the health of Americans. And it is about life and hope, health and caring.

It is the function of this body to debate issues on principle, and there will always be issues that will philosophically divide us, but illness and human suffering is not a wedge issue; and it should not be debated based on our fears and our anxieties. I sincerely hope that, in discussing AIDS education, prevention, and funding we do not engage in a debate about cultural differences or lifestyles, but about illness, disease, and the devastating impact of the HIV virus on our fellow citizens.

I would hope that the fight against AIDS, like the fight against cancer or heart disease would unite us, and strengthen our resolve as a community, because HIV knows no cultural bounds, and spares no gender, color, creed, or national origin. I wish that this Senate could unanimously support legislation—without divisive amendments—that addresses, a devastating disease with tragic consequences that has torn families and friends apart.

Mr. President, in this debate let us not drift too far afield from what this legislation would do. We are simply talking about outpatient medical care to those who suffer the HIV virus. We are talking about supporting services to families and individuals living with the HIV virus and AIDS. We are talking about education and prevention. We are talking about altering funding formulas to reflect the geographic and demographic reality of where the problem is and who needs the help.

We are simply talking about fairness, about doing all we can to help victims and families who have struggled with HIV. We should not divert our attention from intolerance of the suffering HIV causes to intolerance of those who suffer.

In conclusion, beyond the specifics of this important legislation, I see the Ryan White CARE Act as a test of our leadership in the U.S. Senate, and as a symbol of our commitment to the fundamental concept of community that holds us together as a diverse nation, strengthened by our differences.

I yield the floor.

Mr. DODD. Mr. President, I rise in strong support of the Ryan White Reauthorization Act of 1995. I would like to thank the chair of the Labor and Human Resources Committee, Senator KASSEBAUM, and the ranking member, Senator KENNEDY, for all the hard work that they have put into this bill.

AIDS continues to be a serious public health problem in this country. It has become the leading killer of U.S. adults between the ages of 25 to 44. Since it was first identified in the early eighties, nearly 500,000 cases of AIDS have been reported. More than 40 percent have been diagnosed in the last 2 years. Clearly, the situation is getting worse, not better. And as much as we would all like to see this crisis just go away, it will not. AIDS is rippling through every one of our States—from rural hamlets to major cities. It is a national problem that requires a national response.

The disease strikes and kills Americans in the prime of life—the most productive members of our society. The median age at time of infection is 25 years of age.

The spread of HIV and AIDS among young adults is particularly alarming. According to the Centers for Disease Control, young adults from 20 to 29 years of age account for almost 20 percent of diagnosed AIDS cases. Given the typical lengthy period between HIV-infection and diagnosis with AIDS, it is likely that these young people became infected as adolescents. And in 1993, the largest increases in reported AIDS cases occurred among young people between the ages of 13 to 19 and 20 to 24. Additionally, the number of pregnant women and children born with the disease continues to grow with the epidemic.

My State of Connecticut is hard hit by the epidemic, where the problem continues to grow. More than one-sixth of our total AIDS cases were reported in 1994 alone.

The epidemic has hit my State's poorest cities the hardest. Ninety percent of the AIDS cases in Connecticut are concentrated in the New Haven and Bridgeport metropolitan areas and in Hartford County. In Hartford, AIDS is the leading cause of death among youth. Pediatric AIDS cases are twice the national average. Female AIDS cases are also twice the national average. Hartford will receive title I funds in the coming year to help it cope with this crisis.

In New Haven, 3,355 cases had been diagnosed through December 1994, and an estimated 8,039 were infected with HIV. In Bridgeport, there are between 3,400 and 4,000 cases of HIV infection, 16 percent in the age group 15 to 24.

The Ryan White CARE Act provides vital funds to help States, cities, individuals, and families cope with the epidemic's impact. Title I of the act provides dollars to metropolitan areas disproportionately affected by the epidemic. The funds go to health care and support services to prevent hospitalization and improve the lives of individuals living with HIV infection and AIDS. Title II provides funds to States for the delivery of health care and services, the development of community-based consortia, and services such as health insurance continuation and HIV medication reimbursements. Title III B supports early intervention services on an outpatient basis. Title IV provides grants for services for women and children.

The strength of the Ryan White Program is made clear by the broad bipartisan support for the bill. It was initially passed in 1990 with the sponsorship of Senators KENNEDY and HATCH and signed into law by President Bush. It now enjoys the support of more than

60 Members from both sides of the aisle.

The services paid for under this act are desperately needed by the health care providers and institutions that work on the frontlines of this illness and by the individuals and families that live with the disease. I urge my colleagues to support this reauthorization bill.

Mr. HARKIN. Mr. President, I rise to share my strong support for S. 641, the Ryan White CARE Reauthorization Act of 1995. The AIDS emergency is far from over. In fact, it is only getting worse. Now more than ever, we need the Ryan White CARE Act.

The Ryan White Act is a vital source of health services for people with AIDS. Often, it is the only source of help available. AIDS victims commonly suffer from discrimination and social isolation, leaving them with no one to turn to when they get sick.

Also, they often lose their health care coverage, so they must rely on public assistance for care. That is where the Ryan White Act comes in. It is there to lend a hand in times of crisis when there is nowhere else to turn to.

For those who think that AIDS is no longer a major crisis in the United States, I have a wake-up call for you: the AIDS epidemic is at its height. According to the Centers for Disease Control and Prevention, AIDS has now grown to become the No. 1 killer among American males aged 25–44. In 1992, there were approximately 48,000 new AIDS cases in the United States. Last year, that number grew to more than 80,000. We should all be alarmed.

Some would like us to believe that AIDS is a disease that affects only homosexuals and drug-users. Some people still refer to AIDS as a "gay disease."

But, Mr. President, that invective which we hear is also a virus. It is the virus of ignorance, the virus of indifference, the virus of intolerance spreading a dangerous message. And we have to put a stop to that virus, too.

AIDS is not a "them" disease. It is an "us" disease. Every American—regardless of color, creed, gender, or sexual orientation—is at risk for AIDS.

Recently, in some parts of the country, the rate of AIDS incidence has shown signs of leveling off in the homosexual population. Unfortunately, at the same time, the heterosexual AIDS epidemic is rising at an alarming rate. Growing numbers of women are contracting AIDS. Also, teenagers in the United States now have one of the fastest growing rates of infection.

While AIDS continues to have a disproportionate impact on urban areas, it is cropping up in our suburban and rural areas as well. Iowa has reported over 650 cases since the epidemic began. You don't have to travel far to run up against this deadly disease—it's right in our own backyard.

In Iowa, we have four Ryan White CARE consortias in operation around the State. They receive no funding from the State, nor do they get city or county funds for program costs or direct services. Without the Ryan White Act, these organizations would be unable to function, and many Iowans with AIDS would be left out in the cold.

I recently received a letter from Kirk Bragg, director of the AIDS Project of central Iowa. In his letter, he gives an excellent example of the kind of care Ryan White provides in our State. Let me share it with you:

> Five months ago we received a call for help. Bob R. has AIDS and HIV-related dementia. His parents attempted to care for him at home, but could not cope with the demands of his illness and his confused mental condition. In desperation, they drove to Des Moines and left Bob at the front entrance of Broadlawns Medical Center.
>
> Bob's parents, we found, were not bad people—they simply had reached the end of their emotional and financial rope.
>
> A social worker from Broadlawns called our agency, and we picked Bob up and took him to our office. In less than 24 hours, we found Bob a place to live, purchased vitally needed medications, connected him with volunteer support, and provided ongoing case management that continues to help Bob avoid harmful decisions.
>
> Today, five months later, Bob's condition has stabilized.
>
> He has re-established his relationship with his parents, and he has the medications, care, and counseling he requires. His life is not easy, and his disease is not cured, but one more human life was pulled from the abyss.
>
> The Ryan White CARE Act made this all possible.

In closing, Kirk had one final note to share that I would like to pass on to my colleagues. He says:

> Tell the Senators who oppose this legislation that we who are working in the fields have come to believe that AIDS poses a moral question that must be answered—how our society cares for the sick and despised is, in reality, a test of our national character and our national will. If Americans truly care for each other, we care for all our people.

Kirk is right—this legislation is a test of our national will and our national character. Unfortunately, time is running out. The longer we wait on this bill, the more dangerous the situation becomes.

On September 30, the Ryan White CARE Act will expire unless we move forward with reauthorization. Also, the appropriations process is well underway in both Houses, which means that we need move quickly to ensure that the new act is firmly in place so that it gets full and fair consideration for funding.

On behalf of the thousands of Americans who suffer from AIDS and their families, I strongly urge my colleagues to support passage of S. 641.

This act is a life-line for those with AIDS. Let us act now before it is too late.

AMENDMENT NO. 1854

• Mr. LIEBERMAN. Mr. President, I rise in support of the Ryan White CARE Act. The purpose of the act is to provide health care services in a cost-effective way to people with HIV and AIDS. The Ryan White CARE Act is working in my State and throughout the Nation. I am very concerned about any amendment that would undermine the effectiveness of this program. Senate HELMS' amendment 1854 would prohibit the use of Federal funding to "promote or encourage, directly or indirectly, homosexual activities or injection drug use." Senator HELMS' amendment could be broadly applied and therefore potentially undermine one of the most cost-effective Federal programs we have.

Under the Helms amendment, it would be difficult to determine what services provided by a clinic would be considered to "promote or encourage homosexual activities or injection drug use." In particular, prevention programs that discuss sexual behaviors that contribute to the spread of AIDS might be judged to promote homosexual activities. Prevention programs that discuss and advocate clean needles for drug addicts might be judged to promote injection drug use. Although the Ryan White Act does not pay for preventive services, clinics that deliver Ryan White-funded health services often have prevention programs. If these clinics which provide comprehensive care to people with AIDS are considered to indirectly promote homosexuality, then these programs could lose funding. That means denying life-saving medical services for people with HIV and AIDS.

Mr. President, doctors, nurses, and other health professionals cannot talk about a sexually transmitted disease without also talking about the sexual behaviors that will prevent its spread. It is unclear if this amendment would allow professionals serving the HIV-infected population to talk about sexual behaviors. The ambiguous language of this amendment could damage the protection of public health.

Again, let me remind my colleagues that the purpose of this bill is to provide health care to individuals suffering from a terrible, terminal disease. The bill reflects not a moral consensus about homosexuality but a shared compassion for people with AIDS and a commitment to the public's health.

Finally, the Ryan White CARE Act makes economic sense. Cost-effective delivery of care keeps AIDS patients out of costly emergency rooms. The public funds provided by Ryan White have been leveraged in my State with private dollars to provide a network of cost-effective services to the HIV-infected population. If we shut off Federal funds to community-based providers because there is a question of whether or not the nature of their services indirectly promotes homosexuality, then we will undermine efforts to limit the spread of AIDS and will shift the burden of caring for people with AIDS on to our already overburdened public hospitals.

DENTAL PROVISIONS OF THE RYAN WHITE CASE

Mr. HATCH. I am pleased to see the consolidation of most all of the Federal AIDS programs under the Ryan White AIDS CARE Act, as I believe that this will enhance the coordination of the services that we provide. I am concerned, however, that S. 641 fails to include a very important education and service program—the HIV/AIDS dental program.

Mrs. KASSEBAUM. The Senator is correct.

Mr. HATCH. As the Senator knows, dental care is consistently identified as one of the unmet needs of most AIDS patents. In fact, the need for dental care has been used to illustrate the importance of reauthorizing the Ryan White CARE Act.

Mrs. KASSEBAUM. That is correct. Health officials in Kansas tell me that the dental needs of persons with HIV disease differ from those of people without chronic diseases—while many Americans visit the dentist primarily for preventive care, I understand that some patients with AIDS experience mouth lesions and pain so devastating that they see their dentist more often than their physician.

Mr. HATCH. Receiving treatment for oral diseases is often difficult for HIV/AIDS patients because many are uninsured and, in addition, most dental services are not reimbursed under Medicare and are seldom covered by Medicaid. As a result, dental schools and hospitals provide a safety net for many of these uninsured patients, but risk serious financial problems in doing so.

In fiscal year 1995, over 73,000 patients nationwide were cared for through this program; over $14 million in unreimbursed dental care was provided, for which the Federal Government reimbursed approximately 49 percent.

It is my understanding that the House Commerce Committee included this program in its Ryan White reauthorization bill, and that the House Appropriations Committee has continued funding for the program in its fiscal year 1996 bill. I do not want to hold up the progress of this bill, so I am not offering an amendment today, but I hope that we can find a way to reauthorize the AIDS dental program in the Ryan White CARE Act as it moves forward in conference with the House.

Mrs. KASSEBAUM. I certainly appreciate the comments of the distinguished Senator.

As you know, in the health professions bill which cleared the Committee on Labor and Human Resources earlier this year, we consolidated this program with others. This would allow the Secretary to determine if AIDS dental training programs are really needed. I understand the Senator from Utah's concerns, but, this is an issue which I will reexamine in the context of the health professions bill.

Mr. HATCH. Mr. President, I rise to comment on an agreement reached earlier among my colleague from New Hampshire, Senator GREGG and the distinguished floor managers for this bill, Senator KASSEBAUM and Senator KENNEDY. Senator GREGG agreed to withdraw his amendment this morning and the measure will be considered at a markup at the Labor Committee next Wednesday. I am very pleased by this outcome and wish to express my appreciation to Senator GREGG for his leadership on this issue.

The Gregg amendment closely parallels S. 593—the FDA Export Reform and Enhancement Act of 1995. The amendment allows the free export of drugs and medical devices not approved by the FDA for use in the United States to member countries of the World Trade Organization, if certain safeguards are satisfied.

Before this markup takes place, I plan to work closely with Senator GREGG and other Members to make sure we have a bill which is acceptable to the committee.

This amendment builds upon the bipartisan 1986 legislation that I sponsored to allow export of pharmaceuticals to certain specified countries. It is clear to me that this list is too rigid and outdated.

The 1986 law identifies 21 countries, but some of the countries omitted from the list may surprise my colleagues. For example, absent from the list are Israel, Greece, Brazil, and Russia. It strikes me a little ironic that in the conduct of foreign affairs we are always cautioned about meddling in the internal affairs of other countries such as Israel and Russia, but the law, the relatively pedestrian Federal Food, Drug, and Cosmetic Act, in effect deems these nations as incapable of managing their own affairs.

As Dr. Michael King, vice president for science and technology at Merck, said at the recent Aging Subcommittee hearing on my bill:

> * * * the drug export laws have tilted the playing field against locating manufacturing jobs in the Untied States.

At the July 13 hearing, medical device manufacturers took the same view. Mr. Arthur Collins, chief operating officer of Medtronic, the world's largest manufacturer of medical devices, headquartered in Minneapolis, said:

> * * * every week that the current policy continues to be implemented, more American jobs are lost through the relocation of manufacturing overseas and the loss of market share to foreign competitors. The jobs being lost are technologically oriented, and in addition to being highly paid, they represent high levels of skills and education that will produce further innovation in the future. Action must be taken quickly to stem this decline.

I plan to continue to work hard on this legislation since it means jobs for Americans and can help us maintain our leadership in medical technology. This will result in improvement to the public health both here in America and abroad. This is good legislation and I believe that we can and should work together to address any legitimate concerns that are raised and adopt this measure.

On one final point, I knew that there are some in this body who have concerns about the possibility of this legislation resulting in dumping of unsafe products in the Third World and about the potential for less than scrupulous behavior under the bill.

I commend my colleagues' attention to the comments provided to the Labor and Human Resources Committee by the Massachusetts biotech company Genetics Institute, Inc., official, Dr. John Petricciani. I should note that before joining the private sector, Dr. Petricciani spent over 20 years as a commissioned officer in the United States Public Health Service. He was Director of the FDA Center for Biologics and also was head of the World Health Organization's biologicals unit for several years. He completed his career within the Public Health Service as the Deputy Director of the National AIDS Program Office.

Permit me to read a few excerpts from Dr. Petricciani's comments:

> The real issue here is one of benefit and risk. Do the benefits to foreign countries in the current law outweigh the risks imposed on the U.S. in terms of draining jobs and capital investment in research, development, and manufacturing? As has been pointed out by others, one of the results of that drain is the earlier availability of products in Europe and elsewhere than in the U.S. If we were discussing electronics or automobiles, I would not be as concerned because the American people are not being placed at a meaningful disadvantage by such delays.
>
> However, the issue here is medical products that can make a very big difference in the health of the American people. The current law is resulting in new products being introduced first in foreign countries, where U.S. firms are forced to manufacture them. I believe that we are paying far too high a price in terms of delayed availability of new products in the U.S. for the theoretical benefit being provided to developing countries.
>
> I would also like to point out that if a U.S. company really wanted to export a product that would be unacceptable in the U.S., all they would have to do is manufacture it outside the U.S. and export it to a developing country.

I think that Dr. Petricciani says it very well. This legislation is sound trade policy and is consistent with the public health. So while I recognize the concerns of those who might criticize this legislation, I hope that they will consider this perspective before they decide their position on this bill.

Mr. D'AMATO. Mr. President, I rise to support the swift approval of S. 641, the Ryan White CARE Act reauthorization.

The Ryan White program is a key element of the safety net for persons with HIV-AIDS—funding critical medical care, support services, and prescription drug assistance to prolong and improve the lives of those living with this disease.

This program is particularly important to New York, which, unfortunately, continues to be the epicenter of this deadly epidemic. Of the 442,000 AIDS cases reported to the U.S. Centers for Disease Control as of December 1994, 83,000—or almost 19 percent—occurred in New York State, and 72,000—about 16 percent—occurred in the New York City metropolitan area. In New York City alone, an estimated 200,000 individuals are thought to be infected with HIV. Tragically, since 1988, AIDS has been and continues to be the leading cause of death for men and women aged 25–34.

Ryan White has provided critical support to help mitigate the horrible impact of this epidemic in my State. The following are just a few of the positive effects resulting from the first 3 years of Ryan White funding in New York State, according to an analysis by the New York State AIDS Institute:

First, the proportion of hospital admissions for patients in early stages of HIV disease were significantly reduced compared to control hospitals not receiving Ryan White funds. On average the proportion of early stage patients at Ryan White funded sites was 24 percent lower than at control sites at hospitals with primary care funded by Ryan White.

Second, as a result of reduced utilization of inpatient services at the 19 hospitals funded by Ryan White to provide primary care, estimated gross savings were achieved in excess of $25 million a year.

Finally, it has been estimated that without CARE Act-funded programs, HIV-related Medicaid expenditures in New York would have been 71 percent higher. This represents a cost-savings of over $300 million. According to New York's AIDS Institute, the CARE Act-funded reimbursement pools for primary care and home care saved approximately $3 for every $1 invested.

It is critical to remember that, by helping people with HIV to remain healthy and productive for as long as possible, the Ryan White CARE Act is helping us save both lives and money.

The Ryan White CARE Act has proven effective in meeting the needs of States and communities affected by the HIV epidemic, and it deserves to be reauthorized without delay.

Mr. HATFIELD. Mr. President, since its original passage in 1990, I have been a strong supporter of the Ryan White CARE Act. In the early 1980's as we saw the rapid spread of AIDS throughout our Nation, it became apparent that HIV and AIDS treatment and care services were lacking. This bill has made a significant difference in building an infrastructure of critical care services for those suffering from this horrible disease.

We all know the chilling facts—AIDS is now the leading cause of death of young Americans ages 25 to 44. The prevalence of the disease among women is rising dramatically. In my own State of Oregon, we have seen more than 2,900 AIDS cases since 1981. Nearly 1,000 of these cases were reported in 1993 and 1994. In addition, there are currently an estimated 6,000 to 10,000 Oregonians infected with HIV. We can now say that nearly every Oregon county is affected.

As chairman of the Appropriations Committee in the early 1980's, I was able to play a role in providing the first Federal AIDS funding. We were able to take these first steps in the absence of an AIDS authorization bill until the 100th Congress, when the first authorization bill was passed. Despite the dim fiscal realities we face this year in the Appropriations Committee, I remain committed to assuring that funding for health care programs and medical research, including the important HIV and AIDS programs authorized under this bill, are funded to the greatest extent possible.

Mrs. KASSEBAUM. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. KASSEBAUM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. KASSEBAUM. Mr. President, I ask unanimous consent that the Senator from Florida, Senator MACK, be added as an original cosponsor of amendment numbered 1859 to S. 641, and that he also be added as a cosponsor to S. 641, the Ryan White CARE Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. KASSEBAUM. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COATS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COATS. Mr. President, I ask unanimous consent that I be allowed to speak as if in morning business for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Indiana is recognized.

Mr. COATS. I thank the Chair.

(The remarks of Mr. COATS pertaining to the introduction of S. 1079 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. COATS. I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. INHOFE). Without objection, it is so ordered.

Mr. JEFFORDS. Mr. President, I will be very brief because I know we are about ready to vote. I did not want to let this time go by without expressing my strong support for the Ryan White Act, and I am proud to be an original cosponsor.

As many of my colleagues have already pointed out, we need to pass this bill as written with an authorization for adequate funding. The statistics are clear. AIDS has become one of the most difficult and complicated public health threats in recent memory. The incidence of AIDS and the need for the Ryan White CARE, far from abating, are increasing. Some today have asked: Why AIDS? Why the Ryan White CARE Act? What is so important about this program?

Well, it has already been said but it bears repeating, that AIDS is now the leading killer of men and women ages 25 to 44. This virus is challenging our health care system in ways it has not been challenged before as it moves through the population with terrifying speed and deadliness.

It is estimated that over 1 million Americans are currently infected with HIV. A quarter of a million Americans have already died from this disease. Far from going away, this virus is spreading through geographic and demographic regions that we might previously have considered unaffected.

When the Ryan White CARE Act was first passed with wide bipartisan support 5 years ago, we clearly recognized the need for addressing this emerging epidemic through a national health program. This bill is not about homosexuality. This bill is not about abstinence. This bill is about judgment. This bill is about providing health care to people who are suffering from a disease.

We designed the CARE Act to do equally two important things: to provide help and health services to those already living with AIDS, as well as to take the pressure off our critical care units and emergency rooms by utilizing early intervention techniques with

AIDS and HIV patients. It is cost-effective. The Ryan White CARE Act funds community-based organizations to provide needed outpatient care at the local level in the most cost-effective and efficient ways possible for the populations that need help the most.

One study even indicated that a person receiving outpatient managed care spends 8 fewer days in a hospital than a person not receiving such care. This would indicate a cost savings of over $22,000 per person.

I think it is important to outline what these funds do and do not do. Dollars from the CARE Act go to increasing the availability of critical outpatient primary care services, providing support services and improving the quality of life of those living with HIV. In Vermont the CARE Act money is primarily used to provide pharmaceuticals to people with HIV and AIDS who need drugs but cannot afford them.

Successful outpatient care keeps people out of the hospital, improving their quality of life, while saving the system money. When early interventions and primary care are used successfully, the health care system saves untold dollars in unused emergency health care services. From a purely fiscal perspective, we cannot afford not to fund these programs.

The funding these community based organizations receive goes to care and services. It does not go to advertisements in the Washington Blade. It does not go to brochures about prevention. The dollars that we authorize in this bill help sick people, people from all walks of life, all demographic groups, to get the health care and other services that they need to live with this deadly disease.

During our committee consideration it became clear that the AIDS epidemic is spreading. It is no longer confined to certain populations or certain geographic locations, but is now clearly affecting rural as well as urban areas, women and children as well as men.

Any of us who previously felt confident and untouched by HIV because AIDS affected other people must now reexamine those assumptions. Soon we will all have friends whose lives have been touched by this disease. I had the honor of hosting one of my friends, David Curtis, at a Labor Committee hearing on this bill.

David Curtis and I have known each other for over 30 years. David is a lawyer, around my age, in fact we clerked together. He's from a similar background to my own, and I would venture to guess, similar to that of many of my colleagues. David Curtis has AIDS.

As a person living with AIDS he told our committee of the debilitation of this disease, how he can no longer drive over half an hour without stopping to rest, how he has been forced to sharply curtail his practice of law. As former chair of the largest AIDS service organization in Vermont he also told of the difficulties of providing services to people who live tens and sometimes hundreds of miles apart and how CARE Act funding helps make it possible for people to get access to health care, services, counseling, and pharmaceuticals that otherwise would not be available.

The Ryan White CARE Act helps people like David, people living with HIV and AIDS, not only in Vermont, but all over the country, to get the help they need. The face of AIDS is changing, it is affecting the people I know and the people we all know. We must all remember during this debate that the disease could easily affect us or someone we care about.

If we and our loved ones are affected, I know we will want adequate resources to be available to help with prescription drugs, health care, and support services. The Ryan White CARE Act is an assurance that help will be available. So for my friend, David Curtis and the millions of other Americans affected by HIV, I hope my colleagues will join me in supporting the Ryan White CARE Act as reported out of the Labor Committee.

Mr. President, I yield the floor.

Mrs. KASSEBAUM. Mr. President, I appreciate the statement and the cosponsorship of the Ryan White CARE Act. Senator JEFFORDS, a member of the Labor and Human Resources Committee, has been a thoughtful contributor to the Committe in crafting this legislation.

AMENDMENT NO. 1860

(Purpose: To limit amounts expended for AIDS or HIV activities from exceeding amounts expended for cancer)

Mrs. KASSEBAUM. Mr. President, I ask that amendment No. 1860 be called up, and I ask for the yeas and nays for that amendment as well as amendment No. 1858 in the proper ordering of the listing of amendments.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Kansas [Mrs. KASSEBAUM] proposes an amendment numbered 1860.

Mrs. KASSEBAUM. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following new section:

SEC. . LIMITATION ON APPROPRIATIONS.

Notwithstanding any other provision of law, the total amounts of federal funds expended in any fiscal year for AIDS and HIV activities may not exceed the total amounts expended in such fiscal year for activities related to cancer.

Mrs. KASSEBAUM. I ask for the yeas and nays on both amendment No. 1860 and amendment No. 1858 when they fall in the proper order of our voting this morning.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

Mrs. KASSEBAUM. Mr. President, it is my understanding that we are prepared to begin the voting on the amendments. And as was agreed to last night in the consent agreement, we will take them in the order as we listed them last night. The first will be an amendment of Senator HELMS, No. 1854. This amendment prohibits the use of funds under the act for the direct or indirect promotion of homosexuality or intravenous drug use. The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator is correct.

VOTE ON AMENDMENT NO. 1854

The PRESIDING OFFICER. The question is now on agreeing to the amendment No. 1854 to S. 641.

The yeas and nays are ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Utah [Mr. BENNETT] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 54, nays 45, as follows:

[Rollcall Vote No. 333 Leg.]

YEAS—54

Abraham
Ashcroft
Baucus
Bond
Breaux
Brown
Bumpers
Burns
Byrd
Coats
Cochran
Conrad
Coverdell
Craig
DeWine
Dole
Domenici
Dorgan
Exon
Faircloth
Ford
Frist
Glenn
Gramm
Grams
Grassley
Gregg
Hatch
Heflin
Helms
Hollings
Hutchison
Inhofe
Johnston
Kempthorne
Kyl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Pressler
Pryor
Rockefeller
Roth
Santorum
Shelby
Smith
Stevens
Thompson
Thurmond
Warner

NAYS—45

Akaka
Biden
Bingaman
Boxer
Bradley
Bryan
Campbell
Chafee
Cohen
D'Amato
Daschle
Dodd
Feingold
Feinstein
Gorton
Graham
Harkin
Hatfield
Inouye
Jeffords
Kassebaum
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Moseley-Braun
Moynihan
Murray
Nunn
Packwood
Pell
Reid
Robb
Sarbanes
Simon
Simpson
Snowe
Specter
Thomas
Wellstone

NOT VOTING—1

Bennett

So the amendment (No. 1854) was agreed to.

Mr. HELMS. Mr. President, I move to reconsider the vote.

Mrs. KASSEBAUM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mrs. KASSEBAUM. Mr. President, I ask unanimous consent that all remaining votes in the voting sequence be limited to 10 minutes in length.

The PRESIDING OFFICER. Without objection, it is so ordered.

VOTE ON AMENDMENT NO. 1855

The PRESIDING OFFICER. The question is on agreeing to the amendment numbered 1855. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. LOTT. I announce that the Senator from Utah [Mr. BENNETT] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 32, nays 67, as follows:

[Rollcall Vote No. 334 Leg.]

YEAS—32

Ashcroft
Bond
Brown
Burns
Coats
Cochran
Craig
Dole
Faircloth
Frist
Gramm
Grams
Grassley
Gregg
Helms
Hollings
Hutchison
Inhofe
Kempthorne
Kyl
Lott
McCain
McConnell
Nickles
Pressler
Roth
Santorum
Shelby
Simpson
Smith
Thomas
Thompson

NAYS—67

Abraham
Akaka
Baucus
Biden
Bingaman
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Campbell
Chafee
Cohen
Conrad
Coverdell
D'Amato
Daschle
DeWine
Dodd
Domenici
Dorgan
Exon
Feingold
Feinstein
Ford
Glenn
Gorton
Graham
Harkin
Hatch
Hatfield
Heflin
Inouye
Jeffords
Johnston
Kassebaum
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lugar
Mack
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Nunn
Packwood
Pell
Pryor
Reid
Robb
Rockefeller
Sarbanes
Simon
Snowe
Specter
Stevens
Thurmond
Warner
Wellstone

NOT VOTING—1

Bennett

So the amendment (No. 1855) was rejected.

Mr. KENNEDY. Mr. President, I move to reconsider the vote.

Mr. EXON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 1856

The PRESIDING OFFICER. The question is on agreeing to amendment No. 1856. The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Utah [Mr. BENNETT] is necessarily absent.

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 335 Leg.]

YEAS—99

Abraham
Akaka
Ashcroft
Baucus
Biden
Bingaman
Bond
Boxer
Bradley
Breaux
Brown
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Dole
Domenici
Dorgan
Exon
Faircloth
Feingold
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Harkin
Hatch
Hatfield
Heflin
Helms
Hollings
Hutchison
Inhofe
Inouye
Jeffords
Johnston
Kassebaum
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Kyl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Nunn
Packwood
Pell
Pressler
Pryor
Reid
Robb
Rockefeller
Roth
Santorum
Sarbanes
Shelby
Simon
Simpson
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner
Wellstone

NOT VOTING—1

Bennett

So the amendment (No. 1856) was agreed to.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER (Mr. SANTORUM). The distinguished minority leader is recognized.

COMMENDING SENATOR ROBERT C. BYRD FOR CASTING 14,000 VOTES

Mr. DASCHLE. Mr. President, it is with great pleasure and respect that I announce that Senator ROBERT C. BYRD has now become the first U.S. Senator in history to cast 14,000 votes.

[Applause, Senators rising.]

Mr. DASCHLE. Mr. President, I know I speak for all Senators in congratulating him on this unprecedented accomplishment. I note that this is only his latest in a most distinguished career. Senator BYRD's remarkable voting record began on January 8, 1959, when he cast his very first vote in the Senate. Fittingly, it was a vote on Senate procedure.

During his next 13,999 votes, he has served as the secretary of the Senate Democratic Conference, the Senate majority whip, the Senate majority leader, the Senate minority leader, and President pro tempore. This record of Senate service means that Senator BYRD has held more leadership positions in the Senate than any other Senator in history.

He has cast more votes than any other Senator. It was on April 27, 1990, that he cast his 12,134th Senate vote to surpass Senator William Proxmire. Recognizing that monumental vote, the current majority leader, Senator DOLE, remarked that:

> When another person writes the history of the Senate, they will look back on this era and they will note the significance of this giant in the Senate, Robert C. Byrd.

Indeed, they will, Mr. President, because this Senate giant from West Virginia has been an active participant in so much of our Nation's history. He has served in the Senate under nine Presidents, through assassinations and resignations. He has been an integral part of the high drama and history of the second half of the 20th century, including the cold war, the civil rights movement, Vietnam, Watergate, Iran-contra, and the collapse of the Soviet Union.

Today, we pause to recognize this extraordinary leader for the milestones in his legislative career, and they are many.

They include being one of only three U.S. Senators in American history to be elected to seven 6-year terms; being the first sitting Member of either House of Congress to begin and complete the study of law and obtain a law degree while serving in Congress; being the first person to carry every county in the State of West Virginia, 55 of them, in a contested Statewide general election; being the only person in the history of West Virginia to serve in both chambers of the State legislature and both Houses of the U.S. Congress; obtaining the greatest number, the greatest percentage, and the greatest margin of votes cast in Statewide contested elections in his State; being the first U.S. Senator in West Virginia to win a Senate seat without opposition in a general election; and serving longer in the Senate than anyone else in West Virginia history.

He wrote his incomparable four-volume history of the Senate, an award-winning study that has brought our understanding of the history and workings of this subtle and complex institution to new heights.

This is quite a record for a poor boy from the hills of West Virginia, who was raised by foster parents in a coal company house and who had to walk 3 miles to catch a bus in order to attend school, who rose from collecting scraps for hogs to become a gas station attendant, a produce salesman, a meat cutter, a welder, and a grocery store owner.

Mr. President, Senator BYRD will cast more votes, we hope he will write more books, and we know he will help make more history, but to me his greatest feat will always be the dignity he has brought to this institution every day the Senate is in session and the way he has served and the way he shares his reverence for this institution with all of his colleagues. I am pleased and very proud to be one of them.

So today, Mr. President, we congratulate Senator BYRD not only for today's historic vote but for his remarkable career of which today's feat is symbolic.

I should also note that in a few months our esteemed colleague on the other side of the aisle, Senator STROM THURMOND, who is only a few votes behind Senator BYRD, will also reach this particular milestone, and I look forward to recognizing his achievement as well.

Today, however, is Senator BYRD's day and the Senate Democrats and Senate Republicans alike join together in honoring and celebrating Senator BYRD's historic feat, becoming the first U.S. Senator in history to cast 14,000 votes.

So I send a resolution to the desk on behalf of Senator DOLE, Senator ROCKEFELLER, and myself and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the resolution.

The legislative clerk read as follows:

A resolution (S. Res. 157) commending Senator Robert Byrd for casting 14,000 votes:

Whereas the Honorable Robert C. Byrd has served with distinction and commitment as a U.S. Senator from the State of West Virginia since January 3, 1959;

Whereas he has dutifully and faithfully served the Senate six years as Senate Majority Leader (1977–80, 1987–88) and six years as the Senate Minority Leader (1981–1986);

Whereas his dedicated service as a U.S. Senator has contributed to the effectiveness and betterment of this institution;

Whereas he is one of only three U.S. Senators in American history who has been elected to seven 6-year terms in the Senate;

Whereas he has held more Senate leadership positions than any other Senator in history: Now, therefore, be it

Resolved, That the U.S. Senate congratulates the Honorable Robert C. Byrd, the senior Senator from West Virginia, for becoming the first U.S. Senator in history to cast 14,000 votes.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to Senator Robert C. Byrd.

Mr. DOLE. Mr. President, I will not oppose the resolution.

I would like to say just a word because I think in addition to casting the most votes, 14,000, he remembers each vote. With his extraordinary memory, there is no doubt in my mind he can go back and tell you what the 30th vote was and the 3,000th vote and probably the day it happened and what we were doing at the time.

As has also been pointed out, during his 36 years in the Senate he has held more titles and more leadership positions than any other Senator in history. And also he has his role, as Senator DASCHLE alluded, of historian. And no one knows more. In fact, I tell stories as I go around that with what Senator BYRD knows about this place and all he knows about Roman history, I have tried to get C-SPAN to get me college credits if I carefully listened to him on Roman history. But that is the truth, and he has written the volumes of books, and he understands it.

His third role is as champion of the interests of the people of West Virginia. When there were rumors last year that our former colleague, George Mitchell, might become commissioner of baseball, I speculated that if Senator BYRD would become commissioner, all the teams would have been moved to West Virginia.

Now, that may or may not have happened, but behind that joke is the fact that Senator BYRD works 24 hours a day, 7 days a week, 365 days a year helping the people of West Virginia.

Finally, amidst all of his duties and responsibilities, Senator BYRD also fills the role of friend. And I have noticed my colleagues on both sides will go up and sit next to Senator BYRD during a vote or after a vote and talk to Senator BYRD about parliamentary procedure. Although we come from different parties and we have had different views on some issues from time to time, Senator BYRD has always remained my friend and I think of every Senator on each side of the aisle. I know we all feel the same way.

The final chapter on Senator BYRD will not be written for a long, long time. I have no doubt that as a leader, historian, a champion of his State and a friend, Senator BYRD has set standards that will always be remembered.

The PRESIDING OFFICER. The junior Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, when I think of my senior colleague from West Virginia, there are really two qualities that come to mind. One is his constancy of purpose and secondly is his devotion to the people of West Virginia.

I have always felt that if a person in public life follows his moral compass, he or she will do what is, in fact, right. Senator BYRD knows instinctively what is right for the people of West Virginia as well as for the people of our country.

And for my colleagues who have not had the pleasure of being in West Virginia when Senator BYRD is there, either campaigning for office or just simply talking with his constituents, it is a truly remarkable experience to watch him communicate with them. It is a bond that I have never seen before between any person and a group of people. He reminisces, he talks about the future. Yes, he talks about Roman history. But what he does is he brings people to him and makes them important as if they count in a State where every day is a fight for survival and makes them feel that in him they have a champion who will never let them down.

On that I will close, because he never will let them down. There is nothing that he will not do to help the people of West Virginia while staying constant to his responsibilities to the people of the United States of America. I am extremely proud to be his junior colleague.

It is interesting that he noted this one time, I think not to me but to a newspaper, that I have never referred to Senator BYRD as "BOB" or "ROBERT." I have only referred to him in the 10 years we have served together, and before that when I was Governor, as "Senator BYRD," or "Senator." And quite often, "sir." And I have found that that has served me well. But more importantly, I have found that that came very naturally. It is simply an intuitive feeling of respect on my part for what, as Senator DOLE said, a poor boy from West Virginia can do to help so many.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I know that my staff has been keeping up with my votes because I was surprised today when Senator DASCHLE and Senator BOXER and others came up and congratulated me. I wondered what for. For 11 years now I have not missed a vote. My voting record is 98.7 percent for the 36½ years I have been in the Senate. That does not count the votes I cast when I was in the House.

Senator DOLE made reference to my recollection of votes. I recall two votes that I would change if I could vote them over. One was the vote on the 1964 Civil Rights Act. I voted against that act. I felt at the time that it was unconstitutional. I stood in the Senate following my receipt of a law degree, cum laude, at American University, and based my opposition on the Constitution. And there were such men in the Senate as Sam Ervin, and Richard Russell, Lister Hill, Allen Ellender, John McClellan, Norris Cotton, George Aiken, Everett Dirksen. These were, in my judgment, giants. And they were constitutional scholars. But I since have regretted that vote.

I also have since regretted my vote to deregulate the airlines because of what has happened subsequently by way of airline service to West Virginia. It deteriorated. And it is very costly to travel back and forth to West Virginia by airline. I cannot now remember any other votes that I regret. But we all cast votes that we may regret sooner or later.

I am very grateful, Mr. President, for the comments that have been made here by our majority leader, by our minority leader, and by my colleague from West Virginia with whom I am proud to serve. He serves with grace. He always treats me with great courtesy and deference. I never called Richard Russell "Richard." I never called him "Dick." I always spoke to him—he was the only Senator I always spoke to him as "Senator."

I am not decrying the fact that most Senators call me "ROBERT" or "BOB." But my West Virginia colleague's reference in regard to the way he addresses me recalls my feeling that way about Senator Russell. Senator Russell was a great Senator. He had only married once, and that was to the Senate.

And he was a scholarly man. He had good judgment. At least I always thought so. He understood the rules and the precedents. And I admired him for that. And I learned in watching Senator Russell that if one knows the rules and the precedents, there are times when he can hold the Senate in his hand—in his hand.

Few Senators bother to study them. I will not speak further on that. But we ought to all know more about the rules and we ought all to defend the rules as we should defend the Constitution. I shall not belabor these remarks.

I am grateful to serve in the U.S. Senate. I think of Majorian, that prince who was made emperor of the west in 457 A.D. who said upon being made emperor, "I still glory in the name of Senator." To me, the office of U.S. Senator is the highest office that the American people can give. Senators may convict a President or any officer or a Supreme Court Justice, if impeached by the House. The President cannot take away the seat of any Senator. Presidents come and go. We have had great ones and we have had some that were not so great. And the same can be said of Senators. But Senators stay if they give their best.

I have thought about Senator Russell's reference to Robert E. Lee when he quoted Lee as saying, "Duty is the sublimest word in the English language." That has been my credo. I have never sought to be loved by my colleagues. I have only sought to do my duty and to do it as I see it. I know I am often wrong. I realize at times that I misspeak. I say things in reference to other Senators that I afterwards wish I had said differently.

I said something to Senator DOLE a while back I wish I had said a bit differently. But once the word is spoken, it cannot be retrieved.

Let me close by stating that I wish we had a greater demonstration of civility in the Senate. It has lost its old civility. I am sorry that it has become more politically partisan. We are all politically partisan. I am, but we have become too politically partisan in this Senate, and it grieves me to see this. It grieves me to see the growing disorder in this Senate, and I often say to other Senators, "It wasn't that way when I came here."

We ought to be a little more civil and remember that each has his own viewpoint and that there is something—actually there are many things—that are above political party. Political party is important to me. It has been now for 50 years next year, but it is not the most important thing. There are many things more important than political party, and Washington warned us against factions and parties. I do not ask anyone to pattern after me, but there are a good many things I place above party, and the United States Senate is one of them.

I close by thanking all of my colleagues and for asking them to overlook my idiosyncrasies and my sharp words at times when I use them. I often ask God to make me more considerate of others. There are times when I regret that I speak too hastily, but we are all human.

So let me just close by thanking my colleagues for their service every day to their people, for all Americans. We love our country. I love the Senate. I shall remember, in closing, what William Ewart Gladstone, who was Prime Minister of Great Britain four times, said about the United States Senate. He referred to the Senate as "that remarkable body, the most remarkable of all the inventions of modern politics."

I hope and pray that these few words today will cause me to look at myself a little closer and will cause every one of us to look at the Senate with greater pride. There have only been 1,826 Senators, and you are one of them, and you are one of them, and you are one of them, and you are one of them. What a chosen group! The American people, over these years since 1789, have chosen 1,826 men and women, or they have been appointed, and each of you is one of those 1,826. That ought to be a source of pride.

I am not running for justice of the peace. I am not running for sheriff. I am not running for Governor. I am not running for President. All of these are important offices. But as Majorian said, "I still glory in the name of Senator."

[Applause.]

Mr. WARNER. Mr. President, I wish to join other colleagues in the historic, well-deserved recognition of Senator BYRD of West Virginia. The leadership covered in precise detail his extraordinary record of achievements as a leader of the body.

I can add only one view which is widely shared. That is, Mr. BYRD is truly recognized as a gentleman in the finest Senate tradition.

Further, I shall always view him as a family man, everlastingly grateful to the support given through all these years by his wife, Irma. His career was a family partnership.

I look forward to many more years of service together.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

So the resolution (S. Res. 157) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 157

Whereas the Honorable Robert C. Byrd has served with distinction and commitment as a U.S. Senator from the State of West Virginia since January 3, 1959;

Whereas he has dutifully and faithfully served the Senate six years as Senate Majority Leader (1977–80, 1987–88) and six years as the Senate Minority Leader (1981–1986);

Whereas his dedicated service as a U.S. Senator has contributed to the effectiveness and betterment of this institution;

Whereas he is one of only three U.S. Senators in American history who has been elected to seven 6-year terms in the Senate;

Whereas he has held more Senate leadership positions than any other Senator in history: Now, therefore, be it

Resolved, That the U.S. Senate congratulates the Honorable Robert C. Byrd, the senior Senator from West Virginia, for becoming the first U.S. Senator in history to cast 14,000 votes.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to Senator Robert C. Byrd.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Senators are welcome to cosponsor the resolution throughout the day.

RYAN WHITE CARE REAUTHORIZATION ACT

The Senate continued with the consideration of the bill.

AMENDMENT NO. 1854

Mr. LEVIN. Mr. President, I voted against the Helms amendment.

I am, of course, concerned about and opposed to use of funds authorized to be appropriated under this bill to promote any sexual activity, whether homosexual or heterosexual. I will support the proposal of the manager of the bill, the chairman of the Labor and Human Resources Committee, Senator NANCY KASSEBAUM which will have the effect of prohibiting the use of Federal funds for any such activity.

The amendment offered by Senator KASSEBAUM more accurately addresses the need to make clear the Senate's opposition to the use of Federal funds to promote sexual activity—heterosexual or homosexual—without endangering the purposes of the legislation.

The amendment I support and I expect will pass simply states:

> None of the funds authorized under this title shall be used to fund AIDS programs, or to develop materials designed to promote or encourage, directly, intravenous drug use or sexual activity, whether homosexual or heterosexual. Funds authorized under this title may be used to provide medical treatment and support services for individuals with HIV.

AMENDMENT NO. 1857

The PRESIDING OFFICER. Under the previous order, the Senate now resumes consideration of amendment No. 1857, offered by the Senator from North Carolina, on which there is 10 minutes designated for debate equally divided. Who yields time?

Mrs. KASSEBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

Mrs. KASSEBAUM. Parliamentary inquiry, we are on amendment No. 1857; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mrs. KASSEBAUM. Mr. President, this is a funding equity measure. If I may comment for a moment as one who opposes this amendment. What it would do would be to prohibit discretionary spending for AIDS and HIV activities in excess of discretionary spending for cancer activities.

Mr. President, I yield to the Democratic leader.

Mr. DASCHLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. KASSEBAUM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. KASSEBAUM. Mr. President, if I may just say this. I believe we have 10 minutes equally divided.

The PRESIDING OFFICER. The Senator is correct.

The Senate will please come to order.

Mrs. KASSEBAUM. It is my understanding that there are 10 minutes, equally divided, under the agreement.

I suggest that amendment No. 1857 would prohibit discretionary spending for AIDS and HIV activities in excess of discretionary spending for cancer activities. No one would deny the importance of moneys for cancer activities. However, I will be offering an alternative amendment, No. 1860, in the sequence later.

I oppose amendment No. 1857 that is being offered, because it compares only discretionary spending amounts and does not take into account entitlement spending under programs, such as Medicare and Medicaid. The inclusion of entitlement spending dramatically shifts the equation. Relatively few AIDS and HIV activities are financed through entitlement programs, while substantial entitlement spending is directed toward cancer. I think this is an important difference and one that I would hope everyone will take into consideration.

I will yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. HELMS. Mr. President, I thought that we had an understanding that we would just go to a vote. How much time do I have?

The PRESIDING OFFICER. The Senator from North Carolina has 5 minutes.

Mr. HELMS. Mr. President, I hope Senators will look at this amendment very carefully. The pending amendment would ensure that any and all Federal funds authorized and appropriated for HIV/AIDS would not exceed that which is appropriated for cancer. These are not my figures. These came from the Congressional Research Service report to the Congress dated March 9, 1995. Copies of this will be on the table for any Senator who wants to study it.

The leading cause of death in America today is heart disease, followed closely by cancer. HIV/AIDS ranks eighth in the number of deaths caused. It is of interest, Mr. President, that HIV/AIDS receives $2.7 billion per year in Federal funding, which exceeds Federal funding for any other disease—heart disease or cancer.

Heart disease, which kills more than 720,000 Americans each year, receives $805 million in Federal funds. Cancer, which kills 515,000 Americans, receives $2.3 billion. Mr. President, more people are dying from heart disease, cancer, stroke, lung disease, accidents, pneumonia, and diabetes than die from AIDS. Yet, AIDS receives more of the taxpayers' money.

Something is amiss and needs to be corrected. This amendment will do it.

Today, on the average, the Federal Government spends about $91,000 per AIDS death, and only about $5,000 per cancer death. So, in a nutshell, the pending amendment will bring a measure of equity and fairness to the existing priorities in the area of HIV/AIDS funding. As long as cancer kills 18 times as many people as AIDS, and AIDS receives more Federal funding, it is time that Congress establishes some new, equitable, and fair priorities.

That concludes my remarks. If I have any more time remaining, I yield it back.

Mrs. KASSEBAUM. Mr. President, I would just like to say that we must take into account both discretionary and mandatory spending. When you do that, HIV/AIDS receives $5.4 billion, cancer receives $15 billion, and heart disease receives $34 billion.

I believe it is very important for us to take into consideration both the discretionary and the mandatory spending. I think that when we assess total Federal spending, it gives a more accurate picture. The funds for support services, for patients with cancer and heart disease come largely through mandatory spending. This fact is not represented by the chart shown by the Senator from North Carolina.

I yield whatever time is left to the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I hope the membership will pay attention to what the Senator from Kansas has stated. Basically, when you compare apples and apples and oranges and oranges, you have that kind of result, where you have substantial additional spending in the areas of cancer and heart disease.

The Senator from North Carolina has taken a very selected area in terms of the spending and tried to use that as the comparison. I think that all of us understand that we should not be trying to rob one particular kind of research or treatment. All of us are interested in the treatment of cancer and HIV. The proposal we have before us, I believe, deals with that.

Mr. HELMS. Mr. President, I reclaim my time to defend my position.

The PRESIDING OFFICER. The Senator has that right.

Mr. HELMS. The Senator referred to apples and apples. But he is talking about apples and oranges. The administration's numbers prove the disparity. They knock down the argument that the distinguished Senator from Kansas offered and that the distinguished Senator from Massachusetts supports.

Even using their skewed approach which combines discretionary and mandatory spending, the numbers prove there is still a disparity. Heart disease receives $38 billion in Federal funds. The number of people suffering from heart ailments is 20 million. The funds per patient—Federal funds, mind you—are $1,900. That is per heart patient.

Cancer is $17.5 billion of Federal funds. The number of people who have cancer in America is 8 million. The funds per cancer patient is $2,187.

Look at HIV/AIDS, if you want to talk about fairness: $7 billion. The number of people who have it is 1.4 million. And the Federal funds per patient is $5,000. If you want fairness, the $5,000 is not it.

Mr. President, this amendment will ensure any and all Federal funds authorized and appropriated for HIV/AIDS will not exceed Federal funds authorized and appropriated for cancer.

The leading cause of death in America today is heart disease, followed closely by cancer. HIV/AIDS ranks ninth in the number of deaths caused. It is of interest, Mr. President, that HIV/AIDS receives $2.7 billion per year in Federal funding, which exceeds Federal funding with any other disease. Heart disease, which kills more than 720,000 Americans each year, receives $805 million in Federal funds. Cancer, which kills 515,000 Americans, receives $2.3 billion.

Mr. President, more people are dying from heart disease, cancer, stroke, lung disease, accidents, pneumonia, diabetes, and suicide than die from AIDS; yet AIDS receives more of the American taxpayers' money. Something is amiss and needs to be corrected.

Today, on average, the Federal Government spends about $91,000 on every person who dies of AIDS, and only about $5,000 on every person who dies of cancer. I suggest most Americans agree that this discrepancy is simply neither fair nor equitable.

Mr. President, in a nutshell, the pending amendment will bring a measure of equity to the existing priorities in the area of HIV/AIDS funding. As long as cancer kills 18 times as many people as AIDS, and AIDS receives more Federal funding, it is time that Congress established some new equitable priorities.

Mr. President, I ask unanimous consent that a letter to me by the President of the Family Research Council be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

FAMILY RESEARCH COUNCIL,
Washington, DC, July 27, 1995.

Hon. JESSE HELMS,
Dirksen Senate Office Building,
Washington, DC.

DEAR SENATOR HELMS: On behalf of the 250,000 families which are presented by the Family Research Council, I commend your efforts to reform the Ryan White Care Act [S. 641].

I am proud to endorse your amendments and encourage the rest of the Senate to join you in redirecting federal AIDS spending toward more effective approaches.

One of the biggest problems with the Ryan White Act is its lack of accountability. Under the Health Resources Administration, 146 large grants are disbursed to state and local programs and further divided up into countless subgrants. Unlike most federal funds which are accounted for, these subgrants use the money without reporting where or to whom the money has been allocated.

In addition to a lack of financial accountability, millions of dollars for AIDS victims is being spent to normalize and promote the homosexual lifestyle. Many of these efforts are being directed toward school children. The Gay Men's Health Crisis, a recipient of Ryan White funds, produced graphically illustrated brochures which were given to students in New York City. The brochures are replete with shocking vulgarity and urge kids to wear condoms and latex gloves while engaging in perverse sexual activity. They recommend singular and group masturbation.

Congress should reconsider AIDS education which now emphasizes condoms and has been shown in countless studies to be ineffective. Programs seeking funding renewal should be required to show evidence that they have reduced HIV transmission. Current formulas for funding should be reexamined. For example, money ought to go where it is needed most, which is, increasingly, to under-served minority communities.

Congress should take advantage of this opportunity to examine the allocations of federal AIDS dollars. Instead of bowing to the demands of homosexual activists, Congress should reexamine the use of Ryan White funds and take steps to overhaul AIDS spending.

AIDS is a tragedy that has been politicized for too long. The American people, as well as the victims of this terrible disease, deserve better.

Thank you for your hard work and your commitment to making individual responsibility the touchstone of public policy.

Sincerely,

GARY L. BAUER,
President.

Mr. HELMS. I reserve the balance of my time in case there is more argument, because I can go on and on about this.

The PRESIDING OFFICER. Who yields time?

Mrs. KASSEBAUM. I yield back any remaining time I may have.

Mr. HELMS. Mr. President, I wish to reiterate that in case any Senator wants to examine the arithmetic, here it is. I will say again that the administration's figures prove the disparity that I have been talking about.

I yield the remainder of my time.

The PRESIDING OFFICER. All time has expired.

The question is on agreeing to the amendment, No. 1857, offered by the Senator from North Carolina.

The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Utah [Mr. BENNETT] is necessarily absent.

The PRESIDING OFFICER (Mr. CAMPBELL). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 15, nays 84, as follows:

[Rollcall Vote No. 336 Leg.]

YEAS—15

Bond
Cochran
Faircloth
Grams
Helms
Hollings
Inhofe
Kyl
Lott
McConnell
Nickles
Shelby
Smith
Thomas
Thurmond

NAYS—84

Abraham
Akaka
Ashcroft
Baucus
Biden
Bingaman
Boxer
Bradley
Breaux
Brown
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Coats
Cohen
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Dole
Domenici
Dorgan
Exon
Feingold
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Gramm
Grassley
Gregg
Harkin
Hatch
Hatfield
Heflin
Hutchison
Inouye
Jeffords
Johnston
Kassebaum
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lugar
Mack
McCain
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Nunn
Packwood
Pell
Pressler
Pryor
Reid
Robb
Rockefeller
Roth
Santorum
Sarbanes
Simon
Simpson
Snowe
Specter
Stevens
Thompson
Warner
Wellstone

NOT VOTING—1

Bennett

So the amendment (No. 1857) was rejected.

Mrs. KASSEBAUM. Mr. President, I move to reconsider the vote.

Mr. KENNEDY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mrs. KASSEBAUM. Mr. President, I suggest there are three more votes that we will have. There will be two amendments that I will offer and then final passage. I will speak briefly on the two amendments that I have offered. I do not know if the Senator from North Carolina would like to respond.

AMENDMENTS NOS. 1858 AND 1860

The PRESIDING OFFICER. The question occurs on amendment 1858.

Mr. KENNEDY. Mr. President, could we have order in the Chamber?

The PRESIDING OFFICER. The Senate will be in order.

Mrs. KASSEBAUM. My amendment, No. 1858, is an alternative to the one that was put forward earlier by the Senator from North Carolina and approved by the Senate. My amendment prohibits funds under the act from being used to directly promote or encourage intravenous drug use or sexual activity, both homosexual or heterosexual. It assures that funds are used for treatment and support services only, not for prevention activities.

This amendment is targeted to making sure that CARE Act funds are used for what they were designed for. Specifically that is for the treatment and support services for patients and families afflicted with AIDS.

I would like to also address my second amendment, No. 1860, which addresses the issues of funding equity. My amendment is an alternative to one that was put forth by the Senator from North Carolina, that was just rejected. This amendment provides that Federal spending for AIDS and HIV activities may not exceed spending for cancer activities, taking into account both discretionary and entitlement spending.

These are the two amendments that we will be considering; first 1858 and then 1860.

I will be happy to reserve the remainder of my time but I am prepared to yield it back.

The PRESIDING OFFICER. Who yields time?

Mr. HELMS. Mr. President, Senators at least should be aware of which amendment we are voting on now.

Will the Chair state that, and will Senator KASSEBAUM describe that amendment? Because she talked about two amendments and I do not want Senators to be confused.

Mrs. KASSEBAUM. The first amendment is 1858, which would prohibit funds from being used to promote or encourage intravenous drug use or sexual activity, both homosexual or heterosexual.

Mr. HELMS. Right.

I thank the Senator and I thank the Chair.

Mr. President, the Kassebaum amendment that will be voted on next will gut, and is intended to gut, the Helms amendment that just passed the Senate by 54 to 45. The intent of the Kassebaum amendment is to take any teeth out of the amendment that the Senate has already approved.

With all due respect to Senator KASSEBAUM, and I do respect her, her amendment is vague. It deletes the definition of activities that promote homosexuality. That is exactly what the homosexual activists want to happen to this amendment.

I say no, and I hope the Senate will say no to this gutting amendment by the distinguished Senator from Kansas.

Mr. President, the promotion, the advocacy of homosexuality does nothing to help the innocent victims of AIDS, like Ryan White, whose name is being exploited in this legislation.

Every Senator who voted for the Helms amendment No. 1854, should vote against the Kassebaum amendment which is next to be voted on.

I reserve the remainder of my time. I will be glad to yield it back.

Mrs. KASSEBAUM. Mr. President, I yield back any remaining time, and I ask unanimous consent that the votes be 10-minute votes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Is all time yielded back?

Mr. HELMS. I yield back the remainder of my time.

VOTE ON AMENDMENT NO. 1858

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Kansas. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Utah [Mr. BENNETT] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 76, nays 23, as follows:

[Rollcall Vote No. 337 Leg.]

YEAS—76

Abraham
Akaka
Baucus
Biden
Bingaman
Bond
Boxer
Bradley
Breaux
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Cohen
Conrad
Craig
D'Amato
Daschle
DeWine
Dodd
Dole
Domenici
Dorgan
Exon
Feingold
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Gregg
Harkin
Hatch
Hatfield
Hutchison
Inouye
Jeffords
Johnston
Kassebaum
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lugar
Mack
McCain
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Nunn
Packwood
Pell
Pryor
Reid
Robb
Rockefeller
Roth
Santorum
Sarbanes
Simon
Simpson
Snowe
Specter
Thomas
Warner
Wellstone

NAYS—23

Ashcroft
Brown
Coats
Cochran
Coverdell
Faircloth
Gramm
Grams
Grassley
Heflin
Helms
Hollings
Inhofe
Kyl
Lott
McConnell
Nickles
Pressler
Shelby
Smith
Stevens
Thompson
Thurmond

NOT VOTING—1

Bennett

So the amendment (No. 1858) was agreed to.

Mr. KENNEDY. Mr. President, I move to reconsider the vote.

Mrs. KASSEBAUM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mrs. KASSEBAUM. Mr. President, in light of the preceding vote on the funding equity issue, I am very appreciative of the Senator from North Carolina who said he would not object to our voice voting No. 1860, which is an amendment of mine which provides that Federal spending for AIDS and HIV activities may not exceed spending for cancer activities, taking into account both discretionary and entitlement spending, and I ask for the approval of that amendment.

Mr. KENNEDY. I ask unanimous consent that the order for the rollcall be vitiated, Mr. President.

The PRESIDING OFFICER. Without objection, it is so ordered.

VOTE ON AMENDMENT NO. 1860

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. KENNEDY. I yield back the time.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 1860 offered by the Senator from Kansas.

The amendment (No. 1860) was agreed to.

Mr. KENNEDY. Mr. President, I move to reconsider the vote.

Mrs. KASSEBAUM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LAUTENBERG. Mr. President, before the Senate passes the Ryan White CARE Act reauthorization bill, my colleague Senator BRADLEY and I would like to engage in a colloquy with the ranking member of the Labor and Human Resources Committee.

Mr. BRADLEY. The bill before us, S. 641, contains a new formula for distributing title I and title II funds. As a result of this formula change, New Jersey's title I cities will receive over $50,000 less next year than they would have under the original formula. In the year 2000, New Jersey's title I cities will receive almost half a million dollars less than they would have under the original formula. At the same time, the revised formula results in several other States receiving significant increases in the total amount of Ryan White funding they receive. For example, Minnesota will more than double its title I and title II funding under the revised formula, Nevada's funding will increase by 116 percent, and Vermont's will increase by 141 percent.

Mr. LAUTENBERG. Mr. President, I recognize that States such as Minnesota and Nevada have more residents with AIDS now than they did when this bill was originally passed. But at the same time that the AIDS epidemic has been spreading across the country, it has continued to worsen in New Jersey. Between 1993 and 1994, the total number of AIDS cases reported in New Jersey increased by 53 percent. New Jersey currently has the fifth-highest number of AIDS cases in the United States, and the third-highest number of pediatric AIDS cases. Cutting New Jersey's funding so deeply at a time when the epidemic is growing so rapidly in the State is not fair to the thousands of New Jersey residents who are HIV-positive.

Mr. BRADLEY. Therefore, Senator LAUTENBERG and I would like to ask our two colleagues if they would work hard in conference to obtain a formula which would decrease the reductions in funding to New Jersey.

Mr. KENNEDY. I will do everything I can to urge the conferees to revise the formula to reduce the reductions in funding to New Jersey.

Mr. LAUTENBERG. Senator BRADLEY and I would like to thank the chairperson and ranking member. Since we have received assurances that they will strive to decrease the amount of funding reductions which New Jersey will receive as a result of the formula revisions, I ask unanimous consent that I be added as a cosponsor of S. 641.

Mr. BRADLEY. I appreciate my colleagues' assurances. Even with these assurances, I still expect that this bill will hurt the State of New Jersey. However, I recognize that at some point compromises must be made or else the future of the entire Ryan White Program may be at risk. Therefore, having received these assurances, I plan to support this bill.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. DOLE. Let me indicate to my colleagues that after this vote, we will have a period for the transaction of morning business to extend about 45 minutes. At the expiration of morning business, we hope to have—maybe not—an agreement, but we will go to the gift ban proposal at about, hopefully, 1:30.

Mr. CHAFEE. Mr. President, I would like to ask the leader one quick question. They are going to dedicate the war memorial at 3 o'clock. What is the leader's plans for that?

Mr. DOLE. We will not recess but we will protect Senators. I know there are about 11 Senators who wish to attend that ceremony, and we will not have votes during that time.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas, Mr. BUMPERS, is recognized.

CHANGE OF VOTE

Mr. BUMPERS. On rollcall No. 334, I mistakenly voted "yes" on what I believed was a motion to table. I ask unanimous consent that I be recorded as "no." It will not change the outcome of the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The foregoing tally has been changed to reflect the above order.)

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass? On this question, the yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 97, nays 3, as follows:

[Rollcall Vote No. 338 Leg.]

YEAS—97

Abraham
Akaka
Ashcroft
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Bradley
Breaux
Brown
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Dole
Domenici
Dorgan
Exon
Faircloth
Feingold
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Harkin
Hatch
Hatfield
Heflin
Hollings
Hutchison
Inhofe
Inouye
Jeffords
Johnston
Kassebaum
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Nunn
Packwood
Pell
Pressler
Pryor
Reid
Robb
Rockefeller
Roth
Santorum
Sarbanes
Shelby
Simon
Simpson
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner
Wellstone

NAYS—3

Helms
Kyl
Smith

So the bill (S. 641), as amended, was passed, as follows:

S. 641

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Ryan White CARE Reauthorization Act of 1995".

SEC. 2. REFERENCES.

Whenever in this Act an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of title XXVI of the Public Health Service Act (42 U.S.C. 300ff–11 et seq.).

SEC. 3. GENERAL AMENDMENTS.

(a) ESTABLISHMENT OF GRANT PROGRAM.—Section 2601 (42 U.S.C. 300ff–11) is amended—

(1) in subsection (a)—

(A) by striking "March 31 of the most recent fiscal year" and inserting "March 31, 1995, and December 31 of the most recent calendar year thereafter"; and

(B) by striking "fiscal year—" and all that follows through the period and inserting "fiscal year, there has been reported to and confirmed by, for the 5-year period prior to the fiscal year for which the grant is being made, the Director of the Centers for Disease Control and Prevention a cumulative total of more than 2,000 cases of acquired immune deficiency syndrome."; and

(2) by adding at the end thereof the following new subsections:

"(c) POPULATION OF ELIGIBLE AREAS.—The Secretary may not make a grant to an eligible area under subsection (a) after the date of enactment of this subsection unless the area has a population of at least 500,000 individuals, except that this subsection shall not apply to areas that are eligible as of March 31, 1994. For purposes of eligibility under this title, the boundaries of each metropolitan area shall be those in effect in fiscal year 1994.

"(d) CONTINUED FUNDING.—A metropolitan area that has received a grant under this section for the fiscal year in which this subsection is enacted, shall be eligible to receive such a grant in subsequent fiscal years.".

(b) EMERGENCY RELIEF FOR AREAS WITH SUBSTANTIAL NEED FOR SERVICES.—

(1) HIV HEALTH SERVICES PLANNING COUNCIL.—Subsection (b) of section 2602 (42 U.S.C. 300ff–12(b)) is amended—

(A) in paragraph (1)—

(i) by striking "include" and all that follows through the end thereof, and inserting "reflect in its composition the demographics of the epidemic in the eligible area involved, with particular consideration given to disproportionately affected and historically underserved groups and subpopulations."; and

(ii) by adding at the end thereof the following new sentences: "Nominations for membership on the council shall be identified through an open process and candidates shall be selected based on locally delineated and publicized criteria. Such criteria shall include a conflict-of-interest standard for each nominee.";

(B) in paragraph (2), by adding at the end thereof the following new subparagraph:

"(C) CHAIRPERSON.—A planning council may not be chaired solely by an employee of the grantee.";

(C) in paragraph (3)—

(i) in subparagraph (A), by striking "area;" and inserting "area based on the—

"(i) documented needs of the HIV-infected population;

"(ii) cost and outcome effectiveness of proposed strategies and interventions, to the extent that such data are reasonably available, (either demonstrated or probable);

"(iii) priorities of the HIV-infected communities for whom the services are intended; and

"(iv) availability of other governmental and nongovernmental resources;";

(ii) by striking "and" at the end of subparagraph (B);

(iii) by striking the period at the end of subparagraph (C) and inserting ", and at the discretion of the planning council, assess the effectiveness, either directly or through contractual arrangements, of the services offered in meeting the identified needs; "; and

(iv) by adding at the end thereof the following new subparagraphs:

"(D) participate in the development of the Statewide coordinated statement of need initiated by the State health department;

"(E) establish operating procedures which include specific policies for resolving disputes, responding to grievances, and minimizing and managing conflict-of-interests; and

"(F) establish methods for obtaining input on community needs and priorities which may include public meetings, conducting focus groups, and convening ad-hoc panels.";

(D) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(E) by inserting after paragraph (1), the following new paragraph:

"(2) REPRESENTATION.—The HIV health services planning council shall include representatives of—

"(A) health care providers, including federally qualified health centers;

"(B) community-based organizations serving affected populations and AIDS service organizations;

"(C) social service providers;

"(D) mental health and substance abuse providers;

"(E) local public health agencies;

"(F) hospital planning agencies or health care planning agencies;

"(G) affected communities, including people with HIV disease or AIDS and historically underserved groups and subpopulations;

"(H) nonelected community leaders;

"(I) State government (including the State medicaid agency and the agency administering the program under part B);

"(J) grantees under subpart II of part C;

"(K) grantees under section 2671, or, if none are operating in the area, representatives of organizations with a history of serving children, youth, women, and families living with HIV and operating in the area; and

"(L) grantees under other Federal HIV programs.".

(2) DISTRIBUTION OF GRANTS.—Section 2603 (42 U.S.C. 300ff–13) is amended—

(A) in subsection (a)(2), by striking "Not later than—" and all that follows through "the Secretary shall" and inserting the following: "Not later than 60 days after an appropriation becomes available to carry out this part for each of the fiscal years 1996 through 2000, the Secretary shall"; and

(B) in subsection (b)

(i) in paragraph (1)—

(I) by striking "and" at the end of subparagraph (D);

(II) by striking the period at the end of subparagraph (E) and inserting a semicolon; and

(III) by adding at the end thereof the following new subparagraphs:

"(F) demonstrates the inclusiveness of the planning council membership, with particular emphasis on affected communities and individuals with HIV disease; and

"(G) demonstrates the manner in which the proposed services are consistent with the local needs assessment and the Statewide coordinated statement of need."; and

(ii) by redesignating paragraphs (2), (3), and (4) as paragraphs (3), (4), and (5), respectively; and

(iii) by inserting after paragraph (1), the following new paragraph:

"(2) PRIORITY.—

"(A) SEVERE NEED.—In determining severe need in accordance with paragraph (1)(B), the Secretary shall give priority consideration in awarding grants under this section to any qualified applicant that demonstrates an ability to spend funds efficiently and demonstrates a more severe need based on prevalence of—

"(i) sexually transmitted diseases, substance abuse, tuberculosis, severe mental illness, or other diseases determined relevant by the Secretary, which significantly affect the impact of HIV disease in affected individuals and communities;

"(ii) AIDS in individuals, and subpopulations, previously unknown in the eligible metropolitan area; or

"(iii) homelessness.

"(B) PREVALENCE.—In determining prevalence of diseases under subparagraph (A), the

Secretary shall use data on the prevalence of the illnesses described in such subparagraph in HIV-infected individuals unless such data is not available nationally. Where such data is not nationally available, the Secretary may use the prevalence (with respect to such illnesses) in the general population.".

(3) DISTRIBUTION OF FUNDS.—

(A) IN GENERAL.—Section 2603(a)(2) (42 U.S.C. 300ff–13(a)(2)) (as amended by paragraph (2)) is further amended—

(i) by inserting ", in accordance with paragraph (3)" before the period; and

(ii) by adding at the end thereof the following new sentence: "The Secretary shall reserve an additional percentage of the amount appropriated under section 2677 for a fiscal year for grants under part A to make grants to eligible areas under section 2601(a) in accordance with paragraph (4).".

(B) INCREASE IN GRANT.—Section 2603(a) (42 U.S.C. 300ff–13(a)) is amended by adding at the end thereof the following new paragraph:

"(4) INCREASE IN GRANT.—With respect to an eligible area under section 2601(a), the Secretary shall increase the amount of a grant under paragraph (2) for a fiscal year to ensure that such eligible area receives not less than—

"(A) with respect to fiscal year 1996, 98 percent;

"(B) with respect to fiscal year 1997, 97 percent;

"(C) with respect to fiscal year 1998, 95.5 percent;

"(D) with respect to fiscal year 1999, 94 percent; and

"(E) with respect to fiscal year 2000, 92.5 percent;

of the amount allocated for fiscal year 1995 to such entity under this subsection.".

(4) USE OF AMOUNTS.—Section 2604 (42 U.S.C. 300ff–14) is amended—

(A) in subsection (b)(1)(A)—

(i) by inserting ", substance abuse treatment and mental health treatment," after "case management"; and

(ii) by inserting "which shall include treatment education and prophylactic treatment for opportunistic infections," after "treatment services,";

(B) in subsection (b)(2)(A)—

(i) by inserting ", or private for-profit entities if such entities are the only available provider of quality HIV care in the area," after "nonprofit private entities,"; and

(ii) by striking "and homeless health centers" and inserting "homeless health centers, substance abuse treatment programs, and mental health programs"; and

(C) in subsection (e)—

(i) in the subsection heading, by striking "AND PLANNING";

(ii) by striking "The chief" and inserting: "(1) IN GENERAL.—The chief";

(iii) by striking "accounting, reporting, and program oversight functions";

(iv) by adding at the end thereof the following new sentence: "An entity (including subcontractors) receiving an allocation from the grant awarded to the chief executive officer under this part shall not use in excess of 12.5 percent of amounts received under such allocation for administration."; and

(v) by adding at the end thereof the following new paragraphs:

"(2) ADMINISTRATIVE ACTIVITIES.—For the purposes of paragraph (1), amounts may be used for administrative activities that include—

"(A) routine grant administration and monitoring activities, including the development of applications for part A funds, the receipt and disbursal of program funds, the development and establishment of reimbursement and accounting systems, the preparation of routine programmatic and financial reports, and compliance with grant conditions and audit requirements; and

"(B) all activities associated with the grantee's contract award procedures, including the development of requests for proposals, contract proposal review activities, negotiation and awarding of contracts, monitoring of contracts through telephone consultation, written documentation or onsite visits, reporting on contracts, and funding reallocation activities.".

"(3) SUBCONTRACTOR ADMINISTRATIVE COSTS.—For the purposes of this subsection, subcontractor administrative activities include—

"(A) usual and recognized overhead, including established indirect rates for agencies;

"(B) management oversight of specific programs funded under this title; and

"(C) other types of program support such as quality assurance, quality control, and related activities.".

(5) APPLICATION.—Section 2605 (42 U.S.C. 300ff–15) is amended—

(A) in subsection (a)—

(i) in the matter preceding paragraph (1), by inserting ", in accordance with subsection (c) regarding a single application and grant award," after "application";

(ii) in paragraph (1)(B), by striking "1-year period" and all that follows through "eligible area" and inserting "preceding fiscal year";

(iii) in paragraph (4), by striking "and" at the end thereof;

(iv) in paragraph (5), by striking the period at the end thereof and inserting "; and"; and

(v) by adding at the end thereof the following new paragraph:

"(6) that the applicant has participated, or will agree to participate, in the Statewide coordinated statement of need process where it has been initiated by the State, and ensure that the services provided under the comprehensive plan are consistent with the Statewide coordinated statement of need.";

(B) in subsection (b)—

(i) in the subsection heading, by striking "ADDITIONAL";

(ii) in the matter preceding paragraph (1), by striking "additional application" and inserting "application, in accordance with subsection (c) regarding a single application and grant award,";

(iii) in paragraph (3), by striking "and" at the end thereof; and

(iv) in paragraph (4), by striking the period and inserting "; and";

(C) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(D) by inserting after subsection (b), the following new subsection:

"(c) SINGLE APPLICATION AND GRANT AWARD.—

"(1) APPLICATION.—The Secretary may phase in the use of a single application that meets the requirements of subsections (a) and (b) of section 2603 with respect to an eligible area that desires to receive grants under section 2603 for a fiscal year.

"(2) GRANT AWARD.—The Secretary may phase in the awarding of a single grant to an eligible area that submits an approved application under paragraph (1) for a fiscal year.".

(6) TECHNICAL ASSISTANCE.—Section 2606 (42 U.S.C. 300ff–16) is amended—

(A) by striking "may" and inserting "shall";

(B) by inserting after "technical assistance" the following: ", including peer based assistance to assist newly eligible metropolitan areas in the establishment of HIV health services planning councils and,"; and

(C) by adding at the end thereof the following new sentences: "The Administrator may make planning grants available to metropolitan areas, in an amount not to exceed $75,000 for any metropolitan area, projected to be eligible for funding under section 2601 in the following fiscal year. Such grant amounts shall be deducted from the first year formula award to eligible areas accepting such grants. Not to exceed 1 percent of the amount appropriated for a fiscal year under section 2677 for grants under part A may be used to carry out this section.".

(b) CARE GRANT PROGRAM.—

(1) HIV CARE CONSORTIA.—Section 2613 (42 U.S.C. 300ff–23) is amended—

(A) in subsection (a)—

(i) in paragraph (1), by inserting "(or private for-profit providers or organizations if such entities are the only available providers of quality HIV care in the area)" after "nonprofit private,"; and

(ii) in paragraph (2)(A)—

(I) by inserting "substance abuse treatment, mental health treatment," after "nursing,"; and

(II) by inserting "prophylactic treatment for opportunistic infections, treatment education to take place in the context of health care delivery," after "monitoring,";

(B) in subsection (c)—

(i) in subparagraph (C) of paragraph (1), by inserting before "care" "and youth centered"; and

(ii) in paragraph (2)—

(I) in clause (ii) of subparagraph (A), by striking "served; and" and inserting "served;";

(II) in subparagraph (B), by striking the period at the end; and

(III) by adding after subparagraph (B), the following new subparagraphs:

"(C) grantees under section 2671 and representatives of organizations with a history of serving children, youth, women, and families with HIV and operating in the community to be served; and

"(D) representatives of community-based providers that are necessary to provide the full continuum of HIV-related health care services, which are available within the geographic area to be served."; and

(C) in subsection (d), to read as follows:

"(d) DEFINITION.—As used in this part, the terms 'family centered care' and 'youth centered care' mean the system of services described in this section that is targeted specifically to the special needs of infants, children (including those orphaned by the AIDS epidemic), youth, women, and families. Family centered and youth centered care shall be based on a partnership among parents, extended family members, children and youth, professionals, and the community designed to ensure an integrated, coordinated, culturally sensitive, and community-based continuum of care.".

(2) PROVISION OF TREATMENTS.—Section 2616 (42 U.S.C. 300ff–26) is amended by striking subsection (c) and inserting the following new subsections:

"(c) STANDARDS FOR TREATMENT PROGRAMS.—In carrying out this section, the Secretary shall—

"(1) review the current status of State drug reimbursement programs and assess barriers to the expended availability of prophylactic treatments for opportunistic infections (including active tuberculosis); and

"(2) establish, in consultation with States, providers, and affected communities, a recommended minimum formulary of pharmaceutical drug therapies approved by the Food and Drug Administration.

In carrying out paragraph (2), the Secretary shall identify those treatments in the recommended minimum formulary that are for the prevention of opportunistic infections (including the prevention of active tuberculosis).

"(d) STATE DUTIES.—

"(1) IN GENERAL.—In implementing subsection (a), States shall document the progress made in making treatments described in subsection (c)(2) available to individuals eligible for assistance under this section, and to develop plans to implement fully the recommended minimum formulary of pharmaceutical drug therapies approved by the Food and Drug Administration.

"(2) OTHER MECHANISMS FOR PROVIDING TREATMENTS.—In meeting the standards of the recommended minimum formulary developed under subsection (c), a State may identify other mechanisms such as consortia and public programs for providing such treatments to individuals with HIV.".

(3) STATE APPLICATION.—Section 2617(b) (42 U.S.C. 300ff-27(b)) is amended—

(A) in paragraph (2)—

(i) in subparagraph (A), by striking "and" at the end thereof; and

(ii) by adding at the end thereof the following new subparagraph:

"(C) a description of how the allocation and utilization of resources are consistent with the Statewide coordinated statement of need (including traditionally underserved populations and subpopulations) developed in partnership with other grantees in the State that receive funding under this title;";

(B) by redesignating paragraph (3) as paragraph (4);

(C) by inserting after paragraph (2), the following new paragraph:

"(3) the public health agency administering the grant for the State shall convene a meeting at least annually of individuals with HIV who utilize services under this part (including those individuals from traditionally underserved populations and subpopulations) and representatives of grantees funded under this title (including HIV health services planning councils, early intervention programs, children, youth and family service projects, special projects of national significance, and HIV care consortia) and other providers (including federally qualified health centers) and public agency representatives within the State currently delivering HIV services to affected communities for the purpose of developing a Statewide coordinated statement of need; and"; and

(D) by adding at the end thereof the following flush sentence:

"The State shall not be required to finance attendance at the meetings described in paragraph (3). A State may pay the travel-related expenses of individuals attending such meetings where appropriate and necessary to ensure adequate participation.".

(4) PLANNING, EVALUATION AND ADMINISTRATION.—Section 2618(c) (42 U.S.C. 300ff-28(c)) is amended—

(A) in paragraphs (3) and (4), to read as follows:

"(3) PLANNING AND EVALUATIONS.—Subject to paragraph (5) and except as provided in paragraph (6), a State may not use more than 10 percent of amounts received under a grant awarded under this part for planning and evaluation activities.

"(4) ADMINISTRATION.—

"(A) IN GENERAL.—Subject to paragraph (5) and except as provided in paragraph (6), a State may not use more than 10 percent of amounts received under a grant awarded under this part for administration. An entity (including subcontractors) receiving an allocation from the grant awarded to the State under this part shall not use in excess of 12.5 percent of amounts received under such allocation for administration.

"(B) ADMINISTRATIVE ACTIVITIES.—For the purposes of subparagraph (A), amounts may be used for administrative activities that include routine grant administration and monitoring activities.

"(C) SUBCONTRACTOR ADMINISTRATIVE COSTS.—For the purposes of this paragraph, subcontractor administrative activities include—

"(i) usual and recognized overhead, including established indirect rates for agencies;

"(ii) management oversight of specific programs funded under this title; and

"(iii) other types of program support such as quality assurance, quality control, and related activities.";

(B) by redesignating paragraph (5) as paragraph (7); and

(C) by inserting after paragraph (4), the following new paragraphs:

"(5) LIMITATION ON USE OF FUNDS.—Except as provided in paragraph (6), a State may not use more than a total of 15 percent of amounts received under a grant awarded under this part for the purposes described in paragraphs (3) and (4).

"(6) EXCEPTION.—With respect to a State that receives the minimum allotment under subsection (a)(1) for a fiscal year, such State, from the amounts received under a grant awarded under this part for such fiscal year for the activities described in paragraphs (3) and (4), may, notwithstanding paragraphs (3), (4), and (5), use not more than that amount required to support one full-time-equivalent employee.".

(5) TECHNICAL ASSISTANCE.—Section 2619 (42 U.S.C. 300ff-29) is amended—

(A) by striking "may" and inserting "shall"; and

(B) by inserting before the period the following: ", including technical assistance for the development and implementation of Statewide coordinated statements of need".

(6) GRIEVANCE PROCEDURES AND COORDINATION.—Part B of title XXVI (42 U.S.C. 300ff-21) is amended by adding at the end thereof the following new sections:

"SEC. 2621. GRIEVANCE PROCEDURES.

"Not later than 90 days after the date of enactment of this section, the Administration, in consultation with affected parties, shall establish grievance procedures, specific to each part of this title, to address allegations of egregious violations of each such part. Such procedures shall include an appropriate enforcement mechanism.

"SEC. 2622. COORDINATION.

"The Secretary shall ensure that the Health Resources and Services Administration, the Centers for Disease Control and Prevention, and the Substance Abuse and Mental Health Services Administration coordinate the planning and implementation of Federal HIV programs in order to facilitate the local development of a complete continuum of HIV-related services for individuals with HIV disease and those at risk of such disease. The Secretary shall periodically prepare and submit to the relevant committees of Congress a report concerning such coordination efforts at the Federal, State, and local levels as well as the existence of Federal barriers to HIV program integration.".

(c) EARLY INTERVENTION SERVICES.—

(1) ESTABLISHMENT OF PROGRAM.—Section 2651(b) (42 U.S.C. 300ff-51(b)) is amended—

(A) in paragraph (1), by striking "grant agrees to" and all that follows through the period and inserting: "grant agrees to—

"(A) expend the grant for the purposes of providing, on an out-patient basis, each of the early intervention services specified in paragraph (2) with respect to HIV disease; and

"(B) expend not less than 50 percent of the amount received under the grant to provide a continuum of primary care services, including, as appropriate, dental care services, to individuals confirmed to be living with HIV."; and

(B) in paragraph (4)—

(i) by striking "The Secretary" and inserting "(A) IN GENERAL.—The Secretary";

(ii) by inserting ", or private for-profit entities if such entities are the only available provider of quality HIV care in the area," after "nonprofit private entities";

(iii) by realigning the margin of subparagraph (A) so as to align with the margin of paragraph (3)(A); and

(iv) by adding at the end thereof the following new subparagraph:

"(B) OTHER REQUIREMENTS.—Grantees described in—

"(i) paragraphs (1), (2), (5), and (6) of section 2652(a) shall use not less than 50 percent of the amount of such a grant to provide the services described in subparagraphs (A), (B), (D), and (E) of section 2651(b)(2) directly and on-site or at sites where other primary care services are rendered; and

"(ii) paragraphs (3) and (4) of section 2652(a) shall ensure the availability of early intervention services through a system of linkages to community-based primary care providers, and to establish mechanisms for the referrals described in section 2651(b)(2)(C), and for follow-up concerning such referrals.".

(2) MINIMUM QUALIFICATIONS.—Section 2652(b)(1)(B) (42 U.S.C. 300ff-52(b)(1)(B)) is amended by inserting ", or a private for-profit entity if such entity is the only available provider of quality HIV care in the area," after "nonprofit private entity";

(3) MISCELLANEOUS PROVISIONS.—Section 2654 (42 U.S.C. 300ff-54) is amended by adding at the end thereof the following new subsection:

"(c) PLANNING AND DEVELOPMENT GRANTS.—

"(1) IN GENERAL.—The Secretary may provide planning grants, in an amount not to exceed $50,000 for each such grant, to public and nonprofit private entities that are not direct providers of primary care services for the purpose of enabling such providers to provide HIV primary care services.

"(2) REQUIREMENT.—The Secretary may only award a grant to an entity under paragraph (1) if the Secretary determines that the entity will use such grant to assist the entity in qualifying for a grant under section 2651.

"(3) PREFERENCE.—In awarding grants under paragraph (1), the Secretary shall give preference to entities that would provide HIV primary care services in rural or underserved communities.

"(4) LIMITATION.—Not to exceed 1 percent of the amount appropriated for a fiscal year under section 2655 may be used to carry out this section.".

(4) AUTHORIZATION OF APPROPRIATIONS.—Section 2655 (42 U.S.C. 300ff-55) is amended by striking "$75,000,000" and all that follows through the end of the section, and inserting

"such sums as may be necessary in each of the fiscal years 1996, 1997, 1998, 1999, and 2000.".

(5) REQUIRED AGREEMENTS.—Section 2664(g) (42 U.S.C. 300ff–64(g)) is amended—

(A) in paragraph (2), by striking "and" at the end thereof;

(B) in paragraph (3)—

(i) by striking "5 percent" and inserting "10 percent including planning, evaluation and technical assistance"; and

(ii) by striking the period and inserting "; and"; and

(C) by adding at the end thereof the following new paragraph:

"(4) the applicant will submit evidence that the proposed program is consistent with the Statewide coordinated statement of need and agree to participate in the ongoing revision of such statement of need.".

(d) GRANTS.—

(1) IN GENERAL.—Section 2671 (42 U.S.C. 300ff–71) is amended to read as follows:

"SEC. 2671. GRANTS FOR COORDINATED SERVICES AND ACCESS TO RESEARCH FOR CHILDREN, YOUTH, AND FAMILIES.

"(a) IN GENERAL.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, and in consultation with the Director of the National Institutes of Health, shall award grants to appropriate public or nonprofit private entities that, directly or through contractual arrangements, provide primary care to the public for the purpose of—

"(1) providing out-patient health care and support services (which may include family-centered and youth-centered care, as defined in this title, family and youth support services, and services for orphans) to children, youth, women with HIV disease, and the families of such individuals, and supporting the provision of such care with programs of HIV prevention and HIV research; and

"(2) facilitating the voluntary participation of children, youth, and women with HIV disease in qualified research protocols at the facilities of such entities or by direct referral.

"(b) ELIGIBLE ENTITIES.—The Secretary may not make a grant to an entity under subsection (a) unless the entity involved provides assurances that—

"(1) the grant will be used primarily to serve children, youth, and women with HIV disease;

"(2) the entity will enter into arrangements with one or more qualified research entities to collaborate in the conduct or facilitation of voluntary patient participation in qualified research protocols;

"(3) the entity will coordinate activities under the grant with other providers of health care services under this title, and under title V of the Social Security Act;

"(4) the entity will participate in the Statewide coordinated statement of need under section 2619 and in the revision of such statement; and

"(5) the entity will offer appropriate research opportunities to each patient, with informed consent.

"(c) APPLICATION.—The Secretary may not make a grant under subsection (a) unless an application for the grant is submitted to the Secretary and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out this section.

"(d) PATIENT PARTICIPATION IN RESEARCH PROTOCOLS.—

"(1) IN GENERAL.—The Secretary, acting through the Administrator of the Health Resources and Services Administration and the Director of the Office of AIDS Research, shall establish procedures to ensure that accepted standards of protection of human subjects (including the provision of written informed consent) are implemented in projects supported under this section. Receipt of services by a patient shall not be conditioned upon the consent of the patient to participate in research.

"(2) RESEARCH PROTOCOLS.—

"(A) IN GENERAL.—The Secretary shall establish mechanisms to ensure that research protocols proposed to be carried out to meet the requirements of this section, are of potential clinical benefit to the study participants, and meet accepted standards of research design.

"(B) REVIEW PANEL.—Mechanisms established under subparagraph (A) shall include an independent research review panel that shall review all protocols proposed to be carried out to meet the requirements of this section to ensure that such protocols meet the requirements of this section. Such panel shall make recommendations to the Secretary as to the protocols that should be approved. The panel shall include representatives of public and private researchers, providers of services, and recipients of services.

"(e) TRAINING AND TECHNICAL ASSISTANCE.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, may use not to exceed five percent of the amounts appropriated under subsection (h) in each fiscal year to conduct training and technical assistance (including peer-based models of technical assistance) to assist applicants and grantees under this section in complying with the requirements of this section.

"(f) EVALUATIONS AND DATA COLLECTION.—

"(1) EVALUATIONS.—The Secretary shall provide for the review of programs carried out under this section at the end of each grant year. Such evaluations may include recommendations as to the improvement of access to and participation in services and access to and participation in qualified research protocols supported under this section.

"(2) REPORTING REQUIREMENTS.—The Secretary may establish data reporting requirements and schedules as necessary to administer the program established under this section and conduct evaluations, measure outcomes, and document the clients served, services provided, and participation in qualified research protocols.

"(3) WAIVERS.—Notwithstanding the requirements of subsection (b), the Secretary may award new grants under this section to an entity if the entity provide assurances, satisfactory to the Secretary, that the entity will implement the assurances required under paragraph (2), (3), (4), or (5) of subsection (b) by the end of the second grant year. If the Secretary determines through the evaluation process that a recipient of funds under this section is in material noncompliance with the assurances provided under paragraph (2), (3), (4), or (5) of subsection (b), the Secretary may provide for continued funding of up to one year if the recipient provides assurances, satisfactory to the Secretary, that such noncompliance will be remedied within such period.

"(g) DEFINITIONS.—For purposes of this section:

"(1) QUALIFIED RESEARCH ENTITY.—The term 'qualified research entity' means a public or private entity with expertise in the conduct of research that has demonstrated clinical benefit to patients.

"(2) QUALIFIED RESEARCH PROTOCOL.—The term 'qualified research protocol' means a research study design of a public or private clinical program that meets the requirements of subsection (d).

"(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, such sums as may be necessary for each of the fiscal years 1996 through 2000.".

(2) CONFORMING AMENDMENT.—The heading for part D of title XXVI of the Public Health Service Act is amended to read as follows:

"PART D—GRANTS FOR COORDINATED SERVICES AND ACCESS TO RESEARCH FOR CHILDREN, YOUTH, AND FAMILIES".

(e) DEMONSTRATION AND TRAINING.—

(1) IN GENERAL.—Title XXVI is amended by adding at the end, the following new part:

"PART F—DEMONSTRATION AND TRAINING

"Subpart I—Special Projects of National Significance

"SEC. 2691. SPECIAL PROJECTS OF NATIONAL SIGNIFICANCE.

"(a) IN GENERAL.—Of the amount appropriated under each of parts A, B, C, and D of this title for each fiscal year, the Secretary shall use the greater of $20,000,000 or 3 percent of such amount appropriated under each such part, but not to exceed $25,000,000, to administer a special projects of national significance program to award direct grants to public and nonprofit private entities including community-based organizations to fund special programs for the care and treatment of individuals with HIV disease.

"(b) GRANTS.—The Secretary shall award grants under subsection (a) based on—

"(1) the need to assess the effectiveness of a particular model for the care and treatment of individuals with HIV disease;

"(2) the innovative nature of the proposed activity; and

"(3) the potential replicability of the proposed activity in other similar localities or nationally.

"(c) SPECIAL PROJECTS.—Special projects of national significance shall include the development and assessment of innovative service delivery models that are designed to—

"(1) address the needs of special populations;

"(2) assist in the development of essential community-based service delivery infrastructure; and

"(3) ensure the ongoing availability of services for Native American communities to enable such communities to care for Native Americans with HIV disease.

"(d) SPECIAL POPULATIONS.—Special projects of national significance may include the delivery of HIV health care and support services to traditionally underserved populations including—

"(1) individuals and families with HIV disease living in rural communities;

"(2) adolescents with HIV disease;

"(3) Indian individuals and families with HIV disease;

"(4) homeless individuals and families with HIV disease;

"(5) hemophiliacs with HIV disease; and

"(6) incarcerated individuals with HIV disease.

"(e) SERVICE DEVELOPMENT GRANTS.—Special projects of national significance may include the development of model approaches to delivering HIV care and support services including—

"(1) programs that support family-based care networks critical to the delivery of care in minority communities;

"(2) programs that build organizational capacity in disenfranchised communities;

"(3) programs designed to prepare AIDS service organizations and grantees under this title for operation within the changing health care environment; and

"(4) programs designed to integrate the delivery of mental health and substance abuse treatment with HIV services.

"(f) COORDINATION.—The Secretary may not make a grant under this section unless the applicant submits evidence that the proposed program is consistent with the Statewide coordinated statement of need, and the applicant agrees to participate in the ongoing revision process of such statement of need.

"(g) REPLICATION.—The Secretary shall make information concerning successful models developed under this part available to grantees under this title for the purpose of coordination, replication, and integration. To facilitate efforts under this subsection, the Secretary may provide for peer-based technical assistance from grantees funded under this part.".

(2) REPEAL.—Subsection (a) of section 2618 (42 U.S.C. 300ff-28(a)) is repealed.

(f) HIV/AIDS COMMUNITIES, SCHOOLS, CENTERS.—

(1) NEW PART.—Part F of title XXVI (as added by subsection (e)) is further amended by adding at the end, the following new subpart:

"Subpart II—AIDS Education and Training Centers

"SEC. 2692. HIV/AIDS COMMUNITIES, SCHOOLS, AND CENTERS.".

(2) AMENDMENTS.—Section 776(a)(1) (42 U.S.C. 294n(a)) is amended—

(A) by striking subparagraphs (B) and (C);

(B) by redesignating subparagraphs (A) and (D) as subparagraphs (B) and (C), respectively;

(C) by inserting before subparagraph (B) (as so redesignated) the following new subparagraph:

"(A) training health personnel, including practitioners in title XXVI programs and other community providers, in the diagnosis, treatment, and prevention of HIV infection and disease;"; and

(D) in subparagraph (B) (as so redesignated) by adding "and" after the semicolon.

(3) TRANSFER.—Subsection (a) of section 776 (42 U.S.C. 294n(a)) (as amended by paragraph (2)) is amended by transferring such subsection to section 2692 (as added by paragraph (1)).

(4) AUTHORIZATION OF APPROPRIATIONS.—Section 2692 (as added by paragraph (1)) is amended by adding at the end thereof the following new subsection:

"(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, such sums as may be necessary for each of the fiscal years 1996 through 2000.".

SEC. 4. AMOUNT OF EMERGENCY RELIEF GRANTS.

Paragraph (3) of section 2603(a) (42 U.S.C. 300ff-13(a)(3)) is amended to read as follows:

"(3) AMOUNT OF GRANT.—

"(A) IN GENERAL.—Subject to the extent of amounts made available in appropriations Acts, a grant made for purposes of this paragraph to an eligible area shall be made in an amount equal to the product of—

"(i) an amount equal to the amount available for distribution under paragraph (2) for the fiscal year involved; and

"(ii) the percentage constituted by the ratio of the distribution factor for the eligible area to the sum of the respective distribution factors for all eligible areas.

"(B) DISTRIBUTION FACTOR.—For purposes of subparagraph (A)(ii), the term 'distribution factor' means an amount equal to the estimated number of living cases of acquired immune deficiency syndrome in the eligible area involved, as determined under subparagraph (C).

"(C) ESTIMATE OF LIVING CASES.—The amount determined in this subparagraph is an amount equal to the product of—

"(i) the number of cases of acquired immune deficiency syndrome in the eligible area during each year in the most recent 120-month period for which data are available with respect to all eligible areas, as indicated by the number of such cases reported to and confirmed by the Director of the Centers for Disease Control and Prevention for each year during such period; and

"(ii) with respect to—

"(I) the first year during such period, .06;

"(II) the second year during such period, .06;

"(III) the third year during such period, .08;

"(IV) the fourth year during such period, .10;

"(V) the fifth year during such period, .16;

"(VI) the sixth year during such period, .16;

"(VII) the seventh year during such period, .24;

"(VIII) the eighth year during such period, .40;

"(IX) the ninth year during such period, .57; and

"(X) the tenth year during such period, .88.

"(D) UNEXPENDED FUNDS.—The Secretary may, in determining the amount of a grant for a fiscal year under this paragraph, adjust the grant amount to reflect the amount of unexpended and uncanceled grant funds remaining at the end of the fiscal year preceding the year for which the grant determination is to be made. The amount of any such unexpended funds shall be determined using the financial status report of the grantee.

"(E) PUERTO RICO, VIRGIN ISLANDS, GUAM.—For purposes of subparagraph (D), the cost index for an eligible area within Puerto Rico, the Virgin Islands, or Guam shall be 1.0.".

SEC. 5. AMOUNT OF CARE GRANTS.

Paragraphs (1) and (2) of section 2618(b) (42 U.S.C. 300ff-28(b)(1) and (2)) are amended to read as follows:

"(1) MINIMUM ALLOTMENT.—Subject to the extent of amounts made available under section 2677, the amount of a grant to be made under this part for—

"(A) each of the several States and the District of Columbia for a fiscal year shall be the greater of—

"(i)(I) with respect to a State or District that has less than 90 living cases of acquired immune deficiency syndrome, as determined under paragraph (2)(D), $100,000; or

"(i)(I) with respect to a State or District that has 90 or more living cases of acquired immune deficiency syndrome, as determined under paragraph (2)(D), $250,000;

"(ii) an amount determined under paragraph (2); and

"(B) each territory of the United States, as defined in paragraph (3), shall be an amount determined under paragraph (2).

"(2) DETERMINATION.—

"(A) FORMULA.—The amount referred to in paragraph (1)(A)(ii) for a State and paragraph (1)(B) for a territory of the United States shall be the product of—

"(i) an amount equal to the amount appropriated under section 2677 for the fiscal year involved for grants under part B; and

"(ii) the percentage constituted by the sum of—

"(I) the product of .50 and the ratio of the State distribution factor for the State or territory (as determined under subsection (B)) to the sum of the respective State distribution factors for all States or territories; and

"(II) the product of .50 and the ratio of the non-EMA distribution factor for the State or territory (as determined under subparagraph (C)) to the sum of the respective distribution factors for all States or territories.

"(B) STATE DISTRIBUTION FACTOR.—For purposes of subparagraph (A)(ii)(I), the term 'State distribution factor' means an amount equal to the estimated number of living cases of acquired immune deficiency syndrome in the eligible area involved, as determined under subparagraph (D).

"(C) NON-EMA DISTRIBUTION FACTOR.—For purposes of subparagraph (A)(ii)(II), the term 'non-ema distribution factor' means an amount equal to the sum of—

"(i) the estimated number of living cases of acquired immune deficiency syndrome in the State or territory involved, as determined under subparagraph (D); less

"(ii) the estimated number of living cases of acquired immune deficiency syndrome in such State or territory that are within an eligible area (as determined under part A).

"(D) ESTIMATE OF LIVING CASES.—The amount determined in this subparagraph is an amount equal to the product of—

"(i) the number of cases of acquired immune deficiency syndrome in the State or territory during each year in the most recent 120-month period for which data are available with respect to all States and territories, as indicated by the number of such cases reported to and confirmed by the Director of the Centers for Disease Control and Prevention for each year during such period; and

"(ii) with respect to each of the first through the tenth year during such period, the amount referred to in 2603(a)(3)(C)(ii).

"(E) PUERTO RICO, VIRGIN ISLANDS, GUAM.—For purposes of subparagraph (D), the cost index for Puerto Rico, the Virgin Islands, and Guam shall be 1.0.".

"(F) UNEXPENDED FUNDS.—The Secretary may, in determining the amount of a grant for a fiscal year under this subsection, adjust the grant amount to reflect the amount of unexpended and uncanceled grant funds remaining at the end of the fiscal year preceding the year for which the grant determination is to be made. The amount of any such unexpended funds shall be determined using the financial status report of the grantee.

"(G) LIMITATION.—

"(i) IN GENERAL.—The Secretary shall ensure that the amount of a grant awarded to a State or territory for a fiscal year under this part is equal to not less than—

"(I) with respect to fiscal year 1996, 98 percent;

"(II) with respect to fiscal year 1997, 97 percent;

"(III) with respect to fiscal year 1998, 95.5 percent;

"(IV) with respect to fiscal year 1999, 94 percent; and

"(V) with respect to fiscal year 2000, 92.5 percent;

of the amount such State or territory received for fiscal year 1995 under this part. In administering this subparagraph, the Secretary shall, with respect to States that will receive grants in amounts that exceed the amounts that such States received under this part in fiscal year 1995, proportionally reduce such amounts to ensure compliance with this subparagraph. In making such reductions, the Secretary shall ensure that no such State receives less than that State received for fiscal year 1995.

"(ii) RATABLE REDUCTION.—If the amount appropriated under section 2677 and available for allocation under this part is less than the amount appropriated and available under this part for fiscal year 1995, the limitation contained in clause (i) shall be reduced by a percentage equal to the percentage of the reduction in such amounts appropriated and available.".

SEC. 6. CONSOLIDATION OF AUTHORIZATIONS OF APPROPRIATIONS.

(a) IN GENERAL.—Part D of title XXVI (42 U.S.C. 300ff–71) is amended by adding at the end thereof the following new section:

"SEC. 2677. AUTHORIZATION OF APPROPRIATIONS.

"(a) IN GENERAL.—Subject to subsection (b), there are authorized to be appropriated to make grants under parts A and B, such sums as may be necessary for each of the fiscal years 1996 through 2000. Of the amount appropriated under this section for fiscal year 1996, the Secretary shall make available 64 percent of such amount to carry out part A and 36 percent of such amount to carry out part B.

"(b) DEVELOPMENT OF METHODOLOGY.—

"(1) IN GENERAL.—With respect to each of the fiscal years 1997 through 2000, the Secretary shall develop and implement a methodology for adjusting the percentages referred to in subsection (a) to account for grants to new eligible areas under part A and other relevant factors. Not later than 1 year after the date of enactment of this section, the Secretary shall prepare and submit to the appropriate committees of Congress a report regarding the findings with respect to the methodology developed under this paragraph.

"(2) FAILURE TO IMPLEMENT.—If the Secretary fails to implement a methodology under paragraph (1) by October 1, 1996, there are authorized to be appropriated—

"(A) such sums as may be necessary to carry out part A for each of the fiscal years 1997 through 2000; and

"(B) such sums as may be necessary to carry out part B for each of the fiscal years 1997 through 2000.".

(b) REPEALS.—Sections 2608 and 2620 (42 U.S.C. 300ff–18 and 300ff–30) are repealed.

(c) CONFORMING AMENDMENTS.—Title XXVI is amended—

(1) in section 2603 (42 U.S.C. 300ff–13)—

(A) in subsection (a)(2), by striking "2608" and inserting "2677"; and

(B) in subsection (b)(1), by striking "2608" and inserting "2677";

(2) in section 2605(c)(1) (42 U.S.C. 300ff–15(c)(1)) is amended by striking "2608" and inserting "2677"; and

(3) in section 2618 (42 U.S.C. 300ff–28)—

(A) in subsection (a)(1), is amended by striking "2620" and inserting "2677"; and

(B) in subsection (b)(1), is amended by striking "2620" and inserting "2677".

SEC. 7. CDC GUIDELINES FOR PREGNANT WOMEN.

(a) REQUIREMENT.—Notwithstanding any other provision of law, a State described in subsection (b) shall, not later than 1 year after the date of enactment of this Act, certify to the Secretary of Health and Human Services that such State has in effect regulations to adopt the guidelines issued by the Centers for Disease Control and Prevention concerning recommendations for immunodeficiency virus counseling and voluntary testing for pregnant women.

(b) APPLICATION OF SECTION.—A State described in this subsection is a State that has—

(1) an HIV seroprevalance among child bearing women during the period beginning on January 1, 1991 and ending on December 31, 1992, of .25 or greater as determined by the Centers for Disease Control and Prevention; or

(2) an estimated number of births to HIV positive women in 1993 of 175 or greater as determined by the Centers for Disease Control and Prevention using 1992 natality statistics.

(c) NONCOMPLIANCE.—If a State does not provide the certification required under subsection (a) within the 1 year period described in such subsection, such State shall not be eligible to receive assistance for HIV counseling and testing under the Public Health Service Act (42 U.S.C. 201 et seq.) until such certification is provided.

(d) ADDITIONAL FUNDS REGARDING WOMEN AND INFANTS.—

(1) IN GENERAL.—If a State described in subsection (b) provides the certification required in subsection (a) and is receiving funds under part B of title XXVI of the Public Health Service Act for a fiscal year, the Secretary of Health and Human Services may (from the amounts available pursuant to paragraph (3)) make a grant to the State for the fiscal year for the following purposes:

(A) Making available to pregnant women appropriate counseling on HIV disease.

(B) Making available outreach efforts to pregnant women at high risk of HIV who are not currently receiving prenatal care.

(C) Making available to such women testing for such disease.

(D) Offsetting other State costs associated with the implementation of the requirement of subsection (a).

(2) EVALUATION BY INSTITUTE OF MEDICINE.—

(A) IN GENERAL.—The Secretary of Health and Human Services shall request the Institute of Medicine of the National Academy of Sciences to enter into a contract with the Secretary for the purpose of conducting an evaluation of the extent to which grants under paragraph (1) have been effective in preventing the perinatal transmission of the human immunodeficiency virus.

(B) ALTERNATIVE CONTRACT.—If the Institute referred to in subparagraph (A) declines to conduct the evaluation under such subparagraph, the Secretary of Health and Human Services shall carry out such subparagraph through another public or nonprofit private entity.

(C) DATE CERTAIN FOR REPORT.—The Secretary of Health and Human Services shall ensure that, not later than after 2 years after the date of the enactment of this Act, the evaluation required in this paragraph is completed and a report describing the findings made as a result of the evaluation is submitted to the Congress.

(3) FUNDING.—For the purpose of carrying out this subsection, there are authorized to be appropriated $10,000,000 for each of the fiscal years 1996 through 2000. Amounts made available under section 2677 for carrying out this part are not available for carrying out this subsection.

SEC. 8. SPOUSAL NOTIFICATION.

(a) PROHIBITION ON THE USE OF FUNDS.—The Secretary shall not make a grant under this Act to any State or political subdivision of any State, nor shall any other funds made available under this Act, be obligated or expended in any State unless such State takes administrative or legislative action to require that a good faith effort shall be made to notify a spouse of an AIDS-infected patient that such AIDS-infected patient is infected with the human immunodeficiency virus.

(b) DEFINITIONS.—As used in this section—

(1) AIDS-INFECTED PATIENT.—The term "AIDS-infected patient" means any person who has been diagnosed by a physician or surgeon practicing medicine in such State to be infected with the human immunodeficiency virus.

(2) STATE.—The term "State" means a State, the District of Columbia, or any territory of the United States.

(3) SPOUSE.—The term "spouse" means a person who is or at any time since December 31, 1976, has been the marriage partner of a person diagnosed as an AIDS-infected patient.

(c) EFFECTIVE DATE.—Subsection (a) shall take effect with respect to a State on January 1 of the calendar year following the first regular session of the legislative body of such State that is convened following the date of enactment of this section.

SEC. 9. STUDY ON ALLOTMENT FORMULA.

(a) STUDY.—The Secretary of Health and Human Services (hereafter referred to in this section as the "Secretary") shall enter into a contract with a public or nonprofit private entity, subject to subsection (b), for the purpose of conducting a study or studies concerning the statutory formulas under which funds made available under part A or B of title XXVI of the Public Health Service Act are allocated among eligible areas (in the case of grants under part A) and States and territories (in the case of grants under part B). Such study or studies shall include—

(1) an assessment of the degree to which each such formula allocates funds according to the respective needs of eligible areas, State, and territories;

(2) an assessment of the validity and relevance of the factors currently included in each such formula;

(3) in the case of the formula under part A, an assessment of the degree to which the formula reflects the relative costs of providing services under such title XXVI within eligible areas;

(4) in the case of the formula under part B, an assessment of the degree to which the formula reflects the relative costs of providing services under such title XXVI within eligible States and territories; and

(5) any other information that would contribute to a thorough assessment of the appropriateness of the current formulas.

(b) NATIONAL ACADEMY OF SCIENCES.—The Secretary shall request the National Academy of Sciences to enter into the contract under subsection (a) to conduct the study described in such subsection. If such Academy declines to conduct the study, the Secretary shall carry out such subsection through another public or nonprofit private entity.

(c) REPORT.—The Secretary shall ensure that not later than 6 months after the date of enactment of this Act, the study required under subsection (a) is completed and a report describing the findings made as a result of such study is submitted to the Committee on Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate.

(d) CONSULTATION.—The entity preparing the report required under subsection (c), shall consult with the Comptroller General of the United States. The Comptroller General shall review the study after its transmittal to the committees described in subsection (c) and within 3 months make appropriate recommendations concerning such report to such committees.

SEC. 10. PROHIBITIONS AND LIMITATIONS ON THE USE OF FEDERAL FUNDS

(a) PROMOTION OR ENCOURAGEMENT OF CERTAIN ACTIVITIES.—No funds authorized to be appropriated under this Act may be used to promote or encourage, directly or indirectly, homosexuality, or intravenous drug use.

(b) DEFINITION.—As used in subsection (a), the term "to promote or encourage, directly or indirectly, homosexuality" includes, but is not limited to, affirming homosexuality as natural, normal, or healthy, or, in the process of addressing related "at-risk" issues, affirming in any way that engaging in a homosexual act is desirable, acceptable, or permissible, or, describing in any way techniques of homosexual sex.

SEC. 11. OPTIONAL PARTICIPATION OF FEDERAL EMPLOYEES IN AIDS TRAINING PROGRAMS.

(a) IN GENERAL.—Notwithstanding any other provision of law, a Federal employee may not be required to attend or participate in an AIDS or HIV training program if such employee refuses to consent to such attendance or participation. An employer may not retaliate in any manner against such an employee because of the refusal of such employee to consent to such attendance or participation.

(b) DEFINITION.—As used in subsection (a), the term "Federal employee" has the same meaning given the term "employee" in section 2105 of title 5, United States Code, and such term shall include members of the armed forces.

SEC. 12. PROHIBITION ON PROMOTION OF CERTAIN ACTIVITIES.

Part D of title XXVI of the Public Health Service Act (42 U.S.C. 300ff-71) as amended by section 6, is further amended by adding at the end thereof the following new section:

"SEC. 2678. PROHIBITION ON PROMOTION OF CERTAIN ACTIVITIES.

"None of the funds authorized under this title shall be used to fund AIDS programs, or to develop materials, designed to promote or encourage, directly, intravenous drug use or sexual activity, whether homosexual or heterosexual. Funds authorized under this title may be used to provide medical treatment and support services for individuals with HIV.".

SEC. 13. LIMITATION ON APPROPRIATIONS.

Notwithstanding any other provision of law, the total amounts of Federal funds expended in any fiscal year for AIDS and HIV activities may not exceed the total amounts expended in such fiscal year for activities related to cancer.

SEC. 14. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), this Act, and the amendments made by this Act, shall become effective on October 1, 1995.

(b) ELIGIBLE AREAS.—

(1) IN GENERAL.—The amendments made by subsections (a)(1)(A), (a)(2), and (b)(4)(A) of section 3 shall become effective on the date of enactment of this Act.

(2) REPORTED CASES.—The amendment made by subsection (a)(1)(B) of section 3 shall become effective on October 1, 1997.

Mr. KENNEDY. Mr. President, I move to reconsider the vote by which the bill was passed.

Mrs. KASSEBAUM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I want to express my appreciation to the chairman of our committee, Senator KASSEBAUM, for her leadership on this extremely important piece of legislation. It is one of the first major reauthorizations of a program that offers such hope for so many of our fellow citizens.

This is an important day for the Senate and I think for our country. It is an indication of strong bipartisan support, overwhelming support in the Senate, for a program that will provide a degree of hope for hundreds of thousands of our fellow citizens who are afflicted by this epidemic.

This program has been successful in the past. Its need has been documented. It is an expression of compassion for those who are ill to try to make sure that their suffering will be relieved in a significant and important way.

I think it is an extremely important piece of legislation. All of us are grateful to our leaders for scheduling this—Senator DOLE, Senator DASCHLE. I am particularly appreciative on our side of Senator DASCHLE for his strong support and for his continued efforts to make sure that we were going to get an early consideration of the legislation.

I would like to take a moment of the Senate's time to express a strong appreciation for personnel support. I think I speak for the Senate in thanking the members of our staffs who have toiled long and hard and have worked diligently and with very considerable knowledge about this subject matter:

Michael Iskowitz and Seth Kelbourne in my own office. Mike Iskowitz was here with the passing of the first Ryan White legislation and has followed it extremely closely and is very much involved in the strengthening and improvements to this legislation. I am grateful to both of them.

Marty Ross and Jim Wade worked very closely with us, and I am grateful for the common spirit that was so evident by the staff, not only our own staff but the work that was done by many of our other colleagues who participated and involved themselves as well.

I am grateful as well for the various AIDS organizations that came together to run this program effectively. I am mindful that Jeanne White, Ryan's mother, when we first passed this legislation a number of years ago, was in the gallery for that occasion. All of us who continue to work on this program are mindful that it is named after Ryan, her son. Ryan's mother is a strong supporter of this legislation. I think all of us thank her for her continued interest.

There have been many people, not only in the Senate, but also in the House, where this is moving along with bipartisan support, and across the country who have urged the passage of this. I think the overwhelming support from all different political viewpoints that came together in support is really a reflection of the genuine sense of compassion and sense of decency and caring that is really the Senate and our colleagues at their best.

So I thank all those who participated, and I am grateful for their support. We will do everything we can to carry forward in the conference and bring strong legislation back to the Senate.

Mr. President, I am extremely pleased with the action taken by the U.S. Senate. By voting 96 to 3 in favor of the Ryan White CARE Act reauthorization of 1995—the Senate has sent a strong message of hope to hundreds of thousands of Americans living with AIDS.

In communities across this country, the Ryan White CARE Act programs represent America at its best. The Senate demonstrated the capacity to put people before politics and act in the public interest. Today's action will make a world of difference for individuals and families in need.

For 15 years, America has been struggling with the devastating effects of AIDS. More than a million citizens are infected with the virus. AIDS itself has now become the leading killer of all young Americans ages 25 to 44. Its is killing brothers and sisters, children and parents, friends and loved ones—all in the prime of their lives.

Nearly 500,000 Americans have been diagnosed with AIDS. Over half have already died—and yet the epidemic marches on unabated.

The epidemic is a decade and a half old—but almost 40 percent of the AIDS cases in the country have been diagnosed in the last 2 years. One more American gets the bad news every 6 minutes. And since we began the debate last Friday—we have lost another 500 of our fellow citizens to AIDS.

As the crisis continues year after year, it has become more and more difficult for anyone to claim that AIDS is someone else's problem. In a very real way, we are all living with AIDS.

The epidemic has cost this Nation immeasurable talent and energy in young and promising lives struck down long before their time. And in the pages of history our response to this plague—and the challenges it presents—will surely document what we stood for as a society.

America can take satisfaction that in these difficult times we have the ability to do things right. In the case of the CARE Act—we have.

The act contains a series of carefully crafted components that together have reduced in-patient hospitalization and emergency room visits. It has allowed more than 350,000 Americans with HIV disease this year to live longer, healthier, and more productive lives. In a very real way, the CARE Act has saved money and saved lives.

While much has changed since 1990, the brutality of the epidemic remains severe. When the act first took effect, only 16 cities qualified for emergency relief. In the past 5 years, that number has more than tripled—and by next year it will have quadrupled.

This crisis is not limited to major urban centers. Caseloads are now growing in small towns and rural communities, along the coasts and in America's heartland. From Weymouth to Wichita, no community has avoided the epidemic's reach.

We are literally fighting for the lives of hundreds of thousands of our fellow citizens. These realities challenge us to move forward together in the best interest of all people living with HIV and all Americans. And that is what Senator KASSEBAUM and I have attempted to do.

The compromise in this legislation acknowledges that the HIV epidemic has expanded its reach. But we have not forgotten its roots. While new faces and new places are affected, the epidemic rages on in the areas of the country hit hardest and longest.

The pain and suffering of individuals and families with HIV is real, widespread, and growing. All community-based organizations, cities, and States need additional support from the Federal Government to meet the needs of those they serve.

This legislation represents a compromise, and like most compromises, it is not perfect and it will not please everyone. But on balance, it is a good bill—and its enactment will benefit all people living with HIV everywhere in the Nation.

We have sought common ground. We have listened to those on the frontlines. And we have attempted to support their efforts, not tie their hands. The Senate put aside political, geographic, and institutional differences to face this important challenge squarely and successfully.

Although the resources fall short of meeting the growing need, the act is working. It has provided life-saving care and support for hundreds of thousands of individuals and families affected by HIV and AIDS.

The act is about more than Federal funds and health care services. It is also about the caring American tradition of reaching out to people who are suffering and in need of help. Ryan White would be proud of what is taking place in his name. His example, and the hard work of so many others, are bringing help and hope to our American family with AIDS.

Since the beginning, the CARE Act has been a model of bipartisan cooperation and effective Federal leadership. Today that tradition continues and 64 Senators joined Chairman KASSEBAUM and me in presenting this bill to the Senate—and 96 Senators supported its passage. It does not get much clearer than that.

This is an important day for people living with HIV and AIDS and all Americans. We must do more to provide care and support for those trapped in the epidemic's path. And with this legislation, we will.

Mrs. KASSEBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

Mrs. KASSEBAUM. Mr. President, I will just add in support of what the ranking member of the Labor and Human Resources Committee, Senator KENNEDY, has said in acknowledging the support of the leaders, both the majority leader and the minority leader in the Senate, who have been instrumental in helping us move forward with this legislation and final passage.

Mr. President, I am pleased that the Senate has just concluded its action on the Ryan White CARE Reauthorization Act of 1995. As a result of this act, many individuals and families in this country who suffer from the HIV virus will continue to receive compassionate treatment and support services.

As you know, I have not been alone in my support for this legislation. I wish to thank my 65 Senate colleagues who are cosponsors of this legislation. In particular, the ranking member on the Committee on Labor and Human Resources, Senator KENNEDY, has been instrumental in the development and eventual passage of the reauthorization bill.

The development of this legislation has been difficult at times, requiring the personal commitment of many individuals from various organizations. Without mentioning each, I wish to acknowledge their efforts.

Finally, I thank Labor Committee staff who developed and helped orchestrate the passage of this act. In particular, I wish to acknowledge the dedication of Michael Iskowitz and Seth Kelbourne on Senator KENNEDY's staff and Doctors Marty Ross and James Wade on my own staff.

MORNING BUSINESS

Mrs. KASSEBAUM. Mr. President, I ask unanimous consent that there now be a period for morning business, not to exceed 45 minutes, with Senators permitted to speak for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont [Mr. LEAHY] is recognized.

SHOULD THERE BE FEDERAL FARM PROGRAMS

Mr. LEAHY. Mr. President, for the past decade most of the debate on farm programs has centered around the question of "how much should we spend on farm programs?" Now the debate has shifted to whether there should be any programs that provide benefits to farmers. I take the floor today to address this issue.

Let me begin my statement by asking three questions, giving three quick answers, and then explaining why I have come to these conclusions.

Question: Do the historic justifications for farm programs make sense today?

Answer: No.

Question: Should there be any Federal program in which tax dollars are transferred to farmers?

Answer: Yes.

Question: Should farm programs be phased out or continued?

Answer: The next month will decide.

Let us start with the third question—to which I answered, "the next month will decide." It is the heart of this question that the Senate must face this year.

There are two tests that farm programs must meet to merit continued funding.

First, will continued farm program funding mean more food for the hungry; and second, will continued farm program funding mean better management of our natural resources.

Unfortunately the jury is still out on whether the 1995 farm bill will meet these two tests.

Why? First, because some farm groups have proposed taking food from the needy to subsidize wealthy farmers. Second, because some farm groups are trying to repeal a decade of legislation that has brought harmony between agricultural and environmental policies.

Let me make my position clear—very clear. If farm programs become the enemy of the hungry and the environment, I will not support them. Indeed, I will join those on the floor who want to dismantle them.

Now a few words of background.

TIMES CHANGE

A long time could be spent explaining why farm programs need to be changed. It comes down to this. When the Agricultural Act of 1949 was written, 42 percent of rural Americans were farmers and farmers were 15 percent of the U.S. population. Rural Americans were generally poorer than most Americans. An income support program that helped farmers, helped rural America. Today farmers are only 2 percent of the American population and the average farmer is wealthier than the average American.

At one time regulations that required farmers to idle land also helped stabilize some food prices. By and large, there is now very little consumer benefit from the land idling aspects of farm programs. Today land retirement programs function only to control the budgetary costs of the program.

Farm programs are no longer an effective means to promote economic growth in rural America. Farm programs no longer stabilize consumer prices.

NEEDY REQUIRE ALLIES

The other primary justification for the farm programs, has been that they were part of the political arrangement that provided political support for feeding programs. Urban Congressmen supported farm programs in return for rural support of nutrition programs. While every program should stand on its own merits, in a democracy, the needy require allies more than anyone else. Even an unholy alliance makes sense if it helps us to meet our moral obligation to end hunger in America.

Unfortunately earlier this year, during the Senate Budget Committee's consideration of the budget resolution, the farm groups united in an effort to cut nutrition programs in order to increase farm program payments. If this effort produces a major shift from nutrition to farm programs, I will not be able to support farm programs.

UNIQUE NATURAL RESOURCE CHALLENGES

So, should there be any Federal program in which tax dollars are transferred to farmers?

The answer is yes—for two reasons.

First, because farmers face unique problems with natural disasters.

Second, because farmers have a unique role in meeting widely held national natural resource objectives.

First, farmers face unique problems with natural disasters. Droughts, floods, and disease cause catastrophic losses that can bankrupt even the most efficient farmer. Without Government assistance, the private sector cannot provide adequate and affordable insurance to help farmers manage production risk. Thus, a subsidized crop insurance program makes sense.

Second, farmers play a unique role in managing our natural resources. Farms and grazing lands make up 50 percent of the continental United States. It is impossible to successfully regulate such a vast area, even if one wanted to—which I do not. To successfully address natural resource management on private lands, farmers must be part of the solution. The taxpayers are willing to pay farmers to protect drinking water, preserve lakes and rivers, and to be stewards of the soil.

In the 1985 and 1990 farm bills, farm programs were harmonized with environmental objectives. For example, no longer were farmers paid to destroy wetlands. Instead, farm programs began to protect wetlands.

Today some farm groups favor destroying this harmony. They even go so far as to say that farm conservation should only be funded if there is money left after farm subsidies and exports subsides are paid for.

This may make sense to a farmer or a grain exporter. It does not make sense to the public. There is no reason a farmer should be richer than a machine shop owner. There is no reason that the taxpayer should help huge grain exporters control market shares.

So this is the time for testing.

Will farm programs become just another special interest trying to take the last few dollars from the Federal Government before the bank goes broke?

Will farmers accept the challenge of living up to their historic responsibility of feeding the poor and gradually transform farm programs into natural resource management programs?

Wallace Stevens once wrote:

> After the final "no" there comes a "yes,"
> And on that "yes" the future of the world depends. . . .

The next month will decide whether the final answer will be a "yes" on which the farmer and the taxpayer can depend.

I am somewhat dismayed to see the pattern that has grown up over the past decade so suddenly become shattered. This pattern farmers, consumers, and environmentalists working together on the farm bill. Each realized that they would not get every single thing they wanted, but working together, they would better represent the interest of farmers, ranchers, environmentalists, consumers, the hungry, and those who could afford to buy food in this country.

You will find some who want to shatter that kind of coalition, who want to grab their own special interests immediately, almost on "The devil take the hind most." Well, that is not going to happen because some are going to stand up and speak for the "high" most.

I yield the floor.

Mr. THOMAS addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

WELFARE REFORM

Mr. THOMAS. Mr. President, we had arranged, prior to this morning, for the freshman focus to have some time during morning business. Now we have that opportunity. I would like to take that time that was allocated.

As you know, there are some unique insights that are brought to this body by people who are elected, those who have just come through an election who, I think, are perhaps more attuned and more aware of what the electorate, at least in our view, was talking about.

So the purpose of our freshman focus has been to bring that sort of insight to this body. And, frankly, I think we are a little more impatient. We would like to see things move a little faster than the "blinding speed" we have encountered over the past 6 months. We want to talk a little about fundamental change.

The issue that will come before us soon, hopefully, will be that of welfare reform—one of the fundamental changes that obviously needs to be made. I think it is fair to say that, for whatever reason, over the last 25 to 30 years, there has not been a willingness on the part of the Congress to really take a look at fundamental change, to take a look at programs to see, in fact, if they are effective in terms of carrying out the purpose of the statutes; whether or not they are efficient in terms of providing results for the dollars that have been spent; or whether the delivery system has worked well; whether or not there is an opportunity to bring programs, Government, and decisions closer to people by involving the States. Rather, we have had this growth of Federal Government without much consideration of alternatives.

We will soon be entering into the year 2000, a new century. We need to ask ourselves what kind of a government do we want to pass on to our kids and grandkids with respect to spending and with respect to the budget? We will be considering, in the next 2 months, an increase in the debt of $5 trillion. We will be asking ourselves what are the priorities? What should the Federal Government be doing with what is inevitably a finite amount of money? We will have entitlements to the extent that, in 5 years, we will have nothing to spend except in the entitlement programs. I do not think we want to find ourselves there.

So we have an opportunity now to look at some fundamental change. We have done that, I think. I must say that my observation is generally that the folks on the other side of the aisle have resisted almost everything that has come up here. Always there is this idea that, yes, we are for it, whether it be unfunded mandates, line-item veto, or balanced budget. But when we get into it, we find that there is an effort to maintain the status quo. That is frustrating. I think it is frustrating for us, and I clearly believe it is frustrating for the voters in this last election.

It seems to me that one of the measurements of good Government is whether there is a response—if there is a response to public outcry for change. And I think there has been. So we find ourselves now, I think, with the opportunity to take a look at welfare, to look at a program that everyone agrees is useful, and that we should help people who need help to get back into work and back into the private sector.

But let me share just one frustration. We seem to be engaged in a little bit of a game here of perception. Each time we talk about how do we do something better, the argument goes on back to whether you are going to do it or not. You know, we talk about Medicare. There is not a soul that I know of in here who does not want to continue and strengthen Medicare. The choice is not doing away with Medicare or not funding Medicare. The choice is how do you do it? The same is true with welfare. Nobody wants to do away with the opportunity to help people who need it, but we need to find a way to do it in such a way that there are incentives to move off of the program and get back into the private sector, where there are restrictions and limits to the cost, and to develop programs that have some flexibility.

Certainly, our needs in Wyoming are different from those of my friend from Pennsylvania. That is what we are seeking to do.

So, Mr. President, we have strong feelings about it—I suppose no stronger than anyone else—simply because we are freshmen. But maybe we do feel a little of the frustration a little more easily. Maybe we grow impatient a little more easily, and sort of suffer from the movement here. In any event, I think we have great opportunities.

One of the Senators who has done more work in this, I think, than most anyone I know and is very knowledgeable, is the Senator from Pennsylvania. I am glad to see him here on the floor.

WELFARE REFORM

Mr. SANTORUM. I thank the Senator from Wyoming for his comments and again for his leadership in bringing the freshmen to the floor on a regular basis to talk about the issues that are important to us. I rise to talk a little bit about welfare reform.

I want to start by congratulating the senior Senator from West Virginia for his tremendous service in the U.S. Senate. I was in the chair at the time and did not have an opportunity to congratulate him personally, but I listened very carefully to the words that he spoke in receiving the congratulations from the Senate. His talk about the civility of the Senate struck me as a pertinent comment as to what goes on here.

I share those concerns, that the body should be a civil body, and that we should be able to have a civil discourse as to the issues of the day. I also understand that there are certain periods in history where there occurs a fundamental realignment of thinking, where ideas of great magnitude clash that causes, at times, an uncivil reaction to those who are engaged in this ideological struggle.

I think we are at the beginning of one of those times here in America and here in the U.S. Senate. Time will tell whether the election of last year, when we were all elected freshmen, and the changes that were brought here in the U.S. Senate, will be the beginning of a realignment politically in this country and ideologically in this country—a new way of governing in the United States.

We do not know that. I suspect, and in fact, I hope, that is the case. We do not know that. I think there are many here who believe that is what is going on. Not really that different than what happened in the 1960's or what happened in the 1930's during the New Deal where we had a fundamental shift of the role of Government, and people here came with very different views of the way Government should operate.

At times, because of the passion which we feel for our positions, and the distance between one side and the other, things can get a little hot and heated. I hope that we pay attention to what the Senator from West Virginia has said, and try to keep our civility, our level of civility, and our respect for our colleagues and their thoughts—although we may disagree—keep that in mind.

I do not think there is any issue that shows the fundamental difference that is going on in this country, as far as the direction of Government in our lives, than the issue of welfare.

I have been working on that issue, as the Senator from Wyoming knows, for the past 3 or 4 years. I worked on it in the House of Representatives, the chairman of the task force that wrote the House Republican bill last year that by and large passed the House of Representatives this year.

To look at what happened in the debate on welfare in the past 2 or 3 years is an enormous change. Even the bills now being put forward by the leadership on the other side have dramatically moved from the status quo positions that were being offered just a year or two ago by the President.

I am encouraged by that. I think it does show a difference between how we believe on this side—or many believe, not all—to solve problems; how we have been doing it over the long period of years; and how we have been doing it, really, since the 1960's.

We have been doing it with Government perhaps out of Washington, DC, where we attempt to provide for people who are less fortunate, with some Federal direct grant, cash, food stamps, housing, or whatever; but it is run out of Washington. It is administered out of here.

Sure, there are local agencies that actually pass the money through, but all the decisions are made here, and then implemented down at the lower level where the individual just sort of receives the end product, which is usually a check, a stamp, or something tangible—usually not an exchange, other than qualifying because you are low income. There is no work required, no sense of duty or obligation to the people who have provided to give back. In fact, there is discouragement in many cases.

Many believe that is fundamentally flawed. That a system that provides or seeks to provide for the poor, that does not expect anything in return, is a system that is doomed to failure. I think we have seen that it not only results in the failure of that individual in their ability to turn their lives around and come back, but it causes the destruction of the community, the family and the like when you say to someone that, because of their poverty, they are unable to provide for themselves or give or contribute back to society.

That is what, unintentionally, indirectly, has occurred in our welfare system. That is the debate that will occur here in the U.S. Senate, I hope, in the next couple of weeks. We will have a bill on the floor, I am hoping the last week we are in session.

We have been working, and I give a lot of credit to Senator PACKWOOD who has done an absolutely outstanding job in working and trying to pull together the Republicans, with a bill we can come together and move forward with, that is dramatic and in sync with the principles I outlined.

I want to commend Senator DOLE who has been fostering that dialog; Senator GRAMM for staking out a responsible position on the issue and trying to form the debate.

We have a lot of good debate going on over here on this side of the aisle right now but the debate is not about dollars and cents. It is not about how much money we can save on welfare. It is not about how we can punish anybody. It is about one thing. That is, how do we give people who have less opportunity today, more opportunity, so they can live the American dream. That is what it is all about. That is what this welfare reform will be about. That is what our plan is going to be about.

I am encouraged by that. I look forward to the debate. I think it will be a great one here on the floor of the Senate. I want to thank, again, the Senator from Wyoming for reserving this time. I yield the floor.

GUATEMALA

Mr. KERREY. Mr. President, I thank the Chair.

The newspapers today are reporting conflicting information about the CIA inspector general's initial investigation into CIA involvement in murder and human rights abuses in Guatemala. This is an important topic, Mr. President. Following our hearing on this topic in the Intelligence Committee yesterday, I feel obligated to tell the Senate about this investigation and my concerns with it.

This is an important topic because it centers on trust, the trust related to secrecy.

We the effected policymakers—The President and Congress—ask the CIA to collect information covertly. Sometimes we also ask the CIA to undertake covert action in support of U.S. policy, covert action which is supposed to be deniable. To accomplish these tasks, we permit them to operate in an environment of secrecy.

However, with secrecy comes trust. We trust they will not abuse secrecy by using it to cover mistakes or actions which contradict the U.S. law or American values. To be sure they will not, Congress set up the oversight committees to check what CIA is doing, in particular, in secret.

We check by looking and asking. When we ask, we trust the answer we are getting is true. The law says it must be true, and that the two oversight committees must be kept fully and currently informed.

Were we so informed about the CIA's human rights record in Guatemala? Clearly, the answer is no. That being the case, the question then occurs, did CIA employees intentionally withhold information from Congress with the intent to deceive or mislead Congress? That is the core remaining issue in my mind.

Let me review where the investigation process stands right now, so colleagues, perhaps, have a better understanding, if asked, about the reports in the paper yesterday and today.

The report presented yesterday to the Intelligence Committee, the report of CIA IG Fred Hitz, is the first of six reports ordered by President Clinton on the Guatemala-United States human rights relationship.

A second CIA IG report on the cases other than the murders of Michael Devine and Efrain Bamaca will be completed by the end of August.

A Defense Department report on defense relationships in Guatemala will be ready at about the same time.

A State Department report on these cases will be ready in mid-August.

A Justice Department report is in final draft and could be out this week.

All these reports will be reviewed by the President's Intelligence Oversight Advisory Board, which is committed to reporting the results of its own investigation to the President by October 1.

So there is more information coming. The reports in the press are not the final chapter. We, the Congress, are the jury, and the jury is still out.

Let me review what we do know:

First, we know the CIA IG is doing its investigative job well. Fred Hitz' investigators have uncovered new data and organized it with great coherence. It is only because of their complete presentation of the cases that we, Senators, are able to isolate and ask the hard questions.

Second, we know the oversight task of Congress is made more difficult by attitudes of resistance at CIA.

Third, we know the trust which we grant with the right to secrecy is at risk.

Last, we know the CIA effort in Guatemala probably was not worth the loss to the Agency and the United States of being associated with these cases.

But there are some key facts we do not yet know. We do not know yet whether or not the withholding of information was a violation of law.

There is no question information was withheld from Congress. Was the withholding done with the intent to mislead Congress?

There is a question of what happened to the victims? Who killed Michael Devine and the other American victims? Who killed Efrain Bamaca?

Indeed, I think it is important that colleagues understand the investigation ordered by the President is not directed to answer those particular questions but directed, instead, to discover whether our agencies had any involvement with it.

The last question is whether or not the U.S. Government agencies contributed to or abetted any of these crimes, even indirectly. All this is done with the purpose of trying to discover what we can do to prevent events like this in the future. It is not just a simple exercise. It is an exercise that must go forward successfully if the people are to trust that the right of secrecy, the granting of secrecy is deserving of that trust.

In his initial report, Inspector General Hitz has recommended structural changes and cultural changes in the Agency, and Director Deutch has responded forcefully. The changes will come: the structural soon, the cultural over time, because Director Deutch's concept of management accountability will permit no less and because Fred Hitz's display of the facts is so clear and complete.

But the questions of why these events occurred, and what CIA officials at the time intended as they wrote reports to Congress and responded to congressional inquiries—these questions are unanswered. It falls to us, Congress, to apply our judgment and experience to answer them. No one at CIA or elsewhere in the administration can do it for us.

This investigation is about trust in the way we collect intelligence. Sometimes we concentrate so exclusively on the problems in the intelligence community that we forget why we are doing this.

Very simply, there is valuable information out there in the world that is someone's secret. This information is not publicly available. The intelligence community collects that information and combines it with other, perhaps publicly available information, to turn it into understanding.

That way, they can do what they get paid for: getting the right information to the right person at the right time so as to improve that person's chances of success.

Worth asking is who is that person, the recipient of the right information?

First, we have the national policy customer, seeking success in a policy decision. It is the President, the National Security Council, the Secretaries of State, Defense, Treasury. And it is the Congress, too, as we ponder policy decisions, the latest of which for all of us, has been the situation in Bosnia.

It is the military, seeking success in battle, or in protecting our forces, or in preparing a operations plan, or making a weapons acquisition decision. It is the Chairman of the Joint Chiefs, it is a pilot or squad leader in a dangerous overseas deployment, and all the military in between. The intelligence support to these customers cannot be too good, and I know that is Director Deutch's commitment, too.

Next, it is law enforcement, seeking success in arresting a terrorist who has killed Americans or in preventing drugs from coming to this country.

Next, we have economic customers like the Secretary of Commerce and Secretary of Agriculture as they seek success in insuring fair trade practices around the world toward American products and services.

Intelligence ought to be an essential contributor to success in all these areas—we certainly pay enough for it.

We should task intelligence, resource intelligence, and grade intelligence on the basis of threats, and we should rank order the threats:

First, we should task intelligence to know most about the threats that could take away America's freedom and independence.

Second, we should task intelligence against the threats to American lives, with higher priority to the threats that can kill many Americans, such as the nuclear weapons still in Russia, and lower priority to the threats that can kill fewer of us.

These are difficult things to do, to establish these kinds of priorities. But it does fall to us to establish these threats, otherwise it will be difficult for us to make assignments to the intelligence community as to what we, indeed, need in order to make good decisions.

Third, we should task intelligence against the threats that can take away American livelihoods, the threats to our jobs and our way of life.

The new threat environment is a challenge for all of us who came up in the world of one large superpower threat.

Information technology poses another challenge: the sheer amount of information has increased geometrically, but our human capacity to know has expanded more modestly. Through the noise of information overload, the intelligence community must deliver that key secret fact, and make it useful to the customer. So effective dissemination is a challenge.

The technology of collection poses yet another challenge.

It is expensive, the lead times are long, and the targets may change before we are done.

Most important, with satellites we very often have significant uncertainties about whether or not a launch will be successful, or the lifespan of the satellites themselves. We need significant amounts of efforts in research and development to explore new technologies, but we also need to pay our employees and run our current operations, and money, we all know, is tight.

We need to explore dual use of intelligence technologies because if the private sector buys some of these things for their own different purposes, the unit cost to the intelligence agency will decrease. But we have to ensure we don't lose sensitive sources and methods in the process.

Secrecy poses yet another challenge. With the passage of the Soviet threat, a threat that could extinguish our national life, secrecy is less acceptable and should be fundamentally challenged.

We still need some secrecy. We could not otherwise collect and safeguard other people's secrets.

But we should challenge blanket secrecy wherever we find it, and we should support Director Deutch's declassification efforts.

Secrecy connotes trust, Mr. President, as I said at the beginning. We trust people, when we grant that trust, to do the right thing in secret. To me, that is the core issue in the Guatemala case and I hope my colleagues will avail themselves of the opportunity to look at the inspector general's report. The facts are quite disturbing and, I believe, precipitate the conclusion that, though we may not have been intentionally misled, the agency is going to have to change its behavior in order for us to be able to continue to trust that they are following our laws.

Mr. President, I thank the Chair and I yield the floor.

Mr. FRIST. Mr. President, I ask unanimous consent that I be permitted 10 minutes to speak in morning business.

The PRESIDING OFFICER (Mr. COATS). Without objection, it is so ordered.

WELFARE REFORM

Mr. FRIST. Mr. President, I rise to continue the discussion that was begun several minutes ago by my freshman colleagues on the status of welfare in this country today.

Mr. President, since the Government launched the war on poverty in 1963, more than $5 trillion have been invested in the fight. Yet, clearly, poverty is still winning.

Individual dependence upon the State has increased with every Government intervention. Not only are there more people living in poverty today than ever before but, thanks to welfare, whole generations of Americans have lived and died without ever owning a home, holding down a steady job, or knowing the love and support of both a mother and a father.

In the world of welfare, benefits replace work, checks replace fathers, and the Government is the family of first resort.

Illegitimacy has been subsidized on a grand scale, and like other federally subsidized programs, it has grown beyond our wildest imaginings, with the number of children now born out of wedlock now topping 30 percent.

Mr. President, the only thing great about the Great Society is its great size, its great cost, and the great power it holds over the lives of people, who are not only bound to poverty but left without hope.

In my home State of Tennessee, I can testify to the fact that the current welfare system has failed Tennesseans.

In Shelby County where Memphis is located, one out of every four families receives a monthly check from the Federal Government. With taxpayer-subsidized teen pregnancy, and deadbeat dads refusing to accept responsibility for their children, most of those newly entrapped children will have little chance of escaping a lifetime of poverty.

Yet, we continue to measure the depth of our compassion by the number of people who are dependent upon a Government check.

Mr. President, it is time we started measuring compassion by the number of people who are independent, who have hope, and who experience the dignity of work.

It is time we stopped subsidizing illegitimacy and the kind of self-destructive behavior it spawns, and instead encourage responsibility.

It is time we faced up to the fact that the so-called war on poverty is in fact a war on people.

Mr. President, as a physician, I know how crucial it is to match the treatment to the sickness. The wrong medicine can kill, even when prescribed with good intentions.

By continuing to subsidize a system that penalizes people for working, for being responsible for their families, we only ensure that the war on people will continue.

The time has come to look to individuals and to State and local governments, who work closely with ailing communities and who know better than we, what medicine to prescribe, and how to begin the true healing of the conditions of poverty.

Mr. President, I recently met with a group of law enforcement professionals, from throughout the State of Tennessee, who came to advise me on practical, concrete ways to turn communities around.

These men and women, whose cumulative experience in law enforcement exceeds 500 years, are frustrated by Federal programs that provide welfare benefits to convicted felons. They are frustrated by Federal rule of evidence that hamstring their efforts to stop the flow of drugs and the violence that results.

They believe parents should be held accountable for the actions of their children, and they want the authority and the resources to take back our public spaces and make them safe for all Americans.

Mr. President, I call upon the American people to listen to their hearts and to hold fast to their vision. Despite the din of rhetoric in support of the status quo, the American people know that they elected us to do the very thing we are now trying to do.

They asked us to return control of their lives and their Government to local communities.

They asked us to spend their money wisely. They asked us to change incentives, and create a welfare system that promotes work, that strengthens families and that provides an opportunity for all Americans to succeed.

They asked us to do these things because they are compassionate, and we know they are holding us, and our proposals, to a high standard of compassion.

But compassion means that we create a genuine safety net for those who, because of circumstances beyond their control, are truly in need.

Mr. President, the original intent and design of the welfare system was to provide a temporary means of support for those struggling between jobs, or facing insurmountable difficulties. Yet, today's welfare families remain on the rolls for an average of 13 years, counting repeat spells.

Obviously, somewhere along the way, we have lost sight of the purpose of welfare.

For the sake of the children, we must restructure the system. And the first step is to require that those who can, go to work and become self reliant.

Mr. President, in my practice as a transplant surgeon in Tennessee, I witnessed the effects of our misguided welfare system every day.

One out of every three of my transplant patients was below the poverty level. Some tried—and they tried hard—but could not get a job. Some did not want to work. But almost all felt trapped by the current welfare system which pulls families apart.

Caring for these individuals, I heard the same stories, again and again. Young teenage single mothers would explain that the Government would pay them $50 more a month if they moved out of their parents' home, away from their family—and away from the only support system they had to pull themselves out of the welfare trap.

Mr. President, the current welfare system slams shut the window of opportunity. Children trapped in the vicious welfare cycle need answers, and they need them now.

By consolidating programs, we can reduce the costs of bureaucracy and get the money to our children. By giving States the flexibility they need to address their unique problems, we empower them to address the specific needs of our children. By empowering people and communities, we strike a blow at the root of violence and crime and give the streets back to our children. Finally, by creating incentives that promote responsible parenting and individual achievement, we give children hope.

Mr. President, there is a bright side to our current fiscal situation. We have been forced to reevaluate a faulty system.

We have been given the opportunity to regroup, to restructure, and to find new ways of helping those in need.

Those of us who are committed to change have behind us the full force of the American people. Those who argue against these changes have nothing on their side but the dismal history of the past 30 years.

Mr. President, I thank the Chair, and yield the floor.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

FAMILY PLANNING

Mr. SPECTER. Mr. President, I have sought recognition to call attention to the numerous legislative efforts which are now pending which challenge the constitutional right of a woman to choose. And I have decided to do so in light of the action by the House Appropriations Committee last week in eliminating funding for family planning. It had always been my view that whatever political persuasion or position of political spectrum, that the issue of family planning was one where most Americans, if not virtually all Americans, could agree.

When we talk about welfare reform—and there is no doubt about the necessity for welfare reform in America—we are dealing with many children who come into this world where the parents, many married couples, are not equipped to handle them at that stage of their lives both financially and emotionally. And the welfare payments are enormous when we talk about teenage pregnancy, which may be the greatest domestic social problem America faces today, or certainly one of the biggest. Society spends an estimated $34 billion on behalf of families in which the first birth occurred when the mother was a teenager.

When we look at the problem of low-birthweight babies, which constitutes a human tragedy when children are born the size of my hand, weighing as little as 12 ounces, they are human tragedies because they carry scars for a lifetime. Frequently those lifetimes are not very long, but are very expensive to society, costing in the range of $200,000 a child and thousands more each year. It cost society multiple billions of dollars, whereas family planning saves additional costs in medical care. I think this should be agreed upon by everyone.

A few weeks ago, we had a contentious debate in this Chamber about Dr. Henry Foster, and although some may disagree, my view was that Dr. Foster was rejected because he had performed abortions, a medical procedure permitted under the Constitution of the United States.

We now find the legislation offered by the House moving along the track which would deny Federal funding for a woman in a Federal prison who is a victim of rape. What is that woman to do if the Federal Government, which has her incarcerated and is in charge of her sustenance, prohibits funding for a child which is born to her while she is in prison?

What I decided to do, Mr. President, in order to dramatize this situation, which I think is fairly characterized as a wholesale assault on a woman's right to choose—it is not what I decided to do, as the distinguished Presiding Officer knows, but what my staff decided to do. They brought me the idea.

The line which I have submitted here on the situation where there is the dismantling of a woman's right to choose from A to Z is that there is a nationwide campaign under way to dismantle a woman's right to choose. Antichoice forces, frustrated by their failed attempts to achieve a constitutional amendment to ban choice, are urging Congress to impose burdensome obstacles to reproductive health services for women. These changes are far-reaching and will have a devastating impact on women's health.

To show the scope of this effort, my staff and I have compiled the list of actions from A to Z by antichoice forces. This I suggest is a prescription for gridlock.

There is nothing in the Contract With America on abortion. The results of the 1994 election, I submit, were to deal with the key Republican core values of reducing the size of Government, of limiting expenses, of reducing taxes, and not to be engaged in divisive social issues.

In these charts, in a dramatic way, we have listed these issues from A to Z starting with:

A. Amend the Constitution to abolish a woman's right to choose.

B. Banning Federal funding for abortions for women in Federal prisons.

C. Cutting off title X family planning funds to organizations providing abortions with non-Federal dollars.

D. To deny Federal funding for United States representatives to attend the U.N. Fourth World Conference on Women.

E. Eliminate United States funding for international family planning assistance provided by the United Nations Population Fund.

F. Forbid the Legal Services Corporation from handling abortion-related legislation.

G. Gag medical providers at title X family planning clinics to prevent them from discussing abortions as a legal medical option for women facing an unintended pregnancy.

H. Hand over to the States the decision as to whether low-income rape or incest victims are eligible for Medicaid-funded abortions.

I. Impose restrictions on human embryo research.

J. Jeopardize the protections afforded by the Freedom of Access to Clinic Entrance (FACE) Act.

K. Kill nominations of pro-choice Government officials, like Dr. Foster.

L. Limiting the sale and production of RU-486.

M. Mandate that Federal employees insurance exclude abortion coverage, even where the employees pay for it for themselves.

N. Notify parents if minors seek "sensitive" health services such as contraception at title X family planning clinics.

O. Overrule the decision of a graduate medical education accrediting organization to require most OB/GYN residents to be trained in abortion procedures.

P. Promote the appointment of Federal judges opposed to choice.

On that, Mr. President, I have long opposed a litmus test and have supported Justice Scalia, Chief Justice Rehnquist, and Justice O'Connor where their views differ from mine.

Q. Quash the ability of the District of Columbia to use its own revenue to fund abortions for poor women—a right of every other jurisdiction in the United States.

R. Restrict fetal tissue research, an issue which passed overwhelmingly in the Senate when some 80 Senators joined together where it was shown at the hearings that the research was very important for many very serious illnesses.

S. Slashing the funding for domestic and international family planning programs.

T. Terminating funding for family planning programs that either provide abortions with non-U.S. funds or advocate a position on abortion.

U. Undermining the ability of military women stationed overseas to access abortion services by prohibiting military hospitals from performing the procedure, even if paid for with private funds.

V. Violating the right of a doctor and patient to determine whether a certain late-term abortion procedure is appropriate and necessary.

W. Whitewash the true political agenda—eliminating access to abortion for all American women.

X. X-out title X, the cornerstone of Federal family planning programs.

Y. Yielding to the antichoice agenda that rolls back the reproductive rights of American women under the Constitution.

Z. Zeroing out the tax deduction for expenses incurred for pregnancy termination.

Mr. President, I have sought to dramatize the many measures which are underway at the present time. I personally am very much opposed to abortion, but I do not think it is a matter for the Federal Government to regulate. I have supported abstinence programs, especially for teenagers, that emphasize avoiding premarital sex and have supported tax breaks for adoption because I think that is the proper course. But I do not think it is the business of the Government to regulate abortions. I think that our colleague, Senator Barry Goldwater, articulated it correctly when he said we ought to keep the Government off our backs—less regulation—out of our pocketbooks—lower taxes—and out of our bedrooms—the constitutional right of the woman to choose.

The conservative point of view is that the least government is the best government, and I would say that the constitutional protection of a woman on her right to choose ought to be maintained.

Mr. President, I ask unanimous consent that a card listing from A to Z these restrictions be included in the CONGRESSIONAL RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

DISMANTLING A WOMAN'S RIGHT TO CHOOSE . . . FROM A TO Z

Amend the Constitution to abolish a woman's right to choose.

Ban federal funding for abortions for women in federal prisons.

Cut off Title X family planning funds to organizations providing abortions with non-federal dollars.

Deny federal funding for United States representatives to attend the United Nations Fourth World Conference on Women.

Eliminate United States funding for international family planning assistance provided by the United Nations Population Fund.

Forbid the Legal Services Corporation from handling abortion-related litigation.

Gag medical providers at Title X family planning clinics to prevent them from discussing abortion as a legal medical option for a woman facing an unintended pregnancy.

Hand over to the states the decision as to whether low-income rape or incest victims are eligible for Medicaid-funded abortions.

Impose restrictions on human embryo research.

Jeopardize the protections afforded by the Freedom of Access to Clinic Entrances Act.

Kill nominations of pro-choice government officials.

Limit the sale and production of mifepristone (RU-486).

Mandate that federal employees' insurance exclude abortion coverage.

Notify parents if minors seek "sensitive" health services such as contraception at Title X family planning clinics.

Overrule the decision of a graduate medical education accrediting organization to require most ob/gyn residents to be trained in abortion procedures.

Promote the appointment of federal judges opposed to choice.

Quash the ability of the District of Columbia to use its own revenue to fund abortions for poor women—a right of every other jurisdiction in the United States.

Restrict fetal tissue research.

Slash funding for domestic and international family planning programs.

Terminate funding for international family planning programs that either provide abortions with non-U.S. funds or advocate a position on abortion.

Undermine the ability of military women stationed overseas to access abortion services by prohibiting military hospitals from performing the procedure, even if paid for with private funds.

Violate the right of a doctor and patient to determine whether a certain late-term abortion procedure is appropriate and necessary.

Whitewash the true political agenda—eliminating access to abortion for all American women.

X-out Title X, the cornerstone of Federal family planning programs.

Yield to the anti-choice agenda that rolls back the hard-won reproductive rights of American women.

Zero out the tax deduction for expenses incurred for pregnancy termination.

Mr. SPECTER. I thank the Chair and yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that further proceedings under the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The period for morning business is extended for leader time.

Mr. DOLE. Leader time was reserved, right?

The PRESIDING OFFICER. The Senator is correct.

KOREAN WAR MEMORIAL

Mr. DOLE. Mr. President, in June 1950 the Communist North Korean Army invaded the Republic of Korea in an all-out effort to extinguish the light of freedom.

Although America was weary of war, we came to Korea's defense and joined with many other nations to repel this unprovoked assault.

From the start of the war until the Korean armistice was signed in July 1953, almost 1½ million Americans stood shoulder to shoulder in the fight for freedom.

Inchon, the Chosin Reservoir, Old Baldy, Pork Chop Hill—all were the locations of famous battles, and all bore witness to American courage and sacrifice in the face of unspeakable hardship.

And at the war's end, over 54,000 Americans had made the ultimate sacrifice. More than 100,000 were wounded. And over 8,000 were missing in action.

One of those who made the ultimate sacrifice was Ens. Jesse Brown, America's first black naval aviator. And his story bears repeating.

In December 1950, Ensign Brown was a member of Fighting Squadron 32, aboard an aircraft carrier somewhere off Korea. He flew 20 close air-support missions, providing cover for our outnumbered marines at the Chosin Reservoir. The battle was fierce; our men on the ground were in a desperate situation.

On December 4, 1950, Ensign Brown's aircraft was hit while making a strafing run against the enemy. With tremendous skill, he managed to crash land on a rough, boulder-strewn slope. He survived the crash, waving to his friends as they circled overhead.

They knew he was in trouble, however, when he remained in the cockpit when smoke began to billow from the wreckage. Finally, a fellow member of the squadron could stand it no longer. As the others attacked and held off advancing enemy troops, Lt. Thomas Hudner ignored the dangers of the mountain terrain and enemy troops, and made a deliberate wheels-up landing.

He ran to Ensign Brown's plane, now erupting in flames, and found his friend alive, badly injured, and trapped in the cockpit.

Lieutenant Hudner shoveled snow with his hands to keep Jesse from the flames, burning his own hand badly in the process.

Finally, a Marine helicopter arrived. Lieutenant Hudner, joined by a crewman from the helicopter, struggled desperately to get Jesse out.

Unfortunately, Ens. Jesse Brown died on that slope in Korea.

As President Eisenhower said, Jesse Brown and all those who fought in Korea proved "once again that only courage and sacrifice can keep freedom alive upon the Earth."

Unfortunately, as time passed by, the courage of our soldiers and the rightness of our cause seemed to be forgotten, as the Korean war was buried in the back pages of our history books.

This week, however, with the dedication of the Korean War Memorial here in Washington, DC—in fact, at about 3 o'clock today—Americans join together to pay a long-overdue tribute to the men and women who sacrificed in this so-called forgotten war.

As inscribed at the site, the Korean War Memorial honors the "sons and daughters who answered the call to defend a country they never knew and a people they never met."

The haunting images of 2,400 soldiers and the rugged figures of a combat patrol remind us of the Americans and of their allies from 21 other nations who responded when freedom was threatened.

The lessons of the Korean war are clear: There are no quick and easy fixes to preserve freedom. And there is no substitute for American leadership.

Mr. President, it is with great pride that we honor the sacrifice and the legacy of our Korean war veterans. Let us proudly remember their sacrifice and build on the legacy they earned.

EXTENSION OF MORNING BUSINESS

Mr. DOLE. Mr. President, I ask unanimous consent that morning business be extended until 2:15 p.m., with Senators permitted to speak for not more than 5 minutes each, unless they get consent, of course.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. DOLE. Mr. President, we are still waiting. We have people negotiating on the so-called gift ban. We hope to have some report by then. We would like to complete action on that today. I hope we can complete action on that today.

Mr. KYL addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

KOREAN WAR MEMORIAL

Mr. KYL. Mr. President, since I will be taking the chair in 5 minutes, I will confine my remarks. Let me begin by complimenting the majority leader with his very fine remarks just delivered with respect to the Korean War Memorial. He spoke eloquently, and I think his remarks really typify what all of us remember and feel now about that war and the people who represented our country in that conflict. I want to compliment the majority leader on what he has just said.

GIFT BAN

Mr. KYL. Mr. President, I would like to make a few remarks about the gift ban, which we will be going to shortly, because there will not be adequate time to describe our feelings with respect to this and, therefore, I thought I would take a moment right now.

It seems to me we need to act, we need to act fairly quickly in order to improve the law that deals with the kind of gifts that Members of the Senate can receive.

There are three particular reasons why we need to do this. In the first place, undue influence is a factor. While I cannot think of a situation in which a Senator's vote has been bought by a lobbyist, the fact of the matter is that taking gifts creates undue influence. It needs to stop. I think reforms in this area will stop it.

Second, there is a perception in the public that the Senate takes a lot of gifts. While it is not necessarily true, the fact any gifts are received helps to contribute to that perception. We need to deal with that perception problem and not taking gifts, or at least any kind of significant gifts, will help deal with that.

And third, taking things because of our position becomes a way of life for some Members. In some cases, there is absolutely nothing wrong with it. A very elderly Indian woman who had been standing at a meeting for over 1 hour out in very cold temperatures in northern Arizona one day when I was finished, and when I began to walk away, slipped a ring, a turquoise ring into my hand and then quickly melted away into the crowd. I understood the significance of that, and I will never forget that as an expression on her part of appreciation of what I was attempting to do and nothing more than that.

So some gifts can be very touching, and they are as important to the giver as they are to the receiver.

By the same token, some gifts become a way of life. I am going to step on some of my colleagues' toes when I say this, but, frankly, there are things permitted by the rules today that we simply ought not to permit. The legislation that is being crafted now, I hope, will prevent this kind of activity from occurring and, as a result, will deal both with the problem of undue influence and the problem of public perception.

I speak of one example, and that is attendance at charity events. Mr. President, you know charities love to have us in attendance. They love to put our names on the invitation list, on the honorary committee. It lends credence and credibility. We all support charities in that way. We will attend the dinner to lend our support and attend the charitable event.

Obviously, the group will many times ask us to come as a guest of theirs. We do that and we do it willingly and, obviously, that does not buy anything in terms of votes. That would continue to be permitted.

But the other kind of participation in charitable events is not so benign. That is the charitable golf tournament or other things as well, but I will use the golf tournaments.

As I say, I will step on some people's toes. The fact of the matter is, when someone flies us a couple of thousand miles away to a resort community to play golf because our presence there somehow makes it a more attractive event for the people who are paying money to attend but we get the free evening and the meal and the drinks and all the rest of it and the free golf game and, frequently, a free putter, whatever, that goes beyond simply lending our name and presence to an event that has a charitable purpose.

I think it is wrong and, therefore, I support the kind of reform which would preclude us from accepting recreational benefits in conjunction with our participation in these kinds of charitable events.

Again, Mr. President, I am just singling out this one example to illustrate the difference between the kind of things that have historically been felt to be OK and we do not think anyone would criticize us for doing, supporting a charity, and, on the other hand, those kinds of things which have crept into the Senate business over time to give us benefits that the general public does not have.

Most people do not get invited to charitable events and given a free putter and a free trip and free meals and, most important, the free golf game. The tee costs of this are significant.

So the rule I support says if you want to participate in a charitable event, be our guest, but you have to get there on your own and you have to pay your own costs for participating; they cannot give that to you. If they want you to attend the dinner with them, fine, but you cannot go there for the purpose of getting some benefit that ordinarily people do not get, such as a free golf game and a free trip to a resort community.

That is the kind of thing which, frankly, gives us a bad name, and it may or may not, in some cases, lead to the argument that there has been undue influence created as a result of the people who are actually paying for the event.

So, Mr. President, I think my time has expired. I simply want to begin this debate by saying we will have some tough choices, but we have to enact reforms. It is the only way that we will prevent undue influence, on the one hand, and, second, end some of the perception problems that the Senate has, and at the end of the day our Government can exist and function only so long as the people have confidence in it, and that means confidence in the people who represent them. Thank you, Mr. President.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I ask unanimous consent to speak for 10 minutes in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator is recognized.

CONGRATULATIONS TO SENATOR BYRD

Mr. DORGAN. Mr. President, I want to add my congratulations to those of my colleagues for Senator BYRD today. He was celebrated for casting his 14,000th vote in the U.S. Senate. I know this is a time when it is popular sport to denigrate both the body politic and politicians. But we ought to understand that our country for nearly 200 years has been served by a wonderful array of statesmen and women who have often provided decades of service to preserve and strengthen our democracy.

When I hear these days of the slick ideas that some people put forward in order to solve the political dilemmas in our country, whether it is term limits or some other quick fix, I am reminded of the history of our country. I am reminded of the history of service by Clay, Calhoun, Webster, Goldwater, Humphrey, Taft, yes, BYRD, and DOLE, and so many others, who come and serve, often with great distinction, and contribute a great deal to our country.

It is not purely an accident that our country has become a world power, a country that tackles problems most other countries will not even admit exist, a country that is incredibly self-critical from time to time, but nonetheless a country that has progressed in many areas beyond most countries in the world. It is not an accident.

It results, I think, partly from the genius, inventiveness, and risk-taking ability of those in the private sector in a capitalistic system, who advance this country's interests. But it also results from the judgment and compassion and wisdom of the line of leaders that stretches back 200 years, leaders who were willing to serve in the public sector and help create a democratic form of Government that works—and works better than any in the previous history of the world.

So I wanted, today, to stand and commend and pay tribute to Senator BYRD. I did not know much about him. I did not know what to think about him, frankly, before I came to the Senate. I obviously knew about him, read a lot about him, and watched him work. But I have had an opportunity now to study more closely his contributions to this Senate, and he, in my judgment, has created a lasting legacy of great significance to this body. He, of course, has many years yet to serve. But let me join Republicans and Democrats today in saying congratulations to someone who has devoted so much time to performing his duty for our country.

LIFTING THE ARMS EMBARGO IN BOSNIA

Mr. DORGAN. Mr. President, I want, for a brief moment, to comment about the vote yesterday on lifting the arms embargo on Bosnia. I did not speak at great length on the issue, but I was enormously troubled by it. We have voted on this a number of times in the past, and I have always resisted lifting the arms embargo, not because I did not want it to be lifted; I did, but I felt it inappropriate for us to do so unilaterally.

Yesterday, finally, I decided to vote to lift the embargo. As I said, I was enormously troubled by that vote. It was a difficult decision to make. But I felt it was a necessary decision to make. We cannot, it seems to me, sit by week after week and month after month and watch what is happening in Bosnia to innocent victims of that war. This is a war in which one side is heavily armed and the other side is prevented from getting sufficient arms to defend themselves. And I believe that we are doing something that represents the right course in that region of the world.

It is true, I think, that lifting the arms embargo will mean more arms in the region and perhaps an acceleration of the war. That may be true. But it is also true today that the Serbian army is marching in Bosnia, and it is moving into safe havens where the Bosnian Moslems have turned in their heavy weapons. When somebody says, "Why did the people not defend themselves?" it is because they could not get weapons with which to do so.

It is clear that the United Nations and UNPROFOR could not keep the peace. It is hard to keep peace where peace does not exist. You presumably can keep the peace if you have peace. But there is no peace in Bosnia.

The question, it seems to me, posed to us yesterday, finally, was, if our allies and the United States cannot and will not be able to provide protection for these Bosnian Moslems, should we not finally decide to give them the weapons with which to protect themselves? To say "yes" to that and do something unilaterally, we may very well anger our allies. That is not a wise course. Our allies are important to us. After all, the United States does not have troops on the ground in Bosnia. We have chosen not to want to do that. I support that decision. I think we should not move American troops to Bosnia.

But other countries have. Young men and women from around the world, especially young men from Great Britain, young men from the Ukraine, young men from France, young men from the Netherlands have been on the ground in Bosnia risking their lives. And it is difficult for us to say to our allies, because they have put their troops in harm's way, to say to them, "Your opinion does not matter to us; you are wrong." That is a difficult thing for us to do.

Lifting the embargo may, it seems to me, provide the kind of impetus that could fracture very important relationships that we have. Yet this is not just a geopolitical discussion. This is not some political intrigue or dialog between us and the rest of NATO. This is about whether families in Bosnia has the right to defend themselves against aggressors who are heavily armed.

I told my colleagues once previously that some months ago I was watching on television a story of a young Bosnian woman who had been critically injured with some 21 shrapnel wounds and lay in the hospital in critical condition for some long while. The attack that gave her these critical wounds killed both her parents, spared her brother, but critically wounded her. The story I saw about this young woman moved me so much that I sought to find a way to bring this young woman to America. I am pleased to say she is now in our country. She was granted humanitarian relief. She has been allowed to join her brother in this country.

The day that I met her airplane at Dulles Airport, I will never forget what she said about our country. This young woman, living by herself in a single room, reading by candlelight at night, having lost both of her parents killed in a mortar attack, and her brother having been able to flee, had not herself been given the opportunity to leave as well and come to our country.

With tears in her eyes, she described the horror that was visited upon so many families in her country. She talked of the hope with which she viewed our country, the feelings that she had about being able to live where there was not daily shelling and was not the risk of death and mayhem all around her.

It is probably difficult for any of us in our country to understand the daily life of those whose lives are at risk in Bosnia. Nobody in this country can, it seems to me, look at the carnage that exists and the horror visited upon these people and say, with good conscience, that it does not matter. It matters to the world. It must matter to us. We must find ways, all of us, in the world to care when these things occur and to find ways to try to dampen the fires of war and to try to snuff out the horrors visited upon innocent people all around the world.

I have voted from time to time to send American troops into various parts of the world. I have voted to help fund exercises to respond to various troubles in the world. You cannot take a look at a famine in parts of Africa, where 2 million people risk death, and say it does not matter. You cannot hear somebody who comes back from Africa and says, "I watched 40-year-old women routinely climb trees to try to pick leaves off trees because it was the only thing to eat," and say, "That just does not matter. That is halfway around the world, and I do not care."

We must, as a country, care about these things. We must care about the starvation that exists in parts of Africa. We must care about the killing and carnage that exists in Bosnia. That does not mean that we are the world's policeman and must send troops everywhere, but it does mean that we have a responsibility, with others around the world, to try to respond to the winds of hunger that kill 45,000 people a day in this world.

And so we must respond to the ravages of war that threaten so many men, women, and children in Bosnia. I must say the vote yesterday was a very troubling vote for me because I have previously voted not to lift the arms embargo. But there comes a time when there is no choice. We must, it seems to me, in good conscience, give the Bosnian Moslems the opportunity and means with which to defend themselves against the terror of this war.

Mr. President, I yield the floor.

BRIG. GEN. MICHAEL R. LEE

Mr. KOHL. Mr. President, I rise today to honor the remarkable record of public service of Brig. Gen. Michael R. Lee, the commander of the 440th Airlift Wing based on General Mitchell International Airport Air Reserve Station, Milwaukee, WI. General Lee is also responsible for the wing's subordinate groups, the 910th Airlift Group in Youngstown, OH, and the 928th Airlift Group in Chicago.

He began his military career in the Reserve Officer Training Program at

Oregon State University. There in 1963 he earned an undergraduate degree in business administration. After receiving his commission he went to James T. Connally Air Force Base in Texas where he completed his navigator training and went on to B-52 crew training at Castle Air Force Base in California. He then served until 1969 as a B-52 navigator at Fairchild Air Force Base in Washington.

While General Lee left active duty in 1969, he continued to serve his country as a pilot in the Air Force Reserve. At Hill Air Force Base in Utah he flew C-124 transports while working as a stock broker. General Lee began to move up through the chain of command taking on more responsibility and demonstrating his strong leadership skills. During his distinguished career he has served as chief of operations plans for the 940th Air Refueling Group in 1977, in 1981 he was transferred to Headquarters 4th Air Force at McClellan Air Force Base, CA, as the director of tactical aircraft.

In 1986 General Lee received his first command as commander of the 914th Tactical Airlift Group in Niagara Falls. He returned to McClellan Air Force Base in 1988 becoming the deputy chief of staff for operations at Headquarters 4th Air Force. He took command of the 445th Military Airlift Wing (Associate), at Norton Air Force Base in California and assumed his current position as commander of the 440th in Milwaukee in April of 1991. Recognizing his leadership skills and ability to earn the respect and best efforts of the men and women who serve under him, Mike Lee was promoted to the rank of brigadier general on August 12, 1992.

General Lee is a highly decorated officer with more than 5,500 flying hours. His tireless service has earned him the Legion of Merit, Meritorious Service Medal with two oak leaf clusters, Air Medal with four oak leaf clusters, and an Air Force Commendation Medal. These honors are well deserved as the 440th, under General Lee's leadership, earned an unprecedented five awards, including Best Air Mobility Wing in 1993 at the Air Mobility Command's Worldwide Airlift Rodeo, and received his second Air Force Outstanding Unit Award in its history.

Perhaps his greatest achievement while he served at the 440th was saving the Air Reserve Station at General Mitchell International Airport, from being closed. Joining forces with the local community and political leaders, the men and women of the 440th succeeded in convincing the Base Closure and Realignment Committee that their base was too valuable to be closed. I had the pleasure of working with him in this effort and was impressed with his hard work, professionalism and his ability to build such a broad coalition of support from across the State on short notice.

Unfortunately for the 440th he will be leaving us to become the commander of the Air Force Reserve 22d Air Force at Dobbins Air Force Base in Georgia. There he will lead more than 20,000 Reservists in 14 States, control over 70 aircraft, 9 reserve wings, and 19 flying squadrons. He will be sorely missed in Wisconsin but he leaves behind one of the most capable and combat ready forces in the Air Force Reserve. General Lee is moving on to new challenges and opportunities and I wish him, along with his new wife, all the luck in the world, and success in all his future endeavors.

WAS CONGRESS IRRESPONSIBLE? CONSIDER THE ARITHMETIC

Mr. HELMS. Mr. President, before discussing today's bad news about the Federal debt, how about "another go," as the British put it, with our pop quiz. Remember? One question, one answer.

The question: How many millions of dollars does it take to make a trillion dollars? While you are thinking about it, bear in mind that it was the U.S. Congress that ran up the Federal debt that now exceeds $4.9 trillion.

To be exact, as of the close of business yesterday, Wednesday, July 26, the total Federal debt—down to the penny—stood at $4,941,608,987,271.97, of which, on a per capita basis, every man, woman, and child in America owes $18,758.43.

Mr. President, back to our pop quiz, how many million in a trillion: There are a million million in a trillion.

RECESS

Mr. HELMS. Mr. President, I believe there is no Senator seeking recognition. On behalf of the majority leader, I ask unanimous consent the Senate stand in recess until the hour of 3 p.m. today.

There being no objection, at 2:09 p.m., the Senate recessed until 3 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. GORTON).

The PRESIDING OFFICER. The Presiding Officer in his capacity as a Senator from the State of Washington notes the absence of a quorum.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. THOMPSON). Without objection, it is so ordered.

Mr. ROCKEFELLER. Mr. President, I ask that I be allowed to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE 30TH BIRTHDAY OF MEDICARE

Mr. ROCKEFELLER. Mr. President, I wish I could rise only to spend these few moments celebrating a very important birthday of Medicare. It is the way 37 million Americans get their basic health protection. Medicare is turning 30 years old this Sunday. For three decades, Americans have been able to rely on health care benefits in their later years thanks to something called Medicare.

Medicare was not born overnight. It had a long gestation period, ever since President Roosevelt shared his vision in the 1930's of a nation which guaranteed both financial security to its citizens and also health care security.

As we all know, changing anything to do with health care does not happen overnight. It certainly did not happen over the last 2 years of nights or days. And it is hard to do. From the 1930's to 1965, which is a long period in this Nation's history, when President Johnson in fact signed the Medicare bill into law, special interests, parts of the medical community—sadly, large parts of the medical community—and plenty of politicians did everything they could to keep the dream of Medicare from becoming a reality.

Today, however, we have to do more than celebrate Medicare's birthday. The question is whether Medicare will be there for seniors and their families for the next 30 years.

Now, I do not mean to say that Medicare is going to cease to exist. Obviously, it is going to be there in some form. But when I look at a budget resolution that takes $270 billion over 7 years from Medicare and just happens by coincidence to give away $245 billion in tax cuts over that same period, unspecified tax cuts, the alarm bells tend to go off. Medicare was not enacted to be a piggy bank for tax cuts. Medicare is in fact a sacred part of America's vision and America's promise. I think of Geno Maynard, Sue Lemaster, and John and Betty Shumate.

My colleagues obviously do not know who these fine West Virginians are but every Senator represents thousands of people like them. Geno Maynard is 78 years old and lives in Kenova, WV. Sue Lemaster is 83 years old and lives in Follansbee. She is on oxygen all the time. John and Betty Shumate live in Beckley. That is in the coal fields of West Virginia. They are four of about one-third of West Virginians who depend on Medicare for their health.

They all recently told me when I visited them in their homes that they are very worried. I did not tell them to be worried. They are worried. They are scared. The annual income of the average Medicare recipient in West Virginia is less than $11,000—$10,700, to be precise. That is not much money. That is their income from everything they get—Social Security, black lung, whatever it might be, any investments left over, and probably not much of that—$10,700. So they are very worried because cutting Medicare by $270 billion sounds suspiciously to them like they are going to have to pay more for less, and I think they may be right.

This is a very big worry for these four West Virginians as they quite flatly told me because they do not have any more money to spend on health care.

Yes, they could sell their house. West Virginia has high ownership of houses. They could sell their house. I think that is sort of an unreasonable thing to require to get health care in this country when people have worked over the course of their lives.

And then, of course, on average, seniors already spend 21 percent of their incomes on health care expenses. That is three times more than the rest of us. They spend money on benefits that are not covered by Medicare, the largest of which, of course, is prescription drugs. And that does not include eyeglasses and hearing aids and Medigap policies to cover Medicare's cost-share requirements, which can be very hefty.

Mr. President, I would love to have, quite frankly, as a member of the Senate Finance Committee and someone who ranks on the Medicare Subcommittee, I would love to have more details on exactly what the Republican budget will mean for these poor West Virginians. I do not think that is unreasonable. We are talking about a lot of money—$270 billion. I can tell my people that a budget has passed that will cut $270 billion from Medicare, but what does that tell them? That simply gets them, naturally, scared. But where? In what form?

I can tell them that the Republican budget will cut another $182 billion from Medicaid, which hard-working families rely on as the last resort to get into a nursing home. People think of Medicaid often as just representing poor people. You know, not everybody gets to be born a Rockefeller so there are a lot of poor people. A lot of them cannot help it. Some of them could, but most of them cannot. And when they have to go into a nursing home and they do not have any family around, guess who pays 7 percent of the cost of that in West Virginia? Medicaid.

So these cuts are potentially devastating. And as seniors think about them in the raw number, the aggregate number, their imaginations run wild. They sort of think of the worst-case scenario. I do not know whether there is a worst-case scenario or not, but I ought to know. I ought to know as a U.S. Senator on the Finance Committee. I ought to know that. I care about health care.

I can tell them that the experts agree that a total of $450 billion in health care cuts will have to mean less benefits at a higher cost and lower payments to providers and, incidentally, cost-shifting right onto business.

And I can show them that the same budget just happens to put $245 billion into tax cuts. And if you did not have, let us say, all those tax cuts to whomever they are going to go, that would leave really a very small cut for Medicare or maybe a cut for Medicare and a cut for Medicaid, but it would be much, much smaller. And, incidentally, the Republican budget has increased funding for defense.

But until we get more details on where and how these savings are going to be run out of Medicare, this Senator is sort of helpless as to how to give the people I represent any help, any sense of a roadmap for their own personal futures.

There is no shortage of packaging around the Republican budget. It is the content I am trying to get hold of. My colleagues on the other side of the aisle argue that they are only trying to strengthen Medicare, saving the program, as they put it. Give me a break.

First of all, I watched the very same Senators vote against previous budget packages that included careful steps to keep Medicare strong and keep Medicare affordable. They voted no. Now they are saying, "Cut."

Second, taking $270 billion from Medicare while handing out $245 billion in tax cuts does not exactly sound like a way to shore up the Medicare trust fund. I can try on that, but I cannot get very far.

So we have until the year 2002 before the Medicare trust fund is insolvent. We know that. We say that. And we ought to be doing something about that. We should spend our time here working out responsible steps that put every last dime of Medicare savings into that trust fund. You know, the effect of the $270 billion cut on Medicare—people might say, "Well, that is going to save Medicare." Well, there is an argument, Mr. President, as to whether it extends the life of the Medicare trust fund by 3 years, 4 years or 5 years, but not 6, 7, or 8. The optimists hope for 5, the pessimists for 3, but no more. And that is not exactly saving Medicare.

So, the Republican budget is designed to raid, not save, the Medicare Program. I believe that. I firmly, fully believe that. Medicare's money is going to be used to finance tax cuts for the wealthy. It is that simple. I am not amused by that. We have been through that before. That is what the 1980's were all about. Our country did not prosper. In fact, this is not a very amusing subject in any way, shape or form. It has nothing to do with assuring long-term solvency of the trust fund. It has nothing to do with making sure the Medicare Program continues to provide high-quality health care for our country's senior citizens and the disabled. It has everything to do with a Republican contract on America. That is what it is called, Republican Contract With America, and Republican promises to balance the budget in 7 years and hand out tax cuts to the rich. Do you think that is political? Maybe it is. But it also happens to be the truth.

Mr. President, I have introduced a bill to set up a Medicare commission to make recommendations on how to guarantee, in fact, the long-term solvency of the Medicare trust fund. Decisions on the future of the Medicare Program should be made outside of partisan debate on how to balance the budget.

What does a 7-year, arbitrarily picked 7-year balance-the-budget exercise have to do with the future of the Medicare Program? Virtually nothing except in this case everything because they are using Medicare to do that. The budget resolution puts the Medicare Program into a financial straitjacket that does not take into account the health care needs of seniors or the disabled. It ignores the heavy reliance of rural hospitals on the Medicare Program.

Mr. President, there is not a hospital in the State of West Virginia that I can think of that does not depend on Medicare and Medicaid for between 65 to 75 percent of its revenue stream. I cannot think of a single hospital at this moment in West Virginia where something other than Medicare and Medicaid is contributing more than 30 percent or 35 percent or 20 percent or 25 percent to the revenues of the hospital. So you mess around with Medicare and Medicaid, you are messing around with the solvency of hospitals, and particularly rural hospitals.

So what will happen, of course, is that small, rural hospitals will have to shut their doors. My hospital administrators do not speculate on that. They know that. And they can tell you which ones they will be. And it just so happens that one-half of all of the seniors in West Virginia live in rural areas where these hospitals are.

Now, Mr. President, I assume that in September the Finance Committee will get around to submitting its reconciliation plan to the Budget Committee. That means in less than 60 days—in less than 60 days—the Finance Committee will probably have to vote on a plan to take $450 billion from two health care programs that care for the elderly, the poor, poor children, many pregnant women, and the disabled, a plan we have not seen yet. Just read the newspapers. This is, in my judgment, a deliberate strategy to push each and every budget-related bill up against deadlines to threaten the shutdown of the Federal Government, to put pressure on the President and the hope that the fireworks will drown out what it really means to something called "real people" in West Virginia and other parts of this great country. And those real people include 37 million folks on Medicare.

I just read—not that I am on the mailing list—an interesting memo from a Republican pollster that tells his audience that seniors are "PAC oriented" and "susceptible to following one very dominant person's lead."

I guess this is the kind of advice that leads to all kinds of delays in the budget process and the packaging around Medicare that we are most definitely seeing.

So I have joined with all the Democrats on the Senate Finance Committee and all the Democrats on the Senate Budget Committee in a letter to the majority leader asking for a copy of the Republican secret plan to cut Medicare by $270 billion, and to have this before the August recess. Is that an extraordinary or somehow terribly unfair request? That will give us at least a few weeks to discuss the biggest cuts in Medicare's history with something called our constituents, about whom we presume to care.

We need to know what seniors and their families, who count on Medicare to pay their medical care bills, think about these changes and how they will be affected. We have to know that. We have an obligation to know that. It would be a travesty for this contract to enact major massive changes to the Medicare program and not to be able to share any details with seniors, with their families, before the Senate is asked to vote on it.

Then, if all this comes to a reconciliation bill, it is my understanding, and the Parliamentarian can correct me if I am wrong, that we will have a total of 20 hours of debate on the floor of the Senate—20 hours, no more—to discuss thousands of things in the reconciliation bill. I think that is what some people on the other side of the aisle want.

Mr. President, the solvency of the Medicare trust funds is too important to be left to politics as usual.

The Republican suggestion that the Democrats are uninterested in doing what is necessary to put Medicare on sound financial footing does not ring true to me. Going back to the days of President Roosevelt, it was Republicans in Congress who voted against its creation, and it is now Republicans in this country who pose a real threat to Medicare's future. They will keep on saying they are saving Medicare, but raiding Medicare is what they are doing, and that is no way to rescue Medicare.

There is nothing partisan about the West Virginians who turn to Medicare when they retire. I have no idea of the politics of the four people that I mentioned. I have no idea if they are Republicans or Democrats or Independents or unregistered. It makes no difference. I represent them for whatever and whoever they are. In this case, they are older, they are scared and they are human beings. My job is to represent them in the Senate, the only place I can, and that means preserving the meaning and promise of Medicare.

I think, generally speaking, although sometimes some of my colleagues from the other side will tease me, I do not consider myself a particularly partisan Senator. But on this matter, the $450 billion of cuts in Medicare and Medicaid, with $245 billion of tax cuts available for who knows who, I am partisan and I am mad, and I am mad on behalf of my people from West Virginia, which is not the richest State in the country. Nobody in West Virginia gets anything without working hard. Everybody has to fight, and the least they deserve is some truth and some leveling from their Congress.

So I close by saying I hope in this week that Medicare turns 30 that we will be reminded what Medicare's future means to something called the dignity, something called the peace of mind and something called the quality of life for many millions of older Americans.

I thank the President and yield the floor.

Mr. MCCONNELL addressed the Chair.

The PRESIDING OFFICER (Mr. GREGG). The Senator from Kentucky.

EXTENSION OF MORNING BUSINESS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that morning business be extended until the conclusion of my remarks.

I say to my friend from Michigan, who I know is concerned about the length of my statement, that it might run slightly past 4 o'clock, and I estimate not much.

Mr. LEVIN. Reserving the right to object, and I will not object. Parliamentary inquiry, Mr. President, what will be pending at the conclusion of the remarks of the Senator from Kentucky?

The PRESIDING OFFICER. The gift reform bill.

Mr. LEVIN. S. 1061.

The PRESIDING OFFICER. S. 1061.

Mr. LEVIN. I thank the Chair.

ETHICS COMMITTEE HEARINGS

Mr. MCCONNELL. Mr. President, on July 14, the Senate Ethics Committee received a letter from the junior Senator from California which threatened that if the committee did not take a specific procedural action in an ongoing case, the Senator from California would pursue a resolution on the floor compelling the committee to take that action. In fact, the letter went so far as to stipulate a deadline for the committee's action, saying, "I plan to seek a vote on the resolution requiring public hearings unless the select committee takes such action by the end of next week."

That deadline expired last Friday, July 21. That Friday afternoon, I came to the floor and informed the Senate the committee would not meet that day, nor would it schedule a future meeting that day. I said we would not respond to any attempts to threaten the committee. I assured the Senate that everyone on the committee would like to complete work on the case now before it, but perhaps we needed a cooling-off period, and I assured the Senate that as long as the threat of the Senator from California remained, the cooling-off period would continue as well.

It is now the afternoon of Thursday, July 27. Four long legislative days have come and gone since the artificial deadline expired. It has become evident that the Senator from California has elected not to proceed with her resolution, at least at this particular time. Although we were fully prepared to provide floor time and debate the matter and have a vote, I strongly want to commend the Senator from California for deciding not to move forward. I think it is the right decision for both the Senate and the Ethics Committee at this critical point in our inquiry.

Earlier today, Senator BYRD gave us all a moving speech on the occasion of his 14,000th vote in the Senate. He spoke about the need for more civility in the Senate and less high-profile conflict. I think this latest development indicates that we were all listening.

As I said last Friday, the committee could not in good conscience give in to an ultimatum handed to it, whether by a Senator or, frankly, for that matter, by anybody else. But now that plans for imminent floor action appear to have been suspended, I believe the Ethics Committee will be able to proceed with its work, independent of outside demands, deadlines, and divisiveness.

There has been a lot of discussion on this floor and elsewhere in the past few weeks about precedent. For example, we have heard that it would be unprecedented for the Ethics Committee not to hold a full-scale public hearing in the wake of a major investigation. This assertion is simply erroneous. In fact, the committee elected not to have a full-scale public hearing in the Durenberger case. What occurred was a staged presentation by the committee and the accused Senator only. There were no witnesses, no cross-examination, and no new testimony. In essence, it was a prescripted, prepackaged event.

In the well-known Keating case, the Ethics Committee did hold extensive public hearings but as part of its preliminary fact-gathering process, not as a final airing of collected evidence. This is a critical distinction.

In the Cranston case, in particular, Mr. President, the committee decided that the public proceeding should be held for the purpose of obtaining testimony and evidence, and it decided not to hold a public hearing once the investigation had been completed. In other words, the public phase of the Cranston case was limited to the preliminary inquiry stage, and deliberations over the evidence and penalties were conducted entirely in private.

One can argue whether the committee should have proceeded differently in those cases, but that is exactly what it chose to do. I do not recall anyone complaining about the fact that the committee did not hold full-scale public hearings in the investigative phase of those cases.

One thing, however, is clear: The assertion that it would be "unprecedented" for the Ethics Committee not to hold full-fledged public hearings in the wake of a major investigation is simply contrary to the facts.

Naturally, you can give whatever weight you like to precedent. You can ignore it, you can consider it, or you can be bound by it. A few Senators have argued that precedent ought to be controlling on the question of public hearings. But, as I have explained, there is no clear and consistent precedent in this matter.

Nonetheless, there are other precedents that bear directly on the issue of compelling the Ethics Committee to take an action during an ongoing investigation through the mechanism of a floor resolution.

Senator BYRD, just this morning, mentioned the importance of "knowing the precedents." Of course, he was speaking about parliamentary precedents, and no one in this body knows precedents like Senator BYRD. But there are other kinds of precedents that speak clearly to the issue of whether the Ethics Committee should properly be forced by a Senate resolution to do whatever the majority voting for that resolution desires. These precedents are the ones that ought to guide our response to this question, not merely because they are precedents, but because they speak to the integrity of the ethics process in the Senate and, for that matter, the viability of the Ethics Committee itself.

The first precedent, in fact, is the establishment of the Senate Ethics Committee itself to regulate official behavior and prosecute official misconduct. I am personally proud to say that it was the distinguished Senator from Kentucky, John Sherman Cooper, who proposed the resolution that created the committee in 1964. A year earlier, right before 1964, in 1963, the Senate had been confronted with allegations of misconduct involving Bobby Baker, a close advisor to then Vice President Lyndon Johnson, and at that time secretary to the Senate majority. Back in those days, the Committee on Rules and Administration was responsible for examining charges of wrongdoing here in the Senate. And while the matter was taken seriously, the final resolution of the Baker case left the public, as well as many Members of the Senate, deeply dissatisfied. This created an opening for the Senate to reconsider how it would handle cases of official misconduct in the future. And that led to the establishment of the Ethics Committee.

In our view, for the creation of such a committee, Senator Cooper persuaded his colleagues of the need to take misconduct cases out of the regular committee structure, where the party in power obviously has a built-in advantage. Instead, he argued a select committee with equal representation from each party would inspire the confidence of both the Senate and the public. Senator Cooper said right here on this floor:

> First . . . it is to give assurance that the investigation would be complete and, so far as possible, would be accepted by the Senate and by the public as being complete.
>
> Second—

Senator Cooper said this—

> and this is important to all Members and employees of the Senate—it is to provide that an investigation which could touch their rights and their offices, as well as their honor, would be conducted by a select committee which—by reason of its experience and judgment—would give assurance that their rights and honor would be justly considered.

Senator Cooper went on to say:

> It would be better for such investigations to be conducted by a select committee . . . a select committee of the type my substitute amendment contemplates would have the prestige and experience to properly exercise its great authority. . .
>
> The committee—

Referring to the proposed select committee—Senator Cooper said:

> would, of course, have the authority, if it found it to be necessary after conducting an investigation, to report to the Senate and recommend such disciplinary action as it found to be necessary.

Now, I have quoted from Senator Cooper's floor statement because it underscores some important points about the precedent of establishing a special committee to handle cases of official misconduct. First, there can be no question that the Ethics Committee was specifically intended to function as an independent body, free from interference by the outside politically charged partisan forces. In fact, that was considered a major and positive innovation at that time.

By design, strict partisan neutrality is preserved by two key features of the Ethics Committee. First, and obviously, it has an equal number of members from each party. Second, a majority vote of the committee members is required to take any affirmative step in all cases and complaints.

The second point that is underscored by Senator Cooper's remarks is that the committee was to be completely entrusted with the authority to investigate cases as it saw fit—the committee—in accordance with its unique experience and jurisdiction.

Third, it is clear that the committee's authority was intended to be exclusive and absolute throughout the investigative stage. I repeat, it is clear that the committee's authority was intended to be exclusive and absolute throughout the investigative stage.

The only check on the committee's power was the requirement that it report to the Senate and submit any recommendation for disciplinary action to the entire body, which could then approve, disapprove, or amend the Ethics Committee's recommendation. Although the full Senate clearly had an important role to play, its work began only—I repeat only—after the committee's work had ended.

Senator Cooper, and all those who voted for the creation of the Ethics Committee, wanted to establish an ethics process that was not driven by the politics of partisan advantage. And further, they wanted the ethics process to have only limited exposure to the pressures and the publicity of this Senate floor. And so they restricted the full Senate's role in misconduct cases to the disciplinary phase alone. That precedent—the creation of an independent Senate Ethics Committee—speaks directly to the matter of the floor resolution that was to be offered by the Senator from California.

Simply put, such a resolution offered at this critical juncture would shatter the presumption of the committee's independence and authority. It would reverse a 31-year precedent that the Ethics Committee, and not the Senate as a whole, shall conduct investigations of official misconduct as it sees fit.

Such a resolution would tarnish the vision of Senator Cooper and others of an ethics process that could be protected from partisan advantage and the highly charged atmosphere of the Senate floor and the press gallery. A resolution directing the Ethics Committee to take a particular action or changing its rules or procedure in the middle of a case would insert the Senate into a case pending before the Ethics Committee while it is still in the investigative phase.

Now, as I have previously suggested, this approach points us down a steep and dangerous road and disconnects the brakes. Let me just give you one example of what we would have to look forward to if such action were taken on the floor. Just before each election day, like clock work—like clock work—the Senate Ethics Committee receives a rash of complaints filed against Senators who are up for reelection. Most of these complaints are filed by their opponents, who then hold press conferences and demand that the committee take action immediately. The committee's current practice is to simply set those complaints aside until after the election, at which time they receive a full and fair investigation.

Now, the reason for this policy is obvious. While we treat every complaint seriously, we are not about to do anything that would allow the Ethics Committee to become somebody's political pawn.

Now, what would happen if the Senate had approved a resolution like the one proposed earlier by the Senator from California?

If there were a close reelection battle, not only would we have the Senator's opponent calling for immediate action by the Ethics Committee, we would have a resolution out here on the floor requiring the committee to open preliminary inquiries on all complaints received just before the election—just to clear up the record, of course; just to clear up the record.

After all, it would be said that the public has a right to know.

We cannot sweep preelection complaints under the Ethics Committee's rug. As we have been told ad nauseam, the Senate is not a private club.

Now, whether such a resolution actually passed or not would hardly matter. It would hardly matter. The accused Senator would be sufficiently tainted by the debate over the resolution itself. And that is only the beginning.

The precedent which such a resolution would establish is that the Ethics Committee can be treated like a political football, propelled in any direction that happens to suit a majority here in the Senate, and kicked around by any Member who wants to serve their own political or personal agenda.

Since we are concerned about precedents, let me mention another precedent that bears upon the proposed resolution.

In November 1993, the Senate dealt with the very difficult issue of enforcing a subpoena that the Ethics Committee had issued to obtain the personal diaries of Senator PACKWOOD.

In accordance with the rules, the committee came to the full Senate seeking enforcement of its subpoena on the grounds that we believed Senator PACKWOOD's diaries contained information relevant to our ongoing preliminary inquiry.

Now, this unusual step was required by the fact that one Senator had challenged the investigative authority of the Ethics Committee—had challenged that authority.

In that instance, the Senator happened to be the accused.

In essence, the accused Senator wanted to dictate the terms of the committee's investigation to us, the members of the committee. He wanted to tell the committee which procedures it ought to follow with regard to its investigation, and he wanted to unilaterally decide what was relevant and irrelevant to our inquiry.

Basically, the Ethics Committee was not interested in going along with that. So we went to the floor and—fortunately—our position was overwhelmingly sustained by a vote of 94 to 6.

In the course of that 3-day debate, another Senator, entirely within his rights, offered an amendment to our resolution.

That amendment stipulated that the Ethics Committee's factfinding responsibility be subcontracted out, if you will, to a neutral third party. There was an extensive debate over that amendment, most of it centered on what the proposal did to the committee's authority.

The Senate decisively rejected the amendment by a vote of 77 to 23, on the grounds that the Ethics Committee, and no one else, should dictate the procedures and protocols the committee may follow in conducting its investigations.

Although both of those votes involved going against Members of my own party, there was no question in my mind that I had to uphold the committee's prerogative.

It was the right thing to do then, and it is the right thing to do now.

While it takes a different tack, the resolution discussed earlier by the distinguished Senator from California is fundamentally indistinguishable from these previous attempts to subvert the committee's authority and manipulate its procedures, except in one important respect.

The amendment that was offered during consideration of the diary's subpoena was at least part of a proceeding in which the Senate rules required the Ethics Committee to come to the floor for ratification of its actions.

In that case, the committee had to obtain the full Senate's approval before proceeding further.

To pursue a floor resolution now would interrupt the committee's ongoing work, meddle with its operations, and dictate the terms of its investigation, wholly outside of what the rules allow for the Senate's role in ethics matters.

For that reason, the Senate needs to do the right thing again.

Approval of such a resolution at this point in the process would effectively negate the Ethics Committee's unilateral authority to investigate misconduct. If we change the committee's rules in the middle of the game, it will send an unequivocal and destructive message: If any Member of the Senate does not like what the committee is doing today, they can just offer a resolution to rewrite its rules—on the spot.

It is no exaggeration to say that such a measure, proposed at this stage of our inquiry, would destroy the independence of the Ethics Committee, and that is the beginning of the end of the committee altogether.

Senator BYRD, whom I mentioned earlier in my remarks, is admired for being a distinguished historian of this body.

He spoke eloquently on this very point during the floor debate in November 1993 over the Ethics Committee's subpoena of the personal diaries of Senator PACKWOOD.

Senator BYRD said:

> [L]et us not bring further dishonor to the Senate by refusing to back our own Ethics Committee. . . .
>
> If we turn our backs on our colleagues, three Republicans and three Democrats, who have so carefully investigated this difficult matter, and now ask for our support, we may as well disband the committee.

Many others, from both sides of the aisle, joined Senator BYRD in arguing for the committee's prerogative in investigative matters.

I will quote just one more statement made during that memorable debate, because it is so compelling. This Senator said:

> I am not going to substitute my judgment for [the committee's], because they have sat with this day after day, week after week, month after month.

The speaker went on, strongly exhorting the Senate to "trust this committee" and "stand united with the Ethics Committee."

Those are compelling words. I could not have said them better myself. The one who spoke those words was the Senator from California—who has now decided, I hope, not to offer the resolution she had planned to bring to the floor earlier.

The precedent established by two overwhelming bipartisan votes on the subpoena matter was that the Senate should not substitute its judgment for the committee's judgment.

It should not attempt to manipulate an ongoing investigation of the committee.

And it should respect the 31-year-old dividing line—established by Senate Resolution 338, offered by Senator John Sherman Cooper, and adopted in 1964—a dividing line, Mr. President, between the exclusive authority of the Ethics Committee to conduct investigations, as it sees fit, and the separate power of the full Senate to take disciplinary action, as it sees fit. That was the precedent of November 2, 1993.

Let me say clearly, in case there is any doubt: the Committee has not yet completed the Packwood matter.

If my colleagues on the committee and I agree on anything, it is that the case has taken much longer than any of us had hoped, planned, or desired.

However, we simply had no choice, given the fact that all of us were committed to the most thorough and fair investigation possible.

I think it is fair to say that no case has ever been so thoroughly investigated in the preliminary inquiry phase than this one.

For those of you who have forgotten—and I do not blame you if you have—the committee opened this case on December 1, 1992, after several women complained of sexual misconduct by Senator PACKWOOD.

We decided early on to conduct the most comprehensive inquiry we could. The staff was instructed to follow every lead and, as a result, the case took several unpredictable turns.

Our inquiry was broadened to include a number of other allegations that surfaced in the course of our fact-gathering. At each stage, we determined to press forward and fully investigate every new indication of wrongdoing that we uncovered.

When the committee issued its bill of particulars on May 17, we asked the staff to give us a report on all the work the committee had done on this one investigation thus far.

Even we were surprised by the massive scale our inquiry had taken: interviews with 264 different witnesses; 111 sworn depositions; as well as a systematic effort to contact every former female employee of Senator PACKWOOD.

To this point, the committee has compiled and reviewed more than 16,000 pages of evidentiary documents. It has issued 44 subpoenas for sworn testimony and documents, including telephone logs, schedules, memoranda, meeting notes, contribution records, and correspondence.

A special investigator detailed to the committee from G.A.O. has logged approximately 650 hours on the Packwood matter.

Committee members and staff have spent more than 1,000 hours of their time in meetings, just on this one case. The vice chairman and I, along with our staffs, have had more than a hundred additional meetings and conferences, again just on this one case.

Given all of that it is amazing that all of us are still on speaking terms with each other.

The dispute over the diary subpoena alone consumed nearly a year of the committee's time.

Not only did we have to seek approval from the Senate, but we also had to obtain a court order to enforce our subpoena, which Senator PACKWOOD—acting within his legal rights—appealed all the way to the Supreme Court.

More than 700 additional hours were spent by the Senate Legal Counsel and Ethics Committee staff preparing and filing legal documents in connection with the committee's extensive diary litigation.

After we won in court and obtained the diaries, the committee's special master spend another 1,000 hours, probably more, reviewing the diary materials and checking entries that had been masked.

In conclusion, Mr. President, this has been the mother of all ethics investigations.

It is also the first full-fledged investigation of sexual misconduct ever conducted in the Senate. Although allegations of sexual misconduct were leveled against two other Senators in the past, the committee dismissed both of those cases rather than proceed to an in-depth inquiry.

Thus, the investigation into this case is a precedent in itself, at least for the Senate.

The House, on the other hand, has dealt with a number of ethics matters involving sexual misconduct.

I think it is worth reviewing some of these cases briefly, to see how far we have come in handling such sensitive and sensational charges.

In 1983, for example, Representatives GERRY STUDDS and Daniel Crane were found to have engaged in sexual activity with House pages. Both were censured; both retained all their rights and privileges; no hearings were held.

In 1989, Congressman Jim Bates was accused of sexually harassing many of the female members of his staff.

I will read some excerpts from a Roll Call article on the matter, which appeared on October 2, 1988, because I think it demonstrates how differently the Packwood matter has been handled in comparison to the Bates case just 6 years ago. Here is what the Roll Call article said:

> The staffers knew Bates' behavior was wrong, but, they said, they felt trapped. If they complained to the House Ethics Committee, they said, they risked being labeled traitors or liars. . . .
>
> Former employees who spoke to Roll Call portrayed remarkably similar pictures of life in Bates' office. . . . Nearly all of the women described his daily requests for "hugs" so he "would feel better" and "have more energy." When the women embraced him, they said he often patted their behinds and thanked them for being good. "Of course I was disgusted," said one woman. "But it was my first real job on the Hill. You either put up with it or he'll run you out of town.". . .
>
> One former aide remembered Bates asking her if she would sleep with him if the two were stranded on a desert island. . . . Another detailed how, in front of a male constituent, Bates embarrassed a female staffer by staring at her breasts and commenting, "Yes, they do look good, don't they?". . .
>
> One ex-aide recalled an encounter that still makes her cringe. A female employee was seated at her desk with her legs crossed. . . . In full view of the staff . . . Bates approached the woman, wrapped his legs around her extended leg, began to sway back and forth, grinning, while he inquired about a specific legislative project.

The Roll Call article I have just quoted from revealed multiple incidents of aggressive sexual harassment by Congressman Bates. You would surely expect them to throw the book at him for such gross and repeated conduct.

But Congressman Bates got off lightly: he received a letter of "reproval" from the House Ethics Committee and was told to "apologize" to his victims. In essence, they told him, "You've been a bad boy; now say you're sorry and try not to do it again."

The House did not take any disciplinary action; no hearings were held; and no one said a word.

A year later, Congressman Gus Savage was accused of sexually assaulting a Peace Corps volunteer who was supposed to brief him during an official trip.

The Washington Post was tipped off about the incident and interviewed the volunteer. The matter was reported in an article dated July 19, 1989, from which I am going to quote:

> [The volunteer] was selected to give the briefing by a supervisor who repeatedly stressed that making a good impression on [Representative] Savage could help the agency win additional funding in Congress. . . .
>
> But she never gave the briefing, which had been scheduled for a few days later. After the Ambassador's dinner, she agreed to accompany Savage and several others. . . .
>
> Savage insisted that the woman ride alone with him in a chauffeur-driven car, according to a U.S. diplomat. During the next two hours Savage aggressively and repeatedly fondled her in the back seat of the embassy car, despite her strong spoken protests and physical resistance.

Further into the article, the Post reports some of the details of the assault:

> "As soon as the car pulled off from the Ambassador's residence, he grabbed me." . . . "He tried to force me to have sex with him. He touched me against my will," she said. "He put his arms around me. He pulled me up against him. He made me—I mean, he forced me, to kiss him—physically forced me, pulled my mouth onto his. He felt my body * * * *. He was trying to lean over, get on [top of] me, in the car."
>
> [The Peace Corps volunteer] said she "tried everything I could think of, short of hitting him or hurting him physically, to make him stop * * * *. He kept touching me, after I told him to stop, many times, loudly." In addition to pushing [Congressman] Savage's hands away from her thighs, shoulders and face, the woman said, she endured his taunts about her religion and her attitude toward sex * * * *.
>
> Finally, an information officer from the U.S. Embassy * * * escorted [the woman] away from Savage and took her home.

The Post's narrative goes on to say:

> The woman said in an interview that she considered the episode an assault, but she chose not to file a formal complaint because she did not want to publicize the incident and risk damaging the Peace Corps * * *. About a week later, she was medically evacuated back to the United States, where she underwent six weeks of intensive therapy designed for victims of sexual assaults, which was paid for by the Peace Corps. Although she had completed less than half of her two-year tour, she never returned to Zaire.

As a father of three precious daughters, I find that kind of conduct reprehensible beyond measure. It almost makes me physically ill to read it aloud. It is disgusting, and it ought to be punished.

Yet the Home Ethics Committee decided merely to issue a report disapproving of Congressman Savage's grotesque actions. The full House did not act at all on any disciplinary measure. There were no hearings of course, and no one said a word.

In each of these horrendous cases, and there are others I could cite, there was a conspiracy of silence accompanying the slap on the wrist and wink of the eye that each offending Congressman received.

In the Washington Post account I just read, Congressman Savage was reported to have said to the woman he was molesting, "That's the way the world works."

Sadly, Congressman Savage was right—at least in the House at that time. That was the way the world worked.

Well, that was then—and this is now.

The Senate Ethics Committee has conducted the toughest, most uncompromising investigation of sexual misconduct that has ever been held in the United States Congress. I do not think there is a single witness in this case who would say that we have tried to cover up anything, or that we have treated them less fairly than the accused.

And certainly, no one can accuse the Senate Ethics Committee of the kind of shoddy, cavalier treatment which the House accorded to thoroughly despicable acts of sexual misconduct occurring in just the last 6 years.

And we are not finished yet.

It is easy to be an ethics dilettante. It is hard to serve on the Ethics Committee. It is hard to make the kinds of judgments that you know will have a lifelong impact on the lives of people, both in and outside of this chamber.

But that is what we are called to do, and I know of no member of this Ethics Committee who takes their duty lightly.

In fact, until an ultimatum was forced upon the Committee, it had operated almost entirely in a bipartisan fashion. Decisions were worked out together, with constructive discussions among everyone; and nearly every action the committee has taken in this case has had the unanimous support of all six members, both Democrat and Republican.

It is deeply troubling to me that one of the effects of this highly-publicized ultimatum is that a wedge has been driven through the committee for the first time in this investigation.

I know it is not a permanent rift, because I know the members of this committee too well for that. Frankly, we have been through too much together for that to happen.

But what has happened to the committee and the Senate in the wake of this incident make the argument—better than I ever could—that we absolutely must preserve the separateness and independence of the Ethics Committee.

What has occurred as a result of the ultimatum of July 14th should make it clear to everyone why the Ethics Committee must operate on its own, as it sees fit, and out of the limelight.

And let me just say: I appreciate the concern that has been shown for this case by the Senator from California and I know her motivations are sincere.

Under the Senate rules, she has every right to challenge any recommendation the committee makes to the Senate.

She is certainly free to disagree with our findings of fact, our conclusions, and any proposals we make for disciplinary action.

What is more—and I think it is important for everyone to understand this—she is free to offer any motion she wants on the Senate floor to obtain a result that she believes is better than the one we recommend, if we come up short of the mark in her opinion.

But the rules governing the ethics process authorize the full Senate to act upon a case only—only—when the committee has completed its work and made its report to the floor.

Let me point out who that protects the most, Mr. President. That protects mostly the minority party, because if ethics cases are going to be dealt with on a bipartisan basis here on the Senate floor, I suspect—I could be wrong about this—there would be enormous temptation by the majority to take advantage of the minority.

The Ethics Committee guarantees a bipartisan result. It was crafted intentionally in that way. And clearly, the principal beneficiaries of that are those in the minority party in the Senate who are protected from the potential abuse of the majority in matters of personal misconduct.

Further, if my friend from California sincerely believes the Ethics Committee's rules of procedure—if that is the direction she may go—ought to be changed, then certainly pursue that or any other option.

But it would be a terrible mistake for Members who think there is some merit to an idea to change the rules or to give the committee directions or to take any floor action during the course of our consideration here on the floor because there will be ample opportunity—ample opportunity—at the end of the process for any Senator to criticize what is proposed, and to do whatever any Senator may feel appropriate in this matter.

To take a premature step before the committee's report would make a mockery of the committee's independence and its authority.

Members of the committee would live in fear that any decision could be the pretext for a loud and nasty floor fight, for a hasty, ill-conceived change to the committee's rules, or any other directives. I hope we will not allow that to happen.

And again, the principal beneficiaries of that not happening are those who are in the minority.

As a result of conversations I have had with many Members—and I must say on both sides of the aisle—I believe the clear majority of the Senate would allow the Ethics Committee to be able to complete its work, get a recommendation to the floor, and then give everybody an opportunity to say whatever they feel about the final product.

Respecting the concern that every Member of this body has that every case of sexual misconduct be fully and fairly investigated, we want to make sure that happens.

I hope the Senator from California will allow the committee to complete its work. I want to thank her for at least withholding this week. I think that was a gracious gesture. I am confident that if we can get back to work, we can finish the job.

So what I would like to do in conclusion today is announce that the committee will be meeting starting next Monday. It is my intention to have a meeting each day—if that is necessary—each day next week, and each day of the next week, in the hope that we can wrap this matter up, make all the critical decisions that need to be made and, if possible, wrap this matter up before the August recess.

I appreciate, Mr. President, the attention of the Senate. Frequently, when various ones of us speak, no one listens. But I hope that at least the staffs in the various offices who handle ethics matters will take a look at the speech that I have given today—it will be in the RECORD for tomorrow—to look at the history of the Ethics Committee; why it was set up; what it was designed to do; why it is best not to begin the process of criticizing its work before it is completed.

I hope we would all proceed with a cooling-off period and let the committee get back to work.

I say in conclusion, Mr. President, again that the committee will get back to work beginning Monday, and it would be my plan to meet each day next week and each day of the week after that, with the hope that we can make substantial progress on this case, which has taken quite some time to reach this stage.

Mr. President, I thank you for the time and thank you for the attention.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

ETHICS COMMITTEE PROCEDURE

Mrs. BOXER. Mr. President, I am pleased that the Senator from Kentucky has announced that the Ethics

Committee will be meeting Monday, Tuesday, Wednesday, and I certainly wish to thank Senator BRYAN from Nevada, who took to this floor yesterday and asked for that meeting. I also want to be clear about what my intentions are, because those intentions cannot be stated by any other Senator but this Senator.

First of all, I was very pleased that my colleague from Kentucky did not raise the specter of threats against any other Senator. That is a step forward from where we were last week. But I do feel that since the Senator from Kentucky did not ask this Senator what my intentions were, he really has no idea what I am planning to do in this matter, although he has essentially taken it upon himself to tell the Senate what I am not going to do.

Now, I also wish to thank the Senator from Kentucky for realizing that I have rights as a Senator. He did not need to remind me of that. I am aware of my rights. He said that I had a right to vote for tougher penalties in the Packwood case if I felt that the committee penalties were not tough enough. I know that because I voted for tougher penalties than had been recommended by the Ethics Committee in the House twice on sexual misconduct cases, once against a Democrat and one against a Republican. There was no room for partisanship. And contrary to what the Senator from Kentucky said, Congressman GERRY STUDDS was stripped of his chairmanship. In the next Congress, he ran again, he won and he got back his seniority. But he was stripped of his chairmanship.

So, yes, I understand the rights of Senators very well. And I will absolutely, absolutely make sure that all my rights are protected.

Now, let me make it clear I do plan to offer my amendment on the public hearings issue if the committee does not meet in a timely fashion—and I am very delighted to hear that they are going to meet on Monday; that is a timely fashion—or if after they meet, they do not vote for public hearings.

Let me repeat that. If they do not meet or if after they meet they do not vote for public hearings, I will be offering my amendment.

The Senator says my amendment treads on the Ethics Committee. We have never discussed my amendment, but nothing could be further than the truth. My amendment is very respectful of the Ethics Committee.

Yes, it says that Senate precedents and procedure should be upheld. And the Senator says there is no precedent for public hearings. I beg to differ with him. Senator BRYAN laid that out in this Chamber yesterday. I have laid that out for all to see. Public hearings in cases that reach the final stage of an investigation is the practice of the Senate.

My amendment is very respectful of the Ethics Committee because the crux of it is that there will be public hearings but—but—the Ethics Committee by majority vote could say we will not have public hearings. And rule 26 is an important Senate rule that is there to protect witnesses, or matters of national security will allow the committee to close off parts of that hearing.

So the Boxer amendment, as I will offer it, if I have to offer it—and let me say I hope the committee votes overwhelmingly for public hearings so I will not have to—will be respectful of the committee.

My colleague from Kentucky mentioned Senator BYRD's name quite a few times. And who more reveres the Constitution than Senator BYRD?

Well, just read article I, section 5 of the Constitution, and you will find that in there it says we must police ourselves. We must discipline our own. And that is a serious responsibility of every Senator, not just the Senators who serve on the Ethics Committee but every single Senator. And that is why every Senator has a right, in my view a responsibility, if he or she feels that the investigation at this stage should be open to the public, to say so and not be intimidated and not be threatened privately, publicly, in the press, outside this floor.

Well, it was serious to me in the House. It was serious to me in the House. And for a freshman in the House to override the committee is speaking with a very loud voice.

A colleague came to me, a friend, and said, "If you persist in this, they are going to talk about your record in the House." I said, "Good. Good. I'm proud of it." Not only did I vote tougher penalties, but in 1989 I voted to change the rules in the House so that hearings would be public in the final stage of an investigation. Look at the record, 1989. And that is all I am asking for here.

How about changing the subject? We have the Senator from Kentucky reading articles from Roll Call about things that happened in the 1980's. How about working on things that happen right here?

How about bringing justice and upholding the precedents of the Senate? Let the sunshine in and let us deal with these matters.

I want again to compliment Senator BRYAN. I think in no small measure he is responsible for the fact that the committee is meeting again because the rules of the Senate allow the vice chairman to call a meeting if the chairman does not. So I want to thank him for his leadership in getting the committee going again.

My colleagues, I have never heard of a circumstance where a committee's work grinds to a halt because the chairman is unhappy with another Senator's view on a matter and says, "That Senator might offer an amendment." I do not know of many committee chairmen who are not facing that every day; there is somebody who does not agree with them and might offer an amendment. Do we stop the wheels of progress in the Senate because one Senator says she or he is going to offer an amendment on the floor and debate it in an open fashion, exercising his or her rights as a U.S. Senator? It is beyond me.

So I hope we do not start that again. In other words, here I am on the floor saying I am not backing off. I am glad that the committee is meeting, but I am not backing off one bit. If they do not vote for public hearings, I will be back here with an amendment.

The American people believe there ought to be public hearings. A recent CBS News-New York Times poll showed that less than 50 percent of the people think there ought to be hearings on Waco again. They have held them before. Less than 50 percent of the people think there ought to be hearings on Whitewater because they have been held before.

But 60 percent of the people believe there ought to be hearings in the open on the Packwood case. It crosses over parties. Republicans think there ought to be open hearings. Democrats think there ought to be open hearings. Independents think there ought to be open hearings. And the committee has the protection of rule XXVI. And in my amendment, if I have to offer it, it gives them the chance on a 4 to 2 vote to close the doors altogether. That is respectful of the committee.

So a lot of people are waiting for justice to be done. We are in the final investigative stage. In every case to reach this stage, there have been public hearings. There are those on this floor who would vote for public hearings for Waco. There were those on this floor who voted for public hearings on Whitewater. I am on that special committee. We now are in our second year of hearings on Whitewater. We are looking at the Vince Foster handling of the papers again. When we are finished with that, there is another phase to go. I voted for that because I feel it is not good for the country that there is whispering or people think there is somebody covering it up. Open the doors.

But, suddenly, those who are chomping at the bit for hearings on these subjects are saying, "Well, not on this. Not on this. Do not tell the Ethics Committee what to do." I do not want to tell the Ethics Committee what to do. I want them to do the right thing. I stood on this floor last week and I listed every case. I feel it was a complete recitation of the precedents. Today I feel more strongly than ever that that is the right course.

I ask unanimous consent to have printed in the RECORD the history of Senate misconduct investigations under current procedures.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

HISTORY OF SENATE MISCONDUCT INVESTIGATIONS UNDER CURRENT PROCEDURES

In 1977, the Select Committee on Ethics overhauled its rules and established a three-stage procedure for investigating allegations of misconduct. Under the procedure, the Committee first conducts a "preliminary inquiry," and if warranted, an "initial review" follows. Only if the Committee finds that the allegations are supported by "substantial credible evidence" does the case enter the final phase, a formal investigation.

Since these procedures have been in place, every Ethics Committee case to reach the investigative phase has included public hearings. The following chart summarizes Committee action on misconduct investigations.

Senator/Sanction	Inquiry begun	Investigation begun	Hearings held
Bob Packwood/Case Pending	December, 1992	May, 1995	None.
Alan Cranston/Committee Reprimand	November, 1989	February, 1991	November, 1990-January, 1991.
David Durenberger/Censure	March, 1989	February, 1990	June, 1990.
Harrison Williams/Expulsion (Resigned)	February, 1980	May, 1981	July, 1981.
Herman Talmadge/Censure	May, 1978	December, 1978	April-July, 1979.

Mrs. BOXER. In the RECORD you will see, each and every time, public hearings, public hearings, public hearings, public hearings. Oh, they say this one might be embarrassing. I heard a colleague say, "The people are getting too much of the O.J. Simpson trial. Now they're going to get this."

What is the message here? If you commit an ethics violation, make it so embarrassing that you will be protected behind closed doors? I hope not. So here we are. We are moving ahead. I am very pleased that the Ethics Committee will be meeting Monday, Tuesday, and Wednesday. I will be watching and waiting and hopeful that they will hold a vote on the public hearings question. If some of them think we should not have public hearings, so be it. I will accept their opinion. I will not agree with it. And I will take the issue to the Senate floor. If they vote for public hearings, they still have the protection to close off part of those hearings if they feel it is necessary to do so.

The Senate is the people's Senate. We did not get here because we knew the boss and got hired. We got here because a lot of people voted to send us here. This is the people's Senate. This is not a private club. Shining the light of day on this matter and resolving it is very important, Mr. President. And I hope that next week we will hear good news out of the Ethics Committee. And I will await that news with bated breath. If there is no movement on this matter, I will be back with an amendment. I yield the floor.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

KOREAN WAR

Mr. GLENN. I ask unanimous consent to speak as in morning business for 6 or 7 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GLENN. Mr. President, we just came back from the dedication of the Korean War Veterans Memorial, and I just want to say a few words about that. It has been a long time since 1986 when we started this effort. A lot of people were involved; a lot of people worked very hard to see this memorial come to fruition.

Korea was sort of the forgotten war. I think there were several reasons for that. It came so closely on the heels of World War II, which was a war with many nations involved, global in scope. Then, all at once, here we were involved in Korea. The area of conflict was more geographically limited. But what transpired within the borders of Korea was every bit as violent as anything that happened anywhere in the world in World War II.

Now, I think it is a shame after the war—I always have felt this way after a war when people come back. When you leave for the war bands are playing, you are off for freedom, this sort of thing. When you come back, sometimes the band is playing and the talk about freedom and protecting freedom is there, it is true. But when you are out there and you are in combat, the whole horizon of the world narrows down. And it is you and the people you are with in combat, its survival, and you take losses. Then you come back. Yes, it is "thank you" a little bit. But then it is sort of forgotten.

I think that was particularly true in Korea. Korea became the forgotten war, largely because it came so closely on the heels of World War II. And because, a few years later, Vietnam became such a divisive war, attracting so much attention on the national scene that Korea was really that forgotten episode out there.

I know it is not good to compare one war with another as far as losses go, not to those involved, whether families or friends, nor to the people who are out there getting shot at, wounded, and killed. I know you cannot compare one war with another and do it properly. But Korea, for the length of it, was one of the bloodiest wars that this Nation has ever fought. Vietnam was stretched out over a period of about 10 years. There were 58,000 Americans—58,000 Americans lost—killed in Vietnam. In 3 years in Korea we lost 54,000 Americans—some of the bloodiest fighting that ever occurred.

It was the Chosin Reservoir. In the annals of military history, particularly of the Marine Corps, Chosin Reservoir and some of the things that happened there were almost unbelievable. Surrounded by 120,000 Chinese and North Korean troops, this small group of marines made their way out from the reservoir, bringing their dead along with them, piling in the back of the trucks, in the weapons carrier, and so on. They did not leave anybody up there.

Yesterday, in my office, I had the honor of pinning a Purple Heart on a gentleman who had been bayoneted at Chosin Reservoir and came out—they kept him on the hood of the vehicle to keep him warm. He got over to Japan and was in the hospital there. He never put in for the Purple Heart. His son wrote to me. We turned it over to the Marine Corps. They checked the records. Sure enough, no Purple Heart. Bayoneted 43 years ago, and I had the honor of pinning that Purple Heart on him in my office yesterday.

One of the things irritating to me is that, when people go out and fight a war, and they come back and want to have a memorial so somebody remembers down the road, they have to raise the money to put up the memorial themselves. Is that not ironic?

A grateful nation, yes. But not quite grateful enough to put up a memorial to the 54,000 Americans killed out there.

So some years ago, a number of people—I was one of them—got together and decided there should be a memorial; that this should not be a forgotten war. I played a very small role in it, I was not a leading part of it. We raised the money for it. As I say, I was a very tiny part, and I truly was. Gen. Ray Davis, a Marine Medal of Honor winner, wound up spearheading this effort, and he was the master of ceremonies at the dedication ceremonies just a little while ago.

For those who were there, we do not need a memorial. I do not need a memorial for Korea. Because those who were there—Senator WARNER is here on the floor, Senator CHAFEE was over there—those who were out there remember very, very well what happened. You remember an awful lot of things.

You remember the squadron commander getting shot down, seeing him bail out, seeing the plane crash, and you were not able to get him out of there.

You remember other people going down in flames. You remember people not coming out at a rendezvous point after a strike and having to write to their next of kin. That is the hardest part, I can tell you that. Anybody there can testify to it.

You remember getting hit and the airplane keeps on flying. My memory of things like that is very, very vivid, as though they just happened this morning.

So what I am saying is, for those who were there, we do not need a memorial. But I think it is important that the Korean Memorial is there.

The design of it is very good. It shows people slogging along. The figures there represent all the different services and all the nations that were out there, the 20 nations beside our own that were involved. This is a memorial to all of those who sacrificed so much, whether on the ground, in the air, or wherever they were. It is a memorial to all of them. It will be a symbol for my children, my grandchildren, my great grandchildren, my great, great grandchildren that the freedoms that we have, and our position in the world, did not just happen. It is not something that just was automatic. It is something that happened because there were an awful lot of people who went out, whether it was World War I, World War II, Korea, Vietnam, or elsewhere, and represented this country in conditions that were very, very tough.

So we do not need a memorial, perhaps for our generation, the generation that took part in Korea. When you meet someone who was out there, a handshake, a look in the eye, just knowing that they understand, is your memorial. But I think it is important that we have an impressive memorial, like the Korean Memorial, for those who come after. Maybe they can get some little bit of inspiration from it about dedication to country, loyalty, and patriotism.

These are the things that the memorial is all about. For those who were there, we do not need it. We have our own memories, a memory memorial that does more than the bricks, mortar, stainless steel, bronze, and marble down there on the Mall as a companion piece to the Vietnam Memorial.

I say as a companion piece because many Americans can remember being in Washington and standing on the Lincoln Memorial steps, looking down the reflecting pool toward the Washington Monument. Over on the left is the Vietnam Memorial, very impressive. Now, over on the right, is a companion piece, the grove of trees where the Korean Memorial is.

The bravery demonstrated in Korea, whether at Chosin Reservoir or elsewhere, was just as valorous as any other war in which Americans have fought. Truly, uncommon valor was a common virtue there, as much as it was in any other war.

I hope that our kids can get a little taste of that bravery, of what happened out there. That I see as the memorial's basic function.

So today perhaps the forgotten war is not quite as forgotten as people thought. I hope that, as people from all over this country come and see this impressive memorial, they, too, will have a small appreciation for what happened back in those days. The forgotten war is not forgotten. We have a beautiful memorial now. We are proud to have taken part in dedicating it today.

I yield the floor.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

HEROES

Mr. WARNER. Mr. President, I wish to commend our distinguished colleague for those remarks. Indeed, I was privileged to join him, Senator CHAFEE, and a number of others from the Senate and the House today at the dedication of the Korean War Memorial.

If I may say, Mr. President, the remarks of this distinguished Senator reflect his hallmark, that is a man of humility, in terms of his own heroic service to his country, be it in the Marines in World War II, Korea, or in the aftermath in the space program.

The Senator mentioned valor in aviators, and I want to share with him one personal recollection of my squadron commander. I was but a communications officer, not a pilot, in the squadron, VMA–121. We had the old AD–1's. The Senator remembers that workhorse of an aircraft. He flew them himself.

This particular man's name was Al Gordon, Lieutenant Colonel, USMC. I was back in the "commshack" monitoring a routine mission taking off, and he was leading it, a flight of four aircraft. They took off and got about 30 miles away. They were still in their climb when he developed an engine fire. His wingman called quickly to tell him he was trailing smoke and to bail out.

The frantic conversation, which I learned, was that Colonel Gordon acknowledged his wingman's plea, but looked down and said, "There's a village. I'm carrying 8,000 to 10,000 pounds of bombs. I have to divert the aircraft from civilians before I go out."

But in so diverting, he lost altitude, and when he finally got out of his aircraft, there was not enough distance between the aircraft and the ground. His chute streamed, but too late. I had the misfortune of—well, maybe it is not a misfortune—but anyway, to go out and reclaim his body, this brave hero, and bring him back.

I had the opportunity when I was Secretary of the Navy, many years later, to finally find his widow and give her a small artifact and tell her the story of the bravery of her husband.

So this memorial does stand to those who did not come back and many who did, but bear the scars of the war. I just wish to say, Mr. President, how much I respect our distinguished colleague from Ohio and his remarks today.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER (Mr. COATS). The minority leader is recognized.

REMEMBERING THE KOREAN WAR

Mr. DASCHLE. Mr. President, I, too, commend the distinguished Senator from Ohio and associate myself with the remarks of the Senator from Virginia because I believe the Senator from Virginia said it very well. We owe a big debt of gratitude to all Korean war veterans.

It is this memorial, I think, that perhaps puts that gratitude in proper light and emphasizes the remarkable contribution that each and every one of those veterans made to our freedom. We have the good fortune to serve each day with three of those veterans. We just heard two of them. Senator WARNER, Senator GLENN, and Senator CHAFEE all served admirably during that difficult time. All came back to serve this country in other capacities with great dignity and extraordinary valor.

President Kim this afternoon, during the dedication, remarked again that freedom is not free. That statement reminded me of a comment made several years ago while I visited East Germany that democracy is something one either has to fight for or work at. But we do not have the luxury of doing neither. These three distinguished veterans of the Korean war understand the need to do both. They fought for freedom and, ever since returning, have worked at democracy. So I know I speak for all Senators in our expression of personal gratitude to them for their achievements and for the contribution that they have made to this country.

Mr. President, "The struggle of man against power is the struggle of memory against forgetting."

Those words, by the Czech writer Milan Kundera seem especially poignant today as America dedicates a memorial to those "forgotten veterans," which Senator GLENN so eloquently addressed, the men and women who fought and died in the Korean war. And it is an honor that is long overdue.

The other day, I had the privilege of visiting with two Korean war veterans from South Dakota, who had come to Washington this week for the dedication.

Don Jones was 22 years old when his foot was ripped apart by a hand grenade in North Korea on October 1952. He spent 6 months recuperating in a Tokyo hospital, and then he went back to Korea to fight some more.

Orville Huber was 24 years old when he was hit in the head by a piece of shrapnel in July 1953, just 2 weeks before the war ended.

They both won the Purple Heart.

After the war ended, they returned to South Dakota. There were no parades, no fanfare. When I asked them what they would like to hear the American people say after all this time about the sacrifices that they made in Korea, Orville responded simply: "We would just like to hear that people remember."

Perhaps the reasons the Korean war has receded in our memories is because it was unlike either the war that preceded it or the war that followed. Rationing brought World War II into every American home, and television brought the Vietnam war into our homes.

But Korea was different. Except for those who actually fought there, Korea was a distant land and, eventually, a distant memory.

So today, as we dedicate our Nation's Korean War Veterans Memorial, it is fitting that we remember what happened in Korea and why we went there in the first place.

The wall of the Korean War Veterans Memorial bears an inscription that reads: "Freedom is not free." It was repeated by President Kim yesterday in the joint session of Congress, and repeated again by the President of the Republic of Korea today during the dedication.

In the case of South Korea, the price of repelling Communist aggression and preserving freedom was very high indeed.

Nearly 1½ million Americans fought to prevent the spread of communism into South Korea. It was the bloodiest armed conflict in which our Nation has ever engaged. In 3 years, 54,246 Americans died in Korea—nearly as many as were killed during the 15 years of the Vietnam war.

Freedom is not free.

Nearly 1½ million Americans sacrificed part of their lives to preserve freedom in Korea—and more than 54,000 Americans sacrificed all of their lives. The nobility of their sacrifice, at long last, is now recorded for all of history at the Korean War Veterans Memorial.

Look into the faces of the 19 soldier statutes that make up the memorial and you can feel the danger surrounding them. But you can also feel the courage with which our troops confronted that danger. So it is a fitting tribute indeed to the sacrifices of those who fought and died in that faraway land.

But there is also another tribute half the world away, and that is democracy—democracy—in the Republic of South Korea. Over the past four decades, the special relationship between our two nations that was forged in a war has actually grown into a genuine partnership. Our two nations are more prosperous, and the world is now safer, because of it.

As the writer said, "The struggle of man against power is the struggle of memory against forgetting."

The free world won an important battle in the struggle against power more than four decades ago when we beat back the forces of communism in South Korea.

Today, it is the responsibility of all those who value freedom to remember the struggle and the honor and the commitment of all of those who fought and who ought to be remembered in perpetuity. The Korean War Veterans Memorial is one way that we can truly live up to that responsibility.

Freedom is not free. We must recognize—and I hope future generations will always recognize—that democracy truly is something we must either fight for or work at.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. Mr. President, I am assuming that we are going to be going to the gift ban reform very soon.

Since there is this break, I ask unanimous consent that I be allowed to speak as in morning business for up to 10 minutes.

The PRESIDING OFFICER. The Senate is in morning business.

The Senator is recognized to speak for 10 minutes.

MEDICARE'S 30TH ANNIVERSARY

Mr. WELLSTONE. Mr. President, on July 30, 1965, President Lyndon Baines Johnson traveled to Independence, MO, and he signed Medicare into law. That simple ceremony marked the beginning of a new era of health and economic security for America's seniors.

Prior to Medicare, only half of America's elderly had health insurance. Today, more than 36 million elderly and disabled Americans, including more than 630,000 Minnesotans, are protected by Medicare. Mr. President, Medicare is a program with overwhelming support in Minnesota among seniors, their children, their grandchildren, and all Minnesotans.

Many of us remember what it was like for seniors before Medicare. Many seniors lost everything paying for necessary health care, and many others simply went without it.

Mr. President, the Medicare Program, imperfections and all, made the United States of America a better country. Prior to Medicare, what often happened was that as people became elderly and no longer worked, they then lost their health care coverage. Many people could not afford good health care.

This was a program, along with Medicaid, that made our country more compassionate. It made our country a fairer country. It made our country a more just country.

I can say, Mr. President, having had two parents with Parkinson's disease—and the Presiding Officer and I have talked about Parkinson's disease before, and we both have a very strong interest and support for people who are struggling; I think the Presiding Officer has a family connection also with Parkinson's disease—for my mother and father, neither of whom are alive, Leon and Minnie, the Medicare Program, I think, was the difference at the end of their lives between dignity and just economic disaster. It is a terribly important program.

Mr. President, Medicare also is important to Minnesotans because we, as a State, I think, have had a great deal to do with its creation. Hubert Humphrey, Walter Mondale, and Don Fraser, among others, worked tirelessly on its creation.

This was a project of countless Minnesotans, advocates for seniors from all across our State, our universities, our communities, all came together during the early part of the decade of the 1960's, and finally culminating in 1965 on July 30, when we passed this hallmark legislation.

In many ways, I argue today on the floor of the Senate, Medicare is a product of Minnesota. It reflects Minnesotans' values. It reflects the tradition of my State: A tradition of respect for seniors and a commitment to those members of our community who need a helping hand. As Hubert Humphrey, a great Senator, said in support of Medicare, "Our country's strength is in the health of our people." That was the premise of the Medicare Program.

This year, the 30th anniversary of the Medicare Program, all too many Republicans have resolved to cut the program by $270 billion over the next 6 years. While the budget deficit clearly needs to be reduced, the Republican proposal to finance a tax cut to the tune of $245 billion—most of it going to high-income and wealthy people—and at the same time putting into effect severe and, I think, draconian cuts in the Medicare Program, a program which has played such a central role in improving both access to and quality of health care services for our country's elderly and disabled, is unacceptable, I argue—and we will have a debate about this, as time goes on—and unconscionable.

Mr. President, while I believe the Medicare Program could and should be improved, I want to be quite clear that I do not think that this program will be improved by cutting $270 billion over the next 6 years.

Mr. President, a dramatic restructuring of Medicare not based on sound public policy would be a grave mistake. A dramatic restructuring of Medicare of the kind that has been proposed now by too many Republicans, not based on sound policy, would not be a step forward for Medicare beneficiaries in Minnesota or across the country, but would be a huge step backward.

Republicans have proposed, Mr. President, to fundamentally change the program from universal health insurance for seniors to a fixed amount of cash which each Medicare beneficiary could use to purchase coverage in the marketplace. This would effectively transfer the risk of Medicare inflation and medical inflation to the elderly, in order to relieve the Government from bearing the risk.

Mr. President, seniors would be expected to pay the difference between the cost of a health plan and the Medicare voucher amount. The elderly in our country, Mr. President, already pay four times more out-of-pocket expenses for medical costs than those under 65 years of age. This does not include the enormous cost of nursing homes, which is now nearly $40,000 a year.

While Republicans claim that they want to use a voucher system to emulate the health care cost containment successes of the private sector, they neglect to mention that their budget cuts will only allow Medicare costs to grow at a rate of less than 5 percent per person, while private health care costs are projected to grow at a rate of 7 percent per person. Those are exactly the figures. That is exactly the information.

Mr. President, that means that even if the Medicare Program, which cares for the sickest and the frailest members of our society—the same members, I might add, Mr. President, who have been systematically excluded by the insurance companies from coverage because of preexisting conditions—even if Medicare can capture all of the efficiencies of the private sector, there still would not be enough money to cover the costs of this program.

Mr. President, Minnesotan providers have already suffered from inadequate payments for Medicare. For example, Minnesota's HMO's are currently offered inadequate payments for the Medicare population. As a result, many of our HMO's have declined to participate in the Medicare Program on a capitated basis. Minnesota, compared to California, compared to New York, compared to Florida, sometimes only receives half of the reimbursement per person.

Mr. President, what I am saying is that we, in Minnesota, have kept the inefficiencies out of the system. We have already cut the fat. If these payments come to Minnesota, capitated at a fixed amount way under the cost of providing care to beneficiaries under a voucher-type scenario, seniors will be forced either to pay more out of pocket—and we are not talking about a high-income population when we talk about the elderly in Minnesota or in our country—or they will have to go without coverage.

Mr. President, beyond the impact of Medicare cuts felt by seniors and the disabled community, we will all pay the costs of Medicare indirectly. We will pay it in one of two ways: Either as children or grandchildren, we will have to help pay the costs of our elderly parents or grandparents.

Many families are already under a tremendous amount of economic pressure. The bottom 70 percent of the population has been losing ground economically over the last 15 years. I think it is rather naive to believe that families will have a lot of extra income to pay this additional cost.

Or, when the hospitals, clinics, and doctors are in a position to do so, and I do not blame them for this, they will just shift the costs. It is like Jell-O. Put your finger in one part of the Jell-O and it just shifts. What they will do, since the Medicare reimbursement will be significantly under the cost of providing care—that is already the case in Minnesota—these cuts will not work in my State, I tell Members now. This slash-and-burn approach will not work in Minnesota. It will not only hurt Medicare beneficiaries. It will also hurt care givers and providers and, in addition, those care givers and providers in the metro area, if they can, will shift the cost of private health insurance. Then the premiums will go up, then the employers will have a difficult time carrying insurance, and more will be dropped from coverage.

This is crazy public policy that some people are advocating around here.

Mr. President, Medicare Dependent Hospitals, which have a Medicare load of 60 percent or more——

The PRESIDING OFFICER (Mr. ABRAHAM). I inform the Senator his 10 minutes has expired.

Mr. WELLSTONE. Mr. President, I ask unanimous consent for 5 extra minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. Mr. President, Medicare dependent hospitals—and the definition of a Medicare dependent hospital is a hospital that has Medicare patient loads of 60 percent or more—have significantly lower overall margins than other hospitals, and will face two choices: Either those hospitals will close down or they will have to reduce services.

Minnesota has four Medicare dependent hospitals in the urban areas, and we have 40 of those Medicare dependent hospitals in the rural areas. In addition, 43 percent of Minnesota's hospitals currently lose money on Medicare patients. If the proposed Medicare cuts are enacted, 67 percent of Minnesota's hospitals would lose money on Medicare patients.

Small, isolated rural hospitals require a stable funding source in order to provide care. I will tell you right now, in many of our smaller communities, in many of our greater Minnesota communities, in many of the communities in rural America, what is going to happen is that those hospitals with a Medicare patient mix of sometimes up to 80 percent are simply not going to be able to make it. And when those clinics and hospitals close, that means not just Medicare recipients but other citizens as well do not receive the care that they need.

Medicare has come to symbolize this Nation's commitment to health and financial security for our elderly citizens and their families. It is a successful program that has played a central role in improving both access to and quality of health care services, not only for our country's elderly and disabled, but for all of us. We are talking about our parents and our grandparents.

Mr. President, I will, as we go to the 30th anniversary of Medicare, vigorously oppose all efforts or any effort to dismantle a Medicare system in order to give a tax cut that will disproportionately benefit those people who need it the least.

Let me repeat that. I will resist any effort to dismantle the Medicare Program in this country in order to give tax cuts to those citizens who, in fact, least need the financial assistance.

Thirty years ago, Medicare was part of a Democratic vision for a better America. Mr. President, today it still is. I come from a State that has made an enormous contribution to our Nation. I come from a State that has made a contribution through a great Senator and a great Vice President, Hubert Humphrey—Hubert Humphrey and Walter Mondale and Don Fraser—and Minnesota had a lot to do with the beginning of the Medicare Program and with support for this program, which has made such a positive difference in the lives of people, our senior citizens around this country. I intend to fight hard to make sure that we keep this as a high quality program.

My mother and father depended on this program. They are no longer alive, but for them, if not for Medicare it would have been financial disaster. So I do not intend to see this program dismantled—not on my watch as a Senator from Minnesota. And the more we get into this debate, the more people in Minnesota and all across this country are going to say: Senators, whether you are Democrats or Republicans, this is unacceptable and unconscionable. Do not be cutting Medicare, do not be cutting Medicare and quality of services for elderly people in our country, all for the sake of tax cuts for wealthy people in our country. There is no standard of fairness to that.

Mr. President, I ask unanimous consent that an article by Ted Marmor titled "Medicare and How It Grew—To Be Confused and Misjudged" be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Boston Sunday Globe, May 7, 1995]

MEDICARE AND HOW IT GREW—TO BE CONFUSED AND MISJUDGED

CONFUSION ABOUT THE PROGRAM'S PAST IS CLOUDING ITS FUTURE

(By Ted Marmor and Julie Berlin)

Medicare, budget deficits and the race for the presidency have once again come into intense and very public conflict. On Monday, President Clinton publicly rejected the suggestion by House Speaker Newt Gingrich that Medicare's forecasted budget be reduced substantially (some $250 billion) so as to "save" the valued, but beleaguered program. On Wednesday, the president reiterated his "defense" of Medicare before the White House Conference on Aging, rejecting both the Gingrich diagnosis and the remedy of a bipartisan national commission proposed by Senate Majority Leader Bob Dole, an announced contender for the Republican presidential nomination. By the end of the week, Republicans were on the defensive, repeatedly referring to the recent report by Medicare's trustees that, without cost control, the program's hospital "trust fund" will run out of money by 2002.

The Republicans find themselves caught among conflicting promises: to balance the budget, to enact tax cuts and to protect both Medicare and Social Security. The country finds itself in the midst of a bewildering mix of crisis talk, fact-throwing and ideological name-calling.

To make sense of this debate requires historical perspective on what Medicare was expected to accomplish, some understanding of what its 30-year history has wrought and some realistic discussion of what its real problems are and what can be done about them.

Medicare, enacted in 1965 and fully operational in 1966, has historical origins that are difficult to understand in the political environment of the 1990s. Perhaps the best way to understand Medicare is to appreciate how peculiar the program is from an international perspective. The United States is the only industrial democracy that has compulsory health insurance for just its elderly citizens. Even those countries that started national health insurance programs with one group of beneficiaries did not start with the elderly. Almost all other nations began with coverage of their work force or, as in the case of Canada, went from special programs for the poor to universal programs for one service (hospitals) and then to another (physicians).

This means that peculiarly U.S. circumstances, rather than some common feature of modern societies, explain why it is that compulsory government health insurance began in the United States with the recipients of Social Security cash pensions.

The roots of this particular history lie in the United States' distinctive rejection of national health insurance in the 20th century. First discussed before World War I, the idea fell out of favor in the 1920s. When the Great Depression made economic insecurity a pressing concern, the Social Security blueprint of 1935 broached both health and disability insurance as controversial items of social insurance that should be included in a more complete scheme of protection. From 1936 to the late 1940s, liberals called for incorporating universal health insurance within the emerging welfare state. But the conservative coalition in Congress defeated this attempt at expansion, despite its great public popularity.

The original leaders of Social Security, well aware of this frustrating opposition, reassessed their strategy during President Truman's second term. By 1952, they had formulated a plan for incremental expansion of government health insurance. Looking back to the 1942 proposal that medical insurance be extended to Social Security contributors, the proponents of what became known as Medicare shifted the category of beneficiaries while retaining the link to social insurance.

Medicare became a proposal to provide retirees with limited hospitalization insurance—a partial plan for the segment of the population whose financial fears of illness were as well-grounded as their difficulty in purchasing health insurance at modest cost. With this, the long battle to turn a proposal acceptable to the nation into one passable in Congress began.

These origins have much to do with the initial design of the Medicare program and the expectations of how it was to develop over time. The incrementalist strategy assumed that hospitalization coverage was the first step in benefits and that more would follow under a common pattern of Social Security financing. Likewise, the strategy's proponents assumed that eligibility would be gradually expanded. Eventually, they believed, it would take in most if not all of the population, extending first, perhaps, to children and pregnant women.

All the Medicare enthusiasts took for granted that the rhetoric of enactment should emphasize the expansion of access, not the regulation and overhand of US medicine. The clear aim was to reduce the risks of financial disaster for the elderly and their families, and the clear understanding was that Congress would demand a largely hands-off posture toward the doctors and hospitals providing the care that Medicare would finance. Thirty years later, that vision seems odd. It is now taken for granted that how one pays for it affects the care given. But in the buildup to enactment in 1965, no such presumption existed.

The incrementalist strategy of the '50s and early '60s assumed not only that most of the nation was concerned with the health insurance problems of the aged. But it also took for granted that social insurance programs enjoyed vastly greater public acceptance than did means-tested assistance programs. Social insurance in the United States was acceptable to the extent that it sharply differentiated its programs from the demeaning world of public assistance. "On welfare," in American parlance, is a form of failure, and the leaders in the Social Security administration made sure that Medicare fell firmly within the tradition of benefits "earned," not given. The aged could be presumed to be both needy and deserving because, through no fault of their own, they had lower earning capacity and higher medical expenses than any other age group. The Medicare proposal avoided a means test by restricting eligibility to persons over 65 (and their spouses) who had contributed to the Social Security system during their working life. The initial plan limited benefits to 60 days of hospital care; physician services were originally excluded in hopes of softening the medical profession's hostility to the program.

The form adopted—Social Security financing and eligibility for hospital care and premiums plus general revenues for physician expenses—had a political explanation, not a philosophical rationale. Viewed as a first step, of course, the Medicare strategy made sense. But after 30 years, with essentially no serious restructuring of the benefits, Medicare seems philosophically, and practically, at sea.

The main outline of Medicare's operational experience can be summarized in three chronological periods.

The first—roughly from 1966 to 1971—was one of accommodations to US medicine, rather than of efforts to change it. To ease the program's implementation in the face of heated resistance from organized medicine, Medicare's first administrators resisted radical changes. They adopted benefits and payment arrangements that exerted inflationary pressure and hindered the government's ability to control increases in program costs over time. For example, paying hospitals their "reasonable costs" and physicians their "reasonable charges" proved to be significant loopholes that prompted energetic gaming strategies on the part of doctors and hospitals. Unusually generous allowances for depreciation and capital costs were a further built-in inflationary impetus. The use of private insurance companies as financial intermediaries provided a buffer between the government and physicians and hospitals but it weakened the capacity of government to control reimbursement.

The truth is that in the early years, the program's leaders were not disposed to face the confrontations necessary to restrain costs. They felt they needed the cooperation of all parties for Medicare's implementation to proceed smoothly. Medicare's designers, fully aware of the need for cost control, were initially reluctant to make strong efforts for fear of enraging Medicare's providers.

With the benefit of hindsight, it is easy to criticize this. At the time of its enactment, however, Medicare's legislative mandate was to protect the elderly from the economic burdens of illness without interfering significantly with the traditional organization of American medicine. It was with this aim in mind that Medicare's leaders were accommodating so as to ensure a smooth, speedy start to the program. It was not until the 1980s that Medicare came to be seen as a powerful means to control the costs and delivery of medical care.

The results were quite predictable: efficient administration of a program with inflation built in. The average annual rate of growth in the daily service charge of US hospitals between 1956 and 1971 was 13 percent. Medicare's definition of reasonable charges paved the way for steep increases in physicians' fees as well. In the first five years of Medicare's operation, total expenditures rose over 70 percent, total expenditures rose over 70 percent, from $4.6 billion in 1967 to $7.9 billion in 1971. Over the same period, the number insured by Medicare rose only 6 percent (19.5 to 20.7 million people).

By 1970, there was broad agreement that health inflation had become a genuinely serious problem. Criticism of Medicare was part of this dialogue, and, for some, Medicare was the cause of what became a pattern of medical prices rising at twice the rate of general consumer prices. Throughout most of the 1970s, however, adjustments of Medicare took a subordinate political position to nationwide medical change. That does not mean Medicare was inert. But it does mean that its changes—experimentation with different reimbursement techniques in the early 1970s; the 1972 expansion of Medicare to the disabled and those suffering from kidney failure; administrative reorganization in the late 1970s that took Medicare out of Social Security into the newly created Health Care Financing Administration—all became the subject of intense but low-visibility interest-group politics. This polities, followed closely by the nation's burgeoning medical care industry, elderly pressure groups and specialized congressional committees, was not the stuff of Medicare's original legislative fight or of the ideological battle over national health insurance.

By the end of the 1970s, alarm had grown over both the troubles of medical care generally and the costs of Medicare specifically. The struggle over national health insurance ended in stalemate by 1975 and the effort to enact national cost controls over hospitals had also failed by 1979. This meant that Medicare, like American medicine as a whole, was consuming a larger and larger piece of the nation's economic pie, seeming to crowd out savings on other goods and services. US health expenditures in 1980 represented 9.4 percent of GNP, up from 7.6 percent in 1970. Medicare alone amounted to some 15 percent of the total health bill in 1980, up from 10 percent a decade earlier.

For the past 15 years, the politics of the federal deficit have driven Medicare. This has had two consequences. The first is that Medicare is no longer an intermittent subject of policy makers' attention, but has become a constant target of the annual battles over the federal budget. Second, concerns over Medicare's effect on the deficit have enabled far-reaching changes in the ways it pays medical providers. In contrast to the accommodationist policies of Medicare's early years, federal policy makers have implemented aggressive measures to hold down Medicare expenditures. They gave priority to the government's budgetary problems over the interests of hospitals and physicians. The result of these changes was a considerable slowdown in the rate of growth in Medicare expenditures that did not compromise the program's universality.

Ironically, these changes in Medicare payment policy received almost no public attention. There has been little recognition of the effectiveness of the 1980s federal cost-containment measures. As a result, the public has a distorted sense of Medicare's experience of inflation, viewing it as inevitable. The experiences of the past decade demonstrate that Medicare costs can actually be restrained through regulatory adjustments, and that these savings do not require a departure from Medicare's basic design as a social insurance program open to beneficiaries regardless of income.

While the changes in Medicare payment policy did not receive widespread public attention, a concurrent expansion of benefits did. For a brief period in the late 1980s, the addition of so-called catastrophic protection to Medicare coverage became a topic of media interest. The passage and repeal of the catastrophic health insurance bill was a searing experience for Washington insiders, but it left little lasting impact on the nation's citizenry. What remained from the 1980s was a large federal deficit, and it was fiscal politics (along with presidential politicking), not Medicare's performance, that has controlled the pace and character of attention Medicare has received.

Before turning to how to cope with Medicare's problems, critical attention should be given to two claims in the recent debate. One is the mistaken view that because Medicare faces financial strain, the program requires dramatic transformation. The experience of the 1980s showed that Medicare administrators, when permitted, can in fact limit the pace of increase in the program's costs. The second misleading notion has to do with the very language used to define the financial problems Medicare faces. Republican critics (and some Democrats) continue to use fearful language of insolvency to express dread of a future in which Medicare's trust fund will be "out of money." This language represents the triumph of metaphor over thought. Government, unlike private households, can adjust its pattern of spending and raising revenues. The "trust fund" is an accounting term of art, a convention for describing earmarked revenue and spending both in the present and estimated for the future. The Congress can change the tax schedule for Medicare if it has the will. Likewise, it can change the benefits and reimbursement provisions of the program. Or it can do some of both. Channeling the consequences through something called a "trust fund" changes nothing in the real political economy. Thinking so is the cause of much muddle, unwarranted fearfulness and misdirected energy.

To view the crisis-ridden debate about Medicare's finances as misleading is not to suggest that the program is free of problems. But it is important to understand that Medicare can be adjusted in ways that fully preserve the national commitment to health insurance and the elderly and disabled.

What should be done? One place to start is reduction of the growing gap between the benefits Medicare offers and the obvious needs of its beneficiaries. What Medicare pays for should be widened to include the burdens of chronic illness; that means incorporating prescription drugs and long-term care into the program, which is precisely what the Clinton administration hoped to do in connection with its ill-fated health insurance overhaul.

Widening the benefit package does not mean, contrary to what many claim, that total expenditures must rise proportionately. Expenditures represent both the volume of services and their prices. Many other nations have not only universal coverage and wider benefits than Medicare, but spend less per capita than we do for their elderly. Canada, for example, is able to do this because they pay their medical providers less, spend less on administration and use expensive technology less often. Medicare's expenditures should be restrained below the current projected growth rate of 10 percent a year. There is no reason that the program's outlays need rise at twice the rate of general inflation—or more. What has to be changed is the amount of income medical providers of all sorts receive from the Medicare program.

Medicare's financing also could use some overhauling. Raising payroll taxes will have to be part of the answer. This option appears to be ruled out of the current debate, a good example of fearfulness defeating common sense. But, the breadth of public support for Medicare suggests it is possible to mobilize popular backing for a tax increase to support the program where the problem is clearly defined and the justification convincingly offered. As for beneficiaries, it is time to reconsider the idea of charging wealthier beneficiaries more for Medicare's physician insurance program, another idea likely, if explained, to have popular support.

We need a debate as well over how Medicare should be improved. What we do not need is one that scares the country about Medicare's future by disseminating false claims about its affordability. It would indeed be a "crisis" if we concluded that the legitimate health costs of our aged and disabled were unaffordable. What is unsustainable is the pattern of increasing health expenditures at twice the rate at which our national income rises.

Medicare's early implementation stressed accommodation to the medical world of the 1960s. Its objective was to keep the economic burden of illness from overwhelming the aged or their children. Thirty years later, the setting is radically different. The difficulties of Medicare are those of American medicine generally. We pay too much for some procedures and we do too many things that either do some harm or do little good in relation to their costs. In the world of private health insurance, cost control has arrived with a vengeance. Medicare is unsettled and is likely to remain so in the context of budget-deficit politics unless we accept that containing what we spend on Medicare need not mean transforming the program. It will mean, necessarily, that the burdens of cost control will have to be borne. Our suggestion is that they should be borne by those whose incomes are higher, both payers and payees.

THE DEDICATION OF THE KOREAN WAR VETERANS MEMORIAL

Mr. HEFLIN. Mr. President, on the Mall this afternoon, just across the reflecting pool from the Vietnam Veterans Memorial, another unique symbol commemorating the sacrifice of our Nation's veterans was dedicated. The long-overdue memorial to our Korean war veterans was finally and officially opened to the public today, July 27, 1995, the 42d anniversary of the armistice agreement ending that conflict.

This stirring memorial truly deserves its rightful place on the national Mall, for, as a Washington Post editorial succinctly put it yesterday, "'Korea' was a convulsive but finally proud event in the tradition of the presidents honored on this hallowed national ground." On the Korean Peninsula over 40 years ago, brave Americans led a score of nations in successfully thwarting Communist aggression. "It was a moment in the history of freedom, and the 54,000 Americans who died and the many others who fought there earned the benediction in stone and steel now * * * bestowed."

Some have called the Korean war "the forgotten war," since it did not end in triumph—like World War II—or in bitter defeat—like Vietnam. It neither united us the way World War II did, nor did it divide us to the degree that Vietnam did. It was not even called a war, as such, but was generally referred to as a "police action," or "conflict." The memorial dedicated on the Mall today not only honors those who served and died in the Korean war, it also gives them their proper place in our Nation's collective memory.

The Korean war is significant in our history for many reasons, one of those being that it was the stage for the first war in which a world organization—the United Nations—played a military role. It was a tremendous challenge for the United Nations, which had come into existence only 5 years earlier. We only recently commemorated its 50th anniversary, so it is perhaps fitting that the opening of the Korean Veterans Memorial coincides with that celebration, since it was the United Nations' first major test.

The Korean war began on June 25, 1950, when troops from Communist-ruled North Korea invaded South Korea. The United Nations called the invasion a violation of international peace and demanded that the Communists withdraw from the south. After the Communists refused and kept fighting, the United Nations asked its members to provide military aid to South Korea. Sixteen U.N. countries sent troops to help the South Koreans, and a total of 41 nations sent military equipment or food and other supplies. As we know, the largest share of U.N. support for South Korea came from the United States, and the greatest burden was born by American servicemen and women. China aided North Korea, and the former Soviet Union gave military equipment to the North Koreans.

The war went on for 3 years, ending on July 27, 1953, with an armistice agreement between the United Nations and North Korea. A permanent peace treaty remains an elusive goal as 37,000 American troops to this day remain in South Korea to discourage a resumption of hostilities.

In many ways, the Korean war set the pattern for future United States military efforts. It saw important innovations in military technology, such as fighting between jet aircraft as American F–86's battled Soviet-built MiG–15's. It was the first conventional war that could have easily escalated to atomic dimensions.

The war unalterably changed the nature of superpower relations. The dramatic American demobilization after World War II was reversed and the United States has since maintained a strong military force. Cold war tensions mounted, and some historians argue that the war fostered dangerous "McCarthyism" at home.

Hopefully, this moving memorial will help Americans of all ages come to better understand and appreciate the importance of the sacrifices made by those who fought and died during the Korean war. On this day of the dedication of their memorial, I stand with each of my colleagues in saluting all veterans of the Korean war. Their service and sacrifices—as well as that of their families—are not forgotten.

I ask unanimous consent that the text of the Washington Post editorial, "The Korean War: On the Mall," from July 26 be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE KOREAN WAR: ON THE MALL

A memorial to American veterans of the Korean War (1950–53) is to be dedicated tomorrow on the Mall across the Reflecting Pool from the Vietnam Memorial. It deserves to be there, for "Korea" was a convulsive but finally proud event in the tradition of the presidents honored on this hallowed national ground.

In Korea the United States led a score of nations successfully resisting what was pure and simple Communist aggression. It was a moment in the history of freedom, and the 54,000 Americans who died and the many others who fought there earned the benediction in stone and steel now being bestowed.

The Korean War can seem a grim and inevitable episode in the grinding global collision of the Cold War. Yet at key moments it was anything but fated. Secretary of State Dean Acheson simply erred when he said in January 1950 that the Korean peninsula, divided by Washington and Moscow as World War II closed, was outside the U.S. "defensive perimeter." A fortnight later Stalin, the Soviet Communist leader, instructed his envoy to tell North Korea's dictator, Kim Il Sung, that "I am ready to help him in this matter" of reuniting Korea.

It was far from certain that the struggling American president, Harry Truman, would reverse course and respond resolutely when North Korea invaded in June. It was even less predictable that Gen. Douglas MacArthur, author of the Marines' legendary Inchon landing, would ignore the new Chinese Communist government's warnings and, tragically, end up fighting China too.

With its evocative poncho-clad figures, the new memorial captures the war's signature of foot-soldiers trudging into endless combat. Once the battle had gone up and down the peninsula several times, the war stabilized on the original dividing line but continued at dear cost—until the stalemate was mutually confirmed, until North Korea accepted the American insistence that its soldiers who were prisoners in the South would not be repatriated against their will.

That the war ended not in World War II-type triumph but in anticlimatic armistice has encouraged the notion that the outcome was a compromise or even a defeat. But although the aggressor was not unseated (the goal of Gen. MacArthur's rollback strategy), North Korea was repulsed and South Korea saved. Time and space were bought for a competition of systems in which the South came to exemplify democratic and free-market growth, while North Korea stayed a stunted and dangerous hermit state. If there is yet a chance that things may go better, it is because the United States did what it had to in the war and then stayed the course, to this day.

KOREAN WAR MEMORIAL

Mr. D'AMATO. Mr. President, I rise today to recognize the sacrifices of the many hundreds of thousands of American servicemen who bravely fought the forces of communism in that far-off peninsula of Korea. As the primary contingent of an international force that succeeded in halting the tide of Soviet and Chinese expansion and influence, Korean war veterans won what many have seen as the first battle of the cold war.

The experience of the Korean war forever changed the nature of the superpower relationship as well as America's bilateral relations with its overseas allies. In defending the democratic South Korean Government against the aggression of the communist North, America won the friendship of a government committed to furthering American values and ideals. Today we look at South Korea as a important ally and model of political, social, and economic development.

Many have referred to the Korean war as the forgotten war because its significance has only been truly realized after our eventual triumph over totalitarianism. With today's dedication of the Korean War Veterans Memorial by President Clinton and South Korean President Kim Young Sam, the sacrifices of the over 54,000 Americans killed and the 1.5 million men and women who served will finally be recognized. The memorial will serve to forever preserve a place of honor that these heroes have always deserved. Let these America's Korean war veterans never again be forgotten.

THE RYAN WHITE CARE REAUTHORIZATION BILL

Mr. MCCAIN. Mr. President, I rise to congratulate the chairwoman of the Committee on Health and Human Resources, Senator NANCY LANDON-KASSEBAUM, on the passage of the Ryan White CARE Reauthorization act of 1995. The act assures that AIDS-related services will be available to people in big cities, small towns, and rural communities all across the country, it also ensures that funding is provided for Indian AIDS victims.

Some may recall that during the original debate on the Ryan White CARE Act in 1990, I, and several of my colleagues on the Senate Indian Affairs Committee, offered an amendment to title II of the bill to ensure that Indians with HIV and their families were eligible to participate in the special projects of national significance. That provision was accepted and as a result, hundreds of Indians with HIV, who would otherwise have had great difficulty accessing services, have been served.

Many in the Congress are not aware that in comparison to other populations, Indians are among the highest at-risk populations for the HIV infection. In fact, the Centers for Disease Control reported that in just 2 years, from 1988 to 1990, the number of reported American Indian AIDS cases increased by 120 percent in comparison to an overall national increase of 35 percent. Unfortunately, this trend still continues. Today, the CDC reports that since the passage of the Ryan White CARE Act in 1990, the number of American Indian AIDS cases has increased by approximately 351 percent. This is the largest growth rate of HIV in any population group nationwide. What is equally alarming is that Indian women in their first through third trimester of pregnancy were up to eight times more likely to be living with HIV than other rural populations of women.

There is also a general misconception that the health care needs of Indians with HIV are provided by the Indian Health Service. That is not the case. What is not generally known is that the IHS has an extremely limited capacity, in funding and services, to provide the necessary and delicate care often required by HIV victims. The act recognizes this by ensuring that Indians with HIV are not deprived of necessary services.

I know that the chairwoman and her staff have labored long and hard to address the concerns of the Congress in developing the Ryan White CARE Reauthorization bill. As the chairman of the Senate Committee on Indian Affairs I would like to commend her for her continuing concern for the Nation's Indian population and the passage of this critical legislation. And I'm sure she shares my hope, that one day soon we will find a cure for this tragic disease. But until then, it is the Congress' responsibility to ensure that all individuals with HIV receive the services needed to cope with this devastating illness on a day-to-day basis. Chairwoman KASSEBAUM has accomplished this, and for that, she has my praise.

KOREAN WAR MEMORIAL DEDICATION

Mr. LEAHY. Mr. President, the Korean war was known as "the Forgotten War" to some because it followed so closely on the heels of World War II, and because it was in many ways overshadowed by the divisive Vietnam conflict. I never liked that expression, because I know too many people whose lives were forever changed by Korea. I prefer to think that the Korean war not as a forgotten war, but as an unremembered war. For too many years we ignored the great sacrifice made by millions of Americans in a rugged land far away from our shores. As of today, the Korean war is unremembered no longer.

This afternoon I was honored to attend the dedication of the new Korean War Memorial, and it is a worthy addition to our Nation's Capital. The memorial is centered around 19 haunting statues created by Vermont sculptor Frank Gaylord. His depiction of tired American soldiers marching in a loose formation toward a common goal manages to capture perfectly the heroic qualities of our soldiers without glorifying war.

While I was moved by the memorial and the ceremony today, the moments I will treasure most occurred this morning at a breakfast I hosted for Vermont veterans and Mr. Gaylord. These Vermonters came from all parts of the State. They came by airplane, they came by car, and they came by 14-hour train ride. One group came after driving all night long. They came with their families, their foxhole buddies, and by themselves. Most of these Vermonters served in different units, and many had not met before today. They came to Washington to stand for hours in the terrible summer heat, all to pay tribute to events that happened over 40 years ago.

I realized this morning, as these veterans gathered in my office, that any inconvenience suffered by travel or weather meant nothing to them. Their sense of duty to comrades past and present brought them to Washington, and as long as there was life in their bodies they would come. The history books tell us that 46,246 Americans died in the Korean war, that 103,284 were wounded, and that millions more served. All of them are finally being recognized today. It is with humility that I offer my profound gratitude to those who answered the call and gave so much to preserve freedom.

Mr. President, I ask unanimous consent that recent Washington Post articles about the Korean War Memorial be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Post, July 22, 1995]

A MARCH TO REMEMBER, MOVING MONUMENT TO KOREA VETERANS SURPASSES THE TORTURED HISTORY OF ITS DESIGN

(By Benjamin Forgey)

When the Korean War Veterans Memorial is dedicated next Thursday—the 42nd anniversary of the armistice ending the war—veterans and their families will be celebrating an honor long overdue.

They can also celebrate a work of beauty and power. Given the tortured history of the memorial's design, this seems almost a miracle. But there it is. Situated on proud symbolic turf southeast of the monument to Lincoln, in equipoise with the Vietnam Veterans memorial to Lincoln's north, the Korean memorial is a worthy addition to the national Mall.

Despite some big flaws, our newest memorial is incredibly moving. And what could have been its most glaring weakness—a column of realistically sculpted soldiers in combat formation—turned out to be its major strength. Unheralded sculptor Frank Gaylord of Barre, Vt., created 19 figures that are convincing individually and as a group.

It is a case of art rendering argument superfluous. There were obvious dangers in the concept of a memorial featuring a column of battle-ready soldiers. If excessively realistic, they could be off-putting. If strung out in too orderly a row, they could be deadeningly static. And yet, if inordinately animated, they could be seen as glorifying war. Indeed, in one of Gaylord's early versions, they came perilously close to doing just that.

But in the end, none of this happened. Placed dynamically on a triangular field of low juniper shrubs and cast in stainless steel at a scale slightly larger than life, these gray, wary troopers unself-consciously invite the empathy of all viewers, veteran and non-veteran alike.

The sculptures and triangular "field of service" are one of three major elements in the memorial. With an American flag at its point, the field gently ascends to a shallow, circular "pool of remembrance" framed by a double row of braided linden trees. There also is a "memorial wall." Made of huge slabs of polished black granite, each etched with shadowy faces of support troops—nurses, chaplains, supply clerks, truck drivers and so on—the 164-foot wall forms a subtly dramatic background for the statues. High on the eastern end of the wall, where it juts into the pool of water, is a terse inscription: Freedom is not free.

The memorial was designed by Cooper-Lecky Architects of Washington—although, in an important sense, the firm acted like the leader of a collaborative team, Important contributions were made by Gaylord and Louis Nelson, the New York graphic designer of the memorial wall, and also by the Korean War Veterans Memorial Advisory Board and the reviewing agencies, especially the Commission of Fine Arts.

Not to forgotten are the four architects from Pennsylvania State University who won the design competition back in the spring of 1989—John Paul Lucas, Veronica, Burns Lucas, Don Alvaro Leon and Eliza Pennypacker Oberholtzer. This team dropped out after it became apparent that its original design would have to be altered significantly to pass muster with the advisory board, reviewing agencies and others. The team sued, and lost, in federal court.

Key elements of the competition design remain in the final product—particularly the central idea of a column of soldiers moving toward a goal. But the finished product is a big improvement over the initial scheme. It's smaller and more accommodating—not only was the number of soldiers cut in half (the original called for 38 figures), but also a vast open plaza was eliminated in favor of the contemplative, shaded pool. It's easier to get into and out of—the clarity of its circulation pattern is outstanding. Its landscaping is more natural—among other things, the original called for a grove of plane trees to be clipped "torturously," as a symbol of war. The symbolism of the memorial is now simple and clear.

Still, Cooper-Lecky and the advisory board went through many versions, and many heartbreaks, on the way to getting a design approved—and the finished memorial shows the strain of the long, contentious process. It cannot be said that this memorial possesses the artistic grandeur and solemnity of the Lincoln Memorial. It does not have the aesthetic unity of Maya Lin's Vietnam Veterans wall. It is not quite so compelling a combination of the noble and the everyday as Henry Merwin Shrady's Grant Memorial at the other end of the Mall. But this is to put the new memorial in elevated company—together with the Washington Monument, these are our finest expressions of memorial art. To say that the Korean War memorial even comes close is a tribute.

Without question, its worst feature is a sequence of parallel strips of polished black granite in the "field of service." Unattractive and unneeded, they threaten to reduce the soldiers' advance to the metaphorical level of a football game. And on one side of the field, they end in obtrusive, triangular blocks of granite, put there to discourage visitors from walking onto the granite ribbons. The junipers may in time cover the strips—at least, one can hope—but these bumps, unfortunately, will remain bumps.

The wall gets a mixed review. A clever if somewhat shameless adaptation of Maya Lin's idea—with faces rather than names etched in—it honors support troops, who always outnumber those on the front lines. It is beautifully made. The heads are real ones from photographs in Korean War archives, digitally altered so that the light source is always coming from the direction of the flag. The etching is wonderfully subtle: The faces seem to float in a reflective gray mist. The wall tugs the heartstrings, for sure, but it's also a bit obvious, a bit much. It has the feel of a superfluous theatrical trick.

Fortunately, the wall does not interfere too much with the sculpture, which from the beginning has been the primary focus of this memorial. It was an extraordinary challenge, one of the great figurative commissions of the late 20th century, and Gaylord came through. To walk down from the Lincoln Memorial and catch a first, apparitional glimpse of the soldiers, as they stalk from under the tree cover, is quite a thrill. Even from a distance and from the back, the gray figures are compelling.

And, as choreographed on that field, they become more compelling the closer you get until, with a certain shock, you find yourself standing almost within touching distance of the first figure; a soldier who involves you in the movement of the patrol by turning his head sharply and signaling—Beware!—with the palm of his left hand. He is a startling, daring figure and, with his taut face and that universal gesture of caution, he announces the beginning of a tense drama.

It is an old device, familiar in baroque painting and sculpture, to involve the viewer directly in the action by posture, gesture, facial expression, Gaylord adapted it masterfully here: The figures look through you or over your shoulders, enveloping the space beyond the memorial with their eyes. The air fairly crackles with the vitality of danger. The soldiers communicate tersely among themselves, too—in shouted commands or entreaties, and subtly connected gestures and glances.

The most critical contact, though, may be that first one, between the visitor and that initial soldier. His mouth is open—you can almost hear him hissing an urgent command. You slow down, and then you behold the field before you. There is fatigue and alertness everywhere you look. Each figure and each face is as charged as the next. Appropriately, the gray metal surfaces are not polished and shined. Gaylord's rough treatment of the matte surfaces adds to the nervous intensity of the piece.

It is quite a feat to give such figures such a feeling of movement—they're only walking, after all, and they're carrying heavy burdens. But Gaylord performed that feat, 19 times—he proved himself a master of contrapposto, and other time-honored sculptural technique. Underneath the gray ponchos and the weight of the stuff on their backs, these figures twist from hip to shoulder and neck. Some shift dramatically, some just enough, so that the ensemble takes on an extraordinary animation. Every gesture seems perfectly calculated to reinforce the irony. These ghostly soldiers in their windblown ponchos seem intensely real.

Dedicated to the concepts of service, duty and patriotism, the new memorial stands in sharp contrast to its companion across the Reflecting Pool. But the Korean and Vietnam memorials make a complementary, not a contradictory, pair. In honoring the sacrifices of soldiers in Vietnam, Lin's great V-shaped wall invokes a cycle of life and death, and physically reaches out to the Mall's symbols of union and democracy.

The Korean War Veterans Memorial is more straightforward, and speaks directly of a specific time and place. Yet it attains an unmistakable universality of its own. Gaylord's soldiers (and Marines and airmen) served in Korea, yes. But they also stand unpretentiously for the common soldiers of all wars.

[From the Washington Post, July 23, 1995]

OUT OF HISTORY, ONTO THE MALL, KOREAN WAR MEMORIAL TO BE DEDICATED

(By Anthony Faiola and Lena H. Sun)

In the nation's capital, the forgotten war is forgotten no more.

The $18 million Korean War Veterans Memorial opens Thursday on the National Mall, honoring the men and women who fought in an international conflict many Americans still view as an afterthought, lost between the scope of World War II and the upheaval of Vietnam.

The stoic arrangement of stainless-steel statues, a mural wall and a circular reflecting pool officially takes its place as the fifth major memorial on the Mall, southeast of the Lincoln Memorial and across from the Vietnam Veterans Memorial. It arrives after seven stormy years of lawsuits and conceptual bickering that almost doomed the project.

"This is not a graveyard or a glorification of war," retired Col. William Weber, 69, said as he surveyed the 19 statues of white, black, Korean and American Indian soldiers that make up the core of the memorial. When reflected in the black granite mural wall, their numbers double to 38—symoblizing the 38th parallel established as the border between North and South Korea in 1945.

"It is a remembrance of a group of veterans who have fallen into their twilight years and who are still tragically forgotten by too many people" in this country, said Weber, who lost his right arm and leg to a hand grenade in Korea and is among those veterans who doggedly lobbied for the memorial.

More than four decades after the war ended, organizers of the memorial are trying to make up for the lack of public recognition. There will be six days of ceremonies and events, beginning tomorrow, to honor America's 5.7 million Korean War-era veterans and those from the 21 other countries who served under the banner of the United Nations command in Korea.

The three-year Korean War was an inconclusive, bloody conflict, the first modern war in which the United States had to accept a compromise solution in the form of an armistice agreement. The conflict intensified the Cold War mentality, destroyed Korea and solidified the divisions between North and South Korea.

More than 54,000 U.S. military personnel and more than 58,000 South Korean military personnel died in the war, according to the U.S. Army Center for Military History. Millions of Korean civilians perished; virtually every Korean family was affected.

For many ordinary Americans, the conflict is best known because of the adventures of Hawkeye and Hot Lips in the popular movie and television series "M*A*S*H" two decades later. But during the war, there was little front-page coverage. When the soldiers returned home, they slipped back into society. There were no parades, no celebrations.

"I came back on a Friday, and I started back up at work the following Monday," said Raymond Donnelly, 67, of Arlington, a machine-gunner with the 24th Infantry Division who spent 10 months on the front line before returning to a printing apprenticeship in Massachusetts.

President Clinton and South Korean President Kim Young Sam, who is arriving on a state visit Tuesday, will preside over the dedication of the memorial Thursday, the 42nd anniversary of the armistice. Officials are expecting a crowd of about 100,000 many of them Korean War veterans and their families, as well as representatives of the countries that fought under the U.N. command. Retired Gen. Chang Pae Wan, who commanded the defense of Seoul during the war, will lead the South Korean delegation, which will include about 400 veterans.

Among the other highlights of the week's events is a troop muster of war veterans—only the second such mass gathering of troops in U.S. history—that will be addressed by the Joint Chiefs of Staff.

In the Korean American community have criticized South Korean participation in the memorial, however. Of the $18 million raised in private money, nearly $3 million came from U.S. subsidiaries of South Korea's largest companies, including $1 million each from Samsung and Hyundai.

Richard Nahm, an interpreter who writes for Korean-language newspapers published in the United States, said the South Korean government should pay more attention to domestic problems, such as polluted drinking water and the recent collapse of a Seoul department store that killed 450 people, instead of encouraging companies to contribute to a memorial that primarily honors U.S. war dead.

A spokesman for the South Korean Embassy dismissed the criticism. South Korea had considered canceling Kim's trip to Washington because of the department store collapse but decided to proceed because the visit had been long planned, he said.

The memorial reflects the primary role of U.S. ground troops, featuring seven-foot statues of combat-ready soldiers as one of its key elements. The soldiers are spread over a field of juniper bushes. Behind them is a 164-foot wall with the faces of nurses, cooks, chaplains, other support troops and even the canine corps. The photographic images were culled from Korean War archives and sandblasted onto the black granite.

Opposite the mural are the names of all the countries that served under the U.N. command. The field slopes up to a circular "pool of remembrance."

The Korean War Veterans Memorial didn't come easily.

Its creation was rooted in the frustrations of a group of Korean War veterans, including members of the 25th Infantry Division, that in 1985 made a pilgrimage to Seoul to confront their ghosts, said Dick Adams, past president and a board member of the Korean War Veterans Association Inc., which was founded in 1985.

"We were not like the vets of Vietnam," Adams said. "We were the forgotten people of a forgotten war, and we weren't ready to let ourselves go down in history in that way."

The group was further stirred to action a year later when the Vietnam Veterans Memorial was dedicated. On Oct. 28, 1986, their efforts paid off: President Ronald Reagan approved a resolution authorizing the American Battle Monuments Commission to erect a Korean War Veterans Memorial on the Mall.

The generosity of the private sector in donating money was challenged by setbacks, however.

An initial design contest was won in 1989 by four professors from Pennsylvania State University. They sued the federal government and lost after the design was altered by D.C.-based Cooper & Lecky Architects, the architects of the Vietnam memorial.

The memorial was reconfigured. The number of statues was cut from 38 to 19. Instead of lining up in a single file, for easy visitor access, the larger-than-life statues were placed in a field of juniper bushes to create the air of rough terrain and to remove them from the public's reach.

The memorial will be open to the public at 4 p.m. Thursday and will remain open 24 hours a day. Organizers say the wait will be long for those who wish to visit the memorial immediately because of the large crowd expected at the dedication.

By last week, the advisory board was receiving about 2,000 telephone calls an hour because of overwhelming interest in the memorial and related events, a spokesman said.

For local veterans, such as Donnelly, the memorial will be a final resting place for his memories. Besides the fear and the fighting, there is the food that Donnelly will always associate with the war: the Spam, Babe Ruth candy bars, black olives and saltine crackers he and other soldiers devoured when they were not on the front line.

His most enduring the memory is of the bone-chilling winter cold, when temperatures often plunged well below zero.

"That's why I say the first miserable rotten night we have here, when it's cold and rainy and snowy," Donnelly said, "I want to go down [to the Mall] and walk through those statues, because that's what it was like."

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, what is the pending business?

The PRESIDING OFFICER. We are in morning business, I believe.

If there is no further morning business, morning business is closed.

CONGRESSIONAL GIFT REFORM ACT OF 1995

The PRESIDING OFFICER. The Senate will now resume consideration of S. 1061 which the clerk will report.

The bill clerk read as follows:

A bill (S. 1061) to provide for congressional gift reform.

The Senate resumed consideration of the bill.

Mr. LEVIN. I thank the Chair. S. 1061 is the so-called Congressional Gift Reform Act; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. LEVIN. Mr. President, I am pleased we have now returned to the gift reform issue, and before us is the congressional gift reform bill which has been cosponsored by Senators COHEN, GLENN, WELLSTONE, LAUTENBERG, FEINGOLD, BAUCUS, and MCCAIN.

I ask unanimous consent Senator BINGAMAN be added as a cosponsor of the bill.

The PRESIDING OFFICER. Without objection, the request is agreed to.

The Senator from Michigan has the floor.

Mr. LEVIN. I thank the Chair. Was my unanimous-consent agreement relative to Senator BINGAMAN adopted?

The PRESIDING OFFICER. Yes, it was.

Mr. LEVIN. Mr. President, this bill will put an end to business as usual when it comes to gifts that come to Members of Congress and to our staffs and employees. It will end the so-called recreational trips for Members who play in charitable golf, tennis, and skiing tournaments. It will put an end to the meals paid for by lobbyists and others, put an end to the free tickets to sporting events, concerts, and theater events.

Under the current congressional gift rules, Members and staff are free to accept gifts up to $250 from anybody, including lobbyists. Gifts under $100 do not even count. So we are free to accept an unlimited number of gifts from anybody as long as they are worth less than $100 in value and we do not even have to disclose them. And meals do not count either. They are unlimited, regardless of their dollar value, and do not have to be disclosed either. Members and staff are free to travel to recreational events such as golf, tennis, and ski tournaments.

That is the status quo. That is business as usual. It simply is not acceptable anymore. The public has lost too much confidence in Congress. More than half of the American people surveyed think that decisions in Washington are made by special interests.

The other day we adopted lobby reform, which is the first of three major steps that we must take in the area of political reform to help restore public confidence in this institution.

The next two steps are bigger steps. One relates to gifts and the other relates to campaign finance reform. Last year, when we debated this gifts bill, we had Washington restaurants telling us that if lobbyists could not take Members out to meals, the restaurants in Washington, a lot of them, would close. People were saying that the Kennedy Center would go under if lobbyists could not buy tickets for Members of Congress.

What a terrible indictment that all would be, if it were true. Can it really be that we accept so many free meals and tickets that entire industries are dependent upon our continuing to accept such gifts? I hope not. And I believe not.

S. 1061, which is the gift reform bill now at the desk, contains tough new congressional gift rules that were included in last year's lobby disclosure bill. This bill, our bill, would prohibit special interests from paying for free recreational travel, free golf tournaments, tennis tournaments, ski holidays, and put an end to unlimited football, basketball, and concert tickets.

Members of this body will no doubt remember, just as the public will no doubt remember, just how close we were to resolving this issue in the last Congress, when the conference report on S. 349 was killed by a last-minute filibuster. At that time, the opponents of the conference report raised a number of substantive concerns relating to the lobbying reform portion of the bill, which we now have successfully addressed in separate legislation. However, the opponents of the bill at that time stated strongly and repeatedly that they had no objection whatever to the gift provisions in the bill. Those are the same gift provisions that come before us today.

As a matter of fact, the majority leader, Senator DOLE, stated that he supported the gift ban provision. "No lobbyist lunches, no entertainment, no travel, no contribution to the defense funds, no fruit basket, no nothing. That is fine with this Senator, and I doubt many Senators partake in that in any event," the majority leader said. And other Senators made similar statements of their commitment to the quick enactment of strong gift rules.

On October 6 of last year 38 Republican Senators cosponsored a resolution, Senate Resolution 274, to adopt a new tough gift rule included in the conference report that I referred to on S. 349.

The bill before us today contains these same rules changes that the vast majority of us voted for just a year ago in May 1994, and said that we still support it last October.

So now we are going to be put to the test. If we really mean what we said last May and again last October, did we mean it when we said we wanted to put an end to the unlimited meals and tickets and recreational travel, or is it going to be business as usual in this town?

The issue here is whether we can even go out to dinner with lobbyists. The question is who is paying? Who is paying for the theater tickets? Who is paying for the tickets to ski slopes?

This issue and related issues have been thoroughly debated over the last few years. It came close last year, and we are coming close again this year. This issue is not going to go away until we do the right thing. The issue will not go away until we enact new, tough gift rules. The issue will not go away until the gifts go away.

We do not need these gifts. We addressed this bill in the spirit in which we ran for office. We are going to do what the public wants us to do, and that is to get this issue behind us once and for all with strong, new gift reform.

Mr. President, later on this afternoon I expect that an amendment is going to be offered in the form of a substitute. This substitute will bring us even closer to the executive branch rule on gifts. That rule is pretty simple rule—no gifts over $20 and few aggregate gifts even under $20 so that you cannot accept anything over $50 total from one source in 1 year. That is the executive branch rule. It has worked. It is simple. It is understandable. And that is what will be in the substitute. It is going to be a simpler approach than is in the underlying bill because the substitute will not make a distinction between whether or not a gift, food, whatever is received here or back home. The underlying bill made that distinction because it took a slightly different approach on the basic issue of what gifts are acceptable.

But the substitute which will be offered makes no distinction between whether the gift comes from lobbyists or nonlobbyists. It is a $20 rule the way it is in the executive branch.

So you do not need those kind of distinctions because of the simplicity of the rule, and the fact that it has worked in the executive branch. And it is an effort to pattern our rules more closely to the executive branch rule, and to make it simpler so that we do not have distinctions as to whether or not the person giving the gift has been registered, which requires them to keep track of everybody who is registered on a computer as a professional paid lobbyist.

It does not make the distinction between whether or not the gift is here or back home. That is the distinction which is difficult for many people in different States. Those distinctions are not in this amendment which will be offered in the form of a substitute. Instead, this is a simple, clear underlying executive branch approach—no gift under $20; gifts under $20 are aggregated. They count so that you cannot take more than $50 in any one year. That is what the executive branch does.

Obviously, with the exceptions that we have in here for close personal friends, for doughnuts, coffee, mementos, caps, hats and the little things which we get of nominal value, those continue. They are in the underlying bill. The substitute will not touch those exceptions. We have lots of exceptions in the current rules. It is not anything novel to have 15 or 20 exceptions to the general rule because that is what we have in the current rules to take care of getting a pen from somebody. If you go to a VFW hall and somebody gives you a pen, that is acceptable under the current rule. That is acceptable under the underlying bill. That continues to be acceptable under the substitute. Those exceptions that are set forth in this underlying bill which has been pending before us for a long time and were before us last year continue in the substitute.

I have worked to help craft that amendment in the form of a substitute. And I support it. I think it is strong, tough gift reform. It has some advantages in terms of being simpler and more understandable with fewer difficulties in terms of administration because it does not require the maintenance of the record on the thousands of registered lobbyists that hopefully will register under our new lobbying registration law.

Again, it eliminates that distinction which is difficult for many depending on what State they live in to make the differential between receiving something back home and receiving something in the adjacent State.

Let me close by repeating some portions of editorials which succinctly state the problem that we face and hopefully the solution which we are going to achieve this afternoon or tomorrow.

From the Detroit Free Press of May 13:

> We do not believe that most Members of Congress are inherently corrupt or readily corruptible, but the role of special interests in Washington has become so troubling that Congress simply must set higher standards. It will be a slow process. But the gift ban is an important step towards getting Congress' house in order.

Mr. President, I am going to conclude at this point by simply reiterating one point which I think is the central truth of the substitute amendment which is going to be adopted. It basically adopts the approach used in the executive branch. They have lived with it. It works. I think we can live with it. And after we do, and after we get used to it, I think we are all going to feel that not only are we better off but that this institution will reclaim some of the support which has been lost in the public.

Gifts are not the only reason that we have lost some of that public support. There are a number of reasons for it. But this is one of the number of steps which we can take in order to increase public confidence in this institution which we have all sworn to uphold.

Mr. President, I yield the floor.

Mrs. MURRAY. Mr. President, on Monday of this week, the Senate unanimously voted to enact strict lobbying reforms. That vote signaled the intent of this body to listen carefully to the concerns of the American people. Today we have an opportunity to act on another reform measure—the gift ban.

This bill, which was introduced by Senators LEVIN, COHEN, and WELLSTONE, seeks to prohibit Members and staff from receiving gifts. Simply, Members and staff will not have the opportunity to accept meals, privately financed trips, contributions to legal defense funds, or any other gifts from lobbyists. That does not seem like an unreasonable request to me. The American public has called for an end to business as usual in Washington, and this is a big step on the road to reform.

In the last Congress, the Senate voted overwhelmingly to pass a virtually identical gift ban bill. Unfortunately, it was killed by a filibuster. But the need to adopt these reform measures has not diminished. There is strong support from the public. There is strong support from the Congress. And there is an unquestionable need to take this action.

Mr. President, this debate is more than banning gifts—which clearly is long overdue. It is about restoring the faith of the American public in the political process. We need to remember that we are here as representatives of our constituents. That we were elected to work for the interests of our neighbors, not receive gifts from special interests. We must put ourselves in the shoes of our neighbors. Would they be asked out for free lunches? Would they be offered all expense paid trips to speak? When we can look our neighbors in the eye, and know that we do not have special privileges, then we are on the correct path to reform.

The time has come to pass this long overdue measure. We must have real reform to help preserve the integrity of the process. We must have real reform to help restore the faith of the American people.

Mr. President, I urge my colleagues to vote in favor of the gift reform bill.

Mr. LOTT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN. Mr. President, at the appropriate time I will offer as an amendment the measures which were adopted earlier this week in the lobbying reform bill. Those lobby reform amendments dealt with loopholes in our disclosure.

Currently, there are a number of loopholes in our disclosure procedure. Two of them were plugged by amendments to the lobbying reform bill, and it is my intention to offer those two amendments as rules changes for the Senate. They are pretty straightforward.

One is to change reporting categories. Right now reporting categories cap out at $1 million, so an asset that might be worth $50 or $100 million is reported as simply being worth over $1 million. My rule change would simply allow for a more complete disclosure of the asset value by creating some new categories: $1 million to $5 million, $5 million to $10 million, $10 million to $25 million, $25 million to $50 million, and assets above $50 million. There is no magic in those numbers. They are purely arbitrary. They are simply meant to give a little more accurate disclosure in terms of the asset value.

The second amendment will be combined with the first and will deal with the loophole of the qualified blind trust. Currently, the law and the rules in effect allow Members who have a qualified blind trust to be advised of the net cash value of that blind trust but do not require disclosure of that value. The rule change simply indicates that in the event the trust instrument provides for the beneficiary or Member to be advised of the value they have in a qualified blind trust, then that has to be reported.

These are two important changes because they will give a much more complete picture, and, frankly, they will apply the same rules to people who are not wealthy enough to afford a blind trust or a separate trustee; it will apply the same disclosure practices to people who can afford an independent trustee and those Members who are not wealthy enough to have an independent trustee and qualified blind trust—simple equity, simple fairness in applying the same rules to all Members of this Chamber, whether wealthy or not wealthy.

It seems to me, while we are all hopeful of lobbying reform, adding these changes to the Senate rules will assure these important reforms are adopted regardless of what happens to the lobbying reform bill.

I yield the floor, Mr. President, and I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CHAFEE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAFEE. Mr. President, I ask that I might proceed as if in morning business for the next 10 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

KOREAN WAR MEMORIAL

Mr. CHAFEE. Mr. President, like many others, I had the privilege this afternoon to go down to the mall for the dedication of the Korean War Memorial, and it was an extremely impressive ceremony.

I urge any who might have the opportunity to visit that memorial to seize upon that opportunity. There are a series of figures, 19 in all, I believe, in a very haunting memory of what took place in Korea. Each of the figures has a poncho, while they are soldiers, marines advancing in a loose formation, and I think the way the figures are designed it gives an impression of the climate of Korea, the arduousness of the climate. It brings back memories of the very coldness that was in Korea in the winter, and in the summer the extreme heat that took place there.

It was my privilege to serve in Korea in the summer of 1951, the fall of 1951, the winter of 1951 and 1952, and during that time I had the opportunity to serve as a rifle company commander in the Marines in D Company of the 7th Regiment of the 1st Marine Division. We were defending the steep hills in the eastern section of Korea.

What are some of the memories that I have of those days? First, Mr. President, what comes to memory is the extreme competence of the young marines with whom I was serving. I guess I was old compared to them; I was 27 at the time, and these young enlisted men, most of them were 19 or 20 years old. But what struck me was not only their ability to endure extreme hardships, whether the hardships of the march or the hardships coming with the dangers that were involved, or the hardships of the coldness and the heat that I just described, but also the competence that they displayed.

When you said to a young group of six Marines, the oldest being 20 years old, that they were to take a patrol down in front of our lines, go deep down, cross the river, go up on the other side and scout out the enemy territory, they listened carefully, and absorbed their instructions to carry them out without a phrase of objection or reticence or fear. And all of that reflected I think not only on their background but the wonderful training they had received from the Marine Corps and the competence that each of them had.

As we dedicated that memorial today, one asked oneself: What is being achieved here? It seems to me we all have to remember that those who died were young and they had no wives; they had no children; they had nobody to remember them. And so we look on the memorial as a way of remembering those who did not have the benefit of their own families to remember them. So we are all their families. That is the way we recall those who served there.

I think one of the points that came from the talks today struck home with me, both from President Kim of Korea and President Clinton. They stressed that what took place in Korea was that for the first time in the postwar years the surge of communism was stopped and a line was drawn. The President of Korea said that this was the start of the falling of the Berlin Wall. Sure, that came many years after, but this was what started it all. So it made it all seem very, very worthwhile.

So, Mr. President, I urge all who do have an opportunity to avail themselves of the opportunity to visit that memorial. There is an eeriness to it, but I think that is correct. I think it will bring back for those who have been to Korea many memories, and for those who have not, it will bring to their attention the fact that more people lost their lives in Korea in those short 3 years, than did in the entire Vietnam war, which lasted some 10 years. And I think it is so fitting that at last we do have a memorial for that war.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Before the Senator from Rhode Island leaves the floor, I would like to say a few words. I was just passing through the Chamber when I heard the distinguished Senator from Rhode Island speaking.

I had on my schedule to go to the ceremony today, but there was a full Appropriations Committee markup of two bills, so I was unable to do that. But I think it would be wrong if I did not say something about my feelings toward the Senator from Rhode Island based upon his experiences as a marine in both the Second World War and, of course, the Korean war.

I have expressed briefly to the Senator on another occasion the experience I had of reading a book. I was Lieutenant Governor of Nevada, and during the time that I was Lieutenant Governor, the Governor of Nevada, Mike O'Callaghan, was a Korean war veteran who lost a leg and was severely wounded in other ways. Governor O'Callaghan was also my high school government teacher. So, I had a tremendous curiosity about that war. And I saw a book review of a book on the Korean war called "The Coldest War." It was the first real definitive work on the Korean war, written by James Brady, a reporter for Newsweek magazine, who was also a marine in Korea. It was a wonderful book talking about the coldest war.

The hero of the book was JOHN CHAFEE, a captain in the Marine Corps during the Korean conflict. And James Brady, who still writes for Newsweek, could not cover his respect and admiration for his superior in that war, JOHN CHAFEE. And I would recommend to all the Members of the Senate to read that book about the Korean war.

It is important that there has been attention focused on this conflict as a result of our dedicating that memorial today. It is a war that a lot of us do not understand what a difficult war it was. In Korea, 1 out of every 9 men that went to Korea lost their lives; in the Second World War, 1 out of 12; the Vietnam conflict, 1 out of 19. It was a place where, if you pick a place not to have a war, you would go to Korea where they fought the war. It was these very big mountains, coldest weather you can imagine.

So, I say to my friend from Rhode Island that, on behalf of the U.S. Senate and the people of America, I extend my appreciation to you. You are what is good represented in this country. You have dedicated your life to public service. You have dedicated your life on two occasions to serving your country in uniform. And you did it very valiantly, for which I am and the rest of the American public are grateful.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I want to thank the distinguished Senator from Nevada for his very generous comments. I appreciate those. I would say that it was very nice of Jim Brady to say the things he did about me in his book. But, as in all circumstances, there are plenty there who did a lot more than I did.

So, again, I thank my good friend from Nevada, whom we are very privileged to have on the Environment and Public Works Committee. It is an interesting book. It does portray, I think, so well the harshness of the climate, which the Senator from Nevada just talked about. And that was brought home in statues that are there of these figures. These figures are not marching smartly forward. They are covered with their ponchos. They are trudging with their heads down. I was there today looking at it. And if there is one thing I must have said 1,000 times—when you have these units, you say to them constantly, "Don't bunch up. Don't bunch up." There is something about marines when they are marching. They want to get together. And of course, that increases the chances of more people being injured when mortars and artillery come along. So you try to keep them spread out. And I could see myself saying to these groups, "Don't bunch up." I will say this, the figures were apart. But I could just hear myself saying, "Spread out. Spread out." So they are fairly well spread out. It is a very moving memorial. Again, I urge everybody to go down and take a look at it when they can.

I thank Senator REID for his kind comments.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, while my friend from Rhode Island is on the floor, I, too, was stuck here and could not get to the dedication of the memorial this afternoon. I felt terrible not being able to be there because I really had planned to be there and wanted to be there. One of the reasons I wanted to be there was because of our colleagues who fought, for whom I have such enduring respect. And as that memorial reminds each of us of the sacrifices of those who fought in Korea, we also have to count our blessings for those who survived Korea. And one of those blessings is JOHN CHAFEE.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Well, Mr. President, I did not start this. I did not start this this afternoon, for this particular reason. But I do want to thank the distinguished Senator from Michigan for his very, very kind comments. And I appreciate it. Thank you, Mr. President.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. THOMAS). Without objection, it is so ordered.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that I be allowed to speak for 15 minutes as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

FEDERAL FUNDING FOR THE ARTS AND HUMANITIES

Mrs. HUTCHISON. Mr. President, Senator BOB BENNETT and I introduced a bill yesterday that redefines the Federal role in providing assistance to the arts.

We believe there is an excellent case to be made for continued Federal arts and humanitiies funding. But past experience has shown clearly that the role of the Federal Government in artisitic endeavor must be focused on more citizen involvement—and more common sense.

At the heart of this bill we have introduced is a belief that culture counts. Mr. President, the students on Tiananmen Square in 1989 who created a statue of freedom in the likeness of out Statue of Liberty had no difficulty identifying the unifying themes of American culture.

We Americans, on the other hand, are immersed in—and sometimes overexposed to—its more contentious aspects. As a result, sometimes we see it less clearly. We debate whether we have a common culture and if so, what it is and who it represents.

Federal support for the arts is a case in point. Most federally supported arts projects promote mainstream excellence and the widest possible public enjoyment.

But by allocating tax dollars to a few outrageous and patently offensive projects that claimed to have cornered the market on American culture, the National Endowment for the Arts has managed to alienate legions of Americans—voters and policymakers alike. Its excesses have led many to conclude that Federal support for the arts should be terminated. That, I believe, would be an unfortunate policy, one that would dim the light of American culture to an even greater degree.

Committed as I am to a balanced Federal budget, I think that Federal funding for the arts and humanities should be continued as a national policy to preserve an American heritage—if we can return to our original purpose in creating these programs, and if we can ensure that no more Federal funds end up in the hands of those who are willfully offensive.

Our bill redirects Federal support for the arts, humanities and museum activities away from the self-indulgently obscene and the safely mediocre and toward the creation and support of community-based programs. By this I mean locally and regionally based theater, dance, opera and museums.

To accomplish this we propose combining the National Endowment for the Arts, the National Endowment for the Humanities and the Institute of Museum Services into one agency. This new joint endowment would devolve as much of its decisionmaking authority as possible to the States—and to the people whose tax dollars support it.

The new endowment would continue to make direct grants to support nationally significant endeavors in the arts and humanities. However, the bulk of public resources would go directly to the States to promote greater access to the arts in our schools and communities, to continue worthy public projects in the humanities and to strengthen local museums.

The consolidation we propose would streamline the existing endowment apparatus. This new endowment would be headed up by three deputy directors—one each for the arts, for the humanities and for museum services. The current 52-member advisory board would be replaced by a national council comprised of 18 members selected for their knowledge and achievements. Six would be chosen by the Senate, six by the House, and six by the President.

One of the primary objectives of this bill is to reduce the size of the existing endowment bureaucracy in Washington, and to return resources and decisionmaking responsibilities of cities, regional groups and currently underserved areas.

Our bill provides that no more than 9 percent of appropriated funds go to administrative functions, and it defines two basic grant categories: 40 percent earmarked for grants of national significance and 60 percent allocated for grants to the States. A portion of the States' grants would be dedicated to strengthening primary and secondary education in the arts.

It is very important that we go into our schools, and have an appreciation shown for our young people in the arts and our American culture. Humanities and museum activities would be covered by our bill. We put special emphasis on communities which for geographic or economic reasons cannot otherwise sustain arts, and arts education programs.

Let me make this very clear: Our bill prohibits any money appropriated under this act from being used to fund projects which violate standards of common decency. Nor may any of these resources be used, directly or indirectly, for lobbying. Arts funding goes to institutions and organizations not individual artists.

In our bill, we focus on accountability, on ensuring that allocations are cost effective—and that they are made in a way that emphasizes merit and excellence.

The thrust of this bill is to conserve and showcase our State and national treasures, those great cultural institutions that are our legacy to our children—our world class museums, libraries, dance companies, orchestras, theater companies, and university presses. With the financial support of private donors, and of the States and the Federal Government, these intellectual and cultural power centers will have the potential to spin off a host of other creative activities that will enrich the lives of all of our people.

Our country will benefit—culturally, spiritually, and economically—from appropriately delineated Federal support for the arts. Americans rightly demand an end to obscenity and outrage, but not withdrawal of all government support for the cream of our culture.

There are those who argue that all cultures—and all levels of culture—are equal, and that there is no real American culture at all, but rather only an amalgam of diverse cultures.

But this deliberate balkanization of American culture ignores our singular heritage which has drawn from many sources to create a body of American arts and letters what is uniquely our own. E pluribus unum—out of many, one. It is a living tradition worth sustaining.

Mr. President, I believe that the bill we have presented today contains a formula for arts funding—and the encouragement of our native culture—that can regain the confidence and support of the American people.

I ask unanimous consent to have printed in the RECORD an editorial from the Abilene Reporter-News that talks about the importance of keeping arts funding for our smaller communities like Abilene, TX. It is very important that we be able to have an opera in Abilene, as we have had in the last 2 weeks, an artwalk that has been a great boon to the cultural prospects of a great city like Abilene.

This happens all over America, Mr. President, and I do not want that cultural enlightenment that we have put into our smaller cities to die, and that is why Senator BENNETT and I are trying to make a significant contribution to keeping what is good about the arts funding and our American culture while not allowing the obscenities that have turned our taxpayers off of these other good projects.

I thank the Chair, and I yield the floor.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Abilene Reporter-News, July 27, 1995]

HUTCHISON WEIGHS IN ON BEHALF OF THE ARTS

House Republicans have been jumping on the philistine bandwagon, but Sen. Kay Bailey Hutchison thinks there's a better route to follow than the one that sends funding for the arts careening over the cliff.

She's right, and she has a sound plan for how to accomplish it.

The House has voted to cut the National Endowment for the Arts by 40 percent in fiscal 1996. House GOP leaders have agreed to fund the NEA only for the next two years and promise to try to terminate the agency after that.

Republicans in the Senate, however, have shown more awareness of the value of the arts, both economically and socially, to local communities throughout the country. A bill by Republican senators Nancy Kassebaum of Kansas and Jim Jeffords of Vermont that would cut the NEA by a more modest 25 percent over five years was passed last week by the Senate Labor and Human Resources Committee.

Hutchison's bill is an improvement over that one.

She would consolidate the NEA with the National Endowment for the Humanities and the federal Institute of Museum Services. During so would eliminate bureaucratic duplication of agencies so similar in scope that they often operate in conjunction anyway and would allow their funding under a new umbrella entity to remain at current levels for the next five years.

Furthermore, the key element of Hutchison's measure would direct 60 percent of all NEA and NEH funding to states in the form of block grants. This distribution would put the arts closer to the people of middle America who stand to benefit the most from it and drastically reduce the likelihood that nationally funded projects would turn out to be objectionable to most average taxpayers.

Hutchison's block grant idea would be especially good for Texas, which now ranks at the bottom in state spending for the arts. According to the National Assembly of State Arts Agencies, Texas spends a paltry 18.5 cents per person a year on the arts, whereas the national average is 99.14 cents. Hutchison's bill would give the arts in Texas a huge boost by requiring a certain amount of federal money to be spent here.

As the Texas senator said in announcing her proposal, arts are the thread of civilization and the fabric of society. Everyone who turned out for this month's Artwalk downtown or attended the Abilene Opera Association's magnificent production of "La Traviata" knows the arts bring something beyond mere entertainment to a community that cannot be achieved in any other way. If we don't support the arts, we're letting go of civilization's thread and tossing society's fabric in the trash.

Hutchison deserves a lot of credit and enthusiastic support for bucking the popular but misguided trend in her party to gut the arts and for instead committing herself to the programs and the values that her constituents will gain the most from.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

CONGRESSIONAL GIFT REFORM ACT

The Senate continued with the consideration of the bill.

UNANIMOUS-CONSENT AGREEMENT

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate resume consideration of S. 1061, and that Senator MCCAIN be recognized to offer his substitute amendment, and there be 1 hour for debate on the substitute to be equally divided in the usual form, and it be subject to the following first-degree amendments, with no second-degree amendments in order and no amendments to the language proposed to be stricken, with all first-degree amendments limited to 1 hour to be equally divided in the usual form if that much time is needed: A Byrd amendment, sense of the Senate on the judiciary; a Rockefeller amendment with regard to gift rules; a Brown amendment regarding blind trust and reporting; one amendment on spouses by Senator DOLE or his designee; one amendment on charitable trips by Senator DOLE or his designee; one amendment on definition of friendship for Senator DOLE or his designee; one amendment on the limit involved in the gift rule issue by Senator DOLE or his designee; one amendment on events by Senator DOLE or his designee; one amendment by Senator WELLSTONE regarding gift rules limits; and one amendment from Senator DOLE regarding gift rules.

I further ask that following the disposition of the above listed amendments, there be 1 hour equally divided for debate only, the Senate proceed to vote on the substitute, as amended, if amended, to be followed by third reading, if applicable, and passage of the gift rule measure, all without intervening action or debate except as provided for in the unanimous-consent agreement.

Mr. President, I would like to say this has been discussed by all the various parties that have been involved in this effort. It has been carefully reviewed by the leadership on the Democratic side of the aisle, and I believe that this is an agreement that we can go with and get this job done.

Mr. FORD. Mr. President, reserving the right to object, and I will not object. I tried to follow him very closely. At the third line from the bottom of the unanimous-consent agreement, "* * * disposition of the above listed amendments, the Senate proceed"——

Mr. LOTT. We added at that point, "there be 1 hour equally divided for debate only."

Mr. FORD. There be 1 hour for debate equally divided between the two leaders. That is it.

Mr. LOTT. That is right.

Mr. FORD. OK. I just wanted to be sure—we worked so hard on this—that the language was correct. We penciled in a couple things here.

We have no objection and look forward to the debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senate continued with the consideration of the bill.

Mr. LOTT. Mr. President, I might say for the information of all Members now that we have this unanimous-consent agreement, we are ready to go ahead with the debate. I see Senator MCCAIN is ready. We hope to continue to work on some of these amendments and hopefully all of them will not be necessary. We will try to dispose of them as expeditiously as we can.

With regard to what time will be used tonight and whether or not there will be votes tonight, we do not have any order on that at this time. We just need to proceed, and as soon as an agreement is reached on that, we will certainly let the Members know immediately.

I yield the floor.

AMENDMENT NO. 1872

(Purpose: To provide for Senate gift reform)

Mr. McCAIN. Mr. President, I have an amendment in the nature of a substitute at the desk. I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. McCAIN] for himself, Mr. LEVIN, Mr. COHEN, Mr. WELLSTONE, Mr. FEINGOLD, Mr. LAUTENBERG, Mr. KYL, Mr. McCONNELL, and Mr. GRAMS, proposes an amendment numbered 1872.

Mr. McCAIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

The PRESIDING OFFICER. Debate on the amendment will be limited to 1 hour equally divided.

The Senator from Arizona.

Mr. McCAIN. Mr. President, I yield myself such time as I may consume.

Mr. President, the agreement that we have crafted after many, many hours of discussion and debate is one that is very emotional. I do not know of an issue that arouses more emotion in the Members than one that has to do with modification of the lifestyle of the Members of the Senate.

I believe there is a recognition on the part of all in this body that we are expected to live as all of the citizens in this country live. At the same time, there is also an appreciation that there are certain aspects of our lives as Senators that are different.

This amendment, the substitute, this compromise, has been carefully crafted to respond to the American people who expect us to live as they do and at the same time I hope takes into account in very small ways the fact that many times our spouses are with us, there are many times where we are at an event where someone hands us something, there are times when we are given out of appreciation a plaque or something of that nature which is worth a significant amount of money. But at the same time the American people do not want us to be going out and being wined and dined by people who have an interest in legislation before us.

This compromise would not be possible without the efforts of people who represent a broad spectrum of opinion on this issue. Senator LEVIN and Senator COHEN have certainly been the leaders on this issue. They have worked on this issue for years and have brought forward I think a piece of legislation that is very important. My friends, Senator WELLSTONE and Senator FEINGOLD, have labored hard on this issue and they bring to this body in my view a desire to make sure that the American people look on our work and our activities as those of which they can approve.

Senator LAUTENBERG and Senator KYL have also been very helpful.

I would like to say a special word about my friend from Kentucky, Senator McCONNELL, who has tried very hard and I think largely succeeded in representing the views of the majority of the Republican Conference. Senator McCONNELL also has been one who has sat in on hundreds of hours of meetings and who has in many ways contributed enormously to this final product. I appreciate his efforts. Not many people are willing to do the work that Senator McCONNELL has done for the rest of the Members on this side of the aisle.

So there were many as short a time ago as a week who believed we could not come up with a broad agreement. There are also, as in the unanimous-consent agreement, items that are in disagreement and on which votes will be taken.

It is not clear, depending on the outcome of those amendments, whether final passage would be approved of or not, depending on the result of those amendments. My friend, Senator WELLSTONE, and Senator FEINGOLD have very strongly held views. They have articulated them on this floor and in many other forums throughout America.

Anyway, Mr. President, I am proud of what we have done. I hope that it emerges largely intact after we finish the amending process.

Now I would like to give a brief description of the compromise and then move on as rapidly as possible to the amending process.

Mr. President, I want to clarify the record and explain exactly what this amendment does and what it does not. It amends the rules of the Senate as follows: It mandates that the Senate, as mandated by the Constitution, have sole discretion to enforce its own rules.

It prohibits Members, officers and employees of Congress from accepting any gift over $20 in value. The total value of all gifts received annually from any one source shall not exceed $50.

Now I ask my colleagues, if there is one message from this entire compromise as I lay it out, fundamentally it is the same rules under which the executive branch has had to function for nearly 20 years. I want to repeat. The executive branch basically functions under almost these same rules, and they have been able to do it—obviously with some pain and difficulty. But I believe that if they are able to do that, we are, too. The bill applies equally to lobbyists and nonlobbyists and in-State as well as out-of-State.

Gifts are defined as any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, meal or food, or any item of monetary value.

A gift to a spouse or dependent is considered a gift to the Member or employee if there is reason to believe that the gift was given because of the official position of the Member or employee.

However, the bill states that when a Member and his or her family is accepting a meal or food from a nonfriend, that only the meal of the Member counts toward the gift limits. The Senate correctly cannot control the lives of our family members, and this amendment continues that tradition.

The bill exempts:

Meals and food for family members.

Gifts to a Member from a family member.

Gifts from a personal friend.

Gifts of personal hospitality not from a lobbyist.

All lawful campaign and political contributions.

Anything for which the Member pays market value.

Pension and other benefits provided by a former employer.

Contributions to legal defense funds, except by lobbyists.

Informational materials, including books, articles, magazines, or videotapes; competitive awards or prizes; honorary degrees; commemorative plaques and trophies and any item intended solely for presentation; and official training.

Gifts from another Member, officer, or employee.

Specific exemptions for permissible travel and charitable events/dinners as follows:

Travel, food, and lodging where such benefits are customarily available to noncongressional employees and totally unrelated to the individual's official duties.

Activities provided by a political organization in connection with a political fund-raiser or campaign event.

Food, meals, and attendance, but not travel or lodging, directly associated with the charity event in which the Member is substantially participating. I want to repeat that. Food, meals and attendance, but not travel or lodging, directly associated with a charity event in which the Member is substantially participating.

Food, meals and attendance at widely attended conferences and forums in which the Member or employee participates and is appropriate to official duties.

Reimbursement for travel to a speaking engagement, fact-finding trip deemed to be within the purview of official business. Substantially recreational activities are not official business. I repeat, substantially recreational activities are not official business.

Exempts transportation, lodging, and related expenses for necessary, official travel, with the following qualifications:

Travel period shall not exceed 3 days within the United States or 7 days outside the United States unless approved by the Ethics Committee.

Expenses must be reasonable.

And recreation or entertainment cannot be paid for if it is not provided to all attendees regardless of congressional employment.

This substitute requires travel and expenses for official travel that is reimbursed by a noncongressional entity be publicly disclosed.

The substitute also contains certain specific prohibitions on lobbyists:

Contributions to legal defense funds of Members made by lobbyists are banned. All other contributions to legal defense funds are completely allowable.

Contributions to an entity or foundation controlled by or administered by a Member, officer or employee of Congress or their family members are banned.

And contributions by lobbyists for retreats are banned.

The substitute also requires Members, officers, and employees of Congress to report on donations given in lieu of honoraria to a charity designated by the Member, officer, or employee.

Lastly, the resolution states that the provisions of the bill shall be solely enforced by the Senate Ethics Committee. The committee is also expressly authorized to issue such guidelines as necessary for the implementation of this rule.

Mr. President, some have mischaracterized this amendment stating that it will allow the Department of Justice to constantly bring charges against Members of Congress if a Member ate one doughnut over the $20 limit. This is simply not true. Again, I want to note the bill states:

> All the provisions of this Act shall be solely enforced by the Senate Ethics Committee.

Mr. President, except for some minor exceptions, this proposal is primarily the rules under which the executive branch operates. And for all the cries that we cannot live under these rules, the staff of the executive branch has and does. And I have yet to see a request from the President or the White House Chief of Staff or a Cabinet Secretary asking that the Congress liberalize their gift rules.

I have also heard Members talk about the fact that you cannot compare the legislative and executive branches because the Members of Congress receive so many more gifts. I am sure we do. But I believe we receive countless more gifts not because of the nature of the office, but because we have liberal gift rules and the executive branch has stringent rules.

Mr. President, this bill in no way should be interpreted as a condemnation of Members of this Senate. I do not believe that gifts and meals have in any way unduly influenced Senators or their staff. But there is a perception held by the public that we receive too many gifts and that the practice should be reformed. And I believe this compromise before the Senate will accomplish that reform.

Let me also point out that the rules change we are proposing is not so radical as to prevent the Senate from doing its business. Senators should travel around their States and meet their constituents. If a constituent is having a barbecue, it is appropriate for a Senator to have a hot dog or a hamburger.

But we do not need tickets to lavish balls to do our jobs. We do not need $100 gift baskets to do our jobs. And we do not need unlimited, expensive free meals to do our job.

The proposal will allow staff and Members to accept gifts that cost no more than $20. I believe this is a realistic limit.

Additionally, the bill allows Members to accept any item that is commemorative in nature such as a trophy or plaque or any item intended solely for presentation. Therefore, a model ship or commemorative football jersey that might be presented to a Member would be allowed.

The resolution also allows Members to attend charity dinners and have the cost of the dinner and the ticket paid for by the event's sponsor. It would be ridiculous to have a Member speak at a charity dinner and be forced to refuse to eat. This would allow the Member to participate in the event and eat the meal.

Mr. President, I want to note that in Arizona, the Governor and the legislature is limited to acceptance of gifts that cost $10 or less. To be sure, Arizona legislators are lobbied. They need to meet their constituents. The Governor has to go to events and meet Arizonans. And they all live, function, and do their job under more stringent rules than we are proposing here today.

Some say we need gifts such as expensive lobbyist lunches so that we may be more informed on the issues. On behalf of the State legislators in Arizona, I will attest that they do an exemplary job and are extremely informed and do it with a gift ban in place.

Many of my colleagues served in State legislatures before they came here. They know that the work that those legislators do is just as difficult as the work we do. If they can live with tight gift rules, if the executive branch of the Federal Government can live with tight gift rules, then so can we.

Mr. President, there is simply no legitimate reason not to reform the Senate's gift rules. As I have noted, the proposal we have offered both reforms our gift rules while establishing a new set of rules that will allow us to fully function in our jobs. It is a reasonable, bipartisan approach to this issue.

Mr. President, it is not very often that I express openly my appreciation to members of the staff. Perhaps that is an oversight on my part from time to time. But I would like to acknowledge the efforts of Peter Levine, Linda Gustitus, Andy Kutler, Colin McGinnis, Suzanne Martinez, Robin Cleveland, Kyle McSlarrow, Melissa Patack, and Mark Buse, who have literally labored long and hard for a long period of time on this very important issue.

Mr. President, again, I want to extend my deep appreciation to so many people who have taken part in this effort. No one will receive a sufficient amount of credit, and no one can overstate the difficulty and the emotions surrounding an issue such as this.

I am very pleased that we are able to come to a general agreement, and we will, hopefully within some hours of debate and voting, be able to come to a conclusion of this very difficult issue.

Mr. President, I reserve the remainder of my time.

Several Senators addressed the Chair.

The PRESIDING OFFICER (Mr. SMITH). Who yields time?

Mr. McCAIN. I yield myself 10 seconds. If the Senator from Colorado is agreeable, I would like to allow the Senator from Wisconsin to make opening remarks before we go into the amendments; is that agreeable with the Senator from Colorado?

Mr. BROWN. Sure.

Mr. McCAIN. Mr. President, I yield whatever time the Senator from Wisconsin may use.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Mr. President, I thank the Senator from Arizona. Let me also now extend my appreciation as well to the staff of all the Senators who have put in an enormous amount of time on this over the last year and a half.

I want to take a couple moments to single out and congratulate the senior Senator from Arizona, Senator McCAIN, for what I see is a tremendous effort in bridging the differences of those of us on both sides of the aisle who do favor strong and meaningful gift reform legislation. I think it has been really an extraordinary display of bipartisan leadership. I am grateful for it and hope it will bear fruit in the next few hours.

I am pleased this legislation has the support of not only my good friend from Minnesota, Senator WELLSTONE, and Senator LEVIN from Michigan and Senator LAUTENBERG from New Jersey, but also the support of several Members on the other side, including some of the freshman Members who clearly came to town in 1994, just as many of us did in 1992, with a mandate to clean up business as usual and put an end to the outrageous practice of providing literally thousands of free gifts and meals and trips to Members of Congress.

As the Senator from Arizona has pointed out, this compromise proposal really makes only a few changes to the original Levin-Wellstone legislation, and he has outlined it well. But let me just reiterate a couple of the points.

First, Members can no longer accept a gift, whether it is a meal, concert tickets or gift certificate, that is valued at more than $20. Gifts valued below this amount will be aggregated so that Members cannot accept more than $50 from any one source in a calendar year. This is patterned almost word for word after the rule that has been applied for many years to the executive branch of our Government.

There was a concern expressed that the notion of aggregation, having this overall limit, would mean that Senators might be forced to keep overly detailed or meticulous records of virtually every gift they receive, whether it is a $15 meal or a hot dog or baseball cap. I question how hard that is. I think it is better just to say no, but I think we have solved this problem, to the extent it exists, by requiring Senators to make a good-faith effort to comply with the provisions of the bill.

This also solves the "gotcha" problem. That is, if a Senator accidentally crosses over the $50 threshold or somehow accidentally undervalues a gift by a dollar or two, that Senator would not be in strict violation of the new Senate rules.

By relying on the good faith of Senators to comply with this new rule, we have addressed the concerns of those who may object to strict recordkeeping requirements and the concerns also of those who believe we should do all we can to ensure that Senators do not accept from now on more than $50 in gifts from any one source in a calendar year.

In addition, the new compromise will make it clear that if a Member elects to attend a charitable event and pays all the travel and lodging expenses out of his or her own pocket, the Member will be able to participate in a meal for free as part of that charitable event.

I do not think it is necessary, but, obviously, why would anyone pay for all the travel and lodging in order to simply get a free meal? I think it will certainly take care of that. We believe it was allowed under our original legislation, but we have clarified it to take care of concerns of some of the Members. It takes care of the lion's share of this issue.

The bipartisan coalition that has thrown its support behind the proposal takes the view that although they favor the tough gift limitations consistent with the Levin-Wellstone legislation, they believe that the Senate will be better served by a gift rule applied simply and equally, whether you are talking about lobbyists or nonlobbyists, or whether you are talking about something that happens in Washington or in a Senator's home State.

We have met this concern with this compromise. I tend to agree with my colleagues on the importance of simplicity in terms of such a rule. I came from a legislative body in the State of Wisconsin that practically does not allow anything of value from anyone, not even a cup of coffee. That simple but strict rule has been enormously successful for over 20 years and has not led to the bureaucratic complications and starving-legislator scenarios that a few people have suggested could come out of reform.

I adopted a zero-tolerance policy in my office. We simply keep a log of the gifts the office receives, and it has been contained—there are over 1,000 entries—in this red binder in the last 2½ years. Most of the items we either donate to charity or to the State of Wisconsin. Other items we discard.

As I said, the rule has been incredibly successful for one simple reason: It is easy to understand. I certainly understand where my colleagues on the other side are coming from on this issue. I believe we have made progress on this compromise in terms of getting a straightforward and easy-to-understand gift rule.

Many of those involved in this bipartisan compromise believe the Senate should have the same gift rules as the executive branch. Again, this argument has a lot of appeal to it. After all, a Cabinet Secretary certainly receives as many gifts and is invited to as many speaking engagements as a Member of Congress. If the Cabinet Secretary can live under the $20 and $50 thresholds, I do not see why a Member of Congress cannot do the same.

Again, many of the parties involved in these negotiations raised a valid concern, and we have appropriately addressed that concern in this compromise.

But Senators should know one thing about the compromise. Though it does allow some gifts from the lobbying community that the underlying legislation did not allow, the bipartisan substitute we put forth is a significant departure from current Senate rules and will have a profound and historic impact on how this body interacts with the lobbying community.

It will change the way business is conducted in Washington in a significant way. The $20 de minimis rule may not be what I prefer. I made it clear that I think the zero Wisconsin rule is the best reform, and I hope we move to it one of these days. But this substitute, offered by the Senator from Arizona and others, will end the possibility of one special interest group putting forward steak dinners and fine wine and cart loads of gifts that can now be showered on people elected to the Senate.

That is a very important step forward, and I am pleased to join in supporting this proposal. I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. McCAIN. Mr. President, will the Senator from Michigan yield some time to the Senator from Minnesota?

Mr. LEVIN. I will be happy to. Who controls time and how much is left?

The PRESIDING OFFICER. There are 30 minutes controlled by the Senator from Michigan and 7 minutes and 55 seconds remaining for the Senator from Arizona.

Mr. LEVIN. I will be happy to yield. How much time does the Senator from Minnesota want?

Mr. WELLSTONE. How much time does the Senator have?

Mr. LEVIN. Thirty minutes.

Mr. WELLSTONE. Mr. President, this gift ban reform has been perhaps, at least in my 4½ years here, one of the most debated and scrutinized pieces of legislation. I will be very brief. Five minutes will do.

Mr. LEVIN. Does the Senator from Michigan have 30 minutes?

The PRESIDING OFFICER. There are 30 minutes reserved in opposition that has not been used, and there are 7 minutes and 55 seconds remaining allocated to the Senator from Arizona.

Mr. McCAIN. Mr. President, I ask unanimous consent that the Senator from Michigan control the time in opposition.

Mr. LEVIN. Reserving the right to object, and I may object, since I am a cosponsor of the amendment that is being offered, the substitute, I do not feel that I am in a position to yield time in opposition.

Mr. McCAIN. Mr. President, let me retract my unanimous-consent request and yield my 7 minutes to the Senator from Minnesota, and perhaps we can hash out what happens with the other 30 minutes.

The PRESIDING OFFICER. The Senator from Minnesota is recognized for 7 minutes and 55 seconds.

Mr. WELLSTONE. Mr. President, I thank the Senator from Arizona, but I want him to know he will have 6 minutes. I am going to use 1 minute because I would like for him to do the summation.

I was worried, because for a moment, I thought I would have to, in the spirit of honesty, step forward and say I am not speaking in opposition to it. I have been working on this for a long time.

Mr. President, I just want to say, during my time in the Senate, I have found the discussion that we have had with the Senator from Arizona to be just really interesting. As a political scientist, that is the way I would put it, very interesting.

I think we have come together with a really good bipartisan reform effort. I think that all of us feel very good about it. As the Senator from Wisconsin said, it is significant, and it is a very significant message to people in the country that we are going to change the way in which we conduct business here. And so I wait for the debate on the amendments, and I think we will have some very spirited debate.

I feel very good about this piece of legislation now on the floor of the Senate. I thank the Senator from Arizona, and certainly the Senator from Michigan, the Senator from Wisconsin, the Senator from New Jersey, and the Senator from Maine. We have a lot of people that have worked hard on this. I believe the Senate can do itself proud and support this strong reform initiative. I will wait for debate on the amendments before becoming more engaged in the discussion.

Mr. McCAIN. Mr. President, I yield myself 30 seconds. I thank Senator WELLSTONE, who has worked at this for a long, long time. We have a good relationship, and I appreciate his dedication to the cause.

I yield my remaining time to the Senator from Maine.

Mr. COHEN. Mr. President, I wanted to take the floor this evening to offer my commendation to the Senator from Arizona, the Senator from Michigan, the Senator from Minnesota, the Senator from Wisconsin, and others who have worked for many days trying to arrive at a consensus which would enjoy bipartisan support.

This is not a subject matter which has been easy to deal with. There are Members who feel that the Senate is going too far, that the so-called gifts that are given to Members of the Senate are insignificant in nature. Many Members feel that gifts do not have any sort of impact or influence upon their independent judgment.

I believe that to be the case. The problem has always been the perception on the part of the American people. We know that we do not enjoy a high level of confidence. Perhaps it has been our fate as politicians to suffer those low ratings. I cannot recall, historically, when those who are public officials have ever enjoyed long, sustained periods of public approval. I think there have been, historically, peaks, but mostly valleys. Peaks have occurred when there have been moments of great debate.

I can recall during the time of the impeachment proceedings, well back into the 1970's, when I think people were impressed with the quality of the debate that took place during that very trying time. Another such moment was during the debates on the Persian Gulf war here in the U.S. Senate when the American people who were seriously divided over the issue looked upon us. I think they were quite impressed with the quality of the debate on both sides of the issue. They felt that the democratic system truly was fulfilling its promise. Perhaps there have been a number of other moments when the public has looked upon the deliberations here in this body and in the other body and have come to the conclusion that we are measuring up to our responsibilities.

The difficulty, of course, is that those peaks are usually followed by very deep valleys. It is from the depths of one of those valleys that we are trying to climb to achieve a level of public confidence.

I am not persuaded that any individual thing that we do will ultimately sustain that public confidence. But I think we have an obligation to try to achieve it. In my own view, I think we will not arrive at the higher levels of confidence until such time as we deal with the major issues confronting this country. First and foremost, we must deal with balancing the budget, and do so in a way that does the least amount of injury to the most vulnerable citizens in our society. Another issue is determining which level of government, be it Federal, State or local, should be involved in various issues that impact upon our citizenry. These, ultimately, are going to be the types of issues on which we will, hopefully, raise our level of respect in the community.

But, in the meantime, I think this particular legislation is important because the perception is that the legislative process is being unduly influenced by individuals, groups, or lobbyists who have undue control over the outcome of our deliberations.

I simply wanted to take the floor this evening to commend my colleagues for seeking to arrive at what we believe to be a fair resolution of the issue.

As Senator MCCAIN has indicated, his proposal, rather than the underlying Levin-Cohen-Wellstone proposal, adds a degree of, No. 1, uniformity, and No. 2, simplicity and clarity.

I wanted to simply commend those who have been involved in the painstaking negotiations that have helped us arrive at this position.

I reserve the remainder of my time.

Mr. BROWN. Mr. President, I yield myself such time as I may consume.

Mr. President, I ask unanimous consent that since all time has not been yet used on the substitute that I be allowed to speak for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1873

(Purpose: To amend the Standing Rules of the Senate to require Senators and employees of the Senate to make a more detailed disclosure of the value of certain assets under title I of the Ethics in Government Act of 1978)

Mr. BROWN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Colorado [Mr. BROWN] proposes an amendment numbered 1873.

Mr. BROWN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the amendment, insert the following:

SEC. . ADDITIONAL DISCLOSURE IN THE SENATE OF THE VALUE OF CERTAIN ASSETS UNDER THE ETHICS IN GOVERNMENT ACT OF 1978.

(a) CATEGORIES OF INCOME.—Rule XXXIV of the Standing Rules of the Senate is amended by adding at the end the following new paragraph:

"3. In addition to the requirements of paragraph 1, Members, officers, and employees of the Senate shall include in each report filed under paragraph 2 the following additional information:

"(a) For purposes of section 102(a)(1)(B) of the Ethics in Government Act of 1978 additional categories of income as follows:

"(1) greater than $1,000,000 but not more than $5,000,000, or

"(2) greater than $5,000,000.

"(b) For purposes of section 102(d)(1) of the Ethics in Government Act of 1978 additional categories of income as follows:

"(1) greater than $1,000,000 but not more than $5,000,000;

"(2) greater than $5,000,000 but not more than $25,000,000;

"(3) greater than $25,000,000 but not more than $50,000,000; and

"(4) greater than $50,000,000.

"(c) For purposes of this paragraph and section 102 of the Ethics in Government Act of 1978, additional categories with amounts or values greater than $1,000,000 set forth in section 102(a)(1)(B) and 102(d)(1) shall apply to the income, assets, or liabilities of spouses and dependent children only if the income, assets, or liabilities are held jointly with the reporting individual. All other income, assets, or liabilities of the spouse or dependent children required to be reported under section 102 and this paragraph in an amount or value greater than $1,000,000 shall be categorized only as an amount or value greater than $1,000,000.".

(b) BLIND TRUST ASSETS.—

(1) IN GENERAL.—Rule XXXIV of the Standing Rules of the Senate is further amended by adding at the end the following new paragraph:

"4. In addition to the requirements of paragraph 1, Members, officers, and employees of the Senate shall include in each report filed under paragraph 2 an additional statement under section 102(a) of the Ethics in Government Act of 1978 listing the category of the total cash value of any interest of the reporting individual in a qualified blind trust as provided in section 102(d)(1) of the Ethics in Government Act of 1978, unless the trust instrument was executed prior to July 24, 1995 and precludes the beneficiary from receiving information on the total cash value of any interest in the qualified blind trust.".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply with respect to reports filed under title I of the Ethics in Government Act of 1978 for calendar year 1996 and thereafter.

Mr. BROWN. Mr. President, this amendment is precisely the same amendment that was considered and approved on the lobbying bill. What it does is, it incorporates two amendments that I had drafted and filed earlier on—one dealing with eliminating the loopholes on the disclosure provisions, and one eliminating the loophole on the blind trust.

They are specifically this. One, in new categories to report the value of assets. As our rules stand now, assets may be valued at $10 million, $50 million, or $100 million, but would only show up as being over $1 million. This adjusts the categories to allow a fuller disclosure.

It includes an amendment on the disclosure of the value of a blind trust. Our rules now provide for a blind trust reporting the total cash value to the beneficiary, but do not provide for that to be reported on the disclosure forms. This changes that and would provide that if indeed the trust instrument provides for the total cash value to be reported to the beneficiary of the trust, that beneficiary member would end up reporting that. My understanding is that this has been cleared on both sides.

I will yield the floor, Mr. President, and I will ask for a vote.

Mr. MCCAIN. Mr. President, it is my understanding that the Republican and Democratic leader would like to dispose of more amendments tonight. I urge those under the unanimous-consent agreement to come over so that we can do that.

The PRESIDING OFFICER. Is there further debate on the Brown amendment?

If not, the question is on agreeing to the amendment.

The amendment (No. 1873) was agreed to.

Mr. BROWN. Mr. President, I move to reconsider the vote.

Mr. MCCAIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KYL addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

AMENDMENT NO. 1872

Mr. KYL. Mr. President, I rise in support of the McCain amendment. I served in the U.S. House of Representatives on the Ethics Committee. In that capacity, I came to see situations develop, over time, which were very difficult to deal with, to understand why a Member would have gotten into trouble, to try to deal with the gray areas that sometimes attend the rules under which we try to do our business.

It is one of the experiences which caused me to support the efforts of JOHN MCCAIN and others to try to bring this into a document, to codify it so that Members would know what was appropriate and what was not—at least what we allowed and would not allow by our rules. That is why I think this is a very useful exercise.

I want to compliment my colleague from Arizona, Senator MCCAIN, for his efforts in this regard. I heard him give a speech one night about duty, honor, and country. It was the "honor" part that has motivated JOHN MCCAIN throughout his career, and it is what motivates all Members here tonight, to try to develop a code of conduct under which we cannot only operate free from allegations that undue influence has been brought to bear upon us, but to operate in a way that the American people accept as appropriate to the high office which they have entrusted to Members.

In our Government, if the people do not have confidence in their representatives, the Government and the people are not well served, because the people, then, end up distrusting the very people they have asked to make decisions for them, to represent them. A democracy, I suggest, could not long exist in that situation.

It is up to the Members to earn the public trust. To do that, we have to conduct ourselves in a way that is above reproach. That is what the stronger ethics rules would provide, to make it crystal clear that there is certain conduct that simply is not acceptable.

Much of it focuses on the acceptance of gifts, because the public does not understand why, simply because we were elected to an office, that we are somehow entitled to receive gifts. These rules will not prohibit Members from enjoying friendship with those who are our friends, from having a meal with a friend. However, it will prevent Members from being feted with gifts which we all know are really designed to achieve one purpose, and that is for the people who have business with the Congress, to gain our ear.

We are not talking about the kind of gifts that we know are given from the heart, when the 4-H kids come in and want to give Members a cup. We all accept that proudly. It would be horrible if we could not accept that which the kids are proffering. It means a lot to them, so it means a lot to the Members. That is not what we are talking about.

When lobbyists invite Members someplace and want to treat Members to rounds of golf and those sort of things, even though we may justify it or rationalize it, the fact is, it is not good. We are not entitled to be feted in this fashion just because we were elected to public office. And it looks bad. Is it any wonder that the people lose confidence in Members?

That is the kind of thing that these rules are designed to stop. Most Members realize in our hearts the difference between those things that we can accept and not have it affect what we do here in any way, on the one hand; yet, on the other hand, those kinds of things that are the subtle, little attempts to influence Members or do favors for Members just because of who we are, by people who want to influence our actions. We understand those differences.

Therefore, we can make these rules work in a way that will make our constituents pleased with their representatives. That is what is behind this legislation.

Again, I want to compliment all of those, both on the Republican side and on the Democratic side of the aisle, for their willingness to compromise.

Finally, Mr. President, I want to take 30 seconds to compliment Senator MITCH MCCONNELL. He is chairman of the Senate Ethics Committee. Because of his strong leadership, we have been able to bring together all of the disparate elements, to come together to a compromise. Without that capability, I do not think we would have compromised.

My hat is off to the chairman of the Ethics Committee, and to the sponsor of this bill, Senator MCCAIN. I think tonight and tomorrow, Mr. President, the Senate is going to do the right thing in adopting the McCain amendment.

Mr. LOTT. Mr. President, how much time do we have remaining on this side?

The PRESIDING OFFICER. The Senator from Mississippi has 25 minutes remaining. That is all the time remaining.

Mr. LOTT. I yield whatever time is needed to the Senator from Kentucky, say, 10 minutes.

Mr. MCCONNELL. I thank my friend from Mississippi, and I appreciate the kind words of the Senator from Arizona, Senator KYL.

Mr. President, I got interested in this issue before the Members tonight, as chairman of the Ethics Committee. The occupant of the chair is also a Member of that committee.

We both know that we periodically get gift waivers, very legitimate gift waivers, under the current rule in which we operate. The whole question of what is an appropriate gift to a public official is a good deal more complicated than I expect many people out in America would conclude. Our line of work is really different in many ways from the executive branch.

Everyone, I think, has their favorite gift story. My friend and colleague from Kentucky, I read in the paper, was talking about the country ham which is a traditional gift in Kentucky—not just to elected officials, but to lots of other people.

I suppose if I had to pick, Mr. President, my favorite one, it would be R.C.'s and Moon-Pies. Every time I go to Liberty, KY, I have a friend down there who always kids me about being from the big city, Louisville. She is convinced that I did not know what R.C.'s and Moon-Pies were. She did not know when she first started extending this great gift that I started my life in a very small town and knew exactly what R.C.'s and Moon-Pies were.

In fact, what the people around the town square did was open up the Coke and pour in peanuts. Sort of a two-for—drink the Coke and eat the peanuts at the same time. I am familiar with R.C.'s and Moon-Pies.

I cite this to illustrate the point that when you are in the public sector and you are dealing with constituents, it is quite common for people to offer you some gesture, sometimes as a joke, sometimes out of admiration. I expect some Members even get things periodically out of a sense of condemnation. But the dealing with our constituents and the exchange of gifts in a completely harmless way is very, very common in our line of work.

What we have before the Senate is a substitute, artfully put together by a variety of different, disparate interests here in the Senate, that I think can successfully accommodate the natural social intercourse that goes on between elected officials and their constituents.

I must say, Mr. President, just like when we began the lobbying debate earlier, who would ever have thought we would have managed to work out our differences and come together on such contentious matters. Of course, the lobbying proposal ended up passing 98–0 after many of its objectionable features were removed.

What has happened here is a result of the efforts of Senator LOTT, Senator MCCAIN, and many Members on our side of the aisle, as we have worked on this legislation, refining it in trying to come together in the best legislative sense. I think that what is likely to happen here is that at the end of the process, after there are a few amendments, we will have a largely bipartisan gift reform bill that will pass the Senate. I think it will pass in the best sense by a bipartisan effort.

Senator MCCAIN has played a critical role in bringing the diverging sides together. I think it is safe to say without his effort, this largely would not have been possible.

What we have been able to do here, it seems to me, Mr. President, is bring about meaningful gift rule reform without creating a morass of ethical trip wires over which not only our constituents would stumble, but ourselves. I think we have been able to avoid that.

Let me just tick off, as others have, some of the principal points of the McCain substitute. This is a Senate rule, Mr. President, not a statute. I think that was a critically important step to take.

The Senate has the responsibility for taking this action and of policing its own. This is a Senate rule, not a statute. There are no criminal penalties, Mr. President, for outsiders who trip over gift restrictions. We do not want to criminalize this area.

One important improvement, Mr. President, actually an improvement over current law, in my view, is that spouses of Members are not covered.

That is an improvement over the current law. And the reason that is important is that many Members of the Senate are married to spouses who have very active careers, have their own friends, their own interaction with others. The current Senate rules under which we operate do, it seems to me, in several ways unnecessarily and improperly burden people who are not Members of the U.S. Senate. They are not elected officials. So the McCain substitute is actually an improvement, in my view, on current law in terms of recognizing the independent status and nature of the careers of the spouses of many of us who serve here in the Senate.

The good-faith requirement in the McCain substitute promotes compliance while eliminating what could best be called the gotcha problem—the gotcha problem, with the kind of inadvertent violation of the gift limit.

We are working toward a reasonable exemption for personal relationships, allowing Members to continue to have friends at home and in Washington. I want to elaborate on that just a minute, Mr. President. Just because we are Members of the Senate does not mean we cannot have friends like everybody else; regular friends who are not engaged in either gift giving or meal taking with us because they are trying to get us to do something on some bill. We are entitled to have friends, too. Some would argue it is a little harder in our line of work. We are stretched, running back and forth to our home States. But I think this bill recognizes we can have friends, too. Frankly, in this line of work, you need them.

Finally, let me say an important concession made in the McCain substitute that I very much applaud is that it eliminates the distinction between lobbyist and nonlobbyist. I know it is great political theater to go around beating up on lobbyists. It has been a time-honored thing in American politics, and it has been particularly virulent of late. But the truth of the matter is, the Constitution allows every citizen of the United States to petition the Government. And there have been numerous Supreme Court decisions which have held that you do not waive your right to petition the Government because you are paid to do so. The Supreme Court wisely understood that a lobbyist—a term which has a sort of pejorative connotation—a lobbyist is, in fact, doing a job for a citizen somewhere else in America who does not have the time or the inclination to come up here and become an expert on matters that may affect his life. So that citizen or group of citizens, banding together, makes an entirely logical decision that they want to hire somebody to go represent their point of view before the Government; an entirely American thing to do. It is protected by the Constitution; recognized by the Supreme Court. And the McCain substitute eliminates the distinction between lobbyists and other citizens, for many purposes. I think that is an important step in the right direction. I think it is entirely consistent with what the Constitution seems to stipulate anyway. So I commend Senator MCCAIN for that modification.

So, Mr. President, let me say in summary, I think we have come a long way. There may well be a few amendments here. But, as chairman of the Ethics Committee, looking at this issue in terms of how it affected each of you and how frequently you are likely to be inadvertently brought before our committee, arguably in an unfair way, I think this proposal dramatically minimizes the potential that the career of some Member of the Senate is going to be ruined over some trivial exchange with friends and constituents.

So I think this is a useful change. I think it does not go too far. And it places within the Ethics Committee, which is where it should be, the responsibility for making these kinds of rulings and interpretations. So, again, I thank Senator LOTT, Senator MCCAIN, and many others on the other side of the aisle who have been so critical and indispensable in getting us to where we are.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The time of the Senator has expired. Who yields time?

Several Senators addressed the Chair.

Mr. LOTT. Mr. President, I yield 5 minutes of our time to the distinguished Senator from New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. LAUTENBERG. Mr. President, I thank the Senator from Mississippi for being so gracious because I do, I think, take a slightly different view. But I thank him for giving me the time.

First, Mr. President, I want to say I am pleased to be joining Senators MCCAIN and LEVIN on this substitute amendment. I think it reflects a sincere desire to get the job done that we have the kind of bipartisan support that we are seeing. Because at a point in time not too long ago, Senator WELLSTONE and Senator FEINGOLD, Senator LEVIN and I were working on gift legislation. I will discuss that in just a minute.

So, Mr. President, I am pleased to be joining in this bipartisan compromise amendment that will substantially restrict the acceptance of gifts, meals, and travel by Members of Congress from lobbyists and others.

Mr. President, on May 4, 1993, I introduced the original gift ban legislation, S. 885. At the time, frankly, it was considered a pretty radical idea.

It is hard to remember how much things have changed in the last 2 years. But until that bill was introduced, nobody around here was even thinking about banning gifts from lobbyists. At the time, there was a tremendous fight about a proposal by Senator WELLSTONE to merely disclose such gifts. And when I first raised the possibility of simply banning gifts altogether, a prominent public interest group dismissed the idea: Completely unrealistic, they said—it would never happen.

Mr. President, I am hopeful that we are about to prove that common wisdom wrong. And I think this substitute amendment may well be the vehicle to get it done.

The amendment before us is remarkably similar to the very first gift ban bill I introduced in May 1993. Like that bill, this amendment essentially adopts the rules that already apply to the executive branch.

Under those rules, no official may accept a gift worth more than $20. Nor may any official accept a total of more than $50 in gifts from any one source in any year.

This amendment adopts these same limits for Members of Congress and their staffs. It also would ban all vacation trips, such as the charity golf, tennis, and ski trips that have been subject to so much adverse publicity.

In many ways, this amendment is stronger than the gift ban in the underlying bill, S. 1061, which I also have cosponsored. For example, the underlying bill would allow the Rules Committee to set very high limits for meals and entertainment in a Member's home State. By contrast, the amendment subjects all meals and entertainment to the same $20 and $50 limits, regardless of where they are provided. That is an important improvement.

The substitute amendment also strengthens the underlying bill by prohibiting lobbyists from providing personal hospitality to Members. That should help prevent abuses.

Mr. President, I do not agree with every dot and comma of the substitute. For example, if it were up to me, I would simply ban all meals from lobbyists, no matter how small. But I realize that to get a rule adopted, we have to attract broad support, and that is not easy. So, yes, we have had to make some compromises.

But the bottom line is that this substitute puts us within striking distance of one of the most important political reforms in many years.

I am very proud to have played an active role in this effort. And I want to thank the handful of Senators who have worked so hard on this, often at great personal cost. These include the three other Democrats who have been leaders on this for some time, Senators LEVIN, WELLSTONE, and FEINGOLD. Each of them has made a major contribution, and I appreciate it.

I also want to extend a special word of thanks to Senator MCCAIN, who has played a critical role in recent days by pulling together proreform Members from both parties. I know that Senator MCCAIN, like many of us, has taken some heat for his leadership, and I just want to thank him publicly for his commitment.

As a result of the work of these and other Senators, Mr. President, we are on the brink of a major reform that will really change the way we do business here in Washington. The vacation trips to the Caribbean are soon going to be a relic of the past. The lavish dinners at fancy restaurants are going by the wayside.

Is it going to be as much fun to be a Senator, Mr. President? Perhaps not. But maybe this body will get just a little more respect in the process. And that is a tradeoff I will take any day.

Mr. President, it appears that we are going to face some amendments that would weaken the proposal substantially. For example, we confront an amendment that would again allow the lobbyist-paid vacation trips that have caused so much controversy. I hope my colleagues will resist these efforts.

But if we can hold this together, we will have produced a change of which we can all truly be proud. This is serious reform. It really will change the culture around here.

In fact, I predict that if we succeed, it will not be long before people around here will look back at the current rules in amazement. New staffers hired a few years from now probably will be amazed that Members ever were allowed to accept special favors from lobbyists. It will seem archaic, perhaps even absurd.

That will be a different Washington, Mr. President. A very different Washington.

It also will be a better Washington.

So I urge my colleagues to support the substitute amendment, and to place strict limits on gifts, meals, and travel from lobbyists and others.

Let us change the way we do business in Washington. And let us do it now.

Mr. President, when I introduced the gift bill a couple of years ago, I know that there was deduced a suggestion that perhaps I was talking about corruption in the body or something of that nature, or some impropriety. Mr. President, I want to correct that record because that was never the suggestion. I want to clear the record because it was an irritant over some period of time. Everybody knows I took a ski trip and enjoyed it, and some wondered why I had a change of mind. I will not get into that now. But it seems to me that the focus ought to be on charity and not on the recreation.

So, Mr. President, I want to make sure that everybody clearly understands. I have never, never thought that anyone in this body was corrupt or that was acting improperly in terms of the law or even the rule. So I want to clear that up.

My concern was and is, Mr. President, access. And when a meal is purchased by a lobbyist, it is not just the meal. It is access. And when one rides in the golf carts at a golf game sponsored by a lobbyist, it is not just a golf game. It is access. Or when one goes in a chair lift and rides 20 minutes up a mountain, it is not just a ride up to the mountaintop. It is access.

Mr. President, we have had so many problems of late that we have lost public trust, and that makes it very difficult because it is almost impossible to govern. But also the association of special interests dominating this place is not a good image that we want to have. It is not one that I enjoy, I must tell, because implicit in public criticism is an accusation.

So I support this reform measure so that we at least suggest to the public that no voice is more important than their voice, and no view is more important than their view. And if they even do not have the ability to knock on the door and say, "I am here from Roanoke" or "I am here from Trenton, NJ," or what have you, that we have to let them know that we respect so much the value of their view, their judgment and continue to work to recover the trust and the faith of the American public.

Mr. President, I think this is a good start. And for any of my colleagues who may have misinterpreted that which I intended when I wrote the first gift ban amendment 2 years ago, please let the record clearly reflect that I have nothing but respect—differs, albeit; that is the way we function around here—but respect for all of my colleagues, and never a suggestion that one is corrupt or improper.

Mr. LOTT. Mr. President, I believe we are ready to complete this debate and begin amendments now. Therefore, I yield the remainder of our time on this side. I believe we are ready to go with the amendment of Senator MURKOWSKI.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. DOLE. Mr. President, before the Senator from Alaska offers his amendment, let me say that I think we have come a long way here in the last couple of days. I want to congratulate all those who have been involved in the negotiations—Senator LOTT, Senator MCCONNELL, Senator MCCAIN, Senator LEVIN, Senator FEINGOLD, Senator WELLSTONE, Senator LAUTENBERG, Senator BREAUX, and Senator JOHNSTON. I probably am leaving out someone. But I just want to suggest that we have gone from what I think was a bad idea to a very good idea. But we are very, very close.

I think the importance of what has happened is that we agreed on sort of the basic package—I hope we have—where both sides have given and taken some. And now what we are doing is offering just a few amendments. Where we cannot agree, we will jump the ball here and see who gets the tip. If you win, you win. If you lose, you lose. Then we go ahead and finish this bill, and get it behind us.

We earlier promised—at least the leader did—that we would take up this bill on the 28th of July. It is now our hope that we can finish on the 28th of July both the lobbying bill and gift ban bill and have those behind us so that we can move on to other important legislation.

I do not know of anybody in this body—I agree with the Senator from New Jersey. It is not a question of integrity, or honesty. It may be a perception. But the one thing that concerns many of us on both sides of the aisle is that we want to be certain we do not get somebody in trouble because if you are at some event you get a gift. And somebody may disagree on all of these things. We hope we have worked this out because, as I said, I received five birthday cakes last weak. I only ate one piece. I do not know what the value of the cakes was. They were all given in good faith. We had a good time. I shared it with a lot of people—things like that.

I talked with Senator CAMPBELL from Colorado. He is the only native American in this body. He said that, if you get a gift from his community, it would be an insult to return it.

There are a lot of people. We have a lot of friends. If you do not have any friends, you do not have to worry about gifts. You do not need a gift ban. But a lot of us have a lot of friends. I think we all have a lot of friends. We want to make certain that we do not get anyone in trouble.

We are on the right track. We are doing the right thing. I certainly support what has been done so far.

We would like to complete action on this bill tomorrow. I am not in the position yet to announce votes. But what we are trying to do—I think some of my colleagues were scattered and I know some are at the White House. A number of colleagues are with the Korean war veterans attending a dinner at the White House tonight.

As I said, we hope to announce fairly soon that we have an agreement, or that we can stack votes, and have the votes tomorrow morning. Then there would be no further votes tonight. We are not yet in a position to make that announcement. That is what we are working on.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I would also like to thank not only the majority leader but the Senator from Mississippi, the distinguished whip, for all the effort that he and Senator FORD have gone to in expediting this process.

AMENDMENT NO. 1872, AS MODIFIED

Mr. McCAIN. Mr. President, I ask unanimous consent to modify my amendment, the substitute which is at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1872), as modified, is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. AMENDMENTS TO SENATE RULES.

Rule XXXV of the Standing Rules of the Senate is amended to read as follows:

"1. (a)(1) No Member, officer, or employee of the Senate shall knowingly accept a gift except in conformance with this rule.

"(2) A Member, officer, or employee may accept a gift (other than cash or cash equivalent) which the Member, officer, or employee reasonably and in good faith believes to have a value of less than $20, and a cumulative value from one source during a calendar year of less than $50. No formal recordkeeping is required by this paragraph, but a Member, officer, or employee shall make a good faith effort to comply with this paragraph.

"(b)(1) For the purpose of this rule, the term 'gift' means any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value. The term includes gifts of services, training, transportation, lodging, and meals, whether provided in kind, by purchase of a ticket, payment in advance, or reimbursement after the expense has been incurred.

"(2)(A) A gift to the spouse or dependent of a Member, officer, or employee (or a gift to any other individual based on that individual's relationship with the Member, officer, or employee) shall be considered a gift to the Member, officer, or employee if it is given with the knowledge and acquiescence of the Member, officer, or employee and the Member, officer, or employee has reason to believe the gift was given because of the official position of the Member, officer, or employee.

"(B) If food or refreshment is provided at the same time and place to both a Member, officer, or employee and the spouse or dependent thereof, only the food or refreshment provided to the Member, officer, or employee shall be treated as a gift for purposes of this rule.

"(c) The restrictions in subparagraph (a) shall not apply to the following:

"(1) Anything for which the Member, officer, or employee pays the market value, or does not use and promptly returns to the donor.

"(2) A contribution, as defined in the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) that is lawfully made under that Act, or attendance at a fundraising event sponsored by a political organization described in section 527(e) of the Internal Revenue Code of 1986.

"(3) A gift from a relative as described in section 107(2) of title I of the Ethics in Government Act of 1978 (Public Law 95-521).

"(4)(A) Anything provided by an individual on the basis of a personal friendship unless the Member, officer, or employee has reason to believe that, under the circumstances, the gift was provided because of the official position of the Member, officer, or employee and not because of the personal friendship.

"(B) In determining whether a gift is provided on the basis of personal friendship, the Member, officer, or employee shall consider the circumstances under which the gift was offered such as:

"(i) The history of the relationship between the individual giving the gift and the recipient of the gift, including any previous exchange of gifts between such individuals.

"(ii) Whether to the actual knowledge of the Member, officer, or employee the individual who gave the gift personally paid for the gift or sought a tax deduction or business reimbursement for the gift.

"(iii) Whether to the actual knowledge of the Member, officer, or employee the individual who gave the gift also at the same time gave the same or similar gifts to other Members, officers, or employees.

"(5) A contribution or other payment to a legal expense fund established for the benefit of a Member, officer, or employee, that is otherwise lawfully made, subject to the disclosure requirements of Select Committee on Ethics, except as provided in paragraph 3(c).

"(6) Any gift from another Member, officer, or employee of the Senate or the House of Representatives.

"(7) Food, refreshments, lodging, and other benefits—

"(A) resulting from the outside business or employment activities (or other outside activities that are not connected to the duties of the Member, officer, or employee as an officeholder) of the Member, officer, or employee, or the spouse of the Member, officer, or employee, if such benefits have not been offered or enhanced because of the official position of the Member, officer, or employee and are customarily provided to others in similar circumstances;

"(B) customarily provided by a prospective employer in connection with bona fide employment discussions; or

"(C) provided by a political organization described in section 527(e) of the Internal Revenue Code of 1986 in connection with a fundraising or campaign event sponsored by such an organization.

"(8) Pension and other benefits resulting from continued participation in an employee welfare and benefits plan maintained by a former employer.

"(9) Informational materials that are sent to the office of the Member, officer, or employee in the form of books, articles, periodicals, other written materials, audiotapes, videotapes, or other forms of communication.

"(10) Awards or prizes which are given to competitors in contests or events open to the public, including random drawings.

"(11) Honorary degrees (and associated travel, food, refreshments, and entertainment) and other bona fide, nonmonetary awards presented in recognition of public service (and associated food, refreshments, and entertainment provided in the presentation of such degrees and awards).

"(12) Donations of products from the State that the Member represents that are intended primarily for promotional purposes, such as display or free distribution, and are of minimal value to any individual recipient.

"(13) Training (including food and refreshments furnished to all attendees as an integral part of the training) provided to a Member, officer, or employee, if such training is in the interest of the Senate.

"(14) Bequests, inheritances, and other transfers at death.

"(15) Any item, the receipt of which is authorized by the Foreign Gifts and Decorations Act, the Mutual Educational and Cultural Exchange Act, or any other statute.

"(16) Anything which is paid for by the Federal Government, by a State or local government, or secured by the Government under a Government contract.

"(17) A gift of personal hospitality (as defined in section 109(14) of the Ethics in Government Act) of an individual other than a registered lobbyist or agent of a foreign principal.

"(18) Free attendance at a widely attended event permitted pursuant to subparagraph (d).

"(19) Opportunities and benefits which are—

"(A) available to the public or to a class consisting of all Federal employees, whether or not restricted on the basis of geographic consideration;

"(B) offered to members of a group or class in which membership is unrelated to congressional employment;

"(C) offered to members of an organization, such as an employees' association or congressional credit union, in which membership is related to congressional employment and similar opportunities are available to large segments of the public through organizations of similar size;

"(D) offered to any group or class that is not defined in a manner that specifically discriminates among Government employees on the basis of branch of Government or type of responsibility, or on a basis that favors those of higher rank or rate of pay;

"(E) in the form of loans from banks and other financial institutions on terms generally available to the public; or

"(F) in the form of reduced membership or other fees for participation in organization activities offered to all Government employees by professional organizations if the only restrictions on membership relate to professional qualifications.

"(20) A plaque, trophy, or other item that is substantially commemorative in nature and which is intended solely for presentation.

"(21) Anything for which, in an unusual case, a waiver is granted by the Select Committee on Ethics.

"(22) Food or refreshments of a nominal value offered other than as a part of a meal.

"(23) an item of little intrinsic value such as a greeting card, baseball cap, or a T-shirt.

"(d)(1) A Member, officer, or employee may accept an offer of free attendance at a widely attended convention, conference, symposium, forum, panel discussion, dinner, viewing, reception, or similar event, provided by the sponsor of the event, if—

"(A) the Member, officer, or employee participates in the event as a speaker or a panel participant, by presenting information related to Congress or matters before Congress, or by performing a ceremonial function appropriate to the Member's, officer's, or employee's official position; or

"(B) attendance at the event is appropriate to the performance of the official duties or representative function of the Member, officer, or employee.

"(2) A Member, officer, or employee who attends an event described in clause (1) may accept a sponsor's unsolicited offer of free attendance at the event for an accompanying individual if others in attendance will generally be similarly accompanied or if such attendance is appropriate to assist in the representation of the Senate.

"(3) A Member, officer, or employee, or the spouse or dependent thereof, may accept a sponsor's unsolicited offer of free attendance at a charity event, except that reimbursement for transportation and lodging may not be accepted in connection with an event that does not meet the standards provided in paragraph 2.

"(4) For purposes of this paragraph, the term 'free attendance' may include waiver of all or part of a conference or other fee, the provision of local transportation, or the provision of food, refreshments, entertainment, and instructional materials furnished to all attendees as an integral part of the event. The term does not include entertainment collateral to the event, nor does it include food or refreshments taken other than in a group setting with all or substantially all other attendees.

"(e) No Member, officer, or employee may accept a gift the value of which exceeds $250 on the basis of the personal friendship exception in subparagraph (c)(4) unless the Select Committee on Ethics issues a written determination that such exception applies. No determination under this subparagraph is required for gifts given on the basis of the family relationship exception.

"(f) When it is not practicable to return a tangible item because it is perishable, the item may, at the discretion of the recipient, be given to an appropriate charity or destroyed.

"2. (a)(1) A reimbursement (including payment in kind) to a Member, officer, or employee from an individual other than a registered lobbyist or agent of a foreign principal for necessary transportation, lodging and related expenses for travel to a meeting, speaking engagement, factfinding trip or similar event in connection with the duties of the Member, officer, or employee as an officeholder shall be deemed to be a reimbursement to the Senate and not a gift prohibited by this rule, if the Member, officer, or employee—

"(A) in the case of an employee, receives advance authorization, from the Member or officer under whose direct supervision the employee works, to accept reimbursement, and

"(B) discloses the expenses reimbursed or to be reimbursed and the authorization to the Secretary of the Senate within 30 days after the travel is completed.

"(2) For purposes of clause (1), events, the activities of which are substantially recreational in nature, shall not be considered to be in connection with the duties of a Member, officer, or employee as an officeholder.

"(b) Each advance authorization to accept reimbursement shall be signed by the Member or officer under whose direct supervision the employee works and shall include—

"(1) the name of the employee;

"(2) the name of the person who will make the reimbursement;

"(3) the time, place, and purpose of the travel; and

"(4) a determination that the travel is in connection with the duties of the employee as an officeholder and would not create the appearance that the employee is using public office for private gain.

"(c) Each disclosure made under subparagraph (a)(1) of expenses reimbursed or to be reimbursed shall be signed by the Member or officer (in the case of travel by that Member or officer) or by the Member or officer under whose direct supervision the employee works (in the case of travel by an employee) and shall include—

"(1) a good faith estimate of total transportation expenses reimbursed or to be reimbursed;

"(2) a good faith estimate of total lodging expenses reimbursed or to be reimbursed;

"(3) a good faith estimate of total meal expenses reimbursed or to be reimbursed;

"(4) a good faith estimate of the total of other expenses reimbursed or to be reimbursed;

"(5) a determination that all such expenses are necessary transportation, lodging, and related expenses as defined in this paragraph; and

"(6) in the case of a reimbursement to a Member or officer, a determination that the travel was in connection with the duties of the Member or officer as an officeholder and would not create the appearance that the Member or officer is using public office for private gain.

"(d) For the purposes of this paragraph, the term 'necessary transportation, lodging, and related expenses'—

"(1) includes reasonable expenses that are necessary for travel for a period not exceeding 3 days exclusive of travel time within the United States or 7 days exclusive of travel time outside of the United States unless approved in advance by the Select Committee on Ethics;

"(2) is limited to reasonable expenditures for transportation, lodging, conference fees and materials, and food and refreshments, including reimbursement for necessary transportation, whether or not such transportation occurs within the periods described in clause (1);

"(3) does not include expenditures for recreational activities, nor does it include entertainment other than that provided to all attendees as an integral part of the event, except for activities or entertainment otherwise permissible under this rule; and

"(4) may include travel expenses incurred on behalf of either the spouse or a child of the Member, officer, or employee, subject to a determination signed by the Member or officer (or in the case of an employee, the Member or officer under whose direct supervision the employee works) that the attendance of the spouse or child is appropriate to assist in the representation of the Senate.

"(e) The Secretary of the Senate shall make available to the public all advance authorizations and disclosures of reimbursement filed pursuant to subparagraph (a) as soon as possible after they are received.

"3. A gift prohibited by paragraph 1(a) includes the following:

"(a) Anything provided by a registered lobbyist or an agent of a foreign principal to an entity that is maintained or controlled by a Member, officer, or employee.

"(b) A charitable contribution (as defined in section 170(c) of the Internal Revenue Code of 1986) made by a registered lobbyist or an agent of a foreign principal on the basis of a designation, recommendation, or other specification of a Member, officer, or employee (not including a mass mailing or other solicitation directed to a broad category of persons or entities), other than a charitable contribution permitted by paragraph 4.

"(c) A contribution or other payment by a registered lobbyist or an agent of a foreign principal to a legal expense fund established for the benefit of a Member, officer, or employee.

"(d) A financial contribution or expenditure made by a registered lobbyist or an agent of a foreign principal relating to a conference, retreat, or similar event, sponsored by or affiliated with an official congressional organization, for or on behalf of Members, officers, or employees.

"4. (a) A charitable contribution (as defined in section 170(c) of the Internal Revenue Code of 1986) made by a registered lobbyist or an agent of a foreign principal in lieu of an honorarium to a Member, officer, or employee shall not be considered a gift under this rule if it is reported as provided in subparagraph (b).

"(b) A Member, officer, or employee who designates or recommends a contribution to a charitable organization in lieu of honoraria described in subparagraph (a) shall report within 30 days after such designation or recommendation to the Secretary of the Senate—

"(1) the name and address of the registered lobbyist who is making the contribution in lieu of honoraria;

"(2) the date and amount of the contribution; and

"(3) the name and address of the charitable organization designated or recommended by the Member.

The Secretary of the Senate shall make public information received pursuant to this subparagraph as soon as possible after it is received.

"5. For purposes of this rule—

"(a) the term 'registered lobbyist' means a lobbyist registered under the Federal Regulation of Lobbying Act or any successor statute; and

"(b) the term 'agent of a foreign principal' means an agent of a foreign principal registered under the Foreign Agents Registration Act.

"6. All the provisions of this rule shall be interpreted and enforced solely by the Select Committee on Ethics. The Select Committee on Ethics is authorized to issue guidance on any matter contained in this rule.".

SEC. 2. EFFECTIVE DATE.

This resolution and the amendment made by this resolution shall take effect on January 1, 1996.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. MURKOWSKI. I thank the Chair.

AMENDMENT NO. 1874 TO AMENDMENT NO. 1872

(Purpose: To permit reimbursement for travel and lodging at charitable political events)

Mr. MURKOWSKI. Mr. President, I send an amendment to the desk and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Alaska (Mr. MURKOWSKI) proposes an amendment numbered 1874 to amendment No. 1872.

At the appropriate place, insert the following:

SEC. . Travel and Lodging to Charitable Events—

Notwithstanding any provision of the Rule, The term "gift" does not include permissible travel, lodging, and meals at an event to raise funds for a bona fide charity, subject to a determination by the Select Committee on Ethics that participation in the charitable event is in the interest of the Senate and the United States.

Mr. MURKOWSKI. Mr. President, I have followed this debate closely and certainly am sensitive to the efforts to try and bring the pending compromise agreement to a successful conclusion.

I heard in the debate the reference that we ought to be treated like other Americans; that the executive branch clearly does not enjoy the broad benefits that we in this elected office enjoy regarding gifts and various other benefits. And that is certainly true.

On the other hand, there is a difference. And in my amendment I hope to focus a little bit on that difference. We are a political body. As a consequence, within this compromise there is no prohibition for us to continue to receive reimbursement for travel and for lodging associated with political activities.

Who funds those political activities, Mr. President? Lobbyists fund those political activities, and political action committees, PAC's. So on the one hand, we are proposing sweeping legislation that would bring us into conformity with the executive branch. Yet, at the same time, we are suggesting that we not consider the benefits we receive from political activities associated with our office.

Mr. President, the purpose of this amendment is to bring into conformity the rules that we would have for transportation and lodging in connection with a charitable event with the rule that exists for transportation and lodging in connection with a political event such as a political fundraiser.

Under the measure proposed in the compromise that is pending before us, as I understand it, private entities would not be able to reimburse Members for the cost of transportation and lodging to a charitable event. But I think in the compromise there is reference to meals and attendance at the charitable events being authorized. But Members still would be permitted to be privately reimbursed if they travel to a fundraising event on behalf of another Member.

In other words, Mr. President, lobbyists, PAC committees, and other contributors could be used to reimburse Members for taking a night off and flying to Hollywood, flying to Los Angeles, or flying to Florida for a political fundraiser. We do not address that in this sweeping revolutionary approach toward limitations on our privileges. I find that rather curious, rather inconsistent, but rather evident.

Currently, under the Senate Ethics Committee interpretive ruling No. 193, a Senator may accept travel expenses from an official of a district's political party organization in return for his or her appearance at a rally sponsored by that organization.

Now, we are different, we indicate, but on the other hand we say we ought to be treated the same as the executive branch. But the executive branch cannot accept travel expenses from an official or a district political party organization in return for his or her appearance at a rally sponsored by the organization.

So this compromise, Mr. President, really does not address our attendance, our reimbursement for travel as well as lodging for political fundraisers. I might ask the question why, but I think it is evident to all of us. We just have not considered this as part of the revolutionary changes that are appropriate, that we want to make. But, Mr. President, they are still inconsistent, and they leave something to be desired. Why should the presence of a Member in supporting a charitable organization be treated differently than attending a political function where you can receive reimbursement for travel and lodging.

Now, Mr. President, as we know, every Member of this body has at one time or another made campaign appearances for his or her party or a candidate. Often that means flying to another Member's home State, attending a party function, maybe making a speech, sharing a meal, even attending an entertainment or sports function, and in almost all cases the cost is covered by whom? The cost is covered by lobbyists or other political contributors.

So what we have here is a situation where a Senator can travel virtually all over the country attending political fundraisers and have lodging and transportation reimbursed. But what the compromise proposes, what it proposes as I read it, is that a Senator cannot attend charity events, events that raise money for worthwhile causes such as a breast cancer detection center, and have those costs reimbursed.

The Senator from Alaska does not believe that that is equitable. It does not make sense. Why is it all right for a political action committee to host a $500-a-plate political fundraiser or give a campaign check for $4,000 or $5,000 to an elected official through his or her PAC, but there can be no solicitation under this proposal of corporations and other individuals to participate in charitable events that only benefit perhaps a small community, a small State, or those of us out West?

Now, I believe that this whole notion of preventing Senators and corporations from sharing in raising money for a worthwhile cause outside the Washington beltway, but allowing large amounts of money as political gifts, smacks of sheer hypocrisy.

Do you think, Mr. President, we can get Senators up to our State if they have to pay their way to come to a charitable fundraiser? That is what this compromise suggests. Our charity events will be very difficult to put on. Those who live adjacent to the beltway can put them on right here in Washington, DC.

Mr. President, my amendment simply provides that Senators would be permitted to be privately reimbursed—it is very important that we make this distinction because it is a change from previous procedure—Senators could be privately reimbursed for the cost of lodging and transportation in connection with charitable fundraising events if and only if—and I would appreciate the attention of my colleagues who have labored over this because I think this change is significant—if the Senate Select Committee on Ethics determines that participating in the charity event is in the interest of the Senate and the United States.

To repeat that, Mr. President, lodging and transportation in connection with charitable fundraising events if the Senate Select Committee on Ethics determines that participating in the charity event is in the interest of the Senate and the United States.

So a Member of the Senate could be privately reimbursed for attending a charitable fundraiser only, only if the Senate Ethics Committee makes a determination that the charitable function is in both the public interest as well as the interests of the Senate.

Mr. President, I believe one of the most important responsibilities of a public official—and that is what we are—is occasionally to promote worthwhile charitable causes. Not everything can be done for the public good directly through the Government. Private charities play a vital role in servicing many of the needs of our citizens.

Last year in my State of Alaska, my wife Nancy and I were the honorary Chairs of a Senator's fishing tournament in Alaska which raised nearly $150,000 for a mammogram machine for the Fairbanks Breast Cancer Detection Center. As a result of that event, the detection center was able to pay off its mammography machine and as a result the center was able to continue to provide free breast cancer examinations to those who needed that service—mammograms for 3,700 women who came to Fairbanks for breast cancer screening from nearly 81 villages throughout the State of Alaska.

Mr. President, this year, my wife will be hosting a second event for the center to raise money for a second mammography unit. This will be a mobile mammography unit, one that can move on the limited highways of Alaska. But more importantly, one that will be able to be driven into the National Guard C-130's, and as they train and generate air time they will go into the villages. And the unit would be able to be backed out of the planes and provide services to those women who otherwise would find it very difficult and expensive to travel into our larger communities to take advantage of this type of examination.

So if we raise sufficient funds—and I think we will—we will be able to equip this new mobile van for duty in the rural villages of my State. Villagers will not have to come to Fairbanks for tests. They will be able to receive these screenings in their local communities.

This unit I think is vital to help preserve the health of Alaska's women. It will service many of the native women in the bush area.

Our State's cancer mortality is the third highest in the Nation.

It is estimated nearly one in eight Alaska women will develop some signs of breast cancer. Breast cancer screening can reduce those amounts, I am told, by up to 30 percent. I firmly believe without the funds raised from these two efforts that are promoted in association with the U.S. Senate, the health of Alaska women would be potentially marginalized.

I am proud of the work those women have done in keeping these units operating and organizing these events. And if we change the rules on charitable events, I am convinced that it will be unlikely, certainly more difficult, and the success of the event might be severely jeopardized.

Most of my colleagues are aware that former Senator Jake Garn raised a great deal of money for the Primary Children's Medical Center in Salt Lake City. Mr. President, I can name other charities many Senators have been involved in. I believe Senator PRYOR has a golf tournament. Senator ROCKEFELLER has a children's health project in West Virginia. Senator HATCH has a function in his State. I wonder if we really want to seriously end Senators' and companies' participation in these causes simply because there is a so-called perception problem.

This discriminates against distant States. I have already mentioned that. Some might argue charitable events will still be allowed under the proposed compromise bill because the only prohibition contained in the bill relates to transportation and lodging in connection with these events. That is probably true in the immediate area. In other words, Mr. President, if you are a large, national charitable organization that has the clout to hold the event in Washington, Members will be able to participate in the event.

But if you are a small organization like the Fairbanks Breast Cancer Detection Center or the Arkansas Opportunities, Inc., you are not going to have the resources or the capability to have your event held in the Nation's Capital. If Senators cannot receive transportation and lodging reimbursement, events like mine, even though they would be subject to the approval of the Ethics Committee, then I think many of these events are going to disappear because it will simply cost too much to get to Alaska and other distant States.

So, Mr. President, I think we have a clear choice. I do not dispute the efforts of those who have worked so hard to formulate this compromise. But I think in fairness, we have to examine that we left out a significant portion, and that is the activities associated with political events, where we are still allowed reimbursement for lodging and transportation. And I think that is the inconsistency. We want to establish the same lodging and transportation rules for charitable fundraisers as we have for political fundraising.

That is my question. Do we want to establish the same rules or do we want to make it harder to raise money for worthy charities while at the same time continuing the unlimited reimbursement for political fundraising? I hope that my colleagues will reflect on this amendment, reflect on the realization that it is structured in such a way as to mandate our Ethics Committee to review and pass under the legitimacy of the Chair.

I do want to assure my colleagues I am very committed to this. I want to assure my colleagues, should this amendment fail, I may very well offer an amendment to conform the transportation and lodging rules with the charitable rules so that Members will have to pay out of their own pockets to participate in fundraisers for other political candidates like they would under the proposed compromise, which would ban travel and lodging for charitable events.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER (Mr. DEWINE). Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. MURKOWSKI. Mr. President, I yield the floor.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Arizona oppose the amendment?

Mr. McCAIN. The Senator from Arizona opposes the amendment.

The PRESIDING OFFICER. The Senator controls 30 minutes in opposition.

Mr. McCAIN. Mr. President, I yield myself 7 minutes.

Mr. President, I understand the logic in the argument and am in sympathy with what the Senator from Alaska is saying, especially when viewed in a somewhat narrow and focused context. In case the Senator from Alaska missed it, there is a new book out called "Ethics in Congress," by a Mr. Dennis F. Thompson. On page 107, Mr. Thompson says:

> In the case of gifts these considerations argue for a gift rule that is simple, strict, and broad. First, the rule should have few exceptions, and none based on the supposed virtuousness of a motive. During the Senate debate on gift reform, many members urged that expenses for travel to charitable events

> should be exempt. No one noted the ironic implication of this suggestion: if members are less in danger of being corrupted by gifts for charity than by for gifts for themselves, they must care more about personal gain than philanthropic causes. The only exceptions that should be allowed are those that are necessary for members to carry out their legitimate political activities (meals taken in conjunction with their official duties, for instance) and those typical of normal social and family life (such as customary birthday gifts to their children from friends).

I think that passage pretty well sums up why I oppose this amendment.

I would also like to address the last statement that the Senator from Alaska made that, in case his amendment fails, then he would propose an amendment that would provide that for travel as involving political activity. Let me quote again from this book:

> In this spirit, members found it difficult to resist when Senator FRANK MURKOWSKI proposed an amendment that banned gifts from PACs. "My amendment," he said, "merely adds [to the gift] prohibition . . . a very important type of gift, a political contribution."
>
> But contributions are not exactly the same as gifts, and if they are to be treated the same, reform has to go much further than members are prepared even to consider. Senator WILLIAM COHEN pointedly distinguished the different roles of senators: "We are looking for symmetry between what we can do as candidates and what we can do as Senators. But there is no symmetry. The Senate has gone on record in favor of [reducing] the value of a gift . . . down to zero. If you follow the logic and apply it to campaigns, then you eliminate all contributions to campaigns other than through public financing." Many reformers believe that Congress should follow that logic, and they may be right. But as COHEN observes "there are very few [members] who are willing to take that step." As long as candidates must raise funds for campaigns, legislative ethics must find ways to control the conditions under which they receive contributions. To understand better what the conditions should be, it is necessary to consider the further difficulties of finding corrupt motives in cases in which the gain is political rather than personal.

Mr. President, there is another passage I would like to quote from very briefly:

> Some might argue—

And I have heard this several times on the floor and in the course of the discussions we have had on this issue.

> Some might argue these and other efforts to win the confidence of the public are futile. The public, especially news media, will never be satisfied, no matter how many reforms Congress makes. Congress has added more and tougher standards and imposed sanctions on more members in recent years, yet public confidence continues to decline and demands for reform continue to increase. Why bother to try to satisfy such apparently insatiable demands? The first answer must be that Congress has no realistic alternative. In a democratic system, legislators cannot do their jobs without seeking to win the confidence of citizens. Even if individual members manage to win reelection in the face of widespread cynicism about Congress, they will still suffer the effects of ethical controversy, as it implicates their colleagues and interferes with the conduct of legislative business. If members do not continue to try to improve the ethics process, they will find themselves and the institution increasingly deflected from legislative duties.
>
> The loss of confidence in Congress does not mean that the reforms of recent years have had no positive effect. The decline is no doubt the result of many causes unrelated to ethics and might even have been worse if Congress had taken its ethics less seriously than it did. Furthermore, the improvements, modest though they may have been, have not gone without notice. Informed observers and other opinion leaders believe that members are more honest and the institution less corrupt than it used to be, which is likely to have a favorable effect on public opinion in the long run. Finally, some of the continuing distrust may be warranted. Citizens are surely right to be suspicious of some practices of ethics committees, such as refusing to release testimony and reports.
>
> Also, some reforms may not have gone far enough or may not have been focused precisely enough on the ethical problems that should be of most concern.

Mr. President, as I said, I understand and sympathize with the amendment of the Senator from Alaska. I hope that in the broader context of what I just quoted in this book, it will explain better my opposition to the amendment.

I yield whatever time he may need to the Senator from Minnesota.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, first of all, I say to my colleague from Alaska, two mornings ago I heard quite a wonderful report on the work that the MURKOWSKIs do in Alaska. I absolutely understand the why of the amendment and admire the Senator for what he stands for. We do not always agree on all issues of the committee he chairs, but I do not think there is ever any question about his personal intentions and his sincerity.

Again, the important point is that the contributions and the paying for trips is permitted when it comes to charitable activity. The key language is as long as what you are doing is not substantially recreational. That is the real issue.

I say to my colleagues, that is the key point. The problem for us is that we have gone to these gatherings and they are for a good cause, but a large part of our activity is for the golf and for the tennis, and it is substantially recreational.

Frankly, we do not look good. It is a matter of perception, and we should just let go of it. We do not need it. That is really the problem.

Mr. MURKOWSKI. Will my friend yield for a question?

Mr. WELLSTONE. I will be pleased to.

Mr. MURKOWSKI. I do not believe, as I understand the compromise, that there is a provision, as the Senator from Minnesota suggests, for reimbursement for travel and lodging if it is not a substantially recreational function.

Mr. WELLSTONE. I say to my colleague——

Mr. MURKOWSKI. I would appreciate a clarification, because I was under the impression that there was no provision for charitable activity associated with transportation and lodging, that there was no provision whatsoever.

Mr. WELLSTONE. I say to my colleague that, as a matter of fact, there is as long as once you come to the event your activity is not substantially recreational. That is the key point. Then there is a prohibition. Otherwise, there is not. I say to my colleague, if, in your official duty, you go to a gathering for a good cause—that is why you are there and that is how you spend your time—that is fine. The problem is when—and I defer to my colleague from Michigan if he wants to add to this—the problem is when you go to a gathering and you spend most of your time in recreational activity, then the paying for that travel is not permitted. That is the key distinction.

Mr. MURKOWSKI. I thank the Senator for that clarification. In all deference, I was not aware that was the case. When the bill was offered as a compromise, it specifically prohibited transportation and lodging for charitable events, as was so stated.

Mr. WELLSTONE. I say to my colleague, I would be very interested in the comments of the Senator from Michigan, but we may have just some confusion here which we may be able to clear up.

Mr. LEVIN. I wonder if the Senator from Minnesota will yield.

Mr. WELLSTONE. I will.

Mr. LEVIN. The language that is now in the substitute is that "reimbursement for transportation and lodging may not be accepted in connection with an event that does not meet the standards provided in paragraph 2." And those standards are that it must be connected to your official duties and it must not be substantially recreational in nature.

So if a charitable event is connected to your official duties and is not substantially recreational in nature, then it is explicit, which I think was intended last year but perhaps was not clear enough, that reimbursement would be provided.

It is only for these charitable events or these recreational events, depending on how you describe them, which are substantially recreational that there is not the reimbursement for lodging and travel, because those are not your official duties. If they were, you could be reimbursed. It is when they are not connected to your official duties.

Mr. MURKOWSKI. I ask the floor manager, what official business would be considered charitable?

Mr. LEVIN. That is up to each of us. A lot of us go to charitable events connected to our official duties. I go to a tuberculosis dinner back home. If I decide as a Member of the Senate that it is connected to my official duties to be there, then that is connected to my official duties, and if it is not substantially recreational in nature, I can then be reimbursed for that transportation.

Mr. MURKOWSKI. So you would be reimbursed by the Government for that transportation.

Mr. LEVIN. By the private party. This is talking about when reimbursement is permitted by the private party.

Mr. MURKOWSKI. So you would be, in that case, reimbursed by the private party——

Mr. LEVIN. Could be.

Mr. MURKOWSKI. And even though the charity was not Senate business in a sense, you made a decision——

Mr. LEVIN. It has to be connected to your official business.

Mr. MURKOWSKI. In the particular case I am citing where I hold events in my State, I do not have the same opportunity of those who live in the areas surrounding the beltway. So I am just out in the harsh reality that I cannot get the attendance. That is the problem I have, and it is one of inequity.

Mr. LEVIN. It may be related to your official duties.

Mr. BIDEN. Will the Senator yield for a question?

Mr. MURKOWSKI. What I proposed, and I hope you consider it, is let the Ethics Committee make that determination.

Mr. LEVIN. I heard the proposal. But the Senator going home to a charitable event may be related to his official duties, in which case you can be reimbursed by the private party, providing it is not substantially recreational.

Substantially recreational is the divide. Is it recreational or is it an event not substantially recreational or relevant to your official duties? If it is, you can then be reimbursed by that private party.

If I decide going to an event in Alaska or any other State, other than my own, is related to my official duties, and if it is not substantially recreational, then I could be reimbursed. That is a judgment I would make. That is the line which is drawn in the bill.

The effort is made to distinguish between the recreational trips and the trips which all of us make which are related to our official duties and which are not substantially recreational in nature. We all go to make a speech at some meeting. If that is related to our official duties and is not substantially recreational in nature, we can be reimbursed by the private party. That is a judgment each one of us makes in the bill, and that is very different, however, from the recreational trips where people, I think would agree, are not related to their official duties and where they are substantially recreational in nature.

If that is the judgment, we should not be taking money from private parties, in the opinion of those of us that have reached this conclusion.

Mr. BIDEN. Will the Senator yield for a question?

Mr. MURKOWSKI. If I may respond, because I think there is a distinction here, and that is——

The PRESIDING OFFICER. Let me just announce to the Senate, the Senator from Minnesota still has the time.

Mr. WELLSTONE. Mr. President, the Senator from Delaware wants to put a question to the Senator from Michigan.

Mr. BIDEN. I would like to ask the Senator from Alaska.

Mr. WELLSTONE. Can I make this one comment and then yield the floor?

Mr. BIDEN. Sure.

Mr. WELLSTONE. Very quickly, I say to the Senator from Alaska that we have had this discussion, because this may just be some confusion. I do not know any other way but to say it straight. What we have tried to do, and what we have done in this coalition effort, is to just deal with what has gotten us into trouble, which is not what I think the Senator from Alaska is talking about, which is some of the ski and golf trips, and whatever. I think we should let go of that and end that practice.

When you go home, and as part of your official work, you go to a charitable activity, such as the Senator from Alaska cares fiercely about, and your activity there is not substantially recreation—you are not going there to ski all weekend, or whatever—that is permissible. Maybe we have cleared that up.

Mr. MURKOWSKI. I would like to pursue this, if I may, because while I do not disagree with the Senator relative to the concept of what we are trying to do away with here, we also have to keep in mind the basic function of a charitable event, and that is to raise money.

Now, the question of what kind of an atmosphere do you raise that money in is what we are debating at this current time. Clearly, there have been excesses relative to the recreational events associated with charitable fundraisers. I would be the first to acknowledge that. But what we have now is a proposal that is so stringent, in the sense that we are not allowing the Ethics Committee to review the legitimacy of the charity, we are simply saying if it is not connected with any activity associated with recreation.

I ask my friend from Minnesota what he might suggest to be the nucleus for the event, to bring those that will contribute to the charity, and that is the problem of the Senator from Alaska. I assume it would be determined that a fishing tournament, which is what I offer, would be a recreational event. It is not a skiing event, it is not a golf event. I would call it a fishing event. I think in the spirit of the debate it would be considered recreation.

Now, that venue, if you will, allows for the opportunity to raise the money for the charity. This Senator would be very pleased to look at some other avenue, but I, very frankly, think it would be difficult to attract the Senators, the sponsors, and others to come to a luncheon in Fairbanks, AK, for a fundraiser for the Breast Cancer Detection Center because it will not have the same magnitude of my fishing event.

However, I am willing to leave that up to the Ethics Committee to make a determination of what the guidelines and rules are, how many hours of free time on the event, where the event is held, or whatever. Right now, this legislation basically puts me out of business of promoting major charities in my State. I understand the intent. But I implore my colleagues to perhaps pursue a little innovation so that we are simply not eliminated from what is a worthwhile endeavor funded by corporations that are willing to make a contribution.

I do not want to go into the other issue, but there is an inconsistency there, as my friend from Minnesota, I think, would recognize. While we do not address political activities, they are paid for by the same source—lobbyists, political action committees, and so forth. So I would rather not mix that area. I am looking for relief.

Mr. WELLSTONE. Let me say two things to my colleague from Alaska. First of all, if we want to talk about campaign finance reform, and if the Senator is concerned about people paying for trips that Senators take which raise money, introduce an amendment to deal with that problem. But that is not what we are talking about tonight. The Senator can introduce an amendment to deal with that. It is a matter of proportion.

I think every Senator should be aware of this. You can go to a charitable gathering. That can be part of your work. You should go, and it could be paid for by a private party. There is no question about that. The problem is, when it is substantially recreational, that is where the abuse comes in.

Mr. President, you cannot make a distinction between fishing trips, or tennis, or golf, or skiing. That is the problem. That is where we have gotten ourselves into trouble, no matter how good the cause is. When a particular lobbyist or interest pays for a Senator for a weekend, or several days of travel, and accommodations to go fishing or play golf or to go skiing, it is just inappropriate. I mean, what has to attract people to the gatherings is the cause itself. God knows what the MURKOWSKI's do is a very important cause. But we have to let go of these paid-for ski trips, golf trips, and tennis trips. We have to let go of it. It is not appropriate, and it does not look good. People do not want us to do it.

I urge my colleagues to let go of it. That is why I think this amendment must be defeated.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. LEVIN. Mr. President, who is controlling?

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. I yield whatever time the Senator from Michigan needs.

The PRESIDING OFFICER. There are 12½ minutes remaining for the Senator from Minnesota.

The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, this is one of the basic reforms in this bill, because these recreational trips—and that is what they are—have created great difficulty for the U.S. Congress in terms of public confidence in this institution.

The public has seen over and over again the ski trips, the golf outings, the tennis trips, with our families, being put up at fancy lodges and being given fancy meals—and, yes, there is a charity which also benefits. But we get a big benefit from that. It is called recreational travel. There are two beneficiaries of this travel. One are the Members that take it; second is the charity that also benefits, because some of the contributions from the contributors go to the charity, and some go to us in the form of payment for our travel, our lodging, and our meals.

Now, a lot of the charities are noble—in fact, probably most are. I know the charities of the Senator from Alaska are noble. I think people should contribute to those charities, but in a way which does not undermine the confidence in this institution; the price that we pay for benefiting the charity in that case is too high. The price that we pay is that the public sees us at the outing, or on the slopes, with the special interests right there with us, paying for our recreation. If they are not there with us, they pay for our recreational travel.

It results in this kind of a TV show. I think all of us have seen these shows. This is from the Inside Edition of February 10:

> Imagine you and your family spending 3 days and nights at a charming world-class ski resort, top-of-the-line lodging and cozy chalets, with a wonderful mountain of skiing at your doorstep, and absolutely no worries about the cost of anything. You will never waste a moment waiting in line for a lift at the top because, like the people you are about to meet, you are king of the hill, and this is the sweetest deal on the slopes.

Now, that is what the public sees. What they see is the benefit that we gain when we go on recreational travel. What they do not see, perhaps, is the benefit that the charity gets.

And so we have to make a decision—each one of us—as to whether or not, No. 1, we believe that when we go on recreational travel, we should be able to be reimbursed for that. This is a benefit for us. It is recreational travel, not related to our official duties of significant value. That troubles me.

The second issue that each Member must face, even though a charity also benefits along with Members, whether or not the price that is paid for that good cause, getting a benefit, is too high, in terms of this good institution being diminished in terms of public respect and in the public eye.

That is the decision we each should make. It is called recreational travel. We have seen it and read about it. Some Members have participated in it. We have to make a decision.

This bill significantly restricts gifts. It is long overdue. We are trying very hard to increase public confidence in this institution and in the Congress. It takes work. We have to change the way we do things, to accomplish that very important goal.

I believe for Members to permit recreational travel is going in exactly the opposite direction from the direction of this bill. This is why I hope that the Murkowski amendment would be defeated.

Mr. MURKOWSKI. Mr. President, I believe that we have 9 minutes remaining.

The PRESIDING OFFICER. Nine minutes and 30 seconds.

Mr. MURKOWSKI. It is the intention of the Chair after the time is expired to entertain other amendments tonight.

The PRESIDING OFFICER. That is the order.

Mr. LEVIN. I do not know what the Senator from Mississippi, the majority whip, has in mind. I think that what they have in mind, however, is that we proceed to other amendments after the time is expired or is yielded back on this amendment.

Mr. MURKOWSKI. I understand.

Mr. President, I have listened to the debate tonight. Clearly, the reference to eliminating any interpretation of recreation makes it very difficult to successfully hold a charitable event outside of the beltway, or certainly not further than a reasonable proximity.

I think that is unfortunate. If we were to leave the issue at that, I suppose the Senator from Alaska could reflect on the merits of simply an up-down vote on the issue and resolve it. But when the debate goes on and suggests that somehow, because it is a charitable event, that it is subject to charges that inappropriate or poor judgmental actions occurred on the part of Members. Yet when one looks at the source of support for the charitable event or the political event, we find the sources are the same. They come from fundraisers. And we can get full reimbursement for political events, transportation, and lodging from a source that also provides legitimate funds for the benefit of the charity. Funds are coming from the same place.

I seem to be the only one that is drawing any attention to that. If we are being critical of ourselves—as we are and as we should be from time to time relative to the appropriateness of accepting funds through PAC's, political organizations, lobbyists and others, for charitable events—and we absolutely ignore the fact that we accept it for political events for transportation and lodging, the same exact sources, I say that at the least we are being inconsistent.

No one in this body wants to make that connection because it is inconvenient. It is embarrassing. After all, we are politicians and politics and serving the people of our State is our business. I think to some extent, attendance at charitable activities, legitimate charitable activities, that would be subject to approval by the Ethics Committee and more or less reviewed by them as to their legitimacy, would be an appropriate measure of legitimacy.

Unfortunately, it appears that this particular proposal that has been structured is cast in concrete, and with the exception of the explanation the Senator from Alaska received a few moments ago, clearly charitable activities such as the one that I have discussed simply could not function under this narrow interpretation because it eliminates recreation activities.

As we wind down the debate and the time is about to expire, there is indeed a principle involved here, as we address the legitimacy of not only those who suggest that this compromise should be structured in the same way as the executive branch receives consideration for their extracurricular activities. Yet it does not recognize in the same breath that the executive office does not receive reimbursement or travel for appearance at political events. Yet we do. And that is the difference.

When we go to the legitimacy of charitable events, we say no, we cannot get reimbursement for travel and lodging, but we can get it for political events. Others say, well, just a minute, the Senator from Alaska does not understand the problem. We are talking about something other than political events now, so that should not be part of the discussion.

The Senator from Alaska, I think, would again remind all of my colleagues as to the source of these funds and the principle involved. If for some reason or another we find it unpalatable to accept funds from those who would fund charitable events, one wonders why we would be so eager to accept funds for travel to political events.

I encourage my colleagues to think on the merits of legitimate charitable activities which we all participate in, which will be substantially limited, in my opinion, under this very narrow interpretation. And I think that is indeed very unfortunate.

I have nothing further to say, Mr. President. I yield the floor. I yield back all time.

The PRESIDING OFFICER. The Senator from Alaska has yielded back his time. The time in opposition is 7 minutes.

Mr. LEVIN. Mr. President, I yield 2 minutes to the Senator from Wisconsin.

Mr. FEINGOLD. I thank the Senator from Michigan. I want to be sure that we remember why these provisions are in the bill. It has to do with the fact that if you had to pick one aspect of this whole issue of gifts that seem to have brought more perception problems for the Senate than any other, it is the problem with the so-called charitable events.

This is not to say that they do not have any merit—some of them. But the portrayals, particularly on some of the national television shows, have shown Members of this body and of the other body participating in events that were obviously dominantly recreational, that had to do with golf or tennis or whatever it might be. It was pretty obvious by the end of any one of these segments that the event was an opportunity for a Member of Congress to have an awfully good time on the ticket of whatever the organization that was promoting the event or the charity, whatever it was.

Yes, this may have some negative impact in terms of what the Senator from Alaska is trying to talk about. I think in his case the fact that he is referring primarily to what he wants to do in his home State suggests to me it probably would not be a problem.

The problem would occur more in the more publicized events—ski events in Utah, the golfing events in Idaho—that have nothing to do with our own home State. These are the ones that have caused a very serious problem.

I believe it is very appropriate that this bill sets forth that in the case of an event that is a charitable event and is not specifically within the person's role as a representation of the Senate, then those cases—the travel and the lodging—are really too much.

It has been abused. There are Members—I am not thinking of a Member of this body, but I am thinking of a case of a Member of the other body—who made a practice of going every week to these so-called charitable golfing events. I remember the Member got a $200 sweater at each event. The meals and everything went back to his district afterward. It was a way of life. This is what we are trying to get at.

I think it has been reasonably crafted. I do think it addresses the concern of the Senator from Alaska, which obviously has to do more with his own home State. Whether or not he is going to be able to attract Members of this body to Alaska, given the fact that there is a problem with lodging and the travel—it may be difficult. I do not want to suggest it will not be, possibly, a problem. But I think the greater concern here is that we eliminate this overall practice. I think this is reasonably drafted to achieve that.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. MURKOWSKI. Mr. President, if I could just make one comment to my friend from Wisconsin, it looks like the only way out, there, is to attract the millionaires of the Senate who might be able to come to Alaska and attend a charity event. If it passes in its current form, I will advise the Senator from Wisconsin of my success in attracting the millionaires that are in the Senate to come up. We will have to see.

On the other hand, I hope my amendment will be adopted based on the merits of my presentation. I thank the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. LEVIN. No one else wants time on this side. I think, if all time has been yielded back by my friend from Alaska, then I will yield the remainder of our time.

The PRESIDING OFFICER. All time has been yielded back.

UNANIMOUS-CONSENT AGREEMENT

Mr. LOTT. Mr. President, on behalf of the majority leader, and after consultation with the minority leader, I ask unanimous consent that the cloture vote scheduled for Friday, with respect to foreign aid authorization, be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. I further want to announce to the Members that at 10 a.m. on Monday, July 31, it will be the majority leader's intention to turn to the energy and water appropriations bill, and that no votes occur with respect to that bill before 6 p.m. on Monday.

I further ask unanimous consent that the cloture vote scheduled for Friday, with respect to the State Department reorganization, be postponed to occur following any stacked votes on Monday, which will not occur prior to the hour of 6 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. I yield the floor.

CONGRESSIONAL GIFT REFORM ACT OF 1995

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I believe other amendments are now in order for debate? I do not have a copy of the unanimous consent we are operating under.

Mr. LOTT. If the Senator will yield, I understand there are negotiations continuing on some of these amendments with the hope that maybe some agreement could be worked out and that we are prepared to go forward momentarily with the amendment concerning the limits in the bill. We will be ready to go with that in just a moment.

If the Senator would like to take up any other issue? If not, Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, I ask unanimous consent that the pending Murkowski amendment be set aside so we may proceed to the next amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1875 TO AMENDMENT NO. 1872

Mr. LOTT. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT] proposes an amendment numbered 1875 to amendment No. 1872.

On page 1, strike lines 9 through 12, and on page 2, strike lines 1 through 4; and insert the following:

"(2) No Member, officer, or employee of the Senate, shall knowingly accept, directly or indirectly, any gifts in any calendar year aggregating more than $100 or more from any person, entity, organization, or corporation unless, in limited and appropriate circumstances, a waiver is granted by the Select Committee on Ethics. The prohibitions of this paragraph do not apply to gifts with a value of less than $50."

The PRESIDING OFFICER. Who yields time?

The Senator from Mississippi controls 30 minutes.

Mr. LOTT. Mr. President, I have not spoken today on the efforts that have been underway to come up with a reasonable, practical, and agreeable package that we could have in this area of gift rule reform. I understand that there is a need to tighten up on these rules and to clarify others so Members will know exactly what they can and cannot do under our rules of the Senate. But I also think we have to be very careful that we do not do it in such a way that we make it impossible for us to live within the rules and do our job. That is why I have been very interested in how it is developed.

I do think a lot of credit goes to the managers of this legislation. Senator MCCONNELL, from Kentucky, has really moved us toward serious agreement on lobby reform that is, I think, long overdue. It was needed. We got an agreement on that earlier this week. And by his continued efforts, I think we are getting close to gift reform that will change the rule of the Senate in such a way that we will all be better off.

His work with Senator LEVIN has produced a package with a lot more agreement than I ever thought we would be able to come to tonight. But they have provided real leadership. Senator MCCAIN has been involved, Senator WELLSTONE, Senator FEINGOLD, many others, Senator LIEBERMAN, Senator BREAUX, Senator FORD—there is a long list of people who have been involved and I think they all deserve a lot of credit.

The substitute we are working from is a major change from what we started out with, as the original Levin-Cohen bill. First of all, it is not a statute anymore. It will be a rule. And I think that is an important change.

There have been a lot of questions raised, a lot of concerns, about what we can and cannot do. What is a personal friendship? What is a widely attended event? What do you do about awards, mementos? So, many of those things have been clarified. I think we are working from a much better product than where we started.

Efforts are still underway to clarify what is the situation with regard to our spouses. I think we need to be very careful about that.

I want to also emphasize this, though. And others have said it. Most Senators do their job. They do not get a lot of gifts or expensive awards. It just does not happen. It has been implied here we can go to dinner every night. First of all, how? We are here almost every night. We are a nocturnal institution. We do not start work until the Sun goes down. I take my hat off to any Senator who can run downtown to some expensive, fancy dinner. I do not see how they do it and make all the votes. And with the average of voting of the U.S. Senators being 97 percent or better, they are not doing both of those.

So any impression that has been given that there is a cesspool of activity going on here, it is just not so. Yes, when the mayor of Buzzards Roost comes to my office, she gives me a cap from Buzzards Roost. I put it on my stand. Glad to have it. We do go to lunches with our constituents. We do have relationships with friends.

If we have to give all that up, then we might as well just go ahead and admit that we are not living a real human life around here. So we do not want to do that and I think, with the changes that have been made, the changes we are still working on, we can accomplish that. Every Senator on both sides of the aisle agrees that a reform of the Senate rules concerning gifts is overdue and is necessary. And I think that is why we are going to get it accomplished here. But sometimes in life you can agree on the general purpose but some of the specifics can cause a problem. That is the amendment that I am addressing here tonight. I think that it is very important that we do not put ourselves in the position where we cannot basically function without violating the rules.

So this amendment that I sent to the desk will change the limit in the base bill from the $20, with that being aggregated up to no more than $50, and replace that with a Senator being able to accept a meal or a gift under $50 but with an aggregation of no more than $100. That aggregation is very, very important because that means that you can go to a lunch with a person, a lobbyist, or a nonlobbyist if it costs less than $50, and you can do it a couple of times in a year, but it cannot exceed $100. So that addresses the problem that you go to a lunch or a dinner every night or every day like somebody implied. You are not breaking the rules. I think that is a significant change from our original bill that was offered on this side that only had the $100 figure without an aggregate of what that could add up to.

So we have made changes. But here is my problem. This also now includes meals. In the past, we did not have the meals included under those limits. Now even the meals would be affected by this $20 and $50. Most of us do not go to big, fancy lunches. But there are not even lunches that cost less than $20, and no dinners.

So the rule that is in the substitute, $20 and $50, would guarantee that you could not go to a dinner even with some constituents. As I understand the language in the bill, if the Chamber of Commerce in my hometown comes to Washington, and a group of eight of them want to take my wife, Tricia, and me to dinner, we can go. But if my part of the dinner is $30, then the group that invited me could not pay for that. I would have to pay for it.

And then there also have been questions about how does that affect your spouse? Is she treated separately or is that under the $20? In other words, what if they are $19 and $19. You get the point. It gets to be ridiculous.

I am not talking about, in this instance, some hifalutin lobbyist in Washington taking me out to dinner. I am talking about Jim Esterbrook from Esterbrook Ford from Pascagoula, MS along with a few other Chamber of Commerce or union members. I am a son of a pipefitter union member. The boilermakers come up here every year. I have never been to dinner with them. In fact, I would be happy if I would never have to go to another dinner in this city. I would rather have pork chops and turnip greens in Pascagoula than any dinner I have ever been to up here.

All I am advocating is a rule of reason—$50—who here could be bought for a $50 dinner? Not anybody. That is ridiculous.

Can we at least have a little reason? In other words, what we are saying is, under the $20 and $50, OK. You can go to a $19 lunch but you cannot go to a $31 dinner. Come now.

It will be said, well, you know, it applies to the Federal Government. It has applied to them for several years. They seem to have done all right with that. Well, that is a good point. But I mean we are not in the same role as they are. We do have a very active relationship with the constituents. People are interested in legislation. I think we ought to be able to go and have a hot dog or a cup of coffee without having to keep a running tab.

Now, to their credit, that has been changed in the substitute as I understand it now. Earlier there had even been the requirement that if you had a $7 lunch with a hot dog and potato chips and a Coke, you would have to keep a piece of paper, and that would be a running tab to make sure that did not exceed in aggregate in a year $50. But that shows you on its face how ridiculous some of this stuff has been.

Mr. LEVIN. Will the Senator yield on that point? That has been changed.

Mr. LOTT. That has been changed. I admit. It has been changed. That is the type of thing that we have been able to make improvements on. That is why we are here tonight in the role we are in. I thought 24 hours ago we would be here with two stark alternatives. That is not where we are. A lot of progress has been made. We have worked out things like this.

Senator LEVIN, Senator FEINGOLD, and Senator WELLSTONE have been willing to, as we talked about these things, make some changes. And Senator MCCAIN certainly has been very active in that.

Mr. STEVENS. Will the Senator yield?

Mr. LOTT. I am glad to yield to the Senator from Alaska.

Mr. STEVENS. I am worried about the dollar figure here also. As the chairman of the Rules Committee, I had the duty to close the Senate dining room. Most Members do not know why we closed it. But we closed it because we discovered that we were charging roughly $8.50 for a dinner that cost more than $20. This is in a room that is owned by the Federal Government, with heat, light and all the services provided. I am just talking about food service cost and the food itself was more than $20. But no one would pay more than $20 for it. So we closed that dining room.

I would be happy to have the sponsors put in this RECORD where we can get—when the chamber of commerce comes into town from Anchorage or Pascagoula, wherever you want, they want to take us to dinner with their wives. And they would like to have a tablecloth on the table and maybe some flowers and just a nice dinner in a quiet place. Tell me where you can get it for $20 a person here in town.

I think they ought to tell us where you can do that. I do not think we ought to have to go to places where families do not go but where people take their wives when we have our constituents in town. That $20 figure is really a very low figure. I do not think it is realistic in this town. This town now is more expensive than my hometown of Anchorage. At one time it was the highest priced town in the country. This town, Washington, is much more expensive than any town I know of in the country today for dinners.

But, again, I just think they ought to do something about it. Or maybe they ought to talk to their wives about it. It would be very interesting. Because I agree with the Senator from Mississippi. It just means that I do not have to go out as much any more if we put a $20 figure in there. I am sure the wives would love that. I really think the $20 figure needs a lot of thinking.

But I really am asking the Senator if he is ready for me to propose my amendment. I am ready to propose an amendment if he would like to have me do that. But I join him in really raising a serious question about their $20 figure.

Mr. LOTT. I thank the Senator from Alaska. I think we could all come up with a lot of stories. I think simply—without getting all riled up about the $20 figure—it is not a reasonable figure. It would be so delicate, so impossible and so embarrassing how you would handle that.

If we are going to go with that figure, we ought to go to zero, absolute zero. Some Senators already do that. And that way you would understand no Coke, no coffee, no potato chips, no nothing. At least I will not have a recordkeeping nightmare. I will not have to be so nervous. Well, is this $19.50 or is this $21?

I think the little difference of $50 with a total for the year of not to exceed $100 from an individual is much more reasonable, and it would be a lot easier for the Members to comply with. I cannot believe anybody in America would question our integrity with those kinds of limits.

In view of the hour and the fact that there are others who want to speak on this, and we may want to rise to debate it a little bit after others speak, and the fact that Senator STEVENS is waiting now to offer an amendment which perhaps we can get an agreement on, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan controls the time.

Mr. LOTT. I would yield—how many minutes to the Senator from Arizona?

Mr. MCCAIN. Seven minutes.

Mr. LOTT. Seven minutes to the Senator from Arizona.

Mr. STEVENS. Mr. President, if the Senator will yield to me, I would be happy to yield time off this amendment if the Senator would like it because I am not going to use much time.

Mr. MCCAIN. Is the Senator suggesting that the pending amendment be set aside so the Senator could introduce the Senator's amendment which has been agreed to on both sides?

Mr. STEVENS. Yes. But the Senator can use some of the time off it.

Mr. MCCAIN. I thank the Senator.

Did the Senator want to do it at this time?

Mr. STEVENS. Whenever.

Mr. LOTT. Mr. President, if the Senator from Arizona, who has the time, would be agreeable to that, we could allow the Senator from Alaska to set aside this amendment for now and dispose of it, and then come back to the remarks of the Senator from Arizona.

Mr. MCCAIN. I ask unanimous consent that the pending amendment be set aside in order that the Senator from Alaska may present his amendment, and following that we return to the pending Lott amendment and I may be granted my time at that time.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The pending amendment is now set aside.

AMENDMENT NO. 1876 TO AMENDMENT NO. 1872

Mr. STEVENS. Mr. President, I send an amendment to the desk. This is the amendment known as the spouse amendment.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

> The Senator from Alaska [Mr. STEVENS] proposes an amendment numbered 1876 to amendment No. 1872:
>
> On page 2 of the amendment, strike lines 12 through 20 and insert in lieu thereof the following:
>
> "(2)(A) A gift to a family member of a Member, officer, or employee, or a gift to any other individual based on that individual's relationship with the Member, officer, or employee, shall be considered a gift to the Member, officer, or employee if it is given with the knowledge and acquiescence of the Member, officer, or employee and the Member, officer, or employee has reason to believe the gift was given because of the official position of the Member, officer, or employee."

Mr. STEVENS. Mr. President, first let me apologize to my friend from Mississippi. I was off the floor and did not realize he had called up his amendment. I thought he was speaking in general about it when I came in, and I really did not intend to be so abrupt with my good friend.

Mr. President, as former chairman of the Ethics Committee, I have had many experiences about the reference in the ethics law pertaining to spouses. Spouses are not subject to the jurisdiction of the Senate. I applaud the way that the Senator from Arizona has prepared this amendment in several instances to avoid the implication in it of spouses, that merely because one is married to a Senator she or he is subject to the jurisdiction of the Senate. This is an attempt now to further continue what the Senator from Arizona has started, which I said I think is a very good trend.

What it really says is that a gift to any family member or person that has an individual relationship with a Member, officer, or employee shall be considered a gift to the Member if that Member has knowledge of it and has acquiesced in it and there is reason to believe it was given because of the Member's office.

I am hopeful this will remove some of the bad feelings that spouses of Members have had about the existing law and previous interpretations of the law pertaining to spouses and dependents. It does carry out the intent of what the Senator from Arizona had intended to do, and I understand it will be accepted.

I wish to say just briefly, our spouses, a lot of people do not realize the amount of time they really put in in terms of helping us with our constituents and with our problems. There was an assumption in the original ethics law—not this draft of the amendment of the Senator from Arizona, but there was an assumption there that the Senate could exert jurisdiction over a spouse or dependent who lived with a Senator. That has led to a lot of conversations for this Senator, both in the time I was chairman of the Ethics Committee and since then, as to the propriety of that assumption.

I am pleased to see it totally eliminated now. If this amendment is adopted, I do not think there is a presumption in this bill of jurisdiction over a spouse or any family member. The jurisdiction is over the Member because of acquiescence and knowledge of a gift to any person that has been associated, or is associated with a Member and with the knowledge that that gift was given to that person because of the Member's official position. I think that is a correct way for this bill to address the problem. I am pleased to hear it will be accepted. I thank all concerned for giving us that consideration.

To me, to get back just for a minute to the overall problem, if I had my druthers, as I would have said years ago, I would rather see a full disclosure bill, a bill that requires us to disclose our activities with any person with regard to our official capacity and leave it there. I think once we start writing these detailed laws which try to convince people we are ethical; we have passed a new law, we lose a great deal of meaning for the Senate. We witnessed the respect that is held for the distinguished Member from West Virginia today. I think that those of us who are newcomers compared to Senator BYRD should realize that the respect that the Senate had in the days of the Russells and the Dirksens and those who have come before us were days when there was no ethics law at all. The respect was held for the body itself because the Members assured that that respect was maintained. It did not take a law. It did not take an ethics law. Mike Mansfield was not the majority leader that he was because of an ethics law. There was none at the time. It came in later. And when you really look at the great titans who have served on this floor—and I think there have been many—they were not guided by an ethics law. They were guided by their sense of right and wrong and by the mission that they had as Members of the Senate.

I would that we could return to that day, when we trusted the public to trust us.

The PRESIDING OFFICER. Is there further debate on this amendment?

Mr. LEVIN. I wonder if the Senator from Arizona will yield briefly for a comment unless he is going to comment on the amendment of the Senator from Alaska.

Mr. MCCAIN. I have a brief comment if I could.

Mr. LEVIN. I will, of course, wait until after he is done.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. I wish to express my appreciation to the Senator from Alaska for this amendment. Perhaps it would be more appropriate if I expressed my appreciation to his spouse, who obviously takes a keen interest in these issues. She hails from the State of Arizona, which I think accounts for most of the dynamic intelligence which she displays. I do understand her point, and I understand the point of the Senator from Alaska on this issue. We should not designate people simply by virtue of marriage. There should be a broader interpretation of this issue, and I appreciate not only the Senator from Alaska but his wonderful spouse as well.

I have no further comment.

Mr. LEVIN. I wonder if the Senator will yield to me 2 minutes without losing his right to the floor.

Mr. MCCAIN. I yield to the Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. I thank the Chair. Let me thank the Senator from Alaska. He has been in the forefront in fighting for the independence and the rights of our spouses not to be treated as though somehow or other they are covered by the rules of the Senate when they are not Members of the Senate. He has been very sensitive to that issue. As he pointed out, the intention of both the underlying bill and the substitute before us is not to include spouses in these rules because they are not Members of the Senate. He has identified some language which inadvertently might suggest to the contrary, and he has corrected that. And I think we are all in his debt, and I know our spouses are all very much in his debt. We thank him for that.

Mr. STEVENS. Mr. President, as the Senator from Arizona said, I will know when I get home whether I am right or wrong.

As Members have said to me quite often, I am one of the fortunate Senators in that I have married twice. Both of my spouses have been very committed to this institution and particularly paid a great deal of attention to the way that spouses and family members are treated in view of the obvious problem of being married to a Member of the Senate, but I am grateful for the comments he has made. We have made a small, but important, change to this bill with this amendment.

It really is in my opinion no change. It is just a proper definition of who we are addressing with regard to a gift that should be treated as being made because of the office of the U.S. Senator. And I think this will be sufficient. So I again thank the Senator from Arizona and the Senator from Michigan for accepting the amendment. I am prepared to yield back the balance of my time unless someone wants to use it.

The PRESIDING OFFICER. Is there further debate on this amendment? Is all time yielded back?

Mr. STEVENS. I yield back the time.

Mr. LEVIN. I yield back any time I might have under my control.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1876) was agreed to.

Mr. MCCAIN. I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1875

The PRESIDING OFFICER. Under the previous order the Senate will now return to the amendment offered by the Senator from Mississippi.

The Senator from Arizona is recognized for 7 minutes.

Mr. MCCAIN. Mr. President, I rise in opposition to the amendment of the Senator from Mississippi. We are in a very difficult area, Mr. President, because we are really looking in this entire bill at perception. It is all based on the perception of the American public as to what is acceptable in the form of what kind of favors, funds, gifts, gratuities, et cetera, that a Member of Congress should receive.

Mr. President, after long and arduous and labored deliberation, we arrived at the number that is in the substitute. It was not an easy decision to make. There were many who disagreed with it. There were some who wanted to go to zero. There were some who wanted to go much higher. And yet it was the consensus of those involved on both sides of the aisle that a $20 gift limit with a $50 aggregate was appropriate.

How did we arrive at that number, Mr. President? We looked at it as what most Americans might believe is a reasonable sum of money.

I have heard this argument about going back to zero, going to zero and not accepting anything. That certainly is a method or course that some might pursue. I think it would be a bit uncomfortable not to be able to accept a hat or some small memento.

But let me try to explain what $50—according to this amendment, prohibitions of this paragraph did not apply to gifts with a value less than $50. At $5 an hour $50 is a 10-hour day. And every single day a Member of Congress, Member of the Senate, could receive $50, and if that came out to 20 work days in a month, that is $1,000. Now, perhaps here in Washington, DC, in this very rarefied environment and atmosphere and expensive hotels and expensive restaurants and high cost of living $1,000 in 20 days or $50 a day is not a lot of money.

Mr. President, Arizona is not the poorest State in America. It is not the richest. But I will tell you what, if I talked to the men or women on the street in Arizona and said, "Do you think I ought to be able to get $50 a day, or $49.95 a day off the cuff every day?", I do not think they would agree with that, Mr. President. They would say, "Why?" They would say, "Why do I get $50 a day in addition to the $139,000 a year that I make?"

Now, I do not believe, nor does anyone—and we have accepted here in this body that $5 and $50 and $500 and $5,000 and $5 million does not corrupt anyone. What we arrived at in the $20 individual and $50 aggregate was what we thought that the American people would believe is a reasonable amount of money, a reasonable gift, a reasonable kind of a situation which given the nature of our work would be understandable. But very frankly, I would have difficulty going back to Arizona and saying, "By the way, I can accept gifts to the tune of $50 a day every single day of the week, day in, day out, month in, month out, and none of it aggregates."

I have to say to my friend from Mississippi, the aggregation aspect of this of $100 is a little bit disingenuous. A little bit disingenuous, because anything just below $50 does not have to be aggregated. So we are really talking between $50 and $100.

I understand the argument of the Senator from Mississippi. I understand the argument of those who would like to see this higher. I understand the argument of those who would like to see it even much higher and have no limit whatsoever on the grounds that you cannot put a price tag on the vote of a Member of Congress. But I do believe that what we are trying to do here is convince the American people that we live basically on the same plane that they do. And I do not think they would think that the $50 a day, $49.95 a day we could receive in gratuities, gifts, other favors is something that they would ever have the ability to engage in. I am afraid that if we did that, it would be harmful rather than helpful in achieving the goal that this legislation contemplates.

Mr. President, I yield the floor.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. I yield 10 minutes to the Senator from Wisconsin.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized for 10 minutes.

Mr. FEINGOLD. Mr. President, the Members of the Senate, this is not a minor adjustment. The Lott amendment in my view is the most important amendment we will be dealing with here. As the Senator from Arizona just pointed out, do not let anyone kid you about this one. It is not just moving up the executive standard from $50 in aggregate a year to $100 a year, it allows a person to take up to $50 a day from the same person at least every day of the year, I would say several times every day in the year, all year. How do you quantify that? It means one lobbyist or other individual could give every Member of the Senate $18,250 worth of stuff. And it would not even count. It would not even count toward the aggregation of the total of $100. This is a very major change from what I think is an excellent compromise.

I regret having to even say it, because the Senator from Mississippi has negotiated in good faith. But this amendment would be a major mistake. The Senator from Mississippi calls for a rule of reason. I think his amendment is just the opposite.

First of all, this is very different from the rule that the executive operates under very successfully. How different is a Cabinet Member in terms of the requests and entreaties they get from a Member of the Senate? I do not think that they are that different in that regard. And they live by this rule. And if one tries to argue that it is different for a legislative body, we in the Wisconsin legislature have lived with an even tighter rule than this for the last 20 years, Republicans and Democrats alike.

Mr. MCCAIN. Will the Senator yield for a question?

Mr. FEINGOLD. Yes.

Mr. MCCAIN. The executive branch, the entire executive branch rules are that it is $20 with an aggregate of $50?

Mr. FEINGOLD. I understand. And they count every penny. There is no de minimis. The de minimis notion is usually under $1 or $2. This proposal suggests up to $50 is de minimis. You should not even count it. So this does present a very different situation.

Mr. WELLSTONE. Will the Senator yield for a clarification?

Mr. FEINGOLD. I yield.

Mr. WELLSTONE. The way this amendment reads, the Senator from Arizona may be interested in this, the last sentence reads "The prohibitions of the paragraph do not apply to gifts with a value of less than $50."

Mr. FEINGOLD. That it is. Let me say, for example, if a lobbyist wanted to send one Senator a dozen roses every day all year, I think it would be legal. Certainly, anything up to $50 in terms of roses. Every day, all year.

Let me give just a different kind of example. The Senator from Mississippi says it gets ridiculous to have these kinds of rules at this level. Well, I will tell you what is ridiculous. What is ridiculous is what would be allowed under this amendment. I will use an example from my office of one staff member's invitations that he has received if the same entity gave these. This is how his week would look. I think the average citizen would find this ridiculous.

On Monday, he could have accepted an invitation that was given on July 6 to take part in an event that has captured the imagination of the Washington region's tennis enthusiasts. This year's Washington Tennis Classic includes Andre Agassi and Stefan Edberg. A ticket to a tennis event, probably under 50 bucks.

Tuesday, from the same entity, he can attend a music event, "Hootie and the Blowfish," a terrific group of artists recording on Atlantic Records, at the Merriweather Post Pavilion. That would be allowed from the same entity.

Then on Wednesday, my staff member could go to the special screening of "Don Juan DeMarco" which includes a cocktail reception and dinner at 7 and then seeing the movie before everyone else in the country got to see it. That was April 11, 1995.

If he is not tired at this point of all the entertainment, the same lobbyist or individual on Thursday could then treat him to the Cubs versus the Phillies, including a special train departing from Union Station for Philadelphia and presumably back.

And then on Friday, winding down for the weekend, the same lobbyist then invites the staff member or the Senator to the "Russian Roulette Vodka Tasting" to kick off the weekend.

Mr. President, this is what the Lott amendment will allow, and I believe in almost every one of these instances, it could be up to $50 and not a dime or a shot of the vodka will count toward the $100 aggregate. Even though this is not quite as bad, certainly, as the original McConnell substitute, it still provides an enormous loophole that will preserve, in large part, this lifestyle we are trying to eliminate. I suggest the body soundly—soundly—reject this amendment.

The PRESIDING OFFICER. Who yields time?

Mr. WELLSTONE addressed the Chair.

Mr. LEVIN. I will be happy to yield 5 minutes to the Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I say to my good friend from Michigan, I do not know that I need that much time, because I feel, like the Senator from Wisconsin, covered the ground in a very thorough way.

Initially, we had in the original bill, the McConnell-Dole bill—what was the aggregate on the original version?

Mr. FEINGOLD. The amount was under $100. There was no aggregate under the original version.

Mr. WELLSTONE. Under $100, no aggregate.

Mr. FEINGOLD. No; that did not have to be counted.

Mr. WELLSTONE. Now we have this amendment which is just barely an improvement. My colleague from Wisconsin said the original proposal was under $100, no aggregate, all you can eat. This reads, "The prohibitions of this paragraph do not apply to gifts with value of less than $50."

Mr. President, Senators should be clear about the vote. What this is saying is that you would like for a lobbyist to be able to on any number of occasions——

Mr. MCCONNELL. Will the Senator yield for an observation?

Mr. WELLSTONE. I will be pleased to.

Mr. MCCONNELL. Let me say, I listened carefully to the suggestion from both the Senator from Wisconsin and the Senator from Minnesota as to what could arguably be under the amendment offered by the Senator from Mississippi with regard to $50-$100. Yes; I agree that is possible, but anyone who did that would be before the Ethics Committee and be in a lot of trouble.

The Ethics Committee has frequently acted against Senators who have engaged in improper conduct, even when it did not violate a specific provision of the rules of the Senate Committee on Ethics or, for that matter, the rules of the Senate.

So we do not fail to go forward if there is clear and obvious misconduct. I will concede to my friends from Wisconsin and Minnesota——

Mr. WELLSTONE. I was pleased to yield for a question. I think the Senator's comments are helpful. I wonder if I could get some time on the other side. We have little time left.

Mr. MCCONNELL. Since I was making a statement and not asking a question, I will let the Senator finish.

Mr. WELLSTONE. I think the Senator's comments are important. I do not want to cut him off, but I want to reserve what time I have left.

My point is really simple. I just think that this may be the most important vote of all because, again, we ought to just let go of this. And for people in Minnesota, it is just not credible to say, "We passed important reform on the taking of gifts." "What was it?" "Well, we could take a gift on many occasions from a lobbyist as long as it was under $50 and it would never apply to any limit."

People will just laugh at that. That is not reform. That is my first point.

My second point, Mr. President, which may or may not move colleagues, but I would like to talk about the flip side of the coin. It does seem to me, Mr. President, that for a lot of people in Minnesota, a lot of hard-pressed people, we cut the low-income energy assistance in the House of Representatives. They eliminated it. There are a lot of wage earners, there are a lot of senior citizens, there are a lot of students, there are a lot of farmers, there are a lot of neighborhood people in the cities, there are a lot of regular people who cannot afford to take us out for $50. Where do they fit into this equation? Maybe they have a shot at taking us out for $20, so that we go out to dinner with them and not just with lobbyists. Let us have a little equality here, and that is the second part of my argument.

Mr. President, how much time do I have left?

The PRESIDING OFFICER. The Senator has 1 minute left.

Mr. WELLSTONE. I yield the rest of my time.

The PRESIDING OFFICER. Who yields time? The Senator from Michigan has 13 minutes and 54 seconds; the Senator from Mississippi has 16 minutes and 10 seconds.

Mr. LOTT. Mr. President, how much time does the Senator need?

Mr. MCCONNELL. Five minutes.

Mr. LOTT. I yield 5 minutes, and more, if he needs it, to the Senator from Kentucky.

Mr. MCCONNELL. Mr. President, I just want to make clear that any Member of the Senate who chose to take multiple gifts under $50, the hypothetical that my friends from Wisconsin and Minnesota could very legitimately claim is possible under a plain reading of the Lott amendment, would necessarily be in serious trouble before the Ethics Committee.

There is no question that under section 2(A)(1) of the rules of the Select Committee on Ethics that that would be considered improper conduct. Under the Senate Code of Conduct, subsection (A), I think it would clearly constitute misconduct.

I just want to assure my friend, reasonable people can differ about the propriety of this amendment, but I did not want it left unrebutted that one could engage in the kind of conduct that a plain reading of the Lott amendment might seem to permit when, in fact, it would be a clear violation of the kind of standards that we all know apply in the Senate.

I strongly recommend, as chairman of the committee, that whether the limit is put at $20 or whether it is put at $50, below which there is no aggregation, anybody who engages in that kind of blatant effort to circumvent the rule is going to have a very, very serious case before the Ethics Committee.

I suggest they get themselves a good lawyer because the chances are they are likely to get censured.

I thank the Chair very much. I thank my friend from Minnesota. I think it is important that we clear this up, that one could engage in this kind of conduct with impunity and expect not to be in deep, deep trouble.

Mr. LOTT. Absolutely, and if the Senator will yield, I appreciate him speaking up as chairman of the Ethics Committee in pointing this out. Also, I think it would be important that we note in the underlying bill that we are working on now, the substitute, a lot of discussion went into the fact that good faith is an important part of this. In fact, it talks about "and in good faith believes to have a value of less than"; "no formal recordkeeping is required, but a Member, officer, employee shall make a good-faith effort to comply with this paragraph."

I think that language is very basic to what we are trying to do. If you really want to slight these rules, you probably can. We all ought to act in good faith. I know the Senate will do that. If we do some of the things outlined by some of the others, Senators will certainly have to answer to the Senate Ethics Committee.

I thank the Senator from Kentucky for his comments.

The PRESIDING OFFICER. Who yields time?

Mr. LOTT. Mr. President, I ask unanimous consent that the Senator from Louisiana, Senator BREAUX, be added as an original cosponsor of my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, I yield 1 minute to the Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I would like to quickly respond to the statement of the Senator from Kentucky that the Ethics Committee certainly would take action against somebody who took a prime rib and a martini every day from the same individual. I do not understand that. This rule would simply say that that is fine. This rule would say that it does not come as a gift under the Senate rules if you took that for under $50 a day.

I cannot believe that there would be a very strong case before the Ethics Committee if that Senator were able to say: You voted and passed a rule that explicitly permits this. It is very unlikely that I or any member of the public is going to believe that that is sufficient. It is going to be legal under the Senate rules to have a very nice dinner, or at least a pretty nice dinner, and very nice lunch every single day of the year from the same lobbyist—actually, several times a day. This is completely unacceptable, in terms of what we can call reform. It is not sufficient to say the Ethics Committee is going to be able to slam the hammer down when all the Senator has to do is say the Senate expressly permitted it under this rule.

Mr. LEVIN. Mr. President, I yield myself 4 minutes.

First, let me comment on the point just made by the Senator from Wisconsin. I also do not understand how it can be argued in this amendment offered by my friend from Mississippi that gifts under $50 might somehow or other be limited, even though the amendment says there is no limit.

The amendment of the Senator from Mississippi says, "The prohibitions of this paragraph do not apply to gifts with a value of less than $50." We talk about putting Members of the Senate in jeopardy with vague language. I do not know how it can then be argued by supporters of the amendment that, yes, maybe they do. Maybe the prohibitions of this paragraph do apply to gifts if given repeatedly in multiples, day after day. The language is pretty clear. You do not aggregate gifts. The prohibitions do not apply to gifts with a value of less than $50.

It seems to me that that is one of the fundamental flaws of this particular amendment—that the gifts are not aggregated, and that means you can have a gift each day of under $50 from the same source. And according to the language, the prohibitions of this paragraph do not apply.

Second, it seems to me we have a precedent for this $20 rule. That is the executive branch. And, by the way, the executive branch also aggregates gifts of under $20, as does the McCain substitute.

So we have a precedent in two ways. The executive branch rule reads as follows: "An employee may accept unsolicited gifts having an aggregate market value of $20 or less per occasion"—That is the $20 rule—"provided that the aggregate market value of individual gifts received from any one person under the authority of this paragraph shall not exceed $50 in a calendar year." That is the $50 aggregate rule. So in the executive branch rules, which they have lived with successfully, we have precedent for both parts of this rule in the McCain substitute, both a $20 limit and the $50 aggregate.

Now, what we also do in the substitute is something very important. We avoid the recordkeeping. One of the problems with any aggregate is what about recordkeeping. Unless you say it is not necessary, you can run into a problem with recordkeeping because it simply is a cumbersome requirement if you have to keep records. So in the substitute it says, "No formal recordkeeping is required by this paragraph, but a Member, officer, employee, shall make a good-faith effort to comply with the paragraph." We leave it up to the good faith of the Member to comply with the $50 aggregate rule.

Mr. President, this is a very significant change in the substitute. If this amendment passes, we are going to be pretty close to business as usual, because a $50 rule allows for the lunches and for the suppers, and if you do not aggregate gifts under $50, you have the situation where basically the gifts under $50 are unlimited. In both respects, it is much too close to business as usual.

Now, is it a change from $100? Yes, it is. I am the first to concede that. But does it come close to where we should be as an institution? I am afraid not. Therefore, I do hope that we will defeat this amendment.

Mr. President, I yield the floor.

UNANIMOUS-CONSENT AGREEMENT

Mr. LOTT. Mr. President, we are ready for another unanimous-consent agreement that is very important. I would like to do that at this point, and then Senator McCONNELL and Senator McCAIN may have some comments.

Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9 a.m., and at 9 a.m., there be 10 minutes for debate, to be equally divided on the Murkowski amendment, and the Senate proceed to vote on or in relation to the Murkowski amendment No. 1874.

I further ask that following the Murkowski vote, there be 10 minutes for debate, to be equally divided, to be followed by a vote on or in relation to the Lott amendment regarding limits, and that following the conclusion of the vote on the Lott-Breaux limits amendment, Senator BYRD be recognized to offer his amendment, on which there will be 45 minutes, to be divided, with 40 minutes under the control of the Senator from West Virginia, Senator BYRD, and 5 minutes under the control of Senator McCONNELL, with a vote to occur on the Byrd amendment following the conclusion of the debate.

I further ask that following the disposition of the Byrd amendment, Senator ROCKEFELLER be recognized to offer his amendment, and, if offered, limited to 10 minutes, to be equally divided in the usual form; following that debate, the Senate proceed to vote on or in relation to the Rockefeller amendment.

I further ask that following the disposition of the Rockefeller amendment, Senator WELLSTONE be recognized to offer his amendment, on which there would be 1 hour of debate, to be equally divided, to be followed by a vote on or in relation to the Wellstone amendment.

I further ask that following the disposition of the Wellstone amendment, Senator DOLE be recognized to offer his amendment, on which there will be 5 minutes under the control of Senator DOLE and 30 minutes under the control of Senator LEVIN, to be followed by a vote on or in relation to the Dole amendment.

I further ask that following the disposition of the Dole amendment, the Senate proceed to the closing debate, to be followed by third reading and final passage, as provided in the previous consent agreement.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LOTT. Mr. President, I yield 5 minutes to Senator McCONNELL.

Mr. McCONNELL. Mr. President, I probably will not take 5 minutes. Again, at risk of being redundant, I do not want to leave anybody in the Senate, or out in the country, who cares about this issue with the impression that one could accept repetitious meals or gifts of any sort, day after day after day, and not be in serious trouble.

In fact, Mr. President, it is interesting to note that some of the most famous ethics cases in recent years have not been a violation of Senate rules. The current case before us that everyone is quite familiar with—certainly, I am—with regard to the Senator from Oregon, some of the charges relate to allegations of sexual misconduct. In fact, those are not technically a violation of Senate rules. But I think we would all agree it is a very serious case. The Keating Five case involved largely no violations of Senate rules. In fact, the Senate adopted a new rule after the Keating case, rule 43.

So regardless of how people may feel about whether the limit should be set at $20 and $50, or $50 and $100, I want to assure the Senate and the public, as chairman of the Ethics Committee, that anybody who took repetitious gifts carefully crafted to circumvent the spirit of this limit, whether it is set at $20 or $50, is in a heck of a lot of trouble. And a candidate for censure. Certainly, the argument can be made that it is technically possible. But, as a practical matter, anybody who did that would be in very serious trouble and would have obviously violated the standards that we all accept as appropriate as behavior of Senators.

I just wanted to make certain that everybody had a clear understanding that nobody—certainly not Senator LOTT or Senator BREAUX—is suggesting that this is the kind of thing that would be tolerated by the adoption of the $50 to $100 option.

I thank the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. LEVIN. Mr. President, I am happy to yield the remainder of my time or any portion thereof that the Senator from Arizona needs.

The PRESIDING OFFICER. The Senator has 8 minutes remaining.

Mr. McCAIN. Mr. President, I do not intend to take more than 2 or 3 minutes here.

Perhaps the Senator from Kentucky is correct in that if someone, day after day, week after week, took $50 or $49.95 from the same person, that would be viewed as conduct unbecoming to a Member of the U.S. Senate.

Now we will talk about reality, Mr. President. The reality now is, day in day out, week after week, month after month, people do take from different sources—from different sources—significant amounts, in favors, meals, et cetera. It goes on all the time. We know it.

No, I do not believe that someone would take $50 a day from the same person. But I sure as heck do believe that someone would take $49.95 from a whole lot of different people.

Mr. President, just look at the gifts that come into our office on a daily basis. Look at it at Christmas time. Federal Express finds the Capitol to be the busiest place for them to go. There are baskets and all kinds of things that come in.

What is wrong with that? Nothing, except that we live differently from the rest of the American people. And the American people want us to live like they do. I do not know any average citizen in the State of Arizona who gets gratuities or meals, or whatever it is, to the tune of approaching $50 a day. I do not know of any. Not even business executives. No one, except we here in Congress.

Mr. President, the American people want us to live like they do. Perhaps, as Senator STEVENS said, in the grand days of the U.S. Senate, when I was not here and there were not problems and people lived a certain way, that was a different era.

It was articulated again over in the 1994 election. Turn on your talk radio anywhere in America. They believe that the Congress lives differently than they do, that we do not understand their everyday problems and issues and challenges because we live differently. They want us to live like them.

Yes, as the Senator from Mississippi said, we could go to zero, I guess. That may be a move that would be made if this one is defeated. I do not think that is appropriate. I think that $20 with an aggregate of $50 is appropriate.

I think most Americans would think that was appropriate. I do not believe, I just do not believe, that $50 a day unending, from different sources, is what the American people think they could ever attain, and they do not think that we should live in that fashion.

This is, as the Senator from Wisconsin, the Senator from Minnesota, and the Senator from Michigan said, this is a very, very important amendment, because if we do pass this amendment, then it is fundamentally business as usual.

I do not think that this whole exercise was about business as usual. I think that the 1994 election was about change. I think this is one of the changes. This is not the most earth-shaking change. This is not up there with the balanced budget amendment. It will not be the end of the world if it fails.

But, Mr. President, there is an erosion in confidence on the part of the American people in Congress. I saw a poll not too long ago that 19 percent of the American people believe that Congress can be counted on to do the right thing some of the time—some of the time. I do not think it was an accident that the U.S. Senate—I believe the first act we passed was unfunded mandates; and the second was—what? Put Congress under the rules that the American people live by. The laws that we pass that apply to them apply to us.

It seems to me that this amendment again removes us from the average American into a rather rarefied stratosphere in which very few other Americans are able to circulate.

Mr. President, I hope we will defeat this amendment. I do not underestimate how important this amendment is. I thank the Senator from Michigan for yielding me time. I reserve the remainder of my time.

Mr. LOTT. Mr. President, I yield myself such time as may be consumed.

The PRESIDING OFFICER. The Senator has 8 minutes remaining.

Mr. LOTT. Mr. President, I think the Senate would function a lot better if, in fact, we did live more like ordinary citizens with families. Maybe it would be a good idea if we begin by being home at night. That is where most Americans are today. They are at home with their kids and their wives and their husbands. They are living like normal human beings. And here we are. Where were we last night? We were here. Where were we the night before? We were here.

Now, I want to meet the Senator that is having lunch and dinner every day of the week around here. It does not happen. We come back in here, most of us come flying in from Wisconsin, Minnesota, Kentucky, Mississippi, all the way from Arizona, we get here in the afternoon on Monday and gripe like the devil if we have a vote before 6 o'clock on Monday. It would be good enough if we worked on Monday morning like average citizens, instead of Monday night. So, we get here in the afternoon, and we are in session. We do not start voting until 5 o'clock or 6 o'clock.

When are Senators going to go to dinner? Senators are here voting. OK, Tuesday—Tuesday we have policy luncheons. We all eat together. Democrats eat at their policy luncheon, and we eat at ours. There ain't no luncheon.

And at night we are here. Maybe the average Member, at least in my case, I get roped or rooked into having to go to dinner maybe once a week. I am doing better now. It is more like once every 2 weeks. So I do not have lunches off of Capitol Hill hardly ever. I eat up here with my colleagues. A lot of the time we are doing business and enjoying each other's company a little bit.

The idea that we can be bought for a steak but not for a hamburger, I do not understand that. I like hamburgers better anyway. It is OK if Members go out to a luncheon and get hamburgers, but it is not OK if Members go to dinner and have a steak. Give me a break.

Again, I am arguing we should be reasonable and rational. This $20 limit is not rational. The inference is Members can go for steak for dinner every night. I guess Members could go out to an $18 chicken luncheon every day.

I realize the language has good faith in there. I think good faith applies to the $50 limit like it does to the $20 limit. We are not going to be going out pressing the limit every day. We are going to act in good faith. We are all acting in good faith.

I want to make this point. This amendment that would put the limit at $50 with the aggregate of $100 is different, fundamentally different, big time different from the existing law which says Members report if it is over $100 and the limit is $250, and meals are exempted always—which they should be.

Now, I do not believe anybody can be bought for a meal or a bunch of meals. That is ridiculous. So, we are making a big change from $100 and $250 limit, down to $50 and $100.

This amendment is not about business as usual. And business as usual around here is not that Senators go out and get bought for a $50 gift or a $50 or $60 steak dinner. We should have tight rules. We should be careful. We should watch out for the image and the perception of this institution, because we all are affected by the misconduct of only one. But we should not put ourselves in a position where we cannot comply with logical rules, and where we cannot have free and normal contact, at least with our constituents. Most people think you are talking about limiting all those big-time slick-suited Washington lawyer-lobbyists. This limits, also, how we can interact with our constituents from down home—or up home, if you are from up North.

We have made a lot of progress. I think we will be better off with this bill. But I think if we go with this $20 and $50 limit, it will be trouble.

Mr. President, I have no further requests for time. I believe all time is about expired or has been yielded back.

Mr. LEVIN. I have not yielded back my time.

The PRESIDING OFFICER. The Senator from Michigan has 3 minutes 27 seconds remaining, and the Senator from Mississippi has 2 minutes 3 seconds remaining.

Mr. LOTT. Mr. President, I reserve the remainder of my time unless we are ready to yield our time, I say to the Senator from Michigan.

Mr. LEVIN. Mr. President, I do not know of anybody on our side who wishes to use any of the time. I will just yield myself 30 seconds to say, wherever you draw a line, someone is going to argue that we cannot be bought for $20, we cannot be bought for $50, we cannot be bought for $100—wherever you draw the line. The question is, we have to draw a line and we have to draw it a lot lower than where the line is currently drawn because it is too loose. It is unlimited meals, it is unlimited tickets, it is recreational travel. We have to draw much tighter lines.

We have a precedent in the executive branch. There is a $20 gift rule. It has not created any big problems. It works. And they do aggregate. That means gifts under $20 count toward the aggregate limit of $50. That is our substitute. It is based on that pattern. It works. It has not gotten folks into trouble.

It seems to me, if the executive branch can function as they have with a $20 limit and gifts below $20 counting towards a $50 aggregate, we ought to be able to live under that limit as well.

I yield the remainder of my time and I do ask unanimous consent that Senator HARKIN be added as a cosponsor to the pending substitute.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Mississippi.

Mr. LOTT. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back.

Mr. FORD. Mr. President, I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1877

Mr. FORD. Mr. President, I have a technical amendment to change some language on page 16, line 25. I have cleared this with the majority leader, the majority whip, chairman of the Ethics Committee, all those who are cosponsors. I think I have cleared it.

So I ask unanimous consent that I might offer an amendment at this time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FORD. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Kentucky [Mr. FORD] proposes an amendment numbered 1877.

Mr. FORD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 16 of the McCain substitute on line 25 insert after "shall take effect on" the following: "and be effective for calendar years beginning on".

Mr. FORD. Mr. President, this is just a technical amendment that changes the language on that line and page. I have cleared it all. I will not debate it.

The PRESIDING OFFICER. Is there further debate? The Senator from Mississippi.

Mr. LOTT. Has this been agreed to?

Mr. FORD. Not yet.

THE PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 1877) was agreed to.

Mr. FORD. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I wanted to thank the Senator from Kentucky and the Senator from Mississippi, my friends from Minnesota and Wisconsin as well as the Senator from Michigan. This is a very contentious issue. A great deal of emotion has been associated with it. I think we have addressed the issues tonight in an informative and not exactly emotionless, but certainly a professional, manner.

I thank all of them for their contributions. And I again thank the staff on both sides of the aisle for I think very important contributions.

I thank my friend from Mississippi for his indulgence.

MORNING BUSINESS

Mr. LOTT. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business, with Senators permitted to speak for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT RELATIVE TO ORGANIZATIONS THAT THREATEN TO DISRUPT THE MIDDLE EAST PEACE PROCESS—MESSAGE FROM THE PRESIDENT—PM 68

The Presiding Officer laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

I hereby report to the Congress on the developments concerning the national emergency with respect to organizations that threaten to disrupt the Middle East peace process that was declared in Executive Order No. 12947 of January 23, 1995. This report is submitted pursuant to section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c); section 204(c) of the International Emergency Economic Powers Act (IEEPA), 50 U.S.C. 1703(c); and section 505(c) of the International Security and Development Cooperation Act of 1985, 22 U.S.C. 2349aa–9(c).

1. On January 23, 1995, I signed Executive Order No. 12947, "Prohibiting Transactions with Terrorists Who Threaten to Disrupt the Middle East Peace Process" (the "order") (60 Fed. Reg. 5079, January 25, 1995). The order blocks all property subject to U.S. jurisdiction in which there is any interest of 12 terrorist organizations that threaten the Middle East peace process as identified in an Annex to the order. The order also blocks the property and interests in property subject to U.S. jurisdiction of persons designated by the Secretary of State, in coordination with the Secretary of the Treasury and the Attorney General, who are found (1) to have committed, or to pose a significant risk of committing, acts of violence that have the purpose or effect of disrupting the Middle East peace process, or (2) to assist in, sponsor, or provide financial, material, or technological support for, or services in support of, such acts of violence. In addition, the order blocks all property and interests in property subject to U.S. jurisdiction in which there is any interest of persons determined by the Secretary of the Treasury, in coordination with the Secretary of State and the Attorney General, to be owned or controlled by, or to act for or on behalf of, any other person designated pursuant to the order (collectively "Specially Designated Terrorists" or "SDTs").

The order further prohibits any transaction or dealing by a United States person or within the United States in property or interests in property of SDTs, including the making or receiving of any contribution of funds, goods, or services to or for the benefit of such persons. This prohibition includes donations that are intended to relieve human suffering.

Designations of persons blocked pursuant to the order are effective upon the date of determination by the Secretary of State or his delegate, or the Director of the Office of Foreign Assets Control (FAC) acting under authority delegated by the Secretary of the Treasury. Public notice of blocking is effective upon the date of filing with the *Federal Register*, or upon prior actual notice.

2. On January 25, 1995, FAC issued a notice listing persons blocked pursuant to Executive Order No. 12947 who have been designated by the President as terrorist organizations threatening the Middle East peace process or who have been found to be owned or controlled by, or to be acting for or on behalf of, these terrorist organizations (60 *Fed. Reg.* 5084, January 25, 1995). The notice identifies 31 entities that act for or on behalf of the 12 Middle East terrorist organizations listed in the Annex to Executive Order No. 12947, as well as 18 individuals who are leaders or representatives of these groups. In addition the notice provides 9 name variations or pseudonyms used by the 18 individuals identified. The FAC, in coordination with the Secretary of State and the Attorney General, will continue to expand the list of terrorist organizations as additional information is developed. A copy of the notice is attached to this report.

3. The expenses incurred by the Federal Government in the 6-month period from January 23 through July 21, 1995, that are directly attributable to the exercise of powers and authorities conferred by the declaration of the national emergency with respect to organizations that disrupt the Middle East peace process are estimated at approximately $55,000. Personnel costs were largely centered in the Department of the Treasury (particularly in the Office of Foreign Assets Control, the Office of the General Counsel, and the U.S. Customs Service), the Department of State, and the Department of Justice.

4. Executive Order No. 12947 provides this Administration with a new tool for combatting fundraising in this country on behalf of organizations that use terror to undermine the Middle East peace process. The order makes it harder for such groups to finance these criminal

activities by cutting off their access to sources of support in the United States and to U.S. financial facilities. It is also intended to reach charitable contributions to designated organizations to preclude diversion of such donations to terrorist activities.

In addition, I have sent to the Congress new comprehensive counter terrorism legislation that would strengthen our ability to prevent terrorist acts, identify those who carry them out, and bring them to justice. The combination of Executive Order No. 12947 and the proposed legislation demonstrate the United States' determination to confront and combat those who would seek to destroy the Middle East peace process, and our commitment to the global fight against terrorism.

I shall continue to exercise the powers at my disposal to apply economic sanctions against extremists seeking to destroy the hopes of peaceful coexistence between Arabs and Israelis as long as these measures are appropriate, and will continue to report periodically to the Congress on significant developments pursuant to 50 U.S.C. 1703(c).

WILLIAM J. CLINTON.

THE WHITE HOUSE, *July 27, 1995.*

MESSAGES FROM THE HOUSE

At 2 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2076. An act making appropriations for the Department of Commerce, Justice and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1996, and for other purposes.

The message also announced that the House disagree to the amendments of the Senate to the bill (H.R. 1854) making appropriations for the Legislative Branch for the fiscal year ending September 30, 1996, and for other purposes; it agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon and appoints Mr. PACKARD, Mr. YOUNG of Florida, Mr. TAYLOR of Mississippi, Mr. MILLER of Florida, Mr. WICKER, Mr. LIVINGSTON, Mr. FAZIO, Mr. THORNTON, Mr. DIXON, and Mr. OBEY as managers of the conference on the part of the House.

MEASURES REFERRED

The following bill was read the first and second times by unanimous consent and referred as indicated:

H.R. 2076. An act making appropriations for the Department of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1996, and for other purposes; to the Committee on Appropriations.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-248. A resolution adopted by the New Jersey State Federation of Women's Club relative to children; to the Committee on Finance.

POM-249. A joint resolution adopted by the Legislature of the State of Tennessee; to the Committee on Finance.

"SENATE JOINT RESOLUTION NO. 12

"Whereas, the Aquatic Resources Trust Fund (Wallop-Breaux) was enacted by the U.S. Congress so that the safety and education of the nation's boaters would receive funding similar to that provided for fish and wildlife programs; and

"Whereas, Aquatic Resources Trust Fund monies are not general funds, but rather trust funds derived from the tax boaters pay on marine fuel and, therefore, represent a prime example of the user fee concept, i.e. user pays, user benefits; and

"Whereas, in Tennessee, these funds have helped to steadily decrease boating fatalities so that the past three years have been the lowest on record; and

"Whereas, the loss of these funds will be devastating to Tennessee's boating program by reducing the education and enforcement programs by nearly half; and

"Whereas, the current administration did not ask for these funds as a part of the proposed federal budget, thereby ending an enormously successful program engineered through the cooperative efforts of the American League of Anglers and Boaters, Fish and Wildlife Agencies, Congress, and others; and

"Whereas, these funds cannot be used for budget deficit reduction but rather will transfer to the Sport Fisheries account of the Aquatic Resources Trust Fund, thereby bypassing the intent of the enabling legislation; and

"Whereas, there was bipartisan support in the 103rd Congress in the form of HR 4477 to reinstate this vital funding on a sustained basis; and

"Whereas, there appears to be movement to address this same boating safety funding dilemma in the early days of the 104th Congress: Now, therefore, be it

"*Resolved by the Senate of the Ninety-Ninth General Assembly of the State of Tennessee, the House of Representatives concurring*, That this General Assembly hereby memorializes the United States Congress to enact legislation which would reinstate Aquatic Resources Trust Fund (Wallop-Breaux) monies on a sustained funding basis to assure the continued proven success of Tennessee's, as well as other states', boating safety and education program, and be it further

"*Resolved*, That the Chief Clerk of the Senate is directed to transmit enrolled copies of this resolution to the Honorable Bill Clinton, President of the United States; the Speaker and the Clerk of the U.S. House of Representatives; the President and the Secretary of the U.S. Senate; and to each member of the Tennessee Congressional Delegation."

POM-250. A resolution adopted by the House of the Legislature of the State of Alabama; to the Committee on Finance.

"RESOLUTION 369

"Whereas, the health insurance benefits of nearly 100,000 retired coal miners, with an average age of 73, are in jeopardy due to pending bills in the United States Congress; and

"Whereas, the coal mining industry is vital to the economy of Alabama and other states threatened by these pending bills; and

"Whereas, these bills, if enacted, could relieve more than 400 corporations and companies from contributing into a health care fund established to replace several financially-troubled funds and would result in severe hardship to retired coal miners, imperil the economic stability of the communities in which these miners live, and would impose additional fiscal burdens on the social service systems of the various states: and

"Whereas, most of the retirees that would be affected worked their entire lives in appallingly dangerous and severe conditions, and to now deny benefits is unthinkable to fair-minded persons throughout the country: Now therefore be it

"*Resolved by the House of Representatives of the Legislature of Alabama*, That we hereby express our strongest opposition to the passage or consideration of any pending bills before the United States Congress that would eliminate or reduce benefits for coal miners and their widows.

"*Resolved further*, That a copy of this resolution be sent to each member of the Alabama Congressional Delegation, and to the Speaker of the U.S. House of Representatives and the President of the U.S. Senate as an expression of our opposition."

POM-251. A resolution adopted by the Greater Miami Chamber of Commerce of the City of Miami, Florida relative to Cuba; to the Committee on Foreign Relations.

POM-252. A resolution adopted by the House of the Legislature of the State of Indiana; to the Committee on Foreign Relations.

"HOUSE RESOLUTION NO. 74

"Whereas, China has been a divided nation since 1949, and the governments of the Republic of China on Taiwan (hereinafter cited as "Taiwan") and the People's Republic of China on Mainland China (hereinafter cited as "Mainland China") have exercised exclusive jurisdiction over separate parts of China;

"Whereas, Taiwan has the 19th largest gross national product in the world, a strong and vibrant economy, and one of the largest foreign exchange reserves of any nation;

"Whereas, Taiwan has dramatically improved its record on human rights and routinely holds free and fair elections in a multiparty system, as evidenced most recently by the December 3, 1994 balloting for local and provincial officials:

"Whereas, the 21 million people on Taiwan are not represented in the United Nations and their human rights as citizens of the world are therefore severely abridged;

"Whereas, Taiwan has in recent years repeatedly expressed its strong desire to participate in the United Nations;

"Whereas, Taiwan has much to contribute to the work and funding of the United Nations;

"Whereas, Taiwan has demonstrated its commitment to the world community by responding to international disasters and crises such as environmental destruction in the Persian Gulf and famine in Rwanda by proving financial donations, medical assistance, and other forms of aid;

"Whereas, the world community has reacted positively to Taiwan's desire for international participation, as shown by Taiwan's continued membership in the Asian Development Bank, the admission of Taiwan into the Asia-Pacific Economic Cooperation group as a full member, and the accession of Taiwan as an observer at the General Agreement on Tariffs and Trade as the first step toward becoming a contracting party to the organizations;

"Whereas, the United States has supported Taiwan's participation in these bodies and indicated, in its policy review of September 1994, a stronger and more active policy of support for Taiwan's participation in other international organizations;

"Whereas, Taiwan has repeatedly stated that its participation in international organization is that of a divided nation, with no intention to challenge the current international status of Mainland China;

"Whereas, the United Nations and other international organizations have established precedents concerning the admission of separate parts of divided nations, such as Korea and Germany; and

"Whereas, Taiwan's participation in international organizations would not prevent or imperil a future voluntary union between Taiwan and mainland China any more than the recognition of separate governments in the former West Germany and the former East Germany prevented the voluntary reunification of Germany: Now, therefore, be it

"*Resolved by the House of Representatives of the General Assembly of the State of Indiana:*

"Section 1. Taiwan deserves full participation, including a seat in the United Nations, and the government of the United States should immediately encourage the United Nations to establish an ad hoc committee for the purpose of studying membership for Taiwan in that organization and its related agencies.

"Section 2. The principal Clerk of the House of Representatives is directed to transmit a copy of this resolution to the President of the United States, the Speaker of the United States House of Representatives, and the United States Senate Majority Leader."

POM–253. A joint resolution adopted by the Legislature of the State of Nevada; to the Committee on Foreign Relations.

"JOINT RESOLUTION NO. 30

"Whereas, The residents of the State of Nevada have enjoyed a sister-state relationship with the residents of the Republic of China on Taiwan for the past 10 years; and

"Whereas, the commercial interaction with the Republic of China on Taiwan has grown substantially in recent years to the benefit of the State of Nevada; and

"Whereas, the Republic of China on Taiwan has successfully established a democratic, multiparty political system; and

"Whereas, working in a cooperative atmosphere with the United States, the role of the Republic of China on Taiwan in international developmental programs and humanitarian relief operations has expanded significantly during the past decade; and

"Whereas, seven Central American countries have proposed to the Secretary General of the United Nations that a supplementary item be included in the provisional agenda of the 48th General Assembly session to consider the exceptional situation of the Republic of China on Taiwan in the international community, based on the principle of universality, and in accordance with the established pattern of parallel representation by divided countries in the United Nations: Now, therefore, be it

"*Resolved by the Assembly and Senate of the State of Nevada, jointly,* That our ongoing commercial relationship with the people of the Republic of China on Taiwan be recognized as serving our mutual interest in an equitable and reciprocal manner; and be it further

"*Resolved,* That the contributions of the Republic of China on Taiwan in light of her democratic government and humanitarian service abroad, be accorded appropriate recognition by the residents of the State of Nevada; and be it further

"*Resolved,* That the Congress of the United States is hereby urged to give due consideration to the readiness of the people of the Republic of China on Taiwan for its further contributions to broaden participation in the international community, including the United Nations and such forums as multilateral trade associations and humanitarian relief organizations; and be it further

"*Resolved,* That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the President of the United States, the Vice President of the United States as presiding officer of the Senate, the Speaker of the House of Representatives, each member of the Nevada Congressional Delegation and to Director General Jyhyuan Lo of the Taipei Economic and Cultural Office in San Francisco; and be it further

"*Resolved,* That this resolution becomes effective upon passage and approval."

POM–254. A joint resolution adopted by the Legislature of the State of Nevada; to the Committee on Foreign Relations.

"JOINT RESOLUTION NO. 38

"Whereas, a parent who disagrees with a court's decision relating to the custody of his child may choose to leave the United States with that child; and

"Whereas, international cases of parental abduction of children have increased dramatically; and

"Whereas, since 1977, the Office of Children's Issues of the United States Department of State has been notified in the cases of approximately 7,000 American children who were abducted from the United States or prevented from returning to the United States by one of their parents; and

"Whereas, the Office of Children's Issues has more than 1,200 unresolved cases of international abduction of children on file; and

"Whereas, the United States Department of State is not authorized to intervene in the private legal matters of parents or to enforce an agreement relating to the custody of a child who is living with a parent outside the United States: Now, therefore, be it

"*Resolved by the Assembly and Senate of the State of Nevada, jointly,* That the Nevada Legislature hereby urges Congress to enact legislation which would require that any application for a passport for a child under the age of 16 years must be signed by: "1. Both parents, if the parents and the child live together; 2. The parent or parents who has been awarded custody of the child; or 3. The surviving parent, if a parent is deceased; and be it further

"*Resolved,* That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the Vice President of the United States as presiding officer of the Senate, the Speaker of the House of Representatives and each member of the Nevada Congressional Delegation; and be it further

"*Resolved,* That this resolution becomes effective upon passage and approval."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. DOMENICI, from the Committee on Appropriations, with amendments:

H.R. 1905. A bill making appropriations for energy and water development for the fiscal year ending September 30, 1996, and for other purposes (Rept. No. 104–120).

By Mr. SHELBY, from the Committee on Appropriations, with amendments:

H.R. 2020. A bill making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30 1996, and for other purposes (Rept. No. 104–121).

By Mr. HATFIELD, from the Committee on Appropriations:

Special Report entitled "Revised Allocation to Subcommittees of Budget Totals from the Concurrent Resolution for Fiscal Year 1996" (Rept. No. 104–122).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committee were submitted:

By Mr. THURMOND, from the Committee on Armed Services:

The following-named rear admirals (lower half) of the Reserve of the U.S. Navy for permanent promotion to the grade of rear admiral in the line and staff corps, as indicated, pursuant to the provision of title 10, United States Code, section 5912:

UNRESTRICTED LINE OFFICER

To be rear admiral

Rear Adm. (1h) Kenneth Leroy Fisher, [redacted], U.S. Naval Reserve.

Rear Adm. (1h) John Henry McKinley, Jr., [redacted], U.S. Naval Reserve.

Rear Adm. (1h) John Francis Paddock, Jr., [redacted], U.S. Naval Reserve.

ENGINEERING DUTY OFFICER

To be rear admiral

Rear Adm. (1h) Roger George Gilbertson, [redacted], U.S. Naval Reserve.

DENTAL CORPS OFFICER

To be rear admiral

Rear Adm. (1h) James Conley Yeargin, [redacted], U.S. Naval Reserve.

SUPPLY CORPS OFFICER

To be rear admiral

Rear Adm. (1h) Robert Cameron Crates, [redacted], U.S. Naval Reserve.

The following-named officer for appointment to the grade of lieutenant general while assigned to a position of importance and responsibility under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. George K. Muellner, [redacted], U.S. Air Force.

The following-named officer for appointment to the grade of lieutenant general while assigned to a position of importance and responsibility under title 10, United States Code, section 601(a):

To be lieutenant general

Maj. Gen. Jared L. Bates, [redacted], U.S. Army.

The following U.S. Army National Guard officers for promotion to the grades indicated in the Reserve of the Army, under the provisions of sections 3385, 3392, and 12203(a), title 10, United States Code:

To be major general

Brig. Gen. James J. Hughes, Jr., [redacted].

Brig. Gen. William D. Jones, [redacted].

Brig. Gen. Melvin C. Thrash, [redacted].

To be brigadier general

Col. John W. Hubbard, [redacted].
Col. John D. Havens, [redacted].
Col. Ronald D. Tincher, [redacted].
Col. Peter B. Injasoulian, [redacted].
Col. Alfred E. Tobin, [redacted].
Col. James W. O'Toole, [redacted].
Col. Francis D. Vavala, [redacted].
Col. Michael H. Harris, [redacted].
Col. Albert A. Mangone, [redacted].
Col. David P. Rataczak, [redacted].
Col. Thomas D. Kinley, [redacted].
Col. Joseph J. Taluto, [redacted].
Col. Norman A. Hoffman, [redacted].
Col. Ewald E. Beth, [redacted].
Col. Gene Sisneros, [redacted].
Col. Gus L. Hargett, Jr., [redacted].
Col. Harold J. Stearns, [redacted].

The following U.S. Army National Guard officers for promotion to the grades indicated in the Reserve of the Army, under the provisions of sections 3385, 3392, and 12203(a), title 10, United States Code:

To be major general

Brig. Gen. Woodrow D. Boyce, [redacted].
Brig. Gen. Robert J. Brandt, [redacted].
Brig. Gen. Joseph H. Langley, [redacted].
Brig. Gen. John B. Ramey, [redacted].

To be brigadier general

Col. John D. Larson, [redacted].
Col. Rosetta Y. Burke, [redacted].
Col. Burney H. Enzor, [redacted].
Col. Frank P. Baran, [redacted].
Col. Robert M. Benson, [redacted].
Col. Edward L. Correa, Jr., [redacted].
Col. William R. Labrie, [redacted].
Col. Namen X. Barnes, [redacted].
Col. Randal M. Robinson, [redacted].
Col. Paul D. Monroe, Jr., [redacted].
Col. Lloyd D. McDaniel, Jr., [redacted].
Col. Stanley R. Thompson, [redacted].
Col. Holsey A. Moorman, [redacted].
Col. Bradley D. Gambill, [redacted].
Col. Harvey M. Haakenson, [redacted].
Col. David T. Hartley, [redacted].
Col. Donald F. Hawkins, [redacted].
Col. Earl L. Doyle, [redacted].
Col. David M. Wilson, [redacted].
Col. James T. Carper, [redacted].
Col. William T. Thielemann, [redacted].
Col. Frederic J. Raymond, [redacted].

The following U.S. Army Reserve officers for promotion to the grades indicated in the Reserve of the Army of the United States, under the provisions of sections 3371, 3384, and 12203(a), title 10, United States Code:

To be major general

Brig. Gen. William J. Collins, Jr., [redacted].
Brig. Gen. Joe M. Ernst, [redacted].
Brig. Gen. Steve L. Repichowski, [redacted].
Brig. Gen. Joseph A. Scheinkoenig, [redacted].
Brig. Gen. James W. Warr, [redacted].

To be brigadier general

Col. Stephen D. Livingston, [redacted].
Col. Joseph L. Thompson III, [redacted]
Col. Roger L. Brautigan, [redacted].
Col. John G. Townsend, [redacted].
Col. Michael L. Bozeman, [redacted].
Col. William B. Raines, Jr., [redacted].
Col. Jamie S. Barkin, [redacted].
Col. John L. Anderson, [redacted].

The following-named officer for appointment to the grade of lieutenant general while assigned to a position of importance and responsibility under title 10, United States Code, section 601(a):

To be lieutenant general

Maj. Gen. John A. Dubia, [redacted], U.S. Army.

The following-named officer to be placed on the retired list of the U.S. Marine Corps in the grade indicated under section 1370, of title 10, United States Code:

To be lieutenant general

Lt. Gen. Robert B. Johnston, [redacted].

The following-named officer for appointment to the grade of lieutenant general while assigned to a position of importance and responsiblity under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. Kenneth A. Minihan, [redacted], U.S. Air Force.

(The above nominees were reported with the recommendation that they be confirmed.)

Mr. THURMOND. Mr. President, for the Committee on Armed Services, I report favorably the attached listing of nominations.

Those identified with a single asterisk (*) are to be placed on the Executive Calendar. Those identified with a double asterisk (**) are to lie on the Secretary's desk for the information of any Senator since these names have already appeared in the CONGRESSIONAL RECORD of June 5, June 13, June 21, June 26, and July 12, 1995, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar, that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The nominations ordered to lie on the Secretary's desk were printed in the RECORDS of June 5, 13, 21, 26 and July 12, 1995 at the end of the Senate proceedings.)

*In the Naval Reserve there are 6 promotions to the grade of rear admiral (list begins with Kenneth Leroy Fisher) (Reference No. 163).

*In the Army Reserve there are 20 promotions to the grade of major general and below (list begins with James J. Hughes, Jr.) (Reference No. 339).

*In the Army Reserve there are 26 promotions to the grade of major general and below (list begins with Woodrow D. Boyce) (Reference No. 369).

*In the Army Reserve there are 13 promotions to the grade of major general and below (list begins with William J. Collins, Jr.) (Reference No. 370).

**In the Air Force there are 12 appointments to the grade of second lieutenant (list begins with Ann M. Brosier) (Reference No. 421).

**In the Navy there are 282 appointments to the grade of captain and below (list begins with Mark A. Armstrong) (Reference No. 422).

**In the Navy and Naval Reserve there are 21 appointments to the grade of captain and below (list begins with Lawrence D. Hill, Jr.) (Reference No. 441).

**In the Air Force Reserve there are 22 promotions to the grade of lieutenant colonel (list begins with Gayle W. Botley) (Reference No. 442).

**In the Air Force there are 43 promotions to the grade of lieutenant colonel and below (list begins with Steven J. Austin) (Reference No. 458).

**In the Air Force and Air Force Reserve there are 33 appointments to the grade of colonel and below (list begins with Angelo J. Freda) (Reference No. 459).

**In the Air Force and Air Force Reserve there are 8 appointments to the grade of lieutenant colonel and below (list begins with Vincent F. Carr) (Reference No. 460).

**In the Air Force Reserve there are 26 promotions to the grade of lieutenant colonel (list begins with Richard C. Beaulieu) (Reference No. 461).

**In the Navy there are 2 promotions to the grade of lieutenant commander (list begins with Kenneth V. Kollermeier) (Reference No. 462).

**In the Army there are 185 promotions to the grade of lieutenant colonel (list begins with Denise J. Anderson) (Reference No. 463).

*Maj. Gen. George K. Muellner, USAF to be lieutenant general (Reference No. 469).

*Maj. Gen. Jared L. Bates, USA to be lieutenant general (Reference No. 470).

*Maj. Gen. John A. Dubia, USA to be lieutenant general (Reference No. 471).

*Lt. Gen. Robert B. Johnston, USMC to be placed on the retired list in the grade of lieutenant general (Reference No. 473).

**In the Air Force Reserve there are 69 promotions to the grade of colonel (list begins with James W. Amason) (Reference No. 474).

**In the Army Reserve there are 21 promotions to the grade of colonel and below (list begins with Frank M. Hudgins) (Reference No. 475).

**In the Army Reserve there are 49 promotions to the grade of colonel and below (list begins with Robert D. Allen) (Reference No. 476).

*Maj. Gen. Kenneth A. Minihan, USAF to be lieutenant general (Reference No. 508).

**In the Army there are 222 promotions to the grade of lieutenant colonel (list begins with David C. Anderson) (Reference No. 509).

**In the Navy there are 484 promotions to the grade of commander (list begins with Jose A. Acosta) (Reference No. 510).

Total: 1,549.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. FEINGOLD:

S. 1078. A bill to amend the Consolidated Farm and Rural Development Act to require the Secretary of Agriculture to make tourist and other recreational businesses located in rural communities eligible for loans under the business and industry loan program, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. COATS:

S. 1079. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit for charitable contributions to organizations providing poverty assistance, to allow taxpayers who do not itemize to deduct charitable contributions, and for other purposes; to the Committee on Finance.

By Mr. STEVENS (for himself, Mr. PRYOR, and Mr. ROTH):

S. 1080. A bill to amend chapter 84 of title 5, United States Code, to provide additional investment funds for the Thrift Savings Plan; to the Committee on Government Affairs.

By Mr. SIMPSON (for himself and Mr. BAUCUS):

S. 1081. A bill to terminate the application of title IV of the Trade Act of 1974 to Bulgaria; to the Committee on Finance.

By Mr. DODD (for himself and Mr. LIEBERMAN):

S. 1082. A bill to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the Old State House of Connecticut; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. THOMAS:

S. 1083. A bill to direct the President to withhold extension of the WTO Agreement to any country that is not complying with its obligations under the New York Convention, and for other purposes; to the Committee on Finance.

By Mr. THURMOND (for himself and Mr. HOLLINGS):

S. 1084. A bill to provide for the conveyance of the C.S.S. Hunley to the State of South Carolina, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. DOLE (for himself, Mr. MCCONNELL, Mr. SIMPSON, Mr. KYL, Mr. BROWN, Mr. NICKLES, Mr. GRASSLEY, and Mr. SHELBY):

S. 1085. A bill to prohibit discrimination and preferential treatment on the basis of race, color, national origin, or sex with respect to Federal employment, contracts, and programs, and for other purposes; to the Committee on Governmental Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DASCHLE (for himself, Mr. DOLE, Mr. ROCKEFELLER, Mr. FORD, Mr. THURMOND, Mr. LOTT, Mr. INOUYE, Mr. ABRAHAM, Mr. AKAKA, Mr. ASHCROFT, Mr. BAUCUS, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BRADLEY, Mr. BREAUX, Mr. BROWN, Mr. BRYAN, Mr. BUMPERS, Mr. BURNS, Mr. CAMPBELL, Mr. CHAFEE, Mr. COATS, Mr. COCHRAN, Mr. COHEN, Mr. CONRAD, Mr. COVERDELL, Mr. CRAIG, Mr. D'AMATO, Mr. DEWINE, Mr. DODD, Mr. DOMENICI, Mr. DORGAN, Mr. EXON, Mr. FAIRCLOTH, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. FRIST, Mr. GLENN, Mr. GORTON, Mr. GRAHAM, Mr. GRAMM, Mr. GRAMS, Mr. GRASSLEY, Mr. GREGG, Mr. HARKIN, Mr. HATCH, Mr. HATFIELD, Mr. HEFLIN, Mr. HELMS, Mr. HOLLINGS, Mrs. HUTCHISON, Mr. INHOFE, Mr. JEFFORDS, Mr. JOHNSTON, Mrs. KASSEBAUM, Mr. KEMPTHORNE, Mr. KENNEDY, Mr. KERREY, Mr. KERRY, Mr. KOHL, Mr. KYL, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mr. LUGAR, Mr. MACK, Mr. MCCAIN, Mr. MCCONNELL, Ms. MIKULSKI, Ms. MOSELEY-BRAUN, Mr. MOYNIHAN, Mr. MURKOWSKI, Mrs. MURRAY, Mr. NICKLES, Mr. NUNN, Mr. PACKWOOD, Mr. PELL, Mr. PRESSLER, Mr. PRYOR, Mr. REID, Mr. ROBB, Mr. ROTH, Mr. SANTORUM, Mr. SARBANES, Mr. SHELBY, Mr. SIMON, Mr. SIMPSON, Mr. SMITH, Ms. SNOWE, Mr. SPECTER, Mr. STEVENS, Mr. THOMAS, Mr. THOMPSON, Mr. WARNER, and Mr. WELLSTONE):

S. Res. 157. A resolution commending Senator Robert Byrd for casting 14,000 votes; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. FEINGOLD:

S. 1078. A bill to amend the Consolidated Farm and Rural Development Act to require the Secretary of Agriculture to make tourist and other recreational businesses located in rural communities eligible for loans under the business and industry loan program, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

RURAL COMMUNITY TOURISM ACT OF 1995

• Mr. FEINGOLD. Mr. President, I rise today to introduce S. 1078, the Rural Community Tourism Act of 1995, and discuss an issue of importance to rural America and, in particular, to the economy of rural Wisconsin. This legislation would amend current law to allow the Secretary of Agriculture to promote tourism and recreation in rural communities. Specifically, it would amend the Consolidated Farm and Rural Development Act to require the Secretary of Agriculture to make tourist and other recreational-type businesses located in rural communities eligible for guaranteed loans under the Rural Business and Cooperative Development Service's [RBCDS] Business and Industry [B&I] Loan Guarantee Program within 90 days after the enactment of this legislation. This is an issue that I became aware of and especially interested in after a constituent approached me last year at my Rusk County listening session held in Ladysmith, WI, to express his frustration at a problem tourist resort owners were having in securing financing for rural development. The constituent owns a tourist lodge in northern Wisconsin and was interested in obtaining funding from the RBCDS's B&I Program. The B&I program was established by the Rural Development Act of 1972 with the aim of improving America's rural economy by creating, developing, or financing business, industry, and employment in rural America. After inquiring about obtaining such funding, the constituent was informed that tourist resorts were prohibited from receiving funding under the B&I program.

That did not make too much sense to me especially since tourism can certainly play a significant role in the development of rural areas, so I contacted the agency about the program. When the B&I program was first established in 1972, no restrictions were placed on guaranteeing loans to tourist or other recreational-type businesses located in rural communities. However, on July 6, 1983, the Rural Development Administration revised its internal lending policy relative to the B&I Program and placed restrictions on the program's regulations by prohibiting such funding to tourist or recreation facilities.

I was advised that the agency was currently reviewing their loan guarantee policy. I urged them to consider changing their internal lending policy to allow guaranteed business and industry loans to be made to recreational-type businesses located in rural areas. In fact, a General Accounting Office report released in July 1992, on the patterns of use in the B&I Program came to the same conclusion. It suggests that the underutilization of the program is due, in part, to the restrictions placed on using B&I funds for activities related to tourism, and recommends revising the B&I Program regulations to allow the selective use of loan guarantees for these activities.

By all indications, the agency seems to be leaning in favor of making this change to the B&I Program—a change that would reflect the kind of rural development needs in communities such as those in northern Wisconsin, and indeed in communities across rural America. Although my office has been in regular contact with the agency about this policy change, I am told that they are still reviewing it—almost a year after we first contacted them about this matter. However, rural America and, in particular, rural Wisconsin communities simply do not have the luxury to wait until Federal agencies finally decide to act.

Mr. President, rural America is at a crossroads in terms of converting from traditional resource-based economies which are becoming less economically viable, to other types of activities which also make a substantial contribution to better living in these areas. Tourism can certainly play a major role in improving the quality of life in many rural communities and, in fact, rural tourism should be recognized for what it truly is—a legitimate means to enhance economic development in, and the competitiveness of, rural America. Nationally, tourism is a $400 billion a year industry, and is a $5.6 billion industry in Wisconsin alone.

Tourism can, and does, create jobs which help to improve the economic climate in rural communities and provide lasting community benefits. However, without economic assistance to help stimulate growth in rural development, successful transition to tourism may prove difficult.

Mr. President, I urge my colleagues to support this noncontroversial legislation. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1078

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Rural Community Tourism Act of 1995".

SEC. 2. LOANS FOR TOURISM IN RURAL COMMUNITIES.

The first sentence of section 310B(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(a)) is amended—

(1) by striking "and (3)" and inserting "(3)"; and

(2) by inserting before the period at the end the following: ", and (4) promoting the planning, development, or financing of tourist or recreational businesses located in rural communities".

SEC. 3. REGULATIONS.

To carry out paragraph (4) of section 310B(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(a)) (as amended by section 2), the Secretary of Agriculture shall publish—

(1) interim final regulations not later than 45 days after the date of enactment of this Act; and

(2) final regulations not later than 90 days after the date of enactment of this Act.•

By Mr. COATS:

S. 1079. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit for charitable contributions to organizations providing poverty assistance, to allow taxpayers who do not itemize to deduct charitable contributions, and for other purposes; to the Committee on Finance.

THE COMPREHENSIVE CHARITY REFORM ACT

Mr. COATS. Mr. President, I rise today to introduce the Comprehensive Charity Reform Act. This legislation is designed to expand the ability of private and religious charities to serve the poor by making it easier for taxpayers to make donations to these organizations. It is an important, urgently needed reform, but it also symbolizes a broader point.

The Congress is currently focused on the essential task of clearing away the ruins of the Great Society. Centralized, bureaucratic antipoverty programs have failed—and that failure has had a human cost. It is measured in broken homes and violent streets. Our current system has undermined families and fostered dependence.

This is undeniable. But while our Great Society illusions have ended, the suffering of many of our people has not. Indifference to that fact is not an option. We cannot retreat into the cocoon of our affluence. We cannot accept the survival of the fittest. No society can live without hope—hope that its suffering and anguish are not endless.

Mr. President, I was recently invited to attend a session designed to address some of the problems of homelessness and despair that was conducted by a mission organization here in Washington, DC. It is just blocks from the Federal effort at dealing with homelessness—the John L. Young Center, which has been the subject of extraordinary controversy, drug dealing, crime, management problems, and the subject of numerous investigative reports in some of our local media.

The Federal project stands in stark contrast to an organization called the Gospel Mission, a shelter and drug treatment center for homeless men in the same neighborhood.

At the Gospel Mission, I think we have seen the shape of hope. It is not found in the ivory towers of academia. It is not found in the marble temples of official Washington. I found it 5 blocks from here, in a place so distant from Congress it is almost another world.

The Reverend John Woods came to a desolate Washington neighborhood in 1990 to take over the Gospel Mission, a shelter and drug treatment center for homeless men. The day he arrived, he found crack cocaine being processed in the backyard. A few days later, the local gang fired shots into his office to scare him away. Instead of leaving, he hung a sign on the door extending this invitation: "If you haven't got a friend in the world you can find one here. Come in."

The Gospel Mission is a place that offers unconditional love, but accepts no excuses. Men in rehabilitation are given random drug tests. If they violate the rules, they are told to leave the program. But the success of the mission comes down to something simple: It does more than provide a meal and treat an addiction, it offers spiritual challenge and renewal.

Listen to one addict who came to Reverend Woods after failing in several governmental rehabilitation programs: "Those programs generally take addictions from you, but don't place anything within you. I needed a spiritual lifting. People like Reverend Woods are like God walking into your life. Not only am I drug-free, but more than that, I can be a person again."

Reverend Wood's success is particularly clear compared to Government approaches. The Gospel Mission has a 12-month rehabilitation rate of 66 percent, while a once heralded Government program just 3 blocks away rehabilitates less than 10 percent of those it serves—while spending 20 times as much as Reverend Woods.

This is just one example. It is important, not because it is rare, but because it is common. It takes place in every community, in places distant from the centers of Government. But it is the only compassion that consistently works—a war on poverty that marches from victory to victory. It makes every new deal, new frontier, and new covenant look small in comparison—a war against poverty that is not directed out of a Federal agency but by many individuals, by organizations, by communities, gathered together asking, How can we help in a more effective way?

Several months ago, I asked a question: How can we get resources into the hands of these private and religious institutions where individuals are actually being helped? And how can we do this without either undermining their work with restrictions or offending the first amendment?

This legislation is an answer. It is composed of six elements, designed to increase both the depth of charitable giving to poverty relief, and the breadth of charitable giving more generally:

First, a $500 charity tax credit—$1,000 for married taxpayers filing jointly—which will provide more generous tax benefits to taxpayers who decide to donate a portion of their tax liability to charities that focus on fighting or preventing poverty.

Second, I am advocating an above-the-line deduction for charitable contributions made by nonitemizing taxpayers. Significant amounts of funds are donated each year by those who do not itemize on their tax return and, therefore, do not take the charitable deduction available to them if they do itemize. I think those people ought to be encouraged and rewarded for their contributions.

So I am in this legislation expanding the base for charitable giving with an above the line for those who do not itemize.

Third, I want to remove the 3 percent floor on itemized deductions that currently exists in the Tax Code for taxpayers of a certain income level and higher because I think we ought to do everything we can to encourage private contributions to charity.

Fourth, I ask for an extension of the deadline for all charitable giving until April 15 to encourage giving up to the very date of filing.

Fifth, we are requiring that any Government poverty assistance program disclose the percentage of funds it actually spends on the poor rather than on administrative costs. Taxpayers will be able to see exactly how their tax dollars are actually being spent and compare that expenditure with operations, organizations, community service, outreach programs, and nonprofit programs. This will allow us to measure the actual assistance that reaches the poor through our Government spending on anti-poverty programs and compare it with private programs.

Finally, we have a provision that instructs the General Accounting Office to develop standards to determine the success rates and cost effectiveness of Government welfare programs.

Mr. President, the purpose of the legislation is twofold. First, we want to take a small portion of the welfare spending in America and give it through the Tax Code to private and religious institutions that effectively provide individuals with hope, dignity, help and independence. Without eliminating a public safety net, we want to focus some attention and resources where we believe it can make a difference.

Second, Mr. President, I would like to promote an ethic of giving in America. When individuals make these contributions to effective charities, it is a form of involvement beyond writing a check to the Federal Government. It encourages a new definition of citizenship in which men and women examine and support the programs in their own communities that serve the poor.

I hope that my colleagues will take a careful look at this new approach to compassion. It is important not only for us to spread authority and resources within the levels of Government, but I think we need to spread these resources to things beyond Government, the institutions that cannot only feed the body but can touch the soul.

Mr. President, we have had a nearly three-decade-long experiment with Government compassion. As I said, many programs that have been enacted by Congress were well intended, in an effort to reach out to people in need. But we have seen the bankruptcy of many of those programs in the lives of the individuals who were the recipients of those programs. We see a litany of broken families and broken homes, of hopeless people, of taxpayer funds eaten up in administrative costs, put into programs that are simply not making a difference in the lives of the people for whom they were intended.

We have also had the example of the contrast—local churches, local nonprofit charitable organizations. I could start naming a whole list of organizations that have said we are not going to wait for a Government program or Government bureaucrat to describe how we should reach out to those in our community that are in need. We are going to roll up our sleeves and design a program. And whether it is providing free medical care through a doctors' association or health clinic, whether it is providing food through a nutrition effort, or a food center, whether it is providing help to a welfare family or others in need, we have seen the effectiveness of these programs. We have seen rehabilitation rates for substance and drug abusers and others that far exceed those that the Federal Government programs can offer. We have seen this offered at a cost far less than what the taxpayers provide in Government programs.

Can private charity replace Government? I am not suggesting that Federal, State and local governments will not have to be involved in poverty relief. But private initiates can offer a viable alternative that the Government can at least encourage. I believe a charity credit will go a long way toward nurturing and encouraging those private efforts that I think are going to be more and more important as we begin to reform and reduce the scope of the Government involvement, because government alone simply has not worked for the well being of our people.

Mr. President, I ask unanimous consent that additional material describing and explaining this proposal be included in the RECORD along with the text of the bill itself.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1079

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Comprehensive Charity Reform Act".

SEC. 2. CREDIT FOR CHARITABLE CONTRIBUTIONS TO CERTAIN PRIVATE CHARITIES PROVIDING ASSISTANCE TO THE POOR.

(a) IN GENERAL.—Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to nonrefundable personal credits) is amended by inserting after section 22 the following new section:

"SEC. 23. CREDIT FOR CERTAIN CHARITABLE CONTRIBUTIONS.

"(a) IN GENERAL.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the qualified charitable contributions which are paid by the taxpayer during the taxable year.

"(b) LIMITATION.—The credit allowed by subsection (a) for the taxable year shall not exceed $500 ($1,000 in the case of a joint return under section 6013).

"(c) QUALIFIED CHARITABLE CONTRIBUTION.—For purposes of this section, the term 'qualified charitable contribution' means any charitable contribution (as defined in section 170(c)) made in cash to a qualified charity but only if the amount of each such contribution, and the recipient thereof, are identified on the return for the taxable year during which such contribution is made.

"(d) QUALIFIED CHARITY.—

"(1) IN GENERAL.—For purposes of this section, the term 'qualified charity' means, with respect to the taxpayer, any organization which is described in section 501(c)(3) and exempt from tax under section 501(a), and—

"(A) which, upon request by the organization, is certified by the Secretary as meeting the requirements of paragraphs (2) and (3), or

"(B)(i) which is organized to solicit and collect gifts and grants which, by agreement, are distributed to qualified charities described in subparagraph (A),

"(ii) with respect to which at least 85 percent of the funds so collected are distributed to qualified charities described in subparagraph (A), and

"(iii) which meets the requirements of paragraph (5).

"(2) CHARITY MUST PRIMARILY ASSIST THE POOR.—An organization meets the requirements of this paragraph only if the Secretary reasonably expects that the predominant activity of such organization will be the providing of services to individuals and families which are designed to prevent or alleviate poverty among such individuals and families.

"(3) MINIMUM EXPENSE REQUIREMENT.—

"(A) IN GENERAL.—An organization meets the requirements of this paragraph only if the Secretary reasonably expects that the annual poverty program expenses of such organization will not be less than 70 percent of the annual aggregate expenses of such organization.

"(B) POVERTY PROGRAM EXPENSE.—For purposes of subparagraph (A)—

"(i) IN GENERAL.—The term 'poverty program expense' means any expense in providing program services referred to in paragraph (2).

"(ii) EXCEPTIONS.—Such term shall not include—

"(I) any management or general expense,

"(II) any expense for the purpose of influencing legislation (as defined in section 4911(d)),

"(III) any expense primarily for the purpose of fundraising, and

"(IV) any expense for a legal service provided on behalf of any individual referred to in paragraph (2).

"(4) ELECTION TO TREAT POVERTY PROGRAMS AS SEPARATE ORGANIZATION.—

"(A) IN GENERAL.—An organization may elect to treat one or more programs operated by it as a separate organization for purposes of this section.

"(B) EFFECT OF ELECTION.—If an organization elects the application of this paragraph, the organization, in accordance with regulations, shall—

"(i) maintain separate accounting for revenues and expenses of programs with respect to which the election was made,

"(ii) ensure that contributions to which this section applies be used only for such programs, and

"(iii) provide for the proportional allocation of management, general, and fundraising expenses to such programs to the extent not allocable to a specific program.

"(C) REPORTING REQUIREMENTS.—An organization shall not be required to file any return under section 6033 with respect to any programs treated as a separate organization under this paragraph, except that if the organization is otherwise required to file such a return, such organization shall include on such return the percentages described in the last sentence of section 6033(b) which are determined with respect to such separate organization.

"(5) ADDITIONAL REQUIREMENTS FOR SOLICITATION ORGANIZATIONS.—The requirements of this paragraph are met if the organization—

"(A) maintains separate accounting for revenues and expenses, and

"(B) makes available to the public its administrative and fundraising costs and information as to the organizations receiving funds from it and the amount of such funds.

"(e) COORDINATION WITH DEDUCTION FOR CHARITABLE CONTRIBUTIONS.—

"(1) CREDIT IN LIEU OF DEDUCTION.—The credit provided by subsection (a) for any qualified charitable contribution shall be in lieu of any deduction otherwise allowable under this chapter for such contribution.

"(2) ELECTION TO HAVE SECTION NOT APPLY.—A taxpayer may elect for any taxable year to have this section not apply."

(b) RETURNS.—

(1) QUALIFIED CHARITIES REQUIRED TO PROVIDE COPIES OF ANNUAL RETURN.—Subsection (e) of section 6104 of such Code (relating to public inspection of certain annual returns and applications for exemption) is amended by adding at the end the following new paragraph:

"(3) QUALIFIED CHARITIES REQUIRED TO PROVIDE COPIES OF ANNUAL RETURN.—

"(A) IN GENERAL.—Every qualified charity (as defined in section 23(d)) shall, upon request of an individual made at an office where such organization's annual return filed under section 6033 is required under paragraph (1) to be available for inspection, provide a copy of such return to such individual without charge other than a reasonable fee for any reproduction and mailing costs. If the request is made in person, such copies shall be provided immediately and, if made other than in person, shall be provided within 30 days.

"(B) Period of Availability.—Subparagraph (A) shall apply only during the 3-year period beginning on the filing date (as defined in paragraph (1)(D) of the return requested)."

(2) Additional Information.—Section 6033(b) of such Code is amended by adding at the end the following new flush sentence:

"Each qualified charity (as defined in section 23(d)) to which this subsection otherwise applies shall also furnish each of the percentages determined by dividing the following categories of the organization's expenses for the year by its total expenses for the year: program services; management and general; fundraising; and payments to affiliates."

(c) Clerical Amendment.—The table of sections for subpart A of part IV of subchapter A of chapter 1 of such Code is amended by inserting after the item relating to section 22 the following new item:

"Sec. 23. Credit for certain charitable contributions."

(d) Effective Date.—The amendments made by this section shall apply to contributions made after the 90th day after the date of the enactment of this Act in taxable years ending after such date.

SEC. 3. DEDUCTION FOR CHARITABLE CONTRIBUTIONS TO BE ALLOWED TO INDIVIDUALS WHO DO NOT ITEMIZE DEDUCTIONS.

(a) In General.—Section 170 of the Internal Revenue Code of 1986 (relating to charitable, etc., contributions and gifts) is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following new subsection:

"(m) Deduction for Individuals Not Itemizing Deductions.—In the case of an individual who does not itemize deductions for the taxable year, the amount allowable under subsection (a) for the taxable year shall be taken into account as a direct charitable deduction under section 63."

(b) Direct Charitable Deduction.—

(1) In general.—Subsection (b) of section 63 of such Code is amended by striking "and" at the end of paragraph (1), by striking the period at the end of paragraph (2) and inserting ", and", and by adding at the end thereof the following new paragraph:

"(3) the deduction for charitable contributions under section 170(m)."

(2) Conforming amendment.—Subsection (d) of section 63 of such Code is amended by striking "and" at the end of paragraph (1), by striking the period at the end of paragraph (2) and inserting ", and", and by adding at the end the following new paragraph:

"(3) the deduction for charitable contributions under section 170(m)."

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 1995.

SEC. 4. CHARITABLE CONTRIBUTION DEDUCTION NOT SUBJECT TO OVERALL LIMITATION ON ITEMIZED DEDUCTIONS.

(a) In General.—Subsection (c) of section 68 of the Internal Revenue Code of 1986 (relating to overall limitation on itemized deductions) is amended by striking "and" at the end of paragraph (2), by striking the period at the end of paragraph (3) and inserting ", and", and by adding at the end thereof the following new paragraph:

"(4) the deduction under section 170 (relating to charitable, etc., contributions and gifts)."

(b) Effective Date.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 1995.

SEC. 5. CHARITABLE CONTRIBUTIONS MADE BEFORE FILING OF RETURN.

(a) In General.—Subsection (a) of section 170 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

"(4) Time when contributions deemed made.—The taxpayer may elect to treat any charitable contribution which is made not later than the time prescribed by law for filing the return for the taxable year (not including extensions thereof) as being made on the last day of such taxable year. Such an election, once made, shall be irrevocable."

(b) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 1994.

SEC. 6. FINANCIAL ACCOUNTABILITY REPORTING REQUIREMENT FOR GOVERNMENTAL POVERTY AND WELFARE PROGRAMS.

(a) In General.—Each applicable welfare program shall publish in the Federal Register and other publications generally available to the public within a reasonable period of time following the end of a fiscal year the following information for the fiscal year:

(1) Information required to be included on a return under section 6033 of the Internal Revenue Code of 1986 by an organization described in section 501(c)(3) of such Code, including expenses for program services, administrative and general costs, and fundraising.

(2) The percentages determined by dividing the following categories of the program's expenses for the year by its total expenses for the year: program services; management and general; and fundraising.

(b) Additional Availability.—Each applicable welfare program shall make the information described in subsection (a) available at its principal office and at any of its regional or district offices. Upon request of an individual made at any such office, the program shall provide a copy of the information to such individual without charge other than a reasonable fee for any reproduction and mailing costs. Such request shall be met within 30 days (or immediately if made in person).

(c) Applicable Welfare Program.—For purposes of this section, an applicable welfare program is a Federal, State, or local welfare or public assistance program for which Federal funds are appropriated.

SEC. 7. STANDARDS FOR DETERMINING SUCCESS OF GOVERNMENTAL WELFARE PROGRAMS.

(a) In General.—The Comptroller General of the United States shall conduct a study with respect to applicable welfare programs to develop standards to determine—

(1) whether such programs meet the needs for which the programs were established, and

(2) if such programs meet such needs, whether they do so in a cost-effective manner.

For purposes of this subsection, the term "applicable welfare program" has the meaning given such term by section 6(c).

(b) Report.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall report to the Congress the results of the study conducted under subsection (a), including the standards described therein.

Comprehensive Charity Reform Act

SECTION I. CHARITY TAX CREDIT

Provides a $500 tax credit ($1,000 for married persons filing jointly) for taxpayers who make charitable contributions to organizations focused on fighting or alleviating poverty.

Organizations must spend 70% of their total expenses on poverty program expenses in order to qualify for the credit.

Multi-faceted organizations or churches that might not be entirely focused on poverty have the flexibility to elect to treat a poverty program as a separate organization provided that 70% of the program's aggregate expenses go toward poverty program services.

Organizations that take the election must maintain separate accounting for the program, ensure that contributions are only used for the program, and provide information regarding the allocation of funds.

Organizations that are organized for the purpose of soliciting and collecting funds can raise funds on behalf of qualified charities provided that at least 85% of the funds collected go directly to qualified charities and these organization comply with the reporting requirements in the bill.

Organizations that currently file tax form 990 must make their returns available to the public. In addition, these organizations must break down their program services; management and general; fundraising; and payments to affiliates as a percentage of total expense.

Taxpayers must take the credit in lieu of a deduction for the same contribution.

SECTION II. DEDUCTION FOR CHARITABLE CONTRIBUTIONS FOR NON-ITEMIZERS

Allows individuals who do not itemize on their taxes to take a deduction for all charitable contributions.

SECTION III. REMOVE CHARITABLE CONTRIBUTIONS FROM 3% FLOOR

Allows individuals to exclude charitable donations from the overall limitation on itemized deductions (the 3% floor).

SECTION IV. EXTEND THE DEADLINE FOR CHARITABLE DONATIONS UNTIL APRIL 15

Extends the deadline for making tax-deductible charitable donations until April 15th.

SECTION V. FINANCIAL ACCOUNTABILITY REPORTING REQUIREMENT FOR GOVERNMENTAL POVERTY AND WELFARE PROGRAMS

Requires that any government poverty assistance program that receive federal funds make available to the public an accounting of their budget broken down on a percentage basis of program services, administrative, general, and fundraising costs so that taxpayers will be able to see how their tax dollars are actually being spent.

SECTION VI. GAO STANDARDS FOR DETERMINING SUCCESS OF GOVERNMENTAL WELFARE PROGRAMS

Instructs the GAO to develop standards to determine the success rates and cost effectiveness of government welfare programs.

The "Comprehensive Charity Reform Act" has several elements.

CHARITY TAX CREDIT

The charity tax credit recognizes that society has a responsibility to help the most needy. Organizations that focus on providing poverty relief can elect to receive special treatment under the tax code for some of their contributions. Reform of antipoverty efforts should not just focus on federal, state, and local government programs but on encouraging the antipoverty efforts of private charities who often times have a much better success rate. The charity tax credit will allow taxpayers to choose for themselves who should receive a portion of their tax dollars—traditional government programs OR nonprofit charities who generally are more efficient and have a much better sense for what their local population needs.

As the current welfare debate shows we as a society are tired of the government monopoly in this area. The welfare system we have today is expensive, bureaucratic, impersonal and generic.

Private nonprofit and religious organizations take a holistic approach to rehabilitating a person who has temporarily found themselves in a very difficult situation. The emphasis here is on temporary—antipoverty assistance is not intended to be a way of life but rather a tool by which to change behavior and encourage personal responsibility for one's own life.

The charity tax credit will empower all taxpayers to take a role in how poverty relief efforts are structured. Currently, only about 28% of taxpayers itemize their tax returns and therefore, are eligible for favorable tax treatment for charitable giving. This bill will allow all taxpayers, whether they itemize or not, to receive a dollar for dollar credit for contributing to poverty fighting organizations. Inspiring more taxpayers to contribute to charities, will make people more aware of antipoverty efforts in their community, and may inspire them to volunteer their time as well.

This legislation would allow nonprofit poverty fighting organizations to qualify for charity tax credit contributions provided that these organizations spend at least 70% of their total expenses on program services focused on poverty efforts. Multi-faceted organizations or churches that might not be entirely focused on poverty have the flexibility to elect to treat a poverty program as a separate organization provided that 70% of the program's expenses go toward poverty program services. Organizations that take the election must maintain separate accounting for the program, ensure that contributions are only used for the program and provide information regarding the allocation of funds.

Determining what constitutes poverty fighting or alleviating poverty, is not intended to require soup kitchens or homeless shelters to ask for income statements from individuals seeking assistance from these types of programs. The Secretary in drafting regulations can use common sense discretion in determining if a program or organization focuses on poverty relief. Obviously, if an individual is standing in line for food then that person is poor and needs assistance.

In addition, qualified charities who currently file IRS form 990 must take their annual returns available to the public and calculate the breakdown of program services, management and general costs, fundraising expenditures and payment to affiliates as a percentage of total expenses. Nonprofits are already reporting this information on the IRS tax form 990. A great effort has been made to ensure that the reporting requirements necessary for enactment of this legislation would comport with the current requirements. And, the legislation does not expend the current scope of which nonprofits must file 990s. However, it will require that organizations that are currently exempt from filing the 990 such as churches to file the appropriate financial information about the poverty fighting program that is eligible for charity tax credit funds. However, it is important to emphasize that organizations do not automatically qualify for this treatment they must decide for themselves that they want to participate in the charity tax credit program and therefore adhere to the requirements of the program.

ABOVE THE LINE CHARITY TAX DEDUCTION

For taxpayers who do not itemize deductions on their tax returns (non-itemizers), this bill allows those taxpayers to deduct their charitable contributions before determining their Adjusted Gross Income (AGI). The most recent figures available (1992) find that non-itemizers account for over 70% of those who file tax returns—81 million taxpayers. Of this group, 95% have incomes less than $50,000. According to figures from a group which tracks such information, Independent Sector, low and middle income Americans, give as a percentage of income, 30% more to charity than the average American.

While donations to charity are primarily motivated by altruistic concerns, it is clear that nonitemizers who give to charity are sensitive to tax considerations. Experience from the period of time when nonitemizers were permitted to take a charitable deduction exemplifies this point. In 1985, nonitemizers could deduct 50% of their contributions and, according to the IRS, they gave $9.5 billion. In 1986, when taxpayers could deduct a full 100% of their contributions, they gave $13.4 billion—a 40% increase.

The loss of this tax incentive translated into nonitemizers giving significantly less to charity than itemizers. Clearly, we should empower everyone—not just people of means to give back to their community through charitable donations.

CHARITABLE CONTRIBUTIONS NOT SUBJECT TO ITEMIZED LIMIT

This bill would remove charitable contributions from what is known as the "3% floor." The 3% floor was enacted as part of the 1990 tax bill and was intended to reduce the amount of itemized deductions for those earning in excess of $100,000 (this figure was indexed and will be $114,700 for 1995). For these taxpayers, itemized deductions (including charitable contributions) are reduced by 3% of adjusted gross income in excess of the threshold amount. By taking charitable contributions out of this formula we offer individuals in this category a greater incentive to give.

EXTENSION OF CHARITABLE GIVING DEADLINE

This bill extends the deadline for making tax-deductible charitable donations until April 15th. Most taxpayers start taking note of allowable deductions when they start to fill out their tax returns, only to realize all too late that they could have given more to charity in the previous year and lower their tax liability. Current law already allows deductions for contributions to IRAs and Keogh plans up until filing time. By extending similar treatment to charitable contributions we can (1) assist with taxpayer's planning (2) increase the incentive for taxpayers facing penalties for underwitholding, and (3) help advertise the value of charitable giving tax incentive. We can also encourage those whose giving is curtailed at the end of the year by the holiday cash crunch.

FINANCIAL ACCOUNTABILITY REPORTING REQUIREMENT FOR GOVERNMENTAL POVERTY AND WELFARE PROGRAMS

This section of the bill requires that all poverty/welfare assistance government programs (federal, state, and local) that receive any federal funding to disclose and make available to the public how the program dollars are spent by outlining as a percentage of total expenses program services, administrative, general costs and fundraising (if applicable). With billions of dollars being spent on government poverty fighting programs, taxpayers deserve to know exactly where their dollars are going. All too often key figures are buried in the trenches never to see the light of day.

GAO STANDARDS FOR GOVERNMENT WELFARE PROGRAMS

In order to hold government welfare programs more accountable for the taxpayer dollars they are spending, this legislation instructs the GAO to develop success and cost effectiveness standards. This will enable taxpayers as well as elected officials to evaluate if the government programs are actually accomplishing their stated purpose and doing so in a cost effective manner.

CONCLUSION

I believe this legislation will make great strides in ensuring that nonprofit private organizations take a much greater role in caring for our society's ailments. It is time that we recognize that government is not the answer to our social failings—its clearly too big and too bureaucratic to address these concerns. However, smaller private nonprofit organizations and religious organizations can have a tremendous influence the way we care for the downtrodden of our society.

By Mr. STEVENS (for himself, Mr. PRYOR, and Mr. ROTH):

S. 1080. A bill to amend chapter 84 of title 5, United States Code, to provide additional investment funds for the thrift savings plan; to the Committee on Governmental Affairs.

THE THRIFT SAVINGS INVESTMENT FUNDS ACT OF 1995

Mr. STEVENS. Mr. President, the thrift savings plan, TSP, was created in 1986 as one of three tiers of a new Federal employees' retirement system. I was the original sponsor of the Senate bills which led up to the passage of this landmark legislation. From all accounts, the TSP has proven to be a valuable retirement tool for all Federal employees.

Current law limits TSP investments to three options—the Government securities investment (G) fund, the common stock index investment (C) fund, and the fixed income investment (F) fund. This limitation was the result of a compromise in conference—the Senate-passed bill allowed additional funds at the discretion of the Federal Retirement Thrift Investment Board.

For some time now, Federal employee participants in the TSP have requested additional investment opportunities. In 1992, the Board began to look into the possibility of expanding into additional funds. As a result of that review, the Board recently recommended the addition to two funds—a small capitalization stock index investment fund and an international stock index investment fund.

Today I introduce legislation to authorize these two additional investment funds for the thrift savings plan. I am pleased to note that Senators PRYOR and ROTH have agreed to cosponsor this bill. I ask unanimous consent that the text of the bill and a section-by-section analysis prepared by the Federal Retirement Thrift Investment Board be reprinted in the RECORD.

Mr. President, I congratulate the Federal Retirement Thrift Investment

Board for their decision to increase the investment opportunities for Federal employee investors and urge them to move quickly with their computer redesign program so that these new funds, once approved by Congress, can be available as soon as possible.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1080

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Thrift Savings Investment Funds Act of 1995".

SEC. 2. ADDITIONAL INVESTMENT FUNDS FOR THE THRIFT SAVINGS PLAN.

Section 8438 of title 5, United States Code, is amended—

(1) in subsection (a)—

(A) by redesignating paragraphs (5) through (8) as paragraphs (6) through (9), respectively;

(B) by inserting after paragraph (4) the following new paragraph:

"(5) the term 'International Stock Index Investment Fund' means the International Stock Index Investment Fund established under subsection (b)(1)(E);";

(C) in paragraph (8) (as redesignated by subparagraph (A) of this paragraph) by striking out "and" at the end thereof;

(D) in paragraph (9) (as redesignated by subparagraph (A) of this paragraph)—

(i) by striking out "paragraph (7)(D)" in each place it appears and inserting in each such place "paragraph (8)(D)"; and

(ii) by striking out the period and inserting in lieu thereof a semicolon and "and"; and

(E) by adding at the end thereof the following new paragraph:

"(10) the term 'Small Capitalization Stock Index Investment Fund' means the Small Capitalization Stock Index Investment Fund established under subsection (b)(1)(D)."; and

(2) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (B) by striking out "and" at the end thereof;

(ii) in subparagraph (C) by striking out the period and inserting in lieu thereof a semicolon; and

(iii) by adding at the end thereof the following new subparagraphs:

"(D) a Small Capitalization Stock Index Investment Fund as provided in paragraph (3); and

"(E) an International Stock Index Investment Fund as provided in paragraph (4)."; and

(B) by adding at the end thereof the following new paragraphs:

"(3)(A) The Board shall select an index which is a commonly recognized index comprised of common stock the aggregate market value of which represents the United States equity markets excluding the common stocks included in the Common Stock Index Investment Fund.

"(B) The Small Capitalization Stock Index Investment Fund shall be invested in a portfolio designed to replicate the performance of the index in subparagraph (A). The portfolio shall be designed such that, to the extent practicable, the percentage of the Small Capitalization Stock Index Investment Fund that is invested in each stock is the same as the percentage determined by dividing the aggregate market value of all shares of that stock by the aggregate market value of all shares of all stocks included in such index.

"(4)(A) The Board shall select an index which is a commonly recognized index comprised of stock the aggregate market value of which is a reasonably complete representation of the international equity markets excluding the United States equity markets.

"(B) The International Stock Index Investment Fund shall be invested in a portfolio designed to replicate the performance of the index in subparagraph (A). The portfolio shall be designed such that, to the extent practicable, the percentage of the International Stock Index Investment Fund that is invested in each stock is the same as the percentage determined by dividing the aggregate market value of all shares of that stock by the aggregate market value of all shares of all stocks included in such index.".

SEC. 3. ACKNOWLEDGEMENT OF INVESTMENT RISK.

Section 8439(d) of title 5, United States Code, is amended by striking out "Each employee, Member, former employee, or former Member who elects to invest in the Common Stock Index Investment Fund or the Fixed Income Investment Fund described in paragraphs (1) and (3)," and inserting in lieu thereof "Each employee, Member, former employee, or former Member who elects to invest in the Common Stock Index Investment Fund, the Fixed Income Investment Fund, the International Stock Index Investment Fund, or the Small Capitalization Stock Index Investment Fund, defined in paragraphs (1), (3), (5), and (10),".

SEC. 4. EFFECTIVE DATE.

This Act shall take effect on the date of enactment of this Act, and the Funds established under this Act shall be offered for investment at the earliest practicable election period (described in section 8432(b) of title 5, United States Code) as determined by the Executive Director in regulations.

SECTION-BY-SECTION ANALYSIS

The proposed legislation would add two new investment funds to those currently offered by the Thrift Savings Fund: a Small Capitalization Stock Index Fund and an International Stock Index Investment Fund.

Section 1 of the proposed legislation designates its title as the "Thrift Savings Investment Funds Act of 1995."

Section 2 of the proposed legislation makes changes to section 8438 of title 5, U.S.C., which are necessary to authorize the addition of the two new investment funds. The legislation generally tracks the language currently found in section 8438 with respect to the Common Stock Index Investment Fund, to which the two new funds bear the greatest resemblance. Like that fund, the two new funds are required to be index funds which invest in indices that represent certain defined sectors of the equity markets.

Subsection (1) of section 2 adds the two new funds to the list of definitions found in subsection (a) of section 8438.

Subsection (2)(A) of section 2 makes changes necessary to add the two new funds to the list of those the Federal Retirement Thrift Investment Board is authorized to establish by subsection (b)(1) of section 8438. This is consistent with the statutory treatment of the current investment funds. That is, the Board is given the responsibility to choose indices and establish investment funds that fall within the parameters for each fund as set forth in the statute.

Subsection (2)(B) of section 2 adds two new paragraphs to section 8438(b) which describe the parameters of the two new investment funds.

New paragraph (3) of section 8438(b) describes the requirements for the Small Capitalization Stock Index Investment Fund. Under subparagraph (A) of paragraph (3), the Board must choose a commonly recognized index that represents the market value of the United States equity markets, but excluding that portion of the equity markets represented by the common stocks included in the Common Stock Index Investment Fund. It is intended, therefore, that the Small Capitalization Stock Index Investment Fund will be designed to replicate the performance of an index representing small capitalization stocks not held in the Common Stock Index Investment Fund. Subparagraph (B) of paragraph (3) requires the Board to invest the fund in a portfolio designed to replicate the performance of the index established in subparagraph (A).

New paragraph (4) of section 8438(b) describes the requirements for the International Stock Index Investment Fund. Under subparagraph (A) of paragraph (4), the Board must choose a commonly recognized index that is a reasonably complete representation of the international equity markets. The term "international equity markets" excludes the United States equity markets, which are represented by the other funds. Subparagraph (B) of paragraph (4) requires the Board to invest the fund in a portfolio designed to replicate the performance of the index established in subparagraph (A).

Section 3 of the proposed legislation amends section 8439(d) of title 5, U.S.C., to add a reference to the two new investment funds in the section requiring that each Thrift Savings Plan participant who invests in one of the enumerated funds sign an acknowledgement stating that he or she understands that the investment is made at the participant's own risk, that the Government will not protect the participant against any loss on such investment, and that a return on the investment is not guaranteed by the Government. As is the case with the Common Stock Index Investment Fund and the Fixed Income Investment Fund, the Small Capitalization Stock Index Investment Fund and the International Stock Index Investment Fund each carry the risk that an investment therein may lose value. Therefore, it is appropriate to require the participant to sign the same acknowledgement of risk statement prior to investing in either of these funds.

Section 4 provides that the amendments made by this legislation will become effective immediately. The additional funds will be offered to participants for investment in the soonest practicable TSP election period as determined by the Executive Director in regulations. By law, election periods are conducted every six months. The Board has recently determined to develop an entirely new computer software system, entailing uncertain lead times for procurement decisions and development processes. The new system's development will dictate the timeframe for the offering of new funds, which will be coordinated with its implementation.

By Mr. DODD (for himself, and Mr. LIEBERMAN):

S. 1082. A bill to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the Old State House of Connecticut; to the Committee on Banking, Housing, and Urban Affairs.

THE CONNECTICUT OLD STATE HOUSE COMMEMORATIVE COIN ACT

Mr. DODD. Mr. President, today I am pleased to introduce the Connecticut

Old State House Bicentennial Commemorative Coin Act.

The Old State House sits in the very center of Hartford, CT, and it is one of the single most important buildings in the entire State. It stands as a shining example of 18th century architecture and has been designated a Registered National Landmark by the Secretary of the Interior. In May 1996, the Old State House will celebrate its 200th birthday.

The Old State House is steeped in tradition and history. It is on this site that the Colony of Connecticut was actually founded. In May 1796, the State House opened its doors, and it was there that General Washington first met Comte de Rochambeau to begin the Yorktown strategy to end the Revolutionary War.

The Old State House served as a seat of government until 1878, and numerous historical figures have visited the building, including Mark Twain, Harriet Beecher Stowe, Lafayette, and Presidents Monroe, Jackson, Johnson, Ford, Carter, and Bush.

Since 1979, the Old State House has become a thriving landmark—a cultural and historical mecca for tourists and residents alike. Years of wear and tear have taken their toll on this magnificent structure, however, and a complete restoration project is ongoing. The Old State House hopes to expand its educational, cultural, and recreational services once it finishes a complete renovation.

Underway are plans to make the entire landmark accessible to the handicapped and the elderly. A full center and museum of Connecticut history will be created on-site, and there is to be a park and outdoor market adjacent to the Old State House.

The new Old State House is set to be rededicated on its 200th birthday in May 1996, when it will once again become a meeting place and focal point for the city of Hartford and the entire New England community.

The bill I am introducing today would authorize the issuance of 700,000, $1 silver coins, which would be emblematic of the Old State House and its role in the history of the city of Hartford, the State of Connecticut, and the United States. Funds raised through the sale of the coins would be spent on both the construction, renovation and preservation of the Old State House and on the educational programs about its historic significance.

This cost-neutral bill would raise up to $7 million to help underwrite the cost of the Old State House project. I urge my colleagues to join me in cosponsoring this bill and help preserve a piece of history.

By Mr. THOMAS:

S. 1083. A bill to direct the President to withhold extension of the WTO Agreement to any country that is not complying with its obligations under the New York Convention, and for other purposes; to the Committee on Finance.

THE NEW YORK CONVENTION COMPLIANCE ACT

• Mr. THOMAS. Mr. President, I introduce the New York Convention Compliance Act of 1995, a bill designed to protect the investments of U.S. companies overseas.

The New York convention refers to the Convention on the Recognition and Enforcement of Foreign Arbitral Awards, a multilateral international treaty drafted in New York in 1958 which the United States joined in 1970. Binding arbitration clauses are frequently used in international business contracts to provide prompt and inexpensive dispute resolution. Signatories to the convention commit themselves to enforcing judgments of foreign arbitration panels in their domestic courts. Failure to enforce an arbitration judgment, unless based on one of the defenses specified under the convention, in my opinion raises an obligation on the part of the offending signatory to satisfy the debt at issue.

Arbitration clauses such as those governed by the convention are especially important in countries without a tradition of adhering to the rule of law. There, if a conflict arises triggering arbitration a neutral third-country forum provides for a resolution free from the possible xenophobic biases of local courts and the vagaries of an unresponsive judiciary.

One case in particular of which I am aware illustrates why adherence to the convention is so important to stable international trade. On June 4, 1988, Ross Engineering Co. of Florida, entered into an agreement with the Shanghai Far East Aero-technology Import & Export Co. [SFAIC] pursuant to which the latter was to manufacture industrial batteries for Ross' subsidiary Revpower with machinery, equipment, raw materials and engineering expertise supplied by Revpower. Some time afterwards, SFAIC breached two provisions of the agreement and effective January 1990 Revpower notified SFAIC that it was cancelling the agreement. Revpower then entered into negotiations with SFAIC to try to resolve the dispute, with no success.

Having exhausted its attempts to salvage the agreement, Revpower filed an arbitration claim against SFAIC with the Stockholm Chamber of Commerce as provided in the agreement. Despite foot-dragging and dilatory tactics on the part of SFAIC, on July 13, 1993, a unanimous arbitral panel ruled in Revpower's favor and granted it an award of US $6.6 million plus interest from 1991. SFAIC has refused to honor the award, however, despite its binding agreement to do so. Attempts to satisfy the judgment in the Shanghai Intermediate People's Court have proved similarly futile, the Court refusing to abide by its own regulations and take up the case. Attempts by Secretary Brown, Secretary Christopher, the USTR, myself, Senator CONNIE MACK, and countless others to try to get the Chinese to live up to their obligations under the convention have proved similarly fruitless. When asked directly by our Ambassador to China whether China would honor it, Minister Wu Yi replied flatly, "No."

While relatively small in the scheme of the full United States-Sino trade relationship, Revpower's award—which has now grown to almost $9 million—means a great deal to that company and its investors. More importantly, perhaps, I believe that it means a great deal more for the large number of other American and foreign firms that do business in China. Most, if not all, of those companies have arbitration clauses in their contracts with the Chinese identical to the one that Revpower had. If, as Revpower's experience suggests, foreign companies cannot rely on these clauses to resolve disputes effectively and equitably, then they and a stable business environment are all at risk. I have heard this concern voiced by a growing number of United States businessmen, and not just in relation to China but in several other countries not presently members of the WTO.

Yet while on one hand these countries fail to honor the convention, on the other they clamor for accession to the World Trade Organization [WTO]. But Mr. President, how can they be relied upon to uphold the responsibilities incumbent on members if they have shown themselves unwilling to live up to the terms of the convention? WTO members have a profound and direct interest in ensuring that fellow members fulfill their voluntarily-assumed obligations under both the convention and GATT. Arbitration clauses such as those contemplated by the convention are one of the pillars of international commerce and trade. Its observance should be one of the minimum requirements for any nation seekins to become a full and equal partner in the international trade regime. This bill would provide, therefore, that before the United States will support membership for a particular country in the WTO, the President must certify that the petitioning country is living up to its obligations under the convention.

Mr. President, I invite my colleagues to join me in supporting this bill, and thereby recognize the close relationship between a country's respect for the rule of law and international treaty obligations and the prospects for its successful participation in the fledgling WTO. •

By Mr. THURMOND (for himself and Mr. HOLLINGS):

S. 1084. A bill to provide for the conveyance of the C.S.S. *Hunley* to the

State of South Carolina, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE C.S.S. "HUNLEY" CONVEYANCE ACT OF 1995

Mr. THURMOND. Mr. President, I rise today to introduce legislation that would provide for the conveyance of the Civil War submarine, the C.S.S. *Hunley*, to the State of South Carolina.

On February 17, 1864, powered by a hand cranked propeller, the *Hunley* sank a frigate of the Union blockade, the U.S.S. *Housatonic*, by torpedoing a wooden spar loaded with 100 pounds of black powder into her side. This marked the first time in history that a warship had been destroyed by a submarine. The *Hunley* vanished following its victory, possibly from leaks created by the force of the blast.

Over 131 years later, the *Hunley* has been found intact, lying on its side, and covered in silt off the coast of Charleston, S.C. There is no question that, when raised from its current resting place, this national treasure should be displayed in South Carolina. Not only should it be made available to the public as the earliest example of successful submarine warfare, but also because of its place in southern history. The *Hunley* serves as a memorial to the nine men who perished on board fighting passionately for what they believed.

This legislation simply transfers the title of the *Hunley* from the Federal Government to the State of South Carolina. It is my understanding that the State will develop a program to ensure that research can be conducted on this historical military relic and that it will be properly preserved, stabilized, and displayed.

Over 30 men died in service to the *Hunley*. With the exception of the nine crew members that went down on that fateful day, all are buried in Magnolia Cemetery in Charleston. The Palmetto State would also like the honor of burying these nine valiant men, with full distinction, next to their compatriots.

Mr. President, the C.S.S. *Hunley* has spent the last 131 years off the coast of South Carolina. Passing this legislation will make this Civil War treasure a proud and permanent part of our State.

I ask unanimous consent that the full text of this measure be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1084

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONVEYANCE OF C.S.S. HUNLEY TO STATE OF SOUTH CAROLINA.

(a) CONVEYANCE REQUIRED.—The President shall direct the appropriate Federal official to convey to the State of South Carolina, without consideration, all right, title, and interest of the United States in and to the C.S.S. Hunley, a sunken Confederate submarine located in a harbor in close proximity to Charleston, South Carolina.

(b) TERMS AND CONDITIONS.—The official under subsection (a) may require such terms and conditions in connection with the conveyance under that subsection as the official considers to be necessary to ensure the proper preservation of the C.S.S. Hunley.

By Mr. DOLE (for himself, Mr. MCCONNELL, Mr. SIMPSON, Mr. KYL, Mr. BROWN, Mr. NICKLES, Mr. GRASSLEY, and Mr. SHELBY):

S. 1085. A bill to prohibit discrimination and preferential treatment on the basis of race, color, national origin, or sex with respect to Federal employment, contracts, and programs, and for other purposes; to the Committee on Governmental Affairs.

THE EQUAL OPPORTUNITY ACT 1995

Mr. DOLE. Mr. President, earlier this year, I promised to introduce legislation to get the Federal Government out of the business of dividing Americans, and into the business of uniting Americans.

Today, I am fulfilling this commitment.

The Equal Opportunity Act of 1995, which I introduce today, stands for a simple proposition: The Federal Government should not discriminate against, nor should it grant preferences to, any individual because of that individual's race, color, ethnic background, or sex.

Whether it is employment, or contracting, or any other federally conducted program, our Government in Washington should work to bring its citizens together, not divide us. Our focus should be protecting the rights of individuals, not the rights of groups through the use of quotas, set-asides, numerical objectives, and other preferences.

Let me be frank. While I have questioned and opposed group preferences in the past, I have also supported them. That is my record, and I am not hiding from it.

But many of us who supported these policies never imagined that preferences would become a seemingly permanent fixture in our society. They were designed to be temporary remedies, targeted at specific problems suffered by specific individuals.

Unfortunately, during the past 25 years, we have seen the policies of preference grow, and grow, and grow some more. Pitting individual against individual, group against group, American against American.

For too many of our citizens, our country is no longer the land of opportunity—but a pie chart, where jobs and other benefits are often awarded not because of hard work or merit, but because of someone's biology.

We have lost sight of the simple truth that you do not cure discrimination with more discrimination.

I fully expect that the professional civil rights establishment in Washington will be out in force denouncing this initiative, defending the status quo, and claiming that we are somehow "turning back the clock" and unraveling decades of civil rights progress.

And no doubt about it, great progress has been made in the four decades since the civil rights revolution began with the landmark Brown versus Board of Education decision.

Countless young men and women of all races attend and graduate from our finest universities. Thousands of African-Americans have been elected to public office—in Congress, in State legislatures, as mayors of our Nation's largest cities, as Governor of Virginia. And Colin Powell has inspired us all, rising from the ranks of the ROTC to become our Nation's top military official, Chairman of the Joint Chiefs of Staff.

But for the millions of Americans who each day evade the bullets, send their kids to substandard schools, and wade through the dangerous shoals of our Nation's underclass, progress seems to be nothing more than a mirage. A mirage that fades away, leaving the stark realities of life behind.

And what are those realities?

The reality is that the national assessment of educational progress has released its findings on the reading ability of America's graduating high school seniors for 1994. According to the study, only 12 percent of black high school graduates are proficient in reading. Fully 54 percent have below basic reading skills, which means they are condemned to 50 more years of life on the bottom rung of the economic ladder.

These children do not need preferences. They need schools that work.

The reality is that the U.S. Justice Department estimates that 1 out of every 21 black men in America today can be expected to be murdered, a death rate double that of U.S. soldiers during World War II.

Last week, 12-year-old Quinton Carter of Queens Village, New York, was shot dead in a dispute over 25 cents with a 16-year-old. The viciousness of this senseless act is no longer shocking to us because children killing other children in arguments over sneakers or other items of clothing have become all too commonplace.

These young men and women—the victims of violence—do not need preferences. They need more police, more protection from the scourge of crime, and laws that keep violent criminals behind bars.

And, Mr. President, the reality is that millions of children today are born into homes without fathers. In some neighborhoods, the out-of-wedlock birthrate has climbed to a staggering 80 percent. And study after study has concluded that children of single parents are far more likely than those in two-parent homes to fail in school, or to be a victim or perpetrator of crime.

Again, these children do not need preferences. They do not need a set-aside. They need homes, and families and communities that care.

Mr. President, it is time to stop making government policy by race because making government policy by race is a diversion from reality, an easy excuse to ignore the problems that affect all Americans, whatever their race or heritage may be.

We must begin by ending the ridiculous pretense of quota tokenism—special contracts, a set-aside there, a couple of TV stations, a seat or two in the Cabinet. This is a band-aid. A diversion. A corruption of the principles of individual liberty and equal opportunity upon which our country was founded.

This legislation may not be perfect. And it certainly will not solve all our problems. But it is a starting point—a starting point in a national conversation, not just on the future of affirmative action, but on the future of American.

Mr. President, 12 years ago it was my privilege to serve as floor manager for the legislation marking Martin Luther King, Jr.'s, birthday as a Federal holiday.

And in leading off the final debate on that bill, I said these words: "A nation defines itself in many ways; in the promises it makes and the programs it enacts; the dreams it enshrines or the doors it slams shut."

A nation also defines itself by how it treats its citizens. Does it divide them by focusing on the policies of the past? Or does it unite them by focusing on the realities of the present?

The choice is ours.

Mr. President, I ask unanimous consent that the full text of the Equal Opportunity Act, a section-by-section summary, and statements by Dr. William Bennett of Empower America; Milton Bins, chairman of the Council of 100; Linda Chavez of the Center for Equal Opportunity; and Brian Jones, president of the Center for New Black Leadership, be reprinted in the RECORD immediately after my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1085

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Equal Opportunity Act of 1995".

SEC. 2. PROHIBITION AGAINST DISCRIMINATION AND PREFERENTIAL TREATMENT.

Notwithstanding any other provision of law, neither the Federal Government nor any officer, employee, or department or agency of the Federal Government—

(1) may intentionally discriminate against, or may grant a preference to, any individual or group based in whole or in part on race, color, national origin, or sex, in connection with—

(A) a Federal contract or subcontract;

(B) Federal employment; or

(C) any other federally conducted program or activity;

(2) may require or encourage any Federal contractor or subcontractor to intentionally discriminate against, or grant a preference to, any individual or group based in whole or in part on race, color, national origin, or sex; or

(3) may enter into a consent decree that requires, authorizes, or permits any activity prohibited by paragraph (1) or (2).

SEC. 3. RECRUITMENT AND ENCOURAGEMENT OF BIDS.

Nothing in this Act shall be construed to prohibit or limit any effort by the Federal Government or any officer, employee, or department or agency of the Federal Government—

(1) to recruit qualified women or qualified minorities into an applicant pool for Federal employment or to encourage businesses owned by women or by minorities to bid for Federal contracts or subcontracts, if such recruitment or encouragement does not involve using a numerical objective, or otherwise granting a preference, based in whole or in part on race, color, national origin, or sex, in selecting any individual or group for the relevant employment, contract or subcontract, benefit, opportunity, or program; or

(2) to require or encourage any Federal contractor or subcontractor to recruit qualified women or qualified minorities into an applicant pool for employment or to encourage businesses owned by women or by minorities to bid for Federal contracts or subcontracts, if such requirement or encouragement does not involve using a numerical objective, or otherwise granting a preference, based in whole or in part on race, color, national origin, or sex, in selecting any individual or group for the relevant employment, contract or subcontract, benefit, opportunity, or program.

SEC. 4. RULES OF CONSTRUCTION.

(a) HISTORICALLY BLACK COLLEGES AND UNIVERSITIES.—Nothing in this Act shall be construed to prohibit or limit any act that is designed to benefit an institution that is a historically Black college or university on the basis that the institution is a historically Black college or university.

(b) INDIAN TRIBES.—Nothing in this Act shall be construed to prohibit or limit any action taken—

(1) pursuant to a law enacted under the constitutional powers of Congress relating to the Indian tribes; or

(2) under a treaty between an Indian tribe and the United States.

(c) BONA FIDE OCCUPATIONAL QUALIFICATION, PRIVACY, AND NATIONAL SECURITY CONCERNS.—Nothing in this Act shall be construed to prohibit or limit any classification based on sex if—

(1) sex is a bona fide occupational qualification reasonably necessary to the normal operation of the Federal Government entity or Federal contractor or subcontractor involved;

(2) the classification is designed to protect the privacy of individuals; or

(3)(A) the occupancy of the position for which the classification is made, or access to the premises in or on which any part of the duties of such position is performed or is to be performed, is subject to any requirement imposed in the interest of the national security of the United States under any security program in effect pursuant to or administered under any Act or any Executive order of the President; or

(B) the classification is applied with respect to a member of the Armed Forces serving on active duty in a theatre of combat operations (as determined by the Secretary of Defense).

SEC. 5. COMPLIANCE REVIEW OF POLICIES AND REGULATIONS.

Not later than 1 year after the date of enactment of this Act, the head of each department or agency of the Federal Government, in consultation with the Attorney General, shall review all existing policies and regulations that such department or agency head is charged with administering, modify such policies and regulations to conform to the requirements of this Act, and report to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate the results of the review and any modifications to the policies and regulations.

SEC. 6. REMEDIES.

(a) IN GENERAL.—In any action involving a violation of this Act, a court may award only injunctive or equitable relief (including but not limited to back pay), a reasonable attorney's fee, and costs.

(b) CONSTRUCTION.—Nothing in this section shall be construed to affect any remedy available under any other law.

SEC. 7. EFFECT ON PENDING MATTERS.

(a) PENDING CASES.—This Act shall not affect any case pending on the date of enactment of this Act.

(b) PENDING CONTRACTS, SUBCONTRACTS, AND CONSENT DECREES.—This Act shall not affect any contract, subcontract, or consent decree in effect on the date of enactment of this Act, including any option exercised under such contract or subcontract before or after such date of enactment.

SEC. 8. DEFINITIONS.

As used in this Act:

(1) FEDERAL GOVERNMENT.—The term "Federal Government" means the executive and legislative branches of the Government of the United States.

(2) GRANT A PREFERENCE.—The term "grant a preference" means use of any preferential treatment and includes but is not limited to any use of a quota, set-aside, numerical goal, timetable, or other numerical objective.

(3) HISTORICALLY BLACK COLLEGE OR UNIVERSITY.—The term "historically Black college or university" means a part B institution, as defined in section 322(2) of the Higher Education Act of 1965 (20 U.S.C. 1061(2)).

SECTION-BY-SECTION SUMMARY—THE EQUAL OPPORTUNITY ACT OF 1995

The purpose of this Act is to ensure that all Americans are treated equally by the Federal government in Federal employment, Federal contracting and subcontracting, and Federally-conducted programs. This Act furthers the cause of equal opportunity and non-discrimination by embracing the view that rights inhere in individuals, not in groups.

This Act endorses those Federal "affirmative action" programs that are designed to recruit broadly and widen the opportunities for competition, without guaranteeing the results of the competition or resorting to preferences on the basis of race, color, national origin, or sex. However, the Act would prohibit those Federal "affirmative action" programs that seek to divide Americans through the use of quotas, set-asides, timetables, goals, and other preferences.

Section 1. Short Title. Section 1 provides that the Act may be cited as the "Equal Opportunity Act of 1995."

Section 2. Prohibition against Discrimination and Preferential Treatment. Section 2 prohibits the Federal government or any officer, employee, or agency of the Federal government from intentionally discriminating against, or granting a preference to, any individual or group, in whole or in part, on the basis of race, color, national origin, or sex. This prohibition applies to Federal employment, contracting, subcontracting, and the administration of Federally-conducted programs. The use of race, color, national origin, or sex "in part" (*i.e.*, as one factor) in a hiring or promotion decision, a contract or subcontract award, or a decision to admit a person to a Federal program, is forbidden by Section 2. When race, ethnicity, or sex is used as a so-called "plus" factor in determining the outcome of a decision, that is a preference.

Section 2 also explicitly prohibits the Federal government or any officer, employee, or agency of the Federal government from requiring or encouraging any Federal contractor or subcontractor intentionally to discriminate against, or grant a preference to, any individual or group, in whole or in part, on the basis of race, color, national origin, or sex.

As originally conceived, Executive order 11246 equated "affirmative action" with the principle of non-discrimination. Pursuant to Executive Order 11246, each Federal contractor is required to agree that it "will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin" and that the contractor "will take affirmative action to ensure that applicants are employed . . . without regard to their race, color, religion, sex, or national origin." Unfortunately, bureaucratic implementation of the Executive Order over a period of years has converted it from a program aimed at eliminating discrimination to one which relies on it in the form of preferences. Section 2 aims not to overturn Executive Order 11246, but to restore its original meaning and purpose.

Section 2 also forbids the Federal government from entering into a consent decree that requires, authorizes, or permits any preferences otherwise forbidden by this Act.

Section 2(1)(c) applies to programs wholly administered by the Federal government. Nothing in Section 2, nor anything in this Act, affects programs or activities merely receiving Federal financial assistance. For example, Title IX of the Education Amendments of 1972, prohibiting discrimination in Federally-assisted education programs, is unaffected by this Act. In addition, this Act does not affect the Voting Rights Act or its enforcement.

Section 2 does not forbid preferences on any basis other than race, color, national origin, or sex. Thus, a preference in contracting based on economic criteria, the size of the company seeking the contracting business, veteran's status, or some other neutral social criteria is not forbidden by this Act, so long as every American has an equal opportunity to meet the criteria without regard to race, color, national origin, or sex.

In addition, Section 2 does not forbid state and local governments or private entities, including Federal contractors or recipients of Federal financial assistance, from voluntarily engaging in racial, ethnic, or gender preferences that are otherwise permitted by law. Moreover, nothing in this Act affects a court's remedial authority under any other statute. Although this Act aims at reforming only the executive and legislative branches of the Federal government, it should not be construed as expressing implicit approval of preferences granted by other entities or in remedial court orders.

Section 3. Recruitment and Encouragement of Bids. Section 3 provides that nothing in the Act shall be construed to prohibit or limit any effort by the Federal government 1) to recruit qualified members of minority groups or women, so long as A) no numerical recruitment goals are set, and B) there is no preference granted in the actual award of a job, promotion, contract, or other opportunity, or 2) to require the same recruitment of its contractors and subcontractors, so long as the Federal government does not require numerical recruitment goals or preferences in the actual award of the benefit.

All affirmative steps required by Federal agencies of their contractors and subcontractors, otherwise authorized by law and consistent with this Act, remain lawful under this Act. For example, Federal agency requirements that contractors cast their recruiting nets widely remain valid, so long as such agencies do not require contractors to set numerical racial, ethnic, and gender objectives for recruitment and do not require actual hiring or other employment decisions to be made, in whole or in part, with regard to color, ethnicity, or sex. Consistent with these conditions, for example, Federal agencies can require a contractor to: send notices of its job opportunities to organizations, if available, with large numbers of minorities or women in their membership; include educational institutions with large numbers of minorities and women among the educational institutions at which the contractor recruits; and spend a portion of the budget it uses to advertise its job opportunities with media outlets, if available, that are specially targeted to reach minorities and women.

Section 4. Rules of Construction. Section 4(a) provides that nothing in the Act shall be construed to prohibit or limit Federal assistance to a historically Black college or university on the basis that the institution is an historically black college or university.

Historically Black colleges and universities were founded as a response to the intentional exclusion of African-Americans from institutions of higher learning, both public and private. These institutions are open to students of all races on a non-discriminatory basis. Thus, Federal assistance to historically Black colleges and universities is not a "preference" for purposes of this Act.

Section 4(b) provides that nothing in this Act shall be construed to prohibit or limit any action taken (1) pursuant to a law enacted under the constitutional powers of Congress relating to the Indian tribes, or (2) under a treaty between an Indian tribe and the United States.

Section 4(c) provides that nothing in the Act shall be construed to prohibit or limit gender classifications that are bona fide occupational qualifications reasonably necessary to the normal operation of the Federal government entity or Federal contractor involved. The courts have determined that bona fide occupational qualifications may apply to jobs such as prison guards or occupations raising similar privacy concerns.

Section 4(c) also provides that nothing in the Act shall be construed to prohibit or limit gender classifications that (1) are designed to protect the privacy of individuals, (2) are adopted for reasons of national security, or (3) involve combat-related functions.

Section 5. Compliance Review of Policies and Regulations. Section 5 establishes a compliance review procedure: Within 1 year of the date of enactment, the head of each department and agency of the Federal government, in consultation with the Attorney General, must (1) review all existing policies and regulations for which the department or agency head is charged with administering, (2) modify those policies and regulations to conform to the requirements of this Act, and (3) report to the Committee on the Judiciary of the Senate and House of Representatives the results of the review and any modifications to the policies and regulations.

Section 6. Remedies. Section 6(1) outlines the remedies for those who have been aggrieved by violations of the Act. These remedies are limited to injunctive or equitable relief (including but not limited to back pay), a reasonable attorney's fee, and costs. Section 6(2) provides that nothing in this section shall be construed to affect any remedy available under any other law.

Section 7. Effect on Pending Cases. Section 7(a) provides that nothing in this Act affects any case pending on the date of enactment of this Act. Section 7(b) provides that nothing in this Act shall affect any contract, subcontract, or consent decree in effect on the date of enactment of this Act, including any option exercised under such contract or subcontract before or after such date of enactment.

Section 8. Definitions. Section 8(1) defines the term "Federal Government" to mean the executive and legislative branches of the Government of the United States.

Section 8(2) defines the term "grant a preference" to mean use of any preferential treatment and includes the use of a quota, set-aside, numerical goal, timetable, or other numerical objective.

"Numerical objectives" have an inherently coercive effect. They exert an inevitable pressure to take into consideration the characteristic which is the subject of the numerical objective. The degree of pressure or coercion turns in part on the consequences that may follow, or may reasonably be expected to follow, the failure to achieve the objective. When established or induced by the government, these consequences can include increased government scrutiny or the threat of it, more paperwork, on-site investigations, the inability to bid for a contract, or financial or other penalties.

Consequently, it is not enough to oppose "quotas," as if the label itself is the offending practice. It is the practice and mechanism of racial, ethnic, and gender preference, not its particular label in a given circumstance, that is objectionable.

Moreover, preferences can consist of other practices not tied to numerical objectives. For example, if a Federal agency were to advise its supervisors that proposing to hire a person not in a designated racial, ethnic, or gender group will subject that proposed hiring decision to closer scrutiny than the proposed hiring of a member of such designated groups, this act would be a preference.

Section 8(3) defines the term "historically Black college or university" to mean a Part B institution, as defined in section 322(2) of the Higher Education Act of 1965 (20 U.S.C. 1061(2)).

Written Statement of William J. Bennett, The Equal Opportunity Act of 1995

I congratulate Senator Dole and Congressman Canady for their introduction of "The Equal Opportunity Act of 1995."

This legislation is both significant and morally serious. It re-dedicates this country to the noble proposition that America ought to be a color-blind society. Racism and discrimination are still ugly stains on the American landscape, and where they occur, we need to use existing laws to stamp them out. Republicans need to be principled, not politically opportunistic, when addressing the issue of race. And race should never be used as a "wedge issue" in any campaign.

That said, Republicans should be confident and unambiguous in articulating the case for a color-blind society and against race-based preferences. Counting by race is noxious. It has divided and balkanized this country. If we continue to count by race, hire by race, admit by race, and keep calling attention to race, we will divide by race. Since the implementation of preference programs, we have moved away from Martin Luther King, Jr.'s vision of a society where we are judged by the "content of our character" and not by the "color of our skin." It is time to return to the American ideal that we are one people. The best way to achieve a color-blind society is actually to be a color-blind society, in law and spirit.

The Dole-Canady legislation puts the federal government on the moral high ground on civil rights. If this legislation passes, the federal government can no longer engage in preferential-treatment practices that result in reverse discrimination. The federal government can no longer take race, gender, or ethnicity into account in its employment or contracting practices, or in the implementation of any federally-conducted program or activity. Instead, all people, regardless of race or gender, will be guaranteed justice and equal protection when dealing with the federal government.

There is still more work to be done. But the Dole-Canady bill is a very good start. It is consistent with American principles. This is important legislation; it deserves to be passed.

CENTER FOR EQUAL OPPORTUNITY,
July 26, 1995.

Hon. ROBERT DOLE,
U.S. Capitol, Washington, DC.

DEAR SENATOR DOLE: After 25 years of racial and gender preferences for minorities and women, the time has come to begin treating Americans as individuals rather than as members of groups. Most Americans now reject the specious categorization and double standards so pervasive in public employment, government contracting, and university admissions. They want a return to the simple principle of non-discrimination embedded in the 1964 Civil Rights Act: "Nothing . . . shall be interpreted to require . . . preferential treatment [be granted] to any individual or any group because of the race, color, religion, sex, or national origin on such individual or group."

Americans have waited long enough for non-discrimination on the basis of race and sex to mean exactly what it says. Your longstanding commitment to colorblind equal opportunity provides me with great hope that we will soon see this day, and your bill is an important first step in this fight. I applaud your courage and know that you will continue to apply your leadership on this important issue.

Sincerely,

LINDA CHAVEZ.

STATEMENT OF MILTON BINS, CHAIRMAN, COUNCIL OF 100

The Council of 100, a national network of African American Republicans founded in 1974, applauds the leadership and measured approach taken by Sen. Bob Dole today in introducing the "Equal Opportunity Act of 1995." This act provides a unifying and coherent framework in which to foster inclusion and equal opportunity for all Americans without discriminating against any American on the basis of race, color, national origin or sex.

The long-delayed national conversation about the role of the federal government in promoting equal opportunity will now take place where it should: in the Congress of the United States. It is time for the American people to speak through their elected representatives as we build a new national consensus in support of inclusion, fairness and equal protection of the law.

A fair reading of the act will allay concerns that the legislation represents the "opening salvo" of a Republican-led assault on affirmative action, and is part of a plan to roll back the gains African Americans in particular have made over the past 30 years. Rather, its purpose is to remove a major roadblock—group preferences—that divide and Balkanize Americans along racial, ethnic and gender lines as we struggle to build an opportunity society for all of us.

The act calls for vigorous enforcement of nondiscrimination laws. It leaves in place remedies to redress discrimination available under any law, including the Civil Rights Act of 1964. It does not prohibit voluntary efforts such as minority outreach and recruitment. In fact, casting a wider net to increase the pool of qualified applicants is expressly encouraged. The act also exempts historically black colleges and universities in recognition of their unique role in fostering educational opportunities for all Americans.

The myopic fixation on past wrongs that can never be righted and on remedies that have had limited impact on expanding employment and business opportunities keep African Americans looking backwards. While we "cannot escape history," we do not have to be trapped by our history. As Frederick Douglass said, "We have to do with the past only as we can make it useful to the present and to the future." We believe the future will belong to those who are prepared and who are willing to compete in a knowledge-based, global economy.

Today begins the hard work of formulating a new paradigm for equal opportunity for all Americans. The Council of 100 looks forward to working with Sen. Dole as he points us toward the future with the "Equal Opportunity Act of 1995."

CENTER FOR NEW BLACK LEADERSHIP,
Washington, DC, July 27, 1995.

EQUAL OPPORTUNITY ACT OF 1995

Senator Dole's introduction of the Equal Opportunity Act of 1995 is an important first step in restoring the nondiscrimination principle to American civil rights law.

Racially preferential public policy is not only unfair to members of nonpreferred groups but also to many of its ostensible beneficiaries. When our public policy suggests that members of certain races, taken as an undifferentiated whole, are incapable of competing without the helping hand of the state, our leaders send a dangerously stereotypical message to the larger society.

To be sure, state-sanctioned categorization of people based upon race and gender may once have been a practical tool for remedying manifest disadvantage resulting from systematic exclusion of groups from the American mainstream. Today, however, race and gender are simply insufficient proxies for disadvantage. To suggest otherwise is disingenuous and destructive.

We can restore the moral foundation of civil rights policy in two ways. First, by confronting and punishing acts of discrimination where they exist. The acknowledgment that discrimination remains a factor of life for too many Americans must stiffen our resolve to deal with the problem constructively. However, such an acknowledgment need not inevitably lead to categorical racial and gender preference.

Instead, our leaders must deal forthrightly with the very real economic and cultural problems confronting many of America's poorest communities today. The tragic circumstances of the truly disadvantaged should be acknowledged and accommodated when appropriate. However, the suggestion that race and disadvantage are inextricably linked is insidious in its effect.

American public policy must move beyond the era of stereotypical racial and gender categories, toward an era that demands that similarly situated individuals, regardless of race or gender, compete under the same standard. Senator Dole's bill quite rightly moves us in that direction by removing federal policy from the thicket of racial and gender double standards.

BRIAN W. JONES,
President.

INDEPENDENT WOMEN'S FORUM,
July 27, 1995.

Hon. ROBERT J. DOLE,
U.S. Senate,
Washington, DC.

DEAR SENATOR DOLE: The Independent Women's Forum commends you and Congressman Canady for your action today. The Equal Opportunity Act of 1995 will insure an historic debate about how to expand the economy and create opportunities for all Americans. Preferences, set-asides, and quotas do not create jobs or opportunities—they create bitterness, division, hostility and disrespect. The Independent Women's Forum has long realized that, although women have benefited by so-called affirmative action, at many times it was at the expense of minorities, our brothers, husbands, and other loved ones. The time has come to rethink whether the social implications of these programs have not done more damage than good. The Independent Women's Forum looks forward to engaging in this discussion.

Most respectfully,

BARBARA J. LEDEEN,
Executive Director for Policy.

ADDITIONAL COSPONSORS

S. 143

At the request of Mrs. KASSEBAUM, the name of the Senator from Nebraska [Mr. KERREY] was added as a cosponsor of S. 143, a bill to consolidate Federal employment training programs and create a new process and structure for funding the programs, and for other purposes.

S. 256

At the request of Mr. DOLE, the names of the Senator from Alabama [Mr. HEFLIN] and the Senator from North Dakota [Mr. DORGAN] were added as cosponsors of S. 256, a bill to amend title 10, United States Code, to establish procedures for determining the status of certain missing members of the Armed Forces and certain civilians, and for other purposes.

S. 284

At the request of Mr. DOLE, the names of the Senator from Michigan [Mr. ABRAHAM], the Senator from Missouri [Mr. BOND], and the Senator from Colorado [Mr. BROWN] were added as cosponsors of S. 284, a bill to restore the term of patents, and for other purposes.

S. 304

At the request of Mr. SANTORUM, the name of the Senator from Indiana [Mr. LUGAR] was added as a cosponsor of S. 304, a bill to amend the Internal Revenue Code of 1986 to repeal the transportation fuels tax applicable to commercial aviation.

S. 491

At the request of Mr. BREAUX, the name of the Senator from Nevada [Mr. REID] was added as a cosponsor of S. 491, a bill to amend title XVIII of the Social Security Act to provide coverage of outpatient self-management training services under part B of the Medicare Program for individuals with diabetes.

S. 530

At the request of Mr. GREGG, the name of the Senator from Colorado [Mr. BROWN] was added as a cosponsor of S. 530, a bill to amend the Fair Labor Standards Act of 1938 to permit State and local government workers to perform volunteer services for their employer without requiring the employer to pay overtime compensation, and for other purposes.

S. 581

At the request of Mr. FAIRCLOTH, the name of the Senator from Arizona [Mr. KYL] was added as a cosponsor of S. 581, a bill to amend the National Labor Relations Act and the Railway Labor Act to repeal those provisions of Federal law that require employees to pay union dues or fees as a condition of employment, and for other purposes.

S. 641

At the request of Mrs. KASSEBAUM, the name of the Senator from Florida [Mr. MACK] was added as a cosponsor of S. 641, a bill to reauthorize the Ryan White CARE Act of 1990, and for other purposes.

At the request of Mr. GRAHAM, his name was added as a cosponsor of S. 641, supra.

S. 885

At the request of Mr. MOYNIHAN, the names of the Senator from Washington [Mr. GORTON] and the Senator from Kansas [Mrs. KASSEBAUM] were added as cosponsors of S. 885, a bill to establish United States commemorative coin programs, and for other purposes.

S. 1061

At the request of Mr. LEVIN, the name of the Senator from New Mexico [Mr. BINGAMAN] was added as a cosponsor of S. 1061, a bill to provide for congressional gift reform.

SENATE JOINT RESOLUTION 31

At the request of Mr. HATCH, the name of the Senator from Georgia [Mr. NUNN] was added as a cosponsor of Senate Joint Resolution 31, a joint resolution proposing an amendment to the Constitution of the United States to grant Congress and the States the power to prohibit the physical desecration of the flag of the United States.

SENATE RESOLUTION 133

At the request of Mr. HELMS the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of Senate Resolution 133, a resolution expressing the sense of the Senate that the primary safeguard for the well-being and protection of children is the family, and that, because the United Nations Convention on the Rights of the Child could undermine the rights of the family, the President should not sign and transmit it to the Senate.

AMENDMENT NO. 1859

At the request of Mrs. KASSEBAUM the name of the Senator from Florida [Mr. MACK] was added as a cosponsor of amendment No. 1859 proposed to S. 641, a bill to reauthorize the Ryan White CARE Act of 1990, and for other purposes.

SENATE RESOLUTION 157—COMMENDING SENATOR ROBERT C. BYRD FOR CASTING 14,000 VOTES

Mr. DASCHLE (for himself, Mr. DOLE, Mr. ROCKEFELLER, Mr. FORD, Mr. THURMOND, Mr. LOTT, Mr. INOUYE, Mr. ABRAHAM, Mr. AKAKA, Mr. ASHCROFT, Mr. BAUCUS, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BRADLEY, Mr. BREAUX, Mr. BROWN, Mr. BRYAN, Mr. BUMPERS, Mr. BURNS, Mr. CAMPBELL, Mr. CHAFEE, Mr. COATS, Mr. COCHRAN, Mr. COHEN, Mr. CONRAD, Mr. COVERDELL, Mr. CRAIG, Mr. D'AMATO, Mr. DEWINE, Mr. DODD, Mr. DOMENICI, Mr. DORGAN, Mr. EXON, Mr. FAIRCLOTH, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. FRIST, Mr. GLENN, Mr. GORTON, Mr. GRAHAM, Mr. GRAMM, Mr. GRAMS, Mr. GRASSLEY, Mr. GREGG, Mr. HARKIN, Mr. HATCH, Mr. HATFIELD, Mr. HEFLIN, Mr. HELMS, Mr. HOLLINGS, Mrs. HUTCHISON, Mr. INHOFE, Mr. JEFFORDS, Mr. JOHNSTON, Mrs. KASSEBAUM, Mr. KEMPTHORNE, Mr. KENNEDY, Mr. KERREY, Mr. KERRY, Mr. KOHL, Mr. KYL, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mr. LUGAR, Mr. MACK, Mr. MCCAIN, Mr. MCCONNELL, Ms. MIKULSKI, Ms. MOSELEY-BRAUN, Mr. MOYNIHAN, Mr. MURKOWSKI, Mrs. MURRAY, Mr. NICKLES, Mr. NUNN, Mr. PACKWOOD, Mr. PELL, Mr. PRESSLER, Mr. PRYOR, Mr. REID, Mr. ROBB, Mr. ROTH, Mr. SANTORUM, Mr. SARBANES, Mr. SHELBY, Mr. SIMON, Mr. SIMPSON, Mr. SMITH, Ms. SNOWE, Mr. SPECTER, Mr. STEVENS, Mr. THOMAS, Mr. THOMPSON, Mr. WARNER, and Mr. WELLSTONE) submitted the following resolution; which was considered and agreed to:

S. RES. 157

Whereas, the Honorable Robert C. Byrd has served with distinction and commitment as a U.S. Senator from the State of West Virginia since January 3, 1959;

Whereas, he has dutifully and faithfully served the Senate six years as Senate Majority Leader (1977–80, 1987–88) and six years as the Senate Minority Leader (1981–1986);

Whereas, his dedicated service as a U.S. Senator has contributed to the effectiveness and betterment of this institution;

Whereas, he is one of only three U.S. Senators in American history who has been elected to seven 6-year terms in the Senate;

Whereas, he has held more Senate leadership positions than any other Senator in history: Now, therefore, be it

Resolved, That the U.S. Senate congratulates the Honorable Robert C. Byrd, the senior Senator from West Virginia, for becoming the first U.S. Senator in history to cast 14,000 votes.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to Senator Robert C. Byrd.

AMENDMENTS SUBMITTED

THE COMPREHENSIVE REGULATORY REFORM ACT OF 1995

CHAFEE AMENDMENTS NOS. 1861–1870

(Ordered to lie on the table.)

Mr. CHAFEE submitted 10 amendments intended to be proposed by him to amendment No. 1487 proposed by Mr. DOLE to the bill (S. 343) to reform the regulatory process, and for other purposes; as follows:

AMENDMENT NO. 1861

On page 8, strike paragraph (4) (lines 11 through 13) and insert the following:

"(4) an explanation of the factual conclusions upon which the rule is based; and".

AMENDMENT NO. 1862

On page 11, strike lines 2 through 10 and insert the following: "give an interested person the right to petition for the issuance, amendment, or repeal of a rule.".

AMENDMENT NO. 1863

On page 30, at the end of line 22, add the following: "The court shall, to the extent practicable, consolidate all petitions with respect to a particular action into one proceeding for that action.".

AMENDMENT NO. 1864

On page 34, strike subsection (i) with respect to termination of rules (lines 20 through 25) and insert the following:

"(i) COMPLETION OF REVIEW.—If an agency has not completed review of the rule by the deadline established under subsection (b), the agency shall immediately commence a rulemaking action pursuant to section 553 of this title to repeal the rule and shall complete such rulemaking within 2 years of the deadline established under subsection (b).".

AMENDMENT NO. 1865

Beginning on page 35, strike subsections (a), (b) and (c) of section 624 (page 35, line 10, through page 38, line 5) as modified by the

Dole Amendment No. 1496 and insert the following:

"(a) CONSTRUCTION WITH OTHER LAWS.—The requirements of this section shall supplement, and not supersede, any other decisional criteria otherwise provided by law. If, with respect to any rule to be promulgated by a Federal agency, the agency cannot comply as a matter of law both with a requirement of this section and any requirement of the statute authorizing the rule, such requirement of this section shall not apply to the rule.

"(b) REQUIREMENTS.—Except as provided in subsection (c), no final major rule subject to this subchapter shall be promulgated unless the agency head publishes in the Federal Register a finding that—

"(1) the benefits from the rule justify the costs of the rule;

"(2) the rule employs to the extent practicable flexible reasonable alternatives of the type described in section 622(c)(2)(C)(iii); and

"(3) the rule adopts the alternative with greater net benefits than the other reasonable alternatives that achieve the objectives of the statute.

"(c) ALTERNATIVE REQUIREMENTS.—If, applying the statutory requirements upon which the rule is based, a rule cannot satisfy the criteria of subsection (b), the agency head may (and if the agency head has a nondiscretionary duty to issue a rule, shall) promulgate the rule, if the agency head finds that—

"(1) the rule employs to the extent practicable flexible reasonable alternatives of the type described in section 622(c)(2)(C)(iii); and

"(2) the rule adopts the alternative with the least net cost of the reasonable alternatives that achieve the objectives of the statute.".

AMENDMENT NO. 1866

On page 39, lines 12 and 13, strike "may be considered by the court solely for the purpose of" and insert in lieu thereof the following: "may not be considered by the court except for the purpose of".

AMENDMENT NO. 1867

On page 39, strike subsection (e) with respect to interlocutory review (page 39, line 18, through page 40, line 7) as modified by the Nunn Amendment No. 1491.

AMENDMENT NO. 1868

Strike section 636 with respect to deadlines for rulemaking (page 40, line 8 through page 41, line 12) and insert the following:

"§ 626. Deadlines for Rulemaking

"(a) STATUTORY.—All deadlines in statutes that require agencies to propose or promulgate any rule subject to section 622 or subchapter III during the 2-year period beginning on the effective date of this section shall be suspended until the earlier of—

"(1) the date on which the requirements of section 622 or subchapter III are satisfied; or

"(2) the date occurring 6 months after the date of the applicable deadline.

"(b) COURT-ORDERED.—All deadlines imposed by any court of the United States that would require an agency to propose or promulgate a rule subject to section 622 or subchapter III during the 2-year period beginning on the effective date of this section shall be suspended until the earlier of—

"(1) the date on which the requirements of section 622 or subchapter III are satisfied; or

"(2) the date occurring 6 months after the date of the applicable deadline.

"(c) OBLIGATION TO REGULATE.—In any case in which the failure to promulgate a rule by a deadline occurring during the 2-year period beginning on the effective date of this section would create an obligation to regulate through individual adjudications, the deadline shall be suspended until the earlier of—

"(1) the date on which the requirements of section 622 or subchapter III are satisfied; or

"(2) the date occurring 6 months after the date of the applicable deadline.".

AMENDMENT NO. 1869

On page 68, line 3, insert after "subchapter" the following: "and the requirements of section 624".

AMENDMENT NO. 1870

Beginning on page 74, strike subparagraphs (E), (F), and (G) (page 74, line 22, through page 75, line 8) and insert the following:

"(E) unsupported by substantial evidence in a proceeding subject to section 556 and 557 or otherwise reviewed on the record of an agency hearing provided by statute; or

"(F) unwarranted by the facts to the extent that the facts are subject to trial de novo by the reviewing court.".

THE HANFORD LAND MANAGEMENT ACT

GORTON (AND OTHERS) AMENDMENT NO. 1871

(Ordered referred to the Committee on Energy and Natural Resources.)

Mr. GORTON (for himself, Mrs. MURRAY, Mr. HATFIELD, and Mr. PACKWOOD) submitted an amendment intended to be proposed by them to the bill (S. 871) to provide for the management and disposition of the Hanford Reservation, to provide for environmental management activities at the reservation, and for other purposes; as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Enhanced Environmental Cleanup and Management Demonstration Act of 1995".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress hereby finds that—

(1) Defense Nuclear Facilities were used to produce nuclear weapons materials to defend the United States in World War II and thereafter. These facilities played a critical role in securing the defense and overall welfare of the country.

(2) Defense Nuclear Facilities are now among the most contaminated sites in the country. Many are listed on the National Priorities List compiled pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980. Contamination and inadequate waste management practices at Defense Nuclear Facilities pose threats to workers, surrounding communities, and the environment.

(3) Although the Department has begun to address the contamination and manage its waste, it has achieved too little progress for the significant amount of money spent.

(4) Problems with environmental restoration and waste management at Defense Nuclear Facilities are attributable to a number of factors. Among these is inefficient management by the Department at headquarters and at the Defense Nuclear Facilities, including outmoded contracting procedures, lack of competition, cumbersome bureaucratic processes, and the lack of a clear chain of command. All of these things have contributed to confusion and inefficiency at many Defense Nuclear Facilities.

(5) Internal orders issued by the Department of Energy often hinder compliance with environmental laws and add unnecessary cost to environmental restoration.

(6) Regulatory requirements applicable to Defense Nuclear Facilities can be complex and, at times, redundant. Frequently, the Department is accountable to several regulatory agencies.

(7) Cleanup decisions are often made without consideration of the future land uses.

(b) PURPOSES.—The purposes of this Act are to require significant regulatory reform measures, and to require that Defense Nuclear Facilities be managed more efficiently.

SEC. 3. DEFINITIONS.

For purposes of this Act:

(1) The term "adjoining State" means any State other than a host State, the border of which is located within 50 miles of a Defense Nuclear Facility.

(2) The term "Defense Nuclear Facility" means a former or current Defense nuclear production facility now owned and managed by the Department of Energy.

(3) The term "Department" means the Department of Energy.

(4) The term "environmental agreement" means an agreement, including an interagency agreement, between the department of Energy and/or the Environmental Protection Agency that sets forth requirements and schedules for achieving compliance with Federal or State environmental laws.

(5) The term "Hanford Reservation" means the Defense Nuclear Facility located in southeastern Washington owned and managed by the Department of Energy.

(6) The term "host State" means a State with a Defense Nuclear Facility located within its boundaries that is subject to this Act.

(7) The term "interagency agreement" means an agreement entered into pursuant to the provisions of section 120(e) of the Comprehensive Environmental, Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(e)).

(8) The term "Land Use Council" means, with respect to a Defense Nuclear Facility, a congressionally chartered council with the authority to develop a future land use plan at such facility.

(9) The term "Secretary" means the Secretary of Energy.

(10) The term "Site Manager" means a presidentially appointed Department of Energy official delegated with full authority from the Secretary to oversee and direct all operations at a Defense Nuclear Facility.

(11) The terms "TPA" and "Tri-Party Agreement" mean the Hanford Federal Facility Agreement And Consent Order as amended among Washington State, the Department, and the Environmental Protection Agency.

SEC. 4. APPLICABILITY.

(a) HANFORD RESERVATION.—The Department's Hanford Reservation in southeastern Washington shall be subject to this Act.

(b) OTHER DEFENSE NUCLEAR FACILITIES.—A Governor of a State hosting a Defense Nuclear Facility the fiscal year 1995 environmental management budget of which was $500,000,000 or more may submit a request to the President that the facility be covered by the terms of this Act. Within 60 days after receipt of such a request, the President shall, unless the President determines that such application is not in the national interest, appoint a Site Manager for the facility pursuant to section 5. Thereafter, such Defense Nuclear Facility shall be subject to this Act.

SEC. 5. SITE MANAGER.

(a) POLICY.—The President shall appoint, within 60 days after enactment of this Act, a Site Manager for the Hanford Reservation. For other Defense Nuclear Facilities, the President shall appoint a site manager, within 60 days of receipt of a request from the Governor of a host State submitted pursuant to section 4(b). The Site Manager shall be appointed from a list of 3 candidates for such position to be provided by the Secretary.

(b) SCOPE.—In addition to other authorities provided for in this Act, the Site Manager for a Defense Nuclear Facility shall have full authority to oversee and direct all operations at the facility including the authority to—

(1) enter into and modify contractual agreements to enhance environmental cleanup and management at the Defense Nuclear Facility;

(2) manage congressionally appropriated environmental management funds allocated to the Defense Nuclear Facility, with the ability to transfer funds among accounts in order to facilitate the most efficient and timely cleanup of the Facility;

(3) negotiate amendments to the Tri-Party Agreement or other environmental agreements for the Department;

(4) manage Department personnel at the Facility; and

(5) carry out recommendations of the Department of Energy Office of Environmental Health and Safety where the Site Manager determines that those recommendations are consistent with the goals set forth in this Act, except that if the Site Manager elects not to carry out such recommendations, the Site Manager shall provide to the Governor of the host State and the Secretary a statement of the reasons therefor.

Decisions by the Site Manager to disregard recommendations made by the Department of Energy's Office of Environmental Health and Safety shall take effect unless the President determines within 21 days of implementation of the issuance of the decision that the particular decision is not in the national interest and where the State concurs with the President's opinion. In such cases, the President and the host State shall certify within such 21-day period that the recommendation does not add prohibitively to costs at the site and that the alternative meets important environmental or human health or safety concerns.

(c) ADDITIONAL DUTIES.—The Site Manager for any Defense Nuclear Facility subject to this Act shall prepare the following for each remedy selected under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 at such facility if the cost of the remedy exceeds $25,000,000:

(1) An analysis of the incremental costs and incremental risk reduction or other benefits associated with the selected remedy

(2) An assessment of the costs and risk reduction or other benefits, including protection of human health or the environment, or the fostering of economic development, associated with implementation of the selected remedy.

(3) A certification of each of the following:

(A) That the assessment under paragraph (2) is based on an objective and unbiased scientific and economic evaluation.

(B) That the remedy will substantially advance the purpose of protecting human health or the environment against the risk addressed by the remedy.

(C) That there is no alternative remedy that is allowed by the statute that would achieve an equivalent reduction in risk in a more cost-effective manner.

The assessments and certifications required under this paragraph may be set forth in several documents or a single document, as determined by the Site Manager. Completion of such assessments and certifications shall not delay selection or implementation of a remedy and shall be completed prior to or concurrent with the selection of a remedy.

(d) CLEANUP STANDARDS.—The Site Manager shall select remedial actions for a Defense Nuclear Facility in accordance with the provisions of section 121(d) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9621(d)), except that the remedial actions need not attain any relevant and appropriate standard, requirement, criteria, or limitation.

(e) METRIC SYSTEM.—The Site Manager for any Defense Nuclear Facility subject to this Act may exempt the facility from the requirements of the Metric System Conversion Act of 1975 (15 U.S.C. 205a and following).

SEC. 6. DEPARTMENT ORDERS.

(a) EXISTING ORDERS.—The internal orders of the Department of Energy, whether or not they have been adopted as regulations, shall not apply at a Defense Nuclear Facility subject to this Act 60 days after the confirmation of the Site Manager except for those orders that the Site Manager deems essential for the protection of human health or the environment, or to the conduct of critical administrative functions.

(b) NEW ORDERS.—The Site Manager of a Defense Nuclear Facility subject to this Act may adopt a new order only after finding that the order is essential to the protection of human health or the environment, or to the conduct of critical administrative functions, and, to the extent possible, will not unduly interfere with efforts to bring the Defense Nuclear Facility into compliance with environmental laws, including the terms of any environmental agreement.

SEC. 7. STATE EXERCISE OF REGULATORY AUTHORITY.

(a) STATE EXERCISE OF AUTHORITIES UNDER CERCLA.—(1) Notwithstanding any other provision of law, a host State may exercise the authorities vested in the Administrator of the Environmental Protection Agency under the Comprehensive Environmental Response, Compensation, anu Liability Act of 1980 (42 U.S.C. 9601 et seq.) at any Defense Nuclear Facility subject to this Act if the host State complies with the provisions of this section.

(2) A host State that elects to exercise the authorities vested in the Administrator of the Environmental Protection Agency under the Environmental Protection Agency under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 shall notify the Administrator in writing. Within 60 days of the Administrator's receipt of the State's notification, the Administrator shall provide for the orderly transfer of her authorities at the Defense Nuclear Facility to the host State. The host State and the Department shall amend any existing interagency agreement to reflect the transfer of authorities at the Defense Nuclear Facility.

(3) A host State that elects to exercise the authorities vested in the Administrator of the Environmental Protection Agency under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 shall retain its authority under section 310 of that Act (42 U.S.C. 9659) to enforce compliance with any requirement of an interagency agreement with the Department, including the authority to compel implementation of a remedy selected by the State and shall have the authority granted under section 109 of that Act (42 U.S.C. 9609(a)(1)).

(4)(A) At a Defense Nuclear Facility where the Administrator's authorities under section 120(e)(4) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(e)(4)) have been transferred to the host State pursuant to this section, and the host State does not concur in a remedy proposed by the Site Manager, the parties shall enter into dispute resolution as provided in their interagency agreement.

(B) The final level of such disputes shall be to the Site Manager and the Governor of the host State, and if the Site Manager and the Governor do not reach agreement, the host State shall select the final remedy: *Provided, however*, That before reaching the final level of dispute, the remedy selection dispute shall be reviewed by a mediator selected by the host State and the Site Manager. The mediator shall be experienced in contaminated site remediation, and radionuclide exposure issues. The mediator may consult with representatives of the National Academy of Sciences, and other qualified experts as the mediator deems necessary. If the mediation does not result in the parties reaching agreement, the mediator shall recommend the remedy he deems appropriate. The mediation process shall be completed as quickly as possible, and in no event shall take more than 90 days to complete. If the Governor disagrees with the mediator's recommendation, the host State shall issue the final determination on the dispute, with a written rationale for such determination.

(C) In selecting a remedy, the Site Manager, the mediator, and the host State shall consider the remedy selection criteria in section 121 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9621), and in the National Contingency Plan, the provisions of this Act, and the assessment and the certification prepared by the Site Manager under section 5(c) of this Act.

(5) Remedial actions selected for Defense Nuclear Facilities or portions thereof shall be consistent with the Future Land Use plan developed by the Land Use Council. Remedial actions, including cleanup standards, shall be selected using reasonable maximum exposure scenarios that are consistent with the future land uses set forth in the Future Land Use plan. Appropriate institutional controls shall be implemented whenever the concentration of hazardous substances remaining after completion of the remedial action would pose a threat or potential threat to human health under a residential use exposure scenario.

(b) REDUNDANCIES.—The host State shall integrate, to the maximum extent possible, the requirements of applicable laws over which it has jurisdiction, to eliminate redundancies that do not contribute to the environmental management program.

(c) ADJOINING STATES.—(1) The Site Manager shall provide to any adjoining State those opportunities for review and comment regarding any response action at a Defense Nuclear Facility that are provided pursuant to section 121(f)(1)(D),(E),(G), and (H) by the Environmental Protection Agency under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9621(f)(1)(D),(E),(G), and (H)).

(2) A host State shall enter into negotiations with, and is authorized to enter into a Memorandum of Understanding with, an adjoining State addressing issues of mutual concern regarding a Defense Nuclear Facility. Nothing in this paragraph shall delay implementation of this section.

(3) If a host State brings an action to compel implementation of a remedial action pursuant to this section, an adjoining State may intervene as a matter of right in such action.

(d) PENALTIES.—All funds collected by the host State from the Federal Government as penalties or fines imposed for the violation of any environmental law at a Defense Nuclear Facility shall be used by the host State only for projects to protect the environment at or near the facility from threats resulting from the facility or to remedy contamination associated with the facility.

SEC. 8. COMPLIANCE WITH NATIONAL ENVIRONMENTAL POLICY ACT.

The Site Manager shall integrate, to the maximum extent possible, the requirements of the National Environmental Policy Act (42 U.S.C. 4321) with other applicable State and Federal regulatory requirements. Where an analysis of environmental impacts and public comment process has been completed under other applicable law, including the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 and following) or State environmental laws, for any decision, project, or action conducted at a Defense Nuclear Facility, and the Site Manager determines that the analysis and process are substantially equivalent to that required by the National Environmental Policy Act, the Site Manager need not conduct another environmental analysis or public comment process under the National Environmental Policy Act.

SEC. 9. LAND USE COUNCIL.

(a) COUNCIL ESTABLISHED.—There is hereby established a Land Use Council for each Defense Nuclear Facility for which a Site Manager has been appointed under this Act. Each Land Use Council shall develop a future land use plan for all lands within the Defense Nuclear Facility boundaries that are managed under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 and are listed on the National Priorities List. The Council shall not specify future land use for lands outside National Priority List site boundaries. At the Hanford Reservation, the Council shall not specify future land use for the Fitzner-Eberhardt Arid Lands Ecology Reserve or the Wahluke Slope. The plan shall be given full consideration in developing and selecting remedial actions for the Defense Nuclear Facility.

(b) MEMBERSHIP.—Each Land Use Council shall make decisions by majority vote. The members of the Council for a Defense Nuclear Facility shall include the Site Manager for the Defense Nuclear Facility who shall be a voting member and the following additional members appointed by such Site Manager:

(1) One voting member nominated by the Governor of the host State.

(2) One voting member nominated by the elected officials of counties and cities contiguous to or within 15 miles of a Defense Nuclear Facility.

(3) One nonvoting member consisting of the chair of the site advisory board, established by the Department at the Defense Nuclear Facility or such members designee.

(4) One nonvoting member appointed by the national laboratory in closest proximity to the Defense Nuclear Facility.

(c) PLAN ADOPTION.—The Land Use Council shall adopt, within 24 months after confirmation of the Site Manager, a Future Land Use plan for the Defense Nuclear Facility. To support remedial action decisions, the Council shall use a phased approach in developing a future land use plan. Prior to completion of the full plan, but no later than 9 months after the Site Manger's confirmation, the Council shall adopt land use plans for portions of the Facility to support scheduled remedial action decisions as requested by the Site Manager.

(d) CONTENT OF THE PLAN.—The Future Land Use Plan for a Defense Nuclear Facility shall include—

(1) lands that should be retained by the Department for its use or for the maintenance of institutional controls needed to protect the public or environment from hazardous substances or radioactive materials;

(2) lands designated for industrial use;

(3) lands designated for commercial use;

(4) lands designated for residential use;

(5) lands designated for agricultural use;

(6) lands designated for recreational use; and

(7) lands designated for open space.

(e) PLAN CRITERIA.—In developing the Future Land Use Plan, the Land Use Council shall consider information it deems appropriate, including—

(1) the degree to which lands within the Defense Nuclear Facility could be reasonably remediated given technological considerations;

(2) the cost of remediation;

(3) the risks to human health and the environment;

(4) the land use history of the facility and surrounding lands, current land uses of the facility and surrounding lands, recent development patterns in the proximity of the facility, and population projection for the area;

(5) land use plans prepared for adjacent lands and for the facility, including for the Hanford reservation, the report of the Future Site Working Group;

(6) Federal or State land use designations, including Federal facilities and national parks, State groundwater or surface water recharge areas, recreational areas, wildlife refuges, ecological areas, and historic or cultural areas;

(7) the proximity of contamination to residences, sensitive populations or ecosystems, natural resources, or areas of unique historic or cultural significance;

(8) the potential for economic development; and

(9) recreation, open space, cultural, and other noneconomic values.

(f) CONSULTATION.—In preparing the land use plan, the Council shall consult with—

(1) adjoining States,

(2) affected Indian Tribes,

(3) affected local governments,

(4) appropriate State and Federal agencies, and

(5) the public.

All Council meetings shall be open to the public and shall be scheduled and conducted to promote public participation. Adjoining States, affected Indian Tribes, affected local governments, appropriate State and Federal agencies, and the public shall be given an opportunity to comment on the land use plans prior to their adoption. The Council shall advise commentors of the disposition of their comments.

SEC. 10. TECHNOLOGY DEMONSTRATIONS.

(a) IN GENERAL.—The Site Manager shall promote the demonstration, certification, verification, and implementation of new environmental technologies at Defense Nuclear Facilities.

(b) CRITERIA.—The Site Manager shall establish a program at the Defense Nuclear Facility for testing environmental, waste characterization and remediation technology at the site. In establishing such a program, the Site Manager is authorized to—

(1) establish a simplified, standardized and timely process for the testing and verification of new technologies;

(2) solicit and accept applications to test environmental technology suitable for waste management and environmental restoration activities at Defense Nuclear Facilities, including prevention, control, characterization, treatment, and remediation of contamination; and

(3) enter into cooperative agreements with other public and private entities to test environmental technologies at the Defense Nuclear Facility.

(c) SAFE HARBORS.—At the request of the Site Manager, the Secretary shall seek to provide regulatory or contractual "safe harbors" to limit liability of companies using technology approved for use at a Defense Nuclear Facility for use at other Department of Energy facilities.

(d) NUCLEAR MATERIAL.—When source, special nuclear, or by-product materials are involved, agreements with private entities under section 9, subsection (b), shall—

(1) provide indemnification pursuant to section 170d. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(d));

(2) indemnify, protect, and hold harmless the contractor from and against all liability, including liability for legal costs, for any preexisting conditions at any part of the Defense Nuclear Facility managed under the agreement;

(3) indemnify, protect, and hold harmless the contractor from and against all liability to third parties (including liability for legal costs and for claims for personal injury, illness, property damage, and consequential damages) arising out of the contractor's performance under the contract, unless such liability was caused by conduct of the contractor which was grossly negligent or which constituted intentional misconduct; and

(4) provide for indemnification of subcontractors as described in subparagraphs (1), (2), and (3).

SEC. 11. CONTRACT REFORM AND FEDERAL GOVERNMENT OVERSIGHT.

(a) CONTRACTING STRATEGIES.—The Site Manager, in entering into and managing all contracts at Defense Nuclear Facilities (including contracts for design, construction, operation and maintenance of treatment, storage and disposal facilities), may ensure effective, efficient and consistent implementation of the Federal Acquisition Regulation (hereinafter in this section referred to as "FAR") and the Federal Acquisition Streamlining Act (hereinafter in this section referred to as "FASA") requirements and shall—

(1) encourage market-based management and practices;

(2) maximize competition in new procurements;

(3) maintain an effective capability to recompete existing contracts;

(4) maximize efficient and effective use of multiyear contracting practices that enhance commercialization and privatization;

(5) maximize use of incentives and performance guarantees;

(6) assure coordination and integration of all contractor-developed designs, plans, and schedules;

(7) maximize application of best commercial standards and specifications in all contracts;

(8) consult to maximum extent possible, the host State regarding contracting strategies and oversight, including project plans, facility designs, and schedules and cost estimates; and

(9) maximize use of fixed-price contracts in lieu of cost-plus reimbursement contracts.

(b) Multiyear Contracting.—The Site Manager is authorized to enter into and implement multiyear contracts, in accordance with FAR and FASA requirements and the provisions of this Act for the design, construction, operation and maintenance of treatment, storage and disposal facilities by private entities. The Site Manager shall do so when the Site Manager determines that such a contract will maximize public resources and result in efficient and timely environmental improvements. In entering into such a contract, the Site Manager shall not jeopardize the funding of environmental agreement obligations. The Site Manager may use Department of Defense FAR multiyear funding and termination liability procedures in lieu of civilian agency FAR procedures if the Site Manager demonstrates this to be beneficial to the United States.

(c) Assistance in Improving Contracting Strategies and Government Oversight.—The Site Manager shall obtain the expertise necessary to implement performance oriented incentive based contracting and procurement practices. To accomplish this, the Site Manager may obtain the involvement of qualified representatives from other Federal agencies in—

(1) developing improved contracting strategies, and participating in selection of contract sources; and

(2) the oversight and administration of contracts.

The Secretaries of involved agencies shall ensure selection of qualified and knowledgeable representatives to assist and advise the Site Manager. The Site Manager may also, to the extent allowed by the FAR separately consult with the private sector.

SEC. 12. ENVIRONMENTAL AGREEMENTS NOT AFFECTED.

Nothing in this Act shall impair the force or effect of any environmental agreement, except to authorize re-negotiation to incorporate the changes required to comply with provisions of this Act.

SEC. 13. REPORT TO CONGRESS.

Two years after the effective date of this Act, and every two years thereafter, the Site Manager for each Defense Nuclear Facility subject to this Act shall submit to Congress a report evaluating progress or cleanup made under the provisions of this Act. The report shall identify efficiencies achieved and moneys saved through implementation of this Act and shall identify additional measures that would increase the pace and lower the cost of environmental management activities at the facility. The Site Manager shall also report specific actions undertaken to implement business and contracting strategies that maximize the use of fixed price and incentive based contracting in lieu of cost reimbursement contract arrangements. The Site Manager shall also specify in his report the utility of commercial standards, specifications and practices, as well as improvements in the effectiveness and efficiency of Federal contract oversight and administration activities within his purview.

SEC. 14. NATIONAL HISTORIC PRESERVATION ACT.

Federal structures at a Defense Nuclear Facility smaller than 100,000 square feet shall be exempt from the National Historic Preservation Act (16 U.S.C. 470 and following) unless the Site Manager deems these structures appropriate for National Historic Preservation Act protection, and deems that such action will not delay cleanup activities or increase cleanup costs at the facility. National Historic Preservation Act review for structures larger than 100,000 square feet shall be limited to no more than 30 days.

SEC. 15. ENVIRONMENTAL HEALTH AND SAFETY.

The Department of Energy Office of Environmental Health and Safety shall enforce safety and health activities at Defense Nuclear Facilities.

SEC. 16. PRIVATIZATION OF WASTE CLEANUP AND MODERNIZATION ACTIVITIES OF DEFENSE NUCLEAR FACILITIES.

(a) Contract Authority.—Notwithstanding any other law, the Site Manager may enter into 1 or more long-term contracts, with a private entity located within 75 miles of a Defense Nuclear Facility, for the procurement of products or services that are determined by the Site Manager to be necessary to support environmental management activities at such facilities, including the design, construction, and operation of treatment, storage, and disposal facilities.

(b) Contract Provisions.—A contract under subsection (a)—

(1) shall be for a term of not more than 30 years;

(2) may include options for 2 extensions of not more than 5 years each;

(3) when source, special nuclear, by-product, hazardous materials are involved, shall include an agreement to—

(A) provide indemnification pursuant to section 170d. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(d));

(B) indemnify, protect, and hold harmless the contractor from and against all liability (including liability to 3rd parties for legal costs and for claims for personal injury, illness, property damage, and consequential damages) relating to pre-existing conditions at any part of the Defense Nuclear Facility arising out of the contractor's performance under the contract unless such liability was caused by conduct of the contractor which was negligent or grossly negligent or which constituted intentional misconduct; and

(C) provide for indemnification of subcontractors as described in subparagraphs (A) and (B);

(4) shall permit the contractor to obtain a patent for and use for commercial purposes a technology developed by the contractor in the performance of the contract;

(5) shall provide for fixed or performance based compensation; and

(6) shall include such other terms and conditions as the Site Manager considers appropriate to protect the interests of the United States.

(c) Preference for Local Residents.—In entering into contracts under subsection (a), the Site Manager shall give preference, consistent with Federal, State, and local law, to entities that plan to hire, to the maximum extent practicable, residents in the vicinity of the Defense Nuclear Facility who are employed or who have previously been employed by the Department of Energy or a private contractor at the facility.

(d) Payment of Balance of Unamortized Costs.—

(1) Definition.—For purposes of this subsection, the term "special facility" means land, a depreciable building, structure, or utility, or depreciable machinery, equipment, or material that is not supplied to a contractor by the Department.

(2) Contract term.—A contract under subsection (a) may provide that if the contract is terminated for the convenience of the Government, the Secretary shall pay the unamortized balance of the cost of any special facility acquired or constructed by the contractor for performance of the contract.

(3) Source of funds.—The Secretary may make a payment under a contract term described in paragraph (2) and pay any other costs assumed by the Secretary as a result of the termination out of any appropriations that are available to the Department of Energy for operating expenses, not including funds allocated to environmental management activities at the site, for the fiscal year in which the termination occurs or for any subsequent fiscal year.

(e) Limitation.—Funds appropriated pursuant to this or any other Act enacted after the date of enactment of this Act may be obligated for a contract under this section only—

(1) to the extent or in such amounts as are provided in advance in an appropriation Act, and

(2) if such contract contains each of the following provisions:

(A) A statement that the obligation of the United States to make payments under the contract in any fiscal year is subject to appropriations being provided specifically for that contract.

(B) A commitment to obligate the necessary amount for each fiscal year covered by the contract when and to the extent that funds are appropriated for such contract for such fiscal year.

(C) A statement that such a commitment given under the authority of this section does not constitute an obligation of the United States.

(f) Lease of Federally Owned Land.—

(1) In general.—Notwithstanding any other provision of law, the Site Manager may lease federally owned land at a Defense Nuclear Facility to a contractor in order to provide for or to facilitate the construction of a facility in connection with a contract under subsection (a).

(2) Term.—The term of a lease under this paragraph may be either the expected useful life of the facility to be constructed, or the term of the contract.

(3) Terms and conditions.—A lease under paragraph (1) shall—

(A) require the contractor to pay rent in amounts that the Site Manager considers to be appropriate; and

(B) include such other terms and conditions as the Site Manager considers to be appropriate.

(g) Commercial Standards.—The Site Manager shall, whenever practicable, apply commercial standards to contractors used in the performance of a contract under subsection (a).

SEC. 17. PREFERENCE AND ECONOMIC DIVERSIFICATION FOR COMMUNITIES AND LOCAL RESIDENTS.

(a) Preference.—In entering into a contract or subcontract with a private entity for products to be acquired or services to be performed at a Defense Nuclear Facility, the Site Manager and contractors under the Site Manager's supervision shall, to the maximum extent practicable, give preference to an entity that is otherwise qualified and within the competitive range (as determined under section 15.609 of title 48, Code of Federal Regulations, or a successor regulation, as in effect on the date of the determination) that plans will—

(1) provide products and services originating from communities within 75 miles of the facility;

(2) avert, to the maximum extent practicable, the dismissal of employees employed by the Department or a private contractor at the facility, and protect, to the maximum extent possible, the continuity of service and benefits of such employees;

(3) hire residents living in the vicinity of the facility, especially residents who have previously been employed by the Department or its contractors at the facility, to perform the contract; and

(4) invest in value-added activities in the vicinity of the facility to mitigate adverse economic development impacts resulting from closure or restructuring of the facility.

(b) APPLICABILITY.—Preference shall be given under subsection (b) only with respect to a contract for an environmental management activity that is entered into after the date of enactment of this Act.

SEC. 18. JURISDICTION.

The United States District Court for the district in which a Defense Nuclear Facility is located shall have exclusive jurisdiction over any claims arising under this Act with respect to such facility.

SEC. 19. STABLE FUNDING.

It is the sense of the Senate that stable levels of funding are essential to carry out this Act. The Site Manager and the President are encouraged to seek funding levels not lower than that allocated during fiscal year 1996

SEC. 20. EXPIRATION.

The provisions of this Act shall expire 10 years after its enactment, but Congress may review and revoke any provisions of this Act after 5 years if Congress determines that enactment of this Act has not accelerated cleanup or reduced costs at the Defense Nuclear Facility.

Mr. GORTON. Mr. President, the Department of Energy's defense nuclear complex—and Hanford in particular—has been maligned and criticized long enough. Today, in a truly bipartisan spirit, my colleagues and I are offering substantive, workable, and dramatic solutions to the Nation's Environmental and Waste Management Program. Congressman HASTINGS and I have worked with Senator MURRAY, the State of Washington, and with the support of our delegation, to forge a creative new course for the Department of Energy and its massive cleanup operations. The old paradigm of bureaucratic cleanup is being tossed. Accountability and responsibility are the new standards to be employed at Hanford and other DOE sites. As most of us know, Hanford is no small problem—in complexity or cost. This amendment's foundations lie in four areas: Leadership, future land use, regulatory reform, and privatization. Those ideas have been cooperatively crafted into the legislation being introduced today. Let me emphasize some of Hanford's shortcomings, and how we have set out to correct them.

LEADERSHIP

DOE is plagued with a gaping absence of firm, decisive leadership. Likewise, Hanford and its communities suffer from an overabundance of committees, review processes, open-ended debates and rule by consensus, rather than decision. This process simply has not worked. Paper-shuffling bureaucrats in Washington, DC try to manage, direct, and understand paper shuffling bureaucrats in Richland. Part of this is simply fear: Third party lawsuits, disproportional stakeholder influence, and uncertainty over DOE's future has driven management into circular uncertainty. If Richland can't do it, DC will—if DC is not to blame, then the field staff is at fault. Accountability seems to be lost and cleanup ultimately is left in a vapid holding pattern.

This amendment changes the nature of leadership at Hanford and puts complete authority for cleanup decisions—and all other site operations—under the site manager's purview. To emphasize the importance of the task, and the quality of the person in charge, the President shall appoint the site manager for Hanford, with the advice and consent of the Senate. With this step, DOE headquarters is tacitly removed from the decisionmaking process. Accountability and responsibly are focused locally. There will be no room for excuses if the job is not being done promptly and properly.

LAND USE

Any attempt to deal with Hanford's cleanup problems must tackle the enigmatic, yet important, issue of how clean is clean. To determine how clean certain portions of land will be, you must decide thresholds of cleanliness, and ultimately determine what those lands will be used for once the job is finished. This amendment invests proportional authority for these decisions into local voices, as these are the people most affected by cleanup and future land use issues. Today the Federal Government has complete authority for the use, and final disposition, of 562 square miles in Washington State. We wanted to give local imput some teeth—more than merely an advisory role. To do that, we established a process that enables State and local representatives to be on equal footing with the Federal Government in land use decisions. In that vein, this amendment establishes a land use council to make difficult, yet essential, decisions on how clean portions of the site will be. Our amendment does not address final disposition of land, and specifically exempts the Hanford ALE and REACH from the land council's purview. This is a bold attempt to tackle what is perhaps the most contentious, and difficult, issue to address at Hanford and our other defense nuclear facilities.

REGULATORY REFORM

Like the proverbial kitchen with too many cooks, DOE's defense nuclear facilities suffer from an overabundance of regulators—each with an agenda and each with the potential to make a job significantly more cumbersome than it needs to be. Contrary to rumors and unfounded, naive speculation, we are not gutting environmental or safety laws at Hanford. Indeed, we are streamlining the process. Under this amendment, Washington State becomes the sole regulator at Hanford—a job it is prepared, and capable, to do. We have worked closely with the Governor and attorney generals' offices to ensure the conditions under which Washington will accept these new responsibilities. Currently, three regulators govern site cleanup at Hanford: EPA, DOE, and Washington State. EPA, for example, has only eight employees at Hanford. A surprising statistic, yet its influence is disproportional to the role it plays. The added presence of another regulator, however, forces DOE to follow many of the same regulations and processes Washington State already requires. One regulator simplifies the oversight role, and arguably increases safety, saves money, and assures compliance.

PRIVATIZATION

As I have said many times in the past, engaging private sector knowhow will make for better, cheaper, quicker cleanup. He have included the major portions of the privatization bill I sponsored with Congressman HASTINGS. Privatization is not the only solution for Hanford's problems, as the rest of this amendment demonstrates. it is, however, a significant portion of how we are going to expedite fast cleanup for lower cost. There have been numerous statements of general support for privatization—this amendment codifies those abstract thoughts into concrete legislation. Provided it thinks clearly before it acts, DOE will truly benefit from the enhanced privatization tools it receives under the provisions of this Act.

Mrs. MURRAY. Madam President, today I am pleased to submit a substitute amendment with my colleagues, Senators GORTON, HATFIELD, and PACKWOOD, that I believe will dramatically improve the way business is done at the Hanford Reservation in Washington State.

Hanford is the biggest, most toxic defense nuclear facility in the United States. Its recent annual budgets have cost American taxpayers almost $2 billion per year. Hanford is home to 80 percent of this Nation's spent plutonium. Its radioactive and other toxic materials are being stored in dangerous conditions and/or are already seeping into the ground water, toward the Columbia River. In other words, Hanford is a costly mess.

Earlier this year, Senators JOHNSTON and MURKOWSKI introduced their vision of how to improve cleanup at Hanford. In S. 871, which this amends, they suggest abandoning the environmental agreement between the Federal Government and the State of Washington and allowing the Department of Energy to establish its own cleanup agenda and environmental standards. We cannot support that approach because we believe the people of the region must have a say in the way cleanup is conducted. The people of the Tri-Cities proudly built Hanford; they deserve a role in restoring Hanford.

So, we take a different approach and offer a comprehensive bill addressing many issue impacting the cost and speed of cleanup at Hanford. The most fundamental and sweeping concept of the bill is its emphasis on increasing the role of the State in regulating cleanup. We create a single regulator primarily applying a single law: The State assumes jurisdiction of CERCLA, or Superfund. The amendment also reaffirms the Tri-Party Agreement, ensuring the people of the Tri-Cities and Washington State continue to have a voice in Hanford cleanup and restoration.

Anther important aspect of this amendment is its emphasis on the adjacent community and its stability. The people of the Tri-Cities have worked hard to help America win the cold war. They have sacrificed their environment and given of their working lives. This amendment encourages new companies to provide a continuity of benefits and preferential hiring to former site employees. It urges private contracts to be let to companies based in the area. It also encourages greater privatization and commercialization of new technologies in order to attract new businesses to the area—and then keep those companies there after cleanup is completed.

The amendment contains several other concepts I would like to emphasize. It streamline decisionmaking by giving a presidentially-appointed site manager significantly more authority to make decisions, transfer money, negotiate contracts, waive duplicative regulations, manage personnel, and select cleanup remedies. The amendment also establishes a land use council to help define cleanup objectives and standards for areas on the Superfund national priorities list. Finally, it urges a stable level of funding for cleanup to allow long-term planning.

I want to conclude by saying that this truly is a bipartisan amendment. We elected officials, Democrats and Republicans representing both State and Federal Government, put our energy together to find solutions to the problems facing Hanford. We worked long and hard and none of us got everything we wanted. Had I been the sole author of this amendment, it would have been a different bill. However, I strongly support most of this amendment and believe it will hasten cleanup and benefit the people we represent—and the people who elected us and this Nation's taxpayers. I look forward to continuing to work with my colleagues in the Senate and with Representatives HASTINGS and DICKS, Governor Lowry, and Attorney General Gregoire to push this amendment and make it the law.

THE CONGRESSIONAL GIFT REFORM ACT OF 1995

McCAIN (AND OTHERS) AMENDMENT NO. 1872

Mr. McCAIN (for himself, Mr. LEVIN, Mr. COHEN, Mr. WELLSTONE, Mr. FEINGOLD, Mr. LAUTENBERG, Mr. KYL, Mr. MCCONNELL, Mr. GRAMS, Mr. BURNS, Mr. ABRAHAM, Mr. WARNER, and Mr. HARKIN) proposed an amendment to the bill (S. 1061) to provide for congressional gift reform; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. AMENDMENTS TO SENATE RULES.

Rule XXXV of the Standing Rules of the Senate is amended to read as follows:

"1. (a)(1) No Member, officer, or employee of the Senate shall knowingly accept a gift except in conformance with this rule.

"(2) A Member, officer, or employee may accept a gift (other than cash or cash equivalent) which the Member, officer, or employee reasonably and in good faith believes to have a value of less than $20, and a cumulative value from one source during a calendar year of less than $50. No formal recordkeeping is required by this paragraph, but a Member, officer, or employee shall make a good faith effort to comply with this paragraph.

"(b)(1) For the purpose of this rule, the term 'gift' means any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value. The term includes gifts of services, training, transportation, lodging, and meals, whether provided in kind, by purchase of a ticket, payment in advance, or reimbursement after the expense has been incurred.

"(2)(A) A gift to the spouse or dependent of a Member, officer, or employee (or a gift to any other individual based on that individual's relationship with the Member, officer, or employee) shall be considered a gift to the Member, officer, or employee if it is given with the knowledge and acquiescence of the Member, officer, or employee and the Member, officer, or employee has reason to believe the gift was given because of the official position of the Member, officer, or employee.

"(B) If food or refreshment is provided at the same time and place to both a Member, officer, or employee and the spouse or dependent thereof, only the food or refreshment provided to the Member, officer, or employee shall be treated as a gift for purposes of this rule.

"(c) The restrictions in subparagraph (a) shall not apply to the following:

"(1) Anything for which the Member, officer, or employee pays the market value, or does not use and promptly returns to the donor.

"(2) A contribution, as defined in the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) that is lawfully made under that Act, or attendance at a fundraising event sponsored by a political organization described in section 527(e) of the Internal Revenue Code of 1986.

"(3) A gift from a relative as described in section 107(2) of title I of the Ethics in Government Act of 1978 (Public Law 95–521).

"(4)(A) Anything provided by an individual on the basis of a personal friendship unless the Member, officer, or employee has reason to believe that, under the circumstances, the gift was provided because of the official position of the Member, officer, or employee and not because of the personal friendship.

"(B) In determining whether a gift is provided on the basis of personal friendship, the Member, officer, or employee shall consider the circumstances under which the gift was offered such as:

"(i) The history of the relationship between the individual giving the gift and the recipient of the gift, including any previous exchange of gifts between such individuals.

"(ii) Whether to the actual knowledge of the Member, officer, or employee the individual who gave the gift personally paid for the gift or sought a tax deduction or business reimbursement for the gift.

"(iii) Whether to the actual knowledge of the Member, officer, or employee the individual who gave the gift also at the same time gave the same or similar gifts to other Members, officers, or employees.

"(5) A contribution or other payment to a legal expense fund established for the benefit of a Member, officer, or employee, that is otherwise lawfully made, subject to the disclosure requirements of Select Committee on Ethics, except as provided in paragraph 3(c).

"(6) Any gift from another Member, officer, or employee of the Senate or the House of Representatives.

"(7) Food, refreshments, lodging, and other benefits—

"(A) resulting from the outside business or employment activities (or other outside activities that are not connected to the duties of the Member, officer, or employee as an officeholder) of the Member, officer, or employee, or the spouse of the Member, officer, or employee, if such benefits have not been offered or enhanced because of the official position of the Member, officer, or employee and are customarily provided to others in similar circumstances;

"(B) customarily provided by a prospective employer in connection with bona fide employment discussions; or

"(C) provided by a political organization described in section 527(e) of the Internal Revenue Code of 1986 in connection with a fundraising or campaign event sponsored by such an organization.

"(8) Pension and other benefits resulting from continued participation in an employee welfare and benefits plan maintained by a former employer.

"(9) Informational materials that are sent to the office of the Member, officer, or employee in the form of books, articles, periodicals, other written materials, audiotapes, videotapes, or other forms of communication.

"(10) Awards or prizes which are given to competitors in contests or events open to the public, including random drawings.

"(11) Honorary degrees (and associated travel, food, refreshments, and entertainment) and other bona fide, nonmonetary awards presented in recognition of public service (and associated food, refreshments, and entertainment provided in the presentation of such degrees and awards).

"(12) Donations of products from the State that the Member represents that are intended primarily for promotional purposes, such as display or free distribution, and are of minimal value to any individual recipient.

"(13) Training (including food and refreshments furnished to all attendees as an integral part of the training) provided to a Member, officer, or employee, if such training is in the interest of the Senate.

"(14) Bequests, inheritances, and other transfers at death.

"(15) Any item, the receipt of which is authorized by the Foreign Gifts and Decorations Act, the Mutual Educational and Cultural Exchange Act, or any other statute.

"(16) Anything which is paid for by the Federal Government, by a State or local government, or secured by the Government under a Government contract.

"(17) A gift of personal hospitality (as defined in section 109(14) of the Ethics in Government Act) of an individual other than a registered lobbyist or agent of a foreign principal.

"(18) Free attendance at a widely attended event permitted pursuant to subparagraph (d).

"(19) Opportunities and benefits which are—

"(A) available to the public or to a class consisting of all Federal employees, whether or not restricted on the basis of geographic consideration;

"(B) offered to members of a group or class in which membership is unrelated to congressional employment;

"(C) offered to members of an organization, such as an employees' association or congressional credit union, in which membership is related to congressional employment and similar opportunities are available to large segments of the public through organizations of similar size;

"(D) offered to any group or class that is not defined in a manner that specifically discriminates among Government employees on the basis of branch of Government or type of responsibility, or on a basis that favors those of higher rank or rate of pay;

"(E) in the form of loans from banks and other financial institutions on terms generally available to the public; or

"(F) in the form of reduced membership or other fees for participation in organization activities offered to all Government employees by professional organizations if the only restrictions on membership relate to professional qualifications.

"(20) A plaque, trophy, or other item that is substantially commemorative in nature and which is intended solely for presentation.

"(21) Anything for which, in an unusual case, a waiver is granted by the Select Committee on Ethics.

"(22) Food or refreshments of a nominal value offered other than as a part of a meal.

"(23) an item of little intrinsic value such as a greeting card, baseball cap, or a T-shirt.

"(d)(1) A Member, officer, or employee may accept an offer of free attendance at a widely attended convention, conference, symposium, forum, panel discussion, dinner, viewing, reception, or similar event, provided by the sponsor of the event, if—

"(A) the Member, officer, or employee participates in the event as a speaker or a panel participant, by presenting information related to Congress or matters before Congress, or by performing a ceremonial function appropriate to the Member's, officer's, or employee's official position; or

"(B) attendance at the event is appropriate to the performance of the official duties or representative function of the Member, officer, or employee.

"(2) A Member, officer, or employee who attends an event described in clause (1) may accept a sponsor's unsolicited offer of free attendance at the event for an accompanying individual if others in attendance will generally be similarly accompanied or if such attendance is appropriate to assist in the representation of the Senate.

"(3) A Member, officer, or employee, or the spouse or dependent thereof, may accept a sponsor's unsolicited offer of free attendance at a charity event, except that reimbursement for transportation and lodging may not be accepted in connection with an event that does not meet the standards provided in paragraph 2.

"(4) For purposes of this paragraph, the term 'free attendance' may include waiver of all or part of a conference or other fee, the provision of local transportation, or the provision of food, refreshments, entertainment, and instructional materials furnished to all attendees as an integral part of the event. The term does not include entertainment collateral to the event, nor does it include food or refreshments taken other than in a group setting with all or substantially all other attendees.

"(e) No Member, officer, or employee may accept a gift the value of which exceeds $250 on the basis of the personal friendship exception in subparagraph (c)(4) unless the Select Committee on Ethics issues a written determination that such exception applies. No determination under this subparagraph is required for gifts given on the basis of the family relationship exception.

"(f) When it is not practicable to return a tangible item because it is perishable, the item may, at the discretion of the recipient, be given to an appropriate charity or destroyed.

"2. (a)(1) A reimbursement (including payment in kind) to a Member, officer, or employee from an individual other than a registered lobbyist or agent of a foreign principal for necessary transportation, lodging and related expenses for travel to a meeting, speaking engagement, factfinding trip or similar event in connection with the duties of the Member, officer, or employee as an officeholder shall be deemed to be a reimbursement to the Senate and not a gift prohibited by this rule, if the Member, officer, or employee—

"(A) in the case of an employee, receives advance authorization, from the Member or officer under whose direct supervision the employee works, to accept reimbursement, and

"(B) discloses the expenses reimbursed or to be reimbursed and the authorization to the Secretary of the Senate within 30 days after the travel is completed.

"(2) For purposes of clause (1), events, the activities of which are substantially recreational in nature, shall not be considered to be in connection with the duties of a Member, officer, or employee as an officeholder.

"(b) Each advance authorization to accept reimbursement shall be signed by the Member or officer under whose direct supervision the employee works and shall include—

"(1) the name of the employee;

"(2) the name of the person who will make the reimbursement;

"(3) the time, place, and purpose of the travel; and

"(4) a determination that the travel is in connection with the duties of the employee as an officeholder and would not create the appearance that the employee is using public office for private gain.

"(c) Each disclosure made under subparagraph (a)(1) of expenses reimbursed or to be reimbursed shall be signed by the Member or officer (in the case of travel by that Member or officer) or by the Member or officer under whose direct supervision the employee works (in the case of travel by an employee) and shall include—

"(1) a good faith estimate of total transportation expenses reimbursed or to be reimbursed;

"(2) a good faith estimate of total lodging expenses reimbursed or to be reimbursed;

"(3) a good faith estimate of total meal expenses reimbursed or to be reimbursed;

"(4) a good faith estimate of the total of other expenses reimbursed or to be reimbursed;

"(5) a determination that all such expenses are necessary transportation, lodging, and related expenses as defined in this paragraph; and

"(6) in the case of a reimbursement to a Member or officer, a determination that the travel was in connection with the duties of the Member or officer as an officeholder and would not create the appearance that the Member or officer is using public office for private gain.

"(d) For the purposes of this paragraph, the term 'necessary transportation, lodging, and related expenses'—

"(1) includes reasonable expenses that are necessary for travel for a period not exceeding 3 days exclusive of travel time within the United States or 7 days exclusive of travel time outside of the United States unless approved in advance by the Select Committee on Ethics;

"(2) is limited to reasonable expenditures for transportation, lodging, conference fees and materials, and food and refreshments, including reimbursement for necessary transportation, whether or not such transportation occurs within the periods described in clause (1);

"(3) does not include expenditures for recreational activities, nor does it include entertainment other than that provided to all attendees as an integral part of the event, except for activities or entertainment otherwise permissible under this rule; and

"(4) may include travel expenses incurred on behalf of either the spouse or a child of the Member, officer, or employee, subject to a determination signed by the Member or officer (or in the case of an employee, the Member or officer under whose direct supervision the employee works) that the attendance of the spouse or child is appropriate to assist in the representation of the Senate.

"(e) The Secretary of the Senate shall make available to the public all advance authorizations and disclosures of reimbursement filed pursuant to subparagraph (a) as soon as possible after they are received.

"3. A gift prohibited by paragraph 1(a) includes the following:

"(a) Anything provided by a registered lobbyist or an agent of a foreign principal to an entity that is maintained or controlled by a Member, officer, or employee.

"(b) A charitable contribution (as defined in section 170(c) of the Internal Revenue Code of 1986) made by a registered lobbyist or an agent of a foreign principal on the basis of a designation, recommendation, or other specification of a Member, officer, or employee (not including a mass mailing or other solicitation directed to a broad category of persons or entities), other than a charitable contribution permitted by paragraph 4.

"(c) A contribution or other payment by a registered lobbyist or an agent of a foreign principal to a legal expense fund established for the benefit of a Member, officer, or employee.

"(d) A financial contribution or expenditure made by a registered lobbyist or an agent of a foreign principal relating to a conference, retreat, or similar event, sponsored by or affiliated with an official congressional organization, for or on behalf of Members, officers, or employees.

"4. (a) A charitable contribution (as defined in section 170(c) of the Internal Revenue Code of 1986) made by a registered lobbyist or an agent of a foreign principal in lieu of an honorarium to a Member, officer, or employee shall not be considered a gift under this rule if it is reported as provided in subparagraph (b).

"(b) A Member, officer, or employee who designates or recommends a contribution to a charitable organization in lieu of honoraria described in subparagraph (a) shall report within 30 days after such designation or recommendation to the Secretary of the Senate—

"(1) the name and address of the registered lobbyist who is making the contribution in lieu of honoraria;

"(2) the date and amount of the contribution; and

"(3) the name and address of the charitable organization designated or recommended by the Member.

The Secretary of the Senate shall make public information received pursuant to this subparagraph as soon as possible after it is received.

"5. For purposes of this rule—

"(a) the term 'registered lobbyist' means a lobbyist registered under the Federal Regulation of Lobbying Act or any successor statute; and

"(b) the term 'agent of a foreign principal' means an agent of a foreign principal registered under the Foreign Agents Registration Act.

"6. All the provisions of this rule shall be interpreted and enforced solely by the Select Committee on Ethics. The Select Committee on Ethics is authorized to issue guidance on any matter contained in this rule.".

SEC. 2. EFFECTIVE DATE.

This resolution and the amendment made by this resolution shall take effect on January 1, 1996.

BROWN AMENDMENT NO. 1873

Mr. BROWN proposed an amendment to amendment No. 1872 proposed by Mr. MCCAIN to the bill S. 1061, supra; as follows:

At the appropriate place in the amendment, insert the following:

SEC. . ADDITIONAL DISCLOSURE IN THE SENATE OF THE VALUE OF CERTAIN ASSETS UNDER THE ETHICS IN GOVERNMENT ACT OF 1978.

(a) CATEGORIES OF INCOME.—Rule XXXIV of the Standing Rules of the Senate is amended by adding at the end the following new paragraph:

"3. In addition to the requirements of paragraph 1, Members, officers, and employees of the Senate shall include in each report filed under paragraph 2 the following additional information:

"(a) For purposes of section 102(a)(1)(B) of the Ethics in Government Act of 1978 additional categories of income as follows:

"(1) greater than $1,000,000 but not more than $5,000,000, or

"(2) greater than $5,000,000.

"(b) For purposes of section 102(d)(1) of the Ethics in Government Act of 1978 additional categories of income as follows:

"(1) greater than $1,000,000 but not more than $5,000,000;

"(2) greater than $5,000,000 but not more than $25,000,000;

"(3) greater than $25,000,000 but not more than $50,000,000; and

"(4) greater than $50,000,000.

"(c) For purposes of this paragraph and section 102 of the Ethics in Government Act of 1978, additional categories with amounts or values greater than $1,000,000 set forth in section 102(a)(1)(B) and 102(d)(1) shall apply to the income, assets, or liabilities of spouses and dependent children only if the income, assets, or liabilities are held jointly with the reporting individual. All other income, assets, or liabilities of the spouse or dependent children required to be reported under section 102 and this paragraph in an amount or value greater than $1,000,000 shall be categorized only as an amount or value greater than $1,000,000.".

(b) Blind Trust Assets.—

(1) IN GENERAL.—Rule XXXIV of the Standing Rules of the Senate is further amended by adding at the end the following new paragraph:

"4. In addition to the requirements of paragraph 1, Members, officers, and employees of the Senate shall include in each report filed under paragraph 2 an additional statement under section 102(a) of the Ethics in Government Act of 1978 listing the category of the total cash value of any interest of the reporting individual in a qualified blind trust as provided in section 102(d)(1) of the Ethics in Government Act of 1978, unless the trust instrument was executed prior to July 24, 1995 and precludes the beneficiary from receiving information on the total cash value of any interest in the qualified blind trust.".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply with respect to reports filed under title I of the Ethics in Government Act of 1978 for calendar year 1996 and thereafter.

MURKOWSKI AMENDMENT NO. 1874

Mr. MURKOWSKI proposed an amendment to amendment No. 1872 proposed by Mr. MCCAIN to the bill S. 1061, supra; as follows:

At the appropriate place, insert the following:

SEC. . TRAVEL AND LODGING TO CHARITABLE EVENTS.

Notwithstanding any provision of the Rule, The term "gift" does not include permissible travel, lodging, and meals at an event to raise funds for a bona fide charity, subject to a determination by the Select Committee on Ethics that participation in the charitable event is in the interest of the Senate and the United States.

LOTT (AND BREAUX) AMENDMENT NO. 1875

Mr. LOTT (for himself and Mr. BREAUX) proposed an amendment to amendment No. 1872 proposed by Mr. MCCAIN to the bill S. 1061, supra; as follows:

On page 1, strike lines 9 through 12, and on page 2, strike lines 1 through 4; and, insert the following:

"(2) No Member, officer, or employee of the Senate, shall knowingly accept, directly or indirectly, any gifts in any calendar year aggregating more than $100 or more from any person, entity, organization, or corporation unless, in limited and appropriate circumstances, a waiver is granted by the Select Committee on Ethics. The prohibitions of this paragraph do not apply to gifts with a value of less than $50."

STEVENS AMENDMENT NO. 1876

Mr. STEVENS proposed an amendment to amendment No. 1872 proposed by Mr. MCCAIN to the bill S. 1061, supra; as follows:

On page 2 of the amendment, strike lines 12 through 20 and insert in lieu thereof the following:

"(2)(A) A gift to a family member of a Member, officer, or employee, or a gift to any other individual based on that individual's relationship with the Member, officer, or employee, shall be considered a gift to the Member, officer, or employee if it is given with the knowledge and acquiescence of the Member, officer, or employee and the Member, officer, or employee has reason to believe the gift was given because of the official position of the Member, officer, or employee."

FORD AMENDMENT NO. 1877

Mr. FORD proposed an amendment to amendment No. 1872 proposed by Mr. MCCAIN to the bill S. 1061, supra; as follows:

On page 16 of the McCain substitute on line 25, insert after "shall take effect on" the following: "and be effective for calendar years beginning on".

NOTICES OF HEARINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. MCCAIN. Mr. President, I would like to announce that the Senate Committee on Indian Affairs will be holding an oversight hearing on Wednesday August 2, 1995, beginning at 9:30 a.m., in room 485 of the Russell Senate Office Building on the implementation of Public Law 103–176, the Indian Tribal Justice Act.

Those wishing additional information should contact the Committee on Indian Affairs at 224–2251.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. DOLE. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be allowed to meet during the Thursday, July 27, 1995 session of the Senate for the purpose of conducting a hearing on spectrum reform.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOLE. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Thursday, July 27, 1995, for purpose of conducting a full committee hearing which is scheduled to begin at 9:30 a.m. The purpose of this hearing is to consider the nomination of John Garamendi to be Deputy Secretary of the Interior.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. DOLE. Mr. President, I ask unanimous consent that the Finance Committee be permitted to meet on Thursday, July 27, 1995 beginning at 9:30 a.m. in room SD-215, to conduct a hearing on the Medicaid Distribution formula.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. DOLE. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet on Thursday, July 27 at 9:30 a.m. for a hearing on S. 929, the Department of Commerce Dismantling Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. DOLE. Mr. President, I ask unanimous consent that the committee on the Judiciary be authorized to hold a business meeting during the session of the Senate on Thursday, July 27, 1995 at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. DOLE. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Thursday, July 27, 1995, at 10:00 p.m. to hold a hearing on "Prison Reform: Enhancing the Effectiveness of Incarceration"

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

NOTICE OF INTENTION TO AMEND SENATE RULE 34

• Mr. BROWN. Mr. President, I submit the following notice in writing:

"In accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to amend Senate Rule 34."

I ask that the amendment be printed in the RECORD.

The amendment follows:

At the appropriate place, insert the following:

SEC. . ADDITIONAL DISCLOSURE IN THE SENATE OF THE VALUE OF CERTAIN ASSETS UNDER THE ETHICS IN GOVERNMENT ACT OF 1978.

(a) CATEGORIES OF INCOME.—Rule XXXIV of the Standing Rules of the Senate is amended by adding at the end the following new paragraph:

"3. In addition to the requirements of paragraph 1, Members, officers, and employees of the Senate shall include in each report filed under paragraph 2 the following additional information:

"(a) For purposes of section 102(a)(1)(B) of the Ethics in Government Act of 1978 additional categories of income as follows:

"(1) greater than $1,000,000 but not more than $5,000,000, or

"(2) greater than $5,000,000.

"(b) For purposes of section 102(d)(1) of the Ethics in Government Act of 1978 additional categories of income as follows:

"(1) greater than $1,000,000 but not more than $5,000,000;

"(2) greater than $5,000,000 but not more than $25,000,000;

"(3) greater than $25,000,000 but not more than $50,000,000; and

"(4) greater than $50,000,000.

"(c) For purposes of this paragraph and section 102 of the Ethics in Government Act of 1978, additional categories with amounts or values greater than $1,000,000 set forth in section 102(a)(1)(B) and 102(d)(1) shall apply to the income, assets, or liabilities of spouses and dependent children only if the income, assets, or liabilities are held jointly with the reporting individual. All other income, assets, or liabilities of the spouse or dependent children required to be reported under section 102 and this paragraph in an amount or value greater than $1,000,000 shall be categorized only as an amount or value greater than $1,000,000.".

(b) BLIND TRUST ASSETS.—

(1) IN GENERAL.—Rule XXXIV of the Standing Rules of the Senate is further amended by adding at the end the following new paragraph:

"4. In addition to the requirements of paragraph 1, Members, officers, and employees of the Senate shall include in each report filed under paragraph 2 an additional statement under section 102(a) of the Ethics in Government Act of 1978 listing the category of the total cash value of any interest of the reporting individual in a qualified blind trust as provided in section 102(d)(1) of the Ethics in Government Act of 1978, unless the trust instrument was executed prior to July 24, 1995 and precludes the beneficiary from receiving information on the total cash value of any interest in the qualified blind trust.".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply with respect to reports filed under title I of the Ethics in Government Act of 1978 for calendar year 1996 and thereafter.•

LEGISLATING PRAYER IN SCHOOLS TRIVIALIZES WHAT PRAYER IS ABOUT

• Mr. SIMON. Mr. President, Dr. Paul Jersild is a professor of theology and ethics at Lutheran Theological Southern Seminary in Columbia, SC.

Recently, I had a chance to read a column he wrote for the Columbia newspaper, the State, on the issue of prayer in the schools.

At a time when there is much political malarkey being spread about this issue and a lot of concerned people on both sides, I think it is worthwhile to listen to a voice of reason.

I have known Paul Jersild for many years and trust his instinct and good judgment.

I ask that his column be printed in the RECORD.

The column follows:

[From the Columbia (SC) State, June 2, 1995]

LEGISLATING PRAYER IN SCHOOLS TRIVIALIZES WHAT PRAYER IS ABOUT

[By Paul Jersild]

South Carolinians—and the South in general—tend to be "more religious" than the rest of the nation. What that means can be debated, but one thing is clear enough: Residents of this state are more likely to support a constitutional amendment which would legalize prayer in the public schools.

What is it, exactly, that we would accomplish by such an amendment?

The recent debate on NBC's "Meet the Press" between Ralph Reed, executive director of the Christian Coalition, and White House adviser George Stephanopoulos brought out an important point in answering this question. Stephanopoulous noted that under present law, students can pray before meals in school, express their religious views in classroom discussions or even gather at the flagpole before school begins to start off the day with a prayer.

It is the advocacy of religion on the part of government that is at issue here. No one denies that students can pray, and, in that sense, prayer is not the real issue. What Mr. Reed argued is that an amendment is needed in order to reverse what he sees as a climate of hostility toward expressions of religious faith in public life. The question in my mind—and it is shared by many Christians—is whether an amendment is the appropriate solution to the kind of problem posed by Mr. Reed.

Here I see a disturbing aspect to religion in the South. Baptists make up the vast majority of church members in this region, and they represent one of the most revered and important traditions in American religious and political history. From their beginnings, Baptists have been known for their vigorous advocacy of separation of church and state in order to assure their own freedom and that of others to practice the religion of their choice.

But now, with their majority status in the South, Baptists seem to have forgotten this honored tradition. Many of them have become more concerned with politically enforcing a religious practice which they regard as essential to maintaining their version of civic religion. Concern for minority religious groups and non-believers has disappeared as they insist on the "rights" of the majority.

The irony of this situation is obvious, for it is largely their own notable history that has taught us to beware of majoritarian attempts to enforce religious views and practices on the rest of the population.

This whole development carries an important lesson concerning the vagaries and pitfalls of trying to politically shape the practice of religion.

There is, indeed, a proper role for religious ceremony in the public realm, and separation of church and state should not be understood as the elimination of all religious expression in public life. But when prayer is used as a political weapon to counteract what is perceived as a hostile environment, it is being grossly misused. Passing a law does not create a community of faith where, alone, prayer is both vital and necessary. Enforcing prayer in the classroom (or a silent moment for prayer) turns it into a symbolic act for the sake of a political purpose, which destroys or, at least, trivializes what prayer is about.

Since Christians disagree among themselves about the wisdom of a prayer amendment, it should be clear that this is not an issue of the church against the state or the rest of society. It is an ideological battle being waged by certain Christians who want to implement their particular vision of a "Christian" society. If we can actually legislate that goal, it is not worth achieving.●

BOSNIA AND HERZEGOVINA SELF-DEFENSE ACT

● Mr. SANTORUM. Mr. President, 2 days ago in Bosnia and Herzegovina, the town of Zepa, the second safe haven fell to the Bosnian Serbs, lending increasing urgency to the need to pass S. 21, the Dole-Lieberman bill. Mr. President, the U.S. Congress has voted on the issue of the arms embargo many times, but the fall of two U.N. safe havens has dramatically highlighted this ill-fated policy as never before. The failure of the U.N. peacekeepers to protect the enclaves and themselves is coupled with the knowledge that the Bosnian Government troops have been effectively rendered useless by their lack of heavy weaponry. As the fighting continues to escalate in Bihac, a third U.N. safe haven, it is time for the Clinton administration to abandon this doomed policy, accept that UNPROFOR must be withdrawn, and lift the arms embargo on the Bosnian Government.

We have been warned many times by the Clinton administration that this bill would undermine efforts to achieve a negotiated settlement in Bosnia and could lead to an escalation of the conflict there, including the possible Americanization of the conflict. Mr. President, the conflict has already escalated. More U.N. troops are being deployed, and as the United States and European leaders issue more empty threats, the reality is that the indecisiveness and ineffectiveness of the West has invited the Serbs to step up their assaults. As of this week, two safe havens have fallen, a third is under siege, and in the past 4 days in Sarajevo, at least 20 people have been killed, while more than 100 people have been wounded. The U.N. mission has failed and has been declared more of a hindrance than a help by the Bosnian Prime Minister. The peace talks have failed because the Bosnian Serbs have determined that, judging by their recent military success, they have more to gain by fighting than by negotiating a peace settlement. The Bosnian Serbs already have control of 70 percent of Bosnia-Herzegovina due in large part to a near monopoly of heavy weapons.

This situation in Bosnia, particularly the "dual key" approach has eroded United States credibility and undermined NATO cohesion while contributing to the decline of the effectiveness of the U.N. peacekeepers. Mr. President, this is not a partisan issue, I am not blaming the Clinton administration, many of the problems with our policy in Bosnia began with the previous administration. This is a moral issue. The U.N. peacekeepers have not been able to achieve their mission. They are no longer capable of delivering humanitarian supplies to the enclaves, they are no longer capable of protecting the safe havens, and judging by the ease with which the peacekeepers have been killed and taken hostage, they are no longer capable of protecting themselves. Mr. President, this is not the fault of the troops in Bosnia. They were sent into a situation as noncombatants though they were seen as combatants by Serbs. UNPROFOR went to Bosnia to protect civilians, but they were never given the mandate, the equipment, or the rules of engagement to do the job. It was unconscionable to inject U.N. peacekeepers into a war where there is no peace to keep and without adequate means to defend themselves. The United Nations and NATO have been humiliated and weakened as Serb violations of U.N. resolutions were met with silence and empty promises.

The arms embargo against Bosnia was adopted by the Security Council of the United Nations in 1991 when Yugoslavia was still intact. It was requested and supported by the then Government of Yugoslavia in Belgrade, the Milosevic government. It is a cruel twist of fate that the results of this arms embargo has hurt the very people who have been the victims of the war. This embargo has had no effect on the Bosnian Serbs who have inherited the powerful former Yugoslav army but has devastated the Bosnian Moslems. We can no longer stand by helplessly and watch as a country, recognized by the United Nations, is promised assistance that is too little, too late.

Two days ago, Bosnian Serb leaders Karadzic and his military chief of staff, Ratko Mladic, were charged with genocide, war crimes, and crimes against humanity by the U.N. International Criminal Tribunal. Mr. President, the world has recognized the atrocities of this tragic situation. Let us finally act to give the Bosnian Moslems the capacity to fight back and to defend themselves. Let us stop punishing these helpless civilians for the error of our policy.

A TOOL FOR A COLORBLIND AMERICA

● Mr. SIMON. Mr. President, there is a great deal of nonsense in the political oratory on affirmative action. Like policies on education, religion or any other good thing, it can be abused.

But fundamentally, it will make America a better place. It has made America a better place and is making America a better place.

We still have a long way to go before we are a nation without prejudices and without the discrimination that comes from prejudices.

Chancellor Chang-Lin Tien of the University of California-Berkeley had an op-ed piece in the Los Angeles Times that I think provides a needed balance.

I urge my colleagues to read it.

At this point, I ask that the op-ed piece be printed in the RECORD.

The material follows:

[From the Lost Angeles Times, July 18, 1995]

A TOOL FOR A COLORBLIND AMERICA

(By Chang-Lin Tien)

As an Asian American, I have endured my share of affirmative action "jokes." Even when I became chancellor of UC Berkeley, I was not spared teasing about how affirmative action was the reason I landed this coveted post at one of America's great universities.

Opponents of affirmative action use examples like this to argue that affirmative action tars all minorities with the same brush of inferiority—whether or not we benefit directly.

Affirmative action is not the source of the problem. As much as America would like to believe otherwise, racial discrimination remains a fact of life. Whether we preside over major universities or wash dishes, people of color confront discrimination.

In my first months as chancellor, I was encouraged by friends to get coaching to eliminate my accent. While a European inflection conjures up images of Oxford or the belles-lettres, Asian and Latino accents apparently denote ignorance to the American ear.

Our nation is far from fulfilling the Rev. Martin Luther King Jr.'s dream of a country where people are judged on the content of their character, not the color of their skin.

King's immortal words challenged America to live up to its founding principle—that all men are created equal. It is an ideal all Americans embrace. Yet it has needed redefining as America has struggled to broaden its concept of democracy to include women and races other than Caucasian.

King's challenge is especially relevant today as this country undergoes a phenomenal demographic transformation. His challenge will resonate on Thursday when the UC Board of Regents considers eliminating race and ethnicity in admissions and hiring.

As an educator, I know that America's demographic shift poses tremendous challenges. American universities must educate more leaders from all racial and ethnic groups so they can succeed in a diverse environment.

How can America's educators accomplish this? Affirmative action has been an effective tool for diversifying our student body while preserving academic excellence. Yet its opponents argue that affirmative action runs counter to the principle of individual rights on which this country was founded. Affirmative action, they believe, is based on the "group rights" of racial and ethnic groups.

I agree that affirmative action is not a panacea. It is a temporary measure that can be eliminated when we have forged a colorblind society. That time has not yet come. It's painfully clear that equal opportunity is still a dream for many Americans.

Although colleges and universities cannot correct the nation's inequities, we can be a beacon of hope by offering an education to help minority youth realize the American dream.

It is here where a fair, carefully crafted affirmative action process comes into play. At Berkeley and many other universities, in addition to strict academic criteria, student admissions policies take into account special circumstances that minority students have confronted.

Critics accuse us of bestowing special "group rights" to these minorities. They argue that the process should be devoid of such group considerations and that students should be judged solely as individuals.

This argument, however, does not take into account what I call "group privileges"—advantages that certain groups of students accrue by virtue of birth, not by hard work. After all, the contest between white suburban students and minority inner-city youths is inherently unfair. Inner-city students struggle to learn in dilapidated schools where illegal drugs are easier to find than computers, while suburban students benefit from honors classes and Internet access.

Ultimately, we must rebuild America's public schools. Yet until America reverses the precipitous decline of its schools, we have to give special consideration to young people who have overcome countless obstacles to achieve academically.

Diversity benefits all students. It is critical to academic excellence. Only by giving students opportunities to interact and learn about one another will we prepare America's leaders for success in today's global village.

How else can universities prepare tomorrow's teachers for working with youngsters whose families come from nations around the world? How else can universities prepare business leaders to succeed in the international market?

Berkeley's experience discredits the persistent myth that affirmative action lowers academic standards. Our fall 1994 freshman class, in which no racial group constitutes a majority, is stronger academically than the freshman class of 10 years ago. Our graduation rates have climbed steadily. Today, 74% of our students graduate within five years. In the mid-1950's, when the student body was overwhelmingly white, 48% graduated within five years. We have diversified while strengthening our role as a premier university.

If America ends affirmative action before addressing the underlying causes of inequality of opportunity, racial divisions will deepen. Opportunities to dispel ingrained beliefs about different races through interaction and discussion will be lost. Many promising minorities will never have the opportunity to excel as academic, cultural, business and political leaders.

Most important for me as an educator, excellence in academic institutions that must prepare leaders for a diverse world will be jeopardized.

Instead of threatening the progress we have made, let us address the problems that foster unequal opportunity and racial strife. Only then can we look forward to the day when affirmative action can be eliminated and the vision of our founders will be fulfilled—that all Americans are created equal.●

ORDERS FOR FRIDAY, JULY 28, 1995

Mr. LOTT. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until the hour of 9 a.m. on Friday, July 28, 1995, that following the prayer, the Journal of Proceedings be deemed approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then immediately resume S. 1061, the gift ban rule as under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

SCHEDULE

Mr. LOTT. For the information of all Senators, the Senate will resume consideration of the gift ban rule tomorrow at 9 a.m. Approximately at 9:10 there will be two consecutive rollcall votes on or in relation to the gift ban rule.

Under the unanimous-consent agreement reached earlier, additional rollcall votes can be expected, and the Senate will complete action on the gift ban bill on Friday, as the leader promised we would do.

Also, Senators should be aware the cloture vote on the motion to proceed to the State Department reorganization bill has been postponed until Monday, and the cloture vote on the motion to proceed to the foreign assistance authorization bill has been vitiated.

The majority leader also announced the first rollcall vote on Monday will not occur until the bewitching hour of 6 p.m.

RECESS UNTIL 9 A.M. TOMORROW

Mr. LOTT. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in recess under the previous order.

There being no objection, the Senate, at 9:55 p.m., recessed until Friday, July 28, 1995, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate July 27, 1995:

DEPARTMENT OF ENERGY

CHARLES B. CURTIS, OF MARYLAND, TO BE DEPUTY SECRETARY OF ENERGY, VICE WILLIAM H. WHITE, RESIGNED.

DEPARTMENT OF JUSTICE

JAMES ALLAN HURD, JR., OF THE VIRGIN ISLANDS, TO BE U.S. ATTORNEY FOR THE DISTRICT OF THE VIRGIN ISLANDS FOR THE TERM OF 4 YEARS, VICE JAMES W. DIEHM, RESIGNED.

DEPARTMENT OF STATE

DON LEE GEVIRTZ, OF CALIFORNIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF FIJI, AND TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF NAURU, AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF TONGA, AND AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO TUVALU.

JOAN M. PLAISTED, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF THE MARSHALL ISLANDS, AND TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF KIRIBATI.

JAMES MADISON MEMORIAL FELLOWSHIP FOUNDATION

ELISABETH GRIFFITH, OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE JAMES MADISON MEMORIAL FELLOWSHIP FOUNDATION FOR THE REMAINDER OF THE TERM EXPIRING SEPTEMBER 27, 1996, VICE JOAN R. CHALLINOR, RESIGNED.

MARC R. PACHECO, OF MASSACHUSETTS, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE JAMES MADISON MEMORIAL FELLOWSHIP FOUNDATION FOR A TERM EXPIRING OCTOBER 3, 2000, VICE BETTY SOUTHARD MURPHY, TERM EXPIRED.

LOUISE L. STEVENSON, OF PENNSYLVANIA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE JAMES MADISON MEMORIAL FELLOWSHIP FOUNDATION FOR A TERM EXPIRING NOVEMBER 17, 1999, VICE A.E. DICK HOWARD, TERM EXPIRED.

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL ON THE RETIRED LIST PURSUANT TO THE PROVISIONS TO TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. JAMES R. CLAPPER, JR [redacted]

HOUSE OF REPRESENTATIVES—*Thursday, July 27, 1995*

The House met at 10 a.m.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

On this day when we will dedicate the Korean War Veterans Memorial we recall those who served with dedication and honor over the years of the conflict and whose lives we remember with gratitude and appreciation. We pray, O gracious God, that our recollection of their devotion to duty, honor, and country will remind every person of their sacrifice and their willingness to serve at the Nation's call. May Your blessing, O God, that is new every morning and unites each person in peace, be with them who served and with their families, that Your grace will abide in their lives, now and evermore. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Florida [Mr. JOHNSTON] come forward and lead the House in the Pledge of Allegiance.

Mr. JOHNSTON of Florida led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

> S. 21. An act to terminate the United States arms embargo applicable to the Government of Bosnia and Herzegovina.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Edwin Thomas, one of his secretaries.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair announces there will be ten 1-minutes on each side.

THE KOREAN WAR VETERANS MEMORIAL

(Mr. BARTLETT of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTLETT of Maryland. Mr. Speaker, all too often the war in Korea—which ended 42 years ago—is referred to as the forgotten war. That reference will end—once and for all—today as America rightfully remembers a war and its warriors who served this Nation with honor, courage, and dignity. This afternoon, thousands of veterans of that demanding and difficult conflict will gather on The Mall to dedicate an impressive memorial which is long overdue and richly deserved.

The Korean War Veterans Memorial will be a lasting tribute to the 54,246 Americans killed in Korea between 1950 and 1953. They fought with determination and valor, and in the end these brave Americans turned the tide of battle from near-certain defeat into victory.

Behind every war-related statistic there is a face, a family, a story, and a sacrifice. Those who came home deserve a place to remember those who did not. That place will be dedicated today. On this occasion, it is both fitting and appropriate to remind ourselves that we cannot live in a land of the free without first honoring the brave.

To the veterans of Korea, you are appreciated by a grateful nation.

A TRIBUTE TO BRITTANY HEUER

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, on Tuesday, July 25, the life of Brittany Heuer was taken away from us. Brittany was only 18 years old.

Just a short 2 years ago, Brittany served as a page here in the people's House. Brittany's tremendous personality, her beautiful smile, and her willingness to help each and every one of us was always present here on this floor. But what makes this passing even more painful to the Members of the House, if you think carefully, Brittany's dad, Gary, doorman for the Sergeant at Arms, strong but gentle man, is also seated out here on the Republican side, friend to all of us, always working hard to take care of our interests. Now he pains deeply.

My colleagues, on behalf of all of the Members of the House, we want to extend to Gary and his beautiful wife Ginger, daughter Ashley, and all the Heuer family and friends our deepest sympathy.

The viewing will be today from 2 to 4 and from 6 to 8 p.m. in Waldorf, MD at the Huntt Funeral Home. Services will be Friday, the 28th, at 10 a.m. at the Huntt Funeral Home in Waldorf, MD.

My colleagues, may the good Lord keep Brittany and may the good Lord keep an eye on the Heuer family in this sad, sad time.

READ THE REPORT ON MEDICARE

(Mr. HOKE asked and was given permission to address the House for 1 minute.)

Mr. HOKE. Mr. Speaker, I rise today to urge Americans to read a report that was filed by the trustees of the Social Security trust fund and the Medicare trust fund. It is a short report. It is only 14 pages.

Mr. Speaker, I think it is our duty to urge senior citizens and Americans of all ages who care about Medicare for themselves but also for their children and their grandchildren, as we care about it for our parents and our grandparents, that they read this report. They can receive the report. It is 14 pages. It is a 14-page summary of the annual report to the American citizens. They can receive it by calling 202-224-3121. Ask to be connected to your Representative's office. At that number, 202-224-3121, ask for a summary of the annual report of the Medicare trustees.

It is factual. It is nonpoliticized. It is something, frankly, that many Members of the other side of the aisle do not want you to read, but it explains very clearly what is going on with Medicare.

MEDICARE AND MEDICAID IN FLORIDA

(Mr. JOHNSTON of Florida asked and was given permission to address the House for 1 minute.)

Mr. JOHNSTON of Florida. Mr. Speaker, I would like to address the House today about a very serious problem that will occur in my native State, the State of Florida. I am a fifth generation Floridian, and I dearly love my

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

State, but they are confronted with a problem dealing with Medicare.

If the current bill that is proposed is passed, it will be a $1 billion cut over the next 5 years that will hit my constituents and all senior citizens in Florida. In my congressional district alone, they will be hit over $50 million.

To compound that, if Medicaid is block granted, we will have a catastrophic fiscal problem in Florida. Medicaid block grant will not even equal inflation. If does not even come close to the increase in growth that this State experiences, between 8 and 12 percent.

I call upon my 13 Republican colleagues from Florida to reconsider their position dealing with Medicare and Medicaid, not for political reasons but for the reason that I think they are devoted to this State as well as I.

SAVE MEDICARE

(Mr. HEFLEY asked and was given permission to address the House for 1 minute.)

Mr. HEFLEY. Mr. Speaker, the American people are hearing a lot these days from the liberal Democrats. The have heard terms "tax cuts from the rich" and "mean spirited," and all the usual class warfare terminology.

But there is something the American people will not hear from the liberal Democrats. The American people will not hear the liberals talk about the report from the President's Medicare trustees. They will not hear quotes from this report saying that "concerted action must be taken promptly to address" the critical problems with Medicare.

There is something else the Democrats will not be talking about.

They will not be talking about the millions of Americans who would be left out in the cold if Medicare were to go bankrupt. They will not talk about the seniors who would be unable to meet their health care needs.

Mr. Speaker, the liberals should acknowledge this report and work with Republicans to save Medicare.

SUPPORT MEDICARE

(Ms. MCCARTHY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. MCCARTHY. Mr. Speaker, I rise today to celebrate Medicare's 30th anniversary. It was approved by this great legislative body on July 27, 1965.

We sometimes take for granted Medicare and the impact Medicare has had on our seniors. Prior to Medicare, only 46 percent of our seniors had any health insurance. While those over 65 suffered the highest poverty rate, with almost a third living in poverty, today virtually every senior has health insurance. Medicare has been enormously successfully in ameliorating the suffering of our seniors while providing them with the dignity of knowing that health care will be there when they need it.

As a freshman, I was somewhat perplexed and surprised by my Republican colleagues' attack on this program without offering real reform. I have recently studied the history of Medicare enactment. President Harry Truman first introduced Medicare legislation in 1952.

For 13 years until its signing in law by President Johnson, Republicans voted overwhelmingly and consistently against Medicare. Republican antipathy on Medicare remains. They continue to try to dismantle this very successful program. This Congress should work to preserve what has been successful in improving the lives of our seniors.

On Sunday, let us celebrate a happy 30th birthday to Medicare and pledge to our seniors our support in protecting this successful program.

STRENGTHEN MEDICARE

(Mrs. MYRICK asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MYRICK. Mr. Speaker, 30 years ago Sunday, President Johnson signed Medicare into law. There are 37 million Americans who depend upon Medicare, including my own mom and my in-laws.

According to a recent report by the Medicare trustees, the Medicare trust fund starts going bankrupt in 1996. The new congressional majority is committed to preserving, protecting, and strengthening Medicare. We need to take the best ideas from the private sector because they do a much better job at health care than the government-run system.

We should also explore other options like medical savings accounts. We need to root out the fraud and the abuse that cheats the beneficiaries out of their money. It drains the reserves of the Medicare trust fund.

Finally, we need to keep partisan politics out of the discussion of Medicare. We need to put aside our differences and all of us work together to provide the strengthening of Medicare.

STRENGTHEN MEDICARE, DO NOT GUT IT

(Mrs. MALONEY asked and was given permission to address the House for 1 minute.)

Mrs. MALONEY. Mr. Speaker, in defending their indefensible cuts to Medicare, my Republican colleagues say we are increasing spending on Medicare. Only in Washington, DC can a cut be called an increase. This argument ignores the real-world implications of their so-called increases.

I challenge my colleagues to talk to real seniors who are struggling financially. They, not us, are the real experts on Medicare.

Ask them whether paying $1,000 more a year for health care is, A, an increase, or, B, a cut. Ask them if being forced into HMO's, which will limit their choice of doctors, is, A, an increase, or, B, a cut.

They will answer that they are having to pay more for less. They may have to compromise food and shelter to pay more for health care. We must hold firm on Medicare. We must strengthen it, not gut it. Medicare is the real contract with the people of America.

SAVE MEDICARE

(Mr. SCARBOROUGH asked and was given permission to address the House for 1 minute.)

Mr. SCARBOROUGH. Mr. Speaker, good Lord, the spin control is going so crazy here, I think I am going to fall down. I mean, I cannot stand up much more with this.

We hear somebody saying as a freshman I was perplexed that the Republicans had disdain for Medicare. I am a freshman, and I am perplexed that a report comes out 2 months ago saying Medicare is going bankrupt and the Democrats are not going to do anything about it.

That is perplexing to me. Then we talked about Washington speak, and we have got the Democrats saying that a spending increase from $4,500 this year to $6,800 7 years from now is a spending cut. Again, more spin control.

Then we get somebody coming in from my home State, Florida, saying I want to protect the senior citizens in Florida. Yet the gentleman knows it goes bankrupt 7 years from now, and every senior citizen from Florida to California is without Medicare if we follow the Democrats' path.

As a Democrat says, beam me up, Scotty, I cannot take any more. I have to hold onto this podium tight because the spin control is going crazy. Let us talk reality for a second and talk real numbers. We are willing to save Medicare, and I hope we get some help from the Democrats.

□ 1020

REPUBLICANS NOW ENGAGED IN DAMAGE CONTROL REGARDING CUTS TO MEDICARE

(Mr. LEVIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEVIN. Mr. Speaker, it is really damage control that they are engaged in. Those who are trying to cut Medicare massively are now trying to cover their tracks with deception. The majority party is now working with a group calling itself the Senior Coalition and it is passing around what they call "the Pledge to save Medicare."

Testimony from this group a few weeks ago before the Committee on Ways and Means came out in support of $270 billion in the Republican cuts, though they did not know what was in the cuts. This pledge says: "Let's increase Medicare spending for beneficiaries, even though the $270 billion cut would increase copayments and deductible for seniors." This so-called pledge talks about maintaining the current Medicare fee-for-service system, even though the $270 billion in cuts would squeeze the option of fee-for-service for seniors. The majority party is on the run. There is no place to hide; surely not behind a cloud of deception.

NASA'S REMOTE SENSING TECHNOLOGY

(Mr. SALMON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SALMON. Mr. Speaker, earlier this month, 23,000 acres in the Scottsdale, AZ area were ravaged by terrible brush fires. The damage could have been much worse if not for a partnership between NASA and the city of Scottsdale.

Testing the applications of a new technology, called remote sensing, NASA jets flying over the blaze beamed images of the fire's hot spots via satellite to the ground. Firefighters were then able to use their limited resources more effectively and contain the blaze days sooner than they had thought possible, thus saving property, money, and lives.

Mr. Speaker, we will vote today to continue the excellent scientific research that is being conducted at NASA, and to streamline the agency by moving mature technologies toward privatization. The way Scottsdale and NASA worked together is a wonderful example of space technology being used to improve the lives of those of us here on Earth.

A SORRY BIRTHDAY GREETING FOR MEDICARE ON ITS 30TH BIRTHDAY

(Mr. DOGGETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOGGETT. It is the 30th birthday of Medicare, Mr. Speaker. What we have heard again this morning are birthday greetings for Medicare recipients from our Republican colleagues. It all boils down to a single sentence: They are saying to the older Americans of this country, "If you will pay more for your health care, we will give you less health care." That is a pretty sorry birthday greeting, so they had to hire a public relations firm, and I have their report here, to tell them, "Don't talk about improving Medicare. We can't afford to raise expectations, but keep in mind that seniors are very PAC-oriented and very susceptible to being led." That is what the Republican public relations firm told them to tell older Americans.

Then they came up with a Medicare pledge from a so-called Seniors Coalition. What that pledge says is, when you read between the lines, "Raise the deductible, raise the premiums, pay more, and get less, Mr. And Mrs. Older American." That is a sorry birthday greeting for Medicare. When Lyndon Johnson signed Medicare into law, he signed a candle of hope, and we cannot have that candle extinguished by this Republican initiative.

THE FIRES OF MEDICARE ARE BURNING

(Mr. HAYWORTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYWORTH. Mr. Speaker, I cannot help but notice that my friend, the gentleman from Texas [Mr. DOGGETT], continually wants to go with budget overruns and time overruns. The fact is this: The best way to preserve Medicare is to stand now to save it, not play the old whining game of the liberals saying, "We need to spend more and more," but find a way to say "Yes, spend more money, but spend it more effectively."

My colleague, the gentleman from Arizona [Mr. SALMON], made mention of the fire in my district and the fact that firefighters had to stand and deliver.

We have a crisis that is just as imminent as that fire. The fires of Medicare are burning. If we really want to save it, then my friends on this side, the liberals, come with us, let us work to solve the problem, and quit playing the sordid politics of the past.

REPUBLICAN PARTY DOTH PROTEST TOO MUCH CONCERNING MEDICARE

(Mr. DEUTSCH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DEUTSCH. Mr. Speaker, I would say to my Republican colleagues, "Thou doth protest too much." Let me talk about specifics. I hope that the people of this country are watching and getting engaged in this debate, because the reality of the 30-year history of the Medicare system is it never had more than a 10-year actual life. In fact, at one point in time, it had a 2-year actuarial life.

The majority party has made adjustments, or the former majority party has made adjustments. In my first year in Congress in 1993, we had a $50 billion adjustment to the Medicare system. What my colleagues on the other side of the aisle are proposing is a $270 billion cut in Medicare, astronomical by any comparison to what had ever been done before. It was not dictated by actuarial analysis. It was dictated by their budget, and they drew that. There is no doubt they can save $270 billion in Medicare, but the Medicare that will exist in America under the Republican plan will adversely affect 37 million people in this country. It will not be the Medicare that we know today.

WORKING TOGETHER TO SAVE MEDICARE

(Mr. KNOLLENBERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KNOLLENBERG. As we have heard, Mr. Speaker, the Medicare anniversary is July 30. Thirty years it has been in existence. This vital program, while it is only 30 years old, faces a very strong financial crisis. I think everybody on both sides of the aisle knows that. The Medicare board of trustees have concluded that Medicare part A, the hospital insurance trust fund, will be bankrupt in 7 years. We cannot say it any more simply. We will be unable to pay those bills for seniors.

The Republican majority will not let this happen and I am sure many of the Democrats do not want that to happen. We understand the importance of Medicare to seniors and stand ready to protect, preserve, and to strengthen this program for current and future retirees. Unfortunately, many of our political opponents are trying to turn Medicare, the Medicare crisis, into a political issue. They continue to distort the idea of protecting Medicare by scaring seniors with imagined Medicare cuts, even though, as everybody knows, the benefits go per beneficiary from $4,800 to $6,700.

I would just ask the Democratic leadership and the Democrats on the other side, please help us. Join up with us, roll up your sleeves, let us achieve both better care with more choices. Let us protect and strengthen Medicare.

DO NOT REPEAL MEDICARE, THE ORIGINAL CONTRACT WITH SENIORS

(Mr. GENE GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GENE GREEN of Texas. Mr. Speaker, elected officials should listen more and talk less. I listened today while my Republican colleagues talked about how they intend to save Medicare. What they did not say is how they reduce expected needs of Medicare $270 billion over 7 years and still cut taxes $245 billion. Cut taxes, cut Medicare. Does that balance out?

Medicare. There is an estimated $44 billion in fraud and abuse in the Medicare system. Maybe we do have some agreement on both sides, and we can cut fraud and abuse and still provide for senior health care. However, it also appears that the new Republican majority is cutting personnel in the Health Care Financing Administration, the GAO, who investigate the fraud in Medicare. Furthermore, the account in the Labor-HHS appropriation bill is $2 million below last year for finding fraud, waste, and abuse. We need to save Medicare by cutting the fraud, but only in Washington can a $270 billion cut be said it is to save the program. We do not need to repeal the original contract with American seniors in 1965. Happy birthday—Medicare.

PRESIDENT CLINTON MUST REALIZE THERE IS NO PEACE IN BOSNIA TO KEEP

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, how many times will we have to watch President Clinton flip-flop on his Bosnian policy before we lift the arms embargo?

How much more indecision and bad judgment calls, not to mention flubbed airstrikes by the United Nations will we have to endure?

How many lives are we going to have to lose before common sense wins out?

The President is upholding an embargo on a country that no longer exists that will further involve the United States and possibly our troops in a war that is not ours to fight. We do not need U.N. control, we need U.S. control.

We keep hearing that we cannot lift the embargo because President Clinton wants to do whatever he can to keep the peace. Mr. Speaker, when is he going to realize that there is no peace to keep?

HAPPY BIRTHDAY TO MEDICARE

(Ms. ESHOO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ESHOO. Mr. Speaker, as we celebrate Medicare's 30th birthday, let us remember its genesis.

It was the people of this country who asked their government to enter into a partnership with them to provide security in their later years.

It was an idea supported by Presidents Truman, Kennedy, Johnson, and even Nixon.

It was an idea that worked and continues to work.

Not one of my constituents has ever written, called, or met with me asking me to gut Medicare, eliminate it, or slash its funding.

The Republicans seem to think that they can fool the citizens of this country into thinking that their massive cuts will somehow reform the system. Cuts, I might add, that are suspiciously similar to the amount of money needed for their tax break package.

Mr. Speaker, Medicare is a trust fund, not a slush fund. It is a program whose inception began with the American people and is still overwhelmingly supported by them.

Let us celebrate Medicare's 30th birthday, Mr. Speaker, not prepare for its funeral.

REPUBLICANS' PROPOSAL CONTAINS MORE, NOT LESS, SPENDING FOR MEDICARE

(Mr. NORWOOD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NORWOOD. Mr. Speaker, this truly is an amazing 20 minutes, and surely must be very confusing to those people who are listening. Perhaps if we simplify this a little and do a little of the things that we might have done in the fourth grade, and use some repetition.

The average spending per Medicare beneficiary today is $4,800. Under the Republican plan, Medicare spending per beneficiary in the year 2002 will be $6,700. Under this plan, Medicare spending increases by $1,900 per beneficiary. That is a 40-percent increase. Let us try again, Mr. Speaker.

The average spending per Medicare beneficiary today is $4,800. Under the Republican plan, Medicare spending per beneficiary in the year 2002 will be $6,700. Under this plan Medicare spending will increase by $1,900.

Mr. Speaker, that is a 40-percent increase.

THE WACO TRAGEDY: THE TRUTH VERSUS DAVID KORESH'S DREAM TEAM

(Mr. WILLIAMS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILLIAMS. Mr. Speaker, I have been very concerned that the actions of the ATF and the FBI were inappropriate, to say the least, in that tragedy that occurred for everyone in Waco. Therefore, as one who is concerned about the ATF and the FBI action, I observed with great interest the congressional hearings that were held in the last Congress, and I have been an equally observant watcher of the congressional hearings about Waco in this Congress. I must say, the hearings this time have been politicized, and in my judgment, worse, are really an embarrassment to this House, and to the American people who seek to find out the truth.

The Republican majority on the committee are tragically acting like the defense for the Branch Davidians. They are appearing to be David Koresh's dream team. That is embarrassing. We need to get at the truth.

PROVIDING FOR CONSIDERATION OF H.R. 2099, DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1996

Mr. QUILLEN. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 201 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 201

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2099) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1996, and for other purposes. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule, and the amendment printed in part 1 of the report of the Committee on Rules accompanying this resolution shall be considered as pending. That amendment shall be considered as read, shall be debatable for thirty minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. If that amendment is adopted, the provisions of the bill, as amended, shall be considered as the original bill for the purpose of further amendment under the five-minute rule. Further consideration of the bill for amendment shall proceed by title rather than by paragraph. Each title shall be considered as read. Points of order against provisions in the bill for failure to comply with clause 2 or 6 of rule XXI are waived. All points of order against amendments printed in part 2 of the report of the Committee on Rules are waived. During further consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The CHAIRMAN. The gentleman from Tennessee [Mr. QUILLEN] is recognized for 1 hour.

Mr. QUILLEN. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from California [Mr. BEILENSON], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for purposes of debate only.

Mr. Speaker, House Resolution 201 is an open rule providing for the consideration of H.R. 2099, making appropriations for the Departments of Veterans Affairs, Housing and Urban Development, and various independent agencies for fiscal year 1996. The rule provides 1 hour of general debate divided equally between the chairman and ranking minority member of the Committee on Appropriations.

The rule waives clause 2 of rule XXI—prohibiting unauthorized appropriations and legislation in an appropriations bill—and also waives clause 6 of rule XXI—prohibiting reappropriations—against provisions of the bill.

The rule further provides that after general debate, this bill shall be considered for amendment under the 5-minute rule, and the amendment printed in part 1 of the report of the Committee on Rules accompanying this resolution shall be considered as pending. That amendment shall be considered as read, shall be debatable for 30 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. The amendment shall not be subject to amendment and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. If the amendment is adopted, the provisions of the bill, as amended, shall be considered as the original bill for the purpose of further amendment under the 5-minute rule. Further consideration of the bill for amendment shall proceed by title rather than by paragraph, and each title shall be considered as read.

The rule also makes in order the amendments printed in part 2 of the report of the Committee on Rules, and waives all points of order against these amendments. The rule authorizes the Chair to accord priority in recognition of Members who have preprinted their amendments in the CONGRESSIONAL RECORD. Finally, the rule allows one motion to recommit, with or without instructions.

Mr. Speaker, first of all, I want to applaud subcommittee chairman, JERRY LEWIS, and ranking member, LOUIS STOKES, along with the rest of the members of the Appropriations Committee for a job well done. They've performed miracles in meeting the needs of our country's veterans as well as the housing requirements of the needy and the elderly. The bill also funds NASA and numerous other agencies, and I am especially pleased to see that almost $2 billion has been allocated for the space station, which I strongly support.

But there is no higher priority, Mr. Speaker, than meeting the Federal Government's obligation to honor the commitment made to the veterans of this Nation. Whether it was during World War I, World War II, where I proudly served, or in Korea or Vietnam, or even during more recent military conflicts, over 27 million men and women risked their lives for the United States of America. We owe it to them to ensure that they have an adequate standard of living, and receive the medical care and other benefits they earned through their service to this country. The committee did an excellent job in making limited funds go a long way in order to live up to our obligations to our veterans, and I commend them for their dedication and hard work.

Mr. Speaker, this open rule will allow all Members to fully participate in the amendment process, and I urge its adoption. I include the following materials for the RECORD:

THE AMENDMENT PROCESS UNDER SPECIAL RULES REPORTED BY THE RULES COMMITTEE,[1] 103D CONGRESS V. 104TH CONGRESS

[As of July 25, 1995]

Rule type	103d Congress		104th Congress	
	Number of rules	Percent of total	Number of rules	Percent of total
Open/Modified-open[2]	46	44	39	73
Modified Closed[3]	49	47	12	23
Closed[4]	9	9	2	4
Totals:	104	100	53	100

[1] This table applies only to rules which provide for the original consideration of bills, joint resolutions or budget resolutions and which provide for an amendment process. It does not apply to special rules which only waive points of order against appropriations bills which are already privileged and are considered under an open amendment process under House rules.

[2] An open rule is one under which any Member may offer a germane amendment under the five-minute rule. A modified open rule is one under which any Member may offer a germane amendment under the five-minute rule subject only to an overall time limit on the amendment process and/or a requirement that the amendment be preprinted in the Congressional Record.

[3] A modified closed rule is one under which the Rules Committee limits the amendments that may be offered only to those amendments designated in the special rule or the Rules Committee report to accompany it, or which preclude amendments to a particular portion of a bill, even though the rest of the bill may be completely open to amendment.

[4] A closed rule is one under which no amendments may be offered (other than amendments recommended by the committee in reporting the bill).

SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS

[As of July 25, 1995]

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
H. Res. 38 (1/18/95)	O	H.R. 5	Unfunded Mandate Reform	A: 350–71 (1/19/95).
H. Res. 44 (1/24/95)	MC	H. Con. Res. 17	Social Security	A: 255–172 (1/25/95).
		H.J. Res. 1	Balanced Budget Amdt	
H. Res. 51 (1/31/95)	O	H.R. 101	Land Transfer, Taos Pueblo Indians	A: voice vote (2/1/95).
H. Res. 52 (1/31/95)	O	H.R. 400	Land Exchange, Arctic Nat'l. Park and Preserve	A: voice vote (2/1/95).
H. Res. 53 (1/31/95)	O	H.R. 440	Land Conveyance, Butte County, Calif	A: voice vote (2/1/95).
H. Res. 55 (2/1/95)	O	H.R. 2	Line Item Veto	A: voice vote (2/2/95).
H. Res. 60 (2/6/95)	O	H.R. 665	Victim Restitution	A: voice vote (2/7/95).
H. Res. 61 (2/6/95)	O	H.R. 666	Exclusionary Rule Reform	A: voice vote (2/7/95).
H. Res. 63 (2/8/95)	MO	H.R. 667	Violent Criminal Incarceration	A: voice vote (2/9/95).
H. Res. 69 (2/9/95)	O	H.R. 668	Criminal Alien Deportation	A: voice vote (2/10/95).
H. Res. 79 (2/10/95)	MO	H.R. 728	Law Enforcement Block Grants	A: voice vote (2/13/95).
H. Res. 83 (2/13/95)	MO	H.R. 7	National Security Revitalization	PQ: 229–100; A: 227–127 (2/15/95).
H. Res. 88 (2/16/95)	MC	H.R. 831	Health Insurance Deductibility	PQ: 230–191; A: 229–188 (2/21/95).
H. Res. 91 (2/21/95)	O	H.R. 830	Paperwork Reduction Act	A: voice vote (2/22/95).
H. Res. 92 (2/21/95)	MC	H.R. 889	Defense Supplemental	A: 282–144 (2/22/95).
H. Res. 93 (2/22/95)	MO	H.R. 450	Regulatory Transition Act	A: 252–175 (2/23/95).
H. Res. 96 (2/24/95)	MO	H.R. 1022	Risk Assessment	A: 253–165 (2/27/95).
H. Res. 100 (2/27/95)	O	H.R. 926	Regulatory Reform and Relief Act	A: voice vote (2/28/95).
H. Res. 101 (2/28/95)	MO	H.R. 925	Private Property Protection Act	A: 271–151 (3/2/95)
H. Res. 103 (3/3/95)	MO	H.R. 1058	Securities Litigation Reform	
H. Res. 104 (3/3/95)	MO	H.R. 988	Attorney Accountability Act	A: voice vote (3/6/95)
H. Res. 105 (3/6/95)	MO			A: 257–155 (3/7/95)
H. Res. 108 (3/7/95)	Debate	H.R. 956	Product Liability Reform	A: voice vote (3/8/95)
H. Res. 109 (3/8/95)	MC			PQ: 234–191 A: 247–181 (3/9/95)
H. Res. 115 (3/14/95)	MO	H.R. 1159	Making Emergency Supp. Approps.	A: 242–190 (3/15/95)
H. Res. 116 (3/15/95)	MC	H.J. Res. 73	Term Limits Const. Amdt	A: voice vote (3/28/95)
H. Res. 117 (3/16/95)	Debate	H.R. 4	Personal Responsibility Act of 1995	A: voice vote (3/21/95)
H. Res. 119 (3/21/95)	MC			A: 217–211 (3/22/95)

SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS—Continued

[As of July 25, 1995]

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
H. Res. 125 (4/3/95)	O	H.R. 1271	Family Privacy Protection Act	A: 423–1 (4/4/95)
H. Res. 126 (4/3/95)	O	H.R. 660	Older Persons Housing Act	A: voice vote (4/6/95)
H. Res. 128 (4/4/95)	MC	H.R. 1215	Contract With America Tax Relief Act of 1995	A: 228–204 (4/5/95)
H. Res. 130 (4/5/95)	MC	H.R. 483	Medicare Select Expansion	A: 253–172 (4/6/95)
H. Res. 136 (5/1/95)	O	H.R. 655	Hydrogen Future Act of 1995	A: voice vote (5/2/95)
H. Res. 139 (5/3/95)	O	H.R. 1361	Coast Guard Auth. FY 1996	A: voice vote (5/9/95)
H. Res. 140 (5/9/95)	O	H.R. 961	Clean Water Amendments	A: 414–4 (5/10/95)
H. Res. 144 (5/11/95)	O	H.R. 535	Fish Hatchery—Arkansas	A: voice vote (5/15/95)
H. Res. 145 (5/11/95)	O	H.R. 584	Fish Hatchery—Iowa	A: voice vote (5/15/95)
H. Res. 146 (5/11/95)	O	H.R. 614	Fish Hatchery—Minnesota	A: voice vote (5/15/95)
H. Res. 149 (5/16/95)	MC	H. Con. Res. 67	Budget Resolution FY 1996	PQ: 252–170 A: 255–168 (5/17/95)
H. Res. 155 (5/22/95)	MO	H.R. 1561	American Overseas Interests Act	A: 233–176 (5/23/95)
H. Res. 164 (6/8/95)	MC	H.R. 1530	Nat. Defense Auth. FY 1996	PQ: 225–191 A: 233–183 (6/13/95)
H. Res. 167 (6/15/95)	O	H.R. 1817	MilCon Appropriations FY 1996	PQ: 223–180 A: 245–155 (6/16/95)
H. Res. 169 (6/19/95)	MC	H.R. 1854	Leg. Branch Approps. FY 1996	PQ: 232–196 A: 236–191 (6/20/95)
H. Res. 170 (6/20/95)	O	H.R. 1868	For. Ops. Approps. FY 1996	PQ: 221–178 A: 217–175 (6/22/95)
H. Res. 171 (6/22/95)	O	H.R. 1905	Energy & Water Approps. FY 1996	A: voice vote (7/12/95)
H. Res. 173 (6/27/95)	C	H.J. Res. 79	Flag Constitutional Amendment	PQ: 258–170 A: 271–152 (6/28/95)
H. Res. 176 (6/28/95)	MC	H.R. 1944	Emer. Supp. Approps.	PQ: 236–194 A: 234–192 (6/29/95)
H. Res. 185 (7/11/95)	O	H.R. 1977	Interior Approps. FY 1996	PQ: 235–193 D: 192–238 (7/12/95)
H. Res. 187 (7/12/95)	O	H.R. 1977	Interior Approps. FY 1996 #2	PQ: 230–194 A: 229–195 (7/13/95)
H. Res. 188 (7/12/95)	O	H.R. 1976	Agriculture Approps. FY 1996	PQ: 242–185 A: voice vote (7/18/95)
H. Res. 190 (7/17/95)	O	H.R. 2020	Treasury/Postal Approps. FY 1996	PQ: 232–192 A: voice vote (7/18/95)
H. Res. 193 (7/19/95)	C	H.J. Res. 96	Disapproval of MFN to China	A: voice vote (7/20/95)
H. Res. 194 (7/19/95)	O	H.R. 2002	Transportation Approps. FY 1996	PQ: 217–202 (7/21/95)
H. Res. 197 (7/21/95)	O	H.R. 70	Exports of Alaskan Crude Oil	A: voice vote (7/24/95)
H. Res. 198 (7/21/95)	O	H.R. 2076	Commerce, State Approps. FY 1996	A: voice vote (7/25/95)
H. Res. 201 (7/25/95)	O	H.R. 2099	VA/HUD Approps. FY 1996	

Codes: O-open rule; MO-modified open rule; MC-modified closed rule; C-closed rule; A-adoption vote; D-defeated; PQ-previous question vote. Source: Notices of Action Taken, Committee on Rules, 104th Congress.

□ 1040

Mr. Speaker, I reserve the balance of my time.

Mr. BEILENSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we strongly oppose this rule and the bill it makes in order, the Veterans Affairs, Housing and Urban Development, and independent agencies appropriations bill for fiscal year 1996.

This rule sanctions the most flagrant and wholesale violation in memory of the House rule that prohibits legislating on an appropriations bill. By protecting major legislative changes—policy changes—contained in this bill, it allows the Appropriations Committee to run roughshod over the authorizing committees.

If Democrats, when we were in the majority, had ever proposed a rule that protected by waivers so many major changes in substantive law, our Republican colleagues would have protested loudly and vehemently—and they would have been right. This rule ought to be defeated.

Mr. Speaker, up until today, we have generally accepted the need for waivers of rule XXI—the prohibition on legislation in an appropriations bill—which have been contained in the rules for consideration of appropriations bills this year. We recognize, from our years of being in the majority, that it is extremely difficult to avoid all violations of rule XXI in an appropriations bill.

There are almost always cases where it is necessary to include funds for programs or agencies that have not been reauthorized yet, or where it is necessary to provide some guidance to the agencies in the way moneys are spent. So we understand, and agree, that there are often legitimate and appropriate reasons to waive rule XXI.

However, the waiver of rule XXI provided by this rule goes far beyond the bounds of what can reasonably be considered legitimate or appropriate. This waiver is being used to allow the Appropriations Committee to substantially rewrite major environmental and housing laws. It is being used to allow the Appropriations Committee to usurp the function of the authorizing committees, and to deny the House the opportunity to have a full debate on these policy changes. That, in our view, is an egregious misuse of the waiver.

The majority defends this waiver by saying that the authorizing committee chairmen agreed to the Appropriations Committee's inclusion of legislative language in areas under their jurisdiction, which follows a policy that was established when the Democratic party was in the majority of providing rule XXI waivers only in such cases.

However, that policy worked when we were in the majority because our party's authorizing committee chairmen did not agree to major revisions to laws under their jurisdiction in appropriations bill, as the current authorizing committee chairmen apparently do. These chairmen are evidently willing to cede their responsibilities to the Appropriations Committee, rather than defend the integrity of the legislative process by insisting on their committees' right to make major policy changes the way they should be made, through authorizing legislation.

We suspect that the reason they are agreeing to this intrusion on their committees' rightful role and obligation is because they realize that these policy revisions might not withstand the scrutiny of a full-scale debate, with possible amendments, on the House floor.

To make matters worse, the rule denies rule XXI protection to amendments that would allow the House to debate these policy changes. It denies waivers for all but two amendments that Members sought protection for—amendments to be offered by Mr. KLUG of Wisconsin, and by Mr. DAVIS of Virginia. No amendments sought by Member from our side of the aisle received the protection they need in this rule.

During the Rules Committee consideration of this rule, our efforts to allow considering these amendments were rejected on a party line vote. As a result, the House will not have the opportunity to debate important amendments that were sought by Mr. STOKES of Ohio, the ranking Democratic member of the subcommittee, Mr. KENNEDY of Massachusetts, Ms. KAPTUR of Ohio, Mr. MORAN of Virginia, or Mrs. ROUKEMA of New Jersey.

We believe that if we are going to rewrite policy in appropriations bills then, in the interest of fairness, and of producing the best possible legislation, we ought to protect the amendments Members want to offer so that the House can have a full debate on these policy changes. That is particularly true if the House is faced with a bill, such as this one, that makes drastic policy changes that will significantly affect virtually all of our citizens.

Consider what this bill does to the environment: It slashes funds for environmental protection by 32 percent, providing one-third less than what we are currently spending. These cuts would cripple EPA's enforcement efforts, seriously weakening the implementation of virtually every major environmental law—including the Clean Air Act, the Clean Water Act, the Safe Drinking Water Act, and the law regulating the use of pesticides. It would prohibit EPA from initiating cleanup at new Superfund sites.

In addition, 17 legislative provisions in the bill—language protected by this rule—would prohibit EPA from enforcing or implementing most Clean Water

Act programs, including wetlands protection, new effluent discharge standards, new pretreatment standards, and new water quality standards; prohibit EPA regulatory actions with respect to many Clean Air Act rules; prohibit EPA actions on pesticides which had previously been allowed to be used on raw agricultural commodities; restrict the ability of EPA to issue rules concerning the emission of toxic substances from cement kilns and other industrial furnaces; prohibit EPA from implementing the Great Lakes Water Quality Program; prohibit EPA from taking actions against polluters whose violations are uncovered through State audits; and make numerous other changes that hamper the EPA's ability to protect the health and safety of our citizens.

When the funding cuts and legislative changes contained in this bill are combined with the changes to environmental policy that have been made in other bills the House has passed this year—including the Clean Water Act revision, and the so-called regulatory reform bills—this effort amounts to nothing less than a full-scale assault on the environmental protection laws that have served our Nation so well during the past three decades.

The other area that is cut drastically by this bill is housing, where funding is reduced by 25 percent from this year's level.

Here, too, the funding cuts and the legislative changes in the bill amount to significant changes in housing policy. Among other provisions, this bill would raise the rent ceiling for families living in pubic housing; suspend the existing preference system for public housing tenants; and suspend the one-for-one replacement rule for public housing. It would also prohibit HUD from issuing or enforcing a rule to apply the Fair Housing Act to the underwriting of property insurance, and make numerous other policy changes.

On top of all that, this bill also eliminates all funding for a number of current programs, including the AmeriCorps National Service Program, the Community Development Bank initiative, and the FDIC Affordable Housing Program. In addition, it provides for the termination of the Council of Environmental Quality and the Office of Environmental Quality within the Executive Office of the President.

Mr. Speaker, we recognize that reason that the bill cuts spending 13 percent below current levels is because the VA-HUD Subcommittee had a much smaller spending allocation to work with than in the past. However, I would point out that the subcommittee was in that position only because of the misguided budget priorities that the Republican majority has imposed. Those priorities are forcing Congress to make deep cuts in domestic programs in order to pay for unnecessary increases in defense spending—including more weaponry than the Defense Department itself has requested—and tax cuts that will mainly benefit the wealthiest among us.

Mr. Speaker, this is a truly bad rule—one that would trash our most important procedural safeguard, that protects the most egregious violation of legislating on an appropriations bill in memory—and that does so to allow the House to make damaging changes to environmental and housing laws with only minimal debate.

Mr. Speaker, I urge a "no" vote on the rule, and on the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. QUILLEN. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from New York [Mr. SOLOMON], the chairman of the Committee on Rules.

Mr. SOLOMON. Mr. Speaker, I thank the gentleman for yielding me the time.

Let me point out that, yes, I am the chairman of the Committee on Rules, but before that I was the senior ranking Republican on the Committee on Veterans' Affairs for 10 years. I was very, very proud of that service.

I rise now somewhat concerned with my good friend, the gentleman from California [Mr. BEILENSON], who wants people to come over here and vote against this open rule. I just cannot believe what I am hearing. First of all, let us get the record straight once and for all. If you are listening back in your offices, Members, you had better listen up, because your political life is at stake here.

The gentleman from California [Mr. BEILENSON] wants you to come over here and vote against this rule. Behind the scenes, the reason they want this rule defeated is because they are concerned that there are cuts in such things as the Environmental Protection Agency, in housing, and a whole host of other things.

What they are not telling you is that we have spent days and days and days on something, the gentleman from Arizona [Mr. STUMP], chairman of the Committee on Veterans' Affairs, the gentleman from Mississippi [Mr. MONTGOMERY], the former chairman and the ranking Democrat on that committee, myself, the gentleman from California [Mr. LEWIS], and members of his committee. We have struggled for weeks to get adequate funding for the other part of this veterans and housing and independent agencies bill, and that is the veterans' medical care delivery system.

I want to commend the gentleman from California [Mr. LEWIS], but let me digress just 1 more minute before I do that.

If Members come over here and vote against this rule, then this bill does not come to the floor. And what happens? All of the issues are reopened. If you are going to increase funding for housing or the Environmental Protection Agency or all these other things, where do you think it is going to come from? It is going to come out of the only part of this bill that has an increase, and that is the veterans' portion of the budget. Think about that, ladies and gentleman. I want you to come over here and I dare you to vote against this rule.

Let us get back to the bill itself. The gentleman from California [Mr. LEWIS] came here with me 17 years ago. He has been a member of the Committee on Appropriations. I had an opportunity to serve on that committee when our good friend Jack Kemp stepped down and chose not to seek reelection. I did not do that because I liked the Committee on Veterans' Affairs, and I liked the Committee on Rules, where I thought I could be of some help.

The gentleman from California [Mr. LEWIS] has done an outstanding job. When we look at the budget that we had to vote for with its allocation to the 13 functional areas of Government, I guess perhaps the gentleman from California has had the toughest job of all in trying to make sure that this entire portion of the budget was treated fairly.

Let me tell you, they have treated it fairly. The Clinton administration had asked for an increase in the Veterans' Administration function, as they did with many other functions. As a matter of fact, they asked for so many increases that they would have increased the national debt by $1 trillion over the next 5 years if we had allowed that.

But we did not, because we have a deeper responsibility, and that is to balance this budget over the next 7 years. To do that, you have to cut just about everything. You have to get this spending under control, this leviathan sea monster that is literally drowning this country in a sea of red ink. Members of this Congress have done it.

In this particular bill, we have been able to scrimp and save and put together almost $300 million in additional spending over what was originally presented. In other words, we have adjusted the 602(b) allocation. That is inside-the-beltway talk, but what that means is, in other words, in the caps we have to live with, we have been able to in these last several weeks, after much negotiation, to raise that 602(b) allocation, the caps, by about $300 million, with all of it going into the veterans' medical care delivery system.

In addition, we have been able to adjust other functions within the Veterans' Administration to make sure that we have got adequate funding, similar to what was asked for by Secretary Brown and President Bill Clinton, of almost $480 million. That is about some 80 to 85 percent of what they were asking for.

In this particular bill, we have increases for the veterans' affairs and no increases for anything else.

I just want to say this. We are going to have amendments that are going to be offered on this floor today, and they are going to offer to cut other functions and put more money into the veterans' affairs functions. I am going to tell you this: That after all of the negotiations that we have gone through, that I am going to oppose any of those amendments that are going to try to cut other areas and put more money into veterans' affairs.

I have stood on this floor for 17 years as an advocate for the veterans, and I guess I have more plaques hanging on my wall than any other Member of this Congress, just about, for what we have tried to do for veterans. But I am going to tell you, the veterans that I represent know that we have done a good job, that it is adequately funded with the moneys that we have to work with this year.

I would just hope that every Member would not only come over here and vote for this rule, but that then they would support the gentleman from California's appropriation bill because it is an outstanding job that he has done. And I just commend the gentleman for it.

I will be here on this floor all day long. I will be glad to enter into a colloquy with anybody. I will be glad to go outside and enter into a colloquy and discuss what we have done. I think that the other Members who have worked so diligently with us to put this together will do the same thing.

Mr. KENNEDY of Massachusetts. Mr. Speaker, will the gentleman yield for a brief colloquy?

Mr. SOLOMON. I yield to the gentleman from Massachusetts.

Mr. KENNEDY of Massachusetts. Mr. Speaker, I appreciate the pressures that the gentleman is under and the attitude with which he brings out this year's budget.

I would just point out to the gentleman that we would have about $245 billion more to play with if we were not involved in an enormous tax cut for the richest people in this country and that we could address a lot more of the veterans' needs, of the needs of the homeless and many other people in this country, the kind of capabilities they need their Government to be providing them. After the veterans of this country have served us, it seems to me that to be cutting the taxes for the richest people in the Nation is a very irresponsible act that is being undertaken at this same time.

Mr. SOLOMON. Reclaiming my time, I will be glad to continue with the gentleman on his time to say that the gentleman has a point, that there have been recommendations for tax cuts.

I personally think that a $500 tax cut for individual families in this country is not too much to ask for. I do not think that a capital gains tax cut is too much to ask for.

I am going to be speaking in Hyde Park, NY, Saturday morning, whether there is a session here or not, before many, many senior citizens who have worked all their lives. They have saved and they have scrimped, they have a little stock involved and they have held onto that stock. Now they want to sell it, but they do not want the Government to confiscate all of their profit after holding that stock for 20 or 30 years. That to me is being compassionate, and that is what we are really doing.

The gentleman's points are well taken.

Mr. KENNEDY of Massachusetts. Mr. Speaker, will the gentleman yield further?

Mr. SOLOMON. Why do you not get your time, then I will be glad to answer your questions. We are running out of time over here.

Mr. KENNEDY of Massachusetts. Mr. Speaker, I would much prefer to spend the time debating this than anything else the gentleman from New York [Mr. SOLOMON] has to say.

Mr. SOLOMON. I have to retain my time and yield back my time. Come on over here and let us talk about it.

Mr. BEILENSON. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Ohio [Mr. STOKES], the ranking member of the subcommittee.

Mr. STOKES. Mr. Speaker, at the outset I want to associate myself with the excellent statement of Mr. BEILENSON.

Mr. Speaker, I regret to say that in my opinion, the bill we are discussing today is badly flawed. I had hoped to be able to offer amendments to improve this legislation somewhat, but under the unfair terms of this rule, I am restricted in the amendments I will be able to offer.

This rule demonstrates—in the clearest manner possible—the lack of respect the Republican majority has for the rules of the House of Representatives and for the rights of the minority. The rule waives points of order against nearly 30 pages of pure legislative language in the bill. That is right. More than one-third of the total bill is legislation that could be struck on points of order if not protected by this rule. I am not talking about technical violations. And I am not talking about waivers for lack of authorization. What I am referring to are changes in substantive law—pages and pages of it.

The rule also makes in order an amendment to be offered by the Republican bill manager. Although it makes 20 separate changes to the bill, this amendment is not subject to amendment or to a demand for a division. In addition, two other amendments requested by Republicans are protected by the rule from points or order. By way of contrast, not one of the nine amendments Democratic Members sought to have protected under the rule received protection.

When I testified before the Rules Committee earlier in the week, I asked that the legislative provisions in the bill not be protected. If that request could not be granted, I requested waivers of certain Democratic amendments so at a minimum the House could have a debate on the merits of these very important issues. That request for fairness was also rejected.

In closing, Mr. Speaker, I refer to a memorandum sent from the chairman of the Rules Committee to the Republican leadership earlier this month. The following statement was made:

> The more legislative policy debates that are injected into the appropriations process, beyond mere cutting amendments, the longer the amendment process on which bill will take. A greater effort could be made by the leadership to limit legislative provisions and amendments on appropriations bills in favor of debating and voting on these through the regular authorization process.

In my opinion, it is a grave mistake that the suggestion of the Rules Committee chairman was not followed on this bill. The debate on repealing the Brooke amendment or on repealing the Delaney amendment should be managed by the Legislative Committees after proper hearings and deliberation. It should not be accomplished on this appropriations bill.

I urge defeat of the rule.

□ 1100

Mr. QUILLEN. Mr. Speaker, I yield 7 minutes to the gentleman from California [Mr. LEWIS], the distinguished chairman of the subcommittee.

Mr. LEWIS of California. Mr. Speaker, I first want to express my very sincere appreciation to both the gentleman from Tennessee [Mr. QUILLEN], my colleague on the Committee on Rules, as well as the gentleman from California [Mr. BEILENSON], for their courtesy during our effort to put this bill together and to fashion a rule that allowed us to go forward with the work that we had to do here. I would like also to express my appreciation to my colleague, the gentleman from New York [Mr. SOLOMON], for his very kind remarks regarding our effort on this bill.

Mr. Speaker, we will have plenty of time today to discuss the substance of this bill, so I do not intend to put us through any of that at this moment, except to mention a couple of items that may not come up in the debate and reference a bit of the discussion relative to the language that exists within this bill.

Earlier in the year, during the rescissions process, the new majority made some effort to address what the House had done relating to spending during the 1995 fiscal year. It became very obvious to all of us that we were establishing spending priorities for the future of this country.

The effort is an attempt to reduce the rate of growth of spending across the Government. There is little doubt that all of us recognize the need, progressively, to try to make sense out of what we are doing with our budget in terms of the national debt. Whether my colleagues are supportive of balancing the budget by 2002, as we propose, or they support the idea of balancing budget in a 10-year period as the President has proposed, clearly, we are going to have to address the question of reducing spending across all those elements of Government, especially where there is discretionary spending.

Mr. Speaker, this is one of those bills with the largest pools of discretionary spending. There is not any doubt that because the appropriations process is moving ahead of the authorization process, that there are implications between policy direction and what we ought to be doing with spending. Because of that, we have been working very, very closely with all of our authorizing committees. We are working with approximately six different committees, working with their chairmen, with members, Democrat and Republican alike, attempting to seek new direction from those policy committees.

That has led to the addition of a good deal of language in this bill, much of which has been protected. I am a Member of the House who has long said that the appropriations process should be as separate as possible from the policy work of the authorization committees, but this is a most unusual year.

Post "the revolution," our policy has implications relative to spending and the reverse is also true. So I want the House to know that while we have language in many instances that is designed to help us reduce spending, it is not the intention of this chairman to have the appropriations process become the authorization process in the years ahead. I would hope in the future that we will have very little language. But, indeed, the language in this bill is very important in terms of that overall effort to get a handle on the budget and move towards balancing the budget. We are at the same time, redirecting a long-established pattern of more spending every year by way of our appropriations bills.

Mr. Speaker, I want to mention one other subject area and that deals with the section of this bill that involves funding for NASA. Earlier in the year, we had no small amount of controversy swirl around the recommendations of this subcommittee that related to closing down some centers of NASA—three of them—and also to terminate one major program and delay a couple of others.

Mr. Speaker, I want to share with the Members how we came to that position, for it has had a very interesting impact upon our process. During the rescission work that I mentioned earlier, I had the opportunity to work with a number of my agencies. None was more cooperative than NASA. NASA stepped up to the plate and Administrator Goldin was most helpful in helping us examine their priorities.

Because of this, NASA did quite well in the rescissions process. We attempted to have the same kind of communication during the 1996 appropriation process, and that began with meetings between myself and Administrator Goldin.

We thought we were on a perfect pathway to effective cooperation, and then I received a phone call from the Administrator and his staff that indicated that somewhere on high, above the Administrator's office, the word had come down from the administration that they did not want communication with our committee about those priorities.

They said, "Let the committee make its cuts itself." Essentially, they were saying, "Do not cooperate." I suggested to the Administrator, and the people at NASA, that their bill would come forward in much different form than it might otherwise have, because I felt there was a need to consider the impact of infrastructure upon costs. We should be willing to reexamine programs in place to see if they continue to work.

It was very important that we be able to consider elements like that as we evaluated NASA's future. Clearly, I knew that we were not going to close centers, but we did need to send a message, not just to NASA but especially a message to this administration, that we need their cooperation if these bills are going to make sense for the country. Democrats and Republicans, we need to work together. Indeed, I was very disappointed in the administration's lack of willingness to cooperate.

Mr. Speaker, this bill is going to be a very controversial bill, without any question, but it does put us on a pathway that indeed gives us a real shot at balancing our budget by 2002.

We treated each account as equitably as possible. VA medical care is a very important account and we have done very well in that connection. From there, the reductions in spending that are involved treat every other agency in an equitable fashion, one against the other.

Mr. Speaker, this is a very good bill, in my judgment. I appreciate the Members' attention, I certainly appreciate their support, and I look forward to their vote for the bill.

Mr. BEILENSON. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Massachusetts [Mr. KENNEDY], the ranking member of the Subcommittee on Housing and Community Opportunity.

Mr. KENNEDY of Massachusetts. Mr. Speaker, this bill is an outrage. This rule is an outrage. It makes a mockery of every promise made by the Republican leadership to run an open and democratic House.

The bill contains page after page of far-reaching and devastating legislative changes that change basic housing policy of the past 20 or 25 years.

Whether it is the suspension of the Brooke amendment, which holds down rents for the poorest people in our society, cr rent increases for families and senior citizens; the micromanagement of HUD administration; or the hamstringing of the Office of Fair Housing, the bill will create more homelessness and result in more abandonment of and disinvestment from our cities and sets of policies than we have considered in the Congress since I have served here.

Worst of all, Mr. Speaker, these changes are being made with absolutely no consideration of the authorizing committees. What we have here is a complete abandonment of the responsibility of people that come here to the Congress of the United States, are assigned to the authorizing committees, and then back off, never hold a hearing, never have an up-or-down vote on policies, and cede all of their authority to the Committee on Appropriations.

The appropriations, because they want to achieve not only a balanced budget but they want to provide a $250 billion tax cut to the richest Americans, not to senior citizens as was described by the gentleman from New York [Mr. SOLOMON], chairman of the Committee on Rules, but to the richest people in this country. That is where those tax breaks are going and that is why these cuts are being made and they are made without ever anyone standing up and having a debate about it.

So what happens is the authorizing committee takes a powder. We have a bunch of brain-dead people around here; flatliners who are not even taking the fundamental responsibility of holding a hearing and asking the real questions about how we should be making our priorities.

So, it is ceded to the appropriators. The appropriators take that authority and they say, "Let us have at it." They make the chops wherever they want and have no idea what the impacts of these cuts are actually going to be the poorest and most vulnerable people in the society.

The Committee on Rules, which is supposed to allow any Member of this House the opportunity to come and offer an amendment on the floor of this Congress to be able to change what the appropriators have done, and they stifle every one of us.

Mr. Speaker, this is an outrage. If we look at what they have done to this HUD administration, at what they are going to do to create homelessness in this country, the people that look at these issues will be outraged.

If my colleagues look at the fact that we saw in this bill $5 billion cut overnight with the stroke of a pen, more homelessness will be created by the stroke of that pen than any policy in the history of this country.

We see 23 percent of the budget cut. We see things like the gentlewoman from Ohio [Ms. KAPTUR], who tried to offer an amendment to put back the Drug Elimination Program, a program I visited twice this week in my own district. That program is providing tenant action groups with the capability of eliminating drug dealers from public housing; stricken from this bill without so much as a minute of debate and not even an attempt to be able to have that debate on the floor of the Congress of the United States.

The gentlewoman from California [Ms. ROYBAL-ALLARD], and I, have an alternative that would provide least-cost housing. Let us have your cost benefit analysis. Let us have it.

Mr. SOLOMON. Mr. Chairman, will the gentleman yield?

Mr. KENNEDY of Massachusetts. I yield to the gentleman from New York.

Mr. SOLOMON. Mr. Speaker, I say to the gentleman, we will give it to him.

Mr. KENNEDY of Massachusetts. Mr. Speaker, the gentleman will give it to us?

Mr. SOLOMON. Mr. Speaker, let me point out, this is an open rule. The gentleman from Massachusetts has been here quite a while and he knows what that means. First of all, this is an appropriation bill put on the floor under an open rule. Now, that means the gentlewoman from Ohio [Ms. KAPTUR] or the gentleman from Massachusetts or any other Member are treated the same. Let me explain, because the gentleman needs to know this. It will ensure to his benefit. This is an open rule. I am going to show the gentleman how to do what he wants to do.

Mr. KENNEDY of Massachusetts. Mr. Speaker, I am listening.

Mr. SOLOMON. Mr. Speaker, the gentleman can offer any germane amendment that he wants to under the rules of the House and under this rule.

Mr. KENNEDY of Massachusetts. Mr. Speaker, reclaiming my time, I do not have that much time, but let me explain to the gentleman from New York the problem with what his premise is.

The problem is because the authorizing committee has never held a hearing, because we never passed a bill, which is way beyond my capacity because the chairman is now a Republican, none of these bills, none of these changes, the Drug Elimination Grant Program is not authorized, thus, it is subject to a point of order.

So the gentleman from New York can tell me that I can offer the amendment, but the first thing that happens is a Member pops up on the other side and say that I am out of order or the gentlewoman from Ohio [Ms. KAPTUR] is out of order because the program is not authorized.

The gentleman says it is an open rule; we can offer any amendment that we want. But the gentleman knows that hidden behind that are a series of procedural changes that the Republicans have offered time and time again that knock out our capability of offering and having a legitimate debate on these issues.

Mr. Speaker, I ask the gentleman, is that not true?

Mr. SOLOMON. Mr. Speaker, no, it is not true.

Mr. KENNEDY of Massachusetts. Mr. Speaker, can I offer the Drug Elimination Grant Program?

Mr. SOLOMON. Mr. Speaker, the gentleman has rights to offer limitation amendments, cutting amendments, and transfer amendments under the Rules of the House. The gentleman is trying to say that we are trying to prevent him from doing something, and I am telling the gentleman that he can do anything he wants to under the rules of the House.

Mr. KENNEDY of Massachusetts. Mr. Speaker, the gentleman from New York knows that is not true. The gentleman knows those are not the rules that we are operating under.

The SPEAKER pro tempore (Mr. NUSSLE). The Chair cautions Members to refrain from using first names and should refer to Members in the third person.

PARLIAMENTARY INQUIRY

Ms. KAPTUR. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentlewoman will state it.

Ms. KAPTUR. Mr. Speaker, I was listening very carefully to what the gentleman from New York [Mr. SOLOMON], chairman of the Committee on Rules, just said. As the chairman knows, I came before the Committee on Rules in an attempt to get my amendment in order on this floor to have a full debate on the Drug Elimination Program.

Mr. Speaker, this bill eliminates the Drug Elimination Program, which I think is absolutely wrong for this country. It affects the town of the gentleman from New York, my town, every city and town in this country. I was denied the ability to bring that amendment up on the basis that this rule waived points of order.

The SPEAKER pro tempore. Does the gentlewoman have a parliamentary inquiry?

Ms. KAPTUR. Mr. Speaker, I am trying to get an answer to my question. I listened and the gentleman from New York said the rule provides that we can offer amendments to cut. My amendment is not a cutting amendment, Mr. Speaker, my amendment is an amendment to transfer money from FEMA to the Drug Elimination Program.

□ 1115

But I am not made in order on this floor. I would like the chairman, whom I have great respect for, to please explain to me whether under the rule I will be allowed an opportunity to have a full debate on that amendment as approved by the committee.

I have been told I cannot offer this amendment. I have a right to know that. He said I could offer this amendment.

The SPEAKER pro tempore (Mr. NUSSLE). The gentlewoman has not stated a parliamentary inquiry which the Chair can respond to. It is not the Chair's responsibility to interpret pending special orders, but to interpret them once adopted at the appropriate time.

Ms. KAPTUR. Now, wait a minute. I am not sitting down. I have served in this Chamber for 13 years. I want to know from the Chair if the rule provides me the right to offer my amendment to restore the funds for the drug elimination program.

My amendment transfers those funds from FEMA, which is in the same bill, to the account at HUD for drug elimination.

I just heard the chairman say amendments in order are cutting amendments. My amendment is not a cutting amendment. It is a transfer amendment. I have a right to know the answer to that question.

There are lives at stake all over this country on this amendment. It is important for me to know the answer. That is, I would expect the Chair could answer that question for me, with all due respect.

The SPEAKER pro tempore. The Chair cannot answer the gentlewoman's question. It is not a parliamentary inquiry the Chair can answer. The Chair cannot interpret the intent of the rule while pending. It can only rule on the enforcement of that rule.

Ms. KAPTUR. But the Chair obviously knows what the rule is. Does the Chair not know?

The SPEAKER pro tempore. The gentlewoman is engaging in legitimate debate, but has not made a parliamentary inquiry the Chair can respond to.

Ms. KAPTUR. How about if I ask the Chair under what part of the rule could I bring up this amendment? It is my understanding that I am barred from bringing up this amendment.

The SPEAKER pro tempore. This is something that the gentlewoman can direct, if the manager of the time would yield you time for a question or a colloquy; the gentlewoman may do that. The Chair cannot rule on this as a parliamentary inquiry.

Ms. KAPTUR. I ask the gentleman from Tennessee [Mr. QUILLEN], would he yield and answer my question, please, sir?

The SPEAKER pro tempore. Does the gentleman yield time?

Mr. QUILLEN. Mr. Speaker, I have the time. I think she has been speaking on the rule rather than making a parliamentary inquiry, and I will be happy to yield her 1 minute.

Mr. KENNEDY of Massachusetts. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will suspend.

Mr. QUILLEN. I am happy to yield the gentlewoman 1 minute.

The SPEAKER pro tempore. The gentlewoman from Ohio is recognized for 1 minute.

Ms. KAPTUR. I thank the gentleman for yielding this time to me.

It is my understanding that the amendment that I came before the committee to offer, which proposed that we transfer $290 million from FEMA to the drug elimination program in order to restore it because it was zeroed out in the committee, which I think is backward policy for this country, is not in order on this floor.

If the chairman could, please, explain to me, based on what you have just said on the floor, is my amendment now in order?

Mr. SOLOMON. Mr. Speaker, will the gentlewoman yield?

Ms. KAPTUR. I yield to the gentleman from New York.

Mr. SOLOMON. Let me say something to the gentlewoman from Ohio [Ms. KAPTUR], for whom I have a great deal of respect. I have served on the Committee on Veterans' Affairs with her for years. We have not done anything to prevent you from doing anything that is allowed under the rules of this House.

Now, we have allowed cutting amendments. We allow limitation amendments. And we allow——

Ms. KAPTUR. Mine is not a cutting amendment, sir.

Mr. SOLOMON. You did not let me finish. Just a moment. We allow cutting amendments. We allow limiting amendments, saying none of these funds can be used for this purpose. We allow transfer amendments. If your amendment is in order under the rules of the House, you can offer it.

My suggestion is that you go to the Parliamentarian and let him advise you as to whether or not your amendment is in order.

Mr. QUILLEN. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. LEWIS].

Mr. LEWIS of California. Mr. Speaker, I understand my colleague's question and concern.

Her amendment is a very special category for, as you may recall in the rescissions process, we eliminated the money for this program. As a result of that, there is nothing in the bill to transfer moneys to, and above and beyond that the program is not authorized by the authorizing committee.

Ms. KAPTUR. Mr. Speaker, will the gentleman yield?

Mr. LEWIS of California. I yield to the gentlewoman from Ohio.

Ms. KAPTUR. I appreciate and I have great respect for the chairman.

This is exactly where the rules process fails us, simply because the program has been operating since 1988, but because the House in committee has not acted, that program is not authorized. Therefore, if I try to offer this amendment, even though it is operating, I will be called on a point of order on the floor, Mr. Speaker. This is why I came before the committee.

Mr. LEWIS of California. If I could say to the gentlewoman, this program has existed for some time. The people in charge of the authorizing committee during that time chose, for one reason or another, not to reauthorize it. As a result of that and because there is no money in the bill, it does not qualify under the rules of the House. It has nothing to do with this rule. It has to do with the rules of the House. I am sorry to say that. That is the reality we are dealing with.

Ms. KAPTUR. If the gentleman will yield, you know, I feel sorry that the committee cannot conduct its business, but simply because that committee, under its so-called new leadership, cannot conduct its business, they have no right to eliminate these drug elimination programs around this country which are so successful.

It would seem to me the Republican leadership of this House could find a way for me to offer this amendment.

Mr. LEWIS of California. I must say, indeed, the new leadership has had 3 months to consider these problems. They have not been able to change the world yet, but the gentlewoman should know we are working on it.

Mr. BEILENSON. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. MINETA], the distinguished ranking member.

Mr. MINETA. Mr. Speaker, I rise in strong opposition to this rule. H.R. 2099 is a bad bill, and since the rule protects that bill, this is a bad rule and should be defeated.

H.R. 2099 is replete with legislative provisions, funding restrictions and riders which go to the very heart of our Nation's environmental protection. The bill eliminates EPA's role in the wetlands program, it prohibits EPA from addressing stormwater pollution, it stops EPA from assuring the control of raw sewage through combined sewers and sanitary sewers, it halts all advancement in controlling industrial pollution, it prohibits efforts to clean up the Great Lakes, and it denies badly needed funding to our cities and States.

The result will be less environmental protection and increased risk to the health and safety of our constituents. This appropriations bill will single-handedly cause a major rollback of the protections of the Clean Water Act, Superfund, and the Solid Waste Disposal Act.

What does the rule do about the underlying bill? It waives all points of order against the legislative provisions, funding restrictions and riders which gut environmental protection. This is a clear abuse of the legislative process, and an affront to the citizens and communities we represent.

The people of this country are calling for responsive, responsible legislation. Yet, this rule protects provisions in H.R. 2099 which are totally irresponsible. H.R. 2099 rolls back environmental protection and denies financial assistance to communities, all in a misguided effort to pressure the Senate into gutting environmental laws.

My colleagues, this is not some game of legislative poker. We should not be playing fast and loose with the health and safety of our constituents. We should not be denying desperately needed funding to States and cities to create leverage in securing waivers, loopholes and rollbacks which benefit industry's bottom line, but which cause harm to the general population.

H.R. 2099 is a bad bill, and this is a bad rule. I urge a "no" vote on the rule.

Mr. QUILLEN. Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. LAZIO].

Mr. LAZIO of New York. Mr. Speaker, I rise to just correct some of the misperception that I think was left on this floor with respect to the authorization.

I chair the Subcommittee on Housing and Community Opportunity. Of course, as most people realize, for the first time in 40 years, the Republicans have the ability to chair and control the agenda on the Committee on Banking and Financial Services and the subcommittees, including the subcommittee that I chair.

For the last 7 years, there has been an opportunity certainly to authorize the drug elimination program, and despite the fact that the opposition party, the Democratic Party, controlled both the House and the Senate for every one of those 7 years, there is a failure to reauthorize.

To suggest now that the new majority, who has been in control of that subcommittee for just a few months, is somehow responsible for not reauthorizing the program when they have had control for 40 years both on the House side, most of those 40 years on the Senate side, is a farce.

Mr. BEILENSON. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from California [Ms. WATERS].

Ms. WATERS. Mr. Speaker, I rise in opposition to this rule, this bill, and this process. In my tenure here in Congress, this is among the most heartless legislation I have seen.

To begin with, the Appropriations Committee has vastly exceeded its legislative authority in this bill. This bill legislates across the board. It infringes on the Banking Committee's authority by legislating in the area of housing. It enters the Commerce Committee's jurisdiction by legislating with respect to the environment. It is bad enough that the actual appropriations figures contained in this bill represent a virtual abandonment of this country's poor and moderate-income families. But the overt encroachment into authorization committee territory compounds this disaster.

I do not understand. We had a bipartisan effort with the gentlewoman from New Jersey [Mrs. ROUKEMA] and myself where we did rent reform that encourages people to work so that when they go to work their earnings are not taken up by the housing authorities and public housing charging them more rent, encouraging people to work. That is done away with.

Mr. Speaker, this bill raises rents on poor people—it prohibits HUD from enforcing the Fair Housing Act with respect to property insurance. It prohibits HUD from implementing the final RESPA rules.

This bill targets its deepest cuts at vulnerable populations—the poorest residents in public and assisted housing, the homeless, the poor, working families, and the elderly.

These cuts are unwise, unworkable, and unfair. We should reject this rule and bring up an entirely new bill. I urge a "no" vote on this rule.

Mr. BEILENSON. Mr. Speaker, I yield 2 minutes to the gentlewoman from Ohio [Ms. KAPTUR].

Ms. KAPTUR. Mr. Speaker, I thank the gentleman for yielding me this time, and I also want to thank the gentleman from Tennessee [Mr. QUILLEN] for yielding me time, although I did not get an answer to my question. I thank you for your gentlemanly comportment and also to the gentleman from California [Mr. LEWIS], our very capable Chair, who fully understands that I am barred under this rule from offering my amendment on the floor, and to my good friend, the gentleman from New York [Mr. SOLOMON], I will not be allowed to offer this amendment to continue the drug eradication programs in our public housing neighborhoods around this country, because I will be called on a point of order.

It is not an open rule, because the Committee on Banking and Financial Services did not complete its business, sir, and I only have a minute and three-quarters under the rule.

So if you would be kind enough, I would just like to say every mayor in this country, every citizen in this country, every person who lives in and around public housing understands what it is like to have these projects controlled by snipers and drug lords. I was in Chicago; you could not even walk from building to building, because there were snipers on the roofs who were controlling the drug trade.

When I am not allowed to offer my amendment, what it means is that this Congress is going on record as saying that hundreds and hundreds of communities across this country can go it alone.

☐ 1130

I think it is absolutely wrong for us to turn our backs on the scourge of the drug trade that is eating away at the hearts of our communities, and I think it is absolutely wrong, I think it is wrong from a public policy standpoint. I think it is politically wrong for me to be denied the ability to offer this amendment on a program that has worked from the time that Jack Kemp started it in 1988. The city of Albany will be affected. The city of Los Angeles will be affected. Every single major community and minor community in this country will be affected, and I think it is absolutely unfair, unfair that we are denied the opportunity to offer the amendment and the money. The proof in the pudding is the money that is used for this program. Rather than being spent on drug elimination, it is going to be bankrolled into a little account over in the Committee on Ways and Means to give tax breaks to the privileged few in this country. It is absolutely wrong.

Mr. QUILLEN. Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. LAZIO].

Mr. LAZIO of New York. Mr. Speaker, I just wanted to remark that I, too, have been in Chicago, I, too, have visited State Street, Cabrini-Green. I have seen the distress in that community. I want to assure the gentlewoman that there will be other vehicles which use the same concept, the drug elimination, including CDBG, which is fully funded in this bill, as well as modernization funds which will be, by virtue of some new language that is offered, will be able to be fungible, be able to be used.

Ms. KAPTUR. Mr. Speaker, will the gentleman yield?

Mr. LAZIO of New York. I yield to the gentlewoman from Ohio.

Ms. KAPTUR. Mr. Speaker, I would just point out to the gentleman that the funds in the bill at HUD have been cut by nearly 25 percent. Every mayor, including my own mayors in my district, and I represent several of them, do not have the luxury of being able to use money for this because they are so stressed out in the other accounts, sir. My colleague is going to make a lot of seniors pay more on their section 8 in their housing projects——

Mr. LAZIO of New York. Reclaiming my time, Mr. Speaker, I do want to reemphasize again the Community Development Block Grant Program, which is a very large program, is fully funded in this bill, fully funded, and that is well more than most other programs authorized all throughout the rest of this bill.

Mr. BEILENSON. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Speaker, I rise in strong opposition to a rule that is unfair, obviously, in its application. One-third of this bill before us is made up of legislative language, and then we have the sponsors and advocates of this rule suggesting that we are only going to play by the rules; that is, the rules they make. In other words, they protect their policy advances from any type of debate, any application from being stricken in terms of points of order, but will not permit the long-term programs, programs that have a proven track record, to even be considered on this floor because of their application of technical points. That is what is going on here.

But I think the effect of this is, as my colleagues know, we can wrap this in the virtue of deficit reduction and the new majority. The fact is we all know that authorization bills sometimes fall short.

But I am not concerned about it because of myself. I am concerned because of people I represent, because poor people, because working families that I represent in my district, are going to be hurt by this particular program and legislation, those that are trying to strive to pull themselves up by their bootstraps, that are living in public housing, in assisted housing, that need some guidance for their kids in terms of drug programs. They need to have hope.

As my colleagues know, former Secretary Kemp, when he was Secretary, at least favored housing. Since then, of course, I think that that has changed a little bit, but the fact is he favored it, and he had programs called HOPE, and what my colleagues are doing is taking hope away from people, increasing the number of people and families that are vulnerable in our urban centers, in our rural areas, where they need help with housing.

Look at what is happening in this country in terms of the working families that are getting less income, they have less ability to afford housing. We have more of them families that are vulnerable. They do not have the resources, and the fact is, of course, this bill, what we have done, and why I wrote a homeless program in the 1980's, and I thank my colleagues for supporting it then; even those funds are cut in this program by 50 percent. We had to write that program because there are 600,000 people on the street. In other words, we are failing in terms of the policies we have, for housing both as Democrats and Republicans, and the people I represent are going to be hurt by this further reduction of HUD.

I say to my colleagues, "You cut modernization funds, Representative LAZIO, and the fact is that the authorizing committee just didn't fail to get the bill through the House. We really didn't even initiate the process in the last 6 months. I, certainly, understand that we have new leadership here, a new majority but we have got to have elemental fairness, we've got to look at what the impact is, and above all we should support and protect the vulnerable in this society, the working families that are trying to make it."

This rule deserves to be defeated, Mr. Speaker.

Mr. BEILENSON. Mr. Speaker, I yield 2 minutes to the gentleman from New Mexico [Mr. RICHARDSON].

Mr. RICHARDSON. Mr. Speaker, this is a bad rule, and it is a bad bill. Talk about an opportunity to dishonor our commitment to veterans, to environmental programs, to housing. This is the bill to do it. Talk about raising havoc with jurisdictions in the House. I have served on the Committee on Energy and Commerce, all the environmental laws that for years that great committee worked to achieve on Superfund, on toxic pollution. Because of the gutting of some of the safeguards in this bill, who knows if we can recuperate?

Mr. Speaker, what we have here is a bill that for veterans this rule is going to mean 22,000 fewer veterans in this country will have hospital visits, and 500,000 fewer people will receive outpatient treatments. Again, for the environment this rule will mean cuts of $500 million for the safe drinking water State revolving fund and $500 million for the clean water State revolving fund. Why have a Clean Water Act? Why have a Safe Drinking Water Act?

What we have also is legislation that means that over 1,000 Native-American families will not have a home to live in this year, and, if this is not bad enough, this rule also supports legislation that slashes funding for housing, for persons with AIDS, the elderly, and the disabled by 46 percent.

Mr. Speaker, AmeriCorps, the President's national service program, goes by the wayside in this bill. The Council on Environmental Quality, the enforcers, the watchdog of a lot of the Federal pollution issues in environment within the bureaucracy: Slashed.

Mr. Speaker, what we have is an opportunity to defeat this rule and allow amendments, and let us face it. There are no Democratic amendments allowed to protect legislation that is important and to change the direction of this bill. Every authorizing committee should rise up against this legislation.

If you want to vote for a rule that destroys our commitments to veterans, housing, and environmental programs—this is it.

For veterans this rule will mean 22,000 fewer people will have hospital visits and 500,000 fewer people will receive outpatient treatments.

For the environment this rule will mean cuts of $500 million for the safe drinking water State revolving fund and $500 million for the clean water State revolving fund.

Passage of this rule means we will consider a bill that cuts assistance for homeless programs by 50 percent.

Supporting this rule means over 1,000 Native American families will not have a home to live in this year.

And as if that's not bad enough, this rule also supports legislation that slashes funding for housing for persons with AIDS, the elderly, and the disabled by 46 percent.

Mr. Chairman, we are playing politics with people's lives. Attacking the deficit should not be partisan and mean, but that's exactly what the bill we're about to consider is.

I urge my colleagues to stop this cruel trick on the American people by defeating this rule.

This rule protects a lot of bad legislation in an appropriations bill and denies every single Democratic amendment to change that legislation.

Democrats are opposed to this Republican assault on housing and environmental programs that Republicans refuse to give us a chance to fix.

This bill weakens environmental laws, destroys housing programs, and raises rents on the elderly all to pay for a Republican tax break for the very rich.

Housing cuts to pay for tax breaks: The provisions in this bill will lead to rent increases for the elderly and the poor all to pay for a Republican tax break for the richest people in this country.

Gutting environmental laws for tax breaks: This Republican attack on American families guts Federal safeguards that protect our air, water, land, and public health from toxic pollution—it also cuts Superfund by more than $500 million and cuts State revolving funds for clean water and safe drinking water by more than $1 billion below the President's request.

Mr. BEILENSON. Mr. Speaker, we yield our final 2 minutes to the distinguished gentleman from Michigan [Mr. DINGELL].

Mr. DINGELL. Mr. Speaker, I always enjoy discussing rules and praising and saluting my dear friend, the gentleman from New York [Mr. SOLOMON], one of the finest and most able men up here. He presides over his committee with extraordinary grace and dignity. It is always a privilege for me to appear before him. He has, however, presented to the House a bad rule. It is a bad rule on a bad bill, and it enhances his reputation as "Closed Rule SOLOMON."

What has he done? He slashes, the bill slashes, EPA funding. It is crammed full of legislative riders that are designed to eviscerate the environmental statutes that currently protect our lands, our waters, and air.

It is also interesting to note that these legislative riders which eviscerate the environmental laws are protected by points of order. As I stated in my testimony before the Committee on Rules, I strongly object to a rollback in the Nation's environmental protections without public debate and without concurrence of the legislative committees.

My good friend, the gentleman from New York [Mr. SOLOMON], announced that he had had the concurrence of the legislative committees. I know of no concurrence that was given by our Committee on Energy and Commerce. Nor do I know of any concurrence given by the Committee on Transportation and Infrastructure chaired by the distinguished gentleman from Pennsylvania. Now, while I do not dispute those words, the complete lack of even 1 minute of discussion of waivers provided by this rule of any authorizing committee leads me to question the process. It is at best curious, it is certainly outrageous, and it is very clearly antienvironment and anti the public interests. The rule allows dramatic changes in the environmental laws of the United States using the backdoor of an appropriations bill, something which is prohibited in the rules unless waived by the Committee on Rules. There has been little or no public discussion of better than two dozen riders that are attached. Some totally stop implementation and enforcement of the Clean Water Act. Others create unprecedent new privileges allowing States to shield companies from Federal enforcement actions and from criminal prosecution. Image that. Others arbitrarily create special exemptions from various provisions for oil and gas industries. Not only do these change policy, but they do it in a manner which is, frankly, incompetent and sloppy.

Mr. Speaker, I urge my colleagues to vote against the rule.

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the colloquy on the floor on the rule itself has been to ignore the veterans of this country. They have picked out items in HUD and others as primary. Let us not forget that this is a VA appropriation bill along with the problems that HUD has experienced over the years, along with the other independent agencies. Single out one thing, if my colleagues must, but do not forget that we are here to consider the whole picture. Look at the forest, not just a tree.

So I urge the Members of this body to support this rule, and support the bill, and support the veterans of this Nation.

Mr. Speaker, to close the debate I yield the balance of my time to the gentleman from California [Mr. DREIER], a very valuable member of the House Committee on Rules.

The CHAIRMAN. The gentleman from California is recognized for 6 minutes.

Mr. DREIER. Mr. Speaker, I thank the chairman emeritus of the Committee on Rules, my friend from Kingsport, TN, for yielding this time to me, and I rise in very strong support of this rule. I have been listening for the last few minutes to the statements which have been coming from our friends on the other side of the aisle, the gentleman from Minnesota [Mr. VENTO], the gentleman from Michigan [Mr. DINGELL], and others who are in some way implying that this is less than an open rule.

Mr. Speaker, the chairman of the Committee on Rules, the gentleman from New York [Mr. SOLOMON], has made it very clear this is an open rule. Any of these Members, any of these Members who are complaining about this process, have an opportunity to offer striking amendments. They can do that under the open amendment process.

Mr. KENNEDY of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. DREIER. Mr. Speaker, I yield to the gentleman from Massachusetts, and I look forward to his remarks.

Mr. KENNEDY of Massachusetts. Mr. Speaker, I ask my colleague can the gentlewoman from Ohio [Ms. KAPTUR] offer her amendment to put money back into the drug elimination program?

Mr. DREIER. What I said, if I can reclaim my time, what I said is under an open amendment process we are all allowed the chance to offer striking amendments.

Mr. KENNEDY of Massachusetts. She has a striking amendment.

Mr. DREIER. Yes, to transfer money into a program that does not even exist.

Mr. KENNEDY of Massachusetts. The program most certainly does exist——

Mr. DREIER. Reclaiming my time—if I could reclaim my time, we had a very healthy exchange that took place between the chairman of the authorizing subcommittee that deals with this issue, the gentleman from New York [Mr. LAZIO], and it seems to me that there needs to be recognition that an opportunity to deal with this is on the horizon.

Now my friend has raised the issue which I was not even going to talk about in my remarks, but let us look at the issue of drugs as it has existed over the past several years, and, as has been pointed out time and time again, we have seen during the Reagan and Bush administrations a decline in drug use in this country, but since we have seen the election of President Clinton there has been an increase in drug use in this country.

Mr. KENNEDY of Massachusetts. Will the gentleman yield?

Mr. DREIER. If I can continue to hold onto the time——

Mr. KENNEDY of Massachusetts. I am just asking the gentleman to yield.

Mr. DREIER. Let me just say that we have seen that increase. We are working to deal with the issue of authorization. We are trying to deal with this question head-on.

□ 1145

But the fact of the matter is, there have been tremendous chances for Members of the formerly-in-the-majority-party to deal with this issue through authorization, and it has not been dealt with. So in any way to claim the gentlewoman from Ohio [Ms. KAPTUR] is denied her opportunity to offer striking language is way off base.

Let me just say I want to compliment the gentleman from California, Chairman LEWIS, for the superb job he has done in dealing with the veterans, as the gentleman from Tennessee, Mr. QUILLEN, has raised this, and I know the gentleman from New York, Mr. SOLOMON, has, and also with an issue that is very important to me, and that happens to be the science question. I believe as we charge towards the millennium, we have to recognize our responsibility in further research and development in the area of the sciences.

The gentleman from California [Mr. LEWIS] has done a superb job in dealing with that. This is an open rule. It is one that deserves the support of the full membership in a bipartisan way. We complained on our side of the aisle in the past when we did not have an open amendment process. Frankly, we have brought that forward. We hope very much we can move ahead with this extremely important piece of legislation.

Mr. QUILLEN. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. NUSSLE). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BEILENSON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 230, nays 189, not voting 15, as follows:

[Roll No. 586]

YEAS—230

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hutchinson
Hyde
Inglis
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Molinari
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Petri
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Talent
Tate
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—189

Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bishop
Bonior
Borski
Boucher
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Castle
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Condit
Conyers
Costello
Coyne
Cramer
Danner
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gonzalez
Gordon
Green
Gutierrez
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Holden
Hoyer
Jackson-Lee
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lincoln
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)

Mineta
Minge
Mink
Mollohan
Montgomery
Moran
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Poshard
Rahall
Rangel
Reed
Richardson
Rivers
Roemer
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Sisisky
Skaggs
Skelton
Slaughter
Spratt
Stark
Stenholm
Stokes
Studds
Stupak
Tanner
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Traficant
Tucker
Velazquez
Vento
Visclosky
Ward
Waters
Watt (NC)
Waxman
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOT VOTING—15

Abercrombie
Bateman
Brewster
Collins (MI)
Hall (OH)
Hinchey
Hunter
Jefferson
McDade
Meyers
Moakley
Reynolds
Tauzin
Towns
Volkmer

□ 1205

Mr. PETERSON of Florida changed his vote from "yea" to "nay."

Mr. WALKER changed his vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REPORT ON DEVELOPMENTS CONCERNING MIDDLE EAST PEACE PROCESS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

I hereby report to the Congress on the developments concerning the national emergency with respect to organizations that threaten to disrupt the Middle East peace process that was declared in Executive Order No. 12947 of January 23, 1995. This report is submitted pursuant to section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c); section 204(c) of the International Emergency Economic Powers Act (IEEPA), 50 U.S.C. 1703(c); and section 505(c) of the International Security and Development Cooperation Act of 1985, 22 U.S.C. 2349aa–9(c).

1. On January 23, 1995, I signed Executive Order No. 12947, "Prohibiting Transactions with Terrorists Who Threaten to Disrupt the Middle East Peace Process" (the "order") (60 *Fed. Reg.* 5079, January 25, 1995). The order blocks all property subject to U.S. jurisdiction in which there is any interest of 12 terrorist organizations that threaten the Middle East peace process as identified in an Annex to the order. The order also blocks the property and interests in property subject to U.S. jurisdiction of persons designated by the Secretary of State, in coordination with the Secretary of the Treasury and the Attorney General, who are found (1) to have committed, or to pose a significant risk of committing, acts of violence that have the purpose or effect of disrupting the Middle East peace process, or (2) to assist in, sponsor, or provide financial, material, or technological support for, or services in support of, such acts of violence. In addition, the order blocks all property and interests in property subject to U.S. jurisdiction in which there is any interest of persons determined by the Secretary of the Treasury, in coordination with the Secretary of State and the Attorney General, to be owned or controlled by, or to act for or on behalf of, any other person designated pursuant to the order (collectively "Specially Designated Terrorists" of "SDTs").

The order further prohibits any transaction or dealing by a United States person or within the United States in property or interests in property of SDTs, including the making or receiving of any contribution of funds, goods, or services to or for the benefit of such persons. This prohibition includes donations that are intended to relieve human suffering.

Designations of persons blocked pursuant to the order are effective upon the date of determination by the Secretary of State or his delegate, or the Director of the Office of Foreign Assets Control (FAC) acting under authority delegated by the Secretary of the Treasury. Public notice of blocking is effective upon the date of filing with the *Federal Register*, or upon prior actual notice.

2. On January 25, 1995, FAC issued a notice listing persons blocked pursuant to Executive Order No. 12947 who have been designated by the President as terrorist organizations threatening the Middle East peace process or who have been found to be owned or controlled by, or to be acting for or on behalf of, these terrorist organizations (60 *Fed. Reg.* 5084, January 25, 1995). The notice identifies 31 entities that act for or on behalf of the 12 Middle East terrorist organizations listed in the Annex to Executive Order No. 12947, as well as 18 individuals who are leaders or representatives of these groups. In addition the notice provides 9 name variations or pseudonyms used by the 18 individuals identified. The FAC, in coordination with the Secretary of State and the Attorney General, will continue to expand the list of terrorist organizations as additional information is developed. A copy of the notice is attached to this report.

3. The expenses incurred by the Federal Government in the 6-month period from January 23 through July 21, 1995, that are directly attributable to the exercise of powers and authorities conferred by the declaration of the national emergency with respect to organizations that disrupt the Middle East peace process are estimated at approximately $55,000. Personnel costs were largely centered in the Department of the Treasury (particularly in the Office of Foreign Assets Control, the Office of the General Counsel, and the U.S. Customs Service), the Department of State, and the Department of Justice.

4. Executive Order No. 12947 provides this Administration with a new tool for combating fundraising in this country on behalf of organizations that use terror to undermine the Middle East peace process. The order makes it harder for such groups to finance these criminal activities by cutting off their access to sources of support in the United States and to U.S. financial facilities. It is also intended to reach charitable contributions to designated organizations to preclude diversion of such donations to terrorist activities.

In addition, I have sent to the Congress new comprehensive counter-terrorism legislation that would strengthen our ability to prevent terrorist acts, identify those who carry them out, and bring them to justice. The combination of Executive Order No. 12947 and the proposed legislation demonstrate the United States' determination to confront and combat those who would seek to destroy the Middle East peace process, and our commitment to the global fight against terrorism.

I shall continue to exercise the powers at my disposal to apply economic sanctions against extremists seeking to destroy the hopes of peaceful coexistence between Arabs and Israelis as long as these measures are appropriate, and will continue to report periodically to the Congress on significant developments pursuant to 50 U.S.C. 1703(c).

WILLIAM J. CLINTON.

THE WHITE HOUSE, *July 27, 1995.*

PERMISSION FOR SUNDRY COMMITTEES AND THEIR SUBCOMMITTEES TO SIT TODAY DURING THE 5-MINUTE RULE

Mr. LEWIS of California. Mr. Speaker, I ask unanimous consent that the following committees and their subcommittees be permitted to sit today while the House is meeting in the Committee of the Whole House under the 5-minute rule: The Committee on Agriculture, the Committee on Banking and Financial Services, the Committee on Commerce, the Committee on Economic and Educational Opportunities, the Committee on Government Reform and Oversight, the Committee on International Relations, the Committee on the Judiciary, the Committee on Resources, the Committee on Small Business, the Committee on Transportation and Infrastructure, and the Permanent Select Committee on Intelligence.

It is my understanding that the minority has been consulted and that there is no objection to these requests.

The SPEAKER pro tempore (Mr. NUSSLE). Is there objection to the request of the gentleman from California?

Mr. BEILENSON. Reserving the right to object, Mr. Speaker, the Democratic leadership has been consulted and has no objection to this request.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

POSTPONING VOTES DURING CONSIDERATION OF H.R. 2099, DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1996

Mr. LEWIS of California. Mr. Speaker, I ask unanimous consent that during the consideration of H.R. 2099 pursuant to the provisions of House Resolution 201, the Chairman of the Committee of the Whole may postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment, and that the Chairman of the Committee of the Whole may reduce to not less than 5 minutes the time for voting by electronic device on any postponed question that immediately follows another vote by electronic device without intervening business, provided that the time for voting by electronic device on the first in any series of questions shall not be less than 15 minutes.

Mr. Speaker, I would mention that we have a gap in time today of 2 hours between 2 and 4 when Members want to go to the Korean Memorial ceremonies.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. STOKES. Reserving the right to object, Mr. Speaker, I would like to get further clarification with respect to rolling the amendments. If we can agree that not more than three or four would be rolled at a time, I do not think there would be any problem at all from our side.

Mr. LEWIS of California. Mr. Speaker, will the gentleman yield?

Mr. STOKES. Further reserving the right to object, I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Speaker, there is no problem with that on this side at all. I expect that we may have a series of amendments, five or six or seven, some of which will not request votes, and if there are three or four, I think that is very workable.

Mr. STOKES. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. MINETA. Reserving the right to object, Mr. Speaker, I would like to inquire of the gentleman from California. A number of us who are Korean war veterans would like to be going down to the dedication of the Korean War Veterans Memorial dedication.

There was some thought that maybe between the hours of 2 and 4 that there may be some opportunity so that some of us may be able to get away for the dedication of the Korean War Veterans Memorial. I would hope that we would be able to cluster some of those votes outside that 2 to 4.

Mr. LEWIS of California. Mr. Speaker, will the gentleman yield?

Mr. MINETA. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Speaker, I thank the gentleman for raising the question. We mentioned it earlier. It is very important that Members know that we will be trying to structure votes so that there will be free time between 2 and 4 for the Korean Memorial ceremony.

Mr. MINETA. Mr. Speaker, I thank the gentleman.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

GENERAL LEAVE

Mr. LEWIS of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill, H.R. 2099, and that I be permitted to include tables, charts, and other extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1996

The SPEAKER pro tempore. Pursuant to House Resolution 201 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2099.

□ 1211

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2099) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1996, and for other purposes, with Mr. COMBEST in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from California [Mr. LEWIS] and the gentleman from Ohio [Mr. STOKES] will each be recognized for 30 minutes.

The Chair recognizes the gentleman from California [Mr. LEWIS].

Mr. LEWIS of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, colleagues, I am pleased to present H.R. 2099—the VA, HUD, and independent agencies appropriations bill for fiscal 1996. Let me get right to the bottom line. This bill, as it now stands, provides $60.045 in discretionary budget authority and $19.361 billion for mandatory accounts. This represents an overall reduction of $10.006 billion—or minus 14.3 percent—in domestic discretionary authority from last year's levels. It is $10.482 billion less than President Clinton requested for the 22 agencies, boards, and commissions that fall within the subcommittee's jurisdiction.

Following directly from our recent success in the rescissions package, this bill represents the urgent need to put Uncle Sam on a diet. We are doing what many said could never be done. We are making the tough decisions required to balance the Federal budget in 7 years. The bill reflects real cuts in each and every agency, except the VA's medical care account. These cuts, in this bill, at this time, are absolutely required if we are to keep our commitment to the American people regarding changing the way their Government in Washington operates with their hard earned tax dollars. We do not have the luxury of postponing these decisions to the outyears. We have tightened Uncle Sam's belt a notch or two, but this is the beginning, not the end, of identifying real savings.

At this point, I want to move away from the numbers for just a moment in order to share a few observations about the many people who have made it possible for the subcommittee to bring this bill to the floor today. I know that you will understand when I say this—the chairmanship of the VA-HUD subcommittee is not a lonely job. The Members should know how fortunate I feel to be working so directly with Mr. STOKES of Ohio who chaired the subcommittee in the 103d Congress.

Mr. STOKES is much more than a friend. Time and again, he has been someone on whom I can absolutely count when it comes to understanding the impact of the fundamental changes which we are making. The gentleman from Ohio never stops listening or working with me regardless of how much he may disagree with the substance of any matter under negotiation. And we appreciate the help we get from his able staff—particularly Leslie Atkinson and Del Davis.

Throughout our hearings this year as the subcommittee developed the bill, I encountered reactions ranging from amazement to amusement among our subcommittee's 11 other members. But I have always known that I could count on each and every one of those members to work with me to improve the direction, substance, and purpose of this bill. Indeed, it is a very special privilege to work on such a close basis with all who serve on the VA-HUD subcommittee. To a person, they are men and women of uncommon intelligence and conviction. This bill reflects their bipartisan participation and cooperation.

Last, I want to say how much I value and appreciate the work of the staff. With the exception of Paul Thomson who has long worked with us on appropriations matters, ours is a brand new partnership. The work of the staff—beginning with our staff director Frank Cushing and including Jon Gauthier, Tim Peterson, and Todd Weber has been first rate. Their attention to detail has been nothing short of essential and I just want each and every one of them to know of our appreciation.

In keeping with the Speaker's guidance, the subcommittee has made every effort to work with all of the committees of jurisdiction that authorize the various programs affected by this bill. Though there will be continuing controversy over the numerous housing and environmental administrative provisions contained in this bill, the membership should know that we have worked diligently at both the member and staff level to develop the language with the knowledge and expertise of the various chairs in the Commerce, Transportation and Infrastructure, Veterans, Banking, Judiciary, Science, and Agriculture Committees.

When we have completed general debate, I will offer an amendment that increases the total dollars already provided for VA medical care, VA health professional scholarships, special needs housing, homeless assistance, and FHA multifamily credit subsidies. This amendment culminates the prolonged negotiations which we have had with our leadership and many of our authorizing partners. I share their desire to see much less legislation in this bill next year and I hope the coalitions which we have formed in working together this year will be lasting ones.

Let me move now to summarizing just a few of the many difficult choices and positive highlights that make up this complex piece of legislation.

DIFFICULT CHOICES

Four agencies are terminated for a savings of $703 million in discretionary authority from 1995 enacted levels: The Corporation for National and Community Service, Community Development Financial Institutions, the Chemical Safety and Hazards Investigation Board, and the Council on Environmental Quality. It's possible that we may get an amendment contemplating the elimination of yet another—the Selective Service System.

The bill does not provide requested funding for the construction of two additional VA hospitals in Florida and California which would have resulted in major construction costs of $343.2 million this year. We hope to continue working with Members from the affected regions to provide state of the art outpatient facilities that are consistent with the direction that Veterans Secretary Jesse Brown suggested last year when the VA was participating in the national health care reform debate.

NASA, too, will make a major contribution to deficit reduction. Their budget has been reduced by $705 million from last year's level. And we have gone much farther than I think Administrator Goldin would be comfortable with. This bill begins the process of reducing the size of NASA's plate. It makes real and painful program changes which will reduce fiscal year 1996 and outyear pressures. Two major NASA programs, the Space Infrared Telescope Facility and EOS will be substantially altered in order to help reduce the pressures on the overall bill.

This bill provides $4.88 billion for the EPA—a reduction of $2.4 billion or 33 percent from the fiscal year 1995 level. Frankly, our bill is an urgent plea to Administrator Browner. If you believe that Superfund is broken, help us fix it. If you believe that command and control is the wrong approach, act now to make EPA a facilitator of progressive environmental policy rather than an enforcer of excessive and inflexible Federal mandates. If you believe that EPA should base decisions on proven sound science, risk assessment, and thorough cost-benefit analysis, by all means join with us in perfecting this bill.

The EPA is a regulatory agency completely out of control, an agency that until now has delighted in routinely redefining its mission without proper congressional oversight. The legislative provisions in this bill reflect the need and desire to restore some common sense and flexibility to the challenges of environmental protection in our country. The EPA should be a facilitator of progressive environmental policy rather than an enforcer of excessive and inflexible Federal mandates.

With regard to Superfund, I understand that my colleague from Ohio, Mr. OXLEY, the chairman of the authorizing Commerce Subcommittee, is set to move a reauthorization bill this fall. It is my hope that Administrator Browner will work with the authorizing committee in addressing the difficulties of this task. The issuance and funding of new records of decision [RODS] by potentially responsible parties is one area that should be analyzed during the reauthorization process.

EMPHASIZING THE POSITIVES

The subcommittee has provided a funding level of $38.1 billion for the Department of Veterans Affairs. The VA stands alone among the agencies in our jurisdiction. It's funding is not significantly reduced. Every requested dollar for mandatory spending is provided. If my conforming amendment is adopted in a few moments, an increase of $562 million will be provided for medical care—over and above last year's funding level of $16.2 billion.

We have also taken great care to provide every available dollar for the basic research mission of the National Science Foundation. NSF would receive $3.1 billion in this bill—a reduction of 6.5 percent or $200 million from last year's level.

The subcommittee's overall funding level for HUD, if my manager's amendment is adopted, would be $19.4 billion. The mark recognizes that two of HUD's largest and most cost effective programs—community development block grants—$4.6 billion—and the home investments partnership program—$1.4 billion—are working largely as intended. Neither program will absorb reduction's from last year's level.

The subcommittee has been mindful of the guidance from those who receive HUD dollars—nonprofits, local public housing authorities, and resident groups—that reductions in their funding should not proceed this year absent substantial legislative reform that maximizes flexibility in how they administer Federal housing dollars. And, even though HUD's comprehensive reform bill is far from final action in the authorizing process, we have provided $862 million for a section 8 replacement assistance fund.

In all of these matters, I have had the privilege of working with Mr. LAZIO—the chairman of the Banking Subcommittee on Housing. He has reminded me more than once that there is great need for thoughtfulness when one wields the machete. Numbers drive policy. Policy drives perception. And before we know it, we can have real change in the broken delivery mechanism that we all know as HUD.

The section 8 replacement assistance funds will provide for nearly 77,000 units of tenant based housing, thus allowing the Secretary to proceed with two of his most important initiatives—tearing down the worst of the low vacancy high rises in public housing and targeting assistance to individuals rather than properties. These vouchers will be available to anyone who loses their unit if these long overdue changes are undertaken by the Secretary. No one will be thrown out on the street and many of the individuals who could receive assistance under this fund will be in decent housing for the first time in years.

Mr. Speaker, these are the challenges and highlights presented with the fiscal year 1996 VA, HUD, and independent agencies appropriations bill. I hope that the members will see fit to accept the difficult tradeoffs reflected here. I urge you to support the bill when we get to final passage.

□ 1215

Mr. Chairman, I reserve the balance of my time.

Mr. STOKES. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today in opposition to H.R. 2099, the fiscal year 1996 appropriations bill for Veterans Affairs, Housing and Urban Development, and independent agencies. As a member of this subcommittee for more than 20 years, it is a difficult position for me today to stand here in opposition to this measure.

Let me first acknowledge and recognize the work and leadership of our chairman and colleague from California, JERRY LEWIS. No one knows better than I, having previously served as chairman of this subcommittee, the complexities of this bill. As it stands, we must provide funding for critical veterans, housing, environmental, science, and research and development programs. The increasing Federal deficit and call for Government reform has heightened the problems of meeting these essential needs. So Chairman LEWIS' task has not been an easy one.

Nonetheless, within the allocation that this subcommittee received, we have considerable opportunity to try and meet the basic and pressing priorities upon which veterans, the elderly, and low-income and working Americans depend. Unfortunately, instead, the subcommittee launches a wholesale assault on these individuals and those critical programs that provide safety net and human service programs, not to mention programs that are designed to ensure a safer and cleaner environment for our children and our communities.

Now we have heard our colleagues on the other side represent this bill as fair, given the adverse allocation of the subcommittee. But I don't think that our veterans, our elderly, our children, and our poor would agree. In fact, the President does not agree and has already indicated that he will veto this bill if it is presented to him in its present form. In his statement on H.R. 2099, the President says and I quote:

> The fiscal year 1996 VA/HUD appropriations bill passed by the House Appropriations Committee is unacceptable. I call on the Congress to correct the appropriations bills now under consideration before they reach my desk, not after.

Let me take a moment to explain to you why this bill is so unacceptable to the President and those of us who care about people.

For our veterans, this bill reduces by nearly $1 billion the level of spending that the President has requested for veterans including medical care, general expenses, and construction projects. These cuts seem especially callous. Certainly, individuals who have given the ultimate sacrifice and risked their lives for our collective safety and well being deserve to have the full level of security for themselves and their families to live out the rest of their lives.

In a letter circulated yesterday to all Members of the House James J. Kenney, executive director of AMVETS stated:

> The designated appropriations still falls well short of the funding necessary to even maintain the current level of earned entitlements for our veterans.

Further he says:

> The proposed budget will require painful decisions on the elimination of critical services.

The bill falls short in the areas of medical care—almost $200 million below the President's budget request, in construction—where critical facilities are needed for a growing and aging veterans population, in benefits servicing—where a cut to the VA Benefits Administration would impact the first line of support veterans receive when they approach the VA through the vocational rehabilitation counseling and the veterans services divisions.

This bill, once again, targets housing programs as we saw earlier this year in the rescissions bill. On top of the $7 billion taken from HUD in the 1995 rescissions, this measure cuts $5.3 billion from the President's request. The severity of the reductions are appalling enough seeing that $4.2 billion of the cuts to HUD came from housing programs alone. Hardest hit are those programs that provide affordable and decent housing for the elderly and poor, like section 8 incremental rental assistance and public housing operating and modernization funds.

But our colleagues on the other side did not stop here. Added to these crushing reductions are pages of extensive legislation that is tantamount to repealing the statutory goal of decent, safe, and sanitary housing for all Americans. Minimum rents are set and residents who only average $8,000 a year in income are forced to pay more in terms of their rent contributions.

At a time when affordable housing is at a record short supply, this bill would not only gut affordable and low-income housing but cut homeless assistance grants by $400 million. Secretary Henry Cisneros has stated that while the committee sees savings in these actions, he sees a terrible pain for the most economically vulnerable working people. Several colleagues and I will be offering amendments to try and correct these harmful actions.

When they finished with destroying our investment in public and low-income housing, our colleagues decided to set back this Nation's efforts to ensure that each American breathe clean air, drink clean water, and be safe from hazardous waste dangers. This devastation is accomplished through a cut in funding to programs like the Superfund Program, the Safe Drinking Water Revolving Fund, the Clean Water State Revolving Fund, and EPA operating programs. The public health is further jeopardized by the nearly 20 limitations and riders that further these pernicious acts. I will be offering, with my colleague on the other side, Congressman SHERRY BOEHLERT, an amendment to strike these riders from the bill.

The list of egregious actions in H.R. 2099 unfortunately continues. The Corporation for National and Community Service [AmeriCorps] and the Community Development Financial Institutions Program are terminated. The bill also calls for the closeout of the Council on Environmental Quality within the Executive Office of the President.

Our Nation's critical investment in science and technology has also been reduced through the 5-percent cut in NASA and the 6-percent cut in the National Science Foundation.

The reductions in this bill are severe and reason enough for not supporting this legislation. What is even worse is that the cuts are being made in part to finance a tax break for the most wealthy. These actions are penny wise and pound foolish and I therefore strongly oppose this bill.

□ 1230

Mr. Chairman, I reserve the balance of my time.

Mr. LEWIS of California. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan [Mr. KNOLLENBERG], a member of the committee.

Mr. KNOLLENBERG. Mr. Chairman, I rise today in strong support of the bill.

I would like to begin by commending the gentleman from California, Chairman LEWIS, for all of his hard work. Shepherding an appropriations bill through the legislative process is no easy task, yet he has done it with skill and flair. I would also like to thank the gentleman from Ohio [Mr. STOKES].

And finally, we all owe a debt of gratitude to the subcommittee staff—Frank Cushing, Paul Thomson, Tim Peterson, John Gauthier and Todd Weber. We truly would not be here today if it weren't for their tireless efforts.

Mr. Chairman, this is a good bill. It does not simply spread the pain throughout all of the programs in its jurisdiction, it makes the tough choices necessary to move up toward a balanced budget. Overall, it cuts about $10 billion in spending from last year's level. But it also preserves funding for programs which work well and are important to the Nation's future.

Now, we are going to hear a lot of heated rhetoric about disproportionate cuts in housing programs. But do not let that get in the way of the facts. Yes, next year housing programs will have to absorb some spending reductions—there is no doubt about it.

But when compared to the other agencies in this bill, HUD's funding actually will take up a larger share of the outlays than they did this year. In short, HUD will enjoy a slightly larger piece of a smaller pie. And in the present budgetary environment, that is nothing to complain about.

Mr. Chairman, there is a lot of good in this bill. VA medical care has been protected, as has funding for university-based scientific research. We preserve funding for NASA's core missions; and we send EPA a strong message that they must move away from their current Soviet-style, command and control system of regulation.

I am sure that every Member of this body, given the chance, would draft a VA-HUD bill that is different from the legislation before us. But, to use an often-heard quote, we can't let the perfect be the enemy of the good.

Mr. Chairman, this is a good bill, and I urge my colleagues to support it.

Mr. STOKES. Mr. Chairman, I yield 1½ minutes to the distinguished gentleman from Texas [Mr. GONZALEZ], the ranking minority member of the Committee on Banking and Financial Services.

Mr. GONZALEZ. Mr. Chairman, I join my colleagues in expressing my strong opposition to the mean spirited and draconian HUD-VA appropriations bill for fiscal year 1996. If this bill is enacted, we are signaling almost a full retreat by the Federal Government as a critical partner in affordable housing and community revitalization. H.R. 2099 slashes one-quarter of the budget for the Department of Housing and Urban Development. It neither expands, nor preserves, nor rehabilitates public and assisted housing and then requires poor families to pay more for deteriorating housing, or go homeless.

I find it ironic that on Monday the Center for Budget and Policy Priorities released its new study, "In Short Supply: The Growing Affordable Housing Gap," which determined that the number of low-income renters exceeded the number of affordable rental units by 4.7 million low-income renters. This Nation has lost 43 percent of its affordable housing supply, some 2.2 million housing units, over the last two decades, according to the study.

If we pass this appropriations bill, we virtually ensure that affordable housing will continue to decrease and deteriorate; we will lose our $90 billion investment in public housing; and hundreds of thousands more families will become or remain homeless. Despite what our colleagues on the majority and on the Appropriations Committee contend, these are not hard decisions, they are heartless.

Public housing residents in the more than 3,400 local housing authorities throughout the Nation are at risk of seeing their everyday maintenance requests go unanswered for lack of operating subsidies. This appropriations bill funds operating subsidies at only $2.5 billion, some $400 million below this year's funding and only 85 percent of what housing authorities need to operate their housing authorities.

And the eyesores of deteriorated and dilapidated housing in many of our urban centers will remain vacant and crumbling, further destroying neighborhoods because nearly one-third of the modernization funds and all of the urban revitalization grants for severely distressed public housing projects will be lost if this bill passes.

There will be no new public housing funded and no new section 8 certificates available for the first time in 20 years even though there are more than 5.6 million families today who pay more than 50 percent of their incomes for rent, or who live in substandard housing. There are more than 1.5 million families on public housing and section 8 waiting lists throughout this country. The number of families who are homeless or who pay exorbitant rents or who live in terrible housing conditions grows each year by more than 10 times the number of new families that would be assisted under the appropriation bills for 1996. During this fiscal year 88,400 units of affordable housing were financed through the various Federal housing programs—next year fewer than 15,000 units.

Frail elderly residents of public and assisted housing will not receive critical supportive services like personal care, transportation, and congregate dining, hastening the entry into expensive nursing homes and destroying the elderly's dignity and independence. Why? Because this bill provides no funding for the Congregate Housing Services Program. The bill also eliminates funding for the drug elimination grant program which has been so helpful to so many in fighting crime and providing residents a sense of safety and security.

The bill leaves two of the core programs untouched—HOME and CDBG. That is good; however, do not be surprised if a year from now or sooner, the mayors and the Governors are here begging for more money. Because, the deep, deep cuts in public housing and section 8, and the increases in the cost of that housing inevitably will mean trouble for our cities and States—more deteriorated housing and more homelessness—more people with nowhere safe and sound to live. While it may seem that there are a myriad of discrete programs, in truth Federal housing programs are interrelated, serving different needs and segments of our low- and moderate-income families. When one program is underfunded, it places pressure on all the other programs. What this bill does, make no mistake, is place the burden on cities and States, while the Federal Government takes a walk and abrogates its responsibilities.

I know it has become fashionable to bash the Department of Housing and Urban Development and to blame the poor, the victims, for their troubles. But slashing funding for the very programs that provide for one of the most basic needs—housing—is simply inexcusable.

HUD has taken a budget hit disproportionate to any other agency, except perhaps the EPA. And through the appropriations bill, housing policy—which I might add, should be under the purview of the Banking Committee—has shifted and changed course dramatically, without the benefit of hearings or analysis—all to get to the bottom line. So the Republicans will make the fundamental problems of a lack of affordable and decent housing and viable communities worse.

I have watched these programs work for poor and working families, for the elderly and for the disabled throughout my public career. One of my jobs in my home city of San Antonio before I came to Congress was with the San Antonio Housing Authority. Then public housing worked as it continues to in many communities today. And now with one simple action, the Republican majority will devastate the lives of families currently residing in public and assisted housing and those who wait, sometimes for years, for such housing.

The Republicans talk about their historic budget resolution, their vaunted balanced budget. But their bold insistence and desire to provide foolhardy tax breaks for the wealthy at the expense of America's poor and working families drives this process. That is the thrust of this massive and mean assault on our most vulnerable citizens.

Mr. Chairman, I include the executive summary of the study referred to in my remarks for the RECORD, as follows:

IN SHORT SUPPLY: THE GROWING AFFORDABLE HOUSING GAP

I. SUMMARY

New national housing data show that the shortage of affordable housing for low-income renters is now wider than at any point on record. This gap—4.7 million units—has grown consistently in recent decades because the number of low-rent units has fallen while the number of low-income families has grown. As a result of these trends, four of five poor renter households with incomes below the federal poverty line face housing costs that exceed 30 percent of their income, the federal housing affordability standard set in 1981. More than three of five poor renters spend at least half their income on rent and utilities.

The Affordable Housing Shortage

Data from the 1993 American Housing Survey, which is sponsored by the U.S. Department of Housing and Urban Development and conducted by the U.S. Bureau of the Census, indicate that a substantial shortage of affordable housing has developed in recent decades.

In 1970, the first year for which comparable data are available, there were 7.4 million low-cost rental units. That was roughly 900,000 greater than the number of low-income renters, which stood at 6.5 million. (Low-income renters are defined here as those with incomes of $12,000 or less in 1993 dollars, or roughly equal to the poverty line for a family of three. Low-cost units are those with rent and utility costs totaling less than 30 percent of a $12,000 annual income, or less than $300 a month.)

By 1993 this situation had reversed. The number of low-rent units fell to 6.5 million while the number of low-income renters rose to 11.2 million—resulting in a shortage of 4.7 million affordable units. This is the largest shortage on record. There are nearly two low-income renters for every low-rent unit.

The affordable housing squeeze means that many poor renters spend very large proportions of their income on housing. The new AHS data show that:

Some 82 percent of poor renter households—5.7 million households—spent more than 30 percent of their income on rent and utilities in 1993.

Some 4.1 million poor renter households—or three of every five poor renters—spent at least half of their income on housing. These households are considered by HUD to have "worst case" housing needs and are given priority for housing assistance under federal law.

The typical or median poor renter spent 60 percent of income on housing in 1993.

These housing affordability problems are nationwide, affecting poor households in every region of the country and both urban and rural areas. They are not limited to racial or ethnic minorities, and poor families with one or more workers are nearly as likely as those relying on public assistance to have very high housing cost burdens.

The shortage of affordable housing is one million or more rental units in every Census region—Northeast, Midwest, South, and West. The widest affordable housing gaps, when measured as the number of low-income renters competing for each occupied low-rent unit, are in the West and Northeast.[1]

Some 83 percent of poor renter households in central cities spent at least 30 percent of income on housing in 1993, as did 87 percent of poor renters in suburban areas and 74 percent of poor renters in nonmetro areas.

The problems of high housing cost burdens affect poor white, black, and Hispanic households alike, with more than four of five poor renters in each group spending at least 30 percent of income on housing. Similar proportions of both elderly and non-elderly poor renters had housing cost burdens this high, as did both working poor families with children and poor families without a worker.

The Role of Housing Assistance

The growing affordability problem reflects both an increase in poverty—and thus in the number of low-income renters—and a sharp decline in the supply of low-cost housing in the private market. In 1973, the first year for which such data are available, there were 5.1 million unsubsidized units with costs of $300 a month or less, as measured in 1993 dollars. By 1993, this number had fallen to 2.9 million units, a decline of 43 percent.

To help offset these trends, a significant portion of funds appropriated for housing programs since the early 1970s has been used to expand the supply of subsidized housing. While this has led to an increase in the number of low-income families receiving housing assistance, the number of new housing commitments dropped markedly in the 1980s, even as the affordable housing gap was widening.

Between fiscal years 1977 and 1980, HUD made commitments to expand rental assistance to an average of 290,000 additional low-income households each year.

From fiscal year 1981 through fiscal year 1995, new rental housing commitments fell nearly three-fourths to an average of 74,000 per year. In addition, two other federal housing programs—the HOME program created in 1990 and the Low Income Housing Tax Credit created in 1986—provide funds that allow state and local governments and private organizations to produce housing. Nevertheless, these programs are likely to add only modestly to the supply of housing affordable to the poorest renters since the programs generally are not targeted to very low-income households with severe housing problems.

If the number of additional commitments made since 1981 had remained at the level of the late-1970s, over three million more low-income renters would be receiving housing assistance today and the affordable housing gap would not be so wide.

Altogether, the relatively large expansion of federal housing assistance in the 1970s and more modest expansion in the 1980s resulted in an increase of 2.3 million in the number of families receiving housing assistance. This expansion was roughly equal to the decline in the number of low-cost units in the private market but failed to match the large increase in the number of low-income renters over this period. The overall result was a net loss in the proportion of low-income renters able to find affordable units and a substantial widening of the affordable housing gap.

Most poor renters remain without housing aid. In 1993, some 37 percent of poor renter households received a housing subsidy from the federal, state, or local government. The limited level of housing assistance means that most poor families seeking housing assistance are placed on waiting lists and usually wait several years before receiving aid. In 1993, some 1.4 million households were on waiting lists for housing subsidies for privately owned housing, and 900,000 households were on waiting lists for public housing.

The Impact of Congressional Proposals To Cut Housing Programs

The trends highlighted in this analysis—a declining supply of low-cost rental housing in the private market and a growing number of low-income renters—indicate that unless the number of families receiving government housing assistance increases each year, the affordable housing gap will grow wider. Congress, however, is considering large cuts in funding for federal low-income housing programs. These reductions are likely to end the longstanding practice of modestly adding to the supply of subsidized housing each year and would likely lead to a reduction in the number of low-income families receiving assistance.

The cuts being considered would have an adverse effect on the supply of low-cost housing. Reductions in operating and modernization assistance for public housing included in the House appropriations bill for HUD would likely lead to an increase in the number of vacant public housing units, since public housing authorities would face difficulty maintaining current units and repairing dilapidated units. The bill also would reduce funding for homeless assistance by nearly half, while suspending the requirement that available subsidies be targeted on households with severe housing problems that are most at risk of becoming homeless. In addition, the bill's elimination of efforts to expand the subsidized housing stock while the number of low-rent unsubsidized units continues to fall would widen the affordable housing gap. This can be seen by calculating what would have happened had such policies been in effect in the recent past. If no additional families had received housing assistance between 1973 and 1993, the shortage of affordable housing would have reached nearly 6.9 million units in 1993, rather than 4.7 million.

The proposed reductions in low-income housing programs also would tighten the financial squeeze on many households with very low incomes. Some of the federal savings would come from raising rents on nearly all tenants of subsidized housing, with the greatest increases falling on the poorest tenants. Poor renters not receiving housing assistance also could experience rent increases; if the number of unsubsidized low-cost units continues to fall while the subsidized housing stock is stagnant or begins to shrink, there will be more low-income renters competing for fewer low-rent units. The laws of supply and demand suggest this could push rents upward for many unsubsidized low-rent units. Furthermore, both poor renters who receive housing assistance and those who do not are likely to face greater difficulty in meeting higher rental costs as a result of reductions in other federal programs that assist low-income families and individuals. Expected reductions in AFDC, SSI, food stamps, Medicaid, and the Earned Income Tax Credit will limit the ability of many families to pay rent and meet other necessities. The combined effect of these developments is likely to be pressure for more poor families to "double up" and an increase in the number of families at risk of becoming homeless.

Mr. LEWIS of California. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey [Mr. FRELINGHUYSEN], a member of the committee.

Mr. FRELINGHUYSEN. Mr. Chairman, I thank the gentleman for yielding me the time. I rise in support of this bill.

Mr. Chairman, as a new member of this subcommittee I want to thank Chairman LEWIS, Congressman STOKES, and the subcommittee staff for their leadership and guidance during this long process.

Our bill contains funding for many vital programs for our Nation's veterans, to protect and preserve our environment, to help house the needy and disabled, and for scientific research and discovery.

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[1] Due to data limitations, the regional gap figures refer to occupied low-cost units only, while the national gap figure accounts for all low-cost units, including those that are vacant.

It has been a difficult task balancing these needs and funding all of the programs. I believe that we have achieved this. In total, our bill provides $79.4 billion for these programs. Mr. Chairman, this is $10.5 billion less than last year and $10.5 billion below the President's budget request.

Like the other appropriations bills that have passed the House this year, this bill moves the country closer toward the goal of a balanced budget. While I do not agree with all the reductions in this bill, I do believe it is time to stop throwing good money after bad and start refocusing our limited resources toward programs that work.

Since subcommittee markup, I have been contacted by many people who merely look at the bottom line or the appropriated level for each agencies that are contained in this bill. I would suggest to these people that they begin to look at the programs contained in this bill and ask the question are these programs working? In many cases they are not.

For example, both Secretary Cisneros and the President agree that the Department of Housing and Urban Development [HUD] needs to be reformed. In fact, it is the Secretary's own suggestion that many programs should be eliminated and the entire department should be reduced down to three umbrella programs. I am hopeful that the authorization committee on housing will soon adopt a housing bill that will reform HUD and put it back on track.

This message is also targeted toward the Environmental Protection Agency [EPA]. Simply sitting back and extending current law, like Superfund, is an abdication of their leadership. Its time to come to the table and be a full partner toward reform. EPA's Administrator has said the program is broken and this bill recognizes that fact. The bill provides adequate funding to keep the program moving, however, it stops the expansion of the program until the law is reauthorized. The last reauthorization was done in 1986.

In reviewing EPA's budget, I have found that the Superfund situation is not an isolated case, but a rule of thumb for many of EPA's programs. Yes, environmental laws have worked, however, laws need to be updated and reformed and the status quo is not acceptable. In many cases the bureaucrats have decided arbitrarily to overstep their legal authority and push policies that are clearly beyond statutory intent. Distracted by regulation and litigation, EPA has lost their focus on the bottom line—protecting our resources and addressing critical environmental needs.

In my State of New Jersey, both housing and environmental programs are extremely important. That is why I am pleased to have worked with the chairman to provide additional resources for section 202 and 811—two housing programs that do work to help our older Americans and people with disabilities. This issue will be addressed in the chairman's amendment and I thank him for his support of these programs.

This bill also funds the Department of Veterans Affairs. Nearly half of the bill's funding supports these activities and I am pleased that the committee was able to increase medical care above this year's level by nearly $500 million. In addition we have been able to fully fund the compensations and pensions programs, veterans' insurance, and the Loan Guarantee Program.

This bill is not the perfect answer to all the problems that we face, however, it is the first step in a process that will bring us toward a compromise. Mr. Chairman, I support this bill and I urge my colleagues to adopt this measure.

Mr. LEWIS of California. Mr. Chairman, I yield 3 minutes to the gentlewoman from Washington [Ms. DUNN].

Ms. DUNN of Washington. I thank the gentleman for yielding me the time.

Mr. Chairman, I rise as a strong supporter of the space station and urge my colleagues to continue funding for this valuable space and science mission.

When I first came to Congress in 1993, I became a member of the Science Committee and the Space Subcommittee. During the 103d Congress, we lived through the highs and the lows of this program. There was a call for the project to be redesigned, and space station funding passed on the House floor by one single vote.

In early 1994, NASA made significant changes in the way it conducted business. They streamlined the program. For the first time, they named a single overall prime contractor for the space station, and they brought proven private sector know-how, decision-making, and competitiveness into the program.

Russia joined our international partnership, a partnership that already included Japan, Canada, and member countries of the European Space Agency. This provided us the opportunity to use selected Russian hardware, to learn from their experience in extended space flight, and to use the MIR space station for testing and training purposes. We all witnessed the successful results of this partnership earlier this month with the MIR docking.

The new, redesigned station, with Boeing as the prime contractor, forced NASA to trim costs and develop a program that was both fiscally and scientifically sound. The space station budget has been capped at $2.1 billion annually. This is not an open-ended obligation, Mr. Chairman. We will reach completion in 2002.

In 1994, continued funding for the station passed overwhelmingly, highlighting the success and bipartisan support for this program.

Mr. Chairman, with the station, we will promote international cooperation and the peaceful exploration of space. We will spawn new industries, new products and new jobs. We will give rise to unprecedented research capabilities, and we will provide incentives to our students to pursue scientific professions if America remains dedicated to preserving its scientific cutting edge.

Since we began the race for space in the 1950's, this Nation has taken upon itself the role of leader, not only in space exploration but also in space-based research.

For my colleagues who are looking for a down-to-earth, practical reason to support this station, here is one for you: your mother, your daughter, your sister, or your wife. Because of the unique microgravity environment the station provides for research, new and exciting approaches to diagnosing and treating breast cancer, ovarian cancer, and osteoporosis are being investigated in space labs in ways that simply are not possible on Earth.

In fact, Mr. Chairman, as a result of an amendment that I worked on that set aside funding specifically for women's health care research, for the first time on the recent MIR mission female rats were used to study the relationship of long-term space existence on the development of osteoporosis. Biomedical research on Earth, working hand-in-hand with space-based research, will help eradicate this terrible disease that affects our mothers.

Mr. Chairman, I urge my colleagues to support this bill.

Mr. STOKES. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Wisconsin [Mr. OBEY], the ranking minority member of the Committee on Appropriations.

Mr. OBEY. I thank the gentleman for yielding the time.

Mr. Chairman, I simply want to say that some of the cuts in this bill are obviously acceptable in the interest of deficit reduction. But the problem with this bill is that it simply goes too far. It makes what I consider to be savage cuts in housing. It contains a wholesale assault on our ability to protect public health and to protect clean water and clean air and our natural resources, and it contains unnecessary reductions in veterans' health care, all to free up more money in this grand scheme to provide significant tax reduction for people who make $200,000 a year or more.

I do not believe that is right. I would urge at the end of the day after we have had at it on the amendments that unless this bill is improved markedly, and I do not think it can be—I think it is beyond help almost—I would urge you to vote against it.

I have great respect for the gentleman from California [Mr. LEWIS], he is a good friend of mine, but I do not see any reason why we ought to use this vehicle to really crunch in a serious way our ability to protect public health from toxic chemicals.

If you take a look at this bill, fully one-third of this bill, which is supposed to be simply a budget bill, contains illegitimate legislative language that prevents the Government from enforcing the law to protect the health of workers, to protect the right of neighborhoods to know what kind of toxic chemicals are being infused into the atmosphere, to protect the public's right to drink safe clean water, and it engages in all kinds of Rube Goldberg operations in the veterans' health care area in order to squeeze out yet more money for tax cuts for the rich.

This is not a fair bill. It is not a decent bill. It ought to be defeated.

□ 1245

Mr. STOKES. Mr. Chairman, I yield 1½ minutes to the gentleman from Massachusetts [Mr. KENNEDY], ranking minority member of the Subcommittee on Housing and Community Opportunity.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I want to thank the gentleman from Ohio [Mr. STOKES], my good friend who has done yeoman's work on trying to protect the poor and the vulnerable and the working people and our senior citizens in this bill.

Mr. Chairman, the trouble is we just do not have the votes to protect the people that the Republican majority wants to cut in order to provide a tremendous tax break to the richest and most powerful interests in this country, and at the same time, pump more and more funds into the defense bill.

It would be one thing if all of these bills were looked at with any kind of sensibility, but what we have seen is a $7.6 billion increase in the defense bill alone as it pertains to equipment purchases. We are buying B-2's that the Navy and Air Force say they do not need. We are buying F-22's that they say they do not need. The Navy says it really does not need this new submarine, but we are buying that anyway.

But, Mr. Chairman, when it comes to housing, we are going to go out and get public housing, raise rents on our senior citizens, and turn around and say that we are going to try to protect the homeless by cutting the homeless program in this country by 50 percent.

When all sorts of Cain was raised about that, the Republicans are going to come back in and say they are going to put another $1 million back into the homeless program after 7 years, but they are going to take the money out of assisted housing in order to fund the homeless program.

We are going to create more homelessness and put the money back into homelessness. This is one of the most half-cocked, hair-brained schemes I have ever seen. The authorizing committee ought to have had hearings; made decisions about whether or not we ought to put funds into the section 8 program, versus public housing, versus assisted housing. There are good decisions that could be made and we do not have one of them that is located in this bill.

Mr. STOKES. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. FLAKE], the ranking minority member on the Subcommittee on Domestic and International Monetary Policy.

Mr. FLAKE. Mr. Chairman, I rise today in strong opposition to H.R. 2099.

Mr. Chairman, I think all of us realize that these cuts are targeted to the most vulnerable people in our population, those persons who are in the greatest need, those persons who cannot stand the lethal blow that this particular bill makes available for them.

Mr. Chairman, it is the highlight of arrogance, in my opinion, that we devastate possibilities for community revitalization, that we take those persons who are in need of government support as it relates to section 8 rental assistance and that we reduce the amount available to them, while at the same time raising the amount of rent that they will have to pay.

Mr. Chairman, the height of hypocrisy is reflected in the fact that on this day we unveil a memorial for the Korean war veterans, while at the same time are cutting millions of dollars from the veterans' programs.

As a nation, we cannot afford to continue to allow people to live in substandard housing, allow people to live at a standard that is not qualitative, so that all of our people understand that they have a place in this great democracy of ours.

Mr. Chairman, where is our compassion? If we are compassionate, we will vote this bill down.

Mr. LEWIS of California. Mr. Chairman, I yield 2 minutes to the gentlewoman from Nevada [Mrs. VUCANOVICH], a member of the subcommittee.

Mrs. VUCANOVICH. Mr. Chairman, when I refer to H.R. 2099 in one word that word is "commitment." Congress has made a commitment to the people of our Nation to balance the budget and this bill takes a large step in that direction—providing more than $10 billion in deficit reduction. Yes, Uncle Sam can be put on a diet and the Appropriations Committee is his personal trainer.

But Congress also committed itself to end duplication of programs and eliminate the never-ending source of redtape. This bill eliminates outlived bureaucracies and consolidates several programs, with the President's blessing, in an effort to improve services such as better housing for those who need assistance.

Last, the bill fulfills our Nation's commitment to veterans. Our veteran's health is of utmost importance. That is why the VA medical care account was the only account in the bill not to receive a reduction. Assuming that the chairman's upcoming amendment is approved—and I urge my colleagues to support it—the VA medical care account will increase by $562 million more than last year's funding level. But that is not all. The bill provides increases over fiscal year 1995 funding for compensation and pensions, readjustment benefits for education and training, and veterans insurance. The bill also provides funding for medical research, the National Cemetery System, and State veterans' cemeteries, among other essential programs for veterans.

As a member of the VA-HUD Appropriations Subcommittee, I can tell you that this was not an easy bill to draft—and I thank and applaud the chairman and his staff for their dedication to this task. But it is a bill that makes priorities and fulfills our commitment to the people of this Nation to spend their money wisely. That is a promise made and a promise kept by this bill, and I urge my colleagues to support this legislation.

Mr. STOKES. Mr. Chairman, I yield 1 minute to the gentlewoman from California [Ms. WATERS], a member of the Subcommittee on Housing and Community Opportunity.

Ms. WATERS. Mr. Chairman, I rise in opposition to this bill. It is fundamentally flawed. It would ravage communities, uproot families, and disrupt the lives of thousands of Americans. We must reform public housing, but Republicans have gone about it entirely wrong.

This bill would increase rents paid by residents recieving section 8 vouchers from 30 to 32 percent of adjusted income. The average voucher family has a yearly income just under $8,000. This increase would have the affect of taking away $140 per year from these families.

It would also decrease the work incentive for able-bodied adults.

It would zero out community development banks, a bi-partisan programs which generates private-sector economic development.

This bill reduces housing for seniors, for the sick, and for the needy. It legislates a series of changes which would greatly inhibit our ability to house Americans, expand opoprtunities, and develop economically. It is extreme and it should be defeated. I urge defeat of this bill.

Mr. STOKES. Mr. Chairman, I yield 1 minute to the gentlewoman from California [Ms. ROYBAL-ALLARD], a member of the Subcommittee on Housing and Community Opportunity.

Ms. ROYBAL-ALLARD. Mr. Chairman, I rise in opposition to this bill.

Mr. Chairman, the cuts contained in the Republican VA-HUD appropriations bill are devastating for working

American families. For example, the community development financial institution fund, which helps communities and individuals empower themselves, will be defunded.

The CDFI fund was created because residents and entrepreneurs from low and moderate income communities unfairly experience barriers in obtaining credit.

Many do not qualify for loans to purchase a home or start a business because they lack conventional credit histories. As a result, individuals and communities cannot achieve economic prosperity and self-reliance.

CDFI fund resources leverage private sector funds and provide assistance and training to community development financial institutions.

The CDFI fund is a powerful tool that creates jobs, restores hope, and provides a better way of life for those desiring a piece of the American dream.

Only last year the CDFI received the near unanimous support of Democrats and Republicans. Vote "no" on the VA-HUD appropriations bill.

Mr. STOKES. Mr. Chairman, I yield 1 minute to the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Chairman, I want to talk specifically about cuts in this bill which concern me greatly; cuts to the Mission to Planet Earth, a critical NASA program. The President requested $1.34 billion. This bill, unfortunately, includes only $1 billion. That is a lot of money, but it is a very significant reduction from the request and from the level adopted by the Committee on Science this week.

The committee, on Tuesday, reported a bill that authorizes $1.27 billion for Mission to Planet Earth. This is $272 million above the reported appropriation amount.

Mr. Chairman, we should restore that money, if the allocation to this appropriation measure was not so constrained. I understand the problem of the gentleman from California [Mr. LEWIS] and the gentleman from Ohio [Mr. STOKES] with respect to the funds available, but this program is a critical program for the future, not only of the space program, but for the future of the ability of those of us on Earth to understand better our environment and our weather.

Mr. Chairman, I would hope that the committee would see fit to increasing this sum as this bill moves through.

Mr. STOKES. Mr. Chairman, I yield 1 minute to the gentleman from Maryland [Mr. WYNN].

Mr. WYNN. Mr. Chairman, I rise today to express my strong opposition to H.R. 2099. It represents a political meat ax, rather than a responsible carving knife, as we approach the budget process.

Mr. Chairman, there is a 23-percent cut in housing programs, representing more than $5 billion; representing the elimination of personal programs such as section 8, which helps disadvantaged people get housing, and HOPE homeownership grants that allow people to pursue the American dream.

This bill represents a 46-percent cut in housing for the elderly. How some Members could say we are helping the elderly is beyond me. The elderly will pay between an average of 400 and 600 additional dollars per year for senior housing.

Mr. Chairman, this bill represents a 54-percent cut for low-income assisted housing programs, the working poor of our country, and a 49-percent cut in homeless programs, which means that more Americans will be living in cardboard boxes and laying out along the street side.

Critically, it represents a 48-percent cut in construction and improvement in veterans' facilities, which means our Nation's veterans will continue to see inadequate treatment and work in inadequate facilities.

Mr. STOKES. Mr. Chairman, I yield 1 minute to the gentlewoman from New York [Ms. VELÁZQUEZ].

Ms. VELÁZQUEZ. Mr. Chairman, I rise today out of a sense of deep sadness and outrage. Yet again, the majority brings before this body an attack on children, the elderly, and the poor.

The cuts in this bill are criminal. Funding for low-income housing is slashed by $7 billion. Homeless assistance; public and assisted housing; housing for the elderly, the disabled, and AIDS victims; and the FHA multifamily insurance program all suffer steep rollbacks. Many others, such as the Drug Elimination Program, are eliminated altogether. These cuts, Mr. Chairman, aren't about numbers—they're about human beings. There's a human tragedy behind every dollar of these reductions.

On any given night last winter, there were 600,000 men, women, and sometimes children living on the streets. This bill's $540 million cut in the McKinney program would mean that hundreds of thousands more will join them this winter. I urge my colleagues to vote no on H.R. 2099. There is too much pain behind this bill.

A $700 million cut in public housing operating subsidies, and a $2.3 billion reduction in the public housing capital budget isn't an abstraction. These cuts mean delays in both basic maintenance and major repairs; less security services; and the elimination of essential social services. For 3 million public housing residents, the reductions translate into deteriorating buildings, greater insecurity, and fewer opportunities for economic advancement.

Ending the Drug Elimination Program isn't about cutting wasteful pork-barrel projects. In New York City, the program funds 435 housing police officers who patrol the grounds and hallways of New York's public housing developments. These beat cops would be lost.

This is only a partial list of the many tragedies that would result from this bill. At some point in this appropriations process, reasonable minds and compassionate hearts must prevail. I urge my colleagues to reach that point in this bill.

Mr. STOKES. Mr. Chairman, I yield 1 minute to the gentleman from Minnesota [Mr. VENTO], a member of the Subcommittee on Housing and Community Opportunity.

Mr. VENTO. Mr. Chairman, I certainly rise in opposition to this bill, because it affects the people we represent.

Mr. Chairman, what do they want from us? What do they expect from this bill? They expect decent, affordable, sanitary shelter. They expect environmental justice. They expect us to try and respond to what their needs are.

We obviously have a budget problem, that is dug deeper by the tax breaks that our Republican colleagues on the other side of the aisle seem to want to advance and dig the hole deeper with our Federal budget deficit. We have to pull in the belt, but we do not have to do it on the basis of the poorest of the poor, the working people, or families.

□ 1300

They want shelter; they want a green environment. They want the same small good things of life. People want us to take the knowledge we have and use it to provide for their need and protection.

There are a lot of people walking around who have got their heads up in the stars. They want to look too and fund the space station. The votes are here for that.

Frankly, to me, it is the alchemists project of the 20th century trying to do something of questionable value at the very same time we have got real serious problems right here in our communities. We have got to advance not just on defeating the budget deficit, the fiscal deficit, but we have got to deal with the human deficit, what is happening to people in our communities. Those that do not have the skills, that do not have the education, do not have the shelter, to give them the wherewithal, those working people, so they can pull themselves up.

We have got to be partners in this process, the Federal Government with the non-profits and others. We cannot walk away from the State and local governments that are depending on these housing and environmental programs. They work. Let us not kill them.

Mr. Chairman, I rise in opposition to this, appropriations legislation that devalues communities and families with slash-and-burn cuts in important programs at HUD and the EPA. While the VA, HUD, and independent agencies bill has essentially insulated important

Veterans programs, and saved NASA's space station yet again, this bill has set in its sights the undermining of environmental law and policies and the gutting of basic housing and shelter needs of poor American citizens. These housing cuts measuring roughly 25 percent of the total and budget for 1995 and are all the more dangerous in light of the recently approved rescission bill for fiscal year 1995 that took over $6 billion from HUD.

The underlying bill basically halves the funds available for HUD's homeless programs: assuring that approximately 130,000 fewer homeless Americans will be served this coming fiscal year. These are not just numbers, they affect real people families. They are the lives that won't recover from homelessness by moving into transitional or permanent housing, to jobs and self-sufficiency. Talk about a fiscal deficit must also consider the human deficit. The Minnesota communities of St. Paul, Minneapolis, Hennepin County, and St. Louis County, that could receive over $13 million in fiscal year 1996 for homeless assistance, would likely see $6.5 million less for providing key services and intervention to do just that.

Furthermore, the Federal Emergency Management Agency's Emergency Food and Shelter Program for the homeless is reduced 23 percent by this bill. This highly successful program that partners with the major national charities will find that it will be able to serve almost 24 million fewer meals, provide close to 1 million fewer nights of shelter for individuals and families, and give homeless prevention assistance through emergency mortgage-rent-utilities payments in close to 200,000 instances in the next fiscal year because of this bill.

To add salt to the budget cut wounds, this appropriations bill will cut public housing modernization funds and operating subsidies funds, forcing an increase in vacant unit, a reduction in maintenance and less spending on necessary security and social services. These cuts will mean almost $19 million less for housing authorities in Minnesota alone. The underlying bill then ironically asks low-income families, who do not have income to spare, to kick in more of their meager funds through minimum rents, a repeal of the decades old Brooke amendment that limits the percentage of their income spent on rent, and through the inclusion of utilities payments which of course is a significant cost in extreme climate areas such as Minnesota. All of this, without one hearing on the implications of these policy changes in our Housing and Community Opportunities Subcommittee at the Banking Committee.

This bill eliminates the Congregate Housing Services Program. It combines elderly, disabled and HIV/AIDS housing programs into one program and then cuts their funds 46 percent. It wipes out the successful Public Housing Drug Elimination Program. This program, which I tried to expand last year, often provides the extra support necessary for public housing authorities [PHA's] and their residents to make a difference in their lives. For example, in St. Paul Public Housing, this program is being used to offer a STEP Program: Support for Training and Employment Program. STEP provides job training with individualized case management. This particular program partners with the Minnesota Department of Education, the U.S. Department of Health and Human Services, and St. Paul Public Schools.

This appropriation bill further reneges on decent, safe, affordable housing for all Americans by eliminating funding for new incremental section 8 rental assistance. This move will resign the millions on waiting lists today to an certain terminal wait in substandard housing or our Nation's streets.

The VA, HUD and Independent Agencies appropriations bill continues the assault on underserved communities by killing AmeriCorps, the FDIC Affordable Housing Fund, and the Community Development Financial Institutions Fund. The CDFI fund that was created in late 1994 to provide a national network of financial institutions dedicated to community development. It was bipartisanly supported at that time—and, even in the recent 1995 rescissions bill assured that the CDFI would have $50 million as it streamlined and reduced the administrative costs of the program.

This program is unique providing capital support for CDFI's to use to leverage or to provide incentives for more traditional thrifts and banks to increase community investment and lending. This Clinton initiative is about developing private markets in distressed communities in order to create jobs, provide housing loans, construct affordable housing, and provide other opportunities to help communities and individuals to help themselves through access to capital. The CDFI program should be funded. It has broad support from community groups and lending institutions alike. It is petty politics that sees it defunded today and I would hope that this Congress could rise above that and seek good policy instead.

In a year of relentless attacks on decades of environmental policies and laws, the Appropriations Committee budget plan for the Environmental Protection Agency [EPA] sets a new standard for outrageousness. The VA, HUD and Independent Agencies Appropriations bill for fiscal year 1996 cuts EPA's operating budget by one third and enforcement budget by 50 percent. The legislation prevents EPA from enforcing central parts of the Clean Water Act, the Clean Air Act, and other major environmental programs.

Because of these proposed radical cuts, the bill would reduce the ability of the EPA to respond to threats to the environment and human health. In the long run, this approach will mean more water pollution, more smog, more food poisoning, more toxic waste spills, and eventually, more taxpayer dollars spent to solve these problems.

It is particularly egregious to use the budget process to eliminate critical programs that protect public health and the environment—the Appropriations Committee should not be prohibiting any agencies from enforcing Federal law. If Congress intends to repeal or roll back environmental protection statutes, these changes should be debated out in the open. The American people will not stand for this give away to polluters behind closed doors.

Mr. Chairman, as I have stated, I have so very many concerns regarding this bill that I must certainly and will oppose it. This bill is full of authorizing language that reflect policy changes that have not been reviewed by the Committees of jurisdiction much less the public. This Congress has its priorities all wrong: Tax breaks for the rich, $2 billion in pie-in-the-sky funds for space stations our modern day alchemy, and giveaways for corporations who plunder our natural resources, while at the same time, eviscerating affordable housing, gutting environmental safeguards, and cutting funds for our most vulnerable citizens, the homeless. I do wish to be associated with supporting these ill-conceived attacks on our future and I urge my colleagues to oppose this bill.

Mr. LEWIS of California. Mr. Chairman, I yield 1½ minutes to the gentleman from Pennsylvania [Mr. WALKER], chairman of the Committee on Science.

Mr. WALKER. Mr. Chairman, I thank the gentleman for yielding this time to me.

Mr. Chairman, once again, I am pleased to rise in support of an appropriations bill both because of its substance and the process that molded it.

Chairman LEWIS fully consulted with the Science Committee on programs under our jurisdiction. The result is a bill that closely tracks the NASA and NSF authorizations reported by the Science Committee over the past 2 months.

H.R. 2099 starts the transition of NASA from an operational service agency to a premier research agency. Space science and human exploration are the priority as evidenced by full funding of such programs as the Cassini Saturn mission, Gravity Probe B, and the paramount space-based basic research laboratory known as Space Station Alpha. Revolutionary new efforts such as fundamental research in support of private sector development of fully reusable launch vehicles and small satellite and spacecraft technology is also promoted.

NASA programs that continue the Government as a service provider are transitional to the private sector. These include the space shuttle and Mission to Planet Earth. American commercial interests can provide both space transportation services and environmental and planetary data much more efficiently and effectively than huge, inflexible Federal bureaucratic armies that too often lack creativity and incentive.

The other shining jewel for science in the VA-HUD bill is NSF. Its basic university research grant funding is held virtually harmless at its current level. Not too many Federal missions can claim that fact. This appropriation follows the Science Committee's lead in promoting the priority of basic research in the physical science directorates.

So, all in all, Mr. Chairman, this is a very good bill. It makes significant progress on deficit reduction while also setting wise priorities for the future knowledge base of the Nation. I thank and commend Chairman LEWIS for accommodating the Science Committee's policy goals. I strongly support the bill.

Mr. STOKES. Mr. Chairman, I yield 1 minute to the gentlewoman from Ohio [Ms. KAPTUR], a member of the Subcommittee on VA, HUD and Independent Agencies of the Committee on Appropriations.

Ms. KAPTUR. Mr. Chairman, I thank the gentleman for yielding.

Sadly, I rise in opposition to this bill, which we have worked so very hard on.

Let me say for the record that I voted for almost every balanced budget amendment that passed this House and maintain a voting record that proves that.

This bill is truly too severe. It cuts housing in our country by over 23 percent. It means seniors living in buildings across this country will be paying $1,000 more a year even though they make $8,000 a year. It means our mayors will have to choose between homeless, where funds are being cut by half, and drug elimination programs, and I think that EPA's cut of 33 percent, when we have got dumps and leaking dumps all over this country and toxic waste that we have to clean up is really wrong.

I think the President had a 2-percent cut in this budget. I think that was reasonable. This budget is too extreme, too sever, and in addition to that, if you read the provisions in the report, it even tries to undermine EPA's ability to enforce environmental standards along our border as a result of NAFTA.

It is even undermining environmental enforcement. I encourage my colleagues to vote "no" on this measure.

Mr. Chairman, sadly, I rise in opposition to this bill. It is too extreme, at the same time too severe. I want to commend the distinguished chairman of our committee, the gentleman from California [Mr. LEWIS], for his cordial handling of this very complicated bill and to express my sincere appreciation for his efforts in restoring $10 million of funding to the Department of Veterans Affairs' Health Professional Scholarship Program by transferring funds from other accounts. I also want to acknowledge the diligence an wise counsel of the ranking minority member, the gentleman from Ohio [Mr. STOKES], on this bill.

Let me point out, I voted for the budget amendments that passed this House and maintain a voting record that proves it. But this bill is not even-handed—it cuts environmental protection by one-third; it cuts housing and senior housing by 25 percent, and it cuts medical care by $250 million at times when our World War II veterans are using the system in greater numbers.

INTRODUCTION

The programs under our committee's jurisdiction provide assistance and benefits that help millions of Americans achieve a better life. Included are programs for medical care and benefits for our Nation's veterans, affordable and decent housing for families and individuals of all incomes and circumstances, a safe and clean environment, and investments in technology and science.

Rather than cutting these budgets by a reasonable amount—say 2 to 5 percent—it axes support for key national commitments. The overall effect of the bill before this body is to seriously erode our efforts for veterans, housing, and the environment. This bill provides inadequate support for our Nation's veterans, and it will impair our ability to provide them quality medical care. It also makes deep cuts in the funding for the Department of Housing and Urban Development—25 percent—and the Environmental Protection Agency—32 percent. In addition, this bill continues to fund one very big-ticket item, the space station, at the expense of other programs under the committee's jurisdiction, including ones designed to assist the poorest, the neediest, and the most vulnerable among us. I disagree with the severity of the reductions. And what makes it more egregious is that all the savings will not be used to balance the budget. Rather, the money is being controlled to give tax breaks to the Fortune 500 "big daddies" later this year. This is simply wrong.

HEALTH PROFESSIONAL SCHOLARSHIP PROGRAM

Let me say, I am grateful to the chairman for his willingness to work with me to fund the Health Professional Scholarship Program. This educational and training program assists in assuring an adequate supply of trained health professionals, not only for the VA but also the Nation. To date, these scholarship awards have provided more than 4,000 scholarships to students in nursing, occupational therapy, physical therapy, respiratory therapy, and nurse anesthesia. I thank the chairman for his strong willingness to cooperate and provide leadership on this health scholarship program which helps advance professionals during a time when tuition costs are skyrocketing.

Upon graduation, students are required to complete 2 years of service in the VA health system, and the retention rate of the scholarship recipients in VA medical centers is greater than 50 percent.

The flexibility to provide scholarships for the education of a variety of health professionals has made this program particularly useful as changes have occurred in the delivery of health care services. As the program has identified shortages in particular categories of health professionals, the numbers and types of scholarship awards have been shifted accordingly. For example, in fiscal year 1994, more awards were made for advanced practice nurses, in contrast to entry-level nurses, and for physical therapists and occupational therapists. These are the health professionals currently in shortest supply in the VA, and they are anticipated to be needed nationwide in the future. This academic year, the program will be adding physician assistant awards to meet the needs of a health care system that is increasingly focusing on primary care.

The funding of this program is vital to the recruitment and retention of scarce health professionals in the VA, and it is necessary to be responsive to the health care needs of veterans who have courageously defended this Nation. I thank the chairman for his strong leadership on this program.

EAP/NAFTA REPORT LANGUAGE

I also oppose this bill because it contains too much free rein with legislation on an appropriation bill.

In addition, the report to this bill contains language which undermines our ability to enforce NAFTA. The report to the bill questions EPA's use of subpoenas to collect United States-Mexico border environmental data it infers EPA's issuing subpoenas to American companies with subsidiaries located in the vicinity of the New River and Imperial Valley in southern California, has somehow contravened NAFTA. This language is just one more example of the influence of big business lobbyists, and the extent to which the majority has subordinated the health and safety of our continent to pure greed.

Everyone knows that the EPA is well within its authority in issuing these subpoenas. They were issued to U.S. companies, which are required to comply with existing U.S. standards. The NAFTA contains provisions that protect our rights to determine and apply our own levels of environmental protection, and the Toxic Substances Control Act specifically authorizes the EPA to issue subpoenas as it did in this case. My colleagues on the other side of the aisle would be better served by listening to the Member of their own party who represents the district in question rather than the special interests and big business lobbyists who would use report language such as this in an attempt to intimidate the EPA into backing off of an investigation which would have major health implications for our citizens.

CONCLUSION

As I outlined earlier during the debate on the rule, I also oppose this bill because it zeroes out the effective drug elimination program. That has stemmed the drug tide across this Nation. Because of its elimination as well as the reductions in other vital programs that help veterans, the elderly, and children, I must oppose this bill and urge my colleagues to do the same. The bill is not balanced, and its savings will not help reduce deficit, but rather be transferred to billions in tax breaks to the privileged few. How sad.

Mr. STOKES. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. FAZIO].

Mr. FAZIO of California. Mr. Chairman, I rise in opposition to the 1996 appropriations bill for the Department of Veterans Affairs, the Department of Housing and Urban Development, and independent agencies.

The Republicans have once again adopted a paint-by-numbers strategy to reach their arbitrary deficit reduction target and finance a tax break for wealthy special interests.

How simple is their strategy? Remarkably simple. And remarkably cruel.

Draw a line through those programs that help the poor, the needy, and the less fortunate. Slash your way across the Department of Housing and Urban Development, and the Department of Veterans' Affairs, until you reach the Environmental Protection Agency.

Once again, the Republican's have enacted wholesale change that will significantly decrease the quality of life for millions of Americans.

The Republicans profess to have our long-term interests at stake, but their actions—in this case—speak loudly and clearly.

This bill not only risks the health of our veterans, but the health and safety of all Americans.

Unable to eliminate the EPA, my Republican colleagues have done their level best to cripple this agency and eviscerate programs that ensure every American has access to safe drinking water, clean air, and a toxic-free environment.

Mr. Chairman, along the way, strike a crippling blow against housing programs that provide affordable, safe, and decent housing for the elderly, the poor, and the sick.

When you are painting by numbers, when your goal is driven by numbers, not by people, it is easy to pursue your goal with abandon.

I would like to take this opportunity to remind my Republican colleagues that behind those numbers are real human beings, living real lives, and struggling to get by in tough times.

A great number of the public housing units in this country are occupied by elderly women. And over a million of our children—of America's children—live in public housing units. For many of these kids, just about the only thing they can depend on, from day-to-day, is a place to go home to at night.

This bill slashes public housing operating subsidies and modernization funds. The bill eliminates—obliterates—funding for severely distressed public housing and development, in addition to new housing vouchers and certificates for the poor.

If you are homeless, forget it. The Republicans have decided to paint you out of the picture, cutting homeless assistance grants by 50 percent.

The Republican approach is really very simple. They shake your hand and direct your attention to the magnificent prize behind curtain No. 3. When you turn your head, they reach around and pick your pocket.

Hundreds of thousands of families who depend on section 8 assisted housing will get their pockets picked if this bill passes. At least 600,000 families in public and section 8 assisted housing will pay more every month in rent unless we reject this bill.

While we debate these cuts, I urge my colleagues to remember that this week marks particularly poignant moment. Today, we will dedicate a monument to the veterans of the Korean war.

There are few Americans more deserving of our support than these veterans, and the veterans of our wars of the last half-century.

Yet, the Republican bill cuts $250 million from veterans medical care and zeroes-out funding for a replacement VA hospital in northern California that was to service a veterans population of over 400,000 men and women. These cuts are unwise and break a promise that Congress made to northern California veterans 4 years ago.

Without adequate support, the VA will simply be unable to meet the increasing demand for health services as our veterans population ages.

This bill cuts the EPA budget by one-third, hazardous waste cleanup programs by 30 percent, and funds for wastewater treatment facilities by 25 percent.

Perhaps most devastating is the legislative language in this bill that would prohibit the EPA from taking action to clean our environment. These include restrictions on the EPA's ability to regulate sewer systems, wetlands, refineries, oil and gas manufacturing, radon in water, pesticides in processed food, lead paint, and water pollution.

Some very important programs—such as the Sacramento River Pollutant Control Program—have been funded in this bill. With this funding, Sacramento County will be able to complete the process of identifying which pollutants exceed water quality standards.

Once this is accomplished, the county can develop a feasible, cost-effective plan to address the problem of pollution in the Sacramento River.

While this critical program has been funded, hundreds of others around the country have not.

The Sacramento River Pollutant Control Program is a step in the right direction. But it does not begin to make up for the hundreds of steps back in this bill.

All of us have been asked to make sacrifices to help balance the Federal budget. We are prepared to make those sacrifices. But no one—not one American—should have to sacrifice decent living conditions or a clean environment to finance a tax-break for Republican special interests.

Mr. STOKES. Mr. Chairman, I yield 1 minute to the gentlewoman from Florida [Mrs. MEEK].

Mrs. MEEK of Florida. Mr. Chairman, I have the utmost respect for the chairman of the subcommittee and the ranking member, but I do want to say to this House and to this country that to cut VA, HUD, and independent agencies as they have been cut in this bill is obscene, and it is not credible, and it does not show responsibility on the side of the Republicans' part of our House.

I have served with them for 2 years, but I cannot believe that our good chairman on the Republican side would cut these housing programs and gut them for poor people.

I want you to go with me for a moment or two and realize that there are poor people who live in public housing whose water has sewage in it, whose housing is really, really depreciated to the point that they can not live in the housing. It makes just a mockery of poor people who need public housing.

If government is any good to anybody, it should be good to poor people.

You zero out funding to seriously distressed public housing. I appeal to you to, please, redo some of the things in this bill.

First of all, you need to kill this bill, because it deserves a respectable death.

Mr. STOKES. Mr. Chairman, I yield 1 minute to the gentleman from Indiana [Mr. ROEMER].

Mr. ROEMER. Mr. Chairman, I thank the gentleman from Ohio [Mr. STOKES] for yielding this time to me.

Mr. Chairman, this bill is very big on the deficit and tiny on fairness.

Certainly, we have to contribute and share the sacrifice in moving to a balanced budget by the year 2002. But we should be as concerned about the millions of senior citizens in this country as we seem to be about housing for astronauts in space. Our priorities should not be just about four astronauts being housed in comfortable quarters but about being fair to millions of seniors and low-income people and not slash their budget by 23 percent.

Let us make some of the tough choices around here and cut a B-2 bomber or two that the Defense Department does not even want. Let us cut back on the CIA and the tobacco subsidies. Let us not decimate NASA and the space station.

Other people have said the NASA budget is good. That is not true. Mission to Planet Earth is cut by $338 million. Science, aeronautics, and technology is cut by $313 million.

Let us be fair in our efforts to move together in a bipartisan way to balance this budget.

Mr. STOKES. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. MINETA], the ranking member of the Committee on Transportation and Infrastructure.

Mr. MINETA. Mr. Chairman, this is a bad bill. Through targeted spending cuts, restrictive language, and legislative riders, this bill is designed to assure less environmental protection and increased risk to the health and safety of our constituents. Without substantial changes, the House should reject this bill and allow the Appropriations Committee to develop a bill which is worthy of support.

Mr. Chairman, H.R. 2099 reduces funding for the Environmental Protection Agency by over one-third. This is unconscionable. While all agencies can use trimming of their budgets, we should be reviewing unsuccessful programs for cuts. Instead, this bill inadequately funds many of the programs which have proved to be highly successful—programs such as the Clean Water Act State revolving loan fund program. This is not cutting the fat, this is cutting the lean.

It also inadequately funds the Superfund Program with the excuse that this is a transition year for that program. If this bill is part of a transition, it is a transition to disaster.

This bill makes the funding of assistance to States and local governments subject to reauthorization of the Clean Water Act. It creates a hostage of every constituent who is concerned about clean water. It would also cut off funding for the Superfund Program on December 31 of this year. It creates a hostage out of every constituent who cares about cleaning up toxic waste sites.

Why does the bill contain these restrictions? Unlike past years, this is not about the prerogatives of the authorizing committees under the rules of the House. No, the restrictions of H.R. 2099 are designed to put pressure on the Senate to adopt the House position on waivers, loopholes, and rollbacks for industrial polluters which were included in H.R. 961.

That's right, the needs of State officials for money to operate State programs, the needs of cities to construct improvements in wastewater treatment, and the needs of the people for improved water quality are all being put on hold so that industrial dischargers might have more leverage in convincing the Senate to accept waivers, loopholes, and rollbacks of the Clean Water Act.

Throughout the clean water debate on this floor, proponents of the legislation repeatedly argued that the States know best, and that the States must be allowed the maximum ability to control water pollution decisions. But now, when it is time to actually indicate your support for cities and States, to literally put your money where your mouth is, the interests of State and local governments are being swept aside so that industrial polluters can have increased leverage in the Senate.

Under H.R. 2099, States and local governments are held hostage in receiving $1.4 billion in grants to implement the Clean Water Act programs, even as cities and States continue to bear the burden of State and Federal requirements to improve water quality. This bill is the mother of all unfunded mandates. This is not what the cities and States want, and it is not what the citizens who we represent deserve.

H.R. 2099 is an abuse of the legislative process, and an abuse of the interests of State and local governments.

In Clean Water alone, the funding in H.R. 2099 is far below what is required, and far below the levels which the House approved just 2 months ago.

The most recent estimate of needs generated by the States indicates that there are documented needs of over $130 billion over the next 20 years. At the funding levels of this bill, it will be impossible to ever fully capitalize the State revolving loan funds so as to meet these needs.

Additionally, the House budget resolution assumed a funding level of $2.3 billion annually for the water infrastructure account. During consideration of the clean water amendments of 1995 in May, it was the opinion of the majority of the House that the funding authorization level should be reduced to match the budget resolution. I opposed that amendment, and many of you joined with me. Now, even that reduced funding level is cut in half.

What we see is just one broken commitment after another to the cities and States. Promise the cities and States $3 billion to get support for gutting the Clean Water Act. When critics raise concerns about the bill, proponents argued that H.R. 961 was a strong bill because it provided $3 billion annually to the States.

But then the House Budget Committee developed a budget resolution which assumed spending of $2.3 billion annually. So the Republican leadership supports an amendment on the floor to reduce the authorization level to $2.3 billion to conform to the budget resolution. Now, we are being asked to approve a funding level one-half of the promise made just 2 short months ago.

This sounds again like promises made, and promises broken.

However, as objectionable as these funding levels are, this bill is totally unacceptable for the way in which it seeks to radically alter the implementation of the Nation's environmental laws. In all my years in the House, I have never seen a more outrageous attempt to dismantle environmental protection through the appropriations process.

Changes to the Nation's environmental programs should be debated within the context of the proper committees of jurisdiction. Instead what we have here is an attempt to gut the major environmental statutes by tucking legislation in the back of an appropriation bill at the last minute—legislation which would never survive public opinion if done in the open and through the normal process.

Let's look at some of the more egregious provisions.

Under this bill, EPA is prohibited from using any funds for the implementation of the Great Lakes water quality guidance, notwithstanding the enormous amount of work which States, local governments, private citizens, and EPA have put into the development of that guidance.

This guidance was the subject of two separate amendments during markup of the clean water amendments of 1995 by the Committee on Transportation and Infrastructure. Over the course of 2 days, a compromise was developed which was adopted by the committee. While the compromise clearly did not please all parties, it allowed the authorizing committee the opportunity to fully debate and consider the issue. In the end, the Transportation Committee specifically approved the use of the guidance. This thoughtful and deliberate process would be overturned should the provision in this bill restricting the use of funds remain.

Another of the restrictions prohibits EPA from taking steps to stop raw sewage overflows regardless of the environmental consequences of these overflows. These are the same overflows which cause beach closures and prevent the consumption of shellfish. This is not an imaginary concern, and it is not without its economic consequences. In 1994 alone, polluted water caused at least 2,279 swimming advisories and beach closings. This results in the loss of millions of dollars in tourist and recreational dollars, and thousands of lost jobs.

This bill says that EPA cannot address the serious issue of stormwater pollution, even though it often represents the major pollution problem in urban areas. This restriction would bar enforcement not only of municipal stormwater violations, but also of all industrial stormwater violations as well.

While I have long supported changes to the municipal stormwater program to make it more responsive to environmental needs and the economic realities of the cities, it is not the role of the Appropriations Committee to stop all efforts to address this serious problem. Not even H.R. 961 did that. Yet, that is what we have here before us.

EPA is prohibited from taking any action to implement or enforce the wetlands program. Clearly the Nation's wetlands program is in need of reform, but it is not in need of wholesale abandonment. H.R. 2099 will allow illegal activities to proceed unabated, regardless of the impacts on adjoining property owners since EPA will be powerless to assist in any enforcement activities. If this bill is enacted, upstream property owners will be able to fill wetlands with no risk of EPA interference. Upstream property owners will be able to contribute to flooding and water quality degradation downstream with no fear of enforcement of the law by EPA. This is not wetlands reform, this is an abandonment of the protection which we all expect our Government to provide.

The bill prohibits EPA from revising or issuing effluent limitations guidelines and standards, pretreatment standards, or new source performance standards notwithstanding the need of industry, States and localities for updates of existing standards. Yet, it is these standards which the States use for the dramatic improvements in water quality which we will enjoy. If this language is enacted, there are two likely results—either all progress in improving water quality will stop, or States will have to go this route alone. I do not believe that American people want improvements to stop, and telling the States that they must develop standards and guidelines on their own is a very expensive proposition for the States.

H.R. 2099 creates a new right to pollute the environment with no fear of repercussion. First, it reduces the enforcement budget of EPA by nearly $130 million. Second, it creates an entirely unfounded and new defense to any enforcement action. No penalties may be sought against a polluter if the matter is subject to a State law providing for a privilege for voluntary environmental audit reports. This may be the biggest "Get Out of Jail Free" card which ever existed.

Under this language, a polluter would be able to escape any penalty for environmental violations, no matter how severe, if the polluter merely turns himself in. In addition, this language is written so broadly, that the admission need not be related to the pollution which is the subject of the enforcement action. If this language is taken to its extreme, it appears as though it is not even necessary that the State law providing for immunity and the pollution need to have taken place in the same State.

Imagine if you would, the ability for a polluter to escape responsibility merely by reporting the polluter's own wrongdoing, and even if the reported wrongdoing is unrelated to the environmental harm caused by the pollution.

H.R. 2099 also would permanently waive categorical pretreatment standards for a single wastewater treatment plant in Kalamazoo, MI. Why this particular plant, and why right now? There has been no public discourse over the merits of such a broad exemption. Yet, the appropriations process seems to be the place where all your concerns with environmental laws can be addressed, and all environmental protection abandoned.

Mr. Chairman, the concerns I have just outlined are more than enough reason to oppose this bill. Unfortunately for the interests of our constituents and the environment, I have barely touched the surface. H.R. 2099 includes many more riders and restrictions on the ability of EPA to perform its responsibilities under the law and to fulfill the expectations of the general public. Many of these riders and restrictions favor specific industries or specific locations—industries such as oil, cement kiln, and pulp and paper, and locations such as Kalamazoo, MI, and the Kammer power generating station in West Virginia.

Each of these special riders or restrictions must be removed from the bill prior to House approval. That is why I intend to support the Stokes-Boehlert amendment to delete the riders and restrictions. The waivers, loopholes, and rollbacks which H.R. 2099 contains clearly make this an unacceptable bill.

I urge defeat of H.R. 2099.

Mr. LEWIS of California. Mr. Chairman, I yield 1 minute to the gentleman from Florida [Mr. WELDON]. No Member has been more diligent in representing his district and more cooperative with the committee than the gentleman from Florida [Mr. WELDON].

Mr. WELDON of Florida. Mr. Chairman, I thank the gentleman for yielding me this time. I commend the chairman for the hard work that he has been doing.

It must be made very clear to all Members that if we do not balance our budget, there will be no resources for important programs like that NASA, like VA, and like HUD.

I support the chairman in the outstanding efforts in making sure that our manned space flight program is funded in this budget, particularly the space station.

I do have some concerns about the provisions in this budget for VA medical care in my district as well as some concerns about senior housing. I believe that we will be able to address some of these issues in an upcoming amendment on this bill.

However, I cannot overstate the importance that if we do not move toward a balanced budget, all of these crucial programs will no longer exist.

I commend the chairman. I commend all the Republican Members as well as the Democrat Members on the other side of the aisle for working very hard to getting us toward that goal, that goal that has been so elusive for so many years and years and years, up until this new Congress, of balancing our budget and moving our Nation toward a future of prosperity not only for the people alive today but as well for future generations that will not be inheriting bankruptcy.

Mr. STOKES. Mr. Chairman, I yield 1 minute to the gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE. Mr. Chairman, I rise today recognizing what we have to do regarding a sound fiscal policy.

But I also rise to say that we must give hope to the homeless. We have some 600,000 individuals who are homeless at any given night, and these cuts specifically in Homeless Assistance would fall heaviest on the poorest Americans. A national sample found the average monthly household income among homeless persons was less than $200, regardless of household composition.

Mr. Chairman, I am asking we give hope to the homeless. I would like to see more money added. I hope I will be able to offer an amendment that adds an additional $25 million to the homeless so they will not be hopeless.

I think the key issue is investment. Are we investing in people so that they can make a difference in their lives?

I think the Stewart B. McKinney Homeless Assistance Act supportive housing [SHP] funds for the homeless have been utilized successfully and productively. It provides the homeless with an opportunity to be housed, but at the same time it provides the homeless families with support services. In addition to this program, housing for those living with AIDS is vital. My local government and community in Houston found that those individuals suffering with AIDS can live in dignity if we provide them with support services and good housing.

We are here today to give hope, Mr. Chairman, and I hope we will give hope to the homeless by providing them the opportunities to make a difference in their lives.

Mr. STOKES. Mr. Chairman, I yield 1 minute to the gentleman from Georgia [Mr. BISHOP].

Mr. BISHOP. Mr. Chairman, I rise in opposition to this appropriations bill, VA, HUD. Cuts go too deeply. They have cut housing, veterans, space, environmental programs, HUD cut 23 percent, deepest cuts against the homeless people, funds for the elderly and disabled cut in half, operating expenses for improving public housing cut, elderly and low-income people soon to become homeless, EPA cut 33 percent, the Superfund toxic waste sites cleanup cut a third, the State revolving loan funds for sewage treatment plants cut in half, no funds for safe drinking water loan fund, veterans cut $1 billion, almost, veterans medical care cut $250 million under request, VA administrative costs and construction costs $500 million below requests, no new veterans hospitals, services to veterans who are now receiving it, 916,000 of them will be cut, the President's National Service Program cut.

□ 1315

Cuts, cuts, cuts, cuts. We need to do something better than this. We need to send this bill back. This appropriation is insufficient, and I urge my colleagues to oppose it.

Mr. STOKES. Mr. Chairman, I yield 1½ minutes to the gentleman from Massachusetts [Mr. OLVER].

Mr. OLVER. Mr. Chairman, I thank the gentleman from Ohio [Mr. STOKES] for yielding this time to me. I rise to oppose H.R. 2099. The Republican majority finally has to reveal how they pay for $245 billion in tax cuts mostly for the wealthiest handful of Americans and who will get hurt. The hour of reckoning is here.

Who gets hurt? Well, yesterday it was our neighborhoods which lost the certainty of security that more cops on the streets have given them. Today the victims of the Republican assault are the homeless and low-income families who lose billions in housing assistance. Today it is middle-class students who lose the opportunity to serve their country while paying for college. Today it is our cities and rural areas which lose millions in community development block grants. At a time when the majority is block-granting everything in sight, they choose to slash this effective, flexible block grant that was established 20 years ago by President Nixon. Today it is our environment that takes a hit. Clean water, clean air, safe drinking water, the cleanup of hazardous waste; all are hurt by this bill.

Mr. Chairman, these are just a few examples of the harm done in a bill that at the same time preserves funding for the archaic Selective Service and gives billions to the space station.

This bill typifies the Republicans' agenda: Slash funding for housing, education, training, and job creation for average Americans to finance tax cuts for the handful making over $100,000 a year.

Vote against this bill.

Mr. LEWIS of California. Mr. Chairman, I yield such time as he may consume to the gentleman from Arizona [Mr. STUMP].

Mr. STUMP. Mr. Chairman, I thank the gentleman from California [Mr. LEWIS] for the tremendous job he has done in crafting this bill.

Mr. Chairman, I rise in support of the bill and want to compliment subcommittee Chairman LEWIS and Chairman LIVINGSTON of the full Appropriations Committee for their work on this measure.

They have made some of the most difficult decisions to implement the budget resolution mandate to balance the Federal budget by the year 2002.

The bill reduces virtually every agency under its jurisdiction below last year's spending level except the VA.

Compared to fiscal year 1995 spending levels, HUD is decreased 25 percent, EPA 32 percent, NASA 5 percent.

On the other hand, the bill puts VA's total spending levels slightly above 1995 rather than cutting it substantially.

The bill fully funds the President's request in several areas, with spending over and above the fiscal year 1995 level.

These include compensations for veterans with service-connected injuries, pensions for war-time veterans, education and training readjustment benefits, insurance programs, and the VA Home Loan Program.

Major construction is not as much as last year because the bill does not fully fund the two new inpatient hospital construction projects in the administration's request.

Medical research, which is very important to VA's ability to attract high-quality health care professionals, is funded at last year's level.

The national cemetery system is funded at last year's level to maintain this important activity.

I believe the cemetery system is in particular need of long-term attention because of demographic trends facing the veteran population.

Between 1990 and the year 2010, the VA projects that the veterans population will decrease by about 7 million veterans, or 26 percent. Many of these veterans will desire to be buried in a national cemetery and the VA should be ready.

The annual operating budget for the cemetery system, as well as grave site development in existing cemeteries, and establishment of new cemeteries should receive high priority than they are currently getting.

I will continue to work closely with the Appropriations Committee and the VA to expand and improve our national cemeteries so that veterans may be accorded the last measure of dignity a grateful Nation can provide in recognition of service to country.

H.R. 2099 increases VA medical care by $563 million. This is 75 percent of the administration's requested increase, and puts VA medical care spending at $16.8 billion for fiscal year 1996.

This increase has been accomplished through a combination of additional appropriated dollars and legislative savings which will probably not be possible again next year.

The VA should use this year to prepare for tougher fiscal constraints through management initiatives such as the New Visions Networks and the North Chicago hospital example.

Integrating VA medical centers and other health care facilities on a regional basis can eliminate or reduce duplication of capacity and administration.

Recent testimony in the Committee on Veterans' Affairs by the Disabled American Veterans indicates that the North Chicago VA Medical Center has implemented an HMO-based model of health care delivery.

Their experience apparently shows that since October of 1993, the number of veterans enrolled in their managed care plan increased fivefold.

In less than 10 months, the number of acute days of hospital care per $1,000 enrollees fell by 85 percent.

This was due to a reduction in the consumption of acute hospital resources due to 50 percent reduction in hospital stays; 90 percent reduction in the need for acute hospitalization for nursing home care unit patients; and 98 percent reduction in acute hospitalization for detoxification resulting from a shift from inpatient medical evaluation of these patients to an outpatient medical evaluation.

The facility was able to reduce from five to only two the number of acute hospital wards, representing a 63 percent reduction in beds.

The medical center estimates that they have tripled their efficiency. Quality of care was maintained while their operating costs were reduced dramatically. It is projected that annual potential savings could exceed $15 million.

Also, the realignment of services allowed for a reduction of 170 full-time positions.

If such projected savings and increased efficiencies prove out, this example should be duplicated as much as possible throughout the VA system.

The VA should aggressively pursue initiatives which can help reduce fixed costs and overhead, so that funds can be shifted to delivery of health care and other services.

The VA should eliminate or merge duplicative positions within the Veterans Health Administration and Veterans Benefits Administration bureaucracy in areas of procurement, personnel, logistics, EEO, administrative services, and finance.

Such duplication is acutely apparent in the departments of Veterans Affairs organizations that are collocated or within networking proximities.

The VA should also actively pursue privatizing service areas such as third party insurance collections, laundry services, food service, and computer software development and fire protection services.

The department currently has a tremendous opportunity to reap savings by more proactively implementing the Energy Policy Act of 1992.

The DOE recently published final rules for accelerating installation of energy conservation measures in existing federally owned buildings through energy saving performance contracts with the private sector.

These contracts allow Federal agencies to contract for energy conservation equipment and services with performance guarantees, and pay for them in the future from resulting energy cost savings.

This program could boost energy efficiency investment significantly beyond what can be purchased with appropriate funds.

The VA can use those savings to help maintain services during tighter fiscal times.

The Veterans' Affairs Committee will continue to explore proposals to increase VA's flexibility to provide health care at the most appropriate level and in the most cost effective way.

Working within current budget constraints, we will pursue eligibility and health care delivery reform. We will also look for additional revenue sources for the VA health care system.

I hope the VA will more aggressively pursue areas where it can save money to use for direct care rather than continuing to threaten closure of significant parts of the system.

The VA should close its 22 golf courses and sell off all its excess land before closing any hospitals.

The amount of money the VA receives each year is obviously critical to the amount of care which can be provided.

But just as important is what the VA does with those dollars.

Given a rapidly declining veterans population, the VA must improve strategic planning for its health care system, reevaluate infrastructure needs, enhance contracting and sharing agreements, and continue the shift away from expensive hospital inpatient care.

Mr. Chairman, I urge Members to support the bill.

Mr. LEWIS of California. Mr. Chairman, I yield 2 minutes to the gentlewoman from New Jersey [Mrs. ROUKEMA].

Mrs. ROUKEMA. Mr. Chairman, I would tell my colleagues that I have shared some of the serious reservations that others have expressed on this floor today with the bill as it was reported from the committee. But may I say to the chairman of the committee that, as a former ranking member of the HUD subcommittee, I was very concerned about the HUD budget and the housing for the poor and the homeless. Let me be clear there is no question that HUD was certainly primed and ready for significant reductions. It is badly in need of reform, and in fact I would like to say it is in need of reinvention.

That having been said, may I say that I understand the problems that the committee had in reaching our budget targets, and they were enormous. But I, along with the gentleman from New York [Mr. LAZIO], quickly went to our committee members to state our concerns, particularly the concerns for the senior citizens, and the disabled, and those AIDS sufferers that have been talked about. Certainly, these are needy and vulnerable populations, and, more than that, for those of us who worked with HUD over the years and on these programs, we also know that these programs are not only among the most popular programs, but from my perspective among the most scandal-free and well-run programs in HUD, and so I was very pleased when Mr. LEWIS, the subcommittee chairman, and others on the committee were responsive to our concerns.

We will talk a little bit more later about the manager's amendment, but I do want to say that many things have been corrected in this legislation. We have targeted with humaneness and sensitivity the problems that are most in need of reform and at the same time protected the concerns of the vulnerable populations.

Compared to current funding levels, the bill deeply cuts appropriations for virtually every department and agency funded by the measure. Most significantly, the measure cuts funding for HUD by 25 percent and EPA by 32 percent.

While at the same time, the NASA budget is cut by a mere 5 percent—assuming full funding of Congress' new sacred cow, the space station. This is despite the fact that continuous redefinition of the goals and designs have inflated the cost of this project more than $63 billion over budget before its completion. And despite the fact that after 11 years, not one piece of hardware has been put into space for this project.

As the former ranking minority member on the Housing Subcommittee, I was very concerned about the effects of the cuts in the HUD budget.

Let me be clear, HUD was primed for significant reductions. It is badly in need of reform—significant reform. Indeed, reinvention.

But as the bill was reported out of committee, the combined cut to the programs affecting seniors, disabled persons, and people with AIDS—those people with special needs was 47 percent, from $1,852 billion in fiscal year 1995—prerecission—to $1 billion in fiscal year 1996. These seniors, disabled, and AIDS suffers, are among the most needy and vulnerable. And, I must stress these 202 and 206 programs are among the most popular and well run scandal free of all the programs under HUD jurisdiction.

With that said, let me say that I recognize the difficult task that our members on the Appropriations Committee have before them. If we are to meet the goal of a balanced budget by 2002, we must make difficult decisions and significant changes in Federal spending.

We must work to fund the programs that work well and perform essential service while beginning the process of reducing or eliminating programs that are repetitive or ineffective.

For this reason, I will be supporting Chairman Lewis's amendment to H.R. 2099. This amendment addresses many of the concerns raised by both Chairman LAZIO and me. Including, retaining the ceiling of 30 percent on the retail levels for public housing tenants.

I share the concerns of some of my colleagues across the aisle about rent increases for residents of public housing. That's why I worked with Chairman LAZIO of Housing Subcommittee to remove the suspension of the Brooke amendment and minimum rents for public housing. These changes will be adopted in the manager's amendment, and I urge my colleagues on the other side of the aisle to support the manager's amendment.

In particular, the floor manager's amendment increases the total aggregate budget authority for HUD from $19.1 to $19.4 billion. This brings HUD to the post rescission fiscal year 1995 funding level.

Special needs housing for the elderly, disabled, and persons with AIDS is increased from the 1995 post-rescission amount of $1 billion to $1.4 billion, and HUD homeless assistance programs are increased by $100 million.

In addition, this amendment restores $70 million in budget authority for FHA multifamily credit subsidy. This $70 million is sufficient to meet current multifamily credit needs and provide funding authority for HUD and the authorizing committee to transition FHA's multifamily to a self-sustaining program.

This amendment deserves the support of this House. The provisions included in this amendment make H.R. 2099 a better bill—one that I can support.

Nevertheless, I must also note my reservations and deep concerns over the funding levels and the legislative language and prohibitions on the enforcement abilities of the Environmental Protection Agency [EPA]. I welcome the full and open debate we will engage in during the amendments offered by SHERWOOD BOEHLERT and others.

The CHAIRMAN. There are 3½ minutes remaining on each side.

Mr. STOKES. Mr. Chairman, I yield 1 minute to the gentleman from Indiana [Mr. VISCLOSKY].

Mr. VISCLOSKY. Mr. Chairman, I rise today in strong opposition to the fiscal year 1996 VA-HUD appropriations bill. This bill is a polluters' bonanza.

Our environment is cleaner today *not* because individual businesses decided to put themselves at a competitive disadvantage and stop polluting. The air we breath and the water we drink is cleaner today because Congress passed Federal laws, which leveled the playing field for businesses and mandated a cleaner environment.

Instead of building on this success and fine tuning our environmental laws, the Republican majority is bent on taking us back to the good old days of little or no environmental regulation. Let me tell you about the good old days. The good old days resulted in six declared Superfund sites in my tiny northwest Indiana district. In the Black Oak section of Gary the water was so toxic that the residents couldn't drink it or even water their plants without killing them. In the good old days, a northwest Indiana river stopped flowing because it was clogged with animal carcasses. Why does the Republican majority want to take us back to the good old days?

If a regulation is silly we should end it. If a law is wrong we should change it. But we must not roll back years of environmental progress.

Consider the drastic cuts to the Environmental Protection Agency. This agency, whose sole purpose is to protect public health and improve the living conditions of American citizens, will take a cut of 34 percent—the biggest reduction by far for any major, agency! But this Republican bill does not stop there—it also contains 17 legislative riders all aimed at curtailing or eliminating the EPA's ability to set environmental standards or enforce regulations that are aimed at protecting public health. What's the point of giving the EPA two-thirds of its funding when you prohibit its enforcement of our laws in the same bill?

Upon closer examination of the vicious assaults upon the EPA, Mr. Chairman, I urge the House to oppose this bill.

The VA–HUD bill cuts funding of hazardous waste site cleanup by 33 percent, or $560 million. Does the Republican Party believe this waste is just going to disappear? If we slow the cleanup by cutting funding, it will cost us more later. Furthermore, one in four Americans lives near a toxic waste dump. Are we helping the citizens of this Nation by allowing the perpetuation of hazardous filth? Absolutely not.

The VA–HUD bill slashes enforcement of all environmental programs by almost 50 percent. By cutting $245 million of the funds that enforce those laws, the Republican majority's proposal severely limits enforcement of the protections Americans demand and deserve—and encourages polluters to continue breaking the law. Moreover, the cutback unfairly penalizes the thousands of companies that have invested in pollution controls and played by the rules to protect our health and our environment.

It gets worse, ladies and gentlemen. For, the VA–HUD bill sharply limits citizens' right to know about toxics released in their own community. By slashing funds used to provide American communities with information about toxic chemicals being emitted in local areas, citizens will be left in the dark. Toxic emissions don't understand property lines. People should have access to information about the toxics that are being emitted into their air, and harmful substances are polluting their streams. Thinking along practical lines, emergency workers need this information as well. If an environmental catastrophe were to occur in your community, would you feel safe with any less than the full information?

And what about the housing provisions in this bill. It targets its deepest cuts at vulnerable populations: the poorest residents in public and assisted housing, the homeless, poor and working families, and the elderly.

The Department of Housing and Urban Development has been slashed by 25 percent. HUD assists 4.7 million households living in public housing and receiving section 8 rental assistance. Of these households, 36 percent are elderly. Encompassing housing assistance for the elderly, HUD's Special Needs Housing program took an $852 million cut! Is this the Republican's moral mandate—to abandon our senior citizens and their need for decent, affordable housing?

In my district, Merrillville, IN is lucky to be the home of the AHEPA House, a section 8 apartment complex that serves senior citizens. More than 100 elderly people are on AHEPA's waiting list.

Recently, the AHEPA House was able to afford an expansion. There will be 50 new units opening up in September. Calls requesting applications for those 50 units have been coming in from Indiana, Illinois, and Michigan. So far, almost 150 people have applied for these 50 units. One hundred senior citizens are going to have to be turned away.

When I recently spoke with AHEPA staff about the crisis, I was told they were extremely concerned. One staff member spoke of those on the waiting list, "I don't know how some of these people even eat," she said. Calls come in to AHEPA house every day asking for help.

If this bill passes, Congress will be sending a clear response to those calls for help. It comes in the form of an $852 million cut to the section 8 Special Needs Housing program.

I urge a return to decency. Are we to turn our backs on senior citizens who are barely able to get a roof above their heads while the majority in this House finances a tax cut for the wealthiest in society? Of course, not.

This legislation is a travesty and a danger to the American people. Public health is threatened. Pollution is encouraged. Housing is denied. The elderly are abandoned. Let's stop these irresponsible and indecent proposals that hurt American citizens.

Join me in opposition to this Republican bill and join me in a vote for the American people.

Mr. LEWIS of California. Mr. Chairman, I yield myself the balance of our time.

The CHAIRMAN. The gentleman from California is recognized for 3½ minutes.

Mr. LEWIS of California. Mr. Chairman, first, I want to express my appreciation for the cooperation of the Members dealing with this very, very difficult bill. We have had within our allocation great difficulty in dividing up these accounts in a way that is equitable to all. There is little question that everyone who is used to government continuing to grow is most disconcerted by the effort to reduce those historical levels of growth.

Nonetheless, let me address two basic subject areas of this bill. I want to make sure that it is clear in the RECORD that, while we have been through some very difficult times with housing, we have had great cooperation from the key members from the authorizing committee in connection with the way we have distributed these funds. It is a fact that housing accounts have increased by 50 percent in the last 4 years, so there is some room for flexibility as we address those problems.

In terms of actual spending in the 1996 year, the outlays for housing will actually increase over 1995. Those programs will have both time and a good deal of flexibility in terms of responding to the future pattern that we hope to see in these accounts.

Beyond that, I want to mention to my colleagues that the one account within this bill that has been treated differently than all others has to do with Veterans' Administration medical services. There is an increase of some $553 million over the 1995 outlay account for medical services. The House has indicated its concern about making sure that we do not have cuts in medical services available to our veterans.

As my colleagues look throughout the bill, while there are very, very tough decisions that have been made, there is little doubt that the membership has helped the committee a great deal to make sure that we have treated each of these responsibilities as fairly as possible.

Mr. Chairman, I yield back the balance of my time.

Mr. STOKES. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey [Mr. PALLONE].

Mr. PALLONE. Mr. Chairman, I just want to thank the gentleman from California [Mr. LEWIS], and also the gentleman from Ohio [Mr. STOKES], and my colleagues, the gentleman from New Jersey [Mr. FRELINGHUYSEN] for their help in correcting a FEMA problem in my district as part of this legislation. I also appreciate the need for belt-tightening as identified by the chairman, but I must point out that the Environmental Protection Agency, I believe, is treated too harshly in this bill.

Mr. Chairman, the bill contains about eight pages of provisos limiting the EPA's ability to improve, implement, and enforce regulations related to the environment and particularly with regard to the Clean Water Act that passed this House, which I opposed. If it does become law, this legislation would attempt to accomplish much of its negative impact through the appropriation process.

Just as examples: If the Clean Water Act was not reauthorized by October 1 of 1996, funds are not available or are limited under this bill for implementation or enforcement of the stormwater permitting process, enforcement of permit limits or compliance schedules for combined sewer overflows or sanitary sewer overflows. There is also cutback in implementation in enforcement of the wetlands programs and pretreatment standards.

For these reasons, unless some of the amendments are passed by the ranking member, I would oppose.

Mr. STOKES. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio for 1½ minutes.

Mr. STOKES. Mr. Chairman, let me in closing say once again how disappointing it is for me to have to vote against this particular bill. It is a bill that, as I said earlier, in the last Congress I took a great deal of pride in bringing to the floor, and it was a bill which I felt was responsive to the Nation's priorities at that time. Unfortunately I do not feel that this bill is currently responsive to our needs, and, therefore, I must oppose the bill.

But also in closing, a lot of comments have been made with reference to what has been done for veterans, and I just want to cite some of the statements that have come to us by way of letters.

"We strongly oppose any action by the Committee on Appropriations to make substantive changes to laws authorizing veterans benefits"—the Blinded Veterans Association.

The Vietnam Veterans of America say "We like to see an appropriation bill that provides for medical research, and running the Veterans' Administration at the levels recommended by the President. There is room for change, but we cannot accept substantive changes in the veterans benefits laws being made by the appropriations committees."

I can go on and cite the American Legion's response, the Paralyzed Veterans of America response, all of whom are not satisfied with this bill as it appears now.

As I said earlier, the President has indicated that unless this bill is changed substantively from its current form, that he intends to veto the bill. I think the best thing Members of this House can do is vote down the bill.

Mr. FILNER: Mr. Chairman, I rise today to alert you to a matter of utmost importance. Many of you know of the large number of veterans residing in California, and especially in my congressional district.

I am committed to seeing that we do not abandon our veterans, especially those who are in need of care—ranging from moderate care in assisted-living situations to full nursing home care. These veterans, who have sacrificed so much for our Nation, deserve to have their country come through for them when they need help.

Last October, the California Governor's Task Force selected a site in Chula Vista, CA as their top choice for a proposed home for military veterans. This is an excellent site, given the large number of veterans in Chula Vista and the nearby community of National City. This site is near Sharp Chula Vista Medical Center and within a 20 minute drive to the Department of Veterans Affairs Medical Center in La Jolla, CA. Close to the waterfront and located in a stable community, this home will provide southern California veterans with the care they need and deserve. It will also create 250 to 300 permanent jobs for this region.

The construction of this home depends in part upon funding from the Federal Government. The State of California will fund 35 percent of the cost—the State assembly has passed the appropriations for this project and the bill is now pending in the State senate. The State will soon be applying to the Federal Government for the remainder of the funding—and I intend to fight to insure that this funding is available.

This money will come from the line item, grants for construction of State extended care facilities, in the Federal Veterans' Health Administration construction budget.

I am here today to advocate for our veterans. We must never forget their service to our country. We must remain steadfast in our support as they grow older.

I am as committed as anyone to balancing our Federal budget, but not on the backs of our veterans. I urge my colleagues to keep the promise to our veterans during these budget deliberations and vote to retain the State home construction program funding. Our veterans deserve no less.

Mr. TOWNS. Mr. Chairman, I want to compliment the gentleman from California, the chairman of the subcommittee for his willingness to increase the funding for the special needs account. If the HOPWA Program funds remained at the level reported by the Appropriations Committee, it would have resulted in significant program cuts for New York City.

Homelessness would have surely increased for people living with HIV infection. This limitation on funding would have delayed the release of homeless inpatients and prevented individuals and families from moving out of housing that is no longer adequate to the health status of a person with AIDS. Fortunately, because of the compromise that you reached with my good friend from Long Island, Mr. LAZIO, New York City has been spared these serious program reductions. I want to compliment you Mr. Chairman and all of my colleagues, Mr. SHAYS, Mr. SCHUMER, and Ms. LOWEY, who have been working so hard to develop a positive solution for restoring the HOPWA funds.

Mr. CLEMENT. Mr. Chairman, I rise in opposition to the amendment.

The bill before us places many vital services such as housing, veterans benefits, and environmental protection on life support. The amendment seeks to sustain some of these important programs through a transfusion. Unfortunately, the transfusion is inadequate and is not sufficient to bring about a full recovery. In the process, a program no less meritorious than those the amendment seeks to protect will perish.

This is the 19th vote on the space station program. The station has been studied and redesigned to death. We are less than 30 months away from deployment—enough is enough.

As if terminating the space station was not enough, the amendment reduces funding for NASA an additional 20 percent below the level the President requested and severely threatens the viability of the space shuttle program. The loss of these two programs will result in the loss of more than 50,000 jobs and countless dreams.

Over the last 2 years, NASA has managed to keep the birds flying while absorbing a 30-percent cut. Frankly, I consider that a phenomenal feat. Dan Goldin and the men and women at NASA deserve our gratitude and appreciation for their hard work. But, the truth is Dan Goldin has run out of miracles. NASA simply cannot handle any more major programmatic cuts. There is no more water in the well.

So, although I am sympathetic to the gentleman's efforts to correct the deficiencies in the bill, I do not agree with his method. I urge my colleagues to oppose the amendment.

Mr. SMITH of New Jersey. Mr. Chairman, I rise in strong support of H.R. 2099, the VA, HUD, and independent agencies appropriations bill.

As vice chairman of the Veterans' Affairs Committee, I am especially pleased that, under this bill, the VA will experience a $159 million increase over fiscal year 1995's levels. The Appropriations Committee is to be commended for asserting that, even in these times of fiscal restraint, our Nation's veterans deserve quality health care and equitable compensation for their service to our country.

The VA's medical care account will be increased by over half a billion dollars from last year. The compensation and pension program will see a $23 million increase from fiscal year 1995. Funding for readjustment benefits, which assists former service members in getting acclimated to civilian life, will increase over $50 million.

Mr. Speaker, New Jersey's veterans will be greatly assisted by this appropriations bill. Included in the funding for minor construction projects are two programs—a geriatric patient care program at the Lyons VAMC and a low vision center at the East Orange VAMC—which will bring immediate relief to thousands of New Jersey veterans who previously were forced to travel out of State for these types of care.

I will be working with Veteran's Affairs Chairman STUMP to ensure that report language endorsing these initiatives—along with an outpatient cancer chemotherapy center at the East Orange VAMC—is included in our construction authorization bill to be marked up later this year.

I have also been working with the New Jersey Department of Military and Veterans Affairs in an attempt to secure funding for a replacement State nursing home located in Menlo Park, NJ. We have gone through a grueling application process and are encouraged that Menlo Park will be at or near the top of a priority list of deserving applicants. Because the Appropriations Committee funded the Grants for Construction of State Extended Care Facilities Program at last year's equitable level, we can be assured that sufficient funds will be available to fully fund those projects deemed most worthy.

I would like to thank Chairman LEWIS for all his hard work on this spending bill. It is fair to veterans, while still being mindful of the Nation's fiscal realities.

I urge my colleagues to support the bill.

Mr. MARKEY. Mr. Chairman, I rise today in opposition to cuts in the Public Housing Drug Elimination Program which are part of the Appropriations bill for Veterans Affairs, Housing and Urban Development, and Independent Agencies.

The bill reduces funding for the Department of Housing and Urban Development by $5.6 billion, or 23 percent below the 1995 level. It cuts funding for important programs which have important and beneficial impacts on the lives of many elderly and low-income Americans. I cannot turn my back on these people, so I want to bring some facts about these programs to the attention of the House.

While all Members of the House would claim to be opposed to the sale and use of illegal drugs, funding for the Public Housing Drug Elimination Program is zeroed-out in this bill. This program funds effective locally-run efforts to eliminate drugs. It is a key tool to help local housing authorities combat crime in public housing communities in Massachusetts and through-out the country.

The Drug Elimination Program received $290 million in fiscal year 1995. This money is used to fight drug distribution and abuse by reimbursing local law enforcement agencies, by employing security personnel and investigators, by providing physical improvements designed to enhance security, and by supporting tenant patrol groups. Along with making communities safer, it also funds the creation of innovative youth programs, offering young people and adults positive alternatives to drug use.

This money is a very cost-effective expenditure. The costs of drug use include higher security and law enforcement costs, a lower quality of life, lower educational attainment, and higher healthcare costs. Compared to the terrible costs which drug use imposes upon individuals and communities, this program is a bargain, and it is essential.

In my district, several housing authorities were recipients of drug elimination funds in 1995, including Medford ($240,000), Chelsea ($175,000), Woburn ($50,000), and Malden ($250,000). The end of funding for these programs would significantly hamper efforts to lessen drug use and improve the quality of life in these communities.

Mr. Chairman, I call upon the House to put taxpayers' money where their commitments are, and to continue funding for the Drug Elimination Program. The House recently funded $553 million as the down payment to build two additional B–2 bombers that the Pentagon didn't ask for or want. Let's stop wasting money on unwanted planes and start saving wasted lives.

Mr. FAZIO of California. Mr. Chairman, I rise in opposition to this bill.

The Republicans have once again adopted a paint-by-numbers strategy to reach their arbitrary deficit reduction target and finance a tax break for wealthy special interests.

How simple is their strategy? Remarkably simple. And remarkably cruel.

Draw a line through those programs that help the poor, the needy, and the less fortunate. Slash your way across the Department of Housing and Urban Development, and the Department of Veterans Affairs, until you reach the Environmental Protection Agency.

Along the way, strike a crippling blow against housing programs that provide affordable, safe, and decent housing for the elderly, the poor, and the sick.

When you're painting by numbers, when your goal is driven by numbers, not by people, it's easy to pursue your goal with abandon.

I would like to take this opportunity to remind my Republican colleagues that behind those numbers are real human beings, living real lives, and struggling to get by in tough times.

A great number of the public housing units in this country are occupied by elderly women. And over a million of our children—of America's children—live in public housing units. For many of these kids, just about the only thing they can depend on, from day to day, is a place to go home to at night.

This bill slashes public housing operating subsidies and modernization funds. The bill eliminates—obliterates—funding for severely distressed public housing and development, in addition to new housing vouchers and certificates for the poor.

If you're homeless, forget it. The Republicans have decided to paint you out of the picture, cutting homeless assistance grants by 50 percent.

The Republican approach is really very simple. They shake your hand and direct your attention to the magnificent prize behind curtain No. 3. When you turn your head, they reach around and pick your pocket.

Hundreds of thousands of families who depend on section 8 assisted housing will get their pockets picked if this bill passes. At least 600,000 families in public and section 8 assisted housing will pay more every month in rent unless we reject this bill.

While we debate these cuts, I urge my colleagues to remember that this week marks a particularly poignant moment. Today, we will dedicate a monument to the veterans of the Korean war.

There are few Americans more deserving of our support than these veterans, and the veterans of our wars of the last half-century.

Yet, the Republican bill cuts $250 million from veterans medical care and zeroes-out funding for a replacement VA hospital in Northern California that was to service a veterans population of over 400,000 men and women. These cuts are unwise and break a promise that Congress made to Northern California veterans 4 years ago.

Without adequate support, the VA will simply be unable to meet the increasing demand for health services as our veterans population ages.

Once again, the Republican's have enacted wholesale change that will significantly decrease the quality of life for millions of Americans.

The Republicans profess to have our long-term interests at stake, but their actions—in this case—speak loudly and clearly.

This bill not only risks the health of our veterans, but the health and safety of all Americans.

Unable to eliminate the EPA, my Republican colleagues have done their level best to cripple this agency and eviscerate programs that ensure every American has access to safe drinking water, clean air, and a toxic-free environment.

This bill cuts the EPA budget by one-third, hazardous waste cleanup programs by 30 percent, and funds for wastewater treatment facilities by 25 percent.

Perhaps most devastating is the legislative language in this bill that would prohibit the EPA from taking action to clean our environment. These include restrictions on the EPA's ability to regulate sewer systems, wetlands, refineries, oil and gas manufacturing, radon in water, pesticides in processed food, lead paint and water pollution.

Some very important programs—such as the Sacramento River Pollutant Control Program—have been funded in this bill. With this funding, Sacramento County will be able to complete the process of identifying which pollutants exceed water quality standards. Once this is accomplished, the county can develop a feasible, cost-effective plan to address the problem of pollution in the Sacramento River.

While this critical program has been funded, hundreds of others around the country have not.

The Sacramento River Pollutant Control Program is a step in the right direction. But it does not begin to make up for the hundreds of steps back in this bill.

All of us have been asked to make sacrifices to help balance the Federal budget. We are prepared to make those sacrifices. But no one—not one American—should have to sacrifice decent living conditions or a clean environment to finance a tax-break for Republican special interests.

Mr. GEJDENSON. Mr. Chairman, I rise today to express my strong opposition to H.R. 2099, the Department of Veterans' Affairs [VA], Housing and Urban Development [HUD] and Independent Agencies appropriations bill. This short-sighted legislation is a devastating attack on low-income Americans, seniors, veterans and disabled individuals. It drastically cuts worthwhile housing programs, does not provide adequate funding for veterans' programs, completely eliminates AmeriCorps, and is one of the most blatant attacks I have ever seen on our most comprehensive environmental laws. I strongly urge my colleagues to reject this bill.

First, with respect to HUD programs, funding levels for the current fiscal year do not meet the current demand and will force people to live in substandard housing or worse yet get thrown out on the street. That's not only bad policy but it's mean.

Further, I am disappointed that the bill consolidates accounts for special needs housing such as assistance for low-income seniors, disabled individuals and people with AIDS [HOPWA]. This consolidation would have been more tolerable had the funding level been set at the FY 95 aggregate amount. But it doesn't. In fact, H.R. 2099 reduces this funding by 46% compared to FY 95. The measure also eliminates the important congregate services program. Simply put this is mean.

But the Republicans did not stop there. H.R. 2099 reduces funding from the current fiscal year for the modernization of existing public housing projects, seriously affecting capital improvement projects at many public housing authorities, in my district and across the country. Many of these facilities were built nearly 40 years ago and are beginning to fall into disrepair. This is mean and bad economics.

Second, it saddens me to think that AmeriCorps is being abolished. This program accomplishes what many in Congress have been calling for: Federal money directed to local communities without interference from Washington. It taps into the desire of many young people to have a positive impact on their community by encouraging them to volunteer in education, environment, poverty, and public safety programs.

Detractors say that the Government shouldn't be in the business of supporting charities. AmeriCorps is far from a charity: the participants earn scholarship money to further their education. Others say that paid volunteers will undermine the spirit of volunteerism in the United States. The truth is, these young adults are paid only a small stipend. It is foolish to think that the AmeriCorps participants are doing this for monetary gain. In addition, many charities have fallen on hard times and are only too glad to have the help of these "paid" volunteers.

All this, however, disregards the basic idea of AmeriCorps: Encouraging national service at the grassroots level. Killing AmeriCorps will have a minuscule impact on the effort to balance the budget, but it will also kill the enthusiasm the program was designed to inspire in young Americans.

Third, the Environmental Protection Agency [EPA] has long been the target of polluters and their allies in Congress. I'll be the first to admit that the Agency has often been inflexible in its approach and too ready to resort to heavy-handed tactics. At the same time, I believe Administrator Carol Browner has instituted many internal reforms which have made the Agency more user-friendly while effectively carrying out its obligations to protect our environment and public health. I strongly believe that the Administrator has been responsive to congressional mandates and requests. In spite of these actions, the bill before us is a vicious attack on the Agency, its mission, and its personnel. And make no mistake about it, this measure is a threat to every American because it will compromise water and air quality, prevent hazardous waste cleanups, and allow polluters to violate the law as long as they let States know they are doing it.

The cuts in EPA are devastating. The bill provides $2.35 billion less than the current fiscal year and $2.5 billion less than requested. Compliance and enforcement programs are slashed by nearly $460 million below fiscal Year 1995 and by $884 million below the request. These cuts will prevent the Agency from effectively enforcing the Clean Air and Water Acts, Safe Drinking Water Act, Resource Conservation and Recovery Act [RCRA], the Community Right-to-Know Act, and many other environmental statutes. The report accompanying the bill makes it clear to this Member that these massive cuts are designed to punish the Agency for carrying out its duties in a manner which is at odds with the vision of some of my colleagues. If Members have problems with the direction of the Agency or wish to attempt to amend our environmental laws, they should utilize the authorization process to effect these changes. H.R. 2099 is an inappropriate vehicle to attempt to make major policy changes.

The bill makes deep cuts in the Superfund Program. I do not believe a single Member of this body, including this Member, would argue that Superfund is flawless. I agree with many of my colleagues that we must reform this important program to reduce litigation, to direct more resources to cleanup, and to set some parameters which link cleanup standards to future land uses. However, slashing funding by more than $400 million below the current level and prohibiting actions at new sites is not the best way to accomplish reform. This action is more akin to cutting off your nose to spite your face. This action also poses a real threat to human health because it prohibits the Agency or a contractor at a site to move beyond the stage of work in which the entity is engaged at the beginning of the fiscal year. Under these restrictions, the Agency or contractor would be prohibited from beginning to remediate a site if it was not in that phase of the process when the fiscal year begins. This limitation makes no sense. The most important goal of Superfund is to physically clean up sites and we should do everything we can to ensure that remediation moves forward as quickly as possible. If sites are on the cusp of being cleaned up but aren't, the American people have no one to blame but the Republicans on the committee who wrote this bill.

In addition, the bill provides all funding for the program from the Treasury rather than from the Superfund which is largely capitalized by fees assessed on chemical manufacturers and on petroleum products as well as by revenue from settlements with polluters. The committee has done this because some Members of this body want to transform Superfund from a polluter-pays statute to a taxpayer-pays statute. This transformation will take place by doing away with retroactive liability and requiring every American to pay to clean up sites contaminated by a small number of companies or parties. While it might be appropriate to repeal retroactive liability under certain circumstances, this policy change must be carefully evaluated through the authorization process. The funding arrangement required by this bill effectively makes Superfund a public works project in fiscal year 1996. This change is designed to let polluters off the hook and will shift the costs of cleaning up every Superfund site from those responsible for the contamination to the taxpayers.

Nothing is more important to our survival than clean water. The American people in poll after poll have expressed their overwhelming support for the Clean Water Act [CWA] and for directing their tax dollars to ensuring our Nation's waters are clean and safe. Unfortunately, this bill falls far short of the expectations of the American people. The bill provides $761 million less for water infrastructure projects than the current level. As a result, communities across the country will not be able to upgrade or build new sewage treatment plants. Modern sewage treatment can be credited with improving water quality in more communities than virtually any other measure. While we have made tremendous progress since the enactment of the CWA, the States have estimated that they have in excess of $130 billion in sewage treatment projects outstanding. Investing in these projects makes good environmental, public health, and economic sense. However, the committee bill fails to provide adequate Federal investment in this vital area. My State of Connecticut estimates that it will lose $9 million in assistance from the CWA State Revolving Fund. As a result, the State will be forced to abandon several major sewage treatment plant upgrades or many smaller ones. This is a lose-lose proposition for my constituents and one with which they shouldn't be faced with.

In addition, the committee eliminates all funding to support drinking water treatment grants. Millions of Americans continue to drink, and continue to get sick and die from drinking contaminated water. We don't know exactly how many Americans become sick each year because many people believe they have the stomach flu rather than attribute their illness to tainted water. Many of the problems with drinking water contamination can be traced to thousands of small water systems which serve millions of Americans largely in rural areas. These systems do not have the rate base to purchase modern treatment technology or to adequately protect source waters. In fiscal year 1995, the Congress provided $700 million to capitalize the Safe Drinking Water State Revolving Fund, similar to the existing State Revolving Fund, to provide assistance to communities to improve and develop water treatment systems. This revolving fund would be most beneficial to the small systems I mentioned above. Instead of investing in improving the health of millions of rural Americans, the committee eliminated all funding for this important initiative. This is action that adds insult to injury coming on the heels of the Republican rescission package which took back more than $1 billion provided for this purpose.

These accounts support activities which have direct impacts on public health and environmental protection. The American people want their resources to be spent to improve sewage treatment or to ensure that drinking water is free from harmful contaminants such as cryptosporidium. Moreover, these accounts provide assistance to communities and systems which have great needs, but lack the tax or rate base to pay the full costs associated with these needs. Finally, this is not a Federal giveaway. States must contribute their own dollars and many States, including my State of Connecticut, contribute far more than required by law. Federal support helps to ensure that every community can have safe water. Moreover, it guarantees that communities which invest their own resources do not have those investments compromised by communities upstream which cannot, or do not, invest in these areas. This is yet another example of the counterproductive cuts contained in numerous appropriations bills being brought to the floor this year.

Finally, Mr. Chairman, this bill is loaded down with 17 riders which prohibit the EPA from enforcing some of the most important sections of the Clean Air, Water, Safe Drinking Water and Community Right-to-Know Acts. By including these far-reaching provisions, the committee wins the award for legislating in an appropriations bill. Make no mistake about it, these riders are legislative provisions and are not simply spending restrictions. In fact, Chairman LEWIS referred to these riders as "legislative provisions" in a story about this bill in today's Congress Daily. Every American is threatened by the restrictions imposed in the provisions in question. Under the committee bill, the EPA will not be able to enforce standards to curb nonpoint source pollution, to stem the discharge of raw sewage, to limit arsenic and radon in drinking water, or to ensure that communities are fully informed about the toxic chemicals which are released in the air.

I believe these provisions are detrimental to the interests of the American people and have been included at the behest of narrow special interests. In spite of overwhelming evidence that runoff from city streets, parking lots, and feedlots is the largest remaining water pollution problem, the bill prohibits EPA from enforcing standards to reduce contamination from these sources. Regardless of the fact that raw sewage is routinely discharged from storm drains nationwide following heavy rains, the Agency is barred from enforcing standards which will substantially reduce this public health threat. In a major blow to States like mine, which have taken aggressive steps to improve air quality, the bill allows questionable vehicle inspection programs to be given equal weight with centralized inspection programs. Moreover, it prevents the enforcement of certain rules which limit toxic chemical emissions into our air. These Clean-Air-Act-related provisions are especially egregious for Connecticut which is a dumping ground for air pollution generated in Western States. While certain States and their Representatives in Congress are decrying the alleged burdens imposed by the act and inserting provisions into this bill to delay their enforcement, these provisions will force residents in my State to endure very real burdens from Western polluters.

I could go on and on about the harmful effects of these riders. I could go on to talk about how the bill prohibits the EPA from issuing standards designed to limit the amount of arsenic in drinking water. That's right Mr. Chairman, arsenic. Suffice it to say, these provisions are extremely damaging and represent a calculated attack on environmental protection. I urge my colleagues to support the amendment of the gentleman from Ohio, Mr. STOKES, and the gentleman from New York, Mr. BOEHLERT, to strike each and every rider from the bill. Policy changes of this magnitude should be addressed in the authorizing committees and in clear view of the American people.

Mr. Chairman, Members should defeat this legislation. While I understand the need to balance the budget and reduce the deficit, this bill is no answer. This bill would hurt veterans, seniors, disabled individuals, and low-income families. Further, it is bad for the environment, public health, and the economy. It makes sweeping changes in our most fundamental environmental protection laws completely outside of the authorization process.

If the House passes this bill as reported by the committee, we might as well do away with authorizing committees and turn everything over to the Appropriations Committee. Passing this bill will set a terrible procedent.

Simply stated, this bill is mean, Mr. Chairman.

Mr. GEKAS. Mr. Chairman, during the course of the debate on this bill, I have heard several of my colleagues imply that as far as this Nation's investment in biomedical research is concerned, we should cancel the space station and just dump the money into similar research activities at the National Institutes of Health [NIH]. What this kind of suggestion tells me is that the nature of NASA's program of biomedical research and its collaboration with the NIH is woefully misunderstood. I'd like to take this opportunity, therefore, to highlight briefly the intellectual underpinning of NASA's program of biomedical research and the nature of the collaboration between NASA and the NIH.

On Earth, we are prisoners of gravity. Gravity influences all life on Earth. Gravity influences the behavior of everything—from single-celled organisms to rocks, plants, and ships at sea—on the surface of this small blue planet. When we fall, we fall down. We stay attached to the chairs in our offices because of the constant pull of gravity. In the plant world, roots grown down. Even in our own bodies, our hearts have to work harder when we stand than when we're lying down. Try as hard as I might, I can't even begin to imagine what life would be like on Earth without gravity.

So, too, gravity has influenced and shaped the development of all life on Earth for millions of years, ever since life on Earth began some 3½ billion years ago.

In space, there is very little gravity. This radically different environment is sometimes referred to as "zero-g," or, more accurately, microgravity. For researchers in the field of biomedicine, this is an essential distinction, for the microgravity environment of space allows them to unmask gravity and to see, in many cases, for the first time, deeply into the physical, chemical, and biological processes which were previously obscured by gravity. Thus, thanks to our space program, for the first time in the history of humankind, scientists can manipulate gravity by decreasing its force as well as increasing it. This allows us to manipulate a primary force in nature in a way that promises to lead to radical new scientific discoveries about life on Earth.

This new capacity provides the intellectual underpinning of the relationship between NIH and NASA, and is the reason that thousands of life and biomedical scientists across the Nation want to conduct a portion of their research in space.

Over the past 2 years, many researchers at the National Institutes of Health [NIH] have expressed excitement over discoveries in the field of biomedicine. NIH scientists and NASA scientists have worked together on these problems since the days of the Mercury, Gemini, and Apollo space flight programs. Nearly 3 years ago, this partnership was formalized between NASA and the NIH for space biomedical research scientists.

Today, this partnership is thriving. NASA and the NIH have executed 18 cooperative agreements since 1992 and joint activities have included: scientific workshops; ground-based and flight investigations; and other specialized activities, such as a spaceline reference system developed with the National Library of Medicine [NLM].

As the world's premier organization in life and biomedical sciences, the NIH has access to the world's best biomedical scientists, who need a variety of laboratory resources. NASA's biomedical research program maintains and develops a rich supply of unique and specialized resources, including laboratories and access to the weightless environment of space. Thus, cooperation between the two agencies strengthens the performance of each and helps to ensure the highest possible return on America's investment in biomedical research.

Cooperation between NASA and the National Institutes of Health has expanded rapidly as the research community's understanding of the value of orbital research has grown. This cooperation expands access to NASA facilities and resources to a broader community of the world's finest research scientists. Cooperation between these two premier Federal science agencies leverages NASA's unique facilities, including orbital facilities, to produce the maximum return on America's investment in biomedical research.

Collaborative partners in space research, NASA and the NIH look forward to an expanding level of cooperation as orbital research enters the space station era. NIH researchers are expected to use the Space Station's next generation life sciences facilities, including the human research facility, the gravitational biology facility, and the centrifuge facility, in pursuit of national biomedical research goals.

Let me take this opportunity to share some specific examples of this thriving partnership with you.

Neurolab, NASA's next dedicated life sciences space shuttle mission, will carry investigations funded by five different institutes of NIH. NIH's Division of Research Grants managed the scientific peer review for all neurolab proposals. Neurolab will be launched on the space shuttle in March, 1998 and will support research in the brain and behavioral sciences.

The National Institute on Deafness and Other Communication Disorders [NIDCD] and NASA are co-funding a Center on Vestibular Research and Training at the Northwestern University Medical School with research sites in Chicago, Il, and Portland, OR. Each agency is funding this center at $500,000 a year.

Dr. Josh Zimmerberg of the NIH National Institute for Child Health and Human Development is using NASA-developed bioreactors and NASA-funded resident technical staff to pursue AIDS research goals under a 1994–1998 NASA–NIH joint venture.

NASA and the National Cancer Institute have developed a joint program to apply NASA developed digital imaging technology to improve early diagnosis for breast cancer. Digital mammography will be more sensitive than the current procedures.

The National Institute of Arthritis and Musculoskeletal and Skin Diseases has released a program announcement for supplements to its Osteoporosis Centers for research related to space flight.

The point I'm trying to make, Mr. Chairman, is that the NASA–NIH relationship is not one of competition—it's one of collaboration. Shutting down NASA space research, canceling the international space station and handing the money over to the NIH wouldn't solve the problem, for the NIH would have no way of getting into space, or of using the international space station.

NASA needs the NIH, Mr. Chairman and part of the NIH certainly needs NASA. It is precisely this kind of collaboration which ensures the highest return possible on America's investment in biomedical research.

Mr. POMBO. Mr. Chairman, I rise today to address the section of H.R. 2099, the fiscal year 1996 VA–HUD appropriations bill, that will prevent the Federal Emergency Management Agency [FEMA] from spending any further taxpayer dollars for work on Flood Insurance Rate Maps [FIRM] for the City of Stockton and San Joaquin County, CA. I have worked with this appropriations subcommittee to see that language is included in this bill that would ensure that these inaccurate and deficient maps are not prematurely imposed on the Stockton metropolitan area. This Congress must ensure that FEMA is a partner with the city and county in providing accurate and complete information on the risk of flooding and to assist in coordinating the completion of improvements to the existing levee system. Such a coordinated effort will more rapidly restore an adequate level of flood protection and enhance, rather than threaten, the regional and state economies.

Unlike most FEMA floodplain maps for urbanized areas, the proposed FIRMs for Stockton do not indicate flood depths. Such information is critical to determine insurance premium rates and building code requirements. Because FEMA did not provide this information during its most recent flood insurance study, the city and county can only estimate flood depths, thereby assuming liability for inaccurate estimates, in addition to its individual property owners incurring the costs of determining the appropriate flood depths. In order to minimize this cost to property owners, the city and county have stepped forward to fully finance the necessary flood depth study. This necessary study is expected to be completed in two years. The legislation we are adopting today will suspend FEMA's maps and ensuing process, at least for one year, while the study is conducted.

FEMA's draft maps also contain significant errors. Processing has already been delayed by FEMA because of omissions and inclusions that were not part of the initial draft. The city and county have already hired an engineering firm to review the maps, and numerous other errors have been found. Despite the fact that the city and county are moving rapidly to review the proposed FIRMs, the 90-day appeal period allowed by FEMA is insufficient time considering the vast area that has been remapped. My provision contained in the appropriations bill is intended to prevent the appeal period from expiring while more accurate data is collected and eventually provided to FEMA.

Mr. Chairman, FEMA has praised the city and county for the initiative they have exercised to respond to these maps and the potential for future flooding. Since being notified last November, that nearly the entire metropolitan area was being redesignated as a floodplain, the local governments have already established a joint powers authority [JPA], retained engineering and public finance consultants, and appropriated more than $2 million. The city and county JPA plans to construct the needed flood protection improvements without federal financial assistance in order to expedite completion of the project. The JPA has already established a fast-track schedule that begins construction in May 1996 and expects completion before the end of 1998. We must now ensure that FEMA's administrative actions assist rather than impede this effort.

Mr. SKAGGS. Mr. Chairman, as it comes to the floor of the House today this bill is not only an abuse of the legislative process but a threat to the quality of America's air and water, the safety of America's food supply, and the health of all Americans.

This bill is striking evidence that the new Republican majority in the House is intent on carrying out a sneak attack on public health, on environmental protection, and on our public lands. Following the unfortunate example of James Watt, they are distorting the normal legislative process around here, acting against House rules by using the appropriations process to rewrite law and reshape policy, so that they can achieve, by stealth, objectives that lack real public support.

We saw the start of this pattern with the first rescissions bill, with its pages of legislative language waiving environmental and forest management laws, language that under the normal rules of the House should not have been in any bill of that kind.

We saw it again in the Interior appropriations bill, with its provisions to dissolve the National Biological Service, transfer its functions to the U.S. Geological Service and its provisions to essentially eliminate the Mojave National Preserve in California as a unit of the National Park Service, by a back-door attack instead of a straightforward proposal to repeal or amend the California Desert Protection Act.

Now, here it is again, and even worse, in this bill's provisions dealing with the Environmental Protection Agency. That part of this bill has more riders than the Long Island Railroad. Most of them are intended to prevent the government from doing its job in protecting our water, our air, our wetlands, our health.

Just take a look at the passenger count, Mr. Chairman, the number of riders on just that one part of this bill. In just seven pages, there are 21 anti-environment riders, including the following provisions: blocking enforcement of air pollution permits; limiting enforcement of stormwater and sanitary sewer provisions in the Water Pollution Control Act; handicapping the EPA's ability under the Clean Air Act to regulate toxic emissions from certain refineries; putting other limits on enforcing environmental laws affecting other parts of the oil and gas industry; stopping EPA from taking steps to keep arsenic, radon, or other radionuclei out of our drinking water; limiting the EPA's efforts to control toxic releases from cement kilns and other incinerators; restricting the gathering and publishing of information about the use of chemicals; restricting the protection of the country's wetlands; blocking efforts to encourage car-pooling; restricting efforts to improve water quality in the Great Lakes; and, undermining the regulation of pesticides in food.

Mr. Chairman, the pattern could not be clearer. Just take a look at it, page after page of regressive, antienvironmental and underhanded provisions aimed at handcuffing efforts to protect our food supply, keep our air and water clean, protect vital wetlands, all things vital to our natural systems all over the country.

It's no wonder, Mr. Chairman, that Carol Browner, the EPA Administrator, has concluded that we are seeing "an organized, concerned effort to undermine public health and safety and the environment." If anything, Carol Browner understates the situation.

The American people need to know what is going on. They need to know that this new Republican majority is determined to undermine the progress we have made in the last several decades in protecting our environment, progress that the American people are proud of and want to see continued. They need to know that we are in the midst of a full-fledged attack on the safeguards of the water we drink and the air we breathe. They need to know, because when they do know, they will reject this assault on public health, public safety, and the public lands.

Mr. Chairman, the American people know that we need to do more, not less, in this area. For instance, two new studies this year tell us that 53 million Americans are drinking tap water that is below standards. What is the response of the new majority in this Congress to this? To do more to clean up the Nation's water? No. The Republican response is to come up with eight different legislative riders to undermine the Clean Water Act and the Safe Drinking Water Act! Hard to imagine.

This Republican sneak attack on the environment should not and will not go unopposed. The American people did not vote last November to roll back 25 years of environmental progress. They did not vote for more pollution, or for backhanded legislative shenanigans to undercut environmental standards just to satisfy the greed and the access paid for by many industrial polluters' campaign contributions.

So, Mr. Chairman, during the Committee's consideration of this bill, I joined in an effort to remove the numerous provisions intended to cripple the ability of the Environmental Protection Agency to perform its duties. Unfortunately, that effort was unsuccessful, as was my own effort to amend the bill by removing language that prohibits protection of wetlands.

Later, Mr. Chairman, there will be a renewed effort to remove these and other offensive and improper provisions from the bill. Unless they are removed, and the bill is otherwise improved, this bill will not deserve the approval of the House.

Mr. BEREUTER. Mr. Chairman, this Member rises to express his thanks to the distinguished subcommittee chairman, Mr. LEWIS, and the distinguished ranking member, Mr. STOKES, for their efforts in bringing this bill before us today.

In particular, this Member wishes to express his thanks to the chairman for accommodating the concerns of this Member and many others in the manager's amendment, by increasing the bill's funding levels for several housing programs for the Department of Housing and Urban Development by approximately $300 million with appropriate offsets to meet the established budget restraints set for the subcommittee. This Congress faces serious fiscal restraints and this measure, with the adoption of the manager's amendment, faces those restraints in an admirable way.

This Member is also particularly pleased that H.R. 2099 includes $3 million in funding for the Indian Housing Loan Guarantee program at HUD. This very modest sum will guarantee the private financing of nearly $37 million in housing loans for Indian families. As you know, Mr. Chairman, there is a severe lack of decent, affordable housing in Indian country, due in large part to the lack of private financing in Indian country. This program provides a substantial means of bringing much needed private financing to Indian country. This very limited Federal funding is money well spent, and this Member commends the appropriators for including it in this measure.

This Member would also like to express his appreciation for the inclusion in the bill of $8.5 million for the National Rural Water Association's training and technical assistance program which the Members had specifically requested of the subcommittee.

In every State, on-site technical assistance is the backbone of small system compliance. Small systems have limited funds to operate and to comply with the Safe Drinking Water Act [SDWA]. Providing on-site technical assistance has been the most cost-effective way to improve drinking water quality in rural areas and to assist small towns with SDWA requirements.

Through technical assistance, small communities work together to conduct a statewide, peer-oriented, grassroots assistance program. Small towns do not have the engineers, the labs, and the resources of large cities to meet Federal requirements. Technical assistance allows small communities to help each other outside of the regulatory bureaucracy, results in a growing number of small systems moving into SDWA compliance, and assures steady improvement and a long term solution to small water system public health problems.

Mr. Chairman, this bill does not provide the funding levels many, including this Member, might like to see for many programs. However, at a time when difficult choices are necessary, the crafters of this measure have attempted to make those choices in a responsible way. For that they are to be commended.

Mr. KLECZKA. Mr. Chairman, I rise in strong opposition to the VA–HUD appropriations legislation before this House.

Mr. Chairman, many other Members have made the point that this bill goes after HUD funding with a machete instead of a scalpel. I understand the need for spending cuts, and I support eliminating programs that are wasteful or do not work. However, I would like to bring to your attention one HUD program that is efficient, cost-effective, and extremely necessary—and yet was eliminated by the Appropriations Committee.

Service coordinators were established in 1992 in response to a crisis in our Nation's public housing projects. It was at this time that financially strapped public housing managers began placing senior citizens and non-elderly disabled residents in the same housing facilities. The Milwaukee Journal-Sentinel recently reviewed the situation of the early 1990's, and I quote:

> Only a few years ago, frightened seniors couldn't move out fast enough from the city's 14 public housing towers and their muggings, noisy tenants, and other troubles.

The conflict between the needs and lifestyles of the elderly and disabled non-elderly populations in these projects was leading to mutual fear and distrust. Some of the younger residents were engaging in drug and alcohol abuse. In a few cases, violence even broke out.

In 1992, Congress passed corrective legislation that authorized and appropriated annual funding for service coordinators to bring the elderly and disabled residents together and to ensure that the needs of all were met. These needs included critical transportation, nutrition, psychological counseling, and similar services. The change in the projects was dramatic. To quote the Milwaukee Journal Sentinel:

> Within months, [service coordinators] * * * had made major inroads in easing tensions, helping residents get to know one another and linking those who were sick or abusing alcohol or drugs to the help they needed.

Mr. Chairman, I am deeply disturbed by the committee's decision not to fund these service coordinators. In cities like Milwaukee across the nation, service coordinators play a crucial role in maintaining a safe and healthy environment for our elderly and disabled public housing residents. I strongly urge my colleagues to support reinstatement of these funds in the Senate and conference committee.

Ms. PELOSI. Mr. Chairman, I rise to oppose the provisions in this VA–HUD appropriations bill which decrease the funding levels for the Environmental Protection Agency. These provisions not only severely limit the agency's ability to protect our lands, air, and water; they also continue the full-scale assault on the environment that began on the first day of the 104th Congress.

Mr. Chairman, this bill's funding cuts directly threaten the quality of America's air and water, the safety of America's food supply, and the health of all Americans. This bill would prohibit the EPA from enforcing or implementing most Clean Water Act programs; end protection for wetlands; prohibit many EPA actions with respect with enforcement of the Clean Air Act; and prohibit the EPA from preventing the use of certain cancer causing pesticides on crops, even if residues from these crops end up in processed foods.

The bill's spending cuts would also freeze all future cleanups of Superfund sites—regardless of the health and environmental risks posed by a site.

While there is agreement that some reforms are necessary to make these Federal programs more responsive, the spending cuts in this bill are nothing more than a blatant attempt to undermine the effectiveness of the EPA and to permanently cripple our Nation's environmental laws.

Poll after poll have indicated that the American people favor strong environmental laws. We should not be willing to sacrifice the health and safety of our constituents on the altar of regulatory reform. For the families, children, and citizens of America, I urge my colleagues to restore full funding for the EPA.

Ms. PELOSI. Mr. Chairman. I rise today in support of the amendment offered by Congressmen DEFAZIO, ROHRABACHER, STARK, and METCALF to reduce the funding for the Selective Service by $17 million in fiscal year 1996. This $17 million savings would then be transferred to the Veterans' Administration medical care account.

Mr. Speaker, not only would this amendment save millions of dollars annually; it would also streamline Government, reduce paperwork, and reduce the regulatory burden on U.S. citizens. Indeed, if a national security threat to the United States were serious enough to require a draft, the Department of Defense would have a recruit pool of hundreds of thousands of young men and women from the Reserve component and delayed entry, as well as hundreds of thousands of patriotic volunteers.

The savings that this important amendment will realize will instead by applied to the VA medical care account where the need is far greater. Our Nation's veterans have suffered greatly during the 104th Congress and this amendment addresses their most basic need: quality medical care.

Mr. Speaker, throughout the history of our Republic, we have continually asked the men and women of our Armed Forces to make tremendous sacrifices on our behalf. It is critically important that we repay them for their sacrifice and uphold the promises we made to these veterans to care for them as they grow older.

In the context of a $1.6 trillion Federal budget, the savings gained by this amendment may seem small. But they stand for the continued commitment we have toward caring for our veterans.

My colleagues, the DeFazio-Rohrabacher-Stark amendment represents the realization that the cold war has ended and so too the need for draft registration activities. More importantly, it signals our continued budgetary commitment to the medical care account at the VA and to our veterans.

I urge my colleagues to vote "Yes" on this amendment.

Mr. FRANK of Massachusetts. Mr. Chairman, these two documents are very relevant to our discussions on the HUD budget.

The article by Keith Regan from the New Bedford Standard Times documents the need for housing, and demonstrate how ill-advised the cuts in this budget are for HUD.

The statements from Judge Adams and former Secretary Pierce remind us that HUD is not inherently flawed, but rather harmed from the corrupt, incompetent administration it received during the Reagan years, and is in fact improving greatly under Secretary Cisneros.

OFFICE OF INDEPENDENT COUNSEL, JANUARY 11, 1995

Independent Counsel Arlin M. Adams announced today that former HUD Secretary Samuel R. Pierce, Jr., has admitted that his "own conduct contributed to an environment" at the Department of Housing and Urban Development in the 1980s in which his subordinates could engage in "improper and even criminal conduct." In a statement provided to Independent Counsel Adams, which is attached to this release, Secretary Pierce "fully accept[s] responsibility for [his] role" in the mismanagement and abuse at HUD in the 1980s, and acknowledges that his meetings with former Secretary of the Interior James G. Watt and other personal friends who were seeking HUD funds were inconsistent with "the HUD Standards of Conduct prohibiting actual or apparent undue or improper favoritism." Secretary Pierce also accepts responsibility "for the necessity for the Independent Counsel's investigation," and states that he "deeply regret[s] the loss of public confidence in HUD that these events may have entailed."

Adams also announced today the completion of the major investigative phase of his probe of HUD in the 1980s, which to date has resulted in sixteen criminal convictions of former high-ranking officials and others, and has obtained more than $2 million in criminal fines. Adams stated that "Secretary Pierce's admissions comport with the proof that the government would have introduced at trial, and inform the public of these events without the uncertainty and great expenditure of time and money inherent in such a trial." "In light of these admissions," Adams further stated, "and in consideration of other factors—including Secretary Pierce's age and multiple health problems, the conflicting evidence regarding the intent with which he acted, and the absence of any evidence that he or his family profited from his actions at HUD—this Office has declined to seek a criminal indictment of Secretary Pierce." "These factors," Adams noted, "distinguish this case from those previously prosecuted by this Office."

Adams stated that while further details of Secretary Pierce's actions at HUD would be addressed in the Office of Independent Counsel's final report, "Secretary Pierce's statement acknowledges what was demonstrated by both the Lantos Committee's hearings and this Office's prosecutions: that by his abdication of responsibility, and by his own conduct, Secretary Pierce made it possible for his subordinates to commit crimes and to profit from their betrayal of the public trust."

The Independent Counsel's investigation and prosecutions have revealed, and Secretary Pierce's statement acknowledges, that HUD was an agency corrupted by the activities of many of its own officials. These high-ranking political appointees took control of HUD's increasingly scarce federal housing funds and then awarded those funds to benefit their friends, their families, and themselves, without regard to the actual housing needs of this nation or its low-income families. "The HUD scandal," Adams stated, "is the story of high-ranking political appointees who put their own interests ahead of the underprivileged persons whose interests they were charged to protect. The consequences of that scandal continue to be felt today, both in increased cynicism about our government in general and HUD in particular, and in the everyday lives of the poor."

Secretary Pierce permitted the conditions to exist that allowed the corruption of HUD. He did so in two ways. First, he failed adequately to supervise the appointees who served under him. As Secretary Pierce admits, during the 1980s, a group of high-ranking political appointees at HUD whom he "trusted with authority clearly were not deserving of either the powers of office or [his] trust." In particular, he "failed to monitor and control the Moderate Rehabilitation Program, commonly referred to as the 'mod rehab' program, when it was being operated, at least in part, to benefit certain consultants, developers, and ex-HUD officials." As a result, many HUD political appointees, "including Deborah Dean and certain other members of [Pierce's] staff, used the program to see that their friends or political allies received mod rehab projects." Secretary Pierce admits that he has "no doubt that the manner in which the mod rehab program was administered was flawed, and was not consistent with how the program was portrayed to Congress and the public.

Second, Secretary Pierce acknowledges that his "own conduct failed to set the proper standard." On a number of occasions, he "met or spoke privately with personal friends who were paid to obtain funding for mod rehab projects," including former Secretary of the Interior James G. Watt, former Ambassador Gerald Carmen, and others.

These meetings and conversations, and Secretary Pierce's follow-up discussions with his staff members, "created the appearance that [he] endorsed [his] friends' efforts and sent signals to [his] staff that such persons should receive assistance." Secretary Pierce acknowledges that these contacts with his friends were not only inconsistent with "the HUD Standards of Conduct prohibiting actual or apparent undue or improper favoritism," but also with Pierce's own instructions to his staff. Secretary Pierce also acknowledges that his answers during the congressional hearings before the Lantos Committee "did not always accurately reflect the events occurring at HUD several years earlier.

Adams stated that while this concludes the major investigative phase of the probe, "Secretary Pierce's statement, coupled with other evidence recently made available to this Office, raises the issue whether certain individuals may have committed perjury or obstructed justice during the course of this investigation." Noting that the Office already has secured numerous perjury and obstruction convictions, Adams stated that "[t]he length of this investigation is attributable to the efforts of those who attempted to obstruct it. But, as previously pledged, such obstruction, when uncovered, shall be dealt with appropriately."

To date, the Office of Independent Counsel's investigation has resulted in sixteen convictions following trials or guilty pleas, and has secured more than $2 million in criminal fines.

STATEMENT BY THE HONORABLE SAMUEL R. PIERCE, JR., DECEMBER 15, 1994

From January 1981 through January 1989, I served as the Secretary of the Department of Housing and Urban Development. I was responsible for the overall administration of the Department, which employed thousands of people in numerous divisions. During the time I served as Secretary, a number of HUD staff members engaged in improper and even criminal conduct. I realize that my own conduct contributed to an environment in which these events could occur.

Many people I trusted with authority clearly were not deserving of either the powers of office or my trust. My management style, developed after years of working in a law firm and other legal environments, was to delegate details. This style exacerbated the problems at HUD because I did not exert sufficient control over the individuals who reported to me. In particular, I failed to monitor and control the Moderate Rehabilitation Program, commonly referred to as the "mod rehab" program, when it was being operated, at least in part, to benefit certain consultants, developers, and ex-HUD officials. As a result, a number of political appointees, including Deborah Dean and certain other members of my staff, used the program to see that their friends or political allies received mod rehab projects.

In addition, my own conduct failed to set the proper standard. On a number of occasions, I met or spoke privately with personal friends who were paid to obtain funding for mod rehab projects, including, among others, James Watt, Gerald Carmen, and Robert Rhone. These meetings and conversations, and my following discussions with staff members, created the appearance that I endorsed my friends' efforts and sent signals to my staff that such persons should receive assistance. While I never financially benefited in any way from these projects, these meetings and contacts were inconsistent with the HUD Standards of Conduct prohibiting actual or apparent undue or improper favoritism, and my related instructions to my staff.

I was the person entrusted with the duties of Secretary and I was the person responsible for the Department. If I am to take credit for its successes, I must also take the blame for its problems. I have no doubt that the manner in which the mod rehab program was administered was flawed, and was not consistent with how the program was portrayed to Congress and the public. Despite certain warning signs, and my own meetings and conduct, as described above, I failed to ensure that the mod rehab program operated properly.

I have come to some of these conclusions as a result of facts revealed by the investigation and the prosecutions conducted by the Office of Independent Counsel. Prior to that investigation, I had testified before Congress. I was ill-prepared for the congressional hearing and appeared without counsel. Reviewing my exchanges with Members of the Lantos Subcommittee, I see that I answered certain questions with broad responses that did not always accurately reflect the events occurring at HUD several years earlier. Similarly, one of my answers to inquiries made by the Public Integrity Section of the Department of Justice was not completely responsive.

These last five years have been difficult ones for me, but my parents taught me that I must not shrink from my duties. I was the guardian of the HUD gates, and I rested on my post when vigilance was most needed. In light of my conduct and that of others at HUD, I fully understand and accept responsibility for the necessity for the Independent Counsel's investigation. However, in my forth years of public service I never received a single improper benefit for my actions—no money, no tickets, no trips, nothing. Nonetheless, I fully accept responsibility for my role in what occurred at HUD, and deeply regret the loss of public confidence in HUD that these events may have entailed.

[From the Standard Times, July 25, 1995]

HOUSING CRUNCH HITS POOR MOST—WAITING LISTS FOR AFFORDABLE UNITS IN AREA KEEP GROWING

(By Keith Regan)

NEW BEDFORD.—A drop in the number of affordable apartments is sending record numbers of low-income families to area housing authorities for help. But housing officials say budget cuts are forcing them to turn people away or add them to already lengthy waiting lists.

As many as 1,000 individuals and families are waiting for spaces in the city's 3,900 units of public or subsidized housing, according to Joseph Finnerty, executive director of the New Bedford Housing Authority.

Mr. Finnerty said the fact that few new units of affordable housing have been built by private developers in recent years has contributed to the influx of applicants.

"The apartment buildings you see built on the edge of town aren't aimed at low-income residents," he said. Meanwhile, as those buildings went up, many older apartment buildings that once housed affordable housing were being demolished in New Bedford and other large cities.

"There's a decrease in the number of affordable apartments at the same time economic conditions mean more people need them," said Mr. Finnerty.

The problem is not limited to the city, however.

In Wareham, the wait for one of the town's 32 units of public housing ranges from six to 12 months, according to Housing Authority Executive Director Pamela Sequeira.

"We don't have the funds to offer any new housing programs," Ms. Sequeira said. "And these families can't find affordable apartments on their own."

A report issued Monday by the Center on Budget and Policy Priorities finds the national shortage of public housing reached record levels in 1993, with low-income families out-numbering affordable housing units by a two-to-one margin.

Based on ceasus data, the report found 11.2 million low-income renters and just 6.5 million units of low-income housing. Affordable housing is defined as taking up less than 30 percent of a resident's income, low-income is defined as any family or individual earning $12,000 a year or less.

The report cites a decrease in the number of low-rent homes due to the gentrification of some urban areas and the abandonment of run-down housing in others.

Mr. Finnerty said he has witnessed the decline of affordable housing units over the last decade since Congress eliminated a tax break in 1965 that encouraged private developers to build low-income housing.

"They took away the incentive for developers to include low-income housing in their buildings," he said.

Fairhaven resident Joaquin "Jack" Custodio said public housing programs have long fallen short of their goal of providing families a way out of poverty.

"It's the strong versus the weak," Mr. Custodio said. Residents of housing projects "aren't given any power" to improve their lives, he added.

Housing, unlike other public assistance is not an entitlement program, meaning families who do not receive public housing or federal subsidies must fend for themselves, Mr. Finnerty said.

Still, he said, the need for public housing is tied to other programs, such as Aid to Families with Dependent Children, with cuts in those forms of asssitance making it even more difficult for families to afford housing.

Ms. Sequeira cited the report's finding that most families who do not receive public housing assistance spend more than half of their income on housing. Many, especially elderly families on fixed incomes, can "end up in a deficit in their first month," she said.

"Something else has to give," said Mr. Finnerty. "An elderly person might spend less on medicine or a family might not eat as well as they should to make up the difference."

Mr. Finnerty also said the study's timing is crucial. Congress is currently considering a $7 billion reduction in the Department of Housing and Urban Development's budget for next year.

The New Bedford Housing Authority is already facing a 14 percent cut in this year's budget and a 28 percent cut for the next fiscal year, which begins in October.

"It's only going to get worse," Mr. Finnerty said.

Mr. REED. Mr. Chairman, it is with great concern for veterans, seniors, the poor and our environment that I rise in opposition to the VA, HUD and Independent Agencies Appropriation bill for fiscal year 1996.

This bill before us is an ill-conceived, mean-spirited attack on the most vulnerable citizens in America. While those may sound like harsh words, here are the harsh figures; a 50-percent reduction in funding to fight homelessness, $400 million less for section 8 operating costs and a $1.2 billion cut in modernization funds for public housing. For veterans, there is $250 million less than what the VA said is necessary to maintain the current service level and quality for medical care and $500 million less in administrative and construction costs. The EPA budget is cut by a third, resulting in no new cleanups and no funding for the safe drinking water loan fund.

Under this bill, Rhode Island would lose $7.7 million in rehabilitation and repair funds and $2 million that maintains 10,401 public housing units. In addition, our State, which last year assisted 4,910 people who came to emergency and domestic violence shelters, will lose nearly $2.6 million needed to assist these people. Ironically, if this bill passes, more people will be homeless and need this type of help.

I am also afraid that the news for Rhode Island's veterans is equally discouraging. While some programs nationwide have been increased, veterans in southeastern Rhode Island will again wait for needed improvements. In 1990 the VA bought a building to consolidate VA services in Rhode Island. Now, that building is unoccupied and our vets are waiting for the promised consolidation. Unfortunately, because this consolidation is not funded, the Government will continue to pay rent in downtown Providence, instead of cutting costs and consolidating the VA offices as planned.

Lastly, I am disappointed with what this bill does to our environment. This bill contains language that would limit the EPA's authority to enforce major environmental laws such as the Clean Air Act, the Clean Water Act, and the Safe Drinking Act. With the inclusion of this language, the Republican leadership has essentially gutted the last 25 years of environmental progress.

It will become harder for organizations in my State to continue the job of cleaning up our environment and protecting our health when virtually all funding to do so will be diminished. In fact, Rhode Island would lose $2.4 million compared to the President's proposal to finance wastewater projects, $9 million for loans to provide safe drinking water, and $674,000 to address polluted runoff. The loss of crucial funding to financing clean water infrastructure threatens both the protection of public health in Rhode Island and industries like shellfishing, boating, and tourism that are dependent on clean water.

While I understand the need to reduce the deficit, I do not believe we should place a disproportionate share on the backs of those who can least afford it. Unfortunately, that is what the Republicans have done in this bill. And this is not the first time. Just 4 months ago, the rescission bill attacked low income and elderly people by cutting money for section 8, rental assistance and homeownership initiatives. H.R. 2009 marks the second time this year that our poor, elderly, and disabled have been asked to make sacrifices in the name of deficit reduction. These sacrifices seem much higher than what other people have been asked to contribute.

I would like my colleagues to ask themselves why these cuts are so severe. Why have we decided to continue to invest less and less for those who have no roof over their head? Well, my colleagues, one answer is the space station. Some may argue that housing programs need reform, and therefore, they should be cut. But Mr. Chairman, if the same logic holds, why should we spend billions on a space station with innumerable design changes, cost increases, and failures?

Mr. Speaker, this bill's priorities are wrong and I see no reason to support it. I ask my colleagues to join me in opposing this misguided legislation.

Mr. BORSKI. Mr. Chairman, I wish to express my support for the important amendment by the gentleman from Michigan to restore the needed funding for the cleanup of the Nation's hazardous waste sites.

The Dingell amendment is absolutely essential for our Nation's environment.

The funding level in this bill is totally inadequate for a program that will protect the health and environment of the American people.

In the Water Resources and Environment Subcommittee we have had six hearings on Superfund where I have attempted to question virtually every witness about how the program should be funded.

Reducing cleanups is not an acceptable answer.

Without exception, there has been no witnesses who has given a credible answer on replacing the revenue that would be lost if we repeal retroactive liability, which some in Congress want to do.

We now have a $3 billion annual program with half the funds appropriated and half recovered through liability procedures.

This bill proposes a drastic reduction in the appropriated funds for cleanup. If we add in the repeal of Retroactive Liability, the Hazardous Waste Cleanup Program in this country will grind to a halt.

I do not believe it is acceptable to the American people to halt the cleanup of hazardous waste from their communities.

If our goal is a Superfund Program that will show real progress in cleaning up hazardous waste sites, we must pass the Dingell amendment.

The funding level in the bill is a cut of $416 million from last year's level.

This budget level put a halt to the start of 120 construction projects.

Superfund projects would not be allowed to move to the next phase, meaning that those communities that are waiting for construction to begin are simply out of luck.

This funding level tells the people of America who are threatened by Superfund sites to live with it.

This cut will affect cleanups in more than 40 States—a truly national reduction in environmental protection.

It means that more Superfund trust fund money, taxes which are being paid by the American people and by American businesses, will remain in the trust fund.

The money in the trust fund should be used for the purpose for which it was intended—cleanups.

With one in four Americans living within 4 miles of a Superfund national priorities list site, this funding cut will have a severe impact on millions of people.

Besides the environmental impacts, these cuts will result in 3,500 lost contractor jobs and further delays in returning Superfund sites in urban areas to productive economic use.

In Pennsylvania, cleanup construction is set to begin at the site of a former scrap wire recovery site. The ground water, sediments, surface water, and soil are contaminated with the volatile organic compounds and heavy metals, including lead.

The cleanup at this site will help protect the 52,000 people who live nearby.

Construction cleanup would begin at this site in the coming months if we provide adequate funds for the Superfund Program.

H.R. 2099 does not provide the needed funds.

It would leave the people who live near this site and many others like it waiting for many more months and years for cleanup to begin.

The Dingell amendment would provide the funds for these cleanups to move forward.

I urge passage of the amendment.

Mr. POMBO. Mr. Chairman, I rise today to address the section of H.R. 2099, the fiscal year 1996 VA–HUD appropriations bill, that will prevent the Federal Emergency Management Agency [FEMA] from spending any further taxpayer dollars for work on flood insurance rate maps [FIRM] for the city of Stockton and San Joaquin County, CA. I have worked with this appropriations subcommittee to see that language is included in this bill that would ensure that these inaccurate and deficient maps are not prematurely imposed on the Stockton metropolitan area. This Congress must ensure that FEMA is a partner with the city and county in providing accurate and complete information on the risk of flooding and to assist in coordinating the completion of improvements to the existing levee system. Such a coordinated effort will more rapidly restore an adequate level of flood protection and enhance, rather than threaten, the regional, and State's economy.

Unlike most FEMA floodplain maps for urbanized areas, the proposed FIRM's for Stockton do not indicate flood depths. Such information is critical to determine insurance premium rates and building code requirements. Because FEMA did not provide this information during its most recent flood insurance study, the city and county can only estimate flood depths, thereby assuming liability for inaccurate estimates, in addition to its individual property owners incurring the costs of determining the appropriate flood depths. In order to minimize this cost to property owners, the city and county have stepped forward to fully finance the necessary flood depth study. This necessary study is expected to be completed in 2 years. The legislation we are adopting today will suspend FEMA's maps and ensuing process, at least for 1 year, while the study is conducted.

FEMA's draft maps also contain significant errors. Processing has already been delayed by FEMA because of omissions and inclusions that were not part of the initial draft. The city and county have already hired an engineering firm to review the maps, and numerous other errors have been found. Despite the fact that the city and county are moving rapidly to review the proposed FIRM's, the 90-day appeal period allowed by FEMA is insufficient time considering the vast area that has been remapped. My provision contained in the appropriations bill is intended to prevent the appeal period from expiring while more accurate data is collected and eventually provided to FEMA.

Mr. Speaker, FEMA has praised the city and county for the initiative they have exercised to respond to these maps and the potential for future flooding. Since being notified last November, that nearly the entire metropolitan area was being redesignated as a floodplain, the local governments have already established a joint powers authority [JPA], retained engineering and public finance consultants, and appropriated more than $2 billion. The city and county JPA plans to construct the needed flood protection improvements without Federal financial assistance in order to expedite completion of the project. The JPA has already established a fast-track schedule that begins constructions in May 1996 and expects completion before the end of 1998. We must now ensure that FEMA's administrative actions assist rather than impede this effort.

Mr. POMEROY. Mr. Chairman, today I am supporting passage of the VA, HUD, Independent Agencies appropriations for fiscal year 1996. But I do so with reservation.

Affordable, safe, clean housing is a basic need which eludes many low-income families and elderly individuals. We should not be making extreme cuts to housing programs as our elderly population increases and personal income erodes for the working poor. It is ironic that as we push more people into the at-risk population for becoming homeless, we cut homeless programs by almost half.

I hope that my colleagues on the conference committee will be amenable to any increases suggested by their Senate counterparts.

Additionally, I supported the Stokes-Boehlert amendment to the VA–HUD–Independent Agencies appropriations bill, which eliminated legislative language that would gut portions of the Clean Water Act, the Clean Air Act, the Community Right-to-Know Act, and the Safe Drinking Water Act. If the amendment had been approved it would have protected both public health and the legislative process.

Under the Stokes-Boehlert amendment the legislative process, to which we have grown accustomed in this country, would have been preserved. No matter what Members think about the details of the riders that would have been eliminated by the amendment, all should agree that the appropriations process is not the place to have a full and informed discussion of environmental policy. This appropriations process has robbed the public and this body of its chance to have a full and informed discussion of environmental policy.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the amendment printed in House Report 104–206 is now pending. That amendment shall be considered read, shall be debatable for 30 minutes, equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

If that amendment is adopted, the bill, as amended, shall be considered as the original bill for the purpose of further amendment under the 5-minute rule.

Further consideration of the bill for amendment shall proceed by title and each title shall be considered read.

During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition to a Member who has caused an amendment to be printed in the designated place in the CONGRESSOINAL RECORD. Those amendments will be considered read.

Pursuant to the order of the House of today, the Chairman of the Committee of the Whole may postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment made in order by the resolution.

The Chairman of the Committee of the Whole may reduce to not less than 5 minutes the time for voting by electronic device on any postponed question that immediately follows another vote by electronic device without intervening business, provided that the time for voting by electronic device on the first in any series of questions shall not be less than 15 minutes.

AMENDMENT MADE IN ORDER BY HOUSE RESOLUTION 201—PRINTED IN PART I OF HOUSE REPORT 104–206

The CHAIRMAN. The Clerk will designate the amendment printed in House Report 104–206.

The text of the amendment is as follows:

Amendment made in order by House Resolution 201, printed in Part 1 of House Report 104–206:

On page 8, line 9, strike "$16,713,521,000" and insert "$16,777,474,000".

On page 8, line 11, strike "$771,000,000" and insert "$789,000,000".

On page 8, after line 21, insert the following:

HEALTH PROFESSIONAL SCHOLARSHIP PROGRAM

For payment of health professional scholarship program grants, as authorized by law, to students who agree to a service obligation with the Department of Veterans Affairs at one of its medical facilities, $10,386,000.

On page 20, line 25, strike "$10,041,589,000" and insert "$10,182,359,000".

On page 21, lines 18 through 21, strike the proviso and on p. 22, line 4, after the colon insert the following new proviso:

"*Provided further*, That of the amounts earmarked under this head for modernization of existing public housing projects, $15,000,000 shall be used for the Tenant Opportunity Program:"

On page 22, line 15, strike "$1,000,000,000" and insert "$1,440,770,000".

On page 23, line 7, after "Housing Act:" insert the following new proviso:

"*Provided further*, That of the funds earmarked in this appropriations Act for special needs housing, the Secretary may waive any provision of section 202 of the Housing Act of 1959 and section 811 of the National Affordable Housing Act (including the provisions governing the terms and conditions of project rental assistance) that the Secretary determines is not necessary to achieve the objectives of these programs, or that otherwise impedes the ability to develop, operate or administer projects assisted under these programs, and may make provision for alternative conditions or terms where appropriate:"

On page 24, line 1, strike "$4,941,589,000" and insert "$4,641,589,000".

On page 28, line 3, strike "$576,000,000" and insert "$676,000,000".

On page 30, line 15, strike "$495,355,000" and insert "$505,745,000".

On page 32, line 7, strike "$302,056,000" and insert "$308,290,000".

On page 32, line 14, after the last comma insert the following:

"That any amounts made available in any prior appropriation Act for the cost (as such term is defined in section 502 of the Congressional Budget Act of 1974) of guaranteed loans that are obligations of the funds established under section 238 or 519 of the National Housing Act that have not been made available for obligation or that are deobligated shall be available to the Secretary of Housing and Urban Development in connection with the making of such guarantees and shall remain available until expended, notwithstanding the expiration of any period of availability otherwise applicable to such amounts: *Provided further*, That any amounts of negative subsidy resulting in fiscal year 1996 from the sales of assigned mortgage notes or insurance actions that exceed the amounts of negative subsidy determined to be generated during such fiscal year, based on the assumptions specified in the President's Budget for such fiscal year, shall be available to the Secretary for the costs of any note sales or insurance actions, without regard to whether the source of the negative subsidy amount is a note sale or insurance action, and the last proviso of this paragraph shall not apply to such amounts so used in connections with insurance actions: *Provided further*,"

On page 33, after line 2, insert the following new paragraph:

"In addition, for the cost of guarantees for loans, as authorized by sections 238 and 519 of the National Housing Act (12 U.S.C. 1715z–3 and 1735c), $69,620,000: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974."

On page 33, line 16, strike "$193,299,000" and insert "$197,455,000".

On page 34, strike line 12 and all that follows through line 16 on page 35, and redesignate the subsections accordingly.

On page 39, lines 3, 10, and 16–17, strike the words "and the cost of any utilities".

On page 48, after line 25, insert the following new sections:

SEC. 211. EXTENSION OF MULTIFAMILY HOUSING FINANCE PROGRAM.—(a) Section 542(b)(5) of the Housing and Community Development Act of 1992 (12 U.S.C. 1707 note) is amended by striking "on not more than 15,000 units over fiscal years 1993 and 1994 and inserting "on not more than 7,500 units during fiscal year 1996."

(b) Section 542(c)(4) of the Housing and Community Development Act of 1992 (12 U.S.C. 1707 note) is amended by striking "on not to exceed 30,000 units over fiscal years 1993, 1994, and 1995" and inserting "on not more than 10,000 units during fiscal year 1995".

SEC. 212. DOCUMENTATION OF MULTIFAMILY REFINANCINGS.—Notwithstanding the 16th paragraph under the item relating to "ADMINISTRATIVE PROVISIONS" in title II of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1995

(Public Law 103-327; 108 Stat. 2316), the amendments to section 223(b)(7) of the National Housing Act made by the 15th paragraph of such Act shall be effective during fiscal years 1996 and thereafter.

On page 54, line 17, strike the word "four" and insert the word "five" in lieu thereof.

On page 63, line 13, strike all after the comma to the end of the line 16 and insert the following in lieu thereof:

"That except for grants made under sec. 1443(a) of the Public Health Service Act, appropriations for programs and projects pursuant to the Federal Water Pollution Control Act made available under this heading shall be available only upon enactment of legislation reauthorizing such Act, and appropriations for programs and projects pursuant to other Acts made available under this heading shall be available only upon enactment of legislation specifically authorizing such appropriations."

On page 64, line 16, strike the number "$320,000,000" and insert the number "$235,500,000" in lieu thereof.

The CHAIRMAN. Pursuant to the rule, the gentleman from California [Mr. LEWIS] and the gentleman from Ohio [Mr. STOKES] will each be recognized for 15 minutes.

The Chair recognizes the gentleman from California [Mr. LEWIS].

□ 1330

Mr. LEWIS of California. Mr. Chairman, the manager's amendment is an attempt, working with Members of both sides of the aisle, to deal with some very specific problems while returning some funding to several accounts.

Mr. Chairman, my amendment restores $10 million for VA health professional scholarships, $64 million for VA medical care, $440.7 million for HUD's special needs housing account, $100 million for homeless assistance, and $69.6 million for credit subsidies associated with two FHA multifamily loan programs.

All of the costs associated with increasing these amounts are fully offset within the bill. To accomplish this, we have reduced FEMA's disaster relief by $85 million, and transferred moneys within salaries and expenses associated with the Federal Housing Administration. Additionally, we have offset the costs associated with unobligated reserves in the section 8 contract renewal account.

The amendment also strikes two HUD administrative provisions which have no immediate budgetary effect in terms of our 1996 bill. We have removed provisions relating to minimum rents in public housing as well as a suspension of the Brooke amendment which deals with limiting the amount of tenant's income which must go for rent.

These changes were carefully negotiated with the chairs of the appropriate authorizing committees and the leadership and leave the bill within its 602(b) allocation.

I urge an affirmative vote. The priorities addressed by these changes should meet with your strong and bipartisan support.

Mr. Chairman, I reserve the balance of my time.

Mr. STOKES. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the amendment offered by the chairman of the subcommittee [Mr. LEWIS] takes a positive step in beginning to move this bill in the right direction. In fact, the areas which he has elected to modify, and thus included in this amendment, are the very ones that I have advocated in support of since the subcommittee markup several weeks ago. Unfortunately, this amendment does not go far enough.

While we can be pleased that an additional $74 million has been added to veterans medical care—$64 million to medical care and $10 million to the Health Professions Scholarship Program—we still are nearly $200 million below the President's request in this area. We also still leave the general operating expenses and construction accounts deficient.

The additional moneys in housing programs—as negligible as they are—and also the striking of the rent increase provisions for public housing residents are a welcome change in this committee's actions toward HUD. Once again, the actions by the chairman mirror my recommendations to this committee for some of the areas where we could do better and an amendment that I was going to offer.

It is unfortunate, however, that the amount provided in the chairman's correcting amendment is insignificant in terms of the overall cut to HUD. In fact, HUD still assumes nearly $5 billion in cuts, after this amendment. This amendment also does not remove the very damaging rent increases to section 8 tenants or any other of the harmful legislation.

I must also note a glaring omission in this amendment. That is the complete disregard for the devastation to EPA funding and the pages and pages of limitations and riders in this bill. I had hoped that the chairman would be more receptive to some consideration of changes in these areas. Clearly, the letters from chairmen and ranking members of numerous authorizing committees and subcommittees in opposition to the EPA riders tells us there needs to be a remedy for these actions. This exclusion of EPA from the amendment is a serious signal of the lack of regard for environmental concerns. It also reflects a total disregard for the functions of the authorizing committees having jurisdiction over environmental legislation in the House.

I hope that as we deliberate this bill today the chairman will be more open to other amendments and recommendations that are certain to be offered. I know that, if given the opportunity, we could attain both savings and provide essential quality of life programs for all Americans, as well as protect the health and welfare of our citizens.

Mr. Chairman, I reserve the balance of my time.

Mr. LEWIS of California. Mr. Chairman, I very much appreciate the cooperation of my ranking member. Even though this is not all that both of us may want, at least we are moving in the right direction.

Mr. Chairman, it is my privilege to yield 3 minutes to the gentleman from New York [Mr. LAZIO], the chairman of the subcommittee of the Committee on Banking and Financial Services that deals with housing, and a very effective and cooperative Member in establishing the provisions of this bill.

Mr. LAZIO of New York. Mr. Chairman, I rise in strong support of this amendment because it is a responsible reply to the concerns of many Members.

As a member of the Committee on the Budget, I supported our efforts to balance the budget. I supported the rescission package that this body passed and will hopefully be signed by the President today.

Though I support reducing the Federal budget deficit, I do not support wholesale cuts to programs helping this Nation's most vulnerable populations.

I testified on Tuesday before the Committee on Rules on behalf of my amendment to this bill. I am pleased that my concerns and the concerns of several of my Republican colleagues have been addressed by the manager's amendment to this bill.

Through this amendment, HUD's budget is returned to the postrescission funding level it had for fiscal 1995. The reason I have been so adamant over recent weeks to increase the funding for particular HUD programs that directly help the most vulnerable populations in our communities is that I believe cuts should be appropriate to the program.

The Special Needs Account, which represents section 202 housing for the elderly, section 811 housing for the disabled and Housing Opportunities for Persons With AIDS, and the homeless is an account that we should not cut thoughtlessly.

By restoring more than $440 million to the Special Needs Housing account in this amendment, we support our senior citizens and disabled. I think it is tremendously important that we view this in the context of what is going on in another part of Washington today, the dedication of the Korean Veterans' Memorial. The generation of Americans who brought this great Nation through the Korean war, the Second World War, and the Great Depression deserve our support. This issue is what we as a Congress are all about.

The current housing stock is clearly insufficient to address the needs of America's seniors. The average senior trying to get housing through this program waits for 25 months and 15 percent of these seniors wait more than 4 years for housing. If we fail to help our seniors—our parents and our grandparents—we fail all of America. If we cannot own up to our responsibility to protect them, what have we come to Congress for? This is the role for government, helping those who cannot provide for themselves.

In its original form, this bill would have cut funding for the HOPWA program, which provides decent housing for people who are debilitated by disease and cannot operate in the marketplace. This community needs our help. The result of a 47-percent cut in this program would be to increase homelessness and increase the cost of care, requiring in-patient care and hospital support.

This amendment returns funding for FHA's multifamily insurance programs, which provide jobs and much-needed low- to moderate-income housing without long-term Government subsidies.

While I can appreciate the difficult funding environment that Washington is currently facing, I firmly believe that these restored funds are a wise and necessary investment of limited resources. These critically needed Federal dollars will help many vulnerable low-income seniors and disabled persons obtain affordable housing.

This amendment is about compassion. It is about the proper role of Government in protecting the helpless in our society. This is an important amendment and one I think makes this bill fair to America's defenseless populations.

Mr. STOKES. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts [Mr. FRANK], a member of the Subcommittee on Housing and Community Opportunity of the Committee on Banking and Financial Services.

Mr. FRANK of Massachusetts. Mr. Chairman, I will support this amendment. We know the old saying that a journey of a thousand miles begins with a single step. Well, this bill is a couple of thousand miles short, and this is the single step.

It is not the fault of the chairman, I believe, of the subcommittee. I think left to his own, he would have done better. But given the priorities that he had to work with, he has had to bring forward a bill that is savage in the negative effect it will have on elderly poor people and others.

They correct the rent increase that they wanted to give to people in public housing, but elderly people in assisted housing, elderly people in section 8, will get a significant rent increase in this. At the same time their Medicare costs will go up, and that is unworthy of us.

One thing I wanted to address: We are going to be told one part of the problem here, one of the reasons HUD has to take such savage deep cuts, is that HUD has been badly run. That is true. From 1981 to 1989, under the administration of Ronald Reagan, and specifically Secretary of HUD Samuel Pierce, HUD was one of the worst run departments in the history of the Federal Government.

When we are at the appropriate point in the full House, I will insert into the RECORD the statement of the Independent Counsel and the statement of Samuel Pierce which he issued when he was not indicted, and that was part, I think, of the deal, in which he said, "I fully accept responsibility for my role in what occurred at HUD and deeply regret the loss of public confidence in HUD that these events may have entailed."

HUD suffered grievously from the maladministration, the corrupt and inefficient administration from 1981 to 1989 under President Reagan. Now the poor people are paying the price. It is a classic case of blaming the victim, first for the Republican Party to have trashed HUD the way it did for 8 years, and now when Secretary Cisneros is building on the efforts of Secretary Kemp, Secretary Kemp did the damage control, and Secretary Cisneros is trying to move ahead and be positive, and we are being told HUD will be cut enormously, elderly people's rents will go up, people in need will not be helped, and it is partly because of the legacy of absolute corrupt inefficiency that we inherited from the Reagan administration.

Mr. LEWIS of California. Mr. Chairman, I yield 2 minutes to the gentleman from Delaware [Mr. CASTLE].

Mr. CASTLE. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in strong support of the housing provisions in the manager's amendment. I made no secret of the fact I am concerned about the environmental cuts and the housing cuts in this particular piece of legislation, but I recognize, Mr. Chairman, that we must balance our budget. I supported the budget resolution and I fully understand that difficult choices have to be made to achieve our goal of balancing the budget by 2002.

However, as we made the spending reductions needed to move to a balanced budget, these cuts must be allocated fairly. Unfortunately, I believe that housing programs have taken a disproportionate share of the cuts in the VA, HUD, and independent agencies appropriations bill.

Here are the facts: The overall funding for this bill is about 14 percent less than fiscal year 1995.

However, HUD is receiving a 25-percent cut in its funding.

Only EPA receives a larger cut in this bill.

By contrast: The VA receives a 1-percent increase over 1995.

NASA receives a 4-percent cut from 1995.

I am not critical of these agencies at all. In fact, I support them, but the numbers speak for themselves: HUD is being cut 25 percent from the current level. Except for EPA, no other account is receiving more than a 6-percent cut from fiscal year 1995.

Having said that, I support the improvements made in the manager's amendment. I want to thank Chairman LEWIS for working with Congressman LAZIO and those of us who believe that the original bill did not provide adequate funding for housing for the elderly, disabled, and others with special needs; as well as assistance for the homeless.

I think the manager's amendment is an honest compromise. While special needs housing and homeless assistance are still receiving large reductions, this amendment does restore over $400 million for special needs housing and $100 million for homeless assistance.

Mr. Chairman, the section 202 program for the construction of housing for the elderly is one of the most successful programs operated by HUD. It provides affordable housing and support services for our low- and moderate-income seniors. There is clearly a shortage of affordable housing for the elderly and the disabled. I am pleased that the manager's amendment restores half of the original cut.

I can tell you from personal experience that the section 202 program for the elderly works and works well. These developments are boon to our low-income elderly and there are waiting lists for these developments whenever they can be built.

Mr. Chairman, I would encourage us all, regardless of where we stand on final passage, to support this amendment.

Mr. STOKES. Mr. Chairman, I yield 1½ minutes to the gentleman from Massachusetts [Mr. STUDDS].

Mr. STUDDS. Mr. Chairman, I rise in support of the chairman's amendment, which would restore $441 million in funding for special needs housing programs. These programs include section 202 housing for the elderly and section 811 housing for disabled persons, as well as housing opportunities for people with AIDS, or HOPWA.

I would like to say a few words, Mr. Chairman, about the importance of the HOPWA program. A few months ago I joined with Members on both sides of the aisle in an effort to prevent the elimination of this vital program, which provides grants to State and local governments for housing and supportive services for low-income individuals living with HIV/AIDS.

In my State of Massachusetts alone, HOPWA provides over $2.5 million in formula grants for affordable housing units, supportive services, and short-term rental assistance for people living with AIDS who are in imminent danger of losing their homes.

Without the funds provided by this amendment, many individuals who are fatally ill will be forced to choose between essential medical care and paying the rent. Some will wind up in emergency rooms; others will literally die in the streets this winter.

No civilized society can allow that to happen. I commend the chairman for offering the amendment and urge its adoption.

Mr. LEWIS of California. Mr. Chairman, I yield 1 minute to the gentlewoman from Ohio [Ms. PRYCE].

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Ms. PRYCE. Mr. Chairman, today I rise in strong support of the manager's amendment and commend Chairman LEWIS for his outstanding leadership, and Mr. LAZIO and his Housing Subcommittee staff for their tireless work in bringing about this compromise.

This amendment includes funding to provide greatly needed housing for low-income senior citizens, the homeless, and the disabled. Also, included is budget authority to meet current multifamily credit needs to transition FHA's multifamily to a self-sustaining program.

Over the past 60 years, FHA multifamily insurance has provided rental homes for more than 10 million hard working families, individuals, and the elderly. In Ohio alone, the FHA multifamily program has helped renovate or build more than 26,000 affordable rental units.

Mr. Chairman, the need for affordable rental housing is tremendous, and in setting our priorities with our limited resources, we must not forget our elderly, our vulnerable, our homeless, our disabled, the ill, and those most in need. This is responsible legislation, it's the proper role of Government, and I urge my colleagues to support this important perfecting amendment.

Mr. STOKES. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. SCHUMER].

Mr. SCHUMER. Mr. Chairman, I want to thank the gentleman for yielding time to me.

I want to commend the chairman, the ranking member, as well as the gentleman from New York [Mr. LAZIO], the gentleman from Connecticut [Mr. SHAYS], the gentlewoman from California [Ms. PELOSI], and the other Members who were instrumental in adding money for AIDS housing and housing for the elderly.

We in New York have a staggering number of people with AIDS who face one of three choices. They can live on the streets. That is not very acceptable, to die of AIDS on the street. They can live in acute care hospitals. That treats them well, but it is extremely expensive, $1,085 a day, according to the Massachusetts Insurance Rate Setting Commission.

Or they can live in a HOPWA group home at the cost of about $40 to $100 a day. It is the humane way to go, and it is also the cheaper way to go.

That is why I am very grateful. I was one of the original authors of HOPWA on the housing committee. I am very grateful that the committee has made room for HOPWA, but my gratefulness is meaningless compared to those who will need this housing and use it. It has been a big success in New York.

I also want to say we are desperately short of 202 housing, and the fact that this will increase 202 is another benefit. I urge support of the en bloc amendment.

Mr. LEWIS of California. Mr. Chairman, I yield such time as he may consume to the gentleman from New Jersey [Mr. FRELINGHUYSEN].

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I rise in support of Chairman LEWIS' amendment to reprioritize some of the housing programs and to add more funding for the special needs housing programs which consolidates the housing construction programs for people with disabilities, the elderly, and AIDS housing. In addition the amendment adds more funding for the Homeless Housing Program and the Multifamily Credit Subsidy Program.

I am pleased to be a part of this compromise agreement reached between Chairman LEWIS and the chairman of the Housing Subcommittee, Mr. LAZIO. While I agree that the Department of Housing and Urban Development is in drastic need of downsizing and consolidation, I was concerned about the reduction in the special needs program.

By adopting the Lewis amendment we will be sending a clear message to the bureaucrats at HUD that Congress is willing to support programs that work like the section 202 and section 811 programs. Both of these programs have a proven track record and I am pleased that this amendment addresses the successes of these two programs.

This amendment will also address the multifamily credit subsidy program. Here again, I believe that we need to find ways to revise the operation of the current multifamily programs, so that it can become self-sustaining without a federally appropriated subsidy. However, in the interim and lacking a new authorization, Congress needs to continue this program because if targets the people who are most in need.

Again, I urge my colleagues to adopt the Lewis amendment and make these constructive changes to the VA, HUD, and independent agencies appropriations bill.

Mr. LEWIS of California. Mr. Chairman, I yield 2 minutes to the gentlewoman from New Jersey [Mrs. ROUKEMA].

Mrs. ROUKEMA. Mr. Chairman, I do want to rise in support of this manager's amendment. As has been stated, we are attending to the seniors, the disabled, and the AIDS sufferers.

I also wanted to point out that there is clarification necessary here because all too often there has been reference made to the fact that we are increasing the rental costs and suspending the Brooks amendment. That is not true. In this manager's amendment, we are restoring the ceiling on the rental levels, not only for public housing tenants, which is extremely important, but I would hope that my colleague from California, [Ms. WATERS] would understand also that the ceiling of 30 percent is retained not only on public housing but also on the senior citizens and the disabled.

So we are not ravaging the poorest, in terms of their rental costs. I think there has been a widespread misunderstanding bout this.

I also would want to say that as one who worked on the rental housing reforms of last year with the gentlewoman from California [Ms. WATERS], we are not abandoning that. They are maintained, those reforms are maintained in this legislation.

Mr. Chairman, I want to say that as the gentlewoman from Ohio [Ms. PRYCE] has said, a very important part of this manager's amendment, which has thus far been ignored, is the FHA multifamily credit subsidy. We are improving that. We are working toward reform. This is an essential component of a private-public partnership that is essential to meet our multifamily needs.

Further I would like to clarify for Ms. WATERS: I share your concern with the increase from 30 to 32 percent for the section 8 Tenant-Based Program. However, this does not apply to the Public Housing Program. Nor does it apply to 202 elderly or disabled. Moreover, I am pleased that the bill does include the public housing rent reforms we worked on last year along with Representative KNOLLENBERG.

Mr. STOKES. Mr. Chairman, I yield 1½ minutes to the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Chairman, I rise in support of the amendment.

I must say that on balance I think it does more good than harm. It is basically a pea and shell game, what is played here, in terms of what is funded. I think it deals with the short term types of needs, so I guess we have to take care of some of that, but only some of them. It restores, instead of underfunding, McKinney and FEMA by 50 percent. We now only underfund it by 40 percent in this amendment.

So those are the types of priorities that, in other words, we are going to do less in 1996 than we are doing in 1995. While that problem persists, it still maintains rent increases for those in some of the assisted housing programs. It is really trying to buy votes to secure support in terms of those that want to show that they are making some move improving a bad bill. I commend them for the pressure they exerted, but frankly it falls far short of where we have to go.

It is, I think, an indication of where the priorities are in this new Congress that have to be addressed in terms of where the dollars are going to end up. The amendment with the underline bill simply provides a little more legislate a little bit less than otherwise would be the case.

It tries to basically buy off on the cheap in terms of this bill some reluctant supporters. It just does not go far enough, as my colleague from Massachusetts said. The journey begins with the first step, but we have got many miles to go before we get back to where we belong.

We have a responsibility, I think a moral responsibility, Mr. Chairman, to stand up for those that are vulnerable, those working families in our communities that are trying to make it. That is why we are here on the floor today, we Democrats, we want to stand up for those folks that in fact need our representation. They are not represented by the PAC's and the others, but they need our help and that of the House.

Mr. STOKES. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. NADLER].

Mr. NADLER. Mr. Chairman, I rise in support of the manager's amendment that would increase the Special Needs Housing block grant by $441 million, providing for the restoration of crucial funding to the Housing Opportunities for People with AIDS [HOPWA], section 202, and section 811.

Mr. Chairman, at a time when homelessness has reached crisis proportions and when so many very crucial programs that provide desperately needed services are being chipped away, one by one, we must work to preserve adequate funding for these important housing programs which are key to the basic existence of so many Americans.

The HOPWA Program provides community-based, cost-effective housing for people living with AIDS and their families.

AIDS is now the leading killer of Americans between the ages of 25 and 44. At any given time, one-third to one-half of all Americans with AIDS are either homeless or in imminent danger of losing their homes. We have a responsibility, not only to respond to this very devastating public health crisis, but to provide assistance to those who are suffering from AIDS.

This amendment is cost-efficient and will save funds that would, in the absence of the housing and services provided in a HOPWA-funded residential facility, result in higher expenditures for hospital or emergency room costs. The costs of HOPWA facilities are between one-tenth and one-twentieth of the costs of hospital or emergency rooms. In fact, it is estimated that HOPWA dollars reduce the use of emergency health care services by an estimated $47,000 per person, per year.

Sections 202 and 811 have also proven to be enormously valuable programs, which have provided thousands from our growing senior population and people with disabilities with affordable housing, independence, and security.

Without these valuable programs so many risk homelessness, and, quite possibly, premature death due to exposure to poor nutrition, stress, and lack of medical care.

Mr. Chairman, this amendment is socially, morally, and fiscally responsible. I urge my colleagues to support it.

Mr. LEWIS of California. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. QUINN].

Mr. QUINN. Mr. Chairman, I, too, want to rise in support of the manager's amendment today and to thank the gentleman from California [Mr. LEWIS] and the gentleman from New York [Mr. LAZIO] and so many others across the aisle that have worked so hard to come up with this compromise. I think it takes a great step in the right direction.

Mr. Chairman, we are talking about some big numbers, 19.1 to 19.4 billion. We talk later on in the bill about $600 and $300 million. The key though is back in our districts where we know it works. I recently visited a facility run by People, Inc., a not-for-profit. It takes these funds and makes sure that disabled and handicapped citizens are used properly in the right direction.

I think that when we look back at our directions in our home States and towns and districts, we can see that this money works. Seniors, homeless vets, and others, it works.

While there are some criticisms, we know that these big, big number we talk about here on the floor and in and out of committees, back in our districts where we have a chance to see it right away in action, we know that this money is put to its best use. I congratulate all the Members who worked for the manager's amendment and urge its support later on this afternoon.

Mr. STOKES. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts [Mr. KENNEDY].

Mr. KENNEDY of Massachusetts. Mr. Chairman, I think that if Jesus Christ were watching this particular amendment on the House floor, he would look down at us and think that this was a poor attempt to imitate his miracle of the loaves and fishes.

The fact of the matter is that we are trying to play a shell game here. We are trying to pretend that we are cutting off an arm and sewing back a finger and saying that everybody should be thankful for the efforts that have been put into it.

The reality is that we are cutting this budget, we are cutting the housing budget by billions and billions of dollars without a single hearing. We go about this by cutting $400 million out of the homeless budget. We put $100 million back, bringing it to a $400 million cut, and everybody is supposed to kneel down and say, thank you very much.

The fact of the matter is that, if we are interested in ending homelessness in America, we have to invest in building housing for folks. This country did not have homeless people in it in the 1960's and the 1970's and the like because we built affordable housing. Since Ronald Reagan's time, we have cut affordable housing and we have seen the rise of homelessness.

If we are serious about ending these issues, if we are serious about doing something about the plight of so many millions of Americans that live in public housing, we want to take a snapshot of some politician in front of a public housing project, that is great. And we condemn the whole thing. Or we are dealing with the fact that the vast majority of public housing is very good housing, and we need to continue to invest in it.

But by coming along and chopping it off, what we are going to do is go about creating the very public housing disasters that Members so adroitly condemn. So let us deal with the problems. Let us support this amendment, because it does a little bit more, and we cannot carry the votes to kill this whole bill. But let us recognize that what we need to do is kill this bill, put the funds into affordable housing. Cut the B-2, cut the taxes, not for the rich but for ordinary citizens.

Mr. LEWIS of California. Mr. Chairman, I yield 2 minutes to the gentleman from Connecticut [Mr. SHAYS].

Mr. SHAYS. Mr. Chairman, I have been wrestling with this bill for a long time and wrestling with what we are about as Members of Congress. I know that we have bankrupted this Nation because of the kind of rhetoric of my colleague from Massachusetts who somehow thinks that if we spend more money we help people.

I think that in a hearing that my subcommittee is going to have in Chicago, we are going to have a hearing in Chicago because the Federal Government had to take over public housing because it has totally failed. A 4-mile stretch, one side a throughway and the other side 4 miles of public housing, and the poverty rate is 15 percent of the official poverty rate.

So I have come to the general conclusion that 12-year-old girls having babies and 14-year-olds selling drugs and 15-year-olds killing each other, 18-year-olds who cannot read their diplomas, 24-year-olds who have never had a job, 30-year-old grandparents is the legacy of this welfare state that must change. We are going to change it.

But this amendment, the fine work of the gentleman from New York [Mr. LAZIO], the fine work of the gentleman from California [Mr. LEWIS], the fine work of some Members on this side who weighed in and have helped rescue a certain part of this bill to restore some funding for senior housing that works, for HOPWA that I know works, housing opportunities for people with AIDS, and for helping those who are disabled to restore some money in the homeless is to me a gigantic step in the right direction.

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I do not have all the answers, Mr. Chairman. I just know we have failed miserably, and I know it is not going to be solved by a lot more money. Hopefully, we will get beyond the kind of rhetoric that we just heard and start to interact with people to make sure the money we do appropriate actually means something and does some good.

Mr. Chairman, I salute the gentleman from California [Mr. LEWIS] again, and the gentleman from New York [Mr. LAZIO], and Members on both sides of the aisle who recognize that we have failed miserably, and we need to put a new and complete face on housing.

Mr. STOKES. Mr. Chairman, I yield such time as he may consume to the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Chairman, I appreciate the gentleman yielding time to me.

My friend, the gentleman from Connecticut [Mr. SHAYS], who was talking about assisted and public housing, has left the floor. I just wanted to point out that I think that most of us recognize that there are problems with some assisted and public housing, as the gentleman from Massachusetts [Mr. KENNEDY] said on the floor, and that there are troubled housing authorities. These constantly are held up as the basis for not continuing housing program.

Mr. Chairman, the fact of the matter is that in my community, I would welcome the Congress to focus on the programs that are working very well. We have public housing that is 40 and 50 years old, that is being renewed in terms of contracts that represent some of the best quality housing for our low-income members of the community and working families, and it is serving its purpose. To be sure, any time we have that kind of concentration in terms of public housing—in some areas miles of low-income high rises—most of us recognize those political decisions that concentrate these tremendous numbers of low-income individuals in housing projects in large urban centers, and across the country. Such planning, such architecture causes a big problem—a very big problem.

However, Mr. Chairman, I think that this particular bill is denying modernization and operating funds for all public housing across the board. These policies are going to affect the good, the bad, and the indifferent, and I think we need to focus. We do not want to see more public housing have the type of plight that has happened in the example that has been given by my colleague, the gentleman from Connecticut [Mr. SHAYS]. However, that is exactly what is going to happen.

What is really I think the problem in this bill, Mr. Chairman, is that it fails to help us preserve the existing resources of 4.7 million public and assisted housing units that we have. We are going to see a further deterioration of such housing. The money in the pipeline is necessary and useful for maintenance and operating in a fair way, and maintaining that housing.

Mr. STOKES. Reclaiming my time, Mr. Chairman, I appreciate very much the comments made by the gentleman from Minnesota, and they echo my own views in terms of that subject.

I would just say in closing, Mr. Chairman, that while I commend the chairman for his effort to improve the bill in this direction, and he certainly has improved it to some degree, it certainly has not gone as far as is really necessary to try and correct this legislation and make it palatable. It is unfortunate that we are in that position; and my position, of course, would have to be that until we can clear up these other matters in this bill, this is a bill which I would have to oppose.

Mrs. MORELLA. Mr. Chairman, I rise in support of the chairman's en bloc amendment. The program funding that is restored in this amendment affects individuals who do not have alternative resources. It is critical that we approve this amendment to restore at least a minimal level of funding for our most vulnerable communities.

Perhaps we have difficulty imagining ourselves in our seventies, eighties, or older. Do we think that because we have reasonable resources now, that a major illness, accident, or just a very long life could not wipe out our seeming financial security? How can we refuse to assume responsibility for minimum care, in this case just providing shelter for the elderly, for those living with HIV/AIDS, for the disabled, and for the homeless. I don't think any of us can, in good faith.

This amendment restores $441 million for HUD special needs housing and in addition, it strikes the provision requiring section 8 rental assistance recipients to pay additional utility costs. I have great concern with the bill's provision which pegs assistance to the marketplace. In Montgomery County, MD, this potentially could result in more than 3,500 section 8 recipients being forced to live in areas of concentrated poverty.

Mr. Chairman, I do not believe that this Congress really could accept a 49-percent reduction in the McKinney Homeless Assistance Program which has been a tremendous benefit to all communities. We still know little about how to meet our Nation's increase in the number of homeless, but it is a tragedy that must be addressed and we have a program that has proved itself over the years. Nor can we turn our backs on our seniors and the disabled who must depend on a fixed income and many of whom have nowhere else to turn.

My county's housing opportunity commission was recently lauded by Secretary Cisneros when he said: "Montgomery County, MD, may have the Nation's most comprehensive and balanced local housing program." It is important to remember that this success is dependent on, and in cooperation with, Federal support for "special need" housing programs. Assistance for such housing is needed in all areas of the country and every jurisdiction. No community can carry it alone.

Another program addressed by the amendment is the Housing Opportunities for People With AIDS [HOPWA] Program, the only Federal housing program that specifically addresses the housing needs of people with HIV/AIDS. It is estimated that one-third to one-half of all people with AIDS are either homeless or on the verge of losing their homes. Many people with AIDS are still faced with eviction because of discrimination, despite Federal and State antidiscrimination laws. Many others lose their homes when they are no longer able to pay their mortgage or rent because of illness and lost wages. Still others are already homeless when they become ill. Despite these problems, people living with HIV/AIDS historically have encountered great obstacles in receiving assistance through Federal housing programs.

HOPWA was created to address this desperate need, giving communities the flexibility to develop a broad range of housing options and support services to meet their specific needs, consistent with this Congress' efforts to provide greater local control.

Without adequate resources for HOPWA, people with HIV/AIDS will die early and without dignity—in emergency rooms, shelters, or worse—in the streets alone. This amendment ensures that at least a minimal amount of funding is available to provide housing for people with HIV/AIDS to ensure that they can live out the remainder of their lives with some level of decency and comfort.

Mr. Chairman, the cuts that have been chosen for H.R. 2099 are inhumane. We can do better than to take from the most vulnerable among us. This amendment is a fair and reasonable effort to restore basic housing needs, and I urge its adoption.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. STOKES. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, I appreciate the gentleman yielding to me. I have no further speakers on this side. It is not my intention to ask for any more time. Indeed, I would hope that we could go to a voice vote on this, because buses are going to the Korean War Memorial service. I certainly appreciate the cooperation of the ranking member in this matter.

Mr. STOKES. We are pleased to cooperate with the chairman in that regard. We do not see a need for a record vote on this particular amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. LEWIS of California. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment printed in part 1 of House Report 104-206.

The amendment was agreed to.

The CHAIRMAN. The amendment made in order by the rule having been agreed to, the Clerk will designate title I.

The text of title I is as follows:

H.R. 2099

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1996, and for other purposes, namely:

TITLE I

DEPARTMENT OF VETERANS AFFAIRS

VETERANS BENEFITS ADMINISTRATION

COMPENSATION AND PENSIONS

(INCLUDING TRANSFER OF FUNDS)

For the payment of compensation benefits to or on behalf of veterans as authorized by law (38 U.S.C. 107, chapters 11, 13, 51, 53, 55, and 61); pension benefits to or on behalf of veterans as authorized by law (38 U.S.C. chapters 15, 51, 53, 55, and 61; 92 Stat. 2508); and burial benefits, emergency and other officers' retirement pay, adjusted-service credits and certificates, payment of premiums due on commercial life insurance policies guaranteed under the provisions of Article IV of the Soldiers' and Sailors' Civil Relief Act of 1940, as amended, and for other benefits as authorized by law (38 U.S.C. 107, 1312, 1977, and 2106, chapters 23, 51, 53, 55, and 61; 50 U.S.C. App. 540–548; 43 Stat. 122, 123; 45 Stat. 735; 76 Stat. 1198); $17,649,972,000, to remain available until expended: *Provided*, That not to exceed $25,180,000 of the amount appropriated shall be reimbursed to "General operating expenses" and "Medical care" for necessary expenses in implementing those provisions authorized in the Omnibus Budget Reconciliation Act of 1990, and in the Veterans' Benefits Act of 1992, (38 U.S.C. chapters 51, 53, and 55) the funding source for which is specifically provided as the "Compensation and pensions" appropriation: *Provided further*, That such sums as may be earned on an actual qualifying patient basis, shall be reimbursed to "Medical facilities revolving fund" to augment the funding of individual medical facilities for nursing home care provided to pensioners as authorized by the Veterans' Benefits Act of 1992 (38 U.S.C. chapter 55): *Provided further*, That $12,000,000 previously transferred from "Compensation and pensions" to "Medical facilities revolving fund" shall be transferred to this heading.

READJUSTMENT BENEFITS

For the payment of readjustment and rehabilitation benefits to or on behalf of veterans as authorized by law (38 U.S.C. chapters 21, 30, 31, 34, 35, 36, 39, 51, 53, 55, and 61), $1,345,300,000, to remain available until expended: *Provided*, That funds shall be available to pay any court order, court award or any compromise settlement arising from litigation involving the vocational training program authorized by section 18 of Public Law 98–77, as amended.

VETERANS INSURANCE AND INDEMNITIES

For military and naval insurance, national service life insurance, servicemen's indemnities, service-disabled veterans insurance, and veterans mortgage life insurance as authorized by law (38 U.S.C. chapter 19; 70 Stat. 887; 72 Stat. 487) $24,890,000, to remain available until expended.

GUARANTY AND INDEMNITY PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct and guaranteed loans, such sums as may be necessary to carry out the purpose of the program, as authorized by 38 U.S.C. chapter 37, as amended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $65,226,000, which may be transferred to and merged with the appropriation for "General operating expenses".

LOAN GUARANTY PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct and guaranteed loans, such sums as may be necessary to carry out the purpose of the program, as authorized by 38 U.S.C. chapter 37, as amended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $52,138,000, which may be transferred to and merged with the appropriation for "General operating expenses".

DIRECT LOAN PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, such sums as may be necessary to carry out the purpose of the program, as authorized by 38 U.S.C. chapter 37, as amended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That during 1996, within the resources available, not to exceed $300,000 in gross obligations for direct loans are authorized for specially adapted housing loans (38 U.S.C. chapter 37).

In addition, for administrative expenses to carry out the direct loan program, $459,000, which may be transferred to and merged with the appropriation for "General operating expenses".

EDUCATION LOAN FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, $1,000, as authorized by 38 U.S.C. 3698, as amended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $4,000.

In addition, for administrative expenses necessary to carry out the direct loan program, $195,000, which may be transferred to and merged with the appropriation for "General operating expenses".

VOCATIONAL REHABILITATION LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, $54,000, as authorized by 38 U.S.C. chapter 31, as amended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $1,964,000.

In addition, for administrative expenses necessary to carry out the direct loan program, $377,000, which may be transferred to and merged with the appropriation for "General operating expenses".

NATIVE AMERICAN VETERAN HOUSING LOAN PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For administrative expenses to carry out the direct loan program authorized by 38 U.S.C. chapter 37, subchapter V, as amended, $205,000, which may be transferred to and merged with the appropriation for "General operating expenses".

VETERANS HEALTH ADMINISTRATION

MEDICAL CARE

For necessary expenses for the maintenance and operation of hospitals, nursing homes, and domiciliary facilities; for furnishing, as authorized by law, inpatient and outpatient care and treatment to beneficiaries of the Department of Veterans Affairs, including care and treatment in facilities not under the jurisdiction of the Department of Veterans Affairs, and furnishing recreational facilities, supplies, and equipment; funeral, burial, and other expenses incidental thereto for beneficiaries receiving care in Department of Veterans Affairs facilities; administrative expenses in support of planning, design, project management, real property acquisition and disposition, construction and renovation of any facility under the jurisdiction or for the use of the Department of Veterans Affairs; oversight, engineering and architectural activities not charged to project cost; repairing, altering, improving or providing facilities in the several hospitals and homes under the jurisdiction of the Department of Veterans Affairs, not otherwise provided for, either by contract or by the hire of temporary employees and purchase of materials; uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902); aid to State homes as authorized by law (38 U.S.C. 1741); and not to exceed $8,000,000 to fund cost comparison studies as referred to in 38 U.S.C. 8110(a)(5); $16,713,521,000, plus reimbursements: *Provided*, That of the funds made available under this heading, $771,000,000 is for the equipment and land and structures object classifications only, which amount shall not become available for obligation until August 1, 1996, and shall remain available for obligation until September 30, 1997.

MEDICAL AND PROSTHETIC RESEARCH

For necessary expenses in carrying out programs of medical and prosthetic research and development as authorized by law (38 U.S.C. chapter 73), to remain available until September 30, 1997, $251,743,000, plus reimbursements.

MEDICAL ADMINISTRATION AND MISCELLANEOUS OPERATING EXPENSES

For necessary expenses in the administration of the medical, hospital, nursing home, domiciliary, construction, supply, and research activities, as authorized by law; administrative expenses in support of planning, design, project management, architectural, engineering, real property acquisition and disposition, construction and renovation of any facility under the jurisdiction or for the use of the Department of Veterans Affairs, including site acquisition; engineering and architectural activities not charged to project cost; and research and development in building construction technology; $63,602,000, plus reimbursements.

TRANSITIONAL HOUSING LOAN PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, $7,000, as authorized by Public Law 102–54, section 8, which shall be transferred from the "General post fund": *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $70,000. In addition, for administrative expenses to carry out the direct loan program, $54,000, which shall be transferred from the "General post fund", as authorized by Public Law 102–54, section 8.

DEPARTMENTAL ADMINISTRATION

GENERAL OPERATING EXPENSES

For necessary operating expenses of the Department of Veterans Affairs, not otherwise provided for, including uniforms or allowances therefor, as authorized by law; not to exceed $25,000 for official reception and representation expenses; hire of passenger motor vehicles; and reimbursement of the General Services Administration for security guard services, and the Department of Defense for the cost of overseas employee mail; $821,487,000: *Provided*, That funds under this heading shall be available to administer the Service Members Occupational Conversion and Training Act: *Provided further*, That the $25,500,000 earmarked in Public Law 103–327 for the acquisition of automated data processing equipment and services to support the modernization program of the Veterans Benefits Administration is available for any expense authorized to be funded under this heading: *Provided further*, That none of the funds under this heading (including funds referred to in the preceding proviso) may be obligated or expended for the acquisition of automated data processing equipment and services for Department of Veterans Affairs regional offices to support Stage III of the automated data equipment modernization program of the Veterans Benefits Administration.

NATIONAL CEMETERY SYSTEM

For necessary expenses for the maintenance and operation of the National Cemetery System not otherwise provided for, including uniforms or allowances therefor, as authorized by law; cemeterial expenses as authorized by law; purchase of three passenger motor vehicles, for use in cemeterial operations; and hire of passenger motor vehicles, $72,604,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $30,900,000.

CONSTRUCTION, MAJOR PROJECTS

(INCLUDING TRANSFER OF FUNDS)

For constructing, altering, extending and improving any of the facilities under the jurisdiction or for the use of the Department of Veterans Affairs, or for any of the purposes set forth in sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110, and 8122 of title 38, United States Code, including planning, architectural and engineering services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, where the estimated cost of a project is $3,000,000 or more or where funds for a project were made available in a previous major project appropriation, $183,455,000, to remain available until expended: *Provided*, That except for advance planning of projects funded through the advance planning fund and the design of projects funded through the design fund, none of these funds shall be used for any project which has not been considered and approved by the Congress in the budgetary process: *Provided further*, That funds provided in this appropriation for fiscal year 1996, for each approved project shall be obligated (1) by the awarding of a construction documents contract by September 30, 1996, and (2) by the awarding of a construction contract by September 30, 1997: *Provided further*, That the Secretary shall promptly report in writing to the Comptroller General and to the Committees on Appropriations any approved major construction project in which obligations are not incurred within the time limitations established above; and the Comptroller General shall review the report in accordance with the procedures established by section 1015 of the Impoundment Control Act of 1974 (title X of Public Law 93–344): *Provided further*, That no funds from any other account except the "Parking revolving fund", may be obligated for constructing, altering, extending, or improving a project which was approved in the budget process and funded in this account until one year after substantial completion and beneficial occupancy by the Department of Veterans Affairs of the project or any part thereof with respect to that part only: *Provided further*, That of the funds made available under this heading in Public Law 103–327, $7,000,000 shall be transferred to the "Parking revolving fund".

CONSTRUCTION, MINOR PROJECTS

For constructing, altering, extending, and improving any of the facilities under the jurisdiction or for the use of the Department of Veterans Affairs, including planning, architectural and engineering services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, or for any of the purposes set forth in sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110, and 8122 of title 38, United States Code, where the estimated cost of a project is less than $3,000,000, $152,934,000, to remain available until expended, along with unobligated balances of previous "Construction, minor projects" appropriations which are hereby made available for any project where the estimated cost is less than $3,000,000: *Provided*, That funds in this account shall be available for (1) repairs to any of the nonmedical facilities under the jurisdiction or for the use of the Department of Veterans Affairs which are necessary because of loss or damage caused by any natural disaster or catastrophe, and (2) temporary measures necessary to prevent or to minimize further loss by such causes.

PARKING REVOLVING FUND

For the parking revolving fund as authorized by law (38 U.S.C. 8109), income from fees collected, to remain available until expended. Resources of this fund shall be available for all expenses authorized by 38 U.S.C. 8109 except operations and maintenance costs which will be funded from "Medical care".

GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE FACILITIES

For grants to assist the several States to acquire or construct State nursing home and domiciliary facilities and to remodel, modify or alter existing hospital, nursing home and domiciliary facilities in State homes, for furnishing care to veterans as authorized by law (38 U.S.C. 8131–8137), $47,397,000, to remain available until expended.

GRANTS FOR THE CONSTRUCTION OF STATE VETERANS CEMETERIES

For grants to aid States in establishing, expanding, or improving State veteran cemeteries as authorized by law (38 U.S.C. 2408), $1,000,000, to remain available until September 30, 1998.

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

SEC. 101. Any appropriation for 1996 for "Compensation and pensions", "Readjustment benefits", and "Veterans insurance and indemnities" may be transferred to any other of the mentioned appropriations.

SEC. 102. Appropriations available to the Department of Veterans Affairs for 1996 for salaries and expenses shall be available for services as authorized by 5 U.S.C. 3109.

SEC. 103. No part of the appropriations in this Act for the Department of Veterans Affairs (except the appropriations for "Construction, major projects", "Construction, minor projects", and the "Parking revolving fund") shall be available for the purchase of any site for or toward the construction of any new hospital or home.

SEC. 104. No part of the foregoing appropriations shall be available for hospitalization or examination of any persons except beneficiaries entitled under the laws bestowing such benefits to veterans, unless reimbursement of cost is made to the appropriation at such rates as may be fixed by the Secretary of Veterans Affairs.

SEC. 105. Appropriations available to the Department of Veterans Affairs for fiscal year 1996 for "Compensation and pensions", "Readjustment benefits", and "Veterans insurance and indemnities" shall be available for payment of prior year accrued obligations required to be recorded by law against the corresponding prior year accounts within the last quarter of fiscal year 1995.

SEC. 106. Appropriations accounts available to the Department of Veterans Affairs for fiscal year 1996 shall be available to pay prior year obligations of corresponding prior year appropriations accounts resulting from title X of the Competitive Equality Banking Act, Public Law 100–86, except that if such obligations are from trust fund accounts they shall be payable from "Compensation and pensions".

SEC. 107. (a) Effective October 1, 1995, section 5505 of title 38, United States Code, as in effect when repealed by section 1201(g)(4)(A) of Public Law 103–446 (108 Stat. 4687), is hereby reenacted and, as so reenacted, is amended by striking out "September 30, 1992" in subsection (c) and inserting in lieu thereof "September 30, 1996".

(b) The table of sections at the beginning of chapter 55 of such title is amended by adding at the end the following new item:

"5505. Limitation on compensation payments for certain incompetent veterans.".

SEC. 108. Chapter 19 of title 38, United States Code, is amended as follows:

(1) Section 1920 is amended—

(A) in subsection (a), by inserting ", and for the reimbursement of administrative costs under subsection (c)" before the period at the end of the second sentence; and

(B) by adding at the end the following new subsection:

"(c)(1) For each fiscal year for which this subsection is in effect, the Secretary shall, from the National Service Life Insurance Fund, reimburse the 'General operating expenses' account of the Department for the amount of administrative costs determined under paragraph (2) for that fiscal year. Such reimbursement shall be made from any surplus earnings for that fiscal year that are available for dividends on such insurance after claims have been paid and actuarially determined reserves have been set aside. However, if the amount of such administrative costs exceeds the amount of such surplus earnings, such reimbursement shall be made only to the extent of such surplus earnings.

"(2) The Secretary shall determine the administrative costs to the Department for a fiscal year for which this subsection is in effect which, in the judgment of the Secretary, are properly allocable to the provision of National Service Life Insurance (and to the provision of any total disability income insurance added to the provision of such insurance).

"(3) This subsection shall be in effect only with respect to fiscal year 1996.".

(2) Section 1923 is amended—

(A) in subsection (a), by inserting ", and for the reimbursement of administrative costs under subsection (d)" before the period at the end of the last sentence; and

(B) by adding at the end the following new subsection:

"(d)(1) For each fiscal year for which this subsection is in effect, the Secretary shall, from the Veterans' Special Life Insurance Fund, reimburse the 'General operating expenses' account of the Department for the amount of administrative costs determined under paragraph (2) for that fiscal year. Such reimbursement shall be made from any surplus earnings for that fiscal year that are available for dividends on such insurance after claims have been paid and actuarially determined reserves have been set aside. However, if the amount of such administrative costs exceeds the amount of such surplus earnings, such reimbursement shall be made only to the extent of such surplus earnings.

"(2) The Secretary shall determine the administrative costs to the Department for a fiscal year for which this subsection is in effect which, in the judgment of the Secretary, are properly allocable to the provision of Veterans' Special Life Insurance (and to the provision of any total disability income insurance added to the provision of such insurance).

"(3) This subsection shall be in effect only with respect to fiscal year 1996.".

(3) Section 1955 is amended—

(A) in subsection (a), by inserting ", and for the reimbursement of administrative costs under subsection (c)" before the period at the end of the first sentence; and

(B) by adding at the end the following new subsection:

"(c)(1) For each fiscal year for which this subsection is in effect, the Secretary shall, from the United States Government Life Insurance Fund, reimburse the 'General operating expenses' account of the Department for the amount of administrative costs determined under paragraph (2) for that fiscal year. Such reimbursement shall be made from any surplus earnings for that fiscal year that are available for dividends on such insurance after claims have been paid and actuarially determined reserves have been set aside. However, if the amount of such administrative costs exceeds the amount of such surplus earnings, such reimbursement shall be made only to the extent of such surplus earnings.

"(2) The Secretary shall determine the administrative costs to the Department for a fiscal year for which this subsection is in effect which, in the judgment of the Secretary, are properly allocable to the provision of United States Government Life Insurance (and to the provision of any total disability income insurance added to the provision of such insurance).

"(3) This subsection shall be in effect only with respect to fiscal year 1996.".

(4) Section 1982 is amended by striking out "The United States" and inserting in lieu thereof "Except as provided in sections 1920(c), 1923(d), and 1955(c) of this title, the United States".

PERMISSION FOR MEMBER TO OFFER AMENDMENT OUT OF ORDER

Mr. LEWIS of California. Mr. Chairman, I ask unanimous consent that amendment No. 34 offered by the gentleman from Oregon [Mr. DEFAZIO] to title I be in order at a later point in the reading of the bill, notwithstanding that title I may have been closed.

This has been agreed upon by both sides of the issue in terms of the Members debating it.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. SAXTON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I wish to enter into a colloquy with the chairman of the subcommittee, the gentleman from California [Mr. LEWIS].

Mr. Chairman, the report of the Subcommittee on VA, HUD, and Independent Agencies of the Committee on Appropriations contains language that highlights the excellent work conducted by the EPA in the use of a helicopter for water quality testing along the New York-New Jersey coasts. The EPA established a water quality testing program due to the pollution problems experienced that year by New Jersey and New York in the beaches which they experienced in 1988. As Members may recall, this was front page news which caused people to stay away from our beaches. This problem could have done irreparable harm to the economy, but with the cooperation of the Federal, State, and local governments, a comprehensive plan was implemented to ensure that the ocean water quality would never be in the sad shape that we found it in 1988. Since 1988, we have made steady progress in making our coastal waters clean.

There are two critical elements to the EPA's water quality testing program. First is the spotting of floatables in the coastal waters, and the second is the actual monitoring and surveying of water quality. In both situations, the EPA utilizes a helicopter to conduct its work.

I want to clarify the committee report language. The committee language discusses the spotting and immediate cleanup of floatables, but does not specify or mention monitoring and surveying of water quality. I ask the subcommittee chairman if the intent of the committee language includes the monitoring and surveying of water quality, in addition to the spotting of floatables?

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. SAXTON. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, yes, the committee realizes that the water quality testing program which has been instrumental in solving the coastal water problems which New Jersey experienced in 1987 and 1988 should continue. As the gentleman stated, this program includes spotting of floatables and monitoring and surveying of water quality.

Mr. SAXTON. Reclaiming my time, would the chairman of the subcommittee explain what funds are available to continue this program?

Mr. LEWIS of California. It is the committee's intention that the funds come for this program from EPA's environmental program and compliance account.

Mr. SAXTON. Mr. Chairman, I appreciate the willingness of the chairman of the subcommittee to include this language in the committee report. This program is vital to New Jersey and I want to commend the gentleman for his excellent work as chairman of the subcommittee.

AMENDMENT NO. 50 OFFERED BY MR. OBEY

Mr. OBEY. Mr. Chairman, I offer amendment No. 50.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. OBEY: Page 8, line 9, after the dollar amount, insert the following: "(increased by $230,000,000)".

Page 16, strike lines 12 through 21.

Page 20, line 25, after the dollar amount, insert the following: "(increased by $400,000,000)".

Page 21, line 15, after the dollar amount, insert the following: "(increased by $200,000,000)".

Page 22, line 15, after the dollar amount, insert the following: "(increased by $200,000,000)".

Page 70, line 13, after the dollar amount, insert the following: "(reduced by $1,600,000,000)".

Page 71, line 5, after the dollar amount, insert the following: "(increased by $400,000,000)".

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, I ask unanimous consent that we have a limitation of 1 hour, divided equally on each side, the gentleman from Wisconsin controlling part of the time, and I will control the other half of the time.

Mr. OBEY. That is perfectly acceptable to me.

The CHAIRMAN. On this amendment and all amendments thereto?

Mr. LEWIS of California. Yes, Mr. Chairman.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. The gentleman from Wisconsin [Mr. OBEY] will be recognized for 30 minutes, and the gentleman from California [Mr. LEWIS] will be recognized for 30 minutes in opposition to the amendment.

The Chair recognizes the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment simply cuts out the money for the space station, cuts the deficit by almost half a billion in the process, and transfers the rest of the unused money from the station into veterans' health care, into housing for the elderly and low-income and disabled, and to other science, especially other nonstation NASA science.

Mr. Chairman, like anybody else, I am thrilled by the history of the space program. I was at the launch when Neal Armstrong went to the Moon. It was one of the most thrilling experiences of my life and, I suspect, that of every other American who witnessed it. However, these times require very tough choices. Some of those choices in this bill and a variety of other bills, are being avoided, rather than made. The result, I am afraid, is going to be severe constriction of our scientific capability, as well as a warping of our national priorities.

Mr. Chairman, the space station is sold as science, and I suppose, in some ways, it is, but there are two kinds of science which are funded by Government. One is investigator-initiated science in which a scientist gets an idea, he applies for a grant, other scientists review that proposal, and, because we have limited funding, only the science which is judged to be the very best is actually approved for Federal financing. This is, I think, quite different science.

Much of it, though certainly not all of it, Mr. Chairman, is what I would call politically generated science. It is, in many ways, a political project which has been redesigned countless times. And I do not mean to use the word "political" in a denigrating way. I happen to have great respect for the terms "politician" and "public servant." Without politics, societies have wars, so I have great respect for political decisions.

However, I think there comes a point when we have to ask by which process we will learn the most and gain the most to advance this country scientifically. I think in many ways this project, desirable though it might be if we had additional resources, I think it is in many ways a public works demonstration project. Its supporters will talk about it in terms of the scientific payoff it can have. I think the question is: What knowledge will we gain through the expenditure of money for the station versus what kind of knowledge we will gain if we put that money to use in other scientific endeavors.

Mr. Chairman, the cost of this station is supposed to be, when we count up what has been spent and what will be spent, about $94 billion, $75 billion yet to be spent. To put that in perspective, that is about $4 billion a year; on average, that represents about twice as much as we spend annually on cancer research. It is more than we spend in the entire NASA or NSF budget, and it will not buy, in my view, 94 billion dollars' worth of new information.

It will finance, to a very large extent, repeated performances of functions that we already know how to do. It will finance 73 additional shuttle flights, at least, to carry into space very large amounts of material and equipment which will be assembled by workers floating around the globe. I would describe that as being, say, 90 percent a large-scale construction project and 10 percent a science project. My percentages may be off, but I think Members get my general drift.

Mr. Chairman, my concern at the scientific level, and because I have responsibility wearing my other hat as a member of the Subcommittee on Labor, Health, and Human Services, and Education, where we fund all NIH research, for instance, I have great concern that, because of the budget squeeze, this station is going to squeeze out other science in our Federal budget. We are going to have additional budget cuts next year.

Everybody knows that, no matter what decisions we make this year. I think if we keep the station, that over time, because of the declining level of Federal spending vis-a-vis previous plans, we will in essence obliterate our ability to support a lot of other needed science.

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If I can keep just for the moment on the scientific issue, by passing this amendment, I think you help us to save other NASA science, you help us to fully fund Mission to Planet Earth, or virtually fully fund it at its requested level, and in addition to, I think, improving the balance of science that these dollars would produce, you allow us to restore $400 million to help the elderly and the disabled get decent housing here on Earth and, frankly, those of you who know me, know that I would, any time, put decent habitat for people on the face of the Earth ahead of habitat for astronauts.

In addition this amendment would allow us to restore $400 million to veterans' health, including correcting the problem which we have in the bill which will if not corrected squeeze the benefits of about 12,000 veterans, many of whom suffer from illness who will have their disability payments reduced because of the legislative provisions in this bill. This will allow us to try to correct that. It will also, in addition, give us a bonus of an additional almost $500 million savings on the Federal deficit. It seems to me that this is the rational thing to do given our budget squeeze.

One the veterans' side, for instance. The bill before us delays funding for $750 million in medical equipment in our veterans' medical centers around the country. This would enable us to meet some of the shortfall in the veterans' funding area. I really believe it represents a far better balance in expenditures.

I want to say this to those who have had a strong commitment to the station in the past. I understand that and I respect it. If this were the world that existed back in the 1960's when President Kennedy first began the space program, if we had an economy that was expanding at that rate, if we had resources which were expected to expand, if we did not have a poverty situation which was increasing, if we did not have a degenerating housing situation, if we did not have desperate needs in the environmental area, I would not be here offering this. But we have in the 1980's seen a huge run up in public debt because of policies which I largely opposed but nonetheless they were adopted and rammed through here over our objection, and those things have consequences. The consequence of those decisions in the early 1980's is that we have such a huge overhang of public debt, we are now being forced to make choices which squeeze out a good many valuable programs. The choices we face here is whether or not we will squeeze this one out or whether we will pretend for a while that we can continue it, meanwhile watching it every day gobble up other essential pieces of the budget, including other pieces of the science budget.

I respect people who differ with me on this issue, and I know that this offers people tough choices, but we are paid to make those tough choices. I think we ought to begin on this one today.

Mr. Chairman, I reserve the balance of my time.

Mr. LEWIS of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, first I want to express my appreciation to the gentleman from Wisconsin for cooperating relative to the time difficulties that we have. While we have much agreement, there is some disagreement regarding this amendment.

It is suggested by way of the author's recommendation that there is some cost to go in terms of our space station completion and operation, somewhere around $94 million.

According to NASA's evaluation, the dollar figures really should be $26.2 billion including $13.2 billion for final development and construction and $13 billion for 10 years of operation.

Setting that aside, it really is no small bit of irony that we are considering an amendment here today that would eliminate space station funding. It was just last evening that I had the privilege of being at the White House where the President was giving a medal to Comdr. Jim Lovell, one of our best known and most talented and successful astronauts.

The effect of this amendment in the final analysis would do two things that I would suggest are very, very important for all Members to consider: First, the amendment would eliminate space station and thereby all those flight operations that relate to space station. It would undermine the President's effort to further develop an international cooperative effort between friends in Eastern Europe as well as with Russia.

There are those suggesting that if you eliminate space station, then in some way that money is suddenly going to become available for any number of other priorities. I would suggest the latter is a total misconception of what would likely occur.

It is my view that NASA's support flows around the public's interest in man's space flight, the public's interest in station. Indeed, if we eliminate those programs, it is my view that NASA would all but be eliminated itself. To presume that with the other priorities that we see in this bill, such as housing, such as veterans, such as EPA, that suddenly a huge flow of dollars would be available for scientific research and other science programs, some would suggest is at least a bit naive.

This amendment would kill space station. In my judgment it would kill NASA's total program. Indeed it would terminate our American mission in space.

I urge a "no" vote on the amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Pennsylvania [Mr. FOGLIETTA].

Mr. FOGLIETTA. Mr. Chairman, I rise to speak in favor of the Obey amendment. This is a summer when all of us are thrilled by recalling the adventure of *Apollo 13*. It was one of the milestones in the challenge John Kennedy put to America. We needed the challenge and we could afford that challenge. But that was then and this is now.

Now is a time when we need to make our public housing programs better—and this administration is trying. But we need to continue a Federal commitment to housing for the most vulnerable people in our society.

Now is not a time when we can renege on our commitment to the men and women who fought our wars.

Now is a time when we have to make genuine efforts to control our deficit. We have to be credible and fair in this effort.

Now is not a time when we can afford the space station. The challenges that face us today are very different than the ones that confronted us in the 1960's of John Kennedy and *Apollo 13*.

There are so many things that trouble me about this bill. It is so mean-spirited in so many ways.

As chairman of the Congressional Urban Caucus, I am distressed at the harshly anticity, antipoor, antiveteran, antienvironment aspects of this bill.

How can we make it better? Throw it out and start over again. But Mr. OBEY'S amendment does a good job in pointing out the inequities of the bill, as well as its departure from genuine and fair deficit reduction.

I urge my colleagues to support the Obey amendment.

Mr. LEWIS of California. Mr. Chairman, I yield 2 minutes to the gentlewoman from California [Mrs. SEASTRAND].

Mrs. SEASTRAND. Mr. Chairman, I rise in strong opposition to the amendment and give my support for full funding of the international space station *Alpha*.

On the one hand we will hear from opponents that budget cutters have cut far too deeply into the NASA budget and that those cuts severely imperil the U.S. space program. On the other hand we hear opponents cite a flawed GAO study that says the space station is going to cost $94 billion and we should just do away with it.

Well, I believe both arguments are incorrect and wrong.

The space station represents America's future in the development of space. In the Science Committee, under the leadership of BOB WALKER and JIM SENSENBRENNER, we have gone to great lengths to make certain that the space station will progress in a responsible, fiscally competent, efficient, and on-schedule fashion for the next 7 years.

If that were not the case I would not support the program.

In a time when we are scaling back, tightening, and eliminating, some ask how we can allocate full funding for the station. The answer, quite simply, is that the station is an investment in America's future.

Are we going to lead the way in space or are we going to watch others from the sidelines? Are we going to lead the way in space-based research or will our citizens have to wait for medical progress? Are we going to lead the way in sending products into space or will we be forced to buy services from the other nations who stayed involved with the station?

The space station is very much about America's future. In fact, it is a pathway into the future. In the Science Committee, we recognize this reality and embrace it. We can see the commercial possibilities and the necessity for America to be competitive.

We can do this and keep our commitment to balance the budget.

Mr. OBEY. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from California [Mr. BROWN], the ranking member of the Committee on Science.

Mr. LEWIS of California. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. BROWN].

The CHAIRMAN. The gentleman from California [Mr. BROWN] is recognized for 7 minutes.

Mr. BROWN of California. I thank the gentleman from Wisconsin [Mr. OBEY] and the gentleman from California [Mr. LEWIS] for yielding me this time.

Mr. Chairman, I think beyond question the remarks I make here today and the vote that I cast on this amendment will rank amongst the most difficult that I have ever had to make.

I have come to the conclusion that we can no longer sustain a space program of the type that I would like to see and which has been recommended by all of the experts in this field, at the budget level which we are now confronted with, and that as a consequence I will have to oppose the space station.

I have this chart here which will enable me to explain the budgetary situation. I have had this chart for a number of years. I used it for the last couple of years to try and tell the President that we could not continue the space program and the space station at the level of his budget. I have now revised it to include the Republican budget as well, which I find makes the President's budget look good.

When I came to Congress, NASA's budget was here. I came in the early 1960's. The Republican budget at the end of a 5-year period will bring us back to less than it was in the early 1960's. The President's budget would allow us to do slightly better but not too much.

Five years ago, President Bush commissioned a report on the future of the space program. This was at this point right here on the chart. The commission was chaired by the present chairman of Martin Marietta and composed of distinguished citizens and scientists.

At that point the commission recommended that to maintain all of the programs NASA was supporting, including the space station, it would be necessary to continue this upward curve, up to about here. At this point, it would equal about half in terms of GNP what it was over here.

Instead of following the recommendations of that report, what actually happened was just the opposite. We have tried to maintain all of those programs in NASA's portfolio with a budget which is less than half of what was recommended by that report.

Here is when the present administrator, Mr. Goldin, came in.

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He was appointed by Mr. Bush, told to streamline NASA, to cut the budget, to use all of the necessary techniques, including reductions of the bureaucracy, and redesign of programs to achieve the NASA Program goals, but at considerably less money.

Here we are today, and Mr. Goldin has done one of the most magnificent jobs that I have ever seen a Government employee do and he has maintained the level of the programs and cut the overall budget by 15 percent.

Here is where we are. Where do we go from here? In my opinion, we can continue to make modest cuts and continue all of these programs, but we cannot go as far as the President recommends, which amounts to a 30-percent cut from where Mr. Goldin started, nor can we do what the Republican budget includes, which is a 40-percent cut.

Mr. Chairman, in other words we are proposing to cut the budget for NASA almost in half over a period of years, and to still finish what we have done.

The gentleman from California [Mr. LEWIS], the distinguished chairman of the subcommittee, a very astute gentleman, recognized in his original subcommittee report that they could not do that, so the gentleman proposed cutting out a number of major science programs and three major installations. The gentleman will have to do that again next year, and it will carry next year, because there is no way to continue with NASA.

So I am suggesting to all of my colleagues that we need to take a fundamental look of where we want to be in space. We are about to see the collapse of all of our cooperative efforts, including the space station, because we do not now have adequate reserves to guarantee us against the unexpected in the remaining 5 years of that program.

Our allies in Europe, with whom I keep in fairly close touch, including this morning, our allies in Japan, our allies in Canada, are questioning whether we can continue these programs on this kind of a budget trajectory, and they are correct, and they are likely to leave the ship in the very near future.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. BROWN of California. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, I certainly appreciate both the interest of the gentleman from California [Mr. BROWN] in the work of NASA and also the gentleman's chart, because it reflects many of the frustrations that I share with the gentleman.

One of our problems has been that NASA's financing begins in our Subcommittee on Appropriations. There is no question that funding competing with housing and veterans' programs has competed with NASA.

On the other hand I have argued that the only hope that NASA really has to get continued support within the House is the mission in space. That is how we developed the broadly based bipartisan support that NASA has had so far. Frankly, without space station, I think all of that disappears.

Mr. BROWN of California. Mr. Chairman, I happen to agree with the gentleman. I think NASA's programs will begin to unravel if we end the space station. On the other hand, we are now headed on a trajectory which will leave us at a level of expenditure of two-tenths of 1 percent of the Gross National Product at that point. Up here we were eight-tenths of national GNP.

Now, we all say we give NASA a high priority. Wonderful program, great science, great adventure, very stimulating. And then we give it less resources than any other part of the domestic discretionary programs; less than any other science; less certainly than nonscience aspects of the budget.

Of course, you can compare it with defense which continues to go up, even though we do not have any realistic wars in the near term. We are not giving NASA the priority which we all say that it ought to have, and it will collapse.

Mr. Chairman, I told the President this last year. I said, "Your budget this year will survive. The programs could continue, but the 5-year outlook, it cannot." I said, "I will vote for the space station this year, if you will work hard to keep it a half a billion dollars. Last year they gave the President more than he asked for; a good sign.

This year the President did not reexamine the 5-year outlook. I am not going to support it under these conditions and I continue to point out that we are lying in our teeth if we say space is important and then give it this kind of a budget.

Mr. Chairman, I rise today to state my overall dismay over the events that have led us to consider this amendment today. In 1990, then-President Bush brought together the Nation's wisest and most knowledgeable experts on the space program to review the future direction we should take. At that time the concern centered around NASA's ability to sustain major efforts such as the space station and the space shuttle program and still carry out its basic missions in science and space exploration.

This panel, called the Augustine Commission, produced a report remarkable for its insight and vision. One of the most notable recommendations was that the scope and direction of our Nation's space program must be accompanied by a stable budget—a budget that at least keeps pace with inflation. If we truly have as our objective the expansion of human presence in space, the budget must some day reach a level approaching about half what it was during the Apollo years according to the Augustine report.

Scarcely had the Augustine report been released than Congress and the administration embarked on a fierce competition to cut the NASA budget. Over the past 5 years, there seems to be no cut large enough to satisfy the budget cutting frenzy in both the Congress and the executive branch. The most recent reduction by the White House—a $5 billion cut over 5 years—was doubled by the Republican budget resolution. This mimics some kind of high stakes poker game in which the losers will be not only NASA, but our future generations.

Over the past 5 years, as this scenario has unfolded, I have agonized over how best to call attention to this fantasy that NASA funding is a bottomless pit—that we can cut indefinitely and still expect to keep major NASA centers open, still keep major programs afloat, and still keep the public confidence in our stewardship of NASA.

Today, I have reluctantly reached the conclusion that this fantasy is no longer plausible. I see no juncture this year, nor in the future at which leaders in Congress and the White House will reverse this trend or reach a consensus on the need for a stable long-term NASA budget. Thus I plan today to vote to terminate the space station. This is a very painful decision for me—but I have no other morally acceptable choice.

In saying this I want to give my highest accolades to NASA and to Administrator Goldin who has struggled to meet the demands of OMB to cut back, and his strong voice against the further reductions proposed by the Republicans. NASA has made Congress's job vastly easier by forging ahead on reforms, by proposing rational ways to reduce spending and absorb the cuts levied by OMB and by returning the space program to the American people. It is profoundly unfair to ignore the solid work already done and replace it with the vague, misguided policy directives that masquerade these days for budget cuts—policy directives to go forth and privatize, commercialize and so on. These are no more than buzz words, indeed buzz words that nobody can even agree on.

I have been and will remain a strong supporter of the space station. But the Republican budget plan and the lack of leadership in the White House on space issues leaves me no choice but to point out that NASA cannot remain a viable agency and cannot sustain a viable space station program within the budgetary envelope that has been put forward by the Republicans.

I tried to make this point last year that the President's own 5-year budget plan would not sustain a balanced NASA program as well as the space station, but I was obviously unsuccessful in convincing them.

I fully recognize that the amendment which I will vote for will, if passed, put NASA overall in worse shape. The amendment that should be considered today is one that will restore the cuts that have been made to NASA in this bill and to bring it back to at least the level in the President's request in fiscal year 1996 and to maintain stability thereafter by keeping pace with inflation. There is no doubt that that amendment will fail miserably.

I will close by restating that my vote today represents my personal position and I do not necessarily ask that my colleagues join me. I hope, however, that my colleagues in this and future Congresses will join me in focussing on this important problem and lending their genuine support to the space program.

Mr. LEWIS of California. Mr. Chairman, I yield 3 minutes to the gentleman from Wisconsin [Mr. SENSENBRENNER].

Mr. SENSENBRENNER. Mr. Chairman, I rise in opposition to the Obey amendment and in opposition to the misguided priorities represented in it.

Mr. Chairman, the money that we spend on NASA can never be justified in the abstract. But where it can be justified is in the spinoffs that our investment in the future, which is represented in the NASA budget, brings.

Throughout the civilian space program since 1957, we have seen revolutions in telecommunications, revolutions in materials development, revolutions in medical techniques, revolutions in the development of new types of medications that do a better job in treating what ails human beings with fewer side effects.

Mr. Chairman, those types of spinoffs will end if NASA collapses. And make no bones about it, the space station is the linchpin of NASA's efforts. We take away the space station, we take away a lot of the scientific research that will end up providing a huge improvement in the standard of living for every human being on this earth, and not just in the United States, but elsewhere as well.

So let us not eat our seed corn. Let us not turn our back on research. Let us continue to support the space station by voting down the Obey amendment.

Mr. Chairman, this amendment calls into question the American commitment to space. We should not be questioning that. If it is adopted, it will mean that the Congress will have, in effect, thrown away the $17 billion already spent on the development of the space station, and the 50,000 pounds of material that have been already produced that will go up into orbit.

It will welch on our international partners: the Russians, the European space agency, the Germans, the French, the Canadians, the Japanese, and will tell those international partners that America is an unreliable partner in any big-ticket expensive scientific investment and tell them that the $6 billion that they have spent will be thrown away, just as the $17 billion that we have spent.

Mr. Chairman, I do not think that that is the example that we should be setting in the Congress of the United States. The $400 million that is transferred into HUD does not buy very much housing, but it is done at the expense of wrecking a major program that this Congress has committed itself to for over 10 years.

The space station should be kept in the budget. This amendment should be defeated. We should not wreck America's future in the development of the things that are spun off from what NASA has done.

Mr. OBEY. Mr. Chairman, I yield 2½ minutes to the distinguished gentleman from Vermont [Mr. SANDERS].

Mr. SANDERS. Mr. Chairman, I rise in strong support of the Obey amendment.

Mr. Chairman, is it really appropriate to be talking about another $74 billion investment for a space station when we have 5 million children in America who are hungry and this Congress is cutting back on nutrition programs and food stamps?

I do not think that that is a proper or moral tradeoff. We should not be doing that.

Mr. Chairman, the budget that we are dealing with now devastates programs for affordable housing. How can low-income people bring up a family when they make $6 an hour and are forced to pay 50 or 60 percent of their limited incomes for housing? How many more families, how many more children, will be made homeless as a result of this budget? That is not right.

Mr. Chairman, the wealthy in our country have the resources to send their kids to the finest private schools and the finest colleges, colleges which often cost $25,000 a year or more.

The working class and the middle class of this country do not have that luxury. In fact, it is harder and harder for the average American family to afford college for their kids.

Mr. Chairman, how do we tell the working families of this country that we are prepared to spend tens of billions more on the space station, but we are cutting back drastically on student loans, on Pell grants, on upward bound, on the National Service Program; congressional decisions which will make it impossible for millions of American kids to afford college. Billions more for hardware in space; major cuts in education. That does not make sense.

The Republican budget that we are operating under eliminates LIHEAP. Elderly people in Vermont, throughout this country, will go cold when the weather becomes 20 below zero. Mr. Chairman, $74 billion more for the space station; elderly people in America going cold. Those are wrong priorities.

Mr. LEWIS of California. Mr. Chairman, I yield 5 minutes to the gentleman from Pennsylvania [Mr. WALKER], the chairman of the Committee on Science.

Mr. WALKER. Mr. Chairman, I rise in opposition to the Obey amendment that would kill 40,000 high-technology American jobs and the support of that amendment by the gentleman from California [Mr. BROWN] that would somehow make NASA better by taking $2 billion out of its budget this year.

Mr. Chairman, today's decision is about the future. Today's decision is about doing something that will be remembered as a step into human kind's destiny. Today's decision is about contributing to the never-ending quest of human exploration. Today's decision is looking beyond our present problems and building something toward tomorrow.

The space station, like all the other vehicles that have carried us toward the future, is surrounded by controversy. It is easy to dispute, even mock, the unknown. Because what we will learn by going to the frontier is more about imagination and hope than it is about hard, cold fact, the potential of the space station often defies description; and that is a problem in legislative debate.

But history, rather than science, is instructive. The easy argument against exploration always has been not here, not now, because there are too many other needs that must be met first with our limited resources. Invariably, throughout history that easy argument has been wrong. Men and women who have bought the easy argument have become the defenders of the status quo and their dreams have been lost. Nations who have bought the easy argument have lost their sense of destiny and declined in both power and prestige.

Mr. Chairman, between now and the year 2002, we will spend something less than two-tenths of 1 percent of our projected national outlays to build, orbit, and man a space station. In that same period we will spend at least 12 percent of our total national outlays, or more than 70 times than what we spend on space station, paying interest on the national debt.

Massive commitment to debt without some small investments in exploration and imagination is not the foundation on which great nations are built or sustained. Still, putting men and women in space to live and work takes real money. We owe the American people no less than an assurance that the money will be well spent.

We will do completely unique scientific work aboard the space station that holds the promise of new discoveries. The payoff could be enormous.

We will develop new technologies in order to build the space station that will allow us to build world class products here on Earth. The payoffs will be immediate and real.

We will forge a partnership with the international community which will build mutual trust and respect. The payoff is a promise of peace.

We will cooperate in an international venture that may prove to be a model for other scientific endeavors. The payoff will be a triumph of American leadership.

Are the payoffs worth the price? For some here, the answer is obviously "no." They want to spend the money in other ways. But they would have us give up a lot.

When we abandon space station, we stop 30 years of progress in human space flight. When we abandon space station, we leave the space shuttle as a magnificent flying machine without its original mission.

When we abandon space station, we kill off the last major science project being done with international partners and jeopardize the future of cooperative efforts.

When we abandon space station, we abandon American leadership in the arena of the future and leave the potential of space to others.

When we abandon space station, the dream is no longer alive.

Mr. Chairman, if my colleagues came to Congress to, in some small way, touch the future, here is their chance. Somewhere out there, on the endless frontier, is the destiny of humankind. We can step toward that destiny, or can we step back, away from it. I hope most of us will choose to step forward.

Mr. Chairman, my colleagues' support for the space station will allow Americans to know a new and unique frontier for the first time. And in knowing that frontier, America will define the future. I yield back the balance of my time.

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Mr. LEWIS of California. Mr. Chairman, I yield 3 minutes to the gentleman from Texas [Mr. DELAY].

Mr. DELAY. Mr. Chairman, I am, indeed, honored to follow the distinguished chairman of the Committee on Science and his remarks. He is right on. He is right on the issue, and I appreciate the work that the chairman of the subcommittee on VA, HUD, and independent agencies has done on this issue. He has been very fair in allocating these funds.

Mr. Chairman, I rise in strong opposition to this very misguided amendment. For the most part, the accounts the gentleman from Wisconsin seeks to increase have already been accommodated in the managers amendment. In regard to the VA medical account, this is the only account in the bill that has already received an increase over the fiscal year 1995 level.

The Obey amendment attempts to redirect the priorities set out in this bill and I submit to my colleagues that the priorities of the gentleman from Wisconsin are far different from those of the majority of this House.

While this amendment makes rather small add backs to several accounts, it terminates the international space station program. This is a program that represents one of the few areas of this bill where Federal tax dollars actually contribute to an investment in this Nation's future.

I am a vigorous supporter of the space station for many reasons. For me, and I think for most Americans, America's space program is one of the activities undertaken by our Government which is unquestionably legitimate.

And the objectives are far too important to compromise. Forget the unparalled knowledge about space itself, forget even the new heights of international cooperation and the building of inhabitable structures in space.

The long-duration microgravity capabilities of the space station will directly affect research in cell and developmental biology, human physiology, biotechnology, fluid physics, combustion science, materials science, benchmark physics and the large-scale commercial development of space. We cannot afford to forgo the tremendous impact these scientific efforts will produce.

Moreover, the reaching of these objectives through space research is exactly the type of activity that Americans expect their Government to undertake. This expectation is what separates space station funding from Federal spending on paintings and poetry, on museums, publishing, broadcasting, farm subsidies, loan guarantees, real estate development, and bank bailouts.

And let me be clear: To those who believe that we can maintain a human space program without the space station, don't fool yourselves, without the space station there is no shuttle program and without that, there is no NASA. I submit to my colleagues that the space station is a program we cannot afford not to fund.

I urge my colleagues to reject this misguided amendment.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from New Jersey [Mr. ZIMMER].

Mr. ZIMMER. Mr. Chairman, later in the debate on this legislation, the gentleman from Indiana [Mr. ROEMER] and I will be proposing an amendment that will apply the entire savings from the elimination of the space station program to deficit reduction.

But I rise in support of the amendment offered by the gentleman from Wisconsin [Mr. OBEY] because I do believe that it is a worthwhile amendment to support as well. Although I would prefer that all the money go to deficit reduction, I believe that the $400 million of deficit reduction which is included in the Obey amendment is certainly not chopped liver and in future years the elimination of the space station will free up tens of billions of dollars for deficit reduction and for more cost-effective programs in space and on Earth.

Let me say right off the bat, I think "Apollo 13" is a wonderful movie, and I do believe that it is the destiny of humankind to explore space, to boldly go where no one has gone before, but I do believe, with this expenditure, as with every other expenditure that we consider, we have got to look at the numbers and we have got to be hard-eyed in our justification for it.

I marvel at how some of the flintiest, hard-core fiscal conservatives in this House get all wobbly and emotional when the subject comes to the space station.

I just urge you to look at the space station with the same hard-eyed analytical approach that you do with other spending programs. I believe that a critical reason why we have to kill the space station is the reason that my friend from California, the former chairman of the Committee on Science has laid out. There is no one, I believe, who feels more strongly about science and believes more deeply in space exploration than the gentleman from California [Mr. BROWN], the ranking Democrat on the Committee on Science. He has come to the realization that we cannot afford both to continue good science in space and to build the space station.

I concur.

Mr. LEWIS of California. Mr. Chairman, I yield 1 minute to the gentleman from Texas [Mr. STOCKMAN].

Mr. STOCKMAN. Mr. Chairman, I thank the gentleman for yielding me this time to speak today on space station.

My friend from New Jersey said we get wobbly and tear up when we talk about the space station. That is because I think of the starving children around the world who are hungry. We say, how can we feed these kids? Well, we are going to feed them one time by transferring the money.

Ladies and gentlemen, the answers to the problems may be by going to space. When we go to space, we have a totally new environment in which we can solve many problems.

We are denying our scientists that access to that research if we vote to cut the space station. It is wrong. It is misguided, and it is shortsighted.

I am embarrassed to say we cannot even cut the National Endowment for the Arts 10 percent, but we are willing to cut our Nation's future.

Queen Isabella had problems. She had potholes. She had problems. She still sought out new worlds.

We will always have problems, but we will always not have the space station.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Illinois [Mr. EVANS].

Mr. EVANS. Mr. Chairman, I find it ironic that on this day of the dedication of the Korean war veterans memorial on The Mall, we will shortly be working here with the new Republican majority on the Hill to vote to deeply cut veterans' benefits.

This bill fails to meet the promise we made to our Nation's veterans in the areas of medical benefits, education, vocational rehabilitation and many other areas. If you do not believe what we Democrats are saying about this bill, I believe you should at least listen to the major veterans' organizations that strongly oppose it. The American Legion believes that the dramatic VA funding reductions called for will clearly undermine the commitment of our Nation to its veterans. This Nation's contract with its veterans is irrevocable and must never be abrogated. The Veterans of Foreign Wars says, "The designated appropriations still fall well short of the funding necessary to maintain even the current level of earned entitlements for our veterans," and it says, "The cuts cross the line and fall well short." The Paralyzed Veterans of America is upset gains in VA medical care account were achieved only at the expense of other major veterans' programs. Vietnam Veterans of America say the cuts "far exceed what is fair and equitable and that it will force the VA to decide between equally worthy groups of patients." The Disabled Veterans are incensed because this bill cuts benefits to some service-connected veterans saying, "The proposal is ill-advised and strikes at the very heart of our Nation's obligation to provide compensation to all citizen soldiers disabled in the defense of the freedoms we all enjoy."

That is a provision that would deny mentally incompetent veterans any benefits if their estates are valued at less than $25,000.

The Obey amendment is important for the veterans of our country. It reinstates the cuts made in those mentally incompetent veterans' benefits, for example.

I urge my colleagues to stand up and support the Obey amendment, and that will be their effort to stand up for our veterans as well.

Mr. LEWIS of California. Mr. Chairman, I yield 1½ minutes to the gentleman from Texas [Mr. HALL].

Mr. HALL of Texas. Mr. Chairman, I agree with the gentleman from Wisconsin [Mr. OBEY] that we have to make every effort to ensure that our taxpayers are getting the most for their tax dollars. I certainly agree with the gentleman from Wisconsin that we need to eliminate wasteful and unnecessary programs.

I even go so far as to agree we need to cut back wherever we can, and I am willing to have a side-by-side review of my record of having cutbacks and trying to be frugal with the people's money.

But Americans are not going to be getting the most for their tax dollars if they abandon the project that is going to help us have a better future. My basic support is for the biomedical thrust in space. We are still searching for cures for cancer, diabetes and other diseases. Micro-gravity research in space already has had encouraging results and has raised our hopes for future medical breakthroughs.

Of course, there are no guarantees. Jonas Salk had no guarantee. Louis Pasteur had no guarantee. Dr. Fleming had no guarantee. There are no guarantees. But we have not found these cures here in this environment, and we might just find them in the weightless environment of space.

Those Americans whose lives are threatened by disease would argue that finding a cure for their illness would be well worth this financial investment in the space station. Little children who have lost their hair to chemotherapy, tubes in them, veterans of the wars of the world wasting away, these are people who have hope in research.

Who would not be willing to pay 2.2 cents a day in return for this investment? Even if we do not eventually find these cures, the technological and scientific benefits that will result will justify this expenditure.

Mr. Chairman, I urge you to vote against the Obey amendment.

Mr. LEWIS of California. Mr. Chairman, I yield 1 minute to the gentleman from Alabama [Mr. CRAMER].

Mr. CRAMER. Mr. Chairman, I rise in strong opposition to the termination of the international space station. Mr. Chairman, there have been seven votes in the House to terminate space station since 1991.

The space station has survived every vote. We have had a firefight every year.

I urge the Members to oppose this amendment. You cannot be responsible and build a house and get to the point of putting the roof on it and say now is the time to turn our back on this program. We have gone too far to do that.

If we give up on space station, we give up on human space exploration. Do not let the 104th Congress be the Congress depicted in another movie much like "Apollo 13," as the Congress that turned its back on this very critical program.

Support the space station. Vote against this amendment.

Mr. LEWIS of California. Mr. Chairman, I yield 1½ minutes to the gentlewoman from California [Ms. HARMAN].

Ms. HARMAN. Mr. Chairman, I rise in bipartisan support of a strong, balanced space program, and therefore must join the bipartisan opposition to the Obey amendment to terminate the international space station.

Our space program must balance human space flight with key science, aeronautics and technology initiatives like the Mission to Planet Earth. By killing the space station, we will greatly disrupt this balance by effectively ending NASA's human space flight efforts.

When I came to Congress 2½ years ago, I was a space station skeptic. I was concerned about the program's cost and how it was being managed. I was not sure that the program's benefits justified continued investment by American taxpayers.

But NASA's Administrator Dan Goldin has brought the station program under control. NASA has streamlined management by selecting a single prime contractor, and cut program costs by adding incentives for cost performance and penalties for delays.

Mr. Chairman, I am now persuaded that the program's benefits are enormous. Station's unique zero-gravity research environment will allow new insights into human health and disease prevention and treatment. Station's international nature, especially its Russian involvement, will demonstrate that former adversaries can move beyond the cold war and into new era of peaceful cooperation.

Station is an investment in our future. Twenty-six years ago, Neil Armstrong took his first step on the Moon—thereby inspiring a whole generation of Americans. Now, the space station will finally give us a permanent presence in space, and will give the next generation a springboard to future human exploration of our universe.

Mr. Chairman, our country needs a strong and balanced space program. The international space station must continue.

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Mr. LEWIS of California. Mr. Chairman, I yield 1½ minutes to the gentleman from Florida [Mr. WELDON].

Mr. WELDON of Florida. Mr. Chairman, I stand in opposition to this amendment and rise to speak out in support of our international space station.

NASA has cut its budget 35 percent since fiscal year 1993, saving the taxpayers $40 billion. NASA's fiscal 1996 budget is below their fiscal year 1992 budget in real dollars.

Aerospace is the single strongest export sector in the U.S. economy; 1993 exports topped $40 billion. Station is less than 15 percent of the NASA budget, one-seventh of 1 percent of the Federal budget, and costs each American taxpayer $9 a year.

In essence, Mr. Chairman, we have a great program here. It is on budget, it is on time, and we have an agency that has been leading the charge in doing it smarter, faster, quicker, with less money, and what we are trying to do here is congratulate and encourage that Agency by kicking them when they are doing a good job.

This space station, I am convinced, is vital and important for our Nation to remain the world's leader in science, technology, as well as education, and I speak out very, very strongly in opposition to this amendment. I believe our space station is part of our future, it is important for our children, and I encourage all our colleagues to vote against this amendment.

Mr. LEWIS of California. Mr. Chairman, I yield 1 minute to the gentleman from Houston, TX, Mr. GENE GREEN.

Mr. GENE GREEN of Texas. Mr. Chairman, I rise in support of the future of our manned space program. This space station is not, as some people call it, a pork-barrel program. It is the excitement of our era, the international space station.

Mr. Chairman, I serve on the Committee on Economic and Educational Opportunities, and every school I go into and I talk about space and space exploration, the children light up whether they are in the poorest neighborhoods or the richest neighborhoods. That is the future of our country. The opponents of the space station have argued that this program costs too much. The truth is that every dollar spent on space programs returns at least $2 in direct and indirect benefits. Our commitment to America's future today will accelerate breakthroughs in technology and engineering that will have immediate, practical applications for life on Earth. It will inspire our children, foster the next generation of scientists, engineers, and satisfy humanity's ancient need to explore and achieve.

A robust space station program assures our students that they are critical to the Nation—that they are the next generation—and that the thrill of just beginning starts with them whether they are in kindergarten or in the 12th grade. By voting in favor of this space station, again the Obey amendment, my colleagues can confirm their equipment to the science of learning. I ask my colleagues that they base their decision on the art of science and not the art of politics of the moment.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts [Mr. KENNEDY].

Mr. KENNEDY of Massachusetts. Mr. Chairman, in just a few minutes we are going to see a lot of Members leave this floor and go down the street to the war memorial for the Korean war veterans, and, while that is a commendable program that is far overdue for our Nation's veterans, I think it would do us some good to concentrate a little bit on what is going on in our Committee on Veterans' Affairs. The veterans of this country for the large measure are getting older. When they get older, they need more health care, and yet we no longer approach veterans' issues as to whether or not they served this country when the country put the call out, but we say whether or not their budget is going to fit into the needs of our country right at the moment for the people paying the taxes.

Well, I think it is important that we have a balance in terms of taxes in this country, but I do not think we ought to be taking it out of the hide of those veterans that served this country and defended this Nation when the call went out, and that is exactly what this bill does. We say all the Nation's veterans are held harmless because they get the same amount of money this year as they did last year.

First of all, that is not true; and second, they need more money. Anybody that would choose to go into a veteran's hospital versus a private hospital in this country today has not visited a veterans' hospital.

Mr. Chairman, we need to recognize that it is only the republicans that could come up with this bizarre concept that we need to take money out of the space program in order to cut our Nation's veterans' programs so that we can turn around and cut our housing programs by $6 billion.

As my colleagues know, at some point there has got to be some rationale of what it is we are trying to accomplish around here. Certainly I would very much like to see out country invest in the Advanced Technology Program. The Republicans killed that last night on the House floor. To suggest that what we want to do is have a space program to increase technologies is a bizarre twist on what the purpose of the space program was to begin with.

For those of my colleagues who may have forgotten we built the space program not to create new technologies, we built the space program because we were threatened by the Russians that could control space and perhaps gain control over this country's security. If we are interested in fighting back on the technology front, let us invest in technology. Let us not rob the homeless the way this bill does.

I support the Obey amendment.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Kentucky [Mr. WARD].

Mr. WARD. Mr. Chairman, I rise today in support of the Obey amendment.

Mr. Chairman, I serve on the Committee on Science. I serve on the Subcommittee on Space and Aeronautics. I have heard the arguments. I have visited a NASA center in Huntsville, AL, and was treated very nicely and generously and kindly. But even after that, even after that, I feel that we cannot afford to fund the space station. I do not feel there will be the payoffs; I do not feel that it is the correct decision at this time to make.

I fully support the shuttle program, and I am afraid when I hear the argument that the shuttle program will have to be cut down or eliminated if there is no space station. I think there is plenty of value in the shuttle program and in the entire space program without the space station. It does not require a space station to be a productive contributor.

Mr. Chairman, I support the obey amendment.

Mr. LEWIS of California. Mr Chairman, I yield 1½ minutes to the gentleman from Texas [Mr. CHAPMAN].

Mr. CHAIRMAN. Mr. Chairman, I thank the gentleman from California [Mr. LEWIS for yielding this time to me, and I want to speak for my allotted time on an issue I think that is important.

In my decade now, in the House of Representatives, I think the total votes on station in this House of Representatives now number 19. We have voted over and over and over again about this issue, and during the process of the years of those votes we now have invested over $12 billion in this project, done so in a way with international cooperative agreements from 13 nations who themselves have invested over $4 billion so far in this project.

We are halfway home. We have this project under construction. Station is bending metal. We will be launching its first components in just a couple of years. The program of space station is the program that NASA has given us for decades, and that is a program of a future, of less pain and suffering, of greater science, of advancements of technology, of a stronger economy, and leadership in a global environment. We ought not back off our agreements, our investment, our future.

Mr. Chairman, what we can do today is once more say, and hopefully finally, that we are going to keep our agreements, we are going to build space station, and we are going to know the process of doing so, that like all other investments historically in NASA, this one is going to return to the people of our country vastly more than we will spend in this appropriations bill.

Defeat the Obey amendment.

Mr. LEWIS of California. Mr. Chairman, I yield 2 minutes to the gentleman from Florida [Mr. STEARNS].

Mr. STEARNS. Mr. Chairman, I rise in opposition to this shortsighted amendment. All of us have seen in recent months what has happened in the space program, the recent docking between America's space shuttle and the Russian space station. It brings new hope for greater cooperation in our efforts to understand our planet, our solar system, and even our galaxy, but, as nations from around the world are working together to establish a space station where we can work together toward a better future for our children, this amendment would end, end our manned space station program.

All of us remember what President Ronald Reagan said about the space program: "The future doesn't belong to the fainthearted, it belongs to the brave."

He was also talking about our space program when he said: "We'll continue our quest in space. There will be more shuttle flights and more shuttle crews and, yes, more volunteers, more civilians, more teachers in space. Nothing ends here. Our hopes and our journeys continue."

And I remember President Kennedy talking about the space program when he said, ". . . not because it is easy, because it is hard."

Mr. Chairman, if this amendment passes, mankind's dreams of reaching out from our world will end. A hope for greater understanding of our world and even for new developments in areas such as medicine and metallurgy, will end also all because we were unwilling to look ahead, invest in the future.

Let me quote a poem as I close from Alfred Tennyson:

> For I dipt into the future, far as human eye could see. Saw the vision of the world, and all the wonder that would be. Saw the heavens fill with commerce, argosies of magic sails. Pilots of the purple twilight, dropping down with costly bales.

My colleagues, today we have the opportunity to make this dream a reality. Vote no on the Obey amendment.

Mr. OBEY. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from Wisconsin [Mr. OBEY] is recognized for 4½ minutes.

Mr. OBEY. Mr. Chairman, one of the previous speakers in opposition to this amendment said that my priorities were wrong. Well, I think I have the same priorities as the people who I run into when I visit with them in Wausau, or Stevens Point, or Chippewa Falls, or Wisconsin Rapids, or Superior, or any other place in my district. My priorities are the 80,000 displaced American workers who will be cut out of worker training programs in the next appropriation bill to come before this House. My priorities are the 50,000 kids who are going to get tossed out of Head Start programs they would otherwise be able to be taken into in the next appropriation bill that is going to come before this House. My priority would be the young people who are going to lose their college loans in the next appropriation bill to come before this House. My priority would be the 600,000 Americans who will lose any help whatsoever from their Government to help heat their houses in winter and cool them in the summer so you don't have 800 more deaths like we had 2 weeks ago. The Clinton administration just released emergency fuel assistance money. There will be no emergency fuel assistance money next year if the Republican majority has their way on the appropriation bill coming before this House next. My priorities would be the disabled veterans who are being chiseled on their disability benefits, 12,000 of whom will wind up being squeezed so that we can make more room in this budget for other priorities. I make no apology for putting those folks first.

My priorities would also be science right here on Earth, at NIH, NSF, just name it: Cancer research, Alzheimer's, heart disease; we have plenty of science that we need to support right here on Earth.

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I would also just close by reading one paragraph from the letter I received from the Disabled American Veterans. It simply says this: America's service-connected disabled veterans and their families are deeply disturbed by recent actions taken by the House Committee on Appropriations which would terminate compensation payments to certain service-connected mentally disabled veterans in order to provide additional funding for Department of Veterans Affairs [VA] health care. DAV certainly understands the need to put our Nation's financial house in order; however, this proposal is ill-advised and strikes at the very heart of our Nation's sacred obligation to provide compensation to all citizen-soldiers disabled in defense of the freedoms all of us enjoy."

I agree with that statement. So I would simply urge you to support the Obey amendment. It saves almost half a million dollars on the deficit. It helps meet our commitment to veterans, a commitment which this bill welches on. This amendment corrects that. It also helps us to provide some decent housing for additional Americans who are elderly and disabled.

Mr. Chairman, I make absolutely no apology for those priorities at all. Those ought to be the priorities of this entire Congress. I urge Members support the Obey amendment.

Mr. LEWIS of California. Mr. Chairman, as we close this debate on the Obey amendment, I think it is very important for all of those who are interested and are listening to know that the amount of money that is available for NASA is a very small fraction of the total dollars available in this bill. We do not begin to put into station, let alone NASA, nearly the money we put into veterans programs or housing. NASA's programs should probably be in another bill so you would not have these kinds of comparisons that really make no sense at all.

America's greatness has been largely achieved by way of America's dreams. It was our willingness to think about a new world, a new future for mankind, that led to America in the first place. It was Americans seeking out their dreams that allowed us to build the West, the pioneer spirit that made the difference not only then, but makes the difference today, not just in our minds, but in our hearts as well.

One great dream for the future lies in space. There is absolutely no question there is broadly based support from the public for man's exploration in space. What remains is a partnership with friends around the world. We are, together, attempting to make breakthrough in space that will impact technology and that will create a new opportunity, not only for ourselves, but for mankind.

Mr. Chairman, I urge a "no" vote on this amendment, which would destroy space station, and I believe destroy all of NASA's programs.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin [Mr. OBEY].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. OBEY. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to the order of the House of today, further proceedings on the amendment offered by the gentleman from Wisconsin [Mr. OBEY] will be postponed.

The point of no quorum is considered withdrawn.

Are there other amendments to title I?

If not, the Clerk will designate title II.

The text of title II is as follows:

TITLE II

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

For assistance under the United States Housing Act of 1937, as amended ("the Act" herein) (42 U.S.C. 1437), not otherwise provided for, $10,041,589,000, to remain available until expended: *Provided*, That none of the funds made available under the head "Annual contributions for assisted housing" in this Act or any prior Act shall be expended if such expenditure would cause total fiscal year 1996 expenditures to exceed $19,939,311,000: *Provided further*, That the Secretary shall report to the Committees on Appropriations every 90 days on the implementation of the spending limitation in the preceding proviso: *Provided further*, That of the total amount provided under this head, $100,000,000 shall be for the development or acquisition cost of public housing for Indian families, including amounts for housing under the mutual help homeownership opportunity program under section 202 of the Act (42 U.S.C. 1437bb): *Provided further*, That of the total amount provided under this head, $2,500,000,000 shall be for modernization of existing public housing projects pursuant to section 14 of the Act (42 U.S.C. 1437l): *Provided further*, That of the amounts earmarked under this head for modernization of existing public housing projects, $15,000,000 shall be used for the Tenant Opportunity Program: *Provided further*, That during fiscal year 1996, the Secretary may direct any public housing agency that receives any part of the foregoing amount, to use such amount, or any other amount that has been made available in this or any other prior Act for public housing under this head or for the HOPE VI/Urban Revitalization Demonstration Program, and that has not been obligated by the agency, to demolish, reconfigure, or reduce the density of any public housing project owned by the agency: *Provided further*, That of the total amount provided under this head, $862,125,000 shall be available for non-incremental rental assistance under the section 8 housing voucher program under section 8(o) of the Act (42 U.S.C. 1437f(o)): *Provided further*, That notwithstanding any other provision of law, voucher assistance provided under the preceding proviso may be used in connection with legislation enacted after the effective date of this Act that authorizes assistance for such purpose, as determined by the Secretary: *Provided further*, That of the total amount provided under this head, $1,000,000,000 shall be for special needs housing: *Provided further*, That the amount earmarked under the preceding proviso shall be for capital advances, including amendments to capital advance contracts, for housing for the elderly, as authorized by section 202 of the Housing Act of 1959, as amended, and for project rental assistance, and amendments to contracts for project rental assistance, for supportive housing for the elderly under section 202(c)(2) of the Housing Act of 1959, as amended; capital advances, including amendments to capital advance contracts, and project rental assistance, including amendments to contracts for project rental assistance, for supportive housing for persons with disabilities, as authorized by section 811 of the Cranston-Gonzalez National Affordable Housing Act; and housing opportunities for persons with AIDS under title VIII, subtitle D of the Cranston-Gonzalez National Affordable Housing Act: *Provided further*, That the Secretary may use up to $200,000,000 from unobligated carryover balances under this heading as of September 30, 1995, for assistance for State or local units of government, tenant and nonprofit organizations to purchase projects where owners have indicated an intention to prepay mortgages and for assistance to be used as an incentive to prevent prepayment or for vouchers to aid eligible tenants adversely affected by mortgage prepayment, as authorized under preservation legislation enacted subsequent to this Act: *Provided further*, That of the total amount provided under this head, $10,000,000 shall be for the lead-based paint hazard reduction program as authorized under section 1053 of the Residential Lead-Based Paint Hazard Reduction Act of 1992: *Provided further*, That of the total amount provided under this head, $17,300,000 shall be available for fees for coordinators under section 23(h)(1) for the Family Self-sufficiency Program (42 U.S.C. 1437u): *Provided further*, That of the total amount provided under this head, $4,941,589,000 shall be for assistance under the United States Housing Act of 1937 (42 U.S.C. 1437) for use in connection with expiring or terminating section 8 subsidy contracts: *Provided further*, That such amounts shall be merged with funds referenced in section 204 of this title: *Provided further*, That the Secretary of Housing and Urban Development may reserve amounts available for the renewal of assistance under section 8 of the United States Housing Act of 1937 and may use such amounts, upon the termination or expiration of a contract for assistance under section 8 of the United States Housing Act of 1937 (other than a contract for tenant-based assistance and notwithstanding section 8(v) of such Act for loan management assistance), to provide voucher assistance under section 8(o) of such Act in the market area for a number of eligible families equal to the number of units covered by the terminated or expired contract, which assistance shall be in accordance with terms and conditions prescribed by the Secretary: *Provided further*, That notwithstanding any other provision of law, assistance reserved under the preceding proviso may be used in connection with any provision of Federal law enacted after the enactment of this Act that authorizes the use of rental assistance amounts in connection with such terminated or expired contracts: *Provided further*, That of the total amount provided under this head, $610,575,000 shall be for amendments to section 8 contracts other than contracts for projects developed under section 202 of the Housing Act of 1959, as amended.

FLEXIBLE SUBSIDY FUND

(INCLUDING TRANSFER OF FUNDS)

From the fund established by section 236(g) of the National Housing Act, as amended, all uncommitted balances of excess rental charges as of September 30, 1995, and any collections during fiscal year 1996 shall be transferred, as authorized under such section, to the fund authorized under Section 201(j) of the Housing and Community Development Amendments of 1978, as amended.

RENTAL HOUSING ASSISTANCE

(RESCISSION)

The limitation otherwise applicable to the maximum payments that may be required in any fiscal year by all contracts entered into under section 236 of the National Housing Act (12 U.S.C. 1715z–1) is reduced in fiscal year 1996 by not more than $2,000,000 in uncommitted balances of authorizations provided for this purpose in appropriations Acts: *Provided*, That up to $163,000,000 of recaptured section 236 budget authority resulting from the prepayment of mortgages subsidized under section 236 of the National Housing Act (12 U.S.C. 1715z–1) shall be rescinded in fiscal year 1996.

PAYMENTS FOR OPERATION OF LOW-INCOME HOUSING PROJECTS

For payments to public housing agencies and Indian housing authorities for operating subsidies for low-income housing projects as authorized by section 9 of the United States Housing Act of 1937, as amended (42 U.S.C. 1437g), $2,500,000,000.

HOME INVESTMENT PARTNERSHIPS PROGRAM

For the HOME investment partnerships program, as authorized under title II of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101–625), as amended, $1,400,000,000, to remain available until expended.

HOUSING COUNSELING ASSISTANCE

For contracts, grants, and other assistance, other than loans, not otherwise provided for, for providing counseling and advice to tenants and homeowners—both current and prospective—with respect to property maintenance, financial management, and such other matters as may be appropriate to assist them in improving their housing conditions and meeting the responsibilities of tenancy or homeownership, including provisions for training and for support of voluntary agencies and services as authorized by section 106 of the Housing and Urban Development Act of 1968, as amended, $12,000,000, notwithstanding section 106(c)(9) and section 106(d)(13), of such Act.

INDIAN HOUSING LOAN GUARANTEE FUND PROGRAM ACCOUNT

For the cost of guaranteed loans, $3,000,000, as authorized by section 184 of the Housing and Community Development Act of 1992 (106 Stat. 3739): *Provided*, That such costs, including the costs of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $36,900,000.

HOMELESS ASSISTANCE

HOMELESS ASSISTANCE GRANTS

For the emergency shelter grants program (as authorized under subtitle B of title IV of the Stewart B. McKinney Homeless Assistance Act (Public Law 100–77), as amended); the supportive housing program (as authorized under subtitle C of title IV of such Act); the section 8 moderate rehabilitation single room occupancy program (as authorized under the United States Housing Act of 1937, as amended) to assist homeless individuals pursuant to section 441 of the Stewart B. McKinney Homeless Assistance Act; the shelter plus care program (as authorized under subtitle F of title IV of such Act); and the innovative homeless initiatives demonstration program (as described in sections 2(a)–2(f) of the HUD Demonstration Act of 1993 (Public Law 103–120)), $576,000,000, to remain available until expended.

COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT GRANTS

(INCLUDING TRANSFER OF FUNDS)

For grants to States and units of general local government and for related expenses, not otherwise provided for, necessary for carrying out a community development grants program as authorized by title I of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5301), $4,600,000,000, to remain available until September 30, 1998: *Provided*, That $46,000,000 shall be available for grants to Indian tribes pursuant to section 106(a)(1) of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5301), and $19,500,000 shall be available for "special purpose grants" pursuant to section 107 of such Act: *Provided further*, That not to exceed 20 per centum of any grant made with funds appropriated herein (other than a grant using funds under section 107(b)(3) of such Act shall be expended for "Planning and Management Development" and "Administration" as defined in regulations promulgated by the Department of Housing and Urban Development.

For the cost of guaranteed loans, $10,500,000, as authorized by section 108 of the Housing and Community Development Act of 1974: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $1,000,000,000. In addition, for administrative expenses to carry out the guaranteed loan program, $225,000 which shall be transferred to and merged with the appropriation for departmental salaries and expenses.

POLICY DEVELOPMENT AND RESEARCH

RESEARCH AND TECHNOLOGY

For contracts, grants, and necessary expenses of programs of research and studies relating to housing and urban problems, not otherwise provided for, as authorized by title V of the Housing and Urban Development Act of 1970, as amended (12 U.S.C. 1701z–1 et seq.), including carrying out the functions of the Secretary under section 1(a)(1)(i) of Reorganization Plan No. 2 of 1968, $34,000,000, to remain available until September 30, 1997.

FAIR HOUSING AND EQUAL OPPORTUNITY

FAIR HOUSING ACTIVITIES

For contracts, grants, and other assistance, not otherwise provided for, as authorized by title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988, $30,000,000, to remain available until September 30, 1997.

MANAGEMENT AND ADMINISTRATION

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary administrative and nonadministrative expenses of the Department of Housing and Urban Development, not otherwise provided for, including not to exceed

$7,000 for official reception and representation expenses, $951,988,000, of which $495,355,000 shall be provided from the various funds of the Federal Housing Administration, and $8,824,000 shall be provided from funds of the Government National Mortgage Association, and $225,000 shall be provided from the Community Development Grants Program account.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $47,388,000, of which $10,961,000 shall be transferred from the various funds of the Federal Housing Administration.

OFFICE OF FEDERAL HOUSING ENTERPRISE OVERSIGHT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For carrying out the Federal Housing Enterprise Financial Safety and Soundness Act of 1992, $14,895,000, to remain available until expended, from the Federal Housing Enterprise Oversight Fund: *Provided*, That such amounts shall be collected by the Director as authorized by section 1316 (a) and (b) of such Act, and deposited in the Fund under section 1316(f) of such Act.

FEDERAL HOUSING ADMINISTRATION

FHA—MUTUAL MORTGAGE INSURANCE PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

During fiscal year 1996, commitments to guarantee loans to carry out the purposes of section 203(b) of the National Housing Act, as amended, shall not exceed a loan principal of $110,000,000,000.

During fiscal year 1996, obligations to make direct loans to carry out the purposes of section 204(g) of the National Housing Act, as amended, shall not exceed $200,000,000: *Provided*, That the foregoing amount shall be for loans to nonprofit and governmental entities in connection with sales of single family real properties owned by the Secretary and formerly insured under section 203 of such Act.

For administrative expenses necessary to carry out the guaranteed and direct loan program, $308,846,000, to be derived from the FHA-mutual mortgage insurance guaranteed loans receipt account, of which not to exceed $302,056,000 shall be transferred to the appropriation for departmental salaries and expenses; and of which not to exceed $6,790,000 shall be transferred to the appropriation for the Office of Inspector General.

FHA—GENERAL AND SPECIAL RISK PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

Total loan principal any part of which is to be guaranteed shall not exceed $15,000,000,000: *Provided*, That during fiscal year 1996, the Secretary shall sell assigned mortgage notes having an unpaid principal balance of up to $2,600,000,000, which notes were originally obligations of the funds established under sections 238 and 519 of the National Housing Act: *Provided further*, That of the amount appropriated herein, an amount equal to the lesser of $52,000,000 or the excess of net proceeds above the value of holding the loans to maturity, such value established using assumptions specified in the President's fiscal year 1996 Budget adjusted for interest rates at the time of the sale, shall become available only after such sale has been completed.

Gross obligations for the principal amount of direct loans, as authorized by sections 204(g), 207(l), 238(a), and 519(a) of the National Housing Act, shall not exceed $120,000,000; of which not to exceed $100,000,000 shall be for bridge financing in connection with the sale of multifamily real properties owned by the Secretary and formerly insured under such Act; and of which not to exceed $20,000,000 shall be for loans to nonprofit and governmental entities in connection with the sale of single-family real properties owned by the Secretary and formerly insured under such Act.

In addition, for administrative expenses necessary to carry out the guaranteed and direct loan programs, $197,470,000, of which $193,299,000 shall be transferred to the appropriation for departmental salaries and expenses; and of which $4,171,000 shall be transferred to the appropriation for the Office of Inspector General.

GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

GUARANTEES OF MORTGAGE-BACKED SECURITIES LOAN GUARANTEE PROGRAM ACCOUNT

(INCLUDES TRANSFER OF FUNDS)

During fiscal year 1996, new commitments to issue guarantees to carry out the purposes of section 306 of the National Housing Act, as amended (12 U.S.C. 1721(g)), shall not exceed $110,000,000,000.

For administrative expenses necessary to carry out the guaranteed mortgage-backed securities program, $8,824,000, to be derived from the GNMA—guarantees of mortgage-backed securities guaranteed loan receipt account, of which not to exceed $8,824,000 shall be transferred to the appropriation for departmental salaries and expenses.

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

SEC. 201. PUBLIC HOUSING. (a) SUSPENSION OF RENT FORMULA.—Notwithstanding section 3(a) of the United States Housing Act of 1937, as amended, each public housing agency that owns or operates public housing shall establish rental charges for dwelling units in public housing in such amounts as the agency considers appropriate and in accordance with the provision of this section, which shall be effective for fiscal year 1996.

(b) MINIMUM RENT.—During fiscal year 1996, public housing agencies shall require that each family occupying a dwelling unit in public housing shall pay an amount for monthly rent that is not less than one of the following amounts:

(1) An amount equal to the sum of $50 and the cost of any utilities for the unit.

(2) An amount equal to 32 percent of—

(A) the basic benefits to an individual for a month under the supplemental security income program under title XVI of the Social Security Act; or

(B) the amount of assistance allocated for a month to a family of the applicable size under the aid to families with dependent children program under a State plan approved under part A of title IV of the Social Security Act or any successor program.

(3) An amount based on monthly earnings of a person working 30-hour workweeks at a wage equal to the Federal minimum wage, except that this paragraph shall not apply to any disabled family or elderly family.

(c) CEILING RENTS.—Notwithstanding section 3(a) of the United States Housing Act of 1937, as amended, public housing agencies shall provide that the amount of rent paid by a family occupying a dwelling unit in public housing during fiscal year 1996 does not exceed the maximum monthly rental amount, which shall be established for the dwelling unit by the public housing agency that owns or administers the unit and may not exceed an amount determined by the agency based upon—

(1) the average, for dwelling units of similar size in public housing developments owned and operated by such agency, of any monthly amount of debt service and operating expenses attributable to such units;

(2) the reasonable rental value of the unit; or

(3) the local market rent for comparable units of similar size.

(d) DEMOLITION AND DISPOSITION.—

(1) INAPPLICABILITY OF REPLACEMENT RULE.—With respect to any application under section 18 of the United States Housing Act of 1937, as amended, for the demolition or disposition of public housing, including an application submitted under paragraph (3), that is approved during fiscal year 1996, the provisions of subsection (b)(3) of such section shall not apply with respect to—

(A) the approval of such application; or

(B) the demolition or disposition of any public housing pursuant to such application.

(2) CONFORMING PROVISION.—The requirement under section 18(d) of such Act that a public housing agency satisfy the conditions specified in section 18(b)(3) of such Act as a condition of taking action to demolish or dispose of public housing shall not apply with respect to any application under such section 18 approved during such fiscal year.

(3) AUTHORITY TO RESUBMIT APPLICATIONS.—Any public housing agency that, before fiscal year 1996, submitted to the Secretary an application under section 18 of such Act for demolition or disposition of public housing may (regardless of whether such application has been approved) at any time during fiscal year 1996 submit an application subject to the provisions of this subsection that covers some or all of the property covered by such previous application and, to the extent the same property is covered by both applications, the Secretary shall treat the latter application as replacing the previous application.

(e) APPLICABILITY.—In accordance with section 201(b)(2) of the United States Housing Act of 1937, as amended, the provisions of this section shall apply to public housing developed or operated pursuant to a contract between the Secretary of Housing and Urban Development and an Indian housing authority.

SEC. 202. RENTAL ASSISTANCE UNDER SECTION 8 OF UNITED STATES HOUSING ACT OF 1937. (a) INCREASE OF FAMILY RENTAL PAYMENT.—Notwithstanding sections 3(a) and 8(o)(2) of the United States Housing Act of 1937, as amended, effective for fiscal year 1996—

(1) public housing agencies shall increase to 32 percent the percentage of the family's monthly adjusted income used in determining—

(A) the amount of monthly rent required to be paid by each family who is assisted under the certificate or moderate rehabilitation program under section 8 of such Act; and

(B) the amount of the monthly assistance payment for each family who is assisted under the voucher program under section 8 of such Act; and

(2) owners of housing assisted under other programs for rental assistance under section 8 of such Act shall increase to 32 percent the percentage of a family's adjusted monthly income used in determining the rent required to be paid by each family assisted under any such program.

(b) MINIMUM RENTS.—Notwithstanding subsection (a) of this section or sections 3(a) and

8(o)(2) of the United States Housing Act of 1937, as amended, effective for fiscal year 1996 and no later than October 30, 1995—

(1) public housing agencies shall require each family who is assisted under the certificate or moderate rehabilitation program under section 8 of such Act to pay for monthly rent an amount that is not less than the sum of $50 and the cost of any utilities for the unit;

(2) public housing agencies shall reduce the monthly assistance payment on behalf of each family who is assisted under the voucher program under section 8 of such Act so that the family pays for monthly rent an amount that is not less than the sum of $50 and the cost of any utilities for the unit; and

(3) owners of housing assisted under other programs for rental assistance under section 8 of such Act shall require each family who is assisted under such program to pay for monthly rent an amount that is not less than the sum of $50 and the cost of any utilities for the unit.

(c) FAIR MARKET RENTALS.—The Secretary shall establish fair market rentals for purposes of section 8(c)(1) of the United States Housing Act of 1937, as amended, that shall be effective for fiscal year 1996 and shall be based on the 40th percentile rent of rental distributions of standard quality rental housing units. In establishing such fair market rentals, the Secretary shall consider only the rents for dwelling units occupied by recent movers and may not consider the rents for public housing dwelling units or newly constructed rental dwelling units.

(d) ANNUAL ADJUSTMENTS.—Section 8(c)(2)(A) of the United States Housing Act of 1937, as amended (42 U.S.C. 1437f(c)(2)(A)) is further amended—

(1) in the third sentence by inserting "and fiscal year 1996" after "1995"; and

(2) in the last sentence by inserting "and fiscal year 1996" after "1995".

(e) ADMINISTRATIVE FEES.—Notwithstanding the second sentence of section 8(q)(1) of the United States Housing Act of 1937, as amended, for fiscal year 1996, the portions of the fees for costs incurred by public housing agencies in administering the certificate, voucher, and moderate rehabilitation programs under section 8 shall not exceed 7.0 percent of the fair market rental established for a 2-bedroom existing rental dwelling unit in the market area of the public housing agency.

(f) DELAY OF ISSUANCE AND REISSUANCE OF VOUCHERS AND CERTIFICATES.—Notwithstanding any other provision of law, a public housing agency administering certificate or voucher assistance provided under subsection (b) or (o) of section 8 of the United States Housing Act of 1937, as amended, shall delay—

(1) until October 1, 1996, the initial issuance of any such tenant-based assistance representing incremental assistance allocated in fiscal year 1996; and

(2) for 6 months, the use of any amounts of such assistance (or the certificate or voucher representing assistance amounts) made available by the termination during fiscal year 1996 of such assistance on behalf of any family for any reason, but not later than October 1, 1996.

SEC. 203. PREFERENCES FOR HOUSING ASSISTANCE. (a) PUBLIC HOUSING.—

(1) IN GENERAL.—During fiscal year 1996, dwelling units in public housing that are available for occupancy shall be made available—

(A) without regard to the requirements regarding preferences set forth in section 6(c)(4)(A) of the United States Housing Act of 1937, as amended; and

(B) subject to a system of preferences that the public housing agency for the public housing may establish, which shall be based upon local housing needs and priorities, as determined by the agency.

(2) APPLICABILITY.—Paragraph (1)(B) shall not apply to projects or portions of projects designated for occupancy pursuant to section 7(a) of the United States Housing Act of 1937, as amended, for which the Secretary has determined that application of such paragraph would result in excessive delays in meeting the housing need of such families. In accordance with section 201(b)(2) of the United States Housing Act of 1937, as amended, the provisions of this subsection shall apply to public housing developed or operated pursuant to a contract between the Secretary of Housing and Urban Development and an Indian housing authority.

(b) SECTION 8 ASSISTANCE.—During fiscal year 1996, the selection of families for assistance under section 8 of the United States Housing Act of 1937, as amended—

(1) shall not be subject to the requirements regarding preferences set forth in sections 8(d)(1)(A) and 8(o)(3)(B) of the United States Housing Act of 1937, as amended; and

(2) shall be subject to a system of preferences that may be established by the public housing agency administering such assistance, which shall be based upon local housing needs and priorities, as determined by the agency.

(c) CONFORMING PROVISIONS.—Each reference in sections 6(o), 7(a)(2), 7(a)(3), 8(d)(2)(A), 8(d)(2)(H), 16(c), and 24(e)(2) of the United States Housing Act of 1937, as amended, sections 212(a)(3), 217(c)(2)(B), 225(d)(3), 455(a)(2)(D)(iii), 522(f)(6)(B), and 522(j)(2)(A) of the Cranston-Gonzalez National Affordable Housing Act, section 226(b)(6)(B) of the Low-Income Housing Preservation and Resident Homeownership Act of 1990, section 203(g)(2) of the Housing and Community Development Amendments of 1978, and section 655 of the Housing and Community Development Act of 1992, to the preferences under section 6(c)(4)(A), 8(d)(1)(A), or 8(o)(3)(B) of the United States Housing Act of 1937, as amended, shall be considered, during fiscal year 1996, to refer to the applicable preferences established (if any) under the subsections (a)(1)(B) and (b)(2).

(d) NEW CONSTRUCTION/SUBSTANTIAL REHABILITATION HOUSING.—During fiscal year 1996, dwelling units in housing constructed or substantially rehabilitated pursuant to assistance provided under section 8(b)(2) of the United States Housing Act of 1937, as amended (as such section existed before October 1, 1983) and projects financed under section 202 of the Housing Act of 1959 (as such section existed before the enactment of the Cranston-Gonzalez National Affordable Housing Act) shall be made available for occupancy without regard to section 545(c) of the Cranston-Gonzalez National Affordable Housing Act and no other provision of law relating to Federal tenant selection preferences shall apply to such housing.

(e) RENT SUPPLEMENTS.—During fiscal year 1996, section 101(k) of the Housing and Urban Development Act of 1965 shall not be effective.

SEC. 204. MERGER LANGUAGE FOR ASSISTANCE FOR THE RENEWAL OF EXPIRING SECTION 8 OF SUBSIDY CONTRACTS AND ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING.—All remaining obligated and unobligated balances in the Renewal of Expiring Section 8 Subsidy Contracts account on September 30, 1995, shall immediately thereafter be transferred to and merged with the obligated and unobligated balances, respectively, of the Annual Contributions for Assisted Housing account.

SEC. 205. EXTENSION OF HOME EQUITY CONVERSION MORTGAGE PROGRAM.—Section 255(g) of the National Housing Act (12 U.S.C. 1715z-20(g)) is amended—

(1) in the first sentence, by striking "September 30, 1995" and inserting "September 30, 1996"; and

(2) in the second sentence, by striking "25,000" and inserting "30,000".

SEC. 206. DEBT FORGIVENESS.—(a) The Secretary of Housing and Urban Development shall cancel the indebtedness of the Hubbard Hospital Authority of Hubbard, Texas, relating to the public facilities loan for Project Number PFL-TEX-215, issued under title II of the Housing Amendments of 1955. Such hospital authority is relieved of all liability to the Government for the outstanding principal balance on such loan, for the amount of accrued interest on such loan, and for any fees and charges payable in connection with such loan.

(b) The Secretary of Housing and Urban Development shall cancel the indebtedness of the Groveton Texas Hospital Authority relating to the public facilities loan for Project Number TEX-41-PFL0162, issued under title II of the Housing Amendments of 1955. Such hospital authority is relieved of all liability to the Government for the outstanding principal balance on such loan, for the amount of accrued interest on such loan, and for any fees and charges payable in connection with such loan.

SEC. 207. DELAYING OUTLAYS FOR PUBLIC HOUSING DEVELOPMENT.—During fiscal year 1996, a public housing agency or Indian housing authority may slow the rate at which it develops a project that the Secretary has approved under 24 C.F.R. Part 941 in order to slow the rate at which such agency or authority takes actions resulting in outlays of amounts appropriated under the head "Annual contributions for assisted housing" in this title or any prior appropriation Act, and the Secretary may allow such agency or authority to develop a project at such a slow rate, notwithstanding 24 C.F.R. Sec. 941.405(d).

SEC. 208. ASSESSMENT COLLECTION DATES FOR OFFICE OF FEDERAL HOUSING ENTERPRISE OVERSIGHT.—Section 1316(b) of the Housing and Community Development Act of 1992 (12 U.S.C. 4516(b)) is amended by striking paragraph (2) and inserting the following new paragraph:

"(2) TIMING OF PAYMENT.—The annual assessment shall be payable semiannually for each fiscal year, on October 1st and April 1st.".

SEC. 209. SPENDING LIMITATIONS.—(a) None of the funds provided in this Act may be used during fiscal year 1996 to sign, promulgate, implement, or enforce any requirement or regulation relating to the application of the Fair Housing Act (42 U.S.C. 3601, et seq.) to the business of property insurance, or for any activity pertaining to property insurance.

(b) None of the funds appropriated by this Act may be expended by the Department for the purpose of finalizing the Department's proposed rule dated July 21, 1994 regarding amendments to Regulation X, the Real Estate Settlement Procedures Regulation, or for the purpose of developing or issuing any interpretive rule with respect to any of the four issues denominated in the preamble to the proposed rule.

(c) None of the funds provided in this Act may be used in fiscal year 1996 for the remuneration of more than seven Assistant Secretaries at the Department of Housing and Urban Development, notwithstanding section 4(a) of the Department of Housing and Urban Development Act.

(d) None of the funds provided in this Act may be used in fiscal year 1996 for the remuneration of more than 94 schedule C and noncareer senior executive service employees at the Department of Housing and Urban Development.

(e) None of the funds made available in this Act may be used by the Secretary to take, impose, or enforce, or to investigate taking, imposing, or enforcing any action, sanction, or penalty against any State or unit of general local government (or any entity or agency thereof) because of the enactment, enforcement, or effectiveness of any State or local law or regulation requiring the spoken or written use of the English language or declaring English as the official language.

(f) No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 210. CLARIFICATIONS.—For purposes of Federal law, the Paul Mirabile Center in San Diego, California, including areas within such Center that are devoted to the delivery of supportive services, has been determined to satisfy the "continuum of care" requirements of the Department of Housing and Urban Development, and shall be treated as:

(a) consisting solely of residential units that (i) contain sleeping accommodations and kitchen and bathroom facilities, (ii) are located in a building that is used exclusively to facilitate the transition of homeless individuals (within the meaning of section 103 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11302)) to independent living within 24 months, (iii) are suitable for occupancy, with each cubicle constituting a separate bedroom and residential unit, (iv) are used on other than a transient basis, and (v) shall be originally placed in service on August 1, 1995; and

(b) property that is entirely residential rental property, namely, a project for residential rental property.

The CHAIRMAN. Are there amendments to title II?

AMENDMENT OFFERED BY MR. STOKES

Mr. STOKES. Mr. Chairman, I offer an amendment, numbered 63.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. STOKES: Page 22, after "Secretary:" on line 14, insert "*Provided further*, That if authorizing legislation is not enacted into law by December 31, 1995, the amount provided for voucher assistance may be reallocated by the Secretary to public housing modernization, drug elimination grants, and section 8 incremental rental assistance:"

Mr. STOKES. Mr. Chairman, the bill provides $862 million for new and unauthorized vouchering out activities under the section 8 program. The funds provided are contingent upon authorizing language being enacted.

I have a perfecting amendment that is quite simple. It would insert language stating that:

If authorizing legislation is not enacted into law by December 31, 1995, the amount provided for voucher assistance may be reallocated by the Secretary to public housing, modernization, drug elimination grants, and section 8 incremental rental assistance.

You have to remember that this is a new program totaling $862 million being created through an appropriations bill. At the rate we are going with our legislative calendar this year, I think my colleagues would agree that giving further direction as to how this money should be spent in the event that no authorizing legislation is enacted is certainly reasonable.

The sum $862 million is a lot of money to be unobligated by an agency that is being reduced by $5 billion. There are millions of persons, primarily our elderly, the children, and the poor, who could benefit from HUD utilizing this money. Modernization funds are reduced by over $1 billion in this bill, and new incremental rental assistance is eliminated. Certainly restoring funds to these critical areas is warranted.

Furthermore, our communities and law enforcement officials desperately need all the assistance they can get to help eradicating the drug problem in our communities.

Mr. Chairman, this is a good and sensible amendment. I think Members on both sides of the aisle would like the committee to address these issues on behalf of millions of Americans. I would ask that this amendment be considered at this time as perfecting the $862 million provision for vouchering out.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. STOKES].

The question was taken; and on a division, demanded by Mr. STOKES, there were—ayes 5, noes 5.

Mr. STOKES. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to the order of the House today, further proceedings on the amendment offered by the gentleman from Ohio [Mr. STOKES] will be postponed.

The point of no quorum is considered withdrawn.

The CHAIRMAN. Are there other amendments to title II?

AMENDMENT OFFERED BY MR. KENNEDY OF MASSACHUSETTS

Mr. KENNEDY of Massachusetts. Mr. Chairman, I offer an amendment, No. 47.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. KENNEDY of Massachusetts: Page 20, line 25, strike "$10,041,599,000" and insert "$10,361,589,000".

Page ?4, line 16, strike "$320,000,000" and insert "$0".

Page 39, after line 17, insert the following new subsection:

(c) EXEMPTION OF ELDERLY AND DISABLED FAMILIES FROM RENT INCREASES.—Subsections (a) and (b) of this section shall not apply with respect to any elderly family or disabled family (as such terms are defined in section 3(b) of such Act) who, on October 1, 1995, is receiving rental assistance under section 8 of the United States Housing Act of 1937 or is occupying a dwelling unit assisted under such action.

Mr. KENNEDY of Massachusetts. Mr. Chairman, this amendment protects our Nation's senior citizens from rent increases that are ordered under the bill. This bill would raise the rents on 2.7 million assisted housing tenants. The Kennedy-Frank-Stokes amendment simply asks that our senior citizens who live in assisted housing today are protected against these rent increases.

About 1 million elderly households will have to pay between $150 and $400 more a year in rent, and they simply cannot afford it. These new rent increases will affect only the poorest seniors and seniors that have no place else to go. The only seniors that are affected by this rent increase are by definition seniors on fixed income. The fact is that they have no corresponding increase in their fixed income to keep up with the rent increases that have been ordered by the bill as it has been filed.

Therefore, the gentleman from Ohio [Mr. STOKES], the gentleman from Massachusetts [Mr. FRANK], and I have drafted this amendment to provide some small relief to this group of vulnerable Americans, whose rent increases will mean them having to choose between food and medicine or heat and shelter.

The cost is small, it is only $77 million. It will provide a little bit more security to our seniors, and I hope that the Members on both sides of the aisle would vote for its passage.

Mr. FRANK of Massachusetts. Mr. Chairman, I move to strike the last word.

Mr. Chairman, this amendment really goes to the heart of the kind of policy differences that the Nation is being presented with at this time. This amendment deals with the rents that are charged to some of the poorest people in this country. We have programs, subsidized housing programs, for older people. We are being asked in this bill to raise the percentage of their income from 30 to 32 percent of their income. Understand that that is not a 2-percent rent increase, that is a 6⅔ percent increase. Two percent of 30 percent is 6⅔ percent.

Under current law, if Social Security pays people a 3-percent cost of living increase in December, elderly people's rents would go up by 3 percent. Some of them are angry at this. They say you are giving with one hand and taking with another. Many of us have talked to older people, who felt that this policy of their rent going up by the same percentage of the cost of living was a serious problem.

Well, the Republican Party is going to change that. No longer, under this bill, if you are an elderly person living in subsidized housing, will your rent go up by the same amount as your Social Security. If this bill passes, your rent will go up by three times as much in percentage as Social Security, because if we get a 3-percent cost-of-living increase, under this bill the rent will then go up in that 1 year 9⅔ percent.

Now, this is a habit that the Republicans have. The last time they were able to control the budget of this House, in 1981, in the Gramm-Latta bill, the rents that people in subsidized housing, and we are talking about elderly people, older people, including some who only live on Social Security or Social Security and a small pension, and they are living in subsidized housing, and they were in 1981 paying 25 percent of their rent. Under an amendment named for a Republican Senator, Ed Brooke, it was the Brooke amendment, the Republican Party, when they had control in 1981, changed that and went from 25 to 30 percent. Now they want to do it again.

So it is very clear. We now have a pattern. Every time the Republican Party is in a position to control the budget of this House, poor, elderly people see their rent go up by a significant amount more than their income goes up. It will make them two for two. Of course, the House budget resolution called for an increase to 35 percent. So one assumes that is not their last effort to increase it.

As I have said before, older people who are familiar with the literary history of this country will recognize this, because they are familiar with Dick Tracy. There was a character in Dick Tracy known as Evil-Eye Fleegle who specialized in whammies. His worse effect on you was the triple whammy.

Now, under the Republican budget, the cost-of-living increase to be paid for Social Security recipients is going to go down. The Republican Party's budget says old people get too much money when inflation occurs, and their budget resolution, enacted by them, adopted by them, calls for a reduction in the cost-of-living increase later in this century.

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So the cost-of-living increase for an order older person living on $10,000 a year will go down. That is whammy one.

Whammy two will be what they do to you on Medicare, when your copayments go up and your part B payments go up.

If you are so poor and you are in such circumstances that you live in public housing, you get the triple whammy, because your rent will go up. And what the gentleman from Massachusetts is saying is that should not happen, that the 30-percent income should stay the same. It does not mean the rent, their rents will never go up. The current law says their rents will go up with their income. The Republican bill says rents will go up more than income.

Originally it was going to do that to people in public housing, too. The managers' amendment fixed that so people who live in public housing will now stay at 30 percent, and I am glad. But their friends, relatives, their peers who live in a section 8 unit, who live in an assisted housing unit, subsidized housing go, who live in 202, their rents will go up by three times as much as Social Security. Their rent will go up from 30 to 32 percent of their income.

We are not talking about people with substantial amounts of discretionary income. We are talking about the elderly poor. Raising the rents, raising the percentage of the meager incomes that the elderly poor have to pay to finance a tax cut, to finance a B-2 bomber, to finance a manned space station, to finance all these other things, is, in my judgment, quite wrong. I do not think anything more starkly illustrates the different approaches of the two parties.

Mr. LEWIS of California. Mr. Chairman, I move to strike the requisite number of words.

I rise very briefly to oppose this amendment. Within this account, we were very, very sensitive about the question of considering raising rents? Should you? When should you? Indeed, this program has been in effect for a number of years now.

There has been one adjustment to that, almost a decade ago. This raises the percentage for rental expenses from 30 to 32 percent. The recommendation of the House-passed Committee on the Budget was 35 percent. The committee chose to back off because of some of the questions that were raised by other Members who are opposing the amendment.

The real effect is somewhere in the neighborhood of perhaps $12 a month. This account is growing so rapidly that if it continues on its present pattern, it will push out any number of other very important housing programs that affect the very same people that we are talking about. It is very important to recognize that there is no free lunch in this process. Everybody has to participate.

The offset that the gentleman from Massachusetts [Mr. KENNEDY] provides in his amendment would essentially zero emergency assistance accounts. We do not have as much money in FEMA in this bill as he suggests he uses as an offset. That alone would have easily allowed me to ask you to call this amendment out of order, but frankly I thought we ought to have the discussion. In fact, the Kennedy amendment would eliminate a compromise between what the Committee on the Budget recommended and what is necessary to see that this program remains whole and viable. He cannot effectively offset it against emergency accounts. Indeed, if he did, he would dramatically affect many of the same people that he is trying to help by way of his amendment.

I urge a "no" vote on this unworkable amendment.

Mr. STOKES. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, first, I would have to respond to my distinguished chairman's comment with reference to the offset that the gentleman from Massachusetts [Mr. KENNEDY] uses. In the chairman's earlier amendment this afternoon, he used the same source of funds. He used about $85 million out of the same funding. So I think what the gentleman from Massachusetts [Mr. KENNEDY] is doing here is proper in the sense that he is utilizing the same funding.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. STOKES. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, we did use an offset of $50 million to help housing accounts. That leaves $20 million approximately. We are talking about some $300 million under the recommendation of the gentleman from Massachusetts [Mr. KENNEDY]. We were attempting to help some of these same people by that former offset but also trying to deal with the real world in terms of what is actually available in the account.

Mr. STOKES. Let me just say, Mr. Chairman, over 700,000 households could experience rent increases that would average over $1,000 annually. You must remember that millions of elderly who are often single disabled women depend on section 8 in order to find decent and affordable housing.

Rent increases would cause great hardship for our elderly who are often the least able to bear such expenses. These increases also come at a time when our Republican colleagues want to force the elderly to pay more for their health care through massive cuts to Medicare.

Our seniors are being assailed on all fronts. Elderly Americans could be forced to move into lower cost housing, much of which is likely to be substandard. For those who may fall behind in their rent payments, they may find themselves evicted. Many could also become homeless.

Moreover, Mr. Chairman, these increases come at a time when a new study finds that there is a disturbing and growing affordable housing shortage in the United States. This shortage has resulted in most poor renters having to pay rents that consume a very high percentage of their incomes, over 30 percent. In fact, three out of very five poor renters, 4.1 million people, paid at least half their incomes for housing in 1993.

How do we expect our seniors, who are on limited and fixed incomes, to not only pay more rent but also find decent, affordable housing when the supply is diminishing?

Mr. Chairman, I would urge our colleagues to support the Kennedy-Frank-Stokes amendment.

Ms. DELAURO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support today for the Kennedy-Frank-Stokes amendment which restores vital funding for HUD low-income housing assistance programs for the elderly and disabled. The amendment will protect seniors from an unfair and unaffordable rent increase.

The rent hikes included in this extreme bill could cost seniors in my district hundreds of more dollars per year. I don't know about everybody's districts, but I know that's a lot of money for seniors in my district.

In my district, the residents of Bella Vista Apartments in New Haven, CT, know all too well about rent increases. Last year, Bella Vista tenants were asked to pay an additional $35 per month in rent, and now, just last week, they were slapped with another rent increase of $45 per month. Mr. Chairman, they simply cannot afford another rent increase.

The tenants of Bella Vista are like seniors all over this country. They live on fixed incomes and struggle to make ends meet. They are often faced with difficult financial choices—they must choose between paying for vital medical services, like prescription drugs, or paying for the heating bill in the winter. They do their best, but sometimes they need our help. Rent assistance is one way to help.

This country has a proud tradition of assisting our seniors in their retirement. This Government has made a deal with our seniors. We say to them: If you work hard all your life and contribute, then we will help you when you can work no longer.

Seniors have kept up their end of the bargain. They worked, they saved, and even fought wars to preserve our freedom. But, now Republicans in this Congress want to walk away from the deal. They want to walk away from Medicare; walk away from Social Security; walk away from rent assistance. It's a disgrace.

I urge my colleagues to vote in favor of the Kennedy-Frank-Stokes amendment, and restore decent, and affordable housing to our seniors.

Mr. VENTO. Mr. Chairman, will the gentlewoman yield?

Ms. DELAURO. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, this will literally result in nearly a 7 percent rent increase for those living in assisted housing. And for someone living, earning maybe $1,000 a month, $12,000 a year income, which is so often what might be the case in terms of these low income, fixed income elderly, that literally results in a $20 increase a month in terms of their rent, $20 a month over the course of the year. As you can begin to understand, we are talking about $240 a year in terms of the rent increase.

Plus, if they get an increase in their Social Security or their pensions or the interest income goes up, that also will be subject not to 30 percent but to 32 percent. Yet we are saying, if you are in public housing, you end up facing about a 30-percent increase.

This is just the camel's nose under the tent. This is the direction that we are going to in fact increase these amounts from these fixed incomes. These are the working poor very often, Mr. Chairman, those that do have a little income. They need assistance in terms of public housing, and what we are doing is pushing them into a level where they no longer will be able to meet their own needs with this assistance and this public housing.

This is after not being subjected to any hearings, no review of this in any of the committees, no discussion by the public, just come out here, put it on the floor. This meets the bottom line in terms of budget. But my question is, What happens to the real people in the district that I represent, the elderly on fixed incomes that need that $5 a week to meet their basic needs?

They are going to be hurt, and they are going to be hurt badly by this kind of amendment and by this process. They deserve better, and we can do better in terms of this process and in terms of what is going on here. These individuals deserve our support. This amendment deserves our support.

Mr. LUCAS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, Members, I rise in strong opposition to the gentleman's amendment to eliminate funding for disaster relief programs administered by the Federal Emergency Management Agency. As the Member of this body who represents the congressional district that has been rocked by the most horrendous of disasters this country has faced, I could not sit in my office and watch this assault on the Agency that stood as the foundation for the relief efforts following the bombing of the Alfred P. Murrah Building on April 19 of this year.

The response of FEMA to the Oklahoma City bombing is best described in this excerpt from the committee report accompanying the underlying legislation. I quote:

> On April 19, 1995, at 9:04 a.m., an explosive device contained within a rented truck was detonated outside the Alfred P. Murrah Federal Building in Oklahoma City, Oklahoma, thereby killing 168 individuals and injuring another 467. Within minutes of this disaster, FEMA personnel were actively engaged in structuring the Federal response which, coupled with the response of the State and local governmental entities, business and charity groups throughout the area and the country, and thousands of Oklahomans and others from throughout the United States, represents perhaps the finest example of public and private cooperation, during a time of crisis as has been observed in many decades. Despite having no specific experience with this type of disaster, well trained personnel dealing with virtually every aspect of disaster response were quickly and efficiently in place and beginning the difficult job of responding to this devastating event. Starting with FEMA's Director and on down the chain of command in FEMA and numerous other departments and agencies, every individual involved with the response to this disaster deserves the sincere appreciation and gratitude of this Committee for a job well done.

From personal experience, I can say without a doubt that the FEMA response to this disaster was virtually flawless. Their treatment of the good people of Oklahoma City must be commended by all in this body.

I ask my colleagues: Can we be assured that without the funds targeted by this amendment, would FEMA have the ability to react in the manner described in the committee report or that the Nation witnessed in regards to Oklahoma City. I would think not.

Please oppose this ill-advised amendment.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. LUCAS. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, I would like to commend the gentleman for his work. Immediately after, and during the process since, we have been trying to find the funds to respond to Oklahoma City and that disaster. To say the least, one had to actually see what occurred there to begin to appreciate the devastating effect it had upon your community.

Above and beyond that, there are similar problems across the country that involve disaster relief. To have an amendment that looks good on paper but in reality is suggesting that none of the other accounts are helping people who are in dire straits is a disservice to the process. So the gentleman's support is very much appreciated. I appreciate the work the gentleman has been doing for Oklahoma City as well.

Mr. KENNEDY of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. LUCAS. I yield to the gentleman from Massachusetts.

Mr. KENNEDY of Massachusetts. Mr. Chairman, under the original filing of this amendment, we took the funds out of FEMA which would have affected the accounts that the gentleman is suggesting. After the Lazio amendment passed, there were no funds left in FEMA for us to grab, so we shifted into the Manned Spaced Flight Program and shifted a small amount of money out of that into this program. So the gentlemen are talking a lot, but that is not the account that the money comes from. I just wanted to straighten it out.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. LUCAS. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, I would just point out that under the FEMA programs that it seemed to me that there was a special appropriation that was necessary this year that was passed. So often that happens with disaster relief assistance, that notwithstanding the fact that there are intentions here to meet other needs, that the Oklahoma issue was dealt with through the special rescission bill. Of course it is being signed today.

I would point out that in that instance, over $6 billion was taken out of housing programs last year to in fact fulfill the goals that were that particular bill, not goals I shared, I might say. But I want to be understood that it certainly is not and should not be considered as a slight to Oklahoma and other types of disaster assistance programs.

Mr. LUCAS. Mr. Chairman, the gentleman's point is very appreciated. That is a very valid point. But we must, as I observe the process in Oklahoma City, the effective quick way in which the FEMA people responded, it is necessary that they be funded so that they have the contingency capacity to do in the other parts of the country—heaven forbid that something should occur that requires that kind of response—the incredible job that they did in Oklahoma City.

It was amazing to watch the efficiency of FEMA and the State and local government. It made me proud to be an Oklahoman and an American.

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Mr. GONZALEZ. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the amendment offered by my colleague. The adoption of this amendment means that the elderly residents with section 8 assistance will not face rent increases that may mean the difference between staying in their homes or searching for something less expensive. It may also mean the difference between buying nutritious meals for a week or paying for medication prescribed by their doctor.

To those of us that are accustomed to having an assured three meals a day, warm clothes in time of cold, comfortable clothes in time of heat, safe roofs over our heads, we cannot visualize, sometimes, that in America we still have not just individuals, children or adults, but families that do not have that kind of a comfort. We still have them among us.

In this case here, Mr. Chairman, it may, as I said and repeat, mean the difference between a meal, and a choice between having a meal or paying for medicines or medications that have been prescribed. The dollar amount may not sound like a lot to us. Our range is in the upper 7- to 11-percent per person field in our society, so that a rental increase in terms of medical costs and Medicare premiums does have an impact.

It could be a lot of cash, and it is, indeed, a lot of cash to senior citizens. I have visited with them, some are those that grew up in the old neighborhood in what we called in San Antonio the West Side, and with whom I shared neighborhoods and living conditions. Many of the elderly with section 8 assistance waited for years for assisted housing. We just do not have that volume of housing. They believed that this move was their last.

Now what our colleagues, the Republicans, are requiring of them is to pay more for shelter, unless this amendment pending is adopted. This amendment means that we will not be overturning longstanding Federal policy of 25 years, which limited a tenant's rent to 25 percent and then 30 percent, and I fought bitterly when that increase of 5 percent went in, of income for people of limited income. Let me assure my colleagues who really do not know what it is to have a very limited income, limited income is a very serious and an awesome terror, day in and day out, for many of our fellow Americans.

Mr. Chairman, I must ask my colleagues if this is this year's rent or increase to 32 percent for section 8, what is going to happen next year? When are they looking for more dollars for tax cuts? Will it once again come out of the elderly's pockets?

The manager's amendment deleted the rent increase for public housing residents, but not section 8 tenants, who are not wealthier. In fairness, Mr. Chairman, I urge the adoption of this amendment.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. GONZALEZ. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, I would like to commend the gentleman for his advocacy of this amendment. I would point out for those who think it is not a lot of money, this is $184 million being taken from these low-income elderly, as best we can calculate. It is $184 million being taken from them and added to their costs.

Mr. Chairman, these are low-income people, many who qualified as being below the 50 percent of the median income that we are taking this from. They are taking this from very low-income, hardworking seniors on fixed incomes who have no ability to make an adjustment to deal with this, and it is a percentage of their income, so it is absolutely against any other increase they might get, whatever it might be.

I thank the gentleman for yielding to me.

Mr. GONZALEZ. I thank my colleague, who is very active and has distinguished himself in his field, since his arrival to this Congress. I want to thank him for adding to this.

Mr. KNOLLENBERG. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to take this opportunity to yield to the gentleman from California [Mr. LEWIS], the chairman of the subcommittee.

Mr. LEWIS of California. Mr. Chairman, I very much appreciate my colleague yielding. I rise only to try to clarify a portion of the earlier discussion on the part of the author of this amendment. He referred to an earlier Lazio amendment, and at least implied in that discussion that he really intended that the offset here be from NASA accounts by one way or another.

The reality is that his amendment that is on file, would take it from FEMA accounts. It is a budget-buster in that connection. Literally, those FEMA accounts cannot function when they are reduced to zero. I wanted to make sure that the membership understood that. I presume that the author understood it, but the membership might very well have been confused.

Mrs. SCHROEDER. Mr. Chairman, I move to strike the requisite number of words.

I rise in support of the amendment.

Mr. Chairman, one of the things that I think we need to put out here is this goes directly at the elderly. When we look at the elderly, very many of them are women. When we look at women over 65 that have a pension, there is less than 13 percent of women over 65 who have a pension. That is because women who worked in those days worked in jobs that were very low income, did not have those kinds of benefits, and really are the poorest of the poor.

Mr. Chairman, we see us coming after them on Medicare, we see us coming after them on this. I almost feel like we ought to blow the whistle here. We need a piling-on offense. We need black-and-white-striped referees here, or something. I feel like we are piling on the poor, and we are piling on those that can fight back the least. There is nothing like taking on little old ladies. This is really taking on little old ladies, if Members are going to vote for this amendment.

Mr. Chairman, I think I understood from the gentleman from Massachusetts [Mr. KENNEDY] that the way this would work if we do not pass this amendment, if an elderly person is in section 8 and they get a 3-percent increase, just to take a thing out of the air, for their Social Security, it is possible for their rent to go up 9 percent. I would ask the gentleman, is that correct?

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentlewoman yield?

Mrs. SCHROEDER. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. First, Mr. Chairman, understand that under the Republican budget they would only get a 3-percent increase in Social Security if the cost of living increase by current standards was 3.8 percent, because they want to reduce that. However, yes, the gentlewoman is correct. The first year this is implemented the increase in rent that an elderly resident of subsidized housing will pay will be the percentage of Social Security increase plus 6⅔ percent of their income; so on a 3-percent figure, that would be a 9⅔-percent rent increase when they only got a 3-percent increase in income.

Mrs. SCHROEDER. I thank the gentleman for making that point again, because I think that is a very, very essential point. As I say, we are talking about a very high percentage of these people being elderly women who were discriminated against when they were in the work force, who do not have pensions. Maybe they should have had pensions, but they worked in jobs that did not give them pensions, or they had spouses that did not have pensions that they could inherit. They do not want to go home and live with their kids. They are very, very proud people.

All we have to do is look right now at grocery stores where there are concentrations of elderly, and seeing already the very, very high sales of pet food among people who do not have pets. There is something going on there.

If we decide to do this so that their rent could be increased, I think this is just really piling on, so I salute the gentleman from Massachusetts for his amendment. I think all of us ought to think very seriously about, yes, we have to do something about the budget; but is it fair, at a time when this House hires for the first time a "Miss Manners" who is going to tell us how to write toasts, that we turn around and say to elderly women and elderly citizens that they can have their rent increased as much as 9 percent?

I do not think that people outside the beltway will appreciate that, that we are getting a protocol official for all of us. Maybe they are going to tell us in protocol how we tell these elderly people that we just had them bear the brunt of the budget, that it was not B-2 bombers or other things, it was them who caused it, so "Have a nice day, we are going to raise your rent." I hope others will vote for this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts [Mr. KENNEDY].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to the order of the House of today, further proceedings on the amendment offered by the gentleman from Massachusetts [Mr. KENNEDY] will be postponed.

AMENDMENT OFFERED BY MR. FRANK OF MASSACHUSETTS

Mr. FRANK of Massachusetts. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FRANK of Massachusetts: Page 20, line 25, insert after the figure "$10,182,359,000," (increase by an additional $331,160,000)".

Page 37, strike "(a)" in line 23 and all that follows through page 38, line 19.

Page 71, line 5, strike "$5,588,000,000" and insert "$5,100,000,000".

Page 72, line 1, strike "$2,618,200,000" and insert "$2,533,200,000".

Mr. FRANK of Massachusetts (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. FRANK of Massachusetts. Mr. Chairman, although this was not in the RECORD, I did share a copy with the majority.

Mr. Chairman, this is the companion to the amendment offered by my colleague, the gentleman from Massachusetts [Mr. KENNEDY]. What he did addresses this 30- to 32-percent increase for the elderly. This one addresses it for other residents of this kind of housing: families and disabled individuals. It is a similar argument.

The argument is that when we have decided that people are on limited income, and certainly the disabled would be, some of the families would be, when we are talking about people at the lower end of the spectrum, and I want to agree, the majority, and I congratulate the gentleman from California, because I think this reflected what he would like to do in the manager's amendment, he did relieve this for the poorest of the poor, and I acknowledge that. The amendment of the gentleman from California, working with the gentleman from New York, the chairman of the Subcommittee on Housing of the Committee on Banking and Financial Services, did undo this for the poorest of the poor, the people who live in public housing. We now have a situation where people who live in public housing will pay only 30 percent, which is fair, but people who are in certificated housing, people who may be a notch or two above, will have to go to 32 percent. This will include families, this will include the working poor.

These are the families who are here, working poor people. To tell them once again that they will get an increase in their rents of 6⅔ percent, if they are making $20,000 a year, then the 2-percent increase is a $400-a-year increase. I have had my colleagues on the other side say that some of us were not appreciative of how important a $500 tax cut would be to a middle-income family. If you are making $40,000 or $50,000 a year it is very serious. If $500 is a very serious amount of money to a family making $50,000, is $400 a year then for a family making less than half that not even more serious?

That is what we are saying to people. We are saying to precisely those people on whom we were trying to focus public policy attention, people who are above the welfare roles, people we are telling, "Get off the welfare roles and get into a work situation," because very few will go off of welfare into a $100,000 a year job. Many will be in the low-wage jobs. Some will be eligible for this sort of housing.

What we are telling them is getting $18,000, $20,000 a year and trying to support a family, we will now, if you are making $20,000 a year, raise your rent by $400 a year. Think what the disposable income is for a family in that category.

We are not talking, now, as I said, about welfare cases on the whole. The people who are on welfare have probably been protected by the manager's amendment, the manager's amendment which protected the people on public housing, where we were likely to have a higher welfare percentage. We are likelier here to be talking about the working poor, because the average incomes of the people in the assisted housing projects will be higher on the whole than the public housing. We are talking about people who get section 8's.

What we are saying is, "You have done nothing wrong, you have worked very hard, we know times are tough, and by the way, your rent just went up $400, without any increase in income." If their income goes up, then the rent goes up $400 plus the increase in their income. Why? So we can make sure the tax cut extends to people who make $200,000 a year.

My guess is, I have not done the arithmetic, but my guess is if we limited the tax cut to the people who are making only $50,000 a year, we could afford this amendment. This amendment cannot reach the taxes, so I do reduce funds for NASA.

□ 1600

I would have preferred to take a piece of the B-2 bomber, to take a piece of some of the other unnecessary military spending projects to deal with the tax cut.

If and when we get this to conference if people then want to make these kind of adjustments, I would be supportive. But we again come to a fundamental difference, I think, in approach: Tell working people who are making $20,000 a year that as we increase military spending beyond what the President has asked, beyond what anybody needs, as we subsidize the defense of others.

I have to say, because these things are relevant, you may have noticed that the French were very frustrated. They wanted to send some reinforcements into Bosnia but they could not do it without American helicopters. How come France does not have enough helicopters to transport its own troops? Because the American defense budget has been subsidizing it.

Members who want to continue the American defense budget subsidy of the French economy, a very generous act of international cooperation—"Merci," I say, on behalf of the people of France—are going to make up for that by telling Americans who make $20,000 a year and live in subsidized housing and who work very hard—we are talking now about hard-working people—who make $20,000 a year with a couple of kids and that are in this kind of housing, they have got a section 8 certificate, and their rent goes up by 2 percent. There is no reason to do that other than, I think, a distorted set of priorities, and I hope the amendment is adopted.

Mrs. SCHROEDER. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I think the gentleman from Massachusetts is presenting a very important amendment.

Just this week, the Center on Budget and Policy Priorities came out with a very serious report on "Unraveling a Consensus." That is what we are doing here as we proceed through these bills, unraveling a consensus that we have had across the aisle, a bipartisan consensus that full-time workers should not live in poverty, that that is how we wanted people to get off welfare, that we really wanted to encourage people to work, that we did not want people on welfare, and that full-time workers should not be pushed down into poverty.

So this body proceeded to do certain things, like put in the earned income tax credit, which this points out is greatly under attack, that helped families working at that level. It also linked Medicare to low-income families. You did not have to be on welfare to get Medicare. Now we are going to block-grant it so they are all going to be at the whim of whatever State they are in if there is any at all. We are pulling away that chance of getting some medical care.

There was the issue of child care, trying to help people get out there for child care. Well, we are pulling away that pillar from under them. Now if we do not pass the gentleman's amendment, we will be raising their rent at this level.

These are working families. Of course one of the other things that we piled on these families if you voted for the Republican budget, which I did not do, is we are now going to charge single moms 15 percent to collect their child support—child support that they are owed. So the Government will withhold 15 percent to help pay off the debt.

When you add each of these pieces together and you look at the level of these families that we are talking about here, it all comes crumbling down. At a time I thought we had some kind of a consensus where we really wanted to reform welfare and say work is not a 4-letter word, you are what you do in this country and if you say nothing you are nothing, so we want to help everybody be empowered, we want to help them go to work, we are now pulling all the stops out from programs that were started by President Nixon, carried on by Presidents Reagan and Bush and by the Democratic Congress as kind of a consensus as to how we get there. We were just getting real close to starting to being on that path.

If you go back and look at the history, it was in 1986, 1990, 1993, each of those times, we raised the earned income tax credit. Each of those times we talked about how we should increase the subsidy for people who were in housing but above the welfare level trying to work their way out so there would not be that tremendous line.

This was really the hand up that, yes, you have a chance. Well, we are really cutting the lifeline. You may say, "Well, this is just one little lifeline," but if you voted for the Republican budget, you cut off that other little lifeline, you are going to take a 15-percent chunk out of every single child support payment, that is a lot of money. You are going to cut back their EITC and you are going to cut probably their child care subsidies they were getting in title XX that helped them be able to work. I put this all on top of the fact that we all know the purchasing power for the minimum wage is at the lowest it has been since World War II.

If a person has a minimum wage job and they are trying very hard, here is what kind of support they are getting from us. These are not the people that caused the budget deficit. Why are we unloading on them? Why are we causing them to pay for the budget deficit? I think those are questions we have to ask ourselves. When people get angry on that side of the aisle and yell we are talking about this class warfare and everything, you have got to really wonder. It looks like class warfare. It begins to look like socialism for the rich as we punish everybody who is not rich.

I just think this is one more area where we are pulling the pins out from people who are struggling desperately to get out from poverty, to get out from the stigma of being called a welfare recipient. They want out. There are people out there working two and three jobs. They feel like a squirrel in the wheel. They run faster and faster and faster, they are exhausted, their tongue is hanging out and they do not get out of the bottom of the wheel, unless they can have a little help, with some medical care for their kids, or maybe some help collecting their child support without the Federal Government pulling a chunk out of it, blaming them for the deficit or increasing their rents or going after any number of other things, the EITC program and other things that were out there.

I think American people want to help people move in this direction. I think they are tired of abuse, but they really want to help people that try. If you try, we should help them. That is what this amendment is about. I support the gentleman's amendment.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I move to strike the last word.

Mr. Chairman, sometimes I wonder what has happened in this country. You look back over the last few years and you see these endless attacks on the poor of America, a suggestion that somehow the poor are responsible for the problems that we face. At one point in our country's history we had a war on poverty. Today we have somehow evolved to a point where we have a war on the poor. That is what this bill attempts to do. It attempts to raise the rents on the most vulnerable families in this country.

I offered an amendment different than the one from the gentleman from Massachusetts [Mr. FRANK] to try to isolate the senior citizens out of the generalized cuts that are affecting all poor people. I offered that not because I think senior citizens are in some elite crowd that ought to be protected versus other poor people, but I just think that they have a better chance of gaining some support from the Republicans.

The truth of the matter is that the amendment offered by the gentleman from Massachusetts [Mr. FRANK] is a more appropriate amendment, because it does not single out senior citizens that happen to vote. One of the first lessons you learn in politics is that people over the age of 90 vote 90 percent of the time and people under the age of 25 vote 25 percent of the time.

The fact of the matter is that what we have is a situation where people, rather than pursuing policies that will end up providing this country with an educated work force into the future, rather than providing an investment in the real technologies that people are so concerned about, the technological breakthroughs of biotechnology, vote for that, but do not pretend you are voting for a space station for those purposes.

What we are doing in this bill is voting for a space station at the expense and on the backs of the poorest people in this country. At the same time we are providing an enormous tax break to the wealthiest people in the country.

We sit and cut education programs, we cut back on health care programs for our seniors, we cut back on the job training programs that will allow us to have the ability to compete with the Germans and the Japanese for the high-wage and the high-paying jobs that are going to be available to somebody in the future.

There are going to be millions of jobs created in this world in the next 10 years, in biotechnology, in telecommunications, in all sorts of fields that are going to require an education and an educated work force. Certainly there are going to be a few Americans that can go out and pay for it. But since when do we come from a country that only the elite are allowed to do well?

That is why America was started, because people were sick and tired of that kind of system, so they came to America. They established a new kind of nation, where people were allowed to grow to their full human potential, not because of what they were born with but because of what they made of their own lives.

That is what this bill undercuts. It sends a message to the poor and the vulnerable of America, that they are the problem and we are going to cut their benefits, we are going to cut their housing, we are going to go in and strip them of the capability of getting protections from the problems that exist in industry in this country, and we are going to hang them out to dry so the rest of us can walk down the street and feel good about where America is headed.

It is not the kind of compassionate Nation that looks out for the poor, looks out for our seniors, recognizes that a group of senior citizens provided this country with the capability of being called the richest and most powerful Nation on Earth, because they went through World War II, the Great Depression, World War I, the Korean conflict, and at the same time created an enormous amount of wealth.

Many of them did not get rich in the process. They gave their blood and their sweat and their tears for America. They gave their lives for this country. Now they have a little bit of income. They are living on fixed incomes. They are not in public housing, they are in some kind of assisted housing.

The way that hundreds of us go around and visit elderly housing when we need a vote at election time, those are the people whose increased rents are going to be used to balance the budget of this country. It is a shame that we should be taking what the gentleman from New York [Mr. SOLOMON] earlier today claimed was a $500 tax cut. This is a $500 tax increase to the poorest of the poor.

I ask you to please recognize that we need to invest in those people. We need to thank those people, and not condemn them the way that this bill does.

Vote for the Frank amendment. Have some compassion and some caring for the vulnerable people of this country.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts [Mr. FRANK].

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. LEWIS of California. Mr. Chairman, I demand a recorded vote, and pending that I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to the order of the House of today, further proceedings on the amendment offered by the gentleman from Massachusetts [Mr. FRANK] will be postponed.

The point of no quorum is considered withdrawn.

Mr. LEWIS of California. Mr. Chairman, I move to strike the last word, and I yield to the gentlewoman from California [Mrs. SEASTRAND] for purposes of a colloquy.

Mrs. SEASTRAND. Mr. Chairman, earlier this week, the Committee on Science voted out a NASA authorization bill which included a $10 million line item for spaceports.

Science, aeronautics, and technology is clearly an area where NASA has consistently performed well and thus included an allocation for spaceports.

Spaceports, of course, are the wave of the future. In America we have a healthy booster and satellite market, plenty of launch bases, but not enough launch facilities. The development of launch facilities represents the missing piece of the commercial space puzzle, and America must go forward in supporting spaceports.

□1615

In America there are many States, including California, Florida, Alaska, New Mexico, Hawaii, Virginia, Colorado, that are involved or seek to be involved in the development of spaceports. It is my understanding that the Committee on Appropriations has replaced the $10 million authorization with a $3 million appropriation going exclusively to Florida.

Mr. Chairman, am I correct to assume replenishing this line item will now be done through the conference committee?

Mr. LEWIS of California. Mr. Chairman, the gentlewoman is generally correct.

There was an authorization of $10 million. That does not automatically lead to an appropriation of that total amount, as you know. The pressure that was involved in this bill with the tradeoffs between veterans and other accounts was that we had to limit some accounts; there was only $3 million made available.

But indeed it is our intention to review these questions, and we look forward to the conference committee, and indeed, I have in mind the fact that the gentlewoman, and a couple of others, have several programs in mind that have locations that would be appropriate.

Mr. HAYWORTH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I commend the gentleman from California [Mr. LEWIS] for the excellent work he has done in this appropriations bill. As indicated in debate this afternoon, it is a very, very difficult task the gentleman was confronted with.

Obviously, there are difficult choices when we have these tight budgetary times. However, I do have serious concerns about funding for native American housing programs.

Mr. Chairman, I think it comes as no surprise that many other Members of this body share those concerns, including two of my colleagues on this side of the aisle, first, the distinguished gentleman from Nebraska [Mr. BEREUTER].

Mr. BEREUTER. Mr. Chairman, will the gentleman yield?

Mr. HAYWORTH. I yield to the gentleman from Nebraska.

Mr. BEREUTER. Mr. Chairman, I associate myself with the comments of the gentleman from Arizona about Indian housing and the comments I expect to be made by the gentleman from Oklahoma [Mr. WATTS] expressing concerns over the funding level for Indian housing new construction in this measure.

Mr. Chairman, housing in Indian country is among the worst and most scarce in the Nation. There exists a great need for new construction, as there is a very limited stock of existing housing in Indian country. Still, this Member recognizes that we are facing severe fiscal constraints and that there is a need to scale back even on needed programs like this one. I am concerned about the degree of the cutback or the scale-back.

Funding for the program the last several years has been at $280 million. The measure before us today provides for only $100 million. That is a nearly two-thirds reduction, and I believe it is too severe a cut.

Mr. Chairman, I would encourage the gentleman from California [Mr. LEWIS], the distinguished chairman of the subcommittee, and the gentleman from Ohio [Mr. STOKES], the ranking member, to seek to increase this funding level at conference.

Having said that, I also want to say to the chairman and ranking member, as well as the members of the subcommittee, that I am appreciative of the $3 million in funding for the Indian Housing Loan Guarantee Program at HUD. I think this modest sum will leverage up substantially and guarantee the private financing of nearly $37 million in housing loans for Indian families.

One of the problems on Indian reservations has been, I think, potentially resolved by a change approved by this House in recent times; and this money will give us a chance to see if, in fact, we can solve this deficiency of loan funds being available to Indian families who live on Indian reservations.

I believe this very limited amount of Federal funding is well spent, and it will be seen as well spent. I commend the appropriators for including it in this measure.

Mr. WATTS of Oklahoma. Mr. Chairman, will the gentleman yield?

Mr. HAYWORTH. I yield to the gentleman from Oklahoma.

Mr. WATTS of Oklahoma. Mr. Chairman, while it is true that everyone must tighten their belts in order to balance the budget, Native Americans, the people who had the first Contract With America, have taken a hit which is more than we believe is their fair share.

We are focused on special needs housing, which is important, but no more important than living up to our treaty obligations and honoring our special trust relationship with the sovereign Indian Nations of this country.

The need for additional and improved Indian housing is well documented. Considerable difficulties impede private financing of Indian housing. Indian capital is scarce and frequently there is no security for financing.

The CHAIRMAN. The time of the gentleman from Arizona [Mr. HAYWORTH] has expired.

(On request of Mr. LEWIS of California, and by unanimous consent, Mr. HAYWORTH was allowed to proceed for 2 additional minutes.)

Mr. HAYWORTH. I yield to the gentleman from Oklahoma.

Mr. WATTS of Oklahoma. Mr. Chairman, Indian capital is scarce, because frequently there is no security for mortgage loans or similar financing because titles to most Indian land are held in trust by the United States.

As a member of the Committee on Banking and Financial Services, I can tell you that there are few commercial lenders in Indian country, and most lenders are reluctant to extend credit for housing on Indian lands. For these reasons, Indians have turned to various Federal housing programs for assistance, including those administered by the Bureau of Indian Affairs, HUD, and the Farmers Home Administration.

Mr. Chairman, as we proceed in these fiscally lean times, we need to do so with careful contemplation and without acting too hastily to cut the means which will help the sovereign nations of this country to become truly self-sufficient and self-governing.

Mr. HAYWORTH. Mr. Chairman, reclaiming my time, I would ask the gentleman from California [Mr. LEWIS] if the funding level for Native American assisted housing in this bill represents the final number?

Mr. LEWIS of California. Mr. Chairman, I appreciate the gentleman's question. I appreciate the gentleman from Arizona [Mr. HAYWORTH] even more for his leadership on this issue and for expressing his concerns about this important matter.

Mr. Chairman, I expect to work with the gentleman from Arizona as we go to conference. Where we can find money between accounts, we would certainly hope to improve upon this one and I appreciate the gentleman's assistance.

Mr. CALLAHAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I wish to engage the gentleman from California [Mr. LEWIS] in a colloquy. I would like to address the EPA's Gulf of Mexico Program and the concern expressed about it in the committee report.

Mr. Chairman, the committee report recommends that no funding be provided for this program. As you know, I am a strong supporter, in fact, the father of the resolution that created the Gulf of Mexico Program, along with the gentleman from Texas [Mr. LAUGHLIN].

I recognize and share the gentleman's concerns and the committee's concern that the EPA may overstep its bounds in implementing the program and that the individual States should maintain a stronger primary role in it. Since the bill itself does not address the Gulf Program, however, it is my understanding that it can receive appropriations under this bill.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. CALLAHAN. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, the gentleman's understanding is correct. The committee is deeply concerned by the EPA's increasing role in management of the Gulf of Mexico Program and the potential encroachment of its management to the entire gulf watershed.

It is the committee's intention to put the EPA on notice that it should conduct a less intrusive program or face stronger budgetary scrutiny in the future. The committee recognizes the values of the Gulf of Mexico and believes the program can be meaningful with proper management controls.

Mr. Chairman, I assure the gentleman that we expect the Gulf of Mexico Program to be fully funded and I can personally attest that we will address this subject in the conference to ensure that our intent is clear.

Mr. BARCIA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have a concern with the subcommittee's actions within NASA on an ongoing project, the Consortium for International Earth Science Information Network or CIESIN.

Mr. LEWIS of California. Mr. Chairman, I am very familiar with the gentleman's concerns about NASA's continuing role in the project known as CIESIN. The VA-HUD & Independent Agencies Appropriations Subcommittee has been very supportive of CIESIN in years past. The committee has recognized the project's potential for the first-rate science of a type that had not previously been adequately explored.

As the gentleman knows, we are having difficulty with this bill in terms of enough money to go around and so that is why we face the problem that we do at this moment.

Mr. BARCIA. Mr. Chairman, my concern is that the action taken in this bill may unduly restrict NASA's ability to provide continuing support for CIESIN.

Mr. LEWIS of California. Mr. Chairman, this bill does not provide $6 million directly for CIESIN as a part of Mission to Plant Earth. The project, in its current form, lacks current authorization.

Mr. BARCIA. Mr. Chairman, am I correct then that the gentleman's bill does not interfere with CIESIN's existing contract which would expire in 1998? I known that the Committee on Science has just completed committee action that includes a provision allowing CIESIN to compete for NASA funds in fiscal year 1996 and would the appropriations bill preclude that possibility?

Mr. LEWIS of California. Mr. Chairman, if the NASA authorization bill were to be enacted into law later this year, there is nothing in the appropriations bill that prejudices competitive success by CIESIN for NASA funding in future requests or for bids of proposal.

It is not our intention to close the door, but indeed it is an authorization matter that is ahead of us.

Mr. BARCIA. Mr. Chairman, I would like to thank the gentleman for the committee's explanation. Also, I thank him for his gracious handling of our concerns and his kindness in the past.

AMENDMENT NO. 1 OFFERED BY MR. KLUG

Mr. KLUG. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. KLUG: Page 48, after line 25, insert the following new section:

SEC. 211. DEMONSTRATION PROJECT FOR ELIMINATION OF TAKE-ONE-TAKE-ALL REQUIREMENT.

In order to demonstrate the effects of eliminating the requirement under section 8(t) of the United States Housing Act of 1937, notwithstanding any assistance provided under any program under section 8 of such Act for the multifamily housing project consisting of the dwelling units located at 2401–2479 Sommerset Circle, in Madison, Wisconsin, or on behalf of residents in such project, section 8(t) of such Act shall not apply with respect to such project.

Mr. KLUG. Mr. Chairman, this amendment attempts to solve a problem involving a section 8 housing project in my home community of Madison, WI. Let me say to my colleagues in the room, this does not involve any money. And for those who you were not paying attention, let me say one more time, this does not involve any money.

Mr. Chairman, this is a demonstration project for elimination and exception for what is essentially known as a current HUD regulation called take one, take all. This involves a housing project, a section 8/Mod Rehab project which in recent years has experienced financial problems, a high crime rate and corresponding drug problems.

The project is going to be foreclosed on in the next several weeks and without this waiver, my hometown faces the severe and difficult choice of deciding either to make it entirely a for-profit housing project, cutting out low-income residents, or to essentially stay with the current policy of only allowing section 8 participants, in which case we may find ourselves back in the exact same cycle that we are trying to get out of.

Under this policy, take one, take all requires a landlord who takes one, who accepts one section 8 tenant to accept all the section 8 renters.

This amendment enjoys bipartisan support back in my home State of Wisconsin, including Governor Tommy Thompson, Senators HERB KOHL and RUSS FEINGOLD, who are Democrats, Democrat Dane County Executive Rick Phelps, town of Madison Chairman Mike Theisen.

H.R. 3838, last year's housing bill, contained the repeal of take one, take all, but unfortunately though it passed in this body in July of last year, almost to the date, it never made it through the Senate.

Mr. Chairman, I want to thank my colleagues the gentleman from New York [Mr. LAZIO] and the gentleman from Iowa [Mr. LEACH], and also the gentleman from California [Mr. LEWIS], for their understanding of the situation back in Wisconsin and for being supportive of this effort. And also for the gentlewoman from Ohio [Ms. PRYCE], who in the past has tried to fix similar problems in legislation.

Mr. Chairman, in order, again, for this project to go forward and to avoid a situation where we may see many poor families thrown out in the street, my home State of Wisconsin will need this waiver. It is my understanding that the gentleman from New York [Mr. LAZIO] will fix this problem later in the fall, but unfortunately the financial and judicial timelines facing this project will not allow us to take advantage of those opportunities under the leadership of the gentleman from New York [Mr. LAZIO] unless we are able to accept this amendment today in the House.

Mr. Chairman, one more time for all of my colleagues who may not have been paying attention when we started this discussion, this does not involve any money.

Ms. KAPTUR. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I listened with care to the presentation of the gentleman from Wisconsin [Mr. KLUG] and the special manner in which his request has been treated in this appropriations bill.

□ 1630

Now, what I find very unusual about it is that this really is not a matter for the Committee on Appropriations. In fact, as I listened to the gentleman concerning how you wished to handle the section 8 certificates, and I believe you are from Madison, WI, this is really a matter for the authorizers. In fact, you could bring a separate bill to the floor, and what I find really amazing is that the Committee on Rules allowed you to do this and you have been given a special waiver to be included in the appropriations bill for a given project when, in fact, we cannot even get included in the rule governing the debate on this bill major programs, not just a project here or there, but major programs that we are being denied the ability to debate, such as the drug elimination program which I brought up this morning during the debate on the rule.

So I would like to ask the gentleman how is it that you were given this really quite unique opportunity? I think you were one of only two such special inclusions in the appropriations bill.

What presentation did you make to the Committee on Rules and how were you able to get this included? I am very curious.

Mr. KLUG. Mr. Chairman, will the gentlewoman yield?

Ms. KAPTUR. I yield to the gentleman from Wisconsin.

Mr. KLUG. You would have to ask the Committee on Rules why they decided to allow the merits of this program to prevail in their deliberations. But I testified in front of the Committee on Rules yesterday, and they thought it was an appropriate discussion to have on the floor, because what we are really interested in, if the gentlewoman will continue to yield for a few more seconds, what I think the committee is interested in, as is the Committee on Appropriations ultimately, the gentleman from New York [Mr. LAZIO] is to make sure we have an opportunity to change the way we have handled section 8 projects across the country, and I think, given what the gentleman from New York [Mr. LAZIO] is attempting to do later this fall, it is absolutely appropriate to try one demonstration project to see if it works to build more momentum to change the authorizing legislation.

Ms. KAPTUR. Reclaiming my time, I find it interesting your project is defined as a demonstration program. We made a special policy in the Committee on Appropriations we were not going to allow any demonstration programs in the bill. You must feel you really have a lot of pull over there at the Committee on Rules because, in fact, your proposal here is totally out of step with every other Member of this institution but for one other.

I find it quite interesting. Let me ask you, in the demonstration program that you are proposing be included in this appropriation bill, is your program authorized? You mentioned the gentleman from New York [Mr. LAZIO] wants to do it later in the year. Is your program authorized that you are asking for?

Mr. KLUG. No. It is not authorized.

Ms. KAPTUR. Let me further ask the gentleman then, what gives you special privilege on this floor over any other Member?

Mr. KLUG. I went to the Committee on Rules, if the gentlewoman will yield further, and the Committee on Rules voted to allow my amendment to get to the floor. It is no special privilege. It is only the vote of the Committee on Rules which, as you know, determines any amendments which may be brought to the floor, and earlier today, this House supported the rule that came out of the Committee on Rules. So the House essentially has already signed off on the opportunity to bring this to the floor to be debated.

Ms. KAPTUR. I think the gentleman should think long and hard about what he is doing because you are taking a personal privilege, in a sense, going to the Committee on Rules, and obviously your party controls that committee, but for a special project in one place in this country that is unauthorized. You are being given a special privilege when Members here on this floor are being denied the opportunity to debate major portions of this bill which apply to everyone.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentlewoman yield?

Ms. KAPTUR. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. The next time you want to fight drugs, you are going to have to ask a Republican to do it for you. Then maybe you will get permission to get your amendment up here.

Ms. KAPTUR. I thank the gentleman for that advice.

The amazing thing is I am not fighting for my district. I am fighting for 435 congressional districts. I asked for the opportunity to be heard.

Mr. FRANK of Massachusetts. If the gentlewoman will yield further, you may need three or four Republicans.

Ms. KAPTUR. Maybe I need a few more. I thank the gentleman for that good advice.

I would just say to the gentleman this is the type of insertion in a bill that breaks down camaraderie, and the proposal that I want to debate on this floor had bipartisan support in the committee. It is a program that has been operating since 1988.

We are being denied that opportunity, and you are being given special privilege. I really think it is wrong of the Committee on Rules.

Mr. HAYWORTH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in reluctant opposition to the amendment offered by my friend, the gentleman from Wisconsin. I do this without venom or vitriol. This is simply not the right place or the right time to be dealing with this issue.

As the gentleman himself pointed out, this subcommittee, ultimately in full committee and in other legislation in that jurisdiction, is the place to deal with this. Certainly, the gentlewoman from Ohio [Ms. PRYCE] made that clear in the previous Congress.

I listened with interest to my friend, the gentleman from Wisconsin, chronicle the difficulties in the other body, but I believe a full and open debate as to the merits or demerits of this policy is required under the jurisdiction rather than in this appropriations process.

So I simply rise in reluctant opposition.

PARLIAMENTARY INQUIRY

Mr. FIELDS of Louisiana. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. FIELDS of Louisiana. Mr. Chairman, I listened to the gentleman's dissertation of the amendment that he has on the floor, and it is my appreciation this amendment is all legislation and no appropriation.

Can the gentleman legislate on an appropriation bill?

The CHAIRMAN. All points of order are waived against this amendment.

Mr. FIELDS of Louisiana. Who waived? Because the gentlewoman from Ohio has a great amendment, and her amendment is certainly an appropriation and not a legislation and not dealing with legislation but appropriation.

The CHAIRMAN. The House waived all points of order against this amendment by adopting the resolution governing consideration of this bill.

Mr. FIELDS of Louisiana. Are there any other amendments that the House waived all points of order other than the gentleman's amendment?

The CHAIRMAN. Under the rule, there were two amendments protected.

Mr. FIELDS of Louisiana. Can the gentleman inquire in terms of which amendments they are? I mean, because the gentlewoman and I am having some confusion.

The CHAIRMAN. If the gentleman will let the Chair answer the question, the gentleman can look in the report of the Committee on Rules accompanying House Resolution 201.

Mr. FIELDS of Louisiana. I am trying to understand the rules. I am new here. I do not recall the House, is that rule from the Committee on Rules because you said the House waived the rules? I do not recall voting on waiving these rules other than through the rules that we adopted that I voted against. So you are talking about this rule came from the Committee on Rules?

The CHAIRMAN. The gentleman will suspend.

When the House adopted the resolution reported by the Committee on Rules, the House waived the points of order against the gentleman's amendment.

Mr. FIELDS of Louisiana. Which other amendments did we waive?

The CHAIRMAN. As the Chair has indicated to the gentleman, he can find that information in the report.

Mr. FIELDS of Louisiana. You are not privy to that information?

The CHAIRMAN. Yes; and so is the gentleman from Louisiana.

Is there further discussion on the amendment?

Mr. KENNEDY of Massachusetts. Mr. Chairman, I move to strike the requisite number of words.

I wonder if, given the situation which has been acknowledged, and I appreciate the forthrightness of the gentleman from Arizona [Mr. HAYWORTH] with regard to this amendment, I do not disagree with the purposes that the gentleman from Wisconsin [Mr. KLUG] has filed this amendment; in fact, I would support the underlying purposes for which the gentleman from Wisconsin [Mr. KLUG] has attempted to change some of the housing authorization language that is necessary to get his amendment in proper order. The fact of the matter is the gentlewoman from Ohio [Ms. KAPTUR] was trying to get an amendment, which I also support, to continue a program that has been funded by the Department of Housing and Urban Development for 5 years.

Because the authorizing committee never held a hearing and never wrote a bill, that program is no longer authorized. As a result, when we tried to just continue funding for a program that already has funding, it was denied because a point of order could be raised against the amendment offered by the gentlewoman from Ohio [Ms. KAPTUR].

So I wonder whether or not we might, if I sought or if the gentlewoman from Ohio [Ms. KAPTUR], I say to the gentleman from Wisconsin [Mr. KLUG], if I could just get your attention for a moment and perhaps that of the gentleman from New York [Mr. LAZIO] as well, and it is hard to get the attention of the gentleman from New York [Mr. LAZIO] on some of these housing issues. But in any event, I wonder if the gentlewoman from Ohio [Ms. KAPTUR] were to ask unanimous consent to be able to bring her amendment forward, given the kind of situation we are in at the moment, whether or not we might be able to get her amendment brought up under UC and have an opportunity to debate the drug elimination program as well.

I would hope that maybe we could find some support by the gentleman from Wisconsin [Mr. KLUG] for those who perhaps would oppose his amendment because of the way it was brought forward who might be inclined to support his amendment if the amendment offered by the gentlewoman from Ohio [Ms. KAPTUR] could be debated as well. I wonder if the gentleman from Wisconsin [Mr. KLUG] might have a comment on that.

Mr. KLUG. Mr. Chairman, will the gentleman yield?

Mr. KENNEDY of Massachusetts. I yield to the gentleman from Wisconsin.

Mr. KLUG. I thank my colleague from Massachusetts, with whom I have worked closely over the last several weeks.

Mr. KENNEDY of Massachusetts. I appreciate it very much. I support his underlying amendment. I understand that.

Mr. KLUG. That is a discussion I had with the Committee on Rules. I have absolutely no control over what the Committee on Rules did except to make my case like other Members. Imagine that, when a member of the majority party asks the Committee on Rules for an amendment, it is actually approved. Obviously, it never happened any time in the last 4 years.

Mr. KENNEDY of Massachusetts. I appreciate what the gentleman is suggesting. I am not going back to the Committee on Rules. I am suggesting if the gentleman from Wisconsin [Mr. KLUG] were to use the influence that he demonstrated so capably to be able to get this amendment included in the bill to begin with, if he could use that same kind of influence to allow for a unanimous consent to be made in order so that the gentlewoman from Ohio [Ms. KAPTUR] could bring her bill forward, her amendment forward, there might be a great deal of inclination for people on our side of the asile to support the amendment if the amendment offered by the gentlewoman from Ohio [Ms. KAPTUR] could be made in order and he could use his influence to convince people on the other side to not oppose her amendment for the purposes of this debate.

Mr. KLUG. I will be happy to have the discussion with a member of the Committee on Rules, but I do not see any on the floor right now.

Mr. KENNEDY of Massachusetts. I do not think we need the Committee on Rules to bring it up under unanimous consent. We can ask for unanimous consent. I am just asking you to go to work. If somebody opposes it, that will answer the question as to whether or not we are going to oppose you.

Mr. KLUG. I have no objections. That is not my not decision.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I ask unanimous consent that we be allowed to bring up the Kaptur amendment with regard to the drug elimination program.

Mr. LEWIS of California. Mr. Chairman, I am not even sure that is appropriate. It certainly does not fit the discussion. For now, I have to object.

The CHAIRMAN. Objection is heard.

Mr. FRANK of Massachusetts. If the gentleman will yield, I just wanted to make the point there was some question as to when the authorization lapsed. Someone had suggested that authorization for the drug elimination program had lapsed a long time earlier. The information I received from the very able staff of the minority on the housing subcommittee is that, in fact, this was authorized through 1994.

The question was whether this had been some previous problem. It is the failure of the Congress this year to authorize the drug elimination grants that caused the dilemma the gentlewoman from Ohio [Ms. KAPTUR] has been caught in. That is, through the end of last year it was authorized. So we were not previously appropriating for an unauthorized program, and it was the failure of the housing subcommittee to do anything this year that resulted in that problem.

Mr. KENNEDY of Massachusetts. That is correct.

I would look forward to working with the gentleman from California [Mr. LEWIS] to see whether we might work out a unanimous consent that would comply with the rules of the House to allow the gentlewoman from Ohio [Ms. KAPTUR] to offer her amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin [Mr. KLUG].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. KLUG. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to the order of the House of today, further proceedings on the amendment offered by the gentleman from Wisconsin [Mr. KLUG] will be postponed.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to the order of the House of today, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: Amendment No. 50 offered by the gentleman from Wisconsin [Mr. OBEY]; amendment No. 63 offered by the gentleman from Ohio [Mr. STOKES]; amendment No. 47 offered by the gentleman from Massachusetts [Mr. KENNEDY]; an unnumbered amendment offered by the gentleman from Massachusetts [Mr. FRANK]; amendment No. 3 offered by the gentleman from Wisconsin [Mr. KLUG].

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 50 OFFERED BY MR. OBEY

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Wisconsin [Mr. OBEY] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

Pursuant to the order of the House of today, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each amendment on which the Chair has postponed further proceedings.

The vote was taken by electronic device, and there were—ayes 126, noes 299, not voting 9, as follows:

[Roll No. 587]

AYES—126

Ackerman
Barcia
Barrett (WI)
Bereuter
Bishop
Blute
Bonior
Brown (CA)
Brown (OH)
Camp
Christensen
Clay
Clyburn
Collins (IL)
Conyers
Costello
Coyne
Danner
DeFazio
DeLauro
Dellums
Dingell
Doyle
Duncan
Durbin
Ensign
Evans
Fattah
Flake
Foglietta
Ford
Frank (MA)
Franks (CT)
Furse
Ganske
Gibbons
Goodlatte
Goodling
Gordon
Gutierrez
Hamilton
Hastings (FL)
Hilleary
Holden
Inglis
Jacobs
Johnson (SD)
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kildee
Kleczka
Klink
Klug
LaFalce
Leach
Levin
Lincoln
Lipinski
LoBiondo
Lowey
Luther
Maloney
Markey
Martini
McCarthy
McDermott
McKinney
McNulty
Meehan
Menendez
Mfume
Miller (CA)
Minge
Mink
Molinari
Montgomery
Nadler
Neumann
Oberstar
Obey
Olver
Owens
Pallone
Payne (NJ)
Payne (VA)
Pelosi
Peterson (MN)
Pomeroy
Porter
Poshard
Ramstad
Rangel
Reed
Rivers
Roemer
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Schroeder
Schumer
Scott
Serrano
Shays
Skaggs
Slaughter
Stark
Stokes
Studds
Stupak
Tejeda
Thompson
Towns
Upton
Velazquez
Vento
Ward
Waters
Williams
Woolsey
Wyden
Yates
Zimmer

NOES—299

Abercrombie
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Becerra
Beilenson
Bentsen
Berman
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boehner
Bonilla
Bono
Borski
Boucher
Brewster
Browder
Brown (FL)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Chrysler
Clayton
Clement
Clinger
Coble
Coburn
Coleman
Collins (GA)
Combest
Condit
Cooley
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
de la Garza
Deal
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Doggett
Dooley
Doolittle
Dornan
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Everett
Ewing
Farr
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Flanagan
Foley
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Gallegly
Gejdenson
Gekas
Gephardt
Geren
Gilchrest
Gillmor
Gilman
Gonzalez
Goss
Graham
Green
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Istook
Jackson-Lee
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones
Kasich
Kelly
Kennelly
Kim
King
Kingston
Knollenberg
Kolbe
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Linder
Livingston
Lofgren
Longley
Lucas
Manton
Manzullo
Martinez
Mascara
Matsui
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McKeon
Meek
Metcalf
Mica
Miller (FL)
Mineta
Mollohan
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Neal
Nethercutt
Ney
Norwood
Nussle
Ortiz
Orton
Oxley
Packard
Parker
Pastor
Paxon
Peterson (FL)
Petri
Pickett
Pombo
Portman
Pryce
Quillen
Quinn
Radanovich
Rahall
Regula
Richardson
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Royce
Salmon
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stockman
Stump
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Torricelli
Traficant
Tucker
Visclosky
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watt (NC)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wise
Wolf
Wynn
Young (AK)
Young (FL)
Zeliff

NOT VOTING—9

Bateman
Collins (MI)
Hall (OH)
Jefferson
Johnston
Meyers
Moakley
Reynolds
Waxman

☐ 1702

The Clerk announced the following pair:

On this vote:

Mr. Moakley for, with Mr. Bateman against.

Messrs. BROWNBACK, NETHERCUTT, and ABERCROMBIE changed their vote from "aye" to "no."

Messrs. FLAKE, GOODLATTE, and GOODLING, and Mrs. MALONEY changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. WATTS of Oklahoma. Mr. Chairman, on rollcall No. 587, I inadvertently voted "no" on the Obey amendment and I would like the record to reflect that I intended to vote "yes."

AMENDMENT NO. 63 OFFERED BY MR. STOKES

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Ohio [Mr. STOKES] on which further proceedings were postponed and on which the noes prevailed by division vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 187, noes 237, not voting 10, as follows:

[Roll No. 588]

AYES—187

Abercrombie
Ackerman
Andrews
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bishop
Blute
Bonior
Borski
Boucher
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Conyers
Costello
Coyne
Cramer
Davis
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gonzalez
Goodling
Gordon
Green
Gutierrez
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jacobs
Johnson (SD)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lincoln
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Molinari
Mollohan
Moran
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Pickett
Pomeroy
Poshard
Rahall
Rangel
Reed
Richardson
Rivers
Roemer
Ros-Lehtinen
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Sisisky
Skaggs
Slaughter
Spratt
Stark
Stokes
Studds
Stupak
Tanner
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOES—237

Allard
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bereuter
Bilbray
Bilirakis
Bliley
Boehlert
Boehner
Bonilla
Bono
Brewster
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Deal
DeLay
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Montgomery
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Orton
Oxley
Packard
Parker
Paxon
Peterson (MN)
Petri
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Talent
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—10

Bateman
Collins (MI)
Dornan
Gekas
Hall (OH)
Jefferson
Johnston
Meyers
Moakley
Reynolds

☐ 1711

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 47 OFFERED BY MR. KENNEDY

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Massachusetts [Mr. KENNEDY] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 177, noes 248, not voting 9, as follows:

[Roll No 589]

AYES—177

Ackerman
Andrews
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bishop
Blute
Bonior
Borski
Boucher
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Costello
Coyne
Cramer
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Duncan
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Fox
Frank (MA)
Franks (CT)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gonzalez
Green
Gutierrez
Hamilton
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Jackson-Lee
Jacobs
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Mink
Molinari
Mollohan
Moran
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pastor
Payne (NJ)

Pelosi
Peterson (FL)
Poshard
Rahall
Rangel
Reed
Richardson
Rivers
Roemer
Ros-Lehtinen
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Shays
Skaggs
Slaughter
Spratt
Stark
Stokes
Studds
Stupak
Tanner
Tejeda
Thompson
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Velazquez
Vento
Visclosky
Ward
Waters
Watt (NC)
Waxman
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOES—248

Abercrombie
Allard
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bereuter
Bilbray
Bilirakis
Bliley
Boehlert
Boehner
Bonilla
Bono
Brewster
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
Deal
DeLay
Dickey
Doolittle
Dornan
Dreier
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Gordon
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCarthy
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Minge
Montgomery
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Orton
Oxley
Packard
Parker
Paxon
Payne (VA)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Talent
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thornton
Tiahrt
Torkildsen
Upton
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—9

Bateman
Collins (MI)
Conyers
Hall (OH)
Jefferson
Johnston
Meyers
Moakley
Reynolds

☐ 1720

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. FRANK OF MASSACHUSETTS

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Massachusetts [Mr. FRANK] on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 158, noes 265, not voting 11, as follows:

[Roll No. 590]

AYES—158

Ackerman
Andrews
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bereuter
Berman
Bevill
Bishop
Blute
Bonior
Borski
Boucher
Brown (FL)
Brown (OH)
Bryant (TX)
Castle
Clay
Clayton
Collins (IL)
Conyers
Costello
Coyne
Danner
DeFazio
DeLauro
Dellums
Dicks
Dingell
Dixon
Doggett
Duncan
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Furse
Gejdenson
Gephardt
Gibbons
Gonzalez
Gordon
Gunderson
Gutierrez
Hamilton
Hastings (FL)
Hefner
Hilliard
Jacobs
Johnson (SD)
Johnson, E. B.
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Lazio
Levin
Lewis (GA)
LoBiondo
Lowey
Luther
Maloney
Manton
Markey
Martinez
Martini
Matsui
McCarthy
McDermott
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Molinari
Mollohan
Moran
Nadler
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Pomeroy
Poshard
Rahall
Ramstad
Rangel
Reed
Regula
Richardson
Rivers
Rose
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Shays
Slaughter
Spratt
Stark
Stokes
Studds
Stupak
Thompson
Torres
Torricelli
Towns
Traficant
Tucker
Velazquez
Vento
Visclosky
Volkmer
Walsh
Ward
Waters
Watt (NC)
Waxman
Whitfield
Williams
Wilson
Wise
Woolsey
Wyden
Yates

NOES—265

Abercrombie
Allard
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bentsen
Bilbray
Bilirakis
Bliley
Boehlert
Boehner
Bonilla
Bono
Brewster
Browder
Brown (CA)
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Combest
Condit
Cooley
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
de la Garza
Deal
DeLay
Deutsch
Diaz-Balart
Dickey
Dooley
Doolittle
Dornan
Doyle
Dreier
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Green
Greenwood
Gutknecht
Hall (TX)
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee
Johnson (CT)
Johnson, Sam
Jones
Kanjorski
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
Lofgren
Lucas
Manzullo
Mascara
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Montgomery
Moorhead
Morella
Murtha
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Ortiz
Orton
Oxley
Packard
Parker
Paxon
Payne (VA)
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Upton
Vucanovich
Waldholtz
Walker
Wamp
Watts (OK)
Weldon (FL)

Weldon (PA)
Weller
White
Wicker
Wolf
Wynn
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—11

Bateman
Collins (MI)
Hall (OH)
Hinchey
Jefferson
Johnston
Longley
Meyers
Moakley
Reynolds
Skaggs

☐ 1727

The Clerk announced the following pair:

On this vote:

Mr. Johnston of Florida for, with Mr. Longley against.

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 3 OFFERED BY MR. KLUG

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Wisconsin [Mr. KLUG] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 76, noes 348, not voting 10, as follows:

[Roll No. 591]

AYES—76

Andrews
Armey
Barcia
Barrett (WI)
Beilenson
Bilirakis
Blute
Boehlert
Boehner
Bunn
Camp
Castle
Chrysler
Collins (GA)
Condit
Danner
Davis
Diaz-Balart
Dingell
Ehlers
Ehrlich
Fawell
Flanagan
Foley
Fox
Ganske
Geren
Greenwood
Gunderson
Heineman
Hobson
Houghton
Hyde
Inglis
Johnson (CT)
Johnson (SD)
King
Kingston
Kleczka
Klug
Lazio
Leach
Lewis (CA)
Lincoln
Linder
Luther
Manton
Manzullo
McCollum
McDade
McHugh
Metcalf
Mica
Minge
Molinari
Morella
Neumann
Obey
Peterson (MN)
Petri
Porter
Portman
Pryce
Quinn
Ramstad
Regula
Richardson
Riggs
Ros-Lehtinen
Sanford
Solomon
Spratt
Talent
Taylor (NC)
Torkildsen
Tucker

NOES—348

Abercrombie
Ackerman
Allard
Archer
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bishop
Bliley
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Canady
Cardin
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (IL)
Combest
Conyers
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dellums
Deutsch
Dickey
Dicks
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Emerson
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Fazio
Fields (LA)
Fields (TX)
Filner
Flake
Foglietta
Forbes
Ford
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Gutierrez
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Herger
Hilleary
Hilliard
Hinchey
Hoekstra
Hoke
Holden
Horn
Hostettler
Hoyer
Hunter
Hutchinson
Istook
Jackson-Lee
Jacobs
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
Klink
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Levin
Lewis (GA)
Lewis (KY)
Lightfoot
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Maloney
Markey
Martinez
Mascara
Matsui
McCarthy
McCrery
McDermott
McHale
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Miller (FL)
Mineta
Mink
Mollohan
Montgomery
Moorhead
Moran
Murtha
Myers
Myrick
Nadler
Neal
Nethercutt
Ney
Norwood
Nussle
Oberstar
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Pickett
Pombo
Pomeroy
Poshard
Quillen
Radanovich
Rahall
Rangel
Reed
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Rose
Roth
Roukema
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanders
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Spence
Stark
Stearns
Stenholm
Stockman
Stokes
Studds
Stump
Stupak
Tanner
Tate
Tauzin
Taylor (MS)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torres
Torricelli
Towns
Traficant
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Waters
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—10

Bateman
Collins (MI)
Hall (OH)
Jefferson
Johnston
Martini
Meyers
Moakley
Reynolds
Yates

☐ 1735

Mr. HINCHEY changed his vote "aye" to "no."

Mr. FOX of Pennsylvania changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. LEWIS of California. Mr. Chairman, I move to strike the last word.

I would like to have a colloquy with my colleague, the gentleman from Ohio [Mr. STOKES]. I know that the gentleman and I are very anxious to make a contribution to getting our Members out of here as early as possible, either tonight, or maybe even early tonight, but also early tomorrow, if we need to go over to tomorrow. In connection with that, I understand that there has been some effort made to work out time limitations on a number of the amendments; is that correct? And if it is, I will outline those that I understand.

Mr. STOKES. Mr. Chairman, will the gentleman yield?

Mr. LEWIS of California. I yield to the gentleman from Ohio.

Mr. STOKES. Mr. Chairman, it is my understanding that we have made some offer with reference to having some agreement relative to time.

Mr. LEWIS of California. It is my understanding, Mr. Chairman, that there are a series of six amendments where there are tentatively agreed time limitations. They would be amendment No. 64 by the gentleman from Ohio [Mr. STOKES]. The time limit would be 10 minutes, divided equally.

Mr. STOKES. Mr. Chairman, if the gentleman will continue to yield, that is correct.

Mr. LEWIS of California. And amendment No. 65, offered by the gentleman from Ohio [Mr. STOKES] which strikes delays, a 10-minute limitation divided equally.

Mr. STOKES. That is correct.

Mr. LEWIS of California. Item No. 69 by the gentleman from Minnesota [Mr. VENTO] dealing with the homeless, a limitation of 40 minutes.

Mr. STOKES. The gentleman is correct.

Mr. LEWIS of California. And item No. 12, Mr. Chairman, the amendment offered by the gentleman from Massachusetts [Mr. KENNEDY], 20 minutes, 10 minutes on each side.

Mr. KENNEDY of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. LEWIS of California. I yield to the gentleman from Massachusetts.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I thank the gentleman for yielding to me.

This is the first I have heard of this limitation, just in this last 30 seconds. I will have to check with the gentlewoman from California [Ms. WATERS] who cosponsored the amendment with me. If we could have a minute or two to consult, we will get back to the gentleman.

Mr. LEWIS of California. In the meantime, Mr. Chairman, let me complete my list. Item No. 44, by the gentleman from Colorado [Mr. HEFLEY], a 10-minute limitation, 5 minutes on each side.

Mr. STOKES. Mr. Chairman, if the gentleman will continue to yield, that is my understanding.

Mr. LEWIS of California. And Ms. KAPTUR of Ohio, drug elimination, a limitation of 20 minutes.

Mr. STOKES. Mr. Chairman, that is correct.

Mr. LEWIS of California. I should mention that there has been an indication on item 64, the first item of Mr. STOKES, and item 2, there has been some indication that there could be points of order on those two items. I think that is a part of the understanding as well.

Mr. STOKES. Mr. Chairman, I am sorry, if the gentleman could repeat that.

Mr. LEWIS of California. When the amendments are called up.

Mr. STOKES. Mr. Chairman, if the gentleman will continue to yield, I understand with reference to the Kennedy amendment, the gentleman would agree upon 20 minutes on each side. That would be acceptable to our side.

Mr. LEWIS of California. Mr. Chairman, how about 40 minutes? Twenty minutes on each side?

Mr. STOKES. Twenty on each side, Mr. Chairman.

Mr. LEWIS of California. I will try not to use my time.

Mr. STOKES. Mr. Chairman, with reference to item 64, do I understand that the gentleman is waiving a point of order so we might discuss that matter for 10 minutes; is that it?

Mr. LEWIS of California. Which matter is the gentleman referring to?

Mr. STOKES. Amendment No. 64.

Mr. LEWIS of California. It is my understanding, Mr. Chairman, that there is a request to reserve the right to a point of order on two of the two items, No. 64 and No. 2.

Mr. STOKES. That is correct.

Mr. LEWIS of California. Mr. Chairman, I know the gentleman wants to discuss it, and I will do everything I can to see that that occurs.

Mr. Chairman, I ask unanimous consent that the House accept these time limitations as they have just been outlined.

The CHAIRMAN. Would the gentleman please restate his unanimous-consent request?

Mr. LEWIS of California. Mr. Chairman, I ask unanimous consent that all debate on the following amendments and all amendments thereto be given specific time limitations as outlined in each of these items:

On item No. 64, 10 minutes, 5 minutes on each side; 65, 10 minutes, 5 minutes on each side; 69, 40 minutes, 20 minutes on each side; 12, 40 minutes, 20 minutes on each side; 44, 10 minutes, 5 minutes on each side; and No. 2, 20 minutes, 10 minutes on each side.

I would state with that that Members have requested the reservation of points of order possible on item 64 and item 2.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. LEWIS of California. Mr. Chairman, I ask unanimous consent that, if there are rollcalls on these amendments, as we proceed, that they would all be rolled over and taken at the end of the discussion.

The CHAIRMAN. The Chair has that authority. Unanimous consent would not be needed for that.

The CHAIRMAN. Are there other amendments to title II?

AMENDMENT OFFERED BY MS. KAPTUR

Ms. KAPTUR. Mr. Chairman, I offer an amendment, No. 2.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Ms. KAPTUR:

Page 26, after line 13, insert the following new item:

DRUG ELIMINATION GRANTS FOR LOW-INCOME HOUSING

For grants to public housing agencies for use in eliminating drug-related crime in public housing projects authorized by the Public and Assisted Housing Drug Elimination Act of 1990 (42 U.S.C. 11901–11908), and for drug information clearinghouse services authorized by the Drug-Free Public Housing Act of 1988 (42 U.S.C. 11921–11925), $290,000,000, to remain available until expended.

Page 64, line 16, before the last comma insert "(reduced by $34,500,000)".

Mr. LEWIS of California. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN. The gentleman from California reserves a point of order.

□ 1745

The CHAIRMAN. The gentlewoman from Ohio [Ms. KAPTUR] will be recognized for 10 minutes, and the gentleman from California [Mr. LEWIS] will be recognized for 10 minutes in opposition.

The Chair recognizes the gentlewoman from Ohio [Ms. KAPTUR].

Ms. KAPTUR. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, first let me say to the chairman of the subcommittee, no one could be more cordial or helpful than the gentleman has been in committee and in subcommittee as we develop these extremely complex bills, with lots of pressure from many outside interests, as we saw in that last vote.

My problem is not with the committee, Mr. Chairman, my problem is with the Committee on Rules in our attempts to get a freestanding vote on this exceedingly important question of the continuation of the drug elimination program in and around our public housing projects, which affects almost every single metropolitan area and many smaller towns and communities in this country.

Mr. Chairman, today I rise in strong opposition to the rule, because my amendment is one of its victims. We all know that there is no greater scourge affecting our communities than the drug scourge. It has been this way for a while. However, this bill, for the first time since 1988, completely strikes out all of the money for our drug elimination efforts in nearby neighborhoods around public housing.

The Committee on Rules refused to make in order my amendment, which would maintain last year's level of support, which is about $290 million for drug elimination in 1996, and we did so in a budget-neutral way. We transferred money in the amendment from FEMA, the Federal Emergency Management Agency, so it is budget neutral.

Let me say again, this program has existed and has been functioning since 1988. It has an excellent track record. It has helped every community in this country deal with the kind of cancer that is spreading throughout our neighborhoods because of these gang leaders and drug lords associated with drugs.

Mr. Chairman, in a few moments the gentleman from California [Mr. LEWIS], our distinguished chairman, will insist on his point of order against my amendment. I have a hunch that the Chair will rule that I cannot bring up my amendment for a full debate before this body. It is my intention to then appeal the Chair's ruling, and a motion will be made to table my appeal. I ask my colleagues to please vote no on the motion to table the appeal, because in effect, that will be the only vote that we have on saving this very worthy initiative.

I guess my basic question, Mr. Chairman, is why should we pull the rug out from under the citizens of our country by taking away the only program that exists to fight drugs and crime in some of the most fragile neighborhoods in this Nation? To make matters worse, if my amendment does not prevail, what ultimately happens is as this fiscal year winds down and the next fiscal year begins, the money that is so-called being saved, and I put that word in quotes, the money that would be taken from these very worthy initiatives from coast-to-coast, will be frittered away on tax breaks that will be given to the privileged few.

That will not be done in our committee, that will be done over in the Committee on Ways and Means. Therefore, Mr. Chairman, there is really no savings as a result of what is being done here. We are eliminating an exceedingly effective program.

Mr. Chairman, let me point out that this program, and I said to the majority leader just now, it is amazing what happens in politics, I am defending a program that was pioneered by Jack Kemp when he was HUD Secretary. This has had broad bipartisan support over the years, and has really helped our community stem the drug tide, because, as we all know, it is not restricted to one neighborhood. The drug lords and those that they hire, they move across communities. They move into the suburbs, into the city.

Since 1989 HUD was given a helping hand to hundreds and hundred of our mayors in towns and police forces across this country. In my own town of Toledo, OH, a medium-size city, our Toledo Police Department saw a 20 percent decrease in just 1 year in drug activity in those areas that received help from this program. Yet, the appropriations bill recommended zero funding, zero funding in this program that is doing so much to effectively combat what drug lords and gang violence is doing all over this country.

I literally walked through the streets of Chicago when Congressman Charlie Hayes served in this body at a time when there were snipers on the roofs of some of the public housing projects in Chicago, projects being controlled by drug lords. As a result of this very worthy effort, that does not happen, that does not happen to the extent that it used to.

Mr. Chairman, what is really amazing is how we could be abandoning a program that has been as universally successful as this one, in giving our mayors, our police departments, our citizens the necessary tools to fight crime. It seems to me we cannot afford to continue them.

Let me remind my colleagues, my amendment would pay for itself through an offset of $34 million from FEMA's disaster assistance account, because this particular program only spends out at the rate of 7 percent a year, and it seems we have found money for everything from the space station to disasters everywhere in the Nation. There could be no greater disaster than what is happening in our communities as a result of the drug trade.

One of the reasons I really beg special consideration here, I offered an amendment in the full committee on this very subject. We got bipartisan support, we came within 5 votes of carrying the amendment, there were 16 Members who were not in the committee when we took the vote. Any objection that could have existed to the amendment as originally offered was worked out.

We went to the Committee on Rules, we made our presentation, and I thought we would be granted the opportunity to offer this amendment. The FEMA account has been dipped into for other purposes since we held that vote in committee. Thus, it seems to me that for $34 million in the next cycle, we have a very worthy proposal that deserves the consideration of our colleagues.

Mr. Chairman, I also have a list here that includes communities across the country. Before Members vote on the motion to table the appeal, I want them to come up to me and take a look at this list. Columbus, OH, gets over $1 million a year. Every community of the leadership of this Congress receives help. The community of chairman of the Committee on Rules, Albany, NY, receives help in his program. We can go coast to coast. Every single district in this country benefits from this program.

I would remind my colleagues from the other side of the aisle that this is not a partisan issue. Let me quote what Jack Kemp said in 1991 when he was visiting a project in one of our Nation's major cities. He said, "Our drug elimination funding represents a substantial commitment" by the then Bush administration, "to rid public housing of the scourge of drugs and drug-related crime. Two years ago the bush administration announced a substantial moral and financial commitment to return public housing neighborhoods to the families for whom they were intended. Today this effort is showing significant results."

I agree with Mr. Kemp, Mr. Chairman. We, as Members of this House, should do everything possible to help our local communities combat the scourge of drugs. I find it the height of lunacy to eliminate an effort that has proven itself in city after city just in order to bankroll through tax breaks largely the Fortune 500 big daddies that will get plenty of good treatment here, come the end of the year.

My colleagues should know that if my amendment is ruled out of order, I will appeal the ruling of the Chair. I strongly urge my colleagues to vote no on any subsequent motions to table my appeal of the ruling of the Chair.

Mr. Chairman, I yield such time as he may consume to the gentleman from Louisiana [Mr. FIELDS].

Mr. FIELDS of Louisiana. I thank the gentlewoman for yielding time to me, and for all of her efforts she has put into this amendment.

Mr. Chairman, this is a very important amendment. If we look at the problems we have in our public housing system across the country, we will find there still exists today, though I think there are Members of Congress, based upon the way we are moving in this legislation, who do not believe that; but I can tell the Members, coming from a district that has a sizeable amount of public housing, there are still problems within the public housing system.

For us to sit here or stand here today and not consider this amendment to me would be absolutely unbelievable. We have already cut out drug free schools and communities out of our schools. We have taken drug education funding out of the school system. Now we are coming to the public housing and taking drug prevention programs and elimination programs out of it. I just do not understand how that makes sense.

Mr. Chairman, in Louisiana, for example, this amendment, if it is not passed, will cost Louisiana somewhere in the neighborhood of about $600,000. We have big housing facilities like the one in New Orleans, LA, for example, DESIRE projects. They are working hard every day to try to eliminate the drug problem that they have.

The CHAIRMAN. Does the gentleman from California [Mr. LEWIS], insist on his point of order?

Mr. LEWIS of California. Mr. Chairman, I reserve my point of order.

The CHAIRMAN. The gentleman from California [Mr. LEWIS] is recognized for 10 minutes on the amendment.

Mr. LEWIS of California. Mr. Chairman, let me say to my colleague, the gentlewoman from Ohio [Ms. KAPTUR], if I though we were eliminating programs that are attempting to control the drug problem in public housing, I would agree with her. But I do not believe that is the case. I know that the gentlewoman will recall that during the rescission process, we put sizeable numbers of dollars in the public housing modernization accounts. There is $2.5 billion in this bill, another $6 billion in the pipeline, and are providing the kind of flexibility that suggests that these drug elimination efforts should take place through public housing modernization.

The President just signed the rescission bill today. Within that bill there is the authorization to carry forward that sort of activity, so I feel very, very strongly that while there may be this understanding between us, there is certainly no disagreement regarding the importance and the priority of drug elimination efforts.

It is my own view that the Department of Housing has not always effectively carried forward efforts that the Congress outlined for them to carry forward. We are giving them some new direction in this process. We hope to put a different kind of pressure on, and see if it works better. These programs work well in some locations and in other locations they do not work very well.

Further, Mr. Chairman, I would say to the gentlewoman, she and I do have a very fine working relationship. As she knows, she made a personal appeal regarding $10 million that involves a health professionals' scholarship program, and frankly, I thought the argument was logical, and in my amendment earlier today, put that money back in.

In this case, there is a very specific authorization for an appropriations bill here in the rescission package that allows another approach in terms of drug elimination within housing modernization. I really believe that there is a need to shake this agency, and take those agency subheads over there and rattle them a bit. In no way, shape, or form would the gentlewoman or I take a position that was in opposition to drug elimination grants.

POINT OF ORDER

Mr. LEWIS of California. Mr. Chairman, I make a point of order against the amendment, because it proposes to change existing law and constitutes legislation in an appropriations bill, and therefore violates clause 2 of rule XXI.

The CHAIRMAN. Does the gentlewoman desire to be heard on the point of order?

Ms. KAPTUR. Yes, I do, Mr. Chairman. I respectfully ask for the Chair's ruling on that.

The CHAIRMAN. Does any Member wish to be heard on the point of order?

Mr. KENNEDY of Massachusetts. I would like to be heard on the point of order, Mr. Chairman.

Mr. Chairman, I support the provision of the gentlewoman in this bill, and I think the point of order is not appropriate, given all of the other considerations that have been contained in this rule that is before the House of Representatives.

I would further point out that the gentleman from California suggests that the funds for this program could be contained in the HUD modernization program. I would just point out to the gentleman that that program has been cut fully by 30 percent. To suggest that we are going to be able to take money from the drug elimination program and take it out of the modernization fund is complete folly, so I would object to the point of order based on the fact that this whole thing is complete folly on the part of the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, I would suggest there is $2.5 billion for public housing modernization in this bill and there is $6 billion in the pipeline of unexpended, unobligated funds.

Mr. KENNEDY of Massachusetts. I would just point out that HUD modernization funds are much like an aircraft carrier. The fact of the matter is there are billions and billions of dollars in the Armed Services budget that go for programs that are going to be requiring these funds over a period of time. You cannot build bricks and mortar overnight. It takes a while. Therefore, the funds end up in the pipeline. That is no excuse for taking a shortsighted approach.

Once again, it demonstrates the fact that the Committee on Appropriations is no place to authorize funds, because the Committee on Appropriations does not understand how HUD modernization works. HUD modernization draws dollars over a long period of time. They see the money in the pipeline, they say "Let's go cut it," but the fact of the matter is those dollars go to specific projects that need to be modernized, and should not be in competition with drug elimination funding.

□ 1800

The CHAIRMAN. Are there other Members who wish to be heard on the point of order?

Ms. KAPTUR. Mr. Chairman, I would like to be heard.

The CHAIRMAN. The gentlewoman may proceed on the point of order.

Ms. KAPTUR. Yes, Mr. Chairman, that is what I would like to do. I want to say, first of all, that I think that the work that the gentleman from California [Mr. LEWIS] did in helping us to restore the health education scholarships for nurses, for occupational therapists, and so forth, a $10 million program that has existed since the early 1980's, was right for America and it was the proper thing to do with some of the dollars that were given to our committee when other committees worked out their bottom line numbers.

On this particular one, as I mentioned, I am not blaming the gentleman personally for this. I am exceedingly disappointed in the Rules Committee based on what happened.

Mr. McINNIS. Regular order.

The CHAIRMAN. The gentlewoman must confine her remarks to the point of order. Regular order has been demanded.

Ms. KAPTUR. Mr. Chairman, what does that mean?

The CHAIRMAN. The gentlewoman's remarks should be relative to the point of order rather than the other subject matter being discussed. Regular order has been demanded.

Ms. KAPTUR. Mr. Chairman, I am talking about the point of order; am I not?

The CHAIRMAN. The gentlewoman must speak to whether or not this is an authorized appropriation.

Ms. KAPUTR. Mr. Chairman, let me say that this program has existed since 1988, and when the gentleman from Wisconsin [Mr. KLUG] was on the floor a little earlier, the gentleman was asking for a demonstration project that did not even get in the bill. It was not even in the appropriations bill. To me, I am talking about a program that has been on the books since 1988, with a track record, and all of the other programs in the bill are not authorized either, and yet we are appropriating dollars for them.

Mr. Chairman, I would like to know by what criteria the Rules Committee decided when things were not authorized what would they put in the bill and why I am classified as unauthorized

The CHAIRMAN. The Chair is not in a position to state the motivations of the Rules Committee. The gentlewoman should confine her remarks to the point of order which is before the body.

Does the gentlewoman wish to further comment on the point of order?

Ms. KAPTUR. Mr. Chairman, I am a bit befuddled here in trying to understand by what criteria in this point of order we are ruled out of order, saying we are unauthorized when, in fact, everything else in the bill is not authorized either.

The CHAIRMAN. The Chair has yet to rule.

Ms. KAPTUR. I have a hunch what the Chair is going to do, Mr. Chairman. I have kind of been forewarned, and I am trying to get a definition of why we would be excluded. I hope when the Chair rules he will so state that reason, especially in relation to other programs in the bill that are included but are not authorized.

The CHAIRMAN. Does any other Member wish to be heard on the point of order.

Mr. LEWIS. By way of clarification, Mr. Chairman, I want to make sure the House understands that the rule states in pertinent part that no amendment to a general appropriations bill shall be in order if changing existing law.

The amendment goes to a program whose authorization expired in fiscal year 1994. The program is not authorized and, therefore, the point of order, and that is what I am asking the Chair to rule upon.

The CHAIRMAN. Are there other Members who wish to be heard on the point of order?

Mrs. CLAYTON. Yes, Mr. Chairman.

The CHAIRMAN. The Chair will hear arguments from Members on the point of order. The gentlewoman from North Carolina may proceed.

Mrs. CLAYTON. Mr. Chairman, I would like to ask the Chair again to further explain the point of order here. The distinction for the clause that is written into the language said all of these appropriations are subject to authorization, so all of them technically expired. What date did they expire?

The CHAIRMAN. Does the gentleman wish to be heard further?

Mr. LEWIS. Mr. Chairman, I would be happy to respond to the gentlewoman's question.

Mrs. CLAYTON. Mr. Chairman, let me make the point. He made the point that the reason for the point of order was that bills were expired in 1994. I am raising the question, then, all of these bills in the language, according to the drafting of the legislation are subject to authorization. All bills have expired. The question is raised why not a point of order, if that is the reason on all of the bills that we have here?

The CHAIRMAN. Is the gentlewoman making a parliamentary inquiry?

Mrs. CLAYTON. Mr. Chairman, if I need to, I will have it as a parliamentary inquiry. I thought I was asking the gentleman from California.

The CHAIRMAN. The Chair will respond to the gentlewoman's question when the Chair rules on the point of order.

Mrs. CLAYTON. Mr. Chairman, I was asking the chairman of the subcommittee, sir, in all deference.

The CHAIRMAN. Does the gentleman from California wish to be heard further on the point of order?

Mr. LEWIS. Mr. Chairman, those items within this bill that have been protected by the Rules Committee can go appropriately forward. This is an item that has not been protected by the Rules Committee and, therefore, is subject to a point of order.

I might say, Mr. Chairman, that we learned this process during the past several sessions that I have been in the Congress.

The CHAIRMAN. Are there other Members who wish to be heard on the point of order?

Ms. WATERS. Mr. Chairman, I desire to be heard on the point of order.

Some people are sitting here wondering what is going on. Let me tell you what is going on. The gentleman from Wisconsin [Mr. KLUG] came to the floor and attempted to have an amendment passed that would allow apartment owners to have some section 8 but not all section 8. That was not authorized by anybody. He legislated on the appropriation.

Mr. McINNIS. Mr. Chairman, regular order.

The CHAIRMAN. Regular order is demanded.

Ms. WATERS. Mr. Chairman, this speaks to the point of order. He went to the Committee on Rules.

The CHAIRMAN. Regular order is demanded. The gentlewoman should confine her remarks specifically to the point of order, as to whether this amendment is authorized. Whatever activity on any other amendment is not relevant.

Ms. WATERS. I think it is relevant.

The CHAIRMAN. Not in the eyes of the Chair.

Ms. WATERS. I will try.

The fact of the matter is it is not authorized because we have had no legislation in committee to do any authorizations and so no one else has been authorized. But a cute little trick took place and the Committee on Rules waived for those they wanted to waive for and they are denying an opportunity.

Whether you say I am speaking to the point of order or not, I am, and it is unfair, and I do not expect that from this chairman because he usually is fair. I would ask him to withdraw his point of order and let the gentlewoman take up this most important measure because she has not had an opportunity to have it authorized.

The CHAIRMAN. Are there other Members who wish to be heard on the point of order?

Mr. FIELDS of Louisiana. Mr. Chairman, very briefly, I would like to make one or two points as relates to the point of order.

First of all, I think the gentlewoman's amendment is in order, one, because it is not legislating according to the rules of the House on an appropriation bill. It is simply providing for an appropriation. It is taking money out of title III of this appropriations bill and it is putting it in title II of this appropriations bill. Title III of this appropriation bill deals with FEMA, so she is simply taking money out of FEMA and putting it into the drug elimination portion.

The last point I would like to make, Mr. Chairman, is that in doing that it makes this amendment budget neutral, it does not add any additional dollars to the bill, so therefore I think the gentlewoman's amendment should be made in order.

Mr. McINNIS. Mr. Chairman, regular order.

The CHAIRMAN (Mr. COMBEST). The gentleman's statement was pertinent to the point of order.

Are there other Members who wish to be heard on the point of order? If not, the Chair is prepared to rule.

The statutory authority cited in the amendment extends only through fiscal 1994. Absent citation to law extending the authorization through fiscal 1996, the Chair must sustain the point of order. The fact that other waivers have been granted to other amendments is not relevant.

PARLIAMENTARY INQUIRY

Ms. KAPTUR. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentlewoman will state it.

Ms. KAPTUR. Mr. Chairman, am I correct in understanding that the ruling of the Chair would create a situation where we would thus be denied an opportunity to have a vote on the direct question of should we sustain this program for fiscal year 1996? Is that the net effect?

The CHAIRMAN. The Chair's ruling indicates that the amendment is no longer before the Committee of the Whole.

Ms. KAPTUR. So if the Chair recalls earlier today when the chairman of the Committee on Rules was on the floor and told me that this was an open rule and thus I would have the opportunity to offer my amendment and said I would be able to do that, now, it is proven, what he said has not happened. I have not been offered the opportunity to have a full debate on my amendment here on the floor and be given an up-or-down vote on it. Is that not correct?

The CHAIRMAN. The Chair has interpreted the amendment consistent with the rules of the House and the special order.

Ms. KAPTUR. Mr. Chairman, tell me would this be in order: We had some conversations here with the leadership on the other side of the aisle and some of the folks here. What if I were to withdraw my amendment at this point perhaps for an hour or two as we are proceeding through the remainder of title II, reserving the right to bring it up at the end of title II?

That would give us more time to discuss this with the full committee chair. It would give us time to discuss with the majority leader since he came over here and talked to us about it.

Would that be in order at this point?

The CHAIRMAN. At this point, the amendment is not before the committee for withdrawal. If the gentlewoman wants to re-offer an amendment at some point, the Chair would have to rule at that time.

Are there other amendments to title II?

Mr. ENGLISH of Pennsylvania. Mr. Chairman, I move to strike the last word to enter into a colloquy with the distinguished gentleman from our neighboring State of New York, the chairman of the Banking Subcommittee on Housing and Community Opportunity.

I would like to direct this to the gentleman. As the gentleman is aware, I considered offering an amendment to the fiscal year 1996 VA-HUD appropriations bill to give local officials the flexibility they need to select those programs or services most deserving of community development block grants. As the gentleman knows, current law burdens the CDBG program with archaic rules and regulations, tying the hands of local officials and subverting the true intention of block grants. In many cases these regulations preclude the award of grants to those programs most deserving of support. Especially in an era of limited budgets, this Congress should not severely limit the ability of local officials to direct these limited funds to the areas of greatest need.

My amendment was designed to replace section 105(a) of the Housing and Community Development Act of 1974. This portion of the act lists 25 eligible activities, and imposes a bewildering, Byzantine array of restrictions and limitations that I believe as a former elected official confuses and constricts the use of Federal funds by local elected officials most familiar with their urban challenges.

Mr. Chairman, I fully understand that my proposed amendment would have placed legislative language in an appropriations bill. Nevertheless I believe it is absolutely essential to cut the bureaucratic red tape strangling our communities' ability to respond to local problems. However, before I offered the amendment, I had an enlightened conversation with the gentleman form New York that I believe should be shared with other Members of this House.

May I ask the same questions of the representative from the Empire State?

Mr. LAZIO of New York. Mr. Chairman, if the gentleman will yield, I would be happy to answer his questions.

Mr. ENGLISH of Pennsylvania. To the gentleman, is the Banking Subcommittee on Housing and Community Opportunity presently reviewing proposals to streamline the CDBG process?

Mr. LAZIO of New York. Yes, I would say to the gentleman from Pennsylvania, whom I respect and admire, that I am currently preparing a chairman's mark that among other things will attempt to simplify the eligible activities under the community development program into 5 broad program parameters that will include some of the activities noted in your withdrawn amendment. We recognize that the Federal Government in forming partnerships with the State and local governments must develop user-friendly programs that provide as much flexibility as possible to coordinate and implement successful community development programs that actually meet the real needs of the community. This new approach will help communities target funds to help more low and moderate income families.

Mr. ENGLISH of Pennsylvania. Mr. Chairman, I would ask when the gentleman expects to complete this bill?

Mr. LAZIO of New York. The mark should be completed soon. I will be happy to discuss details of the community development aspect with the gentleman from Pennsylvania and work with him to help satisfy his concerns. I expect the subcommittee markup and passage to occur sometime during this session.

□ 1815

I would like to thank the gentleman for taking the time to share this valuable information, and I commend him for taking these important steps to strengthen and improve the CDBG program.

Mr. Chairman, I would also like to thank the distinguished gentleman from California, Mr. LEWIS, chairman of this subcommittee on appropriations, for allowing me to enter this at this time, and I commend the chairman and the committee for providing full funding in this bill for the Community Development Block Grant Program at last year's level.

AMENDMENT NO. 64 OFFERED BY MR. STOKES

Mr. STOKES. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. STOKES:

On page 30, after "1988," on line 6, insert: "and for the fair housing initiatives program as authorized by the Housing and Community Development Act of 1987,".

Mr. LAZIO of New York. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. A point of order is reserved.

Mr. STOKES. Mr. Chairman, I yield myself such time as I may consume.

The point of order raised against my amendment raises the precise question that has been raised here by the gentlewoman from Ohio [Ms. KAPTUR] all day long.

In my case, it is more egregious. I am the ranking minority member of this subcommittee. I have sat in hearings for 4 months, day in and day out. I have never missed a meeting. I have attended every meeting.

I bring to the floor today an amendment that I asked the Committee on Rules to protect; it was not protected. I was here this morning when the chairman of the Committee on Rules said the same thing in my presence that he said in the presence of the gentlewoman from Ohio [Ms. KAPTUR]. That was that the rule did not prohibit any of us from being able to offer amendments to this bill. Yet, I find here I am now restricted not only from being able to present the amendment, but being limited to 5 minutes.

Mr. Chairman, before proceeding further, I yield such time as she may consume to the gentlewoman from New York [Ms. VELÁZQUEZ].

Ms. VELÁZQUEZ. Mr. Chairman, I move to strike the last word.

I rise today in strong support of this amendment. It would preserve the Fair Housing Initiatives Program [FHIP], an important and cost-effective tool for fighting housing discrimination in our cities, our suburbs, and our rural communities.

We'd like to think that discrimination in the real estate market is a thing of the past, or at least a declining problem. The facts show otherwise.

For instance, the Federal Reserve has reported that Latino and African-American mortgage applicants in Boston were 60 percent more likely to be turned down for a loan than similar white applicants.

In Chicago, 69 percent of white applicants with marginal credit histories got a mortgage. Only 16 percent of minority applicants got the loan.

HUD reports that Latinos and African-Americans have at least a 50 percent chance of encountering discrimination in housing sales and rentals.

The Fair Housing Initiatives Program is essential for fighting against this persistent discrimination. It recruits nonprofit community groups to provide education, outreach, enforcement, and counseling regarding our Nation's fair housing requirements. Under this program, community groups mediate and resolve fair housing disputes; educate and train landlords, real estate agents, and mortgage lenders; and work with families.

These are critical activities that the Federal Government simply can not pursue on its own. There's too little staff, and too few resources.

Mr. Chairman, I am very well acquainted with the good work that's being done under the Fair Housing Initiatives Program. Through this program, a nonprofit group in my district has discovered and helped combat a persistent pattern of housing discrimination in south Brooklyn.

Over the years, hundreds of Latino housing residents had been forced out of their apartment so that they could be made available for white families. Some were harassed, while others were offered cash payments to move.

Where these inducements were inadequate, landlords simply refused to make repairs. Complaints of collapsed ceilings, broken windows, rotted kitchen cabinets, and leaky pipes were simply ignored. One landlord had compiled up to 84 housing code violations in his effort to displace minority tenants.

I am happy to report that after just 6 months, this one grant is having dramatic results. The inspector general of the city's housing authority has initiated a vigorous investigation of discriminatory housing practices. Long-overdue repairs are going forward in apartments occupied by non-white tenants.

This success story is unfolding through one relatively small FHIP grant in New York City. Other successes are being replayed all across this country. Local advocates and community groups are being empowered to stamp out discrimination in their local housing markets.

FHIP is the kind of initiative that my colleagues on both sides of the aisle have always praised. I urge every member of this body to support this amendment.

Mr. STOKES. Mr. Chairman, I yield myself the balance of my time.

The bill would seriously undermine fair housing efforts by virtually abandoning support for community-based, nonprofit fair housing activities by zeroing out funding for the Fair Housing Initiatives Program [FHIP]. FHIP is an essential element of a Federal-State-private partnership to combat the serious problem of housing discrimination. Instead, all funds in H.R. 2099 are allocated to the Fair Housing Assistance

Program [FHAP], also in the Office of Fair Housing. My amendment would divide the $30 million allocated in the bill between both programs.

FHIP is a competitive grant program that funds nonprofit organizations to enable them to provide education, outreach, enforcement, and counseling concerning fair housing matters.

The activities of FHIP grantees reduce the caseloads of fair housing cases at HUD, the Department of Justice, and State fair housing agencies by promoting voluntary compliance through work with real estate associations, community groups, and advocacy organizations.

Through the FHIP program, community-oriented local fair housing organizations supplement the law enforcement efforts of the Federal, State, and local governments in an inexpensive and effective manner.

Fair housing organizations often work within their communities to mediate and resolve fair housing disputes informally. In these cases, the dispute is resolved to the satisfaction of the parties, and there is no need to file a formal complaint of discrimination.

FHIP agencies provide training and information to landlords, real estate agents, mortgage lenders, and other members of the real estate industry. These efforts reduce discrimination and help avoid fair housing violations.

Fair housing agencies also work with housing consumers to inform them of their rights and to help them resolve fair housing disputes. Through enforcement efforts, the agencies weed out nonmeritorious cases and develop the evidence for strong Federal civil rights challenges.

FHIP funds testing programs, a critical function in identifying and resolving discrimination practices in housing markets. Testing pinpoints discrimination and gives proof that discrimination occurs. You cannot prosecute if you cannot find discrimination. Testing is a precision tool for ferreting out real discrimination.

The Fair Housing Assistance Program [FHAP] has a different mission, and different mode of operation from the FHIP Program. FHAP provides reimbursement, on a per-case basis, to State and local government agencies that handle legal complaints filed by victims of housing discrimination.

Under the Fair Housing Act, HUD has an obligation to accept complaints from people who believe their right to fair housing has been violated. Through the FHAP program, Congress has provided a mechanism for HUD to delegate many of its responsibilities outlined above to State or local government agency.

Only eight States and five localities—some overlapping—are fully certified fair housing enforcement agencies. These governmental enforcement agencies are generally less than 2 years old. The President requested $15 million for FHAP in fiscal year 1996, up from $7.4 million as a reflection of concerted efforts to increase the number of fully certified agencies and to provide technology and training to improve the effectiveness of the agencies.

The subcommittee bill provides $30 million—a four-fold increase over current year funding. It is unclear how these funds can be spent given the small number of States and localities with certified agencies.

FHAP funds cannot be seen as substitutes for FHIP grants. Eliminating FHIP makes the FHAP program far less effective. Not only do the FHIP grants to nonprofits serve a different function, they specifically target areas where the State or local government has not established a fair housing enforcement agency which would qualify for FHAP funding.

Nineteen States do not have substantially equivalent certification, and therefore, are not eligible to participate in the FHAP program. The loss of FHIP funding would disproportionately affect the ability of victims of housing discrimination to seek redress in these 19 States.

If FHIP were defunded, most fair housing organizations would go out of the fair housing business. Some would go under altogether.

There is very little charitable or other financing available for this type of work.

Governmental agencies generally do not have the authority to do many of the activities FHIP entities perform.

Even where they have the authority, governmental agencies generally have higher operating costs.

My amendment would allow both programs of this important office to continue to perform distinct and much-needed functions. I urge you to support this amendment.

Mr. Chairman, I really had thought that perhaps the chairman of our committee would support this amendment. It does not in any way affect the scoring, it does not change the money, except that it moves half of the $30 million already appropriated from the FHAP program over to the FHIP program. This permits these community organizations to continue to do such an excellent job in terms of being able to help negotiate and mediate fair housing discrimination complaints, to the degree that oftentimes lawsuits and time in the courts is avoided by simply being able to mediate these programs in the community.

My amendment would allow both programs of this important office to continue to perform distinct, much-needed functions. I would urge my colleagues to support this amendment.

POINT OF ORDER

The CHAIRMAN. Does the gentleman from New York persist in his point of order?

Mr. LAZIO of New York. Mr. Chairman, I am constrained to make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriation bill and, therefore, violates clause 2 of rule XXI.

The rule states in pertinent part:

> No amendment to a general appropriation bill shall be in order if changing existing law.

This amendment goes to a program whose authorization expired in fiscal year 1994, as was the case of the last amendment. The program is not authorized.

I ask for a ruling from the Chair.

The CHAIRMAN. Does the gentleman from Ohio [Mr. STOKES] wish to be heard on the point of order?

Mr. STOKES. Yes, Mr. Chairman.

The CHAIRMAN. The gentleman from Ohio is recognized on the point or order.

Mr. STOKES. Mr. Chairman, the rationale given was that this was not authorized. I submit to my colleagues that nothing in HUD was authorized. Everything that is before us today has been protected by way of a special order from the Committee on Rules, but nothing in HUD was authorized.

And so, Mr. Chairman, I really do not see any difference in terms of what I am proposing here and that which is contained in the legislation now before this body.

The CHAIRMAN. Does any other Member wish to be heard on the point of order?

Mr. KENNEDY of Massachusetts. Mr. Chairman, I would like to be heard on the point of order. I think all of us have had a sense that there is supposed to be a new commitment by this House of Representatives to an open process, an open process of an open rule.

We had a long debate this morning with the gentleman from New York [Mr. SOLOMON], chairman of the Committee on Rules, about the fact that this was not an open rule. This amendment which the gentleman from Ohio [Mr. STOKES] offers is an important demonstration of this House's commitment to fair lending. There is an enormous body of evidence, supported by bank lending, supported by insurance, jobs, and other major indicators, that discrimination is alive and well in America.

This amendment goes toward the cures to that, which has been authorized year in and year out by the authorizing committee. What we have seen is an abandonment of the basic responsibilities of the committee.

The CHAIRMAN. Would the gentleman suspend. The gentleman must speak to the point of order.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I am speaking to the point of order.

The CHAIRMAN. The point of order is whether this amendment is authorized at this time.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I am speaking directly to that. Mr. Chairman, my colleagues might not want to hear the words that I am putting out, but the fact of the matter is, I am dealing directly with this point of order. I am dealing with the Committee on Rules, I am dealing with the Republican attempts to muzzle.

The CHAIRMAN. The gentleman is not addressing the point of order.

Mr. KENNEDY of Massachusetts. To muzzle this rule so that we are disallowed from being able to speak on basic discrimination issues, simply because there is no attempt to authorize bills that provide protections against discrimination.

This House ought to be ashamed of what is going on before the American people. Shame on this House.

The CHAIRMAN. The Chair is prepared to rule.

Ms. WATERS. Mr. Chairman, I would like to speak to the point of order.

The CHAIRMAN. The gentlewoman will confine her remarks to the point of order.

Ms. WATERS. Mr. Chairman, the point has been made that nothing was authorized. Nothing has been authorized. We have not had a piece of legislation proposed by the chairman of the subcommittee, by the Republicans, to authorize anything for HUD.

If that is the case, Mr. Chairman, if nothing has been authorized, how then is it that we have Members from the other side legislating on the appropriation, when, in fact, this side offers amendments and we are told we are not authorized? Would someone please explain this little move, this little trick, this little manipulation that is being used by which they, somehow, let others have amendments?

As I understand it, we have another unauthorized amendment that is going to be put before this committee tonight. Will someone explain please how they get to do it and we do not get to do it? That is really what this discussion is all about.

Mr. Chairman, people do not mind losing fairly; do not mind being voted down. But to simply have a rule that says some can and some cannot, it is hard for us to accept. So, what I would like to say, somebody needs to explain how it is that the other side can move forward with unauthorized amendments and this side cannot. Please explain that.

The CHAIRMAN. The Chair is prepared to rule. For the reasons stated in the Chair's previous ruling, the Chair sustains the point of order.

Mr. STOKES. Point of order.

The CHAIRMAN. Does the gentleman from Ohio wish to be heard further on the point of order?

Mr. STOKES. Yes, Mr. Chairman. Mr. Chairman, there has been a great deal of discussion about the fact that the point of order rules me out of order, because my amendment is not authorized. I would just like to cite page 103 of the VA–HUD report and I want to cite the language that appears on that page.

It says:

> Appropriations Not Authorized by law. Pursuant to clause 3 of rule XXI of the House of Representatives, the following lists the appropriations in the accompanying bill which are not authorized by law:
>
> Department of Veterans Affairs: Construction; Major Projects; Transitional Housing Loan Program. Department of Housing and Urban Development: All programs.

That is the language that appears there. So, Mr. Chairman, it is very difficult to understand how this amendment, this important amendment, is ruled out of order by virtue of not being authorized.

The CHAIRMAN. The Chair is prepared to rule.

For the reasons stated in the Chair's prior ruling, the Chair sustains the point of order. The statutory authority cited in the amendment extends only through fiscal year 1994. Absent citation to law extending the authorization through fiscal year 1996, the Chair must sustain the point of order. The fact that other waivers have been granted to other unauthorized appropriations is not relevant.

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AMENDMENT OFFERED BY MR. HEFLEY

Mr. HEFLEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

> Amendment offered by Mr. HEFLEY:
>
> On page 30, line 15 strike "951,988,000" and insert "839,183,000".

The CHAIRMAN pro tempore (Mr. EWING). The gentleman from Colorado [Mr. HEFLEY] is recognized for 5 minutes.

Mr. HEFLEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, HUD's fiscal year 1996 budget is being cut by over 25 percent, and we are eliminating 36 individual programs, which I commend, but, amazingly, the appropriation for HUD's administration and management is receiving only a 1-percent cut. We are cutting the substance, but we are keeping the bureaucracy, and to me this makes no sense. How can we justify this to the American taxpayer?

My amendment simply asks that HUD's administrative portion of its budget take the same cuts as everything else in the budget, 25 percent. The Secretary has suggested a plan to reduce HUD's administrative staff from 11,000 to 7,500 employees by the year 2000.

But, Mr. Chairman, that is 2 years and 7,500 employees too late. HUD's budget has grown by 400 percent over the last 15 years. Its bureaucracy is in lockstep with that figure.

We finally are in a position to eliminate the cornerstone of the welfare state. Throughout the year's appropriation process, amendments to cut further funding from such things as the NEA, CPB, and ICC have been defeated. Members have argued they should not be crippled further.

The argument does not hold in this case, because there is no definite plan to abolish this department.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The gentleman from Ohio [Mr. STOKES] is recognized for 5 minutes.

Mr. STOKES. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to the Hefley amendment.

The VA–HUD appropriations bill contains $952 million in funding for HUD's management and administration. Now, that is $6 million below the 1995 enacted level.

The Hefley amendment would further reduce funding for HUD's management and administration by $113 million down to $839 million. This additional cut is totally reckless.

HUD has prepared an ambitious but prudent plan to downsize the staff by fiscal year 2000 to 7,500 FTE's. Substantial progress has already been made to set the agency on a responsible glide path toward this target. HUD is already below the 1995 budget level of 11,918 FTE's—1995 FTE's will be below 11,400, and onboard staff will likely be below 11,000 by September 30.

HUD will enter 1996 at a rate over 700 below the 1996 request. Its policies will continue to have reductions throughout the year.

The subcommittee mark itself will force a reduction in FTE's to about 10,500. The amendment, Mr. Chairman, will require an additional reduction of staff of over 1,800 FTE's. This excessive, unwarranted cut would certainly be costly. It would require, without a doubt, a reduction in force of current employees, and the cost of a RIF is substantial. It includes severance pay, unemployment compensation, continued health benefits, and accrued leave payment.

It would also lead to tremendous instability and inefficiency in the remaining work force.

I would hope the Members would vote against the Hefley amendment. I object to it.

Mr. Chairman, I reserve the balance of my time.

Mr. HEFLEY. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. ROYCE].

Mr. ROYCE. Mr. Chairman, I rise in support of this amendment to reduce spending for administrative functions in the Department of Housing and Urban Development, and let me share with you that it is only logical that a smaller department with fewer programs needs less money to keep going.

We are shortly to vote on a bill which will reduce HUD's overall budget. We are terminating 36 individual HUD programs. Yet as written, this bill cuts the HUD's administrative and management budget by only a paltry 1 percent, and that makes no sense.

If HUD has less to do, as it will, it can do it with less of the American taxpayers' hard-earned resources. The amendment offered by the gentleman from Colorado [Mr. HEFLEY] calls for a streamlined HUD bureaucracy to manage its remaining programs. It reduces spending for administrative functions by 25 percent.

This amendment does nothing to cripple FHA or GNMA or other continuing HUD programs. But fewer, trimmed-down programs can be run by fewer bureaucrats and should be run by fewer bureaucrats, and I think that is simple arithmetic.

Mr. Chairman we cannot implement this year's budget resolution which put us on a glide path toward a balanced budget in 2002 if we do not cut spending.

We cannot cut spending significantly unless we recognize that a government that does less needs fewer people to do it.

Bloated bureaucracy is not the only reason for bloated government, but it is certainly part of the problem. We are cutting HUD program spending, so let us cut administrative and management budget to match those cuts.

Mr. STOKES. Mr. Chairman, I yield 1 minute to the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Chairman, I rise in opposition to the amendment.

I think the attraction for streamlining and reducing bureaucracy obviously has a certain ring to it that all of us be tempted to join in the chorus. But I would caution the Members that simply reviewing the budget in terms of reduced dollars, in terms of programs, does not necessarily translate into reduced responsibilities for a department like HUD.

I would remind my colleagues they are completely responsible, for instance, for administration of the FHA program, for programs like my colleague on the Committee on Banking and Financial Services should be aware of, of the Real Estate Sales Practices Act. They are responsible for a significant amount of oversight responsibilities that deal with important programs that serve the private sector in terms of housing as well as the secondary regulatory role and in many other areas.

So, simply cutting out the expertise here, the administrative capacity is wrong if there is anything that has been demonstrated, incidentally, it is that where we do have failed public housing authorities, as have recently been taken over in Chicago, they are relying upon HUD today to fill that gap. Fortunately, most housing authorities function pretty well, but when they don't the role falls to the Federal HUD.

But the oversight responsibilities for 4.7 million units of public housing is substantial for HUD and must not reduce there capacity without a change in responsibilities.

Vote no on the amendment

Mr. HEFLEY. Mr. Chairman, I yield 1 minute to the gentleman from Minnesota [Mr. GUTKNECHT].

Mr. GUTKNECHT. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, with a minute I cannot say much.

I do want to share a few facts about how much this department has grown over the last number of years.

Since 1980, we have gone from 54 programs to over 200 programs. HUD funding has increased from $12.7 billion in 1980 to $31 billion last year. It is one of the fastest growing departments in the Federal Government.

I think the time has come to begin to downsize this department. Jack Kemp, the former Secretary of HUD, has agreed that maybe it is time to get rid of the Department of Housing and Urban Development altogether.

Mr. Chairman, I think that eliminating some of these programs is a good first step. But I think if we are going to eliminate administrative overhead here in the House, and the gentleman from Minnesota [Mr. LUTHER] and I recently introduced a bill to reduce some of the overhead at the White House, I think it is reasonable to eliminate some of the overhead at the Department of Housing and Urban Development.

I think it is a good amendment. I hope Members will join me in supporting it.

Mr. STOKES. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I can say categorically that this is a matter upon which we have not had any hearings whatsoever in terms of the VA-HUD Subcommittee. The gentleman from Colorado [Mr. HEFLEY] is not a member of that subcommittee, and we have not had the benefit of anything other than the plan which we know is in effect where the Secretary is attempting to downsize the program in a reasonable, logical way.

The plan, to us, makes a lot of sense. We think that this meat ax approach, being taken through this amendment, is wrong to Federal employees, the persons who are loyal to this country and to the Government and to the agency they work for. This is abuse of the worst kind.

Mr. KENNEDY of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. STOKES. I yield to the gentleman from Massachusetts.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I thank the gentleman for yielding.

I just would like to point out to the gentleman from Colorado [Mr. HEFLEY] that there was already been a reduction of over 2,000 employees at HUD over the course of the last 2 years. There is a commitment and plan filed to reduce the number of employees down to 7,500, a reduction in force of 6,500 people.

I think that, again, this is the problem with the appropriators getting involved in dealing with authorization issues. We have got to have somebody who has some understanding of what is going on at HUD before people come in here willy-nilly throwing amendments around when they do not know what the heck is actually going on at the agency. There are vast reductions taking place. We are getting this department under control from the kinds of abuse that took place when the Republicans ran HUD and ran the thing into the ground.

Mr. STOKES. Mr. Chairman, reclaiming my time, I yield to the distinguished chairman of the VA-HUD Subcommittee.

Mr. LEWIS of California. Mr. Chairman, I appreciate my colleague yielding this time to me.

I frankly would just like to say, as an aside to my colleague from Massachusetts, I have learned a lot from the gentleman from Ohio [Mr. STOKES] over the years. I would suggest there is an appropriator who knows a lot about HUD. I am just trying to learn the process. But I think he is pretty good.

As a matter of fact, I agree with him on this amendment.

The CHAIRMAN. The time of the gentleman from Ohio [Mr. STOKES] has expired.

Mr. HEFLEY. Mr. Chairman, I yield 1 minute to the gentleman from Kansas [Mr. BROWNBACK].

Mr. BROWNBACK. Mr. Chairman, I thank the gentleman for yielding me this time.

I rise in strong support of the Hefley amendment.

I would just like to make a couple of comments in closing of this debate. Jack Kemp, the former Secretary of HUD, who I do not think anybody would say is any sort of slackard on trying to take care of people in these particular situations and empower people rather than using bureaucracy, has called for elimination of HUD not because good people do not work at HUD. Good people do work at HUD. It is a fairly centralized planning model.

Secretary Cisneros, a very talented gentleman running HUD currently, is making the fourth attempt to reinvent HUD's bureaucracy. This is the fourth time since 1965 that they are trying to reinvent the HUD bureaucracy.

I think it is just time to say we have been there, done that, tried that. We need to send a clear message to the bureaucracy. The centralized management system does not work. We need to give power to the people. Send this message through by cutting back on the funding to HUD, the bureaucracy, not the programs, and that is why I think the Hefley amendment is an important step in sending that important signal of change forward.

Mr. HEFLEY. Mr. Chairman, I yield myself 30 seconds, the remainder of my time.

Mr. Chairman, this is an amendment that is endorsed by the Council on Citizens Against Government Waste.

What we are talking about is just cutting approximately $113 million from the administrative accounts of HUD to correspond with the 25 percent we cut on the program side of HUD.

Now, what I would like to see us do is put HUD on a glide path to extinction. I would like this to be one of the departments that we do away with down the line.

I think by cutting it 25 percent on both sides this time, in 4 years, if we follow that path, we will be out of business.

I urge support of the amendment.

The CHAIRMAN. All time has expired.

Mr. STOKES. Mr. Chairman, I realize my time has expired, but at the time that my time expired, I was in the process of attempting to yield 1 minute to the distinguished chairman of the VA-HUD Subcommittee.

I ask unanimous consent that the gentleman from California [Mr. LEWIS], the chairman of the Subcommittee on VA, HUD, and Independent Agencies, be given 1 minute to speak on this issue.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. LEWIS of California. Mr. Chairman, I appreciate the gentleman from Ohio [Mr. STOKES], but also the gentleman from Colorado [Mr. HEFLEY] for not objecting. I think the gentleman from Colorado [Mr. HEFLEY] knows that I must unfortunately rise to oppose this amendment largely because we have made a very, very significant cut in HUD, almost 25 percent. We have pushed them to the wall.

This probably takes us to RIF's, and the data before us would indicate that the RIF cost may run as high as $47,000 a year per person. We are not sure we would raise any money.

Our objective is to try to be as sensitive as we can from this point forward.

I understand where the gentleman is coming from. I would hope he would continue to support the rest of our efforts to cut back government. We have gone a long way with HUD already.

I would resist and urge a "no" vote on the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado [Mr. HEFLEY].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. HEFLEY. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to the order of the House of today, further proceedings on the amendment offered by the gentleman from Colorado [Mr. HEFLEY] will be postponed.

Mr. LEWIS of California. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I am doing this for a very brief colloquy with my colleague, the gentleman from Michigan [Mr. SMITH], whom I promised we would have this an hour ago. He has been very patient. I appreciate it.

Mr. SMITH of Michigan. Mr. Chairman, will the gentleman yield?

Mr. LEWIS of California. I yield to the gentleman from Michigan.

Mr. SMITH of Michigan. Mr. Chairman, in 1993, my amendment was passed on the floor of this House that encouraged greater cooperation between NASA and USDA.

The amendment directed NASA and the Department of Agriculture to work together to make better use of NASA's remote-sensing data for agriculture. Our space program has resulted in development of remote technology that could greatly improve agriculture. Using remote sensing, we will be better able to, one, anticipate potential food, feed, and fiber shortages or gluts; two, predict impending famines and forest infestations and try to prevent or mitigate them; three, provide information on condition of crops and croplands; four, assist farmers in the application of pesticides, nutrients, water to maximize crop yields and protect the environment; and, five, to provide farmers with better information to decide what kind of crops to plant to meet market demands.

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The amendment supporting that effort was part of the NASA authorizing bill in both 1993 and 1994 and had the support of the gentleman from California [Mr. BROWN] and the gentleman from Pennsylvania [Mr. WALKER] of the Committee on Science, as well as the gentleman from Texas [Mr. DE LA GARZA] and the gentleman from Kansas [Mr. ROBERTS] of the Committee on Agriculture.

As we reduce funding for agricultural programs by $13 billion and move towards a free market, it makes sense to use all available information and technologies for farmers and ranchers.

Mr. Chairman, I applaud the effort of the Committee on Appropriations in the report language on commercial technology programs. This program makes available dollars for allowing NASA-developed technologies for commercial use. I hope in some small way that we can also allow American agriculture to expand exports to world markets by assuring that American farmers and ranchers have the information available through NASA technology to predict supply and demand more accurately, and we are more able to do that, and I compliment the technology we have achieved, and I am hoping that the chair of the subcommittee supports that effort.

Mr. LEWIS of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I certainly do, and I appreciate my colleague bringing forward this because it is my intention to see that we make extra effort to tap every resource that is available through the work of NASA. This includes the research that is taking place both in areas like the space station, but also work in other NASA programs. I appreciate the gentleman from Michigan [Mr. SMITH] working on this particular issue to assure greater utilization of available remote-sensing information to be used by the agricultural industry of this country and to insure an adequate and wholesome supply of food and fiber for our citizens. I and others are interested in making NASA-based technologies available to farmers and ranchers to provide timely information on crop conditions, projected food, feed, and fiber production, and on any other available information.

I would like to tell my colleague, the gentleman from Michigan [Mr. SMITH], that I agree and encourage the administration of NASA to increase its effort, and will bring this issue up in a conference committee to include in the report language specifically addressing the issue that the gentleman brought up today.

AMENDMENT OFFERED BY MR. STOKES

Mr. STOKES. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. STOKES:

Amendment No. 65: Page 41, strike line 1 through "(2)" on line 5.

Page 45, strike line 22 through page 46, line 7.

The CHAIRMAN. The gentleman from Ohio [Mr. STOKES] will be recognized for 5 minutes, and the gentleman from California [Mr. LEWIS] will be recognized for 5 minutes.

The Chair recognizes the gentleman from Ohio [Mr. STOKES].

Mr. STOKES. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment will strike legislation that delays public housing development funds and the issuance of incremental rental assistance. This bill includes two different proposals that delay programs of critical importance to low-income individuals and families, and to the public housing authorities and landlords that serve them. These programs are public housing development funds and incremental rental assistance. As it relates to public housing development funds, H.R. 2099 includes a provision that would slow the rate at which a housing authority develops a project in order to slow the overall rate at which development funds are outlaid. This burdensome provision is an inept attempt to assist HUD in staying within a newly imposed cap included in this bill for the annual contributions to assisted-housing account.

Mr. Chairman, what the committee has done is to include language in the bill which imposes a spending limitation on assisted housing. This language was added, according to the subcommittee, in order to check the growth in this account.

The Department is going to have a hard-enough time trying to adjust to and live within this limitation. It does not need the Congress telling it how best to do this. Year after year, HUD has battled to meet the development needs that accrue at a rate of about $2 billion annually. An estimated $20 billion is needed presently to eliminate this backlog.

This certainly is not an area where a delay in obligation is needed. All this delay would do is to skyrocket the backlog even further. The 1-year delay on the issuance of vouchers and certificates effectively eliminates assistance for 1 year, causing great harm just as worst-case housing needs are growing and supplies of decent, affordable housing is shrinking.

Mr. Chairman, I reserve the balance of my time.

Mr. LEWIS of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I regret to say that I rise to oppose the amendment offered by the gentleman from Ohio [Mr. STOKES]. He and I discussed our own frustration with what has been going on with HUD accounts across the board. We have spent a lot more money year in, year out, over the years, and yet it seems in many instances the money that we are spending has not really gotten to those people that we want to serve the most.

I am particularly concerned about the accounts that the amendment offered by the gentleman from Ohio [Mr. STOKES] addresses in this case, for we are talking about assisted housing. In this bill assisted housing has $19,939,000,000. We have put a cap on that spending amount and are saying to HUD, "You'll stay within that limitation because this is the account that has grown way beyond inflation over the years."

As we have discussed many times today, HUD spending has increased by 50 percent over the last 4 years. In assisted housing, at its current rate and pattern of growth, by roughly the year 2000, this account will have grown to roughly $30 billion. If that is the case, it will eliminate other programs that have worked very well. It literally will sequeeze out CDBG, homeless assistance, grant programs like public housing operating subsidies, and the HOME program.

We have to get HUD to do more than talk about getting control over their own agency. This cap is designed to force them to have very tough accounting, make sure they know what is going on in this program during the next year. If we do not do that, then all these programs are going to suffer.

It is for that reason, Mr. Chairman, in an attempt to get some control over excessive spending and unacceptable growth rates, that we want to have the caps remain. So I oppose the amendment offered by the gentleman from Ohio [Mr. STOKES].

Mr. Chairman, I reserve the balance of my time.

Mr. STOKES. Mr. Chairman, I yield 1½ minutes to the gentleman from Texas [Mr. GONZALEZ].

Mr. GONZALEZ. Mr. Chairman, of course I rise in strong support of my colleague's amendment. These two provisions would strike, make no policy sense. They have no budgetary impact, too, that he addresses. At their worst they represent an effort to thwart any kind of expansion, even the most minimal, in public or section 8 housing in fiscal year 1996 when those of us that get around, not only in our district but throughout the State and the country and meet in those areas of the greatest need in our country, know what the pressing need continues to be. It gives us a devastating feeling.

In other words, I want to again commend my colleague's leadership as he has through the years given us on the level of the Committee on Appropriations. Even when we had more suitable and propitious environments as far as what we thought the votes would be, our problems were perennial and continue to be as far as appropriations are concerned, and despite his preeminent position as chairman, and even going against an overwhelming majority of his colleagues on the committee, the gentleman from Ohio [Mr. STOKES] has always been in favor of what we have diligently had hearings and concluded from those hearings throughout the country and in Washington are the crying desperate needs of a large segment of our population.

Mr. STOKES. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to go back for a moment to address just the latter part of my previous argument. Before doing so, however, the chairman of the committee did state that he and I have on occasions discussed HUD and some of its problems, and indeed we have, and I think that we have both discussed those problems from a vantage point of wanting to help HUD be able to solve the various problems that confront this very important agency. It is just that on this particular issue, again, philosophically we disagree on the approach. I am concerned, very much concerned, about the micromanagement from Congress in terms of this cap.

But in terms of the 1-year delay, Mr. Chairman, let me also say that this delay, even for 1 year, would mean no new incremental assistance would be made available to address national needs including demolition, relocation, litigation, and demixing of elderly and disabled populations. Both of these provisions are budget-neutral and have been added only as another attempt to micromanage HUD. By striking these provisions, we would remove two very cumbersome provisions and be able to keep in place all of the committee's funding recommendations.

Mr. GONZALEZ. Mr. Chairman, will the gentleman yield to me briefly?

Mr. STOKES. I yield to the gentleman from Texas.

Mr. GONZALEZ. In connection with that what he was just saying:

In other words, if this amendment fails, there will be no new public housing, nor section 8 housing, and the more than 1½ million families on the waiting lists now will continue to wait and wait and wait, and perhaps into many years in the foreseeable future because remember, distinguished comrade, affordable housing is decreasing, it is not increasing.

Mr. STOKES. Mr. Chairman, I yield back the balance of my time.

Mr. LEWIS of California. Mr. Chairman, I yield 1½ minutes to the gentleman from Wisconsin [Mr. ROTH].

Mr. ROTH. Mr. Chairman, I thank the gentleman from California [Mr. LEWIS] for yielding this time to me. I think caps in this case are appropriate. Let me tell my colleagues why I say that:

Last year there was a big article in the Wall Street Journal, many of the other newspapers around the country, about Federal investigators from HUD who were going around the country illegally frightening people, saying that if someone demonstrates, they do not want a certain project in their community, why there is a $50,000-a-day fine, 1 year in prison. I remember all kinds of stories circulating in the national press.

Now, the critics of these intimidating investigations point out that such Government action is encroaching on the constitutional guarantees of free speech, assembly, right to protection against Government policies, decisions, and actions, and the critics say all neighborhood political activity, including filing lawsuits, should be declared safe from Government penalty. In others words, there were 34 cases of these where HUD was going around intimidating people, groups, and even the

Civil Liberties Union came on and said to protest at the HUD and to Secretary Cisneros because of the HUD free-speech abuses surfacing in all the national press.

This is an outrageous example of an agency run amok when they are so egregious in their violations that even the Civil Liberties Union is saying that this action cannot be tolerated of an agency. I think it is going too far, and I think that is why the caps are important.

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Mr. LEWIS of California. Mr. Chairman, I probably will not use those 2 minutes.

Mr. Chairman, I appreciate the point that the gentleman from Wisconsin [Mr. ROTH] has made. There have been serious problems raised about the management of HUD and the funds that flow from HUD in local communities; Washington, DC, is one, Baltimore is another. There are a number of others. We do need to carefully review what we have done in the past so that we can correct some of the difficulties in the future. I appreciate my colleague from Wisconsin raising the point, for it is an important consideration.

Mr. Chairman, I would like to mention in closing that 2 weeks ago an Assistant Secretary at HUD was quoted in a Washington Post editorial as saying that funding in the account that we are dealing with here could consume the Department entirely if nothing is done to curb spending there.

That editorial and quotation essentially made my point here. Assisted housing is important, but it has been growing. It is at $19 billion, almost $20 billion now; it will be at least $30 billion by the end of this century. This cap is designed to assist and help HUD, and perhaps, to put their house in order.

Mr. Chairman, I urge a no vote on this amendment.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Ohio [Mr. STOKES].

The question was taken; and the chairman announced that the noes appeared to have it.

Mr. STOKES. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to the order of the House of today, further proceedings on the amendment offered by the gentleman from Ohio [Mr. STOKES] will be postponed.

Are there other amendments to title II?

AMENDMENT OFFERED BY MR. VENTO

Mr. VENTO. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. VENTO:

AMENDMENT NO. 69: Page 28, line 3, after the dollar amount insert the following "(increased by $184,000,000)".

Page 64, line 16, before the last comma insert "(reduced by $235,000,000)".

Page 66, line 15, after the dollar amount insert the following "(increased by $30,000,000)".

The CHAIRMAN. Under previous agreement, the gentleman from Minnesota [Mr. VENTO] will be recognized for 20 minutes and the gentleman from California [Mr. LEWIS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, this amendment restores full funding to the Federal Emergency Management Agency's emergency food and shelter program, a program for the homeless. This is an amendment to try and restore the moneys to at least the 1995 level as far as we can within the authorization of the limits of this bill. It further restores $184 million to fully fund as near as we can, again, to the HUD McKinney Homeless Assistance programs.

Mr. Chairman, these programs and dollars are desperately needed, and I am pleased to have the gentleman from Ohio [Mr. STOKES], the ranking member of the committee, and the gentleman from Massachusetts [Mr. KENNEDY] join me in offering this amendment. I know I have the strong support too of the gentleman from Texas [Mr. GONZALEZ], the ranking member of the Committee on Banking and Financial Services.

Mr. Chairman, these are important programs that deal with the poorest of the poor. The fact is that we are taking these dollars out of the FEMA accounts. We have just put $6.5 billion into the FEMA accounts. They have significant amounts of dollars that are unobligated in those accounts. This bill restores or adds an extra $320 million.

What we are concerned about, Mr. Chairman, is dealing with the disaster that is occurring right now, today, on the streets of this Nation, rather than those that might occur in the future. As the Chairman knows, we have serious problems, serious types of issues that occur, whether it has been the west coast or the Midwest or in other parts of this Nation, and in Florida. We have responded with significant amounts of help in terms of disaster assistance. Those accounts have significant amounts of unobligated balances.

We know, Mr. Chairman, that if we reduce the funds for these McKinny programs, for these FEMA homeless programs, and I might say work with the nonprofits, work with the private sector, work with our State and local governments we will be dealing with serious problems that we have with regards to people without shelter. In fact, the population of this number of people is excess of 600,000 persons.

Mr. Chairman, I do not know perfectly what the problem is with regard to this, why we have this problem, but I do know that our nonprofits, for instance, that work with the board of charities, the United Way of America, the Salvation Army, the National Council of Churches of Christ, the American Red Cross, these nonprofits are working on overload. This should be a program that I think all of us should reach out to embrace to try and help the nonprofits, to help these local communities that are striving to meet the needs of the homeless; those families that find themselves, for whatever reason, out on the street.

Mr. Chairman, these programs are working. The program has stood true to its original mandate. It has grown because the nature of our society and the problems of the affordability of housing and the social disruption that has occurred in this Nation for a variety of reasons have persisted.

Mr. Chairman, over the years, several millions of people have been provided assistance. It is not a stable population, it is a population that we are addressing, but they continue to grow. We have almost 2,500 local boards, Mr. Chairman, that need this money. We should not cut them off. They will not have the resources if we do not provide it and we should vote for the Vento-Kennedy-Stokes amendment.

Mr. Chairman, I have an amendment at the desk. This amendment will restore $30 million in funding to the Federal Emergency Management Agency's Emergency Food and Shelter program to the level of fiscal year 1995 and would provide an additional $184 million to the HUD McKinney Homeless Assistance programs. Under my amendment, offered with Mr. STOKES and Mr. KENNEDY of Massachusetts, these funds would be transferred from the FEMA disaster assistance program.

In many respects, I am advocating transferring funds from a natural disaster fund for the future to provide funds for two man-made disaster funds that have a dire need for dollars today. At the very least, some 600,000 Americans, individuals, adults and children, are homeless every day. Millions have experienced homelessness and unfortunately, millions more teeter on the verge of homelessness.

The FEMA Emergency Food and Shelter program has been a program for over a decade. It is a unique program within the Federal Government that in fact is partnered at the national and local levels with boards comprised of the major charities: the United Way of America, the Salvation Army, the National Council of Churches of Christ in the USA, Catholic Charities USA, the Council of Jewish Federations, Inc., and the American Red Cross. These partners are the non-profits that, prior to Federal recognition in the late 1980's of the homeless problems faced by this country, were there responding to homelessness in our cities and towns. They are still there and they are on overload.

The program has stood true to its original mandate: to supplement and expand efforts to provide shelter, food and supportive services to homeless, individuals, and to strengthen efforts to create more effective and innovative local programs. Over the years, it has served millions of people by providing or linking them to appropriate services and by preventing families or individuals from becoming homeless.

Last year, $128.4 million was allocated to 2,489 local boards through 11,010 local recipient organizations. That funding represents over 100 million meals; over 4 million nights in shelter; over 663,000 instances of rent or mortgage assistance to keep someone in their home; and over 214,000 instances of utilities assistance. That phenomenal assistance would be cut by 23 percent in the next fiscal year without this Vento amendment to restore the funds.

That 23 percent cut would result in almost 24 million less meals, close to one million fewer nights of shelter for individuals or families with children, over 150,000 less instances of homelessness prevention through rent or mortgage assistance, and almost 50,000 fewer similar prevention opportunities through utilities payments assistance.

In my own district, Ramsey County would receive $35,156 fewer dollars. Dollars that could help provide over 12,000 meals, 564 nights in shelter, 37 rent or mortgage assistance payments, and 23 utilities payments in this upcoming year.

In restoring the $184 million to the HUD homeless programs, we will reverse the course taken by the Appropriations Committee that could result in approximately 130,000 few Americans being served by the HUD homeless assistance programs in the next fiscal year. That could literally mean an additional 130,000 more Americans abandoned to life on our streets, under our bridges or in our parks instead of being brought back into their communities as productive citizens.

During the Clinton administration, the homeless programs at HUD have begun to work together in a comprehensive fashion at the national and community levels. They have recognized that the problems of homelessness are not just associated with a lack of housing and have appropriately sought our support services to pair with transitional programs. HUD has also recognized that prevention is the key—and that can mean jobs and job skills, education opportunities, temporary mortgage assistance or substance abuse treatment.

HUD has asked our Nation's communities to responsibly identify the needs of their homeless or near homeless communities and to craft comprehensive plans to address those needs. These $184 million in funds I would restore today are critical to continuing that effort.

The numbers of people served by these programs whose funds I would restore cannot be ignored by this Congress. In fact, they represent the fortunate folks who receive assistance and that are given the opportunity to turn their lives around—either before or after a homeless experience. The many bills being considered by this Congress now, including the appropriations bills and other so-called reform efforts, will without question increase the number of homeless Americans. The appropriations bill alone slashes our housing budget that assists so many of the poorest of the poor—practically a formula for increasing homelessness across the country.

Mr. Chairman, I urge the Members to support this amendment. Put in context, restoring these funds will put one small piece of the puzzle back for those organizations that serve individuals and families in need. These programs and the organizations in community after community are facing reduced funds that will result in reduced quality and quantity of services. Unfortunately, they are not facing reduced demand. I ask my colleagues to support this amendment and reserve the balance of my time.

Mr. Chairman, I reserve the balance of my time.

Mr. LEWIS of California. Mr. Chairman, I yield myself such time as I may consume, and I rise to oppose the Vento amendment.

The amendment of the gentleman from Minnesota [Mr. VENTO] is designed to provide assistance where we are currently providing assistance. He would add $184 million to homeless assistance grants and $30 million to FEMA's emergency food and shelter grants. The latter was only a $130 million account in the first place. We cut $30 million out of it. We believe it is a good program.

Mr. Chairman, in terms of the homeless assistance grants, I think it should be said that there was a $297 million deferral that came through the rescission process. It would be applied to the amount that is appropriated in this bill. So we have attempted to use that, combined with the appropriated amount, to make this account whole, relative to the 1995 year.

Mr. Chairman, the fact is that while these are difficult times, we are concerned about the homeless assistance grants. We wanted to make sure that there was funding to allow them to go forward with the programs in place, still hoping that those programs would be much more effective for the homeless than they had been thus far.

Mr. Chairman, having said that, the amendment of the gentleman from Minnesota takes the money from all of FEMA's emergency assistance. I mean literally, he zeroes those accounts. The import that that will have on people who are homeless for other reasons is very real. That is not the account to take it from.

Mr. Chairman, I would urge the gentleman to recognize that we have attempted very seriously to balance these accounts carefully. To zero the FEMA accounts in the face of some of those problems that we know exist would be a very big mistake for the House. Therefore, Mr. Chairman, I urge a "no" vote on the amendment of the gentleman from Minnesota [Mr. VENTO].

Mr. LEWIS of California. Mr. Chairman, I reserve the balance of my time.

Mr. VENTO. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. GONZALEZ].

Mr. GONZALEZ. Mr. Chairman, I wanted to ask the gentleman from California [Mr. LEWIS] a question.

Mr. LEWIS of California. Mr. Chairman, if the gentleman will yield, I will be glad to respond.

Mr. GONZALEZ. Mr. Chairman, I just wanted to confirm, are not $297 million that you were speaking of, are not they already obligated?

Mr. LEWIS of California. Mr. Chairman, no, they are not.

Mr. GONZALEZ. Mr. Chairman, they are not?

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. GONZALEZ. I yield to the gentleman from Minnesota.

Mr. VENTO. If the gentleman will yield to me, I would suggest that that is correct, that those dollars have already been appropriated. The chairman suggests that somehow releasing and not obligating them and counting them for next year would in fact make these programs whole, that this program will be substantially below what it was last year, even with the dollars I am restoring.

Mr. LEWIS of California. Mr. Chairman, if the gentleman will yield, the $297 million was a part of the rescission package which was not signed into law until today. We have awarded most of this money. They had not been obligated because obviously most of the money had not been available prior to the signing of the rescission bill. This funding does flow into next year, it supplements the program, and I think it makes it whole.

Frankly, Mr. Chairman, it is not all that we would like to do, but we are operating with a limited pool of resources. The gentleman and I know very well, if the gentleman looks at Oklahoma City and other places, what zeroing FEMA might mean. So this is taking money from the wrong place when we have tried in very difficult circumstances to make adjustments that at least cause us to get through this year in a reasonable way in these accounts.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. GONZALEZ. I yield to the gentleman from Minnesota.

Mr. VENTO. I thank the gentleman for yielding.

Mr. Chairman, I would just point out, we cannot count it twice. It will be obligated in this fiscal year. It takes time with the grant and application process to, in fact, process this.

The gentleman says it is a disaster only if it is big enough. But if somebody is out of their home, it is a disaster for that individual. The point is that the FEMA money we are putting in here and the homeless money can be directly used in that way. We are suggesting that we avoid not just the natural disasters, but some of the manmade disasters that occur with regard to people being homeless.

Mr. STOKES. I thank the distinguished gentleman for yielding time to me, and I rise in support of the Vento-Kennedy-Stokes amendment.

Mr. Chairman, all of us are privileged to live in the greatest country in the world. I think all of us are proud to live here. But I think one thing that must hurt or pain any American is to walk through the streets, as I have walked through my city in Cleveland and other cities throughout the country, and see people on grates, lying in doorways.

I recall just a few years ago when the homeless problem began to gain greater attention, we used to see a single individual in a doorway, a single individual on a grate, lying on a lawn. Now we see whole families. We see mothers, fathers, and children. Many of them were hard-working people. Many of them are dislocated workers and others who, by one reason or another, have come upon some very hard luck. In many cases, there are mental problems involved. At any rate, it is something that certainly ought to pain every American, and in America, the richest country in the world, there ought not be any homeless people.

Mr. Chairman, this bill devastates our Nation's efforts to prevent homelessness. It guts the McKinney Homeless Assistance Grants Program through a massive 40-percent reduction. Homelessness is a devastating experience to families, to parents, and children alike. Homelessness disrupts virtually every aspect of life, damaging the physical and emotional health of family members, interfering with the education of children and the development of children, resulting in the devastating separation of family members.

Mr. Chairman, the cuts to HUD overall jeopardize an already fragile affordable housing situation in this Nation. Just this week reports about the disturbing growing affordable housing shortage in the United States has been released. Now we want to add further instability to poor people's lives by slashing homeless assistance grants.

Mr. Chairman, I would strongly urge my colleagues to support the Vento amendment.

Mr. VENTO. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio [Mr. STOKES].

Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. GONZALEZ].

Mr. GONZALEZ. Mr. Chairman, I want to thank the gentleman from Minnesota [Mr. VENTO] for yielding me this time.

Mr. Chairman, I served as a chairman of this Subcommittee on Housing for a few years and took advantage of that to travel from one end of the country to the other, from California to New York, and from the Canadian border to the Mexican border. We visited the slums and we visited the better neighborhoods in our country.

Mr. Chairman, I will never forget, not only here in the District where I witnessed a man frozen to death on the streets downtown, a homeless man one cold night, and in New York we had several occurrences of that kind. So we went out and had hearings and a result of those hearings, we forged the present constellation, so to speak, of laws that target this kind of problem. Those were the first hearings we had on that matter, and as I said, they were comprehensive, and we tried to go from the rural and the remote to the most urban and dense.

Mr. Chairman, homelessness is not just about housing, but about supportive services as well. HUD once called it a continuum of care, which I thought was, as fancy as it seems, a very appropriate phrase. They recently announced $900 million in grants for this year, more than 800 projects across the country. Unless this amendment passes, these funds will be cut by more than one-third.

Mr. Chairman, I strongly support restoring funds to the FEMA emergency food and shelter program. In my home State, this program has been invaluable. If the funds are not restored in Texas, nearly 1.5 million fewer meals would be served, nearly 66,000 nights in shelters would be lost, nearly 3,400 families would not receive assistance.

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Mr. VENTO. Mr. Chairman, I Yield 4 minutes to the gentleman from North Carolina [Mr. WATT], a member of the Subcommittee on Housing and Community Opportunity of the Committee on Banking and Financial Services.

Mr. WATT of North Carolina. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I have been sitting here and listening to this debate on the housing part of this bill for the last 2 to 3 hours, and getting more and more distressed, and, to be honest, very saddened by what we are engaged in.

There is not a person in this body who does not own a home. Most of us own two homes. We have a home here in Washington and a home in our home districts. I am told that some of us have three, and four homes. In addition to our Washington home and our district home, we have a mountain home and a beach home, and all of us get a tax subsidy for the interest that we pay on those homes. Notwithstanding that, we are here depriving people, the most vulnerable people, of a place to live.

Well, I cannot understand what we are doing. I do not understand what it is we are trying to achieve. How can we expect to improve our Nation and the things that our Nation stands for when a significant number of our citizens do not have access to any housing, much less one, two, three or four homes?

How can we expect to achieve our destiny as a nation when many of our people are living on the streets? We have got Members of Congress who are sleeping in the buildings here, even though they can afford homes. We do not let homeless people come into our buildings and sleep here, but our Members can get that tax free. And we take advantage of it.

So what are we doing here? We are passing a bill that cuts $400 million from public housing operations. That means that the housing authorities in my district, which are barely functioning now, cannot do an adequate job of maintaining and preventing deterioration of the housing stock that we own as the American people.

We are cutting $1.2 billion in modernization funds so that people continue to live in these rotting, terrible housing conditions, in a nation that is prospering.

We are cutting the drug elimination program, wiping it completely off the books, at the time when drugs are spreading, and they are particularly spreading in public housing and around lower income neighborhoods.

These are the funds that our housing authorities, those in my congressional district, have used to try to beef up security and do some drug training with the young people in the neighborhood to keep them out of drugs and get the police to come in and do joint efforts with them, to try to attack this devastating problem. And we are cutting out the money for the homeless people, the most vulnerable people in America.

I want to urge my colleagues, please consider what we are doing and vote against this bill and in favor of the Vento amendment.

Mr. VENTO. Mr. Chairman, I yield 3 minutes to the gentlewoman from North Carolina [Mrs. CLAYTON].

Mrs. CLAYTON. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I rise in support of restoring funds to the McKinney homeless programs. We are facing such extreme cuts in housing programs in this bill. This is really a mean-hearted bill. It is a callous disregard for the pain that people are suffering.

Further, we are cutting out approximately 40 percent from the homeless program itself, a program that effectively serves rural communities such as mine, the poorest of the poor, and those Americans who are most dependent on these to help them.

In fact, given the discussion we have had on the point of order, this whole bill may not ever be spent, not one dollar may be spent on housing because of the clauses in the appropriation. It says all of these housing expenditures are subject to the authorization.

In any event, we should know that we are doing wrong. On any given night, at any given time, at any back alley of any city in this country, or on any crowded street, or on any gutter, we can find more than 700,000 Americans who sleep there and make that their home.

There is no shame in being homeless. Those people you see have no shame. The shame is with us, with us as a society, in allowing homelessness to exist in America, an America where we are very prosperous. But there is greater shame in having a solution to homelessness and failing to respond. We know what we must do, and we are failing to do it.

Homeless programs are working well. They are working well in North Carolina, they are working well in Greenville, Charlotte, Wilmington, and in Cumberland County, all across this country and other parts of this United States. But we if we fail to pass this amendment, we will fail more than 150,000 to have a place to call their own.

Mr. VENTO. Mr. Chairman, will the gentlewoman yield?

Mrs. CLAYTON. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, I would say they are working so well, and I would remind my colleagues, all of these homeless funds are matching funds. When you cut $100 million, you are cutting $200 million. We are cutting back on the local participation at the same time.

Mrs. CLAYTON. Mr. Chairman, reclaiming my time, let me just close by stating some have reminded us a careful reading of our Bibles will reveal that Mary and Joseph both were homeless. They were faced with a situation that was not their choice, but their fate.

So there are those who indeed are down on their luck. It is not by choice, but it is their fate. We should surely be more responsive and responsible. We should never let that happen in America. Surely there is money, we can find the money.

Therefore, Mr. Chairman, I urge us to be responsible and support the Vento amendment.

Mr. LEWIS of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to share with the gentlewoman my own concern about the subject area, because I think she expresses very well what should be the concern of all of us.

We have, since I have been in the House, truly seen an explosion in the spending for housing, in programs that proliferate in many forms. Some have worked very well, and some have not worked so well.

My concern is this: While housing has increased by 50 percent over the last 4 years, since 1990 homeless funding has tripled. There are some homeless programs that have worked very well; there are many that have not worked at all. You clearly can see across the country, in urban center after urban center, growing numbers of people on grates in the wintertime sleeping in the cold. All of us have to be concerned about that.

My consternation is the fact that we have spent so much on housing in general over the last decade. Yet this problem has come upon us, and we have not found a solution. We are helping some individuals, but the problem seems to grow.

That is another reason I feel we need to shake this agency, to rethink the way they are using dollars. I am very concerned about this.

Mrs. CLAYTON. Mr. Chairman, will the gentleman yield?

Mr. LEWIS of California. I yield to the gentlewoman from North Carolina.

Mrs. CLAYTON. Mr. Chairman, I would inquire of the gentleman if he thought that the problem is with the agency, or there is a problem really with society, as well, we are facing?

Mr. LEWIS of California. Mr. Chairman, reclaiming my time, I take the problem back to those of us who have served in state legislatures who may have made some bad judgments about this whole subject area. People of very good heart years ago in California were concerned about people being institutionalized in mental institutions, and we closed those down and suggested that people could go back to their communities and receive clinical service. We never kept the promise of clinical service.

A high percentage of the people who are in the streets are people who have mental difficulties, people who suffer from various kinds of addiction. We need to rethink those past policies to help HUD do a better job. I, frankly, think that HUD has failed to think the problem through carefully.

I empathize with the gentlewoman's concern, and because she was expressing that concern so well, I wanted to share this exchange.

Mrs. CLAYTON. If the gentleman will yield further, I want to thank the gentleman for acknowledging my position. I would hope my expression of concern would penetrate sufficiently that he indeed would support the amendment that the gentleman from Minnesota [Mr. VENTO] is presenting.

Mr. VENTO. Mr. Chairman, I yield myself one minute.

Mr. Chairman, on the point that my friend and colleague from California was making, last term the Speaker appointed me and I chaired a task force. As the gentleman may know, I have been working very long and hard on this particular problem, and have been associated with it since it has been considered by Congress. I would just tell the gentleman that the questions he raised are in that report. They are in the report that Andrew Cuomo led last year.

These are good programs. We passed a reauthorization bill to consolidate many of the homeless programs. They are working. They are programs that are dealing with the problem. And it is not something we lay at the feet of any particular administration, it is a social problem.

I would say with regards to the mental illness issue, a question posed to me by a sociologist in Arizona I think answers that question. The question is how long can a person be on the street and maintain their mental well-being and balance? It is a good question.

I agree with the gentleman, because I worked in the legislature when we did the programs in terms of deinstitutionalization. Minnesota is proud of having had many institutions for those with disabilities. Unfortunately, it has led to a more severe problem in many respects with the SLIC programs. The gentleman is exactly correct about the lack of funding for those programs.

Mr.Chairman, I yield 2 minutes to the gentlewoman from Texas [Ms. JACKSON-LEE], who has been a strong advocate, and, although new to the Congress, has worked hard on this project.

Ms. JACKSON-LEE. Mr. Chairman, I thank the gentleman for yielding and for his outstanding leadership on this issue, and, as well sharing the time for an issue that I think, as I have heard the chairman mention, has to be a bipartisan issue.

I thank the ranking member [Mr. STOKES] for being persistent on the question of homelessness. I would say to the gentleman from Minnesota [Mr. VENTO], that as we are suffering under the heat of the summer, many citizens are about to take their vacation or they have been on their vacation, and they have had the opportunity to enjoy cool weather and warm weather.

However, I would say, that homeless Americans face the condition of homelessness, no matter whether it is cool or hot. They do not have an opportunity to take a vacation. They suffer under whatever the conditions are all year long. Many times they suffer from the intensity of the heat or the viciousness of the cold weather.

I do not know how many people who are housed will be taking a vacation to homeless encampments, but I have seen those encampments in my city of Houston. I have seen the families, the elderly, the individuals in fact who have worked all their life, and, because of conditions that they find themselves in, they are now homeless.

In fact, I would simply say, that I came upon a gentleman who was a veteran, who had worked in a steel mill, and he was yet living in a homeless condition because he was not able to access his pension or his benefits, and he remained there for a long period of time.

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However, he was able to be helped. But the next person living under torn sheets in the same encampment could not access any benefits, was not suffering from mental illness, in fact had family but had fallen upon hard times because there was no employment.

What you find in the community is that people have come together like United Way, like the Coalition for the Homeless and other community groups to fight homelessness. They have, in fact, brought people together and in using the McKinney Act funds have provided housing for the homeless. Why cut these homeless funds by 50 percent, I support the Vento amendment, therefore I am withdrawing the Jackson-Lee amendment to join in creating an additional $184 million for homeless assistance and an additional $30 million for FEMA emergency food and shelter program.

Mr. VENTO. Mr. Chairman, I yield the balance of my time to the gentleman from Massachusetts [Mr. KENNEDY] who has been a leading advocate of the homeless veterans.

The CHAIRMAN. The gentleman from Massachusetts [Mr. KENNEDY] is recognized for 1 minute.

Mr. KENNEDY of Massachusetts. Mr. Chairman, homelessness has been created more by government policy than by any fault of the individuals that find themselves in that condition. We, through the stroke of the pen that will be done by the House of Representatives this evening, will create more and more homelessness.

The notion that we in this committee today will end up striking 40 percent of the Nation's homeless funds is a fact that every single Member should recognize when they vote on the Vento amendment. Cutting the money that sustains homeless shelters, that takes families and our Nation's veterans and gives them a little hope that maybe somebody cares, that maybe their country cares about them enough to bring them off of a cold grate in the middle of winter and put them into a shelter and give them a hot meal, and we are going to be saying, no, we do not care.

We are going to be turning away people at homeless shelters because we do not have the courage to stand up to a tax cut, to stand up against these abusive cuts that have taken place to our Nation's homeless and housing programs.

Please vote for the Vento amendment. Vote against homelessness in America.

The CHAIRMAN. The time of the gentleman from Minnesota [Mr. VENTO] has expired.

Mr. LEWIS of California. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota [Mr. VENTO].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. VENTO. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to the order of the House of today, further proceedings on the amendment offered by the gentleman from Minnesota [Mr. VENTO] will be postponed.

AMENDMENT OFFERED BY MR. KENNEDY OF MASSACHUSETTS

Mr. KENNEDY of Massachusetts. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. KENNEDY of Massachusetts:

Amendment No. 12: Page 46, strike "(a)" in line 17 and all that follows through line 23.

The CHAIRMAN. Pursuant to the unanimous consent agreement of today, the gentleman from Massachusetts, [Mr. KENNEDY] will be recognized for 20 minutes, and the gentleman from California [Mr. LEWIS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I yield myself such time as I may consume.

I first of all want to thank and recognize the tremendous work that the gentlewoman from California [Ms. WATERS], in particular, has done on this issue. She has been a leader in fighting discrimination in this country throughout her entire political career, and she continues it in the most distinguished fashion in her work on the Committee on Banking and Financial Services and dealing with our Nation's housing ills.

I also want to thank the chairman; well, I wish he was still chairman, the gentleman from Ohio [Mr. STOKES], for the efforts that he has made throughout his career but most particularly on this housing bill. It has not been a very encouraging series of amendments that we have voted on so far today. Nevertheless, he continues to persist and we appreciate his efforts.

This amendment tries to deal with the harmful and damaging provisions that are contained in this legislation that sabotages the access of minority Americans to ownership of homes in our country by preventing HUD from fighting insurance redlining. This amendment has no cost associated with it.

Mr. Chairman, the Speaker of this body often talks about creating an "open society" here in America. I wholeheartedly agree with the Speaker in his efforts to achieve this goal, and I share his vision of an America of truly equal opportunity where a person achieves according to merit.

But, unfortunately, we do not live in that society. Today we live in a society where you, if you happen to be a person of color, you are 60 percent more likely to be turned down for a home mortgage than a white person coming from the same income, the same neighborhood, and with the same credit history.

If you are a person of color, if your home or business is located in a predominantly minority area, you are more likely to be denied insurance or you will be forced to pay more for the insurance without regard to the actual risk associated with the insurance policy.

I want to repeat that statement because it is very important.

If you live in an area with a high concentration of minorities, you will pay significantly more for insurance even though losses you suffer are no different than losses from similar white neighborhoods.

This, my colleagues, is called discrimination. And in the area of housing and property insurance, it is HUD's job to investigate to try to resolve and where necessary begin legal action to prevent such discrimination.

But if we do not support this amendment that is before us now, this discrimination will go on unchallenged, uncorrected, and unpunished.

Almost everyone in this body has heard of the American Family Insurance case. Management literally punished agents for writing too many policies to blacks. But the sad fact is American Family was only the most obvious about doing what most insurance companies do.

Again, the evidence is clear. The National Association of Insurance Commissioners did a study of the availability and the price of homeowners insurance in 25 metropolitan areas in the 13 largest States. The findings were clear:

Average premiums are higher, and availability more limited, even when loss costs are taken into the account, in areas of minority concentration.

An extensive study put out by the Missouri Insurance Commissioner in May of this year shows: "low income minority neighborhoods in both Kansas City and St. Louis pay higher premiums but incur lower claims than similar white urban areas for all homeowners insurance policies sold."

Among the 20 largest Missouri homeowner insurers, 5 firms have minority market shares of less than one-twentieth of their share of white markets.

The impact of this discrimination is clear. Without access to homeowners insurance, people do not have access to homes. Let me quote a recent court decision: "no insurance, no loan; no loan, no house."

The fact is that the Republican Party has a tremendous tradition of standing up against racial discrimination. It was the Republican Party that gave us Abraham Lincoln. It was the Lincoln Republicans that led the charge to fight against discrimination in America.

The Republican tradition needs to come back to life. Instead of fighting the ability of HUD to go out and get rid of this cancer of racial discrimination, please support the Kennedy-Waters-

Stokes amendment. Fight any attempt for whatever reasons and rationale the Republicans will come up with to end up opposing this amendment, and recognize that discrimination in this country needs to be ferreted out.

That is what this amendment will do. It will allow HUD to do its job and allow people to gain stature because of their own individual merit, not because of the color of their skin.

Mr. Chairman, I yield such time as she may consume to the gentlewoman from California [Ms. WATERS].

Ms. WATERS. Mr. chairman, I, too, would like to thank the ranking member of our Subcommittee on Housing and Community Opportunity of the Committee on Banking and Financial Services, the gentleman from Massachusetts [Mr. KENNEDY], for his leadership and work that he has done in this area. I would like to thank the ranking member of this subcommittee, of the Committee on Appropriations, for all that he has done over the years in the area of fair housing.

Mr. Chairman, I rise in strong support of the Kennedy-Stokes-Waters amendment. This amendment would strike legislation contained in this appropriations bill which would have a devastating impact on our effort to fight discrimination.

The Fair Housing Act is the law. The courts have ruled that part of HUD's responsibility under the Fair Housing Act involves property insurance. The language in this bill would strictly prohibit HUD from implementing this part of its mission.

Let's be clear. Legally, HUD's responsibility to enforce fair lending supercedes the Federal Government's general noninvolvement in insurance matters under the McCarren-Ferguson Act. Since the Fair Housing Act was updated in 1988, HUD has investigated, negotiated settlements, and represented complainants in cases of property insurance discrimination. This amendment would stop HUD in its tracks on this whole range of activities.

Without this amendment:

Individuals who have been victims of discrimination would be denied their basic rights under the Fair Housing Act.

HUD would have to cease its ongoing investigations at the end of the fiscal year. If ongoing settlement negotiations stopped, many of their statutes of limitations would expire before new authority for HUD could be reinstated.

Administrative hearings for cases underway would cease.

Recent cases of discrimination could not be investigated by HUD.

HUD could not engage in any research or educational activities that would clarify solutions to discrimination problems for insurers, consumer and community groups, and State regulators.

HUD would be required to stop any voluntary programs, like those they are currently engaged in with the mortgage banking industry.

Why would this Congress want to prevent one of our primary antidiscrimination agencies from enforcing a civil rights law? Insurance redlining is a problem, Mr. Chairman. HUD has years of experience enforcing the Fair Housing Act. Property insurance compliance is part of that law.

I am deeply offended that this Appropriations Committee would, without hearings, without consulting the authorizing committee, without any public discussion—place a strightjacket on HUD's ability to enforce an important antidiscrimination law.

A few weeks ago, the Banking Committee debated a similar rollback of the Fair Housing Act. That discussion was heated, it was emotional, and it was intense. At the end of that discussion, after several hours, the Banking Committee resoundingly voted to uphold the Fair Housing Act. I think it was wrong then to try to take away people's rights without a proper airing of the view; without a proper forum. I think it would be wrong now.

I would ask this House to use reason. I would ask that we act with fairness. Do not vote to curtail basic civil rights. Support this amendment.

Mr. Chairman, I am surprised that a flier is going around signed by two of the Members of this House, the gentleman from Michigan [Mr. KNOLLENBERG] and the gentleman from Illinois [Mr. EWING], and they say things such as: Everyone agrees that proper insurance underwriting is based solely on factors of economic risk, not on race, not on sex, not on ethnicity. They deny that there is any redlining.

I live in a redlined area. I live in what is known as south central Los Angeles. It is not fiction. It is not imaginary. I know that there is redlining and there is discrimination.

Before we completed our debate in the committee on fair housing, at one point I asked the chairman of that committee to please provide some leadership. I asked the chairman if indeed we were going to sit there at 11 at night and undo fair housing laws in this country without any airing, without any hearings, without any authorization.

Let me tell my colleagues something. It was a proud moment because the chairman took over and gave some direction. And do my colleagues want to know what? Republican Members of that committee said no, this is not right.

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We are not going to do it. It is not fair to sit here and dismantle fair housing and civil rights laws. Guess what? Because of a bipartisan effort, we stopped the madness and we got a grip. We got a handle, and it did not happen. I am going to say this evening, I hope reason will prevail. I am going to ask that some leadership be provided; not let us move into this kind of dismantlement of civil laws in this country.

Mr. LEWIS of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I wanted to mention that there is not any way in this legislation that we are undoing the fair housing law. Indeed, the States and the country have to be responsive to that law. This item that is before us does not relate to that body of law. I understand the gentlewoman's point, and the gentlewoman and I sometimes know that both of us make our point in excess. Nonetheless, this bill does not relate to undermining the fair housing law.

Mr. Chairman, I yield 4 minutes to the gentleman from Michigan [Mr. KNOLLENBERG].

Mr. KNOLLENBERG. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, obviously, I rise in strong opposition to the amendment. I know that the gentlewoman from California [Ms. WATERS] and the gentleman from Massachusetts [Mr. KENNEDY] favor another idea, but I would ask them to listen to some of the things I want to say. The gentlewoman from California has already mentioned some of the things, but I think they bear repeating, and I will add some things.

Mr. Chairman, let me start out by saying that the Department of Housing and Urban Development has absolutely no business regulating property insurance. This is just another example of the Department's tendency to stray into other jurisdictions while failing to address the glaring problems in its own core missions.

To begin with, and first of all, Mr. Chairman, 50 States and the District of Columbia already have laws or regulations which prohibit unfair insurance discrimination. Let me repeat that, because I think it needs to be repeated. All 50 States and the District of Columbia already have laws or regulations which prohibit unfair insurance discrimination. I think we can all agree that proper insurance underwriting should be based solely, and I will repeat this and some may not agree, but it should be based on factors of economic risk; I will repeat, not on race, not on sex, and not on ethnicity.

However, the plain fact is that Congress never, never intended for HUD to regulate property insurance. The Federal Government, through the Fair Housing Act, expressly governs the practices of home sellers, landlords, mortgage lenders, and real estate brokers as they relate to housing discrimination. It makes no mention of property insurance.

Furthermore, Mr. Chairman, the McCarran-Ferguson Act, which is the linchpin of our current system of insurance regulation, says that unless a law, and I am quoting. "* * * specifically relates to the business of insurance, that law shall not be deemed applicable to insurance practices." On a more practical level, HUD cannot handle even the responsibilities it now has, let alone assuming new ones. It cannot seem to keep its own house in order. Now it is taking on new responsibilities.

The Department currently has over 150 programs on the books, and the entire Department has been listed by the GAO as being, and I am quoting, "at risk" of waste, fraud, and abuse. This is not a question of discrimination. I know that is a very sensitive point, but this is not a question of discrimination. It is a question of jurisdiction. Unless we think HUD would make a great insurance regulator, Members should vote against the amendment. Congress never intended for HUD to have the authority to get into the insurance business.

Mr. KENNEDY of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. KNOLLENBERG. I yield to the gentleman from Massachusetts.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I would just like to make the point to the gentleman that the reason this enforcement is contained in HUD is because the Fair Housing Act is contained in HUD. The reality is that when we were looking last year at where the best organization was, the Justice Department, the Department of Commerce, every single Federal agency looks to the HUD testing program for direction. It has been singled out time and time again as having by far and away the greatest capabilities of any group or organization in enforcing fair housing throughout the entire Federal and State government. I would suggest to the gentleman that of course there are antidiscrimination laws filed in 50 States. That does not mean that there is not discrimination. What we have to recognize is simply because we pass a law here, and I appreciate the gentleman allowing me to continue to speak, but simply because we pass a law here in the Congress of the United States does not mean that that law gets implemented at the State level.

Mr. KNOLLENBERG. Reclaiming my time briefly, the gentleman said let HUD do its job. That is not HUD's job.

Mr. LEWIS of California. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois [Mr. EWING].

Mr. EWING. Mr. Chairman, I rise in strong opposition to the Kennedy-Waters amendment to strike section 209. I would like to thank the chairman, the gentleman from California [Mr. LEWIS], for including this important language in the bill at the request of nine members of the Illinois delegation.

Mr. Chairman, there are not too many industries left in our economy which are not heavily regulated by the Federal Government, but property insurance is one of them. Under the McCarran-Ferguson Act, regulation of the insurance industry has been left to the States. This is greatly responsible for the stable, reliable insurance system we have today, which every American counts on in difficult times.

Unfortunately, the Department of Housing and Urban Development, an agency laden with waste and fraud, has recently decided to go beyond its authority by getting the Federal Government involved in regulating property insurance. HUD is currently writing regulations aimed at addressing the so-called practice of redlining, despite the fact that the States are already addressing this issue where needed. HUD has no authority to write these regulations, and I strongly support section 209 of this bill, which will prohibit HUD from writing or implementing redline regulations.

Mr. Chairman, I would remind the body that in the last Congress, controlled by the other party, they tried to pass a bill that would have allowed HUD to take on this responsibility and could not get the job done, and came back with a bill which allowed HUD to collect statistics on redlining, and that bill failed in the Senate.

As if that were not enough, HUD has also awarded hundreds of dollars in taxpayers' money to liberal special interest groups to prepare studies on so-called redlining practices. HUD is using the questionable studies these groups write as a premise for starting investigations against the insurance industry, which will probably lead, for all of us, to expensive litigation.

Again, all this activity is taking place, despite the fact that HUD has no authority in this area. The insurance industry, which every American counts on every day of their lives, is a success story in part because the Federal Government has kept its hands off.

The amendment of the gentleman from Massachusetts, [Mr. KENNEDY] and the gentlewoman from California [Ms. WATERS], would reverse this historic situation by allowing HUD to start regulating property insurance, and would open the door to government management of insurance. This Congress will be defined by our efforts to reduce the role and influence of the Federal Government. I strongly urge my colleagues to vote against bigger government by voting against this amendment.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to briefly make the point that when the gentleman says that the Federal Government does not have the authority or HUD does not have the authority, the fact is that the courts have upheld the Fair Housing Act and HUD's role in the Fair Housing Act time and time again. The only correction that I can see in the department of HUD occurred under Sam Pierce, a Republican, and that has been cleaned up since.

Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina [Mr. WATT].

Mr. WATT of North Carolina. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I definitely want to get this straight. We are talking about enforcement of the Fair Housing Act. That is the act that talks about providing housing on an equal, nonracial basis. If people cannot get insurance on the property, they cannot get the loan, and so I am not quite sure how the gentlemen who keep professing that this has nothing to do with equal rights and civil rights, and that HUD has nothing to do with insurance because it deals with housing, how they think HUD could adequately deal with fair housing when insurers are discriminating, and people cannot get housing without insurance, so how are they supposed to deal with their job under the Fair Housing Act?

Mr. Chairman, I do not get it. I cannot understand what this argument is all about. If that were the case, why would it even be necessary to put this provision in the bill? We are striking a provision, this amendment would strike a provision in the bill which prevents HUD from using any money to enforce the insurance laws having to do with fair housing. Therefore, if it did not have anything to do with housing, what is it doing in the housing bill? I do not understand this argument.

Mr. LEWIS of California. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. ROYCE].

Mr. ROYCE. I rise in opposition to the amendment, Mr. Chairman.

Mr. Chairman, I rise in opposition to the amendment and in the interest of time, I'll put my statement in the RECORD at this time.

Section 209 is important in preventing HUD from pursuing duplicative regulations regarding property insurance. Property insurance regulations and authorities are already handled quite extensively in every State by State insurance regulators.

These State regulators recognize that redlining is an intolerable practice and they work to insure that all consumers regardless of ethnicity have equal access to property insurance. So there is no need to have HUD add this unnecessary layer of Federal bureaucracy.

Section 209 will also send a message that Federal agencies should not be promulgating rules or programs beyond the purview they have been granted by Congress.

Mr. Chairman, section 209 goes to the heart of what so many of us have come to Congress to do: Cut duplicative Federal programs, maintain the authority of our States and most importantly section 209 will keep a Federal agency from encroaching on the operations of our small businesses.

Mr. Chairman, I strongly support section 209 and I would urge my colleagues to vote against the Kennedy-Waters amendment.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I yield 2 minutes to the gentleman from Louisiana [Mr. FIELDS].

Mr. FIELDS of Louisiana. Mr. Chairman, let me thank the gentleman from Massachusetts for yielding time to me, and let me thank him for all the hard work he has done in the past and is presently doing as it relates to fair housing, as well as the other coauthors of this amendment, the gentlewoman from California [Ms. WATERS] and the gentleman from Ohio [Mr. STOKES].

Mr. Chairman, I rise tonight to magnify the point that this amendment is right on target, because this bill prohibits HUD from issuing any enforcement or rules that would apply to fair housing. I think that is simply unbelievable and unconscionable. Let me tell the Members why.

First of all, this whole Fair Housing Act was passed, this portion of the Fair Housing Act that deals with tracking insurance, redlining, was passed under the Bush administration in 1989. I think the gentleman from North Carolina [Mr. WATT] makes a very good point. How can one buy a home in America if they do not have mortgage insurance?

I do not know the last time Members have mortgaged their homes or the last time we bought a home in America, but the last time I bought a home in America I had to go to the bank. When I walked into the bank, before they loaned me the money I had to show that I had insurance on the property.

Banks do not loan money to people who do not have insurance on homes, so it just makes practical sense to talk about insurance, protecting individuals so they can get insurance on homes, because in a real sense, what this debate is all about is actually giving them an opportunity to buy the home in the first place.

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Mr. Chairman, if you cannot buy a home, if you do not have insurance, it makes practical sense that we put this kind of mechanism in the bill. It is already in the Fair Housing Act. For us to have the audacity to come here on this floor and take it out and be upset with my friends, the gentleman from Massachusetts [Mr. KENNEDY], the gentlewoman from California [Ms. WATERS], and the gentleman from Ohio [Mr. STOKES], because they are trying to provide some equity to this legislation, to me it is unbelievable.

Mr. Chairman, how do we look constituents in the eyes in America? We know that redlining exists even in the insurance industry. I have people who are in my district, and I have had an insurance agency who called me and said, "I cannot issue insurance in certain ZIP Codes." What can you do about that?

Last year we introduced legislation to deal with that issue. Everybody knows about American families. Insurance redlining still exists today in America and the only way to correct that is by having Federal agencies involved in making sure that everybody is treated fairly in the insurance business.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Ohio [Mr. STOKES], the former chairman.

Mr. STOKES. I thank the distinguished gentleman from Massachusetts for yielding me the time, and let me say that I am proud to be associated with the gentleman and with the gentlewoman from California [Ms. WATERS] on this very important amendment.

I rise in strong support of this amendment and congratulate both of them for the excellent and outstanding leadership they have given, not only in the area of fair housing but against any and all forms of discrimination wherever they have found it.

Mr. Chairman, I have a letter that was written to me by Secretary Cisneros. It was written to me in my capacity as the ranking member of the Subcommittee on VA, HUD, and Independent Agencies. It was also written to our friend and colleague, the gentleman from California [Mr. LEWIS], as chairman of the subcommittee. I want to refer to what he says about this amendment.

He said:

> The fiscal year 1996 VA-HUD-Independent Agencies appropriations bill contains a provision that would bar enforcement by HUD of the Fair Housing Act's prohibition on discrimination for an entire industry. The measure preempts a major civil rights law which has been on the books since 1968. I understand Congressman Kennedy intends to offer an amendment that would strike this provision, and I wish to express my support for that amendment.

He also says that:

> Section 209(a) of the bill would bar HUD from fulfilling its obligations under the Fair Housing Act to persons who have been treated unfairly based on race or other prohibited factor in connection with property insurance. The provision would halt HUD investigations, settlement negotiations and legal proceedings already under way in response to previously filed complaints of insurance discrimination.

He ends his letter by saying:

> Barring enforcement of the Fair Housing Act's prohibition on discrimination in the property insurance business, even for a single year, is a serious retreat from notions of fairness and nondiscrimination that I believe we all share.

He said:

> I ask you to take swift action to strike from the bill this affront to civil rights.

I do not think, Mr. Chairman, that anyone here wants to be associated with action that is an affront to the civil rights laws of this country. I recently saw in the Wall Street Journal an article that says home loans to blacks and Hispanics soared last year, though they were still turned down more often than whites, according to Federal regulators.

Mr. Chairman, I think we all understand this provision. I hope we will support the Kennedy-Waters-Stokes motion to strike.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I yield 1½ minutes to the gentlewoman from Florida [Mrs. MEEK].

Mrs. MEEK of Florida. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I have listened intently to the debate tonight regarding housing and I commend the strong work that the gentleman from Massachusetts [Mr. KENNEDY] and our stalwart, the gentlewoman from California [Ms. WATERS], have done over the years, and to the gentleman from Ohio [Mr. STOKES] and others, but it is appalling to see how those of us on the other side of the aisle want to turn back the clock of time on people who have struggled so hard all of these years.

When we strike at housing laws, we strike at the very heart of discrimination. If we want to put the B word, which is bigotry, into the record, you go to someone's housing. We work at something that keeps them from improving the quality of life, where they live. Not being able to get enforcement in housing is a crime. We can have as many laws on the book as we want to have, but if we do not have an enforcement vehicle, which they have talked about, there is no enforcement.

Mr. Chairman, I worked for 12 years in the Florida legislature in trying to be sure that fair housing laws were enforced. They were never enforced. They never would have been there if these two people had not worked on the Federal level to give us something from the Federal level. The States are not going to enforce this and we know it. That is why we are passing on this ability to the States.

What we are really doing is saying we do not want fair housing enforcement. We do not care about redlining because we are not redlined. We can hold our ears as if we are not hearing what is happening out there, but it is out there. I am saying to the Members, please, please, support this amendment. Please strike down any falling back into the old death throes of segregation and discrimination.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I yield the balance of my time to the distinguished gentlewoman from California [Ms. WATERS].

Ms. WATERS. Mr. Chairman, I will not try to deal with this business about HUD has no business. HUD did not just take over this area of responsibility. It is in law, and it was supported by Reagan and Bush. Let me just say this to my friends on the other side of the aisle: You do not know what it is like to be a person of color, to walk into a bank and not be able to get a loan. Even though you look at whites with the same income level, the same credit profile who can get loans. You do not know what it is like to live in a redlined community and not be able to get insurance. I cannot tell you here tonight and make you understand that.

I would simply ask you to get out into America, go into these cities, hold some hearings. Do not do this in the dark of night. Do not undo and dismantle civil rights laws and fair housing laws that a lot of people sacrificed for. Do not take this kind of action simply because you have the power to do it. At least be fair about it. Give us a level playing field. Let us fight in the open. Let us fight in the hearings. Let us bring people out to tell you about racism and discrimination. You give us an opportunity to do that, and we will fight you and we will win. I ask my colleagues to support this amendment.

Mr. LEWIS of California. Mr. Chairman, I yield myself the balance of my time.

I know full well the intent of the Kennedy amendment and I have not just empathy for but great concern about fair housing laws and their implementation across the country.

As they operate presently, the legislation regarding fair housing requires that States be responsive to those requirements in place. The subject we are dealing with here, though, that relates to insurance involves the promulgation of regulations by the Department that exceeds their authority and it exceeds the parameters of the fair housing law itself.

Historically insurance laws in this country have been controlled by the individual States because of the great variety of circumstances within the States. The gentlewoman who just spoke and I served in the State legislature together and we worked together to see how best we could get our State to deal with these problems in California. I remember very specific conversations when I was on the finance and insurance committee with the gentlewoman about this problem, and I was concerned about this problem. In many other States there has been responsiveness. I do not now what has happened in Massachusetts, but I would guess that legislature has been sensitive to this problem.

Insurance laws controlled by the States have existed because of the great variety of needs across the country. I personally feel very strongly that we should continue to put pressure on the States where we see difficulties. But to presume a cookie cutter from the Department of Housing in Washington can serve the needs of the entire country, I must say, is a mistaken presumption.

In this case, I strongly support the concern expressed by my colleagues here. At the same time I strongly oppose the amendment by the gentleman from Massachusetts [Mr. KENNEDY]. I would urge a "no" vote.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts [Mr. KENNEDY].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to the order of the House of today, further proceedings on the amendment offered by the gentleman from Massachusetts [Mr. KENNEDY] will be postponed.

PARLIAMENTARY INQUIRY

Mr. KENNEDY of Massachusetts. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. KENNEDY of Massachusetts. Mr. Chairman, just trying to understand where we are, I thought we had an agreement we were going to roll three or four votes. I wonder if the Chair could tell me how many votes we are at at the moment.

The CHAIRMAN. The Chair would state to the gentleman that it is my understanding there are three short colloquies and the House will then vote on four ordered rollcall votes.

Mr. KENNEDY of Massachusetts. I thank the Chair.

Mr. HUNTER. Mr. Chairman, I move to strike the last word to engage in a colloquy with the distinguished gentleman from California [Mr. LEWIS], chairman of the subcommittee.

I want to first start by thanking the gentleman for his commitment to solving our international wastewater problems—the gentleman is familiar with those, with the district that I have just south of his district that borders Mexico—particularly the cleanup of the New River, which is the river that flows north in Mexico, through Mexicali and ultimately into the United States and travels about 50 miles north into the Salton Sea.

As the gentleman knows, it is one of the most polluted waterways in North America and the New River carries millions of gallons of water per day of municipal and industrial waste into my district. The gentleman has recognized that problem, and has been helping us a lot. We thank the gentleman for that.

On page 54 of the subcommittee report, there is concern expressed over EPA's use of subpoenas to collect data from U.S. companies operating in Mexico. Those companies are companies that are in the Mexicali area. They operate and some of them discharge their waste into the New River which flows north into the United States and then into the Salton Sea. The report questions the authority of the EPA to serve these subpoenas and whether this action may be a violation of NAFTA. After following this issue closely, I just wanted to clarify that in this instance the EPA was in contact with both the International Boundary and Water Commission and the Mexican Environmental Agency throughout the operation. Understanding that any toxics dumped in the New River in Mexico ultimately ends up in the United States, I am supportive and have been supportive of EPA's attempt to solicit voluntary submissions by United States companies in Mexico. It was following an inadequate response to this request that the EPA issued the subpoenas in cooperation and consultation with Mexican authorities and the IBWC. I would also note at that time the new agencies established under NAFTA to assist with the cleanup of the border environment were not yet organized. As a result, the EPA worked with the existing international agencies to gather general information on chemical discharges as they are allowed to do under the Toxic Substances Control Act.

I agreed with their position in terms of trying to identify who was putting this toxic discharge into the New River, but I want to let the chairman know that I am in full agreement with his overall conclusion that our agencies, especially the EPA, should not overstep their bounds in the enforcement of our laws. I want to thank him for this opportunity to comment.

Mr. LEWIS of California. Mr. Chairman, if the gentleman will yield, I appreciate very much the clarification of the gentleman from California [Mr. HUNTER] of the facts involved in this circumstance. I understand the complexities involved with international wastewater cleanups. I agree with the gentleman that the EPA's action in this instance was in the best interests of the residents not only of his district but of our State. I look forward to finding a long-term solution to the New River problem. I expect any future actions by the EPA to continue to be in consultation with the appropriate international agencies.

Mr. HUNTER. I thank the gentleman. Congratulations on a long and successful day on this floor.

Mr. LEWIS of California. It is a pleasure doing business with the gentleman.

Mr. HEINEMAN. Mr. Chairman, I move to strike the last word, and if I may, I would like to enter into a colloquy with the distinguished gentleman from California, the chairman.

Mr. LEWIS of California. Mr. Chairman, if the gentleman will yield, I would be happy to enter into a colloquy with the gentleman.

Mr. HEINEMAN. I thank the chairman. I have been working with him and his staff on the need for EPA to construct a new consolidated research facility in Research Triangle Park, NC. Currently the EPA is scattered in 11 separate buildings which are privately owned and in bad shape. I personally toured these facilities earlier this year. Studies have shown that renovating the existing buildings and signing new leases will cost upwards of $400 million.

☐ 2015

We can build a new facility for $232 million, and I have been working with the committee in support of this project.

Mr. LEWIS of California. I am more than slightly aware of my colleague's support for this project. He has been very persuasive in making his point to our committee.

Today's discussion has indicated the difficulty we are having with money between accounts and because of that, the pressure is very, very great. The gentleman has, indeed, caused all of us to scratch our heads and try to figure out how we can readjust some of these accounts.

We are going to look further between now and conference, but I commit to the gentleman that over the years we are going to make sure that we have carefully analyzed the alternatives to see how we can help.

Mr. HEINEMAN. Why not this year?

Mr. LEWIS of California. EPA has two other major infrastructure projects ongoing, including a new headquarters in D.C. The budget will not sustain 3 projects at one time. There is also a problem with authorization. The building is only authorized for $159 million. To my knowledge, no attempts have been made in past Congresses to address this authorization problem. As the gentleman knows, it is against the rules of the House to appropriate funds for a project of this kind which is not authorized.

Mr. HEINEMAN. Mr. Chairman, I have been made aware of this and I have discussed this with key members of the authorizing committee, including the gentleman from Pennsylvania [Mr. SHUSTER] and the gentleman from Maryland [Mr. GILCHREST], the ranking member. I am working with them to update and increase the authorization for this project.

If I may address the authorization problem, can the gentleman assume that he will work to address the appropriations for the facility in fiscal year 1997?

Mr. LEWIS. I can tell you that the gentleman has had a very significant effect in the committee of the gentleman from Pennsylvania [Mr. SHUSTER] as well as with the chairman himself.

I also know that my colleague, the gentleman from Iowa [Mr. LIGHTFOOT], is very sensitive to this problem; and we are doing everything we can to find a substantial base of funds to see if we cannot overcome the difficulty that you are involved with. I recognize the need for the facility. I think we should find some way to address it.

GSA could be another option, and I understand that they would like to build this facility.

EPA has made this a very high priority, and the gentleman is commended for his thorough work on this project. I just wish I could say, yes, now, but indeed the point is, when an individual Member is concentrating like this to solve a problem in his district, he indeed gets the Congress' attention.

Mr. HEINEMAN. Mr. Chairman, I thank the gentleman for his understanding and agreement.

Mr. NEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I thank the subcommittee chairman, my colleague from California, Mr. LEWIS, and stand to give strong support to the bill, H.R. 2099. In particular, I want to support the good reductions in the United States EPA's overall operating budget.

As the gentleman from California knows, we have discussed the concerns of the people of Ohio's 18th Congressional District, people in the State of Ohio and the people in the Midwest who have suffered tremendously under the Clean Air Act and the EPA provisions that directly pertained to our area in Ohio.

The Clean Air Act was a liberal, overzealous, too-far-reaching measure when it spoke, in part, to the concerns dealing with acid rain. There were some merits to the bill, and there is a need to make sure our environment is safe. I want to make that very clear.

There was a study by NAPA which was a 10-year study at a half a billion dollar cost to the taxpayers, stated specifically that, in fact, the changes in the Clean Air Act as pertains to acid rain were not going to make a difference in cleaning up the environment. This was not the problem.

Still, the full thrust of trying to put our people in the Ohio Valley out of work was accomplished in that bill, and I just want to speak a little bit about the truth and what that has done to the Ohio Valley to the tens of thousands of jobs that have been lost for no reason.

I want to let the people in the EPA know, Mr. Chairman, that when we talk about reducing their overall budget of $2.5 billion and the enforcement budget by $129 million, that is a good start. It is a fine start in my humble opinion, Mr. Chairman.

Mr. Chairman, I also want to remind the people in the EPA that, in fact, we are going to be watching for any further problems they want to create as a result of reductions, and we are going to be watching how they treat people in this country. It is fine to have clean air; we want to have that for our children. But we want to point out that one should not retaliate against the people of the United States for no reason. We want them to know that there are consequences for their actions and that people in the Ohio Valley, in the 18th Congressional District, have undergone tremendous suffering amongst their families.

I want to thank the gentleman for his willingness to work with us as this process goes on. It is the first time that I can recall, from my time in government when I was in Ohio, that somebody has been willing to listen and someone is willing to say we have got to use some good sense and not just take actions that in the end do not count for anything. I want to thank the gentleman for that on behalf of my constituents.

Mr. LEWIS. Well, I must say, the gentleman from Ohio [Mr. NEY] has been a very, very effective voice in regard to the problems we face with EPA. Literally, across the country we have heard voices that were expressing concern about unnecessary regulation, but indeed, the gentleman from Ohio [Mr. NEY] has been one of the leading advocates.

Mr. Chairman, the gentleman should know that my district is probably the most smog-impacted district in the country. I have chaired a committee in connection with clean air questions in California. I authored the law that created the toughest air quality management district in all of the country.

Having said that, I too find this agency in excess, regulation upon regulation, not just duplication, but useless procedures that get in the way, often, of solving problems. And they cost jobs in the meantime. I very much appreciate the gentleman's voice in this regard and his help and advice has been very, very important in the bill we are considering tonight.

Mr. NEY. Mr. Chairman, some of my family moved from Ohio to California, so I was out there quite a lot, and my grandmother and aunts and uncles. My grandmother moved out there, and my aunts and uncles are out there currently. I am concerned about them.

We do have to solve our problem out there and we do have to make it clean in the urban centers across this country, but I appreciate the fact that you have listened to a segment that did not cause the problem and was so unfairly targeted by overzealous bureaucrats. I thank the gentleman for that.

Mr. RIGGS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I seek recognition to engage the distinguished gentleman from California [Mr. LEWIS], the subcommittee chairman, in a colloquy, but I first want to thank him as chairman of the subcommittee producing this appropriations bill for his work on the bill under what I know are very difficult circumstances.

As a military veteran myself, I am particularly sensitive to the importance of keeping our promises to our veterans, and I support the fiscal year 1996 VA-HUD and Independent Agencies appropriations bill.

I believe, however, with the gentleman's indulgence, Mr. Chairman, there is one aspect of the legislation that should be clarified.

As the gentleman well knows, I have strongly and consistently advocated for the construction of the replacement Veterans Administration medical center planned for Travis Air Force Base in Solano County in my congressional district. Therefore, I was deeply disappointed that budget restrictions, budget realities, forced the committee to forgo this and other construction projects.

As the gentleman well knows, there is a great need for an additional medical facility in northern California as a result of the closure of the medical center in Martinez, CA, in the aftermath of the 1989 earthquake that we experienced in northern California.

Our veterans in northern California should receive medical care within their designated catchment area and currently some veterans have to drive up to 8 hours to the nearest medical facility.

Mr. Chairman, the subcommittee, on page 19 of its report, has directed the Veterans Administration to develop a cost estimate for an outpatient clinic, in lieu of a medical center, in time for the funds to be included in this bill at a later stage of consideration.

The Travis Medical Center would have been constructed adjacent to the David Grant Medical Center, a state-of-the-art Air Force hospital. This would have permitted a unique joint venture between the VA and the Air Force. Services would have been provided for both active duty personnel and veterans through a cost-effective medical sharing arrangement.

In fact, in anticipation of construction of the replacement hospital, Federal funds, pursuant to previous congressional appropriations, have already been expended at the Travis site for both a parking lot and a warehouse.

Therefore, Mr. Chairman, I am seeking assurances that the committee is committed to including full funding in this bill to build the outpatient clinic; that funds previously appropriated for the Veterans Administration medical center but not spent can be used for the outpatient clinic; that it will be built, in fact, at Travis Air Force Base; and that it will be able to share medical technology and other essential services in a joint venture with the Air Force hospital.

Given the number of unserved veterans since the closure of Martinez, we need to build, equip, and make operational the proposed outpatient clinic as swiftly as possible.

Mr. Chairman, I yield to the gentleman from California [Mr. LEWIS].

Mr. LEWIS of California. Mr. Chairman, I want to commend my colleague for his tenacity on this issue. Not a day has gone by when he did not push me and other members of the committee on this matter. Adequate care for the veterans in northern California is clearly a priority for him and for the many members of Operation VA.

I truly regret that budget realities forced us to omit funds for a full medical center; however, in response to the gentleman's specific questions, I can assure the gentleman that he is going in the right direction in the assumptions that he has presented.

The committee will appropriate all the necessary funds in fiscal year 1996 for the clinic with the VA's help in identifying the amounts needed. Any previously appropriated but unspent funds may be used for that clinic. Further, it is the committee's intent that the outpatient clinic will be built at Travis Air Force Base and will be able to share facilities with David Grant Medical Center.

Mr. Chairman, I must say that my colleague has been more than persistent. The gentleman has developed a base of knowledge and understanding of the needs of the people in all those counties in that huge territory of California. The gentleman has communicated that well to me, and also to people in the Veterans' Administration, as well as our committee, and I appreciate it.

Mr. RIGGS. Mr. Chairman, I appreciate the subcommittee Chairman's understanding and support in this matter. As the gentleman well knows, we are talking about a veteran population that is the equivalent of something like 28 or 29 States, so I am glad that we are able to provide for them in this bill by construction funding for a modern outpatient clinic that will, again, enhance our ability to serve the veteran population of northern California.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to the order of the House of today, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

Amendment No. 44 offered by Mr. HEFLEY of Colorado; amendment No. 65 offered by Mr. STOKES of Ohio; amendment No. 16 offered by Mr. VENTO of Minnesota; amendment No. 12 offered by Mr. KENNEDY of Massachusetts.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 44 OFFERED BY MR. HEFLEY

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Colorado [Mr. HEFLEY], on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This is a 17-minute vote. Pursuant to the order of the House of today, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each amendment on which the Chair has postponed further proceedings.

The vote was taken by electronic device, and there were—ayes 184, noes 239, not voting 11, as follows:

[Roll No. 592]

AYES—184

Allard
Andrews
Archer
Armey
Bachus
Baker (CA)
Ballenger
Barcia
Barr
Bartlett
Barton
Bass
Bilbray
Bilirakis
Boehlert
Boehner
Bonilla
Bono
Brownback
Bryant (TN)
Bunning
Burr
Burton
Buyer
Calvert
Canady
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Deal
DeLay
Dickey
Doggett
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Ehrlich
Emerson
Ensign
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frisa
Funderburk
Gallegly
Geren
Gillmor
Goodlatte
Goodling
Gordon
Goss
Graham
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hilleary
Hoekstra
Hoke
Holden
Horn
Hostettler
Hutchinson
Inglis
Istook
Johnson, Sam
Jones
Kasich
Kelly
Kim
Klink
Klug
Kolbe
LaHood
Latham
Laughlin
Lewis (KY)
Linder
LoBiondo
Longley
Luther
Manzullo
McCollum
McHugh
McInnis
McIntosh
Metcalf
Mica
Miller (FL)
Minge
Molinari
Montgomery
Moorhead
Myrick
Neumann
Norwood
Nussle
Parker
Paxon
Peterson (MN)
Petri
Pombo
Porter
Portman
Radanovich
Ramstad
Roberts
Roemer
Rohrabacher
Roth
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Seastrand
Sensenbrenner
Shadegg
Shays
Shuster
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Stearns
Stenholm
Stockman
Stump
Talent
Tanner
Tate
Taylor (MS)
Taylor (NC)
Thornberry
Tiahrt
Torkildsen
Upton
Waldholtz
Walker
Wamp
Watts (OK)
Weldon (FL)

Weldon (PA)
Weller
White
Wicker
Zeliff
Zimmer

NOES—239

Abercrombie
Ackerman
Baesler
Baker (LA)
Baldacci
Barrett (NE)
Barrett (WI)
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bishop
Bliley
Blute
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Bunn
Callahan
Camp
Cardin
Castle
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coleman
Collins (IL)
Conyers
Costello
Coyne
Cramer
Davis
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards
Ehlers
Engel
English
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Frelinghuysen
Frost
Furse
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gilman
Gonzalez
Green
Greenwood
Gunderson
Gutierrez
Hastings (FL)
Hayes
Hefner
Hilliard
Hinchey
Hobson
Houghton
Hoyer
Hunter
Hyde
Jackson-Lee
Jacobs
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
King
Kingston
Kleczka
Knollenberg
LaFalce
Lantos
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lightfoot
Lincoln
Lipinski
Livingston
Lofgren
Lowey
Lucas
Maloney
Manton
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCrery
McDade
McDermott
McHale
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Mink
Mollohan
Moran
Morella
Murtha
Myers
Nadler
Neal
Nethercutt
Ney
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Pickett
Pomeroy
Poshard
Pryce
Quillen
Quinn
Rahall
Rangel
Reed
Regula
Richardson
Riggs
Rivers
Rogers
Ros-Lehtinen
Rose
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schiff
Schroeder
Schumer
Scott
Serrano
Shaw
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Spence
Spratt
Stark
Stokes
Studds
Stupak
Tauzin
Tejeda
Thomas
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walsh
Ward
Waters
Watt (NC)
Waxman
Whitfield
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Young (AK)
Young (FL)

NOT VOTING—11

Bateman
Collins (MI)
Everett
Hall (OH)
Jefferson
Johnston
Largent
Meyers
Moakley
Reynolds
Yates

□ 2047

Mr. SAWYER and Mr. MASCARA changed their vote from "aye" to "no."

Messrs. DICKEY, STENHOLM, CALVERT, MONTGOMERY, WELDON of Florida, BARR, and EWING changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 65 OFFERED BY MR. STOKES

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Ohio [Mr. STOKES], on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 185, noes 235, not voting 14, as follows:

[Roll No. 593]

AYES—185

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bishop
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Conyers
Costello
Coyne
Cramer
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gibbons
Gonzalez
Gordon
Green
Gutierrez
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jacobs
Johnson (SD)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Molinari
Mollohan
Montgomery
Moran
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Pickett
Pomeroy
Poshard
Rahall
Rangel
Reed
Richardson
Rivers
Roemer
Ros-Lehtinen
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Sisisky
Skaggs
Slaughter
Spratt
Stark
Stokes
Studds
Stupak
Tanner
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Whitfield
Williams
Wilson
Wise
Woolsey
Wyden
Wynn

NOES—235

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
Deal
DeLay
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Gephardt
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCarthy
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Orton
Oxley
Packard
Parker
Paxon
Peterson (MN)
Petri
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Skelton
Smith (MI)
Smith (NJ)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Talent
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—14

Bateman
Collins (MI)
Hall (OH)
Heineman
Jefferson
Johnston
Largent
Meyers
Moakley
Moorhead
Reynolds
Smith (TX)
Smith (WA)
Yates

☐ 2055

The Clerk announced the following pair:

On this vote:

Mr. Johnston of Florida for, with Mr. Largent against.

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 69 OFFERED BY MR. VENTO

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Minnesota [Mr. VENTO], on which further proceedings were postponed and on which the nays prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 160, noes 260, not voting 14, as follows:

[Roll No. 594]

AYES—160

Ackerman
Andrews
Baldacci
Barrett (WI)
Becerra
Beilenson
Berman
Blute
Bonior
Borski
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Conyers
Costello
Coyne
DeFazio
DeLauro
Dellums
Deutsch
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Engel
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Fox
Frank (MA)
Franks (CT)
Frost
Furse
Gejdenson
Gibbons
Gilman
Gonzalez
Goodling
Gordon
Green
Gutierrez
Gutknecht
Hamilton
Hansen
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Horn
Hoyer
Jackson-Lee
Jacobs
Johnson (SD)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Mollohan
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Poshard
Rahall
Rangel
Reed
Richardson
Rivers
Roemer
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Shays
Skaggs
Slaughter
Stark
Stokes
Studds
Stupak
Tejeda
Thompson
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Velazquez
Vento
Visclosky
Ward
Watt (NC)
Waxman
Williams
Wilson
Wise
Wyden
Wynn

NOES—260

Abercrombie
Allard
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bentsen
Bereuter
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Boehlert
Boehner
Bonilla
Bono
Brewster
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeLay
Diaz-Balart
Dickey
Dicks
Doolittle
Dornan
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Eshoo
Everett
Ewing
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Gephardt
Geren
Gilchrest
Gillmor
Goodlatte
Goss
Graham
Greenwood
Gunderson
Hall (TX)
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Holden
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCarthy
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Minge
Mink
Molinari
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Orton
Oxley
Packard
Parker
Paxon
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stockman
Stump
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thornton
Thurman
Tiahrt
Upton
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Waters
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Woolsey
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—14

Bateman
Collins (MI)
Fawell
Hall (OH)
Hancock
Jefferson
Johnston
Largent
Meyers
Moakley
Pelosi
Reynolds
Saxton
Yates

☐ 2101

The Clerk announced the following pair:

On this vote:

Mr. Johnston of Florida for, with Mr. Largent against.

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. FAWELL. Mr. Chairman, on rollcall No. 594, I was inadvertently delayed while off the floor. Had I been present, I would have voted "no."

AMENDMENT NO. 12 OFFERED BY MR. KENNEDY OF MASSACHUSETTS

The CHAIRMAN. The pending business is the request for a recorded vote on the amendment offered by the gentleman from Massachusetts [Mr. Kennedy], on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 157, noes 266, not voting 11, as follows:

[Roll No. 595]

AYES—157

Abercrombie
Ackerman
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bishop
Bonior
Borski
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Conyers
Costello
Coyne
de la Garza
DeFazio
DeLauro
Dellums
Diaz-Balart
Dicks
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Foley
Ford
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gonzalez
Green
Gutierrez
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Johnson (SD)
Johnson, E. B.
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Mfume
Miller (CA)
Mineta
Mink
Nadler
Neal
Oberstar
Olver
Ortiz
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Peterson (FL)
Rangel
Reed
Richardson
Rivers
Ros-Lehtinen
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer

Scott
Serrano
Skaggs
Slaughter
Stark
Stokes
Studds
Stupak
Tejeda
Thompson
Thornton
Torkildsen
Torres
Torricelli
Towns
Tucker
Velazquez
Vento
Visclosky
Ward
Waters
Watt (NC)
Waxman
Williams
Wilson
Woolsey
Wyden
Wynn

NOES—266

Allard
Andrews
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Boucher
Brewster
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
Deal
DeLay
Deutsch
Dickey
Dingell
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Forbes
Fowler
Fox
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Gordon
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Jones
Kanjorski
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Mica
Miller (FL)
Minge
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Orton
Oxley
Packard
Parker
Paxon
Payne (VA)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Regula
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stockman
Stump
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thurman
Tiahrt
Traficant
Upton
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wise
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—11

Bateman
Collins (MI)
Hall (OH)
Jefferson
Johnston
Largent
Meyers
Moakley
Obey
Reynolds
Yates

□ 2108

The Clerk announced the following pair:

On this vote:

Mr. Johnston of Florida for, with Mr. Largent against.

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. STOKES. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I take this time to inquire of the distinguished chairman of the Subcommittee on VA, HUD and Independent Agencies as to what the plans are for the remaining part of this evening.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. STOKES. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, I appreciate the gentleman inquiring. I, frankly, did not intend to discuss it before he and I could sit down and chat about it, because there is not a deal until the gentleman and I have signed off on the deal.

In the meantime, I have, as the gentleman knows, wanted to get through this evening, if at all possible. It is very apparent that we are going to have difficulty doing that before 2:00 in the morning.

So we are attempting to take a series of items and have time limitations on them that could involve the rolling of a couple of votes and then could involve a couple of, three or four items that would be voted on tomorrow, if the authors of the amendments agreed to roll them over.

Having said that, I do want the gentleman and I to talk about the specifics before we go further. That could get us out of here somewhere close to 10:00 tonight, but the unanimous consent request would also include a provision that we could debate on items like the space station item, like the gentleman's amendment that would eliminate language and so on tomorrow and have the debate limited to those amendments that are in the RECORD now so we could start at 9:00 in the morning and be through for certain by 3:00 in the afternoon.

That is the pattern that we are going in. We are looking at time limits, but I want to discuss it with the gentleman personally before we finally agree to that.

Mr. STOKES. Mr. Chairman, did the gentleman want additional time for he and I to discuss the matter before we bring something of substance to the other Members?

Mr. LEWIS of California. Mr. Chairman, if the gentleman will continue to yield, if we could proceed on the next amendment and the gentleman and I discuss it, I think that would be helpful. I find the gentleman to be very instructive when I have those discussions.

Mr. STOKES. Mr. Chairman, I thank the gentleman for his response.

Mr. LEWIS of California. Mr. Chairman, the next amendment would be the Kaptur amendment and a time limit of 10 minutes on each side, and the gentleman and I could have this conversation, as we go forward.

Mr. STOKES. Mr. Chairman, I thank the gentleman for his response.

□ 2115

Mr. TORRES. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to engage in a colloquy with the gentleman from California [Mr. LEWIS].

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. TORRES. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, I would tell the gentleman, I would hope to be able to proceed with the amendment offered by the gentlewoman from Ohio [Ms. KAPTUR], for 10 minutes on each side, if we can get that approved, get this agreed to, and then proceed with the gentleman's colloquy, subsequent to the Kaptur vote.

Mr. TORRES. I would be in agreement with that, Mr. Chairman.

Mr. LEWIS of California. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I will be asking for a broader unanimous consent request in a few moments, but initially I ask unanimous consent to proceed with the Kaptur amendment, with a limitation of time of 20 minutes, 10 minutes on each side.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. LEWIS of California. The vote would roll until tomorrow.

The CHAIRMAN. The Chair would tell the gentleman, that authority on rolling the vote already exists.

AMENDMENT OFFERED BY MS. KAPTUR

Ms. KAPTUR. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. KAPTUR: Page 20, line 25, after the dollar amount insert the following: "(increased by $234,000,000)".

Page 21, line 15, after the dollar amount insert the following: "(increased by $234,000,000)".

Page 64, line 16, after the dollar amount insert the following: "(reduced by $234,000,000)".

Ms. KAPTUR (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

The CHAIRMAN. Under the unanimous consent agreement, the gentlewoman from Ohio [Ms. KAPTUR] will be recognized for 10 minutes, and the gentleman from California [Mr. LEWIS] will be recognized for 10 minutes in opposition.

The Chair recognizes the gentlewoman from Ohio [Ms. KAPTUR].

Ms. KAPTUR. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the amendment we are offering has been redrafted from this afternoon, and I doubt that there will be any points of order that will be able to be raised against the amendment. Essentially what this amendment does is to maintain the successful anti-drug program that has existed since 1988 when Jack Kemp, in the Bush administration, began this program.

In the Case bill, Mr. Chairman, this program was completely zeroed out. During the deliberations of the full committee, I attempted to restore these funds, and we came within five votes of doing so on a bipartisan basis. Sixteen members of the committee were absent for that vote. We went to the Committee on Rules attempting to get a rule that would permit us to offer an amendment concerning this program on the floor.

This is what we are attempting to do this evening. Our amendment will shift $234 million from the Federal Emergency Management Agency's disaster relief account and shift it to the public housing modernization account, where it is earmarked for anti-drug activities. This is a budget-neutral amendment, and in fact, even with our amendment passing, this program will have $54 million less in it than in the prior years during which it has been funded.

I do not think any person in this Chamber could agree with me more when I say that there is no greater scourge affecting our country in every city, town, and neighborhood, than the scourge of illicit drugs and drug trafficking. No Member here wants to be in the position of turning back the progress that has been made in this extremely successful program. Every Member, before they vote, should call their mayor, they should call the director of their local housing authority, and ask them how successful this program has been.

I stood in Chicago when Charlie Hayes served in this Chamber and watched snipers on the roofs of those housing projects in Chicago controlling the activities of thousands of people who lived in those buildings and in the surrounding neighborhoods. Mr. Chairman, this program cleans up those streets and projects that were out of control.

Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts, JOE KENNEDY, the ranking member of the Subcommittee on Housing and Community Opportunity of the Committee on Banking and Financial Services.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I rise in strong support of the amendment offered by the gentlewoman from Ohio. This is a program that has done an enormous amount of good to housing authorities and tenants in those housing authorities throughout the country.

Just this week I visited two separate housing authorities where the tenants have finally gotten control of the drug dealers and the drug pushers that live in those housing authorities, and been able to move them out. This is the kind of self-determination that we want to see take place in tenant ownership and in tenant determination in these local housing authorities that for the first time gives people a sense that they can take control over their neighborhoods.

Why would we go about trying to cut the program that does the most amount of good, of ridding these programs and projects of the worst tenant occupants, of those who are abusing their neighbors, and give the power to those tenants who want to put some order in their lives, who want to take control over their destinies? That is what these drug enforcement grants do. I think the gentlewoman is to be commended for her persistence in trying to get this taken up today.

Mr. LEWIS of California. Mr. Chairman, I proudly yield 2 minutes to the gentleman from Florida [Mr. SHAW].

Mr. SHAW. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I would like to congratulate the gentlewoman on a very well-purposed and very good program for which she is trying to get some money, but I would say, having lived through Hurricane Andrew down in south Florida, my kids having gone through hurricane Hugo in South Carolina, having looked at what has happened in California with the disastrous earthquakes, FEMA, leave it alone. FEMA is so important. It is an insurance policy. We in the Congress say we know that there are going to be disasters, we know we have to be ready, we know we have to sharpen our ability to be able to react to these national disasters. It is absolutely nothing less than good planning, and it is absolutely imperative that we hold this program together.

The problem of drugs is absolutely out of sight. We need to talk more about it. We need to do more about it, but FEMA has absolutely nothing to do with it. It is absolutely nongermane to the subject matter which the gentlewoman and I are both concerned about. Let us leave FEMA alone. FEMA needs to be left intact. It is nothing less than good planning. I would hope that we would soundly defeat this amendment.

Ms. KAPTUR. Mr. Chairman, will the gentleman yield?

Mr. SHAW. I yield to the gentlewoman from Ohio.

Ms. KAPTUR. Mr. Chairman, I respect the gentleman's opinion. There are sufficient funds in FEMA to cover natural disasters that have occurred. Would the gentleman agree that there are human disasters occurring every day where drug lords control the neighborhoods in which we live?

Mr. SHAW. The gentlewoman is absolutely correct, and as a matter of fact, tomorrow I am introducing a bill that is going to absolutely cut the underpinnings out of Most Favored Nation status for countries that do not cooperate with us in the war against drugs. I know the gentlewoman would want to take a close look at this particular bill, but FEMA must be left intact.

Ms. KAPTUR. Mr. Chairman, I yield 2½ minutes to the gentleman from New York, Mr. CHARLES RANGEL, the distinguished ranking member of the Committee on Ways and Means, who knows more about this terrible, terrible problem than anyone I know.

Mr. RANGEL. Mr. Chairman, I rise to support the amendment offered by the gentlewoman from Ohio. It is really educational to see how the good, decent people from the other side of the aisle seem to believe in everything that we are trying to do here, but not in this bill.

There is no one more dedicated in fighting drugs than my friend, the gentleman from Florida [Mr. SHAW]. He is going to try to make certain that the countries producing the drugs do not enjoy a friendly relationship with us. However, talking about national disasters, as an American, what is more of a disaster than seeing a child born in public housing, and just because it is a male, a boy, that we can say that that kid is either going to die or end up in jail before he is 15?

What is more of a disaster than to see a human being that has the same dreams that you and I have, to one day move to decent housing, to get an education and be productive, and all the statistics would say "Because of color, because of background, and because they are in that public housing, they will never be able to break out." What a great national disaster. Secretary Kemp saw it, and he did not see it from the high towers in some building, he went into this public housing, he talked with the parents, and he felt their dreams and tried to do something.

For a lousy $238 million, we are going to say that these kids do not deserve it. What are we talking about? No, it is not jails. That would get the Members excited. It is not mandatory sentences. It is not more cops. That gets the vital juices flowing. It is education, it is mentoring, it is giving someone an opportunity to say that it is not just two strikes against you; that in this country, everyone can make it.

For God's sakes, it is Veteran's Day for Korean war veterans. Can we not do something decent? That side already struck out hope for the homeless, they struck out those that just want to get a house and a picket fence, because the house is located someplace that they cannot get insurance. Do not be dictated to and just say what you cannot do, just break out of it sometime tonight and let the conscience that you have say that you are able to do something. Do not wait for some hope or dreams tomorrow. It may be too late.

This money merely says "Just because of who you are, just because you were born in the projects, the United States of America will not give up to you." Members did not give up on these kids when they went in the Army. Do not do it tonight.

Ms. KAPTUR. Mr. Chairman, would the Chair advise me how much time I have remaining?

The CHAIRMAN. The gentlewoman from Ohio [Ms. KAPTUR] has 3½ minutes remaining.

Ms. KAPTUR. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Louisiana [Mr. FIELDS].

□ 2130

Mr. FIELDS of Louisiana. Mr. Chairman, I thank the gentlewoman from Ohio [Ms. KAPTUR] for yielding me the time, and I wanted to commend her for an excellent job in fighting for the drug elimination program in this country. If we were sitting here tonight talking about building jails and prisons and housing facilities, or turning public housing into jails and prisons, there would be little debate on the other side of the aisle, but we are only trying to provide kids with hope and opportunity.

Mr. Chairman, I was at the Ordonwood Apartment Complex this past weekend in my own district, and I had an opportunity to meet with kids and their parents and also had an opportunity to meet with the management of that facility. They looked me dead in the eyes and said, "Congressman FIELDS, it is because of programs like the drug elimination program that we are able to run the drug dealers and drug pushers out of our community."

Now we are here tonight talking about the very program that is benefiting this housing facility and we are talking about cutting it out. I said earlier on the House floor tonight that we are already cutting out drug-free schools and communities. We are telling kids in public school that we are not going to teach you to say no to drugs; we are just going to say, "Just say no to drugs," but we will not teach about drug education. We are telling kids in public housing that they can use drugs by eliminating the drug elimination program.

Ms. KAPTUR. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentlewoman from Ohio is recognized for 2½ minutes.

Ms. KAPTUR. Mr. Chairman, let me just say, in response to the gentleman from Florida who spoke about will the FEMA account be whole, I served on the Committee on Appropriations for three terms now. There are funds in the FEMA account. In fact, we have moved other funds from the FEMA account, because they were unexpended, to other purposes within the bill.

In addition to that, these dollars for the drug elimination program do not spend out at a 100 percent rate, they spend out at a 7 percent rate, which means that the drawdown would be very slow and measured. I think it would be very unwise of us, however, to zero out an account that has been in existence and working since 1988 and having success throughout this country in every State in the Union, in towns and cities whose names you will recognize on this list of beneficiary communities.

In my own community of Toledo, I can tell you that in 1 year the presence of this program resulted in a 20 percent reduction in crime associated with drugs in the neighborhoods that benefited from the program. Security cars, police monitoring, work with the sheriff, all of the various patrols that were necessary have made an incredible difference.

Mr. Chairman, I think that for those of our colleagues who may not be familiar with this program, please think carefully before you vote on this. It is likely your community is on this list. If you are not sure, come and see me, but, in any case, over 2,000 communities across this country are benefiting today. The other dollars in the accounts that exist in this bill have been cut substantially by almost 25 percent.

The dollars are not there for your mayors to choose between will they take care of the homeless when those funds are cut by half or will they deal with drug dealers in these neighborhoods. We must earmark these dollars. The money is there in FEMA. We are not asking for a whole lot. This will make a tremendous amount of difference. Let us put these people in jail and clean up our streets. Please vote "yes" on the Kaptur amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. LEWIS of California. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, we have discussed this earlier, but the intriguing thing about the amendment of the gentlewoman from Ohio [Ms. KAPTUR], which is different than the amendment she had earlier, is that she is recommending that one take $234 million and transfer it from FEMA to the public housing modernization account. That is a reflection of my earlier commentary that we are hopeful that that modernization account will become a vehicle for a new war on drugs in these very same facilities that we are worried about. We are all in the same ballpark in that connection.

Mr. Chairman, the problem lies in that if you take all that money from FEMA, suddenly you have no disaster assistance. If we were actually talking about budget authority instead of outlay, we would be busting the budget and it would not be in order at all. Having said that, we do not want to zero FEMA, and let me suggest why we do not need to.

As we said earlier, within the current public housing modernization accounts, in this year's proposal there is $2.5 billion. Left over in former accounts from former years there is another $6 billion. To say the least, those accounts do not just spend out slowly; the agency has not been very good at using those moneys. Now, I think between the gentlewoman and myself and my ranking member we can encourage them to tap some of that money and make sure it is used for this purpose without having to strip FEMA.

Mr. Chairman, I do not want to lessen the commitment any more than the gentlewoman does, but we do not want to find ourselves in a position where we zero out FEMA, and, only because of that, I have to ask for a "no" vote on the gentlewoman's amendment.

The CHAIRMAN. The question is on the amendment of the gentlewoman from Ohio [Ms. KAPTUR].

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. LEWIS of California. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to the order of the House of today, further proceedings on the amendment offered by the gentlewoman from Ohio [Ms. KAPTUR] will be postponed.

Are there other amendments to title II?

Mr. TORRES. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to enter into a colloquy with the gentleman from California, the chairman of the subcommittee, if he will please engage me.

As the chairman and I have discussed along with the ranking minority member, there is a contentious provision in the VA-HUD appropriations bill which prohibits funding for HUD in certain instances. HUD would no longer have the ability to investigate under the Fair Housing Act any State or local unit of government that has adopted a law or a regulation requiring the spoken or written word of the English language or declaring English as the official language. This comes as a result of a case in the town of Allentown, PA, which has passed a nonbinding English-only resolution.

After HUD reviewed the case, it determined that there was not any discrimination because the resolution was nonbinding and not an ordinance of fact. Therefore, it was not enforced. The Office of Fair and Equal Housing did its job and the system worked.

Mr. Chairman, this provision in the bill seeks to respond really to a nonissue. I am asking the chairman in this instance whether he could provide some assurances of rather than belaboring this issue here late into the night tonight that we might have some resolution in conference.

Mr. LEWIS of California. If the gentleman will yield, first I very much appreciate the gentleman asking me to enter into this colloquy, for I feel very strongly that the gentleman is on the right track. I think he has described the circumstances accurately. There is not an ordinance, or a local law in place. It is not necessary to have this language. It seems to me as we go to conference in view of that, that we ought to be working to eliminate this language. I feel very strongly that the voice of the gentleman ought to be heard in these matters and I am going to do all that I can to see that it is heard.

Mr. TORRES. I thank the gentleman for his assurances to work on this.

Mr. LEWIS of California. If the gentleman would yield further, you were describing to me earlier some very specific circumstances relative to a danger sign and otherwise. I think it would be helpful to have some of that concern on the record.

Mr. TORRES. The issue here is at the whole question of English-only provisions, where we have instances, as I am talking about now in public housing, where there may be elderly persons, American citizens, who because of their age have not learned exact English, cannot read difficult, intricate instructions; notice of eviction, notices of an impending tornado coming or a hurricane, or perhaps even a sign. The fact that a sign is written in a non-English language really would give rise to this kind of onerous provision. My point is that we cannot begin to impose these kind of English-only provisions where we have lives at stake, where we have the security and the safety of people in effect. This is the basis for this kind of provision which I do not feel has any place at this time.

Mr. BONILLA. Mr. Chairman, I move to strike the last word to engage with the subcommittee chairman in a colloquy about an often forgotten group of Americans, that is, specifically families that live in colonias along the United States-Mexico border.

Today as we consider this VA-HUD appropriations bill on the floor, I ask my colleagues to seek justice, fairness and equity for the poor American families living in these colonias.

I along with other border area representatives have worked hard to educate our colleagues in Congress about how desperately these colonias need basic infrastructure and sanitation, a lot of things that we that live in neighborhoods throughout this country often take for granted.

The colonias are substandard residential subdivisions located along the United States side of the border with Mexico. Most colonias are unincorporated, low income, primarily Hispanic neighborhoods with substandard housing, unpaved roads and inadequate drainage. Even though we are now in the mid 1990s, these American citizens do not have running water in their homes and are forced to use outhouses or substandard septic tanks in their homes.

The human cost is staggering. The Texas Water Development Board estimates that in Texas alone, there are 300,000 residents living in 1,200 colonias.

Last year, with the help of the gentleman from Ohio [Mr. STOKES], we were fortunate to get congressional funding for the first time for colonia water projects and we appreciated the efforts of my friend the gentleman from Ohio very much.

This year as we work to set priorities and reduce the Federal deficit, I want to thank the gentleman from California [Mr. LEWIS], the chairman, for demanding a meaningful commitment to improving the health and environmental conditions along the 2,000-mile Texas-Mexico border.

Mr. LEWIS of California. Mr. Chairman, if the gentleman will yield, first I want my colleagues to know that the gentleman from Texas has been very, very effective in advocating his case regarding this problem, communicating to each of us just how serious it is. The committee's action provides a major step in making sure Americans who live in the colonias are truly part of America. I very much appreciate not just your work but the courtesy and intelligence with which you have shared your problems with me. We look forward to continuing to work with you and help in every way we can.

Mr. BONILLA. I thank the chairman. The committee has allocated $100 million for projects that will address many of these water problems along the border. I would also like to thank the chairman for his work for the concerns of many other Hispanic issues along the border from Texas all the way to California, the gentleman's home State. He has been more than understanding and compassionate as we have dealt with these tough appropriations matters in the last year.

Ms. JACKSON-LEE. Mr. Chairman, I move to strike the last word to enter into a colloquy with the gentleman from California [Mr. LEWIS].

Mr. Chairman, on June 24, a community called Pleasantville in Houston, Texas, some 40 years old, 3,000 families, experienced a warehouse fire just behind their pecan trees, a major warehouse fire of some 500,000 square feet, a warehouse filled with drums holding various chemicals including corrosives, flammables, combustibles, plastics and other hazardous items.

These people had been living in their community for quite a long time and were concerned that they were now neighbors to what might be called a hazardous site. As the gentleman might be aware, I have an amendment proposed. However, I would like to make sure that in discussing this issue with you, and I can share with you the anecdotes or the stories about "Meeting on Fire Does Little to Douse Residents' Worries" and "Residents Fear Rebuilding of Burned Warehouses," and, of course, "More Soil Samples Necessary to be Taken to Check for Contamination."

But the real issue, Mr. Chairman, is the utilization of Superfund dollars to do emergency cleanups near residential areas. When I say "near," I am talking about your backyard looking at the warehouse.

This is a very close community. Before offering this amendment, I would like to see whether or not we can engage in an agreement to emphasize before the Environmental Protection Agency the importance of emergency cleanups near residential areas and the fastness, if you will, of that cleanup.

I might add, Mr. Chairman, in inquiring of the Environmental Protection Agency to assist us, though they have worked with our State agencies and our local government has worked tirelessly, there was a question of resources and a question of speed. But yet I have these 3,000 families, some of them senior citizens, and I was out there on the day of the fire. Immediately upon hearing of this incident, out to the shelter, out into the neighborhood, I could not breathe.

□ 2145

And there is still an air quality problem and there is still a need for soil samples and wipe samples. So, Mr. Chairman, I would like to see whether we can provide some guidance to the EPA but as well work on this issue with reference to conference.

Mr. LEWIS of California. Mr. Chairman, I very much appreciate the gentlewoman bringing this matter to my attention. It is obviously a very serious circumstance. I think the gentlewoman heard me say that one of my difficulties with EPA is sometimes they are not nearly so responsive as I might like. But in Superfund, especially, we have had, to say the least, some major problems with the way that program is implemented.

To suggest that Superfund might be able to be used effectively as an advisor as well as a source of revenue and otherwise to deal with a human circumstance like this tells a different story that is a very important story. I would be more than pleased to work with the gentlewoman and communicate with EPA, but to push them also to be responsive to this serious emergency circumstance.

I might further suggest that FEMA, indeed, could be a source as well and I would like to talk with the gentlewoman carefully about various avenues that we could pursue. My ranking member, the gentleman from Ohio [Mr. STOKES] is more than responsive to me in these kinds of circumstances and it is my guess that working with the gentlewoman, we together could have an effect and I know that we both would be willing to.

Ms. JACKSON-LEE. Mr. Chairman, I thank the gentleman for that. The gentleman from Ohio, Mr. STOKES, has been stellar in terms of issues dealing with communities, but particularly in mentioning this issue to the gentleman, I was very gratified of his concern.

This has disturbed this community now for a number of weeks in the very hot summer. In fact, they are now on their third blaze on this site. Mr. Chairman, I would say to the gentleman from California and to the ranking member, Mr. STOKES, I would hope that maybe we could also confer before conference to have this possibly referred there and utilized there.

Mr. LEWIS of California. Mr. Chairman, I must say, that the gentlewoman is demonstrating a good deal of understanding of the process by raising the question in this fashion, for should we wait for some preliminary action at least all the way through conference, that could take us to September or October, and Lord knows what happens beyond that.

In the meantime, we ought to be acting on this and I intend to do everything I can, along with the gentleman from Ohio [Mr. STOKES], and indeed if we have not come close to helping the gentlewoman solve the problem by then, conference is very appropriate.

Ms. JACKSON-LEE. Mr. Chairman, I would like to join the gentleman in that and work as we speak, and that means immediately, in order to solve this problem for this community.

I thank the chairman of the subcommittee for his willingness to work with me, and I thank the gentleman from Ohio [Mr. STOKES], the ranking member, for his leadership. I think we can get this problem solved and get these folks in Pleasantville, in the City of Houston, the service they need with respect to this hazardous fire and the warehouse situation and cleanup as well.

Mr. LEWIS of California. Mr. Chairman, to my knowledge, there are no additional amendments to title II. I would hope that what we might do is proceed to title III and then move to the DeFazio amendment, as per our earlier agreement.

The CHAIRMAN. Are there any further amendments to title II?

If not, the Clerk will designate title III.

The text of title III is as follows:

TITLE III

INDEPENDENT AGENCIES

AMERICAN BATTLE MONUMENTS COMMISSION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the American Battle Monuments Commission, including the acquisition of land or interest in land in foreign countries; purchases and repair of uniforms for caretakers of national cemeteries and monuments outside of the United States and its territories and possessions; rent of office and garage space in foreign countries; purchase (one for replacement only) and hire of passenger motor vehicles; and insurance of official motor vehicles in foreign countries, when required by law of such countries; $20,265,000, to remain available until expended: *Provided*, That where station allowance has been authorized by the Department of the Army for officers of the Army serving the Army at certain foreign stations, the same allowance shall be authorized for officers of the Armed Forces assigned to the Commission while serving at the same foreign stations, and this appropriation is hereby made available for the payment of such allowance: *Provided further*, That when traveling on business of the Commission, officers of the Armed Forces serving as members or as Secretary of the Commission may be reimbursed for expenses as provided for civilian members of the Commission: *Provided further*, That the Commission shall reimburse other Government agencies, including the Armed Forces, for salary, pay, and allowances of personnel assigned to it.

CONSUMER PRODUCT SAFETY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Consumer Product Safety Commission, including hire of passenger motor vehicles, services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for GS-18, purchase of nominal awards to recognize non-Federal officials' contributions to Commission activities, and not to exceed $500 for official reception and representation expenses, $40,000,000.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

NATIONAL AND COMMUNITY SERVICE PROGRAMS OPERATING EXPENSES

Of the funds appropriated under this heading in Public Law 103-327, the Corporation for National and Community Service shall use such amounts of such funds as may be necessary to carry out the orderly termination of (1) the programs, activities, and initiatives under the National and Community Service Act of 1990 (Public Law 103-82); (2) the Corporation; and (3) the Corporation's Office of Inspector General.

COURT OF VETERANS APPEALS

SALARIES AND EXPENSES

For necessary expenses for the operation of the United States Court of Veterans Appeals as authorized by 38 U.S.C. sections 7251-7292, $9,000,000, of which not to exceed $678,000, to remain available until September 30, 1997, shall be available for the purpose of providing financial assistance as described, and in accordance with the process and reporting procedures set forth, under this head in Public Law 102-229.

DEPARTMENT OF DEFENSE—CIVIL

CEMETERIAL EXPENSES, ARMY

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, for maintenance, operation, and improvement of Arlington National Cemetery and Soldiers' and Airmen's Home National Cemetery, and not to exceed $1,000 for official reception and representation expenses; $11,296,000, to remain available until expended.

ENVIRONMENTAL PROTECTION AGENCY

RESEARCH AND DEVELOPMENT

For research and development activities, including procurement of laboratory equipment and supplies; other operating expenses in support of research and development; and construction, alteration, repair, rehabilitation and renovation of facilities, not to exceed $75,000 per project; $384,052,000, to remain available until September 30, 1997.

ENVIRONMENTAL PROGRAMS AND COMPLIANCE

For environmental programs and compliance activities, including hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchases of reprints; library memberships in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members; construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project; and not to exceed $6,000 for official reception and representation expenses; and for necessary expenses, not otherwise provided for, for personnel and related costs and for travel expenses, including uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901-5902; and for services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for GS-18; $1,881,614,000, to remain available until expended: *Provided*, That none of the funds appropriated under this heading shall be available to the National Oceanic and Atmospheric Administration pursuant to section 118(h)(3) of the Federal Water Pollution Control Act, as amended: *Provided further*, That from funds appropriated under this heading, the Administrator may make grants to federally recognized Indian governments for the development of multimedia environmental programs: *Provided further*, That for this fiscal year and thereafter, any industrial discharger to the Kalamazoo Water Reclamation Plant is exempt from categorical pretreatment standards under section 307(b) of the Federal Water Pollution Control Act, as amended, if the following conditions are met: (1) the Kalamazoo Water Reclamation Plant applies to the State of Michigan for an exemption for its industry and (2) the State or the Administrator, as applicable, approves such exemption request based upon a determination that there exists an operative financial contract between the City of Kalamazoo and the industrial user and an approved local pretreatment program, including a joint monitoring program and local controls to prevent against interference and pass through: *Provided further*, That none of the funds appropriated under this heading shall be obligated or expended to implement or enforce section 118(c)(2)(C) of the Federal Water Pollution Control Act, as amended: *Provided further*, That none of the funds appropriated under this heading may be made available for the implementation or enforcement of the stormwater permitting program under section 402(p) of the Federal Water Pollution Control Act, as amended: *Provided further*, That none of the funds appropriated under this heading shall be made available for the enforcement of permit limits or compliance schedules for combined sewer overflows or sanitary sewer overflows under section 402 of the Federal Water Pollution Control Act, as amended: *Provided further*, That none of the funds appropriated under this heading may be used to implement or enforce section 404 of the Federal Water Pollution Control Act, as amended: *Provided further*, That none of the funds appropriated under this heading may be made available for the development and implementation of new or revised effluent limitation guidelines and standards, pretreatment standards, or new source performance standards under the Federal Water Pollution Control Act, as amended: *Provided further*, That the limitations on the use of funds set forth in the previous four provisos shall have no force and effect upon enactment of legislation which further amends the named sections of the Federal Water Pollution Control Act, as amended, in each of the previous four provisos: *Provided further*, That none of the funds appropriated under this heading may be used by the Environmental Protection Agency to impose or enforce any requirement that a State implement trip reduction measures to reduce vehicular emissions. Section 304 of the Clean Air Act, as amended, shall not apply with respect to any such requirement: *Provided further*, That none of the funds appropriated under this heading may be used to assign less than full credit for automobile emissions inspections programs required under section 182 (c), (d), or (e) of the Clean Air Act, as amended, on the basis of network design equipment unless the Administrator determines, based on data collected from at least two full cycles of the program, that less than full credit is appropriate: *Provided further*, That beginning in fiscal year 1996 and each fiscal year thereafter, and notwithstanding any other provision of law, the Administrator is authorized to make grants annually from funds appropriated under this heading, subject to such terms and conditions as the Administrator shall establish, to any State or federally recognized Indian tribe for multimedia or single media pollution prevention, control and abatement and related environmental activities at the request of the Governor or other appropriate State official or the tribe: *Provided further*, That none of the funds appropriated under this heading may be used to develop, propose, promulgate, issue, enforce, or to set or enforce compliance deadlines or issuance schedules for maximum achievable control technology standards pursuant to section 112(d) of the Clean Air Act, as amended, for the category proposed to be regulated at Vol. 59, Federal Register, No. 135, page 36130, dated July 15, 1994, and for purposes of this provision, section 304 of the Clean Air Act shall not apply: *Provided further*, That none of the funds appropriated under this heading shall be obligated or expended to take any action to extend the risk management plan requirements under section 112(r) of the Clean Air Act, as amended, to the domestic oil and gas exploration and production and natural gas processing industry: *Provided further*, That none of the funds appropriated under this heading may be used by the Administrator or the Administrator's designee for signing and publishing a national primary drinking water regulation for radon and other radionuclei: *Provided further*, That none of the funds appropriated under this heading may be used by the Administrator or the Administrator's designee for signing and publishing any proposed national primary drinking water regulation for arsenic: *Provided further*, That none of the funds appropriated under this heading may be used to issue or enforce any requirement not otherwise authorized under existing law or regulation with respect to combustion of hazardous waste prior to promulgation of final regulations pursuant to a rulemaking proceeding under the Administrative Procedure Act or to impose or enforce any requirement or condition of a permit, including the use of an indirect risk assessment, or to deny a permit pursuant to section 3005(c)(3) of the Resource Conservation and Recovery Act, as amended, unless the Environmental Protection Agency follows the procedures governing the use of authority under such section which it has set forth at 56 Fed. Reg. 7145, note 8, February 21, 1991: *Provided further*, That none of the funds appropriated under this heading may be used to issue or enforce any regulatory standard for maximum achievable control technology (MACT) for hazardous waste combustion under any statute other than the Clean Air Act, as amended, issue any such standard without first determining that in calculating the MACT floor emission levels for existing sources under section 112(d)(3) of the Clean Air Act, as amended, one-half of the currently operating facilities in the group of sources that make up the floor pool for that category or subcategory actually achieve the MACT floor levels for all of the hazardous air pollutants to be regulated: *Provided further*, That none of the funds appropriated under this heading may be used to promulgate, implement, or enforce sections 502(d)(2), 502(d)(3), or 502(i)(4) of the Clean Air Act, as amended, against a State which is involved in litigation regarding provisions of title V of the Clean Air Act, as amended: *Provided further*, That none of the funds appropriated under this heading may be obligated or expended to require facilities to submit any data pursuant to section 313(a) of the Emergency Planning and Community Right-to-Know Act or section 8 of the Toxic Substances Control Act, as amended, that is not specifically enumerated in said sections, including mass balance, materials accounting, or other chemical use data: *Provided further*, That none of the funds appropriated under this heading may be used to revoke, or require the issuance of, a food additive regulation under section 409 of the Federal Food, Drug and Cosmetic Act for a pesticide in processed food where there is a tolerance established under section 408 of said Act for the pesticide on the raw commodity from which the processed food was made, and may not be used to revoke, or deny the issuance of, a section 408 tolerance for a pesticide on a raw agricultural commodity solely on the basis that a food additive regulation cannot be issued or maintained under section 409 of said Act for the pesticide in a processed form of the commodity: *Provided further*, That none of the funds appropriated under this heading may be used to exclusively regulate whole agricultural plants subject to regulation by another federal agency: *Provided further*, That none of the funds appropriated under this heading may be used to obtain a voluntary environmental audit report or to assess an administrative, civil or criminal negligence penalty, in any matter subject to a state law providing a privilege for voluntary environmental audit reports or protections or immunities for the voluntary disclosure of environmental concerns.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project, $28,542,000.

BUILDINGS AND FACILITIES

For construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of, or use by, the Environmental Protection Agency, $28,820,000, to remain available until expended.

HAZARDOUS SUBSTANCE SUPERFUND

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended, including sections 111 (c)(3), (c)(5), (c)(6), and (e)(4) (42 U.S.C. 9611), and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project; not to exceed $1,003,400,000 to remain available until expended, to be derived from general revenues: *Provided*, That funds appropriated under this heading may be allocated to other Federal agencies in accordance with section 111(a) of CERCLA: *Provided further*, That $5,000,000 of the funds appropriated under this heading shall be transferred to the Office of Inspector General appropriation to remain available until September 30, 1996: *Provided further*, That notwithstanding section 111(m) of CERCLA or any other provision of law, not to exceed $62,000,000 of the funds appropriated under this heading shall be available to the Agency for Toxic Substances and Disease Registry to carry out activities described in sections 104(i), 111(c)(4), and 111(c)(14) of CERCLA and section 118(f) of the Superfund Amendments and Reauthorization Act of 1986: *Provided further*, That none of the funds appropriated under this heading shall be available for the Agency for Toxic Substances and Disease Registry to issue in excess of 40 toxicological profiles pursuant to section 104(i) of CERCLA during fiscal year 1996: *Provided further*, That no part of any appropriation made under this heading shall remain available for obligation beyond December 31, 1995, unless the Comprehensive Environmental Response Compensation, and Liability Act of 1980 has been reauthorized.

LEAKING UNDERGROUND STORAGE TANK TRUST FUND

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out leaking underground storage tank cleanup activities authorized by section 205 of the Superfund Amendments and Reauthorization Act of 1986, and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project, $45,827,000, to remain available until expended: *Provided*, That no more than $5,285,000 shall be available for administrative expenses: *Provided further*, That $426,000 shall be transferred to the Office of Inspector General appropriation to remain available until September 30, 1996.

OIL SPILL RESPONSE

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary to carry out the Environmental Protection Agency's responsibilities under the Oil Pollution Act of 1990, $20,000,000, to be derived from the Oil Spill Liability trust fund, and to remain available until expended: *Provided*, That not more than $8,420,000 of these funds shall be available for administrative expenses.

WATER INFRASTRUCTURE/STATE REVOLVING FUNDS

For necessary expenses for capitalization grants for State Revolving Funds to support wastewater infrastructure financing, and to carry out the purposes of the Federal Water Pollution Control Act, as amended, the Water Quality Act of 1987, and section 1443(a) of the Public Health Service Act, $1,500,175,000, to remain available until expended, of which $1,000,000,000 shall be for capitalization grants for Clean Water State Revolving Funds under title VI of the Federal Water Pollution Control Act, as amended; $100,000,000 for architectural, engineering, design, construction, and related activities in connection with the construction of high priority wastewater facilities in the area of the United States-Mexico Border, after consultation with the appropriate border commissions; $50,000,000 for grants to the State of Texas, which shall be matched by an equal amount of State funds from State sources, for the purpose of improving wastewater treatment for colonias; $15,000,000 for grants to the State of Alaska, subject to an appropriate cost share as determined by the Administrator, to address wastewater infrastructure needs of rural and Alaska Native Villages; $22,500,000 for making grants under section 104(b)(3) of the Federal Water Pollution Control Act, as amended; $100,000,000 for making grants under section 319 of the Federal Water Pollution Control Act, as amended; $75,000,000 for making grants under section 1443(a) of the Public Health Service Act; and, notwithstanding any other provision of law, $137,675,000 for making grants for the construction of wastewater treatment facilities and the development of groundwater in accordance with the terms and conditions set forth in the House Report accompanying this Act: *Provided*, That of the funds made available under this heading in Public Law 103–327 and in Public Law 103–124 for capitalization grants for State Revolving Funds to support water infrastructure financing, $225,000,000 shall be made available for capitalization grants for State Revolving Funds under title VI of the Federal Water Pollution Control Act, as amended: *Provided further*, That of the funds made available under this heading for capitalization grants for State Revolving Funds under title VI of the Federal Water Pollution Control Act, as amended, $50,000,000 shall be for wastewater treatment in impoverished communities pursuant to section 102(d) of H.R. 961 as approved by the United States House of Representatives on May 16, 1995: *Provided further*, That appropriations made available under this heading to carry out the purposes of the Federal Water Pollution Control Act, as amended, shall be available only upon enactment of legislation which reauthorizes said Act.

EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

For necessary expenses of the Office of Science and Technology Policy, in carrying out the purposes of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6601 and 6671), hire of passenger motor vehicles, services as authorized by 5 U.S.C. 3109, not to exceed $2,500 for official reception and representation expenses, and rental of conference rooms in the District of Columbia, $4,981,000: *Provided*, That the Office of Science and Technology Policy shall reimburse other agencies for not less than one-half of the personnel compensation costs of individuals detailed to it.

COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF ENVIRONMENTAL QUALITY

To carry out the orderly termination of the programs and activities authorized by the National Environmental Policy Act of 1969, the Environmental Improvement Act of 1970 and Reorganization Plan No. 1 of 1977, $1,000,000.

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

For necessary expenses in carrying out the functions of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), $320,000,000, to remain available until expended.

DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

For the cost of direct loans, $2,155,000, as authorized by section 319 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.): *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $25,000,000.

In addition, for administrative expenses to carry out the direct loan program, $95,000.

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, including hire and purchase of motor vehicles (31 U.S.C. 1343); uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for GS–18; expenses of attendance of cooperating officials and individuals at meetings concerned with the work of emergency preparedness; transportation in connection with the continuity of Government programs to the same extent and in the same manner as permitted the Secretary of a Military Department under 10 U.S.C. 2632; and not to exceed $2,500 for official reception and representation expenses; $162,000,000.

OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $4,400,000.

EMERGENCY MANAGEMENT PLANNING AND ASSISTANCE

For necessary expenses, not otherwise provided for, to carry out activities under the National Flood Insurance Act of 1968, as amended, and the Flood Disaster Protection Act of 1973, as amended (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards Reduction Act of 1977, as amended (42 U.S.C. 7701 et seq.), the Federal Fire Prevention and Control Act of 1974, as amended (15 U.S.C. 2201 et seq.), the Federal Civil Defense Act of 1950, as amended (50 U.S.C. App. 2251 et seq.), the Defense Production Act of 1950, as amended (50 U.S.C. App. 2061 et seq.), sections 107 and 303 of the National Security Act of 1947, as amended (50 U.S.C. 404–405), and Reorganization Plan No. 3 of 1978, $203,044,000.

EMERGENCY FOOD AND SHELTER PROGRAM

There is hereby appropriated $100,000,000 to the Federal Emergency Management Agency to carry out an emergency food and shelter program pursuant to title III of Public Law 100–77, as amended: *Provided*, That total administrative costs shall not exceed three and one-half per centum of the total appropriation.

NATIONAL FLOOD INSURANCE FUND

For activities under the National Flood Insurance Act of 1968, the Flood Disaster Protection Act of 1973, and the National Flood Insurance Reform Act of 1994, not to exceed $20,562,000 for salaries and expenses associated with flood mitigation and flood insurance operations, and not to exceed $70,464,000 for flood mitigation, including up to $12,000,000 for expenses under section 1366 of the National Flood Insurance Act of 1968, as amended, which amount shall be available until September 30, 1997. In fiscal year 1996, no funds in excess of (1) $47,000,000 for operating expenses, (2) $292,526,000 for agents' commissions and taxes, and (3) $3,500,000 for interest on Treasury borrowings shall be available from the National Flood Insurance Fund without prior notice to the Committees on Appropriations: *Provided*, That none of the funds appropriated in this Act for the Federal Emergency Management Agency (FEMA) shall be available for any further work on effective Flood Insurance Rate Maps for the City of Stockton and San Joaquin County, California based on FEMA's restudy of flood hazards on South Paddy Creek, Middle Paddy Creek, Paddy Creek, Bear Creek, Mosher Slough, Calaveras River, Potter A Slough, Potter B Slough, Mormon Slough, and the Diversion Channel.

ADMINISTRATIVE PROVISION

The Director of the Federal Emergency Management Agency shall promulgate through rulemaking a methodology for assessment and collection of fees to be assessed and collected beginning in fiscal year 1996 applicable to persons subject to the Federal Emergency Management Agency's radiological emergency preparedness regulations. The aggregate charges assessed pursuant to this section during fiscal year 1996 shall approximate, but not be less than, 100 per centum of the amounts anticipated by the Federal Emergency Management Agency to be obligated for its radiological emergency preparedness program for such fiscal year. The methodology for assessment and collection of fees shall be fair and equitable, and shall reflect the full amount of costs of providing radiological emergency planning, preparedness, response and associated services. Such fees will be assessed in a manner that reflects the use of agency resources for classes of regulated persons and the administrative costs of collecting such fees. Fees received pursuant to this section shall be deposited in the general fund of the Treasury as offsetting receipts. Assessment and collection of such fees are only authorized during fiscal year 1996.

GENERAL SERVICES ADMINISTRATION

CONSUMER INFORMATION CENTER

For necessary expenses of the Consumer Information Center, including services authorized by 5 U.S.C. 3109, $2,061,000, to be deposited into the Consumer Information Center Fund: *Provided*, That the appropriations, revenues and collections deposited into the fund shall be available for necessary expenses of Consumer Information Center activities in the aggregate amount of $7,500,000. Administrative expenses of the Consumer Information Center in fiscal year 1996 shall not exceed $2,502,000. Appropriations, revenues, and collections accruing to this fund during fiscal year 1996 in excess of $7,500,000 shall remain in the fund and shall not be available for expenditure except as authorized in appropriations Acts.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

OFFICE OF CONSUMER AFFAIRS

For necessary expenses of the Office of Consumer Affairs, including services authorized by 5 U.S.C. 3109, $1,811,000: *Provided*, That notwithstanding any other provision of law, that Office may accept and deposit to this account, during fiscal year 1996, gifts for the purpose of defraying its costs of printing, publishing, and distributing consumer information and educational materials; may expend up to $1,100,000 of those gifts for those purposes, in addition to amounts otherwise appropriated; and the balance shall remain available for expenditure for such purposes to the extent authorized in subsequent appropriations Acts: *Provided further*, That none of the funds provided under this heading may be made available for any other activities within the Department of Health and Human Services.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

HUMAN SPACE FLIGHT

For necessary expenses, not otherwise provided for, in the conduct and support of human space flight research and development activities, including research; development; operations; services; maintenance; construction of facilities including repair, rehabilitation, and modification of real and personal property, and acquisition or condemnation of real property, as authorized by law; space flight, spacecraft control and communications activities including operations, production, and services; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft; $5,449,600,000, to remain available until September 30, 1997: *Provided*, That of the funds made available under this heading, $390,000,000 of funds provided for Space Station shall not become available for obligation until August 1, 1996 and shall remain available for obligation until September 30, 1997.

SCIENCE, AERONAUTICS AND TECHNOLOGY

For necessary expenses, not otherwise provided for, for the conduct and support of science, aeronautics, and technology research and development activities, including research; development; operations; services; maintenance; construction of facilities including repair, rehabilitation and modification of real and personal property, and acquisition or condemnation of real property, as authorized by law; space flight, spacecraft control and communications activities including operations, production, and services; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft; $5,588,000,000, to remain available until September 30, 1997.

MISSION SUPPORT

For necessary expenses, not otherwise provided for, in carrying out mission support for human space flight programs and science, aeronautical, and technology programs, including research operations and support; space communications activities including operations, production, and services; maintenance; construction of facilities including repair, rehabilitation, and modification of facilities, minor construction of new facilities and additions to existing facilities, facility planning and design, environmental compliance and restoration, and acquisition or condemnation of real property, as authorized by law; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902); travel expenses; purchase, lease, charter, maintenance, and operation of mission and administrative aircraft; not to exceed $35,000 for official reception and representation expenses; and purchase (not to exceed thirty-three for replacement only) and hire of passenger motor vehicles; $2,618,200,000, to remain available until September 30, 1997.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $16,000,000.

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

Notwithstanding the limitation on the availability of funds appropriated for "Human space flight", "Science, aeronautics and technology", or "Mission support" by this appropriations Act, when any activity has been initiated by the incurrence of obligations for construction of facilities as authorized by law, the amount available for such activity shall remain available until expended. This provision does not apply to the amounts appropriated in "Mission support" pursuant to the authorization for repair, rehabilitation and modification of facilities, minor construction of new facilities and additions to existing facilities, and facility planning and design.

Notwithstanding the limitation on the availability of funds appropriated for "Human space flight", "Science, aeronautics and technology", or "Mission support" by this appropriations Act, the amounts appropriated for construction of facilities shall remain available until September 30, 1998.

Notwithstanding the limitation on the availability of funds appropriated for "Mission support" and "Office of Inspector General", amounts made available by this Act for personnel and related costs and travel expenses of the National Aeronautics and Space Administration shall remain available until September 30, 1996 and may be used to enter into contracts for training, investigations, cost associated with personnel relocation, and for other services, to be provided during the next fiscal year.

No amount appropriated pursuant to this or any other Act may be used for the lease or construction of a new contractor-funded facility for exclusive use in support of a contract or contracts with the National Aeronautics and Space Administration under which the Administration would be required to substantially amortize through payment or reimbursement such contractor investment, unless an appropriations Act specifies the lease or contract pursuant to which such facilities are to be constructed or leased or such facility is otherwise identified in such Act. The Administrator may authorize such facility lease or construction, if he determines, in consultation with the Committees on Appropriations, that deferral of such action until the enactment of the next appropriations Act would be inconsistent with the interest of the Nation in aeronautical and space activities.

The unexpired balances of prior appropriations to NASA for activities for which funds are provided under this Act may be transferred to the new account established for the appropriation that provides funds for such activity under this Act. Balances so transferred may be merged with funds in the newly established account and thereafter may be accounted for as one fund to be available for the same purposes and under the same terms and conditions.

Notwithstanding any other provision of law or regulation, the National Aeronautics and Space Administration shall convey, without reimbursement, to the State of Mississippi, all rights, title and interest of the United States in the property known as the Yellow Creek Facility and consisting of approximately 1,200 acres near the city of Iuka, Mississippi, including all improvements thereon and also including any personal property owned by NASA that is currently located on-site and which the State of Mississippi requires to facilitate the transfer: *Provided*, That appropriated funds shall be used to effect this conveyance: *Provided further*, That $10,000,000 in appropriated funds otherwise available to the National Aeronautics and Space Administration shall be transferred to the State of Mississippi to be used in the transition of the facility: *Provided further*, That in consideration of this conveyance, the National Aeronautics and Space Administration may require such other terms and conditions as the Administrator deems appropriate to protect the interests of the United States: *Provided further*, That the conveyance of the site and the transfer of the funds to the State of Mississippi shall occur not later than thirty days from the date of enactment of this Act.

The Administrator of the National Aeronautics and Space Administration shall conduct a study of the closing or re-structuring of Space Flight Centers and Research Centers. The study shall include an analysis of functions currently being performed at each Center, the cost of performing each function at its current location and at logical alternative Centers, the schedule for transitioning functions to alternative Centers, and the overall cost savings which will be derived from the closing or re-structuring of each Center. The findings of the study, including a detailed schedule for completion of the re-structuring, shall be submitted to the Congress no later than March 31, 1996. Closure or re-structuring of these Centers shall be completed no later than October 1, 1998.

NATIONAL CREDIT UNION ADMINISTRATION

CENTRAL LIQUIDITY FACILITY

During fiscal year 1996, gross obligations of the Central Liquidity Facility for the principal amount of new direct loans to member credit unions as authorized by the National Credit Union Central Liquidity Facility Act (12 U.S.C. 1795) shall not exceed $600,000,000: *Provided*, That administrative expenses of the Central Liquidity Facility in fiscal year 1996 shall not exceed $560,000.

NATIONAL SCIENCE FOUNDATION

RESEARCH AND RELATED ACTIVITIES

For necessary expenses in carrying out the purposes of the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), and the Act to establish a National Medal of Science (42 U.S.C. 1880–1881); services as authorized by 5 U.S.C. 3109; maintenance and operation of aircraft and purchase of flight services for research support; acquisition of aircraft; $2,254,000,000, of which not to exceed $235,000,000 shall remain available until expended for Polar research and operations support, and for reimbursement to other Federal agencies for operational and science support and logistical and other related activities for the United States Antarctic program; the balance to remain available until September 30, 1997: *Provided*, That receipts for scientific support services and materials furnished by the National Research Centers and other National Science Foundation supported research facilities may be credited to this appropriation: *Provided further*, That to the extent that the amount appropriated is less than the total amount authorized to be appropriated for included program activities, all amounts, including floors and ceilings, specified in the authorizing Act for those program activities or their subactivities shall be reduced proportionally.

MAJOR RESEARCH EQUIPMENT

For necessary expenses in carrying out major construction projects, and related expenses, pursuant to the purposes of the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), $70,000,000, to remain available until expended.

ACADEMIC RESEARCH INFRASTRUCTURE

For necessary expenses in carrying out an academic research infrastructure program pursuant to the purposes of the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), including services as authorized by 5 U.S.C. 3109 and rental of conference rooms in the District of Columbia, $100,000,000, to remain available until September 30, 1997.

EDUCATION AND HUMAN RESOURCES

For necessary expenses in carrying out science and engineering education and human resources programs and activities pursuant to the purposes of the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), including services as authorized by 5 U.S.C. 3109 and rental of conference rooms in the District of Columbia, $599,000,000, to remain available until September 30, 1997: *Provided*, That to the extent that the amount of this appropriation is less than the total amount authorized to be appropriated for included program activities, all amounts, including floors and ceilings, specified in the authorizing Act for those program activities or their subactivities shall be reduced proportionally.

SALARIES AND EXPENSES

For necessary salaries and expenses in carrying out the purposes of the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875); services authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; not to exceed $9,000 for official reception and representation expenses; uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902); rental of conference rooms in the District of Columbia; reimbursement of the General Services Administration for security guard services; $127,310,000: *Provided*, That contracts may be entered into under salaries and expenses in fiscal year 1996 for maintenance and operation of facilities, and for other services, to be provided during the next fiscal year.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $4,490,000, to remain available until September 30, 1997.

NATIONAL SCIENCE FOUNDATION HEADQUARTERS RELOCATION

For necessary support of the relocation of the National Science Foundation, $5,200,000: *Provided*, That these funds shall be used to reimburse the General Services Administration for services and related acquisitions in support of relocating the National Science Foundation.

NEIGHBORHOOD REINVESTMENT CORPORATION

PAYMENT TO THE NEIGHBORHOOD REINVESTMENT CORPORATION

For payment to the Neighborhood Reinvestment Corporation for use in neighborhood reinvestment activities, as authorized by the Neighborhood Reinvestment Corporation Act (42 U.S.C. 8101–8107), $38,667,000.

SELECTIVE SERVICE SYSTEM

SALARIES AND EXPENSES

For necessary expenses of the Selective Service System, including expenses of attendance at meetings and of training for uniformed personnel assigned to the Selective Service System, as authorized by law (5 U.S.C. 4101–4118) for civilian employees; and not to exceed $1,000 for official reception and representation expenses; $22,930,000: *Provided*, That during the current fiscal year, the President may exempt this appropriation from the provisions of 31 U.S.C. 1341, whenever he deems such action to be necessary in the interest of national defense: *Provided further*, That none of the funds appropriated by the Act may be expended for or in connection with the induction of any person into the Armed Forces of the United States.

Mr. LEWIS of California. Mr. Chairman, I ask unanimous consent to proceed to the DeFazio amendment with a time agreement of 10 minutes per side with votes thereon to be rolled, likely until tomorrow.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

Mr. DEFAZIO. Mr. Chairman, reserving the right to object. Although one amendment was proposed, it was found to not be germane. It will be 10 minutes on the underlying amendment.

Mr. LEWIS of California. Mr. Chairman, it is my understanding that there could be a perfecting amendment that would be found out of order.

Mr. DEFAZIO. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

AMENDMENT NO. 34 OFFERED BY MR. DEFAZIO

Mr. DEFAZIO. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

> Amendment offered by Mr. DEFAZIO: Page 8, line 9, strike "$16,713,521,000" and insert "$16,725,521,000".
>
> Page 79, line 23, strike "$22,930,000" and insert "$6,000,000".

Mr. SOLOMON. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from New York [Mr. SOLOMON] is recognized for 10 minutes.

Mr. SOLOMON. Mr. Chairman, I ask unanimous consent to yield 5 minutes to the gentleman from Mississippi [Mr. MONTGOMERY], and that he be permitted to control that time.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. DEFAZIO. Mr. Chairman, I yield myself 2½ minutes.

Mr. Chairman, the issue before us is the issue of Selective Service, a vestigial bureaucracy of the cold war. The subcommittee in its wisdom eliminated funding for the Selective Service, reduced it by $17 million, with the idea that the agency itself would be eliminated.

My amendment would reduce the funding by $17 million, but put the agency into deep standby; that is, give it an opportunity to enter into the late 20th century and develop off-the-shelf technology in case of the remote happenstance of a conscription in a national emergency, that they could go forward, but not continue the postcard registration that is in effect today.

Mr. Chairman, from the beginning there has been no military necessity for Selective Service and the registration, the roster report. Jimmy Carter's 1979 Director of Selective Service found that 8 to 10 days could be saved by registration, but that because of the bottleneck at the training facilities, not one troop would be delivered one day sooner to the battlefield, and of course that day would not cutback very much on training.

In the Department of Defense a 1993 report found that there was no military necessity for continuing draft registration. This is an opportunity to save $17 million over the outyears, that is $102 million in our 7-year objective to balance the budget, which I support.

For this year, we would move $17 million into the underfunded VA medical account. We would also eliminate an unfunded mandate. It is an unfunded mandate, because every university in every jurisdiction that administers a college or student loan program is required to determine whether or not those students have registered for the draft and are currently registered for the draft and whether their address is current.

So we have an opportunity to eliminate a bureaucracy which has no national security purpose and to save funds. This is a great opportunity for this House to go on record, as the House did 2 years ago for 1 month, until we ceded to the Senate, that this is a bureaucracy whose time has passed. We can save money and remove the burden of draft registration from our young people.

Mr. Chairman, patriotism does not come in a postcard, unless you have some bizarre Publisher's Clearing House view of what constitutes patriotism and Selective Service. This is the postcard every young man between 18 and 25 must fill out every time they move.

It is time to do away with this bureaucracy and cede to the economic realities.

Mr. SOLOMON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I do not stand on this floor and protect Federal spending very often. As a matter of fact, in the last several weeks, I have voted to cut projects in my own district because it is so serious that we get this budget balanced.

This is an important issue. This is national defense. The Joint Chiefs of Staff oppose this amendment. The Committee on National Security, the committee of jurisdiction, opposes it.

The National Security Advisor opposes it. President Clinton opposes it.

But let me read a letter, just in case my colleagues do not see through the subterfuge of abolishing this department and putting the money into veterans affairs. The American Legion and the veterans organizations do not want that money put over there. They want the program protected.

Mr. Chairman,

> The American Legion strongly opposes the amendment proposed by PETER DEFAZIO. The American Legion supports the retention and full funding of the Selective Service registration program as being in the best interests of all Americans.
>
> The Selective Service System is a proven, cost-effective, essential and rapid means of reconstituting the required forces to protect our national service.

Let me read you the most important part:

> Removing this rite of passage for a young man would reduce each man's level of consciousness about military service and obligation to defend our country.

I want my colleagues to go home this August break. I want them to go into their offices where the recruitment offices are right next door and I want my colleagues to ask the recruiters. They are having trouble today getting young men and women to voluntarily serve in our all-voluntary military.

Mr. Chairman, these lists are very important tools. We have high schools that will not let recruiters on campus; we have colleges that will not let recruiters on campus. These lists are where we get the names to tell these young men and women what an honorable career it is to serve in the U.S. military in service to their country.

Mr. Chairman, that is why we need to preserve this measly $16 million. It is money well spent for the national security of this country.

Mr. DORNAN. Mr. Chairman, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from California.

Mr. DORNAN. Mr. Chairman, the gentleman from New York [Mr. SOLOMON] and I were at the dedication today on the 42d anniversary of the Korean war where Mr. Clinton delivered a beautifully written speech about how important it was to preserve liberty in South Korea.

I thought it was equally important to preserve it in South Vietnam, but at the end of the debate, when we are out of the Committee of the Whole, I will put in the whole text of Bill Clinton's letter to the Commander of the ROTC on December 3, 1969.

Here is what he says about the draft. He says,

> The draft was justified in World War II, because the life of the people, collectively, was at stake. Individuals had to fight, if the Nation was to survive, for the lives of their countrymen and their way of life. Vietnam is no such case, nor was Korea an example.

Clinton had exceptions with Korea in spite of his remarks today, and he certainly had exceptions with Vietnam. But remember, Clinton did register for the draft. His problems came much later.

Mr. Chairman, I submit the following article for the RECORD.

TEXT OF BILL CLINTON'S DECEMBER 3, 1969 LETTER TO ROTC COLONEL

I am sorry to be so long in writing. I know I promised to let you hear from me at least once a month, and from now on you will, but I have had to have some time to think about this first letter. Almost daily since my return to England I have thought about writing, about what I want to and ought to say.

First, I want to thank you, not just for saving me from the draft, but for being so kind and decent to me last summer, when I was as low as I have ever been. One thing which made the bond we struck in good faith somewhat palatable to me was my high regard for you personally. In retrospect, it seems that the admiration might not have been mutual had you known a little more about me, about my political beliefs and activities. At least you might have thought me more fit for the draft than for ROTC.

Let me try to explain. As you know, I worked for two years in a very minor position on the Senate Foreign Relations Committee. I did it for the experience and the salary but also for the opportunity, however small, of working every day against a war I opposed and despised with a depth of feeling I had reserved solely for racism in America before Vietnam. I did not take the matter lightly but studied it carefully, and there was a time when not many people had more information about Vietnam at hand than I did.

I have written and spoken and marched against the war. One of the national organizers of the Vietnam Moratorium is a close friend of mine. After I left Arkansas last summer, I went to Washington to work in the national headquarters of the Moratorium, then to England to organize the Americans here for demonstrations Oct. 15 and Nov. 16.

Interlocked with the war is the draft issue, which I did not begin to consider separately until early 1968. For a law seminar at Georgetown I wrote a paper on the legal arguments for and against allowing, within the Selective Service System, the classification of selective conscientious objection for those opposed to participation in a particular war, not simply to "participation in war in any form."

From my work I came to believe that the draft system itself is illegitimate. No government really rooted in limited, parliamentary democracy should have the power to make its citizens fight and kill and die in a war they may oppose, a war which even possibly may be wrong, a war which, in any case, does not involve immediately the peace and freedom of the nation.

The draft was justified in World War II because the life of the people collectively was at stake. Individuals had to fight, if the nation was to survive, for the lives of their countrymen and their way of life. Vietnam is no such case. Nor was Korea an example where, in my opinion, certain military action was justified but the draft was not, for the reasons stated above.

Because of my opposition to the draft and the war. I am in great sympathy with those who are not willing to fight, kill and maybe die for their country (i.e. the particular policy of a particular government) right or wrong. Two of my friends at Oxford are conscientious objectors. I wrote a letter of recommendation for one of them to his Mississippi draft board, a letter which I am more proud of than anything else I wrote at Oxford last year. One of my roommates is a draft resister who is possibly under indictment and may never be able to go home again. He is one of the bravest, best men I know. His country needs men like him more than they know. That he is considered a criminal is an obscenity.

The decision not to be a resister and the related subsequent decisions were the most difficult of my life. I decided to accept the draft in spite of my beliefs for one reason: to maintain my political viability within the system. For years I have worked to prepare myself for a political life characterized by both practical political ability and concern for rapid social progress. It is a life I still feel compelled to try to lead. I do not think our system of government is by definition corrupt, however dangerous and inadequate it has been in recent years. (The society may be corrupt, but that is not the same thing, and if that is true, we are all finished anyway.)

When the draft came, despite political convictions, I was having a hard time facing the prospect of fighting a war I had been fighting against, and that is why I contacted you. ROTC was the one way left in which I could possibly, but not positively, avoid both Vietnam and resistance. Going on with my education, even coming back to England, played no part in my decision to join ROTC. I am back here, and would have been at Arkansas Law School because there is nothing else I can do. In fact, I would like to have been able to take a year out perhaps to teach in a small college or work on some community action project and in the process to decide whether to attend law school or graduate school and how to begin putting what I have learned to use.

But the particulars of my personal life are not nearly as important to me as the principles involved. After I signed the ROTC letter of intent, I began to wonder whether the compromise I had made with myself was not more objectionable than the draft would have been, because I had no interest in the ROTC program in itself and all I seemed to have done was to protect myself from physical harm. Also, I began to think I had deceived you, not by lies—there were none—but by failing to tell you all the things I'm writing now. I doubt that I had the mental coherence to articulate them then.

At that time, after we had made our agreement and you had sent my 1-D deferment to my draft board, the anguish and loss of my self-regard and self-confidence really set in. I hardly slept for weeks and kept going by eating compulsively and reading until exhaustion brought sleep. Finally, on Sept. 12 I stayed up all night writing a letter to the chairman of my draft board, saying basically what is in the preceding paragraph, thanking him for trying to help in a case where he really couldn't, and stating that I couldn't do the ROTC after all and would he please draft me as soon as possible.

I never mailed the letter, but I did carry it on me every day until I got on the plane to return to England. I didn't mail the letter because I didn't see, in the end, how my going in the Army and maybe going to Vietnam would achieve anything except a feeling that I had punished myself and gotten what I deserved. So I came back to England to try to make something of this second year of my Rhodes scholarship.

And that is where I am now, writing to you because you have been good to me and have a right to know what I think and feel. I am writing too in the hope that my telling this one story will help you to understand more clearly how so many fine people have come to find themselves still loving their country but loathing the military, to which you and other good men have devoted years, lifetimes, of the best service you could give. To many of us, it is no longer clear what is service and what is disservice, or if it is clear, the conclusion is likely to be illegal.

Forgive the length of this letter. There was much to say. There is still a lot to be said, but it can wait. Please say hello to Col. Jones for me.

Merry Christmas.

Sincerely,

BILL CLINTON.

Mr. SOLOMON. Mr. Chairman, I reserve the balance of my time.

Mr. DEFAZIO. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. ROHRABACHER].

Mr. ROHRABACHER. Mr. Chairman, practically speaking, the draft and draft registration is a waste of scarce tax dollars, a waste of $17 million this year alone. The draft itself will likely never serve our national security needs, especially in an era of high-tech weapons and computerized weapons systems.

That is speaking practically. Speaking philosophically, unless war is declared, indicating an overwhelming support by the American people, a peacetime draft is totally inconsistent with our national tradition.

Many of those who arrived on our shores and built this great land of liberty were escaping despotism, the despotism of their native lands, which more than anything else was signified by the tyranny of conscription. Only during the cold war was a peacetime conscription tolerated in the United States, and even then, after two decades, it was abandoned with the support of Richard Nixon, Barry Goldwater and Ronald Reagan.

Mr. Chairman, it is long overdue that we quit wasting money on this anachronism which has nothing to do with the security of our country and everything to do with egos that are trying to prove a point in an argument that should have ended over 20 years ago.

Finally, the American military is a fine example, a shining example, of volunteerism. The strength of our country is in its love of liberty and freedom. Our military today represents that love of liberty because they are volunteers.

Liberty will be safe as long as our people who serve this country, the brave men and women who volunteer, are willing to do so. We should honor them by trusting our people, and we will be free as long as they stand strong and we stand behind them.

We stand for the principles of liberty and justice and democracy that brought people to these shores 200 years ago at the founding of our country.

□ 2200

Mr. MONTGOMERY. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I rise in strong opposition to the amendment of the gentleman from Oregon [Mr. DEFAZIO]. The Selective Service System is working well; it is not broke, it does not need fixing. I would say that the system is an insurance policy against the unknown.

We did not know what would happen in the Persian Gulf war. We almost had to go back to the draft because when you have a war, young men and women do not come in and volunteer.

We need this system; it is in place. It does not cost a lot of money; it costs less than one Apache helicopter. We have 11,000 volunteers around the country working for the Selective Service. They believe in it.

Mr. Chairman, the young men of this country, 98 percent of them, have signed up when their time came. When they have reached 18, they have gone right to the Post Office, they have signed up with the Selective Service System. They like to carry the card; it is a patriotic duty and they appreciate it.

So let us vote down the DeFazio amendment and move ahead with other important issues.

Mr. Chairman, I rise in opposition to the DeFazio amendment. I support the actions of the full Appropriations Committee to provide $23 million for the Selective Service System for fiscal year 1996.

This funding is an inexpensive insurance policy against the unknown. We ought to keep that policy in force.

It has the bipartisan support of the House Republican and Democratic leadership, President Clinton, and the Department of Defense.

It is also backed by all the Nation's military and veterans organizations, as well as the more than 11,000 Selective Service volunteers across America who will make the process work if it is activated.

And while this is a relatively small amount of money, decisions regarding the future of this agency should not be budget-driven at all. They should really be considered on national security grounds.

Since early in this century, we have always had an organized capability to plan for, and to conduct, a draft in a crisis. It has served us well. Now is not the time to terminate that capability.

Registration is a quick and easy process that has always been accepted among our 18 year olds. The compliance rate has been steady at 98 or 99 percent over the years.

I believe the young people look upon this as a patriotic duty, and that they would be ready to answer the call, if we faced a national crisis.

Funding the Selective Service System does not promote a military draft. I don't support a draft. The all-volunteer force has worked, and continues to work in our Nation's defense. But no one can predict when we might have another war.

If this country were forced into a full-scale crisis, we would need more people than our scaled-down all-volunteer force could provide. We simply would be unable to quickly mobilize large numbers of people without the Selective Service System.

We all hope our country never again faces a national emergency, but we ought to be prepared for such an action. Selective Service provides us that ability.

It is efficiently run and its computerized data base can mobilize large numbers of people in a short period of time.

If we cut this funding for Selective Service today, it could take a year or more to start up again in a crisis. That might be too late in a national emergency.

Can we afford to gamble that our country will never again face a national crisis? I think the answer is no. We have an inexpensive hedge against such a crisis with the Selective Service System. Let's keep it. Oppose the DeFazio amendment.

Mr. MONTGOMERY. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Chairman, I rise in opposition to the DeFazio Selective Service amendment.

You know, the world is a dangerous place today. We see hot spots all over the world, in a mode of uncertainty for all of us. It is important that we have a ready defense.

Mr. Chairman, let me read from the President's May 18, 1994, letter to the Speaker of the House in which he says,

> I have decided that it is essential to our national security to continue draft registration of the Selective Service system. While tangible military requirements alone do not currently make a mass call-up of American young men likely, there are three reasons I believe we should maintain the Selective Service and the draft registration requirement.
>
> Maintaining that system provides a hedge against unforeseen threats.
>
> Terminating this system now can send the wrong signal to our potential enemies.
>
> As fewer and fewer members of our society have direct military experience, it is increasingly important to maintain the link between the all-volunteer force and our society at large.

Mr. Chairman, I urge my colleagues to vote in opposition to the DeFazio amendment.

Mr. DEFAZIO. Mr. Chairman, I yield 1½ minutes to the gentleman from Florida [Mr. FOLEY].

Mr. FOLEY. Mr. Chairman, I rise to join the gentleman from Oregon [Mr. DEFAZIO] and the gentleman from California [Mr. ROHRABACHER] in offering this amendment to end peacetime draft registration.

Mr. Chairman, it pains me to oppose my good friend, the gentleman from New York [Mr. SOLOMON] on this issue as I consider the gentleman one of the most patriotic Members of this Congress.

Mr. Chairman, the VA-HUD appropriations bill includes $23 million for Selective Service. The Selective Service, as we know it today, was created by President Carter to respond to fears that regional conflicts of the Soviet Union would grow and lead to a superpower showdown. The national defense structure at that time had been gutted and allowed the volunteer Armed Forces to fall to dangerously low levels.

No wonder we created a peacetime draft. We could not get Americans to volunteer for service.

Mr. Chairman, that is not the case today. This Congress has made a commitment to a strong national defense. We intend to keep military personnel equipped and ready to fight.

We have over 1 million active duty troops. We have over 1 million trained Select Reservists, and we have almost 800,000 Standby Reservists. We have 3 million volunteers, young men and women ready to give their lives in defense of America's freedom.

In almost 10 years of the Vietnam war, just under 2.5 million Americans were sent to the combat area; one of every four of those young Americans were drafted. In 10 years we did not send the number of volunteers that can be deployed from our shores today.

Mr. Chairman, I use this example to show that the amendment will not leave the U.S. defense vulnerable. We have 3 million volunteers ready to fight. By cutting $17 million, this amendment leaves $6 million to keep an on-the-shelf system that would in a short period of time be able to augment the volunteer Armed Forces. The $17 million will be transferred to add to the veterans' medical care.

Mr. Chairman, let me sum this up. This amendment is prodefense because instead of feeding a useless bureaucracy, it adds funding to care for the men and women who have defended our liberty. I ask, which is better, to create a strong fighting force or a bloated Federal bureaucracy?

Mr. Chairman, I urge my colleagues to vote for the Nation's veterans, vote yes on this amendment.

Mr. MONTGOMERY. Mr. Chairman, I yield 1 minute to the gentleman from Texas [Mr. DE LA GARZA], a World War II veteran, and both of his sons served in the Persian Gulf war. I am pleased to yield to him.

Mr. DE LA GARZA. I thank the gentleman for yielding time to me.

Mr. Chairman, I want to bring another perspective to this debate. One is that I served in the Navy at the end of World War II and then I served during the Korean war. I was in the Reserves in between. One of the regrets of my life is that I never got to register for the draft.

Mr. Chairman, the perspective in my area, though, is we have high schools waiting for ROTC, we have colleges waiting for ROTC. Registering raises the consciousness of our youth, and I think that it is a pride.

Mr. Chairman, I know that there is a technical aspect to it to have to enlist and to be prepared, but it adds to our young people's consciousness that we have a country, that we have fought wars, and that there may be the possibility of other wars.

I think that the money is very little for the effort that is done mostly by volunteers, but I think the young people deserve the opportunity to show that they want to serve their country.

Mr. DEFAZIO. Mr. Chairman, I yield 1½ minutes to the gentleman from Washington [Mr. METCALF].

Mr. METCALF. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in strong support of the DeFazio amendment. It transfers $17 million from the Selective Service account to the VA medical care account.

The opposition to this amendment argues that the Selective Service is a visible symbol of national security, a symbol that we need to protect. Well, $23 million is an awfully expensive symbol. The Department of Defense has stated, and I quote, "Peacetime draft registration could be suspended with no effect on military mobilization requirements."

I will repeat that. The Department of Defense: "Peacetime draft registration could be suspended with no effect on military mobilization requirements."

Mr. Chairman, the Pentagon goes on the say that with over 1 million trained members in Select Reserve units, plus another 750,000 individual Ready Reserve personnel, we already have the ability to augment active forces through the early days of a major conflict.

If we want a real symbol of patriotism, let us honor those veterans who have made the sacrifice for our Nation. Let us show veterans who have made the ultimate offering that this country has not forgotten them.

Mr. Chairman, we just dedicated a memorial to our veterans of the Korean war, showing our praise and thanks to American servicemen. We must not let them think that in just a matter of hours, we have forgotten the sacrifices they made.

Mr. Chairman, I urge my colleagues to vote for this amendment to help VA medical and vote for those veterans to whom we owe so much.

Mr. DEFAZIO. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. NADLER].

Mr. NADLER. Mr. Chairman, we have lost sight of first principles. This country was founded on the spirit of liberty, that what we give to our country, we give voluntarily.

The Peace Corps voluntary service is voluntary. The draft is not in the spirit of American liberty. It was a concession, a concession to danger and to reality. For most of American history, we did not have it, and then we blessed ourselves as different from the tyrannies of Europe that had it.

Mr. Chairman, for the last 50 years of war, hot and cold, we had to have it, of necessity. But now we do not. We have 2 million men and women under arms, as much as the rest of the planet combined. We would have plenty of time to prepare and to reinstitute a draft if some other nation began arming to match us with supposed danger. There is no danger that justifies this departure from our traditions of liberty.

Mr. Chairman, let us remember what this country is about. A draft, a Selective Service System is obnoxious to the spirit of liberty and ought not to be maintained except as a concession of danger which does not now exist. So I support the amendment.

Mr. DEFAZIO. Mr. Chairman, I am going to reserve the balance of my time to close. I believe I have 1 minute.

Mr. MONTGOMERY. Mr. Chairman, I would like to yield 1 minute to the gentleman from Tennessee [Mr. TANNER], a Vietnam hero veteran.

Mr. TANNER. I thank the gentleman for yielding time to me.

Mr. Chairman, I spoke yesterday on the floor on what I thought was a short-sighted amendment. But may I say to my friends, and I understand the arguments on the other side, but I would say in this new world order, this is probably one of the most short-sighted amendments we could adopt, and I say that for this reason: None of us can see the future. All of us know, realize, and understand that one of our roles as the United States of America today is as the leader of the free world.

The least we can ask of our citizens, our young people in this country is to register. Most of our NATO allies have compulsory service. We ask only for registration. Mr. Chairman, I say to my friends, that is not too great a price to pay for our liberty.

I would hope that we would reject this amendment out of hand. I used to serve in the Selective Service; we would have a ready pool if something untoward happens in this world. None of us can see the future, and I hope we reject this ill-timed amendment.

Mr. MONTGOMERY. Mr. Chairman, I yield my last minute to the gentleman from Washington [Mr. DICKS], a great patriot and a great American.

Mr. DICKS. Mr. Chairman, I rise in support of the position of the gentleman from Mississippi [Mr. MONTGOMERY] on this issue, because I believe that having a Selective Service System in place maintains American readiness, and that is the crucial issue. If we do not have a Selective Service System in place, we would have to reconstitute it, if we had to go to a draft, and it would take a long period of time to do that, at least 2 years.

So I would tell the gentleman from Oregon [Mr. DEFAZIO] that all those veterans that we all support in terms of health care would much prefer the country being prepared, keeping this tool in place.

What is the compliance rate? Ninety-nine percent of our young people have been willing to register without any objection. So this is a good tool, a good mechanism, and I think it keeps our country prepared.

Mr. SOLOMON. Mr. Chairman, I yield 1 minute to the outstanding gentleman from New York City [Mr. FLAKE], a longstanding member of this body.

Mr. FLAKE. Mr. Chairman, I realize that some would consider this to be a peculiar time and a peculiar moment for me to be standing on the Floor. One of the things I have done is, I have analyzed the problems that have developed in this Nation. For the African-American community in particular, I would suggest that one of the worst calamities ever to happen was the elimination of the draft.

Mr. Chairman, I am a civil libertarian. But I also understand one thing, that when African-American young men can be taken off street corners, put into a disciplined environment, be able to leave their corner and understand there is a bigger world for them; when they come back they have a sense of discipline, they have an understanding of what it means to be able to make a contribution not only to their own lives, but to the lives of others.

□ 2215

They learned discipline. They learned what it meant to be able to take care of their responsibilities, and they got two major benefits: They had an educational benefit so that they could get an education; and they had an opportunity to purchase their first asset, which was a home.

Mr. Chairman, I believe tonight when we talk about eliminating the Selective Service System, one of the problems I have is when we spend so much money building jails, we ought to consider that we ought to do more to put these young people in a situation where they could do something positive.

Mr. SOLOMON. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from New York is recognized for 30 seconds.

Mr. SOLOMON. Mr. Chairman, let me just say to my good friend, the gentleman from New York, Mr. FLOYD FLAKE, amen, amen, amen. Yes, they do. They learn a little pride, they learn a little patriotism, they learn how not to use drugs, they even get a little religion. Is that not wonderful for this country?

Please vote against the DeFazio amendment.

Mr. DEFAZIO. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from Oregon is recognized for 1¼ minutes.

Mr. DEFAZIO. Mr. Chairman, we are getting a little afield here. This is not about reinstating the draft. We are not about that. The military does not want it. In fact, the Department of Defense has said peacetime draft registration, not conscription, could be suspended with no effect on military mobilization requirements.

Ronald Reagan said, "I believe this proposal, draft registration, is an ill-conceived one and should be rejected. Advance registration will do little to enhance our military preparedness." That was from Ronald Reagan and the Department of Defense.

If this is what we think brings patriotism and citizenship to our kids, not good schools, not decent housing, and all the other things we are eliminating here on the floor, this is an opportunity to eliminate an obsolete Federal bureaucracy and put in place a standby system which uses modern computer technology, if indeed a calamity ever comes, and if indeed we ever have to go back to conscription, which I do not believe we will, but we will have that as a standby system.

This is 1940's technology. This is not citizenship, except in some bizarre Publisher's Clearinghouse view of the world where you send in a postcard every time you move. That is not teaching our young people the values that we need to instill.

Mrs. VUCANOVICH. Mr. Chairman, I rise in opposition to this amendment to eliminate the Selective Service System. The sponsor says that his amendment does not terminate the program, but puts it on standby. To me, this effectively terminates the program.

How do you put an organization which has a standby function for our armed forces on standby? You don't and you can't—because it destroys the very concept of readiness. If we should require a draft, how would you select people to serve? Would you choose those who are tall? Would you choose those with red hair? No, you would have a fair and equitable system to determine who would volunteer, and that system takes a great deal of time to develop and maintain.

Unfortunately, we have not achieved the goal of world peace. Chemical, nuclear, and biological weapons have created a dangerous atmosphere of conflict and potential for casualties for which DOD may not be prepared. As such, DOD officials recommend the draft as a way to meet such challenges by ensuring a high quality and quantity volunteer force.

Simply put, the DeFazio amendment puts our Nation and our freedom at risk. I urge a no vote on the amendment.

AMENDMENT OFFERED BY MR. WELDON OF FLORIDA TO THE AMENDMENT OFFERED BY MR. DEFAZIO

Mr. WELDON of Florida. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. WELDON of Florida to the amendment offered by Mr. DEFAZIO: Strike the first paragraph and insert the following:

Page 12, line 2, strike "$183,435,000," and insert "$195,455,000,".

Mr. LEWIS of California. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. All time has expired for debate. Does the gentleman from California insist on his point of order?

Mr. LEWIS of California. Is the chairman telling me the gentleman has no time on his amendment to the amendment?

The CHAIRMAN. The time was limited under the unanimous consent agreement to the amendment and all amendments thereto. All time for debate has expired.

Mr. SOLOMON. Mr. Chairman, we do not know what the gentleman's amendment does. I think the membership ought to know, in case we want to argue for or against the point of order. The gentleman ought to have a chance to explain.

Mr. Chairman, I ask unanimous consent that the gentleman from Florida, Mr. WELDON, be given two minutes to explain his amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. NADLER. Mr. Chairman, reserving the right to object, I simply would inquire if the gentleman gets unanimous consent for 2 minutes to offer his amendment, does anybody get a minute or two in case they want to comment or oppose it?

The CHAIRMAN. The gentleman from New York [Mr. SOLOMON] propounded a unanimous consent request.

Mr. NADLER. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The CHAIRMAN. The gentleman from Florida [Mr. WELDON] is recognized for 2 minutes.

Mr. WELDON of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the intent of my amendment was very simple. Although many areas of the country have adequate medical facilities for veterans, some areas do not. My amendment simply would shift the money to the VA construction account instead of the general medical account as the gentleman from Oregon [Mr. DEFAZIO] has proposed. Simply put, my amendment would direct these funds to the most needy veterans, the veterans who currently have no medical facilities.

As a veteran and as a physician who has provided medical care to many of these veterans, I understand the acute need for the underserved communities. Today there are 250,000 veterans living in east-central Florida that are in great need of a veterans medical facility. Without the adoption of my amendment to the amendment, these 250,000 veterans, who gave of themselves for our freedom, and other veterans in underserved areas, will see little improvement in their veterans' care.

The veterans in these areas are the most underserved in the Nation, and we have a responsibility to fulfill our commitments to them. If we are going to transfer money from the Selective Service to meet the needs of veterans, we should transfer it to serve the most needy veterans. Voting for the Weldon amendment will do this.

Mr. Chairman, as I understand it, there is a point of order for lack of germaneness against my amendment, so I ask unanimous consent to withdraw my amendment at this time. I appreciate the chairman's recognition.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oregon [Mr. DEFAZIO].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. DEFAZIO. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to the order of the House of today, further proceedings on the amendment offered by the gentleman from Oregon [Mr. DEFAZIO] will be postponed.

Mr. SANDERS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I had intended to offer an amendment, but pending a colloquy with the gentleman from California [Mr. LEWIS], I will withhold on that amendment.

Mr. Chairman, what the amendment was about was adding $429,000 to the Court of Veterans Appeals. The $429,000 was cut by the committee from the 1995 appropriation level. According to the Chief Justice of the Court of Veterans Appeals, this cut will kill the pro bono legal program for low income veterans, as well as further delay hearings and timely decisions on all claims appealed to the court.

I would like to enter into a colloquy with the gentleman from California [Mr. LEWIS] about his intentions regarding the sum of money.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. SANDERS. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, I very much appreciate my colleague cooperating, with the time difficulties we have as well as the problem the gentleman is attempting to draw our attention to.

Frankly, the amount of money the gentleman is talking about is a very small amount of money in this entire picture. I am personally willing to commit to the gentleman that I will work very hard in conference to try to restore that money, and bring it to the attention of the appropriate members of the Senate side as well.

Mr. SANDERS. Mr. Chairman, reclaiming my time, does the gentleman think we have a good chance to capture this money?

Mr. LEWIS of California. Mr. Chairman, if the gentleman will continue to yield, out of all the money we are talking about here, that is almost a drop in the pond. I would be surprised if we could not satisfy the gentleman.

Mr. MINGE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise today in opposition to language appearing at page 56 of the report for this appropriations bill. The language in question attempts to influence the Environmental Protection Agency's [EPA] implementation of the Reformulated Gasoline Program [RFG]. This language tells the EPA that it should refrain from spending any funds on the pursuit of creating a market share for specific oxygenates. This is unfortunate; it is vital that the EPA has the flexibility to deal with renewable fuels in reformulated gasoline in the manner which the EPA feels is most productive.

The tragedy of the situation is that the petroleum industry and this report disregard the importance of renewable fuels and attempt to dissuade the EPA from acting responsibly. In fact, recent technological developments and a range of economic, environmental, and national security externalities have an important bearing on the value of using oxygenates which are derived from a domestically produced source. Every school child knows that there is a very limited supply of easily obtainable fossil fuel. Therefore, developing renewable fuels is vital. Corn-based ethanol has become more abundant; the engineering needed for cost-effective development is emerging. It is a win-win situation when the balance of payments, the environment, the agricultural economy, rural economic development, and reduced dependence on energy from distant, politically volatile sources of petroleum supply can all be promoted at one time.

Unfortunately, most of these factors are not valued in today's market. Nonetheless, there are vast costs which we are absorbing in the form of tax dollars and societal costs.

Report language from an appropriations subcommittee is not the appropriate place to make critical decisions about renewable fuels. Such decisions deserve public input and the attention of the entire House of Representatives. Certainly, the EPA should have the ability to pursue a fair role for renewable fuels in the reformulated gasoline program. This cannot be influenced by obscure, staff-prepared language in a report accompanying an appropriations bill.

The CHAIRMAN. Are there other amendments to title III?

AMENDMENT OFFERED BY MR. DAVIS

Mr. DAVIS. Mr. Chairman, I offer an amendment, No. 1.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. DAVIS: Page 87, after line 25, insert the following new section:

SEC. 519. (a) CONTRACTOR CONVERSION.—The Administrator of the Environmental Protection Agency shall cease any further hiring in the Agency's Office of Research and Development, and shall maintain the funding of all existing scientific and technical support contracts at not less than the current level.

(b) REPORT.—Not later than January 1, 1996, the head of the Office of Research and Development of the Environmental Protection Agency shall submit to the Congress a report on all staffing plans including the use of Federal and contract employees.

Mr. DAVIS. Mr. Chairman, this amendment requires that the administrator of EPA cease all further hiring in the agency's Office of Research and Development [ORD] for the purposes of the contractor conversion initiative as laid out in last year's VA/HUD Appropriations bill.

This amendment is necessary to prevent EPA from further eroding the employment base of four well respected private sector companies who have been providing contract support to EPA's office of research and development.

Last year, Congress provided EPA with resources and direction in the fiscal year 1995 VA/HUD appropriations bill to improve the agency's contracts management. Unfortunately, the Office of Research and Development has mishandled the resources provided to it and ignored the direction of Congress. My amendment serves to soften the blow to those private sector companies providing contract support.

In fiscal year 1995 EPA received an increase in its authorized personnel ceilings by 900 positions. Of that number, 265 positions were provided to the Office of Research and Development. This increase runs contrary to the administration effort as well as this Congress' efforts to reduce the size of Government and has not addressed the weaknesses in EPA contracts management as it was intended to do. These weaknesses were identified by the Congress and the EPA inspector general.

Of the 265 positions allotted to ORD, only 32 were directed to address the identified contracts management problems. The remaining 233 positions have been used to augment the ORD workforce in four Government labs. During this time, ORD has undergone an internal reorganization by merging these labs into four "mega-labs". The 233 positions were directed to the mega labs under the leadership of an EPA employee. This individual had the sole responsibility for coordinating the contractor conversion activities at EPA and they have used their authority to raid EPA's private contractors.

The situation as it stands now is that four well respected private professional service contractors have lost significant business and stand to lose even more if we do not halt ORD's actions. The result has not been improved contacts management or reduced costs for the Government, it has been bigger bureaucracy. This amendment stops this grievous action.

Of the companies raided by EPA, one is a small business and another is minority owned. In the case of the minority owned firm, after 10 years of hard work building a successful business, the firm saw 75 percent of its total workforce hired away by EPA. In the case of the small business, it lost 22 of its 33 employees to the agency's actions. This is a prime example of the big Government that so many of us were elected to stop.

This amendment puts a hold on any further hiring in EPA's Office of Research and Development for the purposes of carrying out the contractor conversion efforts required under the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act of 1994.

I urge my colleagues to support this amendment and support America's small and minority businesses by putting an end to EPA's actions.

Mr. MORAN. Mr. Chairman, will the gentleman yield?

Mr. DAVIS. I yield to the gentleman from Virginia.

Mr. MORAN. Mr. Chairman, does the gentleman from Virginia [Mr. DAVIS] want to amend his language?

Mr. DAVIS. I believe the gentleman from California [Mr. LEWIS] has an amendment.

Mr. Chairman, I yield back the balance of my time.

AMENDMENT OFFERED BY MR. LEWIS OF CALIFORNIA TO THE AMENDMENT OFFERED BY MR. DAVIS

Mr. LEWIS of California. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. LEWIS of California to the amendment offered by Mr. DAVIS:

In subsection (a) of the amendment strike the words "and shall maintain the funding of all existing scientific and technical support contracts at not less than the current level".

Mr. LEWIS of California (during the reading). Mr. Chairman, I ask unanimous consent that the amendment to the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

□ 2330

Mr. DINGELL. Mr. Chairman, reserving the right to object, I do not know what the second amendment is.

Continuing my reservation of objection, I yield to the gentleman from California [Mr. LEWIS] to find out what this amendment is.

Mr. LEWIS of California. Mr. Chairman, my amendment strikes the second part of the first paragraph, the words "and shall maintain the funding of all existing scientific and technical support contracts at not less than the current level." I do not think the chairman would have any problem with that.

Mr. DINGELL. Mr. Chairman, as I understand what the gentleman is doing, he is leaving only the first part of the amendment and striking the second part of the amendment and, in striking the second part, he is striking the part which freezes existing contracts; is that correct?

Mr. LEWIS of California. Mr. Chairman, if the gentleman will continue to yield, the gentleman is correct.

Mr. DINGELL. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. LEWIS of California. Mr. Chairman, I yield to the gentleman from Virginia [Mr. DAVIS].

Mr. DAVIS. Mr. Chairman, I would be pleased to accept the perfecting amendment. I think this amendment clarifies the original intent of my amendment which is to put a stop to EPA's practice of hiring away employees from their contractors.

The language the gentleman strikes from my amendment was intended to ensure that EPA does not take retribution against these same contractors who have been harmed by EPA's inappropriate actions. I would, therefore, like to get the gentleman's assurances, that if EPA does take punitive action against three contractors, the gentleman would be willing to revisit this issue.

Mr. LEWIS of California. Mr. Chairman, I assure the gentleman that I would be greatly disturbed if EPA takes any action that could be construed as retribution against these contractors.

Mr. DAVIS. Mr. Chairman, if the gentleman will continue to yield, I will happy to accept the amendment.

Mr. LEWIS of California. Mr. Chairman, I yield to the gentleman from Pennsylvania [Mr. CLINGER].

Mr. CLINGER. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise today in strong support of the Davis-Moran amendment to the VA, HUD and independent agencies appropriations bill. The amendment would freeze internal hiring in EPA's Office of Research and Development in the hope that current contracting levels would be maintained.

It might be useful to provide a bit of background because this amendment is in direct response to actions taken by the agency regarding the implementation of its contractor conversion initiative. In fiscal year 1995 EPA requested an additional 900 FTE's and $44.6 million for its contractor conversion initiative and received appropriations to start the initiative. This budget request was initially prompted by criticism about EPA's use of contractors, especially with regard to some contractor abuses. I have listened to endless testimony concerning contractor reimbursement of Rolex watches and reindeer suits. No one here believes that taxpayers should be footing the bill for these items. However, it has never been clear to me that the way to ameliorate the problem is to hire more EPA employees. In a time when we are looking to downside the government, we have EPA hiring up. In a time when we are looking to rely more on the private sector, we have EPA relying less on the private sector. This doesn't make a whole lot of sense just because we have accountability problems with a few bad apple contractors.

Now we are not hearing from private contractors that EPA is offering their employees full time government jobs and shutting down their companies. Many of the positions being filled by EPA don't even fit the definition of inherently governmental positions which were the positions of most concern. In a letter from EPA, the agency indicated that contractor size and performance were not factors in the decision-making process, and in addition admitted that the initiative has indeed negatively impacted some small and minority-owned businesses and that only 26 of the 265 positions being filled by ORD were inherently governmental.

Given this information, it leads one to ask—what are we doing? Is this just a quick fix to address some contracting abuses and get Congress off our backs?

I urge my colleagues to support the Davis-Moran amendment and provide EPA a time out to re-examine this conversion initiative.

Mr. LEWIS of California. Mr. Chairman, I compliment the gentleman. If this bill goes forward in a reasonable fashion and becomes law, I would guess it would be time out for awhile.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to suggest that we inform the Members on what is happening here, because I am concerned that some Members may have gotten the impression that there will not be votes yet tonight and unless something else happens there will be. So we need to get this tied down. I wonder if we can do that before we have lots of Members on both sides of the aisle in massive confusion.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, I hate to do this in the middle of somebody's vote on an amendment.

Mr. OBEY. Mr. Chairman, I would be happy to stop if we can get an understanding that as soon as the discussion on this amendment is completed, we will immediately inform all Members about what is going to happen for the rest of the evening.

Mr. LEWIS of California. Mr. Chairman, I will attempt to do so. At this moment I would urge Members not to presume there are no more votes tonight. We are attempting to get to that point, however.

Mr. DINGELL. Mr. Chairman, I move to strike the last word.

Mr. DINGELL. Mr. Chairman, with all due respect to the author of the amendment, I want this committee to know what is going on here.

EPA has a long history of having used contractors. Very frankly, the contractors are a sorry lot. The Subcommittee on Oversight and Investigations last year investigated them. I want you to hear what the contractors did with the taxpayers money, the money that we are charged with protecting.

Frankly, this amendment should be called the Corrupt Contractor Protection Act of 1995. It tells EPA that it cannot save money. In fact, it tells in its original form that EPA must spend money on contractors in the office of research and development.

First of all, we found that the contractors were cooking the research. We found that they were playing games politically in support of the Clean Air Act and Clean Air Act in its strongest and, I think, particularly unacceptable form to my colleagues on this side of the aisle.

Now, the contractors, it should be known, enjoyed a very good living at the expense of the taxpayers. They charged the taxpayers with reindeer suits, with clown suits, with Santa Claus costumes. These were all charged to the taxpayers. They charged the taxpayers for golf outings and golf balls. They charged the taxpayers for chocolate bars with the contractor's logo on them. They bought lots and lots of alcohol. They had lots and lots of parties.

They had entertainment of all sorts. They spent money on tickets for Johnnie Limbo and the Lug Nuts. They used the taxpayers' money to finance trips by an assortment of persons to Alaska on fishing junkets.

The money which was spent by the contractors was spent under not only improper circumstances but most curious circumstances, because in many instances they were charged by the former EPA with the responsibility of opening the mail, of negotiating contracts, which they negotiated with themselves. In many instances they paid themselves for work which was not done.

They kept records which were incapable of being audited. They threw Christmas parties. They did work under contracts which never existed and paid themselves lavishly for the privilege.

Now, this amendment in its original form would sanctify that kind of behavior. It would permit those scoundrels who had been doing those things that we are supposed to be cleaning out of the public purse to do the same thing which they had done before under the same conditions.

I do not believe that this House wants to have that kind of situation.

I commend the gentleman from Virginia for striking the language which would keep these scoundrels hooked up to the public teat.

But I do want you to understand one thing, that to foreclose EPA from the privilege of firing them is bad, but to now not allow EPA to retain enough people on its own payroll to see to it that the public work is properly done is enormously unwise.

Let me remind you that the work which is involved here is work which involves research on important questions like air pollution, like whether or not your constituents are violating the air pollution laws or whether what the consequences of a particular Superfund dump might happen to be.

I think those are important questions. And we are entitled to have the utmost integrity, truthfulness and ability brought to bear on those kinds of questions. To allow contractors who can come in here and impose upon Members of this body who know nothing about the history of contractor misbehavior is wrong. To permit them to continue to prosper at the taxpayers expense on the kind of sorry, shoddy record of serious misbehavior which should have sent the whole lot of them to jail is, I think, extremely unwise and improper on the part of this body in which we are a part.

PREFERENTIAL MOTION OFFERED BY MR. DINGELL

Mr. DINGELL. Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

> Mr. DINGELL moves the Committee do now rise and report the bill back with the enacting clause stricken.

The CHAIRMAN. The gentleman from Michigan [Mr. DINGELL] is recognized for 5 minutes.

Mr. DINGELL. Mr. Chairman, I want my colleagues to understand. At issue here is not whether we like contractors or whether we have got them in our districts. It is not whether or not we like government or do not like government. The question is really whether we are going to write law which is in the broad public interest. The question is also whether or not we are going to see to it that corrupt practices in government contracting, investigated by congressional committees and document under oath before those congressional committees, are properly respected by this body and that the recommendations are properly carried out. By driving the money changers from the temple and by seeing to it that EPA can properly administer its affairs.

Those are the questions. Frankly, the amendment, as originally drawn, should be rejected. Very frankly, the amendment as it was amended, and I fought to oppose it, because it is better than what was there. And I am sure my colleagues on this side are going to vote for it in spite of the fact that it is unwise to do so. It is a hard and unfortunate fact, my colleagues, that what is at foot here is just that a bunch of contractors do not like getting shoved away from the public trough. They wanted to stay there and keep on doing the same things which they have done in times past, paying themselves for work not done, doing work without contracts, claiming that there were contracts where in fact none exist, showering upon themselves and their friends the joys of being unsupervised in the expenditure of public moneys, hiring Johnnie Limbo and the Lug Nuts, buying lots of alcohol, dressing in reindeer suits, and pretending to do something of value.

Now, just one little story. When we were working one night late trying to come together between the House and the Senate with my Republican colleagues and my Democratic colleagues alike, we tried to get some of these contractors to provide the information that we needed on a very important question; namely, the question affecting the implementation of the clean air sections of the law. Members should know that we could not find any of them, and we could not get any cooperation.

We finally got information which was carefully cooked, carefully cooked to suit the environmentalists an to write legislation which made it much harder for American industry and American workmen, American business and the American economy. I want Members to understand what happens when these sly, slick, sneaky contractors come in here and they want the Congress to give them special relief.

Congress ought not give them special relief. They do not deserve it. As a matter of fact, what they deserve is a comfortable period of time in an appropriate Federal institution during which they might think of the wrongs which they have done to the taxpaying public of the United States.

The amendment is a bad one, even as amended. I urge Members to support the amendment as amended. And if they really want to do some good, I urge them to vote against the whole darn thing.

□ 2245

The CHAIRMAN. The question is on the preferential motion offered by the gentleman from Michigan [Mr. DINGELL].

Mr. DINGELL. Mr. Chairman, I ask unanimous consent that the motion be withdrawn.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. HOYER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I unfortunately did not know this debate was going to occur, but I rise in support of the gentleman from Virginia and his amendment, as amended or not. I have a great respect for and am a very close friend and ally of the gentleman from Michigan [Mr. DINGELL]. The gentleman from Michigan has done a great deal of good in ensuring that people who do business with the Federal Government do not in fact defraud the taxpayers of our country, or in fact do not do jobs for which they contract, or do not in any way abuse their responsibilities.

Having said that, Mr. Chairman, the situation to which the gentleman's amendment refers is perverse in the extreme, in my opinion. That is that we ask people to contract with the Federal Government, put together their capital, place that capital at risk, hire employees, and undertake an objective that the Federal Government wants accomplished, and contracts towards that end.

Then it has turned around in one of the most perverse ways that I have seen and in fact said, "We are going to cancel your contract for the convenience of the Government, and guess what? We are going to take all the employees that you recruited, that you paid money to train, that you put on your payroll, and accrue them to ourselves, and you are out of business."

Mr. Chairman, I do not take a back seat to anybody on this floor, not one, in the defense of Federal employees. On the other hand, I do not take a back seat to anybody in saying that we ought to side with Federal employees against private sector employees. This is a partnership, not a competition, not where we want to choose one side over the other. What we want to do is ensure a compatible, fair, and just environment for both of those groups to effectively perform their duties.

Mr. Chairman, I believe this amendment speaks to a very serious problem, and it is not the problem that the gentleman from Michigan [Mr. DINGELL] speaks to. The gentleman from Michigan has been, as I said earlier, one of the great champions of ensuring against fraud of the taxpayer and of our Government.

Are there those out there who would do that? There are. Does the American taxpayer in this country need a vigorous and tough and hard-as-nail watchdog? It does, and the gentleman from Michigan, JOHN DINGELL, fills that bill. On the other hand, Mr. Chairman, in pursuing that objective to undermine business people who are doing a fair and honest job is wrong. That is what the gentleman from Virginia seeks to address. I applaud his efforts and support them.

Mr. MORAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have been working for 9 months to correct an injustice that was done as a result of this appropriations bill that was passed last year. I have been trying to find out what the source of the problem was, and it became apparent tonight who is responsible for it, but I am glad I had an opportunity to hear from my very distinguished chairman and colleague, the gentleman from Michigan, on what motivated him to do this, because I do not disagree with any of the points that the gentleman from Michigan made.

I had an amendment that I offered before the Committee on Rules, it was not made in order, that went much further than this particular amendment. I suspect that the gentleman from Michigan would have gotten much more excited had it been made in order. However, it is the gentleman from Michigan who should be making this amendment. Let me explain why.

Last year this appropriations bill provided 265 positions to correct just the very contract management problems that my colleague, the gentleman from Michigan, identified through his oversight Committee on Energy and Commerce. That was the purpose of those positions, hard-fought-for positions; unprecedented to give an agency in a time of reinventing government 265 more positions.

Do Members know what the Environmental Protection Agency did once they got those 265 positions? Obviously, they had the same big smile that is on the face of my colleague, the gentleman from Michigan, tonight, because they sent out a guidance memo internally within EPA that said, "These positions are not to be used to correct contract management performance problems."

Had they been used for the purpose for which they were appropriated, this amendment would not be necessary and there would not have been any injustice done, but they were not. What happened is that EPA went out after four small contractors and they raided them. Listen to this, now.

One of those was a minority contractor for 10 years. They had put their company together. They went in and bought out 75 percent of his employees. Another one that served EPA for 20 years had gotten a top quality award just last year. In September they had their contract renewed for another year. The appropriations bill passed in October. EPA went immediately to those employees, after the contract had been renewed, took their private pay stub, and converted it to a Federal paycheck. They hired all but 12 of this contractor's people. They had received a quality award. They were not guilty of any of these problems, but they went in and hired them. This company had been worth $50 million, and it is virtually worthless today. Imagine if you were that small business employer, and the Federal Government had come in and raided your employees?

There is one individual in EPA, and I think this probably best explains why EPA went about this the way they did. He had a small office. He was responsible for monitoring these contracts. He now has 160 people reporting to him, and they are people that were working in the private sector who had been converted: scientists, engineers; not management people, not the people that the gentleman from Michigan [Mr. DINGELL] was after. They were scientists and engineers that had been gathered to perform a specific function, and EPA went in and bought them out, telling them that they had no choice. Mr. Chairman, he told them they had no choice, they would lose their jobs if they did not become Federal employees.

At a time when we are trying to reinvent government, we have the Federal Government going in, raiding four firms, four small contractors, all of them with top performance ratings, and that is how they used the 265 people. There was a gross injustice, it was a perversion of what was intended, and it should be overturned by supporting this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. LEWIS] to the amendment offered by the gentleman from Virginia [Mr. DAVIS].

The amendment to the amendment was agreed to.

The question is on the amendment offered by the gentleman from Virginia [Mr. DAVIS], as amended.

The amendment, as amended, was agreed to.

Mr. LEWIS of California. Mr. Chairman, I move to strike the last word, and to enter into a discussion, a colloquy, some people say, but a personal conversation with my colleague, the gentleman from Ohio [Mr. STOKES].

Mr. Chairman, the gentleman from Ohio, and I have been endeavoring to try to put on some reasonable debate on a variety and mix of amendments in order that we could accomplish a couple of things; originally to get us out of here by 10 o'clock tonight, and that was very successful; but also to have the Members help us realize that the more we can restrain ourselves tomorrow, the more likely it is, even if we should come in at 9 o'clock tomorrow, that we will be able to get out of here by 3 o'clock in the afternoon. I thought that we were going toward limiting a certain number of amendments that would give us an assurance of being out. I think instead now we are going to ask for some time limitations. I know full well we will be coming back in with a full plate in the morning and encouraging the Members to restrain themselves then.

Otherwise, while I will be urging that the Speaker and others limit 1-minutes in the morning very severely, I would further be suggesting that we might have to work late into the evening, for we do intend to finish this bill tomorrow. It is not necessary that we go beyond 3 o'clock, but there is a tendency for us to multiply amendments when we take 12 hours to think about them.

With that, Mr. Chairman, the gentleman from Ohio [Mr. STOKES] and I have discussed this between ourselves and with friends.

Mr. Chairman, I ask unanimous consent that each of the following amendments and any amendments thereto be debatable for the time specified, equally divided and controlled by the proponent and opponent of an individual amendment: The first is amendment No. 48 offered by the gentleman from Massachusetts [Mr. KENNEDY], for 20 minutes, 10 minutes on each side; the second is the amendment No. 26 offered by the gentleman from Minnesota [Mr. VENTO], for 20 minutes; and in all these cases, it is divided equally on each side; third, amendment No. 57 offered by the gentleman form Indiana [Mr. ROEMER], for 50 minutes; fourth, amendment No. 66 offered by the gentleman from Ohio [Mr. STOKES] or the gentleman from New York [Mr. BOEHLERT], for 90 minutes; fifth, amendment No. 55 or 56 offered by the gentleman from Rhode Island [Mr. REED] or the gentleman from New Jersey [Mr. PALLONE], for 20 minutes; sixth, amendment No. 7 offered by the gentleman from Illinois [Mr. DURBIN] or the gentleman from Texas [Mr. WILSON], for 40 minutes. There is no particular order, but nonetheless, those would be the amendments being considered, and it does not limit other possibilities of amendments.

Mr. STOKES. Mr. Chairman, will the gentleman yield?

Mr. LEWIS of California. I yield to the gentleman from Ohio.

Mr. STOKES. Mr. Chairman, that is right. So we have a complete understanding, these are the amendments upon which we have a time limit, is that correct?

Mr. LEWIS of California. I would say to the gentleman, that is right.

Mr. STOKES. We do not go further than that. The gentleman has already stated that the manner in which he read the agreed-to amendments will be in no prescribed order?

Mr. LEWIS of California. That is correct, Mr. Chairman.

Mr. STOKES. Mr. Chairman, that meets our agreement.

Mr. DINGELL. Reserving the right to object, Mr. Chairman, and I do not think I will, I did not hear some of the other amendments raised.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, I would say to the gentleman, that is because we are doing nothing with the other amendments. They are printed in the RECORD, they are subject to discussion, and we will be talking about those with the gentleman in the morning. It is an open rule.

Mr. DINGELL. Mr. Chairman, will the gentleman forgive me about being sensitive?

Mr. LEWIS of California. I have learned very much from the gentleman from Michigan.

Mr. DINGELL. Mr. Chairman, I feel my amendment might just get lost in the shuffle, but I am sure the gentleman will want to assure me that the amendment I want to offer on the Superfund will not be foreclosed.

Mr. LEWIS of California. It will not be foreclosed, and certainly the last person I want to get lost in the woods or the shuffle is the gentleman from Michigan.

Mr. DINGELL. I appreciate that, Mr. Chairman, and I withdraw my reservation of objection.

Ms. KAPTUR. Reserving the right to object, Mr. Chairman, I doubt that I will object, but I did want to ask the chairman, at what point will our amendment No. 2, the one that was rolled until tomorrow morning concerning drug elimination, at what time in the proceedings might that come up tomorrow, please, in view of these recently announced time limits?

Mr. LEWIS of California. Mr. Chairman, will the gentlewoman yield?

Ms. KAPTUR. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, we have actually not talked that through, but I can tell the gentlewoman that it would be my intention to have us in a circumstance where there are no more than four amendments, that were being packaged together, and the gentlewoman's would be among the early package, so sometime shortly after we get moving in the morning. I am informed it is up the discretion of the Chair, but if the gentlewoman would be some indication as to what she would prefer, I certainly would work toward that end.

Mr. OBEY. Mr. Chairman, will the gentlewoman yield?

Ms. KAPTUR. Further reserving the right to object, I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I think it should also be pointed out in this conversation that because it is apparently the understanding that there will be no votes before 10, that that may affect in some way the number of votes that do occur at one time.

Mr. LEWIS of California. I could.

Mr. STOKES. Mr. Chairman, will the gentlewoman yield?

Ms. KAPTUR. Further reserving the right to object, I yield to the gentleman from Ohio.

□ 2300

Mr. STOKES. Mr. Chairman, just one additional question.

In our early discussions, I had mentioned to you the amendment proposed by the gentleman from Louisiana [Mr. FIELDS], which he wants to propose. That is not one of the agreed-upon amendments, but have you been advised of his intention to propose that amendment?

Mr. LEWIS of California. That is correct.

Mr. STOKES. I thank the gentleman.

Ms. KAPTUR. Mr. Chairman, further reserving the right to object, I thank the gentleman for responding. I would hope that, as you discussed, that our amendment concerning drug elimination would be one of the first votes in the morning, since we discussed that at length today and I think the Members are waiting for it.

The CHAIRMAN. Since the Chair would determine the order of the votes, the gentlewoman's amendment would be the first amendment voted on.

Ms. KAPTUR. I thank the Chairman. Further reserving the right to object, I yield to the gentleman from Minnesota [Mr. SABO].

Mr. SABO. Mr. Chairman, just so Members can understand, my understanding is that if this unanimous-consent is agreed to, there are no additional votes tonight.

Mr. LEWIS of California. Mr. Chairman, I need to include in this unanimous-consent request the rolling over of those amendments, those votes outstanding, but that would be my intention.

The CHAIRMAN. The Chair has that authority and, obviously, would be very compassionate in that regard.

Mr. SABO. Is that the intent of the Chair?

The CHAIRMAN. Yes; it would be the intent of the Chair. There are two votes pending at this time that had rollcall votes requested, the amendment of the gentlewoman from Ohio [Ms. KAPTUR] and the amendment of the gentleman from Oregon [Mr. DEFAZIO].

Ms. KAPTUR. To further clarify, Mr. Chairman, in no case would either of those votes occur before 10 o'clock tomorrow morning; is that my understanding?

The CHAIRMAN. At this point that is the Chair's understanding. The Chair was not a party to any decision on that, but at this point that is the Chair's understanding.

Mr. LEWIS of California. Mr. Chairman, as far as I am concerned, it would be a part of the request, but, Mr. Chairman, further, I want the Members to know that presuming this is approved and there would be no further votes tonight, there would be a colloquy between the gentleman from Ohio [Mr. OXLEY] and the gentleman from Indiana [Mr. MCINTOSH], and that would be the end of the business this evening.

Ms. KAPTUR. Mr. Chairman, further reserving the right to object, I yield to the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Chairman, I think it needs to be understood by Members that the understanding was that the majority party wished to come in at 9 o'clock tomorrow, and that in return for that happening, there would be an agreement that while there might be discussion of the amendments cited by the gentleman from California, that, in fact, there would be no votes occurring before 10 a.m.

Mr. LEWIS of California. Mr. Chairman, that is correct.

The CHAIRMAN. The unanimous-consent request is amended to reflect that no votes will occur before 10 a.m.

Ms. KAPTUR. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. Are there further amendments to title III?

Mr. McINTOSH. Mr. Chairman, I move to strike the last word for the purpose of engaging in a colloquy with my colleague, the gentleman from Ohio [Mr. OXLEY].

Mr. Chairman, in the current budget climate, all federal agencies need to reevaluate their priorities, the efficiency of their regulations, and their relationships with States. We cannot afford to expend limited resources without achieving commensurate environmental or public health gains.

One area of concern, that I believe requires congressional action involves EPA's development of new "Phase III and Phase IV land disposal restrictions" requirements under the Resource Conservation and Recovery Act. On March 2, 1996, when the Agency proposed the Phase III requirements, EPA itself pointed out that:

> [T]he risks addressed by this rule, especially [underground injection control] wells, are very small relative to the risks presented by other environmental conditions or situations. In a time of limited resources, common sense dictates that we deal with higher risk activities first, a principle on which EPA, members of the regulated community, and the public can all agree. Nevertheless, the Agency is required [by a court decision] to set treatment standards for these relatively low risk wastes and disposal practices during the next two years, although there are other actions and projects with which the Agency could provide greater protection of human health and the environment.

I understand that my esteemed colleague from Ohio, Congressman OXLEY, has introduced a corrections bill, H.R. 2036, that would overturn the Chemical Waste Management court decision, which required EPA to undertake this rulemaking.

Mr. OXLEY. If the gentleman will yield, Mr. Chairman, the gentleman is correct in his understanding. Section 2 of H.R. 2036 is designed to prevent the imposition of burdensome requirements on wastewater treatment systems and deep injection wells that already are thoroughly regulated and permitted by the States and EPA under the Clean Water Act and the Safe Drinking Water Act. Essentially, my bill would authorize EPA to take the course of action that it originally chose. When the Agency first issued its LDR regulations, the Agency concluded that imposing treatment requirements on these types of nonhazardous waste management systems "would not provide further protection to human health and the environment," and would cause "considerable disruption at facilities that EPA generally considers safe."

Mr. McINTOSH. How much does EPA estimate that it would cost to impose the rule required by the court's decision, which would provide little or no environmental or public health gains?

Mr. OXLEY. If the gentleman will yield further, EPA's regulatory impact analysis places the cost of this rule at somewhere between one-half billion dollars and three-quarters of a billion dollars each year. That is too steep a price to pay for wasteful and duplicative regulation when those resources could do so much more to protect human health and the environment if used elsewhere. Frankly, if the supermandate in H.R. 1022, the Risk Assessment and Cost-Benefit Act, were law, we would not be facing a rule which EPA, itself, believes is so extraordinarily wasteful.

Mr. McINTOSH. Again, Mr. Oxley, I commend you for introducing H.R. 2036. Hazardous waste land disposal restrictions should not be imposed on wastes being managed in units that are permitted under the Clean Water or Safe Drinking Water Acts; nor should land disposal restrictions intended for hazardous wastes be imposed on nonhazardous wastes. Your bill would allow EPA to redirect its scarce resources to actions and projects that would achieve the greatest overall benefit for the costs incurred.

I commend the gentleman for that legislation.

Mr. LEWIS of California. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. FOX of Pennsylvania) having assumed the chair, Mr. COMBEST, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2099) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1996, and for other purposes, had come to no resolution thereon.

REPORT ON H.R. 2126, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 1996

Mr. YOUNG of Florida, from the Committee on Appropriations, submitted a privileged report (Rept. No. 104–208) on the bill (H.R. 2126) making appropriations for the Department of Defense for the fiscal year ending September 30, 1996, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore. All points of order are reserved on the bill.

REPORT ON H.R. 2127, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1996

Mr. YOUNG of Florida, from the Committee on Appropriations, submitted a privileged report (Rept. No. 104–209) on the bill (H.R. 2127) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1996, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore. All points of order are reserved on the bill.

☐ 2310

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2092

Mr. BRYANT of Tennessee. Mr. Speaker, I ask unanimous consent that my name be removed as cosponsor of H.R. 2092, the Private Security Officer Quality Assurance Act.

The SPEAKER pro tempore (Mr. FOX of Pennsylvania). Is there objection to the request of the gentleman from Tennessee?

There was no objection.

HOUR OF MEETING ON TOMORROW

Mr. BRYANT of Tennessee. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 9 a.m. tomorrow.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. FOX of Pennsylvania). Under the Speaker's announced policy of May 12, 1995, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

CONGRATULATIONS TO SENATOR ROBERT C. BYRD OF WEST VIRGINIA ON CASTING HIS 14,000 VOTE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from West Virginia [Mr. RAHALL] is recognized for 5 minutes.

Mr. RAHALL. Mr. Speaker, it is with great pride and privilege that I rise to announce that U.S. Senator ROBERT C. BYRD, senior senator from West Virginia, earlier today became the first U.S. Senator in history to cast 14,000 votes in the Senate. This 14,000th vote gives Senator BYRD a 98.7 percent voting average over his 37 years of service in the Senate.

This voting record covers only Senator BYRD's Senate service, not the years he also served in the U.S. House of Representatives.

Senator BYRD's first vote in the Senate, cast on January 8, 1959, was very fitting: It was a vote on Senate procedures. Since then, Senator BYRD has become a national celebrity, is recognized as the Senate's "historian in residence," and he is recognized as the uncontested expert in the country on the Senate as an institution, about which he has published four volumes, and as a nationally known expert on parliamentary procedure in that body.

During the 37-year period in which the 14,000 votes were cast, Senator BYRD has served as: Secretary of the Senate Democratic Conference. Senate Majority Whip, Senator Majority Leaders, Senate Minority Leader, and President Pro Tempore.

Senator BYRD is not only a giant among men in the Senate, he is a giant among men in the Nation. He has been an integral part of the high drama and history of the second half of the 20th century, including the cold war, Vietnam, Watergate, Iran-Contra, and the collapse of the Soviet Union. He has served in the Senate under nine Presidents—through assassinations and resignations.

Today, the Senate paused to recognize and honor Senator BYRD for his extraordinary leadership and for having attained the milestones in his legislative career that brought him to his 14,000th vote.

Those milestones are: Being only one of three U.S. Senators in American history to have been elected to seven 6-year terms; being the first sitting Member of either House of Congress to begin and complete the study of the law and obtain a law degree while serving in the Congress; being the first person to carry every county in the State of West Virginia (55 of them) in a contested statewide general election; being the only person in the history of West Virginia to ever serve in both chambers of his State legislature and both Houses of the U.S. Congress; obtaining the greatest number, the greatest percentage, and the greatest margin of votes cast in statewide, contested elections in his State; being the first U.S. Senator in West Virginia to win a Senate seat without opposition in a general election; and serving longer in the U.S. Senate than anyone else in West Virginia history.

Mr. Speaker, all these milestones of achievement are remarkable in and of themselves, and we honor Senator BYRD for them.

But his greatest feat will always be the dignity he has brought to the U.S. Senate every day of his life, throughout his tenure there.

He is a gentle but firm leader, who has the ability to share, in his writing and vocally, his deep and abiding reverence for the Senate as an institution. Each week, Senator BYRD offers a history lesson on the floor of the Senate, addressing his colleagues on the floor and the Nation that may be watching C-SPAN, on the importance of knowing, and observing and above all respecting the traditions of the Senate, its rules of engagement and the parliamentary procedures, that govern it as an institution.

Tonight I wish to join my voice with the voices of his Senate colleagues, those in his beloved West Virginia and all our Nation in paying tribute to West Virginia's senior Senator.

And so it is with great personal honor, and with the highest esteem, that I rise on this occasion to pay tribute to Senator ROBERT C. BYRD of West Virginia for having become the first U.S. Senator in history to cast 14,000 votes.

THE REPUBLICAN RECORD ON MEDICARE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey [Mr. PALLONE] is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, it was 30 years ago today that Medicare passed the House of Representatives, and even in 1965 Republicans did not support the program.

Their record on Medicare has been clear and is illustrated with this chart that we have here. At the time when Medicare was voted upon in 1960, 97 percent of Senate Republicans voted against creation of the Medicare Program; in 1962, 86 percent of Senate Republicans voted against creation of the Medicare Program; in 1964, 85 percent of Senate Republicans voted against creation of the Medicare Program; and then in 1965, 93 percent of the House Republicans voted to replace Medicare with their voluntary, no guarantees substitute. The rest of the chart indicates the remainder of the Republican record 30 years ago.

Even the lead Republican presidential contender today, Senator BOB DOLE, voted against the passage of the Medicare Program when he was in Congress 30 years ago this very day. And now that the Republicans are in control of Congress, one of their first acts is to dismantle the program that has assisted so many senior citizens in living a longer and decent life.

As many know, the Republicans seek to cut $270 billion from the Medicare Program, costing senior citizens over a $1,000 in additional costs per year. Republicans claim that these cuts will not hurt senior citizens, but if health costs continue to rise faster than the growth in Medicare to seniors, then they will either get less services or pay more money. It is that simple.

Of course the Republicans have not discussed the specific details of their Medicare plans, because they are afraid to tell seniors what will happen with the $270 billion in cuts that they have proposed.

Mr. Speaker, I urge senior citizens to ask their Congressmen how these $270 billion in cuts will affect them, because if these cuts were not going to hurt seniors, then the plans would have been announced before a budget number was chosen.

Instead, the Republicans are reforming Medicare backwards by arbitrarily picking $270 billion, the largest Medicare cut in history, and hiding the true facts from seniors. When Medicare was passed 30 years ago today, most Republicans said that it was not needed. Mr. Speaker, the facts could not be more clear.

I would like to illustrate the positive impact that the Medicare Program has had on the lives of senior citizens through a few illustrations that we have here today.

The first chart talks about the poverty rate for the age, which has dropped since 1967. If you look at the figures, for the general population and the senior population since the time Medicare was enacted, you can see the significant drop in the poverty rate for senior citizens.

□ 2320

Mr. PALLONE. Next we would like to show the drop in the death by stroke, which is indicated on this chart. For those over 65, rates have fallen by 63 percent in the years between 1960 and 1991, basically the 30-year or so period that we are talking about since the beginning of Medicare.

Mr. Chairman, death by heart disease has also dramatically decreased. For those over 65, rates have fallen by 40 percent in the years between 1960 and 1991, again from the beginning of the debate on Medicare until relatively recently.

Finally, Mr. Chairman, the next chart will show the number of seniors who have health coverage. In 1959, only 46 percent of America's seniors had health care coverage before Medicare was enacted, and of course this year in 1995, after Medicare and after 30 years of the program, 99 percent of America's senior citizens now have health care coverage.

Mr. Chairman, instead of realizing these benefits, unfortunately, Republicans want to gut Medicare to meet their other backward promises. One plan that the party is floating is the voucher plan, which would basically limit the health care coverage of senior citizens. This plan will give seniors substandard health care, unless they have the ability to spend money out of their own pocket to pay for better coverage.

Mr. Chairman, another plan would force seniors into managed care. Some people know them as HMO's. Many seniors are happy with their doctors and are not ready to be told which doctors they can or cannot seek, which is often the case with HMO's or other managed care programs.

Life before Medicare for senior citizens was a world of poverty, low life expectancy and despair. Medicare has played an integral role in seniors' lives by not forcing them to choose between health care, food or shelter. Unfortunately, the Republicans want to take us back to the days when seniors had to make those unfortunate choices.

Mr. Chairman, I just want to read one story from a New Jersey resident who submitted testimony for the record during the Committee on Ways and Means debate on Medicare during the early 1960's, because I think it illustrates the problems that many senior citizens had before the enactment of the Medicare program. This person testified before the committee on Ways and Means and said, "I hope and pray that I do not live long enough to be a senior citizen. It is very hard for me to beg. I would rather do without, whether it is food, medicine or a doctor. Only severe pain or an emergency would get me into a hospital. I control my condition with pills".

Mr. Speaker, in conclusion, I just hope and pray that the Republicans realize how vital Medicare is to every senior citizen. Those who cannot remember the past are unfortunately condemned to repeat it, but hopefully, we will not see it repeated with the Medicare Program being gutted.

RECESS

The SPEAKER pro tempore (Mr. FOX of Pennsylvania). The House will stand in recess subject to the call of the Chair at.

Accordingly (at 11 o'clock and 25 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 2330

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. FOX of Pennsylvania) at 11 o'clock and 30 minutes p.m.

ANNOUNCEMENT OF EMERGENCY MEETING OF COMMITTEE ON RULES ON H.R. 1555, TELECOMMUNICATIONS COMPETITION AND DEREGULATION ACT OF 1995, AND S. 21, BOSNIA AND HERZEGOVINA SELF-DEFENSE ACT OF 1995

(Mr. SOLOMON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SOLOMON. Mr. Speaker, after consultation with the minority, we are announcing that there will be an emergency meeting of the Committee on Rules tomorrow morning on two bills, H.R. 1555, the telecommunication legislation, and S. 21, the Senate bill concerning Bosnia. Those two hearings will follow the defense appropriation bill and the health and human services appropriation bill hearings tomorrow morning at 10 o'clock. We would notify the Members again tomorrow morning.

We would also call attention that if Members do have their amendments filed in the record of tomorrow, Friday, that they could very possibly receive preferential treatment in the Committee on Rules and/or on the floor by the manager of the bills.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. JOHNSTON of Florida (at the request of Mr. GEPHARDT), for today after 12:30 p.m. and the balance of the week, on account of a death in the family.

Mr. YATES (at the request of Mr. GEPHARDT), for today after 8 p.m., on account of personal reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. RAHALL) to revise and extend their remarks and include extraneous material:)

Mr. RAHALL, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. FRANK of Massachusetts, for 5 minutes, today.

Mr. UNDERWOOD, for 5 minutes, today.

Mrs. MINK of Hawaii, for 5 minutes, today.

Mr. STUPAK, for 5 minutes, today.

Mr. OWENS, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

(The following Members (at the request of Mr. BRYANT of Tennessee) to revise and extend their remarks and include extraneous material:)

Mr. BROWNBACK, for 5 minutes, today.

Mr. GOSS, for 5 minutes, today.

Mrs. SEASTRAND, for 60 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. BRYANT of Tennessee) and to include extraneous matter:)

Mr. EHRLICH.

Mr. BURTON of Indiana.

Mr. BEREUTER.

Mr. PACKARD.

Mr. MARTINI.

Mr. SMITH of New Jersey, in two instances.

Mr. CRANE.

Mr. FRANKS of Connecticut, in two instances.

Mr. DREIER.

(The following Members (at the request of Mr. RAHALL) and to include extraneous matter:)

Mr. SKELTON in two instances.

Mr. FILNER.

Mr. GEJDENSON.

Ms. DELAURO.

Mr. STOKES.

Mr. FROST.

Mr. FAZIO of California.

Mr. VENTO.

Mr. RICHARDSON.

Mr. STUDDS.

Mr. LANTOS.

Mr. CLAY.

Mr. COLEMAN.

Mr. MARKEY.

Mr. WILLIAMS.

Mr. WYDEN.

(Mr. DORNAN, and to include extraneous material, immediately following his remarks on the Selective Service amendment to H.R. 2099 in the Committee of the Whole today.)

ADJOURNMENT

Mr. SOLOMON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 32 minutes p.m.), under its previous order, the House adjourned until tomorrow, Friday, July 28, 1995, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1268. A letter from the Comptroller General of the United States, General Accounting Office, transmitting the list of all reports issued or released in June 1995, pursuant to 31 U.S.C. 719(h); to the Committee on Government Reform and Oversight.

1269. A letter from the Chairman, Merit Systems Protection Board, transmitting a report entitled "Leadership for Change: Human Resource Development in the Federal

Government," pursuant to 5 U.S.C. 1204(a)(3); to the Committee on Government Reform and Oversight.

1270. A letter from the Director, Financial Services, Library of Congress, transmitting the activities of the Capitol preservation fund for the 9 months of fiscal year 1995, which ended June 30, 1995, and comparable data for the same period of the previous fiscal year; to the Committee on House Oversight.

1271. A letter from the Chairman, Pennsylvania Avenue Development Corporation, transmitting the 1994 annual report for the Pennsylvania Avenue Development Corporation [PADC], pursuant to 40 U.S.C. 880(a); to the Committee on Resources.

1272. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's 16th annual report to Congress pursuant to section 201 of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, fiscal year 1993, pursuant to 15 U.S.C. 18a(j); to the Committee on the Judiciary.

1273. A letter from the Chairman, U.S. International Trade Commission, transmitting the 82d quarterly report on trade between the United States and China, the successor states to the former Soviet Union, and other title IV countries during January-March 1995, pursuant to 19 U.S.C. 2440; to the Committee on Ways and Means.

1274. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to implement aspects of the Department of Transportation budget request for fiscal year 1996, and for other purposes; jointly, to the Committee on Transportation and Infrastructure and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. YOUNG of Florida: Committee on Appropriations. H.R. 2126. A bill making appropriations for the Department of Defense for the fiscal year ending September 30, 1996, and for other purposes (Rept. 104-208). Referred to the Committee on the Whole House on the State of the Union.

Mr. PORTER: Committee on Appropriations. H.R. 2127. A bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1996, and for other purposes (Rept. 104-209). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. FLAKE:

H.R. 2123. A bill to accelerate capitalization of the savings association insurance fund, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. MICA (for himself, Mr. Chrysler, Mr. Rogers, Mr. Gilman, Mr. Clinger, Mr. Roth, Mr. Manzullo, and Mr. Portman):

H.R. 2124. A bill to enhance the competitiveness of the United States in the global economy through the establishment of the U.S. Trade Administration as an independent establishment in the executive branch of the Government; to the Committee on Ways and Means, and in addition to the Committees on International Relations, Banking and Financial Services, and Government Reform and Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DREIER (for himself, Mr. Hefley, Mr. Solomon, Mr. Cox, Mr. McCollum, Mr. Hilleary, Mr. Rohrabacher, Mr. Royce, Mr. Neumann, Mr. Stockman, and Mr. Baker of California):

H.R. 2125. A bill to provide for the termination of the present Small Business Administration and certain of its functions, to establish a Small Business Administration in the Department of the Treasury and an Office of Small Business Advocacy in the Executive Office of the President, and for other purposes; to the Committee on Small Business.

By Mr. YOUNG of Florida;

H.R. 2126. A bill making appropriations for the Department of Defense for the fiscal year ending September 30, 1996, and for other purposes.

By Mr. PORTER:

H.R. 2127. A bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1996, and for other purposes.

By Mr. CANADY of Florida (for himself, Mr. Hyde, Ms. Molinari, Mrs. Fowler, Mr. Wicker, Mr. Sensenbrenner, Mr. Hoke, Mr. Smith of Texas, Mr. Goodlatte, Mr. McCollum, Mr. Coble, Mr. Heineman, Mr. Bryant of Tennessee, Mr. Bono, Mr. Barr, Mr. Rohrabacher, Mr. Istook, Mr. Herger, Mr. Norwood, Mr. Callahan, Mr. Cunningham, Mr. Chambliss, Mr. Hutchinson, Mr. Jones, Mr. King, Mr. Lightfoot, Mr. Packard, Mr. Paxon, Mr. Roberts, Mr. Roth, Mr. Stump, Mr. Young of Alaska, Mr. Burton of Indiana, Mr. Dreier, Mr. Emerson, Mr. Schaefer, Mr. Miller of Florida, Mr. Goss, Mr. Doolittle, Mr. McIntosh, Mr. Combest, Mr. Mica, Mr. Scarborough, Mr. Smith of New Jersey, Mr. Stockman, Mr. Walker, Mr. Weldon of Florida, Mr. Everett, Mr. Lewis of Kentucky, Mrs. Vucanovich, Mr. Bilbray, Mr. Solomon, Mrs. Seastrand, Mr. Bilirakis, Mr. Christensen, Mrs. Cubin, Mr. Hastert, Mr. Largent, Mr. Bunning of Kentucky, Mr. Clinger, Mr. Kolbe, Mr. Hancock, Mrs. Roukema, Mr. Hostettler, Mr. Graham, Mr. Radanovich, Mr. Oxley, Mr. Hoekstra, Mr. Barrett of Nebraska, Mr. Bass, Mr. Dornan, Mr. Salmon, and Mr. Ballenger):

H.R. 2128. A bill to prohibit discrimination and preferential treatment on the basis of race, color, national origin, or sex with respect to Federal employment, contracts, and programs, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Economic and Educational Opportunities, Government Reform and Oversight, and House Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CARDIN:

H.R. 2129. A bill to amend the Tariff Act of 1930 to provide that the requirement of marking of imported articles and containers not apply to spice products; to the Committee on Ways and Means.

By Mr. EMERSON (for himself, Mr. Barrett of Nebraska, and Mr. Bereuter):

H.R. 2130. A bill to amend the Farm Credit Act of 1971 to improve the efficiency and operation of the Federal Agricultural Mortgage Corporation in order to better ensure that farmers, ranchers, and rural home owners will have access to a stable and competitive supply of mortgage credit now and in the future; to the Committee on Agriculture.

By Mr. FIELDS of Texas (for himself, Mr. Frisa, Mr. Oxley, Mr. Gillmor, Mr. Paxon, Mr. Hastert, Mr. Barton of Texas, and Mr. White):

H.R. 2131. A bill to amend the Federal securities laws in order to promote efficiency and capital formation in the financial markets; to the Committee on Commerce.

By Mr. FILNER (for himself, and Mr. Stupak):

H.R. 2132. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax to individuals who are active participants in neighborhood crime watch organizations which actively involve the community in the reduction of local crime; to the Committee on Ways and Means.

By Mr. MARTINEZ (for himself, Ms. Norton, Mr. Clay, Mr. Frank of Massachusetts, Mr. Mineta, Mr. Wynn, Mr. Rush, and Mr. Jacobs):

H.R. 2133. A bill to amend title VII of the Civil Rights Act of 1964 and the Age Discrimination in Employment Act of 1967 to improve the effectiveness of administrative review of employment discriminations claims made by Federal employees and for other purposes; to the Committee on Government Reform and Oversight, and in addition to the Committee on Economic and Educational Opportunities, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RADANOVICH (for himself, Mr. Moorhead, Mr. Condit, Mr. Rohrabacher, Mr. Filner, Mr. Cox of California, Mr. Torres, Mr. Doolittle, Mr. Mineta, Mr. Dooley, Ms. Eshoo, Mr. Cunningham, Mr. Dornan, and Ms. Lofgren):

H.R. 2134. A bill to amend the Fair Labor Standards Act of 1938 to allow employees in classified positions in community colleges to serve in certified or other academic capacities; to the Committee on Economic and Educational Opportunities.

By Mrs. VUCANOVICH:

H.R. 2135. A bill to provide for the correction of boundaries of certain lands in Clark County, NV, acquired by persons who purchased such lands in good faith reliance on existing private land surveys; to the Committee on Resources.

By Mr. WILLIAMS:

H.R. 2136. A bill to provide for the management, containment, and elimination of brucellosis from the Yellowstone area, and for other purposes; to the Committee on Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ZIMMER (for himself, Ms. Dunn of Washington, and Mr. Deal of Georgia):

H.R. 2137. A bill to amend the Violent Crime Control and Law Enforcement Act of 1994 to require the release of relevant information to protect the public from sexually violent offenders; to the Committee on the Judiciary.

By Mr. LANTOS:

H. Con. Res. 87. Concurrent resolution condemning the refusal of the Indonesian officials organizing the World Archery Championships in Jakarta, Indonesia, in August 1995 to permit a team from Israel to participate in the competition under the name of Israel and under the flag of Israel, and urging the Government of Indonesia to join in condemning this manifestation of racism and anti-Semitism; to the Committee on International Relations.

By Mr. SCARBOROUGH:

H. Con. Res. 88. Concurrent resolution regarding recognition of the Socialist Republic of Vietnam; to the Committee on International Relations.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 359: Mr. HASTINGS of Washington.

H.R. 390: Mr. DEAL of Georgia.

H.R. 528: Mr. SMITH of Texas, Mr. BENTSEN, and Mr. MCCOLLUM.

H.R. 530: Mr. CASTLE, Mr. BRYANT of Tennessee, and Mr. HANSEN.

H.R. 784: Mr. TAYLOR of North Carolina, Mr. FORBES, Mr. INGLIS of South Carolina, Mr. PAXON, Mr. MCINTOSH, and Mr. SAXTON.

H.R. 820: Mr. PALLONE, Mr. KLUG, and Mr. KLECZKA.

H.R. 862: Mr. SAM JOHNSON.

H.R. 873: Mr. BASS, Mr. SALMON, Mr. JOHNSTON of Florida, Ms. Rivers, Mr. LEWIS of Kentucky, and Mr. BACHUS.

H.R. 995: Mr. WELDON of Pennsylvania and Mr. POSHARD.

H.R. 1073: Mr. TOWNS, Mr. GORDON, Mr. GILCHREST, Mr. MCKEON, and Mr. DEUTSCH.

H.R. 1074: Mr. TOWNS, Mr. GORDON, Mr. GILCHREST, Mr. MCKEON, and Mr. DEUTSCH.

H.R. 1133: Mr. COBURN, Mr. ROHRABACHER, Mr. HALL of Texas, Mr. CHRISTENSEN, Mr. HAMILTON, and Mr. SMITH of Michigan.

H.R. 1386: Mr. CHAPMAN and Mr. LEWIS of Kentucky.

H.R. 1446: Mr. CALVERT.

H.R. 1500: Ms. RIVERS and Mr. SAWYER.

H.R. 1533: Mr. ROHRABACHER.

H.R. 1662: Mr. WILSON, Mr. EHRLICH, Mr. BOEHLERT, Mr. MCHALE, and Mr. STOCKMAN.

H.R. 1733: Mr. GOODLATTE, Mr. COBLE, and Mr. CONYERS.

H.R. 1744: Mrs. KELLY.

H.R. 1762: Mr. BAKER of Louisiana, Mr. PETE GEREN of Texas, Mr. GOSS, Mr. ROHRABACHER, Mr. UNDERWOOD, Mr. HUTCHINSON, Mr. BROWN of California, Mr. HANCOCK, Mr. SOLOMON, Mr. SHAW, Mr. THOMAS, and Mr. RIGGS.

H.R. 1818: Mr. KOLBE, Mr. BILBRAY, Mr. HAYWORTH, Mr. NEUMANN, Mr. SMITH of New Jersey, and Mr. TAYLOR of North Carolina.

H.R. 1840: Mr. DOOLITTLE and Mr. WICKER.

H.R. 1856: Mr. LARGENT, Mr. ROTH, Mr. TAYLOR of North Carolina, Mr. DUNCAN, and Mr. POMBO.

H.R. 1898: Ms. SLAUGHTER and Mr. ACKERMAN.

H.R. 1963: Mr. GOODLATTE.

H.R. 1972: Mr. FOLEY and Mr. SALMON.

H.R. 1986: Mr. PAYNE of New Jersey, Mr. ROMERO-BARCELO, Mr. ANDREWS, Mr. UNDERWOOD, Mr. FRANK of Massachusetts, Mr. RAHALL, Mr. EVANS, Mr. BONIOR, Ms. MCKINNEY, Mr. GENE GREEN of Texas, Ms. LOFGREN, and Mr. GEJDENSON.

H.R. 1994: Mr. FORBES, Mr. LIVINGSTON, Mr. FIELDS of Texas, and Mr. ACKERMAN.

H.R. 2013: Mr. FORBES and Mr. ACKERMAN.

H.R. 2019: Mr. PICKETT.

H.R. 2026: Mr. TAYLOR of North Carolina, Mr. MILLER of Florida, Mr. BLUTE, Mr. COSTELLO, Mr. TORRICELLI, Mr. CALLAHAN, and Mr. BERMAN.

H.R. 2039: Mr. KING, Mr. FORBES, Mr. HOLDEN, Mr. MCCOLLUM, Ms. FURSE, and Mr. CANADY.

H.R. 2072: Mr. GRAHAM.

H.J. Res. 48: Mr. HAYWORTH.

H.J. Res. 68: Mr. KLECZKA.

H. Con Res. 47: Mr. ANDREWS, Mr. CONDIT, Mr. PORTER, Mr. LEWIS of Georgia, Mr. MINETA, and Mr. BILIRAKIS.

H. Con. Res. 48: Mr. MOAKLEY, Mr. MINGE, Mr. PALLONE, Ms. PRYCE, Mr. UPTON, Mr. JOHNSON of South Dakota, Mr. FILNER, and Mrs. MALONEY.

H. Con. Res. 51: Mr. PALLONE, Mr. ANDREWS, and Mr. ZIMMER.

H. Con. Res. 79: Mr. DINGELL, Ms. ROYBAL-ALLARD, Mr. ACKERMAN, and Mr. LEWIS of Georgia.

H. Res. 36: Mr. FILNER.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 2092: Mr. BRYANT of Tennessee.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 2099

OFFERED BY: MR. DORNAN

AMENDMENT NO. 71. Page 88, line 3, add "Sec. 519. None of the funds under this Act shall be used for the Senior Environmental Employment Program."

H.R. 2099

OFFERED BY: MR. ENSIGN

AMENDMENT NO. 72. Page 87, after line 25, insert the following:

SEC. 519. The amount otherwise provided in title I of this Act for "DEPARTMENT OF VETERANS AFFAIRS—VETERANS HEALTH ADMINISTRATION—MEDICAL CARE", the amount otherwise provided in title III of this Act for "NATIONAL AERONAUTICS AND SPACE ADMINISTRATION—HUMAN SPACE FLIGHT", and the amount otherwise provided in title III of this Act for "NATIONAL SCIENCE FOUNDATION—RESEARCH AND RELATED ACTIVITIES" are, respectively, increased to a total of $16,961,000,000, reduced by $89,500,000, and reduced by $100,000,000.

H.R. 2126

OFFERED BY: MR. BURTON OF INDIANA

AMENDMENT NO. 1. At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. . None of the funds made available in this Act may be used for the procurement of Army projectiles, except when it is made known to the Federal official having authority to obligate or expend such funds that such procurement is in compliance with the Competition in Contracting Act.

H.R. 2126

OFFERED BY: MR. CARDIN

AMENDMENT NO. 2: At the end of the bill (before the paragraph designating the short title of the bill), insert the following new section:

SEC. . None of the funds appropriated by this Act may be used in the administration of section 7299a of title 10, United States Code, to carry out a policy with respect to solicitation of offers for ship depot maintenance work that defines the concept of the "homeport area" of naval vessels in a way that would preclude a port that is within 160 miles of a naval facility that is the home port of a vessel from being treated as being within the homeport area of that vessel.

H.R. 2126

OFFERED BY: MR. DORNAN

AMENDMENT NO. 3: At the appropriate place in title VIII of the bill (relating to general provisions), insert the following new section:

SEC. . None of the funds made available in this Act may be used to administer any policy that permits the performance of abortions at medical treatment or other facilities of the Department of Defense, except when it is made known to the Federal official having authority to obligate or expend such funds that the life of the mother would be endangered if the fetus were carried to term.

H.R. 2127

OFFERED BY: MR. GUNDERSON

AMENDMENT NO. 1: At the end of title II, insert after the last section (preceding the short title) the following section:

SEC. . Of the funds made available in this title under the heading "HEALTH RESOURCES AND SERVICES ADMINISTRATION—HEALTH RESOURCES AND SERVICES", $9,426,000 is available for carrying out the activities of the Office of Rural Health Policy. Of the amount made available in this title under such heading, $824,092,000 is available for carrying out the program for the Health Centers Cluster.

H.R. 2127

OFFERED BY: MR. GUNDERSON

AMENDMENT NO. 2: At the end of title II, after the last section (preceding the short title) the following section:

SEC. . Of the amount appropriated in this title under the heading "AGENCY FOR HEALTH CARE POLICY AND RESEARCH—HEALTH CARE POLICY AND RESEARCH", $9,426,000 is transferred and made available for carrying out the activities of the Office of Rural Health Policy.

H.R. 2127

OFFERED BY: MS. PELOSI

AMENDMENT NO. 3: Page 21, strike lines 1 through 7 (relating to OSHA ergonomic protection standards).

H.R. 2127

OFFERED BY: MS. PELOSI

AMENDMENT NO. 4: Page 59, line 13, strike the colon and all that follows through "Act" on page 60, line 1 (relating to NLRB and salting).

H.R. 2127

OFFERED BY: MS. PELOSI

AMENDMENT NO. 5: Page 60, line 1, strike the colon and all that follows through "evidence" on page 61, line 2 (relating to NLRB section 10(j) authority).

H.R. 2127

OFFERED BY: MR. POSHARD

AMENDMENT NO. 6: At the end of title II, insert after the last section (preceding the short title) the following section:

SEC. . Of the funds made available in this title under the heading "HEALTH RESOURCES AND SERVICES ADMINISTRATION—HEALTH RESOURCES AND SERVICES", $9,426,000 is available for carrying out the activities of the Office of Rural Health Policy. Of the amount made available in this title under such heading, $824,092,000 is available for carrying out the program for the Health Centers Cluster.

H.R. 2127

OFFERED BY: MR. POSHARD

AMENDMENT No. 7: At the end of title II, insert after the last section (preceding the short title) the following section:

SEC. . Of the amount appropriated in this title under the heading "AGENCY FOR HEALTH CARE POLICY AND RESEARCH—HEALTH CARE POLICY AND RESEARCH", $9,426,000 is transferred and made available for carrying out the activities of the Office of Rural Health Policy.

H.R. 2127

OFFERED BY: MR. RIGGS

AMENDMENT No. 8: At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. . None of the funds made available in titles I, II, and III of this Act may be used to provide any direct benefit or assistance to any individual in the United States when it is made known to the Federal official to whom the funds are made available that—

(1) the individual is not lawfully present in the United States, and

(2) the benefit or assistance to be provided is other than emergency medical assistance, public health immunizations, or short-term emergency, in-kind no-cash disaster relief.

H.R. 2127

OFFERED BY: MR. RIGGS

AMENDMENT No. 9: At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. . (a) None of the funds made available in titles I, II, and III of this Act may be used to provide any direct benefit or assistance to any individual in the United States when it is made known to the Federal official to whom the funds are made available that—

(1) the individual is not lawfully present in the United States, and

(2) the benefit or assistance to be provided is other than emergency medical assistance, public health immunizations, or short-term, in-kind no-cash emergency disaster relief.

(b)(1) Each Federal official receiving funds under title I, II, or III of this Act shall take reasonable actions to determine whether any individual who is seeking any benefit or assistance subject to the limitation of subsection (a) is lawfully present in the United States.

(2) In the case of any filing, inquiry, or adjudication of an application for any benefit or assistance subject to the limitation of subsection (a), no Federal official or agent may discriminate against any individual on the basis of race, color, religion, sex, national origin, age, or disability.

(c) PUBLIC POLICY OF THE UNITED STATES.—The Congress finds:

(1) Federal or State provision of taxpayer-supported non-emergency services of all types to aliens not lawfully in the United States encourages the violation of federal immigration laws and is contrary to the public policy of the United States;

(2) Denial of such services to aliens not lawfully in the United States would operate harmoniously with the Federal immigration laws, and would be an effective method of dealing with urgent demographic and economic problems;

(3) One of the purposes of Federal immigration law is to conserve Federal and State taxpayer resources;

(4) Upholding Federal immigration policy in this way would improve the quality of education, health care, and other services in the States for citizens and aliens lawfully in the United States;

(5) Provision of such services by the Federal Government or the States encourages illegal immigration, imposing severe burdens on the economies of the States that are the principal destinations of aliens not lawfully in the United States, and reduces the amount of funds available for legal residents and citizens of the United States; and

(6) Provision of such services by the Federal Government or the States ultimately imposes serious costs on the Federal Government, by virtue both of the Federal role in providing funds for State health, education, and other services and of the increased demand for Federal funds created by the economic dislocation caused by illegal immigration;

(7) The determination by the Federal Government or any State not to reward illegal immigration with taxpayer services of any type for aliens not lawfully in the United States is fully consistent with the objectives of Federal immigration law and furthers legitimate Federal and State goals.

EXTENSION OF REMARKS

KOREAN WAR VETERANS' MEMORIAL

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 1995

Mr. GEJDENSON. Mr. Speaker, I rise today in honor of the dedication of the Korean War Veterans' Memorial. The Korean war lasted 3 years, but our memories of those men and women who gave their lives and livelihoods while fighting in Korea will last forever. The Korean War Veterans' Memorial aptly provides this recognition. This tribute to the brave men and women who fought in Korea more than 40 years ago is long overdue, and I am pleased that after nearly a decade of work, the memorial will finally be unveiled today.

The memorial is also a good opportunity to improve citizen awareness of the sacrifices made, and the service given, by our veterans in defense of our Constitution and the liberties it guarantees. All too often, we take our freedoms for granted. These precious freedoms were defended by those who sacrificed their lives in times of war. They are preserved by those who exercise their rights in defense of peace.

Today, there are more living American veterans than at any point in history. They are among the reasons that the United States is the mightiest, wealthiest, most secure Nation on the Earth today. They are the reason the United States has been, and will continue to be, the bastion of support and solace for those in a world still searching for freedom and human rights.

As a Member of Congress, I am pleased to be in a position to honor our veterans. They willingly went to war to defend our freedoms and the American dream we all strive to achieve. In this time of restricted budgets and divisive rhetoric, we must pause to recall the commitment given to use by those veterans and we must honor the commitments we have made to them.

TRIBUTE TO MAJ. GEN. JOE M. BALLARD

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 1995

Mr. SKELTON. Mr. Speaker, today I pay tribute to, an outstanding Army officer: Maj. Gen. Joe M. Ballard. Major General Ballard most recently distinguished himself through exceptionally meritorious service, as commander, U.S. Army Engineer Center and Fort Leonard Wood. As a result of his outstanding leadership and keen vision Fort Leonard Wood has been established as an expanding TRADOC center for excellence. He masterfully employed information-age technology, concepts and doctrine to launch the engineer regiment toward Force XXI, thereby posturing the Engineer Center to lead the Army into the 21st century.

General Ballard established Fort Leonard Wood as a force projection platform by exceeding Army and FORSCOM readiness goals within Fort Leonard Wood's tactical units and deploying combat-ready units to Haiti, Cuba, Korea, Honduras, and Panama for operations other than war.

During a period of rapidly changing force structures and declining resources, General Ballard built Fort Leonard Wood into the model of fiscal stewardship, establishing a "Total Quality" standard for TRADOC installations. Indicative of General Ballard's pursuit of excellence, Fort Leonard Wood was selected as TRADOC's "best large installation" during the 1994 "Army Communities of Excellence" competition. The resounding success of his "U-DO-IT" self-help dormitory modernization project drew such widespread praise that it was featured in Soldier magazine, the NCO Journal, and Army Times. He also saved $1.6 million per year by converting the directorate of logistics from contract to in-house operation.

When faced with a $10 million budget reduction in fiscal year 1995, General Ballard took the lead among TRADOC installation commanders, directing a comprehensive organizational-functional review to achieve the most efficient organization in every activity. This review will continue to direct and shape Fort Leonard Wood for the decade to come.

General Ballard's insightful planning brought to fruition the interservice training review organization. His mastery of installation management, extensive expertise on the Department of Defense Base Realignment and Closure Program, and tactical expertise in the combat support disciplines combined to promote Fort Leonard Wood as a TRADOC hub and future center for maneuver support training and combat developments and to consolidate the engineer, military police and chemical schools at Fort Leonard Wood. This exceptional vision and drive has ensured that Fort Leonard Wood will be a premier Force XXI Army Training Center.

General Ballard's accomplishments during his command of the Engineer Center at Fort Leonard Wood are in keeping with the finest traditions of military service and reflect great credit upon him, the corps of engineers, and the U.S. Army. I wish him well in his new assignment as Chief of Staff of TRADOC. He and his wife Tessie made scores of friends in Missouri and we will miss them.

IN HONOR OF THE 100TH ANNIVERSARY OF THE HOUSTON FIRE DEPARTMENT

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 1995

Mr. BENTSEN. Mr. Speaker, I rise today to honor the Houston Fire Department on its 100th anniversary and to salute these brave men and women who have served the city of Houston so well.

The full-time Houston Fire Department began at 1 minute past midnight on June 1, 1895 with 44 men and 40 horses in 7 stations to serve Houston's 9 square miles. Only 32,000 people lived in Houston, and downtown was just a few square blocks. Today, the department employs 3,115 firefighters in 81 stations that serve 1.65 million people who live throughout Houston's 594 square miles.

Today, Houston has the third largest fire department in the Nation, and its emergency medical service ambulance division is recognized as one of the Nation's best for trauma care. The department's hazardous materials response team is also among the world's most experienced in handling petrochemical leaks, spills, and incidents.

We seldom think of firefighters unless we hear a screaming siren or see the flashing light of a fire engine. But the fact that we don't think often about firefighters is a testament to how well they do their job—we comfortably go about our everyday lives because we know that these dedicated people stand ready to respond quickly and effectively in an emergency.

So it is appropriate to mark this anniversary by thanking those who provide us with this everyday security and who stand ready to risk their lives to protect us. Much of firefighting is undramatic—keeping equipment in condition, teaching fire prevention, anticipating causes of fire. But a life-and-death emergency is always only a 911 call away, and firefighters and their families live with that constant risk. For that, we say thank you.

It is especially appropriate that the Houston Fire Museum, is sponsoring a celebration to honor these men and women for their 100 years of dedication and service. And I congratulate the museum on the service it provides in honoring firefighters and educating the public about the importance of fire safety and the history of the fire service.

Again, I would like to congratulate the Houston Fire Department and the men and women who have dedicated themselves to serving others. For 100 years, they have kept the city of Houston safe.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

A NOT-SO-HAPPY BIRTHDAY FOR MEDICARE

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 1995

Mr. FILNER. Mr. Speaker, I rise today to celebrate the 30th anniversary of the Medicare Program—a program that has successfully provided much-needed health care benefits to millions of older Americans.

Unfortunately, there is a very dark side to this week's celebration. Medicare is under attack, and the new majority threatens to make deep and dangerous cuts in this critical program.

Their disdain for the Medicare system is not new. These are the same uncaring folks who 30 years ago claimed that Medicare was socialized medicine. The same people who fought every expansion of the program. The same people who last year, given the chance to save our health care system, said there was no crisis.

And now, the new majority has targeted Medicare to pay for their tax cuts for the wealthy. In return, 37 million seniors—people who have worked hard, paid their taxes all their life—will see their Medicare benefits slashed and their quality of care eroded.

Dipping into Medicare to make up for an unrelated tax cut is quite simply an outrage. Medicare is a sacred compact with America's seniors—not a fiscal candy jar.

Next year when we celebrate Medicare's anniversary, I want to be able to look seniors straight in the eye and say "yes, we have kept our word, and we have honored the compact we made with you."

I know I'll keep my promise and I hope a new, new majority will do the same.

TRIBUTE TO CARLY JARMON

HON. MARTIN FROST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 1995

Mr. FROST. Mr. Speaker, I would like to take this opportunity to recognize the 1995 Miss Texas, Carly Jarmon. I am pleased that Ms. Jarmon, representing the Oak Cliff area in my congressional district, will be competing in the Miss America Pageant in September.

Miss Jarmon is currently a sophomore at Texas Tech University in Lubbock where she is a public relations-advertising major. Upon graduation, Miss Jarmon hopes to become a public relations advocate for charitable and nonprofit organizations.

A volunteer at Methodist Medical Center, Miss Jarmon has chosen organ and tissue donation awareness as the focus for her year of service as Miss Texas. Her "Circle of Life" message will be spread across the State of Texas, where she will speak to over 300,000 children and adults about the importance of organ donation.

This talented young woman is not only an inspiration to the residents of Oak Cliff, but she is also a great inspiration for the many Texans who will be cheering for her during the Miss America Pageant. I would like to take this opportunity to congratulate Miss Jarmon on her recent accomplishment, and I would also like to wish her lots of luck as she vies for the crown of Miss America 1995.

IN RECOGNITION OF JOHNSON CHESTNUT WHITTAKER

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 1995

Mr. STOKES. Mr. Speaker, I rise today to pay tribute to Johnson Chestnut Whittaker. This individual, one of the first black cadets to attend West Point, was posthumously commissioned as a second lieutenant by President Clinton in a White House ceremony earlier this week. The road to achieving this high honor has been long and arduous for the descendants of this distinguished American.

Many of us have followed closely recent press stories which detail a shameful incident in our Nation's history. In 1880, Johnson Chestnut Whittaker, a black West Point cadet, was found beaten and unconscious in his room. Although his legs had been tied and his face and hands were slashed, West Point administrators falsely accused Johnson of staging a racist attack on himself. Following a court martial in 1881, Johnson Chestnut Whittaker was expelled from the institution.

Mr. Speaker, despite the grave injustice which he suffered at West Point, Johnson Chestnut Whittaker persevered and made great achievements. During his lifetime he practiced law, served as a high school principal, and taught psychology. Johnson Whittaker died in 1931, never realizing that one day, his descendants would stand proudly to receive the rank and honor which was never afforded him by West Point.

One hundred and fifteen years following the West Point incident, and 64 years after the death of Johnson Chestnut Whittaker, his granddaughter, Cecil Whittaker Pequette, received the gold-plated bars from President Clinton, posthumously commissioning him as a second lieutenant. In his remarks at the White House ceremony, President Clinton noted that, "We cannot undo history. But today, finally, we can pay tribute to a great American and we can acknowledge a great injustice."

Mr. Speaker, I am certain that many in this Chamber share the President's sentiments. I offer my heartfelt appreciation to Cecil Whittaker Pequette and other members of the Whittaker family for their unyielding pursuit of justice. We pause today in this Chamber to pay special tribute to 2d Lt. Johnson Chestnut Whittaker.

HONORING KOREAN VETERANS

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 1995

Ms. DELAURO. Mr. Speaker, today Americans everywhere will turn their attention to our Nation's Capital and pay long-overdue tribute to those who fought and lost their lives in Korea. The monument being dedicated today in Washington is a proud symbol of our gratitude for the efforts of the American men and women who proudly served our country in Korea.

I cannot help but feel the emotion as I talk to Korean war vets from Connecticut who have come to the Capital for this solemn occasion. They are here today to honor their friends and comrades who gave their lives for their country.

Freedom, democracy, and opportunity—these are the foundations of our society. These ideals are what set America apart, but too often, we take them for granted. We must never forget that our freedom was achieved, and has been maintained, at a cost. Countless American men and women have put their lives on the line to uphold and defend these guiding principles.

This national monument recognizing men and women who so bravely served our country in Korea, is long overdue. While the soldiers who fought in World War II and in Vietnam have rightfully been recognized with national memorials, the Korean veterans have not. Today, our Korean vets are finally getting the national recognition that they too deserve.

I salute our Korean war veterans for the contributions that they have made to this great country of ours. This memorial marks a milestone as we begin to pay the debt of honor owed those Americans who lost their lives in Korea.

TRIBUTE TO DR. CARL S. CLEVELAND, JR.

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 1995

Mr. SKELTON. Mr. Speaker, today, I wish to pay tribute to Dr. Carl S. Cleveland, Jr., of Kansas City, MO. Dr. Cleveland, Jr., who was known worldwide as a chiropractic lecturer, passed away at the age of 77, at his home in Kansas City. At the time of his death he was serving as chancellor of the Cleveland Chiropractic College of Kansas City and Los Angeles.

Dr. Cleveland, Jr., served as president of the Cleveland Chiropractic College of Kansas City and of Los Angeles, before being appointed chancellor. He also served as chairman of the Board of Directors of the Unity Temple. Dr. Cleveland, Jr., was a graduate of the University of Nebraska and the Cleveland Chiropractic College.

Dr. Cleveland, Jr., was an institutional member of the Council on Chiropractic Education, and a founding member of the Beta Chi Rho Fraternity. He was also a member of the Association of Chiropractic Colleges and the Sigma Chi Fraternity.

Dr. Cleveland, Jr., is survived by his son, Dr. Carl S. Cleveland III, his daughter-in-law, five grandchildren, and his sister-in-law. He will be remembered by all who knew him, as an outstanding citizen of Missouri and the United States.

KURDS IN TURKEY: THE TRUE STORY

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 1995

Mr. BURTON of Indiana. Mr. Speaker, the relationship between Turkey, its Kurdish population, and the PKK—the Kurdistan Workers Party—is greatly misunderstood. Contrary to what Turkey's critics in the United States Congress would like the rest of the world to believe, Turkey's Kurdish population is not oppressed by the Government. In fact, the Turkish Constitution provides that all citizens, including Kurds, have the same political rights and civil liberties which they may exercise equally, without impediment, regardless of ethnic or religious background.

Turkish citizens of Kurdish origin live freely throughout Turkey, and participate in all walks of life without discrimination. Kurds are doctors, lawyers, teachers, and artists. This is an important fact that is widely misunderstood. Twenty-five percent of the Turkish Parliament is composed of Kurdish Turks, even though only 18 percent of the general population is Kurdish. Turkey's Deputy Prime Minister is Kurdish. Even Turkey's former President Turgut Ozal was Kurdish.

In addition, Turkey works to protect the livelihood of Kurds in northern Iraq. When Saddam Hussein attacked his own Kurdish citizens with poisonous gas years before the gulf war, Turkey opened its doors and clothed, fed, and sheltered them until it was safe for them to return to their homes. After the gulf war, Turkey again accepted half a million Kurds fleeing from Saddam Hussein's tyranny. Today, Turkey hosts Operation Provide Comfort, the international effort which operates from Turkish bases to protect Iraqi Kurds.

These facts, however, are overshadowed by Turkey's fight against the PKK—Kurdistan Workers Party—a Marxist-Leninist terrorist group that is supported by Iran, Iraq, and Syria. Western societies fail to understand that the Kurds now fighting against Turkey are not the same Kurds suffering under the brutality of Saddam Hussein. Although the Kurdish people of Turkey have little sympathy for the PKK, the PKK has the audacity to claim that it represents the Kurdish people.

Another little-known fact about PKK terrorists is that they are not all Kurds. The PKK ranks include mercenaries and the unemployed from a host of other countries. The only support it receives from within Turkey, it extorts from innocent Kurdish businesses. The PKK is only able to continue its war against Turkey by maintaining bases outside of Turkey, such as one in Syria's Bekaa Valley, and training with other extremist organizations. Not only is the PKK unrepresentative of the true aspirations of the Kurdish people, but its goal of "freeing the Kurdish people" is ironic when one considers what the PKK is ultimately seeking to accomplish: To set up an independent Kurdistan State based on Marxist-Leninist ideology. Such a Marxist-Leninist State would endanger the lives of many Turks and Kurdish Turks living in the region and threaten peace and stability throughout the entire Middle East.

Since its inception in 1984, the PKK has based its operations on intimidation. To force its ideology upon the masses, the PKK uses an extensive policy of oppression, and forces villagers, both Turks and Kurdish Turks, who are loyal to the State, to vacate their villages and move elsewhere. It has killed thousands of civilians, many of whom are the same Kurds that the PKK claims to represent, while sabotaging economic development projects that would assist in the strengthening of democracy in Turkey. It has also extorted money from the Kurds. Those who resist are murdered in groups. Their houses are burnt, and their harvests and livestock are destroyed. It is absurd to say that the PKK is an organization waging an armed struggle for the freedom of the Kurdish people.

What we are dealing with is a group that could seriously undermine the future of democracy in Turkey. It has defied the laws that are designed to promote economic opportunity and preserve law and order, in a democratic society that respects the rights and freedoms of all people in the region. Supporting a strong democratic Turkey in a generally volatile region has long been regarded as important to the United States. Therefore, it is in the interest of the United States to support Turkey's policies to combat PKK terrorism. It is not correct, however, to target Turkey's fight against terrorists like the PKK as a sign of democracy in danger. On the contrary, true danger would be signified if a democratic government were unwilling to protect its country's territorial integrity or its citizens' human rights from the inhuman measures of a terrorist organization.

By conditioning and threatening to cut off aid to Turkey, the United States is undermining a democratic government that is only seeking to protect its citizens and its territorial integrity. It is especially counterproductive to condemn Turkey's policies at this critical juncture when the Turkish Parliament is considering a series of constitutional reforms to bring Turkey's laws in line with those of the European Union, and just recently approved a 6-month extension of Operation Comfort to provide relief to Iraqi Kurds in northern Iraq. In order to promote Turkish democracy, the United States should support Prime Minister Ciller in her efforts to fight PKK terrorism and improve democracy. The Turkish people deserve the support of their democratic allies in the face of PKK intimidation.

VOTE FRAUD IN AMERICA

HON. ROBERT L. EHRLICH, JR.

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 1995

Mr. EHRLICH. Mr. Speaker, yesterday the House Oversight Committee held its first hearing on vote fraud in America, geared primarily to the Federal motor-voter law. Officials and advocates from around the country spoke of abuses and misconduct during the balloting process. In California, witnesses testified noncitizens regularly voted, as did a 5-year-old child and a dog. In Alabama, witnesses reported three briefcases containing 1,100 completed absentee ballots were hand carried to an election board on election day. These and similar incidents impugn the integrity of this country's election process.

This issue is particularly important to me in light of allegations of electoral abuse and official misconduct in Maryland during the last gubernatorial election, which was decided by a record slim margin of several thousand votes. Concerned citizens from around the State began to investigate widespread reported irregularities the day following the election.

Besides problems with extremely lax voting booth security, these investigations determined 34,000 voters were not purged in Baltimore City in 1994 prior to the elections as required by law.

The Baltimore City election supervisor was reminded by a deputy 7 months prior to the election that the purge had not been conducted. It was never done, and that fact appears to have been concealed from city and State election officials. The enormous implications of this official malfeasance is apparent from the following sample facts about the November election:

A computer analysis done of total vote counts for each of the 408 precincts in Baltimore City using the Baltimore City Election Board electronic tape of registered voters and the certified list of votes cast on election day forwarded to the State board of elections revealed 5,929 more votes were cast in the election than individuals recorded as having appeared to have voted at the polls or by absentee ballot.

Another analysis was done comparing the same electronic tape of registered voters in Baltimore City with records of abandoned houses provided by the city housing commission. This revealed a total of 667 votes cast in the election. Furthermore, 1,881 votes were cast from houses owned by either the mayor and city council of Baltimore or the city housing authority. There is compelling evidence that a total of as many as 2,548 votes were cast from abandoned or unoccupied buildings. Where did these voters live?

Deceased voters still exercised their right to vote. Analysis of voter authority cards, precinct binder printouts, and requests for absentee ballots revealed that a possible total of 42 votes were cast by people no longer living.

Was their a direct correlation between the failure to purge and these terrible statistics? I think there was. So did State election board officials. After these facts were discovered, the State election board made a bipartisan call for the purge to be conducted after the fact to correct the previous mistake.

Let me reiterate, the State board of elections consisting of three Democrats and three Republicans wanted the purge done to prevent similar problems in the future.

Instead, the State attorney general's office represented the city election board against the State election board and convinced the court to retroactively apply the motor-voter law in order to prevent any purges from being conducted.

This is not the purpose for which the motor voter law was designed. Clearly, we in Congress are concerned that similar problems are not repeated in any State or Federal elections.

Problems such as those encountered in Maryland should be corrected immediately. Vigorous investigation must be conducted to determine if there was any fraud or official misconduct. If there is evidence of such behavior, it should be prosecuted to the fullest extent possible. It should not and must not be condoned or ignored using the cloak of law applied retroactively.

Mr. Speaker, in an election there is no such thing as a little fraud. Such behavior attacks the very foundation of our society because it destroys the fundamental trust between voters and their elected government. To tolerate such abuse or circumvent the laws designed to protect the sanctity of the citizens right to vote by any means possible will only make Americans more cynical and disinterested. In Maryland, we must not let this situation happen again.

EMPLOYEE LEGISLATION

HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 1995

Mr. RADANOVICH. Mr. Speaker, today I am introducing legislation that will resolve an issue of great concern to employees of our Nation's community colleges.

Under current Labor Department interpretation of the Fair Labor Standards Act, classified employees of community colleges—instructional aides, bus drivers, groundskeepers, and other school support personnel—are prevented from pursuing an expanded role as instructors.

Many classified employees earn academic certification in order to teach certain courses at the community college where they are employed. Unfortunately, current law makes it cost-prohibitive for community colleges to allow these employees to each in addition to their regular duties.

The legislation I am introducing today will allow classified employees of community colleges to teach, in addition to their regular duties, without violating the overtime provisions of the Fair Labor Standards Act.

The Department of Labor's requirement that classified employees must be paid a blended overtime rate that reflects both their compensation for their full-time work in a classified capacity and the higher rate as instructors makes the use of these workers impractical.

If these employees were paid a time-and-a-half overtime rate computed solely on their classified wage, the costs would diminish substantially and community colleges would be able to utilize these workers, who already have a commitment to education and want to pursue an expanded role as instructors.

My bill has been endorsed by the California School Employees Association and the American Association of Classified School Employees.

I urge my colleagues to join me and the cosponsors of this bill in supporting this much needed change in the law.

TRIBUTE TO THE WORLD LEAGUE FOR FREEDOM AND DEMOCRACY

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 1995

Mr. PAYNE of New Jersey. Mr. Speaker, I would like to ask my colleagues to join me in acknowledging the many accomplishments of the World League for Freedom and Democracy [WLFD] in its 40 years of existence. The World League for Freedom and Democracy is an international organization comprised of some 137 member nations whose primary goal has been to promote the principles of democratic forms of government, free enterprise, and human rights among all people of the world. WLFD has long been an advocate of worldwide democracy, monitoring various parts of the world to ensure that human rights are upheld.

WLFD should be commended for being a strong voice for the principles of universal political freedom and the rights and responsibilities of the democratic process for all citizens of a country. WLFD, along with the United Nations, was formed with the intent of maintaining a peaceful dialog between nations and stabilizing relations between sovereign governments.

This year, WLFD is holding its 27th annual conference at the United Nations. I am honored to participate in WLFD's dinner to welcome the over 250 delegates attending the U.N. conference from over 50 countries, including the Presidents of Costa Rica and Fiji. It is also with great pride that I was chosen to share my experiences and lend my support to the continuing struggle to secure human rights in all parts of the world.

Mr. Speaker, I urge my colleagues to join me in paying tribute to the WLFD as they continue their crucial mission, because the fight for freeom and democracy serves in the interests of all humanity.

TRIBUTE TO EDDIE DEE SMITH

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 1995

Mr. CALVERT. Mr. Speaker, one of the things that makes America great is the fact that in towns and cities across the face of our country there are citizens who are willing to step forward and dedicate their talents and energies to make life better for their friends and neighbors. Riverside County has been fortunate to have many such citizens. Men and women who have given freely of themselves so that our beautiful area in southern California will continue to be a desirable place to live for generations to come. Mrs. Eddie Dee Smith is one of these exceptional citizens.

A ceremony is scheduled on August 5 to rededicate the Rubidoux Senior Center as the Eddie Dee Smith Senior Center.

The North Rubidoux Women's Club, founded in Smith's home in 1954, was the driving force in getting the center established. Eddie Dee Smith was the club's founding vice president. She was also the senior center's director from 1977 to 1981.

Eddie Dee Smith has always been at the forefront of Rubidoux's advancement. She was a founder of the Mount Calvary Baptist Church, the Mount Vernon Baptist Church, the Rubidoux Senior Center, head of the Jurupa Area Girl Scouts, member of the Avalon Park Committee, regent of the Jensen-Alvarado Ranch, president of the Jurupa Democrat Club, and 1993 Jurupa Chamber of Commerce citizen of the year.

On behalf of the many people whose lives this remarkable woman has touched, I would like to add my personal congratulations, and the thanks of the people of the 43d Congressional District.

CELEBRATING UNITED STATES-REPUBLIC OF KOREA PARTNERSHIP AND THE STATE VISIT OF PRESIDENT KIM YONG-SAM

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 1995

Mr. BEREUTER. Mr. Speaker, the long United States partnership with the Republic of Korea spanning nearly five decades will be celebrated this week in two major events. The first is the visit of South Korea's democratically elected President, Kim Yong-sam, and his address today to a joint session of Congress. The second will be the dedication of the long-awaited Korean War Memorial. It is a great pleasure to have President Kim here with us, and a source of immense satisfaction that those who fought our most forgotten war are finally being appropriately remembered and honored. Meanwhile, South Korea has emerged as a robust industrial power and a fully functioning democracy, and a steadfast United States friend.

CELEBRATING SOUTH KOREA'S DEMOCRACY

How South Korea moved with United States encouragement into the family of democratic nations, and the pivotal role played by President Kim, deserves reiteration.

In 1987, South Korea began a transition to democracy after 26 years of military-dominated governments. A new constitution was adopted, and free elections for President and a National Assembly subsequently were held.

President Kim Yong-sam had fought for a democratic South Korea since the 1960's. He had endured constant harassments and periods of confinement from the military-dominated regimes. Elected President in December 1992, Kim Yong-sam is the first South Korean leader since 1961 from a purely civilian background.

STRENGTH OF UNITED STATES-REPUBLIC OF KOREA SECURITY TIES

United States-Republic of Korea security relations were forged in blood during the Korean war and formally established in 1953. The dedication of the Korean war memorial during President Kim's visit to Washington symbolizes the long, intimate United States-Republic of Korea security relationship, including participation in the Korean and Vietnam wars.

The United States stations 37,000 troops in South Korea as the embodiment of its defense commitment to South Korea. These and other United States forces stationed in the western Pacific area are an essential element in maintaining stability in the Asia-Pacific region and in ensuring that North Korea will never dare to attack the South.

THREAT POSED BY NORTH KOREA

At present, our security relationship faces its strongest test in dealing with the nuclear threat posed by North Korea. South Korea has supported the United States-North Korean agreed framework despite the mixed impact the agreed framework has on North Korea-South Korea relations and the security situation on the Korean peninsula. This commitment includes up to $3 billion to finance the light-water reactor project.

Analysts contend that North Korea views the agreed framework as a window of opportunity to isolate South Korea diplomatically, divide South Korea and the United States, and draw the United States into a bilateral peace agreement. I am committed to seeing that this does not happen. This issue has been addressed in House Joint Resolution 83, the first legislation reported out by the Subcommittee on Asia and the Pacific since I became chairman in January. The resolution has been reported out favorably by the full House International Relations Committee.

I am confident that this statement of congressional policy can materially assist the administration in removing any illusions that North Korea might entertain about American determination to demand full adherence to the essential provisions of the accord—if they properly use this expression of congressional views.

UNITED STATES-SOUTH KOREAN TRADE RELATIONS

South Korea has grown during the past decade as a market for United States exports. In recent years trade has become increasingly more balanced. Between 1985 and the end of 1994 United States exports tripled to $18 billion, while our imports of South Korean goods doubled. The United States had a relatively small $2 billion trade deficit with South Korea in 1994 on total trade of $38 billion. Thus far during 1995 the United States enjoys a surplus.

South Korea has taken steps to remove many barriers to imports and otherwise to improve the environment for foreign trade and investment. During the past 5 years the Republic of Korea Government has significantly lowered import tariffs and has liberalized its import licensing regime to permit a greater range of products to enter the country unimpeded.

South Korea also has been one of the most important countries supporting the 18-member Asia-Pacific Economic Cooperation [APEC] organization.

Problems remain in United States-South Korean economic relations, for instance in discriminatory treatment of automobile imports, and in the use of standards, certification, and testing requirements to discriminate against foreign goods, especially agricultural products.

Mr. Speaker, I remain persuaded that these and other problems can be resolved and that both our political, security, and economic ties will continue to grow and flourish. It is a privilege to play a role in welcoming President Kim Yong-sam to Washington.

QUESTIONABLE NATIONAL FISH AND WILDLIFE FOUNDATION GRANTS AWARDED IN OREGON

HON. WES COOLEY

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 1995

Mr. COOLEY. Mr. Speaker, I rise today to recognize the exhaustive and very professional research done by my constituents Bob and Sharon Beck and the Oregon Cattlemen's Association regarding how environmental groups receiving Federal funding engage in political advocacy which threatens the survival of ranchers and other public land users.

Oregon ranchers are painfully aware that certain environmental groups have an agenda which includes putting them out of business. Unfortunately, Pacific Rivers Council and Waterwatch of Oregon, Inc.—two of the more radical and litigious of these groups—have received substantial Federal grants from the National Fish and Wildlife Foundation [NFWF].

Although NFWF maintains it places restrictions against grantees using Federal funds for lobbying and litigation, at the very least these Federal funds free up other resources for these environmental groups to use for political advocacy.

As my colleagues are well aware, this problem has extended far beyond the NFWF to many other nonprofit groups that receive Federal funds. Representatives MCINTOSH, ISTOOK, and EHRLICH have documented many horror stories in this regard and intend to offer an amendment to the Labor-HHS appropriations bill to limit this abuse of taxpayers dollars. I strongly support their efforts and hope similar amendments are adopted to all appropriations bills.

Although I believe the NFWF should have its Federal funding terminated, the Interior appropriations bill—H.R. 1977—contained $4 million for the NFWF for fiscal year 1996. However, I am encouraged that the committee report—House Report 104–173—accompanying this bill clearly states that fiscal year 1996 is the last year for Federal funding of NFWF. It is imperative to ranchers like Bob and Sharon Beck that this Federal funding be terminated as the committee report promises.

I would urge my colleagues to read the following articles from Beef Today, the Chicago Tribune, and the Washington Times on how Federal funds from the National Fish and Wildlife Foundation are used for lobbying and litigation by environmental groups.

[From Beef Today, June-July 1995]

WEST SIDE STORY

(By Patricia Peak Klintberg)

In the high country above Oregon's Grande Ronde Valley, an occasional spray of daffodils or crocuses is all that remains of homesteads now long gone. It is in the valley below that one finds ranchers like Bob and Sharon Beck, offspring of the hardiest pioneers.

Though they thrive in this emerald valley, criss-crossed with creeks brim-full in spring, the battle they fight today is just as dangerous, and infinitely more complex, than their ancestors' struggles against the elements.

"The agenda of some environmental groups in this state is to put us out of business," says a no-nonsense Sharon Beck.

The groups deny this charge. But the cumulative effects of the litigation they bring—and even of their well-meaning projects—is to raise the cost of doing business for public-lands ranchers. This is a story about how environmental groups prosper by tapping into endless sources of funding—some of it straight from taxpayers.

Consider the Eugene-based Pacific Rivers Council (PRC). This is the group behind last July's injunction halting all ongoing activities that could affect salmon in Oregon's Umatilla and Wallowa-Whitman national forests, where the Becks are permittees.

"We were out of town and read about it in the newspaper," recalls Sharon Beck. "We were stunned. Our cattle were in the forest." Ultimately, the Forest Service ordered cattle removed from some allotments. The experience burned the Becks and others as permanently as a brand. "We realized just how precarious our position is," says Beck.

Bob Doppelt, PRC's general counsel, defends the suit: "We were only trying to get the Forest Service to do a good job. They were allowing timber sales without consulting with the National Marine Fisheries Service [NMFS]." PRC's suit charged that the Forest Service violated the Endangered Species Act by failing to consult with NMFS on its overall 1990 forest plan. Instead, the Forest Service checked with NMFS before approving individual projects—logging, road repairs or whatever. Last month, the Supreme Court agreed with PRC that the Endangered Species Act requires more than a project-by-project consultation.

The Forest Service, meantime, has completed the consultation in question—but under the Endangered Species Act, which requires the loser to pay the costs of lawsuits, it must reimburse the Sierra Club Legal Defense Fund for the costs of its legal fight on behalf of PRC. To say the Forest Service must foot the bill, of course, is another way of saying that the taxpayer must. Though the amount for this case is not established, the group has received "about $2 million" in attorneys' fees from the federal government in the past two years, says Buck Parker, a defense fund vice president.

The fight cost Oregon public-lands ranchers $39,000 in legal fees. Since the Forest Service completed the consultation sought by PRC before the lawsuit was even decided, "All it did was cost the government and us a lot of money," says Beck.

Sharon and Bob Beck have a stake in what happens here. Their cow-calf operation lies in this nearly flat 150,000-acre valley, which is planted to grass and crops as diverse as coriander and sugar beets. The whole is surrounded by mountains. While water is abundant in spring, this is high country some 2,500′ above sea level. Pastures can become parched in summer, so cattle are moved to the forest in May.

"To us the land is everything. It is our connection with our history and our connection with our future," Sharon Beck says.

Bob's great-grandfather led a wagon train to western Oregon. Sharon was born here, surrounded by reminders of her ancestors. The front door is Carolina poplar, the tree Sharon's grandmother nurtured with leftover wash water. With their two daughters grown and gone and son Rob farming 14 crops on hundreds of acres of arable land, Bob handles the cattle while Sharon delves ever deeper into the tangled web of local environmental group financing.

Teamed with Oregon Cattlemen's Association attorney Lindsay Slater, she discovered that PRC was receiving grant money from the National Fish and Wildlife Foundation (NFWF). Indeed, 75% of PRC's funding in 1994 came not from individuals but foundations. What's unique about NFWF among foundations, though, is that a third of its funding—millions of dollars—comes from taxpayers (see sidebar).

Slater lays out the irony neatly: "Here was a foundation giving taxpayer dollars to a group that then turned around and sued the federal government."

Slater obtained a list of all NFWF grants made to groups in Oregon since 1988—$9.3 million worth. While NFWF staff prepared to come to Oregon to meet with the cattlemen, Sharon Beck spotted two troublesome grants.

The first was a $180,000 grant to PRC for a project dubbed "Salmon Safe." Though this grant had nothing to do with the earlier lawsuit, it was not lost on Beck and Slater that such funding keeps PRC flush, enabling it to pursue litigation.

Just as bad, the Salmon Safe project seemed unnecessary. The idea was to create a green label for ranches that participate in PRC projects to improve riparian habitat. But the Oregon Cattlemen's Association routinely conducts watershed workshops with university scientists who bring cattlemen the latest in riparian and range management. "NFWF just throws the money out there and never looks back," says Beck. At the meeting with NFWF staff in January, the cattlemen convinced them the project couldn't fly.

"The Pacific Rivers lawsuit took us by surprise," admits NFWF's Krishna Roy. "It is not something where we would necessarily have turned down the grant if we'd known they were suing someone else, but we have to keep it in mind in determining whether a project can be successful." The federal portion of the grant, $60,000, has been frozen.

"We contacted PRC," Roy says, "and said, Look, we are not going to dispense any federal funds until we are satisfied that private landowners are willing to participate in this program and that it can work."

PRC isn't worried. Doppelt says, "Whether NFWF gives us money or not, it won't stop us." Cattlemen need "to get real. It's a sad thing to see them spin their wheels and look for scapegoats. The world has fundamentally changed and they don't like it."

The second grant that caught Sharon Beck's eye was to another local group suing ranchers: Water Watch of Oregon, Inc. In 1992, NFWF gave the group $201,674, $62,903 of it federal funds. The money "supported" an effort to remove the Savage Rapids Dam on the Rogue River. The turn-of-the-century dam supplies irrigation water and recreation and recharges wells. Sharon Beck initially thought the grant might be a positive example of NFWF's work—but then she talked to local people like Jack Waldon, who runs a small newspaper, The Little Company.

"This isn't about saving the salmon, it's about who controls the water," says Waldon. "Taking the dam out will affect people's water rights. If they were worried about the salmon, the town would stop using the Rogue River for sewage treated with chlorine."

Attorney later checked out Water Watch and confirmed that it has objected to every proposed water right in Oregon. Fighting these objections costs farmers and ranchers time and money.

NFWF's Whit Fosburgh argues the grant is justified: "The dam's a big fish killer and it's going to be a tremendous expense to bring it up to specifications," he says. But spring chinook salmon runs on the Rogue are 25% larger than they were a year ago, according to the Oregon Fish and Wildlife Department.

"I went back 30 years, and I couldn't find a higher count at this time," says district biologist Mike Evenson.

As for the argument that fixing the dam would be hugely expensive—the federal government says it would cost millions—Emerson Roller, a contractor for 45 years who lives in the area, says the fish ladders on the dam could be repaired for $100,000. "It needs maintenance. If they use common sense they can probably fix it for less.

"Why not use NFWF's money to fix the ladders?" asked Waldon, who by now believes the effort to take down the dam is tinged with conspiracy.

"NFWF never came to Oregon before making the grant," says Sharon Beck. "They never talked to anyone in the community. They just gave them the money to take out the dam. There is no accountability."

Well, there wasn't—but now there is. As a result of Slater's deft work and some pressure from the district's Rep. Wes Cooley (R-Ore.) and Idaho's Rep. Helen Chenoweth (R), NFWF has been responsive indeed. It will now ask grant applicants if they are parties to litigation, and allow the Oregon Cattlemen's Association to review grant applications for projects in the state. Other states can make the same request.

Nevertheless, Chenoweth wants all federal funding for NFWF ended. Other members of Congress are reluctant to go that far, but with pressure to cut the deficit building, the President's request for NFWF federal funding of $7.5 million may be in jeopardy. It certainly wouldn't break the environmental movement: In 1992, 379 foundations gave $356 million to environmental and animal causes. Because of the federal funding it receives, NFWF is not included in this count. It is considered a "public" charity.

[From the Chicago Tribune, July 1, 1995]

NON-PROFIT GROUPS' FUNDS UNDER FIRE

(By Patricia Peak Klintberg)

COVE, ORE.—What really galled Sharon Beck was when she learned that her tax dollars were hard at work. Against her.

She and her husband, Bob, raised cattle in the Grande Ronde Valley. While their cattle graze at the ranch in spring, they are moved to public forest land during the summer's dry months.

A year ago, a local environmental group went to court to protect endangered salmon, and that action almost forced the Becks' cattle off the forest land.

What the Becks didn't find out until later was that their own tax dollars partly funded the group.

Their experience is not unique. Thousands of non-profit groups that receive taxpayer funds lobby and participate in litigation. So common is the practice that freshman Rep. David McIntosh (R-Ind.) held a congressional hearing this week to investigate.

Some 600,000 non-profits or charities, ranging from hospitals to cultural centers, received $159 billion in federal funds in 1992, according to Independent Sector, a coalition of 800 non-profits.

McIntosh says he is interested in all non-profits that use taxpayer dollars to lobby and litigate on the local or national level.

"Whether it's the Nature Conservancy on the left or local Chambers of Commerce on the right, if special interest are using taxpayer money to lobby for more money, it's just plain wrong," said McIntosh, chairman of the House regulatory affairs subcommittee.

Rep. Henry Waxman (D-Calif.) accused McIntosh of engaging in a "systematic effort to silence voices that disagree with the new Republican majority."

McIntosh replied: "We are not trying to silence them. We are just not going to give them taxpayer money to exercise their free-speech rights."

Among his targets is the National Fish and Wildlife Foundation, the group the Becks discovered was helping fund local environmental groups in Oregon.

Congress created the foundation in 1984 to finance public and private partnerships for conservation projects. It is authorized to receive $25 million a year in federal funds, although appropriations have never exceeded $10 million in a year.

The federal money is given as a "challenge" grant, which means private contributions must match the federal portion of the grant.

The foundation is barred by law from lobbying. Yet in a letter last March, its deputy director, Barbara Cairns, asked board members to contact certain members of Congress to save the National Biological Service from budget cuts.

It also is barred from litigating. But according to Lindsay Slater, an attorney for the Oregon Cattlemen's Association, it has given grants to groups that do.

While environmental groups are a particular target of congressional budget cutters, they are not the only non-profits that lobby and litigate while receiving taxpayer dollars. The American Bar Association received $9.5 million in federal funds in 1992. Local Chambers of Commerce received $2 million over the past two years.

The lawsuit that threatened to disrupt the Becks' cattle operation was brought by the Eugene-based Pacific Rivers Council, which received a $160,000 grant from the National Fish and Wildlife Foundation, $60,000 of that from taxpayer money.

The suit charged that the Forest Service violated the law because it failed to consult with the National Marine Fisheries Service on its overall forest management plan. Instead, the Forest Service had been checking with the agency before approving individual projects, such as logging or road repair.

In May, the Supreme Court upheld the decision of a lower court, agreeing that the Endangered Species Act requires more of the Forest Service than a project-by-project consultation.

In the end, the Becks' cattle were able to remain in the forest. But the Becks and other Oregon ranchers whose cattle graze on public land had to lay out $39,000 in legal fees to fight the injunction.

The Becks are further angered that, as taxpayers they must also help foot the legal bills of the Pacific River Council: The council's legal team will be reimbursed by taxpayers because the Endangered Species Act requires losers—in this case, the Forest Service—to pay.

Said Slater: "Here was a foundation giving taxpayer dollars to a group that then turned around and sued the federal government."

The foundation grant to the Pacific Rivers Council was for a project that was unrelated to the lawsuit. But it helped keep the council "flush" so it could pursue litigation, Slater said.

"The PRC lawsuit took us by surprise," admitted Krishna Roy of the National Fish and Wildlife Foundation. It is not something where we would necessarily have turned down the grant if we'd known they were suing someone, but we have to keep it in mind in determining whether a project can be successful."

The foundation has since agreed to ask grant applicants if they are parties to litigation, and it will allow the Oregon Cattlemen's Association to review grant applications for projects in the state.

But the Interior Department appropriations bill approved by a House panel Tuesday cuts the foundation's funds to $4 million in fiscal 1996 and recommends eliminating it altogether in 1997.

House Resources Committee Chairman Don Young (R-Alaska) said he has supported the Fish and Wildlife Foundation in the past, "but they ought to be spending their money on wildlife projects, not funding our adversaries."

[From the Washington Times, Feb. 18, 1995]

WHY ENVIRONMENTAL FUNDING IS FOREVER

(By Alston Chase)

If you've wondered why it's so hard to reduce government spending, consider this: The whole country is on the dole. The poor have welfare. The middle class has college loans and National Public Radio. And the truly affluent enjoys handouts too. These are called "environmental," but you can think of them as pork.

This is worth keeping in mind as we watch Republicans try to reform preservation policy. GOP bean-counters promise to make welfare mothers and Sesame Streeters work for a living. Federal monies to both should be scrapped, they insist, because welfare doesn't work and public broadcasting does. One wastes public money, and the other can do without it.

But while many preservation programs are both wasteful and redundant, congressional cheese-parers have left them alone. And the reason isn't hard to find: The bureaucrats who run preservation agencies are smarter than their Hill adversaries. They know that merely speaking the magic words "private enterprise" reduces the most frugal GOP lawmaking to an oozing puddle of acquiescence.

Ever since the November Republican landslide, Beltway empire builders have been heavily playing this card. Quicker than you can say "Enola Gay," they have switched political sides, magically remaking their images from collectivist ecosystem groupies into staunch free-market libertarians. And conservatives are falling for it.

Such, for example, is the tactic of an upper-class entitlement called the National Fish and Wildlife Foundation. This organization is authorized to spend up to $25 million in federal funds a year, which it funnels to environmental advocacy groups and upscale hunting and fishing organizations. But its executive director, Amos Eno, a former National Audubon Society staffer, has convinced conservatives that this effort is a bastion of the free market. Last month, Forbes magazine praised the Foundation, urging that "other environmental groups would do well to adopt a down-to-earth, Eno-like approach."

To be sure, other conservation organizations, such as the Sierra Club, that are experiencing financial problems, would do better on the public dole, too. The Foundation reveals why public subsidies are forever. Established by Congress during the heyday of trickle-down economics in 1984, its purpose was to raise private monies for federal and private preservation causes. Orgininally, it was expected to become self-supporting. Government, Congress then supposed, would only provide the seed money to get it started. To this end, it promised to match, one for one, each dollar the Foundation raised from private sources, up to $1 million.

This federal commitment of course, was entirely unnecessary. America has plenty of philanthropies and doesn't need another. By 1993, according to the Environmental Data Institute, there were more than 1,800 environmental grantmakers, which since 1988 made more than 22,000 grants. Just the top 417 of these givers have combined assets totaling more than $110 billion and collectively award more than $340 million to recipients each year.

Nevertheless, the foundation's "private fund-raising" idea jerked the right chains of congresspeople infatuated with free enterprise. In 1987, the cap on federal matching funds was raised to $5 million and, in 1994, lifted again to $25 million annually for the next five years. In 1993, 31 percent of the Foundation's $17.9 million in revenues came from taxpayers.

Meanwhile, the foundation befriended the power elite. It put, on its Board of Directors and Advisory Committee, people like Caroline Getty, James A. Baker IV, Marshall Field and Nancy N. Weyerhaeuser. It made grants to the favorite environmental and sporting causes of the rich, such as the National Audubon Society, Nature Conservancy, Natural Resources Defense Council, National Wildlife Federation, Ducks Unlimited and Trout Unlimited. It bestowed stipends on individuals, too. In 1992, according to the Environmental Data Institute, it awarded one Rick Weyerhaeuser $80,000 to write a book on the environment.

And according to insiders, such disbursements escape adequate oversight. Taking place in the noman's land between public and private sectors, they are not subject to the same accountability other federal programs are. Complaining of a lack of sufficient "scrutiny" of grants awarded, in 1992, one board member noted, "staff review . . . seems to tend toward advocacy rather than critical review."

Despite these concerns, the Foundation, with friends in high places, remains insulated from budget cutters. A former Foundation staffer now works for the House Interior Subcommittee on Appropriations. And when the subcommittee staff recently discusses possible cuts to the Foundation budget, word reportedly got back to Mr. Eno, who, according to sources, then visited the Hill to convince lawmakers of the Foundation's conservative bona fides.

Thus, while Republicans pick on "Masterpiece Theatre," they leave rarefied precincts of preservation alone. This is too bad. If public broadcasting should be weaned from the federal teat because it can survive without aid, so should silver-spooned enclaves like the Foundation. But this probably won't happen. Like all bad environmentalism, its support is bipartisan.

RAMPANT ANTI-SEMITISM IN INDONESIA—ISRAELI ARCHERY TEAM NOT PERMITTED TO COMPETE UNDER ISRAEL'S FLAG

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 1995

Mr. LANTOS. Mr. Speaker, I was outraged, appalled, and dismayed—but unfortunately not surprised—by the latest case of blatant anti-Semitism in Indonesia.

The facts of the case are appalling. The world archery championships are to be held in Jakarta, Indonesia, on August 1–6 of this year. The Indonesian officials organizing the event refused to permit the team representing Israel to participate under the name of the country of Israel and under the Israeli flag. The Indonesian organizing officials proposed that the Israeli archery team be designated group A, that it march at the opening and closing ceremonies under the flag of the International Archery Federation [FITA], and, if an Israeli archer wins a medal, the Indonesian officials want the fanfare of the FITA to be played instead of the national anthem of Israel.

Mr. Speaker, this request from Indonesian officials is both ludicrous and outrageous. Israel is a sovereign nation, a member of the United Nations, and is recognized by most countries. Indonesia, as a matter of policy, does not have diplomatic relations with Israel, and that, I am certain, is a clear reflection of the reason these Indonesian officials have taken such an offensive racist, anti-Semitic and anti-Israel position.

Unfortunately, this is not the first instance of such intolerance. When the film "Shindler's List" was produced a few years age by Stephen Spielberg, Indonesia was one of the few countries on the face of the Earth which refused to permit the movie to be shown. I intervened with the Indonesian Ambassador and I am delighted to report that eventually the movie was screened in Indonesia.

A year or so ago, I also raised with the Indonesian Ambassador and discussed in a hearing of the House Foreign Affairs Committee the publication in Indonesia's leading English-language newspaper, the Indonesia Times, an article by Prof. Agha Hamid, which was one of the most vicious anti-Semitic diatribes that I have seen, and I have seen a great deal of vicious anti-Semitism. Just one sample: "Actually the Jewish religion is not a religion at all. It is infact [sic.] a bloody, sadistic and obscene code devised by Zionist-Talmudist sages." And further: "The Jewish sages were not exclusively interested in homicide. Sexuality, particularly in far lesser conventional modes, is a strong rival for their attention." The Indonesian Government at that time knew of my outrage over the publication of such disgusting trash.

Mr. Speaker, in light of this latest intolerable action by Indonesian officials organizing the world archery competition against the citizens of a sovereign, independent country, I have introduced a resolution which puts the Congress on record as opposing the effort to deny recognition to the State of Israel and its citizens and reaffirming the Congress' strong opposition to racism and anti-Semitism. This resolution calls upon the Indonesian Government to act to end this outrageous anti-Israeli action. I invite my colleagues to join me as cosponsors of this resolution.

The Text of my resolution is as follows:

HOUSE CONCURRENT RESOLUTION

Mr. LANTOS submitted the following resolution; which was referred to the Committee on International Relations.

A resolution condemning the refusal of the Indonesian officials organizing the World Archery Championships in Jakarta, Indonesia, in August 1995 to permit a team from Israel to participate in the competition under the name of Israel and under the flag of Israel, and urging the government of Indonesia to join in condemning this manifestation of racism and anti-Semitism.

Whereas the Congress has repeatedly expressed its abhorrence of racism and anti-Semitism in any form;

Whereas the constitution of the International Archery Federation (FITA) bars discrimination against any country, association or person on grounds of race, religion or politics;

Whereas Indonesian officials organizing the World Archery Championships in Jakarta, Indonesia, in August 1995 have refused to permit a term representing Israel to participate in the competition unless the team agrees to conceal its national identity and not compete under the flag of Israel; and

Whereas officials of the International Archery Federation (FITA) have confirmed that Indonesian officials have refused to permit an Israeli team to participate under its country's name and with its country's flag in the World Archery Championships; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress:

(1) Condemns the Indonesian offices organizing the World Archery Championships in Jakarta, Indonesia, for this refusal to permit a team representing Israel to participate in this international competition under the name and flag of their country;

(2) Calls upon the Government of Indonesia to repudiate publicly the position that has been taken by those Indonesian officials organizing the World Archery Championships in Jakarta regarding the participation of a team representing Israel in the competition and to urge the inclusion of the team of Israel under the name of Israel and under the flag of Israel;

(3) Condemns all manifestations of racism and anti-Semitism wherever they may appear in Indonesia and elsewhere throughout the world; and

(4) Directs and Clerk of the House of Representatives and the Secretary of the Senate to convey a copy of this resolution to the President of Indonesia and to the President of the International Archery Federation (FITA).

ON THE PASSING OF GEORGE L.P. WEAVER

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 1995

Mr. CLAY. Mr. Speaker, I would like to call to my colleagues' attention the following obituary for George L.P. Weaver which appeared in the July 18, 1995 issue of the Washington Post. With the passing of George Weaver, the country has lost a great American—one who dedicated himself to ensuring equal opportunity and justice for all Americans. The principles for which George Weaver dedicated his life—an abiding respect for the dignity of workers and the worth of labor and an unshakable commitment to ending the scourge of segregation and racism—both in his service to the labor movement and in his work in Government, are the principles that have served to make this country what it is today. This House turns its back on those principles at its own and the Nation's peril.

[From the Washington Post, July 18, 1995]

GEORGE L.P. WEAVER, ASSISTANT SECRETARY OF LABOR

George L.P. Weaver, 83, a former labor union official who served as assistant secretary of labor for international affairs during the Kennedy and Johnson administrations, died July 14, of complications related to emphysema and asthma at George Washington University Hospital.

Mr. Weaver spent most of his working life in activities related to the labor movement, beginning in the 1930s when he carried passengers' baggage as a redcap at railroad stations in Chicago. As a young man, he joined the United Transport Service Employees Union.

Later, he was assistant to the secretary-treasurer and director of the civil rights committee of the old Congress of Industrial Organizations. After the CIO's merger with the American Federation of Labor in 1955, he became executive secretary of the new union's civil rights committee.

In his capacity as assistant secretary of labor for international affairs, Mr. Weaver was the U.S. representative on the governing body of the International Labor Organization. He was chairman of that body in 1968. After steeping down as assistant secretary of labor in 1969, he was assistant to the president of the ILO for about six years.

Mr. Weaver, a Washington resident, was born in Pittsburgh and grew up in Dayton, Ohio. He attended what now in Roosevelt University in Chicago and Howard University law school.

In 1941, he came to Washington as a member of the CIO's War Relief Committee. A year later, he became assistant to the secretary-treasurer and director of the civil rights committee. During the next dozen years, he took leaves of absence to serve on special government assignments and on overseas missions. The assignments included service in 1950 as special assistant to Stuart Symington, chairman of the National Security Resources Board, and assisting in the reorganization of the Reconstruction Finance Corporation.

He participated in investigations of labor conditions in various Asian countries for the International Confederation of Free Trade Unions.

In 1958, Mr. Weaver resigned from the AFL–CIO to become assistant to the president of the International Union of Electrical, Radio and Machine Workers and director of the union's political education program. He remained in that job until joining the Labor Department in the Kennedy administration.

In 1963, he was the first American to receive the Malayan honorary award of Panglim Mangku Megara. He had served on the boards of trustees of Washington Technical Institution and the University of the District of Columbia, was chairman of the Finance Committee of the United Negro College Fund and was a life member of the NAACP.

Survivors include his wife of 54 years, Mary S. Weaver of Washington, and two sisters, Vivian Belden of Detroit and Annalouise Jenkins of Cleveland.

TRIBUTE TO MAJ. GEN. JAMES J. CRAVENS, JR.

HON. RONALD D. COLEMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 1995

Mr. COLEMAN. Mr. Speaker, I rise today to pay tribute to a man that has served as Commanding General at Fort Bliss, TX for the past 2 years with distinction, Maj. Gen. James J. Cravens, Jr. He is highly regarded as an out standing leader, and maintained Fort Bliss' reputation as a good neighbor to El Paso.

General Cravens has served his country since 1966 when he was commissioned a Second Lieutenant of Artillery upon graduation from North Georgia College where he received a bachelor of science degree in business administration. He also holds a master of science degree from Clemson University.

His military education includes the Air Defense Artillery Officers Basic Course, the Air Defense Artillery Officer's Advanced Course, the Army Command and General Staff College, and the National War College.

General Cravens' military decorations and awards include the Legion of Merit (with two Oak Leaf Clusters), Bronze Star Medal (with Oak Leaf Cluster), Meritorious Service Medal (with four Oak Leaf Clusters), Army Commendation Medal (with Oak Leaf Cluster), Parachutist Badge, Pathfinder Badge, and Army Staff Identification Badge.

As Commanding General of the Air Defense Artillery Center at Fort Bliss, General Cravens has overseen the instruction of air defense artillery students from all over the world. The ADA School trains air defenders, develops air defense doctrine, and defines air defense equipment requirements. As you know, Mr. Speaker, some of the school's graduates distinguished themselves operating the Patriot Missile during Operation Desert Storm when the allied forces fought off various SCUD missile attacks from the country of Iraq.

When James Cravens assumed his command at Fort Bliss, I found him to be a man of integrity and great talent. He quickly captured the affection of El Pasoans with his unyielding quest to produce the finest air defense specialists in the world. The overwhelming skill and superiority that our air defense forces displayed in Operation Desert Storm is due in large part to the intense training they received at the ADA School at Fort Bliss.

Mr. Speaker, I would like to wish my friend, James Cravens, all the best as he prepares to assume his next assignment as Deputy Chief of Staff for Combat Development at Fort Monroe, VA. It has been a pleasure to work with General Cravens to ensure that Fort Bliss continues to live up to its motto, "First to Fire." General Cravens, his lovely wife, Joe Beth, and his children, Jay and Tonya, will be sorely missed.

RETIRING? NOT EXACTLY

HON. GERRY E. STUDDS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 1995

Mr. STUDDS. Mr. Speaker, when Bill Breisky announced recently his decision to step down from the helm of the Cape Cod Times, the newspaper launched a national search for a new editor. The advertisement sought—and, in case any Member of this House is interested, is still seeking—candidates with a "proven track record of staff motivation, community leadership, innovative product improvements, a bias toward strong local news coverage, a belief in the principles of public journalism, and a respect for the budget. Our 72-person staff is highly talented and has won a barrel full of excellence awards. No "now hear this candidates need apply."

It is hard to imagine a more fitting tribute to the standard and example set over the last 17 years by Mr. Breisky. A daily reporter at heart, Bill would nonetheless hold a story to ensure its accuracy. He cares far less about journalistic conventions like political box scores, than reporting how we on the cape and islands—as a geographic community and as what he calls "communities of interest"—actually conduct our business.

Bill has grappled thoughtfully with the high, often irreconcilable expectations of Times readers—not to mention those of its editorial staff, or of people whose activities we read about in the paper. We sometimes seek all things from our local paper, from the House floor to our back yard. Beyond the hour-by-hour crises and judgments that on into making sure the paper actually hits the street each day, there are important questions about the future of the industry. The traffic on the information superhighway is increasing as fast as the price of newsprint.

About this and other things, Bill Breisky actually sits back, puts aside the crisis of the moment—and reflects. He set out in 1978 to do better than parochial, stenographic reporting, and got as passionate as deadlines permit about looking at the bigger picture. As an editor, he inaugurated "Cape Cod Agenda" to sort out the real impact of development on the cape and islands. As a citizen, he has worked through the Center for the Environment and Sustainable Development to pursue the twin—and, notwithstanding the nay sayers, the compatible—objectives of economic development and environmental protection.

You do not get that from a sleepy country editor, any more than from a cigar-chomping Lou Grant. As Adlai Stevenson once said, "Via ovicipitum dura est"—"the way of the egghead is hard." It will surprise no one that this was in a speech to Harvard students. Or that they needed to have it translated.

With a steady rudder, an even keel and numerous other maritime metaphors, Bill has guided the Times through these shoals with dignity, professionalism, compassion, and humor. He must have even overcome that highest of all hurdles, since I have not heard anyone ask recently how many generations ago his family settled on Cape Cod. In the process, he has earned the affection and respect of the community he's worked so hard to define.

And in case you were wondering—and let us hope that the various editors who may be interested were wondering—yes, Editor and Publisher does think the word barrelful" has three L's. The way this session of Congress is going, resolving that question may require another amendment to the Constitution.

In spirit, and in preparation for festivities at home this weekend in Mr. Breisky's honor, it is my privilege to enter into the RECORD his "Centerprice" column of July 2, 1995—entitled "Retiring? Not Exactly"—in which Bill made official his graduation to emeritus status.

[From the Cape Cod Times, July 2, 1995]

RETIRING?—NOT EXACTLY

(By William J. Breisky)

Seventeen years ago, I assumed the editorship of the Cape Cod Times, and inauguarated a column entitled "Another Monday." It ran in place of the second Monday editorial, and was meant to serve as something of an antidote to the unpleasant surprises so often in store for us on a typical Monday morning.

In the six years that I managed to meet my self-imposed deadline for "Another Monday," I never succeeded in finding writing time at the office, and the task became, all too often, a Sunday-evening stress test. So I declared a sabbatical.

Part of the reason I never got around to returning from that sabbatical was a gentlewoman who approached me regularly during the coffee hour that followed our Sunday-morning church service. For two years' worth of Sundays after "Another Monday" had vanished, this charming and faithful reader assured me, week after week, "I love your column. Never miss it."

That was reassuring.

Well, this is a long-winded introduction to the fact that tomorrow will be anything but "another Monday" in my professional life. It will be the first Monday in more than 17 years that I will not be contemplating my responsibilities as editor of the Times.

Tomorrow I will assume the Title of "editor emeritus"—which means I will begin fishing though 17 years' accumulation of office files and clutter, to make room for the lucky individual who soon will be elected to occupy my chair. It also means that while I will continue to sit on the Times editorial board, our newsroom staff will be free to dismiss my notions concerning what is, or isn't, newsworthy.

Our readers, on the other hand, will not get off the hook so easily.

For the next few months at least, I will be spending a portion on my time at something we in the trade have come to refer to as "public journalism," a major part of which involves listening more closely to readers.

To journalists who are captivated by the idea, public journalism generally means finding new ways to involve readers in their newspapers, and to involve newspapers in the communities they serve—reporting on the issues of the day as they are seen by the people who live here, rather than relying on elected officials and the bureaucracy.

To some skeptical editors who are less than enchanted with the concept, public journalism means handing the reins over to amateurs—and trading objectivity and detachment for reader chumminess.

There is no prescribed formula for the practice of public journalism, however, and there's no reason why common sense shouldn't prevail in applying it.

When great numbers of readers take a proprietary interest in the Times—when they call us to applaud or criticize "my newspaper," and when people who work here take the position that public service is their primary mission—we're surely on the right track.

Letters to the Editor, and a range of opinion columns by writers who live in our towns, and our "Sound Off" feature, and our Earthkeeping Forum, and our Cape Cod Times Needy Fund, and the volunteers in Journalism group recently established by members of our news staff—all are aspects of what I think of as public journalism.

But we can and should be doing more.

Last year's "Cape Cod Agenda" project was our most thoroughgoing effort at inviting the public to tell us and their political representatives where we should be focusing our attention. In order to help persuade November's batch of candidates to focus on issues that matter, we asked members of our Citizens Election Panel—a diverse panel of public-minded citizens chosen for us from a pool of volunteers by the League of Women Voters—to cite the local and regional issues most important to them. Then we invited readers to narrow the panel's two dozen issues, to six, and we declared those issues to constitute the "Cap Cod Agenda."

Agenda issues were debated by candidates—and discussed at length at a series of programs where the citizenry did most of the talking and the candidates came primarily to listen.

This fall the Times will again invite you and your neighbors to set an agenda for Cape

Cod, and to talk to use and each other about things that matter individually and collectively. The agenda format may change this year, but the objective will be the same—encouraging community leaders, and the Times itself, to do a better job of serving our community of readers.

Do you think we're on the right track?

Would you like to be involved in one way or another? A postcard or letter to Agenda '95, Cape Cod Times, 319 Main Street, Hyannis, MA 02601, will get my attention and will assure you a seat on the train.

Welcome aboard.

And while I have your attention, I would like to go on record with a couple of concluding observations.

First, I'd like to say that serving as editor of the daily newspaper that serves this remarkable corner of America has been more fun than a barrel of cranberries. (Well, most days.) That has been so because I've had the privilege of working with a wondrous crew of talented, steadfast journalists who care deeply about their world and their chosen profession.

And second—to the legions of friends and acquaintances who greet me these days with the words, "I hear you're retiring," I would like to say:

You've got to be kidding! My wife's got 17 years' worth of untended chores saved up as retirement projects.

I'm not the retiring type. It's just that someone else deserves a turn at this nifty job I've had.

IN RECOGNITION OF THE SERVICE OF KOREAN WAR VETERANS

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 1995

Mr. VENTO. Mr. Speaker, today our Nations honors the many soldiers who fought in the forgotten war in Korea by dedicating the Korean War Veterans Memorial on the Mall. This Memorial is a tribute to the contributions and sacrifices made by all the men and women who served.

Near the entrance to the memorial, an inscription reads, "Our Nation Honors Her Sons and Daughters Who Answered the Call to Defend a Country They Did Not Know and People They Had Never Met." The bravery of these Korean War veterans is inscribed in our history. They served our country in places like the Chosin Reservoir, Inchon, and Pusan. Some who went and fought did not come home, but made the ultimate sacrifice. In fact, some 54,000 Americans lost their lives. Others who served experienced events that changed their lives forever.

In Korea, United States soldiers fought in a United Nations force alongside soldiers from all over the world. As part of this multinational force, some 114,000 men and women from Minnesota answered the call to serve. Minnesotans served in all branches of our military service and they served with honor and distinction. Six hundred and eighty-eight Minnesotans were killed in action.

Because of their sacrifices and those of other United Nations Troops, the Republic of Korea's freedom was preserved. Over the past 42 years, the Republic of Korea has emerged from the ruins of the war and has built one of the most successful economies in Asia.

The Korean War Veterans Memorial will be a permanent reminder for visitors to our Capital of the American soldiers who served in a difficult and costly war in Korea. As a Member from the State of Minnesota, I am proud to say that the cutting, etching, and polishing of the soldiers' faces on the granite of the memorial was done in our State at Cold Spring, Minnesota.

The memorial on the Mall is a testament to the sacrifices of the soldiers who fought and to those who never made it home. It is also a testament to those veterans who vowed never to forget their comrades. It was through their efforts that this memorial was built, I was proud to have a role in supporting and helping guide the policy and laws that facilitated this Korean War Veterans Memorial.

I join with all Americans in proudly saluting the bravery and service of America's Korean War veterans.

TRIBUTE TO KOREA VETERANS

HON. WILLIAM J. MARTINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 1995

Mr. MARTINI. Mr. Speaker, I rise today to remember an important chapter in American history. It was not long ago that American soldiers were fighting in the name of democracy on the shores of Korea. While it is necessary to put those days behind us, it is also important not to lose sight of the tremendous acts of courage by our Armed Forces that are responsible for this new cordial period.

Today, here in our Nation's Capital, we will honor the men and women who gallantly served our country in the Korean war. Across from the Vietnam Memorial and in the shadow of the Lincoln Memorial, the Korean War Memorial will stand in the company of the most celebrated monuments in the Nation. It is a tribute to all those brave men and women who donned a U.S. military uniform, including those who lost their lives and those still missing. As Americans, we are indebted to the soldiers who placed their own lives on the line in order to protect the cornerstones of American freedom. They fought to protect the freedom to speak without the fear of Government censorship. They fought for the freedom to freely worship any religion without fear of retribution. All in all, they fought for the very principles that our Founding Fathers wrote into the four corners of the Constitution.

In an era that is often assumed to be bereft of leaders, we overlook these true American heroes. As a nation, we must ensure that those who have honorably served and died in our Armed Forces are remembered with gratitude. The decision to serve this country was a selfless act not only to protect the future of the United States, but the beliefs on which we founded our Nation. When the country called, these courageous young soldiers stared fear in the face and accepted the challenge no matter the cost. They embody the traits that we, as a nation, should all strive to emulate.

Mr. Speaker, I hope that we all bow our heads in remembrance of the valiant young men and women who have pledged to protect the principles of freedom that we as Americans, cherish as no other nation on Earth.

THE FOURTH ANNUAL OSCE PARLIAMENTARY ASSEMBLY

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 1995

Mr. CARDIN. Mr. Speaker, I was privileged to serve as a member of the U.S. delegation to the recently concluded 4th annual meeting of the OSCE Parliamentary Assembly, held in Ottawa from July 4–8. Our delegation was cochaired by Helsinki Commission ranking member, STENY H. HOYER and Representative MICHAEL P. FORBES, and included our colleagues, LOUISE M. SLAUGHTER, ROBERT G. TORRICELLI, RONALD D. COLEMAN and THOMAS C. SAWYER.

The Parliamentary Assembly, created as a result of the United States initiative during the Bush administration, is designed to help integrate newly independent countries and emerging democracies in Central and Eastern Europe and the former Soviet Union into western-style organizations. Through the Assembly, those responsible for crafting the laws which implement civic and economic reforms in the new democracies have the opportunity to share their experiences with, and gain advice from, parliamentarians from established democracies. Participation by parliamentarians from the reforming countries was strong in Ottawa. Forty seven of OSCE's 52 fully participating States were represented in Ottawa, as well as observers from Macedonia and Japan. Due to the continuing siege of Sarajevo, parliamentarians from Bosnia-Herzegovina were unable to attend. Their Ambassador to the OSCE was present, however, and at his request, I was pleased to make a statement on behalf of the people of Bosnia during the closing plenary session.

Mr. Speaker, in his statement to the Assembly during the closing plenary session Mr. HOYER reminded us that August 1, 1995 marks the 20th anniversary of the signing of the Helsinki Final Act. In that speech Mr. HOYER recalled the words of President Gerald Ford upon the signing of the historic accord—"This document will not be measured by the promises made in the Helsinki Final Act, but by the promises kept."

The tragic overrunning of Srebrenica and Zepa by the Bosnian Serbs, and the creation of thousands of more victims of war crimes perpetrated by the Serb aggressors is a searing reminder to all of us that there are promises to be kept. I agree wholeheartedly with my friend and colleague STENY HOYER that we can, and must, do more. I commend to you his remarks:

STATEMENT OF U.S. REPRESENTATIVE STENY HOYER, 4TH ANNUAL SESSION OF THE OSCE PARLIAMENTARY ASSEMBLY,

July 8, 1995.

President Swaelen, Officers of the Assembly, fellow delegates: In twenty-three days, on August 1, 1995, we will celebrate the 10th anniversary of the signing of the Helsinki Final Act. That date also holds significant personal interest for me because, ten years ago, as a new member of the U.S. Helsinki Commission, I attended my first OSCE meeting—a Conference on the Human Dimension—here in Ottawa.

When President Gerald Ford signed the historic accord in Helsinki on behalf of the United States he said, "This document will not be measured by the promises made in the Helsinki Final Act, but by the promises kept."

Many signatory states viewed the words of the act dealing with human rights and the obligations that each state had toward its own citizens, as well as those of other states, as essentially meaningless window dressing. Their objective was to secure a framework in which their international political position, and the then existing map of Europe would be adjudged a fait accompli.

Ten years ago, when I came to the Helsinki meeting in Ottawa, I was told by my Soviet counterparts that the discussion of the rights of Soviet citizens was inappropriate, and an interference with their internal affairs. My delegation rejected that rationale. Words, we strongly maintained, were not enough. Words are not enough today.

The relevance of this organization or any international organization must be judged not solely on the merits of its principles, but on the strength of its commitment to those principles and on its unwillingness to witness or permit violation of those principles by signatory state.

The Helsinki Final Act, like the United Nations Charter, was an attempt to avoid the egregious mistakes of the past which had allowed so much human suffering and carnage. A history which witnessed too often the rationalization of inaction.

President George Bush, in assessing the end of the cold war and the fall of the Berlin Wall, called for a "New World Order" in which the international community would act in order to assure a global political environment dependent upon right not might.

Today we are confronted within the Helsinki sphere by the actions of those adjudged by my government, as well as by many of yours, to be war criminals. Actions which have repeated genocide on the European continent, and created the largest number of refugees on that continent since the second world war.

We have in past meetings condemned these atrocities. As parliamentarians we have urged that such actions be stopped. And many of our members have committed people and resources to relieve the suffering and stop the criminal behavior. But we have not yet succeeded. And we must, therefore, do more.

I believe this organization can be an important instrument in realizing a world order based upon law and the principles of the final Act. I, and the members of my delegation, pledge to you our every effort to ensure the full participation of the United States Congress as a partner in the vital quest to ensure that history's judgement of the Parliamentary Assembly, and the OSCE, is that our words of principle were supported by our decisive and effective actions.

It is said in America that many can "talk the talk," but only a few are prepared to "walk the walk." The tyrants and terrorists of our world are not dissuaded or intimidated by talk. But they can and must be confronted and confounded by our walk. I believe together we can see the realization of a new world order.

INTERNATIONAL CRIMINAL TRIBUNAL

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 1995

Mr. SMITH of New Jersey. Mr. Speaker, I hail the indictments issued this week by the International Criminal Tribunal for the Former Yugoslavia. The number of indictments has now grown to 46; more significantly, they now include the infamous names of Radovan Karadzic and Ratko Mladic, the highest ranking political and military leaders among the Bosnian Serb hierarchy in Pale. With their indictment, Chief Prosecutor Richard Goldstone has proven himself a man of his world. Upon his appointment in July 1994, Goldstone promised to take his prosecution where the evidence leads and to bring the most culpable—those who order and enable others to commit atrocities—within the reach of the court. In so doing, his indictments bring us one step closer to holding those responsible for the orchestration of the most egregious crimes of the Yugoslav War personally responsible for their actions.

To further advance the work of this Court, the United States should take two key measures. First, the United States must ensure that the Tribunal has the financial resources to bring these cases to trial and continue with effective investigations and prosecutions. Although last year, during a period of initial startup, the United States made a $3 million voluntary contribution to the Tribunal, a subsequent voluntary contribution has not been forthcoming. Failure by the United States to provide adequate financial support to the Tribunal—at the very time the Tribunal's initial investigations are producing meaningful results—would send a regrettable sign of weakening U.S. resolve to see war criminals held truly accountable. If the Administration will not take the lead, Congress should earmark appropriations for the Voluntary Fund for the Tribunal, consistent with the authorization in H.R. 1561.

Second, President Clinton should, once and for all, put to rest the notion that amnesty or immunity is a viable option for the architects of ethnic cleansing and those charged with genocide; the continued silence of top U.S. officials on this matter undermines confidence in the U.S. commitment to hold such individuals personally accountable. In addition, the U.S. Ambassador to the United Nations, Madeleine Albright, should publicly state American resolve to use our veto, If necessary, to ensure that sanctions against Serbia remain in place until Belgrade cooperates with the Tribunal by surrendering to the Hague indicted criminals present on Serb-controlled territory. Easing sanctions throughout the past year has only been followed by Serbia's continued support for those responsible for war crimes and violations of humanitarian law, including the fall of Srebrinica and Zepa.

Mr. Speaker, there are those who have long sought to minimize the importance of this Tribunal. They have argued that it cannot succeed because we will not gain custody of the indicted—and therefore we need not try. They have argued that it cannot succeed because it lacks resources—and therefore we need not bother to provide it with the means to do the job we have given it. And they have argued that it cannot succeed because war criminals sit as negotiators—and therefore we should merely continue to negotiate with them rather than seek to bring them to justice. But even if those indicted this week are never brought to trial, this Tribunal has already ensured that they will be fugitives for the rest of their lives, subject to international arrest warrants wherever they go. Moreover, by identifying individual perpetrators, this court may pave the way for the innocent among all ethnic groups in this conflict to reconcile the divisions in society that these war criminals exploited for their own personal ends.

INTRODUCTION OF THE SMALL BUSINESS TRANSFER ACT OF 1995

HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 1995

Mr. DREIER. Mr. Speaker, one of the goals of the new Republican majority in Congress is to evaluate the performance and objectives of all federal programs and agencies. In undertaking such evaluations, I believe two fundamental questions need to be answered:

First, what aspects of the program or agency continue to serve a beneficial public policy purpose?

Second, how can we redesign the program or agency to perform the useful functions in a cost-effective manner?

Today, Representative JOEL HEFLEY, vice chairman of the Committee on Small Business, and I have introduced H.R. 2125, the Small Business Administration Transfer Act, which addresses these two questions in a positive way. In conversations with small business owners and their representatives here in Washington about the role of the Small Business Administration, I am told consistently that the two areas were the Federal Government can be helpful are in providing access to capital and a voice at the highest levels of government. The remaining functions of the Small Business Administration have little to do with or actually hinder, small business growth.

The Small Business Transfer Act strengthens the programs that matters most to small business while saving taxpayers $3 billion over 5 years. Under the legislation, the present Small Business Administration, with its outdated and heavily bureaucratic regional, district, and field structure, would cease to exist on October 1, 1996. An Office of Small Business Advocacy would be established in the Executive Office of the President. This office, which would function in a manner similar to the SBA's Office of Advocacy, will give small business a voice inside the White House.

The bill also establishes an Office of Small Business Lending in the Department of the Treasury. The office would consist of an Under Secretary, Deputy Under Secretary, and no more than 200 auditors who would administer a small business general loan guarantee program. All other SBA credit programs and revolving funds would be transferred to this office of servicing and liquidation.

The guaranteed loan program would function like the current Preferred Lenders Program, whereby the lender would have the complete authority to make close, service and liquidate loans. Maximum loan amounts would remain the same, but the guaranteed portion may not exceed 75 percent of the financing outstanding at the time the loan is made. No direct or immediate participation loans could be made.

To be eligible for a guaranteed loan, a business must meet:

First, the credit elsewhere test, denied credit by two lending institutions; second the definition of a small business; and third, the requirements of Section 7(a)(6) of the Small Business Act that all loans be of such sound value or so secured as reasonable to assure repayment.

For lenders to be eligible to participate in the program, the lender must maintain at least a 6-percent capital-to-asset ratio. The bill contains language explicitly subjecting lender loan portfolios to an annual compliance review conducted OSBL auditors. As an option, this could be done as part of an institution's overall compliance review conducted by the appropriate bank regulator.

The bill also contains language capping taxpayer exposure with excess or above historic average losses on each lender's portfolio. For example, if the lender's portfolio is 10 percent above the industry's historic loss average, the guarantee on loans originated by the lender would fall by 10 percent—from 75 percent to 68.5 percent.

The Treasury Secretary would be required to collect a minimum guarantee fee of ½ of 1 percent of the amount of the deferred participation share of any guaranteed loan. The lender would be permitted to finance the guarantee fee as part of the loan. The Treasury Secretary would be required to adjust the guarantee fee, subject to the normal reporting requirements, to ensure a guarantee fund that is self-financing.

The reforms made to the loan guarantee programs respond to a December 1992 General Accounting Office study of Housing and Community Development issues. The study made the following observations:

> There has been no recent assessment of what sector of small business, if any, would receive financial assistance if SBA did not exist. Nor has there been a recent assessment of the economic impact that has resulted from billions of dollars in Federal guarantees that SBA has provided to small businesses. Yet in fiscal year 1992, SBA almost doubled the value of the business loans that it guaranteed—from $3.8 billion in fiscal year 1991 to $6.4 billion in fiscal year 1992. Our work has shown that SBA's loss rate is greater than that of private lenders and that SBA has not adequately overseen the operations of lenders receiving government loan guarantees.

Mr. Speaker, the reason the GAO's assessment of the SBA is so negative is that the agency's mission statement is faulty. In 1985, then OMB Director David Stockman called the SBA a billion-dollar waste—a rathole. Ten years later, the agency has undergone numerous reorganizations and credit reforms that have brought down default rates and improved the operations of credit programs. But the agency is still a failure because of the faulty premise that Government can create private sector jobs. Even if the Government could create private sector jobs, the SBA's programs are inconsistent with that mission.

Instead, what we have is an agency that reallocates credit to the least credit worthy; provides noncompetitive contracts to millionaire minorities at the expense of small business; plants trees at a cost of up to $1,200 per tree; and provides $70 million a year in grants to universities, which is the last place a small business person goes for advice.

In his book "*The Effective Executive*" Peter Drucker, my professor at the Claremont Graduate School, referred to an order by President Johnson that all Government agencies adopt program reviews to weed out obsolete and unproductive work. "This is a good first step, and badly needed," Drucker said. "But it will not produce results as long as we maintain the traditional assumption that all programs last forever unless proven to have outlived their usefulness. The assumption should rather be that all programs outlive their usefulness fast and should be scrapped unless proven productive and necessary. Otherwise, modern Government, while increasingly smothering society under rules, regulations, and forms, will itself be smothered in its own fat."

Mr. Speaker, the Small Business Administration has clearly outlived its usefulness. While I also question whether a guaranteed loan program remains productive and useful, there are legitimate concerns that excessive Government regulation of lending institutions has made it cost-prohibitive to lend to many legitimate small businesses. Until those regulations can be eased, a case can be made for maintaining a loan guarantee program.

The Small Business Transfer Act offers a unique opportunity to make Government more effective by expanding small business capital, reducing taxpayer risk, and giving small business an antitax and antiregulatory voice at the highest level of Government. For these reasons, Mr. Speaker, I urge my colleagues to join us in cosponsoring H.R. 2125.

IT IS TIME WE TRULY TAKE BACK OUR NEIGHBORHOODS

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 1995

Mr. FILNER. Mr. Speaker, today I have introduced legislation to bolster our Nation's crime fighting efforts and to encourage citizens to get involved in crime prevention, I am joined in this effort by Congressman STUPAK, cochairman of the Law Enforcement Caucus—of which I am a member.

The Taking Back Our Neighborhoods Crime Fighting Act will give a $50 tax credit to people actively involved in neighborhood watch groups and other organizations committed to the reduction of local crime.

I am proposing this tax credit because neighborhood watch works. It is the most effective crime reduction program available to our communities. Throughout the country, neighborhood watch groups have made people feel safer and more secure in their homes, parks, and streets.

Neighborhood watch establishes relationships among neighbors—and it establishes partnerships between neighborhoods and their police officers. Citizens are trained how to watch out for their families, monitor their neighborhoods, how to be observant and reliable witnesses, and how to assist their local police. Police chiefs and officers around the country firmly believe in neighborhood watch and have endorsed the idea of encouraging participation through tax credits.

Over the last decade, in my congressional district, we have pioneered the concept of community oriented crime fighting, and we have seen the difference it makes.

Serving on the San Diego Council for 5 years before I came to Congress, I worked hand in hand with residents to attack crime. We helped establish neighborhood watch groups. We went on walking patrols through the streets and created support networks among neighbors. We established drug free zones to keep dealers away from our schools. And we organized a graffiti patrol to clean up our neighborhoods and restore pride in our community.

We also worked directly with local police to create innovative crime fighting strategies. We instituted walking patrols in the streets, in the schools, and in the neighborhoods. Police officers got to know the neighborhoods they protected and the people in them. They talked to residents, and residents knew exactly who to call if they saw someone in trouble.

These efforts have been successful. During the last year in San Diego, we have seen a reduction of at least 10 percent in every major category of crime.

And most importantly, we were empowered, we felt stronger, we fostered a sense of community, and we saw that we could make a difference in peoples lives.

Neighborhood watch groups have proven to be an effective and economical approach to providing a better and more secure society for ourselves and our children.

Giving people in neighborhood watch groups a $50 tax break will support the many citizens already involved in crime prevention and encourage more community participation.

I ask my colleagues to support this important piece of legislation. Working together—and only by working together—can we truly start to reclaim our streets.

INTRODUCTION OF THE YELLOWSTONE BRUCELLOSIS-FREE MANAGEMENT ACT

HON. PAT WILLIAMS

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 1995

Mr. WILLIAMS. Mr. Speaker, today I am introducing the Yellowstone Brucellosis-Free Management Act to provide a comprehensive and practical strategy to address the problems of brucellosis in the Yellowstone.

Yellowstone, our Nation's first national park represents the true flowering of the idea of public lands set aside for the use and enjoyment and education of all the American people. It is unsurpassed in scenic beauty and natural features and remains today one of America's outstanding wildlife sanctuaries, little altered by human settlement.

Yellowstone provides refuge for rare and endangered species such as the threatened grizzly bear, the rare mountain lion and wolvering, bald eagles and trumpeter swans, the Yellowstone cutthroat trout and arctic grayling. The public lands surrounding Yellowstone offer complementary scenic vistas, recreational opportunities and outstanding wildlife habitat.

This greater Yellowstone area represents the largest undeveloped land of wilderness quality in the lower 48 States, and it includes the largest free-ranging herds of elk and bison in the world.

However, it is those herds, and particularly the bison, which have raised concerns about the risks of brucellosis which is carried by some animals in both herds. The dilemma is how doe we protect the delicate wildlife interrelationships, the unique genetics of Yellowstone's wildlife and yet address the potential threat of brucellosis in the wildlife population and its possible transmission to livestock outside the park and resulting economic consequences to the livestock industry.

My legislation protects livestock producers from that threat and the harm of unfair economic sanctions by establishing a comprehensive framework for the National Park Service to address and manage and control brucellosis in the Yellowstone area.

For far too long, the bison-brucellosis controversy has swirled with hearsay, unsubstantiated claims and fear. This bill replaces fear with facts, rumor with research, supposition with science and, most important, it replaces talk with direct and specific action to remove the threat of brucellosis.

In the short term, this bill sanctions the interim bison management plan signed by the U.S. Forest Service, the State of Montana and Yellowstone National Park. It concurs with the need for a long term environmental impact statement in the form of a bison management plan. It also establishes the Yellowstone Brucellosis-Free Management Area with special regulations to provide economic stability in terms of the brucellosis-free status for the States of Montana, Wyoming, and Idaho as long as the interim plans are in effect within the Yellowstone area.

One of the most important features of the bill is the prohibition on unfair or arbitrary sanctions imposed by APHIS on other States or livestock producers of Montana, Wyoming, and Idaho because of the presence of brucellosis in wildlife within the Greater Yellowstone area.

In the long term, the bill directs the Secretaries of the Interior and Agriculture to cooperate with the States of Montana, Idaho, and Wyoming in seeking the elimination of the diseases brucellosis from the Greater Yellowstone ecosystem. To accomplish this goal, the bill provides strong direction and authority for science-based management of the diseases.

The bill provides recognition of the facts that American Indians have long-standing spiritual and cultural ties to the American bison and, as such, have shown an interest in participating in the disposition of surplus bison for subsistence or to restore herds on American Indian lands.

Mister Speaker, this is a good bill for Montana's livestock producers. It protects their legitimate interests at the same time it provides for proper long-term management of Yellowstone's bison. This is a good bill for the bison. This is a good bill for the Yellowstone.

SIKHS DESERVE RIGHT TO SELF-DETERMINATION

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 1995

Mr. CRANE, Mr. Speaker, I rise today to bring the attention of the House to an extremely sensitive situation in India. In a time when civil rights abuses around the would are being condemned, the treatment of the Sikhs by the Indian Government should not go unnoticed.

This shameful treatment has included documented cases of rapes of young women, the beating of old men, and the murder of young boys. Innocent Sikh people have also been subjected to imprisonment without trial, and this practice has been occurring for more than a decade.

The Sikhs are being persecuted in their own homeland. They live in fear everyday, and the freedoms we take for granted simply do not exist in this part of India. Those Sikhs that have the courage to speak out against these abuses are often arrested and held for no reason.

The imprisonment of innocent Sikhs is made worse by the unfair treatment they receive once in prison. This despicable treatment all too often leads to the murder of innocent prisoners. Many times these deaths go unreported by police, and the bodies are cremated and, therefore, go unclaimed.

I believe this situation deserves and demands the attention of this body. Just as we have supported democratic reforms and the right to self-determination in Eastern Europe, I believe we should support independent and self-determination for Khalistan. The behavior of the Indian Government should not be tolerated, and their treatment of the Sikh people should be condemned.

PARLIAMENTARY DEBATES

PUNJAB (TREATMENT OF SIKHS)

Mr. Terry Dicks (Hayes and Harlington): I wish to bring to the attention of the House the continuing persection of the Sikhs living in their homeland, the Punjab—an issue that I have brought before the House on three previous occasions in the 12 years that I have been a Member of Parliament.

I noticed that nearly 30 hon. and right hon. Members were in the Chamber to listen to a debate about Bosnia, about which British people are not really interested because it is not of direct concern. We now have a debate—at least, a statement—about the position in a Commonwealth country, and the 30 people who were in the Chamber at 10 o'clock have almost all left. I find that surprising and disappointing.

Sikhs in my constituency and throughout the world are worried for relatives and friends who continue to live in that part of India. The rape of young women, the beating of old men and the murder of young boys, together with the imprisonment without trial of thousands of innocent people, have been taking place for more than a decade and continue to this day.

Living in fear in part of everyday existence in the Punjab. The freedom that we take for granted in Britain does not exist in that part of India.

Recent evidence obtained from police files shows that bodies of police suspects murdered in police custody have been cremated as "unclaimed" and that that practice has continued since 1984. The documents that I have with me were given by or bought from police authorities in the Punjab. They list names of people relating to the bodies that have been cremated; yet the Indian authorities denied the existence of such records.

The Indian Express carried a front-page story in its edition of 3 February 1995, in which it said that during the three years 1991-93, the Punjab police dumped about 426 bodies for cremation as "unclaimed" on the Patti Municipal Committee. In many cases, the relatives had not been informed even though the bodies had been identified.

In the same region last year, another 17 "unclaimed" bodies were sent by the police for cremation. Why cremation? Because burnt bodies cannot be examined later for evidence of torture or other abuse.

Police sources have disclosed that, although some of those so-called "missing persons" may have died as a result of torture while in police custody, others may have been eliminated because they had some evidence of police brutality—in other words, they had witnessed what was going on and they had to be put away together with those who were murdered as suspects.

A local human rights group brought that position to the attention of the Indian high court, but its action was dismissed on the grounds that only relatives of murdered individuals could be party to any litigation. That approach is a bit like telling the relatives of Kuwaits who disappeared during the occupation of Kuwait to apply to the Iraqi high in Baghdad for an inquiry to be held into their disappearance.

Investigation into allegations of police torture are rare and, even when such allocations have been established, prosecutions have not taken place. According to recent reports by Amnesty International, there is no evidence of a police officer having been convicted of human rights violations in the Punjab. That says it all about the so-called free and democratic nature of that place and the police reaction to law and order.

The British Parliament has refused to condemn the behavior of the Indian Government, no matter how well documented the facts are. The Government refused, supposedly because India is a powerful Commonwealth Country. Indeed, India refers to itself as the "largest democracy in the world". Perhaps the phrase the "largest hypocrisy" is more appropriate; it is one that I use frequently to describe that Government and that country. The Labour party, with its close links with the Congress party and the Gandhi family, prefers to say nothing at all—I suppose that that is par for the course for that party.

Abuses elsewhere, such as in Bosnia and in parts of the Soviet Union, have led to condemnation by our Government. Why have the Indian Government escaped Britain's wrath? If the Indian Government have nothing to hide, what are they attempting to cover up? Why will they not grant me a visa to enter the country? I reiterate my offer to the Indian Government; if my Sikh friends are telling me lies, I will condemn them outright upon my return from the Punjab; on the other hand, if the Indian Government have been misleading the rest of the world, I will shout the facts from the rooftops upon my return to Britain.

With such a reasonable offer available, perhaps the Government and my hon. Friend the Parliamentary Under-Secretary of State for Foreign and Commonwealth Affairs will seek to persuade the Indian Government to grant me a visa. I sincerely hope that they will. As the elected representative of some 8,000 Sikhs, it is important that I see the position for myself. I hop that, with the help of the Foreign Office, I shall gain access to that country.

Recognition of the rights of Sikhs who are living in the Punjab is all that Sikhs elsewhere want. That means the right to press for self-determination and to strengthen the call for an independent Kalistan. Sikhs can not understand how Britain, which is their mother country in some ways, can take such determined action against the Iraqi invasion of Kuwait and yet stand by and do nothing about human rights abuses in India. They wonder why they are treated differently, but they are also aware that the Punjab is not an oil-rich region. Our Government gives the impression that they are being selective in their opposition to human rights abuses. If that impression is to change, our Government must condemn outright the behavior of the Indian Government.

There should be no aid programmed to India, particularly because aid is now tied to good human rights practices. If that is the case, how can we give a penny to the Indian Government which use and abuse the Punjab people in their own country? If that has no effect, I believe that our Government should break off all diplomatic ties with India. Perhaps the "curry club" lunches between hon. Members in the House and the people who represent the Indian Government should also come to an end. There can be no appeasement of a Government who treat one of their ethnic minority groups in that way.

We are now celebrating the end of the second world war—a war that was fought to preserve freedom of expression, freedom from tyranny and freedom of self-determination. In the Punjab there is no freedom of expression, only its restriction. In the Punjab there is no freedom from tyranny, only the fear of tyranny. In the Punjab there is no freedom of self-determination, only the ability to whisper the word "Kalistan" because to do otherwise would put lives at risk.

For Sikhs in the Punjab, we should read Muslims in Kashmir. Who is causing their suffering? It is none other than the Indian Government. The Sikhs in the Punjab and the Muslims of Kashmir turn to us for help. They believe in the democratic principles upon which our Parliament is based. How much longer must they suffer and how many more excuses will be found to justify ignoring their pleas?

As I said earlier, this is the fourth time that I have raised the issue on the Floor of the House Commons. I suspect that, for the fourth time, my hon. Friend will read a Foreign Office brief and that no further action will be taken. I suspect that there will be no effort to help me to secure a visa to visit India. I suspect that the Government will not raise the issue of human rights with the Indian Government and that they will not consider doing away with the aid programme because of the abuse of human rights in India. I shall probably hear—with great respect to my hon. Friend—platitudes and no firm decisions.

There are about 300,000 Sikhs in this country. The 9,000 Sikhs in my constituency will want to know how Parliament can spend hours talking about Bosnia—which is of no concern to this country in any shape or form: the Balkans were never part of the Commonwealth—and yet can debate this very important issue for half an hour four times in 12 years. I know that my hon. Friend the member of Gravesham (Mr. Arnold) has many Sikhs in his constituency, so I now give way to him to say whatever he wants to say.

Mr. Jacques Arnold (Gravesam): I am extremely grateful to my hon. friend the Member for Hayes and Harlington (Mr. Dicks) for raising this very important subject. As he said, many thousands of Sikhs live in Gravesend and Northfleet in my constituency. They are very concerned about their families and friends who remain in the Punjab and may hundreds of my Sikh constituents travel to the Punjab every year to visit them. They find the situation there to be extremely insecure, Constituents travel to the Punjab every year to visit them. They find the situation there to be extremely insecure.

In this country we take it for granted that human rights will always be preserved, and that if difficulties arise for ourselves and our families, in extremis we can turn to the police for help. Those are freedoms and rights not easily available to residents in the Punjab. Not only are their families vulnerable to the depredations of the police but, if things go wrong and they are the victims of extortion or violence of any sort, they cannot have recourse to the police authorities, as should be their right.

What remains in the Punjab is an extreme uneasiness for the individual, especially as there has been no proper investigation of the considerable number of cases of people who have disappeared over the years. Families throughout the Punjab—and therefore, by extension, families in this country—have seen their members disappear. Justice does not ensure.

Mr. Deputy Speaker: Order. Let us have a little order here. First, I hope that the hon. Member for Gravesham (Mr. Arnold) has the Minister's permission too. This is not something that can just be done off the cuff, on the spur of the moment. Does the hon. Member have the Ministers' Permission?

The Parliamentary Under-Secretary of State for Foreign and Commonwealth Affairs (Mr. Tony Baldry): I am perfectly content for the hon. Member for Gravesham to intervene, Mr. Deputy Speaker.

I was saying that many of my constituents are concerned about the lack of follow-up to the disappearances that have occurred in the Punjab, especially when young men from their extended families have disappeared. For instance, there was a ghastly case of a young man disappearing and all the stories were that he was being held in prison in a police station. The family was eventually advised that the young man had died in custody, yet only a few weeks later he was clearly seen at the window of the prison.

When the case was pursued with the prison authorities and the place was eventually checked out, the young man had disappeared yet again.

With my Latin American experience, I know about the concerns about those who have disappeared in Argentina. In the last decade of the 20th century such dreadful things are still happening.

It is especially relevant to raise the matter in the House of Commons, because until 1947 the House was responsible for the conduct of affairs in India. In some ways the agreement made by Mountbatten with the successor authorities, especially Nehru and the Congress party, for the creation of India led to the current position. The great Sikh leaders of the day took at his word and at face value the promises that Mr. Nehru made them concerning the autonomy and the governance of greater Punjab, as it then was—promises that he subsequently broke.

As a result of the haste with which we left India and of the lack of care taken at the time to ensure that the legitimate rights of the Sikhs were sustained, we have a responsibility.

The debate is especially relevant this week, because over the past weekend we have celebrated Victory in Europe day. While I was doing so in my borough of Gravesham, I met an elderly Sikh visiting from India, who told me how he had served as a sergeant-major with the British forces in Italy as part of the imperial Indian army under the Raj.

We owe a debt of gratitude to those people. We owe it to them to speak up for human rights in the Punjab, so that they can live in peace in the land of their forefathers.

Here is the true face of Indian "democracy" revealed for all to see. All over the world, their tyranny is being exposed. These strong statements reveal yet again that India is in truth a brutal, repressive tyranny which tortures and murders routinely. This is the truth that will cause India to collapse. Freedom for Khalistan and all the nations living under Indian occupation is inevitable. (Dr. G.S. Aulakh, President, Council of Khalistan.)

HOUSE OF REPRESENTATIVES—*Friday, July 28, 1995*

The House met at 9 a.m. and was called to order by the Speaker pro tempore [Mr. WELLER].

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
July 28, 1995.

I hereby designate the Honorable JERRY WELLER to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

May our voices, O God, rise in praise of Your gifts to us and to every person; may our faces look to Your Word to learn the way of wisdom; may our hearts experience Your presence and the joy of Your forgiving grace; may our hands reach in friendship to all people and may our very souls be touched by the depths of Your healing and by the power of Your love. O gracious God, from whom all blessings flow, from whom we have begun and to whom we shall return, be with us this day we pray. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Ohio [Mr. NEY] come forward and lead the House in the Pledge of Allegiance.

Mr. NEY led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 641. An act to reauthorize the Ryan White CARE Act of 1990, and for other purposes.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair announces there will be ten 1-minutes on each side.

READ THE MEDICARE REPORT

(Mrs. MYRICK asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MYRICK. Mr. Speaker, the Medicare trustees board, which includes three of President Clinton's Cabinet secretaries, has issued a report in which they state that Medicare "continues to be severely out of financial balance and is projected to be exhausted in seven years."

Mr. Speaker, President Clinton's board says that Medicare is going broke. And the Republicans say, let us save Medicare. It is that simple.

Yet, daily, Members of this House mislead the American people regarding Medicare. It is a disgrace.

Mr. Speaker, every American needs a copy of this report so they can read it, and then they will know the truth. They can get the report by simply calling 202-225-3121 and asking for their Representative.

COMMENDING THE WORK OF DR. MICHAEL FRANZBLAU

(Ms. WOOLSEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WOOLSEY. Mr. Speaker, I rise today to commend the heroic work of my constituent, Dr. Michael Franzblau.

Dr. Franzblau is on a crusade to expose a Nazi war criminal, Dr. Hans Sewering, pronounced "severing," who sent over 900 children to their death 50 years ago.

After the war, Dr. Sewering was not punished. He was not even remembered. In fact, he thought that the world had forgotten the children he sent to death.

Thanks to Dr. Franzblau, the world does not forget.

Mr. Speaker, 2 weeks ago, Dr. Franzblau took out a full-page ad in the New York Times which asks why the German state of Bavaria is harboring an accused war criminal?

Today, I, along with Dr. Franzblau, demand justice for those 900 children.

Dr. Hans Sewering must be exposed for what he is, a Nazi war criminal.

IMPENDING MEDICARE BANKRUPTCY

(Mr. METCALF asked and was given permission to address the House for 1 minute.)

Mr. METCALF. Mr. Speaker, as a senior citizen, I stand today to express my deep concern over the impending bankruptcy of Medicare. I feel very privileged to hold a Medicare card, which provides health coverage for seniors, but it will have little value if the system goes bankrupt.

According to President Clinton's Medicare board of trustees report, which I hold here, Medicare will be bankrupt in 7 years. Seniors simply cannot afford to lose their primary source of health care. We can either proceed on our current path of bankruptcy or strengthen, simplify and save Medicare.

I say we choose to save this vital program. To achieve this goal, we must slow the growth of Medicare. It is now growing at 10 to 11 percent per year annually. If we can slow the growth to between 5 and 7 percent, we can save Medicare from bankruptcy.

Mr. Speaker, let us not fall for the scare tactics. We must act carefully and thoughtfully to protect Medicare, but we must take action now.

HARLEY-DAVIDSON ON THE CUTTING EDGE

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, Chi Chi the potbellied pig is in deep, deep trouble. Chi Chi was arrested for rape. That is right. Chi Chi, like millions of others, could not resist the most beautiful hog in the world, a Harley-Davidson motorcyle.

When interviewed by Swine Magazine Daily, Chi Chi said:

The flowing lines of her beautiful, made-in-America full-fendered skirts and slip clutch were too much for me to handle.

Quite frankly, I lost it.

Mr. Speaker, Chi Chi lost it all right. Chi Chi is scheduled for castration, which only goes to show you; when it comes to quality, made in America, Harley-Davidson is on the cutting edge.

SUPPORT THE TRUE CONTRACT WITH AMERICA

(Mr. LEWIS of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of Georgia. Mr. Speaker, 30 years ago, with Harry Truman watching, President Lyndon B. Johnson signed into law a program to guarantee health insurance for every person over 65.

Thirty years ago, Medicare was born.

Thirty years ago, half our senior citizens did not have health insurance. Today, because of Medicare, 99 percent of our elderly have health insurance.

The Republicans are threatening the Medicare program. And they are doing it to pay for tax breaks promised in their so-called Contract With America.

But make no mistake about it, that is not the Contract With America. I have here in my pocket the true contract with America—the Medicare Act signed by President Johnson. This is our contract with our parents, with our children, with our grandchildren. This is our contract with America.

Medicare is a sacred trust with our seniors and our families. It cannot and must not be violated.

SENIORS ARE PAWNS IN THE REPUBLICAN BUDGET GAME

(Mr. REED asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. REED. Mr. Speaker, since the beginning of the 104th Congress, the American people have listened to Democrats and Republicans debate national priorities. The priorities of the Republican Party are crystal clear. They support a contract with the wealthy over our historic contract with older Americans.

Under the Republican budget resolution, the wealthiest 1.1 million Americans will receive a $20,000 tax break. In return, 37 million seniors will see their Medicare benefits cut by over $1,000 a year by the year 2002.

Let me remind my Republican colleagues that Medicare is not a welfare program, it is not a luxurious giveaway like the Republican tax cuts, and it is not a fiscal candy jar. It is an insurance program that has enabled 37 million seniors to live lives of independence and dignity.

Let us not make seniors pawns in the Republican budget game—raiding Medicare to pay for tax cuts to the wealthy is completely unacceptable.

IT IS TIME FOR AN OUTSIDE COUNSEL

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, yesterday, the ranking member of the House Ethics Committee sharply criticized the committee's slow progress on investigating the numerous charges against Speaker GINGRICH.

The ranking member of the committee has charged that the committee had delayed votes, run a sloppy investigation, and was unprepared to question Speaker GINGRICH when he appeared before the committee, yesterday.

The House Ethics Committee's so-called investigation into the charges against Speaker GINGRICH is beginning to smell like a coverup. It is time to hand this case over to an outside counsel who can investigate these serious allegations in a nonpartisan and thorough fashion.

LET US BE FISCALLY RESPONSIBLE

(Mr. SOLOMON asked and was given permission to address the House for 1 minute.)

Mr. SOLOMON. Mr. Speaker, we all have to live by the rules of the House. In my opinion the previous speaker violated the rules of the House. We cannot talk about ethics investigations on the floor of this House.

Mr. Speaker, we have heard a lot of rhetoric from people talking today on that side of the aisle, the Democrat side of the aisle. I just have to point out that I have been keeping track here. Just about every one of them who spoke are listed as the biggest spenders in the House over the last 5, 10, 15, 20 years.

We have a national debt that is reaching $5 trillion. It costs $250 billion today just to pay the interest on it. If we allow spending to continue like President Clinton has asked us to do, then we would be paying over $350 billion in interest on that national debt. That means less money to help those people that really need help and less money to solve the Medicare problem.

Let us get this House in order. Let us be fiscally responsible. Then we can help those people who really need help.

APPOINT AN OUTSIDE COUNSEL

(Mr. BONIOR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BONIOR. Mr. Speaker, why is the Ethics Committee creating a whole new set of rules for NEWT GINGRICH?

According to this morning's press reports, the committee has made a whole series of special exceptions for Mr. GINGRICH.

Rather than following the rules and practices that have governed this committee for decades, the committee is making up new rules as they go along.

Rather than voting for a preliminary inquiry to look into the charges, which has been done in every other high-profile case, this committee has said no.

As one committee member suggested yesterday, any further delay on voting for a preliminary inquiry exposes the panel and the full House to the charge of a coverup.

Mr. Speaker, the only way we're going to get to the bottom of these very serious charges is to appoint a professional, nonpartisan, outside counsel to investigate, just as we have in every other high-profile ethics case since 1979.

No Member of this body is above the House rules. There can be no more special exceptions.

SAVING MEDICARE FOR THE NEXT 30 YEARS

(Mrs. KELLY asked and was given permission to address the House for 1 minute.)

Mrs. KELLY. Mr. Speaker, Monday is the 30th anniversary of Medicare. And yesterday to underscore my commitment to preserving Medicare for the next 30 years, I took a pledge to fight for this program.

As a former ombudsman in New York, who worked with senior citizens on a regular basis, I understand the financial pressures that senior citizens are under. Usually, they're on a fixed income. The majority of them are under a doctor's care. And some of them even permanently reside in a convalescent care center.

The point is, Mr. Speaker, that unless we act now those same individuals will be needlessly exposed to a world without adequate health care—and this group numbers close to 37 million.

Healthy, strong seniors, living independently, must be our goal. We must save Medicare. The alternative is simply unacceptable.

This isn't about politics—This is simply about the lives of 37 million people who are depending on us.

Mr. Speaker, I'm proud to say I've signed my name on the dotted line, and I will keep my promise.

DEMOCRATS ARE SILENT ON HOW TO SAVE MEDICARE

(Mr. SCARBOROUGH asked and was given permission to address the House for 1 minute.)

Mr. SCARBOROUGH. Mr. Speaker, in what should be one of most important issues on their agenda, the Democrats have come up unbelievably silent on the issue of what to do to save Medicare.

The trustees have said Medicare goes bankrupt in 7 years. Yet the Democrats are doing nothing about it. They are intellectually bankrupt on this issue. In fact the Baltimore Sun has said how the intellectual initiative has switched from the Democrats to the Republicans is visible in the fears debate over Medicare. Bill Clinton's Democrats find themselves defending the status quo.

Unfortunately, they also find themselves playing politics Richard Nixon style. Nixon once said that people vote their fears. That is what the Democrats are counting on.

The Republican Party this year is counting on the people going out and voting their hopes and dreams and rewarding those who dare to step into the arena and fight and get themselves bloodied to save Medicare for the next century.

DEMOCRATS PLAYING GAMES WITH MEDICARE

(Mr. JONES asked and was given permission to address the House for 1 minute.)

Mr. JONES. Mr. Speaker, day after day, the Democrats continue to play games. They are denying the underlining factor that our senior citizens need a helping hand. While seniors fear the bankruptcy of Medicare. The Democrats are threatening to ruin the pensions of hardworking Americans.

We will not use these political games and scare tactics. Instead, we will protect, preserve and improve Medicare for the American people. Our goal is to ensure Medicare for another 30 years and beyond.

We will streamline and weed out the waste and abuse of this bloated system. In doing so, spending for Medicare will increase. Let me rephrase that—Medicare will not be cut! It will continue to be the fastest growing program. Spending per senior will increase from $4,800 today to more than $6,700 in 2002.

Let us solve the matters at hand instead of making excuses. We must work for the people who made this country great.

□ 0920

IT IS WRONG TO CUT MEDICARE TO GIVE TAX BREAKS TO AMERICA'S RICHEST CITIZENS

(Mr. BROWN of Ohio asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROWN of Ohio. Mr. Speaker, this Sunday all of us across the country celebrate the 30th anniversary of the signing of Medicare. Thirty years ago, leading up to President Johnson's signing Medicare in Independence, Missouri, 93 percent of Republican Members of Congress, including then Congressman BOB DOLE, a Republican from Kansas, opposed the creation of Medicare. In the 1970's and the 1980's, the far right wing of the Republican Party continued to try to dismantle and cut Medicare.

Today, in 1995, literally 99 percent of the Republican Members of this body have voted to make almost $30 billion in cuts in Medicare. The fact is, prior to Medicare's creation in the mid 1960s, more than half of older Americans did not have health care coverage. Today, 99 percent of America's elderly may have health care coverage. The fact is, Medicare works. It is simply wrong, Mr. Speaker, to cut $300 billion from Medicare in order to give tax breaks to the richest American citizens. It is simply not right.

WORDS FROM REPUBLICANS CANNOT HIDE THEIR INTENTIONS REGARDING MEDICARE

(Mr. OBEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OBEY. Mr. Speaker, it seems to me that we hear some quite cynical remarks about Medicare this morning. Our friends on the Republican side of the aisle say they want to save Medicare, but their actions demonstrate they want to shred it. They say they want to save Medicare, but they took $90 billion out of it in their recent budget resolution. They say that they want to save Medicare, but when the Congress first passed it, they first tried to stop it, and only after they could not stop it did some of them vote for it. Their own majority leader, the gentleman from Texas [Mr. ARMEY], has indicated, very frankly, that if this world were shaped to his image, there would be no room in an entrepreneurial society for Medicare.

Pardon me, Mr. Speaker, but their words cannot hide their intentions. America's senior citizens know that.

PERMISSION FOR SUNDRY COMMITTEES AND THEIR SUBCOMMITTEES TO SIT TODAY DURING THE 5-MINUTE RULE

Mr. LEWIS of California. Mr. Speaker, I ask unanimous consent that the following committees and their subcommittees be permitted to sit today while the House is meeting in the Committee of the Whole House under the 5-minute rule: the Committee on Commerce, the Committee on Government Reform and Oversight, the Committee on International Relations, the Committee on the Judiciary, and the Committee on National Security.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mrs. SCHROEDER. Reserving the right to object, Mr. Speaker, the Democratic leadership has been notified of this, and we have no objection.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

GENERAL LEAVE

Mr. LEWIS of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill, H.R. 2099, and that I be permitted to include tables, charts, and other extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1996

The SPEAKER pro tempore (Mr. WELLER). Pursuant to House Resolution 201 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2099.

□ 0923

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2099), making appropriations for the Departments of Veterans Affairs and appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1996, and for other purposes, with Mr. COMBEST in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Thursday, July 27, 1995, title III was open for amendment at any point.

Pursuant to the order of the Committee of that day, the following amendments, and any amendments thereto, are debatable for the time specified, equally divided and controlled by the proponent and an opponent of the amendment: amendment No. 48 offered by the gentleman from Massachusetts [Mr. KENNEDY], for 20 minutes; amendment No. 26 offered by the gentleman from Minnesota [Mr. VENTO], for 20 minutes; amendment No. 57 offered by the gentleman from Indiana [Mr. ROEMER], for 50 minutes; amendment No. 66 offered by either by the gentleman from Ohio [Mr. STOKES], or the gentleman from New York [Mr. BOEHLERT], for 90 minutes; amendment Nos. 55 or 56 offered by either the gentleman from Rhode Island [Mr. REED] or the gentleman from New Jersey [Mr. PALLONE], for 20 minutes; and amendment No. 7 offered by the gentleman from Illinois [Mr. DURBIN], or the gentleman from Texas [Mr. WILSON], for 40 minutes.

AMENDMENT OFFERED BY MR. ROEMER

Mr. ROEMER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. ROEMER:

Amendment No. 57: Page 70, lines 13 through 19, strike "$5,449,600,000" and all that follows through "obligation until September 30, 1997" and insert in lieu thereof "$3,849,600,000, to remain available until September 30, 1997".

The CHAIRMAN. Pursuant to the order of the House of Thursday, July 27, 1995, the gentleman from Indiana [Mr. ROEMER] and a Member opposed will each be recognized for 25 minutes.

The Chair recognizes the gentleman from Indiana [Mr. ROEMER].

Mr. ROEMER. Mr. Chairman, I offer this amendment on behalf of myself, the gentleman from New Jersey [Mr. ZIMMER], and the gentleman from Oklahoma [Mr. LARGENT].

Mr. Chairman, the amendment is simple. It is an amendment that would cancel the space station from the NASA program, and it differs from the amendment that we dealt with yesterday, labeled the Obey amendment, in that our amendment has all of the savings go for deficit reduction. We do not intend to respend any of the remaining monies into other social programs or other sundry programs within the Government departments. This amendment is intended for deficit reduction.

Mr. Chairman, I testified the other day before the Committee on Rules of the gentleman from New York [Mr. SOLOMON], and not only asked the gentleman from New York for this opportunity to give this amendment the approval of this body, but also to testify strongly in favor of the lockbox amendment, so that we could finally get savings from these kinds of amendments go directly to the deficit, and not have these games being played that we are not saving money if we cut a program. Certainly if we cut this program, these monies will not be in future budgets.

Mr. Chairman, I want to talk a little bit about what this amendment is not about. This amendment is not about taking away Christopher Columbus' ship. We are going to hear all these grandiose promises about what the space station is capable of doing. We are not trying to wipe out past discoveries. We are not trying to take away Charles Lindburgh's plane.

We are not trying to say to Jim Lovell that he did not show a great deal of courage in this very, very good movie, "Apollo 13." We are not trying to take an Oscar nomination away from Tom Hanks. We are saying, "Judge this program on the merits, not on a movie." I saw "Apollo 13." It is a great movie. I recommend it to everybody in the body and people watching throughout the country. However, we do not base Federal allocations of resources on money and on movies. If we felt that, I think Hoosiers was a great basketball movie about the State of Indiana, but I am not up here advocating that we spend Federal dollars on Indiana IU basketball programs. I hope that is not the justification we hear over there on Apollo 13.

Sure, it is a great movie, but look at the merits of this program. What has the space station done? When Ronald Reagan first devised this program in 1984, President Reagan said this:

> This program will cost us $8 billion. It can achieve eight scientific missions here and it will be done in 10 years.

Today, in 1995, this program has gone from $8 billion to $94 billion. I thought these new Republicans coming in the new election were coming here to judge these programs on the merits, not on the movies. Here is the most recent General Accounting Office report: $94 billion, from an $8 billion start. We are going to make tough decisions in this Congress to move to a balanced budget, and certainly a program that has had that kind of cost increase does not deserve to have taxpayer dollars just thrown at it year after year.

We might say, "OK, it has gone from $8 to $94 billion. The science is magnificent. It is truly inspiring for our country." The science has gone from eight scientific missions in 1984, where they had a platform to study the Earth with environmental problems, a platform to look out into the solar system, a stepping stone to help us repair Hubble; it cannot do any of those things anymore, Mr. Chairman. All this $94 billion space station can do now is help us study the effects of gravity on men and women in space.

If that is all this thing can do, let us continue to dock with the Russians at Mir and not buy a $94 billion space station. Let us continue our international efforts with the Russians and modify an existing space station, and utilize that for these efforts.

We are also off schedule, overbudget, little science, supposed to be done in 1994, and now we will be lucky if this program is completed by the year 2004. Members are going to hear a lot of claims from proponents of the space station that this is an international partnership, and we have to have these international partnerships in the future, based upon science. I wish I had the kind of international partnership for my investments that the Russians have on this international partnership. They are not putting up money; we are putting up money for the Russians. We are sending $400 million of NASA money, taxpayer money from the United States to Russia, to get their international agreement and scientific cooperation. That is not an international partnership, that is us putting all the risk and liability out there, and the Russians getting all the benefits. Also, the Europeans and the Japanese and the Canadians are thinking of pulling out of this international space station.

Members are also going to hear a lot about how great this program is to solve breast cancer, that we are going to have all these panaceas up in space. Mr. Chairman, in the NIH budget today, what we are funding to the NIH, we cannot even fund most of the approved grants on breast cancer here on Earth with the funding problems we have at the NIH. We are going to spend $94 billion up in the sky, and maybe have a 1 in a million or a 1 in 10 million chance to do this up there? Let us spend that money on Earth, at the NIH, to solve these problems.

Mr. Chairman, I think we are also going to hear a claim from the other side that we have gone so far and we might as well continue this program; we have spent $12 billion. That is not a good argument either, Mr. Chairman. How can we justify the expenditure of another $80 billion? We are not a third of the way, we are not halfway. Measure these programs on their merits. All science is not successful.

Surely Christopher Columbus was successful, and we are proud of that effort. Surely Charles Lindburgh was successful, and we are very proud of that effort. Surely we have had great successes with Neal Armstrong. Every scientific endeavor is not destined to be as successful as those, and this, on the merits, does not deserve continued Federal funding.

Before I yield some of my time to the distinguished cosponsor of this amendment, the gentleman from New Jersey [Mr. ZIMMER], let me just quote from a famous scientist. Albert Einstein said this:

> It is not enough that you should understand about applied science in order that your work may increase man's blessings. Concern for the man himself and his fate must always form the chief interest of all technical endeavors. Never forget this in the midst of your diagrams and equations.

Diagrams and equations, technical endeavors, they are surely what we need to base so much of our hopes and dreams on in the future, but ask Thomas Edison how many successes he had. He did not succeed with every single invention. He was wise enough to know which ones to pursue and which ones to table.

Let us as a Congress make some decisions around this body to cut some of the programs that have had Federal funding for years and years and do not deserve continued funding. Let us make some tough decisions around here to cut spending, whether it be a B-2 bomber, whether it be a space station, whether it be a tobacco subsidy. Let us move toward a balanced budget, in the best interests and the best endeavors, as Albert Einstein said, of men and women.

Mr. ROEMER. Mr. Chairman, I yield such time as he may consume to the gentleman from the State of New Jersey [Mr. ZIMMER], the cosponsor of the amendment and somebody I have a great deal of respect for.

Mr. ZIMMER. Mr. Chairman, I thank the gentleman for yielding time to me.

One of the arguments we have heard yesterday and we will hear today is that without the space station, there will be no space program. The proponents of the space station sincerely believe that proposition, but I think they have it exactly wrong. The space station is killing our space program.

In years past, when the budget for NASA was rising at a healthy clip, the space station's voracious appetite made it impossible for us to conduct some very important and worthwhile programs of NASA. The Advanced X-ray Astrophysics Facility was scaled down and delayed, the Comet Rendezvous/Asteroid Flyby was canceled, the Space Infrared Telescope Facility was scaled down and it was delayed, the Compton Observatory was scaled down and delayed, the Stratospheric Observatory for Infrared Astronomy was scaled down, the Cassini Saturn mission was scaled down, the Earth Observation System was scaled down. These are some of the NASA programs that have already been victims of a static budget, or a slowly increasing budget.

We now have a declining budget for NASA, and a voracious appetite for a space station which is going to consume more valuable programs in space and on Earth.

I am not alone in believing that the space station means death for a good space program. There is nobody in this House who believes more deeply in space exploration than the former chairman of the Committee on Science, the gentleman from California [Mr. BROWN]. Until this year, he was one of the most forceful, effective, and knowledgeable proponents of the Space Station as part of a comprehensive program for us to explore space and learn more from space. However, yesterday he came to the painful decision that we cannot afford the space station and still have a decent space program. He concluded, as a number of us have concluded in years past, that in a period of static and now declining NASA budgets, the space station will surely cannibalize the truly valuable aspects of the space program.

Before I yield back my time, and I would hope to have an opportunity to speak again, I do want to point out to my Republican colleagues, particularly, that there is a major difference between this amendment and the Obey amendment. Whereas the Obey amendment distributed most of the savings from cutting the space station to social programs, this amendment applies every penny of net savings to deficit reduction.

Mr. LEWIS of California. Mr. Chairman, I yield 5 minutes to the gentleman from Pennsylvania [Mr. WALKER], chairman of the Committee on Science.

Mr. WALKER. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, as you listen to today's space station debate you will hear the voices of fear. That's right—fear. Fear of the unknown. Throughout history there have been those who feared the future so intently that they refused to invest in it. They justified their fear by pursuing objectives closely tied to present needs with the claim that only by spending on the known can we prepare for the unknown.

Invariably those who refused to focus on the future have been wrong. History has been unkind to those peoples and nations who pursued policies tied to fear.

Today we debate the future. We debate the promise of the future against the fear of the future.

I am hopeful this Congress will come down on the side of the promise. The space station is all about vision, hope, and promise.

What we are creating in the space station is a unique laboratory environment in which scientific work, unthinkable on Earth, can be done.

The station is a unique laboratory. You cannot replicate on Earth a microgravity environment where long duration study can be done.

The work in that laboratory is scientific, meaning that we are pursuing the new knowledge needed for our economic future.

The work cannot be totally quantified at this point because some of it, perhaps most of it, is unthinkable until the new environment and the new experience has been created.

What we are doing when we build a space station is creating for ourselves and our posterity the ability to touch tomorrow.

Is there anyone among us who does not believe that at some time now or in the future men and women will go beyond the bounds of Earth and explore the plants and the universe? How can you not believe that? After all, we already have left our footprints on the Moon and sent our technology to the cosmos.

And what have we learned? We have learned exploration is very difficult with the chance of unplanned consequences. But we have also learned that exploration of the most hostile frontier humankind has ever encountered has made us more creative.

President Kennedy told us that we would go to the Moon and do the other things, not because they were easy, but because they were hard.

That's the point. If this was easy or inexpensive there would be no challenge. The hardships and the sacrifices necessary to have humans live in, work in, and explore space, make us better, stronger, and richer. We learn new things. We create new technology. We build new relationships. We prove to the world why we are capable of leading the world technologically and economically.

When the question is asked, can we afford this project, that's the wrong question. The real question should be, how can we afford not to build a space station? How can we deny the destiny of humankind? How can we not do what we are now capable of doing to push further toward gathering the new knowledge that can only be found on a distant frontier?

The only real reason for not doing what we can do and should do is fear. Space station is something we can do. The technology is feasible. The research is valuable. The potentials are enormous. And the cost is assumed within our balanced budget goal. We can do this. We should not fear it.

The space station is something we should do. As a nation that has been built by explorers and investors, we should continue to build, explore and invent. As a nation committed to pushing frontiers, we should not back away from the space frontier. As a nation that seeks to lead the world in the next century, we should demonstrate the leadership our technology, and our courage can provide us.

Only fear can stop us. Fear too often blurs vision. Fear too often results in hopelessness. Fear too often negates promise. Fear too often undermines judgment. Debilitating fear of a great unknown that we are capable of exploring and exploiting would be a modern tragedy.

Make no mistake, a vote to cancel the space station has consequences well beyond that singular decision. A cancellation of space station is a decision that ultimately will stop America's human spaceflight program. A cancellation of space station will forfeit America's established leadership in space endeavors—leadership that has paid back to our economy at a rate of more than $2 for every dollar invested.

Don't capitulate to fear of the unknown. Join us in one of humankind's greatest endeavors. Join us in providing future generations their chance to reach beyond themselves. Join us in approving the international space station that will extend our reach into the future.

An old hymn talks about the future's broadening way. We can broaden it a little bit today by taking another step into the universe.

□ 0940

Mr. ROEMER. Mr. Chairman, I yield 2 minutes to the gentleman from Iowa [Mr. GANSKE], a distinguished freshman Republican member.

Mr. GANSKE. Mr. Chairman, I rise today in support of the Roemer-Zimmer amendment.

The space program has done some wonderful things. I stood in awe when man first walked on the Moon. I stand in awe of the space shuttle every time it launches. Mr. Chairman, I also stand in awe of our nearly $5 trillion national debt.

The space station may be a grand idea, but we must face the reality of its $94 billion price tag.

We must face the reality that the entire project is based on overly ambitious goals. Costs for the space station have been rising while the target date for its completion has been slipping.

Many questions remain. To what extent will the Russians, and other international partners, participate in this project? Will the shuttle program be able to handle the increased flight schedule? Is the target cost of the space station going to skyrocket if Boeing cannot reach acceptable agreements with the subcontractors?

But the central question we must face has nothing to do with international agreements and theoretical science. The question is, How can we stand in this Chamber and heap additional debt on our children and grandchildren.

A vote for the Roemer-Zimmer amendment is not a vote against space exploration. It is a vote about economic realities.

Mr. LEWIS. Mr. Chairman, I yield 3 minutes to the gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE. I thank the gentleman from California for yielding me the time.

Mr. Chairman, I say to the American people that President John F. Kennedy helped us dream by leading us into space exploration. How much excitement and inspiration and anticipation this country faced as we began that great historical effort, but in this era of budget cutting, some have argued that NASA has to take its share of budget cuts and the space station will have to be sacrificed as a result.

While I have great admiration for the gentleman from Indiana, I also admire the fiscal fairness that has to be done. It is imperative that we consider the efforts that NASA has already made, the cuts that it has already made and the efficiencies that it has already implemented.

The agency has been standing up and stepping ahead in the realm of cost reduction and efficiency improvements. As part of this zero-based review, NASA reduced its budget by $5 billion over the next 5 years. Over the past 3 years the agency has reduced its multiyear budget plan by 35 percent, a savings to the American taxpayer of $40 billion. To this point, the space station is on budget and on schedule.

You might say that is just something you have said; but, no, I have asked the project director directly: "Sir, are you on schedule? Are you on budget? Will you be monitoring your contractors? Will you be ensuring the American people that you will keep this project on budget and on schedule?"

"Yes, we will."

NASA has clearly demonstrated its commitment, to fiscal responsibility and deficit reduction. Do I see opportunities for inner city communities in the 18th Congressional District in Houston? Yes, I do. Education opportunities for children in my neighborhood schools. Frankly, I will say to the Members, jobs for minorities and women in America and business opportunities for minorities and women in America, that is the new spirit and the opportunity for NASA as it grows with space station.

Let us not forget the benefits we will all reap collectively: Research that can benefit all of us, from biotechnology, to environmental health, to cardiology, technological research in the areas of semiconductors and metal alloys, among others. We cannot ignore our international partners who have already contributeed over $9 billion in investment. We cannot ignore the potential for medical and technological breakthroughs that can result from this project.

Most importantly, Mr. Chairman, we cannot ignore the dreams and aspirations and hopes of all Americans that we too can explore. We can make the difference. Support the international space station, and do not support the Roemer amendment.

The CHAIRMAN. The Committee will rise informally in order that the House may receive messages from the President.

MESSAGES FROM THE PRESIDENT

The SPEAKER pro tempore (Mr. SENSENBRENNER) assumed the chair.

SUNDRY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. McCathran, one of his secretaries.

The SPEAKER pro tempore. The Committee will resume its sitting.

□ 0950

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT OF 1996

The Committee resumed its sitting.

Mr. ROEMER. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey [Mr. LOBIONDO].

Mr. LOBIONDO. Mr. Chairman, I rise in strong support of the Roemer-Zimmer amendment to bring the space station to a halt. We need to be realistic about this project.

Let us look at the commitment that we are asking the American people to make. Through the year 2012, the space station will cost $94 billion. Yes, $94 billion with a "b." The operational life of the station is only 10 years.

Mr. Chairman, in my district, the southern portion of the State of New Jersey, I go to the church halls and the fire halls, and I look at my constituents and I hear them say that they were working harder than they have ever worked before and they do not feel they are getting ahead. I listen to them say how many of them are working two and three jobs and their spouse is working two and three jobs, and they want the U.S. Government, they want this Congress, to recognize the efforts that they are making and the sacrifices that they are making.

This is a priority that we cannot afford at this time. We are being asked to make many difficult choices. We are running through that process. We are committed to balancing the budget by the year 2002. But these are Federal dollars that we cannot afford. Maybe sometime in the future. Maybe after the budget is balanced. But to those hardworking citizens who are doing their best, who are doing their part to make this democracy work, I do not think we can look them in the eye and tell them that we are willing to spend $94 billion on a program like this when we are asking them to make the sacrifices that we are.

Mr. LEWIS of California. Mr. Chairman, I yield such time as she may consume to the gentlewoman from California [Ms. LOFGREN].

Ms. LOFGREN. Mr. Chairman, I rise in strong opposition to the amendment and for the space station.

Mr. ROEMER is a very fine and valued Member of this House and of the Science Committee where we serve together. But in this amendment I believe he is incorrect.

This amendment was also offered in the Science Committee authorization process, where it was defeated. During our discussion various members suggested specific benefits that may flow from the space station, including advances in the cure for cancer and the understanding of tumor growth.

These benefits may very well flow from the space station, but in speaking for the space station in committee I advanced this view: The truth is that we don't know all of the innovations, discoveries and prosperity the space station will bring to us.

And that is the most compelling reason to enthusiastically support our space program and in particular the space station.

I remember well the first flight of humans into space by Yuri Gagarin. As a young girl in elementary school my imagination was stretched by the new horizons available to human kind. Our Nation rallied in a national effort to go to space. A young President told us that if we had the national will, we could go to the Moon. And so we did, exciting a generation about a new kind of future.

The daring men and women in the space program have served as models and heroes for our country's young. As a nation, we learned that we could accomplish what we intended to do. In the process, we saw side benefits such as the advancement of computer technology and countless other technological innovations that have transformed our world.

What will our space station bring us? We don't know, and that is good. If we knew, our dreams and horizons would be too limited.

We have problems here in our country. We have a need to attend to many of them and, quite frankly, I am opposed to the retrenchment from domestic problems that has characterized the 104th Congress. Having said that, the answer to these problems is not cutting the space station *Freedom.* Our country will not be stronger, greater, braver or more prosperous if we pull back and retrench from human space exploration.

There is a difference between spending money and investing money. The space station is an investment in our future and one that I urge our country to make. We owe it to ourselves and our children to keep faith with those who came before us, to continue to venture beyond the confines of this planet and to the great frontier of space before us.

Mr. LEWIS of California. Mr. Chairman, I yield 3 minutes to the gentleman from Wisconsin [Mr. SENSENBRENNER], the chairman of the subcommittee dealing with NASA's budget.

Mr. SENSENBRENNER. Mr. Chairman, I rise in opposition to the Roemer-Zimmer amendment to cancel the space station. This has become an annual exercise for these gentlemen. While I admire them for their tenacity, I do not admire them for their judgment. The space station is NASA's No. 1 priority to bring us into the next millennium. It is now on time and on budget.

Mr. Chairman, I will not deny that NASA has had serious problems with the space station in the past. Not that long ago, I was prepared to vote against the station as well, not because I thought it was a bad idea but because NASA did not have a plan to deal with possible Russian withdrawal from the program. I am pleased to say that the agency has made substantial progress in addressing my concerns.

The station program NASA has under way today bears little resemblance to the program that the gentleman who would kill it describe. NASA has moved to a single prime contractor and has placed the station on a responsible management plan. It will live within an annual $2.1 billion cap and not exceed total costs of $13.1 billion for operation and assembly through completion, a far cry from the figures bandied about by the folks on the other side.

Mr. Chairman, this is less than 15 percent of the NASA budget and less than one-seventh of 1 percent of the total Federal budget. This is not the two-headed budget monster that opponents make it out to be.

I have made a career of cutting the Federal budget. The reason I came to Washington was to get the Government's hands off of the taxpayer's wallet. In the last Congress, no Member had a better voting record for spending reductions and according to the National Taxpayers Union only eight Members have voted for more spending cuts so far in this Congress.

The space station is a question about the future. It will be the focus of human space flight for the next two decades that enable us to conduct cutting-edge research in microgravity science. Numerous organizations support it because of the potential for the development of breakthroughs in medicine.

Everyone here knows that NASA's budget is $700 million smaller in fiscal year 1996 and it is going to decline in the coming years. We should also acknowledge that we can accommodate these cuts, keep the space station and bring the benefits to the taxpayer of the cutting-edge research possible only in space. The Committee on the Budget recognized the merits of this program when it included the station in developing the plan to balance the Federal budget in 7 years. In short, a vote for the space station is a vote for tomorrow. It is both technologically and scientifically advanced and fiscally responsible. I urge defeat of the Roemer-Zimmer amendment.

Mr. LEWIS of California. Mr. Chairman, I yield 2 minutes to my friend, the gentleman from Louisiana [Mr. LIVINGSTON], the chairman of the Committee on Appropriations.

Mr. LIVINGSTON. I thank my friend for yielding me the time. He is doing an outstanding job as chairman of the subcommittee.

Mr. Chairman, I rise in strong opposition to the Roemer amendment to kill the space station project. I heard the argument about lack of jobs in this country.

The fact is the gentleman from Pennsylvania [Mr. WALKER], chairman of the Committee on Science, says killing the space station will kill approximately 40,000 high-tech jobs. Despite what the critics say, this is a critical investment in our Nation's future and it results in technology transfers and spinoffs to the private sector that creates more jobs. This is seed corn for real productivity in this Nation for the next century—power generation, electrical power systems, robotics, air and water quality sensors, advanced waste processing, and recycling technology. The impact on improving health care will be tremendous.

Just since July 1992, NASA and the National Institutes of Health have signed 18 cooperative agreements for research in critical areas like neurology, cardiovascular, and cancer research. The space station will work. It is on schedule and within budget now. It has been redesignated and costs $20 billion less in development and operations than originally planned.

And, it is a real program already. It is not just a paper program. International and U.S. companies have produced over 100,000 pounds of hardware related to the station that are ready for deployment. It is a good program. We ought to abandon this amendment, not this program.

Mr. ROEMER. Mr. Chairman, I yield 1½ minutes to the distinguished gentleman from Massachusetts [Mr. MEEHAN] who has worked on this amendment in the past.

Mr. MEEHAN. Mr. Chairman, this amendment missed by one vote last year, in the last Congress, and it is kind of interesting. This Congress was going to be the one to balance the budget. We would make more progress on deficit reduction. In fact, over 300 Members of this House voted for a balanced budget amendment.

What have we done since then? Well, we have increased defense spending by $10 billion more than what the Pentagon wanted. We have left untouched about $100 billion in corporate subsidies. We have passed a tax cut that will provide $357 billion in lost revenue. This is the balanced-budget Congress. This is an easy decision.

I understand it is difficult to cut a program where in some districts it means a cut in contracts. But you do not balance the budget by not making these decisions. The Space Station is something that is long overdue to be cut. The cost overruns have been outrageous. There may be another point in time in our history where we can afford it, but we cannot afford it now. We are spending $221 billion on interest on the national debt this year alone. It is the third largest Government program. Before Members go back to their districts and talk about how they are going to balance the budget, let them look at this amendment where you really have an opportunity to cut spending and not talk about the fact that we cut student loans or we cut school lunches or we cut these trivial things.

This amendment should be a very easy vote for Members of Congress. I cannot believe that after coming within one vote in the last session and getting new Members elected to Congress committed to a balanced budget that we could lose it this year.

□ 1000

Mr. LEWIS of California. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. DELAY], the majority whip.

Mr. DELAY. Mr. Chairman, I rise in strong support of the international space station and in very strong opposition to this amendment by the gentleman from Indiana [Mr. ROEMER] and the gentleman from New Jersey [Mr. ZIMMER].

Mr. Chairman, we have given at the office. There is no one more committed than myself to the deficit reduction effort, to cost-effectiveness, to the prudent use of taxpayer dollars and the outright stinginess in Federal spending. But NASA has done its part for deficit reduction.

In the past 3 years, NASA has reduced its multiyear budget plan by 35 percent, over $40 billion, and for 3 consecutive years, its annual budget has been reduced.

But even in a time of extremely tight budget allocations and with a commitment to balance the budget by the year 2002, the space station remains a top funding priority, and that is what we are talking about here, spending priorities.

The budget resolution that we passed just a month ago includes the space station because of its significance to our Nation's future, because of the exploration of space that touches the core of American identity as pioneering adventurers; and the success of the space station bears directly on how our future here on Earth, in the United States, in our schools and hospitals, offices and factories will be shaped.

I understand the gentleman from New Jersey's approach; I just disagree with it. The bottom line here, cutting through all the rhetoric, is if we want a space program, we have to put man in space. We cannot do a space program on Earth. So, Mr. Chairman, what we have to do is put man in space in a space lab to do the kinds of wonderful experiments and scientific breakthroughs that come from that.

Mr. Chairman, the American people support this critical program. I believe today, as it has been for the past several years, the space station will receive the support of the majority of my colleagues.

Vote "no" on the Roemer amendment.

Mr. LEWIS of California. Mr. Chairman, I yield 2 minutes to the gentleman from Utah [Mr. HANSEN].

Mr. HANSEN. Mr. Chairman, it would be interesting to go back and read some of the history of this Nation. When this House argued about going on the Louisiana Purchase and going to the West, the big argument was, "Why do we want to go out there? All there is are coyotes and rattlesnakes. Who, in their right mind, would want to go there? That is not a sensible thing to do."

But because of that pioneer spirit that was there, we moved on to the West; and out of that is where the great minerals of this country came from and the lumber and the water and the technology came from, those particular areas.

As a member of the House Committee on National Security, I remember distinctly meeting in room 2118, and our former chairman of that committee, Les Aspin, invited generals and admirals from the Soviet Union. Now, we were friends and we were buddies, and we sat down and talked as to what happened and why did they lose and why did we win the cold war? The whole conversation came down to one thing: technology. They could not run with the United States; they did not have the technology.

I think it is interesting as we talk to people from the pharmaceutical community and they talk about in a gravity-free environment how they can make medicines that will help mankind. We have always had this pioneer spirit to move ahead, to get things done.

Mr. Chairman, the space station is the frontier for America today. This is where the pioneers will go and this will bring us a lot of money. Or we can sit back like other nations, lose this technology, lose this pioneer spirit, lose the 8-to-1 advantage that we will have and find ourselves a second-rate nation sitting here worrying about social programs, when we can look at things that will create money, create jobs, and create what our universities around America are doing. Look at the many, many universities that are putting some type of experiment on the space station.

In the little place of Logan, UT, Utah State University has put more experiments on that space station, and out of that has created many jobs. Let us not be pound foolish and let us defeat this amendment and do what is right for America.

Mr. ROEMER. Mr. Chairman, I yield 1 minute to the gentleman from Wisconsin [Mr. BARRETT].

Mr. BARRETT of Wisconsin. Mr. Chairman, a generation ago, it was the dream of every child to see a man walk on the Moon. We fulfilled that dream and that was the right dream for that generation. Today's children, though, do not have a dream like that. Instead, they have a nightmare of a national debt of close to $5 trillion, and that is a debt that is not going away.

Right now is not the time to move on the space station. Right now is the time to move on the deficit and the debt. The only way we can do that is by making the difficult choices.

We hear people argue that this is a great investment, but we have already spent $12 billion on it, and we have nothing from it. It is going to cost us $94 billion in total when this is done.

That is a black hole, Mr. Chairman, and it is a black hole that this generation and, more importantly, our children's generation cannot afford. Let us stop the waste of money right now. Do the right thing. End the space station.

Mr. LEWIS of California. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. BENTSEN].

Mr. BENTSEN. Mr. Chairman, I rise in opposition to the Roemer amendment and in support of the space station.

The space station is an investment in exploration and science, an investment in jobs and economic growth, an investment in international cooperation, and most of all, an investment in improving life for all of us here on Earth.

The American space program has already made remarkable contributions to technology and medical research during its 35-year history. The space station is the next logical step. A permanent orbiting laboratory capable of long-duration research.

In medicine alone, space station researchers will be able to use the low-gravity environment to expand our understanding of cell culture, which will revolutionize treatment for joint diseases and injuries. It will provide a unique environment for research on the growth of protein crystals, with consequences for designing new drugs and treating diseases from cancer to diabetes.

We're already seeing the benefits of the space station even before it is built. A cell culturing device developed for the station is being used to grow ovarian tumor samples so they can be studied outside the body. Similar study is being conducted on brain tumors. This is but a hint of the work that will be done in space.

Some have argued that it would be fiscally prudent to eliminate the space station. Nothing could be further from the truth. In fact, it would be terribly imprudent to kill the program. We have already invested more than $12 billion in the space station. Our 12 international partners have spent more than $4 billion. Actual hardware is being built. To eliminate the program now, after so much of the investment has been made, would be the height of irresponsibility by allowing our investment to be wasted.

But most of all, canceling the space station now would waste a historic opportunity to forge a partnership with Russia, our former competitor in space and our former adversary. Who would have thought as we raced to the Moon during the height of the cold war that one day an American space shuttle and a Russian space station would be linked in space. Three weeks ago, NASA and the Russian space agency showed that the international space station is not only good science, but the technology sound. Again, this recent linkup of the shuttle *Discovery* and the Russian *Mir* is but a taste of the benefits the international space station will make possible.

We have come too far and there is too much to lose if we turn our back now. What a waste for the United States, which has led the world through the Industrial Revolution, the Jet Age, the Information Revolution, and the Space Age, to bury its head in the sand as we enter the 21st century. I urge support for the space station and opposition to this amendment.

Mr. ROEMER. Mr. Speaker, I yield 1½ minutes to the gentleman from Nebraska [Mr. CHRISTENSEN].

Mr. CHRISTENSEN. Mr. Chairman, no one but no one loves what NASA has done for America and the world in advancing the limitless boundaries of our imaginations more than I do.

Mr. Chairman, as a youngster I dreamed of the day I would ride a spacecraft into the heavens, maybe even walking on a planet. Surely Dan Goldin, director of NASA, is an American hero. His service to our country is proven and unprecedented. But, Mr. Chairman, we have a greater experiment to carry out here; an experiment that involves the life and death, economically, of the American people and, yes, it is our Federal debt.

Mr. Chairman, I do not need to remind this body that we borrow nearly a billion dollars a day; that a newborn born today owes $187,000 in interest payments just on our Nation's debt. Yes, the space station would be nice, but can we really afford $94 billion, the cost to launch, maintain, and build, for the next 10 years?

Mr. Chairman, remember the B-2 bomber debate we had just a couple of weeks ago? Heck, that was only $20 billion, and I say that facetiously. This is $94 billion. I truly believe that when we look at the Federal debt and look at the children and look at what it is costing this country economically, we have to reexamine. Yes, it is a good program; unfortunately, we cannot afford it at this time.

Mr. LEWIS of California. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. HALL].

Mr. HALL of Texas. Mr. Chairman, I rise in opposition to the annual Roemer-Zimmer amendment effort to kill the space station.

Mr. Chairman, I admire both of those gentlemen and have worked on the subcommittee with them for many years, I just disagree with their annual effort to knock out the space station, and I really do not understand speakers who say as a youngster they dreamed, but as an oldster they do not want other youngsters to have that same dream.

We cannot afford to lose this space station. And Mr. Chairman, we did not lose it by 1 vote. That was 2 years ago when they were going through redesign. The vote was 123-vote difference just a year ago.

I think it is obvious that we do need to cut back, and I think Mr. Goldin has cut NASA back in the last 3 years some 35 percent. I know of no other entity that has taken that same cut, and then another $5 billion.

We have taken enough hits in the NASA program. I think our Nation has weathered a lot of storms militarily, financially, politically, socially, and culturally, and throughout the rich history it has always been the American people and its leaders who have a deep and abiding belief in our future, a belief that we can and will accomplish great feats and make great discoveries.

Mr. Chairman, the gentleman from Indiana [Mr. ROEMER] spoke earlier about placing the needs of our senior citizens above the needs of our space station. The gentleman is right to be concerned about our seniors, but what the gentleman did not point out is that our seniors are in favor of the space station.

The Seniors Coalition, a group of 2 million members, has given its support to this station. This group, like myself, is supportive of a balanced budget and fiscal responsibility, but also recognizes the dividends that such a project will likely realize for older Americans.

The Seniors Coalition notes that research on the space station could potentially lead to medical breakthroughs in cancer, arthritis, diabetes, osteoporosis, balance disorders, Alzheimer's, cardiopulmonary disease, and other afflictions that threaten senior citizens.

The coalition notes that NASA space research has already resulted in products that improved seniors' quality of life, such as instruments that measure bone density, osteoporosis, cardiac pacemakers, computer readers for the vision impaired, and on and on. I oppose this amendment.

Mr. ROEMER. Mr. Chairman, I yield 1½ minutes to the gentleman from Kentucky [Mr. WARD], a talented new freshman.

Mr. WARD. Mr. Chairman, I rise today in support of this amendment.

Mr. Chairman, I have heard a previous speaker say that this is about exploring brave new worlds and strange new worlds. Well, I submit to my colleagues that I would not have come to Congress in 1995, if I was not interested in exploring strange new worlds.

Mr. Chairman, it is a strange world. It is a world where we can see cuts in every program that help our children, where we can see the threat of cuts in programs that help our seniors, and at the same time support billions for a project which is purely, purely speculative benefits. When we hear of the notions that NASA puts forward of what this project will achieve, we hear speculation.

Mr. Chairman, I stand next to none in my support of NASA and the basic space program. We need it. I am one of those young people who can remember as if it was yesterday sitting in a classroom watching JOHN GLENN and Alan Shepherd. These things stirred me. These things told me that there were opportunities for America to explore, to expand.

But, Mr. Chairman, the space station, just the notion of putting people in space does not justify this expenditure.

Mr. LEWIS of California. Mr. Chairman, I yield such time as he may consume to the gentleman from Alabama [Mr. CRAMER].

Mr. CRAMER. Mr. Chairman, I rise in opposition to this amendment and urge Members to oppose it.

I rise in strong opposition to the termination of the International space station.

There have been seven votes in the House to terminate the space station since I came to Congress in 1991. The space station has survived every vote. We've had a fair fight on this issue every year.

The space station is a critical investment in America's future. The Station is about life on earth.

If we give up on space station—we give up on Human Space Year.

The station will be a permanent, orbiting laboratory in low earth orbit that will provide important contributions to medical research, microgravity materials and life sciences research, and advanced technologies research.

The space program has already proven how important it is to life here on earth during its 35-year history. The space station is the next logical step in our exploration and utilization of outer space.

The space station is the largest international science project ever undertaken. The Station draws on the resources and expertise of 13 nations, including our old cold war adversary—Russia.

As the world redefines itself in this era following the end of the cold war, international cooperative projects like the space station become powerful symbols for what can be accomplished through peaceful cooperation among nations.

The United States is falling far behind the rest of the industrialized world in long-term investment in research and development.

We as a nation cannot afford to fall further behind in science and technology if we expect to be the world's technology leader into the next century.

NASA's R&D efforts provide one of the few Federal investments in our economy of 10, 20 or even 30 years from now.

These R&D investments are being made in the space station, aeronautics, high-speed computing, environmentally clean technologies, remote sensing, and miniaturization.

The investments being made in the science and technology now, will make long-term economic growth possible and provide long-term opportunities for future generations.

The space station is a critical element in this long-term investment that will ensure our Nation's future.

The station will be a testbed for a wide variety of future technologies and a unique science platform for research on advanced industrial materials, communications technologies, and medical research.

THE SPACE STATION, TOO LATE TO TURN BACK

The space station was redesigned in 1993 to incorporate Russian participation, to be cheaper, and to be more capable. These goals were accomplished.

The new design saves $5 billion in development costs, reduced annual operating costs by half, and expands the station's research capabilities.

The redesigned station has nearly twice the power, double the volume, twice the number of laboratory modules, and 50 percent more crew than the earlier design.

The new cooperative effort with Russia enables the station to be completed 15 months sooner and will save the United States almost $2 billion in development costs.

Since the redesign in 1993, the station program has proceeded smoothly and with stability.

All program cost, technical and program milestones have been met. The station is on time and on budget.

We are now less than 30 months from the launch of the first element of the space station in November 1997.

NASA has manufactured more than 42,000 pounds of actual flight hardware in 1994 and early 1995. A total of 75,000 pounds will be built by the end of 1995.

The first phase of the station program is well underway. We are gaining valuable experience with the Russian space station that reduces our technical risk.

This past February, the space shuttle flew within 37 feet of the Russian *Mir* Space Station and in March a U.S. astronaut began a 90-day stay aboard *Mir*.

On July 7, the shuttle *Atlantis* completed the historic docking with the *Mir* Station.

Several more missions to the *Mir* Station are planned in the next 2 years. The era of close cooperations with the Russians is well underway.

We have committed too much time and money in the space station and are too close to assembly of the station to turn our backs on this project.

I believe strongly that the space station is too important a program to abandon. I believe it is crucial to our Nation's future and to the future of our children.

I urge my colleagues to oppose the amendment to terminate the space station.

Mr. LEWIS of California. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. CALVERT].

Mr. CALVERT. Mr. Chairman, I rise in opposition to the Roemer amendment and in strong support for the international space station.

We have already spent billions of dollars over the years on this necessary program and I find it amazing that we are now discussing terminating funding at a time when mission launches begin next year.

The space station is needed to develop new materials and processes in industry.

This space station will accelerate breakthroughs in technology and engineering that will have immediate, practical applications for life on Earth—and will create jobs and economic opportunities today and in the decades to come.

It would maintain U.S. leadership in space and in global competitiveness, and serve as a driving force for emerging technologies.

The space station will force new partnerships with the nations of the world.

It would inspire our children, foster the next generation of scientists, engineers, and entrepreneurs, and satisfy humanity's ancient need to explore and achieve.

We need the space station to invest for today and tomorrow.

Every dollar spent on space programs returns at least $2 in direct and indirect benefits.

And finally, the space station will help sustain and strengthen the United States' strongest export sector—aerospace technology—which in 1993 exceeded $39 billion.

We need the space station, for the present and for the future.

I urge my colleagues to oppose the Roemer amendment.

Mr. EMERSON. Mr. Chairman, I rise today in support of the international space station. Our Nation's human flight space program represents the American ideal of exploration and leadership, and the international space station carries on that tradition.

Space station opponents argue that space station funding is a fiscally irresponsible program. I believe the space station funding is a fiscally responsible and essential investment in America's future, and the dollars requested for the program will be more than returned in the coming years.

The budget for the space station is less than 15 percent of NASA's budget, and only one-seventh of 1 percent of the Federal budget. The redesigned space station is better managed under a single prime contractor and has more lab space, more power, a larger crew, and costs $20 billion less in development and operations than the previous design. The space station is on schedule and within budget and NASA's fiscal year 1996 budget authorization and appropriation meet House budget resolution targets—in line with achieving a balanced budget by fiscal year 2002.

Mr. Speaker, the space station is a vital part of America's role in shaping the future. I urge a "no" vote on the amendment.

Mrs. JOHNSON of Connecticut. Mr. Chairman, achievements in space set the United States apart from other nations with greater distinction than any other endeavor. Indeed, our space program has become the very symbol of American ingenuity, daring, and innovation. It has been more than three decades since Americans walked on the Moon, and no other nation today is even remotely close to duplicating that feat.

The space station will be a symbol of U.S. international leadership and preeminence in space science. It brings together many nations to work on this single project, who have, to date, invested billions of dollars. Russia, Canada, the European Space Agency—whose participation includes 9 of its 15 member nations, and Japan are all contributing partners.

I would not argue that our agreements with these international partners are, in and of themselves, a compelling reason to proceed with the program. I would, however, emphasize that this is an unprecedented level of international cooperation, undertaken at our initiative, and its abandonment would say nothing positive about our willingness to live up to our commitments.

A decision to terminate the space station program will likely put a period at the end of this Nation's manned space program—there will be nowhere else to go, and we will have missed our one opportunity to impel mankind toward a better future. If we continue to move forward, however, we will keep alive our Nation's hope for a better, greater future.

Yes, we have social and economic problems all around us. But the problems of the future will surely be worse. For our children and grandchildren, and subsequent generations of Americans to prosper, they will require new ideas, new knowledge, new technology, new products, new jobs, and new worlds to conquer. Your vote for space station is a vote for a stronger America and a better world.

Mr. MINETA. Mr. Chairman, I rise in strong opposition to this amendment.

Mr. Chairman, I am starting to feel like a broken record player. It seems as if nearly every time I make a trip to the floor of this Congress I have the same message. Apparently, however, I need to say it one more time.

Simply put, good public policy means looking farther ahead than the next election.

Mr. Chairman, the international space station is all about long-term vision. It is about a vision of national unity. It is about a vision of U.S. competitiveness. And, it is about a vision of international cooperation.

There is no question that the space station has a high price tag in the near future. But, Mr. Chairman, this is the U.S. House of Representatives, not some for-profit corporation. It is, in fact, our job to consolidate public resources and invest them for the future.

The space station offers huge dividends. Our Nation's gains from space flight in the areas of general technological capability and specific spinoff inventions is well documented. The lives of thousands of Americans have been improved and in fact saved by technologies discovered during manned space flight.

And, Mr. Chairman, manned space flight bring this Nation together. One need only see "Apollo 13," or hear the roar of a shuttle launch, or listen to the old tapes of man's first walk on the Moon to understand this phenomenon.

Finally, we must consider the long-term value of working toward common goals with members of the international community. Mr. Chairman, I ask you what the dollar value is of a strong working relationship with our friends in Russia? How much money do we save by avoiding another cold war?

Mr. Chairman, I do not understand how anyone claiming to be a policymaker can ignore these benefits in favor of short-term political gain. I urge my colleagues to vote "no" on this amendment.

Mr. LEWIS of California. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. STOCKMAN], whose district makes a great contribution to space station.

(Mr. STOCKMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STOCKMAN. Mr. Chairman, speaker after speaker will get up here and say, "I remember as a child, I remember as a child the great things that astronauts used to do."

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But do you know what they are saying? "We want to kill the dream for the next generation so they cannot stand up here a generation from now and say, 'I remember space station, I remember how it thrilled me.' "

They want to rob that. We are going to rob the next generation of that.

They say, "Well, what is it going to produce?" I have never heard a scientist predict what he is going to find in space. I never knew so many scientists were in Congress. My wife worked on it, and time after time again they would say, "Redesign it."

I ask: How many rocket scientists do we have here? I have not heard them speak. I have not heard a thing.

You know, when we were discussing Alaska, it was an icebox, and on this very floor they denigrated it. Why get Alaska? There is nothing in Alaska. Where are those voices today? They are gone.

Where are the voices for science? The doctors, the naysayers? They are all out here robbing our children of the future. "No, we cannot have a space station. No, we cannot have a future." It is because we do not have a vision in this country anymore that we are willing to kill the space station. We cannot allow that to happen.

Queen Isabella, she had lots of problems. I am sure she had potholes and social problems, but she went forth, spent the money, and it was expensive and found this country. That was probably a waste, in many of my colleagues' eyes.

I think it is wrong and shortsighted what we are doing here today, or trying to do, and this annual amendment is shortsighted.

Mr. ROEMER. Mr. Chairman, I yield 1½ minutes to the gentleman from New Jersey [Mr. ZIMMER], the distinguished cosponsor of the amendment.

Mr. ZIMMER. Mr. Chairman, I thank the gentleman for yielding.

My friend from Texas talks about the thrill of having a space station in orbit. Just think about it. Will our children really be thrilled 30 years after a man walked on the Moon to have a space station in low Earth orbit, something the Russians have been doing for 10 years, at a cost of our entire space program, including plans to get us back to the Moon and on to Mars? I think not.

Simply put, the space station is not worth the money, whether you agree with NASA's unrealistic $37.5 billion sticker price or the far more realistic General Accounting Office $94 billion estimate. The National Taxpayers' Union strongly supports the Roemer-Zimmer amendment. So does Citizens Against Government Waste. Citizens Against Government Waste has scored this vote year after year, as well they should. The Office of Technology Assessment has said placing the Russian contribution in the critical path to completion poses unprecedented programmatic and political risks. The Congressional Research Service points out the many, many challenges and threats to the budget and the timetable of the space station: Huge increases in the number of space walks, having to launch 73 missions exactly on time, some of them within a 5-minute launch window.

We may be technically within budget and on time at this point. I predict and I assure you that next year we will not be.

Let us cut our losses and the losses of our foreign partners and terminate this program now.

Mr. ROEMER. Mr. Chairman, I yield myself the balance of my time.

I would conclude with summing our position up on this amendment by saying that this amendment is about the dreams of America. It is about the hopes of Americans. It is about new frontiers, but it is more complicated than saying that these new frontiers are only limited to a space station in space.

Our dreams and our hopes and our new frontiers are also on Earth. They are about a $4.8 trillion debt that is killing our children's futures and dreams. They are about programs that are being offered in this Congress to kick children off of Head Start.

Our dreams from Alabama to Indiana, from California to New Jersey are about Congressmen and women making the difficult decisions at times based on the merits of programs, not on the movies and theaters. We are not assessing the merits of a space station based upon Tom Hanks' performance in "Apollo 13". If we were, I think you have a 435-to-0 vote in favor of Tom Hanks.

What we are assessing today is a space station that has gone from $8 billion in costs to $94 billion. What we are assessing today is a space station that has gone from eight scientific nations to one. What we are assessing today is a Congress. Does it have the will and the tenacity and the courage to start moving toward a balanced budget for the hopes and the dreams of all Americans?

Mr. Chairman, all science is not successful. I wish it was. Thank goodness Christopher Columbus was successful. Thank goodness Charles Lindbergh and thank goodness Jim Lovell were, but the space station is not the same kind of science or merit that those previous programs were.

Vote to cut the space station now before it eats up the rest of the seed corn for a precious NASA budget and science budget.

Mr. LEWIS of California. Mr. Chairman, I yield 2 minutes to the gentleman from Florida [Mr. WELDON].

Mr. WELDON of Florida. Mr. Chairman, I rise in strong opposition to the Roemer amendment, and I just wanted to make one thing very, very clear to our fellow Members here. There are a lot of figures being thrown around about the space station, some claiming that it is going to cost $94 billion, a GAO study that claims that that is for the full cost of the station. Well, there are $8 billion spent on redesigns that were commissioned by this Congress in redesigning this program over and over again, and now you have the program finalized, you have international partners in it, it is on budget, it is on time, it is good science.

There are 14 different programs from NIH that are going up on this space station. There are seven different pharmaceutical companies interested in doing significant research in areas like diabetes, osteoporosis, that are going to go up on this space station. Included in that supposed $94 billion is $47 billion in shuttle operations over the next 15 years.

The supporters of this amendment, are they claiming they want to ground the shuttle, that they want to completely end our manned space program? I think the American people say no, and they have said no consistently for the past 5 years. Repeatedly this body has voted in support of this program.

Now we are about the business of trying to kill it one more time. Now while we have the Japanese investing $1 billion in their part of the program, we have our European partners investing $2 billion in their part of the program, while we are in the process of bending metal and finalizing this and ready to put it up in the air, the dream is about to become a reality, one more time the naysayers are coming forward and saying no, no, no, we cannot have a space station, we cannot afford it.

Well, I submit to my colleagues that if that type of attitude had existed in the past, Jefferson would never have purchased the Louisiana Purchase.

Mr. LEWIS of California. Mr. Chairman, I yield myself the remainder of my time.

Mr. Chairman, there was a lot of conversation yesterday and today about whether man should be in space. There are those on the floor who really do not believe in our manned space mission, as well as a great deal of discussion regarding the role of NASA and the impact it might have upon our economy.

I have done some calculating here this morning. We have a $1.4 trillion national budget. NASA's entire budget represents .01 percent of our national commitment to a variety of domestic programs. Within the NASA budget only 15 percent goes to station, and yet station is the centerpiece of all of NASA's work.

Without a doubt, the American people have expressed themselves. They support strongly man's work in space and our future in space.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Indiana [Mr. ROEMER].

The question was taken; and the chairman announced that the noes appeared to have it.

Mr. ROEMER. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to the order of the House of Thursday, July

27, 1995, further proceedings on the amendment offered by the gentleman from Indiana [Mr. ROEMER] will be postponed.

The point of order of no quorum is considered withdrawn.

Mr. FAZIO of California. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I ask the Chairman's indulgence to engage in a colloquy with the gentleman from California [Mr. LEWIS].

Mr. LEWIS, I want to applaud your efforts in agreeing to work to provide funding for an outpatient clinic to help meet the critical medical needs of the 450,000 northern California veterans. I strongly support this proposal and I appreciate the fact that you have gone out of your way to try and accommodate the concerns of Mr. RIGGS and myself on this issue.

The problem still remains, however, that we are still in dire need of inpatient services for these veterans north of San Francisco as a result of the closure of the Martinez Veterans Hospital damaged in the Loma Prieta earthquake. I want to ask the Chairman's further assurances to continue to work with the northern California delegation in pursuing more low-cost alternatives to providing this needed inpatient hospital care. Would the Chairman be willing to work with myself and Mr. RIGGS to find solutions to this ongoing problem?

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. FAZIO of California. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, I appreciate my colleague from California [Mr. FAZIO] raising this question.

We did discuss it to some extent yesterday on the floor. There is no question about the need in northern California for advanced services available to the veterans who live in that region. You and I know, serving on the Committee on Appropriations, the difficulties that we face.

I am not only pleased with the level of contact and communication I have had from all of your delegation regarding this matter, I certainly look forward to working with you in the months and years ahead.

Mr. FAZIO of California. I appreciate the help the gentleman may be able to offer us.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I had an amendment, No. 48, that I was intending on offering this morning. It is an amendment dealing with the community development financial institutions. But as a result of conversations that took place initially between the gentleman from New York [Mr. FLAKE] and the distinguished chairman of the full Housing Committee, the gentleman from New York [Mr. LAZIO], last evening and then further conversation that I was able to have with the chairman of the Subcommittee on VA, HUD and Independent Agencies, the gentleman from California [Mr. LEWIS] this morning, it appears as though we can avoid the timely debate on this issue and go to, I hope, a commitment to try to find some funding for the important community development financial institutions as we move this bill through the process.

Mr. FLAKE. Mr. Chairman, will the gentleman yield?

Mr. KENNEDY of Massachusetts. I yield to the gentleman from New York, who has done a tremendous job leading the community development institutions through the last couple of Congresses. He does tremendous work on the Housing Committee and other issues pertaining to investment in low income communities.

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Mr. FLAKE. Mr. Chairman, I thank the gentleman from Massachusetts [Mr. KENNEDY], and certainly we want to thank him for having been one of the most vocal of individuals as it relates to the development of the communities, particularly these urban communities where we have had a great deal of stress as it relates to trying to make sure that we turn these communities around.

Mr. Chairman, I would like to enter into a colloquy with my colleague from Long Island, NY [Mr. LAZIO], who has worked diligently both as a member of the Subcommittee on Housing and Community Opportunity and now as the chairperson of housing as it relates to our concerns about community development financial institutions, and in our discussion, Mr. Chairman, one of the concerns that the gentleman knows that is passionately a part of my responsibility here and my work in New York has been to try to assure that we find means by which we get funds into communities where we cannot invest the funds, investment funds that allows for us to have an opportunity to generate jobs, to generate the means by which we rebuild those commercial strips.

As the gentleman knows, Tom Ridge and I started out in 1991 with the Bank Enterprise Act which we got passed by this body. The Bank Enterprise Act sort of served as a foundation for the community development financial institutions where we would give banks an opportunity to be able to participate in communities that they had ignored and then by helping to put resources in those communities to turn them around, and, Mr. Chairman, what I am asking of the gentleman is that, as we move forward and understand these distressed communities still have needs and yet in this particular budget the $104 million that was originally asked for CDFI is zeroed out, I am asking the gentleman's support, if he will, to allow us in understanding what the need is, and understand that America can never be strong if a part of America is still distressed, if a part of America does not have an opportunity to create means by which we can create jobs, if a part of America does not have the means by which it can build its commercial strips and on those commercial strips be able to turn them around and generate opportunities for those young people who may otherwise end up in jail.

I would like the gentleman's support in assuring that, when we get this bill together, when we move into the conference stages, that he will assist us because I know that he and I in our discussions understand that this is a reality of a need for America.

Mr. LAZIO of New York. Mr. Chairman, will the gentleman yield?

Mr. KENNEDY of Massachusetts. I yield to the gentleman from New York.

Mr. LAZIO of New York. I would like to respond to my friend, the gentleman from New York [Mr. FLAKE], and say first of all that no Member of this body has done more for his district than the gentleman has in fostering partnerships and leveraging public funds and private funds together to make life better, and this Member also believes that, as the gentleman does, that access to credit and an increase in entrepreneurship is one of the foundations of turning some of our most underserved communities around and that we do need to do more and commit ourselves to do more in terms of access to capital for young, budding entrepreneurs, especially in our underserved areas, and the gentleman has the commitment from this chairman, from this Member, that I will work with him to find ways both through CDFI and other means to ensure that we have better access to capital in some of our most underserved areas.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. KENNEDY of Massachusetts. I yield to the gentleman from California.

Mr. LEWIS of California. I want to say to all the gentlemen involved that I have the deepest respect for the work that they are involved with here. If we can provide opportunity to enter our marketplace in a way that allows for growth and job opportunity——

The CHAIRMAN. The time of the gentleman from Massachusetts [Mr. KENNEDY] has expired.

(On request of Mr. LEWIS of California and by unanimous consent, Mr. KENNEDY of Massachusetts was allowed to proceed for 2 additional minutes.)

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. KENNEDY of Massachusetts. I yield to the gentleman from California.

Mr. LEWIS of California. Access to capital is very fundamental to the success of the kind that the gentleman is talking about. I want all of my colleagues to know that, while the committee did zero CDFI by way of $104 million, that this was in no small part because there is in the bill the President signed yesterday a $50 million pool for this activity that is to be run through the Department of the Treasury. Frankly, I am scratching my head about whether that is the right approach. As we go toward the Senate for a conference, I want to be discussing this in depth with the gentleman and very much appreciate the commitment that all the gentlemen have to this very important work.

Mr. KENNEDY of Massachusetts. Reclaiming my time, I appreciate both gentlemen's commitment to this program, and I just want to say I talked with the Treasury Department earlier this morning. They are looking forward to entering into a dialog with the gentleman from California [Mr. LEWIS] and the gentleman from New York [Mr. LAZIO] with regard to exactly what funds should be utilized for the purposes, but I am glad to hear that both chairmen have committed themselves to making certain that community development financial institutions maintains the level of funding going into the next year.

Mr. LEWIS of California. Let me add just one more thing, if I may.

The gentleman from New York [Mr. FLAKE] and the gentleman from Massachusetts [Mr. KENNEDY] have a deep commitment to this work, as my chairman from the committee does here as well. We have time pressures today. We are going to have an extended debate, but we will have that discussion in the months ahead, and hopefully it will be very fruitful. I appreciate very much my colleagues' cooperation with the Members' problem on the floor today as we make this very important point.

Mr. KENNEDY of Massachusetts. I appreciate very much the gentleman's cooperation, and I want to just tell the gentleman from New York [Mr. LAZIO] that I look forward to working with him on this and a number of other issues. We had some differences on the floor yesterday, but I look very much forward to working with him in the future.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I submit my remarks in strong opposition to the amendment offered by the gentleman from Indiana [Mr. ROEMER] and in support of the space station.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to the order of the House of July 27, 1995, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order: On unprinted amendment offered by the gentlewoman from Ohio [Ms. KAPTUR]; amendment No. 34 offered by the gentleman from Oregon [Mr. DEFAZIO]; amendment No. 57 offered by the gentleman from Indiana [Mr. ROEMER].

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT OFFERED BY MS. KAPTUR

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Ohio [Ms. KAPTUR] on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Ms. KAPTUR: Page 20, line 25, after the dollar amount insert the following: "(increased by $234,000,000)".

Page 21, line 15, after the dollar amount insert the following: "(increased by $234,000,000)".

Page 64, line 16, after the dollar amount insert the following: "(reduced by $234,000,000)".

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 192, noes 222, not voting 20, as follows:

[Roll No. 596]

AYES—192

Ackerman
Andrews
Bachus
Baesler
Baldacci
Barcia
Barrett (WI)
Barton
Becerra
Beilenson
Bevill
Bishop
Bonior
Borski
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Conyers
Costello
Coyne
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Dornan
Doyle
Duncan
Durbin
Edwards
Engel
Ensign
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Flake
Foglietta
Ford
Fox
Frank (MA)
Franks (CT)
Frost
Furse
Gejdenson
Geren
Gibbons
Gilman
Gonzalez
Gordon
Green
Gutierrez
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hefner
Heineman
Hinchey
Holden
Hunter
Jackson-Lee
Jacobs
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kingston
Kleczka
Klink
LaFalce
Lantos
Lazio
Levin
Lewis (GA)
Lincoln
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McDermott
McHale
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Molinari
Mollohan
Montgomery
Moran
Morella
Murtha
Nadler
Neal
Ney
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Poshard
Rahall
Ramstad
Rangel
Reed
Richardson
Rivers
Roemer
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Shays
Sisisky
Skaggs
Slaughter
Souder
Spratt
Stark
Stenholm
Stokes
Studds
Stupak
Tanner
Taylor (MS)
Tejeda
Thompson
Thornton
Torres
Torricelli
Towns
Traficant
Velazquez
Vento
Visclosky
Wamp
Ward
Waters
Watt (NC)
Watts (OK)
Waxman
Weller
Williams
Wilson
Wise
Wolf
Wyden
Wynn
Yates

NOES—222

Abercrombie
Allard
Archer
Armey
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Bass
Bentsen
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Boucher
Brewster
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Cox
Cramer
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Gephardt
Gilchrest
Gillmor
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hoyer
Hutchinson
Hyde
Inglis
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Klug
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Laughlin
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
McCarthy
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Minge
Mink
Moorhead
Myers
Myrick
Nethercutt
Neumann
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shuster
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Spence
Stearns
Stockman
Stump
Talent
Tate
Tauzin
Taylor (NC)
Thomas
Thornberry
Thurman
Tiahrt
Torkildsen
Upton
Vucanovich
Waldholtz
Walker
Walsh
Weldon (FL)
Weldon (PA)
White
Whitfield
Wicker
Woolsey
Young (FL)
Zeliff
Zimmer

NOT VOTING—20

Bateman
Berman
Brown (CA)
Collins (MI)
Condit
Crane
Filner
Hall (OH)
Hilliard
Istook
Jefferson
Johnston
Largent
McKinney
Meyers
Moakley
Reynolds
Tucker
Volkmer
Young (AK)

□ 1055

The Clerk announced the following pair:

On this vote:

Mr. Johnston of Florida for, with Mr. Largent against.

Mr. BENTSEN and Mrs. ROUKEMA changed their vote from "aye" to "no."

Mr. JOHNSON of South Dakota, Mr. MANZULLO, and Mrs. MORELLA changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. TUCKER. Mr. chairman, earlier this morning there were three votes. I missed two. Had I been present I would have voted "yes" on the Kaptur amendment, rollcall 596, and "yes" on the DeFazio amendment, rollcall 597.

AMENDMENT OFFERED BY MR. DEFAZIO

The CHAIRMAN. The unfinished business is the request for a recorded vote on the amendment offered by the gentleman from Oregon [Mr. DEFAZIO] on which further proceedings were postponed and on which the nays prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. DEFAZIO:

Amendment No. 34: Page 8, line 9, strike "$16,713,521,000" and insert "$16, 725,521,000".

Page 79, line 23, strike "$22,930,000" and insert "$6,000,000".

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 175, noes 242, not voting 17, as follows:

[Roll No. 597]

AYES—175

Ackerman
Andrews
Barcia
Barrett (NE)
Barrett (WI)
Barton
Bass
Becerra
Beilenson
Bentsen
Bilbray
Blute
Bonior
Borski
Boucher
Brewster
Brown (CA)
Brown (OH)
Brownback
Bunn
Camp
Cardin
Chapman
Chrysler
Clay
Clayton
Coburn
Collins (IL)
Conyers
Cox
Coyne
DeFazio
Dellums
Dingell
Dixon
Dooley
Doyle
Duncan
Durbin
Edwards
Ehrlich
Engel
English
Ensign
Eshoo
Evans
Farr
Fattah
Fields (LA)
Foglietta
Foley
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Furse
Gephardt
Gibbons
Gilchrest
Gonzalez
Goodlatte
Goodling
Hall (TX)
Hastings (FL)
Hayes
Hayworth
Hilliard
Hinchey
Hoke
Horn
Hutchinson
Jackson-Lee
Jacobs
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kennedy (MA)
Kennedy (RI)
Kildee
Klug
LaFalce
Leach
Levin
Lewis (GA)
Lincoln
Linder
Lipinski
LoBiondo
Lofgren
Longley
Lowey
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Matsui
McDermott
McHale
McHugh
Meehan
Metcalf
Mfume
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Mollohan
Nadler
Neal
Neumann
Oberstar
Obey
Olver
Owens
Payne (NJ)
Pelosi
Peterson (MN)
Pomeroy
Portman
Quinn
Rahall
Ramstad
Rangel
Reed
Riggs
Rivers
Rohrabacher
Roybal-Allard
Royce
Sabo
Salmon
Sanders
Sawyer
Scarborough
Schroeder
Schumer
Seastrand
Sensenbrenner
Serrano
Shadegg
Shays
Shuster
Slaughter
Souder
Spratt
Stark
Stockman
Stokes
Studds
Tauzin
Thompson
Thurman
Tiahrt
Towns
Upton
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weller
Williams
Woolsey
Wyden
Wynn
Yates
Zimmer

NOES—242

Abercrombie
Allard
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barr
Bartlett
Bereuter
Bevill
Bilirakis
Bishop
Bliley
Boehlert
Boehner
Bonilla
Bono
Browder
Brown (FL)
Bryant (TN)
Bryant (TX)
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clinger
Clyburn
Coble
Coleman
Collins (GA)
Combest
Condit
Cooley
Costello
Cramer
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Doggett
Doolittle
Dornan
Dreier
Dunn
Ehlers
Emerson
Everett
Ewing
Fawell
Fazio
Fields (TX)
Flake
Flanagan
Forbes
Ford
Fowler
Frelinghuysen
Frisa
Frost
Funderburk
Gallegly
Ganske
Gejdenson
Gekas
Geren
Gillmor
Gilman
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutierrez
Gutknecht
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hefley
Hefner
Heineman
Herger
Hilleary
Hobson
Hoekstra
Holden
Hostettler
Houghton
Hoyer
Hunter
Hyde
Inglis
Johnson (CT)
Johnson (SD)
Kaptur
Kasich
Kelly
Kennelly
Kim
King
Kingston
Kleczka
Klink
Knollenberg
Kolbe
LaHood
Lantos
Latham
LaTourette
Laughlin
Lazio
Lewis (CA)
Lewis (KY)
Lightfoot
Livingston
Lucas
Mascara
McCarthy
McCollum
McCrery
McDade
McInnis
McIntosh
McKeon
McNulty
Meek
Menendez
Mica
Molinari
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nethercutt
Ney
Norwood
Nussle
Ortiz
Orton
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (VA)
Peterson (FL)
Petri
Pickett
Pombo
Porter
Poshard
Pryce
Quillen
Radanovich
Regula
Richardson
Roberts
Roemer
Rogers
Ros-Lehtinen
Rose
Roth
Roukema
Rush
Sanford
Saxton
Schaefer
Schiff
Scott
Shaw
Sisisky
Skaggs
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Spence
Stearns
Stenholm
Stump
Stupak
Talent
Tanner
Tate
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thornberry
Thornton
Torkildsen
Torres
Torricelli
Traficant
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Weldon (PA)
White
Whitfield
Wicker
Wilson
Wise
Wolf
Young (AK)
Young (FL)
Zeliff

NOT VOTING—17

Bateman
Berman
Clement
Collins (MI)
Crane
Filner
Hall (OH)
Istook
Jefferson
Johnston
Largent
McKinney
Meyers
Moakley
Reynolds
Tucker
Volkmer

□ 1104

Mr. FAZIO of California and Mr. RUSH changed their vote from "aye" to "no."

Messrs. COYNE, ENGLISH of Pennsylvania, WATTS of Oklahoma, and FOX of Pennsylvania changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. ROEMER

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Indiana [Mr. ROEMER] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 132, noes 287, not voting 15, as follows:

[Roll No. 598]

AYES—132

Ackerman
Barcia
Barrett (WI)
Bass
Bereuter
Blute
Brown (CA)
Brown (OH)
Camp
Chabot
Christensen
Coble
Collins (GA)
Collins (IL)
Conyers
Costello
Coyne
Cremeans
Danner
DeFazio
Dellums
Dingell
Doyle
Duncan
Durbin
Ensign
Evans
Fattah
Foglietta
Ford
Frank (MA)
Franks (NJ)
Furse
Ganske
Gibbons
Goodlatte
Goodling
Gordon
Gunderson
Gutierrez
Hamilton
Herger
Hilleary
Hoekstra
Holden

Hutchinson
Inglis
Jacobs
Johnson (SD)
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kildee
Kingston
Kleczka
Klink
Klug
LaFalce
Latham
Lazio
Leach
Levin
Lincoln
Lipinski
LoBiondo
Longley
Lowey
Luther
Maloney
Manzullo
Markey
Martini
McCarthy

McDermott
McHugh
McNulty
Meehan
Menendez
Miller (CA)
Minge
Mink
Montgomery
Myers
Nadler
Nussle
Oberstar
Obey
Olver
Owens
Pallone
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (MN)
Pomeroy
Porter
Portman
Poshard
Ramstad
Rangel
Reed

Rivers
Roemer
Roukema
Rush
Sabo
Sanders
Sanford
Schroeder
Schumer
Serrano
Shays
Shuster
Slaughter
Smith (MI)
Spratt
Stark
Studds
Stupak
Thompson
Upton
Velazquez
Vento
Wamp
Ward
Waxman
Woolsey
Wyden
Yates
Zimmer

NOES—287

Abercrombie
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Becerra
Beilenson
Bentsen
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (FL)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Canady
Cardin
Castle
Chambliss
Chapman
Chenoweth
Chrysler
Clay
Clayton
Clement
Clinger
Clyburn
Coburn
Coleman
Combest
Condit
Cooley
Cox
Cramer
Crapo
Cubin

Cunningham
Davis
de la Garza
Deal
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Doggett
Dooley
Doolittle
Dornan
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Everett
Ewing
Farr
Fawell
Fazio
Fields (LA)
Fields (TX)
Flake
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Frelinghuysen
Frisa
Frost
Funderburk
Gallegly
Gejdenson
Gekas
Gephardt
Geren
Gilchrest
Gillmor
Gilman
Gonzalez
Goss
Graham
Green
Greenwood
Gutknecht
Hall (TX)
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes

Hayworth
Hefley
Hefner
Heineman
Hilliard
Hinchey
Hobson
Hoke
Horn
Hostettler
Houghton
Hoyer
Hunter
Hyde
Jackson-Lee
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones
Kasich
Kennedy (RI)
Kennelly
Kim
King
Knollenberg
Kolbe
LaHood
Lantos
LaTourette
Laughlin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Linder
Livingston
Lofgren
Lucas
Manton
Martinez
Mascara
Matsui
McCollum
McCrery
McDade
McHale
McInnis
McIntosh
McKeon
Meek
Metcalf
Mfume
Mica
Miller (FL)
Mineta
Molinari
Mollohan
Moorhead
Moran
Morella
Murtha
Myrick
Neal
Nethercutt

Neumann
Ney
Norwood
Ortiz
Orton
Oxley
Packard
Parker
Pastor
Peterson (FL)
Petri
Pickett
Pombo
Pryce
Quillen
Quinn
Radanovich
Rahall
Regula
Richardson
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roybal-Allard
Royce
Salmon
Sawyer
Saxton

Scarborough
Schaefer
Schiff
Scott
Seastrand
Sensenbrenner
Shadegg
Shaw
Sisisky
Skaggs
Skeen
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stokes
Stump
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thornberry

Thornton
Thurman
Tiahrt
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Visclosky
Vucanovich
Waldholtz
Walker
Walsh
Waters
Watt (NC)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wilson
Wise
Wolf
Wynn
Young (AK)
Young (FL)
Zeliff

NOT VOTING—15

Bateman
Berman
Collins (MI)
Crane
Filner

Hall (OH)
Istook
Jefferson
Johnston
Largent

McKinney
Meyers
Moakley
Reynolds
Volkmer

□ 1113

The Clerk announced the following pair:

On this vote:

Mr. Largent for, with Mr. Johnston of Florida against.

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. CLEMENT. Mr. Chairman, I was unavoidably detained during rollcall No. 597 on the amendment offered by the gentleman from Oregon [Mr. DEFAZIO]. I would like the RECORD to indicate that I would have voted "no."

□ 1115

PERSONAL STATEMENT

Mrs. MYRICK. Mr. Speaker, I recently noticed that for rollcall vote No. 598, I am on record as having voted "nay." When I cast my vote on this amendment, I voted "aye" and, due to an error with the electronic voting system, I was incorrectly recorded as having voted "nay." My votes both in the Science Committee and on the House floor, on the issue of Federal funding for the space station, have been consistent. At a time when we are tightening our belts in order to balance the Federal budget, I cannot support funding for this project. Therefore, I would like to ask unanimous consent that my correct intentions—a vote of "aye"—be placed in the permanent record immediately following rollcall vote No. 598.

Mr. TALENT. Mr. Chairman, I move to strike the last word.

I would ask the gentleman from California if he would be kind enough to yield time to me for a little informal discussion here?

Mr. Chairman, I wanted to say to the gentleman that something happened in my office, and I wanted to ask if this is happening to other Members, as far as he knew. My Washington office staff got a call late last night from one of the regional EPA staffers from my area saying they had done a quick and dirty study of the bill, and that was their words, quick and dirty study of the bill, in the superfund section of it, and they thought if the bill passed they would not be able to do cleanup on a site in my district.

This is the night before the vote on the bill. I took it, at best, as an attempt to lobby me, and, at worst, an attempt to threaten me, and I wanted to know if this had been happening to any other Members, as far as you know, and what is going on about it?

Mr. LEWIS of California. Mr. Chairman, if the gentleman would yield, is he suggesting that EPA staff called his office last night essentially to imply that unless they got all the money they wanted that in some way they would not deal with a cleanup problem at a Superfund site in his district; is that what he is saying?

Mr. TALENT. That is right. The site they mentioned, as far as I know, is not listed as a site yet, but the staffer said this was done on the basis of a quick and dirt study. When my staff pressed her on it, she said she is a foot soldier and that this is headquarters telling them to do this.

Mr. LEWIS of California. If the gentleman would yield further, I must say to my colleague, Mr. TALENT, that such a phone call does not surprise this Member. I have had similar calls in my own district which suggested that if work at a Superfund site that is ongoing, it might be in trouble if they do not get the kind of funding that they would expect.

This bill provides for over $6 billion of funding for ongoing work at Superfund sites. Those sorts of phone calls do not surprise me. I consider the EPA to be a regulatory agency out of control.

Mr. TALENT. I have had other bad experiences with them. It is kind of ironic they are moving forward on another site in my area, and I do not want them to, and now they say they will not move forward on something that is not even a site yet.

I would say to the chairman, and I am sure he would share this, an objective study with a written analysis that is documented and circulated to the Members, I want to know the facts. I want to know what their opinion is on the outcome of legislation, however, a last minute phone call based on an admittedly "quick and dirty study" is out of bounds. I do not react well to that.

I hear the gentleman, and I just wanted to let him know about it and to see if other people were subject to the same thing.

Mr. LEWIS of California. If the gentleman would yield further, I certainly would not want to overstate the case, but it is very apparent that a number of Members have been suggesting we need further legislation relative to agencies that would use federal funds for lobbying purposes. I am not sure how I could exactly describe this one, but it is very apparent that this is an agency that believes it should do whatever is necessary to have its view be reflected in our law and our work regardless of how the Members may feel.

Mr. TALENT. Mr. Chairman, I thank the gentleman for his fine work in this area.

AMENDMENT NO. 66 OFFERED BY MR. STOKES

Mr. STOKES. Mr. Chairman, I offer an amendment No. 66.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 66 offered by Mr. STOKES:

Page 53, line 18, strike ": *Provided*" and all that follows through "appropriate" on page 55, line 9.

Page 55, line 19, strike ": *Provided*" and all that follows through "concerns" on page 59, line 3.

The CHAIRMAN. Pursuant to the order of the Committee of Thursday, July 27, 1995, the gentleman from Ohio [Mr. STOKES] will be recognized for 45 minutes, and a Member opposed will be recognized for 45 minutes.

Mr. STOKES. Mr. Chairman, I yield 20 minutes to the distinguished gentleman from New York [Mr. BOEHLERT], and I ask unanimous consent that he be permitted to control that time.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. STOKES. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, at the outset I want to express my appreciation to a distinguished Member on the other side of the aisle, Mr. BOEHLERT, for being the coauthor of this amendment. I welcome Chairman BOEHLERT's cosponsorship since he is chairman of a subcommittee with jurisdiction over this subject.

Mr. Chairman, as we have discussed with regard to other titles of this bill, we are today considering a bill that does create revolutionary harm to our veterans and to the poorest of the poor. Now we are considering another series of radical changes, this time to the Nation's environmental laws.

It is no exaggeration to say, Mr. Chairman, that title III of this bill represents the biggest step backward in environmental protection that this body has considered since the original Earth Day, 25-years ago. Let there be no mistake about what this bill is about, this bill rolls back environmental protections.

The bill does this through a one-third reduction in the funds available to the Environmental Protection Agency for implementing the laws that protect our waters, lands, and air. Environmental enforcement is slashed by more than 50 percent. Reductions in the superfund program total more than $550 million.

But besides these environmental disasters that stem from a frontal assault on EPA's budget, the bill also contains page upon page of fine print that amount to a second, sneak attack on the Nation's environment. These are what we in Washington call legislative riders. These riders have been crafted by an Appropriations Subcommittee to take legislative action that has not been considered by authorizing committees, that has not been the subject of full debate, that really has not seen the light of day. And when our constituents find out how radical, how extreme, how special-interest-oriented these riders are, they will certainly hold us accountable.

Among the legislative provisions that have been tacked onto this bill, Mr. Chairman, are measures that stop implementation and enforcement of this Nation's clean water laws—as Mr. BOEHLERT the cosponsor of this bill and chairman of the subcommittee with jurisdiction over this issue—will describe more fully. Also included are more than a dozen other environmental insults including:

A rider which creates an exemption for a single special interest, the refinery industry, from a toxic emissions standard due out shortly for that industry. Unfortunately, while efforts to control refinery toxic emissions go into suspended animation, the lungs of our citizens will not—the many citizens of this country that live near refineries, including many urban citizens, will continue to breath refinery emissions that include known carcinogens and other hazardous substances.

Another rider creates a special exemption for the oil and gas exploration and production industry. This time the exemption is from EPA's rules on the prevention of accidental releases of hazardous substances. Unfortunately for our citizens, some of the worst industrial accidents are associated with gas processing facilities and over 700 of these facilities will be exempted from this accident prevention program.

A fourth provision bars EPA from promulgating, implementing or enforcing a title V operating permit program for large stationary sources in any State "involved in litigation regarding provisions of title V." These operating permits are vital for implementing other parts of the Clean Air Act such as the air toxics, acid rain and nonattainment programs, yet the filing in any state of any suit involving any part of title V, no matter how meritless, will block EPA's ability to implement this program in that State.

Yet another rider mandates specific statutory interpretations and procedural hoops all designed to prevent EPA from creating protective toxic emissions standards for cement kilns that burn hazardous waste.

Another rider strips EPA of its ability to gather additional information from chemical manufacturers and other industrial sites under the Community-Right-to-Know Act and other statutes. What is especially ironic here is that the information that the EPA was after is vital for the development of risk analyses for these source categories.

Finally, another rider guts enforcement of any environmental provisions left standing by allowing polluters to hide behind a new "environmental audit" privilege. This provision allows states to shield polluters from civil actions and even criminal enforcement, regardless of how egregious their conduct and regardless of whether the privilege is relevant to their environmental wrong.

Mr. Chairman, we can probably debate for many hours the exact scope and impact of these riders and the numerous others that clutter this bill. But there is no doubt that they make significant changes in the implementation of the Clean Air Act, Clean Water Act and other environmental statutes. Yet they will be adopted without full public consideration and debate by the legislative committee and with only a few minutes of debate on the House floor.

Mr. BOEHLERT. Mr. Chairman, I yield myself such time as I may consume.

I thank my colleague for yielding.

Mr. Chairman, the issue we are debating right now comes down to this: Should we be undermining the Nation's most fundamental environmental statutes as part of an appropriation process that robs the public of a chance to weigh in on vital issues affecting their health and safety?

Should we be weakening environmental safeguards as part of an appropriations process that prevents Members from having the time to adequately understand and review the implications of their actions? Should we be subjecting the public to environmental dangers as part of an appropriations process that limits the ability of Members to fully debate these issues and to vote their conscience?

The answer is clearly "no."

The House rules discourage legislating on an appropriations bill, and for good reason. Appropriation bills are a back-door tactic that is chosen when the direct, healthy, open approach is likely to fail. That is why for 40 years, two generations, the Republican Party has complained bitterly about the use of appropriations bills in this manner.

So what do we do now that we are in power? We place more riders on an appropriation than anyone remembers seeing in recent history. Why do we not just append volumes of the United States Code to future appropriations?

I am incensed about this violation of the process, and the process is the issue. Do not misunderstand that. If is the process here that is the issue.

I would vote for a number of these riders if they came up through the correct process. But I cannot sanction handling environmental issues in such a cavalier manner.

A Member of Congress who is a very diligent, hardworking, responsible colleague came up to me and had just learned that one of these riders could have a disastrous consequence on his congressional district. He just learned about it. Had no idea. That is a prime example of why we should not be operating in this manner. These riders block regulations, effectively repeal basic statutes, and create all manner of mischief. It would be hard to think of legislation that is more deserving of full and open debate and investigation. Presumably that is precisely why some people are trying to circumvent the process.

I urge my colleagues in the interest of their constituents and their families and their kids and future generations to support Stokes-Boehlert.

Mr. STOKES. Mr. Chairman, reclaiming my time, let me just say, before I reserve the balance of my time, that I agree totally with the gentleman from New York [Mr. BOEHLERT].

Mr. Chairman, this process betrays the exhaustive discussions and debates that led to the bipartisan passage of the 1990 clean air amendments and the other environmental statutes at issue. These drastic changes have no place in this appropriations bill. I urge my colleagues to support the Stokes-Boehlert amendment to strike them.

Mr. Chairman, I reserve the balance of my time.

Mr. LEWIS of California. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from California [Mr. LEWIS] is recognized for 45 minutes.

Mr. LEWIS of California. Mr. Chairman, I yield 5 minutes to the gentleman from Pennsylvania [Mr. SHUSTER] chairman of the Committee on Transportation and Infrastructure.

Mr. SHUSTER. I thank the gentleman for yielding me the time.

Mr. Chairman, I rise in the strongest opposition to this amendment. Make no mistake about it. As chairman of the Committee on Transportation and Infrastructure, I tell you today this is one of the most important votes that we will cast in this Congress. This amendment should be defeated.

The effect of this amendment will simply be to kill the clean water and the wetlands reforms that this House has already passed, and passed by a comfortable margin of 55 votes. Make no mistake about it, this is a back-door strategy to undo the reform to clean water and wetlands.

Some of the liberal Members of the other body who do not want to see reform have made it clear that what they would like to do is not have an authorization this year. They would like to not take up an authorization, and then simply appropriate funds against the old clean water bill, and by doing that, there would be no reform. But the money would continue to be spent to overregulate, the money would continue to be spent under the old law. That is the strategy here today, to undo what this House has already done.

Further evidence of this is the way EPA has been lobbying, and yes, I use the word "lobbying," and we heard from the gentleman from Missouri just a few moments ago, how they are lobbying. I say this is a violation of the law that should be looked into and will be looked into by our investigators. EPA over the past several weeks has spent countless hours, if not days, time, taxpayers' money in putting together a scare package which they claim purports to show all the terrible things that will happen if the clean water bill that already passed this House is enacted into law.

Interestingly, they have blatantly delivered this package only to the opponents of this legislation. This is one quote of their political rhetoric:

> The appropriations proposal dismisses the critical role that clean water plays in every aspect of life. By choosing to disinvest in the protection of our most vital resource, the committee gambles with the well-being and the economic prosperity of the entire Nation for generations to come.

That is our EPA speaking, lobbying against legislation that already passed this House by a comfortable margin.

Indeed, I have informed our counterparts in the other body that we are quite prepared to go to the table to compromise. We recognize there has got to be compromise with the other body from the legislation that passed this House. We want to sit down at the table and negotiate in good faith a compromise. But what is being attempted here today is to block us from being able to do that. By saying that we lift the requirement that there can be no appropriations without an authorization, we are saying that the same old unreformed bill will be in place.

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Many of my colleagues have come to me and talked about the hypocrisy of this amendment. I will not use the word "hypocrisy"; I will let my colleagues decide what word they want to use.

Last year on June 29, the gentleman from Ohio [Mr. STOKES], my good friend, took the floor in an appropriations bill and stood and offered an amendment requiring that provisions be made subject to an authorization, the same approach that we are taking here today.

Not only did the gentleman last year offer an amendment saying that the appropriations bill should be subject to an authorization, my other good friend, the gentleman from California [Mr. MINETA] said, "I rise in support of the amendment by Mr. STOKES."

My other good friend, the gentleman from New York [Mr. BOEHLERT], took the floor and said, "Mr. Chairman, I rise in strong support of the Stokes amendment," adding what a refreshing change it is from last year.

So last year, we had these distinguished Members of Congress taking the floor and arguing in favor of authorization on an appropriations bill; not just any appropriations bill, but the clean water bill. I do not call that hypocrisy. My colleagues will have to decide what to call that.

This should be defeated, or all our reforms simply go down the tube.

Mr. STOKES. Mr. Chairman, I yield an additional 30 seconds to the gentleman from Pennsylvania.

Mr. SHUSTER. Mr. Chairman, I yield to the gentleman from Ohio.

Mr. STOKES. Mr. Chairman, I think the gentleman, Mr. SHUSTER, would agree that when he makes reference to where I said, subject to authorization, I was talking about money. I was not changing substantive law in an appropriations bill, that what we are moving to strike here is substantive changes in the law.

Mr. SHUSTER. Mr. Chairman, that is not what the gentleman's amendment does.

Mr. STOKES. Mr. Chairman, that is what this language is about.

Mr. SHUSTER. Mr. Chairman, perhaps the gentleman would like to restructure his amendment and provide that the Clean Water bill is subject to an authorization. If that is what the gentleman wants to do, I will be happy to support that, but that is not what this gentleman's language does. This is subject to authorization.

Mr. BOEHLERT. Mr. Chairman, I yield 1 minute to the gentlewoman from New York [Mrs. KELLY], a tireless champion of the environment.

Mrs. KELLY. Mr. Chairman, I rise in support of the amendment offered by my colleagues, Mr. STOKES of Ohio and Mr. BOEHLERT of New York.

Mr. Chairman, this amendment would strike 17 provisions in the bill which would prohibit the funding of important environmental programs.

I voted for the Clean Water Act but, Mr. Chairman, I am concerned over the prospect of holding funding for programs that protect our air and water hostage to the appropriations process.

As we work to enact authorizing legislation, we must not jeopardize the flow of Federal funds for important environmental programs that control combined sewer overflows, protect important wetlands, or clean our drinking water. Unfortunately, this legislation may do just that.

In the event that a clean water reauthorization bill, or superfund reform legislation, is not enacted this year, the funding for several crucial programs will be cut off. We can improve our environmental laws, but let's do it responsibly. Environmental policy should not be set through the appropriations process. Vote in favor of the Stokes-Boehlert amendment.

Mr. STOKES. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan [Mr. DINGELL], the distinguished ranking member of the Committee on Commerce.

Mr. DINGELL. Mr. Chairman, the bill before us establishes a very bad precedent. One of the ancient rules of this body is that we should legislate in the legislative committees and appropriate in the appropriation committees.

The bill makes a series of decisions that are unwise. It has more than 20 riders affecting different clean air, clean water, safe drinking water, and other environmental statutes. It removes a number of capabilities of EPA to protect the environment and the health of the people under a series of laws written and supported overwhelmingly on the floor of this House by the legislative committees and by the House itself.

It has provisions in these riders that are so badly written, that it is impossible to tell what they mean.

For example, in its provision for protection of whole agricultural plants, the provision is so badly written that it protects either a stalk of wheat or a grain miller from action by EPA. It protects a sugar beet or a sugar processor. Clearly that is not good and that is not right.

It goes further. It says if there is some kind of an audit involving production of information, that the environmental actions by EPA are either severely impaired or made impossible.

It goes to another point. Any State which is in litigation under title V, Operating Permits, is literally assured that there can be no Federal enforcement action, even if it involves matters on that point other than those which are involved in the enforcement action, thus stripping EPA of the ability to protect the American people and stripping the American people of very important enforcement actions.

The amendment is a good one; the bill is a bad one. Legislative riders on Committee on Appropriations work should be avoided at all costs.

I urge my colleagues to support the amendment.

Mr. LEWIS of California. Mr. Chairman, I yield 3 minutes to the gentleman from Virginia [Mr. BLILEY], the chairman of the Committee on Commerce.

Mr. BLILEY. Mr. Chairman, I would like to take just a moment to address the allegations that this bill contains legislative provisions and other spending limitations that are somehow illegitimate or unnecessary.

First of all, let me say that under ordinary circumstances, I would not choose to attach legislative provisions and other types of spending limitations to appropriations bills. One of the reasons we have authorizing committees in the House is to focus on complicated policy issues, to make informed policy decisions, and to understand the consequences of our policy choices.

Unfortunately, these are not normal times. During the past 6 months, we have found numerous instances in which the regulatory agencies, especially EPA, have been exercising their authority beyond what is appropriate. Let me give just one example.

Over the past 6 months, the Commerce Committee's Subcommittee on Oversight and Investigations, chaired by Congressman JOE BARTON, has conducted an extensive series of hearings on EPA's implementation of the Clean Air Act Amendments of 1990.

The committee has held hearings on the employee commute mandate in the Clean Air Act and also on the auto emissions inspection program. The committee has held hearings on EPA's operating permit program and also on the provisions of the Clean Air Act that require reductions in emissions of toxic air pollutants.

These hearings have given the committee an understanding of a number of problems with the Clean Air Act, several of them very serious. For example, States and businesses are required by the Clean Air Act to begin to implement employee commute programs. But our hearings have shown that these programs have minimal environmental benefits and impose significant costs on employers.

As another example, EPA is under a court-ordered deadline to impose new regulations for hazardous air emissions from refineries by the end of this month. In our hearings, however, we have discovered that there are serious problems with the information EPA has used to develop these regulations. If this regulation goes forward, several small refineries could be forced to shut down.

So by virtue of problems with the Clean Air Act itself, and with EPA's implementation of the act, there are situations that need immediate attention. That's why I did not object to the provisions in the bill. I can assure the Members that there were many, many other proposed riders that did not make it into this bill. While almost all of these provisions were well-considered and identified real problems, they are problems that the Commerce Committee can deal with through its normal procedures and so I could not agree to include them in the bill.

I share the hope of the chairman of the VA, HUD Appropriations Subcommittee that we will not have to do legislation and spending limitations on this appropriations bill in the future. The Commerce Committee will work hard to address problems that develop with the implementation of the various environmental laws within its jurisdiction. But I must say that the possibility of future riders will depend in large part on whether EPA takes a more responsible approach to the way it implements the laws within its jurisdiction.

Mr. Chairman, I find it interesting that the previous speaker in the well, the gentleman from Michigan [Mr. DINGELL], did not object to a rider that is in this bill dealing with CAFE. I find that, in fact, he supported it very vigorously.

Mr. Chairman, I say this amendment should be defeated, and I hope that it will be.

Mr. LEWIS of California. Mr. Chairman, I yield 3 minutes to the gentleman from Alaska [Mr. YOUNG], chairman of the Committee on Resources.

Mr. YOUNG of Alaska. Mr. Chairman, I rise in strong opposition to this amendment. The gentleman from New York [Mr. BOEHLERT] mentions that he would have voted if it went through the due process. He did not vote for the Clean Water Act that passed out of our committee. That is a true process.

If my colleagues realize what is occurring here, if we accept this amendment today, any reform that we seek to have in the wetlands for this Nation will not occur. If we cut off the money, it will occur. It gives us the leverage that is necessary.

Why do I believe so strongly in wetlands reform? My State is about 90 percent wetlands, according to Bill Riley and George Bush; yes, another administration, and implemented by the EPA today, and their tactics and their regulations are destroying my State and the ability of my people to progress and be economically sound.

Two cases: Nome, AK, my daughter is in Alaska today, was built by mining. It is a mining community. It has always been. We have an Eskimo lady up there that the ground is seeping away underneath her house. Her house. An elderly lady that cannot fill the ground under her house because the EPA says it is wetlands. That is our Government in action.

It is the most illogical group of individuals I have ever seen. They have told me we cannot build a school on the side of a mountain for the children of Juneau, because it has been declared wetlands. This is pure nonsense.

Mr. Chairman, the Stokes-Boehlert amendment today would continue those programs, because they finance those programs. If you want true reform as we pass through this House, we should, in fact turn down this amendment overwhelmingly.

We have followed the process. We have done the process correctly for this

House. We, in fact, are doing what is right for this House. We must not let another body stop the progress we have made. We must use this for leverage. We must say, There will be no longer unrealistic application of wetlands as seen through the eyes of the EPA.

A sound "no" vote is so important for this body today, I think, for very truly if we do not vote no, we have set back the intent of this House concerning the reform of wetlands.

Mr. Chairman, I urge a strong "no" vote on the Boehlert-Stokes amendment.

Mr. BOEHLERT. Mr. Chairman, I yield 2 minutes to the gentlewoman from New Jersey [Mrs. ROUKEMA].

Mrs. ROUKEMA. Mr. Chairman, I rise in strong support of the Boehlert-Stokes amendment, which seeks to eliminate a multitude of legislative provisions which prohibit the Environmental Protection Agency from enforcing current Federal law, and in doing so, preserving and protecting our Nation's environment.

I support this amendment for two reasons: H.R. 2099 abuses the legislative process, and seeks to achieve harmful policy objectives.

With respect to my concerns about the process, the manner in which some of EPA's opponents are seeking to handcuff the agency is flat-out wrong. The Appropriations Committee should not be including some legislative language regarding EPA in its HUD-VA bill. These issues must be left to the authorizing committees, who have the responsibility to devise environmental protection policy under the standing rules of the House.

Second, I strongly disagree with the underlying policy objectives of these legislative provisions.

In years gone by the Republican Party has been a leader in environmental protection. In fact, it was President Nixon who created the EPA in the first place.

And the American people have come to agree overwhelmingly. They want a healthy environment for the children and their grandchildren.

And speaking of grandchildren—there's that old adage "out of the mouths of babes." My grandson Jimmy Kuhn and his kindergarten class in Littleton, CO, were so concerned about changes in the Clean Water Act that they wrote to me and President Clinton. One line says it all: "Congresswoman, dirty water can hurt you too."

This bill includes an unprecedented number of legislative riders which will severely restrict or even eviscerate the ability of the Environmental Protection Agency to implement key provisions of environmental laws such as the Clean Air Act, the Federal Water Pollution Control Act, and the Federal Food, Drug, and Cosmetic Act. Many of these riders have been included in the bill even though there have been no hearings, little public discussion, and no congressional debate on the issues. This is a terrible way to make law and creates enormous uncertainty for business trying to plan the future and make appropriate investments. H.R. 2099 includes riders that:

Stops enforcement of existing programs addressing stormwater runoff. The effect on my State alone would be that raw sewage would continue to pour into local waters from outdated or inadequate sewage treatment and collection systems at 281 locations in New Jersey. Stormwater controls would be eliminated for many urban areas. The result would be widespread degradation of water quality, which would threaten the State's $96.3 million commercial fishing and shellfishing industry and $12.1 billion coastal tourism industry.

Stops enforcement of the wetlands protection program. My State has worked hard to develop the special area management plan that would provide new developers streamlined wetlands permit procedures in exchange for environmental improvements. Permits to develop these wetlands will be required with or without this budget provision. However, this bill would jeopardize the whole project. Without the project, permits would be piecemeal and subject to many more administrative transactions hurting both environmental and developmental interests.

Blocks enforcement of permits to prevent raw sewage overflow. The need for continued sewer overflows enforcement is strongly evidenced in the New Jersey-New York metropolitan area where there are over 780 discharge points which directly convey untreated overflows to the New York-New Jersey Harbor.

Threatens community's-right-to-know about toxic emissions. This rider would stop efforts by EPA to make the toxics release inventory—a nonregulatory program which requires public disclosure of toxic discharges to the environment—more comprehensive, by including chemical mass balance information which would promote source reduction of toxic chemicals.

Prohibits action to avoid childhood lead poisoning: This effectively will prohibit EPA from issuing rules under recent Housing Act provisions intended to reduce the likelihood of childhood lead poisoning by requiring certain notices and disclosures to be provided to prospective purchases and renters by imposing certification and training standards for lead removal contractors, and by controlling lead levels in dust, paint, and soil.

Prohibits EPA from issuing a tap water standard for arsenic—a known carcinogen—and radon and other radionucleides.

Have we lost our senses? Unbridled zeal. Health and safety first.

Remember—arsenic poisons can hurt you, too.

These are just some of the 17 objectionable riders that have been included in this bill. These provisions represent a serious threat to the hard-fought, but well-deserved, progress that we have made in cleaning up our environment in the last 25 years. In New Jersey alone, many of these riders would prevent or delay progress in solving some of our highest priority problems.

In conclusion: This amendment does not involve the expenditure of any additional funds. It simply allows the EPA to enforce the laws that have been enacted. For those who want to change the laws, let's go through the normal authorizing process. The quality of our water, air, and food is far too important to decide in this type of piecemeal approach. Moving too quickly on something as important as the environment is the best way to make mistakes—mistakes that could be devastating to the health and safety of the public.

Again, my colleagues, in the words of my grandson's kindergarten class—in a letter to me in support for clean water—"Dirty water can hurt you too, Congresswoman."

Those 6-year-olds were writing to me, but speaking to all of us, my colleagues.

Support the Boehlert amendment.

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Mr. STOKES. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. MINETA], the ranking minority member of the Committee on Transportation and Infrastructure.

Mr. MINETA. Mr. Chairman, I rise in very strong support for the amendment offered by the ranking Democrat on the Appropriations Subcommittee on VA, HUD and Independent Agencies, Mr. STOKES, and the Republican Chair of the Subcommittee on Water Resources and Environment of the House Committee on Transportation and Infrastructure, Mr. BOEHLERT of New York.

This amendment would eliminate the riders and restrictions which permeate this bill and which would assure less environmental protection and increased risk to the health and safety of our constituents.

The restrictions and riders which this amendment would eliminate have no business in this bill. The restrictions and riders serve as a backdoor attempt to circumvent the Nation's environmental laws.

While I clearly did not agree with large parts of the substance of H.R. 961, the Clean Water Amendments of 1995, when it was considered on the floor of the House, opponents were allowed to fully consider and debate that bill. Now, with little public input, and without the opportunity for the authorizing committees to consider the issues, H.R. 2099 will enact restrictions upon EPA which gut large portions of the Clean Water Act. And, it does so in a way far beyond what was contemplated in H.R. 961.

This bill does not tread lightly upon the programs of the Environmental Protection Agency, it stomps on them—even some of the more successful aspects of programs. And, it does so indiscriminately.

Without the Stokes-Boehlert amendment, EPA would be prohibited from conducting research on or developing new effluent limitations guidelines and standards, pretreatment standards or new source performance standards. Yet it is these very provisions which have led to the large degree of success over the past 20 years in addressing water pollution. Without EPA's assistance, the States will be unable to move forward on their programs should they choose to do so. This restriction abandons the States and the commitment to clean water. This restriction, as currently written, demonstrates contempt for the desires of the public and the needs of the States for the wastewater program.

Without the Stokes-Boehlert amendment, upstream property owners will be able to drain or fill wetlands with little fear of enforcement. These property owners will be able to cause flooding downstream, to destroy wildlife habitat, and degrade water quality, knowing that EPA is powerless to affect their actions. I agree that the wetlands program needs reform, but we cannot abandon our 20-year commitment to protecting water quality for ourselves and for our children.

With these restrictions and riders the Clean Water Program would be stopped dead in its tracks, and for what? To put pressure on the Senate so that special interests would have the time to pursue additional special interest legislation to create permanent waivers, loopholes, and rollbacks in water pollution control programs.

And how does this bill go about creating an environment for the enactment of the waivers, loopholes, and rollbacks? It provides that none of the funds which the cities and States need for their clean water programs are to be available until the Clean Water Act is reauthorized, presumably through enactment of H.R. 961.

Mr. Chairman, when one examines H.R. 961 for its essence, you find that cities and States were supportive of the bill because of increased funding amounts and an increase in State flexibility in addressing water quality issues. Industrial dischargers were supportive of the bill because it contained numerous opportunities for polluters to obtain waivers, loopholes, and rollbacks.

Here we are in this bill, holding back funding for cities and States so that industrial dischargers can receive the special treatment which they received in H.R. 961. The result is that the cities and States continue to have their responsibilities as partners with the Federal Government in protecting water quality, yet it is the interests of the industrial dischargers which are causing cities and States to not receive any funding. It appears to me as though the monetary gun is pointed in the wrong direction. Those who stand to gain the least in H.R. 961, cities and States, are the very ones who are being made to suffer for the desires of the industrial polluters.

Mr. Chairman, just 2 months ago we were on the floor of this House debating proposed changes to the Clean Water Act. The special interests which did so well in the House version of clean water reform are now trying to circumvent the regular process, and avoid close public scrutiny of their amendments.

The Stokes-Boehlert amendment is about getting the House on the correct side of an environmental issue for a change. It is about allowing the authorizers the opportunity to carefully consider and make necessary changes to environmental laws. It is about fair and open Government.

If Stokes-Boehlert is defeated, we will be saying that the authorizing committees might as well close up shop and go home. We have not been represented at the Appropriations Committee, and we will not be represented at the House-Senate conference.

We should adopt the Stokes-Boehlert amendment to preserve the role of the authorizing committees, and to preserve the protection of human health and the environment.

Support the Stokes-Boehlert amendment.

Mr. LEWIS of California. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana [Mr. MCINTOSH].

Mr. MCINTOSH. Mr. Chairman, I rise in opposition to this amendment.

I agree totally with the assessment of the gentleman from Pennsylvania [Mr. SHUSTER] this is a back door strategy to undo the work that this Congress has done not only in the Clean Water Act but in the regulatory moratorium and the Regulatory Relief Act that we passed as part of the Contract With America.

EPA is led by a team of individuals who, in the name of their ideology, are pushing forward these regulations that actually in some ways harm the environment and certainly cost us jobs throughout this Nation.

Let me give an example from my home district in Indiana. In Dunkirk, there is a glass factory that wanted to rebuild the ovens; they wanted to make an environmentally cleaner glass oven that would reduce the amount of emissions they put into the air. But EPA and their local enforcement agents came in and said, "You cannot do this unless you meet every single new requirement that we have." The result was it was extremely cost prohibitive. The company nearly decided to shut down the factory.

Who would have lost if they had decided to do that? The workers in that factory in Dunkirk and the environment, because they would never have gotten a cleaner, more efficient oven built.

We need to oppose this amendment in order to keep these restrictions on regulations that do not make any sense. There are regulations that EPA is trying to require us to enter into car pooling. There are regulations on States, forcing them to have inspection and maintenance operations that most States have rejected and said they do not want, they do not see the environmental benefits.

Mr. Chairman, this amendment would undo all of the good work that this Congress has done to fight needless, senseless regulations. We have a better way of protecting the environment.

I urge my colleagues to vote "no."

The EPA funding plan represents a significant step toward improving its efficiency and proper management. Moreover, this budget plan makes urgent the need for reallocating limited resources through fundamental regulatory reform.

The EPA rulemakings that this bill targets are costly and unnecessary. This bill sends a strong signal that Congress is serious about dealing with burdensome and cost-ineffective regulations that can impede economic growth and less global competitiveness. In the current budget climate, we cannot afford to expend limited resources without achieving commensurate environmental or public health gains.

This bill calls upon EPA to reevaluate its rulemaking activities in order to set priorities for the expenditure of public funds—to limit regulations only to those that serve a compelling public need, are based on sound science, and are cost effective.

This bill will prompt much-needed regulatory reform by necessitating the allocation of limited resources in the most cost-effective and productive manner. The bill is a clarion call for rational and realistic regulations—regulations that are based on sound science and subjected to risk assessment and cost-benefit analysis; regulations that are tailored to the magnitude of the problem addressed; and regulations that not only seek to achieve worthwhile goals, but also allow regulated sources to pursue the most effective means to those ends.

Finally, this bill will enhance the role of State and local governments in developing and implementing regulations.

REFINERY MACT

Opponents of the riders in this bill have variously maintained that these funding limitations create special interest exemptions; eviscerate the environmental statutes that currently protect our lands, waters, and air; roll back existing environmental requirements; and threaten public health and safety.

Quite the contrary, the rulemakings that are targeted in this bill represent wasteful expenditures of public resources given the environmental and health benefits that they promise to achieve. One excellent illustration is the refinery MACT rulemaking which has been going on for almost 2 years.

Far from offering effective protection from the toxic air emissions of oil refineries, EPA's proposed maximum achievable control technology standards would result in negligible environmental and health benefits, but entail high compliance costs. Specifically, EPA's "Regulatory Impact Analysis" indicated that benefits from this proposal would be minimal, and projected annual compliance costs of up to $110 million. In fact, EPA estimates that up to seven refineries could shut down as a result of this rule.

Moreover, the health risk that this rulemaking is intended to reduce—that is, the baseline cancer incidence—is stated to be one-third of a cancer case per year.

These disclosures by EPA essentially reveal that refineries are already heavily regulated and pose no significant risk without the proposed MACT controls.

In addition, EPA's risk assessment of the proposal relied on worst-case scenarios, while the proposal is based on emissions estimates that are significantly outdated and inaccurate.

Finally, the Agency justifies this rulemaking not on the basis of benefits to be derived from regulating hazardous air pollutants from refineries, but on the basis of secondary benefits from reduced emissions of volatile organic compounds.

In its comments in response to this proposal, the Department of Energy observed that, "[w]hen the benefits of a proposal are overwhelmingly due to ancillary effects, the regulatory should instead use an alternative regulatory pathway to achieve those benefits directly." The Department advised that it would be more efficient to address VOC reductions under title I of the Clean Air Act, because a "title I approach * * * would lead to VOC reductions where they are needed rather than everywhere," and "States could select specific VOC reduction measures on the basis of marginal cost effectiveness."

On the basis of its review of the proposal, the Department of Energy recommended that EPA postpone finalization of the petroleum refinery MACT rulemaking and also urged the Agency to examine its approach to MACT standard development for opportunities to consider cost effectiveness and risk/benefit.

In summation, I do not believe that defunding this rulemaking constitutes reckless action, threatening public health and the environment, but instead, represents a responsible course of action in light of our limited resources.

GREAT LAKES WATER QUALITY GUIDANCE

I strongly support the restriction in this bill on using funds to implement or enforce the Great Lakes Water Quality Guidance until reauthorizing legislation is enacted to amend section 118 of the Federal Water Pollution Control Act.

Despite its name, EPA's Final Water Quality Guidance for the Great Lakes System is a binding rule that takes an unnecessarily stringent and costly approach to establishing and implementing water quality standards in that region. In a study conducted for the Council of Great Lakes Governors, DRI/McGraw Hill estimated that it would cost from $710 million to $2 billion per year and would result in up to 33,000 jobs lost. Also, that report concluded that this guidance is not a cost-effective program for cleaning up the Great Lakes.

Among other things, this guidance adopts overly restrictive standards and criteria that are not necessary, that are unsupported by sound scientific data, that in some cases may not be achievable at any price, and that yield modest benefits.

For example, the guidance contains numeric water quality criteria that, in some cases, are actually below the quantitation levels of EPA's own analytical methods, and in some cases below current, and even in certain instances preindustrial, levels in rainfall. This strongly suggests that these levels are not attainable, and that they need not be attained to protect human health or the aquatic environment.

Moreover, the guidance leaves the Great Lakes States little or no flexibility in designing water quality standards programs to suit their individual needs.

Recognizing that EPA has fundamentally misinterpreted section 118, by applying the guidance as a binding rule, the House has approved, as part of H.R. 961, an amendment that clarifies that section. The amendment makes clear that standards adopted by a State will be considered to be consistent with the guidance, if they are based on sound science and provide a level of protection comparable to that in the guidance, taking into account site-specific circumstances.

This limitation on EPA's budget authority is a short-term remedy until legislative action takes place. In the meantime, this restriction will not reduce the protection afforded the Great Lakes by the Clean Water Act—sources will still be subject to all of the substantive requirements with which they must now comply. This limitation will only prevent EPA from imposing further, far more stringent requirements that are not justified by the costs involved, or the scientific data upon which they are based.

TOXICS RELEASE INVENTORY OF CHEMICAL USES

Under section 313 of the Emergency Planning and Community Right To Know Act [EPCRA], the Environmental Protection Agency requires facilities to report their releases of certain types of chemicals. These releases are publicly available on the so-called toxics release inventory or TRI.

EPA is now working on regulations to expand TRI reporting to include chemical usage, which will potentially double the current TRI reporting burden. This initiative will add materials accounting information to the TRI and is beyond EPA's existing statutory authority to require information on chemical releases.

For each of the 600 chemicals and chemical categories reported on the TRI, EPA is planning to add the data elements to quantify chemical inventories throughout the manufacturing process, including starting inventory, quantities received, made, and consumed, and the quantity in product. This is an extremely difficult, burdensome, and costly data collection exercise. The additional cost to a single facility to report this information has been estimated at $1.5 million the first year and $800,000 for following years.

Citing, "what get measured gets done," EPA claims that chemical use reporting will lead to a reduction in chemical use. This is toxics use reduction [TUR]. TUR refers to reductions in material or chemical use without consideration of emissions and risks posed by the substance. TUR is based on the false assumption that use is a good indicator of risk and that all chemical use is harmful and should be eliminated.

TUR is contrary to the basic objective of the manufacturing process, which is to harness reactive and toxic materials for useful and beneficial purposes. While product reformulation and substitution of less toxic substances do have a vital place in pollution prevention, the key to efficiently reducing pollution is to allow industry the flexibility to use many tools to achieve emissions reductions.

TUR reporting is objectionable for two primary reasons: First, public reporting for chemical use information threatens to disclose confidential information to foreign and U.S. competitors. Second, use information has not been shown to reduce risks to human health and the environment. Risk is a function of hazard and exposure. Chemical use is not a good indicator of exposure; chemical releases are.

For all of these reasons, I strongly support this bill's limitation on the use of funds to require under section 313 the submission of materials accounting, mass balance, or other chemical use data.

Mr. BOEHLERT. Mr. Chairman, I yield 2 minutes to the gentlewoman from Maryland [Mrs. MORELLA] who is a leader in the fight for environmental quality and sensitivity in America.

Mrs. MORELLA. Mr. Chairman, I rise in strong support of the Stokes-Boehlert amendment that will strike all 17 legislative provisions that have been attached to this appropriations bill.

Mr. Chairman, these riders are an affront to the legislative process—quite frankly, the most blatant example of circumventing the process that I have ever witnessed.

These 17 riders, cover such major programs as the Clean Water Act, the Clean Air Act, the Safe Drinking Water Act, and five other general EPA programs.

Just one example. Issue: Regulations designed to control arsenic, a well documented source of human health problems, will not be implemented if this rider goes forward. EPA will be prevented from enforcing regulations that control discharges of fecal coliform, human waste—raw sewage, that enters drinking water supplies through combined sewer overflows and sanitary sewer overflows.

Results: The American people will be exposed to dangerous levels of arsenic in their drinking water. When the citizens of this country turn on the tap for a cold glass of water, they should not be exposed to unsafe levels of known toxics.

Human waste is a known source cryptosporidium, one of the most lethal water-borne pathogens. If we back away from 20 years of successful efforts to control discharges of human waste we will be jeopardizing the drinking water supplies for millions of Americans. Tell the people of Milwaukee that we should be doing less to control cryptosporidium; 104 people died and 400,000 people became ill from drinking the water in one of America's premier cities.

Combined sewer overflows and sanitary sewer overflows are responsible for tons of raw sewage entering our waters everyday. We cannot afford to let greater amounts of raw sewage enter the waters that we all depend on. We must always remember that one city's discharge is another city's drinking water.

If changes need to be made in any of these programs, then let us take them one by one, holding hearings and following the normal legislative process. I am outraged that issues of such importance to our health and the well-being of our environment are so cavalierly superimposed on a bill that is vital to our veterans, to our housing needs, and many other Government activities. Let us get a clean bill—just the funding—and consider major programmatic changes in their proper place.

I urge your support for the Stokes-Boehlert amendment. Cast the right vote to protect our environment and the legislative process.

Mr. STOKES. Mr. Chairman, I yield 1 minute to the gentleman from Illinois [Mr. DURBIN], a member of the Committee on Appropriations.

Mr. DURBIN. Mr. Chairman, 17 riders in this appropriation bill are a bitter vetch of environmental poison concocted by special interest groups and served up by the majority party. The Republican proposals will weaken environmental protection. They will endanger public health and safety. They will reward irresponsible polluting businesses and penalize the responsible businesses which have cleaned up their smokestacks and the water they discharge into our lakes and streams.

We in America have made real progress in cleaning up pollution, but if we let this Republican proposal pass, we will return to the polluted air and water we used to have.

Who wants these Republican environmental loopholes? Big business, foreign-owned cement kilns which release toxic pollution into the atmosphere, oil and gas refineries which will be allowed to spew air polluted with benzenes and dioxins into the air that we breathe.

America has come so far in cleaning up the environment. We cannot sell out to the special interests with these 17 riders today.

Mr. LEWIS of California. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. GEKAS].

Mr. GEKAS. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, even as we speak, 16 States or more are directly underneath the sword of the EPA which is dangling over them with the threatened sanctions that could ruin economies, cost jobs and impact our economy generally. The 16 States that are suffering this terrible tremor of waiting to see what the EPA does with sanctions has to do with the Clean Air Act. New York, my own State, Pennsylvania, Maryland, the State of the gentlewoman who just spoke, Illinois, the State from which the gentleman who just spoke on the other side, New Jersey where the other gentlewoman spoke, those States with thousands of people who drive automobiles are set for a big surprise and shock if the EPA is able to impose sanctions on their States, because of the failure, so-called failure, on the part of the EPA, of these States to rev up automobile emissions standards and central kinds of testing.

What this bill does is give us some time to work with the EPA. It does not obliterate the program, but it gives us some time to work with the EPA and to put off the heavy impact of these sanctions until we can work something out, with the idea that the standards which are now being applied are so weak and so cumbersome and so confusing that no State in its right mind can comply.

What this amendment would do is to sweep away this little timetable that we begged to have so we can work with the EPA.

And allowing EPA to impose these sanctions, you wait until the people of New Jersey, New York, Pennsylvania, Maryland, New Jersey, Illinois, and the other 15 or 16 States rise up in pure horror when they find that the EPA has imposed sanctions and cost jobs because we were unable to defeat this amendment.

Defeat the amendment so that it will not happen.

Mr. STOKES. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania [Mr. BORSKI].

Mr. BORSKI. Mr. Chairman, I support the amendment to strike these riders that will cripple the Nation's environmental program.

These riders, an unwarranted intrusion into policymaking by the Appropriations Committee, are simply designed to ensure that the Environmental Protection Agency cannot enforce the law of the land in selected, critical areas.

These riders will hamstring EPA with the sole purpose of making it easier to pollute.

The authors of this bill simply cannot wait for the authorizing process to work its will to make it easier to pollute.

These riders, if they were ever to become law, would destroy the Clean Water Act, our Nation's most successful environmental law.

When the Clean Water Act was passed in 1972, fewer than one-third of our Nation's waters met the test for fishing and swimming.

After 20 years of Clean Water Act enforcement, more than 60 percent of our rivers meet that test for fishing and swimming.

There is no question the Clean Water Act could use some fine tuning—especially in the area of wetlands—but that is no reason to reverse 20 years of progress as H.R. 2099 would do.

The environmental riders in this bill will not fine tune, fix, or mend—they will destroy the Clean Water Act.

First, EPA will be prevented from doing anything at all to control, limit, or reduce the discharge of polluted stormwater from industrial sites.

Control of acid and metal runoff from abandoned mines—the No. 1 source of water pollution in the State of Pennsylvania—would stop.

More than 2,500 stream miles in Pennsylvania are impaired by acid mine drainage.

There are health advisories on the Ohio, Monogahela and Allegheny Rivers because of stormwater discharge.

This bill will make sure the health advisories remain and the rivers will not be used for boating, swimming, or fishing.

Second, EPA will be prevented from doing anything to limit or reduce pollution from combined sewer overflows or sanitary sewer overflows.

EPA's control policy for CSO's, a consensus policy endorsed by all the major parties will be halted.

EPA's work to reduce the discharge of raw sewage from more than 100 sites would be halted.

Third, EPA will be prevented from doing anything at all to limit damage or loss of our Nation's valuable wetlands.

These restrictions will have a major impact on wetlands initiatives throughout the Nation.

Fourth, EPA will be barred from moving forward with any new guidelines or standards to limit or reduce pollution from different categories of industry.

EPA has already issued standards for 50 major categories of industry.

EPA could not go forward with other categories, including metal products and machinery, pharmaceutical manufacturing and pulp and paper.

There are six categories of industry scheduled for final regulation in 1996 that would have no guidelines or standards.

These six categories dump 15 million pounds of toxic chemicals into our Nation's waters.

H.R. 2099 would make sure that there were no rules for these industries.

Fifth, EPA will be prevented from doing anything at all to develop a coordinated, area-wide program to reduce pollution in the Great Lakes.

Pollution control in the Great Lakes, including the control of toxic chemicals, will be left to the separate and often conflicting strategies of the States.

This strategy has resulted in fish consumption advisories in all five Great Lakes.

Mr. Chairman, these environmental riders are bad policy that will set our environmental protection policies back by decades.

I urge strong support of the Stokes-Boehlert amendment.

Mr. LEWIS of California. Mr. Chairman, I yield 2 minutes to the gentleman from Kansas [Mr. ROBERTS], the chairman of the Committee on Agriculture.

Mr. ROBERTS. Mr. Chairman, I thank the gentleman for yielding.

It is obvious in this debate the high road of environmental humility and common sense is not bothered by heavy traffic on this floor.

This is a rehash of the debate we had during the clean water debate of several months ago. It is a clear-cut issue.

I want to talk about the permit activity of section 404. That is the way that our wetlands program is being administered. It is a classic example of regulatory overkill.

Nobody wants to stand in the way of protecting the Nation's true wetlands. We reformed it during the consideration of H.R. 961, and we defeated several amendments, including an amendment by the gentleman from New York who gives new meaning to perseverance.

The gentleman talks about cavalier treatment. The cavalier treatment comes from Federal enforcement trivializing the rights of ordinary citizens and farmers and ranchers in my district and all across this country.

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I am talking about the taking of private property for no environmentally sound purpose or reason, or public need. We have got at least four Federal agencies in the wetland regulatory soup. We have low spots in the field throughout farm country being designated a wetland. No self-respecting duck would ever land there. This is ridiculous.

Later in September the House Committee on Agriculture will bring to this floor a farm bill that will rely less on Federal spending, it will get the Government out of agriculture, but we made a deal to the Nation's farmers and ranchers we will move to a more market-oriented farm policy, but please, please, we must have regulatory reform. Rid us of the cost burdens that are unnecessary, and costly, and drowning us in red tape and intrusion.

Defeat the Boehlert amendment.

Mr. BOEHLERT. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, in response to my distinguished colleague from Dodge City, the gentleman from Kansas [Mr. ROBERTS], I would point out this is not a repeal of the Clean Water Act, which went through the authorization process. This is a back-door attempt to undermine legislation.

Make no mistake about it. If these riders are approved, regulations dealing with arsenic in our drinking water will be prohibited. Remember that. We are talking about the clean water supply for the American people.

Every single Member of this body that travels anyplace in America is not reluctant to drink water out of the tap, nor to go to a drinking fountain. Why? Because we have an agency and dedicated Federal employees operating under Federal law with Federal regulations protecting our water supply.

Mr. Chairman, we have to protect our water supply. The American people demand it.

Mr. STOKES. Mr. Chairman, I yield 1½ minutes to the gentleman from California [Mr. WAXMAN], the ranking minority member of the Subcommittee on Health and Environment.

Mr. WAXMAN. Mr. Chairman and my colleagues, it is bad enough this appropriations bill would cut the EPA budget overall expenditures by a third and its enforcement ability by one-half. It is clear they will not be able to enforce the laws adequately with that budget, but just be sure they do not really enforce the laws, there are riders on this bill which are extraordinary to keep EPA from using its resources to make sure we do not have radioactive substances in our drinking water or toxic emissions into the air. These proposals undermine existing laws that were put in place to protect the environment and public health. Toxic pollutants, for example, cause cancer and birth defects. I ask, "Why shouldn't we have the law enforced to make sure we don't have those diseases that can be prevented?"

Mr. Chairman, there were no hearings on these riders. Usually it goes through a committee that has jurisdiction. They are all being put on this bill in order to move them through very quickly.

Our constituents are not asking for these riders. Special interests are asking for them, and I think they are going to do a disservice to the American people and the progress that we have made to protect the environment, improve public health, and avoid the tragedies that occur when people suffer from these diseases.

I urge support for these amendents. Let us strike the riders. Let us do an appropriations bill that does not pass laws to undermine what we have already enacted into law.

Mr. LEWIS of California. Mr. Chairman, I yield 3 minutes to the gentleman from Louisiana [Mr. HAYES].

Mr. HAYES. Mr. Chairman, the gentleman from Louisiana [Mr. TAUZIN] just reminded me that the speaker of the Louisiana House of Representatives, Mr. Laureo, once began a session of the House by bowing his head and giving this prayer. He said: "Dear Lord, may our words today be sweet, for tomorrow we may have to eat them."

I had not thought about that until someone handed me the CONGRESSIONAL RECORD of June 29, 1994, which has the Stokes amendment, and I am reading from the RECORD, that requires the money earmarked for EPA nonpoint-source pollution and certain moneys appropriated for EPA water infrastructure and wastewater treatment grants may not be spent until authorized.

The leading advocates of that fine amendment, which by the way was not opposed by the then Republican minority, but accepted without even having a vote, leading advocates were the gentleman from California [Mr. MINETA], who spoke earlier on behalf of a Stokes amendment today, and the gentleman from New York [Mr. BOEHLERT], who spoke earlier on behalf of a Stokes amendment today. But the words extraordinarily have changed from June 29 of last year. Last year the gentleman from New York [Mr. BOEHLERT] said the gentleman from Ohio [Mr. STOKES] to his credit had crafted an amendment that makes the appropriation of the Clean Water Act funding contingent upon an authorization, and today the now chairman, the gentleman from Pennsylvania [Mr. SHUSTER], is trying to do nothing more and nothing less than say, "Let's authorize, and then let's appropriate, and let's force the Senate of the United States of America to deliberate, and then in its wisdom craft authorizing legislation as well."

Now there may be a better way to do it, but the opponents of this legislation do not want a better way to do it. The fact of the matter is we do not want to do it at all because the light of day forced by debate will result in changes that are long overdue that are supported by a majority of elected officials.

It was a mistake in my opinion for the leadership of the minority minority in the last Congress not to take the admonition of refraining from oiling up and pent-up hostilities by not voting. Not one of my colleagues got elected on a platform to come here to not deliberate, not vote, and not express their opinions. If they continue that view, I assure them in the next election those who will cast their ballots will cast the ballots for someone who will vote.

Mr. LEWIS of California. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. DELAY], the majority whip.

Mr. DELAY. Mr. Chairman, the special interests that are being discussed here that want to oppose this amendment is America, and America is watching this Congress to see if its deeds match its promises. It has had a very good record so far, but a critical promise we made to the American people was to get the Government off their backs, and the EPA, the Gestapo of government, purely and simply has been one of the major clawholds that the Government has maintained on the backs of our constituents.

These riders are about changing EPA's behavior in a way that reducing their funding does not. Overall, the question on these riders is: Do we believe the EPA's behavior needs to be changed?

One of those riders this amendment would strike is one that my State and my constituents are very angry about.

The enhanced-emissions testing program, or the centralized testing, that EPA has been trying to force-feed to our constituents has caused rebellion in the streets of Houston. Despite the risk of sanctions and losing millions of dollars in Federal highway funds, many States have taken actions against the complicated, centralized testing scheme because the requirement is misplaced, unworkable, and has little to do with clean air.

But States are in a bind. Unless they implement the failed EPA design, EPA will not give full credit to the States in their implementation plans.

EPA insists that their centralized design is flawless and that, therefore, credits for the decentralized system must be discounted.

But study after study has confirmed that the EPA is way off the mark in their assertion that the centralized program is any more effective in cleaning the air than a decentralized system.

The language in this bill provides nothing more than that. It simply gives States a 2-year test period to demonstrate that their program deserves full credit based on an actual emissions reduction program, not some computer model sitting in a bureaucrat's office in the EPA.

If my colleagues are for regulatory reform during the last few months, if they voted for it, they should not change their vote now. Vote against the Boehlert amendment.

I urge my colleagues to oppose this amendment.

Mr. BOEHLERT. Mr. Chairman, I yield myself 30 seconds because I would like to respond to the gentleman from Louisiana [Mr. HAYES], whose remarks were amusing, but hardly enlightening, because he pointed out what he termed hypocrisy.

Let me point out that neither the gentleman from Ohio [Mr. STOKES] nor I object to the provisions in the bill to which he referred, the exact provision of the bill of last year on page 63 of this bill. It says, quote, that appropriations made available under this heading to carry out the purposes of the Federal Water Pollution Control Act, as amended, shall be available only upon enactment of legislation which reauthorizes said act. We know that. We have no problem with it.

Mr. Chairman, I yield 3 minutes to the gentleman from Maryland [Mr. GILCHREST].

Mr. GILCHREST. Mr. Chairman, I would like to make a comment about who the special interests are that want an "aye" on this vote. They are seniors, they are children, and everybody else in between, that wants safe drinking water, clean water, and clean air to alleviate the problems of asthma or allergies and all those other things. So those are the special interests that want an "aye" on this vote.

Earlier, Mr. Chairman, someone said this is a back-door strategy to end reform. Well, my colleagues, this amendment is a front-door strategy to continue environmental progress. This amendment is a front-door strategy to separate the problems in the regulatory bureaucracy from clean water and clean air that we accumulated in the last 20 years.

Mr. Chairman, I guess that the members of the Committee on Appropriations are saying to themselves, "Boy, we showed the EPA a thing or two." Under the language in this bill EPA would pretty much be prohibited from enforcing much, if not all, of its laws. It seems that we began in an effort to scale back even reasonable environmental restrictions, and this has turned out to be an all-out huge scare war against environmental protection, and I think that just simply cannot happen.

I guess the great secret of the 1994 election was this. The great secret of the 1994 rollover election was this: Our constituents are furious about clean water. They do not want clean water. They are furious that some of the asthma problems are being relieved by clean air.

We all seem to pay lip service to EPA. We pay lip service to clean water. We all want clean water. But the fact is, where the rubber hits the road, it takes a little more rigorous mental effort to untangle the tangled web of regulations without denying the American public, those interest groups that want clean water. Let us put forth a little more rigorous mental effort.

One other thing. I hate to hammer this point home about how many times we talk about whether or not we should appropriate, use the Committee on Appropriations, to legislate. That is what the authorizing committees are for. All of my colleagues out there that are on an authorizing committee, they are simply giving away their responsibility, totally giving away their responsibility, and to my friend and colleague, the chairman of the Committee on Agriculture, who I work with all the time to preserve agriculture in the United States, I say, "How many farmers have children with asthma? How many farmers have children with allergies? How many people out there depend on good environmental laws to protect their livelihood?" To a large extent we are pitting one job against another job, and we should not do that as Members of Congress.

I urge my colleagues to do the right thing seriously and vote for the amendment.

Mr. LEWIS of California. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. WALSH], a member of the committee.

Mr. WALSH. Mr. Chairman, the gentleman and my good friend from Maryland [Mr. GILCHREST] just talked about special interests. The special interests who are looking for some help from this Congress are 30-acre onion farmers, and apple farmers, and grape growers in upstate New York and throughout the Nation. One of these riders would preclude the EPA from enforcing the Delaney clause. The Delaney clause says, and it is a 50-year-old, 40-year-old law, that we cannot have any, zero tolerance, zero chemical residues on our food. It is unenforceable. Director Kessler from the FDA says it is unenforceable. Director Browner sued because she said it was unenforceable. Mr. Espy and Mr. Glickman also agreed on the record that the Delaney clause is unenforceable. What we are saying is do not enforce the Delaney clause.

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The Supreme Court upheld a circuit court that says, just because this is in the law you have to enforce it, whether it is unenforceable or not.

There is another issue here. Authorizing committees are supposed to authorize; appropriators are supposed to appropriate. The authorizing committee, the Committee on Agriculture, the committee of jurisdiction, has already marked up a bill. The Committee on Commerce soon will markup a bill. This issue has been held up for years. It should have been resolved years ago.

Now, what does all this mean? What it means is, if a farmer in the district of my good friend and neighbor and colleague, the gentleman from New York [Mr. BOEHLERT], from Canastota is growing onions right now, and they are, and the EPA delicenses a pesticide that it licensed 2 years ago under the same standard, it is now going to delicense that pesticide, same pesticide, same minimal negligible risk.

If that farmer cannot use that pesticide on his onions, growing in organic soil, and there is only one chemical application for that disease, he cannot use that pesticide, that disease can wipe out his crop, and he loses everything.

There is no agriculture support program for onions. There is no other course for that farmer than to use that pesticide. This is important. It will be authorized, but in the meantime we have got to respect the growing season, too. I urge a strong "no" vote on this amendment.

Mr. BOEHLERT. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, to respond to my colleague and friend and neighbor from New York, he is absolutely right with respect to the Delaney clause. That is why through the orderly, open process of the authorizing committee we are going to make the changes he calls for and which I want and are in the best interest of American agriculture.

Mr. STOKES. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Oregon [Ms. FURSE].

Ms. FURSE. Mr. Chairman, Americans do not want to return to the days of dirty, unsafe water. I rise in strong support of the Boehlert amendment.

In the Portland metropolitan area, which I represent, clean water consistently and overwhelmingly ranks as the top environmental concern of area residents. So important is clean water to Oregonians, they have agreed to spend more than $750 million to prevent Portland's combined sewer overflows from dumping raw sewage into the nearby waterways.

Oregonians remember the days when the Willamette River, which flows through the heart of Portland, was one of the most polluted rivers in the country. The waters of the Willamette were so choked with pollution that when live fish were put in a basket and lowered into the river to check the water quality, it took only a minute and a half for the fish to die. Oregonians remember the phrase they used as youngsters to describe swimming in the river—the "Willamette River stroke"—a phrase which refers to the fact that they would have to clear a path through the floating sewage debris in the water before they could swim.

Oregonians do not want to go back to those days of polluted waters. And neither do the American people. Americans do not want to see raw sewage floating in the surf when they visit the beach. Americans do not want to worry about their children getting sick from swimming in the neighborhood stream. Americans do not want the fish they catch at their favorite fishing holes to be too toxic to eat. Americans do not want to turn back the clock to the days when polluted rivers would catch fire. And when they got to the sink to get a drink of water, Americans do not want to choke on what comes out of the tap.

Mr. STOKES. Mr. Chairman, I yield such time as she may consume to the gentlewoman from California [Ms. WOOLSEY].

Ms. WOOLSEY. Mr. Chairman, I rise in support of the Boehlert-Stokes amendment and in opposition to this bill which is an environmental disaster.

Mr. Chairman, this bill is an environmental disaster. In one broad sweep, it strips the EPA of its authority to enforce environmental laws—important laws that ensure our right to clean water and clean air.

Americans have fought long and hard for these sensible and much needed laws. The Clean Water Act and Clean Air Act are vital to protecting public health. But they mean nothing if they cannot be enforced.

Mr. Chairman, we cannot, in a single day, turn our backs on decades of fighting for the public good. We must stand together today and give meaning to environmental protection. We must let all Americans know that this fight is worthwhile. We cannot go backward when we need so desperately to continue forward.

Vote "yes" on the Stokes-Boehlert amendment.

Mr. STOKES. Mr. Chairman, I yield such time as she may consume to the gentlewoman from New York [Mrs. LOWEY].

Mrs. LOWEY. Mr. Chairman, I rise in strong support of this amendment to one of most fundamentally flawed pieces of legislation that this body has considered in the 7 years I have been privileged to serve.

Mr. Chairman, this bill before us today is by far one of the worst—indeed one of the most fundamentally flawed—pieces of legislation that this body has considered in the 7 years I have been privileged to serve.

Make no mistake about it. This bill will mean more sewage in our waterways, more pollution in our air, and more risks from pesticides in our food.

Mr. Chairman, this is not a partisan issue. I commend those on the other side of the aisle who are speaking out against the bill, who—to their great credit—cannot hold their nose and toe the party line. Why are they doing this? Because their constituents, like mine—regardless of party identification—want clean air, clean water, and food free of deadly pesticides. This bill severely hampers the Government's historic role in ensuring these most basic guarantees.

A 33-percent cut in the EPA's budget is bad enough. But this bill adds insult to injury by loading it up with an array of legislative riders—requested by industrial polluters and other special interests—that will prevent the Agency from doing its job.

I hope the American people are tuned in to this debate. If anyone was still unconvinced of the new majority's assault on health and environmental safeguards, this bill will assuredly dispel them of any lingering doubts.

Mr. STOKES. Mr. Chairman, I yield myself 15 seconds.

Had the gentleman from Louisiana [Mr. HAYES] yielded to me, what I would have been able to say to him was I respected the authorizing process. When I brought my bill to the floor and they had not yet acted, I made my appropriation subject to authorization. The difference is they are legislating and then making the legislation subject to further authorization. There is a real difference there.

Mr. STOKES. Mr. Chairman, I yield 1 minute and 30 seconds to the gentleman from Texas [Mr. WILSON].

Mr. WILSON. Mr. Chairman, the majority whip, the gentleman from Texas [Mr. DELAY], my friend, said that the American people wanted us to know they are voting to get Government off their backs.

I submit to you that the American people might have been voting to get Government off their backs, but they were not voting to get arsenic in their drinking water or benzene in the air that they breathe.

If we do not adopt the Stokes amendment, what the effect of the legislation will do will be to stop the EPA from issuing regulations on cement kilns. Some of the more interesting byproducts of cement kilns, as they operate without EPA regulations and without EPA standards, are the production of arsenic and lead.

For instance, the EPA standard for arsenic is .4 parts per million. The LaFarge Corp., which is a cement kiln, manages to produce 3,300 parts of lead per million. I would point out that it only takes one one-millionth of a pound of lead to seriously impair the health of a child.

I would say, finally, that of the cement kilns in the United States, 65 percent of them are foreign-owned. They are owned in Switzerland. They are owned in Germany. They are owned in France and they are owned in England. I would point out to my colleagues that in none of those countries do they allow the burning of toxic waste in cement kilns. Only in the United States do they allow it.

Mr. LEWIS of California. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. KIM].

Mr. KIM. Mr. Chairman, I rise in strong opposition to this amendment.

Mr. Chairman, I rise in opposition to the Stokes amendment because it undermines the authorization process.

For over 200 years, the Congress has authorized programs and then appropriated funds.

Congress follows this process because it works. And that's what we should do here.

The Chairman of my committee—Transportation and Infrastructure—was right to insist on authorizations.

If we don't require authorizations, then why do we have authorizing committees?

Do we really want to make the authorizing committees irrelevant?

That's exactly what this amendment will do?

I take the work of my committee very seriously.

We should have the opportunity to reauthorize these programs.

If this amendment passes, reauthorization will be put off another year.

Make no mistake—if we don't require authorizations—we'll never do it.

We'll just keep appropriating money and ignoring the authorization committees.

I urge my colleagues to support the process and vote no on the Stokes amendment.

Mr. LEWIS of California. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. CHAPMAN].

Mr. CHAPMAN. Mr. Chairman, I thank the gentleman for yielding time to me.

I want to say that I really do agree with one of the proponents of this amendment that this is about process.

The problem is that the processes over at EPA are out of control. The truth of the matter is no one here is for dirty air or dirty water. The truth of the matter is that we all want clean air to breathe, clean water to drink. We all want a healthy environment for our kids and our grandkids.

The problem is though that the EPA in many instances has gone so far beyond either their legal authorization or, in many cases, as far as cement kilns are concerned, their own regulations. They are, in my judgment, an agency out of control.

We talk in terms of process and should not the authorizing committees have a say in this. I think I have heard the chairman of the Committee on Commerce, the chairman of the Committee on Transportation and Infrastructure, I know the chairman of the Committee on Resources has spoken against this amendment. The chairman of the Committee on Agriculture has spoken against this amendment, and other committee chairmen or subcommittee chairmen will speak against this amendment. There have been hearings on these matters in our subcommittee on appropriations with EPA. There have been hearings in the Committee on Commerce.

There was debate during markup in subcommittee and full committee, and there is obviously a healthy debate going on on the floor of the House today. In a word, what has happened here is, in the EPA, they are an agency whose regulations stifle and throttle American business and who in the name of the Clean Air Act do so much damage to all of us.

I want to address the comments specifically about my friend and colleague from Texas who said incredibly, in my judgment, that cement kilns are not regulated. That, my friends, is just not true. In fact, cement kilns are more stringently regulated in America today than the commercial incineration facilities.

What we are trying to do, at least as part of this regulation, is to make EPA follow the law, the Clean Air Act, and follow their own regulations, nothing more.

Defeat the Stokes-Boehlert amendment.

Mr. LEWIS of California. Mr. Chairman, I yield 1½ minutes to the gentleman from New Jersey [Mr. FRELINGHUYSEN], a member of our subcommittee.

Mr. FRELINGHUYSEN. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in support of the current provision in title III that deals with the regulation of combustion of hazardous waste and in opposition to the Stokes-Boehlert amendment that would allow EPA to ignore the combustion language.

EPA's activities under the so-called Combustion Strategy have made unfair demands on the regulated community without the proper legal authority to do so. Title III of this bill restricts EPA from spending taxpayer money on requirements that we, as Members of Congress, have not authorized. The language in the bill is designed to ensure fair and effective environmental regulations, which benefit the environment, industry and American workers.

In my district, chemical manufacturers have worked hard to comply with EPA's regulation, but the regulations have been expanded above and beyond what the law demands and requires. The result is increased prices for all Americans without corresponding environmental benefits. Let me reiterate that the language in the bill does not change the law governing the disposal of hazardous waste, but instead it requires EPA to act under the statutory scheme duly authorized by law. It merely demands that EPA follow the rules.

It is no surprise that the language in this bill is supported by a broad-based coalition of chemical manufacturers, fuel processors, industrial boiler owners, building material companies, and labor unions. This bipartisan measure stops the EPA from preselecting outcomes before all of the facts are in. We must demand EPA comply with existing procedures.

By contrast, the Stokes-Boehlert amendment is an attempt to keep the status quo and let bureaucrats run the agency without the consent of Congress. It would render all limitations in the bill meaningless by allowing some environmental groups merely to inform EPA of their opposition in order to defeat the intent of Congress expressed in title III.

Mr. Chairman, the measure in this bill is a good provision and requires that EPA follow the law as intended by Congress. I urge my colleagues to oppose the amendment and require EPA to follow the law.

Mr. BOEHLERT. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Delaware [Mr. CASTLE].

Mr. CASTLE. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in strong support of the Stokes-Boehlert amendment. I oppose the addition of these legislative provisions we have talked about, these 17 dealing with important and complex environmental issues to the spending bill.

Let me point out one thing which I really have not heard in this argument today. That is that we are reducing the funding for EPA by 34 percent on top of everything else that we are doing in this legislation. When you combine that with the 17 limitations on enforcement which are the subject matter of discussion of this amendment, you find that EPA is being rendered almost wholly ineffective in the areas of fighting the environmental problems of the United States of America.

This is not regulatory reform but basically an abrogation of our responsibility.

I think back over my experiences as the Governor of the State of Delaware and the various things that we dealt with. One of those was our only oil refinery. We had problems with that oil refinery almost monthly, sometimes several times in the course of months, with emissions standards for toxic air pollution. Yet that is one of the prohibitions; any Federal help with enforcement of those particular problems would be included in this legislation.

I think about Rehoboth Beach where many people from Washington have gone to vacation, when we actually had to close the beaches because of the storm sewer overflows which occurred there. We also remember another time when we had to almost close the beaches because of sanitary sewer overflows in States to the north of us and having to go along our beaches to do that.

We have been able to cure those problems with the help of the Federal Government. I think about Superfund, the Army landfill in the State of Delaware, the second largest of the landfill problems in the country, which needs to be addressed, which is cut dramatically by what happens in these particular provisions, or the Clean Water Act.

I remember when the Delaware River up near Philadelphia actually caught on fire. We always think of Pittsburgh, but it happened in Philadelphia as well. We had the exact same problem. We have cleaned that river up. In fact, President Bush, when he was campaigning, used that river to demonstrate how you can actually use the Clean Water Act to clean up a river.

I worry about drinking water. Our water in Wilmington, DE, comes down from the Brandwine. It comes down from Pennsylvania, and I remember fighting with towns in Pennsylvania which wanted to build different areas that could pollute and we had to overcome that.

I would suggest to every single Member of this body who is paying any attention to this, which may be the most important amendment that is going to be offered in many a day here in this Congress, to do something right now. Call home. Call your environmental secretaries. Call your Governors. Call your constituents, if you have time to do that before this vote. Find out from them exactly what their understanding of each of these 17 is.

At least read the legislation and understand what these restrictions are. You will understand what I am saying here today. That for the good of America, we must support the Stokes-Boehlert amendment. For the good of America, we must make sure that this is not disguised as regulatory reform but is pointed out for what it is. It is a destruction of our ability to be able to enforce the environmental laws in a proper way of the United States of America.

I agree that EPA needs to be fixed in some ways. But I think just removing all of their ability to carry out any of their responsibilities is the wrong way to go. I would encourage everybody to support this amendment in a few minutes.

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Mr. STOKES. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Michigan [Mr. LEVIN].

Mr. LEVIN. Mr. Chairman, I rise in support of Stokes-Boehlert. If Members do not need any reason other than this, look at the headline from the Macomb Daily a few days ago: Consumers of Great Lakes Fish at Medical Risk. They are talking about a Centers for Disease Control study showing children who eat Great Lakes fish have four times the amount of PCB's and three times more DDT in their bodies, and other factors.

There has been an effort to counteract this in the Great Lakes water quality initiative, to cut the amount of mercury, to cut discharges of lead, to cut dioxin levels. Now we have, tucked in this bill, a plan to begin throwing all that out the window, leaving the Great Lakes at the mercy of those who dump mercury and lead and dioxin into drinking water.

The Great Lakes are an irreplaceable treasure that should be protected. Let us not roll back a decade of progress. Support the Great Lakes. Support the Stokes-Boehlert amendment.

Mr. LEWIS of California. Mr. Chairman, I yield 1 minute to the gentleman from Missouri [Mr. EMERSON].

Mr. EMERSON. Mr. Chairman, I thank my colleague for yielding time to me.

Mr. Chairman, I rise today in strong opposition to the Stokes-Boehlert amendment which would specifically delete clean water reform provisions in this bill that are entirely consistent with the legislation and that has already passed the House of Representatives. The Stokes-Boehlert amendment is an attempt to get the reform that has occurred.

Supporters of the amendment claim the clean water provisions are a "back door attempt to alter environmental policy in appropriations." Nothing could be further from the truth. The House has already passed these provisions—with bipartisan support—through the Clean Water Reform Act. And, this legislation is on track in the other body.

There is nothing "sneaky" in these clean water provisions. They simply restrain the EPA's ability to "sneak through" new guidelines and second-guess operations.

If my colleagues agree that the current regulatory system is a mess and that the Clean Water Act needs to be reformed, the only way to vote is "no" on the Stokes-Boehlert amendment. I urge a "no" vote.

Mr. LEWIS of California. Mr. Chairman, I yield 1½ minutes to the gentleman from Iowa [Mr. LATHAM].

Mr. LATHAM. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in strong opposition to the Stokes-Boehlert amendment. This should be a very easy amendment for members of this House who voted overwhelmingly in favor of the Clean Water Act of 1995 to oppose.

This amendment is about the House giving away its leverage to influence the other body and the President.

This amendment is about letting those who are intent on preserving the status quo by inaction have their way.

Adopting this amendment would be a statement by this House that when we voted for risk assessment and cost-benefit analysis we weren't serious.

Adopting this amendment would be a statement that when we voted for wetlands reform we weren't serious.

This amendment is not about protecting against overreach by appropriators. In fact, just the opposite is true.

The limiting provisions in this bill are here at the request of the authorizing chairman and with support of the majority of members of the committees.

If we vote for this amendment, we are taking away power from our authorizing committees, and more importantly we are taking away our own ability to write laws.

If we support this amendment, we make it more likely that unelected bureaucrats downtown will be setting environmental policy in the vacuum that we will create.

Let me say this, even if you didn't support the exact product of H.R. 961, every member of this House should oppose this amendment.

If you believe we need to reform the existing storm water permitting program, vote against this amendment.

If you believe we need sensible wetlands reform, then vote against this amendment.

This amendment empowers Washington bureaucrats at the expense of Congress and the American people.

This amendment maintains Federal control so that the "War on the West" can continue.

This amendment rolls back the key reforms that so many of my colleagues in the freshman class came here to make.

To sum up, you can vote for this amendment and give away the House's power to shape regulatory policy.

Or, you can vote against this amendment and remain consistent with our positions on risk assessment, cost-benefit analysis, wetlands reform and private property rights where virtually every member of this House agrees on the need for reform.

Move forward on Clean Water Act reform. Move forward on wetlands reform. Keep this House's ability to write legislation. Vote "no" on the Stokes-Boehlert amendment.

Mr. STOKES. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Wisconsin [Mr. OBEY], the ranking Democrat on the full Committee on Appropriations.

Mr. OBEY. Mr. Chairman, there is no question that some of our environmental laws need adjustments, but the fact is this bill is supposed to be a budget bill; yet it contains some 30 pages of riders, legislative riders, slipped into this bill, which represents little more than a wish list of corporate polluters all across this country.

This bill, if it is not changed, will stop regulation of raw sewage. It will turn polluters loose to pump toxic chemicals into the air in American neighborhoods. It is a vivid example of the lock hold that corporate special interests have taken on this new Congress.

I would simply suggest to the authorizing chairs that if the gentleman from Alaska [Mr. YOUNG], from the Committee on Natural Resources, or the gentleman from Virginia [Mr. BLILEY], of the Committee on Commerce, or any other person wants to change basic law on environmental questions, then have the courage to bring that to the floor in their own committee bill, face their own committee members who, after all, have the jurisdiction over it, debate it out in the open, and cut the American people in on the deal, instead of slipping it in in an almost undercover fashion in an appropriation bill, which is supposed to decide other questions.

Mr. Chairman, I think what we have here, very simply, is, not just in this bill but in Labor-HEW, in a lot of other appropriation bills, authorizing chairs who do not, apparently, have the courage to bring their changes in law to the floor in their own bills. They are instead trying to slip it into the appropriations process, so they can avoid hearings, avoid public comment, and avoid some opportunity for the public to know what is going on. I do not think that is the way we ought to do business.

I would just urge my friends on this side of the aisle, Mr. Chairman, do not abandon the bipartisan commitment that this Congress has had for years to advance environmental protection. Do not abandon that bipartisan commitment.

Mr. BOEHLERT. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, I would like to pick up on a point my friend, the gentleman from Wisconsin [Mr. OBEY], made. For 40 years, for two generations, the Republicans were in the minority. All during that time we chastised the then majority for legislating on appropriations bills. We complained about the process.

Now we are in charge, and we are doing the very same thing. It was wrong when we were in the minority, it was wrong when the Democrats were in the majority, it is wrong now that we are in the majority. It is simply wrong to deny the people full and open hearings.

Mr. STOKES. Mr. Chairman, I yield 1 minute to the gentleman from Rhode Island [Mr. REED].

Mr. REED. Mr. Chairman, I rise in strong support of the Stokes-Boehlert amendment. These riders are an all-out assault on environmental law. It is not to be considered simply reform, but rather, in toto, these would eviscerate environmental enforcement throughout the United States. It is also an abuse of the legislative process.

In my Subcommittee on Commercial and Administrative Law of the Committee on the Judiciary, we are beginning to consider one of the provisions contained herein, and that is recognizing State environmental audit legislation. We have not proceeded to any conclusion. We have more questions and comments. In fact, the only consistent element we have found in considering this environmental audit language is the opposition, almost a total opposition, of law enforcement officers throughout the United States. The National District Attorneys Association is against it, the attorney generals of New Mexico, Minnesota, California, Massachusetts, Arizona, New Hampshire, New Jersey, Tennessee, the New Jersey State Attorney General, the New York District Attorneys Association, all these law enforcement officials condemn a rider which is included in this legislation. This is not the way to reform environmental laws in the United States. This is the way to destroy environmental laws in the United States.

Mr. LEWIS of California. Mr. Chairman, I yield 1½ minutes to the gentleman from Louisiana [Mr. TAUZIN].

Mr. TAUZIN. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in opposition to the Stokes-Boehlert amendment. The gentleman from Texas [Mr. CHAPMAN] said it. Bureaucrats at EPA are out of control. We have not been in control, either, for many years. The bureaucrats and their environmental lobby friends have controlled this agenda for too long. They have seen to it that for years we could not bring reforms to ESA, reforms to clean water, wetlands regulation, cost-benefit analysis, property rights issues. They and their friends have dictated the agenda in this body for too long, and let me surprise the Members, we are not yet in control.

If Members want to see property rights passed into law, then Members had better defeat this amendment. If they want to see cost-benefit analysis become law, they had better defeat this amendment. If they want to see revisions of wetlands regulations in the clean water, the litigation mess we have created in Superfund reform, if they want to see a decent ESA Act passed, Endangered Species Act passed, reform; if they want to see any of these laws, they had better vote against this amendment. This bill is our only chance to control the bureaucrats out of control.

Why? Because if we do not control their money, they control the veto pen. The President has promised a veto on property rights. He has threatened a veto on clean water. He has already, and his friends, delayed consideration of cost-benefit analysis regulatory reform. I urge Members to vote against this amendment if they want any of these things done. It is our only chance to control the agenda.

Mr. STOKES. Mr. Chairman, I yield 1 minute to the gentlewoman from Connecticut [Ms. DELAURO].

Ms. DELAURO. Mr. Chairman, I rise in strong support of the Stokes-Boehlert amendment, which strikes provisions in the bill that restrict or eliminate the Environmental Protection Agency from enforcing guidelines that are authorized under existing environmental laws, like the Clean Air Act and the Clean Water Act. This bill limits the EPA's ability to enforce important provisions of the Clean Water Act. It inhibits the EPA's ability to address critical stormwater runoff and raw sewage overflow problems. It halts the agency's advantage to control industrial pollution.

In Connecticut, this bill would allow raw sewage to continue to pour into local waters from outdated or inadequate sewage treatment and collection systems. Stormwater controls would be eliminated for many urban areas. The result would be widespread degradation of water quality, which would threaten our State's commercial and shellfish industry.

This bill is an environmental travesty. It is a special interest and a polluter's dream. As a result, there will be less environmental protection and increased risk to public health in communities all across this great Nation of ours. Support the Stokes-Boehlert amendment.

Mr. LEWIS of California. Mr. Chairman, I yield 1½ minutes to the gentleman from Florida [Mr. MICA].

Mr. MICA. Mr. Chairman, I rise in opposition to this amendment and this attack on the cleanwater revisions. I want to say that the revisions that we came out with were really done in a bipartisan fashion. The bill was introduced on an eight-to-eight basis, eight Democrats and eight Republicans. What this debate is really about is the question of whether Washington will continue to dictate, Washington will continue to regulate.

There have been many misstatements about what we do in the bill. I want to say also that the people that are on this side of the issue care about the environment. We want clean water. We want clean air. However, after 20 years, we have seen mistakes. Let me give an example of what we do. Under current law, we classify dry riverbeds in the West as fishable-swimmable. The gentleman from Louisiana [Mr. HAYES] pointed out a parking lot in the Sands Hotel in Las Vegas which required wetland permitting. We require in Alaska and Anchorage fish guts dumped in to comply with ridiculous regulations.

We are asking for, No. 1, flexibility, No. 2, commonsense, and No. 3, for reasonableness. We keep Federal standards, we allow local and State flexibility and responsibility, and we say we can do a better job with less. Our reforms are endorsed by almost every State and local group.

Finally, we are only asking that we bring reasonable, again, commonsense to a process that has really grown out of control. Let me say also, I served on the committee that oversaw the question of cement kilns and regulation. We had folks come to us who could have made those changes a long time ago.

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Mr. BOEHLERT. Mr. Chairman, I yield 3 minutes to the gentleman from New Jersey [Mr. SAXTON], a leader in the environmental movement in the Congress and in the Nation.

Mr. SAXTON. Mr. Chairman, I support the Stokes-Boehlert amendment. I think the way this bill is written simply stated, plays Russian roulette with our country's future, with both the health of our economy, and, as has been pointed out here several times, the health of our people as well.

Let me talk for just a minute about the relationship that I see and that many other Americans see between the health of our environment and the health of our economy because I think it is very important.

In March of this year the Times-Mirror magazine did a national survey of 1,003 people, and the second question they asked was this: "Most of the time do you think environmental protection and economic development can go hand-in-hand, or that we must choose between environmental protection and economic development?" Sixty-nine percent of those people responded that economic development and environmental protection go hand-in-hand.

That is because there is a very close relationship, because the way people perceive the environment and the economic activities they are willing to partake in that environment are very closely related. In other words, if it is bad for my health, I will avoid that area that is polluted.

That makes perfect sense to me, and, therefore, we need the provisions that exist in current law without this bill in order to continue to protect the environment and provide for an environment in which economic growth will take place.

I speak from some experience. As all of you know, I represent a large section of the New Jersey shore. In 1987 and 1988 we had an historic economic slump that was directly a result of bad ecological policy. We had algae buildup not just in New Jersey but on the shores of Long Island as well. We had red tides and blue tides and green tides. We had sewer sludge dumped offshore. We had medical waste on our beach. We had all kinds of wood burning offshore. People did not visit the shore. It was just that simple. Our economy went into the basket with the environment.

I listened to the gentleman from Syracuse here a few minutes ago, who is a good friend, and it reminded me of when I was a young boy and I used to go to the Finger Lakes to visit my uncle. One summer I went up there and he said, "You cannot eat the fish or go in the water." I said, "Why not?" He said, "Because the farmers who grow grapes on the hills surrounding these lakes have used too much DDT over the years and it has washed into the lakes and the fish are contaminated and they are trying to determine whether or not it is safe to go in the water."

Do you think that caused degradation to the economy of the area? You bet it did.

In the Chesapeake Bay a few years ago we determined that in the upper reaches of the Susquehanna River, in both Maryland and Pennsylvania, there was a large amount of runoff that came from overuse of fertilizers and pesticides and herbicides by farmers. When the crustaceans and the rockfish and the oysters went away in Chesapeake Bay, do you think that degraded the economy? You bet it did.

This is a close relationship. My Republican friends care about the environment and care about the economy as well.

Mr. LEWIS of California. Mr. Chairman, I yield 1½ minutes to my colleague, the gentleman from Arkansas [Mr. HUTCHINSON].

Mr. HUTCHINSON. Mr. Chairman, I thank the gentleman for yielding me the time.

I rise in strong opposition to the Stokes amendment. We simply should not undo and undermine our Clean Water Act, H.R. 961, by adopting this amendment. We passed it by a large bipartisan majority, 240 to 185. We beat down weakening amendments time and time again. It was openly and publicly debated at length, and this amendment would destroy those reforms.

Let there be no doubt it will destroy the reforms that this House adopted in our Clean Water Act. We should not fund unauthorized programs, but we especially should not fund unauthorized programs that do not work, that are broken.

The current Clean Water Act does not work. One example: The wetlands provisions, which started in 1972, is a very narrow regulatory program, now regulates over 75 million acres of privately owned property.

Mr. Chairman, there is precedent for what we are doing. In the last Congress we included similar language to fence in funds until the Clean Water Act was reauthorized. We are doing that again and we should do it.

We can and we should, by rejection of this amendment and passage of the VA–HUD appropriations, nudge, drive, push the Senate and this Congress to a responsible reauthorization of the Clean Water Act. So let us reject regulatory excesses by rejecting this amendment.

Mr. BOEHLERT. Mr. Chairman, I yield 2 minutes to our distinguished colleague, the gentleman from Connecticut [Mr. SHAYS].

Mr. SHAYS. Mr. Chairman, it is a privilege to serve in Congress. I get up every morning praising the Lord that I have this opportunity. I thought when I was in the majority I would feel even more special about it, because I thought we would not do it the way Democrats did it, legislate in appropriations bills and do a number of other things that I have been critical of for so long that Democrats have done. We are doing it. We are no better. I know it because I see it here.

It is one thing to say that we want clean air and we want clean water, but we just cannot say we want it, we have to have legislation that makes it happen. We cannot say in this bill it is reform. We are not reforming it, we are eliminating it.

What I find particularly immoral is we have laws on the books that people have to abide by, but we are saying that EPA cannot enforce them. I have trouble with legislation that is cutting 25 percent from HUD, which we have rectified in some way, at least rescued part of it. We are cutting 34 percent from EPA. We are being gentle, in my judgment, with NASA. We are saying the veterans do not have to weigh in in any way to help get the financial house in order.

We are gutting EPA and gutting environmental laws, and let us not call it any different than that. I am looking at Republicans because that is where it is at. We are doing it, and we are going to be held accountable, and it is not going to be pretty the next election on this issue.

Mr. STOKES. Mr. Chairman, I yield 1 minute to the gentleman from Colorado [Mr. SKAGGS].

Mr. SKAGGS. I thank the gentleman for yielding me the time.

Mr. Chairman, this bill is chock full of the most egregious overreaching legislative provisions we have ever seen around here, that would gut clean air, gut clean water, gut wetlands enforcement, and many, many other things that are essential to the protection of our environment, our air and public health.

This amendment which I strongly support would take this bill and the many pages of legislation affecting these important environmental protections and tear it out. That is exactly what we ought to be doing. They have no place in this bill, and they run absolutely counter to the opinions and the will of the American people who have not said do less to protect our air and our water and environment but to do more.

What do we get from the new majority party? An absolut;e grinding to a halt of the essential protections for the American people and their concerns about their air, their water and the state of health of our environment.

It is a travesty, it should not be permitted, we should vote for the Stokes-Boehlert amendment.

Mr. Chairman, I strongly support this amendment, which would remove from the bill the numerous restrictions on the Environmental Protection Agency's ability to do its job.

The provisions that this amendment would remove represent an outrageous abuse of the legislative process, including the rule against legislating on appropriations bills. The intent and effect of there provisions are to undermine enforcement of the Clean Air Act, the Clean Water Act, and other laws for the protection of our environment, our lands, and our health.

One of these restrictions even goes so far as to prohibit any action by EPA to protect any wetlands. I recognize that there is considerable controversy and debate about wetlands protection—which lands should be counted as wetlands, and what level of protection they should receive. But I don't think there is any serious support for the idea that no wetlands should receive any protection. Yet that is what will happen if this language remains in the bill and becomes law.

That's just one example, but it makes the point. If we leave these restrictions in the bill, we will be telling the American people that the opponents of this amendment are ready to sacrifice all protection of wetlands just to score a political point, and ready to abuse the legislative process in an attempt to influence debate on authorizing legislation.

Mr. Chairman, the pattern could not be clearer. Just take a look at these restrictions—page after page of regressive, anti-environmental and underhanded provisions. It's no wonder, Mr. Chairman, that Carol Browner, the EPA Administrator, has concluded that this represents "an organized, concrete effort to undermine public health and safety and the environment."

If anything, Mr. Chairman, that understates things. The American people need to know what is going on. They need to know that this new Republican majority is determined to undermine the progress we have made in the last several decades in protecting our environment, progress that the American people are proud of and want to see continued.

Mr. Chairman, the American people know that we need to do more, not less, in this area. For instance, two new studies this year tell us that 53 million Americans are drinking tap water that is below standards. What is the response of the new majority in this Congress to this? To do more to clean up the Nation's water? No. The Republican response is to come up with eight different legislative riders to undermine the Clean Water Act and the Safe Drinking Water Act. Hard to imagine.

This Republican sneak attack on the environment should not and will not go unopposed. The American people did not vote last November to roll back 25 years of environmental progress. They did not vote for more pollution, or for backhanded legislative shenanigans to undercut environmental standards just to satisfy the greed and the access paid for with campaign contributions from many industrial polluters.

Unless this amendment is adopted, and these offensive and improper provisions removed, and the bill otherwise substantially improved, it should not be passed by the House and, if it reaches his desk, it should be vetoed by the President.

Mr. Chairman, at my request the Environmental Protection Agency has provided me with information about the effects of this bill on EPA's activities in Colorado. I will submit that information for inclusion in the RECORD, for the information of our colleagues and especially for the information of the people of our State. In summary, EPA states that this bill as it now stands "would result in serious public health, environmental, and economic impacts for Colorado and other States."

Of particular concern to me in the possible adverse impact of the proposed reduction in funding for implementing the superfund law [CERCLA] as it applies to the Rocky Flats site, in my congressional district. Regarding that, EPA says:

> A cut in CERCLA would cripple EPA's current efforts with DOE and the State to negotiate the new cleanup agreement, further delaying the stabilization and cleanup of plutonium and other hazardous materials at the site.

This is very disturbing to me, Mr. Chairman, and I submit it should be equally disturbing to all other Members whose districts include sites or facilities covered by Superfund.

The information from EPA is as follows:

INFORMATION PROVIDED BY ENVIRONMENTAL PROTECTION AGENCY

COLORADO

The massive budget cuts proposed for EPA's enforcement and compliance assurance program will have drastic across-the-board effects on the Agency's ability to address real risks to the people and environment of Colorado through traditional enforcement actions, and through our efforts to expand compliance assistance-related activities to those business sectors who have the greatest need, and whose non-compliance poses the greatest problems.

Compliance Assurance Builds Capacity for Compliance by the Regulated Community:

EPA's compliance program includes inspections, assistance to the regulated community through workshops, training, and new initiatives such as industry-based compliance service centers and incentives for voluntary auditing, data systems that help set priorities based on risk and patterns of noncompliance, and support for state programs.

In FY 94, 803 facilities were inspected in Colorado, and 222 enforcement actions taken. These inspections and actions are necessary to ensure that the people of Colorado are protected from the dangers of pollution. Major budget cuts in EPA's compliance assurance program will severely undercut the number of federal and state inspections conducted annually and creates a substantial risk to public health and the environment from unchecked violators. In addition, a vigilant compliance monitoring presence serves as a strong deterrent to possible violations which disappears when the monitoring program is severely curtailed.

The substantial reduction of funding for compliance assistance and outreach activities places a far greater economic burden on industry and businesses to acquire the necessary information on their own to achieve regulatory compliance. The vast majority of all monitoring and inspection activities are conducted by state programs made possible through federal funding. Such massive funding cuts mean that state programs will have to absorb these functions into their own limited budgets or eliminate them altogether.

Enforcement Actions address Significant Risks:

EPA's civil, administrative, and criminal enforcement program also targets those polluters which pose significant risks to the people of Colorado and its environment. The proposed cuts of over 50% to EPA's enforcement and compliance assurance program will essentially dismantle its ability to provide the protections that citizens expect and deserve from the environmental laws. The following are examples of actions that the EPA brought in Colorado which would have been severely impacted by the proposed budget cuts:

In Parker, Colorado, Metrex Research Corporation produced and sold sterilants for invasive medical equipment. EPA tests showed that these sterilants were ineffective. Ineffective sterilants can cause infections to be passed from one patient to another. As a result of EPA's action, two of the Metrex sterilants have been removed from the market, and instructions provided with the others advise purchasers to use them for longer periods of time and at higher temperatures. As a result of this action, people undergoing medical treatment are no longer exposed to potential sources of infection from medical equipment treated with these ineffective sterilants.

The ENRON Corporation, a petroleum refinery in Colorado, exceeded lead standards for gasoline which they produced, potentially increasing airborne lead levels. Airborne lead causes neurological, reproductive, kidney, and gastrointestinal damage, as well as brain disease, colic palsy, and anemia. As a result of EPA's action, ENRON has reduced the level of lead in their gasoline, and worked with EPA to develop nationally significant research studies involving the causes of air pollution.

Federal Facilities Need Attention in Colorado:

Federal facilities in Colorado are also significant sources of pollution, and EPA's enforcement and compliance assurance program will not be able to ensure that they are fully inspected, and that their pollution is safely cleaned up, with the proposed budget cuts.

EPA and delegated States are statutorily required to conduct annual compliance evaluation inspections the all major Federal facilities which treat, store or dispose of hazardous waste pursuant to the Resource Conservation and Recovery Act as amended by the Federal Facility Compliance Act of 1992. In the State of Colorado, there are approximately 4 Federal TSD facilities which receive these annual inspections. EPA and the states' capacity to conduct these important inspections would be severely limited by the proposed cuts to our compliance and enforcement program and this could have an adverse impact on human health and environment in your state. Some major Federal facilities in your state which may not receive these hazardous waste compliance inspections include US DOE Rocky Flats Plant, US Army Fort Carson, and US Army Pueblo Army Depot.

Superfund Cleanup in Colorado would be Negatively Affected:

The Superfund sites on the National Priority List in Colorado include: Rocky Mountain Arsenal, Air Force Plant PJKS, and DOE's Rocky Flats Facility.

DOE's Rocky Flats Site began operation in 1952. The site's primary mission until 1992 was the production of plutonium triggers and other components for nuclear weapons. Located about 16 miles from downtown Denver and Boulder directly upstream from two major drinking water supplies; Rocky Flats has the nation's two most vulnerable buildings due to the improper storage of over 14 tons of plutonium. Manufacturing operations and disposal practices have resulted in extensive environmental contamination from the release of hazardous and radioactive wastes. As a result of numerous criminal environmental violations, FBI and EPA agents raided the site in 1989 and later assessed the site's contractor with $18.5 million in fines.

In 1989, the site was listed on the NPL and in 1991 EPA, DOE, and the State of Colorado signed a CERCLA IAG. In 1992, the site mission changed from production to waste management and cleanup. EPA and the State of Colorado are in the midst of negotiating a new CERCLA IAG to promote stabilization of the plutonium and cleanup of the site, reduce costs through improved project management, and avoid litigation. In light of the close proximity of this site to the Denver-Boulder metropolitan areas, cleanup of the site is crucial. Currently, CERCLA is the only law that provides for external regulation of the cleanup of radionuclides at DOE sites. A cut in CERCLA would cripple EPA's current efforts with DOE and the State to negotiate the new cleanup agreement further delaying the stabilization and cleanup of plutonium and other hazardous materials at the site. In effect, DOE would become self-regulating regarding cleanup of radioactive wastes at the site.

Established in 1942, the 6,500 acre Rocky Mountain Arsenal site has been used by both the Army and private industry to manufacture, test, package, and dispose of chemical products, warfare agents, and munitions including rocket fuels, pesticides, nerve gases, mustards, and incendiary munitions. The site is located in Adams County, 10 miles northeast of downtown Denver. The site has been described by courts as "one of the worst hazardous waste pollution sites in the country" due to extensive soil and groundwater contamination from over 750 different hazardous wastes spilled or improperly disposed of in several areas. Three plumes of contaminated groundwater migrated offsite before intercept systems were installed contaminating local wells and forcing EPA and local authorities to provide residents with bottled water.

The site was listed on the NPL in 1987, and in 1989 a CERCLA IAG was signed between EPA, the Army, and other stakeholders. The State is a regulator under its State RCRA authority. Under the proposed CERCLA and EPA budget cuts, EPA would no longer be able to provide adequate technical and regulatory oversight or coordinate with the Army, the State, and the public to establish site priorities and initiatives to streamline and reduce cleanup costs. Ultimately, cleanup efforts would have to be drastically curtailed or halted to take into account EPA's diminished regulatory role.

IMPLICATIONS FOR THE STATE OF COLORADO

In its present form, the 1996 House Appropriations bill for the U.S. Environmental Protection Agency would result in serious public health, environmental, and economic impacts for Colorado and other States. This bill would reduce overall Agency funding by more than one-third, crippling State and EPA programs that help to ensure public health and environmental protection. The State/EPA partnership would be further damaged by riders which would prevent or delay progress in solving some of our highest priority problems. Specifically, the bill would have the following impacts for Colorado communities:

Colorado communities would lose: $2.9 million compared to the President's proposal to help finance wastewater projects; $1.3 million to help address polluted runoff—the State's most serious source of water pollution; $24 million for low-interest loans to help provide safe drinking water (the bill in combination with the 1995 rescission bill completely eliminates the President's $1.8 billion investment for safe drinking water projects)

In total, millions of dollars that would help finance clean water infrastructure, manage essential water programs, and protect the overall quality of life for the State's citizens would be lost.

Funding for monitoring and standards programs would be eliminated or severely curtailed, limiting the State's ability to assess local conditions for public and ecological uses, issue wastewater permits to local governments and industries, and move towards more site-specific and flexible watershed protection approaches.

Currently, 12% of assessed rivers and 8% of assessed lakes fail to meet State designated standards for fishing, swimming, and other uses. Budget cuts and programmatic restrictions would increase the number of waters unable to meet these standards.

Colorado examples:

The Colorado Water and Power Authority has taken the necessary steps to establish a Drinking Water State Revolving Fund to make low interest loans to communities which need to improve their safe drinking water systems. The loss of the drinking water loan program will force a number of communities to seek other—more costly—financing. Higher costs will be passed on to their customers.

The proposed bill would eliminate the state's ability to use EPA funding to fund wetland studies to protect wetland resources despite local support for such protective measures. For example, San Miguel County used EPA funds to identify important wetlands. Because the County believed that further wetlands losses were unacceptable, they then increased protection of wetlands in the County. The County ordinance has served as a model to many counties who are pursuing similar goals for wetland protection. Also, Park and Summit Counties have expressed interest in pursuing wetlands measures, but could not use EPA funding. Several other counties are currently using wetland grant funding from EPA to inventory wetlands, and these funds would not be available if the House Appropriations bill is enacted.

Colorado may lose federal funding for water quality monitoring. State officials use this data for determining when fish are safe to eat and when swimming can be allowed without danger.

COLORADO—SUPERFUND IMPACTS

The House mark does not provide funds to begin any new projects, either Fund or Responsible Party lead. At least 1 construction project slated to begin in Colorado in FY 96 would have to be delayed. A synopsis of these projects follows:

SUMMITVILLE—SUMMITVILLE MINE

The Summitville mine site is located in the mountains of southern Colorado. Bankruptcy and abandonment by the gold mining and gold recovery operators resulted in potential release of catastrophic amounts of heavy metals and cyanide to the nearby stream. EPA emergency actions have prevented those dire consequences. Fish kills have been reported from Wightman Fork, the receiving stream, to the Terrace Reservoir, approximately 20 miles downstream from the site. Terrace Reservoir water is used for irrigation by San Luis Valley farmers. Current plans call for consolidation and capping, biological treatment, and reclamation. Some of this work will be done using existing available funds. If the remaining work is not funded and the significant water treatment that continues to be needed in the long-term ceases, the contaminated water will be released, severely impacting stream-life and agricultural uses.

COLORADO—REFINERY AIR TOXICS IMPACT

The refinery air toxics rider creates a unique "loophole" for a single industry, undermining the air toxics program Congress established in the 1990 Clean Air Amendments. Nationally, the health and environmental impacts of this action will be significant—4.5 million people face elevated risks of cancer and other health probelms from these facilites. In Colorado, there are two refineries which emitted 193,319 pounds of toxic air pollution, according to information submitted by the facilities themselves to EPA's Toxic Release Inventory.

Mr. LEWIS of California. Mr. Chairman, I yield 1½ minutes to my colleague, the gentleman from California [Mr. DOOLITTLE].

Mr. DOOLITTLE. Mr. Chairman, I am grateful to the strong bipartisan majority which has brought, finally, some reform to this area of clean water and tried to rein in the gross abuses of bureaucratic agencies like the EPA. This amendment is a direct assault on that effort to bring reform. Many of the people who are supporting this amendment opposed us tooth and nail when we tried and successfully did pass the Clean Water Act off the floor of the House.

We have been attacked as being special interests. I chaired a task force, the wetlands task force of the Committee on Resources. I invite the Members to get its report. This is full of the so-called special interests, and who are they? They are the property owners, the farmers, the ranchers, the business people, the church people, all of whom have been negatively and unfairly impacted by agencies such as the EPA.

Let me just cite one example of the so-called special interests that we heard from. Nancy Klein, mother of five. She and her husband bought a farm in Sonoma County, 350 acres. For the crime of farming, they came under criminal scrutiny of the EPA.

Let me just quote from her so Members can get the flavor of this:

> The FBI and the EPA interrogated our neighbors, acquaintances, strangers. They asked if we were intelligent. They asked about our religion. They asked if we had tempers. They asked how we treated our children. For 11 months, the squeeze continued. Our property was flown over by military helicopters, Federal cars monitored our home, and our children's schools.

The EPA is abusing its authority. Oppose the amendment.

Mr. LEWIS of California. Mr. Chairman, I yield 1½ minutes to the gentleman from Kentucky [Mr. WHITFIELD].

Mr. WHITFIELD. I thank the gentleman for yielding me the time.

Mr. Chairman, this is not a debate about protecting the environment, because we are all concerned about protecting the environment of this great country. But this is a debate about the aggressive tactics of EPA relating to new regulations and enforcement of those regulations with little regard to the cost or the benefit of the regulation.

Whenever I go back to western Kentucky in my district and visit with small farmers, coal operators, businessmen, large and small, all of them plead to get EPA off their back and for EPA to be more balanced in its approach.

Last July, EPA proposed additional standards to control emissions of air pollutants for refineries. The industry went in and tried to work with them to reach an agreed regulation and standard at a reasonable cost. EPA was not satisfied and decided to proceed with maximum achievable control technologies.

I want to talk for a moment about the facts of that technology. First of all it is based on emissions data that is 15 years old. It will cost the refineries in this country between $77 million and $110 million a year. EPA's own regulatory impact analysis characterized the benefits of this technology as minimal. Even the Department of Energy is saying, if you introduce these new standards, the benefits will be minimal.

I would urge my colleagues to oppose this amendment and adopt a more reasonable approach for EPA.

Mr. LEWIS of California. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. POMBO].

Mr. POMBO. I thank the gentleman for yielding me the time.

Mr. Chairman, I find it quite interesting that the same people who are proposing this amendment were not down on this floor just a few days ago yelling and screaming about legislating on an appropriations bill when we appropriated money for the Endangered Species Act which ceased to exist in 1992 and has been kept alive solely by the appropriations process.

Nor were they on this floor yesterday complaining about the Coastal Zone Management Act which has expired and is being kept alive by the appropriations process.

Again I think what we are witnessing here today is exactly what led us into this problem to begin with. That anytime that a Federal agency wants to do something, when an out-of-control bureaucracy like the Environmental Protection Agency, which in my district has decided it would be a great idea to tell people they can only drive to work 4 out of 5 days——

The CHAIRMAN. The time of the gentleman has expired.

Mr. STOKES. Mr. Chairman, I yield such time as she may consume to the gentlewoman from California [Ms. ESHOO].

Ms. ESHOO. Mr. Chairman, I rise in very strong support of the Stokes-Boehlert amendment.

□ 1300

Mr. STOKES. Mr. Chairman, I yield 1 minute to the gentlewoman from California [Ms. HARMAN].

Ms. HARMAN. Mr. Chairman, I rise today in support of the bipartisan Boehlert-Stokes amendment and against those provisions in H.R. 2099 which threaten human health and the environment.

I support the goal of reforming our regulatory system and voted for many of the regulatory reform provisions contained in the Contract With America. Today, however, we considered an appropriations bill loaded with far-reaching legislative riders that prohibit the EPA from enforcing key environmental laws like the Clean Water Act.

One of the most onerous riders will prohibit EPA from spending funds to enforce its stormwater permitting program. In southern California, stormwater or nonpoint source pollution is now recognized as the major threat to Santa Monica Bay. Without effective enforcement, stormwater will continue to pollute the bay—resulting in harm to the coastal environment and to the local economy by keeping tourists away from our beaches.

Additionally, the bill prohibits EPA from implementing and enforcing its wetlands permitting program. Over 90 percent of California's wetlands have already been lost—we cannot afford to let those remaining—like the Ballona wetlands in Playa del Rey—slip away as well.

We must be able to get together on a bipartisan basis to craft fair regulatory reform. We need hearings, authorizing legislation and good, healthy public debate on the issues. Legislative riders on appropriations bill were not part of the voters' mandate last November.

We can always do regulation better, but we can't afford to turn our backs on human health and the environment. I urge my colleagues to adopt the Boehlert-Stokes bipartisan amendment—our future depends on it.

Mr. LEWIS of California. Mr. Chairman, I yield 1 minute to the gentleman from Virginia [Mr. DAVIS].

Mr. DAVIS. Mr. Chairman, I want to speak about one rider that would be stricken by the Stokes-Boehlert amendment, the inspection and maintenance rider.

Mr. Chairman, right now, EPA wants to institute for northern Virginia a State-run-test-only regime for auto emissions inspections. Currently, we have 900,000 auto emissions tests conducted annually in northern Virginia at 375 service stations.

What does the EPA want to do? They want to take these 900,000 tests and, instead of 375 privately run inspection stations, move them to as few as 12 State-run inspection stations. It means long lines, inconvenience, small service station workers out of work; but more importantly, what happens if during these inspections there is something wrong? Seventy-five thousand motorists failed last year. They will have to drive that dirty car to another place, get it repaired and drive it back again. How in the world does this help clean air?

The Commonwealth of Virginia has been working with the EPA for the last 2 years to try to work out this agreement, and EPA remains inflexible on this issue.

Mr. Chairman, I would love to wait for the authorization. We cannot wait; they are threatening to take away our highway money. This rider needs to stay in.

Mr. BOEHLERT. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania [Mr. WELDON].

Mr. WELDON of Pennsylvania. Mr. Chairman, I rise to reluctantly oppose the gentleman from Virginia [Mr. DAVIS], but to enthusiastically endorse the amendment being offered here today.

Mr. Chairman, I consider myself a pragmatist and someone who tries to look for the middle ground on issues, whether it is environmental safety versus job creation, or worker rights versus the rights of the company management. In this case, I ask my colleagues on the Republican side to look carefully at what we are doing here.

Mr. Chairman, some of these riders may, in fact, be very valid. I am not here to speak against all of the provisions, but I can tell my colleagues that some of them, to me, on the surface and substantively are very egregious. We should move very carefully on this amendment.

I say to my colleagues on the Republican side, everyone is watching this vote, their Governors, their local officials. In my State, it is going to devastate some positive impacts being made on clean water, on sewage discharge.

I would urge my Republican colleagues, please look carefully at this vote, and support the amendment offered by the gentleman from New York [Mr. BOEHLERT].

Mr. LEWIS of California. Mr. Chairman, I yield 1½ minutes to the gentleman from Texas [Mr. BARTON].

Mr. BARTON of Texas. Mr. Chairman, I am the chairman of the Subcommittee on Oversight and Investigations of the Committee on Commerce. I have held 8 hearings in my subcommittee this year alone on the Clean Air Act amendments of 1991. That is an average of over one hearing a month on that one act which has six titles.

There is one title in that act that has, in one section, over 27 subsections that we are holding hearings on. All of the amendments that are in the appropriation language that the gentleman from Ohio, [Mr. STOKES] and the gentleman from New York [Mr. BOEHLERT] are attempting to strike have been reviewed at staff level by the Committee on Commerce staff and we do support that these amendments be in this bill.

We know that the authorizing committee needs to act, and we fully intend to act, but we simply yet have not had time to go through the complete record on just for example the Clean Air Act alone.

Mr. Chairman, my colleagues might be interested to know that one of the things that the language in the bill of the gentleman from California [Mr. LEWIS] is attempting to delay implementation of is a maximum achievable control technology standard for refineries that the EPA is under court order to have ready to release today, July 28, 1995.

Mr. Chairman, they have to release it today, because they got a 60-day extension back in May. They are not going to be ready. They have said they are not going to be ready. My colleagues may be interested to know that there is an arsenic and a radon standard that EPA is supposed to implement this year that they are not going to be able to implement.

This language simply gives us time to review the act to make these changes possible. Vote "no" on this amendment.

Mr. Chairman, I rise in opposition to the amendment.

The Oversight and Investigations Subcommittee of the House Commerce Committee, which I chair, has held a series of hearings on EPA's implementation of the Clean Air

Act amendments. In our examination of the act, we have covered many of the issues that are the subject of discussion today. For instance, on March 16 of this year, a hearing was held on employee commute options. On March 23 and 24, hearings were held on inspection and maintenance programs. A hearing was held on the operating permits program on May 18. And hearings on the hazardous air pollution program were held on June 29 and July 21.

In every one of these cases, witnesses testified that either changes were needed to the Clean Air Act itself, or changes were needed in the implementation of the act by EPA. For instance, in the area of inspection and maintenance, the subcommittee heard scientific evidence questioning the validity of the so-called 50-percent discount for decentralized programs. In addition, State representatives from Texas, Georgia, Pennsylvania, and Virginia criticized EPA's heavy handed approach in pushing centralized testing. A State representative from Georgia testified that for States, it is EPA's way, or the highway, that is, no highway transportation funds if States do not adopt centralized testing.

Likewise, a hearing on hazardous air pollutants, indicated overstepping by EPA in the development of the hazardous waste combustion MACT. In that hearing, EPA testified before the subcommittee that maximum achievable control technologies are to be established based on control technologies from existing sources. Yet testimony established that EPA is not developing MACT standards for hazardous waste combustion from existing sources.

At other hearings, testimony was heard concerning how inflexible the act and EPA has been in regards to the operating permit program, employee commute options, refinery MACT and other issues. Therefore, I believe a solid record has been established that these changes need to made.

Unfortunately, because of deadlines imposed both by the Clean Air Act and by EPA, some of which are even now beginning to fall, we do not have the luxury of year-long deliberations over legislation. Let me add that I intend to address these issues and others that are just as important but not as time sensitive in legislation this fall.

However, because the MACT for refineries has a court ordered deadline of July 28, action later this year may not be timely. Similarly, the MACT for hazardous waste combustion is scheduled to be proposed in September of this year. Companies may begin to comply with these standards before changes can be made. As for inspection and maintenance, even today, many States are potentially subject to sanctions. In the next several months, many will be forced to make decisions on the types of inspection and maintenance programs they intend to implement. The proposed provision in the bill will help clear up confusion States have over what type of inspection and maintenance program they can propose, and allow States to begin to move forward.

For these reasons, I urge my colleagues to oppose the amendment.

I also provide the following additional comments.

EXPLANATION OF RIDERS AND LEGISLATIVE LANGUAGE AFFECTING COMMERCE COMMITTEE JURISDICTION IN VA, HUD, INDEPENDENT AGENCIES APPROPRIATIONS BILL

I. RADON AND ARSENIC IN DRINKING WATER

The appropriations language provides that none of the funds appropriated under this heading may be used by the Administrator or the Administrator's designee for signing and publishing a national primary drinking water regulation for radon and other radionuclei: Provided further, That none of the funds appropriated under this heading may be used by the Administrator or the Administrator's designee for signing and publishing any proposed national primary drinking water regulation for arsenic.

Background

Under the Safe Drinking Water Act Amendments of 1986, EPA was required to regulate 83 specific contaminants in drinking water, including radon and arsenic, by June 1989. EPA has issued regulations for nearly all of the specified contaminants, but not for radon or arsenic. As described below, these contaminants have presented particular problems for the regulators.

Radon.—While radon can enter a home through drinking water, most radon in homes comes from the soil beneath the foundation of the dwelling. Nonetheless, the Safe Drinking Water Act requires EPA to regulate radon in drinking water. The costs of controlling radon in drinking water are high; each source of groundwater must be equipped with an aeration device that separates the radon from the drinking water. The benefits, however, are usually considerably lower than the costs because most radon in homes comes from sources other than drinking water.

Congress has adopted appropriations language prohibiting EPA from issuing a radon regulation for the past three years. It is appropriate to continue this prohibition for another year while the Commerce Committee takes a careful look at this issue in the context of reauthorization of the Safe Drinking Water Act.

Arsenic.—EPA's existing standard for arsenic in drinking water is 50 parts per billion. However, EPA is required by the Safe Drinking Water Act Amendments of 1986 to revise this standard. In fact, EPA is under a November 1995 court-ordered deadline to issue such a proposed standard.

There are, however, a number of uncertainties in our understanding of the health effects of arsenic. EPA has concluded that there is a need for additional time to gather additional information on the potential health benefits of regulating arsenic and on potential treatment technologies before proceeding further with these regulations.

Indeed, in the bill to reauthorize the Safe Drinking Water Act which passed the House last year, both Republicans and Democrats agreed to extend the statutory deadline for revisions to EPA's arsenic standard to give EPA more time to understand the health effects of arsenic.

Therefore, it is appropriate to use the VA, HUD appropriations bill to prohibit EPA from revising its arsenic standard until the Commerce Committee has had an opportunity to review this issue in the context of reauthorization of the Safe Drinking Water Act.

II. EMPLOYEE TRIP REDUCTION

The appropriations bill provides that: none of the funds appropriated under this heading may be used by the Environmental Protection Agency to impose or enforce any requirement that a State implement trip reduction measures to reduce vehicular emissions. Section 304 of the Clean Air Act, as amended, shall not apply with respect to any such requirement.

Background

The Employee Trip Reduction Program (ETRP or ECO ("employee commute option")) is required by the 1990 Clean Air Act Amendments. The law applies to the nine smoggiest cities in the United States and requires employers with more than 100 employees in those areas to develop plans that will reduce employee's average vehicle occupancy (AVO) during commuting time by 25 percent.

On March 18, 1995, the Oversight and Investigations Subcommittee held a hearing on ECO. The Subcommittee received testimony from employers and States which are subject to the requirement. Most of the testimony was critical of the requirement; several witnesses testified that the costs of developing and maintaining such programs far exceeded the benefits, *i.e.*, reduced air pollution.

EPA defended the program as necessary to reduce total "vehicle miles traveled" (and hence, air pollution) but said that it would require States and employers to make only a "good faith effort" for compliance. EPA's commitment to use prosecutorial discretion, however, would not protect a State or employer from a citizens' suit under Section 304 of the Clean Air Act. Chairman Barton asked EPA to consider whether legislative changes to the ECO program are required.

As a direct result of the March 18, 1995, hearing, EPA convened a "working Group" to assess ECO. This group met twice and then issued a report to the Clean Air Act Advisory Committee (CAAAC). The report was largely accepted by the CAAAC and then referred to EPA for action. The report called for several efforts to increase the "flexibility" of the ECO program but did not address whether the ECO program requires legislative changes.

On July 11, 1995, EPA wrote to Chairman Barton to announce its implementation of the CAAAC recommendations. EPA agreed to allow "regionalization" of the program at the behest of a State, to only require good faith efforts for compliance, to allow more flexible credits and too allow seasonal rather than full year ECO plans. Additionally, EPA accepted an "emission equivalency" proposal (albeit with some important distinctions discussed below).

Appropriations bill language.—The FY96 VA, HUD appropriations bill contains language that prohibits EPA from spending any money to "impose or enforce any requirement" that a State implement ECO. The appropriations bill also provides that Section 304—which authorizes citizens' suits—shall not apply to the ECO program. Thus, the language seeks to bar EPA from enforcing trip reduction requirements against a state (through an applicable State Implementation Plan or through the sanctions afforded under the CAA) and against an employer (for violation of an employer's duties to implement the program under the CAA). Additionally, the language seeks to insulate States or employers from being sued for non-compliance with ECO requirements under the citizen suit provisions of the CAA. The citizen suit provisions allow "any person" to bring a civil action against "any person" in violation of an emission standard or limitation under the Act.

Explanation of the appropriations bill language.—This language is based on several considerations:

(1) EPA's efforts to "reform" the program administratively have come up short. Despite EPA's proposed reforms, affected

States and employers will still be required to develop the required plans, or risk lawsuits by citizens groups.

(2) It appears unlikely that EPA will use its administrative authority to make the program workable. Indeed, EPA remains committed to the statutory language of ECO. In a June 29, 1995, memorandum, EPA stated "we want to emphasize our continued support for the numerous trip reduction strategies that are currently available within the program. We believe it is important to preserve the overall trip reduction focus of ECO programs."

(3) EPA has shown no interest at all in statutory reforms of the ECO program. During its "Working Group" effort to define alternatives to ECO, the Agency tried to rule out any statutory approaches. Although several members of the Working Group supported such changes, these recommendations were not accepted by the Clean Air Act Advisory Committee. Additionally, EPA Assistant Administrator for Air and Radiation, Mary Nichols, has been quoted recently as opposing any attempts to reopen the Clean Air Act, including even minor revisions. Thus, even though EPA does not have sufficient legal authority to fix the program administratively, it continues to oppose efforts by Congress to give it that authority.

(4) Time is of the essence. States were required to file ECO revisions to their State Implementation Plans (SIPs) in 1992. Some States now have approved ECO SIPs; some are pending EPA approval. In either event, the program continues to be mandatory and States and employers are subject to citizens suits. The appropriations rider—a 12-month fix—will give the Commerce Committee time to consider whether legislative changes to the program are needed, and if so, how best to obtain those changes.

III. ENHANCED INSPECTION AND MAINTENANCE

The appropriations bill provides that: "none of the funds appropriated under this heading may be used to assign less than full credit for automobile emissions inspection programs required under 182 (c), (d), or (e) of the Clean Air Act, as amended, on the basis of network design equipment unless the Administrator determines, based on data collected from at least two full cycles of the program, that less than full credit is appropriate".

The Clean Air Act Amendments of 1990 require ozone nonattainment areas designated as "serious," "severe," and "extreme" to implement a program of "enhanced" inspection and maintenance (I&M). A number of such nonattainment areas have attempted to comply with the law by "enhancing" their existing decentralized "test and repair" programs. A "test and repair" program is one in which a car can be tested and repaired at the same location, typically at a service station. However, EPA has concluded that such "test and repair" programs are not as effective as "centralized" programs, *i.e.*, programs in which cars are tested at one facility and repaired at another facility. In its regulations implementing the enhanced I&M program, EPA has said that it will give "test and repair" programs only 50 percent of the credit that "centralized" programs receive.

Appropriations language.—The FY96 VA, HUD appropriations bill contains language that prohibits EPA from using funds to assign less than full credit for automobile emissions inspection programs unless EPA determines, based on data collected from at least two full cycles of the program, that less than full credit is appropriate.

Explanation of the appropriations language.—In testimony before the Commerce Committee, GAO has questioned the quantitive basis for EPA's assumption that "test and repair" I&M programs should receive only 50 percent of the credit awarded to centralized programs. The appropriations language would prohibit EPA from assigning less than full credit unless less than full credit is justified by actual data from the operation of a "test and repair" system.

IV. REFINERY MACT

The appropriations bill provides that "none of the funds appropriated under this heading may be used to develop, propose, promulgate, issue, enforce, or to set or enforce compliance deadlines or issuance schedules for maximum achievable control technology standards pursuant to section 112(d) of the Clean Air Act, as amended, for the category proposed to be regulated at Vol. 59, Federal Register, No. 135, page 36130, dated July 15, 1994, and for purposes of this provision, section 304 of the Clean Air Act shall not apply".

The Clean Air Act requires EPA to identify and enforce "maximum achievable control technology" (MACT) standards for a number of industries, including refineries. MACT standards are designed to limit the emission of Hazardous Air Pollutants (HAPs). For existing sources, the standards are to be no less stringent than "the average emission limitation achieved by the best performing 12 percent of existing sources." For new sources, the MACT standards are based on "best controlled similar source."

EPA is under a court-ordered deadline to issue MACT for refineries by July 28, 1995. EPA is preparing to adopt a definition of MACT for refineries which would, according to the National Petroleum Refiners Association (NPRA), result in the shutdown of seven small refineries. This language would prevent EPA from finalizing a MACT standard for refineries for one year, thereby giving the Commerce Committee time to assess whether EPA is exercising its authority properly and whether there are statutory problems with Title III of the 1990 Clean Air Act Amendments which need to be corrected.

At a June 29, 1995 hearing of the Oversight and Investigations Subcommittee, the NPRA argued that the Refinery MACT standard was flawed because:

EPA relied on data from the early 1980's, instead of available 1993 data on industry equipment leaks. This data was used to estimate the benefits that would be expected from the regulation.

In designing its regulation, EPA used a "worst case scenario" which assumed that some population lives within 150 feet from the center of every refinery in the country. This assumption served to skew risk assessments.

Even with flawed data and risk assessments, NPRA argued that EPA's own analysis of the rule demonstrated that up to 7 refineries would close due to the regulation and that the regulation would cost $800 million over five years while reducing baseline cancer incidence by 0.33 persons per year. NPRA argued that such a risk approached zero and was not cost effective as compared to other risks facing society ($31,000/yr cost effectiveness for death averted for improved traffic signs, $101,000/yr. For upgraded guard rails versus $333,300,000/yr for the Refinery MACT rule).

V. RISK MANAGEMENT PLANS FOR THE OIL AND GAS INDUSTRY

The appropriations bill provides that: none of the funds appropriated under this heading shall be obligated or expended to take any action to extend the risk management plan requirements under section 112(r) of the Clean Air Act, as amended, to the domestic oil and gas exploration and production and natural gas processing industry.

Section 112(r) of the Clean Air Act requires certain sources of toxic air emissions to prepare a risk management plan to prevent accidental releases of such emissions. This section of the Clean Air Act was added by the 1990 Clean Air Act Amendments and was intended to address "Bhopal-type" releases where human health and the environment are threatened.

EPA issued a list of substances subject to 112(r) regulations in January, 1994. On March 13, 1995, EPA issued a supplemental notice to the regulation which discussed several different approaches, including a "tiered" regulation of sources which essentially varies the level of effort depending on the level of risk. At present, these regulations have not been issued in final form.

EPA is interpreting certain provisions to require risk management plans for separate oil and gas wells, instead of for groups of oil and gas wells. Oil and gas producers contend that this could result in costly equipment being mandated for remote exploration and production facilities. Oil and gas producers estimate that 112(r) requirements could cost the oil and gas exploration industry $7 to $12 billion in the first year.

Effect of Appropriations Language

The language is intended to prevent any application of risk management plan requirements to the oil and gas exploration, processing and natural gas production industry. The key element of this amendment is the definition of "oil and gas exploration and production and natural gas processing industry." This language was altered between the subcommittee and full Appropriations Committee consideration. At the subcommittee level, the language read, "oil and gas exploration, processing and production industry." Mr. Lewis offered an amendment at the full Appropriations Committee to alter the language to its current form.

"Oil and gas exploration and production" involves such things as rigs and test equipment, usually found in remote locations. The definition also appears to cover the "Christmas tree" constructed to remove oil and gas for production. While there is some uncertainty, field plants for production may additionally fall under the definition; while major production plants may not.

With the specification of "gas processing industry," however, some have argued that refineries now may be included within the prohibition on funds. That is, some may argue that the appropriations language prevents requiring 112(r) plans not only for remotely located exploration and production activities, but larger plants which can be located in industrial and more populated areas.

According to the Appropriations Committee report, this language is necessary "so that Congress will have the opportunity to determine if the Agency has overstepped their regulatory bounds with respect to this action."

VI. HAZARDOUS WASTE COMBUSTION MACT

The appropriations language provides that: "none of the funds appropriated under this heading may be used to issue or enforce any requirement not otherwise authorized under existing law or regulation with respect to combustion of hazardous waste prior to promulgation of final regulations pursuant to a rulemaking proceeding under the Administrative Procedure Act or to impose or enforce any requirement or condition of a permit, including the use of an indirect risk assessment, or to deny a permit pursuant to section 3005(c)(3) of the Resource Conservation and Recovery Act, as amended, unless the Environmental Protection Agency follows the procedures governing the use of authority under such section which it has set forth at 56 Fed. Reg. 7154, note 8, February 21, 1991: Provide further, That none of the funds appropriated under this heading may be used to issue or enforce any regulatory standard for maximum achievable control technology (MACT) for hazardous waste combustion under any statute other than the Clean Air Act, as amended, issue any such standard without first determining that in calculating the MACT floor emission levels for existing sources under section 112(d)(3) of the Clean Air Act, as amended, one-half of the currently operating facilities in the group of sources that make up the floor pool for that category or subcategory actually achieve the MACT floor levels for all of the hazardous air pollutants to be regulated".

After the Love Canal crisis, Congress made the determination to discourage the further land disposal of certain kinds of hazardous waste. EPA made the determination that combustion of hazardous waste was the best alternative for the disposal of most organic hazardous waste. Hazardous waste combustion occurs by two basic methods: (1) as input to hazardous waste incinerators; and (2) as fuel substitutes for boilers and industrial furnaces, including cement kilns.

Hazardous waste combustion units are already stringently regulated by two different but similar sets of regulations under RCRA. (Subpart O regulates incinerators: boilers and industrial furnaces (BIFs) are regulated under the BIF rule. Both sets of rules impose stringent emission limitations and other requirements "as necessary to protect human health and the environment." In addition, hazardous waste combustion units are subject to regulation under Section 112 of the Clean Air Act dealing with Hazardous Air Pollutants. That section requires EPA to propose a Maximum Achievable Control Technology (MACT) for major sources of certain hazardous air pollutants. EPA is required to make its RCRA and Air Act limits for these units consistent to the extent practicable. This has been generally referred to as the "combustion strategy".

Problem

Congress was very specific about how EPA was to determine the floor for MACT standards. EPA was to set the floor at the average of the top twelve percent of *existing* source facilities. EPA appears to be setting a standard that is not based on existing sources, even though in recent testimony before the Oversight and Investigations Subcommittee, Ms. Nichols stated that such standards were to be based on existing facilities. EPA also appears to be setting a MACT standard for hazardous waste combustion that improperly commingles authority between Clean Air Act and RCRA authority.

In addition, EPA has been conditioning RCRA permits on requirements that have not been subject to the full notice and rulemaking under the terms of the Administrative Procedure Act. Thus, EPA has used its permitting authority to achieve what it refuses to subject to actual regulatory development.

Appropriations language

Arguably, the language requires that EPA do only what it is already required to do. The language prohibits EPA from: (1) the use of permit conditions without site specific findings; (2) the setting of MACT standards under any authority other than the Clean Air Act; (3) the setting of a MACT standard without making the required finding that certain facilities are achieving the standard.

VII. OPERATING PERMITS

The appropriations bill provides that "none of the funds appropriated under this heading may be used to promulgate, implement, or enforce sections 502(d)(2), 502(d)(3), or 502(i)(4) of the Clean Air Act, as amended, against a State which is involved in litigation regarding provisions of Title V of the Clean Air Act, as amended."

This language would prohibit EPA from promulgating, implementing or enforcing the operating permits requirements against any State which is involved in litigation regarding provisions of operating permits title. This prohibition in intended to apply in Virginia—and in any other State—where deadlines have not been met for submittal of an operating permits program, approval of a state operating permits program by EPA, or imposition of a federal operating permits program (upon failure of a state to submit or gain approval of its own program).

The Commonwealth of Virginia submitted its operating permits program to EPA for approval on November 19, 1993. EPA disapproved the Commonwealth's proposed program on December 5, 1994 because of one alleged deficiency: EPA said the Commonwealth's "citizen suit" provision was not broad enough. Virginia has sued EPA over this assertion.

Because Virginia does not have an approved operating permits program, the Commonwealth will become subject to sanctions (withholding of highway funds and offsets) on November 15, 1995. In addition, EPA would be required to implement an operating permits program for Virginia by November 15, 1995. This means that after November 15, 1995, Virginia businesses could be required to apply for permits from EPA's Regional Office in Philadelphia.

The appropriations language prohibits EPA from imposing sanctions on Virginia and from promulgating, implementing or enforcing a federal operating permits program in Virginia and in any other State which is currently involved in litigation with EPA on operating permits issues. Currently, 14 States (and 30 localities) have operating permit programs which have been approved by EPA. Thus, a number of States are still subject to uncertainties concerning what should be in their operating permits program.

In addition, EPA is presently proposing significant changes to the Title V program. Although the Agency issued a final rule to implement Title V in July, 1992, challenges to the rule forced proposed modifications in August, 1994. These modifications themselves were heavily criticized and resulted in a January 25, 1995 decision to work a new proposal. Most recently, the Agency issued a "White Paper" on Title V (issued 7/10/95) which proposed further reforms. Thus, some have referred to Title V as a regulatory "moving target." Although the general intent of revisions is to correct past deficiencies, states and the regulated community are uncertain as to what the final elements of the Title V permits program will be, especially with regard to modifications made to a source subject to a permit.

Mr. STOKES. Mr. Chairman, I yield such time as he may consume to the gentleman from North Carolina [Mr. WATT].

Mr. WATT of North Carolina. Mr. Chairman, I rise in strong support of the amendment under consideration.

Mr. STOKES. Mr. Chairman, I yield such time as he may consume to the gentleman from Massachusetts [Mr. OLVER].

Mr. OLVER. Mr. Chairman, I rise in strong support of the Boehlert-Stokes amendment.

Mr. STOKES. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, many of us have observed, during the debate, that the American people value the environmental goals of clean water, clean air, and reductions in hazardous materials. The public support has been strong for many years and we fully expect it to continue.

My colleagues should not be fooled by the rhetoric of the opposing side. There will be a price to pay for our actions today.

Mr. Chairman, these riders in the life of the Clean Water Act put numerous special interest loopholes in the Clean Air Act and block efforts to keep poisons out of our drinking water. This is not what the Americans want or deserve. Let true reforms go forward.

Mr. Chairman, I yield 3 minutes to the gentleman from Michigan [Mr. BONIOR], the distinguished minority whip.

Mr. BONIOR. Mr. Chairman, I think the gentleman from New Jersey [Mr. SAXTON] said it well. He said, "My uncle used to tell us you cannot eat the fish and you cannot go in the water."

Mr. Chairman, I think all of us who have spoken today have had similar experiences in our district one time or another; certainly those of us from the Great Lakes and those along the Chesapeake. I have listened to the gentleman from New Jersey [Mr. SAXTON]; I have listened to the gentleman from Delaware [Mr. CASTLE]; the gentleman from Maryland [Mr. GILCHREST], the gentleman from Michigan [Mr. LEVIN], on my side of the aisle; the gentleman from New York [Mr. BOEHLERT].

Mr. Chairman, for more than two decades this country has had a bipartisan commitment to protecting the environment. We have done so because we recognize that as a nation, our economy, our jobs, our tourism, our health depend upon keeping our land safe and our water clean.

But we have a bill before us today that rolls back environmental safeguards in 17 different ways. Let me give you an example.

Mr. Chairman, when I was a kid, I used to ride my bike and go swimming during the summer in Lake St. Clair. Last year the kids in my district could not swim in the lake because bacteria levels had reached dangerously high levels. Beaches closed. Businesses lost millions of dollars.

When we looked into what caused the problem, we found that untreated raw sewage was being dumped directly into the water supply because aging sewer systems could not handle the demands of a larger population, permits were issued and they were not being enforced. In some cases, the State had to let permits actually lapse for as many as 20 years.

Mr. Chairman, we know our district is not alone in this. We have heard that today on the floor. All over America, local communities need help. But instead of helping local governments, this bill takes away the tools they need to do the job.

It freezes all new wastewater treatment projects. It kills the loan funds set up to help local communities build safe drinking water facilities. It sets up a hollow permit process in which new sewage permits can be issued, but they cannot be enforced.

This bill is the sewer equivalent of opening the prison door, throwing away the key and firing the guard. Raw sewage will be left to roam free through our water supply, and we may not even know that it is there until it is too late, like in Milwaukee where 104 people were killed as a result of the parasite Cryptosporidium.

Mr. Chairman, it is time we returned some common sense and concern for our communities into this debate and that is why I am supporting the Stokes-Boehlert amendment. Even if we adopt this amendment, this will not cure what I think is a fatally flawed bill, because it will still cut funds. This bill will cut funds needed to keep raw sewage out of our water. It will still cut funds we need to keep our drinking water safe, and it will still cut funds we need to help our local communities keep our environment clean.

Mr. Chairman, I urge my colleagues to support this amendment, but defeat this bill.

Mr. BOEHLERT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am not disappointed in this process; I am offended by it. Do my colleagues know what this bill says, these 17 riders? Among other things, they say that none of the funds appropriated may be used for any proposed national primary drinking water regulation for arsenic. This bill prevents action to control raw sewage overflow in our urban areas. This bill would put a halt to regulation dealing with toxic emissions from oil refineries.

Is it any wonder that every single group in America concerned about the environment, every single group in America concerned about our families is watching what we are doing here and they are going to remember what we do here?

Mr. Chairman, many of my colleagues, for whom I have great respect, have defended these riders and they have argued that they are necessary to send a signal. They want to send a signal to the Senate to get moving on some of the legislation pending over there. They want to send a signal to the bureaucrats in the Environmental Protection Agency to maybe adjust the way they do business.

Mr. Chairman, I think we ought to send a signal. I think we ought to send a signal to the American people that we care about the air they breathe; we care about the water they drink; we are concerned about their environment.

Vote "yes" for America.

Mr. LEWIS of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is a very, very significant vote. I would like to dispel the underlying assumption that those Members who have risen in opposition to this proposal are opposed to clean drinking water or they do not want the air to be clean.

Mr. Chairman, one of the most important things that ever happened in my life in public affairs was in the late 1960's when the country discovered the word "environment." We began a movement to progressively move in the direction of improving our air and doing something about clean water.

The EPA came out of some of that work. But the reality is, over the years this agency has gone to such excess that today we are losing public support for that important environmental movement.

I was the chairman of an air quality committee in California. In that capacity I was the author of the toughest environmental laws in the country relating to air. I wrote the legislation that created what is recognized as the leading agency in terms of air quality in the country.

At the same time, I had to deal with the EPA and its constant process of developing regulations beyond the law, its willingness to put regulation on top of regulation for the sake of it. It is now time for us to step back and insist that this agency get its act together and reflect the will of the people and the will of the Congress. Otherwise, Mr. Chairman, we are going to lose all of the support that we have developed over these years for significant and important environmental law.

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That is why, ladies and gentlemen, we have this list of people and organizations strongly opposing this amendment today, the following groups: the National Federation of Independent Business, the National Association of Counties, the National Association of Flood and Storm Water Managers, people who are concerned about flood and storm waters, the National League of Cities, the National Association of State Departments of Agriculture, the American Farm Bureau Federal Federation, the U.S. Chamber of Commerce, Concerned Citizens for Property Rights, the National Association of Home Builders, the National Association of Realtors, the National Rural Electrical Cooperative Association. And the list goes on.

But we have an agency, the EPA, out of control. Ladies and gentlemen, the language in this bill comes with the support of virtually all of the chairmen of the committees of jurisdiction. Without any doubt, we are moving in the direction of attempting to send a clear message to EPA. It is time for us to redirect this Agency so it makes sense, so the public can once again support this very important work.

Mr. LEVIN. Mr. Chairman, the five Great Lakes contain 95 percent of the fresh surface water in the United States.

Fresh surface water for drinking, for fishing, and recreation for millions of Americans.

And for the last 9 years, the States bordering the Great Lakes have worked together to find new ways to reduce toxic chemicals dumped into the lakes.

Two years from now, the result of this work, this bipartisan eight-State effort known as the Great Lakes Water Quality Initiative, will be done. And we will actually begin to: cut the amount of mercury dumped into the lakes; cut discharges of lead; and cut dioxin levels, and those of 19 other toxics in the five Great Lakes of the United States.

But today, the majority party wants none of that. Tucked into their bill is a Republican plan to begin throwing all that work out the window, leaving the Great Lakes at the mercy of those who dump mercury, and lead, and dioxin, into drinking water.

Mr. Speaker, these are dangerous chemicals. These chemicals pose a risk to human health. These chemicals will be controlled unless the majority kills this initiative.

Let me give you an example.

Today, the level of toxics like mercury and PCB's is so high in Lake Michigan that women of child-bearing age, pregnant women, and young children are advised not to eat more than one fish meal per month. Studies link even small amounts of these chemicals to increased risk of cancer in adults and birth defects in children.

The Centers for Disease Control have just released a study showing that children who eat Great Lake fish have: four times the amount of PCB's and three times more DDT in their bodies; lower IQ's; and growth stunts and lingering development problems.

Imagine the future if we continue to allow polluters to dump mercury and PCB's into the Great Lakes—with untold human toll, huge medical and educational costs—and yet, under the Republican proposal, the EPA would be barred from even providing advice to States as they develop their water quality programs.

That's why I rise in support of the Stokes-Boehlert amendment. The amendment is needed to strike irresponsible provisions of this bill that would block the implementation and enforcement of our Nation's most important environmental laws.

The Great Lakes are an irreplaceable treasure that should be protected. Let's not roll back a decade of progress. Support the Great Lakes. Support the Stokes-Boehlert amendment.

Ms. NORTON. Mr. Chairman, I rise in strong support of the Stokes-Boehlert amendment to H.R. 2099, the VA–HUD–independent agencies appropriations for fiscal year 1996. The proposed riders cripple the ability of EPA to protect our environment. This is not just a problem for EPA. The effects of this legislation will fall mainly on our constituents.

Exxon and Exxon Shipping paid $250 million in penalties for the *Valdez* spill. This was the most devastating environmental disaster of our Nation's history. How can we even consider legislation that would immunize those who may be responsible for future atrocities?

Supporters of H.R. 2099 claim that the riders remove unnecessary costs on American industry, but industries such as fishing and tourism depend on clean, swimmable, and fishable waters.

There is agreement on the need for environmental reform, but this bill is a backdoor attempt to repeal environmental statutes against the public interests and all without adequate public discussion.

I urge my colleagues' strong support of the Stokes-Boehlert amendment.

Mrs. KENNELLY. Mr. Chairman, I rise in strong support of the Stokes-Boehlert amendment.

If we pass this bill as is, we will make it easier for polluters to get away without paying for their accidents.

We will make it easier for dangerous bacteria to infect our water, as it did in Milwaukee 2 years ago, killing over 100 people.

We will make it easier for lead and arsenic to contaminate our drinking water, causing immeasurable harm to our children.

We will make it easier for sewage to back up onto our streets.

We will make it easier for carcinogenic pesticides to attach themselves to our food.

And worst of all, we will make it easy for the forces of pollution to get their way without proper debate, and without hearings in the open light of day. The appropriations process is not the place to make major policy changes that the majority of Americans rightfully oppose.

If you want to gut our environmental protection laws, and if you want to make it easier for polluters to pollute, then let's have that debate out in the open, where it belongs. Let the American people know—in no uncertain terms—you oppose clean air and clean water. But for the sake of our families, our children, and our communities, don't try to sneak these dangerous riders through.

The Stokes-Boehlert amendment restores a little sanity to the process. It will let the American people know that their environmental laws will not be gutted in secret.

I urge my colleagues to support the Stokes-Boehlert amendment.

I yield back the balance of my time.

Mr. OLVER. Mr. Chairman, I strongly support the amendment offered by my colleagues, Mr. STOKES and Mr. BOEHLERT.

I am firmly opposed to the legislative riders provisions of H.R. 2099. Prohibiting the EPA from enforcing or implementing regulations under the Clean Air and Clean Water Acts, as well as limiting the scope of the Delaney clause, is a direct threat to our environment, as well as the health and safety of the American people.

These riders represent a backdoor attempt by the Republican majority to ease environmental protections in order to increase the profit margins of their big business friends. No hearings were held by the legislating committees, there was no public debate over these dramatic changes in environmental practices. By simply inserting these riders into appropriations legislation, which is blatantly against House tradition, the majority hopes to endanger our environment without informing the public of their intentions.

I recognize that some changes must be made in the regulatory process. However, I believe that careful review of specific laws is needed—not neutralization of a whole spectrum of laws which protect human health, safety, and our fragile environment.

If these provisions remain in this legislation, it will roll back 25 years of environmental protections—laws which have made our water safe, our air and water cleaner, saved the natural habitats of hundreds of plants and animals, preserved our wetlands, and made our food safe and free from harmful pesticides.

I urge my colleagues to support the Stokes-Boehlert amendment.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Ohio [Mr. STOKES].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. STOKES. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 212, noes 206, not voting 16, as follows:

[Roll No. 599]

AYES—212

Abercrombie
Ackerman
Andrews
Baldacci
Barrett (WI)
Bass
Becerra
Beilenson
Bentsen
Bereuter
Bevill
Bishop
Boehlert
Bonior
Borski
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Castle
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Conyers
Costello
Coyne
DeFazio
DeLauro
Dellums
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Ehlers
Ehrlich
Engel
English
Eshoo
Evans
Farr
Fattah
Fawell
Fazio
Fields (LA)
Flake
Foglietta
Forbes
Ford
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Gordon
Goss
Green
Greenwood
Gutierrez
Hamilton
Harman
Hastings (FL)
Hefner
Hinchey
Hoke
Holden
Horn
Houghton
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
Klug
LaFalce
Lantos
LaTourette
Lazio
Leach
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Longley
Lowey
Luther
Maloney
Manton
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McDermott
McHale
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Mink
Moran
Morella
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Orton
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Peterson (FL)
Pomeroy
Porter
Quinn
Ramstad
Rangel
Reed
Regula
Richardson
Rivers
Ros-Lehtinen
Rose
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schiff
Schroeder
Schumer
Scott
Serrano
Shaw
Shays
Skaggs
Slaughter
Smith (NJ)
Spratt
Stark
Stokes
Studds
Stupak
Taylor (MS)
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Tucker
Upton
Velazquez
Vento
Visclosky
Ward
Waters
Watt (NC)
Waxman
Weldon (PA)
White
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (FL)
Zimmer

NOES—206

Allard
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bilbray
Bilirakis
Bliley
Blute
Boehner
Bonilla
Bono
Brewster
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeLay
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Edwards
Emerson
Ensign
Everett
Ewing
Fields (TX)
Flanagan
Foley
Fowler
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Goodlatte
Goodling
Graham
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hilliard
Hobson
Hoekstra
Hostettler
Hunter
Hutchinson
Hyde
Inglis
Johnson, Sam
Jones
Kasich
Kim
King
Kingston
Knollenberg
Kolbe
LaHood
Latham
Laughlin
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Livingston
Lucas
Manzullo
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Minge
Molinari
Mollohan
Montgomery
Moorhead
Myers
Myrick
Nethercutt
Neumann
Ney
Nussle
Ortiz
Oxley
Packard
Parker
Paxon
Payne (VA)
Peterson (MN)
Petri
Pickett
Pombo
Portman
Poshard
Pryce
Quillen
Radanovich
Rahall
Riggs
Roberts
Roemer
Rogers
Rohrabacher

Roth
Royce
Salmon
Schaefer
Seastrand
Sensenbrenner
Shadegg
Shuster
Sisisky
Skeen
Smith (MI)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Talent
Tate
Tauzin
Taylor (NC)
Tejeda
Thomas
Thornberry
Tiahrt
Traficant
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weller
Whitfield
Wicker
Young (AK)
Zeliff

NOT VOTING—16

Bateman
Berman
Collins (MI)
Filner
Hall (OH)
Istook
Johnston
Largent
McKinney
Meyers
Moakley
Norwood
Reynolds
Skelton
Tanner
Volkmer

□ 1336

The Clerk announced the following pairs:

On this vote:

Mrs. Meyers of Kansas for, with Mr. Skelton against.

Mr. Filner for, with Mr. Largent against.

Mr. Johnston of Florida for, with Mr. Istook against.

Mr. BLUTE changed his vote from "aye" to "no."

Mr. GREENWOOD changed his vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. ISTOOK. Mr. Chairman, I was unavoidably absent from voting on rollcall Nos. 596, 597, 598, and 599. Had I been present, I would have voted "no" on all of them.

Mr. WATT of North Carolina. Mr. Chairman, I rise today in strong support of the Stokes-Boehlert amendment and in strong opposition to the attempts to insert 17 unauthorized legislative provisions into the VA-HUD and independent agencies appropriations bill for fiscal year 1996.

I am deeply concerned about the attacks being waged on the legislative process. This amendment is not only about preserving environmental, clean water and clean air laws but about safeguarding the integrity and proper functioning of the legislative process. None of the 17 legislative provisions in this bill has been reviewed or recommended by the authorizing committees with jurisdiction over those Federal programs.

Historically, appropriations bills deal with money and do not include legislative provisions. However, this bill ignores this history and violates this process. It represents an outright attack on the integrity of the legislative process we normally follow in this House.

There are good, compelling reasons that the House established authorizing committees and appropriating committees. The authorizing committees are charged with responsibility for taking the time to study, deliberate, review, and write laws which create and implemented Federal programs. The appropriating committees are charged with recommending levels of funding and appropriating funds to carry out programs. The legislative provisions in this bill represent a gross intrusion into the jurisdiction of the authorizing committees.

This bill circumvents the process. The Stokes-Boehlert amendment helps correct this abuse and circumvention. I, therefore, encourage my colleagues to support the amendment.

The CHAIRMAN. Are there further amendments to title III?

Mrs. THURMAN. Mr. Chairman, I move to strike the last word to enter into a colloquy with the gentleman from California [Mr. LEWIS] at this time.

Mr. Chairman, I would like to enter into a colloquy regarding an issue that is vital to the interests of veterans in Florida and many other States. The Department of Veterans Affairs, as one of a series of reforms, was supposed to allocate funds to its facilities so that veterans have reasonably similar access to VA care without regard to the State in which they reside. The goal of this provision was to give veterans greater equity of access than they now have. Has the committee had a concern about this issue generally and about the amount of resources furnished to the State of Florida?

Mr. LEWIS of California. Mr. Chairman, will the gentlewoman yield?

Mrs. THURMAN. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, I say to the gentlewoman that the committee has long been concerned about the VA's resource methodologies, and knows that Florida's veterans have long been frustrated about uneven access to VA care, particularly in contrast to the ease with which they received VA care in other parts of the country.

Mrs. THURMAN. Mr. Chairman, I understand that the total VA health care expenditures in Florida—for fiscal year 1994—are approximately the same as total expenditure levels in Illinois and Pennsylvania, for example, even though Florida's veteran population is 620,000 greater than that of Illinois and 330,000 greater than Pennsylvania's.

I understand that the VA health care system underwent a reorganization several years ago to reduce the number of regional offices from seven to four and that one of the perceived benefits of the proposed reorganization was that it would help achieve greater equity of access. Isn't it true that equity of access still remains an unmet goal even as VA moves to reorganize again?

Mr. LEWIS of California. The gentlewoman is correct.

Mrs. THURMAN. Then I also understand that VA has acknowledged the problem and instituted a resource-allocation system that is intended to make adjustments to facilities based on their increases in workload. Am I correct in understanding, however, that that system still leaves States like Florida shortchanged because it simply makes marginal adjustments in prior-year funding levels?

Mr. LEWIS of California. That is my understanding, and I very much appreciate the gentlewoman's raising these questions to this level of concern.

Mrs. THURMAN. Mr. Chairman, my reason for doing this also is to put the veterans, VA's, on notice that we are watching the allocation of these dollars, and we are concerned about these dollars and that it should be that the services are going to our veterans and there should be parity among States, not allocated on some outdated system.

Mr. LEWIS of California. I very much appreciate what the gentlewoman is trying to do.

□ 1345

Mr. DE LA GARZA. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I take this time to advise the distinguished subcommittee chairman that I follow up on the colloquy which he just had with the distinguished gentlewoman from Florida. I want to add that we have the exact same problem in Texas and particularly in south Texas, where we are 25 miles away from a VA hospital.

Although we have a clinic that is doing its best, the allocations are not favorable because in the wintertime, we have an influx of veterans from the midwestern States. The allocation gives their States the amount but the services are rendered in another State.

I would like to apprise the distinguished gentleman of that fact and would hope that he would work with us in trying to arrive at an equitable solution.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. DE LA GARZA. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, I very much appreciate my friend, Mr. DE LA GARZA, for bringing his concerns to our attention. There is little doubt that inequitable distribution is a problem that we must work out. In the meantime, shortage of resources results in great pressure, but I think the point the gentleman makes is very important. And the southwest, of course, is of special importance to the gentleman.

Mr. DE LA GARZA. Mr. Chairman, I thank the gentleman. I appreciate the work he has done within the constraints of the budget. But nonetheless, somehow we need to arrive at some equitable solution to these problems, and I thank him for his cooperation.

AMENDMENT OFFERED BY MR. FIELDS OF LOUISIANA

Mr. FIELDS of Louisiana. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. FIELDS of Louisiana: Page 50, strike line 16 and all that follows through page 51, line 2, and insert the following:

"CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

"NATIONAL AND COMMUNITY SERVICE PROGRAMS

"OPERATING EXPENSES

"For necessary expenses for the Corporation for National and Community Service in carrying out the programs, activities, and initiatives under the National and Community Service Act of 1990 (Public Law 103–82), $817,476,000.

"OFFICE OF INSPECTOR GENERAL

"For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978 (5 U.S.C. App.), $2,000,000.".

Page 71, line 5, after the dollar amount, insert the following: "(reduced by $819,476,000)".

Mr. FIELDS of Louisiana. Mr. Chairman, I will not use the entire 5 minutes.

Mr. LEWIS of California. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. The reservation is not timely. The gentleman from Louisiana had embarked upon debate.

Mr. LEWIS of California. Mr. Chairman, I was trying to get the Chair's attention, but the Committee was not in order.

Mr. FIELDS of Louisiana. Mr. Chairman, I am going to insist that the point of order is not timely. I will not proceed but for a few minutes, if the distinguished chairman would allow me.

The CHAIRMAN. First, the Committee will be in order. The gentleman from California makes a good point about the Committee's not being in order. The Chair will maintain order.

The gentleman from California [Mr. LEWIS] was on his feet. Only the disorder of the Committee prevented the Chair from noticing the gentleman.

The point of order is reserved.

Mr. FIELDS of Louisiana. Mr. Chairman, what is the ruling of the Chair? It is my understanding that the ruling of the Chair was that the gentleman's point of order was not timely.

The CHAIRMAN. The Chair has ruled that due to the noise in the Chamber, the Chair did not notice the gentleman from California [Mr. LEWIS] was on his feet seeking recognition. The reservation was timely. The gentleman raised a proper concern of the House not being in order.

Mr. LEWIS of California. Mr. Chairman, I am reserving that right. I do not wish to interfere with the gentleman's right to proceed.

Mr. FIELDS of Louisiana. Mr. Chairman, I would like to bring some attention to an issue that is very important to me as a young Member of this Congress and as a Member who had the opportunity to go to college and participate in various programs to pay my way and finance my education.

This bill totally eliminates the national service program. I feel it is very important to the young people of this country to have a program like the national service program because this program actually goes at those individual students who are caught in the middle. Their parents are caught in the middle. They make a little bit too much money to qualify for government assistance to send their kids to college but do not make enough money to where they can afford to send their kids to college on their own.

The year before last, the President came up with a unique idea. That idea was a program called national service that would give young people an opportunity to earn their way through college by participating in a nonprofit organization and not only during their college career but also give them an opportunity to pay for their college tuition or pay for their student loans even after they graduate from college. So I feel that this program is a very, very vital program. It is a good program.

This amendment is a very simple amendment. All it does is to take $819 million from NASA. I do have a great deal of respect for the NASA program, but I could not find money anywhere else. This amendment had to be budget neutral in order for it to be in order.

Therefore, I took $819 million out of the NASA budget and put this money into the national service program so that we will not turn our backs on the tens of thousands of young people all across this country who are dependent on this program to get their college education.

This is a very simple amendment. That is all the amendment does. I am not going to insist on a vote on this amendment. But I would like to tender it to the Members because I do not think that this debate ought to end on a bill that does not include national service. At some point in this debate, it probably will not happen on this floor, but I would hope at some point, be it in conference committee or be it in the Senate, somebody put the young people of this country before us and not eliminate a program that is serving a very vital need to young people all across this country.

I thank the chairman and members of the committee. I have no speakers because I do not request a recorded vote on this amendment.

The CHAIRMAN. Does the gentleman from California [Mr. LEWIS] insist on his point of order?

Mr. LEWIS of California. No, Mr. Chairman.

I withdraw my reservation of a point of order.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Louisiana [Mr. FIELDS].

The amendment was rejected.

AMENDMENT OFFERED BY MR. DURBIN

Mr. DURBIN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. DURBIN: Page 59, line 3, insert before the period the following: ": *Provided further*, That any limitation set forth under this heading on the use of funds shall not apply when it is made known to the Federal official having authority to obligate or expend such funds that the limitation would restrict the ability of the Environmental Protection Agency to protect humans against exposure to arsenic, benzene, dioxin, lead, or any known carcinogen".

The CHAIRMAN. Pursuant to the order of the Committee of Thursday, July 27, on this amendment, the gentleman from Illinois [Mr. DURBIN] will be recognized for 20 minutes, and a Member in opposition will be recognized for 20 minutes.

The Chair recognizes the gentleman from Illinois [Mr. DURBIN].

Mr. DURBIN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is an amendment which is offered by myself, the gentleman from Texas [Mr. WILSON], the gentleman from Delaware [Mr. CASTLE], and the gentleman from New York [Mr. BOEHLERT]. We will evenly divide the time on our side, the 20 minutes that has been allocated to us.

Let me try to explain the simplicity of this amendment. We all know of the strength and indestructibility of the human body. But we also know that if we as humans are exposed—we are all aware of the indestructibility in many instances and strength of the human body. But we also know that there are certain substances which our bodies can be exposed to which can increase the risk of disease and death.

One of the most dangerous categories is a category known as carcinogens, substances which when we are exposed to them over a period of time increase the likelihood that we will contract cancer or some other fatal disease.

The Environmental Protection Agency, at the Federal level, takes a look at the thousands of substances which we were exposed to as Americans to investigated by the Environmental Protection Agency. They divide these substances into hundreds which they believe cause cancer. Then they subdivide those cancer-causing substances into three areas: known causes of cancer, probable causes of cancer, and suspected causes of cancer.

This amendment only addresses known causes of cancer and lead, lead, of course, being particularly dangerous to young children. So what we are doing is to narrow the scope of this activity of the EPA, saying that under no circumstances will this bill in any of its provisions stop this agency from protecting Americans from the unseen hazards in our water and air, which can cause cancer to our families. To me, it is nothing short of incredible that we are having this debate today.

Who in the last election stood up and said, I want less government, I want the EPA out of the business of protecting us from cancer-causing substances? I venture a guess, no one said that. We count on the EPA to make certain that we are not exposed to arsenic, benzene, dioxin, lead, and other known carcinogens.

Yet it is necessary to offer this amendment. We just had an important vote on the floor on 17 riders to this bill which would have challenged the premise as to whether the EPA has the right to assert that jurisdiction. The purpose of this amendment, which the gentleman from Texas [Mr. WILSON] and I offer, is to state clearly and unequivocally the EPA has this authority, no matter what else is put in the bill.

Mr. WILSON. Mr. Chairman, will the gentleman yield?

Mr. DURBIN. I yield to the gentleman from Texas.

Mr. WILSON. Mr. Chairman, the gentleman understands as I do that there are roughly 200 carcinogens that are suspected in the world. They are in three categories: known carcinogens, probable carcinogens, and suspected carcinogens. The smallest category are known carcinogens. That is only 10 percent of them.

This amendment only directs itself to the known cancer-causing toxins.

Mr. DURBIN. Absolutely. Mr. Chairman, that is why the amendment should be so clear and noncontroversial. If you want to stand for the proposition that the EPA should not protect our families from cancer-causing substances, then vote "no" on this amendment. If you believe that they should protect us from these unseen dangers in water and air, vote "yes." Simple and easy.

So why is it complicated today? Because certain lobbyists and special interest groups want to play fast and loose with cancer-causing standards and lead contamination. They want to fudge a little. They want to change the standard. They can make more money if they do. Should we let them? I do not think so. That is why I am offering the amendment.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Is there a Member opposed to the amendment?

Mr. LEWIS of California. Mr. Chairman, I am opposed to the amendment.

The CHAIRMAN. The gentleman from California [Mr. LEWIS] is recognized for 20 minutes.

Mr. LEWIS of California. Mr. Chairman, I yield such time as he might consume to the gentleman from Texas [Mr. BARTON].

□ 1400

Mr. BARTON of Texas. Mr. Chairman, we have heard a great deal today about what should and should not be in an appropriations bill. We have heard about the necessity for hearings and for slow deliberations and actions. This particular amendment that the gentleman from Texas and the gentleman from Illinois are offering should not be added to this bill.

This is really a fight between waste incinerators and cement kilns that burn hazardous waste as part of the cement making process. I have some charts that I would like to show the committee. I want to walk you through very quickly and explain what we are talking about.

A cement kiln typically burns at a Fahrenheit of over 3,500 degrees. A typical waste incinerator typically burns at a Fahrenheit of 2,500 degrees. The time that it takes in the cement kiln is 6 to 10 seconds, and in the hazardous waste incinerator approximately 3 seconds.

When you look at how much action is generated in the cement kiln, it is an order of magnitude of greater than 100,000 times. In the waste incinerator it is about 10,000 times. The cement kiln is much larger than the waste incinerator. The bottom line is if we put 5 percent of the fuel source as hazardous waste material into a cement kiln and burn it at 3,500 degrees Fahrenheit as opposed to 100 percent of the material being in a waste incinerator at 2,700 degrees Fahrenheit, the cement kiln totally destroys it.

Now, let us look at the regulations on the two. Now, these are regulations under RCRA for cement kilns regulated by EPA under RCRA subpart H. Under waste incinerators, under subpart O. There is nothing that is regulated under RCRA for waste incinerators that is not regulated under cement kilns. In fact, cement kilns have more regulations than the waste incinerators do.

If you will notice here the row on metals, cement kilns do have regulations on metals. Waste incinerators do not. You can go on down the list.

I have in my congressional district a town named Midlothian, TX. This town has three cement kilns, and the State of Texas and the EPA, for the last 10 years, have been constantly in Midlothian, TX, attempting to find that something wrong has been done; that some of these cement kilns, and two of the three do burn hazardous waste, have somehow polluted the air or have polluted the atmosphere.

They have held hearings in Midlothian, TX. They have done repeated studies. The State of Texas has done an animal study. EPA is now trying to recreate that animal study. They have yet to find any instance of any harm being done to man, woman, child or animal or the air in Midlothian, TX, because some of the cement kilns are burning this hazardous material.

We need to vote "no" on this amendment. As you can tell by looking at this chart, there are more than sufficient regulations both on an interim status and, once EPA certifies, on a permanent status. There is no need for this particular amendment.

Mr. DURBIN. Mr. Chairman, will the gentleman yield?

Mr. BARTON of Texas. I yield to the gentleman from Illinois for a question.

Mr. DURBIN. The question is this: Our amendment simply says if your cement kiln should emit arsenic, benzene, dioxin, lead or a known carcinogen, the EPA can regulate it. Now, which of those chemicals do you emit from your cement kiln that you do not want the EPA to regulate?

Mr. BARTON of Texas. Under current regulations they are all being regulated today.

Mr. DURBIN. Then why does the gentleman oppose the amendment?

Mr. BARTON of Texas. Because there is no need for it. There is absolutely no need for it. It is very counterproductive.

I see my good friend, the gentleman from Texas [Mr. WILSON], smiling like the cat that ate the canary, so I am sure he is going to take issue with that.

Mr. DURBIN. Mr. Chairman, I yield 2 minutes to my colleague and friend, the gentleman from Texas [Mr. WILSON], the cosponsor of the amendment.

Mr. WILSON. Mr. Chairman, it is hard to know where to start exactly here, but the first thing we need to understand is who does the regulating. Now, there are 24 or 25 cement kilns in the United States. There is not a single RCRA permit for any of these cement kilns. There is a RCRA permit for every commercial incinerator in the United States. Therefore, we are very concerned that these cement kilns emit an inordinate amount of, particularly, arsenic and lead.

I have given an example of the Continental Cement Co. in Hanover, MO, in 1993, which the EPA standard for arsenic emission is .4 parts per million, and the actual emission of this plant is 97 parts per million. The EPA's standard for lead is 400 parts per million, and the actual emission is 2,700 parts per million. Now, those figures simply speak for themselves.

The cement kilns are the only incinerators and, indeed, the only industry in the country that is exempt from the Resource Conservation and Recovery Act. What my opponents are trying to do is to have America step down from existing technology. The real proof of the pudding is that 66 percent of these companies are foreign owned. They are owned in France, they are owned in Switzerland, they are owned in Germany, and they are owned in England. In those countries of ownership, they do not allow toxic waste to be burned in cement kilns.

In truth, they are treating the United States as a Third World country. They are making the profit and they are sending us the toxics. This is a simple amendment and I urge a "aye" vote.

Mr. LEWIS of California. Mr. Chairman, I yield myself such time as I may consume to just make a fundamental point regarding this amendment.

Mr. Chairman, it is very appealing to have language in an amendment that says that the agency shall be able to protect humans against exposure to arsenic, benzene, dioxin, lead or any other carcinogen. The problem is while it is very simple and very straightforward and obviously not deceiving, there are trace minerals of that kind in any variety of materials that might be disposed of by a variety of technologies.

This language says that when it becomes known to a Federal official, that there's a trace of arsenic, suddenly we give this agency leave to do anything they want to do in spite of Federal direction.

It is a very, very serious amendment that goes way beyond what this simple language would suggest. It is a desire on the part of a few to give EPA a free hand in a subject area that could have dramatic effect upon our economy. Further, it is designed in no small part to give a bigger share of the marketplace to a certain kind of process relating to getting rid of some kind of toxic wastes versus another piece of the marketplace that has another technology. To say the least, this is a serious amendment. I want the whole House to have an opportunity to consider this amendment.

At this point in time, Mr. Chairman, I am not sure we have enough time today to accomplish that.

Mr. Chairman, I reserve the balance of my time.

PARLIAMENTARY INQUIRY

Mr. DURBIN. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. DURBIN. Mr. Chairman, the last comment made by the gentleman from California, chairman of the subcommittee, suggested that we would not bring this to closure and debate and vote today. It is my understanding with the time limitation that the chair announced that we can conclude this before 3 p.m. which I understood was the time when we wished to adjourn.

The CHAIRMAN. The Chair would put the question in the ordinary course following the debate on the amendment.

Mr. DURBIN. Mr. Chairman, I yield 3 minutes to the gentleman from Delaware [Mr. CASTLE], a cosponsor of the amendment.

Mr. CASTLE. I thank the gentleman from Illinois for yielding me the time.

Mr. Chairman, I would just like to say it has been sort of a strange day here today. We had an earlier amendment—and sometimes it is hard to separate the sides here—we had an exemption for oil with respect to air pollution but we did not for the chemical industry.

Now we have a situation in which we are dealing with several competing industries, we are dealing with a hazardous waste incineration cement kiln industry but we also have another industry, the commercial hazardous waste incineration industry, which has to live under different standards. Essentially this amendment would allow the cement kiln industry to escape stringent dioxin emission standards that other hazardous waste combusters must comply with and do so willingly because they want to, of course, have safe environmental practices.

It is very strange to me. I do not know why we are doing it. According to data suppled to the EPA by the cement kiln industry itself, in almost all cases the concentrations of heavy metals from 12 hazardous waste burning cement kilns exceeded superfund site actions levels in soil. Thus the creation of more Superfund sites will be virtually guaranteed. This would not only add to Federal cleanup costs but would also unnecessarily increase air and ground water pollution imperiling public health.

The commercial hazardous waste incineration industry, the other side of this, has been a leader in investing in advanced pollution control technologies. This will cease, if cement kilns, many of which are foreign owned, are provided regulatory relief that widens their competitive advantage over commercial incinerators. The United States would thus have to dispose of dangerous toxic and carcinogenic chemical wastes using antiquated highly polluting cement kiln technology.

Mr. WILSON. Mr. Chairman, will the gentleman yield?

Mr. CASTLE. I yield to the gentleman from Texas.

Mr. WILSON. Mr. Chairman, my good friend the gentleman from California earlier stated that of any of these carcinogens, that there were traces to be found, but I would like to ask the gentleman a question: If the Superfund standard for arsenic is .4 parts per million, would the gentleman consider 97 parts per million excessive or a trace?

Mr. CASTLE. I would consider that excessive, sir.

Mr. WILSON. If the gentleman will yield further, if the Superfund standard is 400 parts per million of lead, would the gentleman consider 2,700 parts per million of lead to be excessive and not a trace?

Mr. CASTLE. I would.

Mr. WILSON. Well, it is consistent all down the line of the emissions of these products.

Mr. CASTLE. Mr. Chairman, reclaiming my time, we know that Europe is moving away from using cement kilns to burn toxic waste. The hazardous waste cement kiln industry wants to move to the United States. That is incredible to me, that they are not allowing this in Europe now and now they want to move all of this to the United States. Then we in Congress are going to take the additional step of allowing them to be exempted from laws that others who do the same thing would not be exempted from. This will cost 6,000 jobs in the commercial hazardous waste industry because it will become economically nonviable. Obviously it has a huge impact on our economy as well as a huge environmental impact across the United States of America.

It is for all these reasons that I support this amendment. I would urge everybody in Congress to join us in supporting the amendment.

Mr. LEWIS of California. Mr. Chairman, I yield 2 additional minutes to the gentleman from Texas [Mr. BARTON].

Mr. DURBIN. Mr. Chairman, I yield 1 minute to the gentleman from Texas [Mr. BARTON].

The CHAIRMAN. The gentleman from Texas is recognized for 3 minutes.

Mr. BARTON of Texas. Mr. Chairman, I just feel compelled to correct the record. Under existing RCRA regulations, waste incinerators, according to the information I have, are not regulated at all for metal disposal. Under RCRA regulations, cement kilns are.

The gentleman from Delaware just spoke about dioxin regulation. I want to read something from the EPA. It says:

> According to EPA combustion emissions technical resource document, dioxin emissions from commercial hazardous waste incinerators are 2.2 times more toxic than those from cement kilns. All cement kilns are in compliance with stringent dioxin emission standards found in the EPA's BIF regulation, which is boiler, industrial and furnace regulation. Hazardous waste incinerators have no similar regulations.

I want to read something else from EPA Section Chief Paul Godholdt. It says:

> Some people say that incinerators are more highly regulated than cement kilns, but in most cases that's not true. Cement kilns are more highly regulated.

That was on July 3, 1994.

> EPA has defended the boiler, industrial furnace rules in Federal court as protective of human health and the environment.

This is an inside-baseball argument between two industries, one that uses waste totally in its furnaces, the incineration industry, and the other uses 5 percent of its fuel source from hazardous waste material and destroys it 99.99 percent.

Mr. WILSON. Mr. Chairman, will the gentleman yield?

Mr. BARTON of Texas. I yield to the gentleman from Texas.

☐ 1515

Mr. WILSON. My colleague from Texas stated that the cement kilns were regulated by RCRA.

Mr. Chairman, I did not know until we got into this debate what RCRA was, but RCRA is the Resource Conservation and Recovery Act.

Mr. BARTON of Texas. Mr. Chairman, the gentleman is correct.

Mr. WILSON. Mr. Chairman, I think it will come as a surprise to the gentleman to know that there is not a single cement kiln that has an RCRA license. All commercial incinerators have RCRA licenses.

Mr. BARTON of Texas. Mr. Chairman, that is because they are operating under interim regulations. As soon as the EPA certifies the permanent regulations, they will get those permits. That is my information.

Mr. WILSON. They might and they might not. But if the riders that were put on the bill earlier, that were knocked out by a very narrow vote, were allowed to stand, then it would be extremely difficult for the EPA to go through the permit process.

Mr. BARTON of Texas. My sources are from the EPA, and I just read them, and I can quote you page numbers, dates, chapter, and verse.

Mr. WILSON. Mr. Chairman, I would respond by saying that if I said my sources were from the EPA, the gentleman would say, there they go again, lying to the Congress.

Mr. BARTON of Texas. Mr. Chairman, I think there are some who question the EPA as a source, but in this particular debate, I think they are relevant.

Mr. LEWIS of California. Mr. Chairman, I yield 7 minutes to the gentleman from Texas [Mr. CHAPMAN].

Mr. CHAPMAN. Mr. Chairman, I want to make two points here. One is what I think this amendment is trying to do.

Mr. Chairman, we talk in terms of special interests that unbelievably overload the incineration of toxic wastes in favor of commercial incinerators, who, I may say, have been in the business longer than those that burn toxic waste in the making of cement and in other boiler activities.

Mr. Chairman, the other thing that is important to understand, though, I think, is by moving forward with this amendment, what the proponents of the amendment are doing is allowing EPA to overstep its legal authority, violate the terms of the Clean Air Act, and allow them not to follow their own regulations.

Mr. Chairman, this is about an agency, as I said earlier, which has decided it does not have to follow the law Congress has set down, nor does it have to follow its own regulations.

In promulgating the processes by which they propose to license these combustion facilities, EPA is changing the law and violating its own rules. That is what this is about.

We can talk about cement kilns versus commercial incineration, and if we talk about that, we can talk about who burns what, and how bad is it and what happens to it.

The truth is that both facilities, both kinds of facilities, must meet stringent EPA regulation and must destroy these toxins to 99.99-percent efficiency.

Mr. DURBIN. Mr. Chairman, will the gentleman yield?

Mr. CHAPMAN. I yield to the gentleman from Illinois.

Mr. DURBIN. Mr. Chairman, I might say to the gentleman, this is an important debate and relates to a rider, which has now been removed from the bill, on cement kilns. But the amendment that we are debating does not mention cement kilns. The amendment that we are debating says, "The EPA shall have the authority to protect us against arsenic, benzene, dioxin, lead, and known carcinogens."

Does the gentleman object to that premise?

Mr. CHAPMAN. The amendment addresses a restrictive rider that has now been removed. The gentleman's amendment we both know is moot. I do not know why we are engaged in this debate, other than to engage in this discussion, but the House has passed an amendment that makes your amendment moot.

Here we find ourselves as proponents, going forward on an amendment that is already going to have no force and effect because it releases limitations which have been previously released by the last vote in this House.

Let us be honest, the issue here is about giving the commercial incineration industry a market advantage over the cement industry. That is what this issue is about. If the gentleman will be forthright, the gentleman will have to acknowledge that the truth is, the cement industry is more highly regulated than the commercial incinerator industry. The cement industry has standards they must meet that the commercial incineration industry does not meet, and the cement industry has to follow more stringent regulations than does the other.

Mr. WILSON. Mr. Chairman, will the gentleman yield?

Mr. CHAPMAN. I yield to the gentleman from Texas.

Mr. WILSON. Mr. Chairman, was the gentleman on the floor when we discussed the fact that not a single cement kiln in the country is licensed by RCRA, by the Resource Conservation and Recovery Act, and that all of the commercial incinerators are?

Mr. CHAPMAN. Mr. Chairman, every single cement plant in America is operating under a permit issued by the EPA.

Mr. WILSON. But not by RCRA.

Mr. CHAPMAN. Of course, they are licensed. It is difficult for me to understand why the gentleman, who until a few minutes ago did not know what RCRA was, would come in here now and suggest to me that you are some kind of an environmentalist.

Mr. WILSON. I am a fast study.

Mr. CHAPMAN. I see that you are.

Reclaiming my time, Mr. Chairman, if the gentleman is a fast study, the gentleman knows that every cement plant in America is operating under a permit from the EPA more stringent than any commercial incineration facility. That is what this debate is really all about.

The debate is about the EPA following its own rules, following its own guidelines. What it is about is telling EPA to follow the law. Nothing more; nothing less. It is about EPA following their own regulations. Nothing more; nothing less.

Mr. BARTON of Texas. Mr. Chairman, will the gentleman yield?

Mr. CHAPMAN. I yield to the gentleman from Texas.

Mr. BARTON of Texas. Mr. Chairman, I know there is confusion, and the body hates to see Texans confused among each other. We are all from Texas, and I know it is discombobulating, but I want to try to clarify this one more time: The standard that cement kilns are currently regulated under is an interim standard under RCRA, promulgated by EPA, and it is a tough standard.

The distinguished gentleman from Lufkin did not like me using the EPA as a source. Well, I am chastised by that. I am now going to use the Congressional Research Service, which should have more repute in this body.

This is CRS environmental policy analyst, Linda Schreio, S-C-H-R-E-I-O. She has found that the BIF rule under RCRA includes identical standards to the incinerator rule in terms of the efficiency required for pollution removal. She says,

> The BIF rule is more protective than the incinerator rule in 3 key areas: Total hydrocarbon emissions, specific emission standards for 12 metals of concern, and additional dioxin requirements including the requirement to conduct site-specific risk assessments for dioxin.

She further states,

> The commercial incinerator rules contain no similar standards, even for dioxin.

And then she says,

> The interim status under the BIF rule is a tough standard.

Now, I hope that puts to rest that cement kilns are not regulated. And if they are, they are regulated less stringently. I am quoting in this case the Congressional Research Service.

Mr. CHAPMAN. Mr. Chairman, I appreciate the comments of the gentleman, because if there is an insinuation here that cement kilns somehow have been getting a free ride from EPA, from CRS, and the honest facts are that is just not the case.

They are not only regulated; they are regulated more stringently than the commercial incineration industry. They do a better job of destroying the toxins that law requires be destroyed and they do so in a way that is saving industry, the taxpayers, and consumers in this country money, and they are doing it in a way that makes our environment cleaner.

Mr. WILSON. Mr. Chairman, will the gentleman yield?

Mr. CHAPMAN. I yield to the gentleman from Texas.

Mr. WILSON. Mr. Chairman, if that is the case, I would ask the gentleman simply, since 65 percent of these kilns are owned in Europe, why do the Europeans not allow this practice to occur?

Mr. CHAPMAN. Mr. Chairman, I am glad the gentleman brings that because the Europeans do allow it.

I say to the gentleman from Texas [Mr. WILSON] that the technology was developed in Germany and they are in Germany, they are in France, and they are in England. In fact, there is a consortium in Europe working as we speak today, probably to put in place the same kinds of standards that we have through our EPA here.

But the truth is that there has been a misstatement that this is a technology that does not exist. It does exist. It is in existence in Europe and there are European incinerators, European kilns, that are doing this technology just as we do it here and with just as safe results.

Mr. WILSON. Mr. Chairman, I would like to say that my information is that that is not correct.

Mr. CHAPMAN. The gentleman's information is incorrect.

Mr. DURBIN. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, if my colleagues are struggling to follow this debate between the cement kiln industry and the industrial incinerator industry, what they are doing is burning toxic waste, and they want to know how much they can emit from their smokestacks and there is a battle within these two industries.

I do not have a horse in this race, and this amendment really does not address that issue. This amendment gets down to what I think people in the gallery watching, and Members I hope, believe is the bottom line. When it is all said and done, no matter who wins or who regulates, is my family at risk or not? Is something coming out of that smokestack which can hurt me and my children? That is all we want to know.

The Durbin-Wilson amendment says the bottom line is the EPA should use one standard: Protect Americans from exposure to arsenic, benzene, dioxin, lead, and known cancer-causing substances. What is the debate here? Do we want to say they should not protect us? Why, of course they should.

These industries can work it out somewhere else. The Durbin-Wilson amendment is the bottom line as to what we expect from any agency which is dedicated to protecting public health.

Mr. Chairman, I yield 2 minutes to the gentleman from Indiana [Mr. VISCLOSKY].

Mr. VISCLOSKY. Mr. Chairman I rise in strong support of the Wilson-Durbin amendment. The EPA should have a clear mandate from Congress in cases where human health is at stake.

Mr. Chairman, I was especially concerned about the refinery air toxins rider that was included in the underlying legislation. I recognize this rider has been stripped out of the bill, but I think it is important for the House to take a clear stand on the issue.

Mr. Chairman, I remain concerned about carcinogens from the petroleum refinery industry. Petroleum refineries are one of the largest sources of cancer-causing emissions, primarily benzene, which causes leukemia.

It may not mean much to some Members, but the people of the 1st District of Indiana must continue to live under a cloud of over 1 million pounds of toxic refinery emissions per year.

In the 1980's the people of northwest Indiana watched as the Clean Air Act took effect; our skies lost the steady red glow of the old steel mills. We continue to make progress, but we have a long way to go. However, my constituents appreciate the progress made under the Clean Air Act, and their lives are better because of it.

Mr. Chairman, we still have a long way to go to make sure that the air is truly safe for our citizens, and I ask my colleagues not to turn the clock back.

Do not leave any doubt about EPA's mandate to protect the people of Indiana's 1st District or the people of this Nation from cancer-causing pollutants. Please support the Wilson-Durbin amendment.

The CHAIRMAN. The gentleman from Indiana [Mr. VISCLOSKY] yields back 30 seconds.

Mr. DURBIN. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. BOEHLERT].

Mr. BOEHLERT. Mr. Chairman, I have been on the floor quite a bit today, so I do not need to repeat all of what I have said, but I am a concerned legislator; I am a concerned family man; I am a concerned citizen; and I am proud to be a Republican.

Mr. Chairman, there are a number of people who share those same characteristics on our side of the aisle, deeply committed to doing what is right by the American family with respect to environmental legislation. There are a number of my colleagues on the Democratic side who are equally concerned about the American family and sensitive environmental issues.

Do I want my constituents, the people I care for, do I want my family, the people I love, too, exposed to lead and arsenic and dioxin and benzene and known carcinogens? The answer is clearly "no."

□ 1430

I think this is a sensible amendment. I think it has earned our support.

We have had a spirited debate today on a high level, a high plane. I want to commend all of my colleagues for their participation. I want to thank the gentleman from Illinois [Mr. DURBIN] for allowing me the opportunity to participate with him, my colleague, the gentleman from Texas [Mr. WILSON], my colleague, the gentleman from Delaware [Mr. CASTLE] in supporting this amendment.

Mr. DURBIN. Mr. Chairman, I yield myself 30 seconds.

Mr. ROSE. Mr. Chairman, will the gentleman yield?

Mr. DURBIN. I yield to the gentleman from North Carolina.

Mr. ROSE. Mr. Chairman, I thank the gentleman for yielding.

The EPA, at the end of the Bush administration, ruled that tobacco secondhand smoke was a class A carcinogen, just as dangerous as chlorine and benzene. Would this amendment now give the EPA the right to control secondhand tobacco smoke all the way down to zero tolerance?

Mr. DURBIN. No. This amendment does not seek to impose any new or expanded standard, but to establish the continuing jurisdiction of the EPA even in terms of protecting us against the chemicals that are enumerated.

Mr. ROSE. I thank the gentleman.

Mr. LEWIS of California. Mr. Chairman, I yield 3 minutes to the gentleman from Texas [Mr. BARTON].

Mr. BARTON of Texas. Mr. Chairman, I would like to ask the gentleman from Illinois a question about his amendment, and I would like the gentleman's attention, the gentleman from Illinois.

In the amendment, as I read it, it says that any limitation set forth under this heading on the use of funds shall not apply when it is made known to the Federal official having authority to obligate or expend such funds that the limitation would restrict the ability of the EPA to protect humans against exposure to arsenic, benzene, dioxin, lead, or any known carcinogen.

My question is: When it is made known, who makes it known? How do they make it known? At what level do they have to make it known? If my 13-year-old daughter, Kristin, sends a letter to the administrator of the EPA, does that give them authority to violate existing Federal law?

This sets no standards. If I read this correctly, if we pass this amendment, the EPA, if anybody on the street says they have got a concern, they can violate the existing standards in existence and go out and regulate to the nth degree.

Would the gentleman from Illinois answer that question?

Mr. DURBIN. Mr. Chairman, will the gentleman yield?

Mr. BARTON of Texas. I yield to the gentleman from Illinois.

Mr. DURBIN. Unless the children of the gentleman from Texas are chemists and can detect levels of arsenic in water and want to report it to a Federal agency, I do not think he has to worry about that.

Mr. BARTON of Texas. It does not say. It just says "if made known."

Mr. DURBIN. If the gentleman will yield, this is language which we are now using every day in appropriations bills. I think the gentleman is aware of the fact that the EPA is not going to take a rumor or a suspicion and act on it.

Mr. BARTON of Texas. At what level? I mean, there needs to be a standard. My suggestion would be, and I hope it does not pass, in report language we need to definitely define that because you have got an open-ended standard there.

Mr. DURBIN. If the gentleman will yield further, we are using the same standard currently available. We are not expanding the jurisdiction nor changing the standards of the EPA. We are saying that as to these specific dangerous chemicals and carcinogenic substances, they have the right to protect us.

Mr. BARTON of Texas. Reclaiming my time, with all due respect to the distinguished authors of the amendment, that is not what it says.

Mr. CHAPMAN. Mr. Chairman, will the gentleman yield?

Mr. BARTON of Texas. I yield to the gentleman from Texas.

Mr. CHAPMAN. Let me make sure Members of the House understand what this amendment says, because I misunderstood, I guess, either the gentleman from North Carolina or the gentleman from Illinois when he said this would not affect the regulation of secondhand smoke, which has been called a known carcinogen.

The gentleman correctly points out, and it is true, that we have used this "when it is made known" standard in the Committee on Appropriations, and I will say to the gentleman from Texas, it is so your 13-year-old daughter can write a letter to EPA and make it known to them her concerns and under this amendment that would trigger EPA's authority to do what this says, and what this says is that they can use all of their abilities to protect against human exposure to, among other things, known carcinogens.

I would ask the gentleman from Illinois if he drafted this amendment, is he aware that, in fact, it would authorize and expand EPA's jurisdiction to manage these risks down to a zero tolerance, a zero tolerance? That is chemically impossible to do.

Mr. BARTON of Texas. That is exactly right.

Mr. CHAPMAN. Chemically impossible to do in direct violation of all environmental laws of the country.

I would ask the gentleman from Illinois, does he disagree that is the clear language in his amendment?

The CHAIRMAN. The gentleman from California [Mr. LEWIS] has 1 minute remaining, and the gentleman from Illinois [Mr. DURBIN] has 4½ minutes remaining.

Ms. PELOSI. Mr. Chairman, I rise today to express my support for the amendment offered by Congressmen DURBIN and WILSON. This amendment will ensure that the EPA continue to protect Americans from exposure to numerous toxins, including arsenic, benzene, and dioxin lead. These chemicals pose serious health problems to Americans of all ages.

Just this week, the Washington Post reported the results of a study which indicated that carcinogens, neurotoxins, and other chemicals were found in various name brand baby foods selected at random from across the country.

This study underscores the need for us to remain vigilant when it comes to protecting our environment and the health of our youngest citizens. We need to maintain the critical safety net which protects the health and safety of all our citizens.

I urge my colleagues to support the Durbin-Wilson amendment protecting our children and families against toxic substances.

Mr. RUSH. Mr. Chairman, I rise today in support of community development banks which are left unfunded in this VA, HUD and Independent Agency appropriations bill. I have a long history with the creation of the Community Development Financial Institutions program. I want to commend my colleague from Massachusetts, Mr. KENNEDY, and the chairman of the subcommittee, Mr. LEWIS, who agreed to work toward a continued funding level for CDFI's during the House and Senate conference on appropriations.

I am proud to support these types of community investment programs as I did during passage of the Community Development Banking and Financial Institutions Act of 1993. I was pleased that November, to be a part of a comprehensive community development banking effort that can truly make a difference between stagnation and salvation for thousands of disinvested urban, rural and suburban communities across our Nation.

CDFI programs do make a difference. They help increase the confidence of the residents, business owners and workers in targeted communities that their own fortunes and opportunities are on the rise. Equally as important is the need to convince outside investors that low-income communities merit their consideration as a solid investment for their money.

Those who benefit from the CDFI fund will be left in the lurch without this program. Without this funding, many of the benefits for underserved people, such as minorities and women, would not be felt. Lack of access to capital is the No. 1 reason these individuals struggle. The fund will also target the working class and middle-income neighborhoods threatened by decline. Without the fund, traditionally underserved and middle-class communities will fall further behind.

Currently, there are more than 300 CDFI's in 45 States that manage over $1 billion in capital. Many of these CDFI's specialize in small business start-up assistance, providing very small micro loans for low-income people seeking to become self-employed. This new approach is vital to creating economic opportunity.

We need innovative long-term solution to help our communities survive. The CDFI's have a comprehensive strategy that will empower local communities and increase access to credit and investment capital, these are the seeds needed to grow an economically healthy nation.

It is my hope that CDFI's will receive strong consideration for complete funding during the House and Senate conference on appropriations.

Mrs. COLLINS of Illinois. Mr. Chairman, I rise in support of the Kennedy amendment to strike the language in the bill that prohibits HUD from developing rules relating to the application of the Fair Housing Act to the business of property insurance.

As many in this Chamber know, I have devoted considerable efforts over the past two Congresses to bring an end to the terrible practice of insurance redlining. As the chairwoman of a subcommittee with jurisdiction over insurance, I have worked with the industry to bring an end to these practices.

In the last Congress, the House of Representatives voted overwhelmingly in favor of my bill to develop a database on insurance sales practices in large cities. I was pleased by the support of Members on both sides of the aisle, as well as the insurance industry.

This bill unfortunately takes a tremendous step backwards in the area of fair housing. The bill prohibits HUD from taking any action to implement the Fair Housing Act with respect to homeowners' insurance. HUD is currently working to develop proposed rules to clarify what property insurance practices constitute illegal discrimination.

HUD has been trying to work with the insurance industry on these proposed rules and has even suggested doing a negotiated rulemaking. This amendment stops this activity in its tracks. It assumes that the rules will be unreasonable, or perhaps that there is no concern over insurance redlining in violation of the Fair Housing Act.

In the last Congress I strongly supported giving Commerce, not HUD, the responsibility to gather data. However, I have always believed that HUD has the responsibility to enforce fair housing laws, including redlining. With the current efforts to dismantle the Department of Commerce, it is even more important not to disarm HUD in its responsibility to prevent redlining.

We know that there are unprecedented efforts in this Congress to attack affirmative action. This bill goes one step further by attacking antidiscrimination laws. There has always been a consensus in this House that there should be no discrimination in housing. This bill says that the House of Representatives no longer cares about discrimination.

We must remove this offensive provision and reaffirm our support for fair housing laws and an end to insurance redlining. Vote "yes" on the Kennedy amendment.

Mr. BENTSEN. Mr. Chairman, I rise in strong support of this amendment to restore funding for the Small Business Administration's Office of Advocacy. I congratulate Chairman MEYERS and ranking Member LAFALCE of the Small Business Committee for offering this amendment. This is a bipartisan, pro-small business amendment that deserves the support of this House.

The Office of Advocacy is Congress' insurance policy to guarantee that our small business policy accomplishes two things: it encourages entrepreneurship and small business creation and it does not impose unreasonable regulatory burdens on those entrepreneurs. This office performs these functions through regulatory intervention, research, information gathering, and serving as a grass root network for small business owners.

Virtually all small business trade organizations have high praise for the office, especially under the leadership of the current director, Jere Glover. The delegates of the recent White House Conference on Small Business were so impressed with the Office of Advocacy that they recommended to the President that this office be made permanent. They also recommended that it be given the additional responsibility of tracking and reporting on progress made on the Conference recommendations. Small business owners trust and value the Office of Advocacy—that is the best endorsement for the Meyers-LaFalce amendment.

Small businesses don't have big bucks to spend in powerful law firms to represent their interests before government regulators. The Office of Advocacy provides that service for small businesses across this Nation.

Jere Glover and the Office of Advocacy has been effective champions for small business interests, even when this has meant disagreeing with the administration or opposing actions and policies of other Federal agencies. The Office of Advocacy is the small business owner's best friend in Government. We hear a lot of talk about the need to make government more business-friendly. Today we can turn that talk into action by voting for the Meyers-LaFalce amendment. I urge support for this amendment.

Mr. LAZIO of New York. Mr. Chairman, I would like to commend the Appropriations Committee for completing action on the VA/HUD appropriations package.

In particular, I am pleased that one of the legislative provisos contained in the appropriations bill gives the Housing and Community Opportunity Subcommittee, of which I am the chair, the tools to enact legislation which will restructure HUD's insured multifamily rental housing programs. The combination of report language and $4.9 billion in funding enables HUD to begin the process of assisting families in a cost-effective manner that stays within the confines of the budget resolution adopted this year.

It is important to note that without major reforms, this program could end up consuming virtually all of HUD's $19.4 billion budget. Other programs like Community Development Block Grants, HOME, housing for vulnerable populations, and public housing will be swallowed up. Given the importance of these other programs to building and sustaining strong communities and neighborhoods, I view the reform of the multifamily program as a major step towards changing the mission of this Department. Restructuring this portfolio must occur soon before the costs to the Federal Government become even larger.

Currently, I am working on a comprehensive housing bill which will provide HUD with the authority it needs to lower the long-term costs of restructuring this portfolio. What has surprised me during this drafting process is the magnitude, complexity, and duplication of housing laws in general. The laws are filled with redtape and burdensome regulations written during the last 40 years. These laws must be completely and comprehensively overhauled—a process which I will not undertake in a frivolous manner despite the rhetoric of yesterday. My legislation will enhance the health, safety, and economic well-being of families, neighborhoods, and rural areas. It will encourage innovative uses of resources which are now rendered useless because of bureaucracy and legislative micromanagement. I look forward to sharing my efforts very soon.

Once again, I would like to congratulate the chairmen of the full committee and subcommittee for setting in motion this much needed reform to HUD.

Mr. POMEROY. Mr. Chairman, I rise today in very reluctant opposition to the amendment offered by the gentleman from Pennsylvania, [Mr. FOGLIETTA].

I am troubled by the deep cut this bill makes in mass transit operating assistance. However, I am unable to support the Foglietta amendment to restore $135 million for mass transit because the amendment is paid for with funds taken from the Airport and Airway Trust.

The Airport and Airway Trust Fund is a dedicated trust fund supported by the flying public for investment in our aviation infrastructure. I am a cosponsor of legislation to take the aviation and other transportation trust funds off-budget to ensure that they are used for their intended purpose. I cannot support an amendment that would divert aviation trust funds for non-aviation use.

However, I remain sincerely committed to restoring funds for mass transit operating assistance. I am hopeful that the Senate will support the President's budget request for mass transit, and I will work to sustain a higher level of funding in conference. In addition, I intend to work with the authorizing committee to seek greater flexibility in the use of mass transit grants—allowing smaller cities and towns to use a greater proportion of their transit funding for operating expenses.

I reluctantly urge my colleagues to oppose the Foglietta amendment.

Mrs. COLLINS of Illinois. Mr. Chairman, the VA–HUD appropriations bill we have before us today has to be one of the cruelest, most disturbing, misguided, and callous pieces of legislation that has ever been considered by this House. I strongly oppose it and vigorously urge its defeat.

Nowhere is the real agenda of the Republican Party, or the skewed philosophy driving the "Contract on America," made clearer than in H.R. 2099—stick it to struggling, disempowered poor and lower-income citizens in order to pay for massive tax breaks for rich folks and corporate fat cats. Make no bones about it Mr. Chairman, this bill is not about balancing the budget or cutting so-called waste from any department or agency. It is about hurting the most vulnerable in our society, about taking the most from those with the least, about redistributing vital and necessary Federal support from the poor, the children, the elderly, and the veterans to the rich and privileged. Nothing could be more despicable, illogical, extreme, or unfair.

At a critical time in our country when reports show that the demand for decent, affordable housing for both individuals and families continues to grow while the supply of such units is dropping, the Appropriations Committee turns its back, closes its eyes, and covers its ears to the problem. H.R. 2099 guts the HUD budget by 25 percent, nearly $6 billion. While some will come to this floor today to praise these foolish cuts, let me tell you that my constituents and I see little to smile about.

To begin with, the committee's decision to slash homeless assistance grants by 50 percent will result in a $20 million loss to my city of Chicago in fiscal year 1996, leaving 3,325 fewer persons with the day care and job training services that would provide them an opportunity to get off the streets and into employment. In addition, these reductions translate into 320 fewer units of transitional and permanent housing for the homeless. But as I said, this is just the beginning, Mr. Chairman.

Believe it or not, H.R. 2099 sees fit to raise rents on the poorest public and assisted housing residents in order to pay for $1.6 billion in cuts to HUD operating and modernization subsidies also included in this legislation. Talk about a double whammy. Not only will rents increase, but tenants will get nothing for it.

Under this bill the vast majority of public housing and section 8 residents in Illinois will be forced to pay on average $828 more in rent annually. A struggling AFDC family of three will have to cough up $552 more. Where will this money magically come from? How will these cuts not result in more women and kids on the streets scrambling to survive, especially given other planned Gingrich Republican cuts to education, Head Start, child nutrition and school lunches, and the like?

On top of all this nonsense, the development of affordable rental housing for individuals with special needs, such as older Americans, persons with disabilities, and those with HIV and AIDS will be severely undermined. The Appropriations Committees decision to rip nearly $500 million away from initiatives designed to assist those with special concerns leaves 95 fewer seniors in Chicago with access to elderly housing and 493 fewer individuals suffering from HIV or AIDS with a roof over their heads. Where is the logic?

Mr. Chairman, my city of Chicago and HUD are wrestling with how best to tackle certain pressing problems which beset the Chicago Housing Authority. This situation calls for greater attention to and respect for the rights and needs of public housing residents. Unfortunately, H.R. 2099 greatly imperils these efforts.

However, the draconian cuts to the HUD budget are not the only reasons to oppose this drastic bill. Incredibly, H.R. 2099 goes further in slicing the EPA budget by 32 percent, or $2.3 billion, and includes legislative riders to strictly limit or prohibit the EPA from enforcing or implementing provisions of the Clean Water and Clean Air Acts as well as food pesticide, toxic emissions, and water quality standards. In so doing, the health and safety of all Americans are immediately threatened. But what's new Mr. Chairman, these 200 plus days of the 104th Congress have been punctuated by GOP special interests winning out over the public well-being.

Finally, H.R. 2099 decimates veterans' health by slashing VA medical care by $250 million, deletes funding for community development banks which provide desperately needed financial support to underserved communities, and eliminates the President's community service program which provides thousands of young Americans with an opportunity to attend college and secure their futures. At the same time H.R. 2099 provides over $2 billion to fully fund the space station. Apparently, the Gingrich Republicans would rather float taxpayer dollars into a black hole above the Earth than deal with the needs and concerns of the real people down here on the ground.

I urge my colleagues to reject this ill-conceived legislation.

Ms. ESHOO. Mr. Chairman, I rise in strong support of the Stokes/Boehlert amendment.

The VA-HUD bill drives a stake through the heart of our Nation's environmental laws. The new majority apparently doesn't think cutting EPA's budget by 34 percent is enough—they've weighed the bill down with restrictions on EPA spending which ties their hands in implementing and enforcing critically important programs for the protection of the American people.

The riders on the bill would prohibit EPA from spending any money on programs which protect wetlands, control polluted runoff, prevent raw sewage from being discharged into our waters, implement the 1990 Clean Air Act amendments, and then proceed with new standards for arsenic and radioactive pollutants in our drinking water.

Mr. Chairman, more than 35 million people would be exposed to significant levels of arsenic in their drinking water, heightening cancer risks across our Nation.

And while the Republicans are proposing that EPA's ability to protect the health of American citizens be decimated, they are giving special favors and granting exemptions to environmental laws to their friends in the oil and gas industry and cement kiln operators.

The Stokes/Boehlert amendment strips the appropriations bill of these legislative riders and enables the EPA, with the limited resources it has left, to implement the laws that the American people want, need and support which protect their air, water, and overall health.

I thank the gentlemen for offering this amendment and urge my colleagues to support it.

Mr. ARMEY. Mr. Chairman, I move that the Committee do now rise.

PARLIAMENTARY INQUIRY

Mr. DURBIN. Parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. DURBIN. Mr. Chairman, as I understand it, we have an agreement as to the length of debate on this amendment and the written understanding which was given to both sides says we shall continue to take amendments and vote until 3 p.m. today. It is 2:35. Why are you trying to stop us from taking that rollcall on this amendment?

The CHAIRMAN. The Chair would state that the gentleman is not asking a parliamentary inquiry.

Mr. DURBIN. Let me ask it in parliamentary terms.

Did the Chair not rule it would continue the business of the House under the ordinary rules until 3 p.m.?

The CHAIRMAN. The Chair must entertain a privileged motion.

The question is on the motion offered by the gentleman from Texas [Mr. ARMEY].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. ARMEY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 258, noes 148, not voting 28, as follows:

[Roll No. 600]

YEAS—258

Allard
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Camp
Canady
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clay
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Conyers
Cooley
Cox
Cramer
Crane
Crapo
Cubin
Cunningham
Davis
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fawell
Fields (LA)
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Gordon
Goss
Graham
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Jacobs
Jefferson
Johnson (CT)
Johnson, Sam
Jones
Kanjorski
Kasich
Kelly
Kim
King
Kingston
Klink
Klug
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Lucas
Manzullo
Martinez
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (CA)
Miller (FL)
Molinari
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Orton
Oxley
Packard
Parker
Paxon
Peterson (FL)
Peterson (MN)
Petri
Pombo
Porter
Portman
Pryce
Radanovich
Ramstad
Regula
Riggs
Rivers
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stump
Stupak
Talent
Tate
Tauzin
Taylor (MS)
Thomas
Thornberry
Thornton
Tiahrt
Torkildsen
Traficant
Upton
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wilson
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—148

Abercrombie
Ackerman
Andrews
Baldacci
Barrett (WI)
Becerra
Beilenson
Bentsen
Bishop
Bonior
Borski
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Clayton
Clement
Coleman
Collins (IL)
Costello
Coyne
Danner
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Engel
Ensign
Eshoo
Evans
Farr
Fattah
Fazio
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gonzalez
Green
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hoyer
Jackson-Lee
Johnson (SD)
Johnson, E. B.
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Lantos
Levin
Lewis (GA)
Lincoln
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Mascara
Matsui
McCarthy
McDermott
McHale
Meek
Menendez
Mfume
Mineta
Minge
Mink
Mollohan
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Pomeroy
Poshard
Rahall
Rangel
Reed
Richardson
Roemer
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Skaggs
Slaughter
Spratt
Stark
Stockman
Stokes
Studds
Tejeda
Thompson
Thurman
Torres
Torricelli
Towns
Tucker
Velazquez
Vento
Visclosky
Ward
Waters
Watt (NC)
Waxman
Wise
Woolsey
Wyden
Wynn

NOT VOTING—28

Bateman
Berman
Brewster
Calvert
Clyburn
Collins (MI)
Cremeans
Dornan
Filner

Hall (OH)
Istook
Johnston
LaFalce
Largent
Longley
McKinney
McNulty
Meehan
Meyers
Moakley
Pickett
Quillen
Quinn
Reynolds
Skelton
Tanner
Taylor (NC)
Yates

□ 1501

Mrs. KENNELLY, Mr. WATT of North Carolina, Ms. FURSE, Mr. SCHUMER, and Mrs. LOWEY changed their vote from "aye" to "no."

So the motion was agreed to.

The result of the vote was announced as above recorded.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LAHOOD) having assumed the chair, Mr. COMBEST, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2099) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1996, and for other purposes, had come to no resolution thereon.

PERSONAL EXPLANATION

Mr. FILNER. Mr. Chairman, I was unavoidably detained from voting, and had I been here, I would have voted on rollcall 596 "yes," rollcall 597 "yes," rollcall 598 "no," rollcall 599, "yes," and rollcall 600 "no."

LEGISLATIVE PROGRAM

(Mr. GEPHARDT asked and was given permission to address the House for 1 minute.)

Mr. GEPHARDT. Mr. Speaker, I have asked to proceed for 1 minute to inquire about the schedule for next week.

I yield to the distinguished majority leader, the gentleman from Texas [Mr. ARMEY] to inquire about the schedule for the rest of today and next week.

Mr. ARMEY. Mr. Speaker, I thank the gentleman for yielding to me.

We can advise all Members that there will be no more recorded votes today. The House will convene with special orders and upon the completion of special orders we will recess subject to the call of the Chair for the purpose of allowing the Committee on Rules to file rules later in the day.

There will be no more legislative business, nor votes today.

On Monday, July 31, the House will meet at 10:30 a.m. for morning hour and 12 p.m. for legislative business. We tentatively plan to consider two bills under suspension of the rules: H.R. 2017, the District of Columbia Highway Relief Act, is tentative, and legislation extending the expiration date of the Middle East Peace Facilitation Act of 1994.

We then plan to complete the VA-HUD appropriations bill on Monday evening.

Today we would plan on moving S. 21, the Bosnia and Herzegovina Self-Defense Act, which is subject to a rule. Members should be advised that there will be no recorded votes taken before 5 p.m. on Monday.

The balance of the week the House will meet at 10 a.m. for legislative business to consider the fiscal year 1996 Labor-HHS appropriation bill, subject to a rule, and H.R. 1555, the Communications Act of 1995, also subject to a rule.

We hope to complete legislative business and have Members on their way home for the August district work period by no later than 3 p.m. on Friday.

Mr. GEPHARDT. Mr. Speaker, I noted in his statement that the gentleman is planning at least tentatively to bring up the Bosnia legislation, S. 21, probably on Tuesday. I strongly hope, for what it is worth, that that is the case. We believe that this is obviously an important piece of legislation. We may or may not have an alternative, but we believe, even if we do not, that this legislation demands 4 or 5 hours of debate so that Members can be heard on it. It is of obvious importance for the country.

Then on Tuesday, obviously, I would hope that the gentleman would go ahead with the Labor-HHS bill and try to bring it to a fairly reasonably speedy conclusion. We have been working with the minority, as the gentleman knows, in trying to figure out how to do that on that bill.

Then the rest of the week could be given over to the telecommunications bill and would give it adequate time to be finished before the end of the week. If the Department of Defense appropriations bill could be figured out, that might also be able to be accomplished.

Mr. ARMEY. Mr. Speaker, I thank the gentleman for his observations. I think the gentleman outlines pretty nearly the way things are expected to go. I think all those suggestions are extremely meritorious. I would project as far as that there would be very little change from the program as the gentleman has outlined.

Mr. GEPHARDT. Obviously, with this much business, I take it we could let Members predict that we would be here into the evening most evenings of next week.

Mr. ARMEY. Mr. Speaker, I want to thank the gentleman for the observation. I think that is a fairly reliable prediction. I can, though, with even more certainty predict that they will be on their leave for their August work recess by 3 on Friday, August 4. That is, or course, the most important objective we have for the week's schedule.

Mr. GEPHARDT. I know how strongly the gentleman feels about that time and that date and how strongly all our colleagues feel about that time and that date. So we can safely predict without any qualification that we are going to leave on that time and that date; is that correct?

Mr. ARMEY. The gentleman is absolutely correct.

Mr. SABO. Mr. Chairman, will the gentleman yield?

Mr. GEPHARDT. I yield to the gentleman from Minnesota.

Mr. SABO. Mr. Speaker, I would just suggest to the two leaders that there is a longtime traditional event on Tuesday evening whose time was cleared with the leadership months ago.

Mr. ARMEY. Mr. Speaker, if the gentleman will continue to yield, what the gentleman refers to is of course something that we on our side look forward to with great anticipation, and we will certainly accommodate the schedule for this important event.

Mr. GEPHARDT. Mr. Speaker, we have got a pressing schedule next week. If the gentleman would like to stipulate that we win the game and you lose, we would be happy to do that. Then we would not even need to play.

Mr. MONTGOMERY. Mr. Chairman, will the gentleman yield?

Mr. GEPHARDT. I yield to the gentleman from Mississippi.

Mr. MONTGOMERY. Mr. Speaker, I would like to pay a compliment to the majority leader, if that would be all right.

Mr. ARMEY. Mr. Speaker, absolutely.

Mr. MONTGOMERY. Mr. Speaker, I thank the gentleman very much for giving us the opportunity yesterday to go the Korean Memorial dedication. It worked out very well.

Then I would like to also comment, I hope the gentleman would consider from 9 to 9 that we have been talking about for a number of weeks now. I think it has a lot of merit, instead of coming in at 10, coming in at 9 and getting out at 9. We did set time limits for this past week and it worked pretty well. So I hope the majority leader would consider this proposal.

Mr. ARMEY. Mr. Speaker, if the gentleman will continue to yield, I want to thank the gentleman from Mississippi for his suggestion. I want to also agree. The gentleman from Mississippi has observed that time limits and debate, the flow of things did work well last week. But in all due respect, the credit for that goes to the floor managers that we have had working on the bills and the cooperation they have gotten from the membership, and with that kind of spirit of cooperation I think our floor managers will have a similar success next week.

Mr. FAZIO of California. Mr. Chairman, will the gentleman yield?

Mr. GEPHARDT. I yield to the gentleman from California.

Mr. FAZIO of California. Mr. Speaker, I see sitting next to the majority leader the gentleman from California, Chairman PACKARD. I assume he is about to file the legislative branch conference report. Could the gentleman tell us whether he expects that to come before us next week and when that might be?

Mr. ARMEY. Mr. Speaker, yes, we would try to find a way to put that on the floor and see if we can move it along next week.

Mr. FAZIO of California. Does the gentleman think it might be Wednesday, Thursday, before it would come to the floor? I am seeking a little information about timing.

Mr. ARMEY. Mr. Speaker, I would hope maybe Wednesday.

Mr. FAZIO of California. I thank the gentleman.

Mr. GEPHARDT. I thank the gentleman.

CONFERENCE REPORT ON H.R. 1854, LEGISLATIVE BRANCH APPROPRIATIONS ACT, 1996

Mr. PACKARD submitted the following conference report and statement on the bill (H.R. 1854) making appropriations for the legislative branch for the fiscal year ending September 30, 1996, and for other purposes:

CONFERENCE REPORT (H. REPT. 104-212)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 1854) "making appropriations for the Legislative Branch for the fiscal year ending September 30, 1996, and for other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 4, 5, 6, 7, 15, 28, 29, 31, 37, 39, 42, 43, 44, 50, 51, 52, 53, and 54.

That the House recede from its disagreement to the amendments of the Senate numbered 3, 13, 17, 19, 20, 21, 23, 24, 26, 30, 33, 36, 38, 45, 46, and 47, and agree to the same.

Amendment numbered 1:

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment, as follows:

Retain the matter proposed, amended as follows:

Delete the sentence beginning "$31,889,000." on line 15 and ending on line 18 of page 3 of the engrossed amendments of the Senate to the bill H.R. 1854; and the Senate agree to the same.

Amendment numbered 2:

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and the matter inserted by said amendment, insert: *For salaries and expenses of the Joint Committee on Printing, $750,000, to be disbursed by the Secretary of the Senate*; and the Senate agree to the same.

Amendment Numbered 8:

Restore the matter stricken by said amendment, amended to read as follows:

ADMINISTRATIVE PROVISION

SEC. 112. Section 310 of the Legislative Branch Appropriations Act, 1990, (2 U.S.C. 130e) is amended—

(1) by striking out "Clerk" and inserting in lieu thereof "Sergeant at Arms"; and

(2) by striking out "Librarian of Congress" and inserting in lieu thereof "Architect of the Capitol".

And the Senate agree to the same.

Amendment numbered 9:

That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert:

OFFICE OF COMPLIANCE

For salaries and expenses of the Office of Compliance, as authorized by section 305 of Public Law 104-1, the Congressional Accountability Act of 1995 (2 U.S.C. 1385), $2,500,000, of which $500,000 shall be transferred from the amount provided for salaries and expenses of the Office of Compliance under the headings "HOUSE OF REPRESENTATIVES", "Salaries and Expenses", and "Salaries, Officers, and Employees".

And the Senate agree to the same.

Amendment numbered 10:

That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert:

OFFICE OF TECHNOLOGY ASSESSMENT

SALARIES AND EXPENSES

For salaries and expenses necessary to carry out the orderly closure of the Office of Technology Assessment, $3,615,000, of which $150,000 shall remain available until September 30, 1997. Upon enactment of this Act, $2,500,000 of the funds appropriated under this heading in Public Law 103-283 shall remain available until September 30, 1996: Provided, That none of the funds made available in this Act shall be available for salaries or expenses of any employee of the Office of Technology Assessment in excess of 17 employees except for severance pay purposes.

ADMINISTRATIVE PROVISIONS

SEC. 113. Upon enactment of this Act all employees of the Office of Technology Assessment for 183 days preceding termination of employment who are terminated as a result of the elimination of the Office and who are not otherwise gainfully employed may continue to be paid by the Office of Technology Assessment at their respective salaries for a period not to exceed 60 calendar days following the employee's date of termination or until the employee becomes otherwise gainfully employed whichever is earlier. Any day for which a former employee receives a payment under this section shall be counted as federal service for purposes of determining entitlement to benefits, including retirement, annual and sick leave earnings, and health and life insurance. A statement in writing to the Director of the Office of Technology Assessment or his designee by any such employee that he was not gainfully employed during such period or the portion thereof for which payment is claimed shall be accepted as prima facie evidence that he was not so employed.

SEC. 114. Notwithstanding the provisions of the Federal Property and Administrative Services Act of 1949, as amended, or any other provision of law, upon the abolition of the Office of Technology Assessment, all records and property of the Office, (including the Unix system, all computer hardware and software, all library collections and research materials, and all photocopying equipment) shall be under the administrative control of the Architect of the Capitol. Not later than December 31, 1995, the Architect shall submit a proposal on how to transfer such records and property to appropriate support agencies of the Legislative Branch which request such transfer, and shall carry out such transfer subject to the approval of the Committees on Appropriations of the House of Representatives and the Senate.

And the Senate agree to the same.

Amendment numbered 11:

That the house recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$24,288,000*; and the Senate agree to the same.

Amendment numbered 12:

That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *232*; and the Senate agree to the same.

Amendment numbered 14:

That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment, as follows:

In lieu of the number proposed by said amendment, insert: *115*; and the Senate agree to the same.

Amendment numbered 16:

That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$22,882,000*; and the Senate agree to the same.

Amendment numbered 18:

That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert: *Provided, That hereafter expenses, based on full cost recovery, for flying American flags and providing certification services therefor shall be advanced or reimbursed upon request of the Architect of the Capitol, and amounts so received shall be deposited into the Treasury*; and the Senate agree to the same.

Amendment numbered 22:

That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$83,770,000*; and the Senate agree to the same.

Amendment numbered 25:

That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert: *$211,664,000*; and the Senate agree to the same.

Amendment numbered 27:

That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$6,812,000*; and the Senate agree to the same.

Amendment numbered 32:

That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert:

SEC. 209.(a) The purpose of this section is to reduce the cost of information support for the Congress by eliminating duplication among systems which provide electronic access by Congress to legislative information.

(b) As used in this section, the term "legislative information" means information, prepared

within the legislative branch, consisting of the text of publicly available bills, amendments, committee hearings, and committee reports, the text of the Congressional Record, data relating to bill status, data relating to legislative activity, and other similar public information that is directly related to the legislative process.

(c) Pursuant to the plan approved under subsection (d) and consistent with the provisions of any other law, the Library of Congress or the entity designated by that plan shall develop and maintain, in coordination with other appropriate entities of the legislative branch, a single legislative information retrieval system to serve the entire Congress.

(d) The Library shall develop a plan for creation of this system, taking into consideration the findings and recommendations of the study directed by House Report No. 103–517 to identify and eliminate redundancies in congressional information systems. This plan must be approved by the Committee on Rules and Administration of the Senate, the Committee on House Oversight of the House of Representatives, and the Committees on Appropriations of the Senate and the House of Representatives. The Library shall provide these committees with regular status reports on the development of the plan.

(e) In formulating its plan, the Library shall examine issues regarding efficient ways to make this information available to the public. This analysis shall be submitted to the Committees on Appropriations of the Senate and the House of Representatives as well as the Committee on Rules and Administration of the Senate, and the Committee on House Oversight of the House of Representatives for their consideration and possible action.

And the Senate agree to the same.

Amendment numbered 34:

That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended to read as follows:

ADMINISTRATIVE PROVISION

SEC. 210. The fiscal year 1997 budget submission of the Public Printer to the Congress for the Government Printing Office shall include appropriations requests and recommendations to the Congress that—

(1) are consistent with the strategic plan included in the technological study performed by the Public Printer pursuant to Senate Report 104–114;

(2) assure substantial progress toward maximum use of electronic information dissemination technologies by all departments, agencies, and other entities of the Government with respect to the Depository Library Program and information dissemination generally; and

(3) are formulated so as to require that any department, agency, or other entity of the Government that does not make such progress shall bear from its own resources the cost of its information dissemination by other than electronic means.

And the Senate agree to the same.

Amendment numbered 35:

That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert: *3,800 workyears by the end of fiscal year 1996*; and the Senate agree to the same.

Amendment numbered 40:

That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment, as follows:

In lieu of the first section number proposed in said amendment, insert: *212*; and the Senate agree to the same.

Amendment numbered 41:

That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment, as follows:

In lieu of the first section number proposed in said amendment, insert: *213*; and the Senate agree to the same.

Amendment numbered 48:

That the House recede from its disagreement to the amendment of the Senate numbered 48, and agree to the same with an amendment, as follows:

In lieu of the section number proposed by said amendment, insert: *310*; and the Senate agree to the same.

Amendment numbered 49:

That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment, as follows:

In lieu of the first section number proposed in said amendment, insert: *311*; and the Senate agree to the same.

Amendment numbered 55:

That the House recede from its disagreement to the amendment of the Senate numbered 55, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert:

SEC. 312. Such sums as may be necessary are appropriated to the account described in subsection (a) of section 415 of Public Law 104–1 to pay awards and settlements as authorized under such subsection.

SEC. 313. (a) The Sergeant at Arms of the House of Representatives shall have the same law enforcement authority, including the authority to carry firearms, as a member of the Capitol Police. The law enforcement authority under the preceding sentence shall be subject to the requirement that the Sergeant at Arms have the qualifications specified in subsection (b).

(b) The qualifications referred to in subsection (a) are the following:

(1) A minimum of five years of experience as a law enforcement officer before beginning service as the Sergeant at Arms.

(2) Current certification in the use of firearms by the appropriate Federal law enforcement entity or an equivalent non-Federal entity.

(3) Any other firearms qualification required for members of the Capitol Police.

(c) The Committee on House Oversight of the House of Representatives shall have authority to prescribe regulations to carry out this section.

SEC. 314. Notwithstanding any other provision of law, effective September 1, 1995, the Committee on House Oversight of the House of Representatives shall have authority—

(1) to combine the House of Representatives Clerk Hire Allowance, Official Expenses Allowance, and Official Mail Allowance into a single allowance, to be known as the "Members' Representational Allowance"; and

(2) to prescribe regulations relating to allocations, expenditures, and other matters with respect to the Members' Representational Allowance.

And the Senate agree to the same.

RON PACKARD,
BILL YOUNG,
CHARLES H. TAYLOR,
DAN MILLER,
ROGER F. WICKER,
BOB LIVINGSTON,
VIC FAZIO,
RAY THORNTON,
JULIAN C. DIXON,
DAVID R. OBEY,
Managers on the Part of the House.

CONNIE MACK,
R.F. BENNETT,
MARK O. HATFIELD,
PATTY MURRAY,
BARBARA A. MIKULSKI,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE ON CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 1854) making appropriations for the Legislative Branch for the fiscal year ending September 30, 1996, and for other purposes, submit the following joint statement to the House and Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report.

TITLE I—CONGRESSIONAL OPERATIONS

SENATE

Amendment No. 1: Appropriates $426,919,000 for the operations of the Senate, rescinds $63,544,724.12 of previously appropriated Senate funds, and contains several administrative provisions. At the request of the managers on the part of the Senate, the conferees agreed to amend the Senate amendment. Inasmuch as the amendment relates solely to the Senate and in accord with long practice under which each body concurs without intervention, the managers on the part of the House, at the request of the managers on the part of the Senate, have receded to the Senate amendment, as amended.

JOINT ITEMS

JOINT COMMITTEE ON PRINTING

Amendment No. 2: Appropriates $750,000 for the Joint Committee on Printing instead of $750,000 equally divided between the House and Senate authorizing committees as proposed by the House and $1,164,000 as proposed by the Senate.

JOINT COMMITTEE ON TAXATION

Amendment No. 3: Appropriates $5,116,000 as proposed by the Senate instead of $6,019,000 as proposed by the House.

CAPITOL POLICE BOARD

CAPITOL POLICE

SALARIES

Amendment No. 4: Appropriates $70,132,000 for the salaries and related personnel expenses of the Capitol Police as proposed by the House instead of $69,825,000 as proposed by the Senate.

Amendment No. 5: Provides $34,213,000 to the Sergeant at Arms of the House of Representatives, to be disbursed by the Clerk of the House, as proposed by the House instead of $33,906,000 as proposed by the Senate.

GENERAL EXPENSES

Amendment No. 6: Appropriates $2,560,000 for general expenses of the Capitol Police as proposed by the House instead of $2,190,000 as proposed by the Senate.

CAPITOL GUIDE SERVICE AND SPECIAL SERVICES OFFICE

Amendment No. 7: Appropriates $1,991,000 for the combined activities of the Capitol Guide Service and the Special Services Office as proposed by the House instead of $1,628,000 for the Capitol Guide Service and $363,000 for the Special Services Office as proposed by the Senate. The conferees direct that future year budget requests of the combined operation maintain a distinction between these separate services. The conferees also acknowledge the importance of the services provided to Members, staff, and public visitors by the Special Services Office and the dedication of the small, but highly proficient and motivated staff. This will continue the independent status of the Office.

Amendment No. 8: Restores language proposed by the House and stricken by the Senate amended to reconstitute the membership of the Special Services Board with the same membership as the Capitol Guide Board.

OFFICE OF COMPLIANCE

Amendment No. 9: Appropriates $2,500,000, of which $500,000 shall be transferred from funds in the Act appropriated for an Office of Compliance within the House of Representatives, for the Office of Compliance, a joint House-Senate activity authorized by the Congressional Accountability Act, instead of $2,500,000 as proposed by the Senate. The funds remaining in the House bill may be redirected for salaries and expenses of the Office of Fair Employment Practices.

Office of Technology Assessment

SALARIES AND EXPENSES

Amendment No. 10: Appropriates $3,615,000, a reappropriation of $2,500,000, and 60 days of severance pay for the close-out costs of the Office of Technology Assessment as proposed by the Senate. The conferees agreed to a clarifying amendment to the severance pay provision inserted by the Senate. This section provides a severance package for employees whose federal service is terminated as a result of the elimination of the OTA. Although the employee's service with the federal government will have been terminated, the period for which an employee receives payment under this section will be considered as creditable service for all purposes, including determining retirement benefits, accrual of annual and sick leave, entitlement to health benefits, etc. The conferees also have amended the Senate provision regarding records and property disposal to provide that such items shall be under the administrative control of the Architect of the Capitol. Not later than December 31, 1995, the Architect of the Capitol shall propose a transfer of these items. Such transfer shall be made to legislative branch support agencies, subject to the approval of House and Senate Appropriations Committees.

Congressional Budget Office

SALARIES AND EXPENSES

Amendment No. 11: Appropriates $24,288,000 for salaries and expenses of the Congressional Budget Office instead of $23,188,000 as proposed by the House and $25,788,000 as proposed by the Senate. The conferees direct that the CBO comply with the requirements of the unfunded mandates workload out of the funds provided. If necessary, program analysis priorities should be adjusted to accommodate this directive.

Amendment No. 12: Limits full-time equivalent positions to 232 instead of 219 as proposed by the House and 244 as proposed by the Senate.

Amendment No. 13: Deletes $1,100,000 appropriated in the House bill for the unfunded mandates workload as proposed by the Senate. Funds are provided for this workload in amendment 11.

Amendment No. 14: Changes a section number.

Architect of the Capitol

OFFICE OF THE ARCHITECT OF THE CAPITOL

SALARIES

Amendment No. 15: Appropriates $8,569,000 for the salaries of the Office of the Architect of the Capitol as proposed by the House instead of $8,876,000 as proposed by the Senate.

Capitol Buildings and Grounds

CAPITOL BUILDINGS

Amendment No. 16: Appropriates $22,882,000 for Capitol buildings instead of $22,832,000 as proposed by the House and $23,132,000 as proposed by the Senate. These funds include the items in the Senate bill less $250,000 for security related functions which are not provided.

Amendment No. 17: Makes $2,950,000 available until expended for Capitol buildings as proposed by the Senate instead of $3,000,000 as proposed by the House.

Amendment No. 18: Provides that expenses, based on full cost recovery, of the flag office shall be advanced or reimbursed and amounts so received shall be deposited into the Treasury instead of crediting these amounts to this appropriation as proposed by the Senate. The conferees direct that the Architect of the Capitol propose a reprogramming that will provide the funds necessary to operate the flag office. The conferees also direct that the Architect make a proposal in the fiscal year 1997 budget request that would transfer these activities in whole or in part to a private entity, while retaining the practice of a Congressional officer who will 'certify' the special status of the flag.

SENATE OFFICE BUILDINGS

Amendment No. 19: Appropriates $41,757,000 for Senate office buildings, of which $4,850,000 shall remain available until expended, as proposed by the Senate. Inasmuch as the amendment relates solely to the Senate and in accord with long practice under which each body concurs without intervention, the managers on the part of the House, at the request of the managers on the part of the Senate, have receded to the Senate amendment.

CAPITOL POWER PLANT

Amendment No. 20: Appropriates $31,518,000 for the Capitol Power Plant as proposed by the Senate instead of $32,578,000 as proposed by the House.

Library of Congress

CONGRESSIONAL RESEARCH SERVICE

SALARIES AND EXPENSES

Amendment No. 21: Appropriates $60,084,000 for salaries and expenses of the Congressional Research Service as proposed by the Senate instead of $75,083,000 as proposed by the House.

Government Printing Office

CONGRESSIONAL PRINTING AND BINDING

Amendment No. 22: Appropriates $83,770,000 for Congressional printing and binding instead of $88,281,000 as proposed by the House and $85,500,00 as proposed by the Senate. The conferees have agreed to a partial restoration above the House allowance of $1,706,000 in funds for the printing of documents for Congressional use, $1,415,000 for GPO detailees, and $1,050,000 for paper copies of the serial set, as well as the base cut of $2,882,000 made in the Senate allowance. The conferees have deleted $5,800,000 provided by the House to reimburse the Superintendent of Documents for Congressional documents printed for distribution to depository libraries. Instead, these funds have been provided in the Superintendent of Documents appropriation, conforming with current practice. The conferees direct the Public Printer, in consultation with the Joint Committee on Printing, to administer these funds and find further opportunities to reduce unnecessary Congressional printing.

Amendment No. 23: Deletes language proposed by the House and stricken by the Senate that would have included Senators in the funding limitation on paper copies of the permanent edition of the Congressional Record.

TITLE II—OTHER AGENCIES

Botanic Garden

CONSERVATORY RENOVATION

Amendment No. 24: Deletes $7,000,000 provided without fiscal year limitation together with a limitation of cost provided by the House and stricken by the Senate for the renovation of the Botanic Garden Conservatory.

Library of Congress

SALARIES AND EXPENSES

Amendment No. 25: Appropriates $211,664,000 for salaries and expenses, Library of Congress, instead of $193,911,000 as proposed by the House and $213,164,000 as proposed by the Senate. The conferees have restored $17,753,000 above the House allowance, including funding for the American Folklife Center. These funds include $3,000,000 for the National Digital Library project.

ADMINISTRATIVE PROVISIONS

Amendment No. 26: Provides an obligational authority ceiling for reimbursable and revolving fund activities at the Library of Congress $99,412,000 as proposed by the Senate instead of $86,912,000 as proposed by the House.

Amendment No. 27: Provides $6,812,000 for non-expenditure transfer activities in support of parliamentary development instead of $5,667,000 as proposed by the House and $7,295,000 as proposed by the Senate. The additional funds are provided for activities in support of parliamentary development in Albania and Slovakia.

Amendment No. 28: Deletes language inserted by the Senate limiting funding for parliamentary development to activities funded by the Agency for International Development.

Amendment No. 29: Deletes language inserted by the Senate which adds Egypt to the country list included in the program in support parliamentary development.

Amendment No. 30: Deletes a provision inserted by the House and stricken by the Senate that amends section 206 of the Legislative Branch Appropriations Act, 1994, that limits obligations for gift and trust funds in excess of $100,000 to the amounts provided in annual or supplemental appropriations Acts beginning with fiscal year 1997. The conferees believe that Congress must retain oversight over gift and trust fund obligations and their impact on Library of Congress programs. These funds are becoming significant supplements to core programs of the Library of Congress and are being used to fund, along with appropriated funds, projects such as the National Digital Library.

To ensure Congressional oversight of gift and trust fund activities, the Committee directs the Library to include a new informational section in their budget submission documents which represents a combined justification for those appropriation-funded projects which are augmented by major gift and trust fund activities. These justifications should be similar to those of the Cataloging Distribution Service and the Copyright Office which are funded by appropriation and revenue receipts and should include an estimate of resources and full-time-equivalents necessary to accomplish the project. Furthermore, the Library is directed to notify the Appropriations Committees of any major new gift and trust fund activities not included in the annual budget justification or major changes to existing gift and trust fund programs. A major gift or trust fund activity is defined as any single account of $100,000 or more. A threshold of $100,000 for any single activity will exempt certain funds established for special purposes such as the purchase of a rare manuscript, sponsorship of an exhibit, or other instances where the traditional gift and trust fund accountability is suitable. The conferees believe that full disclosure of project plans, resource commitments, and long term cost implications, regardless of funding source, will mitigate the need for a legislative limitation in appropriations acts. If this method proves unwieldy or otherwise insufficient, an appropriations limitation will still be available to the Congress. In any case, the intent is not to redirect the use of donated funds to other purposes, but to ensure that core Library of Congress project activities are consistent with public policy and that the Congress retains the means to carry out its responsibility to oversee the activities of this most important program.

Amendment No. 31: Deletes a Senate provision authorizing the Library to offer retirement incentives to employees throughout fiscal year 1996.

Amendment No. 32: Changes a section number and authorizes the Library of Congress to develop a plan, subject to approval, for the creation of a single legislative information retrieval system to serve the entire Congress, to examine issues regarding efficient ways to make this information available to the public, and to develop such a system, subject to play approval. The conference agreement amends the Senate provision to condition the development of the system based on appropriate approvals, and to include the Committees on Appropriations in the plan approval procedure. The conferees wish to point out that there are commercial sources of comparable systems and data bases, as well as several data bases and data creation, processing, and distribution systems extant in the legislative branch that should be evaluated in the issue analysis and plan development phases.

GOVERNMENT PRINTING OFFICE

OFFICE OF SUPERINTENDENT OF DOCUMENTS

SALARIES AND EXPENSES

Amendment No. 33: Appropriates $30,307,000 for salaries and expenses, Superintendent of Documents, as proposed by the Senate instead of $16,312,000 as proposed by the House.

Amendment No. 34: Deletes a House provision stricken by the Senate which would have amended section 1903 of Title 44, and inserts a provision directing the Public Printer to include in the fiscal year 1997 budget submission a proposal for the depository library program that will result in conversion of this program to electronic format. The Public Printer is directed to propose a means to create cost incentives for publishing agencies, including the Congress, to migrate from print-on paper products to electronic format. The conferees direct that the Public Printer and Superintendent of Documents consult with the Joint Committee on Printing, House and Senate document publishing managers, and appropriate executive branch officials in the development of the fiscal year 1997 budget program. The conferees also do not intend that the study directed in the Senate report or the plan regarding electronic format should interfere with the activities of the authorizing committees to consider legislation amending title 44, U.S. Code, or any legislative initiative which will improve the Federal printing program.

GOVERNMENT PRINTING OFFICE REVOLVING FUND

Amendment No. 35: Limits the full-time equivalent employment at the Government Printing Office to 3,800 by the end of the fiscal year instead of 3,550 as proposed by the House and 3,900 by the end of the fiscal year as proposed by the Senate.

GENERAL ACCOUNTING OFFICE

SALARIES AND EXPENSES

Amendment No. 36: Appropriates $374,406,000 for salaries and expenses, General Accounting Office as proposed by the Senate instead of $392,864,000 as proposed by the House. The conferees direct that the General Accounting Office downsizing plan made necessary by the level of funding provided incorporate privatization of administrative activities to the maximum extent and utilize the services of private accounting firms, and other private sector experts in carrying out audit, financial analysis, and program evaluation activities. The conferees direct that the fiscal year 1997 budget proposal contain a separate section which documents this policy, together with comparisons to current practices.

Amendment No. 37: Deletes a provision inserted by the Senate providing an advance appropriation for fiscal year 1997 of $338,425,400, and $6,100,000 of reimbursement received. The conferees agree that the intent is to achieve a 25% reduction over the two year period of fiscal years 1996 and 1997.

ADMINISTRATIVE PROVISIONS

Amendment No. 38: Changes a heading as proposed by the Senate.

Amendment No. 39: Restores a provision proposed by the House and stricken by the Senate which transfers claims and judgments activities to the executive branch effective June 30, 1996.

Amendment No. 40: Changes a section number and amends section 732 of Title 31, giving authority to the Comptroller General to establish reduction in force regulations for GAO as proposed by the Senate.

Amendment No. 41: Changes a section number and amends section 753 of Title 31, removing from the GAO Personnel Appeals Board their authority to stay a reduction in force as proposed by the Senate.

Amendment No. 42: Deletes a provision inserted by the Senate giving the General Accounting Office authority to offer incentives to employees who retire or resign on or before September 30, 1995. The authority is contained in H.R. 1944, the fiscal year 1995 emergency supplemental and rescissions Act.

TITLE III—GENERAL PROVISIONS

Amendment No. 43: Restores a provision proposed by the House and stricken by the Senate which transfers personnel and unexpended balances for security equipment design and installation from the Architect of the Capitol to the Capitol Police.

Amendment No. 44: restores a section number.

Amendment No. 45: Adds a subsection inserted by the Senate regarding the Administrative Conference of the United States. The conference agreement complies with the intent of the Congressional Accountability Act to study the application of certain laws to the General Accounting Office, Library of Congress, and the Government Printing Office. In the event the Administrative Conference is not funded, the conference agreement provides that the study will be undertaken by the Office of Compliance.

Amendment No. 46: Deletes a provision proposed by the House and stricken by the Senate that would have authorized the Provost Marshall at Ft. Meade to police the 100 acre parcel assigned to the Legislative Branch.

Amendment No. 47: Deletes a provision proposed by the House and stricken by the Senate that would have transferred the Botanic Garden to the Secretary of Agriculture.

Amendment No. 48: Changes a section number.

Amendment No. 49: Changes a section number and inserts a Senate provision amending Public Law 101-302 regarding Senate artwork.

Amendment No. 50: Deletes a sense of the Senate provision relating to members of the Senate press galleries.

Amendment No. 51: Deletes a Senate legislative provision regarding the selection of Federal Government contractors.

Amendment No. 52: Deletes a sense of the Senate provision regarding the Senate legislative schedule.

Amendment No. 53: Deletes a provision stating findings and sense of the Senate provision regarding the war in Bosnia.

Amendment No. 54: Deletes a Senate legislative provision repealing section 3303 and amending section 2302(b)(2) of Title 5, regarding prohibitions against political recommendations relating to Federal employment.

Amendment No. 55: Deletes a legislative provision inserted by the Senate regarding reductions in facility energy costs and inserts three provisions: 1. to specify the law enforcement authority of the House Sergeant at Arms; 2. to clarify the existing authority of the Committee on House Oversight to consolidate or combine representational allowances of Members of the House of Representatives and to prescribe regulations with regard to allocation and expenditure of such allowances; and 3. to establish an account to pay awards and settlements as authorized under section 415 of the Congressional Accountability Act of 1995. The conferees direct that the Architect of the Capitol, the Librarian of Congress, the Public Printer, and the Comptroller General include in their fiscal year 1997 budget submissions proposals to achieve reductions in facility energy costs. The conferees are aware that the Architect of the Capitol has an extensive energy retrofit program in effect, which has been fully coordinated with the Congress and the Committees on Appropriations. Those savings may be included within the required proposal.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 1996 recommended by the Committee of Conference, with comparisons to the fiscal year 1995 amount, the 1996 budget estimates, and the House and Senate bills for 1996 follow:

New budget (obligational) authority, fiscal year 1995	$2,390,554,700
Budget estimates of new (obligational) authority, fiscal year 1996	2,617,614,000
House bill, fiscal year 1996	1,725,698,000
Senate bill, fiscal year 1996	2,190,370,000
Conference agreement, fiscal year 1996	2,184,856,000
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1995	−205,698,700
Budget estimates of new (obligational) authority, fiscal year 1996	−432,758,000

House bill, fiscal year 1996 .... +459,158,000
Senate bill, fiscal year 1996 .... −5,514,000

RON PACKARD,
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CHARLES H. TAYLOR,
DAN MILLER,
ROGER F. WICKER,
BOB LIVINGSTON,
VIC FAZIO,
RAY THORNTON,
JULIAN C. DIXON,
DAVID R. OBEY,
Managers on the Part of the House.

CONNIE MACK,
R.F. BENNETT,
MARK O. HATFIELD,
PATTY MURRAY,
BARBARA A. MIKULSKI,
Managers on the Part of the Senate.

SUMMARY TABLE TO ACCOMPANY CONFERENCE REPORT ON H.R. 1854

Mr. PACKARD. Mr. Speaker, I submit the following summary table to accompany the conference report on H.R. 1854, the fiscal year 1996 legislative branch appropriations bill.

FY 1996 LEGISLATIVE BRANCH APPROPRIATIONS BILL (H.R. 1854)

	FY 1995 Enacted	FY 1996 Estimate	House	Senate	Conference	Conference compared with enacted
TITLE I - CONGRESSIONAL OPERATIONS						
SENATE						
Mileage and Expense Allowances						
Mileage of the Vice President and Senators	60,000	60,000				-60,000
Expense allowances:						
Vice President	10,000	10,000		10,000	10,000	
President Pro Tempore of the Senate	10,000	10,000		10,000	10,000	
Majority Leader of the Senate	10,000	10,000		10,000	10,000	
Minority Leader of the Senate	10,000	10,000		10,000	10,000	
Majority Whip of the Senate	5,000	5,000		5,000	5,000	
Minority Whip of the Senate	5,000	5,000		5,000	5,000	
Chairman of the Majority Conference Committee	3,000	3,000		3,000	3,000	
Chairman of the Minority Conference Committee	3,000	3,000		3,000	3,000	
Subtotal, expense allowances	56,000	56,000		56,000	56,000	
Representation allowances for the Majority and Minority Leaders	30,000	30,000		30,000	30,000	
Total, Mileage and expenses allowances	146,000	146,000		86,000	86,000	-60,000
Salaries, Officers and Employees						
Office of the Vice President	1,513,000	1,549,000		1,513,000	1,513,000	
Office of the President Pro Tempore	457,000	469,000		325,000	325,000	-132,000
Offices of the Majority and Minority Leaders	2,195,000	2,246,000		2,195,000	2,195,000	
Offices of the Majority and Minority Whips	656,000	672,000		656,000	656,000	
Conference committees	1,992,000	2,040,000		1,992,000	1,992,000	
Offices of the Secretaries of the Conference of the Majority and the Conference of the Minority	384,000	394,000		360,000	360,000	-24,000
Policy Committees				1,930,000	1,930,000	+1,930,000
Office of the Chaplain	192,000	201,000		192,000	192,000	
Office of the Secretary	12,961,000	13,260,000		12,128,000	12,128,000	-833,000
Office of the Sergeant at Arms and Doorkeeper	32,739,000	35,399,000		31,879,000	31,889,000	-850,000
Offices of the Secretaries for the Majority and Minority	1,197,000	1,225,000		1,047,000	1,047,000	-150,000
Agency contributions and related expenses	17,052,000	18,386,000		15,500,000	15,500,000	-1,552,000
Total, salaries, officers and employees	71,338,000	75,841,000		69,717,000	69,727,000	-1,611,000
Office of the Legislative Counsel of the Senate						
Salaries and expenses	3,381,000	3,543,500		3,381,000	3,381,000	
Office of Senate Legal Counsel						
Salaries and expenses	936,000	985,000		936,000	936,000	
Expense Allowances of the Secretary of the Senate, Sergeant at Arms and Doorkeeper of the Senate, and Secretaries for the Majority and Minority of the Senate: Expenses allowances	12,000	12,000		12,000	12,000	
Contingent Expenses of the Senate						
Senate policy committees	2,574,000	2,672,000				-2,574,000
Inquiries and investigations	78,112,000	78,863,000		66,395,000	66,395,000	-11,717,000
Expenses of United States Senate Caucus on International Narcotics Control	348,000	379,000		305,000	305,000	-43,000
Secretary of the Senate	1,966,500	1,966,500		1,266,000	1,266,000	-700,500
(By transfer)	(7,000,000)					(-7,000,000)
Sergeant at Arms and Doorkeeper of the Senate	74,894,000	72,234,000		61,347,000	61,347,000	-13,547,000
Miscellaneous items	7,429,000	7,429,000		6,644,000	6,644,000	-785,000
Senators' Official Personnel and Office Expense Account	206,542,000	222,663,000		204,029,000	204,029,000	-2,513,000
Office of Senate Fair Employment Practices	889,000	890,000		778,000	778,000	-111,000
Settlements and Awards Reserve	1,000,000	1,000,000		1,000,000	1,000,000	
Stationery (revolving fund)	13,000	13,000		13,000	13,000	
Official Mail Costs						
Expenses	11,000,000	36,300,000		11,000,000	11,000,000	
Total, contingent expenses of the Senate	384,767,500	424,409,500		352,777,000	352,777,000	-31,990,500
Total, Senate	460,580,500	504,937,000		426,909,000	426,919,000	-33,661,500
HOUSE OF REPRESENTATIVES 1/						
Payments to Widows and Heirs of Deceased Members of Congress						
Gratuities, deceased Members	267,200					-267,200
Salaries and Expenses						
House Leadership Offices						
Office of the Speaker	1,444,000	1,600,000	1,478,000	1,478,000	1,478,000	+34,000
Office of the Majority Floor Leader	1,220,764	1,114,000	1,470,000	1,470,000	1,470,000	+249,236
Office of the Minority Floor Leader	1,445,413	1,525,000	1,480,000	1,480,000	1,480,000	+34,587

1/ Enacted and request reflect current organization of House funding.

FY 1996 LEGISLATIVE BRANCH APPROPRIATIONS BILL (H.R. 1854)

	FY 1995 Enacted	FY 1996 Estimate	House	Senate	Conference	Conference compared with enacted
Office of the Majority Whip	1,121,649	1,357,000	928,000	928,000	928,000	-193,649
Office of the Minority Whip	897,000	946,000	918,000	918,000	918,000	+21,000
Speaker's Office for Legislative Floor Activity	277,000	376,000	376,000	376,000	376,000	+99,000
House Republican Conference	1,506,587	1,628,000	1,083,000	1,083,000	1,083,000	-423,587
House Republican Steering Committee	200,000	205,000	664,000	664,000	664,000	+464,000
Nine minority employees	1,024,000	1,144,000	1,127,000	1,127,000	1,127,000	+103,000
House Democratic Steering and Policy Committee	1,153,587	1,226,000	1,181,000	1,181,000	1,181,000	+27,413
House Democratic Caucus	553,000	607,000	566,000	566,000	566,000	+13,000
Subtotal, House Leadership Offices	10,843,000	11,728,000	11,271,000	11,271,000	11,271,000	+428,000
Members' Representational Allowances						
Expenses	351,217,000	389,100,000	360,503,000	360,503,000	360,503,000	+9,286,000
Committee Employees						
Standing Committees, Special & Select (except Appropriations)	112,805,000	125,749,000	78,629,000	78,629,000	78,629,000	-34,176,000
Committee on Appropriations (including studies & investigations)	22,531,000	23,044,000	16,945,000	16,945,000	16,945,000	-5,586,000
Subtotal, Committee employees	135,336,000	148,793,000	95,574,000	95,574,000	95,574,000	-39,762,000
Salaries, Officers and Employees						
Office of the Clerk	15,270,000	16,811,000	13,807,000	13,807,000	13,807,000	-1,463,000
Office of the Sergeant at Arms	2,736,000	3,049,000	3,410,000	3,410,000	3,410,000	+674,000
Office of the Chief Administrative Officer	69,725,000	65,132,000	53,556,000	53,556,000	53,556,000	-16,169,000
Office of Inspector General	295,000	7,125,000	3,954,000	3,954,000	3,954,000	+3,659,000
Office of Compliance	....	2,130,000	858,000	858,000	858,000	+858,000
Transfer to Joint Items, Office of Compliance	....	....	....	....	(-500,000)	(-500,000)
Office of the Chaplain	124,000	128,000	126,000	126,000	126,000	+2,000
Office of the Parliamentarian	983,000	1,240,000	1,180,000	1,180,000	1,180,000	+197,000
Office of the Parliamentarian	(669,000)	(835,000)	(775,000)	(775,000)	(775,000)	(+106,000)
Compilation of precedents of the House of Representatives	(314,000)	(405,000)	(405,000)	(405,000)	(405,000)	(+91,000)
Office of the Law Revision Counsel of the House	1,630,000	1,870,000	1,700,000	1,700,000	1,700,000	+70,000
Office of the Legislative Counsel of the House	4,400,000	4,592,000	4,524,000	4,524,000	4,524,000	+124,000
Other authorized employees	504,000	675,000	618,000	618,000	618,000	+114,000
Former Speakers' staff	(290,000)	(447,000)	(447,000)	(447,000)	(447,000)	(+157,000)
Technical assistant, Office of the Attending Physician	(161,000)	(171,000)	(171,000)	(171,000)	(171,000)	(+10,000)
Drivers	(53,000)	(57,000)	....	....	....	(-53,000)
Subtotal, Salaries, Officers and Employees	95,667,000	102,752,000	83,733,000	83,733,000	83,733,000	-11,934,000
Allowances and Expenses						
Supplies, materials, administrative costs and Federal tort claims	3,453,000	2,695,000	1,213,000	1,213,000	1,213,000	-2,240,000
Official mail (committees, leadership, administrative and legislative offices)	....	....	1,000,000	1,000,000	1,000,000	+1,000,000
Reemployed annuitants reimbursements	1,279,000	2,451,000	68,000	68,000	68,000	-1,211,000
Government contributions	129,895,000	138,698,000	117,541,000	117,541,000	117,541,000	-12,354,000
Miscellaneous items	778,000	778,000	658,000	658,000	658,000	-120,000
Subtotal, Allowances and expenses	135,405,000	144,622,000	120,480,000	120,480,000	120,480,000	-14,925,000
Total, salaries and expenses	728,468,000	796,995,000	671,561,000	671,561,000	671,561,000	-56,907,000
Total, House of Representatives	728,735,200	796,995,000	671,561,000	671,561,000	671,561,000	-57,174,200
JOINT ITEMS						
Joint Economic Committee	4,090,000	4,265,000	3,000,000	3,000,000	3,000,000	-1,090,000
Joint Committee on Printing	1,370,000	1,414,000	....	1,164,000	750,000	-620,000
Transfer to House Oversight Committee	....	....	375,000	....	....	....
Transfer to Senate Committee on Rules and administration	....	....	375,000	....	....	....
Joint Committee on Taxation	6,019,000	6,460,000	6,019,000	5,116,000	5,116,000	-903,000
Office of the Attending Physician						
Medical supplies, equipment, expenses, and allowances	1,335,000	1,260,000	1,260,000	1,260,000	1,260,000	-75,000
Capitol Police Board						
Capitol Police						
Salaries:						
Sergeant at Arms of the House of Representatives	33,463,000	34,643,000	34,213,000	33,906,000	34,213,000	+750,000
Sergeant at Arms and Doorkeeper of the Senate	35,919,000	37,381,000	35,919,000	35,919,000	35,919,000	....
Subtotal, salaries	69,382,000	72,024,000	70,132,000	69,825,000	70,132,000	+750,000
General expenses	2,000,000	2,190,000	2,560,000	2,190,000	2,560,000	+560,000
Subtotal, Capitol Police	71,382,000	74,214,000	72,692,000	72,015,000	72,692,000	+1,310,000
Capitol Guide and Special Services Office	1,991,000	2,093,000	1,991,000	....	1,991,000	....
Capitol Guide Service	....	....	....	1,628,000	....	....
Special Services Office	....	....	....	363,000	....	....
Subtotal	1,991,000	2,093,000	1,991,000	1,991,000	1,991,000	....

FY 1996 LEGISLATIVE BRANCH APPROPRIATIONS BILL (H.R. 1854)

	FY 1995 Enacted	FY 1996 Estimate	House	Senate	Conference	Conference compared with enacted
Statements of Appropriations			30,000	30,000	30,000	+30,000
Office of Compliance				2,500,000	2,000,000	+2,000,000
Transfer from House of Representatives Office of Compliance					(500,000)	(+500,000)
Total, Joint items	86,187,000	89,706,000	85,742,000	87,076,000	86,839,000	+652,000
OFFICE OF TECHNOLOGY ASSESSMENT						
Salaries and expenses	21,970,000	23,195,000		3,615,000	3,615,000	-18,355,000
CONGRESSIONAL BUDGET OFFICE						
Salaries and expenses	23,188,000	25,788,000	24,288,000	25,788,000	24,288,000	+1,100,000
ARCHITECT OF THE CAPITOL						
Office of the Architect of the Capitol						
Salaries	9,103,000	9,823,000	8,569,000	8,876,000	8,569,000	-534,000
Travel (limitation on official travel expenses)	(20,000)	(20,000)	(20,000)	(20,000)	(20,000)	
Contingent expenses	100,000	100,000	100,000	100,000	100,000	
Subtotal, Office of the Architect of the Capitol	9,203,000	9,923,000	8,669,000	8,976,000	8,669,000	-534,000
Capitol Buildings and Grounds						
Capitol buildings	22,797,000	28,085,000	22,832,000	23,132,000	22,882,000	+85,000
Sec. 310 (purchasing x-ray & metal detectors)	(2,015,000)					(-2,015,000)
Capitol grounds	5,270,000	6,084,000	5,143,000	5,143,000	5,143,000	-127,000
Senate office buildings	47,619,000	52,537,000		41,757,000	41,757,000	-5,862,000
House office buildings	41,364,000	46,054,000	33,001,000	33,001,000	33,001,000	-8,363,000
Capitol Power Plant	36,637,000	41,062,000	36,578,000	35,518,000	35,518,000	-1,119,000
Offsetting collections	-3,200,000	-3,200,000	-4,000,000	-4,000,000	-4,000,000	-800,000
Net subtotal, Capitol Power Plant	33,437,000	37,862,000	32,578,000	31,518,000	31,518,000	-1,919,000
Subtotal, Capitol buildings and grounds	150,487,000	170,622,000	93,554,000	134,551,000	134,301,000	-16,186,000
Total, Architect of the Capitol	159,690,000	180,545,000	102,223,000	143,527,000	142,970,000	-16,720,000
LIBRARY OF CONGRESS						
Congressional Research Service						
Salaries and expenses	60,084,000	65,913,000	75,083,000	60,084,000	60,084,000	
GOVERNMENT PRINTING OFFICE						
Congressional printing and binding	89,724,000	91,624,000	88,281,000	85,500,000	83,770,000	-5,954,000
Total, title I, Congressional Operations	1,630,158,700	1,778,703,000	1,047,178,000	1,504,060,000	1,500,046,000	-130,112,700
TITLE II - OTHER AGENCIES						
BOTANIC GARDEN						
Salaries and expenses	3,230,000	10,370,000	3,053,000	3,053,000	3,053,000	-177,000
Conservation renovation			7,000,000			
(By transfer)	(4,000,000)					(-4,000,000)
Subtotal	3,230,000	10,370,000	10,053,000	3,053,000	3,053,000	-177,000
LIBRARY OF CONGRESS						
Salaries and expenses	210,164,000	231,580,000	193,911,000	213,164,000	211,664,000	+1,500,000
Authority to spend receipts	-7,869,000	-7,869,000	-7,869,000	-7,869,000	-7,869,000	
Net subtotal, Salaries and expenses	202,295,000	223,711,000	186,042,000	205,295,000	203,795,000	+1,500,000
Copyright Office, salaries and expenses	27,456,000	32,983,000	30,818,000	30,818,000	30,818,000	+3,362,000
Authority to spend receipts	-17,411,000	-19,877,000	-19,830,000	-19,830,000	-19,830,000	-2,419,000
Net subtotal, Copyright Office	10,045,000	13,106,000	10,988,000	10,988,000	10,988,000	+943,000
Books for the blind and physically handicapped, salaries and expenses	44,951,000	47,583,000	44,951,000	44,951,000	44,951,000	
Furniture and furnishings	5,825,000	5,825,000	4,882,000	4,882,000	4,882,000	-943,000
Total, Library of Congress (except CRS)	263,116,000	290,225,000	246,863,000	266,116,000	264,616,000	+1,500,000
ARCHITECT OF THE CAPITOL						
Library Buildings and Grounds						
Structural and mechanical care	12,483,000	19,929,000	12,428,000	12,428,000	12,428,000	-55,000

FY 1996 LEGISLATIVE BRANCH APPROPRIATIONS BILL (H.R. 1854)

	FY 1995 Enacted	FY 1996 Estimate	House	Senate	Conference	Conference compared with enacted
GOVERNMENT PRINTING OFFICE						
Office of Superintendent of Documents						
Salaries and expenses	32,207,000	30,307,000	16,312,000	30,307,000	30,307,000	-1,900,000
Revolving fund		15,420,000				
Subtotal, Office of Superintendent of Documents	32,207,000	45,727,000	16,312,000	30,307,000	30,307,000	-1,900,000
GENERAL ACCOUNTING OFFICE						
Salaries and expenses	450,360,000	481,060,000	401,264,000	382,806,000	382,806,000	-67,554,000
Offsetting collections	-7,000,000	-8,400,000	-8,400,000	-8,400,000	-8,400,000	-1,400,000
Subtotal	443,360,000	472,660,000	392,864,000	374,406,000	374,406,000	-68,954,000
GAO use of collections (formerly receipts)	6,000,000					-6,000,000
Total, General Accounting Office	449,360,000	472,660,000	392,864,000	374,406,000	374,406,000	-74,954,000
Total, title II, Other agencies	760,396,000	838,911,000	678,520,000	686,310,000	684,810,000	-75,586,000
Grand total	2,390,554,700	2,617,614,000	1,725,698,000	2,190,370,000	2,184,856,000	-205,698,700
TITLE I - CONGRESSIONAL OPERATIONS						
Senate	460,580,500	504,937,000		426,909,000	426,919,000	-33,661,500
House of Representatives	728,735,200	796,995,000	671,561,000	671,561,000	671,561,000	-57,174,200
Joint Items	86,187,000	89,706,000	85,742,000	87,076,000	86,839,000	+652,000
Office of Technology Assessment	21,970,000	23,195,000		3,615,000	3,615,000	-18,355,000
Congressional Budget Office	23,188,000	25,788,000	24,288,000	25,788,000	24,288,000	+1,100,000
Architect of the Capitol	159,690,000	180,545,000	102,223,000	143,527,000	142,970,000	-16,720,000
Library of Congress: Congressional Research Service	60,084,000	65,913,000	75,083,000	60,084,000	60,084,000	
Congressional printing and binding, Government Printing Office	89,724,000	91,624,000	88,281,000	85,500,000	83,770,000	-5,954,000
Total, title I, Congressional operations	1,630,158,700	1,778,703,000	1,047,178,000	1,504,060,000	1,500,046,000	-130,112,700
TITLE II - OTHER AGENCIES						
Botanic Garden	3,230,000	10,370,000	10,053,000	3,053,000	3,053,000	-177,000
Library of Congress (except CRS)	263,116,000	290,225,000	246,863,000	266,116,000	264,616,000	+1,500,000
Architect of the Capitol (Library buildings and grounds)	12,483,000	19,929,000	12,428,000	12,428,000	12,428,000	-55,000
Government Printing Office (except congressional printing and binding)	32,207,000	45,727,000	16,312,000	30,307,000	30,307,000	-1,900,000
General Accounting Office	449,360,000	472,660,000	392,864,000	374,406,000	374,406,000	-74,954,000
Total, title II, Other agencies	760,396,000	838,911,000	678,520,000	686,310,000	684,810,000	-75,586,000
Grand total	2,390,554,700	2,617,614,000	1,725,698,000	2,190,370,000	2,184,856,000	-205,698,700
Scorekeeping adjustments	52,448,000	92,300,000	75,500,000	34,255,277	32,755,277	-19,692,723
Total mandatory and discretionary	2,443,002,700	2,709,914,000	1,801,198,000	2,224,625,277	2,217,611,277	-225,391,423
Mandatory	92,217,200	92,300,000	75,500,000	92,300,000	92,300,000	+82,800
Discretionary	2,350,785,500	2,617,614,000	1,725,698,000	2,132,325,277	2,125,311,277	-225,474,223

ADJOURNMENT TO MONDAY, JULY 31, 1995

Mr. PACKARD. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 10:30 a.m. on Monday next for morning hour debates.

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from California?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. PACKARD. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

AMENDMENTS TO THE PERISHABLE AGRICULTURAL COMMODITIES ACT, 1930

Mr. POMBO. Mr. Speaker, I ask unanimous consent for the immediate consideration in the House of the bill (H.R. 1103) entitled "Amendments to the Perishable Agricultural Commodities Act, 1930".

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. DE LA GARZA. Mr. Speaker, reserving the right to object, I yield to the distinguished gentleman from California [Mr. POMBO].

Mr. POMBO. Mr. Speaker, I thank the gentleman from Texas for yielding to me.

Mr. Speaker, the House Committee on Agriculture was pleased to unanimously report H.R. 1103 as amended to the House on June 28, 1995, with the recommendation that it do pass.

H.R. 1103 is a collaborative effort between the House Committee on Agriculture, USDA, the fruit and vegetable and retail industry to modernize, streamline, and strengthen the Perishable Agricultural Commodities Act.

Briefly, H.R. 1103 includes provisions to phase retailers and grocery wholesalers out of the license fee payment in 3 years, establish a one-time administrative fee for new retailers and grocery wholesalers, increase license fees for those remaining in the program from $400 to $550, and allow USDA to adjust future license fees under rulemaking authority, implement a paperless system to administer the PACA trust, add new language requiring USDA to receive a written complaint before pursuing an investigation, require the department to inform the subject about the status of the investigation no later than 100 days after the initial notification, adjust administrative penalties and establish civil penalties under PACA, continue current fees for informal and formal reparation complaints, clarify the status of collateral fees and misbranding violations and, finally, amend responsibly connected provisions of PACA.

CBO estimates that USDA's total spending for PACA activities will be reduced under H.R. 1103.

I would like to thank the industry, USDA, House Committee on Agriculture counsel, and the Office of Legislative Counsel for sharing generous amounts of their time, effort, and expertise in assisting the committee in reaching this very important goal.

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I urge passage of H.R. 1103. To the ranking member of the Committee on Agriculture, I would like to thank the gentleman very much for all the work that he has put into this issue over the years.

Mr. EWING. Mr. Speaker, the House Agriculture Committee was pleased to unanimously report H.R. 1103 as amended to the House on June 28, 1995, with the recommendation that it do pass.

H.R. 1103 is a collaborative effort between the House Agriculture Committee, USDA, and the fruit, vegetable, and retail industry to modernize, streamline, and strengthen the Perishable Agricultural Commodities Act.

Briefly H.R. 1103 includes provisions to:

Phase retailers and grocery wholesalers out of license fee payment in 3 years.

Establish a one-time administrative fee for new retailers and grocery wholesalers.

Increase license fees for those remaining in the program from $400 to $550 and allow USDA to adjust future license fees under rulemaking authority.

Implement a paperless system to administer the PACA trust.

Add new language requiring USDA to receive a written complaint before pursuing an investigation.

Require the Department to inform the subject about the status of the investigation no later than 180 days after initial notification.

Adjust administrative penalties and establish civil penalties under PACA.

Continue current fees for informal and formal reparation complaints.

Clarify the status of collateral fees and misbranding violations, and finally, amend responsibly connected provisions of PACA.

CBO estimates that USDA's total spending for PACA activities will be reduced under H.R. 1103.

I would like to thank the industry, USDA, House Agriculture Committee Counsel, and the Office of Legislative Counsel for sharing generous amounts of your time, effort, and expertise in assisting the committee in reaching this very important goal.

Most important, I would like to give special thanks to Mr. POMBO and Mr. BOEHNER for their leadership in bringing this issue to resolution.

I urge passage of H.R. 1103.

Mr. FARR, Mr. Speaker, I rise to support H.R. 1103 in the strongest possible terms. This bill, which amends and strengthens the Perishable Agricultural Commodities Act—or PACA for those in the know, is one of the most important Federal agricultural programs for the farmer's of California's central cost. And, Mr. Speaker, it does not cost the taxpayer a dime.

PACA, which was first enacted in 1930, ensures that growers, packers, and produce dealers are paid in a timely manner for their produce without recourse to costly and timeconsuming court litigation. Produce dealers and retailers must get a license from the USDA to market produce and their license fees support the program.

PACA is absolutely crucial for perishable fruits and vegetables such as strawberries or lettuce which are only marketable for a short time before they spoil. Almost every dollar of the $2.4 billion per year in agricultural production in my district is directly tied to the protections in PACA—it is as crucial to central coast specialty crop growers as the wheat and corn programs are to mid-western farmers. So I am very happy that the House is taking up this bill today that ensures a strong PACA program well into the next century.

I want to point out that this legislation includes an important provision for domestic flower growers. Fresh-cut flowers are every bit as perishable as lettuce, grapes, or other produce. But they are not included in PACA's protections. This legislation will require the USDA to work with the flower industry to study the feasibility of including flowers within PACA.

I want to thank the Chairman ROBERTS and Mr. DE LA GARZA for their hard work in bringing this bill to the floor. I also want to thank my Subcommittee Chairman EWING and friend Mr. POMBO for their hard work in bringing all sides of the produce industry together in agreement on this legislation. Finally, I want to thank Mr. Keith Pitts and Ms. Stacey Carry of the Agriculture Committee staff who given so much of their time to move this legislation forward.

So if you enjoy artichokes, strawberries, lettuce, tomatoes, or any other of the 160 fresh produce crops that my district produces, I urge you to support this legislation.

Mr. DE LA GARZA. Mr. Speaker, further reserving the right to object, I yield to our distinguished colleague, the gentleman from North Carolina [Mr. ROSE].

Mr. ROSE. Mr. Speaker, I compliment the chairman of the subcommittee and the gentleman from California [Mr. POMBO] for the hard work that they put into passage of this bill. On our side of the aisle, there are a great many people who are very anxious to see this legislation passed. Two of the hardest workers on this bill were the gentlewoman from Florida [Mrs. THURMAN] and the gentleman from California [Mr. FARR]. They are not here now because I told them we were not going to bring this up today. They can have me to blame for that. I thought it was going to come up Monday. I compliment the gentleman from

California [Mr. POMBO] for his compromise and his great negotiating efforts. I am delighted to see the bill come to the floor for hopefully an uncontested passage.

Mr. Speaker, I rise in strong support of this legislation which is the result of intense and, at times, difficult negotiations between the several members of the fresh fruit and vegetable community. This consensus agreement, like all compromises, required substantial give and take within the industry. However, the effectiveness and the solvency of the PACA Program have been preserved by this agreement.

Like many other commodity programs, the PACA Program well serves the needs of the American farmer and the American consumer at no cost to the Federal Treasury. By the passage of this legislation, the Congress will preserve a valuable program that guarantees our Nation's food security and delivers wholesome and affordable farm commodities to America's families. I encourage my colleagues on both sides of the aisle to remember the importance of food security and all our commodity programs when we begin work on the farm bill this fall.

In closing, I thank Chairman EWING for his efforts to usher this bill through the House Committee on Agriculture. Similarly, I thank Mr. POMBO, Ms. THURMAN, and Mr. FARR for the extraordinary efforts they made to bring this agreement to fruition.

Mr. DE LA GARZA. Mr. Speaker, this bill is the culmination of difficult negotiations to reform PACA. I want to commend Members, staff, USDA, and all the stakeholders for their commitment to reform, and their commitment to an efficient and effective PACA Program.

This bill will assure the continuation of a strong PACA Program, to protect the buyers and sellers of fruits and vegetables and to benefit the American consumer. It will guarantee the fiscal integrity of the PACA and give authority to the Secretary of Agriculture to adjust fees as necessary.

A new fee structure will be imposed on the program by this bill, and although retailers and wholesalers will no longer be required to pay license fees after 3 years, everyone will still be required to obtain a PACA license and will still be subject to all of the provisions of the PACA Program. Additional needed reforms are made by the bill, including the authority for paperless trusts, which will reduce paperwork and program costs.

All parties to this agreement have assured us that they will continue to support it when it reaches the Senate. I expect it to be handled expeditiously by the Senate, and signed by the President, and I urge my colleagues to support this critical legislation.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the bill, as follows:

H.R. 1103

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DEFINITIONS.

(a) Section 1(b)(6) of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499a) is hereby amended to read as follows:

"(b)(6) The term 'dealer' means any person engaged in the business of buying or selling in wholesale or jobbing quantities, including for resale at retail, as defined by the Secretary, any perishable agricultural commodity in interstate or foreign commerce, except that (A) no producer shall be considered a 'dealer' in respect to sales of any such commodity of his own raising; and (B) no person buying any commodity other than potatoes for canning and/or processing within the State where grown shall be considered a 'dealer' whether or not the canned or processed product is to be shipped in interstate or foreign commerce, unless such product is frozen or packed in ice or consists of cherries in brine, within the meaning of paragraph (4) of this section. Any person not considered as a 'dealer' under clauses (A) or (B) may elect to secure a license under the provisions of section 499c of this title, and in such case and while the license is in effect such person shall be considered as a 'dealer'."

(b) Section 1 of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499a) is hereby amended to add a new subsection (b)(11) and a new subsection (b)(12), to read as follows:

"(11) The terms 'collateral fees and expenses' mean any promotional allowances, rebates, service or materials fees paid or provided, directly or indirectly, in connection with the distribution or marketing of any perishable agricultural commodity.

"(12) The term 'producer' means any person who raises perishable agricultural commodities for sale of those commodities in wholesale or jobbing quantities, under the producer's own brands or labels, as defined by the Secretary.".

SEC. 2. UNFAIR TRADE PRACTICES.

(a) Section 2(1) of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499b) is hereby amended to read as follows:

"(1) For any commission merchant, dealer, broker, or producer to engage in or use any unfair, unreasonable, discriminatory, or deceptive practice in connection with the weighing, counting, or in any way determining the quantity of any perishable agricultural commodity received, bought, sold, shipped, or handled in interstate or foreign commerce;".

(b) Section 2(4) of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499b) is hereby amended to read as follows:

"(4) For any commission merchant, dealer, broker, or producer to make, for a fraudulent purpose, any false or misleading statement in connection with any transaction involving any perishable agricultural commodity which is received in interstate or foreign commerce by such commission merchant, or bought or sold, or contracted to be bought, sold or consigned, in such commerce by such dealer, or the purchase or sale of which in such commerce is negotiated by such broker; or to fail or refuse truly and correctly to account and make full payment promptly in respect of any transaction in any such commodity to the person with whom such transaction is had; or to fail to disclose the grant or receipt of any collateral fee or expense in connection with any cost-plus transaction in any such commodity to the person with whom such transaction is had; or to fail, without reasonable cause to perform any specification or duty, express or implied, arising out of any undertaking in connection with any such transaction; or to fail to maintain the trust as required under section 499e(c) of this title;".

(c) Section 2(5) of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499b) is hereby amended to read as follows:

"(5) For any commission merchant, dealer, broker, or producer to misrepresent by word, act, mark, stencil, label, statement, or deed, the character, kind, grade, quality, quantity, size, pack, weight, condition, degree of maturity, or State, country, or region of origin of any perishable agricultural commodity received, shipped, sold, or offered to be sold in interstate or foreign commerce: *Provided*, That any commission merchant, dealer, broker, or producer who has violated—

"(A) any provision of this paragraph may, with the consent of the Secretary, admit the violation or violations; or

"(B) any provision of this paragraph relating to a misrepresentation by mark, stencil, or label shall be permitted by the Secretary to admit the violation or violations if such violation or violations are not repeated or flagrant;

and pay, in the case of a violation under either clause (A) or (B) of this paragraph, a monetary penalty not to exceed $2,000 in lieu of a formal proceeding for the suspension or revocation of license, any payment so made to be deposited in the Treasury of the United States as miscellaneous receipts: *Provided further*, That a person other than the first licensee handling misbranded perishable agricultural commodities shall not be held liable for a violation of this paragraph by reason of the conduct of another if that person did not have knowledge of the violation or lacked the ability to correct the violation;".

(d) Section 2(6) of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499b) is hereby amended to strike the words "any commission merchant, dealer, or broker," and in lieu thereof insert the words "any commission merchant, dealer, broker, or producer,".

(e) Section 2(7) of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499b) is hereby amended to strike the words "any commission merchant, dealer, or broker," and in lieu thereof insert the words "any commission merchant, dealer, broker, or producer,".

SEC. 3. LICENSE FEES.

Section 3(b) of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499c(b)) is amended to read as follows:

"Any person desiring any such license shall make application to the Secretary. The Secretary may by regulation prescribe the information to be contained in such application and to be furnished thereafter. Upon filing the application, and annually thereafter, the applicant shall pay such fees, both individually and in the aggregate, as the Secretary determines, upon rulemaking pursuant to 5 U.S.C. section 553, are necessary to meet the reasonably anticipated expenses for administering this chapter and section 491, 493 to 497 of this title. For fiscal year 1996, such individual license fee shall not exceed $500, plus $200 for each branch or additional business facility operated by the applicant in excess of nine such facilities, as determined by the Secretary. For fiscal year 1996, total annual fees for any applicant shall not exceed $2,000 in the aggregate. No retailer shall be required to pay a license fee until the invoice cost of its purchases of perishable agricultural commodities in any calendar year are in excess of $400,000. The Secretary shall provide by regulation that persons operating subsidiary organizations may consolidate those organizations on the license of the parent organization. Such fee, when collected, shall be deposited in the Treasury of the United States as a special fund, without fiscal year limitation, to be designated as the 'Perishable Agricultural Commodities Act Fund' which shall be available for all expenses necessary to the administration of this chapter, and sections 491, 493 to 497 of this title, referred to above. License fees paid into such fund by persons designated as 'retailers' by the Secretary shall not exceed more than 25 percent of all fees collected in any fiscal year. Any reserve funds in the Perishable Agricultural Commodities Act Fund may be invested by the Secretary in insured or fully-collateralized interest-bearing accounts or, at the discretion of the Secretary, by the Secretary of the Treasury in United States Government debt instruments. Any interest earned on such reserve funds shall be credited to the Perishable Agricultural Commodities Act Fund and shall be available for the same purposes as the fees deposited in such fund. The amount of money accumulated and on hand in the special fund at the end of any fiscal year shall not exceed 33 percent of the projected budget for the next following fiscal year. Financial statements prescribed by the Director of the Office of Management and Budget for the last completed fiscal year, and as estimated for the current and ensuing fiscal years, shall be included in the budget as submitted to the Congress annually.".

SEC. 4. ISSUANCE OF LICENSE.

Section 4(a) of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499d(a)) is amended to read as follows:

"(a) Whenever an applicant has made application and paid any applicable fee, the Secretary, except as provided elsewhere in this chapter, shall issue to such applicant a license, which shall entitle the licensee to do business as a commission merchant and/or dealer and/or broker unless and until it is suspended or revoked by the Secretary in accordance with the provisions of this chapter, or is automatically suspended under section 499g(d) of this title, but said license shall automatically terminate on any anniversary date thereof unless the application has been made and any applicable fee has been paid: *Provided*, That notice of the necessity of application and paying any applicable fee shall be mailed at least thirty days before the anniversary date: *Provided further*, That if the application is not made and any applicable fee is not paid by the anniversary date the licensee may obtain a renewal of that license at any time within thirty days by making application and paying any applicable fee provided in section 499c(b) of this title, plus $5, which shall be deposited in the Perishable Agricultural Commodities Act fund provided for by section 499c(b) of this title: *Provided further*, That the license of any licensee shall terminate upon said licensee, or in case the licensee is a partnership, a partner being discharged as a bankrupt, unless the Secretary finds upon examination of the circumstances of such bankruptcy, which he shall examine if requested to do so by said licensee, that such circumstances do not warrant such termination.".

SEC. 5. LIABILITY TO PERSON INJURED.

(a) Section 5 of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499e(a)) is hereby amended to strike the words "any commission merchant, dealer, or broker," and in lieu thereof insert the words "any commission merchant, dealer, broker, or producer,".

(b) Section 5 of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499e(c)(3)) is hereby amended to add at the end thereof the following: "The Secretary of Agriculture shall require persons who do not pay license fees under section 499c of this title to pay a filing fee for each notice of intent to preserve trust benefits filed pursuant to section 499e of this title. For fiscal year 1996, such filing fee shall be set at $20. Thereafter, such fee shall be set by the Secretary upon rulemaking pursuant to 5 U.S.C. section 553, in order to meet the reasonably anticipated expenses for administering direct and indirect costs for such persons' participation in proceedings under this chapter.".

SEC. 6. COMPLAINT AND INVESTIGATION.

(a) Section 6(a) of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499f(a)) is hereby amended to designate existing section (a) as section (a)(1), and to strike the words "any commission merchant, dealer, or broker," and in lieu thereof insert the words "any commission, merchant, dealer, broker, or producer," in the two instances in which it appears in that subsection.

(b) Section 6(a) of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499f(a)) is hereby amended to add at the end thereof a new subsection (a)(2), a new subsection (a)(3), and a new subsection (a)(4), to read as follows:

"(2) The Secretary shall require all persons, other than Federal employees acting within the scope of their official duties, who submit informal complaints to the Secretary under this section, alleging a violation of section 2 of the Act (7 U.S.C. 499b), to include a filing fee. For licensed persons that have also paid an annual license fee, such filing fee shall be $60 per petition. For all other persons, such fee shall be $100 per petition. If the Secretary determines under section 6(a) of the Act (7 U.S.C. 499f(a)), that the facts contained in a petition described in such section warrant further action, the person or persons submitting the petition shall submit to the Secretary a further filing fee. For licensed persons that have also paid an annual license fee, such filing fee shall be $300 per petition. For all other persons, other than Federal employees acting within the scope of their official duties, such fee shall be $500 per petition. The Secretary may not forward a copy of a complaint to the commission merchant, dealer, broker, or producer involved until after the Secretary receives the required filing fees.

"(3) In determining the amount of damages incurred by a prevailing party in a formal reparation proceeding under section 7 of this Act (7 U.S.C. 499g), the Secretary shall assess the amount of filing fees against the losing party: *Provided*, That a prevailing party shall have any filing fees paid by it refunded as part of any formal reparation award.".

(c) Section 6(b) of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499f(b)) is hereby amended to strike the words "any commission merchant, dealer, or broker," and in lieu thereof insert the words "any commission merchant, dealer, broker, or producer," in two instances in which it appears in that subsection.

(d) Section 6(d) of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499f(d)) is hereby amended to strike the words "any commission merchant, dealer, or broker," and in lieu thereof insert the words "any commission merchant, dealer, broker, or producer".

SEC. 7. GROUNDS FOR SUSPENSION OR REVOCATION OF LICENSE; CIVIL PENALTIES.

(a) Section 8(a) of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499h(a)) is hereby amended to strike the words "any commission merchant, dealer, or broker," and in lieu thereof insert the words "any commission merchant, dealer, broker, or producer".

(b) Section 8 of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499h) is hereby amended to add a new subsection (b) to read as follows:

"(b) Whenever the Secretary determines, as provided by section 499f of this title, that any commission merchant, dealer, broker, or producer has violated section 499b, 499h(c), or 499h(d) of this title, the Secretary may assess a monetary penalty not to exceed $2,000 for each violative transaction or each day the violation continues, to be deposited in the Treasury of the United States as miscellaneous receipts.".

(c) Section 8 of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499h) is hereby amended by redesignating existing subsection (b) as subsection (c), existing subsection (c) as subsection (d), and existing subsection (d) as subsection (e).

(d) Redesignated section 8(e) of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499h(e)) is hereby amended to strike the words "any commission merchant, dealer, or broker," and in lieu thereof insert the words "any commission merchant, dealer, broker, or producer".

SEC. 8. PRESERVATION OF BUSINESS REPUTATION.

Section 13 of the Act (7 U.S.C. 499m) is hereby amended to add a new subsection (g), to read as follows:

"(g) The Secretary is directed, during the course of any investigation or inquiry under this title, to take due account of preservation of the business reputation of any person under investigation.".

SEC. 9.

Section 15 of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499o) is hereby amended to redesignate the existing provisions as subsection (a), and to add a new subsection (b) and a new subsection (c), to read as follows:

"(b) REPORT AND INVESTIGATION.—The Secretary shall investigate and issue a report on industry practices requiring or soliciting collateral fees and expenses by or to any commission merchant, dealer, broker, or producer in connection with any transaction in perishable agricultural commodities. Such report shall be made to the House Committee on Agriculture and the Senate Committee on Agriculture, Nutrition, and Forestry, within one hundred and eighty days of enactment of this legislation.

"(c) DISCLOSURE OF COLLATERAL FEES AND EXPENSES; RULEMAKING.—If the investigation and report required by this section conclude that such practices conform to the laws of the United States, the Secretary shall promulgate regulations regarding the sufficiency of disclosure by or to any commission merchant, dealer, broker, or producer, of the grant or receipt of any collateral fee or expense in connection with any cost-plus transaction in perishable agricultural commodities: *Provided*, That disclosure shall be considered sufficient if it is conspicuously made on the face of the invoice or in any underlying contract covering the transaction: *Provided further*, That no commission merchant, dealer, broker, or producer, nor any individual responsibly connected with any such commission merchant, dealer, broker, or producer shall be the subject to any licensure, reparation, or trust enforcement proceeding under this chapter for any act or omission concerning the disclosure of any collateral fee or expense, taken or required to be taken prior to the effective date of regulations required under this subsection.".

SEC. 10. LIABILITY OF LICENSEES FOR ACTS AND OMISSIONS OF AGENTS.

Section 16 of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499p) is hereby amended to strike the words "any commission merchant, dealer, or broker," and in lieu thereof insert the words "any commission merchant, dealer, broker, or producer," in the two instances in which it appears in that section.

SEC. 11. REVIEW OF PROCEDURES AND POLICIES.

The Perishable Agricultural Commodities Act, 1930 is hereby amended by adding at the end thereof the following new section (7 U.S.C. 499t):

"REVIEW OF POLICIES AND PROCEDURES.

"(a) The Secretary is directed to conduct an annual review of enforcement procedures, policies, and priorities regarding reparation proceedings, disciplinary complaints, and the operation of the trust, as well as proceedings under section 499h(c), to identify opportunities for efficiency and cost reduction in such proceedings. The Secretary shall invite public participation and input into such review.

"(b) The Secretary is directed to submit, to the House Committee on Agriculture and the Senate Committee on Agriculture, Nutrition, and Forestry, no later than September 30 of each year, a projection of enforcement priorities for the next twelve months. The Secretary is further directed to submit, to the House Committee on Agriculture and the Senate Committee on Agriculture, Nutrition, and Forestry, no later than September 30 of each year in which a biennial review is conducted, a report containing the results of its review and recommendations based on such results. Such biennial report shall describe reparation proceedings, disciplinary complaints, and the operation of the trust during the previous twenty-four months.".

SEC. 12. EFFECTIVE DATE.

This Act shall be effective upon enactment.

COMMITTEE AMENDMENT IN THE NATURE OF A SUBSTITUTE

The SPEAKER pro tempore. The Clerk will report the committee amendment in the nature of a substitute.

The Clerk read as follows:

Committee amendment in the nature of a substitute:

Strike out all after the enacting clause and insert:

H.R. 1103

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Perishable Agricultural Commodities Act Amendments of 1995".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Addition of definitions of retailer and grocery wholesaler.
Sec. 3. Gradual elimination of annual license fee for retailers and grocery wholesalers that are dealers.
Sec. 4. Establishment and alteration of license fees for commission merchants, dealers (other than retailers and grocery wholesalers), and brokers.
Sec. 5. Increase in penalties for operating without a license and increase in late renewal fee.
Sec. 6. Statutory trust on commodities and sale proceeds.
Sec. 7. Authority of Department of Agriculture regarding possible violations.
Sec. 8. Filing and handling fees for reparation complaints.
Sec. 9. Consideration of collateral fees and expenses.
Sec. 10. Clarification of misbranding prohibition.
Sec. 11. Imposition of civil penalty in lieu of license suspension or revocation.
Sec. 12. Extension of sanctions to persons responsibly connected to a commission merchant, dealer, or broker.

SEC. 2. ADDITION OF DEFINITIONS OF RETAILER AND GROCERY WHOLESALER.

Section 1(b) of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499a(b)), is amended by adding at the end the following new paragraphs:

"(11) The term 'retailer' means a person that is a dealer engaged in the business of selling any perishable agricultural commodity at retail.

"(12) The term 'grocery wholesaler' means a person that is a dealer primarily engaged in the full-line wholesale distribution and resale of grocery and related nonfood items (such as perishable agricultural commodities, dry groceries, general merchandise, meat, poultry, and seafood, and health and beauty care items) to retailers. However, such term does not include a person described in the preceding sentence if the person is primarily engaged in the wholesale distribution and resale of perishable agricultural commodities rather than other grocery and related nonfood items.".

SEC. 3. GRADUAL ELIMINATION OF ANNUAL LICENSE FEE FOR RETAILERS AND GROCERY WHOLESALERS THAT ARE DEALERS.

(a) ELIMINATION OF ANNUAL FEES OVER THREE-YEAR PERIOD.—Subsection (b) of section 3 of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499c), is amended—

(1) by inserting "(1) APPLICATION FOR LICENSE.—" before the start of the first sentence and adjusting the margin to conform to paragraph (3);

(2) by striking the third and fourth sentences;

(3) by inserting "(5) PERISHABLE AGRICULTURAL COMMODITIES ACT FUND.—" before the start of the fifth sentence and adjusting the margin to conform to paragraph (3);

(4) by striking the last sentence; and

(5) by inserting before paragraph (5) (as so designated) the following new paragraphs:

"(3) ONE-TIME FEE FOR RETAILERS AND GROCERY WHOLESALERS THAT ARE DEALERS.—During the three-year period beginning on the date of the enactment of the Perishable Agricultural Commodities Act Amendments of 1995, a retailer or grocery wholesaler making an initial application for a license under this section shall pay the license fee required under subparagraph (A), (B), or (C) of paragraph (4) for license renewals in the year in which the initial application is made. After the end of such period, a retailer or grocery wholesaler making an initial application for a license under this section shall pay an administrative fee equal to $100. In either case, a retailer or grocery wholesaler paying a fee under this paragraph shall not be required to pay any fee for renewal of the license for subsequent years.

"(4) GRADUAL ELIMINATION OF ANNUAL FEES FOR RETAILERS AND GROCERY WHOLESALERS THAT ARE DEALERS.—In the case of a retailer or grocery wholesaler that holds a license under this section as of the date of the enactment of the Perishable Agricultural Commodities Act Amendments of 1995, payments for the renewal of the license shall be made pursuant to the following schedule:

"(A) For anniversary dates occurring during the one-year period beginning on the date of the enactment of the Perishable Agricultural Commodities Act Amendments of 1995, the licensee shall pay a renewal fee in an amount equal to 100 percent of the applicable renewal fee (subject to the $4,000 aggregate limit on such payments) in effect under this subsection on the day before such enactment date.

"(B) For anniversary dates occurring during the one-year period beginning at the end of the period in subparagraph (A), the licensee shall pay a renewal fee in an amount equal to 75 percent of the amount paid by the licensee under subparagraph (A).

"(C) For anniversary dates occurring during the one-year period beginning at the end of the period in subparagraph (B), the licensee shall pay a renewal fee in an amount equal to 50 percent of the amount paid by the licensee under subparagraph (A).

"(D) After the end of the three-year period beginning on the date of the enactment of the Perishable Agricultural Commodities Act Amendments of 1995, the licensee shall not be required to pay any fee if the licensee seeks renewal of the license.".

(b) STYLISTIC AMENDMENTS.—Such section is further amended—

(1) by striking the section heading and "SEC. 3. (a)" and inserting the following:

"SEC. 3. LICENSES.

"(a) LICENSE REQUIRED; PENALTIES FOR VIOLATIONS.—";

(2) in subsection (b), by inserting "APPLICATION AND FEES FOR LICENSES.—" after "(b)"; and

(3) in subsection (c), by inserting "USE OF TRADE NAMES.—" after "(c)".

SEC. 4. ESTABLISHMENT AND ALTERATION OF LICENSE FEES FOR COMMISSION MERCHANTS, DEALERS (OTHER THAN RETAILERS AND GROCERY WHOLESALERS), AND BROKERS.

(a) DISCRETION OF SECRETARY TO ESTABLISH AND ALTER FEES.—Section 3(b) of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499c(b)), is amended by inserting after paragraph (1), as designated by section 3(a)(1), the following new paragraph:

"(2) LICENSE FEES.—Upon the filing of an application under paragraph (1), the applicant shall pay such license fees, both individually and in the aggregate, as the Secretary determines necessary to meet the reasonably anticipated expenses for administering this Act and the Act to prevent the destruction or dumping of farm produce, approved March 3, 1927 (7 U.S.C. 491–497). Thereafter, the licensee shall pay such license fees annually or at such longer interval as the Secretary may prescribe. The Secretary shall take due account of savings to the program when determining an appropriate interval for renewal of licenses. The Secretary shall establish and alter license fees only by rulemaking under section 553 of title 5, United States Code, except that the Secretary may not alter the fees required under paragraph (3) or (4) for retailers and grocery wholesalers that are dealers. Effective on the date of the enactment of the Perishable Agricultural Commodities Act Amendments of 1995 and until such time as the Secretary alters such fees by rule, an individual license fee shall equal $550 per year, plus $200 for each branch or additional business facility operated by the applicant in excess of nine such facilities, as determined by the Secretary, subject to an annual aggregate limit of $4,000 per licensee. Any increase in license fees prescribed by the Secretary under this paragraph shall not take effect unless the Secretary determines that, without such increase, the funds on hand as of the end of the fiscal year in which the increase takes effect will be less than 25 percent of the projected budget to administer such Acts for the next fiscal year. In no case may a license fee increase by the Secretary take effect before the

end of the three-year period beginning on the date of the enactment of the Perishable Agricultural Commodities Act Amendments of 1995.".

(b) Repeal of Current Cap on Reserve Funds.—Paragraph (5) of such section, as designated by section 3(a)(3), is amended by striking the sentence that begins with "The amount of money".

(c) Conforming Amendments Regarding This Section and Section 3.—Section 4(a) of such Act (7 U.S.C. 499d(a)) is amended—

(1) in the matter preceding the provisos, by striking "any anniversary date thereof unless the annual fee has been paid" and inserting "the anniversary date of the license at the end of the annual or multiyear period covered by the license fee unless the licensee submits the required renewal application and pays the applicable renewal fee (if such fee is required)";

(2) in the first proviso, by striking "the necessity of paying the annual fee" and inserting "the necessity of renewing the license and of paying the renewal fee (if such fee is required)"; and

(3) in the second proviso, by striking "annual fee" and inserting "renewal fee (if required)".

SEC. 5. INCREASE IN PENALTIES FOR OPERATING WITHOUT A LICENSE AND INCREASE IN LATE RENEWAL FEE.

(a) License Penalties.—Section 3(a) of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499c(a)), as amended by section 3(b)(1), is further amended—

(1) by striking "$500" and inserting "$1,000"; and

(2) by striking "$25" both places it appears and inserting "$250".

(b) Late Filing Fees.—Section 4(a) of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499d(a)), as amended by section 4(c), is further amended in the second proviso by striking "plus $5" and inserting "plus $50".

SEC. 6. STATUTORY TRUST ON COMMODITIES AND SALE PROCEEDS.

(a) Repeal of Secretarial Notification Requirement.—Paragraph (3) of section 5(c) of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499e(c)), is amended in the first sentence by striking "and has filed such notice with the Secretary".

(b) Clarification of Content of Notification.—Such paragraph is further amended by inserting after the first sentence the following new sentence: "The written notice to the commission merchant, dealer, or broker shall set forth information in sufficient detail to identify the transaction subject to the trust.".

(c) Additional Method of Notification for Licensees.—Such section is further amended—

(1) by redesignating paragraph (4) as paragraph (5); and

(2) by inserting after paragraph (3) the following new paragraph:

"(4) In addition to the method of preserving the benefits of the trust specified in paragraph (3), a licensee may use ordinary and usual billing or invoice statements to provide notice of the licensee's intent to preserve the trust. The bill or invoice statement must include the information required by the last sentence of paragraph (3) and contain on the face of the statement the following: 'The perishable agricultural commodities listed on this invoice are sold subject to the statutory trust authorized by section 5(c) of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499e(c)). The seller of these commodities retains a trust claim over these commodities, all inventories of food or other products derived from these commodities, and any receivables or proceeds from the sale of these commodities until full payment is received.'.".

SEC. 7. AUTHORITY OF DEPARTMENT OF AGRICULTURE REGARDING POSSIBLE VIOLATIONS.

(a) Disciplinary Violations.—Subsection (b) of section 6 of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499f), is amended to read as follows:

"(b) Disciplinary Violations.—Any officer or agency of any State or Territory having jurisdiction over commission merchants, dealers, or brokers in such State or Territory and any other interested person (other than an employee of an agency of the Department of Agriculture administering this Act) may file, in accordance with rules prescribed by the Secretary, a written notification of any alleged violation of this Act by any commission merchant, dealer, or broker. In addition, any official certificates of the United States Government or States or Territories of the United States and trust notices filed pursuant to section 5 shall constitute written notification for the purposes of conducting an investigation under subsection (c). The identity of any person filing a written notification under this subsection shall be considered to be confidential information. The identity of such person, and any portion of the notification to the extent that it would indicate the identity of such person, are specifically exempt from disclosure under section 552 of title 5, United States Code (commonly known as the Freedom of Information Act), as provided in subsection (b)(3) of such section.".

(b) Grounds and Process of Investigations.—Subsection (c) of such section is amended to read as follows:

"(c) Investigation of Complaints and Notifications.—

"(1) Commencing or Expanding an Investigation.—If there appears to be, in the opinion of the Secretary, reasonable grounds for investigating a complaint made under subsection (a) or a written notification made under subsection (b), the Secretary shall investigate such complaint or notification. In the course of the investigation, if the Secretary determines that violations of this Act are indicated other than the alleged violations specified in the complaint or notification that served as the basis for the investigation, the Secretary may expand the investigation to include such additional violations.

"(2) Issuance of Complaint by Secretary; Process.—In the opinion of the Secretary, if an investigation under this subsection substantiates the existence of violations of this Act, the Secretary may cause a complaint to be issued. The Secretary shall have the complaint served by registered mail or certified mail or otherwise on the person concerned and afford such person an opportunity for a hearing thereon before a duly authorized examiner of the Secretary in any place in which the subject of the complaint is engaged in business. However, in complaints wherein the amount claimed as damages does not exceed $30,000, a hearing need not be held and proof in support of the complaint and in support of respondent's answer may be supplied in the form of depositions or verified statements of fact.

"(3) Special Notification Requirements for Certain Investigations.—Whenever the Secretary initiates an investigation on the basis of a written notification made under subsection (b) or expands such an investigation, the Secretary shall promptly notify the subject of the investigation of the existence of the investigation and the nature of the alleged violations of this Act to be investigated. Not later than 180 days after providing the initial notification, the Secretary shall provide the subject of the investigation with notice of the status of the investigation, including whether the Secretary intends to issue a complaint under paragraph (2), terminate the investigation, or continue or expand the investigation. The Secretary shall provide additional status reports at the request of the subject of the investigation and shall promptly notify the subject of the investigation whenever the Secretary terminates the investigation.".

(c) Increase in Threshold for Shortened Procedure Cases.—Subsection (d) of such section is amended by striking "$15,000" both places it appears and inserting "$30,000".

(d) Stylistic Amendments.—Such section is further amended—

(1) by striking the section heading and "Sec. 6." and inserting the following:

"SEC. 6. COMPLAINTS, WRITTEN NOTIFICATIONS, AND INVESTIGATIONS.";

(2) in subsection (d), by inserting "Decisions on Complaints.—" after "(d)"; and

(3) in subsection (e), by inserting "Bond Required for Certain Complaints.—" after "(e)".

SEC. 8. FILING AND HANDLING FEES FOR REPARATION COMPLAINTS.

(a) Permanent Filing and Handling Fees.—Section 6(a) of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499f(a)), is amended—

(1) by striking "(a)" and inserting the following:

"(a) Reparation Complaints.—

"(1) Petition; Process.—"; and

(2) by adding at the end the following new paragraph:

"(2) Filing and Handling Fees.—A person submitting a petition to the Secretary under paragraph (1) shall include a filing fee of $60 per petition. If the Secretary determines under paragraph (1) that the facts contained in the petition warrant further action, the person or persons submitting the petition shall submit to the Secretary a handling fee of $300. The Secretary may not forward a copy of the complaint to the commission merchant, dealer, or broker involved until after the Secretary receives the required handling fee. The Secretary shall deposit fees submitted under this paragraph into the Perishable Agricultural Commodities Act Fund provided for by section 3(b). The Secretary may alter the fees specified in this paragraph by rulemaking under section 553 of title 5, United States Code.".

(b) Inclusion of Handling Fee in Calculation of Damages.—Section 5(a) of such Act (7 U.S.C. 499e(a)) is amended by inserting after "damages" the following: "(including any handling fee paid by the injured person or persons under section 6(a)(2))".

(c) Conforming Amendment to Temporary Fee Authority.—Public Law 103–276 (7 U.S.C. 499f note) is repealed.

SEC. 9. CONSIDERATION OF COLLATERAL FEES AND EXPENSES.

(a) Definition.—Section 1(b) of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499a(b)), is amended by inserting after paragraph (12), as added by section 2, the following new paragraph:

"(13) The term 'collateral fees and expenses' means any promotional allowances, rebates, service or materials fees paid or provided, directly or indirectly, in connection with the distribution or marketing of any perishable agricultural commodity.".

(b) Use of Definition.—Section 2 of such Act (7 U.S.C. 499b) is amended—

(1) by striking "commerce—" in the matter before paragraph (1) and inserting "commerce:";

(2) by striking the semicolon at the end of each paragraph and inserting a period; and

(3) in paragraph (4), by adding at the end the following new sentence: "However, this paragraph shall not be considered to make the good faith offer, solicitation, payment, or receipt of collateral fees and expenses, in and of itself, unlawful under this Act.".

SEC. 10. CLARIFICATION OF MISBRANDING PROHIBITION.

Section 2(5) of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499b(5)), is amended—

(1) by striking "commerce: Provided, That" and inserting "commerce. However,"; and

(2) by adding at the end the following new sentence: "A person other than the first licensee handling misbranded perishable agricultural commodities shall not be held liable for a violation of this paragraph by reason of the conduct of another if the person did not have knowledge of the violation or lacked the ability to correct the violation.".

SEC. 11. IMPOSITION OF CIVIL PENALTY IN LIEU OF LICENSE SUSPENSION OR REVOCATION.

Section 8 of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499h), is amended by adding at the end the following new subsection:

"(e) ALTERNATIVE CIVIL PENALTIES.—In lieu of suspending or revoking a license under this section when the Secretary determines, as provided by section 6, that a commission merchant, dealer, or broker has violated section 2 or subsection (b) of this section, the Secretary may assess a civil penalty not to exceed $2,000 for each violative transaction or each day the violation continues. In assessing the amount of a penalty under this subsection, the Secretary shall give due consideration to the size of the business, the number of employees, and the seriousness, nature, and amount of the violation. Amounts collected under this subsection shall be deposited in the Treasury of the United States as miscellaneous receipts.".

SEC. 12. EXTENSION OF SANCTIONS TO PERSONS RESPONSIBLY CONNECTED TO A COMMISSION MERCHANT, DEALER, OR BROKER.

(a) EXCEPTION TO DEFINITION.—Section 1(b)(9) of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499a(b)(9)), is amended by adding at the end the following new sentence: "A person shall not be deemed to be responsibly connected if the person demonstrates by a preponderance of the evidence that the person was not actively involved in the activities resulting in a violation of this Act and that the person either was only nominally a partner, officer, director, or shareholder of a violating licensee or entity subject to license or was not an owner of a violating licensee or entity subject to license which was the alter ego of its owners.".

(b) EXTENSION OF EMPLOYMENT SANCTION.—Section 8(b) of such Act (7 U.S.C. 499h(b)) is amended by adding at the end the following new sentence: "The Secretary may extend the period of employment sanction as to a responsibly connected person for an additional one-year period upon the determination that the person has been unlawfully employed as provided in this subsection.".

(c) CONFORMING AMENDMENT REGARDING LICENSING SANCTION.—Section 4 of such Act (7 U.S.C. 499d) is amended—

(1) in subsection (b), by inserting "is prohibited from employment with a licensee under section 8(b) or" after "with the applicant," in the matter preceding subparagraph (A); and

(2) in subsection (c), by adding at the end the following new sentence: "The Secretary may not issue a license to an applicant under this subsection if the applicant or any person responsibly connected with the applicant is prohibited from employment with a licensee under section 8(b).".

Amend the title so as to read: "A bill to amend the Perishable Agricultural Commodities Act, 1930, to modernize, streamline, and strengthen the operation of the Act.".

Mr. POMBO (during the reading). Mr. Speaker, I ask unanimous consent that the committee amendment in the nature of a substitute be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. The question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The title of the bill was amended so as to read: "A bill to amend the Perishable Agricultural Commodities Act, 1930, to modernize, streamline, and strengthen the operation of the Act.".

GENERAL LEAVE

Mr. POMBO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 1103, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

CONTINUATION OF NATIONAL EMERGENCY WITH RESPECT TO IRAQ—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 104–104)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed.

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice, stating that the Iraqi emergency is to continue in effect beyond August 2, 1995, to the *Federal Register* for publication.

The crisis between the United States and Iraq that led to the declaration on August 2, 1990, of a national emergency has not been resolved. The Government of Iraq continues to engage in activities inimical to stability in the Middle East and hostile to United States interest in the region. Such Iraqi actions pose a continuing unusual and extraordinary threat to the national security and vital foreign policy interests of the United States. For these reasons, I have determined that it is necessary to maintain in force the broad authorities necessary to apply economic pressure on the Government of Iraq.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *July 28, 1995.*

SUSPENSION OF MALDIVES FROM GENERALIZED SYSTEM OF PREFERENCES PROGRAM AND DESIGNATION OF MOLDOVA FOR PURPOSES OF GSP PROGRAM—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 104–105)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Ways and Means and ordered to be printed.

To the Congress of the United States:

The Generalized System of Preferences (GSP) program offers duty-free treatment to specified products that are imported from designated beneficiary developing countries. The program is authorized by title V of the Trade Act of 1974, as amended.

Pursuant to title V, I have determined that Maldives should be suspended from the GSP program because it is not making sufficient progress in protecting basic labor rights. I also have decided to designate Moldova as a beneficiary developing country for purposes of the GSP program because I have determined that Moldova satisfies the statutory criteria.

This notice is submitted in accordance with the requirements of section 502(a)(1) and 502(a)(2) of the Trade Act of 1974.

WILLIAM J. CLINTON

THE WHITE HOUSE, *July 28, 1995.*

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1289

Mrs. SCHROEDER. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of the bill, H.R. 1289, the Newborn Infant HIV Notification Act.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Colorado?

There was no objection.

THE NEED FOR AN INDEPENDENT COUNSEL

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, we began this week hearing about how the House had found money for a protocol officer, the new Miss Manners. Many of us really questioned that. But we end this week with a whole raft of newspaper articles that are in the paper today saying that people are very concerned the House Ethics Committee is risking the charge of a coverup, in re the charges against the Speaker.

My colleagues, if we can find money for a protocol officer but we cannot find money for an independent counsel, the people are not going to accept it. What is this? It is like pouring perfume on a garbage dump.

The people out there want us to get to the bottom of this, and they do not want some excuses about: Oops, we bungled it; oops, we made a little mistake; oh, my goodness, we are going to have to back away from this. This will not be acceptable.

I really hope this body reads the newspaper articles and many of the columnists calling for an independent counsel and moves forward.

Mr. Speaker, I include for the RECORD the following article:

[From the USA Today, July 28, 1995]

GINGRICH ETHICS SCANDAL DEMANDS OUTSIDE COUNSEL

(By Barbara Raynolds)

"It's vital that the ethics committee hire outside counsel. The trust of the public will accept no lower standard."

That was Newt Gingrich in 1988, leading the charge against House Speaker Jim Wright for an ethically questionable book-publishing deal. Within two months after Gingrich filed a complaint, the House ethics committee unanimously agreed to hire an independent counsel.

Ironically, Thursday it was Gingrich who had to appear before the ethics panel because of a book deal. He signed a contract with HarperCollins to write a book about his plans for revitalizing America. HarperCollins is owned by media mogul Rupert Murdoch, who could benefit mightly from legislation now before Congress; and Gingrich could earn millions from him in royalties.

Despite that conflict, Gingrich sense calls for an independent counsel are "ridiculous."

The Murdoch deal is challenged in one of five ethics complaints filed by Democratic opponents. One has languished for 10 months. At a closed meeting in May, the five GOP members on the 10-member ethics panel voted down an outside counsel, according to a Washington Post report.

Is Gingrich above scrutiny? Allegations against him are serious. At the heart of the ethics charges is GOPAC, the powerful political action committee Gingrich used to train and bankroll GOP candidates. "Since 1986, it has raised about $17 million, but he refuses to show us where it all came from and how it was spent," says House Democratic Whip David Bonior, D-Mich., who filed two complaints.

A complaint by Ben Jones, who ran against Gingrich in last year's election, alleges that, with GOPAC's help, two tax-exempt foundations organized a college course to advance the speaker's political mission. Tax-exempts aren't allowed to engage in partisan political activity. The complaint also says congressional staff helped prepare the course material.

What's wrong with that? If true, it means taxpayers helped subsidize a politically partisan course. And much of the course material is included in Gingrich's best seller, To Renew America.

Other issues not in formal ethics complaints also deserve scrutiny. Gingrich has touted his reading program, "Earning by Learning," which raises money from private contributors and gives $2 to school kids for each book they read. "The money goes to the kids," Gingrich said in a televised lecture. Yet a Wall Street Journal article last week disclosed that 90 percent of the money last year actually went to Gingrich's official biographer, who runs the program, and two other professors.

Republicans on the panel, of course, have little interest in probing their leader. But there may be hope. Rep. Nancy Johnson, R-Conn, whom Gingrich appointed panel chair, is under pressure at home to get things moving. A recent poll in her state shows 78 percent of voters want an independent counsel; 85 percent want open hearings.

The ethics panel should do both, and the hearings should be televised. What Gingrich said about restoring public trust in 1988 is still true today.

SUPPORT MEDICARE

(Mr. VENTO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VENTO. Mr. Speaker, Medicare is in trouble. It is in trouble all right because the Republicans are in control. The fact is that they do not share the commonsense values in terms of maintaining the commitment to quality health care for older Americans.

Medicare is about to celebrate its 30th anniversary this week. The celebration should be a positive one, but it has a very sour note because the fact of the matter is that the commitment is not there today in 1995 with the Republicans and with the majority in this Congress to support Medicare.

They did not support it when it was initiated. They do not support it today. They are busy looking for excuses to take apart Medicare. The reason for that, of course, is to provide a big tax cut for their wealthy friends.

The fact of the matter is we should be supporting Medicare, not tearing it apart.

Mr. Speaker, it is ironic that as we celebrate the 30th anniversary of the Medicare, drastic cutbacks are being planned for the program.

Before Medicare was enacted 46 percent of seniors had health insurance. Today, because of Medicare, 97 percent of seniors have health insurance. And today, we face a difficult fight in order to preserve a promise that means everything to the security of all Americans.

Republicans are proposing to save the program by cutting $270 billion. Seniors will have to pay an additional $3,400 over the next 7 years in health care costs. Some life saver this new GOP majority. The GOP in effect destroys the Medicare Program to save it. These added costs will be a tremendous burden to seniors trying to make it on a fixed income.

Ironically, these additional costs would not even go to the portion of Medicare which has been projected to become insolvent in 7 years. The reality is that these cuts are meant to pay for $245 billion in tax breaks for the most wealthy Americans.

Instead of sacrificing the health of the seniors of this country to provide a bonus to the wealthiest in America—many of whom don't seek such tax breaks—it is crucial for older Americans and for all Americans that we remain focused on ensuring that Medicare has a bright future and is around for the celebration of its 50th anniversary.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

MEDICARE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Colorado [Mrs. SCHROEDER] is recognized for 5 minutes.

Mrs. SCHROEDER. Mr. Speaker, one of the things that we are facing this weekend is the 30th birthday of Medicare. Many of us have been trying to talk about this issue in quiet voices because we think 30 years old is not old enough for Medicare. We would like to see it survive and survive in a very healthy mode.

One of the things that we found out yesterday was the gentleman who put together the "Harry and Louise" commercials and did everything they could to derail, and did derail, health care reform, was given a lecture that somebody taped, so we were able to hear it yesterday.

The point of the lecture was what to do to scare people about Medicare so they would stampeded, and you could raid that little piggy bank to use it for the tax cuts that the other side wants to use it for. As we watched, almost everything we heard on that tape is coming true today.

What I am trying to say is that on the 30th anniversary of Medicare's birthday, that people should be very mindful of what is going on. There are big, big, big economic interests circling around Medicare that cannot wait to get their little mitts on it.

First of all, there are a lot of people talking about if you really cut it and you try to find a way to downsize this whole thing, the first trick will be to lure the healthy out, to transfer them out into the private sector. That is why I think so many private insurance companies have been willing to fund this group that is going to go out and say "Oh, we have got to change Medicare to save Medicare."

You know what will happen and I know what will happen. They will lure those healthy people out but the minute that they get sick, I will bet you no one will get an insurance policy that guarantees renewal no mater what their health condition. You can lure them out, make money on them, and the minute they get sick, boom, transfer them back over to the Federal Government or cut them off and leave them hanging out there, That is where I think we have to look to see where it is that we are going.

When this lecture was given that we got to hear yesterday, they were saying that the only way you could get people to change the status quo was to scare them, scare them to death, and so we see people waving these reports around that the Medicare trust fund is in trouble. No one will ever stipulate that it has not got some problems. Yes, it has got some problems, and this side of the aisle has been dealing with those problems year after year after year.

The way we deal with them is you look at the number of beneficiaries, you look at the cost of the care, you try to see if there is anything you can do to streamline, get the waste out or whatever, and then any savings you get, you plow it back into that trust fund.

The question I have to those waving this report saying how much trouble Medicare is in, how terrible it is going to be if we do not do something, the question I have for them is then why are they proposing that they should take $270 billion out, not plowing it back in, but taking it out? If it is already in trouble, where is the scenario where just removing the funds is going to make it healthier? I think it only puts it on a faster downhill trend, but I think they are hoping people only hear parts of the message and do not think it all the way through to the end.

As we get ready to celebrate this birthday, and I guess one of the reasons I feel so strongly about this birthday is it is the same birthday as mine, but as we get ready to celebrate this birthday for the 30th anniversary of Medicare, I am saying to people, please listen carefully. Please ask questions about why some companies will put so much money up, to do everything they can to agree to take all this money out of Medicare.

Maybe it is because they think they are going to be enriched if they can get that to happen, that they are going to make some money out of it. I really rather doubt that they are putting all this money up for this big PR effort because they are doing it just in the name of good government or just as a charitable contribution or something they would like to do for older folks. I think we really have to pierce the veil of those kind of entities and find out who is standing behind them and find out if they stand to be enriched if these things transpire.

I think playing with people's trust funds is just too scary. Ther are too many problems and too many people who really distrust the Federal Government to add this to their list of things that make them angry. Most people like Medicare. Let us hope it is still in as good a shape as it is now on its next birthday.

SAVING MEDICARE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington [Mr. METCALF] is recognized for 5 minutes.

Mr. METCALF. Mr. Speaker, this week marks the 30th anniversary of Medicare. Over the past 30 years, this program has provided essential health care coverage to many seniors. Yet today Medicare faces imminent bankruptcy.

President Clinton's own Social Security and Medicare boards of trustees, which include three appointed Cabinet members, issued their annual report this last April. I have a copy right here. In this report, they indicated that the Hospital Insurance Trust Fund will be able to pay benefits for only about 7 more years. By the year 2002, seniors who depend on this program as their primary source of health care will lose coverage unless we act now to protect Medicare.

Let me share the conclusion from this report. This is President Clinton's report, his trustees:

> We strongly recommend that the crisis presented by the financial condition of the Medicare trust funds be urgently addressed on a comprehensive basis, including a review of the program's financing methods, benefit provisions and delivery mechanisms.

I have heard little or nothing from the minority party as to how to fix it. They have criticized the Republicans but they have not offered any specific methods to fix this problem.

We have two options: We can either do nothing and allow Medicare to face bankruptcy or we can strengthen, simplify and save Medicare.

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We must strengthen this program by making it financially sound and safe.

Mr. Speaker, the current growth of Medicare is unsustainable. Instead of continuing to increase spending at 10 or 11 percent each year, we must slow the growth to about 7 percent. Even under this plan, spending for each beneficiary will increase from $4,800 per year to $6,400 by the year 2002.

We must simplify this program and make it easier for seniors to use. We must reduce fraud and abuse in Medicare. We must give seniors the right to choose their own health plan. We must go beyond the scare tactics. If we take immediate action now, we can save Medicare.

Mr. Speaker, this is indeed the 30th birthday of Medicare. We on this side of the aisle say "Happy Birthday" and many more.

TRIBUTE ON THE 50TH ANNIVERSARY OF THE NATIONAL PRESS PHOTOGRAPHERS ASSOCIATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. HORN] is recognized for 5 minutes.

Mr. HORN. Mr. Speaker, for the past half century the members of the National Press Photographers Association have shared memorable, moving, and information images with our Nation and the world. In the process, they have documented the last half of the 20th century with photographs and pictures that have made us smile and others that have wrenched our hearts.

Who can forget the sight of man's first step on the Moon or the jubilance of the United States hockey team's victory over the sport-dominating Soviet Union in the 1930 Olympics; the newly widowed Jacqueline Kennedy holding the hand of a young John F. Kennedy, Jr.; and, especially memorable, the five marines and the Navy corpsman raising the American flag on Iwo Jima?

These images and so many more like them have defined our perceptions of history. They are the press photographers' gifts to all of us.

To provide us with these memories, press photographers have often accepted great physical risks—even the possibility of death—to be the eyes and ears of the American public and the public throughout the world. Their dedication is to be admired.

On the 50th anniversary of the National Press Photographers Association, I join with this Nation in saying, "Thank you for all that you have given us."

In the true spirit of the National Press Photographers Association, members have been working to ensure that we continue to be the recipients of the informative and instructional nature of their work, especially in times of disaster and emergency.

Through their experience, they know of the necessity for a harmonious working relationship between the public safety and the journalistic communities so that accurate, even lifesaving information, can be passed on very quickly to the waiting public. It is through this goal that the National Press Photographers Association created the "National Media Guide for Emergency & Disaster Incidents" which has been just published.

Laws can easily be based on this document, and we will be very carefully looking at them at the national level. I would hope that State legislatures would also look at the guidelines that have been made available for the use of police chiefs, sheriffs, and other law enforcement officers.

They have brought together, with the collaboration of over 100 media and public safety representatives throughout the United States, this National Media Guide, which reflects the best public information procedures from police, fire, and other emergency providers across America. It is a compilation of guidelines developed by highly experienced individuals, which ensure that journalists and public safety officials can work quickly and efficiently to keep the public informed in disaster situations.

I am delighted that Bob Riha, Jr., a photographer for USA Today in the West, who lives in Long Beach, is the cochair of the National Press Photographers Association Police-Fire-Press Relations Committee. He is joined, as cochair, by David Handschuh, staff photographer with the New York Daily News.

By working together, these leaders of the photographers, the media, the public safety representatives can all help benefit and enhance our images and the public information possibilities in the case of emergencies and disasters. This Nation has had many in recent years. Earthquakes, floods, fires, tornadoes, typhoons, you name it, we have had them all. There is a need for such guidelines, when it comes to saving lives and property.

Mr. Chairman, I salute this effort. I congratulate the National Press Photographers Association for its continuing efforts to keep the public informed. Theirs is a community spirit that is enviable and a dedication to duty that is an inspiration. What they have provided for us is a basis for law that will assure that the public's right to know is fulfilled in this land.

Mr. Speaker, I attach a summary of the "National Media Guide" whose ideas should interest Federal and State legislators and those public officials involved in the media coverage of the emergency activities related to a disaster.

NATIONAL MEDIA GUIDE FOR EMERGENCY & DISASTER INCIDENTS

FOREWORD

Throughout the United States, public safety agencies have standard operating procedures to guide operations during emergencies and disasters. Some of these identify policies and procedures to use when news media are at the scene of an incident. Laws and policies will vary agency to agency and jurisdiction to jurisdiction to jurisdiction. Media access laws and procedures used in California or New York, may not be legal or utilized in other states. When media representatives are denied access to an emergency or disaster scene, the flow of information to the public is restricted. During certain emergencies, such as hazardous materials incidents, the flow of information to the public could be a matter of life or death.

In 1994, the National Press Photographers Association (NPPA) appointed photo-journalists Bob Riha, Jr., in Long Beach and David Handschuh in New York as Co-Chairs of NPPA's Police-Fire-Press Relations Committee. Their assignment was to write a guidance document for journalists and public safety officials to use during emergencies. NPPA is a non-profit professional organization of more than 10,000 members worldwide including news photographers, television camera operators, freelance photographers and editors.

OBJECTIVES

The objectives of the National Media Guide are to:

Establish Standard Operating Procedures nationally for media & public safety representatives that respond to emergency and disaster incidents—taking into consideration specific needs both sides have to do their jobs effectively.

Establish media access guidelines and criteria for media access to emergency, investigation and crime scene areas.

Education media representatives & public safety officials on proper media access procedures and address problem areas and give solutions to those problems.

Develop a guidebook which could be used at journalism colleges & universities including public safety training academies to educate 'rookie' journalists & officials on how to work with each other during emergencies.

Develop a guidance document to assist Public Information Officers.

NATIONAL MEDIA GUIDE

The National Media Guide for Emergency & Disaster Incidents is a 90-page document that contains guidelines for media and public safety representatives that respond to emergency & disaster incidents. The guidebook contains guidelines for media representatives, local agencies, state agencies and the Federal Government. It was written with contributions from over 100 media and public safety representatives nationwide. Advisors contacted for this document came from all regions of the United States including: Hawaii, California, Washington, Nevada, New Mexico, Colorado, Minnesota, Texas, Kentucky, Florida, New York, Utah, Iowa, Arizona, Idaho, Montana, Maryland, Indiana and New Hampshire.

TOPICS

The National Media Guide for Emergency & Disaster Incidents contains information on many subjects including:

Media Identification, Barrier Tape Guidelines, Command Post/Media Information Centers, Private Property Considerations, Wildland Fire Incidents, National Transportation Safety Board Incidents, Undercover Incidents, Media and The Military, Federal Emergency Management Agency, Media Vehicle Identification, Media Access Photo Sites, Media Access, Hazardous Materials Incidents, Special Weapons/Tactics Team, Bomb Squad Incidents, Media Aircraft Guidelines, Media Access into Indian Lands, U.S. Department of Justice.

CONCLUSION

The National Media Guide points out that:

Nationally, only California and Ohio have Statutory Laws for media access into emergency & disaster scenes. California has PC409.5(D); Ohio has PC2917.13(B).

Media representatives are identified by possessing a media identification card issued by local law enforcement agency or an identification card issued by the media organization. Authorized media representatives work for bona-fide, news gathering media organizations. Public safety agencies should have a policy of accepting media identification issued from agencies outside their immediate jurisdiction.

Coordination with the media, especially radio and television are essential in informing the public during emergencies and major disasters. Use of media notification sources can assist 1st responders at the scene in dispersing emergency instructions and information in the shortest amount of time.

Training is needed for journalists, public safety representatives and Public Information Officers that respond to emergency and disaster incidents within the United States.

The public has a Right-To-Know and demands information during emergencies.

TRADE DEFICIT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio [Ms. KAPTUR] is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, tonight, in the few minutes allocated, I would like to talk a bit about why our people, the American people, are working harder, but in fact, they are finding that their dollar buys less.

They are working longer hours, more hours; some families 2 and 3 jobs, and yet when they go to pay the bills at the end of the week, or at the end of the month, the dollar just does not stretch as far as it used to stretch. In fact, both Newsweek and Time magazines have had tremendous articles in the last month on wages in America and what is happening to the American family as a result.

Today, Mr. speaker, the Commerce Department announced very disappointing economic statistics for our country: basically, that the economy is stuck dead in the water. There was a story on the front page of the New York Times today which I am going to put in the RECORD that reads in the first paragraph that the economy really had extremely paltry growth in the second quarter, and we, as a country, are stuck at the 50-yard line. We just cannot seem to move forward.

The article also talks about the stagnation of wages and the job insecurity felt by millions and millions of our American families. One wonders why we do not hear more about it here in Washington because this is the reality of what our friends and neighbors are living with every day.

Mr. Speaker, tonight I want to talk a little bit about what I call the "trade drag" on our economy, the trade deficit drag that is really helping to hold down the ability of our people's wages to grow. If we think about the car races we might see at the Indianapolis 500, where they have to slow down and that big parachute comes out the back, and even a car that is going 150, 200 miles an hour stops almost in place. That is how a trade deficit works in terms of the ability of this economy to move forward.

Over the last decade, our Nation has lost over $1 trillion, $1 trillion of economic growth, to other places in the world. We have been amassing gigantic trade deficits, more imports coming in here than our trade deficits, more imports coming in here than our exports going abroad, and that has created pressure on the companies and the workers in our country because of low wages and working conditions.

There is no environmental enforcement in these other places around the world where these goods come from, and all of a sudden we find our workers in competition with the lowest-wage workers in the world in the most undemocratic places we could ever imagine living in.

Let us look at some of the results of that. If we take a look at this year alone, we expect that we will have $184 million more of merchandise coming in here than we are sending off shore through our exports.

This year we will have an increase over last year, when that deficit was $166 billion. When we figure every billion translates into 20,000 lost jobs in this country, all of a sudden we begin to think about things that are happening in our own communities back home and we begin to understand the dynamic of what is happening in 1,000, 2,000, 5,000, 10,000 places across this country where we are essentially exporting abroad our manufacturing productivity and importing goods from low-wage places around the world.

We were told that NAFTA, the agreement with Mexico, would be a good thing for America. I would sure like to see some of the proponents get back on television; we have not heard a word from them lately because, in fact, the numbers are working exactly in reverse.

If we look at the figures of both the United States and Mexico, prior to NAFTA signing we always sent more exports down there than imports were coming in from Mexico. But just in May of this year, we had a $1.6 million deficit with Mexico. That is just in 1 month; that is over 25,000 jobs. We have lost one plant a day to Mexico since NAFTA was signed.

Mr. Speaker, our trade deficit with Mexico this year is expected to reach over $20 billion. That is an exact reversal of the trade figures prior to the signing of NAFTA. In fact, we are also amassing gigantic trade deficits with Canada for the first time. It is projected this year to be over $14 billion. So as a result of NAFTA, this year, the United States-Mexico-Canada combined, we will have over $34 billion trade deficit just with those two countries.

Mr. Speaker, part of the reason for the fiscal drag on the people of this country is that our trade policies are absolutely backward and do not benefit our people here at home.

Mr. Speaker, I submit the following for the RECORD:

[From the New York Times, July 27, 1995]

CLINTON AND THE ECONOMY

(By David E. Sanger)

WASHINGTON, July 27.—On Friday morning, the Commerce Department will issue a figure that until very recently the White House was dreading: an accounting of the economy's paltry growth in the second quarter of the year, a grim statistic that for much of the year looked as if it would be the first step off a steep cliff.

The number will likely be around five-tenths of a percent, a long, long fall from the economy's spectacular performance last year. But now there is a growing consensus among economists and traders that the figure will likely be the year's worst and that a rebound is already under way.

They are basing their optimism on the usual hodgepodge mix of home sales, the pace of exports, inventory levels and other straws in the economic wind that recently suggest that the worst is probably over. At the White House, officials are already declaring that the much talked-about "soft landing" has arrived.

The second-quarter figure is coming out at a time that the second quarter seems no longer relevant," Treasury Secretary Robert E. Rubin, who has predicted publicly for several months that the rebound would start in the second half of the year, said today. "The question now is how strongly do we resume growth."

The political import of all this is lost on no one in Washington: It has been more than 40 years since a Democratic incumbent ran for the Presidency with the economy seemingly strong, inflation under control and unemployment off the front page. Against all the speculation just a few months ago, Bill Clinton now looks as though he may break the spell.

What that means in concrete political terms—the first primary is still seven months away—is anyone's guess. Even if the economy does bounce back in the coming months, it is far from clear that there will be corresponding political gains for Mr. Clinton.

Growth was strong and inflation was low last November, and the result was a Republican seizure of both the House and the Senate. In the postwar era, growth had to average more than 4.6 percent in the year leading up to an election for a Presidential incumbent to be re-elected.

And the stagnation of wages and the job insecurity felt by millions of Americans remain a major economic problem, and an even bigger political one, a point Mr. Rubin and other Administration officials acknowledge.

But an economy in downturn as the primaries approach seemed probable just a few months ago, and Mr. Clinton's economic advisers are delighting in the fact that the business cycle seems unlikely to give the Republicans any fresh ammunition.

"This gives tremendous momentum to the Clinton re-election candidacy," Secretary of Commerce Ronald H. Brown, the former chairman of the Democratic National Committee who until a few months ago was considered a likely candidate to run the campaign, said in his office today. "We ought to take the quotes from all those guys on the Hill who were predicting doom and gloom and throw them back in their faces."

The Republicans, of course, will retort that the man who brought about the soft landing was not Bill Clinton but one of their own: Alan Greenspan, chairman of the Federal Reserve. Last year he was regularly portrayed by the White House as the lurking force of evil in the economy, raising interest rates last year to head off inflation.

On several occasions the White House forgot its stated policy of never arguing in public with the Federal Reserve, carping about its approach and saying that it would cost jobs and growth. More than a few times Mr. Rubin had to call his colleagues in the Cabinet and ask them, politely, to shut up.

Now, after a considerable amount of revisionist thinking, Mr. Greenspan has become something of an economic hero in the White House. The interest-rate increases are now viewed in a kinder light, in part because they choked off inflation but especially because rates began to come down again last month.

Suddenly the most likely successor to Alan Greenspan, whose term runs out next March, is Alan Greenspan. (The reality is that probably no one else could get confirmed: The Republican leaders of the Senate would probably hold up the nomination of any other candidate until after the next election.)

Certainly not all the news has been good, and anyone wanting to construct a pessimistic outline for the months ahead has plenty to work with. In May, personal income declined slightly, the first fall since January 1994. In June, a leading index of manufacturing purchases declined for the second consecutive month, after nearly two years of growth. Car sales plunged alarmingly in the spring, leaving the chief executives of the Big Three shaken. Mortgage applications are down, even though interest rates have dropped nearly two points in eight months. the savings rate continues to fall.

Some economists maintain that any good news is simply a delay of the inevitable. "If the economy survives 1995 without a recession, next year will offer no respite from hazards," the Jerome Levy Economics Institute at Bard College wrote last week in one of the blitz of newsletter analyses that has preceded Friday's report on gross domestic product. "The probability of a recession beginning either this year or next is 60 percent."

If so, Mr. Clinton could find himself in exactly the condition he managed to exploit brilliantly against George Bush.

But inflation seems increasingly unlikely to be an issue as the election approaches; it is not only down in this country but around the world. The job market has remained surprisingly strong, an impression bolstered today when the Government announced a large decline in claims for unemployment benefits. Retail sales are up, though much of that comes from huge promotions that car makers are using after they were caught by surprise by slow sales early in the year.

There are three major issues that seem to bother the Administration's top official when they talk about the economy: What will happen to personal income, whether a showdown with the Republicans over the budget sends the markets into a tailspin and what happens if the country's export boom suddenly dries up.

All the economic indicators in the country can turn up, but if income stays stagnant, Mr. Clinton's advisers agree, he will be unable to convince voters that much has changed, "It's the problem the President works on the most," Mr. Rubin said today, referring to proposals in his budget for training and education. "Because median real wages have not behaved well, too many Americans can't feel in their own lives what has happened in the economy."

The second concern is that the battle over the budget will bring the Government to a standstill in October, with all kinds of hard-to-predict economic fallout. "We've had the Government close for a day or two in the past; but what we are worried about is something much longer and worse," a top Administration official said recently. "And it is unclear who would be blamed for that, Bill Clinton or Newt Gingrich."

And the third concern is that the hidden miracle of the economy—exports—will finally cool off. Just how much exports are rising is a matter of how you measure, but the trend is pointing to a 15 percent increase over last year, fueled by the weak dollar. That is a remarkable achievement at any time, but particularly when the country's No. 2 and No. 3 trading partners, Japan and Mexico, are in the most dire economic trouble they have suffered in years.

Whether the country's economic growth can be sustained even if the domestic economy slows further, then, depends in large part on keeping up a huge flow of goods to Europe and Southeast Asia. And that means depending on economies over which Mr. Clinton has virtually no control.

"What no one has noticed in the past year or so is that now fully 50 percent of our exports go to the Pacific Basin," said Mickey Kantor, the United States trade representative and another potential candidate to run Mr. Clinton's compaign. "That is why we have such a critical interest in continuing the market openings there and building those relationships."

But Asia is also where the United States has its biggest trade deficits, and they, too, have widened over the year. That could be the wedge the Republicans turn to first.

REFLECTIONS ON THE DEDICATION OF THE KOREAN WAR MEMORIAL

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from California [Mr. KIM] is recognized for 60 minutes as the designee of the majority leader.

Mr. KIM. Mr. Speaker, yesterday afternoon I joined with Presidents Clinton and Kim Yong-sam of Korea as well as with hundreds of thousands of Korean war veterans, their familes and friends in dedicating the Korean War Memorial on The Great Mall in Washington, DC.

For me, this was a most emotionally moving experience. At the time of the Korean War, I was a young boy in Seoul, Korea, trying to survive the horrors of the war. Now, 42 years later at the dedication of the memorial, I am a U.S. Congressman from California. This seems so unreal, so unbelievable.

But, as I stood there looking at the memorial, yesterday, I know this is real because this is America and only in America can such incredible things happen. Perhaps it was Washington's notoriously hot and humid weather that made me feel faint during the ceremony—but I think it could have been 10 below zero and I still would have felt overcome with pride and joy.

The Korean war is often called the forgotten war. While those of us who lived through it will never forget, I think I see why so many others have.

You see, Mr. Speaker, it is because we were successful in Korea. It was indeed a true successful story. That why it was almost forgotten. On June 25, 1950, North Korea launched its surprise attack and by August had pushed American and South Korean troops into a small pocket surrounding the southern-most port of Pusan.

But, rather than give up, the United States made a bold landing and counter-attack at Inchon that same September, thereby defeating any chance of Communist victory.

This was a victory for liberty over tyranny. Many people have forgotten that the rescue of Korea was not just an American and South Korean operation.

Twenty-seven nations, under the blue flag of the United Nations, fought to defend the U.N.'s charter principles of freedom and self-determination for Korea. And they were successful.

Just across the reflecting pool from the Korean War Memorial is the Vietnam War Memorial. While the Korean war may be the forgotten war, we still anguish over the conflict in Vietnam.

It is true that over 10 years of fighting in Southeast Asia resulted in 55,000 American deaths and 2,000 still missing in action. I give the highest honor to these sacrifices.

But it is also true that in just 3 years of vicious combat, 54,000 Americans died in Korea and over 8,000 remain missing.

Why the concentration on Vietnam at the expense of Korea? Just as many gave the ultimate sacrifice in Korea. Is it because we won in Korea?

Is is because those who protested against our brave troops in the 1960's and 1970's now feel guilty about their actions and fear that acknowledging our victory in Korea will weaken their arguments against our involvement in Vietnam?

I don't know. But, I do know that international freedom and liberty did win in Korea. And, it is past time that this victory be fully recognized.

The ultimate sacrifices made by these brave Americans and others during the Korean war were not made in vain. While the war in Korea may have left the entire peninsula looking like a wasteland back in 1953, look at how the southern half—with American help and protection—rebuilt into a strong, vibrant free-market democracy.

As President Kim said in this very Chamber just 2 days ago, "This is the story of the Republic of Korea, a country which began with nothing but bare hands and courage and managed to achieve democratization and industrialization in a short period of time, a country now proudly marching out toward the world and into the future."

Today, South Korea continues to pay back that help to the United States. South Korea is America's sixth largest trading partner with bilateral trade exceeding $40 billion this year alone—and the balance is tilted in favor of the United States as America has a trade surplus with Korea.

Now, compare the prosperity and success of South Korea with the misery and poverty in Communist North Korea. Despite all the Marxist propaganda claiming North Korea to be a people paradise, in reality it is a land where only two meals a day are eaten because there is not enough food for three. Despite a 40-year program for self-sufficiency, the North must accept rice from its self-described enemy, the South. There is no freedom in the North as "big brother" watches every move every person makes.

Economically, politically and morally, the North is bankrupt. Only through tyranny and massive military mobilization are the Communists in the North able to stay in power. The differences between the North and South are very well defined.

Yes, Mr. Speaker, we—the forces of freedom—did win the Korean war and we're winning the peace, too, with our policy of peace through strength on the peninsula.

Near the apex of the Korean War Memorial, across from the American flag, is the inscription "Freedom Is Not Free". That simple, four word phrase is so very meaningful.

Clearly, from looking around the memorial and reflecting on the sacrifices it represents, we can appreciate this phrase in the political-military context. But, the phrase "Freedom Is Not Free" has another everyday meaning, too.

Let me tell you a true story about a little boy named Jay Kim. The year was 1950 and Seoul, the capital of Korea, had been overrun and occupied by the Communists. Life was dangerous and miserable.

Because my family was educated, we were branded "enemies of the people". Most of our possessions were confiscated and my father was forced to go into hiding.

Others, like my adopted brother, were hunted down, lined up against the wall and executed.

They made the younger boys, including me, watch. I was so scared but I'll never forget the way he looked at me and gave me a brave, little smile, and then they shot him.

I was left to care for my mother—always wondering would the next bullet be for us?

Then came the liberation of Seoul. In retreat, the Communists tried to destroy everything. They lit our houses on fire and threatened to kill anyone who tried to extinguish the flames. We took the risk and tried to save what little we had.

As I was rushing back and forth carrying things from the burning house, I heard people shouting that the Marines were coming. I was so overjoyed I dropped everything and ran into the street, despite the gunfire.

There were tears in my eyes and I screaming with excitement that these brave soldiers had come to save our lives.

One of the marines—he seemed so big—smiled and gave me some spearmint chewing gum. Communist sniper fire rang out and the marine sheltered me from the danger. I can still smell his sweat and feel the press of his hand keeping me down out of the line of fire.

With the sniper neutralized, the marine smiled and moved on to save some other poor little soul like me. I watched him until he left my sight—this angel in a marine uniform who had come to deliver me from the hell we were in.

I knew from that very day, that I wanted to be an American. America represented so much hope, opportunity, freedom, and goodness.

Who else but Americans would come thousands of miles from their homes and risk their lives to save some nameless little boy like me?

After serving in the Korean Army, I was one of the lucky 1 in 1,000 to be able to come to the United States. I had very little money and spoke no English.

But, I had determination. Spirit was the one thing the Communists could not take away from us and I was not going to miss the incredible opportunities America presented.

I worked hard—very hard. A day only has 24 hours, but mine seemed to have 30. I went to college and worked at the same time. My wife, who joined me a year after I came to California, did the same and we started a family. I was a janitor, cleaned up after a supermarket butcher, and washed dishes. I took any job I could find to feed my family.

I didn't know about any Government assistance programs then.

And, even if I had, I wouldn't be qualified for such Government subsidy program anyway. Times were tough, but they were nothing like the war. I knew that in America hard work would pay off. It did—and it still does today. Hard work always pays in America. Through hard work and determination I came from the ashes of Seoul to the United States Congress. Only in America can this happen.

But, as the inscription on the memorial reminds us, "Freedom is Not Free." Earlier today in this very Chamber, I listened to a lot of heated debate about the role of the Federal Government in housing. A few weeks ago it was welfare.

Big government, mandating all kinds of expensive one-size-fits-all programs reduces freedom of opportunity. It makes the American dream subject to Government regulations and bureaucratic delays.

Rather than depend on the Government, people must be responsible for their own lives. Those who work hard and take advantage of the opportunities in this country will succeed.

Rather than look for a free ride, they should be working hard to restore their pride.

Freedom from want, freedom from poverty, and freedom from illiteracy cannot be achieved through endless, free Government handouts. I know from personal experience that it is tough being poor. I hated being poor.

But, instead of blaming someone else and demanding more Government handouts, I worked hard, determined to achieve success.

Yes, I had some lousy jobs I did not like. The hours were long and the pay was poor. But, I labored hard and got an education and started my own business. I was able to buy a nice house and pay back my country by serving the public in Congress.

I did not ask for a free handout to achieve this. I only asked for the freedom to pursue the great opportunities this country provides. The rest was up to me.

That's what the American spirit is all about. That's what is reflected, so very clearly by the Korean War Memorial. Unselfish sacrifice, teamwork, pride, and courage. Mr. Speaker, I strongly urge all of my colleagues and the American public to take the time to visit this new memorial. It is a most moving and rewarding experience.

It reminds us of why America truly is the greatest country on Earth. I'm so proud I'm American.

□ 1545

SIEZE THE OPPORTUNITY: CONTINUE B-2 BOMBER PRODUCTION

The SPEAKER pro tempore (Mr. FOX of Pennsylvania). Under the Speaker's announced policy of May 12, 1995, the gentleman from Washington [Mr. DICKS] is recognized for 60 minutes as the designee of the minority leader.

Mr. DICKS. Mr. Speaker, tonight I rise to address my colleagues and the American people on what I consider to be the most important defense decision that will be made by this Congress in this decade. This summer, the Congress will case a deciding vote on one of our most critical issues facing the future of our Nation's defense capability. What is at stake is nothing less than the future of the Nation's only bomber industrial base and our ability to not only fight and win two major regional conflicts, as our current war fighting plans require, call for, but to deter such conflicts from arising in the first place.

During the time of diminished resources and diminished threats, we are confronting the temptation to abandon efforts at maintaining our technological superiority. In the case of the B-2 Stealth bomber, seven former defense secretaries have issued a strong warning that such a move would risk one of the key factors that will allow us to meet future defense requirements. This is a warning that the President and Congress should not ignore, in my judgment.

I have long been convinced, as have many in Congress, that the wise move at this time would be to harness the giant technological advances represented by the B-2's design and its capabilities in order to meet the new and difficult conventional power projection requirements. The wisdom lies not only in retaining the newest and least vulnerable of all the weapons we have already paid for, but also in the economic reality of defense downsizing.

When you have fewer and fewer weapons and forces, there must be an even greater premium on technological superiority. Herein lies the essential reasoning for last year's congressionally led effort to build at least an additional 20 Stealth bombers, a force consistent with recommendations of several comprehensive defense studies, one done by Rand in Los Angeles, and on bomber requirements and with the recommendations of the seven Defense Secretaries made to President Clinton in January.

Simply put, 20 B-2's do not represent enough bomber capability to meet our Nation's future needs, even when supplemented by B-52's and B-1's. In conventional war, time plays the central role in guiding choices and measuring success. The significance of this maxim is magnified by the single most intriguing "what if" question of the Persian Gulf war: What if Saddam Hussein had not stopped at the Kuwaiti border and quickly proceeded into Saudi Arabia and elsewhere at a time when the United States and Allied forces in the region were minimal? Though we remember clearly the great victory of 500,000 allied troops over Saddam's Republican Guard, we should remember that we had nearly 6 months with which to ship troops and materiel into the gulf.

If Saddam's military advance had been immediate through Kuwait into Saudi Arabia, there is no doubt the cost both in terms of dollars expended and lives lost would have been much more severe on all of the allied nations, including the United States, in order to expel him. We cannot base our military capabilities on the assumption that we will have a long period to build up forces and unimpeded access to in-theater basing.

We were very fortunate in the gulf that the Saudi Arabian people had airbases, had port facilities. But if that had not been the case, we would have been faced with a much more daunting challenge.

If the B-2 currently in production could have been deployed to the Persian Gulf, as Saddam Hussein was threatening to invade Kuwait, I believe the Iraqi dictator would have had a much more difficult decision to make before crossing the border into Kuwait. With a fully equipped fleet of Stealth bombers, the President could have launched a strike force of B-52's from either Whiteman Air Force Base or Diego Garcia, and with one aerial refueling they could have engaged Saddam's prized Republican Guard.

In a Rand study, a simulation was conducted utilizing B-2's against one of Saddam's advancing armored divisions, consisting of approximately 750 combat vehicles.

□ 1600

The B-2's, armed with sensor-fused weapons known as skeet conventional munitions; they are currently in production and now coming into the inventory; managed to destroy 46 percent of those 750 combat vehicles, not only halting the armored division's advance, but inflicting so much damage that the division could not be reconstituted, and the people at Rand, I asked them had there ever been any other combination of conventional weapons that could stop a mobile division in the field, and their answer was, "Congressman, there is no other combination of conventional weapons that could have stopped a moving division."

Extending the Persian Gulf scenario, which is clearly the type of conflict most representative of our national security challenges in the years ahead, we should look at how we would repel the invading Iraqi forces if Saddam had not given us a 5-month head start. We know the advantage of Stealth fighters, the F-117's with smart weapons, gave us when the allied attack actually began, but without the long-range Stealth-bomber capability in the early August days of the Iraqi advance, what assets would we have used?

The answer is an expensive one, and this is the one that this administration is proposing to the Congress and one that I think is very, very foolish. With the existing fleet of bombers, primarily B-52's that are now as old as their pilots' fathers, expensive standoff weapons would have been used capable only of hitting a fixed target rather than being able to engage moving divisions. Each of these cruise missiles would have cost 1.2 million, and usually an airplane would carry somewhere between 12 and 16 of them, and the cost of the conventional munitions such as the ones that would be on the B-2, which could penetrate against fixed targets, are about $20,000, and the cost of the skeet munitions, which I mentioned earlier, are about one-fourth the cost of a load of these expensive standoff cruise missiles, and remember that those skeet munitions, these are little pucklike weapons with a parachute. They come down over the battlefield, hit the tanks, the Bradleys, all the vehicles as they come into the country. Those would cost about a fourth versus the load of cruise missiles, but of course the cruise missiles do not have any capability against a mobile target, and the two most important things were the advancing division and actually the movement of Scud missiles. We were unable to detect those Scud missiles during the gulf war, and find them and destroy them. The B-2, or the Block 30 upgrade, would give us a new capability with better intelligence to find those Scud missiles, and if those Scud missiles had had chemical, or biological, or nuclear weapons, the outcome of the war in the gulf could have been vastly different.

Now where B-2's are stealthy, survivable, and able to operate autonomously, nonstealth-bomber aircraft require significant protection including air escorts, fighters, and electronic jammers, and that is why I put this chart down here to show you the value of stealth.

On the far side is a package of airplanes. I think it is about 76 aircraft that would use nothing but dumb bombs. Then you have a package of airplanes using precision weapons, and then you got to the stealthy F-117's, and the major difference is that these nonstealthy aircraft were unable to go into the most heavily defended areas. They were forced to come back out, as General Horner has testified, and then, before we had gained total air superiority in the gulf, we used the F-117's, and eight of them were able to be used to go in and knock out these surface-to-air missiles and do it in a very timely way, and what happened also was that our pilots in these stealthy airplanes survived. They were not shot down even though they were going in against the most heavily defended areas.

And the comparison is, and here they have two B-2's because the Air Force never sends just one airplane, it always has two, but one B-2 is equivalent to these airplanes and to all of these stealthy aircraft—I mean nonstealthy aircraft in terms of their capability to attack these targets, and remember the standard package on the far right. All those 76 planes were turned back. They could not get the job done. So stealth worked, we saved money, because we were able to use less-expensive weapons. They did not use the standoff weapons, and we were able to have all of our pilots survive. That is the value of this revolutionary technology.

Now the saving comes not only in dollars, but in lives, and both, as I mentioned, are significant. In dollars we reduce the cost of weapons alone in the gulf scenario from approximately $2.24 billion per day for the expensive standoff weapons to about $300 million per day by utilizing the radar-evading capabilities of the stealth, and 1 week's savings during such a conflict could pay for nearly 20 additional B-2's. Even more important is the lifesaving ability of utilizing a much smaller attacking force of aircraft that can operate undetected in hostile airspace. The B-2 can provide us with conventional deterrence, but if deterrence fails, it can help us win wars more quickly and with fewer losses.

Mr. Speaker, I yield to my distinguished colleague, the chairman of the Subcommittee on Procurement of the Committee on National Security, and one of the real experts on defense and national security matters in the House. I yield to the gentleman from San Diego.

Mr. HUNTER. Mr. Speaker, I thank the gentleman for that tribute, and let me just say that he has been a real expert in the area of national security as one of the leaders in the Committee on Appropriations in the Defense Subcommittee, and he made a really important point, Mr. DICKS, and that is the point that you can deter wars by having lots of air power early in the war, and all of the studies, even the studies in which conclusions were drawn adverse to B-2's by the political elements in the administration, said that bombers can stop armor, and that means that when Saddam Hussein or others who have a desire to take territory that does not belong to them fire up their tanks and put them in third gear, the only way you can stop that armor quickly is with heavy bomber attacks. You cannot sail that carrier task force into that place where you can make those short, 200- or 150-mile sorties off the carrier deck. You cannot airlift and sealift all your troops over in a very short period of time. The one thing you know you can do without permission from anybody in the world is take your bombers off from the United States of America, maybe relay them at the Deigo Garcia, or maybe, if you have another friendly airstrip around the world, and we have fewer of them now than we had a few years ago, you could take those bombers, and you can stop that armor attack, and having the ability to do that is a very, very important thing.

Mr. DICKS. Mr. Speaker, we have never had that kind of capability before because the B-52's and the B-1's only drop dumb bombs. They do not have the capability to drop smart conventional weapons.

Now we hope to do that someday in the future on the B-1. I support that.

Also, the gentleman, another important point to think about here is if that division is moving, it is going to have air defense capabilities. Russian air defenses have proliferated all over the world, and so, if you came in with the B-52, or the B-1's, or any other nonstealthy airplane, they would be shot down.

Mr. HUNTER. If the gentleman would continue to yield, the gentleman has really made the key point for those who appreciate stealth. We developed stealth because we lost 2,200 aircraft in Vietnam. We discovered that Russian-made SAM missiles were so effective that they could be taken to any Third World nation, at that point Vietnam, along with a short training course, and in a short period of time surface-to-air missiles could be effectively operating against the best conventional aircraft that we had.

Now that lesson was driven home to us a few weeks ago in Bosnia when our F-16 pilot strayed over an area that had an old Russian SAM missile that we overlooked, and that SAM missile went up and got that F-16 at over 20,000 feet. We decided to develop stealth because we were losing pilots at an enormous rate, our pilots are important to us, our aircraft are important to us, and, you know, probably the development of radar is considered to be probably the most important military invention of this century. Will the ability to evade radar—to be invisible to radar is probably the second most important military invention of this century, and we are threatening to throw away that enormous discovery if we stop the B-2 line.

Mr. DICKS. And the gentleman is so correct. Think about our history in World War II. If the Germans had had a stealthy bomber force, they would have potentially defeated England. I mean it was the fact that those planes were not stealthy and radar was able to detect them that allowed during the Battle of London, you know, for their fighters in those days and their air defense system to function. I mean a stealthy airplane in those days could have been devastating to the effort in World War II.

And also one other thing about this. We went through this whole thing about the vulnerability of battleships, and, what was it, Billy Mitchell finally flew over and dropped down a bag of flour on the battleship, and all of a sudden the battleship admirals had to admit that they were vulnerable to air attack. It is the same mind set here. These nonstealthy airplanes are vulnerable to being shot down, and that means, as you suggested with Captain O'Grady, that we are going to lose those lives, and that is why the revolution of stealth is so important. You can go into those heavily defended targets, knock out the surface-air-missiles, gain air superiority, and then you can use your nonstealthy equipment.

Mr. HUNTER. OK, the gentleman has hit a very important point to every American, and that is called bring the crews back, bring your aircrews back. If you take that group of 75 aircraft, conventional aircraft, that are required to do the same job at the same 16 named points as one B-2 can hit, can cover, and two B-2's if you want to do it redundantly, that flotilla of conventional aircraft carriers about 147 crewmen.

Mr. DICKS. That is right.

Mr. HUNTER. So you have 147 crewmen at risk to hit the same targets where, if you use one B-2, you have two crewmen at risk, and, if you use two B-2's, you have four crewmen at risk, and the second point the gentleman made is really, really important when you went back to World War II.

You know we were developing a nuclear weapon. Well, Adolf Hitler was developing a nuclear weapon, and we beat him to the punch, and they were very close to having their heavy-water experiments successfully converted at the time when we really closed in on the Third Reich. Similarly, the Nazis were building jet engines, and they were developing jet aircraft. The last aircraft, I believe it was the last one, that Chuck Yeager shot down with a propeller-driven aircraft was a German Jet. But we had a President, Franklin Delano Roosevelt, and I say this as a Republican. He was a Democrat President who every time his inventors and his scientists came to him and said, "Mr. President, we have something that will make this country stronger militarily," he would say, "Do it, because the lives and safety of our people depend on it. Don't ever reject technology. You can't turn the clock back because the other guy is not turning the clock back."

If we reject this stealth technology that would bring back our pilots alive, this will be the first time in this century where we as Congress have told our pilots and their families, "You know we could have protected you. We could have kept you safe from that SAM missile, but we didn't do it because we thought it was too expensive."

Mr. DICKS. It is because we cannot make any decisions about roles and missions, and it is not just this administration that has failed to be able to sort things out. The Bush administration with Cheney and Powell failed, as have Perry and Shalikashvili failed, to address the value of this and make room for this in the defense budget. In my judgment it is a disgrace to our country that, if we say that we are going to use B-52's after the year 2000 that are going to be 50 to 60 years old, have a huge radar cross-section, and they are going to get shot down. I mean I do not know how we explain to these kids that we are going to go put them in harm's way when we have got a better way to go, and it is not that expensive.

And the other thing that just bothers me so much in this whole thing is that the B-1B's, and I supported them, I did not like them at first, I thought the B-2's were better, but the B-1B's cannot penetrate either without being shot down because they are not stealthy, so we are going to wind up with a bomber force after the year 2000 where we have the B-52's that cannot penetrate, the B-1B's that cannot penetrate, and we are only going to have 20 stealth bombers, and the gentleman knows so well all the respected studies have said, Rand has said, Jasper, Welsh, and Colin Powell told me at the White House a few months ago that he recommended 50 to Cheney, that what we need to have a capable bomber force for future challenges is somewhere between 40 and 60 bombers, and the gentleman has been in the Congress for many years and has risen to a point of major authority. Can you ever remember in modern history seven Secretaries of Defense writing a President and saying, "Please don't stop this program?" I mean, if that is not a repudiation of the Defense Department and its inability to sort our priorities, I do not know what is.

□ 1615

Mr. DICKS. Those seven Secretaries of Defense, including Harold Brown, whom the current Secretary of Defense worked for, they have said that this is such an important issue that we should continue the production of this and get enough of it now.

The other problem with this, if we do not do it now, and come back to it in 5 years, it will cost 6 to 10 billion just to reopen the line. We will have wasted all the money we have invested in this and then we will not get any airplanes. Now we can get them for 15.3 for another 20 airplanes. To not do it at this juncture is, I think, the most serious mistake we will have made in the two decades I have been involved in defense policy on Capitol Hill.

Mr. HUNTER. Would the gentleman yield?

Mr. DICKS. I yield to my distinguished friend.

Mr. HUNTER. The gentleman has made a great point. Seven former Secretaries of Defense wrote this President in a very, very serious vein and said do not stop this program. The President has decided to ignore them. Recently, Dick Cheney sent out a second letter that was distributed to Members of the House, and I think all of us, you and I especially, who are good friends of Dick and remember being with him, and it was a joy to serve with him on the House floor, remember his wisdom in many, many areas of defense. He is strongly for this bomber.

One reason he is for it is Dick Cheney was a realist. He was a man who did not say a lot. I can remember him making very few speeches on the House floor, but one thing he said stuck in my mind. He said, "There will be another war, and we cannot control that. We can control whether we are prepared for it or not."

When the gentleman said, How can we make such a dumb mistake as to cut down our bomber force down to such a low level? I will tell the gentleman how it came about that we came up with this dumb idea, and now that General Lowe is a civilian and not controlled by President Clinton, he says it every day, and he wrote a letter to us even while he was in the uniform saying you would take enormous risks. We had an administration looking at this little bitty bomber force, smaller than it has ever been in our modern history and saying, How can we stretch this thing between two wars?

America has to be ready for two wars because if we get engaged in the Middle East, we cannot presume that our adversaries in North Korea, for example, are not going to jump in the fray knowing that we are occupied and tied up in one place. We have to be prepared to handle two wars at the same time, and the Clinton administration was faced with this. How do you stretch this small bomber force between two wars?

I understand some staff guy came up and said, I tell you what we will do, and it was probably a guy with no military experience, and he said, we will just swing the bombers back and forth between the wars.

Now, you ask General Lowe, what if you swing the bombers out of one war theater, let us say Korea to go to the Middle East, because you desperately need them in the Middle East, and your adversary, who sees them going and leaving decides to mount a heavy armor attack. I asked General Lowe what would happen. He said, "You could take big casualties." Big casualties mean American men and women, soft bodies, coming home in body bags.

There may be a time in our history when somebody looks back to say, who made this crazy idea that you could swing bomber forces back and forth between wars with no problems, and they will point to some staff guy who stood up at a meeting with the way to save money, and who probably had no military experience. I know no uniformed people who will say that that is a smart idea.

Mr. DICKS. The other problem is, those bombers, those B–52's, which we will have 66 of, and the 90-plus B–1B's, they cannot go into those heavily defended targets because they will get shot down. They have extraordinarily limited capability.

The other problem we have is that today, off of our aircraft carriers, we do not have a stealthy airplane. That means that those attack aircraft, the F–18's, have only a limited capability to go to the deep targets early in a war situation. Now we are reduced to only having 50 F–117's, and, literally, only 16 of the 21 B–2's would ever be available at any one time. Then we are going to chop off our stealth capability. Now, that is the biggest mistake that has been made, and I want to just even the score up here, that decision was made during the previous administration, and, as Cheney has pointed out, it was a political reality that Chairman Aspin at that time kind of put forward.

It was a political reality. We did the best we could in the circumstances. Now, however, with a new Congress, and a Congress that is putting more money into defense, we have an opportunity to take some of that additional money and invest it in keeping alive this stealth technology.

This is enormous value. We are buying something that will save American lives. We are buying something that will get the job done. If we had 60 bombers of these B–2's, and put 20 at Diego Garcia, 20 at Guam, and 20 at Whiteman Air Force Base, and loaded them up with smart conventional submunitions, like the centrifuge weapon where we had this division killing capability, I think you would deter North Korea, Iran, and Iraq.

Think about this. If Saddam had known, and if we had demonstrated that we had this capability and Saddam had known it, and let us say he might have been deterred, first of all, but let us say he was not and he came in, and we flew the B–2's in over that moving division, and, with those smart submunitions, destroyed that division. Do you know what it cost us to go out there and fight that war and move all that equipment from Europe and America out there? That cost $10 billion just to get the equipment out there, and then we had to spend $60 billion with our allies to win the war.

We have in our own potential the capability of possessing something that could have stopped it from happening in the first place so that not one single American life would have been lost. None of our kids would have come home with these chemical diseases and other problems that they have had because we had something that we could have used that would have gotten the job done.

In my whole career in Congress, I have never been more disappointed in any decision. It is a shame. It is an absolute shame that this is on the verge of happening. I just hope that the gentleman from California, and I and our colleagues, when they search out the truth here, will listen to the seven former Secretaries of Defense, listen to General Horner, who conducted the air war in the gulf, who said if he had had the B–2 he would have used it, because in the first couple days of the war, the F–117's flew 2.5 percent of the sorties but knocked out 32 percent of the targets.

Stealth works and it makes it possible for our kids to survive. And we proved it. It is proven.

Mr. HUNTER. If the gentleman would yield on that point, and I think it is important that our colleagues understand this, that when you go in, as we did in Desert Storm, and you have that package of conventional aircraft there, one of the first packages that we sent in to cover a number of targets in Desert Storm was a package of some 38 aircraft.

Now, we sent in 38 aircraft, and I think half of the aircraft, four of the aircraft that actually dropped the bombs on the enemy targets, were A–6 aircraft, and the other four aircraft were British Tornadoes. So you had four bomb dropping aircraft. Then, to accompany all those aircraft and support them, you had 30 support aircraft. The 30 support aircraft did all kinds of stuff.

Some of the support aircraft had to jamb enemy radar so they could not put SAM's on them. There were other support aircraft to suppress the SAM's themselves, to destroy surface to air missile sites. Then we had other aircraft there to engage enemy aircraft, so that if the enemy painted you with their radar and sent up interceptors, you could hold off the interceptors.

We had to send out 38 planes just to get 8 planes that would actually drop bombs on the target. Now, when you send in your stealth aircraft, you do not send any of these support aircraft in with them. In fact, if you sent in a support aircraft with them that was conventional, that did not have stealth, the enemy aircraft would paint the escort plane.

We found out that we actually knocked out targets on a 36-to-1 ratio, stealth aircraft over conventional aircraft. And I would tell the gentleman that Mr. KASICH admits that, who is a good friend of both of ours and is a proponent of this amendment to kill B–2. He says, Do not worry about that, because we have all those conventional aircraft, so we can send in the groups of 38 and 40 and 50. I have news for our friend. We have cut down the Air Force now in the last 3 years from 24 air wing equivalents to 13. We have cut the conventional Air Force almost in half.

When Mr. KASICH reaches out for all those support aircraft, all those EA–6B's and all those A–6 aircraft, and all the tankers and all the other aircraft that he says we can afford to risk, they have been sent to the bone yard. We will have to go out to Arizona, pull them out of the bone yard, fire them up or get them back from military sales because they are gone.

Mr. DICKS. The gentleman is so correct.

I want to talk to my colleague a little bit about the money involved in this. Before my good friend got here I mentioned the fact that there is a great difference in the cost of the weapons. The administration says we will use standoff weapons, cruise missiles. Those standoff cruise missiles cost $1.2 million per missile. The cost of the bombs on the B–2—they are JDAMS, as the weapon of choice—cost $20,000. So 20 times 16 is, what, $320,000. That is one-fourth the cost of one missile.

There is an enormous difference because they can fly in over the targets and drop those 16 bombs. Now, the cost of the centrifuge weapon—and I will explain this, too. This is a new revolutionary conventional submunition. A B–2 would carry 36 of these bombs. Each bomb has 40 bomblets. So you are talking about 1,400 little bomblets from each plane. They are like a skeet and on the top of it you have a little parachute and you come in over the moving division. This thing will cover like 2,100 yards by 9 miles deep, and a moving division, you fly in and drop these things down. It hits the tanks and the vehicles and according to the Rand study it will knock out 46 percent of the mechanized vehicles.

So it is a much less expensive weapon than what we will have to use. The ones coming off the B–52 and the B–1's can only go to a fixed target. They have no capability against a mobile division moving in the field. The B–2 gives you the ability to attack the mobile division coming in and also to go into the heavily defended areas with 16 2,000-pound bombs.

Remember the gulf war the first day. It was the F–15 Eagle or the F–117 that dropped one of those 2,000-pound bombs right down the elevator shaft of the opposing air commander's building. This is a revolution that is going on out here.

I know what my friend and colleague and I are worried about is that here America will turn its back on the technology that gives it the advantage for the future and we are not going to buy enough of it when the line is open out in California to have a credible bomber force for the future. We can save money during this. We can use the B–2's and use much less expensive weapons than the standoff cruise missiles that are much more expensive and not nearly as effective. I would yield to my colleague if he wants to comment on that.

Mr. HUNTER. I thank the gentleman for making that point, because you have made the precise point about one of the biggest threats that we have, and that is in the post-cold-war world discovering one day that somebody like a Saddam Hussein has fired up his armor forces, his tanks, and is moving across an international line. It is very, very difficult to stop him quickly.

Now, Saddam Hussein, as Colin Powell said, was a character right out of central casting. He let us build up other forces to the point where we overwhelmed him. But the thing that you want to do——

Mr. DICKS. Which had to be one of the dumbest military moves in the history of warfare.

Mr. HUNTER. Absolutely. We built up this massive force, but what you want to do to really save casualties and to deter that enemy from really crossing that international line is to get air power in and stop the armor, destroy the tanks.

This munitions and submunitions that my friend Mr. DICKS has described is the way our technicians and our scientists have figured out to stop heavy armor advances without having to throw a lot of American boys, a lot of soft bodies and infantry divisions out there in harm's way.

☐ 1630

American air power is a way to save lives. This is a real breakthrough in American air power.

If the gentleman will continue to yield, I think of one other example. When we hit Mr. Qadhafi in Libya after he had assassinated Americans, and we had proof of that, and we struck him in Tripoli, we decided we were going to do that partly with naval projection, and we moved a lot of naval ships into the Gulf of Sidra, right outside the Gulf of Sidra.

Mr. DICKS. Two carrier battle groups.

Mr. HUNTER. Which cost us about $6 billion in capital investment. Then when we flew those F–111's, those conventional aircraft, out of Great Britain, first there was a big political debate over whether they should even let us fly out of Great Britain because they were afraid of Libya. Finally, Maggie Thatcher, God bless her, let them fly out.

Then France told us we could not fly the aircraft over France so we had to go around the perimeter of France, and we loose one of those aircraft. Probably one reason we lost it was just simple fatigue on the part of the pilots, because they had to do all these silly things because of international politics.

If we had flown one B–2 aircraft out of the United States, we could have done the same job as that entire carrier battle group that had a $6 billion capital investment.

I am for carrier battle groups and I am for force projection in a number of ways. But the point is that one thing we can always rely on its being able to fly out of airfields in the United States, and if you have got a bomber that will make it all the way and hit the target, you have quick reaction time, and that means deterrence.

American mothers and fathers who do not want their youngsters to have to go out there and be part of an infantry division that stops a frontal assault believe in deterrence. Americans believe in deterrence. That is why the American people have always believed in the nuclear deterrent. That is why they have always allowed us to build these pretty ugly looking machines, because they did not want to have to fight the war. If you have enough B–2's, you will not have to fight some wars.

Mr. DICKS. On that point, what it says to me is that we are in a very different world in the post-cold-war era. We face terrorists, we face people like Qadhafi. We have situations like North Korea, Iran, Iraq where there is peril out there that has already been demonstrated. We have also seen that sometimes, even with our nuclear deterrent, because people do not think we will use it, that someone like Saddam invades.

But the revolution here in technology, with precision-guided munitions and these smart submunitions and a bomber with long range and stealth, means that we now have a conventional capability that if deterrence fails we can destroy that man's divisions, and he has got to take that into account because he knows we could use that capability unlike nuclear weapons where the American people do not want to use them unless the survival of the country is at stake. I think it is this compact kind of weapon that we need for the future.

As the gentleman and I both know, we have gone through a major reduction in defense spending. People forget that in 1985, if we took today's dollars, we were spending about $350 billion on defense. We have cut it down to $250 billion. The gentleman is an expert on procurement. We have reduced the procurement budget from $135 billion down to $40 billion. Yes, the Republican Congress is putting a little bit of money back into defense, and that helps.

Mr. HUNTER. God bless them.

Mr. DICKS. And I support that aspect of it, especially because we need a little bit more money in there for procurement. But we have already reduced defense spending by 37 percent. We need to have a technological advantage in order to be able to prevail in the future with a much smaller force. What the B–2 allows us to do is keep America secure for the future, because even though we have got a smaller Army, a smaller Navy, a smaller Air Force, we still would have a highly credible force.

Another point is, we are going to have fewer air bases abroad. That is why having a bomber that can go one-third of the way around the world with one aerial refueling is really a revolutionary capability.

I had a hearing the other day with Brent Scowcroft. I said, "Tell me about the 3 days before the war started."

He said, "NORM, people always say we are going to have actionable warning time. Well, there was not any actionable warning time because the intelligence community was telling us that Saddam was preparing to invade, but all the leaders in the gulf were saying he would not do it, so we did not do anything. We did not take any steps."

For this administration, for the Cominsky study to say that there is going to be 14 days of actionable warning time so we can move 800 tactical aircraft to the gulf in order to stop the guy from coming in is laughable. It is a joke.

When in the history of this country have we had 14 days of actionable warning time? We certainly did not have it at Pearl Harbor, we certainly did not have it in the Korean war, and we certainly did not have it in the war in the gulf.

What this country needs is the ability within a matter of hours to interdict an invading division, whether it is in Korea or in the gulf or anywhere else, and stop it with long-range bombers that are stealthy and survivable, that will get the job done. This is a revolutionary potential.

To stop it prematurely, to not get enough, there is not one study that says 20 of these bombers is enough. Every study that has been done says you need somewhere between 40 and 60 so you can get the sortie rates up, so you can use the whole potential of them. Then you can have a smaller bomber force, get rid of some of the older planes to take care of life cycle costs, and there are many ways we can finance it.

The gentleman from California is an old pro up here. You have been on the Hill as long as I have. I went back to our staff on the defense appropriations subcommittee and I said, "How much do we cut out of that budget every year in low-priority items?"

For the last 2 years, even when the budgets are down, with a $250 billion budget being sent up here, the professional staff of the Committee on Appropriations with the chairman and the ranking member have cut out $3.5 billion a year, in just things you do not need to do, that are not important, low priority, and can be put to the side. All we are asking in order to keep this thing going, to keep this line open, is about $2 billion a year in Air Force procurement.

Mr. HUNTER. If the gentleman will yield, that is roughly 5 percent of the procurement budget. We spend between $20 and $30 billion a year just for professional shoppers in the Department of Defense.

Mr. DICKS. It is a joke that we have reduced procurement from $145 billion down to $40 billion and we still have as many people over there as we have had in the past. I commend the gentleman for his initiative to try and reduce the number of those people, because that saving can also help us pay for the B-2.

But remember something: I think, and can the gentleman think, I do not think there is one thing in this budget in procurement that I can think of that has more defense potential capability for this country than the B-2. So how can anyone say, "We cannot afford it"? But we are going to buy a bunch of other things that are not real important, that are not stealthy, that cannot get the job done, but we are going to buy them because we have already made up our budgetary mind to say, "We have this much for the Army, the Navy, and the Air Force and we can't make any hard decisions on roles and missions and we can't face the reality." It reminds me of those old admirals in the Navy who were defending the battleships. They just did not get it. This is the future. Stealth technology is the future. We are about to end this line in California and it will go down as the greatest mistake in the history of this country from a military perspective. It ranks with not being prepared for World War II.

Mr. HUNTER. If the gentleman will yield further, the gentleman asked me what type of decision this would be if we decided to cut the B-2 bomber and eliminate it. I think that if we decide with this great technology, this ability to evade radar, having this technology in hand and giving it away, stopping it and terminating it, would be just as dumb as if in 1941 when we looked at our defense budget, we looked at all the things we were doing in 1941 and 1942 and we made a determination to stop spending money on radar.

Radar was the greatest military invention of this century, the invention of the atomic bomb notwithstanding. The ability to evade that radar, to evade losing 2,200 pilots like we did in Vietnam, or 2,200 planes shot down, to evade having to watch your pilots being paraded by our adversaries on international television, to be able to bring your aircraft back so they can run another sortie, to give that away is just as dumb as if in 1941 some staff guy had said, "Hey, I've got a great way to save money with the 1941 defense budget. Let's stop spending money on radar. It is one of those whiz bang things, and I think we need to have more horses in the cavalry."

Mr. DICKS. "We'll do it with standoff capabilities."

The gentleman has asked me and I wanted to put up this chart. This is a chart that shows the letter that was written by seven former Secretaries of Defense, including Harold Brown, who is the father of stealth technology, and let me read it to my colleague.

Mr. HUNTER. Do not forget Dick Cheney, the guy who won Desert Storm.

Mr. DICKS. Right. Let me read this letter. I think the American people need to know what the President received on January 4. I want to tell the names here: Mel Laird, Jim Schlesinger, Donald Rumsfeld, Harold Brown, Caspar Weinberger, Frank Carlucci, and Dick Cheney.

> DEAR MR. PRESIDENT: We are writing you to express our concern about the impending termination of the B-2 bomber production line. After spending over $20 billion to develop this revolutionary aircraft, current plans call for closing out the program with a purchase of only twenty bombers. We believe this plan does not adequately consider the challenges to U.S. security that may arise in the next century, and the central role that the B-2 may play in meeting those challenges.
>
> At present the nation's long-range bomber force consists primarily of two aircraft: the B-52 and the B-1. The 95 B-52's are all over thirty years old, and their ability to penetrate modern air defenses is very doubtful. The 96 B-1's were procured as an interim bomber until B-2's were available.
>
> Even after all twenty B-2's are delivered, the inventory of long-range bombers will total barely 200 aircraft. This is not enough to meet future requirements, particularly in view of the attrition that would occur in a conflict and the eventual need to retire the B-52's. As the number of forward-deployed aircraft carriers declines and the U.S. gradually withdraws from its overseas bases, it will become increasingly difficult to use tactical aircraft in bombing missions. It therefore is essential that steps be taken now to preserve an adequate long-range bomber force.
>
> The B-2 was originally conceived to be the nation's next generation bomber, and it remains the most cost-effective means of rapidly projecting force over great distances. Its range will enable it to reach any point on earth within hours after launch while being deployed at only three secure bases around the world. Its payload and array of munitions will permit it to destroy numerous time-sensitive targets in a single sortie. And perhaps most importantly, its low-observable characteristics will allow it to reach intended targets without fear of interception.
>
> The logic of continuing low-rate production of the B-2 thus is both fiscal and operational. It is already apparent that the end of the Cold War was neither the end of history nor the end of danger. We hope it also will not be the end of the B-2. We urge you to consider the purchase of more such aircraft while the option still exists.

Mr. HUNTER. Could the gentleman recite the names of the people once again who signed that letter?

Mr. DICKS. I will be glad to do it. Melvin Laird, former member of the Subcommittee on Defense of the Committee on Appropriations; Jim Schlesinger, former Secretary of Defense, Secretary of Energy, head of the CIA; Donald Rumsfeld; Harold Brown; Caspar Weinberger; Frank Carlucci, and our good friend and former colleague Dick Cheney who was involved in the decision with Les Aspin to go to 20. He has now written us a letter saying he only did it because the political realities of the time were such. But he signed this letter that we need to keep this low-rate production.

There is a major industrial base problem. I come from the State of Washington. The great Boeing Co. is in my State.

I went to them and I said, "Tell me, if the Congress kills this, and we have to do it again, how long do you think it would take us to build a B-3?"

They said, "It would take 15 years, from start to finish."

I said, "How would it differ from the B-2?"

They said, "It wouldn't differ from the B-2. We would have basically built the same airplane. We build a plane that has long-range, enormous carrying capability and is stealthy and would look a lot like the B-2."

Mr. HUNTER. If the gentleman will yield further, let us explain that for a minute.

People need to know that in the old days, when we built these conventional bombers, they were not a lot different from the domestic aircraft that we build, so we could go to the gentleman, who is one of the greatest representatives that area has ever had in Washington, my colleague, and go to his hometown and talk to the Boeing management and Boeing workers, we could have gone back in the 1950's and the 1960's and said, "We need a new bomber line and can you change your jigs and your tooling a little bit and build us a bomber," and they say, "Yeah, we can do it," because the conventional bombers were not that much different from conventional aircraft, the type you use for commercial airlines.

☐ 1645

If you have got a picture of that B-2 bomber, everybody knows it looks like a bat. It is very, very different from anything. I have got a poster that has got it on this side, if the gentleman would put that up for us. I have a poster right here.

The B-2 looks different and is different from any conventional aircraft by a very, very wide margin. So the suppliers, if you look at that bat-shaped aircraft and all the different composites and components and things that allow it to evade radar, you do not want your commercial aircraft to evade radar, you want them to use radar because you want your flight control people to know where that plane is at all times. So it is a totally unique, different aircraft.

We did not do what we did in the 1940s and 1950s and 1960s and go to our domestic aircraft companies and tell them to reconfigure their domestic production line a little bit, just like Rosie the Riveter did in World War II, and make a bunch of war planes. We have a very unique set of suppliers that make the thousands and thousands of various components that comprise a B-2 bomber.

If we close down that line, those people and a lot of them are small businesses, are going to go off and do other things. And if we get on the phone and call them up 10 years from now and say, It looks like we made a mistake; we need more B-2's, it is going to be enormously expensive to get that line started up again.

Mr. DICKS. General Skantze, who was one of our best procurement people in the history of the Air Force wrote me a letter, a very strong statement saying:

> There are no bomber engineering design teams left at Rockwell or Boeing. Nor can you assemble them overnight, nor do they come up with a sophisticated design in less than 2 or 3 years at best. Building Boeing 747's is no more like building B-2's than building Cadillacs is like building M1A2's.
>
> Ask the Boeing people who build the After Center Section and the Outboard (Wing) Sections of the B-2. The Aft Center Section of the B-2 begins manufacturing and parts fabrication; assembly of bulkheads, skins, panels, and beams. Then it goes into sub assembly of spars, carry through assembly, keel beams, upper panels and ribs. Most of this work involves careful layups of special composite materials. The final assembly goes through clean, seal, paint, installation, test, and preparation for shipment.
>
> Most of this is very sophisticated composite work and assembly with tolerance of thousandths of an inch. The process takes 37.5 months. When this assembly comes together with the Outboard Section, the Intermediate Sections, and the Forward Center Section at the B-2 final assembly at Palmdale, California, the buildup goes through an excruciatingly accurate mating process to ensure the careful laser-measured joining preserves the aircraft outer mold line, which is fundamental to the very low radar signature.
>
> The resulting total flow time from the B-2 from lead time to rollout is currently 6 years.

Mr. HUNTER. If the gentleman will yield, I want to say to the gentleman he has made a tremendous presentation for B-2, and I hope that all Members of the House, whether they are here or in their offices, have been watching this.

I have two colleagues that have a colloquy to do. They are two strong B-2 supporters, so I am going to break off my comments at this time. I want to thank the distinguished gentleman from Washington, who is a conservative Democrat who stands for a strong national defense and he has done a great service in trying to keep American air power alive. We appreciate you.

Mr. DICKS. I want to say one final thing. This is a bipartisan effort and the support for the B-2 has always been bipartisan. I just hope that the people who are watching C-SPAN all over this country will let their Members know and then tell them what they think about this.

This is not just some pork barrel project. This is the future security of our country. I enjoy working with the gentleman from California [Mr. HUNTER], because I know he too cares about the future of our country; he too has seen too many body bags come home and know we have a way to prevent that, to save American lives, and to have a less expensive program. Because we can have fewer people in the military if we have this technological superiority and we can save money for the taxpayers; we can save American lives in future conflicts, and we can, I hope, some day have a conventional deterrent in the B-2 that will prevent a future war. Then everyone will recognize why we fought so hard to try and save this capability.

Mr. Speaker, I submit the following:

JANUARY 4, 1995.

The PRESIDENT,
The White House, Washington, DC.

DEAR MR. PRESIDENT: We are writing you to express our concerns about the impending termination of the B-2 bomber production line. After spending over $20 billion to develop this revolutionary aircraft, current plans call for closing out the program with a purchase of only twenty bombers. We believe this plan does not adequately consider the challenges to U.S. security that arise in the next century, and the central role that the B-2 may play in meeting those challenges.

At present the nation's long-range bomber force consists primarily of two aircraft: the B-52 and the B-1. The 95 B-52's are all over thirty years old, and their ability to penetrate modern air defenses is very doubtful. The 96 B-1's were procured as an interim bomber until B-2's were available.

Even after all twenty B-2's are delivered, the inventory of long-range bombers will total barely 200 aircraft. This is not enough to meet future requirements, particularly in view of the attrition that would occur in a conflict and the eventual need to retire the B-52's. As the number of forward-deployed aircraft carriers declines and the U.S. gradually withdraws from its overseas bases, it will become increasingly difficult to use tactical aircraft in bombing missions. It therefore is essential that steps be taken now to preserve an adequate long-range bomber force.

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The logic of continuing low-rate production of the B-2 thus is both fiscal and operational. It is already apparent that the end of the Cold War was neither the end of history nor the end of danger. We hope it also will not be the end of the B-2. We urge you to consider the purchase of more such aircraft while the option still exists.

MELVIN LAIRD.
JAMES SCHLESINGER.
DONALD RUMSFELD.
HAROLD BROWN.
CASPAR WEINBERGER.
FRANK CARLUCCI.
DICK CHENEY.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF S. 21, TERMINATING THE UNITED STATES ARMS EMBARGO ON BOSNIA AND HERZEGOVINA

Mr. DIAZ-BALART, from the Committee on Rules, submitted a privileged (Rept. No. 104–213), on the resolution (H. Res. 204) providing for consideration of the bill (S. 21) to terminate the United States arms embargo applicable to the Government of Bosnia and Herzegovina, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2126, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 1996

Mr. DIAZ-BALART, from the Committee on Rules, submitted a privileged report (Rept. No. 104–214), on the resolution (H. Res. 205) providing for consideration of bill (H.R. 2126) making appropriations for the Department of Defense for the fiscal year ending September 30, 1996, and for other purposes, which was referred to the House Calendar and ordered to be printed.

THE PROBLEM OF ELECTION FRAUD

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Maryland [Mr. EHRLICH] is recognized for 60 minutes as the designee of the majority leader.

Mr. EHRLICH. Mr. Speaker, I rise today to talk about two issues. One concerns the integrity of the electoral process, and in that respect, Mr. Speaker, I want to talk about the Maryland gubernatorial election, November 8, 1994.

After my brief comments on that, I am going to engage my fine colleague from Indiana, Mr. MCINTOSH, concerning the issue of grant reform.

But, Mr. Speaker, before I get to that, I wanted to talk about the hearings this past week that the Committee on Government Reform and Oversight conducted with respect to vote fraud in America, geared primarily to the Federal motor-voter law.

Officials and advocates from around the country speak of abuses and misconduct that occurred during the balloting process. In California, Mr. Speaker, witnesses testified that noncitizens regularly voted, as did a 5-year-old child and a dog.

In Alabama, witnesses reported three briefcases containing 1,100 completed absentee ballots where hand-carried to an election board on election day. These, and similar incidents, Mr. Speaker, impugn the integrity of this country's electoral process.

This issue is particularly important to me in light of allegations of election abuse and official misconduct in Maryland during the general election of November 1994. That election, the gubernatorial election, Mr. Speaker, was decided by a very slim margin of several thousands vote. Concerned citizens from around the State began to investigate widespread reports of irregularities in the days following the election.

Besides problems with extremely lax voting security, Mr. Speaker, these investigations determined that 34,000 voters were not purged in Baltimore City in 1994 prior to the election as required by State law.

The Baltimore City elections supervisor was reminded by a deputy 7 months prior to the election that the purge had not been conducted. It was never done and that fact appears, at least at this point in time, to have been concealed from city and State election officials. The enormous implications of this official problem, I will characterize it, is apparent from the following sample facts about the November election in Maryland.

Mr. Speaker, a computer analysis done of total vote counts for each of the 408 precincts in Baltimore City using the Baltimore City Election Board electronic tape of registered voters and the certified list of votes cast on election day forwarded to the State Board of Elections revealed, Mr. Speaker, 5,929 more votes were cast in the election than individuals recorded as having appeared to have voted at the polls or by absentee ballot; 5929, Mr. Speaker.

Another analysis was done comparing the same electronic tape of registered voters in Baltimore City with thousands of abandoned housed provided by the city housing commission. This revealed a total of 667 votes cast in the election.

Furthermore, Mr. Speaker, 1,881 votes were cast from houses owned either by the mayor and city council of Baltimore or the city housing authority. There is compelling evidence, Mr. Speaker, that a total of potentially as many as 2,548 votes were cast from abandoned or unoccupied buildings in that election.

Where did these voters live, Mr. Speaker? Was there a direct correlation between the failure to purge and these terrible statistics? I think that there was. So did State Election Board officials. After these facts, and others, Mr. Speaker, were discovered the State election board made a bipartisan call for the purge to be conducted after the fact to prove that mistakes had been made.

Let me reiterate, the State Board of Elections, consisting of three Democrats and three Republicans, wanted the purge to be done to prevent similar problems from occurring in the future.

Instead, the State Attorney General's office represented the city election board against the State Election Board and convinced the court to retroactively apply the Federal motor-voter law in order to prevent any purges from being conducted. This is not the original purpose of the Federal motor-voter law, Mr. Speaker. Clearly, we in Congress are, and should be, concerned that similar problems are not repeated in other States.

Problems such as those encountered in Maryland should be corrected immediately. Vigorous investigation must be conducted to determine if there was any fraud or official misconduct or simple negligence in that election that affected the outcome, Mr. Speaker.

If there is evidence of such behavior, it should be prosecuted to the fullest extent possible. It should not and must not be condoned or ignored using the cloak of law applied retroactively.

Mr. Speaker, In conclusion, in an election there is no such thing as a little fraud or a little problem. Such behavior attacks the very foundation of our society, because it destroys the fundamental trust between the voters, our constituents, and their government. This during a time, Mr. Speaker, when we are attempting to get more people to vote and we are having problems, as you well know.

To tolerate such abuse or circumvent the laws of the land designated to protect the sanctity of the citizen's right to vote by any means possible, will only make Americans more cynical and more disinterested in this process. In Maryland, we must not let this situation happen again.

Mr. Speaker, those are my comments with respect to the integrity of the voting process. You very well know I feel very strongly about this, because of in my view some of the substantiated allegations concerning events surrounding the general election in Maryland in November.

GRANT REFORM

Mr. Speaker, there is another issue that is coming to this floor next week, and I rise to engage my friend and colleague and chairman, Mr. MCINTOSH from Indiana, in a colloquy about grant reform. Before I get into grant reform, Mr. Speaker, I would like the country to know of Mr. MCINTOSH's leadership on this issue.

I truly appreciate the leadership you have shown, Mr. MCINTOSH, my colleague and friend, concerning this very important issue and I know you have introductory comments to make.

Mr. McINTOSH. Thank you very much, Mr. EHRLICH. I appreciate those kind remarks. Your leadership on this issue has been equally important for us. When I came here last January as a freshman, I did not have any idea that there was some vicious little cycle that was going on. It is one of Washington's best-kept secrets: That we give out billions of dollars in grants to entities that are supposed to be helping the poor, helping us clean up the environment, providing a solution to many of our social problems, but those entities take this Federal money and use it to help subsidize an incredibly extensive lobbying and political network. That political network comes back and lobbies for more spending, and so you get this vicious cycle here in Washington.

As I say, it is one of those secrets that they have tried to keep from the American people.

When I go home to my district in Indiana and I tell people what we have uncovered here in the subcommittee, and we have had two hearings on it already and plan to have more hearings in the future, they are shocked. They say, I do not believe that is happening. And when you show them the documented evidence, they are outraged that their taxpayer dollars are being used to subsidize this type of lobbying and political activity.

I would like to work with you, Mr. EHRLICH, because you have helped us write a bill to put an end to this and this is a great opportunity to tell the American public about the things we have discovered in our hearings and the way we are going to solve this problem next week with the Istook-McIntosh-Ehrlich amendment.

Mr. EHRLICH. I am glad you brought up our friend Mr. ISTOOK. He is not here today. I believe his son is returning from a 2-year mission and family obligations come first with Mr. ISTOOK, and we love him for that. He has also been a wonderful member of this team, this true team effort; not just the three of us, but our staffs and the leadership as well.

I think we would be remiss if we did not give credit where credit is due, and that is to the leadership in this House who came through for us when the chips were down to get this rider out of the Committee on Appropriations, so that next week on this floor the American people can really take advantage of a full and fair debate about an important issue.

□ 1700

Now, Mr. Chairman, I have a question for you: During our hearing today we had had a number of witnesses come forward, and those witnesses were not happy. Those witnesses, in my view, had either misread the bill or not read the bill. If they have not read the bill, I have very little sympathy for them. If they misread the bill, I think it is up to us on our side of the aisle, I mean our side of the aisle, not Republicans-Democrats, but all Republicans and all Democrats who support us in this reform effort, to explain not just to these advocates but to the American people what precisely we are doing. I understand you have some graphs with you, and I know you want to talk about those graphs.

I see a pig.

Mr. McINTOSH. Yes. Let me explain this graph here. It is titled "Welfare for Lobbyists." That is, in fact, what we have going on here. This graph represents the cycle of what happens: The taxpayer pays in taxes due to the Federal Government; they go to these grant recipients, approximately $39 billion worth of grants each year; and the grant recipients end up turning around and lobbying the Government to spend more of the taxpayer dollars.

Mr. EHRLICH. I think we need to, at this point, get it very straight for the American people. These are grant recipients, recipients of Federal dollars who are not using the grant money for the money's intended purpose. Is that correct?

Mr. McINTOSH. That is correct. In fact, let me make a distinction here, because there are a lot of grant recipients who work very hard to provide services. They set up Meals on Wheels for the elderly, they have programs to help clean up the environment, they set up programs to fight drug addiction in their communities. They use these moneys for a very good purpose. But there are other groups who take these moneys and then also have more private donations, set up a lobbying campaign.

I was, quite frankly, shocked at the hearing today to hear people who were representing some of our charitable organizations say that really what they wanted to do would be lobbyists. They were less concerned about providing the programs to help those who are unfortunate in our society and wanted to be able to come in and lobby Congress, and they wanted to be able to do that while maintaining all of these taxpayer grants.

The second chart I have there shows you the breakdown, and this statistic comes from the group themselves. This is a coalition of very large, very rich, very well-endowed nonprofit groups called the Independent Sector, and it shows where they get their funding. If you can see the chart there, you notice that they estimate just under $160 billion ends up coming from government sources. Now, that is not all of their funding. A larger portion of it comes from the private money. But $160 billion comes from the government taxpayer funding, and yet they today were out walking the halls of Congress lobbying against our proposal to say we are going to end welfare for lobbyists.

I should take a few minutes at this point to explain to the public how our proposal works. It basically says we are going to give you a choice. You can either be a grant recipient, in which case we want you to engage in social, helpful activities, helping the poor, helping the disadvantaged, helping clean the environment, helping do research; or you can be a lobbyist organization. In that case we are not going to give you taxpayer-funded grants.

Mr. EHRLICH. I really believe my colleague has hit the very bottom line with this issue, and the reason I think, we believe the American people support us, and we will get in a few minutes into the groups that support us, but the difference between doing in a tradition sense what nonprofits are supposed to do, which is help people, and the difference between actually performing the service and acting as an advocate, those lines have become skewed. That distinction is no more, in any respects.

Is that not correct?

Mr. McINTOSH. That is correct. In fact, many of them now consider themselves primarily advocates or lobbyists and engage in political activity. You know, I think we should share with folks some of the things we found out at our hearings.

The record has shown that there are numerous instances where these groups who receive grants have come to lobby congress. The most recent one that I am aware of was the American Bar Association that received $2.5 million last year in Federal grants. They were here in Washington when we were debating the flag burning amendment, standing on the steps of Capitol Hill, saying that congress should not pass an amendment to protect the flag from desecration. Now, if that is their view, I disagree with them totally, but if that is their view, they are entitled to it. But I do not think we should have a Government subsidy going to a group that comes and lobbies us on those types of issues.

Mr. EHRLICH. The reality of it is, with the law in its current shape, we can not prove or disprove where that $2.2 million poison was spent. Is that not correct?

Mr. McINTOSH. That is correct. The reporting by these organizations is nonexistent in some cases. In some cases they have one report that they turn in to the IRS because they have a tax-exempt status, but it is very, very general. It gives no detailed accounting of how the Federal moneys are spent, and, frankly, the government agencies do not know where all of their grants go. You can have a very difficult time finding out exactly how many grants that are given to each of these groups.

So, there is no accountability and money is fungible. They end up subsidizing the overhead to groups that end up engaging in this lobbying activity.

Mr. EHRLICH. I know a source of frustration for you, for myself, and the gentleman from Oklahoma [Mr. ISTOOK] has been the apparent confusion concerning the difference between laws which cover contractors and laws which cover Federal grantees, and I know you want to get into this. But I brought one of your favorite props with me today, my colleague, and what I have brought with me is laws relating to, the actual laws of the land, relating to Federal procurement. These are the laws, and these are the regulations that govern Federal contractors, and people know this, people know these laws are on the books and these regulations have been promulgated.

Yet today we have people coming before our committee and making the charge that we should include contractors in our law because there is no difference between contractors who provide a good for consideration of the Government and these nonprofit grantees, when everybody knows the difference is obvious. There is law on the books concerning contractors, but there is no law concerning grantees. That is the purpose of this bill.

Is that not correct, my colleague?

Mr. McINTOSH. The gentleman is absolutely correct. I think you make a very telling point. You have also touched upon something else that is occurring. The opponents of this legislation cannot come out and argue the merits. They cannot come out and say we need to keep our $39 billion in grants so we can be an effective, powerful Washington lobbying organization.

So, what they are going to try to do is scare people and they are going to come up with a lot of false scenarios.

Mr. EHRLICH. We have seen that strategy before, have we not?

Mr. McINTOSH. Yes, we have. We see it a lot of times. Frankly, we are going to get to the bottom and be truthful with the American people about what is going on. What they are saying, for example, is students who receive a grant to go to school might be covered by this. Well, no. Our legislation says individuals who are getting a study grant, it is fine for them to engage in advocating whatever views they want. They are going to say that famers who receive price supports would be covered by this. Well, no, that is not a grant for research or other social activities. They are not covered by this legislation.

What we are going to do is say to very powerful, rich, well-endowed groups that spend a lot of their time walking the halls of Congress lobbying us for more Federal spending, they are covered by this law, but enough is enough. The American people are going to finally find out about this dirty little secret and put an end to it.

I think you have pointed out one of the fallacies very well, that in the case of contractors, there is established law. If that needs to be strengthened, that can be addressed by the appropriate committee. But what we have here is an entire group of people who are totally unregulated in their lobbying activities, totally unfettered, and that would be fine with me except that they are getting all of this taxpayer money that ends up subsidizing their activities.

Mr. EHRLICH. Facts are dangerous; facts are dangerous, particularly in a debate like this where demagogues can use misinformation or lack of information to their advantage.

Now, speaking of demagoguery on this issue, we have both heard the charge, the traditional charge, and I guess it has been thrown around this town quite easily over the last few years, of defunding the left, they are trying to defund the left, those mean, nasty Republicans are trying to defund the political left.

The fact is, as you know, anyone who has read this legislation would know there is defunding those who misuse public money regardless of right, left, far right, far left, or the political center. If you are the NRA, if you are the Chamber of Commerce, if you are an environmental group, it does not make any difference to us. We do not care about your philosophical direction. We care how you spend taxpayer money. I know you want to comment on this.

Mr. McINTOSH. That is exactly right. We are getting to the bottom line, which is that we are not going to have this abuse of taxpayer funds to support lobbying activities. You know, if you step back and think about it, the contrast between the groups who want to lobby and those who are out there trying to do good in society is enormous.

In my hometown of Muncie, there is the Muncie Mission, which is, as far as I know, supported completely by donations from citizens in the town of Muncie. They do not have a big lobbying outfit. They do have a building which is kind of run down. They can house up to 20 homeless people who are down on their luck, need a place to live, and they actually have a program where they, kind of like the Salvation Army, take old equipment, old household goods and have people work on them.

Mr. EHRLICH. I am not familiar with this group. Do you mean they actually help the homeless?

Mr. McINTOSH. Yes. They actually do. They are very effective. They are right in one of the worst areas of town in terms of people who have trouble and need help, and they do not come up here and lobby us in Washington. They are very quietly out there doing their mission, helping the people in my home town of Muncie, and you compare that to one of the groups we heard about in the first hearing, the Nature Conservancy, that was bragging about in one of its reports a grant that they received that was used in the State of Florida to lobby local government to successfully defeat an effort by farmers to preserve their ability to continue to grow crops on their land.

Now, to me, those are two completely different types of charitable activities, and I think if someone wants to lobby, let them do it with their own money. But do not come here to Washington and say we need Federal grants to be able to support our operations out in the countryside and we are going to lobby against what the people in local areas, like this area in Florida, may want, and we are going to use taxpayer money to help us in that effort. To me that is wrong and needs to be cut out.

Mr. EHRLICH. You have provided great leadership in securing support from a variety of groups around this country, and this is a true grassroots effort, and I know because of your efforts, particularly, and it has been a team effort, but your efforts particularly, we have groups like, and I have the letters right here, the National Taxpayers Union, Citizens for a Strong Economy, the Association of Concerned Taxpayers, the 60-Plus Association, a seniors group, and that needs to be emphasized, I believe, we have the chamber of commerce, who may actually feel the sting from this piece of legislation, yet coming forward and saying you are doing the right thing, we are with you, and that is to be commended, the Seniors Coalition, another group, the Association of Concerned Taxpayers, Americans for Tax Reform, the National Association of Manufacturers, Chairman ARCHER, the National Restaurant Association, and on and on and on and on and on, and you deserve the credit because we have started a grassroots movement. People love to talk about lobby reform. They love to talk about getting our fiscal house in order in this town. Here we are, with maybe arguably one of the more important lobbying reform measures that has hit this floor in the last decade, and we are receiving this type of support, and it must be gratifying for you.

Mr. McINTOSH. It is tremendously gratifying to see that kind of grassroots response. To be honest, a lot will be told next week when Congress comes back into session.

If voters call up their Congressmen and say, "Get rid of this welfare for lobbyists, we have had enough of taxpayer subsidies for lobbying," then this body will be able to pass this reform and send it over to the Senate.

I heard that one of the groups, the National Taxpayers Union, is actually sending out an alert to its members to call in to Members of Congress, and once they find out the facts, tell them about how terrible it is that we have been continuing this process and to support our amendment to put an end to it.

Mr. EHRLICH. When you really come down to it, the average taxpayer, the person who keeps the lights on in this country, should ask himself or herself the following question when it comes to this issue: Do the groups that I just read and that we have analyzed here have his or her best interest at heart, or is it the groups who are fighting this bill? And I know we, as the three cosponsors of this piece of legislation, will rest with that individual taxpayer because we believe that individual taxpayer and that individual constituent will make the right determination when confronted with that issue.

Mr. McINTOSH. If the gentleman would yield, let me share with you and my colleagues and the American people one of the things that happened today in our hearing on this issue, and then I must excuse myself. I have to go to an appointment.

□ 1715

But one of the witnesses was Mrs. Arianna Huffington, and she brought with her several leaders here in Washington, DC, who had been working on their own to try to combat crime, try to help in poor neighborhoods to give children a chance, try to really establish hope and good deeds in these communities that are falling apart all around us here in the Nation's Capital.

One of them she brought with her was a lady named Mrs. Hawkins. She was a black lady, retired. She started contributing her pension to set up a program where young black kids who are in danger of joining gangs, starting to use drugs, going down a path where their lives would be totally ruined, she set up a program with her own retirement money to have them come to her house after school to give them a program and an opportunity, something to do so they were not turned loose onto the streets, so they were not captured by the gangs, they were not captured by the drug dealers who wanted to corrupt them and destroy their lives, and Mrs. Hawkins is one of the noble heroes in America. She did this with her own money. She is not wealthy. It was very clear that she was a strong lady of faith, and she had contributed her retirement to set this up for young people in this country. And she said that she is troubled that there are these groups that receive all of these taxpayer dollars who claim to be helping people, and could they not take that money, and stop lobbying, stop coming up here and giving out meals, trying to win and influence votes in the Halls of Congress and use a little bit of that money to go help the young people in this country, the people who do not have an opportunity, who need these programs, who need love, who need to be told you are important by people like Mrs. Hawkins.

So we need to engage her and people like her, and I think one of the most telling things about our grant reform proposal is that, if we can succeed in cutting off this welfare for lobbyists, we will actually have more people like Mrs. Hawkins contributing their own money, working with their own time, providing these services that are very much needed in our community.

And so we will see that charitable activity in this country actually increases and actually is directed to the people who need help, and so I am confident that not only is this the right thing to do for the taxpayers, but, based on our hearing today, this is the right thing to do to make sure that these activities to promote a good society will flourish in our country, and I thank you for giving me an opportunity to speak on this today and would welcome you, hope you can continue to inform the American people about our efforts on this.

Mr. EHRLICH. I thank my colleague as well, and your last point is really the point to leave the American people to ponder, because no longer should there be a distinction between the mission of a group and the actual work, and that fine lady we saw today does not distinguish between those two concepts, and that is why she is successful, and we really appreciate her.

Mr. McINTOSH. I thank you for your leadership on this as a freshman colleague. You have taken the bull by the horns, and I do not think we would be here if you had not worked very, very hard to make this legislation come to fruition. I know you spent several nights working on drafting the actual text of the legislation, something that a lot of Congressmen turn over to their staff, and so you are to be commended for this hard work on this, Mr. EHRLICH.

Mr. EHRLICH. It is wonderful to work with such a great colleague, and I appreciate the time tonight.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CRANE (at the request of Mr. ARMEY) for today until 12:30 p.m., on account of illness.

Mr. MCNULTY (at the request of Mr. GEPHARDT) for today after 1:45 p.m., on account of personal business.

Mr. YATES (at the request of Mr. GEPHARDT) for today after 2 p.m., on account of personal reasons.

Mr. MCKINNEY (at the request of Mr. GEPHARDT) for today, on account of official business in the district.

Mr. TANNER (at the request of Mr. GEPHARDT) for today after 11:30 a.m., on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mrs. SCHROEDER) to revise and extend their remarks and include extraneous material:)

Mrs. SCHROEDER, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. WISE, for 5 minutes, today.

Mr. OWENS, for 5 minutes, today.

Mr. DICKS, for 60 minutes, today.

Mr. OWENS, for 60 minutes, today.

(The following Members (at the request of Mr. POMBO) to revise and extend their remarks and include extraneous material:)

Mr. DORNAN, for 5 minutes, today.

Mr. METCALF, for 5 minutes, today.

Mr. HORN, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(Mr. FRANK of Massachusetts, and to include extraneous material, during debate on the Vento amendment to H.R. 2099 in the Committee of the Whole on Thursday, July 27, 1995.)

(The following Members (at the request of Mrs. SCHROEDER) to revise and extend their remarks and include extraneous material:)

Mr. DE LA GARZA.

Mrs. MALONEY.

Ms. NORTON.

Mr. SANDERS.

Mr. RUSH in two instances.

Mrs. SCHROEDER.

Mr. JOHNSON of South Dakota.

(The following Members (at the request of Mr. POMBO) and to include extraneous matter:)

Mr. EHLERS in two instances.

Mr. CRANE.

Mr. MARTINI.

Mr. THORNBERRY.

ADJOURNMENT

Mr. EHRLICH. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 20 minutes p.m.), under its previous order, the House adjourned until Monday, July 31, 1995, at 10:30 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1275. A letter from the Under Secretary of Defense, transmitting a report entitled, "Report to Congress: The International Cooperative Research and Development Program," pursuant to 10 U.S.C. 2350; to the Committee on National Security.

1276. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11-119, Rock Creek Parish Cemetery Equitable Real Property Tax Relief Act of 1995, pursuant to D.C. Code, section 1-233(c)(1); to the Committee on Government Reform and Oversight.

1277. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11-120, College and University Campus Security Amendment Act of 1995, pursuant to D.C. Code, section 1-233(c)(1); to the Committee on Government Reform and Oversight.

1278. A letter from the Director, Office of Personnel Management, transmitting a report entitled, "Physicians Comparability Allowances (PCA's)," pursuant to 5 U.S.C. 5948(j); to the Committee on Government Reform and Oversight.

1279. A letter from the Secretary of Defense, transmitting a report entitled, "Plan for the Further Development and Deployment of Existing Defense Technologies in Support of the Dredging Requirements of Dual-Ports," pursuant to section 1143 of the National Defense Authorization Act, fiscal year 1995; to the Committee on Transportation and Infrastructure.

1280. A letter from the Chief, Forest Service, transmitting the Department of Agriculture's annual report of the Forest Service accomplishments, pursuant to 16 U.S.C. 1602; jointly, to the Committees on Agriculture and Resources.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ROBERTS: Committee on Agriculture. H.R. 714. A bill to establish the Midewin National Tallgrass Prairie in the State of Illinois, and for other purposes; with an amendment (Rept. 104-191 Pt. 2). Ordered to be printed.

Mr. WALKER: Committee on Science. H.R. 1601. A bill to authorize appropriations to the National Aeronautics and Space Administration to develop, assemble, and operate the international space station; with an amendment (Rept. 104-210). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 629. A bill to authorize the Secretary of the Interior to participate in the operation of certain visitor facilities associated with, but outside the boundaries of, Rocky Mountain National Park in the State of Colorado (Rept. 104-211). Referred to the Committee of the Whole House on the State of the Union.

Mr. PACKARD: Committee of Conference. Conference report on H.R. 1854. A bill making appropriations for the legislative branch for the fiscal year ending September 30, 1396, and for other purposes (Rept. 104–212). Ordered to be printed.

Mr. DIAZ-BALART: Committee on Rules. House Resolution 204. Resolution providing for the consideration of S. 21, terminating the United States embargo on Bosnia and Herzegovina (Rept. 104–213). Referred to the House Calendar.

Mr. GOSS: Committee on Rules. House Resolution 205. Resolution providing for the consideration of H.R. 2126, Department of Defense appropriations for fiscal year 1996 (Rept. 104–214). Referred to the House Calendar.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 714. Referral to the Committees on National Security and Commerce extended for a period ending not later than August 4, 1995.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ENGLISH of Pennsylvania (for himself, Mr. ENSIGN, and Mr. FRAZER):

H.R. 2138. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit for investment necessary to revitalize communities within the United States, and for other purposes; to the Committee on Ways and Means.

By Mr. LaFALCE:

H.R. 2139. A bill to establish a commission to study the question of adding the Niagara River Gorge to the Wild and Scenic River System; to the Committee on Resources.

By Mrs. SCHROEDER (for herself, Mr. ACKERMAN, Mr. RAMSTAD, Mrs. MALONEY, Mr. ENGEL, Ms. NORTON, Ms. VELAZQUEZ, Mr. ROMERO-BARCELO, Mr. DELLUMS, Mr. DEFAZIO, Mr. MANTON, Mr. FROST, Ms. JACKSON-LEE, Mr. HILLIARD, Mr. EVANS, Ms. LOFGREN, Mr. WAXMAN, Mr. WYNN, Mr. FRANK of Massachusetts, Mr. UNDERWOOD, Mr. GEJDENSON, Mr. YATES, Mr. REYNOLDS, and Mr. SMITH of New Jersey):

H.R. 2140. A bill to amend title I of the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to permit the creation or assignment of rights to employee pension benefits if necessary to satisfy a judgment against a plan participant or beneficiary for physically, sexually, or emotionally abusing a child; to the Committee on Economic and Educational Opportunities, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHAYS (for himself, Mr. LUTHER, Mrs. WALDHOLTZ, Mr. BARRETT of Wisconsin, Mr. KLUG, Mr. CASTLE, Mr. MINGE, Mr. MCHALE, Mr. DEAL of Georgia, Mr. DICKEY, Mr. ZIMMER, Mr. MEEHAN, and Mr. INGLIS of South Carolina):

H.R. 2141. A bill to amend the Federal Election Campaign Act of 1971 to provide for a reduction in the limitation amount for multicandidate political committee contributions to candidates, and for other purposes; to the Committee on House Oversight.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

144. The SPEAKER presented a memorial of the Senate of the State of Texas, relative to petitioning the Secretary of Health and Human Services to award to the Texas Council on Family Violence the National Domestic Violence Hotline Grant to set up a national hotline for victims of domestic violence; to the Committee on Economic and Educational Opportunities.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 65: Mr. DELLUMS, Mr. JACOBS, and Mr. BRYANT of Tennessee.

H.R. 109: Ms. DANNER, Mr. HALL of Texas, Mr. BRYANT of Tennessee, Mr. DIAZ-BALART, and Mr. LAUGHLIN.

H.R. 303: Mr. BRYANT of Tennessee.

H.R. 427: Mr. WICKER, Mr. MANZULLO, Mr. CONDIT, and Mr. BILBRAY.

H.R. 436: Mr. HORN, Mr. STOCKMAN, and Mr. HERGER.

H.R. 528: Mr. STENHOLM.

H.R. 533: Mr. HUTCHINSON and Mr. MATSUI.

H.R. 743: Mr. CALVERT and Mr. PARKER.

H.R. 789: Mr. BAESLER.

H.R. 798: Mr. MARKEY.

H.R. 883: Mrs. SCHROEDER.

H.R. 899: Mr. TORKILDSEN, Mr. FRISA, Mr. FRANKS of Connecticut, and Mr. SCHIFF.

H.R. 995: Mr. TRAFICANT, Mr. BOEHLERT, Mr. ROYCE, Mr. DICKEY, Mr. PACKARD, and Mr. NEY.

H.R. 1000: Mr. LUTHER.

H.R. 1090: Mr. YOUNG of Florida.

H.R. 1114: Mr. COLLINS of Georgia, Mr. SHAW, and Mrs. VUCANOVICH.

H.R. 1161: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 1162: Mr. RAMSTAD, Mr. MCKEON, and Mr. WHITFIELD.

H.R. 1172: Mr. BONILLA.

H.R. 1204: Mr. LIVINGSTON.

H.R. 1234: Mr. STUMP.

H.R. 1242: Ms. ROS-LEHTINEN and Mr. NEY.

H.R. 1309: Mr. ANDREWS, Mr. DAVIS, and Ms. WOOLSEY.

H.R. 1454: Ms. LOFGREN.

H.R. 1627: Mr. BATEMAN, Mr. CHAPMAN, Mr. MILLER of Florida, Mr. SKELTON, Mr. RIGGS, Mr. VOLKMER, Mr. MCCOLLUM, Mr. FARR, Mr. TATE, Mr. PAYNE of Virginia, Mr. HUNTER, and Mr. CRAMER.

H.R. 1707: Mr. CARDIN, Mr. KLECZKA, and Mr. LEWIS OF GEORGIA.

H.R. 1753: Mr. CLYBURN, Mr. DELLUMS, Mr. CHAPMAN, Mr. NEAL of Massachusetts, Mr. BALLENGER, Mr. HORN, Mr. QUINN, Mr. SMITH of New Jersey, Ms. DANNER, Mr. CANADY, Mr. DIAZ-BALART, Mr. JEFFERSON, and Mrs. CLAYTON.

H.R. 1872: Ms. PRYCE, Mr. BARRETT of Wisconsin, Mr. RICHARDSON, Mr. FLAKE, Mr. KLECZKA, and Mrs. KELLY.

H.R. 1885: Mr. FOX and Mr. COBLE.

H.R. 1915: Mr. KINGSTON, Mr. TAYLOR of North Carolina, Mr. ROGERS, Mr. SOLOMON, Mr. ROBERTS, Mr. EVERETT, Mr. DOOLITTLE, Mr. HEFLEY, Mr. SCHAEFER, Mr. GOSS, Mr. BUNNING of Kentucky, Mr. PARKER, Mr. TAYLOR of Mississippi, Mr. EMERSON, Mr. BOUCHER, Mr. SHUSTER, Mr. FIELDS of Texas, Mr. QUILLEN, Mr. HALL of Texas, Mr. HOEKSTRA, Mr. MCCRERY, Mr. STEARNS, Mr. BURTON of Indiana, Mr. LEWIS of Kentucky, Mr. BAKER of Louisiana, Mr. BACHUS, and Mr. LIGHTFOOT.

H.R. 1932: Mr. OBERSTAR, Mr. CALLAHAN, Mr. TATE, Mr. ROEMER, Mr. WAMP, Mr. DICKEY, and Mr. DORNAN.

H.R. 1950: Mr. LIPINSKI, Mr. KLECZKA, Mr. NADLER, and Mr. ACKERMAN.

H.R. 2013: Mr. TALENT and Mr. FILNER.

H.R. 2024: Mr. ACKERMAN and Mr. DEUTSCH.

H.R. 2026: Mr. OXLEY, Mr. MYERS of Indiana, Mr. LANTOS, Ms. RIVERS, Mr. COLEMAN, and Mr. REGULA.

H.R. 2078: Mr. MCHUGH.

H.R. 2101: Mrs. MORELLA.

H.R. 2104: Mr. UNDERWOOD.

H. Con. Res. 78: Mr. STARK, Mr. YATES, and Mr. PALLONE.

H. Res. 30: Mr. NETHERCUTT.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 1555

OFFERED BY: MR. MANZULLO

AMENDMENT NO. 1: Page 50, line 23, insert "(a) PROHIBITION.—" before "No common carrier", and on page 51, after line 4, insert the following new subsection:

"(b) LIABILITY FOR CHARGES.—Any common carrier that violates the verification procedures described in subsection (a) and that collects charges for telephone exchange service or telephone toll service from a subscriber shall be liable to the carrier previously selected by the subscriber in an amount equal to all charges paid by such subscriber after such violation, in accordance with such procedures as the Commission may prescribe. The remedies provided by this subsection are in addition to any other remedies available by law.

H.R. 2099

OFFERED BY: MR. FAZIO

AMENDMENT NO. 73: Page 87, after line 25, insert the following new section:

SEC. 519. The amounts otherwise provided in this Act are revised by increasing the amount made available in title I for "DEPARTMENT OF VETERANS AFFAIRS—DEPARTMENTAL ADMINISTRATION—CONSTRUCTION, MAJOR PROJECTS", and reducing the amount made available in title III for "INDEPENDENT AGENCIES—NATIONAL SCIENCE FOUNDATION—RESEARCH AND RELATED ACTIVITIES", by $39,500,000.

H.R. 2099

OFFERED BY: MR. FAZIO

AMENDMENT NO. 74: Page 87, after line 25, insert the following new section:

SEC. 519. The amount otherwise provided in title I of this Act for "DEPARTMENT OF VETERANS AFFAIRS—DEPARTMENTAL ADMINISTRATION—CONSTRUCTION, MAJOR PROJECTS", and the amount otherwise provided in title III of this Act for "INDEPENDENT AGENCIES—NATIONAL SCIENCE FOUNDATION—RESEARCH AND RELATED ACTIVITIES" are, respectively, increased by $39,500,000 and reduced by $1,800,000.

H.R. 2099

OFFERED BY: MR. FAZIO

AMENDMENT NO. 75: Page 87, after line 25, insert the following new title:

TITLE VI—ADDITIONAL PROVISIONS
DEPARTMENT OF VETERANS AFFAIRS
DEPARTMENTAL ADMINISTRATION
CONSTRUCTION, MAJOR PROJECTS
(INCLUDING TRANSFER OF FUNDS)

For replacement of a medical facility at Travis Air Force Base, California, $39,500,000, of which amount $1,800,000 shall be derived from amounts provided in title III of this Act for "INDEPENDENT AGENCIES—NATIONAL SCIENCE FOUNDATION—RESEARCH AND RELATED ACTIVITIES".

H.R. 2099
OFFERED BY: MR. FAZIO

AMENDMENT NO. 76: Page 87, after line 25, insert the following new title:

TITLE VI—ADDITIONAL PROVISIONS
DEPARTMENT OF VETERANS AFFAIRS
DEPARTMENTAL ADMINISTRATION
CONSTRUCTION, MAJOR PROJECTS
(INCLUDING TRANSFER OF FUNDS)

For replacement of a medical facility at Travis Air Force Base, California, $39,500,000, which amount shall be derived from amounts provided in title III of this Act for "INDEPENDENT AGENCIES—NATIONAL SCIENCE FOUNDATION—RESEARCH AND RELATED ACTIVITIES".

H.R. 2099
OFFERED BY: MR. FAZIO

AMENDMENT NO. 77: Page 87, after line 25, insert the following new title:

TITLE VI—ADDITIONAL PROVISIONS
DEPARTMENT OF VETERANS AFFAIRS
DEPARTMENTAL ADMINISTRATION
CONSTRUCTION, MAJOR PROJECTS

For replacement of a medical facility at Travis Air Force Base, California, $39,500,000.

H.R. 2099
OFFERED BY: MR. FAZIO

AMENDMENT NO. 78: Page 87, after line 25, insert the following new section:

SEC. 519. The amount otherwise provided in title I of this Act for "DEPARTMENT OF VETERANS AFFAIRS—DEPARTMENTAL ADMINISTRATION—CONSTRUCTION, MAJOR PROJECTS" is increased by $39,500,000.

H.R. 2099
OFFERED BY: MR. FAZIO

AMENDMENT NO. 79: Page 87, after line 25, insert the following new section:

SEC. 519. The amount otherwise provided in title I of this Act for "DEPARTMENT OF VETERANS AFFAIRS—DEPARTMENTAL ADMINISTRATION—CONSTRUCTION, MAJOR PROJECTS" is increased, for providing amounts for replacement of a medical facility at Travis Air Force Base, California, by $39,500,000.

H.R. 2126
OFFERED BY: MR. CALLAHAN

AMENDMENT NO. 4: On page 15, at the end of line 5, insert the following: "*Provided*, That none of the funds appropriated under this heading may be used to finance housing for members or former members of the uniformed armed services of the Former Soviet Union or the Russian Federation."

H.R. 2126
OFFERED BY: MR. CALLAHAN

AMENDMENT NO. 5: Under general provisions section of the bill, add following:

SEC. . Notwithstanding any other provision of law, none of the funds provided in this Act may be used to procure vessel propellers six feet in diameter and greater unless such propellers are manufactured in the United States incorporating only castings which are poured and finished in the United States. Nor may any of the funds provided in this Act be used to procure ship propulsion shafting unless such ship propulsion shafting is manufactured in the United States: Provided, That when adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis, the Secretary of the service responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations that such an acquisition must be made in order to acquire capability for national security purposes.

H.R. 2126
OFFERED BY: MR. DEFAZIO

AMENDMENT NO. 6: Page 94, after line 3, insert the following new section:

SEC. 8107. None of the funds appropriated by this Act may be obligated or expended—

(1) after July 1, 1996, for the operation of Operational Support Aircraft of the Department of Defense in a number in excess of two-thirds of the number of such aircraft as of July 1, 1995; and

(2) after January 1, 1996, for the operation of helicopters by the Army and the Air Force for administrative purposes in the National Capital Area in a number in excess of two-thirds of the number of such helicopters as of July 1, 1995.

H.R. 2126
OFFERED BY: MR. DEFAZIO

AMENDMENT NO. 7: Page 94, line 3, insert the following new section:

SEC. 8017. None of the funds appropriated by this Act shall be obligated or expended for the construction, operation, or administration of any golf course or other golf facilities at Andrews Air Force Base, Maryland (other than for a golf course or golf facilities in existence on the date of the enactment of this Act).

H.R. 2126
OFFERED BY: MR. SANDERS

AMENDMENT NO. 8: Page 94, after line 3, insert the following new section:

SEC. 8107. Notwithstanding any other provision of this Act, the amount made available for the Central Intelligence Agency (other than for the Central Intelligence Agency Retirement and Disability System Fund) from the appropriations provided in this Act shall not exceed 90 percent of the amount made available for such Agency (other than for such Fund) from the appropriations provided in the Department of Defense Appropriations Act, 1995 (Pub. L. 103–335).

H.R. 2126
OFFERED BY: MR. SANDERS

AMENDMENT NO. 9: Page 94, after line 3, insert the following new section:

SEC. 8107. Notwithstanding any other provision of this Act, the amount made available for the National Foreign Intelligence Program (other than for the Central Intelligence Agency Retirement and Disability System Fund) from the appropriations provided in this Act shall not exceed 90 percent of the amount made available for such Agencies (other than for such Fund) from the appropriations provided in the Department of Defense Appropriations Act, 1995 (Pub. L. 103–335).

H.R. 2126
OFFERED BY: MR. KASICH

AMENDMENT NO. 10: Page 23, line 17, strike "$7,162,603,000" and insert "$6,669,603,000".

H.R. 2126
OFFERED BY: MR. KASICH

AMENDMENT NO. 11: Page 23, line 17, insert "(reduced by $493,000,000)" before "to remain available".

H.R. 2127
OFFERED BY: MR. GANSKE

AMENDMENT NO. 10: Page 71, strike line 7 and all that follows through page 72, line 15 (relating to certain medical training programs).

H.R. 2127
OFFERED BY: MR. GORDON

AMENDMENT NO. 11: At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. . None of the funds made available in this Act may be used for grants to students at an institution of higher education under the Pell Grant program under subpart 1 of part A of the Higher Education Act of 1965 when it is made known to the Federal official having authority to obligate or expend such funds that such institution is ineligible to participate in a loan program under part B of title IV of such Act as a result of a default rate determination under section 435(a) of such Act.

H.R. 2127
OFFERED BY: MRS. MINK OF HAWAII

AMENDMENT NO. 12: Page 42, line 20, strike the colon and all that follows through "8003(e)" on line 22.

H.R. 2127
OFFERED BY: MRS. MINK OF HAWAII

AMENDMENT NO. 13: Page 54, strike lines 6 through 18.

H.R. 2127
OFFERED BY: MR. MORAN

AMENDMENT NO. 14: At the end of title II, insert after the last section (preceding the short title) the following section:

SEC. . Of the amount made available in this title under the heading "NATIONAL INSTITUTES OF HEALTH—BUILDINGS AND FACILITIES", $4,600,000 is transferred and made available for carrying out the activities of the Office of Alternative Medicine under section 404E of the Public Health Service Act.

H.R. 2127
OFFERED BY: MR. MORAN

AMENDMENT NO. 15: Page 41, after line 8, insert the following section:

SEC. 210. Of the amount made available in this title under the heading "CENTERS FOR DISEASE CONTROL—DISEASE CONTROL, RESEARCH, AND TRAINING", $4,600,000 is transferred and made available to the Office of the Secretary of Health and Human Services for carrying out the activities of the Office of Disease Prevention and Health Promotion under section 1701 of the Public Health Service Act.

H.R. 2127
OFFERED BY: MR. TORRES

AMENDMENT NO. 16: On page 31, line 5 strike "$146,151,000" and insert: "$139,651,000."

On page 42, line 16 after "1965" insert: "and section 418A of the Higher Education Act".

On page 42, line 16 strike "$6,014,499,000, which" and insert: "$6,024,791,000 of which $10,292,000 for section 418A of the Higher Education Act shall become available on October 1, 1995 and the remainder."

H.R. 2127
OFFERED BY: MR. TRAFICANT

AMENDMENT NO. 17: Page 50, after line 8, insert the following new item:

JACOB K. JAVITS GIFTED AND TALENTED STUDENTS
(INCLUDING TRANSFER OF FUNDS)

For the gifted and talented programs as authorized under subtitle B of title X of the Elementary and Secondary Education Act of 1965 (29 U.S.C. 8031 et seq.), to be derived from amounts provided in this Act for "OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION—SALARIES AND EXPENSES", $9,500,000.

SENATE—*Friday, July 28, 1995*

(Legislative day of Monday, July 10, 1995)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Sovereign God, our help in all the ups and downs of life, all the triumphs and defeats of political life, and all the changes and challenges of leadership, You are our Lord in all seasons and for all reasons. We can come to You when life makes us glad or when it makes us sad. There is no place or circumstance beyond Your control. Wherever we go You are there waiting for us. You already are at work with people before we encounter them, You prepare solutions for our complexities, and You are ready to help us to resolve conflicts even before we ask You. And so, we claim Your promise given through Jeremiah, "Call on Me, and I will answer you, and show great and mighty things you do not know."—Jeremiah 33:3.

Lord, we want our work this day and the end of this workweek to be done in such a way that You will be able to say, "Well done, good and faithful servant." Our only goal is to please You in what we say and accomplish. Bless the Senators in the decisions they must make and the votes they will cast. Give them, and all of us who work with them, Your strength to endure and Your courage to triumph in things great and small that we attempt for the good of all. In Your holy name. Amen.

CONGRESSIONAL GIFT REFORM ACT OF 1995

The PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of S. 1061, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1061) to provide for congressional gift reform.

The Senate resumed consideration of the bill.

Pending:

McCain modified amendment No. 1872, in the nature of a substitute.

Murkowski amendment No. 1874 (to amendment No. 1872), to permit reimbursement for travel and lodging at charitable political events.

Lott amendment No. 1875 (to amendment No. 1872), to change the maximum total value of gifts that can be accepted from a single source in 1 year from $50 to $100.

AMENDMENT NO. 1874

The PRESIDENT pro tempore. Under the previous order, there will now be 10 minutes of debate on the Murkowski amendment No. 1874.

Mr. LEVIN addressed the Chair.

The PRESIDENT pro tempore. The distinguished Senator from Michigan.

Mr. LEVIN. Mr. President, the two amendments that we are going to be voting on early this morning really go to the heart of the efforts that we are making to reform gifts. And those issues are the recreational trips and the meals and the tickets which are given to Members of this body.

So while we have narrowed the differences significantly—and we have—we still are confronted with the really principal issues which have brought us to this point; and that is the recreational travel, the golf outings, the ski trips, and the tennis trips that are provided as so-called charitable travel but which is a significant recreational benefit to us. As a matter of fact, this travel is defined as substantially recreation. That is the first amendment that we will be voting on. It is the Murkowski amendment, which will be to allow that kind of recreational travel to Members of this body to be reimbursed by private interests for that travel.

What the public has seen and read and heard about are these trips that we are offered also benefit a charity. There are two beneficiaries of these trips. A charity benefits when we show up, and we benefit by being given a couple of days and nights and fancy lodging, and being given fancy meals and being paid the transportation to get there. That is a substantial gift to Members. Yes, a charity also benefits. But the price that we pay to benefit the charity is the diminution, the reduction of the public confidence in this institution by the benefit that is received by Members from this recreational travel, which is significant. It is like a paid vacation that we are given at the same time there is a charitable contribution that is also made by the corporate sponsors. And we should give it up. We simply should give it up. It has reduced public confidence in this institution.

We have transcripts of television shows that are available to Members to read if they want to see what this looks like to the general public.

So I hope we will defeat the Murkowski amendment, which is the first amendment that we will be voting on this morning.

I reserve the remainder of my time.

The PRESIDING OFFICER (Mr. MCCAIN). The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, good morning. My colleagues, good morning.

Mr. President, the amendment that we are going to be voting on very shortly provides the same rules for transportation and lodging in connection with charitable events as the bill provides for political events. That is all it does. It just conforms the two—political vis-a-vis charitable events.

Mr. President, much of this debate has been about public perception, that somehow we in Washington are being bought and sold by lobbyists, PAC's, and so forth; if we spend a weekend at a charitable event which includes lobbyists, that somehow we become polluted with corruption, or so goes the myth. There have been television programs directed at this. But at the same time, there is nothing wrong with Members of this body receiving lobbyist money paying for Senators' meals, Senators' lodging, Senators' transportation at a political fundraiser in Hollywood, in Florida, and you name it.

I ask, Mr. President, are we going to sell that bill of malarkey to the American public? I do not think so. It is OK for a lobbyist's money to pay us for travel to fundraisers and PAC's but it is not OK for lobbyist money to be used for travel to an event that will benefit breast cancer screening or poor children in need of medical attention.

Mr. President, my amendment simply provides that Senators would be permitted to be privately reimbursed for the costs of lodging and transportation in connection with a charitable fundraising event, only—and I repeat "only"—if the Senate Select Committee on Ethics determines that participating in the charity event is in the interest of the Senate and in the interest of the United States.

I think we have a clear choice. Do we want to establish the same lodging and transportation rules for charitable fundraisers as we have for political fundraising, or do we want to make it harder, harder to raise money for worthy charities?

The inconsistency here is an obvious one. The rule says as proposed in the compromise that there will be no reimbursement for charity events if it is associated with recreation. Yet, make no mistake about it, Mr. President, the loophole is this: You can have a political fundraiser for yourself, reimburse Members for travel to that political fundraiser and you can have a charity event, too, and have the proceeds go to the charity.

Let us not kid ourselves. What is the source of funds for these events? The source of funds is the same groups, the politicians, political action committees, the PAC's, and so forth.

Now, I had intended to offer another amendment which would have required Members to pay out of their own pocket for travel and lodging for political events like they propose now for charity events. I decided not to pursue that because in reality that belongs in the campaign reform effort which is going to be underway at some point in time, and I intend to pursue it at that time.

We are not kidding ourselves. We are not kidding the American public. We are simply involved in a bit of a charade here. A significant portion of it is worthwhile. This reform is needed. As far as eliminating reimbursement for travel and lodging associated with charitable events and still allowing for political events when the funds came from the same source is the hypocrisy the Senator from Alaska wants to point out and wants to remind all Members as they look at how they are going to vote on the Murkowski amendment.

I encourage them to recognize that significant difference. Members go out, establish a political event, reimburse other Members for travel and transportation. The source of the funds comes from the PAC's and the lobbyists. And they can put on a charity event with it. Perhaps that is what the membership wants. But I suggest the American public is going to question whether we have gone all the way here or whether we have left a loophole.

I thank the Chair, and I yield the floor.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The time of the Senator from Alaska has expired. The Senator from Michigan has 2 minutes remaining.

Mr. LEVIN. I yield 1 minute to my friend from Minnesota.

Mr. WELLSTONE. I thank the Senator from Michigan.

Mr. President, I want my colleagues to know we went through this last night in, I think, rather extensive debate. A Senator certainly can attend charitable events, no question about it. The issue is the recreational travel. What this vote is about is just one issue, and the issue is this: It does not serve this institution well, it does not serve any of us as individual Senators well, when lobbyists pay for Senators and their spouses or their family to go on weekend golf, tennis, skiing, or fishing trips. It is inappropriate. We ought not to be taking these gifts. People in the country do not think it is right. We should not think it is right, and I certainly hope that this amendment by the Senator from Alaska will be voted down.

The PRESIDING OFFICER. The Senator from Michigan has 1 minute 2 seconds remaining.

Mr. LEVIN. I will reserve that.

Is there any time remaining on the other side?

The PRESIDING OFFICER. There is no time remaining on the other side. The Senator from Michigan is recognized.

Mr. LEVIN. Let me conclude by saying this is one of the two issues that has brought us to this point. This recreational travel is a significant gift to us. Yes, there is also a benefit to the charity, but it is the gift to us which is the issue under our gift rules.

If we are going to significantly change the way we do business, this is one of the two areas where we must make a change, the so-called recreational travel. The charities have great appeals. They should be supported; they can be supported, but they must not be supported in a way which undermines public confidence in this institution. And that is the issue which we will be voting on with the Murkowski amendment. It is the public confidence in this institution, the gifts which we get, which is the issue.

I hope this amendment will be defeated. I yield back the remainder of my time.

The PRESIDING OFFICER. All time having expired, under the previous order, the question occurs now on agreeing to amendment No. 1874 offered by the Senator from Alaska [Mr. MURKOWSKI]. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Alaska [Mr. STEVENS] is necessarily absent.

The PRESIDING OFFICER (Mr. THOMAS). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 39, nays 60, as follows:

[Rollcall Vote No. 339 Leg.]

YEAS—39

Ashcroft
Bennett
Bond
Breaux
Bumpers
Burns
Campbell
Chafee
Coats
Cochran
Coverdell
D'Amato
Dodd
Dole
Dorgan
Gorton
Gramm
Grams
Gregg
Hatch
Heflin
Helms
Hollings
Hutchison
Inhofe
Jeffords
Johnston
Lott
Mack
McConnell
Murkowski
Nickles
Nunn
Packwood
Pryor
Roth
Simpson
Smith
Thurmond

NAYS—60

Abraham
Akaka
Baucus
Biden
Bingaman
Boxer
Bradley
Brown
Bryan
Byrd
Cohen
Conrad
Craig
Daschle
DeWine
Domenici
Exon
Faircloth
Feingold
Feinstein
Ford
Frist
Glenn
Graham
Grassley
Harkin
Hatfield
Inouye
Kassebaum
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Kyl
Lautenberg
Leahy
Levin
Lieberman
Lugar
McCain
Mikulski
Moseley-Braun
Moynihan
Murray
Pell
Pressler
Reid
Robb
Rockefeller
Santorum
Sarbanes
Shelby
Simon
Snowe
Specter
Thomas
Thompson
Warner
Wellstone

NOT VOTING—1

Stevens

So the amendment (No. 1874) was rejected.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mr. LAUTENBERG. Mr. President, I move to table the motion.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1875

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to the amendment numbered 1875 offered by the Senator from Mississippi.

Debate on the amendment is limited to 10 minutes equally divided.

Mr. McCAIN. Mr. President, I yield 1 minute to the Senator from Michigan, Senator LEVIN.

Mr. LEVIN. Mr. President, we have come this far on gift reform, and we should not turn back now on one of the central issues which are the tickets and the meals.

Mr. President, we have now made a significant decision in the area of gifts. We have come a significant way. Now we must not turn back. We really must address the question of the tickets and the meals.

We cannot be bought for $100, $50, or $20. I do not think we could be bought for $1 million.

If we will give up the tickets and the meals, the way we have now given up the recreational travel, we can contribute something. We can give something of immeasurable value to this democracy of ours. We can add to public confidence in our democratic institutions.

This public confidence has been eroded. We can help to restore it, if we will now take this step which basically addresses the tickets and the meals.

The executive branch has a $20 gift rule and a $50 total that anyone can give. This would follow the executive branch rule. If they can live under it, I believe we also can live under it. I hope this amendment is defeated.

Mr. LOTT. Mr. President, in support of the amendment, I yield our 5 minutes to the Senator from Louisiana, Senator BREAUX, so that he can make a statement on this, in support of this amendment.

We will vote to see if we have any vestiges of self-respect left.

Mr. BREAUX. I yield myself 3 minutes of my 5 minutes.

Mr. President, the issue before the Senate, I think, is very, very clear. Mr. President, and my colleagues, this legislation, make no bones about it, makes major, dramatic changes in how we are going to conduct the daily lives of Members of this body.

Essentially, today, meals are exempt from any kind of a gift ban or limitation. We all have meals and lunches with our constituents and with people who do business here in Washington. Essentially, those events are exempt from any ban today.

This legislation, for the first time, says meals are going to be included. If that meal costs $21, Members will find themselves before the Ethics Committee, answering a charge that they have violated this rule.

I say to my colleagues that is not sound policy. The Ethics Committee has a lot of work to do. They should not be going over lunch tabs and dinner tickets, to make sure that the tab, the tax, and the tip, does not somehow add up to $21.

That is what the McCain-Wellstone bill provides for. I suggest that we, I think, are smarter than that. Our constituents are smarter than that.

Every year in my State of Louisiana, the Shreveport Chamber of Commerce comes up. They have a luncheon. They invite Senator JOHNSTON. They have a dinner. They invite myself. Next year, they will reverse the order. That meal is probably going to cost more than $20. They are having that meal for us to talk about things of interest to that city and my State.

Every year the Louisiana Municipal Association comes up and takes us out to dinner. That meal is going to cost more than $20.

I suggest to the Members of this body, as it has been said so many times before, we are not going to be bought for $21. We have to be reasonable. We have to be practical. If we vote like our constituents want us to vote, a $21 meal is not going to make the difference.

Our legislation simply says $50 for a gift limitation. You cannot take it when it adds up to over $100 in a year. Therefore, a meal that is $50—a lunch, a dinner, anything under that—is not prohibited. If you add $51, that is prohibited. The maximum would be $100 in a year.

Some say Members go to dinner every night for 365 days and they could give you $18,000 a year. If anybody goes to dinner with the same person every night for 365 some days, I suggest they are idiots and should not be in the Senate in the first place.

Under their legislation, Members could go every night for $20 and spend $7,350. Is that all right? Are we playing games with our self-respect, our ability to know what is right and what is wrong? And more importantly, to allow our constituents to know what is right and what is wrong.

I yield to the Senator from Louisiana.

Mr. JOHNSTON. Mr. President, recently I was along with some of my colleagues and was invited to hear the President of France at a one-table luncheon at the French Embassy on the subject of Bosnia principally; to the British Embassy, to hear Douglas Hurd, the Foreign Minister of Britain, speak about foreign matters in general. Both were, I thought, very important dinners. Both would clearly have exceeded the $20. Would this be prohibited under the $20 rule?

Mr. BREAUX. Any gift Members receive that is over $20, that includes a meal, would be prohibited under the legislation.

I yield to the Senator from Kentucky.

Mr. MCCONNELL. Mr. President, I want to take 1 minute to get the attention of my colleagues on an argument that was made last night, and hopefully not many were here.

That was this suggestion that my friend from Louisiana made that a Senator could go out every night for a whole year and rack up $18,000 in bills under this amendment. That is technically true. Of course, as the Senator from Louisiana pointed out, it is technically true that under the alternative Members could rack up $7,000 in bills.

The point I want Members to know is that anybody who did that would have a serious case before the Ethics Committee. The fact that it might not be a technical violation of the rule does not mean that it is proper conduct. It would be clearly improper conduct.

Some of the major cases that we have had here in the Senate in the last few years have not been technical violations of the rules. They still have been major cases. That was the case in the Keating case. It is the case with some of the charges against the Senator from Oregon—not technical violations of the rules, but still a very serious case.

I want Members to know that anybody who tried to exploit this rule, in this way, would be in very, very, serious trouble.

The PRESIDING OFFICER. The time of the Senator has expired. The other side has 3 minutes remaining.

Mr. MCCAIN. I yield 1 minute to the Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, a very serious mistake of fact has been made on the floor about the bill. The last two speakers said under our bill you could take up to $7,000 a year. That is absolutely false. Under our bill, the most you could take from one individual is $50, the executive rule. Under the amendment here, it would be at least $18,500 for, obviously, a wrongdoer. That is a fact.

The difference is that the current McCain provision has an aggregate limit and the provision provided by the other side on this has no aggregate. So one person, several times a day, could give up to $50 a day and that does not count. And there is no aggregation. That is a fact. That is exactly the difference between the two, and any other suggestion means somebody has not read the difference between the amendments.

Several Senators addressed the Chair.

Mr. MCCAIN. I yield 1 minute to the Senator from Minnesota, Senator WELLSTONE.

Mr. WELLSTONE. Mr. President, if I could just get the attention of my colleagues.

Mr. President, let me just emphasize what the Senator from Wisconsin said. Fact No. 1 is that people in the country just think it is inappropriate when it comes to the meals and the tickets. They think we should let go of it. And we should, if we want to restore confidence.

Fact No. 2, this amendment says that you can go out for a meal or you can take a ticket or whatever, and as long as it is under $50 you can keep receiving the same gift from a lobbyist in perpetuity. There is no limit. There is no $100 limit.

Senators, you cannot tell people we are making a reform, you cannot tell people we are putting an end to this practice, with this kind of huge loophole. It is not credible. It will not work. This amendment is deeply flawed and is not a reform.

Mr. LOTT. Mr. President, I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. MCCAIN. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 1 minute and 20 seconds.

Mr. MCCAIN. Mr. President, this is really all about, this entire legislation is about establishing confidence. I do not think there is any doubt the American people do not believe we live like they do. I do not think there is any doubt that the confidence and esteem in which we are held is not at the level that we want it to be.

I believe if this amendment is agreed to, the perception will be that $50 a day, unrecorded, unaggregated, will indeed be a privilege that most Americans do not enjoy.

It is not really much more complicated than that. As the Senator from Michigan pointed out, can Senators be bought for $20 or $50 or $100 or $200? That is not the argument here. The argument here is whether we will live like the rest of the American people do, and that, for most citizens, is not the ability to receive as much as $50 a day in some kinds of benefits.

We believe the original legislation is far more appropriate. There are those who would argue for zero dollars. I believe what we have crafted is the appropriate method and I do not believe this is about buying and selling of Members of Congress.

Mr. President, I yield the remainder of my time.

VOTE ON AMENDMENT NO. 1875

The PRESIDING OFFICER. All time has expired. The question is on amendment 1875, offered by the Senator from Mississippi.

The clerk will call the roll.

The legislative clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced, yeas 54, nays 46, as follows:

[Rollcall Vote No. 340 Leg.]

YEAS—54

Ashcroft
Bennett
Bond
Breaux
Brown
Bryan
Bumpers
Burns
Campbell
Chafee
Coats
Cochran
Coverdell
Craig
D'Amato
Dodd
Dole
Domenici
Faircloth
Gorton
Gramm
Grams
Grassley
Gregg
Harkin
Hatch
Heflin
Helms
Hollings
Hutchison
Inhofe
Inouye
Johnston
Kassebaum
Kempthorne
Kerrey
Lott
Lugar
Mack
McConnell
Mikulski
Murkowski
Nickles
Nunn
Packwood
Pell
Pryor
Reid
Rockefeller
Roth
Shelby
Smith
Stevens
Thurmond

NAYS—46

Abraham
Akaka
Baucus
Biden
Bingaman
Boxer
Bradley
Byrd
Cohen
Conrad
Daschle
DeWine
Dorgan
Exon
Feingold
Feinstein
Ford
Frist
Glenn
Graham
Hatfield
Jeffords
Kennedy
Kerry
Kohl
Kyl
Lautenberg
Leahy
Levin
Lieberman
McCain
Moseley-Braun
Moynihan
Murray
Pressler
Robb
Santorum
Sarbanes
Simon
Simpson
Snowe
Specter
Thomas
Thompson
Warner
Wellstone

So the amendment (No. 1875) was agreed to.

Mr. DOLE. Mr. President, I move to reconsider the vote.

Mr. LOTT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senator from West Virginia, Senator BYRD, is recognized to offer an amendment on which there shall be 45 minutes of debate.

Will the Senate please be in order.

The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I thank the Chair.

Mr. President, my time will not begin to run until I offer the amendment, and I insist upon order in the Senate.

The PRESIDING OFFICER. The Senator is correct. May we have order. Senators will please take their conversations to the Cloakroom. May we have order in the Senate.

The Senator from West Virginia.

Mr. BYRD. Mr. President, I thank the Chair.

Mr. President, I know order when I see order in the Senate, and we do not have it.

The PRESIDING OFFICER. The Senator is correct. There is no better way to describe it. We know it when we see it.

May we have order, please. The Senators on my right, find another place to converse. The Senators over here, please find another place.

The Senator from West Virginia.

Mr. BYRD. Mr. President, the gavel has only been broken once, and it was replaced with a new gavel. And it might be well perhaps even to break it again. When the Chair calls for order, the Chair should be respected. I know we are all prone to talk a little bit. We like to see our colleagues during the rollcalls. I do the same thing. But if the Chair will crack that gavel and let us know that the Chair wants order, he should have it.

I thank the Chair, and I thank my colleagues.

(Mr. COVERDELL assumed the chair).

Mr. BYRD. Mr. President, the bill before us today, S. 1061, is designed to strengthen the standing rules of the Senate regarding the acceptance of gifts by Members and staff. Accordingly, it is meant to confront the public's perception that Members of the Senate can somehow be influenced for the price of a lunch. That is really pretty silly, but nevertheless that may be the perception. I, for one, do not believe that to be true. But perception, as we all know, is sometimes overpowering.

Indeed, Marie Antoinette may never have actually said, "Let them eat cake," but the fact remains that, in 1793, the people of Paris believed that Marie Antoinette said, "Let them eat cake." So, let us not be fooled. Perception matters, and, whether we like it or not, it must be dealt with.

It is to that end, the righting of public perception, that I am offering this amendment. Quite simply, my amendment states that it is the sense of the Senate that the Judicial Conference of the United States—as the Senate is doing in relation to itself in the pending measure—should review and reevaluate its gift rules, including the acceptance of travel and travel-related expenses, and that those regulations should cover all judicial branch employees, including members of the Supreme Court.

Like the legislative branch, the judicial branch of Government cannot afford to be seen in the eyes of the public as anything less than impartial and unbiased. The great tenet of our judicial system, that all Americans enjoy "equal justice under the law," cannot be brought into question if we are to maintain a society based on the rule of law. Therefore, if it is important for the men and women who make the laws to be above reproach—and it is important—then it only makes sense that it is equally important for the men and women who interpret those laws to be similarly above reproach.

In truth, one could argue that it is even more important for the judiciary to undertake a reevaluation and strengthening of its rules since the very individuals addressed in this amendment are people who, once confirmed by the Senate, retain lifetime tenure. Federal judges do not stand for reelection every 2 years or every 6 years as do Members of the House and Senate. On the contrary, unless they are impeached in the House and convicted in the Senate, Federal judges may hold their positions for life, health permitting. Their behavior and their moral authority as adjudicators of great issues are not subject to a public vote of confidence.

Mr. President, public acceptance and support of the decisions of our courts depends entirely on an independent and impartial judiciary. The decisions of the Federal courts must not be tarnished by even the slightest hint of impropriety, because the men and women who sit in judgment are charged with deciding the most momentous questions—questions that go to the very heart of our liberties. They decide questions involving freedom of speech and freedom of religion under the first amendment. They protect our constitutional rights to due process, our rights of privacy, and our rights to the pursuit of happiness in a free and open society. And they adjudicate controversies, the impact of which may mean millions or even billions of dollars to the individuals and corporations involved. Because of that authority and extraordinary power, the judicial branch, more so than even the other two branches of government, must hold and retain the utmost confidence of the American people.

Unfortunately, Mr. President, there have been reports that some members of our Federal courts have availed themselves of trips sponsored and paid for by a corporation that was involved in litigation in those courts. I am going to read now from a March 5, 1995, newspaper story that appeared in the Minneapolis Star Tribune concerning this matter. And for the benefit of my colleagues, I have had placed on every Senator's desk a copy of this news article. I urge Senators to read the article and they will understand the importance of my amendment.

Mr. President, the Minneapolis Star Tribune article was written by Sharon Schmickle and Tom Hamburger.

The headline is: "West and the Supreme Court; Members accepted gifts and perks while acting on appeals worth millions to Minnesota firm."

And it reads as follows:

"Equal Justice Under Law." These words, chiseled above the huge bronze doors of the

Supreme Court, promise that its justices will be impartial.

Yet some parties who asked the court to review their claims against West Publishing Co. now wonder if they received equal treatment. The reason: Since 1983, West has treated seven Supreme Court justices to luxurious trips at posh resorts or hotels.

None of them saw the trips as reason to disqualify themselves from considering whether to hear five cases involving their host. In each of the five instances, the justices declined to review a lower court's decision, leaving intact a decision in favor of West.

The odds already were against West's opponents, because the high court each year agrees to hear fewer than 200 of the 5,000 or so requests for review.

Two of the West cases involved key copyright issues. And two cases were placed on lists indicating they were actively discussed at the justices' weekly conference.

All justices refused interviews, but two—Antonin Scalia and Lewis Powell, who's now retired—said in written responses that they saw nothing wrong with accepting expense-paid trips to attend meetings for what they regard as a worthy purpose. "That company [West] has been of great importance to the legal profession and to legal scholars," Powell wrote in response to the Star Tribune's inquiry.

Here's a review of the justices' trips and the West-related cases the Supreme Court considered:

1983

Byron White set the pattern for other justices. He accepted an invitation to serve on a committee to select the winner of the Edward J. Devitt Distinguished Service to Justice Award, a prize sponsored by West Publishing Co. The other committee members were Devitt and Judge Gerald Tjoflat of the 11th Circuit Court of Appeals. Each committee member was to serve for two years.

The committee could have reviewed candidates in St. Paul, where Devitt lived, or on the East Coast, where White and Tjoflat worked. Instead, they conducted their February meeting at Marriott's Rancho Las Palmas in Palm Springs, Calif. It's an appealing place—a four-star resort with tennis courts and 27 holes of golf—and West picked up the tab. The trip gave White, a former All-America halfback, a chance to have a reunion with his old football coach, Johnny (Blood) McNally, who lived nearby. Spouses were invited.

West's CEO—

Chief executive officer—

Dwight Opperman, also attended the retreat, although he did not sit in on selection-committee meetings.

1984

The group considered going to Florida for its second meeting. But after consulting White, Devitt wrote to Opperman—

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"He said his wife was not too enthused about Florida. We discussed San Diego, but I pointed out to him that that place is not a warm spot in January or February."

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McNally, a graduate of St. John's in Collegeville, Minn., coached White when he played for the Pittsburgh Steelers. Devitt wrote McNally, inviting him and his wife to join the group for "social affairs."

A couple of weeks after the trip, paid for by West, White wrote to Devitt: "As usual, it was a pleasure to be with you even if your golf was intolerably good."

Another Supreme Court justice also benefited that year. Chief Justice Warren Burger was chosen to receive a special award from the Devitt committee. He donated his $10,000 prize to an organization that promotes interest in the law.

Lewis Powell succeeded White on the Devitt panel. "Caneel Bay is a place my wife Jo and I always have hoped to visit," Powell wrote in a 1984 letter to Devitt.

Opperman—

West Publishing Co.'s CEO—

began scheduling a fall meeting at the exclusive resort on St. John in the Virgin Islands.

Within weeks of the suggestion, Opperman wrote to the justice, saying the meeting would take place at Caneel Bay. He promised to send resort brochures and invited the Powells to stay overnight in Miami the day before the committee was to meet. The letter reminded Powell: "The Devitt Committee travels first class, of course." And it said, "I will send you a check for the air fares right away and will reimburse you for incidental expenses as you advise me."

After the trip, Powell wrote to Devitt, sending a copy to Opperman, suggesting the next meeting be held at the Breakers Hotel in Palm Beach, Fla. He said it is "on the water, superior facilities, and affording many interesting things to do and places to see—particularly for our ladies."

1985

Back in Washington, Powell and White received a list of cases that included the name "West Publishing Co." during their closed-door conference meetings at the Supreme Court.

Patrick Beary, who ran a one-man law office in Queens, N.Y., had decided to press a libel complaint against West to the nation's highest court. Beary wrote his own briefs for the case that had been thrown out by judges in lower courts. A federal appeals panel ruled that West had accurately published a court decision involving Beary and that such activity was protected by law. Beary claimed his libel case raised constitutional questions requiring the high court's review.

Beary's petition was placed on the list of requests the justices decided to discuss, suggesting that at least one justice wanted to consider it. However, it was rejected for reasons that aren't known because the court's conferences are secret.

At the time, Beary understood the rejection. Now that he knows about the trips, he's not so sure. "The justices who went on these trips may have swayed their fellows on the court not to hear the case, you know. I am entitled to my day in court and I didn't get it," he said.

1986

Three months after the court rejected Beary's petition, it was time for Powell and his wife to head to the next Devitt committee meeting, at the Breakers Hotel in Palm Beach, a hotel where double-occupancy rooms currently go for $290 to $455. They joined the Devitts, Ninth Circuit Judge James Browning and two West executives and their wives.

After the January meeting, Powell wrote Opperman [West's CEO]: "It was obvious that Jo and I enjoyed the gathering last week of the Devitt Award Committee group." He went on to praise the work of the committee, then added, "I was most favorably impressed by [West vice president] Gerry Cafesjian." In June, Powell wrote Devitt telling how much he enjoyed photos taken by Cafesjian and mailed to him after the trip. "We had several chuckles and the pictures brought back the warmest memories," the justice wrote.

Less than three weeks later, West's name again surfaced before the court.

West had resisted paying more than $160,000 in back taxes, interest and penalties that the city of Phoenix was trying to collect. It was a "business-privilege" tax that the city routinely imposed on business activity conducted within its limits. A West employee assigned to represent the company in Arizona worked out of his Phoenix home, seeking orders and answering questions about West's products. West argued that most of its business in Arizona was conducted by direct mail and that it did not actually operate an office in the city.

An Arizona appeals court agreed with West and the Supreme Court declined to hear the case. Only Justice Sandra Day O'Connor, an Arizona native, removed herself from the vote on the city's petition.

A few weeks later, Powell and White received an unexpected invitation from West. Although their two-year terms on the Devitt committee had expired, Opperman invited the justices to attend a special "advisory committee meeting."

Through an exchange of letters, they decided to meet in January at the Ritz-Carlton in Laguna Niguel, Calif. The resort, which sites on a 200-foot bluff overlooking the Pacific Ocean, has an 18-hole golf course.

A handwritten note by Devitt indicates that during the Saturday-through-Tuesday gathering, only Monday morning was devoted to committee meetings. The rest of the schedule listed "free" time, golf and dining.

1987

On Jan. 23, only days before Powell and White departed for the California resort, the court met to consider another request that it hear a case against West. It is a case that has meant more to West than any other in recent history.

The dispute involved Mead Data Central Inc., an Ohio company that had jumped into electronic publishing and threatened West's standing as a leading legal publisher. The court opinions in Mead's computerized databases referred to page numbers in West's law books. West had gone to court claiming copyright infringement and a federal judge in Minnesota had ordered Mead to stop using the numbers until the lawsuit was settled. Though preliminary, the order signaled that West's chances of winning the dispute were good.

After losing an appeal in the Eighth Circuit, Mead turned to the high court. For West and Mead, millions of dollars were riding on the decision. But the potential impact reached further. If the court decided to hear the case, it also could lay the groundwork for other publishers who were rushing into electronics.

Neither White nor Powell disqualified himself from participating in the decision, though Powell apparently thought about it. The papers of the late Justice Thurgood Marshall, on file at the Library of Congress, show that Powell apparently considered disqualifying himself, telling the clerk of the court in a letter: "Following discussion of this case at Conference today, I concluded it was unnecessary for me to remain 'out'. Therefore please disregard my letter to you of January 22."

On Jan. 27, the court refused to hear Mead's appeal and ultimately the companies negotiated a secret settlement, reportedly requiring Mead to pay fees to West.

One week after that decision, Powell and White joined Oppeman, another West executive and former committee members for the "advisory" session at the California resort. And as they departed, Justice William Brennan, who had also participated in discussions of Mead vs. West, prepared for his own trip at West expense.

William Brennan and his wife, Mary, flew to Hawaii for the next Devitt committee gathering. They were greeted on February 7, 1987, by the Oppermans, Devitt and Fifth Circuit Judge Charles Clark at the Kahala Hilton in Honolulu.

Brennan's first encounter with the Devitt panel had come in early 1986, in the form of a letter of invitation from Devitt.

"We would very much like to have you serve on the committee," Devitt had written. "I feel sure you will enjoy it. In the past we have met for several days at the time of the Supreme Court mid-winter break in late January or early February. We have met in Palm Springs on two occasions [and] in the Virgin Islands. . . . It makes for a nice break from the routine, and the responsibilities are not too burdensome. . . . The ten of us make for a small congenial group. The arrangements are made and cared for by Mr. Opperman."

After Brennan's trip to the Kahala Hilton, Powell wrote to Devitt: "Bill Brennan returned from your recent meeting with great enthusiasm and approval of the work of the committee. His delightful wife Mary was equally enthusiastic." And Mary Brennan wrote Devitt on Supreme Court notepaper saying: "Bill and I wanted you to know how very much we enjoyed being with you in Hawaii. We had a great time, didn't we."

That summer, the Brennans and Oppermans had dinner together in Rochester, Minn., while the justice was getting a checkup at the Mayo Clinic. While in Rochester, they discussed plans for the next Devitt panel meeting. Brennan wrote Devitt shortly afterward: "February 6-9 is open for Mary and me and we can't wait."

1988

The Brennans traveled to Naples, Fla., in February for the next Devitt committee meeting, staying at the Ritz-Carlton.

Brennan apparently was asked to recruit Chief Justice William Rehnquist to serve on the panel the following year. But Rehnquist declined, Brennan reported, calling it "wonderful duty but in his special relationship with the judges of the district courts and the court of appeals he thinks his service might be regarded as inappropriate." Brennan concluded his letter to Opperman saying: "Have you anyone else in mind?"

Sandra Day O'Connor was invited to join the Devitt committee after three of the five recent West-related petitions came before the court.

She accepted the invitation in a letter to Devitt saying: "My colleagues have reported that it is a most pleasant task carried out in a delightful setting." She declined Devitt's invitation to suggest a meeting place.

California was chosen and Opperman wrote to O'Connor saying he would enclose "a brochure about the hotel which is one of the nation's finest." He reminded her that "the Devitt Committee travels first class" and that he would meet the justice and her husband, John, when they disembarked from their flight to the West Coast.

1989

The Ritz-Carlton hotel in Rancho Mirage offers luxurious accommodations near some of the country's finest golf courses and the Devitt committee met there from Jan. 28-31. Devitt had set up advance golf reservations—with 10 a.m. tee times—for himself and the O'Connors, Sunday at the Mission Hills Resort and Monday at the Desert Island Country Club.

At the Ritz-Carlton, Devitt received a handwritten note from a member of West's team outlining the plans: The group would meet at the Club Lounge each evening at 5:30. At about 6, a limo would take them to dinner. The business meetings were listed as "Time to be determined." On Sunday and Monday mornings, O'Connor and Devitt were scheduled to depart for the golf course at 9:30.

After the California meeting, O'Connor wrote to Devitt on Feb. 14: "The Devitt Awards Committee meeting was such a pleasant experience. I truly enjoyed the break from my routine and the chance to join you on the links."

Before long, it was time to start planning the next meeting, to be held at the Bel Air Hotel in Los Angeles, described in a promotional brochure as "DISCREET. UNHURRIED. PRICELESS."

"I re-read the brochure about the fancy hotel," Devitt wrote to O'Connor in December. "I'm sure we will have a good time there. Dwight Opperman and I talked about it at lunch yesterday."

About the time he wrote the letter, Donna Nelson, an assistant state attorney general in Austin, Texas, was writing the next petition the high court would receive asking it to hear a case against West.

For decades, West had published the statutes of Texas and some two dozen other states under an arrangement that was welcomed by state officials. But the harmonious relationship ended in 1985, when West tried to use copyright claims to block a competitor. Texas Attorney General Jim Mattox set out to challenge West's copyright claims in court. Nelson was assigned to write the briefs arguing that access to the law belonged to the people of Texas, not to a private company.

West didn't claim it owned the words in the law. But it claimed rights to the arrangement, numbers and titles of the various sections in the law. Without those elements, the law would be inaccessible, Texas argued.

Federal judges at the Fifth Circuit Court of Appeals agreed with a Texas judge who had granted West's request that the case be dismissed. When Nelson argued the case, one of the appeals court judges asked her, "Did West do something to make you mad?" Texas wasn't planning to publish the laws commercially and didn't have an "actual controversy" with West, the appeals judges ruled.

What was never disclosed to Nelson was that one of the three appeals court judges, John Minor Wisdom, had been a co-winner of the Devitt award four months before the panel issued its ruling against Texas. West had presented him with $15,000 at a ceremony in New Orleans.

Nelson wasn't surprised when the Supreme Court rejected her petition for an appeal. But five years later—after learning from the Star Tribune that a circuit judge had accepted the cash award and justices had accepted expensive trips from the state's opponent—Nelson said: "That just breaks my heart. That's awful."

1990

Five days after the court rejected the Texas petition (apparently without disqualification by any member), O'Connor flew to Los Angeles to meet Opperman, Devitt and the others at the Bel Air Hotel.

After the trip, Devitt wrote to O'Connor: "We were all very happy to have John [her husband] with us at Bel-Air. He is a wonderful Irishman."

Later, O'Connor wrote to Devitt telling him "it was a great treat" to serve on the award committee and sent him photographs of the visit to California.

When she filed the financial disclosure forms judges are required to complete each year, she didn't report the West-paid trip. When the Star Tribune inquired about the form, she—

Justice O'Connor—

said through a court spokeswoman that it was an oversight and that it will be corrected.

John Paul Stevens got his invitation to serve on the Devitt committee in February. "I feel sure you will enjoy it," Devitt wrote to Stevens. Stevens responded by telephone, according to Devitt's handwritten notes, saying he wanted to meet in Florida.

That spring, Opperman wrote Stevens asking whether the justice and his wife, Maryan, preferred golf or tennis. Stevens wrote back: "It was most thoughtful of you to accommodate us. In response to your inquiry, we are both interested in tennis and golf."

1991

Stevens, his wife and other committee members met with the West executives in January at the Ritz-Carlton in Naples. Judge William J. Holloway Jr., who also attended, said judges were provided with suite accommodations courtesy of West. A receipt shows that Devitts' room charge was $700 a night.

Meanwhile, in Washington, the court had received a fifth request to hear a case against West. Arthur D'Amario, a photographer from Rhode Island, had an altercation with security guards outside a rock concert at the Providence Civic Center and was convicted of simple assault. When his appeal was denied by the Rhode Island Supreme Court, West received a copy of the opinion as part of the material it routinely gathers for its books.

D'Amario tried to stop West from publishing the opinion, alleging it was libelous and would infringe on his privacy rights. Lower courts had ruled that they could not enjoin West from publishing an official court decision. D'Amario petitioned the Supreme Court to hear the case.

D'Amario did not know until last month that justices considering his case had been entertained by West. "I think they have a duty to notify the petitioner of a conflict of interest like this whether or not they think that the potential conflict affects their judgment," he said. "If I had known this, I might have raised an ethics complaint at the time."

D'Amario's petition came before the court's conference two months after Stevens returned from the Florida trip. The justices denied the petition on March 18.

D'Amario's petition marks the end of the requests the court has received since 1982 to hear cases against West. But the trips continued.

In May, Devitt wrote Stevens about plans for the January 1992 meeting of the committee. "We will probably meet either in some Caribbean spot or on a boat trip out of some Florida port."

1992

Indeed, they did find a warm port. Stevens and his wife joined the committee for a January meeting in Nassau, the Bahamas, at Paradise Island Resort & Casino.

Another judge on the committee, Holloway of the 10th Circuit Court of Appeals in Oklahoma City, reported on his disclosure form that West provided "lodging, food, entertainment and miscellaneous courtesies."

Devitt died March 2. Few records about the committee meetings after his death are available.

1993

Antonin Scalia was the next justice to make a West-paid trip.

In January 1993, Scalia and his wife attended a Devitt committee meeting in Los Angeles, according to his financial disclosure form. Scalia had written to Devitt in August 1991 that he and his wife, Maureen, "look forward to a warm meeting place—though we will leave the selection to you."

Scalia did not list a value for the trip. However, another judge attending that session, Seventh Circuit Court Judge William Bauer, listed the value of the three days of West-sponsored lodging and travel at $7,700.

1994

The Star Tribune was unable to determine where the Devitt committee met to make its decisions in 1994.

1995

Anthony Kennedy is the newest justice to join the Devitt committee. He attended his first meeting as a panelist in January at the posh Four Seasons hotel in New York City.

Kennedy joined the group after the court decided against hearing appeals in the Texas and D'Amario cases, and no West cases have come before the court since then.

Kennedy declined to release his correspondence concerning the Devitt committee. But Richard Arnold, chief judge of the Eighth Circuit, released letters he received from Opperman describing arrangements for the meeting:

"The committee and spouses usually eat dinner as a group. If there is some restaurant you especially want to try let me know," Opperman wrote to Arnold in October.

"There will be time for the theater and museums. I would like to know your interests so we can accommodate them."

The official business of the committee was taken care of in two three-hour meetings during the trip that lasted Jan. 22–25, Arnold said.

Mr. President, what we have here appears to be convincing evidence that West Publishing, through its chief executive officer, was providing free trips to members of the Federal judiciary, many times to the poshest of resorts, at the same time that West was involved in litigation before those courts. In instance after instance, as this story has documented, it appears that the impartiality of the judiciary could have been called into question, thus undermining the confidence which the American people place in that branch of government.

Let me stress here that I do not believe any Federal judge, any more than any Member of Congress, is easily susceptible to influence as a result of travel taken in connection with an awards-selection committee. But just as the bill now before the Senate is meant to address very real concerns with regard to the public's perception of the legislative branch, so, too, my amendment is meant to encourage the Judicial Conference to address such concerns within the judicial branch.

For those Senators who may not be familiar with the rules and regulations promulgated by the Judicial Conference, let me quote briefly from section 5 of those regulations. That section, dealing with the acceptance of gifts, states, in part:

> A judicial officer or employee shall not accept a gift from anyone except for a gift incident to a public testimonial, notes, tapes, and other source materials supplied by publishers on a complimentary basis for official use or an invitation to the officer or employee and a family member to attend a bar-related function or an activity devoted to the improvement of the law, the legal system, or the administration of justice.

My concern, Mr. President—especially in light of the newspaper article I have just read—and thus the basis for my amendment, is that the language in section 5 of the regulations of the Judicial Conference may allow too much latitude and thus jeopardize the appearance of impartiality of the judiciary.

If we agree that there is a crisis of confidence in this country regarding the most sacred institutions of our Government, and that that crisis must be addressed, then I think we must agree that no branch of Government can ignore the challenge to look inward and reevaluate its rules of conduct—not the legislative branch, not the executive branch, and certainly not the judicial branch. We must all accept the responsibility for addressing public perception by strengthening our internal rules in an effort to put very valid concerns about improper conduct to rest, however unfounded those concerns may be. Mr. President, my amendment will say to the Federal judiciary that it, too, should join the legislative and executive branches in undertaking that task.

AMENDMENT NO. 1878 TO AMENDMENT NO. 1872

(Purpose: To express the sense of the Senate with respect to the regulation of the acceptance of gifts by the judicial branch)

Mr. BYRD. I urge my colleagues to support my amendment, which I now send to the desk. I ask that such time as I have already used be charged against the time under my control on the amendment, reserving only 5 minutes for my further control.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD] proposes an amendment numbered 1878 to amendment No. 1872.

At the appropriate place in the amendment, insert the following:

SEC. . GIFTS IN THE JUDICIAL BRANCH.

It is the sense of the Senate that the Judicial Conference of the United States should review and reevaluate its regulations pertaining to the acceptance of gifts and the acceptance of travel and travel-related expenses and that such regulations should cover all judicial branch employees, including members and employees of the Supreme Court of the United States.

The PRESIDING OFFICER. Who yields time?

The Chair recognizes the Senator from West Virginia.

Mr. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD the news article to which I have referred, March 5, 1995, Metro Edition, Minneapolis Star Tribune, so that the RECORD will show that I have read the article word for word, offering no interpretations of it on my part, with the exception of, from time to time, re-identifying a name for clarification for the reader or listener.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Minneapolis Star Tribune, Mar. 5, 1995]

WEST AND THE SUPREME COURT; MEMBERS ACCEPTED GIFTS AND PERKS WHILE ACTING ON APPEALS WORTH MILLIONS TO MINNESOTA FIRM

(By Sharon Schmickle and Tom Hamburger)

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Lewis Powell succeeded White on the Devitt panel. "Caneel Bay is a place my wife Jo and I always have hoped to visit," Powell wrote in a 1984 letter to Devitt.

Opperman begun scheduling a fall meeting at the exclusive resort on St. John in the Virgin Islands.

Within weeks of the suggestion, Opperman wrote to the justice, saying the meeting would take place at Caneel Bay. He promised to send resort brochures and invited the Powells to stay overnight in Miami the day before the committee was to meet. The letter reminded Powell: "The Devitt Committee travels first class, of course." And it said, "I will send you a check for the air fares right away and will reimburse you for incidental expenses as you advise me."

After the trip, Powell wrote to Devitt, sending a copy to Opperman, suggesting the next meeting be held at the Breakers Hotel in Palm Beach, Fla. He said it is "on the water, superior facilities, and affording many interesting things to do and places to see—particularly for our ladies."

1985

Back in Washington, Powell and White received a list of cases that included the name "West Publishing Co." during their closed-door conference meetings at the Supreme Court.

Patrick Beary, who ran a one-man law office in Queens, N.Y., had decided to press a libel complaint against West to the nation's highest court. Beary wrote his own briefs for the case that had been thrown out by judges in lower courts. A federal appeals panel ruled that West had accurately published a court decision involving Beary and that such activity was protected by law. Beary claimed his libel case raised constitutional questions requiring the high court's review.

Beary's petition was placed on the list of requests the justices decided to discuss, suggesting that at least one justice wanted to consider it. However, it was rejected for reasons that aren't known because the court's conferences are secret.

At the time, Beary understood the rejection. Now that he knows about the trips, he's not so sure. "The justices who went on these trips may have swayed their fellows on the court not to hear the case, you know. I am entitled to my day in court and I didn't get it," he said.

1986

Three months after the court rejected Beary's petition, it was time for Powell and his wife to head to the next Devitt committee meeting, at the Breakers Hotel in Palm Beach, a hotel where double-occupancy rooms currently go for $290 to $455. They joined the Devitts, Ninth Circuit Judge James Browning and two West executives and their wives.

After the January meeting, Powell wrote Opperman: "It was obvious that Jo and I enjoyed the gathering last week of the Devitt Award Committee group." He went on to praise the work of the committee, then added, "I was most favorably impressed by [West vice president] Gerry Cafesjian." In June, Powell wrote Devitt telling how much he enjoyed photos taken by Cafesjian and mailed to him after the trip. "We had several chuckles and the pictures brought back the warmest memories," the justice wrote.

Less than three weeks later, West's name again surfaced before the court.

West had resisted paying more than $160,000 in back taxes, interest and penalties that the city of Phoenix was trying to collect. It was a "business-privilege" tax that the city routinely imposed on business activity conducted within its limits. A West employee assigned to represent the company in Arizona worked out of his Phoenix home, seeking orders and answering questions about West's products. West argued that most of its business in Arizona was conducted by direct mail and that it did not actually operate an office in the city.

An Arizona appeals court agreed with West and the Supreme Court declined to hear the case. Only Justice Sandra Day O'Connor, an Arizona native, removed herself from the vote on the city's petition.

A few weeks later, Powell and White received an unexpected invitation from West. Although their two-year terms on the Devitt committee had expired, Opperman invited the justices to attend a special "advisory committee meeting."

Through an exchange of letters, they decided to meet in January at the Ritz-Carlton in Laguna Niguel, Calif. The resort, which sits on a 200-foot bluff overlooking the Pacific Ocean, has an 18-hole golf course.

A handwritten note by Devitt indicates that during the Saturday-through-Tuesday gathering, only Monday morning was devoted to committee meetings. The rest of the schedule listed "free" time, golf and dining.

1987

On Jan. 23, only days before Powell and White departed for the California resort, the court met to consider another request that it hear a case against West. It is a case that has meant more to West than any other in recent history.

The dispute involved Mead Data Central Inc., an Ohio company that had jumped into electronic publishing and threatened West's standing as a leading legal publisher. The court opinions in Mead's computerized databases referred to page numbers in West's law books. West had gone to court claiming copyright infringement and a federal judge in Minnesota had ordered Mead to stop using the numbers until the lawsuit was settled. Though preliminary, the order signaled that West's chances of winning the dispute were good.

After losing an appeal in the Eighth Circuit, Mead turned to the high court. For West and Mead, millions of dollars were riding on the decision. But the potential impact reached further. If the court decided to hear the case, it also could lay the groundwork for other publishers who were rushing into electronics.

Neither White nor Powell disqualified himself from participating in the decision, though Powell apparently thought about it. The papers of the late Justice Thurgood Marshall, on file at the Library of Congress, show that Powell apparently considered disqualifying himself, telling the clerk of the court in a letter: "Following discussion of this case at Conference today, I concluded it was unnecessary for me to remain 'out'. Therefore please disregard my letter to you of January 22."

On Jan. 27, the court refused to hear Mead's appeal and ultimately the companies negotiated a secret settlement, reportedly requiring Mead to pay fees to West.

One week after that decision, Powell and White joined Opperman, another West executive and former committee members for the "advisory" session at the California resort. And as they departed, Justice William Brennan, who had also participated in discussions of Mead vs. West, prepared for his own trip at West expense.

William Brennan and his wife, Mary, flew to Hawaii for the next Devitt committee gathering. They were greeted on Feb. 7, 1987, by the Oppermans, Devitt and Fifth Circuit Judge Charles Clark at the Kahala Hilton in Honolulu.

Brennan's first encounter with the Devitt panel had come in early 1986, in the form of a letter of invitation from Devitt.

"We would very much like to have you serve on the committee," Devitt had written. "I feel sure you will enjoy it. In the past we have met for several days at the time of the Supreme Court mid-winter break in late January or early February. We have met in Palm Springs on two occasions [and] in the Virgin Islands . . . It makes for a nice break from the routine, and the responsibilities are not too burdensome . . . The ten of us make for a small congenial group. The arrangements are made and cared for by Mr. Opperman."

After Brennan's trip to the Kahala Hilton, Powell wrote to Devitt: "Bill Brennan returned from your recent meeting with great enthusiasm and approval of the work of the committee. His delightful wife Mary was equally enthusiastic." And Mary Brennan wrote Devitt on Supreme Court notepaper saying: "Bill and I wanted you to know how very much we enjoyed being with you in Hawaii. We had a great time, didn't we."

That summer, the Brennans and Oppermans had dinner together in Rochester, Minn., while the justice was getting a checkup at the Mayo Clinic. While in Rochester, they discussed plans for the next Devitt panel meeting. Brennan wrote Devitt shortly afterward: "February 6-9 is open for Mary and me and we can't wait."

1988

The Brennans traveled to Naples, Fla., in February for the next Devitt committee meeting, staying at the Ritz-Carlton.

Brennan apparently was asked to recruit Chief Justice William Rehnquist to serve on the panel the following year. But Rehnquist declined, Brennan reported, calling it "wonderful duty but in his special relationship with the judges of the district courts and the court of appeals he thinks his service might be regarded as inappropriate." Brennan concluded his letter to Opperman saying: "Have you anyone else in mind?"

Sandra Day O'Connor was invited to join the Devitt committee after three of the five recent West-related petitions came before the court.

She accepted the invitation in a letter to Devitt saying: "My colleagues have reported that it is a most pleasant task carried out in a delightful setting." She declined Devitt's invitation to suggest a meeting place.

California was chosen and Opperman wrote to O'Connor saying he would enclose "a brochure about the hotel which is one of the nation's finest." He reminded her that "the Devitt Committee travels first class" and that he would meet the justice and her husband, John, when they disembarked from their flight to the West Coast.

1989

The Ritz-Carlton hotel in Rancho Mirage offers luxurious accommodations near some of the country's finest golf courses and the Devitt committee met there from Jan. 28–31. Devitt had set up advance golf reservations—with 10 a.m. tee times—for himself and the O'Connors, Sunday at the Mission Hills Resort and Monday at the Desert Island Country Club.

At the Ritz-Carlton, Devitt received a handwritten note from a member of West's team outlining the plans: The group would meet at the Club Lounge each evening at 5:30. At about 6, a limo would take them to dinner. The business meetings were listed as "Time to be determined." On Sunday and Monday mornings, O'Connor and Devitt were scheduled to depart for the golf course at 9:30.

After the California meeting, O'Connor wrote to Devitt on Feb. 14: "The Devitt Awards Committee meeting was such a pleasant experience. I truly enjoyed the break from my routine and the chance to join you on the links."

Before long, it was time to start planning the next meeting, to be held at the Bel Air Hotel in Los Angeles, described in a promotional brochure as "DISCREET. UNHURRIED. PRICELESS."

"I re-read the brochure about the fancy hotel," Devitt wrote to O'Connor in December. "I'm sure we will have a good time there. Dwight Opperman and I talked about it at lunch yesterday."

About the time he wrote the letter, Donna Nelson, an assistant state attorney general in Austin, Texas, was writing the next petition the high court would receive asking it to hear a case against West.

For decades, West had published the statutes of Texas and some two dozen other states under an arrangement that was welcomed by state officials. But the harmonious relationship ended in 1985, when West tried to use copyright claims to block a competitor. Texas Attorney General Jim Mattox set out to challenge West's copyright claims in court. Nelson was assigned to write the briefs arguing that access to the law belonged to the people of Texas, not to a private company.

West didn't claim it owned the words in the law. But it claimed rights to the arrangement, numbers and titles of the various sections in the law. Without those elements, the law would be inaccessible, Texas argued.

Federal judges at the Fifth Circuit Court of Appeals agreed with a Texas judge who had granted West's request that the case be dismissed. When Nelson argued the case, one of the appeals court judges asked her, "Did West do something to make you mad?" Texas wasn't planning to publish the laws commercially and didn't have an "actual controversy" with West, the appeals judges ruled.

What was never disclosed to Nelson was that one of the three appeals court judges, John Minor Wisdom, had been a co-winner of the Devitt award four months before the panel issued its ruling against Texas. West had presented him with $15,000 at a ceremony in New Orleans.

Nelson wasn't surprised when the Supreme Court rejected her petition for an appeal. But five years later—after learning from the Star Tribune that a circuit judge had accepted the cash award and justices had accepted expensive trips from the state's opponent—Nelson said: "That just breaks my heart. That's awful."

1990

Five days after the court rejected the Texas petition (apparently without disqualification by any member), O'Connor flew to Los Angeles to meet Opperman, Devitt and the others at the Bel Air Hotel.

After the trip, Devitt wrote to O'Connor: "We were all very happy to have John [her husband] with us at Bel-Air. He is a wonderful Irishman."

Later, O'Connor wrote to Devitt telling him "it was a great treat" to serve on the award committee and sent him photographs of the visit to California.

When she filed the financial disclosure forms judges are required to complete each year, she didn't report the West-paid trip. When the Star Tribune inquired about the form, she said through a court spokeswoman that it was an oversight and that it will be corrected.

John Paul Stevens got his invitation to serve on the Devitt committee in February. "I feel sure you will enjoy it," Devitt wrote to Stevens. Stevens responded by telephone, according to Devitt's handwritten notes, saying he wanted to meet in Florida.

That spring, Opperman wrote Stevens asking whether the justice and his wife, Maryan, preferred golf or tennis. Stevens wrote back: "It was most thoughtful of you to accommodate us. In response to your inquiry, we are both interested in tennis and golf."

1991

Stevens, his wife and other committee members met with the West executives in January at the Ritz-Carlton in Naples. Judge William J. Holloway Jr., who also attended, said judges were provided with suite accommodations courtesy of West. A receipt shows that Devitts' room charge was $700 a night.

Meanwhile, in Washington, the court had received a fifth request to hear a case against West. Arthur D'Amario, a photographer from Rhode Island, had an altercation with security guards outside a rock concert at the Providence Civic Center and was convicted of simple assault. When his appeal was denied by the Rhode Island Supreme Court, West received a copy of the opinion as part of the material it routinely gathers for its books.

D'Amario tried to stop West from publishing the opinion, alleging it was libelous and would infringe on his privacy rights. Lower courts had ruled that they could not enjoin West from publishing an official court decision. D'Amario petitioned the Supreme Court to hear the case.

D'Amario did not know until last month that justices considering his case had been entertained by West. "I think they have a duty to notify the petitioner of a conflict of interest like this whether or not they think that the potential conflict affects their judgment," he said. "If I had known this, I might have raised an ethics complaint at the time."

D'Amario's petition came before the court's conference two months after Stevens returned from the Florida trip. The justices denied the petition on March 18.

D'Amario's petition marks the end of the requests the court has received since 1982 to hear cases against West. But the trips continued.

In May, Devitt wrote Stevens about plans for the January 1992 meeting of the committee. "We will probably meet either in some Caribbean spot or on a boat trip out of some Florida port."

1992

Indeed, they did find a warm port. Stevens and his wife joined the committee for a January meeting in Nassau, the Bahamas, at Paradise Island Resort & Casino.

Another judge on the committee, Holloway of the 10th Circuit Court of Appeals in Oklahoma City, reported on his disclosure form that West provided "lodging, food, entertainment and miscellaneous courtesies."

Devitt died March 2. Few records about the committee meetings after his death are available.

1993

Antonin Scalia was the next justice to make a West-paid trip.

In January 1993, Scalia and his wife attended a Devitt committee meeting in Los Angeles, according to his financial disclosure form. Scalia had written to Devitt in August 1991 that he and his wife, Maureen, "look forward to a warm meeting place—though we will leave the selection to you."

Scalia did not list a value for the trip. However, another judge attending that session, Seventh Circuit Court Judge William Bauer, listed the value of the three days of West-sponsored lodging and travel at $7,700.

1994

The Star Tribune was unable to determine where the Devitt committee met to make its decisions in 1994.

1995

Anthony Kennedy is the newest justice to join the Devitt committee. He attended his first meeting as a panelist in January at the posh Four Seasons hotel in New York City.

Kennedy joined the group after the court decided against hearing appeals in the Texas and D'Amario cases, and no West cases have come before the court since then.

Kennedy declined to release his correspondence concerning the Devitt committee. But Richard Arnold, chief judge of the Eighth Circuit, released letters he received from Opperman describing arrangements for the meeting:

"The committee and spouses usually eat dinner as a group. If there is some restaurant you especially want to try let me know," Opperman wrote to Arnold in October.

"There will be time for the theater and museums. I would like to know your interests so we can accommodate them."

The official business of the committee was taken care of in two three-hour meetings during the trip that lasted Jan. 22-25, Arnold said.

Mr. BYRD. Mr. President, I also ask unanimous consent to have printed in the RECORD, "Regulations of the Judicial Conference of the United States under title III of the Ethics Reform Act of 1989 Concerning Gifts."

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REGULATIONS OF THE JUDICIAL CONFERENCE OF THE UNITED STATES UNDER TITLE III OF THE ETHICS REFORM ACT OF 1989 CONCERNING GIFTS

Authority: Ethics Reform Act of 1989, Pub. L. No. 101-194, §§301 and 303, 103 Stat. 1716, 1745-1747 (1989), as amended by Pub. L. No. 101-280, amending 5 U.S.C. §7351 and adding new §7353 to 5 U.S.C. These regulations are promulgated by the Judicial Conference of the United States under the authorities of 5 U.S.C. §§7351(c), 7353(b)(1) and (d)(1)(C).

§1. Purpose and Scope.

(a) These regulations implement 5 U.S.C. §§7351 and 7353, which prohibit the giving, solicitation, or acceptance of certain gifts by officers and employees of the judicial branch and provide for the establishment of such reasonable exceptions to those prohibitions as the Judicial Conference of the United States finds appropriate.

(b) Nothing in these regulations alters any other standards or Codes of Conduct adopted by the Judicial Conference of the United States.

(c) Any violation of any provision of these regulations will make the officer or employee involved subject to appropriate disciplinary action.

§2. Definition of "Judicial Officer or Employee."

In these regulations, a "judicial officer or employee" means a United States circuit judge, district judge, judge of the Court of International Trade, judge of the Court of Federal Claims, judge and special trial judge of the Tax Court, judge of the Court of Veterans Appeals, bankruptcy judge, magistrate judge, commissioner of the Sentencing Commission, and any employee of the judicial branch other than an employee of the Supreme Court of the United States or the Federal Judicial Center.

§3. Definition of "Gift."

"Gift" means any gratuity, entertainment, forbearance, bequest, favor, the gratuitous element of a loan, or other similar item having monetary value but does not include: (a) modest items of food and refreshments, such as soft drinks, coffee and donuts, offered for present consumption other than as part of a meal; (b) greeting cards and items with little intrinsic value, such as plaques, certificates, and trophies, which are intended solely for presentation; (c) rewards and prizes given to competitors in contents or events, including random drawings, that are open to the public.

§4. Solicitation of Gifts by a Judicial Officer or Employee.

(a) A judicial officer or employee shall not solicit a gift from any person who is seeking official action from or doing business with the courts (or other employing entity), or from any other person whose interests may be substantially affected by the performance or nonperformance of the judicial officer or employee's official duties, including in the case of a judge any person who has come or is likely to come before the judge.

(b) A judicial officer or employee shall not solicit a contribution from another officer or employee for a gift to an official superior, make a donation as a gift to an official superior, or accept a gift from an officer or employee receiving less pay than himself or herself. This paragraph does not prohibit a judicial officer or employee from collecting voluntary contributions for a gift, or making a voluntary gift, to a official superior for a special occasion such as marriage, anniversary, birthday, retirement, illness, or under other circumstances or ordinary social hospitality.

§5. Acceptance of Gifts by a Judicial Officer or Employee, Exceptions.

A judicial officer or employee shall not accept a gift from anyone except for—

(a) a gift incident to a public testimonial, books, tapes, and other resource materials supplied by publishers on a complimentary basis for official use, or an invitation to the officer or employee and a family member to attend a bar-related function or an activity devoted to the improvement of the law, the legal system, or the administration of justice;

(b) a gift incident to the business, profession or other separate activity of a spouse or other family member of an officer or employee residing in the officer's or employee's household, including gifts for the use of both the spouse or other family member and the officer or employee (as spouse or family member), provided the gift could not reasonably be perceived as intended to influence the officer or employee in the performance of official duties or to have been offered or enhanced because of the judicial employee's official position;

(c) ordinary social hospitality;

(d) a gift from a relative or friend, for a special occasion, such as a wedding, anniversary or birthday, if the gift is fairly commensurate with the occasion and the relationship;

(e) a gift from a relative or close personal friend whose appearance or interest in a case would in any event require that the officer or employee take no official action with respect to the case;

(f) a loan from a lending institution in the regular course of business on the same terms generally available to persons who are not officers or employees;

(g) a scholarship or fellowship awarded on the same terms and based on the same criteria applied to other applicants; or

(h) in the case of a judicial officer or employee other than a judge or a member of a judge's personal staff, a gift (other than cash or investment interests) having an aggregate market value of $50 or less per occasion, provided that the aggregate market value of individual gifts received from any one person under the authority of this subsection shall not exceed $100 in a calendar year;

(i) any other gift only if:

(1) the donor has not sought and is not seeking to do business with the court or other entity served by the judicial officer or employee; or

(2) in the case of a judge, the donor is not a party or other person who has come or is likely to come before the judge or whose interests may be substantially affected by the performance or nonperformance of his or her official duties; or

(3) in the case of any other judicial officer or employee, the donor is not a party or other person who has had or is likely to have any interest in the performance of the officer's or employee's official duties.

§6. Additional Limitations.

Notwithstanding the provisions of section 5, no gift may be received by a judicial officer or employee in return for being influenced in the performance of an official act or in violation of any statute or regulation, nor may a judicial officer or employee accept gifts from the same or different sources on a basis so frequent that a reasonable person would be led to believe that the public office is being used for private gain.

§7. Disclosure Requirements.

Judicial officers and employees subject to the Ethics in Government Act of 1978 and the instructions of the Financial Disclosure Committee of the Judicial Conference of the United States must comply with the Act and the instructions in disclosing gifts.

§8. Advisory Opinions.

The Committee on Codes of Conduct of the Judicial Conference of the United States is authorized to render advisory opinions interpreting Title III of the Ethics Reform Act of 1989 (5 U.S.C. 7351 and 7353) and these regulations. Any person covered by the Act and these regulations may request an advisory opinion by writing to the Chairman of the Committee on Codes of Conduct, in care of the Administrative Office of the United States Courts, Washington, D.C. 20544.

§9. Disposition of Prohibited Gifts.

(a) A judicial officer or employee who has received a gift that cannot be accepted under these regulations should return any tangible item to the donor, except that a perishable item may be given to an appropriate charity, shared within the recipient's office, or destroyed.

(b) A judicial agency may authorize disposition or return of gifts at Government expense.

COMMENTARY

All officers and employees of the judicial branch hold appointive positions. Title III of the Act thus applies to all officers and employees of the judicial branch. However, the Judicial Conference has delegated its administrative and enforcement authority under the Act for officers and employees of the Supreme Court of the United States to the Chief Justice of the United States and for employees of the Federal Judicial Center to its Board. For this reason, the definition of "judicial officer or employee" does not include every judicial officer or employee whose conduct is governed by Title III. For purposes of Title III and these regulations, employees of the Tax Court and the Court of Veterans Appeals are employees of the judicial branch.

These regulations do not repeal the gift provisions of the Codes of Conduct heretoforce promulgated by the Judicial Conference. The scope of the gift provisions of the Codes exceeds that of these regulations and the statute, however, in that they impose certain responsibilities on an officer or employee with respect to the receipt of gifts by members of the officer's or employee's family residing in his or her household.

Section 5 of these regulations is based upon Canon 5C(4) of the Code of Conduct for United States Judges.

Reimbursement or direct payment of travel expenses, including the cost of transportation, lodging, and meals, may be a gift and, if so, its acceptance is governed by these regulations. A judge or employee may receive as a gift travel expense reimbursement for the judge or employee and one relative incident to the judge's attendance at a bar-related function or at an activity devoted to the improvement of the law, the legal system, or the administration of justice. A report of the payment of travel expenses as a gift or otherwise may be required on the Financial Disclosure Report.

A judge covered by the Judicial Councils Reform and Judicial Conduct and Disability Act of 1980 (28 U.S.C. §§332(d)(1), 372(c)) who violates these regulations shall be subject to discipline as provided in that Act. Any other judicial officer or employee who violates these regulations shall be subject to discipline in accordance with existing customary practices.

NOTES

1. The "Regulations of the Judicial Conference of the United States Under Title III of the Ethics Reform Act of 1989 Concerning Gifts" were adopted on May 18, 1990, by the Judicial Conference, through its Executive Committee.
2. On August 15, 1990, the Judicial Conference, through its Executive Committee, amended these regulations to implement the prohibition against gifts to superiors as required by the Ethics Reform Act of 1989, 5 U.S.C. §7351.
3. At its March 1991 session, the Judicial Conference amended these regulations to include procedures for requesting advisory opinions from the Committee on Codes of Conduct interpreting Title III and these regulations.
4. These regulations were amended by the Judicial Conference at its September 1991 session to cover the Tax Court and the Sentencing Commission, exclude compensation for teaching received by senior judges from the 15% cap on outside earned income, and make certain minor technical corrections.
5. The Judicial Conference amended these regulations at its March 1992 session to cover judges and employees of the Court of Veterans Appeals.
6. At its September 1994 session, the Judicial Conference renumbered these regulations and revised them to include a new definition of the term "gift;" a new section 4(a) prohibiting the solicitation of gifts; revised sections 4(b), 5(b), and 6 incorporating general limitations on the acceptance of gifts; a new section 5(h) permitting most employees to accept gifts of minimal value; and a new section 9 regarding the return or disposal of gifts that may not properly be accepted.

Mr. McCAIN addressed the Chair.

Mr. BYRD. Mr. President, I yield to the distinguished Senator.

The PRESIDING OFFICER. The Chair recognizes the Senator from Arizona.

Mr. McCAIN. Mr. President, have the yeas and nays been ordered? Did the Senator from West Virginia want the yeas and nays?

The PRESIDING OFFICER. They have not.

Mr. McCAIN. Does the Senator from West Virginia seek the yeas and nays?

Mr. BYRD. Yes.

Mr. McCAIN. Mr. President, I ask for the yeas and nays on the Byrd amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. McCAIN. Mr. President, I ask unanimous consent to send to the desk an amendment by Senator STEVENS that has been accepted by both sides. I realize this amends the unanimous consent procedure that has been agreed to by both sides. The amendment states the Rules Committee would be allowed to accept gifts on behalf of the Senate.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Mr. President, I have no objection, but shall we yield back the time on my amendment first?

Mr. McCAIN. Mr. President, I yield all time on this side on the Byrd amendment.

I will take up the Stevens amendment after the vote on the Byrd amendment.

Mr. BYRD. Mr. President, I yield my time and I thank the distinguished Senator from Arizona.

VOTE ON AMENDMENT NO. 1878

The PRESIDING OFFICER. All time is yielded back. The question is on the amendment.

The clerk will call the roll.

The bill clerk called the roll.

Mr. LOTT. I announce that the Senator from Oklahoma [Mr. INHOFE] and the Senator from Alaska [Mr. MURKOWSKI] are necessarily absent.

The PRESIDING OFFICER (Mrs. HUTCHISON). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 75, nays 23, as follows:

[Rollcall Vote No. 341 Leg.]

YEAS—75

Abraham
Akaka
Ashcroft
Baucus
Bennett
Bond
Boxer
Bradley
Breaux
Bryan
Bumpers
Burns
Byrd
Campbell
Coats
Cohen
Conrad
Coverdell
Daschle
DeWine
Dodd
Dole
Dorgan
Exon
Faircloth
Feingold
Ford
Frist
Glenn
Grassley
Gregg
Harkin
Hatfield
Helms
Hollings
Hutchison
Inouye
Jeffords
Johnston
Kennedy
Kerrey
Kerry
Kohl
Kyl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
McCain
McConnell
Mikulski
Moseley-Braun
Murray
Nickles
Nunn
Pell
Pressler
Pryor
Reid
Robb
Rockefeller
Sarbanes
Shelby
Simon
Simpson
Smith
Snowe
Specter
Stevens
Thomas
Thurmond
Warner
Wellstone

NAYS—23

Biden
Bingaman
Brown
Chafee
Cochran
Craig
D'Amato
Domenici
Feinstein
Gorton
Graham
Gramm
Grams
Hatch
Heflin
Kassebaum
Kempthorne
Mack
Moynihan
Packwood
Roth
Santorum
Thompson

NOT VOTING—2

Inhofe
Murkowski

So the amendment (No. 1878) was agreed to.

Mr. BYRD. Madam President, I move to reconsider the vote by which the amendment was agreed to.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. McCAIN. Madam President, I ask unanimous consent that I be allowed to offer an amendment on behalf of Senator STEVENS on behalf of the Rules Committee. The amendment would clarify that the Rules Committee is authorized to accept gifts on behalf of the Senate. It is my understanding this amendment is acceptable to both sides.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

AMENDMENT NO. 1879

(Purpose: To allow the Rules Committee to accept gifts on behalf of the Senate)

Mr. McCAIN. Madam President, I have an amendment at the desk. I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. McCAIN], for Mr. STEVENS, proposes an amendment numbered 1879.

Mr. McCAIN. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the substitute amendment, add the following:

SEC. 3. ACCEPTANCE OF GIFTS BY THE COMMITTEE ON RULES AND ADMINISTRATION.

The Senate Committee on Rules and Administration, on behalf of the Senate, may accept a gift if the gift does not involve any duty, burden, or condition, or is not made dependent upon some future performance by the United States. The Committee on Rules and Administration is authorized to promulgate regulations to carry out this section.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

So the amendment (No. 1879) was agreed to.

Mr. FORD. Madam President, I move to reconsider the vote by which the amendment was agreed to.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. FORD. Madam President, the next item on the agenda, I believe, is the so-called Rockefeller amendment?

The PRESIDING OFFICER. The Senator is correct.

Mr. FORD. I have been advised that Senator ROCKEFELLER will not offer that amendment. Therefore, I ask unanimous consent that the amendment and the time assigned to it be vitiated.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. FORD. I thank the Chair.

AMENDMENT NO. 1880

The PRESIDING OFFICER. Under the previous order, the Senator from Minnesota [Mr. WELLSTONE] is recognized to offer an amendment on which there shall be 1 hour of debate equally divided.

Mr. WELLSTONE. I thank the Chair.

Madam President and my colleagues, many of whom I know have travel plans, I think we have now come to a very good, solid agreement so I do not think we will need an hour for debate. I think we can do this in just a few minutes.

The amendment that I am sending to the desk makes a great deal of sense. What we are going to do in this amendment is we will have—this goes back to a debate we had just about an hour ago in this Chamber.

Anything under $10 is de minimis, and that does not count toward the aggregate. Then anything above $10 counts toward what will be an aggregate limit that Senators cannot go beyond, in terms of receiving meals or any kind of gift from any lobbyist or other special interest. Likewise, we can keep the $50; anything over $50 cannot be accepted.

So, Madam President, I think we are back on the reform track. The concern that some of us had about the prior amendment—and frankly, I say this to my good friend from Louisiana, I think this was more just a misunderstanding—we did not really see an aggregate limit and saw it as being very open-ended, in which case gifts could be given and gifts could be received in perpetuity, as long as they were under $50. This may have been an honest confusion. Now we have an amendment that brings us together. It sets some very reasonable standards. I know the Senator from Arizona wants to speak. I send this amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Minnesota [Mr. WELLSTONE], for himself, Mr. FEINGOLD, Mr. LAUTENBERG, Mr. MCCAIN and Mr. LEVIN, proposes an amendment numbered 1880.

Mr. WELLSTONE. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike paragraph 1(a) and insert in lieu there of the following:

"1. (a)(1) No Member, officer, or employee of the Senate shall knowingly accept a gift except as provided in this rule.

"(2) A Member, officer, or employee may accept a gift (other than cash or cash equivalent) which the Member, officer, or employee reasonably and in good faith believes to have a value of less than $50, and a cumulative value from one source during a calendar year of less than $100. No gift with a value below $10 shall count towards the $100 annual limit." No formal recordkeeping is required by this paragraph, but a Member, officer, or employee shall make a good faith effort to comply with this paragraph.

Mr. WELLSTONE. I reserve the remainder of my time.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Madam President, I want to thank the Senator from Minnesota for this amendment, and it is very important. It is a very, very important amendment because, basically, it aggregates. So, therefore, I think my friend from Minnesota will agree with me, the ultimate effect is we have gone from the original bill, which was a $20-$50 to $50 and $100 with aggregation. So there has been an increase, not one that the sponsors of this legislation supported, but far, far different—far, far different—from the amendment that was adopted which allowed someone to take 49.99 dollars' worth every day from the same person. Now that can happen twice.

I think it strengthens the bill dramatically, and I appreciate the fact that the Senator from Minnesota uses his amendment for this, because it makes a significant change in this bill as to how it would have looked with the passage of the Lott amendment. I want to thank the Senator from Minnesota for that. I am glad it is going to be accepted on both sides.

I yield the floor.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. WELLSTONE. Madam President, I yield whatever time the Senator from Michigan needs.

Mr. LEVIN. Madam President, let me congratulate the Senator from Minnesota and all the others who have worked on this amendment. Those of us who opposed the Lott amendment saw two problems with that amendment. First, was the limit of $50 was too high. We preferred the executive limit branch of $20.

The second problem with the Lott amendment that we saw was that it allowed unlimited gifts under $50, because under $50 did not count toward the aggregate. That was the second big problem that we saw with the Lott amendment.

The Wellstone amendment cures the second problem, and I want to thank the Senator from Mississippi and others who have worked on this matter. We have tried to work through most of the problems, and we really succeeded. We did a lot of good work in the last few days. We solved almost all the problems—not quite all—and we created a few for ourselves as well. But nonetheless, I think this represents significant progress.

I want to, again, thank the Senator from Minnesota—the Senator from Arizona has worked so, so hard on this whole bill—for improving the Lott amendment in this way.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. WELLSTONE. Madam President, I yield whatever time the Senator from Wisconsin needs.

Mr. FEINGOLD. Madam President, I am not new to the legislative process. I am new to the Senate. I have been a legislative officer for 13 years. I have gotten used to the ups and downs. I never thought I would experience a situation where we lost and then realize we actually won. I just went through that.

I was very disappointed in the last vote because of the reasons I stated. The original McConnell suggested amendment would have allowed up to $100 a day from the same source. So we came up with a figure potential of $36,500. Senator MCCONNELL did reverse his position on that and cosponsored the McCain amendment.

Mr. McCONNELL. Will the Senator yield?

Mr. FEINGOLD. Yes, I will yield.

Mr. McCONNELL. Madam President, I assume the Senator is familiar with the legislative process around here. We often begin for purposes of negotiation. I will say, continuing to meet on the first product is not inconsistent with the spirit of bipartisanship, with which we have come to conclusion.

We have a good bill everybody can feel proud to have participated in. I think we proceeded with the best sense of bipartisanship. As Senator BYRD indicated yesterday, it seems to me that we need a little bit more of that around here. I think it would be good for all of us.

Mr. FEINGOLD. My purpose in rising is to indicate how pleased I am in how the bipartisan process has worked its way. I merely want to be clear, because there were some representations made about our proposal about an hour ago that were just plain wrong. I want to make sure the RECORD is clear.

We have now reached agreement in this body on aggregation, that there should be an aggregated total of $100. I would have preferred $50. In fact, I would have preferred zero, as we have in Wisconsin.

The key change now achieved, the only real exception to that, is the amount under $10 is not counted. That is a huge difference between not counting everything under $50, at least back in my home State. It would be nearly impossible for someone to gain in this system, to have to run around and get a gift for under $10.

Let me say, I do not believe anybody in this body would ever do anything like that or has done anything like that. I just think the American people want to see a set of rules that they can look at and say on their face, guaranteed, this will not happen.

I am very pleased. I want to thank the Senator from Mississippi, and others, as well as, of course, Senator WELLSTONE for coming to this conclusion. I believe it does bring us at least 90 percent of the way toward the ultimate reform that ought to occur.

Mr. McCAIN. Will the Senator yield me 30 seconds?

Mr. FEINGOLD. I yield.

Mr. McCAIN. I want to point out the Senator from Kentucky has been an active participant in all the negotiations. We appreciate his efforts and comity and accommodations. He, and others mentioned by the Senator from Michigan, deserves great credit for showing a spirit of compromise. We know how strongly held his views are.

There is no doubt a week ago, I say to my friends, no one believed we would be where we are today. It took a great deal of compromise on the part of the original sponsors of the bill and also on the part of the Senator from Kentucky, as well as others and, of course, the great facilitator, the Senator from Mississippi.

I hope the record is clear that this was a bipartisan effort, although it is still fraught with a significant amount of controversy.

I thank the Senator from Wisconsin.

Mr. WELLSTONE. Madam President, my understanding is we have strong support. We are just going to voice vote this. I believe that the vote on the individual gifts was a mistaken vote, because we did not have the aggregate limit. I think that was a loophole we did not want to have.

We have come together now. That is what matters. I thank Senator McCAIN. It has been really fascinating working with the Senator from Arizona, and that is the way I describe it. It has been an experience I will write about in my journal. I appreciate working with him.

I thank Senator LEVIN, who perhaps has the most knowledge about these issues on reform and has been at this as long as anybody in the Senate.

I thank Senator LAUTENBERG for his fine work, and certainly my colleague from Wisconsin. I love having him as a colleague in the neighboring State of Wisconsin. Also, Senator BREAUX, Senator MCCONNELL, Senator LOTT, the majority leader.

We have now come together. We are ready to vote on this. I am very proud of what I think is a reform bill that is going to make a real difference.

I yield the floor and hope we move to a vote.

The PRESIDING OFFICER. Is there further debate?

Mr. McCAIN. Did the Senator yield back the remainder of his time?

Mr. WELLSTONE. I yield back the remainder of my time.

Mr. LOTT. Madam President, we yield back the remainder of our time on this side.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

So the amendment (No. 1880) was agreed to.

The PRESIDING OFFICER. Under the previous order, the majority leader is recognized to offer an amendment, on which there will be 35 minutes for debate.

Mr. DOLE. I withdraw the amendment.

Mr. SANTORUM. Madam President, I think it is very important that everyone recognize the significance of what we in the Senate are doing by reforming the rules by which Members of the Senate may accept gifts. I strongly support a fair and workable gift reform bill and hope very much that the House of Representatives will see fit to swiftly pass similar legislation.

The Senate need not and will not wait for the House of Representatives to act. We, upon passing this bill, will pass a Senate resolution amending the rules of the Senate to reflect the new gift provisions. What I want to touch on very briefly is the significance of amending the Senate rules. The amending of our rules represents a significant act. While some have suggested that we must and can only enact legislation to achieve reform, and while I intend to support such legislation, the fact is that we in the Senate will have achieved real gift reform when we pass a resolution amending our rules. The rules of the Senate, and of the House of Representatives, are full legal authorities promulgated under the express grant of power of article I, section 5 of the U.S. Constitution. Because we are acting from a direct grant of constitutional authority, these rules are for all intents and purposes "laws."

I emphasize this point because while the great weight of constitutional authority has long endorsed the significance, the power, and the role as law of the rules of the Senate and the House, a few recent court decisions have seemed to go against this overwhelming weight of authority. But no aberrational decisions of the lower courts should change in any way the fact that by amending the rules of the Senate we are acting under our constitutional grant of authority and we are taking a significant step having the full force and effect of law.

Madam President, I am pleased that this legislation is before us today, and I support its passage.

Mr. HATFIELD. Madam President, recent polls have shown that public approval of Congress is dismally low. The American people have tired of what they perceive as business as usual in Washington. A politician has ceased to be a word to describe a political leader, but instead it embodies a perception of Members of Congress who pander to special interest and are steeped in corruption. It saddens me to think that the greatest deliberative body in the world and the very bedrock of our democracy is held in such ill repute. While I do not think gifts necessarily translate into influence peddling by special interests, we need to avoid all appearances of impropriety if we are serious about regaining the public trust.

Our business as legislators is invalid and inconsequential if we cannot command the respect of the people we serve. The Lobbying Disclosure Act of 1995 and the Senate gift rule reforms will not wholly restore the public's confidence in the institution in which we serve, but I believe they take significant steps in the right direction. The status quo is not sufficient, and I am encouraged by the bipartisan support for these measures. I have adopted a gift ban for myself, and I welcome the extension of a similar policy to the entire Senate.

The time has come for the reforms proposed in these two pieces of legislation. We must be guided by the premise that the public's trust and confidence are more important than anything else. This bill eliminates many appearances of impropriety and it enables us to make strides at restoring the people's faith in democracy.

Mr. DODD. Madam President, there is no question that we need gift and lobbying reform. I believe every Member of the Senate agrees on that point.

But let us not fool ourselves. The impact of any gift reform bill we adopt—both substantively and in terms of public perception—will be minimal. I say this because of my firm conviction that the need for gift reform is utterly dwarfed by the need to clean up our campaign finance system. If we ban gifts without adopting campaign finance reform, a senator would not be allowed to accept a $51 dinner from an individual, but during the dinner that individual could hand the Senator a check for $1,000. I hope that once we complete this debate, we will go on to campaign finance and adopt real reform for the American people.

I hope that in adopting gift reform legislation we don't become so hidebound by rules and regulations that it becomes difficult to do our jobs. In going about their every-day business, Senators should not constantly be asking ethics attorneys to decipher what is and what is not allowed. Careers should not rise or fall on the answers to a never-ending parade of nit-picking questions. That would be unfortunate and unfair.

Instead of engaging in a picayune debate over a suffocating code of conduct, I wish we could have a full-blown discussion about the concept of personal responsibility in the Senate and in society at-large. This is a principle that unfortunately has eroded over the years, in part due to the growth of rules and ethics codes governing every aspects of our lives. These rules are all well-intentioned, and many of them are needed. But they have had the unintended consequence of allowing us to pass the buck when we face moral dilemmas large and small. Instead of consulting our consciences, we call the ethics officer. Instead of taking responsibility for our actions and their results, we hide behind the opinions of attorneys and experts.

I believe that individual Senators know how to judge right from wrong in their dealings with lobbyists and others. I believe Senators should be accountable to their consciences and to their constituents—not to a code of rules and regulations.

My pledge has always been that I do nothing in my conduct as a Senator that I cannot explain to the people of Connecticut. I think that is a rigorous, fair and accountable standard to which we should all adhere.

Mr. PELL. Madam President, as I stated when the Senate acted on gift ban legislation last year, we have ventured into the treacherous shoals of self-regulation.

I am supporting the bill, as indeed I have always supported reforms that will benefit the Senate as an institution. But I support this bill with somewhat muted enthusiasm.

In passing this bill, we are responding once again to the public's perception of the political process and the public's presumption of what our standards and motives may be.

These perceptions and presumptions must be dealt with, to be sure, but I for one find them to be often inaccurate and frequently demeaning. And the proposed remedies usually are unduly intrusive.

We should be under no illusion, I believe, that public perceptions, amplified by media attention, can be neutralized or satisfied by legislative fiat.

In the final analysis, the only way to change or disprove public perceptions and presumptions is for each of us to demonstrate integrity in all our actions.

Guidelines and rules are helpful, to be sure. But it seems to me that the best guidelines are the simplest.

I am troubled by the fact that the legislation we have passed does not meet the test of simplicity. It includes 23 exceptions and exemptions, covering ten pages of the bill, each of which is subject to expanded interpretation and challenge.

I regret, also, that the bill imposes rigid dollar limits, which while more reasonable than originally proposed, still seem unduly restrictive. I was pleased to support the Lott amendment raising the ceiling on aggregated giving, but the subsequently adopted threshold for aggregating seems unreasonably low.

The legislation of course does have redeeming features. One of the most significant, to my mind, is the prohibition on acceptance of elaborate and luxurious recreational trips at lobbyists' expense.

And the basic intent of the legislation certainly is praiseworthy, namely to remove extraneous and improper influence, when it does occur, from the legislative process.

Finally, I would applaud the fine sense of compromise that prevailed in winning approval of the legislation without time consuming and acrimonious debate. For that, the Senate and the Nation are better off.

VOTE ON AMENDMENT NO. 1872, AS MODIFIED

The PRESIDING OFFICER. The question is on the substitute amendment offered by Senator MCCAIN, No. 1872.

Mr. LEVIN. Madam President, before that, I am just going to spend 30 seconds to clarify a point on the request of Senator JOHNSTON, if I have time. He has asked a question about hospitality at an embassy, at a chancellery. I wanted to assure him and the body, at his request, that the personal hospitality exception is intended to cover such hospitality at embassies and chancelleries.

Madam President, I want to pay particular tribute to Linda Gustitus and Peter Levine of my staff.

Night after night, week after week, month after month, they successfully pulled ideas into workable solutions in both lobby reform and gift reform. What a week of political reform these two great staffers helped produce. How much this Senate and this Nation and I personally owe them.

I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to the McCain amendment No. 1872.

The amendment (No. 1872), as modified, as amended, was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

SENATE GIFT REFORM

The PRESIDING OFFICER. The clerk will report the resolution.

The bill clerk read as follows:

A resolution (S. Res. 158) to provide for Senate gift reform.

The Senate proceeded to consider the resolution.

Mr. MCCAIN. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. DOLE. I congratulate all of my colleagues involved in these negotiations. I think we have a good bill, one that we can be proud of, that has been brought about by bipartisan consensus and negotiation. I think this is one issue we want to get behind us. We have done that with what I think will be a unanimous vote. We promised to complete this action by today, and we have done that. We have also taken care of lobbying reform. I thank the Senator from Michigan, the Senator from Arizona, the Senator from Wisconsin, the Senator from Kentucky, Senator BREAUX, Senator WELLSTONE, Senator JOHNSTON, Senator FEINGOLD, and many others who have been involved directly. It is always more difficult when it affects us. In my view, we have a good result and one that ought to be supported by everyone.

The PRESIDING OFFICER. The question is on agreeing to Senate resolution 158.

The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Oklahoma [Mr. INHOFE] and the Senator from Alaska [Mr. MURKOWSKI] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 342 Leg.]

YEAS—98

Abraham
Akaka
Ashcroft
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Bradley
Breaux
Brown
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Dole
Domenici
Dorgan
Exon
Faircloth
Feingold
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Harkin
Hatch
Hatfield
Heflin
Helms
Hollings
Hutchison
Inouye
Jeffords
Johnston
Kassebaum
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Kyl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moseley-Braun
Moynihan
Murray
Nickles
Nunn
Packwood
Pell
Pressler
Pryor
Reid
Robb
Rockefeller
Roth
Santorum
Sarbanes
Shelby
Simon
Simpson
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner
Wellstone

NOT VOTING—2

Inhofe
Murkowski

So the resolution (S. Res. 158) was agreed to.

Mr. DOLE. Madam President, I move to reconsider the vote by which the resolution was agreed to.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MEASURE INDEFINITELY POSTPONED—S. 1061

The PRESIDING OFFICER. The Chair announces that S. 1061 is indefinitely postponed.

The Chair recognizes the majority leader.

Mr. DOLE. Madam President, the American people sent us a message last November. A lot of us might prefer to think that message was directed to the executive branch alone. But part of that message was directed to Congress. The American people want a Congress accountable to them, and them alone. The American people want us to rein in our appetites and to take the steps necessary to correct the perception that Congress suffers from an arrogance that shields it from the dramatic changes sweeping this country.

I am pleased that we have responded, and I am pleased that we have done so in a bipartisan manner. The very first legislation passed in this Congress was a requirement that Congress would henceforth live under the same laws that apply to everyone else. We have begun the hard task of living under a balanced budget just like most Americans do every day. Several days ago, we passed the next installment on reform legislation, legislation which reformed the way lobbyists do business in our Nation's Capital.

And, today, we have passed the next congressional reform package, one which directly confronts the concerns many Americans might have about how we conduct our business. Now, I think in most cases the problem of gifts to Members is one of perception. But I think respect for the institution of the Senate demands that we take the extra steps necessary to ensure that perceptions do not become reality. We have done that today.

I have in the past made clear that if it was necessary I would be prepared to eliminate all gifts—I do not go out to dinner with lobbyists. But I do not think anyone around here has cornered the market on integrity and the bipartisan package before us is a good balance of the need for reform and the need for common sense.

We certainly do not intend to place Members in the awkward position of refusing a gift of nominal value when addressing, say, the local Kiwanis Club, and situations like these are addressed in a reasonable way by this bipartisan package. If these reforms turn out to be insufficient, then we will tighten them up further.

I want to pay tribute to those on both sides of the aisle who worked so hard to resolve very real differences—Senators MCCAIN and LEVIN, in particular, who worked so hard to resolve these differences.

I would like to thank Senator LOTT for heading up a bipartisan task force that produced this gift reform package. He and his assistant, Alison Carroll, did a superb job. And, finally, I would like to thank Senator MCCONNELL, who was ably assisted by Melissa Patack, for his leadership on yet another tough issue.

PRESIDING OFFICER NOT BOUND BY PRECEDENCE ON APPROPRIATIONS BILLS

Mr. DOLE. Madam President, I ask unanimous consent that in the future the Presiding Officer not be bound by the precedence established on March 16, 1985, regarding legislation on an appropriations bill.

Mr. FORD. Madam President, I object.

The PRESIDING OFFICER. Objection is heard.

MORNING BUSINESS

Mr. DOLE. Madam President, I ask unanimous consent that there now be a period for the transaction of morning business not to extend beyond the hour of 1 p.m. with Senators permitted to speak therein for up to 5 minutes each.

The PRESIDING OFFICER (Mr. KYL). Without objection, it is so ordered.

FOREIGN RELATIONS REVITALIZATION ACT

Mr. DOLE. Mr. President, I ask unanimous consent that the Senate now turn to S. 908, the State Department revitalization bill.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill to authorize appropriations for the Department of State for fiscal years 1996 through 1999 and to abolish the United States Information Agency, the United States Arms Control and Disarmament Agency, and the Agency for International Development, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill

CLOTURE MOTION

Mr. DOLE. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on S. 908, the State Department reorganization bill:

Senators Dan Coats, Spencer Abraham, Nancy Kassebaum, Rick Santorum, Jesse Helms, Judd Gregg, Rod Grams, Olympia Snowe, Bob Dole, Thad Cochran, Paul Coverdell, Larry Craig, Phil Gramm, Kay Bailey Hutchison, Dan Nickles, and Trent Lott.

Mr. DOLE. Mr. President, I ask unanimous consent that at 2 p.m. on Monday, July 31, the Senate resume consideration of S. 908, the State Department revitalization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

VITIATION OF CLOTURE MOTION—S. 908

Mr. DOLE. Mr. President, I now ask unanimous consent that the previous cloture motion to proceed to S. 908 be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE SENATE PROGRAM

Mr. DOLE. Mr. President, I might say to all Senators that the Senate will resume consideration of the State Department revitalization bill at 2 p.m. on Monday.

Any rollcall votes will not occur prior to 6 p.m on Monday.

I might also say that somebody who wants to debate only the State Department bill can do so this afternoon if they cannot be here Monday. It might be a good opportunity for opening statements which they want to make, or some statement about some amendment and a discussion about one of their amendments.

I have also visited with both the minority Democratic whip and the Democratic leader. And I think we should put all Senators on notice that there probably will be a Saturday session a week from tomorrow.

We have a lot to do. We would like get out of here as quickly as we can in August. We are not going to make the August 4 recess, but beginning maybe sometime later in August.

That is what we will know for certain on Monday. But I want to put Senators on notice that there could be a Saturday session on August 5. So all Senators should be on notice.

It is my hope that we will be on with the welfare reform maybe late Friday night and, if we should get bogged down on the State Department revitalization bill and unable to get cloture on the bill itself, if it seems likely we will not get cloture on the second, then I think we would move to the DOD authorization bill where I understand that could be finished in perhaps 2½ days.

Upon completion of that, it would be my intention to try to work out—in fact, before we complete—if we can work out some dual-track procedure, which we have done in the past, where we consider appropriations bills after a certain time each day because the appropriators are very anxious that we complete at least six appropriations bills before we start the recess. We have completed two. I understand one conference has been completed on the legislative appropriations. We will take up the conference report next week.

Energy and water is available now. But there are some problems we are trying to work out. There may be as many as three others before Tuesday or Wednesday of next week.

So I just say to my colleagues that on Monday there will be no votes until 6 p.m., but I assume there will be votes at 6 p.m., and then we are in for probably long nights and maybe a Saturday session next week. And we will be in all of the following week.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. FORD. Mr. President, let me thank the distinguished majority leader for giving us the advance notice so that we can make arrangements for Saturday, August 5, and expect to be here to debate and vote on Saturday. Then we would be back at 9 o'clock probably on Monday, and continue our effort, whether it is welfare reform or whatever the distinguished majority leader wishes to bring up.

I thank him for giving us this advanced warning. I think all have expected that Saturday, August 5, would be used. And I think it is a wise use of time by letting us out tomorrow and then coming back.

So I thank him for that.

Mr. President, we are now in the period of morning business in which each Senator has 5 minutes. Is that is correct?

The PRESIDING OFFICER. That is correct.

LOBBYING REFORM AND GIFT BAN

Mr. FORD. Mr. President, as we finish up on the important piece of legislation, the lobbying reform and the gift ban, I want to take a minute to thank the many people who worked to produce a significant step toward restoring confidence in this institution.

And it clearly would not have been possible without the leadership of the distinguished Democratic leader, Senator DASCHLE.

I want to thank him for placing his confidence in me to chair the working group—a task which I shared equally with my cochair Senator LEVIN, and whom I want to extend a special thanks, along with his most capable staff. Our job was made infinitely more easy by the considerable amount of hard work, time, and effort the working group and their staffs dedicated to making this process work. That group include Senators WELLSTONE, FEINGOLD, LAUTENBERG, ROCKEFELLER, BREAUX, DODD, and REID. And I offer my thanks and congratulations for a job well done to them and their staffs.

I also want to commend my colleague, the Majority Whip TRENT LOTT, whose leadership and hard-working staff helped bring cooperation and closure to this issue. Because of the hard work of all of these people, I think we now have a piece of legislation that all who participated in can be proud of and will have a stake in.

Before I close, I do want to say that this reform is a step in—not an end to—the process of reforming Congress and of making this an institution that inspires confidence and pride from all Americans.

Tickets to a concern, a ball game, or an occasional lunch or dinner raise the eyebrows of our constituents, and lower our esteem in their eyes. And that is inexcusable. But, the true role and influence of special interests on Congress is not determined by these gifts. Rather, the true role and influence of special interests on Congress lies with the financial contributions that Members of Congress receive for their campaigns.

If we use our successes on lobbying reform and the gift ban as a substitute for campaign reform, then we will have failed.

The practice of raising unlimited amounts of money through fundraisers hosted by corporations and lobbyists, distinguishes us from the executive branch. That branch of Government could never justify such an act, and neither should we.

Yet, the majority of Members of this body participate in the never-ending ritual of chasing after special interest money. And despite our success on lobbying reform, despite our success on gift ban, this money chase is the true impediment to the independence of our elected officials. The effort to restrict the gifts a Member may or may not receive is vital but incomplete. With or without gift reform, Congress will continue to be diminished in the eyes of the public until we pass comprehensive campaign reform.

So, Mr. President, I urge my colleagues not to let our efforts on gift and lobbying reform be a hollow gesture but, rather, the predecessor to comprehensive reform and to fully securing the respect and trust of the American people.

I yield the floor.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I ask that I might proceed for 2 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

BABY PEREGRINE FALCON AT THE IMMACULATE CONCEPTION

Mr. CHAFEE. Mr. President, a week ago last Tuesday, July 18, the Washington Post had a very exciting article about the return of the peregrine falcons to the Washington area and the birth of a male peregrine falcon baby chick at 75 feet high on a window ledge of the National Shrine of the Immaculate Conception in Northeast Washington.

This is exciting news for those of us interested in the Endangered Species Act and the return of some of these species that have been so endangered in our society.

As a matter of fact, one of the things that led to the near demise of the peregrine falcon was the use of DDT and other pesticides which have now been banned. Because of the prevalence of those pesticides, particularly DDT, there were only 100 known pairs of peregrine falcons left east of the Mississippi, but they are making their comeback. I wish to pay tribute not only to the Endangered Species Act, not only to our action in banning DDT, but the work of other areas such as the World Center for Birds of Prey which is located in Boise, ID, where raptors such as the peregrine falcon are brought together and the breeding takes place, and then they are put out in various parts of our country to live in the natural environment.

So this is exciting news. There are plenty of people who trash the Endangered Species Act, but I think it is important to bring to the attention of the public where that act has been successful as in this instance of the return of the peregrine falcon.

I thank the Chair. I thank my friend from Missouri for permitting me to go ahead.

Mr. President, I ask unanimous consent that an article from the Washington Post entitled "And Baby Falcon Makes Three" be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, July 18, 1995]

AND BABY FALCON MAKES THREE—FINDING D.C. TO THEIR LIKING, PEREGRINE PAIR PRODUCE A RARE ADDITION

(By D'Vera Cohn)

Washington may have no skyscrapers, but now it's got something else that is a symbol of a big city: A rare peregrine falcon hatched here this year, the first in memory.

It's a boy!

Few creatures inspire the awe that peregrines do. They are the world's fastest birds, zooming for prey at speeds up to 200 miles an hour. Kings used the hooded falcons for hunting. And they are still so scarce, after pesticides nearly wiped them out, that only 100 known pairs live east of the Mississippi River.

Peregrines are making a comeback in some cities, but they'd never been known to produce young in the District. They love heights—in the wild they nest on cliffs. Could it be that Washington's stubby skyline didn't present the right circumstances for romance?

Now, it seems, height isn't everything.

A pair of peregrines took up residence this spring on the ledge of a small round window about 75 feet up the National Shrine of the Immaculate Conception, at Fourth Street and Michigan Avenue NE. In April, church workers spotted a white downy chick.

"The baby in the nest would come to the edge and squawk," said Jan Bloom, secretary to the rector. One of the parents "would get breakfast and come back. . . . We'd see them on the roof pecking at what they'd caught."

Peregrines, the size of large crows, are killing machines. They knock down smaller birds with their strong claws, then finish them off with a bite to the nape.

The people at the shrine didn't give away their secret. But Washington's birding world had an inkling something was going on, somewhere.

For the last two winters, a pair of peregrines had been seen killing pigeons at a church on Thomas Circle in Northwest Washington. This year, one began giving food to the other, the avian equivalent of a bachelor offering a diamond engagement ring. Then, as spring arrived, they vanished.

Every rumor about where they'd gone triggered a search. A brood seen atop a downtown building turned out to be kestrels. Birders checked Washington National Cathedral, assuming they must be in a tall place nearby. Nothing.

Then, one day in June, Deborah Ozga spotted three birds flying around the National Shrine. She heard the pulsing scream of a bird of prey. Thinking the three were hawks, she returned with binoculars and a bird book.

Ozga, who heads the chemistry and physics libraries at Catholic University next to the church, was stunned when she realized what had flown into the neighborhood.

"I knew that to see them was something pretty special," she said. "This book I was reading said they can see a mouse from a mile and a half away."

She reached Erika Wilson, who tapes the weekly "Voice of the Naturalist" phone report that local birders rely on for good sightings.

"As soon as she convinced me she had peregrines, I jumped in my car and went out there," Wilson said. "I think this is so neat!"

One reason for her joy is that Washington seemed the exception among big cities in not having baby peregrine.

Thanks to a captive breeding program that began two decades ago, the species is recovering so well that federal officials began the process this month of removing the peregrine falcon from the endangered list.

There's been a breeding pair in Baltimore since the late 1970s, nesting on a skyscraper. New York City has more than a half-dozen pairs. Even some smaller cities such as Roanoke have them.

The Chesapeake region—from the Blue Ridge to the bay—has more than two dozen peregrine pairs, according to Craig Koppie, a biologist with the U.S. Fish and Wildlife Service in Annapolis.

When he went out to see the birds at the National Shrine last week, Koppie spotted the young falcon catching insects. Then he watched it dive across Michigan Avenue—swooping through morning rush-hour traffic—going after a smaller bird. (Best viewing is in the morning, especially in hot weather.)

All the evidence isn't in, but Koppie believes that the parents are the Thomas Circle peregrines. Despite their name, which means "wanderer," peregrines that live in this region often stay in a territory encompassing a few miles.

Saturday, Koppie used a pigeon lure to trap the young falcon in a net. He banded it for identification, so scientists can monitor how it's doing. He checked it for parasites and pronounced it in good health.

Then, as mother falcon watched, he released the young bird into the air.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. ASHCROFT. Mr. President, I ask unanimous consent that I be able to speak in morning business for up to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ASHCROFT. I thank the Chair.

WELFARE REFORM

Mr. ASHCROFT. The question that this body will soon address in a formal sense is a question that has been titled welfare reform.

In our debate, we will hear a lot about numbers. We will hear about how much the system costs, about the share of the Nation's output that it occupies. But this debate, properly understood, is not a debate about numbers. It is a debate about lives, the lives of people who are trapped in the web of the Washington-knows-best, one-size-fits-all welfare system, the lives of the people who are welfare's casualties.

Today, we have a welfare system that was designed with the best of intentions but has given to the poor the worst of all possible worlds, a world of despair where no future is seen, a world of no opportunity where advancement is virtually inconceivable, a world of no family, no support, no nurturing or care from loved ones, a world in which people are raised by welfare and fed through food stamps but they are starved of nurture and they are deprived of hope. The results of this kind of system are very frequently tragic.

It is my intention in the days and weeks to come to highlight this human side of the welfare system. I wish to share some situations that tell us the real tragedy of welfare. Some of the cases are of children who have been killed or neglected. Some are testimonies of people who are trapped in the system. But all of the stories are real, all have been documented in the mainstream press, and they are all stories which we should remember as we debate the statistics and the numerics of welfare, for we must remember the human costs of welfare.

For 30 years and more, we have been told that all we need to do is spend more money. We have been told that we would be able to solve the problems we faced if we simply had enough resources. We have been told that Government, particularly Washington, has all the answers. We have been told that Washington knew best how to help.

The facts are in. The evidence is conclusive, and it points to the fallacy of the argument, for today there are more people in poverty than ever before. There are more children being abused and killed. There is less hope and opportunity for those who are trapped.

I wish to share with you some case stories that illustrate this and that should motivate us to change the way we address the problem of those who need hope and need opportunity and who need our assistance.

I wish to share with you a rather shocking story today, an atrocious story of Ariel Hill. Hers is the body that lies in this casket that is being lowered into the ground in this picture on my left. It is a tragic picture.

According to the reports in the Chicago Tribune, Ariel came into the world on Christmas Eve of 1992, 1-month premature. She was the second of twin children. Her parents were 22-year-olds who had dropped out of high school and did not have jobs. Her mother had her first child as a teenager. Her father grew up on welfare. Ariel had three other siblings in diapers at the time she was born. There were three other diapered children in the family. They lived in a squalid, roach-infested, one-bedroom apartment in public housing, isolated from friends and relatives.

When police entered the home, dirty clothes and scraps of food were strewn about, giving the apartment the stench of decaying garbage. Both of the parents used drugs. The main source of income was the $900 per month in public aid checks and the food stamps they used to purchase their meals.

When the investigators went into the apartment, they found the welfare dollars for each child listed on a scrap of paper. It is a tragedy when the human resource of this Nation, the future of America, is valued in terms of its capacity to claim welfare benefits. This was a family trapped in a system without hope, without future, without a way out.

Ariel died on May 12, 1993, less than 6 months after she was born. Her body, weighing less than 7 pounds, had been malnourished and scalded under hot tap water. Ariel's parents were punishing her by refusing to feed her, starving her 5-month-old body. This program of punishment finally peaked on May 11; 30 hours later she was dead.

According to court testimony, Ariel's mother was awakened by the daughter's crying that afternoon. Ariel needed to be changed. Her mother was so angry at being interrupted in the afternoon that she put the infant in the sink and began to burn her with hot water.

Police sources later told the Tribune that Ariel's mother was so upset because she was having difficulty keeping up with her responsibilities as a mother. She had not had much sleep in the last few days, the officer said, with five kids and all. As Ariel was in the sink under the hot water, her twin brother, Adrian, began to cry in the other room, and Ariel's mother left to look after Adrian, leaving the infant in the hot water for approximately 5 minutes. The mother believed that Adrian was healthier because he was a better baby.

By the time she returned, Ariel's skin had been badly burned and was beginning—well, her mother put hot butter on the wounds but did not seek medical attention because she did not want to deal with the division of family services. It was not until the next evening that Ariel's mother and father noticed that Ariel was no longer breathing, and they called 911.

When Ariel was rushed to the Children's Memorial Hospital, she was pronounced dead on arrival. According to experts, her injuries were likely aggravated by her malnutrition, perhaps to the point where she was unable to cry. Ariel also was found to have bruises around her eyes and on her forehead. One of the examiners said there was nothing to her, absolutely nothing to her at all.

According to the Tribune, at her funeral, Ariel's body was covered in a light pink dress and bonnet. Her casket was small enough to fit in the little red wagon that she was too young to play with.

Mr. President, in the days and the weeks ahead, there will be those in the Senate who will take to the floor and argue that what we need is to reform the current system.

I submit to you that unless we want tragedies like this, we need to replace the current system, not reform it. We rearranged the deck chairs on this welfare *Titanic* in 1988, and the skyrocketing record of welfare participation and tragedies, such as this one, indicate to us that reformation is not enough. This is no time for half measures. This is a time to focus on those in need and to realize that Washington never has had the answers and probably never will.

What we need to do is to move people from hopeless governmental dependence to hopeful economic independence, from the grasp of a perverse system of Government programs to the embrace of the loving and caring communities and the limitless opportunities of America.

Our welfare system has been weighed in the balances and found wanting. The prisoners in the war on poverty have been the poor themselves. We must revamp this system so thoroughly that reform cannot characterize the way we treat it. It has to be replaced. It has to be replaced with a system that will allow for the States to have full freedom to implement remedies that will reduce this problem, that will slow illegitimacy instead of grow illegitimacy. It has to be reformed in a way that will stop the incentive for additional births, illegitimate births, and the continuing payment of more and more for those who will bring individuals into the culture with less and less responsibility.

Our effort to save ourselves from the human tragedy that the casket of Ariel in this picture represents has to be a good-faith effort that confesses that it is time to let the States and communities tailor programs to meet the real needs of America. As I indicated earlier, over the next week or so, I will be talking about the welfare system and the fact—undeniable fact—that it is so badly broken that it is tragically destroying the lives of citizens of this land.

Welfare should be a hand up, it should be a way of moving from one standing to another. It should not be a way of ensuring that an individual trapped in a system stays there not just for his or her life, but condemns future generations to a similar existence of tragedy and pain.

If America has a virtue, it is a virtue of opportunity, it is a virtue of hope. We must make sure that the welfare revisions, the replacement of this welfare system in which we will engage in the days ahead, always includes the components of opportunity and hope, those which have been so desperately missing, those which are all too frequently buried as the mistakes of welfare are dealt with under the current system.

Mr. President, I thank you. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I ask unanimous consent to speak for 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

WELFARE REFORM

Mr. DORGAN. Mr. President, after listening to my colleague on the subject of welfare reform, I hope that in the coming days we can have an interesting, thoughtful debate about welfare reform on the floor of the Senate. Much of what he described as a remedy I would support. It is, I suppose, useful to describe the failure of the welfare system through the image of a casket, a symbol of a system that does not work.

There are many pictures that one can use to describe the current welfare system. The only disagreement I have with the previous speaker is the notion that somehow the difficulty with this system is that it is administered by the Federal Government. As most of us in this Chamber know, the current welfare system is largely administered by the States and locally. There is plenty wrong with it. That's why we have on our side of the aisle in the Senate constructed a welfare reform plan that I think makes a lot of sense. It is called Work First.

I say to all those who come to the floor to talk about welfare reform and the need for a crusade against teenage pregnancy and a whole series of other reforms that we must embrace in the Congress, that we should also understand our responsibilities when the appropriations bills come to the floor of the Senate.

Yesterday, I saw the results of a bill which would cut nearly one-third of the funding from the Bureau of Indian Affairs. The Bureau of Indian Affairs is an agency of the Federal Government that can learn a few things about good administration and effective use of taxpayers' dollars. But as a result of where I think spending cuts have been proposed in some of the appropriations bills, especially with respect to native Americans, we will see some of the most vulnerable people in this country suffer some of the largest budget cuts.

I can bring a picture to the floor today of a young woman from Fort Yates, ND, who at age 3 was placed in a foster home by a caseworker who was handling 150 separate cases. She went to a home which had never been previously inspected by the caseworker and, as a result of going to a home where alcoholism and parties were the norm, this young girl during a drunken party was beaten so severely that hair was pulled out of her head by the roots. Her arm was broken. Her nose was broken. This is a 3-year-old young girl consigned to a foster home by a caseworker who was handling 150 cases and could not bother or did not have the time or the money or the resources to check the homes she was sticking young children in.

I say to somebody who wants to talk about reform in this system, to somebody who believes that one caseworker ought to be able to handle 150 cases, you are consigning the children in those cases to the kind of harm that occurred to this 3-year-old, physical harm from which she will probably never fully recover.

Look into the eyes of Tamara someday and see what was visited upon this young lady, because there was not enough money to hire the two, three, or four caseworkers to check the houses in which they were going to put these kids.

When we talk about welfare reform, we talk about our obligations to people and then say we do not have enough money for social workers to take care of kids, that is not much reform, in my judgment. We say we cannot afford to enroll kids in Head Start, and that we cannot find enough money for WIC. Part of reforming this system is also to understand our obligation to kids and our obligation to some of the most vulnerable people in this country.

I can show you an office in this country where there are stacks of paper on the floor this high of reported abuses against children, of sexual and physical abuse, that have never been investigated—not even investigated. There are reports that a 3-year-old or a 5-year-old or a 7-year-old has been sexually abused that have not even been investigated. Why? Because they do not have people to go out and investigate. And so, today, a 5-year-old is probably at a home where a previous report has been made of sexual violations against this child or of physical abuse against this child. This child is at risk today and every day because somehow there is not enough money to pay a social worker to go out and investigate the reports.

Any country as good as this country, that can afford to find the resources to have caseworkers and investigators to help protect children who are living in the grip of poverty in this country and who are living in the saddle of fear, and in some of the circumstances that I have seen and I think others have seen, has something wrong if its priorities do not include full protection for these children. In any discussion about reform of our welfare system and in any discussion about our obligations as they relate especially to appropriations bills that come to the floor, I hope will include a full discussion among those of us who have different thoughts about our obligations. I hope to be an active participant, because I have some very strong feelings about what is wrong in this country. We will find many areas of agreement. But to talk about reform and then deny the basic resources necessary to hire caseworkers to protect the lives of children who are gripped by fear and poverty and live day-to-day fearing for their safety is not a priority that I share. I believe the priority must be for us to decide that it matters, we care, and we will do something about it.

Mr. President, we will soon begin discussing specific proposals on how to reform the Medicare system. I do not know exactly when we will discuss them. I heard the majority leader discussing the schedule a few moments ago. I intend to say to him in a meeting with my colleagues soon that I am not very impressed with the schedule. He has an enormously difficult job, and I understand that. But if you are trying to raise a family and work in the U.S. Senate and find that at 8, 9 o'clock every night, you do not know whether there are going to be more votes, in my judgment, there is a better way to do things. I hope we can find a schedule that allows us to do our work in the Senate and still participate in family life, as well. That is a subject for another time and one that a number of us hope to talk to the leadership about on both sides of the political aisle.

When we talk about the issue of Medicare in the coming days —I was noticing today, on the 30th anniversary of the Medicare bill, that the newspaper, USA Today, has an ad by the Republican Party in it. It says, "Too Young to Die." There is a tombstone on the ad. "Medicare 1965–2002." It has a Medicare pledge called The Republican Pledge to Save Medicare. It says, "If Clinton lets Medicare go bankrupt, you can keep your existing coverage, but only for 7 years. If Clinton lets Medicare go bankrupt, you can keep your own doctor for only 7 years." It goes on at great length. This from a party, 97 percent of whom did not support Medicare in the first place. They always opposed Medicare. They fought to the death here to try and prevent a Medicare Program from becoming a part of our law in this country. Now, on the 30th anniversary, most of them want to love it to death.

Thirty years later, has Medicare worked? You ask some 75-year-old person who has new knees, or a new hip, or who has had cataract surgery and is not consigned to blindness or a wheelchair, or who has had open heart surgery. Ask them whether Medicare has worked and if they are free from the fear of whether they will have health care when they grow old.

Ninety-seven percent of our senior citizens are covered with health care coverage. I am proud of that. Before Medicare, less than half of the senior citizens had access to health insurance. Now, almost all of them do. Is that an accident? No; it is not. It is because people in this Chamber in years past had the vision to say we ought to put together a system that frees senior citizens from the fear of when they reach the advancing age of lower income and more health problems, frees them from the fear that they may not be able to get medical help because they do not have the money. We put together a Medicare Program. I was not here then. But I salute those who led the fight for it in the face of opponents that called it socialism, total socialism.

Well, it is not socialism that the Republicans say they now support Medicare. It is a Medicare Program of which I am enormously proud.

This country spends too little time celebrating its successes. We have had a lot of successes. We spend most of our time talking about failures and what is wrong. The Medicare Program is a success. I am proud to be a part of the political party that fought for it in the face of enormous opposition to create it, and I am proud to be a part of the party that this week celebrates its 30th birthday. Does it have some problems? Yes. There are 200,000 new Americans who become eligible for Medicare every single month. That is the graying of America. There are more elderly in America every month. Health care costs are increasing for everything, including for Medicare.

So, there are some financial problems. But the majority party in Congress has, coincidentally, said in their budget plan for this country this year that they want to have a substantial cut in Medicare funding that is almost equal to the cut they proposed in taxes. Now, they propose that we have what is called a middle-income tax cut of roughly $270 or $250 billion. They propose almost an identical cut for the Medicare Program. The so-called middle-income tax cut is an interesting one. The only details we have of the tax cut comes from the House of Representatives. It goes like this—and it would not surprise anybody, I suppose—families under $30,000 a year get $120 a year in tax cuts; families over $200,000 a year get a tax cut of $11,200 each year. It looks to me like that is kind of a "cake and crumbs" tax cut—cake to the rich, crumbs to the rest. That is not surprising. We have seen that year after year from the majority party.

But it seems to me that if you have a program that works, that is successful, for whom we now celebrate 30 years of success, like the Medicare Program, to suggest substantial cuts in Medicare funding that, coincidentally, equal the proposals to cut taxes, mostly for the wealthy, we do not do this country any major favor.

It seems to me that what we ought to do is evaluate our successes and find ways to strengthen them, not weaken them. There are those who say Medicare turns 30, but it may not live to see 37, and the Republicans are the ones who will save Medicare. I say: Look at the record. Who created Medicare? Who has supported Medicare? Who will nurture Medicare well into the future as a safe, solid, and financially solvent program?

I have a piece of copy from something called Luntz Research Companies by the Republican pollster, Frank Luntz. It says, "Everything You Wanted To Know About Communicating." It was not sent to us. It was sent to the Republicans. It is about a 10-page missive on how they should communicate to our country about Medicare. It says, "Seniors are very pack oriented, and are very susceptible to following one very dominant person's lead." And then for page after page it says, "You must appear to be bipartisan." It does not say you should be. It says, "You must appear to be bipartisan." Page after page is instructing Republicans how to deal with this Medicare problem. What problem?

The problem is they are proposing a very substantial cut in Medicare that is almost exactly the same size as the tax cuts they proposed for the wealthy. It is a problem because senior citizens, I think, in most cases, are scared to death that a program that they think is successful and they have relied on, that has freed them from fear of growing old and not having health care coverage, is about to be dismantled by some who carelessly tell us their real interests. We have some around here who still say that we ought not have the Medicare Program, that we should go back to the "good old days" when half of senior citizens had no health care coverage at all. They do not quite say it that way, but that slips out from time to time. That is their philosophy. They think Government, essentially, should not do anything.

Again, there are 10 pages or so of discussion about exactly how to talk your way out of this situation. It says, "For too many seniors it will be the last word that ultimately sways them." So make sure you are the last person who talks to them, because that is who they will believe. You know, all of us have stories about our constituents—senior citizens who we have met, and whose life is substantially improved by this program of which I am very proud.

I recall a woman from Mandan, ND. I was at a town meeting in that small community in my home county. She stood up, and she must have been in her midseventies. She said, "I have a new knee and a new hip. I had cataract surgery. I want to tell you, I feel like a million dollars." Somebody else in the crowd said, "Well, maybe you cost $1 million."

Not quite. These medical procedures are not that expensive. I thought to myself, is it not remarkable? If this woman had even come to a meeting 50 years ago, she would have been there in a wheelchair and would not have been able to see much because her knee was gone, her hip was gone, and she had cataracts. Now, through the modern miracles of medicine, she feels like a million dollars.

First of all, this is a remarkable case of breathtaking achievement, attributable to the men and women of vision in our country in the medical field who produce these miracles—things that we had never before expected to be done. Then the Medicare Program provides access to that new treatment for America's senior citizens. It is remarkable.

I think most would agree that what we have done in this country in medicine, generally, and for senior citizens through the Medicare Program, is an extraordinary thing. We ought not decide at this point to weaken those kinds of things that represent successes in America.

I want to say again something I have said, I suppose half a dozen times, that people are tired of hearing. It is important. We have so embraced in this country talk about failure and talk about what does not work and what is wrong and scandal, that we just are not willing to talk about success.

It is why, for days, I have talked during the regulatory reform debate about air and water. The air and the water in this country is cleaner than it was 20 years ago. We now use twice as much energy in America than we did 20 years ago. We doubled our use of energy. Yet, we have cleaner air, cleaner rivers, cleaner streams, cleaner lakes.

Now, why would that be the case? Would it be because those who were polluting America, the big polluters, decided one day to just turn off their chimneys and to stop throwing chemicals into rivers, and to stop blowing pollution into the air because they just decided it would be good business? No, that is not why.

It is because we put in place regulations that say you cannot pollute. Clean air and clean water are important to Americans. It is important to our health. It is important to this Earth. You have to stop polluting. That is what we said.

Maybe we ought to celebrate a bit that we are successful after 20 years. Go back to the 1970's and the first Earth Day, and what you would find is a notion that we are consigning ourselves to a future of increasingly dirty air and increasingly dirty water, and there is not a darned thing anybody can do about it.

The Hudson River was set on fire, so we had the prospect and the sight of a river burning. Why? Because it was so terribly polluted that you could set it on fire. You could light the water.

Back in the 1970's, the notion was that things are so bad, they will get worse, and there is nothing we can do. Twenty years later, we doubled our use of energy, and those rivers are cleaner and the air is cleaner.

There are those who stand up and say, "the Federal Government cannot do anything right. We hate the Federal Government. Turn it all back to the States." Some say, "let's block grant the food stamp program. Send it back to the States." Apparently, hunger is not a national priority anymore for some. Some of what the Federal Government has done has been enormously successful. We ought to understand that.

One part of that is Medicare. That is why I came to the floor today, to talk about the Medicare Program. We will have a fight. That is what democracy is about—debate. We will have a debate about the future of these programs, including Medicare. It is a debate I look forward to.

We must fix Medicare with respect to its financial solvency for the long term. That is not a fence that you cannot get over. It is, in my judgment, not a difficult thing to do. But we should not, in ways that some suggest, continually try to weaken a program that works so well.

No one, in my judgment, should lament the fact we are having this kind of debate about whether we spend money on the Medicare Program, whether we give a tax cut to Donald Trump, whether we build star wars—all of which are proposed. No one should lament that. The political system is constructed to have that kind of a debate in our country.

President Kennedy used to say, "Every mother kind of hopes that her child might grow up to be President, as long as they don't have to get involved in politics." The irony is that the political system is a system in which we debate these issues of the day for our country and its future.

I look forward to the coming weeks as we debate the future of Medicare. I hope that this full-page ad in USA Today, with a tombstone for Medicare, in which the Republicans pledge to save Medicare—a political party that opposed it with every bit of their breath and energy 30 years ago—I hope this represents a determination by the Republicans to join us and say Medicare should be available for the long term for America's elderly who need it, not with less coverage and higher costs, but instead with good coverage at modest cost, with a program that celebrates America's success.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ON THE RETIREMENT OF MARIAM BECHTEL

Mr. DOLE. Mr. President, I rise today to extend my heartfelt thank you to Mariam Bechtel who is retiring after 17 years of loyal service to the Congress.

Mariam has served my Senate office since February 1984. Additionally, she served in the office of Congressman Page Belcher from Oklahoma for 6 years before joining my staff.

Everyone who has come in contract with Mariam Bechtel, and I know that she has many friends throughout the Congress, knows of her warm and cheerful manner. When Members needed a room to host a reception or meeting, they knew that Mariam was the one to call. When Kansans needed to touch base in Washington, they knew to call Mariam.

Mariam has always gone that extra mile—to help a fellow Senator, their constituents, and of course, Kansans.

I ask my colleagues to join me in wishing Mariam and her husband Charlie all the best in their retirement. And thank you Mariam for your dedicated service to me and to the Senate.

PRASAD SHARMA

Mr. DOLE. Mr. President, I rise today to say farewell and thank you to Prasad Sharma who has served my office as a legislative correspondent and staff assistant for the past year. Prasad was recently accepted by the Emory University School of Law, a high honor which he richly deserves.

A Kansan himself, Prasad has been a real asset. He has kept the people of Kansas informed about important events in Washington, served a vital role on my defense and national security team, and Prasad has always been someone to rely on when things needed to get done.

I ask my colleagues to join me in wishing Prasad Sharma all the best at Emory and in his future endeavors. He is someone I know we will hear a lot more from in the years to come, because he is an outstanding young man.

ELDERCARE

Mr. DOLE. Mr. President, this week marks the 30th anniversary of Medicare—the Health Care Program that currently serves 4 million disabled Americans and about 33 million elderly Americans.

Anniversaries are normally a time for celebration. But, this 30th anniversary is a time of great concern.

As we all know, the Medicare trustees, three of whom are members of the President's Cabinet, have warned us that, at best, Medicare has only seven more anniversaries left before going bankrupt.

Mr. President, I believe one of the most important responsibilities of this Congress is to preserve, improve, and protect Medicare so that it does not go bankrupt and will continue to be there for Americans for the next 30 years, and the 30 years beyond that.

Before I look to the future, however, I want to take just a minute to look to the past.

When Medicare was debated in Congress in 1965, I voted against it.

And there are those at the Democrat National Committee who seem to believe that vote is either proof that I am out to gut Medicare, or that it disqualifies me from participating in this debate.

I only wish they would devote as much energy to the search for solutions to Medicare's current fiscal crisis, as they do to questioning the motives of others.

My vote against Medicare was not a decision I made lightly. I knew my vote would lead to a round of criticism. But in the end, I voted against the legislation for several reasons.

The first reason was because I had concerns that we would be establishing an entitlement for many Americans who truly were not in need of Government assistance. We all know that by their very nature, entitlements are designed to grow. And, as we have seen over the past 30 years, the Medicare entitlement has done precisely that.

In 1965, when Medicare was enacted, the House Ways and Means Committee predicted that the part A portion would cost $9 billion in 1990. Needless to say, they were wrong. By 1974, we were spending $9 billion—just 8 years after Medicare's passage. This year, Medicare part A will cost $158 billion—58 times the amount it cost in its first year.

Second, I was concerned that this growing entitlement would be financed either through higher taxes or deficit spending, and that both of these options would compromise the futures of generations to come. Again, by 1974, the tax rate to finance the program was already twice the initial projection.

And the third factor behind my vote was that I shared many of the concerns articulated by the then President of the American Medical Association, Dr. Leonard Larson, who said:

> The administration's medical care proposal, if enacted, would certainly represent the first major, irreversible step toward the complete socialization of medical care. The bill does not provide insurance or prepayment of any type, but compels one segment of our population to underwrite a socialized program of health care for another, regardless of need.

Mr. President, the AMA at that time put forward an alternative proposal, called Eldercare, which I supported.

I must say as I look back on that day in 1965 and on the weeks before the debate, and I have gone back to check the CONGRESSIONAL RECORD and some of the statements made by my colleagues, Elder Care had many more benefits than Medicare. We covered prescription drugs in Elder Care, which are still not covered today under Medicare. In addition, that plan would have cost less because it took into account the beneficiaries' ability to pay.

Would Medicare be in better shape today had my concerns been addressed at its creation? I believe it would. And I also believe that if nothing is done and Medicare goes bankrupt, the American public will not look back at 1965 to decide where to fix blame—they will look back to 1995.

So, where do we go from here?

Mr. President, we cannot turn back the clock. But, we can learn from the past. And, that means doing what is necessary to improve Medicare so that it can move successfully into the 21st century.

Despite the rhetoric coming out of the White House and the Democratic committee, Republicans, including myself, do not support cutting Medicare. We recognize the need for Medicare's growth, and our historic budget resolution allows for an annual growth rate of 6.4 percent. Under this agreement, Medicare spending will top $1.6 trillion over the next 7 years. In addition, the trust fund's solvency will be ensured through the year 2005.

Mr. President, Republicans are also interested in creating more choices for Medicare beneficiaries. Fee-for-service health care may be great for some, and they should be able to keep that if they choose. But, there are other options out there now that may offer more benefits but are unavailable to Medicare beneficiaries. I would like to see these choices extended to all Americans.

Mr. President, the committees of jurisdiction in the House and Senate are currently working reconciliation legislation, that will include proposals to preserve, improve, and protect Medicare. As required by the budget resolution passed by Congress, this plan must be reported out of committee by September 22.

Some on the other side of the aisle, however, have requested the details of this legislation be made available before the August recess.

While we like to accommodate our colleagues as much as we can around here, the fact of the matter is that this is an extraordinarily important piece of legislation that cannot be slapped together a month ahead of schedule. The chairmen of the committees of jurisdiction have assured me that their staffs will work throughout August to give this bill the careful attention it deserves.

Mr. President, we have solicited ideas from the White House since April, when we first received the Trustee's report. Unfortunately, we have had no response, which was made our job that much more challenging.

But, as I said before, that does not alter our determination—I think it also includes many of my colleagues on the other side, I would hope—to preserve, improve, and protect the Medicare Program so that it will continue to be there for those who rely on it today and for those who will do so for many years in the future.

HISTORICAL HIGHLIGHTS OF THE MARINE CORPS IN THE KOREAN WAR: ED PETSCHE AT THE CHOSIN RESERVOIR

Mr. GLENN. Mr. President, I wanted to rise today to make some short remarks here on the floor about a special person in Toledo, OH. It is Edwin F. Petsche, who was in my office just a couple of days ago. I remarked about him on the floor of the Senate yesterday. It had been my great honor to award him a Purple Heart that was long overdue. Ed Petsche took part in the withdrawal from the Chosin Reservoir in Korea, back about 45 years ago, and had never received that Purple Heart. I mentioned it in passing yesterday in connection with our remarks about the dedication of the Korean War Memorial. I will say more about Ed Petsche in just a moment. But let me just briefly set the stage.

In the annals of Marine Corps history there are some things that stand out: Belleau Wood, Iwo Jima, raising of the flag on Mt. Suribachi, and a number of events, and notable times of combat in various wars. You cannot compare one with another, for they all required great sacrifice. But I wanted to pay attention to this particular moment and set the stage for what happened out there. The dedication this week of the Korean War Memorial is a time for all Americans to reflect upon the sacrifices of our many veterans of that conflict—Ed Petsche and many others.

Many younger Americans are hearing this week for the first time the names of Korean cities and campaigns that were household words in America almost a half-century ago. The name of one geographical area in Korea will remain forever enshrined in the pantheon of Marine Corps history and that is the Chosin Reservoir.

In late October 1950, the Joint Chiefs of Staff authorized operations north of the 38th parallel in Korea.

Maj. Gen. O.P. Smith's spirited 1st Marine Division began to drive north toward the Yalu River in an effort to destroy completely the North Korean People's Army.

On November 2, 1950, the 7th, 5th, and 1st Marines moved out, in that order, from Hamhung, following a treacherous mountain route toward the Chosin Reservoir, the site of a large hydroelectric facility in northern Korea. By midnight the Marines were in heavy contact with the Chinese 124th Division, as the People's Liberation Army had just entered the war to assist the struggling North Koreans.

The 7th and 5th Marines continued their advance through both light and heavy enemy opposition, and were concentrated at Yudam-Ni by 27 November, while the legendary "Chesty" Puller's 1st Marines took positions along the route. The full weight of the veteran 100,000 to 120,000 man Chinese 9th Army Group then fell upon the Marines. The Chinese attacked during the night in temperatures approaching 20 degrees below zero, cutting the main supply routes, and isolating the Marines into four close perimeters. Although the vastly outnumbered Marines held their ground, the situation was very, very grave.

On December 1, General Smith ordered a breakout from the reservoir, which he termed an "attack in a different direction."

They went into retreat. They were surrounded. In any direction they went they contacted the enemy. So it truly was an attack in a different direction.

They were supported by the 1st Marine Aircraft Wing that flew and flew and flew nearly 4,000 sorties during the entire operation—4,000 sorties. The 1st Marine Division blasted its way through seven Chinese divisions and finally reached safety at Hungnam by December 12.

At the Chosin Reservoir, there was somewhere around 15,000 Americans involved. And out of that I think there were 13,000 casualties listed—in 10 days there were 13,000 casualties either dead or wounded during that advance back to Hungnam.

The Chosin Reservoir campaign cost the Marines over 4,400 battle casualties, including killed and wounded, and uncounted cases of frostbite and pneumonia. The Communist Chinese forces had suffered a catastrophe, however. The best count ever made was that there were some 25,000 Chinese communist dead—25,000 dead as they came out.

Well, I read that to set the stage for Ed Petsche, and to show that this was tough close combat. He was bayoneted. That is hand-to-hand combat. This is not shooting at people remotely with rockets and with missiles, or things like that. He was bayoneted, and left for dead; tossed on a pile of soldiers and left there for dead. And it may have been lucky that the temperature was so cold because it was said that the temperature froze the wounds on parts of his body and maybe protected them a little bit from having become infected any more than they were. But he was still alive and was groaning. Someone heard his groans, rescued him and got him out. And they finally got him some attention and got him out of there.

That is the preface to saying that when he was in the hospital in Japan, Ed, for some reason, never had the record set straight that would have gotten him his Purple Heart.

I wanted to give that little background because some 45 years later, Ed Petsche and his children and grandchildren were in my office a couple of days ago.

And I was honored on behalf of the Commandant to present to him his belated Purple Heart. And it was indeed an honor.

We lost a lot of people in Korea. And I know that we have made a huge effort with regard to Vietnam to make sure that the POW/MIA count, the bodies and the missing people there—that their records are brought to light and that their remains are brought back, even now 20-some years after the end of the Vietnam war.

In Korea there are some 8,000 that are still missing that we do not have records on, and do not have their remains. I know the President indicated a couple of days ago that he thought that we should be pushing to get a better accounting of what happened to those people in Korea.

I would also note in passing that we still have some 78,000 missing MIA's out of World War II.

Ed Petsche came so close to being one of those who died in Korea. But he survived, luckily, and has received his recognition, although too many years too late.

I guess to those whose loved ones still remain in Korea, whose remains were never brought back, I am reminded of the lines by Rupert Brooke in a book of poems called "The Soldier." He was an Englishman, and wrote about those who represented England in foreign fields and wars, and places all over the world. And sometimes their bodies were not brought back. He stated his belief this way, and I think it should apply to some of the ways we can look to some of our people too. He said:

> If I should die, think only this of me, that there is some corner of a foreign field that is forever England.

And I guess I would look the same way for our own people, the 8,000 who never came back, who never even had records on them brought back from Korea. With all the 54,000 dead that we had in Korea, many did not come back.

I guess I would say the same thing to our people, that they died, but think only this of them, that there is that corner of a foreign field in Korea that is forever America.

Wherever they fell becomes a part of this country, whether it is legal on the international boundary chart or not.

Ed Petsche represents the people who were out there. He was lucky. Although he came so close to death that he was tossed on a pile of soldiers and left for dead, he still survived and came back.

Out of that campaign, where he and the others came out of the Chosin Reservoir and came down to Hungnam, there were 17 Congressional Medals of Honor and 70 Navy Crosses awarded in just that one 10-day advance.

It is hard to believe the terrible things that they went through, not only the enemy and so many casualties all over the place. Almost the whole force became casualties; 13,000 casualties out of the 15,000 forces involved with 4,400 dead, as I indicated a little while ago.

So it is these things that we remember during this week of commemoration regarding what happened in Korea so many years ago.

I wanted to pay special tribute to Ed Petsche because he represents the best of the people we sent out there. He was 19 years old at the time, and almost died out there, but came back, and was never recognized for his action. And I can say very truly it was indeed a great, great honor to be able to present the Purple Heart to him, although it was some 45 years later.

It was a pleasure to meet his family. We wish him the very best and we are glad that finally the "Forgotten War," as it has been called all through the years is forgotten no more. It has a memorial that will commemorate forever, or will memorialize here in Washington forever, the sacrifices that were made by people like Ed Petsche.

I am honored to be able to pay him tribute on the floor of the U.S. Senate today.

I yield the floor.

Mr. KYL addressed the Chair.

The PRESIDING OFFICER (Mr. GRAMS). The Senator from Arizona is recognized.

Mr. KYL. Mr. President, I would like to compliment the Senator from Ohio on that very moving and fine presentation, particularly this week when we are honoring the Americans who fought in Korea in a far-away place but, as the Senator pointed out, a place that will always be in the memory of Americans for the sacrifice of so many of our troops from all of the services.

I might note to the Senator from Ohio that I received some time ago a gift, a small gift but a very meaningful gift, from a survivor of Chosin. It is a belt buckle to be worn on a western belt, and that is what I always remember when I wear that belt. It reminds me always of the sacrifices that were made by those at Chosin, and it is something we should never forget. Certainly the Korean War Memorial will now help us to remember that very fine hour in American history despite the casualties, the suffering and sorrow that attend it. So I compliment the Senator from Ohio on his very fine remarks.

NATIONAL DEFENSE

Mr. KYL. Mr. President, I would like to address a defense subject, given the fact that the Senate is likely to take up the defense authorization bill next week. I am going to include in my remarks a reference to North Korea. So, in a sense, the comments of the Senator from Ohio and all of those who have remarked on the sacrifices of Americans in Korea now 40 years ago, 45 years ago in some cases, have a bearing on what we are doing with our national defenses today and some of the issues we will be debating in connection with the defense authorization bill.

Specifically, what I wish to address for a few minutes today is the implication of a recent CIA report which warned us that about 20 nations by the end of this century will have the capability to deliver a weapon of mass destruction far beyond their borders through the missile delivery system, a ballistic missile delivery system that is either being indigenously produced in these countries or is being acquired by purchase from another nation and that that threat is a very real one not only for U.S. forces deployed abroad but also for our allies and eventually, not too long after the turn of the century, for the continental United States itself.

In the Persian Gulf war, fully 20 percent of the United States casualties were as a direct result of the Scud missile attacks by the Iraqis. As a matter of fact, the single largest number of American casualties was 28 in one Scud missile attack on a barracks in Saudi Arabia. So this is not a threat that is hypothetical or in the future. It has already occurred to American troops in this decade. And yet too many have been blind to the reality that this is an emerging threat, that the ballistic missile with a warhead of mass destruction, either nuclear, chemical, or biological or even high explosives, is the weapon of choice of the dictators and would-be aggressors around the world today. Fully half of those 20 nations that the CIA report refers to are either in the Middle East or in Southeast Asia, and clearly our interests and our allies' interests are implicated in those regions of the world.

North Korea is a good case in point, particularly since our focus has been on Korea this week. One of the reasons that our policy with respect to North Korea has been so touchy, so tentative is because North Korea today possesses a very real threat to literally millions of South Koreans and several thousand Americans in Korea.

Today, in just a matter of hours, North Korea could kill thousands of people in Seoul, Korea, because that is how close Seoul is to the reach of the North Korean guns, their long artillery. Ballistic missiles are simply a much more robust system than long artillery, and the impact can, of course, be much more devastating, but the analogy is very true.

One of the reasons that we are not tougher on North Korea today, that we cannot dictate the terms to North Korea, that we cannot tell them to stop producing weapons grade plutonium for the development of nuclear weapons is because we do not have leverage over North Korea. We cannot threaten them militarily, and as a matter of fact we are susceptible to a North Korean attack. We have no means of stopping the artillery from North Korea, the kind of attack that would occur on Seoul and that would also cause casualties to American troops in South Korea.

What it tells us is that in the conduct of foreign policy we cannot be held hostage to foreign powers. We cannot allow ourselves to be defenseless against the weapons they would deploy against us or else we are neutralized in the conduct of our foreign policy, and that is what has largely happened with respect to North Korea. It will be orders of magnitude worse if and when North Korea obtains the kind of long-range missiles and weapons of mass destruction it is working on today.

North Korea is one of those nations that is indigenously producing longer range ballistic missiles, and public reports assert that shortly after the turn of the century one of those missiles will even be able to reach the continental United States, specifically the State of Alaska.

It does not take any reach of the imagination to predict what would happen if North Korea threatened Anchorage, AK, let us say, or one of our military bases in Alaska with a nuclear weapon if we did not do a certain thing or forbear from doing something that was in the interest of North Korea. And yet the question is what would we do about it, because we have no means of stopping that kind of attack.

It used to be that the threat of mutual assured destruction with the former Soviet Union was enough to deter attack by either nation because the thought of either nation sending everything it had against the other nation was simply too horrible to contemplate and neither nation was foolish enough to do that. But today the threat of mutual assured destruction does not work against these tinhorn dictators in countries like Iraq or Iran or Syria or North Korea and similar places, Libya—I will not extend the list—because of the characterized kind of leadership of those countries. But the fact is they have not been friends of the United States; they have been antagonistic in the past. They have either now or are developing these systems and therefore are likely troublemakers in the near future. To be defenseless against them is to deny our responsibility.

Fortunately, we have it in our capability to begin developing the kind of defenses that would render these threats essentially meaningless and prevent us from being subjected to the blackmail that those threats certainly will entail in the future and hopefully deter attacks that, of course, would cause casualties either to our allies or our forces deployed abroad and eventually to the continental United States.

Both the House and Senate Defense authorization bills begin to get us back on track to the development and deployment of effective theater ballistic missile systems and do the work that will eventually enable us to deploy an effective national defense system, that is, a system that would prevent attacks on the United States.

And so it is important for us, as we begin to debate this subject next week, to focus on what the Armed Services Committee will be recommending and why we should not adopt some of the amendments that we know are going to be proposed that would weaken what the Armed Services Committee has recommended with respect to the development and deployment of these theater ballistic missile systems.

In the past, Mr. President, there have been attempts to reduce the funding. Well, this year's funding level, I will note, is less than the Clinton administration's recommendation for this year in the 5-year plan that was submitted last year. So I hope we will not see attempts to decrease the funding for ballistic missile defenses.

There is also a question about dumbing down our systems. The Patriot missile was not as effective as it might have been in the Persian Gulf because it had earlier been dumbed down. We did not make it as effective as we could have. There is a belief today that because the Russians would not like to see a robust defense, a defense that might even prepare the way for an effective defense against missiles they might send our way someday, therefore we are going to arbitrarily limit ourselves so that the systems will not be as effective as they might be.

One of the arguments will be, if we make them as effective as they could be, they might violate the ABM Treaty.

This bill which will come to the floor next week has definitions built into it that clearly permit us to test in a certain mode, and if we test beyond that mode, it would be deemed testing against a strategic system, which presumably would be in violation of the ABM Treaty, and so we will not do that. But if we try to add additional requirements such as speed limits on American missiles, making them not as effective as they might otherwise be, we will be dumbing down our system, making it less capable than it should be, than it needs to be.

Therefore, I urge my colleagues to reject any amendments along that line.

Finally, what we have done, since eventually there could be questions about whether a national system should have one or more sites to protect the continental United States, we have established a committee which will advise the Senate and the administration on what areas of the ABM Treaty we may wish to modify in order to deploy an effective system to defend the United States. The treaty only allows for one system today. We may need to deploy in more than one place. Surely, if that is in the United States national interest, we would seek to modify the treaty and ask the Russians to agree to that with us.

We are not violating the treaty; we are simply preparing for the day when we may ask for changes to be made. The treaty is almost 25 years old and clearly was developed at a time when the Cold War was at its height and when the United States and Russia, or the Soviet Union, I should say, were depending on the doctrine of mutual assured destruction. That does not exist today. As so many of our colleagues are fond of reminding us, the Cold War is over. Of course, it is over.

We have to begin to think about the kind of defense we will need in the next century rather than focusing on a treaty that may have served us well in the past, though that is subject to some debate, but certainly does not provide all the things that we need or the only things that we need to protect us in the future.

So I hope that our colleagues will be agreeable to going forward with the study committee that is established in the Armed Services Committee mark that will come to the floor. I hope that they will believe that is a good idea and will go forward with that study.

Let me conclude by saying that I believe what the Armed Services Committee will be recommending to us will make a lot of sense; that it will begin to put us on the path to developing and ultimately deploying an effective theater ballistic missile defense, a system that will protect us if we have troops deployed in Korea or in Saudi Arabia or anywhere else in the world, a system that will protect our allies to the extent they wish to be protected. That is something the United States wants to cooperate in and ultimately a system that can be added to and modified to protect even the continental United States.

Surveys show that Americans today overwhelmingly believe that if a missile were launched against the United States, that we would be able to somehow intercept it either by some airplane-fired missile or some other missile we could fire or something in space. We know, of course, that is not true. We have absolutely no defense against a missile fired against us, whether by accident or in anger, whether by a terrorist nation that only has one or two missiles, or whether as in an attack by a country like the former Soviet Union.

It is time to start thinking how to deal with that threat today. It takes a long time to develop the systems to meet that kind of threat. That is why this bill begins to put us on the track that will enable us to defend ourselves, as well as our interests abroad, and it is a bill which will be deserving of our support.

I will be talking more about the bill and its specifics as we come to the floor to debate it, but I wanted to at least outline those concerns to my colleagues today.

Mr. President, those conclude my remarks about the defense bill before us next week.

EXTENSION OF MORNING BUSINESS

Mr. KYL. Mr. President, I ask unanimous consent that the period for morning business be extended until 2 p.m., under the same terms and conditions as before.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

TRIBUTE TO SENATOR JOHN GLENN

Mr. KENNEDY. Mr. President, I do want to join my colleagues in paying tribute to our friend and colleague, the Senator from Ohio, Senator GLENN. Yesterday he addressed the Senate about his service in the Marines during the Korean conflict and again today. I thought his statements and comments were as much a real tribute, not only to the men and the women who served in that conflict, particularly those who lost their lives, but also to his own very considerable service to this country in so many ways with which all of us in this Chamber are familiar. I think we are very moved and touched by his presentation.

NEW STUDY OF IMPACT OF MEDICARE CUTS

Mr. KENNEDY. Mr. President, a new study released today by the administration shows the impact of the proposed Republican Medicare cuts on seniors and health care providers in each State. The numbers are devastating. How could any Senator look at these numbers and support these proposals in good conscience?

This study is especially timely on the eve of the National Governors Association Conference in Vermont this weekend. All Governors must be asked what these proposed cuts will mean for seniors in their State and for the health care system as a whole. Here are just a few examples:

In my State of Massachusetts, over the next 7 years, seniors will be asked to pay an additional $4,300 for the medical care they need. A senior couple will pay $8,600.

In Florida, a couple will have to pay $8,800.

In California, the figure is $8,200.

In Nevada, the additional burden will be $6,000.

The figures vary, but the message is clear: an unfair, unaffordable burden on senior citizens in every State to pay for the tax cuts for the wealthiest Americans.

And those who need health care the most will pay even more. Senior citizens needing home health services will have to pay an average of $1,700 a year for this service alone, on top of the additional costs for all their other health needs. Seniors needing nursing home care will have to pay $1,400 more.

The impact on the health care system as a whole is even greater. In Massachusetts, the Medicare cuts will mean $9.5 billion less for health care over the next 7 years. Mr. President, that is an extraordinary figure, $9.5 billion less to the seniors in my State over the next 7 years. In Florida, the figure is $28.1 billion. In California, it is $36.4 billion. In New York, the figure is $18.1 billion. The deep Medicaid cuts in the budget will take even more from the health system and those in need.

These cuts will be passed on to elderly people, to those who are on Medicare—which is 97 percent of all of our seniors—with higher copayments, higher deductibles, and higher premiums.

Mr. President, I will include in the RECORD the detailed State-by-State breakdown of these proposed Republican Medicare cuts. Senior citizens in every State will suffer, hospitals and nursing homes will close, and the health care system will be of lower quality.

These numbers speak for themselves, but the impact goes far beyond mere numbers. Who speaks for the elderly widow, struggling to survive on a fixed income, who must now try to find $1,000 more a year to pay for the health care she needs?

Who speaks for the family who will now be forced to choose between medical care for their parents and a college education for their children?

Who speaks for the retired couple who finds that the savings of a lifetime must now be sacrificed to pay for the medical care that Medicare used to cover?

President Clinton speaks for them—and so do Democrats in the Congress. We will never let these cruel cuts become law. We will never let the Medicare trust fund become a slush fund for tax cuts for the wealthy. We will never let senior citizens be plundered for the benefits they have earned by a lifetime of hard work.

We do not have to redebate, hopefully, the reason for the development of the Medicare system. It is based and built upon a very simple and fundamental concept: that the men and women who have built this Nation, have made it the great country that it is, who fought in its wars and brought it out of the Depression, ought to be able to live their senior years in respect and in dignity.

It is recognized that a test of a civilization is how it regards its elders, what respect it pays them. To relieve our seniors from the anxiety and the pressures of seniors' health care needs, in the way that Medicare has done, is something which is of fundamental importance to all Americans. It is this program which will be, I believe, devastated, should these proposed cuts go into effect. Once again, we have to reiterate that the principal reasons for those cuts to go into effect is for the tax cuts that will be available primarily to the wealthy individuals in our country.

The fact is that there is $270 billion proposed for the Medicare cuts and about $245 billion for the tax cuts. So if you eliminated the tax cuts, you would be able to move ahead with the Medicare program in a way that would not present these kinds of burdens on our senior citizens.

Once again, Mr. President, I underline the obvious fact that all of us understand; and that is, when our citizens grow older and older, that their incomes generally decline and they are dependent upon Social Security and they are dependent upon Medicare. At a time when their incomes are declining is a time that their health care needs continue to grow. It is that fundamental concept that drove this country to adopt the health care and the Medicare systems: declining incomes, increasing health care requirements.

This chart reflects exactly who of our fellow citizens are really affected: 83 percent of the expenditures go to families with annual incomes of $25,000 or less; 21 percent of it goes to those with annual incomes of $15,000 to $25,000; 62 percent goes to those with annual incomes of $15,000 a year or under—men and women who are being asked, with the proposed Medicare cuts, to see a significant increase in out-of-pocket expenditures, copays, deductibles, and premiums. There are $9.5 billion for the close to 1 million of my fellow citizens in Massachusetts who benefit under the Medicare system.

I hope that when those Governors meet this weekend up in Vermont, someone will ask them how they are going to be able to explain these kinds of sizable cuts, and how they will explain them to the people who live in my State of Massachusetts, in the State of New York, the State of California, the State of Florida, and the State of Texas. We have seen that within Massachusetts the burden will be higher than the national average, as it will be in Rhode Island and Connecticut—the New England States. In these next several weeks as we are debating this issue, debating this proposal, those of us who believe and fought for this particular program are going to do everything that we can to resist.

I am sure that in my State of Massachusetts, there are the elderly widows who are wondering how they are going to be able to afford the additional out-of-pocket costs that will be required under the proposed Medicare cuts.

How are they going to be able to handle it? How are the American families going to handle it—the sons and daughters of those who are receiving Medicare today? These kinds of cuts are not only going to be devastating to the seniors, but to their sons and daughters who care and love their parents and have a great respect for the dignity of those parents. They are going to do everything they can, with scarce resources, to make sure their parents are going to be able to live with some dignity.

These kinds of cuts are not only going to be evident on the seniors, but they are also going to be a heavy burden on the working families in this country, who have lost real income in terms of wages over the last 15 years. This is going to come at the same time when those families are worried about educating their children. We have seen that under the Republican proposals, the cost of student loans is going to increase some 30 percent, and the total number of Pell grants that will be available to well-qualified needy children who can gain admission into the finest colleges and universities across this country but need the Pell grants to be able to continue their education, their program is being deteriorated. Those working families are going to have to make judgments about how much they are going to have to make up the out-of-pocket expenses for their parents, or whether they are going to educate their children.

We know what is going to happen to the families. These couples are going to have to make a judgment about how much they are going to pay out of their life savings, which was going to be used for their retirement.

Mr. President, these are obscene choices left for our seniors, our families, and our children. I daresay this debate is just beginning. It has not concluded. We will have an opportunity to get into greater detail on these measures on the floor of the Senate. But I hope, Mr. President, that the Governors of these United States—not only my State, but the other States—will be asked about the impact of the proposed Republican Medicare cuts on seniors in their States. This is going to be a matter of national debate and discussion. We can address in a responsible way the needs of the trust funds without seeing these dramatic cuts used for tax cuts for the wealthiest individuals and corporations. I say no to that. We will battle on the floor of the U.S. Senate, and we will battle with this President, who has said no to the proposed Republican Medicare cuts, and we will fight for our seniors because they have made this Nation the great Nation that it is, and we owe them no less. We owe them a great deal more.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEDICARE

Mr. DOMENICI. Mr. President, I am sorry I could not be on the floor during the remarks of Senator KENNEDY with reference to health care in the United States, and in particular Medicare. By coincidence, unbeknownst that he would speak, I had prepared for myself to deliver today—since we are at about the 30th anniversary date of the passage of Medicare—a speech that I am prepared to give to the Senate. I believe I heard enough of the Senator's remarks that, at some point, I will depart from the speech and answer a few of the comments made.

I will start right off by saying that it is unfair to the senior citizens of the United States to talk about what might be, or how things ought to be, and not tell them how things are.

The fact of the matter is that the cornerstone of hospital health care for our seniors—Medicare—is in big trouble. And to make a speech about the seniors and scare them about the future, without telling them the truth, does not seem to me to be the right way to treat our seniors, who are filled with wisdom, understanding, and truly think this is a great Nation and would like very much to do their share to try to fix some things that are going wrong.

So the No. 1 point is that there has been in existence a group of Americans who reviewed thoroughly the status, the financial status, and the delivery system called Medicare. Mr. President, that is not a Republican group. As a matter of fact, one might call it, if you seek to partisanize it, a Democratic group, because three Cabinet members of this President and the appointee of this President who heads Social Security were four members of the Commission—the majority. There are only two more. And all six of them, including the four, wrote a report to the people of this country, the seniors, the President, and the Congress, and told us in no uncertain language that the Medicare Program was in trouble because it was costing too much. I just want to read their recommendation so that we put everything into perspective. Their final words of real recommendation were the following:

> We strongly recommend that the crisis presented by the financial condition of Medicare trust funds be urgently addressed on a comprehensive basis, including a review of the program's financing methods, benefit programs, and delivery system.

Now, Mr. President, you would not have gathered from the comments of the distinguished Senator from Massachusetts that anything like this had even happened. Here sits a report—I wish I had a copy of it. If I am going to talk about it, I should bring it around. When I saw it, it was a little yellow notebook with a yellow cover, properly styled. I repeat, the Commissioners, four of whom work for this President, said the time is now—and I am going to repeat what they said we ought to be doing.

It is very, very simple. But Members would not have heard it from the speech of the Senator from Massachusetts. They said, "It is time to review the program's financing methods, benefit provisions, and delivery mechanism."

Now, why did they say that? Members would not have gathered this, either, from the remarks. They said there will be no money in 7 years to pay the bills. We would not have known that, either, from the remarks about all the evil and bad things that will happen to seniors.

The worst of all things is that there be no program, that they cannot pay their bills in 7 years. That is, really, something to call to the attention of the senior citizens of the United States.

Then say, "What is wrong with doing just what they said? Review the program's financing methods, benefit provisions, and delivery mechanisms."

Now, Mr. President, if we look at what was proposed in the budget resolution for this country, it is on all fours with the recommendations of the commission that reports on the financial condition of the system. If we take what they said and find out what we ought to do, we ought to save a given amount of money to the health care insurance over the next 7 years in order to make that system stay solvent and not be bankrupt.

The budget resolution says that is what we ought to do. Now, everybody ought to understand that Medicare is growing at about 10 percent a year. They mention that too, in the report. It cannot continue to grow at that pace and there still be money in the trust fund in 7 years to pay the bill.

It falls on someone to take a look at how we might do it better, give the seniors options, and perhaps cost the trust fund less money.

Now, that is what all of this is about. No matter how we talk about it, the truth of the matter is that many people in the U.S. Congress felt it was time to look at this and fix it. In fixing it, we just might give the senior citizens a pretty good hospital program that will cost very little more to them, but will cost less, because it will be more efficient.

We will take the fraud and waste out of the program and cause the delivery system to be restructured so you still have choice of your own doctor, but there is choice of plans, and perhaps over time we would save substantial amounts of money.

Now, Mr. President, before I read my anniversary speech on Medicare, I want to make one other comment. Those who oppose fixing the Medicare Program now cannot miss a beat without saying the Republicans are going to cut the taxes for the rich, and that is why they are fixing Medicare.

Now, Mr. President, and anyone listening, that is not true. First of all, if we take the so-called tax cuts that are proposed off the table—just do not do them—and the Medicare system will be bankrupt in 7 years. Let me repeat: The so-called tax cuts—and we will talk about them in a minute—if we take them off the table, we would not have gathered from the remarks of the distinguished Senator from Massachusetts that the Medicare system will still be broke. They are completely different issues.

If we do not fix the Medicare system, it will be short of funds, and cutting people's taxes has nothing to do with that unless Members would like to raise taxes to pay for Medicare. I have not heard anybody say that. But if we want to raise taxes, then we could talk about the program not having to be reduced in terms of cost. Mr. President, that is the fact.

In addition, in the U.S. Senate, the sense of this Senate has been that if we ever get tax cuts, and when we do, that 90 percent of the tax cuts will go to people with income under $100,000. Now, there is a difference of opinion in this body on how that tax package will look when it comes out, if it comes out.

Essentially, to continue to try to say, "Let's don't fix Medicare so it will be available 7 years from now," instead of dying on its 37th anniversary, go beyond the 37th, perhaps to 40 and beyond, instead of addressing that issue to talk about tax cuts for the rich does not help the senior citizens one single bit.

What it does help, it helps to make a political issue out of a situation that need not be politicized, for we actually ought to be joining hands across this aisle and with the President in fixing Medicare. I repeat, the tax cuts that are referred to in the Republican budget—take them out, and we still have to fix Medicare, because the money will not be there in 7 years. That is for certain.

Having said that, Mr. President, let me repeat, there are some who would insist that we are making changes to Medicare for other reasons. They may say we are changing it to balance the budget, or changing Medicare to lessen the tax burden on families.

Both of these claims are false. We are making changes in Medicare to save the program, to strengthen it so it can survive into the next century, and so Senators will be here well into the next century, able to congratulate the program and its founders on its anniversaries.

Any attempt to link that with cutting taxes is to no avail for the seniors of this country. Any attempt to link the two is, plain and simple, smoke and mirrors, from the opponents of reform. For there are still some—and I do not know, perhaps my friend from Massachusetts is one—who would stand and say the status quo for Medicare is good enough for seniors.

Do not worry about it, leave it alone. Now, the President said that in his first budget—"Leave it alone." However, the President of the United States even came around, and in a 10-year proposal for a balanced budget, although it did not get there, even the President suggested that dramatic reform had to occur in the Medicare Program in an effort to keep it solvent.

This was in June when the new budget was submitted, our new budget proposal. The President claimed that would save Medicare; that budget made a good start. His budget would save $127 billion from Medicare over the next 7 years—the same length of time as our budget.

Now, some are comparing the $127 billion in his budget, and saying we do not need the $270 billion to fix the program in our budget. I submit that the facts are our way. The experts on budget come down on our side.

We would like, very much, in the month of September, as part of a process up here, after hearings, meetings, input from senior groups, we would like to try our hand at reforming this.

Mr. President, there are still some who leave the impression with senior citizens that we are truly cutting the Medicare Program. Let me straighten that out with some real facts. First, we are going to slow the rate of growth of the program. Medicare spending will grow at 6.4 percent a year under our plan. To put it another way, and a more understandable way, over the next 7 years Medicare spending is going to increase from $4,800 per person to $6,700 per person—not down, up. From $4,800 to $6,700.

I know many are very concerned about the future and what kind of future they are going to leave their children and grandchildren. And I believe, when the time comes, that when the program of reform is put before the American people it will be seen as an effort to deliver the same kind of care in different ways, to get rid of the fraud and abuse in the program, and ultimately to provide our senior citizens with far more options. They are operating under a program that is essentially 30 years old, and it is also that old in terms of what kind of a delivery system it is. While all kinds of modern ways to deliver health care, all kinds of ways of insuring people, permitting a variety of options of insurance coverage now exist, Medicare is stuck in history. It is a 30-year-old system.

We believe reform will cause seniors to get a better deal. There will be incentives built in which will make it easier, rather than more difficult, for seniors to purchase more of what they might want and less of what they might not want. Yes, there will be options for them to keep the very system they have and their own doctors.

So I want to just close by once again stating the caliber of the people who recommended that we ought to do something to fix this program—three of this President's Cabinet Members: then-Secretary Bentsen of Treasury, Secretary Shalala, and Secretary Reich. They are trustees of this system. And there were two public trustees, and they told us that we ought to fix the system. They told us it will not be around in 7 years. It will not have any money to pay the bills.

In a way, they said—and I am interpreting this—it is costing too much. Will you not take a look and see if you cannot do it better, cheaper, and protect not only the seniors who are using it now but seniors for a long time to come?

As I said, this Sunday, July 30, is the 30th anniversary of Medicare. For 30 years, Medicare has provided health protection to elderly and disabled citizens.

Medicare has been a successful program. Medicare has provided an important source of health security and needed health benefits to millions of Americans since its inception 30 years ago. Today, 37 million Americans receive the benefits and health security that Medicare provides.

But Medicare has also become an expensive program, and everyone—including the President—agrees that the system needs fundamental structural reform.

Medicare is running out of money. Unless we make changes now, Medicare will not continue to provide this same level of health security in the future.

Nevertheless, this past week, the President held a rally for Medicare. But all he talked about was the past. The President forgot the most important element of an anniversary celebration. He forgot to look toward the future. If the President fights the reforms necessary to save Medicare's future, then in just 7 years, on the 37th anniversary of Medicare, the program will be bankrupt.

In the President's first budget, which he sent to us in February, Medicare would go bankrupt in 2002. Seven more years; that's all the President would give Medicare. After that, there would be no money to pay Medicare hospital benefits. The President would let you choose your doctor, but there would be no money to pay your hospital bills.

The President's original Medicare proposal was great—for the next 7 years. But the 37th anniversary of Medicare would be its last. Under the President's original plan, if you're on Medicare, you better not get sick 8 years from now.

Back in January, the President did not listen to his own Cabinet Secretaries. Three of his Cabinet officers—Secretary Bentsen, Secretary Shalala, and Secretary Reich, are trustees of the Medicare system. Along with the two public trustees, they told the President and the Congress that the Medicare hospital insurance trust fund had only enough money to pay benefits for the next 7 years.

The President chose to ignore that. The Republicans in Congress did not. We invited the public trustees up to Capitol Hill, to tell us what needs to be done. We listened carefully, and now we are taking their advice.

Let me read from the summary of the trustees' report. The full board of trustees say, "The Hospital Insurance Trust Fund * * * will be able to pay benefits for only about 7 years and is severely out of financial balance in the long range.

The two public trustees tell us that:

> The most critical issues relate to the Medicare Program. Both the Hospital Insurance Trust Fund and the Supplementary Medical Insurance Trust Fund show alarming results. . . . The Medicare program is clearly unsustainable in its present form. . . . We feel strongly that comprehensive Medicare reforms should be undertaken to make this program financially sound now and over the long term. We strongly recommend that the crisis presented by the financial condition of the Medicare Trust Funds be urgently addressed on a comprehensive basis, including a review of the program's financing methods, benefit provisions, and delivery mechanisms.

This is what the public trustees of Medicare recommend we do to strengthen Medicare for the future. And this is exactly what we are doing now.

There are those who claim that we are making changes to Medicare for other reasons. They say we are changing Medicare to balance the budget, or we are changing Medicare to lessen the tax burden on working families.

Both of those claims are false. We are making changes to Medicare to save the program, to strengthen Medicare so it can survive into the next century. Even if we were not balancing the budget, we would need to save Medicare. And whether or not we cut taxes, we still need to save Medicare. Any attempt to link the two is nothing more than blue smoke and mirrors from the opponents of reform.

The Republicans in Congress have chosen to look toward Medicare's future. We decided this spring that we would save Medicare from bankruptcy, control the growth of program costs, and ensure that the program would survive past its 40th anniversary. We developed and passed a budget plan in June that guaranteed a strong Medicare into the next century.

Suddenly, the President decided to join us. In June, he submitted a new budget proposal, one which he claimed would save Medicare.

In June, the President made a good start. His budget would save $127 billion from Medicare over the next 7 years. He is now comparing that with our budget, which will slow the program's rate of growth by $270 billion over the next 7 years.

If I believed that we could save Medicare by doing only what the President wants to do, I would do so in a second. But, after a long, hard look at the numbers, and after extensive discussions with the Congressional Budget Office, I do not think the President's plan saves Medicare.

You see, the President has assumed that the costs of the program will not grow as fast as projected by the nonpartisan Congressional Budget Office.

The President's June budget assumes that a serious Medicare problem does not exist. He says the problem is not as hard to solve as CBO says it is. The President is much more optimistic in his assumptions than CBO.

I wish that were true, but I am afraid it is not. As much as the President wishes it would, the problem will not go away.

The President has come a long way since his first budget in January. Now all he has to do is agree to use the honest, objective, and nonpartisan CBO numbers, and we will have an excellent starting point for discussions.

All he has to do is live up to the commitment he made in his first State of the Union Address, his promise that he would use CBO numbers.

We in Congress use CBO numbers. The honest, responsible way to budget is to rely on a single source for our assumptions, and that is what we did both in our budget plan, and in our plan to save Medicare. We did not make the problem go away by wishing that it would. We asked CBO and the trustees what it would take to save Medicare, to keep it alive for its 40th anniversary.

The trustees have told us what we must do. Now we are going to do it.

We are going to slow the rate of growth of the program. Medicare spending will grow 6.4 percent per year under our plan. Over the next 7 years, Medicare spending is going to increase from $4,800 per person, to $6,700 per person.

I know that older Americans are seriously concerned about the future they will leave to their children and their grandchildren. I have found that senior citizens are extremely concerned about the crushing burden of the debt that our current policies will place on their grandchildren.

And I know they want a Medicare program that is fair, both for them, and for future generations. I also know that a 65-year-old couple that starts receiving Medicare this year will, over their lifetimes, receive $117,000 more in Medicare benefits than they will put into the system in payroll taxes and premiums.

I know that this will concern many seniors, who want Medicare to be there in the future for them, for their kids, and for their grandchildren.

We are going to spend nearly 5 percent more per year on each Medicare beneficiary in this budget. So anyone who tells you that we are cutting Medicare is just trying to scare you.

What honestly should scare America's senior and disabled citizens is the prospect that we will do nothing. For if we do nothing, seniors will have hospital benefits for only 7 more years.

If we do nothing, seniors will be able to keep their doctor, but only for the next 7 years. After that, you will still have your doctor, but he will not be able to treat you in a hospital. After that, the hospital insurance trust fund will run out of money, and Medicare will not be able to pay hospital benefits.

I want to make sure that our seniors can keep their existing coverage.

I want to give them the opportunity to choose other health plans, just like my colleagues and I in the Senate can choose our health plans.

And most important, I want to make sure that they can do all these things for more than just the next 7 years.

In September, we are going to report legislation that will strengthen Medicare. We are going to simplify Medicare. And we are going to make sure that every Medicare beneficiary has the right to choose their health plan, just like my fellow Senators and I have.

We need to strengthen Medicare, and we have to do this by controlling the program's rate of growth. The first thing we are doing is attacking the waste and fraud in the system. Every senior currently receiving Medicare knows that the system is inefficient, complex, and filled with opportunities for waste and fraud. We are going after that money first.

But all the experts tell us that will not be enough. We are going to do it, but then we are going to have to look at changes to the program, in both the short and the long run.

In the short run, we are going to look at how much we pay doctors and hospitals, and the way we pay doctors and hospitals for the services you receive. We are going to try to create the right incentives so that doctors and hospitals are smart about how they spend your money.

Most importantly, we are going to offer seniors more choices. As a U.S. Senator, I have the ability to choose my health plan once a year. If I want a generous program with lots of benefits and no deductible, I pay a bit more. In some areas of the country, Medicare already allows seniors these choices.

We are going to expand this program, and gradually change the system so that all seniors have choices like we have in the Senate.

Some seniors are going to have to pay a little bit more. There is no way we can get around that. But we are going to come to the seniors last, after we have attacked the waste and fraud in the system, after we have made changes to the way we pay doctors and hospitals, and after we have started to phase in changes that provide seniors with more choices.

Any changes we make will be phased in gradually over time. We know that seniors on fixed incomes have difficulty adjusting to dramatic changes, and we are taking that into account.

We also know that some seniors with higher incomes have a greater ability to adapt to changes than others. We may ask those seniors to pay a bit more, to compensate for those who have just enough income to get by.

I will not let Medicare go bankrupt. Yes, I too celebrate the 30th anniversary of Medicare. It has been an important program, critical to the health of America's older and disabled citizens.

But right now, I am thinking about how we are going to make sure Medicare has a 40th anniversary and beyond.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, I inquire as to what order we are in?

The PRESIDING OFFICER. Under unanimous consent, morning business has been extended until 2 p.m. Senators may speak up to 5 minutes.

Mr. CRAIG. Mr. President, I ask unanimous consent to speak for up to 5 minutes in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRESS OF TIMBER SALVAGE IN IDAHO FROM 1994 WILDFIRES

Mr. CRAIG. Mr. President, it has been 1 year since the start of the terrible wildfires which burned through Idaho last summer. Lightning strikes ignited our forests, already suffering from poor forest health, and raged through Idaho, causing devastation to 738,000 acres, one-fifth of the nationwide total acres burned in 1994.

I am here to tell the story, as it has been written so far, of the 1994 Idaho fires, and the slow progress of reforestation and timber salvage. The fires began in late July, and by early September, 14,000 firefighters had been employed across the State. Early on, Dave Alexander, forest supervisor on the Payette National Forest, called to alert me that with the dry conditions and already-dead forests adding fuel, the fires could not be stopped short of reaching the Salmon River after a run of 25 to 30 miles.

Dave Alexander was right. The fires were stopped at the Salmon River and extinguished only when the snows arrived in October. By then, Idaho's fires had cost $150 million to fight and an estimated 2 billion board feet of timber had burned. And, of course, the habitat for the wildlife of the area was devastated.

By Forest Service estimates, as much as 665 million board feet of the burned timber was salvageable, with a potential revenue of $325 million. Remember, 25 percent of this revenue would be returned to local counties for schools and roads. In Idaho, Shoshone County officials have watched their budget drop sharply because of the lack of national forest timber sales. They are desperate for some solutions to their situation. They are among many who have pointed out the absurdity of no timber sales being offered while dead forests abound. Equally concerned are the 100 former employees of the Ida-Pine sawmill which closed for lack of timber supply, while watching the nearby forests burn up.

Unfortunately the value of burned trees drops rapidly over time. Time is the primary factor in accomplishing timber salvage and replanting the burn. The consequences of leaving burned forests untreated are both environmental and financial. Not only is it a waste of potential revenue to the U.S. Treasury and the counties, it encourages future wildfire. If left standing, dead trees become conduits for lightning and may cause a re-burn, fueled by the ready supply of fallen trees never removed from the first fire. This scenario is no boon to fish and wildlife habitat, either.

So, it made sense to mount an aggressive timber salvage program on the Boise and Payette National Forests. On the Boise alone, an estimated 2,600 jobs would be created by the salvage operations. These two forests have been moving as quickly as possible under current law. But the laws and regulations, prior to enactment of the fiscal year 1995 rescissions bill with its salvage provisions, simply did not permit the Forest Service to act quickly enough. Rather, they constituted a formula for inaction and delay.

Let me tell you why. First, both forests have been slogging their way through eight separate NEPA [National Environmental Policy Act] documents, five of them environmental impact statements.

Consider the fact that the Forest Service even finds it necessary to prepare five environmental impact statements. When NEPA was enacted in 1969, EIS's were to be done only in the case of a major Federal action. Now, driven by the courts, the Forest Service is compelled to conduct an EIS just to sell dead, burned trees. You tell me how this makes sense.

Consider also, that preservation groups have found a new method to delay and obstruct completion of these NEPA documents. They deliberately use the Freedom of Information Act as a harassment tool. The Boise National Forest has responded to 45 separate FOIA requests at a cost of more than $50,000. On the Payette, the number of FOIA requests has quadrupled, and a new, full-time position was created at a cost of $20,000 to handle the responses. One FOIA request was expected to take 670 hours of staff time to respond, thereby diverting staff away from salvage preparations.

It is this type of delay and added expense which causes me and other Senators to argue the need for streamlining the current rules as we have done in the rescissions bill, which is now law. Without the help of the Congress to clear some of the procedural path, timber salvage would be nearly impossible to accomplish.

The continuing story of the 1994 Idaho wildfires is a case in point. As of July 1, not one stick of burnt timber had yet been salvaged from the Boise or Payette National Forests. Not 1 acre of the burned forest has been replanted with trees, because the reforestation would be paid for by salvage receipts. The State forests had been salvaged. The adjoining private ownerships had been salvaged, but not the Federal lands.

Now those decisions are finally being made on the EIS's, those decisions have been appealed and held up by proponents of gridlock. I intend to come to the floor again soon to continue this story. I will follow the story as it unfolds. It will demonstrate why it is imperative that Congress provide relief in some form to free salvage sales from the burden of the unnecessary and costly procedures in place now. Salvage provisions in the rescission law are only temporary. They will expire in December 1996. With that in mind, I will press forward with S. 391, the long-term forest health bill I introduced in February. More on that with the next chapter of this story.

For now, please take note—665 million board feet awaits salvage; as of July 1, no timber salvage had been done; no reforestation had been done; and 11 months had passed in preparing NEPA documents. Now those decisions are being appealed.

Soon I will be back to talk about the fires of 1994, the devastation and the destruction, and ways this Congress and this country can move to a better procedure to manage our national forests.

I yield the remainder of my time.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

EXTENSION OF MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the time for morning business be extended to the hour of 2:15, and that I have the opportunity to speak until then.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Nevada is recognized.

Mr. REID. I thank the Chair.

(The remarks of Mr. REID pertaining to the introduction of S. 1093 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

THE 30TH ANNIVERSARY OF THE PASSAGE OF MEDICARE

Mr. REID. Mr. President, I feel it is important to talk on the 30th anniversary of the passing of Medicare and especially after listening to some of the statements made by my friend, the senior Senator from the State of New Mexico while I was in the Chamber.

It is important that we recognize Medicare is a program that is really working. It is a program that has separated us from other countries, made our senior citizens able to receive the care, medical care in general, that they need. Certainly there needs to be improvements made in the Medicare system, and we should make those. But I think the across-the-board cuts we have in the budget resolution that is now before this body are really out of line.

Mr. President, just so we can understand, these cuts really do affect people. These cuts are not just farfetched, in the imagination of the Senator from Nevada. Republicans are proposing to cut more than $450 billion from health care between 1996 and 2002, $270 billion of these dollars from Medicare and $182 billion from Medicaid. In combination, these cuts are more than four times anything ever enacted. Most of the $270 billion in Medicare cuts would not be necessary without the Republicans' $245 billion tax cut.

Over a 7-year period, the combined Medicare and Medicaid cuts of the Republicans would reduce Federal health care dollars to Nevada by $2 billion—the small State of Nevada by over $2 billion. Each of Nevada's 182,000 Medicare beneficiaries would pay as much as $3,000 more in premiums and copayments. Couples would pay at least $6,000 more. Overall, the State of Nevada would lose $533 million in Medicare funding in 2002 and $2 billion over 7 years.

In Medicaid, overall, the State of Nevada would lose $157 million in Federal Medicaid funding in 2002 and $516 million over the 7 years, a reduction of 29 percent in the year 2002 alone, and this is according to the Urban Institute. This will have a devastating impact on the State's current almost 100,000 recipients. According to this study, these cuts would mean that Nevada would have to cut off coverage to over 25,000 recipients, likely adding them to the ranks of the uninsured.

Mr. President, we all heard the speeches early on. The distinguished majority leader before the election said:

> President Clinton and Vice President Gore are resorting to scare tactics falsely accusing Republicans of secret plans to cut Medicare benefits. This was reported widely. I just selected the Washington Post in November of last year.

The Republican National Committee chairperson, Haley Barbour, said:

> The outrage, as far as I am concerned is the Democrats' big lie campaign that the Contract With America would require huge Medicare cuts. It would not.

This was reported a number of places after Barbour made the speech, but I have chosen here CNN Late Edition, November 6, 1994.

But what has happened after the election?

> The GOP plan: $270 billion in Medicare cuts—

This does not count almost $200 billion more in Medicaid cuts—

> the largest Medicare cuts in history; seniors pay $900 more a year in out-of-pocket health care costs.

Those are the facts. We cannot escape it. To my friend from New Mexico, I say clearly, of course we have got to make some changes in Medicare. But we should do it with congressional hearings, like we do other things responsibly around here.

I yield the floor.

WAS CONGRESS IRRESPONSIBLE? CONSIDER THE ARITHMETIC

Mr. HELMS. Mr. President, the skyrocketing Federal debt, which long ago soared into the stratosphere, is sort of like the weather—everybody talks about it but almost nobody had done much about it until immediately after the elections last November.

But when the new 104th Congress convened in January, the U.S. House of Representatives quickly approved a balanced budget amendment to the U.S. Constitution. In the Senate all but one of the 54 Republicans supported the balanced budget amendment; only 13 Democrats supported it. Since a two-third-vote—67 Senators—is necessary to approve a constitutional amendment, the proposed Senate amendment failed by one vote. There will be another vote later this year or next year.

Mr. President, as of the close of business Thursday, July 27, the Federal debt—down to the penny—stood at exactly $4,948,216,665,542.90 or $18,783.51 for every man, woman, and child on a per capita basis.

MEDICARE'S 30TH ANNIVERSARY

Mr. GLENN. Mr. President, this Sunday marks the 30th anniversary of the Medicare Program's enactment into law. On July 30, 1965 President Lyndon Johnson traveled to Independence, MO, to sign the bill creating Medicare with President Harry Truman looking on. President Truman, of course, had proposed the creation of a national health insurance program in 1948. But it took 17 years of discussion and debate, several failed attempts in Congress, and the work of the Truman, Kennedy, and Johnson administrations, before the stage was set for Democrats to build on Social Security's successes and further guarantee security for our Nation's elderly and disabled citizens.

Thirty years ago, Medicare's detractors tried to rally opponents with cries of socialized medicine and forecasts of Medicare's impending failure. Since that time, we have witnessed the positive impact that Medicare has had on the lives of seniors and disabled beneficiaries, as well as their families. Few can deny Medicare's accomplishments. By ensuring access to necessary and appropriate medical services, Medicare continues to help millions of Americans lead dignified and independent lives—free from worry that even a minor illness or injury could devastate both their personal, and their family's, financial security.

Medicare is not a perfect health insurance program. Congress continues to work to control Federal health spending, and the elderly must still confront the ever-increasing costs of treatment for catastrophic illness, long-term care, and prescription drugs. However, today's seniors enjoy their retirement years in better health and with a greater sense of security than most thought possible 30 years ago.

Ten years ago, I made a brief statement to mark Medicare's 20 year anniversary. In that statement, I discussed the efforts that Congress had made to expand benefits, improve the quality of Medicare services, and address the explosion of health care spending. As we all know, the Congress has not solved all of the health care challenges I outlined that day, and today the Medicare program may be facing its greatest test. But Mr. President, Congress is confronting Medicare's current fiscal challenge with a radically different spirit and attitude than it had in the past.

Until recently, the Medicare debate was centered around the commitment to keeping our compact with America's seniors by ensuring Medicare's long-term solvency, while also expanding beneficiaries' access to services and improving the quality of care. The recent budget resolution's $270 billion Medicare cut—which has been disguised as a Medicare rescue—is actually nothing more than an attempt to extract the maximum amount of budget savings from the Medicare Program.

Somehow the Medicare reform debate has become a discussion about how the Congress can balance the Federal budget and give tax breaks to the rich, instead of how our country can provide health care and security for the elderly and disabled. Let us put aside the political posturing surrounding the budget debate and sit down to figure out what is best for the 37 million Americans who are served by Medicare, and the millions more expected to join the rolls in the future.

Mr. President, these days Americans are very cynical about their government. We should not confirm the public's fear that Members of Congress are trying to gain political advantage from Medicare's fiscal crises, rather we must take action to restore the public confidence while restoring the stability of Medicare. A generation that has given so much should not be burdened with higher premiums and deductibles or decreased benefits. Older American's financial security should not be sacrificed for partisan gain.

I recognize the limits of Medicare in this time of tight budgets and downsizing of government, but I also believe that by working together, we can fulfill a pledge made three decades ago and honor our commitment to today's seniors, and future generations of older Americans.

GIFT REFORM

Mr. SMITH. Mr. President, I rise to state briefly the reasons why I voted today in support of S. 1061, the bill to reform the rules of the Senate regarding the acceptance of gifts by Members and employees of the Senate. That measure, of course, was approved by a resounding, bipartisan vote of 98–0.

Mr. President, in the 103d Congress, I was pleased to support S. 1935, the Congressional Gifts Reform Act, which was approved by the Senate on May 11, 1994, by a vote of 95 to 4. Ultimately, however, S. 1935 did not become law because it was combined in conference with a controversial lobbying reform measure. As a result, the conference report was not approved by the Senate.

I am pleased, Mr. President, that the Senate has now revisited the issue and has succeeded in reforming its Rules regarding gifts. S. 1061, as adopted by the Senate today, represents a reasonable compromise among the competing proposals for gift reform. In general, Members and employees of the Senate will be permitted to accept only nonmonetary gifts with a value of less than $50, with a total cumulative value of no more than $100, in any calendar year from any person, corporation, or organization. No gift with a value below $10, however, will count towards the $100 annual limit.

As a member of the Select Committee on Ethics, I am strongly committed to keeping the ethical standards of the Senate above reproach. The new gift standard under which the Senate will be operating will make an important contribution to enhancing public confidence in the Senate as an institution.

I want especially to commend the distinguished Senator from Kentucky, MITCH MCCONNELL, for his exemplary leadership in working to achieve the compromise that resulted in the unanimous passage of S. 1061. It is my privilege to serve under Senator MCCONNELL'S leaderships as the chairman of the Select Committee on Ethics. He does an outstanding job of leading that important Select Committee under what are sometimes difficult circumstances.

REPORT ON THE CONTINUATION OF THE NATIONAL EMERGENCY WITH IRAQ—MESSAGE FROM THE PRESIDENT—PM 69

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice, stating that the Iraqi emergency is to continue in effect beyond August 2, 1995, to the *Federal Register* for publication.

The crisis between the United States and Iraq that led to the declaration on August 2, 1990, of a national emergency has not been resolved. The Government of Iraq continues to engage in activities inimical to stability in the Middle East and hostile to United States interest in the region. Such Iraqi actions pose a continuing unusual and extraordinary threat to the national security and vital foreign policy interests of the United States. For these reasons, I have determined that it is necessary to maintain in force the broad authorities necessary to apply economic pressure on the Government of Iraq.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *July 28, 1995.*

REPORT UNDER THE GENERALIZED SYSTEM OF PREFERENCES PROGRAM—MESSAGE FROM THE PRESIDENT—PM 70

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Finance.

To the Congress of the United States:

The Generalized System of Preferences (GSP) program offers duty-free treatment to specified products that are imported from designated beneficiary developing countries. The program is authorized by title V of the Trade Act of 1974, as amended.

Pursuant to title V, I have determined that Maldives should be suspended from the GSP program because it is not making sufficient progress in protecting basic labor rights. I also have decided to designate Moldova as a beneficiary developing country for purposes of the GSP program because I have determined that Moldova satisfies the statutory criteria.

This notice is submitted in accordance with the requirements of section 502(a)(1) and 502(a)(2) of the Trade Act of 1974.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *July 28, 1995.*

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-255. A resolution adopted by the House of the Legislature of the State of Alabama; to the Committee on Governmental Affairs.

"HOUSE JOINT RESOLUTION 72

"Whereas, the 10th Amendment of the Constitution of the United States reads as follows: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."; and

"Whereas, the 10th Amendment defines the total scope of federal power as being that specifically granted by the United States Constitution and no more; and

"Whereas, the scope of power defined by the 10th Amendment means that the federal government was created by the states specifically to be an agent of the states; and

"Whereas, today, in 1995, the states are demonstrably treated as agents of the federal government; and

"Whereas, numerous resolutions have been forwarded to the federal government by various states without any response or result from Congress or the federal government; and

"Whereas, many federal mandates are directly in violation of the 10th Amendment to the Constitution of the United States; and

"Whereas, the United States Supreme Court has ruled in New York v. United States, 112 S.Ct. 2408 (1992), that Congress may not simply commandeer the legislative and regulatory processes of the state; and

"Whereas, a number of proposals from previous administrations and some now pending from the present administration and from Congress may further violate the United States Constitution; now, therefore, be it

"*Resolved by the Legislature of Alabama, both Houses thereof concurring*, That the State of Alabama hereby claims sovereignty under the 10th Amendment of the Constitution of the United States over all powers not otherwise enumerated and granted to the federal government by the United States Constitution.

"*Be it further resolved*, That this serve as Notice and Demand to the federal government, as our agent, to cease and desist, effective immediately, mandates that are beyond the scope of its constitutionally delegated powers.

"*Resolved further*, That copies of this resolution be sent to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, the Speaker of the House and the President of the Senate of each state's Legislature of the United States of America, and Alabama's Congressional Delegation."

POM-256. A concurrent resolution adopted by the Legislature of the State of Indiana; to the Committee on Governmental Affairs.

"A SENATE CONCURRENT RESOLUTION

"Whereas, the 10th Amendment to the Constitution of the United States reads "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.";

"Whereas, the 10th Amendment defines the total scope of federal power as being that specifically granted by the United States Constitution and no more;

"Whereas, the scope of power defined by the 10th Amendment means that the federal government was created by the states specifically to be an agent of the states;

"Whereas, today the states are demonstrably treated as agents of the federal government;

"Whereas, numerous resolutions have been forwarded to the federal government by the Indiana General Assembly without a response or result from Congress or the federal government;

"Whereas, many federal mandates are directly in violation of the 10th Amendment to the Constitution of the United States;

"Whereas, the United States Supreme Court has ruled in New York vs. United States, 112 S. Ct. 2408 (1992) that Congress may not simply commandeer the legislative and regulatory processes of the states; and

"Whereas, a number of proposals from past administrations and some proposals from the current administration and Congress that are now pending may further violate the United States Constitution: Now, therefore, be it

"*Resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:*

Section 1. (a) That Indiana hereby claims sovereignty under the 10th Amendment to the Constitution of the United States over all powers not otherwise enumerated and granted to the federal government by The Constitution of the United States.

"(b) That this serve as notice and demand to the federal government, as the states' agent, to immediately cease and desist enacting mandates that are beyond the scope of the federal government's constitutionally delegated powers."

POM-257. A joint resolution adopted by the Legislature of the State of Maine; to the Committee on Governmental Affairs.

"JOINT RESOLUTION

"Whereas, Joshua Lawrence Chamberlain was a great and noble American from the State of Maine, a Civil War Hero who led the successful charge of the 20th Maine Volunteer Regiment at Little Round Top at Gettysburg, which was said to have turned the tide of the bloody and fearsome battle against the Confederate Army and saved the Northern armies from annihilation; and

"Whereas, Joshua Lawrence Chamberlain was the Union General who was chosen by Ulysses S. Grant to formally accept the surrender of the Army of Northern Virginia at Appomattox and who ordered his soldiers to salute the vanquished Confederates, at the passing of the armies, who then returned that gesture, returning "honor with honor"; and

"Whereas, Joshua Lawrence Chamberlain, was was born in Brewer, Maine in 1828 and who was a college professor when he volunteered for service in the 20th Maine Regiment; who was wounded 6 times and cited 4 times for heroism; who was awarded the Congressional Medal of Honor for his courage at Little Round Top; who was promoted to Brigadier General in a rare field promotion by General Ulysses S. Grant at Petersburg, where Chamberlain was so severely wounded that his death was reported in Northern newspapers; who was promoted to Major General; who was Governor of Maine for 4 terms; who was President of Bowdoin College; and who was admired by friend and foe alike for his great character, independence and vision; Now, therefore, be it

"*Resolved:* That we, your Memorialists, respectfully recommend and urge the United States Postal Service to issue a stamp honoring Joshua Lawrence Chamberlain; and be it further

"*Resolved:* That suitable copies of this memorial, duly authenticated by the Secretary of State, be transmitted to the Honorable William J. Clinton, President of the United States, the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States, to each member of the Maine Congressional Delegation and to the Postmaster General of the United States Postal Service."

POM-258. A joint resolution adopted by the Legislature of the State of New Hampshire; to the Committee on Governmental Affairs.

"HOUSE JOINT RESOLUTION 1

"Whereas, the 10th Amendment to the Constitution of the United States reads as follows: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people."; and

"Whereas, the 10th Amendment defines the total scope of federal power as being that specifically granted by the United States Constitution and no more; and

"Whereas, the scope of power defined by the 10th Amendment means that the federal government was created by the states specifically to be an agent of the states; and

"Whereas, today, in 1995, the states are demonstrably treated as agents of the federal government; and

"Whereas, numerous resolutions have been forwarded to the federal government by the New Hampshire general court without any response or result from Congress or the federal government; and

"Whereas, many federal mandates are directly in violation of the 10th Amendment of the Constitution of the United States; and

"Whereas, the United States Supreme Court has ruled in New York v. United States, 112 S. Ct. 2408 (1992), the Congress may not simply commandeer the legislative and regulatory processes of the states; and

"Whereas, a number of proposals from previous administrations and some now pending from the present administration and from Congress may further violate the United States Constitution; Now, therefore, be it

"*Resolved by the Senate and House of Representatives in General Court convened:* That the state of New Hampshire hereby claims sovereignty under the 10th Amendment to the Constitution of the United States over all powers not otherwise enumerated and granted to the federal government by the United States Constitution; and

"That this serve as notice and demand to the federal government, as our agent, to cease and desist, effective immediately, mandates that are beyond the scope of its constitutionally delegated powers; and

"That copies of this resolution be sent by the house clerk to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, the Speaker of the House and the President of the Senate of each state's legislature of the United States of America, and New Hampshire's Congressional delegation"

POM-259. A resolution adopted by the Board of Commissioners of Yadkin County, North Carolina relative to tobacco; to the Committee on Labor and Human Resources.

POM-260. A resolution adopted by the Board of Commissioners of Columbus County, North Carolina relative to tobacco; to the Committee on Labor and Human Resources.

POM-261. A joint resolution adopted by the General Assembly of the State of Maryland; to the Committee on Labor and Human Resources.

"SENATE JOINT RESOLUTION 9

"Whereas, in the 1930s, the Congress of the United States assumed the responsibility for developing a federally administered retirement program to place the various railroad pension plans on a solid financial basis; and

"Whereas, the railroad retirement system today covers over 1 million individuals who have contributed over the years in good faith and have legitimate expectations of receiving their benefits; and

"Whereas, the National Performance Review Board proposes to transfer the functions of the Railroad Retirement Board to the Social Security Administration, other federal agencies, and private sector service providers; and

"Whereas, this proposal would privatize and terminate a program that has worked well and provided retirement security of 1.3 million active, retired, and disabled rail workers and their families for nearly 60 years: Now, therefore, be it.

"*Resolved by the General Assembly of Maryland,* That the United States Congress reject the proposal by the National Performance Review Board to transfer the functions of the Railroad Retirement Board to the Social Security Administration, other federal agencies, and private sector service providers; and be it further.

"*Resolved,* That a copy of this Resolution be forwarded by the Department of Legislative Reference to the National Performance Review Board, Office of the Vice President, Old Executive Office Building, Washington, D.C. 20501."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 852. A bill to provide for uniform management of livestock grazing on Federal land, and for other purposes (Rept. No. 104–123).

By Mr. STEVENS, from the Committee on Appropriations, without amendment:

S. 1087. An original bill making appropriations for the Department of Defense for the fiscal year ending September 30, 1996, and for other purposes (Rept. No. 104–124).

By Mr. GORTON, from the Committee on Appropriations, with amendments:

H.R. 1977. A bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1996, and for other purposes (Rept. No. 104–125).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. HATCH, from the Committee on the Judiciary:

B. Lynn Winmill, of Idaho, to be United States District Judge for the District of Idaho.

Andre M. Davis, of Maryland, to be United States District Judge for the District of Maryland.

Catherine C. Blake, of Maryland, to be United States District Judge for the District of Maryland.

A. Wallace Tashima, of California, to be United States Circuit Judge for the Ninth Circuit.

Edward Scott Blair, of Tennessee, to be United States Marshal for the Middle District of Tennessee for the term of four years.

(The above nominations were reported with the recommendation that they be confirmed.)

Mr. THURMOND. Mr. President, for the Committee on Armed Services, I report favorably two nomination lists in the U.S. Marine Corps, which were printed in full in the CONGRESSIONAL RECORDS of April 3 and May 11, 1995, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar, that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The nominations ordered to lie on the Secretary's desk were printed in the RECORDS of April 3 and May 11, 1995 at the end of the Senate proceedings.)

In the Marine Corps there are 73 appointments to the grade of colonel (list begins Anthony T. Alauria).

In the Marine Corps there are 692 appointments to the grade of major (list begins David V. Adamiak).

Total 765.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. DOLE (for himself, Mr. PRYOR, Mr. ROTH, Mr. BAUCUS, Mr. PRESSLER, Mr. BREAUX, Mr. BOND, Mr. SIMPSON, Mr. GRASSLEY, Mr. HATCH, Mr. D'AMATO, Mr. MURKOWSKI, Mr. NICKLES, Mr. HELMS, Mr. WARNER, Mr. GREGG, Mr. BENNETT, Mr. LUGAR, Ms. SNOWE, Mr. ABRAHAM, Mr. BURNS, Mr. LOTT, Mr. ASHCROFT, Mr. COATS, Mr. INHOFE, Mrs. HUTCHISON, Mr. STEVENS, Mrs. KASSEBAUM, Mr. KERREY, Mr. COHEN, Mr. CAMPBELL, and Mr. COVERDELL):

S. 1086. A bill to amend the Internal Revenue Code of 1986 to allow a family-owned business exclusion from the gross estate subject to estate tax, and for other purposes; to the Committee on Finance.

By Mr. STEVENS:

S. 1087. An original bill making appropriations for the Department of Defense for the fiscal year ending September 30, 1996, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. COHEN:

S. 1088. A bill to provide for enhanced penalties for health care fraud, and for other purposes; to the Committee on Finance.

By Mr. LEAHY:

S. 1089. A bill to amend the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 to prevent and control the infestation of Lake Champlain by zebra mussels, and for other purposes; to the Committee on Environment and Public Works.

By Mr. LEAHY (for himself, Mr. BROWN, and Mr. KERRY):

S. 1090. A bill to amend section 552 of title 5, United States Code (commonly known as the Freedom of Information Act), to provide for public access to information in an electronic format, and for other purposes; to the Committee on the Judiciary.

By Mr. CRAIG (for himself and Mr. CONRAD):

S. 1091. A bill to finance and implement a program of research, promotion, market development, and industry and consumer information to enhance demand for and increase the profitability of canola and rapeseed products in the United States, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. MCCONNELL:

S. 1092. A bill to impose sanctions against Burma, and countries assisting Burma, unless Burma observes basic human rights and permits political freedoms; to the Committee on Foreign Relations.

By Mr. REID (for himself and Mr. BRYAN):

S. 1093. A bill to prohibit the application of the Religious Freedom Restoration Act of 1993, or any amendment made by such Act, to an individual who is incarcerated in a Federal, State, or local correctional, detention, or penal facility, and for other purposes; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MCCAIN (for himself, Mr. LEVIN, Mr. COHEN, Mr. WELLSTONE, Mr. FEINGOLD, Mr. LAUTENBERG, Mr. KYL, Mr. MCCONNELL, Mr. GRAMS, Mr. ABRAHAM, Mr. WARNER, Mr. HARKIN, Mr. BINGAMAN, and Mr. BAUCUS):

S. Res. 158. A resolution to provide for Senate gift reform; considered and agreed to.

By Mr. PELL:

S. Con. Res. 22. A concurrent resolution expressing the sense of the Congress that the United States should participate in Expo '98 in Lisbon, Portugal; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DOLE (for himself, Mr. PRYOR, Mr. ROTH, Mr. BAUCUS, Mr. PRESSLER, Mr. BREAUX, Mr. BOND, Mr. SIMPSON, Mr. GRASSLEY, Mr. HATCH, Mr. D'AMATO, Mr. MURKOWSKI, Mr. NICKLES, Mr. HELMS, Mr. WARNER, Mr. GREGG, Mr. BENNETT, Mr. LUGAR, Ms. SNOWE, Mr. ABRAHAM, Mr. BURNS, Mr. LOTT, Mr. ASHCROFT, Mr. COATS, Mr. INHOFE, Mrs. HUTCHISON, Mr. STEVENS, Mrs. KASSEBAUM, Mr. KERREY, Mr. COHEN, Mr. CAMPBELL, and Mr. COVERDELL):

S. 1086. A bill to amend the Internal Revenue Code of 1986 to allow a family-owned business exclusion from the gross estate subject to estate tax, and for other purposes; to the Committee on Finance.

THE AMERICAN FAMILY-OWNED BUSINESS ACT

Mr. DOLE. Mr. President, I rise today to introduce the American Family-Owned Business Act—a bill that will preserve the American family and save jobs across the country.

I am proud that this bill was developed on a bipartisan basis, led on the Democratic side by my colleague from Arkansas, Senator PRYOR. We are joined by Senators ROTH, BAUCUS, PRESSLER, BREAUX, SIMPSON, BOND, D'AMATO, GRASSLEY, NICKLES, HELMS, WARNER, GREGG, BENNETT, LUGAR, SNOWE, ABRAHAM, BURNS, LOTT, ASHCROFT, COATS, INHOFE, HUTCHISON, STEVENS, MURKOWSKI, KASSEBAUM, KERREY, COHEN, and HATCH.

The current Federal estate tax is just too burdensome on the American family. Time and time again, farmers and other business owners across the country have told me that estate tax rates are just too high. They rise quickly from 18- to 55-percent, effectively making the Government a 50–50 partner in a family business.

Even the most sophisticated estate tax planning and the purchase of life insurance cannot sufficiently mitigate the effects of these high rates, leaving families no recourse but to sell their businesses to pay the estate tax. This bill will stop these forced sales from happening again.

I agree with many who say that estate tax rates should be reduced across the board, or repealed entirely. And I hope that we do that some day. But today we take an important first step with the American Family-Owned Business Act.

This bill cuts estate tax rates in half and also creates a new exclusion that completely eliminates the estate tax for small businesses.

Under the new exclusion, family-owned businesses can exempt up to $1.5 million of family business assets from their estate. If a family business is valued at more than $1.5 million, the excess is taxed at one-half of the current rates—thus providing a maximum tax rate of 27.5 percent.

My colleagues and I introduce this bill to protect and preserve family enterprises. We know too well the adverse impact of an estate tax-forced sale. The family loses its livelihood, the family business employees lose their jobs, and the community suffers.

We must do all that we can to help family-owned businesses not only survive, but also prosper. They are the job creators in this country. In the 1980's alone, family businesses accounted for an increase of more than 20 million private-sector jobs.

By relieving families from the burden of the estate tax and letting them keep their business, they can continue to prosper. And when families continue to operate their businesses, we all benefit—the business employees keep their jobs, the Government receives income taxes on business profits, and the families retain their livelihood.

The estate tax is not a Democratic or a Republican problem, or one that affects only rural or urban families. There are farmers, ranchers, or other family businesses in each State that would benefit from this legislation. That is why this bill is supported by dozens of groups, each listed at the conclusion of this statement.

Many of my colleagues have introduced bills to provide estate tax relief in various situations. These bills include important ideas, many of which are reflected in the American Family-owned Business Act. As we begin the process of providing estate tax relief, we hope to work closely with the sponsors of these other bills, and to work toward common goals. We encourage those Senators who have sponsored their own bills to sign on to this one and work toward a single package of estate tax relief.

As we intend, the American Family-Owned Business Act provides relief for family businesses across the country—from the tree farmer in the Northeast or the rancher in the Southwest, to the farmer in the Midwest or the corner grocery store owner in the South.

The bill requires heirs to participate in the family business. These participation rules are deliberately flexible and recognize that different family businesses need differing levels of participation by heirs. For example, the bill recognizes that owners of tree farms may participate at a level lower than that of owners of other businesses, since tree farming often does not require continuous attention as do other farming activities.

This bill provides the critical relief needed for American families' businesses. We urge all our colleagues to support this effort.

Mr. President, I ask unanimous consent that the text of the bill and other material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "The American Family-Owned Business Act".

SEC. 2. FAMILY-OWNED BUSINESS EXCLUSION.

(a) IN GENERAL.—Part III of subchapter A of chapter 11 of the Internal Revenue Code of 1986 (relating to gross estate) is amended by inserting after section 2033 the following new section:

"SEC. 2033A. FAMILY-OWNED BUSINESS EXCLUSION.

"(a) IN GENERAL.—In the case of an estate of a decedent to which this section applies, the value of the gross estate shall not include the lesser of—

"(1) the adjusted value of the qualified family-owned business interests of the decedent otherwise includible in the estate, or

"(2) the sum of—

"(A) $1,500,000, plus

"(B) 50 percent of the excess (if any) of the adjusted value of such interests over $1,500,000.

"(b) ESTATES TO WHICH SECTION APPLIES.—This section shall apply to an estate if—

"(1) the decedent was (at the date of the decedent's death) a citizen or resident of the United States,

"(2) the excess of—

"(A) the sum of—

"(i) the adjusted value of the qualified family-owned business interests which—

"(I) are included in determining the value of the gross estate (without regard to this section), and

"(II) are acquired by a qualified heir from, or passed to a qualified heir from, the decedent (within the meaning of section 2032A(e)(9)), plus

"(ii) the amount of the adjusted taxable gifts of such interests from the decedent to members of the decedent's family taken into account under subsection 2001(b)(1)(B), to the extent such interests are continuously held by such members between the date of the gift and the date of the decedent's death, over

"(B) the amount included in the gross estate under section 2035,

exceeds 50 percent of the adjusted gross estate, and

"(3) during the 8-year period ending on the date of the decedent's death there have been periods aggregating 5 years or more during which—

"(A) such interests were owned by the decedent or a member of the decedent's family, and

"(B) there was material participation (within the meaning of section 2032A(e)(6)) by the decedent or a member of the decedent's family in the operation of the business to which such interests relate.

"(c) ADJUSTED GROSS ESTATE.—For purposes of this section, the term 'adjusted gross estate' means the value of the gross estate (determined without regard to this section)—

"(1) reduced by any amount deductible under section 2053(a)(4), and

"(2) increased by the excess of—

"(A) the sum of—

"(i) the amount taken into account under subsection (b)(2)(B)), plus

"(ii) the amount of other gifts from the decedent to the decedent's spouse (at the time of the gift) within 10 years of the date of the decedent's death, plus

"(iii) the amount of other gifts (not included under clause (i) or (ii)) from the decedent within 3 years of such date, over

"(B) the amount included in the gross estate under section 2035.

"(d) ADJUSTED VALUE OF THE QUALIFIED FAMILY-OWNED BUSINESS INTERESTS.—For purposes of this section, the adjusted value of any qualified family-owned business interest is the value of such interest for purposes of this chapter (determined without regard to this section), reduced by the excess of—

"(1) any amount deductible under section 2053(a)(4), over

"(2) the sum of—

"(A) any indebtedness on any qualified residence of the decedent the interest on which is deductible under section 163(h)(3), plus

"(B) any indebtedness to the extent the taxpayer establishes that the proceeds of such indebtedness were used for the payment of educational and medical expenses of the decedent, the decedent's spouse, or the decedent's dependents (within the meaning of section 152), plus

"(C) any indebtedness not described in subparagraph (A) or (B), to the extent such indebtedness does not exceed $10,000.

"(e) QUALIFIED FAMILY-OWNED BUSINESS INTEREST.—

"(1) IN GENERAL.—For purposes of this section, the term 'qualified family-owned business interest' means—

"(A) an interest as a proprietor in a trade or business carried on as a proprietorship, or

"(B) an interest as a partner in a partnership, or stock in a corporation, carrying on a trade or business, if—

"(i) at least—

"(I) 50 percent of such partnership or corporation is owned (directly or indirectly) by the decedent or members of the decedent's family,

"(II) 70 percent of such partnership or corporation is so owned by 2 families (including the decedent's family), or

"(III) 90 percent of such partnership or corporation is so owned by 3 families (including the decedent's family), and

"(ii) at least 30 percent of such partnership or corporation is so owned by each family described in subclause (II) or (III) of clause (i).

"(2) LIMITATION.—Such term shall not include—

"(A) any interest in a trade or business the principal place of business of which is not located in the United States,

"(B) any interest in—

"(i) an entity which had, or

"(ii) an entity which is a member of a controlled group (as defined in section 267(f)(1)) which had,

readily tradable stock or debt on an established securities market or secondary market (as defined by the Secretary) within 3 years of the date of the decedent's death,

"(C) any interest in a trade or business not described in section 542(c)(2), if more than 35 percent of the adjusted ordinary gross income of such trade or business for the taxable year which includes the date of the decedent's death would qualify as personal holding company income (as defined in section 543(a)), and

"(D) that portion of an interest in a trade or business that is attributable to cash or marketable securities, or both, in excess of the reasonably expected day-to-day working capital needs of such trade or business.

"(3) OWNERSHIP RULES.—

"(A) INDIRECT OWNERSHIP.—For purposes of determining indirect ownership under paragraph (1), rules similar to the rules of paragraphs (2) and (3) of section 447(e) shall apply.

"(B) TIERED ENTITIES.—For purposes of this section, if—

"(i) a qualified family-owned business holds an interest in another trade or business, and

"(ii) such interest would be a qualified family-owned business interest if held directly by the family (or families) holding interests in the qualified family-owned business meeting the requirements of paragraph (1)(B),

then the value of the qualified family-owned business shall include the portion attributable to the interest in the other trade or business.

"(f) TAX TREATMENT OF FAILURE TO MATERIALLY PARTICIPATE IN BUSINESS OR DISPOSITIONS OF INTERESTS.—

"(1) IN GENERAL.—There is imposed an additional estate tax if, within 10 years after the date of the decedent's death and before the date of the qualified heir's death—

"(A) the qualified heir ceases to use for the qualified use (within the meaning of section 2032A(c)(6)(B)) the qualified family-owned business interest which was acquired (or passed) from the decedent, or

"(B) the qualified heir disposes of any portion of a qualified family-owned business interest (other than by a disposition to a member of the qualified heir's family or through a qualified conservation contribution under section 170(h)).

"(2) ADDITIONAL ESTATE TAX.—The amount of the additional estate tax imposed by paragraph (1) shall be equal to—

"(A) the adjusted tax difference attributable to the qualified family-owned business interest (as determined under rules similar to the rules of section 2032A(c)(2)(B)), plus

"(B) interest on the amount determined under subparagraph (A) at the annual rate of 4 percent for the period beginning on the date the estate tax liability was due under this chapter and ending on the date such additional estate tax is due.

"(g) OTHER DEFINITIONS AND APPLICABLE RULES.—For purposes of this section—

"(1) QUALIFIED HEIR.—The term 'qualified heir'—

"(A) has the meaning given to such term by section 2032A(e)(1), and

"(B) includes any active employee of the trade or business to which the qualified family-owned business interest relates if such employee has been employed by such trade or business for a period of at least 10 years before the date of the decedent's death.

"(2) MEMBER OF THE FAMILY.—The term 'member of the family' has the meaning given to such term by section 2032A(e)(2).

"(3) APPLICABLE RULES.—Rules similar to the following rules shall apply:

"(A) Section 2032A(b)(4) (relating to decedents who are retired or disabled).

"(B) Section 2032A(b)(5) (relating to special rules for surviving spouses).

"(C) Section 2032A(c)(2)(D) (relating to partial dispositions).

"(D) Section 2032A(c)(3) (relating to only 1 additional tax imposed with respect to any 1 portion).

"(E) Section 2032A(c)(4) (relating to due date).

"(F) Section 2032A(c)(5) (relating to liability for tax; furnishing of bond).

"(G) Section 2032A(c)(7) (relating to no tax if use begins within 2 years; active management by eligible qualified heir treatment as material participation).

"(H) Section 2032A(e)(10) (relating to community property).

"(I) Section 2032A(e)(14) (relating to treatment of replacement property acquired in section 1031 or 1033 transactions).

"(J) Section 2032A(f) (relating to statute of limitations).

"(K) Section 6166(b)(3) (relating to farmhouses and certain other structures taken into account).

"(L) Subparagraphs (B), (C), and (D) of section 6166(g)(1) (relating to acceleration of payment)."

(b) CLERICAL AMENDMENT.—The table of sections for part III of subchapter A of chapter 11 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 2033 the following new item:

"Sec. 2033A. Family-owned business exclusion."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to estates of decedents dying after December 31, 1995.

SUPPORTERS OF AMERICAN FAMILY-OWNED BUSINESS ACT

Air Conditioning Contractors of America.

Alliance of Independent Store Owners & Professionals.

American Alliance of Family Businesses.

American Association of Nurserymen.

American Consulting Engineers Council.

American Electrical Contractors Association.

American Equipment Distributors.

American Farm Bureau Federation.

American Horse Council.

American Road and Transportation Builders Association.

American Sheep Industry Association.

American Soybean Association.

American Subcontractors Association.

American Trucking Association.

American Vintners Association.

Associated Builders and Contractors.

Associated Equipment Distributors.

Associated General Contractors of America.

Building Advertising Council.

Building Service Contractors Associations International.
Committee to Preserve the American Family Business.
Communicating for Agriculture.
Council of Fleet Specialists.
Food Marketing Institute.
Forest Industries Committee on Taxation.
Independent Bankers Association of America.
Independent Petroleum Association of America.
Machinery Dealers National Association.
Marina Operators Association of America.
Marine Retailers Association of America.
National-American Wholesale Grocers' Assn./International Foodservice Distributors.
National Association for the Self-Employed.
National Association of RV Parks and Campgrounds.
National Association of Realtors.
National Association of Retail Druggists.
National Association of State Departments of Agriculture.
National Association of Wheat Growers.
National Automobile Dealers Association.
National Cattlemen's Association.
National Corn Growers Association.
National Cotton Council.
National Farmers Union.
National Federation of Independent Business.
National Food Brokers Association.
National Home Furnishings Association.
National Lumber and Building Material Dealers Association.
National Milk Producers Federation.
National Pork Producers Council.
National Restaurant Association.
National Retail Federation.
National Roofing Contractors Association.
National Stripper Well Association.
National Tire Dealers & Retreaders Association.
National Tooling & Machining Association.
Printing Industries of America.
Promotional Products Association International.
Retail Bakers of America.
Sageguard America's Family Enterprises.
Sheet Metal & Air Conditioning Contractors National Association.
Small Business Exporters Association.
Small Business Legislative Council.
Society of American Florists.
U.S. Business and Industrial Council.
U.S. Chamber of Commerce.
Wine and Spirits Wholesalers of America.
World Floor Covering Association.

Mr. ROTH. Mr. President, sometimes it appears that government has declared war on the family farm and small business. This is an irony, given the fact that these historic American institutions are the backbone of our economy. We all know the statistics—how since the early 1970's, small businesses have created two out of every three new jobs—how our family farms have helped turn America into the most productive agricultural provider in the world.

On previous occasions, I've come to the floor to detail how government, time and again, has tried to kill the goose that lays the golden egg. Not only are small businesses and our family farms feeling the crunch from Federal taxation and over-regulation, but they are getting hit on the local level, as well. When Congress increases regulations—when Congress hits small business men and women with tax increases—rarely are these regulations and increases considered in light of the State and local taxes these men and women are paying. Fortune magazine reports that the tax liability of small businesses is one of the fastest rising, especially through the increases of property taxes—taxes which have a profound impact on our farmers.

On top of this tremendous tax and regulatory load that small business owners and family farmers must bear in life, the Federal Government even refuses to allow them peace in death. In fact, in many cases the way the Tax Code is written today, the death of a small business man or woman in a family-owned enterprise brings about what can only be considered a hostile takeover by the Government.

Under current law, when the key member of a family-owned business dies, the Federal Government mandates an estate tax that can reach as high as 55 percent. Fifty-five percent, Mr. President. Think about that. It can make the Federal Government literally the majority owner of a business that a family has worked for years to build.

If a Government takeover isn't bad enough, the families involved soon realize that Uncle Sam doesn't even want to keep the business. He's not interested in a partnership. He just wants his pound of flesh, even if it kills the enterprise. Time and again, this has happened as wonderful, hard-working, risk-taking spouses and children—valiant souls who have often sacrificed for the family cause—are forced by old Uncle Sam to sell the company or farm just to pay the taxes.

If all this seems familiar, Mr. President, it is. It's familiar to anyone who's ever seen an old Vaudeville melodrama. If you can't pay the taxes, you lose the family farm. Well, Mr. President, all that changes with this legislation—legislation I have authored with Senators DOLE and PRYOR. And frankly, I don't mind playing the role of Dudley Dooright, along with these distinguished colleagues and a host of others who have cosponsored this legislation. In fact, I'm pleased to be a champion of small business, especially when I hear stories like those I shared in our press conference today.

These are stories about real people—about an elderly woman from Delaware who, upon her death, left her family farm to her five children. They wanted the farm. They wanted it to remain in the family. It was valued at over $2 million. But in came Uncle Sam—just like in the melodrama—and demanded estate taxes of almost $1 million. Now, Mr. President, it's not hard to understand how a hard-working family can build a farm that's worth $2 million, especially when you consider inflation. For good land and well-kept equipment, that's not an exorbitant amount of money.

But it's almost impossible to see how those who inherit the farm are able to keep it when they also inherit a $1 million tax liability.

In another case, an elderly couple from southern Delaware is currently struggling to plan their estate so it adequately provides for their handicapped daughter while it also allows their son to continue the family farming operation. Unfortunately, with a projected estate tax bill of over $500,000, it is most likely that they also will have to sell their family farm just to appease Uncle Sam's insatiable appetite for taxes.

Mr. President, it's time for change. And the legislation I've authored—legislation to provide estate tax relief—is an important measure toward creating the change we need. The Family Business Estate Tax Relief Act—completely bipartisan legislation—will exempt from the estate tax a full $1.5 million of the value of the deceased individual's interest in a family business. If the business or farm is worth more than $1.5 million, our legislation cuts the additional tax rate in half.

This exemption and rate cut are in addition to the current law's exclusion for up to $600,000 in personal and business assets. In this way, a family could protect a business valued up to $4.2 million, if that business were owned by a husband and wife. To make certain that the tax relief is going to protect family-owned businesses, our legislation requires that surviving members keep the business for up to 10 years. It applies only to businesses that are family owned and that are located within the United States.

Mr. President, this legislation is important not only for our families, but for our Nation. It restores proper perspective to what this political experiment is all about—encouraging the American Dream. There is nothing more important to that dream than the family, its business, and its farm. I encourage all my colleagues to join us in this bipartisan effort to once again make Uncle Sam a relative that folks will want to see come visit.

By Mr. COHEN:

S. 1088. A bill to provide for enhanced penalties for health care fraud, and for other purposes; to the Committee on Finance.

THE HEALTH CARE FRAUD AND ABUSE PREVENTION ACT OF 1995

• Mr. COHEN. Mr. President, earlier this year I introduced S. 245, the Health Care Fraud Prevention Act. This bill, which was cosponsored by a bipartisan group of 21 Senators, was similar to legislation I introduced last year that ultimately was incorporated into a number of the major comprehensive health care reform proposals. Unfortunately, hopes for enactment of my fraud and abuse proposal faded since comprehensive health care reform was not passed by the Congress last year.

Regardless of whether we enact overall health care reform, it is vital that we no longer delay in adopting tough measures to crack down on the fraud and abuse that robs billions of dollars from our health care system each year. Estimates are that we are losing as much as $100 billion each year to health care fraud and abuse, with as much as 30 percent of those losses to the Medicare and Medicaid programs alone. As we embark upon the debate on how to achieve savings in, and control the growth of, Medicare and Medicaid, we must not overlook the very real savings that can be obtained by closing the doors of these programs to fraud and abuse.

Since I introduced S. 245 in January of this year, I have solicited comments on this legislation from a host of law enforcement agencies, health care provider groups, and experts in criminal law and health care. My purpose in seeking and reviewing comments on my legislation was to ensure that health care fraud legislation be tough on those who intentionally scam or defraud the health care system, but also be fair and workable in practice, and not inadvertently penalize honest health care providers who inadvertently run afoul of complicated health care regulations. I strongly believe that it is necessary, and possible, to strike the appropriate balance of being very tough on health care fraud while not entrapping or unduly burdening health care providers and businesses who are simply trying to follow the rules.

The bill that I am introducing today reflects this delicate balance. It is the product of many months of work by my staff on the Senate Special Committee on Aging to respond to comments by many experts in law enforcement, health care, and the health care provider community. The changes made to S. 245 by this legislation I am introducing today are both comprehensive in nature and extremely workable.

For example, this bill alters the extension of the Social Security Act antikickback statute and civil monetary penalties. Under this legislation, these penalties would be extended to cover all Federal Health Care Programs, not just Medicare and Medicaid.

Another major change deals with the exclusion of individuals from Medicare for certain health care fraud violations. Under the proposal I am introducing today, the reach of this exclusion has been refined from my previous legislation so that individuals not directly involved in the fraudulent activity would not be unduly penalized or discouraged from serving on boards of hospitals or other health care organizations. This legislation contains many other refinements to S. 245 that will go far in achieving coordinated, effective, and fair response to health care fraud and abuse.

Mr. President, the costs of health care fraud and abuse to our health care system are staggering: As much as 10 percent of U.S. health care spending is lost to fraud and abuse each year. For Medicare and Medicaid, the Federal Government pays as much as $27 billion each year in fraudulent and abusive claims. Enactment of this legislation therefore has the potential to save the taxpayers and American public millions, if not billions of dollars each year.

I would like to thank all those individuals from law enforcement and the health care industry who have come forth with pragmatic and creative solutions to a growing and pernicious problem, and I ask unanimous consent that a section-by-section analysis of the changes have been made to S. 245 and a copy of my legislation be included in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1088

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Health Care Fraud and Abuse Prevention Act of 1995".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—FRAUD AND ABUSE CONTROL PROGRAM

Sec. 101. Fraud and abuse control program.
Sec. 102. Application of certain health anti-fraud and abuse sanctions to all fraud and abuse against any Federal health program.
Sec. 103. Health care fraud and abuse guidance.

TITLE II—REVISIONS TO CURRENT SANCTIONS FOR FRAUD AND ABUSE

Sec. 201. Mandatory exclusion from participation in medicare and State health care programs.
Sec. 202. Establishment of minimum period of exclusion for certain individuals and entities subject to permissive exclusion from medicare and State health care programs.
Sec. 203. Permissive exclusion of individuals with ownership or control interest in sanctioned entities.
Sec. 204. Sanctions against practitioners and persons for failure to comply with statutory obligations.
Sec. 205. Intermediate sanctions for medicare health maintenance organizations.
Sec. 206. Effective date.

TITLE III—ADMINISTRATIVE AND MISCELLANEOUS PROVISIONS

Sec. 301. Establishment of the health care fraud and abuse data collection program.

TITLE IV—CIVIL MONETARY PENALTIES

Sec. 401. Social Security Act civil monetary penalties.

TITLE V—AMENDMENTS TO CRIMINAL LAW

Sec. 501. Health care fraud.
Sec. 502. Forfeitures for Federal health care offenses.
Sec. 503. Injunctive relief relating to Federal health care offenses.
Sec. 504. Grand jury disclosure.
Sec. 505. False Statements.
Sec. 506. Obstruction of criminal investigations of Federal health care offenses.
Sec. 507. Theft or embezzlement.
Sec. 508. Laundering of monetary instruments.
Sec. 509. Authorized investigative demand procedures.

TITLE VI—STATE HEALTH CARE FRAUD CONTROL UNITS

Sec. 601. State health care fraud control units.

TITLE VII—MEDICARE BILLING ABUSE PREVENTION

Sec. 701. Implementation of General Accounting Office recommendations regarding medicare claims processing.
Sec. 702. Minimum software requirements.
Sec. 703. Disclosure.
Sec. 704. Review and modification of regulations.
Sec. 705. Definitions.

TITLE I—FRAUD AND ABUSE CONTROL PROGRAM

SEC. 101. FRAUD AND ABUSE CONTROL PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—

(1) IN GENERAL.—Not later than January 1, 1996, the Secretary of Health and Human Services (in this title referred to as the "Secretary"), acting through the Office of the Inspector General of the Department of Health and Human Services, and the Attorney General shall establish a program—

(A) to coordinate Federal, State, and local law enforcement programs to control fraud and abuse with respect to the delivery of and payment for health care in the United States,

(B) to conduct investigations, audits, evaluations, and inspections relating to the delivery of and payment for health care in the United States,

(C) to facilitate the enforcement of the provisions of sections 1128, 1128A, and 1128B of the Social Security Act (42 U.S.C. 1320a-7, 1320a-7a, and 1320a-7b) and other statutes applicable to health care fraud and abuse, and

(D) to provide for the modification and establishment of safe harbors and to issue interpretative rulings and special fraud alerts pursuant to section 103.

(2) COORDINATION WITH HEALTH PLANS.—In carrying out the program established under paragraph (1), the Secretary and the Attorney General shall consult with, and arrange for the sharing of data with representatives of health plans.

(3) GUIDELINES.—

(A) IN GENERAL.—The Secretary and the Attorney General shall issue guidelines to carry out the program under paragraph (1). The provisions of sections 553, 556, and 557 of title 5, United States Code, shall not apply in the issuance of such guidelines.

(B) INFORMATION GUIDELINES.—

(i) IN GENERAL.—Such guidelines shall include guidelines relating to the furnishing of information by health plans, providers, and others to enable the Secretary and the Attorney General to carry out the program (including coordination with health plans under paragraph (2)).

(ii) CONFIDENTIALITY.—Such guidelines shall include procedures to assure that such information is provided and utilized in a manner that appropriately protects the confidentiality of the information and the privacy of individuals receiving health care services and items.

(iii) QUALIFIED IMMUNITY FOR PROVIDING INFORMATION.—The provisions of section 1157(a) of the Social Security Act (42 U.S.C. 1320c-6(a)) (relating to limitation on liability) shall apply to a person providing information to the Secretary or the Attorney General in conjunction with their performance of duties under this section.

(4) INVESTIGATORS AND OTHER PERSONNEL.—In addition to any other amounts authorized to be appropriated to the Secretary, the Attorney General, the Director of the Federal Bureau of Investigation, and the Inspectors General of the Departments of Health and Human Services, Defense, Labor, and Veterans Affairs, of the Office of Personnel Management, and of the Railroad Retirement Board, for health care anti-fraud and abuse activities for a fiscal year, there are authorized to be appropriated additional amounts, from the Health Care Fraud and Abuse Control described in subsection (b) of this section, as may be necessary to enable the Secretary, the Attorney General, and such Inspectors General to conduct investigations and audits of allegations of health care fraud and abuse and otherwise carry out the program established under paragraph (1) in a fiscal year.

(5) ENSURING ACCESS TO DOCUMENTATION.—The Inspector General of the Department of Health and Human Services is authorized to exercise such authority described in paragraphs (3) through (9) of section 6 of the Inspector General Act of 1978 (5 U.S.C. App.) as necessary with respect to the activities under the fraud and abuse control program established under this subsection.

(6) AUTHORITY OF INSPECTOR GENERAL.—Nothing in this Act shall be construed to diminish the authority of any Inspector General, including such authority as provided in the Inspector General Act of 1978 (5 U.S.C. App.).

(b) HEALTH CARE FRAUD AND ABUSE CONTROL.—

(1) ESTABLISHMENT.—

(A) IN GENERAL.—There is hereby established the Health Care Fraud and Abuse Control. There are hereby appropriated to the Health Care Fraud and Abuse Control—

(i) such gifts and bequests as may be made as provided in subparagraph (B);

(ii) such amounts as may be deposited in the Health Care Fraud and Abuse Control as provided in sections 501(b) and 502(b), and title XI of the Social Security Act; and

(iii) such amounts as are transferred to the Health Care Fraud and Abuse Control under subparagraph (C).

(B) AUTHORIZATION TO ACCEPT GIFTS.—The Health Care Fraud and Abuse Control is authorized to accept on behalf of the United States money gifts and bequests made unconditionally to the Health Care Fraud and Abuse Control, for the benefit of the Health Care Fraud and Abuse Control or any activity financed through the Health Care Fraud and Abuse Control.

(C) TRANSFER OF AMOUNTS.—The Secretary of the Treasury shall transfer to the Health Care Fraud and Abuse Control, under rules similar to the rules in section 9601 of the Internal Revenue Code of 1986, an amount equal to the sum of the following:

(i) Criminal fines imposed in cases involving a Federal health care offense (as defined in section 982(a)(6)(B) of title 18, United States Code).

(ii) Administrative penalties and assessments imposed under titles XI, XVIII, and XIX of the Social Security Act (except as otherwise provided by law).

(iii) Amounts resulting from the forfeiture of property by reason of a Federal health care offense.

(iv) Penalties and damages imposed under the False Claims Act (31 U.S.C. 3729 et seq.), in cases involving claims related to the provision of health care items and services (other than funds awarded to a relator or for restitution).

(2) GENERAL USE OF FUNDS.—

(A) IN GENERAL.—Amounts in the Health Care Fraud and Abuse Control shall be available, as provided in appropriation Acts, to cover the costs (including equipment, salaries and benefits, and travel and training) of the administration and operation of the health care fraud and abuse control program established under subsection (a), including the costs of—

(i) prosecuting health care matters (through criminal, civil, and administrative proceedings);

(ii) investigations;

(iii) financial and performance audits of health care programs and operations;

(iv) inspections and other evaluations; and

(v) provider and consumer education regarding compliance with the provisions of this title.

(B) FUNDS USED TO SUPPLEMENT AGENCY APPROPRIATIONS.—It is intended that disbursements made from the Health Care Fraud and Abuse Control to any Federal agency be used to increase and not supplant the recipient agency's appropriated operating budget.

(3) ADDITIONAL USE OF FUNDS BY INSPECTOR GENERAL.—

(A) REIMBURSEMENTS FOR INVESTIGATIONS.—Amounts in the Health Care Fraud and Abuse Control shall be available, as provided in appropriation Acts, to the Inspectors General of the Departments of Health and Human Services, Defense, Labor, and Veterans Affairs, of the Office of Personnel Management, and of the Railroad Retirement Board, to receive and retain for current use reimbursement for the costs of conducting investigations, when such restitution is ordered by a court, voluntarily agreed to by the payer, or otherwise.

(B) CREDITING.—Funds received by any such Inspector General as reimbursement for costs of conducting investigations shall be deposited to the credit of the appropriation from which initially paid, or to appropriations for similar purposes currently available at the time of deposit, and shall remain available for obligation for 1 year from the date of the deposit of such funds.

(4) ADDITIONAL USE OF FUNDS BY STATE MEDICAID FRAUD CONTROL UNITS FOR INVESTIGATION REIMBURSEMENTS.—Amounts in the Health Care Fraud and Abuse Control shall be available, as provided in appropriation Acts, to the various State medicaid fraud control units to reimburse such units upon request to the Secretary for the costs of the activities authorized under section 1903(q) of the Social Security Act (42 U.S.C. 1396c(q).

(5) ANNUAL REPORT.—The Secretary and the Attorney General shall submit jointly an annual report to Congress on the amount of revenue which is generated and disbursed by the Health Care Fraud and Abuse Control in each fiscal year.

(c) HEALTH PLAN DEFINED.—For purposes of this section, the term "health plan" means a plan or program that provides health benefits, whether directly, through insurance, or otherwise, and includes—

(1) a policy of health insurance;

(2) a contract of a service benefit organization;

(3) a membership agreement with a health maintenance organization or other prepaid health plan; and

(4) an employee welfare benefit plan or a multiple employer welfare plan (as such terms are defined in section 3 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002).

SEC. 102. APPLICATION OF CERTAIN HEALTH ANTI-FRAUD AND ABUSE SANCTIONS TO FRAUD AND ABUSE AGAINST FEDERAL HEALTH PROGRAMS.

(a) CRIMES.—

(1) SOCIAL SECURITY ACT.—Section 1128B of the Social Security Act (42 U.S.C. 1320a-7b) is amended as follows:

(A) In the heading, by striking "MEDICARE OR STATE HEALTH CARE PROGRAMS" and inserting "FEDERAL HEALTH CARE PROGRAMS".

(B) In subsection (a)(1), by striking "a program under title XVIII or a State health care program (as defined in section 1128(h))" and inserting "a Federal health care program".

(C) In subsection (a)(5), by striking "a program under title XVIII or a State health care program" and inserting "a Federal health care program".

(D) In the second sentence of subsection (a)—

(i) by striking "a State plan approved under title XIX" and inserting "a Federal health care program", and

(ii) by striking "the State may at its option (notwithstanding any other provision of that title or of such plan)" and inserting "the administrator of such program may at its option (notwithstanding any other provision of such program)".

(E) In subsection (b), by striking "title XVIII or a State health care program" each place it appears and inserting "a Federal health care program".

(F) In subsection (c), by inserting "(as defined in section 1128(h))" after "a State health care program".

(G) By adding at the end the following new subsection:

"(f) For purposes of this section, the term 'Federal health care program' means—

"(1) any plan or program that provides health benefits, whether directly, through insurance, or otherwise, which is funded, in whole or in part, by the United States Government; or

"(2) any State health care program, as defined in section 1128(h).".

(2) IDENTIFICATION OF COMMUNITY SERVICE OPPORTUNITIES.—Section 1128B of such Act (42 U.S.C. 1320a-7b) is further amended by adding at the end the following new subsection:

"(g) The Secretary may—

"(1) in consultation with State and local health care officials, identify opportunities for the satisfaction of community service obligations that a court may impose upon the conviction of an offense under this section, and

"(2) make information concerning such opportunities available to Federal and State law enforcement officers and State and local health care officials.".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 1996.

SEC. 103. HEALTH CARE FRAUD AND ABUSE GUIDANCE.

(a) SOLICITATION AND PUBLICATION OF MODIFICATIONS TO EXISTING SAFE HARBORS AND NEW SAFE HARBORS.—

(1) IN GENERAL.—

(A) SOLICITATION OF PROPOSALS FOR SAFE HARBORS.—Not later than January 1, 1996, and not less than annually thereafter, the Secretary shall publish a notice in the Federal Register soliciting proposals, which will be accepted during a 60-day period, for—

(i) modifications to existing safe harbors issued pursuant to section 14(a) of the Medicare and Medicaid Patient and Program Protection Act of 1987 (42 U.S.C. 1320a–7b note);

(ii) additional safe harbors specifying payment practices that shall not be treated as a criminal offense under section 1128B(b) of the Social Security Act (42 U.S.C. 1320a–7b(b)) and shall not serve as the basis for an exclusion under section 1128(b)(7) of such Act (42 U.S.C. 1320a–7(b)(7));

(iii) interpretive rulings to be issued pursuant to subsection (b); and

(iv) special fraud alerts to be issued pursuant to subsection (c).

(B) PUBLICATION OF PROPOSED MODIFICATIONS AND PROPOSED ADDITIONAL SAFE HARBORS.—After considering the proposals described in clauses (i) and (ii) of subparagraph (A), the Secretary, in consultation with the Attorney General, shall publish in the Federal Register proposed modifications to existing safe harbors and proposed additional safe harbors, if appropriate, with a 60-day comment period. After considering any public comments received during this period, the Secretary shall issue final rules modifying the existing safe harbors and establishing new safe harbors, as appropriate.

(C) REPORT.—The Inspector General of the Department of Health and Human Services (in this section referred to as the "Inspector General") shall, in an annual report to Congress or as part of the year-end semiannual report required by section 5 of the Inspector General Act of 1978 (5 U.S.C. App.), describe the proposals received under clauses (i) and (ii) of subparagraph (A) and explain which proposals were included in the publication described in subparagraph (B), which proposals were not included in that publication, and the reasons for the rejection of the proposals that were not included.

(2) CRITERIA FOR MODIFYING AND ESTABLISHING SAFE HARBORS.—In modifying and establishing safe harbors under paragraph (1)(B), the Secretary may consider the extent to which providing a safe harbor for the specified payment practice may result in any of the following:

(A) An increase or decrease in access to health care services.

(B) An increase or decrease in the quality of health care services.

(C) An increase or decrease in patient freedom of choice among health care providers.

(D) An increase or decrease in competition among health care providers.

(E) An increase or decrease in the ability of health care facilities to provide services in medically underserved areas or to medically underserved populations.

(F) An increase or decrease in the cost to Federal health care programs (as defined in section 1128B(f) of the Social Security Act (42 U.S.C. 1320a–7b(f)).

(G) An increase or decrease in the potential overutilization of health care services.

(H) The existence or nonexistence of any potential financial benefit to a health care professional or provider which may vary based on their decisions of—

(i) whether to order a health care item or service; or

(ii) whether to arrange for a referral of health care items or services to a particular practitioner or provider.

(I) Any other factors the Secretary deems appropriate in the interest of preventing fraud and abuse in Federal health care programs (as so defined).

(b) INTERPRETIVE RULINGS.—

(1) IN GENERAL.—

(A) REQUEST FOR INTERPRETIVE RULING.—Any person may present, at any time, a request to the Inspector General for a statement of the Inspector General's current interpretation of the meaning of a specific aspect of the application of sections 1128A and 1128B of the Social Security Act (42 U.S.C. 1320a–7a and 1320a–7b) (in this section referred to as an "interpretive ruling").

(B) ISSUANCE AND EFFECT OF INTERPRETIVE RULING.—

(i) IN GENERAL.—If appropriate, the Inspector General shall in consultation with the Attorney General, issue an interpretive ruling not later than 90 days after receiving a request described in subparagraph (A). Interpretive rulings shall not have the force of law and shall be treated as an interpretive rule within the meaning of section 553(b) of title 5, United States Code. All interpretive rulings issued pursuant to this clause shall be published in the Federal Register or otherwise made available for public inspection.

(ii) REASONS FOR DENIAL.—If the Inspector General does not issue an interpretive ruling in response to a request described in subparagraph (A), the Inspector General shall notify the requesting party of such decision not later than 60 days after receiving such a request and shall identify the reasons for such decision.

(2) CRITERIA FOR INTERPRETIVE RULINGS.—

(A) IN GENERAL.—In determining whether to issue an interpretive ruling under paragraph (1)(B), the Inspector General may consider—

(i) whether and to what extent the request identifies an ambiguity within the language of the statute, the existing safe harbors, or previous interpretive rulings; and

(ii) whether the subject of the requested interpretive ruling can be adequately addressed by interpretation of the language of the statute, the existing safe harbor rules, or previous interpretive rulings, or whether the request would require a substantive ruling (as defined in section 552 of title 5, United States Code) not authorized under this subsection.

(B) NO RULINGS ON FACTUAL ISSUES.—The Inspector General shall not give an interpretive ruling on any factual issue, including the intent of the parties or the fair market value of particular leased space or equipment.

(c) SPECIAL FRAUD ALERTS.—

(1) IN GENERAL.—

(A) REQUEST FOR SPECIAL FRAUD ALERTS.—Any person may present, at any time, a request to the Inspector General for a notice which informs the public of practices which the Inspector General considers to be suspect or of particular concern under section 1128B(b) of the Social Security Act (42 U.S.C. 1320a–7b(b)) (in this subsection referred to as a "special fraud alert").

(B) ISSUANCE AND PUBLICATION OF SPECIAL FRAUD ALERTS.—Upon receipt of a request described in subparagraph (A), the Inspector General shall investigate the subject matter of the request to determine whether a special fraud alert should be issued. If appropriate, the Inspector General shall issue a special fraud alert in response to the request. All special fraud alerts issued pursuant to this subparagraph shall be published in the Federal Register.

(2) CRITERIA FOR SPECIAL FRAUD ALERTS.—In determining whether to issue a special fraud alert upon a request described in paragraph (1), the Inspector General may consider—

(A) whether and to what extent the practices that would be identified in the special fraud alert may result in any of the consequences described in subsection (a)(2); and

(B) the volume and frequency of the conduct that would be identified in the special fraud alert.

TITLE II—REVISIONS TO CURRENT SANCTIONS FOR FRAUD AND ABUSE

SEC. 201. MANDATORY EXCLUSION FROM PARTICIPATION IN MEDICARE AND STATE HEALTH CARE PROGRAMS.

(a) INDIVIDUAL CONVICTED OF FELONY RELATING TO HEALTH CARE FRAUD.—

(1) IN GENERAL.—Section 1128(a) of the Social Security Act (42 U.S.C. 1320a–7(a)) is amended by adding at the end the following new paragraph:

"(3) FELONY CONVICTION RELATING TO HEALTH CARE FRAUD.—Any individual or entity that has been convicted after the date of the enactment of the Health Care Fraud and Abuse Prevention Act of 1995, under Federal or State law, in connection with the delivery of a health care item or service or with respect to any act or omission in a health care program (other than those specifically described in paragraph (1)) operated by or financed in whole or in part by any Federal, State, or local government agency, of a criminal offense consisting of a felony relating to fraud, theft, embezzlement, breach of fiduciary responsibility, or other financial misconduct.".

(2) CONFORMING AMENDMENT.—Paragraph (1) of section 1128(b) of such Act (42 U.S.C. 1320a–7(b)) is amended to read as follows:

"(1) CONVICTION RELATING TO FRAUD.—Any individual or entity that has been convicted after the date of the enactment of the Health Care Fraud and Abuse Prevention Act of 1995, under Federal or State law—

"(A) of a criminal offense consisting of a misdemeanor relating to fraud, theft, embezzlement, breach of fiduciary responsibility, or other financial misconduct—

"(i) in connection with the delivery of a health care item or service, or

"(ii) with respect to any act or omission in a health care program (other than those specifically described in subsection (a)(1)) operated by or financed in whole or in part by any Federal, State, or local government agency; or

"(B) of a criminal offense relating to fraud, theft, embezzlement, breach of fiduciary responsibility, or other financial misconduct with respect to any act or omission in a program (other than a health care program) operated by or financed in whole or in part by any Federal, State, or local government agency.".

(b) INDIVIDUAL CONVICTED OF FELONY RELATING TO CONTROLLED SUBSTANCE.—

(1) IN GENERAL.—Section 1128(a) of the Social Security Act (42 U.S.C. 1320a–7(a)), as amended by subsection (a), is amended by adding at the end the following new paragraph:

"(4) FELONY CONVICTION RELATING TO CONTROLLED SUBSTANCE.—Any individual or entity that has been convicted after the date of the enactment of the Health Care Fraud and Abuse Prevention Act of 1995, under Federal or State law, of a criminal offense consisting of a felony relating to the unlawful manufacture, distribution, prescription, or dispensing of a controlled substance.".

(2) CONFORMING AMENDMENT.—Section 1128(b)(3) of such Act (42 U.S.C. 1320a-7(b)(3)) is amended—

(A) in the heading, by striking "CONVICTION" and inserting "MISDEMEANOR CONVICTION"; and

(B) by striking "criminal offense" and inserting "criminal offense consisting of a misdemeanor".

SEC. 202. ESTABLISHMENT OF MINIMUM PERIOD OF EXCLUSION FOR CERTAIN INDIVIDUALS AND ENTITIES SUBJECT TO PERMISSIVE EXCLUSION FROM MEDICARE AND STATE HEALTH CARE PROGRAMS.

Section 1128(c)(3) of the Social Security Act (42 U.S.C. 1320a-7(c)(3)) is amended by adding at the end the following new subparagraphs:

"(D) In the case of an exclusion of an individual or entity under paragraph (1), (2), or (3) of subsection (b), the period of the exclusion shall be 3 years, unless the Secretary determines in accordance with published regulations that a shorter period is appropriate because of mitigating circumstances or that a longer period is appropriate because of aggravating circumstances.

"(E) In the case of an exclusion of an individual or entity under subsection (b)(4) or (b)(5), the period of the exclusion shall not be less than the period during which the individual's or entity's license to provide health care is revoked, suspended, or surrendered, or the individual or the entity is excluded or suspended from a Federal or State health care program.

"(F) In the case of an exclusion of an individual or entity under subsection (b)(6)(B), the period of the exclusion shall be not less than 1 year.".

SEC. 203. PERMISSIVE EXCLUSION OF INDIVIDUALS WITH OWNERSHIP OR CONTROL INTEREST IN SANCTIONED ENTITIES.

Section 1128(b) of the Social Security Act (42 U.S.C. 1320a-7(b)) is amended by adding at the end the following new paragraph:

"(15) INDIVIDUALS CONTROLLING A SANCTIONED ENTITY.—Any individual who has a direct or indirect ownership or control interest of 5 percent or more, or an ownership or control interest (as defined in section 1124(a)(3)) in, or who is an officer or managing employee (as defined in section 1126(b)) of, an entity—

"(A) that has been convicted of any offense described in subsection (a) or in paragraph (1), (2), or (3) of this subsection; or

"(B) that has been excluded from participation under a program under title XVIII or under a State health care program.".

SEC. 204. SANCTIONS AGAINST PRACTITIONERS AND PERSONS FOR FAILURE TO COMPLY WITH STATUTORY OBLIGATIONS.

(a) MINIMUM PERIOD OF EXCLUSION FOR PRACTITIONERS AND PERSONS FAILING TO MEET STATUTORY OBLIGATIONS.—

(1) IN GENERAL.—The second sentence of section 1156(b)(1) of the Social Security Act (42 U.S.C. 1320c-5(b)(1)) is amended by striking "may prescribe)" and inserting "may prescribe, except that such period may not be less than 1 year)".

(2) CONFORMING AMENDMENT.—Section 1156(b)(2) of such Act (42 U.S.C. 1320c-5(b)(2)) is amended by striking "shall remain" and inserting "shall (subject to the minimum period specified in the second sentence of paragraph (1)) remain".

(b) REPEAL OF "UNWILLING OR UNABLE" CONDITION FOR IMPOSITION OF SANCTION.—Section 1156(b)(1) of the Social Security Act (42 U.S.C. 1320c-5(b)(1)) is amended—

(1) in the second sentence, by striking "and determines" and all that follows through "such obligations,"; and

(2) by striking the third sentence.

SEC. 205. INTERMEDIATE SANCTIONS FOR MEDICARE HEALTH MAINTENANCE ORGANIZATIONS.

(a) APPLICATION OF INTERMEDIATE SANCTIONS FOR ANY PROGRAM VIOLATIONS.—

(1) IN GENERAL.—Section 1876(i)(1) of the Social Security Act (42 U.S.C. 1395mm(i)(1)) is amended by striking "the Secretary may terminate" and all that follows and inserting "in accordance with procedures established under paragraph (9), the Secretary may at any time terminate any such contract or may impose the intermediate sanctions described in paragraph (6)(B) or (6)(C) (whichever is applicable) on the eligible organization if the Secretary determines that the organization—

"(A) has failed substantially to carry out the contract;

"(B) is carrying out the contract in a manner substantially inconsistent with the efficient and effective administration of this section; or

"(C) no longer substantially meets the applicable conditions of subsections (b), (c), (e), and (f).".

(2) OTHER INTERMEDIATE SANCTIONS FOR MISCELLANEOUS PROGRAM VIOLATIONS.—Section 1876(i)(6) of such Act (42 U.S.C. 1395mm(i)(6)) is amended by adding at the end the following new subparagraph:

"(C) In the case of an eligible organization for which the Secretary makes a determination under paragraph (1) the basis of which is not described in subparagraph (A), the Secretary may apply the following intermediate sanctions:

"(i) Civil money penalties of not more than $25,000 for each determination under paragraph (1) if the deficiency that is the basis of the determination has directly adversely affected (or has the substantial likelihood of adversely affecting) an individual covered under the organization's contract.

"(ii) Civil money penalties of not more than $10,000 for each week beginning after the initiation of procedures by the Secretary under paragraph (9) during which the deficiency that is the basis of a determination under paragraph (1) exists.

"(iii) Suspension of enrollment of individuals under this section after the date the Secretary notifies the organization of a determination under paragraph (1) and until the Secretary is satisfied that the deficiency that is the basis for the determination has been corrected and is not likely to recur.".

(3) PROCEDURES FOR IMPOSING SANCTIONS.—Section 1876(i) of such Act (42 U.S.C. 1395mm(i)) is amended by adding at the end the following new paragraph:

"(9) The Secretary may terminate a contract with an eligible organization under this section or may impose the intermediate sanctions described in paragraph (6) on the organization in accordance with formal investigation and compliance procedures established by the Secretary under which—

"(A) the Secretary first provides the organization with the reasonable opportunity to develop and implement a corrective action plan to correct the deficiencies that were the basis of the Secretary's determination under paragraph (1) and the organization fails to develop or implement such a plan;

"(B) in deciding whether to impose sanctions, the Secretary considers aggravating factors such as whether an entity has a history of deficiencies or has not taken action to correct deficiencies the Secretary has brought to their attention;

"(C) there are no unreasonable or unnecessary delays between the finding of a deficiency and the imposition of sanctions; and

"(D) the Secretary provides the organization with reasonable notice and opportunity for hearing (including the right to appeal an initial decision) before imposing any sanction or terminating the contract.".

(4) CONFORMING AMENDMENTS.—Section 1876(i)(6)(B) of such Act (42 U.S.C. 1395mm(i)(6)(B)) is amended by striking the second sentence.

(b) AGREEMENTS WITH PEER REVIEW ORGANIZATIONS.—

(1) REQUIREMENT FOR WRITTEN AGREEMENT.—Section 1876(i)(7)(A) of the Social Security Act (42 U.S.C. 1395mm(i)(7)(A)) is amended by striking "an agreement" and inserting "a written agreement".

(2) DEVELOPMENT OF MODEL AGREEMENT.—Not later than July 1, 1996, the Secretary shall develop a model of the agreement that an eligible organization with a risk-sharing contract under section 1876 of the Social Security Act must enter into with an entity providing peer review services with respect to services provided by the organization under section 1876(i)(7)(A) of such Act.

(3) REPORT BY GAO.—

(A) STUDY.—The Comptroller General of the United States shall conduct a study of the costs incurred by eligible organizations with risk-sharing contracts under section 1876(b) of such Act of complying with the requirement of entering into a written agreement with an entity providing peer review services with respect to services provided by the organization, together with an analysis of how information generated by such entities is used by the Secretary to assess the quality of services provided by such eligible organizations.

(B) REPORT TO CONGRESS.—Not later than July 1, 1998, the Comptroller General shall submit a report to the Committee on Ways and Means and the Committee on Commerce of the House of Representatives and the Committee on Finance and the Special Committee on Aging of the Senate on the study conducted under subparagraph (A).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to contract years beginning on or after January 1, 1996.

SEC. 206. EFFECTIVE DATE.

The amendments made by this part shall take effect January 1, 1996.

TITLE III—ADMINISTRATIVE AND MISCELLANEOUS PROVISIONS

SEC. 301. ESTABLISHMENT OF THE HEALTH CARE FRAUD AND ABUSE DATA COLLECTION PROGRAM.

(a) GENERAL PURPOSE.—Not later than January 1, 1996, the Secretary (in this title referred to as the "Secretary") shall establish a national health care fraud and abuse data collection program for the reporting of final adverse actions (not including settlements in which no findings of liability have been made) against health care providers, suppliers, or practitioners as required by subsection (b), with access as set forth in subsection (c).

(b) REPORTING OF INFORMATION.—

(1) IN GENERAL.—Each government agency and health plan shall report any final adverse action (not including settlements in which no findings of liability have been made) taken against a health care provider, supplier, or practitioner.

(2) INFORMATION TO BE REPORTED.—The information to be reported under paragraph (1) includes:

(A) The name and TIN (as defined in section 7701(a)(41)) of any health care provider, supplier, or practitioner who is the subject of a final adverse action.

(B) The name (if known) of any health care entity with which a health care provider, supplier, or practitioner is affiliated or associated.

(C) The nature of the final adverse action and whether such action is on appeal.

(D) A description of the acts or omissions and injuries upon which the final adverse action was based, and such other information as the Secretary determines by regulation is required for appropriate interpretation of information reported under this section.

(3) CONFIDENTIALITY.—In determining what information is required, the Secretary shall include procedures to assure that the privacy of individuals receiving health care services is appropriately protected.

(4) TIMING AND FORM OF REPORTING.—The information required to be reported under this subsection shall be reported regularly (but not less often than monthly) and in such form and manner as the Secretary prescribes. Such information shall first be required to be reported on a date specified by the Secretary.

(5) TO WHOM REPORTED.—The information required to be reported under this subsection shall be reported to the Secretary.

(c) DISCLOSURE AND CORRECTION OF INFORMATION.—

(1) DISCLOSURE.—With respect to the information about final adverse actions (not including settlements in which no findings of liability have been made) reported to the Secretary under this section respecting a health care provider, supplier, or practitioner, the Secretary shall, by regulation, provide for—

(A) disclosure of the information, upon request, to the health care provider, supplier, or licensed practitioner, and

(B) procedures in the case of disputed accuracy of the information.

(2) CORRECTIONS.—Each Government agency and health plan shall report corrections of information already reported about any final adverse action taken against a health care provider, supplier, or practitioner, in such form and manner that the Secretary prescribes by regulation.

(d) ACCESS TO REPORTED INFORMATION.—

(1) AVAILABILITY.—The information in this database shall be available to Federal and State government agencies and health plans pursuant to procedures that the Secretary shall provide by regulation.

(2) FEES FOR DISCLOSURE.—The Secretary may establish or approve reasonable fees for the disclosure of information in this database (other than with respect to requests by Federal agencies). The amount of such a fee may not exceed the costs of processing the requests for disclosure and of providing such information. Such fees shall be available to the Secretary or, in the Secretary's discretion to the agency designated under this section to cover such costs.

(e) PROTECTION FROM LIABILITY FOR REPORTING.—No person or entity, including the agency designated by the Secretary in subsection (b)(5) shall be held liable in any civil action with respect to any report made as required by this section, without knowledge of the falsity of the information contained in the report.

(f) DEFINITIONS AND SPECIAL RULES.—For purposes of this section:

(1)(A) The term "final adverse action" includes:

(i) Civil judgments against a health care provider in Federal or State court related to the delivery of a health care item or service.

(ii) Federal or State criminal convictions related to the delivery of a health care item or service.

(iii) Actions by Federal or State agencies responsible for the licensing and certification of health care providers, suppliers, and licensed health care practitioners, including—

(I) formal or official actions, such as revocation or suspension of a license (and the length of any such suspension), reprimand, censure or probation,

(II) any other loss of license of the provider, supplier, or practitioner, by operation of law, or

(III) any other negative action or finding by such Federal or State agency that is publicly available information.

(iv) Exclusion from participation in Federal or State health care programs.

(v) Any other adjudicated actions or decisions that the Secretary shall establish by regulation.

(B) The term does not include any action with respect to a malpractice claim.

(2) The terms "licensed health care practitioner", "licensed practitioner", and "practitioner" mean, with respect to a State, an individual who is licensed or otherwise authorized by the State to provide health care services (or any individual who, without authority holds himself or herself out to be so licensed or authorized).

(3) The term "health care provider" means a provider of services as defined in section 1861(u) of the Social Security Act, and any entity, including a health maintenance organization, group medical practice, or any other entity listed by the Secretary in regulation, that provides health care services.

(4) The term "supplier" means a supplier of health care items and services described in section 1819(a) and (b), and section 1861 of the Social Security Act.

(5) The term "Government agency" shall include:

(A) The Department of Justice.

(B) The Department of Health and Human Services.

(C) Any other Federal agency that either administers or provides payment for the delivery of health care services, including, but not limited to the Department of Defense and the Veterans' Administration.

(D) State law enforcement agencies.

(E) State medicaid fraud and abuse units.

(F) Federal or State agencies responsible for the licensing and certification of health care providers and licensed health care practitioners.

(6) The term "health plan" has the meaning given such term by section 101(c).

(7) For purposes of paragraph (2), the existence of a conviction shall be determined under paragraph (4) of section 1128(j) of the Social Security Act.

(g) CONFORMING AMENDMENT.—Section 1921(d) of the Social Security Act is amended by inserting "and section 301 of the Health Care Fraud and Abuse Prevention Act of 1995" after "section 422 of the Health Care Quality Improvement Act of 1986".

TITLE IV—CIVIL MONETARY PENALTIES

SEC. 401. SOCIAL SECURITY ACT CIVIL MONETARY PENALTIES.

(a) GENERAL CIVIL MONETARY PENALTIES.—Section 1128A of the Social Security Act (42 U.S.C. 1320a–7a) is amended as follows:

(1) In the third sentence of subsection (a), by striking "programs under title XVIII" and inserting "Federal health care programs (as defined in section 1128(f)(1))".

(2) In subsection (f)—

(A) by redesignating paragraph (3) as paragraph (4); and

(B) by inserting after paragraph (2) the following new paragraph:

"(3) With respect to amounts recovered arising out of a claim under a Federal health care program (as defined in section 1128B(f)), the portion of such amounts as is determined to have been paid by the program shall be repaid to the program, and the portion of such amounts attributable to the amounts recovered under this section by reason of the amendments made by the Health Care Fraud and Abuse Prevention Act of 1995 (as estimated by the Secretary) shall be deposited into the Health Care Fraud and Abuse Control established under section 101(b) of such Act.".

(3) In subsection (i)—

(A) in paragraph (2), by striking "title V, XVIII, XIX, or XX of this Act" and inserting "a Federal health care program (as defined in section 1128B(f))",

(B) in paragraph (4), by striking "a health insurance or medical services program under title XVIII or XIX of this Act" and inserting "a Federal health care program (as so defined)", and

(C) in paragraph (5), by striking "title V, XVIII, XIX, or XX" and inserting "a Federal health care program (as so defined)".

(4) By adding at the end the following new subsection:

"(m)(1) For purposes of this section, with respect to a Federal health care program not contained in this Act, references to the Secretary in this section shall be deemed to be references to the Secretary or Administrator of the department or agency with jurisdiction over such program and references to the Inspector General of the Department of Health and Human Services in this section shall be deemed to be references to the Inspector General of the applicable department or agency.

"(2)(A) The Secretary and Administrator of the departments and agencies referred to in paragraph (1) may include in any action pursuant to this section, claims within the jurisdiction of other Federal departments or agencies as long as the following conditions are satisfied:

"(i) The case involves primarily claims submitted to the Federal health care programs of the department or agency initiating the action.

"(ii) The Secretary or Administrator of the department or agency initiating the action gives notice and an opportunity to participate in the investigation to the Inspector General of the department or agency with primary jurisdiction over the Federal health care programs to which the claims were submitted.

"(B) If the conditions specified in subparagraph (A) are fulfilled, the Inspector General of the department or agency initiating the action is authorized to exercise all powers granted under the Inspector General Act of 1978 with respect to the claims submitted to the other departments or agencies to the same manner and extent as provided in that Act with respect to claims submitted to such departments or agencies.".

(b) EXCLUDED INDIVIDUAL RETAINING OWNERSHIP OR CONTROL INTEREST IN PARTICIPATING ENTITY.—Section 1128A(a) of the Social Security Act (42 U.S.C. 1320a–7a(a)) is amended—

(1) by striking "or" at the end of paragraph (1)(D);

(2) by striking ", or" at the end of paragraph (2) and inserting a semicolon;

(3) by striking the semicolon at the end of paragraph (3) and inserting "; or"; and

(4) by inserting after paragraph (3) the following new paragraph:

"(4) in the case of a person who is not an organization, agency, or other entity, is excluded from participating in a program under title XVIII or a State health care program in accordance with this subsection or under section 1128 and who, at the time of a violation of this subsection, retains a direct or indirect ownership or control interest of 5 percent or more, or an ownership or control interest (as defined in section 1124(a)(3)) in, or who is an officer or managing employee (as defined in section 1126(b)) of, an entity that is participating in a program under title XVIII or a State health care program;".

(c) Modifications of Amounts of Penalties and Assessments.—Section 1128A(a) of the Social Security Act (42 U.S.C. 1320a-7a(a)), as amended by subsection (b), is amended in the matter following paragraph (4)—

(1) by striking "$2,000" and inserting "$10,000";

(2) by inserting "; in cases under paragraph (4), $10,000 for each day the prohibited relationship occurs" after "false or misleading information was given"; and

(3) by striking "twice the amount" and inserting "3 times the amount".

(d) Claim for Item or Service Based on Incorrect Coding or Medically Unnecessary Services.—Section 1128A(a)(1) of the Social Security Act (42 U.S.C. 1320a-7a(a)(1)) is amended—

(1) in subparagraph (A) by striking "claimed," and inserting "claimed, including any person who engages in a pattern or practice of presenting or causing to be presented a claim for an item or service that is based on a code that the person knows or has reason to know will result in a greater payment to the person than the code the person knows or has reason to know is applicable to the item or service actually provided,";

(2) in subparagraph (C), by striking "or" at the end;

(3) in subparagraph (D), by striking "; or" and inserting ", or"; and

(4) by inserting after subparagraph (D) the following new subparagraph:

"(E) is for a medical or other item or service that a person knows or has reason to know is not medically necessary; or".

(e) Permitting Secretary To Impose Civil Monetary Penalty.—Section 1128A(b) of the Social Security Act (42 U.S.C. 1320a-7a(a)) is amended by adding the following new paragraph:

"(3) Any person (including any organization, agency, or other entity, but excluding a beneficiary as defined in subsection (i)(5)) who the Secretary determines has violated section 1128B(b) of this title shall be subject to a civil monetary penalty of not more than $10,000 for each such violation. In addition, such person shall be subject to an assessment of not more than twice the total amount of the remuneration offered, paid, solicited, or received in violation of section 1128B(b). The total amount of remuneration subject to an assessment shall be calculated without regard to whether some portion thereof also may have been intended to serve a purpose other than one proscribed by section 1128B(b).".

(f) Sanctions Against Practitioners and Persons for Failure To Comply With Statutory Obligations.—Section 1156(b)(3) of the Social Security Act (42 U.S.C. 1320c-5(b)(3)) is amended by striking "the actual or estimated cost" and inserting "up to $10,000 for each instance".

(g) Procedural Provisions.—Section 1876(i)(6) of the Social Security Act (42 U.S.C. 1395mm(i)(6)) is further amended by adding at the end the following new subparagraph:

"(D) The provisions of section 1128A (other than subsections (a) and (b)) shall apply to a civil money penalty under subparagraph (A) or (B) in the same manner as they apply to a civil money penalty or proceeding under section 1128A(a).".

(h) Prohibition Against Offering Inducements to Individuals Enrolled Under Programs or Plans.—

(1) Offer of remuneration.—Section 1128A(a) of the Social Security Act (42 U.S.C. 1320a-7a(a)) is amended—

(A) by striking "or" at the end of paragraph (1)(D);

(B) by striking ", or" at the end of paragraph (2) and inserting a semicolon;

(C) by striking the semicolon at the end of paragraph (3) and inserting "; or"; and

(D) by inserting after paragraph (3) the following new paragraph:

"(4) offers to or transfers remuneration to any individual eligible for benefits under title XVIII of this Act, or under a State health care program (as defined in section 1128(h)) that such person knows or should know is likely to influence such individual to order or receive from a particular provider, practitioner, or supplier any item or service for which payment may be made, in whole or in part, under title XVIII, or a State health care program;".

(2) Remuneration defined.—Section 1128A(i) of such Act (42 U.S.C. 1320a-7a(i)) is amended by adding the following new paragraph:

"(6) The term 'remuneration' includes the waiver of coinsurance and deductible amounts (or any part thereof), and transfers of items or services for free or for other than fair market value. The term 'remuneration' does not include—

"(A) the waiver of coinsurance and deductible amounts by a person, if—

"(i) the waiver is not offered as part of any advertisement or solicitation;

"(ii) the person does not routinely waive coinsurance or deductible amounts; and

"(iii) the person—

"(I) waives the coinsurance and deductible amounts after determining in good faith that the individual is in financial need;

"(II) fails to collect coinsurance or deductible amounts after making reasonable collection efforts; or

"(III) provides for any permissible waiver as specified in section 1128B(b)(3) or in regulations issued by the Secretary;

"(B) differentials in coinsurance and deductible amounts as part of a benefit plan design as long as the differentials have been disclosed in writing to all beneficiaries, third party payors, and providers, to whom claims are presented and as long as the differentials meet the standards as defined in regulations promulgated by the Secretary not later than 180 days after the date of the enactment of the Health Care Fraud and Abuse Prevention Act of 1995; or

"(C) incentives given to individuals to promote the delivery of preventive care as determined by the Secretary in regulations so promulgated.".

(i) Effective Date.—The amendments made by this section shall take effect January 1, 1996.

TITLE V—AMENDMENTS TO CRIMINAL LAW

SEC. 501. HEALTH CARE FRAUD.

(a) In General.—

(1) Fines and imprisonment for health care fraud violations.—Chapter 63 of title 18, United States Code, is amended by adding at the end the following new section:

"§ 1347. Health care fraud

"(a) Whoever knowingly and willfully executes, or attempts to execute, a scheme or artifice—

"(1) to defraud any health plan or other person, in connection with the delivery of or payment for health care benefits, items, or services; or

"(2) to obtain, by means of false or fraudulent pretenses, representations, or promises, any of the money or property owned by, or under the custody or control of, any health plan, or person in connection with the delivery of or payment for health care benefits, items, or services;

shall be fined under this title or imprisoned not more than 10 years, or both. If the violation results in serious bodily injury (as defined in section 1365(g)(3) of this title), such person may be imprisoned for any term of years.

"(b) For purposes of this section, the term 'health plan' has the same meaning given such term in section 101(c) of the Health Care Fraud and Abuse Prevention Act of 1995.".

(2) Clerical amendment.—The table of sections at the beginning of chapter 63 of title 18, United States Code, is amended by adding at the end the following:

"1347. Health care fraud.".

(b) Criminal Fines Deposited in the Health Care Fraud and Abuse Control.—The Secretary of the Treasury shall deposit into the Health Care Fraud and Abuse Control established under section 101(b) an amount equal to the criminal fines imposed under section 1347 of title 18, United States Code (relating to health care fraud).

SEC. 502. FORFEITURES FOR FEDERAL HEALTH CARE OFFENSES.

(a) In General.—Section 982(a) of title 18, United States Code, is amended by adding after paragraph (5) the following new paragraph:

"(6)(A) The court, in imposing sentence on a person convicted of a Federal health care offense, shall order the person to forfeit property, real or personal, that constitutes or is derived, directly or indirectly, from proceeds traceable to the commission of the offense.

"(B) For purposes of this paragraph, the term 'Federal health care offense' means a violation of, or a criminal conspiracy to violate—

"(i) section 1347 of this title;

"(ii) section 1128B of the Social Security Act;

"(iii) sections 287, 371, 664, 666, 1001, 1027, 1341, 1343, 1920, or 1954 of this title if the violation or conspiracy relates to health care fraud; and

"(iv) section 501 or 511 of the Employee Retirement Income Security Act of 1974, if the violation or conspiracy relates to health care fraud.".

(b) Property Forfeited Deposited in Health Care Fraud and Abuse Control.—The Secretary of the Treasury shall deposit into the Health Care Fraud and Abuse Control established under section 101(b) an amount equal to amounts resulting from forfeiture of property by reason of a Federal health care offense pursuant to section 982(a)(6) of title 18, United States Code.

SEC. 503. INJUNCTIVE RELIEF RELATING TO FEDERAL HEALTH CARE OFFENSES.

(a) IN GENERAL.—Section 1345(a)(1) of title 18, United States Code, is amended—

(1) by striking "or" at the end of subparagraph (A);

(2) by inserting "or" at the end of subparagraph (B); and

(3) by adding at the end the following new subparagraph:

"(C) committing or about to commit a Federal health care offense (as defined in section 982(a)(6)(B) of this title);".

(b) FREEZING OF ASSETS.—Section 1345(a)(2) of title 18, United States Code, is amended by inserting "or a Federal health care offense (as defined in section 982(a)(6)(B))" after "title)".

SEC. 504. GRAND JURY DISCLOSURE.

Section 3322 of title 18, United States Code, is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(2) by inserting after subsection (b) the following new subsection:

"(c) A person who is privy to grand jury information concerning a Federal health care offense (as defined in section 982(a)(6)(B))—

"(1) received in the course of duty as an attorney for the Government; or

"(2) disclosed under rule 6(e)(3)(A)(ii) of the Federal Rules of Criminal Procedure;

may disclose that information to an attorney for the Government to use in any investigation or civil proceeding relating to health care fraud.".

SEC. 505. FALSE STATEMENTS.

(a) IN GENERAL.—Chapter 47, of title 18, United States Code, is amended by adding at the end the following new section:

"§1033. False statements relating to health care matters

"(a) Whoever, in any matter involving a health plan, knowingly and willfully falsifies, conceals, or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious, or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry, shall be fined under this title or imprisoned not more than 5 years, or both.

"(b) For purposes of this section, the term 'health plan' has the same meaning given such term in section 101(c) of the Health Care Fraud and Abuse Prevention Act of 1995.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 47 of title 18, United States Code, in amended by adding at the end the following:

"1033. False statements relating to health care matters.".

SEC. 506. OBSTRUCTION OF CRIMINAL INVESTIGATIONS OF FEDERAL HEALTH CARE OFFENSES.

(a) IN GENERAL.—Chapter 73 of title 18, United States Code, is amended by adding at the end the following new section:

"§1518. Obstruction of Criminal Investigations of Federal Health Care Offenses.

"(a) IN GENERAL.—Whoever willfully prevents, obstructs, misleads, delays or attempts to prevent, obstruct, mislead, or delay the communication of information or records relating to a Federal health care offense to a criminal investigator shall be fined under this title or imprisoned not more than 5 years, or both.

"(b) FEDERAL HEALTH CARE OFFENSE.—As used in this section the term 'Federal health care offense' has the same meaning given such term in section 982(a)(6)(B) of this title.

"(c) CRIMINAL INVESTIGATOR.—As used in this section the term 'criminal investigator' means any individual duly authorized by a department, agency, or armed force of the United States to conduct or engage in investigations for prosecutions for violations of health care offenses.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 73 of title 18, United States Code, in amended by adding at the end the following:

"1518. Obstruction of Criminal Investigations of Federal Health Care Offenses.".

SEC. 507. THEFT OR EMBEZZLEMENT.

(a) IN GENERAL.—Chapter 31 of title 18, United States Code, is amended by adding at the end the following new section:

"§669. Theft or Embezzlement in Connection with Health Care.

"(a) IN GENERAL.—Whoever willfully embezzles, steals, or otherwise without authority willfully and unlawfully converts to the use of any person other than the rightful owner, or intentionally misapplies any of the moneys, funds, securities, premiums, credits, property, or other assets of a health plan, shall be fined under this title or imprisoned not more than 10 years, or both.

"(b) HEALTH PLAN.—As used in this section the term 'health plan' has the same meaning given such term in section 101(c) of the Health Care Fraud and Abuse Prevention Act of 1995.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 31 of title 18, United States Code, is amended by adding at the end the following:

"669. Theft or Embezzlement in Connection with Health Care.".

SEC. 508. LAUNDERING OF MONETARY INSTRUMENTS.

Section 1956(c)(7) of title 18, United States Code, is amended by adding at the end the following new subparagraph:

"(F) Any act or activity constituting an offense involving a Federal health care offense as that term is defined in section 982(a)(6)(B) of this title.".

SEC. 509. AUTHORIZED INVESTIGATIVE DEMAND PROCEDURES.

(a) IN GENERAL.—Chapter 233 of title 18, United States Code, is amended by adding after section 3485 the following new section:

"§3486. Authorized Investigative Demand Procedures

"(a) AUTHORIZATION.—

"(1) In any investigation relating to functions set forth in paragraph (2), the Attorney General or designee may issue in writing and cause to be served a subpoena compelling production of any records (including any books, papers, documents, electronic media, or other objects or tangible things), which may be relevant to an authorized law enforcement inquiry, that a person or legal entity may possess or have care, custody, or control. A custodian of records may be required to give testimony concerning the production and authentication of such records. The production of records may be required from any place in any State or in any territory or other place subject to the jurisdiction of the United States at any designated place; except that such production shall not be required more than 500 miles distant from the place where the subpoena is served. Witnesses summoned under this section shall be paid the same fees and mileage that are paid witnesses in the courts of the United States. A subpoena requiring the production of records shall describe the objects required to be produced and prescribe a return date within a reasonable period of time within which the objects can be assembled and made available.

"(2) Investigative demands utilizing an administrative subpoena are authorized for any investigation with respect to any act or activity constituting or involving health care fraud, including a scheme or artifice—

"(A) to defraud any health plan or other person, in connection with the delivery of or payment for health care benefits, items, or services; or

"(B) to obtain, by means of false or fraudulent pretenses, representations, or promises, any of the money or property owned by, or under the custody or control or, any health plan, or person in connection with the delivery of or payment for health care benefits, items, or services.

"(b) SERVICE.—A subpoena issued under this section may be served by any person designated in the subpoena to serve it. Service upon a natural person may be made by personal delivery of the subpoena to such person. Service may be made upon a domestic or foreign association which is subject to suit under a common name, by delivering the subpoena to an officer, to a managing or general agent, or to any other agent authorized by appointment or by law to receive service of process. The affidavit of the person serving the subpoena entered on a true copy thereof by the person serving it shall be proof of service.

"(c) ENFORCEMENT.—In the case of contumacy by or refusal to obey a subpoena issued to any person, the Attorney General may invoke the aid of any court of the United States within the jurisdiction of which the investigation is carried on or of which the subpoenaed person is an inhabitant, or in which such person carries on business or may be found, to compel compliance with the subpoena. The court may issue an order requiring the subpoenaed person to appear before the Attorney General to produce records, if go ordered, or to give testimony touching the matter under investigation. Any failure to obey the order of the court may be punished by the court as a contempt thereof. All process in any such case may be served in any judicial district in which such person may be found.

"(d) IMMUNITY FROM CIVIL LIABILITY.—Notwithstanding any Federal, State, or local law, any person, including officers, agents, and employees, receiving a subpoena under this section, who complies in good faith with the subpoena and thus produces the materials sought, shall not be liable in any court of any State or the United States to any customer or other person for such production or for nondisclosure of that production to the customer.

"(e) USE IN ACTION AGAINST INDIVIDUALS.—

"(1) Health information about an individual that is disclosed under this section may not be used in, or disclosed to any person for use in, any administrative, civil, or criminal action or investigation directed against the individual who is the subject of the information unless the action or investigation arises out of and is directly related to receipt of health care or payment for health care or action involving a fraudulent claim related to health; or if authorized by an appropriate order of a court of competent jurisdiction, granted after application showing good cause therefore.

"(2) In assessing good cause, the court shall weigh the public interest and the need for disclosure against the injury to the patient, to the physician-patient relationship, and to the treatment services.

"(3) Upon the granting of such order, the court, in determining the extent to which any disclosure of all or any part of any record is necessary, shall impose appropriate safeguards against unauthorized disclosure.

"(f) HEALTH PLAN.—As used in this section the term 'health plan' has the same meaning given such term in section 101(c) of the Health Care Fraud and Abuse Prevention Act of 1995.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 223 of title 18, United States Code, is amended by inserting after the item relating to section 3405 the following new item:

"§ 3486. Authorized investigative demand procedures".

(c) CONFORMING AMENDMENT.—Section 1510(b)(3)(B) of title 18, United States Code, is amended by inserting "or a Department of Justice subpoena (issued under section 3486)," after "subpoena".

TITLE VI—STATE HEALTH CARE FRAUD CONTROL UNITS

SEC. 601. STATE HEALTH CARE FRAUD CONTROL UNITS.

(a) EXTENSION OF CONCURRENT AUTHORITY TO INVESTIGATE AND PROSECUTE FRAUD IN OTHER FEDERAL PROGRAMS.—Paragraph (3) of section 1903(q) of the Social Security Act (42 U.S.C. 1396b(q)) is amended—

(1) by inserting "(A)" after "in connection with"; and

(2) by striking "title." and inserting "title; and (B) upon the approval of the relevant Federal agency, any aspect of the provision of health care services and activities of providers of such services under any Federal health care program (as defined in section 1128B(F)(1)).".

(b) EXTENSION OF AUTHORITY TO INVESTIGATE AND PROSECUTE PATIENT ABUSE IN NON-MEDICAID BOARD AND CARE FACILITIES.—Paragraph (4) of section 1903(q) of the Social Security Act (42 U.S.C. 1396b(q)) is amended to read as follows:

"(4)(A) The entity has—

"(i) procedures for reviewing complaints of abuse or neglect of patients in health care facilities which receive payments under the State plan under this title;

"(ii) at the option of the entity, procedures for reviewing complaints of abuse or neglect of patients residing in board and care facilities; and

"(iii) where appropriate, procedures for acting upon such complaints under the criminal laws of the State or for referring such complaints to other State agencies for action.

"(B) For purposes of this paragraph, the term 'board and care facility' means a residential setting which receives payment from or on behalf of two or more unrelated adults who reside in such facility, and for whom one or both of the following is provided:

"(i) Nursing care services provided by, or under the supervision of, a registered nurse, licensed practical nurse, or licensed nursing assistant.

"(ii) Personal care services that assist residents with the activities of daily living, including personal hygiene, dressing, bathing, eating, toileting, ambulation, transfer, positioning, self-medication, body care, travel to medical services, essential shopping, meal preparation, laundry, and housework.".

TITLE VII—MEDICARE BILLING ABUSE PREVENTION

SEC. 701. IMPLEMENTATION OF GENERAL ACCOUNTING OFFICE RECOMMENDATIONS REGARDING MEDICARE CLAIMS PROCESSING.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall, by regulation, contract, change order, or otherwise, require medicare carriers to acquire commercial automatic data processing equipment (in this title referred to as "ADPE") meeting the requirements of section 702 to process medicare part B claims for the purpose of identifying billing code abuse.

(b) SUPPLEMENTATION.—Any ADPE acquired in accordance with subsection (a) shall be used as a supplement to any other ADPE used in claims processing by medicare carriers.

(c) STANDARDIZATION.—In order to ensure uniformity, the Secretary may require that medicare carriers that use a common claims processing system acquire common ADPE in implementing subsection (a).

(d) IMPLEMENTATION DATE.—Any ADPE acquired in accordance with subsection (a) shall be in use by medicare carriers not later than 180 days after the date of the enactment of this Act.

SEC. 702. MINIMUM SOFTWARE REQUIREMENTS.

(a) IN GENERAL.—The requirements described in this section are as follows:

(1) The ADPE shall be a commercial item.

(2) The ADPE shall surpass the capability of ADPE used in the processing of medicare part B claims for identification of code manipulation on the day before the date of the enactment of this Act.

(3) The ADPE shall be capable of being modified to—

(A) satisfy pertinent statutory requirements of the medicare program; and

(B) conform to general policies of the Health Care Financing Administration regarding claims processing.

(b) MINIMUM STANDARDS.—Nothing in this title shall be construed as preventing the use of ADPE which exceeds the minimum requirements described in subsection (a).

SEC. 703. DISCLOSURE.

(a) IN GENERAL.—Notwithstanding any other provision of law, and except as provided in subsection (b), any ADPE or data related thereto acquired by medicare carriers in accordance with section 701(a) shall not be subject to public disclosure.

(b) EXCEPTION.—The Secretary may authorize the public disclosure of any ADPE or data related thereto acquired by medicare carriers in accordance with section 701(a) if the Secretary determines that—

(1) release of such information is in the public interest; and

(2) the information to be released is not protected from disclosure under section 552(b) of title 5, United States Code.

SEC. 704. REVIEW AND MODIFICATION OF REGULATIONS.

Not later than 30 days after the date of the enactment of this Act, the Secretary shall order a review of existing regulations, guidelines, and other guidance governing medicare payment policies and billing code abuse to determine if revision of or addition to those regulations, guidelines, or guidance is necessary to maximize the benefits to the Federal Government of the use of ADPE acquired pursuant to section 701.

SEC. 705. DEFINITIONS.

For purposes of this title—

(1) The term "automatic data processing equipment" (ADPE) has the same meaning as in section 111(a)(2) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759(a)(2)).

(2) The term "billing code abuse" means the submission to medicare carriers of claims for services that include procedure codes that do not appropriately describe the total services provided or otherwise violate medicare payment policies.

(3) The term "commercial item" has the same meaning as in section 4(12) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(12)).

(4) The term "medicare part B" means the supplementary medical insurance program authorized under part B of title XVIII of the Social Security Act (42 U.S.C. 1395j–1395w-4).

(5) The term "medicare carrier" means an entity that has a contract with the Health Care Financing Administration to determine and make medicare payments for medicare part B benefits payable on a charge basis and to perform other related functions.

(6) The term "payment policies" means regulations and other rules that govern billing code abuses such as unbundling, global service violations, double billing, and unnecessary use of assistants at surgery.

(7) The term "Secretary" means the Secretary of Health and Human Services.

SECTION-BY-SECTION OF CHANGES TO S. 245

Fraud and Abuse Control Program: The All-payer Fraud and Abuse Control Program is now called the Fraud and Abuse Control Program as extensions of certain Social Security Act provisions will be extended to federal programs only.

The HHS Secretary and the Attorney General will be able to establish the coordinated anti-fraud and abuse control program by guidelines rather than by regulation.

The section relating to the disclosure of ownership information is deleted as the Inspector General already has standards relating to the disclosure of this information.

Technical corrections were made to the section on ensuring access to documentation.

Health Care Fraud and Abuse Control: The provision is clarified so that funds that are dedicated to anti-fraud activities must go through the appropriations process so that there is proper congressional oversight.

Anti-Kickback Statute: The Social Security Act Anti-Kickback statute is extended to all federal health care programs (it currently applies only to the Medicare and Medicaid program). The statute would not be extended to private health care plans.

Health Care Fraud and Abuse Guidance: In order to give better guidance to the health care industry, the Inspector General is required to issue interpretive rulings within 90 days of the date of request. If the Inspector General does not issue an interpretive ruling, it shall notify the requestor within sixty days of the request and give the reasons for denial. Clarifies that a "substantive ruling" is defined as it appears in the Administrative Procedure Act.

Deletes the requirement that, in order to issue a special fraud alert, the Inspector General shall consult the Attorney General.

Reporting of Fraudulent Activities under Medicare: Deletes the requirement that the HHS Secretary establish a program through which Medicare beneficiaries may report fraud to the Secretary, since such a program has been established.

Mandatory Exclusion from Participation in Medicare and Medicaid: Clarifies that mandatory exclusion from participation in Medicare and Medicaid is limited to those individuals convicted of a felony relating to health care fraud. A permissive exclusion is created for those convicted of other types of government fraud.

Permissive Exclusion of Individuals with Ownership or Control Interest in Sanctioned Entities: Clarifies that permissive exclusion of individuals with controlling interest in sanctioned entities be limited to those who are either officers of, or managing employees of, the entity and deletes references to those individuals who might sit on the board of directors or who might be an agent of the entity. Deletes the exclusion authority for those convicted of a civil monetary penalty (but retains the conviction and exclusion requirements).

Intermediate Sanctions for Medicare HMO's: Sets up a requirement that, before the application of intermediate sanctions (civil monetary penalty of up to $10,000 per week) on a Medicare HMO for program violations, the HHS Secretary must determine that the HMO has failed to comply with a corrective action plan within a reasonable amount of time. Also states that the Secretary may impose intermediate sanctions on a Medicare HMO if it is carrying out a contract in a manner that is substantially inconsistent with the efficient and effective administration of the underlying section.

Health Care Fraud and Abuse Data Collection Program: Requires that final adverse actions that are reported to the fraud and abuse data collection program indicate whether such action is on appeal. Also requires that malpractice decisions not be included in the data collection program and that an identifying number be included along with the names of health care providers, suppliers, or practitioners who are the subject of final adverse actions and who are included in the data collection program. Also exempts federal agencies from paying fees for disclosure of such information.

Civil Monetary Penalties: The Social Security Act civil monetary penalty provisions are extended to all federal health care programs (it currently applies to only the Medicare and Medicaid programs). Civil monetary penalties would not be extended to all private health care plans.

Excluded Individual Retaining Ownership Or Control Interest in Participating Entity: Deletes "director, agent" and retains "officer or managing employee."

Claim for Item or Service Based on Incorrect Coding or Medically Unnecessary Services: The imposition of a civil monetary penalty for upcoding requires a pattern or practice of presenting claims. It also changes the civil monetary penalty standard in the case of upcoding from "knows or should knows" to "knows or has reason to know" that such action would result in a greater payment. The standard for the imposition of a civil monetary penalty for medically unnecessary services was changed to "knows or has reason to know" as well.

Prohibition Against Offering Inducements to Individuals Enrolled Under Programs or Plans: The term "remuneration" does not include differentials in coinsurance and deductible amounts as long as the differentials have been disclosed in writing to all third party payors, beneficiaries and providers. The differentials will meet the standards as defined in regulations which the Secretary must promulgate within 180 days. Remuneration also does not include incentives given to individuals to promote the delivery of preventive care as determined by the Secretary within 180 days.

Health Care Fraud Statute: The "Willful" standard was added to the knowledge standard of the Title 18 health care fraud statute. In addition, if violations of the new health care fraud statute result in serious bodily injury, the violator may be subject to as much as a life imprisonment sentence.

Forfeitures for Federal Health Care Offenses: The forfeiture provision no longer allows the forfeiture of property that is used in the commission of a health care fraud offense but calls for the forfeiture of property that constitutes or is derived (directly or indirectly) from the proceeds traceable to the commission of the offense. Fraud in the federal workmen's compensation program was also added to the list of federal health care offenses.

False Statements: Technical corrections were made to the false statement section so that a "health plan" is defined.

Voluntary Disclosure: The requirement to establish a voluntary disclosure program is deleted since a similar program was recently created.

Theft or Embezzlement in Connection with Health Care: Technical corrections were made to the theft or embezzlement section so that "health plan" is defined.

Authorized Investigative Demand Procedures: This section gives authority to the Attorney General or a designee to utilize an administrative subpoena for investigations with respect to health care fraud. The Inspectors General currently have this authority and this section gives the Attorney General or a designee similar authority.

State Health Care Fraud Control Units: The State Medicaid Control Unit authorization language has been changed so that those units will have concurrent authority to investigate and prosecute health care fraud in other Federal programs at the approval of the relevant federal agency. Their authority to investigate and prosecute patient abuse also has been extended into non-Medicaid "board and care" facilities.

Commercial Technology for Medicare Claims Processing: This section requires Medicare carriers to acquire commercial automatic data processing equipment to process Medicare Part B claims for the purpose of identifying billing code abuse.•

By Mr. LEAHY:

S. 1089. A bill to amend the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 to prevent and control the infestation of Lake Champlain by zebra mussels, and for other purposes; to the Committee on Environment and Public Works.

THE LAKE CHAMPLAIN ZEBRA MUSSEL CONTROL ACT

• Mr. LEAHY. Mr. President, today I am pleased to introduce the Lake Champlain Zebra Mussel Control Act of 1995. A year ago, the Senate accepted my amendment to address the growing problem of zebra mussels and their threat to drinking water systems. Unfortunately, the House did not concur, and now the problem has reached epidemic proportions.

We enter a critical stage in our efforts to preserve Lake Champlain and other Vermont lakes from a zebra mussel explosion that could become an economic and ecological catastrophe. Vermonters have feared the arrival of this dreaded mollusk for a long time. We didn't ask for them, and were powerless to prevent them from arriving on our lakeshores. But now they are with us—and they are multiplying out of control.

In 1993 the mussel was discovered in the South Lake near Orwell, VT, by a young boy who had learned how to identify the zebra mussel by a wallet-sized identification card distributed by the Lake Champlain Basin Program. During the summer of 1994, the zebra mussel larvae reached a density of about 1,500 to 3,000 per cubic meter. This year, less than 3 years from the mussels' introduction, the Rutland Herald reported that zebra mussel larvae densities have been found throughout the lake at about 60,000 to 109,000 per cubic meter with some concentrations as high as 134,000 per cubic meter—almost as high as the worst sites in the Great Lakes.

The zebra mussels in Lake Champlain deserve immediate and swift action. This pest poses a serious risk to the water resources throughout Vermont and the health and safety of the people of Vermont.

Twenty-five percent of Vermont's families rely on Lake Champlain for their drinking water. The onslaught of zebra mussels and their astonishing ability to establish dense colonies in a matter of weeks, jeopardizes the intake pipes for water systems up and down the shore. Municipal, residential, industrial, and even the water systems to motors on recreation boats are threatened. Furthermore, the mussels don't just clog the ends of the pipes. Zebra mussels have been known to establish colonies in the piping system causing multiple effects on the quality of drinking water. A recent Cornell University report points out that

> Once in a water intake line, zebra mussels can colonize any part of the system from the mouth of the intake in the lake or river to the distribution pipes within the residence. Impacts of this colonization include loss of pumping efficiency, obstruction of foot valves, putrefactive decay of mussel flesh, production of obnoxious-tasting and foul-smelling methane gas, and increased corrosion of steel, iron, and copper pipes.

Another potential threat to Vermont is the zebra mussel's impact on Vermont's fish stocking program. These mussels, reproducing at staggering rates, can close off hatchery piping and are threatening the State's multi-million-dollar sport fishing economy. In fact, Vermont's largest hatchery in Grand Isle, a $16 million facility, is risking total shut down if it loses its ongoing battle with the zebra mussel. When zebra mussels infest beaches, summer swimmers are forced to wear sneakers or sandals to avoid getting cut from the sharp shells. We can only speculate what the impact will be on submerged shipwrecks, real estate, summer cottages, and the tourism industry.

Finally, the zebra mussels have arrived without their natural competitors and are spreading through the lake ecosystem unchecked. As colonies develop throughout freshwater bodies, they could displace all seven native mussel species in the Lake Champlain Basin, including the endangered black sandshell mussel. Scientists say all species are at risk because zebra mussels are known to colonize right on the backs of native mussels and choke them off from food and fresh water. Zebra mussels could throw entire aquatic ecosystems out of balance by disrupting the food chain, changing water chemistry, and altering physical habitat.

Mr. President, 6 months ago I came to the Senate floor during the debate on the unfunded mandates bill to warn people of the real unfunded mandates that our States face—zebra mussels is one of them. While most of my colleagues supported S. 1 in an attempt to ease financial burdens by relaxing national standards and undermine Federal regulations, I pointed out that without national standards, States face the financial burdens of water pollution from upstream and out-of-State polluters, forest decay from acid rain, and flooding from wetland loss. Today, my State faces one of the financial burdens that could have been controlled with stricter national standards. I have already mentioned the $16 million hatchery and the water systems for one-quarter of my State. My State of Vermont faces a problem with no known cure and the costs could be astronomical. I hope that those who supported S. 1 to reduce State costs by limiting Federal standards recognize soon that their effort may have had the exact opposite effect.

My Lake Champlain Zebra Mussel Control Act would do five things to address the present threat and prevent further spreading of zebra mussels throughout the country.

The Lake Champlain Zebra Mussel Control Act specifically includes Lake Champlain in Federal programs designed to fight the zebra mussel. As America's "sixth Great Lake" with one of the greatest emerging zebra mussel problems and a destination for thousands of boaters, it is essential that Lake Champlain be included in any national effort to address the problem.

My bill also establishes national voluntary guidelines for recreational boaters who are the chief mechanism for the spread of these mussels within New England. These guidelines will help States inform boaters of the steps they can take personally to stop the spread of zebra mussels into new areas. With 70 million people living within 1 day's drive of Lake Champlian, the potential for the spread of these mussels to other lakes and waterways is great. All boaters will know that this is a national concern with clear protocols on how to stop the spread, and States can choose to enforce the guidelines as mandatory regulations if they believe the threat is justified.

The legislation also allows States to work cooperatively on watershed approaches to the prevention and treatment of zebra mussels. If my State of Vermont devoted millions of dollars in time and resources to fight the mussel and our neighbors on Lake Champlain did nothing, the effort would be futile. Section 4 of my bill emphasizes that sometimes the watershed-based efforts like those of the Lake Champlain Basin Program are the best approaches to complex environmental problems.

The bill designates the University of Vermont as a Sea Grant College eligible for zebra mussel funding. Ironically, the only State in New England with a confirmed zebra mussel problem is also the only State in New England without a Sea Grant College. My bill changes this. Also, recognizing that zebra mussels are not just a coastal problem or a Great Lakes problem any more, my bill authorizes land-grant colleges to compete for zebra mussel research funding.

Finally, my legislation reauthorizes the Aquatic Nuisance Species Control Act, Public Law 101-646, and extends the appropriations authority through the year 2000. To address the current need to find control solutions, my bill doubles the current appropriation of the Army Corps of Engineers to $4 million. It is crucial that the Army Corps has adequate funding to pursue zebra mussel control technology. Since the Army Corps has used its full authority in recent years, doubling the authorization will assure they have access to the proper resources to do a thorough job.

There is one further issue that my bill does not address, but represents an important piece of the fight to stop the introduction of new exotic and harmful species. The lamprey and the zebra mussels were both imported through the ballast tanks of international shippers. In recent years, the ruffe, a small fish, was introduced the same way and while it is not yet in Lake Champlain, its population is expanding in the Great Lakes. My colleagues Senator GLENN, the original author of the Aquatic Nuisance Species Act, and Senator SARBANES will introduce a bill that addresses the loopholes in current ballast water controls that allow shippers to unleash these devastating and costly pests into our State waters. I hope to make America's fresh water resources completely off limits for expensive and damaging exotic pests. I look forward to working with Senators GLENN and SARBANES to address all of these issues comprehensively.

Mr. President, I present this bill with the hope that the Senate will act on it in a timely manner. Every minute that we delay allows the zebra mussels to multiply exponentially and risks the physical and economic health of Vermont. To turn our backs on this problem of national significance only guarantees that it gets much worse. Just ask my colleagues who knew little or nothing about zebra mussels as recently as a few years ago, and are now plagued by their existence.•

By Mr. LEAHY (for himself, Mr. BROWN and Mr. KERRY):

S. 1090. A bill to amend section 552 of title 5, United States Code (commonly known as the Freedom of Information Act), to provide for public access to information in an electronic format, and for other purposes; to the Committee on the Judiciary.

THE ELECTRONIC FREEDOM OF INFORMATION IMPROVEMENT ACT OF 1995

• Mr. LEAHY. Mr. President, today I am joined by Senators BROWN and KERRY in introducing the Electronic Freedom of Information Improvement Act.

This bill would increase public access to the electronic records of Federal agencies, and take long overdue steps to alleviate the delays in processing requests for Government records. In the last Congress, a unanimous Judiciary Committee reported the bill, which then passed the Senate by voice vote on August 25, 1994.

The emerging national information infrastructure [NII] will consist of interconnected computer networks and databases that can put vast amounts of information at users' fingertips. Such an information infrastructure will give the public easy access to the immense volumes of information generated and held by the Government. Individual Federal agencies are already contributing to the development of the NII by using technology to make Government information more easily accessible to our citizens. For example, the Internet Multicasting Service [IMS] now posts massive Government data archives, including the Securities and Exchange Commission EDGAR database, and the U.S. Patent and Trademark Office database on the Internet free of charge. Similarly, FedWorld, a bulletin board available on the Internet, provides a gateway to more than 60 Federal agencies.

The Electronic Freedom of Information Improvement Act would contribute to that information flow by increasing online access to Government information, including agency regulations, opinions, and policy statements, and FOIA-released records that are the subject of repeated requests.

Some agencies are taking important steps in this direction. For example, the Department of Energy compiled a database of photographs and texts describing federally sponsored tests of radiation on human beings and made that database available on the World Wide Web. Now, instead of responding to multiple requests for the same documents on Government human irradiation experiments, DOE has efficiently used technology to make this material affirmatively available to interested citizens. This bill would require all Federal agencies to make records that are the subject of multiple FOIA requests available electronically.

The bill would also require all Federal agencies to use technology to make Government more accessible and accountable to its citizens by requiring an assessment of how new computer systems will enhance agency FOIA operations to avoid erecting barriers that impede public access.

Federal agencies are increasingly dependent on computers to generate, store, and retrieve records electronically. This bill would ensure that these electronic records are available, in a timely manner, to requesters on the same basis as paper records. Specifically, the bill would clarify that FOIA covers all agency information in any format and would require agencies to release records in requested formats when possible.

The changes proposed in the bill are not just important for broader citizen access to Government records. Government information is a valuable commodity and a national resource. In fact, the Government is the largest single producer and collector of information in the United States. It is essential for American competitiveness that easy, fast access to that resource be available.

We have recognized that Government must take advantage of the benefits of new technologies to provide easier and broader dissemination of information. In 1993, we passed a law requiring that people have online access to important Government publications, such as the Federal Register, the CONGRESSIONAL RECORD and other documents put out by the Government Printing Office. Earlier this year, House Speaker NEWT GINGRICH unveiled "Thomas," an electronic archive available on the Internet that contains bills and congressional speeches. In his National Performance Review, the Vice-President has described his vision of the electronic Government of the future, where information technology will enable people to have access to public information and services when and where they want them.

Making Government information readily available electronically on people's computers can help to revitalize citizens' interest in learning what their Government is doing and better their understanding of the reasons underlying Government actions. This would, I believe, help reduce cynicism about Government.

This electronic FOIA bill is an important step forward in using technology to make Government more accessible and accountable to our citizens.

In addition, Federal agencies must work to reduce the long delays, which in some agencies stretch to over 2 years, that it takes to give responses to FOIA requests. Because of these delays, newspaper reporters, students and teachers, and others working under time deadlines have been frustrated in using FOIA to meet their research needs. This works to the detriment of us all.

These delays are intolerable. This is not the level of customer service the American people deserve from their public servants. The American taxpayer has paid for the collection and maintenance of this information and should get prompt access to it upon request. That is what the law requires and that is the standard of service Government agencies should meet. Long delays in access can mean no access at all.

The bill addresses the delay problem in several ways: First, the bill doubles the 10-day statutory time limit to 20 days to give agencies a more realistic time period for responding to FOIA requests. Second, the bill encourages agencies to implement a two-track processing system for simple and complex requests. Third, the bill provides for expedited access to requestors who demonstrate a compelling need for a speedy response. Finally, the bill gives agencies an incentive to comply with statutory time limits by allowing agencies in compliance to retain half of their fees, instead of submitting those fees to the general treasury as is currently the case. The fees the agencies can keep will be directed back to the agency FOIA operation to provide an incentive and resources to make these operations better and more efficient.

I look forward to working constructively with the administration and people in the FOIA community to keep FOIA up-to-date with new technologies and to ensure FOIA is an effective tool for open Government.

Mr. President, I ask unanimous consent that the bill, a section-by-section analysis, and a letter of support from 23 organizations representing a substantial portion of the FOIA requestor community, be inserted in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1090

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Electronic Freedom of Information Improvement Act of 1995".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) the purpose of the Freedom of Information Act is to require agencies of the Federal Government to make certain agency information available for public inspection and copying and to establish and enable enforcement of the right of any person to obtain access to the records of such agencies (subject to statutory exemptions) for any public or private purpose;

(2) since the enactment of the Freedom of Information Act in 1966, and the amendments enacted in 1974 and 1986, the Freedom of Information Act has been a valuable means through which any person can learn how the Federal Government operates;

(3) the Freedom of Information Act has led to the disclosure of waste, fraud, abuse, and wrongdoing in the Federal Government;

(4) the Freedom of Information Act has led to the identification of unsafe consumer products harmful drugs, and serious health hazards;

(5) Government agencies increasingly use computers to conduct agency business and to store publicly valuable agency records and information; and

(6) Government agencies should use new technology to enhance public access to agency records and information.

(b) PURPOSES.—The purposes of this Act are to—

(1) foster democracy by ensuring public access to agency records and information;

(2) improve public access to agency records and information;

(3) ensure agency compliance with statutory time limits; and

(4) maximize the usefulness of agency records and information collected, maintained, used, retained, and disseminated by the Federal Government.

SEC. 3. PUBLIC INFORMATION AVAILABILITY.

Section 552(a)(1) of title 5, United States Code, is amended—

(1) in the matter before subparagraph (A) by inserting "by computer telecommunications, or if computer telecommunications means are not available, by other electronic means," after "Federal Register";

(2) by striking out "and" at the end of subparagraph (D);

(3) by redesignating subparagraph (E) as subparagraph (F); and

(4) by inserting after subparagraph (D) the following new subparagraph:

"(E) a complete list of all statutes that the agency head or general counsel relies upon to authorize the agency to withhold information under subsection (b)(3) of this section, together with a specific description of the scope of the information covered; and".

SEC. 4. MATERIALS MADE AVAILABLE IN ELECTRONIC FORMAT AND INDEX OF RECORDS MADE AVAILABLE TO THE PUBLIC

Section 552(a)(2) of title 5, United States Code, is amended—

(1) in the matter before subparagraph (A) by inserting ", including, within 1 year after the date of the enactment of the Electronic Freedom of Information Improvement Act of 1995, by computer telecommunications, or if computer telecommunications means are not available, by other electronic means," after "copying";

(2) in subparagraph (B) by striking out "and" after the semicolon;

(3) in subparagraph (C) by inserting "and" after the semicolon;

(4) by adding after subparagraph (C) the following new subparagraphs:

"(D) an index of all major information systems containing agency records regardless of form or format unless such an index is provided as otherwise required by law;

"(E) a description of any new major information system with a statement of how such system shall enhance agency operations under this section;

"(F) an index of all records which are made available to any person under paragraph (3) of this subsection; and

"(G) copies of all records, regardless of form or format, which because of the nature of their subject matter, have become or are likely to become the subject of subsequent requests for substantially the same records under paragraph (3) of this subsection;";

(5) in the second sentence by striking out "or staff manual or instruction" and inserting in lieu thereof "staff manual, instruction, or index or copies of records, which are made available under paragraph (3) of this subsection"; and

(6) in the third sentence by inserting "and the extent of such deletion shall be indicated

on the portion of the record which is made available or published at the place in the record where such deletion was made" after "explained fully in writing".

SEC. 5. HONORING FORMAT REQUESTS.

Section 552(a)(3) of title 5, United States Code, is amended by—

(1) inserting "(A)" after "(3)";

(2) striking out "(A) reasonably" and inserting in lieu thereof "(i) reasonably";

(3) striking out "(B)" and inserting in lieu thereof "(ii)"; and

(4) adding at the end thereof the following new subparagraphs:

"(B) An agency shall, as requested by any person, provide records in any form or format in which such records are maintained by that agency.

"(C) An agency shall make reasonable efforts to search for records in electronic form or format and provide records in the form or format requested by any person, including in an electronic form or format, even where such records are not usually maintained but are available in such form or format.".

SEC. 6. DELAYS.

(a) FEES.—Section 552(a)(4)(A) of title 5, United States Code, is amended by adding at the end thereof the following new clause:

"(viii) If at an agency's request, the Comptroller General determines that the agency annually has either provided responsible documents or denied requests in substantial compliance with the requirements of paragraph (6)(A), one-half of the fees collected under this section shall be credited to the collecting agency and expended to offset the costs of complying with this section through staff development and acquisition of additional request processing resources. The remaining fees collected under this section shall be remitted to the Treasury as general funds or miscellaneous receipts.".

(b) PAYMENT OF THE EXPENSES OF THE PERSON MAKING A REQUEST.—Section 552(a)(4)(E) of title 5, United States Code, is amended by adding at the end thereof the following: "The court may assess against the United States all out-of-pocket expenses incurred by the person making a request, and reasonable attorney fees incurred in the administrative process, in any case in which the agency has failed to comply with the time limit provisions of paragraph (6) of this subsection. In determining whether to award such fees and expenses, a court should consider whether an agency's failure to comply with statutory time limits was not warranted and demonstrated bad faith or was otherwise unreasonable in the context of the circumstances of the particular request.".

(c) DEMONSTRATION OF CIRCUMSTANCES FOR DELAY.—Section 552(a)(4)(E) of title 5, United States Code, is further amended—

(1) by inserting "(i)" after "(E)"; and

(2) by adding at the end thereof the following new clause:

"(ii) Any agency not in compliance with the time limits set forth in this subsection shall demonstrate to a court that the delay is warranted under the circumstances set forth under paragraph (6) (B) or (C) of this subsection.".

(d) PERIOD FOR AGENCY DECISION TO COMPLY WITH REQUEST.—Section 552(a)(6)(A)(i) is amended by striking out "ten days" and inserting in lieu thereof "twenty days".

(e) AGENCY BACKLOGS.—Section 552(a)(6)(C) of title 5, United States Code, is amended by inserting after the second sentence the following: "As used in this subparagraph, the term 'exceptional circumstances' means circumstances that are unforeseen and shall not include delays that result from a predictable workload, including any ongoing agency backlog, in the ordinary course of processing requests for records.".

(f) NOTIFICATION OF DENIAL.—The last sentence of section 552(a)(6)(C) of title 5, United States Code, is amended to read: "Any notification of any full or partial denial of any request for records under this subsection shall set forth the names and titles or positions of each person responsible for the denial of such request and the total number of denied records and pages considered by the agency to have been responsive to the request.".

(g) MULTITRACK FIFO PROCESSING AND EXPEDITED ACCESS.—Section 552(a)(6) of title 5, United States Code, is amended by adding at the end thereof the following new subparagraphs:

"(D)(i) Each agency shall adopt a first-in, first-out (hereafter in this subparagraph referred to as FIFO) processing policy in determining the order in which requests are processed. The agency may establish separate processing tracks for simple and complex requests using FIFO processing within each track.

"(ii) For purposes of such a multitrack system—

"(I) a simple request shall be a request requiring 10 days or less to make a determination on whether to comply with such a request; and

"(II) a complex request shall be a request requiring more than 10 days to make a determination on whether to comply with such a request.

"(iii) A multitrack system shall not negate a claim of due diligence under subparagraph (C), if FIFO processing within each track is maintained and the agency can show that it has reasonably allocated resources to handle the processing for each track.

"(E)(i) Each agency shall promulgate regulations, pursuant to notice and receipt of public comment, providing that upon receipt of a request for expedited access to records and a showing by the person making such request of a compelling need for expedited access to records, the agency shall determine within 5 days (excepting Saturdays, Sundays, and legal public holidays) after the receipt of such a request, whether to comply with such request. No more than one day after making such determination the agency shall notify the person making a request for expedited access of such determination, the reasons therefor, and of the right to appeal to the head of the agency. A request for records to which the agency has granted expedited access shall be processed as soon as practicable. A request for records to which the agency has denied expedited access shall be processed within the time limits under paragraph (6) of this subsection.

"(ii) A person whose request for expedited access has not been decided within 5 days of its receipt by the agency or has been denied shall be required to exhaust administrative remedies. A request for expedited access which has not been decided may be appealed to the head of the agency within 7 days (excepting Saturdays, Sundays, and legal public holidays) after its receipt by the agency. A request for expedited access that has been denied by the agency may be appealed to the head of the agency within 2 days (excepting Saturdays, Sundays, and legal public holidays) after the person making such request receives notice of the agency's denial. If an agency head has denied, affirmed a denial, or failed to respond to a timely appeal of a request for expedited access, a court which would have jurisdiction of an action under paragraph (4)(B) of this subsection may, upon complaint, require the agency to show cause why the request for expedited access should not be granted, except that such review shall be limited to the record before the agency.

"(iii) The burden of demonstrating a compelling need by a person making a request for expedited access may be met by a showing, which such person certifies under penalty of perjury to be true and correct to the best of such person's knowledge and belief, that failure to obtain the requested records within the timeframe for expedited access under this paragraph would—

"(I) threaten an individual's life or safety;

"(II) result in the loss of substantial due process rights and the information sought is not otherwise available in a timely fashion; or

"(III) affect public assessment of the nature and propriety of actual or alleged governmental actions that are the subject of widespread, contemporaneous media coverage.".

SEC. 7. COMPUTER REDACTION.

Section 552(b) of title 5, United States Code, is amended by inserting before the period in the sentence following paragraph (9) the following: ", and the extent of such deletion shall be indicated on the released portion of the record at the place in the record where such deletion was made".

SEC. 8. DEFINITIONS.

Section 552(f) of title 5, United States Code, is amended to read as follows:

"(f) For purposes of this section—

"(1) the term 'agency' as defined in section 551(1) of this title includes any executive department, military department, Government corporation, Government controlled corporation, or other establishment in the executive branch of the Government (including the Executive Office of the President), or any independent regulatory agency;

"(2) the term 'record' means all books, papers, maps, photographs, machine-readable materials, or other information or documentary materials, regardless of physical form or characteristics; and

"(3) the term 'search' means a manual or automated review of agency records that is conducted for the purpose of locating those records which are responsive to a request under subsection (a)(3)(A) of this section.".

ELECTRONIC FOIA IMPROVEMENT ACT OF 1995

SUMMARY

SECTION 1. SHORT TITLE

The Act may be cited as the Electronic Freedom of Information Improvement Act of 1995.

SECTION 2. FINDINGS AND PURPOSES

This section clarifies that Congress enacted the FOIA to require Federal agencies to make records available to the public through public inspection and upon the request of any person for any public or private use. This section also acknowledges the increase in the government's use of computers and specifies that agencies should use new technology to enhance public access to government information.

The purposes of this bill are to improve public access to government information and records, and to reduce the delays in agencies' responses to requests for records under the Freedom of Information Act.

SECTION 3. PUBLIC INFORMATION AVAILABILITY

This section requires agencies to publish a complete list of statutes that the agency relies upon to withhold information under subsection (b)(3) of the Act. Exemption (b)(3) covers information that is specifically exempted from disclosure by other statutes. These exemptions currently appear in non-FOIA bills and decrease information available to the public without review by the Judiciary Committee. In order to prevent ill-considered exemptions to the access mandate of the FOIA, this section would place specific limitations on an agency's ability to rely on the authority of (b)(3) exemption statutes when they have not passed through prescribed legislative channels and have not been previously brought to public attention through publication in the Federal Register.

The Office of Management and Budget has directed agencies to use electronic media and formats, including public networks, to make government information more easily accessible and useful to the public. (OMB Circular A-130, Revised, July 1994). To effectuate this goal, section 3 of the bill requires that information, such as agency regulations, which under the FOIA must be published in the Federal Register, should be accessible by computer telecommunications. The Government Printing Office Electronic Information Access Enhancement Act of 1993 ("GPO Act"), Pub. Law 103-40, already requires that the Federal Register and certain other congressional publications, be made available online. If an agency cannot make these materials available online, then the information should be made available in some other electronic form, such as CD-ROM or on disc.

SECTION 4. MATERIALS MADE AVAILABLE IN ELECTRONIC FORMAT AND INDEX OF RECORDS MADE AVAILABLE TO THE PUBLIC

The first part of this section would require that materials, such as agency opinions and policy statements, which an agency must "make available for public inspection and copying" pursuant to paragraph (a)(2) of Section 552, be made available electronically, as well as in hard copy. If an agency cannot make these materials available online, then the information should be made available in some other electronic form, such as CD-ROM or on disc. The bill would thus treat (a)(2) materials in the same manner as it treats (a)(1) materials, which under the GPO Act are required, via the Federal Register, to be made available online.

The second part of this section would require agencies to publish in the Federal Register an index of all major information systems containing agency records and a description of any new major information system with a statement of how it will enhance agency FOIA operations.

The third part of this section would require that an index of any records released as the result of "requests" for records pursuant to paragraph (a)(3) of Section 552 must be made available for public inspection and copying under paragraph (a)(2). This would assist requesters in determining which records have been the subject of prior FOIA requests. Since requests for records provided in response to prior requests are more readily identified by the agency without the need for new searches, this index will assist agencies in complying with the FOIA time limits.

Under the fourth part of this section, copies of records disclosed in response to FOIA requests that the agency determines have been or will likely be the subject of additional requests, must be made available for public inspection and copying in basically the same manner as the materials required to made available under paragraph (a)(2). As a practical matter, this would mean that copies of records released in response to FOIA requests on a popular topic, such as the assassinations of public figures, would subsequently be treated as (a)(2) materials, which are made available for public inspection and copying. This would reduce the number of multiple FOIA requests for the same records requiring separate agency responses.

The fifth part of this section would make clear that to prevent a clearly unwarranted invasion of personal privacy, an agency may delete identifying details when it makes available or publishes the index and copies of records released in response to FIOA requests, as required under the third and fourth parts of section 4 of this bill.

The final part of this section would, consistent with the "Computer Redaction" requirement in Section 7 of the bill, require that any deletions made in electronic records be indicated at the place where such deletion was made.

SECTION 5. HONORING FORMAT REQUESTS

This section would require agencies to assist requesters by providing information in the form requested, if the agency has the information available in that form. In other words, requests for the electronic format of records, which are usually not maintained or stored in electronic form, should be honored when the records nevertheless exist and are available in the requested electronic form.

This section would overrule *Dismukes* v. *Department of the Interior*, 603 F. Supp. 760, 763 (D.D.C. 1984), which held that an agency "has no obligation under the FOIA to accommodate plaintiff's preference [but] need only provide responsive, nonexempt information in a reasonably accessible form."

SECTION 6. DELAYS

Fees.—In an effort to decrease the delays experienced by FOIA requesters, the bill would authorize agencies to retain one-half of the fees they collect if the agency complies with the statutory time limits for responding to requests. The fee retention provisions of the bill would reward agencies that meet the statutory time limits and should diminish the burdens on agencies with particularly heavy FOIA workloads. It will be very important to structure the compliance criteria so that the reward system operates effectively and without favoring any class of requesters over other classes.

Payment of the Expenses of the Person Making A Request.—The current statute allows for the award of attorneys' fees and other litigation costs in any case in which the complainant has reasonably prevailed. The bill would permit a court to award payment of requesters' litigation expenses and reasonable attorneys' fees incurred in the administrative process in any case in which the agency fails to comply with the time limits. In determining whether to make such an award, the bill dircets the court to consider whether an agency's failure to comply with statutory time limits was not warranted and demonstrated bad faith or was otherwise unreasonable under the circumstances of the particular request.

Demonstration of Circumstances for Delay.—The bill would require agencies not in compliance with the time limits to demonstrate "that the delay is warranted under the circumstances." The bill would clarify the only circumstances that excuse compliance with the time limits are those unusual or exceptional circumstances set forth in paragraphs 6(B) and (C) of Section 552(a).

Expansion of Agency Response Time.—The bill would expand the time limit for an agency to respond to a request for records under FOIA from ten days to twenty days. Attorney General Janet Reno has acknowledged the inability of most federal agencies to comply with the ten-day rule as "as a serious problem" stemming principally from "too few resources in the face of too heavy a workload." A doubling of the time limit will assist federal agencies in reducing their backlogs.

Agency Backlogs.—The current statute provides that in "exceptional circumstances," the statutory time limits can be extended, but does not define what those circumstances can be. In *Open America* v. *Watergate Special Prosecution Force*, 547 F.2d 605 (D.C. Cir. 1976), the court held that an unforeseen 3,000 percent increase in FOIA requests in one year, which created a massive backlog in an agency with insufficient resources to process those requests in a timely manner, can constitute "exceptional circumstances."

Routine backlogs of requests for records under the FOIA should not give agencies an automatic excuse to ignore the time limits, since this provides a disincentive for agencies to clear up those backlogs. This section of the bill would clarify the holding in Open America by specifying that routine agency backlogs do not constitute exceptional circumstances for purposes of the Act.

Multitrack FIFO Processing.—An agency commitment to process requests on a first-come, first-served basis has been held to satisfy the requirement that an agency exercise due diligence in dealing with backlogs of FOIA requests. Some agencies have taken the position that they must process requests on a FIFO basis, even if this procedure may result in lengthy delays for simple requests due to the prior receipt and processing of complex requests. The bill would encourage agencies to implement multi-track processing systems for FOIA requests to reduce backlog.

Expedited Access.—The bill would authorize expedited access to requesters who demonstrate a "compelling need" for a speedy response. The agency would be required to make a determination whether or not to grant the request for expedited access within five days. The requester would bear the burden of showing, under penalty of perjury, that expedition is appropriate and would be required to satisfy strict time limits to obtain administrative and judicial review of an agency's denial of such a request. The bill would permit only limited judicial review based on the same record before the agency.

A "compelling need" warranting expedited access would be demonstrated by showing that failure to obtain the records within an expedited timeframe would: (I) threaten a person's life or safety; (II) result in the loss of substantial due process rights and the information sought is not otherwise available in a timely fashion; or (III) affect public assessment of the nature and propriety of actual or alleged governmental actions that are the subject of widespread, contemporaneous media coverage.

SECTION 7. COMPUTER REDACTION

The ability to redact information on the computer changes the complexion of released documents. At times, determining whether one sentence or 30 pages have been withheld by the agency is impossible. The bill would require agencies to indicate deletions of the released portion of the record at the place where such deletion was made.

SECTION 8. DEFINITIONS

The bill would add definitions of "record" and "search" to the statute to address electronically stored information. The current

FOIA statute does not define either term. The definition of "record" in the bill is an expanded version of the definition in the Federal Records Act, 44 U.S.C. 3301. There is little disagreement that the FOIA covers all government records, regardless of the form in which they are stored by the agency. The Department of Justice agrees that computer database records are agency records subject to the FOIA. See "Department of Justice Report on 'Electronic Record' Issues Under the Freedom of Information Act," S. Hrg. 102-1098, 102d Cong., 2d Sess. 33 (1992).

The bill defines "search" as "a manual or automated review" to locate records responsive to a FOIA request. Under the FOIA, an agency is not required to create documents that do not exist. Computer records located in a database rather than in a file cabinet may require the application of codes or some form of programming to retrieve the information. Under the definition of "search" in the bill, the search of computerized records would not amount to the creation of records. Otherwise, it would be virtually impossible to get records that are maintained completely in an electronic form, like electronic mail, because some manipulation of the information likely would be necessary to search the records.

JULY 27, 1995.

Hon. PATRICK J. LEAHY and HANK BROWN,
U.S. Senate, Washington, DC.

DEAR SENATORS LEAHY AND BROWN: The organizations listed below, representing a substantial portion of the Freedom of Information Act requestor community, wish to express their strong support for the "Electronic Freedom of Information Improvement Act of 1995."

The Freedom of Information Act (FOIA) is a critical tool of our democracy which allows Americans to learn about their government and hold the government accountable for its actions. This legislation ensures that the public will be able to access agency records maintained in electronic form, and also takes steps to alleviate endemic delays in proceeding FOIA requests.

This legislation is needed to address new issues related to increased use of computers by federal agencies. It clarifies that the FOIA covers agency information in any form, including electronic form, and requires agencies to provide records in a requested form if the records are maintained in that form. The legislation also increases on-line access to government information, including agency regulations, opinions, and policy statements, as well as FOIA-related records that are the subject of repeated requests. This increased on-line accessibility of FOIA-releasable material is a critical step in using technology to make government more accessible and responsible to its citizens.

The "Electronic Freedom of Information Act" also will reduce agency delays in responding to FOIA requests. In recognition of the difficulty faced by some agencies in complying with FOIA time limits, the bill increases agency response time from 10 to 20 days, and allows agencies to retain half of the fees if they comply with statutory time limits. The legislation encourages agencies to implement two-track processing systems for simple and complex requests to assist in the reduction of backlogs, and establishes expedited access for requestors who demonstrate a compelling need for a speedy response.

By keeping the Freedom of Information Act up to date with new technologies and improving the administrative process, this legislation will help ensure that the Act remains an instrument for open and responsive government. We hope that this legislation, which last year passed the Judiciary Committee unanimously and the Senate by voice vote, will be enacted into law.

American Civil Liberties Union, American Library Association, American Society of Newspaper Editors, Association of American Publishers, Center for Democracy and Technology, Center for National Security Studies, Electronic Privacy Information Center, Federation of American Scientists, Fund for Constitutional Government, Government Accountability Project, Information Trust, and Lawyers Committee for Human Rights.

National Newspaper Association, National Security Archive, Newspaper Association of America, OMB Watch, People for the American Way Action Fund, Public Citizen, Radio-Television News Directors Association, Society of Professional Journalists, Taxpayer Assets Project, Unison Institute, and Whistleblowers Alliance, Inc.•

By Mr. CRAIG (for himself and Mr. CONRAD):

S. 1091. A bill to finance and implement a program of research, promotion, market development, and industry and consumer information to enhance demand for and increase the profitability of canola and rapeseed products in the United States, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

THE CANOLA AND RAPESEED RESEARCH PROMOTION AND CONSUMER INFORMATION ACT

• Mr. CRAIG. Mr. President, my purpose here today is to introduce the Canola and Rapeseed Research, Promotion, and Consumer Information Act. I am pleased to report that this piece of legislation is backed by the strong support of those in the canola and rapeseed industry.

Canola and rapeseed products are an important and nutritious part of the human diet, and the crops are in all regions of the United States. This crop is produced by thousands of growers and consumed by people all over the world. A total of 35 states grow over 330,000 acres, and that level is rapidly increasing. States such as Idaho see well over 40,000 acres devoted to this particular crop. As you can see, Mr. President, it is important that these readily available commodities are marketed efficiently to ensure that consumers have an adequate supply at a reasonable price.

Currently, a number of established State and national organizations exist whose primary goals include the research and promotion of their respective commodities. The cooperative development, financing, and implementation of a canola and rapeseed research, information, and promotion program is necessary to maintain and expand the existing markets, and to develop new markets for these important products.

In addition, this act will establish an orderly procedure for financing through assessments on domestically produced canola and rapeseed, and the development and implementation of a program of research, promotion, consumer and industry information.

It is the policy of this act to establish a concise and uniform method of requesting, issuing and amending orders relative to the canola and rapeseed industry. It will provide for a national canola and rapeseed board of 15 members who will administer and carry out programs and projects which provide maximum benefit to the industry.

Under this act, assessments will be levied on those products produced and marketed in the United States and will be deducted from the payment made to a producer for all canola or rapeseed sold to a first purchaser. The assessment rate shall be 4 cents per hundredweight of canola or rapeseed produced and marketed in a State, or a rate of 2 cents per hundredweight for States with a State checkoff.

Essentially, this act will enable the industry to create a commodity driven and commodity controlled checkoff program. The idea of a checkoff is not new, and generic promotional and research programs funded through voluntary checkoff contributions have been working at all levels of government for over 50 years. Considering the limited resources of the Federal Government in all areas, especially agriculture, I believe that programs of this nature will become increasingly important. I highly commend everyone involved in the canola and rapeseed industry for their efforts in bringing this checkoff to the attention of the Congress.

Mr. President, I urge my colleagues to join me in enabling this industry to shape its own future. I ask unanimous consent that a section-by-section summary of the bill be placed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CANOLA AND RAPESEED RESEARCH, PROMOTION, AND CONSUMER INFORMATION ACT—JULY 28, 1995

SECTION-BY-SECTION ANALYSIS

Section 1: Short Title; Table of Contents.

The short title is the "Canola and Rapeseed Research, Promotion, and Consumer Information Act."

Section 2: Findings and Declaration of Policy.

Canola and Rapeseed products are important components of the human diet.

There are several state and national organizations whose primary goal is to promote canola and rapeseed research, consumer information, and industry information which is valuable to the new and existing markets. The cooperative development, financing, and implementation of a coordinated national program is vital to this market.

Section 3: Definitions.

This section gives specific definitions for words and phrases used throughout this bill.

Section 4: Issuance and Amendment of Orders.

In general, the Secretary shall issue the orders only upon request of the industry. This order shall be national in scope and not more than one order shall be in effect at any one time.

Section 5: Required Terms in Orders.

This section gives the specific terms and conditions to be met by any order. It also specifies the organization of the Board and other members, and gives guidelines for day to day operations.

The Board consists of 15 members. Additionally, there shall be no more than 4 producer members of the Board from any state.

Section 6: Assessments.

This section describes the required provisions for collection and refund of assessments.

The assessment rate shall be 4 cents per hundredweight of canola or rapeseed produced and marketed in a state. The rate is 2 cents per hundredweight for states with an approved checkoff.

Section 7: Referenda.

The Secretary shall conduct a referendum among producers during the period ending 30 months after the date the order was issued to determine whether the order should be continued.

Section 8: Petition and Review.

Anyone subject to an order may file a petition with the Secretary.

Section 9: Enforcement.

This section deals with the jurisdiction, process, and penalties in regards to the enforcement of an order.

Section 10: Investigations and Power to Subpoena.

The Secretary may make investigations as he or she sees fit in order to ensure that no violations of specific regulations have occurred and to ensure that there are no abuses of those regulations.

Section 11: Suspension or Termination of an Order.

The Secretary has the power to terminate any order that is no longer conducive to the industry.

Section 12: Regulations.

The Secretary may issue any regulations necessary to carry out this act.

Section 13: Authorizations and Appropriations.

This section deals with the appropriation of funds for this act.•

By Mr. McCONNELL:

S. 1092. A bill to impose sanctions against Burma, and countries assisting Burma, unless Burma observes basic human rights and permits political freedoms; to the Committee on Foreign Relations.

THE 1995 FREE BURMA ACT

• Mr. McCONNELL. Mr. President, today, I am introducing the 1995 Free Burma Act. I had planned to introduce the legislation on July 11, the date the State Law and Order Restoration Council—SLORC—was to reach a determination about the status of Aung San Suu Kyi. Fortunately for Suu Kyi, her family and Burma, SLORC decided to release her from 6 years of house arrest.

Everyone hoped that her release would mark the beginning of significant change in Burma. But, as Suu Kyi recently remarked, "We are nowhere near democracy. I have been released—that is all. The situation has not changed in any other way."

Two weeks ago, I announced that I would refrain from introducing sanctions legislation in the interests of determining just how serious the SLORC was about change in Burma. I indicated that I would monitor the situation and determine if progress was made in four areas before introducing sanctions. Let me review those conditions.

First, Suu Kyi has called for dialog with the SLORC to negotiate the peaceful transfer of power. In her first public statement she took note of the fact that a majority of the people in Burma voted for democracy and a market economy in 1990. In fact her National League for Democracy carried 392 seats in Parliament. A dialog to set Burma on the road to economic and political recovery should being immediately and without preconditions.

Second, Suu Kyi must continue to be afforded the opportunity to meet with her political supporters. It is essential that she have freedom of movement and speech and that her supporters and the press enjoy the same rights.

Third, Suu Kyi urged the SLORC to release all political prisoners, including the 16 elected members of Parliament and hundreds of other NLD supporters. I hope this occurs promptly, but in the meantime, I think it is imperative that the SLORC sign and implement the ICRC agreement granting access to political detainees. Last month the ICRC announced they intend to withdraw from Burma after 7 years of attempting to negotiate an agreement with SLORC. I believe it would represent a good faith effort if SLORC now signed that agreement.

Finally, SLORC's intention to move toward national reconciliation could be demonstrated by ceasing attacks on ethnic minorities along the Thai border. Over the past year, SLORC has engaged in negotiations to reach ceasefire agreements with many of the ethnic groups—agreements which explicitly call upon the withdrawal of SLORC forces from various regions. In December, SLORC broke off talks and launched attacks against the Karen. Nearly 80,000 refugees fled across the border. Over the past several weeks several thousand SLORC troop have moved into the Kayah state and launched attacks against Karenni camps. News accounts report that 20,000 refugees have fled.

On Monday, this week, I asked Assistant Secretary of State for Asian Affairs, Winston Lord, Assistant Secretary for Narcotics, Robert Gelbard, to provide the administration's assessment of progress in meeting these conditions. I also asked a Burmese student, Omar Khin, and representatives from Asia Watch and the AFL–CIO to testify.

Although everyone agreed that Suu Kyi's release was an important development and that she was being afforded the opportunity to meet with her supporters, every witness expressed disappointment that that was all that has happened.

The war against ethnic groups continue. Political repression and human rights violations continue. In fact, just this week, Asia Watch released an extensive report detailing how the situation has deteriorated.

The Red Cross still plans to shut down operations because of SLORC's refusal to grant access to political prisoners. And, perhaps most importantly, no negotiations have been initiated by SLORC to implement the 1990 elections. In fact, no efforts have been made to set a date for dialog to begin.

It is pretty obvious that SLORC's decision to release Suu Kyi was a calculated move designed to encourage foreign investment and Burma's inclusion in ASEAN. Indeed, within 48 hours of her release, several governments announced their intention to consider expanding trade and assistance. I think it is too early to reward SLORC—these initiatives are premature.

I agree with Suu Kyi who has cautioned all potential investors. A recent AP story made clear that she is concerned about a rush to embrace SLORC. She has, in fact, welcomed this legislation as a means of pressuring SLORC to the table. In an AP story she said, "These are very tough sanctions and I think they have shown they are very interested in democracy."

The legislation sends the message that Suu Kyi's release is not enough—that the Senate expects SLORC to implement the results of the 1990 election and transfer power to a civilian government.

Mr. President, some people may wonder why Burma should matter to the United States. After all there are certainly other countries with comparable human rights records.

That may well be true. But, there is one compelling reason why we have a direct interest in Burma. Today, Burma is the source of 65 percent of the heroin coming into the United States compared with 15 percent 10 years ago. More alarming is the fact that purity has shot up. Law enforcement officials here in Washington and in Kentucky tell me they used to see purity around 2 percent to 3 percent on our streets. Now it is not uncommon to find purity levels from 25 percent to 65 percent.

The drug czar has said heroin trafficking represents a serious threat to our national interests. I agree. I also agree with Assistant Secretary Lord's testimony that the only thing that will solve the problem is a change in government.

Mr. President, we all hope that Suu Kyi's release marks the beginning of the end of repression in Burma. However, past experience with this military dictatorship suggests caution is the appropriate approach.

Suu Kyi has issued a statement of remarkable good will toward a regime that illegally held her in detention for 6 years. She has demonstrated courage and determination, stating immediately after her release that her detention has not changed her basic goals to advance peace and freedom in Burma.

I think it is important that we respect and promote that agenda. Keeping the pressure on SLORC will assure that her release is translated from a symbolic gesture to real progress.

Mr. President, I ask unanimous consent to include in the Record several letters of support for this legislation which have come in from around the world. I also ask unanimous consent to include a brief summary of the legislation and an article including comments Suu Kyi has made about the legislation.

There being no objection, the material was ordered to be printed in the Record, as follows:

Senator McConnell, Members of the Press: My name is Ohmar Khin. I am a Burmese student in exile who participated in the 1988 nationwide pro-democracy movement in Burma and experienced first-hand, the brutality of the current military regime. The memories of the events of 1988 are still vivid.

At that time, I was a senior student at Rangoon Arts and Science University majoring in Chemistry. On March 16, while walking to class with my friends, I saw students banging drums and calling others to gather nearby the Convocation Hall. They were protesting the death of a student who was shot by soldiers dispersing a demonstration three days earlier. My friends and I joined the protesters. As we marched passed Inya Lake we saw troops stationed on the road, blocking our way and riot police trucks rolling down the road.

Many students ran into nearby streets and some jumped into the lake. Others were beaten and kicked by police then dragged into the trucks. I was separated from my friends and ran into one of the houses in front of the lake. The residents let me and a few others in, locking their gate. From there, I watched the terrifying scene. My heart was pounding with fear. My sarong was torn apart. I was holding a pencil sharpener to defend myself if I were caught. Some troops tried to climb over the gate to catch us but a Japanese diplomat next door let us climb down into his residence and hid us in his house. It was night before I could finally get back home.

From that time there was a determination to fight for justice in our country. During the next few months students organized quietly. More and more people recognized the need for change in the country and joined this movement which led to the nationwide pro-democracy uprising of August 8, 1988, known as 8-8-88.

Tens of thousands of people, including monks and children, took to the streets that day, calling for democracy and human rights. I marched along with my colleagues and witnessed the horror of our own military shooting innocent people. One of the students marching next to me was shot to death.

During those months of struggle in 1988, hundreds of students were arrested, universities and colleges were closed. Thousands of students, like myself, were forced to flee the country.

I believe that democracy and human rights will truly come to Burma one day, but the help of the international community is critical in bringing about that change. Pressure brought to bear by the international community was instrumental in freeing Daw Aung San Suu Kyi and such pressure must continue until democracy is restored. The legislation planned by Senator McConnell calling for economic sanctions on the military regime is the type of initiative which will sustain such pressure.

The struggle of 1988 should not be forgotten. The spirit of the people and their desire to live under a just and democratic government remains strong. Senator McConnell's legislation can help the people of Burma achieve that goal.

National Coalition Government
of the Union of Burma,
Office of the Prime Minister,
Washington, DC, March 29, 1995.

Hon. Mitch McConnell,
U.S. Senate, Washington, DC.

Dear Senator McConnell: I have recently learned of your intention to introduce a bill to impose US economic sanctions on Burma. On behalf of the democratically elected government of Burma, I am writing to give you my wholehearted support as well as that of my government in your effort.

The imposition of sanctions should never be taken lightly. Any measure designed to constrict the economy of a country will cause some degree of hardship to the people. However, I believe, and the democratic forces working to liberate our country believe, that foreign investment serves to strengthen the outlaw State Law and Restoration Council (SLORC). It is providing SLORC with the means to finance a massive army and intelligence service whose only job is to crush internal dissent. SLORC controls all foreign investment into Burma and channels contracts to the military and its party officials. Unlike other countries, investment will not serve to create a middle class of entrepreneurs, only reinforce allegiance to a regime that has murdered tens of thousands of people whose crime was the desire for democracy and to live in a free society. SLORC is in desperate need of foreign currency. Cutting off access to US funds will be a severe blow to SLORC.

Your decision to move forward on this issue will not be popular with the US business community or countries in Europe and Asia. There are many who place trade and money over Burma's deplorable narcotics, political, and human rights record. I applaud your courage and will do everything in my power to see you succeed.

The United States has a very special place in the hearts of my countrymen. During the massive democracy demonstrations in 1988, students could be seen marching in Rangoon carrying American flags and demonstrating in front of the US Embassy. Supporting us in our struggle is the International Republican Institute. This organization funds pro-democracy activities inside Burma. The Burmese people desperately want what Americans have: the ability to live in peace without fear of government persecution, respect for human rights, and social justice. American ideals will always be a symbol for what we can achieve.

I want to personally thank you for your leadership and raising your voice to support those who are oppressed. I look forward to assisting you in any way possible.

With my highest consideration,
Yours sincerely,

Sein Win,
Prime Minister.

The Government of Karenni,
Office of the Prime Minister,
June 9, 1995.

Hon. Mitch McConnell,
U.S. Senate, Washington, DC

Dear Senator McConnell: The Government and people of Karenni are happy to learn that you have prepared to legislate sanction against SLORC in the U.S. Congress.

We give all our support to your efforts and we thank the Senators and Congressmen who sponsored this legislation to impose economic sanctions on Burma.

Meanwhile, the Karenni National Progressive Party (KNPP) has entered a cease fire "understanding" with SLORC. This is done on convenience because we are pressured by intimidation from SLORC.

KNPP wants peace and progress. For this reason it has been fighting the war against SLORC and the Burmese Governments preceeded it. With the cease-fire in place, the KNPP hopes to be able to achieve progress. That was why it has agreed to a cease-fire with SLORC. But contrary to expectation, no progress is possible because the SLORC has reneged on its agreement with KNPP. It has, in the name of existing Burmese laws and regulations, put all kinds of obstacles in the way. Although the KNPP has reminded SLORC of the agreement reached between it and KNPP, the SLORC simply turns a deaf ear to the reminders. On the other hand it continues collecting porter fees—60 kyats per household—in some townships monthly. It is believed that the porter fees collected will be used in areas where cease-fire has not been reached or signed.

KNPP is of the opinion that only when there is a nation-wide cease-fire between SLORC and all armed groups fighting it, will the people be free from being made to contribute porter fees, to serve as porters and to contribute forced labour.

We, therefore, request the international organizations, like the UN or democratic countries, like the United States to put pressure on SLORC so that a nation-wide cease-fire in Burma can take place.

The hard-learned fact we now experienced as mentioned above is that the SLORC will continue its formally bullish practice over all the cease-fire signatories.

We find our national security is still precarious and there is no sign of democratic return in Karenni and also all over Burma itself. For this belief, we send a memorandum to sub-committee of House Foreign Affairs Committee, in which we seek U.S. protection and aids. A copy of this memorandum is sent to you by airmail postal service.

We wish you success in this efforts of yours.

May God bless you and your sponsorial comrades.

Your sincerely,

Aung Than Lay,
Prime Minister, Government of Karenni.

The New Mon State Party,
General Headquarters,
June 6, 1995.

Hon. Mitch McConnell,
U.S. Senate, Washington, DC.

Your Excellency: Information of your efforts at imposing economic and trade sanctions on Burma under the brutal regime known as the State Law and Order Restoration Council (SLORC) is very encouraging to us. Current situation shows that, only by international economic and diplomatic pressure can liberate Burma from the atrocious control of the ruling military junta.

It appears that the world business community is now mesmerized by SLORC's promises of the proverbial pot of gold at the end of the rainbow. The economy is only open for the Burmese generals and their associates to line their pockets and they are in complete control of all business contracts and are interested in upfront money in the form of signature bonuses paid in dollars.

Any evidence offered that the regime is easing its oppression is superficial. What the military leadership is seeking is international legitimacy at the lest cost to itself.

In spite of no foreign threats whatsoever, SLORC is boosting up its armed forces to over 350,000 heading to 500,000 just to rule the country at gun point.

The best example of the Burmese leadership's political failure is their attitude toward the ethnic minorities. For nearly half a century it has used the bankrupt policy of a military solution to Burma's political problems. It just does not have adequate capacity to realize that Burma's ethnic problems are a political problem that requires a political solution.

May I urge you as President of the New Mon State Party and Chairman of the National Democratic Front to do everything possible to eliminate U.S. foreign investment in Burma until a legitimate democratic government is in power.

Yours truly,

NAI SHWE KYIN,
President.

KACHINLAND PROJECTS U.S.A.
FOR HUMAN RIGHTS
AND DEMOCRACY IN BURMA,
June 13, 1995.

Hon. MITCH MCCONNELL,
U.S. Senate, Washington, DC.

DEAR SENATOR MCCONNELL: I write on behalf of the Kachin-American & Friends USA, Inc., for Democracy and Human Rights in Burma, a US citizens' organization dedicated to the purpose of restoring democracy and human rights in Burma, especially in the Kachin areas. We want to let you know that we support your proposed resolution to impose trade sanctions against Burma most strongly. We are ready to support your leadership through active citizen input to our representatives in the U.S. Congress. If we could be of help in other ways please let us know.

We have been unspeakably outraged by the severe persecution of our people over the years for no apparent reason than the fact that they are Kachin. We have felt most painful and helpless because the one political movement, the Kachin Independence Organization, has been hand-tied by the cease-fire agreement. While Kachin leaders have been honor-bound, SLORC's oppression and predations against our people have continued, as has their despicable hypocrisy about opium production and trading.

We support in the strongest manner any pressure that could be applied against SLORC, by the U.S. and by the international community. And we will continue our strong protest against SLORC's deadly rule in ethnic minority areas with their occupation army. This pariah regime must be condemned and cast aside.

We hope that you are determined to exercise your leadership in a manner that will have a strong, effective and lasting impact. We are ready and eager to come to your assistance whenever called.

Most sincerely yours,

LA RAW MARAN, PH.D.
Executive Director.

AMERICAN FEDERATION OF LABOR
AND CONGRESS AND INDUSTRIAL
ORGANIZATION,
Washington, DC, February 6, 1995.

Hon. WARREN CHRISTOPHER,
Secretary of State, U.S. Department of State, Washington, DC

DEAR MR. SECRETARY: I write to you to express my strong concerns about the continuing egregious behavior of the State Law and Order Restoration Council (SLORC) regime of Burma. Directly contradicting its claims that it seeks peace and national reconciliation, SLORC sent the Burmese army to viciously attack, capture and sack Manerplaw, the headquarters of the Karen people and key base area for many groups, including the Federation of Trade Unions Burma (FTUB), seeking to restore democracy in Burma.

We believe that the blatant, unprovoked attack on Manerplaw is a major setback for the cause of democracy in Burma and merits a strong response from the U.S. Government. In the "two visions" policy laid out by Deputy Assistant Secretary Hubbard during his visit to Rangoon, the U.S. indicated that, if progress by SLORC on issues of democracy and human rights was not forthcoming, the U.S. would renew its campaign to isolate the regime. In line with this policy, now is the time for the U.S. to show, by actions, that it is serious.

Accordingly, we urge the U.S. Government to implement a full trade and investment embargo against Burma. Since most U.S. investment enters Burma through joint ventures with SLORC government agencies or entities wholly controlled by the regime, implementing sanctions would have a direct impact on the ability of the SLORC to repress its people and conduct war on groups opposed to this illegitimate government. The withdrawal of the Commercial Officer from the U.S. Embassy in Rangoon would further underscore this message. We also renew our call for the U.S. Government to exert pressure to block development and aid projects of international institutions that benefit the SLORC.

Sincerely,

LANE KIRKLAND,
President.

DEMOCRATIC BURMESE STUDENTS
ORGANIZATION (USA),
Rockville, MD, July 7, 1995.

Hon. MITCH MCCONNELL,
U.S. Senate, Washington, DC.

DEAR SENATOR MCCONNELL: I write this letter on behalf of the Democratic Burmese Students Organization. We are students in exile from Burma who were witnesses to the 1988 massacre of peaceful demonstrators by the Burmese regime. We, the Burmese students, are now living throughout the United States. We are writing in support of your efforts to draft legislation imposing economic and trade measures against the military regime in Burma.

In view of the lack of freedom and democracy and the persistent refusal on the part of the current SLORC regime to honor the national mandate given in 1990 elections, we commend any measures that the U.S. Congress takes to help the emergence of a legitimate government, which is democratic and responsive to the basic needs of its people.

We believe that your proposed legislation will set a progressive direction for U.S. policy that promotes democracy in Burma. It will also send a clear signal to the SLORC that the U.S. insists on commitment for the immediate release of all political prisoners including democratic leader Daw Aung San Suu Kyi and the implementation of the full democratic process. We believe that renewed action by the U.S. Congress to increase pressure on Burma will bear critical influence on the SLORC. We shall, therefore, support any of your measures to this effect.

Sincerely yours,

SHWE SIN HTUN,
Representative, DRSO (East Coast).

[From the Desk of Betty Williams]

JULY 6, 1995.

Senator MITCH MCCONNELL,
Russell Office Building,
Washington, DC.

DEAR SENATOR MCCONNELL: I wish to take this opportunity to offer my support to the initiative you are preparing to undertake on behalf of my sister laureate Aung San Suu Kyi and the people of Burma. It has been brought to my attention that you intend to introduce legislation on July 11, 1995 which will ban all U.S. foreign investment in Burma.

On June 26, 1995, while commemorating the 50th Anniversary of the United Nations, Bishop Desmond Tutu, Lech Walesa, Oscar Arias Sanchez and myself presented a letter to the United Nations which included the signatures of seven other Laureates asking for the release of Daw Suu. The letter stated, "She has endured six long years of solitary detention without trial at the hands of the military regime. There is no sign at all of her release. We resolutely oppose political oppression disguised as criminal detention." Bishop Tutu, in a statement to a forum at the UN Anniversary called for sanctions to be imposed on Burma.

This legislative initiative is long overdue and will play a critical role in bringing about a transfer of power to the democratically elected 1990 representatives, allowing them to take their rightful (and legitimate) seats in parliament.

I offer congratulations for implementing this endeavor and hope that your colleagues in the Senate will join you in this worthy effort which I hope will lead to a political dialogue and settlement of the Burma conflict and, most importantly, democracy in Burma.

Most sincerely,

BETTY WILLIAMS,
Nobel Laureate, 1976.

UNITED FRONT FOR DEMOCRACY AND
HUMAN RIGHTS IN BURMA,
North Potomac, MD, July 25, 1995.

Hon. MITCH MCCONNELL,
U.S. Senator, Washington, DC.

DEAR MR. SENATOR: The United Front for Democracy and Human Rights in Burma and its affiliated organizations in the United States, Canada, Europe and Asia want to heartily commend you for the hearing on the Trade and Investment Sanction bill held on July 24, 1995.

On behalf of these organizations, I was present at the hearing and wish to express our views regarding the various statements made there. While we thank Assistant Secretary Winston Lord and Assistant Secretary Gelbard for their perspectives and their views on the counternarcotics issue and your sanction bill, our organizations disagree with their approach. We heartily endorse the views expressed in the opening statement made by you and the statements made by Khin Ohnmar and the representatives of Human Rights Watch/ASIA and the AFL–CIO as well as the statement submitted by Prime Minister Dr. Sein Win of the NCGUB.

Our organizations, after very careful consideration of the present situation and after hearing the various views at the hearing as well as those of individuals and other organizations closely observing the developments in Burma, feel very strongly that the only language the SLORC, one of the most repressive and regressive regimes in the world, would understand is the comprehensive trade and sanctions legislation against Burma that you propose to introduce. We also believe that this is the right time for the introduction as Daw Aung San Suu Kyi herself has acknowledged publicly as quoted by you, "We are nowhere near democracy. I have been released, that is all. The situation has not changed in any other way." Most prudent Burma observers including Ambassador Lord are of the opinion that the reason for Suu Kyi's release was not out of good intention or desire to change to democracy and national reconciliation in Burma, but due to international pressure including your proposed bill as well as the forthcoming ASEAN meeting in Brunei.

Enclosed herewith also is the statement made by the United Front on the release of Daw Aung San Suu Kyi.

Yours sincerely,

U BA THAUNG,
Chairman.●

By Mr. REID (for himself and Mr. BRYAN):

S. 1093. A bill to prohibit the application of the Religious Freedom Restoration Act of 1993, or any amendment made by such act, to an individual who is incarcerated in a Federal, State, or local correctional, detention, or penal facility, and for other purposes; to the Committee on the Judiciary.

THE RELIGIOUS FREEDOM RESTORATION ACT OF 1993 AMENDMENT ACT OF 1995

Mr. REID. Mr. President, I send a bill to the desk on behalf of Senators REID and BRYAN.

Mr. President, the bill that I just introduced is a prison reform bill that is designed to close a gaping hole in the current law that allows prison inmates to file frivolous lawsuits at will.

This legislation is necessary, and it is overdue. It addresses and remedies a specific ailment plaguing an otherwise solid piece of legislation that passed this body in the last Congress. I am referring to the Religious Freedom Restoration Act. More specifically, I am referring to the application of this law as it relates to prison inmates.

When the Senate passed RFRA, it sought to provide the legal protections supporting the right to freely exercise one's religious belief. This legislation was a well-intentioned goal which this Senator supported.

The concern I raised when we considered this legislation was the abuse that I knew would take place of these new rights by prison inmates. In fact, I offered an amendment that would have exempted inmates from coverage of this legislation. Unfortunately, my amendment was narrowly defeated.

As the saying goes, Mr. President, you reap what you sow. And because the sponsors of this legislation sought to extend this coverage to prison inmates, our courts are now being flooded with inmate lawsuits alleging discrimination under this act. And the lawsuits are filed often for the most spurious of reasons. I said then, and I say now, that providing inmates with all those rights and privileges would be a recipe for disaster, and I was right.

(Mr. CRAIG assumed the chair.)

Mr. REID. Mr. President, word of these new legal rights has spread like wildfire. They are in Idaho. We have a letter that we will talk about from one of the deputy attorney general of Idaho.

These taxpayer-supported lawsuits are spreading like wildfire. The research for these filings is being conducted in taxpayer-supported law libraries containing spades of helpful filing information at the disposal of prisoners.

Mr. President, this is like an alcoholic locked inside a liquor store. These inmates cannot get enough.

What am I talking about? Should I talk specifics? I do not know where to start talking specifics. I only brought over a few of the lawsuits.

In this hand I have some of the Nevada lawsuits; only some of them. Because, you see, prison litigation in Nevada takes up 40 percent of the court's time—40 percent of the litigation in our Federal courts in Nevada are a result of prisoner lawsuits.

Is that what this is all about? Have we become so concerned with prisoner rights that we have forgotten the rights of society? Remember, these people are in jail because they have been convicted of felonies. They are not there because we are trying to check to find out if they are good or bad. They are felons. And we are spending 40 percent of the court's time on this trash.

Let me talk about some cases around the country. In California, we have an inmate there who wants prison authorities to allow him to practice a religion called Wiccan, which is witchcraft. He is upset because the prison authorities will not supply him, among other things, tarot cards and other paraphernalia that goes with witchcraft.

We have one lawsuit filed because the satanic group in a prison wanted unbaptized baby fat for their candles.

Mr. President, I wish I were making this up. But a Federal judge, who has a lifetime appointment, who is there to decide what is good and bad in this country, is being called upon to rule on this trash. And they have to do it. They have to go through the process.

In the State of Connecticut they have allowed Catholics and Protestants to have religious services, and Moslems. We have an inmate there who was not satisfied with that. What this inmate wanted is a certain very refined, defined sect of the Moslem religion because he refuses to go to a service for all Moslems. He wants his own.

We have one who changes his name. This man is in Florida. He keeps changing his name, and he sues the prison because they do not give him his mail in his right name.

We have, out of Florida, another case. There, an inmate alleges his rights were denied when he was not allowed to see Moslem visitors at a time that he wanted them, not when everybody else visits those that are confined. He wanted a time convenient to him. So he filed a lawsuit.

One wanted to perform the rite of washing—his definition of washing; a religious ceremony.

Another inmate filed a lawsuit because his hat was confiscated.

Another inmate filed a lawsuit because he has alleged that the inmate barbers are unskilled and are forced to perform the haircuts under too much pressure from the clock. This is a lawsuit filed.

We have another who filed a lawsuit because the diet kitchen in the prison did not meet his expectations. He believed that his religion entitles him to a healthy lifestyle as defined by what diet he wants.

We have another out of Nebraska. This man has filed a lawsuit because he is a member of the Asatru religion, which is an Islamic word, which is a term for an ancient religion of the Teutonic people of northern Europe. And the prison authorities had a little trouble finding the paraphernalia this gentleman wanted.

We have another case out in Nebraska where an inmate there thinks he is a woman trapped in a man's body, and thus strip searches by male prison officials are not allowed by his religion.

Again, Mr. President, I kind of wish I was making this up. I mean, can you imagine. These are real lawsuits that our Attorneys General and others are defending on a daily basis taking tremendous amounts of time when they should be involved in other important matters.

We have case after case of this nonsense. I said it would happen and I intend to continue to fight to end this problem.

I am going to push this, Mr. President. We can wait for hearings in the Judiciary Committee. We can do all kinds of things. But before this year is out, I am going to be offering this as an amendment to a piece of legislation moving through here. We cannot allow this kind of stuff to go on.

We have a letter here—I said on the floor, this is going to happen—from the Attorney General of the United States saying, no, it will not.

Like an alcoholic locked inside a liquor store, these inmates cannot get enough.

The consequences of these new prisoner rights are many, and an overburdened judiciary is forced to allocate its scarce resources to considering and processing these frivolous lawsuits. Our Nation's attorneys general are being forced to defend inmate lawsuits rather than prosecute criminals. And as usual, who is picking up the tab? The taxpayers are paying for the libraries that are better than I had when I practiced law. Why not? They get anything they want. All they have to do is ask for it.

The American taxpayer, to the delight of these inmates, is left holding the tab on all of these legal expenses. And the time and cost is only going to continue to escalate unless we exempt inmates from the coverage of RFRA.

At some point we are going to have to answer the question of whether crimes are being left unprosecuted because the States' defense of prisoner lawsuits is the right thing to do.

I repeat, have we become more concerned about the rights of the criminals than we have the rights of society? I asked the attorney general of Nevada, Frankie Sue Del Papa, to keep me apprised of these RFRA-related lawsuits they are defending. That was quite a task. Just to send me copies of the garbage that is being filed has taken a significant amount of time of her staff.

I have told you about some of the cases around the country. Those in Nevada are no different. They are just as ridiculous: A lawsuit filed because religious freedom rights have been denied—because they were not able to check to see if there was pig fat, hog fat in the toothpaste. They wanted scientific tests run on this to find out if there were pork products in the toothpaste.

They wanted meat inspections to find out if the meat was properly cared for before it was given to the prisoners. This is, of course, on a religious basis.

They confiscated a necklace that was bulky and large; they thought it could cause problems to the rest of the prison populace. Not according to this man's religion. According to his claim, the jewelry would become defiled if another person touched it.

We have another man who is suing a prison chaplain for refusing to conduct a marriage ceremony between him and his male friend because they belong to Universal Life Church, and this church allows people of the same sex to marry.

They cannot get incense; they cannot get jewelry for their religious ceremonies; they cannot get the right type of altar; they cannot get the right type of nutritious vegetarian diet.

Skinheads are suing for the right to receive, because of their religion, hateful, bigoted, anti-Semitic, racist literature from all over the country.

I have a letter from the deputy attorney general from the State of Idaho. She says, besides the cases enclosed—paraphrasing—even though we do not have a lot of cases, the flood is beginning. I emphasize "yet" because I know the Department of Corrections has every reason to believe it is only a matter of time.

This woman goes on in her letter to explain the trouble they have gone to in Idaho. They have sweat lodges in their prisons, trying to make the Indian religions happy. They have problems with the Aryan Nation, motorcycle gangs, trying to comply with their wishes of what they need in prison. I do not understand why we have to bend over backward to protect the rights of people who are locked up in prison.

Remember, 7 percent of the criminals commit over 75 percent of the violent crime in this country. So our job is to get rid of the 7 percent. But what are we doing? We are trying to determine if the right pork products are in toothpaste. I believe that these criminals who are convicted felons have forfeited not all their rights but some of their rights by committing these acts against society. Rather than providing them taxpayer-funded law libraries and better gyms, which most people in America do not have the opportunity to see, let alone join, and they file these lawsuits creating more work, rather than spending the money on defending these frivolous lawsuits, I would prefer hiring more personnel so they could watch them in chain gangs.

I think, with some of what we have going on in some States where they are going back and looking at chain gangs and having these people do work instead of sitting around writing these phony lawsuits, we would be better off. They do not deserve the costly luxuries they are provided in prison. I believe the more difficult and the more unpleasant the present prison setting can be the better off we would be.

Mr. President, I practiced criminal law. When I was a young lawyer, I was assigned to represent a criminal defendant. At that time they did not have the public defender system. And I went over there as a young lawyer all raring to go to defend this man who had been charged with stealing a car and taking it across State lines. And I proceeded as a young lawyer, wanting to get into that courtroom and help this man. He said, "Young man, just back off." He said, "I committed this crime on purpose. I knew what crime I committed. I wanted to be returned to a Federal prison because they are nicer than the State prisons." I have never forgotten that.

So I am going to push hard for this legislation. Our judges ought to be spending more time hearing meritorious cases and our attorneys general should be spending more time prosecuting criminals, not defending frivolous lawsuits brought by them.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1093

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. APPLICATION TO INCARCERATED INDIVIDUALS.

The Religious Freedom Restoration Act of 1993 (42 U.S.C. 2000bb et seq.) is amended—

(1) by moving section 5 to the end of the Act;

(2) by redesignating section 5 as section 8; and

(3) by inserting after section 4 the following new section:

"SEC. 5. APPLICATION TO INCARCERATED INDIVIDUALS.

"Notwithstanding any other provision of this Act, nothing in this Act or any amendment made by this Act shall be construed to affect, interpret, or in any way address that portion of the First Amendment regarding laws prohibiting the free exercise of religion, with respect to any individual who is incarcerated in a Federal, State, or local correctional, detention, or penal facility (including any correctional, detention, or penal facility that is operated by a private entity under a contract with a government).".

ADDITIONAL COSPONSORS

S. 44

At the request of Mr. REID, the name of the Senator from Idaho [Mr. KEMPTHORNE] was added as a cosponsor of S. 44, a bill to amend title 4 of the United States Code to limit State taxation of certain pension income.

S. 304

At the request of Mr. SANTORUM, the name of the Senator from South Carolina [Mr. THURMOND] was added as a cosponsor of S. 304, a bill to amend the Internal Revenue Code of 1986 to repeal the transportation fuels tax applicable to commercial aviation.

S. 864

At the request of Mr. GRASSLEY, the name of the Senator from South Dakota [Mr. DASCHLE] was added as a cosponsor of S. 864, a bill to amend title XVIII of the Social Security Act to provide for increased Medicare reimbursement for nurse practitioners and clinical nurse specialists to increase the delivery of health services in health professional shortage areas, and for other purposes.

S. 1028

At the request of Mrs. KASSEBAUM, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 1028, a bill to provide increased access to health care benefits, to provide increased portability of health care benefits, to provide increased security of health care benefits, to increase the purchasing power of individuals and small employers, and for other purposes.

S. 1052

At the request of Mr. HATCH, the name of the Senator from Hawaii [Mr.

INOUYE] was added as a cosponsor of S. 1052, a bill to amend the Internal Revenue Code of 1986 to make permanent the credit for clinical testing expenses for certain drugs for rare diseases or conditions and to provide for carryovers and carrybacks of unused credits.

SENATE RESOLUTION 146

At the request of Mr. JOHNSTON, the name of the Senator from West Virginia [Mr. ROCKEFELLER] was added as a cosponsor of Senate Resolution 146, a resolution designating the week beginning November 19, 1995, and the week beginning on November 24, 1996, as "National Family Week," and for other purposes.

SENATE CONCURRENT RESOLUTION 22—RELATIVE TO EXPO '98 IN LISBON, PORTUGAL

Mr. PELL submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 22

Whereas there was international concern expressed at the Rio Conference of 1992 about conservation of the seas;

Whereas 1998 has been declared the "International Year of the Ocean" by the United Nations in an effort to alert the world to the need for improving the physical and cultural assets offered by the world's oceans;

Whereas the theme of Expo '98 is "The Oceans, a Heritage for the Future";

Whereas Expo '98 has a fundamental aim of alerting political, economic, and public opinion to the growing importance of the world's oceans;

Whereas Portugal has established a vast network of relationships through ocean exploration;

Whereas Portugal's history is rich with examples of the courage and exploits of Portuguese explorers;

Whereas Portugal and the United States have a relationship based on mutual respect, and a sharing of interests and ideals, particularly the deeply held commitment to democratic values;

Whereas today over 2,000,000 Americans can trace their ancestry to Portugal; and

Whereas the United States and Portugal agreed in the 1995 Agreement on Cooperation and Defense that in 1998 the 2 countries would consider and develop appropriate means of commemorating the upcoming quincentennial anniversary of the historic voyage of discovery by Vasco da Gama: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the United States should fully participate in Expo '98 in Lisbon, Portugal, and encourage the private sector to support this worthwhile undertaking.

Mr. PELL. Mr. President, today I am submitting a resolution expressing the sense of the Congress that the United States should fully participate in Expo '98 in Lisbon, Portugal, and that it should encourage the private sector to support this effort.

Prime Minister Cavaco Silva recently invited the United States and other countries to participate in Expo '98, which will be the last exposition to take place in this century. A number of countries, including Germany, Greece, the United Kingdom, Morocco, India, Pakistan, and Cape Verde, have committed to participating in Expo '98, and several others, including Argentina, the Philippines, Canada, and Poland, have demonstrated their strong interest in participating.

I understand that our own Government is seriously considering accepting the Portuguese Government's invitation. I believe it would be useful for the Senate to weigh in on this issue, and to encourage the administration to participate in this important exposition.

As a longtime friend of Portugal, I am pleased to support United States participation in Expo '98. The theme of the exposition, "The Oceans, A Heritage for the Future," is particularly fitting as we mark the 500th anniversary of Vasco Da Gama's discovery of the sea route to India. Portugal, of course, has a great history of sea exploration, and in fact, helped to create important trade links between the peoples of Europe, the Americas, Africa, and Asia. Lisbon, the capital of Portugal since the 12th century, is a vibrant cultural and economic center, and its location on the Atlantic makes it a fine choice for an expo focused on the sea.

The U.N. General Assembly has declared 1998 as the International Year of the Ocean in an effort to alert the world to the need to improve the physical and cultural assets of the world's oceans. The theme of the expo is therefore, particularly appropriate. A fundamental goal of Expo '98 will be to focus on the growing importance of the world's oceans and to foster a debate on the sustainable use of marine resources and environmental protection. The United States, of course, has a vested interest in being part of this debate.

The organizers of Expo '98 will provide all facilities relating to each national pavilion free of charge. Accordingly, participating countries will have to provide only the contents of its representation, which I expect to be sponsored by the private sector. In fact, the resolution I am submitting encourages the private sector to support Expo '98.

As a fellow Atlantic power, and an ally of Portugal, the United States should have a strong interest in participating in this exposition. I sincerely hope that President Clinton will accept Prime Minister Cavaco Silva's invitation to be part of this important event.

SENATE RESOLUTION 158—TO PROVIDE FOR SENATE GIFT REFORM

Mr. MCCAIN (for himself, Mr. LEVIN, Mr. COHEN, Mr. WELLSTONE, Mr. FEINGOLD, Mr. LAUTENBERG, Mr. KYL, Mr. MCCONNELL, Mr. GRAMS, Mr. ABRAHAM, Mr. WARNER, Mr. HARKIN, Mr. BINGAMAN, and Mr. BAUCUS) submitted the following resolution; which was considered and agreed to:

S. RES. 158

Resolved,

SECTION 1. AMENDMENTS TO SENATE RULES.

Rule XXXV of the Standing Rules of the Senate is amended to read as follows:

"1. (a)(1) No Member, officer, or employee of the Senate shall knowingly accept a gift except as provided in this rule.

"(2) A Member, officer, or employee may accept a gift (other than cash or cash equivalent) which the Member, officer, or employee reasonably and in good faith believes to have a value of less than $50, and a cumulative value from one source during a calendar year of less than $100. No gift with a value below $10 shall count toward the $100 annual limit. No formal recordkeeping is required by this paragraph, but a Member, officer, or employee shall make a good faith effort to comply with this paragraph.

"(b)(1) For the purpose of this rule, the term 'gift' means any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value. The term includes gifts of services, training, transportation, lodging, and meals, whether provided in kind, by purchase of a ticket, payment in advance, or reimbursement after the expense has been incurred.

"(2)(A) A gift to a family member of a Member, officer, or employee, or a gift to any other individual based on that individual's relationship with the Member, officer, or employee, shall be considered a gift to the Member, officer, or employee if it is given with the knowledge and acquiescence of the Member, officer, or employee and the Member, officer, or employee has reason to believe the gift was given because of the official position of the Member, officer, or employee.

"(B) If food or refreshment is provided at the same time and place to both a Member, officer, or employee and the spouse or dependent thereof, only the food or refreshment provided to the Member, officer, or employee shall be treated as a gift for purposes of this rule.

"(c) The restrictions in subparagraph (a) shall not apply to the following:

"(1) Anything for which the Member, officer, or employee pays the market value, or does not use and promptly returns to the donor.

"(2) A contribution, as defined in the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) that is lawfully made under that Act, or attendance at a fundraising event sponsored by a political organization described in section 527(e) of the Internal Revenue Code of 1986.

"(3) A gift from a relative as described in section 107(2) of title I of the Ethics in Government Act of 1978 (Public Law 95-521).

"(4)(A) Anything provided by an individual on the basis of a personal friendship unless the Member, officer, or employee has reason to believe that, under the circumstances, the gift was provided because of the official position of the Member, officer, or employee and not because of the personal friendship.

"(B) In determining whether a gift is provided on the basis of personal friendship, the Member, officer, or employee shall consider the circumstances under which the gift was offered, such as:

"(i) The history of the relationship between the individual giving the gift and the recipient of the gift, including any previous exchange of gifts between such individuals.

"(ii) Whether to the actual knowledge of the Member, officer, or employee the individual who gave the gift personally paid for the gift or sought a tax deduction or business reimbursement for the gift.

"(iii) Whether to the actual knowledge of the Member, officer, or employee the individual who gave the gift also at the same time gave the same or similar gifts to other Members, officers, or employees.

"(5) A contribution or other payment to a legal expense fund established for the benefit of a Member, officer, or employee, that is otherwise lawfully made, subject to the disclosure requirements of the Select Committee on Ethics, except as provided in paragraph 3(c).

"(6) Any gift from another Member, officer, or employee of the Senate or the House of Representatives.

"(7) Food, refreshments, lodging, and other benefits—

"(A) resulting from the outside business or employment activities (or other outside activities that are not connected to the duties of the Member, officer, or employee as an officeholder) of the Member, officer, or employee, or the spouse of the Member, officer, or employee, if such benefits have not been offered or enhanced because of the official position of the Member, officer, or employee and are customarily provided to others in similar circumstances;

"(B) customarily provided by a prospective employer in connection with bona fide employment discussions; or

"(C) provided by a political organization described in section 527(e) of the Internal Revenue Code of 1986 in connection with a fundraising or campaign event sponsored by such an organization.

"(8) Pension and other benefits resulting from continued participation in an employee welfare and benefits plan maintained by a former employer.

"(9) Informational materials that are sent to the office of the Member, officer, or employee in the form of books, articles, periodicals, other written materials, audiotapes, videotapes, or other forms of communication.

"(10) Awards or prizes which are given to competitors in contests or events open to the public, including random drawings.

"(11) Honorary degrees (and associated travel, food, refreshments, and entertainment) and other bona fide, nonmonetary awards presented in recognition of public service (and associated food, refreshments, and entertainment provided in the presentation of such degrees and awards).

"(12) Donations of products from the State that the Member represents that are intended primarily for promotional purposes, such as display or free distribution, and are of minimal value to any individual recipient.

"(13) Training (including food and refreshments furnished to all attendees as an integral part of the training) provided to a Member, officer, or employee, if such training is in the interest of the Senate.

"(14) Bequests, inheritances, and other transfers at death.

"(15) Any item, the receipt of which is authorized by the Foreign Gifts and Decorations Act, the Mutual Educational and Cultural Exchange Act, or any other statute.

"(16) Anything which is paid for by the Federal Government, by a State or local government, or secured by the Government under a Government contract.

"(17) A gift of personal hospitality (as defined in section 109(14) of the Ethics in Government Act) of an individual other than a registered lobbyist or agent of a foreign principal.

"(18) Free attendance at a widely attended event permitted pursuant to subparagraph (d).

"(19) Opportunities and benefits which are—

"(A) available to the public or to a class consisting of all Federal employees, whether or not restricted on the basis of geographic consideration;

"(B) offered to members of a group or class in which membership is unrelated to congressional employment;

"(C) offered to members of an organization, such as an employees' association or congressional credit union, in which membership is related to congressional employment and similar opportunities are available to large segments of the public through organizations of similar size;

"(D) offered to any group or class that is not defined in a manner that specifically discriminates among Government employees on the basis of branch of Government or type of responsibility, or on a basis that favors those of higher rank or rate of pay;

"(E) in the form of loans from banks and other financial institutions on terms generally available to the public; or

"(F) in the form of reduced membership or other fees for participation in organization activities offered to all Government employees by professional organizations if the only restrictions on membership relate to professional qualifications.

"(20) A plaque, trophy, or other item that is substantially commemorative in nature and which is intended solely for presentation.

"(21) Anything for which, in an unusual case, a waiver is granted by the Select Committee on Ethics.

"(22) Food or refreshments of a nominal value offered other than as a part of a meal.

"(23) An item of little intrinsic value such as a greeting card, baseball cap, or a T-shirt.

"(d)(1) A Member, officer, or employee may accept an offer of free attendance at a widely attended convention, conference, symposium, forum, panel discussion, dinner, viewing, reception, or similar event, provided by the sponsor of the event, if—

"(A) the Member, officer, or employee participates in the event as a speaker or a panel participant, by presenting information related to Congress or matters before Congress, or by performing a ceremonial function appropriate to the Member's, officer's, or employee's official position; or

"(B) attendance at the event is appropriate to the performance of the official duties or representative function of the Member, officer, or employee.

"(2) A Member, officer, or employee who attends an event described in clause (1) may accept a sponsor's unsolicited offer of free attendance at the event for an accompanying individual if others in attendance will generally be similarly accompanied or if such attendance is appropriate to assist in the representation of the Senate.

"(3) A Member, officer, or employee, or the spouse or dependent thereof, may accept a sponsor's unsolicited offer of free attendance at a charity event, except that reimbursement for transportation and lodging may not be accepted in connection with an event that does not meet the standards provided in paragraph 2.

"(4) For purposes of this paragraph, the term 'free attendance' may include waiver of all or part of a conference or other fee, the provision of local transportation, or the provision of food, refreshments, entertainment, and instructional materials furnished to all attendees as an integral part of the event. The term does not include entertainment collateral to the event, nor does it include food or refreshments taken other than in a group setting with all or substantially all other attendees.

"(e) No Member, officer, or employee may accept a gift the value of which exceeds $250 on the basis of the personal friendship exception in subparagraph (c)(4) unless the Select Committee on Ethics issues a written determination that such exception applies. No determination under this subparagraph is required for gifts given on the basis of the family relationship exception.

"(f) When it is not practicable to return a tangible item because it is perishable, the item may, at the discretion of the recipient, be given to an appropriate charity or destroyed.

"2. (a)(1) A reimbursement (including payment in kind) to a Member, officer, or employee from an individual other than a registered lobbyist or agent of a foreign principal for necessary transportation, lodging and related expenses for travel to a meeting, speaking engagement, factfinding trip or similar event in connection with the duties of the Member, officer, or employee as an officeholder shall be deemed to be a reimbursement to the Senate and not a gift prohibited by this rule, if the Member, officer, or employee—

"(A) in the case of an employee, receives advance authorization, from the Member or officer under whose direct supervision the employee works, to accept reimbursement, and

"(B) discloses the expenses reimbursed or to be reimbursed and the authorization to the Secretary of the Senate within 30 days after the travel is completed.

"(2) For purposes of clause (1), events, the activities of which are substantially recreational in nature, shall not be considered to be in connection with the duties of a Member, officer, or employee as an officeholder.

"(b) Each advance authorization to accept reimbursement shall be signed by the Member or officer under whose direct supervision the employee works and shall include—

"(1) the name of the employee;

"(2) the name of the person who will make the reimbursement;

"(3) the time, place, and purpose of the travel; and

"(4) a determination that the travel is in connection with the duties of the employee as an officeholder and would not create the appearance that the employee is using public office for private gain.

"(c) Each disclosure made under subparagraph (a)(1) of expenses reimbursed or to be reimbursed shall be signed by the Member or officer (in the case of travel by that Member or officer) or by the Member or officer under whose direct supervision the employee works (in the case of travel by an employee) and shall include—

"(1) a good faith estimate of total transportation expenses reimbursed or to be reimbursed;

"(2) a good faith estimate of total lodging expenses reimbursed or to be reimbursed;

"(3) a good faith estimate of total meal expenses reimbursed or to be reimbursed;

"(4) a good faith estimate of the total of other expenses reimbursed or to be reimbursed;

"(5) a determination that all such expenses are necessary transportation, lodging, and related expenses as defined in this paragraph; and

"(6) in the case of a reimbursement to a Member or officer, a determination that the travel was in connection with the duties of the Member or officer as an officeholder and would not create the appearance that the Member or officer is using public office for private gain.

"(d) For the purposes of this paragraph, the term 'necessary transportation, lodging, and related expenses'—

"(1) includes reasonable expenses that are necessary for travel for a period not exceeding 3 days exclusive of travel time within the United States or 7 days exclusive of travel time outside of the United States unless approved in advance by the Select Committee on Ethics;

"(2) is limited to reasonable expenditures for transportation, lodging, conference fees and materials, and food and refreshments, including reimbursement for necessary transportation, whether or not such transportation occurs within the periods described in clause (1);

"(3) does not include expenditures for recreational activities, nor does it include entertainment other than that provided to all attendees as an integral part of the event, except for activities or entertainment otherwise permissible under this rule; and

"(4) may include travel expenses incurred on behalf of either the spouse or a child of the Member, officer, or employee, subject to a determination signed by the Member or officer (or in the case of an employee, the Member or officer under whose direct supervision the employee works) that the attendance of the spouse or child is appropriate to assist in the representation of the Senate.

"(e) The Secretary of the Senate shall make available to the public all advance authorizations and disclosures of reimbursement filed pursuant to subparagraph (a) as soon as possible after they are received.

"3. A gift prohibited by paragraph 1(a) includes the following:

"(a) Anything provided by a registered lobbyist or an agent of a foreign principal to an entity that is maintained or controlled by a Member, officer, or employee.

"(b) A charitable contribution (as defined in section 170(c) of the Internal Revenue Code of 1986) made by a registered lobbyist or an agent of a foreign principal on the basis of a designation, recommendation, or other specification of a Member, officer, or employee (not including a mass mailing or other solicitation directed to a broad category of persons or entities), other than a charitable contribution permitted by paragraph 4.

"(c) A contribution or other payment by a registered lobbyist or an agent of a foreign principal to a legal expense fund established for the benefit of a Member, officer, or employee.

"(d) A financial contribution or expenditure made by a registered lobbyist or an agent of a foreign principal relating to a conference, retreat, or similar event, sponsored by or affiliated with an official congressional organization, for or on behalf of Members, officers, or employees.

"4. (a) A charitable contribution (as defined in section 170(c) of the Internal Revenue Code of 1986) made by a registered lobbyist or an agent of a foreign principal in lieu of an honorarium to a Member, officer, or employee shall not be considered a gift under this rule if it is reported as provided in subparagraph (b).

"(b) A Member, officer, or employee who designates or recommends a contribution to a charitable organization in lieu of honoraria described in subparagraph (a) shall report within 30 days after such designation or recommendation to the Secretary of the Senate—

"(1) the name and address of the registered lobbyist who is making the contribution in lieu of honoraria;

"(2) the date and amount of the contribution; and

"(3) the name and address of the charitable organization designated or recommended by the Member.

The Secretary of the Senate shall make public information received pursuant to this subparagraph as soon as possible after it is received.

"5. For purposes of this rule—

"(a) the term 'registered lobbyist' means a lobbyist registered under the Federal Regulation of Lobbying Act or any successor statute; and

"(b) the term 'agent of a foreign principal' means an agent of a foreign principal registered under the Foreign Agents Registration Act.

"6. All the provisions of this rule shall be interpreted and enforced solely by the Select Committee on Ethics. The Select Committee on Ethics is authorized to issue guidance on any matter contained in this rule.".

SEC. 2. ADDITIONAL DISCLOSURE IN THE SENATE OF THE VALUE OF CERTAIN ASSETS UNDER THE ETHICS IN GOVERNMENT ACT OF 1978.

(a) CATEGORIES OF INCOME.—Rule XXXIV of the Standing Rules of the Senate is amended by adding at the end the following new paragraph:

"3. In addition to the requirements of paragraph 1, Members, officers, and employees of the Senate shall include in each report filed under paragraph 2 the following additional information:

"(a) For purposes of section 102(a)(1)(B) of the Ethics in Government Act of 1978 additional categories of income as follows:

"(1) greater than $1,000,000 but not more than $5,000,000, or

"(2) greater than $5,000,000.

"(b) For purposes of section 102(d)(1) of the Ethics in Government Act of 1978 additional categories of income as follows:

"(1) greater than $1,000,000 but not more than $5,000,000;

"(2) greater than $5,000,000 but not more than $25,000,000;

"(3) greater than $25,000,000 but not more than $50,000,000; and

"(4) greater than $50,000,000.

"(c) For purposes of this paragraph and section 102 of the Ethics in Government Act of 1978, additional categories with amounts or values greater than $1,000,000 set forth in section 102(a)(1)(B) and 102(d)(1) shall apply to the income, assets, or liabilities of spouses and dependent children only if the income, assets, or liabilities are held jointly with the reporting individual. All other income, assets, or liabilities of the spouse or dependent children required to be reported under section 102 and this paragraph in an amount or value greater than $1,000,000 shall be categorized only as an amount or value greater than $1,000,000.".

(b) BLIND TRUST ASSETS.—

(1) IN GENERAL.—Rule XXXIV of the Standing Rules of the Senate is further amended by adding at the end the following new paragraph:

"4. In addition to the requirements of paragraph 1, Members, officers, and employees of the Senate shall include in each report filed under paragraph 2 an additional statement under section 102(a) of the Ethics in Government Act of 1978 listing the category of the total cash value of any interest of the reporting individual in a qualified blind trust as provided in section 102(d)(1) of the Ethics in Government Act of 1978, unless the trust instrument was executed prior to July 24, 1995 and precludes the beneficiary from receiving information on the total cash value of any interest in the qualified blind trust.".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply with respect to reports filed under title I of the Ethics in Government Act of 1978 for calendar year 1996 and thereafter.

SEC. 3. GIFTS IN THE JUDICIAL BRANCH.

It is the sense of the Senate that the Judicial Conference of the United States should review and reevaluate its regulations pertaining to the acceptance of gifts and the acceptance of travel and travel-related expenses and that such regulations should cover all judicial branch employees, including members and employees of the Supreme Court of the United States.

SEC. 4. ACCEPTANCE OF GIFTS BY THE COMMITTEE ON RULES AND ADMINISTRATION.

The Senate Committee on Rules and Administration, on behalf of the Senate, may accept a gift if the gift does not involve any duty, burden, or condition, or is not made dependent upon some future performance by the United States Senate. The Committee on Rules and Administration is authorized to promulgate regulations to carry out this section.

SEC. 5. EFFECTIVE DATE.

This resolution and the amendment made by this resolution shall take effect on and be effective for calendar years beginning on January 1, 1996.

AMENDMENTS SUBMITTED

THE CONGRESSIONAL GIFT REFORM ACT OF 1995

BYRD AMENDMENT NO. 1878

Mr. BYRD proposed an amendment to amendment No. 1872 proposed by Mr. MCCAIN to the bill (S. 1061) to provide for congressional gift reform; as follows:

At the appropriate place in the amendment, insert the following:

SEC. . GIFTS IN THE JUDICIAL BRANCH.

It is the sense of the Senate that the Judicial Conference of the United States should review and reevaluate its regulations pertaining to the acceptance of gifts and the acceptance of travel and travel-related expenses and that such regulations should cover all judicial branch employees, including members and employees of the Supreme Court of the United States.

STEVENS AMENDMENT NO. 1879

Mr. MCCAIN (for Mr. STEVENS) proposed an amendment to amendment No. 1872 proposed by Mr. MCCAIN to the bill S. 1061, supra; as follows:

At the end of the substitute amendment, add the following:

SEC. 3. ACCEPTANCE OF GIFTS BY THE COMMITTEE ON RULES AND ADMINISTRATION.

The Senate Committee on Rules and Administration on behalf of the Senate, may accept a gift if the gift does not involve any duty, burden, or condition, or is not made dependent upon some future performance by the United States. The Committee on Rules and Administration is authorized to promulgate regulations to carry out this section.

WELLSTONE (AND OTHERS) AMENDMENT NO. 1880

Mr. WELLSTONE (for himself, Mr. Feingold, Mr. Lautenberg, Mr. McCain, Mr. Levin, Mr. Kempthorne, and Mr. Craig) proposed an amendment to amendment No. 1872 proposed by Mr. McCain to the bill S. 1061, supra; as follows:

Strike paragraph 1(a) and insert in lieu thereof the following:

"1. (a)(1) No Member, officer, or employee of the Senate shall knowingly accept a gift except as provided in this rule.

"(2) A Member, officer, or employee may accept a gift (other than cash or cash equivalent) which the Member, officer or employee reasonably and in good faith believes to have a value of less than $50, and a cumulative value from one source during a calendar year of less than $100. No gift with a value below $10 shall count towards the $100 annual limit. No formal recordkeeping is required by this paragraph, but a Member, officer, or employee shall make a good faith effort to comply with this paragraph."

NOTICES OF HEARINGS

SUBCOMMITTEE ON POST OFFICE AND CIVIL SERVICE

Mr. ROTH. Mr. President, I would like to announce that the Subcommittee on Post Office and Civil Service, of the Committee on Governmental Affairs, will hold a hearing on August 2, 1995. The Postmaster General of the United States will present the annual report of the Postal Service.

The hearing is scheduled for 9:30 a.m. in room 342 of the Dirksen Senate Office Building. For further information, please contact Pat Raymond, staff director, at 224–2254.

SPECIAL COMMITTEE ON AGING

Mr. COHEN. Mr. President, I wish to announce that the Special Committee on Aging will hold a hearing on Thursday, August 3, 1995, at 9:30 a.m., in room 628 of the Dirksen Senate Office Building. The hearing is entitled "Federal Oversight of Medicare HMO's: Assuring Beneficiary Protection."

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and public that a hearing has been scheduled before the full Committee on Energy and Natural Resources to consider S. 1054, to provide for the protection of southeast Alaska jobs and communities, and for other purposes.

The hearing will take place on Wednesday, August 9, 1995, at 9:30 a.m., in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

Those wishing to testify or who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510. For further information, please contact Mark Rey of the committee staff at (202) 224–2878.

AUTHORITY FOR COMMITEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. DOLE. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Friday, July 28, 1995, to conduct a hearing on the condition of the savings association insurance fund.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. DOLE. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Friday, July 28, 1995, to conduct a nomination hearing. (Nominees will include: Herbert F. Collins, of Massachusetts, to be a Member of the Thrift Depositor Protection Oversight Board; and Maria Luisa Mabilangan Haley, of Arkansas, to be a Member of the Board of Directors of the Export-Import Bank.)

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. DOLE. Mr. President, I ask unanimous consent that the Committee on Finance be permitted to meet on Friday, July 28, 1995, beginning at 9:30 a.m. in room SD–215, to conduct a hearing on the debt limit.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. DOLE. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for a hearing on health insurance and domestic violence, during the session of the Senate on Friday, July 28, 1995, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

THE NATIONAL CONFERENCE OF STATE LEGISLATURES

• Mr. SHELBY. Mr. President, I rise today to bring to the Senate's attention a resolution adopted by the National Conference of State Legislatures in opposition to the preemption of State tort law. The conference stated that "no comprehensive evidence exists demonstrating either that State product liability laws have created a problem of such dimension that a Federal solution is warranted or that Federal legislation would achieve its stated goals." Mr. President, the conference went on to state that they "strongly oppose[s] all legislation before Congress that would have the effect of preempting State laws regulating recovery for injuries caused by defective products."

I believe that the Senate would be wise to listen to the position of the Conference of State Legislatures, made up of legislators from all 50 States. The Senate should not federalize our Nation's tort system and destroy over 200 years of State law. I urge my colleagues to heed the advice of our Nation's State legislators. I ask that a resolution adopted by the National Conference of State Legislatures be printed in the Record.

The resolution follows:

National Conference of State Legislatures Resolution Adopted July 20, 1995

NCSL has reviewed proposed federal legislation that would preempt state law by severely restricting the rights of persons injured by defective products to seek recovery in state courts. Such legislation fails to meet the standards necessary for federal preemption.

In particular, no comprehensive evidence exists demonstrating either that state product liability laws have created a problem of such dimension that a federal solution is warranted or that federal legislation would achieve its stated goals. NCSL believes that the proposed legislation would create serious new problems in the field of product liability by dictating a single set of rules controlling the timeliness of claims and the admissibility of evidence. It would conflict with longstanding state laws governing tort liability, workers' compensation and insurance regulations. By doing so, such proposals would place state legislatures and state courts in an intolerable legal straightjacket.

Therefore, in conformance with our general policy in opposition to federal preemption of state law and in the conviction that it is particularly improper for the federal government to attempt to restrict citizen access to state courts, the National Conference of State Legislatures strongly opposes all legislation before Congress that would have the effect of preempting state laws regulating recovery for injuries caused by defective products.•

TRIBUTE TO THE BICENTENNIAL OF THE U.S. NAVY SUPPLY CORPS

• Mr. NUNN. Mr. President, I would like to commend the outstanding service of the U.S. Navy Supply Corps, which is celebrating its bicentennial this month. The Supply Corps is charged with the responsibility of providing logistical support to all U.S. Navy ships. The Navy Supply Corps was created by Congress in the Naval Armament Act of 1794 and officially began its service to our Nation in 1795.

The Supply Corps has seen many dramatic changes since the early days of its founding. During the late 1790's, each of our Navy ships was assigned a single warrant officer with the enormous responsibility of purchasing and providing all of the necessary equipment and provisions to maintain the ship's daily operations. A modern aircraft carrier serving with the U.S. Navy today may have as many as 15 supply officers aboard. The board variety of duties currently performed by supply officers require them to have detailed knowledge of accounting procedures, food service, foreign currency exchanges, and management of pay records. The Navy Supply Corps School currently trains about 3,800 students per year to become specialists in business, inventory management, financial data processing, transportation, storage procedures, petroleum handling, and purchasing.

I am pleased to note that the Navy Supply Corps School has been located in Athens, GA, since January 15, 1954. Every supply officer serving with the U.S. Navy has been trained at the Supply Corps School in Athens. In addition the school is home to the foreign officer supply course [FOSCO]. Since the course began its operations in 1955, it has graduated more than 1,200 international students/officers from over 50 different countries. The foreign officer supply course serves the extremely important function of increasing the number of military contacts between the United States and other friendly governments. Such contacts enhance the level of understanding between nations and make significant contributions to the cause of peace. Recently, the Navy Supply Corps School received the prestigious "E" Award, which recognizes excellence in the field of training, from the Chief of Naval Education and Training.

The outstanding relationship between the Navy Supply Corps School and the local Athens community should serve as a model for other military installations and host communities to follow. Many of the students and staff at the Navy Supply Corps School actively participate as tutors and mentors for local at-risk students in Athens area schools. While the students benefit from the interaction with much-needed positive role models, the participating service members receive a boost in morale that comes from the realization that they are making a recognizable improvement in the lives of their fellow citizens.

Mr. President, I ask my colleagues to join me in congratulating the U.S. Navy Supply Corps for its 200 years of excellent service. We wish it continued success in the future.•

PREEMPTION OF STATE PRODUCT LIABILITY LAWS

• Mr. COHEN. Mr. President, I have opposed Federal product liability reform legislation primarily because I believe it is a mistake to replace laws that have been carefully crafted by the State courts and legislature over the past two centuries with a one-size-fits-all piece of legislation developed in Washington, DC. Through the time-tested methods of common law adjudication and legislative adjustment, the State courts and legislatures have worked together to develop tort laws that strike the appropriate balance between the needs of plaintiffs and defendants, and those of consumers and business. Over the past decade, the States have been reforming their own tort systems by experimenting with alternative dispute resolution procedures, caps on punitive damages, and changes in liability standards. In fact, the most recent edition of the American Bar Association Journal reports that State legislatures have taken up more than 70 new tort law bills in their current sessions and that new product liability laws have been enacted in Illinois, Michigan, and North Dakota this year.

This is the way the Federal system is supposed to work. When a problem arises, the States should be the forum for experimenting with new practices and devising new solutions. A Federal law, such as the one passed by the Senate, would bring this experimentation to a grinding halt and make Congress, which has virtually no experience legislating in this area, responsible for the entire Nation's product liability system. It is ironic that this extension of Federal power is coming at a time when we are trying to reduce the size and scope of the Federal Government by shifting authority to the States and localities.

Recently, the National Conference of State Legislatures adopted a resolution opposing Federal product liability legislation. The Conference noted the proposed Federal legislation would conflict with State laws governing tort liability, worker's compensation, and insurance and would place State legislatures and courts in an intolerable legal straightjacket.

I ask that the complete text of the National Conference of State Legislature's resolution be printed in the RECORD.

The resolution follows:

NATIONAL CONFERENCE OF STATE LEGISLATURES RESOLUTION ADOPTED JULY 20, 1995

NCSL has reviewed proposed federal legislation that would preempt state law by severely restricting the rights of persons injured by defective products to seek recovery in state courts. Such legislation fails to meet the standards necessary for federal preemption.

In particular, no comprehensive evidence exists demonstrating either that state product liability laws have created a problem of such dimension that a federal solution is warranted or that federal legislation would achieve its stated goals. NCSL believes that the proposed legislation would create serious new problems in the field of product liability by dictating a single set of rules controlling the timeliness of claims and the admissibility of evidence. It would conflict with long-standing state laws governing tort liability, workers' compensation and insurance regulations. By doing so, such proposals would place state legislatures and state courts in an intolerable legal straightjacket.

Therefore, in conformance with our general policy in opposition to federal preemption of state law and in the conviction that it is particularly improper for the federal government to attempt to restrict citizen access to state courts, the National Conference of State Legislatures strongly opposes all legislation before Congress that would have the effect of preempting state laws regulating recovery for injuries caused by defective products.•

THE MAJOR LEAGUE BASEBALL ANTITRUST REFORM ACT

• Mr. LEAHY. Mr. President, yesterday the Senate Judiciary Committee began consideration of the Major League Baseball Antitrust Reform Act, S. 627. I look forward to the committee completing its consideration of this measure at our next business meeting and reporting it to the Senate.

This year the major league season did not begin, of course, until a Federal judge granted an injunction and the owners and players, who had shut the game down last August and robbed fans of pennant races and a World Series, finally declared a ceasefire in their ongoing hostilities. They had to scramble to begin a shortened 144-game schedule.

As far as I can tell the owners and the players have not gotten back to the bargaining table. They are no closer to reaching a collective bargaining agreement than they were 3 months ago. A further unfair trade practices complaint remains pending against the owners.

Interest in major league baseball is undeniably down. Attendance figures show it—they are down between 20 and 30 percent. Ratings for the recent All Star Game were down 10 percent from last year. Advertising and merchandising revenues show it, as well. Both NBC and ABC recently indicated that they will not even bid on broadcast rights for baseball in the future.

In spite of the outstanding years that the Boston Red Sox, Cleveland Indians, California Angels, Cincinnati Reds, Colorado Rockies and Atlanta Braves are having and the young, talented players throughout the leagues, the unsettled business affairs that haunt major league baseball and disillusioned many of its fans. Older fans have been turned off and the younger ones have decided to spend their time and attention on other pursuits.

Meanwhile interest and attendance at minor league baseball games continues. If the Vermont Expos are any indication, fans turned off by the excesses of major league baseball have turned to minor league games. Attendance at Centennial Field for Expos' games is up more than 10 percent and merchandise sales are booming. It is friendly, fun, and entertaining. I know that I will enjoy taking in a few games during the

August recess, if there is an August recess.

As the season began, Bud Selig, baseball's acting commissioner was quoted as saying: "We knew there would be some fallout. It's very tough to assess, but there is a residue from the work stoppage, there's no question. There is a lot of anger out there."

At our February 15 hearing on legislation to end baseball's antitrust exemption, I had asked the acting commissioner how fans get their voices heard. I observed even then: "Fans are disgruntled; I mean, they are really ripped. Do they vote with their feet?" Unfortunately, the strike dragged on, fans suffered through the owners' experiment with so-called replacement teams, and the matter remains unsettled and unsettling.

Mr. Selig answered me last February by observing that when the strike ended, there would be an enormous healing process. I said then: "The longer you go, the harder the healing process is going to be." I say now that major league baseball has gone too far and has been above the law too long.

I do not think that those who are the game's current caretakers appreciate the damage that they have done. Slick advertising, discount tickets, and special giveaway nights will not make up the difference. The last year has been disastrous.

Worse, nothing has been resolved. The problems and differences persist. There is no collective bargaining agreement and, so far as the public is aware, no prospect of one any time soon. To borrow from a famous baseball great, "It ain't over, 'til it's over."

Why should people return to major league ballparks or patronize major league teams if the risk remains of having affections toyed with again and having hopes of a championship dashed—not by a better team but by labor-management problems?

I believe the time has come for the Senate to act. The Senate Antitrust Subcommittee reported the bill to the Judiciary Committee on April 5. This consensus bill, S. 627, is sponsored by Senators HATCH, THURMOND, MOYNIHAN, GRAHAM, and myself. It would cut back baseball's judicially created and aberrational antitrust exemption.

Congress may not be able to solve every problem or heal baseball's self-inflicted wounds, but we can do this: We can pass legislation that will declare that professional baseball can no longer operate above the law. The antitrust laws apply to all other professional sports and commercial activity should apply to professional baseball, as well.

Along with the other members of the Judiciary Committee, I recently received a report of the section on antitrust law of the American Bar Association that examines S. 627. The antitrust section of the ABA reasons that professional baseball's antitrust exemption is not tailored to achieve well-defined and justified public goals.

The antitrust section, therefore, "supports legislative repeal of the exemption of professional major league baseball from the federal antitrust laws." Moreover, the report notes that putting professional baseball on equal footing with other professional sports and business and having the antitrust laws apply "cannot fairly be criticized as 'taking sides'" in baseball's current labor-management battle.

I look forward to working with our Judiciary Committee chairmen to have our bill, S. 627, considered favorably by the Judiciary Committee at our earliest opportunity and then promptly by the Senate. It is time that the Senate act and end this destructive aberration in our law.•

MEDICARE'S 30TH ANNIVERSARY

• Mr. DODD. Mr. President, I rise both to salute the 30th anniversary of Medicare and to call on the Republicans to release their secret plan to overhaul the system.

Medicare has been an American success story. It has provided health and financial security to millions of American seniors for three decades now. Along with Social Security, Medicare has transformed the retirement years from a time of fear to a time of confidence. Searing anxiety that the next illness would bankrupt you and your children has been replaced by the sure knowledge that a solemn contract will assure you of the care you need.

But now, at a time when we should be celebrating Medicare and discussing how to make it stronger, we are instead discussing draconian cuts and a secret plan to turn the system on its head.

During the last week, word has leaked out in the New York Times and the Washington Post about the Medicare cuts being cobbled together in a back room somewhere over on the House side. According to both reports, the House Republicans have a plan that would give seniors a devil's choice: face $1,000 a year in additional premiums, co-payments and deductibles or be forced into a health plan that could very well deprive them of the choice of their own doctor.

TAX CUT

Why are such wrenching changes being contemplated for Medicare? To pay for a tax cut for the wealthiest Americans. The $270 billion in Medicare cuts are roughly equivalent to the Republican budget's proposed $245 billion tax cut—more than half of which would flow to people earning more than $100,000 a year.

The Republican Medicare cuts would not be reinvested back into the system to make it solvent. The majority is not cutting Medicare in order to strengthen it. Hardly one dime of the savings would be put back into the system. Nearly every bit of the savings would go right out the door as tax cuts for the wealthiest Americans.

The Republicans also claim that all they want to do is hold Medicare cost increases to the same rate as private health care inflation. But such claims simply ignore the fact that the number of people on Medicare is increasing rapidly, as is the average age. The fastest growing population segment in the United States is people over 85, and these people need a great deal of medical care.

The budget for Medicare must increase simply to keep up with these demographic trends. If it does not, benefits will decline and costs for recipients will increase.

SECRET PLAN

According to press reports, that is exactly what the Republicans are planning: increased costs and reduced benefits. Unfortunately, we do not know all the details of the plan because it is being drafted in secret. I joined with a number of my colleagues on the Budget and Finance Committees yesterday in sending a letter to our distinguished Majority Leader asking him to release details of the Republican Medicare plan before the August recess.

I am sympathetic to the occasional need for confidentiality in drafting legislation. I believe, however, that the Republicans have had ample time to come forward with a proposal. It has been nearly 9 months since the Republicans took the majority in Congress and nearly 7 months since they actually took power.

But now we are told they will not unveil their plan for Medicare until September—nearly a full year after they were elected. By that time, there will be little time for hearings, committee consideration or public discussion of these sweeping proposals. The Medicare reforms will likely be folded into the reconciliation bill, which will be considered under special rules limiting debate. We will be under the gun to pass the bill by October 1 in order to keep the Government running.

That is no way to consider the most radical overhaul of Medicare in 30 years. The Republicans must come forward with their plan now so that seniors and their families will have time to digest the proposals and understand what they would mean to them personally and financially. We must have adequate time to weigh this legislation—a few hectic days in late September is not good enough.

HIGHER COSTS

As I said, we do not know the exact nature of the Republicans' Medicare cuts because they have not been released. What we do know from reports in the press, however, is quite discouraging.

The Medicare budget would not keep up with medical inflation or the influx of new recipients, and as a result it would cover less and cost more for recipients with each passing year.

The Republicans apparently contemplate transforming Medicare into a "voucher" system. Under this plan, seniors would face mounting financial pressures every year to move out of their fee-per-service system and into a managed care plan in which they would not be able to choose their own doctor.

I am a supporter of managed care, and I believe it is a valuable tool for controlling costs and improving quality in our health care system. I believe that seniors should be able to choose to join a managed care plan if they want to, and in fact, more than 70 percent of Medicare enrollees already have that option today. But it must be a choice freely made, not one coerced by financial pressures.

But it is exactly that kind of financial coercion that the House Republican plan would create. Seniors choosing to remain in the fee-per-service part of Medicare would face more than $1,000 a year or more in added premiums, co-payments and deductibles. Even those beneficiaries who go into managed care will have their current benefits threatened as the proposed cuts squeeze harder and harder and the real value of the voucher declines.

When we hear numbers like these, we must remember who we are talking about here. The median income for Medicare recipients is $17,000 a year. Seventy-five percent of all seniors make $25,000 a year or less.

These are the people who would be pounded by a barrage of new expenses if they choose to stay in fee-per-service: higher copayments, higher premiums, higher deductibles.

One Republican proposal would raise the amount seniors pay out-of-pocket for their care from 20 to 25 percent.

The AARP estimates that another of the proposals would increase out-of-pocket deductibles—currently at $100—to $270 a year by the year 2002.

The average beneficiary receiving home health care services would pay $1,020 more in 2002 than they do now.

Another provision of the Republican plan spells out exactly how the Republicans would attempt to stay within their extremely tight budget projections for Medicare. According to an internal memo leaked to the New York Times, "If program spending exceeds growth rates set in law, then outlay reductions will be triggered."

Under the Republican plan, what if Medicare starts to run out of money at the end of the fiscal year? Will seniors needing medical care in September be told to come back after October 1st? If spending is projected to exceed budgeted amounts, will Medicare announce part way through the year that it will no longer cover mamograms or that recipient copays for doctor visits will double?

The Republican plan would also reportedly include some means-testing to have more affluent seniors pay more for their coverage. I agree that some means-testing of Medicare benefits will probably be necessary in the long run.

We should not kid ourselves, however, about how much savings could be achieved through means-testing. Eighty-three percent of all Medicare spending is for older Americans earning less than $25,000 a year. There simply is not that much Medicare spending on wealthy seniors from which we could extract major savings.

CONCLUSION

The American people deserve to know about these changes. Seniors deserve to know. Their children, who could find themselves saddled with more and more of their parents' medical bills, deserve to know.

Everyone deserves to know about these changes for the simple reason that the American people care about Medicare, and they care deeply. A recent poll commissioned by the American Association of Retired Persons, shows that 89 percent of Americans support this program. Ninety-two percent see it as the only way older Americans could possibly have adequate health care. And 9 in 10 older Americans said they do not want to be a burden on their families.

In pushing for passage of Medicare 30 years ago, President Johnson said, "the specter of catastrophic hospital bills can [now] be lifted from the lives of our older citizens." I hope we will do nothing in this Congress to let that specter again stalk older Americans. I urge the majority to release its Medicare plan to the public immediately.•

IF YOU PICK THE FLOWERS YOU COULD EXPLODE

• Mr. LEAHY. Mr. President, I have often spoken about the horrifying effects of antipersonnel landmines. There are 100 million of these hidden killers in over 60 countries.

Here in the relative security of the United States, we can only guess what it is like to live in places like Cambodia, Bosnia, or Angola, in constant fear of losing an arm or a leg or your life, or your child's life, from a landmine. That is a daily, terrifying reality for millions and millions of people around the world.

A recent article by David Remnick in the New Yorker magazine entitled "A Letter From Chechnya—In Stalin's Wake," illustrates what I am talking about. The Russians have dropped thousands and thousands of landmines from helicopters over Chechnya. I want to read the opening paragraphs of that article:

> "If you pick the flowers, you could explode," Mayerbek said.
>
> "What?"
>
> "If you go off the road and into the field, there are mines. Russian birthday presents. Step on one, you might explode."
>
> Twenty miles by mountain road from Grozny, the Chechen capital, it had seemed safe enough to get out of the Zhiguli, a banged-up tuna can of a car, and take a short walk. Apparently not. I backed out of the field of lilies and high grass, one soft step at a time.
>
> "Better," Mayerbek said. "Much better. Now maybe let's get back in the car and get going."

Mr. President, if you pick the flowers, you could explode. A horrifying thought. But not really a thought at all. It is happening every 22 minutes of every day of every year. The overwhelming majority of the victims of these indiscriminate, inhumane weapons are innocent civilians.

My legislation, the Landmine Use Moratorium Act, which I plan to offer as an amendment in the coming weeks, aims to exert U.S. leadership to begin to put an end to this scourge. It would impose a 1-year moratorium on the use of most antipersonnel landmines. It has 45 cosponsors.•

THE 30TH ANNIVERSARY OF THE MEDICARE PROGRAM

• Mrs. MURRAY. Mr. President, this Sunday, July 30 marks the 30th anniversary of the establishment of the Medicare Program. As this 30th anniversary approaches, it is important for us to reflect on the reasons this program was enacted, and its successes.

President Truman offered several proposals to Congress, and President Kennedy made health care for seniors an issue in his 1960 campaign. Over and over again, Democrats attempted to pass Medicare legislation. Over and over again, Republicans voted overwhelmingly to defeat it. In 1965, despite a record-setting barrage of advertisements by the American Medical Association and many doctors' threats to boycott elderly patients, President Johnson signed the Medicare bill into law on July 30, 1965. Even then, a majority of Republicans voted against it.

The Medicare Program is an important contract the U.S. Government has made with senior citizens. It is a lifeline for our Nation's elderly. It seems as though times have not changed—Republicans are still fighting against the Medicare Program. The same arguments are being used. And, Democrats are still fighting for seniors, and fighting to strengthen the program.

During this year's budget debate, Democrats tried to put money back into the Medicare Program by eliminating the tax breaks in the budget. We were defeated, time and time again.

I have heard rumors of a Republican plan to save Medicare. I have not seen an official copy of this plan, and this is worrisome. The Senate will be expected to act on the budget reconciliation plan by September 22, which is less than 18 legislative days away. How can we possibly ask our constituents to accept a plan that we have not even debated yet? From the little I have heard, this secret plan relies heavily on a voucher system, which will encourage seniors to buy the least costly health plan. This means losing their family doctor in many instances. If a senior chooses to stay in their current health plan, they will pay more—as high as $1,000 more in premiums, copayments and deductibles.

Seniors simply cannot afford these additional expenses. The average senior citizen makes only $25,000 a year. How can we expect them to pay more, while we give out tax breaks to the wealthiest of Americans.

I realize the Medicare system of yesterday does not meet the needs of the Medicare population today. It needs improvement. It needs reform. But simply forcing seniors into HMO's and cutting benefits to seniors is not the answer.

Seniors will pay more for less. Our aging population is growing, and growing faster than the money put into the Medicare system in the Republican budget. I worry about the families that have elderly parents, like I do. This so-called sandwich generation takes care of their own children and their elderly parents at the same time. They will feel the pain as their parents are unable to pay for their health care. The middle class will feel the squeeze.

My question is this: What will this secret plan the Republicans are proposing do to the seniors of this country? Why will they not make the details public?

As we near the 30th anniversary of Medicare, let us fix what is broken in the system. Let us get rid of the waste, fraud, and abuse in the system. And let us be honest and sincere with the American people. They understand sacrifice. What they do not understand is secret tactics, and bearing an undue portion of that sacrifice. We need to give some hope back to middle-income, working families in this Nation. Let us strengthen the program our predecessors rightly worked so hard for.•

MEDICARE'S 30TH ANNIVERSARY

• Ms. MIKULSKI. Mr. President, today, we celebrate the 30th anniversary of the passage of Medicare by the Congress. Thirty years ago, Members of this body took a courageous step and guaranteed health insurance coverage to seniors and the disabled—regardless of a person's income, regardless of a person's illness.

The struggle was not an easy one. In fact, it took 30 years of struggle by Democrats to pass Medicare. Through the unwavering leadership from Presidents Roosevelt, Truman, Kennedy, and Johnson, Medicare was finally signed into law.

What does Medicare mean to the seniors of Maryland and this country? Let me tell you.

Earlier this week, I visited senior centers in Maryland. I talked about the 30th anniversary of Medicare. And I listened to the seniors—who told me what it means to them to have Medicare coverage and of their concerns about the proposed cuts to Medicare.

Mr. President, who is going to speak for the senior couple in Catonsville, MD, who do not know if they will be able to afford higher Medicare premiums, particularly given all the out-of-pocket expenses like for prescription drugs that Medicare doesn't even cover?

Who is going to speak for the widow I met at the Liberty Road Senior Center in Baltimore County that needs cataract surgery that can save her eyesight and doesn't know if Medicare will be there to pay for it?

And, Mr. President, who is going to speak for the sons and daughters of these seniors who after these cuts may be forced to balance the financial demands of helping their parents pay deductibles and copayments for necessary lab and screenings and the financial needs of their own children?

Mr. President, I am going to speak out—and speak out loudly and forcibly—for these seniors, their families, and their health care.

Medicare is a unique American success story. Let us not turn back the clock on this success. We should not be talking about downsizing and degrading Medicare.

On this 30th anniversary, we should be talking about innovations and improvements. I, personally, would like to see a prescription drug benefit and coverage for prostate cancer screenings, and we desperately need a long-term care policy.

Instead we are facing cuts that mean seniors will pay significantly more for the privilege of keeping their own doctor or going to the hospital of their choice. That is no choice at all. That is not the American way and that is not what Medicare is about.

Medicare is a commitment to America's seniors. Medicare says that in America, if you are over 65 or disabled, no matter what your income, we will stand by your side and you will get the health care you need. I intend to fight to keep this commitment. I intend to keep the "care" in Medicare.

This year, we are not only celebrating the 30th anniversary of Medicare, but we are also celebrating the 50th anniversary of the end of World War II. Fifty years ago, the Medicare generation organized, mobilized, and saved Western civilization. Now is the time once again, for all of us to organize, mobilize, and save health care for our seniors. Just as in the days of World War II, the GI Joe generation—the current Medicare generation—hunkered down and was committed to the cause. So must we.

I am here on the floor today to tell you that I am committed to the mission and meaning of Medicare. I am ready to fight the good fight. And I am prepared to do whatever is necessary to preserve and protect the health care benefits of seniors in Maryland and throughout this Nation.•

REMARKS OF THE HONORABLE JOHN DALTON, SECRETARY OF THE NAVY

• Mr. DODD, Mr. President, I want to take a moment to draw the attention of my colleagues to some very eloquent and pertinent words recently delivered by the Secretary of the Navy John Dalton in my home State of Connecticut.

The text I am about to insert in the CONGRESSIONAL RECORD is the speech delivered by Secretary Dalton at the christening of the first *Seawolf* submarine on June 24, 1995, in Groton, CT. I believe it speaks volumes about our country and our future.

Therefore, I now ask that the text be printed in the RECORD and I commend it to my colleagues.

The text follows:

FOR OUR CHILDREN'S FREEDOM

Thank you admiral Boorda for those very gracious and warm comments. And thank you even more for everything you said about Margaret. Let me say that I agree with every word.

One of my great privileges as Secretary of the Navy is to name ships and appoint sponsors of those ships. It is a responsibility I take very seriously. I chose a very special lady to be the sponsor of this most special ship.

Let me give you an example of what kind of sponsor Margaret will be. She knew that today would be a day filled with such activity that she wouldn't be able to meet every member of the crew, and she wanted to know every member of the *Seawolf* crew.

So last week she got up in the middle of the night and caught the 4:30AM train to Groton and spent the day and evening with the Sailors of this ship. She will be your sponsor and champion for the life of this ship over the next thirty-five years.

It is said that a ship is imbued with the spirit of its sponsor and that indeed is a blessing for *Seawolf*. Through the course of its life this ship will have many fine commanding officers, and many outstanding Sailors in its crew. But throughout the life of this ship their will be but one sponsor. *Seawolf* and the United States Navy are very fortunate to have Margaret.

This is indeed a historic day, and I want to thank everyone who is here, I am told there is some twelve to thirteen thousand strong in number. I would like to make each and everyone of you an honorary *Seawolf* sailor.

I am also very proud to have some people who are special to me here today. It is rare that I have the opportunity to have close members of my family around, but my sons John Jr. and Chris are here today. I would like for them to please stand. My brother and my sister, Margaret's brother and her parents. We have lots of family and friends from Louisiana, Texas, Arkansas and Virginia. I would like for all of you to stand and be recognized.

Obviously, Margaret and I are very proud to be here. . . . But not simply because of the honor of participating in the christening of this submarine—the finest submarine in the world. . . . Not simply to applaud the men and women of the shipbuilding trades here at Electric Boat and the many contractors who contribute to the building of this ship. . . . Not just to honor the brave officers and sailors who will serve through the life of this vessel. But to also take an opportunity to recognize why we are building this submarine and why we need to build more.

A number of years ago, a public official—entrusted with the best interests of the citizens of his nation—reflected his personal judgment and the common wisdom with the following words:

"There is no excuse for [building] submarines . . . So far as naval armament is concerned, it will not be long until [we] recognize that the torpedo is obsolescent; the submarine out of date; and the seaplane of so limited utility that expenditure [should] not be enlarged by any useless absurdities as aircraft carriers . . ."

Historians record that quite a few people applauded that particular speech. In fact, it was published in the most prestigious journal of the day. And why shouldn't those words have been applauded and accepted? Most nations of the world were at peace. An "evil empire" had been previously defeated. There was no apparent threat. Government was moving to reduce its budget. There were more important social and economic challenges. Freedom was a given.

Ten years later, a crisis threatened that nation and the entire world. . . . A crisis of such magnitude that many apparently wise men chose to sacrifice their very principles to avoid war, a war they were unprepared to fight.

Well, war came anyway—perhaps even sooner because of their lack of readiness . . . their lack of such "absurdities" as enough capable submarines or aircraft carriers. The war broke with a fury that destroyed their budget plans, their economic strength, their position of world leadership, and the very lives of a great many of the citizens of that democratic nation—whose freedom was ultimately saved through the intervention of its Allies.

When that war ended, fifty years ago this year . . . the men and women of that nation—and many nations—would somberly ask themselves: "why were we so unprepared?"

I am talking, of course, about World War Two . . . the war our parents or grandparents had to fight. The public official who made those unfortunate remarks belonged to one of our Allies. But there were many in the United States who had echoed the same sentiments for the same reasons. The irony is that the submarine and the aircraft carrier—absurd and expensive in the perspective of their critics—were the two weapons that proved most effective in winning the naval war.

Today, we face a situation not too much unlike the past. A few years ago we won a war—a Cold War to be sure—but one that nevertheless required a great deal of military expenditure. We are now in the process of reducing our budget deficit and tackling many challenges—economic and social—that are very worthy of our attention. There is no longer a threat of global war. Many nations—though not all—are at peace. Freedom seems secure. And like their predecessors, some people think they can predict the future.

I don't claim to predict the future. And I am not, by training, a professional historian. But I do know what history teaches. I do know that freedom is not free—it is purchased by heroism and sacrifice in war, and by good judgment and preparedness in peace. In a high-tech world . . . the world of today . . . it is purchased by remaining first-rate in technology and innovation.

Having served as a naval officer and a submariner, I know what it is like to go down to the sea—to face potential enemies—in the most capable ship, and what it is like to go down in a ship that would be considered second rate.

As Secretary of the Navy, I am committed to ensuring that the tools we give our Sailors and Marines—that their lives depend on—remain first rate.

As a businessman, I know false economy when I see it.

And as a citizen, with two fine sons—and maybe to be blessed someday with grandchildren—I am not willing to gamble their future, their freedom on the chance that there will be no war, or that, if it comes, we will be suddenly able to build tomorrow what some proposed to throw away today.

How do you preserve freedom? Do you preserve it by letting an entire industry go out of business in the name of false economy? Do you preserve it by allowing partisan politics to blind your judgement? Do you do it by giving a pink slip to men and women who have labored for many years to produce the finest tools for our defense? Do you do it by creating monopolies in the name of competition? Do you do it by declaring new technology unnecessary . . . and the status quo "good enough."

You know that's not how you preserve freedom. We all know that. So why are some ready to sacrifice an entire defense industry and are willing to throw away hundreds of millions of dollars to stop building capable submarines? How much would we pay to start building them again when the next crisis comes?

This *Seawolf* is the finest submarine in the world. It will regain the American lead in quietness and stealth. The second *Seawolf* will be better still. And the third *Seawolf* which we need will be the bridge that preserves this industry to build a more affordable, littoral warfare-oriented New Attack Submarine.

You can't get across a chasm without a bridge. There is a chasm in our defense industrial strength. If Congress does not authorize and fund the third *Seawolf*, the depth of this chasm will not simply be measured in lost jobs . . . or dollars wasted in higher overhead and contracting fees . . . but in the potential breakup of a defense industry that has always served our best interest in preserving the peace. I shudder at the thought that someday historians will say: the United States was once the best builder of submarines.

I do not predict that a global crisis is coming. I do not claim that we are in danger today. I hate war. Every night before I sleep, I pray that war never again occurs. I pray that throughout their lifetimes, my sons will be blessed with the gift of peace. But I know that—to paraphrase President John F. Kennedy—God's work on earth must truly be our own. We are the ones who are responsible for peace. We are the ones who are responsible for freedom. The steps that we take today will be the ones that may determine the freedom of our children.

The builders of this submarine . . . this mighty *Seawolf* . . . are a national treasure in knowledge and skills. The nuclear submarine-building industry represents an investment we have spent over forty years to develop. We are gambling with a national treasure if we do not take steps to preserve it. That's why I want to take this opportunity to ask each one of you in the audience—and all Americans—to urge Congress to fund the third and final *Seawolf* as a bridge to the submarine capabilities we will need in the future.

Just before I left Washington to come to this ceremony, I received a letter that I would like to read to you. The letter is dated 22 June.

"Greetings to all those gathered for the christening of *Seawolf*.

Seawolf will strengthen and sustain the invaluable contributions the Navy makes to America's leadership in global affairs. Ready for any contingency, her combat power, mobility, and flexibility will help to promote the cause of liberty and protect our national security. This fine submarine will stand as a reminder of our steadfast commitment to maintaining a democratic world for the generations to come.

As we celebrate the christening of *Seawolf*, I want to reemphasize my continuing support for the completion of the third and final *Seawolf*-class submarine SSN-23. The Armed Forces of the United States and our civilian defense industries share an effective partnership; proceeding with the construction of SSN-23 is the most cost-effective method of retaining the vitality of these industries while bridging the gap to the future New Attack Submarine.

On behalf of all Americans, I want to thank those who design and build the *Seawolf* submarines, as well as those who will serve in them. Best wishes for a wonderful ceremony."

The letter is signed by President Bill Clinton.

This is a wonderful occasion—this christening of a *Seawolf*-class submarine. This is a great day for Margaret and me, for the United States Navy, for all America. But—as President Clinton says—we need to do it twice more—not once more—if we are to guarantee that—as concerns the deterrence of global war . . . as concerns war undersea or elsewhere—there will always be great days of peace, and freedom from fear, for our children.

No one can predict the future. But we can prepare. To stay prepared, America requires a healthy nuclear submarine-building industry. Our Commander-in-Chief knows that. And Secretary of Defense Bill Perry, the Chairman of the Joint Chiefs, the CNO, these distinguished members of Congress and I are convinced of that. We are convinced that we need to build a third *Seawolf* to preserve this industry's health. And to preserve this vital resource . . . to let everyone know the real risks we take by gambling it away for false economy. To reply to those who say a third *Seawolf* is not necessary, to those who oppose our submarine program—my response is the words of our founding father, John Paul Jones, "We have not yet begun to fight."

Thank you very much. God bless you.•

FOOD STAMP FRAUD REDUCTION

• Mr. LEAHY. Mr. President, I am convinced that the single most important thing we can do to reduce fraud in the Food Stamp Program is to eliminate the use of paper coupons—and shift to electronic benefits transfer systems, also known as "EBT."

I made that same point to this body on November 8, 1993. That was when I first introduced legislation to eliminate food stamp coupons in favor of EBT.

I will introduce an updated version of that bill—which I hope can pass with the support of every Member of the Senate.

I know that Senator SANTORUM recently spoke of the benefits of EBT, as demonstrated in a pilot project in Berks County, PA.

The Majority Leader, Senator DOLE, and I supported pilot testing EBT systems for food stamps in 1982.

My bill eliminates the coupon system in 3 to 5 years. The present system is a clumsy dinosaur in need of overhauling by modern technology.

By the year 2000, those paper coupons —which now cost the Government $50 million to $60 million a year to print and process—will be history.

We will reduce fraud and save the Government money.

My bill empowers retail stores, financial institutions, and the States to figure out the best way to move to an EBT system.

My bill specifically gives businesses and States the lead roles in this conversion.

Because the Federal Government saves so much money through EBT, I want USDA to pay 100 percent of the costs of the point-of-sale equipment that goes into the stores, unless the store wants to obtain its own equipment. The bill encourages stores, but does not require them, to buy their own point-of-sale equipment.

Under current law and most welfare reform proposals, States have to pick up half those costs.

I also believe USDA should provide the cards to States at no cost to the State. Under current law, USDA picks up the tab for coupon costs and should do the same for cards.

The point-of-sale terminals should also be available for use by the State for State assistance programs.

Many grocery stores already use electronic systems to read credit cards and debit cards. I do not want us to reinvent the wheel—my bill piggy-backs the Food Stamp Program onto existing technology.

I intend to incorporate this bill either into the food stamp title of the farm bill or into the budget reconciliation bill.

Food stamps are America's largest child nutrition program. Over 80 percent of food stamp benefits go to families with children. Most of the rest of the benefits go to the disabled or the elderly.

I want you to join with me in assuring that nutrition benefits go to needy families—not to criminals who are stealing taxpayer money.

Just about everybody agrees that EBT will reduce fraud dramatically.

The inspector general of USDA has testified that EBT "can be a powerful weapon to improve detection of trafficking and provide evidence leading to the prosecution of traffickers."

The U.S. Secret Service says that "[t]he EBT system is a great advancement generally because it puts an audit trail relative to the user and the retail merchant."

Under President Bush, USDA noted that "the potential savings are enormous" if EBT is used in the Food Stamp Program.

A more recent Office of Technology Assessment report determined that a national EBT system might reduce levels of food stamp fraud losses and benefit diversion by as much as 80 percent. Think about that—EBT could reduce food stamp fraud losses and benefit diversions by as much as 80 percent.

Alan Greenspan has described the potential advantages offered by EBT for the Food Stamp Program, including reducing costs in food stamp processing by the Federal Reserve System.

Perhaps nothing is totally fraud-proof, but EBT is clearly much better than the current system of paper coupons. When a small store stocked with cigarettes and a few stale candy bars starts ringing up food stamp sales in the thousands of dollars, it is pretty obvious that the Government is being taken for a ride.

With the electronic card, EBT transactions can be constantly monitored by law enforcement agencies. Paper coupon transactions cannot.

If we had to reinvent the Food Stamp Program today, would anyone insist on paper coupons, instead of EBT?

Under the current program, USDA prints more than 375 million food stamp booklets per year, which amounts to 2.5 billion paper food coupons for food stamp households to use at retail stores.

These coupons are used once, except for $1 coupons which may be used to make change—and the change is often spent on non-food items.

The 2.5 billion coupons issued per year are mailed, shipped, issued to participants, counted, canceled, redeemed through the banking system by Treasury, shipped again, stored, and then destroyed.

Some States mail them out each month and pay the postage, for which they receive a partial Federal reimbursement. Coupons are lost or stolen in the mails.

Some States issue coupons at State offices, which is labor-intensive. The total Federal and State cost is up to $60 million per year.

EBT has another benefit—it eliminates cash change. Food stamp recipients can get cash change in food stamp transactions if the cash does not exceed $1 per purchase. This system allows food stamp benefits to be diverted to the purchase of non-food items.

While we may disagree over food stamp benefit levels and eligibility rules, I hope we can all agree that transferring food stamp benefits electronically is much better than using paper coupons.

The bill amends the Food Stamp Act to require that the Secretary of Agriculture no longer provide food stamp coupons to States within 3 years of enactment.

Any Governor may grant his or her State an additional 2-year extension and the Secretary can add another 6-month extension, for a maximum of 5½ years.

At the end of that time, States no longer would receive coupons. Food benefits instead would be provided through electronic transfer, or in the form of cash if authorized by the Food Stamp Act.

For example, under a bill reported out of the Senate Agriculture Committee by Senator LUGAR on June 14, 1995, States can cash out food stamp benefits as part of a wage supplementation program.

As in the food stamp bill reported out of the Agriculture Committee by Senator LUGAR, States will not be liable for losses associated with lost or stolen EBT cards.

The bill makes households liable for most EBT losses; however, they are not liable for losses after they report the loss or theft of the EBT card.

As under current law, States are liable for their own fraud and negligence losses.

My bill provides that regulation E will not apply to food stamp EBT transactions.

In general, regulation E provides that credit or debit card users are liable for only the first $50 in unauthorized uses of lost or stolen credit cards as long as such a loss is reported in a timely manner.

The card issuer is liable for the rest of the loss.

Under current law the State is considered the card issuer for food stamp EBT purposes. Regulation E has been a major impediment to implementation of EBT by States.

While the risks are much lower for the Food Stamp Program than for credit cards since EBT food cards only contain the balance of the unused food benefits rather than a credit line, States are still worried about liability and oppose the application of regulation E.

The bill also provides that each recipient will be given a personal code number [PIN] to help prevent unauthorized use of the card.

Under the bill, in an effort to reduce the costs of implementing a nationwide EBT system, States will look at the best way to maximize the use of existing point-of-sale terminals. States will be able to follow existing technology, rather than reinvent the wheel.

Stores which choose not to invest in their own systems will be reimbursed for card readers for Federal and State benefits only. Current law, which requires States to pay half that cost, will be amended to have USDA pay all those costs.

If the store decides at a later date that it needs a commercial reader, the store will have to bear all the costs.

In very rural areas, or in other situations such as house-to-house trade routes or farmers' markets, manual EBT systems will be used.

This restriction—in which the Government pays only for Government benefits readers and the upgrade at store expense—will encourage the largest possible number of stores to invest in their own point-of-sale equipment.

That is clearly the best option.

To the extent needed to cover costs of conversion to EBT, the Secretary may charge a transaction fee of up to 2 cents per EBT transaction, taken out of benefits. Households receiving the maximum benefit level may be charged a lower per transaction fee than other households.

In implementing the bill, the Department of Agriculture will have to consult with retail stores, the financial industry, the Federal EBT task force, the inspector general of USDA, the U.S. Secret Service, the National Governors' Association, the Food Marketing Institute, and others.

I believe this legislation will be an important tool as we try to improve the Food Stamp Program.●

ORDER OF BUSINESS

Mr. ABRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. ABRAHAM. Mr. President, initially, I will ask several unanimous consent requests, all of which, I understand, have been cleared with the minority.

APPOINTMENT OF CONFEREES—H.R. 1817

Mr. ABRAHAM. Mr. President, I ask unanimous consent that the Chair be authorized to appoint conferees on the part of the Senate with respect to H.R. 1817, the military construction appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Thereupon, the Presiding Officer (Mr. CRAIG) appointed Mr. BURNS, Mr. STEVENS, Mr. SHELBY, Mr. GREGG, Mr. REID, Mr. INOUYE, and Mr. BYRD conferees on the part of the Senate.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. ABRAHAM. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations: Executive Calendar nominations Nos. 259 through 267, and all nominations placed on the Secretary's desk in the Air Force, Army, and Navy.

I further ask unanimous consent that the nominations be confirmed en bloc; that the motions to reconsider be laid upon the table en bloc; that any statements relating to the nominations appear at the appropriate place in the RECORD; that the President be immediately notified of the Senate's action; and that the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed, en bloc, are as follows:

AIR FORCE

The following-named officer for appointment to the grade of lieutenant general while assigned to a position of importance and responsibility under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. George K. Muellner, [redacted], U.S. Air Force.

The following-named officer for appointment to the grade of lieutenant general while assigned to a position of importance and responsibility under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. Kenneth A. Minihan, [redacted], U.S. Air Force.

ARMY

The following U.S. Army National Guard officers for promotion to the grades indicated in the Reserve of the Army, under the provisions of sections 3385, 3392, and 12203(a), title 10, United States Code:

To be major general

Brig. Gen. James J. Hughes, Jr., [redacted]
Brig. Gen. William D. Jones, [redacted].
Brig. Gen. Melvin C. Thrash, [redacted].

To be brigadier general

Col. John W. Hubbard, [redacted].
Col. John D. Havens, [redacted].
Col. Ronald D. Tincher, [redacted].
Col. Peter B. Injasoulian, [redacted].
Col. Alfred E. Tobin, [redacted].
Col. James W. O'Toole, [redacted].
Col. Francis D. Vavala, [redacted].
Col. Michael H. Harris, [redacted].
Col. Albert A. Mangone, [redacted].
Col. David P. Rataczak, [redacted].
Col. Thomas D. Kinley, [redacted].
Col. Joseph J. Taluto, [redacted].
Col. Norman A. Hoffman, [redacted].
Col. Ewald E. Beth, [redacted].
Col. Gene Sisneros, [redacted].
Col. Gus L. Hargett, Jr., [redacted].
Col. Harold J. Stearns, [redacted].

The following U.S. Army National Guard officers for promotion to the grades indicated in the Reserve of the Army, under the provisions of sections 3385, 3392, and 12203(a), title 10, United States Code:

To be major general

Brig. Gen. Woodrow D. Boyce, [redacted].
Brig. Gen. Robert J. Brandt, [redacted].
Brig. Gen. Joseph H. Langley, [redacted].
Brig. Gen. John B. Ramey, [redacted].

To be brigadier general

Col. John D. Larson, [redacted].
Col. Rosetta Y. Burke, [redacted].
Col. Burney H. Enzor, [redacted].
Col. Frank P. Baran, [redacted].
Col. Robert M. Benson, [redacted].
Col. Edward L. Correa, Jr., [redacted].
Col. William R. Labrie, [redacted].
Col. Namen X. Barnes, [redacted].
Col. Randal M. Robinson, [redacted].
Col. Paul D. Monroe, Jr., [redacted].
Col. Lloyd D. McDaniel, Jr., [redacted].
Col. Stanley R. Thompson, [redacted].
Col. Holsey A. Moorman, [redacted].
Col. Bradley D. Gambill, [redacted].
Col. Harvey M. Haakenson, [redacted].
Col. David T. Hartley, [redacted].
Col. Donald F. Hawkins, [redacted].
Col. Earl L. Doyle, [redacted].
Col. David M. Wilson, [redacted].
Col. James T. Carper, [redacted].
Col. William T. Thielemann, [redacted].
Col. Frederic J. Raymond, [redacted].

The following U.S. Army Reserve officers for promotion to the grades indicated in the Reserve of the Army of the United States, under the provisions of sections 3371, 3384, and 12203(a), title 10, United States Code:

To be major general

Brig. Gen. William J. Collins, Jr., [redacted]
Brig. Gen. Joe M. Ernst, [redacted].
Brig. Gen. Steve L. Repichowski, [redacted]
Brig. Gen. Joseph A. Scheinkoenig, [redacted]
Brig. Gen. James W. Warr, [redacted].

To be brigadier general

Col. Stephen D. Livingston, [redacted].
Col. Joseph L. Thompson III, [redacted].
Col. Roger L. Brautigan, [redacted].
Col. John G. Townsend, [redacted].
Col. Michael L. Bozeman, [redacted].
Col. William B. Raines, Jr., [redacted].
Col. Jamie S. Barkin, [redacted].
Col. John L. Anderson, [redacted].

The following-named officer for appointment to the grade of lieutenant general while assigned to a position of importance and responsibility under title 10, United States Code, section 601(a):

To be lieutenant general

Maj. Gen. Jared L. Bates, [redacted], U.S. Army.

The following-named officer for appointment to the grade of lieutenant general while assigned to a position of importance and responsibility under title 10, United States Code, section 601(a):

To be lieutenant general

Maj. Gen. John A. Dubia, [redacted], U.S. Army.

NAVY

The following-named rear admirals (lower half) of the Reserve of the U.S. Navy for permanent promotion to the grade of rear admiral in the line and staff corps, as indicated, pursuant to the provision of title 10, United States Code, section 5912:

UNRESTRICTED LINE OFFICER

To be rear admiral

Rear Adm. (lh) Kenneth Leroy Fisher, [redacted], U.S. Naval Reserve.

Rear Adm. (lh) John Henry McKinley, Jr., [redacted], U.S. Naval Reserve.

Rear Adm. (lh) John Francis Paddock, Jr., [redacted], U.S. Naval Reserve.

ENGINEERING DUTY OFFICER

To be rear admiral

Rear Adm. (lh) Roger George Gilbertson, [redacted], U.S. Naval Reserve.

DENTAL CORPS OFFICER

To be rear admiral

Rear Adm. (lh) James Conley Yeargin, [redacted], U.S. Naval Reserve.

SUPPLY CORPS OFFICER

To be rear admiral

Rear Adm. (lh) Robert Cameron Crates, [redacted], U.S. Naval Reserve.

MARINE CORPS

The following-named officer to be placed on the retired list of the United States Marine Corps in the grade indicated under section 1370, of title 10, United States Code:

To be lieutenant general

Lt. Gen. Robert B. Johnston, 571–50–2029.

IN THE AIR FORCE, ARMY, FOREIGN SERVICE, NAVY

Air Force nominations beginning Ann M. Brosier, and ending Brian R. Warner, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of June 5, 1995.

Air Force nominations beginning Maj. Gayle W. Botley, 437–11–6899, and ending Maj. Jon E. Rogers, 152–40–0433, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of June 13, 1995.

Air Force nominations beginning Steven J. Austin, and ending Dawn C. Stubbs, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of June 21, 1995.

Air Force nominations beginning Angelo J. Freda, and ending Samuel L. Grier, Jr., which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of June 21, 1995.

Air Force nominations beginning Vincent F. Carr, and ending Charles A. Tujo, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of June 21, 1995.

Air Force nominations beginning Richard C. Beaulieu, and ending Francine Weaker, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of June 21, 1995.

Air Force nominations beginning James W. Amason, and ending Ronald D. Powell, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of June 26, 1995.

Army nominations beginning Denise J. Anderson, and ending Sta Youngmccaughan, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of June 21, 1995.

Army nominations beginning Frank M. Hudgins, and ending David G. White, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of June 26, 1995.

Army nominations beginning Robert D. Allen, and ending Kenneth F. Selover, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of June 26, 1995.

Army nominations beginning *David C. Anderson, and ending *Greta C. Zimmerman, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of July 12, 1995.

Navy nominations beginning Mark A. Armstrong, and ending Dorothy B. Wright, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of June 5, 1995.

Navy nominations beginning Lawrence D. Hill, Jr., and ending Joseph M. Marlowe, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of June 13, 1995.

Navy nominations beginning Kenneth V. Kollermeier, and ending Terry L. Butler, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of June 21, 1995.

Navy nominations beginning Jose A. Acosta, and ending Thomas N. Tichy, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of July 12, 1995.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

ORDERS FOR MONDAY, JULY 31, 1995

Mr. ABRAHAM. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 12:30 p.m. on Monday, July 31, 1995; that following the prayer, the Journal of proceedings be deemed approved to date, the time for the two leaders be reserved for their use later in the day; and that there then be a period for the transaction of morning business until 1:30 p.m., with Senators permitted to speak for up to 5 minutes, with the following exceptions: Senator SIMON, 30 minutes and Senator DORGAN, 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT—H.R. 1905

Mr. ABRAHAM. Mr. President, I ask unanimous consent that at 1:30 p.m., the Senate begin consideration of the energy and water appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ABRAHAM. Mr. President, for the information of all Senators, the Senate will begin consideration of the energy and water appropriations bill at 1:30 p.m. until 2 p.m. for opening statements.

At 2 p.m., the Senate will resume S. 908, the State Department reorganization bill. A cloture motion was filed today. Therefore, Senators must file first-degree amendments to the State Department bill by 1 p.m. on Monday in order to qualify postcloture.

Also, the majority leader has announced that no votes will occur on Monday prior to 6 p.m. However, amendments are expected to be offered to the State Department reorganization bill. Therefore, votes can be expected to occur into the evening.

Also, the leader has announced the strong possibility that the Senate could be asked to be in session on Saturday, August 5, in order to complete the necessary business prior to the August recess.

Also, the cloture vote on the State Department reorganization bill will occur on Tuesday, August 1, at a time to be determined by the two leaders.

ORDER FOR RECESS

Mr. ABRAHAM. Mr. President, I ask unanimous consent that the Senate stand in recess under the previous order, following my remarks and the remarks of Senator DASCHLE.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO GEORGE ROMNEY

Mr. ABRAHAM. Mr. President, it is with great sadness that I rise to note the passing of my good friend and mentor, former Michigan Gov. George Romney. George Romney will be remembered as one of Michigan's greatest citizens, a leader in government, a leader in business, and a leading advocate of his favorite cause, which was voluntarism.

He was born in 1907 in a Mormon colony in Chihuahua, Mexico, but grew up moving with his family throughout the American Southwest. He worked hard to help his family, working in the sugar fields, and then went off to England as a missionary of his faith.

Returning to America, he attended George Washington University, worked in this city for a time dealing primarily with tariff and manufacturing issues, and then went back to Michigan as a local manager of the Automobile Manufacturers Association.

In Michigan, George Romney joined Nash-Kelvinator Corp., the forerunner of American Motors, in 1946. In 1954, he became AMC's president. From this position, he changed the way America drives, selling us on the ease and efficiency of compact cars.

But George Romney was not content with his success in business. He was a public spirited man and wanted to do more to improve life in our State of Michigan. That is why he founded a nonpartisan group, Citizens for Michigan, which successfully pushed for a State constitutional convention. That convention rewrote Michigan's code of laws and watched George Romney's first successful bid for Governor. Twice more, he ran for Governor and twice more the people of Michigan showed their support for a man who put their interests first.

But George's public service did not stop there. He went to Washington to serve in the President's Cabinet for over 4 years. Then leaving politics, he turned his attention to the great cause of his life, voluntarism.

All of Michigan has benefited from George Romney's work, bringing communities and civic organizations together to encourage people to volunteer their time. George knew that it is public spirit that holds a community together, and he promoted that public spirit and the hard work that must support it wherever he went.

Michigan's first lady, Michelle Engler, joined him in this important work, as did other prominent people in Michigan.

Interestingly, just last week, I met with George Romney in my office in the U.S. Senate. He was still working on that cause of voluntarism, and together we began working on legislation to promote voluntarism at our local communities and throughout the Nation.

To the last, he was vital, energetic, and committed to improving people's lives.

I convey my condolences today to the Romney family and everyone who cherished him as a friend. I am consoled, as I hope they are, by the many fond memories with which this good friend of Michigan and our Nation left us.

As I said, Mr. President, just last week, I met with George Romney to discuss a legislative issue of great importance to him and one which I intend to continue in his memory, because I believe that the commitment he made to voluntarism is one that all of us in the U.S. Senate should do their part to advance.

For all that we may do as paid public servants, it pales, in my judgment, in comparison to the things that voluntarists do to make life in our country better. The memory of George Romney for me will be of a man who did things for his community and for his State as a volunteer and made our lives better.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DASCHLE. Mr. President, 30 years ago today the Senate passed the law creating Medicare. Two days later—on July 30, 1965—President Lyndon Johnson signed that bill into law.

In doing so he made a quantum leap toward fulfilling the goal—first championed by President Truman—to end the scandal of poverty and poor health among older Americans.

He also changed dramatically what it means to grow old in America, and to watch our parents grow old.

Medicare helps seniors replace dependence with dignity, uncertainty with stability, and destitution with financial security.

Over the last three decades—despite the turmoil of wars and recessions and even a crisis in our health care system—Medicare has survived to become one of the most popular—and successful—programs in our Nation's history.

Ask America's families. They will tell you. Medicare is not some Great Society extravagance. It is the cornerstone of financial security and independence of older Americans and their families.

Indeed, when you ask people what Medicare should look like in the 21st century, most Americans say we should make only minor changes in the program—or no changes at all.

The American people want us to preserve Medicare and strengthen it, not weaken it.

They want us to honor the commitment we made 30 years ago to seniors and their families, not abandon it.

THE ROUTE TO PASSAGE OF MEDICARE

Passage of the Medicare bill did not come easily or quickly.

It took 20 years. Twenty years from the time Harry Truman began the campaign for a national plan to provide affordable health care for all Americans.

Although big-money special interests and their allies in Congress were able to block President Truman's plan by claiming falsely that it would mean "socialized medicine," Democrats did not give up.

Instead, we refocused our efforts on the area of greatest need: health security for America's seniors.

In 1960, the Medicare concept gained an important supporter when then-Senator John Kennedy sponsored a Social Security approach to health care for the elderly.

Again, Republicans invoked the fear of social welfarism.

These criticisms only strengthened Kennedy's resolve. As a presidential candidate, he was even more determined to make Medicare a reality.

Three times Kennedy requested passage of Medicare, and three times it was opposed in large measure by Republicans and defeated.

In the short-run, President Kennedy's efforts failed. But they laid important groundwork for the final, successful push for Medicare's passage.

After President Kennedy's death, President Johnson took up the fight.

Though criticism of Medicare continued—some of it from Members who today serve in this chamber—President Johnson was undeterred. Congress finally passed the measure, and the bill was signed into law 30 years ago this Sunday.

REPUBLICAN BUDGET

It is a strange and sad irony that the Republican majority chose the year of Medicare's 30th anniversary to unveil a budget that threatens to severely weaken the program. Thirty years after its passage, we are fighting to preserve the one program that, more than any other, older Americans and their families count on for economic security.

It was only a year ago that Republicans and Democrats alike spoke in this Chamber of the need to ensure health security for all Americans.

Today, Republicans are rushing headlong in the opposite direction. Instead of extending coverage to all Americans, they are preparing to increase dramatically health costs for older Americans.

In their drive to gain control of this Congress, Republicans assured us that any dollars they cut from Medicare would be plowed back into the program to strengthen and improve it.

They promised to balance the budget, cut taxes, leave Social Security and defense spending untouched, and do no harm to Medicare.

Many seniors hung their hats on this promise and gave the new majority the benefit of the doubt.

Now we know the truth. We have seen draft Republican plans for Medicare. And we know that their promises to protect the program were hollow.

What a way to say "Happy Anniversary" to Medicare and the people who support this program.

FACES OF MEDICARE BENEFICIARIES

There are many in this Chamber who would like to reduce the Medicare debate to numbers on a ledger. But this debate is about more than debits and credits. It is about people, and the promises we have made to them.

Today's Medicare beneficiaries lived through the Great Depression and the Second World War. They established homes and built families. They always looked to the future instead of dwelling on the hardships of the past.

Most are now retired and live on modest Social Security benefits, pensions, and savings. And most depend on Medicare as their primary source of health coverage.

They do not live lives of leisure and luxury. Three-quarters of Medicare beneficiaries have incomes below $25,000 per year. Fewer than 5 percent have incomes over $50,000.

And each year, health care costs chew up a growing percentage of their incomes. The average senior today spends over 20 percent of his or her income on health care—even with Medicare coverage.

For many seniors, the prospect of living without Medicare is unimaginable.

What should they give up to pay their doctors bills? What would those who want to cut Medicare have older Americans do without?

Food?

Heat in the winter?

Electricity?

Should they not go to the doctor when they are sick?

Should they not take the medicine they need?

Our Republican colleagues say their Medicare cuts will not hurt anyone.

That is not true.

Cutting Medicare by $270 billion—which is what Republicans are proposing—will cost seniors nearly $900 per year in additional out-of-pocket expenses—$900 a year from seniors living on fixed incomes so that we can give more tax breaks to the rich.

Republicans will claim differently, that a more efficient program will absorb the cuts. But their numbers simply do not add up.

They call it reform. I call it what it is: an insurance hike.

Money to pay for higher premiums will not materialize out of thin air. It will come out of Social Security checks. Or, it will come out of the savings seniors worked so hard for—savings they are counting on to last the remainder of their lives.

This is the human side of the Medicare debate.

It is a side of the discussion that makes some of us feel uncomfortable, and rightfully so. But it is a side we must recognize and address. We owe it to our Nation's seniors.

CONCLUSION

It is true that everyone must sacrifice if we are to balance our budget.

No one knows about change and sacrifice more than older Americans. They did what was necessary to make the blessings of that freedom available for us today.

All they are asking in return from us now is that we keep our promise to them.

When President Johnson signed the Medicare legislation 30 years ago in Independence MO, standing next to him was President Truman, the man who had 20 years earlier staked so much of his own Presidency on health security for all Americans.

After the bill had been signed, President Truman turned to President Johnson and said, "You have made me a very, very happy man."

When I look at what some Republicans are preparing to do to Medicare, I wonder what Harry Truman would say today?

RECESS UNTIL 12:30 P.M., MONDAY, JULY 31, 1995

The PRESIDING OFFICER. Under the previous order, the Senate will now stand in recess until 12:30 p.m., Monday, July 31.

Thereupon, the Senate, at 2:39 p.m., recessed until Monday, July 31, 1995, at 12:30 p.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate July 28, 1995:

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. GEORGE K. MUELLNER [redacted]
MAJ. GEN. KENNETH A. MINIHAN [redacted]

IN THE ARMY

THE FOLLOWING U.S. ARMY NATIONAL GUARD OFFICERS FOR PROMOTION TO THE GRADES INDICATED IN THE RESERVE OF THE ARMY, UNDER THE PROVISIONS OF SECTIONS 3385, 3392, AND 12203(A), TITLE 10, UNITED STATES CODE:

To be major general

BRIG. GEN. JAMES J. HUGHES, JR [redacted]
BRIG. GEN. WILLIAM D. JONES [redacted]
BRIG. GEN. MELVIN C. THRASH [redacted]

To be brigadier general

COL. JOHN W. HUBBARD [redacted]
COL. JOHN D. HAVENS [redacted]
COL. RONALD D. TINCHER [redacted]
COL. PETER B. INJASOULIAN [redacted]
COL. ALFRED E. TOBIN [redacted]
COL. JAMES W. O'TOOLE [redacted]
COL. FRANCIS D. VAVALA [redacted]
COL. MICHAEL H. HARRIS [redacted]
COL. ALBERT A. MANGONE [redacted]
COL. DAVID P. RATACZAK [redacted]
COL. THOMAS D. KINLEY [redacted]
COL. JOSEPH J. TALUTO [redacted]
COL. NORMAN A. HOFFMAN [redacted]
COL. EWALD E. BETH [redacted]
COL. GENE SISNEROS [redacted]
COL. GUS L. HARGETT, JR. [redacted]
COL. HAROLD J. STEARNS [redacted]

THE FOLLOWING U.S. ARMY NATIONAL GUARD OFFICERS FOR PROMOTION TO THE GRADES INDICATED IN THE RESERVE OF THE ARMY, UNDER THE PROVISIONS OF SECTIONS 3385, 3392, AND 12203(A), TITLE 10, UNITED STATES CODE:

To be major general

BRIG. GEN. WOODROW D. BOYCE [redacted]
BRIG. GEN. ROBERT J. BRANDT [redacted]
BRIG. GEN. JOSEPH H. LANGLEY [redacted]
BRIG. GEN. JOHN B. RAMEY [redacted]

To be brigadier general

COL. JOHN D. LARSON [redacted]
COL. ROSETTA Y. BURKE [redacted]
COL. BURNEY H. ENZOR [redacted]
COL. FRANK P. BARAN [redacted]
COL. ROBERT M. BENSON [redacted]
COL. EDWARD L. CORREA, JR. [redacted]
COL. WILLIAM R. LABRIE [redacted]
COL. NAMEN X. BARNES [redacted]
COL. RANDAL M. ROBINSON [redacted]
COL. PAUL D. MONROE, JR. [redacted]
COL. LLOYD D. MCDANIEL, JR [redacted]
COL. STANLEY R. THOMPSON [redacted]
COL. HOLSEY A. MOORMAN [redacted]
COL. BRADLEY D. GAMBILL [redacted]
COL. HARVEY M. HAAKENSON [redacted]
COL. DAVID T. HARTLEY [redacted]
COL. DONALD F. HAWKINS [redacted]
COL. EARL L. DOYLE [redacted]
COL. DAVID M. WILSON [redacted]
COL. JAMES T. CARPER [redacted]
COL. WILLIAM T. THIELEMANN [redacted]
COL. FREDERIC J. RAYMOND [redacted]

THE FOLLOWING U.S. ARMY RESERVE OFFICERS FOR PROMOTION TO THE GRADES INDICATED IN THE RESERVE OF THE ARMY OF THE UNITED STATES, UNDER THE PROVISIONS OF SECTIONS 3371, 3384, AND 12203(A), TITLE 10, UNITED STATES CODE:

To be major general

BRIG. GEN. WILLIAM J. COLLINS, JR [redacted]
BRIG. GEN. JOE M. ERNST [redacted]
BRIG. GEN. STEVE L. REPICHOWSKI [redacted]
BRIG. GEN. JOSEPH A. SCHEINKOENIG [redacted]
BRIG. GEN. JAMES W. WARR [redacted]

To be brigadier general

COL. STEPHEN D. LIVINGSTON [redacted]
COL. JOSEPH L. THOMPSON III [redacted]
COL. ROGER L. BRAUTIGAN [redacted]
COL. JOHN G. TOWNSEND [redacted]
COL. MICHAEL L. BOZEMAN [redacted]
COL. WILLIAM B. RAINES, JR. [redacted]
COL. JAMIE S. BARKIN [redacted]
COL. JOHN L. ANDERSON [redacted]

THE FOLLOWING-NAMED OFFICERS, FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be lieutenant general

MAJ. GEN. JARED L. BATES [redacted]
MAJ. GEN. JOHN A. DUBIA [redacted]

IN THE NAVY

THE FOLLOWING-NAMED REAR ADMIRALS (LOWER HALF) OF THE RESERVE OF THE U.S. NAVY FOR PERMANENT PROMOTION TO THE GRADE OF REAR ADMIRAL IN THE LINE AND STAFF CORPS, AS INDICATED, PURSUANT TO THE PROVISION OF TITLE 10, UNITED STATES CODE, SECTION 5912:

UNRESTRICTED LINE OFFICER

To be rear admiral

REAR ADM. (1H) KENNETH LEROY FISHER [redacted]
REAR ADM. (1H) JOHN HENRY MCKINLEY, JR [redacted]
REAR ADM. (1H) JOHN FRANCIS PADDOCK, JR [redacted]

ENGINEERING DUTY OFFICER

To be rear admiral

REAR ADM. (1H) ROGER GEORGE GILBERTSON [redacted]

DENTAL CORPS OFFICER

To be rear admiral

REAR ADM. (1H) JAMES CONLEY YEARGIN [redacted]

SUPPLY CORPS OFFICER

To be rear admiral

REAR ADM. (1H) ROBERT CAMERON CRATES [redacted]

IN THE MARINE CORPS

THE FOLLOWING-NAMED OFFICER TO BE PLACED ON THE RETIRED LIST OF THE MARINE CORPS IN THE GRADE INDICATED UNDER SECTION 1370, OF TITLE 10, UNITED STATES CODE.

To be lieutenant general

LT. GEN. ROBERT B. JOHNSTON, [redacted]

IN THE AIR FORCE

AIR FORCE NOMINATIONS BEGINNING ANN M. BROSIER, AND ENDING BRIAN R. WARNER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 5, 1995.

AIR FORCE NOMINATIONS BEGINNING MAJ. GAYLE W. BOTLEY, [redacted] AND ENDING MAJ. JON E. ROGERS, [redacted] WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 13, 1995.

AIR FORCE NOMINATIONS BEGINNING STEVEN J. AUSTIN, AND ENDING DAWN C. STUBBS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 21, 1995.

AIR FORCE NOMINATIONS BEGINNING ANGELO J. FREDA, AND ENDING SAMUEL L. GRIER, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 21, 1995.

AIR FORCE NOMINATIONS BEGINNING VINCENT F. CARR, AND ENDING CHARLES A. TUJO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 21, 1995.

AIR FORCE NOMINATIONS BEGINNING RICHARD C. BEAULIEU, AND ENDING FRANCINE WEAKER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 21, 1995.

AIR FORCE NOMINATIONS BEGINNING JAMES W. AMASON, AND ENDING RONALD D. POWELL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 26, 1995.

IN THE ARMY

ARMY NOMINATIONS BEGINNING DENISE J. ANDERSON, AND ENDING STA YOUNGMCCAUGHAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 21, 1995.

ARMY NOMINATIONS BEGINNING FRANK M. HUDGINS, AND ENDING DAVID G. WHITE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 26, 1995.

ARMY NOMINATIONS BEGINNING ROBERT D. ALLEN, AND ENDING KENNETH F. SELOVER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 26, 1995.

ARMY NOMINATIONS BEGINNING DAVID C. *ANDERSON, AND ENDING GRETA C. *ZIMMERMAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 12, 1995.

IN THE NAVY

NAVY NOMINATIONS BEGINNING MARK A. ARMSTRONG, AND ENDING DOROTHY B. WRIGHT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 5, 1995.

NAVY NOMINATIONS BEGINNING LAWRENCE D. HILL, JR., AND ENDING JOSEPH M. MARLOWE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 13, 1995.

NAVY NOMINATIONS BEGINNING KENNETH V. KOLLERMEIER, AND ENDING TERRY L. BUTLER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 21, 1995.

NAVY NOMINATIONS BEGINNING JOSE A. ACOSTA, AND ENDING THOMAS N. TICHY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 21, 1995.

EXTENSIONS OF REMARKS

FUNDING FOR THE COMMUNITY DEVELOPMENT AND REGULATORY IMPROVEMENT ACT OF 1994

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Friday, July 28, 1995

Mr. RICHARDSON. Mr. Speaker, it is of great concern to me and other colleagues of mine who represent poor, rural, or undeveloped communities that, H.R. 2099, the fiscal year 1996 VA, HUD appropriation bill contains zero funding for the community development financial institutions fund. The CDFI fund was established after President Clinton signed into law the Community Development Banking and Regulatory Improvement Act of 1994—Public Law 103–325. The Congress enacted this landmark, bipartisan initiative by unanimous vote in the Senate and a lopsided 410-to-12 vote in the House last year. The CDFI fund is designed to combine innovative approaches to community lending, advocated by both Democratic and Republican Members of Congress, into a comprehensive strategy to empower local communities and increase their access to credit and investment capital. No other Federal program provides the capital support that is so critically needed to increase the leverage and capacity of community development financial institutions, or to provide incentives for traditional banks and thrifts to enhance community lending and investment activities.

Yet, the House Appropriations Committee recommends eliminating fiscal year 1996 funding for the CDFI fund. That recommendation is particularly appalling after the Congress and the Clinton administration worked out a compromise on the fiscal year 1995 rescission package that provides $50 million for the CDFI fund and consolidates the fund into the Treasury Department to streamline and reduce administrative costs of the program.

It is incredible to me that partisan politics reemerges suddenly to eliminate fiscal year 1996 funding for what is really a Republican-type initiative—a program with limited Federal funding that leverages private funds to galvanize self-help efforts at community and economic development.

What is particularly sad to me is that, by eliminating funding for the CDFI fund, the House would dash the hopes of hundreds of native American communities across the country which looked to the CDFI fund as a way to stimulate public and private investment in native American communities for the first time ever. The CDFI fund is the underpinnings for another landmark and very innovative proposal which I introduced last year as H.R. 5277, the Native American Financial Services Organization Act of 1994. What we call the NAFSO proposal emanated from recommendations for the congressionally chartered Commission on American Indian, Alaska Native, and Native Hawaiian Housing to create a national native American financing organization to address the urgent housing and infrastructure needs of native communities across the community. Through a broad-based national and tribal effort, the proposal evolved into a broader plan addressing housing, infrastructure and economic development needs in native communities.

The NAFSO proposal is a two-tier approach designed to dovetail into the CDFI fund. At the national level, the NAFSO would serve primarily as a technical assistance provider and conduit for CDFI fund assistance to a second tier of primary lender institutions called Native American Financial Institutions, NAFI's. With the infusion of Federal funding through the CDFI fund, NAFI's could develop in native communities around the country to make loans for home mortgages, infrastructure construction and/or improvements, small business development, and consumer loans. A NAFI would simply be a native American community development financial institution which first, demonstrates a special interest and expertise in serving the primary development and mortgage lending needs of the native American community it serves; and second, demonstrates it has the endorsement of that native American community. As long as the NAFI has that specific focus, it may be any type of financial institution, including a community bank, a savings bank, a mortgage company, or a credit union.

Without any funding for the CDFI fund for fiscal year 1996, native American financial institutions cannot receive infusion of Federal funding to be matched dollar for dollar by local funds raised by the NAFI. Native American communities desperately need this type of Federal-local partnership effort to generate capital in their communities for housing, infrastructure, and economic development purposes.

Native American people endure substandard conditions unmatched by any other population group in the United States: 56 percent of native families live in substandard housing, compared to the national average of 3 percent for non-native families; 28 percent of native households are overcrowded or lack plumbing or kitchen facilities, compared to the average of all U.S. households which is 5.4 percent; 51.4 percent of native Americans on reservations, trust land, or allotted lands own their own home without a mortgage.

The unemployment rate for native Americans generally is 14 percent versus the national average of 6 percent, and in many remote reservations, the unemployment rate is double or triple those rates; 31 percent of native Americans live below the poverty level as opposed to the national poverty rate of about 13 percent. A staggering 51 percent of native Americans living on reservations have incomes below the poverty level.

Only a handful of financial institutions are native-owned, and very few non-native lenders invest in native communities.

It is my fervent hope that the Senate Appropriations Committee will act more wisely and appropriate urgently needed dollars to the CDFI fund for fiscal year 1996. Even with a limited Federal financial contribution to the fund, so many more investment dollars will be generated to help communities across the country, particularly native communities that currently have little or no access to financing for housing, infrastructure or economic development activities. The Senate should make a healthy deposit into the CDFI fund for fiscal year 1996 and I will work to persuade the House Appropriators to accept such a Senate recommendation in conference.

DR. GEORGE WASHINGTON CRANE III

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 28, 1995

Mr. CRANE. Mr. Speaker, last week my father, who celebrated his 94th birthday last April, passed away in his sleep. Mercifully, he did not undergo the pain and suffering at the end that so many go through before shuffling off this mortal coil.

I missed 2 days of legislative business to attend his funeral which filled me with mixed emotions. The first, of course, was sadness over losing my father, who was an idol to all of us kids in the family. But I take comfort in the conviction that we will all be reunited in time and that a lifetime is but a wink of the eye in eternity.

The second emotion I experienced was joy over the opportunity to visit with family, relatives, and friends, many of whom I had not seen personally in years. It was a touching family reunion. And I'm convinced my father was experiencing joy in heaven through a family reunion there with all who preceded him.

The eulogy for my father was delivered by Dr. E. Duane Hulse, who married a close cousin of mine when I was in high school. Dr. Hulse is a retired Methodist pastor. Ironically, he delivered the eulogy 39 years ago for my older brother, George IV, a marine pilot who was killed in a mid-air at Glenview, IL.

I would like to share with colleagues and friends the eulogy Dr. Hulse delivered. And I would like to express to colleagues and friends deep appreciation for their thoughtful words of condolence.

MEMORIAL SERVICE FOR DR. GEORGE W. CRANE

(By Dr. E. Duane Hulse)

Today we honor a faithful husband, a loving father, a doting grandfather, and an exceptionally talented applied psychologist

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

and physician, and one of the finest exponents of the basic tenets of Christianity I have ever known.

He was adviser to millions of Americans, who eagerly grabbed their newspapers with their morning coffee to dote on his every word. He was called by Reader's Digest, "the maker of happy marriages."

Pearl and I share with the other members of the Crane family, this great personal loss. For this dear man had more influence on our lives than any other single individual in this world.

The scriptural words which seem appropriate today are those of another Christian veteran, who came to the close of his life and said, "The time of my departure has come, I have fought the fight * * *, I have finished the race, I have kept the faith." (II Timothy 4:6–8)

Yes, this modern Sunday School teacher, who rarely missed church in his life time, kept the faith admirably like the Apostle Paul, who travelled hither and yon about the Mediterranean world.

People today are like Paul. They are on the move. We are a mobile population. The Crane family used to move almost every weekend and all summer from 7457 Coles Ave., Chicago (the relative's Motel) to the Coach in Hillsboro. We are still a mobile society.

Also, we change physically with these moves, with every cell in our body changing every 7 years. This arm I have here is not the same one I had 7 years ago. I know it's not as good on the tennis court as it was 7 years ago.

We change socially and spiritually as well. So, we might well ask, "What are you keeping?" Like the Apostle Paul, Dr. George Crane was exemplary in Keeping and Promulgating the Christian gospel.

I

First, he was brought up in the faith

He went to church and Sunday School every Sunday, whether he wanted to or not. His mother, Jen, saw to that. It was not a debatable issue. He read his Bible repeatedly, learned it well, and applied it's teachings all his life.

He kept faith with his wife, Cora. They met at Epworth League meetings. It was their common faith that first drew them together.

Dr. George never made a major decision in his adult life without consulting Cora first. Sometimes it was just a glance. Other times it was a long conversation late at night, on the way back from making a speech in another state. Cora was his constant companion on his speaking tours. They loved each other, they counselled each other. It was indeed a marriage made in heaven.

Dr. George and Cora were our earliest role models. We idolized them and tried to pattern our lives after them. We often sought their advice around the long table with the checkered table cloth, as we shared a "little caffeine stimulation".

II

Secondly, he kept faith with his children

When parents bring children into the world, that too, is a venture of faith. They cannot know whether they will bring honor or shame to the family. The parents venture on faith.

On the other hand, the children cannot know whether the parents will keep the faith with them. They may disappoint them or forsake them.

The poet Gillilan said of this father:

He was my own until I fully knew
And never could forget how deep and true
A father's love for his own son may be.
It drew me nearer God Himself, for He
Has loved His son. These are but grateful tears
That he was with me all those happy years.

Dr. George's faith in his progeny never wavered and they never failed him. They never forsook his teachings. He taught them the virtues of life by precept and example. He taught them fortitude by taking moving pictures of them when he gave them their shots, so they would look brave when they were shown at the next family gathering. Then these inventive young rascals turned the tables on their father by insisting they give him a shot with the needle, so he could show his bravery on camera. And these dear children have been honoring him with their lives ever since.

III

Thirdly, he kept faith with his country

He volunteered to serve his country in the armed services in World War II, but he was advised he could do more good as an editorial writer. That he did.

In my humble opinion, he was the greatest single psychological motivator in this century. All over the United States, Americans looked to his newspaper columns for advice on now to solve the problems of every day living.

He was praised highly, but sometimes he was disbelieved, for he was 50 years ahead of his time in his thinking. Consider this, thirty years ago he actually advocated running Clark Gable as a candidate for Vice President. First: he claimed the party would get a million dollars worth of free publicity. Secondly: the party would get a majority of the female votes. But, who ever heard of running a movie star for a national office? I rest his case.

I know, those of us who loved him sometimes called him affectionately "old sea salt", but today in Florida, I often run my boat out into the gulf to satisfy my friends requests for sea water so they get their daily trace minerals.

IV

Fourthly, he kept faith with his Lord and the United Methodist Church

Methodist born and Methodist bred, he stayed a Methodist all his life. He spent over 30 years teaching the Arthur Dixon Bible Class at the Chicago Methodist Temple. He filled pulpits all across America.

He was ever the minister's friend. To a minister who was disheartened and disappointed in his career, he brought new hope. "If you will follow my anecdotal formula, following the example of Jesus, and use three illustrations, name three parishioners in each sermon, I will guarantee that you will be asked to return and get a salary raise next year." To the surprise of the neophite theologs, it happened just that way.

His charity was mostly unknown, but believe me, not unappreciated. Every Christmas, while Pearl and I were struggling to get through Seminary, that familiar envelope arrived and was pinned on our Christmas tree—the tuition money for the next semester, a check signed by George and Cora. We couldn't have made it otherwise.

Okan Esset reads a Crane column in Africa on a piece of newspaper used for packing, writes to Dr. Crane for help, and then comes to the U.S.A. to complete his Medical Training—those checks kept coming.

For years it was well known that any money raised for the church Youth Camp Scholarships would be matched by the Cranes.

This man also had a way with the English language. He had a way with words. His vocabulary was fabulous. We all enjoyed his table talk. Listening was like taking a course in elocution. He had many memorable phrases: "It takes a live wire in the pulpit to electrify a congregation. A physician should explain his medicine. I want to feel important." Remember: "A person's interest in anything is in inverse proportion to its distance from his own epidermis."

He could look at any complex interpersonal situation, analyze it, and come up with a diagnosis that would turn your thinking 180 degrees.

I remember visiting Sun City, Florida with Dr. George, when he was campaigning for Phil. At that time, I had envisioned Sun City as the ideal retirement situation, with swimming pools, golf courses, wood working shops, art courses, etc. Dr. George spent a short time with these retired executives and their wives. On the way back, he said to me, "What a waste of trained brains." "What did you say, George?" I asked. "What a waste of trained brains."

He was right! Why should a retired executive spend his later years building wind mills and bird feeders, when he could be helping some young business person by sharing his expertise with SCORE, or some similar organization.

Retirement was one word missing from his vocabulary. It was not psychologically acceptable to him.

George started life with a God fearing mother and he followed her example religiously. When he returned from Church and Sunday School, he was quizzed by his Biblically literate mother on the day's lesson. His interest in Scriptural characters was fired up early in life, and he continued in that bent all his life.

Yes, he kept the faith until the end. It was a realization that a greater power was behind his life that gave him courage, that kept a song in his heart, a light in his eyes, and made him expendable for the kingdom of God.

That was the great conviction that kept him going for 94 years, but his great humanitarian life is not over. His influence will last for many years to come, through his writing and those lives he has touched.

Dr. George loved family reunions. He gloried in them. He loved socializing, verbalizing compliments, eating home cooked food, and telling anecdotes. So, let me tell you something which I firmly believe.

There is a great reunion taking place today in heaven. Cora Ellen and George IV are waiting at heaven's gate to welcome home the great applied psychologist.

Aunt Bess has been cooking for hours in anticipation of his arrival. I can smell the fried chicken in the old black cast iron skillet. In the oven is her famous, made from scratch, chocolate cake with carmel icing. No one has been able to match it since she died. I can still taste it.

Jamie is dancing with joy, Uncle George has been out all morning gathering sponge mushrooms on cloud nine, Uncle Vick is laboring over the treasurer's book wondering if they are spending too much of the Lord's money on this homecoming and Aunt Jen is orchestrating the whole affair.

I almost wish I were there, but I can wait my turn. I can wait, because there is something I know for sure. I want to share it with you today:

The Christian never says "good bye" for the last time. I believe this is the most meaningful and heart warming thought I can leave with you today.

I know it is a sad day for all of us.

Yes, I remember when we said, "So Long George IV".

So today, we say "So Long Dr. George". But, my Christian friends, "The chariot's a'commin' ".

So, no last "good byes", not for Christians. As Lowell Thomas used to say, "So long until tomorrow."

TRIBUTE TO DOUG BANKS AND WGCI-AM/FM RADIO FOR ILLINOIS' FIRST CONGRESSIONAL DISTRICT

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 28, 1995

Mr. RUSH. Mr. Speaker, I rise today to applaud the efforts of Chicago radio personality Doug Banks and WGCI AM and FM radio for their efforts in conducting the "Beat the Heat" program on July 22 to aid those residents in need of relief from the scorching summer heat.

As many of you know, much of our country has been gripped in record breaking heat for the past 2 weeks. The Chicago area was hit the hardest two weekend's ago with the heat claiming at least 529 lives. Most of those who died as a result of the heat were the young and the elderly, many of whom could not afford to purchase fans or air-conditioners or who had no electricity.

Last Saturday Doug Banks and WGCI radio in Chicago held a "Beat the Heat" campaign at Operation PUSH headquarters in my district to encourage businesses and citizens to donate fans and air-conditioners to be distributed to those residents who needed them most. Mr. Banks' efforts were of tremendous success in helping those who needed relief the most.

I ask my colleagues to join me in thanking Mr. Banks, WGCI radio, Operation PUSH, and all the businesses and volunteers who made the selfless effort to help others beat the heat and in the process save lives.

I am pleased to enter these words of commendation into the RECORD.

A GOOD DEAL FOR UNITED STATES MEAT SALES TO KOREA

HON. E de la GARZA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 28, 1995

Mr. DE LA GARZA. Mr. Speaker, it was a pleasure to welcome President Kim Yong-Sam of Korea to this Chamber, particularly as we observe the 50th anniversary of the end to the war in Korea.

I am also very pleased that Korea, our good friend and ally, has just agreed to significant trade liberalization that will benefit both of our countries.

On July 20, our two governments announced new import policies that will allow for the added sale of millions of dollars of United States meats and other food products to Korea. This improved trading relationship is appropriate to the strong friendship between our two countries.

I wish to commend the negotiators of this new agreement—the U.S. Trade Representative, the U.S. Department of Agriculture, and President Kim's team. The documents were signed in a formal ceremony in Ambassador Kantor's office last Thursday. Two long-standing trade issues regarding Korea's shelf-life polices are now resolved.

This is an important breakthrough. Through long and sometimes frustrating trade negotiations between our governments, Korea has grown to a $2.5 billion market for United States agriculture.

Korea is now the United States' fourth largest agricultural market, after Japan, Canada, and Mexico. Feedgrains, cotton, and cattle hides are our major exports, and U.S. red meats are growing in importance. American value-added, consumer-oriented food exports to Korea increased by 36 percent in the first half of 1995. Total United States agricultural sales to Korea are headed for a new record.

Korea is now our No. 3 market for American red meat with purchases of $254 million last year. The U.S. meat industry estimates that this agreement will add $240 million in sales in the first year, and add $1 billion annually by the year 1999. The agreement will also benefit many other types of food products and allow growth to accelerate.

This agreement resolves both the section 301 investigation and the standards case brought to the World Trade Organization against Korea's shelf-life policy. Korea will now accept manufacturers' "Use by . . . date" for labels and will allow an adequate shelf-life to enable the United States to ship and market products profitably. The agreement includes chilled beef and pork, as well as all frozen foods including processed meat and poultry products.

Our trade dispute resolution mechanisms are working. This was the first standards case brought by the United States to the new World Trade Organization [WTO] dispute settlement panel. Korea also has agreed to work to resolve a second WTO case against its unscientific residue testing and import inspection procedures affecting grapefruit and other food products.

Beef and pork are currently sold in Korea under quotas negotiated in previous United States-Korea beef agreements and scheduled for phase-out in the Uruguay Round Agreement. The last year of quotas will be the year 2000. The United States is very competitive in the Korean market with Australia and New Zealand for beef and with Europe for pork. United States market share in Korea is now 58 percent for beef and 50 percent for pork.

USDA export promotion funding through the Foreign Market Development Program—cooperator program—and the Market Promotion Program [MPP] have been critical to developing the Korean market for United States meat. The supermarket taste tests, restaurant promotions, and industry trade teams sponsored through partnership with USDA serve to introduce American beef, pork, and poultry to Korean consumers and wholesalers. These programs will be critical in the months ahead to helping U.S. companies to capitalize on the new trade opportunities and compete with foreign competition.

IN MEMORY OF DEPUTY SHERIFF JEFFERY ALLAN HILL

HON. GEORGE E. BROWN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 28, 1995

Mr. BROWN of California. Mr. Speaker, I rise today to pay tribute to the memory of Deputy Sheriff Jeffery Allan Hill who founded the SELF Youth Center [Self-Education Law Enforcement Family].

On December 18, 1994, while driving to work, Jeff Hill's 32 years on this Earth ended. He was the victim of a head-on collision with a drunk driver.

Deputy Hill understood that crime prevention starts by addressing social and economic problems, and developing the moral character of youth. He developed a unique program to help African-American boys become important contributors and role models in their communities. Subsequently, he created the nonprofit SELF organization.

The SELF program is a rite of passage for African-American boys that focuses on prevention, intervention, and redirection of unacceptable behaviors. The goal is to prepare African-American boys to become responsible men.

The rite of passage is a 22-week program conducted by African-American law enforcement officers. The program theory is based on Dr. Maulana Karenga's Kawaida theory utilizing the seven principles of the Nguzo Saba.

First, Umoja (Unity).

Second, Kujichagulia (Self determination).

Third, Ujima (Collective work and responsibility).

Fourth, Ujamaa (Cooperative economics).

Fifth, Kuumba (Creativity).

Seventh, Imani (Faith).

SELF is nationally recognized and adopted by the National Black Police Association—western region. Jeff developed the idea of the SELF program in 1990, and the first SELF class began in January 1993. Since then 150 African-American male youths aged 8 to 14 have completed the program that now exists throughout California and Arizona.

Although he is no longer with us physically, Deputy Hill's fervor and dedication to youth continues. His legacy of the SELF program will serve youth for many years to come.

CELEBRATION OF THE PERUVIAN INDEPENDENCE DAY

HON. WILLIAM J. MARTINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, July 28, 1995

Mr. MARTINI. Mr. Speaker, I rise today in celebration of the Peruvian Independence Day Parade. As the grandson of immigrants, I am honored to be the International Godfather of this illustrious parade.

The Peruvian community has every reason to celebrate their notable accomplishments. Their citizens are some of the most productive and valued members of the Eighth Congressional District of New Jersey. In fact, they boast the most educated second generation Peruvian-Americans ever in the United States. In colleges and universities across America, Peruvian-Americans graduate every year with degrees in law, medicine, engineering, and accounting.

The Peruvian-Americans have been so successful in their educational endeavors because they believe in hard work, sometimes attending classes at night while working full time during the day. In fact, the number of Peruvians on the rolls of social services is almost nonexistent. They have demonstrated that a fair chance to prove their value coupled with the dedication to hard work are the ingredients to a prosperous life.

Furthermore, the Peruvians believe dedication to the family is the essential element in building strong community relationships where parents can care for their children and ensure that they have the best opportunities available to advance in life. For instance, when faced with financial difficulties Peruvian-Americans have displayed their self reliance. Instead of turning to the Federal Government, the Peruvians have established a network of community organizations including volunteers, civic associations, and churches which offer medical care and other forms of assistance to the residents. They provide the strength, reassurance, and tangible advantages that are necessary to succeed. In short, it is the community where Peruvians go when in need of assistance.

Finally, Mr. Speaker, the success of the Peruvian community has had a positive impact on the lives of the people of my congressional district. They provide brilliant examples of the same values that propelled my parents—and millions of other immigrants—to succeed in America. I believe it is all of these qualities that make the Peruvian community such an asset to the people I represent. I am proud to join them on this day of celebration.

THE REAL ESTATE INVESTMENT TRUST SIMPLIFICATION ACT OF 1995

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 28, 1995

Mr. SHAW. Mr. Speaker, I rise today to draw my colleagues' attention to an important piece of legislation, H.R. 2121, the Real Estate Investment Trust Simplification Act of 1995 [REITSA], a bill to amend portions of the Internal Revenue Code dealing with real estate investment trusts, or REIT's. The legislation responds to the need for simplification in the regulation of the day-to-day operation of REIT's. REITSA is cosponsored by Mr. MATSUI, Mr. CRANE, Mr. THOMAS, Mrs. JOHNSON, of Connecticut, Mr. ZIMMER, Mr. PORTMAN, Mr. STARK, Mr. JACOBS, Mr. LEVIN, Mr. CARDIN, Mr. DUNN, and Mr. SAM JOHNSON of Texas.

In 1960, Congress created REIT's to function as the real estate equivalent of the regulated investment company, or mutual fund. As such, they permit small investors to participate in real estate projects that the investors could not undertake individually and with the assistance of experienced management. Over time, the REIT industry has matured into its intended role with the greatest stride made in this decade.

This development of the REIT industry is a result of a number of factors. As important as any other were the changes Congress enacted in 1986 to the REIT rules themselves and the tax landscape in general. With respect to the general provisions, throughout the 1980's limited partnerships used the offer of multiple dollars of tax paper losses for each invested dollar to attract investors away from solid investments like REITs, which seek to provide investors with consistent distributions from economically feasible real estate investments but provide no opportunity to receive a pass-through of tax motivated losses. Accordingly, the elimination of those tax loss loopholes led investors to look for income-producing investment opportunities.

Also included in the 1986 tax legislation were important modifications to the REIT provisions of the Code. Among the changes made as part of that modernization of the REIT tax laws, the first in a decade and most recent comprehensive revision of the REIT laws, the most significant was the change allowing REIT's to directly provide to tenants those services customary in the leasing of real estate as had been permitted to pension plans and other tax-exempt entities engaged in the leasing of real property. Prior to that change, a REIT was required to use an independent contractor to provide those services.

These legislative changes and the lack of credit to recapitalize America's real estate produced a suitable environment for the substantial growth in the REIT industry and the fulfillment of Congress' original hopes for the REIT vehicle.

From 1990 to present, the industry has grown from a market capitalization of approximately $9 billion to nearly $50 billion. Fueling that growth has been the introduction of some of America's leading real estate companies to the family of long existing, viable REIT's. As a result, the majority of today's REIT's are owners of quality, income-producing real estate. Thus, hundreds of thousands of individuals that own REIT shares through direct investment, plus the many more who are interest holders in the growing number of mutual funds or pension funds investing in REIT's, have become participants in the recapitalization of tens of billions of dollars of America's best real estate investments. Likewise, investors in mortgage REIT's have the opportunity to participate in the ever growing market for securitized mortgages, further contributing to the recapitalization of quality real estate.

The benefits of the growth in the REIT industry were addressed in a recent Urban Land Institute White Paper titled "The REIT Renaissance." That white paper concluded that "[f]rom an overall economic standpoint, the real estate industry and the economy should be well served by the expansion of the REIT industry—the broadening of participation in real estate ownership, the investment in market information and research that the public market will bring, and the more timely responsiveness to market signals that will result from better information and market analysis."

To assist the continued growth of this important industry, was developed to address areas in the existing tax regime that present significant, yet unnecessary, barriers to the use of the REIT vehicle. The proposals represent a modernization of the most complex parts of the regulatory structure under which REIT's operate, while leaving intact the basic underlying ownership, income, asset, and distribution tests introduced in the original REIT legislation.

SUMMARY OF KEY PROVISIONS

A. Title I contains three proposals to remove unnecessary "traps for the unwary." These proposals would address current requirements that are not necessary to satisfy Congressional objectives, that carry a disproportionate penalty for even unintentional oversights, or that are impracticable in today's environment. Title I's overriding intention is not to penalize a REIT's many small investors by stripping the REIT of its tax status as a result of an act that does not violate Congress' underlying intent in creating the REIT vehicle.

Section 101. Shareholder Demand Letter. The potential disqualification for a REIT's failure to send shareholder demand letters should be replaced with a reporting penalty. Under present law, regulations require that a REIT send letters to certain shareholders within 30 days of the close of the REIT's taxable year. The letters demand from its shareholders of record, a written statement identifying the "actual owner" of the stock. A REIT's failure to comply with the notification requirement may result in a loss of REIT status.

The failure to send-so-called demand letters may result in the disqualification of a REIT with thousands of shareholders that easily satisfies the substantive test because of a purely technical violation. As a result of disqualification, a REIT would be compelled to pay taxes for all open years, thereby depriving their shareholders of income generated in compliance with all of the REIT rules. Fortunately, the Internal Revenue Service has not enforced any such technical disqualifications and instead has entered into closing agreements with several REITs. The proposal would alleviate the need to enter into such closing agreements on a prospective basis.

H.R. 2121 provides that a REIT's failure to comply with the demand letter regulations would not, by itself, disqualify a REIT if it otherwise establishes that it satisfies the substantive ownership rules. But under these circumstances, a $25,000 penalty ($50,000 for intentional violations) would be imposed for any year in which the REIT did not comply with the shareholder demand regulations and the REIT would be required, when requested by the IRS, to send curative demand letters or face an additional penalty equal to the amounts related above. In addition, to protect a REIT that meets the regulations, but is otherwise unable to discover the actual ownership of its shares, the bill provides that a REIT would be deemed to satisfy the share ownership rules if it complies with the demand letter regulations and does not know, or have reason to know, of an actual violation of the ownership rules.

Section 102. De Minimus Rule for Tenant Services Income. The uncertainty related to qualifying services for a REIT should be addressed by a reasonable de minimum test. In 1986, Congress modernized the REITs' independent contractor rules to allow them to directly furnish to tenants those services customary in the management of rental property. However, certain problems persist. Under existing law, a REIT's receipt of any amount of revenue as a result of providing an impermissible service to tenants with respect to a property may disqualify all rents received with respect to that property. For example, if a REIT's employee assists a tenant in moving in or out of an apartment complex (a potentially impermissible service), technically the IRS could contend that all the income from the apartment complex is disqualified, even though the REIT received no direct revenue for the provided service. Similar concerns might arise if a REIT provided wheelchairs at a mall on a no-cost basis. The disqualifications of a large property's rent could seriously threaten, or even terminate, the REIT's qualified status.

Interestingly, at the same time a REIT could be severely punished for providing services to tenants or their visitors, the REIT rules properly provide that up to 5 percent of a REIT's gross income may come from providing services to non-tenants. Thus, under present law a REIT is better off providing services to nontenants than providing the same services to tenants.

In addition to the potential disqualification of rents, the absence of a de minimus rule requires the REIT to spend significant time and energy in monitoring every action of its employees, and significant dollars in attorney fees to determine whether each potential action is an impermissible service. The uncertainty regarding the permissibility of services also requires that the IRS to expend considerable resources in responding to private ruling requests.

To lessen the burden of monitoring each REIT employee's every action and to eliminate unnecessary disqualification of tenant rents, this bill provides for a de minimum exception. The exception would treat small amounts of revenue resulting from an impermissible service in a manner similar to revenue received from providing services to nontenants, and protect the classification of rents from the affected property as qualifying REIT income. The de minimus exception is equal to 1 percent of the gross income from the affected property. The de minimus exception is based on gross income to be consistent with the REIT's income tests, and is set at 1 percent to reflect an amount large enough to provide the requisite safe harbor (note that it is 1 percent of the income from an affected property, regardless how small, and not all properties owned by the REIT), yet small enough not to encourage disregard of the independent contractor rule. Because many of the services in question will not result in a direct receipt of gross income, the bill provides a mechanism for establishing the gross income received relative to an impermissible service. The gross income is deemed at least equal to the direct costs of the service (i.e. labor, cost of goods) multiplied by 150 percent.

For example, in the case of a REIT providing wheelchairs at a mall, the cost of the wheelchairs would be multiplied by 150 percent to achieve the gross income realized from the impermissible service. If that and any other gross income related to impermissible services provided to tenants of that mall does not exceed 1 percent of the malls gross income for the year, the impermissible service income would be classified as nonqualifying income. However, rents received from tenants of the mall would not be disqualified.

A REIT's actions are still policed under this change. First, if a REIT's gross income from impermissible services exceed 1 percent of the gross income from the affected property, that income and the rents from that property would be disqualified as under current law. Second, as previously noted, a REIT's gross income from non-qualifying sources is limited to 5 percent of total gross income. Accordingly, gross income from impermissible sources that does not exceed the 1 percent threshold would be included in that small basket, thereby placing a second check on the REIT's activities.

Section 103. Attribution Rules Applicable To Tenant Ownership. Unintended double attribution under section 318 should be minimized, while preserving the intended purpose of the attribution rule. The attribution rules of section 318 are interjected to ensure that a REIT does not receive rents from a 10 percent or more related party, in which case the rents are deemed disqualified income for the REIT gross income tests. While the intention of that rule is proper, a quirk in the application of section 318 to REITs as called for under section 856(d)(2) may result in the disqualification of a REIT's rent when no actual direct or indirect relationship exists between the REIT and tenant.

Under section 318(a)(3)(A), stock owned directly or indirectly, by a partner is considered owned by the partnership. In addition, under section 318(a)(3)(C), a corporation is considered as owning stock that is owned, directly or indirectly, by or for a person who also owns more than 10 percent (in the case of REITs) of the stock in such corporation. Those attribution rules may create an unintended result when several persons who collectively own 10 percent of a REIT's tenant, also own collectively 10 percent of the REIT. So long as those persons are unrelated, because their individual interests in both the REIT and tenant do not equal 10 percent the REIT is not deemed to own 10 percent of the tenant. However, if those persons obtain interests, regardless of how small, in the same partnership the REIT will be deemed to own 10 percent of the tenant. This results from the partnership's deemed ownership of the partners' stock in both tenant and the REIT. Further, because the partnership becomes a deemed 10 percent owner of the REIT under section 318(a)(3)(A), REIT is deemed the 10 percent owner of tenant under section 318(a)(3)(C).

In essence, the REIT becomes the deemed 10 percent owner of its tenant as a result of a variation of the partner-to-partner attribution that section 318(a)(5)(C) specifically was enacted to prevent. It is only through the combination of the partners' various interests in the REIT and tenant that a disqualification of the rents occurs. This is true regardless of the purpose for the partnership's existence. The partners may have no knowledge of the other's existence and may be partners in a huge limited partnership completely unrelated to the REIT.

H.R. 2121 addresses this problem by modifying the application of section 318(a)(3)(A) (attribution to the partnership) only for purposes of section 856(d)(2), so that attribution would occur only when a partner holds a 25 percent or greater interest in the partnership. This threshold presumes that such a partner will have knowledge of the other persons holding interest in the partnership, and will have an opportunity to determine if those persons hold an interest in the REIT. By not suspending the double attribution entirely, the bill prevents the potentially abusive practice of placing a "dummy" partnership between the REIT and those persons holding interests in the tenant.

B. Title II of REITSA contains two proposals that would assist in carrying out Congress' original intent to create a real estate vehicle analogous to regulated investment companies.

Section 201. Credit For Tax Paid by REIT On Retained Capital Gains. Current law taxes a REIT that retains capital gains, and imposes a second level of tax on the REIT shareholders when later they receive the capital gain distribution. REITSA reform provides for the REIT rules to be modified to correspond with the mutual fund rules governing the taxation of retained capital gains by passing through a credit to shareholders for capital gains taxes paid at the corporate (REIT) level. This modification is necessary to prevent the unintended depletion of a REIT's capital base when it sells property at a taxable gain. Accordingly, the REIT could acquire a replacement property without incurring costly charges associated with a stock offering or debt.

Section 202. Repeal of the 30 Percent Gross Income Requirement. H.R. 2121 calls for the repeal of the 30 percent gross income test because the effective management of a REIT's portfolio and is not needed to ensure that a REIT remains a long-term investor in real property. RICs have a similar anti-churning provision known as the "short-short" rule. The Tax Simplification and Technical Corrections Act of 1994 (H.R. 3419), as passed by the House of Representatives on May 17, 1994, would have repealed that rule for RICs.

Unlike RICs, REITs also face the imposition of a 100 percent tax on property held for sale in the ordinary course of business (dealer property). Thus, repeal of the REIT 30 percent test would not open the playing field for REITs to become speculators in real property. Instead, the repeal helps to ensure that a REIT will not lose its status if a REIT sells non-dealer property when market conditions are most favorable.

C. Title III of REITSA would simplify several technical problems that REITs face in their organization and day-to-day operations. Many of these proposals would build on simplifications that Congress has adopted over the years.

Section 301. Modification Of Earnings And Profits Rules For Determining Whether REIT Has Earnings And Profits From Non-REIT Year. Only for purposes of the requirement that a REIT distribute all pre-REIT earnings and profits ("E&P") within its first taxable year as a REIT, a REIT's distributions should be deemed to carry out all pre-REIT earnings before shareholders are considered to be receiving REIT E&P. Under existing law, a REIT must not only distribute 95 percent of its REIT taxable income to shareholders but it must in its first year distribute all pre-REIT year E&P. If the company mistakenly underestimates the amount of E&P generated while operating as a REIT it may fail to satisfy those requirements because the ordering rules controlling the distribution of E&P currently provide that distributions first carry out the most recently accumulated E&P. Thus, if a REIT distributes the pre-REIT E&P and the expected REIT E&P in its first REIT taxable year, the year-end receipt of any unanticipated income would result in the reclassification of a portion of the distribution intended to pass out the pre-REIT E&P.

While REITs have methods available to make distributions after the close of their taxable year that relate back to assure satisfaction of the 95 percent income distribution requirement, those methods can not be used to cure a failure to distribute pre-REIT E&P after the close of the REIT's taxable year. Accordingly, by allowing the REIT's distributions to first carry out the pre-REIT

E&P, the REIT could satisfy both distribution requirements by using one of the deferred distribution methods to distributed the unanticipated income discussed in the example.

Section 302. Treatment Of Foreclosure Property. Rules related to foreclosure property should be modernized. For property acquired through foreclosure on a loan or default on a lease, under present law a REIT can elect foreclosure property treatment. That election provides the REIT with 3 special conditions to assist it in taking over the property and seeking its re-leasing or sale. First, a REIT is permitted to conduct a trade or business using property acquired through foreclosure for 90 days after it acquires such property, provided the REIT makes a foreclosure property election. After the 90-day period, the REIT must use an independent contractor to conduct the trade or business (a party from whom the REIT does not receive income). Second, a REIT may hold foreclosure property for resale to customers without being subject to the 100 percent prohibited transaction tax (although subject to the highest corporate taxes). Third, nonqualifying income from foreclosure property (from activities conducted by the REIT or independent contractor after 90 days) is not considered for purposes of the REIT gross income tests, but generally is subject to the highest corporate tax rate. The foreclosure property election is valid for 2 years, but may be extended for 2 additional terms (a total of 6 years) with IRS consent.

Under H.R. 2121, the election procedure would be modified in the following ways: (1) the initial election and one renewal period would last for 3 years; (2) the initial election would remain effective until the last day of the third taxable year following the election (instead of exactly two years from the date of election; and (3) a one-time election out of foreclosure property status would be made available to accommodate situations when a REIT desires to discontinue foreclosure property status.

In addition, the independent contractor rule under the election would be modernized so that it worked in the same manner as the general independent contractor rule. Currently a REIT may provide to tenants of non-foreclosure property services customary in the leasing of real property. However, this previous modernization of the independent contractor rule was not made to the rules governing the required use of independent contractors for foreclosure property.

Section 303. Special Foreclosure Rules For Health Care Properties. In the case of health care REITs, H.R. 2121 provides that a REIT would not violate the independent contractor requirement if the REIT receives rents from a lease to that independent contractor as a tenant at a second health care facility. This change recognizes the limited number of health care providers available to serve as an independent contractor on a property acquired by the REIT in foreclosure, and the REIT's likely inability to simply close the facility due to the nature of the facilities inhabitants. In addition, the health care rules would extend the foreclosure property rules to expirations or terminations of health care REIT leases, since similar issues arise in those circumstances.

Section 304. Payments Under Hedging Instruments. H.R. 2121 would extend the REIT variable interest hedging rule to permit a REIT to treat as qualifying any income from the hedge of any REIT liability secured by real property or used to acquire or improve real property. This provision would apply to hedging a REIT's unsecured corporate debenture.

Section 305. Excess Noncash Income. H.R. 2121 would expand the use of the excess noncash income exclusion currently provided under the REIT distribution rules. The bill would (1) extend the exclusion to include most forms of phantom income and (2) make the exclusion available accrual basis REITs. Under the exclusion, listed forms of phantom income would be excluded from the REIT 95 percent distribution requirement. However, the income would be taxed at the REIT level if the REIT did not make sufficient distributions.

Section 306. Prohibited Transaction Safe Harbor. H.R. 2121 would correct a problem in the wording of Congress' past liberalization of the safe harbor from the 100 percent excise tax on prohibited transactions, i.e., sales of property in the ordinary course of business. The adverse effect of accumulated depreciation on the availability of the safe harbor, which punishes REITs that hold their properties for longer terms, would be mitigated. In addition, involuntary conversions of property no longer would count against the permitted 7 sales of property under the safe harbor.

Section 307. Shared Appreciation Mortgages ("SAM"). In general, section 856(j) provides that a REIT may receive income based on a borrower's sale of the underlying property. However, the character of that income is determined by the borrower's actions. The SAM provision would be modified and clarified so that a REIT lender would not be penalized by a borrower's bankruptcy (an event beyond its control) and would clarify that a SAM could be based on appreciation in value as well as gain.

Section 308. Wholly Owned Subsidiaries. In 1986, Congress realized the usefulness of a REIT holding properties in subsidiaries to limit its liability exposure. H.R. 2121 would codify a recent IRS private letter ruling position providing that a REIT may treat a wholly-owned subsidiary as a qualified REIT subsidiary even if the subsidiary previously had been owned by a non-REIT entity. For example, this bill would allow a REIT to treat a corporation as a qualified REIT subsidiary when it purchases for cash and/or stock all the stock of a non-REIT C corporation.

TRIBUTE TO MABLE WATKINS-CASS

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 28, 1995

Mr. RUSH. Mr. Speaker, I rise today to pay tribute to Mrs. Mable Watkins-Cass, who on Sunday, June 30, 1995, will celebrate the occasion of her 60th birthday.

Mrs. Cass is a longtime resident of the city of Chicago. Born in Holly Springs, MS to the union of Mr. Windom Jones and the late Mrs. Ann Speights-Anderson, she came to Chicago in her formulative years with her parents. Mrs. Cass is the proud mother of four children and the grandmother of five.

Mrs. Cass attended the Chicago public schools where she graduated from the Lucy Flowers Vocational High School. Additionally, she worked dutifully as an employee of the public school system, until her retirement in 1982.

A deeply devoted Christian woman, Mrs. Cass has served faithfully for the past 25 years as a member of the Gospel Temple Missionary Baptist Church on the southside of Chicago, under the leadership of the late Rev. Dr. Jethro Gayles and the Rev. Bishop Smith. She has also been an active member of the National Baptist Convention and the Illinois Baptist State Convention.

Over the years, Mrs. Cass has been very active in civic and community affairs. Many of these activities include work with her block club organizations and the local electoral process.

Mr. Speaker, Mrs. Mable Watkins-Cass has dedicated her life to helping others. Her commitment and contributions to people have made her both, admired and respected. I am privileged that in my lifetime our paths have crossed. I am honored to call her a friend and I am proud to enter these words into the RECORD.

MY VISION FOR AMERICA

HON. WILLIAM M. "MAC" THORNBERRY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 28, 1995

Mr. THORNBERRY. Mr. Speaker, Each year the Veterans of Foreign Wars of the United States and its Ladies Auxiliary conduct the Voice of Democracy broadcast scriptwriting contest. This past year more than 126,000 secondary school students participated in the contest competing for the 54 national scholarships totaling more that $109,000, which was distributed among the winners. The contest theme this year was "My Vision For America."

Ms. Erin Kenyon of my district was the State winner for Texas. The following is her winning script:

MY VISION FOR AMERICA

We all have a vision of America. Thomas Jefferson saw independence. Abraham Lincoln envisioned unity. Susan B. Anthony pictured women voting. Martin Luther King, Jr. foresaw a land of equality for all races. My vision for American isn't too different from theirs—I see a diverse nation, unified by a people with a generous spirit, who are willing to be a beacon of hope and democracy to the whole world.

Throughout history, Americans have faced and met the demands of life in the frontier with a patriotic zeal. Early in America, pioneers were faced with the challenge of building their homes and barns quickly to avoid the ravages of winter. Instead of each man taking on this incredible task by himself, people decided that by working together more could be accomplished. In much the same way, my vision of America ha citizens working together for the betterment of our country.

The rallying cry of the American revolution, "United we stand, divided we fall," can be a guide for us in solving the problems which now plague American society. A man in California who was tired of the gang graffiti sprawled on walls across his neighborhood formed a group to paint over it. Volunteers help with youth programs such as boy's and girl's clubs and scouting which provide interests to keep kids off the streets. Volunteers across the country devote their time to teaching the illiterate how to read. These are just a few examples of how ordinary Americans can make an extraordinary difference in the lives of their fellow countrymen. In my vision, every person would see citizenship as a shared responsibility. We must not only be a United States, but a United people.

Webster's dictionary defines patriotism as love, support, and defense of one's country. It seems sometimes as if Americans become so torn with their difference that they lose sight of what really matters. That diversity doesn't have to divide us; it can be the glue that binds us to our goals and dreams.

The same is true for our government. Our representatives should realize that the national interest comes before political partisanship. Political campaigns should be based on constructive ideas, not destructive mudslinging.

In my vision racial and political differences aren't inevitable obstacles, but solvable problems. Conquering them will lead us to a more perfect union.

Finally, my vision is for America to be a world leader. Now is not the time to be isolationists. We must maintain our military superiority in order not to use it. For with that very strength, we have the power to promote world peace—economically and diplomatically. Like President Woodrow Wilson said, "America cannot be an ostrich with its head in the sand." Shrinking from our responsibility leaves the rest of the world with nowhere to turn. We should be a role model for countries throughout the world to follow.

In my vision of America, hope and opportunity exist for each and every one of us. We owe much to those whose visions of America have changed our lives—Thomas Jefferson, Abraham Lincoln, Susan B. Anthony, Martin Luther King, Jr. and many other patriots. My vision is for America to be a country of patriotic people, united in being a model of democracy and hope to the world with the courage to look unafraid towards the future.

MEDICARE CUTS

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 28, 1995

Mr. RUSH. Mr. Speaker, I rise today as the voice of hundreds of senior citizens in the First Congressional District of Illinois and none of them wants cuts of any kind in their Medicare Program.

These older Americans were angry. They were scared. And they are not going to stand for these draconian cuts.

They know that the Republicans have committed themselves to squeezing $270 billion out of the Medicare budget over the next 7 years.

The budget resolution sets out a gradual path of Medicare reductions, and most of the impact will not be felt until after November 1996, safely clearing the way for many Republicans up for reelection.

So make no mistake about it. This is not about policy making.

This is about politics—plain and simple.

The seniors want a clear mandate delivered to the Republican Party. They want them to know that seniors are not old or forgetful. Seniors are not "very pack-oriented and very susceptible to being led," as a leaked GOP strategy memo indicates. On the contrary, they will remember, a year from this November, who it was that slashed their Medicare Program and left them out in the cold to fend for themselves.

CELEBRATING MEDICARE'S 30TH BIRTHDAY

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Friday, July 28, 1995

Mr. RICHARDSON. Mr. Speaker, this week marks the 30th anniversary of Medicare, one of the Nation's most successful undertakings. Because of Medicare, America's seniors no longer choose between medicine and food or rent, and consequently their health has improved dramatically. Ironically, one of the reasons we are currently considering Medicare reform is due in large measure to its profound success. Americans are living longer, and many more reach an age where greater health problems emerge. This is a fortunate turn of events, and we must not use it to ransack a system that has served the Nation well.

Medicare is a remarkable testament to the good that can come from deliberative, open, bipartisan efforts to solve an oncoming health crisis. The Medicare concept was debated in Washington for 13 years before finally being signed into law in 1965. Many skeptics predicted that it would bankrupt the United States, that the contributions seniors made prior to retirement would evaporate, and that our health care system would become substandard. In fact, none of these events occurred. Medicare has been overwhelmingly successful.

Currently, there are 37 million Americans enrolled in Medicare, and 205,000 of them are New Mexicans. Today, 99.1 percent of all Americans over the age of 65 have health insurance coverage, primarily due to Medicare. The poverty rate for aged Americans has fallen by nearly 50 percent since Medicare's inception, and this is largely attributable to the fact that seniors receive effective preventive and acute health care at reasonable costs.

We must accomplish the difficult task of extending the life of Medicare, and it should not interfere with our commitment to balance the budget. But we also must examine the effects of current proposals carefully. In our rush to achieve ambitious goals, we cannot overlook the economic and social importance of adequate health care for seniors and the continued viability of local hospitals.

I commend to you the following article, written by Dr. Lyle Hagan of my district, which outlines the serious impacts current proposals will bring about.

STORM LOOMING FOR MEDICARE

(By Dr. R. Lyle Hagan)

On July 28, 1995 Medicare will celebrate its 30th birthday. As we all know, Medicare is a U.S. Government program that provides medical care for the nation's elderly. In addition Medicaid—a government administered program, provides medical services to the poor; financed jointly by Federal and State governments.

During the past several weeks, Congress has been deeply involved in cutting costs in all areas of government administration. Congress has established a Budget resolution for the fiscal year 1996 (FY 96).

The American Association of Retired Persons (AARP) fully supports deficit reduction, but it also believes that deficit reduction should be fair and balanced. The (FY 96) Budget Resolution proposes to take nearly half of the deficit reduction in the next seven years out of Medicare and Medicaid. In both programs these are the largest cuts ever proposed.

In 1995, the average older beneficiary will spend about $2,750 out-of-pocket to cover the cost of medicare premiums, deductibles, coinsurance and the cost of services not covered by Medicare.

Under the Budget Resolution (FY 96), an average beneficiary would end up spending a total of about $29,000 over seven years—an increase of about $3,400. To achieve the medicare spending reductions in these proposals, costs that are currently paid by the Medicare program would probably be shifted to Medicare beneficiaries in the form of higher premiums, deductibles and coinsurance.

These could include: a higher medicare Part B premium; an increase in the annual Part B deductible to $150, indexed to program growth; a new 20 percent home health insurance; a new 20 percent coinsurance for skilled nursing facility care; a new 20 percent lab coinsurance and a new income-related premium for higher-income beneficiaries.

All of these options have been under review in the Congress this year. Currently, the Part B premium intended to approximate 25 percent of Part B costs. In 1995, the premium is $46.10 per month, $553.20 annually. It is estimated to grow to $60.80 per month, $729.60 annually by 2002. The premium is deducted from most beneficiaries' social security checks. The remaining 75 percent of Part B costs are paid from general revenues.

Under the proposal by FY 96, the Budget resolution could substantially increase the Part B premium paid by medicare beneficiaries thereby shifting higher health care costs to medicare beneficiaries. Under the proposal, the premium is estimated to jump to $97.70 per month, or $1,172.40 annually by 2002. That is $442.80 more than the beneficiary would pay under current law. Over the next seven years, most medicare beneficiaries would pay an estimated additional $1,590 for the Part B premium alone.

The FY Budget resolution includes the largest Medicaid reductions in the history of the program—$182 billion in savings over the next seven years. In the year 2002 alone, the budget proposal would reduce projected federal medicaid spending by $54 billion, a reduction of about 30 percent below what the government estimates it will cost to run the program delivering the same services and benefits that it does today.

Medicaid is the health and long-term care safety net for vulnerable children, older and disabled Americans. More than four million older Americans depend on medicaid for coverage of preventive care, prescription drugs, nursing home and home community-based long-term care. In addition, more than 15 million low-income children are covered by Medicaid.

How individual states would respond to the proposed cuts would vary by state, but some things are clear. It is unlikely that states would raise taxes or shift money to make up for the federal reductions. According to estimates by the urban institute, in the year 2002, more than eight million Americans could lose their medicaid coverage as a result of these proposed reductions.

Senior citizens may ask their Senator or Representative in Congress about Medicare and Medicaid cuts and how they will affect their future health and medical care.

INTRODUCTION OF THE ERISA CHILD ABUSE ACCOUNTABILITY ACT

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, July 28, 1995

Mrs. SCHROEDER. Mr. Speaker, I am introducing the ERISA Child Abuse Accountability Act. This bill is a natural extension of legislation that I introduced last session, the Child Abuse Accountability Act, which Congress passed and President Clinton signed into law, Public Law 103–358.

The ERISA Child Abuse Accountability Act amends the Employment Retirement Income Security Act [ERISA] to allow victims to collect monetary awards from their abuser's pension. As a result of last year's legislation, victims of child abuse can now collect from an abuser's pension if it is a Federal pension. The ERISA Child Abuse Accountability Act allows victims to collect from private sector pensions as well.

It is vital that we, as a nation, dedicate ourselves to protect the welfare of our children and guarantee that anyone who commits a crime against them is held accountable. That is what The ERISA Child Abuse Accountability Act does.

The children who survive abuse face a lifetime of scars, both physical and mental. Some of these survivors turn to our court system to hold their abusers civilly accountable for their crimes. They endure traumatic trials, reliving the years of torment in order to hold their abusers responsible. Tragically, vindication by a court is only the beginning of the struggle for countless victims. Even after a court finds the abuser guilty and awards the survivor compensation, our laws prevent satisfying a court order with money from a pension.

This bill ends this injustice by creating a right to payment to satisfy a child abuse judgment. Under current law, private pensions are already accessible for child support and for spousal payments. This bill adds child abuse compensation as an obligation that must be met.

We hear a lot of talk in this body about protecting children and victims. But the fact is, there are laws that Congress has passed that protect abusers and prevent justice for victims. If we do not change those laws, our words ring hollow. I urge Members to support this bill.

TRIBUTE TO REV. W.L. PATTERSON

HON. VERNON J. EHLERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, July 28, 1995

Mr. EHLERS. Mr. Speaker, it is with great pleasure that I take this opportunity to recognize the efforts and achievements of an outstanding man from my hometown of Grand Rapids, MI. Rev. W.L. Patterson of the True Light Baptist Church has given 41 years of unselfish civic and spiritual service to the residents of our community.

Reverend Patterson was born and raised in Arkansas, and in 1954 was called to the pastorate of the True Light Baptist Church. He is known throughout our community as a man of great integrity, ambition, and leadership. His work and dedication have helped improve the quality of life for a countless number of people.

Since being ordained 56 years ago, Reverend Patterson has continually served as a church pastor, and dedicated the last 41 years to the True Light Baptist Church. He has accomplished many outstanding services for the church such as building a new church, purchasing two parsonages, and purchasing property for the church, in addition to serving the spiritual needs of his parishioners.

Reverend Patterson has conducted daily commentaries and has appealed to those in need of prayer and counseling over the airwaves of WKWM radio. Reverend Patterson has used the power of the radio medium to deliver prayers and worship for those who are unable to attend services in person. His radio worship services have given him the distinction of being one of the first pastors to use this form of communication to deliver his message.

His involvement with the community extends beyond the pulpit of the church. He was instrumental in forming the Ambassadors Club, an organized Bible study class that later became a community service group. He also founded the Kennedy Day Care Center which served the youth of our community for more than 20 years. People with substance abuse problems have also benefited from Patterson's caring ways. His Operation Faith program was established to help those with substance abuse problems deal with their dilemmas through alternatives other than drugs and alcohol.

His skills and leadership have also been tapped by numerous organizations in the community. He has served as a member of the Kent Skills Committee on Relocation and he has also been involved as a board member of the Salvation Army's Genesis House. He has also held membership in the Grand Rapids chapters of the Urban League and the NAACP.

Not only has Reverend Patterson blessed the lives of many during his years of service, he has also been blessed himself by a wonderful family. Providing loving support for this dedicated man have been his wife, Ruth White Patterson, and his children Willie Patterson, Jr., Allena Ruth Cross, Rev. Irma Jean Jones, Ralph Patterson, Rev. H. Calvin Patterson, Barbara Brazil, Thedosa Baker, and his deceased son, Walter Patterson.

Mr. Speaker, I have summed up just a sampling of the many accomplishments and achievements of this remarkable and dedicated man. It is with great pleasure and privilege that I take this time to honor Reverend Patterson for all of his work in helping provide a better way of life for those he has come in contact with.

THE 1996 COMMERCE, JUSTICE, STATE AND THE JUDICIARY APPROPRIATIONS ACT

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 28, 1995

Mr. PACKARD. Mr. Speaker, President Clinton has declared his intention to veto the 1996 Commerce, Justice, State, and the Judiciary Appropriations Act. May I say how saddened I am that the President has chosen to act in this way. By vetoing this bill President Clinton is putting the interests of his party above the interests of the Nation.

Such an action, while not out of character, is nevertheless surprising considering the overwhelming benefits of this bill. The bill gives more money toward law enforcement, including the INS, who receive a 20-percent increase in desperately needed funds, than any bill ever passed in Congress. How can the President be willing to jeopardize the safety of every American citizen just because his own anti crime program has been scraped in favor of new initiatives that allow States and local Communities greater flexibility in tackling crime on their streets? Stalling over Medicare and thus endangering the health of our senior citizens is bad enough, but now, by threatening to veto the Commerce, Justice, State, and Judiciary appropriations bill, President Clinton is risking the lives of all Americans. What we the Republicans have always feared is true; the President is more concerned with his own agenda than the fate of the American people.

The 1996 Commerce, Justice, State, and Judiciary Appropriations Act represents a major new initiative in fighting crime. It rejects the old tried and failed attempts to impose solutions from above, solutions that do not, and cannot, take the specific needs and difficulties of local communities into account. By providing States with Block grants, States can still use the money to hire more police if they want, but they can also choose to buy equipment, start prevention programs, improve training—whatever they think will be most effective. This bill takes money out of the hands of Government bureaucrats and puts it into the hands of those who are fighting the war against crime on the frontlines. It recognizes that the Federal Government does not always know best. When will President Clinton realize the same and how many more will have to suffer until he does?

FREDDIE MAC'S 25TH ANNIVERSARY—JULY 24, 1970–JULY 24, 1995

HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 28, 1995

Mr. DAVIS. Mr. Speaker, 25 years ago this week, Congress created the Federal Home Loan Mortgage Corporation in an effort to relieve an ailing mortgage finance system. By utilizing what works best in the private and public sectors, Congress established Freddie Mac and revolutionized the home finance industry. Since then, Americans across the Nation have shared in the success, as housing funds have become more affordable and more available. Freddie Mac has continuously expanded into new and diverse markets, financing one in every six homes nationwide. They have housed over 16 million families since their inception in 1970. In my own Commonwealth of Virginia, Freddie Mac has purchased over 444,000 loans worth more than $36 billion in its 25 years.

As my colleagues are well aware, Freddie Mac keeps the supply of low cost money for housing widely available by linking mortgage lenders with security investors. It accomplishes its task by purchasing investment quality loans from primary lenders, packaging these loans as mortgage backed securities, and selling these securities to investors. Money is then available to purchase more loans from the lenders, and the cycle continues. It is important to point out that Freddie Mac accomplishes this without any Federal funding. In fact, it has been a major Federal taxpayer. In the past 5 years alone, it has paid over $2 billion in Federal taxes.

Today, I would like to commend Freddie Mac for another role it plays. As a corporate citizen, Freddie Mac strives to give even more to the communities it serves through its Freddie Mac Foundation. The Freddie Mac Foundation is dedicated to brightening the future of children, youth, and families at risk. Created with an endowment from Freddie Mac in 1990, the Foundation has invested more than $8 million in nonprofit organizations serving the Washington, DC, area.

Healthy families help foster healthy communities. Freddie Mac understands this and we in Congress should recognize and commend them for not only fulfilling their mission, but for taking this mission a step further. As their Chairman and CEO, Leland Brendsel, likes to say, while Freddie Mac's mission is to make the American dream of decent, accessible housing a reality, its foundation and its employees work to turn houses into healthy homes for children. They do this throughout the country, but we in Virginia, Maryland, and the District of Columbia have been particularly blessed by their presence.

In Virginia, one example of particular note is their longstanding partnership with Hunters Woods Elementary School in Reston where the Foundation has committed almost $200,000 and the employees have committed thousands of hours of time working with the kids on their special needs. The entire area will benefit from a recent Freddie Mac commitment of $1 million to help establish a Child Protection Center for area battered and abused children and their families at Children's Hospital. Finally, Freddie Mac's commitment to support our communities is probably best exemplified by a Washington Post article, which I submit for the RECORD, highlighting their work to help the District's foster care program. This is the kind of public/private partnership Freddie Mac brings not only to the community but to its public mission.

I believe Freddie Mac deserves not only congratulations on its 25th anniversary and thanks for doing a good job in meeting its mission, but also for its support for children, youth, and families at risk in communities throughout the country.

TRIBUTE TO CHRIS GROSS

HON. ANDREA H. SEASTRAND

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 28, 1995

Mrs. SEASTRAND. Mr. Speaker, I am pleased to rise to share the inspiring story of an ordinary citizen who is accomplishing extraordinary things. From the moment we mounted the stage of America, the family of Americans who called this continent home have come together in adverse and tragic times and demonstrated the best elements of free man. From the first winters at Jamestown there have been countless demonstrations of what Lincoln called the better angels of our nature. Some of these stories will be preserved in our history books, films, and folklore. It is my wish that one such example of an American helping those in need and inspiring others to do the same be recorded in the CONGRESSIONAL RECORD.

Like most Americans, Mr. Chris Gross watched in horror the tragic scenes that followed the Oklahoma City bombing. Not content to just sit and watch, he committed himself to an ambitious goal—help the 137 children who lost a parent in the Oklahoma City bombing by raising $1 million for a college fund. He began by donating 1 year of his own salary. This extraordinary display of generosity by this 26-year-old from Fremont, CA, has inspired others from all over the country to give to this admirable cause. As Mr. Gross holds a fundraiser in the 22d Congressional District of California on August 9, he will have already raised more than $500,000.

When Mr. Gross reaches his goal, he will have done more than help financially provide for 137 children's education. He will have also inspired all those who have heard of his commitment and remind us that Americans are the most generous and charitable people on Earth.

TRIBUTE TO COL. WALTER L. MAYO, JR. (USA-RET.) KOREAN WAR VETERAN

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 28, 1995

Mr. MORAN. Mr. Speaker, this week we gather as a nation to honor the soldiers and sailors, marines, and airmen, and all those who served, fought, and died in our Armed Forces in the Korean war. The Korean War Veterans Memorial, which we dedicate 42 years after the signing of the armistice of July 27, 1953, occupies a place of prominence and remembrance on the Washington Mall. This location among the grand monuments of our country is a fitting tribute to the veterans of a forgotten war that for too long has dwelt in the shadows of our history.

Among the ranks of those who served in the Korean war, one group has received scant attention and recognition even to this day—the more than 7,000 prisoners of war and 8,000 still listed as missing in action. I would like to tell the story of one man, Col. Walter L. Mayo, Jr. (USA-Ret.) of McLean, VA, and Centerville, MA, who fought from the Pusan perimeter to the banks of the Yalu River and who spent 3 years as a prisoner of war. His story stands as testimony to the thousands of others whose heroism and sacrifice went unrecognized for too long.

Walt Mayo was no stranger to combat when he arrived in Korea in 1950. A World War II veteran, he had served as a rifleman during the Battle of the Bulge and was captured by the Germans. After his release, he went to Boston College on the GI Bill, joined the ROTC program, and received a Regular Army commission on January 1, 1950. He landed in Korea on August 10 as a field artillery forward observer in the 99th Field Artillery, attached to the 3d Battalion, 8th Cavalry Regiment, 1st Cavalry Division, just weeks after the June 25, North Korean invasion of the Republic of Korea [ROK]. There he joined the thin line of American and ROK forces that held the Pusan perimeter against 14 North Korean divisions and several tank regiments. The toll was high. By the end of his first week in combat, Lieutenant Mayo was the only survivor among the three original forward observers in his unit.

By mid-September, MacArthur's landing at Inchon had combined with a breakout from the Pusan perimeter led by the 1st Cavalry to shift the tide of the war. The 8th Army pushed north to the Yalu River, crushing the remnants of the North Korean army. On Halloween, the 8th Cavalry Regiment was at the leading edge of the American forces, at the town of Unsan only miles from the Chinese border. The men did not know it, but they had reached the high-water mark of the American advance for the entire war.

The Chinese Communist forces struck American units in force for the first time of the war on November 1. Lieutenant Mayo's unit, the 3d Battalion, had established a perimeter near an odd-shaped bend of the Nammyon and Kuryong rivers. The unit had received orders to withdraw, but in the morning darkness of November 2 the Chinese attacked on three sides. Scores of Chinese poured into the American position near the battalion command post, and the fighting quickly became hand-to-hand. The men regrouped around three tanks and held off enemy attacks until daylight. They dug in during the day of November 2, protected by fighter-bomber strikes. Six officers, including Lieutenant Mayo, and 200 men were left to fight. Some 170 wounded were brought inside the small perimeter.

The fate of the 3d Battalion was sealed when the rest of the 1st Cavalry Division was ordered to withdraw on the evening of November 2. Completely cut off, the 3d Battalion had no further hope of rescue. But the men continued to fight, fending off wave after wave of Chinese attacks—at least six separate attacks each during the nights of November 2–3 and 3–4. As the American soldiers exhausted their ammunition, they crept out at night to collect weapons and ammunition from the dead Chinese soldiers that littered the ground around them. One soldier described Lt. Mayo during this time as "the finest combat officer I have ever seen."

The situation on the morning of November 4 was grim. More than 250 men lay wounded.

They had almost no ammunition and the tanks had long since been destroyed. The officers decided to attempt a break-out. The battalion surgeon, Captain Anderson, and the chaplain, Father Emil Kapaun, volunteered to stay behind with the wounded.

That afternoon, Lt. Mayo and three others crawled across the bodies of the dead Chinese to scout a way out of the encirclement. He found a hole in the lines and sent word back for the rest of the group to follow. The survivors broke out just as the Chinese fired a massive artillery barrage in preparation for a final attack on the perimeter. The official Army history records the 3rd Battalion's fight as the "Ordeal Nuclear Camel's Head Bend."

The group evaded the Chinese for 2 days. The official account states simply that,

> The next day, within sight of bursting American artillery shells, Chinese forces surrounded them and the battalion group, on the decision of the officers, broke up into small parties in the hope that some of them would escape. At approximately 1600 on the afternoon of 6 November the action of the 3rd Battalion, 8th Cavalry, as an organized force came to an end. Most of these men were either killed or captured that day . . .

The entire 8th Calvary Regiment had lost some 600 men—a 45-percent casualty rate that meant the unit effectively ceased to exist.

Walt Mayo was captured by the Chinese on November 7 and marched north for 2 weeks to Pyoktong near the Chinese border. By the end of the march, the column of American POW's had grown to almost 600 men. Walt Mayo's parents were told he was missing in action.

Camp 5 at Pyoktong consisted initially of these 600 men housed 15 or 20 to a room in partially destroyed sheds and houses. The men had no way to clean themselves, little fuel, and no blankets to ward off the sub-zero temperatures. They had not received winter issue clothes before they were captured, so they only had light field jackets. The men were filthy and soon became covered with lice. Wounds became infected and sores began to break out and fester. The meager diet of cracked corn and millet took its toll, as limbs began to swell from beri-beri, night blindness struck and the men felt the effects of pellagra and other nutritional diseases. Pneumonia, hepatitis, and dysentery afflicted the weakened soldiers. The men began to die.

In February, 1951, 800 more POW's, including members of the Turkish Brigade, joined the original group at Pyoktong. Members of the Royal Ulster Rifles followed in April. But the death toll among the weakened men who had been in the camp through the freezing winter of 1950–51 continued to climb. By the late spring, more than two dozen men a day were dying. The death toll did not begin to drop until August, 1951.

The period from November 1950 until October 1951 was the darkest and deadliest chapter for American POW's. The Chinese did not feel they would have to account for the men, so they gave them almost nothing and sought to do little more than exploit and punish them. Some Americans gave up under the pressure of disease, deprivation, and despair. The vast majority of the 2,700 American POW deaths took place in these first 11 months, with almost 1,500 dying in Camp 2 alone.

Most men held on to their dignity and a few even reached deep inside themselves to find reservoirs of great courage and strength. Father Emil Kapaun was one such man. Walt had known Father Kapaun since the Pusan perimeter, when Father Kapaun had his pipe shot out of his mouth by a sniper. He had shown incredible bravery during the "Ordeal Near Camel's Bend," constantly risking his life to tend to the wounded.

Father Kapaun served as constant source of cheer and inspiration in Camp 5. He ministered to the sick and dying, and emulated St. Dismas, the good thief, in stealing food from the Chinese for the men. The Chinese feared Father Kapaun and the strength of his faith. When he developed a blood clot in his leg in April, 1951, the Chinese took him away to die. Walt joined with others after the Korean war ended to dedicate a high school in Wichita, KS, in honor of Father Kapaun. They gave the school a crucifix, with a crown of barbed wire, that a Jewish officer, Jerry Fink, had painstaking carved in the camp in honor of Father Kapaun.

After Father Kapaun's death, Walt tried secretly to document the horror of the camp with a movie camera that he had received from an intermediary, Corporal Buckley of the Royal Ulster Rifles, from a Private First Class Magelski. But an informant turned all three of them in to the Chinese. Their refusal to break under interrogation kept the punishment relatively light—just over 2 months in solitary confinement. Walt was thrown into a hole in the ground so small he could neither stand up nor lie down. He kept his sanity by scratching out the lessons of the Jesuits in the dirt and on scraps of paper—math equations, Latin conjugations, and anything else to resist the isolation.

In November 1991, Walt and the other officers were moved to Pingchong-ni some 8 miles northeast of Pyoktong. The conditions improved slightly and the resolve, discipline, and camaraderie rose. The British officers in the camp felt a particular kinship with Walt because of his broad New England accent and dubbed him the "boy Lieutenant." The men became more imaginative in their resistance to the Chinese. They had a "crazy week" complete with operations from an aircraft carrier sketched in the dirt. Helicopter pilot Johnny "Roterhead" Thornton rode an imaginary motorcycle everywhere he went. Another shaved his head, wore a feather, and told the Chinese he was a blood brother of the Mohawk Indian tribe celebrating national tom-tom week. The bonds forged there with Hank Pedicone, Bart DeLashmet, Harry Hedlund, Sid Esensten, and others have lasted to this day. Most of all, the men helped each other to survive for almost 2 more years.

Under the terms of the Armistice signed on July 27, 1953, the Chinese had 60 days to return POW's. They used that as the last opportunity to punish the resisters. The ones who had caused the most problems were held to the last. Walt Mayo crossed Freedom Bridge on September 5, 1953, on the 58th day of the prisoner exchange.

Of the 7,140 American POW's in the Korean war, more than 3,000 died or were never heard from again. The total number who died as prisoners was probably much higher, given that many of the 8,000 missing in action were certainly taken by the Chinese. But we know that at least two out of every five men died in captivity, a toll matched only by the POW's held by the Japanese in World War II.

Walt Mayo said that he lived because of three weapons his captors could never take from him: faith in God, faith in his country, and faith in himself. He, like so many other Americans who fought in Korea, used these common values to achieve uncommon courage, strength, and discipline. The memorial's stark, moving depictions of weary fighting men seem to somehow capture this inner quality. It is right and proper that we at long last give this due honor to Walt Mayo and the POW's who survived; to Father Kapaun and those thousands of Americans who lie buried along the banks of the Yalu; and to all of the veterans of the Korean war.

THE SPIRIT OF VERMONT AND THE NEW KOREAN WAR MEMORIAL

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Friday, July 28, 1995

Mr. SANDERS. Mr. Speaker, this week the new memorial on The Mall to the brave Americans who fought in the Korean war was dedicated. It is long overdue that we have lasting tribute in our Nation's Capital to the near 1.5 million Americans from Vermont and all across our Nation who answered the call to stop North Korean aggression in the 1950's.

I hope there will be many occasions when Vermonters will be able to visit this powerful work of art and to honor those who fought and those who died in the Korean conflict.

I also want to call to the attention of my colleagues that Frank Gaylord of Barre, VT, who saw extensive combat action in World War II as a member of the 17th Airborne Division, 513th Parachute Infantry Regiment, is the sculptor of the column of 19 poncho-swathed soldiers featured in the Korean War Memorial.

Frank Gaylord has been a professional sculptor for 44 years, having received his bachelor of fine arts degree from Temple University in 1950. He returned to Vermont where he has worked in his own sculpture studio in Barre, VT for 38 years.

He has been chosen to create sculpture for municipalities, States, and educational institutions throughout the United States and Canada, including statues of Pope John Paul II, U.S. President Calvin Coolidge from Vermont, and Martin Luther King, Jr. He is equally comfortable designing sculpture using granite, marble, resin, or metal as a medium.

Frank Gaylord's latest composition at the Korean War Memorial is a moving reminder to all of us of the power of art. The Washington Post, in applauding his work, affirms that Gaylord's soldiers stand unpretentiously for the common soldiers of all wars.

I am proud that one of Vermont's native sons has bestowed this gift upon all of us, especially our Nation's deserving Korean war veterans.

I also ask that the text of a feature article about the Korean War Memorial that appeared on July 22, 1995, in the Washington Post be reprinted in the Congressional Record following this statement.

[From the Washington Post, July 22, 1995]

A March to Remember—Moving Monument to Korea Veterans Surpasses the Tortured History of Its Design

(By Benjamin Forgey)

When the Korean War Veterans Memorial is dedicated next Thursday—the 42nd anniversary of the armistice ending the war—veterans and their families will be celebrating an honor long overdue.

They can also celebrate a work of beauty and power. Given the tortured history of the memorial's design, this seems almost a miracle. But there it is. Situated on proud symbolic turf southeast of the monument to Lincoln, in equipoise with the Vietnam Veterans Memorial to Lincoln's north, the Korean memorial is a worthy addition to the national Mall.

Despite some big flaws, our newest memorial is incredibly moving. And what could have been its most glaring weakness—a column of realistically sculpted soldiers in combat formation—turned out to be its major strength. Unheralded sculptor Frank Gaylord of Barre, Vt., created 19 figures that are convincing individually and as a group.

It is a case of art rendering argument superfluous. There were obvious dangers in the concept of a memorial featuring a column of battle-ready soldiers. If excessively realistic, they could be off-putting. If strung out in too orderly a row, they could be deadeningly static. And yet, if inordinately animated, they could be seen as glorifying war. Indeed, in one of Gaylord's early versions, they came perilously close to doing just that.

But in the end, none of this happened. Placed dynamically on a triangular field of low juniper shrubs and cast in stainless steel at a scale slightly larger than life, these gray, wary troopers unself-consciously invite the empathy of all viewers, veteran and nonveteran alike.

The sculptures and triangular "field of service" are one of three major elements in the memorial. With an American flag at its point, the field gently ascends to a shallow, circular "pool of remembrance" framed by a double row of braided linden trees. There also is a memorial wall." Made of huge slabs of polished black granite, each etched with shadowy faces of support troops—nurses, chaplains, supply clerks, truck drivers and so on—the 164-foot wall forms a subtly dramatic background for the statues. High on the eastern end of the wall, where it juts into the pool of water, is a terse inscription. Freedom is not free.

The memorial was designed by Cooper Lecky Architects of Washington—although, in an important sense, the firm acted like the leader of a collaborative team. Important contributions were made by Gaylord and Louis Nelson, the New York graphic designer of the memorial wall, and also by the Korean War Veterans Memorial Advisory Board and the reviewing agencies, especially the Commission of Fine Arts.

Not to be forgotten are the four architects from Pennsylvania State University who won the design competition back in the spring of 1989—John Paul Lucas, Veronica Burns Lucas, Don Alvaro Leon and Eliza Pennypacker Oberholtzer. This team dropped out after it became apparent that its original design would have to be altered significantly to pass muster with the advisory board, reviewing agencies and others. The team sued, and lost, in federal court.

Key elements of the competition design remain in the final product—particularly the central idea of a column of soldiers moving toward a goal. But the finished product is a big improvement over the initial scheme. It's smaller and more accomodating—not only was the number of soldiers cut in half (the original called for 38 figures), but also a vast open plaza was eliminated in favor of the contemplative, shaded pool. It's easier to get into and out of—the clarity of its circulation pattern is outstanding. Its landscaping is more natural—among other things, the original called for a grove of plane trees to be clipped "torturously," as a symbol of war. The symbolism of the memorial is now simple and clear.

Still, Cooper-Lecky and the advisory board went through many versions, and many heartbreaks, on the way to getting a design approved—and the finished memorial shows the strain of the long, contentious process. It cannot be said that this memorial possesses the artistic grandeur and solemnity of the Lincoln Memorial. It does not have the aesthetic unity of Maya Lin's Vietnam Veterans wall. It is not quite so compelling a combination of the noble and the everyday as Henry Merwin Shrady's Grant Memorial at the other end of the Mall. But this is to put the new memorial in elevated company—together with the Washington Monument, these are our finest expressions of memorial art. To say that the Korean War memorial even comes close is a tribute.

Without question, its worst feature is a sequence of parallel strips of polished black granite in the "field of service." Unattractive and unneeded, they threaten to reduce the soldiers' advance to the metaphorical level of a football game. And on one side of the field, they end in obtrusive, triangular blocks of granite, put there to discourage visitors from walking onto the granite ribbons. The junipers may in time cover the strips—at least, one can hope—but these bumps, unfortunately, will remain bumps.

The wall gets a mixed review. A clever if somewhat shameless adaptation of Maya Lin's idea—with faces rather than names etched in—it honors support troops, who always outnumber those on the front lines. It is beautifully made. The heads are real ones from photographs in Korean War archives, digitally altered so that the light source is always coming from the direction of the flag. The etching is wonderfully subtle: The faces seem to float in a reflective gray mist. The wall tugs the heartstrings, for sure, but it's also a bit obvious, a bit much. It has the feel of a superfluous theatrical trick.

Fortunately, the wall does not interfere too much with the sculpture, which from the beginning has been the primary focus of this memorial, It was an extraordinary challenge, one of the great figurative commissions of the late 20th century, and Gaylord came through. To walk down from the Lincoln Memorial and catch a first, apparitional glimpse of the soldiers, as they stalk from under the tree cover, is quite a thrill. Even from a distance and from the back, the gray figures are compelling.

And, as choreographed on that field, they become more compelling the closer you get until, with a certain shock, you find yourself standing almost within touching distance of the first figure: a soldier who involves you in the movement of the patrol by turning his head sharply and signaling—Beware!—with the palm of his left hand. He is a startling, daring figure and, with his taut face and that universal gesture of caution, he announces the beginning of a tense drama.

It is an old device, familiar in baroque painting and sculpture, to involve the viewer directly in the action by posture, gesture, facial expression. Gaylord adapted it masterfully here: The figures look through you or over your shoulders, enveloping the space beyond the memorial with their eyes. The air fairly crackles with the vitality of danger. The soldiers communicate tersely among themselves, too—in shouted commands or gestures and glances.

The most critical contact, though, may be that first one, between the visitor and that initial soldier. His mouth is open—you can almost hear him hissing an urgent command. You slow down, and then you behold the field before you. There is fatigue and alertness everywhere you look. Each figure and each face is as charged as the next. Appropriately, the gray metal surfaces are not polished and shined. Gaylord's rough treatment of the matte surfaces adds to the nervous intensity of the piece.

It is quite a feat to give such figures such a feeling of movement—they're only walking, after all, and they're carrying heavy burdens. But Gaylord performed that feat, 19 times—he proved himself a master of contrapposto, another time-honored sculptural technique. Underneath the gray ponchos and the weight of the stuff on their backs, these figures twist from hip to shoulder and neck. Some shift dramatically, some just enough, so that the ensemble takes on an extraordinary animation. Every gesture seems perfectly calculated to reinforce the irony. These ghostly soldiers in their wind blown ponchos seem intensely real.

Dedicated to the concepts of service, duty and patriotism, the new memorial stands in sharp contrast to its companion across the Reflecting Pool. But the Korean and Vietnam memorials make a complementary, not a contradictory, pair. In honoring the sacrifices of soldiers in Vietnam, Lin's great V-shaped wall invokes a cycle of life and death, and physically reaches out to the Mall's symbols of union and democracy.

The Korean War Veterans Memorial is more straightforward, and speaks directly of a specific time and place. Yet it attains an unmistakable universality of its own. Gaylord's soldiers (and Marines and airmen) served in Korea, yes. But they also stand unpretentiously for the common soldiers of all wars.

SENATE—*Monday, July 31, 1995*

(Legislative day of Monday, July 10, 1995)

The Senate met at 12:30 p.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Let us pray:

As we begin this day we grieve the death of our fellow worker and friend, Gerald Hackett, who served as executive clerk for 29 of his 33 years with the Senate. We pray for a special measure of God's comfort for his wife, Mary Ellen, and his family.

Dear God, our Creator, sustainer, and strength, You have given us the gift of life, blessed us with this new week, and given us work to do for Your glory. May three words—admit, submit, and commit—be the equation of excellence in our work today.

Father, we admit our need of Your insight and inspiration. You never intended that we should depend only on our own intellect and understanding. We humbly place our total dependence on Your power to maximize the use of the talents You have entrusted to us.

Sovereign of our lives, we submit to You the specific challenges and opportunities before us. We accept Your absolute reign and rule in our minds. Guide us Lord. Thank You for the peace of mind we have when we submit our needs to You.

Source of our courage, we unreservedly commit to You our lives and the decisions to be made today. We relinquish our control and intentionally ask You to take charge. Think and speak through us.

Thank You Lord, our eternal King;
these bold petitions we bring.
Your grace and mercy are such,
we never can ask too much.

Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER (Mr. THOMAS). The majority leader is recognized.

SCHEDULE

Mr. DOLE. I thank the President pro tempore. Let me explain to my colleagues, leaders' time has been reserved, and there will be a period for morning business until 1:30 p.m. At 1:30 p.m, we will begin consideration of H.R. 1905, the energy and water appropriations bill, for opening statements until 2 p.m. today.

It may be possible, unless there is an objection, to proceed on that for a little bit beyond 2 p.m, depending on whether or not we are prepared or ready to resume consideration of S. 908, the State Department reorganization bill.

Cloture was filed on that bill on Friday. A cloture vote will occur tomorrow. I think perhaps it will be tomorrow morning sometime prior to the policy luncheon of both sides of the aisle.

First-degree amendments must be filed by 1 p.m. in order to qualify under the postcloture. There will be no votes today before 6 p.m. There could be votes depending on what happens with S. 908. There will be no votes on anything with reference to H.R. 1905.

NATIONAL GOVERNORS' ASSOCIATION AND WELFARE REFORM

Mr. DOLE. Mr. President, let me take a minute or two of leader time to say I have just returned from Burlington, VT, where I was privileged to attend the National Governors' Association meeting and talk about welfare reform.

I outlined what I felt could be an agreed-upon package on the Republican side, pointing out there were still some differences among some Republicans. We explained our program in detail to the Republican Governors. There are now 30 Republican Governors out of 50. The 30 Republican Governors represent about 70 percent of the American people in the United States; or 70 percent live in those 30 States.

I wanted to report that of the 30 Republican Governors, 26 were present. Governor Wilson of California was not present, Governor James of Alabama was not present, Governor Racicot of Montana and the Governor of South Dakota were not present, and one Governor had to depart the meeting early, Governor Weld of Massachusetts. The other 25 Governors, Governor Leavitt of Utah, Governor Engler of Michigan, Governor Whitman of New Jersey, Governor Allen of Virginia, Governor Rowland of Connecticut, Governor Fordice of Mississippi, Governor Voinovich of Ohio, Governor Bush of Texas, Governor Geringer of Wyoming, Governor Keating of Oklahoma, Governor Almond of Rhode Island, Governor Schafer of North Dakota, Governor Graves of Kansas, Governor Sundquist of Tennessee, Governor Thompson of Wisconsin, Governor Symington of Arizona, Governor Pataki of New York, Governor Branstad of Iowa, Governor Merrill of New Hampshire, Governor Edgar of Illinois, Governor Beasley of South Carolina, Governor Carlson of Minnesota, Governor Johnson of New Mexico, Governor Ridge of Pennsylvania, Governor Batt of Idaho, all endorse the Republican alternative.

I just passed around a little sheet of paper. They all signed it after we had gone over it. I am certain the other five Republican Governors will also endorse what we think would be a strong Republican package. They like it. It returns power to the Governors, power to the States, and does not contain a lot of strings. In their view, whether liberal or conservative strings, they are still strings.

We know there may be some areas where we may not be able to accommodate the Governors. By and large, they are looking forward to designing their own plan when it comes to welfare. We also have a provision where you can opt out of the Food Stamp Program. What the Governors would like, of course, is more block grants. We are not able to do that because we do not have the votes.

I asked the Democratic Governors, when I spoke to the full session of the National Governors' Association at 9:45, to take a look at this proposal. We believe it can be approached on a nonpartisan, bipartisan basis. It is what the Governors have been telling us for years, in both parties, that they wanted—more power to the Governors, power to the States, power to the people.

This is all sort of patterned after the 10th amendment to the Constitution, which is part of the Bill of Rights. It is only 28 words in length, which says, in effect, that unless the power is vested in the Federal Government, it ought to be with the people and with the States.

Most Governors, regardless of party, believe that should happen, whether it is welfare reform, whether it is Medicaid, whatever it is. They believe they can better implement and rate the programs at less cost, less redtape, less bureaucracy, and provide better service to the people who must rely on Medicaid, food stamps, welfare, and AFDC—whatever the welfare program might be.

I was very encouraged after the meeting with the Republican Governors. They know there are some differences on the Republican side. They will be weighing in very heavily on the proposal this week. We hope to take it up either Friday or Saturday of this week and finish it sometime next week or the following week. I hope that before we conclude, we will have broad bipartisan support.

PRAISE FOR GIFT BAN

Mr. DOLE. Mr. President, on another matter, I want to again thank my colleagues, Senator LOTT and Senator McCONNELL, as well as Senator LEVIN, Senator WELLSTONE, Senator FEINGOLD, and many others on both sides of the aisle who worked together on the gift ban proposal.

As I said on the floor on Friday, I think we made a lot of progress. I read the editorial in the New York Times which indicated many fought it to the bitter end, which was not true. Editorial writers are entitled to their opinion, but they are not entitled to lie. If they had followed the debate, they would have known there was a lot of work going on all week long, in good faith, by Democrats and Republicans, by the leader, by the Democratic leader.

What we finally did was say, "OK, we agree on this. We cannot agree on three things. We will agree on what we agree on and vote on what we cannot agree on." That is precisely what we did.

So, to the editor, whoever wrote that in the New York Times—I do not normally read it, but Sunday was a slow day—I hope that they will try to at least stick with the facts, maybe once a year, twice a year. We do not want to overdo it for the New York Times, but every little bit would help. They are entitled to facts, they are entitled to opinions, but understand what the facts are. And it is supposed to be the paper of "all the news that is fit to print"—some say a 10th, but I say all the news fit to print. We hope for more responsibility from the editorial board of the New York Times.

The primary purpose was to thank my colleagues for all the work they did and the good-faith effort. I think we made a giant step forward, and, hopefully, we will ease the concerns of many of our constituents when it comes to Members of Congress and gift rules.

Also, lobbying reform was another bipartisan effort on the floor. I thank my colleagues who were engaged in that.

RESERVATION OF LEADER TIME

Mr. DOLE. Mr. President, I reserve the remainder of my leader's time.

MORNING BUSINESS

The PRESIDING OFFICER (Mr. KYL). Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 1:30 p.m., with Senators permitted to speak up to 5 minutes each.

Under the previous order, the Senator from Illinois [Mr. SIMON] is recognized to speak for up to 30 minutes.

The Senator from Illinois.

THE EXPLOSIVE GROWTH OF GAMBLING IN THE UNITED STATES

Mr. SIMON. Mr. President, in November of last year, when I announced I would retire from the Senate after 1996, President Clinton suggested that with the freedom from political restraint I now have, and with slightly more credibility because political opportunism would not be the immediate cry of critics, I should, from time to time, make observations about our Nation, where we are going, and where we should go.

One of the marks of our civilization, virtually unnoticed as we discuss the Nation's problems, is our fastest-growing industry: gambling.

Local governments, Indian tribes, and States—all desperate for revenue—increasingly are turning to what appears to be a quick and easy solution: legalized gambling. And, temporarily, it often works. Poverty-stricken Indian tribes suddenly have revenue. Cities like East St. Louis, IL, with every possible urban malady, find themselves with enough revenue to at least take care of minimal services.

There are four basic questions:

First, how rapidly is this phenomenon growing?

Second, what are its advantages?

Third, what are its disadvantages?

Fourth, is there a role for the Federal Government to play, and should it play a role?

Gambling is not a new phenomenon. The Bible and early historical records tell of its existence. Gambling surfaced early in U.S. history, then largely disappeared as a legal form of revenue for State and local governments. It remained very much alive, however, even though illegal, in the back rooms of taverns and in not-so-hidden halls, often with payoffs to public officials to "look the other way" while it continued. I particularly remember traveling overseas and back while in the U.S. Army. The troop ship became one huge gambling operation with dice or cards, activity slowed only by the occasional walking tour of a conscientious officer whose coming would be foretold by someone taking the voluntary watch for his fellow enlisted men—and they were then all men—who gambled. After the watchman's signal, suddenly that portion of the ship's deck or hold could meet the highest puritanical standards. Within seconds of the disappearance of the dreaded officer, the games would begin again. Participation had no appeal to me, not primarily for moral reasons, but I have always been too conservative with my money to enjoy risking it that way. What I remember about those shipboard activities was the enormity of the stakes that could be built up—enormous for enlisted men on meager salaries in 1951–1953—and the ability of some of my friends to continue their activity with almost no sleep.

Gambling's appeal, particularly for the idle—and a troop ship is loaded with them—is clear.

Early in our Nation's history, almost all States had some form of lottery, my State of Illinois being no exception. When Abraham Lincoln served in our State legislature from 1834 to 1842, lotteries were authorized, and there apparently was no moral question raised about having them. In 1839, for example, the Illinois House of Representatives voted unanimously to authorize a lottery to raise funds "for the purpose of draining the ponds of the American bottom" in the vicinity of what is now East St. Louis, an area that to this day has a severe drainage problem, and a city that today has a significant gambling presence.

In Illinois and other States the loose money quickly led to corruption, and the States banned all forms of gambling. Illinois leaders felt so strongly about it, they put the ban into the State constitution. For many years, Louisiana had the only lottery, and then in 1893—after a major scandal there—the Federal Government prohibited all lottery sales. Even the results of tolerated but illegal lotteries could not be sent through the mail.

But the lottery crept back in, first in New Hampshire in 1963, and then in 36 other States. Last year, States sold $34 billion in lottery tickets. Forty-two States now have some form of legalized gambling. Even States that technically outlaw gambling frequently manage to have some form of it. In one of the more peculiar decisions by Illinois Supreme Court justices—dependent for reelection at that time on campaign contributions—they ruled that betting money on horses was not gambling, because the ability of the horse and the skill of the rider were involved. Gambling is when everything is left to chance, they argued.

What we know as casino gambling was legal only in Nevada, then in New Jersey and now in 23 States. From a small enterprise in a few States, gambling has matured. In 1974, $17 billion was legally wagered in the Nation. By 1992, it reached $329 billion, and it is now over $500 billion. Three-fourths of the Nation's citizens now live within 300 miles of a casino. One article reports, "Airlines are exploring the installation of back-of-seat slot machines on some flights." ["A Full House," by Rob Day, Hemisphere, October, 1994.] Other nations—particularly poorer ones—are expanding gambling operations. Within our country, the magazine Gaming and Wagering Business reports, "Old attitudes have been shattered. Barriers are crumbling, and doors have been flung open." [Dec. 15, 1991–Jan. 15, 1992.]

At this point, let me digress to express my gratitude to scholars who have studied legalized gambling in the United States, with little attention and little gratitude from the community at large. Particularly helpful, as I prepared these remarks, was a book manuscript I had the opportunity to read by Robert Goodman, a professor at Hampshire College in Massachusetts. In October, the Free Press will publish his thoughtful and well-crafted manuscript under the title, "The Luck Business." The subtitle is "The Devastating Consequences and False Promises of America's Gambling Explosion." John Warren Kindt, a professor at the University of Illinois at Urbana, wrote an excellent article for the Drake Law Review last year, "The Economic Impacts of Legalized Gambling Activities," and Henry Lesieur, who heads the criminal justice division at Illinois State University, edits a magazine in this field, Journal of Gambling Studies. I am grateful to them and to others who have pioneered research.

What are the advantages of legalized gambling?

It brings in new revenue, at least temporarily and, in some cases, over a longer period of time.

One of the great weaknesses of American politics today—and one of the reasons for public cynicism toward those of us in politics—is our eagerness to tell people only what they want to hear. Polling is a huge business, and if a poll suggests some stand is unpopular, too many find a convenient way of changing course, even if the public good is served by the unpopular action.

An area of high sensitivity is taxation. That problem is compounded by the fact that at the national level no other industrial nation—with the exception of Israel—spends as much of its taxation on defense and interest as does the United States. These bring no direct benefit to people. Citizens of Germany, France, Great Britain, and other nations pay much higher taxes, but they see health care and other benefits that we do not have. In addition, their parliamentary systems make it easier to make tough decisions than our system does.

So when someone comes along and says, "I have a simple way to get more revenue for you, and you do not have to raise anyone's taxes," that has great appeal to policymakers who must seek reelection. Those same people say to the policymakers, "Not only will I provide revenue for you without taxation, I will be very generous to you when campaign time comes." And they are.

While the promises of what legalized gambling will do for a community or State almost always are greatly exaggerated, it is also true that many communities who are desperate for revenue and feel they have no alternative are helped. I have already mentioned East St. Louis, IL, Bridgeport, CT, is another example. Small communities like Metropolis, IL, population 6,734, find that a riverboat casino brings in significant additional municipal revenue. And while other businesses in these communities often do not benefit—and some, like restaurants, are hurt—a poll by the Better Government Association, a highly respected Illinois civic group, shows that in some communities, the initial reaction to the riverboat casinos is more positive than negative: Rock Island/Moline, 83 percent positive, though this has changed; Metropolis, 76 percent positive; East St. Louis, 47 percent positive; and Peoria, 64 percent positive.

Some officials in Chicago, desperate for revenue, wish to bring in a large casino operation with a $2 billion price tag. They say it will bring 10,000 construction jobs. That alone is significant. The initial press release said 37,000 construction jobs. And officials in Chicago, aware there are long-term dangers to the city from such an operation, also know that unless they solve short-term problems—and that takes revenue—the long-term picture for the city is not good. The State government has shown itself largely insensitive to the needs of the city, dominated as it is by suburban and rural leaders. Faced with a choice of lectures from the State about long-term problems and what appears to be easy, significant, immediate revenue, it is not difficult to understand Chicago's choice. On top of that, they face editorial prodding. Under a heading, "Casino A Great Bet For City," the Chicago Sun-Times called a casino "a cash cow" and noted: "The sooner state law changes to allow land-based casino gambling, the better. And the sooner Chicago finally gets in on the action, the better." [April 17, 1995.] Almost unnoticed has been the report of the Chicago Crime Commission in response to a request by the Mayor: "Organized crime will infiltrate casino operations and unions, and will be involved in related loan-sharking, prostitution, drug activities * * * and public corruption." [Chicago Crime Commission, 1990.]

State governments are no more loaded with courageous leaders than is the Federal Government. They need revenue to solve their problems. In Illinois, for example, State support for public higher education has dropped from 70 percent of these costs in 1980, to 37 percent today, almost a 50-percent cut. [Here, I digress to observe that States have been partially bailed out by Federal aid to students. We hear a great deal from States about unfunded mandates. We hear much less from States about sizable grants from the Federal Government.] Faced with needs in education at all levels, with growing health care costs that afflict both Federal and State governments, and with decaying cities and decaying infrastructure, the States have two options: Tell people the truth and ask for the taxes to pay for these needs, or combine the growing practice of issuing bonds, States don't call them deficits and find some "easy" source of revenue, like legalized gambling. The courageous path is too infrequently taken.

Revenue from lotteries, race horse gambling, and riverboat casinos brings Illinois government approximately $820 million a year. That is State government revenue alone. I have made no attempt to calculate what revenue is lost because of money not being spent in other enterprises in the State. Most of those who wager in Illinois are from Illinois. When they spend on gambling, that is money that would otherwise go to clothing stores, groceries, and other businesses. That means less revenue to the State from those businesses. Also not calculated in the $820 million State revenue is the loss caused by the increased problem of gambling addiction.

Early promises to use Illinois lottery money for education have been technically complied with, but State support for education has declined substantially as a percentage of income for local schools since the lottery became a reality.

Wisconsin, not a big gambling State, has 17 native American casinos. A study completed in April concluded: "Overall, the state gains $326 million in net revenue from the presence of the casinos." They added this caution: "However, this figure is reduced substantially—to $166.25 million—when even the lowest estimated social costs of compulsive gambling are included in the calculations. With mid-range estimated social costs, the overall impact becomes negligible, while with higher social-cost estimates, the impact becomes clearly negative." [The Economic Impact of Native American Gaming in Wisconsin, by William Thompson, Ricardo Gazel and Dan Rickman, published by the Wisconsin Policy Research Institute.]

Indian reservations have misery as their constant companion. Unemployment rates, alcoholism rates, suicide rates, and poverty indexes all combine to paint a grim picture that should be a matter of shame for our Nation. Not only has the Federal Government been weak in its response to these needs, but State governments, sometimes dominated by prejudice against native Americans, often have been even worse. Listen to this Department of Health and Human Services report, given to a Senate committee this year: "In 15 of the 24 states with the largest native American populations, eligible Tribes received nothing in 1993 from the more than $3 billion in Federal funds [Title XX and Title IV-E child welfare services and protection programs] the

States received. In the other nine States, Indians received less than three percent." [George Grob, Deputy Inspector General, HHS, April 5, 1995, Senate Committee on Indian Affairs.]

It should not surprise anyone that tribal leaders who want to produce for their people seize what some view as a legal loophole that our courts and laws have created to get revenue for their citizens; 115 tribes now have some form of casino gambling. The gross revenue for the 17 tribes in Wisconsin is $655 million. And about one-fifth of that revenue comes from people who live outside of Wisconsin, higher than in most States, much lower than Nevada or Atlantic City. Connecticut is the prime example of a small tribe gaining big money. A casino operated by the Manshantucket Pequot Tribe in Ledyard, CT, brings in approximately $800 million in gross revenue annually. Native American leaders who see long-term harm to their tribes from the gambling enterprises are hard-pressed by those who see immediate benefits, and not too much hope for sizable revenue outside of gambling.

What are the disadvantages of legalized gambling?

The distinguished Nobel Prize-winning economist, Paul Samuelson, has warned us: "There is a substantial economic case to be made against gambling. It involves simply sterile transfers of money or goods between individuals, creating no new money or goods. Although it creates no output, gambling does nevertheless absorb time and resources. When pursued beyond the limits of recreation * * * gambling subtracts from the national income." [Economics, McGraw-Hill, 1970.]

A high official in Nevada told me, "If we could get rid of gambling in our State, it would be the best thing that could happen to us. I cannot say that publicly for political reasons. But major corporations that might locate their principle offices here or build plants here don't do it. They know that gambling brings with it serious personnel problems."

Personnel problems are but one disadvantage, but they are real. People can become addicted to gambling, as they can to drugs or alcohol or smoking.

My mother belongs to a church in Collinsville, IL, that had a fine substitute teacher at its Lutheran school. Unknown to the teacher's family, she had been visiting a gambling boat. Money the family thought had gone to pay the rent and family bills had, instead, gone into wagers. One day, she left a message for her family, drove her car to a shopping center and killed herself.

In a relatively affluent Chicago suburb, a 41-year-old man committed suicide after using more than $11,000 in credit card advances for gambling. He shot himself after leaving a gambling boat. Police found $13 in his pocket.

More typical is the experience of a friend, a professional man, who attended a statewide meeting of an association with which he is affiliated. While he went to the meetings, his wife went to a riverboat casino and "got hooked." She spent all the money she had and used all the available money from her credit cards, close to $20,000. Her husband knew nothing about it until he checked out of the hotel and found his credit cards could not be used because they had already reached their maximum. In this family, the situation has worked out, but that is not true for many.

A retired Air Force colonel has written me about the problem of casino gambling near Keesler Air Force Base that offers part-time work to personnel stationed there, but also 24-hour-a-day gambling availability and has brought serious problems of addiction and the social and criminal problems that go with it for the men and women stationed there.

Gambling addiction is a serious problem. We know that men are more likely to become addicted than women, that the appeal of gambling is greater for low-income people than those of above average income, that there are approximately 9 million adults and 1.3 million teenagers with some form of gambling behavior problem and that the availability of gambling enterprises—their closeness to where a person lives—causes a significant increase in the addiction problem. Nationally, less than 1 percent 0.77 percent of the population are compulsive gamblers, but when enterprises are located near a population, that number increases two to seven times.

The greatest growth is among teenagers. University of Maryland football fans were stunned recently to read that their all-American quarterback had been suspended by the NCAA for four games because of betting on college games. The spread of gambling among teenagers has spilled over onto college campuses, and Maryland's football problem is evidencing itself on many campuses, a highly publicized tip of a much more serious iceberg.

Costs to society of the problem gambler vary from the most conservative estimate of $13,200 to $30,000 per year. I have no idea which figure may be correct, but we know there are costs. Arnold Wexler and his wife, Sheila Wexler, did a study for Rutgers University and noted:

> Compulsive gamblers will bet until nothing is left: savings, family assets, personal belongings—anything of value that may be pawned, sold or borrowed against. They will borrow from co-workers, credit union, family and friends, but will rarely admit it is for gambling. They may take personal loans, write bad checks and ultimately reach and pass the point of bankruptcy. . . . In desperation, compulsive gamblers may panic and often will turn to illegal activities to support their addiction. (1992)

Prosecuting attorney Jeffrey Bloomberg of Lawrence County, SD, testified before a U.S. House committee on his experiences dealing with Deadwood, SD, a small community that became the first place outside of Atlantic City and Nevada to legalize casino gambling. He said they were promised "economic development, new jobs and lower taxes." Instead, casinos flourished, but other businesses did not. Businesses that provide "the necessities of life such as clothing are no longer available * * * and customers of the town's only remaining grocery store walk a gauntlet of slot-machines as they exit with their purchases. For the most part, the jobs which were created earn minimum wage or slightly better and are without benefits. As for the claim that gambling brings tax relief, this simply has not proven true. Real property taxes for both residential and commercial properties have risen each and every year since gambling was legalized. Crimes of theft, embezzlement, bad checks and other forms of larceny have increased. Our office has also seen an increase in the number of child abuse and neglect cases as a result of gambling. These run the spectrum from the children left in their cars all night while their parents gamble, to the children left at home alone while their parents gamble, to the children left at home alone while single mothers work the casino late shift, to the household without utilities or groceries because one or both parents have blown their paycheck gambling. Government is hooked on the money generated by gambling and in the long term the ramifications of this governmental addiction will be just as dire as for the individual who becomes addicted to gambling." (Sept. 21, 1994—House Committee on Small Business.)

One study conducted for insurance companies suggests that 40 percent of white collar crime can be traced to gambling. Usually those involved have no prior criminal record.

The suicide rates for problem gamblers is significantly higher than it is for the general population. One out of five attempt suicide, a higher rate than for alcoholism or drug addiction.

Pathological gamblers are much more likely to be violent with their spouses and abuse their children. Children of these gamblers generally do worse in school and have a suicide rate twice that of their classmates.

A survey of compulsive gamblers found 22 percent divorced because of gambling, 40 percent had lost or quit a job due to gambling, 49 percent stole from work to pay gambling debts, 23 percent alcoholic, 26 percent compulsive overeaters, 63 percent had contemplated suicide and 79 percent said they wanted to die. (Henry Lesieur and Christopher Anderson.)

Treatment for gambling compulsion is rarely covered by health insurance policies, though physicians often will simply list depression as the cause for needed therapy, and that may be covered. A national conference will be held in Puerto Rico in September to discuss the growing problem of gambling addiction.

State lotteries disproportionately receive money from—and target—the poor. While it is true that the purchases are voluntary and provide some entertainment, as a society we should be providing more substantial exits from poverty than the rare lottery victory. A bill before the Illinois legislature sponsored by Representative Jack Kubik to prohibit cashing welfare checks at race tracks, off-track betting parlors, and riverboat casinos died a quiet death.

Compounding all of this, State and local governments who receive revenue from legalized gambling often are its promoters, both to bring gambling in and to sustain it. Governments get hooked. While States receive revenue from alcohol and tobacco sales, no governmental unit—to my knowledge—promotes alcohol and tobacco. Generally governments appeal to our strengths, not our weaknesses. But gambling is different. Billboards are erected in poor areas to promote the Illinois Lottery. "This could be your ticket out," one proclaimed. If the State of Illinois had billboards promoting whiskey, beer or cigarettes, there would be a public outcry. The Pennsylvania lottery unashamedly advertises: "Don't forget to play every day." And of course the poor are the ones who succumb to that lure.

Industries that want to bring in casinos are generous with their promises. The poverty of Atlantic City would be virtually eliminated, the scenario read, but it did not happen. Poverty has not diminished, and problems with gambling addiction are up. Since the advent of the casinos, 40 percent of the restaurants not associated with the gambling enterprises have closed, and one-third of the city's retail business has closed. Unemployment in Atlantic City is now the State's highest. Crime is up significantly—almost tripled—and the population has dropped by one-fourth. Industrial consultant Nelson Rose told U.S. News and World Report: "Atlantic City used to be a slum by the sea. Now it's a slum by the sea with casinos." (March 14, 1994.)

But not only Atlantic City has been affected. A study of crime patterns along non-toll roads between Atlantic City and New York City and Atlantic City and Philadelphia found a significant increase in crime rates (SIMON Hakim and Joseph Friedman.)

The Better Government Association of Illinois survey of 324 businesses in towns with riverboat casinos found that 51 percent of the firms said riverboats had either no effect or a negative effect on their business. Of the 44 percent who gave a positive response, half said the lift their businesses got was minimal. Three percent said their business has been "helped a lot." (1994 survey.) A Chicago Tribune survey found a similar result. An Aurora, IL riverboat casino gets all but 1 to 2 percent of its business from within the State, and the Tribune reported:

> "The casino is killing the small businesses in this area, and they claimed it would help us," said Mario Marrero, former owner of the Porto Coeli Cafe and Bakery, a block from the casino.
>
> As soon as the casino opened a year ago, Marrero saw his business drop by half, from about $4,000 a month to $2,000 a month, he said.
>
> In May, he was forced to close after nearly five years in business. (June 28, 1994.)

Gambling's effect on government is more than income from gamblers and expenditures for dealing with problem gamblers and increased crime. Gambling operators are major contributors to campaigns—in the millions—and employ expensive lobbyists at both the State and Federal level. A few gambling enterprises have formed the American Gaming Association and employed a former chairman of the Republican National Committee as its chief executive. Gaming is an influence to be reckoned with in dozens of State capitals, and its influence will grow markedly in Washington. In Illinois, the lobbyists for gambling include a former Governor, a former attorney general, two former U.S. attorneys, a former director of the State police, a prominent former judge, a former mayor of Chicago and at least seven former State legislators. All of this is legal.

But gambling in Illinois has also been associated with the illegal. Back in 1964, as a State legislator, I co-authored an article for Harper's magazine titled, "The Illinois Legislature: A Study in Corruption." It did not enhance my popularity in that body, but it did some good, and I am pleased to report that today the Illinois Legislature—in ethics, and in quality—is a much improved body over that period. But whenever there is easy money floating around, the temptation for corruption is present. We have had two Governors in our State's history go to prison, one because of payoffs from legalized gambling. I recall particularly the deal worked out in which—on the same day—the sales tax in our State was increased from 2 cents to 3 cents, which then included food and medicine, and the tax on two politically well-connected racetracks was reduced by one-third. Every State legislator knew what was going on.

Organized crime has frequently been a problem with gambling, whether legal or illegal. Big money attracts them. And it is big money.

Last year, one riverboat casino in Illinois netted—not grossed—$203 million. The Chicago Tribune (March 28, 1995) reported that two politically well-connected Illinois men were offered $20 million if they landed a casino in our State for a Nevada firm. When contacted by the Tribune, they said they had other offers that were higher.

The gambling elite are not only generous employers of lobbyists, they are multimillion dollar donors to political campaigns, and the combination makes them politically potent. The unsavory and unhealthy influence of lobbyists and legislators as a protector of this rapidly growing industry means sensible restraint will not be easily achieved.

But there is another side to that story. Public opinion is not with the gambling gentry. Even after well-financed campaigns, when there are referenda on whether legalized gambling should be expanded in a State or community, rarely do those initiatives win. Every referendum on a gambling casino held last year lost, and in the big one, Florida, it lost decisively. Donald Trump may have helped when he told the Miami Herald a few weeks before the referendum: "As someone who lives in Palm Beach, I'd prefer not to see casinos in Florida. But as someone in the gambling business, I'm going to be the first one to open if Floridians vote for them." Florida Commerce Secretary Charles Dusseau did an economic analysis of gambling possibilities in Florida and came to the conclusion it would hurt the State.

Opposition to legalized gambling also brings together an unlikely coalition. For example, Ralph Reed, executive of the Christian Coalition, and the liberal State Senator Tom Hayden of California, agree on this issue.

To those who wish to go back to an earlier era in our nation's history when legalized gambling was abolished, my political assessment is that is not possible. But restraint is possible.

I have introduced legislation, cosponsored by Senator LUGAR, to have a commission, of limited duration and a small budget, look at this problem. Congressmen FRANK WOLF and JOHN LAFALCE have introduced somewhat similar legislation in the House. My reason for suggesting the limited time—18 months—and the small budget, $250,000, is that commissions like that often are the most productive. One of the finest commissions the Nation has had, the Commission on Foreign Languages and International Studies, produced its report in a little more than 1 year on a small budget and had significant influence.

Let a commission look at where we are and where we should go. My instinct is that sensible limits can be established.

For example, what if any new gambling enterprise established after a specific date had to pay a tax of 5 percent on its gross revenue. Those who are already in the field who are not too greedy should support it because it prevents the saturation of the market. Financial wizard Bernard Baruch said of those who invest in the stock market, "The bears win and the bulls win, but the hogs lose." Gambling enterprises that are willing to limit their expansion are more likely to be long-term winners. And those who know the problems that gambling causes should support this idea because of the limitations.

Or suppose we were to move to some form of supplement to local and State revenue again. States, Indian tribes, and local governments that do not have any form of legalized gambling would be eligible for per capita revenue-sharing assistance. It would require creating a source of revenue for such funding, but would bring some relief to non-Federal governments who do not want gambling but are desperate for additional revenue. There is no way—let me underscore this—of reducing the gambling problem without facing the local revenue problem.

Congressman JIM MCCRERY, a Republican from Louisiana, has proposed that lotteries—now exempt from Federal Trade Commission truth-in-advertising standards—should be covered. Why should the New York lottery be able to advertise: "We won't stop until everyone's a millionaire."

These are just three possible ideas. The commission could explore others. The commission can look at how we deal with gambling opportunities that will surface later this year on an experimental basis on cable television and the Internet. How significant could this become? None of us knows.

We do know that two-thirds of problem gamblers come from a home where at least one parent had a problem with alcoholism. Should we be dealing more seriously with alcoholism, in part to deal with the gambling phenomenon?

These and other questions could be studied by a commission.

What should not be ignored by Congress and the American people is that we have a problem on our hands. We need to find sensible and sensitive answers.

I yield the floor, Mr. President.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, do I have time reserved under a previous order?

The PRESIDING OFFICER. The Senator has 15 minutes.

GAMBLING

Mr. DORGAN. Mr. President, as always, the Senator from Illinois raises for this Senate the right questions and in a very sensitive way. I have said previously on this floor in discussing some other items that one of the growth industries in America, regrettably now, is gambling. There is more spent, at least for the more recent year I have seen, there is more spent for gambling in America than is spent on America's national defense. In a recent year, it was $400 billion-plus just on legal gambling. We spend less than $300 billion on America's defense. I think all of the questions that relate to this issue of gambling need to be asked and need to be studied.

It was interesting to me one evening when I had the television set on, though I was not really watching it much—and on one of the local stations in the Washington, DC, area they were doing their live drawing for their lottery. They do that live with these little ping-pong balls with numbers on them. It was on the screen. I never participated in those things. This was on the screen, and then across the bottom of the screen scrolled an urgent news bulletin. It was not so urgent that they would take the lottery selection off, because they were doing that live, they did not want to interrupt that.

So they kept on picking the lottery balls out and announcing the numbers. The news scrolled across the bottom of the television screen that Gorbachev had just resigned in the Soviet Union. I was thinking to myself, this is incredibly bizarre. Here is something that will affect the lives of virtually everyone in the world. The leaders of one of the major powers in the world resigns, but instead of cutting in with a news report, they cannot interrupt the lottery, so they scroll it across the bottom of the screen.

That is what we have come to, with respect to this issue of gambling in America today.

Mr. SIMON. Mr. President if my colleague will yield for an observation. I thank him. As usual, Senator DORGAN is right on target on this issue.

Today, I regret to say, we have topped $500 billion now in total gross income. It is a fast-growing industry in the United States.

Mr. DORGAN. That is probably legal wagers. There is substantial illegal wagering in America.

Mr. SIMON. That does not count what happens illegally. The second thing, the Senator mentioned in passing—as you saw them take these balls for the lottery—that you do not spend any money on it. Most people of our income level do not. It is the poor that they try to appeal to. And it is very clear, both from studies and from the advertising, that this is an attempt to extract money from the poor. We ought to be able to get revenue in a better way for our Government.

Mr. DORGAN. I do not come to the floor suggesting that gambling is always wrong or ought to be made illegal. I think it is very useful to study, and I think that the commission approach makes a lot of sense. We ought to be evaluating what does all of this mean for our country? Who is affected by it, and how? That is what I think the Senator from Illinois was saying. I think it is timely and important. I have indicated that to Congressman WOLF and others, as well.

Mr. SIMON. I thank my colleague.

LINE-ITEM VETO: WHERE ARE THE HOUSE CONFEREES?

Mr. DORGAN. Mr. President, I came to the floor to visit about two other items. One is the line-item veto. As the Presiding Officer knows, we passed a line-item veto here in the Senate in March. I voted for it, as I have on a dozen or 2 dozen occasions previously, because I think we ought to have a line-item veto. I voted for the line-item veto when President Reagan and President Bush were Presidents because I, as a Democrat, think that Presidents, whether Republican or Democrat, ought to have a line-item veto.

The House passed a line-item veto bill on February 6 of this year, and the Senate passed a line-item veto bill in March of this year. Now, there has been no progress since then because there has been no conference between the House and Senate. Why has there not been a conference? Because the Speaker of the House, who always told us he wants a line-item veto, decided he is not going to appoint conferees. So there will be no line-item veto until the Speaker decides he wants to appoint some conferees, and there is a conference and agreement, and then it comes back to both the House and the Senate.

Now, some will probably say that this is because the new majority and the Speaker may want to put their own spending projects in these bills and not have a Democratic President veto them.

This is a newspaper published on Capitol Hill. It says, "Gingrich Gets $200 Million in New Pork," describing what was written, apparently, in appropriations bills that will benefit the Speaker. He may not want the President to target that $200 million that was written into a bill that the Pentagon does not ask to be spent. Maybe the President would use a line-item veto to say this is $200 million that the taxpayers should not have to spend on things the Pentagon did not want.

I noticed this morning in the Washington Post, "Extra Pentagon Funds Benefits Senators' States." It describes in some detail the extra funds put in for projects that the Pentagon has not asked for. These are things that will be built that the Pentagon says we do not want built. But money is added to those bills to benefit some. The question is, Why would the President not have the line-item veto if all of us agree that he should?

Congressman BOB LIVINGSTON, chairman of the House Appropriations Committee, said, "We may not want to give it to this President"—speaking of the line-item veto—"right at the outset, but let's give it to him eventually." Those are his words. We may not want to give the line-item veto to this President at the outset.

Speaker GINGRICH, on February 6, before the House passed the line-item veto, said this:

> We have a bipartisan majority that is going to vote for the line-item veto. For those who think this city has to always break down into partisanship, you have a Republican majority giving this to a Democratic President this year without any gimmicks, an increased power over spending which we think is an important step for America, and therefore it is an important step on a bipartisan basis to do it for the President of the United States, without regard to party or ideology.

More recently, he said, "My sense is we won't get to it this year."

There was a fervent debate by those who wanted the line-item veto. Somehow that ardor has cooled. Somehow the line-item veto is less important now.

The Speaker has been on a book tour. There is plenty of time to do that all across America and, apparently, to write two books this year, and to earn a bunch of money. But, apparently, there is not enough time to get to the line-item veto—appoint conferees and get to a line-item veto.

Well, Mr. President, there is an old saying, "You can put your boots in the oven, but that doesn't make them biscuits."

The Speaker can talk about the Contract With America and the line-item veto, but if he is not prepared to appoint conferees so that we can pass a line-item veto, then he continues to stall. I suppose the reason for that is he wants his own spending to be written into these bills, or so you would think from this kind of report—"Gingrich Gets $200 Million in New Pork."

Well, I hope that we can come to a bipartisan consensus that the House ought to appoint conferees, that the Senate and House should have a conference this week, and that the conference should report back the conference report at the end of this week. That way we can pass the line-item veto.

Tomorrow, I intend to offer a sense-of-the-Senate resolution on the line-item veto to the State Department authorization bill. My amendment would say: It is the sense of the Senate that the Speaker of the House should move to appoint conferees on S. 4 immediately, so that the House and Senate may resolve their differences and we can pass a conference report.

I do not understand what this is all about if it is not dragging your feet to protect more Federal spending that you want for your district in this bill. I thought we had decided on a bipartisan basis that a line-item veto was good for this country. We voted for it, believed in it, and wanted to give it to this President. I voted for it with Republican Presidents in office and I voted for it again. I would like this President to have it. So I intend tomorrow to offer a sense-of-the-Senate resolution and ask Senators to vote to send a message to the Speaker that if you have plenty of time to run around the country on a book tour, you have time, in my judgment, to appoint conferees.

How do you do it? Simple. Think of the names of a few of your friends and then pick some. That is not rocket science; that is just appointing conferees, which we do every day in the House and Senate.

There will be a bill coming to the floor in a few days that authorizes Defense spending. That bill includes a type of spending that is especially, in my judgment, appropriate for a line-item veto. We have something called star wars in this country. It has a better name now; it is not star wars, or ABM, antiballistic missile defenses; now it is BMD, ballistic missile defense system. That is a new acronym for the same old boondoggle. It is something that costs $30 or $40 billion, and it will protect against an adversary that no longer exists. But each one of these missile defense programs has a constituency that somehow seems unable to shut the program down. The Soviet Union is gone. That was the antagonist for which the ABM system was designed. The Soviet Union does not exist anymore. But the people who want to build a star wars program continue to plug away.

They added in the Senate Armed Services Committee $300 million extra for national ballistic missile defense, and then they said let us essentially change the ABM treaty, abrogate the treaty, No. 1 and, No. 2, let us go for accelerated interim deployment in the year 1999 and final deployment by 2002. Well, this $300 million is a perfect example of what the President ought to use a line-item veto on.

I intend to offer an amendment on the floor of the Senate to strip this $300 million out of the Defense authorization bill. It does not make any sense to spend $300 million we do not have on a project we do not need. This is exactly why this President ought to have a line-item veto. The notion that we do not have enough money for an entitlement for a poor kid to have a hot lunch in school, but we have enough money to stick $300 million extra in a bill for star wars—I do not know what people are thinking about around here.

So I want to alert my colleagues that I am going to offer an amendment to cut this national missile defense funding. But more generally, this provision is exactly why we need a line-item veto.

MERGERS AND TAKEOVERS

Mr. DORGAN. Mr. President, I noticed this morning that there is a news report out that Disney Corp. is intending, for some $19 billion, according to the news reports, to purchase Capital Cities/ABC. Now, it would be the second largest takeover in U.S. history if the Disney Corp. purchases Capital Cities/ABC. I am concerned when I hear, day after day and week after week, new proposals—friendly or hostile proposals—to merge America's largest businesses into larger and larger enterprises. We have seen merger mania in this country before, a wave that came and went, but it now seems to be coming again.

You only have to pick up a newspaper these days to see who is buying whom, some with leveraged buyouts, some in hostile takeover proposals, and others simply friendly mergers. But it is inevitably true in this country that when two corporations become one larger corporation, especially in multi-billion-dollar deals, it impedes competition.

You have less competition in this country as you have more concentration. Nobody seems to care very much about it. We have a thousand attorneys working in the Federal Government on antitrust issues. Under the leadership of Anne Bingaman down at Justice, they are more active now, and I salute them for that.

We need to get more and more active to make sure that these mergers are in the public interest. We need to ensure that a decision by two corporations to combine to make a larger corporation, and grab a larger market share, does not impede the competition that drives the free market system.

I have a list of the large proposals for mergers just in the last week and months, large financial institutions, large manufacturing institutions. Frankly, I think we in the Congress ought to take a close look at this practice. I intend to ask the committees of jurisdiction to do that.

If a person goes downtown and buys a shirt or a blouse at a department store, you will be required to pay a sales tax, a tax for the transaction. I, personally, think we ought to have a fee that is supplied to those who want to buy corporations.

We had a $25 billion acquisition several years ago in which KKR purchased Philip Morris. I think they should have paid a fee. That fee ought to be used as a resource bank of funds for investment capital for small businesses. When big businesses combine and provide less competition and more concentration, we ought to get a fee from that that is used as seed money and seed capital for small businesses, which represent the development of more competition.

I hope that in the coming weeks we will be able to discuss this in relevant committees. I do not have any notion about what the proposed merger between Disney and Capital Cities/ABC is all about. I do not know whether it is good or bad. I say when we see, day after day, week after week, more and more megamerger proposals in this country for large corporations to combine to become larger, inevitably it cuts away at this country's free enterprise system, because this system works based on competition. Concentration means less competition. It is something we ought to be concerned about and ought to care about.

ACTION NEEDED ON LINE-ITEM VETO

Mr. DORGAN. Mr. President, finally, I hope this week we can get the Speaker of the House to appoint conferees, have a conference and get a conference report, and get a line-item veto in the hands of this President. Again, if we have time for book tours and writing books and doing a lot of other things, we ought to have time, it seems to me, to be able to pick a few friends to be on a conference committee and be serious about the things many Members of Congress campaigned on.

If they believe in a line-item veto, let us decide to give that to this President right now and see if we cannot cut some of the pork in the appropriations bills moving through the House and Senate, including all kinds of lard now stuck to these bills for the districts of folks who have been bellowing the loudest about the problems of Federal spending. The problems of Federal spending seem to stop when this is their district and their appropriations bill, and it also seems to stop when it comes to getting serious about sending to this President a line-item veto that would be put in the hands of this President. I yield the floor.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS, 1996

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to consideration of H.R. 1905, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 1905) making appropriations for energy and water development for the fiscal year ending September 30, 1996, and for other purposes.

The Senate proceeded to consideration of the bill, with amendments; as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill to be inserted are shown in italic.)

H.R. 1905

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1996, for energy and water development, and for other purposes, namely:

TITLE I

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

The following appropriations shall be expended under the direction of the Secretary of the Army and the supervision of the Chief of Engineers for authorized civil functions of the Department of the Army pertaining to rivers and harbors, flood control, beach erosion, and related purposes.

GENERAL INVESTIGATIONS

For expenses necessary for the collection and study of basic information pertaining to river and harbor, flood control, shore protection, and related projects, restudy of authorized projects, miscellaneous investigations, and, when authorized by laws, surveys and detailed studies and plans and specifications of projects prior to construction, **[**$129,906,000**]** *$126,323,000*, to remain available until expended, of which funds are provided for the following projects in the amounts specified:

[Norco Bluffs, California, $375,000;

[Indianapolis Central Waterfront, Indiana, $2,000,000;

[Ohio River Greenway, Indiana, $1,000,000; and

[Mussers Dam, Middle Creek, Snyder County, Pennsylvania, $300,000**]**

Norco Bluffs, California, $375,000;

Indianapolis Central Waterfront, Indiana, $1,000,000;

Kentucky Lock and Dam, Kentucky, $2,500,000; and

West Virginia Port Development, West Virginia, $300,000.

CONSTRUCTION, GENERAL

For the prosecution of river and harbor, flood control, shore protection, and related projects authorized by laws; and detailed studies, and plans and specifications, of projects (including those for development with participation or under consideration for participation by States, local governments, or private groups) authorized or made eligible for selection by law (but such studies shall not constitute a commitment of the Government to construction), **[**$807,846,000**]** *$778,456,000*, to remain available until expended, of which such sums as are necessary pursuant to Public Law 99-662 shall be derived from the Inland Waterways Trust Fund, for one-half of the costs of construction and rehabilitation of inland waterways projects, including rehabilitation costs for the Lock and Dam 25, Mississippi River, Illinois and Missouri, Lock and Dam 14, Mississippi River, Iowa, Lock and Dam 24, Mississippi River, Illinois and Missouri, and GIWW-Brazos River Floodgates, Texas, projects, and of which funds are provided for the following projects in the amounts specified:

[Red River Emergency Bank Protection, Arkansas and Louisiana, $6,600,000;

[Sacramento River Flood Control Project (Glenn-Colusa Irrigation District), California, $300,000;

[San Timoteo Creek (Santa Ana River Mainstem), California, $5,000,000;

[Indiana Shoreline Erosion, Indiana, $1,500,000;

[Harlan (Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River), Kentucky, $12,000,000;

[Williamsburg (Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River), Kentucky, $4,100,000;

[Middlesboro (Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River), Kentucky, $1,600,000;

[Salyersville, Kentucky, $500,000;

[Lake Pontchartrain and Vicinity (Hurricane Protection), Louisiana, $11,848,000;

[Red River below Denison Dam Levee and Bank Stabilization, Louisiana, Arkansas, and Texas, $3,800,000;

[Broad Top Region, Pennsylvania, $4,100,000;

[Glen Foerd, Pennsylvania, $200,000; and

[Wallisville Lake, Texas, $5,000,000**]**

Homer Spit, Alaska, repair and extend project, $3,800,000;

McClellan-Kerr Arkansas River Navigation System, Arkansas, $6,000,000: Provided, That $4,900,000 of such amount shall be used for activities relating to Montgomery Point Lock and Dam, Arkansas;

Red River Emergency Bank Protection, Arkansas and Louisiana, $6,600,000;

Sacramento River Flood Control Project (Glenn-Colusa Irrigation District), California, $300,000;

Winfield, Kansas, $670,000;

Harlan (Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River), Kentucky, $12,000,000;

Williamsburg (Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River), Kentucky, $4,100,000;

Middlesboro (Lesiva and Tug Forks of the Big Sandy River and Upper Cumberland River), Kentucky, $1,600,000;

Salyersville, Kentucky, $500,000;

Lake Pontchartrain and Vicinity (Hurricane Protection), Louisiana, $11,838,000;

Ouachita River Levees, Louisiana, $2,300,000;

Red River below Denison Dam Levee and Bank Stabilization, Louisiana, Arkansas, and Texas, $2,000,000;

Roughans Point, Massachusetts, $710,000;

Ste. Genevieve, Missouri, $1,000,000;

Broad Top Region, Pennsylvania, $2,000,000;

Glen Foerd, Pennsylvania, $200,000;

Wallisville Lake, Texas, $5,000,000;

Hatfield Bottom (Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River), West Virginia, $200,000; and

Upper Mingo (Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River, West Virginia, $2,000,000: Provided, That the Secretary of the Army, acting through the Chief of Engineers, shall transfer $1,120,000 of the Construction, General funds appropriated in this Act to the Secretary of the Interior and the Secretary of the Interior shall accept and expend such funds for performing operation and maintenance activities at the Columbia River Fishing Access Sites to be constructed by the Department of the Army at Cascade Locks, Oregon; Lone Pine, Oregon; Underwood, Washington; and the Bonneville Treaty Fishing Access Site, Washington.

FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES, ARKANSAS, ILLINOIS, KENTUCKY, LOUISIANA, MISSISSIPPI, MISSOURI, AND TENNESSEE

For expenses necessary for prosecuting work of flood control, and rescue work, repair, restoration, or maintenance of flood control projects threatened or destroyed by flood, as authorized by law (33 U.S.C. 702a, 702g-1), $307,885,000, to remain available until expended.

OPERATION AND MAINTENANCE, GENERAL

For expenses necessary for the preservation, operation, maintenance, and care of existing river and harbor, flood control, and related works, including such sums as may be necessary for the maintenance of harbor channels provided by a State, municipality or other public agency, outside of harbor lines, and serving essential needs of general commerce and navigation; surveys and charting of northern and northwestern lakes and connecting waters; clearing and straightening channels; and removal of obstructions to navigation, [$1,712,123,000] *$1,696,998,000*, to remain available until expended, of which such sums as become available in the Harbor Maintenance Trust Fund, pursuant to Public Law 99-662, may be derived from that fund, and of which such sums as become available from the special account established by the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 460l), may be derived from that fund for construction, operation, and maintenance of outdoor recreation facilities: *Provided*, That not to exceed $5,000,000 shall be available for obligation for national emergency preparedness programs: *Provided further*, That [$5,926,000] *$3,426,000* of the funds appropriated herein are provided for the Raystown Lake, Pennsylvania, project: *Provided further, That the Secretary of the Army is directed during fiscal year 1996 to maintain a minimum conservation pool level of 475.5 at Wister Lake in Oklahoma.*

REGULATORY PROGRAM

For expenses necessary for administration of laws pertaining to regulation of navigable waters and wetlands, $101,000,000, to remain available until expended.

FLOOD CONTROL AND COASTAL EMERGENCIES

For expenses necessary for emergency flood control, hurricane, and shore protection activities, as authorized by section 5 of the Flood Control Act approved August 18, 1941, as amended, $10,000,000, to remain available until expended.

OIL SPILL RESEARCH

For expenses necessary to carry out the purposes of the Oil Spill Liability Trust Fund, pursuant to Title VII of the Oil Pollution Act of 1990, $850,000, to be derived from the Fund and to remain available until expended.

GENERAL EXPENSES

For expenses necessary for general administration and related functions in the Office of the Chief of Engineers and offices of the Division Engineers; activities of the Coastal Engineering Research Board, the Humphreys Engineer Center Support Activity, the Engineering Strategic Studies Center, and the Water Resources Support Center, [$150,000,000] *$153,000,000, to remain available until expended*: *Provided*, [That not to exceed $60,000,000 of the funds provided in this Act shall be available for general administration and related functions in the Office of the Chief of Engineers: *Provided further*,] That no part of any other appropriation provided in title I of this Act shall be available to fund the activities of the Office of the Chief of Engineers or the executive direction and management activities of the Division Offices: *Provided further*, That with funds provided herein and notwithstanding any other provision of law, the Secretary of the Army shall develop and submit to the Congress within 60 days of enactment of this Act, a plan which reduces the number of division offices within the United States Army Corps of Engineers to no less than 6 and no more than 8, with each division responsible for at least 4 district offices, but does not close or change the function of any district office: *Provided further*, That notwithstanding any other provision of law, the Secretary of the Army is directed to begin implementing the division office plan on August 15, 1996, and such plan shall be implemented prior to October 1, 1997.

ADMINISTRATIVE PROVISIONS

Appropriations in this title shall be available for official reception and representation expenses (not to exceed $5,000); and during the current fiscal year the revolving fund, Corps of Engineers, shall be available for purchase (not to exceed 100 for replacement only) and hire of passenger motor vehicles.

GENERAL PROVISION

CORPS OF ENGINEERS—CIVIL

[SEC. 101. (a) In fiscal year 1996, the Secretary of the Army shall advertise for competitive bid at least 7,500,000 cubic yards of the hopper dredge volume accomplished with government-owned dredges in fiscal year 1992.

[(b) Notwithstanding the provisions of this section, the Secretary is authorized to use the dredge fleet of the Corps of Engineers to undertake projects when industry does not perform as required by the contract specifications or when the bids are more than 25 percent in excess of what the Secretary determines to be a fair and reasonable estimated cost of a well equipped contractor doing the work or to respond to emergency requirements.

[(c) None of the funds appropriated herein or otherwise made available to the Army Corps of Engineers, including amounts contained in the Revolving Fund of the Army Corps of Engineers, may be used to study, design or undertake improvement or major repair of the Federal vessel, MCFARLAND.]

SEC. 101. (a) In fiscal year 1996, the Secretary of the Army shall advertise for competitive bid at least 7,500,000 cubic yards of the hopper dredge volume accomplished with government owned dredges in fiscal year 1992.

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(c) None of the funds appropriated herein or otherwise made available to the Army Corps of Engineers, including amounts contained in the Revolving Fund of the Army Corps of Engineers, may be used to study, design or undertake improvements or major repair of the Federal vessel, McFARLAND, except for normal maintenance and repair necessary to maintain the vessel McFARLAND's current operational condition.

(d) If any of the four Corps of Engineers hopper dredges is removed from normal service for repair or rehabilitation and such repair prevents the dredge from accomplishing its volume of work regularly carried out in each of the past three years, the Corps of Engineers shall reduce the 7,500,000 cubic yards of hopper dredge volume contained in subsection (a) of this section by the proportional amount of work which had been allocated to such dredge over the past three fiscal years in calculating the reduction in Corps dredging work required to implement subsection (a).

[SEC. 102. (a) SAND AND STONE CAP IN NAVIGATION PROJECT AT MANISTIQUE HARBOR, MICHIGAN.—The project for navigation, Manistique Harbor, Schoolcraft County, Michigan, authorized by the first section of the Act entitled "An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved March 3, 1905 (33 Stat. 1136), is modified to permit installation of a sand and stone cap over sediments affected by polychlorinated biphenyls in accordance with an administrative order of the Environmental Protection Agency.

[(b) PROJECT DEPTH.—

[(1) IN GENERAL.—Except as provided in paragraph (2), the project described in subsection (a) is modified to provide for an authorized depth of 18 feet.

[(2) EXCEPTION.—The authorized depth shall be 12.5 feet in the areas where the sand and stone cap described in subsection (a) will be placed within the following coordinates: 4220N–2800E to 4220N–3110E to 3980N–3260E to 3190N–3040E to 2960N–2560E to 3150N–2300E to 3680N–2510E to 3820N–2690E and back to 4220N–2800E.

[(c) HARBOR OF REFUGE.—The project described in subsection (a), including the breakwalls, pier, and authorized depth of the project (as modified by subsection (b)), shall continue to be maintained as a harbor of refuge.]

SEC. 103. None of the funds appropriated herein or otherwise available to the Army Corps of Engineers, may be used to assist, guide, coordinate, administer; prepare for occupancy of; or acquire furnishings for or in preparation of a movement to the Southeast Federal Center.

TITLE II

DEPARTMENT OF THE INTERIOR

CENTRAL UTAH PROJECT

CENTRAL UTAH PROJECT COMPLETION ACCOUNT

For the purpose of carrying out provisions of the Central Utah Project Completion Act, Public Law 102-575 (106 Stat. 4605), and for feasibility studies of alternatives to the Uintah and Upalco Units, $42,893,000, to remain available until expended, of which $23,503,000 shall be deposited into the Utah Reclamation Mitigation and Conservation Account: *Provided*, That of the amounts deposited into the Account, $5,000,000 shall be considered the Federal Contribution authorized by paragraph 402(b)(2) of the Act and $18,503,000 shall be available to the Utah Reclamation Mitigation and Conservation Commission to carry out activities authorized under the Act.

In addition, for necessary expenses incurred in carrying out responsibilities of the Secretary of the Interior under the Act, $1,246,000, to remain available until expended.

BUREAU OF RECLAMATION

For carrying out the functions of the Bureau of Reclamation as provided in the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto) and other Acts applicable to that Bureau as follows:

GENERAL INVESTIGATIONS

For engineering and economic investigations of proposed Federal reclamation projects and studies of water conservation and development plans and activities preliminary to the reconstruction, rehabilitation and betterment, financial adjustment, or extension of existing projects, to remain available until expended, [$13,114,000] *$11,234,000*: *Provided*, That, of the total appropriated, the amount for program activities which can be financed by the reclamation fund shall be derived from that fund: *Provided further*, That funds contributed by non-Federal entities for purposes similar to this appropriation shall be available for expenditure for the purposes for which contributed as though specifically appropriated for said purposes, and such amounts shall remain available until expended.

CONSTRUCTION PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For construction and rehabilitation of projects and parts thereof (including power transmission facilities for Bureau of Reclamation use) and for other related activities as authorized by law, to remain available until expended, [$417,301,000] *$390,461,000*, of which $27,049,000 shall be available for transfer to the Upper Colorado River Basin Fund authorized by section 5 of the Act of April 11, 1956 (43 U.S.C. 620d), and [$94,225,000] *$92,725,000* shall be available for transfer to the Lower Colorado River Basin Development Fund authorized by section 403 of the Act of September 30, 1968 (43 U.S.C. 1543), and such amounts as may be necessary shall be considered as though advanced to the Colorado River Dam Fund for the Boulder Canyon Project as authorized by the Act of December 21, 1928, as amended: *Provided*, That of the total appropriated, the amount for program activities which can be financed by the reclamation fund shall be derived from that fund: *Provided further*, That transfers to the Upper Colorado River Basin Fund and Lower Colorado River Basin Development Fund may be increased or decreased by transfers within the overall appropriation under this heading: *Provided further*, That funds contributed by non-Federal entities for purposes similar to this appropriation shall be available for expenditure for the purposes for which contributed as though specifically appropriated for said purposes, and such funds shall remain available until expended: *Provided further*, That all costs of the safety of dams modification work at Coolidge Dam, San Carlos Irrigation Project, Arizona, performed under the authority of the Reclamation Safety of Dams Act of 1978 (43 U.S.C. 506), as amended, are in addition to the amount authorized in section 5 of said Act.

OPERATION AND MAINTENANCE

For operation and maintenance of reclamation projects or parts thereof and other facilities, as authorized by law; and for a soil and moisture conservation program on lands under the jurisdiction of the Bureau of Reclamation, pursuant to law, to remain available until expended, [$278,759,000] *$267,393,000*: *Provided*, That of the total appropriated, the amount for program activities which can be financed by the reclamation fund shall be derived from that fund, and the amount for program activities which can be derived from the special fee account established pursuant to the Act of December 22, 1987 (16 U.S.C. 460l–6a, as amended), may be derived from that fund: *Provided further*, That funds advanced by water users for operation and maintenance of reclamation projects or parts thereof shall be deposited to the credit of this appropriation and may be expended for the same purpose and in the same manner as sums appropriated herein may be expended, and such advances shall remain available until expended: *Provided further*, That revenues in the Upper Colorado River Basin Fund shall be available for performing examination of existing structures on participating projects of the Colorado River Storage Project.

BUREAU OF RECLAMATION LOAN PROGRAM ACCOUNT

For the cost of direct loans and/or grants, $11,243,000, to remain available until expended, as authorized by the Small Reclamation Projects Act of August 6, 1956, as amended (43 U.S.C. 422a–422l): *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $37,000,000.

In addition, for administrative expenses necessary to carry out the program for direct loans and/or grants, $425,000: *Provided*, That of the total sums appropriated, the amount of program activities which can be financed by the reclamation fund shall be derived from the fund.

CENTRAL VALLEY PROJECT RESTORATION FUND

For carrying out the programs, projects, plans, and habitat restoration, improvement, and acquisition provisions of the Central Valley Project Improvement Act, to remain available until expended, such sums as may be collected in the Central Valley Project Restoration Fund pursuant to sections 3407(d), 3404(c)(3), 3405(f) and 3406(c)(1) of Public Law 102–575: *Provided*, That the Bureau of Reclamation is directed to levy additional mitigation and restoration payments totaling $30,000,000 (October 1992 price levels) on a three-year rolling average basis, as authorized by section 3407(d) of Public Law 102–575.

GENERAL ADMINISTRATIVE EXPENSES

For necessary expenses of general administration and related functions in the office of the Commissioner, the Denver office, and offices in the five regions of the Bureau of Reclamation, $48,150,000, of which $1,400,000 shall remain available until expended, the total amount to be derived from the reclamation fund and to be nonreimbursable pursuant to the Act of April 19, 1945 (43 U.S.C. 377): *Provided*, That no part of any other appropriation in this Act shall be available for activities or functions budgeted for the current fiscal year as general administrative expenses.

SPECIAL FUNDS

(TRANSFER OF FUNDS)

Sums herein referred to as being derived from the reclamation fund or special fee account are appropriated from the special funds in the Treasury created by the Act of June 17, 1902 (43 U.S.C. 391) or the Act of December 22, 1987 (16 U.S.C. 460l–6a, as amended), respectively. Such sums shall be transferred, upon request of the Secretary, to be merged with and expended under the heads herein specified; and the unexpended balances of sums transferred for expenditure under the head "General Administrative Expenses" shall revert and be credited to the reclamation fund.

ADMINISTRATIVE PROVISION

Appropriations for the Bureau of Reclamation shall be available for purchase of not to exceed 9 passenger motor vehicles for replacement only.

TITLE III

DEPARTMENT OF ENERGY

ENERGY SUPPLY, RESEARCH AND DEVELOPMENT ACTIVITIES

For expenses of the Department of Energy activities including the purchase, construction and acquisition of plant and capital equipment and other expenses incidental thereto necessary for energy supply, research and development activities, and other activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101, et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; purchase of passenger motor vehicles (not to exceed 25, of which 19 are for replacement only), [$2,576,700,000 (less $1,000,000)] *$2,798,324,000*, to remain available until expended[: *Provided*, That, of such amount, $44,772,000 shall be available to implement the provisions of section 1211 of the Energy Policy Act of 1992 (42 U.S.C. 13316)].

URANIUM SUPPLY AND ENRICHMENT ACTIVITIES

For expenses of the Department of Energy in connection with operating expenses; the purchase, construction, and acquisition of plant and capital equipment and other expenses incidental thereto necessary for uranium supply and enrichment activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101, et seq.) and the Energy Policy Act (Public Law 102–486, section 901), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; purchase of electricity as necessary; $64,197,000, to remain available until expended: *Provided*, That revenues received by the Department for uranium programs and estimated to total $34,903,000 in fiscal year 1996 shall be retained and used for the specific purpose of offsetting costs incurred by the Department for such activities notwithstanding the provisions of 31 U.S.C. 3302(b) and 42 U.S.C. 2296(b)(2): *Provided further*, That the sum herein appropriated shall be reduced as revenues are received during fiscal year 1996 so as to result in a final fiscal year 1996 appropriation estimated at not more than $29,294,000.

URANIUM ENRICHMENT DECONTAMINATION AND DECOMMISSIONING FUND

For necessary expenses in carrying out uranium enrichment facility decontamination and decommissioning, remedial actions and other activities of title II of the Atomic Energy Act of 1954 and title X, subtitle A of the Energy Policy Act of 1992, $278,807,000, to be derived from the fund, to remain available until expended: *Provided*, That at least $42,000,000 of amounts derived from the fund for such expenses shall be expended in accordance with title X, subtitle A, of the Energy Policy Act of 1992.

GENERAL SCIENCE AND RESEARCH ACTIVITIES

For expenses of the Department of Energy activities including the purchase, construction and acquisition of plant and capital equipment and other expenses incidental thereto necessary for general science and research activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101, et seq.), including the acquisition or condemnation of any real property or facility or for plant or facility acquisition, construction, or expansion; purchase of passenger motor vehicles (not to exceed 12 for replacement only), [$991,000,000] *$971,000,000*, to remain available until expended.

NUCLEAR WASTE DISPOSAL FUND

[For nuclear waste disposal activities to carry out the purposes of Public Law 97–425, as amended, including the acquisition of real property or facility construction or expansion, $226,600,000, to remain available until expended, to be derived from the Nuclear Waste Fund.]

For the nuclear waste disposal activities to carry out the purposes of Public Law 97–425, as amended, including the acquisition of real property or facility construction or expansion, $151,600,000 to remain available until expended, to be derived from the Nuclear Waste Fund: Provided, That of the amount herein appropriated together with the amount provided in the Defense Nuclear Waste Disposal Appropriation contained in this title, within available funds, no more than $250,000,000 shall be available to continue, at a reduced level, the technical site characterization effort and to retain deferred licensing capability at the Yucca Mountain site: Provided further, That the facility for the initial storage of no more than 40,000 metric tons of uranium at a site to be determined by the President shall be licensed by the Nuclear Regulatory

Commission for an unspecified period, in accordance with its regulations governing the licensing of independent spent fuel storage installations, without regard to sections 148(a) and 148(d) of Public Law 97–425: Provided further, That the facility shall be expandable for the subsequent transportation and interim storage of up to 100,000 metric tons of uranium and shall be operational in the 1998 timeframe, consistent with sections 135(a)(1)(B), 135(a)(4), 137(a), 141(a), 148(a), 148(b), and 148(c) of Public Law 97–425, but without regard to sections 131(a)(3), 131(b)(2), 135(a)(1), 135(a)(2), 135(d), 135(e), 141(g), 145, 146, 148(d)(1), 148(d)(3), and 148(d)(4) of Public Law 97–425: Provided further, That the director shall review the program's institutional activities, including all cooperative agreements, international commitments, and university assistance, and shall make available to these entities amounts commensurate with the revised program for nuclear waste disposal activities: Provided further, That any funds provided to the State of Nevada are for the sole purpose of conduct of its scientific oversight responsibilities pursuant to Public Law 97–425, as amended: Provided further, That none of the funds herein appropriated may be used directly or indirectly to influence legislative action on any matter pending before Congress or a State legislature or for any lobbying activity as provided in section 1913 of title 18, United States Code: Provided further, That the Secretary shall submit to the Congress within 90 days a revised program plan and schedule, including a new five-year budget, that addresses the construction and operation of the interim storage capability, the revised site characterization program at the Yucca Mountain site, and the results of the Director's review of the program's institutional activities.

ATOMIC ENERGY DEFENSE ACTIVITIES

WEAPONS ACTIVITIES

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense weapons activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101, et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; and the purchase of passenger motor vehicles (not to exceed 79, of which 76 are for replacement only, including one police-type vehicle), [$3,273,014,000] *$3,751,719,000*, to remain available until expended.

DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense environmental restoration and waste management activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101, et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; and the purchase of passenger motor vehicles (not to exceed 7 for replacement only), [$5,265,478,000] *$5,989,750,000*, to remain available until expended.

OTHER DEFENSE ACTIVITIES

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense, other defense activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101, et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion [$1,323,841,000] *$1,439,112,000*, to remain available until expended.

DEFENSE NUCLEAR WASTE DISPOSAL

For nuclear waste disposal activities to carry out the purposes of Public Law 97–425, as amended, including the acquisition of real property or facility construction or expansion, [$198,400,000] *$248,400,000*, to remain available until expended, *all of which shall be used in accordance with the terms and conditions of the Nuclear Waste Fund appropriation of the Department of Energy contained in this title.*

DEPARTMENTAL ADMINISTRATION

For salaries and expenses of the Department of Energy necessary for Departmental Administration and other activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101, et seq.), including the hire of passenger motor vehicles and official reception and representation expenses (not to exceed $35,000), [$362,250,000] *$377,126,000*, to remain available until expended, plus such additional amounts as necessary to cover increases in the estimated amount of cost of work for others notwithstanding the provisions of the Anti-Deficiency Act (31 U.S.C. 1511, et seq.): *Provided*, That such increases in cost of work are offset by revenue increases of the same or greater amount, to remain available until expended: *Provided further*, That moneys received by the Department for miscellaneous revenues estimated to total [$122,306,000] *$137,306,000* in fiscal year 1996 may be retained and used for operating expenses within this account, and may remain available until expended, as authorized by section 201 of Public Law 95–238, notwithstanding the provisions of section 3302 of title 31, United States Code: *Provided further*, That the sum herein appropriated shall be reduced by the amount of miscellaneous revenues received during fiscal year 1996 so as to result in a final fiscal year 1996 appropriation estimated at not more than [$239,944,000] *$239,820,000*.

OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, [$26,000,000] *$25,000,000*, to remain available until expended.

POWER MARKETING ADMINISTRATIONS

OPERATION AND MAINTENANCE, ALASKA POWER ADMINISTRATION

For necessary expenses of operation and maintenance of projects in Alaska and of marketing electric power and energy, $4,260,000, to remain available until expended.

BONNEVILLE POWER ADMINISTRATION FUND

Expenditures from the Bonneville Power Administration Fund, established pursuant to Public Law 93–454, are approved for official reception and representation expenses in an amount not to exceed $3,000.

During fiscal year 1996, no new direct loan obligations may be made.

OPERATION AND MAINTENANCE, SOUTHEASTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy pursuant to the provisions of section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southeastern power area, $19,843,000, to remain available until expended.

OPERATION AND MAINTENANCE, SOUTHWESTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, and for construction and acquisition of transmission lines, substations and appurtenant facilities, and for administrative expenses, including official reception and representation expenses in an amount not to exceed $1,500 connected therewith, in carrying out the provisions of section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southwestern power area, $29,778,000, to remain available until expended; in addition, notwithstanding the provisions of 31 U.S.C. 3302, not to exceed $4,272,000 in reimbursements, to remain available until expended.

CONSTRUCTION, REHABILITATION, OPERATION AND MAINTENANCE, WESTERN AREA POWER ADMINISTRATION

(INCLUDING TRANSFER OF FUNDS)

For carrying out the functions authorized by title III, section 302(a)(1)(E) of the Act of August 4, 1977 (42 U.S.C. 7101, et seq.), and other related activities including conservation and renewable resources programs as authorized, including official reception and representation expenses in an amount not to exceed $1,500, $257,652,000, to remain available until expended, of which $245,151,000 shall be derived from the Department of the Interior Reclamation fund: *Provided*, That of the amount herein appropriated, $5,283,000 is for deposit into the Utah Reclamation Mitigation and Conservation Account pursuant to title IV of the Reclamation Projects Authorization and Adjustment Act of 1992: *Provided further*, That the Secretary of the Treasury is authorized to transfer from the Colorado River Dam Fund to the Western Area Power Administration $4,556,000 to carry out the power marketing and transmission activities of the Boulder Canyon project as provided in section 104(a)(4) of the Hoover Power Plant Act of 1984, to remain available until expended.

FALCON AND AMISTAD OPERATING AND MAINTENANCE FUND

For operation, maintenance, and emergency costs for the hydroelectric facilities at the Falcon and Amistad Dams, $1,000,000, to remain available until expended and to be derived from the Falcon and Amistad Operating and Maintenance Fund of the Western Area Power Administration, as provided in section 423 of the Foreign Relations Authorization Act, fiscal years 1994 and 1995.

FEDERAL ENERGY REGULATORY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Energy Regulatory Commission to carry out the provisions of the Department of Energy Organization Act (42 U.S.C. 7101, et seq.), including services as authorized by 5 U.S.C. 3109, including the hire of passenger motor vehicles; official reception and representation expenses (not to exceed $3,000); [$132,290,000] *$131,290,000*, to remain available until expended: *Provided*, That notwithstanding any other provision of law, not to exceed [$132,290,000] *$131,290,000* of revenues from fees and annual charges, and other services and collections in fiscal year 1996, shall be retained and used for necessary expenses in this account, and shall remain available until expended: *Provided further*, That the sum herein appropriated shall be reduced as revenues are received during fiscal year 1996 so as to result in a final fiscal year 1996 appropriation estimated at not more than $0.

TITLE IV

INDEPENDENT AGENCIES

APPALACHIAN REGIONAL COMMISSION

For expenses necessary to carry out the programs authorized by the Appalachian Regional Development Act of 1965, as amended, notwithstanding section 405 of said Act, and for necessary expenses for the Federal Co-Chairman and the alternate on the Appalachian Regional Commission and for payment of the Federal share of the administrative expenses of the Commission, including services as authorized by section 3109 of title 5, United States Code, and hire of passenger motor vehicles, to remain available until expended, [$142,000,000] *$182,000,000*.

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SALARIES AND EXPENSES

For necessary expenses of the Defense Nuclear Facilities Safety Board in carrying out activities authorized by the Atomic Energy Act of 1954, as amended by Public Law 100–456, section 1441, $17,000,000, to remain available until expended.

DELAWARE RIVER BASIN COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out the functions of the United States member of the Delaware River Basin Commission, as authorized by law (75 Stat. 716), $343,000.

CONTRIBUTION TO DELAWARE RIVER BASIN COMMISSION

For payment of the United States share of the current expenses of the Delaware River Basin Commission, as authorized by law (75 Stat. 706, 707), $478,000.

INTERSTATE COMMISSION ON THE POTOMAC RIVER BASIN

CONTRIBUTION TO INTERSTATE COMMISSION ON THE POTOMAC RIVER BASIN

To enable the Secretary of the Treasury to pay in advance to the Interstate Commission on the Potomac River Basin the Federal contribution toward the expenses of the Commission during the current fiscal year in the administration of its business in the conservancy district established pursuant to the Act of July 11, 1940 (54 Stat. 748), as amended by the Act of September 25, 1970 (Public Law 91–407), $511,000.

NUCLEAR REGULATORY COMMISSION

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Commission in carrying out the purposes of the Energy Reorganization Act of 1974, as amended, and the Atomic Energy Act of 1954, as amended, including the employment of aliens; services authorized by section 3109 of title 5, United States Code; publication and dissemination of atomic information; purchase, repair, and cleaning of uniforms, official representation expenses (not to exceed $20,000); reimbursements to the General Services Administration for security guard services; hire of passenger motor vehicles and aircraft, [$468,300,000] *$474,300,000*, to remain available until expended, of which [$11,000,000] *$17,000,000* shall be derived from the Nuclear Waste Fund: *Provided*, That from this appropriation, transfer of sums may be made to other agencies of the Government for the performance of the work for which this appropriation is made, and in such cases the sums so transferred may be merged with the appropriation to which transferred: *Provided further*, That moneys received by the Commission for the cooperative nuclear safety research program, services rendered to foreign governments and international organizations, and the material and information access authorization programs, including criminal history checks under section 149 of the Atomic Energy Act of 1954, as amended, may be retained and used for salaries and expenses associated with those activities, notwithstanding 31 U.S.C. 3302, and shall remain available until expended: *Provided further*, That revenues from licensing fees, inspection services, and other services and collections estimated at $457,300,000 in fiscal year 1996 shall be retained and used for necessary salaries and expenses in this account, notwithstanding 31 U.S.C. 3302, and shall remain available until expended: *Provided further*, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 1996 from licensing fees, inspection services and other services and collections, excluding those moneys received for the cooperative nuclear safety research program, services rendered to foreign governments and international organizations, and the material and information access authorization programs, so as to result in a final fiscal year 1996 appropriation estimated at not more than [$11,000,000] *$17,000,000*.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, including services authorized by section 3109 of title 5, United States Code, $5,000,000, to remain available until expended; and in addition, an amount not to exceed 5 percent of this sum may be transferred from Salaries and Expenses, Nuclear Regulatory Commission: *Provided*, That notice of such transfers shall be given to the Committees on Appropriations of the House and Senate: *Provided further*, That from this appropriation, transfers of sums may be made to other agencies of the Government for the performance of the work for which this appropriation is made, and in such cases the sums so transferred may be merged with the appropriation to which transferred: *Provided further*, That revenues from licensing fees, inspection services, and other services and collections shall be retained and used for necessary salaries and expenses in this account, notwithstanding 31 U.S.C. 3302, and shall remain available until expended: *Provided further*, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 1996 from licensing fees, inspection services, and other services and collections, so as to result in a final fiscal year 1996 appropriation estimated at not more than $0.

NUCLEAR WASTE TECHNICAL REVIEW BOARD

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Nuclear Waste Technical Review Board, as authorized by Public Law 100–203, section 5051, [$2,531,000] *$2,664,000*, to be transferred from the Nuclear Waste Fund and to remain available until expended.

SUSQUEHANNA RIVER BASIN COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out the functions of the United States member of the Susquehanna River Basin Commission as authorized by law (84 Stat. 1541), $318,000.

CONTRIBUTION TO SUSQUEHANNA RIVER BASIN COMMISSION

For payment of the United States share of the current expenses of the Susquehanna River Basin Commission, as authorized by law (84 Stat. 1530, 1531), $288,000.

TENNESSEE VALLEY AUTHORITY

TENNESSEE VALLEY AUTHORITY FUND

For the purpose of carrying out the provisions of the Tennessee Valley Authority Act of 1933, as amended (16 U.S.C. ch. 12A), including purchase, hire, maintenance, and operation of aircraft, and purchase and hire of passenger motor vehicles, [$103,339,000] *$110,339,000*, to remain available until expended.

TITLE V

GENERAL PROVISIONS

[SEC. 501. Sec. 505 of Public Law 102–377, the Fiscal Year 1993 Energy and Water Development Appropriations Act, and section 208 of Public Law 99–349, the Urgent Supplemental Appropriations Act, 1986, are repealed.

[SEC. 502. Sec. 510 of Public Law 101–514, the Fiscal Year 1991 Energy and Water Development Appropriations Act, is repealed.]

SEC. 503. Without fiscal year limitation and notwithstanding section 502(b)(5) of the Nuclear Waste Policy Act, as amended, or any other provision of law, a member of the Nuclear Waste Technical Review Board whose term has expired may continue to serve as a member of the Board until such member's successor has taken office.

[SEC. 504. None of the funds made available in this Act may be used for any program, project, or activity, when it is made known to the Federal entity or official to which the funds are made available that the program, project, or activity is not in compliance with any applicable Federal law relating to risk assessment, the protection of private property rights, or unfunded mandates.]

SEC. 505. (a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) NOTICE REQUIREMENT.—In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

SEC. 506. None of the funds made available in this Act may be used to revise the Missouri River Master Water Control Manual when it is made known to the Federal entity or official to which the funds are made available that such revision provides for an increase in the springtime water release program during the spring heavy rainfall and snow melt period in States that have rivers draining into the Missouri River below the Gavins Point Dam.

[SEC. 507. The amount otherwise provided in this Act for the following account is hereby reduced by the following amount:

[(1) "Nuclear Waste Disposal Fund", aggregate amount, $1,000.

[SEC. 508. None of the funds made available in this Act for the Army Corps of Engineers Upper Mississippi River-Illinois Waterway System Navigation Study may be used to study any portion of the Upper Mississippi River located above Lock and Dam 14 at Moline, Illinois, and Bettendorf, Iowa, except that the limitation in this section shall not apply to the conducting of any system-wide environmental baseline study pursuant to the National Environmental Policy Act.]

SEC. 509. Without fiscal year limitation, the amount of fish and wildlife costs that the Bonneville Power Administration may incur during *a fiscal year shall not exceed its ability to pay as a percent of the preceding years gross annual power revenues exclusive of gross residential exchange revenues that the Bonneville Administrator accrues in that fiscal year. No branch or agency of the Federal Government shall take any action pursuant to any law which shall cause the Bonneville Power Administration to exceed this expenditure limitation.*

"Fish and wildlife costs" includes—

(1) purchase power costs and lost revenues, as determined by the Bonneville Administrator (subject to independent audit), based on the forecast value of such costs or revenues under average flow conditions, related to operations of the Federal Columbia River Power System for the benefit of fish and wildlife affected by the development, operation, or management of such system using operations prior to passage of the Northwest Power Act as a baseline for calculating such costs;

(2) expenditures; and

(3) reimbursable costs.

This provision shall be implemented on October 1, 1995 unless there is a valid agreement which limits Bonneville's exposure to increases in fish and wildlife costs consistent with its ability to pay and the needs for fish and wildlife resources in the Columbia River Basin.

This Act may be cited as the "Energy and Water Development Appropriations Act, 1996".

HOMOSEXUAL RIGHTS NEED CLEAR AND DIRECT DEBATE

Mr. HELMS. Mr. President, an effort is underway to demand that Congress enact legislation to grant rights to homosexuals that other Americans do not have. I cannot believe that such legislation will be approved by either the Senate or the House, but there's no way to be certain that either or both bodies won't cave in to political pressures being exerted.

One thing appears certain: The liberal media will likely get behind such an effort.

In any event, Mr. President, the Kinston, NC Daily Free Press published an excellent article on July 16 written by a gentleman who knows whereof he speaks—Dr. Richard G. McDonald of Kinston who for more than 50 years has been working with homosexuals. Dr. McDonald has a clear understanding of what is going on even if the vast majority of U.S. Senators do not.

In any event, Mr. President, I want Dr. McDonald's observations to be made available to Senators and others who may have concerns about the obvious powerplay going on among U.S. homosexuals. Therefore, I ask unanimous consent that the published comments of Dr. McDonald be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Kinston Free Press, July 16, 1995]

HOMOSEXUAL RIGHTS NEED CLEAR AND DIRECT DEBATE

(By Dr. Richard G. McDonald)

There has been an ongoing debate about gay rights, but the parameters of tolerance have not been addressed. This needs to be discussed clearly and directly.

There are tolerated limits and moral bounds to all human activity. There is a legal maxim that states, "Your right to swing your fist ends where my jaw begins." Self-explanatory. This is a line beyond which you may not proceed without dire consequence.

For over 50 years during and since WWII, I have been associated with, observed, supervised and counseled homosexuals; mostly male. Civil rights is something to which all people are entitled, regardless any other factor, i.e. jobs, housing, credit, etc., as a legal and moral right.

Most of us live our lives quietly and privately. Most homosexuals do also and enjoy successful lives interacting with society, in general, peaceably. There is a large number who, recognizing the inherent difficulty of their state, are involved in a serious effort to break away from what is unarguably abnormal and unnatural. They work closely with groups to this end; Exodus, nationally (with a N.C. unit) and Homosexual Anonymous, as in Maine (one of the groups with which I work).

These are troubled people who want to escape the clutches of their condition, knowing that it is a one-way road to nowhere; a nothingness to a tragic end and a sad death—if AIDS infected, a death sentence.

The state of their general equanimity, emotionally and psychologically, is disturbed, disordered, distressed, disabled; regrettable but largely correctable. In 1970–71 at two national conventions of the American Psychiatric Assoc. in San Francisco and Washington, homosexuality as a mental illness was removed from the Diagnostic Directory of Mental Illness under circumstances of coercion and intimidation that to this day are shameful and a professional disgrace. If you wonder why it was removed as a defined illness, you have only to read of the circumstances under which it was removed to realize that it never should have been.

There is, however, a radical and vociferous element within the homosexual community who want it their way in all respects—such is their disturbed state, sadly. They press this agenda with an "in your face" approach and with scandalous public displays such as the parades and gay parties at Clinton's inauguration in D.C. and the gay pride parades nationally in general. (Pride in what?)

What this disturbed group wants is acceptance of their "lifestyle" with federal government blessing and protection as a "civil right" to promote their actions; to teach in our public schools that homosexuality is both natural and normal; to convince our youth that their lifestyle is merely an "alternative choice." To so convince and corrupt our youth would inevitably lead to a major breakdown in our social and moral order. Debauchery undermines the public moral fiber and the strength of people as a community and nation. This is precisely what led to the fall of great nations of the past; e.g. ancient Greece and Rome.

The moral reason for its rejection we all know. Causation is unknown to this day, scientifically. Predisposition to homosexuality is, no matter the cause, and will still be humanly abnormal and unnatural and should not be advanced to a government protected right. From time immortal, it has been rejected as unacceptable on the wisdom of thousands of years of human experience from the knowledge of consequences.

Because of their small numbers, despite their attempts to claim a large population, they are on a constant "recruiting campaign" to have a replacement base for their own purposes and to have available partners for their gratification. This applies to both genders though lesbians tend to have more personal, "caring and committed" relationship of longer duration.

But for both, their general attitude as it relates to human relations differs from that of the heterosexual majority significantly, in that it is inwardly directed in a self-centered matrix around gratification and the almost hysterical fear of aloneness without "partners." Sexual gratification is the motivating drive without the interconnectedness of "person," with the male. Most of the time, it is anonymous sex. The "bath houses" of San Francisco in the Castro district are the national hotbed of deviant gay sexuality and the center of the highest per capita AIDS infection rate in the nation. This is another sad consequence of homosexuality which is leading rapidly to a national epidemic; a fact that the AMA is ignoring and the Center for Disease Control does not want to admit; a serious warning to the American public is overdue.

Homosexual Congressman Steve Gunderson and his Gay Republican Caucus are solidly behind passage of the "Gay Bill of Rights" (H.R. 382 and Senate S. 25); further, they are busy lobbying for millions to fight for passage. To live their lives quietly and privately is one thing; to have a protected and special legal status is to give legitimacy to one of mankind's scourges. It must not happen for reasons that are indisputable; now you know what you must do.

WAS CONGRESS IRRESPONSIBLE? CONSIDER THE ARITHMETIC

Mr. HELMS. Mr. President, it does not take a rocket scientist to be aware that the U.S. Constitution forbids that any President spend even a dime of Federal tax money that has not first been authorized and appropriated by Congress—both the House of Representatives and the U.S. Senate.

So when a politician or an editor or a commentator pops off that "Reagan ran up the Federal debt" or that "Bush ran it up," bear in mind that the Founding Fathers, two centuries before the Reagan and Bush Presidencies, made it very clear that it is the constitutional duty of Congress—a duty Congress cannot escape—to control Federal spending.

Thus, is it not the fiscal irresponsibility of Congress that has created the incredible Federal debt which stood at $4,948,204,552,522.39 as of the close of business Friday, July 28?

This outrageous debt—which will be passed on to our children and grandchildren—averages out to $18,783.46 for every man, woman, and child in America.

THE FEDERAL JUDICIARY

Mr. GRAMS. Mr. President, in addition to the Minneapolis Star Tribune articles regarding the Federal judiciary circulated to Senators on Friday, July 28, I would like to share with my colleagues the following article, which was published on the op-ed page of the Star Tribune on Sunday, March 12, 1995.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD as follows:

SERIES WRONGED WEST AND JUDGES

(By Ruth E. Stanoch)

What could explain the character assassination the Star Tribune performed at the expense of the reputation of several U.S. Supreme Court justices, other distinguished federal jurists and the 6,000 employees of the West Publishing Co.? This is a question many people are asking after the Star Tribune wasted over eight pages of copy to prove a faulty premise, and then ran an editorial condemning allegations that the excruciatingly long articles never substantiated.

Cleverly linking unrelated events, the Star Tribune pulled quotes out of context and employed provocative tabloid language in lead headlines and paragraphs, only to suggest wrongdoing that its own handpicked panel of experts could not find.

The Star Tribune suggests as much in its own editorial. "All this might be just a minor eyebrow-raiser," state the editors, "if not for a question of timing."

Timing indeed. How is it that some 13 years after the creation of the Devitt Award—and after receiving press releases from West explaining every detail and identifying every recipient of this most distinguished award—that the Star Tribune finally woke up and destroyed half a forest in an effort to trash West and some highly respected federal judges? As the newspaper would have found from its own clips, the Devitt Award was started long before the West cases cited by the paper came before the U.S. Supreme Court, and it continues today, long after the cases have been resolved. If the issue is timing, it is the Star Tribune's timing that ought to be questioned.

The answer won't sell many newspapers, for there is no murky conspiracy or unfounded allegation of improper influence. In fact, the Star Tribune's effort to out-intrigue Oliver Stone is merely the latest example of the bare-knuckled tussling that has become the norm in the fiercely competitive online information service sector.

According to a February news release from the Star Tribune's partner, AT&T, the Star Tribune's parent company, Cowles Media, has formed Cowles Business Media for the sole purpose of creating an online news and information service for business professionals. Furthermore, in a March 3 letter to West, the Star Tribune admitted that "if there is a major court decision we will obviously report it on the online service, and we might publish the decision if we had access to it." WESTLAW, West Publishing's flagship online service, is already the nation's leading source of legal and nonlegal business and professional information. Make no mistake. The Star Tribune and Cowles Business Media will compete directly with WESTLAW. West welcomes competition. In fact, since 1992, the number of competing providers of caselaw has increased from 65 to more than 190. West's two largest competitors are multibillion dollar, multinational conglomerates headquartered in foreign countries. The Star Tribune lamely states it has no intention of entering the legal publishing business, hoping its readers don't know and will not find out that West isn't just a caselaw publisher, but one of America's leading online business and professional information providers.

The Star Tribune must not forget that aside from its competitive business ventures it remains a newspaper. It could have added a dose of journalistic integrity to the story by merely mentioning the AT&T venture somewhere in that enormous story—just as it did whenever notions of accuracy forced it to admit, however cryptically, that neither West nor the judges had done anything wrong at all.

The Star Tribune also has a duty to pursue its tasks in good faith. In correspondence with Star Tribune editors and feature writers. West was told that the newspaper was undertaking a broad examination of the entire legal publishing industry. West was asked to cooperate with work on an article that involved "major contractors such as Mead Data Central, West Publishing Co. and Lawyers' Cooperative Publishing."

West cooperated initially because any story entitled "Who Owns the Law" ought to say—and we did—that among major legal publishing companies, only West is American-owned. West thought that in the wake of Dutch-owned Reed Elsevier's $1.5 billion purchase of West's primary American competitor, Mead Data Central, the Star Tribune would do a story on how a relatively small Minnesota company was holding its own against massive foreign competitors.

Wrong. While the Star Tribune's editors sent West placating letters declaring their intention to write a balanced story, the writers relentlessly focused on West. And now, given the appearance of West's name in the sensational headline of the story, and its single-minded focus on West and the conduct of West executives, how can the Star Tribune state publicly, as it has, that West was not even a focus in the report? West was purposefully misled.

The Star Tribune story also did an enormous disservice to the honorable people serving in America's federal judiciary. The Devitt Award, according to the Star Tribune, was intended to be the "Nobel Prize for the federal judiciary." Indeed, as the Star Tribune acknowledges, the Devitt Award has become a "prestigious" award whose "recipients chosen over the years have been worthy of honor." Judges who have received the award "have shown courage in handling civil rights matters and creativity in improving the administration of justice."

So how can the Star Tribune blithely infer that the same distinguished judges who, through their integrity and courage, are deserving of such a respected award, would engage in misconduct to benefit West? Clearly the Star Tribune cynically plays upon the public's mistrust of government institutions, leaving the casual reader with the impression that another great institution has fallen victim to misplaced ethics.

Such allegations are doubly outrageous given the article's unequivocal statements that "West broke no laws in making the gifts," and that "the award complies with all laws and ethics codes." Is the Star Tribune the brave new arbiter of illusory judicial standards? Why, even the Star Tribune's own handpicked ethics expert had to admit that "it is perfectly legitimate for a law book publisher to sponsor such an award—I've nominated someone myself—and to enlist the aid of judges in selecting the recipients and to pay their reasonable expenses in fulfilling that selection obligation."

Finally, the Star Tribune established no link between the Devitt Award and court cases resolved in West's favor because no such link exists. With regard to the U.S. Supreme Court cases cited by the Star Tribune, the court did not hear the cases. Rather, the justices declined to review the rulings of lower courts—something they do with 96 percent of the cases that come their way. In the face of this overwhelming percentage, what evidence did the Star Tribune uncover to support its lurid reference that, but for West's influence, any one of those cases were special enough to warrant review? Absolutely none.

In fact, the petitions involving West were rejected by the Supreme Court because they were simply without merit. Yet the Star Tribune, finding no evidence to suggest otherwise, turns instead to the predictable sour grapes of losing attorneys for accusations of misdeeds. The article also quoted out of context an unnamed federal appeals court judge who asks an attorney challenging West, "Did West do something to make you mad?" Placed in the proper context, the judge was asking precisely the right question, since the issue before the court was whether there was an actual controversy in the first place. The quoted judge was frustrated over the other party's failure to identify a dispute that the court could resolve. It's all there in the transcripts and pleadings, but the Star Tribune chose to ignore it.

In short, the Star Tribune expended enormous resources to concoct a self-serving, long-winded and repetitive story that trashed a fine, old Minnesota company, reached no constructive conclusion, found no improper behavior and left readers asking, "So what?" But most importantly, the story took several poorly aimed and ill-advised shots at the pinnacle of the American judiciary. It was all unnecessary and unfortunate. The people of Minnesota and the readers of the Star Tribune deserve better.

UNITED STATES-UNITED KINGDOM AVIATION RELATIONS

Mr. PRESSLER. Mr. President, I rise today to discuss a matter of great importance to U.S. passenger and cargo carriers. I refer to aviation relations between the United States and the United Kingdom. The strategic location of the United Kingdom makes it a key crossroad for international traffic. It is a gateway to Europe and an important link in the global aviation market.

A liberalized, balanced air service agreement between the United States and the United Kingdom is in the best interest of both countries. Of equal importance, the increased competition resulting from such an agreement would benefit consumers on both sides of the Atlantic. Unfortunately, our current bilateral aviation agreement—the Bermuda II Agreement—is anticompetitive, nowhere near balanced, and harms consumers.

First, the agreement is terribly restrictive. For example, presently only two U.S. carriers—American Airlines and United Airlines—can serve London Heathrow Airport and they can do so only from specific cities. This is particularly significant since Heathrow is the most important international gateway airport in the world. Also, the number of passengers carried to the United Kingdom by United States airlines is severely constrained by the Bermuda II Agreement. Without question, Bermuda II is our most restrictive bilateral aviation agreement.

Second, the air service agreement is grossly imbalanced in favor of the British. Currently, United Kingdom airlines carry approximately 60 percent of the transatlantic passengers between the United States and the United Kingdom. In 1976, U.S. air carriers had around 60 percent of the transatlantic passenger market share. The British found that state of affairs intolerable. In fact, the United Kingdom relied on this inequitable balance as the basis for renouncing the Bermuda I Agreement.

The British were right. A 60 percent-40 percent imbalance is intolerable. It must be corrected. U.S. carriers are highly competitive and, but for Bermuda II, the market would not be skewed in this manner. I am willing to put our highly efficient carriers up against any foreign carriers. Given the chance, I am confident they will successfully compete in any market worldwide.

Finally, Bermuda II is undesirable for consumers because it limits competition. Consumers on both sides of the Atlantic would benefit greatly from increased competition in the United States-United Kingdom transatlantic market. Bermuda II does not discriminate, it harms British consumers as well as United States travelers.

Mr. President, earlier this year the United States began pressing for a liberalized, market oriented aviation agreement with the United Kingdom. This is not the first time we have tried to secure an air service agreement on this basis. In fact, for more than 50 years the United States has repeatedly tried to get the United Kingdom to embrace an air service agreement based on free-market principles. Our current position is not new, nor is it novel.

Unfortunately, for more than 50 years, these attempts have consistently been rebuffed by the British who are very concerned about the prospect of unrestrained head-to-head competition with United States carriers. Many aspects of our trade relationship with the United Kingdom are open and unrestricted. Aviation certainly is not one of them.

The current round of negotiations that began earlier this year did, however, start a process which hopefully will ultimately result in a liberalized air service agreement. The phase 1 deal agreed to by the United States and the United Kingdom last month is a step in the right direction, but we have a long, long way to go.

Hopefully, the momentum of the phase 1 deal will carry over into phase 2 negotiations which began recently in London. I hope we can secure a phase 2 deal this fall that increases access to Heathrow and Gatwick Airports, and liberalizes cargo services, pricing, and charter flights. Such an agreement would be another significant step. It would be a welcome development. However, even if we reach consensus on a phase 2 agreement, we must not stop there. The United States and the United Kingdom must continue working together to fully liberalize our aviation relations.

Mr. President, I wish to briefly discuss two important related issues. First, is the United States' request for additional Heathrow access fair and realistic in light of current capacity limitations at that airport? Second, does the United States have enough leverage in negotiations to obtain a liberalized air service agreement?

Several weeks ago I met in London with key United Kingdom transport officials and aviation executives to better evaluate each of these questions. I believe the answer to both questions is "yes." Let me explain my conclusions.

Heathrow Airport, like four airports in the United States, is a slot-controlled facility. By this I mean it has a limited number of takeoff and landing slots. I was aware Heathrow handles a substantial amount of passenger and cargo traffic. However, I was surprised to discover Heathrow also is an airport with significant unused capacity.

In the short-term, operational changes at Heathrow could immediately create much-needed additional runway capacity. For instance, presently Heathrow's two runways function on what is called segregated mode operations. What this means is one runway is used exclusively for takeoffs while the other is used exclusively for landings. Operating runways in this manner is quite inefficient.

In the United States, most of our major airports use mixed-mode runway operations. This means landing and departing traffic is sequenced and mixed on the same runway. Mixed-mode operations are very efficient and very safe. They enable an airport to maximize runway capacity.

What would result if Heathrow switched its runways to mixed-mode operations? It has been estimated hourly runway capacity would increase by about 18 percent. This would mean potentially an additional 7 arrivals and 7 departures per hour, and more than 100 new arrivals and 100 new departures daily. For an airport which purportedly has no additional capacity, this is very significant indeed.

Some adjustments in airspace operations and ground movement management would be needed to capture the full traffic benefits of this switch in runway operations. Let me add that I understand the noise climate around Heathrow has been improving for many years and, due to newer and quieter jets, increased operations should not pose an environmental problem.

I wish I could take credit for this excellent idea. The credit, however, goes to British Government and industry projects which have studied the Heathrow capacity problem. It was a conclusion of the British Civil Aviation Authority study on runway capacity that was released in 1993. The source of the statistics to which I refer is the August 1994 report of the Heathrow Airport Runway Capacity Enhancement Study. On June 22, 1995, the House of Commons Transport Committee commenced an inquiry into airport capacity issues in the United Kingdom. Among the issues it will consider is underutilization of airport capacity and, in that regard, methods of runway operations.

In the longer term, there is a proposal to add a new terminal at Heathrow that will significantly increase airport capacity. According to a report by BAA plc, the dynamic private company that owns and operates Heathrow, the proposed new terminal 5 would allow Heathrow to handle 30 million more passengers a year.

Time and time again United States negotiators are told by their very skilled British counterparts there is no additional capacity at Heathrow. I understand the British sang the same song in negotiations in London earlier this month. We should confront the British negotiators with these facts and supporting studies.

Let me turn to the important question of whether we have enough leverage to get the British to agree to a fully liberalized aviation agreement. The Aviation Subcommittee of the Commerce, Science, and Transportation Committee considered that issue during a hearing several months ago. Understandably, a number of Senators were concerned the United States has squandered its leverage by giving the British too many aviation rights in the past without obtaining equal benefits. That criticism of negotiations prior to 1995, particularly those which led to the Bermuda II Agreement in 1977, is warranted. We have given, so to speak, with both hands.

I disagree, however, that the United States has nothing of value left which will enable us to obtain a liberalized aviation agreement with the British. We still hold the ultimate leverage, the most important bargaining chip of all. We control the substantial economic benefit the United Kingdom presently enjoys as a result of United States carrier business.

There was a time when geographic factors and technological limitations made the United Kingdom the international gateway of necessity for United States carriers serving Europe and beyond. The British skillfully played this bargaining chip for all that it was worth. In fact, they continue to operate on this outdated premise.

Times have changed. New generation, long-range aircraft have made the option of overflying the United Kingdom to gateway airports on the European Continent an option that is viable from both an operational and economic standpoint. Moreover, open skies agreements with European countries have made clear to the United States and to U.S. carriers that these nations want our business. If the United Kingdom does not promptly revise its thinking, it may well see United States carriers look beyond the United Kingdom to the European Continent for international gateway opportunities.

Recent developments in our aviation relations with countries on the European Continent have quite understandably caused our carriers to seriously consider opportunities beyond the United Kingdom. Since the United States and The Netherlands signed an open skies accord in 1992, the resulting growth of international traffic to Amsterdam's Schiphol International Airport has been quite significant. Our very recent open skies agreements with Austria, Denmark, Finland, Iceland, Luxembourg, Norway, Sweden, and Switzerland should also create new continental opportunities. An open skies agreement with Belgium that is expected soon will have the same effect.

The greatest catalyst for this movement of United States air service business to the European Continent, however, would be an open skies agreement with Germany. I welcome reports that aviation negotiations between the United States and Germany earlier this month went very well. Also, I am pleased German Transport Minister Matthias Wissmann came to Washington last week to meet with Secretary Peña. United States-German aviation relations are moving in the right direction.

An open skies agreement with Germany would make the airports in Munich and Frankfurt very attractive to United States carriers who are frustrated they cannot obtain sufficient access to Heathrow and Gatwick. I understand a new airport also is planned in Berlin. In combination with international airports in European countries with which we have open skies agreements—particularly Amsterdam's Schiphol International Airport—German airports represent significant competition to United Kingdom airports.

BAA plc, which owns and operates Heathrow, makes my point very succinctly. In a recent publication, BAA perceptively observed: "Airlines and passengers are free agents. If extra capacity is not developed at Heathrow, the airport will not be able to satisfy demand and airlines will expand their business at continental airports." BAA added, "if airlines are denied the opportunity to grow at Heathrow, many will choose Paris, Frankfurt or Amsterdam." BAA is absolutely right.

Before it is too late, I hope the United Kingdom Department of Transport recognizes the United Kingdom no longer has a monopoly as an international air travel gateway for United States carriers. The economic stakes for the United Kingdom are very high.

Mr. President, I remain hopeful the British will liberalize their air service agreement with our country. It is in the best interest of both countries to do so. As British negotiators again posture over Heathrow access and other important elements of the phase 2 deal such as liberalization of cargo services, I hope they fully understand the implications of new opportunities for United States carriers in continental Europe. An open skies agreement with Germany would really drive home this point.

I ask unanimous consent that a recent article appearing in the Financial Times describing my view of the impact an open skies agreement between the United States and Germany would have on United States-United Kingdom aviation relations be printed in the RECORD.

I further ask unanimous consent that a letter I recently sent to Sir George Young, the new United Kingdom Secretary of State for Transport, which describes my concern about the current state of United States-United Kingdom aviation relations also be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Financial Times, July 6, 1995]

SENATOR PILES ON HEATHROW PRESSURE

(By Michael Skapinker)

Airlines in the US might look to Germany to provide a new European gateway airport if London's Heathrow is not opened to American carriers, Senator Larry Pressler, chairman of the US Senate Commerce and Transportation Committee said yesterday.

Senator Pressler, who was in London for talks with UK officials, said: "With longer-range new generation aircraft, frustrated US carriers may well look beyond the UK for another international gateway airport. An open skies agreement with Germany, which may result from the US-Germany bilateral air talks later this month, will add much fuel to this fire."

Senator Pressler said, however, that he favoured raising the maximum stake that foreign airlines can hold in US carriers to 49 per cent from the current ceiling of 25 per cent.

Sir Colin Marshall, chairman of British Airways, said this week that if the US wanted greater access to Heathrow, it would have to lift maximum ownership limits in its airlines and allow greater co-operation between UK carriers and their American partners.

Senator Pressler, whose committee is to hold hearings on US aviation policy next week, said he recognized that Heathrow was congested. He said, however, that there were several operational changes which could be made to allow the airport to accommodate more traffic. These included using the airport's two runways for both landings and take-offs. Heathrow currently has landings and take-offs on separate runways.

Senator Pressler said that although he was a Republican, he supported the way the US had negotiated with the UK under Mr. Federico Peña, the US transportation secretary. Mr. Peña has been criticised in Congress for taking too timid an approach to the UK.

COMMITTEE ON COMMERCE, SCIENCE,
AND TRANSPORTATION,
Washington, DC, July 14, 1995.
Rt. Hon. SIR GEORGE YOUNG MP,
Secretary of State for Transport, Department of Transport, 2 Marsham Street, London SW1P 3EB, United Kingdom.

DEAR SIR GEORGE: Congratulations on your recent appointment as Secretary of State for Transport. On July 3rd I met in London with your predecessor, Dr. Mahwinney, in a very informative session. I hope that we can continue the dialogue Dr. Mawhinney and I started.

As I told Dr. Mahwinney, I am very hopeful the Phase 1 agreement last month will be the first step in liberalization of the U.S./U.K. bilateral aviation agreement. U.S. carriers are understandably very concerned over recent statistics indicating U.K. carriers now serve approximately 60 percent of the transatlantic passenger traffic between our countries. Historically, as you know, both countries have regarded a 60/40 imbalance to be unacceptable.

I believe a balanced, liberalized air service agreement is in the best interest of both countries. Of equal importance, increased competition that would result from such an agreement would be beneficial for consumers on both sides of the Atlantic. If your travels bring you to Washington, D.C., I would enjoy having the opportunity to discuss these issues with you in person.

Sincerely,

LARRY PRESSLER,
Chairman.

Mr. DOMENICI. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. What is the pending business?

The PRESIDING OFFICER. The pending business is H.R. 1905.

Mr. DOMENICI. Mr. President, parliamentary inquiry; am I correct that at 2 p.m. we will leave this energy and water appropriations bill and then take up the State Department authorization bill?

The PRESIDING OFFICER. The Senator is correct.

Mr. DOMENICI. What is the status of that bill? Is there a cloture petition pending on that?

The PRESIDING OFFICER. The cloture petition was filed on Friday and will mature tomorrow.

Mr. DOMENICI. Has a time been set for a vote on that?

The PRESIDING OFFICER. Not at this time.

Mr. DOMENICI. Mr. President, parliamentary inquiry; in the event that that State Department/foreign assistance bill is removed from the calendar postcloture tomorrow, what would the pending business then be?

The PRESIDING OFFICER. The question would occur on H.R. 1905.

Mr. DOMENICI. I thank the Chair.

Mr. President, I yield myself 10 minutes, then there will be 10 minutes for my friend, the ranking member, Senator JOHNSTON. I do not believe we will be able to accomplish much business, but the energy and water bill is pending.

I am pleased to bring H.R. 1905, the energy and water development appropriations bill for fiscal year 1996 before the Senate for its consideration. The bill was passed by the House on July 12, less than 3 weeks ago, with a vote of 400 to 27.

The Senate Energy and Water Development Subcommittee marked up the bill on July 25. The full committee reported it out 28 to 0 last Thursday, July 27. The bill and report have been available to Senators and their staff since last Friday, July 28.

Although the Appropriations Committee has moved quickly to prepare the bill, the quality of this legislation, in my opinion, has not suffered. While we are under extreme budgetary pressures resulting from the budget resolution's mandate of erasing the Federal deficit over the next 7 years, and our desire to restrain Federal spending, the bill before the Senate is well balanced and equitable. The committee has done the best job possible under very difficult circumstances.

I first want to thank the former chairman of the subcommittee, and now ranking member, Senator JOHNSTON, for his assistance in developing this year's bill. The distinguished Senator from Louisiana has been the chairman or ranking member on this subcommittee for many years, and is intimately familiar with every aspect of the energy and water bill. He has been helpful at every step of the way, and his guidance and insight have been invaluable to me and the other members of the subcommittee.

I also thank the chairman of the full Appropriations Committee, and former chairman and ranking member of the Energy and Water Development Subcommittee, Senator HATFIELD, for his help in bringing this bill before the Senate. Senator HATFIELD has extensive knowledge of the programs funded in this bill, and we relied on his expertise on several occasions during the past few weeks. As chairman of the full committee, the distinguished Senator from Oregon has the tremendous responsibility of ensuring that all 13 appropriations bills will be enacted prior to the end of the fiscal year. At the rate the committee is reporting the bills to the Senate, it appears that we will reach that objective. What happens after we have reported them out and gone to conference and reported them out of conference and through the floors of both bodies, I do not know.

Mr. President, the Energy and Water Development Subcommittee funds programs in both the defense and nondefense areas. Our total 602(b) allocation is divided between these two categories, and is consistent with the budget resolution's firewalls separating defense and nondefense spending.

Although we are below our total 602(b) allocation for both budget authority and outlays, we are constrained by our budget authority allocation for defense programs, and our outlay allocation for nondefense. There is no room left in our allocation to fund programs in either the defense or nondefense areas.

If we were to fund them, or fund them differently, we will have to take away from funding in the bill. I remind Senators, if they choose to take money from the defense portion—and obviously you can ask which portion it is, but I think it is clearly understandable within the budget—if they choose to move defense money to a nondefense program, it is subject to a point of order under the Budget Act and clearly would violate the spirit of the budget resolution of this year. So it is not going to be easy for Senators to have amendments on the nondefense side because they are going to only look to that portion of this bill that is nondefense to try to move money around. That is just the way it is, and especially when you put a firewall up, which we have now imposed for the next 3 years.

Let me give the Senate and those interested in appropriations a little bit of an overall picture.

Fifty-seven percent of the funds in the bill are dedicated to programs in the atomic energy defense activities areas, including nuclear waste cleanup activities. A total of $11,445,981,000 in budget authority and $10,906,895,000 in outlays is recommended. This is consistent with the budget resolution crosswalk of $11,447,000,000 in budget authority, and $10,944,000,000 in outlays, and the crosswalk is identical to our 602(b) allocation.

The areas where we are recommending the largest reductions in spending are the nondefense programs—the Army Corps of Engineers, the Bureau of Reclamation, nondefense programs in the Department of Energy, and the independent agencies—which comprise only 43 percent of the bill.

The total amount recommended for nondefense domestic discretionary spending is $8,716,112,000 in budget authority and $9,271,155,000 in outlays. This is right up against our nondefense outlay ceiling, as I have heretofore described. The nondefense total for budget authority is $1,458,107,000 below the current year, $819,108,000 below the President's budget request, and $481,888,000 below the budget resolution crosswalk.

Due to this dramatic reduction in nondefense spending, the Subcommittee's ability to fund new initiatives is extremely limited, and many existing programs are cut significantly below both the current year and the President's request. For example, we are proposing the following major reductions to current year spending levels:

Army Corps of Engineers—Down $234.6 million;

Bureau of Reclamation—Reduced $64.7 million;

Solar and renewable energy—Reduced by $104.5 million;

Fusion energy—Cut $147.4 million;

Appalachian Regional Commission—Down $100 million; and

Tennessee Valley Authority—A $32.5 million cut.

We are proposing to terminate the following programs or new initiatives within the Department of Energy:

Electric systems reliability research;

Russian replacement power initiative;

Civilian waste research and development;

University research instrumentation;

The technology partnership program; and

The in-house energy management program.

The subcommittee also had proposed to agree with the administration's budget request to terminate the Department of Energy's nondefense advanced reactor program. An amendment during the full committee markup, however, restored $12.5 million for the Gas Turbine—Modular Helium Reactor Program. The subcommittee had included $7.5 million in its mark for termination costs associated with the gas cooled reactor, and an additional $5 million was added to reach the $12.5 million level recommended by the amendment.

Although we are proposing some significant changes in the nondefense activities of the Department of Energy, we have done our best to protect basic science research. It is true that we are proposing major reductions to such worthy programs as solar and renewables and fusion energy, but we have held the line on biological and environmental research, basic energy sciences, and high energy and nuclear physics.

These are the fundamental, basic science missions of the Department of Energy, and are the core competencies we feel are most in need of protection. These programs will have a direct influence on the ability of the Nation to keep pace in many technologically demanding areas, and will support future missions in areas such as the human genome program, one of the world's greatest wellness programs. If it succeeds, we may find cures for thousands of ailments that beset humanity across the world. Other medical research activities, global environmental research, materials and chemical sciences, the physical sciences, and others are retained at high levels to keep us on the cutting edge.

Although we are recommending significant program reductions, we believe we have drafted a more balanced bill than the House. We have restored funds above the House levels for the following programs:

Defense environmental restoration and waste management—$724.3 million;

Solar and renewable energy—$17.2 million;

Soviet designed reactor safety—$40 million;

Biological and environmental research—$48.9 million;

Nondefense laboratory technology transfer—$25 million; and

University science and education—$30 million.

Another topic deserving mention is the subject of authorizing bill language. We have received numerous requests to include authorizing language for the Corps of Engineers and the Bureau of Reclamation. Unfortunately, due to conflicts with the authorizing committees, we have not been able to accommodate these requests. We are hopeful the authorizing committee will pass a bill this year, and relieve us of these pressures.

At this point, Mr. President, I would like to briefly summarize the bill as reported by the committee.

Title I of the bill funds the water resource development activities of the U.S. Army Corps of Engineers, Civil Works Program. The total new budget authority recommended is $3,174,512,000, a reduction of $234.4 million from the currently enacted level, and $132.9 million below the budget request. The corps' water resources program provides lasting benefits to the Nation in the areas of flood control, municipal and industrial water supply, irrigation, commercial navigation, hydroelectric power, recreation, and fish and wildlife enhancement.

The committee has rejected the administration's proposals to radically change the civil works mission for the Corps of Engineers. Were these proposals to go into effect in fiscal year 1996, the corps would be involved in only those projects and proposals deemed to be of national scope and significance. While it may at first seem reasonable that the Federal Government only be involved in programs of national significance, a closer look makes it apparent that they were ill-conceived and are counterproductive to the well-being of the Nation.

And the committee has rejected them by not affirming them and acting on some projects in disregard of that new definition.

The most far-reaching of these proposals involves the Corps of Engineers' role in protecting our citizens from the devastating effects of floods. Under the administration's proposal, the corps would only participate in projects that meet the following three criteria: First, more than one-half of the damaging flood water must come from outside the boundaries of the State where the damage is occurring; second, the project must have a benefit-to-cost ratio of 2 or greater; and third, the non-Federal sponsor must be willing and able to pay 75 percent of the first cost of the project. The practical effect of applying those criteria against all proposed projects would be to terminate the Federal Government's role in flood control activities.

The first criterion alone would eliminate the corps' role in flood control throughout much of the country, including three of our largest States: California, Texas, and Florida. Terminating the Federal Government's role in flood control activities as a way to save money clearly is not one that this committee has decided is right nor is it necessary under moneys we have available. We can continue with a lesser program without tying its hands that much.

The committee also has rejected the administration's proposals to terminate the Federal role in shore protection projects and smaller navigation projects.

Title II of the bill funds activities associated with the Department of the Interiors' Bureau of Reclamation and the central Utah completion project. Total funding recommended for these activities is $816,624,000. This is a reduction of $64.8 million from the current year's level, and $16.4 million below the budget request.

Programs and activities of the Department of Energy comprise title III of the bill, and a total of $16,235,359,000 in new budget authority is recommended. Programs funded under this title relate to: energy supply, research and development activities, uranium supply and enrichment activities, the uranium enrichment decontamination and decommissioning fund, general science and research activities, the nuclear waste disposal fund, atomic energy defense activities, departmental administration, the Office of the Inspector General, the Power Marketing Administrations, and the Federal Energy Regulatory Commission.

For atomic energy defense activities, the committee recommends a total of $11.429 billion in new budget authority. The programs funded in this area include stockpile stewardship, stockpile management, defense environmental restoration and waste management, verification and control technology, and others. Well over half of the total atomic energy defense activities funds, almost $6 billion, is for the Environmental Restoration and Waste Management Program. The committee's recommendation is $724 million above the House for this critical program focused on cleaning up and managing existing waste at various atomic weapons production sites.

Under the energy supply, research and development account, the committee proposes an appropriation of $2,798,324,000 to fund such programs as solar and renewable energy, nuclear energy, biological and environmental research, fusion energy, basic energy sciences, and other activities.

One of the most difficult decisions made by the committee concerns the Civilian High Level Radioactive Waste Management Program in the Department of Energy. Because the administration requested no discretionary appropriations for the program, the committee has been forced to recommend a course of action designed to put the Nation's civilian nuclear waste program back on track.

Accordingly, the committee recommends a total funding level of $400 million—$151.6 million from the nuclear waste fund and $248.4 million from the defense nuclear waste disposal account—for nuclear waste activities. Furthermore, due to the delay in site characterization activities at Yucca Mountain, and the need for the Federal Government to begin accepting commercial spent nuclear fuel from the Nation's nuclear utilities in 1998, the committee recommends a provision in the bill to establish an interim storage facility at a site yet to be determined.

Finally, Mr. President, the committee proposes a total of $330,941,000 in new budget authority for a number of independent agencies funded under title IV of the bill. This includes such agencies as the Nuclear Regulatory Commission, the Appalachian Regional Commission, and the Tennessee Valley Authority.

Mr. President, I yield to my friend, the ranking member, Senator BENNETT JOHNSTON of Louisiana.

Mr. JOHNSTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. JOHNSTON. Mr. President, I thank my colleague for his kind remarks about me. And I want to say, Mr. President, that this is Senator DOMENICI's first appropriations bill but he is a veteran of great leadership in many areas in the Senate, and he has taken to the appropriations process like a duck in water and has put together an excellent bill.

The relationship that I have had over a period of, I think, 18 years with Senator HATFIELD, the Senator from Oregon, who is now the chairman of the full committee—but for those 18 years he and I have switched off as chairman and as ranking minority member of this committee—that relationship is being continued, I am pleased to say, with the Senator from New Mexico [Mr. DOMENICI]. He is a long-time leader in the Senate and long-time friend, and it is a pleasure to work with him on this bill.

This bill is a very, very difficult one, the 602(b) allocation in domestic programs having been cut substantially from what it was last year. And that means that the needs and certainly the requests of our colleagues could simply not be met, Mr. President, because the resources were so minimal in this bill. But the Senator from New Mexico, as a magician, has done an excellent job in at least dealing with the most important priorities in the bill, and I think putting together an excellent bill.

Mr. President, I am pleased to join with the senior Senator from new Mexico [Mr. DOMENICI] in presenting to the Senate the energy and water development appropriation bill for the fiscal year 1996 beginning October 1, 1995. This bill, H.R. 1905, passed the House of Representatives on July 12, 1995, by a vote of 400 yeas to 27 nays. The Subcommittee on Energy and Water Development marked up this bill on July 25, 1995, and the full committee marked it up and reported the bill Thursday, July 27, 1995.

At the outset, I want to commend the chairman of the subcommittee, Senator DOMENICI. This is the first time he has handled an appropriation bill as chairman, and he has done an excellent job in putting this bill together, under very difficult budgetary constraints and circumstances. He is an outstanding Member of the Senate and I am pleased to work with him in connection with this bill and on other matters.

I also want to thank the distinguished Senator from Oregon, Senator HATFIELD, the chairman of the full Committee on Appropriations. Senator HATFIELD and I had probably one of the longest running twosomes in the Appropriations Committee on the Energy and Water Development Subcommittee, I having chaired on and off for a number of years, and Senator HATFIELD having chaired on and off for a number of years, and having rotated as ranking minority member. Beginning this year, of course, Senator HATFIELD is chairing a different subcommittee. We always shared a productive, pleasant, bipartisan, and always, I think, the kind of relationship that Senators seek and glory in when it is present. I treasure his friendship and appreciate the cooperation and assistance given to me.

Mr. President, the Senator from New Mexico has presented the committee recommendations and explained the major appropriations items, as well as the amounts recommended, so I will not undertake to repeat and elaborate on the numerous recommendations. Instead I will just have a few brief remarks summarizing the bill.

PURPOSE OF THE BILL

The bill supplies funds for water resources development programs and related activities, of the Department of the Army, civil functions—U.S. Army Corps of Engineers' civil works program in title I; for the Department of the Interior's Bureau of Reclamation in title II; for the Department of Energy's energy research activities—except for fossil fuel programs and certain conservation and regulatory functions—including atomic energy defense activities in title III; and for related independent agencies and commissions, including the Appalachian Regional Commission and Appalachian regional development programs, the Nuclear Regulatory Commission, and the Tennessee Valley Authority in title V.

SECTION 602(B) ALLOCATION FOR THE BILL

The Energy and Water Development Subcommittee allocation under section 602(b)(1) of the Budget Act totals $20,180,000,000 in budget authority and $20,216,000,000 in outlays for fiscal year 1996. Of these amounts the defense discretionary allocation is $11,447,000,000 in budget authority and $10,944,000,000 in outlays.

For domestic discretionary the budget authority allocation is $8,863,000,000 and the allocation for outlays is $9,272,000,000. The committee recommendation uses nearly all of the budget authority allocation in both categories, so there is no room for addons to the bill as there are no additional outlays available for spending. Therefore, any amendments to add will have to be offset by reductions from within the bill. The bill is approximately 57 percent in the defense [050] function and about 43 percent for domestic discretionary programs.

SUMMARY OF RECOMMENDATIONS

Mr. President, the fiscal year 1996 budget estimates for the bill total $20,681,648,000 in new budget obligations authority. The recommendation of the committee provides $20,162,093,000. This amount is $520 million under the President's budget estimate and $1,464,636,000 more than the House-passed bill.

Mr. President, I will briefly summarize the major recommendations provided in the bill. All the details and figures are, of course, included in the committee report number 104–102, accompanying the bill, which has been available since last Friday.

TITLE I, ARMY CORPS OF ENGINEERS

First, under title I of the bill which provides appropriations for the Department of the Army civil works program, U.S. Army Corps of Engineers, the recommendation is for a total of new budget authority of $3,174,512,000, which is $45 million below the House and $133 million less than the budget estimate. it is $234 million less than the fiscal year 1995 appropriation.

The committee received a large number of requests for various water development projects including many requests for new construction starts. However, as the chairman has stated, due to the limited budgetary resources, the committee could not provide funding for each and every project requested. The committee recommendation does include a small number of new construction starts and has deferred without prejudice several of the largest of the projects eligible for initiation of construction. Because of the importance of some of these projects to the economic well-being of the Nation, the committee will continue to monitor each project's progress to ensure that it is ready to proceed to construction when resources become available. As the committee reports points out, the committee recommendation does not agree with the policies proposed by the administration in its budget.

TITLE II, DEPARTMENT OF THE INTERIOR

For title II, Department of the Interior Bureau of Reclamation, the recommendation provides new budget authority of $816,624,000 million, which is $16 million less than the budget estimate and $40 million under the House bill.

TITLE III, DEPARTMENT OF ENERGY

Under title II, Department of Energy, the committee provides a total of $16.2 billion. This amount includes $2.8 billion for energy supply, research and development activities, a net appropriation of $29 million for uranium supply and enrichment activities; $279 million for the uranium enrichment decontamination and decommissioning fund, $971 million for general science and research activities, $151.6 million from the nuclear waste disposal fund, and $6.6 billion for environmental restoration and waste management—defense and nondefense.

For the atomic energy defense activities, there is a total of $11.429 billion comprised of $3.752 billion for weapons activities; almost $6.0 billion for defense environmental restoration and waste management; $1.440 billion for other defense programs and $248 million for defense nuclear waste disposal.

For departmental administration $377 million is recommended offset with anticipated miscellaneous revenues of $137 million for a net appropriation of $240 million. A total of $312.5 million is recommended in the bill for the power marketing administrations and $131 million is for the Federal Energy Regulatory Commission [FERC] offset 100 percent by revenues.

A net appropriation of $197 million is provided for solar programs, including photovoltaics, wind, and biomass and for all solar and renewable energy, $283.5 million, an increase of over $17 million over the House bill.

For nuclear energy programs, $280 million is recommended, which is about $13 million less than the current level. The major programs provided for included funds to continue the advanced light water reactor program at $40 million and about $73 million in termination costs. The sum of $12.5 million is included for the gas turbine-modular helium reactor [GT–MHR], also known as the gas reactor which I strongly support.

For the magnetic fusion program, the committee is recommending $225 million, which is $141 million less than the budget. An amount of $428.6 million is included for biological and environmental research and $792 million for basic energy sciences.

TITLE IV, REGULATORY AND OTHER INDEPENDENT AGENCIES

A total of $331 million for various regulatory and independent agencies of the Federal Government is included in the bill. Major programs include the Appalachian Regional Commission, $182 million; Nuclear Regulatory Commission, $474.3 million offset by revenues of $457.3 million; and for the Tennessee Valley Authority, $110.4 million.

Mr. President, this is a good bill. I wish there were additional amounts for domestic discretionary programs in our allocation but that is not the case. A large number of good programs, projects, and activities have been either eliminated or reduced severely, because of the allocation, but such action is required under the budget constraints we are facing. I hope the Senate will act favorably and expeditiously in passing this bill so we can get to conference with the House and thereafter send the bill to the White House as soon as possible.

Mr. President, I yield the floor with just the parting comment that it is a pleasure to work with the Senator from New Mexico and with the chairman of the full committee, Mr. HATFIELD.

Mr. DOMENICI. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FOREIGN RELATIONS REVITALIZATION ACT

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 908, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 908) to authorize appropriations for the Department of State, for fiscal years 1996 through 1999 and to abolish the United States Information Agency, the United States Arms Control and Disarmament Agency, and the Agency for International Development, and for other purposes.

The Senate resumed consideration of the bill.

Mr. HELMS. Mr. President, I am pleased that the Senate has finally proceeded to S. 908, the Foreign Relations Committee's Foreign Relations Revitalization Act of 1995.

This is hallmark legislation, and it represents the first proposal to revamp U.S. foreign affairs agencies since the end of the cold war. It is forward looking legislation that puts our Nation's interests first and instructs the United States to organize and streamline its operations for the 21st century, which is just around the corner.

I wish I had the ability of Abraham Lincoln, who so ringingly affirmed the essence of what we are as a nation. And he did it on the back of an envelope. There are not many individuals who have Lincoln's wisdom, and certainly I do not, but I can say that in drafting this bill, the Senate Foreign Relations Committee relied heavily on the wisdom of many individuals and on numerous studies made by several administrations of both parties. Those studies focused on how the United States could better organize its foreign affairs institutions. We have received the counsel of five former U.S. Secretaries of State whose services spanned the past two decades. And those five former Secretaries of State have endorsed this legislation wholeheartedly.

After careful review of our proposal, these five former Secretaries of State met with us, talked with us, and gave broad support to our effort. Of course, that pleased me very much, and I am grateful to them. Let me just give a few examples of what they said.

Former Secretary of State James Baker III asserted that he considers our proposal "breathtaking in its boldness and visionary in its sweep." Henry Kissinger described S. 908 as "a bold step in the direction of," as he put it, "centralizing authority and responsibility for the conduct of foreign affairs where it properly belongs—in the President's senior foreign affairs adviser, the Secretary of State."

Former Secretary of State Alexander Haig "heartily" endorsed the committee's reorganization proposal, and even Mr. Clinton's Secretary of State, Secretary Christopher, with whom I worked closely and whom I respect greatly, concluded that a plan to abolish the U.S. Information Agency, the Agency for International Development, and the Arms Control and Disarmament Agency made sense.

In November 1994, just after the election, Secretary Christopher presented his own reorganization plan to the Vice President's office. Now, the Vice President, a former Senator with whom all of us have served, or practically all of us, has had much proclamation and assertions, declarations that we are going to reinvent Government. That is AL GORE's press agent speaking for him.

Anyway, in November, when Secretary Christopher presented his own reorganization plan to AL GORE's office, there was intense interagency lobbying at the White House. Boy, they were running around like a bunch of road runners. After an intense period of this ferocious lobbying at the White House, Secretary Christopher's plan lost out to those whose interests appeared to care more about protecting their bureaucratic turfs than in the reinvention of Government for the post-cold-war world.

So Mr. Christopher had a proposal, but it was knocked down by the very office that was created to reinvent Government. Secretary Christopher is a good soldier. He swallowed hard and accepted what had happened to him.

Meanwhile, in its place, Vice President GORE promised the American public his own plan. He said it will be delivered—his own plan—to keep all of the bureaucratic agencies and cut $5 billion, nonetheless, out of the foreign affairs budget for the next 5 years.

That is sort of like jumping off a 300-foot diving board into a wet washcloth. He could not do it. But he said that is good news and I am glad to give it to you, and I guess a lot of people accepted it as good news. But the bad news is that the Vice President has yet to this very minute to release even one detail of his proposal, despite constant appeals from Members of Congress, including your humble servant now speaking. A lot of people of his own persuasion in the Congress, in both the House and Senate, have said, "Let us have it, let us have it." Silent in seven languages. There are no details. There are no plans from the Vice President's Office.

In fact, the United States State Department itself has yet to submit a formal authorization request for fiscal year 1996.

So you see the pattern, Mr. President. They promise a lot, they talk a lot, they brag on themselves a lot down on Pennsylvania Avenue and in Foggy Bottom, but when it comes to producing, nothing happens. It is all politics.

But in the absence of leadership from the executive branch, it was left to those of us in Congress to take the lead. On March 15, Senator SNOWE, the distinguished lady from Maine, and Chairman BEN GILMAN of the House committee, and I announced publicly a plan to restructure U.S. foreign affairs agencies. S. 908—now get that number, S. 908, because we are going to be talking about S. 908 a great deal in the coming days and weeks. It is the pending business in the Senate and it is the legislative realities of the plan that we worked so long and hard on with not one bit of cooperation from the administration. Not one iota of cooperation. They want to keep the bureaucracy intact. They are going to promise to cut spending, but they are not going to eliminate any bureaucrats.

The administration has rejected any attempt to join in helping us shape this initiative. Silent in seven languages. "Don't bother me," they said. The administration's response has been a confrontational one, and here I quote from some internal notes from one of the meetings on this legislation conducted in the administration and by the administration. Their plan to greet this legislation, and we will watch and see what happens, their plan is to "delay this legislation, to derail this legislation, to obfuscate"—and I am quoting from their own memorandum, "to kill the merger."

So if we are even going to have an opportunity to vote on this bill, we are going to have to have a cloture vote, meaning that we will have to get a constitutional three-fifths of the U.S. Senate to vote to let us have a vote. Now whether we are going to get any help from the other side remains to be seen. It is going to be interesting to watch what happens on the other side

So what I am saying, Mr. President, is that the administration obviously, flagrantly has not wanted the Senate Foreign Relations Committee to produce any legislation that would reduce the bureaucracy which would cut down on foreign aid and all of the other things the American people have been demanding for so long.

The administration has refused cooperation at every juncture—every juncture, without exception. It has refused even to talk about a consolidation. It has refused to provide the Congressional Budget Office with the information that the Congressional Budget Office has to have in order to compute the billions of dollars the taxpayers will be saving by the pending legislation.

Talk about stonewalling, this is stonewalling to the nth degree. The concepts advocated in this bill have the force of history behind them and the support of the American people in making all of this become law. In other words, the polls show that the American people want this legislation. They do not want to keep the fat bureaucracy in place. They do not want to continue to spend billions upon billions of dollars on foreign aid in corrupt countries.

The question of why reorganize almost answers itself. Why? Let us say a few things about that. We must reorganize because eliminating the vast duplication, the incredible waste, the unnecessary bureaucracy offers the only—the only—opportunity to maintain U.S. presence overseas while out-of-control Federal spending is reined in at home.

Lacking any substance to their opposition, they began several months ago to throw around epithets. One of the administration's officials went down to the National Press Club, and he charged the committee, or the majority on the committee, and JESSE HELMS specifically, with being isolationists. This is puzzling, and I have to ask the question: Are Secretary Kissinger, Secretary Shultz, Secretary Haig, Secretary Baker, Secretary Eagleburger, are all five of them isolationists? Of course not. But the epithet works with this administration.

You can watch on various other things that are front and center on the agenda today. You can note what the President of the United States himself is saying on these things. They may not be true, but if they may persuade some voters, he is going to say it.

But I say this to the President of the United States, and to you, Mr. President, and to the American people: If Congress fails to seize this opportunity to consolidate, the international affairs budget will be large enough to cover the cost of the Federal employees and overhead the mass of bureaucracy now entails. The international affairs budget will be large enough to do all of that. There are only two choices—two, no more, no less: First, save smart through consolidation, or Second, eliminate Federal programs. I am tempted to say, will the real "isolationists" please stand up. But we cannot see the State Department and AL GORE's office from here.

The administration and its legions of bureaucrats and AID contractors have distorted the contents of this measure from the very beginning. I have been astonished at some of the things that have been said and fed to the newspapers, which gleefully publish it without checking on the accuracy. I must say that I am appalled by the administration's lack of understanding as to the enormous flexibility provided in this measure.

This consolidation plan provides greater flexibility to the executive branch than exists in current law. The only hitch is to abolish three outdated agencies. That is where the protests have come.

This bill does not legislate every position and office in the Department of State, and anybody who says to the contrary has not even read the bill.

Now, the committee provides guidance for the organizational structure of consolidation. S. 908, the pending bill, mandates 5 Under Secretary positions—the exact number mandated under current law—and provides authority for 20 Assistant Secretary positions, two of which are mandated. What do you know, current law mandates three. The bill before you allows the President and Secretary of State unparalleled flexibility to organize under the five senior positions at State. The committee provides $225 million over 2 years for transitional funds with extraordinary authorities. This is designed to ease and facilitate transition to a reduced Federal bureaucracy.

Now, for the purpose of emphasis, Mr. President, let me remind the Senate that the pending bill, S. 908, is the very first authorization bill this Senate has considered since the House and Senate budget agreed to achieve a balanced Federal budget by the year 2002. I am pleased and grateful that the Foreign Relations Committee has fulfilled its duty. We have done the best we can. If sheer, raw politics takes over and prevents the approval of this bill, or even a vote on it by this Senate, that will not be our fault.

This bill, S. 908, meets the Budget Committee targets, and it puts our international affairs budget on a trajectory to balance the Federal budget.

The Congressional Budget Office, who is pretty good at this thing, estimates that S. 908 will save more than $3.5 billion over 4 years—$3.66 billion to be exact. It will save almost $5 billion over the next 5 years, and these savings do not result from dramatic cuts in international programs. They result in dramatic cuts in the bloated Federal bureaucracy.

Now then, Mr. President, consolidation is the only available option to maintain our overseas presence at the budget levels that have been agreed to for the next 7-year period. They have been voted on by this Senate. If the administration succeeds in its efforts to shoot down this bill, the foreign affairs agencies will be in far worse shape than ever.

The House of Representatives, because they have different rules from the Senate, passed the companion bill, H.R. 1561, several weeks ago, and the House is ready to go to conference with the Senate if, as and when we pass this bill.

The able Senator from Massachusetts [Mr. KERRY], who has so faithfully supported his President, offered an amendment in the Foreign Relations Committee to consolidate these agencies. But the Senator's amendment provided only half the cost savings of the committee bill and, of course, that does not qualify. We have to meet the budget that we voted to approve in the U.S. Senate. Senator KERRY knows, notwithstanding the administration, that consolidation is the right thing to do. I have known JOHN KERRY for a long time, and I know that he understands the situation.

Well, I guess we are in sort of the position that Mark Twain once remarked about. He said, Mr. President, "Always do right. This will gratify some people and astonish all the rest."

Maybe the administration does not want to astonish anybody. I will tell you one thing, the American people expect both the President and the U.S. Senate to do the right thing.

Mr. President, consolidation is the only way to go, and it is the right thing to do. Of course, I urge Senators on both sides of the aisle to lay politics aside and let us proceed with this bill.

Thank you, Mr. President.

I now yield to the distinguished ranking member of the committee, Senator PELL.

Mr. PELL. I thank my colleague.

Mr. President, the Senate now turns to S. 908, the Foreign Relations Revitalization Act of 1995. In prior years this legislation has been called the Foreign Relations Authorization Act and has authorized funding for the Department of State, the U.S. Information Agency [USIA], and international broadcasting activities.

I want to acknowledge at the outset, Mr. President, the earnestness which with the Foreign Relations Committee Republicans—under the leadership of Chairman HELMS—have tackled this legislative effort. In this bill, Senator HELMS has made a serious—if controversial—effort to examine and adapt the U.S. foreign policy structure to the exigencies of the post-cold-war world. I think it is important to note the contributions that the senior Senator from North Carolina has made in this regard. I also wish to underscore that in this era of budget stringency, I well understand the imperative of consolidation and the elimination of duplication in the foreign affairs bureaucracy. I therefore can appreciate Senator HELMS' intent in moving this legislation.

During my tenure on the Foreign Relations Committee, I always have tried to work cooperatively and in good faith with Senator HELMS. I have appreciated his unmistakable candor, as well as the courtesy he extended me when I was chairman. When we have disagreed, we both have attempted to do so in an agreeable manner. One of my main reasons for doing so, above and beyond the regard I have for Senator HELMS, is the importance that I attach to bipartisanship in foreign policy. I regret to note that, for the first time in my memory, this bill was reported by the committee on a straight, party-line vote.

I also must point out the administration's strenuous opposition to this bill. Secretary of State Warren Christopher outlined the administration's views in a July 25, 1995 letter to me. I ask unanimous consent that it be printed in the RECORD at the conclusion of my remarks, and from which I now will quote.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. PELL. Christopher writes:

> At a time when our nation's security and prosperity demand sustained American engagement in the world, this bill mandates drastic resource reductions for international affairs and undermines the President's constitutional authority to conduct our foreign policy. If S.908 is presented to the President in its current form, I will have no choice but to recommend a veto.

In a July 26 statement, the President said that S. 908 would attack his constitutional authority to conduct America's foreign policy, and that, "if this legislation comes to my desk in its present form, I will veto it." I ask unanimous consent that the President's veto statement be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. PELL. Why, Mr. President, has this bill has become so controversial that the Secretary would recommend and the President would threaten a veto? The answer lies in the number of proposals that collectively would restrict the President's ability to conduct foreign policy. The most troublesome of these is the plan, outlined in title I of the bill, to reorganize entirely our country's foreign policy agencies. Specifically, the proposal mandates the elimination of the U.S. Agency for International Development [USAID], the Arms Control and Disarmament Agency [ACDA], and USIA, and transfers some of their responsibilities to the State Department. I believe the plan is fraught with problems, and I will address these shortly.

In addition to the reorganization plan, there are a number of other disturbing provisions of this bill—particularly with regard to the United Nations. Having just returned from the 50th anniversary celebration of the founding of the United Nations, I am freshly reminded that U.S. interests are well served by our active participation in the United Nations. I continue to support a vigorous and active U.S. involvement in the U.N. system.

Titles II and III of this bill, however, contain what might best be described as an assault on the U.N. system. Not only does the bill authorize drastic cuts in funding levels for U.S. assessed contributions to the United Nations in section 201, it also places extreme new restrictions on U.S. participation in and involvement with the United Nations. As Secretary Christopher noted in his letter to me, "the funding cuts this bill proposes in U.N. accounts and the onerous restrictions it would place on our ability to support U.N. peacekeeping would reduce our ability to achieve meaningful reform." The President added further that, "the legislation would handcuff our ability to take part in and lead United Nations operations, limiting our choice each time a crisis arose to acting alone—or not at all."

Section 205, for instance, would withhold large percentages of the U.S. contributions to the United Nations until an annual certification is made regarding the Office of the U.N. Inspector General. The section lays out criteria that are arbitrary and impossible to certify, which will mean substantial and unnecessary cuts in our contributions to the United Nations. This section will, as a result, do little to advance U.N. reform and will only undercut U.S. leadership at the United Nations. I hope very much it can be modified.

Other sections pertaining to the United Nations in title II are equally problematic. In particular, I am concerned about various provisions in sections 203, 217, and 220, as well as other sections, and I intend to address these during the course of debate on this bill.

Moving beyond the U.N. provisions, Mr. President, I want to focus for a moment on the reorganization plan and its impact. As many of my colleagues know, the plan is largely the result of the efforts of the chairman of the Foreign Relations Committee, Senator HELMS. As I said earlier, Chairman HELMS has taken a serious initiative, and already he has made an important contribution to the debate over the conduct of foreign affairs in the post-cold-war era.

That being said, I am opposed to Congress deciding—on its own—how to restructure the way in which the President conducts American foreign policy. Moreover, it is far from clear that this plan represents the best way to adapt our foreign policy structure to our times. That being the case, I do not think it would be prudent for Congress to insist that this President—or any President, for that matter—implement the plan.

The proponents of this reorganization plan have emphasized cuts, consolidation, and elimination, but in my opinion have not paid sufficient attention to the consequences. Nearly everything in this plan suggests that the United States should retrench from its global commitments and responsibilities. If taken to its logical conclusion, the plan could well lead the United States on the path toward isolationism and withdrawal.

As we proceed, I intend to support a Democratic alternative to the restructuring plan. The alternative proposal mandates a reduction in the number of foreign affairs agencies—USAID, ACDA, and USIA, and in fact would allow the elimination of all three of them. Where it differs from the Republican plan is in giving the President—in whom the Constitution vests primary responsibility for the conduct of foreign relations—some flexibility to determine how best to organize the foreign affairs agencies. Our proposal leaves it to the President to decide which agencies should be eliminated, and how their responsibilities should be restructured.

I hope the Senate will give careful consideration to our proposal, as it embraces the goals Chairman HELMS has set forth during the committee's consideration of the bill, but goes about achieving them in what I believe is a more reasonable and practical manner.

During the Foreign Relations Committee markup of S. 908, a number of Democratic amendments were offered to try to improve the reorganization plan and other portions of the bill. I offered an amendment to preserve an independent ACDA, which regrettably was defeated as were similar amendments on USIA and USAID. That being the case, I expect there will a great many amendments offered in order to improve this bill, including amendments to save each of the independent foreign affairs agencies. Senator HATFIELD and I, for example, intend to offer an amendment on ACDA similar to that offered in committee. In an era when threats to U.S. security are becoming more diverse and challenging, it defies reason that the Congress would want to dismantle the sole independent voice for nonproliferation within the U.S. Government. I hope very much that the rest of the Senate will concur.

Mr. President, as we approach the onset of the 21st century, it is evident that the United States must redefine its place in global affairs. To do so, our Presidents must have at their disposal the proper tools to develop and implement foreign policies that reflect the changing nature of American interests. If we adopt this bill in its present form, I fear the Congress will—unnecessarily and unwisely—do grave damage to our country's future ability to function as a world power. To quote once again the Secretary of State, this bill "deliberately gouges our resources and micromanages the funds that remain. * * * S. 908, as currently drafted, will have a destructive effect on the conduct and character of American foreign policy for years to come."

Mr. President, unless there are dramatic and wholesale changes to this bill, I intend to vote against it. If I happen to lose that vote and the Congress enacts this bill, it appears that the President will veto. It distresses me very much that our foreign policy is being cast in such partisan terms. I do not believe such an approach serves the interests of our Nation or its people.

EXHIBIT 1

THE SECRETARY OF STATE,
Washington, July 25, 1995.

Hon. CLAIBORNE PELL,
Committee on Foreign Relations,
U.S. Senate.

DEAR SENATOR PELL: The Senate will soon consider S. 908, the "Foreign Relations Revitalization Act of 1995." At a time when our nation's security and prosperity demand sustained American engagement in the world, this bill mandates drastic resource reductions for international affairs and undermines the President's constitutional authority to conduct our foreign policy. If S. 908 is presented to the President in its current form, I will have no choice but to recommend a veto.

This bill's attack on Presidential authority is unprecedented in scope and severity. It interferes with the President's responsibility to structure America's foreign policy apparatus by abolishing three agencies of government and merging their functions into the Department of State. And it slashes the numbers of foreign affairs professionals who are so essential to meet the threats and seize the opportunities of the turbulent post-Cold War world.

This bill takes no account of the serious and successful efforts this Administration is taking to streamline the foreign affairs agencies and to consolidate functions among them. The State Department, ACDA, AID, and USIA are all vigorously cutting costs and employment, realigning resources to better match policy priorities, and modernizing communications and information systems. Eliminating these latter three agencies, as the bill proposes, would undermine our effectiveness—not enhance it.

While S. 908 contains a number of management authorities sought by the Department of State, the cumulative weight of its restrictions, requirements and prohibitions would obstruct the President's ability to conduct America's foreign policy and cripple America's ability to lead. The bill purports to prohibit any U.S. diplomatic activity in North Korea, thus impeding our ability to implement the North Korea Framework Accord that is helping to put an end to a nuclear crisis on the Korean peninsula. It also interferes with our delicate relations with China, and forces a change in our migration policy that could pose a serious threat to America's borders. We also oppose the provision requiring the Treasury Department to issue licenses permitting letter of credit payments from blocked Iraqi funds where no U.S. bank has a payment obligation, thus favoring certain corporate claimants in a manner not compelled by the law of letters of credit, to the detriment of other U.S. claimants against Iraq, including injured U.S. military personnel.

With respect to the United Nations, we share the Congress' concern about the need for reform. In Halifax and in San Francisco, the President directed the world's attention toward this important issue. There is growing support for our reform agenda and a commitment to follow-up on the progress made in Halifax. However, the funding cuts this bill proposes in UN accounts and the onerous restrictions it would place on our ability to support UN peacekeeping would reduce our ability to achieve meaningful reform. We are especially concerned about restrictions on intelligence sharing, and certification requirements related to UNPROFOR in Bosnia and the oversight function in the UN that will be impossible to meet. As the President noted in his speech on the UN's 50th Anniversary, turning our back on the UN would increase the economic, political and military burden on the American people.

We recognize in this bill the desire of the Congress for a better foreign affairs consultation process, particularly on peacekeeping issues. We believe this can better be achieved through closer cooperation, rather than through legislation that would unduly restrict the ability of this and future Presidents to provide for the nation's security.

Finally, this bill's overall cuts in the International Affairs (150) function compromise the safety and well-being of our nation. The tiny fraction of federal spending we devote to international affairs—a mere 1.3 percent of the budget, of which only a third is included in this bill—helps us strengthen American security by fighting the spread of nuclear weapons and technology. It helps us protect American lives by combating terrorists, drug traffickers, and international criminals. It helps us create American jobs by opening foreign markets and promoting U.S. exports. And, it gives force to American principles by bolstering peace, human rights and democracy around the world.

Moreover, the preventive diplomacy that the International Affairs budget funds is our first and least costly line of defense. Compare the cost of arms control and diplomatic action to stem proliferation to the price we would pay if rogue states obtained nuclear weapons. Compare the cost of promoting development to the price of coping with famine and refugees. Compare the cost of successful government-to-government and public diplomacy to the cost of military involvement. If we gut our diplomatic activities today, we will face much greater crises with concomitant costs and crises in the future.

The Administration cannot support a bill that deliberately gouges our resources and micromanages the funds that remain. We oppose this bill and will also oppose any amendments to this bill that further restrict or restrain the President's ability to safeguard America's interests. We will firmly resist efforts that would have America abdicate its leadership role in global affairs. I firmly believe that S. 908, as currently drafted, will have a destructive effect on the conduct and character of American foreign policy for years to come.

Sincerely,

WARREN CHRISTOPHER.

EXHIBIT 2

THE WHITE HOUSE,
OFFICE OF THE PRESS SECRETARY,
July 26, 1995.

STATEMENT BY THE PRESIDENT—THE FOREIGN RELATIONS REVITALIZATION ACT OF 1995 (S. 908)

Congress is now considering legislation—S. 908, "The Foreign Relations Revitalization Act of 1995"—that would undermine the President's authority to conduct our nation's foreign policy and deny us the resources we need to lead in the world. If this legislation comes to my desk in its present form, I will veto it.

S. 908 attacks the President's constitutional authority to conduct America's foreign policy. No President—Democrat or Republican—could accept these restrictions because they threaten the President's ability to protect and promote American interests around the world.

The legislation would ban or severely restrict diplomatic relations with key countries. Indeed, had it been in effect a few months ago, it would have prevented us from concluding the agreement with North Korea to dismantle its nuclear program. The legislation would handcuff our ability to take part in and lead United Nations operations, limiting our choice each time a crisis arose to acting alone—or not at all. The legislation would abolish three important agencies—the Arms Control and Disarmament Agency, the Agency for International Development, and the U.S. Information Agency. Each is already making serious and successful efforts to streamline its operations, as part of my administration's Reinventing Government program. Eliminating them entirely would undermine our effectiveness, not enhance it.

In short, the legislation would put Congress in the business of micro-managing our nation's foreign policy—a business it should not be in.

This legislation combined with S. 961, "the Foreign Aid Reduction Act of 1995", would also slash our international affairs budget—which already is only a little over 1.3 percent of our total federal budget. We use these funds to fight the spread of nuclear weapons and technology, to combat terrorists, drug traffickers and international criminals; to create American jobs by opening new markets for our exports; and to support the forces of peace, democracy and human rights around the world who look to America for leadership.

The proposed cuts in the international affairs budget are dangerous and shortsighted.

> We know from experience that it is a lot less costly—in terms of money spent and lives lost—to rely on development aid and diplomacy now than it is to send in our troops later. There is a price to be paid for American leadership. But the return on our investment—in terms of increased security and greater prosperity for the American people—more than makes up for the cost. What America cannot afford are the foreign affairs budget cuts proposed in these bills.
>
> As I have made clear before, I want to work with Congress to get an international affairs bill I can sign—a bill that protects the President's authority to conduct foreign policy, maintains vital resources and reflects a bipartisan spirit that serves America's interests. The legislation Congress is considering fails each of those tests. If it is sent to me as it now stands, I will veto it.

Ms. SNOWE. Mr. President, I am very pleased today that we are able to bring before us the State Department authorization. It is revolutionary, refreshing. It is restructuring. It is an historic bill that, for the first time in decades, looks upon an entire component of our Government in a very different fashion.

As chair of the International Operations Subcommittee, which has jurisdiction over these issues, I am very pleased to play a role in the creation and bringing of this legislation before the floor.

Before I describe some of the issues and the features of this legislation, I certainly want to express my commendations and appreciation for the cooperation and the leadership provided to me and to others on the committee, to Chairman HELMS, who has brought this legislation to the floor. It is because of his hard work and initiative we are considering it here today.

I also want to say I am very pleased to have worked with Senator PELL, because of his contributions to the committee in the foreign policy arena over the years, and with Senator KERRY, who is the ranking member of the subcommittee.

I am not new to these issues. I have worked on these issues in the House as ranking member of the counterpart subcommittee for more than 10 years. So many of these issues are very familiar to me. But we have now reached a point where we have to decide how we are going to reform our foreign policy apparatus and policymaking bureaucracy.

This bill has two main themes: Agency consolidation and deficit reduction. It terminates three independent agencies: The Arms Control and Disarmament Agency, the Agency for International Development, and the U.S. Information Agency. It consolidates arms control, development, and public diplomacy within the hierarchy of the State Department. But it is far more than just moving bureaucratic boxes around. It integrates important aspects of American foreign policy into our basic policy formulation process. The purpose of this is to improve our overall foreign policy, not to diminish the importance of any of these functions.

For example, currently the independent Arms Control and Disarmament Agency is primarily responsible for the nonproliferation policy. But concerns about nuclear proliferation frames our relations with a range of countries around the world, from North Korea to India to Iran. This bill will integrate these issues into the policy formulation process at the Department of State. They are too important to be considered as an afterthought in the interagency process. And by better coordinating public diplomacy with policy, we will also directly benefit from the conduct of our Nation's foreign policy and foreign relations.

Public relations plays an increasingly important role in a world that is increasingly democratic. Currently, our public diplomacy expertise rests in the independent U.S. Information Agency. This bill integrates these fields into our basic foreign policy-making institutions.

The world has changed dramatically in the last decade and, with it, the demands on our foreign policy structure. Gone is the cold war and the certainty of a single opposing force in our foreign relations. Gone, too, is the highly focused foreign policy we once waged against an expansionist and authoritarian Soviet Union and its satellites.

In the 1990's we face a new imperative: To maintain a strong, aggressive foreign policy, but to streamline our operations, achieve cost savings, and meet the new criteria of a changing world. State Department consolidation is an idea whose time has come.

In the aftermath of the collapse of the Soviet Union and the reigniting of ethnic strife that has been kept bottled up by the cold war, we live in a new world. But it is not necessarily a safer world, as a multitude of crises across the world have proven in the last few years. Our legislation offers a fast, flexible foreign affairs structure that we require and it also offers the promise of significant long-term cost savings.

This leads me to the second characteristic of this legislation and that is, of course, deficit reduction. Not only does this bill restructure Government within our foreign policy institutions to make it smaller, more efficient, but it also does so at a lesser cost. These two themes are very closely related and I believe will improve our Nation's ability to conduct a truly coordinated and consistent foreign policy.

But, without agency consolidation, we simply cannot meet our deficit reduction requirements without much deeper program cuts in the international affairs account. The Congressional Budget Office has indicated that the consolidation plan would save $3 billion over the next 4 years. And, frankly, Secretary of State Christopher had originally proposed this consolidation plan last fall, even though the interagency process did not permit the proposal to go forward with the administration, and that is regrettable, because I think it did prevent a bipartisan discussion of this restructuring proposal.

Even Vice President GORE had recommended, and said, in fact, the administration would come forward with a reinventing Government initiative for the State Department and its foreign affairs related agencies, with a planned savings of $5 billion over the next 5 years. We have yet to see that plan, let alone the administration's legislative proposal for the reauthorization of the State Department.

In all my years having managed this bill for the Republicans in the House of Representatives, we have always had an authorization proposal from the administration—whether or not they agreed with subsequently what the committee might or might not do. So I regret this bill is coming forward without bipartisan support. We have tried to be receptive to ideas, to incorporate those ideas into this restructuring. But we have yet to hear those ideas.

The fact is, I think this is the kind of legislation that demands bipartisan support. We received the unanimous support of the Republicans on the committee. It certainly is not too late to be engaged in a bipartisan process, but it is important that we understand that consolidation is necessary, and it is not because we are saying we are going to deemphasize these areas within the State Department. In fact, I say we are reemphasizing them in a different fashion as we move forward to integrate these functions more efficiently.

I am also disappointed by the administration's apparent unwillingness and its specific policy of not engaging us in the field of ideas with respect to this major restructuring of the State Department. Rather, their strategy seems to be embodied in the explicit words of an internal AID memorandum that was leaked to the press recently.

> The strategy is to delay, postpone, obfuscate, derail—if we derail, we can kill the merger.

So I think that is an unfortunate approach to one of the most significant consolidation issues in recent years. But I would like to describe the features of this legislation because I do think it is important for the Members of this body to fully understand and comprehend what we are attempting to do through this consolidation proposal.

As I said, we are abolishing three agencies and transferring their functions within the State Department. I believe the State Department itself will be enhanced as well as reorganized in a way that will significantly improve the way in which we can develop our foreign policy agenda.

The operations of the Arms Control and Disarmament Agency and the USIA, although streamlined, will be directly merged into the State Department's policymaking structure. If you have any doubt as to whether or not we should have a restructuring consolidation of these three agencies within the State Department, only look at this graph, at the current structure of our foreign affairs agency. You can see it is rather complicated, convoluted. There is duplication. It is much more complex, in terms of trying to make decisions; certainly less efficient. In today's world, whether it is the public or private sector, everyone is looking toward more efficiency for less money and making it more effective.

What we are trying to do through this reoganization is streamlining the process so the Secretary of State is better equipped to make those decisions more efficiently. It is not to say that arms control is not important, or public diplomacy is not important, or development assistance is not important. What it is saying is, it is necessary to efficiently incorporate it into the structure that gets the Secretary's attention.

As many have said in the past, and before the committee, you do not have to have a separate independent agency to make it a priority. I think that is important.

As you can see here, something has to be done. Just looking at this chart, it is clear that we have to revise and consolidate and make it more efficient in today's post-cold-war world.

I want to compare it to what we are proposing in this legislation. And you can see that we have far fewer boxes, far fewer areas. We are making it far more efficient to make those decisions.

I think that these charts certainly illustrate what we are attempting to accomplish through this legislation. It is an idea whose time has come. Even Secretary Christopher indicated in a speech before State Department employees back in March when they were doing the strategic management initiative that this was the 90th report since 1946 aimed at a restructuring and improving the State Department. And I am quoting now. He said, "It is there gathering dust in the file cabinets."

So a lot of these ideas have been around. But I think that what has happened in the post-cold-war period has given us the impetus to begin the approach to consolidate. And that is why I think it is also essential to have bipartisan input. That is why I regret today that has not occurred.

As the Agency for International Development, this bill will more closely tie our foreign assistance programs to policy goals intended to directly advance our national interests. This will be accomplished by integrating regional foreign aid decisions into the State Department's regional policy bureaus.

Former Under Secretary Bill Schneider—who was responsible for coordinating the entire international affairs budget for the Reagan administration—testified before my subcommittee. He noted that AID's structure, autonomy, and management precludes a sharp focus on using our aid resources to support foreign policy functions. By its very nature, he argued, AID programs have little behavioral impact on the recipient in terms of advancing U.S. foreign policy interests.

Former Secretary of State Larry Eagleburger confirmed this argument, by arguing for consolidating AID into State in order that bilateral foreign assistance be more closely related to specific, identifiable U.S. foreign policy interests.

Today's AID will be transformed into a leaner State Department mechanism for delivering foreign assistance. Today, vast amounts of our humanitarian and developmental aid is consumed by AID's huge administrative cost structure and field apparatus. For instance, there are 690 AID employees stationed at our Embassy in Cairo alone.

Out of a $2.3 billion developmental aid account, AID spends $600 million on its formal operating expenses account. This is 25 cents for every developmental dollar.

But in reality, AID's administrative costs are much higher because AID's formal operating expenses only count 5,000 out of its 9,000 employees worldwide. The remaining 4,000 are AID contract employees who are paid out of program funds, not operating expenses.

In looking at the Arms Control Development Agency, we certainly should take very seriously the concerns that have been expressed by arms control advocates in the administration.

We should also, however, consider the observations of former ACDA Director Fred Ikle who testified before my subcommittee that moving forward with a proposal as innovative and necessary as this is opposed because it: "hurts the pride and prestige of the affected officials, jeopardizes job security and mobilizes throngs of contractors, captive professional organizations, and other beneficiaries."

Director Ikle also noted that people who want to preserve an institution long after they have served their purpose believe they do so for the noblest of reasons, but at the core of their argument is inevitably: "the tendency of bureaucracies to become more vigorous and grow in size as their initial purpose is overtaken by events."

Director Ikle noted that ACDA was formed 34 years ago out of the need to maintain a tightly focused agency dedicated to continuity and competence in negotiations with a single adversary, the Soviet Union. Now, he noted, there is no more need for an independent agency working only on arms control issues than there would be for a separate U.S. agency for counterterrorism, global communications, or international crime.

I guess I could argue that there should be separate agencies even for those categories.

Former NSC Adviser Brent Scowcroft noted at the same hearing, that this changed focus of arms control argues against an independent ACDA. He observed that proliferation of weapons of mass destruction is the single most important arms control issue today. The full range of policy tools needed to addressing proliferation issues simply cannot be accomplished out of an isolated, insular ACDA. This, he argued can only be pursued through the broader institutions of State and DOD.

USIA

The most logical fit of all is the consolidation of the U.S. Information Agency into the State Department. At our overseas posts, State Department and USIA operations work together in an almost seamless fashion.

The top USIA officer at post is the public affairs officer, who operates as the Ambassador's close media adviser and the Embassy's press officer. The USIA operation at post conducts outreach into the grassroots organizations and maintains contacts with all those who help shape public opinion in the country.

The purpose of this consolidation would be to bring this same level of coordination to Washington. A better understanding of and appreciation for the impact of international public opinion can only help us to formulate better overall foreign policy.

Former NSC Adviser Scowcroft and former Secretary Eagleburger made this same observation, when they noted that public diplomacy is a function with continuing and growing needs. They noted that in the world today, individuals, groups, and publics have an increasing affect on how the United States is viewed and how our foreign policy is received. We need to incorporate this capacity, they said, into our core foreign policy institution.

The logic of combining these two agencies is even recognized by the inspector general offices of the State Department and USIA. Over the past few years, they have adopted the practice of jointly conducting their periodic inspections of diplomatic posts. They do this together, because the State Department and USIA functions at post are so closely integrated.

This legislation sets up a 2-year transition period. The three agencies would be merged into the State Department by March 1, 1997. During this transition period, the bill sets up a mechanism for the President to transmit to Congress his own consolidation plan. The President would be guaranteed quick action by Congress under expedited procedures.

So the President could in response to this plan offer his own very specific plan that would require a resolution of approval. But the fact is that this legislation gives the President the opportunity, as well as the flexibility, to submit his own plan, or modifications to this plan, and it would require a resolution of approval by Congress.

There are other issues in this legislation that I will not get into here today. Some of the issues that I have included, and others have included, are very essential to the overall bill.

I know there is a great deal of anxiety about this legislation among the dedicated and hard-working employees of our foreign affairs agencies. And I understand that concern. I have worked with them over the years, and they have done an admirable, commendable job in implementing their responsibilities. But I think we are dealing in a different world today. We have to come to recognize that we have to do things somewhat differently.

That is why I certainly would prefer the administration working in conjunction with the chairman and myself and other members of committee to develop a plan that has a bipartisan consensus because the scope of this legislation calls for a more proactive role on the part of this administration. In fact, they have an obligation as well as a responsibility to do so. But to maintain silence on this issue is unacceptable, let alone understandable, given the magnitude of this consolidation and given the fact that it is affecting our foreign policymaking apparatus.

I hope that during this process we will hear from them, not simply to stonewall, as the chairman said, this process, but to help expedite this process of consolidation and integration of our foreign affairs agencies.

This approach should be bipartisan. There is nothing Republican or Democratic about this approach. This should be an approach that everybody can endorse, and, in fact, Secretary Christopher had even recommended this approach last fall only to be rejected by others within the administration.

As the chairman has indicated, five former Secretaries of State have supported this initiative. I think that is significant. The time has come for this kind of consolidation, and it is not gutting it because the issue of restructuring, as even Secretary Christopher indicated, has been done over the years, but the changes as a result of the end of the cold war has compelled us to look at these issues very realistically. We are not saying that this is a perfect plan. But it is very difficult to work with the other side when they are unwilling to work to make the revisions that they think are necessary to do this legislation.

During one of our subcommittee hearings on this plan, former Bush administration official Bob Kimmit, who was Under Secretary of State, said that when he was asked to testify, he gave his proposal very careful and serious review. The standard he used in deciding his position on this was whether he would be as enthusiastic in support if it had been proposed by the Clinton administration rather than by the Republican Congress, or if it had been advanced by a Democratic Congress during a second Bush administration.

Mr. Kimmit, together with a great number of our witnesses, made a common observation: To place a priority on the issue does not require a separate agency. No one questions the importance of arms control, public diplomacy or international development. Imagine if the principle of maintaining a separate agency for every important policy issue were applied throughout our Federal Government. There would be no end to organizational proliferation.

I think we get some idea just based on the current chart with respect to the State Department and its related agencies and the bureaucratic confusion that has been created as a result of the multitude of agencies that exist within these agencies.

This is not a Republican plan against a Democratic administration. This is an American plan that would benefit all future American administrations, both Republican and Democratic.

So I urge my colleagues to consider it on its own merits, devoid of partisan considerations. If considered on this basis, I believe we will receive overwhelming support on both sides of the aisle.

The bill before us is breathtaking, not just in its scope but in the quality of the recommendations and gives credit to our chairman, to our committee, and to all the Senators who have been involved in its creation.

In the final analysis, whether you are Republican or Democrat, what we are doing here today would be arguing for fundamental, positive change in our Government. This is a chance to cast a vote for exactly the kind of change that the American people want. This is a vote for cost savings and efficiencies we will need to advance and if we are certainly going to meet our deficit reduction goals required by the budget resolution that passed the Congress. But also more importantly it is to advance our foreign policy goals. I think in the final analysis this is exactly what this legislation would do.

On a final note, I should say that not only do I commend the employees within these various agencies but also the directors and the administrators because without a doubt they have been hard-working, dedicated individuals who are committed to their goals. And although we may disagree on this consolidation, I want to make sure I give credit to those individuals who currently head these agencies because clearly they have worked very hard to try to do what they can with the kind of mandates received within current law and with the structures that they have had to live with. And I understand their commitment to maintaining the current structure. But I think they also hopefully understand we have to meet the goals that are required of us through not only the budget resolution but also because the climate and the circumstances have now changed.

So, Mr. President, I hope that as we go through this process in the final analysis we will be able to get a reorganization of State Department agencies necessary to meet the future commitments of this country.

I yield the floor.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER (Mr. FRIST). The Senator from North Carolina.

Mr. HELMS. Mr. President, the Senate has just heard a remarkable discourse by the able Senator from Maine, whom I have long admired. She is certainly an addition to the wisdom of the Senate on many matters, especially foreign affairs. I wish to thank her for her diligent work on this bill, and I thank her for the great statement she just delivered.

Mr. President, another distinguished member of the Foreign Relations Committee who has done so well in assisting in the drafting of this bill is Senator CRAIG THOMAS of Wyoming. He is chairman of the East Asian Subcommittee of the Foreign Relations Committee, and I hope the Chair will recognize him.

Mr. THOMAS addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. I thank the Chair.

I thank the chairman of the committee for the opportunity to comment on this bill. I rise to place my full support behind Chairman HELMS and the efforts to overhaul and streamline the Department of State.

These bills are very complicated, of course, and throughout the duration of this debate and discussion it will be hard to track. Let me read just a couple of paragraphs from a letter the chairman sent to me that I think is fairly succinct.

> Six weeks ago, with the support of every Republican Member, the Foreign Relations Committee passed S. 908, the Foreign Relations Revitalization Act. This legislation is the first authorization measure to reach the Senate floor within budget targets, fulfilling the mandate the American people gave us last November. This bill is a promise kept: Money is saved, bureaucracy eliminated, and the ability of our Nation to conduct foreign policy enhanced.
>
> This reorganization of the U.S. foreign policy apparatus saves $3.66 billion over four years. A similar measure has already passed the House. Three agencies, the Arms Control and Disarmament Agency, the Agency for International Development, and the United States Information Agency are abolished and

> their functions are rolled into the Department of State.
>
> The core functions of these agencies are not lost. Despite propagandizing to the contrary, independent broadcasting is protected; arms control and non-proliferation will be strengthened; and the assistance programs which support national interests will be liberated from a convoluted AID bureaucracy. This consolidation plan has been endorsed by five former U.S. Secretaries of State. . . . And as Henry Kissinger recently said, if given a truth serum, Secretary Christopher would endorse it too.

That summarizes, it seems to me, what it is we are seeking to do here. The chairman has spoken at length, and the Senator from Maine in her excellent commentary spoke about the need for important legislation, so I will not cover that same territory.

The changes proposed in S. 908 are long overdue. What I will address, however, is the way in which AID and this administration has handled itself in the face of the chairman's efforts. From the beginning, instead of cooperating in a constructive effort to work with the Congress in cutting waste, overlapping responsibilities, and outmoded and outdated programs, the administration has chosen to ignore and stonewall. The word has gone out to the bureaucrats and to the Democrat Members of Congress that this is the party line. A memo that was quoted earlier indicated that the strategy is to "delay, postpone, obfuscate, derail. If we derail, we can kill the merger," it says. "Official word is we don't care if there is a State authorization bill this year."

As a result, it has been strongly rumored that we will face a flurry of amendments to this bill as we have seen in other bills in a veiled attempt to filibuster. So much for the administration's dedication to reinventing Government.

Requests for meetings have gone unanswered, as have requests for information. Instead of working with Congress, AID has gone out of its way to preserve itself by spreading confusion and panic among organizations with which it does business, by distorting the purpose and the probable impact of S. 908. Many of these practices I believe come close to pressing the breaking of the law. For instance, I am aware of AID staffers who have contacted several private groups and urged them to lobby for the defeat of S. 908. My office has received almost weekly information packets from AID including xeroxed copies of articles and editorials in opposition to the merger—omitting, of course, those that are in favor.

I find it highly improper that AID is spending taxpayer dollars in supplies and employee time lobbying us for their own continuation.

Mr. President, S. 908 is supported by five former Secretaries of State and, until overruled by the White House, Secretary Christopher. It is an idea whose time has come. Its time is here. At a time when we do not have enough money to take care of our own citizens' fundamental needs and are consequently forced to rethink the funding levels in our domestic budget, to argue that we cannot make similar difficult cuts in the structure of foreign policy is both disingenuous and unrealistic.

So again, Mr. President, I rise in support of this proposal. I think it is one of the things that the voters said to us in 1994. They said we need to make some changes in the way the Federal Government operates; that the Government is too big, it spends too much, and that we should find better ways to deliver services; that we should find more efficient ways to use tax dollars.

Mr. President, this is one of those ways, and I urge support for this legislation.

I yield the floor.

Mr. GRAMS addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. GRAMS. Mr. President, I rise in strong, enthusiastic support of S. 908, the Foreign Relations Revitalization Act. As a member of the Foreign Relations Committee, I am proud to have voted for this groudbreaking legislation to fundamentally reform America's foreign affairs agencies.

For much of this year, Congress has responded to the voters' demand to shrink the Federal Government and reduce its intrusion in their lives. But it is not just our domestic agencies that are in need of an overhaul.

S. 908 fulfills two important goals: First, it will help to reshape the State Department so that we can better meet the new challenges of a rapidly changing world. And second, it will apply our limited financial resources in a more realistic and effective way.

Unfortunately, the President's proposed budget for 1996 would actually increase international affairs spending by $950 million, and that is hardly evidence of a strong commitment to balancing the budget.

Moreover, some administration officials—as well as some Members of this body—have thrown around reckless accusations about this bill's efforts to reorganize the State Department. They charge that it somehow represents a move to withdraw the United States from international affairs.

But make no mistake. It is our desire, and America's responsibility, to remain actively and productively engaged around the world that make this legislation so necessary.

While the administration has been busy crying "isolationism" and doing everything in its power to block consideration of S. 908, five former Secretaries of State have come forward to ardently endorse it.

Former Secretary of State Lawrence Eagleburger and former National Security Adviser Brent Scowcroft testified on the clear connection between the cold war and the expansion of the Federal bureaucracy:

> [T]his proliferation of agencies occurred in response to security-related concerns which have since diminished or disappeared. Therefore, we are now encumbered by a plethora of programs which no longer are closely tied to, or clearly serve, U.S. national interests. . . . [The] origins of the agencies being considered for abolition are all rooted in a world which no longer exists.

And former Secretary of State Henry Kissinger—not known for "isolationist" tendencies—wrote,

> What is needed is steadiness, coherence and precision in the articulation and implementation of policies. . . .

He went on to say:

> Your proposal to abolish the Agency for International Development, the Arms Control and Disarmament Agency, and the U.S. Information Agency is a bold step in this direction by centralizing authority and responsibility for the conduct of foreign affairs where it properly belongs—in the President's senior foreign affairs advisor, the Secretary of State.

Even current Secretary of State Warren Christopher reportedly made a similar proposal to Vice President Gore's "Reinventing Government" team. But, unfortunately, the Vice President chose to reject the Secretary's plan and, instead, capitulated to the cold war reactionaries in the administration who are intent on preserving their pet agencies at all costs.

Therefore, Mr. President, Congress must act responsibly with the taxpayers' money and do for the State Department what it could not do for itself. Rather than "micromanage" State Department reform, S. 908 preserves substantial flexibility for the President and the Secretary of State to determine its new organizational structure.

Given the complete lack of cooperation Congress has received on this issue from the administration, allowing such flexibility may be considered a "leap of faith." However, I firmly believe Congress should guide and agencies should be expected to perform.

Above all, Mr. President, the heart of S. 908 must be kept intact. The consolidation of AID, ACDA and USIA under the State Department will end the current duplication of many functions and personnel.

As a result, S. 908 will save the taxpayers $4.8 billion over 5 years according to the Congressional Budget Office. The international affairs budget must take its fair share of reductions to keep us on track to balancing the budget in 2002.

But I want to remind my colleagues that without the efficient and prudent savings in the State Department reorganization plan, cuts in foreign aid programs will have to be that much deeper.

Finally, I hope that this bill—combined with S. 961, the Foreign Aid Reduction Act—will encourage a comprehensive review of U.S. foreign aid.

We all know that foreign aid is held in low esteem by many Americans. Given the track record of AID and the minimal performance of some foreign aid programs, this is hardly surprising. We must not abdicate our oversight responsibilities. By enacting the legislation before us today, we can begin rehabilitating foreign aid in the eyes of the American people.

Mr. President, we must ask ourselves: Do we really need a bureaucracy of 9,300 employees and contractors to manage foreign aid programs? There are 405 employees at AID's Egypt mission in Cairo alone. And it costs the taxpayers $150,000 to $300,000 a year—not counting salary—to station just one AID employee overseas.

We must focus our efforts on making sure that foreign aid actually reaches people in need rather than getting swallowed up by oversized U.S. and foreign bureaucracies.

I support an approach that conducts more of our foreign aid programs through non-governmental organizations and private voluntary organizations. These are groups that generally have much lower overhead costs than AID.

As we reevaluate foreign aid and demand that it become more accountable, more efficient and more effective, we must also examine the actions of those countries which receive taxpayer dollars.

Foreign aid cannot provide real, sustainable development unless recipient countries are dedicated to economic freedom and free-market reforms. To renew Americans' faith in foreign aid, we must show them proven results.

We cannot afford to run an international welfare program which subsidizes countries that show no progress toward economic self-sufficiency. Just like our broken welfare system at home, such a program will only encourage dependency and continue to burden the taxpayers for years to come.

In closing, Mr. President, S. 908 offers all Senators this opportunity: We have all talked a good game about eliminating agencies that are outmoded or inefficient. Now the question is can we actually do it.

I urge all Members to vote for S. 908, not just for the sake of eliminating three agencies, but because doing so will help ensure that America has the foreign policy tools necessary to take us into the 21st century.

Thank you, Mr. President.

I yield the floor.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, I want to pay my respects to the distinguished Senator from Minnesota. He is one of the newer members on the Foreign Relations Committee. He is always there, and he has always done his homework. I congratulate him on his statement, and I thank him for his participation in the work of the committee.

Mr. ASHCROFT addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. ASHCROFT. Mr. President, I intend to speak on the foreign relations proposal at a later time, but I ask unanimous consent to speak as in morning business for 10 minutes in regard to the welfare situation.

The PRESIDING OFFICER. Without objection, it is so ordered.

WELFARE REFORM

Mr. ASHCROFT. Mr. President, I appreciate this opportunity to speak this afternoon. The President of the United States is speaking about the welfare situation. He has promised to end welfare as we know it, and it is important, as we approach the debate on welfare in the U.S. Senate, that we thoroughly understand the condition in which we find ourselves as a result of 30 years during which Washington has dictated a radical theory of welfare on America's poor.

The theory is that bureaucrats in Washington are best equipped to solve the welfare problem. Since the mid-sixties, we have spent nearly $5.4 trillion on welfare, and the theory that Washington knows best is as dead and as hopeless as many of the people it was intended to help.

Most of America realizes this. Many Members of the Senate realize this. But, unfortunately, it does not appear that the President realizes this. Today in Vermont, veiled in glorious rhetoric, President Clinton announced his intention, again, to end welfare as we know it. But he revealed his intention to expand welfare beyond what we have ever known.

Like so much with this administration's public policy, what sounds great frequently is different from what is reality. The old adage, "signal right and turn left," has found new meaning in this administration. When you are riding down the highway and someone signals right and then turns left, it can be a very difficult and dangerous situation, and I am afraid that is what has happened here.

The reality of the Clinton plan is that it will result in more misery, more hopelessness, and more despair in America's poor. It will provide a boost to Washington's welfare establishment. The bureaucracy will burgeon. We need another way of helping the poor. It is a way which recognizes that the States have an opportunity, and should have an opportunity, to tailor welfare solutions to meet the needs of their citizens.

Last week, I spoke about Ariel Hill, a 5-month-old child, a victim of the welfare system. I am sure she would have said that we needed another approach to welfare. Today, I want to talk about another tragic story, another personal example of welfare's failure.

In the picture next to me is Ernesto Ventura, a 4-year-old child who was brutally abused and neglected by his mother. Though the crime was committed only a year ago, its roots began about 30 years ago at the beginning of a cycle of dependency, a cycle of hopelessness and Government sanction, Government approval.

The story begins in the fall of 1968 when Eulalia Rivera left Puerto Rico and came to the Columbia Housing Project in Dorchester, an inner-city Boston neighborhood. Within weeks after arriving in Massachusetts, Eulalia went on welfare to support herself and her family. Her first check, instead of providing a solid foundation on which to build, became a milestone in her life, marking the first leg of a journey which has not ended to this day. "I remember the first check," Eulalia told a reporter for the Boston Globe. "It was for $75 a month back then." The checks have never stopped and the hope has never grown.

Eulalia never left the housing project where she first lived, and in this place she raised 17 children, 14 of whom were still living as adults. Her daughter, Clarabel, has abused her son. Of these 17 children, almost none graduated from high school, and they have produced 74 grandchildren, many of whom entered the welfare system themselves.

As you can see on this chart, these are the children of Eulalia, and virtually all of them receive at least one form of welfare benefit: SSI, due to suffering from a nervous condition, also collects $120 a month in food stamps; another child receives: Medicaid, subsidized housing, AFDC, food stamps; this child receives Medicaid, subsidized housing. Here is Medicaid, subsidized housing, food stamps, SSDI; food stamps, SSDI, AFDC. It just goes on in each of these cases. AFDC, SSI, Medicaid, subsidized housing, food stamps; AFDC, SSDI; AFDC.

This is the story of the intergenerational web, the lack of hope. Fifteen great-grandchildren now comprise the fourth generation of this welfare setting. The type of benefits received by the extended family are the alphabet soup of acronyms—all perfectly legal, and just as perfectly destructive to the human spirit. Many of Eulalia's descendents are considered disabled due to a medical condition diagnosed as anxiety attacks. SSI pays these individuals a monthly check in lieu of the jobs they are unable to perform. While interviewing Clarabel's family to find the motivation behind the tragedy of her son's abuse, a Boston Globe reporter found that the cycle continues, noting several school-aged children at home watching MTV at 1:30 in the afternoon.

Theirs is a family that has given up hope of finding jobs or receiving an education, a family caught in a system which rewards illegitimacy and discourages work. Their lives revolve around a monthly check, a dangerous public housing project, and empty dreams.

In the words of Robert Coard, director of the antipoverty agency Action for Boston Community Development:

> This family is a classic example of a poverty-stricken class. They are the ones who have given up.

The tragedy of this story is perhaps most evident in Clarabel Rivera Ventura's life. At the time she abused Ernesto, she was 26 years old and pregnant, a mother of six, by five different fathers. Even her family is not sure about the identities of these men. "Oh, wow," her brother Juan told the Globe, "I have no idea." Eulalia gave the same answer. "I don't even know who they are."

A young woman caught up in the overwhelming system, Clarabel Ventura had no hope, no education, no prospects, and her will to improve her lot in life sapped by every check she received. Perhaps she looked to drugs as a way out.

Neighbors said that Clarabel sold food stamps and even the family's washing machine to get money to purchase crack—shouting at and striking her children in frustration, neglecting the needs of the children in order to serve her own addiction. Reportedly, Clarabel would send her children out alone after midnight to beg for money, cigarettes, and food from other residents in their housing project. Finally, something snapped. In a rage, Clarabel plunged 4-year-old Ernesto's arm into boiling water, severely burning him. It was nearly 3 weeks before she sought medical treatment for the wounds. When paramedics finally arrived on the scene, they found Ernesto in a back room on a bare mattress, smeared with his own blood and excrement. His mother, he said, had abused him because she was mad.

Government-sponsored poverty has a face, it has a soul, it has feelings and a body that can be hurt. Every day, children just like Ernesto suffer in an environment which Washington has created. They have no say. They cannot vote, they cannot read, they often are barely old enough to talk. But they pay the price of Washington's arrogant demand that the entire country run a welfare system in accordance with the bureaucrats' dictates.

The fact that welfare needs a major overhaul is beyond debate. Washington's one-size-fits-all bureaucratic micromanaged welfare system has failed, and failed miserably. Unfortunately, President Clinton's solution is nothing more than 1988 revisited, rearranging the deck chairs on the Welfare *Titanic*, just as Washington has done in prior attempts at reformation.

In 1988, Washington reformed welfare. The result has been an increase in spending for welfare programs of over 40 percent. We have more children in poverty today than when the war on poverty began. If there is anything we have learned, it is that no one solution from Washington has worked in the past or will work in the future.

We have a mandate from the American people to tackle the welfare issue head on. If Congress is going to be serious, we need to do more than reform the welfare system. We need to replace it. First, because one-size-fits-none, we need to stop the system as we now know it. We need to transfer to the States, in a significant way, the opportunity to craft real solutions. Bringing the States, under the guise of waiver-granting, to Washington, DC to gain the stamp of approval from this failed system is the wrong way of doing business and must be curtailed.

Second, Government and dollars alone will not solve the problem. We need to bring in nongovernmental, charitable organizations, and citizens to be a part of the solution.

Finally, let me say that as we debate welfare reform in the days to come, and as we confront the issue in the U.S. Senate, we have to understand that this is not just a debate about numbers. This is a debate about families, about human beings, where despair has come and hope is gone. We need to involve ourselves as communities and citizens. We need to disengage from the idea that Washington knows all and knows best. We need to make available to the people of this country the opportunity to tailor solutions to this challenge in State and local arenas.

Mr. President, I thank the Chair for the time.

FOREIGN RELATIONS REVITALIZATION ACT

The Senate continued with the consideration of the bill.

Mr. DOLE. Mr. President, the pending business is the State Department revitalization?

The PRESIDING OFFICER. The Senator is correct.

AMENDMENT NO. 2025

(Purpose: To withhold $3,500,000 from the "International Conferences and Contingencies" Account if the State Department expended funds for the World Conference on Women while Harry Wu was being detained in China)

Mr. DOLE. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Kansas [Mr. DOLE], for himself, Ms. SNOWE, Mr. LOTT, and Mr. HELMS, proposes an amendment numbered 2025.

Mr. DOLE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> On page 81, line 3, add the following:
>
> (c) FURTHER CONDITIONAL AUTHORITY.—
>
> (1) Of the funds authorized to be appropriated for Fiscal Year 1996, in (a), $3,500,000 shall be withheld from obligation until the Secretary of State certifies to the appropriate congressional committees, with respect to the United Nations Fourth World Conference on Women being held in Beijing, that no funds available to the Department of State were obligated or expended for United States participation in the United Nations Fourth World Conference on Women while Harry Wu, a United States citizen, was detained by the People's Republic of China.
>
> (2) If the Secretary of State cannot make the certification in Section 301 (c)(1), the withheld funds shall be returned to the U.S. Treasury.

Mr. DOLE. Mr. President, this is for funding for international conferences. S. 908 is an important piece of legislation. It provides for a massive reinvention of our foreign affairs bureaucracies. Because of this, I am fearful that many of my colleagues on the other side, in fact, maybe all of my colleagues, will not let us complete action on this bill.

Chairman HELMS and the subcommittee Chairperson SNOWE deserves credit for bringing this landmark bill to the floor. I signed a letter in support of this earlier today, and ask that it be printed in the RECORD at the conclusion my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit No. 1.)

Mr. DOLE. I signed the letter, along with Senator HELMS and Senator SNOWE.

Regardless of what happens on the cloture vote tomorrow, there is an issue we should address today: The United States plan to attend the fourth U.N. Conference on Women, scheduled for September in Beijing, China. My amendment would withhold $3.5 million—50 percent of the total account—unless the Secretary of State certifies no United States funds were expended to finance a United States delegation to the women's conference while Harry Wu is detained in China.

As you know, since June 19, Harry Wu has been detained in China. Consular access to him, guaranteed under the terms of our 1982 agreement with China, was originally delayed. Last week, a suspicious tape was released by Beijing with Harry Wu confessing that his past exposes on human rights abuses in China were untrue. On July 9, Harry Wu was charged with offenses which could carry the death penalty. In light of his years of experience in the Chinese gulag, there is ample reason to fear for Harry Wu's safety.

Our relationship with China is at a crucial crossroads. We have many disputes with Beijing including trade, proliferation, human rights, and Taiwan. We must, however, choose our course of action carefully. As Dr. Henry Kissinger said before the Senate Foreign Relations Committee earlier this month. "The danger of the existing rollercoaster toward confrontation to the United States and China is incalculable." I share Dr. Kissinger's concern over the dangers of a full-scale confrontation.

However, the most fundamental duty of a government is to protect the rights of its citizens—and Harry Wu is an American citizen. I urge the Chinese to release him. No improvement in relations will be possible as long as he is detained.

Mr. President, there are many problems with the fourth U.N. Conference on Women. I share the view recently expressed by Senator KASSEBAUM and Congressman HAMILTON on U.N. conferences:

> The United Nations is in Peril of becoming little more than a road show traveling from conference to conference. If an issue is serious, a conference will not solve it; if it is not serious, a conference is a waste of time.

In my view, the United States should stay away from any U.N. conference with goals and agendas which do nothing to promote American interests—whether they are held in Beijing, Brusslels, or Boston.

There are many reasons to stay away from the U.N. Women's Conference—from the systematic exclusion of certain nongovernment organizations to the irony of holding a human rights conference in a country with a poor human rights record. The tilt toward anti-Americanism and radicalism—always present in lowest common denominator U.N. conferences—was particularly pronounced for the Women's Conference. There was even a controversy over the definition of gender in the preparatory meetings of the conference.

There should be no doubt that China will use the Women's Conference to enhance its prestige and international image. It is our view that the United States should not be a party to what will surely be a propaganda exercise as long as Harry Wu is detained. It would be wrong to attend a human rights conference when an American citizen is unjustly detained.

We should be realistic. The administration can use already appropriated funds to go to Beijing. We cannot stop that today. However, we can make our position clear. For the administration, the choice in this amendment is simple—stay away from the Women's Conference while Harry Wu is detained or lose 50 percent of your ability to fund such conferences in the future. I urge my colleagues to support the amendment.

EXHIBIT 1

U.S. SENATE,
Washington, DC, July 26, 1995.

DEAR COLLEAGUE: Six weeks ago, with the support of every Republican member, the Foreign Relations Committee passed S. 908, the Foreign Relations Revitalization Act. This legislation is the first authorization measure to reach the Senate floor within budget targets, fulfilling the mandate the American people gave us last November. This bill is a promise kept: Money is saved, bureaucracy eliminated, and the ability of our nation to conduct foreign relations enhanced.

This reorganization of the U.S. foreign policy apparatus saves $3.66 billion over four years. A similar measure has already passed the House. Three agencies, the Arms Control and Disarmament Agency, the Agency for International Development and the United States Information Agency are abolished and their functions rolled into the Department of State.

The core functions of these agencies are not lost. Despite propagandizing to the contrary, independent broadcasting is protected; arms control and non-proliferation will be strengthened; and assistance programs which support national interests will be liberated from a convoluted AID bureaucracy. This consolidation plan has been endorsed by five former U.S. Secretaries of State: Henry Kissinger, George Shultz, Alexander Haig, James Baker and Lawrence Eagleburger. And as Henry Kissinger recently said, if given a truth serum, Secretary Christopher would endorse it too.

There is, however, an alternative to this reorganization plan. It is called the status quo.

Earlier this year, Secretary of State Christopher suggested a similar reorganization of the foreign affairs structure of this country, only to be beaten back by Washington bureaucrats protecting their fiefdoms. Attempts to engage the Clinton Administration were rebuffed consistently; repeated offers to find common ground have been rejected or ignored. The Administration has offered no alternatives and no savings.

President Clinton's second budget calls for a 20 percent cut in all non-defense accounts. S. 908 delivers on that call. But there is only one way to meet budget targets and still preserve the core elements of U.S. international operations: Consolidation of our foreign affairs agencies.

This should not be a partisan battle. A vote to sacrifice desk jobs for programs that support U.S. national security and humanitarian goals should be an easy one. But the Administration and the Democrats cannot accept that sacrifice, which means partisanship may rule the day. Their plan, detailed in an AID memo, is to "derail, delay and obfuscate" the process. Let us move this bill quickly, defeat efforts to preserve the bureaucratic status quo, and prove that we, at least, are serious about cutting spending. We need your vote.

Sincerely,

BOB DOLE,
OLYMPIA SNOWE,
JESSE HELMS.

AMENDMENT NO. 2026 TO AMENDMENT NO. 2025

Mr. HELMS. Mr. President, of course I support Senator DOLE's amendment. Before I discuss it, I have a second-degree amendment to the Dole amendment at the desk, which I ask be stated.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS], proposes an amendment numbered 2026 to amendment No. 2025.

The amendment is as follows:

At the end of the pending amendment, add the following:

SEC. . UNITED NATIONS DIPLOMATIC DEBTS.

Of the funds authorized to be appropriated for fiscal year 1996 in section 201 and section 301, not less than $20,000,000 shall be withheld from obligation until the Secretary of State reports to the Congress:

(1) the names of diplomatic personnel accredited to the United Nations or foreign missions to the United Nations, which have accrued overdue debts to businesses and individuals in the United States; and

(2) that the United Nations Secretary General is cooperating fully with the United States or taking effective steps on his own, including publishing the names of debtors, to resolve overdue debts owed by diplomats and missions accredited to the United Nations.

Mr. HELMS. Mr. President, as I indicated, I am a cosponsor of Senator DOLE's amendment which is an excellent amendment. It encourages the administration to do what it already should have done: make a strong protest to the Chinese over the arrest and detention of the American citizen and friend of many of us in the Congress, Harry Wu.

Just 2 weeks ago, Mr. President, I met with Harry Wu's wife in my office. Jing Lee is a lovely person. She said privately, and then again on the lawn of the White House, the United States should refrain from sending a delegation to the United Nations Fourth Conference on Women in Beijing until Harry Wu is released safely. She asked, ever so insightfully, "Why would the United States wish to confer international recognition and legitimacy on the Chinese Government at a time when it is holding an American citizen in captivity?"

Over the weekend, the newspaper ran articles showing that the President is considering meeting with the Chinese premier in this area of détente, as Secretary of State Christopher is now referring to it. After the President goes through with that meeting, and Harry Wu is not released, then we absolutely have no business sending any Americans over to that conference in Beijing.

If the truth be known, the Beijing women's conference is fraught with problems from top to bottom, starting with the city in which it is being held. Taking a paltry $3.5 million away from one account in the State Department is, in the short-term, the best way the Senate has to send a signal in support for Harry Wu's release.

I might inquire of the majority leader, does the Senator seek the yeas and nays on his amendment?

Mr. DOLE. I will seek the yeas and nays, and I think the Senator will seek the yeas and nays on the second-degree amendment.

Mr. HELMS. I will seek the yeas and nays after the Senator.

Mr. DOLE. If I could speak to the second-degree amendment. I thank the Senator from North Carolina. I see on his desk a story that appeared in the

Washington Times, and that is the purpose of the amendment offered by the Senator from North Carolina.

Mr. President, there are many problems in the U.N. system but today's front page story in the Washington Times is another outrageous example of the lack of accountability in the United Nations. More than $9 million in overdue debts have been accumulated by foreign diplomats and foreign missions in New York. Bills for landlords, hospitals, banks, stores, and restaurants all go unpaid while the diplomats hide behind the U.N. blue flag.

The U.N. Secretary General issued a report recognizing the problem was serious. For example, some missions have not paid rent for 2 years; property owners were in danger of losing properties but diplomatic tenants cannot be evicted. The Secretary General, however, refused to name names. Instead, he suggested a working group to study the problem. I think we all know how to solve the problem. Don't form yet another layer of bloated bureaucracy—just get the bills paid.

This second-degree amendment offered by Senator HELMS is very simple. It withholds $20 million—roughly double the amount owed by deadbeat diplomats—until the Secretary of State certifies two things: First, the identities to the deadbeat diplomats by name; and second, that the U.N. Secretary General is addressing the problem and getting debts paid.

The money we appropriate for the United Nations is not an entitlement. And, yes, the administration may have committed our Government to more money that we are willing to appropriate. But Congress does not have to sit by while the United Nations provides cover for deadbeat diplomats getting special treatment.

I certainly urge my colleagues to support the second-degree amendment of the Senator from North Carolina.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, let me begin by saying to the distinguished majority leader that I hope it might be possible to set this aside temporarily, simply because we have a couple of Senators who have amendments, or at least desire consideration, with respect to Harry Wu. It may not bear directly on this, but I think it would bear on the debate.

Mr. DOLE. We could set them aside with the understanding somewhere around 6 or 6:30 we would have a vote. We would not want to set them aside and have someone say we will never vote on them.

Mr. KERRY. We will be glad to.

The majority leader is about to leave, I suppose, but let me say that I think there is not any issue in the U.S. Senate about how we feel about Harry Wu's detainment. I think there are probably 5 or 6, or, I do not know, maybe 100 different ideas here about how we might properly signal our disaffection, anger, frustration over it. I am genuinely not convinced that the way to do it is deny us participation in a conference that highlights human rights. It seems to me, when you measure the U.S. record against every other country in the world, we are the leader on human rights. It has been the United States, among all of the industrial countries, that has tried to assert human rights as a part of our foreign policy and also as a part of our efforts to do business in other parts of the world.

I think it is fair to say that many of our allies—many of our closest allies, our best friends in the international arena—have been very slow to come to the level of international concern for human rights that we have tried to exhibit in public policy.

For the United States to take an action that willfully deprives us of our own voice in the international arena, seems to me to be a very shortsighted, shoot-yourself-in-the-foot, try-to-conduct-diplomacy-with-one-foot-nailed-to-the-floor approach. It just does not make sense.

In many ways, I suspect that China is apprehensive about the holding of this conference in Beijing. This cannot, in the midst of their transition, be a very stable time for them to have thousands of women from around the world descending on their capital, with all of the media from the world attendant, all listening to comparative analyses of the rights that are afforded to citizens in each of those present countries. If we just step up and take ourselves out of the picture, what we are doing is denying ourselves our own role of leadership. We are denying ourselves a voice at the conference. I suspect we are playing right into the hands of those who would love to have a low-key, noncontroversial, nonconfrontational, nonsubstantive conference. If you want to have that, then let us come to the floor of the Senate and deny American women, who have been preparing for this for years—literally—the right to go to Beijing and hold up the record of the Chinese on human rights for all the world to see.

It just does not make sense. I would be in favor of coming to the floor and finding a means, as President Clinton has exhibited a willingness to do, to try to do something that puts teeth in the policy, and that literally matters more. To pick the women's conference and suggest that somehow that matters in a major way to the Chinese leadership is to misread China and, I think, to misread opportunity.

President Clinton, I read today, has already said he is not willing to sit down and meet with the President of China unless Harry Wu is free. There are many other ways for us to come to the floor and leverage Harry Wu's freedom, and we ought to. We ought to do that. But it seems to me this is one of the weakest and most tangential of the ways of doing it.

For those who want to read mischief into this amendment, it is not hard to do that. There are a lot of people who have never approved of U.S. participation in the women's conference. There are people who tried to stop participation at the Nairobi conference, if I recall correctly. There are people who have objected to the notion that we would get together and talk about family planning and other such issues important to women or women's rights.

So I rather suspect there is more to this amendment than Harry Wu's freedom. If Harry Wu's freedom is really what this amendment is about, then we can find a much more forceful and intelligent way of putting that issue before the U.S. Senate. But to deny ourselves, as I say, our own participation as a leader in human rights and an opportunity to go to Beijing and hold up for all the world to see the degree to which China is lacking with respect to that, I think is just a very weak and negligible, unimportant way to approach this particular issue. I hope colleagues will recognize that there are other amendments which will afford them the opportunity to vote on some legitimate and important way of signaling our displeasure with the detention of Harry Wu. I do not think this is the method. I hope there will be more said on that as we go down the road.

I reserve further time to speak on that as we progress. I see other colleagues are here on the floor, so I will yield the floor for now.

The PRESIDING OFFICER. The Senator from Maine.

Ms. SNOWE. Mr. President, I rise as an original cosponsor of the amendment that has been offered by the Senate majority leader. I speak today as one of, I think, the Senate's strongest advocates of the U.N. Conference on Women. But it is precisely because of the conference's importance that I support the distinguished majority leader's amendment to call on the President, really, in essence, not to send an official delegation to that conference until Harry Wu is released.

Frankly, this is what it is all about. It is about Harry Wu. And it is also about principle and at what point do we stand up and support principle.

As we debate this issue, we are really speaking about one of our most courageous citizens, who continues to be unjustly incarcerated in China. Today, Chinese authorities are violating his most fundamental human rights and are threatening his very life with a trumped-up charge of espionage, which, in China, is a capital crime.

We face a critical juncture in our relations with the People's Republic of

China. Given China's gross violation of Harry Wu's rights and privileges as an American, I certainly cannot support this country's participation in the women's human rights conference that is set to get underway on September 4. What kind of message does it send? That is exactly what China wants. China wants to have it both ways. They want to be able to have Harry Wu in prison and, at the same time, as their backdrop will be this human rights conference. It is a conference on women and it is a conference on human rights. I have been very much a supporter of that conference.

So I hope no one will question my motivations as to why I am supporting this amendment, and I am a cosponsor. Because at some point I believe you have to support principle. Yes, sometimes this is discomforting. Some people say this is just what China wants. I hardly believe that.

China wants to be able to do that in spite of keeping Harry Wu in prison. They want to be able to have credibility and look at the international community as having their human rights conference in China in spite of the fact they have grossly violated Harry Wu's rights.

That is what this is all about. And what kind of message will we be sending? I know everybody is in a quandary as to what to do, understandably so. But sometimes you finally meet the bottom line, and you say, "We cannot do it." No, the First Lady should not attend the conference. But we should not send an American delegation. That is what this amendment is all about.

Mr. KERRY. Will my colleague yield for a question?

Ms. SNOWE. I would like to finish my statement.

I think that it would be simply wrong because of the issue of Harry Wu's rights. What he has attempted to do is to have the tragedies exposed, the gross violations of human rights that have occurred in China. He has risked his life. I think we ought to learn from that.

I would like to quote for you from his book "Bitter Wind." It was published in 1994. In discussing his decision to return to China in 1991 to film his famed exposé, "The China Secret Prison Facilities," he wrote in 1991:

> I married, and for the first time I found deep personal happiness. But just 4 months later I arranged to travel back to China. Outside China much was known about the Nazi concentration camps and about the Soviet gulag, but almost no information was available about the carefully developed system of forced labor that had kept millions of Chinese citizens incarcerated in brutal and dehumanizing conditions, frequently without sentence or trial. Returning to China meant risking my own rearrest and reimprisonment. Perhaps I would once again disappear. Even though I had wanted to forget the suffering of the past after arriving in the United States and had wanted to heal the wounds in my heart, the 19 years of sorrow would not stop returning to my mind. I could not forget those who still suffer inside the camps. If I did not undertake this task, I asked, who would? I felt a responsibility not just to disclose but to publicize the truth about the Communist Party's mechanism of control. Whatever the risk to me, whatever the discomfort of telling my story, each time I revisited my past, I hoped it would be the last time. But I had decided that my experiences belong not only to me and not only to China's history, they belonged to humanity.

Well, Harry Wu is an American. He belongs not only to us, not only to those he left behind to China's gulag, but he also belongs to humanity. And that is why we have to take every necessary step possible to get Harry Wu released.

When it comes to the conference, yes, there are a number of important issues. I have been a supporter of all the previous conferences, and I have been engaged in providing input on the development of the agenda. But I think there is a time that we have to make certain decisions as a country.

There was great reluctance to have this conference in Beijing because of obvious reasons—the country's severe restrictions on human rights and most basic freedoms of speech and press. We also know what China has done to governmental organizations. They have basically placed their conference about 75 miles away from Beijing with a great deal of confusion and restrictions upon accreditation of the various representatives who are seeking to go to that conference, as well, which will occur a week before the conference on women.

So there have been a number of attempts to encroach on the ability of those people who want to attend, and certainly their ability to participate in the conference, in making it obviously very difficult.

But above and beyond everything else is looking at what Harry Wu represents and what he has done. Frankly, I just cannot imagine China as a backdrop for this conference at a time in which Harry Wu is in prison.

So I think it is important to take this step. It is one that I do not take lightly. I gave it a great deal of thought. But I think that we can do no less in making a very strong statement about how we feel as a nation toward China's treatment toward one of our citizens, but to anyone.

So that is why I am supporting this amendment.

Mr. KERRY. Will the Senator yield for a question?

Ms. SNOWE. Yes. I will be glad to yield for a question.

Mr. KERRY. I wonder why the Senator does not feel that—recognizing the fact that the United Nations and the United States signed off on the location, and the location issue is sort of behind us—why the Senator would not feel that having an American presence there which, on a daily basis, raised the issue of Harry Wu before the conference, which required the conference to deal with Harry Wu's detention, which used this platform as a means of underscoring, would not be stronger than simply denying ourselves our own presence.

It will not stop the conference. The conference will go on. Everyone else will be there. And they will not raise this issue necessarily as vociferously and as passionately as we might.

So why would we not be better off directing our delegation to raise it on a daily basis and pass a resolution from this conference with respect to Harry Wu?

Ms. SNOWE. I say to the Senator that I happen to think we have different opinions on the subject, but I happen to think that this will enhance China's credibility in the international community to hold this conference. Frankly, I think China would find it very difficult if the conference was not held in Beijing. I think that happens to be a stronger statement, in my opinion, than holding the conference—and certainly China would view it and interpret it as suggesting that in spite of what they have done, they are still holding this conference in this country. Mind you, Beijing was on the list as the next country in line to hold the conference. There was reluctance even at that point at the United Nations to hold that conference in Beijing for the reasons that we all know. Now, this has happened.

I just frankly do not feel that it would be appropriate for this country to send our delegation there talking about the very important issues but at the same time sending the message that we are still going to talk about these issues in spite of the fact that Harry Wu is in prison.

Mr. KERRY. But my question is why not send them there to talk about Harry Wu?

Ms. SNOWE. They have an agenda. I have a letter here.

Mr. KERRY. They can talk about Harry Wu. The conference is going to happen. The Senator keeps talking as if we are not participating.

Mr. HELMS. Mr. President, the Senator asked a question. Let the Senator from Maine respond.

Ms. SNOWE. Harry Wu is an American citizen. So, therefore, we have an obligation or responsibility to make those determinations as a country. I agree that is important, too.

Mr. KERRY. Will the Senator yield?

Ms. SNOWE. May I finish my statement? It is important for the United States to make that decision. I think it is that important, frankly, to say something about human rights. To hold a conference in a country which has violated in the worst way the human rights of an American citizen, I think that we have to stand up and be counted. It is not easy because there are many important issues on that agenda which are very important to women throughout the country. I have been a leader on those issues on international human rights for women. I put a number of provisions in the State Department authorizing bill last year on this very subject. I feel very strongly about it.

I feel very strongly about it. But I also feel very strongly about what China has done to Harry Wu.

Mr. KERRY. Will the Senator yield further for a question?

Ms. SNOWE. Yes.

Mr. KERRY. I would say to the Senator, Mr. President, there is nobody here who does not feel strongly about what they have done to Harry Wu. This is not a debate about whether Harry Wu should be left to be a prisoner or not. This is a question of what is the most efficient——

Mr. HELMS. The Senator is not asking a question.

Mr. KERRY. Does the Senator from North Carolina want me to stop——

The PRESIDING OFFICER. The Senator from Maine has yielded for a question.

Mr. KERRY. I was in the midst, I thought, Mr. President, of asking a question.

I ask the Senator if she does not realize from the writings of Harry Wu and the risks that Mr. Wu has been willing to take that he would probably prefer that this conference took place and that it raised the issues with the United States there to raise them? And I wonder if she has thought about whether or not Harry Wu would rather have the delegation be present.

Ms. SNOWE. I think Harry Wu would want the United States to stand up for him, and I happen to think—again, I cannot say what Harry Wu would think, but I think that China would feel very much slighted as well as insulted in the international community if the American delegation did not go to this conference; in fact, if the conference was not held at all. I think the international community should make that decision.

Mr. KERRY. Mr. President, will the Senator yield further?

Ms. SNOWE. Harry Wu has given his life to expose the unspeakable crimes that not only he endured in China's prisons but what others are enduring. I think it is a slap in the face what China has done to the United States. But it is more than that. It is what they have done to an individual. And I think that we have to stand up. I would like the international community to stand up and say, no, we will hold the conference someplace else. It is inconvenient to change the location of this conference, but we are going to do it.

What kind of message would that send to China? It is obvious they want to have it both ways. Look what they did, what they released recently in a tape with Harry Wu.

Mr. KERRY. Will the Senator yield?

Ms. SNOWE. They want to be able to show that they are evenhanded and fair.

I would be glad to yield to the chairman.

Mr. HELMS. Will the Senator yield for a question?

Does the Senator remember my mentioning to her the visit I had with Mrs. Harry Wu, in which she asked that the U.S. delegation not be present? Does the Senator recall that meeting, that she came to my office and made that request herself? Does the Senator recall that?

Ms. SNOWE. Yes, I do, as a matter of fact.

Mr. HELMS. It is made a matter of record at this point.

Ms. SNOWE. I think that that would answer the Senator's question.

Mr. KERRY. Mr. President, my question to the Senator again is, when the United States takes a step unilaterally, we tend to confuse our capacity to send a message. And I ask the Senator, would she not think that if this were, indeed—this Senator would agree that if a conference as a whole were not held there or were moved, that would, indeed, be of significant implication, that that would have an impact.

Would we not be better off passing a resolution which sought a multilateral response rather than one that simply denies ourself our own voice?

I ask the Senator, would she not then think it a better idea to find a stronger way to try to send a message?

My point is merely that this really deprives us of something and does not have the full impact. I would join the Senator if she wanted to try to change the whole location or if she suggested we should engage in a multilateral effort to see that the conference did it. That would be a slap in the face of China.

Ms. SNOWE. I certainly would not be opposed to a multilateral response, but at the same time it should not preclude our position in terms of what we think is important for this country in the final analysis. I do not think that prevents the United States from seeking a multilateral approach in changing the site of the conference. If the other countries do not agree, then I do not think that it should prevent us from doing what we think is right.

Mr. KERRY. Mr. President, clearly we are not going to be prevented from what we think is right. The question is whether we can find a strong and forcible best means of sending this message. I simply ask the Senator whether or not that or a number of other methods I might add might not strike more at something meaningful to China than taking away the single, strongest human rights voice in the world from a conference that they are trying to frustrate anyway? This plays right into their hands.

The reason it has been moved, the reason that there are so many difficulties with accreditation is that the leadership fears this conference. And here we are coming along and adding to that.

I ask the Senator why we strike in a way that somehow nails our own foot to the floor rather than theirs?

Ms. SNOWE. I would answer the Senator by saying that it is remarkably striking that China sought to do what it did in face of the fact it very much wanted to have the conference. That is why I happen to believe that precluding our delegation from attending the conference or even having the conference there, sure, that would be the best of all worlds, but we cannot depend upon that response in the final analysis. We certainly should encourage it and prevail upon other countries. And I do not say that we should take that as a position as well. But I do not think we should then say we are going to attend the conference if we cannot change the site of that conference.

I just happen to think it is amazing that China would do this in light of the fact it very much wanted to have the conference. It was very eager to host that conference. And there was a question as to whether or not to even host that conference in Beijing to begin with, let alone before all this developed. But I think it makes a mockery of the very purpose of that conference.

That is what I happen to believe. And I feel very strongly about the issues which are on that agenda to empower women throughout the world on a host of issues that I have worked on personally. But I also think we have to stand up and be counted. There is always a reason why we cannot do something—well, it is better for us. This is what China wants.

We have heard that before, but it has not stopped China.

Has it stopped China? No. It has not stopped China from doing a number of things recently that certainly have been an affront to our policies and what we stand for. And at what point do we demand something in return when it comes to human rights? I just happen to think the conference should not go on, no. But I certainly do not think that we should attend that conference.

That is what I happen to think. That is what I think happens to be the strongest message and that is why I am supporting this amendment.

I yield the floor.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER (Mr. NICKLES). The Senator from North Carolina.

Mr. HELMS. Mr. President, changing the venue on the Beijing conference is an absolute impossibility, and I am sure my well-informed colleague from Massachusetts knows that. At this point, I agree with the distinguished

Senator from Maine and the distinguished majority leader that the strongest means of sending a message from the United States is to do it unilaterally because we really do not have any other choice.

Mr. President, what is the pending business?

The PRESIDING OFFICER. The Senator's second-degree amendment to the majority leader's underlying amendment.

Mr. HELMS. I thank the Chair.

Mr. President, I will not be long in discussing my amendment. I thought about it when I read the Washington Times this morning and saw the headline, "U.N.'s Deadbeat Diplomats Owe Millions." Then the subhead says, "African Nations Ring Up Largest Debts to New York Shops, Banks, and Lenders."

In that, Secretary General Boutros Boutros-Ghali said in a report to the Committee on Relations with the Host Country, and I quote him:

> Non-payment of just debts reflects badly on the entire diplomatic community and tarnishes the image of the United Nations itself.

Then the Washington Times went on to say:

> The topic is so sensitive around the United Nations that, until recently, the problem was not publicly mentioned. But the secrecy and inaction have allowed the debt to grow to $9 million from the previous balance of just $1.1 million in 1990; it swelled by nearly $2 million in the past half-year alone.

I ask unanimous consent that this entire article be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HELMS. Mr. President, in general, the pending second-degree amendment to the Dole amendment addresses the debt owed to the United States, or to private enterprises of our country, by deadbeat U.N. diplomats who just do not pay their bills. They owe over $9 million for late payments or failure to pay at all on rent and everything else imaginable that these deadbeats have purchased or contracted for.

That reminds me of an amendment that I offered last year that required diplomats right here in the District of Columbia, as well as other places, to pay up on the parking fines owed to the District of Columbia. I am proud to say that it worked because they were in deep, deep trouble if they did not pay.

This amendment is just about the same. It sheds sunshine on those diplomats who choose to ignore paying their just debts, as Boutros Boutros-Ghali described it in his statement as quoted in the newspaper this morning.

I think that the publicity may embarrass these people into paying these bills. If not, this second-degree amendment to the Dole amendment will certainly prompt their attention. Since the Secretary General has refused to identify any of the diplomats or the missions that owe money, it is up to the U.S. Congress to urge him to do so in a very forceful way. If this provision is adopted, as I hope it will be, the deadbeats in the United Nations will be known by one and all, and they will be embarrassed into paying their bills.

The yeas and nays have not been obtained on either amendment; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. HELMS. I ask for the yeas and nays on the second-degree amendment.

The PRESIDING OFFICER. Is there a sufficient second?

At the moment, there appears not to be a sufficient second.

Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. HELMS. Mr. President, I ask for the yeas and nays on the Dole amendment.

The PRESIDING OFFICER. Is there objection to it being in order to ask for the yeas and nays on the first-degree amendment? Without objection, it is so ordered.

Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. HELMS. Mr. President, I yield the floor.

EXHIBIT 1

[From the Washington Times, July 31, 1995]

U.N.'S DEADBEAT DIPLOMATS OWE MILLIONS

AFRICAN NATIONS RING UP LARGEST DEBTS TO NEW YORK SHOPS, BANKS, LANDLORDS

(By Catherine Toups)

NEW YORK.—If the peace-keeping failures of Bosnia and Somalia haven't brought enough shame on the United Nations, U.N. officials fear that deadbeat diplomats will.

Hiding behind the shield of diplomatic immunity, diplomats and missions posted to the United Nations have accrued more than $9 million in debts to U.S. banks, landlords, hospitals, hotels, utility companies and merchants in New York City, according to a U.N. report.

And while the trickle-down economic boost of housing U.N. headquarters enriches New York City by about $1 billion each year, diplomats are finding less of a welcome from landlords, hospitals and banks that are growing increasingly reluctant to do business with diplomats, U.N. officials said.

"The problem of diplomatic indebtedness is a matter of significant concern," Secretary-General Boutros Boutros-Ghali said in a report to the Committee on Relations With the Host Country.

"Non-payment of just debts reflects badly on the entire diplomatic community and tarnishes the image of the United Nations itself."

The topic is so sensitive around the United Nations that, until recently, the problem was not publicly mentioned. But the secrecy and inaction have allowed the debt to grow to $9 million from just $1.1 million in 1990; it swelled by nearly $2 million in the past half-year alone.

Finally, at the insistence of the U.S. mission and the city of New York, the size of the debt is now public. But the names of the offending diplomats and missions are not.

Even in Mr. Boutros-Ghali's smoldering report, in which he scolds diplomats for not paying their bills and urges a "working group on indebtedness" to come up with solutions, he does not mention a single country or diplomat by name.

Mr. Boutros-Ghali also omitted the name of a prominent bank that he said will no longer make loans to diplomats or missions, and he did not identify real estate agents who say they are reluctant to deal with diplomats.

Mr. Boutros-Ghali's report said 31 mission have contributed to the debt but five missions alone account for 83 percent of it. The debts range from $200 to more than $1.9 million, he said. About 40 percent is owed to banks, 40 percent to landlords and the rest to merchants.

"Some missions had not paid rent for two years or more," Mr. Boutros-Ghali said. "And a number of residential landlords had either lost their property or were at risk of losing it because diplomatic tenants, who could not be evicted, would neither pay their rent nor leave the property."

Sources familiar with the issue say the top debtor missions are Sierra Leone, Congo, Zaire, Liberia and the Central African Republic.

"The vast majority of the 184 missions in New York and their over 1,800 diplomats honor their obligations," the secretary-general said.

Political and economic instability back home is part of the problem, the U.N. chief said in his report. But he also blamed some of the debt on bad fiscal management of missions and individual diplomats.

There is a certain irony to the United Nations scolding deadbeat diplomats. The world body itself is far from solvent because of member nations that fail to pay assessments in full or on time (the United States is first on that list).

The organization already owes more than $800 million to troop-contributing nations for peacekeeping operations, a debt that is expected to reach $1 billion by the end of the year.

The United Nations has also been accused of mismanagement and waste throughout its history, leading to periodic reforms, including several in the past year.

Several diplomats on the Committee on Relations With the Host Country, which handles problems between missions and the United States, have argued against making a public issue of diplomatic indebtedness for fear it will spark hostility against the diplomatic community.

A December 1993 New York Times article about delinquent parking tickets by diplomats prompted hundreds of complaints from New York residents who said diplomats don't deserve the privileges they have.

Russian delegates on the committee lobbied against publishing the names of deadbeat diplomats and missions, saying the problem is a private matter between the United States and the debtors.

"It would politicize the problem and would not help to solve it," said Sergei Ordzhonikidze of the Russian mission. "In diplomacy, it is important to be discreet."

Mr. Boutros-Ghali has asked the "working group on indebtedness" to look into several options to resolve the problem.

Ideas included creating an "emergency" fund, establishing group health insurance programs, giving debtors, short-term jobs at the Secretariat to earn extra money and creating information programs alerting missions to the high costs of living in New York.

But giving jobs to diplomats in "acute distress" financially was deemed unworkable and the idea of an emergency fund was also rejected. A representative of France on the committee suggested that for the cast-strapped United Nations to create a document publicizing the names of individual debtors and debt-ridden mission might be too political and "should be avoided."

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I ask the Senator from North Carolina, I think he is correct to bring this question of debt before the U.S. Senate. I think it is an important issue. The question is whether we should not withhold the amount of money commensurate with what the debt is reported to be rather than more than twice that amount, because we already have arrearages on peacekeeping, a significant amount of financial issues.

I respectfully suggest that it may be possible, let us say, with a $10 million figure, to leverage the same response, which I suspect the Secretary of State would be willing to try to elicit as rapidly as possible, rather than withholding twice the amount of money. I wonder if he would consider modifying it to that effect.

Mr. HELMS. I will say to the Senator, of course I cannot, save by unanimous consent, modify the amendment, but if he wishes to offer such an amendment by unanimous consent, I will certainly agree to it.

Mr. KERRY. I think we can amend it by unanimous consent.

Mr. HELMS. Of course. Yes. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Mr. President, the amendment to be proposed under unanimous consent previously discussed is certainly agreeable with me, and I hope the Senator will offer it.

AMENDMENT NO. 2026, AS MODIFIED

Mr. KERRY. Mr. President, I ask unanimous consent that the second-degree amendment of the Senator from North Carolina be modified to read $10 million. I send it to the desk.

Mr. HELMS. Mr. President, before it is reported, this presumes that the Senator from Massachusetts has agreed that we shall have a vote on these two amendments this evening.

Mr. KERRY. Mr. President, I cannot personally agree to that at this point in time.

Mr. HELMS. I am not asking you to agree for the Senate, the Democrats in the Senate, I am asking if that means that you are in favor of it.

Mr. KERRY. I do not have a problem with a vote, but others do at this moment. I have to represent them as the manager. I am representing that I cannot agree at this point in time to have the vote this evening.

Mr. HELMS. May I ask the Senator, is this what we should expect for important legislation which is before the Senate——

Mr. KERRY. I think the Senator knows——

Mr. HELMS. Let me finish my question. This has been the experience on every piece of legislation we have had.

Mr. KERRY. Let me interrupt my friend. I may save him——

The PRESIDING OFFICER. Will Senators please yield? The Senator from North Carolina has the floor.

Mr. HELMS. All the people all over the country, the American people, are wondering why the Senate is so far behind the House in the conduct of legislation. The answer to that is, and somebody needs to say it, that there is a deliberate determination to forbid, delay, or obfuscate every piece of legislation that has been brought up. And I want to know before the clerk reports this modification whether we can expect the vote this evening on the Dole amendment and the Helms second-degree amendment as modified? I want an answer to that, and I suggest the absence of a quorum while the Democrats discuss that.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. KERRY. Mr. President, I ask my friend to withhold.

Mr. HELMS. No, I will not. I want to know whether we are going to have a vote this evening or whether it is going to be held up?

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KERRY. Mr. President, we could have saved this entire exchange and quorum call if I had been permitted to simply say to my friend 4 minutes ago that the issue is not whether we will have a vote; the only question, as is normal in the Senate, is the timing. But because I was precluded from saying that, in order that the country can get a message about how we can never pass anything here, we get into these tangles. I wanted to only say to my friend the issue is when, not whether.

I do not know when every Senator will be back. Some are with the President. Some are with the National Governors Association. As soon as they get back from a day's work elsewhere in the country, they will be available to vote. That is normal procedure in the Senate.

My No. 2 response is that this Senator remembers last year very well. I will never forget it as long as I am in the U.S. Senate and privileged to be here. Vote after vote, bill after bill was brought forward in good faith, and it was stopped dead in its tracks by a conscious gridlock policy. So I am never going to stand here and hear any colleague on the other side talk about the delay or the problems of proceeding forward.

Every good-faith effort of Senator Mitchell to move the Senate forward was frustrated, and everybody knows that. Piece of legislation after piece of legislation that passed here went over to the House and came back—dead, dead, dead. So I am not going to hear anybody talk about a legitimate delay effort in the first 2 hours to legislate on this bill. If there is, we will sit here in quorum call for several days. Let us agree to that. That is just unfounded, uncalled for, unnecessary, and I think, frankly, out of order in the first hour and a half of this effort.

I yield the floor.

The PRESIDING OFFICER. Is there objection to the modification pending at the desk?

Without objection, the amendment is so modified.

The amendment (No. 2026), as modified, is as follows:

At the end of the pending amendment, add the following:

SEC. . UNITED NATIONS DIPLOMATIC DEBTS.

Of the funds authorized to be appropriated for fiscal year 1996 in section 201 and section 301, not less than $10,000,000 shall be withheld from obligation until the Secretary of State reports to the Congress:

(1) the names of diplomatic personnel accredited to the United Nations or foreign missions to the United Nations; which have accrued overdue debts to businesses and individuals in the United States; and

(2) that the United Nations Secretary General is cooperating fully with the United States or taking effective steps on his own, including publishing the names of debtors, to resolve overdue debts owed by diplomats and missions accredited to the United Nations.

Mr. HELMS. I thank the Chair.

Mr. KERRY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JOHNSTON. Mr. President, tomorrow in Brunei, the Secretary of State is going to meet with Chinese foreign minister Qian Qichen to discuss a very serious rift between China and the United States which has been brewing for some time and which has more recently erupted over the visit of President Lee of Taiwan to the United States.

My colleagues, I think, are fully aware of the importance of the China-American relationship. In my view, it is the single most bilateral relationship the United States has.

Whether that characterization is correct, it is clear, Mr. President, that China is the key to Asia. It is the largest country, one of the fastest growing in the world. If our relationship with China and Asia is secure, then our relationship with Asia, for the most part, is secure.

If that relationship begins to spiral downward, as it has in recent months, then it portends terrible things for the United States—terrible things not only for our bilateral relationship, but for peace in the world.

Now, Mr. President, the problem with one of these relationships, when it begins to go sour, as our relationship with the People's Republic of China has begun to do, it begins to get a momentum of its own; portent of evil becomes a self-fulfilling prophecy, tempers become frayed, pride gets in the way, insults—whether intended or unintended—are imagined in every bit of conduct. Sometimes the downward spiral can get out of control.

Mr. President, this is a very, very serious matter, our relationship with China. It has been written about by people from both sides of the aisle, whether in Congress or out of Congress.

This meeting in Brunei is, therefore, a vitally, vitally important meeting. I have high hopes that from this meeting we can at least begin a process that will relieve our relationship with the People's Republic of China. Our relationship with the People's Republic of China is much broader and much more difficult than the detention of one American citizen, Harry Wu.

While we all are very concerned about that, Mr. President, the solution to that problem will not solve the whole relationship. It is a much, much, by many orders of magnitude, bigger problem than the problem of Harry Wu, as important as that may be.

Mr. President, I can think of nothing more unwise to do than to start legislating or making expressions about the Harry Wu situation on the eve of the meeting between our Secretary of State and the Foreign Minister of the People's Republic of China.

I believe, Mr. President, that both the United States and the People's Republic of China are trying to find ways to get this relationship back on track; trying to find ways, consistent with the principles of both countries, consistent with our long-held commitment to human rights, consistent with the importance of this relationship, consistent with China's determination that its "one China policy" be maintained as it has from the time of the Shanghai communique up to, I believe, the present day.

I believe both parties, both the United States and the People's Republic of China, are searching for the way to bring that relationship back together. To do so takes diplomacy that is most subtle and requiring the greatest degree of expertise of any kind of relationship we have. It does, in fact, deal with not only fundamental interests of both countries, but the pride, the feeling, the emotion contained on both sides of the Pacific Ocean.

Mr. President, I hope we will let this diplomacy, so vital to the basic interests of this country, play out and not try to sour the atmosphere in which that relationship will take place.

I believe that, if we enact this amendment, as easy as it sounds in its terms, as innocent as it sounds from the way it is written up, I believe the adoption of this kind of amendment would really sour the atmosphere, would be poking the People's Republic of China in the eye to make it much more difficult for our Secretary of State and the Chinese Foreign Minister to get this relationship back together.

I repeat, Mr. President, I believe this relationship is the most important bilateral relationship that this country has. China will, shortly after the turn of the century, be the largest economy in the world. It is the largest country in the world. Its power, both economically and in a military way, is growing every day. The latter, alarmingly so.

If we can just somehow get our relationship back together, reassure the Chinese that we are not trying to contain them, as some people in the United States say, if we can reassure them that our relationship will be one of friendship, consistent with our strong commitment to human rights, but nevertheless a relationship of friendship, I believe it is in the vital interests of the United States for that to take place. I hope, therefor, Mr. President, that we will not adopt the Dole amendment this evening or at any time until the Brunei conference is completed.

Mr. PELL. Mr. President, I rise to support the Senator from Massachusetts and the Senator from Louisiana. I think that Harry Wu has been treated in a dreadful manner. We all agree with that.

Of even greater importance is the relationship with China. I am reminded of the fact that the War of Jenkins' Ear, the 7-year war, started after such an incident. This could be such an incident.

The important thing is that we get on with our relationship with China and normalize our relations there.

Mr. KERRY. Mr. President, I thank the ranking member of the Foreign Relations Committee and the Senator from Louisiana for their comments.

Let me clarify to colleagues that this amendment does not, per se, prohibit the delegation from going. What it does is penalize, to the tune of $3.5 million, the account from which that conference participation would be paid, or other conferences would be paid, if, in fact, the President goes ahead and sends them.

So, in effect, it is a vote by the Senate as to whether or not we believe we ought to or ought not. There is punishment in it for the President choosing to exercise his constitutional prerogatives with respect to this. It does not, per se, prevent the President from doing so.

That does not mean that we should not, nevertheless, oppose this amendment by virtue of the fact that there are stronger ways to send this message.

I think it is very, very important to understand that opposition to this particular chosen method does not signal any kind of latitude with respect to Harry Wu. It does not signal anything other than our disapproval for that situation. In fact, there may, as the Senator from Louisiana has suggested, be far more effective ways to not only work his release but to deal with a host of other issues which we share with China.

In the last few months, we have been going down a road that is defined largely by our mutual misinterpretation of each other to a certain degree.

If there is any lesson that we should have learned in the last 20 years, I think it is that we are not going to unilaterally, through some very public confrontational method, alter an immediate event in China. It does not work that way. It has not worked that way along the course.

It is usually when we work a fairly fine-tuned, and over the course of a longer period of time, strategy that is very much interfaced with personal relationships and personal respect that we begin to make the most progress. Every time we step out of that, we seem to take steps backward. I think there are many ways to affect Harry Wu's status. We ought to pursue every single one of them.

To suggest that when they have already separated the nongovernmental organizations from the main U.N. conference in Beijing, and they have done that specifically to deny the capacity of the nongovernmental organizations to follow the events closely or have a major impact on them, it is clear they are already in a damage control mode.

They are trying to manage this conference in a way that minimizes particularly the capacity of American participation to have an impact.

I respectfully suggest that to have American participation leveraging Harry Wu's status, as well as the other issues, poses a far greater challenge to their ability to manage the news and the output and events than our nonparticipation.

If the conference is going to take place anyway and we are simply going to say we are not going to do this out of protest, we not only minimize our voice but we also set into place a series of events that the Senator from Louisiana has talked to, which will have a whole bunch of collateral downsides. I do not think it is smart foreign policy. I do not think it accomplishes the goal we are setting out to accomplish.

Mr. President, I ask my friend from North Carolina if we could temporarily set aside the pending amendment for further business?

Mr. HELMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Mr. President, I ask unanimous consent that the two pending amendments be very temporarily laid aside, in order that we can call up the managers' amendment, which is numbered 1914, as I understand it.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1914

(Purpose: To make the "manager's" amendments to the bill)

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS] proposes an amendment numbered 1914.

Mr. HELMS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. HELMS. Mr. President, as I understand it, I say to my colleague, Senator KERRY, everything has been agreed to except the Jordan drawdown, is that correct?

I ask that be eliminated from this temporarily—and it may be reinserted at a later time by unanimous consent.

Mr. KERRY. Mr. President, I ask unanimous consent that section 619 be stricken from the amendment.

The PRESIDING OFFICER. Is there objection to that modification? The amendment is so modified.

The amendment (No. 1914) as modified, is as follows:

Beginning on page 11, strike line 14 and all that follows through line 4 on page 12.

On page 13, strike lines 6 through 12 and insert the following:

SEC. 121. LEASE-PURCHASE OF OVERSEAS PROPERTY.

(a) AUTHORITY FOR LEASE-PURCHASE.—Subject to subsections (b) and (c), the Secretary is authorized to acquire by lease-purchase such properties as are described in subsection (b), if—

(1) the Secretary of State, and

(2) the Director of the Office of Management and Budget,

certify and notify the appropriate committees of Congress that the lease-purchase arrangement will result in a net cost savings to the Federal government when compared to a lease, a direct purchase, or direct construction of comparable property.

(b) LOCATIONS AND LIMITATIONS.—The authority granted in subsection (a) may be exercised only—

(1) to acquire appropriate housing for Department of State personnel stationed abroad and for the acquisition of other facilities, in locations in which the United States has a diplomatic mission; and

(2) during fiscal years 1996 through 1999.

(c) AUTHORIZATION OF FUNDING.—Funds for lease-purchase arrangements made pursuant to subsection (a) shall be available from amounts appropriated under the authority of section 111(a)(3) (relating to the Acquisition and Maintenance of Buildings Abroad" account).

Beginning on page 18, strike line 1 and all that follows through line 2 on page 21 and insert the following:

SEC. ___. DIPLOMATIC TELECOMMUNICATIONS SERVICE PROGRAM OFFICE.

(a) FINDINGS.—The Congress makes the following findings:

(1) The Diplomatic Telecommunications Service Program Office (hereafter in this section referred to as "DTS–PO") has made significant enhancements to upgrade the worldwide DTS network with high speed, high capacity circuitry as well as improvements at United States embassies and consulates to enhance utilization of the network.

(2) Notwithstanding the improvements that the DTS–PO has made to the DTS network, the current management structure needs to be strengthened to provide a clearly delineated, accountable management authority for the DTS–PO and the DTS network.

(b) REPORT REQUIRED.—No later than three months after the date of enactment of this Act, the two agencies providing the greatest funding to DTS–PO shall submit to the appropriate committees of Congress—

(1) a DTS–PO management plan—

(A) setting forth the organization, mission and functions of each major element of the DTS–PO; and

(B) designating an entity at each overseas post, or providing a mechanism for the designation of such an entity, which will be responsible for the day-to-day administration of the DTS–PO operations; and

(2) a DTS–PO strategic plan containing—

(A) future customer requirements, validated by the DTS customer organizations;

(B) a system configuration for the DTS network which will meet the future telecommunications needs of the DTS customer agencies;

(C) a funding profile to achieve the system configuration for the DTS network;

(D) a transition strategy to move to the system configuration for the DTS network;

(E) a reimbursement plan to cover the direct and indirect costs of operating the DTS network; and

(F) an allocation of funds to cover the costs projected to be incurred by each of the agencies or other entities utilizing DTS to maintain DTS, to upgrade DTS, and to provide for future demands for DTS.

(c) DEFINITION.—As used in this section, the term "appropriate committees of Congress" means the Select Committee on Intelligence, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate and the Permanent Select Committee on Intelligence, the Committee on International Relations, and the Committee on Appropriations of the House of Representatives.

Beginning on page 47, strike line 18 and all that follows through page 49, line 15, and insert in lieu thereof the following:

"(ii) As used in this subparagraph:

"(I) CONFISCATED.—The term "confiscated" refers to—

"(aa) the nationalization, expropriation, or other seizure of ownership or control of property, on or after January 1, 1959—

"(AA) without the property having been returned or adequate and effective compensation provided or in violation of the law of the place where the property was situated when the confiscation occurred; or

"(BB) without the claim to the property having been settled pursuant to an international claims settlement agreement or other recognized settlement procedure; or

"(bb) the repudiation of, the default on, or the failure to pay, on or after January 1, 1959—

"(AA) a debt by any enterprise which has been confiscated;

"(BB) a debt which is a charge on property confiscated; or

"(CC) a debt incurred in satisfaction or settlement of a confiscated property claim.

"(II) PROPERTY.—The term "property" means any property, whether real, personal, or mixed, and any present, future, or contingent right or security of other interest therein, including any leasehold interest.

"(III) TRAFFIC.—The term "traffic" means that a person knowingly and intentionally—

"(aa) sells, transfers, distributes, dispenses, brokers, manages, or otherwise disposes of confiscated property, or purchases, leases, receives, obtains control of, manages, uses, or otherwise acquires an interest in confiscated property;

"(bb) engages in a commercial activity using or otherwise benefitting from a confiscated property; or

"(cc) causes, directs, participates in, or profits from, activities of another person described in subclause (aa) or (bb), or otherwise engages in the activities described in subclause (aa) or (bb)

without the authorization of the national of the United States who holds a claim to the property.

On page 50, between lines 14 and 15, insert the following new subsection:

(c) REPORTING REQUIREMENT.—(1) The United States Embassy in each country shall provide to the Secretary of State a report listing those foreign nationals who have confiscated, converted, or trafficked in property the claim to which is held by a United States national and in which the confiscation claim has not been fully resolved.

(2) Beginning six months after the date of enactment of this Act, and every year thereafter, the Secretary of State shall submit to the appropriate congressional committees a list of those foreign nationals who—

(A) have confiscated, converted, or trafficked in property the claim to which is held by a United States national and in which the confiscation claim has not been fully resolved; and

(B) have been excluded from entry into the United States.

On page 58, line 10, insert "and" after "operations;".

On page 58, strike lines 13 through 15.

On page 58, line 8, insert "relevant" after "all".

On page 59, line 9, strike "has provided, and".

On page 59, beginning on line 19, strike "for" and all that follows through "thereafter," on line 20 and insert "under this Act for each of the fiscal years 1996, 1997, 1998, and 1999".

On page 104, between lines 16 and 17, insert the following new sections:

SEC. 420. MANSFIELD FELLOWSHIP PROGRAM REQUIREMENTS.

Section 253(4)(B) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 6102(4)(B)) is amended by striking "certain" and inserting the following: ", under criteria established by the Mansfield Center for Pacific Affairs, certain allowances and benefits not to exceed the amount of equivalent".

SEC. 421. DISTRIBUTION WITHIN THE UNITED STATES OF THE UNITED STATES INFORMATION AGENCY FILM ENTITLED "THE FRAGILE RING OF LIFE".

Notwithstanding section 208 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (22 U.S.C. 1461-1(a)) and the second sentence of section 501 of the United States Information and Education Act of 1948 (22 U.S.C. 1461), the Director of the United States Information Agency may make available for distribution within the United States the documentary entitled "The Fragile Ring of Life", a film about coral reefs around the world.

On page 107, strike lines 3 through 6.

On page 107, line 7, strike "(4)" and insert "(3)"

On page 107, line 11, strike "(5)" and insert "(4)".

On page 107, line 15, strike "(6)" and insert "(5)".

On page 107, line 20, strike "(7)" and insert "(6)".

On page 107, line 22, strike "(8)" and insert "(7)".

On page 112, strike lines 19 through 22.

On page 112, line 23, strike "(7)" and insert "(6)".

On page 118, strike line 1 and all that follows through line 11 on page 121.

On page 124, after line 20, insert the following:

SEC. 618. MIDDLE EAST PEACE FACILITATION ACT OF 1995.

(a) SHORT TITLE.—This section may be cited as the "Middle East Peace Facilitation Act of 1995".

(b) FINDINGS.—The Congress finds that—

(1) the Palestine Liberation Organization (in this section referred to as the "PLO") has recognized the State of Israel's right to exist in peace and security; accepted United Nations Security Council Resolutions 242 and 338; committed itself to the peace process and peaceful coexistence with Israel, free from violence and all other acts which endanger peace and stability; and assumed responsibility over all PLO elements and personnel in order to assure their compliance, prevent violations, and discipline violators;

(2) Israel has recognized the PLO as the representative of the Palestinian people;

(3) Israel and the PLO signed a Declaration of Principles on Interim Self-Government Arrangements (in this section referred to as the "Declaration of Principles") on September 13, 1993, at the White House;

(4) Israel and the PLO signed an Agreement on the Gaza Strip and the Jericho Area (in this section referred to as the "Gaza-Jericho Agreement") on May 4, 1994, which established a Palestinian Authority for the Gaza and Jericho areas;

(5) Israel and the PLO signed an Agreement on Preparatory Transfer of Powers and Responsibilities (in this section referred to as the "Early Empowerment Agreement") on August 29, 1994, which provided for the transfer to the Palestinian Authority of certain powers and responsibilities in the West Bank outside of the Jericho Area;

(6) under the terms of the Declaration of Principles, the Gaza-Jericho Agreement and the Early Empowerment Agreement, the powers and responsibilities of the Palestinian Authority are to be assumed by an elected Palestinian Council with jurisdiction in the West Bank and Gaza Strip in accordance with the Interim Agreement to be concluded between Israel and the PLO;

(7) permanent status negotiations relating to the West Bank and Gaza Strip are scheduled to begin by May 1996;

(8) the Congress has, since the conclusion of the Declaration of Principles and the PLO's renunciation of terrorism, provided authorities to the President to suspend certain statutory restrictions relating to the PLO, subject to Presidential certifications that the PLO has continued to abide by commitments made in and in connection with or resulting from the good faith implementation of, the Declaration of Principles;

(9) the PLO commitments relevant to Presidential certifications have included commitments to renounce and condemn terrorism, to submit to the Palestinian National Council for formal approval the necessary changes to those articles of the Palestinian Covenant which call for Israel's destruction, and to prevent acts of terrorism and hostilities against Israel; and

(10) the President, in exercising the authorities described in paragraph (8), has certified to the Congress on four occasions that the PLO was abiding by its relevant commitments.

(c) SENSE OF CONGRESS.—It is the sense of the Congress that although the PLO has recently shown improvement in its efforts to fulfill its commitments, the PLO must do far more to demonstrate an irrevocable denunciation of terrorism and ensure a peaceful settlement of the Middle East dispute, and in particular the PLO must—

(1) submit to the Palestine National Council for formal approval the necessary changes to those articles of the Palestinian National Covenant which call for Israel's destruction;

(2) make greater efforts to preempt acts of terror, to discipline violators, and to contribute to stemming the violence that has resulted in the deaths of 123 Israeli citizens since the signing of the Declaration of Principles;

(3) prohibit participation in its activities and in the Palestinian Authority and its successors by any groups or individuals which continue to promote and commit acts of terrorism;

(4) cease all anti-Israel rhetoric, which potentially undermines the peace process;

(5) confiscate all unlicensed weapons and restrict the issuance of licenses to those with legitimate need;

(6) transfer any person, and cooperate in transfer proceedings relating to any person, accused by Israel of acts of terrorism; and

(7) respect civil liberties, human rights and democratic norms.

(d) AUTHORITY TO SUSPEND CERTAIN PROVISIONS.—

(1) IN GENERAL.—Subject to paragraph (2), beginning on the date of enactment of this Act and for 18 months thereafter the President may suspend for a period of not more than 6 months at a time any provision of law specified in paragraph (4). Any such suspension shall cease to be effective after 6 months, or at such earlier date as the President may specify.

(2) CONDITIONS.—

(A) CONSULTATIONS.—Prior to each exercise of the authority provided in paragraph (1) or certification pursuant to paragraph (3), the President shall consult with the relevant congressional committees. The President may not exercise that authority to make such certification until 30 days after a written policy justification is submitted to the relevant congressional committees.

(B) PRESIDENTIAL CERTIFICATION.—The President may exercise the authority provided in paragraph (1) only if the President certifies to the relevant congressional committees each time he exercises such authority that—

(i) it is in the national interest of the United States to exercise such authority;

(ii) the PLO continues to comply with all the commitments described in subparagraph (D); and

(iii) funds provided pursuant to the exercise of this authority and the authorities under section 583(a) of Public Law 103-236 and section 3(a) of Public Law 103-125 have been used for the purposes for which they were intended.

(C) REQUIREMENT FOR CONTINUING PLO COMPLIANCE.—

(i) The President shall ensure that PLO performance is continuously monitored, and if the President at any time determines that the PLO has not continued to comply with all the commitments described in subparagraph (D), he shall so notify the appropriate congressional committees. Any suspension under paragraph (1) of a provision of law specified in paragraph (4) shall cease to be effective.

(ii) Beginning six months after the date of enactment of this Act, if the President on the basis of the continuous monitoring of the PLO's performance determines that the PLO is not complying with the requirements described in paragraph (3), he shall so notify the appropriate congressional committees and no assistance shall be provided pursuant to the exercise by the President of the authority provided by paragraph (1) until such time as the President makes the certification provided for in paragraph (3).

(D) PLO COMMITMENTS DESCRIBED.—The commitments referred to in subparagraphs (B) and (C)(i) are the commitments made by the PLO—

(i) in its letter of September 9, 1993, to the Prime Minister of Israel and in its letter of September 9, 1993, to the Foreign Minister of Norway to—

(I) recognize the right of the State of Israel to exist in peace and security;

(II) accept United Nations Security Council Resolutions 242 and 338;

(III) renounce the use of terrorism and other acts of violence;

(IV) assume responsibility over all PLO elements and personnel in order to assure their compliance, prevent violations, and discipline violators;

(V) call upon the Palestinian people in the West Bank and Gaza Strip to take part in the steps leading to the normalization of life, rejecting violence and terrorism, and contributing to peace and stability; and

(VI) submit to the Palestine National Council for formal approval the necessary changes to the Palestinian National Covenant eliminating calls for Israel's destruction; and

(ii) in, and resulting from, the good faith implementation of the Declaration of Principles, including good faith implementation of subsequent agreements with Israel, with particular attention to the objective of preventing terrorism, as reflected in the provisions of the Gaza-Jericho Agreement concerning—

(I) prevention of acts of terrorism and legal measures against terrorists;

(II) abstention from and prevention of incitement, including hostile propaganda;

(III) operation of armed forces other than the Palestinian Police;

(IV) possession, manufacture, sale, acquisition, or importation of weapons;

(V) employment of police who have been convicted of serious crimes or have been found to be actively involved in terrorist activities subsequent to their employment;

(VI) transfers to Israel of individuals suspected of, charged with, or convicted of an offense that falls within Israeli criminal jurisdiction;

(VII) cooperation with the Government of Israel in criminal matters, including cooperation in the conduct of investigations; and

(VIII) exercise of powers and responsibilities under the agreement with due regard to internationally accepted norms and principles of human rights and the rule of law.

(E) POLICY JUSTIFICATION.—As part of the President's written policy justification to be submitted to the relevant congressional committees pursuant to subparagraph (A), the President shall report on—

(i) the manner in which the PLO has complied with the commitments specified in subparagraph (D), including responses to individual acts of terrorism and violence, actions to discipline perpetrators of terror and violence, and actions to preempt acts of terror and violence;

(ii) the extent to which the PLO has fulfilled the requirements specified in paragraph (3);

(iii) actions that the PLO has taken with regard to the Arab League boycott of Israel;

(iv) the status and activities of the PLO office in the United States; and

(v) the status of United States and international assistance efforts in the areas subject to jurisdiction of the Palestinian Authority or its successors.

(3) REQUIREMENT FOR CONTINUED PROVISION OF ASSISTANCE.—Six months after the date of enactment of this Act, no assistance shall be provided pursuant to the exercise by the President of the authority provided by paragraph (1), unless and until the President determines and so certifies to the Congress that—

(A) if the Palestinian Council has been elected and assumed its responsibilities, the Council has, within a reasonable time, effectively disavowed the articles of the Palestine National Covenant which call for Israel's destruction, unless the necessary changes to the Covenant have already been submitted to the Palestine National Council for formal approval;

(B) the PLO has exercised its authority resolutely to establish the necessary enforcement institution, including laws, police, and a judicial system, for apprehending, prosecuting, convicting, and imprisoning terrorists;

(C) the PLO has limited participation in the Palestinian Authority and its successors to individuals and groups in accordance with the terms that may be agreed with Israel;

(D) the PLO has not provided any financial or material assistance or training to any group, whether or not affiliated with the PLO to carry out actions inconsistent with the Declaration of Principles, particularly acts of terrorism against Israel;

(E) the PLO has cooperated in good faith with Israeli authorities in the preemption of acts of terrorism and in the apprehension and trial of perpetrators of terrorist acts in Israel, territories controlled by Israel, and all areas subject to jurisdiction of the Palestinian Authority and its successors; and

(F) the PLO has exercised its authority resolutely to enact and implement laws requiring the disarming of civilians not specifically licensed to possess or carry weapons.

(4) PROVISIONS THAT MAY BE SUSPENDED.—The provisions that may be suspended under the authority of paragraph (1) are the following:

(A) Section 307 of the Foreign Assistance Act of 1961 (22 U.S.C. 2227) as it applies with respect to the PLO or entities associated with it.

(B) Section 114 of the Department of State Authorization Act, Fiscal Years 1984 and 1985 (22 U.S.C. 287e note) as it applies with respect to the PLO or entities associated with it.

(C) Section 1003 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (22 U.S.C. 5202).

(D) Section 37 of the Bretton Woods Agreement Act (22 U.S.C. 286W) as it applies to the granting to the PLO of observer status or other official status at any meeting sponsored by or associated with International Monetary Fund. As used in this subparagraph, the term "other official status" does not include membership in the International Monetary Fund.

(5) RELEVANT CONGRESSIONAL COMMITTEES DEFINED.—As used in this subsection, the term "relevant congressional committees" means—

(A) the Committee on International Relations, the Committee on Banking, Finance and Urban Affairs, and the Committee on Appropriations of the House of Representatives; and

(B) the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

Beginning on page 172, strike line 19 and all that follows through line 5 on page 173 and insert the following:

SEC. 1110. PROCEDURES FOR COORDINATION OF GOVERNMENT PERSONNEL AT OVERSEAS POSTS.

(a) AMENDMENT OF THE FOREIGN SERVICE ACT OF 1980.—Section 207 of the Foreign Service Act of 1980 (22 U.S.C. 3927) is amended—

(1) by redesignating subsection (c) as subsection (e); and

(2) by inserting after subsection (b) the following:

"(c)(1) In carrying out subsection (b), the head of each department, agency, or other entity of the executive branch of Government shall ensure that, in coordination with the Department of State, the approval of the chief of mission to a foreign country is sought on any proposed change in the size, composition, or mandate of employees of the respective department, agency, or entity (other than employees under the command of a United States area military commander) if the employees are performing duties in that country.

"(2) In seeking the approval of the chief of mission under paragraph (1), the head of a department, agency, or other entity of the executive branch of Government shall comply with the procedures set forth in National Security Decision Directive Number 38, as in effect on June 2, 1982, and the implementing guidelines issued thereunder.

"(d) The Secretary of State, in the sole discretion of the Secretary, may accord diplomatic titles, privileges, and immunities to employees of the executive branch of Government who are performing duties in a foreign country.".

(b) REVIEW OF PROCEDURES FOR COORDINATION.—(1) The President shall conduct a review of the procedures contained in National Security Decision Directive Number 38, as in effect on June 2, 1982, and the practices in implementation of those procedures, to determine whether the procedures and practices have been effective to enhance significantly the coordination among the several departments, agencies, and entities of the executive branch of Government represented in foreign countries.

(2) Not later than 180 days after the date of enactment of this Act, the President shall submit to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives a report containing the findings of the review conducted under paragraph (1), together with any recommendations for legislation as the President may determine to be necessary.

On page 208, strike lines 8 through 11 and insert the following:

SEC. 1327. MIKE MANSFIELD FELLOWSHIPS.

Part C of title II of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 6101 et seq.) is amended—

(1) by striking "Director of the United States Information Agency" each place it appears and inserting "Secretary of State"; and

(2) by striking "United States Information Agency" each place it appears and inserting "Department of State".

Beginning on page 216, strike line 4 and all that follows through line 22 on page 217 and insert the following:

SEC. 1501. SENSE OF CONGRESS REGARDING UNITED NATIONS REFORM.

It is the sense of Congress that—

(1) the 50th anniversary of the United Nations provides an important opportunity for a comprehensive review of the strengths and weaknesses of the United Nations and for the identification and implementation of changes in the United Nation that would improve its ability to discharge effectively the objectives of the United Nations set forth in the United Nations Charter;

(2) the structure of the United Nations system, which has evolved over 50 years, should be subject to a comprehensive review in order to identify the changes to the system that will best serve the interests of the United States and of the international community;

(3) the United States, as the strongest member state of the United Nations, should lead this comprehensive review;

(4) reforms that produce a smaller, more focused, more efficient United Nations with clearly defined missions are in the interest of the United States and of the United Nations;

(5) the United States should develop a unified position in support of reforms at the United Nations that are broadly supported by both the legislative branch and the executive branch;

(6) the need for reform of the United Nations is urgent; and

(7) the failure to develop and implement promptly a strategic reorganization of the United Nations will result in a continued diminution of the relevance of the United Nations to United States foreign policy and to international politics generally.

SEC. 1502. UNITED NATIONS REORGANIZATION PLAN.

(a) REQUIREMENT FOR PLAN.—The President shall submit to Congress, together with the budget submitted pursuant to section 1105 of title 31, United States Code, for fiscal year 1997, a plan recommending a strategic reorganization of the United Nations.

(b) Requirement Relating to Development.—The President shall develop the plan in consultation with Congress.

(c) Plan Elements.—The plan should include the elements described in section 1503 and such other recommendations as may be necessary to achieve the efficient, cost-effective conduct of the responsibilities of the United Nations.

SEC. 1503. CONTENTS OF REORGANIZATION PLAN.

It is the sense of the Congress that the reorganization plan required by section 1502(a) should—

(1) constitute a comprehensive statement of United States policy toward reform of the United Nations;

(2) set forth an agenda to implement the reforms set forth in the plan in a timely manner;

(3) include specific proposals to achieve—

(A) a substantial reduction in the number of agencies within the United Nations system, including proposals to consolidate, abolish, or restructure mechanisms for financing agencies of the United Nations that have a low priority;

(B) the identification and strengthening of the core agencies of the United Nations system that most directly serve the objectives of the United Nations set forth in the United Nations Charter;

(C) the increased cooperation, and the elimination of duplication, among United Nations agencies and programs consistent with the principle of a unitary United Nations;

(D) the consolidation of the United Nations technical cooperation activities between the United Nations Headquarters and the offices of the United Nations in Geneva, Switzerland, including the merger of the technical cooperation functions of the United Nations Development Program (UNDP), the United Nations Population Fund (UNPF), the United Nations Environmental Program (UNEP), the United Nations Industrial Development Organization (UNIDO), the International Fund for Agricultural Development (IFAD), the United Nations Capital Development Fund (UNCDF), and the United Nations Development Fund for Women (UNIFEM);

(E) the consolidation of the United Nations emergency response mechanism by merging the emergency functions of relevant United Nations agencies, including the United Nations Children's Fund, the World Food Program, and the Office of the United Nations High Commissioner for Refugees;

(F) a substantial reduction in, or elimination of, the cost and number of international conferences sponsored by the United Nations;

(G) a significant strengthening of the administrative and management capabilities of the Secretary General of the United Nations, including a cessation of the practice of reserving top Secretariat posts for citizens of particular countries;

(H) a significant increase in the openness to the public of the budget decision-making procedures of the United Nations; and

(I) the establishment of a truly independent inspector general at the United Nations;

(4) include proposals to coordinate and implement proposals for reform of the United Nations such as those proposals set forth in the communique of the 21st annual summit of the Heads of State and Government of the seven major industrialized nations and the President of the European Commission at Halifax, Nova Scotia, dated June 15–17, 1995; and

(4) include proposals for amendments to the United Nations Charter that would promote the efficiency, focus, and cost-effectiveness of the United Nations and the ability of the United Nations to achieve the objectives of the United Nations set forth in the United Nations Charter.

On page 218, line 15, "$30,000,000,000" and insert "$3,000,000,000".

On page 251, below line 22, add the following:

(g) Additional Requirements for Budget Purposes.—(1) In addition to any other payments which an agency referred to in subsection (b) is required to make under section 4(a)(1) of the Federal Workforce Restructuring Act of 1994 (Public Law 103–226; 108 Stat. 114; 5 U.S.C. 8331 note), each such agency shall remit to the Office of Personnel Management for deposit in the Treasury to the credit of the Civil Service Retirement and Disability Fund an amount equal to 9 percent of final basic pay of each employee of the agency—

(A) who, on or after the date of the enactment of this Act, retires under section 8336(d)(2) of title 5, United States Code; and

(B) to whom a voluntary separation incentive payment is paid under this section by such agency based on that retirement.

(2) In addition to any other payments which an agency referred to in subsection (b) is required to make under section 4(b)(1) of such Act in fiscal years 1996, 1997, and 1998, each such agency shall remit to the Office of Personnel Management for deposit in the Treasury to the credit of the Civil Service Retirement and Disability Fund an amount equal to 0.5 percent of the basic pay of each employee of the agency who, as of March 31 of such fiscal year, is subject to subchapter III of chapter 83 or chapter 84 of title 5, United States Code.

(3) Notwithstanding any other provision of this section, the head of an agency referred to in subsection (b) may not pay voluntary separation incentive payments under this section unless sufficient funds are available in the Foreign Affairs Reorganization Transition Fund to cover the cost of such payments and the amount of the remittances required of the agency under paragraphs (1) and (2).

Mr. HELMS. Mr. President, I want to make the record clear. The Jordan drawdown was not eliminated even temporarily at my request, but in order to facilitate the approval of the rest of the amendment 1914. So the RECORD will show that—I having said that.

I urge the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment as modified?

Mr. KERRY. Mr. President, it is my understanding we are going to try to work out the differences that still exist on section 619, and at some later date we may pull it up.

We are in agreement with respect to the rest of the amendment.

Mr. HELMS. Mr. President, I have a committee amendment at the desk referred to as the "manager's amendment." I understand there are no objections to this amendment and that the modifications are acceptable to the ranking member of the committee, Senator PELL. This amendment has several parts and is designed to address three issues:

First, reservations and jurisdictional concerns expressed by other Senate committees, chairmen, and ranking members;

Second, provisions objectionable to the Administration; and

Third, technical and conforming amendments to the bill, many of which were "unofficially" requested by this administration.

The amendment includes: The Middle East Peace Facilitation Act extension, a repeal of the two prison labor provisions in the bill that will satisfy Finance Committee concerns, two changes that will satisfy the budget scorekeepers on the Budget Committee, and a few other small provisions.

I urge the amendment be adopted since there are no known objections to this amendment. I hope there will be additional amendments in agreement as we proceed on debate of the measure.

THE PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 1914), as modified, was agreed to.

Mr. HELMS. Mr. President, I move to reconsider the vote.

Mr. KERRY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1977

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I ask unanimous consent to temporarily set aside the two amendments and to call up the amendment that I have at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I listened to our colleagues who are dealing with the measure that is at hand, and I certainly hope we will have an opportunity to dispose of those amendments in a timely fashion. I also expect to at least have an opportunity to see a disposition of the amendment which I am offering this evening on this particular piece of legislation.

I am aware, very much, that I have offered an amendment in the first-degree and it can be seconded. I am also aware, as my colleague from North Carolina was pointing out, that we are very hopeful of being able to avoid parliamentary gymnastics and to be able to get a vote on different measures that come before the Senate. I expect he will have an opportunity to get a vote on his amendment and I certainly hope to have an opportunity to have a vote on mine as well.

Mr. President, the amendment I am offering is a sense-of-the-Senate resolution that calls for us to debate and vote on raising the minimum wage sometime before the end of this session of Congress.

It does not endorse any particular outcome. It does not say that we should pass S. 413, the bill Senator DASCHLE introduced in behalf of the President, or vote to raise the minimum wage to $5.15 an hour, though I strongly believe that we should. Rather, the amendment says only that the Senate should take up the issue, that we should debate it, and vote one way or the other rather than sweeping this issue under the rug and ignoring the 12 million American workers who would get a raise if the President's bill were enacted.

The appropriate level for the minimum wage is a critical issue both for the millions of low-wage workers who are directly affected by it and for the economy as a whole. Income inequality is a growing problem in the United States, and the declining purchasing power of the minimum wage is an important factor in this problem.

Mr. President, I will review for the Senate some of the most recent information that has been developed and reported in our national news magazines, as well as some of the historic trends that justify action by this particular amendment, which effectively will do for the Senate what was done earlier this year on the issue involving the gifts measure before the Senate where our colleagues got a sense-of-the-Senate resolution that we were going to vote on the gifts issue and on the lobbying legislation.

Really as a result of a good deal of focus and attention by Members who are interested in these issues, these measures were brought up and in a remarkable sense of comity were worked out and action was taken which I think all of us think was very, very important. And we are very hopeful—I and the others who will be supporting this measure—that we will have an opportunity to do what we did some years ago in 1989–1990 when we had a Republican President and two Democratic Congresses and, initially, reservations by the Republican President. We worked on this measure. We saw the coming together of a Democratic Congress and a Republican President. That was signed into law, and was the last increase in the minimum wage, which took effect in 1991.

Now, with a Republican Senate, a Republican House and a Democratic President, we are very hopeful that we will be able to take action that will result in making this minimum wage really an American wage, a family wage, a living wage.

That is why I am hopeful that this resolution, which says that we will address this issue prior to the end of the Congress without making a definition as to what that particular amount would be, nonetheless would reflect the sense of this body, Republican and Democrat alike, because Republicans have historically worked with us to get an increase in the minimum wage.

Historically, increases in the minimum wage were signed by Republican Presidents and were sometimes supported by the Republican leadership—and we would certainly hope on an issue of fundamental fairness, fundamental justice, that we could develop that kind of comity on this resolution and then ultimately on the matter that comes before us.

Mr. President, the reason for offering this measure now is because of the scheduling reality. We will be in session two more weeks prior to the August recess. We will be back. The leader has announced that we will be addressing the welfare issue in the latter part of this week. We have a defense authorization, a defense appropriations bill, and there would not be the opportunity to have a debate and discussion on this measure, although I think it is an issue that has been addressed time and time again by the membership. It is not one that the Members are unfamiliar with. But, nonetheless, I think it is important to take just a brief period of time, whatever time the membership wants, so that we can address this issue and give an opportunity for the Members to go on record about whether we as an institution, as a Congress, should go back and address this issue as we have done on seven other occasions when we have seen an increase in the minimum wage, which is the wage for working families that work 40 hours a week, 52 weeks of the year, and try to provide food for their families, a roof for their children, to pay the mortgage, and to have some sense of hope and optimism for the future.

Mr. President, this chart reflects what happened to the incomes of families in this country from 1950 to 1978. I know that there will be those who will say, "Well, there were variations for this period of time." We may have the opportunity to come back and address that issue. We will address any of the other issues that are brought up in the course of this debate. But this is a pretty good summation, even with the rise and the fall of various recessions. And I will have other charts that will show in more careful, actual detail what happened during this period of time with the setbacks and the advances in terms of real family income.

But when you come right down to it, for close to a 30-year period—and we segment each of the incomes for the different parts of our society, dividing them into five different segments—what this chart reflects very clearly is that real family income by quintile, which is the five different segments, all went up together. The ones on the bottom, 20 percent of the family income, rose the most, rose 138 percent. Those in the second lowest went up 98 percent; the middle, some 106 percent; the fourth, 111 percent; and the top 20 percent went up to close to 100 percent.

This chart says that we developed in this country, and the American economy responded, in such a way that the income for families during this period of time, which included the increases in the minimum wage as well as other economic factors, all went along and grew together. We all made progress together, and we did it in ways that were pretty equitable in terms of the distribution of where our families were.

This, I think, is the real indication of where the country was moving as an economy. It included other forces beyond the minimum wage. But as my next chart will show, the minimum wage kept pace during this period of time to be a livable wage. It has only been in the last 10 to 12 years where there has been a serious decline in the purchasing power of the minimum wage.

Over here, we go now from 1978—this chart over here, 1979 to 1993—and it is effectively the same chart, divided again by quintile, and this chart reflects what has been happening from effectively 1979 to 1993, real family income growth by quintile.

Here we see the bottom 20 percent, those at the lower level of the economic ladder, they are not increasing. There are no blue marks here. It is increasing red marks. Their purchasing power has declined by some 17 percent during the period where there has been some very important real growth. The next 20 percent has declined by 8 percent, the middle some 3 percent, the fourth quarter has gone up 5 percent, and the largest increase has been with the wealthiest individuals.

This is a profile about what is happening in our country over a period of time in terms of real economic growth per family income.

Mr. President, it is a reminder about where we are and where we have been and where we are going.

Mr. KENNEDY. Mr. President, I send to the desk an amendment and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Massachusetts (Mr. KENNEDY) proposes an amendment numbered 1977.

Mr. KENNEDY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following new section:

SEC. .

It is the sense of the Senate that:

(1) the current economic recovery has generated record profits for industry, but hourly wages have grown at a below average rate;

(2) the minimum wage has not been raised since April 1, 1991, and has lost more than 10% of its purchasing power since then;

(3) the average minumum wage worker provides 50% of her family's weekly earnings;

(4) nearly two-thirds of minimum wage workers are adults, and 60% are women;

(5) a full-time, year-round worker who is paid the minumum wage earns $8,500 a year, less than a poverty level income for a family of two;

(6) there are 4.7 million Americans who usually work full-time but who are, nevertheless, in poverty, and 4.2 million families live in poverty despite having one or more members in the labor force for at least half the year;

(7) the 30% decline in the value of the minimum wage since 1979 has contributed to Americans' growing income inequality and to the fact that 97% of the growth in household income has accrued to the wealthiest 20%;

(8) legislation to raise the minumum wage to $5.15 an hour was introduced on February 14, 1995, but has not been debated by the Senate; and

(9) the Senate should debate and vote on whether to raise the minumum wage before the end of the first session of the 104th Congress.

Mr. KENNEDY. Mr. President, as I indicated on the previous chart, we saw what was happening for the 30 years between 1950 and effectively 1980, and then in the last 13 years, about how we as a country in terms of our economy are effectively growing apart. Now we see the minimum wage no longer lifts families out of poverty.

Take that, and you go right back to 1960 and see what has happened now from the 1980's, which is effectively this chart over here, what has been going on up to 1995. This is effectively the red line, the minimum wage line, and the darker line is the poverty line that goes right across here on constant dollars.

Here you find that during the period of the 1960's, the 1970's, the minimum wage was just above what the poverty wage was; that is, it was a livable wage. One family could receive the minimum wage and also have a sense of respect and dignity and know that they could effectively make it in America without being in poverty, and without being, as I will mention, a recipient of many of what we call the support systems, the safety net programs. That is an interesting sidebar to this whole issue and I will come back to that in just a minute.

Then we saw how the minimum wage effectively stayed even in the 1970's and 1980's and then gradually declined and continued to decline all the way to 1990. And this blip here was the increase in the minimum wage when President Bush in a bipartisan effort signed the minimum wage. And now we have sunk right back to where we were in 1990.

We have to ask ourselves, what is it about these working families, 12 million of whom would be affected by the increase in the minimum wage that had been supported by the President and introduced in legislation by Senator DASCHLE? What is it we are saying to them? We are saying that we effectively do not value their work; we do not respect the fact that you are prepared to go out and work 40 hours a week to try to raise your children, to try to have a sense of dignity at the time we have been seeing the expansion and the explosion in terms of the profit in our economy.

Mr. President, I have in my hand Business Week of July 10. This is not the product of someone who has been a long-time fighter for the working poor, although I take great pride in the fact that I have been for the increased minimum wage. This is Business Week magazine. This parallels two other studies, which I will refer to. This is Business Week. I will include the relevant parts in the RECORD.

This is what the cover story of Business Week, July 17, points out: "Productivity and profits are up a lot. Paychecks aren't. Is the economy changing?"

It goes on:

> Four years into a recovery, companies are flourishing and joblessness is low, yet pay is inching up more slowly than the prior four recoveries.

Then it continues:

> Four years into a recovery, profits are at a 45-year high

A 45-year high in terms of profits for American companies and corporations, 45-year high.

> Unemployment remains relatively low, and the weak dollar has put foreign rivals on the defensive.

The fact is since this President has been elected, there has been a creation of some 8 million jobs in the period of the last 2 to 3 years, but those have not been the high-paying, good-wage, good-benefit jobs that I think most of us have associated with employment in terms of the strongest industrial country and strongest economy in the world.

This is how Business Week continues in its article:

> Yet U.S. companies continue to drive down costs as if the economy still were in a tailspin. Many are tearing up pay systems and job structures, replacing them with new ones that slice wage rates, slice raises and subcontract work to lower-paying suppliers. The result seems to defy the law of supply and demand. While companies prosper, inflation-adjusted wages and benefits are climbing at less than half the pace of the previous expansion.

Then it continues:

> Today even the incomes of many white collar employees are sliding and labor's share has slumped to levels last seen 30 years ago despite substantial productivity growth. These trends have been dragging down the economy through the recovery.

Then it continues:

> But how long must we wait for productivity gains to boost living standards?

What we are talking about here are living standards. We are talking about families being able to educate their children. We are talking about families being able to try to meet some of the needs of their parents, who are going to feel the pressures in terms of the Medicare cuts. We are talking about families being able to afford the mortgage and to be able to enjoy their own future with some degree of security. Now, this is what is happening.

> But how long must we wait for productivity gains to boost living standards? At this point in previous business cycles gains from increased efficiencies would already have started to wind their way through the economy. But after closely tracking each other for decades, wage gains are now lagging behind productivity growth.

We might have to talk about that in the Chamber, but all you have to do is ask any working family what has been happening to their real income over the period of the last 15 years. Dramatic change, and it has been a downward one.

> The combination of subpar pay gains and fewer wage earners has already bitten deeply into pocketbooks. Per capita disposable personal income has crawled along at 1.5 percent a year over inflation in this recovery, half the average of prior ones.

What this article is pointing out is generally we have had recessions in other periods of time in the last 40 or 50 years, but what is happening now is even though there is the creation of additional jobs, the income is not there for those new workers. And one of the principal reasons for the fact it is not there is because we have not met our responsibilities of trying to make sure that work pays in our country, that men and women who are prepared to work, will work, are able to receive that livable wage.

"Sooner or later," the article continues, "the promise of this economic strategy has to be fulfilled for the majority of Americans. The sight of bulging corporate coffers coexisting with continuous stagnation in American's living standards could become politically untenable."

Mr. President, as we have seen in other parts of the magazine, we can say, well, what is happening to the stock market? That has been going up. But we know who participates in the stock markets—certainly not those who for the most part are in middle incomes. Once again, here it is going up through the roof. So corporate profits and CEO salaries have been going up through the roof, the stock markets are going up through the roof, and the minimum wage has been in a continuing and constant decline.

Mr. President, all we are saying is that we are entitled to try to bring that minimum wage back on up to make sure that American families who want to work and can work are going to be able to provide for themselves.

Mr. President, I will take just a moment or two of the Senate's time to review with the Senate an historical analysis of what has happened when we have had an increase in the minimum wage, because we are going to hear a lot of voices out here about we cannot afford an increase in the minimum wage because it is going to cost jobs; we cannot afford to raise the minimum wage because there is going to be inflation.

Well, the fact is that is great rhetoric. I took the time, after the last debate we had in the late 1980's, and just reread the debate during the 1930's, 1940's, 1950's, and 1960's, and you could just substitute the names because the speeches were virtually identical, with everyone saying we just cannot afford to do it; we are just beginning to make the economy go and here you are going to go out there and try to undermine our economy with an increase in the minimum wage. They said it last time. We increased it in 1990, and we have seen since 1992 the growth of 8 million jobs.

Mr. President, I will take just a few more moments. I see my colleagues waiting. I would just like to point out what has happened historically with the minimum wage because we will have study after study after study after study out here. And I will include some of the most recent studies that I think have been so compelling. There will be others who will try to flyspeck those studies, the study particularly with regard to New Jersey, which is a very interesting and a very positive one. But the one thing you have to recognize is the historical analysis of the increase in the minimum wage. This is history. This is what has happened. This is not some study by one of these organizations for the various industries that have been historically opposed to any increase in the minimum wage. This is the historical analysis of what has happened to our economy on the issue of employment when we have seen the increase in the minimum wage. This is what we have seen. It goes back to 1949 when the minimum wage rose from 40 cents to 75 cents; unemployment decreased.

In 1955, unemployment decreased from 4.4 to 4.1 percent.

From 1961 to 1963, from $1 to $1.25; unemployment decreased from 6.7 to 5.5 percent.

From 1967 to 1968, $1.25 to $1.60; unemployment decreased from 3.8 percent to 3.5 percent.

During the seventies, 1974 to 1976, 655,000 new jobs, despite the recession; retail employment increased 5.2 percent. They are the principal ones opposed to any kind of increases.

From 1978 to 1981, employment increased by 8 million jobs, including 1.4 million retail jobs. You go from $2.30 to $3.35 in 1990, $3.35 to $4.25, despite the severe recession from 1988 to 1992.

We had it up in my part of the country, New England. With 4 percent of the Nation's population, we lost 20 percent of the Nation's jobs; 20 percent of the Nation's jobs we lost. We are beginning to come back. The tragedy is, those are not nearly as good jobs as they should be. But despite the severe recessions that we had, we have seen the dramatic growth of these jobs.

Mr. President, this is the record. Not only on the question of the minimum wage and what has happened to employment, but also with respect to inflation—these are the two arguments that they use.

We will hear later on how it is going to be harmful to black teenagers. We are about a couple hours away until somebody brings that argument out. These are the standard arguments.

I see my two colleagues. Go back and read the history on these things. You see the same old arguments that come up.

What has happened on the question of inflation is that we have seen, with the increase of 1949, an increase of 1 percent; in the sixties, less than .3 of 1 percent; stability here; from 1974 to 1976 inflation actually decreased; then it increased marginally and then decreased; and then from 1990 to 1991, it decreased from 5.4 to 4.2 percent.

So, Mr. President, I know that there are those who are going to come out here and argue with the Business Week analysis in terms of what has been happening in America: Companies and corporations where the profits are going up, the stock market is going up, their productivity increasing. The one thing they ought to recognize, which in Business Week is clear as can be, and is something every worker understands, is that real purchasing power for workers is going down.

I hope that our colleagues will not use those worn-out old arguments about the problems that we are facing in inflation and the problems that we are going to be facing in terms of unemployment, because the record, which is the most important record—and that is the historic record—just does not justify it. We have demonstrated and seen this, Mr. President, and we believe that now is the time to make sure that men and women who are out there working, and working hard, trying to make ends meet, trying to bring up a family are going to be able to experience some hope and opportunity.

Finally, Mr. President, one point that I want to mention on this chart for all of our Members—and we do not come to this consideration very frequently—if you start paying the American people a livable wage, do you know what happens? They lose their eligibility for support systems. Do you know what that means? That means the general taxpayer pays less, that they do not have to support the various support programs, which are the WIC Program, Aid to Families with Dependent Children, fuel oil programs, other kinds of support programs. You pay the American workers, who are working and trying to pay for their own living, and they lose their eligibility for those support programs and that saves billions of dollars—billions of dollars.

Who pays for those billions of dollars? It is the workers. This makes sense if you are for deficit reduction, if you want to lower the tax program on workers because if they pay the minimum wage, they lose their eligibility and you begin to save the billions of dollars.

This makes sense. It makes sense as a matter of decency and fairness, as part of our commitment that has been there for some 50 years, where we are going to honor work and say to men and women who want to work, can work, and will work that they ought to have an American wage that says that they can provide for their family and for their future, that they are going to be able to educate their children.

That has been true all the way through the forties, fifties, sixties, all the way through the seventies, and it has only been in the recent years that we have seen this abdication of responsibility to working families.

Right in the face of this, Mr. President, are the various reports—I have colleagues on the floor now—but I will review the Bureau of Labor Statistics report from just last week, and another very, very important study that reaches this very same conclusion.

These workers are entitled to be a part of the American system. They have been left out and left behind. We have to ask ourselves who will speak for them. At other times, we have come together, Democrats and Republicans alike, in order to make sure that those families that want to work can work, are proud to work, are playing by the rules, trying to bring up their children, are going to be able to live in some dignity. That is what the increase in the minimum wage is about.

We invite our colleagues to support this sense-of-the-Senate resolution so that families will know that we are serious in making sure that for working families, work pays in America and that we honor work.

Mr. President, I yield the floor.

Mr. SIMON addressed the Chair.

The PRESIDING OFFICER (Mr. SANTORUM). The Senator from Illinois.

Mr. SIMON. Mr. President, if I may follow immediately on what Senator KENNEDY just talked about, this Friday we are going to be taking up welfare reform. Ninety-five percent of what we hear about as welfare reform is not welfare reform. It is just moving the boxes around, shifting responsibility to States and doing some things like that. Real welfare reform has to deal with the problem of jobs and the problem of poverty, and this is an issue that deals with the problem of poverty.

Why do we have this distribution problem in our society today? I think there are three basic reasons. One is people are not as well prepared as they should be. As Secretary of Labor Bob Reich says over and over—and he is right on this—if you are well prepared, technology is your friend; if you are not well prepared, technology is your enemy.

A second reason we do not have the distribution factor that we should have in our society today is that labor union membership is dramatically lower in our country than any other Western industrialized democracy. George Shultz, former Secretary of State and former Secretary of Labor under Republican administrations, made a speech in which he said all of us, management and labor and everybody, ought to be concerned about the low percentage of workers belonging to labor unions. It is not a healthy thing for our society. If you exclude the governmental unions, it is down to 11.8 percent. That is a factor.

But a third factor in the distribution matter is the minimum wage. We simply have not kept up with the inflation factor, and it is a problem.

In addition to the factors that Senator KENNEDY mentioned, where we save money in terms of AFDC and that sort of thing, the earned income tax credit, we have 11 million Americans who will benefit from increasing the minimum wage 45 cents a year for 2 years, a total of 90 cents, and many of them will not get as much money on the earned income tax credit. So there will be a dollar savings, in very real terms, for the Federal Government.

Mr. KENNEDY. Will the Senator yield on that?

Mr. SIMON. I am pleased to yield to my colleague.

Mr. KENNEDY. I see my friend from Minnesota here, as well. Does the Senator understand what it is about the institution, the Congress, that says that we are going to refuse to have any increase in the minimum wage or even to consider it, and we are cutting back on the earned-income tax credit that benefits only the individual workers that make some $26,000 a year or less?

What is it about this institution that says that workers who are making less than $26,000, including the earned-income tax credit, ought to have their taxes increased, and yet we refuse to grant an increase in the minimum wage when we have a historic low, and at the same time we are talking about tax cuts for the wealthiest individuals, who are at the top levels of our economy, who are right up here and giving them, for the most part, a $245 billion tax reduction? Does the Senator find some difficulty in understanding why that series of policy decisions would make sense for working families in this country?

Mr. SIMON. Well, in response to that question, which is an extremely important question for the American people, obviously it does not make sense. It is a response that grows out of something—and I know the Senator from Massachusetts feels very strong about this—it grows out of something that we ought to deal with, but we duck in Congress—that is, our system of financing campaigns. I join the Senator from Minnesota, and I applaud him for his leadership on what we did on gifts and limiting on the lobbyists. But, frankly, that is 1 percent of the reform we need. Ninety-nine percent of the reform is on our system of financing campaigns.

If you have 20 individuals who are very wealthy in this country, who wanted some modest change in the law, who sent a $1,000 campaign contribution to every Member of the U.S. Senate, I have an idea—unless it was an egregious request—that request would receive very sympathetic attention. We have 11 million people who will benefit by an increase in the minimum wage, who, because of their situation, cannot give a campaign contribution to anyone, and we are reluctant to respond. I hope we will.

Let me just add for the benefit of the Presiding Officer—and I see my friend from Kansas on the floor here, too—the last time we increased the minimum wage, it passed 89–8 in the Senate, with 36 Republicans voting for it. This should not be a partisan thing. We ought to improve the lot of people who are really struggling. Are we going to be sensitive to that? I think that is the fundamental question. Are we going to be sensitive to people who really are struggling in our society? I hope we come up with the right answer.

I am pleased to have the Senator from Massachusetts offering this amendment, and what he is really calling on us to do is prod our consciences a little bit, do what we ought to do for the people in Pennsylvania, Illinois, Kansas, Massachusetts, and Minnesota, who are just eking out an existence, who do not know how they are going to make the next rental payment, or how they are going to feed their family, until they get paid on Friday. These are people we have to be concerned about. They do not make big campaign contributions to us. But that is what we ought to be here for. Those are the people we ought to be here for.

Mr. President, I yield the floor.

Mr. WELLSTONE. Mr. President, I thank my colleague from Illinois for his remarks. I have said it to him many times, I am going to really miss him. I think he has been a real conscience of the Senate, and I think people admire the Senator from Illinois not only because of his integrity but because of the way he treats each and every Senator with real respect and sensitivity. He cares a lot about people, and that is what this debate is really about. I thank the Senator from Massachusetts.

I ask unanimous consent that I be included as an original cosponsor of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. Mr. President, as I understand this amendment, it simply urges the Senate, asks the Senate to take the position that we will indeed take up and debate legislation to raise the Federal minimum wage, at least by the end of the Congress. Am I correct, I ask the Senator from Massachusetts? Is that essentially it?

Mr. KENNEDY. The Senator is correct.

Mr. WELLSTONE. Well, Mr. President, it seems to me that this is a most reasonable and important amendment. Despite the increases that went into effect in 1990 and 1991, the current minimum wage is not a working wage. It is still a poverty wage. At $4.25 an hour, a person working 40 hours a week at the minimum wage earns just $170 a week. That is before taxes and Social Security are deducted.

Mr. President, in Minnesota when you talk to people in cafes, I think really probably more than any other single issue, or set of issues, the focus is on what I would call basic economic justice questions. People really feel the squeeze that the Senator from Massachusetts has talked about. And really since the decade of the seventies, the bottom 70 percent has lost ground. When you talk to people and you ask people what are the issues you care most about, what people say over and over again is, "I care about being able to have a decent job that I can support myself and my family on." Mr. President, that is what we are talking about. Right now, at $4.25 an hour, you can work 40 hours a week, 52 weeks a year, and you still are not even up to the poverty level.

So there are many, many people—we are talking about 11 million people-plus who would benefit from this. I think it is a fundamental economic justice issue.

Mr. President, one popular misconception—and the Senator from Massachusetts may have covered this earlier, but I want to in my brief time—and I will only speak for about 5 minutes, I say to my colleague from Kansas—a popular misconception is that the minimum wage is basically paid to teenagers who flip burgers in their spare time. But less than one in three minimum wage workers are teenagers. In fact, nearly 50 percent of those who receive minimum wage are adults that are 25 years of age or older.

It is simply impossible to support yourself or to support your family. The minimum wage is not a working wage. We had a bipartisan consensus, at least up until recent history, that we would make a minimum wage a working wage. But when you look at this, if there ever was some action that we should take as a Senate in this Congress, it would be action to raise this minimum wage so that people can make a decent living, so that people could support themselves, so that people can support their families.

Mr. President, if the truism—and I know the chair has been involved in welfare reform—is that the best welfare program is a job, and what we want to do is move from welfare to workfare, I would argue that the best welfare reform is a job that pays a living wage. That means a minimum wage that can lift families out of poverty and thereby make a huge difference.

Right now, if we are going to go to welfare reform—because I think it could be reformatory if we stay on the present course, just punishing children and single parents, mainly women. But if we are going to move toward real welfare reform, the problem we all have—and we all know about this—is all too often by the time a mother—because it is usually the mother, and I wish more fathers would accept responsibility for taking care of children when marriages do not work out well.

All too often what happens for that welfare mother is that by the time she takes a job, and now has to pay for child care—and, like any parent, she wants this not to be custodial but good child-developmental child care—by the time she loses Medicaid assistance and has a job that does not pay but $4.25 an hour or $5 an hour, she is worse off.

The Washington Post had a really splendid series of articles about this very problem.

It seems to me on matters of basic economic justice, on what it is that people care the most about, the Senator from Massachusetts is absolutely on the mark. We ought to make a commitment. I think that is all he is asking for Members to do. As I understand the amendment, we do not even have a specific wage. It is not a specific proposal, but an amendment that says that this Senate goes on record, making a commitment that by the end of this Congress, we will at least take up and debate a minimum wage bill.

I ask the Senator, is that correct?

Mr. KENNEDY. The Senator is correct.

If the Senator would yield for a moment, I listened with interest to his statistics. He is providing a real service to the Senate in outlining the actual income and age of minimum wage earners in 1993.

I am wondering if the Senator's figures are basically in agreement with this chart, the source of which is the Economic Policy Institute, that says 57.6 percent of the minimum wage earners in 1993 were below-average-income adults; then there is below-average-income teens, effectively 14 percent; above average income, 11 percent for teens; 17 percent for above-average-income adults.

The idea, as I understood the Senator, was that this increase really reaches the working families who are trying to make ends meet and the ones that are prepared to work the long and hard hours. If it does reach some teenagers, it is basically reaching teenagers who are from families with family incomes which are lower than the poverty line as well. Actually, it is a pretty targeted program.

I think the Senator might agree with me that the minimum wage has a greater elevating effect on the incomes with single individuals or married couples, but the earned income tax credit has the greatest impact on families with a number of children.

I ask the Senator, as a professor of economics, whether he would agree that, therefore, doing something about both is really reaching, in many respects, our fellow Americans who are trying to make ends meet—some with larger families, some of them either individuals or just a couple maybe with one child, I think that is the breaking point—but are trying to make ends meet and they are at the lower rung of the economic ladder and have been ones that have seen their real income decline most dramatically in recent times.

Mr. WELLSTONE. Mr. President, I will respond to the Senator and then yield the floor to my colleague from Kansas who is anxious to speak.

I respond to the Senator from Massachusetts in two different ways. First of all, I say to my colleague, as a strategy of welfare reform or as a targeted strategy to reduce poverty and have more economic opportunity, and for that matter, as a targeted strategy to move toward a middle class or as a targeted strategy to reduce violence, I do not think there is any question that it is the key. That is what we have to focus on.

I say to my colleague, my understanding is that, roughly speaking, in poll after poll, 70 to 75 percent of the population agree. When we have a broad consensus in our country that we ought to raise the minimum wage, we ought to make it a working wage, it is all a part of economic opportunity, it is extremely important to this country, then it seems to me the Senator from Massachusetts does everyone a real service by saying, "Let's go on record making it clear that indeed we will address this problem. We will have some positive legislative initiatives in this area."

Again, I am proud to be an original cosponsor. I hope that this amendment receives widespread support. It should. I yield the floor.

Mr. HATFIELD. Mr. President, I agree that Congress should increase the minimum wage standard. I have voted for minimum wage increases in the past and I will vote for reasonable minimum wage increases in the future.

The minimum wage, established in 1938 by the Fair Labor Standards Act, has been raised 17 times. From 1938 to 1974, the wage was raised from 25 cents to $2 per hour. The last two increases took place in 1990 when the wage level was set at $3.80 and then again in 1991 when it was raised to its current level. I voted both for final passage and the conference report of the wage increases of 1990 and 1991. If the minimum wage had kept pace with the Consumer Price Index, the current level would be $6.85 today.

I want to work in a bipartisan fashion with the distinguished Senator from Massachusetts in passing the minimum wage, but I feel the schedule of the Senate is best left in the care of the majority leader in his preparation of the schedule of the Senate.

Ms. MIKULSKI. Mr. President, I rise today to support the amendment offered by the Senator from Massachusetts, and to support efforts to raise the minimum wage.

In recent weeks I have read articles and newspaper editorials concerned about wage stagnation. While profits are up, wages are down. Raising the minimum wage represents the least this Congress can do. Our failure to act to raise the minimum wage will only add to the problem of stagnant wages. No excuse about not being able to fit this issue in our agenda will satisfy workers who are just looking for a break.

The bill that is being proposed will raise the minimum wage from its current rate of $4.25 per hour to $4.75 next year and $5.15 per hour in the second year. If we fail to raise the minimum wage beyond the current $4.25 an hour, the buying power of workers earning the minimum will be at its lowest level since 1955—1955. How many people here would be satisfied with 1955 wages?

There are those who will argue that the minimum wage doesn't really help families or adult workers, but that is not what the facts tell us. The facts are that over 60 percent of workers receiving the minimum wage are adults. And over one-third of minimum wage earners are the only wage earners in their families.

Mr. President, far too many workers are losing ground. Far too many people are working longer and working harder, but their checks are getting smaller. Far too many of our actions this year have ignored the average wage earner. How can we justify keeping the minimum wage at $4.25 an hour in the same year we decide to cut the earned income tax credit? If Congress opposes an increase in the minimum wage and votes to cut this tax credit how can we expect people to get ahead? How can we expect some of these struggling families to stay off the very public assistance programs, which ironically, some Members are trying to cut or eliminate?

It is time we returned to the bipartisan support this issue once had. It is time we returned to the spirit of 1989 when only eight Members of the Senate voted against increasing the minimum wage. Let's make a commitment to working men and women all across the country and tell them that hard work will be rewarded and that they can get ahead. Making $5.15 an hour won't make anyone rich, but it may give some people a fair shake.

Mr. KERRY. The Senator from Kansas has been waiting. And I just need 60 seconds. I want to thank my colleague from Massachusetts for once again raising for the Senate an important issue.

I simply underscore—I think I am correct, and the Senator may be able to confirm this—in the 1960's and 1970's, the minimum wage permitted people in this country to be able to earn just at poverty level; but because of the diminishment of earnings in the United States over the course of the last 13 years particularly, minimum wage now produces only 70 percent of the poverty level in income.

So the country traditionally has paid a minimum wage that at least promised to keep people at poverty level. Today, it is at 70 percent of poverty level, at a time when we all know it is an awful lot harder without the sufficient skills to be able to break out.

Not only do we have the same kinds of antipoverty or rising tide jobs that lift you, you have a much greater difficulty, but you are much lower in the purchasing power that you have from whatever the minimum wage gives you.

I think it underscores the purpose.

Mr. KENNEDY. If I could take a moment of time, the Senator is quite correct.

I want to just point out what we have not gotten into in the debate, and that is what is happening to the chief executives of major corporations.

More than 500 were paid over $1 million, according to a Business Week survey of 742 companies. Chief executives have been getting substantial pay in recent years. Mr. President, in 1994 executive salaries increased 10 percent, while workers' wages rose 2.6 percent.

In many cases, the total pay went down because they did not cash in their stock options since the stock market was not at its peak. The $2.9 million average pay of 1994 was 54 percent higher than the $1.9 million average they received 5 years ago. The executives' pay has been skyrocketing, yet the workers' pay is down.

I am not interested, in this debate, to try and take away from those that are trying to expand and make a great success in terms of companies or corporations, but it seems to me to be relevant, in terms of a society, about people working. Those in the white collar are working hard but the blue collar are working hard, too, and they are the ones that are left out and left behind.

We are not making this point just with regard to blue-collar workers. The same thing has happened to the white collar. That is quite a different story. It is worth considering in the total context of debate.

Mr. KERRY. I thank the Senator from Kansas for her forbearance.

Mrs. KASSEBAUM. Mr. President, I rise not to debate the pros and cons about whether we should increase the minimum wage. The bill currently before the Senate is the State Department reorganization bill of 1995, a very important piece of legislation.

The amendment offered by the Senator from Massachusetts is a sense of the Senate that we should debate and vote on whether to raise the minimum wage before the end of the first session of the 104th Congress.

I would like to point out, Mr. President, that minimum wage legislation comes under the jurisdiction of the Labor and Human Resources Committee, of which I am chairman and the Senator from Massachusetts is ranking member.

I believe it is important to hold hearings on this issue in our committee. The minimum wage is just one part of the Fair Labor Standards Act. That Act is a comprehensive piece of legislation which covers everything from child labor laws to overtime laws. I think it is one that needs extensive and thorough review and hearings. It is a very important piece of legislation. The minimum wage is just one part of that.

Congress has not conducted a serious oversight of the entire statute for several decades. I believe it is of fundamental importance and the responsibility of our committee to do so. Clearly, the law needs to be brought up to date to reflect significant changes in the workplace over the last 50 years.

I am committed to holding hearings in the Labor Committee to review all aspects of the FLSA, including the minimum wage. I think it is premature, however, to be bound by this sense-of-the-Senate amendment and have it viewed as a debate on whether one is for or against an increase in the minimum wage. That is not what this debate is about.

I think the Senator from Massachusetts, as the ranking member, knows that our committee has had a very full agenda. There are a number of important issues we have been working on, including health care, job training, FDA and OSHA reform, and several reauthorization bills which have to be completed this year.

Unfortunately, I think, despite the importance of FLSA reform, the schedule has just not permitted us to hold hearings yet. Hearings that I think we need to have and should have and, as I have said before and I will say again, I am committed to holding.

I would remind my colleagues that the Senator from Massachusetts, now the ranking member, was chairman of the Labor and Human Resources Committee for the last 2 years. There was no real sense of urgency at that time, when my Democratic colleagues on the other side of the aisle were in the majority, to address this issue. I really have to wonder why, all of a sudden, on this State Department reorganization legislation, the Senator has offered a sense of the Senate which could be interpreted, I think wrongly, as a vote for or against an increase in the minimum wage.

For that reason I think this is not the time or the place to have this type of debate.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

AMENDMENT NO. 2029 TO AMENDMENT NO. 1977

Mr. NICKLES. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

> The Senator from Oklahoma [Mr. NICKLES], for himself and Mrs. KASSEBAUM, proposes an amendment numbered 2029 to amendment No. 1977.
>
> Strike all after the word "that" and insert in lieu thereof the following: "that the Senate should debate and vote on comprehensive welfare reform before the end of the first session of the 104th Congress."

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, first I wish to compliment my friend and colleague, Senator KASSEBAUM, the chairman of the Labor Committee, for her statement. I hope people heard her statement.

Also, I will mention the reason why I offered this second-degree amendment. The second-degree amendment says Congress should take up and consider and vote on comprehensive welfare reform before the end of this year. I think that is a very high priority. Maybe I think it is a higher priority than increasing the minimum wage, because I happen to believe increasing the minimum wage will cost jobs.

The Senator from Kansas, as chairman of the Labor Committee, said she will have a hearing on minimum wage. I might mention, that is more than our friends on the other side did. The sponsor of this amendment, when he was chairman of the Labor Committee for the last 2 years, I do not believe they had hearings on increasing the minimum wage. I know, if my memory serves me correctly, Senator Mitchell, when he was majority leader the last 2 years, they did not pull up legislation on the floor of the Senate to increase the minimum wage.

Now they offer an amendment to this bill, the State Department authorization bill, and the amendment says we should consider and take up and vote on increasing the minimum wage.

No. 1, that is an amendment that has nothing to do with the State Department authorization. It is kind of saying: We were running the Senate for a number of years and it was not a high enough priority for us to do it then, but now we want to do it while Republicans are controlling the Senate. I disagree. Senator DOLE is the majority leader. He is the one who sets up the agenda of the Senate, not the Senator from Massachusetts.

So I have offered an amendment in the second degree. It says Congress should take up welfare reform. I think that is important. I know the majority leader thinks that is important. I think the majority leader should set the agenda of the Senate.

So I compliment my friend from Kansas. I appreciate her cosponsoring this amendment. I hope people will place this amendment as a higher priority.

I will mention, actually, probably neither amendment should be on this bill. We should be considering the amendment of the Senator from North Carolina. We ought to be voting on it. I will say we ought to be voting on it in 15 minutes, because this entire body, by the majority leader, was told we will have votes not before 6 o'clock. For us to take up nongermane amendments, for us to debate a lot of things and not take up the legislation pending, I think is irresponsible. We have a lot of work to do. A lot of us would like to keep most of the August recess. We would like to spend a little time in our States and with our families.

So I think it is important for us to pass this bill. I know the Senator from North Carolina urges us to do so. We have a couple of amendments that are pending. There are a couple of amendments we have the yeas and nays ordered on. I hope we will vote on those. I hope we will vote on those tonight.

We have a lot of other amendments, very, very important amendments, that we may be dealing with, talking about reorganizing the State Department, abolishing agencies, restructuring—I compliment the sponsors of the bill before us. It is very substantive legislation.

We have also heard some in the administration say, "Let's not let this pass. Let's allow it to be slowed down." I regret that. But I think we should take up the legislation. I think the amendment of the Senator from Massachusetts needed to be amended, so I have offered an amendment. I hope my colleagues will support it.

Again, I repeat, what this amendment is, it says Congress should take up before the end of this year comprehensive welfare reform. I know the President of the United States spoke to the Governors and he urged we have welfare reform. I know the Senate majority leader spoke to the Governors today and he said we should have welfare reform. So, hopefully, Congress will work out its difference and we will pass a bipartisan welfare reform bill this year.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I guess I am somewhat amused by the notion that the way to solve the problem of an amendment that is somehow not appropriate on this bill is to amend that amendment with an amendment that is not appropriate to this bill. The logic of that does not quite sit. But, on the other hand, we all want welfare reform. So I think it is perfectly appropriate, now that the precedent is set, for us to follow suit with other amendments.

We will be happy to accept the amendment of the Senator from Oklahoma. I do not think there is any further debate on it, so we could proceed.

THE PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 2029) was agreed to.

Mr. KERRY. Mr. President, I move to reconsider the vote.

Mr. NICKLES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2030 TO AMENDMENT NO. 1977

Mr. KERRY. Mr. President, I send an amendment to the desk to the amendment of Senator KENNEDY.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Massachusetts [Mr. KERRY] proposes an amendment numbered 2030 to amendment No. 1977.

Mr. KERRY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

SEC. .

It is the sense of the Senate that:

(1) the current economic recovery has generated record profits for industry, but hourly wages have grown at a below average rate;

(2) the minimum wage has not been raised since April 1, 1991, and has lost more than 10% of its purchasing power since then;

(3) the average minimum wage worker provides 50% of her family's weekly earnings;

(4) nearly two-thirds of minimum wage workers are adults, and 60% are women;

(5) a full-time, year-round worker who is paid the minimum wage earns $8,500 a year, less than a poverty level income for a family of two;

(6) there are 4.7 million Americans who usually work full-time but who are, nevertheless, in poverty, and 4.2 million families live in poverty despite having one or more members in the labor force for at least half the year;

(7) the 30% decline in the value of the minimum wage since 1979 has contributed to Americans' growing income inequality and to the fact that 97% of the growth in household income has accrued to the wealthiest 20%;

(8) legislation to raise the minimum wage to $5.15 an hour was introduced on February 14, 1995, but has not been debated by the Senate; and

(9) the Senate should debate and vote on whether to raise the minimum wage before the end of the first session of the 104th Congress.

Mr. KERRY. Mr. President, this simply puts us back in the parliamentary position we were in. We have now agreed we ought to have welfare debated before the end of the session. The issue before us is still whether or not we ought to have the minimum wage debated before the end of the session.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I thank my friend and colleague. I will be glad to be a cosponsor of the amendment of the Senator, but I am not going to make that request at the present time.

I just say, Mr. President, as the Senator from Kansas knows very well, this legislation for the increase in the minimum wage was introduced in February. There has been a very full agenda for the committee. I have enjoyed very much the opportunity to work closely with Senator KASSEBAUM and our Republican colleagues. But it is a reflection of priorities. It has been the judgment of that committee to set other matters as priorities. I think at some time this should have had a hearing and we have an opportunity to address this issue at this time.

Mr. President, the amendment I am offering is a sense-of-the-Senate resolution that calls for us to debate and vote on raising the minimum wage some time before the end of this session of Congress. It does not endorse any particular outcome; it does not say we should pass S. 413, the bill Senator DASCHLE introduced on behalf of the President, or vote to raise the minimum wage to $5.15 an hour—though I strongly believe we should.

Rather, the amendment says only that the Senate should take up the issue, debate it, and vote one way or the other, rather than sweeping this issue under the rug and ignoring the 12 million American workers who would get a raise if the President's bill were enacted.

The appropriate level for the minimum wage is a critical issue, both for the millions of low-wage workers who are directly affected by it and for the economy as a whole. Income inequality is a growing problem in the United States, and the declining purchasing power of the minimum wage is an important factor in the problem.

Since 1979, 97 percent of the growth in real household income has gone to the wealthiest 20 percent, while the remaining 3 percent of the growth in household income has been shared by the other 80 percent of Americans. The real family income of the bottom 60 percent of Americans has declined since 1979, while the real income of the top 20 percent of families grew 18 percent.

Part of the decline in income for the middle and lower middle class has been caused by the decline in the purchasing power of the minimum wage, which has fallen almost 30 percent since 1979, and more than 10 percent since it was last raised in 1991. As a nation, we are getting farther and farther away from the concept that work should pay, that a full-time, year-round worker should be able to keep her family out of poverty.

Today, a nurse's aide, janitor, or child care worker who makes the minimum wage earns just $8,500 for 50 weeks of work at 40 hours a week—falling more than $6,000 short of the poverty threshold for a family of four.

There is an old saying that, "the rich get richer and the poor get poorer." But that should not be our national economic policy. The Senate should vote on raising the minimum wage because it is immoral and destructive to have one out of every nine families with a full-time worker living under the poverty line—without enough money to feed and clothe their children and keep a roof over their heads.

The rich in America are getting richer: the value of the stock market has increased more than 400 percent since 1982. But almost everyone else, and the working poor especially, are getting poorer. Real wages have declined, on average, 15 percent since 1982.

Business Week magazine, in a recent cover story called, "The Wage Squeeze," argues that "weak wage growth is sapping demand" and "dragging down the economy throughout the recovery." Even though corporate profits are at record highs and unemployment has been falling steadily for three years, hourly pay and per capita income have lagged far behind the average recovery.

Raising the minimum wage will not, by itself, reverse the growing income inequality that threatens our economic future. But it would be a step in the right direction. If we increased the minimum wage to $5.15 an hour, 11 million hard working people would get a raise.

I have heard all of the arguments against the minimum wage, and none of them has any merit. For years, it was argued that raising the minimum wage was bad for the people who got the raise because a significant number of them would lose their jobs.

Well, year after year, we had minimum wage increases, and the economy continued to add jobs by the millions.

Then it was claimed that teenagers would lose their jobs if the minimum wage went up. But when economists stopped quoting from their textbooks and studied the actual, real world data, they found that their theories were wrong—even teenage unemployment is not significantly affected by raising the minimum wage.

First, Princeton's David Card and Alan Krueger, then Harvard's Larry Katz and Bill Spriggs of the Joint Economic Committee, found that businesses adjusted to minimum wage increases in various ways, such as increasing prices, but they did not respond by cutting their workforce. In some cases, they actually added workers.

How is this possible? Why did demand for these workers not go down as their cost went up? The obvious answer is that their work was so undervalued at the minimum wage that their employment was still a major benefit for employers after the minimum wage was raised. And that is the situation today. The minimum wage is so low that the work done by the employees who earn the minimum wage is undervalued and underpriced.

Raising the minimum wage is no likelier to cause job losses today than it was when the last increase was made in 1991. We have added more than 7 million net new jobs since then, and the minimum wage is a smaller fraction of the national average wage, and lower in real terms, than it was in 1991. In other words, the minimum wage is even more underpriced now than it was in 1991, and the employment effects of raising it should be even less.

Now that the old argument about job losses has been disproved, the Republicans have come up with a new argument, the exact opposite of the old one: raising the minimum wage is wrong, because it leads teenagers to drop out of school and go to work. The research supporting this new theory is flawed. The data does not support it so opponents of the minimum wage will be forced to stretch their imaginations to come up with new arguments.

For years, Republicans have claimed that the minimum wage is really no help to poor families because only teenagers work for the minimum wage. But according to the Bureau of Labor Statistics, 63 percent of minimum wage earners are adults over the age of 20.

Republicans have also argued that there are better ways to help the poor, such as the earned income tax credit. Now, however, Republican support for the EITC has begun to erode. They voted overwhelmingly for a budget plan that assumes a $21 billion cut in the EITC over 7 years, which will raise taxes on 14 million low income workers.

They oppose helping the working poor with a minimum wage increase; they vote to cut back the EITC; but they are rushing ahead with plans to give the wealthiest people in our society a lavish tax cut. It is no wonder we are growing apart as a nation when so much energy is expended to help those who do not need it, while pushing down the families at the bottom of the economic ladder.

The growing Republican opposition to the earned income tax credit is based on its budget impact—its cost to the Federal Government. The same concerns should lead them to support a minimum wage increase, since it will save the Federal Government more than a billion dollars over 5 years.

By moving millions of workers out of poverty, an increase in the minimum wage to $5.15 an hour would save more than $600 million in AFDC expenditures, more than $350 million in Medicaid costs, and almost $300 million in food stamps, over 5 years. Raising the minimum wage is the fair thing to do. It is also the cost-effective thing to do.

Three out of five minimum wage workers are women, and most of them make important contributions to their families' income, while they also shoulder the responsibility for cooking meals, cleaning the house, and getting their kids to day care. The average minimum wage worker brings home 51 percent of her family's weekly earnings.

The Senate should debate and vote on raising the minimum wage because it is a way to help make life a little brighter for the people who struggle to make ends meet, who believe in the American dream of working hard in order to get ahead, but who have been finding themselves slipping behind no matter how much harder they try.

I have met with many people who work for the minimum wage—especially young adults with families to raise—and their lives are hard. Typically, the husband works 30 to 35 hours a week at $4.25 an hour for a pizza chain, including split shifts and evenings. His wife works 40 hours a week at similar wages. She staggers her work hours, so that either she or her husband can always be at home to take care of their two infants. Neither has health care coverage, and they cannot afford child care.

So, between the two of them, they work all day long, rarely able to spend time together. They despair about saving to send their children to college because both of them are still paying off the loans they took out for the 1 year of college they attended. These bright, hard-working young Americans with high school educations and dreams of higher education and attainment. But they are barely scraping by because the law allows their work to be undervalued and underpaid.

Senator DASCHLE introduced the President's bill on February 16, more than 5 months ago. Yet the bill has not had a hearing and is not on the calendar for floor consideration. With each additional month that passes, the value and purchasing power of the minimum wage declines still more, and the lives of those who earn it are made harder.

Mr. President, I urge the Senate to adopt my amendment and commit itself to voting on legislation to raise the minimum wage before the end of this session of Congress.

I want to just reiterate a few items I think have made this matter more timely. One is the various conclusions that are being reached now in Business Week magazine on the issue of wages. I will also have printed in the RECORD the very significant June 25 story in the New York Times. It starts out: "Productivity Is All, But It Doesn't Pay Well." This is by Keith Bradsher. It points out:

> It is a principle as old as capitalism and the antithesis of Marxism: workers should reap according to their labors. Yet over the last six years, compensation for American workers seems to have stagnated even as they have worked ever more efficiently and produced ever more goods.
>
> The trend is especially striking because it breaks one of the most enduring patterns in American economic history. Workers have fairly consistently collected about two-thirds of the nation's economic output in the form of wages, salaries and benefits. Owners of capital, like stocks or bonds or small businesses, have collected the other third, in the form of dividends, profits and investment gains.
>
> "It is remarkable how constant labor's share has been over the last 150 years," said Lawrence Katz, a former chief economist at the Labor Department. "This is one of the strongest regularities of advanced economies."
>
> Wages and salaries and benefits actually climbed slightly faster than productivity for a while in the late 1960's and early 1970's. Productivity moved ahead a little faster than compensation during the late 1970's, and through much of the 1980's. But it seems the real gap opened after that.
>
> The strongest evidence so far that the workers are receiving less of the fruits of their labors came last week, when the Labor Department revised its estimate of wage and compensation growth. After adjusting for inflation, average wages and salaries apparently fell 2.3 percent over the 12-month period that ended in March. Productivity rose 2.1 percent during the same period.

That is what happened in June. This is what is happening in July. Talking about the timeliness of this particular measure, now is the time. Now is the time.

Then the story goes on.

> Include fringe benefits, and the current numbers look even worse for wage-earners. Overall compensation fell 3 percent in the 12-month period through March, as companies and State and local governments provided fewer health benefits.

Mr. President, I ask unanimous consent that the whole article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

> [From the New York Times, June 25, 1995]
>
> PRODUCTIVITY IS ALL, BUT IT DOESN'T PAY WELL
>
> (By Keith Bradsher)
>
> It is a principle as old as capitalism and the antithesis of Marxism: workers should reap according to their labors. Yet over the last six years, compensation for American workers seems to have stagnated even as they have worked ever more efficiently and produced ever more goods.
>
> The trend is especially striking because it breaks one of the most enduring patterns in American economic history. Workers have fairly consistently collected about two-thirds of the nation's economic output in the form of wages, salaries and benefits. Owners of capital, like stocks or bonds or small businesses, have collected the other third, in the form of dividends, profits and investment gains.
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> "It is remarkable how constant labor's share has been over the last 150 years," said Lawrence Katz, a former chief economist at the Labor Department. "This is one of the strongest regularities of advanced economies."
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>
> Include fringe benefits, and the current numbers look even worse for the wage-earners. Overall compensation fell 3 percent in the 12-month period through March, as companies and state and local governments provided fewer health care benefits.
>
> The drop has provoked a profusion of historical comparisons. "A high-capital income society is no longer a middle-income society but something reminiscent of the Gilded Age," said Bradford DeLong, a former deputy assistant secretary of the Treasury * * *.

Mr. KENNEDY. Mr. President, I would be glad to entertain a consent request. Is that the desire of the Senator from North Carolina?

Mr. HELMS. I want to get back to what we were talking about, the bill, if the Senator will allow us. I think he has made his point about what he thinks we ought to do. I thought that was the majority leader's responsibility.

Will the Senator yield the floor?

Mr. KENNEDY. No. I was informed that the Senator was prepared to make a consent request and I was prepared to have that consideration. But I will not take much more time. I will make some brief comments. I was attempting to try and accommodate the Senator.

Mr. KERRY. Mr. President, will my colleague yield for a moment just for the purpose of making a unanimous-consent request?

Mr. KENNEDY. Reserving my right, Mr. President, I yield for a consent request.

Mr. HELMS. Mr. President, I ask unanimous consent that a vote occur on amendment No. 2026, the Helms amendment, at 6:45 this evening.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. HELMS. I thank the Chair. I thank my colleagues.

Mr. KERRY. I thank my colleague.

Mr. KENNEDY. Mr. President, I put in the RECORD the New York Times article.

I want to just mention another article that was in the Washington Post of today, "U.S. Finds Productivity, but Not Pay, Is Rising."

> The government yesterday confirmed what most workers already knew: In terms of their pay, Americans are just treading water.
>
> The Labor Department reported that wages and benefits in private industry increased 2.8 percent over the last year. It was the smallest advance since the department began calculating its employment cost index in 1981 and reflected the low level of inflation and the inability of workers to wrest pay raises from employers in an increasingly competitive economy.
>
> Adjusted for inflation, the compensation measure shows a slight 0.2 percent decline over the past 12 months in spite of robust gains in worker productivity and record levels of corporate profits.

All of these studies are showing—Business Week, the Washington Post, the New York Times, all within the past several weeks making the point that we are experiencing record profits in the stock market, record profits in corporations, declining wages in terms of workers in the minimum wage, and the family wage, which is now down to where it was in 1989 which is the last time it was increased.

We were talking briefly out here with our friend and colleague from Kansas saying, "Why now?" The interesting point about "Why now?" is we have finally gotten to the bottom of where we were in 1989. We have gotten to that point in the last several weeks. At that time, a Republican President said enough is enough. At that time, the President and a broad bipartisan group said that workers that were receiving only about 70 percent of the real purchasing power of the minimum wage should at least get some bump. They got some bump during the 1989–1991 period. But we have no recognition from the other side that there is a problem. We do not hear our colleagues on the other side saying, let us get about the business and let us try to find some common ground, let us try to see if we cannot make a difference on it.

So, Mr. President, we believe that this is a timely matter, that the Senate should go on record as our friends from Minnesota and Illinois pointed out. All this is saying is that we will go on record before the end of the session in terms of the increase in the minimum wage.

Really the proposal that Senator DASCHLE had was a bare bones program which would not even move back up, barely move us back up to where increases were in 1990. The Daschle program brings up back here, not where it was in the period for some 15 years but only brings us back to where it was under a Republican President; not asking an awful lot. We are not out here demanding that we get a vote to bring it all the way back up here, although I believe that is justified. The Daschle proposal would move this red line right back up to where it was when it was signed by a Republican.

This does not seem to me to be such a radical proposal to demand to say, "Oh, my goodness, we cannot possibly gain the time, have an opportunity to debate those issues out on the floor of the Senate. There are too many other matters." I think we could get some time to debate the importance of that particular measure that makes a difference to 12 million of our fellow citizens.

We did not spend a lot of time when we were taking away some of the OSHA protection for those workers. We did not take a lot of time when we were taking away the mine safety protection for those workers. We did not even have the hearings over there in the Human Resources Committee. We did not take much time on that when we were talking about safety. Now we hear, "Oh, my goodness." If we are going to just bring back the minimum wage to some extent to make it a little more respectable for working families to have children, and 60 percent to 65 percent of the minimum wage workers are women in our society and are having difficulty making ends meet, we are suddenly saying, "Oh, no. We cannot be prepared to support this resolution that will just say that by the end of this Congress we will consider it on the floor of the U.S. Senate."

That is what effectively we are hearing from the other side, that we have too many other matters. I would be glad to be a cosponsor of Senator NICKLES' amendment dealing with welfare reform. But what is so difficult about working on the income too for working families? We did not spend much time when the budget came back. When they had the reductions in the earned income tax credit for working families in that budget proposal that is $4 trillion in terms of tax expenditures and they put $21 billion in additional taxes on working families making less than $26,000. They were raising the taxes on these working families.

All we are saying here is, "Can we not find between now and the time that we close down this business maybe a day, maybe a few hours, maybe on a Friday afternoon, maybe on a Saturday, on something that will make a difference to those 12 million Americans?" We are prepared to stay here and debate this on a Friday afternoon or a Saturday and set the time for a vote. What do you think those families are thinking tonight? "We do not have the time to debate this issue. We do not have the time in August, in September, in October to spend a few hours and consider this on the basis of the merit. We do not have time for that."

Mr. President, I think they understand about who has time for them and who does not have time for them. I know Mr. Armey on the other side said, "We will not have an increase in the minimum wage. We do not care. It will just not pass."

All we are saying is in the next 3 months give us a few hours to debate it. If you are so sure of your side over there, if you are so sure of your facts, if you are so sure that there is going to be inflation and lost jobs, why not agree to debate it? Why not agree to it? Why not say, OK. Just let us go ahead and give us a time to vote? We did it on the question of gifts. We did it on lobbying. We got votes on those. Those were important measures. But somehow when it comes down to paying working families a livable wage, we will not do it.

Mr. President, we will have an opportunity to do it because this issue is not going to go away. We will hear people moaning and groaning about, as I have heard for years and years and years, about, Oh, well, we did not go through the committee of jurisdiction. That is always such a wonderful argument to use when you differ with something. But then you come right out here at any other time, if you have the votes you can get these matters up. Well, we may not have the votes to carry this resolution, but we are going to keep after it. I know that this institution over a period of time will have the votes because it is right, it is fair, and it is the decent thing to do. It rewards work, and it is a responsibility I think that we have to our fellow citizens.

So if they say, no, we are too busy doing other matters; we are too busy, we cannot find the time to do this, that is a message to the American people. I do not think it will stand because it is wrong.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. BROWN). Who seeks recognition?

Mr. KENNEDY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been noted. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CRAIG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. CRAIG. Mr. President, I ask unanimous consent that immediately following the vote at 6:45 this evening, Senator KASSEBAUM be recognized, and the time prior to a motion to table the Kennedy amendment be limited to 5 minutes to be divided between Senators KASSEBAUM and KENNEDY, and that at the conclusion of that time, Senator KASSEBAUM be recognized to move to table the Kennedy amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. CRAIG. Mr. President, I now ask unanimous consent to proceed as in morning business for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

CIVIL SERVICE EMPLOYEES AND LOBBYING

Mr. CRAIG. Mr. President, this evening, my colleague from Wyoming and I come to the floor to discuss with the Senate what we believe to be a very important issue. It has come to our attention in the last several days that in a letter directed to the Director of the Bureau of Land Management in each of our States across the Nation, coming from the Acting Director, Mr. Dombeck, a letter goes to them instructing them to engage in an outreach informational program about a pending piece of legislation before the U.S. Senate.

If this is true, and in the manner in which it has been done, it appears that this Acting Director of BLM, who is a civil servant unconfirmed, may have acted in a way as to have violated the law of this country.

I say so because it is very, very clear that section 303 of the 1995 Interior Appropriations Act states:

> No part of any appropriation contained in this act shall be available for any activity or the publication or distribution of literature that in any way tends to promote public support or opposition to any legislative proposal on which congressional action is not complete.

The directive sent to the State Directors of BLM, instructing them to perform in certain ways, was about the pending rangeland reform, or the Public Rangeland Management Act that is now pending before the Senate. This instruction went out prior to the committee's action, prior to the markup and the passing out of the Energy and Natural Resources Committee, this legislation. It is a detailed, instructive act.

Since that time, we have seen op-ed pieces, public comments, interviews, and actions taken by State Directors of the BLM and/or their public information personnel.

While we are not sure that this constitutes a violation of the act, it clearly appears at this moment, at least to this Senator, that a public information, if not a political campaign was launched to spread what is now misinformation about a pending piece of legislation.

I ask unanimous consent to have printed in the RECORD a memo that I have obtained from the Acting Director, going to the States, which outlines a complete campaign of information directed at a pending piece of legislation before the U.S. Senate.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JULY 5, 1995.

To: State Directors, Attention: External Affairs Chiefs.

From: Acting Director, Bureau of Land Management.

Subject: Healthy Rangelands Communication Plan.

Thank you for your excellent work over the past year promoting BLM's efforts to improve the health of the public rangelands. I believe that our approach to collaborative public rangeland management best serves the people and the lands entrusted to our stewardship.

In order to further promote our approach, we have developed and attached a rangeland communication plan which I expect each state to implement over the next three weeks. The July communication's plan focuses on three areas: Resource Advisory Councils (RACs), Inreach, and Outreach.

I commend your efforts during the RAC Domination process. By now you should be working with your Governors to recommend nominations for the Secretary's approval. These should be submitted to the Washington Office by July 14.

In terms of "inreach", during July I want you to make sure that all BLM staff have the opportunity to review our briefing materials and agency testimony on the differences between the Livestock Grazing Act and BLM's cooperative relations and grazing administration rules.

Our primary focus for July is "outreach". The outreach section of the communications plan identifies basic minimum tasks that I expect the State Directors and State External Affairs Chiefs to accomplish during July. Feel free to expand or enhance these tasks as appropriate. The differences between BLM's collaborative approach to public rangeland management and the one presently under discussion in Congress are dramatic. We have an obligation to make our constituents aware of these differences.

Barry Rose (208/384-3393) of Idaho's Lower Snake River Ecosystem Office and Chris Wood (202/208-7013) of the Washington Office will continue to serve as field and headquarters coordinators for rangeland communication issues. Please provide Tony Garrett, Director of Public Affairs for the Washington Office with an status update on implementation of the communication plan each week during the external affairs conference call.

Barry Rose and Chris Wood will discuss the communication's plan with you at the conference call this afternoon. Thanks for your continued efforts.

TEN WAYS THE LGA UNDERMINES MULTIPLE USE OF PUBLIC LANDS

	Section
Severely limits public involvement in public land management:	
Says only grazing permittee/lessee, adjacent landowners, advisory councils, and states may participate in development of grazing plans. Does not provide for direct participation by all others who are affected by grazing decisions or value public lands—including hikers, campers, miners, oil companies, Indian tribes	121(a)
Specifies that only permittee/lessee may protest or appeal a grazing decision. All other citizens could be excluded from taking an active role in the appeals process	162 164(a)(1)
On-the-ground grazing management would be exempt from the National Environmental Policy Act. The effects of grazing on the human environment would not be analyzed in a public forum or subject to public scrutiny	106(d)(2)
Restricts the ability of resource managers to address environmental concerns:	
Could result in at least 23 years of monitoring, appeals, and other delays before management actions that protect resource health can be implemented	114, 104, 123, 164
Terms and conditions of a lease would be limited to grazing specific issues (kind, number, season of use, periods of use, allotments to be used, and amount of use) unless provided for by allotment management plan terms and conditions or the LGA	136(a)(b)
Terms and conditions of a lease/permit would no longer normally be used to provide for other uses and values such as winter forage for deer and elk, nesting habitat for game birds, water sources for wild horses and burros, water quality, or healthy riparian areas	
Even emergency decisions are subject to suspension upon appeal. No provisions to put decisions in immediate effect	114(d), 164(b)1
Moves public land management away from a tradition of "multiple use":	
Broadly exempts livestock grazing from oversight, appeal, management, and enforcement requirements that apply to other public land users	106, 121, 123, 136
The definition of livestock "carrying capacity" would allow livestock stocking rates to the point that grazing does not "induce *permanent damage* to vegetation or related resources" [emphasis in italic]	104(21)
Monitoring and inspection may not occur unless the livestock operator has been invited and allowed to participate. This compromises BLM's ability to conduct trespass investigations and allows the uncooperative operator "veto power" over needed monitoring	114, 123, 141(b)
Requires that grazing violations are "knowingly and willfully" committed—this places a nearly impossible burden of proof on managers and makes ignorance an acceptable excuse for violations	141(b)1

RANGELANDS COMMUNICATIONS PLAN

Category	Task	Lead	When
Resource Advisory Councils.	Review nominations with Govs., forward to Headquarters.	SDs/External Affairs Chiefs.	July 14.
	Assist National Training Ctr. with RAC orientation package and training materials.	Rose	Draft package due July 31.
Inreach	Ensure that all offices have briefing materials on final rules and Livestock Grazing Act (LGA).	B. Johns	July 14.
Outreach	Respond to misinformation.	External Affairs Chiefs.	Within 5 days of receipt.
	Prepare op-ed to daily/weekly papers and other media.	External Affairs Chiefs.	July 21.
	Conduct briefings interest groups on differences between LGA and final rule.	External Affairs Chiefs and appropriate staff.	July 31.
	Meet with key reporters.	All public affairs staff with Area/District managers as appropriate.	July 31.
	Meet with Editorial boards.	SDs/External Affairs Chiefs.	July 31.

Mr. CRAIG. Mr. President, I yield to my colleague from Wyoming such time as he may consume, to discuss the action that the Senate and the appropriate committees have decided to take.

Mr. THOMAS. I thank my colleague and the chairman of the subcommittee that is handling this bill.

Let me say as background, it seems to me that this country relies on having a civil service legally buffered from political struggles. I think that is terribly important.

Our Government is organized to have two levels, a political and a civil service career level. Dedicated career employees implement the law, while those designated as political work with or against Congress to establish the law. It is a fine line that must be maintained.

The Clinton administration has apparently blatantly crossed that line and put career civil service employees in the position of violating one of the oldest lobbying laws on the books, that has sought for years to protect against the very thing.

Let me cite it again, section 303 of the 1995 Interior Appropriations Act:

> No part of any appropriation contained in this act shall be available for any activity or the publication or distribution of literature that in any way tends to promote public support or opposition to any legislative proposal on which congressional action is not complete.

The protection, of course, is for both the employees and the public. The Interior Department has asked employees in their jobs to lobby against the public range management action, violating both the antitrust and the antilobbying action and the Interior Act.

We want to look into this from both standpoints—the standpoint of protecting career employees as well as the standpoint of obeying the law and not having a bureaucracy campaigning on issues that are unfair.

As chairman of the Committee on Oversight Investigations, at the request of our chairman of the full committee, I have sent a letter to the Secretary of the Interior, Mr. Babbitt, and have asked him to cooperate in a reasonable investigation.

We have not yet determined whether there would be a hearing. If there are reasons to do that, we are prepared to have a hearing on this issue.

Mr. President, I think it is one that, obviously, is important in this issue, but it is important in a broader sense than that. That is, that we do have a separation, and we should protect career employees from being directed to get into the political activity of determining the decisions and the political issues here.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter that has been sent to the Secretary of the Interior.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON ENERGY
AND NATURAL RESOURCES,
Washington, DC, July 28, 1995.

Hon. BRUCE BABBITT,
Secretary of Interior,
Department of the Interior, Washington, DC.

DEAR MR. SECRETARY: Pursuant to the direction of the Chairman and Ranking Minority Member of the Senate Energy and Natural Resources Committee, this letter is to inform you that the Oversight and Investigations Subcommittee is initiating an investigation of activities by employees of the Bureau of Land Management (BLM) that appear to constitute violations of the 1995 Interior Appropriations Act and the Anti-Lobbying Act. These lobbying activities are being systematically directed against the Public Rangelands Management Act of 1995, S. 852, which currently is before the Senate, and other pieces of legislation pending before this Committee.

Many of the lobbying activities relating to S. 852 appear to stem from a July 8, 1995 memorandum from BLM Acting Director Dombeck to all BLM State Directors which transmitted a "Healthy Rangelands Communication Plan." In his memorandum, Mr. Dombeck states that the primary focus of BLM during July is "outreach." The purpose of this outreach is "to make our constituents aware" of the differences between BLM's "approach to public rangeland management and the one presently under discussion in Congress." As the memorandum states, these differences are "dramatic." Attached to Mr. Dombeck's memorandum is a chart titled "Rangelands Communications Plan." This plan identifies five tasks which apparently constitute the "outreach" referred to in Mr. Dombeck's memorandum. These tasks involve BLM State Directors, the External Affairs Chiefs and their staff in the State Directors' Offices, and area and district managers. The tasks include responding to "misinformation," preparing opinion pieces for the media, conducting briefings for interest groups, meeting with key reporters, and meeting with editorial boards. Mr. Dombecks' plan has resulted in BLM employees in the field espousing the horrors of S. 852, and numerous media stories throughout the West which cast S. 852 in a very disparaging light.

It seems plain to me that the "Healthy Rangelands Communication Plan," and activities thereunder, was designed to influence the legislative consideration of S. 852 in precisely the manner prohibited by the Department of the Interior and Related Agencies Appropriation Act, 1995, Pub. L. No. 103–322, section 303, 108 Stat. 2499, 2536 (1994) ("section 303"). In addition, some of the actions taken by BLM employees in implementing the plan may constitute criminal violations of the Anti-Lobbying Act, 18 U.S.C. section 1913. As Chairman of the Subcommittee on Oversight and Investigations, BLM's "Healthy Rangelands Communication Plan" and other activities aimed at influencing public opinion on legislation pending before the United States Senate greatly concerns me.

Section 303 of the 1995 Interior Appropriations Act states:

"No part of any appropriation contained in this Act shall be available for any activity or the publication or distribution of literature that in any way tends to promote public support or opposition to any legislative proposal on which congressional action is not complete."

The language of section 303, on its face, is a very broad and comprehensive prohibition on the expenditure of appropriated funds. It includes four uses of the term "any" in a single sentence. Congressional intent could not be more emphatic. Moreover, the use of the word "tends" even more clearly demonstrates that both direct and indirect conduct is targeted, for, as a factual manner, even indirect conduct may "in any way tend" to promote public support on an issue. Without detailing other evidence of the breadth of section 303 in this letter, a close review of the legislative history of this provision, which first appeared in the Interior's appropriation bill for Fiscal Year 1978, and a General Accounting Office opinion on this provision, clearly show that section 303 is designed to prohibit any activity which tends to promote public support for agency goals concerning a matter pending before Congress.

Activities of BLM employees in implementing Mr. Dombeck's plan may even rise to the level of violating section 1913 of the United States Criminal Code. Section 1913 provides that:

"No part of the money appropriated by any enactment of Congress shall, in the absence of express authorization by Congress, be used directly or indirectly to pay for any personal service, advertisement, telegram, telephone, letter, printed or written matter, or any other device, intended or designed to influence in any manner a Member of Congress, to favor or oppose, by vote or otherwise, any legislation or appropriation by Congress . . ."

Violation of this section is punishable by removal from office or employment, a fine, and up to one year imprisonment. Although section 1913 permits direct communications from agency officials to Members of Congress made "through proper official channels," actions implementing the "Healthy Rangelands Communication Plan" do not appear to fall within this narrow exception.

The possibility that BLM employees may have violated section 303 of the 1995 Interior Appropriations Act and, perhaps, section 1913 of the Anti-Lobbying Act is a serious matter which warrants an investigation by the Oversight and Investigations Subcommittee. Your assistance in this investigation is therefore requested. Accordingly, I request that you forward all documents responsive to the following request to the Senate Energy and Natural Resources Committee, Subcommittee on Oversight and Investigations:

All documents by or for any Department of the Interior official or employee including, but not limited to: officials or employees in the Office of the Secretary; officials or employees in the Office of the Assistant Secretary for Land and Minerals Management; BLM officials or employees in Washington, DC, including Acting BLM Director Dombeck, Bob Johns, Chief, BLM Public Affairs, Tony Garrett, BLM Public Affairs Team Leader, Chris Wood, BLM Policy Analyst; BLM State Directors; BLM State External Affairs Chiefs and public affairs staff; BLM Area managers; and BLM District managers, which discuss, analyze, implement, or relate in any manner to the July 8, 1995 "Healthy Rangelands Communication Plan," or S. 852, the Public Rangeland Management Act of 1995.

The term document shall include, but is not limited to, any and all originals and drafts of any information whether in written, typed, printed, recorded, transcribed, taped, or audio-taped, however produced or reproduced. This request shall include, but is not limited to, memoranda, letters, briefing materials, analyses, talking points, computer entries, electronic e-mails, telephone logs, tapes, notes, diaries, journal entries, reports, studies, manuals, speeches, opinion documents, position papers, messages, summaries, and bulletins.

Because of the seriousness of these allegations, please forward all responsive documents by Friday, August 4, 1995.

Sincerely,

CRAIG THOMAS,
Chairman, Subcommittee on Oversight and Investigations.

Mr. THOMAS. I yield to my colleague.

Mr. CRAIG. Mr. President, let me thank my colleague from Wyoming for his response. He chairs the Oversight and Investigations Subcommittee of the full Energy and Natural Resources Committee.

I hope the Secretary of the Interior will cooperate. I think it would be tragic if, in fact, the veteran career civil servants of this great, old organization called the Bureau of Land Management have been pushed into a political activity by the acting director, the national director of the BLM.

At least from my cursory observation with the information that is now available, it appears just that. Never in my 14 years in the U.S. Congress have I seen civil servants asking for and gaining interviews with editorial boards, writing editorial or guest opinions in newspapers, advocating a clear position on a given piece of legislation. That simply is not allowed. It may well be a violation of the HATCH Act.

There are other, broader ramifications here. At this moment, the kind of look that I have taken, and I think my colleagues in the Energy and Natural Resources Committee have taken, is that without question there appears at this moment at least to be a violation of this Senate's appropriations act.

The language that the Senator from Wyoming and I read, section 303, is not something new. It goes in every appropriations bill, and it has gone in for a good many years, directing the actions of the agencies involved and the money appropriated and how it should not be used in certain cases.

We hope that the Secretary of the Interior would cooperate so we can get to the bottom of this issue, so that the State directors and the information officers of the BLM will not continually be put in a most awkward position over an issue they are now being asked to advocate, when it is the responsibility of the United States Congress to make those decisions, and then for those agency personnel to carry them out and to promulgate the rules and regulations necessary.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FOREIGN RELATIONS REVITALIZATION ACT

The Senate continued with the consideration of the bill.

AMENDMENT NO. 2026, AS MODIFIED

Mr. HELMS. Mr. President, I call for the regular order.

The PRESIDING OFFICER. Under the previous order, amendment No. 2026 is the regular order.

Mr. HELMS. Very well. And that is now the pending business?

The PRESIDING OFFICER. It is the pending business.

Mr. HELMS. I thank the Chair and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Under the previous order, the question now occurs on amendment 2026, offered by the Senator from North Carolina [Mr. HELMS].

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Texas [Mr. GRAMM] and the Senator from Alaska [Mr. MURKOWSKI] are necessarily absent.

Mr. FORD. I announce that the Senator from Delaware [Mr. BIDEN] and the Senator from Nebraska [Mr. EXON] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 94, nays 2, as follows:

[Rollcall Vote No. 343 Leg.]

YEAS—94

Abraham
Akaka
Ashcroft
Baucus
Bennett
Bingaman
Bond
Boxer
Bradley
Breaux
Brown
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Dole
Domenici
Dorgan
Faircloth
Feingold
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Grams
Grassley
Gregg
Harkin
Hatch
Heflin
Helms
Hollings
Hutchison
Inhofe
Inouye
Jeffords
Johnston
Kassebaum
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Kyl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moseley-Braun
Moynihan
Murray
Nickles
Nunn
Packwood
Pell
Pressler
Pryor
Reid
Robb
Rockefeller
Roth
Santorum
Sarbanes
Shelby
Simpson
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner
Wellstone

NAYS—2

Hatfield
Simon

NOT VOTING—4

Biden
Exon
Gramm
Murkowski

So, the amendment (No. 2026), as modified, was agreed to.

AMENDMENT NO. 2030

The PRESIDING OFFICER. Under the previous order, the question now occurs on agreeing to amendment No. 2030 offered by the Senator from Massachusetts [Mr. KERRY] to amendment No. 1977, as amended. There will now be 5 minutes of debate equally divided between the Senator from Massachusetts [Mr. KENNEDY] and the Senator from Kansas [Mrs. KASSEBAUM].

Mrs. KASSEBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

Mrs. KASSEBAUM. Mr. President, this should not be interpreted as a vote for or against raising the minimum wage. This is simply a sense of the Senate that at some point we should debate and consider such an amendment. And such we shall, but not until the Labor and Human Resources Committee has had the opportunity to debate it and vote on it in committee, which I think is the proper procedure.

I believe this is not the time or place to address this matter, and I will move to table the amendment of the Senator from Massachusetts.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, this is a simple resolution and it is a sense-of-the-Senate resolution that says we will consider, prior to the time that we recess this year, whether we should raise the minimum wage. We have done sense-of-the-Senate resolutions on gifts, we have done it on lobbying, we have done it on finance reform. All we are saying is in the period of the next 12 weeks, can we find a few hours of the Senate's time to consider whether we should address the increase in the minimum wage, which is now nearly the lowest in terms of purchasing power that it has ever been in the history of the minimum wage, all at a time, Mr. President, that magazines like Business Week, the New York Times, the Washington Post talk about record profits for industry, record profits in the stock markets and record salaries for the CEO's.

All we are saying is over the period of these next 3 months that we might have a few hours to debate whether we should consider an increase in the minimum wage. It was good enough for campaign financing, it is good enough for lobbying, it is good enough for welfare reform. It ought to be good enough for the 12 million working families in this country that today are at the bottom rung of the economic ladder.

The PRESIDING OFFICER. Who yields time?

VOTE ON MOTION TO TABLE AMENDMENT NO. 1977, AS AMENDED

Mrs. KASSEBAUM. Mr. President, I move to table the Kennedy amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the amendment No. 1977, as amended, offered by the Senator from Massachusetts.

The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Texas [Mr. GRAMM] and the Senator from Alaska [Mr. MURKOWSKI] are necessarily absent.

Mr. FORD. I announce that the Senator from Nebraska [Mr. EXON] is necessarily absent.

The result was announced—yeas 49, nays 48, as follows:

[Rollcall Vote No. 344 Leg.]

YEAS—49

Abraham
Ashcroft
Bennett
Bond
Brown
Burns
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
DeWine
Dole
Domenici
Faircloth
Frist
Gorton
Grams
Grassley
Gregg
Hatch
Hatfield
Helms
Hutchison
Inhofe
Kassebaum
Kempthorne
Kerrey
Kyl
Lott
Lugar
Mack
McCain
McConnell
Nickles
Packwood
Pressler
Roth
Santorum
Shelby
Simpson
Smith
Snowe
Stevens
Thomas
Thompson
Thurmond

NAYS—48

Akaka
Baucus
Biden
Bingaman
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Campbell
Conrad
Daschle
Dodd
Dorgan
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Heflin
Hollings
Inouye
Jeffords
Johnston
Kennedy
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Pryor
Reid
Robb
Rockefeller
Sarbanes
Simon
Specter
Warner
Wellstone

NOT VOTING—3

Exon
Gramm
Murkowski

So the motion to lay on the table the amendment (No. 1977), as amended, was agreed to.

Mr. DOLE. Mr. President, I move to reconsider the vote.

Mr. KERRY. Mr. President, I move to table the motion.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2031

(Purpose: To amend the Foreign Assistance Act of 1961 and the Arms Export Control Act to authorize reduced levels of appropriations for foreign assistance programs for fiscal years 1996 and 1997)

Mr. HELMS. Mr. President, I ask unanimous consent to lay aside the Dole amendment, and I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS] proposes an amendment numbered 2031.

Mr. HELMS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The amendment is as follows:

At the end of the bill, add the following new division:

DIVISION C—FOREIGN AID REDUCTION

SEC. 2001. SHORT TITLE.

This division may be cited as the "Foreign Aid Reduction Act of 1995".

TITLE XXI—DEFENSE AND SECURITY ASSISTANCE

CHAPTER 1—FOREIGN MILITARY FINANCING PROGRAM

SEC. 2101. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for grant assistance under section 23 of the Arms Export Control Act (22 U.S.C. 2763) and for the subsidy cost, as defined in section 502(5) of the Federal Credit Reform Act of 1990, of direct loans under such section—

(1) $3,185,000,000 for fiscal year 1996; and

(2) $3,160,000,000 for fiscal year 1997.

SEC. 2102. LOANS FOR GREECE AND TURKEY.

Of the amounts made available for fiscal years 1996 and 1997 under section 23 of the Arms Export Control Act (22 U.S.C. 2763)—

(1) $26,620,000 shall be made available for fiscal year 1996, and up to $26,620,000 may be made available for fiscal year 1997, for the subsidy cost, as defined in section 502(5) of the Federal Credit Reform Act of 1990, of direct loans for Greece; and

(2) $37,800,000 shall be made available for fiscal year 1996, and up to $37,800,000 may be made available for fiscal year 1997, for the subsidy cost, as defined in section 502(5) of the Federal Credit Reform Act of 1990, of direct loans for Turkey.

CHAPTER 2—INTERNATIONAL MILITARY EDUCATION AND TRAINING

SEC. 2121. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $39,781,000 for each of the fiscal years 1996 and 1997 to carry out chapter 5 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2347 et seq.).

CHAPTER 3—ANTITERRORISM ASSISTANCE

SEC. 2131. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated $15,000,000 for fiscal year 1996 and $15,000,000 for fiscal year 1997 to carry out chapter 8 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2349aa et seq.).

(b) AVAILABILITY OF AMOUNTS.—Amounts authorized to be appropriated under subsection (a) are authorized to remain available until expended.

CHAPTER 4—NARCOTICS CONTROL ASSISTANCE

SEC. 2141. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated $213,000,000 for each of the fiscal years 1996 and 1997 to carry out chapter 8 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2291 et seq.).

(b) AVAILABILITY OF AMOUNTS.—Amounts authorized to be appropriated under subsection (a) are authorized to remain available until expended.

CHAPTER 5—PEACEKEEPING OPERATIONS

SEC. 2151. PEACEKEEPING OPERATIONS.

Section 552(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2348a(a)) is amended to read as follows:

"(a) There are authorized to be appropriated to the President to carry out the purposes of this chapter, in addition to amounts otherwise available for such purposes, $40,000,000 for fiscal year 1996 and $35,000,000 for fiscal year 1997.".

TITLE XXII—TRADE AND EXPORT DEVELOPMENT

SEC. 2201. TRADE AND DEVELOPMENT AGENCY.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 661(f)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2421(f)(1)) is amended to read as follows: "There are authorized to be appropriated to the President for purposes of this section, in addition to funds otherwise available for such purposes, $67,000,000 for fiscal year 1996 and $75,000,000 for fiscal year 1997.".

(b) AVAILABILITY OF APPROPRIATIONS.—Section 661(f) of such Act (22 U.S.C. 2421(f)) is amended by striking paragraph (2) and inserting the following:

"(2) AVAILABILITY OF APPROPRIATIONS.—Amounts appropriated pursuant to paragraph (1) are authorized to remain available until expended.".

TITLE XXIII—PRIVATE SECTOR, ECONOMIC, AND DEVELOPMENT ASSISTANCE

CHAPTER 1—PRIVATE SECTOR ENTERPRISE FUNDS

SEC. 2301. SUPPORT FOR PRIVATE SECTOR ENTERPRISE FUNDS.

Chapter 1 of part III of the Foreign Assistance Act of 1961 is amended by inserting after section 601 (22 U.S.C. 2351) the following new section:

"SEC. 601A. PRIVATE SECTOR ENTERPRISE FUNDS.

"(a) AUTHORITY.—(1) The President may provide funds and support to Enterprise Funds designated in accordance with subsection (b) that are or have been established for the purposes of promoting—

"(A) development of the private sectors of eligible countries, including small businesses, the agricultural sector, and joint ventures with United States and host country participants; and

"(B) policies and practices conducive to private sector development in eligible countries;

on the same basis as funds and support may be provided with respect to Enterprise Funds for Poland and Hungary under the Support for East European Democracy (SEED) Act of 1989.

"(2) Funds may be made available under this section notwithstanding any other provision of law.

"(b) COUNTRIES ELIGIBLE FOR ENTERPRISE FUNDS.—(1) Except as provided in paragraph (2), the President is authorized to designate a private, nonprofit organization as eligible to receive funds and support pursuant to this section with respect to any country eligible to receive assistance under part I of this Act in the same manner and with the same limitations as set forth in section 201(d) of the Support for East European Democracy (SEED) Act of 1989.

"(2)(A) Except as provided in subparagraph (B), the authority of paragraph (1) shall not apply to any country with respect to which the President is authorized to designate an enterprise fund under section 498B(c) of this Act or section 201 of the Support for East European Democracy (SEED) Act of 1989.

"(B) The prohibition of subparagraph (A) shall not apply to the Trans-Caucasus Enterprise Fund established under subsection (c).

"(c) TRANS-CAUCASUS ENTERPRISE FUND.—The President shall designate a private, nonprofit organization under subsection (b) to carry out this section with respect to the Trans-Caucasus region of the former Soviet Union. Such organization shall be known as the 'Trans-Caucasus Enterprise Fund'.

"(d) TREATMENT EQUIVALENT TO ENTERPRISE FUNDS FOR POLAND AND HUNGARY.—Except as otherwise specifically provided in this section, the provisions contained in section 201 of the Support for East European Democracy (SEED) Act of 1989 (excluding the authorizations of appropriations provided in subsection (b) of that section) shall apply to any Enterprise Fund that receives funds and support under this section. The officers, members, or employees of an Enterprise Fund that receive funds and support under this section shall enjoy the same status under law that is applicable to officers, members, or employees of the Enterprise Funds for Poland and Hungary under the Support for East European Democracy (SEED) Act of 1989.

"(e) REPORTING REQUIREMENT.—Notwithstanding any other provision of this section, the requirement of section 201(p) of the Support for East European Democracy (SEED) Act of 1989, that an Enterprise Fund shall be required to publish an annual report not later than January 31 each year shall not apply with respect to an Enterprise Fund that receives funds and support under this section for the first twelve months after it is designated as eligible to receive such funds and support.

"(f) AUTHORIZATION OF APPROPRIATIONS.—(1) There are authorized to be appropriated to the President for purposes of this section, in addition to funds otherwise available for such purposes—

"(A) $12,000,000 for fiscal year 1996 to fund the Trans-Caucasus Enterprise Fund established under subsection (d); and

"(B) $52,000,000 for fiscal year 1996 to fund any enterprise fund authorized to receive funds under this section other than the Trans-Caucasus Enterprise Fund.

"(2) Funds appropriated under this subsection are authorized to remain available until expended.".

CHAPTER 2—DEVELOPMENT ASSISTANCE FUND AND OTHER AUTHORITIES

SEC. 2311. DEVELOPMENT ASSISTANCE FUND.

(a) SINGLE AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the President the total amount of $2,475,000,000 for fiscal year 1996 and the total amount of $2,324,000,000 for fiscal year 1997 to carry out the following authorities in law:

(1) Sections 103, 104, 105, 106, and 108 of the Foreign Assistance Act of 1961 (relating to development assistance).

(2) Chapter 10 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2294; relating to the Development Fund for Africa).

(3) Chapter 11 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2295 et seq.).

(4) The Support for East European Democracy (SEED) Act of 1989 (Public Law 101–179).

(5) Title III of chapter 2 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2181 et seq.; relating to housing and other credit guaranty programs).

(6) Section 214 of the Foreign Assistance Act of 1961 (22 U.S.C. 2174; relating to American Schools and Hospitals Abroad).

(b) POPULAR NAME.—Appropriations made pursuant to subsection (a) may be referred to as the "Development Assistance Fund".

(c) PROPORTIONAL ASSISTANCE TO AFRICA.—Of the funds authorized to be appropriated by subsection (a), not less than 25 percent each fiscal year shall be used to carry out chapter 10 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2294 et seq.; relating to the Development Fund for Africa).

SEC. 2312. ECONOMIC SUPPORT FUND.

Subsection (a) of section 532 of the Foreign Assistance Act of 1961 (22 U.S.C. 2346a) is amended to read as follows:

"(a)(1) There are authorized to be appropriated to the President to carry out the purposes of this chapter $2,375,000,000 for the fiscal year 1996 and $2,340,000,000 for the fiscal year 1997.

"(2) Of the amount authorized to be appropriated by paragraph (1) for each of the fiscal years 1996 and 1997, $15,000,000 shall be available only for Cyprus.

"(3) Of the amount authorized to be appropriated by paragraph (1) for fiscal year 1996, $15,000,000 shall be available only for the International Fund for Ireland.

"(4) Of the amount authorized to be appropriated by paragraph (1) for fiscal year 1996, $10,000,000 shall be available only for the rapid development of a prototype industrial park in the Gaza Strip.".

CHAPTER 3—PEACE CORPS

SEC. 2331. PEACE CORPS.

Section 3(b) of the Peace Corps Act (22 U.S.C. 2502(b)) is amended to read as follows:

"(b) There are authorized to be appropriated to carry out the purposes of this Act $234,000,000 for each of the fiscal years 1996 and 1997.".

CHAPTER 4—INTERNATIONAL DISASTER ASSISTANCE PROGRAMS

SEC. 2341. INTERNATIONAL DISASTER ASSISTANCE.

Section 492(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2292a) is amended to read as follows:

"(a) There are authorized to be appropriated to the President to carry out section 491, in addition to funds otherwise available for such purposes, $200,000,000 for fiscal year 1996 and $200,000,000 for fiscal year 1997.".

TITLE XXIV—PEACE AND SECURITY IN THE MIDDLE EAST

SEC. 2401. ECONOMIC SUPPORT FUND ASSISTANCE FOR ISRAEL.

(a) MINIMUM ALLOCATION.—Of the amounts made available to carry out chapter 4 of part II of the Foreign Assistance Act of 1961 (relating to the Economic Support Fund) for fiscal years 1996 and 1997, not less than $1,200,000,000 for each such fiscal year shall be available only for Israel.

(b) TERMS OF ASSISTANCE.—The total amount of funds allocated for Israel each fiscal year under subsection (a) shall be made available as a cash transfer on a grant basis. Such transfer shall be made on an expedited basis within 30 days after the beginning of the fiscal year or the date of enactment of the Act appropriating such funds, whichever is later. In exercising the authority of this subsection, the President shall ensure that the level of cash transfer made to Israel does not cause an adverse impact on the total level of nonmilitary exports from the United States to Israel.

SEC. 2402. FOREIGN MILITARY FINANCING FOR ISRAEL.

(a) MINIMUM ALLOCATION.—Of the amounts made available for fiscal years 1996 and 1997 for assistance under the "Foreign Military Financing Program" account under section 23 of the Arms Export Control Act (22 U.S.C. 2763), not less than $1,800,000,000 for each such fiscal year shall be available only for Israel.

(b) TERMS OF ASSISTANCE.—

(1) GRANT BASIS.—The assistance provided for Israel for each fiscal year under subsection (a) shall be provided on a grant basis.

(2) EXPEDITED DISBURSEMENT.—Such assistance shall be disbursed—

(A) with respect to fiscal year 1996, not later than 30 days after the date of the enactment of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1996, or by October 31, 1995, whichever is later; and

(B) with respect to fiscal year 1997, not later than 30 days after the date of the enactment of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997, or by October 31, 1996, whichever is later.

(3) ADVANCED WEAPONS SYSTEMS.—To the extent that the Government of Israel requests that funds be used for such purposes, funds described in subsection (a) shall, as agreed by the Government of Israel and the Government of the United States, be available for advanced weapons systems, of which not less than $475,000,000 for each fiscal year shall be available only for procurement in Israel of defense articles and defense services, including research and development.

SEC. 2403. ECONOMIC SUPPORT FUND ASSISTANCE FOR EGYPT.

Of the amounts made available to carry out chapter 4 of part II of the Foreign Assistance Act of 1961 (relating to the Economic Support Fund) for fiscal years 1996 and 1997, not less than $815,000,000 for each such fiscal year shall be available only for Egypt.

SEC. 2404. FOREIGN MILITARY FINANCING FOR EGYPT.

(a) MINIMUM ALLOCATION.—Of the amounts made available for fiscal years 1996 and 1997 for assistance under the "Foreign Military Financing Program" account under section 23 of the Arms Export Control Act (22 U.S.C. 2763), not less than $1,300,000,000 for each such fiscal year shall be available only for Egypt.

(b) TERMS OF ASSISTANCE.—The assistance provided for Egypt for each fiscal year under subsection (a) shall be provided on a grant basis.

TITLE XXV—INTERNATIONAL ORGANIZATIONS AND PROGRAMS

SEC. 2501. VOLUNTARY CONTRIBUTIONS; UNITED NATIONS CHILDREN'S FUND.

Section 302(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2222(a)) is amended to read as follows:

"(a)(1) There are authorized to be appropriated to the President, in addition to funds otherwise available for such purpose, $225,000,000 for fiscal year 1996, and $225,000,000 for fiscal year 1997, for voluntary contributions under this chapter to international organizations and programs, of which amounts not less than $103,000,000 for each fiscal year shall be available only for the United Nations Children's Fund (UNICEF).

"(2) Funds appropriated pursuant to paragraph (1) are authorized to remain available until expended.".

SEC. 2502. REPLENISHMENT OF THE ASIAN DEVELOPMENT BANK.

The Asian Development Bank Act (22 U.S.C. 285–285aa) is amended by adding at the end the following new section:

"SEC. 31. FOURTH REPLENISHMENT.

"(a) SUBSCRIPTION AUTHORITY.—

"(1) IN GENERAL.—The United States Governor of the Bank may, on behalf of the United States, subscribe to 276,105 shares of the increase in the capital stock of the Bank—

"(A) 5,522 of which shall be shares of paid-in capital stock; and

"(B) 270,583 of which shall be shares of callable capital stock.

"(2) SUBJECT TO APPROPRIATIONS.—The authority provided by paragraph (1) shall be effective only to such extent or in such amounts as are provided in advance in appropriations Acts.

"(b) LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS.—For the subscription authorized by subsection (a), there are authorized to be appropriated to the Secretary of the Treasury $13,320,000 for each of the fiscal years 1996 and 1997.".

TITLE XXVI—EFFECTIVE DATE

SEC. 2601. EFFECTIVE DATE.

Except as otherwise provided, this division, and the amendments made by this division, shall take effect on October 1, 1995.

Mr. KERRY. I understand the pending business is the Dole amendment.

The PRESIDING OFFICER. The Helms amendment is now pending.

Mr. KERRY. I ask unanimous consent that the Helms amendment be temporarily set aside.

Mr. HELMS. Mr. President, I call for regular order. That will do it.

The PRESIDING OFFICER. The call for regular order is heard.

AMENDMENT NO. 2032 TO AMENDMENT NO. 2025

(Purpose: To express the sense of the Senate regarding the arrest of Harry Wu by the Government of the People's Republic of China)

Mr. KERRY. Mr. President, I send a perfecting amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Massachusetts [Mr. KERRY] for Mrs. BOXER, for herself and Mrs. FEINSTEIN, proposes an amendment numbered 2032 to amendment No. 2025.

Mr. KERRY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike all page 1, line 6, through page 2, line 23, and insert the following new section.

(a) The Senate finds that——

(1) Peter H. Wu, known as Harry Wu, attempted to enter the People's Republic of China on June 19, 1995;

(2) Harry Wu, a 58-year-old American citizen, was traveling on a valid United States passport and a valid visa issued by the Chinese authorities;

(3) the Chinese Foreign Ministry notified the United States Embassy in Beijing of Harry Wu's detention on Friday, June 23;

(4) the United States Embassy in Beijing approached the Chinese Foreign Ministry on Monday, June 26, to issue an official demarche for the detention of an American citizen;

(5) the terms of the United States-People's Republic of China Consular Convention on February 19, 1982, require that United States Government officials shall be accorded access to a detained American citizen as soon as possible, but not more than 48 hours after the United States has been notified of such detention;

(6) on June 28, the highest ranking representative of the People's Republic of China in the United States refused to offer the United States Government any information on Harry Wu's whereabouts or the charges brought against him;

(7) by denying consular officials access to Harry Wu, the Government of the People's Republic of China violated the terms of its Consular Convention;

(8) on July 8, the People's Republic of China formally charged Harry Wu, with espionage, which is a capital crime;

(9) Harry Wu, who was born in China, has already spent 19 years in Chinese prisons;

(10) Harry Wu has dedicated his life to the betterment of the human rights situation in the People's Republic of China;

(11) Harry Wu first detailed to the United States Congress the practice of using prison labor to produce products for export from China to other countries;

(12) Harry Wu testified before the Committee on Foreign Relations of the Senate on May 4, 1995, informing the Committee, the Senate, and the American people about human rights abuses in Chinese prisons;

(13) on June 2, 1995, the President of the United States announced his determination that further extension of the waiver authority granted by section 402(c) of the Trade Act of 1974 (Public Law 93-618; 88 Stat. 1978), also known as "Jackson-Vanik", will substantially promote freedom of emigration from the People's Republic of China;

(14) this waiver authority will allow the People's Republic of China to receive the lowest tariff rates possible, also known as Most-Favored-Nation trading status, for a period of 12 months beginning on July 4, 1995;

(15) the Chinese government and people benefit substantially from the continuation of such trading benefits;

(b) The Senate condemns the arrest of Harry Wu, urges his immediate return, and expresses deep concern for his well being.

(c) It is the sense of the Senate that—

(1) the People's Republic of China must comply with its commitments under the United States-People's Republic of China Consular Convention of February 19, 1982;

(2) the President of the United States should use every diplomatic means available to ensure Harry Wu's safe and expeditious return to the United States;

(3) United States citizens who are participants in the United Nations Fourth World Conference on Women should strongly urge the release of Harry Wu at every appropriate public and private opportunity.

AMENDMENT NO. 2033

(Purpose: To express the sense of Congress on the United Nations Fourth World Conference on Women, to be held in Beijing, China)

Mrs. HUTCHISON. Mr. President, I offer an amendment and send it to the desk for immediate consideration.

The PRESIDING OFFICER. The Senator is asking that the pending amendment be set aside?

Mrs. HUTCHISON. Mr. President, that is correct.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON], for herself and Mr GRAMM, Mr. COATS, Mr. HELMS, Mr. GRAMS, Mr. SMITH, Mr. KEMPTHORNE, Mr. INHOFE, Mr. LOTT, Mr. NICKLES, and Mr. DEWINE, proposes an amendment numbered 2033.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 91, between lines 4 and 5, insert the following new section:

SEC. 319. SENSE OF CONGRESS ON UNITED NATIONS FOURTH WORLD CONFERENCE ON WOMEN IN BEIJING, CHINA.

It is the sense of the Congress that—

(1) the United Nations Fourth World Conference on Women in Beijing, China, should promote a representative American perspective on issues of equality, peace, and development; and

(2) in the event the United States sends a delegation to the Conference, the United States delegation should use the voice and vote of the United States—

(A) to ensure that the biological and social activity of motherhood is recognized as a valuable and worthwhile endeavor that should in no way, in its form or actions, be demeaned by society or by the state;

(B) to ensure that the traditional family is upheld as a fundamental unit of society upon which healthy cultures are built and, therefore, receives esteem and protection by society and the state; and

(C) to define or agree with any definitions that define gender as the biological classification of male and female, which are the two sexes of the human being.

Mrs. HUTCHISON. Mr. President, my amendment would express the sense of the Senate that the participation of the U.S. delegation to the upcoming U.N. Fourth World Conference on Women should reflect the American perspective on the value of families.

My amendment is simple and straightforward. It puts the Congress on record that the U.S. delegates should advocate the importance of family as the fundamental unit of our society.

Mr. President, most Americans would be surprised to learn that there is any reason for the Congress to take this step. However, some conference delegates from other nations apparently have views that depart significantly from the mainstream and have said they may seek to have them ratified during the conference. Americans are attending the conference. It should be as representatives of our American values.

Much has been said on the floor of this Chamber in recent months about the importance of families and the vital role they play to ensure the well-being of our children in our society.

Increased violent juvenile crime, high teen pregnancy rates, drug use, and educational failure are painful realities.

In attempting to address these terrible problems, this Congress and our Nation have come to a common understanding, one that cuts across all political and social lines, that strengthening families is the single most crucial factor. We must do that if we are going to have an impact on the problems that our society faces.

Mr. President, one of the cosponsors of my amendment is on the floor. I ask if the Senator would like me to yield for him to say why he is a cosponsor of this amendment and why he thinks this is very important.

Mr. DOLE. Will the Senator yield?

Mr. COATS. I am happy to yield, and I thank the Senator from Texas, and am happy to yield to the majority leader.

Mr. DOLE. After this discussion, we will have morning business and there will be no additional action on this bill tonight.

Mr. COATS. Mr. President, We have all become accustomed to the plethora of international conferences held by the United Nations. We tend to think of them as rather benign discussions about ideals. I have grave concerns, however, about the U.S. acquiescing to overreaching policy goals which could alter American culture. The Beijing Conference on the Status of Women has these aims. Months of preliminary meetings have produced a draft document which conflicts with the views of most Americans and is silent on the unique role of women as mothers.

I hope that passage of this amendment will signal the United Nations and the administration that the Senate rejects the current language and the current approach. The goals do not seek to understand and respect women's roles all over the world, but rather promote a particular political ideology of women.

The amendment which is being offered by the Senator from Texas reasserts what I believe the entire Senate and what the vast majority of Americans wish to reassert, regarding the role of mothers and the role of traditional families.

It is hard to imagine how a document about the status of women could fail to even mention their roles as mothers. In fact one country had the reference to "mother" replaced with "caretaker". And "family" with "household". References to fathers are made only in the negative terms of violence and abuse of wives and daughters. Likewise, the document fails to acknowledge the critical role of fathers in parenting and teaching their children by daily example to respect women and hold them in esteem. There was no attempt to discuss the importance of families in nurturing children and raising them to become responsible citizens.

Some of the conference participants seem intent on dramatically altering the traditional view that the family structure is headed by a married man and woman. Demanding complete equality for men and women at home, denies basic biology and trivializes women as mothers.

Senator HUTCHISON's amendment asserts the traditional family is the fundamental unit of society upon which healthy cultures are built and therefore the traditional family should receive both the esteem and the protection by society and the state. Traditional family has long been recognized as the fundamental foundation, building block for this successful society.

There have been attempts over the past several years to undermine the role of the traditional family. I think those attempts have fortunately failed because Americans, by strong majority, believe that traditional family role should be upheld and promoted wherever possible, and not undermined. Experience shows us—today particularly, with the declining social culture and problems that exist throughout society with young people—the destructive nature of broken families and the impact that has had on our social system, the incidence of juvenile delinquency, the incidence of crime, the incidence of teenage pregnancy, of substance abuse, of teenage suicides, of breakdown in the moral fiber of our young people and in our society because of the breakdown of the traditional family.

While gender is used 216 times in a 121 page document, it is never defined. When several delegates sought to define gender, their efforts were rebuffed. Behind the scenes, it became evident that the meaning of gender had been expanded to include not just male and female, but transsexual, bisexual and homosexual.

A statement released by the UN Secretary General's office attempting to clarify some of this controversy only fuels it. It asserts that "sex and equality are absolute concepts" and "a person is born male or female and this is an unchangeable attribute." Strangely, however, the Secretary General goes on to say that

> Gender is also a relative concept. Although many people use the term gender interchangeably with sex, the two terms are quite different. Gender refers to the relationships between women and men based on socially defined roles that are assigned to one sex or the other . . . because the roles change, gender is relative.

I wonder how many Americans consider "gender" to be relative. The definition of gender is sex, that is male or female, period. The General Secretariat statement deliberately confuses roles of men and women with their identities as men and women. Clearly, both sexes can serve with equal skill and dexterity in many roles in our society. However, there are other roles—such as motherhood and fatherhood—which remain distinct. We should reject outright any attempt to promote a political agenda based on a concept of gender which is alien to most Americans.

The document makes clear the viewpoint that gender roles are all socially constructed. There are no differences between the sexes. Empowerment and advancement of women can only come when governments take action to ensure that men and women are completely equal in all aspects of life.

Other gender statements in the draft document clearly promote this position. The conference goals would require gender sensitivity at all levels of society with direct government involvement. Education must have "gender awareness" Employers must have gender instruction. All governments must develop gender sensitive programs to quote "end social subordination of women and girls".

Furthermore, the eighty-one calls in the document for "gender equality" would make 50-50 male-female quotas a requirement for employment and to receive funding. President Clinton's commitment to make the final product of the conference a reality make this far more than a theoretical discussion of policy aims. The ultimate effect of implementing the document will be government dictating radical cultural changes to the American people.

Senator HUTCHISON's amendment would ensure that gender be limited to only male and female.

I am also deeply concerned that the document neglects to acknowledge freedom of conscience or of religion. Instead, references to religion are cited as a source of repression for women. The one mention of women's spiritual needs has been bracketed—meaning subject to deletion in Beijing. The document does not call for religious freedom for women as you might expect. In fact, the entire process of preparing for Beijing seems determined to deny this fundamental right.

A number of courageous delegates from other countries were distressed that their attempts to add and change language to reflect their views were met with contempt. These women have expressed deep reservations about proposals for social change would be contrary to the religious views of the citizens of the nations they represented.

Mr. President, earlier Senator DOLE introduced an amendment which would cut international conference funds to participate in the Beijing conference unless Harry Wu were released. I applaud his amendment. It reminds us that there are larger issues which are at stake. Basic human rights are being denied to U.S. citizen Harry Wu, as they are denied to thousands of Chinese.

I frankly find the selection of Beijing as host of this conference the ultimate act of hypocrisy. While delegations from hundreds of countries discuss issues of concern to women, Chinese officials brutally and cruelly force women to have abortions and be sterilized to enforce a one child per family policy. Our message to Chinese women should be that Americans find such acts abhorrent. Rather, our official participation at Beijing signals them that we are not concerned about these violent acts.

Diane Knippers, of the Project on Religion and Democracy, stated:

> One of the more serious omissions in the draft Platform is any acknowledgement of freedom of conscience or religion of women. Throughout the document, religion is cited as a source of repression of women. . . . But nowhere in the 121 pages does the document call for the religious freedom for women. . . . We believe that women should have the right to engage in religious practice, to change their religion and to propagate their religious faith, particularly to their children. . . . It is outrageous that this conference on women's rights is being held in a country which currently imprisons women for practicing their faith and forces many to have abortions.

I strongly support Senator HUTCHISON's amendment. It is essential for the rest of the world to know that Americans continue to value women in their roles of mothers, and that we believe that the traditional family is an important element to maintain a strong and healthy culture.

Several Senators addressed the Chair.

Mr. DOLE. Has the Senator from Texas finished?

Mrs. HUTCHISON. I had about 2 more minutes.

Mr. DOLE. The Senator from Texas had the floor, so I will yield the floor and then I will ask for the floor on the completion of her remarks.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, I will just finish. I think the Senator from Indiana said very well exactly what this amendment would do. It expresses a sense of the Senate that our delegates from America should represent our American values, and the importance that we place on the family and on the role of motherhood. I think it is very important that we recognize that we have new experiences available, new opportunities for women that have come along in the last few years. But these continuing changes in our society have never diminished the unique and important value of maternal care-giving. And our amendment just says very clearly that, if we have delegates to this conference, they should express these views.

I hope our colleagues will agree to this amendment. It is a sense of the Senate. I think it is very simple and straightforward. It really is the motherhood amendment, and I hope no one would choose to vote against it.

The PRESIDING OFFICER. The distinguished Republican leader.

CLOTURE MOTION

Mr. DOLE. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on S. 908, the State Department Reorganization bill.

Bob Dole, Jesse Helms, John McCain, Fred Thompson, Olympia Snowe, Jim Inhofe, Lauch Faircloth, Spence Abraham, Trent Lott, Strom Thurmond, Larry E. Craig, Don Nickles, Mitch McConnell, Bob Smith, John Ashcroft, Nancy Landon Kassebaum.

MORNING BUSINESS

Mr. DOLE. Mr. President, I ask unanimous consent there now be a period for the transaction of routine morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE HOUSE

At 3:01 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1103. An act entitled, "Amendments to the Perishable Agricultural Commodities Act, 1930."

At 4:27 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2017. An act to authorize an increased Federal share of the costs of certain transportation projects in the District of Columbia for fiscal years 1995 and 1996, and for other purposes.

MEASURES REFERRED

The following bill was read the first and second times by unanimous consent and referred as indicated:

H.R. 1103. An act entitled, "Amendments to the Perishable Agricultural Commodities Act, 1930"; to the Committee on Agriculture, Nutrition, and Forestry.

MEASURES PLACED ON THE CALENDAR

The following measure was read the first and second times by unanimous consent and placed on the calendar:

H.R. 2017. An act to authorize an increased Federal share of the costs of certain transportation projects in the District of Columbia for fiscal years 1995 and 1996, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. BIDEN:

S. 1094. A bill to amend the Federal Rules of Evidence relating to character evidence in sexual misconduct cases, and for other purposes; to the Committee on the Judiciary.

By Mr. MOYNIHAN: (for himself, Mr. Roth, Mrs. Murray, Mr. Baucus, Mr. D'Amato, Mr. Grassley, Mr. Breaux, Mr. Hatch, and Mr. Pryor):

S. 1095. A bill to amend the Internal Revenue Code of 1986 to extend permanently the exclusion for educational assistance provided by employers to employees; to the Committee on Finance.

By Mr. D'AMATO:

S. 1096. A bill to amend the Immigration and Nationality Act to provide that members of Hamas (commonly known as the Islamic Resistance Movement) be considered to be engaged in a terrorist activity and ineligible to receive visas and excluded from admission into the United States; to the Committee on the Judiciary.

By Mr. HATFIELD (for himself and Mr. Packwood):

S. 1097. A bill to designate the Federal building located at 1550 Dewey Avenue, Baker City, Oregon, as the "David J. Wheeler Federal Building", and for other purposes; to the Committee on Environment and Public Works.

By Mr. HELMS (for himself and Mr. Dole):

S. 1098. A bill to establish the Midway Islands as a National Memorial, and for other purposes; to the Committee on Armed Services.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BIDEN:

S. 1094. A bill to amend the Federal Rules of Evidence relating to character evidence in sexual misconduct cases, and for other purposes; to the Committee on the Judiciary.

RULE OF EVIDENCE LEGISLATION

Mr. BIDEN. Mr. President, I am introducing a bill today that I do not much like. It involves the so-called Dole-Molinari rules of evidence which the Congress included last year in the 1994 crime law. This provision made a radical change in the Federal Rules of Evidence. It took the unprecedented—and in my mind absolutely unwise and unwarranted—step of allowing unproven allegations of prior crimes to be used against a defendant at trial.

These new rules—which apply in sexual assault and child molestation cases—were added to the crime law over my strenuous objections. My objections were twofold, one substantive and one procedural. I will detail what I believe are the serious substantive problems with the new rules in a moment. First, I must point out that the way these rules were adopted by the Congress contravenes—indeed flaunts—the procedures we have used, with certain modifications, since 1948 for making alterations in the Federal rules.

I am talking about the Rules Enabling Act. That act allows for a thoughtful, inclusive process for considering any changes to the Federal Rules of Evidence—rules which have been on the books for many, many years and which have been relied upon by judges and litigants in countless cases. The Enabling Act process gives the Judicial Conference of the United States, the organization of America's Federal judges, and, ultimately, the Supreme Court a first cut at any proposed changes. The conference, through its various committees, solicits the views of judges, lawyers, and academics who have studied the rules, worked with the rules, and identified any problems with them. The process ensures that the public is given the chance to comment about proposed changes, and guarantees that these comments be considered by the rulemakers.

It is at that point—after the careful, detailed and encompassing review and drafting efforts of the conference—that the U.S. Supreme Court makes recommendations to the Congress for our acceptance or modification. This mechanism is designed to head off unwarranted changes and avoid unintended consequences. And it ensures that decisions about changes in the rules are made in a deliberative, cool-headed way, rather than in the heat of a political moment. Passing as we did the Dole-Molinari rules last year—in a whirlwind rush to bring crime bill negotiations to a close—we thumbed our noses at this most important and worthy process.

I did succeed in structuring the rule change in the crime law to ensure that we would have the benefit of the Judiciary's view, albeit after the fact. The provision was drafted to delay the implementation of the rules to allow the Judicial Conference to weigh in on the issue. This is how it works: The Dole-Molinari rules will go into effect unless we in the Congress repeal them outright or adopt the Judicial Conference recommendations.

I, for one, would prefer a complete repeal. And, I may point out, the Judicial Conference agrees with me. The Judicial Conference itself unanimously voted to oppose the new rules. They have called on us to reconsider our actions and change our minds. They, too, favor a repeal. But they are also pragmatic. So they have sent over a proposal—a most modest of proposals, in my view—to make the rules clearer, cleaner, and a little bit fairer. I am pragmatic as well, and I know that I stand no chance of having the rules repealed, so I am introducing the Judicial Conference recommendations today.

But before we discuss these modest recommendations, I would like to take a minute to talk about the Dole-Molinari rules, and why I believe they are such a bad idea. Here is the way these rules will work. A defendant is on trial for sexual assault. He claims he did not do it. He says that the complaining witness has fingered the wrong man. Under the Dole-Molinari rules, the prosecutor in this case will be able to go out and rummage around for any witness who will testify that, some long and blurry time ago, the defendant was sexually aggressive toward her.

It will not matter that this alleged prior event happened some 20 years ago. It won't matter that the woman never reported the incident to the police. It will not matter that the defendant was never charged or convicted of the crime. It won't matter that the evidence is highly unreliable.

No, none of that will matter. The only thing that will matter to the jury, when it hears this sort of evidence, is that this guy is bad news. And the jury will be able to make the following leap of logic: "Well, since he did it once, he probably did it again." Jurors will also be able to say to themselves something like this: "I'm not so sure he committed this particular crime that he's now charged with. But he's a bad guy—he hurt that other women, so it's OK for me to convict him today—he has it coming."

But wait a minute. It is a cardinal tenet of Anglo-Saxon criminal jurisprudence that the prosecution must prove that the accused committed the specific crime for which he now stands accused—not some other bad act and not merely that he is a lousy or wicked person. Or put another way: an accused must be tried for what he did—not for who he is.

Over 100 years ago, the Supreme Court in the case of Boyd versus United States, underscored the importance of the rule against character or propensity evidence. In that robbery case, the court said that evidence of earlier robberies—

> Only tended to prejudice the defendants with the jurors—to draw their minds away from the real issue, and to produce the impression that they were wretches whose lives were of no value to the community.

Let us be honest about this. The whole point of these new rules is to increase the number of convictions in sexual assault and child abuse cases. And I believe, without a doubt, that they will do just that. But at the risk of stating what should be obvious: More convictions are not necessarily a good thing. What we want is more convictions of the guilty. If any of those who are convicted under the new rules are actually innocent—and I believe that this is precisely the danger at hand—there is cause only for horror, not celebration.

As Professor Wigmore—one of the preeminent evidence gurus of all time—has said about this sort of evidence: It is the natural tendency of the jury to give the evidence excessive weight—and either to allow it to bear too strongly on the present charge, or to see it as justifying a condemnation, irrespective of the accused's guilt of the present charge. This type of evidence has less to do—in my view—with the search for the truth, than with a blind desire for vengeance.

Now remember, I'm the guy who authored the Violence Against Women Act. It has been my crusade for the past 4 years to have violence against women taken seriously. I have increased the penalties for rape. I have talked to anyone who will listen about the epidemic of violence against women, and about our obligation—our urgent obligation—to put a stop to it now. I devoted an entire Judiciary Committee report to how the criminal justice system is not aggressive enough in its pursuit of rapists and other criminals who make women their targets. I, too, want to see more rapists and child abusers put behind bars. But not at the price of fairness. And not at the expense of what we know in our hearts to be right and just.

And let me clear up one more matter. Evidence of prior uncharged crimes is admitted into evidence frequently. But it is admitted for a legitimate purpose—to help prove, for instance, a pattern of conduct, preparation, identity, plan, intent, or purpose. What we're talking about here is admitting evidence for what in my view—and which for hundreds of years has been considered—a patently illegitimate purpose.

But that's where we are. And the bill I'm introducing today—the Judicial Conference recommendations—doesn't change that. Like the Dole-Molinari rules, the Judicial Conference proposal makes a dramatic aboutface from current practice—and allows for the introduction of propensity or character evidence in sexual assault and child molestation cases.

But the Judicial Conference did make a few very modest changes—which the conference itself describes only as correcting ambiguities and possible constitutional infirmities while still giving effect to Congress' intent. Indeed, this proposal is so modest—and is so in keeping with the intent of the original rules' sponsors—that I will be very interested to hear what possible substantive objections anyone could have about them.

Here are the changes proposed by the Judicial Conference:

The proposal makes it clear that the rules are subject to the other Rules of Evidence. This is totally unremarkable. As everyone knows, all evidence introduced under a particular rule is subject to the other rules—like the rule against hearsay, and the rules allowing judges to balance the prejudicial impact of evidence against its probative value.

What is remarkable is that the Dole-Molinari rules were drafted in such a way as to seem mandatory—they could be read to require a judge to admit the evidence, regardless of whether its prejudice outweighs its probative value, and regardless of whether any other rule would be violated.

That would be wholly unprecedented. The rewrite simply makes it clear that these new rules will work just like all the others. And let me add: The sponsors of the new rules have consistently maintained that the rules are not meant to be mandatory rules of admission, and that the general standards of the Rules of Evidence will apply. This proposal by the Judicial Conference simply makes clear what the sponsors of the rules have forthrightly said is their intention.

The proposal itemizes the different factors that a judge should weigh in deciding whether to admit the evidence. Again, this is an unremarkable idea. It merely gives judges, who are having to completely change how they look at this evidence, some guidance.

It tells them: When you're deciding what to do about this evidence, here are some signposts to consider—like when the uncharged act took place; its similarity to the charged misconduct; the surrounding circumstances; and any relevant intervening events. Again, there is nothing in this idea—simply to give judges some guidance—which would rub against the grain of the sponsors' intentions.

The Judicial Conference proposal would also allow the defendant to use similar evidence in rebuttal. The Dole-Molinari rules, as currently drafted, are unbalanced: under the rules, a defendant can't, in rebuttal, use prior specific instances of conduct to prove that he did not have a propensity to commit the charged crime.

Say, for example, a child testifies under the new rule that his father, the defendant, sexually assaulted him 5 years ago. The father can't put his other kids on the stand to say that he had not assaulted them—to help show that he does not have a propensity to assault children. The Judicial Conference proposal simply gives the defendant the same evidentiary rights as the prosecution.

The Judicial Conference proposal also makes a number of small minor changes. It consolidates the new rules into one—this is simply a clearer, cleaner drafting approach. The proposal also streamlines the definitions—without making any substantive changes—and makes the notice provisions a bit more flexible, and more in keeping with other notice and discovery provisions elsewhere in the rules.

As is by now clear, this is a very unassuming proposal. It allows for the introduction of propensity evidence. It doesn't require that the prior bad act have resulted in a conviction, or even that it has been the subject of a complaint or charge. It doesn't even require that the evidence of the prior uncharged act be particularly reliable.

In fact, had this rule been proposed last year, I would have opposed it. I would have opposed it because I believe that propensity or character evidence should not be admitted into trial. Period. But I can count. And I know that I'm nearly alone on this one. That is why I am introducing this bill—the Judicial Conference recommendations—which only make a handful of modest, but important changes to make the bill clearer and a little bit fairer. I urge my colleagues to support this measure.

Mr. President, I ask unanimous consent that a copy of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1094

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CHARACTER EVIDENCE IN SEXUAL MISCONDUCT CASES.

(a) IN GENERAL.—(1) Rule 404(a) of the Federal Rules of Evidence is amended by adding at the end thereof the following:

"(4) CHARACTER IN SEXUAL MISCONDUCT CASES.—(A) Evidence of another act of sexual assault or child molestation, or evidence to rebut such proof or an inference therefrom, if that evidence is otherwise admissible under these rules, in a criminal case in which the accused is charged with sexual assault or child molestation, or in a civil case in which a claim is predicated on a party's alleged commission of sexual assault or child molestation.

"(B) In weighing the probative value of such evidence, the court may, as part of its rule 403 determination, consider—

"(i) proximity in time to the charged or predicate misconduct;

"(ii) similarity to the charged or predicate misconduct;

"(iii) frequency of the other acts;

"(iv) surrounding circumstances;

"(v) relevant intervening events; and

"(vi) other relevant similarities or differences.

"(C) In a criminal case in which the prosecution intends to offer evidence under this subdivision, it must disclose the evidence, including statements of witnesses or a summary of the substance of any testimony, at a reasonable time in advance of trial, or during trial if the court excuses pretrial notice on good cause shown.

"(D) For purposes of this subdivision—

"(i) 'sexual assault' means conduct, or an attempt or conspiracy to engage in conduct, of the type proscribed by chapter 109A of title 18, United States Code, or conduct that involved deriving sexual pleasure or gratification from inflicting death, bodily injury, or physical pain on another person irrespective of the age of the victim, regardless of whether that conduct would have subjected the actor to Federal jurisdiction; and

"(ii) 'child molestation' means conduct, or an attempt or conspiracy to engage in conduct, of the type proscribed by chapter 110 of title 18, United States Code, or conduct, committed in relation to a child below the age of 14 years, either of the type proscribed by chapter 109A of title 18, United States Code, or that involved deriving sexual pleasure or gratification from inflicting death, bodily injury, or physical pain on another person, regardless of whether that conduct would have subjected the actor to Federal jurisdiction.".

(2) The first sentence of rule 404(b) of the Federal Rules of Evidence is amended by inserting "except as provided in subdivision (a)" after "therewith".

(b) METHODS OF PROVING CHARACTER.—Rule 405 of the Federal Rules of Evidence is amended—

(1) in subsection (a) by inserting before the period in the first sentence "except as provided in subdivision (c) of this rule"; and

(2) by adding at the end thereof the following:

"(c) PROOF IN SEXUAL MISCONDUCT CASES.—In a case in which evidence is offered under rule 404(a)(4), proof may be made by specific instances of conduct, testimony as to reputation, or testimony in the form of an opinion, except that the prosecution or claimant may offer reputation or opinion testimony only after the opposing party has offered such testimony.".

By Mr. MOYNIHAN (for himself, Mr. ROTH, Mrs. MURRAY, Mr. BAUCUS, Mr. D'AMATO, Mr. GRASSLEY, Mr. BREAUX, Mr. HATCH, and Mr. PRYOR):

S. 1095. A bill to amend the Internal Revenue Code of 1986 to extend permanently the exclusion for educational assistance provided by employers to employees; to the Committee on Finance.

THE EMPLOYEE EDUCATIONAL ASSISTANCE ACT

Mr. MOYNIHAN. Mr. President, I rise today, on my own behalf and on behalf of Senators ROTH, MURRAY, BAUCUS, D'AMATO, GRASSLEY, BREAUX, HATCH, and PRYOR, to introduce legislation that will reinstate and make permanent the tax exclusion for employer-provided educational assistance under section 127 of the Internal Revenue Code. This bill ensures that employees will be able to continue to receive up to $5,250 annually in tuition reimbursements or similar educational benefits from their employers on a tax-free basis.

First enacted in 1978, section 127 has enabled over 7 million working men and women to advance their education and improve their job skills, without incurring additional income tax liabilities and a reduction in take-home pay. Without this provision, an employee would owe taxes on the value of any educational benefits provided by an employer that do not directly relate to his or her current job. For example, a clerical worker pursuing a college diploma who earns $21,000 annually, and who receives tuition reimbursement for two semesters of night courses—worth approximately $4,000—would owe additional Federal income and payroll taxes of $1,200 on this educational assistance. The effects are even more severe if he or she lives in a State that uses the Federal definition of income for State tax purposes.

It is shortsighted to impose such a tax burden on employees seeking to further their education. For many low- and moderate-income employees, this cut in take-home pay is simply prohibitive, preventing them from enrolling in courses that would upgrade their job skills and improve their future career prospects. Without this investment in our employees' education, the ability of our work force to compete in the global economy erodes. By removing the requirement that educational assistance be job related in order to be tax-free, section 127 eliminates a tax burden on workers seeking to further their education and improve their career prospects.

Moreover, section 127 removes a tax bias against lesser-skilled workers. The tax bias arises because lesser-skilled workers have greater difficulty proving educational expenses are directly related to their current jobs due to their narrower job descriptions. Therefore, absent section 127, such lesser-skilled workers are more likely to owe taxes on employer-provided educational benefits than are higher-skilled, more senior workers.

Congress has never quite found sufficient revenue to enact section 127 on a permanent basis, opting instead for temporary exclusions. Since 1978, there have been 7 extensions of this provision. Most recently, the Omnibus Reconciliation Act of 1993 provided for an extension of section 127 through December 31, 1994. The exclusion has once again expired.

I hope that Congress will recognize the importance of this provision, and enact it permanently. Temporary extensions create great practical difficulties for the intended beneficiaries. Employees cannot plan sensibly for their educational goals, not knowing the extent to which accepting educational assistance may reduce their take-home pay. As for employers, the fits and starts of the legislative history of section 127 have been a serious administrative nuisance. If section 127 is in force, then there is no need to withhold taxes on educational benefits provided; if not, the job-relatedness of the educational assistance must be ascertained, a value assigned, and withholding adjusted accordingly. Uncertainty about the program's continuance magnifies this burden, and discourages employers from providing educational benefits. The legislation that I introduce today would restore certainty to section 127 by extending it retroactively, to the beginning of this year, and then maintaining it on a permanent basis.

Mr. President, my previous efforts to extend this provision have enjoyed wide, bipartisan support. Encouraging workers to further their education and to improve their job skills is an important national priority, crucial for preserving our competitive position in the global economy. Permitting employees to receive educational assistance on a tax-free basis, without incurring significant cuts in take-home pay, is a demonstrated, cost-effective means for achieving these objectives.

Employee educational assistance is not an extravagant, free benefit for highly paid executives. It largely benefits low- and moderate-income employees seeking access to higher education and further job training. A survey undertaken by Coopers & Lybrand indicated that over 70 percent of recipients of section 127 benefits in 1986 earned less than $30,000. In fact, lower-income employees are more likely to participate in educational assistance programs than those at the higher end of the income scale. Employees making less than $30,000 participate at a much higher rate than those making above that income, and participation rates decline as salary levels increase. Moreover, employees making less than $15,000 participate at almost twice the rate of those who earn over $50,000.

Further, section 127 makes an important contribution to simplicity in the Tax Code. Without it, employers and the IRS would be required to determine, on a case-by-case basis, which employer-provided educational benefits are sufficiently related to the job to avoid treatment as taxable income.

Today, American workers are the most productive in the industrialized and developing world. Yet pressures from international competition and the pace of technological changes require continual adjustment by our work force. Retraining will thus be necessary to maintain and strengthen American industry's competitive position in the global economy. Section 127 permits employees to adapt and retrain without incurring additional tax liabilities and a reduction in take-home pay. By removing the tax burden from workers seeking retraining, section 127 enables employees displaced by foreign competition or technological change to learn new job skills.

Finally, section 127 has also helped to improve the quality of America's public education system, at a fraction of the cost of direct-aid programs. It has enabled thousands of public schoolteachers to obtain advanced degrees, augmenting the quality of instruction in our schools. A survey by the National Education Association a few years ago found that almost half of all American public school systems provide tuition assistance to teachers seeking advanced training and degrees. The Tax Code should not impose obstacles to this kind of shared effort toward improvement. This legislation, by making section 127 permanent, will ensure that it does not.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1095

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PERMANENT EXTENSION OF EDUCATIONAL ASSISTANCE EXCLUSION.

(a) IN GENERAL.—Section 127 of the Internal Revenue Code of 1986 (relating to exclusion for educational assistance programs) is amended by striking subsection (d) and by redesignating subsection (e) as subsection (d).

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1994.

Mr. ROTH. Mr. President, we've all heard the axiom that the cultivation of the mind is the secret to a happy and productive life. Education not only provides untold benefits to the individual, but to society as a whole. In fact, the worth of education is increasing.

In 1980, a male college graduate made about 30 percent more than a male high school graduate. By 1988, he made about 60 percent more. In just 8 years, the premium for a college degree doubled—in comparison with a high school diploma.

On a social level, education is fundamental to the future well-being and competitiveness of America. Not only are well-educated men and women able to make greater contributions to our economy, but they make unquantifiable contributions to business, academia, and agriculture, as well as to our technical and communications resources.

The irony, Mr. President, is that while the value of higher education is increasing, the confidence of Americans to receive a higher education is declining. Polls shows that our countrymen are less and less optimistic about their ability to receive higher education. A full 55 percent think paying for college is more difficult now that it was 10 years ago, and 66 percent say it will be even more difficult 10 years now. Sixty percent believe even qualified people can't afford college.

The solution? Eighty percent of those polled say the best solution is to have financial support provided through work opportunities. This compares to 43 percent who call for more direct grants to students and even 62 percent for those who want more money for student loans.

The legislation I am cosponsoring today with Senator MOYNIHAN, is a welcomed and needed measure to encourage and assist employers to provide educational opportunities for their employees. What we seek to do with this legislation is permanently extend the exclusion for employer provided educational assistance. The exclusion, section 127, expired on December 31, 1994—7 months ago—and unless it is extended, employees will be taxed on their education benefits. They will owe both Federal and FICA taxes on the assistance they have received.

Mr. President, section 127 is legislation that has been approved before. We know that it is needed—that it is important. Congress has passed it in an effort to increase the participation of employers in assisting in the education of their employees. Under previous congressional action, tax-free benefits were made available for employees who wanted to improve their knowledge and skill in job-related studies. Beyond this, the law also allowed employees to participate in other studies. The only exclusions involved education in sports, games and hobbies, unless those studies were directly associated with their employment needs or were part of an overall degree program.

Congress has already established the need for section 127 and provided the legislation. What Senator MOYNIHAN and I are doing now is simply making it permanent. Our bill will allow employees to permanently receive up to $5,250 annually in undergraduate tuition or similar educational benefits from their employers on a tax-free basis. It will be effective retroactively, going back to January 1, 1995—thus taking care of the 7 months that have lapsed since section 127 expired.

I encourage my colleagues to join Senator MOYNIHAN and me in passing this bill, reminding them of the importance of education as it pertains to the future of America. As Daniel Webster said when he stood on the Senate floor many years ago:

> If we work marble, it will perish; if we work upon brass, time will efface it; if we rear temples, they will crumble into dust; but if we work upon immortal minds . . . we are then engraving upon tablets which no time will efface, but will brighten and brighten to all eternity.

By Mr. D'AMATO:

S. 1096. A bill to amend the Immigration and Nationality Act to provide that members of Hamas (commonly known as the Islamic Resistance Movement) be considered to be engaged in a terrorist activity and ineligible to receive visas and excluded from admission into the United States; to the Committee on the Judiciary.

THE HAMAS EXCLUSION ACT OF 1995

• Mr. D'AMATO. Mr. President, I introduce the Hamas Exclusion Act of 1995. This bill was introduced in 1993, in conjunction with Representative PETER DEUTSCH in the House. I am introducing it again this year because of Hamas' continued role in disruption of the peace process as well as the recent detention of Mousa Mohamed Abu Marzook at JFK Airport in New York.

Hamas continues to use terrorism as a tool to disrupt the peace process. In doing so, it continues to kill innocent

Israelis without concern for life. Between April 1994 and July 1995, Hamas has conducted at least 8 suicide bombings against Israeli targets, killing at least 52 people. This is murder plain and simple.

When U.S. immigration officials detained Marzook at JFK last week, they detained a man who held a place on the U.S. terrorism watchlist and according to the INS, is an "excludable alien based on his participation in terrorist activities."

I applaud President Clinton's recent actions against terrorism, especially his Executive orders against terrorist fundraising in the United States and the total embargo on trade with Iran for which I pushed. This latest action signals that the United States can no longer act as a haven for those who belong to terrorist organizations whose only wish is to kill and maim.

My bill is simple. It states that an alien who is an officer, official, representative, or spokesman of Hamas, is considered to be engaged in terrorist activity and therefore eligible to be excludable under the immigration statutes.

There can be no toleration of the actions of Hamas and groups like it, nor can we allow these groups to operate in the United States. While this bill is not the panacea, it will act to keep one group out. I urge my colleagues to join me in sending this strong message by cosponsoring this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1096

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TERRORIST ACTIVITIES.

Section 212(a)(3)(B)(i) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)(i)) is amended by adding at the end "An alien who is an officer, official, representative, or spokesman of Hamas (commonly known as the Islamic Resistance Movement) is considered, for purposes of this Act, to be engaged in a terrorist activity.".●

By Mr. HATFIELD (for himself and Mr. PACKWOOD):

S. 1097. A bill to designate the Federal building located at 1550 Dewey Avenue, Baker City, OR, as the "David J. Wheeler Federal Building," and for other purposes; to the Committee on Environment and Public Works.

THE DAVID J. WHEELER FEDERAL BUILDING ACT OF 1995

Mr. HATFIELD. Mr. President, it is my honor to propose the designation of the Federal building in Baker City, OR, as the David J. Wheeler Federal Building.

Mr. David J. Wheeler was an outstanding citizen until his life came to a tragic end on April 26, 1995. Mr. Wheeler, a U.S. Forest Service engineer working the Wallowa-Whitman National Forest, was brutally murdered by two juveniles while on assignment in the Payette National Forest in Idaho. Mr. Wheeler's death has had a tremendous impact on the entire community in Baker City because he was an active civic leader involved in and committed to his hometown.

A true altruist, Mr. Wheeler was a member of the Baker City Rotary Club and was the president-elect at the time of his death. Mr. Wheeler volunteered as a coach at the local YMCA. In 1994 the Baker County Chamber of Commerce selected Mr. Wheeler as the Baker County Father of the Year. These honors are a clear illustration of the model citizen Mr. Wheeler was in his community.

The Federal building in Baker City is currently unnamed and houses the U.S. Post Office, Bureau of Land Management, and the U.S. Forest Service. To designate this building as the David J. Wheeler Federal Building is a tribute to an extraordinary American and will commemorate the contributions Mr. Wheeler selflessly provided to his community.

Mr. PACKWOOD. Mr. President, on April 26 of this year, the life of my fellow Oregonian, David Jack Wheeler, was snuffed out. He was murdered while working in the Wallowa-Whitman forest that he loved. David was an employee of the U.S. Forest Service, and he was an exemplary citizen of Baker City, OR. David was well-regarded in the community of Baker City because he was one of those individuals who didn't stop at just holding down a job and caring for a family. He gave back to his community. David worked to provide access for everyone to recreational and administrative facilities within the forest. He was a mentor and counselor to his coworkers. Because of this his community, friends, family, and employer would like to honor him by designating the Federal building located in Baker City as the David J. Wheeler Federal Building. I agree with these good people in this effort and so have sponsored a bill to make this happen. Folks in Baker City are right to honor David in this way. He gave so much to his community and this is a small thing to ask in return.

By Mr. HELMS (for himself and Mr. DOLE):

S. 1098. A bill to establish the Midway Islands as a National Memorial, and for other purposes; to the Committee on Armed Services.

THE BATTLE OF MIDWAY NATIONAL MEMORIAL ACT

Mr. HELMS. Mr. President, in less than a month, ceremonies in Hawaii will commemorate the United States victory over Japan and the end of World War II. The American people were devastated by the December 7, 1941, Japanese surprise attack on Pearl Harbor—undoubtedly, one of the most disastrous defeats in United States history. Victory at the Battle of Midway was a key element to the recovery of the United States Armed Forces and the ultimate victory on Japan.

Historians rank Midway as one of the most decisive naval battles of all time. It is only fitting, in my judgment, that American heroes of the Battle of Midway be given due recognition, and that is why the Battle of Midway National Memorial Act is so important.

Mr. President, if approved, this bill will: First, establish the Midway Islands as a National War Memorial; second, protect the historic structures associated with the Battle of Midway; and three, protect the surrounding environs, without cost to the taxpayers. The bill provides that the memorial be funded from revenues earned from private sector entities currently operating at the airstrip and the port facilities on Midway.

Historic victories such as Midway, Gettysburg, Yorktown, and Normandy are remembered by memorializing the hallowed ground upon which American blood was shed. The Midway Islands, and the surrounding seas where so many American lives were sacrificed, deserve to be memorialized as well.

Mr. President, during the month of June 1942, a badly outnumbered American naval force, consisting of 29 ships and other units of the Armed Forces, under the overall command of Adm. Chester W. Nimitz, outmaneuvered and out-fought 350 ships of the combined Japanese Imperial Fleet. The objectives of the Japanese high command were to occupy the Midway Islands and destroy the United States Pacific Fleet, but the forces under the command of Admiral Nimitz completely thwarted Japanese strategy. Victory at Midway was the turning point in the Pacific Theater.

The outcome of the conflict, Mr. President, was remarkable given the fact that U.S. Forces were so badly outnumbered. The United States lost 163 aircraft compared to 286 Japanese aircraft lost. One American aircraft carrier, the *U.S.S. Yorktown*, and one destroyer, the *U.S.S. Humman* were destroyed. On the other hand, the Japanese Imperial Navy lost five ships, four of the ships being the Imperial Navy's main aircraft carriers. Almost as devastating was the loss of most of the experienced Japanese pilots. At the end of the day, 307 Americans had lost their lives. The Japanese navy lost 2,500 men.

So severe was the damage inflicted on the Imperial Japanese Navy by American airmen and sailors, that Japan never again was able to take the offensive against the United States or Allied forces.

Mr. President, victory over the Japanese was achieved, of course, by men and women from all the United States

Armed Forces. Certainly at Midway, elements of each services—Navy, Marines, and U.S. Army Air Corps—were heavily engaged, closely coordinated, and paid a high price for their bravery. The Midway Islands should be memorialized to honor the courageous efforts of all the services when they were called upon to defend our Nation and its interests.

The heroism of many of American servicemen at Midway often required the ultimate sacrifice. Many of the Marine pilots, flying worn out and inferior planes, did not live to celebrate the victory at Midway. All but five torpedo-plane pilots who attacked the Japanese aircraft carrier task force—without protective air cover—were shot down. These pilots undoubtedly knew they were flying to an all but certain death.

But the sacrifice of these brave Americans was not in vain, Mr. President. When the battle ended, four Japanese aircraft carriers were sent to the bottom of the Pacific Ocean, and their highly experienced pilots were lost. Japanese naval aviation never recovered from this crippling blow, and the rest, as they say, is history.

Mr. President, the sacrifice and heroism of these men should never be forgotten—it is vital that our sons and daughters never forget what their fathers and grandfathers sacrificed for freedom. The Battle of Midway should be memorialized for all time, on the Midway Islands, on behalf of a grateful Nation.

Mr. President, I ask unanimous consent that a letter from four gallant Americans, each of whom was a hero of the Battle of Midway—Lt. Com. Richard H. Best, Capt. Robert M. Elder, Cap. Jack H. Reid, and Maj. J. Douglas Rollow—regarding the Midway Islands National Memorial Act, be printed in the RECORD.

Mr. President, I am grateful to these fine Americans for their service at the Battle of Midway and for their diligence in putting together this bill. I certainly commend other distinguished Americans for their contributions to this effort, including Dr. James D'Angelo, Adm. Tom Moorer, Adm. Whitey Feightner, Capt. Gordon Murray, Vice Adm. James Flatley III, Vice Adm. William Houser, William Rollow, and Anthony Harrigan.

There being no objection, the letter was ordered to be printed in the RECORD as follows:

INTERNATIONAL MIDWAY
MEMORIAL FOUNDATION, INC.,
Rockville, MD, May 30, 1995.

DEAR SENATOR HELMS: Please take a few minutes to read this letter to you from us, some of the survivors of the Battle of Midway. We seek nothing for ourselves—only for our Country.

Few battles in World War II were as pivotal as the Battle of Midway in 1942. Although the Battle of Britain and Stalingrad turned the course of the war in Europe, the Battle of Midway not only turned the course of the war in the Pacific, but most likely of the entire war. There the Imperial Japanese Fleet was defeated by a handful of U.S. Naval, Marine and Army aviators flying obsolescent aircraft. Lives were heroically lost. Had we not prevailed at Midway, Hawaii would have been lost, and the Pacific war fought on our West Coast.

Those of us who served in World War II have taken for granted that the generations who succeeded us would know of the enormous cost in lives paid to preserve freedom. We naively assumed that future generations would cherish and protect the values for which so many of our comrades died.

While other nations in the free world made the remembrance of World War II and the values it represented an imperative for their children, sad to say, our nation has not. Complacency replaced patriotism; revisionists replaced historians. Some would even have our children believe that the United States was the aggressor—insensitive to human life—particularly with regard to the end of the war in the Pacific.

We know the truth—we lived it; but our children do not. The International Midway Memorial Foundation believes that one of the best ways to preserve the teachings of World War II is to create World War II National Historic Battlefields. There our children, historians and others interested in that epic war for freedom can learn first hand, on site.

We now face the second battle of Midway. In September 1993, after over 90 years of stewardship, the United States Navy closed Midway as an operational base. The United States Fish and Wildlife Service (USFWS) has requested that Midway be turned over to itself primarily for use as a wildlife refuge.

The Foundation opposes the transfer of Midway to USFWS. Instead, we wish it declared a National Historic Battlefield, and administered by the U.S. National Park Service, in accordance with sound multiple use principles. Interested visitors can then not only see a beautiful island and its wildlife, but also learn of the historic battle fought there.

The Foundation will raise funds to help provide exhibits and materials to teach those visitors about the battle. Furthermore, visitors to Midway will generate funds, which in turn, will reduce if not eliminate the cost to our taxpayers of maintaining Midway.

In closing, we believe our dead at Midway deserve something better than a monument in a wildlife refuge. The few threatened species utilizing the Midway Atoll (primarily the Hawaiian Monk Seal and the Green Sea Turtle) can be amply protected under the multiple-use program we espouse.

Please help us. Please support legislation to create Midway as a National Historic Battlefield. Let us not lose the second battle of Midway.

Respectfully yours,
LCDR RICHARD H. BEST,
USN (Ret.).
CAPT. ROBERT M. ELDER,
USN (Ret.).
CAPT. JACK H. REID,
USN (Ret.).
MAJ. J. DOUGLAS ROLLOW,
USMCR (Ret.).

ADDITIONAL COSPONSORS

S. 304

At the request of Mr. SANTORUM, the name of the Senator from Ohio [Mr. GLENN] was added as a cosponsor of S. 304, a bill to amend the Internal Revenue Code of 1986 to repeal the transportation fuels tax applicable to commercial aviation.

S. 448

At the request of Mr. GRASSLEY, the name of the Senator from New Hampshire [Mr. SMITH] was added as a cosponsor of S. 448, a bill to amend section 118 of the Internal Revenue Code of 1986 to provide for certain exceptions from rules for determining contributions in aid of construction, and for other purposes.

S. 529

At the request of Mr. GRAHAM, the name of the Senator from Arkansas [Mr. PRYOR] was added as a cosponsor of S. 529, a bill to provide, temporarily, tariff and quota treatment equivalent to that accorded to members of the North American Free Trade Agreement (NAFTA) to Caribbean Basin beneficiary countries.

S. 758

At the request of Mr. HATCH, the name of the Senator from Alabama [Mr. SHELBY] was added as a cosponsor of S. 758, a bill to amend the Internal Revenue Code of 1986 to provide for S corporation reform, and for other purposes.

S. 794

At the request of Mr. LUGAR, the name of the Senator from Wyoming [Mr. SIMPSON] was added as a cosponsor of S. 794, a bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to facilitate the minor use of a pesticide, and for other purposes.

S. 837

At the request of Mr. WARNER, the names of the Senator from Utah [Mr. HATCH] and the Senator from Alabama [Mr. HEFLIN] were added as cosponsors of S. 837, a bill to require the Secreatry of the Treasury to mint coins in commemoration of the 250th anniversary of the birth of James Madison.

S. 864

At the request of Mr. GRASSLEY, the name of the Senator from New Mexico [Mr. BINGAMAN] was added as a cosponsor of S. 864, a bill to amend title XVIII of the Social Security Act to provide for increased medicare reimbursement for nurse practitioners and clinical nurse specialists to increase the delivery of health services in health professional shortage areas, and for other purposes.

S. 877

At the request of Mrs. HUTCHISON, the names of the Senator from Colorado [Mr. BROWN], and the Senator from North Carolina [Mr. HELMS) were added as cosponsors of S. 877, a bill to amend section 353 of the Public Health Service Act to exempt physician office laboratories from the clinical laboratories requirements of that section.

S. 955

At the request of Mr. HATCH, the name of the Senator from California

[Mrs. BOXER] was added as a cosponsor of S. 955, a bill to clarify the scope of coverage and amount of payment under the medicare program of items and services associated with the use in the furnishing of inpatient hospital services of certain medical devices approved for investigational use.

S. 1083

At the request of Mr. THOMAS, the name of the Senator from Florida [Mr. MACK] was added as a cosponsor of S. 1083, a bill to direct the President to withhold extension of the WTO Agreement to any country that is not complying with its obligations under the New York Convention, and for other purposes.

SENATE RESOLUTION 147

At the request of Mr. THURMOND, the name of the Senator from Connecticut [Mr. DODD] was added as a cosponsor of Senate Resolution 147, a resolution designating the weeks beginning September 24, 1995, and September 22, 1996, as "National Historically Black Colleges and Universities Week," and for other purposes.

SENATE RESOLUTION 149

At the request of Mr. AKAKA, the names of the Senator from Illinois [Mr. SIMON] and the Senator from Iowa [Mr. HARKIN] were added as cosponsors of Senate Resolution 149, a resolution expressing the sense of the Senate regarding the recent announcement by the Republic of France that it intends to conduct a series of underground nuclear test explosions despite the current international moratorium on nuclear testing.

AMENDMENTS SUBMITTED

THE FOREIGN RELATIONS REVITALIZATION ACT OF 1995

MURKOWSKI (AND OTHERS) AMENDMENT NO. 1881

(Ordered to lie on the table.)

Mr. MURKOWSKI (for himself, Mr. MCCAIN, and Mr. HELMS) submitted an amendment intended to be proposed by them to the bill (S. 908) to authorize appropriations for the Department of State for fiscal years 1996 through 1999 and to abolish the United States Information Agency, the United States Arms Control and Disarmament Agency, and the Agency for International Development, and for other purposes; as follows:

On page 124, after line 20, insert the following:

TITLE VII—AUTHORIZATION FOR IMPLEMENTATION OF THE AGREED FRAMEWORK BETWEEN THE UNITED STATES AND NORTH KOREA

SEC. 701. SHORT TITLE.

This title may be cited as the "Authorization for Implementation of the Agreed Framework Between the United States and North Korea Act".

SEC. 702. STATEMENT OF PURPOSE; STATUTORY CONSTRUCTION.

(a) PURPOSE.—The purpose of this title is to set forth requirements, consistent with the Agreed Framework, for the United States implementation of the Agreed Framework.

(b) STATUTORY CONSTRUCTION.—Nothing in this title requires the United States to take any action which would be inconsistent with any provision of the Agreed Framework.

SEC. 703. RESTRICTION ON FUNDING.

(a) SUBJECT TO AN AUTHORIZATION OF APPROPRIATIONS ACT AND AN APPROPRIATIONS ACT.—The United States may not exercise any action under the Agreed Framework that would require the obligation or expenditure of funds except to the extent and in the amounts provided in an Act authorizing appropriations and in an appropriations Act.

(b) PROHIBITION.—No funds may be made available under any provision of law to carry out activities described in the Agreed Framework unless the President determines and certifies to Congress that North Korea is in full compliance with the terms of the Agreed Framework.

SEC. 704. NORMALIZATION OF DIPLOMATIC RELATIONS.

None of the funds made available to carry out any program, project, or activity funded under any provision of law may be used to maintain relations with North Korea at the ambassadorial level unless North Korea has satisfied the IAEA safeguards requirement described in section 707, the additional requirements set forth in section 708, and the nuclear nonproliferation requirements of section 709.

SEC. 705. NORMALIZATION OF ECONOMIC RELATIONS.

(a) RESTRICTION ON TERMINATION OF ECONOMIC EMBARGO.—The President shall not terminate the economic embargo of North Korea until North Korea has satisfied the IAEA safeguards requirement described in section 707, the additional requirements set forth in section 708, and the nuclear nonproliferation requirements of section 709.

(b) DEFINITION.—As used in this section, the term "economic embargo of North Korea" means the regulations of the Department of the Treasury restricting trade with North Korea under section 5(b) of the Trading With the Enemy Act (50 U.S.C. App. 5(b)).

SEC. 706. RESTRICTION ON PETROLEUM SHIPMENTS.

(a) RESTRICTION.—If North Korea does not satisfy the IAEA safeguards requirement described in section 707, or if North Korea diverts heavy oil for purposes not specified in the Agreed Framework, then—

(1) no additional heavy oil may be exported to North Korea if such oil is subject to the jurisdiction of the United States, or is exported by a person subject to the jurisdiction of the United States;

(2) the United States shall immediately cease any direct or indirect support for any exports of heavy oil to North Korea; and

(3) the President shall take steps to terminate the export to North Korea of heavy oil by all other countries in the international consortium to finance and supply a light-water reactor in North Korea.

(b) ENFORCEMENT.—Whoever violates subsection (a)(1) having the requisite knowledge described in section 11 of the Export Administration Act of 1979 (50 U.S.C. App. 2410) shall be subject to the same penalties as are provided in that section for violations of that Act.

SEC. 707. IAEA SAFEGUARDS REQUIREMENT.

The requirement of this section is satisfied when the President determines and certifies to the appropriate congressional committees that North Korea is in full compliance with its safeguards agreement with the International Atomic Energy Agency (INFCIRC/403), in accordance with part IV (3) of the Agreed Framework, as determined by the Agency after—

(1) conducting special inspections of the two suspected nuclear waste sites at the Yongbyon nuclear complex; and

(2) conducting such other inspections in North Korea as may be deemed necessary by the Agency.

SEC. 708. ADDITIONAL REQUIREMENTS.

The additional requirements referred to in sections 704 and 705 are the following, as determined and certified by the President to the appropriate congressional committees:

(1) That progress has been made in talks between North Korea and the Republic of Korea, including implementation of confidence-building measures by North Korea as well as other concrete steps to reduce tensions.

(2) That the United States and North Korea have established a process for returning the remains of United States military personnel who are listed as missing in action (MIAs) during the Korean conflict between 1950 and 1953, including field activities conducted jointly by the United States and North Korea.

(3) That North Korea has issued an official statement forswearing state-sponsored terrorism.

(4) That North Korea has taken positive steps to demonstrate a greater respect for internationally recognized human rights.

(5) That North Korea has agreed to control equipment and technology in accordance with the criteria and standards set forth in the Missile Technology Control Regime, as defined in section 74(2) of the Arms Export Control Act (22 U.S.C. 2797c).

SEC. 709. NUCLEAR NONPROLIFERATION REQUIREMENTS.

The nuclear nonproliferation requirements referred to in sections 704 and 705 are the following, as determined and certified by the President to the appropriate congressional committees and the Committee on Energy and Natural Resources of the Senate:

(1) All spent fuel from the graphite-moderated nuclear reactors and related facilities of North Korea have been removed from the territory of North Korea as is consistent with the Agreed Framework.

(2) The International Atomic Energy Agency has conducted any and all inspections that it deems necessary to fully account for the stocks of plutonium and other nuclear materials in North Korea, including special inspections of suspected nuclear waste sites, before any nuclear components controlled by the Nuclear Supplier Group Guidelines are delivered for a light water reactor for North Korea.

(3) The dismantlement of all declared graphite-based nuclear reactors and related facilities in North Korea, including reprocessing units, has been completed in accordance with the Agreed Framework and in a manner that effectively bars in perpetuity any reactivation of such reactors and facilities.

SEC. 710. SUSPENSION OF UNITED STATES OBLIGATIONS.

The United States shall suspend actions described in the Agreed Framework if North Korea reloads its existing 5 megawatt nuclear reactor or resumes construction of nuclear facilities other than those permitted to be built under the Agreed Framework.

SEC. 711. WAIVER.

The President may waive the application of section 707, 708, 709, or 710 if the President determines, and so notifies in writing the appropriate congressional committees, that to do so is vital to the security interests of the United States.

SEC. 712. CERTIFICATION AND REPORTING REQUIREMENTS.

Beginning 6 months after the date of enactment of this Act, and every 6 months thereafter, the President shall transmit to the appropriate congressional committees a report setting forth—

(1) an assessment of the extent of compliance by North Korea with all the provisions of the Agreed Framework and this title;

(2) a statement of the progress made on construction of light-water reactors, including a statement of all expenditures, direct and indirect, made by each country participating in the Korea Energy Development Organization from the date of signature of the Agreed Framework to the date of the report;

(3) an estimate of the date by which North Korea is expected to satisfy the IAEA safeguards requirement described in section 707;

(4) a certification by the President that North Korea has satisfied its IAEA safeguards requirement described in section 707, as determined by the International Atomic Energy Agency;

(5) a certification by the President that North Korea is not transferring missiles and missile technology to Iran;

(6) a description of any new developments or advances in North Korea's nuclear weapons program;

(7) a statement of the progress made by the United States in fulfilling its actions under the Agreed Framework, including any steps taken toward normalization of relations with North Korea;

(8) a statement of any progress made on dismantlement and destruction of the graphite-moderated nuclear reactors of North Korea and related facilities;

(9) a description of the steps being taken to implement the North-South Joint Declaration on the Denuclearization of the Korean Peninsula;

(10) an assessment of the participation by North Korea in talks between North Korea and the Republic of Korea; and

(11) a description of any action taken by the President under section 706(a)(2).

SEC. 713. DEFINITIONS.

As used in this title:

(1) AGREED FRAMEWORK.—The term "Agreed Framework" means the document entitled "Agreed Framework Between the United States of America and the Democratic People's Republic of Korea", signed October 21, 1994, at Geneva, and the attached Confidential Minute.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means the Committees on Foreign Relations and Armed Services of the Senate and the Committees on International Relations and National Security of the House of Representatives.

(3) IAEA SAFEGUARDS.—The term "IAEA safeguards" means the safeguards set forth in an agreement between a country and the International Atomic Energy Agency, as authorized by Article III(A)(5) of the Statute of the International Atomic Energy Agency.

(4) NORTH KOREA.—The term "North Korea" means the Democratic People's Republic of Korea, including any agency or instrumentality thereof.

(5) SPECIAL INSPECTIONS.—The term "special inspections" means special inspections conducted by the International Atomic Energy Agency pursuant to an IAEA safeguards agreement.

HUTCHISON (AND OTHERS) AMENDMENT NO. 1882

(Ordered to lie on the table.)

Mrs. HUTCHISON (for herself, Mr. GRAMM, Mr. COATS, Mr. HELMS, Mr. GRAMS, Mr. SMITH, Mr. KEMPTHORNE, Mr. INHOFE, Mr. LOTT, Mr. NICKLES, and Mr. DEWINE) submitted an amendment intended to be proposed by them to the bill, S. 908, supra; as follows:

On page 91, between lines 4 and 5, insert the following new section:

SEC. 319. SENSE OF CONGRESS ON UNITED NATIONS FOURTH WORLD CONFERENCE ON WOMEN IN BEIJING, CHINA.

It is the sense of the Congress that—

(1) the United Nations Fourth World Conference on Women in Beijing, China, should promote a representative American perspective on issues of equality, peace, and development; and

(2) in the event the United States sends a delegation to the Conference, the United States delegation should use the voice and vote of the United States—

(A) to ensure that the biological and social activity of motherhood is recognized as a valuable and worthwhile endeavor that should in no way, in its form or actions, be demeaned by society or by the state;

(B) to ensure that the traditional family is upheld as the fundamental unit of society upon which healthy cultures are built and, therefore, receives esteem and protection by society and the state; and

(C) to define or agree with any definitions that define gender as the biological classification of male and female, which are the two sexes of the human being.

D'AMATO AMENDMENT NO. 1883

(Ordered to lie on the table.)

Mr. D'AMATO submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

At the appropriate place, insert the following new section:

SEC. . CONGRESSIONAL APPROVAL OF CERTAIN FOREIGN ASSISTANCE.

(a) PRESIDENTIAL CERTIFICATION.—Section 5302 of title 31, United States Code, is amended by adding at the end the following new subsection:

"(e) CERTIFICATION.—The Secretary may not make any loan or extension of credit under this section with respect to a single foreign entity or government of a foreign country (including agencies or other entities of that government), unless the President certifies to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Banking and Financial Services of the House of Representatives that—

"(1) there is no projected cost (as that term is defined in section 502 of the Federal Credit Reform Act of 1990) to the United States from the proposed loan or extension of credit; and

"(2) any proposed obligation or expenditure of United States funds to or on behalf of the foreign government is adequately backed by an assured source of repayment to ensure that all United States funds will be repaid.".

(b) LIMITATION ON USE OF EXCHANGE STABILIZATION FUND.—Section 5302 of title 31, United States Code, is amended by adding at the end the following new subsection:

"(f) LIMITATION ON USE OF FUND.—Notwithstanding subsection (a)(2), except as provided by an Act of Congress, the Secretary may not make any loan or extension of credit under this section with respect to a single foreign entity or government of a foreign country (including agencies or other entities of that government) that would result in expenditures and obligations, including contingent obligations, aggregating more than $1,000,000,000 with respect to that foreign country for more than 180 days during the 12-month period beginning on the date on which the first such action is taken.".

(c) APPLICABILITY.—Subsections (e) and (f) of section 5302 of title 31, United States Code, as added by this section, shall not apply to any action taken under that section as part of the program of assistance to Mexico announced by the President on January 31, 1995.

(d) TECHNICAL AMENDMENT.—Section 5302(b) of title 31, United States Code, is amended by striking the second sentence.

(e) EFFECTIVE DATE.—The amendments made by this section shall become effective on October 1, 1995.

SIMPSON AMENDMENT NO. 1884

(Ordered to lie on the table.)

Mr. SIMPSON submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

On page 124, below line 20, add the following:

TITLE VII—POPULATION STABILIZATION AND REPRODUCTIVE HEALTH

SEC. 701. SHORT TITLE.

This title may be cited as the "International Population Stabilization and Reproductive Health Act".

SEC. 702. AUTHORITIES RELATING TO UNITED STATES POPULATION ASSISTANCE.

Part I of the Foreign Assistance Act of 1961 is amended—

(1) in section 104(b), by striking "on such terms and conditions as he may determine" and inserting "in accordance with the provisions of chapter 12"; and

(2) by adding at the end the following new chapter:

"CHAPTER 12—UNITED STATES POPULATION ASSISTANCE

"SEC. 499. DEFINITION.—For purposes of this chapter, the term 'United States population assistance' means assistance provided under section 104(b) of this Act.

"SEC. 499A. CONGRESSIONAL FINDINGS.—The Congress makes the following findings:

"(1) Throughout much of the developing world, the inability of women and couples to exercise choice over childbearing undermines the role of women in economic development, contributes to death and suffering among women and their children, puts pressure on the environment and the natural resources on which many poor families depend for their survival, and in other ways vitiates the efforts of families to lift themselves out of the poverty in which more than one billion of the world's 5.7 billion people live.

"(2) Through 2015, the world's population will continue to grow, with annual population increments predicted to be above 86 million. This will lead to a tripling of the world's population before stabilization can occur.

"(3) As the population within individual countries grows, cities grow rapidly, movement in and between countries increases, and regional distributions of population become unbalanced.

"(4) After more than a quarter century of experience and research, a global consensus is emerging on the need for increased international cooperation in regard to population in the context of sustainable development.

"(5) To act effectively on this consensus, the ability to exercise reproductive choice should be expanded through broader dissemination of fertility regulation services that involve women, couples, and the community and which meet individual, family, and community needs and values.

"(6) In addition to the personal toll on families, the impact of human population growth and widespread poverty is evident in mounting signs of stress on the world's environment, particularly in tropical deforestation, erosion of arable land and watersheds, extinction of plant and animal species, global climate change, waste management, and air and water pollution.

"SEC. 499B. DECLARATION OF POLICY. (a) IN GENERAL.—Congress declares that to reduce population growth and stabilize world population at the lowest level feasible and thereby improve the health and well-being of the world's families, to ensure the role of women in the development process, and to protect the global environment, an important objective of the foreign policy of the United States shall be to assist the international community to achieve universal availability of quality fertility regulation services through a wide choice of safe and effective means of family planning, including programs of public education and other health and development efforts in support of smaller families.

"(b) FINANCIAL TARGETS.—The Congress endorses a target for global expenditures in developing countries of at least $17,000,000,000 by the year 2000 for population programs described in section 499C, and establishes a goal for United States population assistance by the year 2000 of $1,850,000,000 in constant 1993 dollars.

"SEC. 499C. AUTHORIZED ACTIVITIES.—United States population assistance is authorized to provide—

"(1) support for the expansion of quality, affordable, voluntary family planning services, which emphasize informed choice among a variety of safe and effective fertility regulation methods and closely related reproductive health care services, including the prevention and control of HIV-AIDS, sexually transmitted diseases, and reproductive tract infections;

"(2) support for adequate and regular supplies of quality contraceptives, quality family planning counseling, information, education, communication, and services emphasizing the use of the mass media to improve public knowledge of fertility regulation and related disease prevention methods and where they may be obtained and to promote the benefits of family planning and reproductive health to individuals, families, and communities;

"(3) support to United States and foreign research institutions and other appropriate entities for biomedical research to develop and evaluate improved methods of safe fertility regulation and related disease control, with particular emphasis on methods which—

"(A) are likely to be safer, easier to use, easier to make available in developing country settings, and less expensive than current methods;

"(B) are controlled by women, including barrier methods and vaginal microbicides;

"(C) are likely to prevent the spread of sexually transmitted diseases; and

"(D) encourage and allow men to take greater responsibility for their own fertility;

"(4) support for field research on the characteristics of programs most likely to result in sustained use of effective family planning in meeting each individual's lifetime reproductive goals, with particular emphasis on the perspectives of family planning users, including support for relevant social and behavioral research focusing on such factors as the use, nonuse, and unsafe or ineffective use of various fertility regulation and related-disease control methods;

"(5) support for the development of new evaluation techniques and performance criteria for family planning programs, emphasizing the family planning user's perspective and reproductive goals;

"(6) support for research and research dissemination related to population policy development, including demographic and health surveys to assess population trends, measure unmet needs, and evaluate program impact, and support for policy-relevant research on the relationships between population trends, poverty, and environmental management, including implications for sustainable agriculture, agroforestry, biodiversity, water resources, energy use, and local and global climate change;

"(7) support for prevention of unsafe abortions and management of complications of unsafe abortions, including research and public information dissemination on the health and welfare consequences;

"(8) support for special programs to reach adolescents and young adults before they begin childbearing, including health education programs which stress responsible parenthood and the health risks of unprotected sexual intercourse, as well as service programs designed to meet the information and contraception needs of adolescents;

"(9) support for a broad array of governmental and nongovernmental communication strategies designed—

"(A) to create public awareness worldwide;

"(B) to generate a consensus on the need to address reproductive health issues and the problems associated with rapid population growth;

"(C) to emphasize the need to educate men as well as women and mobilize their support for reproductive rights and responsibilities; and

"(D) to remove all major remaining barriers to family planning use, including unnecessary legal, medical, clinical, and regulatory barriers to information and methods, and to make family planning an established community norm; and

"(10) support for programs and strategies that actively discourage harmful practices such as female genital mutilation.

"SEC. 499D. TERMS AND CONDITIONS.—United States population assistance is authorized to be provided subject to the restrictions on such assistance set forth in section 104(f) and subject to the following conditions:

"(1) Such assistance may only support, directly or through referral, those activities which provide a broad range of fertility regulation methods permitted by individual country policy and a broad choice of public and private family planning services, including networks for community-based and subsidized commercial distribution of high quality contraceptives.

"(2) No program supported by United States population assistance may deny an individual family planning services because of such individual's inability to pay all or part of the cost of such services.

"(3) In each recipient country, programs supported by United States population assistance shall, to the extent possible, support a coordinated approach, consistent with respect for the rights of women as decisionmakers in matters of reproduction and sexuality, for the provision of public and private reproductive health services.

"(4) Family planning services and related reproductive health care services supported by United States population assistance shall ensure—

(A) privacy and confidentiality; maintain the highest medical standards possible under local conditions; and

(B) regular oversight of the quality of medical care and other services offered, including followup care.

"(5) United States population assistance programs shall furnish only those contraceptive drugs and devices which have received approval for marketing in the United States by the Food and Drug Administration or which have been tested and determined to be safe and effective under research protocols comparable to those required by the Food and Drug Administration or have been determined to be safe by an appropriate international organization or the relevant health authority in the country to which they are provided.

"(6) Family planning services supported by United States population assistance shall be designed to take into account the needs of the family planning user, including the constraints on women's time, by involving members of the community, including both men and women, in the design, management, and ongoing evaluation of the services through appropriate training and recruitment efforts. The design of services shall stress easy accessibility, by locating services as close as possible to potential users, by keeping hours of service convenient, and by improving communications between users and providers through community outreach and involvement. Related service shall be included, either on site or through referral.

"(7) United States population assistance to adolescent fertility programs shall be provided in the context of prevailing norms and customs in the recipient country.

"(8)(A) Programs supported by United States population assistance shall—

"(i) support the prevention of the spread of sexually transmitted diseases (STDs) and HIV-AIDS infection;

"(ii) raise awareness regarding STDs and HIV-AIDS prevention and consequences;

"(iii) provide quality counselling to individuals with STDs and HIV-AIDS infection in a manner which respects individual rights and confidentiality; and

"(iv) ensure the protection of both patients and health personnel from infection in clinics.

"(B) Responsible sexual behavior, including voluntary abstinence, for the prevention of STDs and HIV infection should be promoted and included in education and information programs.

"(9) None of the funds made available by the United States Government to foreign governments, international organizations, or nongovernmental organizations may be used to coerce any person to undergo sterilization or abortion or to accept any other method of fertility regulation.

"SEC. 499E. ELIGIBILITY FOR POPULATION ASSISTANCE. (a) ELIGIBLE COUNTRIES.—Notwithstanding any other provision of law, United States population assistance shall be available, directly or through intermediary organizations, to any country which the

President determines has met one or more of the following criteria:

"(1) The country accounts for a significant proportion of the world's annual population increment.

"(2) The country has significant unmet needs for fertility regulation and requires foreign assistance to implement, expand, or sustain quality family planning services for all its people.

"(3) The country demonstrates a strong policy commitment to population stabilization through the expansion of reproductive choice.

"(b) ELIGIBILITY OF NONGOVERNMENTAL AND MULTILATERAL ORGANIZATIONS.—In determining eligibility for United States population assistance, the President shall not subject nongovernmental and multilateral organizations to requirements which are more restrictive than requirements applicable to foreign governments for such assistance.

"SEC. 499F. PARTICIPATION IN MULTILATERAL ORGANIZATIONS. (a) FINDING.—The Congress recognizes that the recent attention, in government policies toward population stabilization owes much to the efforts of the United Nations and its specialized agencies and organizations, particularly the United Nations Population Fund.

"(b) AVAILABILITY OF FUNDS.—United States population assistance shall be available for contributions to the United Nations Population Fund in such amounts as the President determines would be commensurate with United States contributions to other multilateral organizations and with the contributions of other donor countries.

"(c) PROHIBITIONS.—(1) The prohibitions contained in section 104(f) of this Act shall apply to the funds made available for the United Nations Population Fund.

"(2) No United States population assistance may be available to the United Nations Population Fund unless such assistance is held in a separate account and not commingled with any other funds.

"(3) No funds may be available for the United Nations Population Fund unless the Fund agrees to prohibit the use of those funds to carry out any program, project, or activity that involves the use of coerced abortion or involuntary sterilization.

"(4) None of the funds made available to the United Nations Population Fund shall be available for activities in the People's Republic of China.

"(d) ALLOCATION OF FUNDS.—Of the funds made available for United States population assistance, the President shall make available for the Special Programme of Research, Development and Research Training in Human Reproduction for each of the fiscal years 1995 and 1996 an amount commensurate with the contributions of the other donor countries for the purpose of furthering international cooperation in the development and evaluation of fertility regulation technology.

"SEC. 499G. SUPPORT FOR NONGOVERNMENTAL ORGANIZATIONS. (a) FINDING.—Congress finds that in many developing countries, nongovernmental entities, including private and voluntary organizations and private sector entities, are the most appropriate and effective providers of United States assistance to population and family planning activities.

"(b) PROCEDURES.—The President shall establish simplified procedures for the development and approval of programs to be carried out by nongovernmental organizations that have demonstrated—

"(1) a capacity to undertake effective population and family planning activities which encourage significant involvement by private health practitioners, employer-based health services, unions, and cooperative health organizations; and

"(2) a commitment to quality reproductive health care for women.

"(c) PRIORITY FOR NONGOVERNMENTAL ORGANIZATIONS.—The largest share of United States population assistance made available for any fiscal year shall be made available through United States and foreign nongovernmental organizations.

"SEC. 499H. REPORTS TO CONGRESS.—The President shall prepare and submit to the Congress, as part of the annual presentation materials on foreign assistance, a report on world progress toward population stabilization and universal reproductive choice. The report shall include—

"(1) estimates of expenditures on the population activities described in section 499C by national governments, donor agencies, and private sector entities;

"(2) an analysis by country and region of the impact of population trends on a set of key social, economic, political, and environment indicators, which shall be identified by the President in the first report submitted pursuant to this section and analyzed in that report and each subsequent report; and

"(3) a detailed statement of prior year and proposed direct and indirect allocations of population assistance, by country, which describes how each country allocation meets the criteria set forth in this section.".

SEC. 703. AUTHORIZATIONS OF APPROPRIATIONS.

Section 104(g)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b(g)(1) is amended by amending subparagraph (A) to read as follows:

"(A) such sums as may be necessary for fiscal year 1996 and such sums as may be necessary for fiscal year 1997 to carry out subsection (b) of this section; and".

SEC. 704. OVERSIGHT OF MULTILATERAL DEVELOPMENT BANKS.

(a) FINDINGS.—The Congress finds that—

(1) multilateral development banks have an important role to play in global population efforts;

(2) although the increased commitment by multilateral development banks to population-related activities is encouraging, together the banks provided less than $200,000,000 in 1994 in assistance for core population programs, and their overall lending for population, health, and nutrition decreased by more than one-half between 1993 and 1994; and

(3) the banks themselves have recognized a need to improve oversight of programs, strengthen the technical skills of their personnel, and improve their capacity to work with borrowers, other donors, and nongovernmental organizations in formulating creative population projects to meet diverse borrower needs.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that the multilateral development banks should increase their annual support for the population activities described in section 499C of the Foreign Assistance Act of 1961, as added by this Act, to not less than a total of $1,000,000,000 by December 31, 2000.

(c) REPORT REQUIRED.—Not later than July 31 of each year, the Secretary of the Treasury shall prepare and transmit to Congress a report which includes, with respect to the preceding calendar year—

(1) information on the resources made available by each multilateral development bank for the population activities described in section 499C of the Foreign Assistance Act of 1961, as added by this Act;

(2) if such resources total less than $1,000,000,000, any specific actions taken by the United States executive directors to the banks to encourage increases in such resources and in policy-level discussions with donor and developing country governments; and

(3) an analysis of the progress made by the banks towards—

(A) meeting the objectives of the population activities which are supported by the banks;

(B) increasing their in-country management staff;

(C) improving the technical skills of their personnel; and

(D) assuring their responsiveness to borrower needs.

(d) DEFINITION.—As used in this section, the term "multilateral development banks" means the International Bank for Reconstruction and Development, the International Development Association, the African Development Bank, the Asian Development Bank, the Inter-American Development Bank, and the European Bank for Reconstruction and Development.

SEC. 705. ECONOMIC AND SOCIAL DEVELOPMENT INITIATIVES TO STABILIZE WORLD POPULATION.

(a) CONGRESSIONAL FINDINGS.—The Congress makes the following findings:

(1) Women represent 50 percent of the world's human resource potential. Therefore, improving the health, social, and economic status of women and increasing their productivity are essential for economic progress in all countries. Improving the status of women also enhances their decisionmaking capacity at all levels in all spheres of life, including in the area of reproductive health.

(2) Throughout the world, women who participate in the social, economic, and political affairs of their communities are more likely to exercise their choice about childbearing than women who do not participate in such activities.

(3) Effective economic development strategies address issues such as infant and child survival rates, educational opportunities for girls and women, and equality in development.

(4) Comprehensive population stabilization efforts which include both family planning services and economic development activities achieve lower birth rates and stimulate more development than those which pursue these objectives independently.

(5) The most powerful, long-term influence on birthrates is education, especially educational attainment among women. Education is one of the most important means of empowering women with the knowledge, skills and self confidence necessary to participate in their communities.

(6) In most societies, men traditionally have exercised preponderant power in nearly all spheres of life. Therefore, improving communication between men and women on reproductive health issues and increasing their understanding of joint responsibilities are essential to ensuring that men and women are equal partners in public and private life.

(7) In addition to enabling women to participate in the development of their societies, educational attainment has a strong influence on all other aspects of family welfare, including child survival. However, of the world's 130 million children who are not enrolled in primary school, 70 percent are girls.

(8) In a number of countries, lower rates of school enrollment among girls, the practice

of prenatal sex selection, and higher rates of mortality among very young girls suggest that "son preference" is curtailing the access of girl children to food, health care, and education.

(9) Each year, more than 13 million children under the age of 5 die, most from preventable causes. Wider availability of vaccines, simple treatments for diarrheal disease and respiratory infections, and improved nutrition could prevent many of these deaths.

(10) Each year, 500,000 or more women worldwide die from complications related to pregnancy, childbirth, illegal abortion, or inadequate or inaccessible reproductive health care services, and millions more annually suffer long-term illness or permanent physical impairment from such causes.

(11) By mid-1993, the cumulative number of AIDS cases since the pandemic began was estimated at 2.5 million, and an estimated 14 million people had been infected with HIV. By year 2000, estimates are that 40 million people will be HIV infected.

(12) As of mid-1993, four-fifths of all persons ever infected with HIV lived in developing countries. Women are the fastest growing group of new cases.

(b) DECLARATION OF POLICY.—Congress declares that, to further the United States foreign policy objective of assisting the international community in achieving universal availability of quality fertility regulation services and stabilizing world population, additional objectives of the foreign policy of the United States shall be—

(1) to help achieve universal access to basic education for women and men, with particular priority being given to primary and technical education and job training;

(2) to increase understanding of the consequences of population growth through effective education strategies that begin in primary school and continue through all levels of formal and nonformal education and which take into account the rights and responsibilities of parents and the needs of children and adolescents;

(3) to reduce the gap between male and female levels of literacy and between male and female levels of primary and secondary school enrollment;

(4) to help ensure that women worldwide have the opportunity to become equal partners with men in the development of their societies;

(5) to help eliminate all forms of discrimination against girl children and the root causes of son preference, which result in harmful and unethical practice such as female infanticide and prenatal sex selection;

(6) to increase public awareness of the value of girl children through public education that promotes equal treatment of girls and boys in health, nutrition, education, socioeconomic and political activity, and equitable inheritance rights;

(7) to encourage and enable men to take responsibility for their sexual and reproductive behavior and their social and family roles;

(8) to help ensure that women and men have the information and means needed to achieve good reproductive health and to exercise their reproductive rights through responsible sexual behavior and equity in gender relations;

(9) to reduce global maternal and infant mortality rates; and

(10) to improve worldwide maternal and child health status and quality of life.

(c) AUTHORIZED ACTIVITIES.—United States development assistance shall be available, on a priority basis, for—

(1) countries which either have adopted and implemented, or have agreed to adopt and implement, strategies to help ensure—

(A) before 2015, the achievement of the goal of universal primary education for girls and boys in all countries and access to secondary and higher levels of education, including vocational education and technical training, for girls and women;

(B) by 2005, the reduction of adult illiteracy by at least one-half the country's 1990 level;

(C) by 2005, the elimination of the gap between male and female levels of literacy and between male and female levels of primary and secondary school enrollment; and

(D) the establishment of programs designed to meet adolescent health needs, which include services and information on responsible sexual behavior, family planning practice, reproductive health and sexually transmitted diseases, and HIV-AIDS prevention;

(2) governmental and nongovernmental programs which, with respect to a targeted country, are intended—

(A) by 2005, to increase life expectancy at birth to greater than 70 years of age and by 2015, to 75 years of age;

(B) by 2005, to reduce by one-third the country's mortality rates for infants and children under 5 years of age, or to 50 per 1,000 live births for infants and 70 per 1,000 for children under 5 years of age, whichever is less; and by 2015, to reduce the country's infant mortality rate below 35 per 1,000 births and the under-5 mortality rate below 45 per 1,000;

(C) by 2005, to reduce maternal mortality by one-half of the 1990 level and by a further one-half by 2015;

(D) by 2005, to reduce significantly malnutrition among the country's children under 5 years of age;

(E) to maintain immunizations against childhood diseases for significant segments of the country's children; and

(F) to reduce the number of childhood deaths in the country which result from diarrheal disease and acute respiratory infections;

(3) governmental and nongovernmental programs which are intended to increase women's productivity and ensure equal participation and equitable representation at all levels of the political process and public life in each community and society through—

(A) improved access to appropriate labor-saving technology, vocational training, and extension services and access to credit and child care;

(B) equal participation of women and men in all areas of family and household responsibilities, including family planning, financial support, child rearing, children's education, and maternal and child health and nutrition;

(C) fulfillment of the potential of women through education, skill development and employment, with the elimination of poverty, illiteracy and poor health among women being of paramount importance; and

(D) recognition and promotion of the equal value of children of both sexes;

(4) governmental and nongovernmental programs which are intended to increase the access of girls and women to comprehensive reproductive health care services pursuant to subsection (d); and

(5) governmental and nongovernmental programs which are intended to eliminate all forms of exploitation, abuse, harassment, and violence against women, adolescents, and children.

(d) SAFE MOTHERHOOD INITIATIVE.—(1)(A) The President is authorized to establish a grant program, to be known as the Safe Motherhood Initiative, to help improve the access of girls and women worldwide to comprehensive reproductive health care services.

(B) Such program shall be carried out in accordance with this section and shall be subject to the same terms, conditions, prohibitions, and restrictions as are applicable to assistance made available under sections 499D, 499E, and 499F of the Foreign Assistance Act of 1961, as added by this Act.

(2) Comprehensive reproductive health care programs which are eligible for assistance under this section include—

(A) fertility regulation services;

(B) prenatal care and screening for high risk pregnancies and improved access to safe delivery services for women with high risk pregnancies;

(C) supplemental food programs for pregnant and nursing women;

(D) child survival and other programs that promote birth spacing through breastfeeding;

(E) expanded and coordinated programs that support responsible sexual behavior, including voluntary abstinence, and which prevent, detect, and manage sexually transmitted diseases, including HIV-AIDS, reproductive tract infections, and other chronic reproductive health problems;

(F) programs intended to eliminate traditional practices injurious to women's health, including female genital mutilation;

(G) improvements in the practice of midwifery, including outreach to traditional birth attendants; and

(H) expanded and coordinated programs to prevent, detect, and treat cancers of the reproductive system.

(e) REPORTS TO CONGRESS.—(1) Not later than December 31, 1995, the President shall prepare and submit to Congress a report which includes—

(A) estimates of the total financial resources needed to achieve, by the year 2005, the specific objectives set forth in subsection (c) with respect to education, rates of illiteracy, malnutrition, immunization, maternal and child mortality and morbidity, and improvements in the economic productivity of women;

(B) an analysis of such estimates which separately lists the total financial resources needed from the United States, other donor nations, and nongovernmental organizations;

(C) an analysis, by country, which—

(i) identifies the legal, social, economic, and cultural barriers to women's self-determination and to improvements in the economic productivity of women in traditional and modern labor sectors; and

(ii) describes initiatives needed to develop appropriate technologies for use by women, credit programs for low-income women, expanded child care, vocational training, and extension services for women; and

(D) a comprehensive description of—

(i) new and expanded initiatives to ensure safe motherhood worldwide;

(ii) findings on the major causes of mortality and morbidity among women of childbearing age in various regions of the world;

(iii) actions needed to reduce, by the year 2005, world maternal mortality by one-half of the worldwide 1990 level and a further one-half by 2015; and

(iv) the financial resources needed to meet this goal from the United States, other donor nations, and nongovernmental organizations.

(2) In each annual country human rights report, the Secretary of State shall include—

(A) information on any patterns within the country of discrimination against women in inheritance laws, property rights, family law, access to credit and technology, hiring practices, formal education, and vocational training; and

(B) an assessment which makes reference to all significant forms of violence against women, including rape, domestic violence, and female genital mutilation, the extent of involuntary marriage and childbearing, and the prevalence of marriage among women under 18 years of age.

(f) AUTHORIZATION OF APPROPRIATIONS.—(1) Of the aggregate amounts available for United States development and economic assistance programs for education activities, such sums as may be necessary for fiscal year 1996 and such sums as may be necessary for fiscal year 1997 shall be available only for programs in support of increasing primary and secondary school enrollment and equalizing levels of male and female enrollment.

(2) There are authorized to be appropriated such sums as may be necessary for fiscal year 1996 and such sums as may be necessary for fiscal year 1997 to the Child Survival Fund under section 104(c)(2) of the Foreign Assistance Act of 1961, which amounts shall be available for child survival activities only, including the Children's Vaccine Initiative, the worldwide immunization effort, and oral rehydration programs.

(3) There are authorized to be appropriated such sums as may be necessary for the Safe Motherhood Initiative for each of fiscal years 1995 and 1996.

(g) DEFINITIONS.—For purposes of this section—

(1) the term "annual country human rights report" refers to the report required to be submitted pursuant to section 502B(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2304(b)); and

(2) the term "United States development and economic assistance" means assistance made available under chapter 1 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961.

SEC. 706. AIDS PREVENTION AND CONTROL FUND.

(a) IN GENERAL.—Section 104(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b(c)) is amended by adding at the end the following new paragraph:

"(4)(A)(i) The President is authorized to provide assistance, under such terms and conditions as he may determine, with respect to activities relating to research on, and the treatment and control of, acquired immune deficiency syndrome (AIDS) in developing countries.

"(ii) Assistance provided under clause (i) shall include—

"(I) funds made available directly to the World Health Organization for its use in financing the Global Program on AIDS (including activities implemented by the Pan American Health Organization); and

"(II) funds made available to the United Nations Children's Fund (UNICEF) for AIDS-related activities.

"(B) Appropriations pursuant to subparagraph (A) may be referred to as the 'AIDS Prevention and Control Fund'.".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 104(g)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b(g)) is amended—

(1) by striking "and" at the end of subparagraph (A);

(2) in subparagraph (B), by striking "subsection (c) of this section." and inserting "subsection (c) of this section (other than paragraph (4) thereof); and"; and

(3) by adding at the end thereof the following new subparagraph:

"(C) Such sums as may be necessary for fiscal year 1996 and such sums as may be necessary for fiscal year 1997 to carry out subsection (c)(4) of this section.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect October 1, 1995.

COHEN AMENDMENT NO. 1885

(Ordered to lie on the table.)

Mr. COHEN submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

At an appropriate place in the bill, insert the following new section:

SEC. .

(a) No later than three months after the date of enactment of this act, the President shall declassify, to the maximum extend possible, and resubmit to the Congress the report submitted to the Congress pursuant to Section 528 of Public Law 103-236, with an addendum updating the information in the report.

(b) The addendum referred to the subsection (a) shall be unclassified to the maximum extent possible and shall address, inter alia—

(1) Russian compliance or lack of compliance with the Russian-Moldovan agreement of October 24, 1994, providing for the withdrawal of Russian military forces from Moldova, subsequent Russian deployments of military forces to Moldova and Russian efforts to secure long-term military basing rights in Moldova;

(2) possible Russian complicity in the coup attempt of September-October 1994 against the government of Azerbaijan and the exertion of Russian pressure to influence decisions regarding the path of pipelines that will carry Azerbaijani oil;

(3) Russian efforts or agreements to assume partial or complete responsibility for securing the borders of countries other than Russia, using troops of the Russian Military of Defense, Ministry of the Interior or any other security agency of the Russian Federation;

(4) Russian efforts to integrate its armed forces, other security forces, or intelligence agencies with those of any other country and the relationship of such efforts to the development of institutions under the Commonwealth of Independent States.

BINGAMAN AMENDMENT NO. 1886

(Ordered to lie on the table.)

Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

At the appropriate place in the bill, insert the following new section:

SEC. . NONINTERVENTION CONCERNING ABORTION.

Section 104(f) of the Foreign Assistance Act of 1961 (22 U.S.C. 215b(f)) is amended by adding at the end the following new paragraph:

"(4)(A) None of the funds made available to carry out this part may be used—

"(i) for any program, project, or activity that violates the laws of a foreign country concerning the circumstances under which abortion is permitted, regulated, or prohibited; or

"(B) Subparagraph (A) shall not apply to activities in opposition to coercive abortion or involuntary sterilization."

LEAHY AMENDMENT NO. 1887

(Ordered to lie on the table.)

Mr. LEAHY submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

On page 95, line 8, strike "October 1, 1998," and insert "June 1, 1996, and annually thereafter,".

LEAHY AMENDMENT NO. 1888

(Ordered to lie on the table.)

Mr. LEAHY (for himself, Mr. DODD, and Mr. SARBANES) submitted an amendment intended to be proposed by them to the bill, S. 908, supra; as follows:

At the appropriate place in the bill, insert the following:

SEC. . HONDURAS.

(a) FINDINGS.—The Congress makes the following findings:

(1) In 1981, a secret Honduran army death squad known as Battalion 316 was created. During the 1980's Battalion 316 engaged in a campaign of systematically kidnapping, torturing and murdering suspected subversives. Victims included Honduran students, teachers, labor leaders and journalists. In 1993 there were 184 unsolved cases of persons who allegedly "disappeared." They are presumed dead.

(2) At the time, Administration officials were aware of the activities of Battalion 316 but failed to inform the Congress. In its 1983 human rights report, the State Department stated that "There are no political prisoners in Honduras."

(b) DECLASSIFICATION OF DOCUMENTS.—It is the sense of the Congress that the President should order the expedited declassification of any documents in the possession of the United States Government pertaining to persons who allegedly "disappeared" in Honduras, and promptly make such documents available to Honduran authorities who are seeking to determine the fate of these individuals.

LEAHY AMENDMENT NO. 1889

(Ordered to lie on the table.)

Mr. LEAHY submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

At the appropriate place in the bill, insert the following:

SEC. . LANDMINE USE MORATORIUM.

(a) FINDINGS.—The Congress makes the following findings:

(1) On September 26, 1994, the President declared that it is a goal of the United States to eventually eliminate antipersonnel landmines.

(2) On December 15, 1994, the United Nations General Assembly adopted a resolution sponsored by the United States which called for international efforts to eliminate antipersonnel landmines.

(3) According to the Department of State, there are an estimated 80,000,000 to 110,000,000 unexploded landmines in 62 countries.

(4) Antipersonnel landmines are routinely used against civilian populations and kill and maim an estimated 70 people each day, or 26,000 people each year.

(5) The Secretary of State has noted that landmines are "slow-motion weapons of mass destruction".

(6) There are hundreds of varieties of antipersonnel landmines, from a simple type

available at a cost of only two dollars to the more complex self-destructing type, and all landmines of whatever variety kill and maim civilians, as well as combatants, indiscriminately.

(b) CONVENTIONAL WEAPONS CONVENTION REVIEW.—It is the sense of Congress that, at the United Nations conference to review the 1980 Conventional Weapons Convention, including Protocol II on landmines, that is to be held from September 25 to October 13, 1995, the President should actively support proposals to modify Protocol II that would implement as rapidly as possible the United States goal of eventually eliminating antipersonnel landmines.

(c) MORATORIUM ON USE OF ANTIPERSONNEL LANDMINES.—

(1) UNITED STATES MORATORIUM.—(A) For a period of one year beginning three years after the date of the enactment of this Act, the United States shall not use antipersonnel landmines except along internationally recognized national borders within a perimeter marked area that is monitored by military personnel and protected by adequate means to ensure that exclusion of civilians.

(B) If the President determines, before the end of the period of the United States moratorium under subparagraph (A), that the governments of other nations are implementing moratoria on use of antipersonnel landmines similar to the United States moratorium, the President may extend the period of the United States moratorium for such additional period as the President considers appropriate.

(2) OTHER NATIONS.—It is the sense of Congress that the President should actively encourage the governments of other nations to join the United States in solving the global landmine crisis by implementing moratoria on use of antipersonnel landmines similar to the United States moratorium as a step toward the elimination of antipersonnel landmines.

(d) ANTIPERSONNEL LANDMINE EXPORTS.—It is the sense of Congress that, consistent with the United States moratorium on exports of antipersonnel landmines and in order to further discourage the global proliferation of antipersonnel landmines, the United States Government should not sell, license or export, or otherwise transfer defense articles and services to any foreign government which, as determined by the President, sells, exports, or otherwise transfers antipersonnel landmines.

(e) DEFINITIONS.—For purposes of this Act:

(1) ANTIPERSONNEL LANDMINE.—The term "antipersonnel landmine" means any munition placed under, on, or near the ground or other surface area, delivered by artillery, rocket, mortar, or similar means, or dropped from an aircraft and which is designed, constructed, or adapted to be detonated or exploded by the presence, proximity, or contact of a person.

(2) 1980 CONVENTIONAL WEAPONS CONVENTION.—The term "1980 Conventional Weapons Convention" means the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed To Be Excessively Injurious or To Have Indiscriminate Effects, together with the protocols relating thereto, done at Geneva on October 10, 1980.

KERREY AMENDMENT NO. 1890

(Ordered to lie on the table.)

Mr. KERREY submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

Beginning on page 117, strike line 14 and all that follows through line 23.

PRYOR AMENDMENT NO. 1891

(Ordered to lie on the table.)

Mr. PRYOR submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

On page 123, strike lines 1 and 2 and insert the following:

"SEC. 616. ANNUAL REPORT ON EFFECTIVENESS OF ARMS EXPORT CONTROL.

On page 123, lines 3, insert "(a) PERIODIC REPORTS.—" immediately before "The Under Secretary".

On page 123, line 6, strike "180 days" and insert "year".

On page 123, between lines 14 and 15, insert the following:

"(b) INSPECTOR GENERAL.—The Inspector General for Foreign Affairs, within 180 days of enactment, and on an annual basis thereafter until 1998, shall evaluate the effectiveness of the watchlist screening process at the Department of State. The report to Congress, which should be prepared in both a classified and unclassified version, on the evaluation shall include—

"(1) the number of licenses issued to parties on the watchlist, the number of end-use checks performed by the Department, and an assessment of the Department's decision to grant a license when an applicant is on a watchlist; and

"(2) the Inspector General's report shall determine if the watchlist contains all relevant information and parties required by statute or regulation.

"(c) ANNUAL MILITARY ASSISTANCE REPORT.—The Foreign Assistance Act of 1961 is amended by inserting after section 654 (22 U.S.C. 2414) the following new section:

"SEC. 657. ANNUAL MILITARY ASSISTANCE REPORT.

"(a) IN GENERAL.—Not later than February 1 of each year, the President shall transmit to the Congress an annual report for the fiscal year ending the previous September 30, showing the aggregate dollar value and quantity of defense articles (including excess defense articles) and defense services, and of military education and training, furnished by the United States to each foreign country and international organization, by category, specifying whether they were furnished by grant under chapter 2 or chapter 5 of part II of this Act, by sale under chapter 2 of the Arms Control Export Control Act, by commercial sale license under section 38 of that Act, or by any other authority.

"(b) ADDITIONAL CONTENTS OF REPORTS.—The report shall also include the total amount of military items of non-United States manufacture being imported into the United States. The report should contain the country of origin, the type of item being imported, and the total amount of items.".

DORGAN AMENDMENT NO. 1892

(Ordered to lie on the table.)

Mr. DORGAN submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

On page 60, between lines 7 and 8, insert the following new section:

SEC. 207. LIMITATION ON FUNDS FOR THE ORGANIZATION FOR ECONOMIC COOPERATION AND DEVELOPMENT (OECD).

(a) LIMITATION.—Of the funds made available under section 201, not to exceed $50,000,000 may be made available in any fiscal year for the Organization for Economic Cooperation and Development (OECD), subject to subsection (b).

(b) CONDITION.—None of the funds made available under section 201 for the Organization for Economic Cooperation and Development may be obligated or expended until the President makes available for review by Congress the working documents used in the development of the recently finalized transfer pricing report of the Organization for Economic Cooperation and Development entitled the "Transfer Pricing Guidelines for Multinational Enterprises and Tax Administrations", including copies of all drafts, memoranda, written communications, comments, position papers, and other relevant written materials in possession of the Department of the Treasury that were prepared, received, used, or exchanged in connection with preparation and publication of the report.

(c) CLASSIFICATION OF DOCUMENTS.—Documents made available under subsection (b) may be transmitted in classified or unclassified form.

SIMON AMENDMENT NO. 1893

(Ordered to lie on the table.)

Mr. SIMON submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

On page 124, after line 20, insert the following new section:

SEC. 618. DESIGNATION OF THE INTERNATIONAL YEAR OF RESEARCH ON WATER RESOURCES.

It is the sense of the Congress that the President, acting through the United States Permanent Representative to the United Nations, should—

(1) urge the United Nations to designate 1997 as the International Year of Research on Water Resources and Desalination; and

(2) make arrangements for carrying out appropriate activities related to the designation of that year.

SIMON AMENDMENT NO. 1894

(Ordered to lie on the table.)

Mr. SIMON submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

On page 124, after line 20, insert the following new section:

SEC. 618. UNITED NATIONS DESALINATION FOR PEACE PROJECT.

It is the sense of the Congress that the President, acting through the United States Permanent Representatives to the United Nations, should urge the United Nations to establish an international desalination project, to be known as the Desalination for Peace Project, which would call for wealthy nations to donate funds for a joint research and development program to study desalination related problems, build facilities, and test concepts.

SIMON AMENDMENT NO. 1895

(Ordered to lie on the table.)

Mr. SIMON submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

On page 124, after line 20, insert the following new section:

SEC. ___. ANNUAL MILITARY ASSISTANCE REPORT.

The Foreign Assistance Act of 1961 is amended by inserting after section 654 (22 U.S.C. 2414) the following new section:

"SEC. 657. ANNUAL MILITARY ASSISTANCE REPORT.

"Not later than February 1 of each year, the President shall transmit to the Congress an annual report for the fiscal year ending the previous September 30, showing the aggregate dollar value and quantity of defense articles (including excess defense articles) and defense services, and of military education and training, furnished by the United States to each foreign country and international organization, by category, specifying whether they were furnished by grant under chapter 2 or chapter 5 of part II of this Act, by sale under chapter 2 of the Arms Control Export Control Act, by commercial sale license under section 38 of that Act, or by any other authority.".

BUMPERS (AND OTHERS) AMENDMENT NO. 1896

(Ordered to lie on the table.)

Mr. BUMPERS (for himself, Mr. BROWN, and Mr. DORGAN) submitted an amendment intended to be proposed by them to the bill, S. 908, supra; as follows:

At page 93, strike line 23 through page 94, line 13.

SIMON AMENDMENT NO. 1897

(Ordered to lie on the table.)

Mr. SIMON submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

On page 54, strike lines 9 through 11 and insert the following: "$445,000,000 for each of the fiscal years 1996, 1997, 1998, and 1999 for the".

SIMON AMENDMENT NO. 1898

(Ordered to lie on the table.)

Mr. SIMON submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

On page 84, strike lines 3 through 15.

BINGAMAN AMENDMENT NO. 1899

(Ordered to lie on the table.)

Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

At the appropriate place in the bill, insert the following new sections:

SEC. . NONINTERVENTION CONCERNING ABORTION.

Section 104(f) of the Foreign Assistance Act of 1961 (22 U.S.C. 215b(f)) is amended by adding at the end the following new paragraph:

"(4)(A) None of the funds made available to carry out this part may be used—

"(i) for any program, project, or activity that violates the laws of a foreign country concerning the circumstances under which abortion is permitted, regulated, or prohibited; or

"(ii) to lobby for or against abortion.

"(B) Subparagraph (A) shall not apply to activities in opposition to coercive abortion or involuntary sterilization."

SEC. . ELIGIBILITY OF NONGOVERNMENTAL AND MULTILATERAL ORGANIZATIONS.

(a) PROHIBITIONS.—None of the funds made available by the United States Government to foreign governments, international organizations, or nongovernmental organizations may be used to coerce any person to undergo sterilization or abortion or to accept any other method of fertility regulation. Nothing in this section alters existing statutory prohibitions against the use of United States funds for the performance of abortion.

(b) DETERMINATIONS OF ELIGIBILITY.—In determining eligibility for United States population assistance, the President shall not subject nongovernmental and multilateral organizations to requirements which are more restrictive than the requirements applicable to foreign governments for such assistance.

INOUYE (AND OTHERS) AMENDMENT NO. 1900

(Ordered to lie on the table.)

Mr. INOUYE (for himself, Mr. HATCH, Mr. AKAKA, Mr. COHEN, Mr. D'AMATO, Mr. FORD, Mr. HATFIELD, Mr. HOLLINGS, Mr. KENNEDY, and Mr. STEVENS) submitted an amendment intended to be proposed by them to the bill, S. 908, supra; as follows:

In section 401(8) of the bill, strike "$10,000,000 for the fiscal year 1996, $8,000,000 for the fiscal year 1997, $5,000,000 for the fiscal year 1998, and $5,000,000 for the fiscal year 1999" and insert "$20,000,000 for the fiscal year 1996, $18,000,000 for the fiscal year 1997, $15,000,000 for the fiscal year 1998, and $15,000,000 for the fiscal year 1999".

SPECTER (AND KERREY) AMENDMENT NO. 1901

(Ordered to lie on the table.)

Mr. SPECTER (for himself and Mr. KERREY) submitted an amendment intended to be proposed by them to the bill, S. 908, supra; as follows:

Beginning on page 69, strike line 1 and all that follows through line 5 on page 73 and insert the following:

SEC. 216. RESTRICTIONS ON INTELLIGENCE SHARING WITH THE UNITED NATIONS.

The United Nations Participation Act of 1945 (22 U.S.C. 287 et seq.) is amended by adding at the end the following new section:

"SEC. 12. RESTRICTIONS ON INTELLIGENCE SHARING WITH THE UNITED NATIONS.

"(a) PROVISION OF INTELLIGENCE INFORMATION TO THE UNITED NATIONS.—(1) No United States intelligence information may be provided to the United Nations or any organization affiliated with the United Nations, or to any officials or employees thereof, unless the President certifies to the appropriate committees of Congress that the Director of Central Intelligence (in this section referred to as the 'DCI'), in consultation with the Secretary of State and the Secretary of Defense, has established and implemented procedures, and has worked with the United Nations to ensure implementation of procedures, for protecting from unauthorized disclosure United States intelligence sources and methods connected to such information.

"(2) Paragraph (1) may be waived upon written certification by the President to the appropriate committees of Congress that providing such information to the United Nations or an organization affiliated with the United Nations, or to any officials or employees thereof, is in the national security interests of the United States.

"(b) PERIODIC AND SPECIAL REPORTS.—(1) The President shall report semiannually to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives on the types and volume of intelligence provided to the United Nations and the purposes for which it was provided during the period covered by the report. The President shall also report to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives within 15 days after it has become known to the United States Government that there has been an unauthorized disclosure of intelligence provided by the United States to the United Nations.

"(2) The requirement for periodic reports under the first sentence of paragraph (1) shall not apply to the provision of intelligence that is provided only to, and for the use of, appropriately cleared United States Government personnel serving with the United Nations.

"(c) DELEGATION OF DUTIES.—The President may not delegate or assign the duties of the President under this section.

"(d) RELATIONSHIP TO EXISTING LAW.—Nothing in this section shall be construed to—

"(1) impair or otherwise affect the authority of the Director of Central Intelligence to protect intelligence sources and methods from unauthorized disclosure pursuant to section 103(c)(5) of the National Security Act of 1947 (50 U.S.C. 403-3(c)(5)); or

"(2) supersede or otherwise affect the provisions of title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.).

"(e) DEFINITION.—As used in this section, the term 'appropriate committees of Congress' means the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives.".

LIEBERMAN AMENDMENT NO. 1902

(Ordered to lie on the table.)

Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

On page 185, strike out line 1 and all that follows through page 210, line 3, and insert in lieu thereof the following:

TITLE XIII—RETENTION OF UNITED STATES INFORMATION AGENCY AS FEDERAL AGENCY

SEC. 1301. RETENTION.

(a) IN GENERAL.—Notwithstanding any other provision of this Act, the United States Information shall not be abolished under this Act, but shall be retained as a Federal agency.

(2) Except as provided in subsection (b), no provision of this Act shall have force or take effect if the provision provides for the abolishment or consolidation of the United States Information Agency.

(b) EXCEPTIONS.—The following provisions of this Act shall continue to apply to the United States Information Agency:

(1) Section 1105(d), relating to the termination of functions of the Inspector General of the United States Information Agency.

(2) Section 1701(d)(1), relating to the transfer of functions of the Inspector General of the United States Information Agency to the Inspector General for Foreign Affairs of the Department of State.

(3) Section 1724(6)(G), relating to the treatment of the Office of the Inspector General

of the United States Information Agency as a transferor agency under title XVII.

(c) FUNDING FOR USIA IN FISCAL YEARS 1998 AND 1999.—There are authorized to be appropriated in fiscal years 1998 and 1999 such sums as may be necessary to carry out the activities referred to in section 401 (other than activities under the Inspector General Act of 1978).

SPECTER AMENDMENT NO. 1903

(Ordered to lie on the table.)

Mr. SPECTER submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

At the appropriate place in the bill, insert the following:

SEC. . JUDICIAL ASSISTANCE TO THE INTERNATIONAL TRIBUNAL FOR YUGOSLAVIA AND TO THE INTERNATIONAL TRIBUNAL FOR RWANDA.

(a) SURRENDER OF PERSONS.—

(1) APPLICATION OF UNITED STATES EXTRADITION LAWS.—Except as provided in paragraphs (2) and (3), the provisions of chapter 209 of title 18, United States Code, relating to the extradition of persons to a foreign country pursuant to a treaty or convention for extradition between the United States and a foreign government, shall apply in the same manner and extent to the surrender of persons, including United States citizens, to—

(A) the International Tribunal for Yugoslavia, pursuant to the Agreement Between the United States and the International Tribunal for Yugoslavia; and

(B) the International Tribunal for Rwanda, pursuant to the Agreement Between the United States and the International Tribunal for Rwanda.

(2) EVIDENCE ON HEARINGS.—For purposes of applying section 3190 of title 18, United States Code, in accordance with paragraph (1), the certification referred to in the section may be made by the principal diplomatic or consular officer of the United States resident in such foreign countries where the International Tribunal for Yugoslavia or the International Tribunal for Rwanda may be permanently or temporarily situated.

(3) PAYMENT OF FEES AND COSTS.—(A) The provisions of the Agreement Between the United States and the International Tribunal for Yugoslavia and of the Agreement Between the United States and the International Tribunal for Rwanda shall apply in lieu of the provisions of section 3195 of title 18, United States Code, with respect to the payment of expenses arising from the surrender by the United States of a person to the International Tribunal for Yugoslavia or the International Tribunal for Rwanda, respectively, or from any proceedings in the United States relating to such surrender.

(B) The authority of subparagraph (A) may be exercised only to the extent and in the amounts provided in advance in appropriation Acts.

(4) NONAPPLICABILITY OF THE FEDERAL RULES.—The Federal Rules of Evidence and the Federal Rules of Criminal Procedure do not apply to proceedings for the surrender of persons to the International Tribunal for Yugoslavia or the International Tribunal for Rwanda.

(b) ASSISTANCE TO FOREIGN AND INTERNATIONAL TRIBUNALS AND TO LITIGANTS BEFORE SUCH TRIBUNALS.—Section 1782(a) of title 28, United States Code, is amended by inserting in the first sentence after "foreign or international tribunal" the following: ", including criminal investigations conducted prior to formal accusation".

(c) DEFINITIONS.—As used in this section:

(1) INTERNATIONAL TRIBUNAL FOR YUGOSLAVIA.—The term "International Tribunal for Yugoslavia" means the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law in the Territory of the Former Yugoslavia, as established by United Nations Security Council Resolution 827 of May 25, 1993.

(2) INTERNATIONAL TRIBUNAL FOR RWANDA.—The term "International Tribunal for Rwanda" means the International Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighboring States, as established by United Nations Security Council Resolution 955 of November 8, 1994.

(3) AGREEMENT BETWEEN THE UNITED STATES AND THE INTERNATIONAL TRIBUNAL FOR YUGOSLAVIA.—The term "Agreement Between the United States and the International Tribunal for Yugoslavia" means the Agreement on Surrender of Persons Between the Government of the United States and the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Law in the Territory of the Former Yugoslavia, signed at The Hague, October 5, 1994.

(4) AGREEMENT BETWEEN THE UNITED STATES AND THE INTERNATIONAL TRIBUNAL FOR RWANDA.—The term "Agreement between the United States and the International Tribunal for Rwanda" means the Agreement on surrender of Persons Between the Government of the United States and the International Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighboring States, signed at The Hague, January 24, 1995.

FAIRCLOTH AMENDMENT NO. 1904

(Ordered to lie on the table.)

Mr. FAIRCLOTH submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

At the appropriate place in S. 908 insert the following:

TITLE —SENSE OF THE SENATE THAT THE UNITED STATES SHOULD NOT FUND OR SUPPORT THE ESTABLISHMENT OF A NEW INTERNATIONAL BAILOUT FUND WITHIN THE INTERNATIONAL MONETARY FUND

(A) SENSE OF THE SENATE.—It is the sense of the Senate that no funds should be authorized to be appropriated for use directly or indirectly for the establishment of an emergency financing mechanism under the control of the International Monetary Fund or International Bank of Reconstruction and Development.

(B) Further, it is a sense of the Senate that the Secretary of the Treasury shall instruct the Executive Director of the United States to the International Monetary Fund and the Executive Director of the United States of the International Reconstruction and Development to oppose and vote against any proposal to establish an emergency financing mechanism as proposed by Group of Seven Nations in Halifax, Nova Scotia on June 16, 1995.

FAIRCLOTH AMENDMENT NO. 1905

(Ordered to lie on the table.)

Mr. FAIRCLOTH submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

At the appropriate place in S. 908 insert the following new Title:

TITLE —PREVENTION OF THE CREATION OF A NEW INTERNATIONAL BAILOUT FUND WITHIN THE INTERNATIONAL MONETARY FUND

(a) Section 286e–1k of title 22, United States Code, is amended by adding the following new paragraph:

"(c) LIMITATION ON USE OF FUNDS FOR INTERNATIONAL BAILOUTS.—Notwithstanding any other provision of law, no funds may be authorized to be appropriated for use directly or indirectly for the establishment of an emergency financing mechanism under the control of the International Monetary Fund or International Bank of Reconstruction and Development."

(b) Section 286dd of title 22, United States Code, is amended by adding the following new paragraph:

"(3) LIMITATION ON USE OF FUNDS FOR INTERNATIONAL BAILOUTS.—The Secretary of the Treasury shall instruct the Executive Director of the United States to the International Monetary Fund and the Executive Director of the United States of the International Reconstruction and Development to oppose and vote against any proposal to establish an emergency financing mechanism as proposed by Group of Seven Nations in Halifax, Nova Scotia on June 16, 1995."

KASSEBAUM (AND OTHERS) AMENDMENT NO. 1906

(Ordered to lie on the table.)

Mrs. KASSEBAUM (for herself, Mr. BINGAMAN, Mr. CHAFEE, Mr. JEFFORDS, Mr. LEAHY, Ms. MIKULSKI, Ms. MOSELEY-BRAUN, Mrs. MURRAY, Mr. PACKWOOD, Ms. SNOWE, and Mr. SIMPSON) submitted an amendment intended to be proposed by them to the bill, S. 908, supra; as follows:

At the appropriate place in the bill, insert the following new sections:

SEC. . ELIGIBILITY OF NONGOVERNMENTAL AND MULTILATERAL ORGANIZATIONS.

(a) PROHIBITIONS.—None of the funds made available by the United States Government to foreign governments, international organizations, or nongovernmental organizations may be used to coerce any person to undergo sterilization or abortion or to accept any other method of fertility regulation. Nothing in this section alters existing statutory prohibitions against the use of United States funds for the performance of abortion.

(b) DETERMINATIONS OF ELIGIBILITY.—In determining eligibility for United States population assistance, the President shall not subject nongovernmental and multilateral organizations to requirements which are more restrictive than the requirements applicable to foreign governments for such assistance.

SMITH AMENDMENT NO. 1907

(Ordered to lie on the table.)

Mr. SMITH submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

SEC. . LIMITATIONS ON THE USE OF FUNDS FOR DIPLOMATIC FACILITIES IN VIETNAM.

None of the funds appropriated or otherwise made available by this Act may be obligated or expended to pay for any cost incurred for (1) opening or operating any United States diplomatic or consular post in the Socialist Republic of Vietnam that was not operating on July 11, 1995; (2) expanding any United States diplomatic or consular post in the Socialist Republic of Vietnam that was operating on July 11, 1995; or (3) increasing the total number of personnel assigned to United States diplomatic or consular posts in the Socialist Republic of Vietnam above the levels existing on July 11, 1995.

DOLE AMENDMENT NO. 1908

(Ordered to lie on the table.)

Mr. DOLE submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

On page 124, after line 20, insert the following new section:

SEC. . SENSE OF SENATE REGARDING EXCLUSION OF FIDEL CASTRO FROM THE UNITED STATES.

It is the sense of the Senate that the President should exercise his authority to control immigration into the United States to direct the Attorney General not to waive United States immigration laws to allow the entry of Fidel Castro into the United States for any purpose, including attendance at an United Nations function.

DOLE AMENDMENT NO. 1909

(Ordered to lie on the table.)

Mr. DOLE submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

On page 60, between lines 7 and 8, insert the following:

SEC. 207. RESTRICTIONS ON PAYMENTS OF FUNDS TO UNITED NATIONS SPECIALIZED AGENCIES.

None of the funds made available under any provision of law for assessed or voluntary contributions to a specialized agency of the United Nations may be paid to such agency unless the Secretary of State submits a report to Congress containing—

(1) a determination that the purposes and activities of the agency are of sufficient benefit to United States citizens to merit United States payments to the agency;

(2) a listing of specific benefits received by United States citizens from the agency;

(3) a determination that the agency has received an unqualified audit from the United Nations Board of External Auditors in its most recent audit; and

(4) a determination that the agency employs the percentage of United States citizens called for in the United Nations' geographic distribution formulas for professional staff and for all other staff positions.

DOLE AMENDMENT NO. 1910

(Ordered to lie on the table.)

Mr. DOLE submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

At the appropriate place, insert:

TITLE ___—ESTABLISHMENT OF COMMISSION TO REVIEW WTO DISPUTE SETTLEMENT REPORTS

SEC. ___01. SHORT TITLE.

This title may be cited as the "WTO Dispute Settlement Review Commission Act".

SEC. ___02. CONGRESSIONAL FINDINGS AND PURPOSE.

(a) Findings.—The Congress finds the following:

(1) The United States joined the WTO as an original member with the goal of creating an improved global trading system and providing expanded economic opportunities for United States firms and workers, while preserving United States sovereignty.

(2) The American people must receive assurances that United States sovereignty will be protected, and United States interests will be advanced, within the global trading system which the WTO will oversee.

(3) The WTO's dispute settlement rules are meant to enhance the likelihood that governments will observe their WTO obligations, and thus help ensure that the United States will reap the full benefits of its participation in the WTO.

(4) United States support for the WTO depends on obtaining mutual trade benefits through the openness of foreign markets and the maintenance of effective United States and WTO remedies against unfair or otherwise harmful trade practices.

(5) Congress passed the Uruguay Round Agreements Act based on its understanding that effective trade remedies would not be eroded. These remedies are essential to continue the process of opening foreign markets to imports of goods and services and to prevent harm to American industry and agriculture.

(6) In particular, WTO dispute settlement panels and the Appellate Body should—

(A) operate with fairness and in an impartial manner;

(B) not add to the obligations, or diminish the rights, of WTO members under the Uruguay Round Agreements; and

(C) observe the terms of reference and any applicable WTO standard of review.

(b) Purpose.—It is the purpose of this title to provide for the establishment of the WTO Dispute Settlement Review Commission to achieve the objectives described in subsection (a)(6).

SEC. ___03. ESTABLISHMENT OF COMMISSION.

(a) Establishment.—There is established a commission to be known as the WTO Dispute Settlement Review Commission (hereafter in this title referred to as the "Commission").

(b) Membership.—

(1) Composition.—The Commission shall be composed of 5 members all of whom shall be judges of the Federal judicial circuits and shall be appointed by the President, after consultation with the Majority Leader and Minority Leader of the House of Representatives, the Majority Leader and Minority Leader of the Senate, the chairman and ranking member of the Committee on Ways and Means of the House of Representatives, and the chairman and ranking member of the Committee on Finance of the Senate.

(2) Date.—The appointments of the initial members of the Commission shall be made no later than 90 days after the date of the enactment of this title.

(c) Period of Appointment; Vacancies.—

(1) In general.—Members of the Commission first appointed shall each be appointed for a term of 5 years. After the initial 5-year term, 3 members of the Commission shall be appointed for terms of 3 years and the remaining 2 members shall be appointed for terms of 2 years.

(2) Vacancies.—

(A) In general.—Any vacancy on the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment and shall be subject to the same conditions as the original appointment.

(B) Unexpired term.—An individual chosen to fill a vacancy shall be appointed for the unexpired term of the member replaced.

(d) Initial Meeting.—No later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold its first meeting.

(e) Meetings.—The Commission shall meet at the call of the Chairperson.

(f) Quorum.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(g) Affirmative Determinations.—An affirmative vote by a majority of the members of the Commission shall be required for any affirmative determination by the Commission under section ___04.

(h) Chairperson and Vice Chairperson.—The Commission shall select a Chairperson and Vice Chairperson from among its members.

SEC. ___04. DUTIES OF THE COMMISSION.

(a) Review of WTO Dispute Settlement Reports.—

(1) In general.—The Commission shall review—

(A) all adverse reports of dispute settlement panels and the Appellate Body which are—

(i) adopted by the Dispute Settlement Body, and

(ii) the result of a proceeding initiated against the United States by a WTO member; and

(B) upon the request of the Trade Representative, any adverse report of a dispute settlement panel or the Appellate Body—

(i) which is adopted by the Dispute Settlement Body, and

(ii) in which the United States is a complaining party.

(2) Scope of review.—With respect to any report the Commission reviews under paragraph (1), the Commission shall determine in connection with each adverse finding whether the panel or the Appellate Body, as the case may be—

(A) demonstrably exceeded its authority or its terms of reference;

(B) added to the obligations, or diminished the rights, of the United States under the Uruguay Round Agreement which is the subject of the report;

(C) acted arbitrarily or capriciously, engaged in misconduct, or demonstrably departed from the procedures specified for panels and the Appellate Body in the applicable Uruguay Round Agreement; and

(D) deviated from the applicable standard of review, including in antidumping or countervailing duty cases, the standard of review set forth in Article 17.6 of the Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade 1994.

(3) Affirmative determination.—The Commission shall make an affirmative determination under this paragraph with respect to the action of a panel or the Appellate Body, if the Commission determines that—

(A) any of the matters described in subparagraph (A), (B), (C), or (D) of paragraph (2) has occurred; and

(B) the action of the panel or the Appellate Body materially affected the outcome of the report of the panel or Appellate Body.

(b) Determination; Report.—

(1) Determination.—No later than 120 days after the date on which a report of a panel or

the Appellate Body described in subsection (a)(1) is adopted by the Dispute Settlement Body, the Commission shall make a written determination with respect to the matters described in paragraphs (2) and (3) of subsection (a).

(2) REPORTS.—The Commission shall promptly report the determinations described in paragraph (1) to the Committee on Ways and Means of the House of Representatives, the Committee on Finance of the Senate, each Member of the Congress, and the Trade Representative.

SEC. ___05. POWERS OF THE COMMISSION.

(a) HEARINGS.—The Commission may hold a public hearing to solicit views concerning a report of a dispute settlement panel or the Appellate Body described in section ___04(a)(1), if the Commission considers such hearing to be necessary to carry out the purpose of this title. The Commission shall provide reasonable notice of a hearing held pursuant to this subsection.

(b) INFORMATION FROM INTERESTED PARTIES AND FEDERAL AGENCIES.—

(1) NOTICE OF PANEL OR APPELLATE BODY REPORT.—The Trade Representative shall advise the Commission no later than 5 days after the date the Dispute Settlement Body adopts a report of a panel or the Appellate Body that is to be reviewed by the Commission under section ___04(a)(1).

(2) SUBMISSIONS AND REQUESTS FOR INFORMATION.—

(A) IN GENERAL.—The Commission shall promptly publish notice of the advice received from the Trade Representative in the Federal Register, along with notice of an opportunity for interested parties to submit written comments to the Commission. The Commission shall make comments submitted pursuant to the preceding sentence available to the public.

(B) INFORMATION FROM FEDERAL AGENCIES AND DEPARTMENTS.—The Commission may also secure directly from any Federal department or agency such information as the Commission considers necessary to carry out the provisions of this title. Upon the request of the Chairperson of the Commission, the head of such department or agency shall furnish the information requested to the Commission.

(3) ACCESS TO PANEL AND APPELLATE BODY DOCUMENTS.—

(A) IN GENERAL.—The Trade Representative shall make available to the Commission all submissions and relevant documents relating to a report of a panel or the Appellate Body described in section ___04(a)(1), including any information contained in such submissions identified by the provider of the information as proprietary information or information designated as confidential by a foreign government.

(B) PUBLIC ACCESS.—Any document which the Trade Representative submits to the Commission shall be available to the public, except information which is identified as proprietary or confidential.

(c) ASSISTANCE FROM FEDERAL AGENCIES; CONFIDENTIALITY.—

(1) ADMINISTRATIVE ASSISTANCE.—Any agency or department of the United States that is designated by the President shall provide administrative services, funds, facilities, staff, or other support services to the Commission to assist the Commission with the performance of the Commission's functions.

(2) CONFIDENTIALITY.—The Commission shall protect from disclosure any document or information submitted to it by a department or agency of the United States which the agency or department requests be kept confidential. The Commission shall not be considered to be an agency for purposes of section 552 of title 5, United States Code.

SEC. ___06. REVIEW OF DISPUTE SETTLEMENT PROCEDURES AND PARTICIPATION IN THE WTO.

(a) AFFIRMATIVE REPORT BY COMMISSION.—

(1) IN GENERAL.—If the Commission makes an affirmative decision under section ___04(a)(3), the President shall undertake negotiations to amend or modify the rules and procedures of the Uruguay Round Agreement to which such affirmative decision relates.

(2) 3 AFFIRMATIVE REPORTS BY COMMISSION.—If a joint resolution described in subsection (b) is enacted into law pursuant to the provisions of subsection (c), the approval of the Congress, provided for under section 101(a) of the Uruguay Round Agreements Act, of the WTO Agreement shall cease to be effective in accordance with the provisions of the joint resolution.

(b) JOINT RESOLUTION DESCRIBED.—For purposes of subsection (a)(2), a joint resolution is described in this paragraph if it is a joint resolution of the 2 Houses of Congress and the matter after the resolving clause of such joint resolution is as follows: "That, in light of the 3 affirmative reports submitted to the Congress by the WTO Dispute Settlement Review Commission during the preceding 5-year period, and the failure to remedy the problems identified in the reports through negotiations, it is no longer in the overall national interest of the United States to be a member of the WTO, and accordingly the Congress withdraws its approval, provided under section 101(a) of the Uruguay Round Agreements Act, of the WTO Agreement as defined in section 2(9) of that Act.".

(c) PROCEDURAL PROVISIONS.—

(1) IN GENERAL.—The requirements of this subsection are met if—

(A) the joint resolution is enacted in accordance with this subsection, and—

(B) the Commission has submitted 3 affirmative reports pursuant to section ___04(b)(2) during a 5-year period, and the Congress adopts and transmits the joint resolution to the President before the end of the 90-day period (excluding any day described in section 154(b) of the Trade Act of 1974) beginning on the date on which the Congress receives the third such affirmative report.

(2) PRESIDENTIAL VETO.—In any case in which the President vetoes the joint resolution, the requirements of this subsection are met if each House of Congress votes to override that veto on or before the later of the last day of the 90-day period referred to in subparagraph (B) of paragraph (1), or the last day of the 15-day period (excluding any day described in section 154(b) of the Trade Act of 1974) beginning on the date on which the Congress receives the veto message from the President.

(3) INTRODUCTION.—

(A) TIME.—A joint resolution to which this section applies may be introduced at any time on or after the date on which the Commission transmits to the Congress an affirmative report pursuant to section ___04(b)(2), and before the end of the 90-day period referred to in subparagraph (B) of paragraph (1).

(B) ANY MEMBER MAY INTRODUCE.—A joint resolution described in subsection (b) may be introduced in either House of the Congress by any Member of such House.

(4) EXPEDITED PROCEDURES.—

(A) GENERAL RULE.—Subject to the provisions of this subsection, the provisions of subsections (b), (d), (e), and (f) of section 152 of the Trade Act of 1974 (19 U.S.C. 2192(b), (d), (e), and (f)) apply to joint resolutions described in subsection (b) to the same extent as such provisions apply to resolutions under such section.

(B) REPORT OR DISCHARGE OF COMMITTEE.—If the committee of either House to which a joint resolution has been referred has not reported it by the close of the 45th day after its introduction (excluding any day described in section 154(b) of the Trade Act of 1974), such committee shall be automatically discharged from further consideration of the joint resolution and it shall be placed on the appropriate calendar.

(C) FINANCE AND WAYS AND MEANS COMMITTEES.—It is not in order for—

(i) the Senate to consider any joint resolution unless it has been reported by the Committee on Finance or the committee has been discharged under subparagraph (B); or

(ii) the House of Representatives to consider any joint resolution unless it has been reported by the Committee on Ways and Means or the committee has been discharged under subparagraph (B).

(D) SPECIAL RULE FOR HOUSE.—A motion in the House of Representatives to proceed to the consideration of a joint resolution may only be made on the second legislative day after the calendar day on which the Member making the motion announces to the House his or her intention to do so.

(5) CONSIDERATION OF SECOND RESOLUTION NOT IN ORDER.—It shall not be in order in either the House of Representatives or the Senate to consider a joint resolution (other than a joint resolution received from the other House), if that House has previously adopted a joint resolution under this section relating to the same matter.

(d) RULES OF HOUSE OF REPRESENTATIVES AND SENATE.—This section is enacted by the Congress—

(1) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such is deemed a part of the rules of each House, respectively, and such procedures supersede other rules only to the extent that they are inconsistent with such other rules; and

(2) with the full recognition of the constitutional right of either House to change the rules (so far as relating to the procedures of that House) at any time, in the same manner, and to the same extent as any other rule of that House.

SEC. ___07. DEFINITIONS.

For purposes of this title:

(1) AFFIRMATIVE REPORT.—The term "affirmative report" means a report described in section ___04(b)(2) which contains affirmative determinations made by the Commission under paragraph (3) of section ___04(a).

(2) ADVERSE FINDING.—The term "adverse finding" means—

(A) in a panel or Appellate Body proceeding initiated against the United States, a finding by the panel or the Appellate Body that any law or regulation of, or application thereof by, the United States is inconsistent with the obligations of the United States under a Uruguay Round Agreement (or nullifies or impairs benefits accruing to a WTO member under such an Agreement); or

(B) in a panel or Appellate Body proceeding in which the United States is a complaining party, any finding by the panel or the Appellate Body that a measure of the party complained against is not inconsistent with that party's obligations under a Uruguay Round Agreement (or does not nullify or impair benefits accruing to the United States under such an Agreement).

(3) APPELLATE BODY.—The term "Appellate Body" means the Appellate Body established by the Dispute Settlement Body pursuant to Article 17.1 of the Dispute Settlement Understanding.

(4) DISPUTE SETTLEMENT PANEL; PANEL.—The terms "dispute settlement panel" and "panel" mean a panel established pursuant to Article 6 of the Dispute Settlement Understanding.

(5) DISPUTE SETTLEMENT BODY.—The term "Dispute Settlement Body" means the Dispute Settlement Body established pursuant to the Dispute Settlement Understanding.

(6) DISPUTE SETTLEMENT UNDERSTANDING.—The term "Dispute Settlement Understanding" means the Understanding on Rules and Procedures Governing the Settlement of Disputes referred to in section 101(d)(16) of the Uruguay Round Agreements Act.

(7) TERMS OF REFERENCE.—The term "terms of reference" has the meaning given such term in the Dispute Settlement Understanding.

(8) TRADE REPRESENTATIVE.—The term "Trade Representative" means the United States Trade Representative.

(9) URUGUAY ROUND AGREEMENT.—The term "Uruguay Round Agreement" means any of the Agreements described in section 101(d) of the Uruguay Round Agreements Act.

(10) WORLD TRADE ORGANIZATION; WTO.—The terms "World Trade Organization" and "WTO" mean the organization established pursuant to the WTO Agreement.

(11) WTO AGREEMENT.—The term "WTO Agreement" means the Agreement Establishing the World Trade Organization entered into on April 15, 1994.

DOLE (AND OTHERS) AMENDMENT NO. 1911

(Ordered to lie on the table.)

Mr. DOLE (for himself, Ms. SNOWE, and Mr. LOTT) submitted an amendment intended to be proposed by them to the bill S. 908, supra; as follows:

On page 78, line 19, strike "subparagraph (B)" and insert "subparagraphs (B) and (C)".

On page 79, line 5, strike "The" and insert "Subject to paragraph (3), the".

On page 81, between lines 2 and 3, insert the following new paragraph:

(3) In addition to the requirements of paragraph (2), the authorization of appropriations under paragraph (1) shall take effect only after the Secretary of State determines and certifies to the appropriate congressional committees that no funds made available to the Department of State were obligated or expended for United States participation in the United Nations Fourth World Conference on Women while Harry Wu, a United States citizen, was detained by the People's Republic of China.

DOLE (AND OTHERS) AMENDMENT NO. 1912

(Ordered to lie on the table.)

Mr. DOLE (for himself, Ms. SNOWE, and Mr. LOTT) submitted an amendment intended to be proposed by them to the bill S. 908, supra; as follows:

On page 78, line 19, strike "subparagraph (B)" and insert "subparagraphs (B) and (C)".

On page 79, line 5, strike "The" and insert "Subject to paragraph (3), the".

On page 81, line 3, add the following:

(c) FURTHER CONDITIONAL AUTHORITY.—

(1) Of the funds authorized to be appropriated for fiscal year 1996, in (a), $3,500,000 shall be withheld from obligation until the Secretary of State certifies to the appropriate congressional committees, with respect to the United Nations Fourth World Conference on Women being held in Beijing, that no funds available to the Department of State were obligated or expended for United States participation in the United Nations Fourth World Conference on Women while Harry Wu, a United States citizen, was detained by the People's Republic of China.

(2) If the Secretary of State cannot make the certification in Section 301(c)(1), the withheld funds shall be returned to the U.S. Treasury.

DOLE AMENDMENT NO. 1913

(Ordered to lie on the table.)

Mr. DOLE submitted an amendment intended to be proposed by him to the bill S. 908, supra; as follows:

On page 60, between lines 7 and 8, insert the following:

Of the funds authorized to be appropriated for fiscal year 1996 under section 201 of this Act, $100,000,000 shall be withheld from obligation and expenditure until the President certifies that Libya will not be granted membership of any type on the United Nations Security Council in fiscal year 1996.

HELMS AMENDMENT NO. 1914

Mr. HELMS proposed an amendment to the bill S. 908, supra; as follows:

Beginning on page 11, strike line 14 and all that follows through line 4 on page 12.

On page 13, strike lines 6 through 12 and insert the following:

SEC. 121. LEASE-PURCHASE OF OVERSEAS PROPERTY.

(a) AUTHORITY FOR LEASE-PURCHASE.—Subject to subsections (b) and (c), the Secretary is authorized to acquire by lease-purchase such properties as are described in subsection (b), if—

(1) the Secretary of State, and

(2) the Director of the Office of Management and Budget,

certify and notify the appropriate committees of Congress that the lease-purchase arrangement will result in a net cost savings to the Federal government when compared to a lease, a direct purchase, or direct construction of comparable property.

(b) LOCATIONS AND LIMITATIONS.—The authority granted in subsection (a) may be exercised only—

(1) to acquire appropriate housing for Department of State personnel stationed abroad and for the acquisition of other facilities, in locations in which the United States has a diplomatic mission; and

(2) during fiscal years 1996 through 1999.

(c) AUTHORIZATION OF FUNDING.—Funds for lease-purchase arrangements made pursuant to subsection (a) shall be available from amounts appropriated under the authority of section 111(a)(3) (relating to the Acquisition and Maintenance of Buildings Abroad" account).

Beginning on page 18, strike line 1 and all that follows through line 2 on page 21 and insert the following:

SEC. ___. DIPLOMATIC TELECOMMUNICATIONS SERVICE PROGRAM OFFICE.

(a) FINDINGS.—The Congress makes the following findings:

(1) The Diplomatic Telecommunications Service Program Office (hereafter in this section referred to as "DTS-PO") has made significant enhancements to upgrade the worldwide DTS network with high speed, high capacity circuitry as well as improvements at United States embassies and consulates to enhance utilization of the network.

(2) Notwithstanding the improvements that the DTS-PO has made to the DTS network, the current management structure needs to be strengthened to provide a clearly delineated, accountable management authority for the DTS-PO and the DTS network.

(b) REPORT REQUIRED.—No later than three months after the date of enactment of this Act, the two agencies providing the greatest funding to DTS-PO shall submit to the appropriate committees of Congress—

(1) a DTS-PO management plan—

(A) setting forth the organization, mission and functions of each major element of the DTS-PO; and

(B) designating an entity at each overseas post, or providing a mechanism for the designation of such an entity, which will be responsible for the day-to-day administration of the DTS-PO operations; and

(2) a DTS-PO strategic plan containing—

(A) future customer requirements, validated by the DTS customer organizations;

(B) a system configuration for the DTS network which will meet the future telecommunications needs of the DTS customer agencies;

(C) a funding profile to achieve the system configuration for the DTS network;

(D) a transition strategy to move to the system configuration for the DTS network;

(E) a reimbursement plan to cover the direct and indirect costs of operating the DTS network; and

(F) an allocation of funds to cover the costs projected to be incurred by each of the agencies or other entities utilizing DTS to maintain DTS, to upgrade DTS, and to provide for future demands for DTS.

(c) DEFINITION.—As used in this section, the term "appropriate committees of Congress" means the Select Committee on Intelligence, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate and the Permanent Select Committee on Intelligence, the Committee on International Relations, and the Committee on Appropriations of the House of Representatives.

Beginning on page 47, strike line 18 and all that follows through page 49, line 15, and insert in lieu thereof the following:

"(ii) As used in this subparagraph:

"(I) CONFISCATED.—The term "confiscated" refers to—

"(aa) the nationalization, expropriation, or other seizure of ownership or control of property, on or after January 1, 1959—

"(AA) without the property having been returned or adequate and effective compensation provided or in violation of the law of the place where the property was situated when the confiscation occurred; or

"(BB) without the claim to the property having been settled pursuant to an international claims settlement agreement or other recognized settlement procedure; or

"(bb) the repudiation of, the default on, or the failure to pay, on or after January 1, 1959—

"(AA) a debt by any enterprise which has been confiscated;

"(BB) a debt which is a charge on property confiscated; or

"(CC) a debt incurred in satisfaction or settlement of a confiscated property claim.

"(II) PROPERTY.—The term "property" means any property, whether real, personal, or mixed, and any present, future, or contingent right or security of other interest therein, including any leasehold interest.

"(III) TRAFFIC.—The term "traffic" means that a person knowingly and intentionally—

"(aa) sells, transfers, distributes, dispenses, brokers, manages, or otherwise disposes of confiscated property, or purchases, leases, receives, obtains control of, manages, uses, or otherwise acquires an interest in confiscated property;

"(bb) engages in a commercial activity using or otherwise benefitting from a confiscated property; or

"(cc) causes, directs, participates in, or profits from, activities of another person described in subclause (aa) or (bb), or otherwise engages in the activities described in subclause (aa) or (bb)
without the authorization of the national of the United States who holds a claim to the property.

On page 50, between lines 14 and 15, insert the following new subsection:

(c) REPORTING REQUIREMENT.—(1) The United States Embassy in each country shall provide to the Secretary of State a report listing those foreign nationals who have confiscated, converted, or trafficked in property the claim to which is held by a United States national and in which the confiscation claim has not been fully resolved.

(2) Beginning six months after the date of enactment of this Act, and every year thereafter, the Secretary of State shall submit to the appropriate congressional committees a list of those foreign nationals who—

(A) have confiscated, converted, or trafficked in property the claim to which is held by a United States national and in which the confiscation claim has not been fully resolved; and

(B) have been excluded from entry into the United States.

On page 58, line 10, insert "and" after "operations;".

On page 58, strike lines 13 through 15.

On page 58, line 8, insert "relevant" after "all";".

On page 59, line 9, strike "has provided, and".

On page 59, beginning on line 19, strike "for" and all that follows through "thereafter," on line 20 and insert "under this Act for each of the fiscal years 1996, 1997, 1998, and 1999".

On page 104, between lines 16 and 17, insert the following new sections:

SEC. 420. MANSFIELD FELLOWSHIP PROGRAM REQUIREMENTS.

Section 253(4)(B) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 6102(4)(B)) is amended by striking "certain" and inserting the following: ", under criteria established by the Mansfield Center for Pacific Affairs, certain allowances and benefits not to exceed the amount of equivalent".

SEC. 421. DISTRIBUTION WITHIN THE UNITED STATES OF THE UNITED STATES INFORMATION AGENCY FILM ENTITLED "THE FRAGILE RING OF LIFE".

Notwithstanding section 208 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (22 U.S.C. 1461–1(a)) and the second sentence of section 501 of the United States Information and Education Act of 1948 (22 U.S.C. 1461), the Director of the United States Information Agency may make available for distribution within the United States the documentary entitled "The Fragile Ring of Life", a film about coral reefs around the world.

On page 107, strike lines 3 through 6.

On page 107, line 7, strike "(4)" and insert "(3)"

On page 107, line 11, strike "(5)" and insert "(4)".

On page 107, line 15, strike "(6)" and insert "(5)".

On page 107, line 20, strike "(7)" and insert "(6)".

On page 107, line 22, strike "(8)" and insert "(7)".

On page 112, strike lines 19 through 22.

On page 112, line 23, strike "(7)" and insert "(6)".

On page 118, strike line 1 and all that follows through line 11 on page 121.

On page 124, after line 20, insert the following:

SEC. 618. MIDDLE EAST PEACE FACILITATION ACT OF 1995.

(a) SHORT TITLE.—This section may be cited as the "Middle East Peace Facilitation Act of 1995".

(b) FINDINGS.—The Congress finds that—

(1) the Palestine Liberation Organization (in this section referred to as the "PLO") has recognized the State of Israel's right to exist in peace and security; accepted United Nations Security Council Resolutions 242 and 338; committed itself to the peace process and peaceful coexistence with Israel, free from violence and all other acts which endanger peace and stability; and assumed responsibility over all PLO elements and personnel in order to assure their compliance, prevent violations, and discipline violators;

(2) Israel has recognized the PLO as the representative of the Palestinian people;

(3) Israel and the PLO signed a Declaration of Principles on Interim Self-Government Arrangements (in this section referred to as the "Declaration of Principles") on September 13, 1993, at the White House;

(4) Israel and the PLO signed an Agreement on the Gaza Strip and the Jericho Area (in this section referred to as the "Gaza-Jericho Agreement") on May 4, 1994, which established a Palestinian Authority for the Gaza and Jericho areas;

(5) Israel and the PLO signed an Agreement on Preparatory Transfer of Powers and Responsibilities (in this section referred to as the "Early Empowerment Agreement") on August 29, 1994, which provided for the transfer to the Palestinian Authority of certain powers and responsibilities in the West Bank outside of the Jericho Area;

(6) under the terms of the Declaration of Principles, the Gaza-Jericho Agreement and the Early Empowerment Agreement, the powers and responsibilities of the Palestinian Authority are to be assumed by an elected Palestinian Council with jurisdiction in the West Bank and Gaza Strip in accordance with the Interim Agreement to be concluded between Israel and the PLO;

(7) permanent status negotiations relating to the West Bank and Gaza Strip are scheduled to begin by May 1996;

(8) the Congress has, since the conclusion of the Declaration of Principles and the PLO's renunciation of terrorism, provided authorities to the President to suspend certain statutory restrictions relating to the PLO, subject to Presidential certifications that the PLO has continued to abide by commitments made in and in connection with or resulting from the good faith implementation of, the Declaration of Principles;

(9) the PLO commitments relevant to Presidential certifications have included commitments to renounce and condemn terrorism, to submit to the Palestinian National Council for formal approval the necessary changes to those articles of the Palestinian Covenant which call for Israel's destruction, and to prevent acts of terrorism and hostilities against Israel; and

(10) the President, in exercising the authorities described in paragraph (8), has certified to the Congress on four occasions that the PLO was abiding by its relevant commitments.

(c) SENSE OF CONGRESS.—It is the sense of the Congress that although the PLO has recently shown improvement in its efforts to fulfill its commitments, the PLO must do far more to demonstrate an irrevocable denunciation of terrorism and ensure a peaceful settlement of the Middle East dispute, and in particular the PLO must—

(1) submit to the Palestine National Council for formal approval the necessary changes to those articles of the Palestinian National Covenant which call for Israel's destruction;

(2) make greater efforts to preempt acts of terror, to discipline violators, and to contribute to stemming the violence that has resulted in the deaths of 123 Israeli citizens since the signing of the Declaration of Principles;

(3) prohibit participation in its activities and in the Palestinian Authority and its successors by any groups or individuals which continue to promote and commit acts of terrorism;

(4) cease all anti-Israel rhetoric, which potentially undermines the peace process;

(5) confiscate all unlicensed weapons and restrict the issuance of licenses to those with legitimate need;

(6) transfer any person, and cooperate in transfer proceedings relating to any person, accused by Israel of acts of terrorism; and

(7) respect civil liberties, human rights and democratic norms.

(d) AUTHORITY TO SUSPEND CERTAIN PROVISIONS.—

(1) IN GENERAL.—Subject to paragraph (2), beginning on the date of enactment of this Act and for 18 months thereafter the President may suspend for a period of not more than 6 months at a time any provision of law specified in paragraph (4). Any such suspension shall cease to be effective after 6 months, or at such earlier date as the President may specify.

(2) CONDITIONS.—

(A) CONSULTATIONS.—Prior to each exercise of the authority provided in paragraph (1) or certification pursuant to paragraph (3), the President shall consult with the relevant congressional committees. The President may not exercise that authority to make such certification until 30 days after a written policy justification is submitted to the relevant congressional committees.

(B) PRESIDENTIAL CERTIFICATION.—The President may exercise the authority provided in paragraph (1) only if the President certifies to the relevant congressional committees each time he exercises such authority that—

(i) it is in the national interest of the United States to exercise such authority;

(ii) the PLO continues to comply with all the commitments described in subparagraph (D); and

(iii) funds provided pursuant to the exercise of this authority and the authorities under section 583(a) of Public Law 103–236 and section 3(a) of Public Law 103–125 have been used for the purposes for which they were intended.

(C) REQUIREMENT FOR CONTINUING PLO COMPLIANCE.—

(i) The President shall ensure that PLO performance is continuously monitored, and if the President at any time determines that the PLO has not continued to comply with all the commitments described in subparagraph (D), he shall so notify the appropriate congressional committees. Any suspension under paragraph (1) of a provision of law specified in paragraph (4) shall cease to be effective.

(ii) Beginning six months after the date of enactment of this Act, if the President on the basis of the continuous monitoring of the PLO's performance determines that the PLO is not complying with the requirements described in paragraph (3), he shall so notify the appropriate congressional committees and no assistance shall be provided pursuant to the exercise by the President of the authority provided by paragraph (1) until such time as the President makes the certification provided for in paragraph (3).

(D) PLO COMMITMENTS DESCRIBED.—The commitments referred to in subparagraphs (B) and (C)(i) are the commitments made by the PLO—

(i) in its letter of September 9, 1993, to the Prime Minister of Israel and in its letter of September 9, 1993, to the Foreign Minister of Norway to—

(I) recognize the right of the State of Israel to exist in peace and security;

(II) accept United Nations Security Council Resolutions 242 and 338;

(III) renounce the use of terrorism and other acts of violence;

(IV) assume responsibility over all PLO elements and personnel in order to assure their compliance, prevent violations, and discipline violators;

(V) call upon the Palestinian people in the West Bank and Gaza Strip to take part in the steps leading to the normalization of life, rejecting violence and terrorism, and contributing to peace and stability; and

(VI) submit to the Palestine National Council for formal approval the necessary changes to the Palestinian National Covenant eliminating calls for Israel's destruction; and

(ii) in, and resulting from, the good faith implementation of the Declaration of Principles, including good faith implementation of subsequent agreements with Israel, with particular attention to the objective of preventing terrorism, as reflected in the provisions of the Gaza-Jericho Agreement concerning—

(I) prevention of acts of terrorism and legal measures against terrorists;

(II) abstention from and prevention of incitement, including hostile propaganda;

(III) operation of armed forces other than the Palestinian Police;

(IV) possession, manufacture, sale, acquisition, or importation of weapons;

(V) employment of police who have been convicted of serious crimes or have been found to be actively involved in terrorist activities subsequent to their employment;

(VI) transfers to Israel of individuals suspected of, charged with, or convicted of an offense that falls within Israeli criminal jurisdiction;

(VII) cooperation with the Government of Israel in criminal matters, including cooperation in the conduct of investigations; and

(VIII) exercise of powers and responsibilities under the agreement with due regard to internationally accepted norms and principles of human rights and the rule of law.

(E) POLICY JUSTIFICATION.—As part of the President's written policy justification to be submitted to the relevant congressional committees pursuant to subparagraph (A), the President shall report on—

(i) the manner in which the PLO has complied with the commitments specified in subparagraph (D), including responses to individual acts of terrorism and violence, actions to discipline perpetrators of terror and violence, and actions to preempt acts of terror and violence;

(ii) the extent to which the PLO has fulfilled the requirements specified in paragraph (3);

(iii) actions that the PLO has taken with regard to the Arab League boycott of Israel;

(iv) the status and activities of the PLO office in the United States; and

(v) the status of United States and international assistance efforts in the areas subject to jurisdiction of the Palestinian Authority or its successors.

(3) REQUIREMENT FOR CONTINUED PROVISION OF ASSISTANCE.—Six months after the date of enactment of this Act, no assistance shall be provided pursuant to the exercise by the President of the authority provided by paragraph (1), unless and until the President determines and so certifies to the Congress that—

(A) if the Palestinian Council has been elected and assumed its responsibilities, the Council has, within a reasonable time, effectively disavowed the articles of the Palestine National Covenant which call for Israel's destruction, unless the necessary changes to the Covenant have already been submitted to the Palestine National Council for formal approval;

(B) the PLO has exercised its authority resolutely to establish the necessary enforcement institution, including laws, police, and a judicial system, for apprehending, prosecuting, convicting, and imprisoning terrorists;

(C) the PLO has limited participation in the Palestinian Authority and its successors to individuals and groups in accordance with the terms that may be agreed with Israel;

(D) the PLO has not provided any financial or material assistance or training to any group, whether or not affiliated with the PLO to carry out actions inconsistent with the Declaration of Principles, particularly acts of terrorism against Israel;

(E) the PLO has cooperated in good faith with Israeli authorities in the preemption of acts of terrorism and in the apprehension and trial of perpetrators of terrorist acts in Israel, territories controlled by Israel, and all areas subject to jurisdiction of the Palestinian Authority and its successors; and

(F) the PLO has exercised its authority resolutely to enact and implement laws requiring the disarming of civilians not specifically licensed to possess or carry weapons.

(4) PROVISIONS THAT MAY BE SUSPENDED.—The provisions that may be suspended under the authority of paragraph (1) are the following:

(A) Section 307 of the Foreign Assistance Act of 1961 (22 U.S.C. 2227) as it applies with respect to the PLO or entities associated with it.

(B) Section 114 of the Department of State Authorization Act, Fiscal Years 1984 and 1985 (22 U.S.C. 287e note) as it applies with respect to the PLO or entities associated with it.

(C) Section 1003 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (22 U.S.C. 5202).

(D) Section 37 of the Bretton Woods Agreement Act (22 U.S.C. 286W) as it applies to the granting to the PLO of observer status or other official status at any meeting sponsored by or associated with International Monetary Fund. As used in this subparagraph, the term "other official status" does not include membership in the International Monetary Fund.

(5) RELEVANT CONGRESSIONAL COMMITTEES DEFINED.—As used in this subsection, the term "relevant congressional committees" means—

(A) the Committee on International Relations, the Committee on Banking, Finance and Urban Affairs, and the Committee on Appropriations of the House of Representatives; and

(B) the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

SEC. 619. DEFENSE DRAWDOWN FOR JORDAN.

(a) AUTHORITY.—(1) In addition to the authority provided in section 506(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2318(a)), the President may, for purposes of part II of that Act, direct the drawdown for Jordan during fiscal year 1996 of—

(A) defense articles from the stocks of the Department of Defense;

(B) defense services from the Department; and

(C) military education and training.

(2) The aggregate value of the articles, services, and education and training drawn down under paragraph (1) during fiscal year 1996 may not exceed $100,000,000.

(b) NOTIFICATION REQUIREMENT.—The President may not exercise the authority in subsection (a) to drawdown articles, services, or education and training unless the President notifies Congress of each such intended exercise in accordance with the procedures for notification of the exercise of special authority set forth in section 652 of the Foreign Assistance Act of 1961 (22 U.S.C. 2411).

(c) FUNDING LIMITATIONS.—(1)(A) No funds made available for the Department of Defense may be utilized for the purposes of the drawdown of articles, services, and education and training authorized under this section.

(B) For purposes of this paragraph, funds available to the Department of Defense are any funds derived from or available under budget function 050.

(2) Funds may not be utilized for the purposes of a drawdown under this section unless funds for such drawdown are specifically made available in an appropriations Act.

Beginning on page 172, strike line 19 and all that follows through line 5 on page 173 and insert the following:

SEC. 1110. PROCEDURES FOR COORDINATION OF GOVERNMENT PERSONNEL AT OVERSEAS POSTS.

(a) AMENDMENT OF THE FOREIGN SERVICE ACT OF 1980.—Section 207 of the Foreign Service Act of 1980 (22 U.S.C. 3927) is amended—

(1) by redesignating subsection (c) as subsection (e); and

(2) by inserting after subsection (b) the following:

"(c)(1) In carrying out subsection (b), the head of each department, agency, or other entity of the executive branch of Government shall ensure that, in coordination with the Department of State, the approval of the chief of mission to a foreign country is sought on any proposed change in the size, composition, or mandate of employees of the respective department, agency, or entity (other than employees under the command of a United States area military commander) if the employees are performing duties in that country.

"(2) In seeking the approval of the chief of mission under paragraph (1), the head of a department, agency, or other entity of the executive branch of Government shall comply with the procedures set forth in National Security Decision Directive Number 38, as in effect on June 2, 1982, and the implementing guidelines issued thereunder.

"(d) The Secretary of State, in the sole discretion of the Secretary, may accord diplomatic titles, privileges, and immunities to employees of the executive branch of Government who are performing duties in a foreign country.".

(b) Review of Procedures for Coordination.—(1) The President shall conduct a review of the procedures contained in National Security Decision Directive Number 38, as in effect on June 2, 1982, and the practices in implementation of those procedures, to determine whether the procedures and practices have been effective to enhance significantly the coordination among the several departments, agencies, and entities of the executive branch of Government represented in foreign countries.

(2) Not later than 180 days after the date of enactment of this Act, the President shall submit to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives a report containing the findings of the review conducted under paragraph (1), together with any recommendations for legislation as the President may determine to be necessary.

On page 208, strike lines 8 through 11 and insert the following:

SEC. 1327. MIKE MANSFIELD FELLOWSHIPS.

Part C of title II of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 6101 et seq.) is amended—

(1) by striking "Director of the United States Information Agency" each place it appears and inserting "Secretary of State"; and

(2) by striking "United States Information Agency" each place it appears and inserting "Department of State".

Beginning on page 216, strike line 4 and all that follows through line 22 on page 217 and insert the following:

SEC. 1501. SENSE OF CONGRESS REGARDING UNITED NATIONS REFORM.

It is the sense of Congress that—

(1) the 50th anniversary of the United Nations provides an important opportunity for a comprehensive review of the strengths and weaknesses of the United Nations and for the identification and implementation of changes in the United Nation that would improve its ability to discharge effectively the objectives of the United Nations set forth in the United Nations Charter;

(2) the structure of the United Nations system, which has evolved over 50 years, should be subject to a comprehensive review in order to identify the changes to the system that will best serve the interests of the United States and of the international community;

(3) the United States, as the strongest member state of the United Nations, should lead this comprehensive review;

(4) reforms that produce a smaller, more focused, more efficient United Nations with clearly defined missions are in the interest of the United States and of the United Nations;

(5) the United States should develop a unified position in support of reforms at the United Nations that are broadly supported by both the legislative branch and the executive branch;

(6) the need for reform of the United Nations is urgent; and

(7) the failure to develop and implement promptly a strategic reorganization of the United Nations will result in a continued diminution of the relevance of the United Nations to United States foreign policy and to international politics generally.

SEC. 1502. UNITED NATIONS REORGANIZATION PLAN.

(a) Requirement for Plan.—The President shall submit to Congress, together with the budget submitted pursuant to section 1105 of title 31, United States Code, for fiscal year 1997, a plan recommending a strategic reorganization of the United Nations.

(b) Requirement Relating to Development.—The President shall develop the plan in consultation with Congress.

(c) Plan Elements.—The plan should include the elements described in section 1503 and such other recommendations as may be necessary to achieve the efficient, cost-effective conduct of the responsibilities of the United Nations.

SEC. 1503. CONTENTS OF REORGANIZATION PLAN.

It is the sense of the Congress that the reorganization plan required by section 1502(a) should—

(1) constitute a comprehensive statement of United States policy toward reform of the United Nations;

(2) set forth an agenda to implement the reforms set forth in the plan in a timely manner;

(3) include specific proposals to achieve—

(A) a substantial reduction in the number of agencies within the United Nations system, including proposals to consolidate, abolish, or restructure mechanisms for financing agencies of the United Nations that have a low priority;

(B) the identification and strengthening of the core agencies of the United Nations system that most directly serve the objectives of the United Nations set forth in the United Nations Charter;

(C) the increased cooperation, and the elimination of duplication, among United Nations agencies and programs consistent with the principle of a unitary United Nations;

(D) the consolidation of the United Nations technical cooperation activities between the United Nations Headquarters and the offices of the United Nations in Geneva, Switzerland, including the merger of the technical cooperation functions of the United Nations Development Program (UNDP), the United Nations Population Fund (UNFPA), the United Nations Environmental Program (UNEP), the United Nations Industrial Development Organization (UNIDO), the International Fund for Agricultural Development (IFAD), the United Nations Capital Development Fund (UNCDF), and the United Nations Development Fund for Women (UNIFEM);

(E) the consolidation of the United Nations emergency response mechanism by merging the emergency functions of relevant United Nations agencies, including the United Nations Children's Fund, the World Food Program, and the Office of the United Nations High Commissioner for Refugees;

(F) a substantial reduction in, or elimination of, the cost and number of international conferences sponsored by the United Nations;

(G) a significant strengthening of the administrative and management capabilities of the Secretary General of the United Nations, including a cessation of the practice of reserving top Secretariat posts for citizens of particular countries;

(H) a significant increase in the openness to the public of the budget decision-making procedures of the United Nations; and

(I) the establishment of a truly independent inspector general at the United Nations;

(4) include proposals to coordinate and implement proposals for reform of the United Nations such as those proposals set forth in the communique of the 21st annual summit of the Heads of State and Government of the seven major industrialized nations and the President of the European Commission at Halifax, Nova Scotia, dated June 15–17, 1995; and

(4) include proposals for amendments to the United Nations Charter that would promote the efficiency, focus, and cost-effectiveness of the United Nations and the ability of the United Nations to achieve the objectives of the United Nations set forth in the United Nations Charter.

On page 218, line 15, "$30,000,000,000" and insert "$3,000,000,000".

On page 251, below line 22, add the following:

(g) Additional Requirements for Budget Purposes.—(1) In addition to any other payments which an agency referred to in subsection (b) is required to make under section 4(a)(1) of the Federal Workforce Restructuring Act of 1994 (Public Law 103–226; 108 Stat. 114; 5 U.S.C. 8331 note), each such agency shall remit to the Office of Personnel Management for deposit in the Treasury to the credit of the Civil Service Retirement and Disability Fund an amount equal to 9 percent of final basic pay of each employee of the agency—

(A) who, on or after the date of the enactment of this Act, retires under section 8336(d)(2) of title 5, United States Code; and

(B) to whom a voluntary separation incentive payment is paid under this section by such agency based on that retirement.

(2) In addition to any other payments which an agency referred to in subsection (b) is required to make under section 4(b)(1) of such Act in fiscal years 1996, 1997, and 1998, each such agency shall remit to the Office of Personnel Management for deposit in the Treasury to the credit of the Civil Service Retirement and Disability Fund an amount equal to 0.5 percent of the basic pay of each employee of the agency who, as of March 31 of such fiscal year, is subject to subchapter III of chapter 83 or chapter 84 of title 5, United States Code.

(3) Notwithstanding any other provision of this section, the head of an agency referred to in subsection (b) may not pay voluntary separation incentive payments under this section unless sufficient funds are available in the Foreign Affairs Reorganization Transition Fund to cover the cost of such payments and the amount of the remittances required of the agency under paragraphs (1) and (2).

HELMS AMENDMENT NO. 1915

(Ordered to lie on the table.)

Mr. HELMS submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

At the appropriate place in the bill, insert the following:

SEC. . RESTRICTION ON U.S. GOVERNMENT OFFICES AND OFFICIAL U.S. GOVERNMENT MEETINGS IN JERUSALEM.

(1) None of the funds authorized by this or any other Act may be obligated or expended to create in any part of Jerusalem a new office of any department or agency of the United States government for the purpose of conducting official business with the Palestinian Authority over Gaza and Jericho or any successor Palestinian governing entity provided for in the Israel-PLO Declaration of Principles or subsequent agreements; and

(2) None of the funds authorized by this or any other Act may be obligated or expended to meet in any part of Jerusalem for the purpose of conducting official United States government business with the Palestinian Authority over Gaza and Jericho or any successor Palestinian governing entity provided for in the Israel-PLO Declaration of Principles.

HELMS AMENDMENT NO. 1916

(Ordered to lie on the table.)

Mr. HELMS submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

On page 124, after line 20, insert the following:

SEC. . PROHIBITION ON FUNDING FOR COERCIVE POPULATION CONTROL METHODS.

Notwithstanding any other provision of law or of this Act, none of the funds authorized to be appropriated by this Act or any other Act are authorized to be available for the United Nations Population Fund (UNFPA), unless the President certifies to the appropriate congressional committees that (1) the United Nations Population Fund has terminated all activities in the People's Republic of China; or (2) during the 12 months preceding such certification there have been no abortions as the result of coercion associated with the family planning policies of the national government or other governmental entities within the People's Republic of China. As used in this section the term "coercion" includes physical duress or abuse, destruction or confiscation of property, loss of means of livelihood or severe psychological pressure.

HELMS AMENDMENT NO. 1917

(Ordered to lie on the table.)

Mr. HELMS submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

At the end of the bill, add the following new division:

DIVISION C—FOREIGN AID REDUCTION

SEC. 2001. SHORT TITLE.

This division may be cited as the "Foreign Aid Reduction Act of 1995".

TITLE XXI—DEFENSE AND SECURITY ASSISTANCE

CHAPTER 1—FOREIGN MILITARY FINANCING PROGRAM

SEC. 2101. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for grant assistance under section 23 of the Arms Export Control Act (22 U.S.C. 2763) and for the subsidy cost, as defined in section 502(5) of the Federal Credit Reform Act of 1990, of direct loans under such section—

(1) $3,185,000,000 for fiscal year 1996; and

(2) $3,160,000,000 for fiscal year 1997.

SEC. 2102. LOANS FOR GREECE AND TURKEY.

Of the amounts made available for fiscal years 1996 and 1997 under section 23 of the Arms Export Control Act (22 U.S.C. 2763)—

(1) $26,620,000 shall be made available for fiscal year 1996, and up to $26,620,000 may be made available for fiscal year 1997, for the subsidy cost, as defined in section 502(5) of the Federal Credit Reform Act of 1990, of direct loans for Greece; and

(2) $37,800,000 shall be made available for fiscal year 1996, and up to $37,800,000 may be made available for fiscal year 1997, for the subsidy cost, as defined in section 502(5) of the Federal Credit Reform Act of 1990, of direct loans for Turkey.

CHAPTER 2—INTERNATIONAL MILITARY EDUCATION AND TRAINING

SEC. 2121. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $39,781,000 for each of the fiscal years 1996 and 1997 to carry out chapter 5 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2347 et seq.).

CHAPTER 3—ANTITERRORISM ASSISTANCE

SEC. 2131. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated $15,000,000 for fiscal year 1996 and $15,000,000 for fiscal year 1997 to carry out chapter 8 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2349aa et seq.).

(b) AVAILABILITY OF AMOUNTS.—Amounts authorized to be appropriated under subsection (a) are authorized to remain available until expended.

CHAPTER 4—NARCOTICS CONTROL ASSISTANCE

SEC. 2141. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated $213,000,000 for each of the fiscal years 1996 and 1997 to carry out chapter 8 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2291 et seq.).

(b) AVAILABILITY OF AMOUNTS.—Amounts authorized to be appropriated under subsection (a) are authorized to remain available until expended.

CHAPTER 5—PEACEKEEPING OPERATIONS

SEC. 2151. PEACEKEEPING OPERATIONS.

Section 552(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2348a(a)) is amended to read as follows:

"(a) There are authorized to be appropriated to the President to carry out the purposes of this chapter, in addition to amounts otherwise available for such purposes, $40,000,000 for fiscal year 1996 and $35,000,000 for fiscal year 1997.".

TITLE XXII—TRADE AND EXPORT DEVELOPMENT

SEC. 2201. TRADE AND DEVELOPMENT AGENCY.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 661(f)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2421(f)(1)) is amended to read as follows: "There are authorized to be appropriated to the President for purposes of this section, in addition to funds otherwise available for such purposes, $67,000,000 for fiscal year 1996 and $75,000,000 for fiscal year 1997.".

(b) AVAILABILITY OF APPROPRIATIONS.—Section 661(f) of such Act (22 U.S.C. 2421(f)) is amended by striking paragraph (2) and inserting the following:

"(2) AVAILABILITY OF APPROPRIATIONS.—Amounts appropriated pursuant to paragraph (1) are authorized to remain available until expended.".

TITLE XXIII—PRIVATE SECTOR, ECONOMIC, AND DEVELOPMENT ASSISTANCE

CHAPTER 1—PRIVATE SECTOR ENTERPRISE FUNDS

SEC. 2301. SUPPORT FOR PRIVATE SECTOR ENTERPRISE FUNDS.

Chapter 1 of part III of the Foreign Assistance Act of 1961 is amended by inserting after section 601 (22 U.S.C. 2351) the following new section:

"SEC. 601A. PRIVATE SECTOR ENTERPRISE FUNDS.

"(a) AUTHORITY.—(1) The President may provide funds and support to Enterprise Funds designated in accordance with subsection (b) that are or have been established for the purposes of promoting—

"(A) development of the private sectors of eligible countries, including small businesses, the agricultural sector, and joint ventures with United States and host country participants; and

"(B) policies and practices conducive to private sector development in eligible countries;

on the same basis as funds and support may be provided with respect to Enterprise Funds for Poland and Hungary under the Support for East European Democracy (SEED) Act of 1989.

"(2) Funds may be made available under this section notwithstanding any other provision of law.

"(b) COUNTRIES ELIGIBLE FOR ENTERPRISE FUNDS.—(1) Except as provided in paragraph (2), the President is authorized to designate a private, nonprofit organization as eligible to receive funds and support pursuant to this section with respect to any country eligible to receive assistance under part I of this Act in the same manner and with the same limitations as set forth in section 201(d) of the Support for East European Democracy (SEED) Act of 1989.

"(2)(A) Except as provided in subparagraph (B), the authority of paragraph (1) shall not apply to any country with respect to which the President is authorized to designate an enterprise fund under section 498B(c) of this Act or section 201 of the Support for East European Democracy (SEED) Act of 1989.

"(B) The prohibition of subparagraph (A) shall not apply to the Trans-Caucasus Enterprise Fund established under subsection (c).

"(c) TRANS-CAUCASUS ENTERPRISE FUND.—The President shall designate a private, nonprofit organization under subsection (b) to carry out this section with respect to the Trans-Caucasus region of the former Soviet Union. Such organization shall be known as the 'Trans-Caucasus Enterprise Fund'.

"(d) TREATMENT EQUIVALENT TO ENTERPRISE FUNDS FOR POLAND AND HUNGARY.—Except as otherwise specifically provided in this section, the provisions contained in section 201 of the Support for East European Democracy (SEED) Act of 1989 (excluding the authorizations of appropriations provided in subsection (b) of that section) shall apply to any Enterprise Fund that receives funds and support under this section. The officers, members, or employees of an Enterprise Fund that receive funds and support under this section shall enjoy the same status under law that is applicable to officers, members, or employees of the Enterprise Funds for Poland and Hungary under the Support for East European Democracy (SEED) Act of 1989.

"(e) REPORTING REQUIREMENT.—Notwithstanding any other provision of this section, the requirement of section 201(p) of the Support for East European Democracy (SEED) Act of 1989, that an Enterprise Fund shall be required to publish an annual report not later than January 31 each year shall not apply with respect to an Enterprise Fund that receives funds and support under this section for the first twelve months after it is designated as eligible to receive such funds and support.

"(f) AUTHORIZATION OF APPROPRIATIONS.—(1) There are authorized to be appropriated to the President for purposes of this section, in addition to funds otherwise available for such purposes—

"(A) $12,000,000 for fiscal year 1996 to fund the Trans-Caucasus Enterprise Fund established under subsection (d); and

"(B) $52,000,000 for fiscal year 1996 to fund any enterprise fund authorized to receive funds under this section other than the Trans-Caucasus Enterprise Fund.

"(2) Funds appropriated under this subsection are authorized to remain available until expended.".

CHAPTER 2—DEVELOPMENT ASSISTANCE FUND AND OTHER AUTHORITIES

SEC. 2311. DEVELOPMENT ASSISTANCE FUND.

(a) SINGLE AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the President the total amount of $2,475,000,000 for fiscal year 1996 and the total amount of $2,324,000,000 for fiscal year 1997 to carry out the following authorities in law:

(1) Sections 103, 104, 105, 106, and 108 of the Foreign Assistance Act of 1961 (relating to development assistance).

(2) Chapter 10 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2294; relating to the Development Fund for Africa).

(3) Chapter 11 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2295 et seq.).

(4) The Support for East European Democracy (SEED) Act of 1989 (Public Law 101–179).

(5) Title III of chapter 2 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2181 et seq.; relating to housing and other credit guaranty programs).

(6) Section 214 of the Foreign Assistance Act of 1961 (22 U.S.C. 2174; relating to American Schools and Hospitals Abroad).

(b) POPULAR NAME.—Appropriations made pursuant to subsection (a) may be referred to as the "Development Assistance Fund".

(c) PROPORTIONAL ASSISTANCE TO AFRICA.—Of the funds authorized to be appropriated by subsection (a), not less than 25 percent each fiscal year shall be used to carry out chapter 10 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2294 et seq.; relating to the Development Fund for Africa).

SEC. 2312. ECONOMIC SUPPORT FUND.

Subsection (a) of section 532 of the Foreign Assistance Act of 1961 (22 U.S.C. 2346a) is amended to read as follows:

"(a)(1) There are authorized to be appropriated to the President to carry out the purposes of this chapter $2,375,000,000 for the fiscal year 1996 and $2,340,000,000 for the fiscal year 1997.

"(2) Of the amount authorized to be appropriated by paragraph (1) for each of the fiscal years 1996 and 1997, $15,000,000 shall be available only for Cyprus.

"(3) Of the amount authorized to be appropriated by paragraph (1) for fiscal year 1996, $15,000,000 shall be available only for the International Fund for Ireland.

"(4) Of the amount authorized to be appropriated by paragraph (1) for fiscal year 1996, $10,000,000 shall be available only for the rapid development of a prototype industrial park in the Gaza Strip.".

CHAPTER 3—PEACE CORPS

SEC. 2331. PEACE CORPS.

Section 3(b) of the Peace Corps Act (22 U.S.C. 2502(b)) is amended to read as follows:

"(b) There are authorized to be appropriated to carry out the purposes of this Act $234,000,000 for each of the fiscal years 1996 and 1997.".

CHAPTER 4—INTERNATIONAL DISASTER ASSISTANCE PROGRAMS

SEC. 2341. INTERNATIONAL DISASTER ASSISTANCE.

Section 492(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2292a) is amended to read as follows:

"(a) There are authorized to be appropriated to the President to carry out section 491, in addition to funds otherwise available for such purposes, $200,000,000 for fiscal year 1996 and $200,000,000 for fiscal year 1997.".

TITLE XXIV—PEACE AND SECURITY IN THE MIDDLE EAST

SEC. 2401. ECONOMIC SUPPORT FUND ASSISTANCE FOR ISRAEL.

(a) MINIMUM ALLOCATION.—Of the amounts made available to carry out chapter 4 of part II of the Foreign Assistance Act of 1961 (relating to the Economic Support Fund) for fiscal years 1996 and 1997, not less than $1,200,000,000 for each such fiscal year shall be available only for Israel.

(b) TERMS OF ASSISTANCE.—The total amount of funds allocated for Israel each fiscal year under subsection (a) shall be made available as a cash transfer on a grant basis. Such transfer shall be made on an expedited basis within 30 days after the beginning of the fiscal year or the date of enactment of the Act appropriating such funds, whichever is later. In exercising the authority of this subsection, the President shall ensure that the level of cash transfer made to Israel does not cause an adverse impact on the total level of nonmilitary exports from the United States to Israel.

SEC. 2402. FOREIGN MILITARY FINANCING FOR ISRAEL.

(a) MINIMUM ALLOCATION.—Of the amounts made available for fiscal years 1996 and 1997 for assistance under the "Foreign Military Financing Program" account under section 23 of the Arms Export Control Act (22 U.S.C. 2763), not less than $1,800,000,000 for each such fiscal year shall be available only for Israel.

(b) TERMS OF ASSISTANCE.—

(1) GRANT BASIS.—The assistance provided for Israel for each fiscal year under subsection (a) shall be provided on a grant basis.

(2) EXPEDITED DISBURSEMENT.—Such assistance shall be disbursed—

(A) with respect to fiscal year 1996, not later than 30 days after the date of the enactment of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1996, or by October 31, 1995, whichever is later; and

(B) with respect to fiscal year 1997, not later than 30 days after the date of the enactment of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997, or by October 31, 1996, whichever is later.

(3) ADVANCED WEAPONS SYSTEMS.—To the extent that the Government of Israel requests that funds be used for such purposes, funds described in subsection (a) shall, as agreed by the Government of Israel and the Government of the United States, be available for advanced weapons systems, of which not less than $475,000,000 for each fiscal year shall be available only for procurement in Israel of defense articles and defense services, including research and development.

SEC. 2403. ECONOMIC SUPPORT FUND ASSISTANCE FOR EGYPT.

Of the amounts made available to carry out chapter 4 of part II of the Foreign Assistance Act of 1961 (relating to the Economic Support Fund) for fiscal years 1996 and 1997, not less than $815,000,000 for each such fiscal year shall be available only for Egypt.

SEC. 2404. FOREIGN MILITARY FINANCING FOR EGYPT.

(a) MINIMUM ALLOCATION.—Of the amounts made available for fiscal years 1996 and 1997 for assistance under the "Foreign Military Financing Program" account under section 23 of the Arms Export Control Act (22 U.S.C. 2763), not less than $1,300,000,000 for each such fiscal year shall be available only for Egypt.

(b) TERMS OF ASSISTANCE.—The assistance provided for Egypt for each fiscal year under subsection (a) shall be provided on a grant basis.

TITLE XXV—INTERNATIONAL ORGANIZATIONS AND PROGRAMS

SEC. 2501. VOLUNTARY CONTRIBUTIONS; UNITED NATIONS CHILDREN'S FUND.

Section 302(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2222(a)) is amended to read as follows:

"(a)(1) There are authorized to be appropriated to the President, in addition to funds otherwise available for such purpose, $225,000,000 for fiscal year 1996, and $225,000,000 for fiscal year 1997, for voluntary contributions under this chapter to international organizations and programs, of which amounts not less than $103,000,000 for each fiscal year shall be available only for the United Nations Children's Fund (UNICEF).

"(2) Funds appropriated pursuant to paragraph (1) are authorized to remain available until expended.".

SEC. 2502. REPLENISHMENT OF THE ASIAN DEVELOPMENT BANK.

The Asian Development Bank Act (22 U.S.C. 285–285aa) is amended by adding at the end the following new section:

"SEC. 31. FOURTH REPLENISHMENT.

"(a) SUBSCRIPTION AUTHORITY.—

"(1) IN GENERAL.—The United States Governor of the Bank may, on behalf of the United States, subscribe to 276,105 shares of the increase in the capital stock of the Bank—

"(A) 5,522 of which shall be shares of paid-in capital stock; and

"(B) 270,583 of which shall be shares of callable capital stock.

"(2) SUBJECT TO APPROPRIATIONS.—The authority provided by paragraph (1) shall be effective only to such extent or in such amounts as are provided in advance in appropriations Acts.

"(b) LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS.—For the subscription authorized by subsection (a), there are authorized to be appropriated to the Secretary of the Treasury $13,320,000 for each of the fiscal years 1996 and 1997.".

TITLE XXVI—EFFECTIVE DATE

SEC. 2601. EFFECTIVE DATE.

Except as otherwise provided, this division, and the amendments made by this division, shall take effect on October 1, 1995.

HELMS AMENDMENT NO. 1918

(Ordered to lie on the table.)

Mr. HELMS submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

On page 124, after line 20, insert the following new section:

SEC. . DENIAL OF PASSPORTS FOR NON-PAYMENT OF CHILD SUPPORT.

(a) HHS CERTIFICATION PROCEDURE.—

(1) SECRETARIAL RESPONSIBILITY.—Section 452 (42 U.S.C. 652), as amended by sections 115(a)(3) and 117, is amended by adding at the end the following new subsection:

"(l)(1) If the Secretary receives a certification by a State agency in accordance with the requirements of section 454(28) that an individual owes arrearages of child support in an amount exceeding $5,000 or in an amount exceeding 24 months worth of child support, the Secretary shall transmit such certification to the Secretary of State for action (with respect to denial, revocation, or limitation of passports) pursuant to section 171(b) of the Child Support Responsibility Act of 1995.

"(2) The Secretary shall not be liable to an individual for any action with respect to a certification by a State agency under this section.".

(2) STATE CSE AGENCY RESPONSIBILITY.—Section 454 (42 U.S.C. 654), as amended by sections 104(a), 114(b), and 122(a), is amended—

(A) by striking "and" at the end of paragraph (26);

(B) by striking the period at the end of paragraph (27) and inserting "; and"; and

(C) by adding after paragraph (27) the following new paragraph:

"(28) provide that the State agency will have in effect a procedure (which may be combined with the procedure for tax refund offset under section 464) for certifying to the Secretary, for purposes of the procedure under section 452(l) (concerning denial of passports) determinations that individuals owe arrearages of child support in an amount exceeding $5,000 or in an amount exceeding 24 months worth of child support, under which procedure—

"(A) each individual concerned is afforded notice of such determination and the consequences thereof, and an opportunity to contest the determination; and

"(B) the certification by the State agency is furnished to the Secretary in such format, and accompanied by such supporting documentation, as the Secretary may require.".

(b) STATE DEPARTMENT PROCEDURE FOR DENIAL OF PASSPORTS.—

(1) IN GENERAL.—The Secretary of State, upon certification by the Secretary of Health and Human Services, in accordance with section 452(l) of the Social Security Act, that an individual owes arrearages of child support in excess of $5,000, shall refuse to issue a passport to such individual, and may revoke, restrict, or limit a passport issued previously to such individual.

(2) LIMIT ON LIABILITY.—The Secretary of State shall not be liable to an individual for any action with respect to a certification by a State agency under this subsection.

(c) EFFECTIVE DATE.—This section and the amendments made by this section shall become effective October 1, 1996.

HELMS AMENDMENT NO. 1919

(Ordered to lie on the table.)

Mr. HELMS submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

On page 124, after line 20, insert the following new section:

SEC. . LIMITATION ON CONGRESSIONAL TRAVEL TO NORTH KOREA.

Notwithstanding any other provision of law, funds appropriated or otherwise made available under section 502(b) of the Mutual Security Act of 1954 (22 U.S.C. 1754(b)) shall not be available for travel to North Korea unless the President submits to the Congress a certification that North Korea does not have a policy of discriminating, on the basis of national origin or political philosophy, against Members and employees of the Congress in permitting travel to North Korea.

HELMS AMENDMENT NO. 1920

(Ordered to lie on the table.)

Mr. HELMS submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

On page 33, line 7, after "agency" insert "(other than the Peace Corps)".

On page 53, line 18, strike "**AFFILIATED AGENCIES**" and insert "**OTHER INTERNATIONAL ORGANIZATIONS**".

On page 69, line 3, strike "(a) IN GENERAL.—".

On page 104, line 22, insert "**FOR THE UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY**" after "**APPROPRIATIONS**".

On page 105, line 17, insert "**OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT**" after "**EXPENSES**".

On page 106, line 2, insert "**OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT**" after "**INSPECTOR GENERAL**".

On page 127, line 16, insert "(a)" immediately after "SECTION 1".

On page 127, line 17, insert "(a)" immediately after "2651a".

On page 128, line 12, strike "The" and insert "Under the direction of the Secretary of State, the".

On page 154, strike lines 12 through 14 and insert the following:

"(C) carry out the functions that the Assistant Secretary for Diplomatic Security carried out prior to the enactment of this section, including those functions set forth in sections 103(a)(2) (22 U.S.C. 4802(a)(2)) and 402(a)(2) (22 U.S.C. 4852(a)(2)) of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 and section 214 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 4314); and"

On page 164, strike lines 7 through 10 and insert the following:

(2) Section 239(e) of the Foreign Assistance Act of 1961 (22 U.S.C. 2199(e)) is amended to read as follows:

"(e) The Inspector General for Foreign Affairs may conduct reviews, investigations, and inspections of all phases of the Corporation's operations and activities and the Secretary of State may conduct all security activities of the Corporation related to personnel and the control of classified material. With respect to his responsibilities under this subsection, the Inspector General for Foreign Affairs shall report to the Board. The Department of State shall be reimbursed by the Corporation for all expenses incurred by the Inspector General for Foreign Affairs and the Secretary of State in connection with their responsibilities under this subsection.".

On page 168, strike "February 28, 1997" and insert "March 1, 1997".

On page 178, between lines 5 and 6, insert the following new subsection:

( ) SECURITY REQUIREMENTS.—Section 45 (22 U.S.C. 2585) is amended by striking subsections (a), (b), and (d).

On page 178, line 6, strike "(k)" and insert "(l)".

On page 178, line 8, strike "(l)" and insert "(m)".

On page 178, line 11, strike "(m)" and insert "(n)".

On page 178, line 13, strike "(n)" and insert "(o)".

On page 189, between lines 8 and 9, insert the following new subsection:

(l) DISSEMINATION OF INFORMATION ABOUT THE UNITED STATES ABROAD.—Section 501 (22 U.S.C. 1461) is amended—

(1) in subsection (a), by inserting "in carrying out informational and educational exchange functions"; and

(2) in subsection (b)(1), by inserting "pursuant to subsection (a)" after "dissemination abroad".

On page 201, line 14, insert "overseas" before "information".

On page 215, lines 6 and 7, strike "(insofar as it exercises AID functions)" and insert "(exclusive of references to components of IDCA expressly established by statute or reorganization plan)".

On page 215, line 9, strike "exercising AID functions" and insert ", exclusive of officials of components of IDCA expressly established by statute or reorganization plan".

On page 221, line 22, strike "date" and insert "dates, as follows".

On page 223, line 13, after "date" insert the following:

", except for those security functions previously exercised by the Inspector General of the Agency for International Development, which shall be transferred to the Secretary of State pursuant to subsection (a)(2).".

On page 227, line 3, insert after "necessary" the following: ", including the exercise of authority".

On page 231, line 3, insert after "necessary" the following: ", including the exercise of authority".

On page 235, line 10, insert after "necessary" the following: ", including the exercise of authority".

HELMS AMENDMENT NO. 1921

(Ordered to lie on the table.)

Mr. HELMS submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

On page 124, after line 20, insert the following new section:

SEC. . AVAILABILITY OF VOICE OF AMERICA AND RADIO MARTI MULTILINGUAL COMPUTER READABLE TEXT AND VOICE RECORDING.

Notwithstanding section 208 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (22 U.S.C. 1461–1a) and the second sentence of section 501 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1461), the Director of the United States Information Agency is authorized to make available, upon request, to the Linguistic Data Consortium of the University of Pennsylvania computer readable multilingual text and recorded speech in various languages. The linguistic Data Consortium shall, directly or indirectly as appropriate, reimburse the Director for any expenses involved in making such materials available. This authorization shall remain in effect for 5 years.

HELMS AMENDMENT NO. 1922

(Ordered to lie on the table.)

Mr. HELMS submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

On page 33, between lines 11 and 12, insert the following:

(e) MEMBERSHIP OF SENIOR FOREIGN SERVICE OFFICERS IN COLLECTIVE BARGAINING UNITS.—Section 206 of the Foreign Service Act of 1980 (22 U.S.C. 3926) is amended by adding at the end the following:

"(c) A member of the Senior Foreign Service may not be a member of a collective bargaining unit.".

HELMS AMENDMENT NO. 1923

(Ordered to lie on the table.)

Mr. HELMS submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

Beginning on page 114, strike line 5 and all that follows through line 13 on page 117.

HELMS AMENDMENT NO. 1924

(Ordered to lie on the table.)

Mr. HELMS submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

On page 75, after line 12, add the following:

(b) Pursuant to a lifting of the United Nations arms embargo against Bosnia-Hercegovina, or to a unilateral lifting of the arms embargo by the President of the United States, the President is authorized to transfer to the government of that nation, without reimbursement, defense articles from the stocks of the Department of Defense and defense services of the Department of Defense of an aggregate value not to exceed that of unexpended funds authorized to be appropriated for the United States contribution to the United Nations Protection Force.

HELMS AMENDMENT NO. 1925

(Ordered to lie on the table.)

Mr. HELMS submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

SEC. . MISSILE TECHNOLOGY CONTROL REGIME.

(a) FINDINGS.—Congress makes the following findings:

(1) The threat posed to the national security of the United States by the proliferation of ballistic and cruise missiles is significant, and is growing, both quantitatively and qualitatively.

(2) An alarming number of countries possessing or producing ballistic or cruise missiles have proven willing to help others develop the same capability.

(3) The Missile Technology Control Regime serves as an important means of stopping or slowing the spread of ballistic and cruise missiles by denying non-members access to missile technology.

(4) Sanctions, as mandated under the Arms Export Control Act and the Export Administration Act of 1979, represent an important means in stemming the proliferation of ballistic missiles capable of reaching the United States.

(5) The recent waiver of sanctions and the decision to support countries which engage in active space programs for membership in the Missile Technology Control Regime threatens to eviscerate the regime.

(6) These recent events underscore the need to reevaluate the Missile Technology Control Regime and the mechanisms at the United States' disposal for preventing the spread of ballistic missiles.

(b) IN GENERAL.—The President shall seek a Senate resolution of support prior to U.S. support of any State for membership in the Missile Technology Control Regime.

(c) SENSE OF THE SENATE.—It is the sense of the Senate that the Missile Technology Control Regime should not continue to exempt national civilian space programs from its controls and sanctions.

(d) REPORT REQUIRED.—(1) Not later than December 1, 1995, the Secretaries of Defense, State, and Commerce shall submit unique reports to the Senate Committee on Foreign Relations and the Senate Armed Services Committee. These reports shall include the following:

(i) An explanation of the difference between a space-launch vehicle and a ballistic missile, and an explanation of why the export of space-launch vehicle components should not be considered a violation of the Missile Technology Control Regime.

(ii) An identification of the rationale guiding the U.S. position on offering transfers of missile technology as inducements designed to encourage countries to join the Missile Technology Control Regime.

(iii) An assessment of whether or not the United States should support or sponsor for membership in the Missile Technology Control Regime any country pursuing a space-launch program and the advantages of requiring countries to disband their space-launch program prior to membership in the regime.

(iv) An assessment of the potential military implications of the transfer of missile technology to members of the Missile Technology Control Regime who maintain space-launch vehicle programs.

(v) A detailed evaluation of the similarities and differences in the export control system maintained by the United States and those of Russia, China, Brazil, Ukraine, Belarus, and Kazakhstan.

(vi) An assessment of the on-going efforts made by potential participant countries in the Missile Technology Control Regime, including those listed in this subsection, to meet the guidelines established by the Missile Technology Control Regime.

(2) In this section, the term "Missile Technology Control Regime" means the policy statement between the United States, the United Kingdom, the Federal Republic of Germany, France, Italy, Canada, and Japan, announced on April 16, 1987, to restrict sensitive missile-relevant transfers based on the Missile Technology Control Regime Annex, and any amendments thereto.

HELMS AMENDMENT NO. 1926

(Ordered to lie on the table.)

Mr. HELMS submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

At the end, add the following new division:

DIVISION C—CONSOLIDATION AND REINVENTION OF FOREIGN AFFAIRS AGENCIES

SEC. 1001. SHORT TITLE.

This division may be cited as the "Foreign Affairs Alternative Reinvention Procedures Act of 1995".

SEC. 1002. PURPOSES.

The purposes of this division are—

(1) to reorganize and reinvent the foreign affairs agencies of the United States in order to enhance the formulation, coordination, and implementation of United States foreign policy;

(2) to streamline and consolidate the functions and personnel of the Department of State, the Agency for International Development, the United States Information Agency, and the United States Arms Control and Disarmament Agency in order to eliminate redundancies in the functions and personnel of such agencies;

(3) to assist congressional efforts to balance the Federal budget and reduce the Federal debt;

(4) to strengthen the authority of United States ambassadors over all United States Government personnel and resources located in United States diplomatic missions in order to enhance the ability of the ambassadors to deploy such personnel and resources to the best effect to attain the President's foreign policy objectives;

(5) to encourage United States foreign affairs agencies to maintain a high percentage of the best qualified, most competent United States citizens serving in the United States Government while downsizing significantly the total number of people employed by such agencies; and

(6) to ensure that all functions of United States diplomacy be subject to recruitment, training, assignment, promotion, and egress based on common standards and procedures while preserving maximum interchange among such functions.

TITLE XI—REORGANIZATION OF FOREIGN AFFAIRS AGENCIES

SEC. 1101. REORGANIZATION PLAN FOR THE DEPARTMENT OF STATE AND INDEPENDENT FOREIGN AFFAIRS AGENCIES.

(a) SUBMISSION OF PLAN.—Not later than 6 months after the date of enactment of this Act, the President shall transmit to the appropriate congressional committees a reorganization plan providing for the streamlining and consolidation of the Department of State, the United States Information Agency, the Agency for International Development, and the United States Arms Control and Disarmament Agency. Such plan shall provide for—

(1) the enhancement of the formulation, coordination, and implementation of policy;

(2) the maintenance, to the maximum extent possible, of a United States presence abroad within budgetary constraints;

(3) an abolition of at least two of the independent foreign affairs agencies;

(4) the elimination in the duplication of functions and personnel between the Department of State and such other agency or agencies not abolished under paragraph (3);

(5) the reduction in the aggregate number of positions in the Department of State and the independent foreign affairs agencies which are classified at each of levels II, III, and IV of the Executive Schedule;

(6) the reorganization and streamlining of the Department of State; and

(7) the achievement of a cost savings of at least $3,100,000,000 over 4 years through the consolidation of agencies.

(b) PLAN ELEMENTS.—The plan under subsection (a) shall—

(1) identify the functions of the independent foreign affairs agencies that will be transferred to the Department of State under the plan, as well as those that will be abolished under the plan;

(2) identify the personnel and positions of the agencies (including civil service personnel, Foreign Service personnel, and detailees) that will be transferred to the Department, separated from service with the Agency, or be eliminated under the plan, and set forth a schedule for such transfers, separations, and terminations;

(3) identify the personnel and positions of the Department (including civil service personnel, Foreign Service personnel, and detailees) that will be transferred within the Department, separated from service with the Department, or eliminated under the plan and set forth a schedule for such transfers, separations, and terminations;

(4) specify the consolidations and reorganization of functions of the Department that will be required under the plan in order to permit the Department to carry out the functions transferred to the Department under the plan;

(5) specify the funds available to the independent foreign affairs agencies that will be transferred to the Department under this title as a result of the implementation of the plan;

(6) specify the proposed allocations within the Department of unexpended funds of the independent foreign affairs agencies; and

(7) specify the proposed disposition of the property, facilities, contracts, records, and other assets and liabilities of the independent foreign affairs agencies resulting from

the abolition of any such agency and the transfer of the functions of the independent foreign affairs agencies to the Department.

(c) LIMITATIONS ON CONTENTS OF PLAN.—(1) Sections 903, 904, and 905 of title 5, United States Code, shall apply to the plan transmitted under subsection (a).

(2) The plan may not provide for the termination of any function authorized by law.

(d) EFFECTIVE DATE OF PLAN.—(1) The plan transmitted under subsection (a) shall take effect 60 calendar days of continuous session of Congress after the date on which the plan is transmitted to Congress if the Congress enacts a joint resolution, in accordance with subsection (e), approving the plan.

(2) For purposes of paragraph (1)—

(A) continuity of session is broken only by an adjournment of Congress sine die; and

(B) the days on which either House is not in session because of an adjournment of more than 3 days to a day certain are excluded in the computation of any period of time in which Congress is in continuous session.

(e) CONGRESSIONAL PRIORITY PROCEDURES.—(1) Except as provided in paragraph (2), sections 908, 910, 911, and 912 of title 5, United States Code, shall apply to the consideration by Congress of a joint resolution described in paragraph (3) that is introduced in a House of Congress.

(2) The following requirements shall apply to actions described in paragraph (1) without regard to chapter 9 of title 5, United States Code:

(A) A referral of joint resolutions under this section may only be made to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

(B) The reference in section 908 of such title to reorganization plans transmitted on or before December 31, 1984, shall have no force or effect.

(3) A joint resolution under this section means only a joint resolution of the Congress, the matter after the resolving clause of which is as follows: "That the Congress approves the reorganization plan numbered ____ transmitted to the Congress by the President on ____, 19____", which plan may include such modifications and revisions as are submitted by the President under section 903(c) of title 5, United States Code. The blank spaces therein are to be filled appropriately.

(4) The provisions of this subsection supersede any other provision of law.

(f) EXPIRATION OF AUTHORITY TO TRANSMIT PLAN.—The authority of the President to transmit a reorganization plan under subsection (a) shall expire on the date that is 6 months after the date of the enactment of this Act.

(g) DEADLINE FOR IMPLEMENTATION.—If the reorganization plan transmitted under subsection (a) is not approved by Congress in accordance with subsection (e), the plan shall be implemented not later than March 1, 1997.

(h) ABOLITION OF INDEPENDENT FOREIGN AFFAIRS AGENCIES.—

(1) ABOLITION FOR FAILURE TO TRANSMIT PLAN.—If the President does not transmit to Congress a reorganization plan under subsection (a), the United States Arms Control and Disarmament Agency, the United States Information Agency, and the Agency for International Development are abolished as of 180 days after the date of enactment of this Act.

(2) ABOLITION FOR FAILURE TO IMPLEMENT PLAN.—If the President does not implement the reorganization plan transmitted and requiring the abolition of an agency referred to in paragraph (1), the agency is abolished as of March 1, 1997.

(i) DEFINITION.—As used in this section, the term "independent foreign affairs agencies" means the United States Arms Control and Disarmament Agency, the United States Information Agency, and the Agency for International Development.

SEC. 1102. TRANSFERS OF FUNCTIONS.

(a) TRANSFERS.—Subject to subsection (b), there are transferred to, and vested in, the Secretary of State all functions vested by law (including by reorganization plan approved before the date of the enactment of this Act pursuant to chapter 9 of title 5, United States Code) in, or exercised by, the head of each of the following agencies, the agencies themselves, or officers, employees, or components thereof:

(1) The United States Arms Control and Disarmament Agency

(2) The United States Information Agency.

(3) The Agency for International Development.

(b) EFFECTIVE DATE.—The transfers referred to in subsection (a) shall take place—

(1) if the President does not transmit a reorganization plan to Congress under section 1101(a), not later than 180 days after the date of enactment of this Act; or

(2) if the President does not implement the reorganization plan transmitted and approved under such section with respect to an agency referred to in subsection (a), not later than March 1, 1997.

SEC. 1103. VOLUNTARY SEPARATION INCENTIVES.

(a) AUTHORITY TO PAY INCENTIVES.—The head of an agency referred to in subsection (b) may pay voluntary incentive payments to employees of the agency in order to avoid or minimize the need for involuntary separations from the agency as a result of the abolition of the agency and the consolidation of functions of the Department of State under this title.

(b) COVERED AGENCIES.—Subsection (a) applies to the following agencies:

(1) The Department of State.

(2) The United States Arms Control and Disarmament Agency.

(3) The United States Information Agency.

(4) The Agency for International Development.

(c) PAYMENT REQUIREMENTS.—(1) The head of an agency shall pay voluntary separation incentive payments in accordance with the provisions of section 3 of the Federal Workforce Restructuring Act of 1994 (Public Law 103-226; 108 Stat. 111), except that an employee of the agency shall be deemed to be eligible for payment of a voluntary separation incentive payment under that section if the employee separates from service with the agency during the period beginning on the date of enactment of this Act and ending on February 28, 1997.

(2) The provisions of subsection (d) of such section 3 shall apply to any employee who is paid a voluntary separation incentive payment under this section.

(d) FUNDING.—The payment of voluntary separation incentive payments under this section shall be made from funds in the Foreign Affairs Reorganization Transition Fund established under section 1104. The Secretary of State may transfer sums in that Fund to the head of an agency under subsection (e)(1)(B) of that section for payment of such payments by the agency head.

(e) TERMINATION OF AUTHORITY.—The authority of the head of an agency to authorize payment of voluntary separation incentive payments under this section shall expire on February 28, 1997.

SEC. 1104. TRANSITION FUND.

(a) ESTABLISHMENT.—There is hereby established on the books of the Treasury an account to be known as the "Foreign Affairs Reorganization Transition Fund".

(b) PURPOSE.—The purpose of the account is to provide funds for the orderly transfer of functions and personnel to the Department of State as a result of the implementation of this title and for payment of other costs associated with the consolidation of foreign affairs agencies under this title.

(c) DEPOSITS.—(1) Subject to paragraphs (2) and (3), there shall be deposited into the account the following:

(A) Funds appropriated to the account pursuant to the authorization of appropriations in subsection (j).

(B) Funds transferred to the account by the Secretary of State from funds that are transferred to the Secretary by the head of an agency under subsection (d).

(C) Funds transferred to the account by the Secretary from funds that are transferred to the Department of State together with the transfer of functions to the Department under this title and that are not required by the Secretary in order to carry out the functions.

(D) Funds transferred to the account by the Secretary from any unobligated funds that are appropriated or otherwise made available to the Department.

(2) The Secretary may transfer funds to the account under subparagraph (C) of paragraph (1) only if the Secretary determines that the amount of funds deposited in the account pursuant to subparagraphs (A) and (B) of that paragraph is inadequate to pay the costs of carrying out this title.

(3) The Secretary may transfer funds to the account under subparagraph (D) of paragraph (1) only if the Secretary determines that the amount of funds deposited in the account pursuant to subparagraphs (A), (B), and (C) of that paragraph is inadequate to pay the costs of carrying out this title.

(d) TRANSFER OF FUNDS TO SECRETARY OF STATE.—The head of a transferor agency shall transfer to the Secretary the amount, if any, of the unobligated funds appropriated or otherwise made available to the agency for functions of the agency that are abolished under this title which funds are not required to carry out the functions of the agency as a result of the abolishment of the functions under this title.

(e) USE OF FUNDS.—(1)(A) Notwithstanding any other provision of law, the Secretary shall use sums in the account for payment of the costs of carrying out this title, including costs relating to the consolidation of functions of the Department of State and relating to the termination of employees of the Department.

(B) The Secretary may transfer sums in the account to the head of an agency to be abolished under this title for payment by the head of the agency of the cost of carrying out a voluntary separation incentive program at the agency under section 1103.

(2) Funds in the account shall be available for the payment of costs under paragraph (1) without fiscal year limitation.

(3) Funds in the account may be used only for purposes of paying the costs of carrying out this title.

(f) TREATMENT OF UNOBLIGATED BALANCES.—(1) Subject to paragraph (2), unobligated funds, if any, which remain in the account after the payment of the costs described in subsection (e)(1) shall be transferred to Department of State and shall be available to the Secretary of State for purposes of carrying out the functions of the Department.

(2) The Secretary may not transfer funds in the account to the Department under paragraph (1) unless the appropriate congressional committees are notified in advance of such transfer in accordance with the procedures applicable to reprogramming notifications under section 34 of the State Department Basic Authorities Act of 1956.

(g) REPORT ON ACCOUNT.—Not later than October 1, 1998, the Secretary of State shall transmit to the appropriate congressional committees a report containing an accounting of—

(1) the expenditures from the account established under this section; and

(2) in the event of any transfer of funds to the Department of State under subsection (f), the functions for which the funds so transferred were expended.

(i) TERMINATION OF AUTHORITY TO USE ACCOUNT.—The Secretary may not obligate funds in the account after September 30, 1999.

(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $200,000,000 for deposit under subsection (c)(1) into the account established under subsection (a).

SEC. 1105. ASSUMPTION OF DUTIES BY APPROPRIATE APPOINTEES.

An individual holding office on the date of the enactment of this Act—

(1) who was appointed to the office by the President, by and with the advice and consent of the Senate;

(2) who is transferred to a new office in the Department of State under this title; and

(3) who performs duties in such new office that are substantially similar to the duties performed by the individual in the office held on such date,

may, in the discretion of the Secretary of State, assume the duties of such new office, and shall not be required to be reappointed by reason of the enactment of this title.

SEC. 1106. RIGHTS OF EMPLOYEES OF ABOLISHED AGENCIES.

(a) IN GENERAL.—Except as otherwise provided by this title, the transfer pursuant to this title of full-time personnel (except special Government employees) and part-time personnel holding permanent positions shall not cause any such employee to be separated or reduced in grade or compensation for 1 year after the date of transfer of such employee under this title.

(b) EXECUTIVE SCHEDULE POSITIONS.—Except as otherwise provided in this title, any person who, on the day preceding the date of the abolition of a transferor agency under this title, held a position in such an agency that was compensated in accordance with the Executive Schedule prescribed in chapter 53 of title 5, United States Code, and who, without a break in service, is appointed in the Department of State to a position having duties comparable to the duties performed immediately preceding such appointment shall continue to be compensated in such new position at not less than the rate provided for such previous position, for the duration of the service of such person in such new position.

(c) TERMINATION OF CERTAIN POSITIONS.—Positions whose incumbents are appointed by the President, by and with the advice and consent of the Senate, the functions of which are transferred under this title, shall terminate on the date of the transferal of the functions under this title.

(d) EXCEPTED SERVICE.—(1) Subject to paragraph (2), in the case of employees occupying positions in the excepted service or the Senior Executive Service, any appointment authority established pursuant to law or regulations of the Office of Personnel Management for filling such positions shall be transferred.

(2) The Department of State may decline a transfer of authority under paragraph (1) (and the employees appointed pursuant thereto) to the extent that such authority relates to positions excepted from the competitive service because of their confidential, policy-making, policy-determining, or policy-advocating character, and noncareer positions in the Senior Executive Service (within the meaning of section 3132(a)(7) of title 5, United States Code).

(e) EMPLOYEE BENEFIT PROGRAMS.—(1) Any employee accepting employment with the Department of State as a result of such transfer may retain for 1 year after the date such transfer occurs membership in any employee benefit program of the transferor agency, including insurance, to which such employee belongs on the date of the enactment of this Act if—

(A) the employee does not elect to give up the benefit or membership in the program; and

(B) the benefit or program is continued by the Secretary of State.

(2) The difference in the costs between the benefits which would have been provided by such agency or entity and those provided by this section shall be paid by the Secretary of State. If any employee elects to give up membership in a health insurance program or the health insurance program is not continued by the Secretary of State, the employee shall be permitted to select an alternate Federal health insurance program within 30 days of such election or notice, without regard to any other regularly scheduled open season.

(f) SENIOR EXECUTIVE SERVICE.—A transferring employee in the Senior Executive Service shall be placed in a comparable position at the Department of State.

(g) ASSIGNMENTS.—(1) Transferring employees shall receive notice of their position assignments not later than the date on which the reorganization plan setting forth the transferal of such employees is transmitted to the appropriate congressional committees under this title.

(2) Foreign Service personnel transferred to the Department of State pursuant to this title shall be eligible for any assignment open to Foreign Service personnel within the Department.

SEC. 1107. TRANSFER AND ALLOCATIONS OF APPROPRIATIONS AND PERSONNEL.

(a) IN GENERAL.—Except as otherwise provided in this title, the personnel employed in connection with, and the assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, used, held, arising from, available to, or to be made available in connection with the functions transferred under this title, subject to section 1531 of title 31, United States Code, shall be transferred to the Department of State.

(b) TREATMENT OF PERSONNEL EMPLOYED IN TERMINATED FUNCTIONS.—The following shall apply with respect to officers and employees of a transferor agency that are not transferred under this title:

(1) Under such regulations as the Office of Personnel Management may prescribe, the head of any agency in the executive branch may appoint in the competitive service any person who is certified by the head of the transferor agency as having served satisfactorily in the transferor agency and who passes such examination as the Office of Personnel Management may prescribe. Any person so appointed shall, upon completion of the prescribed probationary period, acquire a competitive status.

(2) The head of any agency in the executive branch having an established merit system in the excepted service may appoint in such service any person who is certified by the head of the transferor agency as having served satisfactorily in the transferor agency and who passes such examination as the head of such agency in the executive branch may prescribe.

(3) Any appointment under this subsection shall be made within a period of 1 year after completion of the appointee's service in the transferor agency.

(4) Any law, Executive order, or regulation which would disqualify an applicant for appointment in the competitive service or in the excepted service concerned shall also disqualify an applicant for appointment under this subsection.

SEC. 1108. PERSONNEL AUTHORITIES FOR TRANSFERRED FUNCTIONS.

(a) APPOINTMENTS.—(1) Subject to paragraph (2), the Secretary of State may appoint and fix the compensation of such officers and employees, including investigators, attorneys, and administrative law judges, as may be necessary to carry out the respective functions transferred to the Department of State under this title. Except as otherwise provided by law, such officers and employees shall be appointed in accordance with the civil service laws and their compensation fixed in accordance with title 5, United States Code.

(2) A person employed under paragraph (1) may not continue in such employment after the end of the period (as determined by the Secretary) required for the transferal of functions under this title.

(b) EXPERTS AND CONSULTANTS.—The Secretary of State may obtain the services of experts and consultants in connection with functions transferred to the Department of State under this title in accordance with section 3109 of title 5, United States Code, and compensate such experts and consultants for each day (including traveltime) at rates not in excess of the rate of pay for level IV of the Executive Schedule under section 5315 of such title. The head Secretary may pay experts and consultants who are serving away from their homes or regular place of business travel expenses and per diem in lieu of subsistence at rates authorized by sections 5702 and 5703 of such title for persons in Government service employed intermittently.

SEC. 1109. PROPERTY AND FACILITIES.

(a) IN GENERAL.—The Secretary of State shall review the property and facilities of each transferror agency for purposes of determining if the property is required by the Department of State in order to carry out the functions of the Department after the transfer of functions to the Department under this title.

(b) DEADLINE FOR TRANSFER.—Not later than March 1, 1997, all property and facilities within the custody of the transferor agencies shall be transferred to the custody of the Secretary of State.

SEC. 1110. DELEGATION AND ASSIGNMENT.

Except where otherwise expressly prohibited by law or otherwise provided by this title, the Secretary of State may delegate any of the functions transferred to the Secretary under this title and any function transferred or granted to the Secretary after the effective date of this title to such officers and employees of the Department of

State as the Secretary may designate, and may authorize successive redelegations of such functions as may be necessary or appropriate. No delegation of functions by the Secretary under this section or under any other provision of this title shall relieve the Secretary of responsibility for the administration of such functions.

SEC. 1111. RULES.

The Secretary of State may prescribe, in accordance with the provisions of chapters 5 and 6 of title 5, United States Code, such rules and regulations as the Secretary determines necessary or appropriate to administer and manage the functions of the Department of State after the transfer of functions to the Department under this title.

SEC. 1112. INCIDENTAL TRANSFERS.

The Director of the Office of Management and Budget may, at such time or times as the Director shall provide, make such additional incidental dispositions of personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with such functions, as may be necessary to carry out the provisions of this title. The Director shall provide for the termination of the affairs of all entities terminated by this title and for such further measures and dispositions as may be necessary to effectuate the purposes of this title.

SEC. 1113. EFFECT ON CONTRACTS AND GRANTS.

(a) Prohibition on New or Extended Contracts or Grants.—Except as provided in subsection (b), the United States Arms Control and Disarmament Agency, the United States Information Agency, and the Agency for International Development may not—

(1) enter into a contract or agreement which will continue in force after the termination date, if any, of such agency under this title;

(2) extend the term of an existing contract or agreement of such agency to a date after such date; or

(3) make a grant which will continue in force after such date.

(b) Exception.—Subsection (a) does not apply to the following:

(1) Contracts and agreements for carrying out essential administrative functions.

(2) Contracts and agreements for functions and activities that the Secretary of State determines will be carried out by the Department of State after the termination of the agency concerned under this title.

(3) Grants relating to the functions and activities referred to in paragraph (2).

(c) Evaluation and Termination of Existing Contracts.—The Secretary of State and the head of each agency referred to in subsection (a) shall—

(1) review the contracts of such agency that will continue in force after the date, if any, of the abolishment of the agency under this title in order to determine if the cost of abrogating such contracts before that date would be exceed the cost of carrying out the contract according to its terms; and

(2) in the case of each contract so determined, provide for the termination of the contract in the most cost-effective manner practicable.

SEC. 1114. SAVINGS PROVISIONS.

(a) Continuing Effect of Legal Documents.—All orders, determinations, rules, regulations, permits, agreements, grants, contracts, certificates, licenses, registrations, privileges, and other administrative actions—

(1) which have been issued, made, granted, or allowed to become effective by the President, any Federal agency or official thereof, or by a court of competent jurisdiction, in the performance of functions which are transferred under this title, and

(2) which are in effect at the time this title takes effect, or were final before the effective date of this title and are to become effective on or after the effective date of this title,

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, the Secretary of State or other authorized official, a court of competent jurisdiction, or by operation of law.

(b) Proceedings Not Affected.—The provisions of this title shall not affect any proceedings, including notices of proposed rulemaking, or any application for any license, permit, certificate, or financial assistance pending before the transferor agency at the time this title takes effect for that agency, with respect to functions transferred under this title but such proceedings and applications shall be continued. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this title had not been enacted, and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law. Nothing in this subsection shall be deemed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this title had not been enacted.

(c) Suits Not Affected.—The provisions of this title shall not affect suits commenced before the effective date of this title, and in all such suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this title had not been enacted.

(d) Nonabatement of Actions.—No suit, action, or other proceeding commenced by or against the transferor agency, or by or against any individual in the official capacity of such individual as an officer of the transferor agency, shall abate by reason of the enactment of this title.

(e) Administrative Actions Relating to Promulgation of Regulations.—Any administrative action relating to the preparation or promulgation of a regulation by the transferor agency relating to a function transferred under this title may be continued by the Secretary of State with the same effect as if this title had not been enacted.

SEC. 1115. SEPARABILITY.

If a provision of this title or its application to any person or circumstance is held invalid, neither the remainder of this title nor the application of the provision to other persons or circumstances shall be affected.

SEC. 1116. TRANSITION.

The Secretary of State may utilize—

(1) the services of such officers, employees, and other personnel of the transferor agency with respect to functions transferred to the Department of State under this title; and

(2) funds appropriated to such functions for such period of time as may reasonably be needed to facilitate the orderly implementation of this title.

SEC. 1117. ADDITIONAL CONFORMING AMENDMENTS.

The President may submit a report to the appropriate congressional committees containing such recommendations for such additional technical and conforming amendments to the laws of the United States as may be appropriate to reflect the changes made by this division.

SEC. 1118. FINAL REPORT.

Not later than October 1, 1998, the President shall provide by written report to the Congress a final accounting of the finances and operations of the United States Arms Control and Disarmament Agency, the United States Information Agency, and the Agency for International Development.

SEC. 1119. DEFINITIONS.

For purposes of this title, unless otherwise provided or indicated by the context—

(1) the term "appropriate congressional committees" means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives;

(2) the term "Federal agency" has the meaning given to the term "agency" by section 551(1) of title 5, United States Code;

(3) the term "function" means any duty, obligation, power, authority, responsibility, right, privilege, activity, or program;

(4) the term "office" includes any office, administration, agency, institute, unit, organizational entity, or component thereof;

(5) the term "transferor agency" refers to each of the following agencies:

(A) The Agency for International Development, a component of the International Development Cooperation Agency.

(B) The International Development Cooperation Agency (insofar as it exercises functions related to the Agency for International Development).

(C) The United States Information Agency (exclusive of the Broadcasting Board of Governors).

(D) The United States Arms Control and Disarmament Agency.

SEC. 1120. LIMITATION ON PERSONNEL STRENGTH OF THE DEPARTMENT OF STATE.

(a) End Fiscal Year 1996 Levels.—The number of employees of the Department of State (including members of the Foreign Service) who are authorized to be employed as of February 28, 1997, shall not exceed a number which is 9 percent less than the number of such employees who are so employed immediately prior to the date of enactment of this Act.

(b) End Fiscal Year 1997 Levels.—The number of employees of the Department of State (including members of the Foreign Service) who are authorized to be employed as of September 30, 1997, shall not exceed a number which is 3 percent less than the number of such employees who are authorized to be so employed as of February 28, 1997.

(c) End Fiscal Year 1998 Levels.—The number of employees of the Department of State (including members of the Foreign Service) who are authorized to be employed as of September 30, 1998, shall not exceed a number which is 2 percent less than the number of such employees who are authorized to be so employed as of September 30, 1997.

TITLE XII—CONSOLIDATION OF DIPLOMATIC MISSIONS AND CONSULAR POSTS

SEC. 1201. CONSOLIDATION OF UNITED STATES DIPLOMATIC MISSIONS AND CONSULAR POSTS.

(a) Consolidation Plan.—The Secretary of State shall develop a worldwide plan for the consolidation, wherever practicable, on a regional or areawide basis, of United States missions and consular posts abroad in order to carry out this section.

(b) CONTENTS OF PLAN.—The plan shall—

(1) identify the specific United States diplomatic missions and consular posts for consolidation;

(2) identify those missions and posts at which the resident ambassador would also be accredited to other specified states in which the United States either maintained no resident official presence or maintained such a presence only at staff level; and

(3) provide an estimate of—

(A) the amount by which expenditures would be reduced through the reduction in the number of United States Government personnel assigned abroad;

(B) through a reduction in the costs of maintaining United States properties abroad; and

(C) the amount of revenues generated to the United States through the sale or other disposition of United States properties associated with the posts to be consolidated abroad.

(c) TRANSMITTAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of State shall transmit a copy of the plan to the appropriate congressional committees.

(d) IMPLEMENTATION.—Not later than 60 days after transmittal of the plan under subsection (c), the Secretary of State shall take steps to implement the plan unless the Congress before such date enacts legislation disapproving the plan.

(e) CONGRESSIONAL PRIORITY PROCEDURES.—(1) A joint resolution described in paragraph (2) which is introduced in a House of Congress after the date on which a plan developed under subsection (a) is received by Congress, shall be considered in accordance with the procedures set forth in paragraphs (3) through (7) of section 8066(c) of the Department of Defense Appropriations Act, 1985 (as contained in Public Law 98–473 (98 Stat. 1936)), except that—

(A) references to the "report described in paragraph (1)" shall be deemed to be references to the joint resolution; and

(B) references to the Committee on Appropriations of the House of Representatives and to the Committee on Appropriations of the Senate shall be deemed to be references to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate.

(2) A joint resolution under this paragraph is a joint resolution the matter after the resolving clause of which is as follows: "That the Congress disapproves the plan submitted by the President on _________ pursuant to section 1109 of the Foreign Relations Revitalization Act.".

(f) RESUBMISSION OF PLAN.—If, within 60 days of transmittal of a plan under subsection (c), Congress enacts legislation disapproving the plan, the President shall transmit to the appropriate congressional committees a revised plan developed under subsection (a).

(g) STATUTORY CONSTRUCTION.—Nothing in this section requires the termination of United States diplomatic or consular relations with any foreign country.

(h) DEFINITIONS.—As used in this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate.

(2) PLAN.—The term "plan" means the plan developed under subsection (a).

SEC. 1202. PROCEDURES FOR COORDINATION OF GOVERNMENT PERSONNEL AT OVERSEAS POSTS.

(a) AMENDMENT OF THE FOREIGN SERVICE ACT OF 1980.—Section 207 of the Foreign Service Act of 1980 (22 U.S.C. 3927) is amended—

(1) by redesignating subsection (c) as subsection (e); and

(2) by inserting after subsection (b) the following:

"(c)(1) In carrying out subsection (b), the head of each department, agency, or other entity of the executive branch of Government shall ensure that, in coordination with the Department of State, the approval of the chief of mission to a foreign country is sought on any proposed change in the size, composition, or mandate of employees of the respective department, agency, or entity (other than employees under the command of a United States area military commander) if the employees are performing duties in that country.

"(2) In seeking the approval of the chief of mission under paragraph (1), the head of a department, agency, or other entity of the executive branch of Government shall comply with the procedures set forth in National Security Decision Directive Number 38, as in effect on June 2, 1982, and the implementing guidelines issued thereunder.

"(d) The Secretary of State, in the sole discretion of the Secretary, may accord diplomatic titles, privileges, and immunities to employees of the executive branch of Government who are performing duties in a foreign country.".

(b) REVIEW OF PROCEDURES FOR COORDINATION.—(1) The President shall conduct a review of the procedures contained in National Security Decision Directive Number 38, as in effect on June 2, 1982, and the practices in implementation of those procedures, to determine whether the procedures and practices have been effective to enhance significantly the coordination among the several departments, agencies, and entities of the executive branch of Government represented in foreign countries.

(2) Not later than 180 days after the date of enactment of this Act, the President shall submit to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives a report containing the findings of the review conducted under paragraph (1), together with any recommendations for legislation as the President may determine to be necessary.

On page 184, line 22, insert "or pursuant to division C" after "section 1703".

On page 210, line 3, insert "or pursuant to division C" after "section 1704".

On page 215, line 20, insert "or pursuant to division C" after "section 1705".

HELMS AMENDMENT NO. 1927

(Ordered to lie on the table.)

Mr. HELMS submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

At the appropriate place, insert:

Whereas Slovakia has held free elections, has achieved associate membership in the European Union and is an active participant in NATO's Partnership for Peace;

Whereas while the print media is free in Slovakia, the state television and state news agency are in government hands and have been used to advance the agenda of the ruling coalition;

Whereas opposition parliamentarians have been removed from certain Parliamentary Committee which are now comprised mainly or solely of government coalition parliamentarians and at least one Parliamentary oversight body, that on the Slovak Intelligence Service, has no opposition representation;

Whereas the Slovak parliament has abandoned mass privatization and has declared that the value of coupons issued to Slovak citizens will now be drawn on the State Property Fund rather than on shares in the companies it owns opening up the possibility that the government will now be able to sell state companies to single investors, an approach which could favor those who are supporters of the ruling coalition; and

Whereas the political battle between the Slovak President and Prime Minister has resulted in the government taking all legal means to strip the President of certain powers in an apparent attempt to intimidate the President into resigning, steps which do not indicate respect for a division of powers and representative government; Now therefore be it

Resolved, That:

1. the Senate supports an independent Slovakia and commends the people of Slovakia for the steps they have taken and their sacrifices as Slovakia moves from devastating communist rule to a democratic and free market society.

2. future consideration of Slovakia for accelerated NATO transition assistance should be evaluated in terms of its government's progress towards freedom of press, representative government and privatization;

3. consideration of all Central European countries for accelerated NATO transition assistance above and beyond that given to Partnership for Peace countries should taken into account the extent to which each country makes significant progress towards meeting NATO criteria as well as instituting political, economic, and military reform.

HELMS AMENDMENT NO. 1928

(Ordered to lie on the table.)

Mr. HELMS submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

In paragraph (2) of 22 U.S.C. 2579, the comprehensive compilation of arms control and disarmament studies, delete "." after "such study" and insert ", including an assessment of the military significance of such arms control, nonproliferation, and disarmament issues, and an assessment of whether the treaties specified in the report continue to serve the national interests of the United States.".

D'AMATO AMENDMENT NO. 1929

(Ordered to lie on the table.)

Mr. HELMS (for Mr. D'AMATO) submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

At the appropriate place, insert the following new section:

SEC. . CONGRESSIONAL APPROVAL OF CERTAIN FOREIGN ASSISTANCE.

(a) PRESIDENTIAL CERTIFICATION.—Section 5302 of title 31, United States Code, is amended by adding at the end the following new subsection:

"(e) CERTIFICATION.—The Secretary may not take any action under this subsection with respect to a single foreign government (including agencies or other entities of that government) or with respect to the currency of a single foreign country unless the President certifies to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Banking and Financial Services of the House of Representatives that—

"(1) there is no projected cost (as that term is defined in section 502 of the Federal Credit Reform Act of 1990) to the United States from the proposed action; and

"(2) any proposed obligation or expenditure of United States funds to or on behalf of the foreign government is adequately backed by that foreign country to ensure that all United States funds will be repaid.".

(b) LIMITATION ON USE OF EXCHANGE STABILIZATION FUND.—Section 5302 of title 31, United States Code, is amended by adding at the end the following new subsection:

"(f) LIMITATION ON USE OF FUND.—Notwithstanding subsection (a)(2), except as provided by an Act of Congress, the Secretary may not take any action under this subsection with respect to a single foreign government (including agencies or other entities of that government) or with respect to the currency of a single foreign country that would result in expenditures and obligations, including contingent obligations, aggregating more than $1,000,000,000 with respect to that foreign country for more than 180 days during the 12-month period beginning on the date on which the first such action is taken.".

(c) APPLICABILITY.—Subsections (e) and (f) of section 5302 of title 31, United States Code, as added by this section, shall not apply to any action taken under that section as part of the program of assistance to Mexico announced by the President on January 31, 1995.

(d) TECHNICAL AMENDMENT.—Section 5302(b) of title 31, United States Code, is amended by striking the second sentence.

(e) EFFECTIVE DATE.—The amendments made by this section shall become effective on October 1, 1995.

MACK (AND OTHERS) AMENDMENT NO. 1930

(Ordered to lie on the table.)

Mr. HELMS (for Mr. MACK, for himself, Mr. GRAMM, Mr. LIEBERMAN, Mr. HELMS, Mr. DOLE, and Mr. D'AMATO) submitted an amendment intended to be proposed by them to the bill, S. 908, supra; as follows:

On page 124, after line 20, insert the following new section:

SEC. 618. CONGRESSIONAL NOTIFICATION OF CONTACTS WITH CUBAN GOVERNMENT OFFICIALS.

(a) ADVANCED NOTIFICATION REQUIRED.—No funds made available under any provision of law may be used for the costs and expenses of negotiations, meetings, discussions, or contacts between United States Government officials or representatives and officials or representatives of the Cuban government relating to normalization of relations between the United States and Cuba unless 15 days in advance the President has notified the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate in accordance with procedures applicable to reprogramming notifications under section 634A of the Foreign Assistance Act of 1961.

(b) REPORTS.—Within 15 days of any negotiations, meetings, discussions, or contacts between individuals described in subsection (a), with respect to any matter, the President shall submit a report to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate detailing the individuals involved, the matters discussed, and any agreements made, including agreements to conduct future negotiations, meetings, discussions, or contacts.

DeWINE AMENDMENT NO. 1931

(Ordered to lie on the table.)

Mr. HELMS (for Mr. DEWINE) submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

On page 12, between lines 4 and 5, insert the following new subsection:

(d) REIMBURSEMENT OF COLUMBUS, OHIO, FOR EXTRAORDINARY SECURITY EXPENSES.—Of the amounts authorized to be appropriated for "Protection of Foreign Missions and Officials" in subsection (a)(9), $500,000 is authorized to be available to reimburse the City of Columbus, Ohio, for the costs associated with the provision by the city of extraordinary security services in connection with the World Summit on Trade Efficiency, held in Columbus in October 1994, in accordance with section 208 of title 3, United States Code. For purposes of making reimbursements under this section, the limitations of section 202(10) of title 3, United States Code, shall not apply.

INHOFE AMENDMENT NO. 1932

(Ordered to lie on the table.)

Mr. HELMS (for Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

At the appropriate place in the bill, insert the following:

SEC. . SENSE OF CONGRESS REGARDING THE GUATEMALAN PEACE PROCESS.

(a) FINDINGS.—The Congress finds that—

(1) the Guatemalan peace process to end 34 years of insurgency and internal armed confrontation has produced 6 agreements under the auspices of the United Nations as a result of the leadership of Guatemalan President Ramiro de Leon Carpio;

(2) the agreements include accords on—

(A) the protection of human rights;

(B) the rights of indigenous peoples;

(C) the treatment and rights of returning refugees; and

(D) the establishment of a Historical Clarification Commission to address past violations of human rights by both Guatemalan government forces and the insurgent guerrilla forces in the course of the 34-year internal armed confrontation;

(3) the Government of Guatemala has begun already to implement the agreements reached in the peace process, including the United National Human Rights Verification Mission to Guatemala (MINUGUA), under which more than 400 international observers today are monitoring compliance by the Government of Guatemala with the human rights accords and other obligations of Guatemala with regard to human rights;

(4) the government of President de Leon Carpio has taken significant steps to strengthen and reform the Guatemalan judicial system, law enforcement, and civil institutions;

(5) under the reform constitution of 1985, Guatemala has enjoyed 3 consecutive constitutional successions of power, including the election of President de Leon Carpio by the Guatemalan congress in the wake of the successful resistance of congress, the Guatemalan constitutional court, the Guatemalan military and the Guatemalan people to the abortive attempted autocoup by then President Serrano;

(6) Guatemala has announced elections for President and congress in November 1995;

(7) even in light of these substantial achievements to date, all friends of Guatemala hope for more progress, especially progress toward respect for human rights, the end of immunity from prosecution, the punishment of individuals who commit human rights violations, and the development of strong civilian institutions; and

(8) all friends of Guatemala should offer support for those elements of the Guatemalan government, the Guatemalan military, and Guatemalan society who are committed to completing the peace process and to national reconciliation now, in the time of transition, when that assistance can be of greatest assistance.

(b) SENSE OF CONGRESS.—The Congress hereby—

(1) encourages the President to continue to support the just and speedy conclusion of the Guatemalan peace process through its participation in the Group of Friends of the Guatemalan Peace Process and otherwise; and

(2) encourages the President to offer support to the Guatemalan government in its efforts to reform and strengthen civilian institutions, especially efforts to strengthen the judicial system, law enforcement, and local government.

MURKOWSKI AMENDMENT NO. 1933

(Ordered to lie on the table.)

Mr. HELMS (for Mr. MURKOWSKI) submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

At the appropriate place, insert the following new section:

SEC. . NORTH-SOUTH DIALOGUE ON THE KOREAN PENINSULA AND THE UNITED STATES-NORTH KOREA AGREED FRAMEWORK.

(a) FINDINGS.—The Congress finds that—

(1) the Agreed Framework Between the United States and the Democratic People's Republic of Korea of October 21, 1994, states in Article III, paragraph (2), that "[t]he DPRK will consistently take steps to implement the North-South Joint Declaration on the Denuclearization of the Korean Peninsula";

(2) the Agreed Framework also states the "[t]he DPRK will engage in North-South dialogue, as this Agreed Framework will help create an atmosphere that promotes such dialogue";

(3) the two agreements entered into between North and South Korea in 1992, namely the North-South Denuclearization Agreement and the Agreement on Reconciliation, Nonaggression and Exchanges and Cooperation, provide an existing and detailed framework for dialogue between North and South Korea;

(4) the North Korean nuclear program is just one of the lingering threats to peace on the Korean Peninsula; and

(5) the reduction of tensions between North and South Korea directly serve United States interests, given the substantial defense commitment of the United States to South Korea and the presence on the Korean Peninsula of United States troops.

(b) STEPS TOWARD NORTH-SOUTH DIALOGUE ON THE KOREAN PENINSULA.—It is the sense of the Congress that—

(1) substantive dialogue between North and South Korea is vital to the implementation of the Agreed Framework Between the United States and North Korea, dated October 21, 1994; and

(2) together with South Korea and other concerned allies, and in keeping with the spirit and letter of the 1992 agreements between North and South Korea, the President should pursue measures to reduce tensions between North and South Korea and should facilitate progress toward—

(A) holding a North Korea-South Korea summit;

(B) initiating mutual nuclear facility inspections by North and South Korea;

(C) establishing liaison offices in both North and South Korea;

(D) resuming a North-South joint military discussion regarding steps to reduce tensions between North and South Korea;

(E) expanding trade relations between North and South Korea;

(F) promoting freedom to travel between North and South Korea by citizens of both North and South Korea;

(G) cooperating in science and technology; education, the arts, health, sports, the environment, publishing, journalism, and other fields of mutual interest;

(H) establishing postal and telecommunications services between North and South Korea; and

(I) reconnecting railroads and roadways between North and South Korea.

(c) REPORT TO CONGRESS.—Beginning 3 months after the date of enactment of this Act, and every 6 months thereafter, the President shall transmit to the appropriate congressional committees a report setting forth the progress made in carrying out subsection (a).

(d) DEFINITIONS.—As used in this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representative.

(2) NORTH KOREA.—The term "North Korea" means the Democratic People's Republic of Korea.

(3) SOUTH KOREA.—The term "South Korea" means the Republic of Korea.

D'AMATO AMENDMENT NO. 1934

(Ordered to lie on the table.)

Mr. HELMS (for Mr. D'AMATO) submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

On page 124, after line 20, insert the following new section:

SEC. . ANNUAL REPORTS ON IRAN.

(a) REQUIREMENT.—Beginning one year after the date of enactment of this Act, and annually thereafter, the President shall submit to the congressional committees specified in subsection (b) a report describing, for the preceding 12-month period—

(1) actions by Iran in support of acts of international terrorism;

(2) the status of programs in Iran to develop nuclear, biological, and chemical weapons:

(3) the acquisition by Iran of additional conventional weapons; and

(4) the record of Iran in observing internationally recognized human rights.

(b) FORM OF REPORT.—The report shall be submitted in unclassified form, together with a classified addendum, if necessary.

(c) COMMITTEES SPECIFIED.—The congressional committees referred to in subsection (a) are the Committees on International Relations and Banking and Financial Services of the House of Representatives and the Committees on Foreign Relations and Banking, Housing, and Urban Affairs of the Senate.

McCAIN AMENDMENT NO. 1935

(Ordered to lie on the table.)

Mr. HELMS (for Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

On page 124, below line 20, add the following:

SEC. 618. IRAN AND IRAQ ARMS NON-PROLIFERATION.

(a) CLARIFICATION OF POLICY.—Section 1602(a) of the Iran-Iraq Arms Non-Proliferation Act of 1992 (title XVI of Public Law 102-484; 50 U.S.C. 1701 note) is amended by striking out "chemical, biological, nuclear," and inserting in lieu thereof "weapons of mass destruction".

(b) SANCTIONS AGAINST IRAN.—Section 1603 of such Act is amended by striking out "paragraphs (1) through (4)" and inserting in lieu thereof "paragraphs (1) through (8)".

(c) SANCTIONS AGAINST CERTAIN PERSONS.—(1) Subsection (a) of section 1604 of such Act is amended by inserting "to acquire weapons of mass destruction, or the means of their delivery, or" before "to acquire".

(2) Subsection (b) of such section 1604 is amended—

(A) in paragraph (1), ", and shall provide for the expeditious termination of any current contract for goods or services," after "goods or services";

(B) in paragraph (2), by inserting ", and shall revoke any license issued," after "shall not issue"; and

(C) by adding at the end the following new paragraphs:

"(3) MIGRATION SANCTION.—

"(A) INDIVIDUALS.—The sanctioned person shall be ineligible to receive a visa for entry into the United States and shall be excluded from admission into the United States.

"(B) CORPORATIONS.—In the case of a sanctioned person that is a corporation, partnership, or other form of association, the officers, directors, employees, and agents of the corporation, partnership, or association shall be ineligible to receive a visa for entry into the United States and shall be excluded from admission into the United States.

"(4) FINANCIAL INSTITUTIONS.—The President shall by order prohibit any depository institution that is chartered by, or that has its principal place of business within, a State, the District of Columbia, or the United States from making any loan or providing any credit to the sanctioned person, except for loans or credits for the purpose of purchasing food or other agricultural commodities.

"(5) TRANSITING UNITED STATES TERRITORY.—(A) Notwithstanding any other provision of law (other than a treaty or other international agreement), no sanctioned person, no item which is the product or manufacture of the sanctioned person, and no technology developed by the sanctioned person may transit any territory subject to the jurisdiction of the United States.

"(B) The Secretary of Transportation may provide for such exceptions from this paragraph as the Secretary considers necessary to provide for emergencies in which the safety of an aircraft or a vessel, or its crew or passengers, is threatened.".

(3) Such section 1604 is further amended by adding at the end the following new subsection:

"(c) EXCEPTIONS.—The sanction described in subsection (b)(1) shall not apply in the case of procurement of defense articles or defense services—

"(1) under existing contracts or subcontracts, including the exercise of options for production quantities to satisfy operational military requirements essential to the national security of the United States;

"(2) if the President determines that the person or other entity to which the sanctions would otherwise be applied is a sole source supplier of the defense articles or services, that the defense articles or services are essential, and that alternative sources are not readily or reasonably available; or

"(3) if the President determines that such articles or services are essential to the national security under defense coproduction agreements.".

(d) SANCTIONS AGAINST FOREIGN COUNTRIES.—(1) Subsection (a) of section 1605 of such Act is amended by inserting "to acquire weapons of mass destruction, or the means of their delivery, or" before "to acquire".

(2) Subsection (b) of such section 1605 is amended by adding at the end the following new paragraph:

"(6) ADDITIONAL SANCTIONS.—The sanctions against Iraq specified in paragraphs (1), (3), (4), (6), and (7) of section 586G(a) of the Iraq Sanctions Act of 1990 (50 U.S.C. 1701 note) shall be applied to the same extent and in the same manner with respect to a sanctioned country.".

(3) Such section 1605 is further amended—

(A) in subsection (a)(2), by striking out "the sanction" and inserting in lieu thereof "the sanctions"; and

(B) by striking out subsection (c) and inserting in lieu thereof the following new subsection (c):

"(c) DISCRETIONARY SANCTIONS.—The sanctions referred to in subsection (a)(2) are as follows:

"(1) USE OF AUTHORITIES OF INTERNATIONAL EMERGENCY ECONOMIC POWERS ACT.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the President may exercise, in accordance with the provisions of that Act, the authorities of the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) with respect to the sanctioned country.

"(B) EXCEPTION.—Subparagraph (A) does not apply with respect to urgent humanitarian assistance.

"(2) PROHIBITION ON VESSELS THAT ENTER PORTS OF SANCTIONED COUNTRIES TO ENGAGE IN TRADE.—

"(A) IN GENERAL.—Beginning on the 10th day after a sanction is imposed under this title against a country, a vessel which enters a port or place in the sanctioned country to engage in the trade of goods or services may not, if the President so requires, within 180 days after departure from such port or place in the sanctioned country, load or unload any freight at any place in the United States.

"(B) DEFINITION.—As used in this paragraph, the term 'vessel' includes every description of water craft or other contrivance used, or capable of being used, as a means of transportation in water, but does not include aircraft.

"(3) PRESIDENTIAL ACTION REGARDING AVIATION.—(A)(i) The President may notify the government of the sanctioned country of his intention to suspend the authority of foreign air carriers owned or controlled by the government of that country to engage in foreign air transportation to or from the United States.

"(ii) The President may direct the Secretary of Transportation to suspend at the earliest possible date the authority of any foreign air carrier owned or controlled, directly or indirectly, by that government to engage in foreign air transportation to or from the United States, notwithstanding any agreement relating to air services.

"(B)(i) The President may direct the Secretary of State to terminate any air service agreement between the United States and the sanctioned country in accordance with the provisions of that agreement.

"(ii) Upon termination of an agreement under this subparagraph, the Secretary of Transportation shall take such steps as may be necessary to revoke at the earliest possible date the right of any foreign air carrier owned, or controlled, directly or indirectly, by the government of that country to engage in foreign air transportation to or from the United States.

"(C) The President shall direct the Secretary of Transportation to provide for such exceptions from this paragraph as the President considers necessary to provide for emergencies in which the safety of an aircraft or its crew or passengers is threatened.

"(D) For purposes of this paragraph, the terms 'air carrier', 'air transportation', 'aircraft', and 'foreign air carrier' have the meanings given such terms in paragraphs (2), (5), (6), and (21) of section 40102 of title 49, United States Code, respectively.".

(4) Such section 1605 is further amended by adding at the end the following new subsection:

"(d) Sanction for Assisting Iran in Improving Rocket or Other Weapons Capability.—The sanction set forth in section 586I(a) of the Iraq Sanctions Act of 1990 (50 U.S.C. 1701 note) against governments that assist Iraq in improving its rocket technology or weapons of mass destruction capability shall be applied to the same extent and in the same manner with respect to governments that so assist Iran.".

(e) Termination of Sanctions Against Certain Persons.—Such Act is further amended—

(1) in section 1604(b)—

(A) by striking out "The sanctions" in the matter preceding paragraph (1) and inserting in lieu thereof "Subject to section 1606A, the sanctions"; and

(B) by striking out "For a period of two years, the United States" in paragraphs (1) and (2) and inserting in lieu thereof "The United States";

(2) in section 1605—

(A) by striking out "If" in subsection (a) and inserting in lieu thereof "Subject to section 1606A, if"; and

(B) in subsection (b)—

(i) by striking out ", for a period of one year," in paragraphs (1), (3), and (4);

(ii) by striking out "for a period of one year," in paragraph (2);

(iii) by striking out "during that period" in paragraph (4); and

(iv) by striking out "for a period of one year" in paragraph (5); and

(3) by inserting after section 1606 the following new section:

"SEC. 1606A. TERMINATION OF SANCTIONS.

"Except as otherwise provided in this title, the sanctions imposed pursuant to section 1604(a) or 1605(a) shall cease to apply to a sanctioned person or government 30 days after the President certifies to the Congress that reliable information indicates that the sanctioned person or government, as the case may be, has ceased to violate this title.".

(f) Waiver.—Section 1606 of such Act is amended by striking out "or 1605(b)" and inserting in lieu thereof "1605(b), or 1605(d)".

(g) Rules and Regulations.—Such Act is further amended by adding after section 1607 the following new section:

"SEC. 1607A. RULES AND REGULATIONS.

"The President may prescribe such rules and regulations as the President requires to carry out this title.".

(h) Definitions.—Section 1608 of such Act is amended—

(1) in paragraph (1)—

(A) by inserting "naval vessels with offensive capabilities," after "advanced military aircraft," in subparagraph (A); and

(B) by striking out "or enhance offensive capabilities in destabilizing ways" each place it appears and inserting in lieu thereof ", enhance offensive capabilities in destabilizing ways, or threaten international shipping";

(2) in paragraph (7), by striking out subparagraph (A) and inserting in lieu thereof the following new subparagraph (A):

"(A) any assistance under the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), other than urgent humanitarian assistance or medicine;"; and

(3) by adding at the end the following:

"(8) The term 'goods or technology' includes any item of the type that is listed on the Nuclear Referral List under section 309(c) of the Nuclear Non-Proliferation Act of 1978, the United States Munitions List (established in section 38 of the Arms Export Control Act), or the MTCR Annex (as defined in section 74(4) of the Arms Export Control Act) or any item that is subject to licensing by the Nuclear Regulatory Commission.

"(9) The term 'United States' includes territories and possessions of the United States and the customs waters of the United States, as defined in section 401 of the Tariff Act of 1930 (19 U.S.C. 1401).

"(10) The term 'weapons of mass destruction' includes nuclear, chemical, and biological weapons.".

(i) Technical Amendments.—Such Act is further amended—

(1) in section 1606, by striking out "the Committees on Armed Services and Foreign Affairs of the House of Representatives" and inserting in lieu thereof "the Committees on National Security and International Relations of the House of Representatives "; and

(2) in section 1607, by striking out "the Committees on Armed Services and Foreign Affairs of the House of Representatives" each place it appears in subsections (a) and (b) and inserting in lieu thereof "the Committees on National Security and International Relations of the House of Representatives".

(j) Revision of Foreign Assistance Act of 1961.—Section 498A(b)(3) of the Foreign Assistance Act of 1961 (22 U.S.C. 2295a(b)(3)) is amended by inserting "and notwithstanding the compliance of such state with international agreements relating to weapons of mass destruction," before "knowingly transferred" in the matter preceding subparagraph (A).

(k) Revision of Iraq Sanctions Act of 1990.—Section 586I(a) of the Iraq Sanctions Act of 1990 (50 U.S.C. 1701 note) is amended by striking out "or chemical, biological, or nuclear weapons capability" and inserting in lieu thereof "its chemical, biological, or nuclear weapons capability, or its acquisition of destabilizing numbers and types of advanced conventional weapons".

HELMS (AND OTHERS) AMENDMENT NO. 1936

(Ordered to lie on the table.)

Mr. HELMS (for himself, Mr. Dole, Mr. Mack, Mr. Coverdell, Mr. Graham, Mr. D'Amato, Mr. Hatch, Mr. Gramm, Mr. Thurmond, Mr. Faircloth, Mr. Gregg, Mr. Inhofe, Mr. Hollings, Ms. Snowe, Mr. Kyl, Mr. Thomas, Mr. Smith, Mr. Lieberman, Mr. Warner, Mr. Nickles, Mr. Robb, and Mr. Craig) submitted an amendment intended to be proposed by them to the bill, S. 908, supra; as follows:

At the end of the bill, add the following new division: "Division C—Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1995".

SECTION 2001. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.—This division may be cited as "Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1995".

(b) Table of Contents.—The table of contents of this division is as follows:

Sec. 2001. Short title; table of contents.
Sec. 2002. Findings.
Sec. 2003. Purposes.
Sec. 2004. Definitions.

TITLE I—STRENGTHENING INTERNATIONAL SANCTIONS AGAINST THE CASTRO GOVERNMENT

Sec. 2101. Statement of Policy.
Sec. 2102. Authorization of support for democratic and human rights groups and international observers.
Sec. 2103. Enforcement of the economic embargo of Cuba.
Sec. 2104. Prohibition against indirect financing of Cuba.
Sec. 2105. United States opposition to Cuban membership in international financial institutions.
Sec. 2106. United States opposition to the termination of the suspension of the Government of Cuba from participation in the Organization of American States.
Sec. 2107. Assistance by the independent states of the former Soviet Union for the Government of Cuba.
Sec. 2108. Television broadcasting to Cuba.
Sec. 2109. Reports on commerce with, and assistance to, Cuba from other foreign countries.
Sec. 2110. Importation safeguard against certain Cuban products.
Sec. 2111. Reinstitution of family remittances and travel to Cuba.
Sec. 2112. News Bureaus in Cuba.

TITLE II—SUPPORT FOR A FREE AND INDEPENDENT CUBA

Sec. 2201. Policy toward a transition government and a democratically elected government in Cuba.
Sec. 2202. Assistance for the Cuban people.
Sec. 2203. Implementation; reports to Congress.
Sec. 2204. Termination of the economic embargo of Cuba.
Sec. 2205. Requirements for a transition government.
Sec. 2206. Requirements for a democratically elected government.
Sec. 2207. Settlement of outstanding U.S. claims to confiscated property in Cuba.

TITLE III—PROTECTION OF AMERICAN NATIONALS AGAINST CONFISCATORY TAKINGS BY THE CASTRO REGIME IN VIOLATION OF INTERNATIONAL LAW

Sec. 2301. Statement of Policy.

Sec. 2302. Liability for trafficking in confiscated property claimed by United States nationals.
Sec. 2303. Proof of Ownership.
Sec. 2304. Exclusivity of Foreign Claims Settlement Commission Certification Procedure.

SEC. 2002. FINDINGS.

The Congress makes the following findings:

(1) The economy of Cuba has experienced a decline of approximately 60 percent in the last 5 years as a result of—

(A) the reduction in subsidies from the former Soviet Union;

(B) 36 years of Communist tyranny and economic mismanagement by the Castro government;

(C) the precipitous decline in trade between Cuba and the countries of the former Soviet bloc; and

(D) the policy of the Russian Government and the countries of the former Soviet bloc to conduct economic relations with Cuba predominantly on commercial terms.

(2) At the same time, the welfare and health of the Cuban people have substantially deteriorated as a result of Cuba's economic decline and the refusal of the Castro regime to permit free and fair democratic elections in Cuba or to adopt any economic or political reforms that would lead to democracy, a market economy, or an economic recovery.

(3) The repression of the Cuban people, including a ban on free and fair democratic elections and the continuing violation of fundamental human rights, has isolated the Cuban regime as the only nondemocratic government in the Western Hemisphere.

(4) As long as no such economic or political reforms are adopted by the Cuban government, the economic condition of the country and the welfare of the Cuban people will not improve in any significant way.

(5) Fidel Castro has defined democratic pluralism as "pluralistic garbage" and has made clear that he has no intention of permitting free and fair democratic elections in Cuba or otherwise tolerating the democratization of Cuban society.

(6) The Castro government, in an attempt to retain absolute political power, continues to utilize, as it has from its inception, torture in various forms (including psychiatric abuse), execution, exile, confiscation, political imprisonment, and other forms of terror and repression as most recently demonstrated by the massacre of more than 40 Cuban men, women, and children attempting to flee Cuba.

(7) The Castro government holds hostage in Cuba innocent Cubans whose relatives have escaped the country.

(8) The Castro government has threatened international peace and security by engaging in acts of armed subversion and terrorism, such as the training and supplying of groups dedicated to international violence.

(9) Over the past 36 years, the Cuban government has posed a national security threat to the United States.

(10) The completion and any operation of a nuclear-powered facility in Cuba, for energy generation or otherwise, poses an unacceptable threat to the national security of the United States.

(11) The unleashing on United States shores of thousands of Cuban refugees fleeing Cuban oppression will be considered an act of aggression.

(12) The Government of Cuba engages in illegal international narcotics trade and harbors fugitives from justice in the United States.

(13) The totalitarian nature of the Castro regime has deprived the Cuban people of any peaceful means to improve their condition and has led thousands of Cuban citizens to risk or lose their lives in dangerous attempts to escape from Cuba to freedom.

(14) Attempts to escape from Cuba and courageous acts of defiance of the Castro regime by Cuban pro-democracy and human rights groups have ensured the international community's continued awareness of, and concern for, the plight of Cuba.

(15) The Cuban people deserve to be assisted in a decisive manner in order to end the tyranny that has oppressed them for 36 years.

(16) Radio Marti and Television Marti have been effective vehicles for providing the people of Cuba with news and information and have helped to bolster the morale of the Cubans living under tyranny.

(17) The consistent policy of the United States towards Cuba since the beginning of the Castro regime, carried out by both Democratic and Republican administrations, has sought to keep faith with the people of Cuba, and has been effective in isolating the totalitarian Castro regime.

SEC. 2003. PURPOSES.

The purposes of this division are—

(1) to assist the Cuban people in regaining their freedom and prosperity, as well as in joining the community of democratic countries that are flourishing in the Western Hemisphere;

(2) to strengthen international sanctions against the Castro government;

(3) to provide for the continued national security of the United States in the face of continuing threats from the Castro government of terrorism, theft of property from United States nationals, and the political manipulation of the desire of Cubans to escape that results in mass migration to the United States;

(4) to encourage the holding of free and fair democratic elections in Cuba, conducted under the supervision of internationally recognized observers;

(5) to provide a policy framework for United States support to the Cuban people in response to the formation of a transition government or a democratically elected government in Cuba; and

(6) to protect American nationals against confiscatory takings and the wrongful trafficking in property confiscated by the Castro regime.

SEC. 2004. DEFINITIONS.

As used in this division, the following terms have the following meanings—

(1) AGENCY OR INSTRUMENTALITY OF A FOREIGN STATE.—The term "agency or instrumentality of a foreign state" has the meaning given that term in section 1603(b) of title 28, United States Code, except as otherwise provided for in this division under section 2004(5).

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means the Committee on International Relations and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

(3) COMMERCIAL ACTIVITY.—The term "commercial activity" has the meaning given that term in section 1603(d) of title 28, United States Code.

(4) CONFISCATED.—The term "confiscated" refers to:

(A) the nationalization, expropriation, or other seizure by Cuban government of ownership or control of property, on or after January 1, 1959,—

(i) without the property having been returned or adequate and effective compensation provided; or

(ii) without the claim to the property having been settled pursuant to an international claims settlement agreement or other mutually accepted settlement procedure; and

(B) the repudiation by the Cuban government of, the default by the Cuban government on, or the failure by the Cuban government to pay, on or after January 1, 1959—

(i) a debt of any enterprise which has been nationalized, expropriated or otherwise taken by the Cuban government,

(ii) a debt which is a charge on property nationalized, expropriated or otherwise taken by the Cuban government, or

(iii) a debt which was incurred by the Cuban government in satisfaction or settlement of a confiscated property claim.

(5) CUBAN GOVERNMENT.—(A) The terms "Cuban government" and "Government of Cuba" include the government of any political subdivision of Cuba, and any agency or instrumentality of the Government of Cuba.

(B) For purposes of subparagraph (A), the term "agency or instrumentality of the Government of Cuba" means an agency or instrumentality of a foreign state as defined in section 1603(b) of title 28, United States Code, with "Cuba" substituted for "a foreign state" each place it appears in such section.

(6) DEMOCRATICALLY ELECTED GOVERNMENT IN CUBA.—The term "democratically elected government in Cuba" means a government that the President has determined as being democratically elected, taking into account the factors listed in section 2206.

(7) ECONOMIC EMBARGO OF CUBA.—The term "economic embargo of Cuba" refers to the economic embargo imposed against Cuba pursuant to section 620(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2370(a)), section 5(b) of the Trading With the Enemy Act (50 U.S.C. 1701 and following), the Export Administration Act of 1979 (50 U.S.C. App. 5(b)), the International Emergency Economic Powers Act (50 U.S.C. App. 2401 and following), as modified by the Cuban Democracy Act of 1992 (22 U.S.C. 6001 and following).

(8) FOREIGN NATIONAL.—The term "foreign national" means—

(A) an alien, or

(B) any corporation, trust, partnership, or other juridical entity not organized under the laws of the United States, or of any State, the District of Columbia, or the Commonwealth of Puerto Rico, or any other territory or possession of the United States.

(9) KNOWINGLY.—The term "knowingly" means with knowledge or having reason to know.

(10) OFFICIAL OF THE CUBAN GOVERNMENT OR THE RULING POLITICAL PARTY IN CUBA.—The term "official of the Cuban Government or the ruling political party in Cuba" refers to members of the Council of Ministers, Council of State, central committee of the Cuban Communist Party, the Politburo, or their equivalents.

(11) PROPERTY.—(A) The term "property" means any property (including patents, copyrights, trademarks and any other form of intellectual property), whether real, personal or mixed, and any present, future, or contingent right, security, or other interest therein, including any leasehold interest.

(B) For purposes of Title III of this division, the term "property" shall not include real property used for residential purposes, unless, at the time of enactment of this Act—

(i) the claim to the property is held by a United States national and the claim has been certified under title V of the International Claims Settlement Act of 1949; or

(ii) the property is occupied by an official of the Cuban government or the ruling political party in Cuba.

(12) Traffics.—(A) As used in title III, a person or entity "traffics" in property if that person or entity knowingly and intentionally—

(i) sells, transfers, distributes, dispenses, brokers, manages, or otherwise disposes of confiscated property, or purchases, leases, receives, possesses, obtains controls of, manages, uses or otherwise acquires or holds an interest in confiscated property,

(ii) engages in a commercial activity using or otherwise benefitting from a confiscated property, or

(iii) causes, directs, participates in, or profits from, trafficking (as described in clauses (i) and (ii) by another person, or otherwise engages in trafficking (as described in clauses (i) and (ii)) through another person, without the authorization of the United States national who holds a claim to the property.

(B) The term "traffic" does not include—

(i) the delivery of international telecommunications signals to Cuba;

(ii) the trading or holding of securities publicly traded or held, unless the trading is with or by a person determined by the Secretary of the Treasury to be a specially designated national;

(iii) transactions and uses of property incident to lawful travel to Cuba, to the degree that such transactions and uses of property are necessary to the conduct of such travel; or

(iv) transactions and uses property for residential purposes by a person who is both a citizen of Cuba and a resident of Cuba, and who is not an official of the Cuban government or the ruling political party in Cuba, uncles, at the time of enactment of this Act, the claim to the property is held by a United States national and the claim has been certified under title V of the International Claims Settlement Act of 1949.

(13) Transition Government in Cuba.—The term "transition government in Cuba" means a government that the President determines as being a transition government consistent with the requirements and factors listed in section 2205.

(14) United States National.—The term "United States national" means—

(A) any United States citizen; or

(B) any other legal entity which is organized under the laws of the United States, or of any State, the District of Columbia, or the Commonwealth of Puerto Rico, or any other territory or possession of the United States, and which has its principal place of business in the United States

TITLE I—STRENGTHENING INTERNATIONAL SANCTIONS AGAINST THE CASTRO GOVERNMENT

SEC. 2101. STATEMENT OF POLICY.

It is the sense of the Congress that—

(1) the acts of the Castro government, including its massive, systematic, and extraordinary violations of human rights, are a threat to international peace;

(2) the President should advocate, and should instruct the United States Permanent Representative to the United Nations to propose and seek within the Security Council a mandatory international embargo against the totalitarian government of Cuba pursuant to chapter VII of the Charter of the United Nations, employing efforts similar to consultations conducted by United States representatives with respect to Haiti;

(3) any resumption of efforts by any independent state of the former Soviet Union to make operational the nuclear facility at Cienfuegos, Cuba, and the continuation of intelligence activities from Cuba targeted at the United States and its citizens will have a detrimental impact on United States and its citizens will have a detrimental impact on United States assistance to such state; and

(4) in view of the threat to the national security posed by the operation of any nuclear facility, and the Castro government's continuing blackmail to unleash another wave of Cuban refugees fleeing from Castro's oppression, most of whom find their way to other resources of the United States, the President should do all in his power to make it clear to the Cuban government that——

(A) the completion and operation of any nuclear power facility, or

(B) any further political manipulation of the desire of Cubans to escape that results in mass migration to the United States

will be considered an act of aggression which will be met with an appropriate response in order to maintain the security of the national borders of the United States and the health and safety of the American people.

SEC. 2102. AUTHORIZATION OF SUPPORT FOR DEMOCRATIC AND HUMAN RIGHTS GROUPS AND INTERNATIONAL OBSERVERS.

(a) Authorization.—The President is authorized to furnish assistance to and make available other support for individuals and nongovernmental organizations to support democracy-building efforts in Cuba, including the following:

(1) Published and informational matter, such as books, videos, and cassettes, on transitions to democracy, human rights, and market economies to be made available to independent democratic groups in Cuba.

(2) Humanitarian assistance to victims of political repression and their families.

(3) Support for democratic and human rights groups in Cuba.

(4) Support for visits and permanent deployment of independent international human rights monitors in Cuba.

(b) DENIAL OF FUNDS TO THE GOVERNMENT OF CUBA.—In implementing this section, the President shall take all necessary steps to ensure that no funds or other assistance are provided to the Government of Cuba or any of its agencies, entities or instrumentalities.

(c) SUPERSEDING OTHER LAWS.—Assistance may be provided under this section notwithstanding any other provision of law, except for section 634(A) of the Foreign Assistance Act of 1961 (22 U.S.C. 2394) and comparable notification requirements contained in sections of the annual foreign operations, export financing, and related programs Act.

SEC. 2103. ENFORCEMENT OF THE ECONOMIC EMBARGO OF CUBA.

(a) Policy.—(1) The Congress hereby reaffirms section 1704(a) of the Cuban Democracy Act of 1992, which states the President should encourage foreign countries to restrict trade and credit relations with Cuba in a manner consistent with the purposes of that Act.

(2) The Congress further urges the President to take immediate steps to apply the sanctions described in section 1704(b)(1) of such Act against countries assisting Cuba.

(b) Diplomatic Efforts.—The Secretary of State should ensure that United States diplomatic personnel abroad understand and, in their contacts with foreign officials are communicating the reasons for the United States economic embargo of Cuba, and are urging foreign governments to cooperate more effectively with the embargo.

(c) Existing Regulations.—The President shall instruct the Secretary of the Treasury and the Attorney General to enforce fully the Cuban Assets Control Regulations in part 515 of title 31, Code of Federal Regulations.

(d) Trading With The Enemy Act.—(1) Subsection (b) of section 16 of the Trading With the Enemy Act (50 U.S.C. App. 16(b)), as added by Public Law 102-484, is amended to read as follows:

"(b)(1) A civil penalty of not to exceed $50,000 may be imposed by the Secretary of the Treasury on any person who violates any license, order, rule, or regulation issued in compliance with the provisions of this division.

"(2) Any property, funds, securities, papers, or other articles or documents, or any vessel, together with its tackle, apparel, furniture, and equipment, that is the subject of a violation under paragraph (1) shall, at the direction of the Secretary of the Treasury, be forfeited to the United States Government.

"(3) Judicial review of any penalty imposed under this subsection may be had to the extent provided in section 702 of title 5, United States Code."

(2) Section 16 of the Trading With the Enemy Act is further amended—

(A) by striking subsection (b), as added by Public Law 102-393; and

(B) by striking subsection (c).

(e) Coverage of Debt-for-Equity Swabs Under the Economic Embargo of Cuba.—Section 1704(b)(2) of the Cuban Democracy Act of 1992 (22 U.S.C. 6003(b)(2)) is amended—

(1) by striking out "and" at the end of subparagraph (A);

(2) by redesignating subparagraph (B) as subparagraph (C); and

(3) by inserting after subparagraph (A) the following new subparagraph:

"(B) includes an exchange, reduction, or forgiveness of Cuban debt owed to a foreign country in return for a grant of an equity interest in a property, investment, or operation of the Government of Cuban or of a Cuban national; and".

SEC. 2104. PROHIBITION AGAINST INDIRECT FINANCING OF CUBA.

(a) Prohibition.—Notwithstanding any other provision of law, no loan, credit, or other financing may be extended knowingly by a United States national, a permanent resident alien, or a United States agency to a foreign or United States national for the purpose of financing transactions involving any property confiscated by the Cuban government the claim to which is owned by a United States national as of the date of enactment of this provision, except for financing by the owner of the property or the claim thereto for a permitted transaction.

(b) Suspension and Termination of Prohibition.—(1) The President is authorized to suspend this prohibition upon a determination pursuant to section 2204(a).

(2) The prohibition in subsection (a) shall cease to apply on the date of termination of the economic embargo of Cuba, as provided for in section 2204.

(c) Penalties.—Violations of subsection (a) shall be punishable by the civil penalties as are applicable to similar violations of the Cuban Assets Control Regulations in part 515 of title 31, Code of Federal Regulations.

SEC. 2105. UNITED STATES OPPOSITION TO CUBAN MEMBERSHIP IN INTERNATIONAL FINANCIAL INSTITUTIONS.

(a) Continued Opposition to Cuban Membership in International Financial Institutions.—

(1) Except as provided in paragraph (2), the Secretary of the Treasury shall instruct the United States executive director of each international financial institution to use the voice and vote of the United States to oppose the admission of Cuba as a member of such institutions until the President submits a determination pursuant to section 2203(c).

(2) Once the President submits a determination under section 2203(a) that a transition government in Cuba is in power—

(A) the President is encouraged to take steps to support the processing of Cuba's application for membership in any international financial institution, subject to the membership taking effect after a democratically elected government in Cuba is in power, and

(B) the Secretary of the Treasury is authorized to instruct the United States executive director of each international financial institution to support loans or other assistance to Cuba only to the extent that such loans or assistance contribute to a stable foundation for a democratically elected government in Cuba.

(b) Reduction in United States Payments to International Financial Institutions.—If any international financial institution approves a loan or other assistance to the Cuban government over the opposition of the United States, then the Secretary of the Treasury shall withhold from payment to such institution an amount equal to the amount of the loan or other assistance, with respect to each of the following types of payment:

(1) The paid-in portion of the increase in capital stock of the institution.

(2) The callable portion of the increase in capital stock of the institution.

(c) Definition.—For the purposes of this section, the term "international financial institution" means the International Monetary Fund, the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Multilateral Investment Guaranty Agency, and the Inter-American Development Bank.

SEC. 2106. UNITED STATES OPPOSITION TO TERMINATION OF THE SUSPENSION OF THE GOVERNMENT OF CUBA FROM PARTICIPATION IN THE ORGANIZATION OF AMERICAN STATES.

The President should instruct the United States Permanent Representative to the Organization of American States to oppose and vote against any termination of the suspension of the Cuban government from participation in the Organization until the President determines under section 2203(c) that a democratically elected government in Cuba is in power.

SEC. 2107. ASSISTANCE BY THE INDEPENDENT STATES OF THE FORMER SOVIET UNION FOR THE GOVERNMENT OF CUBA.

(a) Reporting Requirement.—Not later than 90 days after the date of enactment of this division, the President shall submit to the appropriate congressional committees a report detailing progress toward the withdrawal of personnel of any independent state of the former Soviet Union (within the meaning of section 3 of the FREEDOM Support Act (22 U.S.C. 5801)), including advisers, technicians, and military personnel, from the Cienfuegos nuclear facility in Cuba.

(b) Criteria for Assistance.—Section 498A(a)(11) of the Foreign Assistance Act of 1961 (22 U.S.C. 2295a(a)(1)) is amended by striking "of military facilities" and inserting "military and intelligence facilities, including the military and intelligence facilities at Lourdes and Cienfuegos,".

(c) Ineligibility for Assistance.—(1) Section 498A(b) of that Act (22 U.S.C. 2295a(b)) is amended—

(A) by striking "or" at the end of paragraph (4);

(B) by redesignating paragraph (5) as paragraph (6); and

(C) by inserting after paragraph (4) the following:

"(5) for the government of any independent state effective 30 days after the President has determined and certified to the appropriate congressional committees (and Congress has not enacted legislation disapproving the determination within the 30-days period) that such government is providing assistance for, or engaging in nonmarket based trade (as defined in section 498B(k)(3)) with, the Government of Cuba; or".

(2) Subsection (k) of section 498B of that Act (22 U.S.C. 2295b(k)), is amended by adding at the end the following:

"(3) Nonmarket based trade.—As used in section 498A(b)(5), the term 'nonmarket based trade' includes exports, imports, exchanges, or other arrangements that are provided for goods and services (including oil and other petroleum products) on terms more favorable than those generally available in applicable markets or for comparable commodities, including—

"(A) exports to the Government of Cuba on terms that involve a grant, concessional price, guarantee, insurance, or subsidy;

"(B) imports from the Government of Cuba at preferential tariff rates;

"(C) exchange arrangements that include advance delivery of commodities, arrangements in which the Government of Cuba is not held accountable for unfulfilled exchange contracts, and arrangements under which Cuba does not pay appropriate transportation, insurance, or finance costs; and

"(D) the exchange, reduction, or forgiveness of Cuban government debt in return for a grant by the Cuban government of an equity interest in a property, investment, or operation of the Government of Cuba or of a Cuban national.".

"(4) Cuban Government.—(A) The term Cuban government includes the government of any political subdivision of Cuba, and any agency or instrumentality of the Government of Cuba.

"(B) For purposes of subparagraph (A), the term "agency or instrumentality of the Government of Cuba" means any agency or instrumentality of a foreign state as defined in section 1603(b) of title 28, United States Code, with "Cuba" substituted for "a foreign state" each place it appears in such section."

"(d) Facilities at Lourdes, Cuba.—(1) The Congress expresses its strong disapproval of the extension by Russia of credits equivalent to $200,000,000 in support of the intelligence facility at Lourdes, Cuba, in November 1994.

(2) Section 498A of the Foreign Assistance Act of 1961 (22 U.S.C. 2295a) is amended by adding at the end the following new subsection:

"(d) Reducation in Assistance for Support of Intelligence Facilities in Cuba.—(1) Notwithstanding any other provision of law, the President shall withhold from assistance provided, on or after the date of enactment of this subsection, for an independent state of the former Soviet Union under this chapter an amount equal to the sum of assistance and credits, if any, provided on or after such date by such state in support of intelligence facilities in Cuba, including the intelligence facility at Lourdes, Cuba.

"(2)(A) The President may waive the requirement of paragraph (1) to withhold assistance if the President certifies to the appropriate congressional committees that the provision of such assistance is important to the national security of the United States, and, in the case of such a certification made with respect to Russia, if the President certifies that the Russian Government has assured the United States Government that the Russian Government is not sharing intelligence data collected at the Lourdes facility with officials or agents of the Cuban Government.

"(B) At the time of a certification made with respect to Russia pursuant to subparagraph (A), the President shall also submit to the appropriate congressional committees a report describing the intelligence activities of Russia in Cuba, including the purposes for which the Lourdes facility is used by the Russian Government and the extent to which the Russian Government provides payment or government credits to the Cuban Government for the continued use of the Lourdes facility.

"(C) The report required by subparagraph (B) may be submitted in classified form.

"(D) For purposes of this paragraph, the term "appropriate congressional committees, includes the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.

"(3) The requirement of paragraph (1) to withhold assistance shall not apply with respect to—

"(A) assistance to meet urgent humanitarian needs, including disaster and refugee relief;

"(B) democratic political reform and rule of law activities;

"(C) technical assistance for safety upgrades of civilian nuclear power plants;

"(D) the creation of private sector and nongovernmental organizations that are independent of government control;

"(E) the development of a free market economic system; and

"(F) assistance for the purposes described in the Cooperative Threat Reduction Act of 1993 (title XII of Public Law 103-160)."

SEC. 2108. TELEVISION BROADCASTING TO CUBA.

(a) Conversion to UHF.—The Director of the United States Information Agency shall implement a conversion of television broadcasting to Cuba under the Television Marti Service to ultra high frequency (UHF) broadcasting.

(b) Periodic Reports.—Not later than 45 days after the date of enactment of this title, and every three months thereafter until the conversion described in subsection (a) is fully implemented, the Director shall submit a report to the appropriate congressional committees on the progress made in carrying out subsection (a).

(c) Termination of Broadcasting Authorities.—Upon transmittal of a determination under section 2203(c), the Television Broadcasting to Cuba Act (22 U.S.C. 1465aa et seq.) and the Radio Broadcasting to Cuba Act (22 U.S.C. 1465 et seq.) are repealed.

SEC. 2109. REPORTS ON COMMERCE WITH, AND ASSISTANCE TO, CUBA FROM OTHER FOREIGN COUNTRIES.

(a) Reports Required.—Not later than 90 days after the date of enactment of this division, and by January 1 each year thereafter until the President submits a determination under section 2203(a) the President shall submit a report to the appropriate congressional committees on commerce with, and assistance to, Cuba from other foreign countries during the preceding 12-month period.

(b) CONTENTS OF REPORTS.—Each report required by subsection (a) shall, for the period covered by the report, contain the following, to the extent such information is available—

(1) a description of all bilateral assistance provided to Cuba by other foreign countries, including humanitarian assistance;

(2) a description of Cuba's commerce with foreign countries, including an identification of Cuba's trading partners and the extent of such trade;

(3) a description of the joint ventures completed, or under consideration, by foreign nationals and business firms involving facilities in Cuba, including an identification of the location of the facilities involved and a description of the terms of agreement of the joint ventures and the names of the parties that are involved;

(4) a determination as to whether or not any of the facilities described in paragraph (3) is the subject of a claim against Cuba by a United States national;

(5) a determination of the amount of Cuban debt owed to each foreign country, including—

(A) the amount of debt exchanged, forgiven, or reduced under the terms of each investment or operation in Cuba involving foreign nationals or businesses; and

(B) the amount of debt owed the foreign country that has been exchanged, reduced, or forgiven in return for a grant by the Cuban government of an equity interest in a property, investment or operation of the Government of Cuba or of a Cuban national;

(6) a description of the steps taken to assure that raw materials and semifinished or finished goods produced by facilities in Cuba involving foreign nationals or businesses do not enter the United States market, either directly or through third countries or parties; and

(7) an identification of countries that purchase, or have purchased, arms or military supplies from Cuba or that otherwise have entered into agreements with Cuba that have a military application, including—

(A) a description of the military supplies, equipment or other material sold, bartered, or exchanged between Cuba and such countries,

(B) a listing of the goods, services, credits, or other consideration received by Cuba in exchange for military supplies, equipment, or material, and

(C) the terms or conditions of any such agreement.

SEC. 2110. IMPORTATION SAFEGUARD AGAINST CERTAIN CUBAN PRODUCTS.

(a) STATEMENT OF POLICY.—(1) The Congress notes that section 515.204 of title 31, Code of Federal Regulations, that prohibits the entry of, and dealings outside the United States in, merchandise that—

(A) is of Cuban origin,

(B) is or has been located in or transported from or through Cuba, or

(C) is made or derived in whole or in part of any article which is the growth, produce, or manufacture of Cuba.

(2) The Congress notes that United States accession to the North American Free Trade Agreement does not modify or alter the United States sanctions against Cuba, noting that the statement of administrative action accompanying that trade agreement specifically states the following:

(A) "The NAFTA rules of origin will not in any way diminish the Cuban sanctions program. . . . Nothing in the NAFTA would operate to override this prohibition.".

(B) "Article 309(3) [of the NAFTA] permits the United States to ensure that Cuban products or goods made from Cuban materials are not imported into the United States from Mexico or Canada and that United States products are not exported to Cuba through those countries.".

(3) The Congress notes that section 902(c) of the Food Security Act of 1985 (Public Law 99-198) required the President not to allocate any of the sugar import quota to a country that is a net importer of sugar unless appropriate officials of that country verify to the President that the country does not import for reexport to the United States any sugar produced in Cuba.

(4) Protection of essential security interests of the United States requires enhanced assurances that sugar products that are entered are not products of Cuba.

(b) IN GENERAL.—(1) Notwithstanding any other provision of law, no sugar or sugar product shall enter the United States unless the exporter of the sugar or sugar product to the United States has certified, to the satisfaction of the Secretary of the Treasury, that the sugar or sugar product is not a product of Cuba.

(2) If the exporter described in paragraph (1) is not the producer of the sugar or sugar product, the exporter may certify the origin of the sugar or sugar product on the basis of—

(A) its reasonable reliance on the producer's written representations as to the origin of the sugar or sugar product; or

(B) a certification of the origin of the sugar product by its producer, that is voluntarily provided to the exporter by the producer.

(c) CERTIFICATION.—The Secretary of the Treasury shall prescribe the form, content, and manner of submission of the certification (including documentation) required in connection with the entry of sugar or sugar products, in order to ensure the strict enforcement of this section. Such certification shall be in a form sufficient to satisfy the Secretary that the exporter has taken steps to ensure that it is not exporting to the United States sugar or sugar products that are a product of Cuba.

(d) PENALTIES.—

(1) UNLAWFUL ACTS.—It is unlawful to—

(A) enter any product or article if such entry is prohibited under subsection (b), or

(B) make a false certification under subsection (c).

(2) FORFEITURE.—Any person or entity that violates paragraph (1) shall forfeit to the United States—

(A) in the case of a violation of paragraph (1)(A), the goods entered in violation of paragraph (1)(A), and

(B) in the case of a violation of paragraph (1)(B), the goods entered pursuant to the false certification that is the subject of the violation.

(3) ENFORCEMENT.—The Customs Service may exercise the authorities it has under sections 581 through 641 of the Tariff Act of 1930 (19 U.S.C. 1581 through 1641) in order to carry out paragraph (2).

(e) REPORTS TO CONGRESS.—The Secretary of the Treasury shall report to the Congress on any unlawful acts and penalties imposed under subsection (d).

(f) PUBLICATION OF LISTS OF VIOLATORS.—(1) The Secretary of the Treasury shall publish in the Federal Register, not later than March 31 and September 30 of each year, a list containing, to the extent such information is available, the name of any person or entity located outside the customs territory of the United States whose acts result in a violation of paragraph (1)(A) of subsection (d) or who violate paragraph (1)(B) of subsection (d).

(2) Any person or entity whose name has been included in a list published under paragraph (1) may petition the Secretary to be removed from such list. If the Secretary finds that such person or entity has not committed any violations described in paragraph (1) for a period of not less than 1 year after the date on which the name of the person or entity was so published, the Secretary shall remove such person from the list as of the next publication of the list under paragraph (1).

(g) DEFINITIONS.—For purposes of this section:

(1) ENTER, ENTRY.—The terms "enter" and "entry"—mean entered, or withdrawn from warehouse for consumption, in the customs territory of the United States.

(2) PRODUCT OF CUBA.—The term "product of Cuba" means a product that—

(A) is of Cuban origin,

(B) is or has been located in or transported from or through Cuba, or

(C) is made or derived in whole or in part from any article which is the growth, produce, or manufacture of Cuba.

(3) SUGAR, SUGAR PRODUCT.—The term "sugar" and "sugar product" means sugars, syrups, molasses, or products with sugar content described in additional U.S. note 5 to Chapter 17 of the Harmonized Tariff Schedule of the United States.

SEC. 2111. REINSTITUTION OF FAMILY REMITTANCES AND TRAVEL TO CUBA.

It is the sense of Congress that the President should, before considering the reinstitution of general licensure for—

(A) family remittances to Cuba—

(i) insist that, prior to such reinstitution, the government of Cuba permit the unfettered operation of small businesses fully endowed with the right to hire others to whom they may pay wages, buy materials necessary in the operation of the business and such other authority and freedom required to foster the operation of small businesses throughout the island; and

(ii) require a specific license for remittances above $500; and

(B) travel to Cuba by U.S. resident family members of Cuban nationals resident in Cuba itself insist on such actions by the government of Cuba as abrogation of the sanction for refugee departure from the island, release of political prisoners, recognition of the right of association and other fundamental freedoms.

SEC. 2112. NEWS BUREAUS IN CUBA.

(a) ESTABLISHMENT OF NEWS BUREAUS.—The President is authorized to establish and implement an exchange of news bureaus between the United States and Cuba, provided that such an exchange meets the following conditions:

(1) the exchange is fully-reciprocal;

(2) Cuba allows free, unrestricted, and uninhibited movement on the island to all American news organizations;

(3) Cuba allows American news organizations full control over the reporters they send to operate their bureaus in Cuba;

(4) the Office of Foreign Assets Control of the Department of the Treasury can ensure that only accredited journalists regularly employed with a news gathering organization avail themselves of the general license to travel to Cuba; and

(5) Cuba agrees to allow the uninhibited distribution within Cuba of any American newspapers, magazines or other media that have bureaus in Cuba.

(b) ASSURANCE AGAINST ESPIONAGE.—In implementing this section, the President shall take all necessary steps to assure the safety and security of the United States against espionage by Cuban journalists it believes to be working as an agent of Fidel Castro's intelligence.

(c) FULLY RECIPROCAL.—It is the sense of Congress that the term "fully reciprocal" means that any and all news services, news organizations, and broadcasting services, including such services or organizations that receive financing, assistance or other support from a governmental or official source, are able to establish and operate a news bureau in each nation.

TITLE II—SUPPORT FOR A FREE AND INDEPENDENT CUBA

SEC. 2201. POLICY TOWARD A TRANSITION GOVERNMENT AND A DEMOCRATICALLY ELECTED GOVERNMENT IN CUBA.

It is the policy of the United States—

(1) to support the self-determination of the Cuban people;

(2) to facilitate a peaceful transition to representative democracy and a free market economy in Cuba;

(3) to be impartial toward any individual or entity in the selection by the Cuban people of their future government;

(4) to enter into negotiations with a democratically elected government in Cuba regarding the status of the United States Naval Base at Guantanamo Bay;

(5) To consider the restoration of diplomatic relations with Cuba and support the reintegration of the Cuban government into the Inter-American System after a transition government in Cuba comes to power and at such a time as will facilitate the rapid transition to a democratic government;

(6) to remove the economic embargo of Cuba when the President determines that there exists a democratically elected government in Cuba; and

(7) to pursue a mutually beneficial trading relationship with a democratic Cuba.

SEC. 2202. ASSISTANCE FOR THE CUBAN PEOPLE.

(a) AUTHORIZATION.—

(1) IN GENERAL.—The President may provide assistance under this section for the Cuban people after a transition government, or a democratically elected government, is in power in Cuba, subject to subsections 2203 (a) and (c).

(2) EFFECT ON OTHER LAWS.—Subject to section 2203, the President is authorized to provide such forms of assistance to Cuba as are provided for in subsection (b), notwithstanding any other provision of law, except for—

(A) this division;

(B) section 620(a)(2) of the Foreign Assistance Act of 1961, as amended (22 U.S.C. 2370(a)(2)); and

(C) section 634A of the Foreign Assistance Act of 1961, as amended (22 U.S.C. 2394) and comparable notification requirements contained in sections of the annual foreign operations, export financing, and related programs Act.

(b) RESPONSE PLAN.—

(1) DEVELOPMENT OF PLAN.—The President shall develop a plan detailing, to the extent possible, the manner in which the United States would provide and implement support for the Cuban people in response to the formation of—

(A) a transition government in Cuba; and

(B) a democratically elected government in Cuba.

(2) TYPES OF ASSISTANCE.—Support for the Cuban people under the plan described in paragraph (1) shall include the following types of assistance:

(A) TRANSITION GOVERNMENT.—(i) The plan developed under paragraph (1)(A) for assistance to a transition government in Cuba shall be limited to such food, medicine, medical supplies and equipment, and other assistance as may be necessary to meet the basic human needs of the Cuban people.

(ii) When a transition government in Cuba is in power, the President is encouraged to remove or modify restrictions that may exist on—

(I) remittances by individuals to their relatives of cash or humanitarian items, and

(II) on freedom to travel to visit Cuba other than that the provision of such services and costs in connection with such travel shall be internationally competitive.

(iii) Upon transmittal to Congress of a determination under section 2203(a) that a transition government in Cuba is in power, the President should take such other steps as will encourage renewed investment in Cuba to contribute to a stable foundation for a democratically elected government in Cuba.

(B) DEMOCRATICALLY ELECTED GOVERNMENT.—(i) The plan developed under paragraph (1)(B) for assistance for a democratically elected government in Cuba should consist of assistance to promote free market development, private enterprise, and a mutually beneficial trade relationship between the United States and Cuba. Such assistance should include—

(I) financing, guarantees, and other assistance provided by the Export-Import Bank of the United States;

(II) insurance, guarantees, and other assistance provided by the Overseas Private Investment Corporation for investment projects in Cuba;

(III) assistance provided by the Trade and Development Agency;

(IV) international narcotics control assistance provided under chapter 8 of part I of the Foreign Assistance Act of 1961; and

(V) Peace Corps activities.

(c) INTERNATIONAL EFFORTS.—The President is encouraged to take the necessary steps—

(1) to seek to obtain the agreement of other countries and multinational organizations to provide assistance to a transition government in Cuba and to a democratically elected government in Cuba; and

(2) to work with such countries, institutions, and organizations to coordinate all such assistance programs.

(d) REPORT ON TRADE AND INVESTMENT RELATIONS.—

(d) REPORT TO CONGRESS.—The President, following the transmittal to the Congress of a determination under section 2203(c) that a democratically elected government in Cuba is in power, shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate and other appropriate committees a report that describes—

(A) acts, policies, and practices which constitute significant barriers to, or distortions of, United States trade in goods or services or foreign direct investment with respect to Cuba;

(B) policy objectives of the United States regarding trade relations with a democratically elected government in Cuba, and the reasons therefor, including possible—

(i) reciprocal extension of nondiscriminatory trade treatment (most-favored-nation treatment);

(ii) designation of Cuba as a beneficiary developing country under title V of the Trade Act of 1974 (relating to the Generalized System of Preferences) or as a beneficiary country under the Caribbean Basin Economic Recovery Act, and the implications of such designation with respect to trade and any other country that is such a beneficiary developing country or beneficiary country or is a party to the North American Free Trade Agreement; and

(iii) negotiations regarding free trade, including the accession of Cuba to the North American Free Trade Agreement;

(C) specific trade negotiating objectives of the United States with respect to Cuba, including the objectives described in section 108(b)(5) of the North American Free Trade Agreement Implementation Act; and

(D) actions proposed or anticipated to be undertaken, and any proposed legislation necessary or appropriate, to achieve any of such policy and negotiating objective.

(2) CONSULTATION.—The President shall consult with the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate and other appropriate committees and shall seek advice from the appropriate advisory committees established under section 135 of the Trade Act of 1974 regarding the policy and negotiating objectives and the legislative proposals described in paragraph (1).

(e) COMMUNICATION WITH THE CUBAN PEOPLE.—The President is encouraged to take the necessary steps to communicate to the Cuban people the plan developed under this section.

(f) REPORT TO CONGRESS.—Not later than 180 days after the date of the enactment of this title, the President shall transmit to the appropriate congressional committees a report describing in detail the plan developed under this section.

SEC. 2203. IMPLEMENTATION; REPORTS TO CONGRESS.

(a) IMPLEMENTATION WITH RESPECT TO TRANSITION GOVERNMENT.—Upon making a determination, consistent with the requirements and factors in section 2205, that a transition government in Cuba is in power, the President shall transmit that determination to the appropriate congressional committees and should, subject to the authorization of appropriations and the availability of appropriations, commence to provide assistance pursuant to section 2202(b)(2)(A).

(b) REPORTS TO CONGRESS.—(1) The President shall transmit to the appropriate congressional committees a report setting forth the strategy for providing assistance authorized under section 2202(b)(2)(A) to the transition government in Cuba, the types of such assistance, and the extent to which such assistance has been distributed.

(2) The President shall transmit the report not later than 90 days after making the determination referred to in paragraph (1), except that the President shall consult regularly with the appropriate congressional committees regarding the development of the plan.

(c) IMPLEMENTATION WITH RESPECT TO DEMOCRATICALLY ELECTED GOVERNMENT.—Upon making a determination, consistent with section 2206, that a democratically elected government in Cuba is in power, the President shall transmit that determination to the appropriate congressional committees and should, subject to the authorization of appropriations and the availability of appropriations, commence to provide such forms of assistance as may be included in the plan for assistance pursuant to section 2202(b)(2)(B).

(d) ANNUAL REPORTS TO CONGRESS.—Once the President has transmitted a determination referred to in either subsection (a) or (c), the President shall, not later than 60 days after the end of each fiscal year, transmit to the appropriate congressional committees a report on the assistance to Cuba authorized under section 2202, including a description of each type of assistance, the amounts expended for such assistance, and a description of the assistance to be provided under the plan in th4e current fiscal year.

SEC. 2204. TERMINATION OF THE ECONOMIC EMBARGO OF CUBA.

(a) PRESIDENTIAL ACTIONS.—Upon submitting a determination to the appropriate congressional committees under section 2203(a) that a transition government in Cuba is in power, the President, after consulting with the Congress, is authorized to take steps to suspend the economic embargo on Cuba and to suspend application of the right of action created in section 2302 hereof as to actions thereafter filed against the government of Cuba, to the extent that such action contributes to a stable foundation for a democratically elected government in Cuba.

(b) SUSPENSION OF CERTAIN PROVISIONS OF LAW.—In carrying out subsection (a), the President may suspend the enforcement of—

(1) section 620(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2370(a));

(2) section 620(f) of the Foreign Assistance Act of 1961 (22 U.S.C. 2370(f)) with regard to the "Republic of Cuba";

(3) sections 1704, 1705(d), and 1706 of the Cuban Democracy Act (22 U.S.C. 6003, 6004(d), 6005);

(4) section 902(c) of the Food Security Act of 1985; and

(5) the prohibitions on transactions described in part 515 of the title 31, Code of Federal Regulations.

(c) ADDITIONAL PRESIDENTIAL ACTIONS.—Upon submitting a determination to the appropriate congressional committees under section 2203(c) that a democratically elected government in Cuba is in power, the President shall take steps to terminate the economic embargo of Cuba.

(d) CONFORMING AMENDMENTS.—On the date on which the President submits a determination under section 2203(c)—

(1) section 620(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2370(a)) is repealed;

(2) section 620(f) of the Foreign Assistance Act of 1961 (22 U.S.C. 2370(f)) is amended by striking "Republic of Cuba";

(3) sections 1704, 1705(d), and 1706 of the Cuban Democracy Act (22 U.S.C. 6003, 6004(d), 6005); and

(4) section 902(c) of the Food Security Act of 1985 is repealed.

(e) REVIEW OF SUSPENSION OF ECONOMIC EMBARGO.—

(1) REVIEW.—If the President takes action under subsection (a) to suspend the economic embargo of Cuba, the President shall immediately so notify the Congress. The President shall report to the Congress no less frequently than every 6 months thereafter, until he submits a determination under section 2203(c) that a democratically elected government in Cuba is in power, on the progress being made by Cuba toward the establishment of such a democratically elected government. The action of the President under subsection (a) shall cease to be effective upon the enactment of a joint resolution described in paragraph (2).

(2) JOINT RESOLUTIONS.—For purposes of this subsection, the term "joint resolution" means only a joint resolution of the 2 Houses of Congress, the matter after the resolving clause of which is as follows: "That the Congress disapproves the action of the President under section 2204(a) of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1995 to suspend the economic embargo of Cuba, notice of which was submitted to the Congress on _____.", with the blank space being filled with the appropriate date.

(3) REFERRAL TO COMMITTEES.—Joint resolutions introduced in the House of Representatives shall be referred to the Committee on International Relations and joint resolutions introduced in the Senate shall be referred to the Committee on Foreign Relations.

(4) PROCEDURE.—(A) Any joint resolution shall be considered in the Senate in accordance with the provisions of section 601(b) of the International Security Assistance and Arms Export Control Act of 1976.

(B) For the purpose of expediting the consideration and enactment of joint resolutions, a motion to proceed to the consideration of any joint resolution after it has been reported by the appropriate committee shall be treated as highly privileged in the House of Representatives.

(C) Not more than 1 joint resolution may be considered in the House of Representatives and the Senate in the 6-month period beginning on the date on which the President notifies the Congress under paragraph (1) of the action taken under subsection (a), and in each 6-month period thereafter.

SEC. 2205. REQUIREMENTS FOR A TRANSITION GOVERNMENT.

(a) A determination under section 2203(a) that a transition government in Cuba is in power shall not be made unless that government has taken the following actions—

(1) legalized all political activity;

(2) released all political prisoners and allowed for investigations of Cuban prisons by appropriate international human rights organizations;

(3) dissolved the present Department of State Security in the Cuban Ministry of the Interior, including the Committees for the Defense of the Revolution and the Rapid Response Brigades; and

(4) has committed to organizing free and fair elections for a new government—

(i) to be held in a timely manner within 2 years after the transition government assumes power;

(ii) with the participation of multiple independent political parties that have full access to the media on an equal basis, including (in the case of radio, television, or other telecommunications media) in terms of allotments of time for such access and the times of day such allotments are given; and

(iii) to be conducted under the supervision of internationally recognized observers, such as the Organization of American States, the United Nations, and other election monitors;

(b) In addition to the requirements in subsection (a), in determining whether a transition government is in power in Cuba, the President shall take into account the extent to which that government—

(1) is demonstrably in transition from communist totalitarian dictatorship to representative democracy;

(2) has publicly committed itself to, and is making demonstrable progress in—

(A) establishing an independent judiciary;

(B) respecting internationally recognized human rights and basic freedoms as set forth in the Universal Declaration of Human Rights;

(C) effectively guaranteeing the rights of free speech and freedom of the press, including granting permits to privately owned media and telecommunications companies to operate in Cuba;

(D) permitting the reinstatement of citizenship to Cuban-born nationals returning to Cuba;

(E) assuring the right to private property; and

(F) allowing the establishment of independent trade unions as set forth in conventions 87 and 98 of the International Labor Organization, and allowing the establishment of independent social, economic, and political associations;

(3) has ceased any interference with broadcasts by Radio Marti or the Television Marti Service;

(4) has given adequate assurances that it will allow the speedy and efficient distribution of assistance to the Cuban people; and

(5) permits the deployment throughout Cuba of independent and unfettered international human rights monitors.

SEC. 2206. REQUIREMENTS FOR A DEMOCRATICALLY ELECTED GOVERNMENT.

For purposes of determining under section 2203(c) of this division whether a democratically elected government in Cuba is in power, the President shall take into account whether, and the extent to which, that government—

(1) results from free and fair elections—

(A) conducted under the supervision of internationally recognized observers; and

(B) in which opposition parties were permitted ample time to organize and campaign for such elections, and in which all candidates in the elections were permitted full access to the media;

(2) is showing respect for the basic civil liberties and human rights of the citizens of Cuba;

(3) is substantially moving toward a market-oriented economic system based on the right to own and enjoy property;

(4) is committed to making constitutional changes that would ensure regular free and fair elections and the full enjoyment of basic civil liberties and human rights by the citizens of Cuba; and

(5) is continuing to comply with the requirements of section 2205.

SEC. 2207. SETTLEMENT OF OUTSTANDING U.S. CLAIMS TO CONFISCATED PROPERTY IN CUBA.

(a) SUPPORT FOR A TRANSITION GOVERNMENT.—Notwithstanding any other provision of this division—

(1) no assistance may be provided under the authority of this Act to a transition government in Cuba; and

(2) the Secretary of the Treasury shall instruct the United States executive director of each international financial institution to vote against any loan or other utilization of the funds of such bank or institution for the benefit of a transition government in Cuba, except for assistance to meet the emergency humanitarian needs of the Cuban people,

unless the President determines and certifies to Congress that such a government has publicly committed itself, and is taking appropriate steps, to establish a procedure under its law or through international arbitration to provide for the return of, or prompt, adequate and effective compensation for, property confiscated by the Government of Cuba on or after January 1, 1959, from any person or entity that is a United States national who is described in section 620(a)(2) of the Foreign Assistance Act of 1961, as amended.

(b) SUPPORT FOR A DEMOCRATICALLY ELECTED GOVERNMENT.—Notwithstanding any other provision of this division—

(1) no assistance may be provided under the authority of this Act to a democratically elected government in Cuba; and

(2) the Secretary of the Treasury shall instruct the United States executive director of each international financial institution to vote against any loan or other utilization of the funds of such bank or institution for the benefit of a democratically elected government in Cuba,

unless the President determines and certifies to Congress that such a government has adopted and is effectively implementing a procedure under its law or through international arbitration to provide for the return of, or prompt, adequate and effective compensation for, property confiscated by the Government of Cuba on or after January 1, 1959, from any person or entity that is a United States national who is described in section 620(a)(2) of the Foreign Assistance Act of 1961, as amended.

(c) REPORT TO CONGRESS.—Not later than 180 days after the date of enactment of this title, the Secretary of State shall provide a report to the appropriate congressional committees containing an assessment of the property dispute question in Cuba, including—

(1) an estimate of the number and amount of claims to property confiscated by the Cuban government held by United States nationals beyond those certified under section 507 of the International Claims Settlement Act of 1949,

(2) an assessment of the significance of promptly resolving confiscated property claims to the revitalization of the Cuban economy,

(3) a review and evaluation of technical and other assistance that the United States could provide to help either a transition government in Cuba or a democratically elected government in Cuba establish mechanisms to resolve property questions,

(4) an assessment of the role and types of support the United States could provide to help resolve claims to property confiscated by the Cuban government held by United States nationals who did not receive or qualify for certification under section 507 of the International Claims Settlement Act of 1949, and

(5) an assessment of any areas requiring legislative review or action regarding the resolution of property claims in Cuba prior to a change of government in Cuba.

(d) It is the sense of the Congress that the satisfactory resolution of property claims by a Cuban government recognized by the United States remains an essential condition for the full resumption of economic and diplomatic relations between the United States and Cuba.

(e) WAIVER.—The President may waive the prohibitions in subsections (a) and (b) if the President determines and certifies to the Congress that it is in the vital national interest of the United States to provide assistance to contribute to the stable foundation for a democratically elected government in Cuba.

TITLE III—PROTECTION OF PROPERTY RIGHTS OF UNITED STATES NATIONALS AGAINST CONFISCATORY TAKINGS BY THE CASTRO REGIME

SEC. 2301. STATEMENT OF POLICY.

The Congress makes the following findings:

(1) Individuals enjoy a fundamental right to own and enjoy property which is enshrined in the United States Constitution.

(2) The wrongful confiscation or taking of property belonging to United States nationals by the Cuban government, and the subsequent exploitation of this property at the expense of the rightful owner, undermines the comity of nations, the free flow of commerce, and economic development.

(3) Since Fidel Castro seized power in Cuba in 1959—

(A) he has trampled on the fundamental rights of the Cuban people, and

(B) through his personal despotism, he has confiscated the property of—

(i) millions of his own citizens,

(ii) thousands of United States nationals, and

(iii) thousands more Cubans who claimed asylum in the United States as refugees because of persecution and later became naturalized citizens of the United States.

(4) It is in the interest of the Cuban people that the government of Cuba respect equally the property rights of Cuban and foreign nationals.

(5) The Cuban government is offering foreign investors the opportunity to purchase an equity interest in, manage, or enter into joint ventures with property and assets some of which were confiscated from United States nationals.

(6) This "trafficking" in confiscated property provides badly needed financial benefit, including hard currency, oil and productive investment and expertise, to the current government of Cuba and thus undermines the foreign policy of the United States—

(A) to bring democratic institutions to Cuba through the pressure of a general economic embargo at a time when the Castro regime has proven to be vulnerable to international economic pressure, and

(B) to protect the claims of United States nationals who had property wrongfully confiscated by the Cuban government.

(7) The U.S. State Department has notified other governments that the transfer of properties confiscated by the Cuban government to third parties "would complicate any attempt to return them to their original owners."

(8) The international judicial system, as currently structured, lacks fully effective remedies for the wrongful confiscation of property and for unjust enrichment from the use of wrongfully confiscated property by governments and private entities at the expense of the rightful owners of the property.

(9) International law recognizes that a nation has the ability to provide for rules of law with respect to "conduct outside its territory that has or is intended to have substantial effect within its territory."

(10) The United States Government has an obligation to its citizens to provide protection against wrongful confiscations by foreign nations and their citizens, including the provision of private remedies.

(11) To deter trafficking in wrongfully confiscated property, United States nationals who were the victims of these confiscations should be endowed with a judicial remedy in the Courts of the United States that would deny traffickers any profits from economically exploiting Castro's wrongful seizures.

SEC. 2302. LIABILITY FOR TRAFFICKING IN CONFISCATED PROPERTY CLAIMED BY UNITED STATES NATIONALS.

(a) CIVIL REMEDY.—(1) LIABILITY OF TRAFFICKING.—(A) Except as otherwise provided in this section, any person or entity, including any agency or instrumentality of a foreign state in the conduct of a commercial activity, that after the end of the 6-month period beginning on the date of enactment of this provision traffics in property which was confiscated by the Government of Cuba on or after January 1, 1959, shall be liable to the United States national who owns the claim to such property for money damages in an amount equal to the sum of—

(i) the amount which is the greater of—

(I) the amount, if any, certified to the claimant by the Foreign Claims Settlement Commission under the International Claims Settlement Act of 1949, plus interest;

(II) the amount determined under section 2303(a)(2), plus interest; or

(III) the fair market value of that property, calculated as being the then current value of the property, or the value of the property when confiscated plus interest, whichever is greater; and

(ii) reasonable court costs and attorneys' fees.

(B) Interest under subparagraph (A)(i) shall be at the rate set forth in section 1961 of title 28, United States Code, computed by the court from the date of confiscation of the property involved to the date on which the action is brought under this subsection.

(2) PRESUMPTION IN FAVOR OF THE CERTIFIED CLAIMS.—There shall be a presumption that the amount for which a person or entity, including any agency or instrumentality of a foreign state in the conduct of a commercial activity, is liable under clause (I) of paragraph (1)(A) is the amount that is certified under subclause (I) of that clause. The presumption shall be rebuttable by clear and convincing evidence that the amount described in subclause (II) or (III) of that clause is the appropriate amount of liability under that clause.

(3) REQUIREMENT FOR PRIOR NOTICE AND INCREASED LIABILITY FOR SUBSEQUENT ADDITIONAL NOTICE.—(A) Following the conclusion of 180 days from enactment hereof but at least 30 days prior to instituting suit hereunder, notice of intention to institute a suit pursuant to this provision must be served on each intended party or, in the case of ongoing intention to add any party to ongoing litigation hereunder to each such additional party.

(B) Except as provided in this section, any person or entity, including any agency or instrumentality of a foreign state in the conduct of a commercial activity, that traffics in confiscated property after having received—

(i) a subsequent additional notice of a claim to ownership of the property by the United States national who owns the claim to the confiscated property; and

(ii) notice of the provisions of this section, shall be liable to that United States national for money damages in an amount which is the sum of the amount equal to the amount determined under paragraph (1)(A)(ii), plus triple the amount determined applicable under subclause (I), (II), or (III) of paragraph (1)(A)(i).

(4) APPLICABILITY.—(A) Except as otherwise provided in this paragraph, actions may be brought under paragraph (1) with respect to property confiscated before, on, or after the date of enactment of this division.

(B) In the case of property confiscated by the Government of Cuba before the date of enactment of this division, no United States national may bring an action under this section unless such national acquired ownership of the claim to the confiscated property before such date.

(C) In the case of property confiscated on or after the date of the enactment of this division, no United States national who acquired ownership of a claim to confiscated property by assignment for value after such date of enactment may bring an action on the claim under this section.

(5) TREATMENT OF CERTAIN ACTIONS.—(A) In the case of any action brought under this section by a United States national who was eligible to file the underlying claim in the

action with the Foreign Claims Settlement Commission under title V of the International Claims Settlement Act of 1949 but did not so file the claim, the court may hear the case only if the court determines that the United States national had good cause for not filing the claim.

(B) In the case of any action brought under this section by a United States national whose claim in the action was timely filed with the Foreign Claims Settlement Commission under title V of the International Claims Settlement Act of 1949 but was denied by the Commission, the court may assess the basis for the denial and may accept the findings of the Commission on the claim as conclusive in the action under this section unless good cause justifies another result.

(6) Inapplicability of Act of State Doctrine.—No court of the United States shall decline, based upon the act of state doctrine, to make a determination on the merits in an action brought under paragraph (1).

(7) Notwithstanding any other provision of law, an action under this section may be brought and may be settled, and a judgment rendered in such action may be enforced, without the necessity of obtaining any license or other permission from any agency of the United States; provided, that this subsection shall not apply to the execution of a judgment against or the settlement of actions involving property blocked under the authority of the Trading with the Enemy Act, Appendix to title 50, United States Code, sections 1 through 44 as amended.

(8) Notwithstanding any other provision of law, any certified claim against the Government of Cuba shall not be deemed an interest or property the transfer of which requires a license or permission of any agency of the United States.

(b) Amount in Controversy.—An action may be brought under this section by a United States national only where the matter in controversy exceeds the sum or value of $50,000, exclusive of costs.

(c) Service of Process.—(1) Service of process shall be effected against an agency or instrumentality of a foreign state in the conduct of a commercial activity, or against individuals acting under color of law in conformity with 28 U.S.C. section 1608, except as provided by paragraph (3) of this subsection.

(2) Service of process shall be effected against all parties not included under the terms of paragraph (A) in conformity with 28 U.S.C. section 1331.

(3) For all actions brought under section 2302 of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1995, no judgment by default shall be entered by a court of the United States against the government of Cuba, its political subdivision, or its agencies or instrumentalities, unless a government recognized by the United States in Cuba is given the opportunity to cure and be heard thereon and the claimant establishes his claim or right to relief by evidence satisfactory to the court.

(d) Certain Property Immune From Execution.—Section 1611 of title 28, United States Code, is amended by adding at the end of the following:

"(c) Notwithstanding the provisions of section 1610 of this chapter, the property of a foreign state shall be immune from attachment and from execution in an action brought under section 1605(7) to the extent the property is a facility or installation used by an accredited diplomatic mission for official purposes.".

(e) Election of Remedies.—

(1) Election.—Subject to paragraph (2)—

(A) any United States national that brings an action under this section may not bring any other civil action or proceeding under the common law, Federal law, or the law of any of the other several states, the District of Columbia, or any territory or possession of the United States that seeks monetary or nonmonetary compensation by reason of the same subject matter; and

(B) any person who brings, under the common law or any provision of law other than this section, a civil action or proceeding for monetary or nonmonetary compensation arising out of a claim for which an action would otherwise be cognizable under this section may not bring an action under this section on that claim.

(2) Treatment of Certified Claimants.—In the case of any United States national that brings an action under this section based on a claim certified under title V of the International Claims Settlement Act of 1949—

(A) if the recovery in the action is equal to or greater than the amount of the certified claim, the United States national may not receive payment on the claim under any agreement entered into between the United States and Cuba settling claims covered by such title, and such national shall be deemed to have discharged the United States from any further responsibility to represent the United States national with respect to that claim;

(B) if the recovery in the action is less than the amount of the certified claim, the United States national may receive payment under a claims agreement described in subparagraph (A) but only to the extent of the difference between the amount of the recovery and the amount of the certified claim; and

(C) if there is no recovery in the action, the United States national may receive payment on the certified claim under a claims agreement described in subparagraph (A) to the same extent as any certified claimant who does not bring an action under this section.

(f) Deposit of Excess Payments by Cuba Under Claims Agreement.—Any amounts paid by Cuba under any agreement entered into between the United States and Cuba settling certified claims under title V of the International Claims Settlement Act of 1949 that are in excess of the payments made on such certified claims after the application of subsection (e) shall be deposited into the United States Treasury.

(g) Termination of Rights.—(1) All rights created under this section to bring an action for money damages with respect to property confiscated by the Government of Cuba before the date of enactment of this division shall cease upon transmittal to the Congress of a determination of the President under section 203(c).

(2) The termination of rights under paragraph (1) shall not affect suits commenced before the date of such termination, and in all such suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this subsection had not been enacted.

SEC. 2303. PROOF OF OWNERSHIP.

(a) Evidence of Ownership.—(1) In any action brought under this title, the courts shall accept as conclusive proof of ownership a certification of a claim to ownership that has been made by the Foreign Claims Settlement Commission pursuant to title V of the International Claims Settlement Act of 1949 (22 U.S.C. 1643 and following).

(2) In the case of a claim that has not been certified by the Foreign Claims Settlement Commission before the enactment of this division, a court may appoint a Special Master, including the Foreign Claims Settlement Commission, to make determinations regarding the amount of ownership of claims to ownership of confiscated property by the Government of Cuba. Such determinations are only for evidentiary purposes in civil actions brought under this title and do not constitute certifications pursuant to title V of the International Claims Settlement Act of 1949.

(3) In determining ownership, courts shall not accept as conclusive evidence of ownership any findings, orders, judgments, or decrees from administrative agencies or courts of foreign countries or international organizations that invalidate the claim held by a United States national, unless the invalidation was found pursuant to binding international arbitration to which United States submitted the claim.

(b) Amendment of the International Claims Settlement Act of 1949.—Title V of the International Claims Settlement Act of 1949 (22 U.S.C. 1643 and following) is amended by adding at the end of the following new section:

"DETERMINATION OF OWNERSHIP CLAIMS REFERRED BY DISTRICT COURTS OF THE UNITED STATES

"Sec. 514. Notwithstanding any other provision of this title and only for purposes of section 2302 of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1995, a United States district court, for fact-finding purposes, may refer to the Commission, and the Commission may determine, questions of the amount and ownership of a claim by a United States nationals (as defined in section 2004 of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1995, resulting from the confiscations of property by the Government of Cuba described in section 503(a), whether or not the United States national qualified as a national of the United States (as defined in section 502(1)) at the time of action by the Government of Cuba".

(c) Rule of Construction.—Nothing in this division or in section 514 of the International Claims Settlement Act of 1949, as added by subsection (b), shall be construed—

(1) to require or otherwise authorize the claims of Cuban nationals who became United States citizens after their property was confiscated to be included in the claims certified to the Secretary of State by the Foreign Claims Settlement Commission for purposes of future negotiation and espousal of claims with a friendly government in Cuba when diplomatic relations are restored; or

(2) as superseding, amending, or otherwise altering certifications that have been made pursuant to title V of the International claims Settlement Act of 1949 before the enactment of this division.

SEC. 2304. EXCLUSIVITY OF FOREIGN CLAIMS SETTLEMENT COMMISSION CERTIFICATION PROCEDURE.

Amendment of the International Claims Settlement Act of 1949.—Title V of the International Claims Settlement Act of 1949 (22 U.S.C. 1643 and following), as amended by section 2303, is further amended by adding at the end the following new section:

"EXCLUSIVITY OF FOREIGN CLAIMS SETTLEMENT COMMISSION CERTIFICATION PROCEDURE

"Sec. 515. (a) Subject to subsection (b) neither any national of the United States who was eligible to file a claim under Section 503 but did not timely file such claim under that section, nor any national of the United States (on the date of the enactment of this section) who was not eligible to file a claim under that section, nor any national of Cuba, including any agency, instrumentality, subdivision, or enterprise of the Government of Cuba or any local government of Cuba in place on the date of the enactment of this section, nor any successor thereto, whether or not recognized by otherwise have an interest in, the compensation proceeds or nonmonetary compensation paid or allocated to a national of the United States by virtue of a claim certified by the Commission pursuant to section 507, nor shall any district court of the United States have jurisdiction to adjudicate any such claim.

"(b) Nothing in subsection (a) shall be construed to detract from or otherwise affect any rights in the shares of capital stock of nationals of the United States owning claims certified by the Commission under section 507.".

BROWN AMENDMENT NO. 1937

(Ordered to lie on the table.)

Mr. HELMS (for Mr. BROWN) submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

At the appropriate place in the bill, insert the following new title:

TITLE __NATO PARTICIPATION ACT AMENDMENTS OF 1995

SEC. __01. SHORT TITLE.

This title may be cited as the "NATO Participation Act Amendments of 1995".

SEC. __02. FINDINGS.

The Congress makes the following findings:

(1) Since 1949, the North Atlantic Treaty Organization (NATO) has played an essential role in guaranteeing the security, freedom, and prosperity of the United States and its partners in the Alliance.

(2) NATO has expanded its membership on three different occasions since 1949.

(3) The sustained commitment of the member countries of NATO to mutual defense of their security ultimately made possible the democratic transformation in Central and Eastern Europe and the demise of the Soviet Union.

(4) NATO was designed to be and remains a defensive military organization whose members have never contemplated the use of, or used, military force to expand the borders of its member states.

(5) While the immediate threat to the security of the United States and its allies has been reduced with the collapse of the Iron Curtain, new security threats, such as the situation in Bosnia and Herzegovina, are emerging to the shared interests of the member countries of NATO.

(6) NATO remains the only multilateral security organization capable of conducting effective military operations to protect Western security interests.

(7) NATO has played a positive role in defusing tensions between NATO members and, as a result, no military action has occurred between two NATO member states since the inception of NATO in 1949.

(8) NATO is also an important diplomatic forum for the discussion of issues of concern to its member states and for the peaceful resolution of disputes.

(9) America's security, freedom, and prosperity remain linked to the security of the countries of Europe.

(10) Any threat to the security of the newly emerging democracies in Central Europe would pose a security threat to the United States and its European allies.

(11) The admission to NATO of Central and East European countries that have been freed from Communist domination and that meet specific criteria for NATO membership would contribute to international peace and enhance the security of the region.

(12) A number of countries have expressed varying degrees of interest in NATO membership, and have taken concrete steps to demonstrate this commitment.

(13) Full integration of Central and East European countries into the North Atlantic Alliance after such countries meet essential criteria for admission would enhance the security of the Alliance and, thereby, contribute to the security of the United States.

(14) The expansion of NATO can create the stable environment needed to successfully complete the political and economic transformation envisioned by Eastern and Central European countries.

(15) In recognition that not all countries which have requested membership in NATO will necessarily qualify at the same pace, the date for membership of each country will vary.

(16) The provision of NATO transition assistance should include those countries most ready for closer ties with NATO, such as Poland, Hungary, the Czech Republic and Slovakia and should be designed to assist other countries meeting specified criteria of eligibility to move toward eventual NATO membership, including Lithuania, Latvia, Estonia, Ukraine, Romania, Bulgaria, and Slovenia.

(17) Lithuania, Latvia, and Estonia have made significant progress in preparing for NATO membership and should be given every consideration for inclusion in programs for NATO transition assistance.

SEC. __03. UNITED STATES POLICY.

It should be the policy of the United States—

(1) to join with the NATO allies of the United States to redefine the role of the NATO Alliance in the post-Cold War world;

(2) to actively assist European countries emerging from communist domination in their transition so that such countries may eventually qualify for NATO membership;

(3) to use the voice and vote of the United States to urge observer status in the North Atlantic Council for countries designated under section 203(d) of the NATO Participation Act of 1994 (as amended by this title) as eligible for NATO transition assistance; and

(4) to work to define the political and security relationship between an enlarged NATO and the Russian Federation.

SEC. __04. REVISIONS TO PROGRAM TO FACILITATE TRANSITION TO NATO MEMBERSHIP.

(a) ESTABLISHMENT OF PROGRAM.—Subsection (a) of section 203 of the NATO Participation Act of 1994 (title II of Public Law 103–447; 22 U.S.C. 1928 note) is amended to read as follows:

"(a) ESTABLISHMENT OF PROGRAM.—The President shall establish a program to assist countries designated under subsection (d) in the transition to full NATO membership.".

(b) ELIGIBLE COUNTRIES.—

(1) ELIGIBILITY.—Subsection (d) of section 203 of such Act is amended to read as follows:

"(d) DESIGNATION OF ELIGIBLE COUNTRIES.—

"(1) SPECIFIC COUNTRIES.—The following countries are hereby designated for purposes of this title: Poland, Hungary, the Czech Republic, and Slovakia.

"(2) OTHER EUROPEAN COUNTRIES EMERGING FROM COMMUNIST DOMINATION.—In addition to the countries designated in paragraph (1), the President may designate other European countries emerging from Communist domination to receive assistance under the program established under subsection (a). The President may make such a designation in the case of any such country only if the President determines, and reports to the designated congressional committees, that such country—

"(A) has made significant progress toward establishing—

"(i) shared values and interests;

"(ii) democratic governments;

"(iii) free market economies;

"(iv) civilian control of the military, of the police, and of intelligence services;

"(v) adherence to the values, principles, and political commitments embodied in the Helsinki Final Act of the Organization on Security and Cooperation in Europe; and

"(vi) more transparent defense budgets and is participating in the Partnership For Peace defense planning process;

"(B) has made public commitments—

"(i) to further the principles of NATO and to contribute to the security of the North Atlantic area;

"(ii) to accept the obligations, responsibilities, and costs of NATO membership; and

"(iii) to implement infrastructure development activities that will facilitate participation in and support for NATO military activities;

"(C) meets standards of the NATO allies to prevent the sale or other transfer of defense articles to a state that has repeatedly provided support for acts of international terrorism, as determined by the Secretary of State under section 6(j)(1)(A) of the Export Administration Act of 1979; and

"(D) is likely, within five years of such determination, to be in a position to further the principles of the North Atlantic Treaty and to contribute to its own security and that of the North Atlantic area.".

(2) CONFORMING AMENDMENTS.—

(A) Subsections (b) and (c) of section 203 of such Act are amended by striking "countries described in such subsection" each of the two places it appears and inserting "countries designated under subsection (d)".

(B) Subsection (e) of section 203 of such Act is amended—

(i) by striking "subsection (d)" and inserting "subsection (d)(2)"; and

(ii) by inserting "(22 U.S.C. 2394)" before the period at the end.

(C) Section 204(c) of such Act is amended by striking "any other Partnership for Peace country designated under section 203(d)" and inserting "any country designated under section 203(d)(2)".

(c) TYPES OF ASSISTANCE.—Section 203(c) of such Act is amended—

(1) by redesignating paragraphs (1) through (4) as subparagraphs (A) through (D), respectively; and

(2) by inserting after subparagraph (D) (as redesignated) the following new subparagraphs:

"(E) Assistance under chapter 4 of part II of the Foreign Assistance Act of 1961 (relating to the Economic Support Fund).

"(F) Funds appropriated under the 'Nonproliferation and Disarmament Fund' account".

"(G) Funds appropriated under chapter 6 of part II of the Foreign Assistance Act of 1961 (relating to peacekeeping operations and other programs).".

(3) by inserting "(1)" immediately after "TYPE OF ASSISTANCE.—"; and

(4) by adding at the end the following new paragraphs:

"(2) For fiscal years 1996 and 1997, in providing assistance under chapter 5 of part II of the Foreign Assistance Act of 1961 for the countries designated under subsection (d), the President shall include as an important component of such assistance the provision of sufficient language training to enable military personnel to participate further in programs for military training and in defense exchange programs.

"(3) Of the amounts made available under chapter 5 of part II of the Foreign Assistance Act of 1961 (relating to international military education and training), not less than $5,000,000 for fiscal year 1996 and not less than $5,000,000 for fiscal year 1997 shall be available only for—

"(A) the attendance of additional military personnel of Poland, Hungary, the Czech Republic, and Slovakia at professional military education institutions in the United States in accordance with section 544 of such Act; and

"(B) the placement and support of United States instructors and experts at military educational centers within the foreign countries designated under subsection (d) that are receiving assistance under that chapter.".

SEC. ___05. PARTICIPATION IN THE NORTH ATLANTIC COUNCIL.

The NATO Participation Act of 1994 (title II of Public Law 103-447; 22 U.S.C. 1928 note) is amended—

(1) by redesignating section 205 as section 206; and

(2) by inserting after section 204 the following:

"SEC. 205. PARTICIPATION IN THE NORTH ATLANTIC COUNCIL.

"The President should, at all bilateral and international fora, use of the voice and vote of the United States to urge observer status in the North Atlantic Council for countries designated under section 203(d) commensurate with their progress toward attaining NATO membership.".

SEC. ___06. TERMINATION OF ELIGIBILITY.

Section 203(f) of the NATO Participation Act of 1994 (title II of Public Law 103-447; 22 U.S.C. 1928 note) is amended to read as follows:

"(f) TERMINATION OF ELIGIBILITY.—(1) The eligibility of a country designated under subsection (d) for the program established in subsection (a) shall terminate 60 days after the President makes a certification under paragraph (2) unless, within the 60-day period, the Congress enacts a joint resolution disapproving the termination of eligibility.

"(2) Whenever the President determines that the government of a country designated under subsection (d)—

"(A) no longer meets the criteria set forth in subsection (d)(2)(A);

"(B) is hostile to the NATO alliance; or

"(C) poses a national security threat to the United States,

then the President shall so certify to the appropriate congressional committees.".

(b) CONGRESSIONAL PRIORITY PROCEDURES.—Section 203 of such Act is amended by adding at the end the following new subsection:

"(g) CONGRESSIONAL PRIORITY PROCEDURES.—

"(1) APPLICABLE PROCEDURES.—A joint resolution described in paragraph (2) which is introduced in a House of Congress after the date on which a certification made under subsection (f)(2) is received by Congress shall be considered in accordance with the procedures set forth in paragraphs (3) through (7) of section 8066(c) of the Department of Defense Appropriations Act, 1985 (as contained in Public Law 98-473 (98 Stat. 1936)), except that—

"(A) references to the 'resolution described in paragraph (1)' shall be deemed to be references to the joint resolution; and

"(B) references to the Committee on Appropriations of the House of Representatives and to the Committee on Appropriations of the Senate shall be deemed to be references to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate.

"(2) TEXT OF JOINT RESOLUTION.—A joint resolution under this paragraph is a joint resolution the matter after the resolving clause of which is as follows: 'That the Congress disapproves the certification submitted by the President on ______ pursuant to section 203(f) of the NATO Participation Act of 1994.'.".

SEC. ___07. REPORTS.

(a) ANNUAL REPORT.—Section 206 of the NATO Participation Act of 1994 (title II of Public Law 103-447; 22 U.S.C. 1928 note), as redesignated by section ___05(1) of this title, is amended—

(1) by inserting "annual" in the section heading before the first word;

(2) by inserting "annual" after "include in the" in the matter preceding paragraph (1);

(3) in paragraph (1), by striking "Partnership for Peace" and inserting "European"; and

(4) by striking paragraph (2) and inserting instead the following new paragraph:

"(2) In the event that the President determines that, despite a period of transition assistance, a country designated under section 203(d) has not, as of January 10, 1999, met the standards for NATO membership set forth in Article 10 of the North Atlantic Treaty, the President shall transmit a report to the designated congressional committees containing an assessment of the progress made by that country in meeting those standards.".

SEC. ___08. DEFINITIONS.

The NATO Participation Act of 1994 (title II of Public Law 103-447; 22 U.S.C. 1928 note), as amended by this title, is further amended by adding at the end the following new section:

"SEC. 207. DEFINITIONS.

"For purposes of this title:

"(1) NATO.—The term 'NATO' means the North Atlantic Treaty Organization.

"(2) DESIGNATED CONGRESSIONAL COMMITTEES.—The term 'designated congressional committees' means—

"(A) the Committee on International Relations, the Committee on National Security, and the Committee on Appropriations of the House of Representatives; and

"(B) the Committee on Foreign Relations, the Committee on Armed Services, and the Committee on Appropriations of the Senate.

"(3) EUROPEAN COUNTRIES EMERGING FROM COMMUNIST DOMINATION.—The term 'European countries emerging from Communist domination' includes, but is not limited to, Albania, Bulgaria, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia, Slovenia, and Ukraine.".

BROWN AMENDMENT NO. 1938

(Ordered to lie on the table.)

Mr. HELMS (for Mr. BROWN) submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

At the appropriate place in the bill, add the following new section—

"SEC. . NONAPPLICABILITY OF CARGO PREFERENCE REQUIREMENTS.

Sections 901(b) and 901b of the Merchant Marine Act of 1936 shall not apply to the transportation of agricultural commodities as part of any United States Government-administered program of food assistance to foreign countries."

BROWN AMENDMENT NO. 1939

(Ordered to lie on the table.)

Mr. HELMS (for Mr. BROWN) submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

At the appropriate place in the bill, add the following new section—

"SEC. . REDUCTION OF UNITED NATIONS ASSESSMENTS TO THE UNITED STATES FOR PEACEKEEPING OPERATIONS.

(a) ANNUAL REPORT.—The President shall, at the time of submission of the budget to Congress for any fiscal year, submit to the appropriate committees of Congress a report on the total amount of funds appropriated for national defense purposes for any fiscal year after fiscal year 1995 that were expended during the preceding fiscal year to support or participate in, directly or indirectly, United Nations peacekeeping activities. Such report shall include a breakdown by United Nations peacekeeping operation of the amount of funds expended to support or participate in each such operation.

(b) LIMITATION.—In each fiscal year beginning with fiscal year 1996, funds may be obligated or expended for payment to the United Nations of the United States assessed share of peacekeeping operations for that fiscal year only to the extent that such assessed share exceeds the total amount identified in the report submitted pursuant to subsection (a) for the preceding fiscal year, reduced by the amount of any reimbursement or credit to the United States by the United Nations for the costs of United States support for, or participation in, United Nations peacekeeping activities for that fiscal year.

(c) DEFINITIONS.—As used in this section:

(1) The term "United Nations peacekeeping activities" means any international peacekeeping, peacemaking, peace-enforcing, or similar activity that is authorized by the United Nations Security Council under chapter VI or VII of the United Nations Charter.

(2) The term "appropriate committees of Congress" means—

(A) the Committee on National Security, the Committee on Appropriations, and the committee on International Relations of the House of Representatives; and

(B) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Relations of the Senate."

BROWN AMENDMENT NO. 1940

(Ordered to lie on the table.)

Mr. HELMS (for Mr. BROWN) submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

At the appropriate place in the bill, add the following new section:

"SEC. . CONTINUATION OF FREE TRADE TREATMENT FOR GAZA/JERICHO.

(a) FINDINGS.—

(1) The Congress approved a free trade agreement with Israel on April 29, 1985;

(2) When approved in 1985, eligibility under the free trade agreement extended to the occupied territories of the West Bank and Gaza;

(3) The Declaration of Principles, signed by Israel and the Palestinian Authority in 1993, is a significant step forward in bringing peace to the region;

(4) Sending an unambiguous signal of United States support for peace in the Middle East is a top U.S. priority;

(5) Removing free trade treatment for goods manufactured in Gaza and Jericho after the signing of the Declaration of Principles economically penalizes the Palestinian Authority for entering into a peace agreement with Israel; and

(6) Goods manufactured in Gaza and Jericho after the signing of the Declaration of Principles should not be subjected to less favorable treatment than those manufactured in Gaza and Jericho before the signing.

(b) Sense of Congress.—It is the sense of the Congress that the United States should grant duty free access to the United States market for products of the territories that were under the administration of Israel (West Bank and Gaza) on April 29, 1985."

BROWN AMENDMENT NO. 1941

(Ordered to lie on the table.)

Mr. HELMS (for Mr. Brown) submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

At the appropriate place in the bill, add the following new section:

"SEC. . ESTABLISHMENT OF A FREE TRADE AREA FOR TABA, ELAT AND AQABA.

(a) Findings.—The Congress finds that:

(1) The development of trading relationships that permit the free flow of goods and services between Israel and countries with which Israel is now at peace is essential to a lasting peace in the Middle East;

(2) The President's recent decision to establish a free trade area that includes the Egyptian city of Taba, the Israeli city of Elat and the Jordanian city of Aqaba will provide an important beginning for regional cooperation and the integration of regional commerce; and

(3) The development of successful trading relationships between the countries who have agreed to a warm peace with Israel and the United States is a top priority of the United States.

(b) Sense of Congress.—It is the sense of the Congress that the President should extend duty free treatment to products of Taba, Egypt and Aqaba, Jordan if the President certifies to the appropriate committees of the Congress that—

(1) such extension will significantly benefit the development of regional economic development and integration in the Middle East;

(2) such extension will include only goods which have experienced significant manufacturing change in Taba or Aqaba;

(3) effective procedures exist to ensure that Taba and Aqaba are not merely transhipment points for goods manufactured outside of these two cities; and

(4) all three countries are developing laws and procedures to encourage the free flow of goods and people between and cities of Taba, Elat and Aqaba."

BROWN AMENDMENT NO. 1942

(Ordered to lie on the table.)

Mr. HELMS (for Mr. Brown) submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

In the appropriate place, insert a new section as follows:

SEC. . SENSE OF THE CONGRESS.

(a) Findings.—The Congress finds that—

(1) The purpose of the General Agreement on Tariffs and Trade (hereafter in this amendment referred to as the "GATT") and the World Trade Organization (hereafter in this amendment referred to as the "WTO") is to enable member countries to conduct trade based upon free market principles, by limiting government intervention in the form of state subsidies, by limiting nontariff barriers, and by encouraging reciprocal reductions in tariffs among members;

(2) The GATT/WTO is based on the assumption that the import and export of goods are conducted by independent enterprises responding to profit incentives and market forces;

(3) The GATT/WTO requires that nonmarket economies implement significant reforms to change centralized and planned economic systems before becoming a full GATT/WTO member and the existence of a decentralized and a free market economy is considered a precondition to fair trade among GATT/WTO members;

(4) The People's Republic of China (hereinafter referred to as "China") and the Republic of China on Taiwan (hereinafter referred to as "Taiwan") applied for membership in the GATT in 1986 and 1991, respectively, and Working Parties have been established by the GATT to review their applications;

(5) China insists that Taiwan's membership in the GATT/WTO be granted only after China becomes a full member of the GATT/WTO;

(6) Taiwan has a free market economy that has existed for over three decades, and is currently the fourteenth largest trading nation in the world;

(7) Taiwan has a gross national product that is the world's twentieth largest, its foreign exchange reserves are among the largest in the world and it has become that world's seventh largest outbound investor;

(8) Taiwan has made substantive progress in agreeing to reduce upon GATT/WTO accession the tariff level of many products, and non-tariff barriers;

(9) Taiwan has also made significant progress in other aspects of international trade, such as in intellectual property protection and opening its financial services market;

(10) Despite some progress in reforming its economic system, China still retains legal and institutional practices that restrict free market competition and are incompatible with GATT/WTO principles;

(11) China still uses an intricate system of tariff and non-tariff administrative controls to implement its industrial and trade policies, and China's tariffs on foreign goods, such as automobiles, can be as high as 150 percent, even though China has made commitments in the market access Memorandum of Understanding to reform significant parts of its import regime;

(12) China continues to use direct and indirect subsidies to promote exports;

(13) China often manipulates its exchange rate to impede balance of payments adjustments and gain unfair competitive advantages in trade;

(14) Taiwan's and China's accession to the GATT/WTO have important implications for the United States and the world trading system.

(b) Sense of Congress—It is the sense of the Congress that—

(1) the United States should separate Taiwan's application for membership in the GATT/WTO from China's application for membership in those organizations;

(2) the United States should support Taiwan's earliest membership in the GATT/WTO;

(3) the United States should support the membership of China in the GATT/WTO only if a sound bilateral commercial agreement is reached between the United States and China, and that China makes significant progress in making its economic system compatible with GATT/WTO principles;

(4) China's application for membership in the GATT/WTO should be reviewed strictly in accordance with the rules, guidelines, principles, precedents, and practices of the GATT.

BROWN AMENDMENT NO. 1943

(Ordered to lie on the table.)

Mr. HELMS (for Mr. Brown) submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

At the appropriate place in the bill, add the following new section:

"SEC. . REPUBLIC OF CHINA (TAIWAN)'S PARTICIPATION IN THE UNITED NATIONS.

(a) Findings.—The Congress finds that—

(1) The Republic of China was the first signatory to the Charter of the United Nations in 1945 and remained an active member of that world body until 1971;

(2) China was divided in 1949, and the Republic of China (hereinafter cited as "Taiwan") and the People's Republic of China (hereinafter cited as "Mainland China") have exercised exclusive jurisdiction over their respective areas since then;

(3) Taiwan has the 19th largest gross national product in the world, a strong and vibrant economy, and one of the largest foreign exchange reserves of any nation;

(4) Taiwan has dramatically improved its record on human rights and routinely holds free and fair elections in a multiparty system, as evidenced most recently by the December 3, 1994, balloting for local and provincial officials;

(5) The 21 million people in Taiwan have not been represented in the United Nations since 1971 and their human rights as citizens of the world have therefore been severely abridged;

(6) Taiwan has in recent years repeatedly expressed its strong desire to participate in the United Nations;

(7) Taiwan has much to contribute to the work and funding of the United Nations;

(8) Taiwan has demonstrated its commitment to the world community by responding to the international disasters and crises such as environmental destruction in the Persian Gulf and famine in Rwanda by providing financial donations, medical assistance, and other forms of aid;

(9) The world community has reacted positively to Taiwan's desire for international participation, as shown by Taiwan's continued membership in the Asian Development Bank, the admission of Taiwan into the Asia-Pacific Economic Cooperation group as a full member, and the accession of Taiwan as the first step toward becoming a contracting party to that organization;

(10) The United States has supported Taiwan's participation in these bodies and indicated, in its policy review of September 1994, a stronger and more active policy of support for Taiwan's participation in other international organizations;

(11) Taiwan has repeatedly stated that its participation in international organizations is one of parallel representation without

prejudice to the current status of mainland China in the international community and does not represent a challenge to that status;

(12) The United Nations and other international organizations have established precedents concerning parallel representation, such as the cases of South Korea and North Korea and the two former Germanies;

(13) The decision of the United States to establish diplomatic relations with Mainland China, as expressed in the Taiwan Relations Act (Public Law 96-8), is based "upon the expectation that the future of Taiwan will be determined by peaceful means"; and

(14) Taiwan's participation in international organizations would not prevent or imperil the eventual resolution of disputes between Taiwan and Mainland China any more than participation in international organizations by the former West Germany and the former East Germany prevented the eventual settlement of German's national status by peaceful and democratic means.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) Taiwan deserves full participation, including a seat, in the United Nations and its related agencies; and

(2) the Government of the United States should immediately encourage the United Nations to take action by considering the unique situation of Taiwan in the international community and adopting a comprehensive solution to accommodate Taiwan in the United Nations and its related agencies."

BROWN AMENDMENT NO. 1944

(Ordered to lie on the table.)

Mr. HELMS (for Mr. BROWN) submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

At the appropriate place in the bill, add the following new section:

"SEC. . COUNTRIES IN TRANSITION TO A FREE MARKET ECONOMY.

(a) FINDINGS.—

(i) Many of the nations of Central and Eastern Europe in transition from centrally planned economies to free market economies have made important progress in reforming their economic systems in a short time period;

(ii) As these countries continue to transition, long-term economic growth for the region rests upon the successful integration of these emerging free markets into western markets and other world trading structures;

(iii) Trade has been the key to rapid integration of the markets of countries in transition to democracy;

(iv) The success of U.S. efforts to expand the ability of these nations in transition to trade with the West has not rested solely upon traditional foreign assistance programs, but has been greatly enhanced by the extension of the generalized system of preferences for these countries;

(b) SENSE OF CONGRESS.—It is the sense of the Congress that—

(i) United States' efforts to assist countries of Central and Eastern Europe in transition from centrally planned economies to free market economies should focus first on efforts to effectively integrate them into the world trading system;

(ii) The United States extension of trade benefits under the generalized system of preferences has been of crucial importance to the rapid economic transformation of countries of Central and Eastern Europe in transition from centrally planned economies to free market economies; and

(iii) The United States should continue to accord treatment under the generalized system of preferences (GSP) for all countries of Central and Eastern Europe in transition to a free market economy, including but not limited to Poland, Hungary, the Czech Republic, Slovakia, the Baltic countries, Romania and Bulgaria.

BROWN AMENDMENT NO. 1945

(Ordered to lie on the table.)

Mr. HELMS (for Mr. BROWN) submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

On page 174, after line 21, add the following:

SEC. 1112. STUDY ON THE PRIVATIZATION OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION (OPIC).

(a) STUDY AND REPORT.—The Overseas Private Investment Corporation (OPIC) shall conduct a study on the feasibility of privatizing the activities of the Corporation and, not later than 180 days after the date of the enactment of this Act, submit to the Congress a report on the study.

(b) CONTENTS OF REPORT.—The report submitted under subsection (a) shall address the following consequences of privatizing the Overseas Private Investment Corporation:

(1) The projected scope and size of overseas market projects and activities for United States companies over the next twenty years.

(2) An assessment of the capital required of United States companies in overseas markets and the potential sources of capital that would be willing to take a long-term, high-risk investment.

(3) A determination of the need for the backing of United States Government guarantees to support and foster private sector competitiveness in various overseas markets.

(4) A description of any alternative ways to provide the services needed to encourage investment from the private sector in developing market economies.

(5) A discussion of whether private insurance companies would be interested in entering the market and what they would charge.

(6) A discussion of whether developing countries would be willing to make individual agreements with private insurance agencies to take the place of the bilateral agreements they currently have with the Overseas Private Investment Corporation and whether this would cause competition in insurance rates.

BROWN AMENDMENT NO. 1946

(Ordered to lie on the table.)

Mr. HELMS (for Mr. BROWN) submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

At the appropriate place in the bill, add the following new section:

"SEC. . SENSE OF THE SENATE CONCERNING BOOK DONATIONS.

It is the Sense of the Senate that the United States should continue to provide logistic and warehouse support for non-governmental, non-profit organizations undertaking donated book programs abroad and that priority should be given to those organization utilizing on-line information technologies to complement the traditional hard cover donation program."

BROWN AMENDMENT NO. 1947

(Ordered to lie on the table.)

Mr. HELMS (for Mr. BROWN) submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

On page 94, line 6 following the words "55 percent" add: ", excluding the National Endowment's administrative overhead costs,".

BROWN AMENDMENT NO. 1948

(Order to lie on the table.)

Mr. HELMS (for Mr. BROWN) submitted an amendment intended to be propose by him to the bill, S. 908, supra; as follows:

At the appropriate place in the bill, add the following new section:

"SEC. . INTERNATIONAL FUND FOR IRELAND.

Of the funds authorized to be appropriated for Economic Support Funds, there are authorized to be appropriated $15,000,000 only for the International Fund for Ireland."

BROWN AMENDMENT NO. 1949

(Ordered to lie on the table.)

Mr. HELMS (for Mr. BROWN) submitted an amendment intended to be proposed by him to the bill S. 908, supra; as follows:

At the appropriate place in the bill, add the following new section:

"SEC. . AUTHORIZATION FOR AN INDUSTRIAL PARK ON THE BORDER BETWEEN THE TERRITORIES AND ISRAEL.

(a) FINDINGS.—The Congress finds that:

(1) Extremists in Hamas and Islamic Jihad who reject the gains made since the signing of the Declaration of Principles have used terrorist tactics to force the closing of the territories;

(2) These terrorist acts have exacerbated existing problems and Gaza is now experiencing staggering unemployment nearing 50%, increasing chaos and a downward spiral of dashed hopes and deepening poverty;

(3) Israel's legitimate security concerns necessitate creative new methods of ensuring continued economic opportunity for the Palestinians; and

(4) The development of industrial parks along the border between Gaza, the West Bank and Israel sponsored by individual nations provides an important means of providing both development for Palestinians while maintaining border security.

(b) SENSE OF CONGRESS.—It is the sense of Congress that:

(1) The United States should take prompt, visible action before the coming elections in Gaza and Jericho that promises hope and jobs to Palestinians;

(2) The rapid development of an industrial park, closely coordinated with private sector investors, will provide a clear sign of opportunity resulting from peace with Israel;

(3) The decision to site the industrial park should give special consideration to the extremely difficult economic conditions in Gaza;

(4) The President should appoint a Special Coordinator to coordinate the rapid development of an industrial park in Gaza and to begin with the recruitment of U.S. investors; and

(5) The Secretary of State should direct a short-term review and implementation of U.S. assistance plans to assist in speeding the flow of goods and services between Israel and Gaza while increasing security between the two areas.

(c) AUTHORIZATION.—There are authorized to be appropriated $10,000,000 for the rapid development of a prototype industrial park in Gaza and/or the West Bank, notwithstanding section 545 of the fiscal year 1995 Foreign Operations, Export Financing and Related Programs and fiscal year 1994 Supplemental Appropriations Act (P.L. 103-306) or similar provisions."

BROWN AMENDMENT NO. 1950

(Ordered to lie on the table.)

Mr. HELMS (for Mr. BROWN) submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

At the appropriate place in the bill, add the following new section:

SEC. . CLARIFICATION OF RESTRICTIONS.

Subsection (e) of section 620E of the Foreign Assistance Act of 1961 (P.L. 87-195) is amended:

(1) by striking the words "No assistance" and inserting the words "No military assistance";

(2) by striking the words "in which assistance is to be furnished or military equipment or technology" and inserting the words "in which military assistance to be furnished or military equipment or technology"; and

(3) by striking the words "the proposed United States assistance" and inserting the words "the proposed United States military assistance".

(4) by adding the following new paragraph:

"(2) The prohibitions in this section do not apply to any assistance or transfer provided for the purposes of:

"(A) International narcotics control (including chapter 8 of part I of this Act) or any provision of law available for providing assistance for counternarcotics purposes;

"(B) Facilitating military-to-military contact, training (including chapter 5 of part II of this Act) and humanitarian and civic assistance projects;

"(C) Peacekeeping and other multilateral operations (including chapter 6 of part II of this Act relating to peacekeeping) or any provision of law available for providing assistance for peacekeeping purposes, except that lethal military equipment shall be provided on a lease or loan basis only and shall be returned upon completion of the operation for which it was provided;

"(D) Antiterrorism assistance (including chapter 8 of part II of this Act relating to antiterrorism assistance) or any provision of law available for antiterrorism assistance purposes."

(5) by adding the following new subsections at the end:

"(f) STORAGE COSTS.—The President may release to the Government of Pakistan of its contractual obligation to pay the United States Government for the storage costs of items purchased prior to October 1, 1990, but not delivered by the United States Government pursuant to subsection (e) and may reimburse the Government of Pakistan for any such amounts paid, on such terms and conditions as the President may prescribe, provided that such payments have no budgetary impact.

"(g) RETURN OF MILITARY EQUIPMENT.—The President may return to the Government of Pakistan military equipment paid for and delivered to Pakistan and subsequently transferred for repair or upgrade to the United States but not returned to Pakistan pursuant to subsection (e). Such equipment or its equivalent may be returned to the Government of Pakistan provided that the President determines and so certifies to the appropriate congressional committees that such equipment or equivalent neither constitutes nor has received any significant qualitative upgrade since being transferred to the United States."

BROWN AMENDMENT NO. 1951

(Ordered to lie on the table.)

Mr. HELMS (for Mr. BROWN) submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

At the appropriate place in the bill, add the following new section:

"SEC. . SANCTIONS AGAINST TERRORIST COUNTRIES.

(a) PROHIBITION.—In conjunction with a determination by the Secretary of State that a nation is a state sponsor of international terrorism pursuant to 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)) or 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371), the Secretary of State, in consultation with the Secretary of Commerce, shall issue regulations prohibiting the following—

(1) The importation into the United States, or the financing of such importation, of any goods or services originating in a terrorist country, other than publications or materials imported for news publications or news broadcast dissemination;

(2) Except to the extent provided in section 203(b) of IEEPA (50 U.S.C. 1702 (b)), the exportation from the United States to a terrorist country, the government of a terrorist country, or to any entity controlled by the government of a terrorist country, or the financing of such exportation, of any goods, technology (including technical data or other information subject to the Export Administration Act Regulations, 15 CFR Parts 768-799 (1994)) or services;

(3) The reexportation to such terrorist country, its government, or to any entity owned or controlled by the government of the terrorist country, or any goods or technology (including technical data or other information) exported from the United States, the exportation of which is subject to export license application requirements under any U.S. regulations in effect immediately prior to the enactment of this Act, unless, for goods, they have been (i) substantially transformed outside the U.S., or (ii) incorporated into another product outside the United States and constitute less than 10 percent by value of that product exported from a third country;

(4) except to the extent provided in section 203(b) of IEEPA (50 U.S.C. 1702(b), any transaction, including purchase, sale, transportation, swap, financing, or brokering transactions, or United States person relating to goods or services originating from a terrorist country or owned or controlled by the government of a terrorist country;

(5) Any new investment by a United States person in a terrorist country or in property (including entities) owned or controlled by the government of a terrorist country;

(6) The approval or facilitation by a United States person or entry into or performance by an entity owned or controlled by a United States person of a transaction or contract:

(A) prohibited as to United States persons by subsection (3), (4) or (5) or

(B) relating to the financing of activities prohibited as to United States persons by those subsections, or of a guaranty of another person's performance of such transaction or contract; and

(7) Any transaction by any United States person or within the United States that evades or avoids, or has the purpose of evading or avoiding, or attempting to violate, any of the prohibitions set forth in this section.

(b) DEFINITIONS.—For the purposes of this section:

(1) the term "person" means an individual or entity;

(2) the term "entity" means a partnership, association, trust, joint venture, corporation, or other organization;

(3) the term "United States person" means any U.S. citizen, permanent resident alien, entity organized under the laws of the United States (including foreign branches), or any person in the United States;

(4) the term "terrorist country" means a country the government of which the Secretary of State has determined is a terrorist government for the purposes of 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)), or 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371) and includes the territory of the country and any other territory or marine area, including the exclusive economic zone and continental shelf, over which the government of the terrorist country claims sovereignty, sovereign rights, or jurisdiction, provided that the government of the terrorist country exercises partial or total de facto control over the area or derives a benefit from the economic activity in the area pursuant to international arrangements; and

(5) the term "new investment" means—

(A) a commitment or contribution of funds or other assets, or

(B) a loan or other extension of credit.

(6) the term "appropriate committees of Congress" means—

(A) the Banking and Financial Services Committee, the Ways and Means Committee and the International Relations Committee of the House of Representatives;

(B) the Banking, Housing and Urban Affairs Committee, the Finance Committee and the Foreign Relations Committee of the Senate.

(c) EXPORT/RE-EXPORT.—The Secretary of the Treasury may not authorize the exportation or reexportation to a terrorist country, the government of a terrorist country, or an entity owned or controlled by the government of a terrorist country of any goods, technology, or services subject to export license application requirements of another agency of the United States government, if authorization of the exportation or reexportation by that agency would be prohibited by law.

(d) RIGHTS AND BENEFITS.—Nothing contained in this section shall create any right or benefit, substantive or procedural, enforceable by any party against the United States, its agencies or instrumentalities, its officers or employees, or any other person.

(e) WAIVER.—The President may waive the prohibitions described in subsection (a) of this section for a country for successive 180 day periods if—

(1) the President determines that national security interests or humanitarian reasons justify a waiver; and

(2) at least 15 days before the waiver takes effect, the President consults with appropriate committees of Congress regarding the proposed waiver and submits a report to the Speaker of the House of Representatives and the President Pro Tempore of the Senate containing—

(A) the name of the recipient country;

(B) a description of the national security interests or humanitarian reasons which require a waiver;

(C) the period of time during which such waiver will be effective.

The waiver authority granted in this subsection may not be used to provide any assistance which is also prohibited by section 40 of the Arms Control Export Control Act."

BROWN AMENDMENT NO. 1952

(Ordered to lie on the table.)

Mr. HELMS (for Mr. BROWN) submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

At the appropriate place in the bill, add the following new section:

"SEC. . U.S. COMMERCIAL DISPUTES.

(a) FINDINGS.—

(i) The United States and Saudi Arabia have extensive commercial relations which have proven to be important and beneficial to both parties;

(ii) In the past twenty years, increasing commercial ties have highlighted the differences between the legal systems of our two countries and have dramatically increased the necessity of expeditious, effective resolution of commercial disputes between our two nations;

(iii) Saudi Arabia's decision to join the New York Convention on Arbitral Awards is a significant contribution to the resolution of future disputes;

(iv) The dispute resolution mechanism established by the Saudi Arabian government to resolve outstanding claims and the subsequent mutually satisfactory resolution of 15 of the 17 claims has made a positive impact on U.S.-Saudi commercial relations;

(v) State Department procedures for the espousal of claims by private companies are sometimes difficult and time-consuming, thereby decreasing the likelihood that claimants will utilize existing mechanisms for the resolution of disputes;

(vi) State Department procedures for espousal of claims must be expeditious and thorough, to ensure a fair legal review of the claim and appropriate, timely assistance to U.S. companies doing business overseas.

(b) OVERVIEW OF U.S.-SAUDI COMMERCIAL RELATIONS.—The Secretary of State, in consultation with the Secretary of Commerce, shall prepare and update on a yearly basis a complete, easily understandable manual for distribution to U.S. companies interested in doing business in Saudi Arabia. In addition, U.S. State Department staff in Saudi Arabia shall provide routine briefings for members of the U.S. business community operating in Saudi Arabia. The manual and briefings shall include, but not be limited to:

(i) An overview of the business environment in Saudi Arabia;

(ii) A complete overview of the Saudi Arabian system of justice, recent court decisions affecting commercial interests and an evaluation of the efficacy of the legal system for effective resolution of commercial disputes;

(iii) A detailed discussion of common risks and difficulties faced by companies conducting operations in Saudi Arabia;

(iv) An overview of Saudi contract law and a comparison to U.S. contract law;

(v) A suggested list of common contract practices to be followed by American businesses that would increase the security of U.S. investments in Saudi Arabia;

(vi) A list of outstanding claims by U.S. companies against the government of Saudi Arabia and efforts undertaken by the Department of State to quickly and effectively resolve these claims;

(vii) A list of outstanding claims by Saudi Arabian companies against the United States and actions undertaken to ensure the resolution of these claims.

This report shall be forwarded on an annual basis to the appropriate committees of the Congress.

(c) ESPOUSAL OF U.S. CLAIMS.—For any claims listed in the act that have yet to be resolved, the U.S. State Department shall have 30 days from the time the claim is formally submitted to the State Department for espousal to evaluate the merits of the claim and to recommend whether or not the United States government should espouse such claim. Such recommendation, whether negative or positive, shall, with supporting rationale, be reported to the appropriate committees of the Congress at the expiration of the 30 day period.

(d) DEFINITIONS.—The term "appropriate committees of the Congress" shall include—

(i) the International Relations Committee and the Appropriations Committee of the House of Representatives; and

(ii) the Foreign Relations Committee and the Appropriations Committee of the Senate.

HUTCHISON (AND OTHERS) AMENDMENT NO. 1953

(Ordered to lie on the table.)

Mrs. HUTCHISON (for herself, Mr. GRAMM, Mr. COATS, Mr. HELMS, Mr. GRAMS, Mr. SMITH, Mr. KEMPTHORNE, Mr. INHOFE, Mr. LOTT, Mr. NICKLES, and Mr. DEWINE) submitted an amendment intended to be proposed by them to the bill, S. 908, supra; as follows:

On page 91, between lines 4 and 5, insert the following new section:

SEC. 319. SENSE OF CONGRESS ON UNITED NATIONS FOURTH WORLD CONFERENCE ON WOMEN IN BEIJING, CHINA.

It is the sense of the Congress that—

(1) the United Nations Fourth World Conference on Women in Beijing, China, should promote a representative American perspective on issues of equality, peace, and development; and

(2) in the event the United States sends a delegation to the Conference, the United States delegation should use the voice and vote of the United States—

(A) to ensure that the biological and social activity of motherhood is recognized as a valuable and worthwhile endeavor that should in no way, in its form or actions, be demeaned by society or by the state;

(B) to ensure that the traditional family is upheld as the fundamental unit of society upon which healthy cultures are built and, therefore, receives esteem and protection by society and the state; and

(C) to define or agree with any definitions that define gender as the biological classification of male and female, which are the two sexes of the human being.

SNOWE AMENDMENT NO. 1954

(Ordered to lie on the table.)

Ms. SNOWE submitted an amendment intended to be proposed by her to the bill, S. 908, supra; as follows:

On page 124, after line 20, insert the following new section:

SEC. —. CONCERNING THE PROTECTION AND CONTINUED LIVELIHOOD OF THE EASTERN ORTHODOX ECUMENICAL PARTRIARCHATE.

(a) FINDINGS.—The Congress makes the following findings—

(1) in recent years there have been successive terrorist attempts to desecrate and destroy the premises of the Ecumenical Patriarchate in the Fanar area of Istanbul (Constantinople), Turkey;

(2) attempts against the Ecumenical Patriarchate have intensified, including the following attempts:

(A) In July and August 1993, the Christian Orthodox cemetery in Yenikoy, near Istanbul, was attacked by vandals and desecrated.

(B) There has been a concerted effort throughout Turkey to convert the Church of Hagia (Saint) Sophia, one of the most sacred monuments of Greek Orthodox Christianity and currently used as a museum, into a mosque.

(C) On the night of March 30, 1994, 3 bombs were discovered in the building where the Patriarch lives.

(D) The Turkish press and some politicians have been launching a well-orchestrated campaign against the Ecumenical Patriarchate accusing it of trying to become an independent state or that it wishes to revive the Byzantine Empire. These accusations resulted in provoking dangerous reactions among the Moslem population in Turkey against the Ecumenical Patriarchate.

(E) Negative statements have been directed toward the Patriarchate by the Mayor of the Fatih District of Istanbul.

(3) His All Holiness Patriarch Bartholomew and those associated with the Ecumenical Patriarchate are Turkish citizens and thus must be protected under Turkish law against blatant and unprovoked attacks toward ethnic minorities;

(4) the Turkish Government arbitrarily closed the Halki Patriarchal School of Theology in 1971;

(5) the closing of the Halki School of Theology is a serious concern for the Ecumenical Patriarchate;

(6) Turkish law requires that the Patriarch, as well as all the clergy, faculty, and students be citizens of Turkey, and the Halki School of Theology is the only educational institution for Orthodox Christian leadership;

(7) the unimpeded continued provocations against the Ecumenical Patriarchate and the closing of the Halki School of Theology are in violation of international treaties to which Turkey has been a signatory, including the Treaty of Lausanne, the 1968 Protocol, the Helsinki Final Act–1975, the Charter of Paris, and the United Nations Charter;

(8) these consequences have severely compromised and threatened the safety and security of the Ecumenical Patriarchate and the future existence of this Orthodox Institution in Turkey;

(9) the Ecumenical Patriarchate is the spiritual center for more than 250,000,000 Orthodox Christians worldwide, including approximately 5,000,000 in the United States; and

(10) it is in the best interest of the United States to prevent further incidents regarding the Ecumenical Patriarchate, the spiritual leader of millions of American citizens, and in the overall goals of the United States to establish peaceful relations with and among the many important nations of the world that have substantial Orthodox Christian populations.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) the United States should use its influence with the Turkish Government and as a permanent member of the United Nations Council to suggest that the Turkish Government—

(A) ensure the proper protection for the Patriarchate and all Orthodox faithful residing in Turkey;

(B) assure that positive steps are taken to reopen the Halki Patriarchal School of Theology;

(C) provide for the proper protection and safety of the Ecumenical Patriarch and the Patriarchate personnel;

(D) establish conditions that would prevent the reoccurance of past terrorist activities and vandalism and other personal threats against the Patriarch;

(E) establish conditions to ensure that the Patriarchate is free to carry out its religious mission; and

(F) do everything possible to find and punish the perpetrators of any provocative and terrorist acts against the Patriarchate.

(2) The Administration should report to the Congress the status and progress of the concerns in paragraph (1) on an annual basis.

SNOWE AMENDMENT NO. 1955

(Ordered to lie on the table.)

Ms. SNOWE submitted an amendment intended to be proposed by her to the bill, S. 908, supra; as follows:

On page 124, after line 20, insert the following new section:

SEC. . RUSSIAN NUCLEAR TECHNOLOGY AGREEMENT WITH IRAN.

(a) FINDINGS.—The Congress finds that—

(1) Iran is aggressively pursuing a program to acquire or develop nuclear weapons, or both;

(3) Iran has opposed the Middle East peace process and continues to support the terrorist group Hezballah in Lebanon and radical Palestinian groups;

(4) Iran has asserted control over the Persian Gulf island of Abu Musa, which it had been previously sharing with the United Arab Emirates;

(5) during the last few years Iran has reportedly acquired several hundred improved Seud missiles from North Korea;

(6) Iran has moved modern air defense missile systems, tanks, additional troops, artillery, and surface-to-surface missiles onto islands in the Persian Gulf, some of which are disputed between Iran and the United Arab Emirates;

(7) Iran has already taken delivery of as many as 30 modern MiG-29 fighter aircraft from the Russian federation;

(8) the Russian Federation has sold modern conventionally powered submarines to Iran, which increases Iran's capability to blockade the Straits of Hormuz and the Persian Gulf; and

(9) the Russian Federation has continued to pursue a commercial agreement intended to provide Iran with nuclear technology despite being provided with a detailed description by the President of United States of Iran's nuclear weapons program.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Russian Federation should be strongly condemned if it continues with a commercial agreement to provide Iran with nuclear technology which would assist that country in its development of nuclear weapons, and, if such transfer occurs, that the Russian Federation would be ineligible for assistance under the terms of the Freedom Support Act.

SNOWE AMENDMENT NO. 1956

(Ordered to lie on the table.)

Ms. SNOWE submitted an amendment intended to be proposed by her to the bill, S. 908, supra; as follows:

On page 124, after line 20, insert the following new section:

SEC. . SUPPORTING A RESOLUTION TO THE LONG-STANDING DISPUTE REGARDING CYPRUS.

(a) FINDINGS.—The Congress finds that—

(1) the long-standing dispute regarding Cyprus remains unresolved;

(2) the Turkish military presence in the territory of the Republic of Cyprus has continued for more than 20 years;

(3) the status quo on Cyprus remains unacceptable;

(4) the United States attaches great importance to a just and peaceful resolution of the dispute regarding Cyprus;

(5) the United Nations and the United States are using their good offices to resolve such dispute;

(6) on January 5, 1995, President Clinton appointed a Special Presidential Emissary for Cyprus;

(7) the United Nations has adopted numerous resolutions that set forth the basis of a solution for the dispute regarding Cyprus;

(8) paragraph (2) of United Nations Security Council Resolution 939 of July 29, 1994, reaffirms that a solution must be based on a state of Cyprus with a single sovereignty and international personality, and a single citizenship, with its independence and territorial integrity safeguarded, and comprising two politically equal communities as described in the relevant Security Council resolutions, in a bicommunal and bizonal federation, and that such a settlement must exclude union in whole or in part with any other country or any form of partition or secession;

(9) the United Nations Secretary General has described the militarily occupied part of Cyprus as one of the most highly militarized areas in the world;

(10) the continued Turkish military presence on Cyprus hampers the search for a freely negotiated solution to the dispute regarding Cyprus;

(11) the United Nations and the United States have called for the withdrawal of all foreign troops from the territory of the Republic of Cyprus; and

(12) comprehensive plans for the demilitarization of the Republic of Cyprus have been proposed.

(b) SENSE OF CONGRESS.—The Congress—

(1) reaffirms that the status quo on Cyprus is unacceptable;

(2) welcomes the appointment of a Special Presidential Emissary for Cyprus;

(3) expresses its continued strong support for efforts by the United Nations Secretary General and the United States Government to help resolve the Cyprus problem in a just and viable manner at the earliest possible time;

(4) insists that all parties to the dispute regarding Cyprus agree to seek a solution based upon the relevant United Nations resolutions, including paragraph (2) of United Nations Security Council Resolution 939 of July 29, 1994;

(5) reaffirms the position that all foreign troops should be withdrawn from the territory of the Republic of Cyprus;

(6) considers that demilitarization of the Republic of Cyprus would meet the security concerns of all parties involved, would enhance prospects for a peaceful and lasting resolution of the dispute regarding Cyprus, would benefit all of the people of Cyprus, and merits international support; and

(7) encourages the United Nations Security Council and the United States Government to consider alternative approaches to promote a resolution of the long-standing dispute regarding Cyprus based upon relevant Security Council resolutions, including incentives to encourage progress in negotiations or effective measures against any recalcitrant party.

KERRY (AND PELL) AMENDMENT NO. 1957

(Ordered to lie on the table.)

Mr. KERRY (for himself and Mr. PELL) submitted an amendment intended to be proposed by them to the bill, S. 908, supra; as follows:

On page 220, at the beginning of line 14, strike all that follows through line 25.

KERRY (AND PELL) AMENDMENT NO. 1958

(Ordered to lie on the table.)

Mr. KERRY (for himself and Mr. PELL) submitted an amendment intended to be proposed by them to the bill, S. 908, supra; as follows:

On page 73, at the beginning of line 6, strike all that follows through page 74, line 5.

KERRY (AND PELL) AMENDMENT NO. 1959

(Ordered to lie on the table.)

Mr. KERRY (for himself and Mr. PELL) submitted an amendment intended to be proposed by them to the bill, S. 908, supra; as follows:

On page 61, line 12, strike all that follows after the words "Peacekeeping Activities." through page 62, line 24, and add the following:

"Section 4 of the United Nations Participation Act of 1945 (22 U.S.C. 287b) is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following:

"(e) NOTICE TO CONGRESS OF PROPOSED UNITED NATIONS PEACEKEEPING ACTIVITIES.—(1) Except as provided in paragraph (2), at least 5 days before any vote in the Security Council to authorize any United Nations peacekeeping activity or any other action under the Charter of the United Nations (including any extensions, modification, suspension, or termination of any previously authorized peacekeeping activity or other action) which would involve the use of United States Armed Forces or the expenditure of United States funds, the President shall submit to the designated congressional committees a notification with respect to the proposed action. The notification shall include the following:

"(A) A cost assessment of such action (including the total estimated cost and the United States share of such cost).

"(B) Identification of the source of funding for the United States share of the costs of the action (whether in an annual budget request, reprogramming notification, a rescission of funds, a budget amendment, or a supplemental budget request).

"(2)(A) If the President determines that an emergency exists which prevents submission of the 5-day advance notification specified in paragraph (1) and that the proposed action is in the national security interests of the United States, the notification described in paragraph (1) shall be provided in a timely manner but not later than 48 hours after the vote by the Security Council.

"(B) Determinations made under subparagraph (A) may not be delegated.".

KERRY AMENDMENT NO. 1960

(Ordered to lie on the table.)

Mr. KERRY submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

Delete Section 205 and insert in lieu thereof the following:

SEC. 205. UNITED NATIONS BUDGETARY AND MANAGEMENT REFORM.

(A) IN GENERAL.—The United Nations Participation Act of 1945 (22 U.S.C. 287 et seq.) is amended by adding at the end the following new section:

"SEC. 10. UNITED NATIONS BUDGETARY AND MANAGEMENT REFORM.

"(a) WITHHOLDING OF CONTRIBUTIONS.—

"(1) ASSESSED CONTRIBUTIONS FOR REGULAR UNITED NATIONS BUDGET.—At the beginning of each fiscal year, 20 percent of the amount of funds made available for the fiscal year for United States assessed contributions for the regular United Nations budget shall be withheld from obligation and expenditure unless a certification for that fiscal year has been made under subsection (b).

"(2) ASSESSED CONTRIBUTIONS FOR UNITED NATIONS PEACEKEEPING.—At the beginning of each fiscal year, 50 percent of the amount of funds made available for that fiscal year for United States assessed contributions for United Nations peacekeeping activities shall be withheld from obligation and expenditure unless a certification for that fiscal year has been made under subsection (b).

"(3) VOLUNTARY CONTRIBUTIONS FOR UNITED NATIONS PEACKEEPING.—The United States may not during any fiscal year pay any voluntary contribution to the United Nations for international peacekeeping activities unless a certification for that fiscal year has been made under subsection (b).

"(b) CERTIFICATION.—The certification referred to in subsection (a) for any fiscal year is a certification by the President to the Congress, submitted on or after the beginning of that fiscal year, of each of the following:

"(1) The United Nations has an independent office of Inspector General to conduct and supervise objective audits, inspections, and investigations relating to programs and operations of the United Nations.

"(2) The United Nations has an Inspector General who was appointed by the Secretary General with the approval of the General Assembly and whose appointment was made principally on the basis of the appointee's integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigation.

"(3) The inspector General is authorized to—

"(A) make investigations and reports relating to the administration of the programs and operations of the United Nations;

"(B) have access to all records, documents, and other available materials relating to those programs and operations;

"(C) have direct and prompt access to any official of the United Nations; and

"(D) have access to all records and officials of the specialized agencies of the united Nations.

"(4) The United Nations has fully implemented, and made available to all member states, procedures that effectively protect the identity of, and prevent reprisals against, any staff member of the United Nations making a complaint or disclosing information to, or cooperating in any investigation or inspection by, the United Nations Inspector General.

"(5) The United Nations has fully implemented procedures that ensure compliance with recommendations of the United Nations Inspector General.

"(6) The United Nations has required the United Nations Inspector General to issue an annual report and has ensured that the annual report and all other relevant reports of the Inspector General are made available to the General Assembly without modification.

"(7) The United Nations is committed to providing sufficient budgetary resources to ensure the effective operation of the United Nations Inspector General.".

KERRY (AND PELL) AMENDMENT NO. 1961

(Ordered to lie on the table.)

Mr. KERRY (for himself and Mr. PELL) submitted an amendment intended to be proposed by them to the bill, S. 908, supra; as follows:

On page 54, at the beginning of line 17, strike all that follows through line 22.

KERRY AMENDMENT NO. 1962

(Ordered to lie on the table.)

Mr. KERRY submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

Beginning on page 125, strike line 1 and all that follows through line 15 on page 267 and insert the following:

DIVISION B—CONSOLIDATION AND REINVENTION OF FOREIGN AFFAIRS AGENCIES

SEC. 1001. SHORT TITLE.

This division may be cited as the "Foreign Affairs Reinvention Act of 1995".

SEC. 1002. PURPOSES.

The purposes of this division are—

(1) to reorganize and reinvent the foreign affairs agencies of the United States in order to enhance the formulation, coordination, and implementation of United States foreign policy;

(2) to streamline and consolidate the functions and personnel of the Department of State, the Agency for International Development, the United States Information Agency, and the United States Arms Control and Disarmament Agency in order to eliminate redundancies in the functions and personnel of such agencies;

(3) to assist congressional efforts to balance the Federal budget and reduce the Federal debt;

(4) to strengthen the authority of United States ambassadors over all United States Government personnel and resources located in United States diplomatic missions in order to enhance the ability of the ambassadors to deploy such personnel and resources to the best effect to attain the President's foreign policy objectives;

(5) to encourage United States foreign affairs agencies to maintain a high percentage of the best qualified, most competent United States citizens serving in the United States Government while downsizing significantly the total number of people employed by such agencies; and

(6) to ensure that all functions of United States diplomacy be subject to recruitment, training, assignment, promotion, and egress based on common standards and procedures while preserving maximum interchange among such functions.

TITLE XI—REORGANIZATION OF FOREIGN AFFAIRS AGENCIES

SEC. 1101. REORGANIZATION PLAN FOR THE DEPARTMENT OF STATE AND INDEPENDENT FOREIGN AFFAIRS AGENCIES.

(a) SUBMISSION OF PLAN.—Not later than 6 months after the date of enactment of this Act, the President shall transmit to the appropriate congressional committees a reorganization plan providing for the streamlining and consolidation of the Department of State, the United States Information Agency, the Agency for International Development, and the United States Arms Control and Disarmament Agency. Such plan shall provide for—

(1) the enhancement of the formulation, coordination, and implementation of policy;

(2) the maintenance, to the maximum extent possible, of a United States presence abroad within budgetary constraints;

(3) a reduction in the aggregate number of independent foreign affairs agencies;

(4) the elimination in the duplication of functions and personnel between the Department of State and such other agency or agencies not abolished under paragraph (3);

(5) the reduction in the aggregate number of positions in the Department of State and the independent foreign affairs agencies which are classified at each of levels II, III, and IV of the Executive Schedule;

(6) the reorganization and streamlining of the Department of State; and

(7) the achievement of a cost savings of at least $2,000,000,000 over 4 years through the consolidation of agencies.

(b) PLAN ELEMENTS.—The plan under subsection (a) shall—

(1) identify the functions of the independent foreign affairs agencies that will be transferred to the Department of State under the plan, as well as those that will be abolished under the plan;

(2) identify the personnel and positions of the agencies (including civil service personnel, Foreign Service personnel, and detailees) that will be transferred to the Department, separated from service with the Agency, or be eliminated under the plan, and set forth a schedule for such transfers, separations, and terminations;

(3) identify the personnel and positions of the Department (including civil service personnel, Foreign Service personnel, and detailees) that will be transferred within the Department, separated from service with the Department, or eliminated under the plan and set forth a schedule for such transfers, separations, and terminations;

(4) specify the consolidations and reorganization of functions of the Department that will be required under the plan in order to permit the Department to carry out the functions transferred to the Department under the plan;

(5) specify the funds available to the independent foreign affairs agencies that will be transferred to the Department under this title as a result of the implementation of the plan;

(6) specify the proposed allocations within the Department of unexpended funds of the independent foreign affairs agencies; and

(7) specify the proposed disposition of the property, facilities, contracts, records, and other assets and liabilities of the independent foreign affairs agencies resulting from the abolition of any such agency and the transfer of the functions of the independent foreign affairs agencies to the Department.

(c) LIMITATIONS ON CONTENTS OF PLAN.—(1) Sections 903, 904, and 905 of title 5, United

States Code, shall apply to the plan transmitted under subsection (a).

(2) The plan may not provide for the termination of any function authorized by law.

(d) Effective Date of Plan.—(1) The plan transmitted under subsection (a) shall take effect 60 calendar days of continuous session of Congress after the date on which the plan is transmitted to Congress unless Congress enacts a joint resolution, in accordance with subsection (e), disapproving the plan.

(2) For purposes of paragraph (1)—

(A) continuity of session is broken only by an adjournment of Congress sine die; and

(B) the days on which either House is not in session because of an adjournment of more than 3 days to a day certain are excluded in the computation of any period of time in which Congress is in continuous session.

(e) Congressional Priority Procedures.—(1) Except as provided in paragraph (2), sections 908, 910, 911, and 912 of title 5, United States Code, shall apply to the consideration by Congress of a joint resolution described in paragraph (3) that is introduced in a House of Congress.

(2) The following requirements shall apply to actions described in paragraph (1) without regard to chapter 9 of title 5, United States Code:

(A) A referral of joint resolutions under this section may only be made to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

(B) The reference in section 908 of such title to reorganization plans transmitted on or before December 31, 1984, shall have no force or effect.

(3) A joint resolution under this section means only a joint resolution of the Congress, the matter after the resolving clause of which is as follows: "That the Congress disapproves the reorganization plan numbered ____ transmitted to the Congress by the President on ____, 19____", which plan may include such modifications and revisions as are submitted by the President under section 903(c) of title 5, United States Code. The blank spaces therein are to be filled appropriately.

(4) The provisions of this subsection supersede any other provision of law.

(f) Expiration of Authority To Transmit Plan.—The authority of the President to transmit a reorganization plan under subsection (a) shall expire on the date that is 6 months after the date of the enactment of this Act.

(g) Deadline for Implementation.—If the reorganization plan transmitted under subsection (a) is not disapproved by Congress in accordance with subsection (e), the plan shall be implemented not later than March 1, 1997.

(h) Abolition of Independent Foreign Affairs Agencies.—

(1) ABOLITION FOR FAILURE TO TRANSMIT PLAN.—If the President does not transmit to Congress a reorganization plan under subsection (a), the United States Arms Control and Disarmament Agency, the United States Information Agency, and the Agency for International Development are abolished as of 180 days after the date of enactment of this Act.

(2) ABOLITION FOR FAILURE TO IMPLEMENT PLAN.—If the President does not implement the reorganization plan transmitted and not disapproved under this section with respect to an agency referred to in paragraph (1), the agency is abolished as of March 1, 1997.

(i) Definition.—As used in this section, the term "independent foreign affairs agencies" means the United States Arms Control and Disarmament Agency, the United States Information Agency, and the Agency for International Development.

SEC. 1102. TRANSFERS OF FUNCTIONS.

(a) Transfers.—Subject to subsection (b), there are transferred to, and vested in, the Secretary of State all functions vested by law (including by reorganization plan approved before the date of the enactment of this Act pursuant to chapter 9 of title 5, United States Code) in, or exercised by, the head of each of the following agencies, the agencies themselves, or officers, employees, or components thereof:

(1) The United States Arms Control and Disarmament Agency.

(2) The United States Information Agency.

(3) The Agency for International Development.

(b) Effective Date.—The transfers referred to in subsection (a) shall take place—

(1) if the President does not transmit a reorganization plan to Congress under section 1101(a), not later than 180 days after the date of enactment of this Act; or

(2) if the President does not implement the reorganization plan transmitted and not disapproved under such section with respect to an agency referred to in subsection (a), not later than March 1, 1997.

SEC. 1103. VOLUNTARY SEPARATION INCENTIVES.

(a) Authority To Pay Incentives.—The head of an agency referred to in subsection (b) may pay voluntary incentive payments to employees of the agency in order to avoid or minimize the need for involuntary separations from the agency as a result of the abolition of the agency and the consolidation of functions of the Department of State under this title.

(b) Covered Agencies.—Subsection (a) applies to the following agencies:

(1) The Department of State.

(2) The United States Arms Control and Disarmament Agency.

(3) The United States Information Agency.

(4) The Agency for International Development.

(c) Payment Requirements.—(1) The head of an agency shall pay voluntary separation incentive payments in accordance with the provisions of section 3 of the Federal Workforce Restructuring Act of 1994 (Public Law 103-226; 108 Stat. 111), except that an employee of the agency shall be deemed to be eligible for payment of a voluntary separation incentive payment under that section if the employee separates from service with the agency during the period beginning on the date of enactment of this Act and ending on February 28, 1997.

(2) The provisions of subsection (d) of such section 3 shall apply to any employee who is paid a voluntary separation incentive payment under this section.

(d) Funding.—The payment of voluntary separation incentive payments under this section shall be made from funds in the Foreign Affairs Reorganization Transition Fund established under section 1104. The Secretary of State may transfer sums in that Fund to the head of an agency under subsection (e)(1)(B) of that section for payment of such payments by the agency head.

(e) Termination of Authority.—The authority of the head of an agency to authorize payment of voluntary separation incentive payments under this section shall expire on February 28, 1997.

SEC. 1104. TRANSITION FUND.

(a) Establishment.—There is hereby established on the books of the Treasury an account to be known as the "Foreign Affairs Reorganization Transition Fund".

(b) Purpose.—The purpose of the account is to provide funds for the orderly transfer of functions and personnel to the Department of State as a result of the implementation of this title and for payment of other costs associated with the consolidation of foreign affairs agencies under this title.

(c) Deposits.—(1) Subject to paragraphs (2) and (3), there shall be deposited into the account the following:

(A) Funds appropriated to the account pursuant to the authorization of appropriations in subsection (j).

(B) Funds transferred to the account by the Secretary of State from funds that are transferred to the Secretary by the head of an agency under subsection (d).

(C) Funds transferred to the account by the Secretary from funds that are transferred to the Department of State together with the transfer of functions to the Department under this title and that are not required by the Secretary in order to carry out the functions.

(D) Funds transferred to the account by the Secretary from any unobligated funds that are appropriated or otherwise made available to the Department.

(2) The Secretary may transfer funds to the account under subparagraph (C) of paragraph (1) only if the Secretary determines that the amount of funds deposited in the account pursuant to subparagraphs (A) and (B) of that paragraph is inadequate to pay the costs of carrying out this title.

(3) The Secretary may transfer funds to the account under subparagraph (D) of paragraph (1) only if the Secretary determines that the amount of funds deposited in the account pursuant to subparagraphs (A), (B), and (C) of that paragraph is inadequate to pay the costs of carrying out this title.

(d) Transfer of Funds to Secretary of State.—The head of a transferor agency shall transfer to the Secretary the amount, if any, of the unobligated funds appropriated or otherwise made available to the agency for functions of the agency that are abolished under this title which funds are not required to carry out the functions of the agency as a result of the abolishment of the functions under this title.

(e) Use of Funds.—(1)(A) Notwithstanding any other provision of law, the Secretary shall use sums in the account for payment of the costs of carrying out this title, including costs relating to the consolidation of functions of the Department of State and relating to the termination of employees of the Department.

(B) The Secretary may transfer sums in the account to the head of an agency to be abolished under this title for payment by the head of the agency of the cost of carrying out a voluntary separation incentive program at the agency under section 1103.

(2) Funds in the account shall be available for the payment of costs under paragraph (1) without fiscal year limitation.

(3) Funds in the account may be used only for purposes of paying the costs of carrying out this title.

(f) Treatment of Unobligated Balances.—(1) Subject to paragraph (2), unobligated funds, if any, which remain in the account after the payment of the costs described in subsection (e)(1) shall be transferred to Department of State and shall be available to the Secretary of State for purposes of carrying out the functions of the Department.

(2) The Secretary may not transfer funds in the account to the Department under paragraph (1) unless the appropriate congressional committees are notified in advance of

such transfer in accordance with the procedures applicable to reprogramming notifications under section 34 of the State Department Basic Authorities Act of 1956.

(g) REPORT ON ACCOUNT.—Not later than October 1, 1998, the Secretary of State shall transmit to the appropriate congressional committees a report containing an accounting of—

(1) the expenditures from the account established under this section; and

(2) in the event of any transfer of funds to the Department of State under subsection (f), the functions for which the funds so transferred were expended.

(i) TERMINATION OF AUTHORITY TO USE ACCOUNT.—The Secretary may not obligate funds in the account after September 30, 1999.

(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $200,000,000 for deposit under subsection (c)(1) into the account established under subsection (a).

SEC. 1105. ASSUMPTION OF DUTIES BY APPROPRIATE APPOINTEES.

An individual holding office on the date of the enactment of this Act—

(1) who was appointed to the office by the President, by and with the advice and consent of the Senate;

(2) who is transferred to a new office in the Department of State under this title; and

(3) who performs duties in such new office that are substantially similar to the duties performed by the individual in the office held on such date,

may, in the discretion of the Secretary of State, assume the duties of such new office, and shall not be required to be reappointed by reason of the enactment of this title.

SEC. 1106. RIGHTS OF EMPLOYEES OF ABOLISHED AGENCIES.

(a) IN GENERAL.—Except as otherwise provided by this title, the transfer pursuant to this title of full-time personnel (except special Government employees) and part-time personnel holding permanent positions shall not cause any such employee to be separated or reduced in grade or compensation for 1 year after the date of transfer of such employee under this title.

(b) EXECUTIVE SCHEDULE POSITIONS.—Except as otherwise provided in this title, any person who, on the day preceding the date of the abolition of a transferor agency under this title, held a position in such an agency that was compensated in accordance with the Executive Schedule prescribed in chapter 53 of title 5, United States Code, and who, without a break in service, is appointed in the Department of State to a position having duties comparable to the duties performed immediately preceding such appointment shall continue to be compensated in such new position at not less than the rate provided for such previous position, for the duration of the service of such person in such new position.

(c) TERMINATION OF CERTAIN POSITIONS.—Positions whose incumbents are appointed by the President, by and with the advice and consent of the Senate, the functions of which are transferred under this title, shall terminate on the date of the transferal of the functions under this title.

(d) EXCEPTED SERVICE.—(1) Subject to paragraph (2), in the case of employees occupying positions in the excepted service or the Senior Executive Service, any appointment authority established pursuant to law or regulations of the Office of Personnel Management for filling such positions shall be transferred.

(2) The Department of State may decline a transfer of authority under paragraph (1) (and the employees appointed pursuant thereto) to the extent that such authority relates to positions excepted from the competitive service because of their confidential, policy-making, policy-determining, or policy-advocating character, and noncareer positions in the Senior Executive Service (within the meaning of section 3132(a)(7) of title 5, United States Code).

(e) EMPLOYEE BENEFIT PROGRAMS.—(1) Any employee accepting employment with the Department of State as a result of such transfer may retain for 1 year after the date such transfer occurs membership in any employee benefit program of the transferor agency, including insurance, to which such employee belongs on the date of the enactment of this Act if—

(A) the employee does not elect to give up the benefit or membership in the program; and

(B) the benefit or program is continued by the Secretary of State.

(2) The difference in the costs between the benefits which would have been provided by such agency or entity and those provided by this section shall be paid by the Secretary of State. If any employee elects to give up membership in a health insurance program or the health insurance program is not continued by the Secretary of State, the employee shall be permitted to select an alternate Federal health insurance program within 30 days of such election or notice, without regard to any other regularly scheduled open season.

(f) SENIOR EXECUTIVE SERVICE.—A transferring employee in the Senior Executive Service shall be placed in a comparable position at the Department of State.

(g) ASSIGNMENTS.—(1) Transferring employees shall receive notice of their position assignments not later than the date on which the reorganization plan setting forth the transferal of such employees is transmitted to the appropriate congressional committees under this title.

(2) Foreign Service personnel transferred to the Department of State pursuant to this title shall be eligible for any assignment open to Foreign Service personnel within the Department.

SEC. 1107. TRANSFER AND ALLOCATIONS OF APPROPRIATIONS AND PERSONNEL.

(a) IN GENERAL.—Except as otherwise provided in this title, the personnel employed in connection with, and the assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, used, held, arising from, available to, or to be made available in connection with the functions transferred under this title, subject to section 1531 of title 31, United States Code, shall be transferred to the Department of State.

(b) TREATMENT OF PERSONNEL EMPLOYED IN TERMINATED FUNCTIONS.—The following shall apply with respect to officers and employees of a transferor agency that are not transferred under this title:

(1) Under such regulations as the Office of Personnel Management may prescribe, the head of any agency in the executive branch may appoint in the competitive service any person who is certified by the head of the transferor agency as having served satisfactorily in the transferor agency and who passes such examination as the Office of Personnel Management may prescribe. Any person so appointed shall, upon completion of the prescribed probationary period, acquire a competitive status.

(2) The head of any agency in the executive branch having an established merit system in the excepted service may appoint in such service any person who is certified by the head of the transferor agency as having served satisfactorily in the transferor agency and who passes such examination as the head of such agency in the executive branch may prescribe.

(3) Any appointment under this subsection shall be made within a period of 1 year after completion of the appointee's service in the transferor agency.

(4) Any law, Executive order, or regulation which would disqualify an applicant for appointment in the competitive service or in the excepted service concerned shall also disqualify an applicant for appointment under this subsection.

SEC. 1108. PERSONNEL AUTHORITIES FOR TRANSFERRED FUNCTIONS.

(a) APPOINTMENTS.—(1) Subject to paragraph (2), the Secretary of State may appoint and fix the compensation of such officers and employees, including investigators, attorneys, and administrative law judges, as may be necessary to carry out the respective functions transferred to the Department of State under this title. Except as otherwise provided by law, such officers and employees shall be appointed in accordance with the civil service laws and their compensation fixed in accordance with title 5, United States Code.

(2) A person employed under paragraph (1) may not continue in such employment after the end of the period (as determined by the Secretary) required for the transferal of functions under this title.

(b) EXPERTS AND CONSULTANTS.—The Secretary of State may obtain the services of experts and consultants in connection with functions transferred to the Department of State under this title in accordance with section 3109 of title 5, United States Code, and compensate such experts and consultants for each day (including traveltime) at rates not in excess of the rate of pay for level IV of the Executive Schedule under section 5315 of such title. The head Secretary may pay experts and consultants who are serving away from their homes or regular place of business travel expenses and per diem in lieu of subsistence at rates authorized by sections 5702 and 5703 of such title for persons in Government service employed intermittently.

SEC. 1109. PROPERTY AND FACILITIES.

(a) IN GENERAL.—The Secretary of State shall review the property and facilities of each transferror agency for purposes of determining if the property is required by the Department of State in order to carry out the functions of the Department after the transfer of functions to the Department under this title.

(b) DEADLINE FOR TRANSFER.—Not later than March 1, 1997, all property and facilities within the custody of the transferor agencies shall be transferred to the custody of the Secretary of State.

SEC. 1110. DELEGATION AND ASSIGNMENT.

Except where otherwise expressly prohibited by law or otherwise provided by this title, the Secretary of State may delegate any of the functions transferred to the Secretary under this title and any function transferred or granted to the Secretary after the effective date of this title to such officers and employees of the Department of State as the Secretary may designate, and may authorize successive redelegations of such functions as may be necessary or appropriate. No delegation of functions by the Secretary under this section or under any other provision of this title shall relieve the Secretary of responsibility for the administration of such functions.

SEC. 1111. RULES.

The Secretary of State may prescribe, in accordance with the provisions of chapters 5 and 6 of title 5, United States Code, such rules and regulations as the Secretary determines necessary or appropriate to administer and manage the functions of the Department of State after the transfer of functions to the Department under this title.

SEC. 1112. INCIDENTAL TRANSFERS.

The Director of the Office of Management and Budget may, at such time or times as the Director shall provide, make such additional incidental dispositions of personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with such functions, as may be necessary to carry out the provisions of this title. The Director shall provide for the termination of the affairs of all entities terminated by this title and for such further measures and dispositions as may be necessary to effectuate the purposes of this title.

SEC. 1113. EFFECT ON CONTRACTS AND GRANTS.

(a) PROHIBITION ON NEW OR EXTENDED CONTRACTS OR GRANTS.—Except as provided in subsection (b), the United States Arms Control and Disarmament Agency, the United States Information Agency, and the Agency for International Development may not—

(1) enter into a contract or agreement which will continue in force after the termination date, if any, of such agency under this title;

(2) extend the term of an existing contract or agreement of such agency to a date after such date; or

(3) make a grant which will continue in force after such date.

(b) EXCEPTION.—Subsection (a) does not apply to the following:

(1) Contracts and agreements for carrying out essential administrative functions.

(2) Contracts and agreements for functions and activities that the Secretary of State determines will be carried out by the Department of State after the termination of the agency concerned under this title.

(3) Grants relating to the functions and activities referred to in paragraph (2).

(c) EVALUATION AND TERMINATION OF EXISTING CONTRACTS.—The Secretary of State and the head of each agency referred to in subsection (a) shall—

(1) review the contracts of such agency that will continue in force after the date, if any, of the abolishment of the agency under this title in order to determine if the cost of abrogating such contracts before that date would be exceed the cost of carrying out the contract according to its terms; and

(2) in the case of each contract so determined, provide for the termination of the contract in the most cost-effective manner practicable.

SEC. 1114. SAVINGS PROVISIONS.

(a) CONTINUING EFFECT OF LEGAL DOCUMENTS.—All orders, determinations, rules, regulations, permits, agreements, grants, contracts, certificates, licenses, registrations, privileges, and other administrative actions—

(1) which have been issued, made, granted, or allowed to become effective by the President, any Federal agency or official thereof, or by a court of competent jurisdiction, in the performance of functions which are transferred under this title, and

(2) which are in effect at the time this title takes effect, or were final before the effective date of this title and are to become effective on or after the effective date of this title,

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, the Secretary of State or other authorized official, a court of competent jurisdiction, or by operation of law.

(b) PROCEEDINGS NOT AFFECTED.—The provisions of this title shall not affect any proceedings, including notices of proposed rulemaking, or any application for any license, permit, certificate, or financial assistance pending before the transferor agency at the time this title takes effect for that agency, with respect to functions transferred under this title but such proceedings and applications shall be continued. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this title had not been enacted, and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law. Nothing in this subsection shall be deemed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this title had not been enacted.

(c) SUITS NOT AFFECTED.—The provisions of this title shall not affect suits commenced before the effective date of this title, and in all such suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this title had not been enacted.

(d) NONABATEMENT OF ACTIONS.—No suit, action, or other proceeding commenced by or against the transferor agency, or by or against any individual in the official capacity of such individual as an officer of the transferor agency, shall abate by reason of the enactment of this title.

(e) ADMINISTRATIVE ACTIONS RELATING TO PROMULGATION OF REGULATIONS.—Any administrative action relating to the preparation or promulgation of a regulation by the transferor agency relating to a function transferred under this title may be continued by the Secretary of State with the same effect as if this title had not been enacted.

SEC. 1115. SEPARABILITY.

If a provision of this title or its application to any person or circumstance is held invalid, neither the remainder of this title nor the application of the provision to other persons or circumstances shall be affected.

SEC. 1116. TRANSITION.

The Secretary of State may utilize—

(1) the services of such officers, employees, and other personnel of the transferor agency with respect to functions transferred to the Department of State under this title; and

(2) funds appropriated to such functions for such period of time as may reasonably be needed to facilitate the orderly implementation of this title.

SEC. 1117. ADDITIONAL CONFORMING AMENDMENTS.

The President may submit a report to the appropriate congressional committees containing such recommendations for such additional technical and conforming amendments to the laws of the United States as may be appropriate to reflect the changes made by this division.

SEC. 1118. FINAL REPORT.

Not later than October 1, 1998, the President shall provide by written report to the Congress a final accounting of the finances and operations of the United States Arms Control and Disarmament Agency, the United States Information Agency, and the Agency for International Development.

SEC. 1119. DEFINITIONS.

For purposes of this title, unless otherwise provided or indicated by the context—

(1) the term "appropriate congressional committees" means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives;

(2) the term "Federal agency" has the meaning given to the term "agency" by section 551(1) of title 5, United States Code;

(3) the term "function" means any duty, obligation, power, authority, responsibility, right, privilege, activity, or program;

(4) the term "office" includes any office, administration, agency, institute, unit, organizational entity, or component thereof;

(5) the term "transferor agency" refers to each of the following agencies:

(A) The Agency for International Development, a component of the International Development Cooperation Agency.

(B) The International Development Cooperation Agency (insofar as it exercises functions related to the Agency for International Development).

(C) The United States Information Agency (exclusive of the Broadcasting Board of Governors).

(D) The United States Arms Control and Disarmament Agency.

TITLE XII—CONSOLIDATION OF DIPLOMATIC MISSIONS AND CONSULAR POSTS

SEC. 1201. CONSOLIDATION OF UNITED STATES DIPLOMATIC MISSIONS AND CONSULAR POSTS.

(a) CONSOLIDATION PLAN.—The Secretary of State shall develop a worldwide plan for the consolidation, wherever practicable, on a regional or areawide basis, of United States missions and consular posts abroad in order to carry out this section.

(b) CONTENTS OF PLAN.—The plan shall—

(1) identify the specific United States diplomatic missions and consular posts for consolidation;

(2) identify those missions and posts at which the resident ambassador would also be accredited to other specified states in which the United States either maintained no resident official presence or maintained such a presence only at staff level; and

(3) provide an estimate of—

(A) the amount by which expenditures would be reduced through the reduction in the number of United States Government personnel assigned abroad;

(B) through a reduction in the costs of maintaining United States properties abroad; and

(C) the amount of revenues generated to the United States through the sale or other disposition of United States properties associated with the posts to be consolidated abroad.

(c) TRANSMITTAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of State shall transmit a copy of the plan to the appropriate congressional committees.

(d) IMPLEMENTATION.—Not later than 60 days after transmittal of the plan under subsection (c), the Secretary of State shall take steps to implement the plan unless the Congress before such date enacts legislation disapproving the plan.

(e) Congressional Priority Procedures.—(1) A joint resolution described in paragraph (2) which is introduced in a House of Congress after the date on which a plan developed under subsection (a) is received by Congress, shall be considered in accordance with the procedures set forth in paragraphs (3) through (7) of section 8066(c) of the Department of Defense Appropriations Act, 1985 (as contained in Public Law 98-473 (98 Stat. 1936)), except that—

(A) references to the "report described in paragraph (1)" shall be deemed to be references to the joint resolution; and

(B) references to the Committee on Appropriations of the House of Representatives and to the Committee on Appropriations of the Senate shall be deemed to be references to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate.

(2) A joint resolution under this paragraph is a joint resolution the matter after the resolving clause of which is as follows: "That the Congress disapproves the plan submitted by the President on __________ pursuant to section 1109 of the Foreign Relations Revitalization Act.".

(f) Resubmission of Plan.—If, within 60 days of transmittal of a plan under subsection (c), Congress enacts legislation disapproving the plan, the President shall transmit to the appropriate congressional committees a revised plan developed under subsection (a).

(g) Statutory Construction.—Nothing in this section requires the termination of United States diplomatic or consular relations with any foreign country.

(h) Definitions.—As used in this section:

(1) Appropriate congressional committees.—The term "appropriate congressional committees" means the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate.

(2) Plan.—The term "plan" means the plan developed under subsection (a).

SEC. 1202. DETAIL OF OTHER AGENCY PERSONNEL TO STATE DEPARTMENT.

Any employee of any agency other than the Department of State who is assigned to an overseas post located within any United States mission except for those assigned to a military command shall be detailed to the Department of State for the duration of such assignment, and shall be fully under the authority of the Chief of Mission. The Chief of Protocol, at the sole discretion of the Secretary of State, shall accord diplomatic titles, privileges, and immunities to any such employees as the Secretary of State deems appropriate.

KERRY AMENDMENT NO. 1963

(Ordered to lie on the table.)

Mr. KERRY submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

Delete the authorizations for fiscal years 1998 and 1999 throughout the bill.

PELL AMENDMENT NO. 1964

(Ordered to lie on the table.)

Mr. PELL submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

On page 104, line 23, strike "(a) Fiscal Year 1996.—".

On page 105, line 1, strike "$22,700,000 for the fiscal year 1996" and insert "$45,000,000 for each of the fiscal years 1996 and 1997".

On page 105, strike lines 3 through 5.

On page 125, line 9, insert "certain" after "reinvent".

On page 126, lines 21 and 22. strike "the United States Arms Control and Disarmament Agency.".

On page 134, beginning on line 8, strike "the following" and all that follows through "Assisting" on line 9 and insert "assisting".

On page 134, line 11, strike "arms control and nonproliferation,".

On page 134, strike lines 16 through 18.

Beginning on page 145, strike line 16 and all that follows through line 19 on page 146.

On page 146, line 20, strike "(2)" and insert "(1)".

On page 148, line 4, strike "(3)" and insert "(2)".

On page 149, line 1, strike "(4)" and insert "(3)".

On page 166, strike lines 18 and 19.

Beginning on page 175, strike line 1 and all that follows through line 22 on page 184 and insert the following:

TITLE XII—ARMS CONTROL AND DISARMAMENT AGENCY

SEC. 1201. ELIMINATION OF DUPLICATION.

(a) In General.—The Secretary of State and the Director of the United States Arms Control and Disarmament Agency, in consultation with the National Security Advisor shall, in a manner consistent with the provisions of the Arms Control and Disarmament Act of 1961 and with this title, identify and eliminate all duplicative, overlapping, or superfluous personnel, functions, goals, activities, offices, and programs within and between the Department of State and the United States Arms Control and Disarmament Agency.

(b) Report.—Not later than March 31, 1996, or 180 days after the date of enactment of this Act, whichever is later, the President shall submit a report describing the personnel, functions, goals, activities, offices, and programs identified under subsection (a) to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives, together with proposed legislation if additional statutory authority is required to implement subsection (a).

On page 221, strike lines 23 and 24.

On page 222, line 1, strike "(2)" and insert "(1)".

On page 222, line 3, strike "(3)" and insert "(2)".

Beginning on page 224, strike line 13 and all that follows through line 8 on page 228.

On page 237, line 4, strike "1703, 1704," and insert "1704".

On page 238, line 14, strike "1703, 1704," and insert "1704,.

On page 238, line 21, strike "1703, 1704," and insert "1704".

On page 239, line 3, strike "1703, 1704," and insert "1704".

On page 240, line 9, strike "1703, 1704," and insert "1704".

On page 243, line 25, strike "1703, 1704," and insert "1704".

On page 249, line 25, strike "$125,000,000 and for the fiscal year 1997 $100,000,000" and insert "$102,700,000 and for the fiscal year 1997 $77,700,000".

On page 250, strike lines 14 and 15.

On page 250, line 16, strike "(3)" and insert "(2)".

On page 250, line 17, strike "(4)" and insert "(3)".

On page 264, beginning on line 25, strike "United States" and all that follows through "Agency," on line 26.

On page 266, strike lines 10 through 12.

On page 266, line 13, strike "(B)" and insert "(A)".

On page 266, line 16, strike "1701(a)(2)" and insert "1701(a)(1)".

On page 266, line 17, strike "(C)" and insert "(B)".

On page 266, line 20, strike "1701(a)(3)" and insert "1701(a)(2)".

On page 266, line 21, strike "(D)" and insert "(C)".

On page 266, line 25, strike "1701(a)(3)" and insert "1701(a)(2)".

On page 267, line 1, strike "(E)" and insert "(D)".

On page 267, line 4, strike "(F)" and insert "(E)".

On page 267, line 8, strike "(G)" and insert "(F)".

On page 267, line 12, strike "(H)" and insert "(G)".

Amend the title so as to read: "A bill to authorize appropriations for the Department of State for fiscal years 1996 through 1999 and to abolish the United States Information Agency and the Agency for International Development, and for other purposes.".

PELL AMENDMENT NO. 1965

(Ordered to lie on the table.)

Mr. PELL submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

On page 124, after line 20, add the following:

SEC. . SENSE OF SENATE REGARDING REGIONAL ENVIRONMENTAL TREATIES.

(a) Findings.—The Congress makes the following findings:

(1) In 1978, the Senate adopted Senate Resolution 49, calling on the United States Government to seek the agreement of other government to a proposed global treaty requiring the preparation of Environmental Impact Assessment for any major project, action, or continuing activity that may be reasonably expected to have a significant adverse effect on the physical environment or environmental interests of another nation or a global commons area.

(2) Subsequent to the adoption of Senate Resolution 49 in 1978, the United Nations Environment Programme Governing Council adopted Goals and Principles on Environmental Impact Assessment calling on governments to undertake comprehensive Environmental Impact Assessments in cases in which the extent, nature, or location of a proposed activity is such that the activity is likely to significantly affect the environment.

(3) Principle 17 of the Rio Declaration on Environment and development, adopted at the United Nations Conference on Environment and Development in 1992 states that the Environmental and Impact Assessments as a national instrument shall be undertaken for proposed activities that are likely to have a significant adverse impact on the environment and are subject to a decision on the competent national authority.

(4) On October 7, 1992, the Senate gave its advice and consent to the Protocol on Environmental Protection to the Antarctic Treaty, which obligates parties to the Antarctic Treaty to require Environmental Impact Assessment procedures for proposed activities in Antarctica.

(5) The United States is a signatory to the 1991 United Nations Economic Commission for Europe's Convention on Environmental Impact Assessment in a Transboundary Context, a regional treaty that calls for the use

of Environmental Impact Assessments as necessary tools to minimize the adverse impact of certain activities on the environment, particularly in a transboundary context.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) the United States Government should encourage governments of other nations to engage in additional regional treaties, along the lines of the 1991 United Nations Economic Commission for Europe's Convention on Environmental Impact Assessment on a Transboundary Context, regarding specific transboundary activities that have adverse impacts on the environment of other nations or a global commons area; and

(2) such additional regional treaties should ensure that specific transboundary activities are undertaken in environmentally sound ways and under careful controls designed to avoid or minimize any adverse environmental effects, through requirements for Environmental Impact Assessments where appropriate.

PELL (AND KASSEBAUM) AMENDMENT NO. 1966

(Ordered to lie on the table.)

Mr. PELL (for himself and Mrs. KASSEBAUM) submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

At the appropriate place in the bill, add the following:

SEC. . PROHIBITION ON U.S. FUNDING OF MINURSO.

(a) FINDINGS.—The Congress finds that—

(1) Morocco and the Popular Front for the Liberation of Saguia el-Hamra and Rio de Oro (Polisario) have been waging war for control of the Western Sahara since 1974;

(2) In 1981, Moroccan King Hassan II called upon the United Nations to sponsor a referendum on the future status of the Western Sahara, in which the Saharan people would vote for independence or for integration with Morocco;

(3) In 1990, the United Nations Security Council adopted Resolution 658, which included the details of a peace settlement approved by Morocco and the Polisario;

(4) In 1991, the United Nations Security Council adopted Resolution 690, which formally established the United Nations Mission for the Referendum in Western Sahara (MINURSO);

(5) The United States has provided financial support to MINURSO as part of its assessed dues for U.N. peacekeeping, and has contributed U.S. troops to the military component of MINURSO;

(6) Since MINURSO was deployed to the region on September 6, 1991, the cease-fire between Morocco and the Polisario has been observed with only minor violations by the parties;

(7) In 1994, the Security Council adopted Resolution 907, leading to the initiation of voter registration for the referendum;

(8) Notwithstanding the successful cessation of hostilities between Morocco and the Polisario and the initiation of voter registration, substantial progress remains to be made before a referendum can be held;

(9) Charges have been raised by former MINURSO officials and by outside observers calling into question free and fair nature of the referendum and suggesting mismanagement and impropriety by MINURSO;

(10) It is in the U.S. interest to promote a timely and equitable resolution of the conflict in the Western Sahara through a free and fair referendum process, or through an alternative settlement to be agreed upon mutually by the parties to the conflict.

(b) PROHIBITION.—None of the funds authorized to be appropriated by this or any other act may be used for contributions to the United Nations Mission for the Referendum in Western Sahara (MINURSO) unless and until the President determines and so certifies to the Congress that—

(a) the funds to be used will promote the timely conclusion of the referendum process or an alternative settlement to be agreed upon mutually by the parties to the conflict;

(b) the United Nations is organizing the referendum in a free and fair manner so as to produce an equitable resolution of the Western Sahara conflict;

(c) charges of impropriety and mismanagement by MINURSO have been investigated and, if found to be of merit, addressed appropriately.

PELL AMENDMENT NO. 1967

(Ordered to lie on the table.)

Mr. PELL submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

On page 124, after line 20, insert the following new section:

SEC. . SENSE OF CONGRESS REGARDING PARTICIPATION IN EXPO '98.

(a) FINDINGS.—The Congress finds that—

(1) there was international concern expressed at the Rio Conference of 1992 about conservation of the seas;

(2) 1998 has been declared the "International Year of the Ocean" by the United Nations in an effort to alert the world to the need for improving the physical and cultural assets offered by the world's oceans;

(3) the theme of Expo '98 is "The Oceans, a Heritage for the Future";

(4) Expo '98 has a fundamental aim of alerting political, economic, and public opinion to the growing importance of the world's oceans;

(5) Portugal has established a vast network of relationships through ocean exploration;

(6) Portugal's history is rich with examples of the courage and exploits of Portuguese explorers;

(7) Portugal and the United States have a relationship based on mutual respect, and a sharing of interests and ideals, particularly the deeply held commitment to democratic values;

(8) today over 2,000,000 Americans can trace their ancestry to Portugal; and

(9) the United States and Portugal agreed in the 1995 Agreement on Cooperation and Defense that in 1998 the 2 countries would consider and develop appropriate means of commemorating the upcoming quincentennial anniversary of the historic voyage of discovery by Vasco da Gama.

(b) SENSE OF CONGRESS.—The United States should fully participate in Expo '98 in Lisbon, Portugal, and encourage the private sector to support this worthwhile undertaking.

PELL AMENDMENT NO. 1968

(Ordered to lie on the table.)

Mr. PELL submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

On page 86, at the beginning of line 24, strike all that follows through page 88, line 17, and add the following:

"(6) General Comment No. 24 contradicts not only the Supremacy Clause of the United States Constitution and the constitutional authority of the Senate with respect to the approval of treaties, but also the First Amendment rights of American citizens and the other United States constitutional rights and practices protected by the reservation, understandings, declarations, and proviso contained in the Senate resolution of ratification.

"(b) PRESIDENTIAL ACTIONS.—The President should—

"(1) reject General Comment No. 24, issued by the Human Rights Committee established under the International Covenant on Civil and Political Rights, which bears no validity under international law;

"(2) reaffirm the U.S. commitment to the reservations, understandings, declarations, and provisos to the International Covenant on Civil and Political Rights agreed to by the Senate on April 2, 1992;

"(3) seek the nullification of the General Comment No. 24 by the Human Rights Committee;

"(4) inform, at every appropriate opportunity, the Human Rights Committee of the validity under international law of the reservations, understandings, declarations, and provisos to the International Covenant on Civil and Political Rights agreed to by the Senate."

PELL AMENDMENT NO. 1969

(Ordered to lie on the table.)

Mr. PELL submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

At the appropriate place in the bill, insert the following new title:

TITLE ___—NATO PARTICIPATION ACT AMENDMENTS OF 1995

SEC. ___. SHORT TITLE.

This title may be cited as the "NATO Participation Act Amendments of 1995".

SEC. ___. FINDINGS.

The Congress makes the following findings:

(1) Since 1949, the North Atlantic Treaty Organization (NATO) has played an essential role in guaranteeing the security, freedom, and prosperity of the United States and its partners in the Alliance.

(2) NATO has expanded its membership on three different occasions since 1949.

(3) The sustained commitment of the member countries of NATO to mutual defense of their security ultimately made possible the democratic transformation in Central and Eastern Europe and the demise of the Soviet Union.

(4) NATO was designed to be and remains a defensive military organization whose members have never contemplated the use of, or used, military force to expand the borders of its member states.

(5) While the immediate threat to the security of the United States and its allies has been reduced with the collapse of the Iron Curtain, new security threats, such as the situation in Bosnia and Herzegovina, are emerging to the shared interests of the member countries of NATO.

(6) NATO remains the only multilateral security organization capable of conducting effective military operations to protect Western security interests.

(7) NATO has played a positive role in defusing tensions between NATO members and, as a result, no military action has occurred between two NATO member states since the inception of NATO in 1949.

(8) NATO is also an important diplomatic forum for the discussion of issues of concern to its member states and for the peaceful resolution of disputes.

(9) America's security, freedom, and prosperity remain linked to the security of the countries of Europe.

(10) Any threat to the security of the newly emerging democracies in Europe would pose a security threat to the United States and its European allies.

(11) The admission to NATO of European countries that have been freed from Communist domination and that meet specific criteria for NATO membership would contribute to international peace and enhance the security of the region.

(12) A number of countries have expressed varying degrees of interest in NATO membership, and have taken concrete steps to demonstrate this commitment.

(13) Full integration of European countries into the North Atlantic Alliance after such countries meet essential criteria for admission would enhance the security of the Alliance and, thereby, contribute to the security of the United States.

(14) The expansion of NATO can create the stable environment needed to successfully complete the political and economic transformation envisioned by European states emerging from Communist domination.

(15) In recognition that not all countries which have requested membership in NATO will necessarily qualify at the same pace, the accession date for each new member will vary.

(16) The provision of NATO transition assistance should include those countries that meet the eligibility criteria specified under section 203(d) of the NATO Participation Act of 1994 (as amended by this title).

(17) Albania, Bulgaria, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Moldova, Poland, Romania, Slovakia, Slovenia, and Ukraine should be given every consideration for inclusion in programs for NATO transition assistance.

(18) The Partnership for Peace will continue to play an important role in strengthening cooperation and interoperability between partner states and NATO allies. Active participation in the Partnership for Peace will help prepare interested states for the rights and responsibilities of NATO membership.

SEC. ___. UNITED STATES POLICY.

It should be the policy of the United States—

(1) to join with the NATO allies of the United States to redefine the role of the NATO Alliance in the post-Cold War world;

(2) to actively assist European countries emerging from Communist domination in their transition so that such countries may eventually qualify for NATO membership;

(3) to work to define the political and security relationship between an evolving NATO and the Russian Federation.

SEC. ___. CONSTRUCTION OF TITLE.

Nothing in this title should be construed as precluding the eventual NATO membership of Partnership for Peace member countries that never were under Communist domination, namely Austria, Finland, and Sweden, should they wish to apply for such membership.

SEC. ___. REVISIONS TO PROGRAM TO FACILITATE TRANSITION TO NATO MEMBERSHIP.

(a) ESTABLISHMENT OF PROGRAM.—Subsection (a) of section 203 of the NATO Participation Act of 1994 (title II of Public Law 103-447; 22 U.S.C. 1928 note) is amended to read as follows:

"(a) ESTABLISHMENT OF PROGRAM.—The President shall establish a program to assist countries designated under subsection (d) to facilitate their transition to full NATO membership.".

(b) ELIGIBLE COUNTRIES.—

(1) ELIGIBILITY.—Subsection (d) of section 203 of such Act is amended to read as follows:

"(d) DESIGNATION OF EUROPEAN COUNTRIES EMERGING FROM COMMUNIST DOMINATION AS ELIGIBLE COUNTRIES.—The President shall designate European countries emerging from Communist domination to receive assistance under the program established under subsection (a). The President may make such a designation in the case of any such country only if the President determines, and reports to the designated congressional committees, that such country—

"(1) has made significant progress toward establishing—

"(A) shared values and interests;

"(B) democratic governments;

"(C) free market economies;

"(D) civilian control of the military, of the police, and of intelligence services;

"(E) adherence to the values, principles, and political commitments embodied in the Helsinki Final Act of the Organization for Security and Cooperation in Europe; and

"(F) more transparent defense budgets and is actively participating in the Partnership For Peace defense planning process;

"(2) has made public commitments—

"(A) to further the principles of NATO and to contribute to the security of the North Atlantic area;

"(B) to accept the obligations, responsibilities, and costs of NATO membership; and

"(C) to implement infrastructure development activities that will facilitate participation in and support for NATO military activities;

"(3) is not eligible for assistance under section 563 of Public Law 103-306, with respect to transfers of equipment to a country the government of which the Secretary of State has determined is a terrorist government for purposes of section 40(d) of the Arms Export Control Act.".

"(4) is likely, within 5 years of such determination, to be in a position to further the principles of the North Atlantic Treaty and to contribute to its own security and that of the North Atlantic area.".

(2) CONFORMING AMENDMENTS.—

(A) Subsections (b) and (c) of section 203 of such Act are each amended by striking "countries described in such subsection" and inserting "countries designated under subsection (d)".

(B) Subsection (e) of such section 203 is amended by inserting "(22 U.S.C. 2394)" before the period at the end.

(c) TYPES OF ASSISTANCE.—Section 203(c) of such Act is further amended—

(1) by redesignating paragraphs (1) through (4) as subparagraphs (A) through (D), respectively; and

(2) by inserting after subparagraph (D) (as redesignated) the following new subparagraphs:

"(E) Assistance under chapter 4 of part II of the Foreign Assistance Act of 1961 (relating to the Economic Support Fund).

"(F) Funds appropriated under the 'Nonproliferation and Disarmament Fund' account".

"(G) Assistance appropriated under chapter 6 of part II of the Foreign Assistance Act of 1961 (relating to peacekeeping operations and other programs).".

"(H) Authority for the Department of Defense to pay excess defense article (EDA) PCH&T and costs for countries designated for both grant lethal and non-lethal EDA."

"(I) Authority to convert FMF loans to grants, and vice-versa, for eligible states."

(3) by inserting "(1)" immediately after "TYPE OF ASSISTANCE.—"; and

(4) by adding at the end the following new paragraphs:

"(2) For fiscal years 1996 and 1997, in providing assistance under chapter 5 of part II of the Foreign Assistance Act of 1961 for the countries designated under subsection (d), the President should include as an important component of such assistance the provision of appropriate language training to facilitate participation of military personnel in programs for military training and in defense exchange programs.

"(3) Assistance made available under chapter 5 of part II of the Foreign Assistance Act of 1961 (relating to international military education and training), not less than $5,000,000 for fiscal year 1996 and not less than $5,000,000 for fiscal year 1997 should be available only for—

"(A) the attendance of additional military personnel of countries eligible under section 203(d) of this Act at professional military education institutions in the United States in accordance with section 544 of such Act; and

"(B) the placement and support of United States instructors and experts at military educational centers within the foreign countries designated under subsection (d) that are receiving assistance under that chapter.".

SEC. ___. TERMINATION OF ELIGIBILITY.

Section 203(f) of the NATO Participation Act of 1994 (title II of Public Law 103-447; 22 U.S.C. 1928 note) is amended to read as follows:

"(f) TERMINATION OF ELIGIBILITY.—(1) The eligibility of a country designated under subsection (d) for the program established in subsection (a) shall terminate 60 days after the President makes a certification under paragraph (2).

"(2) Whenever the President determines that the government of a country designated under subsection (d)—

"(A) no longer meets the criteria set forth in subsection (d)(1);

"(B) is hostile to the NATO alliance; or

"(C) poses a national security threat to the United States,

then the President shall so certify to the appropriate congressional committees.".

(3) Nothing in this Act shall affect the eligibility of countries to participate under other provisions of law in programs described in this Act.

(b) CONGRESSIONAL PRIORITY PROCEDURES.—Section 203 of such Act is further amended by adding at the end the following new subsection:

"(g) CONGRESSIONAL PRIORITY PROCEDURES.—

"(1) APPLICABLE PROCEDURES.—A joint resolution described in paragraph (2) which is introduced in a House of Congress after the date on which a certification made under subsection (f)(2) is received by Congress shall be considered in accordance with the procedures set forth in paragraphs (3) through (7) of section 8066(c) of the Department of Defense Appropriations Act, 1985 (as contained in Public Law 98-473 (98 Stat. 1936)), except that—

"(A) references to the 'resolution described in paragraph (1)' shall be deemed to be references to the joint resolution; and

"(B) references to the Committee on Appropriations of the House of Representatives and to the Committee on Appropriations of the Senate shall be deemed to be references to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate.

"(2) TEXT OF JOINT RESOLUTION.—A joint resolution under this paragraph is a joint resolution the matter after the resolving clause of which is as follows: 'That the Congress disapproves the certification submitted by the President on ______ pursuant to section 203(f) of the NATO Participation Act of 1994.'.".

SEC. ___. REPORTS.

(a) ANNUAL REPORT.—Section 206 of the NATO Participation Act of 1994 (title II of Public Law 103-447; 22 U.S.C. 1928 note), as redesignated by section ___(1) of this title, is amended—

(1) by inserting "annual" in the section heading before the first word;

(2) by inserting "annual" after "include in the" in the matter preceding paragraph (1);

(3) in paragraph (1), by striking "Partnership for Peace" and inserting "European"; and

(4) by striking paragraph (2) and inserting the following new paragraph (2):

"(2) In the event that the President determines that as of January 10, 1999, a country, despite a period of transition assistance under this title—

"(A) has applied for and been rejected for NATO membership on the basis of not having fulfilled the criteria set out by the 1995 NATO expansion study; or

"(B) has not yet applied for NATO membership,

the President shall transmit a classified report to the designated congressional committees containing an assessment of the progress made by that country in meeting criteria for membership in NATO.".

SEC. ___. DEFINITIONS.

The NATO Participation Act of 1994 (title II of Public Law 103-447; 22 U.S.C. 1928 note), as amended by this title, is further amended by adding at the end the following new section:

"SEC. 207. DEFINITIONS.

"For purposes of this title:

"(1) NATO.—The term 'NATO' means the North Atlantic Treaty Organization.

"(2) DESIGNATED CONGRESSIONAL COMMITTEES.—The term 'designated congressional committees' means—

"(A) the Committee on International Relations, the Committee on National Security, and the Committee on Appropriations of the House of Representatives; and

"(B) the Committee on Foreign Relations, the Committee on Armed Services, and the Committee on Appropriations of the Senate.

"(3) EUROPEAN COUNTRIES EMERGING FROM COMMUNIST DOMINATION.—The term 'European countries emerging from Communist domination' includes, but is not limited to, Albania, Bulgaria, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Moldova, Poland, Romania, Slovakia, Slovenia, and Ukraine.".

SARBANES (AND LEAHY) AMENDMENT NO. 1970

(Ordered to lie on the table.)

Mr. SARBANES (for himself and Mr. LEAHY) submitted an amendment intended to be proposed by them to the bill, S. 908, supra; as follows:

Beginning on page 210, strike line 4 and all that follows through line 20 on page 215 and insert the following:

TITLE XIV—AGENCY FOR INTERNATIONAL DEVELOPMENT

SEC. 1401. ELIMINATION OF DUPLICATION.

(a) IN GENERAL.—The Secretary of State shall, in consultation with the Administrator of the Agency for International Development, identify and eliminate all duplicative, overlapping, or superfluous personnel, functions, goals, activities, offices, and programs within and between the Department of State and the Agency for International Development.

(b) REPORT.—Not later than March 31, 1996, or 180 days after the date of enactment of this Act, whichever is later, the Secretary of State shall submit a report describing the personnel, functions, goals, activities, offices, and programs identified under subsection (a) to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives, together with proposed legislation if additional statutory authority is required to implement subsection (a). Each report shall also include projected cost savings and personnel reductions to be achieved through implementation of subsection (a).

SEC. 1402. COORDINATION OF PROGRAMS.

(a) INTERNATIONAL COORDINATION AND LEADERSHIP.—The United States shall seek to coordinate its sustainable development programs with other bilateral and multilateral donors, as well as with the private sector, in order to maximize the effectiveness of resources allocated to sustainable development. The United States also should exercise leadership in building the global commitment and cooperation necessary for countries to make significant progress toward the goals adopted at international fora relating to sustainable development.

(b) COORDINATION OF UNITED STATES PROGRAMS AND POLICIES.—The President shall establish a mechanism—

(1) to coordinate, and to eliminate duplication among all United States policies, programs and activities designed to promote sustainable development, including those that are funded or carried out by the United States Agency for International Development, the Department of State, the Department of the Treasury, the Department of Agriculture, the African Development Foundation, the Inter-American Foundation, the Environmental Protection Agency, the Peace Corps, and other involved departments or agencies;

(2) to ensure that United States policies and activities at the international financial institutions and other international organizations engaged in development activities are consistent and complementary with sustainable development; and

(3) to ensure that United States policies, programs and activities designed to promote growth through trade and investment, such as the Overseas Private Investment Corporation, the Trade and Development Agency, and the Export-Import Bank of the United States, are consistent and complementary with those purposes.

(c) REPORT.—Not later than 6 months after the date of enactment of this Act, and not later than March 1 of each year thereafter, the President shall submit to the appropriate congressional committees a report explaining the way in which the responsibilities for programs are delineated and coordinated among the various agencies and departments described under subsection (b), and the way in which duplication and waste will be avoided.

SEC. 1403. REFORM AND STREAMLINING OF GOALS AND PURPOSES.

(a) REPEALS.—The following provisions of the Foreign Assistance Act of 1961 are repealed: Sections 102, 103, 103A, 104 (a)-(e) and (g), 105, 106, 113, 117 (a) and (b), 118, 119, 120, 125, 128, 206, 219, 241, and 281.

(b) SUSTAINABLE DEVELOPMENT PROGRAM.—Section 101 of the Foreign Assistance Act of 1961 (22 U.S.C. 2151) is amended to read as follows:

"SEC. 101. SUSTAINABLE DEVELOPMENT PROGRAMS.

"(a) IN GENERAL.—The promotion of sustainable development at home and abroad is in the long-term interests of the United States. Sustainable development means broad-based economic growth that protects the environment, enhances human capabilities, upholds human rights and democratic values, and improves the quality of life for current generations while preserving that opportunity for future generations.

"(b) PURPOSE.—The ultimate purpose of programs under this chapter is to enable the poorest countries and people of the world to provide for their own economic security without further outside assistance. This purpose is pursued internationally by supporting the self-help efforts of people in developing countries—

"(1) to implement sound policies that increase self-reliance, equity, and productive capacity;

"(2) to invest in developing their human resources; and

"(3) to build effective and accountable indigenous political, economic, and social institutions.

"(c) PROGRAMS.—The President is authorized to provide assistance under this chapter of the following five interrelated types:

"(1) ENCOURAGING BROAD-BASED ECONOMIC GROWTH.—

"(A) RATIONALE.—Broad-based economic growth means equitable and inclusive economic expansion in developing countries. Such growth is in the economic, political, and strategic interests of the United States because it permits countries to progress toward economic self-reliance, improve the living standards of their citizens, reduce the incidence of poverty, promote food security and nutritional well-being, slow population growth, and increase opportunities for mutually beneficial international trade and investment. Broad-based economic growth also improves the prospects for the spread of democracy and political pluralism.

"(B) MEANS.—Broad-based economic growth requires, in addition to sound economic policies—

"(i) a broader role for and access to markets for both women and men through improved policies that protect and advance economic rights for all citizens without regard to gender, race, religion, language or social status, that increase self-reliance in meeting basic needs, and that raise real incomes for poor people;

"(ii) stronger and more accountable public and private institutions at the local and national level, and sound public investments;

"(iii) enhanced food security, including improved access to safe food and adequate nutrition through sustainable improvements in and expansion of local, small-scale, food-based agriculture and post-harvest food preservation;

"(iv) sound debt management, including debt relief as appropriate;

"(v) investments in people's productive capabilities, including measures to upgrade technical and managerial knowledge and skills;

"(vi) measures to ensure that the poor, especially women, have improved access to productive resources (including credit for microenterprise initiatives, technical training and market-related information, affordable and resource-conserving technologies, and land) and that they participate fully in the benefits of growth in employment and income; and

"(vii) sustainable improvements to agriculture, through support for agricultural research, provision of appropriate technology, outreach to farmers, and improvement of marketing, storage and transportation systems.

"(2) PROTECTING THE GLOBAL ENVIRONMENT.—

"(A) RATIONALE.—The economic and social well-being and the security of the United States, indeed the health of United States citizens and of the entire world community, depend critically on the global environment and natural resource base. Consumption patterns, systems of industrial and agricultural production, demographic trends, and the use of natural resources directly affect the sustainability of long-term development and growth and the integrity of the ecosystem. Development that does not take account of its environmental consequences will not be economically sustainable. Improved resource management is a critical element of a balanced pattern of development. Both developed and developing countries share responsibility to present and future generations for the rational and sustainable management of natural resources and for environmental protection. The industrialization and consumption patterns of developed countries often impose heavy environmental costs worldwide. Developing countries, which are the stewards of most of the world's biological diversity, not only suffer disproportionately from the consequences of environmental degradation, but also contribute to that degradation as they struggle to meet the basic needs of their people. Therefore, environmental sustainability cannot be secured without reducing poverty, nor can poverty be eliminated without sustainable management of the natural resource base.

"(B) MEANS.—Protecting the global environment requires addressing the root causes of environmental harm, promoting environmentally-sound patterns of growth and supporting improved management of natural resources. These activities shall include efforts to address urgent global environmental problems, including the loss of biological diversity and global climate change, as well as efforts to address significant environmental problems within countries and regions. Such efforts shall seek to promote sound environmental policies and practices and development that is environmentally, socially and culturally sound over the longer-term, including programs for natural resources conservation, protection of threatened and endangered species, preservation of ecosystems and natural habitats, non-polluting methods of agricultural and industrial production, preparation of environmental impact assessments, improved energy efficiency, better resource management and monitoring, and reduction and safe disposal of wastes.

"(3) SUPPORTING DEMOCRATIC PARTICIPATION.—

"(A) RATIONALE.—It is in the national interest of the United States and in keeping with United States democratic traditions to support democratic aspirations and values, foster the spread of enduring democratic institutions, and encourage universal respect for civil and human rights. The strengthening of civil society and non-governmental institutions, including business associations and labor unions, that encourage broad participation and protect human rights is an essential element of the ability of nations to sustain development efforts.

"(B) MEANS.—Programs to support democratic participation must help to build and strengthen organizations and institutions that foster inclusion in economic and political decision-making at the local and national levels. Such programs shall include those that promote respect for human rights and the rule of law; an expanding role for nongovernmental and citizens' organizations and their capacity to effectively participate in political and economic decision-making and to implement development programs; enhanced citizen access to public information; the ability of all citizens to choose freely their government and to hold that government accountable for its actions; advancement of legal, social, and economic equality for women, workers, and minorities, including the elimination of all forms of violence against women and expanded opportunities for persons with disabilities; and strengthened principles of tolerance among and within religious and ethnic groups.

"(4) STABILIZING WORLD POPULATION AND PROMOTING REPRODUCTIVE HEALTH.—

"(A) RATIONALE.—Many individuals still do not have access to the means to determine the number and spacing of their children. Rapid population growth, among other factors, aggravates poor health, perpetuates poverty, and inhibits saving and investment, particularly investments in people in the form of basic health and education services. Continued rapid growth in world population will undercut sustainable development efforts. Unsustainable population growth is directly tied to degradation of the natural resource base and the environment and contributes to economic stagnation and political instability. The problems associated with rapid population growth are interrelated with economic and social inequities, particularly the low status of women, and patterns of resource consumption. Rapid population growth impedes development and retards progress on global issues of direct concern to the United States.

"(B) MEANS.—The primary means to stabilize population at levels that are consistent with sustainable, broadly-based development and with recognized standards of human rights, are to provide women and men with the means to freely and responsibly choose the number and spacing of their children, and to contribute to improved reproductive health. This calls for a focus on enhanced access to and improved quality of voluntary family planning services and reproductive health care. Such efforts should be complemented by programs carried out in accordance with paragraphs (1) and (5) to improve female education, raise the economic and social status of women, and increase infant and child survival rates.

"(5) DEVELOPING HUMAN RESOURCES.—

"(A) RATIONALE.—Reducing the worst manifestations of poverty through the development of human resource capacity is essential to long-term peace and international stability. Individuals, communities, and nations cannot be fully productive when impaired by disease, illiteracy, and hunger resulting from the neglect of human resources. While broad-based economic growth is necessary for the reduction of the worst manifestations of poverty, such growth cannot be sustained unless all people, and especially women, have the basic assets and capabilities that foster the opportunity for participation in the economic, social and political life of their country.

"(B) MEANS.—To reduce the worst manifestations of poverty, sustainable development programs must develop human resources by securing universal access to adequate food, safe drinking water, basic sanitation, and basic shelter; expanding education to all segments of society, with emphasis on basic education and particular attention to equalizing male and female literacy and schooling; providing equal access to credit; improving the coverage, quality and sustainability of basic health services; preventing the spread of HIV/AIDS and other communicable diseases; reducing substantially undernutrition and malnutrition through expanded nutrition education and food safety measures, promotion of breast-feeding and sound weaning practices, and micronutrient therapies targeted at vitamin and mineral deficiencies; and investing in the well-being of children through improved and expanded immunization programs, oral rehydration to combat diarrheal diseases, education programs aimed at improving child survival and child welfare and promoting child spacing.

"(d) CROSS-CUTTING PRINCIPLES.—Sustainable development programs authorized by this chapter shall be carried out in accordance with the following cross-cutting principles:

"(1) POPULAR PARTICIPATION.—

"(A) IN GENERAL.—The success of sustainable development depends on the participation of targeted communities in the identification, design, implementation, and evaluation of projects, programs, and assistance strategies and overall strategic objectives. To be effective, such participation must incorporate the local-level perspectives of traditionally underserved populations and communities, including women, persons with disabilities, ethnic and religious minorities, indigenous peoples, and the rural and urban poor.

"(B) NONGOVERNMENTAL ORGANIZATIONS.—Incorporation of local perspectives requires effective consultation and coordination with nongovernmental organizations, including private and voluntary organizations, cooperatives and credit unions, labor unions, private sector businesses and trade associations, women's groups, educational institutions, and indigenous local organizations which represent and are knowledgeable about local people. Effective consultation and coordination requires the involvement of such organizations in the formulation of development strategies for specific countries and sectors, the development of procedures and regulations governing the implementation of programs, and the evaluation and monitoring of programs.

"(C) UTILIZATION OF UNITED STATES INSTITUTIONAL CAPABILITIES.—United States institutions such as public and private institutions of science, technology, business, and education can provide a unique contribution to sustainable development programs. Programs undertaken to achieve the sustainable development purposes of this title bring greater mutual benefit by recognizing and taking advantage of: United States capabilities in science and technology; access to education and training in United States colleges, universities, and technical training facilities; private sector entrepreneurial skills; and United States public sector expertise. This may be encouraged through long-term collaboration between public and private institutions of science, technology, business, and education in the United States and developing countries and emerging democracies.

"(2) Role of women.—

"(A) In general.—Women play central and productive roles throughout the world in the well-being of nations, communities and families. Recognizing women's contributions and incorporating their perspectives, knowledge and experience is critical in developing global strategies for promoting peace, prosperity and democracy.

"(B) Empowerment of women.—To be sustainable, development must foster the economic, political and social empowerment of women. Expanding opportunities for women is essential to reducing poverty, improving health, slowing population growth and environmental degradation, and achieving sustainable development. For this to occur, women must have full and equitable access to productive resources: credit, land, technology, agricultural extension and marketing services, training and other forms of assistance. Increased female education further empowers women by allowing their effective participation in the development process. Therefore, United States sustainable development policies and programs must be designed and implemented to fully integrate women as agents and beneficiaries.

"(3) Managing for results.—

"(A) In general.—Assistance cannot substitute for a developing country's own efforts to improve the lives of its people, nor can the United States afford to provide assistance which does not yield enduring results in terms of improving the lives of the poor, encouraging a stable and prosperous global order, and contributing to the interests of the people of the United States.

"(B) Country requirements.—Targeting assistance toward countries that have demonstrated a need for such programs, that will make effective use of such programs, and that have a commitment to achieving the sustainable development purposes described in this title ensures the most effective use of scarce foreign aid resources. Indicators of such countries include the extent to which: there is a high incidence of hunger and poverty, there is an enabling environment in which government economic policies are conducive to accomplishing those sustainable development purposes, government decisionmaking is transparent, government institutions are accountable to the public, an independent and honest judiciary is maintained, local government bodies are democratically elected, and political parties, nongovernmental organizations and the media operate without undue constraints.

"(C) Measuring results.—Assistance under this part requires the commitment and progress of countries in moving toward the purpose of sustainable development described in subsection (b), while recognizing the long-term nature of development processes and the difficulty of selecting reliable and meaningful indicators of success. Through the establishment of open and transparent systems to monitor the results of assistance programs the United States will assess the effectiveness of its programs and shift scarce resources from unproductive programs, sectors or countries to those which have demonstrated the commitment and ability to use them effectively.".

(c) Effective Date.—The repeals made by subsection (a) and the amendment made by subsection (b) shall take effect on October 1, 1995.

On page 222, strike lines 3 through 7.

On page 222, strike lines 17 through 23.

On page 224, strike lines 6 through 12.

Beginning on page 232, strike line 16 and all that follows through line 21 on page 236.

Beginning on page 264, line 26, strike ", the United" and all that follows through the period on line 2 of page 265 and insert "and the United States Information Agency.".

On page 266, strike lines 1 through 3.

On page 266, strike lines 17 through 20.

On page 267, strike lines 4 through 7.

On page 26, line 9, insert "and" after "Service;".

On page 26, line 12, strike "; and" and insert a period.

On page 26, strike lines 13 through 15.

On page 26, line 21, insert "and" after "Service;".

On page 26, line 24, strike "; and" and insert a period.

On page 27, strike lines 1 through 3.

On page 105, strike lines 17 through 25.

On page 126, beginning on line 22, strike "the United" and all that follows through "Development" on line 24 and insert "and the United States Information Agency".

SARBANES AMENDMENT NO. 1971

(Ordered to lie on the table.)

Mr. SARBANES submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

On page 29, at the end of line 5 insert the following:

(g) Waiver Authority.—(1) Subject to paragraph (2), the President may waive any limitation under subsections (a) through (d) to the extent that such waiver is necessary to carry on the foreign affairs functions of the United States.

(2) Not less than 15 days before the President exercises a waiver under paragraph (1), the appropriate agency head shall notify the Committee on Foreign Relations of the Senate and Committee on International Relations of the House of Representatives. Such notice shall include an explanation of the circumstances and necessity for such waiver.

SARBANES AMENDMENT NO. 1972

(Ordered to lie on the table.)

Mr. SARBANES submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

On page 32, line 16, insert after "separation" the following: "or other appropriate administrative action".

DODD AMENDMENT NO. 1973

(Ordered to lie on the table.)

Mr. DODD submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

At the appropriate place in the bill add the following new section:

Sec. . Sec. 136 of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991, as amended, is further amended by striking subsection (c)(4) and inserting in lieu thereof:

"(c)(4) American companies may bid on solicitations for Embassy guard forces in dollars, and if successful, such companies may elect to be paid in dollars at their discretion."

DODD (AND LEAHY) AMENDMENT NO. 1974

(Ordered to lie on the table.)

Mr. DODD (for himself and Mr. Leahy) submitted an amendment intended to be proposed by them to the bill, S. 908, supra; as follows:

At the appropriate place in the bill add the following new section:

Sec. . (a) Notwithstanding any other provision of law, no assistance shall be provided to the government of Guatemala pursuant to this Act or any other Act until the President certifies—

(1) That the President of Guatemala and the Guatemalan Armed Forces are fully cooperating with efforts—

(A) By Jennifer Harbury to exhume the body of her husband, Efrain Bamaca Velasquez and to pursue other judicial means for bringing to justice those responsible for the death of Efrain Bamaca Velasquez;

(B) By the family of U.S. citizen Michael Devine, who was murdered in 1990, to bring to justice those responsible for the murder or coverup of the murder; and

(C) By human rights organizations and the Guatemalan Attorney General to investigate and bring to justice those involved in the prominent human rights cases that were enumerated in the April 7, 1995 letter to President Clinton by twelve members of the Senate; and

(2) That the U.S. Representative to the United Nations Human Rights Commission has sought the appointment of a Special United Nations Rappatour for Guatemala, and that the Government of Guatemala has stated publicly that it will fully cooperate with the work of any U.N. appointed Special Rapporteur.

(b) Exceptions. Notwithstanding subsection (a) of this section the President may provide assistance to the United Nations Human Rights verification mission to Guatemala, to nongovernmental human rights organizations working in Guatemala, to nongovernmental organizations working in support of the Guatemalan Peace Process, and for programs in support of primary health care and basic education programs in Guatemala where such programs are delivered through nongovernmental organizations.

DODD AMENDMENT NO. 1975

(Ordered to lie on the table.)

Mr. DODD submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

On page 83, beginning on line 20, strike all through line 2 on page 84, and insert in lieu thereof the following:

(1) Findings.—(a) the establishment of an international criminal court with jurisdiction over crimes of an international character would greatly strengthen the international rule of law;

(b) such a court would thereby serve the interests of the United States and the world community.

(2) Authorization.—The Secretary of State is authorized to instruct the United States delegation to make every effort to advance this proposal at the United Nations.

DODD AMENDMENT NO. 1976

(Ordered to lie on the table.)

Mr. DODD submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

On page 109 line 13, strike all after the word "issued" through the period on line 14, and insert in lieu thereof the following:

"only if the Secretary of Treasury is able to certify to the Congress that the United States Government has sufficient frozen Iraqi assets under its control to ensure that all U.S. claims against Iraq can be fully compensated."

KENNEDY (AND OTHERS) AMENDMENT NO. 1977

Mr. KENNEDY (for himself, Mr. WELLSTONE, and Mr. HARKIN) proposed an amendment to the bill S. 908, supra; as follows:

At the appropriate place in the bill, insert the following new section:

SEC. .

It is the sense of the Senate that:

(1) the current economic recovery has generated record profits for industry, but hourly wages have grown at a below average rate;

(2) the minimum wage has not been raised since April 1, 1991, and has lost more than 10% of its purchasing power since then;

(3) the average minimum wage worker provides 50% of her family's weekly earnings;

(4) nearly two-thirds of minimum wage workers are adults, and 60% are women;

(5) a full-time, year-round worker who is paid the minimum wage earns $8,500 a year, less than a poverty level income for a family of two;

(6) there are 4.7 million Americans who usually work full-time but who are, nevertheless, in poverty, and 4.2 million families live in poverty despite having one or more members in the labor force for at least half the year;

(7) the 30% decline in the value of the minimum wage since 1979 has contributed to Americans' growing income inequality and to the fact that 97% of the growth in household income has accrued to the wealthiest 20%;

(8) legislation to raise the minimum wage to $5.15 an hour was introduced on February 14, 1995, but has not been debated by the Senate; and

(9) the Senate should debate and vote on whether to raise the minimum wage before the end of the first session of the 104th Congress."

BROWN AMENDMENT NO. 1978

(Ordered to lie on the table.)

Mr. BROWN submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

At the appropriate place in the bill, add the following new section:

"SEC. .WARM PEACE WITH ISRAEL.

(a) FINDINGS.

(1) the United States Congress approved a free trade agreement with Israel on April 29, 1985;

(2) the free trade agreement with Israel was designed to increase U.S. economic ties with Israel;

(3) the goal of U.S. policy in the Middle East is to achieve a lasting peace that brings economic integration and development in the region;

(4) economic integration and development in the Middle East can only be achieved through a "warm" peace in which diplomats are exchanged, the Arab boycott of Israel has been eliminated, close cooperation between Israel and her neighbors to combat terrorism and international criminal activity has been established, mutual security agreements have been concluded and agreements have been reached that mutually reduce barriers to the free flow of goods, people and ideas;

(5) a "warm" peace in the Middle East between Israel and her neighbors should be based upon trade and expanding economic development;

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the President should:

(1) expand the United States' free trade agreement with Israel to include those countries who sustain a "warm" peace with Israel;

(2) prior to such expansion and yearly thereafter, certify to the Congress that such country or countries have entered into a "warm" peace that includes—

(i) The recognition of Israel and establishment of full diplomatic relations with Israel, including the exchange of ambassadors;

(ii) Eliminating all levels of the Arab boycott of Israel;

(iii) A commitment to a quick response to condemn and punish terrorist acts and those who perpetrate them;

(iv) Working closely with Israel to remove havens for terorists;

(v) Mutual security agreements with Israel;

(vi) Agreements with Israel on reciprocal treatment of criminals;

(vii) Agreements with Israel which ensure the mutual reduction of barriers to the free flow of goods, people and ideas.

(3) Not extend any preferences or trade inducements to a country that is a state-sponsor of terrorism.

BROWN AMENDMENT NO. 1979

(Ordered to lie on the table)

Mr. BROWN submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

At the appropriate place in the bill, add the following new section:

SEC. . STATE DEPARTMENT ASSISTANT SECRETARIES

The State Department is hereby authorized sixteen (16) assistant secretaries.

McCAIN AMENDMENT NO. 1980

(Ordered to lie on the table)

Mr. McCAIN submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

At the appropriate place in the bill, insert the following new section:

SEC. . It is the Sense of the Senate that the President of the United States should insist on the full compliance of the Russian Federation with the terms of the Treaty on Conventional Armed Forces in Europe and should reject offers by the Russian Federation to renegotiate, or otherwise change the terms of the treaty.

McCAIN AMENDMENT NO. 1981

(Ordered to lie on the table)

Mr. McCAIN submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

At the appropriate place in the bill, insert the following new section:

INTERNATIONAL EXECUTIVE SERVICE CORPS

SEC. No agency or department of the federal government authorized under this act to administer foreign assistance may fund any product or activity of the International Executive Services Corps if such project or activity would provide services to an organization that, in the judgment of the administrator of such assistance, is capable of obtaining the same or similar services without such assistance and without significant financial burden to that organization.

McCAIN AMENDMENT NO. 1982

(Ordered to lie on the table)

Mr. McCAIN submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

On page 124, below line 20, add the following:

SEC. 618. IRAN AND IRAQ ARMS NON-PROLIFERATION.

(a) CLARIFICATION OF POLICY.—Section 1602(a) of the Iran-Iraq Arms Non-Proliferation Act of 1992 (title XVI of Public Law 102–484; 50 U.S.C. 1701 note) is amended by striking out "chemical, biological, nuclear," and inserting in lieu thereof "weapons of mass destruction".

(b) SANCTIONS AGAINST IRAN.—Section 1603 of such Act is amended by striking out "paragraphs (1) through (4)" and inserting in lieu thereof "paragraphs (1) through (8)".

(c) SANCTIONS AGAINST CERTAIN PERSONS.—(1) Subsection (a) of section 1604 of such Act is amended by inserting "to acquire weapons of mass destruction, or the means of their delivery, or" before "to acquire".

(2) Subsection (b) of such section 1604 is amended—

(A) in paragraph (1), by inserting ", and shall provide for the expeditious termination of any current contract for goods or services," after "goods or services";

(B) in paragraph (2), by inserting ", and shall revoke any license issued," after "shall not issue"; and

(C) by adding at the end the following new paragraphs:

"(3) MIGRATION SANCTION.—

"(A) INDIVIDUALS.—The sanctioned person shall be ineligible to receive a visa for entry into the United States and shall be excluded from admission into the United States.

"(B) CORPORATIONS.—In the case of a sanctioned person that is a corporation, partnership, or other form of association, the officers, directors, employees, and agents of the corporation, partnership, or association shall be ineligible to receive a visa for entry into the United States and shall be excluded from admission into the United States.

"(4) FINANCIAL INSTITUTIONS.—The President shall by order prohibit any depository institution that is chartered by, or that has its principal place of business within, a State, the District of Columbia, or the United States from making any loan or providing any credit to the sanctioned person, except for loans or credits for the purpose of purchasing food or other agricultural commodities.

"(5) TRANSITING UNITED STATES TERRITORY.—(A) Notwithstanding any other provision of law (other than a treaty or other international agreement), no sanctioned person, no item which is the product or manufacture of the sanctioned person, and no technology developed by the sanctioned person may transit any territory subject to the jurisdiction of the United States.

"(B) The Secretary of Transportation may provide for such exceptions from this paragraph as the Secretary considers necessary to provide for emergencies in which the safety of an aircraft or a vessel, or its crew or passengers, is threatened.".

(3) Such section 1604 is further amended by adding at the end the following new subsection:

"(c) EXCEPTIONS.—The sanction described in subsection (b)(1) shall not apply in the case of procurement of defense articles or defense services—

"(1) under existing contracts or subcontracts, including the exercise of options for production quantities to satisfy operational military requirements essential to the national security of the United States;

"(2) if the President determines that the person or other entity to which the sanctions would otherwise be applied is a sole source supplier of the defense articles or services, that the defense articles or services are essential, and that alternative sources are not readily or reasonably available; or

"(3) if the President determines that such articles or services are essential to the national security under defense coproduction agreements.".

(d) Sanctions Against Foreign Countries.—(1) Subsection (a) of section 1605 of such Act is amended by inserting "to acquire weapons of mass destruction, or the means of their delivery, or" before "to acquire".

(2) Subsection (b) of such section 1605 is amended by adding at the end the following new paragraph:

"(6) Additional sanctions.—The sanctions against Iraq specified in paragraphs (1), (3), (4), (6), and (7) of section 586G(a) of the Iraq Sanctions Act of 1990 (50 U.S.C. 1701 note) shall be applied to the same extent and in the same manner with respect to a sanctioned country.".

(3) Such section 1605 is further amended—

(A) in subsection (a)(2), by striking out "the sanction" and inserting in lieu thereof "the sanctions"; and

(B) by striking out subsection (c) and inserting in lieu thereof the following new subsection (c):

"(c) Discretionary Sanctions.—The sanctions referred to in subsection (a)(2) are as follows:

"(1) Use of authorities of International Emergency Economic Powers Act.—

"(A) In general.—Except as provided in subparagraph (B), the President may exercise, in accordance with the provisions of that Act, the authorities of the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) with respect to the sanctioned country.

"(B) Exception.—Subparagraph (A) does not apply with respect to urgent humanitarian assistance.

"(2) Prohibition on vessels that enter ports of sanctioned countries to engage in trade.—

"(A) In general.—Beginning on the 10th day after a sanction is imposed under this title against a country, a vessel which enters a port or place in the sanctioned country to engage in the trade of goods or services may not, if the President so requires, within 180 days after departure from such port or place in the sanctioned country, load or unload any freight at any place in the United States.

"(B) Definition.—As used in this paragraph, the term 'vessel' includes every description of water craft or other contrivance used, or capable of being used, as a means of transportation in water, but does not include aircraft.

"(3) Presidential action regarding aviation.—(A)(i) The President may notify the government of the sanctioned country of his intention to suspend the authority of foreign air carriers owned or controlled by the government of that country to engage in foreign air transportation to or from the United States.

"(ii) The President may direct the Secretary of Transportation to suspend at the earliest possible date the authority of any foreign air carrier owned or controlled, directly or indirectly, by that government to engage in foreign air transportation to or from the United States, notwithstanding any agreement relating to air services.

"(B)(i) The President may direct the Secretary of State to terminate any air service agreement between the United States and the sanctioned country in accordance with the provisions of that agreement.

"(ii) Upon termination of an agreement under this subparagraph, the Secretary of Transportation shall take such steps as may be necessary to revoke at the earliest possible date the right of any foreign air carrier owned, or controlled, directly or indirectly, by the government of that country to engage in foreign air transportation to or from the United States.

"(C) The President shall direct the Secretary of Transportation to provide for such exceptions from this paragraph as the President considers necessary to provide for emergencies in which the safety of an aircraft or its crew or passengers is threatened.

"(D) For purposes of this paragraph, the terms 'air carrier', 'air transportation', 'aircraft', and 'foreign air carrier' have the meanings given such terms in paragraphs (2), (5), (6), and (21) of section 40102 of title 49, United States Code, respectively.".

(4) Such section 1605 is further amended by adding at the end the following new subsection:

"(d) Sanction for Assisting Iran in Improving Rocket or Other Weapons Capability.—The sanction set forth in section 586I(a) of the Iraq Sanctions Act of 1990 (50 U.S.C. 1701 note) against governments that assist Iraq in improving its rocket technology or weapons of mass destruction capability shall be applied to the same extent and in the same manner with respect to governments that so assist Iran.".

(e) Termination of Sanctions Against Certain Persons.—Such Act is further amended—

(1) in section 1604(b)—

(A) by striking out "The sanctions" in the matter preceding paragraph (1) and inserting in lieu thereof "Subject to section 1606A, the sanctions"; and

(B) by striking out "For a period of two years, the United States" in paragraphs (1) and (2) and inserting in lieu thereof "The United States";

(2) in section 1605—

(A) by striking out "If" in subsection (a) and inserting in lieu thereof "Subject to section 1606A, if"; and

(B) in subsection (b)—

(i) by striking out ", for a period of one year," in paragraphs (1), (3), and (4);

(ii) by striking out "for a period of one year," in paragraph (2);

(iii) by striking out "during that period" in paragraph (4); and

(iv) by striking out "for a period of one year" in paragraph (5); and

(3) by inserting after section 1606 the following new section:

"SEC. 1606A. TERMINATION OF SANCTIONS.

"Except as otherwise provided in this title, the sanctions imposed pursuant to section 1604(a) or 1605(a) shall cease to apply to a sanctioned person or government 30 days after the President certifies to the Congress that reliable information indicates that the sanctioned person or government, as the case may be, has ceased to violate this title.".

(f) Waiver.—Section 1606 of such Act is amended by striking out "or 1605(b)" and inserting in lieu thereof "1605(b), or 1605(d)".

(g) Rules and Regulations.—Such Act is further amended by adding after section 1607 the following new section:

"SEC. 1607A. RULES AND REGULATIONS.

"The President may prescribe such rules and regulations as the President requires to carry out this title.".

(h) Definitions.—Section 1608 of such Act is amended—

(1) in paragraph (1)—

(A) by inserting "naval vessels with offensive capabilities," after "advanced military aircraft," in subparagraph (A); and

(B) by striking out "or enhance offensive capabilities in destabilizing ways" each place it appears and inserting in lieu thereof ", enhance offensive capabilities in destabilizing ways, or threaten international shipping";

(2) in paragraph (7), by striking out subparagraph (A) and inserting in lieu thereof the following new subparagraph (A):

"(A) any assistance under the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), other than urgent humanitarian assistance or medicine;"; and

(3) by adding at the end the following:

"(8) The term 'goods or technology' includes any item of the type that is listed on the Nuclear Referral List under section 309(c) of the Nuclear Non-Proliferation Act of 1978, the United States Munitions List (established in section 38 of the Arms Export Control Act), or the MTCR Annex (as defined in section 74(4) of the Arms Export Control Act) or any item that is subject to licensing by the Nuclear Regulatory Commission.

"(9) The term 'United States' includes territories and possessions of the United States and the customs waters of the United States, as defined in section 401 of the Tariff Act of 1930 (19 U.S.C. 1401).

"(10) The term 'weapons of mass destruction' includes nuclear, chemical, and biological weapons.".

(i) Technical Amendments.—Such Act is further amended—

(1) in section 1606, by striking out "the Committees on Armed Services and Foreign Affairs of the House of Representatives" and inserting in lieu thereof "the Committees on National Security and International Relations of the House of Representatives "; and

(2) in section 1607, by striking out "the Committees on Armed Services and Foreign Affairs of the House of Representatives" each place it appears in subsections (a) and (b) and inserting in lieu thereof "the Committees on National Security and International Relations of the House of Representatives".

(j) Revision of Foreign Assistance Act of 1961.—Section 498A(b)(3) of the Foreign Assistance Act of 1961 (22 U.S.C. 2295a(b)(3)) is amended by inserting "and notwithstanding the compliance of such state with international agreements relating to weapons of mass destruction," before "knowingly transferred" in the matter preceding subparagraph (A).

(k) Revision of Iraq Sanctions Act of 1990.—Section 586I(a) of the Iraq Sanctions Act of 1990 (50 U.S.C. 1701 note) is amended by striking out "or chemical, biological, or nuclear weapons capability" and inserting in lieu thereof "its chemical, biological, or nuclear weapons capability, or its acquisition of destabilizing numbers and types of advanced conventional weapons".

McCAIN AMENDMENT NO. 1983

(Ordered to lie on the table.)

Mr. McCAIN submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

On page 91, between lines 4 and 5, insert the following:

SEC. 319. LIMITATION REGARDING ASSISTANCE FOR INTERNATIONAL EXECUTIVE SERVICE CORPS.

No department or agency of the Federal Government administering assistance programs for which appropriations are authorized under this Act may provide financial assistance for any project or activity of the International Executive Service Corps if such project or activity would provide services to an organization that, in the judgment of the administrator of such assistance, is capable of obtaining the same or similar services without such assistance and without significant financial burden to that organization.

McCAIN AMENDMENT NO. 1984

(Ordered to lie on the table.)

Mr. McCAIN submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

On page 124, after line 20, insert the following:

SEC. 618. SENSE OF THE SENATE ON RUSSIAN COMPLIANCE WITH THE TREATY ON CONVENTIONAL ARMED FORCES IN EUROPE.

It is the sense of the Senate that the President should insist on the full compliance of the Russian Federation with the terms of the Treaty on Conventional Armed Forces in Europe and should reject offers by the Russian Federation to renegotiate or otherwise change the terms of the treaty.

DOLE AMENDMENT NO. 1985

(Ordered to lie on the table.)

Mr. DOLE submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

At the appropriate place in the bill, insert the following new section:

SEC. . POLICY ON THE EXTENDED SUSPENSION AND TERMINATION OF SANCTIONS AGAINST SERBIA AND MONTENEGRO.

It is the policy of the United States that prior to the termination of the United States sanctions against Serbia and Montenegro or the suspension of sanctions for a period longer than 90 days against Serbia and Montenegro—

(1) The repression of ethnic Albanians must be halted and full civil and human rights must be restored to the people of Kosova, and international human rights observers must be permitted to enter Kosova to monitor the civil and human rights of the majority Albanian population in Kosova.

(2) The elected parliament of Kosova must be permitted to freely assemble and the people of Kosova must be permitted to exercise their right to self-governance and self-determination;

(3) There should be no final settlement with respect to the former Yugoslavia without the full participation of Albanian representatives from Kosova in the negotiations.

(4) The Federal Republic of Yugoslavia (consisting of Serbia and Montenegro) must halt all forms of support, including manpower, arms, fuel, financial subsidies and military material, for separatist Serb militants and their leaders in Bosnia and Herzegovina and Croatia;

(5) The Federal Republic of Yugoslavia must recognize the independent governments and the territorial integrity of the Republics of Bosnia and Herzegovina and Croatia.

SEC. . RESTRICTIONS ON THE TERMINATION OF SANCTIONS AGAINST SERBIA AND MONTENEGRO.

(a) RESTRICTIONS.—No sanction prohibition or requirement under section 1511 of the National Defense Authorization Act for fiscal year 1994 (Public Law 103–160) may cease to be effective unless a certification is made as provided in subsection (b):

(b) CERTIFICATION.—A certification described in this subsection is a certification effective for a period not more than ninety days and provided by the President to Congress of his determination that:

(1) systematic violations of the civil and human rights of the people of Kosova, including institutionalized discrimination and structural repression, have ended;

(2) the elected government of Kosova is exercising its legitimate right to democratic self-government;

(3) monitors from the Organization for Security and Cooperation in Europe, other human rights monitors, and U.S. and international relief officials are free to operate in Kosova, and enjoy the full cooperation and support of local authorities;

(4) the political autonomy of Kosova, as exercised prior to 1981 under the 1974 Constitution of the Socialist Federal Republic of Yugoslavia, has been restored as a first step toward self-determination;

(5) full civil and human rights have been restored to ethnic non-Serbs in Serbia, including the Sandjak and Vojvodina;

(6) the Federal Republic of Yugoslavia has halted aggression against the Republics of Bosnia and Herzegovina and Croatia;

(7) the Federal Republic of Yugoslavia has terminated all forms of support, including manpower, arms, fuel, financial subsidies, and war material, by land or air, for Serbian separatist militants and their leaders in the Republics of Bosnia and Herzegovina and Croatia;

(8) the Federal Republic of Yugoslavia has terminated all forms of support for the control and occupation by Serbian forces of any and all regions within the sovereign territories of the Republics of Bosnia and Herzegovina and Croatia;

(9) the Federal Republic of Yugoslavia has terminated all contacts between its political and military leadership and those of the Serbian separatist militants in the Republic of Bosnia and Herzegovina and the Republic of Croatia;

(10) the Federal Republic of Yugoslavia has extended full respect for the territorial integrity and independence of the Republic of Bosnia and Herzegovina, and the Republic of Croatia, and the former Yugoslav Republic of Macedonia;

(11) the Federal Republic of Yugoslavia has cooperated fully with the United Nations War Crimes Tribunal, including by surrendering all available and requested evidence and those indicated individuals who are residing in the territory of Serbia and Montenegro.

SEC. . TECHNICAL AMENDMENT.

Section 1511 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160) is amended by striking subsection (e) of that section.

SEC. . REPORTING REQUIREMENT.

Not later than 60 days after the date of enactment of this Act, the President of the United States shall prepare and submit to the President Pro Tempore of the Senate and the Speaker of the House a detailed report on—

(1) the systematic human rights violations against the ethnic Albanian majority living in Kosova, to include reports of "ethnic cleansing;"

(2) the nature and extent of the Federal Republic of Yugoslavia's support for Serb militant separatists and their leaders in the Republic of Bosnia and Herzegovina and the Republic of Croatia, to include fuel, financial subsidies, arms, and war material, as well as the means by which these are being provided.

(3) the nature and extent of contacts between the Federal Republic of Yugoslavia's political and military leadership and the leaders of the Serb militant separatists in the Republic of Bosnia and Herzegovina and the Republic of Croatia.

SARBANES AMENDMENTS NOS. 1986–1987

(Ordered to lie on the table.)

Mr. SARBANES submitted two amendments intended to be proposed by him to the bill, S. 908, supra; as follows:

AMENDMENT NO. 1986

Beginning on page 232, strike line 16 and all that follows through line 21 on page 236.

AMENDMENT NO. 1987

On page 222, strike lines 3 through 7.

SARBANES (AND LEAHY) AMENDMENT NO. 1988

(Ordered to lie on the table.)

Mr. SARBANES (for himself and Mr. LEAHY) submitted an amendment intended to be proposed by them to the bill, S. 908, supra; as follows:

Beginning on page 210, strike line 4 and all that follows through line 20 on page 215 and insert the following:

TITLE XIV—AGENCY FOR INTERNATIONAL DEVELOPMENT

SEC. 1401. ELIMINATION OF DUPLICATION.

(a) IN GENERAL.—The Secretary of State shall, in consultation with the Administrator of the Agency for International Development, identify and eliminate all duplicative, overlapping, or superfluous personnel, functions, goals, activities, offices, and programs within and between the Department of State and the Agency for International Development.

(b) REPORT.—Not later than March 31, 1996, or 180 days after the date of enactment of this Act, whichever is later, the Secretary of State shall submit a report describing the personnel, functions, goals, activities, offices, and programs identified under subsection (a) to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives, together with proposed legislation if additional statutory authority is required to implement subsection (a). Each report shall also include projected cost savings and personnel reductions to be achieved through implementation of subsection (a).

SEC. 1402. COORDINATION OF PROGRAMS.

(a) INTERNATIONAL COORDINATION AND LEADERSHIP.—The United States shall seek to coordinate its sustainable development programs with other bilateral and multilateral donors, as well as with the private sector, in order to maximize the effectiveness of resources allocated to sustainable development. The United States also should exercise leadership in building the global commitment and cooperation necessary for countries to make significant progress toward the goals adopted at international fora relating to sustainable development.

(b) Coordination of United States Programs and Policies.—The President shall establish a mechanism—

(1) to coordinate, and to eliminate duplication among, all United States policies, programs and activities designed to promote sustainable development, including those that are funded or carried out by the United States Agency for International Development, the Department of State, the Department of the Treasury, the Department of Agriculture, the African Development Foundation, the Inter-American Foundation, the Environmental Protection Agency, the Peace Corps, and other involved departments or agencies;

(2) to ensure that United States policies and activities at the international financial institutions and other international organizations engaged in development activities are consistent and complementary with sustainable development; and

(3) to ensure that United States policies, programs and activities designed to promote growth through trade and investment, such as the Overseas Private Investment Corporation, the Trade and Development Agency, and the Export-Import Bank of the United States, are consistent and complementary with those purposes.

(c) Report.—Not later than 6 months after the date of enactment of this Act, and not later than March 1 of each year thereafter, the President shall submit to the appropriate congressional committees a report explaining the way in which the responsibilities for programs are delineated and coordinated among the various agencies and departments described under subsection (b), and the way in which duplication and waste will be avoided.

SEC. 1403. REFORM AND STREAMLINING OF GOALS AND PURPOSES.

(a) Repeals.—The following provisions of the Foreign Assistance Act of 1961 are repealed: Sections 102, 103, 103A, 104 (a)–(e) and (g), 105, 106, 113, 117 (a) and (b), 118, 119, 120, 125, 128, 206, 219, 241, and 281.

(b) Sustainable Development Program.—Section 101 of the Foreign Assistance Act of 1961 (22 U.S.C. 2151) is amended to read as follows:

"SEC. 101. SUSTAINABLE DEVELOPMENT PROGRAMS.

"(a) In General.—The promotion of sustainable development at home and abroad is in the long-term interests of the United States. Sustainable development means broad-based economic growth that protects the environment, enhances human capabilities, upholds human rights and democratic values, and improves the quality of life for current generations while preserving that opportunity for future generations.

"(b) Purpose.—The ultimate purpose of programs under this chapter is to enable the poorest countries and people of the world to provide for their own economic security without further outside assistance. This purpose is pursued internationally by supporting the self-help efforts of people in developing countries—

"(1) to implement sound policies that increase self-reliance, equity, and productive capacity;

"(2) to invest in developing their human resources; and

"(3) to build effective and accountable indigenous political, economic, and social institutions.

"(c) Programs.—The President is authorized to provide assistance under this chapter of the following five interrelated types:

"(1) ENCOURAGING BROAD-BASED ECONOMIC GROWTH.—

"(A) Rationale.—Broad-based economic growth means equitable and inclusive economic expansion in developing countries. Such growth is in the economic, political, and strategic interests of the United States because it permits countries to progress toward economic self-reliance, improve the living standards of their citizens, reduce the incidence of poverty, promote food security and nutritional well-being, slow population growth, and increase opportunities for mutually beneficial international trade and investment. Broad-based economic growth also improves the prospects for the spread of democracy and political pluralism.

"(B) Means.—Broad-based economic growth requires, in addition to sound economic policies—

"(i) a broader role for and access to markets for both women and men through improved policies that protect and advance economic rights for all citizens without regard to gender, race, religion, language or social status, that increase self-reliance in meeting basic needs, and that raise real incomes for poor people;

"(ii) stronger and more accountable public and private institutions at the local and national level, and sound public investments;

"(iii) enhanced food security, including improved access to safe food and adequate nutrition through sustainable improvements in and expansion of local, small-scale, food-based agriculture and post-harvest food preservation;

"(iv) sound debt management, including debt relief as appropriate;

"(v) investments in people's productive capabilities, including measures to upgrade technical and managerial knowledge and skills;

"(vi) measures to ensure that the poor, especially women, have improved access to productive resources (including credit for microenterprise initiatives, technical training and market-related information, affordable and resource-conserving technologies, and land) and that they participate fully in the benefits of growth in employment and income; and

"(vii) sustainable improvements to agriculture, through support for agricultural research, provision of appropriate technology, outreach to farmers, and improvement of marketing, storage and transportation systems.

"(2) PROTECTING THE GLOBAL ENVIRONMENT.—

"(A) Rationale.—The economic and social well-being and the security of the United States, indeed the health of United States citizens and of the entire world community, depend critically on the global environment and natural resource base. Consumption patterns, systems of industrial and agricultural production, demographic trends, and the use of natural resources directly affect the sustainability of long-term development and growth and the integrity of the ecosystem. Development that does not take account of its environmental consequences will not be economically sustainable. Improved resource management is a critical element of a balanced pattern of development. Both developed and developing countries share responsibility to present and future generations for the rational and sustainable management of natural resources and for environmental protection. The industrialization and consumption patterns of developed countries often impose heavy environmental costs worldwide. Developing countries, which are the stewards of most of the world's biological diversity, not only suffer disproportionately from the consequences of environmental degradation, but also contribute to that degradation as they struggle to meet the basic needs of their people. Therefore, environmental sustainability cannot be secured without reducing poverty, nor can poverty be eliminated without sustainable management of the natural resource base.

"(B) Means.—Protecting the global environment requires addressing the root causes of environmental harm, promoting environmentally-sound patterns of growth and supporting improved management of natural resources. These activities shall include efforts to address urgent global environmental problems, including the loss of biological diversity and global climate change, as well as efforts to address significant environmental problems within countries and regions. Such efforts shall seek to promote sound environmental policies and practices and development that is environmentally, socially and culturally sound over the longer-term, including programs for natural resources conservation, protection of threatened and endangered species, preservation of ecosystems and natural habitats, non-polluting methods of agricultural and industrial production, preparation of environmental impact assessments, improved energy efficiency, better resource management and monitoring, and reduction and safe disposal of wastes.

"(3) SUPPORTING DEMOCRATIC PARTICIPATION.—

"(A) Rationale.—It is in the national interest of the United States and in keeping with United States democratic traditions to support democratic aspirations and values, foster the spread of enduring democratic institutions, and encourage universal respect for civil and human rights. The strengthening of civil society and non-governmental institutions, including business associations and labor unions, that encourage broad participation and protect human rights is an essential element of the ability of nations to sustain development efforts.

"(B) Means.—Programs to support democratic participation must help to build and strengthen organizations and institutions that foster inclusion in economic and political decision-making at the local and national levels. Such programs shall include those that promote respect for human rights and the rule of law; an expanding role for nongovernmental and citizens' organizations and their capacity to effectively participate in political and economic decision-making and to implement development programs; enhanced citizen access to public information; the ability of all citizens to choose freely their government and to hold that government accountable for its actions; advancement of legal, social, and economic equality for women, workers, and minorities, including the elimination of all forms of violence against women and expanded opportunities for persons with disabilities; and strengthened principles of tolerance among and within religious and ethnic groups.

"(4) STABILIZING WORLD POPULATION AND PROMOTING REPRODUCTIVE HEALTH.—

"(A) Rationale.—Many individuals still do not have access to the means to determine the number and spacing of their children. Rapid population growth, among other factors, aggravates poor health, perpetuates poverty, and inhibits saving and investment, particularly investments in people in the form of basic health and education services. Continued rapid growth in world population will undercut sustainable development efforts. Unsustainable population growth is directly tied to degradation of the natural resource base and the environment and contributes to economic stagnation and political instability. The problems associated with rapid population growth are interrelated with economic and social inequities, particularly the low status of women, and patterns of resource consumption. Rapid population growth impedes development and retards progress on global issues of direct concern to the United States.

"(B) MEANS.—The primary means to stabilize population at levels that are consistent with sustainable, broadly-based development and with recognized standards of human rights, are to provide women and men with the means to freely and responsibly choose the number and spacing of their children, and to contribute to improved reproductive health. This calls for a focus on enhanced access to and improved quality of voluntary family planning services and reproductive health care. Such efforts should be complemented by programs carried out in accordance with paragraphs (1) and (5) to improve female education, raise the economic and social status of women, and increase infant and child survival rates.

"(5) DEVELOPING HUMAN RESOURCES.—

"(A) RATIONALE.—Reducing the worst manifestations of poverty through the development of human resource capacity is essential to long-term peace and international stability. Individuals, communities, and nations cannot be fully productive when impaired by disease, illiteracy, and hunger resulting from the neglect of human resources. While broad-based economic growth is necessary for the reduction of the worst manifestations of poverty, such growth cannot be sustained unless all people, and especially women, have the basic assets and capabilities that foster the opportunity for participation in the economic, social and political life of their country.

"(B) MEANS.—To reduce the worst manifestations of poverty, sustainable development programs must develop human resources by securing universal access to adequate food, safe drinking water, basic sanitation, and basic shelter; expanding education to all segments of society, with emphasis on basic education and particular attention to equalizing male and female literacy and schooling; providing equal access to credit; improving the coverage, quality and sustainability of basic health services; preventing the spread of HIV/AIDS and other communicable diseases; reducing substantially undernutrition and malnutrition through expanded nutrition education and food safety measures, promotion of breast-feeding and sound weaning practices, and micronutrient therapies targeted at vitamin and mineral deficiencies; and investing in the well-being of children through improved and expanded immunization programs, oral rehydration to combat diarrheal diseases, education programs aimed at improving child survival and child welfare and promoting child spacing.

"(d) CROSS-CUTTING PRINCIPLES.—Sustainable development programs authorized by this chapter shall be carried out in accordance with the following cross-cutting principles:

"(1) POPULAR PARTICIPATION.—

"(A) IN GENERAL.—The success of sustainable development depends on the participation of targeted communities in the identification, design, implementation, and evaluation of projects, programs, and assistance strategies and overall strategic objectives. To be effective, such participation must incorporate the local-level perspectives of traditionally underserved populations and communities, including women, persons with disabilities, ethnic and religious minorities, indigenous peoples, and the rural and urban poor.

"(B) NONGOVERNMENTAL ORGANIZATIONS.—Incorporation of local perspectives requires effective consultation and coordination with nongovernmental organizations, including private and voluntary organizations, cooperatives and credit unions, labor unions, private sector businesses and trade associations, women's groups, educational institutions, and indigenous local organizations which represent and are knowledgeable about local people. Effective consultation and coordination requires the involvement of such organizations in the formulation of development strategies for specific countries and sectors, the development of procedures and regulations governing the implementation of programs, and the evaluation and monitoring of programs.

"(C) UTILIZATION OF UNITED STATES INSTITUTIONAL CAPABILITIES.—United States institutions such as public and private institutions of science, technology, business, and education can provide a unique contribution to sustainable development programs. Programs undertaken to achieve the sustainable development purposes of this title bring greater mutual benefit by recognizing and taking advantage of: United States capabilities in science and technology; access to education and training in United States colleges, universities, and technical training facilities; private sector entrepreneurial skills; and United States public sector expertise. This may be encouraged through long-term collaboration between public and private institutions of science, technology, business, and education in the United States and developing countries and emerging democracies.

"(2) ROLE OF WOMEN.—

"(A) IN GENERAL.—Women play central and productive roles throughout the world in the well-being of nations, communities and families. Recognizing women's contributions and incorporating their perspectives, knowledge and experience is critical in developing global strategies for promoting peace, prosperity and democracy.

"(B) EMPOWERMENT OF WOMEN.—To be sustainable, development must foster the economic, political and social empowerment of women. Expanding opportunities for women is essential to reducing poverty, improving health, slowing population growth and environmental degradation, and achieving sustainable development. For this to occur, women must have full and equitable access to productive resources: credit, land, technology, agricultural extension and marketing services, training and other forms of assistance. Increased female education further empowers women by allowing their effective participation in the development process. Therefore, United States sustainable development policies and programs must be designed and implemented to fully integrate women as agents and beneficiaries.

"(3) MANAGING FOR RESULTS.—

"(A) IN GENERAL.—Assistance cannot substitute for a developing country's own efforts to improve the lives of its people, nor can the United States afford to provide assistance which does not yield enduring results in terms of improving the lives of the poor, encouraging a stable and prosperous global order, and contributing to the interests of the people of the United States.

"(B) COUNTRY REQUIREMENTS.—Targeting assistance toward countries that have demonstrated a need for such programs, that will make effective use of such programs, and that have a commitment to achieving the sustainable development purposes described in this title ensures the most effective use of scarce foreign aid resources. Indicators of such countries include the extent to which: there is a high incidence of hunger and poverty, there is an enabling environment in which government economic policies are conducive to accomplishing those sustainable development purposes, government decisionmaking is transparent, government institutions are accountable to the public, an independent and honest judiciary is maintained, local government bodies are democratically elected, and political parties, nongovernmental organizations and the media operate without undue constraints.

"(C) MEASURING RESULTS.—Assistance under this part requires the commitment and progress of countries in moving toward the purpose of sustainable development described in subsection (b), while recognizing the long-term nature of development processes and the difficulty of selecting reliable and meaningful indicators of success. Through the establishment of open and transparent systems to monitor the results of assistance programs the United States will assess the effectiveness of its programs and shift scarce resources from unproductive programs, sectors or countries to those which have demonstrated the commitment and ability to use them effectively.".

(c) EFFECTIVE DATE.—The repeals made by subsection (a) and the amendment made by subsection (b) shall take effect on October 1, 1995.

On page 222, strike lines 3 through 7.

On page 222, strike lines 17 through 23.

On page 224, strike lines 6 through 12.

Beginning on page 232, strike line 16 and all that follows through line 21 on page 236.

Beginning on page 264, line 26, strike ", the United" and all that follows through the period on line 2 of page 265 and insert "and the United States Information Agency.".

On page 266, strike lines 1 through 3.

On page 266, strike lines 17 through 20.

On page 267, strike lines 4 through 7.

On page 26, line 9, insert "and" after "Service;".

On page 26, line 12, strike "; and" and insert a period.

On page 26, strike lines 13 through 15.

On page 26, line 21, insert "and" after "Service;".

On page 26, line 24, strike "; and" and insert a period.

On page 27, strike lines 1 through 3.

On page 105, strike lines 17 through 25.

On page 126, beginning on line 22, strike "the United" and all that follows through "Development" on line 24 and insert "and the United States Information Agency".

HELMS AMENDMENT NO. 1989

(Ordered to lie on the table.)

Mr. HELMS submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

On page 124, after line 29, insert the following:

SEC. . Report on enforcement of United Nations Sanctions against the Federal Republic of Yugoslavia (consisting of Serbia and Montenegro).

By December 31, 1995 the Secretary of State, in cooperation with the Secretary of

Treasury, shall report to the Committee on Foreign Relations in the Senate and Speaker of the House of Representatives on whether the Governments of Europeans countries receiving assistance pursuant to Title V of the Foreign Assistance Act of 1961 or the Arms Export Control Act are taking all necessary steps to implement effectively United Nations sanctions against the Federal Republic of Yugoslavia (consisting of Serbia and Montenegro).

FEINGOLD AMENDMENT NO. 1990

(Ordered to lie on the table.)

Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

At the appropriate place, insert:

SEC. 1. FINDINGS.

The Congress makes the following findings:

(1) The People's Republic of China compromises one-fifth of the world's population, or 1,200,000,000 people, and its policies have a profound effect on the world economy and global security.

(2) The People's Republic of China, is a permanent member of the United Nations Security Council and plays an important role in regional organizations such as the Asia-Pacific Economic Cooperation Forum and the ASEAN Regional Forum.

(3) The People's Republic of China is a nuclear power with the largest standing army in the world, and has been rapidly modernizing and expanding its military capabilities.

(4) The People's Republic of China is currently undergoing a change of leadership which will have dramatic implications for the political and economic future of the Chinese people and for China's relations with the United States.

(5) China's estimated $600,000,000,000 economy has enjoyed unparalleled growth in recent years.

(6) Despite increased economic linkages between the United States and China, bilateral relations have deteriorated significantly because of fundamental policy differences over a variety of important issues.

(7) The People's Republic of China has violated international standards regarding the nonproliferation of weapons of mass destruction.

(8) The Government of the People's Republic of China, a member of the United Nations Security Council, is obligated to respect and uphold the United Nations Charter and Universal Declaration of Human Rights.

(9) According to the State Department Country Report on Human Rights Practices for 1994, there continue to be "widespread and well-documented human rights abuses in China, in violation of the internationally accepted norms . . . (including) arbitrary and lengthy incommunicado detention, torture, and mistreatment of prisoners . . . The regime continued severe restrictions on freedom of speech, press, assembly and association, and tightened control on the exercise of these rights during 1994. Serious human rights abuses persisted in Tibet and other areas populated by ethnic minorities."

(10) The Government of the People's Republic of China continues to detain political prisoners and continues to violate internationally recognized standards of human rights by arbitrary arrests and detention of persons for the nonviolent expression of their political and religious beliefs.

(11) The Government of the People's Republic of China does not ensure the humane treatment of prisoners and does not allow humanitarian and human rights organizations access to prisons.

(12) The Government of the People's Republic of China continues to harass and restrict the activities of accredited journalists and to restrict

(13) In the weeks leading to the 6th anniversary of the June 1989 massacre, a series of petitions were sent to the Chinese Government calling for greater tolerance, democracy, rule of law, and an accounting for the 1989 victims and the Chinese Government responded by detaining dozens of prominent intellectuals and activists.

(14) The unjustified and arbitrary arrest, imprisonment, and initiation of criminal proceedings against Harry Wu, a citizen of the United States, has greatly exacerbated the deterioration in relations between the United States and the People's Republic of China, and all charges against him should be dismissed.

(15) China has failed to release political prisoners with serious medical problems, such as Bao Tong, and on June 25, 1995, revoked "medical parole" for Chen-Ziming reimprisoning him at Beijing No. 2 Prison and Chinese authorities continue to hold Wei Jingsheng incommunicado at an unknown location since his arrest on April 1, 1994.

(16) The Government of the People's Republic of China continues to engage in discriminatory and unfair trade practices, including the exportation of products produced by prison labor, the use of import quotas and other quantitative restrictions on selected products, the unilateral increasing of tariff rates and the imposition of taxes as surcharges on tariffs, the barring of the importation of certain items, the use of licensing and testing requirements to limit imports, and the transshipment of textiles and other items through the falsification of country of origin documentation.

(17) The Government of the People's Republic of China continues to employ the policy and practice of controlling all trade unions and continues to suppress and harass members of the independent labor union movement.

(18) The United States-Hong Kong Policy Act of 1992 states that Congress wishes to see the provisions of the joint declaration implemented, and declares that "the rights of the people of Hong Kong are of great importance to the U.S. Human Rights also serve as a basis for Hong Kong's continued prosperity,". This together with the rule of law and a free press are essential for a successful tradition in 1997.

(19) The United States currently has numerous sanctions on the People's Republic of China with respect to government-to-government assistance, arms sales and other commercial transactions.

(20) It is in the interest of the United States to foster China's continued engagement in the broadest range of international fora and increased respect for human rights, democratic institutions, and the rule of law in China.

SEC. 3. UNITED STATES DIPLOMATIC INITIATIVES.

(a) UNITED STATES OBJECTIVES.—The Congress calls upon the President to undertake intensified diplomatic initiatives to persuade the Government of the People's Republic of China to—

(1) immediately and unconditionally release Harry Wu from detention;

(2) adhere to prevailing international standards regarding the nonproliferation of weapons of mass destruction by, among other things, immediately halting the export of ballistic missile technology and the provision of other weapons of mass destructions assistance, in violation of international standards, to Iran, Pakistan, and other countries of concern;

(3) respect the internationally-recognized human rights of its citizens by, among other things—

(A) permitting freedom of speech, freedom of press, freedom of association, and freedom of religion;

(B) ending arbitrary detention, torture, forced labor, and other mistreatment of prisoners;

(C) releasing all political prisoners, and dismantling the Chinese system of jailing political prisoners (the gulag) and the Chinese forced labor system (the Laogai);

(D) ending coercive birth control practices; and

(E) respecting the legitimate rights of the people of Tibet, ethnic minorities, and ending the crackdown on religious practices;

(4) curtail excessive modernization and expansion of China's military capabilities, and adopt defense transparency measures that will reassure China's neighbors;

(5) end provocative military actions in the South China Sea and elsewhere that threaten China's neighbors, and work with them to resolve disputes in a peaceful manner;

(6) adhere to a rules-based international trade regime in which existing trade agreements are fully implemented and enforced, and equivalent and market access is provided for United States goods and services in China;

(7) comply with the prohibition on all forced labor exports to the United States; and

(8) reduce tensions with Taiwan by means of dialogue and other confidence building measures.

(b) VENUES FOR DIPLOMATIC INITIATIVES.—The diplomatic initiatives taken in accordance with subsection (a) should include actions by the United States—

(1) in the conduct of bilateral relations with China;

(2) in the United Nations and other international organizations;

(3) in the World Bank and other international trade fora; and

(4) in the conduct of bilateral relations with other countries in order to encourage them to support and join with the United States in taking the foregoing actions.

SEC. 4. REPORTING REQUIREMENTS.

The President shall report to Congress within 30 days after the date of enactment of the Act, and no less frequently than every 6 months thereafter, on—

(1) the actions taken by the United States in accordance with section 3 during the preceding 6-month period;

(2) the actions taken with respect to China during the preceding 6-month period by—

(A) the United Nations and other international organizations;

(B) the World Bank and other international financial institutions; and

(C) the World Trade Organization and other international trade fora; and

(3) the progress achieved with respect to each of the United States objectives identified in section 3(a). Such reports may be submitted in classified and unclassified form.

SES. 5. COMMENDATION OF DEMOCRACY MOVEMENT.

The Congress commends the brave men and women who have expressed their concerns to the Government of the People's Republic of China in the form of petitions and commends the democracy movement as a whole for its commitment to the promotion of political, economic, and religious freedom.

SEC. 6. RADIO FREE ASIA.

(a) PLAN FOR RADIO FREE ASIA.—Section 309(c) of the United States International Broadcasting Act of 1994 (22 U.S.C. 6208(c)) is amended to read as follows:

(2) The plan required by paragraph (1) shall be submitted not later than 60 days after the date on which all members of the Board are confirmed.

(b) INITIATION OF BROADCASTING TO CHINA.—Not later than 90 days submission of the plan required in Section 309(c) of the United States International Broadcasting Act of 1994 (22 U.S.C. 6208(c)) U.S. Government broadcasting to China shall be increased above current levels of programming.

FEINGOLD AMENDMENT NO. 1991

(Ordered to lie on the table.)

Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

Amend Title VI to insert the following new section:

SEC. 618. CONDITIONS ON SALE OF F-16 TO INDONESIA.

The sale of F-16 aircraft to the Government of Indonesia is prohibited unless:

(a) Congress authorizes the sale by joint resolution of approval;

(b) the Secretary of State certifies to the appropriate Congressional committee that the aircraft will not be used against civilians in East Timor; and

(c) the Secretary of State has submitted a plan to the appropriate Congressional committees on how the U.S. Government will advocate for significant withdrawals of Indonesian military troops from East Timor.

FEINGOLD (AND HELMS) AMENDMENT NO. 1992

(Ordered to lie on the table.)

Mr. FEINGOLD (for himself and Mr. HELMS) submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

At the appropriate place in the bill, insert the following: "Notwithstanding any other provision of law, non-discriminatory treatment (most-favored-nation treatment) to the products of the People's Republic of China is revoked."

GLENN AMENDMENTS NOS. 1993–1994

(Ordered to lie on the table.)

Mr. GLENN submitted two amendments intended to be proposed by him to the bill, S. 908, supra; as follows:

AMENDMENT NO. 1993

At the appropriate place in the bill, insert the following new section:

SEC. . REPEAL OF TERMINATION OF PROVISIONS OF THE NUCLEAR PROLIFERATION PREVENTION ACT OF 1994.

Part D of the Nuclear Proliferation Prevention Act of 1994 (title VIII of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995; Public Law 103-236; 108 Stat. 507) is repealed.

AMENDMENT NO. 1994

On page 12, between lines 4 and 5, insert the following new subsection:

(d) REIMBURSEMENT OF COLUMBUS, OHIO, FOR EXTRAORDINARY SECURITY EXPENSES.—Of the amounts authorized to be appropriated for "Protection of Foreign Missions and Officials" in subsection (a)(9), $1,500,000 is authorized to be available to reimburse the City of Columbus, Ohio, for the costs associated with the provision by the city of extraordinary security services in connection with the World Summit on Trade Efficiency, held in Columbus in October 1994, in accordance with section 208 of title 3, United States Code. For purposes of making reimbursements under this section, the limitations of section 202(10) of title 3, United States Code, shall not apply.

PRESSLER AMENDMENTS NOS. 1995–1999

(Ordered to lie on the table.)

Mr. PRESSLER submitted five amendments intended to be proposed by him to the bill, S. 908, supra; as follows:

AMENDMENT NO. 1995

At the appropriate place in the bill, insert the following:

SEC. . CERTIFICATION REQUIREMENT FOR TRANSFER OF MILITARY EQUIPMENT.

(a) GOVERNMENT-TO-GOVERNMENT SALES.—Section 36(b) of the Arms Export Control Act (22 U.S.C. 2776(b)) is amended—

(1) in paragraph (1), by inserting after the second sentence the following: "Such numbered certifications shall also contain the determination specified in paragraph (6)."; and

(2) by adding at the end the following:

"(6) The determination referred to in the third sentence of paragraph (1) is a determination by the President that the government of the proposed recipient country, in the five years immediately prior to the date of certification, has not—

"(A) engaged in cooperation with any country listed under section 620(f) of the Foreign Assistant Act of 1961, or listed under section 6(j)(1)(A) of the Export Administration Act of 1979, for the purpose of developing any nuclear, biological, chemical weapon or any means of delivery for such a device; or

"(B) engaged in joint military exercises with any country listed under section 6(j)(1)(A) of the Export Administration Act of 1979.".

(b) COMMERCIAL SALES.—Section 36(c) of the Arms Export Control Act (22 U.S.C. 2776(c)) is amended—

(1) in paragraph (1), by inserting after the first sentence the following: "Such numbered certifications shall also contain the determination specified in paragraph (6)."; and

(2) by adding at the end the following:

"(4) The determination referred to in the third sentence of paragraph (1) is a determination by the President that the government of the proposed recipient country, in the five years immediately prior to the date of certification, has not—

"(A) engaged in cooperation with any country listed under section 620(f) of the Foreign Assistance Act of 1961, or listed under section 6(j)(1)(A) of the Export Administration Act of 1979, for the purpose of developing any nuclear, biological, chemical weapon or any means of delivery for such a device; or

"(B) engaged in joint military exercises with any country listed under section 6(j)(1)(A) of the Export Administration Act of 1979.".

(c) MILITARY EQUIPMENT PREVIOUSLY NOT DELIVERED.—Military equipment purchased by a foreign country before October 1, 1990, but not delivered by the United States Government by virtue of the operation of section 620E(e) of the Foreign Assistant Act of 1961, may not be transferred to that country until the President determines and certifies to the Congress that the government of the country has met the requirements of paragraphs (1) and (2) of section 36(e) of the Arms Export Control Act, as added by this section.

AMENDMENT NO. 1996

At the appropriate place in the bill, insert the following:

SEC. . PEACE AND STABILITY IN THE SOUTH CHINA SEA.

(a) FINDINGS.—The Congress finds the following:

(1) The South China Sea is a critically important waterway through which 25 percent of the world's ocean freight and 70 percent of Japan's energy supplies transit.

(2) The South China Sea serves as a crucial sea lane for United States Navy ships moving between the Pacific and Indian Oceans, particularly in time of emergency.

(3) There are a number of competing claims to territory in the South China Sea.

(4) The 1992 Manila Declaration adhered to by the Association of South East Asian Nations, the Socialist Republic of Vietnam, and the People's Republic of China calls for all claimants to territory in the South China Sea to resolve questions of boundaries through peaceful negotiations.

(5) The legislature of the People's Republic of China has declared the entire South China Sea to be Chinese territorial waters.

(6) The armed forces of the People's Republic of China have asserted China's claim to the South China Sea through the kidnapping of citizens of the Republic of the Philippines and the construction of military bases on territory claimed by the Philippines.

(7) These acts of aggression committed by the armed forces of the People's Republic of China against citizens of the Philippines are contrary to both international law and to peace and stability in East Asia.

(b) POLICY DECLARATIONS.—the Congress—

(1) declares the right of free passage through the South China Sea to be vital to the national security interests of the United States, its friends and allies;

(2) declares that any attempt by a nondemocratic power to assert, through the use of force or intimidation, its claims to territory in the South China Sea to be a matter of grave concern to the United States;

(3) calls upon the Government of the People's Republic of China to adhere faithfully to its commitment under the Manila declaration of 1992; and

(4) calls upon the President to review the defense needs of democratic countries with claims to territory in the South China Sea.

AMENDMENT NO. 1997

At the appropriate place in the bill, insert the following:

SEC. . MARTIN C.M. LEE, Q.C. OF HONG KONG.

(a) Findings.—The Congress finds the following:

(1) Mr. Martin C.M. Lee, Q.C. is a distinguished barrister and a former chairman of the Hong Kong Bar Association.

(c) In 1985 Mr. Lee became the Hong Kong legal community's first representative to the Hong Kong Legislative council.

(3) Mr. Lee is the Chairman of the Democratic Party of Hong Kong.

(4) In Hong Kong's first-ever democratic elections in 1991, Mr. Lee won the most votes of any candidate.

(5) In recognition of his "extraordinary contributions to the causes of human rights,

the rule of law and promotion of access to justice", the American Bar Association has announced that it has chosen Mr. Martin C.M. Lee, Q.C., as the recipient of its 1995 International Human Rights Award.

(b) Commendations.—the Congress—

(1) commends the American Bar Association for its recognition of Mr. Martin C. M. Lee, Q.C. of Hong Kong and its decision to present him with the 1995 ABA International Human Rights Award, and

(2) commends Mr. Martin C.M. Lee, Q.C. of Hong Kong for his tireless devotion to the people of Hong Kong and the cause of human rights for all peoples.

Amendment No. 1998

At the appropriate place in the bill, insert the following:

SEC. . HUMAN RIGHTS IN BURMA.

(a) Findings.—The Congress finds the following:

(1) The United States Department of State has declared that, "Burma is ruled by a highly authoritarian, military regime that has been condemned for its serious human rights abuses."

(2) Among the human rights abuses the Burmese military regime, known as the State Law and Order Restoration Council or SLORC has committed are summary executions, rape, torture, forced labor, politically motivated arrests and detention, and suppression of minority groups.

(3) In democratic elections held on May 27, 1990 the Burmese people voted by an overwhelming majority for the representatives of the National League for Democracy led by Aung San Suu Kyi.

(4) The Burmese military regime vitiated the election, placed Mrs. Suu Kyi under house arrest and jailed thousands of her supporters.

(5) In 1991 Mrs. Suu Kyi was awarded the Nobel Peace Prize.

(6) In the face of a clear determination by the United States Congress to punish the SLORC severely, the Burmese military regime gave Mrs. Suu Kyi her unconditional release on July 10, 1995.

(7) However, the SLORC has still not released thousands of other Burmese supporters of the democracy movement and has not started a dialogue with Mrs. Suu Kyi to restore democratic rule to Burma.

(b) Policy Declarations.—The Congress—

(1) declares the restoration of democracy in Burma to be a major foreign policy goal of the United States, and

(2) declares that a failure by the Burmese State Law and Order Council to release all political prisoners and open a dialogue with Aung San Suu Kyi and other Burmese democratic leaders will lead to appropriate sanctions by the United States Congress.

Amendment No. 1999

At the appropriate place in the bill, insert the following

Findings: The United States Department of State believes Iran was the greatest supporter of state terrorism in 1992, supporting more than 20 terrorist acts, including the bombing of the Israeli Embassy in Buenos Aires that killed 29 people;

The Secretary of State has determined, under the terms of section 6(j)(1)(A) of the Export Administration Act of 1979, that Iran has repeatedly provided support for acts of international terrorism;

Credible information exists indicating that defense industrial trading companies of the People's Republic of China have transferred ballistic missile technology to Iran;

Section 73(f) of the Arms Export Control Act states that when determining whether a foreign person may be subject to United States sanctions for transferring technology listed on the Missile Technology Control Regime Annex, it should be a rebuttable presumption that such technology is designed for use in a missile listed on the MTCR Annex, if the President determines that the final destination of the item is a country the government of which the Secretary of State has determined, for purposes of section 6(j)(1)(A) of the Export Administration Act of 1979, has repeatedly provided support for acts of international terrorism;

In 1994 Congress explicitly created section 73(f) of the Arms Export Control Act in order to target the transfer of ballistic missile technology to terrorist nations;

A ballistic missile race exists on the Indian subcontinent which is a threat to regional peace and stability; and

Credible information exists indicating that defense industrial trading companies of the People's Republic of China have transferred ballistic missile technology to Pakistan: Now, therefore, it is the sense of the Senate that—

(1) it is in the direct national security interest of the United States to prevent the spread of ballistic missiles and related technology to Iran and the Indian subcontinent; and

(2) the President should exercise all legal authority available to him to prevent the spread of ballistic missiles and related technology to Iran and the Indian subcontinent.

HATCH (AND ABRAHAM) AMENDMENT NO. 2000

(Ordered to lie on the table.)

Mr. HATCH (for himself and Mr. ABRAHAM) submitted an amendment intended to be proposed by them to the bill, S. 908, supra; as follows:

On page 124, after line 20, add the following:

SEC. 618. TERMINATION OF THE UNITED STATES ARMS EMBARGO APPLICABLE TO THE GOVERNMENT OF THE REPUBLIC OF CROATIA.

(a) Termination.—Subject to subsection (b), the President shall terminate the United States arms embargo of the Government of the Republic of Croatia at such time the the United States terminates the United States arms embargo of the Government of Bosnia and Herzegovina.

(b) Resumption.—The President may resume the United States arms embargo of the Government of the Republic of Croatia upon—

(1) determining the Government of the Republic of Croatia is actively interfering with the transhipment of arms deliveries to the Government of Bosnia and Herzegovina, and

(2) reporting in writing to the President pro tempore of the Senate and the Speaker of the House of Representatives that he has determined the Government of the Republic of Croatia is actively interfering with the transhipment of arms deliveries to the Government of Bosnia and Herzegovina, the basis for his determination, and the measures the United States has taken to minimize such interference.

(c) Definitions.—As used in this section, the terms "United States arms embargo of the Government of the Republic of Croatia," and "United States arms embargo of the Government of Bosnia and Herzegovina" mean the application to the Government of the Republic of Croatia and the Government of Bosnia and Herzegovina, respectively, of the policy adopted July 10, 1991, and published in the Federal Register of July 19, 1991 (58 FR 33322) under the heading "Suspension of Munitions Export Licenses to Yugoslavia.".

HATCH (AND OTHERS) AMENDMENT NO. 2001

(Ordered to lie on the table.)

Mr. HATCH (for himself, Mr. MOYNIHAN, Mr. JEFFORDS, Mr. PELL, and Mr. HARKIN) submitted an amendment intended to be proposed by them to the bill, S. 908, supra; as follows:

On page 84, strike lines 23 and 24.

HELMS AMENDMENTS NOS. 2002–2013

(Ordered to lie on the table.)

Mr. HELMS submitted 12 amendments intended to be proposed by him to the bill, S. 908, supra; as follows:

Amendment No. 2002

Beginning on page 11, strike line 14 and all that follows through line 4 on page 12.

On page 13, strike lines 6 through 12 and insert the following:

SEC. 121. LEASE-PURCHASE OF OVERSEAS PROPERTY.

(a) Authority for Lease-Purchase.—Subject to subsections (b) and (c), the Secretary is authorized to acquire by lease-purchase such properties as are described in subsection (b), if—

(1) the Secretary of State, and

(2) The Director of the Office of Management Budget.

certify and notify the appropriate committees of Congress that the lease-purchase arrangement will result in a net cost savings to the Federal government when compared to a lease, a direct purchase, or direct construction of comparable property.

(b) Locations and Limitations.—The authority granted in subsection (a) may be exercised only—

(1) to acquire appropriate housing for Department of State personnel stationed abroad and for the acquisition of other facilities, in locations in which the United States has a diplomatic mission; and

(2) during fiscal years 1996 through 1999.

(c) Authorization of Funding.—Funds for lease-purchase arrangements made pursuant to subsection (a) shall be available from amounts appropriated under the authority of section 111(a)(3) (relating to the Acquisition and Maintenance of Buildings Abroad" account).

Amendment No. 2003

Beginning on page 18, strike line 1 and all that follows through line 2 on page 21, insert the following:

"SEC. . DIPLOMATIC TELECOMMUNICATIONS SERVICE PROGRAM OFFICE.

"(a) Findings.—The Congress makes the following findings:

"(1) The Diplomatic Telecommunications Service Program Office (hereafter in this section referred to as "DTS-PO") has made significant enhancements to upgrade the worldwide DTS network with high speed, high capacity circuitry as well as improvements at United States embassies and consulates to enhance utilization of the network.

"(2) Notwithstanding the improvements that the DTS-PO has made to the DTS network, the current management structure needs to be strengthened to provide a clearly delineated, accountable management authority for the DTS–PO and the DTS network.

"(b) REPORT REQUIRED.—No later than three months after the date of enactment of this Act, the two agencies providing the greatest funding to DTS–PO shall submit to the appropriate committees of Congress—

"(1) a DTS–PO management plan—

"(A) setting forth the organization, mission and functions of each major element of the DTS–PO; and

"(B) designating an entity at each overseas post, or providing a mechanism for the designation of such an entity, which will be responsible for the day-to-day administration of the DTS–PO operations; and

"(2) a DTS–PO strategic plan containing—

"(A) future customer requirements, validated by the DTS customer organizations;

"(B) a system configuration for the DTS network which will meet the future telecommunications needs of the DTS customer agencies;

"(C) a funding profile to achieve the system configuration for the DTS network;

"(D) a transition strategy to move to the system configuration for the DTS network;

"(E) a reimbursement plan to cover the direct and indirect costs of operating the DTS network; and

"(F) an allocation of funds to cover the costs projected to be incurred by each of the agencies or other entities utilizing DTS to maintain DTS, to upgrade DTS, and to provide for future demands for DTS.

"(c) DEFINITION.—As used in this section, the term "appropriate committees of Congress" means the Select Committee on Intelligence, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate and the Permanent Select Committee on Intelligence, the Committee on International Relations, and the Committee on Appropriations of the House of Representatives."

Beginning on page 47, strike line 18 and all that follows through page 49, line 15, and insert in lieu thereof the following:

"(ii) As used in this subparagraph:

"(I) CONFISCATED.—The term "confiscated" refers to—

"(aa) the nationalization, expropriation, or other seizure of ownership or control of property, on or after January 1, 1956—

"(AA) without the property having been returned or adequate and effective compensation provided or in violation of the law of the place where the property was situated when the confiscation occurred; or

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AMENDMENT NO. 2004

Beginning on page 47, strike line 18 and all that follows through page 49, line 15, and insert in lieu thereof the following:

"(ii) As used in this subparagraph:

"(I) CONFISCATED.—The term "confiscated" refers to—

"(aa) the nationalization, expropriation, or other seizure of ownership or control of property, on or after January 1, 1956—

"(AA) without the property having been returned or adequate and effective compensation provided or in violation of the law of the place where the property was situated when the confiscation occurred; or

"(BB) without the claim to the property having been settled pursuant to an international claims settlement agreement or other recognized procedure; or

"(bb) the repudiation of, the default on, or the failure to pay, on or after January 1, 1956—

"(AA) a debt by any enterprise which has been confiscated;

"(BB) a debt which is a charge on property confiscated; or

"(CC) a debt incurred in satisfaction or settlement of a confiscated property claim.

"(II) PROPERTY.—The term "property" means any property, whether real, personal, or mixed, and any present, future, or contingent right or security of other interest therein, including any leasehold interest.

"(III) TRAFFIC.—The term "traffic" means that a person knowingly and intentionally—

"(aa) sells, transfers, distributes, dispenses, brokers, manages, or otherwise disposes of confiscated property, or purchases, leases, receives, possesses, obtains control of, manages, uses, or otherwise acquires an interest in confiscated property;

"(bb) engages in a commercial activity using or otherwise benefitting from a confiscated property; or

"(cc) causes, directs, participates in, or profits from, activities of another person described in subclause (aa) or (bb), or otherwise engages in the activities described in subclause (aa) or (bb).

without the authorization of the national of the United States who holds a claim to the property.

AMENDMENT NO. 2005

On page 50, between lines 14 and 15, insert the following new subsection:

"(c) REPORTING REQUIREMENT.—(1) The United States Embassy in each country shall provide to the Secretary of State a report listing those foreign nationals who have confiscated, converted, or trafficked in property the claim to which is held by a United States national and in which the confiscation claim has not been fully resolved.

"(2) Beginning six months after the date of enactment of this Act, and every year thereafter, the Secretary of State shall submit to the appropriate congressional committees a list of those foreign nationals who—

"(A) have confiscated, converted, or trafficked in property the claim to which is held by a United States national and in which the confiscation claim has not been fully resolved; and

"(B) have been excluded from entry into the United States."

On page 58, line 10, insert "and" after "operations;".

On page 58, strike lines 13 through 15.

On page 58, line 8, insert "relevant" after "all;".

On page 59, line 9, strike "was provided, and".

On page 59, beginning on line 19, strike "for" and all that follows through "thereafter," on line 20 and insert "under this Act for each of the fiscal years 1996, 1997, 1998, and 1999".

AMENDMENT NO. 2006

On page 104, between lines 16 and 17, insert the following new sections:

SEC. 420. MANSFIELD FELLOWSHIP PROGRAM REQUIREMENTS.

Section 253(4)(B) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 6102(4)(B)) is amended by striking "certain" and inserting the following: ", under criteria established by the Mansfield Center for Pacific Affairs, certain allowances and benefits not to exceed the amount of equivalent".

AMENDMENT NO. 2007

SEC. 421. DISTRIBUTION WITHIN THE UNITED STATES OF THE UNITED STATES INFORMATION AGENCY FILM ENTITLED "THE FRAGILE RING OF LIFE".

Notwithstanding section 208 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (22 U.S.C. 1461-1(a)) and the second sentence of section 501 of the United States Information and Education Act of 1948 (22 U.S.C. 1461), the Director of the United States Information Agency may make available for distribution within the United States the documentary entitled "The Fragile Ring of Life", a film about coral reefs around the world.

AMENDMENT NO. 2008

On page 107, strike lines 3 through 6.

On page 107, line 7, strike "(4)" and insert "(3)"

On page 107, line 11, strike "(5)" and insert "(4)".

On page 107, line 15, strike "(6)" and insert "(5)".

On page 107, line 20, strike "(7)" and insert "(6)".

On page 107, line 22, strike "(8)" and insert "(7)".

On page 112, strike lines 19 through 22.

On page 112, line 23, strike "(7)" and insert "(6)".

On page 118, strike line 1 and all that follows through line 11 on page 121.

AMENDMENT NO. 2009

At the appropriate place, insert:

"SEC. 619. DEFENSE DRAWDOWN FOR JORDAN.

"(a) AUTHORITY.—(1) In addition to the authority provided in section 506(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2318(a)), the President may, for purposes of part II of that Act, direct the drawdown for Jordan during fiscal year 1996 of—

"(A) defense articles from the stocks of the Department of Defense;

"(B) defense services from the Department; and

"(C) military education and training.

"(2) The aggregate value of the articles, services, and education and training drawn down under paragraph (1) during fiscal year 1996 may not exceed $100,000,000.

"(b) NOTIFICATION REQUIREMENT.—The President may not exercise the authority in subsection (a) to drawdown articles, services, or education and training unless the President notifies Congress of each such intended exercise in accordance with the procedures for notification of the exercise of special authority set forth in section 652 of the Foreign Assistance Act of 1961 (22 U.S.C. 2411).

"(c) FUNDING LIMITATIONS.—(1)(A) No funds made available for the Department of Defense may be utilized for the purposes of the drawdown of articles, services, and education and training authorized under this section.

"(B) For purposes of this paragraph, funds available to the Department of Defense are any funds derived from or available under budget function 050.

"(2) Funds may not be utilized for the purposes of a drawdown under this section unless funds for such drawdown are specifically made available in an appropriations Act.

AMENDMENT NO. 2010

On page 124, after line 20, insert the following:

SEC. 618. MIDDLE EAST PEACE FACILITATION ACT OF 1995.

(a) SHORT TITLE.—This section may be cited as the "Middle East Peace Facilitation Act of 1995".

(b) FINDINGS.—The Congress finds that—

(1) the Palestine Liberation Organization (in this section referred to as the "PLO") has recognized the State of Israel's right to exist in peace and security; accepted United Nations Security Council Resolutions 242 and 338; committed itself to the peace process and peaceful coexistence with Israel, free

from violence and all other acts which endanger peace and stability; and assumed responsibility over all PLO elements and personnel in order to assure their compliance, prevent violations, and discipline violators;

(2) Israel has recognized the PLO as the representative of the Palestinian people;

(3) Israel and the PLO signed a Declaration of Principles on Interim Self-Government Arrangements (in this section referred to as the "Declaration of Principles") on September 13, 1993, at the White House;

(4) Israel and the PLO signed an Agreement on the Gaza Strip and the Jericho Area (in this section referred to as the "Gaza-Jericho Agreement") on May 4, 1994, which established a Palestinian Authority for the Gaza and Jericho areas;

(5) Israel and the PLO signed an Agreement on Preparatory Transfer of Powers and Responsibilities (in this section referred to as the "Early Empowerment Agreement") on August 29, 1994, which provided for the transfer to the Palestinian Authority of certain powers and responsibilities in the West Bank outside of the Jericho Area;

(6) under the terms of the Declaration of Principles, the Gaza-Jericho Agreement and the Early Empowerment Agreement, the powers and responsibilities of the Palestinian Authority are to be assumed by an elected Palestinian Council with jurisdiction in the West Bank and Gaza Strip in accordance with the Interim Agreement to be concluded between Israel and the PLO;

(7) permanent status negotiations relating to the West Bank and Gaza Strip are scheduled to begin by May 1996;

(8) the Congress has, since the conclusion of the Declaration of Principles and the PLO's renunciation of terrorism, provided authorities to the President to suspend certain statutory restrictions relating to the PLO, subject to Presidential certifications that the PLO has continued to abide by commitments made in and in connection with or resulting from the good faith implementation of, the Declaration of Principles;

(9) the PLO commitments relevant to Presidential certifications have included commitments to renounce and condemn terrorism, to submit to the Palestinian National Council for formal approval the necessary changes to those articles of the Palestinian Covenant which call for Israel's destruction, and to prevent acts of terrorism and hostilities against Israel; and

(10) the President, in exercising the authorities described in paragraph (8), has certified to the Congress on four occasions that the PLO was abiding by its relevant commitments.

(c) SENSE OF CONGRESS.—It is the sense of the Congress that although the PLO has recently shown improvement in its efforts to fulfill its commitments, the PLO must do far more to demonstrate an irrevocable denunciation of terrorism and ensure a peaceful settlement of the Middle East dispute, and in particular the PLO must—

(1) submit to the Palestine National Council for formal approval the necessary changes to those articles of the Palestinian National Covenant which call for Israel's destruction;

(2) make greater efforts to preempt acts of terror, to discipline violators, and to contribute to stemming the violence that has resulted in the deaths of 123 Israeli citizens since the signing of the Declaration of Principles;

(3) prohibit participation in its activities and in the Palestinian Authority and its successors by any groups or individuals which continue to promote and commit acts of terrorism;

(4) cease all anti-Israel rhetoric, which potentially undermines the peace process;

(5) confiscate all unlicensed weapons and restrict the issuance of licenses to those with legitimate need;

(6) transfer any person, and cooperate in transfer proceedings relating to any person, accused by Israel of acts of terrorism; and

(7) respect civil liberties, human rights and democratic norms.

(d) AUTHORITY TO SUSPEND CERTAIN PROVISIONS.—

(1) IN GENERAL.—Subject to paragraph (2), beginning on the date of enactment of this Act and for 18 months thereafter the President may suspend for a period of not more than 6 months at a time any provision of law specified in paragraph (4). Any such suspension shall cease to be effective after 6 months, or at such earlier date as the President may specify.

(2) CONDITIONS.—

(A) CONSULTATIONS.—Prior to each exercise of the authority provided in paragraph (1) or certification pursuant to paragraph (3), the President shall consult with the relevant congressional committees. The President may not exercise that authority to make such certification until 30 days after a written policy justification is submitted to the relevant congressional committees.

(B) PRESIDENTIAL CERTIFICATION.—The President may exercise the authority provided in paragraph (1) only if the President certifies to the relevant congressional committees each time he exercises such authority that—

(i) it is in the national interest of the United States to exercise such authority;

(ii) the PLO continues to comply with all the commitments described in subparagraph (D); and

(iii) funds provided pursuant to the exercise of this authority and the authorities under section 583(a) of Public Law 103-236 and section 3(a) of Public Law 103-125 have been used for the purposes for which they were intended.

(C) REQUIREMENT FOR CONTINUING PLO COMPLIANCE.—

(i) The President shall ensure that PLO performance is continuously monitored, and if the President at any time determines that the PLO has not continued to comply with all the commitments described in subparagraph (D), he shall so notify the appropriate congressional committees. Any suspension under paragraph (1) of a provision of law specified in paragraph (4) shall cease to be effective.

(ii) Beginning six months after the date of enactment of this Act, if the President on the basis of the continuous monitoring of the PLO's performance determines that the PLO is not complying with the requirements described in paragraph (3), he shall so notify the appropriate congressional committees and no assistance shall be provided pursuant to the exercise by the President of the authority provided by paragraph (1) until such time as the President makes the certification provided for in paragraph (3).

(D) PLO COMMITMENTS DESCRIBED.—The commitments referred to in subparagraphs (B) and (C)(i) are the commitments made by the PLO—

(i) in its letter of September 9, 1993, to the Prime Minister of Israel and in its letter of September 9, 1993, to the Foreign Minister of Norway to—

(I) recognize the right of the State of Israel to exist in peace and security;

(II) accept United Nations Security Council Resolutions 242 and 338;

(III) renounce the use of terrorism and other acts of violence;

(IV) assume responsibility over all PLO elements and personnel in order to assure their compliance, prevent violations, and discipline violators;

(V) call upon the Palestinian people in the West Bank and Gaza Strip to take part in the steps leading to the normalization of life, rejecting violence and terrorism, and contributing to peace and stability; and

(VI) submit to the Palestine National Council for formal approval the necessary changes to the Palestinian National Covenant eliminating calls for Israel's destruction; and

(ii) in, and resulting from, the good faith implementation of the Declaration of Principles, including good faith implementation of subsequent agreements with Israel, with particular attention to the objective of preventing terrorism, as reflected in the provisions of the Gaza-Jericho Agreement concerning—

(I) prevention of acts of terrorism and legal measures against terrorists;

(II) abstention from and prevention of incitement, including hostile propaganda;

(III) operation of armed forces other than the Palestinian Police;

(IV) possession, manufacture, sale, acquisition, or importation of weapons;

(V) employment of police who have been convicted of serious crimes or have been found to be actively involved in terrorist activities subsequent to their employment;

(VI) transfers to Israel of individuals suspected of, charged with, or convicted of an offense that falls within Israeli criminal jurisdiction;

(VII) cooperation with the Government of Israel in criminal matters, including cooperation in the conduct of investigations; and

(VIII) exercise of powers and responsibilities under the agreement with due regard to internationally accepted norms and principles of human rights and the rule of law.

(E) POLICY JUSTIFICATION.—As part of the President's written policy justification to be submitted to the relevant congressional committees pursuant to subparagraph (A), the President shall report on—

(i) the manner in which the PLO has complied with the commitments specified in subparagraph (D), including responses to individual acts of terrorism and violence, actions to discipline perpetrators of terror and violence, and actions to preempt acts of terror and violence;

(ii) the extent to which the PLO has fulfilled the requirements specified in paragraph (3);

(iii) actions that the PLO has taken with regard to the Arab League boycott of Israel;

(iv) the status and activities of the PLO office in the United States; and

(v) the status of United States and international assistance efforts in the areas subject to jurisdiction of the Palestinian Authority or its successors.

(3) REQUIREMENT FOR CONTINUED PROVISION OF ASSISTANCE.—Six months after the date of enactment of this Act, no assistance shall be provided pursuant to the exercise by the President of the authority provided by paragraph (1), unless and until the President determines and so certifies to the Congress that—

(A) if the Palestinian Council has been elected and assumed its responsibilities, the Council has, within a reasonable time, effectively disavowed the articles of the Palestine

National Covenant which call for Israel's destruction, unless the necessary changes to the Covenant have already been submitted to the Palestine National Council for formal approval;

(B) the PLO has exercised its authority resolutely to establish the necessary enforcement institution, including laws, police, and a judicial system, for apprehending, prosecuting, convicting, and imprisoning terrorists;

(C) the PLO has limited participation in the Palestinian Authority and its successors to individuals and groups in accordance with the terms that may be agreed with Israel;

(D) the PLO has not provided any financial or material assistance or training to any group, whether or not affiliated with the PLO to carry out actions inconsistent with the Declaration of Principles, particularly acts of terrorism against Israel;

(E) the PLO has cooperated in good faith with Israeli authorities in the preemption of acts of terrorism and in the apprehension and trial of perpetrators of terrorist acts in Israel, territories controlled by Israel, and all areas subject to jurisdiction of the Palestinian Authority and its successors; and

(F) the PLO has exercised its authority resolutely to enact and implement laws requiring the disarming of civilians not specifically licensed to possess or carry weapons.

(4) PROVISIONS THAT MAY BE SUSPENDED.—The provisions that may be suspended under the authority of paragraph (1) are the following:

(A) Section 307 of the Foreign Assistance Act of 1961 (22 U.S.C. 2227) as it applies with respect to the PLO or entities associated with it.

(B) Section 114 of the Department of State Authorization Act, Fiscal Years 1984 and 1985 (22 U.S.C. 287e note) as it applies with respect to the PLO or entities associated with it.

(C) Section 1003 of the Foreign Relations Authorization Act, fiscal years 1988 and 1989 (22 U.S.C. 5202).

(D) Section 37 of the Bretton Woods Agreement Act (22 U.S.C. 286W) as it applies to the granting to the PLO of observer status or other official status at any meeting sponsored by or associated with International Monetary Fund. As used in this subparagraph, the term "other official status" does not include membership in the International Monetary Fund.

(5) RELEVANT CONGRESSIONAL COMMITTEES DEFINED.—As used in this subsection, the term "relevant congressional committees" means—

(A) the Committee on International Relations, the Committee on Banking, Finance and Urban Affairs, and the Committee on Appropriations of the House of Representatives; and

(B) the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

AMENDMENT NO. 2011

SEC. 1110. PROCEDURES FOR COORDINATION OF GOVERNMENT PERSONNEL AT OVERSEAS POSTS.

(a) AMENDMENT OF THE FOREIGN SERVICE ACT OF 1980.—Section 207 of the Foreign Service Act of 1980 (22 U.S.C. 3927) is amended—

(1) by redesignating subsection (c) as subsection (e); and

(2) by inserting after subsection (b) the following:

"(c)(1) In carrying out subsection (b), the head of each department, agency, or other entity of the executive branch of Government shall ensure that, in coordination with the Department of State, the approval of the chief of mission to a foreign country is sought on any proposed change in the size, composition, or mandate of employees of the respective department, agency, or entity (other than employees under the command of a United States area military commander) if the employees are performing duties in that country.

"(2) In seeking the approval of the chief of mission under paragraph (1), the head of a department, agency, or other entity of the executive branch of Government shall comply with the procedures set forth in National Security Decision Directive Number 38, as in effect on June 2, 1982, and the implementing guidelines issued thereunder.

"(d) The Secretary of State, in the sole discretion of the Secretary, may accord diplomatic titles, privileges, and immunities to employees of the executive branch of Government who are performing duties in a foreign country.".

(b) REVIEW OF PROCEDURES FOR COORDINATION.—(1) The President shall conduct a review of the procedures contained in National Security Decision Directive Number 38, as in effect on June 2, 1982, and the practices in implementation of those procedures, to determine whether the procedures and practices have been effective to enhance significantly the coordination among the several departments, agencies, and entities of the executive branch of Government represented in foreign countries.

(2) Not later than 180 days after the date of enactment of this Act, the President shall submit to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives a report containing the findings of the review conducted under paragraph (1), together with any recommendations for legislation as the President may determine to be necessary.

AMENDMENT NO. 2012

Beginning on page 216, strike line 4 and all that follows through line 22 on page 217 and insert the following:

SEC. 1501. SENSE OF CONGRESS REGARDING UNITED NATIONS REFORM.

It is the sense of Congress that—

(1) the 50th anniversary of the United Nations provides an important opportunity for a comprehensive review of the strengths and weaknesses of the United Nations and for the identification and implementation of changes in the United Nations that would improve its ability to discharge effectively the objectives of the United Nations set forth in the United Nations Charter;

(2) the structure of the United Nations system, which has evolved over 50 years, should be subject to a comprehensive review in order to identify the changes to the system that will best serve the interests of the United States and of the international community;

(3) the United States, as the strongest member state of the United Nations, should lead this comprehensive review;

(4) reforms that produce a smaller, more focused, more efficient United Nations with clearly defined missions are in the interest of the United States and of the United Nations;

(5) the United States should develop a unified position in support of reforms at the United Nations that are broadly supported by both the legislative branch and the executive branch;

(6) the need for reform of the United Nations is urgent; and

(7) the failure to develop and implement promptly a strategic reorganization of the United Nations will result in a continued diminution of the relevance of the United Nations to United States foreign policy and to international politics generally.

SEC. 1502. UNITED NATIONS REORGANIZATION PLAN.

(a) REQUIREMENT FOR PLAN.—The President shall submit to Congress, together with the budget submitted pursuant to section 1105 of title 31, United States Code, for fiscal year 1997, a plan recommending a strategic reorganization of the United Nations.

(b) REQUIREMENT RELATING TO DEVELOPMENT.—The President shall develop the plan in consultation with Congress.

(c) PLAN ELEMENTS.—The plan should include the elements described in section 1503 and such other recommendations as may be necessary to achieve the efficient, cost-effective conduct of the responsibilities of the United Nations.

SEC. 1503. CONTENTS OF REORGANIZATION PLAN.

It is the sense of the Congress that the reorganization plan required by section 1502(a) should—

(1) constitute a comprehensive statement of United States policy toward reform of the United Nations;

(2) set forth an agenda to implement the reforms set forth in the plan in a timely manner;

(3) include specific proposals to achieve—

(A) a substantial reduction in the number of agencies within the United Nations system, including proposals to consolidate, abolish, or restructure mechanisms for financing agencies of the United Nations that have a low priority;

(B) the identification and strengthening of the core agencies of the United Nations system that most directly serve the objectives of the United Nations set forth in the United Nations Charter;

(C) the increased cooperation, and the elimination of duplication, among United Nations agencies and programs consistent with the principle of a unitary United Nations;

(D) the consolidation of the United Nations technical cooperation activities between the United Nations Headquarters and the offices of the United Nations in Geneva, Switzerland, including the merger of the technical cooperation functions of the United Nations Development Program (UNDP), the United Nations Population Fund (UNFPA), the United Nations Environmental Program (UNEP), the United Nations Industrial Development Organization (UNIDO), the International Fund for Agricultural Development (IFAD), the United Nations Capital Development Fund (UNCDF), and the United Nations Development Fund for Women (UNIFEM);

(E) the consolidation of the United Nations emergency response mechanism by merging the emergency functions of relevant United Nations agencies, including the United Nations Children's Fund, the World Food Program, and the Office of the United Nations High Commissioner for Refugees;

(F) a substantial reduction in, or elimination of, the cost and number of international conferences sponsored by the United Nations;

(G) a significant strengthening of the administrative and management capabilities of the Secretary General of the United Nations, including a cessation of the practice of reserving top Secretariat posts for citizens of particular countries;

(H) a significant increase in the openness to the public of the budget decision-making procedures of the United Nations; and

(I) the establishment of a truly independent inspector general at the United Nations;

(4) include proposals to coordinate and implement proposals for reform of the United Nations such as those proposals set forth in the communique of the 21st annual summit of the Heads of State and Government of the seven major industrialized nations and the President of the European Commission at Halifax, Nova Scotia, dated June 15–17, 1995; and

(4) include proposals for amendments to the United Nations Charter that would promote the efficiency, focus, and cost-effectiveness of the United Nations and the ability of the United Nations to achieve the objectives of the United Nations set forth in the United Nations Charter.

On page 218, line 15, "$30,000,000,000" and insert "$3,000,000,000".

On page 251, below line 22, add the following:

(g) ADDITIONAL REQUIREMENTS FOR BUDGET PURPOSES.—(1) In addition to any other payments which an agency referred to in subsection (b) is required to make under section 4(a)(1) of the Federal Workforce Restructuring Act of 1994 (Public Law 103–226: 108 Stat. 114: 5 U.S.C. 8331 note), each such agency shall remit to the Office of Personnel Management for deposit in the Treasury to the credit of the Civil Service Retirement and Disability Fund an amount equal to 9 percent of final basic pay of each employee of the agency—

(A) who, on or after the date of the enactment of this Act, retires under section 8336(d)(2) of title 5, United States Code; and

(B) to whom a voluntary separation incentive payment is paid under this section by such agency based on that retirement.

(2) In addition to any other payments which an agency referred to in subsection (b) is required to make under section 4(b)(1) of such Act in fiscal years 1996, 1997, and 1998, each such agency shall remit to the Office of Personnel Management for deposit in the Treasury to the credit of the Civil Service Retirement and Disability Fund an amount equal to 0.5 percent of the basic pay of each employee of the agency who, as March 31 of such fiscal year, is subject to subchapter III of chapter 83 or chapter 84 of title 5, United States Code.

(3) Notwithstanding any other provision of this section, the head of an agency referred to in subsection (b) may not pay voluntary separation incentive payments under this section unless sufficient funds are available in the Foreign Affairs Reorganization Transition Fund to cover the cost of such payments and the amount of the remittances required of the agency under paragraphs (1) and (2).

AMENDMENT NO. 2013

On page 208, strike lines 8 through 11 and insert the following:

SEC. 1327. MIKE MANSFIELD FELLOWSHIPS.

Part C of title II of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 6101 et seq.) is amended—

(1) by striking "Director of the United States Information Agency" each place it appears and inserting "Secretary of State"; and

(2) by striking "United States Information Agency" each place it appears and inserting "Department of State".

SMITH AMENDMENT NO. 2014

(Ordered to lie on the table.)

Mr. SMITH submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

Strike section 112 of the bill and insert in lieu thereof the following:

SEC. 112. MIGRATION AND REFUGEE ASSISTANCE.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) MIGRATION AND REFUGEE ASSISTANCE.—There are authorized to be appropriated for "Migration and Refugee Assistance" for authorized activities, $721,000,000 for the fiscal year 1996, and $721,000,000 for each of the fiscal years 1997, 1998, and 1999.

(2) ALLOCATION OF FUNDS.—Of the funds authorized to be appropriated under paragraph (1)—

(A) not less than $80,000,000 shall be made available in the fiscal year 1996 for assistance for refugees settling in Israel from other countries;

(B) not less than $50,000,000 for each of the fiscal years 1996 and 1997 shall be made available for the Emergency Refugee and Migration Assistance Fund under section 2(c) of the Migration and Refugee Assistance Act of 1962 (22 U.S.C. 2601(c)); and

(C) of the amounts authorized to be appropriated for fiscal year 1996 under paragraph (1), there are authorized to be appropriated such amounts as are necessary for the admission and resettlement, within numerical limitations provided by law for refugee admissions, of persons who—

(i) are or were nationals and residents of Vietnam, Laos, or Cambodia;

(ii) are within a category of aliens referred to in section 599D(b)(2)(C) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990 (Public Law 101–167); and

(iii) are or were at any time after January 1, 1989, residents of refugee camps in Hong Kong, Thailand, Indonesia, Malaysia, or the Philippines.

(b) GENERAL LIMITATIONS.—None of the funds authorized to be appropriated by subsection (a) are authorized to be available for any program or activity that provides for, promotes, or assists in the repatriation of any person to Vietnam, Laos, or Cambodia, unless the President has certified that—

(1) all persons described in subsection (a)(2)(C) who were residents of refugee camps as of July 1, 1995, have been offered resettlement outside their countries of nationality;

(2) all nationals of Vietnam, Laos, or Cambodia who were residents of refugee camps as of July 1, 1995, who are not persons described in subsection (a)(2)(C) have, at any time after such date, either had access to a process for the determination of whether they are refugees, or been offered resettlement outside their countries of nationality; and

(3) the process referred to in paragraph (2) is genuinely calculated to determine whether such applicant is a refugee, and that the procedures, standards, and personnel employed in such process ensure that the risk of return to persecution is no greater than in the process available under United States law to persons physically present in the United States.

(c) AVAILABILITY OF FUNDS.—Funds appropriated pursuant to subsection (a) are authorized to remain until expended.

(d) REFUGEE CAMP DEFINED.—For the purposes of this section, the term "refugee camp" means any place in which people who left Vietnam, Cambodia, or Laos are housed or held by a government or international organization, regardless of the designation of such place by such government or organization.

(e) STATUTORY CONSTRUCTION.—Nothing in this section may be construed to require or permit an increase in the number of refugee admissions for fiscal year 1996 from the numerical limitation for refugee admissions for fiscal year 1995.

FEINSTEIN AMENDMENTS NOS. 2015–2016

(Ordered to lie on the table.)

Mrs. FEINSTEIN submitted two amendments intended to be proposed by her to the bill, S. 908, supra; as follows:

AMENDMENT NO. 2015

On page 124, after line 20, insert the following new section:

SEC. 618. THE ROLE OF RUSSIA IN ENDING THE WAR IN BOSNIA AND HERZEGOVINA.

(a) FINDINGS.—The Congress makes the following findings:

(1) since 1992, Bosnian Serbs, backed by the Government of the Federal Republic of Yugoslavia, and in particular leaders of the Republic of Serbia, have waged war against the Government of the Republic of Bosnia and Herzegovina;

(2) the Bosnian Serb army has engaged in brutal attacks on Bosnian civilians with backing from the Yugoslav People's Army, with headquarters in Belgrade;

(3) the war in Bosnia and Herzegovina has cost some two hundred thousand lives, created hundreds of thousands of refugees, and threatens the stability of Europe;

(4) the Government of the Russian Federation has significant influence with the Government of the Federal Republic of Yugoslavia, and in particular leaders of the Republic of Serbia, owing to historical, cultural, and economic ties; and

(5) the United States and the Russian Federation have a mutual interest in seeing the war in Bosnia and Herzegovina come to a just and lasting resolution at the earliest possible date.

(b) It is the Sense of Congress that the President should use all diplomatic efforts to urge the Government of the Russian Federation to cooperate with the United States Government in encouraging the Government of the Federal Republic of Yugoslavia, and in particular leaders of the Republic of Serbia, to help end the war in Bosnia and Herzegovina.

AMENDMENT NO. 2016

On page 52, beginning on line 4, strike "SEC. 171." and all that follows through the period on page 53, line 13.

FEINSTEIN (AND BROWN) AMENDMENT NO. 2017

(Ordered to lie on the table.)

Mrs. FEINSTEIN (for herself and Mr. BROWN) submitted an amendment intended to be proposed by them to the bill, S. 908, supra; as follows:

On page 124, after line 20, insert the following new section:

SEC. 618. SENSE OF CONGRESS SUPPORTING THE MIDDLE EAST PEACE PROCESS.

(a) FINDINGS.—The Congress finds that—

(1) the Bush Administration and the Clinton Administration have both worked relentlessly to build on the Middle East peace process that began in Madrid in October 1991, with the goal of achieving a comprehensive, lasting peace between Israel and all its neighbors;

(2) on September 13, 1993, the first major breakthrough of the Madrid peace process was achieved when Israel and the Palestinians signed the Declaration of Principles on Interim Self-Government Arrangements;

(3) the United States pledged to support the Israeli-Palestinian Declaration of Principles by providing $500,000,000 of assistance over 5 years to the West Bank and Gaza;

(4) the May 4, 1994 Cairo Agreement between Israel and the Palestinians resulted in the withdrawal of the Israeli army from the Gaza Strip and the Jericho area and the establishment of a Palestinian Authority with responsibility for those areas;

(5) Israel and the Palestinian Authority are continuing negotiations on the redeployment of Israeli troops out of Arab population centers in the West Bank, the expansion of the Palestinian Authority's jurisdiction into the areas vacated by the Israeli army, and the convening of elections for a Palestinian council;

(6) the issue of security and preventing acts of terrorism is and must remain of paramount importance in the Israeli-Palestinian negotiations;

(7) on October 25, 1994, Israel and Jordan signed a full peace treaty, establishing full diplomatic relations and pledging to resolve all future disputes by peaceful means;

(8) the Israeli-Jordanian peace treaty has resulted in unprecedented cooperation between the two nations in security, economic development, the environment, and other areas;

(9) Israel and Syria have engaged in serious and increasingly substantive peace negotiations, including discussions between their leading military officers on the security arrangements that would accompany a peace treaty;

(10) Israel now enjoys low-level diplomatic relations with Morocco and Tunisia, and Israeli officials have conducted face-to-face discussions with senior officials from Qatar, Oman, and Bahrain;

(11) the six nations of the Gulf Cooperation Council have announced their decision to end all enforcement of the secondary and tertiary boycotts of Israel; and

(12) extremists opposed to the Middle East peace process continue to use terrorism to undermine the chances of achieving a comprehensive peace, including on July 24, 1995, when a suicide bomber blew up a bus in Tel Aviv, killing five Israeli civilians.

(b) SENSE OF CONGRESS.—The Congress—

(1) welcomes the progress made toward peace between Israel and its neighbors;

(2) commends those Middle Eastern leaders who have committed to resolve their differences through only peaceful means;

(3) reiterates its belief that a comprehensive, lasting peace between Israel and all its neighbors is in the national interest of the United States;

(4) encourages all participants in the Middle East peace process to continue working to achieve lasting peace agreements while adhering fully to all commitments made and agreements reached thus far;

(5) calls upon all Arab states to demonstrate their commitment to peace by completely dismantling the Arab boycott of Israel in its primary, secondary, and tertiary aspects;

(6) reiterates its consistent condemnation of all acts of terrorism aimed at undermining the Middle East peace process, and calls upon all parties to take all necessary steps to prevent such acts; and

(7) strongly supports the Middle East peace process and seeks to effect policies that will help the peace process reach a successful conclusion.

HATFIELD AMENDMENT NO. 2018

(Ordered to lie on the table.)

Mr. HATFIELD submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

On page 124, after line 20, insert the following new section:

SEC. . SENSE OF CONGRESS WITH RESPECT TO INDOCHINESE REFUGEES.

(a) FINDING.—The Congress makes the following findings:

(1) A substantial but undetermined number of asylum seekers who have escaped from Vietnam, Laos, and Cambodia, and who are now detained in refugee camps throughout Asia, have had their refugee claims rejected because of corruption, hostility to asylum seekers, or other defects in refugee screening processes.

(2) Others have had their claims rejected because the standard which was applied did not recognize persecution on account of close association with the United States war effort as sufficient to establish refugee status.

(b) SENSE OF CONGRESS.—It is the sense of Congress, as follows:

(1) United States tax dollars should not support any program or activity that involves involuntary repatriation to Vietnam, Laos, or Cambodia of persons who fought on the side of the United States or who were otherwise closely identified with the United States war effort, victims of religious persecution, or other persons who are refugees under United States law.

(2) Within numerical limitations provided by law, refugees described in paragraph (1) should be permitted to resettle in the United States and in other free countries.

(3) To the extent necessary to ensure that genuine refugees are not involuntarily repatriated to Vietnam, Laos, or Cambodia, persons now detained in refugee camps should be offered access to rescreening under a process genuinely calculated to determine whether they are refugees. The procedures, standards, and personnel employed in such a process should be such as to ensure that the risk of return to persecution is no greater than in the process available under United States law to determine the asylum claims of persons physically present in the United States. It would be preferable to conduct such rescreening in the countries in which the asylum seekers are currently detained. If this should prove impossible, rescreening should be offered to asylum seekers immediately upon their voluntary repatriation to their countries of nationality, if their safety can be ensured during the process of rescreening and resettlement.

(c) DEFINITION.—As used in this section, the term "involuntary repatriation" includes return because of force, threat of force, duress, or any other means calculated or likely to effect such return without genuine regard for the wishes of the person returned.

THE ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 1996

FRIST (AND THOMPSON) AMENDMENTS NOS. 2019–2024

(Ordered to lie on the table.)

Mr. FRIST (for himself and Mr. THOMPSON) submitted six amendments intended to be proposed by them to the bill (H.R. 1905) making appropriations for energy and water development for the fiscal year ending September 30, 1996, and for other purposes; as follows:

AMENDMENT NO. 2019

On page 20, line 23, before the colon insert "*Provided*, That of this amount, no funds shall be available for construction of the Tokamak Physics Experiment, number 94–E–200, until a fair and impartial competitive site selection process has been completed by the Department of Energy.".

AMENDMENT NO. 2020

On page 20, line 23, before the colon insert "*Provided*, That of this amount, no funds shall be available for construction of the Elise project, number 96–E–310, until a fair and impartial competitive site selection process has been completed by the Department of Energy.".

AMENDMENT NO. 2021

On page 25, line 17, before the period insert "*Provided*, That of this amount, no funds shall be available for construction of the National Ignition Facility, project number 96–D–111, until a fair and impartial competitive site selection process has been completed by the Department of Energy.".

AMENDMENT NO. 2022

On page 25, line 17, before the period insert "*Provided*, That of this amount, no funds shall be available for construction of the ATLAS project, number 96–D–103, until a fair and impartial competitive site selection process has been completed by the Department of Energy.".

AMENDMENT NO. 2023

On page 25, line 17, before the period insert "*Provided*, That of this amount, no funds shall be available for construction of the Process and Environmental Technology Laboratory, project number 96–D–104, until a fair and impartial competitive site selection process has been completed by the Department of Energy.".

AMENDMENT NO. 2024

On page 20, line 23, before the colon insert "*Provided*, That of this amount, no funds shall be available for construction of the Center for Biomedical Technology Innovation until a fair and impartial competitive site selection process has been completed by the Department of Energy.".

THE FOREIGN RELATIONS REVITALIZATION ACT OF 1995

DOLE (AND OTHERS) AMENDMENT NO. 2025

Mr. DOLE (for himself, Ms. SNOWE, Mr. LOTT, Mr. HELMS, and Mr. D'AMATO) proposed an amendment to the bill S. 908, supra; as follows:

On page 81, line 3, add the following:

(c) FURTHER CONDITIONAL AUTHORITY.—

(1) Of the funds authorized to be appropriated for Fiscal year 1996, in (a), $3,500,000 shall be withheld from obligation until the Secretary of State certifies to the appropriate congressional committees, with respect to theUnited Nations Fourth World

Conference on Women being held in Beijing, that no funds available to the Department of State were obligated or expended for United States participation in the United Nations Fourth World Conference on Women while Harry Wu, a United States citizen, was detained by the People's Republic of China.

(2) If the Secretary of State cannot make the certification in Section 301(c)(1), the withheld funds shall be returned to the U.S. Treasury.

HELMS AMENDMENT NO. 2026

Mr. HELMS proposed an amendment to amendment No. 2025 proposed by Mr. DOLE to the bill S. 908, supra; as follows:

At the end of the pending amendment, add the following:

SEC. . UNITED NATIONS DIPLOMATIC DEBTS.

Of the funds authorized to be appropriated for fiscal year 1996 in section 201 and section 301, not less than $20,000,000 shall be withheld from obligation until the Secretary of State reports to the Congress—

(1) the names of diplomatic personnel accredited to the United Nations or foreign missions to the United Nations, which have accrued overdue debts to businesses and individuals in the United States; and

(2) that the United Nations Secretary General is cooperating fully with the United States or taking effective steps on his own, including publishing the names of debtors, to resolve overdue debts owned by diplomats and missions accredited to the United Nations.

THE ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 1996

BINGAMAN AMENDMENTS NOS. 2027–2028

(Ordered to lie on the table.)

Mr. BINGAMAN submitted two amendments intended to be proposed by him to the bill (H.R. 1905) making appropriations for energy and water development for the fiscal year ending September 30, 1996, and for other purposes; as follows:

AMENDMENT NO. 2027

On line 17, line 2, before the period insert "*Provided further*, That none of the funds appropriated under this heading shall be made available for the construction of the Animas-La Plata project, Colorado and New Mexico, until the Secretary of the Interior reports to Congress regarding the feasibility of the Animas-La Plata project and completes a study and reports to Congress regarding feasible alternatives that may be available to fulfill the water rights of affected Indian tribes and the reasonably foreseeable water needs of communities in southwestern Colorado and northwestern New Mexico (including the feasibility of assigning water rights held in trust by the Secretary for New Mexico beneficiaries to appropriate New Mexico entities for their own use and development)".

AMENDMENT NO. 2028

At the appropriate place, insert the following:

SEC. . ENERGY SAVINGS AT FEDERAL FACILITIES.

(a) REDUCTION IN FACILITIES ENERGY COSTS.—The head of each agency for which funds are made available under this Act shall take all actions necessary to achieve during fiscal year 1996 a 5 percent reduction, from fiscal year 1995 levels, in the energy costs of the facilities used by the agency.

(b) USE OF COST SAVINGS.—An amount equal to the amount of cost savings realized by an agency under subsection (a) shall remain available for obligation through the end of fiscal year 1997, without further authorization or appropriation, as follows:

(1) CONSERVATION MEASURES.—Fifty percent of the amount shall remain available for the implementation of additional energy conservation measures and for water conservation measures at such facilities used by the agency as are designated by the head of the agency.

(2) OTHER PURPOSES.—Fifty percent of the amount shall remain available for use by the agency for such purposes as are designated by the head of the agency, consistent with applicable law.

(1) IN GENERAL.—Not later than December 31, 1996, the head of each agency described in subsection (a) shall submit a report to Congress specifying the results of the actions taken under subsection (a) and providing any recommendations as to how to further reduce energy costs and energy consumption in the future.

(2) CONTENTS.—Each report shall—

(A) specify the total energy costs of the facilities used by the agency;

(B) identify the reductions achieved; and

(C) specify the actions that resulted in the reductions.

THE FOREIGN RELATIONS REVITALIZATION ACT OF 1995

NICKLES (AND KASSEBAUM) AMENDMENT NO. 2029

Mr. NICKLES (for himself and Mrs. KASSEBAUM) proposed an amendment to amendment No. 1977 proposed by Mr. KENNEDY to the bill S. 908, supra; as follows:

Strike all after the word "that" and insert in lieu thereof the following: "that the Senate should debate and vote on comprehensive welfare reform before the end of the first session of the 104th Congress."

KERRY AMENDMENT NO. 2030

Mr. KERRY proposed an amendment to amendment No. 1977 proposed by Mr. KENNEDY to the bill S. 908, supra; as follows:

"SEC. .

It is the sense of the Senate that:

(1) the current economic recovery has generated record profits for industry, but hourly wages have grown at a below average rate;

(2) the minimum wage has not been raised since April 1, 1991, and has lost more than 10% of its purchasing power since then;

(3) the average minimum wage worker provides 50% of her family's weekly earnings;

(4) nearly two-thirds of minimum wage workers are adults, and 60% are women;

(5) a full-time, year-round worker who is paid the minimum wage earns $8,500 a year, less than a poverty level income for a family of two;

(6) there are 4.7 million Americans who usually work full-time but who are, nevertheless, in poverty, and 4.2 million families live in poverty despite having one or more members in the labor force for at least half the year;

(7) the 30% decline in the value of the minimum wage since 1979 has contributed to Americans' growing income inequality and to the fact that 97% of the growth in household income has accrued to the wealthiest 20%;

(8) legislation to raise the minimum wage to $5.15 an hour was introduced on February 14, 1995, but has not been debated by the Senate; and

(9) the Senate should debate and vote on whether to raise the minimum wage before the end of the first session of the 104th Congress."

HELMS AMENDMENT NO. 2031

Mr. HELMS proposed an amendment to the bill S. 908, supra; as follows:

At the end of the bill, add the following new division:

DIVISION C—FOREIGN AID REDUCTION

SEC. 2001. SHORT TITLE.

This division may be cited as the "Foreign Aid Reduction Act of 1995".

TITLE XXI—DEFENSE AND SECURITY ASSISTANCE

CHAPTER 1—FOREIGN MILITARY FINANCING PROGRAM

SEC. 2101. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for grant assistance under section 23 of the Arms Export Control Act (22 U.S.C. 2763) and for the subsidy cost, as defined in section 502(5) of the Federal Credit Reform Act of 1990, of direct loans under such section—

(1) $3,185,000,000 for fiscal year 1996; and

(2) $3,160,000,000 for fiscal year 1997.

SEC. 2102. LOANS FOR GREECE AND TURKEY.

Of the amounts made available for fiscal years 1996 and 1997 under section 23 of the Arms Export Control Act (22 U.S.C. 2763)—

(1) $26,620,000 shall be made available for fiscal year 1996, and up to $26,620,000 may be made available for fiscal year 1997, for the subsidy cost, as defined in section 502(5) of the Federal Credit Reform Act of 1990, of direct loans for Greece; and

(2) $37,800,000 shall be made available for fiscal year 1996, and up to $37,800,000 may be made available for fiscal year 1997, for the subsidy cost, as defined in section 502(5) of the Federal Credit Reform Act of 1990, of direct loans for Turkey.

CHAPTER 2—INTERNATIONAL MILITARY EDUCATION AND TRAINING

SEC. 2121. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $39,781,000 for each of the fiscal years 1996 and 1997 to carry out chapter 5 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2347 et seq.).

CHAPTER 3—ANTITERRORISM ASSISTANCE

SEC. 2131. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated $15,000,000 for fiscal year 1996 and $15,000,000 for fiscal year 1997 to carry out chapter 8 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2349aa et seq.).

(b) AVAILABILITY OF AMOUNTS.—Amounts authorized to be appropriated under subsection (a) are authorized to remain available until expended.

CHAPTER 4—NARCOTICS CONTROL ASSISTANCE

SEC. 2141. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated $213,000,000 for each of the fiscal years 1996 and 1997 to carry out chapter 8 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2291 et seq.).

(b) AVAILABILITY OF AMOUNTS.—Amounts authorized to be appropriated under subsection (a) are authorized to remain available until expended.

CHAPTER 5—PEACEKEEPING OPERATIONS

SEC. 2151. PEACEKEEPING OPERATIONS.

Section 552(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2348a(a)) is amended to read as follows:

"(a) There are authorized to be appropriated to the President to carry out the purposes of this chapter, in addition to amounts otherwise available for such purposes, $40,000,000 for fiscal year 1996 and $35,000,000 for fiscal year 1997.".

TITLE XXII—TRADE AND EXPORT DEVELOPMENT

SEC. 2201. TRADE AND DEVELOPMENT AGENCY.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 661(f)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2421(f)(1)) is amended to read as follows: "There are authorized to be appropriated to the President for purposes of this section, in addition to funds otherwise available for such purposes, $67,000,000 for fiscal year 1996 and $75,000,000 for fiscal year 1997.".

(b) AVAILABILITY OF APPROPRIATIONS.—Section 661(f) of such Act (22 U.S.C. 2421(f)) is amended by striking paragraph (2) and inserting the following:

"(2) AVAILABILITY OF APPROPRIATIONS.—Amounts appropriated pursuant to paragraph (1) are authorized to remain available until expended.".

TITLE XXIII—PRIVATE SECTOR, ECONOMIC, AND DEVELOPMENT ASSISTANCE

CHAPTER 1—PRIVATE SECTOR ENTERPRISE FUNDS

SEC. 2301. SUPPORT FOR PRIVATE SECTOR ENTERPRISE FUNDS.

Chapter 1 of part III of the Foreign Assistance Act of 1961 is amended by inserting after section 601 (22 U.S.C. 2351) the following new section:

"SEC. 601A. PRIVATE SECTOR ENTERPRISE FUNDS.

"(a) AUTHORITY.—(1) The President may provide funds and support to Enterprise Funds designated in accordance with subsection (b) that are or have been established for the purposes of promoting—

"(A) development of the private sectors of eligible countries, including small businesses, the agricultural sector, and joint ventures with United States and host country participants; and

"(B) policies and practices conducive to private sector development in eligible countries;

on the same basis as funds and support may be provided with respect to Enterprise Funds for Poland and Hungary under the Support for East European Democracy (SEED) Act of 1989.

"(2) Funds may be made available under this section notwithstanding any other provision of law.

"(b) COUNTRIES ELIGIBLE FOR ENTERPRISE FUNDS.—(1) Except as provided in paragraph (2), the President is authorized to designate a private, nonprofit organization as eligible to receive funds and support pursuant to this section with respect to any country eligible to receive assistance under part I of this Act in the same manner and with the same limitations as set forth in section 201(d) of the Support for East European Democracy (SEED) Act of 1989.

"(2)(A) Except as provided in subparagraph (B), the authority of paragraph (1) shall not apply to any country with respect to which the President is authorized to designate an enterprise fund under section 498B(c) of this Act or section 201 of the Support for East European Democracy (SEED) Act of 1989.

"(B) The prohibition of subparagraph (A) shall not apply to the Trans-Caucasus Enterprise Fund established under subsection (c).

"(c) TRANS-CAUCASUS ENTERPRISE FUND.—The President shall designate a private, nonprofit organization under subsection (b) to carry out this section with respect to the Trans-Caucasus region of the former Soviet Union. Such organization shall be known as the 'Trans-Caucasus Enterprise Fund'.

"(d) TREATMENT EQUIVALENT TO ENTERPRISE FUNDS FOR POLAND AND HUNGARY.—Except as otherwise specifically provided in this section, the provisions contained in section 201 of the Support for East European Democracy (SEED) Act of 1989 (excluding the authorizations of appropriations provided in subsection (b) of that section) shall apply to any Enterprise Fund that receives funds and support under this section. The officers, members, or employees of an Enterprise Fund that receive funds and support under this section shall enjoy the same status under law that is applicable to officers, members, or employees of the Enterprise Funds for Poland and Hungary under the Support for East European Democracy (SEED) Act of 1989.

"(e) REPORTING REQUIREMENT.—Notwithstanding any other provision of this section, the requirement of section 201(p) of the Support for East European Democracy (SEED) Act of 1989, that an Enterprise Fund shall be required to publish an annual report not later than January 31 each year shall not apply with respect to an Enterprise Fund that receives funds and support under this section for the first twelve months after it is designated as eligible to receive such funds and support.

"(f) AUTHORIZATION OF APPROPRIATIONS.—(1) There are authorized to be appropriated to the President for purposes of this section, in addition to funds otherwise available for such purposes—

"(A) $12,000,000 for fiscal year 1996 to fund the Trans-Caucasus Enterprise Fund established under subsection (d); and

"(B) $52,000,000 for fiscal year 1996 to fund any enterprise fund authorized to receive funds under this section other than the Trans-Caucasus Enterprise Fund.

"(2) Funds appropriated under this subsection are authorized to remain available until expended.".

CHAPTER 2—DEVELOPMENT ASSISTANCE FUND AND OTHER AUTHORITIES

SEC. 2311. DEVELOPMENT ASSISTANCE FUND.

(a) SINGLE AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the President the total amount of $2,475,000,000 for fiscal year 1996 and the total amount of $2,324,000,000 for fiscal year 1997 to carry out the following authorities in law:

(1) Sections 103, 104, 105, 106, and 108 of the Foreign Assistance Act of 1961 (relating to development assistance).

(2) Chapter 10 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2294; relating to the Development Fund for Africa).

(3) Chapter 11 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2295 et seq.).

(4) The Support for East European Democracy (SEED) Act of 1989 (Public Law 101–179).

(5) Title III of chapter 2 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2181 et seq.; relating to housing and other credit guaranty programs).

(6) Section 214 of the Foreign Assistance Act of 1961 (22 U.S.C. 2174; relating to American Schools and Hospitals Abroad).

(b) POPULAR NAME.—Appropriations made pursuant to subsection (a) may be referred to as the "Development Assistance Fund".

(c) PROPORTIONAL ASSISTANCE TO AFRICA.—Of the funds authorized to be appropriated by subsection (a), not less than 25 percent each fiscal year shall be used to carry out chapter 10 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2294 et seq.; relating to the Development Fund for Africa).

SEC. 2312. ECONOMIC SUPPORT FUND.

Subsection (a) of section 532 of the Foreign Assistance Act of 1961 (22 U.S.C. 2346a) is amended to read as follows:

"(a)(1) There are authorized to be appropriated to the President to carry out the purposes of this chapter $2,375,000,000 for the fiscal year 1996 and $2,340,000,000 for the fiscal year 1997.

"(2) Of the amount authorized to be appropriated by paragraph (1) for each of the fiscal years 1996 and 1997, $15,000,000 shall be available only for Cyprus.

"(3) Of the amount authorized to be appropriated by paragraph (1) for fiscal year 1996, $15,000,000 shall be available only for the International Fund for Ireland.

"(4) Of the amount authorized to be appropriated by paragraph (1) for fiscal year 1996, $10,000,000 shall be available only for the rapid development of a prototype industrial park in the Gaza Strip.".

CHAPTER 3—PEACE CORPS

SEC. 2331. PEACE CORPS.

Section 3(b) of the Peace Corps Act (22 U.S.C. 2502(b)) is amended to read as follows:

"(b) There are authorized to be appropriated to carry out the purposes of this Act $234,000,000 for each of the fiscal years 1996 and 1997.".

CHAPTER 4—INTERNATIONAL DISASTER ASSISTANCE PROGRAMS

SEC. 2341. INTERNATIONAL DISASTER ASSISTANCE.

Section 492(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2292a) is amended to read as follows:

"(a) There are authorized to be appropriated to the President to carry out section 491, in addition to funds otherwise available for such purposes, $200,000,000 for fiscal year 1996 and $200,000,000 for fiscal year 1997.".

TITLE XXIV—PEACE AND SECURITY IN THE MIDDLE EAST

SEC. 2401. ECONOMIC SUPPORT FUND ASSISTANCE FOR ISRAEL.

(a) MINIMUM ALLOCATION.—Of the amounts made available to carry out chapter 4 of part II of the Foreign Assistance Act of 1961 (relating to the Economic Support Fund) for fiscal years 1996 and 1997, not less than $1,200,000,000 for each such fiscal year shall be available only for Israel.

(b) TERMS OF ASSISTANCE.—The total amount of funds allocated for Israel each fiscal year under subsection (a) shall be made available as a cash transfer on a grant basis. Such transfer shall be made on an expedited basis within 30 days after the beginning of the fiscal year or the date of enactment of the Act appropriating such funds, whichever is later. In exercising the authority of this subsection, the President shall ensure that the level of cash transfer made to Israel does not cause an adverse impact on the total level of nonmilitary exports from the United States to Israel.

SEC. 2402. FOREIGN MILITARY FINANCING FOR ISRAEL.

(a) MINIMUM ALLOCATION.—Of the amounts made available for fiscal years 1996 and 1997 for assistance under the "Foreign Military Financing Program" account under section 23 of the Arms Export Control Act (22 U.S.C. 2763), not less than $1,800,000,000 for each such fiscal year shall be available only for Israel.

(b) TERMS OF ASSISTANCE.—

(1) GRANT BASIS.—The assistance provided for Israel for each fiscal year under subsection (a) shall be provided on a grant basis.

(2) EXPEDITED DISBURSEMENT.—Such assistance shall be disbursed—

(A) with respect to fiscal year 1996, not later than 30 days after the date of the enactment of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1996, or by October 31, 1995, whichever is later; and

(B) with respect to fiscal year 1997, not later than 30 days after the date of the enactment of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997, or by October 31, 1996, whichever is later.

(3) ADVANCED WEAPONS SYSTEMS.—To the extent that the Government of Israel requests that funds be used for such purposes, funds described in subsection (a) shall, as agreed by the Government of Israel and the Government of the United States, be available for advanced weapons systems, of which not less than $475,000,000 for each fiscal year shall be available only for procurement in Israel of defense articles and defense services, including research and development.

SEC. 2403. ECONOMIC SUPPORT FUND ASSISTANCE FOR EGYPT.

Of the amounts made available to carry out chapter 4 of part II of the Foreign Assistance Act of 1961 (relating to the Economic Support Fund) for fiscal years 1996 and 1997, not less than $815,000,000 for each such fiscal year shall be available only for Egypt.

SEC. 2404. FOREIGN MILITARY FINANCING FOR EGYPT.

(a) MINIMUM ALLOCATION.—Of the amounts made available for fiscal years 1996 and 1997 for assistance under the "Foreign Military Financing Program" account under section 23 of the Arms Export Control Act (22 U.S.C. 2763), not less than $1,300,000,000 for each such fiscal year shall be available only for Egypt.

(b) TERMS OF ASSISTANCE.—The assistance provided for Egypt for each fiscal year under subsection (a) shall be provided on a grant basis.

TITLE XXV—INTERNATIONAL ORGANIZATIONS AND PROGRAMS

SEC. 2501. VOLUNTARY CONTRIBUTIONS; UNITED NATIONS CHILDREN'S FUND.

Section 302(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2222(a)) is amended to read as follows:

"(a)(1) There are authorized to be appropriated to the President, in addition to funds otherwise available for such purpose, $225,000,000 for fiscal year 1996, and $225,000,000 for fiscal year 1997, for voluntary contributions under this chapter to international organizations and programs, of which amounts not less than $103,000,000 for each fiscal year shall be available only for the United Nations Children's Fund (UNICEF).

"(2) Funds appropriated pursuant to paragraph (1) are authorized to remain available until expended.".

SEC. 2502. REPLENISHMENT OF THE ASIAN DEVELOPMENT BANK.

The Asian Development Bank Act (22 U.S.C. 285–285aa) is amended by adding at the end the following new section:

"SEC. 31. FOURTH REPLENISHMENT.

"(a) SUBSCRIPTION AUTHORITY.—

"(1) IN GENERAL.—The United States Governor of the Bank may, on behalf of the United States, subscribe to 276,105 shares of the increase in the capital stock of the Bank—

"(A) 5,522 of which shall be shares of paid-in capital stock; and

"(B) 270,583 of which shall be shares of callable capital stock.

"(2) SUBJECT TO APPROPRIATIONS.—The authority provided by paragraph (1) shall be effective only to such extent or in such amounts as are provided in advance in appropriations Acts.

"(b) LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS.—For the subscription authorized by subsection (a), there are authorized to be appropriated to the Secretary of the Treasury $13,320,000 for each of the fiscal years 1996 and 1997.".

TITLE XXVI—EFFECTIVE DATE

SEC. 2601. EFFECTIVE DATE.

Except as otherwise provided, this division, and the amendments made by this division, shall take effect on October 1, 1995.

BOXER (AND FEINSTEIN) AMENDMENT NO. 2032

Mr. KERRY (for Mrs. BOXER, for herself and Mrs. FEINSTEIN) proposed an amendment to amendment No. 2025 proposed by Mr. DOLE to the bill S. 908, supra; as follows:

Strike all page 1, line 6 through page 2, line 2–3 and insert the following new section.

(a) The Senate finds that—

(1) Peter H. Wu, known as Harry Wu, attempted to enter the People's Republic of China on June 19, 1995;

(2) Harry Wu, a 58-year-old American citizen, was traveling on a valid United States passport and a valid visa issued by the Chinese authorities;

(3) the Chinese Foreign Ministry notified the United States Embassy in Beijing of Harry Wu's detention on Friday, June 23;

(4) the United States Embassy in Beijing approached the Chinese Foreign Ministry on Monday, June 26, to issue an official demarche for the detention of an American citizen;

(5) the terms of the United States-People's Republic of China Consular Convention on February 19, 1982, require that United States Government officials shall be accorded access to a detained American citizen as soon as possible, but not more than 48 hours after the United States has been notified of such detention;

(6) on June 28, the highest ranking representative of the People's Republic of China in the United States refused to offer the United States Government any information on Harry Wu's whereabouts or the charges brought against him;

(7) by denying consular officials access to Harry Wu, the Government of the People's Republic of China violated the terms of its Consular Convention;

(8) on July 8, the People's Republic of China formally charged Harry Wu, with espionage, which is a capital crime;

(9) Harry Wu, who was born in China, has already spent 19 years in Chinese prisons;

(10) Harry Wu has dedicated his life to the betterment of the human rights situation in the People's Republic of China;

(11) Harry Wu first detailed to the United States Congress the practice of using prison labor to produce products for export from China to other countries;

(12) Harry Wu testified before the Committee on Foreign Relations of the Senate on May 4, 1995, informing the Committee, the Senate, and the American people about human rights abuses in Chinese prisons;

(13) on June 2, 1995, the President of the United States announced his determination that further extension of the waiver authority granted by section 402(c) of the Trade Act of 1974 (Public Law 93–618; 88 Stat. 1978), also known as "Jackson-Vanik", will substantially promote freedom of emigration from the People's Republic of China;

(14) this waiver authority will allow the People's Republic of China to receive the lowest tariff rates possible, also known as Most-Favored-Nation trading status, for a period of 12 months beginning on July 4, 1995;

(15) the Chinese government and people benefit substantially from the continuation of such trading benefits;

(b) The Senate condemns the arrest of Harry Wu, urges his immediate return, and expresses deep concern for his well being.

(c) It is the sense of the Senate that—

(1) the People's Republic of China must comply with its commitments under the United States-People's Republic of China Consular Convention of February 19, 1982;

(2) the President of the United States should use every diplomatic means available to ensure Harry Wu's safe and expeditious return to the United States;

(3) United States citizens who are participants in the United Nations Fourth World Conference on Women should strongly urge the release of Harry Wu at every appropriate public and private opportunity.

HUTCHISON (AND OTHERS) AMENDMENT NO. 2033

Mrs. HUTCHISON (for herself, Mr. GRAMM, Mr. COATS, Mr. HELMS, Mr. GRAMS, Mr. SMITH, Mr. Ashcroft, Mr. KEMPTHORNE, Mr. INHOFE, Mr. LOTT, Mr. NICKLES, and Mr. DEWINE) proposed an amendment to the bill S. 908, supra, as follows:

On page 91, between lines 4 and 5, insert the following new section:

SEC. 319. SENSE OF CONGRESS ON UNITED NATIONS FOURTH WORLD CONFERENCE ON WOMEN IN BEIJING, CHINA.

It is the Sense of the Congress that—

(1) the United Nations Fourth World Conference on Women in Beijing, China, should promote a representative American perspective on issues of equality, peace, and development; and

(2) in the event the United States sends a delegation to the Conference, the United States delegation should use the voice and vote of the United States—

(A) to ensure that the biological and social activity of motherhood is recognized as a valuable and worthwhile endeavor that should in no way, in its form or actions, be demeaned by society or by the state;

(B) to ensure that the traditional family is upheld as the fundamental unit of society upon which healthy cultures are built and, therefore, receives esteem and protection by society and the state; and

(C) to define or agree with any definitions that define gender as the biological classification of male and female, which are the two sexes of the human being.

AUTHORITY FOR COMMITTEE TO MEET

COMMITTEE ON FINANCE

Mr. PELL. Mr. President, I ask unanimous consent that the Committee on Finance be permitted to meet Monday, July 31, 1995, beginning at 9:30 a.m. in room SD–215, to conduct a hearing on Medicare fraud and abuse.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

THE SITUATION ON CYPRUS

• Mr. STEVENS. Mr. President, the fall of communism and the reunification of Europe makes it easy to forget that there is still one country in the world that remains artificially divided. I am speaking of Cyprus, which has been divided since 1974, when the Turkish military intervened on the island to stop a bloody coup that was threatening to become an all-out attack against the smaller Turkish Cypriot community there.

There is now some movement in the effort to find a solution to the Cyprus issue that has lingered for so long; longer, in fact, than the 21 years which have passed since the Turkish military action. The truth is that the physical partition of the island was the logical result of the de facto partition that occurred in the early 1960's, when Greek Cypriot extremists began a campaign to drive the Turkish Cypriots off the island forever. That is why U.N. peacekeepers have been on Cyprus since 1963—more than a decade prior to the intervention of 1974.

Brian Crozier, a contributing editor at the National Review, has recently written an article for the magazine entitled "The Forgotten Republic," which provides an excellent review of the situation on Cyprus. I commend it to anyone interested in Cyprus, and submit it for publication in the CONGRESSIONAL RECORD.

[From the National Review, June 12, 1995]

THE FORGOTTEN REPUBLIC

(By Brian Crozier)

Lidice is remembered with sorrow and anger: the Czech village razed by the Nazis, its inhabitants massacred. I was unaware of the similar fate of Sandallar and Atlilar, in the Turkish Republic of Northern Cyprus.

There is not much to see: a few burnt-out houses, and two simple monuments to the inhabitants. The dead at Sandallar numbered 89, including some old people and a baby of four months. The toll at Atlilar was 37, including two babies, one 16 days old, the other 15 months.

The Greeks who carried out the massacres included a few uniformed members of the National Guard, armed with machine-guns, and civilians who knew their victims and called them out by name to meet their fate.

The date is important. The deeds were done on August 14, 1974, less than a month after a Turkish force of six thousand troops and forty tanks had landed near Kyrenia. Was it an invasion? Or a rescue operation? Or, more neutrally, just a landing? It all depends on who you are, and where you stand.

A backward look is necessary. This was not my first visit to this beautiful Mediterranean island, only 40 miles from Turkey (and 560 miles from Greece). I had gone there 39 years ago, when the Greek Cypriot terrorist movement, EOKA, led by a political bandit called George Grivas, was in full swing. Grivas had one simple aim: Enosis, or union with Greece.

At that time, in 1956, Cyprus was still a British colony, and Britain was not eager to hang onto it. The dismantling of the British Empire was already well under way, but Cyprus was a tough case with some 100,000 Turkish Cypriots, scattered in vulnerable enclaves, and perhaps five times as many Greeks.

EOKA's initials were designed to confuse: they stood for National Organization for the Cyprus Struggle, but meant in reality, "for Greek Cypriots and union with Greece." There was no room in EOKA for Cypriots of Turkish origin.

Cyprus, indeed, was a fully qualified member of the New World Disorder before History began again after the collapse of the Soviet system. Cyprus reminds me of Ireland: two ethnic and religious communities living on the same island, the majority wanting to control the minority, and the minority looking to a nearby ancestral homeland for protection.

During the EOKA terror campaign (1955–58) hundreds of Turks were killed and more than 30 villages destroyed (logically, one might say, since Grivas was committed to eliminating all "traitors," defined as opponents of Enosis).

The British achieved their aim of getting out of Cyprus in 1959 after meetings with the Greek and Turkish governments, which resulted in the London-Zurich Agreements, specifying that the two Cypriot communities would be the founding partners of the forthcoming republic. As for Enosis, it was outlawed; and so, to be fair, was Taksim (partition); which is what the Turks wanted.

The new Republic that emerged in 1960 was, however, virtually stillborn. The president, the Greek Orthodox Archbishop Makarios, is often described as a "moderate," but the facts are otherwise. He gave the Interior Ministry to a known EOKA killer, Polycarpos Yorgadjis, and similar appointments followed. At the end of 1963, he moved closer to the Grivas model, unleashing a secretly trained army of Greek and Greek Cypriot irregulars against the Turkish community. The Turks hit back, reportedly with arms from Turkey.

Makarios declared the Agreements null and void and expelled Turkish members of his government. By late 1963, the small British peace force was out of its depth, and in mid February 1964, Britain referred the Cyprus problem to the U.N. Security Council. The outcome was another set of initials: UNFICYP, or the United Nations Peace-Keeping Force in Cyprus. It came in 1964 and is still there, more than thirty years on. Before flying from London to Kyrenia this time, I watched a relevant installment of a documentary television series titled A "Soldier's Peace," in which the Canadian Major-General Lewis MacKenzie summed up the decades of U.N. peace-keeping in a telling phrase: "It fails even when it succeeds."

The long-drawn-out conflict came to a climax on July 15, 1974, when an ex-EOKA terrorist named Nicos Sampson, with the backing of the Colonels' regime then in power in Greece, overthrew Archbishop Makarios and took over. But not for long. There was an element of farce in Sampson's coup, which put him in power for not quite a week—one of the shortest-lived takeovers in history. Within days (on July 23) the Greek Colonels decided, after seven years in power, to hand the country over to civilian politicians.

There was, however, drama as well as farce, for the Turkish military landing had started on July 20. Of the questions I put to President Rauf Denktash on my recent visit, the key one, to me, was whether the Turkish government had decided unilaterally to intervene, or whether he had asked the Turks to come in. His reply was frank. He had been in constant touch with the then premier of Turkey, Bulent Ecevit, and had pleaded with him to rescue the heavily out-numbered Turkish minority.

The Turkish operation was followed by a massive transfer of populations, obligatory for the Greeks in the north, voluntary for the Turks from the south, in fear of a Greek backlash.

Another glance backward. On my visit in 1956, Denktash had called to see me at my hotel in Nicosia. Denktash has not changed very much—a short, now even broader man of 71. Like his counterpart in southern Cyprus, Glavcos Clerides, he is a London-trained lawyer, and his exposition of the long crisis and his efforts to solve it was admirably judicious.

The little Republic needs Denktash, but came close to losing him in the first round of the presidential election this April 16, when he won only 40 per cent of the vote, with his right-wing rival Dervis Eröglü, close behind. But in the run-off on the 22nd, he won a fifth term with 62 per cent.

Meanwhile, back in 1975, the Denktash government, under Turkey's protection, proclaimed a Turkish Cypriot Federated State on February 13. Initially, Denktash did not seek international recognition. His aim was to negotiate a deal with his Greek Cypriot opposite number, Acting President Clerides, for a partition of the island into two separate, but federally linked, entities.

That was twenty years ago, and the deadlock has been frozen ever since. Clerides and his advisors were not interested in Denktash's federal fantasy, as they saw it. There seemed only one way out, and Rauf Denktash took it in 1983. He dropped the federal initiative and, on November 15, proclaimed the independence of his enclave, under the name of "the Turkish Republic of Northern Cyprus." Three days later, on the initiative of the (Greek) Republic of Cyprus, the UN Security Council voted for non-recognition of the Northern Republic.

And there, you might think, the matter rests; except that it does not, and should not. Life in the unrecognized republic is at least peaceful, but not as comfortable as it might be. The Greek Cypriots see to that, by cutting off gas and electricity daily, although the Turkish northerners hope to have enough supplies of their own before long. Inflation is running at 200 percent, and life without Turkish handouts would be grimmer still. The Greek government tried to block a mainland-Turkish move for a customs deal with the European Union, but eventually lifted its veto.

In southern Cyprus, meanwhile, there are worrying signs. For months past, a Russian-mafia and ex-KGB presence has been building up there; there is a massive arms build-up as well ($2 million worth a day, according to northern sources), including equipment from the former Warsaw Pact as well as from NATO via Greece. There are also reliable reports on a still more sinister development, with the training of anti-Turkish, Leninist terrorists of the PKK (Kurdish People's Party) in the south.

Meanwhile, Turkey's military presence in the north has officially grown from 6,000 to 30,000. Unconfirmed whispers put the total at closer to 130,000. Reminder: Greece and Turkey are both members of NATO. In February 1975, the U.S. Congress imposed an arms embargo on Turkey; in retaliation, Turkey closed 25 U.S. defense installations. President Gerald Ford partially lifted the embargo in October 1975 and under a new agreement, the following year, Turkey took control of the installations and received substantial grants and credits from the United States.

Time to declare? In my view, the Turkish intervention of 1974 was not an invasion, as widely accepted, but a morally justified rescue operation. I understand the Greek ancestral memories of Ottoman oppression, but I do not think they justify Greek Cypriot repression of the peaceful Turkic minority. I regret the Greek rejection of a federal solution, which alone makes sense to me. Still more do I regret the international failure to recognize the independence of northern Cyprus. As it happens, talks on ways to reunite Cyprus, sponsored by the U.S. and Britain, opened in London on May 20. This encourages me (but only just) to end on a note of hope, though not of optimism.•

THE 100TH ANNIVERSARY OF ALBERT BROS., INC.

• Mr. LIEBERMAN. Mr. President, I rise today to honor one of Connecticut's oldest businesses which will be celebrating its 100th anniversary this year: Albert Bros., Inc. In 1891, Nathan and Lewis Albert came to Waterbury, Ct from their native home of Vilna, Lithuania. Traveling by horse and wagon through Connecticut, Nathan and Lewis Albert began their livelihood by selling tin goods and buying scrap metal. In 1895, with the opening of their own scrap yard, Albert Bros., Inc. began.

The Albert brothers moved the location of their business several times, finally settling on Judd Street in 1917. One year later, Lewis left the company to manage his own coal and oil business. Spending over 50 years on Judd Street, the company survived the Great Depression and a flood in 1955 and continued to prosper at that location for over three decades. In 1971, the company outgrew the Judd Street location and moved to its present location on East Aurora Street.

In the 1980's, Albert Bros., Inc. welcomed the fourth generation of Albert's into the business. With this came yet another prosperous expansion for the company.

Currently, Albert Bros., Inc. is one of the largest scrap metal recyclers/processors in New England, operating on both a national and an international level. Albert Bros. has received numerous awards for the quality of its processed scrap, and a variety of awards from the State of Connecticut for its excellence in workplace safety. The success of Albert Bros. can be seen by recognizing its commitment to the people.

Therefore, in this year of the 100th anniversary of Albert Bros., Inc., I wish to commend the company for their hard work and dedication.•

BEATRICE KAHAN

• Mr. LEVIN. Mr. President, I would like to take a moment to remember a woman who spent her life striving to improve her community, Beatrice Kahan of Kalkaska. She passed away earlier this month.

A long time resident of Kalkaska, Beatrice Kahan held many public positions. For her many contributions to the community she was selected as the Kalkaska Citizen of the Year and was recognized as one of the top 10 Women of the Year by the Zonta Club of Michigan.

Beatrice Kahan served on the Kalkaska Village Council, the Cosmetology Board, the Probate Court Advisory Commission, the Trout Memorial Board, and acted as president of the Kalkaska Chamber of Commerce. Her contributions to the community include spearheading the effort to build sewers in Kalkaska, founding the International Dog Races, restoring the downtown Kalkaska Trout Memorial, and identifying problems of elderly abuse.

Mr. President, it is an honor for me to pay tribute to Beatrice Kahan, a caring educator who established the K-College of Cosmetology in Kalkasa and Traverse City. Many of her former students remember her as the person who gave their lives direction and the skills they needed to compete in the marketplace. She will be remembered warmly by her family, friends, and the entire community.•

BEN ALEXANDER: I'LL BE LOST WITHOUT HIM

• Mr. HOLLINGS. Mr. President, one of the greatest joys of being a U.S. Senator is the opportunity to work with the brightest, most talented young people in the country. Inevitably, it is with a mixed sense of sadness and pride that one watches them mature and then move on to the next aspect of their career. That certainly describes my feelings today as my upstate director, Ben Alexander, leaves to go to law school.

There are quite a few things that anyone who has any contact with Ben will ascertain immediately—he is smart, he is conscientious, he is tireless, and he is relentlessly good natured. If one talks to Ben a little longer, one will find that he has a voluminous knowledge of South Carolina's upstate. He can tell you the economic statistics, election results, business prospects and wedding announcements for every town in 10 counties. And he is just as proficient at expediting a Social Security case as helping industry and government build the infrastructure necessary to a healthy business climate. In addition, he began an intern program that has been a boon to both my office and the many fine universities found in the upstate. In short, Ben can do it all and do it all well.

Despite all this obvious talents, I had some reservations about giving a 22-year-old primary responsibility for the most populous area of the State when he began nearly 7 years ago. On my first visit to the Greenville area after Ben had taken over, he picked me up at the airport and proceeded to reenforce all my worst fears by getting lost. Well, we eventually got where we were going and I later learned that Ben was famous for his hard work but infamous for his sense of direction. But there turned out to be no need to worry. Ben learned to read a road map just as well as he could read a political map. And I can assure you that my office never took a wrong turn under Ben's stewardship.

Mr. President, I rise today to say thanks to Ben Alexander for all he has done for me and for the people of South Carolina. As he heads off to law school, he will remain a member of the extended Hollings family. I appreciate this opportunity to thank him for a job well done and to wish him every success in the years ahead.•

DISTRICT OF COLUMBIA EMERGENCY HIGHWAY RELIEF

Mr. DOLE. Mr. President, I ask unanimous consent the Senate proceed to immediate consideration of H.R. 2017, just received from the House.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2017) to authorize an increased Federal share of the costs of certain transportation projects in the District of Columbia for fiscal years 1995 and 1996, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. DOLE. Mr. President, I ask unanimous consent the bill be considered and deemed read a third time, passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be placed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 2017) was deemed read three times and passed.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. DOLE. Mr. President, I ask unanimous consent the Senate immediately proceed to executive session to consider all the nominations placed on the secretary's desk in the Marine Corps. I further ask unanimous consent the nominations be confirmed en bloc, the motions to reconsider be laid upon the table en bloc, that any statements relating to the nominations appear at the appropriate place in the RECORD, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

IN THE MARINE CORPS

Marine Corps nominations beginning Anthony T. Alauria, and ending Thomas S. Woodson, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of April 3, 1995.

Marine Corps nominations beginning David V. Adamiak, and ending John G. Zuppan, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of May 11, 1995.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

ORDERS FOR TUESDAY, AUGUST 1, 1995

Mr. DOLE. Mr. President, I ask unanimous consent when the Senate completes its business today it stand in recess until the hour of 9:30 a.m. on Tuesday, August 1, 1995; that following the prayer the Journal of proceedings be deemed approved to date, the time for the leaders be reserved for their use later in the day; and that there then be a period for the transaction of routine morning business until 10 a.m. with Senators permitted to speak for up to 5 minutes, with the following exceptions: Senator FEINSTEIN, 10 minutes; Senator GLENN, 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, I ask unanimous consent that at 10 a.m. the Senate begin a 15-minute cloture vote on the State Department reorganization and the mandatory quorum under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. I further ask that following the first cloture vote the Senate resume consideration of the State Department reorganization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. I further ask unanimous consent the Senate stand in recess between hours of 12:30 p.m. and 2:15 p.m. for the two party luncheons, and following the recess at 2:15 p.m, the Senate proceed to a second cloture vote on the State Department reorganization and the mandatory quorum under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. DOLE. So, let me just summarize here for all my colleagues.

For the information of all Senators, if cloture is not invoked either time on the State Department reorganization, it will be the majority leader's intention to either resume consideration of the energy water appropriations bill—but probably we will not do that unless some of the problems have been worked out—or begin consideration of the DOD authorization bill. Therefore, votes can be expected to occur throughout Tuesday's session with the first vote occurring at 10 a.m.

Also, Senators should expect late sessions this week and the possibility of a Saturday session, if necessary, to make progress on the items needed to pass prior to the August recess, which will begin sometime in August.

ORDER FOR FILING OF FIRST-DEGREE AMENDMENTS

Mr. DOLE. Also, Mr. President, I ask unanimous consent the first-degree amendments may be filed up to 12:30 p.m. on Tuesday and second-degree amendments may be filed for the first cloture vote by 10 a.m. and for the second cloture vote by 2:15 p.m. in order for them to qualify postcloture.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, I understand the Senator from California wishes to speak, and the Senator from Rhode Island. So, if I can just take a few minutes and I will sort of put us on automatic.

A FINAL TRIBUTE TO GEORGE ROMNEY

Mr. DOLE. Mr. President, in describing the State of Michigan, the author John Steinbeck wrote, "It seemed to me that the Earth was generous and outgoing here in the heartland, and perhaps the people took a cue from it."

One person who Steinbeck may have been thinking of when he wrote those words was George Romney. And today Governor Romney's family and friends gathered in Bloomfield Hills, MI, to pay a final tribute to one of America's most generous and outgoing public servants.

An innovative businessman, an effective Governor, a dedicated Secretary of Housing and Urban Development, a committed member of his church, a loving husband and father. George Romney was all of this and more.

But perhaps the title that Governor Romney cherished above all was the simple title of American.

During his remarkable life and career, George Romney was always fighting for his country, and for the values that make it great.

He knew that the free enterprise system was the engine that moved our economy forward, and, as a pioneering businessman, he introduced the compact car to Americans.

George Romney also believed in democracy, and he chose to leave a very lucrative career for the opportunity to make a difference for all Michigan citizens.

And some three decades before "Reinventing Government" became a national fad, George Romney fought to reduce the bureaucracy, and to see that Government remained close to the people.

George Romney also was an advocate for the uniquely American tradition of neighbor helping neighbor, and after leaving public service, he founded The National Center, which was devoted to increasing voluntarism in America, and which will stand as one of his legacies.

Another legacy is his family. Governor Romney understood that there is no institution more vital to America's survival than the family. He fought for policies that strengthened all America's families, and he took geat pride in the many accomplishments of his.

I know all Senators join with me in sending our condolences, to Lenore, his wife of 64 years, and to his four children, 23 grandchildren, and 33 great-grandchildren.

ORDER OF PROCEDURE

Mr. DOLE. Mr. President, as I understand it, the Senator from California wishes to speak for 10 minutes and the Senator from Rhode Island for 10 minutes.

So I ask unanimous consent that if there is no further business to come before the Senate, the Senate stand in recess under the previous order after the completion of the remarks by the Senator from California, Senator BOXER, and the remarks of the Senator from Rhode Island, Senator PELL.

The PRESIDING OFFICER (Mr. DEWINE). Without objection, it is so ordered.

Under the order, the Senator from California is recognized.

Mrs. BOXER. Thank you very much, Mr. President.

FOREIGN RELATIONS REVITALIZATION ACT

The Senate continued with the consideration of the bill.

AMENDMENT NO. 2033

Mrs. BOXER. I am sorry that the Senator from Texas left the floor. I understand the basic premise of her amendment, which says that the U.N. Fourth World Conference on Women in Beijing should promote an authentic American prospective on issues of equality, peace, and development. Absolutely that is correct.

But there are a couple of things here that are just odd, which does not necessarily mean that I will not support this. But I find it odd that in a resolution coming before the Senate that the Senate has to state and go on record that there are only two genders, male and female. That is what the facts of life are. And I just find it kind of odd to have to say that there are two genders. So I was going to ask her why she feels we have to say that.

The other thing I thought was kind of unusual here is that she implies this—and I know that she could straighten it out for me—that single people are not entitled to protection by society in this country. That concerns me because what she says is to ensure that the traditional family is upheld as the fundamental unit of society upon which healthy cultures are built and, therefore, receives esteem and protection by society in the State. Of course, our families and the people in them should receive full protection of society and the country in America. But are we implying here that if we are not married, if we are single, you do not deserve to have those protections? I hope not.

So I wanted to ask her about that. But we will put that to the side. Perhaps when I get to see the Senator in the morning, she will be able to explain why we have to have the Senate vote that there are two genders.

ACTION OF THE ETHICS COMMITTEE

Mrs. BOXER. Mr. President, I was disappointed to learn that the Ethics Committee has voted 3 to 3 and is deadlocked on the issue of public hearings in the Packwood case, with three Republicans voting against public hearings and three Democrats voting in favor of public hearings.

I have stated oftentimes on this floor that if that would be the case, I was going to offer the amendment, and I stand by that. I will do that because not holding open public hearings in a case that has reached this serious a level would be the first time in history that the Senate has failed to do so.

And, Mr. President, I have just wracked my brain. What is it about this case that should give a Senator the right to have his case behind closed doors? The only thing I can come up with is the more embarrassing you make your transgressions, the more likely you are to get to be heard behind closed doors. That is a horrible message. Or, if it involves sexual misconduct, sexual misconduct, mistreatment of women, or, if this is done by a woman toward men, misconduct of human beings because of their sexuality, that you get to have those hearings behind closed doors. What an incredible message the Republican members of the Ethics Committee have sent to the American people today. I cannot figure out any other reason.

I think it is important to note that the Senator in question got his opportunity to appear before a committee in person to talk about what he thought discrepancies might be in the case and to look at those Senators eye to eye. But the women, 17 of them in 18 different cases, do not get that chance.

I hope the American people are following this saga. It is extraordinary. The women do not have a chance to come before that committee and look in their eyes and talk about their humiliation and their pain.

I have to tell you something. When it comes to this issue, and men and women who have had this experience will tell you, you never forget it whether it was 3 days ago or 30 years ago. It is that humiliating. You remember every single detail. You remember how you felt. And it stays with you for your whole life.

These women do not have the same chance that this privileged Senator did to look in the eyes of the Ethics Committee members and tell them from their heart what transpired. I think this is wrong.

Now, on the bright side, the committee voted 6 to 0 to distribute all the documents related to the case. That is my understanding, all the depositions. That is a good sign. We can at least see what the depositions say, what the documents say, about the sexual misconduct, about the allegations of tampering with evidence, about the allegations of trying to get a spouse a job related to lower alimony payments. We will get to see the documents.

It is a good thing because I heard directly from one of my Republican colleagues that he was able to see some of the depositions, and he is not even on the committee. It is a good thing we are all getting a chance to see the documents and the depositions.

But, Mr. President, I have to tell you, this is like justice half way. You see the depositions but you do not really get to see the people, and they do not get to tell their side. That is like canceling a trial and just deciding the guilt or innocence based on paperwork. That is not justice. That is justice half way. That is one-sided justice.

I know that not all of my colleagues are very excited about the fact that I am going to be offering an amendment, but I know that each and every one of my colleagues in their heart believes, if they felt strongly about this, they would do it as well because it is about the honor of the Senate. It is about the traditions of the Senate. It is about a signal we will send if we allow this deadlock to continue.

Mr. President, I will not take any more of the Senate's time on this matter. There will be much more to say on it. I will at this time yield my time to the Senator from Rhode Island if he wishes to take advantage of the little extra time.

I yield the floor.

Mr. PELL. I thank the Senator very much.

The PRESIDING OFFICER. The Senator from Rhode Island.

IN DEFENSE OF THE UNITED NATIONS

Mr. PELL. Mr. President, I wish to take a moment to outline some of the concerns I have about the provisions pertaining to the United Nations in the bill we have been considering, the State authorization bill.

Titles II and III of the bill, in my opinion, amount collectively to an assault on U.S. participation in the U.N. system. I know that some Americans have questioned the effectiveness of the United Nations in certain peacekeeping operations, such as those in Somalia and Bosnia, and that there are lingering concerns about the ability of the United States to expend resources on foreign affairs in general.

That being said, I think it is fair to say there is evidence that a majority of Americans support U.S. participation in the U.N. system—particularly when it comes to U.N. peacekeeping. To paraphrase former Secretary of State James Baker, U.N. peacekeeping is a pretty good bargain. For every dollar the United States spends on U.N. peacekeeping, we save many more by preventing conflicts in which we would otherwise become involved unilaterally.

I am therefore distraught and distressed by this bill's obvious anti-U.N. course. If adopted in its present form, this bill could well establish the foundation for an eventual U.S. withdrawal from the U.N. system. I think that would be a disastrous outcome, and one to which the American public would strenuously object. As Secretary of State Christopher noted in a recent letter to me, "* * * turning our back on the U.N. would increase the economic, political, and military burden on the American people."

There are a number of troublesome sections in this bill relating to the United Nations. Section 201 authorizes a reduction of more than $157 million from the President's request for the U.S. assessed contributions to the United Nations and related agencies. From there, the fiscal year 1997–99 recommendations are straightlined—frozen, to be precise—at the fiscal year 1996 levels.

That is a mistake. If we enact this provision, the Congress will force the United States to default on treaty obligations and fall further into arrears on our payments to the United Nations. I remember how hard I tried to work with the Bush administration to bring the United States back from its deadbeat status at the United Nations; what a shame it would be for us to fall behind once more.

Section 203, in a misguided effort to save the United States money at the United Nations, calls for the U.N. General Assembly to reformulate the percentages of assessed contributions, and to base those percentages upon each nation's share of the world's total gross national product. If we were to follow these guidelines, however, the U.S. share of total assessed contributions to the United Nations would easily exceed our current mandated ceiling of 25 percent. In other words, we would achieve the exact opposite of what this section probably intends.

Section 205 is probably the most problematic of all the U.N. provisions. This section would have the United States withhold 50 percent of its assessed peacekeeping dues and 20 percent of its regular contributions, and would bar payment of all voluntary peacekeeping contributions, unless the President were able to certify certain conditions with regard to the U.N. inspector general's office.

While U.N. reform is a good idea, this provision sets unworkable standards for an effective U.N. inspector general. In other words, the President would never be able to certify the conditions set forth in this legislation, nor in many cases would he want such conditions to arise. In my opinion, by setting such impossible certification requirements, this section is but a thinly veiled attempt to cut off enormous percentages of U.S. funding for the United Nations. It ought to be modified or, better yet, deleted.

There are other sections that also should be revised. I know that Senator KERRY and I have had discussions with our Republican counterparts to express concerns about section 206, a so-called whistle-blower provision; section 212, which increases advance notification requirement for U.N. Security Council votes; section 217, which creates exceptions for U.S. enforcement of U.N. sanctions regimes; section 220, which redefines the U.S. concept of a peacekeeping operation; and finally, sections 313, 316, and 317, which would prohibit certain U.S. contributions to the ILO and other international organizations.

Having returned just a short time ago from the 50th anniversary celebration of the foundation of the United Nations, I am convinced more than ever of the usefulness and necessity of U.S. participation in the United Nations. It is often repeated—and with good reason—that if the United Nations did not exist, then the world would need to invent it. I think it is high time that the Congress recognized the good and positive value we get for spending at the United Nations, and make the correct decision to reject the troublesome provisions in this bill.

Mr. President, on July 26, former Deputy Secretary of State John C. Whitehead, who is now Chair of the U.N. Association, wrote to me to outline the Association's assessment of the U.S. stake in the United Nations. It is an important statement and offers a clear and concise argument for continued U.S. participation in the United Nations.

Secretary Whitehead's letter prompted me to recall my own personal involvement with the United Nations having been present at its creation. To be precise, I was an Assistant Secretary of Committee III—the Enforcement Arrangements Committee—and worked specifically on what became articles 43, 44, and 45 of the charter. These articles are as relevant now as they were 50 years ago.

To my mind, the charter has been more than mere words and paper, more than a blueprint of an organizational structure. To me, the charter is a vibrant and dynamic force, willed into being by the collective hopes and dreams of the participants in the San Francisco conference. Although experience has proven that the charter has not always lived up to such high expectations, the last 50 years have proven that collective security is a pretty sound concept for relations between states. It therefore pains me to see this debate in Congress over the future of U.S. participation in the U.N. system.

If the United States abandons the United Nations, the United Nations could well meet the same fate as the League of Nations. I think our interest lies in remaining solidly behind the United Nations. The U.S. failure to support the League of Nations is precisely why the League failed. We should not let the same thing happen to the United Nations. In the coming years, I can easily foresee that the United States will need the United Nations to intervene in areas of conflict or to tackle issues such as the international environment, world hunger, and refugee crises.

It is unfair and shortsighted to judge the United Nations solely on its success or failure in dealing with an intractable, longstanding ethnic conflict such as that in the former Yugoslavia. Rather, we should look at its 50 year's worth of experience in promoting collective security, humanitarian assistance and international cooperation in the environment and other areas.

The record, I would argue, has been good, and with a little work, the future holds real promise. My hope is that 50 years from now, when the United Nations celebrates its 100 year anniversary, our children will look back and remember this time as the turning point.

I ask unanimous consent that Secretary Whitehead's letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.N. ASSOCIATION OF THE
UNITED STATES OF AMERICA,
New York, NY, July 26, 1995.

Hon. CLAIBORNE PELL,
Senate Russell Office Building,
Washington, DC.

DEAR SENATOR PELL: I am writing to share with you a policy statement of the United Nations Association of the United States (UNA-USA) on the U.S. stake in the United Nations and U.N. financing, adopted in late June by UNA-USA's national convention on the occasion of the 50th anniversary of the signing of the United Nations Charter.

It is a serious yet succinct statement on an issue of considerable importance, with major implications for the Congress. We hope you will find it of interest. UNA-USA is eager to make a constructive contribution to the policy debate.

We would be pleased to share any reactions with UNA-USA's 25,000 members.

Sincerely,

JOHN C. WHITEHEAD,
Chairman of the Association.

Enclosure.

FINANCING THE UNITED NATIONS

The greatest threat today to the U.N.'s effectiveness and even survival is the cancer of financial insolvency. Countries slow to pay their share include many that are small. But it is the massive delinquencies of the United States that have plunged the Organization into chronic crisis and sapped its capacity to respond to emergencies and new needs.

The services provided by international organizations are, objectively, quite cheap—especially in comparison with the sums we spend on other dimensions of national security, such as the military, as backup in the event that diplomacy and the U.N. machinery fail. The annual U.S. assessments for peacekeeping worldwide are less than the police budget for the nation's largest city. Total American contributions, voluntary as well as obligatory, for all agencies of the U.N. system amount to $7 per capita (compared to some $1,000 per capita for the Defense Department)

Some object that U.N. peacekeeping costs have exploded over the past decade, from a U.S. share of $53 million in 1985 to $1.08 billion projected for 1995. But the end of the Cold War that sparked that increase, by freeing the U.N. to be an effective agent of conflict management, also allowed for far larger reductions in other U.S. security spending: Over the same decade, Pentagon budgets have fallen $34 billion. Increased reliance on U.N. collective security operations necessarily complements our defense savings. Moreover, U.N. costs are spread among all member states, and constitute a truly cost-effective bargain for all.

However, at a time of hard budget choices, many national politicians see U.N. contributions as an easy target. They are misguided. In asserting that national parliaments can unilaterally set their nations' assessment levels, claim offsets from assessed obligations for voluntary peacekeeping contributions, and impose policy conditions for payment of their agreed share of expenses, some

Washington politicians jeopardize the institutional underpinnings of the world community. No multilateral organization—whether the U.N., the World Bank, or NATO—can long survive if member states play by such rules.

In ratifying the U.N. Charter, every member state assented in law to the financial obligations of U.N. membership. Virtually all of America's allies in the industrialized world fulfill those obligations to the United Nations—in full, on time, and without conditions. Until relatively recently, so did the United States. It must do so again.

America's leaders must recommit this nation to full and timely payment of assessed contributions to the U.N. and related organizations, including prompt retirement of arrears accumulated over the past decade. Financial unreliability leaves our institutions of common purpose vulnerable and inefficient. We must sustain—and, where needed, increase—our voluntary financial support of the U.N. system's many vital activities in the economic and social fields as well as peace and security. We should press for assessment scales that fairly reflect nations' relative capacity to pay, and explore other means, including minimal fees on international transactions of appropriate types, to ensure that funds to pay for the U.N. system budgets that member states approve do, in fact, materialize.

AMERICA'S STAKE IN THE UNITED NATIONS

Fifty years ago we, the people of the United States, joined in common purpose and shared commitment with the people of 50 other nations. The most catastrophic war in history had convinced nations that no country could any longer be safe and secure in isolation. From this realization was born the United Nations—the idea of a genuine world community and a framework for solving human problems that transcend national boundaries. Since then, technology and economics have transformed "world community" from a phrase to a fact, and if the World War II generation had not already established the U.N. system, today's would have to create it.

The founders of the United Nations were clairvoyant in many ways. The Charter anticipated decolonization; called for "respect for human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion"; and set up the institutional framework "for the promotion of the economic and social advancement of all peoples." In meeting the Charter's challenges, we make for a more secure and prosperous world.

Through the U.N. system, many serious conflicts have been contained or concluded. Diseases have been controlled or eradicated, children immunized, refugees protected and fed. Nations have set standards on issues of common concern—ranging from human rights to environmental survival to radio frequencies. Collective action has also furthered particular U.S. government interests, such as averting a widening war in the Middle East into which Washington might otherwise be drawn. After half a century, the U.N. remains a unique investment yielding multiple dividends for Americans and others alike.

The U.N.'s mandate to preserve peace and security was long hobbled by the Cold War, whose end has allowed the institutions of global security to spring to life. The five permanent members of the Security Council now meet and function as a cohesive group, and what the Council has lost in rhetorical drama it has more than gained in forging common policies. Starting with the Reagan Administration's effort to marshal the Security Council to help bring an end to the Iran-Iraq war in 1988, every U.S. administration has turned to the U.N. for collective action to help maintain or restore peace. Common policy may not always result in success, but neither does unilateral policy—and, unlike unilateral intervention, it spreads costs and risks widely and may help avoid policy disasters.

Paradoxically, the end of the Cold War has also given rise in the U.S. to a resurgent isolationism, along with calls for unilateral, go-it-alone policies. Developments in many places that once would have stirred alarm are now viewed with indifference. When they do excite American political interest, the impulse is often to respond unilaterally in the conviction that only Washington can do the job and do it right. Without a Soviet threat, some Americans imagine we can renounce "foreign entanglements." Growing hostility to U.N. peacekeeping in some political circles reflects, in large measure, the shortsighted idea that America has little at stake in the maintenance of a peaceful world. In some quarters, resentment smolders at any hint of reciprocal obligations; but in a country founded on the rule of law, the notion that law should rule among nations ought not to be controversial.

The political impulse to go it alone surges at precisely the moment when nations have become deeply interconnected. The need for international teamwork has never been clearer. Goods, capital, news, entertainment, and ideas flow across national borders with astonishing speed. So do refugees, diseases, drugs, environmental degradation, terrorists, and currency crashes.

The institutions of the U.N. system are not perfect, but they remain our best tools for concerted international action. Just as Americans often seek to reform our own government, we must press for improvement of the U.N. system. Fragmented and of limited power, prone to political paralysis, bureaucratic torpor, and opaque accountability, the U.N. system requires reform—but not wrecking. Governments and citizens must press for changes that improve agencies' efficiency, enhance their responsiveness, and make them accountable to the world's publics they were created to serve. Our world institutions can only be strengthened with the informed engagement of national leaders, press, and the public at large.

The American people have not lost their commitment to the United Nations and to the rule of law. They reaffirm it consistently, whether in opinion surveys or UNICEF campaigns. Recognizing the public's sentiment, the foes of America's U.N. commitment—unilateralists, isolationists, or whatever—do not call openly for rejecting the U.N. as they had earlier rejected outright the League of Nations. But the systematic paring back of our commitment to international law and participation in institutions would have the same effect.

In this 50th anniversary year, America's leaders should rededicate the nation to the promise of a more peaceful and prosperous world contained in the U.N. Charter. In that spirit, the United Nations Association of the United States calls on the people and government of the United States, and those of all other U.N. member states, to join in strengthening the United Nations system for the 21st century:

In particular, we call for action in five areas, which will be the top policy priorities of UNA-USA as we enter the U.N.'s second half-century;

Reliable financing of the United Nations system.

Strong and effective U.N. machinery to help keep the peace.

Promotion of broad-based and sustainable world economic growth.

Vigorous defense of human rights and protection of displaced populations.

Control, reduction, or elimination of highly destructive weaponry.

I yield the floor.

RECESS UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 9:30 a.m., August 1, 1995.

Thereupon, at 8:07 p.m., the Senate recessed until Tuesday, August 1, 1995, at 9:30 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate July 31, 1995:

IN THE MARINE CORPS

MARINE CORPS NOMINATIONS BEGINNING ANTHONY T. ALAURIA, AND ENDING THOMAS S. WOODSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 3, 1995.

MARINE CORPS NOMINATIONS BEGINNING DAVID V. ADAMIAK, AND ENDING JOHN G. ZUPPAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 11, 1995.

HOUSE OF REPRESENTATIVES—*Monday, July 31, 1995*

The House met at 10:30 a.m. and was called to order by the Speaker pro tempore [Mr. EVERETT].

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
July 31, 1995.

I hereby designate the Honorable TERRY EVERETT to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

MORNING BUSINESS

The SPEAKER pro tempore. Pursuant to the order of the House of May 12, 1995, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates.

The Chair will alternate recognition between the parties with each party limited to not to exceed 30 minutes and each Member other than the majority and minority leader limited to 5 minutes.

The Chair recognizes the gentleman from Oregon [Mr. WYDEN] for 5 minutes.

TOBACCO AND GRIDLOCK KILL

Mr. WYDEN. Mr. Speaker, I rise this morning to talk for a few minutes about the critically important public health issue of keeping America's youngsters from beginning to smoke. This is a public health problem that is growing. Three thousand youngsters in our country every day start smoking and eventually 1,000 of those kids will die of smoking-related illnesses. Most importantly, this is a public health problem that is getting worse. Last week, we learned the tragic news based on a study from the University of Michigan that smoking among eighth graders is up 30 percent in our country.

Until recently, there have been two options for dealing with all this. One was to regulate tobacco through the Food and Drug Administration.

Last year, I asked each of the tobacco executives whether they believed nicotine was addictive. Each one of them said, no, but they are clearly wrong. Tobacco is addictive. It has drug-like properties, and the evidence is in that the Food and Drug Administration has the legal authority to regulate the product.

Unfortunately, if this option is chosen, if the FDA chooses to regulate tobacco, what will happen is the tobacco companies will go to court, they will sue and we will lose another generation of our children to political gridlock and infighting. So I and other Members of Congress believe that it is time to explore other options. In exploring these options, let us try to set aside the politics that rage about this issue and do what is best for our children.

Some of my colleagues say that if the FDA does not regulate tobacco, that would be good for the South, particularly Democrats in the South. Other colleagues say that if the FDA regulates tobacco, even if nothing gets done, that will be good for the President because the President is taking on tobacco.

Both of those views, in my opinion, do a disservice to our Nation's children.

Tobacco kills, but gridlock kills also. So for that reason, I and Congressman ROSE of North Carolina have suggested another approach. We believe it is worth exploring the concept of the Federal Government entering into a written, binding, legal agreement between the tobacco companies and the Federal Government to take dramatic, immediate measures to stop young people from smoking.

We are talking about banning vending machines from where children congregate. We are discussing banning advertising targeted at young people, and most importantly, at a time when the Federal Government is cutting funds from health and social services, we are talking about the tobacco companies putting up at least $100 million for the States to have tough enforcement of the laws banning sales to minors and public education efforts to stop young people from smoking.

Most particularly, I believe that this agreement cannot be voluntary. It would have to be legally binding, and if at any point the tobacco companies breached the agreement, then the Food and Drug Administration would go forward and regulate tobacco.

Mr. Speaker, the interests of children has to be our top priority. If there is more gridlock and more political infighting, the tobacco companies can surely hold off FDA regulation to the point where President Clinton is no longer in office. They have deep pockets for lawsuits, and I know personally, because they have taken me and one of our colleagues, Mr. WAXMAN to court over our efforts to make sure that the health of our young people is protected.

Now is the time to act in the interests of our children. Tobacco kills, but so does gridlock. Let us act quickly to protect our children.

ACCORD ON BOAT PEOPLE IN DANGER OF COLLAPSE

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Nebraska [Mr. BEREUTER] is recognized during morning business for 5 minutes.

Mr. BEREUTER. Mr. Speaker, as the chairman of the Asia and Pacific Subcommittee of the House International Relations Committee, this Member has spoken several times regarding the damage done by section 2104 of H.R. 1561, the American Overseas Interests Act, passed by this body on June 8. The section, dealing with the issue of Indochinese boat people, is causing all the problems that this Member and others predicted. More on that subject now.

On June 20, the Washington Post cataloged the devastating impact of this legislation in an article datelined Hong Kong. This Member quotes.

> At first, no one knew exactly why a riot erupted at the Hong Kong refugee detention center on May 20th. Thousands of Vietnamese violently battled back with stones, makeshift spears and anything else they could throw, leaving 168 police officers and 73 Vietnamese injured. Refugee workers soon got a clue as to what was happening when they spotted some of the rioting Vietnamese waving tiny American flags and portraits of President Clinton.

Quoting from the Post:

> The evidence became ironclad about a week later, when 200 Vietnamese who had volunteered to go home unexpectedly changed their minds, just 48 hours before their scheduled June 1st departure. They told UN officials that they would rather wait in Hong Kong camps until the U.S. Congress decided on a House-passed bill providing for the rescreening of up to 20,000 Vietnamese refugees for possible admittance into the United States.

This Member had predicted before this body that this provision in H.R. 1561 would raise false expectations of resettlement among Indochinese boat people, causing violence in the camps and stopping voluntary repatriation. Unfortunately, as the Post article amply demonstrates, this prediction has come to pass.

Whether this ill-advised provision ever becomes law—and the Clinton administration has already made it clear that this issue is among those certain to provoke a Presidential veto—the

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

damage has already been done. The article continues, and I quote:

> A carefully constructed global agreement signed six years ago in Geneva, which laid out a formula for screening the Vietnamese boat people and sending home those not deemed genuine refugees fleeing persecution, seems in danger of collapse. And a more recently agreed-upon timetable for finally resolving the two-decade-old "boat people" crisis by year's end now looks unlikely.

A Hong Kong refugee official is quoted in the article saying:

> Like a bolt of lightning, initiatives were taken in Congress that have thrown this program out of gear. This provision is an unhelpful intervention which has raised false hopes.

The official concludes that resolving the boat people crisis was "not easy before Congress. It is even more difficult now."

Mr. Speaker, this body must understand that amendments we approve or reject, bills we approve, laws we enact, actions we take, and statements we make oftentimes do have an important and sometimes immediate impact in the real world, outside the beltway. The best intentions, Mr. Speaker, do not necessarily make good legislation. At the time this body debated this provision and rejected the Bereuter-Obey amendment, we had ample warning of the dangerous situation we were creating. Despite pressure brought to bear on them, several refugee advocacy groups with years of experience dealing with Indochinese refugees had already publicly denounced the provision as dangerous and irresponsible, as had the United Nations High Commissioner for Refugees, the State Department, and many interested refugee resettlement and host governments.

The same article continues that the problem goes beyond Hong Kong, which is the host of more than 22,000 Indochinese asylum seekers—incidentally, more than one-half of whom come from North Vietnam and have no claim to refugee status based on close ties to the United States military from the Viet Nam era. The article quotes UNHCR officials stating that the legislation has stopped voluntary repatriation at camps throughout the region—not only in Hong Kong, but also in Indonesia, Thailand, the Philippines, and Malaysia.

This Member again quotes the Post.

> There also has been violence elsewhere. In Malaysia, many thousands of Vietnamese broke through the fence around the camp on June 5th and paraded through the streets waving banners. Police fired tear gas to disburse them, and 23 people were reported injured. Violence flared again in Hong Kong on June 7, when Vietnamese rioted, torched a building, stole police uniforms and looted rations. Police fired 800 rounds of tear gas to quell the disturbance. Six Vietnamese and two police officers were injured.

Mr. Speaker, this misguided provision in H.R. 1561 was based on the view that there were serious flaws in the screening process by which the boat peoples' claims to political refugee status were evaluated. The intent of this provision is to force a massive rescreening in the camps of all 40,000 camp residents to give them another chance to demonstrate their claim to refugee status. Many objective observers, including some refugee advocates, reject this contention and oppose massive rescreening. Moreover, the Southeast Asian nations where the camps are located have made it clear that they will not countenance a lengthy rescreening process which will delay closure of the camps and could prompt another refugee outflow from Vietnam.

It would be naive to think that the screening of tens of thousands of boat people by local officials, even though under close supervision by the UNHCR, could have been accomplished without error or abuse. In fact, this Member has requested UNHCR reconsideration of 15 cases of Vietnamese asylum seekers who would seem to have a plausible case for refugee status. While this Member certainly is willing to intervene when specific cases of possible error are brought to his attention, he opposes strongly massive rescreening of asylum seekers in the refugee camps.

Moreover, it appears from information provided by UNHCR and nongovernment organizations monitoring boat people who have returned to Vietnam, that massive rescreening in the camps is not necessary. These organizations attest that there is no credible evidence of persecution of returnees in Vietnam. So why shouldn't the screened out asylum seekers in the camps return to Vietnam? Recent testimony by the American nongovernmental organization [NGO], World Vision, concludes that screened out boat people have been able to return to Vietnam in safety and dignity. The World Vision witness added that, in addition to the official UNHCR monitoring, the presence of American NGO's throughout Vietnam has provided returnees "a number of options should they wish to raise a question or register a concern."

The problem the international community now faces, however, is that the damage caused by this legislation has already been done. The Bereuter-Obey amendment which would have deleted this highly problematic section of H.R. 1561 was rejected and, as predicted by this Member, the damage was done. Therefore, this Member calls on all parties: UNHCR, resettlement and first asylum countries, Vietnam, the administration, NGO's, and Members of Congress to work out a pragmatic solution to the current impasse. The question we are now facing is how to get the 40,000 plus screened out asylum seekers to return voluntarily to Vietnam. While this Member does not have a concrete solution to offer at this time, it seems that some system of reinterviewing asylum seekers after their return to Vietnam could offer an incentive for the boat people to return, while at the same time maintain the international consensus on this issue.

Mr. Speaker, this Member pledges his support for efforts to devise concrete and pragmatic solutions to this intractable humanitarian problem which the House by its unfortunate action helped to create. This Member calls on other Members of this body, including those who disagree with him on this legislation and supported the gentleman from New Jersey [Mr. SMITH], to make a similar pledge.

WOMEN'S RIGHT TO VOTE

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentlewoman from Colorado [Mrs. SCHROEDER] is recognized during morning business for 5 minutes.

Mrs. SCHROEDER. Mr. Speaker, I am very pleased to have this time as we close out July to talk about what we have to look forward to in August, and one of the great things we have to look forward to in August is this stamp, this 32-cent stamp will be coming out on August 26 in celebration of women having the right to vote for 75 years in this country.

Yes, this is really something to celebrate I think, and the stamp is very beautiful, with the Capitol in the background, suffragettes over here who worked so hard to get that right to vote; and it flows into modern-day women still trying to use that vote to move their fights forward.

This was an incredible time 75 years ago, when you think that the fight for the right to vote started way back when this Republic began, with John Adams' wife begging to have women included in the Constitution, and of course they did not; and then the first national convention in 1848 being held in Seneca Falls where women came together and again asked for the right to vote, and it took until 75 years ago before that really happened. Almost all the people at the 1848 convention were dead by the time the reality of the vote had occurred.

But this was probably one of the most revolutionary things that happened in American society without a revolution. I add, without a revolution, because there was no war to do this. It was all done within the right to petition Government, the right of people who couldn't vote, but they still petitioned Government for that right.

The suffragettes came to Washington. They bought a house; they lived there constantly. They picketed by day, and in their lovely white dresses, they chained themselves to the White House gate because they would not let them in to see the President. They would visit Senators and Congressmen who would see them, and if they were not in jail by night, they would go back to the house where they had all rented, have a piano concerto, tea, dinner, get up and do the same thing the next day, over, and over, and over.

Finally, this Congress and finally all of the States moved to ratify that.

So what happened after that? One of the very first things that happened was then the Congress moved to make motherhood safe. At the time that women were trying to get the right to vote, more women had died in America during childbirth, all throughout World War I, than American soldiers had died in Europe in World War I. Childbirth was very risky and yet the Congress was spending more money on hog cholera than they were spending on maternal child care and infant child care.

So they immediately got those priorities shifted, and today we see childbirth as something that people do not worry about having a huge high mortality rate from.

I think that as we celebrate this stamp, and there will be celebrations all throughout America, and heaven help us if we do not see more of these stamps purchased than the Marilyn Monroe stamp. I don't know what that will say about America, but let us hope that people get these and they talk about that long history and they talk about what a difference women's vote can make and have made many a time.

And I hope if we keep seeing what this extreme new group, the new Republicans, and doing to women as they have taken over the Congress, I hope women come out one more time and use that vote to straighten it out.

Women still do not get equal pay in this country. They are now getting 72 cents for every dollar a man gets in the same job, and yet nobody gives them that kind of discount on their rent or their food or their public utility bills or anything else. So they are still not getting equal pay, and we are seeing this Congress roll back thing after thing after thing that has affected women.

They have undone Title IX. That is the one that says, in the schools, if they get public funding, they must give women the same opportunity they give men. That may sound irrelevant to a lot of young women today, but when I was growing up, believe me, it was very relevant. We had none of the gym privileges. I was one person who wanted to be an aerodynamic engineer and, of course, the gates were closed, locked and everything else.

There was no way. It was either, get into liberal arts or get out, and there were many other instances of that.

The Federal Government made a huge difference in that and now we see them trying to roll that back. They are trying to roll back student loans. They are rolling back the choice issue all across the board.

Last week in this Congress, we even had a vote saying that women who are incarcerated in prison, even if they were cocaine addicts, could not have an abortion. That is crazy.

So as we get ready to celebrate this, I hope women not only celebrate the stamp, not only know they have the vote. They now, after 75 years, learn how to use the vote and get more respect from this Congress.

RECESS

The SPEAKER pro tempore. There being no further requests for morning business, pursuant to clause 12, rule I, the House will stand in recess until 12 noon.

Accordingly (at 10 o'clock and 48 minutes a.m.) the House stood in recess until 12 noon.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. EVERETT) at 12 noon.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We give thanks, gracious God, for the awesome miracles of life, miracles that brighten our world, enrich our lives and testify to Your glory. We are grateful that Your spirit of creation and renewal breaks into history and proclaims to us the riches of Your grace and even the very purpose for our existence. Bless us, O God, and all Your people and may we be alert to the miracles that bring new life into being and are a witness every day to Your abiding grace. This is our earnest prayer. Amen.

THE JOURNAL

The SPEAKER pro tempore (Mr. EVERETT). The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Mississippi [Mr. MONTGOMERY] come forward and lead the House in the Pledge of Allegiance.

Mr. MONTGOMERY led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

> H.R. 1817. An act making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 1996, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 1817 "An Act making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 1996, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. BURNS, Mr. STEVENS, Mr. SHELBY, Mr. GREGG, Mr. REID, Mr. INOUYE, and Mr. BYRD, to be the conferees on the part of the Senate.

IT IS TIME TO END GOVERNMENT BUREAUCRACY AS WE KNOW IT

(Mr. FUNDERBURK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FUNDERBURK. Mr. Speaker, wherever I go in my district I hear the same thing over and over: Uncle Sam is out of control. Regulations are choking the life out of our farmers, bankers, and small businessmen. Agents, regulators, and bureaucrats are crawling all over eastern North Carolina, hounding and penalizing hard-working people who want nothing more than to be left alone by their Government.

Look at what OSHA has done to a small but vital industry in America—roofing. OSHA bureaucrats most of whom have never been out of a classroom can put a small roofing company out of business, if it catches a roofer smoking or chewing gum. OSHA says contractors must provide employees with AIDS exposure training and instruct employees on the hazards of such dangerous chemicals as chalk, lumber, and dishwashing detergent. OSHA even says contractors have to label tar-filled roofing kettles, "hot." Can you see why OSHA is draining this industry of millions of dollars and thousands of jobs.

Mr. Speaker, the American people are fed up. They have had enough of bureaucrats with no grasp of reality and no sympathy for the very people who make America work. Mr. Speaker, isn't it time to end Government bureaucracy as we know it.

WE MUST LEARN FROM PAST ENVIRONMENTAL HISTORY

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, I was very pleased when this House last week passed the very important Stokes-Boehlert amendment, which did not undo all of the environmental regulations.

There is a reason for environmental regulations. I am sending to every Member a copy of the August Discover magazine. It is about the last days of Easter Island. I totally believe that if we do not learn from history, we are condemned to repeat it. Scientists now, by taking core samples from Easter Island, have been able to document what happened there. As they pointed out, in just a few centuries they can tell that the people of Easter Island wiped out their forest, drove their plants and animals to extinction, and saw their complex society break down into chaos and cannibalism.

It is a very important lesson for all of us on Planet Earth that we do not become an Easter Island "wannabe." If we do not learn from history we are condemned to repeat it. I hope all of my colleagues will have time to look at this over the break, and that we certainly do not undo the progress we made last week by realizing how important some of these environmental gains can be.

THE MEDICARE TRUSTEES REPORT: A DOCUMENT THAT DEMOCRATS WANT TO HIDE FROM THE AMERICAN PEOPLE

(Mrs. SEASTRAND asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SEASTRAND. Mr. Speaker, it is a mystery that the Democrats would want to hide the truth about Medicare. They come to the floor and they are literally dripping with concern over Medicare. But they never mention this—the Medicare Trustees Report.

This is the report by the Medicare Board of Trustees. The board is charged with overseeing the financial condition of Medicare, and every year they file a report. This report is like a prospectus that a company is required by law to give to their shareholders.

Mr. Speaker, I think that every American, especially seniors, should have a copy of this report. They should call their Members of Congress at 202-224-3121.

Mr. Speaker, the American people need to learn the truth about Medicare. They need to read for themselves what the Trustees say about the financial condition of their program. They need to read for themselves what the Democrats do not want them to read.

LABOR-HHS APPROPRIATIONS BILL COULD SEVERELY CURTAIL CITIZENS' RIGHTS

(Mr. MENENDEZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MENENDEZ. Mr. Speaker, all Americans need to be aware that the upcoming Labor-HHS appropriations bill could severely curtail their rights to lobby their elected officials, and silence the voice of a majority of Americans.

The bill limits the amount of private money that Federal grantees may use to lobby, arguing that money is fungible. In other words, the Federal money makes it possible for grantees to use more of their own money to lobby. That argument is not enough to warrant these unprecedented restrictions of our first amendment rights.

Meanwhile, Americans have seen countless newspaper stories about tax-exempt groups paying to fly politicians around the country, for political advertising, or promoting their political agendas—and all this lobbying goes on tax free.

I will be offering an amendment that will end this skirting of the law. Any politician accepting tax-exempt dollars to promote his political agenda loses his Federal salary. That is lobbying reform with teeth.

Let us not silence voices of average Americans and their organizations, and let the high and mighty take a free ride on tax exemptions.

Since the issue is the fungibility of money, we must consider all fungible Government benefits. When we vote on the Labor-HHS appropriations bill, let us look at the whole problem.

PERMISSION FOR SUNDRY COMMITTEES AND THEIR SUBCOMMITTEES TO SIT TODAY DURING 5-MINUTE RULE

Mr. EMERSON. Mr. Speaker, I ask unanimous consent that the following committees and their subcommittees be permitted to sit today while the House is meeting in the Committee of the Whole House under the 5-minute rule: The Committee on Government Reform and Oversight, the Committee on International Relations, and the Committee on the Judiciary.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

ILLINOIS LAND CONSERVATION ACT OF 1995

Mr. EMERSON. Mr. Speaker, I ask unanimous consent that the Committee on National Security and the Committee on Commerce be discharged from further consideration of the bill (H.R. 714) to establish the Midewin National Tallgrass Prairie in the State of Illinois, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

Mr. STENHOLM. Mr. Speaker, reserving the right to object, and I will not object, I yield to the gentleman from Missouri [Mr. EMERSON] for the purpose of explanation.

Mr. EMERSON. Mr. Speaker, H.R. 714 would establish a tall grass prairie in the former Joliet Arsenal. Also, this legislation would set aside portions of the land for a landfill, portions for economic development, and also a section 4(a) national cemetery.

Mr. Speaker, further reserving the right to object, I yield to the gentleman from Illinois [Mr. WELLER].

Mr. WELLER. Mr. Speaker, I would like to speak briefly about the importance of this legislation, H.R. 714, the Illinois Land Conservation Act, which has overwhelming bipartisan support from Members on both the Republican and Democrat side of the aisle. This is an innovative land reuse plan which was developed by a citizens planning commission, appointed under the direction of my predecessor, former Congressman George Sangmeister, resulted from thousands of hours of volunteer time from leaders in conservation, veterans' organizations, business and labor, educators, and many civic organizations.

Briefly, the Joliet Army Ammunition Plant, commonly referred to as the Joliet Arsenal, was declared excess Federal property in April 1993. A local citizens commission developed a plan for reuse of the site, which is encompassed in my legislation.

The plan has received broad-based support from Illinois' major media, citizens organizations, veterans' groups, business, labor, conservation, and educators. The plan includes transferring 19,000 acres to the National Forest Service for creation of the Midewin National Tall Grass Prairie. The plan also includes a veterans' cemetery, which will occupy just under 1,000 acres on the arsenal property.

There are also two sites, for a total of 3,000 acres, to be used for the purpose of economic development and job creation, and finally 455 acres will be used for a local landfill.

Since this bill's introduction, I have worked closely with all the agencies involved and have made changes in the legislation to reflect issues that they have had concerns with. This is bipartisan legislation supported by the Governor of the State of Illinois, Republicans and Democrats in the Illinois delegation, and a large number of veterans, conservation, environment, business and labor, and private organizations.

Clearly, H.R. 714 is a win-win-win for taxpayers, conservation veterans, and working men and women. I ask for and urge the bill's immediate passage with bipartisan support.

Mr. YATES. Mr. Speaker, I rise in strong support of the bill offered by the gentleman from Illinois.

H.R. 714, the bill that would establish the Midewin National Tallgrass Prairie at the former Joliet Arsenal, is an excellent piece of legislation that can serve as a model for other communities with closed military bases.

I am proud to say that I was there at the beginning, when the concept of turning an abandoned TNT factory into a multi-purpose site for the benefit of the 8 million Chicago-area residents was first conceived. I enjoyed working with our former colleague, George Sangmeister, during the 103d Congress and I have equally enjoyed working with his successor, the distinguished gentleman from Joliet.

Located less than 50 miles from the Ninth District, the Midewin National Tallgrass Prairie will offer my constituents unparalleled preservation and recreational opportunities.

The Joliet Arsenal is a treasury trove of rare and endangered species—so unique in the urban sprawl of northern Illinois. Sixteen State endangered species, 108 different birds, 40 types of fish, and 348 native plant species can all be found on the arsenal property.

In addition, the arsenal site contains the single largest tallgrass ecosystem east of the Mississippi River, and the only grassland of this size in unfragmented, single ownership. It is also important to note that the arsenal is adjacent to other reserves and when all of that open space is combined, it creates the biggest prairie in the eastern United States.

We have so few opportunities in Illinois to preserve original, intact ecosystems. Most of our land has either been consumed by ever-growing cities and suburbs or is being farmed. There are very few natural areas in our State; a forest preserve here, a park there, but not nearly enough to satisfy our most minimal needs.

That is why acquiring the Joliet Arsenal and creating a tallgrass prairie is a once-in-a-lifetime opportunity. We will never have this chance again. If we do not act now to protect this valuable site, it could be lost forever.

This is a bipartisan bill, supported by a large and diverse group, including the Republican Governor of Illinois, the Democratic mayor of Chicago, the Forest Service, and every major environmental organization.

There have been many people who have helped make this project a reality, but I want to give special recognition to Dr. Fran Harty at the Illinois Department of Conservation and Dr. Larry Strich and his colleagues at the Shawnee National Forest for their extraordinary efforts to make the arsenal a tallgrass prairie.

I also want to commend the Forest Service for their leadership in this matter. After other agencies dragged their feet on acquiring the Joliet Arsenal, the Forest Service enthusiastically entered the process. Their can-do spirit toward the arsenal is laudable and I want to express my sincere thanks to them for being so cooperative on a project that is important to me and my constituents. I hope to continue working with the Service in the future to secure adequate funding for the Midewin National Tallgrass Prairie.

The cooperation extended by the Forest Service is just one piece of the unique public-private partnership that formed to preserve the Joliet Arsenal. This is truly a national model of how closed military bases can be converted to productive civilian use and of how local communities can work with the Federal Government to ensure that these old bases are developed to benefit everyone.

There are hundreds of military installations across the Nation that have been closed by the Base Closure Commission. The Federal Government must decide what to do with these old bases.

We've seen the negative impacts that closing military bases can have on local communities. But if we follow the example of the Joliet Arsenal and let the local community decide how best to use the closed facility and have the Federal Government assist that locale, a closing military base need not destroy a struggling community.

I think it would be wise for the Pentagon to study the Joliet Arsenal model and to implement it at other facilities slated for closure.

This bill is good for the people of Illinois and clearly good for the Nation, and I urge my colleagues to support it.

Mr. DE LA GARZA. Mr. Speaker, I rise in support of H.R. 714, the Illinois Land Conservation Act. H.R. 714 is nearly identical to H.R. 4946 that was introduced in the 103d Congress by Congressman Sangmeister. H.R. 4946 was passed by unanimous consent in the House after being discharged by the Agriculture Committee at the very end of the session. The Senate took no action on the bill before adjournment.

H.R. 714, introduced by Congressman WELLER, establishes the Midewin Tallgrass Prairie by initially transferring approximately 16,000 acres currently held by the Department of the Army to the Department of Agriculture. Another 3,000 acres will be transferred when the Department of the Army completes an environmental cleanup on the site. Provision is made for the continued responsibility of cleanup of hazardous wastes by the Department of the Army. The bill also provides for the transfer of approximately 910 acres to the Department of Veterans' Affairs and the establishment of a National Cemetery on the site to be administered by the Secretary of Veterans Affairs. Additionally the bill provides for transfer to the county of approximately 425 acres to be operated as a landfill and approximately 3,000 acres to the State of Illinois to be used for economic development. The U.S. Forest Service is supportive of the legislation before us today.

Mr. Speaker, an amendment that will be offered to modify the language regarding special use permits is supported by the U.S. Forest Service. I ask that a letter from U.S. Forest Service Chief Jack Ward Thomas, acknowledging the new language's consistency with current U.S. Forest Service management practices, be included in the RECORD.

DEPARTMENT OF AGRICULTURE,
Washington, DC, July 28, 1995.

Hon. PAT ROBERTS,
Chairman, Committee on Agriculture
Washington, DC.

DEAR MR. CHAIRMAN: This is to confirm discussions my staff have had with members of your staff regarding language contained in a draft Agriculture Committee version of H.R. 714, the "Illinois Conservation Act of 1995."

John Hogan, counsel to the Committee, has told my staff that a proposed amendment may be offered on the House floor to strike two sentences in subsection 105(b)(2). The referenced subsection refers to the issuance by the Secretary of Agriculture of special use authorizations for agricultural purposes, including livestock grazing. The proposed amendment would strike the second and third complete sentences in that subsection, specifically: "Such special use authorization shall require payment of a rental fee, in advance, that is based on the fair market value of the use allowed. Fair market value shall be determined by appraisal or a competitive bidding process."

It is our understanding that the proposed deletion of those two sentences is intended to avoid any confusion between the use provisions of this bill and the ongoing legislative debate over grazing fees in the Western States. Mr. Hogan asked our opinion as to what effect the deletion of these two sentences would have on management of the Midewin National Tallgrass Prairie.

The proposed deletion of the referenced sentence would have no practical effect on management of the Prairie. The Forest Service will utilize the same general terms and conditions for agricultural leasing as was utilized by the Army, including competitive bidding for farming and leasing rights. This system has worked well for the Army and we plan to continue it. And, we note, the system is consistent with general Forest Service management practices throughout the Eastern United States.

If we can provide additional information, please do not hesitate to ask.

JACK WARD THOMAS,
Chief.

Mr. STENHOLM. Mr. Speaker, I thank the gentleman for his explanation, and urge passage of the bill.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The Clerk read the bill, as follows:

H.R. 714

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Illinois Land Conservation Act of 1995".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title and table of contents.
Sec. 2. Definitions.

TITLE I—CONVERSION OF JOLIET ARMY AMMUNITION PLANT TO MIDEWIN NATIONAL TALLGRASS PRAIRIE

Sec. 101. Principles of transfer.
Sec. 102. Transfer of management responsibilities and jurisdiction over Arsenal.
Sec. 103. Continuation of responsibility and liability of Secretary of the Army for environmental cleanup.
Sec. 104. Establishment and administration of Midewin National Tallgrass Prairie.
Sec. 105. Special management requirements for Midewin National Tallgrass Prairie.
Sec. 106. Special disposal rules for certain Arsenal parcels intended for MNP.

TITLE II—OTHER REAL PROPERTY DISPOSALS INVOLVING JOLIET ARMY AMMUNITION PLANT

Sec. 201. Disposal of certain real property at Arsenal for a national cemetery.
Sec. 202. Disposal of certain real property at Arsenal for a county landfill.
Sec. 203. Disposal of certain real property at Arsenal for economic development.

TITLE III—MISCELLANEOUS PROVISIONS

Sec. 301. Degree of environmental cleanup.

SEC. 2. DEFINITIONS.

For purposes of this Act:

(1) The term "Administrator" means the Administrator of the United States Environmental Protection Agency.

(2) The term "agricultural purposes" means the use of land for row crops, pasture, hay, and grazing.

(3) The term "Arsenal" means the Joliet Army Ammunition Plant located in the State of Illinois.

(4) The acronym "CERCLA" means the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

(5) The term "Defense Environmental Restoration Program" means the program of environmental restoration for defense installations established by the Secretary of Defense under section 2701 of title 10, United States Code.

(6) The term "environmental law" means all applicable Federal, State, and local laws, regulations, and requirements related to protection of human health, natural and cultural resources, or the environment, including CERCLA, the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.), the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), the Clean Air Act (42 U.S.C. 7401 et seq.), the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.), the Toxic Substances Control Act (15 U.S.C. 2601 et seq.), and the Safe Drinking Water Act (42 U.S.C. 300f et seq.).

(7) The term "hazardous substance" has the meaning given such term by section 101(14) of CERCLA (42 U.S.C. 9601(14)).

(8) The abbreviation "MNP" means the Midewin National Tallgrass Prairie established pursuant to section 104 and managed as a part of the National Forest System.

(9) The term "national cemetery" means a cemetery established and operated as part of the National Cemetery System of the Department of Veterans Affairs and subject to the provisions of chapter 24 of title 38, United States Code.

(10) The term "person" has the meaning given such term by section 101(21) of CERCLA (42 U.S.C. 9601(21)).

(11) The term "pollutant or contaminant" has the meaning given such term by section 101(33) of CERCLA (42 U.S.C. 9601(33)).

(12) The term "release" has the meaning given such term by section 101(22) of CERCLA (42 U.S.C. 9601(22)).

(13) The term "response action" has the meaning given the term "response" by section 101(25) of CERCLA (42 U.S.C. 9601(25)).

TITLE I—CONVERSION OF JOLIET ARMY AMMUNITION PLANT TO MIDEWIN NATIONAL TALLGRASS PRAIRIE

SEC. 101. PRINCIPLES OF TRANSFER.

(a) LAND USE PLAN.—The Congress ratifies in principle the proposals generally identified by the land use plan which was developed by the Joliet Arsenal Citizen Planning Commission and unanimously approved on May 30, 1995.

(b) TRANSFER WITHOUT REIMBURSEMENT.—The area constituting the Midewin National Tallgrass Prairie shall be transferred, without reimbursement, to the Secretary of Agriculture.

(c) MANAGEMENT OF MNP.—Management by the Secretary of Agriculture of those portions of the Arsenal transferred to the Secretary under this Act shall be in accordance with sections 104 and 105 regarding the Midewin National Tallgrass Prairie.

(d) SECURITY MEASURES.—The Secretary of the Army and the Secretary of Agriculture shall each provide and maintain physical and other security measures on such portion of the Arsenal as is under the administrative jurisdiction of such Secretary. Such security measures (which may include fences and natural barriers) shall include measures to prevent members of the public from gaining unauthorized access to such portions of the Arsenal as are under the administrative jurisdiction of such Secretary and that may endanger health or safety.

(e) COOPERATIVE AGREEMENTS.—The Secretary of the Army, the Secretary of Agriculture, and the Administrator are individually and collectively authorized to enter into cooperative agreements and memoranda of understanding among each other and with other affected Federal agencies, State and local governments, private organizations, and corporations to carry out the purposes for which the Midewin National Tallgrass Prairie is established.

(f) INTERIM ACTIVITIES OF THE SECRETARY OF AGRICULTURE.—Prior to transfer and subject to such reasonable terms and conditions as the Secretary of the Army may prescribe, the Secretary of Agriculture may enter upon the Arsenal property for purposes related to planning, resource inventory, fish and wildlife habitat manipulation (which may include prescribed burning), and other such activities consistent with the purposes for which the Midewin National Tallgrass Prairie is established.

SEC. 102. TRANSFER OF MANAGEMENT RESPONSIBILITIES AND JURISDICTION OVER ARSENAL.

(a) INITIAL TRANSFER OF JURISDICTION.—Within 6 months after the date of the enactment of this Act, the Secretary of the Army shall effect the transfer of those portions of the Arsenal property identified for transfer to the Secretary of Agriculture pursuant to subsection (d). The Secretary of the Army shall transfer to the Secretary of Agriculture only those portions of the Arsenal for which the Secretary of the Army and the Administrator concur that no further action is required under any environmental law and which therefore have been eliminated from the areas to be further studied pursuant to the Defense Environmental Restoration Program for the Arsenal. Within 4 months after the date of the enactment of this Act, the Secretary of the Army and the Administrator shall provide to the Secretary of Agriculture all existing documentation supporting such finding and all existing information relating to the environmental conditions of the portions of the Arsenal to be transferred to the Secretary of Agriculture pursuant to this subsection.

(b) ADDITIONAL TRANSFERS.—The Secretary of the Army shall transfer to the Secretary of Agriculture in accordance with section 106(c) any portion of the property generally identified in subsection (d) and not transferred under subsection (a) after the Secretary of the Army and the Administrator concur that no further action is required at that portion of property under any environmental law and that such portion is therefore eliminated from the areas to be further studied pursuant to the Defense Environmental Restoration Program for the Arsenal. At least 2 months before any transfer under this subsection, the Secretary of the Army and the Administrator shall provide to the Secretary of Agriculture all existing documentation supporting such finding and all existing information relating to the environmental conditions of the portion of the Arsenal to be transferred. Transfer of jurisdiction pursuant to this subsection may be accomplished on a parcel-by-parcel basis.

(c) EFFECT ON CONTINUED RESPONSIBILITIES AND LIABILITY OF SECRETARY OF THE ARMY.—Subsections (a) and (b), and their requirements, shall not in any way affect the responsibilities and liabilities of the Secretary of the Army specified in section 103.

(d) IDENTIFICATION OF PORTIONS FOR TRANSFER FOR MNP.—The lands to be transferred to the Secretary of Agriculture under subsections (a) and (b) shall be identified on a map or maps which shall be agreed to by the Secretary of the Army and the Secretary of Agriculture. Generally, the land to be transferred to the Secretary of Agriculture shall be all the real property and improvements comprising the Arsenal, except for lands and facilities described in subsection (e) or designated for disposal under section 106 or title II.

(e) PROPERTY USED FOR ENVIRONMENTAL CLEANUP.—

(1) RETENTION.—The Secretary of the Army shall retain jurisdiction, authority, and control over real property at the Arsenal to be used for—

(A) water treatment;

(B) the treatment, storage, or disposal of any hazardous substance, pollutant or contaminant, hazardous material, or petroleum products or their derivatives;

(C) other purposes related to any response action at the Arsenal; and

(D) other actions required at the Arsenal under any environmental law to remediate contamination or conditions of noncompliance with any environmental law.

(2) CONDITIONS.—The Secretary of the Army shall consult with the Secretary of Agriculture regarding the identification and management of the real property retained under this subsection and ensure that activities carried out on that property are consistent, to the extent practicable, with the purposes for which the Midewin National Tallgrass Prairie is established, as specified in section 104(c), and with the other provisions of such section and section 105.

(3) PRIORITY OF RESPONSE ACTIONS.—In the case of any conflict between management of the property by the Secretary of Agriculture and any response action, or any other action required under any other environmental law, including actions to remediate petroleum products of their derivatives, the response action or other action shall take priority.

(f) SURVEYS.—All costs of necessary surveys for the transfer of jurisdiction of Arsenal property from the Secretary of the Army to the Secretary of Agriculture shall be borne by the Secretary of Agriculture.

SEC. 103. CONTINUATION OF RESPONSIBILITY AND LIABILITY OF SECRETARY OF THE ARMY FOR ENVIRONMENTAL CLEANUP.

(a) RESPONSIBILITY.—The liabilities and responsibilities of the Secretary of the Army under any environmental law shall not transfer under any circumstances to the Secretary of Agriculture as a result of the property transfers made under section 102 or section 106, or as a result of interim activities of the Secretary of Agriculture on Arsenal property under section 101(f). With respect to the real property at the Arsenal, the Secretary of the Army shall remain liable for and continue to carry out—

(1) all response actions required under CERCLA at or related to the property;

(2) all remediation actions required under any other environmental law at or related to the property; and

(3) all actions required under any other environmental law to remediate petroleum products or their derivatives (including motor oil and aviation fuel) at or related to the property.

(b) LIABILITY.—

(1) IN GENERAL.—Nothing in this Act shall be construed to effect, modify, amend, repeal, alter,

limit or otherwise change, directly or indirectly, the responsibilities or liabilities under any environmental law of any person (including the Secretary of Agriculture), except as provided in paragraph (3) with respect to the Secretary of Agriculture.

(2) LIABILITY OF SECRETARY OF THE ARMY.—The Secretary of the Army shall retain any obligation or other liability at the Arsenal that the Secretary may have under CERCLA and other environmental laws. Following transfer of any portions of the Arsenal pursuant to this Act, the Secretary of the Army shall be accorded all easements and access to such property as may be reasonably required to carry out such obligation or satisfy such liability.

(3) SPECIAL RULES FOR SECRETARY OF AGRICULTURE.—The Secretary of Agriculture shall not be responsible or liable under any environmental law for matters which are in any way related directly or indirectly to activities of the Secretary of the Army, or any party acting under the authority of the Secretary in connection with the Defense Environmental Restoration Program, at the Arsenal and which are for any of the following:

(A) Costs of response actions required under CERCLA at or related to the Arsenal.

(B) Costs, penalties, or fines related to noncompliance with any environmental law at or related to the Arsenal or related to the presence, release, or threat of release of any hazardous substance, pollutant, contaminant, hazardous waste or hazardous material of any kind at or related to the Arsenal, including contamination resulting from migration of hazardous substances, pollutants, contaminants, hazardous materials, or petroleum products or their derivatives disposed during activities of the Department of the Army.

(C) Costs of actions necessary to remedy such noncompliance or other problem specified in subparagraph (B).

(c) PAYMENT OF RESPONSE ACTION COSTS.—Any Federal department or agency that had or has operations at the Arsenal resulting in the release or threatened release of hazardous substances, pollutants, or contaminants shall pay the cost of related response actions, or related actions under other environmental laws, including actions to remediate petroleum products or their derivatives.

(d) CONSULTATION.—The Secretary of Agriculture shall consult with the Secretary of the Army with respect to the Secretary of Agriculture's management of real property included in the Midewin National Tallgrass Prairie subject to any response action or other action at the Arsenal being carried out by or under the authority of the Secretary of the Army under any environmental law. The Secretary of Agriculture shall consult with the Secretary of the Army prior to undertaking any activities on the Midewin National Tallgrass Prairie that may disturb the property to ensure that such activities will not exacerbate contamination problems or interfere with performance by the Secretary of the Army of response actions at the property. In carrying out response actions at the Arsenal, the Secretary of the Army shall consult with the Secretary of Agriculture to ensure that such actions are carried out in a manner consistent with the purposes for which the Midewin National Tallgrass Prairie is established, as specified in section 104(c), and the other provisions of such section and section 105.

SEC. 104. ESTABLISHMENT AND ADMINISTRATION OF MIDEWIN NATIONAL TALLGRASS PRAIRIE.

(a) ESTABLISHMENT.—On the effective date of the initial transfer of jurisdiction of portions of the Arsenal to the Secretary of Agriculture under section 102(a), the Secretary of Agriculture shall establish the Midewin National Tallgrass Prairie. The MNP shall—

(1) be administered by the Secretary of Agriculture; and

(2) consist of the real property so transferred and such other portions of the Arsenal subsequently transferred under section 102(b) or 106.

(b) ADMINISTRATION.—

(1) IN GENERAL.—The Secretary of Agriculture shall manage the Midewin National Tallgrass Prairie as a part of the National Forest System in accordance with this Act and the laws, rules, and regulations pertaining to the National Forest System, except that the Bankhead-Jones Farm Tenant Act of 1937 (7 U.S.C. 1010–1012) shall not apply to the MNP.

(2) INITIAL MANAGEMENT ACTIVITIES.—In order to expedite the administration and public use of the Midewin National Tallgrass Prairie, the Secretary of Agriculture may conduct management activities at the MNP to effectuate the purposes for which the MNP is established, as set forth in subsection (c), in advance of the development of a land and resource management plan for the MNP.

(3) LAND AND RESOURCE MANAGEMENT PLAN.—In developing a land and resource management plan for the Midewin National Tallgrass Prairie, the Secretary of Agriculture shall consult with the Illinois Department of Conservation and local governments adjacent to the MNP and provide an opportunity for public comment. Any parcel transferred to the Secretary of Agriculture under this Act after the development of a land and resource management plan for the MNP may be managed in accordance with such plan without need for an amendment to the plan.

(c) PURPOSES OF THE MIDEWIN NATIONAL TALLGRASS PRAIRIE.—The Midewin National Tallgrass Prairie is established to be managed for National Forest System purposes, including the following:

(1) To manage the land and water resources of the MNP in a manner that will conserve and enhance the native populations and habitats of fish, wildlife, and plants.

(2) To provide opportunities for scientific, environmental, and land use education and research.

(3) To allow the continuation of agricultural uses of lands within the MNP consistent with section 105(b).

(4) To provide a variety of recreation opportunities that are not inconsistent with the preceding purposes.

(d) OTHER LAND ACQUISITION FOR MNP.—

(1) LAND ACQUISITION FUNDS.—Notwithstanding section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–9), monies appropriated from the Land and Water Conservation Fund established under section 2 of such Act (16 U.S.C. 460l–5) shall be available for acquisition of lands and interests in land for inclusion in the Midewin National Tallgrass Prairie.

(2) ACQUISITION OF PRIVATE LANDS.—Acquisition of private lands for inclusion in the Midewin National Tallgrass Prairie shall be on a willing seller basis only.

(e) COOPERATION WITH STATES, LOCAL GOVERNMENTS AND OTHER ENTITIES.—In the management of the Midewin National Tallgrass Prairie, the Secretary of Agriculture is authorized and encouraged to cooperate with appropriate Federal, State and local governmental agencies, private organizations and corporations. Such cooperation may include cooperative agreements as well as the exercise of the existing authorities of the Secretary under the Cooperative Forestry Assistance Act of 1978 and the Forest and Rangeland Renewable Resources Research Act of 1978. The objects of such cooperation may include public education, land and resource protection, and cooperative management among government, corporate and private landowners in a manner which furthers the purposes for which the Midewin National Tallgrass Prairie is established.

SEC. 105. SPECIAL MANAGEMENT REQUIREMENTS FOR MIDEWIN NATIONAL TALLGRASS PRAIRIE.

(a) PROHIBITION AGAINST THE CONSTRUCTION OF NEW THROUGH ROADS.—No new construction of any highway, public road, or any part of the interstate system, whether Federal, State, or local, shall be permitted through or across any portion of the Midewin National Tallgrass Prairie. Nothing herein shall preclude construction and maintenance of roads for use within the MNP, or the granting of authorizations for utility rights-of-way under applicable Federal law, or preclude such access as is necessary. Nothing herein shall preclude necessary access by the Secretary of the Army for purposes of restoration and cleanup as provided in this Act.

(b) AGRICULTURAL LEASES AND SPECIAL USE AUTHORIZATIONS.—Within the Midewin National Tallgrass Prairie, use of the lands for agricultural purposes shall be permitted subject to the following terms and conditions:

(1) If at the time of transfer of jurisdiction under section 102 there exists any lease issued by the Department of the Army, Department of Defense, or any other agency thereof, for agricultural purposes upon the parcel transferred, the Secretary of Agriculture, upon transfer of jurisdiction, shall convert the lease to a special use authorization, the terms of which shall be identical in substance to the lease that existed prior to the transfer, including the expiration date and any payments owed the United States.

(2) The Secretary of Agriculture may issue special use authorizations to persons for use of the Midewin National Tallgrass Prairie for agricultural purposes. Such special use authorizations shall require payment of a rental fee, in advance, that is based on the fair market value of the use allowed. Fair market value shall be determined by appraisal or a competitive bidding process. Special use authorizations issued pursuant to this paragraph shall include terms and conditions as the Secretary of Agriculture may deem appropriate.

(3) No agricultural special use authorization shall be issued for agricultural purposes which has a term extending beyond the date twenty years from the date of enactment of this Act, except that nothing in this Act shall preclude the Secretary of Agriculture from issuing agricultural special use authorizations or grazing permits which are effective after twenty years from the date of enactment of this Act for purposes primarily related to erosion control, provision for food and habitat for fish and wildlife, or other resource management activities consistent with the purposes of the Midewin National Tallgrass Prairie.

(c) TREATMENT OF RENTAL FEES.—Monies received pursuant to subsection (b) shall be subject to distribution to the State of Illinois and affected counties pursuant to the Acts of May 23, 1908, and March 1, 1911 (16 U.S.C. 500). All such monies not distributed pursuant to such Acts shall be covered into the Treasury and shall constitute a special fund, which shall be available to the Secretary of Agriculture, in such amounts as are provided in advance in appropriation Acts, to cover the cost to the United States of such prairie-improvement work as the Secretary may direct. Any portion of any deposit made to the fund which the Secretary determines to be in excess of the cost of doing such work shall be transferred, upon such determination, to miscellaneous receipts, Forest Service Fund, as a National Forest receipt of the fiscal year in which such transfer is made.

(d) USER FEES.—The Secretary of Agriculture is authorized to charge reasonable fees for the admission, occupancy, and use of the Midewin

National Tallgrass Prairie and may prescribe a fee schedule providing for reduced or a waiver of fees for persons or groups engaged in authorized activities including those providing volunteer services, research, or education. The Secretary shall permit admission, occupancy, and use at no additional charge for persons possessing a valid Golden Eagle Passport or Golden Age Passport.

(e) SALVAGE OF IMPROVEMENTS.—The Secretary of Agriculture may sell for salvage value any facilities and improvements which have been transferred to the Secretary pursuant to this Act.

(f) TREATMENT OF USER FEES AND SALVAGE RECEIPTS.—Monies collected pursuant to subsections (d) and (e) shall be covered into the Treasury and constitute a special fund to be known as the Midewin National Tallgrass Prairie Restoration Fund. Deposits in the Midewin National Tallgrass Prairie Restoration Fund shall be available to the Secretary of Agriculture, in such amounts as are provided in advance in appropriation Acts, for restoration and administration of the Midewin National Tallgrass Prairie, including construction of a visitor and education center, restoration of ecosystems, construction of recreational facilities (such as trails), construction of administrative offices, and operation and maintenance of the MNP.

SEC. 106. SPECIAL DISPOSAL RULES FOR CERTAIN ARSENAL PARCELS INTENDED FOR MNP.

(a) DESCRIPTION OF PARCELS.—Except as provided in subsection (b), the following areas are designated for disposal pursuant to subsection (c):

(1) Manufacturing Area—Study Area 1—Southern Ash Pile, Study Area 2—Explosive Burning Ground, Study Area 3—Flashing Grounds, Study Area 4—Lead Azide Area, Study Area 10—Toluene Tank Farms, Study Area 11—Landfill, Study Area 12—Sellite Manufacturing Area, Study Area 14—Former Pond Area, Study Area 15—Sewage Treatment Plant.

(2) Load Assemble Packing Area—Group 61: Study Area L1, Explosive Burning Ground: Study Area L2, Demolition Area: Study Area L3, Landfill Area: Study Area L4, Salvage Yard: Study Area L5, Group 1: Study Area L7, Group 2: Study Area L8, Group 3: Study Area L9, Group 3A: Study Area L10, Group 4: Study Area L14, Group 5: Study Area L15, Group 8: Study Area L18, Group 9: Study Area L19, Group 27: Study Area L23, Group 62: Study Area L25, PVC Area: Study Area L33, including all associated inventoried buildings and structures as identified in the Joliet Army Ammunition Plant Plantwide Building and Structures Report and the contaminate study sites for both the Manufacturing and Load Assembly and Packing sides of the Joliet Arsenal as delineated in the Dames and Moore Final Report, Proposed Future Land Use Map, dated May 30, 1995.

(b) EXCEPTION.—The parcels described in subsection (a) shall not include the property at the Arsenal designated for disposal under title II.

(c) INITIAL OFFER TO SECRETARY OF AGRICULTURE.—Within 6 months after the construction and installation of any remedial design approved by the Administrator and required for any lands described in subsection (a), the Administrator shall provide to the Secretary of Agriculture all existing information regarding the implementation of such remedy, including information regarding its effectiveness. Within 3 months after the Administrator provides such information to the Secretary of Agriculture, the Secretary of the Army shall offer the Secretary of Agriculture the option of accepting a transfer of the areas described in subsection (a), without reimbursement, to be added to the Midewin National Tallgrass Prairie and subject to the terms and conditions, including the limitations on liability, contained in this Act. In the event the Secretary of Agriculture declines such offer, the property may be disposed of as the Army would ordinarily dispose of such property under applicable provisions of law. Any sale or other transfer of property conducted pursuant to this subsection may be accomplished on a parcel-by-parcel basis.

TITLE II—OTHER REAL PROPERTY DISPOSALS INVOLVING JOLIET ARMY AMMUNITION PLANT

SEC. 201. DISPOSAL OF CERTAIN REAL PROPERTY AT ARSENAL FOR A NATIONAL CEMETERY.

(a) TRANSFER REQUIRED.—Subject to section 301, the Secretary of the Army shall transfer, without reimbursement, to the Secretary of Veterans Affairs the parcel of real property at the Arsenal described in subsection (b) for use as a national cemetery.

(b) DESCRIPTION OF PROPERTY.—The real property to be transferred under subsection (a) is a parcel of real property at the Arsenal consisting of approximately 982 acres, the approximate legal description of which includes part of sections 30 and 31 Jackson Township, T34N R10E, and part of sections 25 and 36 Channahon Township, T34N R9E, Will County, Illinois, as depicted in the Arsenal Land Use Concept.

(c) SECURITY MEASURES.—The Secretary of Veterans Affairs shall provide and maintain physical and other security measures on the real property transferred under subsection (a). Such security measures (which may include fences and natural barriers) shall include measures to prevent members of the public from gaining unauthorized access to the portion of the Arsenal that is under the administrative jurisdiction of the Secretary of Veterans Affairs and that may endanger health or safety.

(d) SURVEYS.—All costs of necessary surveys for the transfer of jurisdiction of Arsenal properties from the Secretary of the Army to the Secretary of Veterans Affairs shall be borne solely by the Secretary of Veterans Affairs.

(e) DESIGNATION OF CEMETERY.—The national cemetery established using the real property transferred under subsection (a) shall be known as the "Joliet National Cemetery".

SEC. 202. DISPOSAL OF CERTAIN REAL PROPERTY AT ARSENAL FOR A COUNTY LANDFILL.

(a) TRANSFER REQUIRED.—Subject to section 301, the Secretary of the Army shall transfer, without compensation, to Will County, Illinois, all right, title, and interest of the United States in and to the parcel of real property at the Arsenal described in subsection (b), which shall be operated as a landfill by the County.

(b) DESCRIPTION OF PROPERTY.—The real property to be transferred under subsection (a) is a parcel of real property at the Arsenal consisting of approximately 455 acres, the approximate legal description of which includes part of sections 8 and 17, Florence Township, T33N R10E, Will County, Illinois, as depicted in the Arsenal Land Use Concept.

(c) CONDITION ON CONVEYANCE.—The conveyance shall be subject to the condition that the Army (or its agents or assigns) may use the landfill established on the real property transferred under subsection (a) for the disposal of construction debris, refuse, and other nonhazardous materials from the restoration and cleanup of the Arsenal property as provided for in this Act. Such use shall be at no cost to the Federal Government.

(d) REVERSIONARY INTEREST.—During the 5-year period beginning on the date the Secretary of the Army makes the conveyance under subsection (a), if the Secretary of the Army determines that the conveyed real property is not being operated as a landfill or that Will County, Illinois, is in violation of the condition specified in subsection (c), then, at the option of the United States, all right, title, and interest in and to the property, including improvements thereon, shall be subject to reversion to the United States. In the event the United States exercises its option to cause the property to revert, the United States shall have the right of immediate entry onto the property. Any determination of the Secretary of the Army under this subsection shall be made on the record after an opportunity for a hearing.

(e) SURVEYS.—All costs of necessary surveys for the transfer of real property under this section shall be borne by Will County, Illinois.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Army may require such additional terms and conditions in connection with the conveyance under this section as the Secretary of the Army considers appropriate to protect the interests of the United States.

SEC. 203. DISPOSAL OF CERTAIN REAL PROPERTY AT ARSENAL FOR ECONOMIC DEVELOPMENT.

(a) TRANSFER REQUIRED.—Subject to section 301, the Secretary of the Army shall transfer to the State of Illinois, all right, title, and interest of the United States in and to the parcel of real property at the Arsenal described in subsection (b), which shall be used for economic redevelopment to replace all or a part of the economic activity lost at the Arsenal.

(b) DESCRIPTION OF PROPERTY.—The real property to be transferred under subsection (a) is a parcel of real property at the Arsenal consisting of—

(1) approximately 1,900 acres, the approximate legal description of which includes part of section 30, Jackson Township, Township 34 North, Range 10 East, and sections or parts of sections 24, 25, 26, 35, and 36, Township 34 North, Range 9 East, in Channahon Township, an area of 9.77 acres around the Des Plaines River Pump Station located in the southeast quarter of section 15, Township 34 North, Range 9 East of the Third Principal Meridian, in Channahon Township, and an area of 511' x 596' around the Kankakee River Pump Station in the Northwest Quarter of section 5, Township 33 North, Range 9 East, east of the Third Principal Meridian in Wilmington Township, containing 6.99 acres, located along the easterly side of the Kankakee Cut-Off in Will County, Illinois, as depicted in the Arsenal Re-Use Concept, and the connecting piping to the northern industrial site, as described by the United States Army Report of Availability, dated 13 December 1993; and

(2) approximately 1,100 acres, the approximate legal description of which includes part of sections 16, 17, 18 Florence Township, Township 33 North, Range 10 East, Will County, Illinois, as depicted in the Arsenal Land Use Concept.

(c) CONSIDERATION.—The conveyance under subsection (a) shall be made without consideration. However, the conveyance shall be subject to the condition that, if the State of Illinois reconveys all or any part of the conveyed property to a non-Federal entity, the State shall pay to the United States an amount equal to the fair market value of the reconveyed property. The Secretary of the Army shall determine the fair market value of any property reconveyed by the State as of the time of the reconveyance, excluding the value of improvements made to the property by the State. The Secretary may treat a lease of the property as a reconveyance if the Secretary determines that the lease was used in an effort to avoid operation of this subsection. Amounts received under this subsection shall be deposited in the general fund of the Treasury for purposes of deficit reduction.

(d) OTHER CONDITIONS OF CONVEYANCE.—

(1) REDEVELOPMENT AUTHORITY.—The conveyance under subsection (a) shall be subject to the

further condition that the Governor of the State of Illinois establish a redevelopment authority to be responsible for overseeing the economic redevelopment of the conveyed land.

(2) TIME FOR ESTABLISHMENT.—To satisfy the condition specified in paragraph (1), the redevelopment authority shall be established within one year after the date of the enactment of this Act.

(e) REVERSIONARY INTEREST.—During the 20-year period beginning on the date the Secretary of the Army makes the conveyance under subsection (a), if the Secretary determines that a condition specified in subsection (c) or (d) is not being satisfied or that the conveyed land is not being used for economic development purposes, then, at the option of the United States, all right, title, and interest in and to the property, including improvements thereon, shall be subject to reversion to the United States. In the event the United States exercises its option to cause the property to revert, the United States shall have the right of immediate entry onto the property. Any determination of the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(f) SURVEYS.—All costs of necessary surveys for the transfer of real property under this section shall be borne by the State of Illinois.

(g) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Army may require such additional terms and conditions in connection with the conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

TITLE III—MISCELLANEOUS PROVISIONS

SEC. 301. DEGREE OF ENVIRONMENTAL CLEANUP.

(a) IN GENERAL.—Nothing in this Act shall be construed to restrict or lessen the degree of cleanup at the Arsenal required to be carried out under provisions of any environmental law.

(b) RESPONSE ACTION.—The establishment of the Midewin National Tallgrass Prairie under title I and the additional real property disposals required under title II shall not restrict or lessen in any way any response action or degree of cleanup under CERCLA or other environmental law, or any response action required under any environmental law to remediate petroleum products or their derivatives (including motor oil and aviation fuel), required to be carried out under the authority of the Secretary of the Army at the Arsenal and surrounding areas, except to the extent otherwise allowable under such laws.

(c) ENVIRONMENTAL QUALITY OF PROPERTY.—Any contract for sale, deed, or other transfer of real property under title II shall be carried out in compliance with all applicable provisions of section 120(h) of CERCLA and other environmental laws.

AMENDMENTS OFFERED BY MR. EMERSON

The SPEAKER pro tempore. The Clerk will report the amendments.

The Clerk read as follows:

Amendents offered by Mr. EMERSON: In section 105(b)(2) of the bill, strike the sentence beginning with "Such special use" and the sentence beginning with "Fair market value".

In section 201 of the bill, strike subsection (e).

Mr. EMERSON (during the reading). Mr. Chairman, I ask unanimous consent that the amendments be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

Mr. STENHOLM. Mr. Speaker, reserving the right to object, I will not object, but I yield to the gentleman from Missouri [Mr. EMERSON] to explain the amendments.

Mr. EMERSON. Mr. Speaker, these are technical changes in the bill. The one offered by the Committee on Veterans' Affairs merely allows the Secretary of Veterans Affairs the authority to name the cemetery. The second amendment gives the Forest Service authority to manage land used for grazing in the same manner that other Forest Service lands are managed. These amendments have been cleared with the minority, and it is my understanding that there is no objection.

Mr. Speaker, I include for the RECORD a letter from Jack Ward Thomas, Chief of the Forest Service, to the gentleman from Kansas, PAT ROBERTS, chairman of the Committee on Agriculture.

The material referred to follows:

DEPARTMENT OF AGRICULTURE,
FOREST SERVICE,
Washington, DC, July 28, 1995.

Hon. PAT ROBERTS,
Chairman, Committee on Agriculture, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: This is to confirm discussions my staff have had with members of your staff regarding language contained in a draft Agriculture Committee version of H.R. 714, the "Illinois Land Conservation Act of 1995."

John Hogan, counsel to the Committee, has told my staff that a proposed amendment may be offered on the House floor to strike two sentences in subsection 105(b)(2). The referenced subsection refers to the issuance by the Secretary of Agriculture of special use authorizations for agricultural purposes, including livestock grazing. The proposed amendment would strike the second and third complete sentences in that subsection, specifically: "Such special use authorization shall require payment of a rental fee, in advance, that is based on the fair market value of the use allowed. Fair market value shall be determined by appraisal or a competitive bidding process."

It is our understanding that the proposed deletion of those two sentences is intended to avoid any confusion between the use provisions of this bill and the ongoing legislative debate over grazing fees in the Western States. Mr. Hogan asked our opinion as to what effect the deletion of these two sentences would have on management of the Midewin National Tallgrass Prairie.

The proposed deletion of the referenced sentence would have no practical effect on management of the Prairie. The Forest Service will utilize the same general terms and conditions for agricultural leasing as was utilized by the Army, including competitive bidding for farming and leasing rights. This system has worked well for the Army and we plan to continue it. And, we note, the system is consistent with general Forest Service management practices throughout the Eastern United States.

If we can provide additional information, please do not hesitate to ask.

JACK WARD THOMAS,
Chief.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The SPEAKER pro tempore. The question is on the amendments offered by the gentleman from Missouri [Mr. EMERSON].

The amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. EMERSON. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks on H.R. 714, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

AUTHORIZING THE SECRETARY OF AGRICULTURE TO CONVEY LANDS TO THE CITY OF ROLLA, MO

Mr. EMERSON. Mr. Speaker, I ask unanimous consent to call up from the Speaker's table the bill (H.R. 701) to authorize the Secretary of Agriculture to convey lands to the city of Rolla, MO, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

Mr. STENHOLM. Reserving the right to object, Mr. Speaker, I shall not object, but I yield to the gentleman from Missouri [Mr. EMERSON] for an explanation of the bill.

Mr. EMERSON. Mr. Speaker, I thank the gentleman for yielding under his reservation.

Mr. Speaker, I rise today in strong support of this measure, H.R. 701, which is vital to the rural economic development efforts of southern Missouri. This legislation will authorize the U.S. Department of Agriculture to convey land within the Mark Twain National Forest to the city and citizens of Rolla, MO. This same bill was approved by the full House in the 103d Congress; however, procedural obstacles in the U.S. Senate on the last day of the 2d session, unrelated to the merits of this legislation, blocked further consideration and eventual passage.

The city of Rolla has been diligent in its plan to utilize the U.S. Forest Service's district ranger office site in the development and construction of a regional tourist center. I feel its important to note that tourism is the second largest industry in Missouri and this tourist center has already attracted great interest along with injecting needed dollars into the regional Rolla economy.

Clearly, this project is a prime example of a local community exercising its own rural development plan for local expansion and job creation. In these times of reduced Federal support for rural community-based economic enterprises, the city of Rolla is a shining example and model of both involvement and initiative that other communities around the country can clearly emulate.

For over a year now, the city of Rolla has been collecting a 3-percent tax on local hotels in the attempt to finance this project independent of any assistance from the Federal Government. Indeed, this land transfer arrangement is a very unique partnership for both Rolla and the Mark Twain National Forest. Several of Missouri's proud historical landmarks, which are important elements of this site, will be maintained and preserved for current and future generations through the efforts of the city of Rolla—at a substantially reduced cost to State and Federal taxpayers.

This is particularly important to bear in mind, since this facility would have no further commercial viability without the direct involvement of the city of Rolla. So now, two worthy goals can be achieved—economic development and historical preservation. Indeed, there are other facilities that would serve the city's need for a tourist center, but the local community and its leaders have had the vision to realize this is a prime opportunity to help themselves and relieve Federal taxpayers from the burden of maintaining these Forest Service buildings and related facilities within the city of Rolla.

Mr. Speaker, I commend the leadership efforts of the Mark Twain National Forest and the city of Rolla. I urge the expeditious approval of this measure in order that the citizens of Rolla can get on with the business of economic development and job creation.

Mr. DE LA GARZA. Mr. Speaker, I rise in support of H.R. 701, a bill to authorize the Secretary of Agriculture to convey lands to the city of Rolla, MO. H.R. 701 is nearly identical to H.R. 3426 that was introduced in the 103d Congress by Congressman EMERSON. H.R. 3426 was passed by unanimous consent in the House after being discharged by the Agriculture Committee at the very end of the session. The Senate took no action on the bill before adjournment.

H.R. 701 authorizes the city of Rolla to pay fair market value for the lands described by the bill. The city may pay for the land in full within 6 months of conveyance or, at the option of the city, pay for land in annual payments over 20 years with no interest. If the 20-year option is taken, the payments must be put in a Sisk Act Fund where they will be available, subject to appropriation, until expended by the Secretary. The bill also releases the U.S. Forest Service from liability due to hazardous wastes found on the property that were not identified prior to conveyance and requires the preservation of historic resource on the property.

Mr. STENHOLM. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The Clerk read the bill, as follows:

H.R. 701

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LAND CONVEYANCE, ROLLA RANGER DISTRICT ADMINISTRATIVE SITE, ROLLA, MISSOURI.

(a) CONVEYANCE AUTHORIZED.—Subject to the terms and conditions specified in this section, the Secretary of Agriculture may sell to the city of Rolla, Missouri (in this section referred to as the "City"), all right, title, and interest of the United States in and to the following:

The property identified as the Rolla Ranger District Administrative site of the Forest Service located in Rolla, Phelps County, Missouri, encompassing ten acres more of less, the conveyance of which by C.D. and Oma A. Hazlewood to the United States was recorded on May 6, 1936, in book 104, page 286 of the Record of Deeds of Phelps County, Missouri.

(b) CONSIDERATION.—As consideration of the conveyance under subsection (a), the City shall pay to the Secretary an amount equal to the fair market value of the property as determined by an appraisal acceptable to the Secretary and prepared in accordance with the Uniform Appraisal Standards for Federal Land Acquisition as published by the Department of Justice. Payment shall be due in full within six months after the date the conveyance is made or, at the option of the City, in twenty equal annual installments commencing on January 1 of the first year following the conveyance and annually thereafter until the total amount due has been paid.

(c) DEPOSIT OF FUNDS RECEIVED.—Funds received by the Secretary under subsection (b) as consideration for the conveyance shall be deposited into the special fund in the Treasury authorized by the Act of December 4, 1967 (16 U.S.C. 484a, commonly known as the Sisk Act). Such funds shall be available, subject to appropriation, until expended by the Secretary.

(d) RELEASE.—Subject to compliance with all Federal environmental laws prior to transfer, the City, upon conveyance of the property under subsection (a), shall agree in writing to hold the United States harmless from any and all claims relating to the property, including all claims resulting from hazardous materials on the conveyed lands.

(e) RIGHT OF REENTRY.—The conveyance to the City under subsection (a) shall be made by quitclaim deed in fee simple, subject to a right of reentry in the United States if the Secretary determines that the City is not in compliance with the compensation requirements specified in subsection (b) or other condition prescribed by the Secretary in the deed of conveyance.

(f) CONSERVATION OF HISTORIC RESOURCES.—In consultation with the State Historic Preservation Office of the State of Missouri, the Secretary shall ensure that the historic resources on the property to be conveyed are conserved by requiring, at the closing on the conveyance of the property, that the City convey an historic preservation easement to the State of Missouri assuring the right of the State to enter the property for historic preservation purposes. The historic preservation easement shall be negotiated between the State of Missouri and the City, and the conveyance of the easement shall be a condition to the conveyance authorized under subsection (a). The protection of the historic resources on the conveyed property shall be the responsibility of the State of Missouri and the City, and not that of the Secretary.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. EMERSON. Mr. Speaker, I ask unanimous consent that Members may have 5 legislative days to revise and extend their remarks on H.R. 701, the bill just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

MODIFYING BOUNDARIES OF TALLADEGA NATIONAL FOREST

Mr. EMERSON. Mr. Speaker, I ask unanimous consent to call up the bill, H.R. 1874, to modify the boundaries of the Talladega National Forest, Alabama, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

Mr. STENHOLM. Reserving the right to object, Mr. Speaker, I shall not object, but I yield to the gentleman from Missouri [Mr. EMERSON] for an explanation of the bill.

Mr. EMERSON. Mr. Speaker, I thank the gentleman for yielding under his reservation of objection.

Mr. Speaker, this bill would transfer land currently under the jurisdiction of the Bureau of Land Management to the Forest Service. The land is currently being managed by the Forest Service. Another reason for the transfer is that the Penhody National Recreational Trail runs through a portion of the land that we are transferring. This transfer will enhance the management of the Penhody. The total amount being transferred is 559 acres. It is my understanding that the minority has no objection to this legislation, and that the administration is in support.

Mr. Speaker, I will include a document titled "Questions and Answers, H.R. 1874, Talladega National Forest," for the RECORD.

Mr. DE LA GARZA. Mr. Speaker, I rise in support of H.R. 1874, a bill to modify the boundaries of the Talladega National Forest. This bill is a commonsense attempt to streamline and make more cost-efficient the management of our national forests by transferring two small tracts of adjacent Bureau of Land Management [BLM] land to the Talladega National Forest in Alabama. I commend our colleague, Mr. BROWDER of Alabama, in his efforts.

H.R. 1874 modifies the boundaries of the Talladega National Forest in Alabama by transferring approximately 350 acres of Bureau of Land Management [BLM] land to the Talladega National Forest. Both the U.S. Forest Service and the BLM support the concept of the transfer. The bill ensures that no existing rights of way, easement, lease license or permit shall be affected by the transfer.

According to the U.S. Forest Service this transfer will actually reduce the amount of boundary line the U.S. Forest Service will be required to maintain. Further, because the BLM lands are adjacent to or surrounded by the Talladega National Forest, the Congressional Budget Office reports that there are no significant costs to the government associated with the change in jurisdiction.

Mr. Speaker, I would also like included in the RECORD a document from the U.S. Forest Service entitled "Questions and Answers, H.R. 1874, Talladega National Forest, Alabama," regarding the transfer.

QUESTION AND ANSWERS, H.R. 1874, TALLADEGA NATIONAL FOREST, ALABAMA

Q. Where is the Talladega National Forest located in Alabama?

A. The Talladega National Forest is broken up into two divisions—the Oakmulgee Division, located in central Alabama South and West of Birmingham, Alabama; and the Talladega Division, located east central Alabama and being East of Birmingham, Alabama.

Q. Which Division is effected by H.R. 1874?

A. The land is located on the Talladega Division.

Q. Where on the Talladega Division are the tracts mentioned in H.R. 1874 located?

A. The first tract is located in Cleburne County and contains 399.4 acres and is more particularly described as Township 17 South, Range 8 East, Section 34, NE¼, SW¼, and S½ NW¼. This tract is located within the existing Proclamation Boundary of the Talladega N.F. and close to being surrounded by National Forest ownership.

The second tract is located in Calhoun County and contains 160 acres and is more particularly described as Township 13 South, Range 9 East, Section 28, SE¼. This tract is located just outside of the existing Proclamation Boundary of Talladega N.F. but is adjacent to and contiguous with National Forest ownership.

Q. What's presently located on these lands?

A. Both properties are forested tracts with pine and hardwood. There are no known or surveyed cultural resource sites or threatened or endangered species known to be located on these tracts. However, the first and largest tract is located inside a tentative Habitat Management Area for the Red Cockaded Woodpecker, a listed endangered species. In addition, the Pinhoti Trail, administered by the Forest Service, runs through the largest tract.

Q. What is a Habitat Management Area (HMA)? and why is it "tentative"?

A. This is an area that contains pine and pine-hardwood forest types that will be managed for the recovery of the Red Cockaded Woodpecker.

It is "tentative" until the Forest has completed its Forest Plan Revision.

Q. Just what is the Pinhoti Trail?

A. The Pinhoti Trail is a National Recreation Trail that was so designated back in 1977. It is a foot trail that extends for 98.6 miles along the mountains, valleys, and ridges of the Talladega Division, Talladega National Forest.

Q. Where does the Pinhoti Trail begin and end?

A. The trail starts on the Talladega Ranger District at Clairmont Gap off of the Talladega Scenic Drive and ends on the Northeastern boundary of the Shoal Creek Ranger District at Highway 278.

Q. H.R. 1874 indicates that the first tract contains 339.4 acres while the description calls for 399.4 acres. Which is correct?

A. The 399.4 acres is correct. There was probably a typo error made while drafting the bill. However, the description is accurate.

Q. Just what does the Bill do?

A. The Bill will transfer jurisdiction of these two tracts totaling 559.4 acres from the Bureau of Land Management, U.S. Department of Interior to the Forest Service, U.S. Department of Agriculture.

Q. Why is this necessary?

A. As pointed out, the effected lands are adjacent to and mixed in with existing National Forest lands. This would ease the administration of these federal lands for both agencies.

Q. Does BLM Agee with this change of jurisdiction?

A. Yes. They have worked closely with the Forest Service on this transfer for a number of years.

Q. Does the public have any concern about the change?

A. No. They already think the land is part of the National Forest System because of their location. This is especially true where the Pinhoti Trail runs through the larger tract in Cleburne County. In fact, the Forests current Administrative Map shows the 399 acre parcel as being national forest.

The county records in Cleburne County shows the property to be owned by the "USA Talladega NF"; while the Calhoun County records shows it to be owned by the "US Forestry Division".

Q. Why does the Administrative Map show this property to be National Forest?

A. Probably an error was made when the map was last revised since the property is government land, almost surrounded by national forest land and has the Pinhoti Trail running through it.

Q. Are there any right-of-ways, easements, leases, licenses or permits on the lands being transferred?

A. There are no known right-of-ways, easements, etc. or known claims (neither properties are adjacent to residential development) on either of the properties. If there were, the Forest Service has the necessary authority and regulations to handle.

Q. What is the history of these Tracts?

A. The 160 acre parcel, located in Calhoun County, has never been patented and was not withdrawn from the Public Domain when the Talladega National Forest was established by Proclamation 2190 dated 7/17/1936. This property has always been owned by the United States.

The 399 acre parcel, located in Cleburne County, was patented to the State of Alabama back in August 1941. A clause in the Patent stated "this patent is issued upon the express condition that the land hereby granted shall revert to the USA upon a finding by the Secretary of Interior that for a period of five (5) consecutive years such land has not been used by the said State of Alabama for park or recreational purposes, or that such land or any part thereof is being devoted to other uses." On November 14, 1978, the State of Alabama Quitclaimed this land to the United States and on February 9, 1979 title was accepted by the Bureau of Land Management.

(NOTE: The 1891 Organic Act originally gave the President the authority to place forest land into public reservations by Proclamation. President Franklin Roosevelt issued a Proclamation withdrawing the land now within our forest boundary for public recreational use pursuant to the Recreation and Public Purposes Act before the Talladega National Forest was established by Presidential Proclamation in 1936. A patent on the withdrawn lands was then issued to the State in 1941 with a reversionary clause to the United States. Alabama reconveyed by Quit Claim deed to the United States in 1978 due to its non-use. The Proclamation creating the Talladega National Forest included a provision that all lands hereafter acquired by the United States under the Weeks Act should be administered as a part of the Talladega National Forest. This provision, however, only applied to lands acquired under the Weeks Act, and not the BLM land which simply reverted back to the United States. The proclamation itself no longer had the force of law when the United States regained title to the subject land due to the repeal of the 1891 Act by section 704 of the Federal Land Policy and Management Act of 1976. Hence, the subject land reverted to the status of unappropriated public land, and hence are not included within the Talladega National Forest as they had been withdrawn in favor of the State of Alabama prior to the proclamation and were later patented to the State, thus entirely escaping federal control and the scope of the proclamation.)

Q. What boundaries are being modified?

A. As previously indicated, the 160 acre parcel located in Calhoun County is located adjacent to but west of and outside of the existing Proclamation Boundary for the Talladega National Forest. The Bill would extend this boundary to incorporate the tract.

The 399.4 acre parcel located in Cleburne County is within the Proclamation Boundary. Technically no boundary modification is needed in this case as far as the Proclamation Boundary is concerned. However, the land line boundary would technically be changed in the jurisdictional transfer.

Regardless of the technicality of boundary modification, the Bill does effect the correct transfer of jurisdiction being sought by both agencies.

Q. How many additional acres of lands does the BLM presently have jurisdiction over that are within or adjacent to the Talladega National Forest?

A. None to the best of our knowledge.

Q. How is BLM presently managing these lands to be transferred to the Forest Service?

A. They are currently being managed for hunting and dispersed recreation.

Q. How much will it cost the Forest Service to administer these lands?

A. The main additional cost would be to maintain the approximately 1 mile of additional boundary lines located on the 160 acre parcel in Calhoun County. Estimated cost for maintenance runs around $500 to $600 per mile. However, with the tract located in Cleburne County, the Forest Service would actually lose approximately 1¾ miles of land lines. Therefore there is a net loss of around ¾ miles of land lines that the Forest Service will not have to maintain.

Since the lands are adjacent to and/or are within the existing National Forest, there will be little or no additional costs associated with the change of jurisdiction. The 599 acres would be incorporated into the 229,772 acres that currently makes up the Talladega Division, Talladega National Forest. (Total for the entire Talladega National Forest is 387,176 acres.)

Mr. STENHOLM. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The Clerk read the bill, as follows:

H.R. 1874

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXPANSION OF TALLADEGA NATIONAL FOREST.

(a) BOUNDARY MODIFICATION.—The exterior boundaries of the Talladega National Forest is hereby modified to include the following described lands:

Huntsville Meridian, Township 17 South, Range 8 East, Section 34, NE¼, SW¼, and S½NW¼, Cleburne County, containing 399.40 acres, more or less.

Huntsville Meridian, Township 13 South, Range 9 East, Section 28, SE¼, Calhoun County, containing 160.00 acres, more or less.

(b) ADMINISTRATION.—(1) Subject to valid existing rights, all Federal lands described under subsection (a) are hereby added to and shall be administered as part of the Talladega National Forest, and the Secretary of the Interior shall transfer, without reimbursement, administrative jurisdiction over such lands to the Secretary of Agriculture.

(2) Nothing in this section shall be construed to affect the validity of or the terms and conditions of any existing right-of-way, easement, lease, license, or permit on lands transferred by subsection (a), except that such lands shall be administered by the Forest Service. Reissuance of any authorization shall be in accordance with the laws and regulations generally applying to the Forest Service, and the change of jurisdiction over such lands resulting from the enactment of this Act shall not constitute a ground for the denial of renewal or reissuance of such authorization.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. EMERSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 1874, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

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SPECIAL ORDERS

The SPEAKER pro tempore (Mr. EVERETT). Under the Speaker's announced policy of May 12, 1995, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

RESTRICTIONS ON POLITICAL ADVOCACY MISGUIDED AND MISPLACED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Colorado [Mr. SKAGGS] is recognized for 5 minutes.

Mr. SKAGGS. Mr. Speaker, later this week the House will take up consideration of the appropriations bill for the Departments of Labor, Health and Human Services and Education. I want to call my colleagues' attention to the fact that not included in this appropriations bill are some 13 pages of legislation, something we are not supposed to do on appropriations bills.

The topic of this 13-page legislative provision is "Political Advocacy." It flies directly in the face of the first amendment to the Constitution which says that this body, the Congress, shall make no law concerning free speech, freedom of association, or the right to petition the Government. But that is precisely what this 13-page piece of legislation, buried in this appropriations bill, will do.

Mr. Speaker, the subtitle of this title says, "Prohibition on the Use of Federal Funds for Political Advocacy." As it happens, of course, that is already illegal. The real sweep of this legislative proposal has very little to do with Federal funds. What it does have to do with is your use of your own funds. Every single American citizen, nonprofit organization, recipient of a Federal research grant likely is going to be swept into the impact of this incredible and chilling piece of legislation.

Mr. Speaker, if you look at the definition of "political advocacy," which is one of the principal operative concepts in this bill, it includes virtually everything that you might have thought was protected speech under the first amendment to the Constitution. Even an inkind contribution to a political campaign; even the purchase of something that has nothing to do with politics, if the person or the organization you are purchasing it from happens to have used more than 15 percent of its resources on political advocacy. Again, political advocacy includes just about anything having to do with trying to affect the political debate in this country not just at the Federal level, but at the State and local levels as well.

Mr. Speaker, the other principal concept that makes this such an overarching and intrusive provision has to do with the definition of grant, because it is only grantees, recipients of grants, that are swept into this new regime of accounting for political speech. But again, if you look at the definition of grant, it is not just what you might think in a commonsensical way; that is, the provision of funds to somebody directly from the Federal Government. No, it is much broader than that. It includes anything of value provided, not given, but provided, to any person or organization.

So if you consider, as absurd as it may seem, that this political advocacy restriction applies to anyone who gets a grant, it will impact, for instance, the following kinds of people: Disaster victims getting emergency housing assistance grants; nurses who may have received a national research service award; low-income tenants receiving section 8 housing grants; researchers receiving money from the National Institutes of Health or the National Science Foundation; and, Indian tribes. Now, State and local governments are excluded, but not Indian tribes, for instance, getting grants for economic development activities.

So it is incredibly far reaching and intrusive, and it not only affects what you can do with public money, but it affects what you can do with your own money. If you fall into this trap, and almost all of us will, you could not spend more than 5 percent of your own money on any of these political advocacy activities, State, Federal, local, anything at all, or you would be disqualified from getting any kind of Federal grant, again broadly defined, over a period of 5 years.

Mr. MILLER of California. Will the gentleman yield?

Mr. SKAGGS. I would be happy to yield to the gentleman from California.

Mr. MILLER of California. I thank the gentleman for taking his time in pointing out what is an incredible amendment to the bill that we will be asked to vote on.

Mr. Speaker, let me ask the gentleman from Colorado a question. As the gentleman just described it, as I understand it, if you are a big farmer in the central valley of California and you are receiving a water subsidy, or you are a timber company and you are receiving hundreds of millions of dollars in subsidies in road building or water subsidies, or if you are a mining company and you have received land under a grant from the Federal Government, or if you are an oil company and you are receiving royalty subsidies or tax subsidies, you can come here and lobby all you want to increase those subsidies, to reduce them or to change the law. But if you are a public interest group and you have received any Federal money, you then have a limitation on money that you have privately raised or the private sector has participated with you; is that correct?

Mr. SKAGGS. Mr. Speaker, actually, this goes even farther and includes some of the groups that the gentleman from California mentioned.

Now, it would not affect defense contractors, for instance, but the way I read it, somebody getting Burec water at a subsidized rate would indeed be swept under the provisions of this proposal.

PROTECTING AMERICAN WORKERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. MILLER] is recognized for 5 minutes.

Mr. MILLER of California. Mr. Speaker, later this week the House will be considering the Labor and Health and Human Services appropriations bill, and this bill will have provisions in it that really punish working Americans and working families in this country.

We now believe that when we send a member of our family out into the workplace in this country, that they have a reasonable expectation, and we have a reasonable expectation, that our children or our spouse will go to work in a relatively safe workplace, and that that workplace will meet certain standards as to its obligations to members of our family as they go to work.

Mr. Speaker, that is because of OSHA and the laws of general duty and obligations that says, an employer has an obligation to provide a safe workplace, but also because of the many standards that OSHA has developed to make the construction trades safer; that make the mining industry, in the case of MSHA, safer; that make the chemical industry safer, and it has made the petroleum industry safer, throughout the American economy. We have done this all at the same time that productivity has increased dramatically in this country.

So it is not to suggest that OSHA, as others have, that somehow they have to be curtailed because they curtail productivity, because there is just no evidence that that is in fact the case. In fact, American corporations are experiencing some of the greatest increases in productivity at the same time that they have continued to work under workplace safety standards as promulgated by OSHA.

Mr. Speaker, what is interesting is that in the same bill, while most of the other agencies are subjected to budget cuts of around 7.5 percent, we see that OSHA, that agency which protects our families when they go to work, to make sure that when they leave the house they will come back to the house in the same condition when they left, we see that the enforcement for OSHA is cut by almost 33 percent. A third of its budget is taken away from this agency that is given the obligation to protect American workers.

Mr. Speaker, this is simply unacceptable. We cannot go back to the days when American workers were chewed up in the mines in this country, in the factories in this country, in the places of manufacturing in this country. We still, even with the tremendous successes that OSHA has had in bringing down the injury rate and the loss of life in the American workplace, we still see that each day, some 6,000 Americans are injured on the job, and this costs American businesses billions of dollars a year, and that is unacceptable. But to now take off, to take off the ability of OSHA to enforce the laws, is to suggest that industries and businesses and manufacturers can engage in a race to the bottom where they can decide that they can cut the cost of doing business by having an unsafe workplace. That is not acceptable to America's workers, and it is not acceptable to America's families.

Mr. Speaker, the bill also goes on to say that OSHA cannot even promulgate regulations to try and protect workers who suffer from repetitive motion disorders because of the increased use in computers and some jobs in the assembly segment of American manufacturing. All of us are aware, we see people in the supermarket, we see people standing in line to go to the show, members of our own families, as they wear harnesses on their hands, they wear harnesses on their elbow, they go to therapy because they are trying to stay on the job.

At the same time that this Congress is asking for more erogonomic-sensitive furniture, components, machinery to protect their workers in the U.S. Congress, we are suggesting that we cannot promulgate the regulations to provide that same kind of protection to American workers in the American workplace. Yet we find that millions of Americans suffer from these kinds of disabilities that limit their ability to earn a living, to provide for their families. That is what OSHA is about. It is about Americans being able to go to work in a safe workplace, to earn a wage, to provide for their families. To the extent that they are disabled, to the extent that they are injured, to the extent that they suffer these kinds of accidents, their capabilities of providing for their families are reduced. This budget cut in this bill is simply an attack on working families in this country and it should not be allowed to stand. The Republicans are wrongheaded in this effort and they should not be allowed to take this measure.

Mr. Speaker, I yield to the gentleman from West Virginia.

Mr. RAHALL. I thank the gentleman from California for yielding. I would just like to refer to earlier points you made in your statement that I think deserves a great deal of emphasis. You referred to the fact that our American workers cannot afford to be eaten up, and the fact that productivity has increased today. That is especially true in the coal mining industry.

WOMEN AND THE RIGHT TO VOTE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Colorado [Mrs. SCHROEDER] is recognized for 5 minutes.

Mrs. SCHROEDER. Mr. Speaker, I rose earlier to commemorate this wonderful stamp that is going to be coming out on August 26 that is going to celebrate women having had the right to vote for 75 years in this country.

I must say as we see these women in the stamp marching down the avenue with men who supported them demanding the right to vote, I would be a little leery if I were a Member of Congress, because I think after 75 years women are learning how to use that vote and women are going to be very angry about what this Congress is doing to women and children.

Last week we saw a good example where in the prior Congress there had been a unanimous consent on the Violence Against Women Act, that we really had to get aggressive and do that. It passed this House unanimously. There was not one vote against it. Last week, after first attempting to zero out the funds, we finally had to get excited and be very grateful because we got 50 cents on the dollar. We have ignored it all these years, we know violence is very critical, and it is especially bad when children are learning it in the home—when they are learning it in the home, good luck ever undoing it—so we really made that commitment but we really did not mean it, and if it had not been for the Congresswoman, we would not have even gotten 50 cents on the dollar, because they were quick to say, OK, well, we voted for it, but we do not have the money to fund it and it will slip away.

We are seeing women's right to choose go down the chute, we are seeing all sorts of educational programs and opportunities in the workplace going down the chute, and we are seeing all sorts of things happening to children.

In fact, a mother from Denver sent me the poster for what they think the Labor-HHS bill that we are going to be taking up this week should be showing. Here it is. It is this wonderful child. I think what the Congress is saying to this child is, "Let them eat mud."

We are going after Head Start. Can you believe that? We have never made our commitment to Head Start. We are going after all sorts of educational programs that this child's future depends on and so forth and so on. We are going to attack their nutrition, attack their education, attack their chance to get ahead, attack a women's ability to move forward. I remind you that in the Budget Act, they put a 15-percent tax on child support enforcement. If the government collects child support, they are going to take 15 percent of that out. Yet we keep saying to these families, "Get up and get on your own."

How are you going to do that unless you were lucky enough to have picked the right parents? This child did not get a chance to pick my parents. I did not get a chance to pick my parents that I am aware of. If you are lucky enough to have picked the right parents, although I never knew you got that choice, then you are going to be OK. The idea that the government should try and create and equal playing field so you can utilize all of your abilities, be you male, female, be you black, white, be you Hispanic, Asian or whatever is really rapidly eroding. It is very rapidly eroding. If you do not think it is rapidly eroding, watch what we do this week. We are bringing the meanest bill to this floor, the most extreme bill to this floor that this Congress has seen since the end of the war. We are saying to this child, "You've got to pay for the debt." Obviously she caused it. Listen, she was not even here. She cannot even vote.

That is why I think as we get ready to celebrate women having voted for 75 years, maybe people better sit back and reflect. We may not have voted in any great numbers in 1994, but I have a feeling that women all over America are getting as angry as the mother of this child in Denver, CO and saying: What are you people doing there? You are not touching the B-2 bomber, you are not touching the space station, you are not touching really rich farmers, you are not touching the traditional pork. You are going after kids. You are going after the people who cannot fight back.

You may find that women unite this year and we do fight back. We have had the vote long enough. We now know how to use it, and I think this Congress better be careful. This war on women and children had better end or women and children will declare war on the Congress.

MASSIVE CUTS LOOM IN LABOR-HHS APPROPRIATIONS BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Hawaii [Mrs. MINK] is recognized for 5 minutes.

Mrs. MINK of Hawaii. Mr. Speaker, I, too, want to rise in great dismay and almost shocked disbelief at the bill that we are being asked to consider this week which provides funding for programs in the Departments of Labor, Health and Human Services and Education.

Most of the people who hold public office today, whether in local, State, or national capacities, have always made a very strong and vocal commitment to the importance of education, not just to the children that are here today but virtually for the future of this country. In order for us to be truly competitive in a world sense we have to be sure that the children of America are being given the fullest opportunity for education, for training, for career development, and certainly in meeting the changes that occur in our economy and in jobs throughout the Nation, we have to also be prepared to make sure that there are funds available for job retraining of workers who are displaced in a wide variety of industries, outcomes of such things as NAFTA and GATT, and simply the downsizing of our megacorporations.

So it is almost with a dismay and disbelief that I rise today to advise the people in the country about these massive cuts that are coming in the field of education. The budget that we are going to be asked to vote for this week cuts $3.8 billion in education and about $2.8 billion of this cut are going to affect the local schools directly. It is astounding that such a major cut would come from a field that everybody agrees is the most important responsibility of Government. But there you have it. Now, how do these cuts come into the budget category?

☐ 1240

The first major cut is $1.1 billion in title I, which is a special program that has been in existence since 1965.

I happen to have been here in the Congress in 1965, where the debate over 25 years finally came to fruition and the first federally financed Aid to Education was enacted. It was then called Public Law 8910; and that program has continued over the years. Although never fully funded, it has provided billions of dollars of assistance directly to our schools.

How is it determined what the schools are to get? It is targeted to economically and educationally disadvantaged children in our schools. In some instances, private schools are able to benefit by sending their children out to partake of the various programs that are located in the public schools.

We have a devastating impact. Our report shows that 1 million of our most disadvantaged children in our neediest schools that do not have the real property tax base or the financial wherewithal to pay for an adequate education are going to have these funds stripped away. I think this is the most egregious of all of the cuts that we are being asked to make this week.

Mr. Speaker, the other program which has had widespread support throughout the country is a program that we call Head Start. Time and again, people have stood on the well of this floor, Presidents have announced that we must achieve full funding of Head Start.

It takes into consideration the need to prepare disadvantaged children, particularly, at age 4 and 5 years of age to make it possible for them when they enter the public schools in first grade that they can achieve at a far more adequate and rapid pace.

This is a program that has bipartisan support and yet I am dismayed to report that the Committee on Appropriations cut Head Start by $137 million, which means 45,000 to 50,000 children who are currently in the program will not be able to participate any longer. What a tragedy for these youngsters.

What makes up an adequate educational system in America? What produces quality education? It is not money in itself, it is the quality of the teachers, and so one of the important areas that we have funded in the past is teacher education, and that program is being totally eliminated, that is known as the Eisenhower Professional Development Program for teachers. I see that my time is up, and I will be back again on the floor.

EDUCATION CUTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. MARTINEZ] is recognized for 5 minutes.

Mr. MARTINEZ. Mr. Speaker, I rise the same as Mrs. MINK in vehement opposition to the new majority's Labor, HHS, and Education appropriation bill. It is a bill that is so bad that we should not even try to amend it, even if we could, because I do not believe there are any amendments that could improve it, so let it come to the floor just the way it is and show the American people what the new majority is really all about.

Some have come to this floor and said that the new majority are mean spirited. Mr. Speaker, this goes beyond mean spirited. The Labor HHS bill is a cold-blooded attack on the American dream.

It is especially damaging for those at the very bottom of the ladder. The cuts in education are at the very heart of the American dream. Education has always been a plus, something to laud, in America. Without education, would we have had the major technical advancements that we have known? That came from people that were well educated in this country? I doubt it.

I do not believe even in the past people like George Washington Carver, who gave us more than just the development of so many things from the peanut, would have had the advantages that he did later in his life after he received the formal education.

Mr. Speaker, education, to me, has been at the heart of every advancement of our Great Society. The new majority cuts and slashes. Their cut-and-slash tactics cut everything. They cut education, a second chance for people. They say they want everyone to speak English. Where do they think adults are going to learn English? They are going to learn in school.

They are slashing a program so that adults have to wait in line to get into the ESL classes. Community-based organizations, which take up much of the slack, are already short of funds to provide services, and the bill is cutting their aid even further.

Even though the Federal Government contributes only a small percentage of the education money that is spent in this country, they want to take that away.

With this legislation, Congress is ignoring the national leadership role that it has. When local school boards all over the country are having hard times paying for their schools, this bill is denying the very little help we do give. The no-tax phobia has school districts around the country desperate for funds. If we do not help, no one will.

Initiatives like California's proposition 13 and the two-thirds requirement for any new increase in funds for schools handcuff the ability of communities to implement a bond measure to raise taxes for those needs that they believe are priorities like schools.

Mr. Speaker, I have never been offended by taxes as long as the revenue is spent well.

Mr. Speaker, I believe we must grow up and the new majority must grow up and face the responsibility for a sensible society. Without taxes, there would be no local law enforcement, no local fire safety, no local sewage treatment, no health and safety protections. Taxes are a part of a civilized society.

If we think we have it bad, we ought to look at some of our neighboring countries. Some nations have more onerous taxes than we will ever have, but they do not have the advancements in technology that we do.

Taxes are a sacrifice made to investment in our country.

We hear our colleagues every day come to this floor and say, we have to run Congress like a business. I was in business for many years, but I got into politics and I saw other businesses around me fail because they would not make the sacrifice that we need to make to make an investment in our business. Well, we are now giving a tax break to the rich at the expense of an investment in the programs for the poor of our country.

The Labor, HHS, education bill is a disinvestment in the future of the children of this Nation that is irrational and unfair. Mr. Speaker, what has happened to the promise of a brighter tomorrow, a kinder and gentler America that we heard about not so long ago, a future for our children that people, and especially politicians, love to make in speeches?

TOBACCO AND AMERICA'S YOUTH

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from California [Mr. WAXMAN] is recognized for 60 minutes as the designee of the minority leader.

Mr. WAXMAN. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and to insert extraneous material.

I have taken out this special order to talk again about the No. 1 threat to the health of our children—tobacco.

A lot has happened since I spoke to this body last week. The Justice Department has confirmed that it will impanel a grand jury in this city to consider perjury charges against tobacco company CEO's. The U.S. attorney in New York has confirmed that he will impanel a grand jury in Manhattan to investigate whether tobacco companies lied to Federal regulators about the health effects of tobacco. And the President has begun to consider how best to regulate tobacco.

Almost unnoticed amid the headlines, however, is the damage cigarettes have done to the health of our Nation. In the last week alone, over 7,000 Americans have died from lung cancer, heart disease, and other illnesses caused by addiction to tobacco.

Even worse, in the last 7 days, 21,000 American children have begun to smoke for the first time. One-third of these children—7,000 kids—will become lifelong nicotine addicts and eventually die from a tobacco-related disease.

Clearly, the time has come for commonsense regulation to discourage children from smoking.

When I appeared before this body last week, I reported on my investigation into the research activities of Philip Morris, the Nation's largest tobacco company. This investigation revealed three important facts.

First, Philip Morris conducted secret research on nicotine pharmacology for more than a decade.

Second, top company officials—including the Philip Morris board of directors and at least three separate vice presidents for research and development—had knowledge of the secret nicotine research program.

Third, Philip Morris conducted research for the specific purpose of determining the pharmacological effects of nicotine on children and college students.

One major question remained unanswered, however. Did Philip Morris use its secret nicotine research to design cigarettes sold to the American public?

We know from the documents I released last week that Philip Morris' secret research program was undertaken for commercial reasons. The document describing the plans and objectives for the behavioral research laboratory in 1979, for example, stated expressly:

> The rationale for the program rests on the premise that such knowledge will strengthen Philip Morris R&D capability in developing new and improved smoking products.

Philip Morris, however, has consistently maintained that it never commercialized this research or manipulated nicotine. A year ago, the Philip Morris CEO, William Campbell, testified before my subcommittee that "Philip Morris does not manipulate nor independently control the level of nicotine in our products."

Last month, when the New York Times first reported on the secret Philip Morris research program, Philip Morris asserted that it never used the research results in creating products for the market.

Today, I will present evidence that conflicts fundamentally with these Philip Morris statements. I will present evidence that appears to prove beyond a reasonable doubt that Philip Morris manipulated the nicotine levels in cigarettes sold to the American public.

My investigation of nicotine manipulation by Philip Morris has been hindered by two obstacles. First, Philip Morris has not cooperated with the investigation. Over a year ago, on June 29, 1994, I wrote Philip Morris to request copies of Philip Morris documents relating to nicotine manipulation. With minor exceptions, Philip Morris has refused to provide these documents.

The second obstacle is that the Congress has apparently ceased its investigation of the tobacco industry. This makes it impossible for me to call Philip Morris witnesses before an investigative committee to respond to my inquiries.

Because of these obstacles, I cannot yet provide a complete and final record of Philip Morris's efforts to manipulate nicotine. Nevertheless, what I have recently learned is so significant that I believe I must take the extraordinary step for reporting on it in this chamber today. I believe I have an obligation to the Members of this body, to the administration, and ultimately to the American people to tell what I know so that together we can move closer to the truth.

As I did last week, I will first present a summary of my investigation. Then I will then read into the RECORD a chronology of excerpts from previously secret Philip Morris documents. Finally, I will present the documents themselves for publication in the CONGRESSIONAL RECORD.

SYSTEMATIC MANIPULATION IN THE LABORATORY

The evidence of nicotine manipulation begins in the very same Philip Morris laboratories in Richmond, VA, that conducted the electric shock studies and the nicotine pharmacology research that I described last week. Throughout the 1970's, researchers in these laboratories engaged in a systematic search "to determine optimal nicotine/tar ratios for cigarette acceptability in a low delivery cigarette."

The nicotine/tar ratio is a ratio that compares the amount of nicotine delivered by a cigarette with the amount of tar delivered by the cigarette. Officials of the tobacco industry have long maintained that because nicotine levels follow tar levels, there is a single, fixed nicotine/tar ratio in all cigarettes. For instance, Alexander Spears, the chief operating officer of the Lorillard Tobacco Co., testified before my subcommittee on March 25, 1994, that:

> We do not set nicotine levels for particular brands of cigarettes. Nicotine levels follow the tar level. . . . The correlation . . . is essentially perfect correlation between tar and nicotine and shows that there is no manipulation of nicotine.

The objective of the Philip Morris researchers, however, was to break this essentially perfect correlation between nicotine and tar. Their goal was to determine if an increased ratio of nicotine to tar would make low-tar cigarettes more acceptable to the smoker.

The first document to discuss the secret search for the optimal nicotine/tar ratio is a December 1970 research report. In this report, Philip Morris scientists stated that they were "initiating a study of the effect of systematic variation of the nicotine/tar ratio upon smoking rate and acceptability measures."

In May 1974, the Philip Morris scientists described their research as involving the systematic manipulation of nicotine. Although Philip Morris CEO William Campbell testified last year that Philip Morris does not manipulate nicotine, the researchers stated that they were "systematically manipulating tar and nicotine parameters of cigarettes * * * to predict nicotine/tar ratios for optimal cigarette acceptability."

By November 1974, the Philip Morris scientists achieved a breakthrough. According to the researchers, the natural ratio of nicotine to tar in tobacco is 0.07—that is, 7 parts nicotine to 100 parts tar. The researchers found that by boosting this ratio in low-tar cigarettes, about 40 percent to approximately 0.10—or 10 parts nicotine to 100 parts tar—they could produce a low-tar cigarette that equaled a regular-delivery cigarette in both acceptability and strength. In other words, the researchers found that by increasing the nicotine level in a low-tar cigarette by 40 percent while leaving the tar level unchanged, they could produce a stronger and more acceptable low-tar cigarette.

By October 1975, the scientists completed a follow-up study to replicate their findings. This follow-up study confirmed the initial results. The scientists found that "the optimum nicotine to tar ratio for a 10 milligram cigarette is somewhat higher than that occurring in smoke from the natural state of tobacco."

COMMERCIALIZATION

There is compelling evidence that not long after completing this research, Philip Morris used the research findings to manipulate nicotine levels in cigarette brands sold to the American public.

One brand in which manipulation seems certain to have occurred is the regular-length Benson & Hedges cigarette. I have a chart that shows what happened to the nicotine/tar ratios in this cigarette between 1968 and 1985, the first and last years for which data is available for this cigarette variety.

As you can see, the nicotine/tar ratio remained essentially flat at 0.07, the natural nicotine/tar ratio in tobacco, from 1968 to 1978. From 1978 to 1983, however, the ratios changed significantly. During this period, the nicotine/tar ratio did exactly what the Philip Morris researchers recommended—it increased.

As the chart shows, the nicotine/tar ratio reaches a high of 0.2 in 1981. By 1983, the nicotine/tar ratio in the Benson & Hedges cigarette is 0.11—virtually the exact level recommended by the Philip Morris scientists.

These increases in the nicotine/tar ratio resulted from increases in the nicotine level of the Benson & Hedges cigarette. The tar level in the cigarette in 1983 is exactly the same as it was in 1978—but the nicotine level is more than 50 percent higher.

A key question arises from these facts: Were the increases in the nicotine level and the nicotine/tar ratio of the Benson & Hedges cigarette the result of the deliberate design decisions of Philip Morris? Or were they the result of chance or random variation?

To answer this question, I asked Dr. Lynn Kozlowski from Penn State University, one of the Nation's leading experts on low-tar cigarettes, to perform a statistical analysis of the changes in the nicotine/tar ratio of the Benson & Hedges cigarette. His analysis shows that the increases in the nicotine/tar ratio were not the result of chance or random variation. Specifically, he found the possibility that the elevated nicotine/tar ratios could be explained by chance or random variation is less than 1 in 100,000. In other words, the possibility is virtually zero.

Benson & Hedges is not the only example of commercialization I found during my investigation. In 1981, Philip Morris introduced a new cigarette brand, the Merit Ultra Light. Like the Benson & Hedges cigarette, the Merit Ultra Light had an increased nicotine/tar ratio.

I have a chart that shows the nicotine/tar ratio in the Merit Ultra Light. As the chart illustrates, the nicotine/tar ratio is significantly elevated from the natural ratio of 0.07. The ratio in this cigarette is 0.11—virtually the exact level recommended by the scientists.

In summary, the evidence I will present today shows three crucial points.

First, Philip Morris researchers determined that the natural nicotine/tar ratio in cigarettes is 0.07.

Second, Philip Morris researchers recommended that this natural nicotine/tar ratio be increased to approximately 0.10 in low-tar cigarettes to increase acceptability and strength.

Third, shortly after this recommendation was made, Philip Morris raised the nicotine/tar ratio in Benson & Hedges cigarettes to the recommended level of 0.10 and above and introduced a new brand, the Merit Ultra Light, with a similar elevated nicotine/tar ratio.

There appears to be only one conclusion that can be drawn from this evidence: Philip Morris deliberately increased nicotine levels in commercially marketed cigarettes.

At this point, I want to begin to read excerpts from the documents.

CHRONOLOGY OF PHILIP MORRIS RESEARCH ON NICOTINE MANIPULATION

December 1970.—Philip Morris researchers commence a study that directly involves manipulation of the nicotine/tar ratio in cigarettes. The study involves reducing tar levels and boosting nicotine levels by adding nicotine salt, a commercial form of nicotine. Specifically, the researchers write:

> We are initiating a study of the effect of systematic variation of the nicotine/tar ratio upon smoking rate and acceptability measures. Using Marlboro as a base cigarette we will reduce the tar delivery incrementally by filtration and increase the nicotine delivery incrementally by adding a nicotine salt. All cigarettes will be smoked for several days each by a panel of 150 selected volunteers.

Source: P.A. Eichorn and W.L. Dunn, "Quarterly Report of Projects 1600 and 2302"—Dec. 31, 1970.

September 1971.—Philip Morris researchers describe their research objectives for 1972. They state that their goal is "to determine optimal nicotine/tar ratios for cigarette acceptability of relatively low delivery cigarettes."

The researchers also identify tobacco's natural nicotine/tar ratio, stating that a ratio of 0.07 is "characteristic of a broad range of natural leaf."

Source: Memorandum on "Plans for 1972," from W. Dunn et al. to P.A. Eichorn—Sept. 8, 1971.

January 1972.—Philip Morris researchers report plans to conduct a national mail-out of cigarettes with altered nicotine/tar ratios. Specifically, they write:

> Low delivery cigarettes with varying tar and nicotine deliveries are being made with both low nicotine tobacco and with ordinary tobacco. These cigarettes will be used in national mailouts to determine what combinations of tar and nicotine make for optimal acceptability in a low delivery cigarette.

Source: T.R. Schori, "Smoking and Low Delivery Cigarettes," in Consumer Psychology Monthly Report—Dec. 16, 1971, to Jan. 15, 1972.

October 1972.—Philip Morris researchers develop a three-stage study for determining the optimal nicotine levels in menthol cigarettes. The researchers write:

> This study has a three-stage design. The first stage is designed to identify those nicotine delivery levels which we might reasonably wish to consider for menthol cigarettes.

> Having identified these nicotine delivery levels, in stage 2 we will determine combinations of nicotine and menthol which make for optimal acceptability. And then in stage 3, cigarettes with these combinations of nicotine and menthol will be tested against current brands of known quality and sales potential.

The researchers also describe their ongoing "tar and nicotine studies." They state:

> We have done a number of nicotine to tar ratio studies. . . . When we get successful models, we will go out to a national panel in an attempt to determine combinations of tar and nicotine for optimal acceptability.

Source: P.A. Eichorn and W.L. Dunn, "Quarterly Report—Projects 1600 and 2302"—Oct. 5, 1972.

November 1972.—Philip Morris researchers state that one of their research objectives for 1973 is to determine if "a cigarette with a high nicotine/tar ratio has market potential."

Source: Memorandum on "1600 Objectives for 1973"—Nov. 11, 1972.

May 1973.—Philip Morris develops a 5-year plan for research and development. This plan states explicitly the nicotine/tar ratio studies are being conducted to develop new cigarette designs. Specifically, the R&D plan states:

> This program comprises a number of studies expected to provide insight leading to new cigarette designs. These include studies of optimum nicotine/tar ratios [and] nicotine/menthol relationships.

Source: Philip Morris, USA, "Research and Development Five Year Plan, 1974–1978"—May 1973.

October 1973.—The Director of Research at Philip Morris, Thomas Osdene, who subsequently became vice president for science and technology, circulates the company's R&D strategy for the next 5 years. The strategy makes it clear that manipulating the concentration of smoke constituents was one of the major priorities of Philip Morris's research efforts.

Osdene's strategy states:

> R&D management will concentrate a large part of the resources at its disposal in two major long-range new product programs: a cigarette with controlled-composition mainstream smoke, and a "full-flavor" cigaret delivering less than ten milligrams of FTC tar.

The strategy then explains that the full-flavor/low-delivery program requires developing new means of manipulating the relative concentrations of key smoke constituents. Specifically, the strategy states:

> This program is directed at a dramatic reduction in cigaret tar level while maintaining subjective responses equal to our present major brands. . . . The task requires . . . developing means of increasing the relative concentration of desirable constituents.

Source: Memorandum on "5-Year Plan," from T. S. Osdene to W. L. Dunn et al.—Oct. 29, 1973.

May 1974.—Philip Morris researchers state that they are engaged in systematic manipulation of nicotine. In a monthly research report, they state:

> Having done a number of studies (JND–1, JND–2, TNT–3, TNT–4) in which we have systematically manipulated tar and nicotine parameters of cigarettes, we are trying to see if we can make any overall conclusion. Specifically, we are trying to predict nicotine/tar ratios for optimal cigarette acceptability at differing tar deliveries.

Source: T.R. Schori, "Regression Analysis," in Smoker Psychology Monthly Report—May 9, 1974.

November 1974.—In the 1974 annual report of research activities, Philip Morris scientists report a breakthrough in their efforts to develop "low delivery cigarettes with increased nicotine/tar ratios." A low delivery cigarette with an increased nicotine/tar ratio of 0.12 was found to be "comparable to the Marlboro in terms of both subjective acceptability and strength." According to the researchers:

> Although we previously have had cigarettes in this delivery range which achieved parity with Marlboro in acceptability, this is the first time that such a cigarette has achieved parity in both acceptability and strength.

The researchers also described a follow-up study to determine whether "the high nicotine/tar ratio was the primary determinant of the smokers' favorable perceptions of the cigarette." According to the researchers:

> In this study we will make three 10 mg tar cigarettes with N/T ratios of 0.07, .10, and .13—insuring that tar is constant over cigarettes—and a Marlboro control. From this test, we will be able to determine: (1) whether we can reliably make full flavored cigarettes in the 10 mg range; and (2) whether a relatively high N/T ratio is essential in order to do so.

Top officials at Philip Morris were informed of the results of this research. The 1974 annual report was approved by the Director of Research, Thomas Osdene and distributed to the vice president for Research and Development, Helmut Wakeham.

Source: "Behavioral Research Annual Report, Part II," approved by T.S. Osdene and distributed to H. Wakeham et al.—November 1, 1974—reprinted in 141 CONGRESSIONAL RECORD at H7658–62—daily edition. July 25, 1995.

October 1975.—Philip Morris researchers report the results of the followup study to Helmut Wakeham, the vice president for Research and Development. The followup study successfully confirmed the original results. According to the researchers:

> This study provides evidence that the optimum nicotine to tar ratio for a 10 mg tar cigarette is somewhat higher than that occurring in smoke from natural state of tobacco.

Specifically, the follow-up study involved boosting nicotine levels by adding a nicotine salt—nicotine citrate—to low-delivery cigarettes to raise the nicotine/tar ratio above the natural ratio of 0.07. These experimental cigarettes were then sent to a test panel of hundreds of smokers. The results showed:

> [T]he experimental cigarette with the moderate level of nicotine addition was rated higher in acceptability than the proportional reduction cigarette and equal to the Marlboro control.

Source: "Low Delivery Cigarettes and Increased Nicotine/Tar Ratios, A Replications," approved by William L. Dunn and distributed to H. Wakeham et al.—Oct. 1975.

December 1978.—Philip Morris researchers analyze the nicotine levels in cigarettes produced by other manufactures. They prepare a table listing the tar and nicotine levels and the nicotine/tar ratios of competitors' brands. Then they state:

> The table suggests . . . that our competitors' brands . . . seem to be higher in nicotine delivery than we would otherwise expect from our own experience with low delivery cigarettes . . . We suspect that in some cigarettes the use of high alkaloid blends may . . . be an important contribution to the higher ratios.

A high alkaloid blend refers to a blend of tobacco containing high concentrations alkaloids. The principal alkaloid in tobacco is nicotine.

Source: Memorandum on "Plans and Objectives—1979," from W.L. Dunn to T.S. Osdene—Dec. 6, 1978—reprinted in 141 CONGRESSIONAL RECORD at H7668–70—daily edition. July 25, 1995.

February 1979.—Philip Morris researchers plan a study on the changes in nicotine levels detectable by smokers. This study is intended to address "the recurring expression of concern about the relative downness of N/T ratios in PM products."

Source: "Notes on Program Review Presentation 2/79."

THE FTC DATA

The documents I have just read show that during the 1970's, Philip Morris researchers learned that the optimum nicotine/tar ratio in low-delievery cigarettes is approximately 0.10, compared to a natural ratio of 0.07. This raises a question of central relevance: Did Philip Morris commercialize this research? In other words, did Philip Morris design commercial cigarettes with an elevated nicotine/tar ratio of 0.10 or above?

To answer this question, I reviewed the tar and nicotine data from the Federal Trade Commission for low-delivery cigarettes manufactured by Philip Morris. The FTC has collected tar and nicotine data on cigarettes since 1968. For each variety of cigarette, the FTC tests 100 cigarettes collected at random from 50 different geographical locations. The tar and nicotine numbers reported by the FTC show the results of this extensive testing.

As I summarized earlier, this FTC data provides compelling evidence that Philip Morris commercialized its research on optimum nicotine/tar ratios in at least two cigarette brands.

The first example of commercialization is the regular-length—70 millimeter—Benson & Hedges filtered cigarette. The first year that data is available for this brand is 1968. At that time, the tar level was 21 milligrams/cigarette, the nicotine level was 1.29 milligrams/cigarette, and the nicotine/tar ratio was 0.06.

From 1968 to 1978, tar and nicotine levels in regular-length Benson & Hedges filtered cigarettes dropped significantly to 0.9 milligrams tar and 0.06 milligrams nicotine. Throughout this period, however, the nicotine/tar ratio in the cigarette remained essentially the same. In 1978, the nicotine/tar ratio was 0.07, virtually the same level as in 1968. My chart illustrates this point.

This changed after 1978, due to significant increases in the nicotine levels in the cigarette. In 1978, the nicotine level in the Benson & Hedges cigarette was 0.06 milligrams. By 1981, however, the nicotine level had doubled to 0.12 milligrams. In 1983, the nicotine level was 0.10 milligrams—an increase of over 60 percent from the 1978 level.

As the nicotine level was rising, so was the nicotine/tar ratio. The chart again illustrates this point. The nicotine/tar ratio rose in the Benson & Hedges cigarette to 0.09 in 1979 and then to 0.2 in 1981. In 1983, the ratio was 0.11—virtually the same ratio recommended by the Philip Morris researchers.

In 1984 and 1985, Philip Morris reduced the nicotine/tar ratio in the Benson & Hedges cigarette to the original 0.07 level. Nothing is known about why Philip Morris took this step. It could be because Philip Morris found other, more subtle ways, to manipulate nicotine delivery, such as by increasing the pH of the cigarette smoke, or perhaps it simply reflects a decision to phaseout the product. In any case, Philip Morris apparently stopped making the regular-length Benson & Hedges cigarette after 1985, because no further FTC data is available.

There are two further points that emerge from the Benson & Hedges data. First, the increased nicotine/tar ratios from 1978 to 1983 are almost certainly due to the design decisions of Philip Morris—not to chance or random variation. Dr. Lynn Kozlowski, the head of the Department of Biobehavioral Health at Penn State University, has reviewed the FTC data for the Benson & Hedges cigarette. His analysis shows the possibility that the elevated nicotine/tar ratios could be due to random fluctuations in tar and nicotine levels is virtually nonexistent—less than 1 in 100,000.

Second, the data refute the tobacco industry's claim that higher nicotine/tar ratios in low-tar and ultra-low-tar cigarettes are unavoidable because they are a necessary consequence of filtration. The Benson & Hedges cigarette was an ultra-low-tar cigarette throughout the period from 1978 to 1985. The tar levels in the cigarette were consistently below or near 1 milligram during this period. Yet in three of these years—1978, 1984, and 1985—the cigarette had a natural nicotine/tar ratio of 0.07.

This history shows that Philip Morris was capable of producing—and in fact did produce—an ultra-low-tar Benson & Hedges cigarette with a natural nicotine/tar ratio of 0.07. This plainly demonstrates that the much higher nicotine/tar ratios observed in the Benson & Hedges cigarette between 1978 and 1983 were avoidable. In other words, the high ratios recorded during this period must have reflected intentional design decisions of Philip Morris.

The second example of commercialization involves the king-size—85 millimeter—Merit Ultra Light. This cigarette was introduced in 1981 as a low-delivery cigarette. Its nicotine/tar ratio, however, was not the natural ratio of 0.07. Instead, like the Benson & Hedges cigarette, its nicotine/tar ratio was elevated. Specifically, the ratio was again 0.11—the level recommended by the Philip Morris researchers.

A chart again illustrates this point.

CURRENT EVIDENCE OF MANIPULATION

The evidence I have reviewed appears to show beyond a reasonable doubt that Philip Morris manipulated the nicotine levels in cigarettes sold to the American public in the late 1970's and early 1980's. Is there evidence that Philip Morris continues this manipulation today?

Recent data from the Federal Trade Commission is telling. It shows that the nicotine/tar ratio in the Merit Ultra Light cigarette has remained elevated. For instance, from 1988 through 1993, the nicotine/tar ratio in king-size Merit Ultra Light cigarettes sold in soft packs was 0.10—virtually the same elevated level as in 1981. This strongly suggests continued manipulation in this cigarette brand by Philip Morris.

There is one caveat in the recent data that should be noted. Starting in 1988, the FTC stopped doing its own tar and nicotine testing and instead began to rely on data submitted by the tobacco industry. The tobacco industry data is not as precise as the previous data. For this reason, it is possible that the actual nicotine/tar ratio in Merit Ultra Lights from 1988 to 1993 could deviate somewhat from the reported level.

Manipulating FTC nicotine deliveries is only one of several ways to manipulate the amount of nicotine received by the smoker. For instance, the amount of nicotine absorbed by a smoker can be increased without changing the FTC nicotine delivery by increasing the alkalinity—or pH—of smoke. Alternatively, changes in filter design, such as using ventilation holes that are covered by a smoker's lips, can be used to increase nicotine intake without affecting the FTC nicotine delivery.

I have tried to investigate whether Philip Morris uses these or other techniques to manipulate nicotine in cigarettes sold to the American public. Unfortunately, as I mentioned earlier, Philip Morris has not cooperated with this investigation. As a result, the full extent to which Philip Morris manipulates nicotine in its cigarettes is still unknown.

CONCLUSION

Today, another 3,000 children will begin to smoke. One third of these children will become addicted to nicotine and eventually die from lung cancer, heart disease, or other illness caused by smoking.

We have it in our power to protect these children. Voluntary agreements with the tobacco industry will not work. The tobacco industry has pledged for decades to stop selling cigarettes to children, but it never does. In the last 3 years, despite the industry's pledges, the teen smoking rate actually increased by 30 percent.

The answer is commonsense regulation by an independent Federal agency—the Food and Drug Administration. We cannot trust the tobacco companies to determine when an advertisement is targeted at children. They continue to insist that Joe Camel is geared to adults. Only the FDA can make these determinations.

Ultimately, the question in front of President Clinton, the Members of this body, and the American people is a political question—not a legal or factual one. We must decide whether we are going to protect the health of our children or the profits of the Nation's most powerful special interest, the tobacco companies.

We are at a historic moment in the history of tobacco control. If we miss this opportunity, we will lose another generation of kids to nicotine addiction. I therefore call upon my colleagues to study the evidence I am presenting and to reject any legislative effort to block commonsense regulation.

Let us show the American people—and especially the children of this Nation—that we will represent their interests, not the special interests of the tobacco companies.

Mr. Speaker, I have brought with me the documents I read from during the course of this hour, as well as the analysis of Dr. Kozlowski. Pursuant to my earlier unanimous consent request, I am inserting these documents into the RECORD for publication.

Mr. Speaker, I submit the following documents for the RECORD.

[The documents will appear in a future issue of the RECORD.]

□ 1315

RECESS

The SPEAKER pro tempore (Mr. EVERETT). Pursuant to clause 12 of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 1 o'clock and 36 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. COMBEST) at 2 p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. COMBEST). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken after debate later today.

DISTRICT OF COLUMBIA EMERGENCY HIGHWAY RELIEF ACT

Mr. SHUSTER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2017), to authorize an increased Federal share of the costs of certain transportation projects in the District of Columbia for fiscal years 1995 and 1996, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2017

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "District of Columbia Emergency Highway Relief Act".

SEC. 2. DISTRICT OF COLUMBIA EMERGENCY HIGHWAY RELIEF.

(a) TEMPORARY WAIVER OF NON-FEDERAL SHARE.—Notwithstanding any other law, during fiscal years 1995 and 1996, the Federal share of the costs of an eligible project shall be a percentage requested by the District of Columbia, but not to exceed 100 percent of the costs of the project.

(b) ELIGIBLE PROJECTS.—In this section, the term "eligible project" means a highway project in the District of Columbia—

(1) for which the United States—

(A) is obligated to pay the Federal share of the costs of the project under title 23, United States Code, on the date of enactment of this Act; or

(B) becomes obligated to pay the Federal share of the costs of the project under title 23, United States Code, during the period beginning on the date of the enactment of this Act and ending September 30, 1996;

(2) which is—

(A) for a route proposed for inclusion on or designated as part of the National Highway System; or

(B) of regional significance (as determined by the Secretary of Transportation); and

(3) with respect to which the District of Columbia certifies that sufficient funds are not available to pay the non-Federal share of the costs of the project.

SEC. 3. DEDICATED HIGHWAY FUND AND REPAYMENT OF TEMPORARY WAIVER AMOUNTS.

(a) ESTABLISHMENT OF FUND.—Not later than December 31, 1995, the District of Columbia shall establish a dedicated highway fund to be comprised, at a minimum, of amounts equivalent to receipts from motor fuel taxes and, if necessary, motor vehicle taxes and fees collected by the District of Columbia to pay in accordance with this section the cost-sharing requirements established under title 23, United States Code, and to repay the United States for increased Federal shares of eligible projects paid pursuant to section 2(a). The fund shall be separate from the general fund of the District of Columbia.

(b) PAYMENT OF NON-FEDERAL SHARE.—For fiscal year 1997 and each fiscal year thereafter, amounts in the fund shall be sufficient to pay, at a minimum, the cost-sharing requirements established under title 23, United States Code, for such fiscal year.

(c) REPAYMENT REQUIREMENTS.—

(1) FISCAL YEAR 1996.—By September 30, 1996, the District of Columbia shall pay to the United States from amounts in the fund established under subsection (a), with respect to each project for which an increased Federal share is paid in fiscal year 1995 pursuant to section 2(a), an amount equal to 50 percent of the difference between—

(A) the amount of the costs of the project paid by the United States in such fiscal year pursuant to section 2(a); and

(B) the amount of the costs of the project that would have been paid by the United States but for section 2(a).

(2) FISCAL YEAR 1997.—By September 30, 1997, the District of Columbia shall pay to the United States from amounts in the fund established under subsection (a), with respect to each project for which an increased Federal share is paid in fiscal year 1995 pursuant to section 2(a) and with respect to each project for which an increased Federal share is paid in fiscal year 1996 pursuant to section 2(a), an amount equal to 50 percent of the difference between—

(A) the amount of the costs of the project paid in such fiscal year by the United States pursuant to section 2(a); and

(B) the amount of the costs of the project that would have been paid by the United States but for section 2(a).

(3) FISCAL YEAR 1998.—By September 30, 1998, the District of Columbia shall pay to the United States from amounts in the fund established under subsection (a), with respect to each project for which an increased Federal share is paid in fiscal year 1996 pursuant to section 2(a), an amount equal to 50 percent of the difference between—

(A) the amount of the costs of the project paid in such fiscal year by the United States pursuant to section 2(a); and

(B) the amount of the costs of the project that would have been paid by the United States but for section 2(a).

(4) DEPOSIT OF REPAID FUNDS.—Repayments made under paragraphs (1), (2), and (3) with respect to a project shall be—

(A) deposited in the Highway Trust Fund established by section 9503 of the Internal Revenue Code of 1986; and

(B) credited to the appropriate account of the District of Columbia for the category of the project.

(d) ENFORCEMENT.—If the District of Columbia does not meet any requirement established by subsection (a), (b), or (c) and applicable in a fiscal year, the Secretary of Transportation shall not approve any highway project in the District of Columbia under title 23, United States Code, until the requirement is met.

(e) GAO AUDIT.—Not later than December 31, 1996, and each December 31 thereafter, the Comptroller General of the United States shall audit the financial condition and the operations of the fund established under this section and shall submit to Congress a report on the results of such audit and on the financial condition and the results of the operation of the fund during the preceding fiscal year and on the expected condition and operations of the fund during the next 5 fiscal years.

SEC. 4. ADDITIONAL REQUIREMENTS.

(a) EXPEDITIOUS PROCESSING AND EXECUTION OF CONTRACTS.—The District of Columbia shall expeditiously process and execute contracts to implement the Federal-aid highway program in the District of Columbia.

(b) REVOLVING FUND ACCOUNT.—The District of Columbia shall establish an independent revolving fund account for Federal-aid highway projects. The account shall be separate from the capital account of the Department of Public Works of the District of Columbia and shall be reserved for the prompt payment of contractors completing highway projects in the District of Columbia under title 23, United States Code.

(c) HIGHWAY PROJECT EXPERTISE AND RESOURCES.—The District of Columbia shall ensure that necessary expertise and resources are available for planning, design, and construction of Federal-aid highway projects in the District of Columbia.

(d) PROGRAMMATIC REFORMS.—The Secretary of Transportation, in consultation with the District of Columbia Financial Responsibility and Management Assistance Authority, may require administrative and programmatic reforms by the District of Columbia to ensure efficient management of the Federal-aid highway program in the District of Columbia.

(e) GAO AUDIT.—The Comptroller General of the United States shall review implementation of the requirements of this section (including requirements imposed under subsection (d)) and report to Congress on the results of such review not later than July 1, 1996.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania [Mr. SHUSTER] and the gentleman from West Virginia [Mr. RAHALL] will each be recognized for 20 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. SHUSTER].

Mr. SHUSTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2017 provides for an increased share in certain Federal-aid highway projects in the District of Columbia for the fiscal years 1995 and 1996.

This bill will also require the District to establish a dedicated highway fund for the first time to meet future local cost-share requirements, and repayments of the amounts weighed, and will ensure that improvements are made in the District's highway program. The District has been unable to provide local matching funds this year, as required under the Federal highway program; generally, 20 percent of the cost of the highway project.

In the past, the District has financed its entire capital improvement program through the sale of general obligation bonds. Because the District's bond rating now stands at junk bond status, the District has not sold any bonds these years, so it does not have the approximately $20 million that is necessary to leverage over $80 million in Federal highway funds.

Due to the lack of the local match no new construction projects are underway in the District today, and no new bids have been solicited in over 20 months.

Mr. Speaker, I am very pleased to see that the Washington Post and others have editorialized very strongly in support of this legislation, arguing that highways are good for the District, that they create jobs, and they stimulate economic activity. I am thrilled that they noticed this about the District of Columbia. We have been saying this about the rest of America for many, many years, and what is good for the rest of America is good for the District of Columbia as well.

This legislation, as amended by our committee, will allow an increased Federal share during 1995 and 1996 for certain highway projects. However, by December, 1995, the District, for the first time under our legislation, will have to establish a dedicated highway fund separate from the general fund. That is the good news.

Gas taxes and other motor vehicle taxes collected by the District must be deposited in this fund in amounts sufficient to repay the amounts waived in 1995 and 1996 to meet their annual match for fiscal 1997 and every year thereafter.

Currently, the gas taxes collected by the District are deposited in the general fund and mostly allocated to the metro account. The $35 million in annual gas tax revenues will be more than adequate to meet cost-sharing requirements.

This legislation also includes a strict 3-year repayment schedule. By September 30, 1996, the District must repay 50 percent of the amount waived in 1995, approximately $8 million; by September of 1997 another 50 percent; and then in 1996 another. By 1998, the District must make its final repayment of approximately 50 percent of the amount waived in 1996.

If the District does not meet any of these requirements, then the Secretary of Transportation must withhold approval of highway projects in the District until the requirement is met.

Finally, H.R. 2017 includes several other requirements to ensure that the District's highway program operates efficiently during the waiver period and in the future, with GAO reporting on the implementation of these requirements. The provisions in the legislation are significantly tougher than any other proposals which have been put forth to address this current crisis. However, the Committee on Transportation and Infrastructure believes that this temporary waiver is an extraordinary action, and these stringent requirements are justified.

I was a little concerned, Mr. Speaker, to see a statement of administration policy today which says "Similar waivers have been previously granted to 26 States." That is disingenuous at best. In the past, we have written into the law when there was substantial increased funding provided by the Federal Government that States would have time to make up the match, and we made this temporary waiver available to all 50 States. In no case were we faced with a situation where we had to give a waiver because a State was about to go into bankruptcy, as is the case with the District, so the District is unique.

This is different. We did not do it 26 times in the past, as has been suggested by the administration, but nevertheless, nevertheless, we think there are some big pluses in this action we are taking today, and that is imposing stringent requirements on the District for the first time.

Mr. Speaker, it is not the intention of the committee that the District receive further waivers in the future. For that reason, this legislation has been crafted to ensure that the improvements that are made in the current program as the dedicated highway fund will provide a stable revenue source for the District's match requirements in the years to come, long beyond the waiver period, so we should not be faced with this situation again in the District. We have worked very closely with the D.C. Control Board. I am told they support this legislation.

Also, I would emphasize that the gentlewoman from the District of Columbia, ELEANOR HOLMES NORTON, has been a leader in helping us craft this legislation, along with other representatives from the region, the gentlemen from Virginia, Mr. DAVIS and Mr. WOLF, the gentlewoman from Maryland, Mrs. MORELLA, the gentleman from Virginia, Mr. MORAN, along with the help and cooperation of the gentleman from California, Mr. DIXON.

Therefore, Mr. Speaker, we bring this to the floor today with bipartisan support, support on the committee, support from the regional representatives, and we ask that this legislation be passed. It is unfortunate that the financial mismanagement of the District has forced this House to consider this bill today, but I think we have taken a bad situation and imposed tough requirements that will in the long run make much more discipline and stability in the District's highway program. That will be good not only for the residents of the District of Columbia, but for all Americans who visit our Nation's Capital.

For all of these reasons, Mr. Speaker, I urge the House to adopt H.R. 2017.

Mr. Speaker, I reserve the balance of my time.

Mr. RAHALL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the distinguished chairman of the Committee on Transportation and Infrastructure has explained the pending matter and I commend him for bringing the bill to the floor in such an expeditious manner.

This is one of those rare instances where the administration, the Senate, and the House are joining together in concert to provide relief to the residents of the District of Columbia.

In this regard, I think it important to point out that the issues raised by this legislation affect more than just the District, and more than the neighboring States of Maryland and Virginia which support it on the basis of maintaining a sound regional transportation system.

This bill has national and international implications as well.

For it is here, at the Nation's Capital, that many American and foreign visitors alike come to witness the seat of the greatest democracy on this Earth.

As such, it is important that the gateway arteries into the city, those roads with the greatest significance, at least be in passable if not excellent condition.

With respect to the pending matter, I would note that Congress on three other occasions granted temporary waivers from the local cost-sharing requirements under the Federal Aid Highway Program.

It is true that these waivers were generic in nature, with all States and territories eligible to participate.

On the other hand, while the pending bill relates only to the District of Columbia, it contains far more conditions to obtaining the waiver than were required in the past.

First, the bill provides for a very stringent repayment schedule, with payments made on an incremental basis.

Second, the repayment must be made in cash, with no option for the repayment to be made in the form of a reduction in the amount of future Federal aid highway funds available to the District.

Third, as a condition of obtaining the temporary waiver, the bill requires the District to establish a dedicated highway trust fund comprised of motor fuel tax receipts.

And fourth, if the District fails to meet these obligations in any respect, the Secretary of Transportation would be prohibited from approving any highway project in the city.

There are other conditions as well, conditions that any State would view as an intrusion on its rights, as a Federal mandate, as a regulatory burden.

But, as we all know, the District is not a State, and the conditions imposed by this legislation are agreeable to the local Government, the Control Board, and to the duly elected Representative of the District of Columbia in this body, Delegate ELEANOR HOLMES NORTON.

With that stated, Mr. Speaker, I urge adoption of the pending measure, and I reserve the balance of my time.

Mr. SHUSTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would emphasize to the House that the Speaker, the gentleman from Georgia, NEWT GINGRICH, has certainly pushed hard. He is really the one who came to our committee and said we should consider this legislation, so the Speaker certainly deserves great credit for his interest in seeing to it that we be helpful to the District on this particular issue.

Mr. DAVIS. Mr. Speaker, anyone who drives a car in Washington, DC, knows that this city needs highway money. Practically every street and highway in this town has potholes or broken pavement. Many of the bridges are in dire need of repair or replacement. It seems like every other bridge in the District has at least one heavy metal plate stuck in the pavement to cover a hole in the bridge. The road infrastructure in the District is falling apart. The $82 million in Federal highway trust fund money is absolutely vital if the District is to reverse this trend.

But, as we are well aware, a decaying transportation infrastructure is not a unique problem in Washington, DC. Many other cities face similar problems. So why should this city receive a total waiver of fiscal year 1996 and fiscal year 1997 matching funds requirements to get their highway money as the administration has asked for?

The District is in this position, because of years of fiscal mismanagement. The city could not sell bonds to raise the capital necessary to meet the 20-percent match requirement, because it's bond rating is so poor. I do not think we want to reward the District's fiscal mismanagement by waiving the share requirement for 2 years. This would be unprecedented in the 39-year history of the Federal highway program and is simply the wrong direction to go in. This legislation does not grant a complete waiver and as a result, does not set such a precedent.

However, I support H.R. 2017, the District of Columbia Emergency Highway Relief Act, sponsored by Delegate NORTON and which I have cosponsored with Members from the region. I strongly support the Transportation Committee's mark up of H.R. 2017 which is being considered on the floor today. The District is in a budget crunch—one of its own making. But, we have acknowledged the mismanagement of the past that brought the District to this position, and we have put in place a Control Board to bring financial responsibility to the city's budget. That Board is in operation and has already taken aggressive steps to get control of this situation. There will be budgetary responsibility in the future.

With this bill, we are trying to respond to the immediate problem—the District will lose its Federal highway funding by August 1, if we do not act. This waiver is part of the solution we are trying to reach in the District. We are not penalizing the city for past sins by denying desperately needed highway funds. We are deferring payment of the matching share recognizing the city's immediate cash crisis and structuring a repayment program. This is a disciplined, responsible approach. I would note also that this is not unprecedented, on three occasions in 1975, 1982, and 1991 the States were given an opportunity to defer payment of their matching share and many States took advantage of that Federal offer. Admittedly, this is a different situation, the District is requesting this deferral, but after all, the District doesn't have a State to turn to like Fairfax County might under similar circumstances. The District of Columbia, as our national city, is unique and in many ways the Federal Government must act as the State for the city.

I have looked at the final bill reported from the Transportation Committee, and I heartily applaud their efforts. They have imposed financial restrictions on the District to ensure that this waiver does not become a permanent IOU to the Federal Government. Working in consultation with the District of Columbia Control Board, they have come up with restrictions that the city can live with.

Finally, I want to point out that this is a regional and a national problem. Hundreds of thousands of people in this region drive through the District daily and millions of tourists travel to Washington. They have a right to visit the Nation's Capital without having their cars swallowed by a pothole because the District Government was not managing its budget properly in the past. We are now moving toward a solution to the District's problems, the waiver proposal in this bill is one more step down that road, and I urge the committee to support it.

Mr. SHUSTER. Mr. Speaker, I yield such time as he may consume to the gentleman from Wisconsin [Mr. PETRI], the chairman of the Subcommittee on Surface Transportation of the Committee on Transportation and Infrastructure.

Mr. PETRI. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, because of the severe financial crisis of the District of Columbia and its inability to provide a 20-percent local match share, no Federal-aid highway funds have been obligated in the District for all of 1995. The highway program is at a virtual standstill, highway contractors are being forced to lay off workers, and there are concerns regarding the conditions of several of the major routes traveled each day by 300,000 commuters and visitors to the Nation's Capital.

H.R. 2017 would waive for 2 years the District's local cost share necessary to access roughly $82 million in Federal highway funds in 1995 and a similar amount next year. However, because of the serious concerns on the part of the Transportation and Infrastructure Committee regarding this unprecedented waiver, other very substantial requirements and safeguards have been included in H.R. 2017.

The annual gas taxes and other vehicle use taxes collected by the District each year are currently earmarked for the Metro account of the general fund.

H.R. 2017 will require that the District establish a dedicated highway fund by the end of this year which must maintain, at a minimum, amounts necessary to meet the District's cost-sharing requirements beginning in fiscal year 1997. The fund must also have amounts necessary to meet the strict repayment schedule over fiscal years 1996 through 1998 of the approximately $35 million of local match funds that are temporarily waived under this legislation. If any deadlines are not met, the Secretary of Transportation will withhold any further project approvals until the requirement is met by the District. By establishing this dedicated fund, the District will no longer rely on the bond market to secure the funds for its local share as has been its practice in the past. Rather, a stable and more secure source of the match, as well as repayment funds, will be in place.

Finally, section 4 of H.R. 2017 imposes additional requirements on the District which should lead to improvements in the District's highway program both during the 2-year waiver period and in the future.

Mr. Speaker, I do have concerns about moving forward with legislation which will waive, however temporarily, cost sharing requirements for one particular State due to its financial condition. The cost sharing principle is basic to the Federal Aid Highway Program and has been one of the reasons for its success over the past 40 years. We do not grant this waiver lightly, nor do we intend that this be an invitation, to other States to seek waivers in the future.

The Transportation Committee has worked closely and cooperatively with the various parties which have an interest in this legislation. These include Congresswoman NORTON and other Members representing the capital region, the Subcommittee on the District of Columbia, the recently created D.C. Financial Authority, and the District itself. The Speaker of the House also has an interest in this legislation. While I am disappointed that the financial mismanagement of the District has forced us to consider this bill today, passage of H.R. 2017 will allow critical highway projects to move forward in the District immediately, and will also result in a better, more stable highway program in the future.

I urge the House to approve H.R. 2017.

Mr. RAHALL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentleman from Pennsylvania [Mr. SHUSTER] has justifiably come to the Speaker of this body and asked for his support of this legislation.

I would also like to take one quick moment to commend the legislation led by the chairman of the Department of Transportation, Federica Peña, and most importantly Rodney Slater who has been most helpful on this legislation. Mr. Slater testified before our subcommittee in support of the bill. We have a statement of administration policy in support of this legislation, and so I commend them as well.

Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. MINETA], the distinguished ranking minority member.

Mr. MINETA. Mr. Speaker, many of my colleagues have raised two questions about today's legislation. First, will the District pay the money back and second, will we be here a few years from now facing a similar situation?

I want to assure the Members that this bill was crafted specifically to address these two concerns. That's why it contains numerous accountability provisions to ensure that the District will not only promptly repay, in full, its local share, but also will dedicate stable, reliable funding for the future transportation program.

Unlike previous, broad-based waivers, such as the one offered to all States in 1991, this bill requires the District to repay in cash, beginning next year.

The bill also requires the District to establish a dedicated highway account, funded by motor fuel taxes and vehicles fees, to ensure that funds are available for the cash loan repayment and for future local shares. No longer will the District to able to rely solely on general obligation bonds to fund its local share.

In addition, the District's new financial control board has assured the Committee on Transportation and Infrastructure that the Board will closely monitor District compliance with the terms of today's bill.

In closing, let me just remind my colleagues why we have Federal involvement in highway construction. Local road conditions have regional and national effects. The District's infrastructure affects not just District residents, but also thousands of daily commuters and millions of tourists.

This bill limits the use of the higher Federal share financing to projects of regional significance or those on National Highway System routes. The Federal Highway Administration has announced that it will closely monitor these projects, even locating some of its staff in the District's Department of Public Works, to ensure that Federal dollars are used wisely on only the most critical regional needs.

I think particular credit for pulling together this solution should go to ELEANOR HOLMES NORTON, to Chairman SHUSTER, and to Speaker GINGRICH, all of whom have persevered in the face of great obstacles, because they know how important it is to solve this problem, rather than to ignore it.

The District's infrastructure is too important to both the region and the nation to allow it to deteriorate further. So, I urge my colleagues to recognize the importance of this legislation and to vote for the bill.

Mr. RAHALL. Mr. Speaker, I yield the balance of my time to the distinguished gentlewoman from the District of Columbia [Ms. NORTON].

Ms. NORTON. I thank the gentleman for yielding time to me.

Mr. Speaker, I thank the gentleman from Pennsylvania [Mr. SHUSTER], the distinguished chairman of the Committee on Transportation and Infrastructure, for his work in finding an appropriate way to release funds for the resumption of street repair work in the District at a time when its financial condition does not allow the city to fund its matching share. My deep gratitude goes as well to the gentleman from Wisconsin [Mr. PETRI], the chairman of the Subcommittee on Surface Transportation, who quickly prepared a hearing and brought forward the information that was necessary to arrive at a viable bill. The work, advice, and counsel of the gentleman from California [Mr. MINETA], the full committee ranking member; and the gentleman from West Virginia [Mr. RAHALL], the ranking minority member of the Subcommittee on Surface Transportation, were indispensable to the bill, and they have my deep appreciation as well.

Mr. Speaker, in the Senate I am grateful to Senator JOHN WARNER who has already led that body to the passage of a bill similar to the one before the House today, and to Transportation Secretary Federico Peña and highway administrator Rodney Slater who have rendered extraordinary assistance. May I say also that I do not believe this bill would be on the Floor today without the indispensable assistance of Speaker NEWT GINGRICH.

Mr. Speaker, it is perhaps not surprising that a city close to insolvency would have difficulty making its matching share to obtain Federal funds. At the same time, my colleagues know that this body has taken definitive action to permanently repair the malfunction that led to the District's financial problems. In April, you approved the establishment of the financial responsibility and management assistance authority, whose work has only recently begun.

What H.R. 2017 does in large part is not only to allow the highway funds that have already been set aside to be used, but the bill of the gentleman from Pennsylvania also does what the financial authority would have done had it not been just established to correct the problems and prevent them from arising in the future.

Mr. Speaker, this waiver does not differ substantially from waivers previously granted to 39 States, except that it poses more stringent conditions on the District than on those States. Like those States, full repayment must be made. Unlike those States, the District must make a cash repayment of its waived funds, while waivers for other jurisdictions have allowed repayment from future highway fund apportionments. Unlike those States, the District is required to establish and maintain a separate dedicated revolving fund account to maintain its matching share. The GAO, the Highway Administration, and the D.C. Financial Authority, are given specific responsibilities to see that all the requirements of this bill are carried out.

Mr. Speaker, the other difference from waivers routinely granted in other States is that the District's waivers are granted individually by the bill at the end of the fiscal year rather than as part of a group of States at the time of the reauthorization of a highway bill.

Mr. Speaker, the individual waiver to the District is more than justified by three circumstances. First, this city is totally dependent on the Congress in time of emergency because under the Constitution, the District of Columbia is not a jurisdiction of any State, but is under the exclusive jurisdiction of the Congress. Other large cities and localities experiencing difficult times would turn on their States to develop a plan like that outlined in the Chairman's bill before you.

Second, the financial condition of the District of Columbia is due in large part to the fact that it must fund State, county and municipal functions that no large city could meet on its own today. These unfunded mandates include programs that cities do not fund at all, including medicaid and prisons. The many unfunded Federal mandates financed solely by District of Columbia residents, such as Aid to Families with Dependent Children, are funded entirely by businesses and residents of a city with less than 600,000 people, with a rapidly diminishing taxpaying population.

Mr. Speaker, it is easy enough to blame the District for its predicament, but fairness requires that the Congress look at the entire picture and ask yourselves whether any large city in the United States today could have carried this heavy State, county and municipal load alone without going under.

Mr. Speaker, finally, this waiver is surely warranted because the District of Columbia is our Nation's capital. Whenever the District has sought the same democratic rights as those enjoyed by citizens of the 50 States and the four territories, our citizens have been told that we cannot have full democracy because we live in the Nation's capital. This justification does not meet the high standards of democracy we have set for ourselves and have insisted upon throughout the world. Until the District of Columbia status is satisfactorily resolved, however, Congress must assume some of the responsibility that attaches to such a weighty denial of democracy.

Mr. Speaker, this is particularly the case for roads. The streets involved are mostly gateway streets traveled far more by 20 million tourists and commuters than by District residents. To miss another construction season is to condemn your constituents as well as mine to unsafe and uncomfortable road conditions. It would be unseemly at best for Congress to force the District to forego 2 years of already apportioned general highway funds while the Congress continue its work in a city collapsing around it.

Mr. Speaker, to its credit, the full committee and subcommittee have chosen a responsible course. The Chairman's version is a risk-free bill for the Congress because repayment is guaranteed, and because the bill contains structural changes to keep the situation from arising again.

Mr. Speaker, may I once again say that I appreciate the tremendous help we have received on this matter from Speaker GINGRICH, minority leader GEPHARDT, Chairman SHUSTER, Chairman PETRI, ranking member MINETA, ranking member RAHALL, the Regional Delegation and the Clinton administration. I ask for approval of the bill.

Mr. WOLF. Mr. Speaker, I rise in support of H.R. 2017, the District of Columbia Emergency Highway Relief Act. This legislation is of vital importance to our Nation's capital and the Washington metropolitan area and I urge Congress to approve this legislation as quickly as possible.

For the past 1½ years, the District of Columbia has not moved forward with critically important highway projects. As a result of the D.C. financial crisis, the District of Columbia has been unable to fund the matching share required before it may obligate Federal highway funds. The District of Columbia has been unable to plan and implement necessary highway projects. Now, roads and bridges in and around the District of Columbia are literally falling apart. Some roads are barely passable, and without necessary repairs, may need to be closed off to traffic.

Our Nation's capital must have a basic network of transportation which includes safe roads. Transportation is about getting to work, the grocery store, church, and recreational activities. Safe roadways are critical for ambulances, fire and rescue vehicles, and police. Finally, roadways provide access to the Nation's capital, allowing thousands of Federal employees to get to work, and serving thousands more tourists who visit annually.

H.R. 2017 offers a reasonable and necessary solution to the District of Columbia dire financial situation. This legislation will grant the District of Columbia additional time in which to pay its matching share of the highway funds. The District of Columbia would be permitted to use its portion of Federal highway funds now rather than lose these funds forever. I want to underscore an essential aspect of this legislation: The bill does not provide a forgiveness of the matching fund requirement. The District of Columbia will still be required to pay the requisite matching portion. H.R. 2017 merely allows the District of Columbia additional time in which to make this payment while allowing critical road work to go forward.

In addition, as amended by the Transportation and Infrastructure Committee, H.R. 2017 includes important provisions aimed at improving highway program oversight in the District of Columbia by requiring it to institute programmatic reforms and establish a dedicated highway fund. Finally, the District of Columbia is subject to strict enforcement procedures if the repayment requirements of this legislation are not met.

The District of Columbia simply does not have the money necessary to pay its portion of the highway funds at this time. Additional oversight and control over the D.C. financial affairs has been implemented and I am hopeful that the control board can make needed improvement in the D.C. financial position. However, since the District of Columbia cannot pay its portion of the highway funds now, it will lose $82 million in Federal highway funds unless legislation delaying payment of the District of Columbia portion is enacted.

Legislation is needed to allow for needed repairs and upgrades to the most heavily traveled roads leading to and within the District of Columbia. Timely enactment of this legislation will allow the District of Columbia to begin road work right away, during the summer construction period. I urge passage of H.R. 2017.

Mr. RAHALL. Mr. Speaker, I yield back the balance of my time.

Mr. SHUSTER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. COMBEST). The question is on the motion offered by the gentleman from Pennsylvania [Mr. SHUSTER] that the House suspend the rules and pass the bill, H.R. 2017, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. LEWIS of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill, H.R. 2099, and that I be permitted to include tables, charts, and other extraneous matter.

The SPEAKER pro tempore (Mr. WHITFIELD). Is there objection to the request of the gentleman from California?

There was no objection.

LIMITING TIME FOR CONSIDERATION OF DINGELL AMENDMENT TO H.R. 2099, DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1996

Mr. LEWIS of California. Mr. Speaker, I ask unanimous consent that the time for consideration of the Dingell amendment to H.R. 2099 and all amendments thereto be limited to 30 minutes to be equally divided and controlled.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

PARLIAMENTARY INQUIRY

Mr. WILSON. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. WILSON. Mr. Speaker, is the Durbin-Wilson amendment the pending business before the House?

The SPEAKER pro tempore. It will be as soon as we are in the Committee of the Whole.

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1996

The SPEAKER pro tempore. Pursuant to House Resolution 201 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2099.

□ 1430

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2099) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1996, and for other purposes, with Mr. COMBEST in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Friday, July 28, 1995, pending was amendment No. 7 offered by the gentleman from Illinois [Mr. DURBIN] and title III was open for amendment at any point.

Pursuant to the order of the Committee of Thursday, July 27, 1995, the gentleman from Illinois [Mr. DURBIN] has 4½ minutes remaining in debate and the gentleman from California [Mr. LEWIS] has 1 minute remaining in debate.

□ 1431

Mr. WILSON. Mr. Chairman, I yield back the balance of my time.

Mr. LEWIS of California. Mr. Chairman, I think we have had enough debate on this matter. It is a very, very cleverly worded amendment that has a tremendous effect upon EPA, broadening its authority. I ask very strongly for a "no" vote of the membership.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment of the gentleman from Illinois [Mr. DURBIN].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. WILSON. Mr. Chairman, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to the order of the House of Thursday, July 27, 1995, further proceedings on the amendment offered by the gentleman from Illinois [Mr. DURBIN] will be postponed.

The point of no quorum is considered withdrawn.

The CHAIRMAN. Are there other amendments to title III?

Mr. DINGELL. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise with great respect for the gentleman from California [Mr. LEWIS], the chairman of the committee, to discuss a matter which I think is of importance to the House.

I have here before me a release from the Chemical Manufacturers Association in which this trade association of the businesses which pay most of the costs of the Superfund tax are complaining.

In the beginning it says, nearly three-quarters of all Americans believe that money paid to the Federal Government to clean up our hazardous waste sites should not be diverted to other Federal programs or to help pay for the Federal deficit according to a recent national public opinion survey.

It goes on to discuss whether or not a prohibition for that use exists, and it points out, more properly, that no such prohibition does exist. Then, Mr. Fred Weber, the president of the Chemical Manufacturers Association which sponsored the research, says, and I quote now, "Almost from the very beginning, Superfund has been used by the government as a cash cow. This has to stop. Every dollar raised for Superfund should be spent on cleanups, not on other programs, and not on deficit reduction."

That is the thing, I think, with which every Member of this body fully agrees. It certainly was the intention of the committees of the House, the Committee on Transportation and Infrastructure and the Committee on Commerce, when we adopted that legislation, that this would be a trust fund, it would be protected against being raided for such interesting programs as it has been tapped for, for other purposes.

Mr. Weber in his press release goes on to state as follows: "Nearly $3 billion originally intended for cleaning up waste sites has been used for deficit reduction and to offset the cost of other Federal programs and administrative costs such as at the Environmental Protection Agency and at other agencies.

"For example, the Congress has used Superfund money to offset the costs of developing the Space Station," and he goes on to say the fact that Superfund money has been used by the government on things other than cleaning up waste sites is one of the great untold stories of the program.

It is also one of its greatest outrages, and he goes on to say a little later, "For years the government has collected more money for Superfund than it spends. For example, in fiscal year 1994, total Superfund receipts were nearly $2.1 billion. However, the Congress appropriated only about $1.5 billion for Superfund activities. By earmarking the nearly $600 million in excess Superfund collections for deficit reduction and for use by other agencies, the Congress avoided having to cut spending to meet other budget guidelines."

Mr. Chairman, I am telling my colleagues something which is very important. Shortly we are going to be considering an amendment which will address the question of whether we are going to have new starts under Superfund to clean up hazardous waste sites now ready. Moneys which would normally be available for that activity are not being spent here.

I would like the attention of my dear friend and my respected colleague, the gentleman from California [Mr. LEWIS], on this matter, because I am told that the moneys that are being spent for Superfund cleanups are General Fund moneys, and the Superfund moneys in the Superfund account or trust fund are not, in fact, being so spent.

In point of fact, we are going to spend a little over a billion dollars on cleanup, but we have about $1.6 billion in the trust fund. Mr. Chairman, can the gentleman from California tell me whether I am correct on that point?

Mr. LEWIS of California. Mr. Chairman, I would respond to the gentleman and say that we are taking all the authority out of Treasury.

Mr. DINGELL. Mr. Chairman, I am not talking about my amendment; I am asking a question to find out how this money is being spent. I am told that we are going to spend a billion for cleanup. We have $1.6 billion in Superfund, but we are spending General Fund moneys; is that correct?

Mr. LEWIS of California. Mr. Chairman, that is correct.

Mr. DINGELL. Mr. Chairman, that is rather peculiar, and it is not in conformity with the intention of the House and the Senate when they passed the original Superfund legislation or the amendments to it, because that was supposed to be a trust fund for the cleanup of these hazardous waste sites.

Mr. LEWIS of California. Mr. Chairman, the gentleman has been a leader in this field for a long, long time, and as the former authorizing committee chairman, he knows full well that Superfund has not been reauthorized and so we are operating with a statute that all sides agree is in need of major reform. To say the least, there are problems with the way the Superfund operates. I would urge the authorizing committees to go forward quickly as possible to overcome these problems.

Mr. DINGELL. What the gentleman is telling me is that we are spending Superfund moneys for other purposes.

AMENDMENT NO. 38 OFFERED BY MR. DINGELL

Mr. DINGELL. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. DINGELL:

Page 59, line 23, before "to remain available" insert "(increased by $440,000,000)".

Page 64, line 16, after "$320,000,000" insert (reduced by $186,450,000)".

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Michigan [Mr. DINGELL] and a Member opposed will each be recognized for 15 minutes.

The Chair recognizes the gentleman from Michigan [Mr. DINGELL].

Mr. DINGELL. Mr. Chairman, I yield myself 4 minutes.

Mr. Chairman, this is an amendment which I offer on behalf of myself and the gentleman from Ohio [Mr. BROWN], my friend and colleague. Mr. Chairman, this is a very simple amendment. Without the adoption of this amendment, 58 new starts of cleanups of hazardous sites will not be begun; there will be, without the adoption of this amendment, no new Superfund cleanups started next year.

The amendment is a very simple one. All it does is put about $400 million more into Superfund. It takes it out of FEMA. We have it costed out very carefully by the Congressional Budget Office. Some 52 Members of this body will find that the land, the air, the water, the subsurface waters of their districts will continue to be contaminated with imminent endangerment to the health, welfare, and environment of their people and the districts that they serve.

Mr. Chairman, I would urge my colleagues to vote for this amendment because, I reiterate, without the adoption of this amendment, there will be no new starts under the cleanup program.

At the appropriate time, Mr. Chairman, I will insert into the RECORD a list including these 58 sites and the areas in which they are located.

Why is the amendment necessary? Because, as reported, the legislation contains a harmful reduction in the Superfund Program of over $500 million below the President's budget request and more than $140 million below the fiscal year 1995 level.

Under this greatly reduced funding, progress at many sites will be frozen. Many other cleanups will be stopped. No new starts will occur, and there will be significant delays in cleanups all throughout the programs and throughout the sites in many parts of the country.

This is going to affect, I reiterate, the air, the water, the subsurface water, the soil, the environment and the health of the people in the area. This makes no sense. If this amendment is not passed, the new sites that are now scheduled for cleanup—and all that has to be started is to do the digging and the work of making the cleanup move forward—will not start.

Communities will be denied cleanups that have been promised and in many cases contamination of the air, the water, the soil, and the subsurface waters especially, will continue to spread, and other cleanups further down the pipeline will have to wait even longer.

From a financial and cost standpoint, stopping these cleanups fits the old adage of "penny wise and pound foolish." Spreading contamination means ultimately higher cleanup costs, greater risk to the health and welfare of the American people. And stopping cleanups can harm and hurt economic development as well as the health of the people.

By stopping cleanups ready to go, which will happen unless this amendment is adopted, Congress will be breaching faith with the citizens who live around these areas and the affected communities.

The amendment, as I have observed, is outlay neutral, and it should be observed that cleaning up and protecting the health and the welfare of the American people by good forward on sites now ready to start, some 58 of them in districts of Members in every part of this country, Republican and Democratic districts alike, is something that we must address forthwith. I urge my colleagues that the amendment be adopted.

Mr. Chairman, let us begin the cleanups on these sites which would otherwise be stopped. I remind my colleagues, without this amendment, there will be no new starts on cleanup of Superfund sites in the United States.

Mr. Chairman, I reserve the balance of my time.

REMEDIAL CLEANUPS SCHEDULED FOR FISCAL YEAR 1996

State	Cong. dist.	Member	City	Site name
MA	03	Peter I. Blute	Dartmouth, MA	Re-solve Inc.
MA	05	Martin T. Meehan	Tyngsborough, MA	Charles-George Reclamation Landfill.
ME	02	John Baldacci	Washburn, ME	Pinette's Salvage Yard.
NH	01	Bill Zeliff	Kingston, NH	Ottai and Gross/Kingston Steel Drum.
NH	02	Charles Bass	Milford, NH	Savage Well Site.
NJ	02	Frank LoBiondo	Vineland, NJ	Vineland Chemical Co.
NJ	03	Jim Saxton	Beverly, NJ	Cosden Chemical Coatings Corp.
NJ	04	Christopher Smith	Roebling, NJ	Roebling Steel Co.
NJ	10	Donald Payne	Orange, NJ	U.S. Radium Corp.
NJ	11	Rodney Frelinghuysen	Millington, NJ	Asbestos Dump.
NJ	12	Dick Zimmer	East Brunswick Township, NJ	Fried Industries.
NY	04	Daniel Frisa	Franklin Square, NY	Genzale Plating Co.
PA	06	Tim Holden	Worman TWP., Boyetown, PA	Cryochem Inc.
PA	11	Paul Kanjorski	Valley TWP., PA	NW Manufacturing Site.
PA	16	Robert Walker	Newlin TWP., PA	Strasburg Landfill.
VA	04	Norman Sisisky	Chuchatuck, VA	Saunders Supply Co.
VA	10	Frank Wolf	Front Royal, VA	Avetx Fibers, Inc.
WV	02	Robert Wise, Jr	Nitro, WV	Fike Chemical Inc.
AL	01	Sonny Callahan	Bucks, AL	Stauffer Chemical Co. (Cold Creek Plant).
FL	01	Joe Scarborough	Pensacola, FL	American Creosote Works (Pensacola Plant).
FL	22	E. Clay Shaw, Jr	Miami, FL	Anodyne Site, Inc.
MI	09	Dale Kildee	Pleasant Plains TWP., MI	Wash King Laundry.
MN	04	Bruce Vento	New Brighton, MN	MacGillis and Gibbs Co./Bell Lumber and Pole.
OH	16	Ralph Regula	Uniontown, OH	Industrial Excess LDFL.
OK	06	Frank Lucas	Cyril, OK	Oklahoma Refining Co.
TX	30	Eddie Bernice Johnson	Dallas, TX	RSR Corp.
NE	03	Bill Barrett	Hastings, NE	Hastings Ground Water Contamination Site.
CO	03	Scott McInnis	Summitville, CO	Summitville Mine Site.
AZ	01	Matt Salmon	Scottsdale, AZ	Indian Bend Wash Area.
NV	02	Barbara Vucanovich	Moundhouse, NV	Carson River Mercury Site.

REMOVAL CLEANUPS SCHEDULED FOR FISCAL YEAR 1996

State	Cong. dist.	Member	City	Site
NJ	02	Frank Lobiondo	Pedricktown, NJ	NL Industries.
NY	30	Jack Quinn	Minetto, NY	Columbia Mills
WV	01	Alan B. Mollohan	Fairmont, WV	Fairmont Coke Works.
VA	03	Robert C. Scott	Richmond, VA	Hymon Viner.
DE	01	Michael N. Castle	New Castle, DE	Halby Chemical Co.
WV	04	Nick J. Rahall II	Fairdale, WV	Holly Hills.
OH	13	Sherrod Brown	Lorain, OH	Lorain County Pesticides Site
OH	04	Michael G. Oxley	Mansfield, OH	Lincoln Fields.
MI	01	Bart Stupak	Manistique, MI	Manistique River and Harbor.
MI	06	Fred Upton	Benton Harbor, MI	Benton Harbor.
IN	03	Timothy J. Roemer	Osceola, IN	Galen Meyers Site.
AK	02	Ray Thornton	Jacksonville, AK	Vertac.
OK	02	Thomas A. Coburn	Miami, OK	Tar Creek (Ottawa County).
TX	02	Charles Wilson	Jasper, TX	Hart Creosote.
LA	04	Cleo Fields	Bossier City, LA	Highway 71/71 (Old Citgo Refinery)
MO	01	William (Bill) Clay	St. Louis, MO	East Texas.
MO	01	William (Bill) Clay	St. Louis, MO	Dioxin Sites.
CO	01	Patricia Schroeder	Denver, CO	Ramp Industries.
UT	03	Bill Orton	Magna, UT	Kennecott Tailing/North Zone (Cobalt Ponds).
CO	06	Dan Schaefer	Conifer CO	Conifer/Aspen Park Carbon Tet.
UT	03	Bill Orton	Midvale, UT	Midvale Slag.
UT	02	Enid Waldholtz	Salt Lake City, UT	Sandy City Smelter Residential.
CO	03	Scott Mcinnis	Grand Junction, CO	Hansen Container.
WY	At Lrg	Barbara Cubin	Lovell, WY	Lovell Refinery.
UT	02	Enid Waldholtz	Salt Lake City, UT	Butterfield Lumber.
AZ	01	Matt Salmon	Tempe, AR	Saunders Aviation.
CA	01	Frank Riggs	Clear Lake, CA	Sulpher Bank.
CA	25	Howard P. McKeon	Los Angeles, CA	Superchrome.

Mr. LEWIS of California. Mr. Chairman, I rise in strong opposition to the amendment of my colleague. Mr. Chairman, just for the record, the gentleman from Michigan [Mr. DINGELL] mentions that there will be no new sites, and he mentions, specifically, 58 sites that will not be moving toward construction if we do not move forward with this amendment, and the volume of money that is involved here.

Mr. Chairman, I would suggest to the gentleman that it would have helped the process an awful lot if over the last several years we had gone about reauthorizing and fixing Superfund. The Secretary herself, testifying before my subcommittee, said that Superfund absolutely needs to be fixed. It is broken. Indeed, there is a long process with those 15 sites. They have to go through a record of decision. There is environmental impact analysis to be done. There is no question that there is need for money, but why should we throw good money after bad if the program is not fixed by the authorizing committee.

Mr. Chairman, I yield 5 minutes to the gentleman from Ohio. [Mr. OXLEY].

Mr. OXLEY. Mr. Chairman, I reluctantly rise in opposition to the amendment offered by my good friend, the gentleman from Michigan.

As the chairman of the primary subcommittee in charge of reforming the Superfund Program, I also wanted increased funding for Superfund. I, along with the gentleman from Virgina, Chairman BLILEY, and the gentleman from Pennsylvania, Chairman SHUSTER, wrote to Chairman LEWIS and requested funding for the Superfund program that reflected fiscal year 1995's appropriation. Unfortunately, the Appropriations Committee simply could not provide that level of funding. While that makes my job of reforming the Superfund program more difficult, the appropriators' rationale is a sound one—that we can no longer afford to waste money on a Superfund program which simply doesn't work.

If you are under the impression that Superfund works well, we need only to look at the case of Southern Foundry Supply Co., a family-owned business located in Chattanooga, TN. As shown on this chart, EPA spent approximately $1.3 million studying the site. Southern Foundry was forced to spend an additional $500,000 in attorneys' fees and in conducting its own studies. Some 15 years and $2 million later, Southern Foundry escaped the Superfund web by spending $38,000 and 2 days scooping up nonhazardous dirt and shipping it offsite. It is a perfect example of how Superfund works—millions for lawyers and consultants but little for actual cleanup. It's no wonder that the Appropriations Committee doesn't think that this program should continue without significant reform.

I think it is vitally important that we are clear about what the Appropriations Committee is doing in this bill. Realizing that we will have limited funds now and into the future, the appropriators have said that we can no longer afford to throw away money on ineffective cleanups and endless litigation. They have said that EPA should wait until Congress reforms this program before they go forward with any more flawed remedies or make the Federal Government responsible for any new sites. And, frankly, I agree.

Superfund's track record speaks for itself: since the program was enacted in 1980, only 75 sites have been cleaned up at a cost to the Federal Government of more than $15 billion.

What many of my colleagues fail to realize is that the appropriations bill before us actually spends more on cleanup than EPA has in the past. In this bill, nearly 65 percent of the funds are directed to cleanup. Even though EPA claims that as much as 70 percent of Superfund dollars are for cleanup, my subcommittee found that less than 50 percent of that money ends up being spent on Superfund sites. What is reduced in this bill is EPA bureaucrats and Justice Department lawyers.

This appropriations bill is the natural predecessor to my subcommittee's reform effort. It redirects funds to cleanup, and imposed a deadline on the Congress and the administration for reforming the Superfund program. If we can't make this program work by the end of the year, then the American people are better off without it.

If we leave the status quo intact, who wins? Not the environment; not the people who live near these sites; certainly not the American taxpayer. A little more money won't help this program clean up more sites or make Americans any safer, particularly when shifting that money from FEMA will leave our citizens more exposed to the ravages of disasters, both natural and manmade. The only thing that can make Superfund more effective in protecting our citizens' health is top to bottom reform, and the bill we are debating today is the first step in that effort. The authorizing committee will totally change the Superfund program for the better. The authorizing committee will take the next step this fall.

I urge my colleagues to oppose the Dingell-Brown amendment and support the bill as is on final passage.

□ 1445

Mr. DINGELL. Mr. Chairman, I yield myself 1 minute.

My good friend from Ohio, for whom I have the most enormous respect, sent a letter to the appropriating subcommittee, which I will insert the entirety of in the RECORD because I know the gentleman has forgotten sending the letter, in which the gentleman from Ohio [Mr. OXLEY], the chairman of the committee, the gentleman from Virginia [Mr. BLILEY], and the gentleman from Pennsylvania [Mr. SHUSTER], and this letter written to you, to my good friend, the gentleman from California [Mr. LEWIS], "Therefore, we respectfully request that you include in your subcommittee mark of the VA-HUD appropriations bill an appropriation for the Superfund Program of at least $1.5 billion in new budgetary authority," quite different from what my friend from Ohio tells us today.

I would also remind my good friend from Ohio that last year, out of the Committee on Commerce came a bill passed 44 to nothing which was endorsed and supported by the administration, by industry, by the environmentalists, and by everybody on the committee. It has been reintroduced by the gentleman from California [Mr. MINETA] and me, and lies in the gentleman's subcommittee.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, June 20, 1995.

Hon. JERRY LEWIS,
Chairman, Subcommittee on VA-HUD and Independent Agencies, Committee on Appropriations, Washington, DC.

DEAR JERRY: As you know, the authorization of appropriations for the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"), commonly known as Superfund, expired at the end of fiscal year 1994, and the program has been operating without an authorization since then. The various committees of jurisdiction have tried unsuccessfully for years to make Superfund into a program that achieves the goal of protection of human health and the environment. We intend to reverse that failed record this year by reforming Superfund to make it fairer, cheaper, and more effective.

We are writing to request your assistance in rebuilding this broken program from the bottom up. We want to ensure that Superfund is actually protecting Americans from the hazards of toxic waste and not just financing another generation of lawyers at the expense of the taxpayers. To do that, we need a program focusing on finding cost effective solutions to hazards rather than on assessing blame and raising funds.

At the heart of the Superfund "blame game" is the system of strict, joint and several, and retroactive liability. If we, the authorizing committees, are to reform this program and get Superfund out of the courts and onto these sites, then we must comprehensively reform the current Superfund liability system, including a repeal of retroactive liability. In order to do that and still ensure that truly hazardous sites are being cleared up, we must have the maximum funding possible for fiscal year 1996 and into the future.

Therefore, we respectfully request that you include in your Subcommittee mark of the VA-HUD Appropriations bill an appropriation for the Superfund program of at least $1.5 billion in new budget authority. This amount is consistent with funding levels for previous years, and is necessary to ensure that we have the operating funds necessary in the first years of the reformed program. We are open to working with you on reprogramming funds within Superfund to ensure that this year's program is consistent with the goals we have set forth for our reform effort.

There is broad consensus that Superfund is a broken program in need of immediate fixing. If we cannot achieve the kind of meaningful, comprehensive reform of CERCLA that all of us believe is necessary—and which prior Congresses have been unable to deliver—this is a program which simply should not be continued. Accordingly, we also ask that you make the availability of appropriations for Superfund beyond December 31, 1995 contingent upon the enactment of CERCLA's reauthorization. We believe the program should be terminated if we cannot pass a Superfund reform worthy of being signed into law.

Thank you for considering our views. We stand ready to work with you to reach a consensus on a reform package allowing us to achieve the kinds of fundamental reforms necessary while fulfilling our common goal of a balanced budget.

Sincerely,

THOMAS J. BLILEY, Jr.,
BUD SHUSTER,
MICHAEL G. OXLEY.

Mr. LEWIS of California. Mr. Chairman, I yield 1 minute to the gentleman from Ohio [Mr. OXLEY].

Mr. OXLEY. Let me point out, I pointed out in my response about that letter; I referenced the fact that Chairman BLILEY, Chairman SHUSTER, and I sent a letter to the gentleman from California in my remarks and recognize that they have a job to do as well, and they recognize that the program as it is now constituted is simply not working.

And so they said to us, "Look, you get your act together, get a good bill passed, and we will reconsider the kind of money that will be available in the Superfund Program." I think that is entirely, entirely reasonable.

As a matter of fact, the bill that the gentleman from Michigan referred to we all worked very hard on, did not pass.

Mr. DINGELL. The Republicans killed it.

Mr. OXLEY. Right. If you recall, the last time I looked in the 103d Congress, the Democrats were in control. We were not able to kill anything.

The fact is this bill will pass this year and will be a major reform of the Superfund Program. We will keep faith with the appropriators, keep faith with the American people, we will keep faith with the environment. I am entirely confident that will be the case.

Mr. LEWIS of California. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I might mention at the tail end of that discussion between the gentleman from Michigan [Mr. DINGELL] and the gentleman from Ohio [Mr. OXLEY] that we are allocated only so many dollars within our bill, very difficult dollars to stretch among these various accounts.

This specific proposal would be a budget buster insofar as our bill is concerned. We are talking about approximately $89 million in outlay. We would be short if this amendment were to become law.

I strongly urge the membership to refuse this additional allocation and recognize the bill does have to stay within its outlay targets.

I ask for a "no" vote.

Mr. Chairman, I reserve the balance of my time.

Mr. DINGELL. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Ohio [Mr. BROWN].

Mr. BROWN of Ohio. Mr. Chairman, I rise in strong support of the amendment offered by the gentleman from Michigan [Mr. DINGELL], in large part because there will not be one new started cleanup, not one new cleanup if this amendment does not pass.

This amendment ensures 55 important projects currently slated to begin in fiscal year 1996 can go forward. It is fully funded through an offset in funding for FEMA, which currently holds nearly $1.8 billion in unobligated funds.

In Elyria, OH, in my district, hundreds of homes and businesses have been affected by application of methyl parathion, a toxic pesticide which can damage the central nervous system and the brain. This pesticide was illegally applied by an unlicensed exterminator, affecting many Ohio communities.

Short-term effects of exposure to methyl parathion include headache, vomiting, lung damage, mental disorder, coma, paralysis, heart failure, and even death. As little as a teaspoon can cause serious illness, especially in children or elderly who are particularly vulnerable.

This cleanup in Elyria is ongoing. As of June 10, 105 units were decontaminated, 75 residential homes restored, 430 residents were temporarily relocated, and 225 returned to their homes.

But these numbers represent only 50 percent of what needs to be done. Contaminated homes are still being identified. The situation is dire in Lorain County and needs continued attention.

This is only one example of the 55 sites which would be restored by this amendment, and I repeat what the gentleman from Michigan said, that if this amendment does not pass, none of these cleanups will begin.

Certainly, we must reform Superfund to ensure that it cleans up more sites rather than continuing to line lawyers' pockets, but the projects that will be eliminated by cutting funding included in this bill pose an imminent threat to the health of human beings in our communities.

This is the very goal, obviously, for which Superfund was created. The funding cut will halt the progress that we have made. It will tie the hands of the EPA. It will punish residents in Lorain County, OH, and 54 other communities, including one in Richland County in the district of my friend, the gentleman from Ohio [Mr. OXLEY].

Furthermore, the longer we wait the more expensive the cleanup will become. As pesticide leaches into ground water, rivers, streams, and contamination spreads, cleanup costs will only increase.

The language of the report accompanying H.R. 2099 seems to say that it is OK to finish studies but not to design the remedy. It is OK to finish the design but not to proceed with cleanup. It is OK to prohibit EPA from overseeing cleanups being undertaken by private, responsible parties, and it is OK for Congress to tell our communities that we will just have to wait indefinitely for this cleanup.

Mr. Chairman, this is wrong. It is not OK to ask our communities to wait for us to address the toxic chemicals that contaminate our homes and schools and businesses.

The Dingell amendment simply makes sense so our communities do not have to wait for this cleanup.

If the gentleman from Michigan [Mr. DINGELL] would engage briefly in a colloguy, is it correct, I ask the gentleman from Michigan [Mr. DINGELL], whether State cleanup managers of the 50 States strongly support this amendment restoring cleanup money now for fiscal year 1996?

Mr. DINGELL. Mr. Chairman, will the gentleman yield?

Mr. BROWN of Ohio. I yield to the gentleman from Michigan.

Mr. DINGELL. The answer to the question is "yes," and I have a letter on that point which we will insert in the RECORD at the appropriate time.

Mr. BROWN of Ohio. It is my understanding these same managers in the 50 States have said that overall costs will increase if we do not pass this amendment, that contamination, if unabated, could spread, and that most important, surrounding communities will continue to be subjected to health risks posed from these sites. Is my understanding correct?

Mr. DINGELL. If the gentleman will yield further, that is correct, and these are Superfund sites, because they have been chosen under the criteria as areas and as contamination sources which impose imminent endangerment upon the public health in the area.

ASSOCIATION OF STATE AND TERRITORIAL SOLID WASTE MANAGEMENT OFFICIALS,
Washington, DC, July 26, 1995.

Hon. JOHN D. DINGELL,
Ranking Member, House Commerce Committee, Washington, DC.

DEAR CONGRESSMAN DINGELL: I am writing on behalf of the Association of State and Territorial Solid Waste Management Officials (ASTSWMO), whose membership includes the State cleanup program managers. Our members are engaged in the day-to-day remediation of sites throughout the country and therefore have a fundamental interest in ensuring the Superfund program is adequately funded. The purpose of this letter is to communicate our strong support for your amendment to H.R. 2099 restoring $440 million to the Superfund budget.

After 15 years of experience with the Superfund program, many NPL sites are now in the remedial design and construction phase. Delaying site progress at this stage will have far reaching impacts, i.e., the overall costs associated with these sites will increase; contamination, if left unabated, could spread; and most importantly, surrounding communities will continue to be subjected to health risks posed from these sites. We believe an expectation has been created in the minds of the American public that no matter where one lives or what economic class one belongs to, human health will be protected. As we understand, your amendment will allow at least fifty-five (55) remedial and removal actions to proceed uninterrupted.

While the federal Superfund program is directly responsible for ensuring the remediation of approximately 1300 NPL sites, it can also be credited with indirectly spurring the growth of over 20 State Voluntary cleanup programs and over 40 State Superfund programs. As of 1992 State programs have remediated 2,689 sites and are currently working on an additional 11,000 active sites. The Federal Superfund program provides the backbone for these cleanups and must be sufficiently funded.

State Waste Officials thank you for your support.

Sincerely,

TERESA D. HAY,
President.

Mr. BROWN of Ohio. I again ask for support of the Dingell amendment. Fifty-five sites will not be cleaned up if this amendment does not pass.

Mr. DINGELL. Mr. Chairman, I yield 5 minutes to my distinguished friend, the gentleman from California [Mr. MINETA].

Mr. MINETA. Mr. Chairman, I am pleased to support the Dingell amendment to restore funding for the Superfund hazardous waste cleanup program.

What is the major complaint heard year after year about the Superfund program? Not enough cleanup, not enough shovels in the ground. Well, EPA heard those criticisms and rearranged the priorities of the Superfund program to assure the maximum amount of cleanup with the minimum amount of delay. Now, as EPA is continuing to increase the number of cleanups, the Appropriations Committee decides to refuse to fund those cleanups.

This is not what is in the best interests of the Superfund program. And, it clearly is not what is the best interests of the people living in the vicinity of the 58 sites which will receive no cleanup should the Dingell amendment fail.

There is no valid reason to hold back on the cleanup of these sites just because you believe, as we all do, that the Superfund program needs reform. The cleanups which would be restored by the Dingell amendment are EPA cleanup sites. They are sites at which the Superfund program is providing the funding for cleanup. These are not sites which would be affected by any change in the liability mechanism of Superfund.

Congress may or may not determine to alter the liability mechanism of Superfund. But, liability is not an issue in the cleanup of these 58 sites. These are EPA-led sites where there is no private party involvement. Congress can repeal the liability mechanism, retain it, or adopt a compromise—it will not matter to the cleanup of these sites. What will matter is whether EPA is allowed the resources to initiate cleanup action on these sites.

Failure to initiate cleanup at these sites poses a serious health threat to those who live nearby. Twenty-five of these sites are scheduled removal actions. Removal actions are only undertaken as short-term responses where there is a public health threat which needs to be abated. Without the Dingell amendment, some 25 sites, in 19 States, and in 22 congressional districts, will not receive attention next year, yet the health threat will remain.

An additional 30 sites are scheduled for remedial actions. Again, this bill will prevent the cleanup of sites in 19 States, and in 30 congressional districts. Superfund reform is supposed to be in the name of getting on which cleanups, yet when EPA proposes to move forward on cleanups, EPA is told it cannot have the resources to do so.

I question whether the Republican leadership is serious about Superfund reform. As we debate this bill in July, there is but one comprehensive reform bill pending before the Congress—H.R. 228, which was introduced on the first day of the session by Mr. DINGELL and myself. Now, 7 months into the Congress, there is not one comprehensive reform bill pending from the majority party. At the same time, the Appropriations Committee has determined that Superfund will be shut down entirely should reform not occur before the end of this year.

Why the delay? The bill Mr. DINGELL and I introduced from last year had the support of organizations such as NFIB, CMA, the U.S. Conference of Mayors, the American Bankers Association, several environmental groups, and the administration. But, there has been no action. There is not even anything scheduled toward enacting reform.

If the majority wants Superfund reform, pass H.R. 228, but don't kill the program while awaiting reform. There has been a reasonable, responsible proposal before the House for over 6 months, let's get on with it.

Let's also get on with cleanups which are ready to go—support the Dingell amendment.

Mr. DINGELL. Mr. Chairman, how much time remains to me?

The CHAIRMAN. The gentleman from Michigan has 1 minute remaining.

Mr. DINGELL. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I want to try to summarize this very briefly, and I do so with great respect to the chairman of the subcommittee, also the chairman of the legislative subcommittee.

The issue before us is very simple. The gentleman is going to conclude; all I am going to do is use 1 minute.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, out of respect for my colleague from California and my chairman, especially my colleague's mother-in-law, I will be happy to yield a couple more minutes to the gentleman.

Mr. DINGELL. Mr. Chairman, I am grateful. I do not think we need it, but I want to thank my good friend.

There is one bill pending, but that bill will not be enacted this year because it is only going to come up in September, and we are going to be very busy during the month of September. What this failure to adopt this amendment will do to us is it will mean that committees will be dawdling while the country is afflicted with some 58 sites which are decided already to be imminently dangerous to the public health welfare and to the environment. There will be no cleanup, there will be no new starts. Pollution of ground water, air, soil, and surface water will continue unabated. How many Americans will have to die because we do not address this? How many will get cancer? How many will suffer health failures and health problems because of this failure? There are some 52 congressional districts and some 58 sites involved here.

I plead with my colleagues, and I say this with respect to my good friends on the Republican side, let us clean up these sites, let us spend the money, let us do what has to be done now. The money is here. The appropriations arrangement will move the money from where it is not needed to where it is, and we can begin to address an imminent problem immediately affecting the health and the well-being of American people in some 19 States and in some 58 areas.

Mr. Chairman, I yield back the balance of my time.

Mr. LEWIS of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, it is not as though this program is not funded in our bill. We do provide for an additional billion dollars, and I know that there are those who suggest that there is a need for more. But I must say to my colleagues in the House that one of the objectives here is to put pressure on the entire process, perhaps even get the other body to respond to the authorizing process. Unless this program is reformed, there is something fundamentally wrong with his continuing to throw money at it without that basic reform. I urge a "no" vote.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. DINGELL].

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. LEWIS of California. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to the order of the House of Thursday, July 27, 1995, further proceedings on the amendment offered by the gentleman from Michigan [Mr. DINGELL] will be postponed.

Are there further amendments to title III?

Mr. STUDDS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, there is a disturbing provision in this bill that deserves to be brought to the attention of my colleagues. For some inexplicable reason, the committee has included $1 million for the Council on Environmental Quality [CEQ] to terminate the programs and activities of the National Environmental Policy Act and to close the Council's doors.

The establishment of CEQ occurred at a time when we were just beginning to understand that major activities of the Federal Government can, and frequently do, have significant impacts on the environment. Today, thanks in part to NEPA and CEQ, we understand that a thorough examination of the impacts of our actions is critical to balancing economics and environmental protection.

I cannot understand why this body would want to shut down CEQ. The Council has a long and distinguished bipartisan history going back 25 years to the Nixon administration. Former Under Secretary of the Interior for President Nixon, Russell Train, and the former Republican Governor of Delaware, Russell Peterson, were the first two chairmen of CEQ—and to this day, both believe that the enactment of NEPA, with its concurrent establishment of CEQ, is the most significant environmental law passed in the last quarter century.

NEPA is not about controlling development, limiting growth, or fostering preservation. NEPA is about ensuring balance in Federal decisionmaking. It is the law that first opened up Federal decisionmaking to citizen involvement. For those of my colleagues who are suspicious of the big, bad Federal bureaucracy, may I remind you that it is NEPA which ensures that State and local governments and your affected constituents have an opportunity to make their views known to a Federal agency proposing to undertake a particular action in their backyard?

The committee's report on this bill points to the need for increased coordination in implementing environmental policy within the executive branch. Then, without any apparent explanation, the recommendation is made to get rid of CEQ. J also have serious concerns about the ambiguity in the language, which could be construed as an attempt to repeal NEPA itself, although I do not believe that was the committee's intention.

I do not intend to press this matter further at this time, although I'm convinced that this provision makes an already bad bill even worse. But I would say to the gentleman from California, the chairman of the subcommittee, that I and others from this side of the aisle are very concerned about this, and would like the opportunity to discuss the issue with you prior to your conference with the Senate.

The CHAIRMAN. Are there further amendments to title III?

Mr. DINGELL. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I will not use the full 5 minutes. I have repeatedly expressed my great respect and affection for the gentleman from California [Mr. LEWIS], and I again do so at this time because he is a very fine person and a very valuable Member of this body. I do rise, as has the gentleman from Massachusetts [Mr. STUDDS], to express concern about the fact that funds for the Council on Environmental Quality have been stricken from the bill.

When the Congress adopted the basic legislation, the National Environmental Policy Act, years ago, as a matter of fact some 30 years ago, it was our purpose to set up one agency inside the Office of the President. The function of that agency would be to advise the President on environmental matters, to serve as a clearinghouse on environmental matters and concerns, to see to it that the differing and diverse policies of the Federal Government on the area of environment were knit together in something of a better unitary whole than that which had been done before. We found that the Council on Environmental Quality over the years has done so, and it is an agency which is small in number and which is low in budget, but which nevertheless has contributed enormously by seeing to it that different policies on the environment adopted by different agencies inside the Federal Government are rationalized, are harmonized, and that the agencies talk together and work together to resolve differences so we can have coherence rather than cacophony.

I am deeply troubled that these monies have been stricken almost in their entirety. I do urge my colleague, the chairman of the subcommittee, to try and do something to get this money back in here or at least a little because the agency serves an enormously valuable purpose. Without it there will be no coherence in the environmental policies of the United States, and I think that that would be a calamity.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, I appreciate the comments the gentleman is making regarding CEQ. I really thought it would be appropriate to refer to the language that is in the report regarding this matter, for we agree, the committee agrees, that the work of CEQ in many ways has been very valuable, but we go on to say that the committee is nevertheless concerned that greater oversight and coordination of environmental policy and actions of the many Federal departments and agencies is necessary. Far too often environmental policy, as articulated by the White House, bears no relationship to the actual implementation of that policy. It is our concern, and frankly I will say to the gentleman that between now and conference I would hope to look with great care as to what continuing contributions CEQ could make.

Mr. DINGELL. I certainly hope so, because I observe to my good friend that this has been the Agency which has rendered coherent the policies of the Federal Government on the environment, and without it and without this money I do not think we could look forward to the same process being as successful as it has been heretofore.

The CHAIRMAN. Are there further amendments to title III?

The Clerk will designate title IV.

The text of title IV is as follows:

TITLE IV

CORPORATIONS

Corporations and agencies of the Department of Housing and Urban Development which are subject to the Government Corporation Control Act, as amended, are hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Act as may be necessary in carrying out the programs set forth in the budget for 1996 for such corporation or agency except as hereinafter provided: *Provided*, That collections of these corporations and agencies may be used for new loan or mortgage purchase commitments only to the extent expressly provided for in this Act (unless such loans are in support of other forms of assistance provided for in this or prior appropriations Acts), except that this proviso shall not apply to the mortgage insurance or guaranty operations of these corporations, or where loans or mortgage purchases are necessary to protect the financial interest of the United States Government.

RESOLUTION TRUST CORPORATION

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended $11,400,000.

The CHAIRMAN. Are there amendments to title IV?

The Clerk will designate title V.

The text of title V is as follows:

TITLE V

GENERAL PROVISIONS

SECTION 501. Where appropriations in titles I, II, and III of this Act are expendable for travel expenses and no specific limitation has been placed thereon, the expenditures for such travel expenses may not exceed the amounts set forth therefor in the budget estimates submitted for the appropriations: *Provided*, That this section shall not apply to travel performed by uncompensated officials of local boards and appeal boards of the Selective Service System; to travel performed directly in connection with care and treatment of medical beneficiaries of the Department of Veterans Affairs; to travel performed in connection with major disasters or emergencies declared or determined by the President under the provisions of the Robert T. Stafford Disaster Relief and Emergency Assistance Act; to travel performed by the Offices of Inspector General in connection with audits and investigations; or to payments to interagency motor pools where separately set forth in the budget schedules: *Provided further*, That if appropriations in titles I, II, and III exceed the amounts set forth in budget estimates initially submitted for such appropriations, the expenditures for travel may correspondingly exceed the amounts therefor set forth in the estimates in the same proportion.

SEC. 502. Appropriations and funds available for the administrative expenses of the Department of Housing and Urban Development and the Selective Service System shall be available in the current fiscal year for purchase of uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901–5902); hire of passenger motor vehicles; and services as authorized by 5 U.S.C. 3109.

SEC. 503. Funds of the Department of Housing and Urban Development subject to the Government Corporation Control Act or section 402 of the Housing Act of 1950 shall be available, without regard to the limitations on administrative expenses, for legal services on a contract or fee basis, and for utilizing and making payment for services and facilities of Federal National Mortgage Association, Government National Mortgage Association, Federal Home Loan Mortgage Corporation, Federal Financing Bank, Resolution Trust Corporation, Federal Reserve banks or any member thereof, Federal Home Loan banks, and any insured bank within the meaning of the Federal Deposit Insurance Corporation Act, as amended (12 U.S.C. 1811–1831).

SEC. 504. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 505. No funds appropriated by this Act may be expended—

(1) pursuant to a certification of an officer or employee of the United States unless—

(A) such certification is accompanied by, or is part of, a voucher or abstract which describes the payee or payees and the items or services for which such expenditure is being made, or

(B) the expenditure of funds pursuant to such certification, and without such a voucher or abstract, is specifically authorized by law; and

(2) unless such expenditure is subject to audit by the General Accounting Office or is specifically exempt by law from such audit.

SEC. 506. None of the funds provided in this Act to any department or agency may be expended for the transportation of any officer or employee of such department or agency between his domicile and his place of employment, with the exception of any officer or employee authorized such transportation under title 31, United States Code, section 1344.

SEC. 507. None of the funds provided in this Act may be used for payment, through grants or contracts, to recipients that do not share in the cost of conducting research resulting from proposals not specifically solicited by the Government: *Provided*, That the extent of cost sharing by the recipient shall reflect the mutuality of interest of the grantee or contractor and the Government in the research.

SEC. 508. None of the funds provided in this Act may be used, directly or through grants, to pay or to provide reimbursement for payment of the salary of a consultant (whether retained by the Federal Government or a grantee) at more than the daily equivalent of the rate paid for Level IV of the Executive Schedule, unless specifically authorized by law.

SEC. 509. None of the funds in this Act shall be used to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings. Nothing herein affects the authority of the Consumer Product Safety Commission pursuant to section 7 of the Consumer Product Safety Act (15 U.S.C. 2056 et seq.).

SEC. 510. Except as otherwise provided under existing law or under an existing Executive order issued pursuant to an existing law, the obligation or expenditure of any appropriation under this Act for contracts for any consulting service shall be limited to contracts which are (1) a matter of public record and available for public inspection, and (2) thereafter included in a publicly available list of all contracts entered into within twenty-four months prior to the date on which the list is made available to the public and of all contracts on which performance has not been completed by such date. The list required by the preceding sentence shall be updated quarterly and shall include a narrative description of the work to be performed under each such contract.

SEC. 511. Except as otherwise provided by law, no part of any appropriation contained in this Act shall be obligated or expended by any executive agency, as referred to in the Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.) for a contract for services unless such executive agency (1) has awarded and entered into such contract in full compliance with such Act and the regulations promulgated thereunder, and (2) requires any report prepared pursuant to such contract, including plans, evaluations, studies, analyses and manuals, and any report prepared by the agency which is substantially derived from or substantially includes any report prepared pursuant to such contract, to contain information concerning (A) the contract pursuant to which the report was prepared, and (B) the contractor who prepared the report pursuant to such contract.

SEC. 512. Except as otherwise provided in section 506, none of the funds provided in this Act to any department or agency shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of such department or agency.

SEC. 513. None of the funds provided in this Act to any department or agency shall be obligated or expended to procure passenger automobiles as defined in 15 U.S.C. 2001 with an EPA estimated miles per gallon average of less than 22 miles per gallon.

SEC. 514. Such sums as may be necessary for fiscal year 1996 pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

SEC. 515. None of the funds appropriated in title I of this Act shall be used to enter into any new lease of real property if the estimated annual rental is more than $300,000 unless the Secretary submits, in writing, a report to the Committees on Appropriations of the Congress and a period of 30 days has expired following the date on which the report is received by the Committees on Appropriations.

SEC. 516. (a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) NOTICE REQUIREMENT.—In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

SEC. 517. None of the funds appropriated in this Act may be used to implement any cap on reimbursements to grantees for indirect costs, except as published in Office of Management and Budget Circular A–21.

SEC. 518. None of the funds made available in this Act may be used for any program, project, or activity, when it is made known to the Federal entity or official to which the funds are made available that the program, project, or activity is not in compliance with any Federal law relating to risk assessment, the protection of private property rights, or unfunded mandates.

The CHAIRMAN. Are there amendments to title V?

Mr. LEWIS of California. Mr. Chairman, I move to strike the last word.

Mr. Chairman, we communicated a good deal of this in the initial stages of the bill, but I would like to have the Members know one more time just how much I appreciate the very, very positive and constructive working relationship that I have had with my colleague, the gentleman from Ohio [Mr. STOKES]. He was my chairman during the last Congress. His friendship is very important to me, and I must say that during this process of transition, working together has been extremely positive in spite of the fact that the shift in policy direction is not necessarily always to the agreement of the gentleman. He has been willing to communicate at every step of the way and has been very cooperative and helpful in the process, and I appreciate that.

Mr. STOKES. Mr. Chairman, will the gentleman yield?

Mr. LEWIS of California. I yield to the gentleman from Ohio.

Mr. STOKES. I would like to say how much I appreciate the comments of the chairman of the subcommittee, and I would just like to say in return that working with the gentleman from California [Mr. LEWIS] has been one of the most enriching experiences of my career here in the Congress, and I think I said this on other occasions, but I reiterate it here again, that notwithstanding whatever philosophical changes or difference now exist as a result of the majority changing in this Congress, working with the gentleman from California has been an experience which has meant a great deal to me. I have enjoyed cooperating and working with him, and while we have changed chairmanships, from myself over to him, I do want him to know that I have enjoyed working very closely with him and look forward to a continued personal relationship of the kind that we have had.

Mr. LEWIS of California. I appreciate the comments of the gentleman very much.

Mr. Chairman, I yield back the balance of my time.

Mr. TORRICELLI. Mr. Chairman, I move to strike the last word.

Mr. Chairman, as my colleagues know, I have an amendment that is currently filed at the desk that would bar the Federal Government from making any per diem payments to a State veterans administration nursing home if that nursing home has undergone privatization which results in the diminution of services or care to the veterans, the quality of their health care, or quality of life. It is my understanding, Mr. Chairman, that in your judgment the Secretary of Veterans Affairs currently has this authority and would indeed be required under current law to bar per diem payments to any State nursing home who sees a decline in the quality of care following a privatization of services.

□ 1515

Since in your judgment, Mr. Chairman, this authority is already vested in the department, I assume it is your judgment that it would be unnecessary for the House to reaffirm this authority.

Because we share a concern with a possible privatization in the district of the gentlewoman from New Jersey [Mrs. ROUKEMA], but in the county which we jointly represent, I would like at this time, Mr. Chairman, to yield to Mrs. ROUKEMA.

Mrs. ROUKEMA. Mr. Chairman, actually I wanted to hear from the gentleman from California [Mr. LEWIS], his observations regarding our understanding concerning the existing legislation that controls this issue.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. TORRICELLI. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, it is my understanding the intent of the gentleman's amendment is already existent in current law, and the Department of Veterans Affairs has the legal authority to withhold these payments if the concerns that the gentleman has made come to fruition.

Mr. TORRICELLI. Mr. Chairman, if the privatization of a Federal-State nursing home were to happen, and the concerns I enumerated, such as a decrease in the number of nurses or other tangible signs of a decrease in the quality of care provided to the veterans would occur, the Federal Government has the legal authority to withhold per diem payments to that facility.

Mr. Chairman, the concurrence of the gentleman from California, Chairman LEWIS, with this judgment and his commitment to work with me and the gentlewoman from New Jersey, Mrs. ROUKEMA, to require that the VA take this action seriously, is extremely important. I take from the gentleman's comments, Mr. Chairman, that indeed is the belief and commitment of the gentleman of California [Mr. LEWIS].

Mr. LEWIS of California. Mr. Chairman, if the gentleman will yield, my colleagues from the committee have my commitment.

Mrs. ROUKEMA. If the gentleman would yield further, I certainly appreciate the assurance of the gentleman from California, Chairman LEWIS, and would like to make some important observations of my own.

Mr. Chairman, over the last few days I have conducted extensive research on Mr. TORRICELLI's amendment. We have confirmed several key points:

Whether our Paramus home is operated by State employees, private contractors or some combination of the two, one thing is clear: Responsibility for the quality of care at the home will not change.

It rests with the New Jersey Commissioner for Veterans Affairs as monitored by the New Jersey Department of Health and enforced by the U.S. Department of Veterans Affairs. The VA's quality assurance program, as outlined in subchapter 5 of chapter 17 of title 38 of the United States Code, includes precise standards on both the range and the quality of care and—this is critical—an enforcement regime.

Throughout the State's privatization study, I have expressed serious reservations. In fact, based on recent bids, I believe this proposal will not go forward.

Our State commissioner of veterans affairs, Gen. Paul Glazer sat in my office last Wednesday and pledged that the quality of care will not be diminished whether services are contracted out or not. I know that to be his commitment, the Governor's commitment and the New Jersey legislatures.

Mr. Chairman, when it comes to our veterans, we cannot ignore our sacred commitment to protect them in their time of need, just as they served us in our time of need. We must preserve, protect and enhance the quality of care at the veterans' health care facilities around the country, including our veterans' memorial home at Paramus.

I yield back the balance of my time.

Mr. LEWIS of California. If the gentleman will yield further, I appreciate my colleagues bringing this matter to my attention. I assure both Members we will continue to work with them. If our good offices will help open the channels of communication with the Department of Veterans Affairs, we are happy to be of service.

Mr. TORRICELLI. I thank the gentleman from California. The gentlewoman from New Jersey [Mrs. ROUKEMA] joined with me in this, and the bipartisan leadership of the New Jersey legislature, to assure that we will watch the Paramus Nursing Home, the quality of its care, the numbers of nurses, the quality of the food, to ensure that these people, who served our country so well, are not jeopardized.

Mr. Chairman, I will not ask for my amendment.

Mr. LEWIS of California. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. PORTER) having assumed the chair, Mr. COMBEST, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill, (H.R. 2099) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1996, and for other purposes, had come to no resolution thereon.

SPECIAL ORDERS

SEIZE THE OPPORTUNITY: CONTINUE B-2 BOMBER PRODUCTION

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Washington [Mr. DICKS] is recognized for 60 minutes as the designee of the minority leader.

Mr. DICKS. Mr. Speaker, I took this special order today in order to again be able to present my very strong and deeply held concerns about the future of the U.S. defense policy and defense posture. I have served on the defense committee on appropriations for the last 17 years, and I can remember very well, almost vividly, when President Carter and Secretary Harold Brown made the decision to start producing a stealthy long-range bomber known to the American people as the B-2 bomber.

We are now at the point in this program where we have committed ourselves to purchase 20 of these B-2 bombers. They are being delivered to Whiteman Air Force Base in Missouri. They have met, according to Secretary Darleen Druyun, all requirements under the block 10 configuration, and they will be steadily improved between now and the year 2000.

In the defense appropriations bill and in the defense authorization bill in the House, there has been authorization and a recommendation to the House to appropriate funds to do two additional planes, the long-lead for two additional planes, and I want to rise today in very strong support of that recommendation.

We have a very difficult problem as we look at our bomber force. Today America possesses over 90 B-52's, and over 90 B-1B's. They represent the bulk of our American bomber force. Unfortunately, neither one of these bombers are able to penetrate air space where we have Russian surface-to-air missiles. One of the problems we face today is that Russian surface-to-air missiles have proliferated around the world. In fact, just a month ago, when Capt. Scott O'Grady was shot down, he was shot down by an A-6, a Russian surface-to-air missile in Bosnia, and he was flying a nonstealthy airplane.

One of the lessons that we learned in the Gulf war in the first 10 days of that war is that the F-117's, the stealthy attack aircraft, were used for only a small number of sorties, about 2.5 percent of the sorties, but they were able to knock out 40 percent of the most difficult targets. The reason for that is when you put smart conventional weapons together with stealth, you are able to go in against the most heavily defended targets, knock them out, destroy those surface-to-air missiles, destroy those radars, and the pilots are able to then come out and survive.

This is a truly revolutionary capability. If you think back to World War II, if you think back to Vietnam and Korea, we lost a lot of our planes and a lot of our pilots because they were shot down. As I have mentioned, with the proliferation of Russian surface-to-air missiles in Korea, Iran, Iraq, Bosnia, all over the world, China, our planes, if they fly in over enemy airspace, are going to get shot down unless they are stealthy.

So the decision that we are about to make on whether we should continue to build the B-2 bomber is, in my judgment, one of the most important defense decisions that we will make in this decade.

I happen to believe that the B-2 bomber offers us a revolutionary new conventional capability. You have got long range. This plane can fly over 5,000 miles, and, with one aerial refueling, it can go one-third of the way around the Earth.

When you combine that with smart conventional munitions, JDAM's or GATS/GAM or the sensor-fused weapon, you give this airplane a tremendous conventional capability.

Rand did a study in 1991 that looked at what would have happened if we had had the B-2 operation and we had loaded it up with sensor-fused weapons against Saddam Hussein's invading division from Iraq into Kuwait. In that scenario, three B-2's, each B-2 would have had about 1400 of these little bomblets, and they would come down with little parachutes and hit the moving Iraqi vehicles, this division in column, and they were able in this scenario, in this simulation, to knock out 46 percent of those moving mechanized vehicles, and that includes tanks.

We have never had that kind of a conventional capability against a mobile division. That is why I think this is such an important decision. Rand, General Jasper Welch, and I even asked Colin Powell, I said what would be the ideal number of B-2's? And in each of these studies, the recommendation was somewhere between 40 and 60.

So I believe that the decision on the part of the House thus far to go forward with longlead for two additional planes is a very important decision.

The other point is that we have an industrial base out in California where we produce the B-2 at Palmdale, and the Northrop Co. receives parts from all over the country, but particularly parts from Texas and Washington and other States, Ohio, and they put that plane together there. That industrial base, in my judgment, is very important, for if we shut this line down and we have a bomber force today which is not adequate in my judgment to the future challenges, then it is going to take us a number of years to get that line reopened.

In fact, if we wait 5 years, I am told it will cost somewhere between $6 and $10 billion just to reopen the line. For that, we will get no additional airplanes. So if we keep the line open now and start moving toward buying the right number of B-2's, we can save the taxpayers a great deal of money.

Now, I also want to talk about the administration's very, I think, flawed study on the bomber force. That study I think was flawed in several respects. First of all, it said that we were going to have in the future 14 days of actionable warning time in order to move tactical aircraft like the F-16's, and F-15's, and F-18's out to wherever the problem would be in the world.

Well, we did not have 14 days of actionable warning time before Pearl Harbor, we did not have 14 days of actionable warning time before the Korean war.

□ 1530

We only had about 3 days of actionable warning time before the gulf war. And because the picture was clouded, as it always is in these situations, with the intelligence community saying, yes, we think Saddam Hussein is going to invade, and the leaders in that part of the world saying, no, he would never do that, then we took no steps whatsoever.

In fact, had it not been for the 5 months that Saddam Hussein gave us, he could have kept coming. He could have gone right into Saudi Arabia. And it took us 5 months to get all the equipment out there in order to be able to effectively deal with his invasion and to throw him out of Kuwait.

Now, what if we do not have 5 months to build up our forces? What if it is in a place in the world where there is not appropriate infrastructure, landing fields, and harbors and everything else that was necessary and fortunately was available to us in Saudi Arabia so that we could move our forces? What if that does not exist?

Then it is the condition of the bomber force that that force can react in a matter of hours. That is going to be crucial for the security interests of our country.

I am convinced that if Saddam Hussein had known that we had 60 B-2's, 20 in Guam, 20 in Diego Garcia, 20 at Whiteman Air Force Base, he might have thought long and hard. If they were married up with a sensor fused weapon, the smart conventional submunition that I described earlier, that if he had known that, he might have thought long and thought long and hard about whether he should invade because he would have known that his Republican Guard would have been destroyed before it got into Kuwait.

That is, in my judgment, my colleagues, a revolutionary conventional potential capability. So buying enough of this airplane I think makes a great deal of sense.

The other problem is in the weapons, in the administration's study on bombers. They say we should rely on standoff capabilities. In other words, we should load up the B-52's and the B-1's that cannot penetrate with long-range cruise missiles. Well, there are a couple problems with that. The first problem is that the long-range cruise missiles cost $1.2 million per missile. So, if you have 12 to 14, you can do the math, it is going to cost somewhere between $15 and $20 million for a load, for one plane load of those missiles.

The other problem is they can only go to a fixed target. They have no utility against a mobile target, a mobile division moving in the field. They also will not help us go after the launchers, the mobile launchers that the Scud missiles utilized. So they have very major deficiencies.

What are the costs of the weapons on the B-2 bomber? The JDAM's, the 2,000-pound bomb, the equivalent of what we used on F-117 and the F-15 Eagles, they only cost $20,000. The B-2 would handle 16 of them. So that is $320,000. That is one-fourth the cost of one cruise missile. So the difference in weaponry is very, very important. And the administration has no plan to buy all these long-range cruise missiles, and it certainly is not part of their budget.

The other weapon that I mentioned, the sensor fused weapon, a load of those would cost about one-fourth the cost of a load of standoff cruise missiles.

So the difference in cost in weaponry is very, very significant, and as I mentioned before, the difference in cost, if you shut this line down and have to open it up and you will have to spend $6 to $10 billion, and you will not get a thing for that except to open the line up, and then it is going to take a number of years to start producing the planes again. To me that just does not make sense.

Mr. LEWIS of California. Mr. Speaker, will the gentleman yield?

Mr. DICKS. I yield to the gentleman from California, the distinguished chairman of the HUD appropriations subcommittee and a very strong supporter of the B–2 and one of the most knowledgeable members of the defense appropriations subcommittee.

Mr. LEWIS of California. Mr. Speaker, let me say that it is truly a privilege for me to serve on the subcommittee of appropriations that deals with our national defense. There is little question that the gentleman from Washington is one of the House's experts in this entire field. He and I have had a chance to look at various elements of our defense system. That is what we are talking about, we are talking about peace in the world, creating a foundation for our own national defense and the defense of freedom that really stops the prospect of major confrontation in the world.

There is no question that America is on the edge of having the kind of force that will allow us to preserve the world from major conflict. One of the elements of that force that could bring us to peace in our time is the B–2. It is an incredible vehicle. We all know the role that stealth will play in our air future. The B–2 has a tremendous potential for America's future in terms of peace.

Nobody ever said that peace was inexpensive. But if there is a responsibility for the national government, if there is a reason for us to have a national Congress, the reason is to make sure that we have adequate national security.

Fundamental to that is to have this aircraft available in numbers that will allow us to make that difference in the world. And without the gentleman's leadership, I think this issue might well have been dead by now. That is, we would have gone in a different direction. If there is a phase in terms of defense spending this year, where we should be willing to make a sacrifice, it is to make sure that the B–2 is available and in a quantity that makes sense.

So I want the gentleman to know that I very much appreciate the work he has done here and look forward to continuing working with him in that regard.

Mr. DICKS. I think we ought to have a little colloquy here, a little dialog on this.

I appreciate that the gentleman has been on the floor and has been very much involved in other matters. He makes some very important points. The thing that I have always believed in and the great secret of our success in the cold war was that America stood for strength but it also stood for deterrence. We had a strong capable military so that we could deter the Soviet Union and its allies from ever attacking us in NATO.

Mr. LEWIS of California. Absolutely.

Mr. DICKS. It was our strength and our commitment. The fact is, in this dialog here today, that was bipartisan, Democrats and Republicans joining together to foster a defense policy for this country that I think is so important.

On this question, what we are really talking about is a revolutionary conventional capability. I think once we can demonstrate it and show the skeptics, including some in this administration and the previous administration, that in fact this capability can work and will work effectively, as Rand has said in its simulation that it will work by destroying 46 percent of Saddam's invading division, I mean, to me that will give us for the first time conventional deterrence. We have nuclear weapons, too many nuclear weapons. But we know we do not want to ever have to use those nuclear weapons.

A conventional deterrent, on the other hand, if deterrence fails and someone makes a move from North Korea or from Iran or Iraq, then we have got the capability to fly this plane a third of the way around the world with one aerial refueling and with these smart conventional weapons attack these mobile divisions. Frankly, we have never had a conventional capability to do that.

That is why this decision is so important.

The other point, of course, is that of maintaining the industrial base for bombers, and this is a revolutionary technology. We are talking about stealth, long range, and a tremendous conventional capability against mobile targets, against, as the gentleman and I both have been following in the analysis of the gulf war, one of the biggest problems we had was finding those Scud launchers. With the block 30 upgrade on the radar of the B–2, we will have an ability to fuse into that cockpit the kind of intelligence that we are now able to gather so that we can go after those mobile targets.

Remember, if those Scuds had been accurate, which they thank God were not in the gulf war, and the upgrades in Scuds were going to be accurate, or if they had used chemical, biological or, God forbid, nuclear weapons, then we would have been in real trouble and our forces would be in real trouble. We had really no capability to go and find those mobile targets. The B–2 could be used in that respect.

Mr. LEWIS of California. In those circumstances, without that force available, if those Scuds had been accurate, potentially thousands of American lives could have been lost.

The gentleman has articulate very well in our committee the fact that just two B–2's can deliver a force halfway around the world with so few numbers of personnel involved. It takes a whole armada of aircraft to replace that force. That is a great value, not only in terms of preserving the peace but it is less expensive than continuing to build and maintain that armada, of aircraft.

Mr. DICKS. It is so true. The gentleman is exactly correct. When you have this standard package in our chart, the value of stealth, it was like I think 76 airplanes and 145 crewmen that went in, in the most heavily defended targets in Iraq, and they got turned back. They could not do the job. So they had to come back. We risked all those lives.

We did the same thing the next day with eight F–117's, which were equivalent to one B–2. So one B–2, with two pilots and the 18 on, the 16 2,000-pound bombs, each one of which is individually targetable, could have done the job. They would have gotten the job done that the eight F–117's were able to accomplish but the huge package of nonstealthy airplanes were not able to accomplish.

The other thing is, as the gentleman points out, because the weapons are less expensive, and because we do not want to lose any lives, I mean, stealth makes it possible for our kids to go in against the most heavily defended targets, take them out and come out alive. If we said, you have to throw the B–52 in there or the B–1B in there, they would be shot down by Russian surface-to-air missiles. I do not know how a commander would face his troops and say, go do that mission, especially if we have ability as a country and turned it down to put those young men in stealthy airplanes.

Think about Captain O'Grady. He is in that F–16, a great airplane, but it was not stealthy. It got shot down. In our overview of this, in the intelligence committee, I asked the admiral who briefed us, I said, would his chances of survival have been greater if he were in the F–117, another attack aircraft, but stealthy? He said, they would have been greater, Congressman. Probably he would have not been shot down.

One last point, we had to send in two big helicopters full of Marines to rescue the downed pilot. We put all those young men's lives at risk. They got him out, and it was a great mission, but they never, if it had been a stealthy airplane, they would have never had to go in there and do it. So the value of stealth is not only that is saves us money, but most importantly, it saves us American lives.

Think about World War II, when we lost plane after plane after plane over Nazi Germany, that were shot down by either fighters or knocked down by enemy anticraft. Now in this world we live in, we have this incredible Russian surface-to-air missiles that have proliferated in the world. So if we are going to send somebody in, we better have them in a stealthy airplane in order to win that air war quickly, gain superiority so that we can then use the stealthy assets after we have got total air superiority.

Mr. LEWIS of California. If I could make one more point, then we might get the gentleman from California [Mr. HUNTER] involved, who is a member of the authorizing committee on national security.

There is a tendency for people to believe, my colleagues, in this day and age of supposed peace in the world, because there is not a major confrontation between the Soviet Union or Russia, that no longer is there a need for a national defense. Nothing could be further from the truth. We are living in a shrinking world with elements of potential danger that we have never really thought about in the past.

America needs to be strong to preserve the peace. One element of our strength that is critical is the expansion of Stealth. The B-2 bomber as a vehicle is going to make all the difference in terms of how many lives we would have to put at risk over the next several decades. It is a very, very important item. I want to congratulate my colleague for his continued work on behalf of this effort.

Mr. DICKS. I would like to also to yield to the chairman of the Procurement Subcommittee of the House Committee on National Security, another Californian, but also someone who has been at the forefront of ensuring that America has a strong national defense.

The chairman was able to put into his mark and defend on the floor the authorization for two additional B-2s. Now we are going to have the appropriations bill in the next day or two. I hope that the gentleman from California [Mr. LEWIS] and I are as successful as the gentleman from California was. I think it is important for the American people, for the press, for our colleagues to understand our intellectual rationale for this important defense system, one that I am proud to happen to start under a Democratic President but has been supported by Republicans and Democrats in the Congress for the last 15 years. I am honored to yield to our colleagues and chairman, the gentleman from California [Mr. HUNTER].

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Mr. HUNTER. Mr. Speaker, I thank the gentleman for yielding to me.

I want to thank the gentleman from Washington [Mr. DICKS] for the work that he has done on this system because he is one of the gentlemen who understands the importance of projecting American air power, and he has done a lot to make that power a reality. The gentleman from California [Mr. LEWIS] also has been a very effective and articulate advocate for a strong air power.

Air power is now very, very important to us. Let us go over a couple of those things, because the gentleman talked about the history of stealth. Jimmy Carter did, in the Carter administration, initiate the original work on stealth. I know people like Dr. Johnny Foster, Bill Perry, Paul Kominski, all had a hand in that, and the reason we tried to build a radar or a plane that could evade radar is because of our Vietnam experience.

Mr. Speaker, in Vietnam we lost over 2,200 planes, and we all, all of a sudden, realized and recognized that Russia could market these SAM missiles, these surface-to-air missiles, to any Third World country around. With a few weeks of training, this Third World country, with its personnel, could put together teams to operate the SAM's and they could effectively shoot down high-performance American aircraft, and they did that by the thousands in Vietnam.

America has always been the land of creativity, the land of innovation, and especially in military areas we have always been ahead of the rest of the world. Our best people, having watched those 2,200 planes go down with American pilots in them or having to bail out of them, some of them POW's—

Mr. DICKS. Some Members of this very institution. Our colleagues have been POW's.

Mr. HUNTER. Absolutely. The POW community has had an effect on the United States Congress, House and Senate, because members of the Hanoi Hilton, being so respected and so focused upon by our colleagues and by our constituents, have come to this body and made a difference.

Mr. Speaker, our best scientists sat down and said radar was "probably the greatest military invention of this century. We may be able to create a system that can evade radar; that can be invisible to radar."

I have to say this as a Republican. We got after Jimmy Carter. We said that is so impossible, so incredible, such a tightly held secret, this was back in the 1970's, we said Jimmy Carter has done a disservice to national security to even mention that we could avoid radar. We got after him as if he had given away nuclear secrets, because that invention was such a fantastic thing.

Mr. Speaker, we built the stealth aircraft, and my colleague mentioned the gentleman that was shot down over Bosnia. I know the opponents to B-2 say that that has no relevance, let us not think about that. Of course, that guy going down in that F-16, that Scott O'Grady, was the reason we built stealth, whether it was in a bomber or a fighter aircraft.

One reason we did it was because these SAM missiles are mobile. They are mobile missiles. They move around. Our intelligence thought there were not any missiles in that particular place in Bosnia. Lo and behold, a SAM site turned up and took down the best pilots and the best planes we have at 20,000 feet. That is the reason we did the stealth technology.

Mr. Speaker, the gentleman from Ohio [Mr. KASICH] has gotten up on this floor, when we put up this big package or packages of 38, 45 and 75 conventional aircraft that are required to do the job of one stealth aircraft. Let us remember the reason for that, and the gentleman from Washington has gone through that, is because to support just a couple of bomb-dropping aircraft, like one of our first Desert Storm packages had 38 planes in it, only eight of them actually dropped bombs. Those were British Tornadoes and American A-6 attack planes from our carriers. Only eight bomb droppers. The other 30 aircraft had to handle the SAM missile sites. They had to handle the air-to-air in case Iraq scrambled some airplanes to meet them. They had to handle the radar jamming. We had this big armada of support airplanes to support just eight bomb droppers in this one task force.

Mr. Speaker, the gentleman from Ohio [Mr. KASICH] said, "Yeah, maybe that is true, but we still have all those planes, so we can go in, instead of going with the one stealth bomber, we can go in with the 38 aircraft." He has not been watching the drawdown in the United States Air Force. At that time we had 24 air wing equivalents to project American air power. We now have cut down to almost half of that, to 13 air wing equivalents. We are down from 24 air wings to 13 air wings.

Mr. Speaker, a whole bunch of those support airplanes that worked out in the gulf are now at the bone yard in the desert of Arizona. Those are not operational aircraft. If the gentleman from Ohio [Mr. KASICH] wants to call them up, if we should have another Desert Storm, they are not around.

We get to the final point, which is the multiplier effect that stealth gives you. The one stealth bomber can hit the same 16 targets. If you want to give it redundant coverage, you can use two bombers as a package of 75 conventional aircraft.

Mr. Speaker, the last point the gentleman made before I came on the floor, and I was really taken with this, is he talked about people. He talked about the pilots. With that package of 75 conventional aircraft to do the same 16 targets as only one stealth bomber, you expose 134 crew members.

Mr. DICKS. That is right.

Mr. HUNTER. Mr. Speaker, those are the guys on the front of Time magazine when they get captured; those are the guys that get dragged through the streets by our adversaries; those are the guys that are forced to write confessions under torture. One reason we built this stealth bomber and this stealth technology is so we would not have those guys being shot down and we would bring them home to their families.

Mr. Speaker, with the conventional mission that the opponents of B-2 would like to go with, on a conventional mission to hit 16 targets, you risk 134 crew members. If you send one B–2, you risk a total of two crew members. If you send two B–2's, you risk a total of four crew members.

I would say to the gentleman from Washington [Mr. DICKS], I would feel pretty bad about telling our Air Force personnel every time in the past, in this century, when we have had top technology, we field it. The best stuff we could get, we field it. Chuck Yeager shot down one of the first German aircraft, a jet aircraft, when he had a propeller driven plane. He was real happy to get into that X–1 that could go faster than the speed of sound in the late 1940's and drive American technology.

Mr. Speaker, we have always given our kids technology. This will be the first time we will tell our pilots, "You know, we spent $30 billion developing a technology that makes your plane virtually invisible to radar, but we decided not to give it to you because we think it is too expensive."

Mr. DICKS. Mr. Speaker, the other point is the gentleman made a very major point here. We have spent all this money to get us where we are, and what are we talking about, by the Air Force's own numbers, $15.3 billion, to build 20 more of these airplanes. That is a much lower price than we purchased the first 20. It is about a half to a third of the cost. The gentleman and I have been around quite a while, and at some point, they will say, "Oh my gosh, we made a terrible mistake, we should have built this." Then we will have to reopen the line.

The Air Force tells me it is $6 billion to $10 billion to get the line up if we wait 5 years. For that, we get nothing. It seems to me while the line is open out in California, we should continue at a low rate to purchase these bombers. It will keep the industrial base alive, keep it there in place, and it will allow us to have the most modern technology for our young men and women to fly and use if we have another major problem.

The world is not any safer. I think the world was safer during the cold war, if you want to know the truth. Now you have all kinds of problems around the world. It is a combination of saving money in the weapons that are used, the JDAM's weapon for $20,000 apiece versus the standoff cruise missile for $1.2 million apiece. They cannot have any capability against mobile targets.

That is the other problem, Mr. Speaker, with saying we will take the B–52's and the B–1's, and load them with standoff cruise missiles. Those standoff cruise missiles only go to a fixed point and they cannot be effective against the mobile issues. We have not only the division coming in either in South Korea or in Iraq or Iran, but you have this problem with the scud launchers. That was a major problem in the gulf war. We could not find those scud launchers. Again, with better intelligence and with stealth, we can put the B–2 or the F–117's in against those mobile targets.

This is, in my judgment, a revolutionary capability. To not get enough of it while the line is open just defies common sense. When I look at the entire budget, and some people say look at our aircraft carriers, and I am as strong a supporter as the gentleman is of our aircraft carriers, unfortunately a decision was made to stop building the stealthy long-range attack aircraft coming off our aircraft carriers. The aircraft today coming off those carriers are not stealthy and have limited range, so we cannot rely on them either.

The B–1's cannot penetrate, the B–52's cannot penetrate, the planes coming off the carriers cannot penetrate. The only thing we have are the F–117's and the B–2's, In my mind, why would I not go out and reshuffle my defense dollars and buy the most incredible capability, the capability for the next 30 years, that can deal with the radars? To me, this does not make any sense. I am hard pressed to come up with a rationale, especially when the B–2 has this potential against mobile targets. That is what bothers me the most.

None of these other weapons, Mr. Speaker, have the capability to go against these mobile targets before we have complete air cover and air cap because of the surface-to-air missiles that go along with the division.

I yield to the gentleman.

Mr. HUNTER. Mr. Speaker, the gentleman mentioned our ability to project power off aircraft carriers. I was reminded again, as we all were who watched CNN and read the front page of the newspapers, of American, I believe it was A–7 aircraft that were shot down by Syrian gunners. I believe they were using the same Russian-made surface-to-air missiles that are proliferated throughout the world. That was the pilot that, I believe, Jesse Jackson went over and rescued amid enormous publicity and self-promotion by Syria.

The gentleman has made his point, but the point has really been validated every time we have had to send conventional aircraft into areas that maintain these surface-to-air missile sites. We have been shot down.

Mr. DICKS. Mr. Speaker, they have proliferated all over the world. This is not something that is just in a few countries. We have them in North Korea, Iran, Iraq, China. We have them in Bosnia, where Captain O'Grady was shot down.

Another thing here, for some of the crowd of American people saying, "Are these two Congressmen just up here by themselves?" I feel very proud of the fact that without any request from me or anybody else who is a B–2 supporter, seven former Secretaries of Defense wrote the President of the United States, and this is unprecedented in the 17 years I have been on the Subcommittee on National Security of the Committee on Appropriations, and said, "Mr. President, please keep this line open. This is the kind of weapon system that we are going to need in the future. Twenty of them simply is not enough."

One of those colleagues, Mr. Speaker, former Congressman Dick Cheney was the one who made the decision with Les Aspin, our former colleague, former Secretary of Defense, now deceased, to limit this to 20. There was absolutely no military rationale for that decision. It was strictly a decision made on what Congress would go along with. At that time there was some question about the plane, but now we have six of these at Whiteman Air Force Base, according to the pilots there. One just flew all the way to Europe, did a mock bombing run over the Netherlands, went to Paris, engines running, changed crews and flew back to Whiteman Air Force Base.

Mr. Speaker, this thing is going to work. It has a 95-percent mission reliability, and it is at the block 10 configuration. Over the next 4 years it will be upgraded to block 30, which will give us this revolutionary capability.

Mr. Speaker, to have seven former Secretaries of Defense write the President and say this would be a terrible mistake, is, I think, one of the most unprecedented things I have seen. In light of all that, I am amazed, frankly, and with the importance of power projection in this very dangerous world, and with the potential conventional utility of this system, why we are killing this at this point. I think it is the greatest mistake that I can think of since I have been in the Congress and involved in defense matters. This is a terrible, awful decision. We in the Congress, under the Constitution, as the gentleman well knows, serving as a senior member of the Committee on National Security, ultimately have the responsibility for raising navies and armies and, by inference, air forces. It is the constitutional responsibility of the Congress of the United States, and I am proud of the fact that we have stood up on this issue and are trying to correct a very serious mistake in judgment.

The gentleman from California has been willing to stand shoulder to shoulder to discuss this issue, to lay out our rationale with the American people, and I just am very pleased that he has been willing to continue to engage in this colloquy to explain to the American people why we feel so strongly about this and why we think those seven Secretaries of Defense were correct.

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Mr. HUNTER. Mr. Speaker, will the gentleman yield?

Mr. DICKS. I yield to the gentleman from California.

Mr. HUNTER. I thank the gentleman for yielding, because I think the fact that seven former Secretaries of Defense have endorsed the B-2 has some significance.

You ask yourself, "Why would they do that?" I think the answer is laid out in the history of the last 10 or 15 years.

We review the Libya raid. The Libya raid followed Mr. Qadhafi's killing, terrorist style, of American soldiers in Germany. We had the goods on him. We knew that he had ordered these assassinations, these murders. When he did that, Ronald Reagan decided to strike him. But we found out we had a problem. I was being interviewed by British television, I believe, shortly after the raid was made, and I cannot remember the name of the interviewer, but in Great Britain, Maggie Thatcher had allowed our F-111's, this medium bomber, to take off from Heathrow Airport in Great Britain. But there was great consternation in Britain because they were letting us do this, because the Libyans had great terrorist capability, there had been threats that if anybody helped the Americans at any time, they would be struck, they were very worried about it, and I was talking to the commentator, I was being interviewed, and I said, "Thank God for Maggie Thatcher. It's nice of her to let us at least use the facilities in Great Britain to strike this terrorist."

The commentator said, "Congressman, don't speak too soon. We've just taken a television poll." In Great Britain they apparently wire a sample number of television sets so when they ask a national question, would you vote so and so or would you do so and so, people can just punch the buzzer or the button on their set and that gives the BBC an instant poll.

He said, "We've just polled the British people and by a majority," they are against Maggie Thatcher having let our F-111's, which had already been done obviously, but having let the Americans use British air bases to launch this strike against Mr. Qadhafi.

Here we had the British people, we had a great British stateswoman, Maggie Thatcher, helping Ronald Reagan, helping America to launch that strike against Qadhafi. But a little farther away, in France, the French decided not even to let us fly over their airspace, and they forced our F-111 pilots to fly to their border and then we had to skirt around their perimeter at a great loss of time and fuel, and fatigue of our pilots, because we were not even being allowed to fly over France to strike a terrorists who had murdered American soldiers.

When we finally got to Libya, we made the surprise strike on Mr. Qadhafi. The U.S. Navy, in assisting with that strike, had moved about $6 billion worth of carrier task force components into the Gulf of Sidra, just outside of the Gulf of Sidra, and they launched naval aircraft from there.

The point is that when the going gets tough, you cannot count on having a batch of allies that are going to let you use their airspace, let you use their runways, have their cooperation.

The great thing about the B-2 bomber, and I think this is a reason the seven former Secretaries of Defense support the B-2 bomber, is that they believe in the ability to project American power early.

That means when an armor attack starts, you stop that attack before you have to send a bunch of Marines and U.S. infantry over there to stop it with soft bodies. You do things quick.

You can fly the B-2 out of the United States. You do not have to ask Maggie Thatcher, you do not have to ask the French, you do not have to ask somebody else, you can fly it out of the United States and you can make a strike in the Middle East. Now, you may have to recover in Diego Garcia, but we own the Diego Garcia base. We do not have to ask anybody's permission to land there, and you can project American power from our shores. That is what these gentlemen are concerned about. Every American father and mother who have children who may at one time be in the ground forces of the United States have a real interest in having powerful air forces.

Mr. DICKS. The gentleman makes a very important point. I do not know if he was here on the floor, but I suggested that if we had had, say, 60 B-2's, 20 at Diego Garcia as the gentleman suggests, Guam and at Whiteman, Saddam might not have made the attack. If he did, we could have obliterated that division, we could have stopped the war.

Do you know what it cost us to move all the forces out to the gulf to fight the war, just in transportation? Ten billion dollars. The cost of the war to us and our allies was $60 billion, for a total of $70 billion. With an adequate bomber force that is stealthy, that has long range and can use smart conventional weapons against mobile targets like Saddam's republican guard, if we could just prevent one war out there in the future sometime somewhere, whether it is North Korea, Iran, Iraq, or wherever, that would save and pay for this more than once. There is nothing else that can do it.

That is why it blows my mind when people talk about priorities. Well, other things are more important. I say, I cannot think of one except the young men and women serving in our military today. They are more important, obviously. They are first in my mind. But in terms of other weapons systems, other things that we are doing, that have the capability to give us conventional deterrence and if deterrence fails, a way to knock out the enemy quickly and save American lives while we are doing it and not even risk them because of stealth, I cannot imagine how this Congress in its wisdom can stop this system when every export has said that 20 of these is simply not enough, that you need somewhere between 40 and 60.

Colin Powell, as good a military mind as I know, he has recommended to Chaney 50. Sometimes you have got to make hard decisions. You have been on the Hill for a long time as I have. I asked the staff of the Committee on Appropriations, I said, "This is going to cost us about $2 billion a year for about 7 or 8 years in order to get the additional 20 planes."

I said, "How much did we cut out of the defense budget, about $250 billion, how much did we cut out just in a cut here, a cut there, through the thousands of line items that are in that budget?" The answer is in both this year and last year, $3.5 billion in just low-priority items.

Right there is more than enough money to finance the B-2. I know the gentleman has been urging reform in the procurement areas where we have thousands and thousands of extra buyers or shoppers or whatever you call them. There is another way to save some money that we could use to finance the acquisition of these weapons systems. You are the procurement subcommittee chairman. You know as I do that procurement in the peak of the Reagan buildup was $135 billion a year in today's dollars. Now that is down to about $40 billion to $45 billion, or it has been reduced about 70 percent.

We have got to continue to do some things that make sense. Here is a system that gives us a revolutionary conventional war-fighting capability, and I believe the potential for conventional deterrence. Not to get this and spend the money on a bunch of lower priority things that have no comparable worth or value to the American people and to our military, to me is just unbelievable.

Mr. HUNTER. If the gentleman will yield, you mentioned the defense overhead. We have about 250,000 professional shoppers in the Department of Defense. Those are the people that engage in the acquisition of military systems. Roughly you have two Marine Corps of shoppers. They cost us about $30 billion a year. That means we have a procurement budget of about $45 billion that as you have mentioned it is down 70 percent. But for every aircraft or tank or weapon that we buy, we pay almost as much as we paid for that system to the Department of Defense for the service of buying it.

That means if you buy an airplane for $100 million, you pay about $70 million on top of that to the shoppers in

DOD for buying the components for that airplane. If we cut that bureaucracy down, the shopping component, if we cut it down in the same way we have cut the Army, we cut the Army from 18 divisions to 12 divisions, and it may go down to 10, and the news did not make Stamp Collectors Weekly, nobody knows about it, and we have cut the U.S. Army strength almost 50 percent. We have cut the Air Force from 24 to 13 air wings and the gentleman from Ohio [Mr. KASICH] thinks they are still there. Nobody knows about these massive cuts we have taken in our force structure. If we took that same proportionate type of cut in the shopping corps, in the Department of Defense, the procurement corps, that means we would save about $10 billion a year. If we took 100,000 people out of the shopping corps, we would save $10 billion a year. That would buy 4 B–2 programs.

Mr. DICKS. I agree with the gentleman. There are ways to save money in a $250 billion budget if you want to set priorities. When you look at all the things we are procuring, there is going to be a list of what is important, what is crucial, and what is kind of nice to have. I have got to tell you, when you have got something that has the potential capabilities that the B–2 has, you have got to make room for it. It does not make any sense to protect a lot of purchases of other things that cannot project power around the world like the B–2 can in our future.

I just hope that we can continue to make this battle on the floor with our colleagues here in the House. I happen to think that this is one of those watershed moments, one of those times when either the Congress is going to have truly profiles in courage, standing up to this administration and saying, "Wait a minute, this is a mistake." The same Congress, by the way, that supported the F–117, the stealth attack aircraft. In the first 10 days of the Gulf war, I think I have the numbers right, the stealth fighter flew 2.5 percent of the sorties but knocked out 32 percent of the hardest targets, because it was stealthy. What did that mean? That allowed us to win the air war more quickly and cap Iraq so they could not even get a plane up. That saved a lot of American lives. If we did not have that stealthy airplane to lead the attack and to knock out those surface-to-air missiles, knock out those radars, we would have lost a lot more of our pilots and they would have been there and Saddam would have had them to play politics with as the gentleman has suggested. But because we had stealth, we were able to win that war more rapidly. Then we could bring to bear the B–52's with their dumb bombs, not very accurate but they pounced away on the Republican Guards and allowed us to win the war quite easily. But stealth, the F–117, was at the forefront. Here you have got the B–2 which can carry 8 times what the F–117 can carry and it can carry it 6 times as far and with one refueling go a third of the way around the earth and be able to have it not only against fixed targets as we proved with the F–117 but by putting that sensor-fused weapon on there, those 1,400 little bomblets over that Iraqi division, 3 of them knocked out 46 percent of the mechanized vehicles as that division moves in the field, that is a revolutionary capability, and there is nothing in the Pentagon's budget that can do anything like that.

How can you say we are not going to fund this when it has that kind of capability and we are going to fund a lot of other things that have no comparable worth or value and just do it because, "Well, we just can't make any hard decisions. We can't make tradeoffs. We can't do roles and missions. We can't do the job we were sent over there to do." That is what it says to me.

It is never easy to have to make tradeoffs. But in this case, I think the potential is so great that without those tradeoffs, we are really doing a disservice to the American people. I hope that Congress stays with this, makes the point, so that we can show the American people why we feel so passionately about this subject.

Mr. HUNTER. I noticed a friend of ours, the gentleman from California [Mr. McKEON], just arrived, another staunch supporter of B–2. But I think the gentleman has made an excellent point in that we have an article of leverage. We have a system that gives us enormous leverage. The last thing the American people want to do is have to send marines or infantry divisions to stop an armor attack. The way you stop an armor attack without using a lot of lives is with air power. The way you stop an armor attack with an absolute minimum of casualties is to use air power that has stealth.

I am thinking, if you went inside Saddam Hussein's war room or maybe, later in this decade, inside North Korea's war room and you saw them making a determination as to whether or not they should strike American positions, it would be awfully nice to have one colonel in that North Korean intelligence operation or in that Iraqi operation say, "How about the American invisible bombers? I'm kind of scared of them. How about the invisible bombers, that we can't take down with our SAM's, will they be here? Does anybody know where they are? Are they launched?" That uncertainty is deterrence. That means you do not start it.

The gentleman made one great point. The amount of money we spent on Desert Storm because we did not deter Saddam Hussein from striking, because he thought we were weak, was enough money to buy out the entire B–2 program of 80 airplanes and have a lot of money left over.

□ 1615

If you were strong up front, you would not have to pay later. That is the point of having strong American air power, and that is the point of stealth and that multiplier of precision-guided munitions.

Mr. DICKS. Mr. Speaker, I appreciate the gentleman's participation in this colloquy, and I also want to yield to my distinguished friend from California [Mr. McKEON], who has been another leader and another worthy proponent of the B–2.

Mr. McKEON. Mr. Speaker, I just turned on the TV in my office and saw two of my friends talking about the B–2, one of my favorite subjects.

Mr. DICKS. We had a little break in the action, and so we jumped in and took our shot.

Mr. McKEON. I really appreciate what you are doing. The B–2 is built in my district, and a lot of people say that is probably the reason that I am a strong supporter. That is one of the reasons.

Because it is in my district, I have had the opportunity of going down to the factory, going down on the floor, seeing the assembly lines and seeing what is being done. A lot of people do not understand that that plane is built differently than any other plane. It is built from the outside in. It has a wingspan of 170 feet, and from one end of that wingspan to the other end, it cannot be off one-thousandth of an inch.

We cannot afford to lose this technology. The people that have been trained, the tools that have been put together, all of that is already now starting to unwind. Originally, the assembly line was built for 20 planes; we are down to 6 planes. They have already closed up part of the assembly line.

We are losing the people that have been trained, that have put in the time and effort, have the skill to learn how to do this. We are losing that.

I think it is very important that we keep our economic base there, our industrial base to build the B–2, but the second and probably even more important reason to me is defense.

When you talk about Desert Storm, you could probably talk about other wars that we do not even know about that have never happened because we project power. But we are losing that projection. We are starting to talk now about moving the B–52, which is almost as old as I am, that is pretty old; and the B–1B's into London to use in Bosnia. I do not know how long we can expect our young people, our career people to get in those planes and fly them. B–1 is still relatively young, about 15 years old; the B–52's are 30, 40, 50 years old.

Mr. HUNTER. Compared to the B–52, the B–1 is a baby.

Mr. McKEON. That is right. But even then, when all the B–52's are gone, we are down to 95 B–1's. The study that was given to us, that we should be able to fight in two places at one time, we need 174 long-range bombers, we would be down to 95, and then you add the 20 B–2's that we have now.

Mr. DICKS. But we do not have them yet. We have six of them now.

Mr. MCKEON. I am looking out 20 years. I think our responsibility should be to really look out 20 years, 30 years, 40 years.

I know one of my good friends on the other side of this issue has said there will be another bomber at some point. I think that is a total fallacy. It takes $10 billion to $15 billion now to get a fighter up, ready to be built. Who around here is going to vote $25 billion, $30 billion or $40 billion just to get another bomber developed? Why spend that kind of money when we have the great B–2?

Mr. DICKS. If the gentleman would yield, I told my friends in the Boeing Co. in the State of Washington that one of my colleagues has suggested a B–3; and they said, "Congressman, what we would do is, we would build a long-range, subsonic aircraft and it would look a heck of a lot like the B–2. It would be stealthy and we would have the ability to put precision-guided munitions on them."

We have got the line open and the costs are down where this thing is affordable in terms of the defense budget, and now, not to do enough of it just does not make sense. I always say to my Democratic friends, many of whom are not happy about some of the budget cuts that are being made, if we cut out the B–2, this money is not going to go to HUD or education or the environment; this money is going to go to something that is less important in the defense arena.

As I said, I look at the entire defense budget, and except for the men and women serving in the service, I cannot think of one weapons system that has anywhere near potential that this weapons system does.

The gentleman has made another important point that General Skantze, who was our former acquisitions person at the Air Force, has made as well, and that is that this plane is the most difficult plane to put together. So we finally figured it out.

Mr. Chairman, I think we should stay with it, and I appreciate my colleagues joining me here on the floor in an impromptu session to talk about one of the most important defense decisions this country will make during our time in Congress.

Mr. Speaker, I yield back the balance of my time.

DO NOT BE DETERRED: CONTINUE B–2 PRODUCTION

The SPEAKER pro tempore (Mr. ENSIGN). Under a previous order of the House, the gentleman from California [Mr. MCKEON] is recognized for 5 minutes.

Mr. MCKEON. Mr. Speaker I do not know exactly what you had talked about before I came in.

Mr. DICKS. Do not be deterred.

Mr. MCKEON. The B–2?

Mr. DICKS. The B–2.

Mr. MCKEON. What do you know? I think it is a very important vote, and it is a lot of money; I think that people need to understand.

I am a businessman. This is my second term in Congress. I came here to make cuts, but I also came here to carry out our constitutional responsibility which is to provide defense for this country. Defense is one of the most important things that we need to do. It is our responsibility, as the Congress, to look out for that.

Mr. DICKS. If the gentleman would yield on that point, I have served for 17 years on defense appropriations subcommittees since the winter of 1979. We build up until 1985, but since 1985, the defense budget has been reduced by $100 billion a year. Today's defense budget would be 350; it is 250 now in fiscal year 1995, so we have made a big cut, 37 percent in real terms.

We have a smaller Army, a smaller Navy, a smaller Air Force, Yet, here is a technology, a revolutionary technology that would help us still have an enormously effective and capable military. But we have got to have enough of it so that it can have the sortie rates, in and out, in and out, to do the job. Every expert who has looked at this and said, 20 of these is not enough; we have got to have somewhere between 40 and 60.

It is value. Sometimes we forget when it is right in front of us that some things are more important than other things. Some things can do things that no other system can do. And that is why this is so important.

The B–2 offers us a revolutionary conventional capability that nobody else has in the world. Think about It. If somebody else had the B–2, we would be in deep trouble. We would be very, very concerned about it. We would be probably cheer if they made a decision to cut it off at 20 and only have a very limited capability. We would be saying, "Thank God they made that decision, because if they had 50 or 60 of these, and we did not have a way to counter it." Think if our adversary, Russia, had developed this stealth technology. We would be deeply concerned. I think sometimes we forget things that are so obvious. They are right in front of us and we still do not see it.

It reminds me of the battleship debate where they said that battleships are not vulnerable to air power. Finally, Billy Mitchell flew over one and dropped a bag of flour and everyone had to wake up and say, "Oh, my God. These things are vulnerable." And some day they are going to say the same things about the B–52's, the B–2's and the planes coming off the carriers. They are all vulnerable to these surface-to-air missiles.

Mr. HUNTER. If the gentleman would yield briefly, Billy Mitchell did sometimes. He showed that technology had moved on and we had entered the era of air power. But he did not drop a sack of flour; he dropped enough munitions to totally sink and destroy three major ships, including one captured German battleship. He carried out his task with a little more enthusiasm than the people who have invested all their political capital in battleships or warships cared for him to do.

In a way we are doing the same thing here. We are in an era in which we can avoid radar because of the great technology that freedom has brought us in this country and we are about to forgo that technology for some pretty silly reasons. I thank the gentleman for yielding.

Mr. MCKEON. Reclaiming my time, I think you make a good point on the technology. A lot of my friends here in the Congress have asked me, "Well, is there technology out there, or will there be in the next few years, to make it possible to see the B–2 to make it obsolete?"

I was talking to our ex-Secretary of the Air Force about a month ago, before we had the last vote, and he was going over that with us. He said that all during the development phase of the B–2, we had our best minds working to see if they could come up with a way to detect it. So that we, if the other side had it, so that we could defend against it. We have not been able to find that; it is not available.

Mr. DICKS. The gentleman makes a point too. Remember one thing, a plane can be seen. That does not mean you can vector weapons against it. That is the thing that you have to remember about stealth.

People say, "Well, I can see it. It is there on the field." But when you have that thing up in the air at 45,000 feet, and it has got that incredible design which is very hard to see, even when you are just a few miles away from it. But it is the fact that the enemy cannot vector weapons with their radars and the systems that they have to have to take a weapon to the plane. That is why it is so revolutionary. So we do not want anybody to be misled, because you can see it.

DO NOT BE DETERRED: CONTINUE THE B–2

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. HUNTER] is recognized for 5 minutes.

Mr. HUNTER. Mr. Speaker, I yield to the gentleman from Washington [Mr. DICKS].

Mr. DICKS. Mr. Speaker, it is that important fact, and the fact that we have not been able to figure out a way to counter it. This is a game that goes on and on. There is a struggle back and forth.

Again, I want to thank my colleagues for coming over here and joining me in an impromptu discussion of the B–2. We are going to be moving on to this issue as we get to the defense appropriations bill. As I have said, I think this is the most important defense issue that most of us will decide while we are in the House of Representatives.

Mr. Speaker, I am glad that I have good bipartisan support from my colleagues are we try to oppose those who I think in a very shortsighted way are trying to cut off this program and saying that they are going to save money.

I will tell my colleagues this: We are going to save lives and money if we build the B–2. We are going to save money if we do it at the time the line is open. We are going to preserve the industrial base. The B–2 weapons that are sometimes 40 percent less expensive than the weapon on the B–52's or the B–1's.

But most importantly as the F–117 showed us, we can send pilots into the most difficult areas with surface-to-air missiles that are active and survive and that is what this is really all about: Saving lives of American young people who we send in harm's way.

To me, as the gentleman said a few minutes ago, how we could in good conscience not want to be able to use that in the early days of any war in the future, because we know we will save lives and we know that we can win the war more rapidly? Stealth can go in and out, in and out, in and out, destroy all those targets and help us win the air war more rapidly, which is crucial to almost any scenario that I can think of in the future.

Mr. HUNTER. Mr. Speaker, I yield to the gentleman from California [Mr. MCKEON].

Mr. MCKEON. A couple of weeks ago, Charles Krauthammer had an editorial, I think I got it out of the Washington Times. I do not know what other papers it was in. George Will wrote one in "The Last Word" in the magazine.

Mr. Speaker, I would like to insert these in the RECORD, if I may. If I could just make a comment on Mr. Krauthammer's. He entitled his article, "The B–2 and the 'Cheap Hawks'" and he gave 3 reasons why the B–2 is so important.

First, American is coming home. In 1960, we had 90 bases abroad. We are down now to 17. We cannot station short-hop airplanes around the world. We have to have range.

Second, America will not endure casualties. We do not want to put, as you were saying, our people in harm's way if it can be avoided.

Third, the next war will be a surprise, such as every other war we have entered into, and we need to be ready. And the B–2 meets all three of these requirements. It has long range; it can reach anywhere around the world. If we have it in the three bases that we look at, we can reach any key spot in the world in 10 to 12 hours.

Fourth, Casualties. It has two personnel on board. Does not need a lot of support and backup because of the stealthiness and the amount of weapons that it can carry.

Fifth, If we have an adequate number, we will be prepared and we will have a deterrent.

Mr. Speaker, I include the following articles for the RECORD:

THE B–2 AND THE CHEAP HAWKS

(By Charles Krauthammer)

We hear endless blather about how new and complicated the post-Cold War world is. Hence the endless confusion about what weapons to build, forces to deploy, contingency to anticipate. But there are three simple, glaringly obvious facts about this new era:

(1) America is coming home. The day of the overseas base is over. In 1960, the United States had 90 major Air Force bases overseas. Today, we have 17. Decolonization is one reason. Newly emerging countries like the Philippines do not want the kind of Big Brother domination that comes with facilities like Clark Air Base and Subic Bay. The other reason has to do with us: With the Soviets gone, we do not want the huge expense of maintaining a far-flung, global military establishment.

(2) American cannot endure casualties. It is inconceivable that the United States, or any other Western country, could ever again fight a war of attrition like Korea or Vietnam. One reason is the CNN effect. TV brings home the reality of battle with a graphic immediacy unprecedented in human history. The other reason, as strategist Edward Luttwak has pointed out, is demographic: Advanced industrial countries have very small families, and small families are less willing than the large families of the past to risk their only children in combat.

(3) America's next war will be a surprise. Nothing new here. Our last one was too. Who expected Saddam to invade Kuwait? And even after he did, who really expected the United States to send a half-million man expeditionary force to roll him back? Then again, who predicted Pearl Harbor, the invasion of South Korea, the Falklands War?

What kind of weapon, then, is needed by a country that is losing its foreign bases, is allergic to casualties and will have little time to mobilize for tomorrow's unexpected provocation?

Answer: A weapon that can be deployed at very long distances from secure American bases, is invulnerable to enemy counterattack and is deployable instantly. You would want, in other words, the B–2 stealth bomber.

We have it. Yet, amazingly, Congress may be on the verge of killing it. After more than $20 billion in development costs-costs irrecoverable whether we build another B–2 or not—the B–2 is facing a series of crucial votes in Congress that could dismantle its assembly lines once and for all.

The B–2 is not a partisan project. Its development was begun under Jimmy Carter. And, as an urgent letter to President Clinton makes clear, it is today supported by seven secretaries of defense representing every administration going back to 1969.

They support it because it is the perfect weapon for the post-Cold War world. It has a range of about 7,000 miles. It can be launched instantly—no need to beg foreign dictators for base rights; no need for weeks of advance warning, mobilization and forward deployment of troops. And because it is invisible to enemy detection, its two pilots are virtually invulnerable.

This is especially important in view of the B–2's very high cost, perhaps three-quarters to a billion dollars a copy. The cost is, of course, what has turned swing Republican votes—the so-called "cheap hawks"—against the B–2.

But the dollar cost of a weapon is too narrow a calculation of its utility. The more important calculation is cost in American lives. The reasons are not sentimental but practical. Weapons cheap in dollars but costly in lives are, in the current and coming environment, literally useless: We will not use them. A country that so values the life of every Capt. O'Grady is a country that cannot keep blindly relying on non-stealthy aircraft over enemy territory.

Stealth planes are not just invulnerable themselves. Because they do not need escort, they spare the lives of the pilots of the fighters and radar suppression planes that ordinarily accompany bombers. Moreover, if the B–2 is killed, we are stuck with our fleet of B–52s of 1950s origin. According to the undersecretary of defense for acquisition, the Clinton administration assumes the United States will rely on B–52s until the year 2030—when they will be 65 years old!

In the Persian Gulf War, the stealthy F–117 fighter flew only 2 percent of the missions but hit 40 percent of the targets. It was, in effect, about 30 times as productive as non-stealthy planes. The F–117, however, has a short range and thus must be deployed from forward bases. The B–2 can take off from home. Moreover, the B–2 carries about eight times the payload of the F–117. Which means that one B–2 can strike, without escort and with impunity, as many targets as vast fleets of conventional aircraft. Factor in these costs, and the B–2 becomes cost-effective even in dollar terms.

The final truth of the post-Cold War world is that someday someone is going to attack some safe haven we fell compelled to defend, or invade a country whose security is important to us, or build an underground nuclear bomb factory that threatens to kill millions of Americans. We are going to want a way to attack instantly, massively and invisibly. We have the weapon to do it, a weapon that no one else has and that no one can stop. Except a "cheap hawk," shortsighted Republican Congress.

[From Newsweek, July 24, 1995]

THE LAST WORD—PRECISION GUESSWORK ABOUT THE B–2—DO AMERICANS NOW FIND THEIR 'MORAL ECONOMY' TOO TAXING TO DEFEND?

(By George F. Will)

We should study war some more. We should because doing so is contrary to the spirit of the age and our national temperament. If peace is to be preserved, that must be done by a few nations of a sort that is disinclined to believe that peace requires preserving. These nations believe that although war once was prevalent, history has ascended to a pacific plateau. The nations that believe this, such as the United States, are, says historian Donald Kagan of Yale, formed by ethics that are commercial, individualistic, libertarian and hedonistic. Kagan concludes his book "On the Origins of War" with a warning: "The United States and its allies, the states with the greatest interest in peace and the greatest power to preserve it, appear to be faltering in their willingness to pay the price in money and the risk of lives. Nothing could be more natural in a liberal republic, yet nothing could be more threatening to the peace they have recently achieved." Hence the high stakes of the debate about the B-2 bomber.

The issue is whether to purchase more than the 20 long-range stealth bombers already in service or being completed. The argument against steady low-level production to bring the B-2 force to 40 is that the B-2 is too expensive, particularly because the mission for which it was designed—penetrating Soviet air defenses to attack mobile or hardened targets—is no longer relevant.

The case for continuing the B-2 program is more complex, but more compelling. It rests on three facts. The B-2 is not as expensive as critics contend. The B-2 economizes other material assets, and economizes lives, too. And given the age of the B-52s (the youngest is 33 years old) and the time and cost required to design another bomber (at least 15 years and scores of billions from design to deployment), the B-2 force is going to be the only U.S. bomber force for many decades. Who wants to wager that in, say, the year 2030 the nation will not need a bomber better than a 70-year-old B-52?

Critics bandy the figure $1.5 billion for each B-2. Actually, given the research and development already paid for, the life cycle cost of additional B-2s, including 20 years of spare parts, is about 1.1 billion 1995 dollars. Buying 20 more B-2s would consume only 1 percent of the defense budget and 5 percent of the combat aircraft budget for a few years. And doing so would prevent the irreparable dispersal of the industrial base that has produced the most sophisticated weapon ever, a weapon suited to the changed world.

In 1960 there were 81 major U.S. air bases overseas. Today there are 15. The B-2's long range responds to the dwindling of forward-based U.S. forces. Its high payload and stealthiness (the difficulty of detecting its approach) enable it to do extraordinary damage to an adversary's warmaking capacity, at minimum risk to just two crew members per aircraft. This gives a president a powerful instrument of credible deterrence for an era in which Americans are increasingly reluctant to risk casualties. The importance of a military technology tailored to this political fact is argued by Edward Luttwak in his essay "Toward Post-Heroic Warfare" in Foreign Affairs.

Luttwak, of the Center for Strategic and International Studies, says the end of the Cold War has brought a "new season of war," in which wars are "easily started and then fought without perceptible restraint." A war such as the Iraqi invasion of Kuwait can menace the material interests of the United States. And a war such as that in the former Yugoslavia can, Luttwak argues, injure the nation's "moral economy" if the nation "remains the attentive yet passive witness of aggression replete with atrocities on the largest scale."

Perhaps Americans find their "moral economy" too taxing to maintain in today's turbulent world. The debacle of American policy regarding Bosnia strongly suggests that is so. If so, America faces a future in which only one thing is certain: it will never again be what it has been, the principal force for good in the world. But if America wants to be intolerant both of evil and of casualties, it needs to arm itself appropriately, as with the B-2.

It is the only aircraft that can on short notice go anywhere on the planet with a single refueling, penetrate the most sophisticated air defenses and deliver high payloads of conventional weapons with devastating precision. Five B-2s can deliver as many weapons as the entire force of F-117s (America's only other stealth aircraft) deployed in Desert Storm. Four U.S.-based B-2s with eight crew members could have achieved by same results as were achieved by the more than 100 aircraft sent against Libya in 1986. Military personnel are not only precious as a matter of morality, they are expensive. True, many targets can be attacked with "stand-off weapons," such as cruise missiles, but such weapons are 20 to 40 times more expensive than direct attack precision weapons. Calculating the real costs of weapons is more complicated than reading restaurant bills.

And as Luttwak argues, cost-effectiveness criteria for weapons often do not factor in the value of casualty avoidance, which is a function of casualty exposure and is often the decisive restraint on political leadership when it is considering whether to project U.S. power. "When judged very expensive, stealth planes are implicitly compared to non-stealth aircraft of equivalent range and payload, not always including the escorts that the latter also require, which increase greatly the number of fliers at risk. Missing from such calculations is any measure of the overall foreign policy value of acquiring a means of casualty-free warfare by unescorted bomber."

Will the nation need a substantial B-2 force? That depends on developments in the world, and on what America wants to be in the world. On a wall at the Jet Propulsion Laboratory in Pasadena there reportedly use to be a sign: We do precision guesswork. So do the people who must anticipate crises relevant to America's material interests and moral economy, and the means of meeting them. Twenty more B-2s would be a responsible guess.

Mr. HUNTER. Mr. Speaker, I thank the gentleman from California [Mr. McKEON]. He is a very articulate and a very strong supporter of national defense. I also thank the gentleman from Washington [Mr. DICKS] who was really the father of this special order. Thanks to Mr. DICKS for taking this order up.

I think it is important to talk about these things, because a lot of folks have 100 issues on their minds. They do not know what this vote is about until they actually sit down and think about it. And also the gentleman who was here earlier, Mr. LEWIS. Mr. LEWIS does not spend a lot of time talking on the House Floor. He is one of the smartest defense minds in this Congress and he is a real advocate for this program and one of our champions. I am glad he was up here discussing this with Mr. DICKS.

I am happy to yield to the gentleman from Washington [Mr. DICKS].

□ 1630

Mr. DICKS. Mr. Speaker, I will just say one final thing. One of the other articles General Skantze wrote, one of the big problems has been, ever since the Air Force reorganized and got rid of the Strategic Air Command, there really has not been an advocate for bombers inside the Air Force. They will advocate for the F-22 and the C-17, but nobody stands up for bombers, and I think that is one of the things where the Congress may have to step in. We may have to reconsider that decision and recreate a Strategic Air Command within the Air Force so we have some real attention by the service on this subject. I think we ought to consider that.

RECESS

The SPEAKER pro tempore (Mr. ENSIGN). Pursuant to clause 12, rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 4 o'clock and 30 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1802

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. ENSIGN) at 6 o'clock and 2 minutes p.m.

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1996

The SPEAKER pro tempore. Pursuant to House Resolution 201 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2099.

□ 1803

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2099) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1996, and for other purposes, with Mr. COMBEST in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose earlier today, title V was open for amendment at any point.

AMENDMENT OFFERED BY MR. ENSIGN

Mr. ENSIGN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ENSIGN: Page 87, after line 25, insert the following:

SEC. 519. The amount otherwise provided in title I of this Act for "DEPARTMENT OF VETERANS AFFAIRS—VETERANS HEALTH ADMINISTRATION—MEDICAL CARE", the amount otherwise provided in title III of this Act for "NATIONAL AERONAUTICS AND SPACE ADMINISTRATION—HUMAN SPACE FLIGHT", and the amount otherwise provided in title III of this Act for "NATIONAL SCIENCE FOUNDATION—RESEARCH AND RELATED ACTIVITIES" are, respectively, increased to a total of $16,961,000,000, reduced by $89,500,000, and reduced by $235,000,000.

Mr. LEWIS of California. Mr. Chairman, I ask unanimous consent for a time limitation of 15 minutes total split equally between the two sides on the Ensign amendment and all amendments thereto.

The CHAIRMAN. Is there objection to the request of the gentleman from California.

There was no objection.

The CHAIRMAN. The gentleman from Nevada [Mr. ENSIGN] will be recognized for 7½ minutes, and a Member opposed will be recognized for 7½ minutes.

The Chair recognizes the gentleman from Nevada [Mr. ENSIGN].

Mr. ENSIGN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I offer my amendment to ensure that we keep the promises made to our veterans. The Ensign amendment is about the contract with those who have served our Nation honorably without fundamentally altering the priorities set forth in the bill before us today.

First, I want to commend the chairman of the subcommittee, Mr. LEWIS, for making tough choices. In most instances, the VA/HUD subcommittee has accommodated or exceeded the President's requested funding levels in veterans programs such as compensation and pensions, readjustment benefits, and extended care facility grants. H.R. 2099 recognizes the invaluable contribution veterans have made to our national security, and in turn, extends security to those in time of need.

Although I appreciate the fact that this measure meets or exceeds the President's request in several accounts, I must respectfully take issue with the funding level included in H.R. 2099 for the Veterans Health Administration's medical care account. Even though the bill contains a $499 million increase in VA medical care over last year's level, the President requested a higher level of $16.96 billion in fiscal year 1996 for veterans medical care. The higher level is needed to provide high quality health care services to all veterans expected to seek care in 1996.

Even with the adoption of the manager's amendment, a $184 million gap still exists between the President's VA health care request and the recommended appropriation of $16.77 billion. I am concerned that this disparity will deprive veterans of the care that they so desperately need.

My amendment would close the $184 million veterans medical care gap and still provide approximately $2 million in savings which could be used for deficit reduction. The Ensign amendment would reduce the National Science Foundation's research and related activities account by $235 million. In H.R. 2099, the research and related activities account was cut by only $26 million from the fiscal year 1995 level. I find it hard to believe that there was only room for a $26 million cut in a $2.25 billion account. Even an additional $235 million cut represents slightly more than a 10-percent reduction in this account's fiscal year 1996 appropriation.

Surely, when veterans are facing the prospect of losing access to health care, the NSF can take a 10-percent cut. I personally support NSF and the projects it supports in Nevada. However, NSF should be treated fairly, and I believe my amendment allows NSF to continue its vital research.

To complete the offset, my amendment would reduce the appropriation for NASA's human space flight account by $89.5 million. Again, we are talking about a very small reduction in NASA's $13.67 billion allotment. We have heard arguments from both sides about the space station and whether or not we can afford the space station in a time of great fiscal restraint. My amendment unlike other amendments, will not decimate the space station program. No specific human space flight program or initiative is targeted in my amendment. $89.5 million is a modest cut and represents reasonable middle ground.

Between the offsets from the NSF and NASA, we can meet the President's request for health care and still provide resources for scientific research and exploration.

Mr. Chairman, I also want to focus for a moment on the skyrocketing costs of health care. We are about to reform Medicare, and I would be the first one to rise in support of reforming our complete veterans' health care program. But until we do that, we need to completely fund our veterans' health care program. My amendment brings the funding level up to the President's requested level for fiscal year 1996. I urge its support.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Does the gentleman from California, chairman of the subcommittee, rise in opposition?

Mr. LEWIS of California. Yes, Mr. Chairman.

The CHAIRMAN. The gentleman from California [Mr. LEWIS] is recognized for 7½ minutes.

Mr. LEWIS of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise reluctantly in opposition to the Ensign amendment. I do so specifically because of the fact that this subcommittee report is a very carefully crafted and delicately balanced report.

The very account that the gentleman from Nevada [Mr. ENSIGN] is addressing himself to is that account that we are most sensitive about. It is the only account within my entire bill that has any significant adjustment upwards. Indeed, we provide in the medical care section of this bill more than a half a billion dollars of the 1995 authorization as well as outlay. It is very, very important that we recognize that to imbalance this effort could throw the entire bill askew.

For example, NSF has already been cut by $200 million. They are considerably below the President's request. This additional $235 million in fundamental science work would have a dramatic and negative impact upon the work that the bill is attempting to carry forward.

In dealing with NASA, NASA is already itself over a half a billion dollars below the President's request. To strike that blow to our work in space is a very significant item.

One of the other elements I would mention is the fact that we are attempting to put some pressure on the Veterans' Administration, specifically because while we here in Congress are very empathetic to medical care needs of our veterans. Too often the system treats them like cattle in the districts where the hospitals are. We need to put pressure on this agency to rethink the processes they use whereby we deliver those services to veterans.

Mr. Chairman, I reluctantly but very strongly urge my colleagues to vote "no."

Mr. Chairman, I reserve the balance of my time.

Mr. ENSIGN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, while the remarks that the subcommittee chairman said are true, that it is important to have basic science research, it is important to have the programs that NSF supports and that NASA supports, it is also true that it is critical that we maintain the contract that we have with the veterans in this country.

The reason that we have the freedoms to have basic science research in this country is because of the sacrifices that our veterans have made serving this country. I have 114,000 veterans in southern Nevada just in my district alone. Many of those veterans have to travel 4½ hours to southern California because there is not adequate funding levels at the hospital in Las Vegas to take care of their basic needs. Therefore, they have to travel all the way to southern California. I think this is a travesty to those people who have sacrificed so much, have had very little pay while they are in the service, spent a lot of time away from their families, a lot of them sacrificed limbs, a lot of them sacrificed a lot of their friends, people that they knew in battle, and to me and to a lot of the Members of this Congress, I think it is important that we maintain the contract that we have had with these veterans over the years.

I would strongly urge that Members consider supporting this amendment to bring the funding levels for 1996 up to what the President has proposed.

Mr. Chairman, I reserve the balance of my time.

Mr. LEWIS of California. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. I thank the gentleman for yielding me the time.

Mr. Chairman, I rise in opposition to this amendment. This is a case where you take the account that has been increased the furthest in the entire budget and then you hammer two accounts that have not taken significant increases. In particular I am very concerned about the fact that the National Science Foundation has been targeted by the gentleman from Nevada for increased cuts. This will amount to a 17 percent cut in the National Science Foundation and that is in the basic science accounts. This is where we do our basic research. This is the university money that is required in order to make certain that our university research programs stay alive.

Who are some of those universities? Well, the University and Community College System of Las Vegas got $1.6 million. The University of Nevada at Las Vegas got over $1 million in 1994. The Clark County School District got $867,000. The University of Nevada Desert Research Program got $1.731 million out of the National Science Foundation. On it goes, in programs that from everything I have been able to determine are high-quality research programs that are very, very important to the basic underlying fundamental science of this country.

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And so, to devastate those accounts by taking them down by hundreds of millions of dollars in order to fund an account that we have already increased significantly, it seems to me, is the wrong set of priorities.

I understand that the gentleman wants to keep our commitments, but we have commitments that are very, very important in science. There are many of these science researchers that over the years also feel that they have a commitment to making certain that we keep this Nation economically strong by having a good basic science base. This particular amendment will cut into that basic science base; this is one of the worst places that we can possibly find to cut programs in the entire VA–HUD budget.

Mr. ENSIGN. Mr. Chairman, I reserve the balance of my time.

Mr. LEWIS of California. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania [Mr. DOYLE], a member of the committee.

Mr. DOYLE. Mr. Chairman, I rise in opposition to the amendment, and I do so with a unique perspective on this matter, as I am the only member of this body who sits on both of the authorizing Committees affected by this amendment.

I am honored to represent a district with one of the largest veterans populations, and I am extremely sensitive to the need to adequately fund veterans' health care. My father was a permanently disabled veteran. I could not imagine what my life would be like if he had not had access to quality VA health care.

It would be my preference to fully fund the administration's request for VA health care, which the amendment before us would do by cutting $235 million from NSF's research account to achieve $100 million in savings, coupled with a $89.5 million in NASA funds. Despite my support for our nation's veterans, I cannot support this amendment because of its impact on the National Science Foundation.

In the Science Committee, we have gone to great pains, under the leadership of Chairman WALKER, to make the difficult decisions on funding priorities in order to achieve a balanced budget. I must tell the author of this amendment, since he wasn't present for the seven or so days that the Science Committee spent considering all the programs in its jurisdiction, that no federal agency enjoyed a greater degree of bipartisan support than the National Science Foundation.

We are already cutting this account by $26 million from FY 95, and NSF as a whole is being cut by over $200 million from the current year. I am not sure why NSF has been targeted by this amendment, but I cannot endorse this effort to support one worthwhile effort by cutting a greater amount of funds from another important program.

Mr. Chairman, for these reasons, although the reasons of the gentleman from Nevada [Mr. ENSIGN] are worthwhile, I have to oppose this amendment.

Mr. LEWIS of California. Mr. Chairman, I yield 1 minute to my colleague, the gentleman from California [Mr. BROWN], ranking member of the Committee on Science.

Mr. BROWN of California. Mr. Chairman, this is a battle that we have gone through many times before over the past years, and I have frequently sided with those who support the position of the gentleman from Nevada [Mr. ENSIGN] with regard to taking money from NASA or other science agencies and adding it to veterans, because I have such a feeling for the needs of the veterans.

But in this particular case, I spent most of the last week arguing that we had cut NASA too much already, over half a billion dollars, and voted against the space station because of those cuts that came out of NASA science, basically.

Mr. Chairman, I am constrained to oppose the amendment before us for that reason. I think that we have achieved a good balance, not at the level that I would want, but within the constraints of the money available; a good balance with the bill that we have.

Mr. Chairman, I would urge all of my colleagues to oppose this amendment and to support the numbers which are contained in the bill presented to us by the distinguished gentleman from California [Mr. LEWIS].

Mr. Chairman, I would like to rise in strong opposition to the amendment offered by Mr. ENSIGN. The amendment makes cuts to the National Aeronautics and Space Administration and the National Science Foundation that are ill-advised and will do serious damage if enacted.

Let us first consider the NASA cut. NASA's request for fiscal year 1996 has already been cut by $600 million in this appropriations bill. In addition, NASA's funding plans have been cut by 35 percent since 1993. The proposed amendment would cut an additional $90 million from NASA's human space flight account. Now, $90 million does not sound like a great deal of money in a $5 billion account, but in this case appearances are seriously deceiving.

NASA's human space flight account provides funding for the space station and the space shuttle. The station program was restructured in 1993, its overall development budget was cut by billions of dollars, and annual funding for the program was capped at $2.1 billion. There is no room for additional cuts to the space station budget if the international space station is to meet its demanding schedule commitments.

The budget for space shuttle operations has been cut 23 percent since fiscal year 1992, and the President's fiscal year 1996 budget assumes that additional cuts will be made to the shuttle program during the period fiscal year 1997–2000. NASA is making plans to restructure the shuttle program to further reduce costs through contract consolidations and other management changes. However, the shuttle account cannot absorb additional cuts in fiscal year 1996 without running an unacceptable risk that the shuttle will not be able to carry out its missions, and that NASA will not be able to make needed safety and performance upgrades.

I cannot stress too strongly how important it is not to impose additional budgetary stress on the space shuttle program at a time when the shuttle program is trying to adjust to the cuts already imposed on it. I do not think that I need to remind any Member that the shuttle is a very complicated machine. Indeed, this weekend's decision to defer further shuttle flights until NASA understands the current problem with the shuttle O-rings underlines the importance of proceeding with caution when dealing with the shuttle program.

Turning to the National Science Foundation, this amendment would cut $235 million from NSF's research and related activities account. This account is already below the fiscal year 1995 funding level in the bill as reported by the Appropriations Committee. The additional proposed cut of 11.4 percent will harm basic research in many important fields of science.

Although NSF is a small agency with only about 4 percent of all Federal R&D funding, it is the only Federal agency mandated to strengthen the Nation's overall potential in science and engineering. Moreover, the Agency is a principal source of Federal support for basic research in the sciences, mathematics, and engineering: 60 percent of computer science support; 44 percent of mathematics support; 34 percent of biological sciences support; 33 percent of earth sciences support; and 19 percent of engineering support.

A cut of $235 million translates into foregoing potential advances in knowledge in such fields as advanced computers and high-speed digital networks, electronic and structural materials, biotechnology, and nanoscience—the observation and manipulation of chemical, biological, and mechanical processes at the atomic scale.

The cut will also help to weaken the scientific infrastructure of universities. Last year, well over 20,000 senior scientists and 18,500 graduate students worked on research projects sponsored by NSF, mostly at colleges and universities. The proposed cut to NSF's research account would reduce these numbers by 2,100 scientists and 1,900 graduate students. In addition, 24 percent of the research and related activities budget supports unique national research facilities, such as telescopes, research ships, and supercomputers, all of which enable a broad range of research activities. Imposition of a $235 million cut to the research account will mean that operations are reduced and maintenance delayed for these facilities.

Reductions in basic research budgets have consequences for the economic strength of the Nation and the future well being of its citizens. Federal support for basic research is an investment, as has been quantified by economists who find a social rate of return from basic research funding of 30 to 50 percent. The proposed cut to the NSF research budget is shortsighted.

I urge my colleagues to resist the temptation to make additional cuts to NASA and NSF.

Mr. LEWIS of California. Mr. Chairman, I yield the balance of my time to the gentleman from Louisiana [Mr. LIVINGSTON], chairman of the Committee on Appropriations.

Mr. LIVINGSTON. Mr. Chairman, I want to compliment the gentleman from California [Mr. LEWIS] on the outstanding job that he has done with a difficult bill.

This amendment highlights the problems that he has had with this bill. There are conflicting interests, all of which are necessary and vital. We pit NASA against housing; housing against veterans' benefits. There is no one in this Chamber that wants to cut any of these things unless it is absolutely necessary. And it is absolutely necessary to cut these to get to a balanced budget by the year 2002.

The gentleman's amendment is well intentioned, but it still cuts $89.5 million out of NASA, and $235 million out of the National Science Foundation. These cuts are proposed in an effort to help the veterans' programs which now currently, in this bill, receive $562 million in medical benefits over and above what we spent last year. That represents a total of $16.777 billion in medical care for veterans.

Mr. Chairman, nobody can say that that is not sufficient. We can always spend more money on these programs, but I would hope that the Members would understand that we cannot continue to spend more money on every good cause. We have got to try to balance the competing interests.

Mr. Chairman, this is a balanced bill. The gentleman from California [Mr. LEWIS] and the members of the Committee on Appropriations have tried to bring forward a balanced bill considering all of the needs: The needs of the veterans, the needs of science, the needs of NASA, and the needs of housing. Together, those needs demand that this amendment be rejected.

Mr. ENSIGN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, while I respect the words that have been said by my colleagues and respect the work that has gone into making this bill, I still think that this is a question of priorities, and the priorities that I have remain with the veterans in this country.

When we are looking at limited funds, we do have to say, "What is important? How much should we spend on veterans? How much should we spend on science?"

Science is a theoretical number. Should we spend $100 billion on those science programs? Should we spend $200 billion? We have no idea what that number should be. It is some number floating out there.

We do know, Mr. Chairman, that veterans have those needs and we do know that we are not meeting those needs currently. To not increase this number up to what the President has requested, I think, would be doing a disservice to the veterans who have paid such a dear price in serving our country. That is why I have offered this amendment, because of the sacrifice that those veterans have made.

It is a question of priorities. There is no question.

Mr. Chairman, this is a difficult decision to make, and I appreciate what the subcommittee chairman and all the members of the committee have gone through in crafting this bill. To me, though, this happens to be a question of priorities. I believe that the NSF can take a 10-percent cut in this year's budget. It is just a question of the priorities that I have set for myself to come and represent the people of southern Nevada and especially those 114,000 veterans that I represent there.

I believe they deserve the medical care that they are to get this year. I would be the first one, though, to add my voice to reforming the whole veterans' medical care. It needs to be reformed just like Medicare does. We need to provide better service for less cost, and then maybe next year, we will not have this argument.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Nevada [Mr. ENSIGN].

The question was taken; and the chairman announced that the noes appeared to have it.

Mr. ENSIGN. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to the order of the House of Thursday, July 27, 1995, further proceedings on the amendment offered by the gentleman from Nevada [Mr. ENSIGN] will be postponed.

Mr. LEWIS of California. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. WALKER] having assumed the chair, Mr. COMBEST, Chairman of the Committee of the Whole House on the State of the Union, reported that Committee, having had under consideration the bill, (H.R. 2099) making appropriations, for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1996, and for other purposes, had come to no resolution thereon.

PROVIDING FOR CONSIDERATION OF H.R. 2126, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 1996

Mr. GOSS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 205 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 205

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2126) making appropriations for the Department of Defense for the fiscal year ending September 30, 1996, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill for failure to comply with clause 2(l)(6) of the rule XI, clause 7 of rule XXI, or section 306 of the Congressional Budget Act of 1974 are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered by title rather than by paragraph. Each title shall be considered as read. Points of order against provisions in the bill for failure to comply with clause 2 or 6 of rule XXI are waived. An amendment striking section 8021 and 8024 of the bill shall be considered as adopted in the House and in the Committee of the Whole. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendment thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Florida [Mr. GOSS] is recognized for 1 hour.

Mr. GOSS. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the distinguished gentleman from Texas [Mr. FROST], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for purposes of debate only.

Mr. Speaker, I am pleased to bring to the floor yet another very fair and simple open rule. H. Res. 205 provides for one hour of general debate, equally divided between the majority and the minority. Following that, any Member can offer amendments in accordance with the rules of the House.

Members are encouraged, but not required, to preprint their amendments in the RECORD, so that we can engage in full and well-informed debate, and I think that is something that has actually worked out pretty well.

In addition, the committee granted limited waivers for the consideration of H.R. 2126, including waivers of clauses 2 and 6 of rule XXI regading unauthorized appropriations and reappropriation within this bill.

The need for these protections, due to lack of the authorization for many of the programs, has been thoroughly debated, so I will not debate it here. We all know we have a problem between the authorizing and the appropriations cycle and that is part of the budget reform that we hope to bring forward.

In order to expedite the floor schedule and allow the House to complete its schedule appropriations work before the August break, which I think is of great interest to every Member and probably the Nation at large as well, the committee granted waivers of clause 2(l)(6) of rule XI and clause 7 of rule XXII, regarding 3-day layovers for the committee report.

The report for H.R. 2126 has been available since Friday, however, and Members have had the weekend and then some time today to review this report. I would also point out that we have been through much of this in the authorizing process already as well.

Finally, Mr. Speaker, the last waiver granted is a technical one for section 306 of the Budget Act regarding measures under the jurisdiction of the Committee on the Budget reported by other committee. I would like to point out to Members that the two "offending" sections of the bill, 8021 and 8024, have been removed at request of the Committee on the Budget by a self-executing amendment, so I think that problem is behind us.

Mr. Speaker, that may seem like a lot of explanation for what really is, in essence, a very simple open rule, but I am confident that we have a very fair, I would say very open rule that will allow us to fully consider this vital appropriations measure.

Providing for our national defense is one of the few charges specifically given to the Congress of the United States under the Constitution and we cannot shirk our responsibilities in this area. Freedom is not free. The American people demand a strong and ready force, capable of dealing with whatever crisis may arise, wherever it may happen, whenever it may happen.

We obviously must ensure that our armed services are the best trained, best equipped, best provided for, both for their benefit and ours. There are a few, I suppose, who still argue that the demise of the Soviet Union meant an end of all major threats to the United States' interests, therefore, we do not need much defense.

Mr. Speaker, those folks are wrong, in my view, and I think in most Americans' views. Vigorous military buildups in countries like Iran, North Korea, and China pose new challenges to American interests across the globe, not to mention the real threat we face from the slow but steady spread of nuclear capability to new countries and, possibly, to terrorist groups.

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Nor could we totally ignore genocide as we now witness it in former Yugoslavia. Threats to democracy and our national security come in many forms, in many ways these days.

No, to most of us there is no question that we need a strong and ready defense, and I am pleased that after several years of steadily declining budgets and uncertain leadership from the administration these past 2 years, we now have a Department of Defense appropriation bill that begins to meet the needs both long term and immediate of our armed forces.

Make no mistake, many of the items funded in this bill are not for future acquisition of some high-tech weapons systems, but they are for things like food, clothing and other basic necessities for our men and women in the service.

The chairman of the Subcommittee on National Security Appropriations, my friend and distinguished colleague from Florida, the gentleman from Florida [Mr. YOUNG], presented the Committee on Rules with a list of these basic requirements that were not being met until now. That list, containing lots of nuts and bolts necessary to keep our forces fit, was put on a roll that stretched almost across the entire width of the Committee on Rules hearing room. We may even get to see that roll again before this debate is over.

So I congratulate the chairman, the gentleman from Florida [Mr. YOUNG], and the gentleman from Pennsylvania [Mr. MURTHA] and the rest of the Committee on Appropriations for their very hard work on this particularly important appropriations bill.

I urge support for the rule and support for H.R. 2126.

I include for the RECORD the following information:

THE AMENDMENT PROCESS UNDER SPECIAL RULES REPORTED BY THE RULES COMMITTEE,[1] 103D CONGRESS V. 104TH CONGRESS

[As of July 31, 1995]

Rule type	103d Congress		104th Congress	
	Number of rules	Percent of total	Number of rules	Percent of total
Open/Modified-open [2]	46	44	40	73
Modified Closed [3]	49	47	13	23
Closed [4]	9	9	2	4
Totals:	104	100	55	100

[1] This table applies only to rules which provide for the original consideration of bills, joint resolutions or budget resolutions and which provide for an amendment process. It does not apply to special rules which only waive points of order against appropriations bills which are already privileged and are considered under an open amendment process under House rules.

[2] An open rule is one under which any Member may offer a germane amendment under the five-minute rule. A modified open rule is one under which any Member may offer a germane amendment under the five-minute rule subject only to an overall time limit on the amendment process and/or a requirement that the amendment be preprinted in the Congressional Record.

[3] A modified closed rule is one under which the Rules Committee limits the amendments that may be offered only to those amendments designated in the special rule or the Rules Committee report to accompany it, or which preclude amendments to a particular portion of a bill, even though the rest of the bill may be completely open to amendment.

[4] A closed rule is one under which no amendments may be offered (other than amendments recommended by the committee in reporting the bill).

SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS

[As of July 31, 1995]

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
H. Res. 38 (1/18/95)	O	H.R. 5	Unfunded Mandate Reform	A: 350–71 (1/19/95).
H. Res. 44 (1/24/95)	MC	H. Con. Res. 17 H.J. Res. 1	Social Security Balanced Budget Amdt	A: 255–172 (1/25/95).
H. Res. 51 (1/31/95)	O	H.R. 101	Land Transfer, Taos Pueblo Indians	A: voice vote (2/1/95).
H. Res. 52 (1/31/95)	O	H.R. 400	Land Exchange, Arctic Nat'l. Park and Preserve	A: voice vote (2/1/95).
H. Res. 53 (1/31/95)	O	H.R. 440	Land Conveyance, Butte County, Calif	A: voice vote (2/1/95).
H. Res. 55 (2/1/95)	O	H.R. 2	Line Item Veto	A: voice vote (2/2/95).
H. Res. 60 (2/6/95)	O	H.R. 665	Victim Restitution	A: voice vote (2/7/95).
H. Res. 61 (2/6/95)	O	H.R. 666	Exclusionary Rule Reform	A: voice vote (2/7/95).
H. Res. 63 (2/8/95)	MO	H.R. 667	Violent Criminal Incarceration	A: voice vote (2/9/95).
H. Res. 69 (2/9/95)	O	H.R. 668	Criminal Alien Deportation	A: voice vote (2/10/95).
H. Res. 79 (2/10/95)	MO	H.R. 728	Law Enforcement Block Grants	A: voice vote (2/13/95).
H. Res. 83 (2/13/95)	MO	H.R. 7	National Security Revitalization	PQ: 229–100; A: 227–127 (2/15/95).
H. Res. 88 (2/16/95)	MC	H.R. 831	Health Insurance Deductibility	PQ: 230–191; A: 229–188 (2/21/95).
H. Res. 91 (2/21/95)	O	H.R. 830	Paperwork Reduction Act	A: voice vote (2/22/95).
H. Res. 92 (2/21/95)	MC	H.R. 889	Defense Supplemental	A: 282–144 (2/22/95).
H. Res. 93 (2/22/95)	MO	H.R. 450	Regulatory Transition Act	A: 252–175 (2/23/95).
H. Res. 96 (2/24/95)	MO	H.R. 1022	Risk Assessment	A: 253–165 (2/27/95).
H. Res. 100 (2/27/95)	O	H.R. 926	Regulatory Reform and Relief Act	A: voice vote (2/28/95).
H. Res. 101 (2/28/95)	MO	H.R. 925	Private Property Protection Act	A: 271–151 (3/2/95)
H. Res. 103 (3/3/95)	MO	H.R. 1058	Securities Litigation Reform	
H. Res. 104 (3/3/95)	MO	H.R. 988	Attorney Accountability Act	A: voice vote (3/6/95)
H. Res. 105 (3/6/95)	MO			A: 257–155 (3/7/95)
H. Res. 108 (3/7/95)	Debate	H.R. 956	Product Liability Reform	A: voice vote (3/8/95)
H. Res. 109 (3/8/95)	MC			PQ: 234–191 A: 247–181 (3/9/95)
H. Res. 115 (3/14/95)	MO	H.R. 1159	Making Emergency Supp. Approps.	A: 242–190 (3/15/95)
H. Res. 116 (3/15/95)	MC	H.J. Res. 73	Term Limits Const. Amdt	A: voice vote (3/28/95)
H. Res. 117 (3/16/95)	Debate	H.R. 4	Personal Responsibility Act of 1995	A: voice vote (3/21/95)
H. Res. 119 (3/21/95)	MC			A: 217–211 (3/22/95)
H. Res. 125 (4/3/95)	O	H.R. 1271	Family Privacy Protection Act	A: 423–1 (4/4/95)
H. Res. 126 (4/3/95)	O	H.R. 660	Older Persons Housing Act	A: voice vote (4/6/95)
H. Res. 128 (4/4/95)	MC	H.R. 1215	Contract With America Tax Relief Act of 1995	A: 228–204 (4/5/95)
H. Res. 130 (4/5/95)	MC	H.R. 483	Medicare Select Expansion	A: 253–172 (4/6/95)
H. Res. 136 (5/1/95)	O	H.R. 655	Hydrogen Future Act of 1995	A: voice vote (5/2/95)
H. Res. 139 (5/3/95)	O	H.R. 1361	Coast Guard Auth. FY 1996	A: voice vote (5/9/95)
H. Res. 140 (5/9/95)	O	H.R. 961	Clean Water Amendments	A: 414–4 (5/10/95)
H. Res. 144 (5/11/95)	O	H.R. 535	Fish Hatchery—Arkansas	A: voice vote (5/15/95)
H. Res. 145 (5/11/95)	O	H.R. 584	Fish Hatchery—Iowa	A: voice vote (5/15/95)
H. Res. 146 (5/11/95)	O	H.R. 614	Fish Hatchery—Minnesota	A: voice vote (5/15/95)
H. Res. 149 (5/16/95)	MC	H. Con. Res. 67	Budget Resolution FY 1996	PQ: 252–170 A: 255–168 (5/17/95)
H. Res. 155 (5/22/95)	MO	H.R. 1561	American Overseas Interests Act	A: 233–176 (5/23/95)
H. Res. 164 (6/8/95)	MC	H.R. 1530	Nat. Defense Auth. FY 1996	PQ: 225–191 A: 233–183 (6/13/95)
H. Res. 167 (6/15/95)	O	H.R. 1817	MilCon Appropriations FY 1996	PQ: 223–180 A: 245–155 (6/16/95)
H. Res. 169 (6/19/95)	MC	H.R. 1854	Leg. Branch Approps. FY 1996	PQ: 232–196 A: 236–191 (6/20/95)
H. Res. 170 (6/20/95)	O	H.R. 1868	For. Ops. Approps. FY 1996	PQ: 221–178 A: 217–175 (6/22/95)
H. Res. 171 (6/22/95)	O	H.R. 1905	Energy & Water Approps. FY 1996	A: voice vote (7/12/95)
H. Res. 173 (6/27/95)	C	H.J. Res. 79	Flag Constitutional Amendment	PQ: 258–170 A: 271–152 (6/28/95)
H. Res. 176 (6/28/95)	MC	H.R. 1944	Emer. Supp. Approps.	PQ: 236–194 A: 234–192 (6/29/95)
H. Res. 185 (7/11/95)	O	H.R. 1977	Interior Approps. FY 1996	PQ: 235–193 D: 192–238 (7/12/95)
H. Res. 187 (7/12/95)	O	H.R. 1977	Interior Approps. FY 1996 #2	PQ: 230–194 A: 229–195 (7/13/95)
H. Res. 188 (7/12/95)	O	H.R. 1976	Agriculture Approps. FY 1996	PQ: 242–185 A: voice vote (7/18/95)
H. Res. 190 (7/17/95)	O	H.R. 2020	Treasury/Postal Approps. FY 1996	PQ: 232–192 A: voice vote (7/18/95)
H. Res. 193 (7/19/95)	C	H.J. Res. 96	Disapproval of MFN to China	A: voice vote (7/20/95)
H. Res. 194 (7/19/95)	O	H.R. 2002	Transportation Approps. FY 1996	PQ: 217–202 (7/21/95)
H. Res. 197 (7/21/95)	O	H.R. 70	Exports of Alaskan Crude Oil	A: voice vote (7/24/95)
H. Res. 198 (7/21/95)	O	H.R. 2076	Commerce, State Approps. FY 1996	A: voice vote (7/25/95)
H. Res. 201 (7/25/95)	O	H.R. 2099	VA/HUD Approps. FY 1996	A: 230–189 (7/27/95)
H. Res. 204 (7/28/95)	MC	S. 21	Terminating U.S. Arms Embargo on Bosnia	
H. Res. 205 (7/28/95)	O	H.R. 2126	Defense Approps. FY 1996	

Codes: O-open rule; MO-modified open rule; MC-modified closed rule; C-closed rule; A-adoption vote; D-defeated; PQ-previous question vote. Source: Notices of Action Taken, Committee on Rules, 104th Congress.

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the rule providing for the consideration of the Department of Defense appropriation for fiscal year 1996. While I am concerned that once again the Committee on Rules did not seek fit to allow the amendment authored by the gentlelady from Colorado [Mrs. SCHROEDER], the rule otherwise will allow the House to consider amendments that will amend funding levels contained in the bill.

The Schroeder amendment, of course, seeks to reduce the overall funding level of the appropriation to the level originally sought by the administration. Mr. Speaker, while I personally would not support the Schroeder amendment, I do believe her amendment would have provided the House the opportunity to debate how many Federal dollars should be allocated to the Department of Defense in the coming and future fiscal years.

Mr. Speaker, H.R. 2126 closely tracks the provisions of the authorization bill adopted by the House in June. While the two bills are not identical, the appropriation does provide funding for advance procurement of two additional B–2 Stealth bombers. The committee is to be commended for this action and I support the inclusion of these advance procurement funds. I also commend the committee for including $200 million in the bill for the continued development of the F–22 fighter.

Mr. Speaker, I have in my 17 years in Congress always been a supporter of a strong national defense. I intend to continue my record and support this rule and this appropriation.

Mr. Speaker, I reserve the balance of my time.

Mr. GOSS. Mr. Speaker, I yield such time as he may consume to the gentleman from greater metropolitan Sandimas-Claremont, CA [Mr. DREIER], the distinguished vice chairman of the Committee on Rules.

Mr. DREIER. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in strong support of this rule. I would like to congratulate both my friend, the gentleman from Florida [Mr. YOUNG], and my friend, the gentleman from Pennsylvania [Mr. MURTHA], who have worked long and hard on this extraordinarily important piece of legislation.

This is an open rule. It is an amendment process which will allow Members to work their will on a wide range of issues that are going to be coming before us.

It is very important to note, as we embark on the defense appropriation bill, that this is legislation that we are addressing as we are all very concerned about the budget and the deficit and the national debt, and yet it seems to me that as we look at the preamble of the U.S. Constitution, it is very important for us to recognize that providing for the common defense is paramount.

There are a wide range of levels of government, State and local Governments, county governments that can deal with many of the issues that the U.S. Government today addresses, and yet when it comes to the security of the United States of America, only one level of government, only one level of government is in a position to address those, and that is the U.S. Government.

So it is for that reason that we have to recognize the preeminence of the issue of defense appropriations.

Now, there are going to be some controversial questions that will come forward. The B-2 bomber is one which I know my very good friend, the gentleman from Missouri [Mr. SKELTON], and I have worked on for a number of years. Let me just say this very briefly about that issue, it seems to me if we look at this question and try to back off, it will be the first time in the history of our republic that we would have taken a retrograde step on a new and very important technology.

There are many who argue that since we have seen the demise of the Soviet Union, that it is no longer necessary, and yet there are potential conflicts in the Middle East which a friend of mine in California was talking to me about not too long ago, and other spots where this technology is very important, and it cannot be ignored.

I have to say that none of the jobs for this are actually in my district. I recognize that many of them are in California, but I believe this very firmly, because of the national security of our country, that what we should proceed with the B-2. I hope very much we will be successful when that comes up on the floor.

Let me say that I do congratulate again my friend, the chairman of the Subcommittee on Defense Appropriations, for the valiant effort he has put forward, the chairman of the full committee, the gentleman from Louisiana [Mr. LIVINGSTON], and others who have been very involved.

I urge a "yes" vote on this open rule. Then we will look forward to having the House work its will.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from Missouri [Mr. SKELTON].

Mr. SKELTON. Mr. Speaker, I rise in support of this rule. First I compliment my friend, the gentleman from Florida [Mr. YOUNG], the chairman of the committee, and the gentleman from Pennsylvania [Mr. MURTHA], the ranking Democrat, for their excellent work as well as the full committee.

I also wish to express my appreciation and agreement with the funding for the two long-lead issues involving the B-2.

Of course, Whiteman Air Force Base is in the district that I am privileged to serve, but it is more than that. As the gentleman from California [Mr. DREIER] so eloquently pointed out, we must look to the future. We must look to future technology. This is the one weapons system that will allow us to continue to bring the technology forward as we bring the troops and become more continental-based in our Air Force, Army, and Navy. This is what is called power projection. It not only can serve as a strong weapon, it can serve as an excellent deterrent to those who would cause mischief on the other side of the world.

Mr. Speaker, this is a dangerous world in which we live. Few Americans remember even last year that we came within a gnat's eyelash, not once, not twice, but three times to conflict; once involving Haiti, once involving North Korea, and the third time when we sent our troops over and successfully stopped Saddam Hussein from proceeding to the south of the border.

This dangerous world in which we live, and we being the only superpower on this Earth, it is incumbent upon us to be strong, to be militarily prepared. We should learn from history. We should learn that in the years past and the decades past, the United States of America, after every major conflict or every major threat, has cut itself militarily to the bone.

It is my intention to fight hard to keep that from happening now, and I am pleased to see so many Members of this House joining in that fight.

Mr. Speaker, you will recall that I offered a defense budget of my very own, increasing the administration's budget over 4 years by some $44 billion. The budget that was adopted came relatively close to that. But we should make sure it is not just in the areas of technology, such as the B-2, not just in the areas of weapons systems, ships and tanks, and guns, but we must look to taking care of the young men and young women who wear the American uniform. That is utmost. That is important in this bill, and I will vote for this rule.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Utah [Mr. ORTON].

Mr. ORTON. Mr. Speaker, the President of the United States is the Commander in Chief of the Armed Services.

This bill that will come before us provides funding for the Pentagon. What better bill to give the President a line item veto than the defense appropriations bill?

I have been a supporter since arriving here of the line item veto concept. You can debate and argue as to which particular approach is best, whether to have a pure veto by the President on a line item within one bill or whether, as the other body has proposed, to separate the bills into many different bills with separate enrollments, and have the President veto each separate bill, or whether, rather than vetoing the bill, to enhance the President's rescission authority so that he can strike out items, send them back here for us to vote on, whether we want to include or exclude that particular line item from the spending package.

While we can argue the constitutionality, while we can argue which is the best approach, I believe that it is critical that we give the President the opportunity to speak out, to include in the process his authority of line iteming each particular area that he feels ought to be cut.

I have proposed amendments on each of the last five appropriation bills to do that. They are not in order without a waiver. I acknowledge that. I commend the Committee on Rules for the openness of the bill which they have put forward.

I do wish, however, that we could waive the point of order to allow the provisions of line item veto to be placed on this one bill rather than amending and changing the process for every bill coming forward. If we could apply it to this one bill, have a test case, I believe it is important. I would urge this body to act.

We have yet to even appoint conferees on line item veto. It is important that we move forward.

Mr. FROST. Mr. Speaker, we urge adoption of the rule, and I yield back the balance of my time.

Mr. GOSS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I just simply would like to say that the gentleman from Utah [Mr. ORTON] has made a very important point about our concern about the line item veto, and I would like to have included, among the extraneous material that we are putting in the RECORD today, a statement from the Speaker of the House to the chairman of the Committee on Rules which says, from the Speaker, that he is committed to moving forward on line item veto and to that end he has promised to schedule a motion to go to conference on the line item veto and to appoint conferees on the first day of House business in September. So we have achieved getting his attention and commitment to getting forward with that, and I will put that in the RECORD at this point.

We have a fair and open rule that allows Members to offer cutting amendments on an appropriations bill, and it is an honor to bring this appropriations bill to the floor with this good a rule on this important subject.

The letter referred to is as follows:

OFFICE OF THE SPEAKER,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, July 27, 1995

Hon. GERALD B.H. SOLOMON,
Chairman, Committee on Rules,
Washington, DC.

DEAR JERRY: I want to thank you for your valuable contributions and ongoing efforts to move the Line-Item Veto Act to conference at the earliest practicable date.

The line-item veto is one of the most important commitments we made as a party in our Contract with America. I have every confidence that with your help and leadership we can resolve the vast differences that exist between the House and Senate passed bills over how best to fashion and implement the line-item veto authority for the President.

Although some have suggested we should delay the process of working out the differences with the Senate, I want you to know

I am committed to moving forward on this bill. To that end, you have my promise to schedule the motion to go to conference on the line-item veto and to appoint conferees on the first day of House business in September. You can be assured that I share your dedication to enacting this central component of our Contract with America.

Sincerely,

NEWT GINGRICH.

Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LARGENT. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 409, nays 1, not voting 24, as follows:

[Roll No. 601]

YEAS—409

Abercrombie
Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Flanagan
Foglietta
Foley
Forbes
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Holden
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee
Jacobs
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnston
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Mfume
Mica
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Molinari
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stokes
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Tiahrt
Torkildsen
Torres
Torricelli
Towns
Traficant
Upton
Velázquez
Vento
Visclosky
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Waters
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (FL)
Zeliff
Zimmer

NAYS—1

Franks (CT)

NOT VOTING—24

Becerra
Coburn
Flake
Ford (TN)
Green
Hall (OH)
Hoke
Hoyer
Jefferson
Johnson, Sam
Lazio
Lowey
Meyers
Moakley
Mollohan
Obey
Pelosi
Reynolds
Stark
Stockman
Thurman
Tucker
Volkmer
Young (AK)

□ 1902

Mr. ZELIFF and Mr. OWENS changed their vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1996

The SPEAKER pro tempore (Mr. HASTINGS of Washington). Pursuant to House Resolution 201 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2099.

□ 1904

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2099) making appropriations for the the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1996, and for other purposes, with Mr. COMBEST in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose earlier today, title V was open for amendment at any point.

Are there further amendments to title V?

AMENDMENT OFFERED BY MR. DORNAN

Mr. DORNAN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. DORNAN:

Amendment No. 71: Page 88, after line 3, add "Sec. 519. None of the funds under this Act shall be used for the Senior Environmental Employment Program."

PARLIAMENTARY INQUIRY

Mr. SCHUMER. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. SCHUMER. Mr. Chairman, it is my understanding we were going to vote on the two previous amendments, the Durbin-Dingell and one other, and then go to amendments on VA–HUD. Could the membership be informed as to what the plan is? I understand there needs to be some time to count votes and things; that is fine. But just what is the specific plan?

The CHAIRMAN. The plan is, as the Chair announced, to consider amendments to title V that were earlier not offered because Members were not present, and at the point that those amendments have been voted upon, then consider all of the remaining amendments to the bill.

Mr. SCHUMER. So, just to continue my parliamentary inquiry, does this mean all votes, including the Durbin-Wilson-Dingell and Ensign amendments, and votes on additional amendments, will be rolled until the end of the bill?

The CHAIRMAN. That may happen. The Chair cannot totally restrict the offering of amendments after that block of votes in that title V of the bill would still be open for amendment until the Committee rises. The Chair could not restrict Members from having the authority to offer those amendments.

Mr. SCHUMER. Mr. Chairman, I am not asking if Members will be restricted in offering amendments. I am simply asking when we can expect the next block of votes.

The CHAIRMAN. The Chair was simply trying to state that following the amendments that would be offered now, they will be taken in order, the three the gentleman from New York [Mr. SCHUMER] mentioned plus others that may be offered on which votes are called.

Mr. SCHUMER. Just extending my inquiry, Mr. Chairman, does that mean, if, say, there is a vote on the amendment being offered by the gentleman from California [Mr. DORNAN] which will be debated very soon, will we vote on that immediately after the debate on that amendment, or will that be pushed to the back like these amendments, the Durbin-Wilson-Dingell and Ensign amendments?

The CHAIRMAN. If requested, a rollcall vote on the amendment offered by the gentleman from California [Mr. DORNAN] would come at the end of the three which have already been postponed, and the further amendments would then come in order as well.

Mr. SCHUMER. So in other words, Mr. Chairman, it would be fair to say that we are going to roll all votes until we finish debating all the amendments?

The CHAIRMAN. It would be fair to state that that is correct.

The Chair would make this exception:

If after the series of votes taken on all amendments on which votes have been requested, if there were amendments which were in order that were offered, then the Chair would obviously recognize those.

So the Chair is only stating there could possibly be amendments offered after the votes.

Mr. SCHUMER. Understood, Mr. Chairman.

The CHAIRMAN. The Chair recognizes the gentleman from California [Mr. DORNAN].

Mr. DORNAN. Mr. Chairman, this is a cost-saving measure that would be on page 88 at the very end of the bill. It would simply say that in creating a new section 509 that none of the funds under this act shall be used for the Senior Environmental Employment Program. This is a program that is not offered, that will be removed in the authorization process. Again, we have the appropriating process without authorization. It is $55 million, and, when I became aware of it, it was breathtaking to see that six groups of senior citizens, and only six, selected in a very partisan way. It is a disguised form of patronage, that six senior citizen groups, and only six, would get grants, dozens of grants, totaling up to over $54 million, to be hired with taxpayers' money as so-called volunteers, all at the call of the Environmental Protection Agency to put them wherever they want and to spend these grants in any way they want without any oversight.

So I think it is time, in a reduction of taxpayers' spending in our Government, that we take out these $55 million of funds now by just merely denying that any of these funds shall be spent under the act to fund the Senior Environmental Employment Program.

Mr. LEWIS of California. Mr. Chairman, my colleagues, I rise in opposition to this amendment, but I do so with some serious reservations.

As the Members know, as we reviewed this bill, because it was a brand new ball game in which money was flowing through to several accounts following this recent election year. There were areas of the bill that justified consideration for adjustment, or perhaps even termination. Because of that we sought out those people who were working on the policy side of the House, the authorizing committees, working very closely to try to determine which programs might very well be reduced, changed, or otherwise.

□ 1915

Mr. Chairman, this was a program that I personally looked at rather closely. We did not come to an agreement with the authorizing committee regarding this amount. Because of that, I am only resisting my colleague's position because it does not have the approval of the authorizing committee, and therefore probably should not be a part of this bill. That is the basis of my resistance.

Mr. DORNAN. Mr. Chairman, will the gentleman yield?

Mr. LEWIS of California. I yield to the gentleman from California.

Mr. DORNAN. Mr. Chairman, if the authorizing committee, and it would start with the subcommittee, chaired by our colleague, the gentleman from California [Mr. ROHRABACHER], terminated this Senior Environmental Employment Program, would the gentleman support that, as a Member, at the authorizing level?

Mr. LEWIS of California. I would want to evaluate it at a lot more depth than I have before. I certainly would be inclined in that direction. If the gentleman would decide to withdraw his amendment, I would be happy to work with him.

Mr. DORNAN. If the gentleman would further yield, Mr. Chairman, he has done such an outstanding job managing this bill, and has put so much effort into it and burned the midnight oil so much, that I will gladly accept that offer to work together on this, and withdraw the amendment.

Mr. LEWIS of California. I would very much appreciate my colleague's cooperation in that connection, Mr. Chairman. It would certainly help the House.

Mr. DORNAN. Mr. Chairman, the Senior Environmental Employment [SEE] Program at the EPA is the most egregious example of what's wrong with how things work in Washington. The SEE Program is little more than a relic of the Tammany Hall era.

Every year six and only six liberal special interest groups catering to senior citizens pay salaries to hundreds of their members to work at EPA facilities all over the country. The employee's salary, fringe benefits, travel expenses, registration fees, and medical monitoring are all covered by the liberal special interest group. The groups provide the jobs and their members are grateful.

The only problem with this cozy scenario is that none of the money used by the special interest groups to pay their members is their own money. All the money used in the SEE Program comes from taxpayers.

This means that lobbying groups such as AARP and the National Council of Senior Citizens [NCSC] receive millions of tax dollars each year to give patronage jobs to their members. And on top of it all, these groups get to keep up to 45 percent of these tax dollars for administrative and related costs.

In 1994 alone, the AARP received nearly $25 million from taxpayers to hire their membership for positions at EPA facilities all around the Nation. Of this $25 million AARP kept $10 million for itself. NCSC kept $3 million out of $9 million for its operations.

This is a patronage jobs program and nothing less.

The Dornan amendment to H.R. 2099, the VA, HUD, and Independent Agencies appropriations bill would strike $55 million for the express purpose of defunding the SEE Program at EPA.

Mr. Chairman, just a moment to explain how the program works. The EPA awards cooperative agreements to the six and only six, special interest groups throughout the United States to recruit older workers for temporary and part-time positions. The older Americans—55 years or older—who are selected to join the program are called SEE enrollees and they receive compensation from the grantee organization. They are not Federal employees. The grantee organization works with the requesting EPA office to develop appropriate part-time or temporary assignments as support staff in designated EPA offices. The grantee recipient of our taxpayers' money is responsible for recruiting, screening, and compensating the SEE enrollees. Once enrollees are placed, an EPA employee monitors their activities.

The only requirements for participation in the program are that the applicant be at least 55 years of age and the applicant must operate through one of the six grantee organizations. SEE enrollees receive hourly compensation and are entitled to the fringe benefits offered by the grantee organization.

By law, only certain private, nonprofit organizations designated by the Secretary of Labor under title V of the Older Americans Act of 1965 are eligible. These eligible grantees are limited to just six: First, American Association of Retired Persons [AARP] Senator SIMPSON to the rescue, please; second, National Council of Senior Citizens [NCSC]; third, National Council on Aging [NCA]; fourth, National Caucus and Center on Black Aged [NCCBA]; fifth, National Association for Hispanic Elderly [NAHE]; and sixth, National Pacific/Asian Resource Center on Aging [NPARCA].

No other seniors organizations are eligible as grantees. All older Americans wanting to participate in the SEE Program must work through one of these six grantees. Listen as I read the numbers of grants awarded along with the tax dollars given just in 1994 to these special interests:

Group	AARP	NCSC	NCA	NCCBA	NAHE	NPARCA
No. of grants	128	53	11	66	23	26
Total dollars	24,882,366	9,035,147	1,030,506	7,380,675	4,688,178	3,544,841

The SEE Program issued 307 grants totaling over $50 million in 1994. SEE grants to AARP and NCSC amounted to 67 percent of all SEE grants issued comprising 59 percent of all SEE funding. AARP and NCSC are the only two grantees with registered House lobbyists, 52 and 9 respectively.

Mr. Chairman, grantees are allowed to keep a certain percentage of SEE funds allocated for related costs of providing employment for each enrollee. These add-ons include: fringe benefits, travel, training and registration fees, medical monitoring, and administrative costs. Each grantee is allowed up to 15 percent for administrative costs.

What this means, Mr. Chairman, is that on top of the 15 percent for administrative costs that each of these six grantees can charge taxpayers, they also are able to charge taxpayers for all sorts of benefits for their enrollees.

As a result, AARP skims 40 percent off of each grant. NCSC takes 33 percent. NCA grabs 30 percent. NCCBA snatches 17 off the top. NAHE squeezes 35 percent from taxpayers. And NPARCA siphons off a monumental 45 percent.

In 1994, those indirect costs amounted to $10 million for AARP, $3 million for NCSC, $300,000 for NCA, $2 million for NCCBA, $1.6 million for NAHE, and another $1.6 million for NPARCA.

Mr. Chairman, if we want to come up with a workfare jobs program for seniors, certainly we could do a much better job than the SEE Program at EPA. Older Americans involved in the SEE Program would actually be much better off if the Federal Government just gave them the money directly rather than funneling the money through six Great Society lobby groups.

Why not take the $50 million paid to the SEE Program in 1994 and just disperse it out evenly to all American seniors, rather than route the money through select liberal special-interest groups to a few select patrons? The AARP and the National Council of Senior Citizens alone skimmed $13 million off the top of the $50 million issued by the program in 1994. Thirty-seven percent of all the SEE money in 1994 went to cover the overhead of just six special interest lobbies who hold an iron grip monopoly on the program.

Why aren't my few opponents to this amendment looking for private sector ways to meet the legitimate needs of senior citizens? The United Seniors Association and 60Plus are two seniors groups which support my amendment. But, or course, they don't have any vested interest in the success of the SEE Program. It is not coincidental that the only voices you'll hear in opposition to my amendment are voices protecting wallets being lined with tax dollars from this program.

Mr. Chairman, I urge my colleagues to put an end to patronage jobs at EPA, and vote "yes" on the Dornan amendment.

My amendment has the full support of: United Seniors Association; the 60Plus Association; Citizens Against Government Waste; the National Tax Limitation Committee; Americans for Tax Reform; National Legal and Policy Center; the National Right to Work Committee; and the American Conservative Union.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

AMENDMENT NO. 70 OFFERED BY MR. WELDON OF FLORIDA

Mr. WELDON of Florida. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. WELDON of Florida: At the end of the bill, add the following new title:

TITLE VI—ADDITIONAL PROVISIONS
DEPARTMENT OF VETERANS AFFAIRS

DEPARTMENTAL ADMINISTRATION

CONSTRUCTION, MAJOR PROJECT

(INCLUDING TRANSFER OF FUNDS)

For construction of a medical facility in Brevard County, Florida, to be derived by transfer from the amount provided in title III of this Act under the heading "Federal Emergency Management Agency—Disaster Relief", $154,700,000.

Mr. LEWIS of California. Mr. Chairman, I reserve a point of order on the amendment.

Mr. WELDON of Florida. Mr. Chairman, I ask unanimous consent that I be given 6 minutes to explain my amendment, 3 minutes of which I will yield to the gentlewoman from Florida [Ms. BROWN].

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

The CHAIRMAN. The gentleman from Florida [Mr. WELDON] will be recognized for 3 minutes, and the gentlewoman from Florida [Ms. BROWN], will be recognized for 3 minutes.

The Chair recognizes the gentleman from Florida [Mr. WELDON].

Mr. WELDON. Mr. Chairman, I rise today, with my colleague from Florida, to urge you to join me in providing a hospital for east-central Florida's veterans. This project has been on the books at the VA for over a decade.

My amendment transfers $154.7 million from the Federal Emergency Management Administration [FEMA] to the Veterans' Administration's major construction account.

As a veteran and a doctor who has served many of these veterans, I understand their need firsthand.

While the veteran population in most of the country has declined, Florida has seen a 25-percent increase over the last 10 years. Yet, the availability of veterans medical facilities has not kept pace with the influx.

This will restore funding for the east-central Florida hospital at the President's 1996 budget request. This funding will complete a project that received $17.2 million in design money last year.

There is money available in FEMA's budget. In addition to the $235 million appropriated for FEMA disaster assistance in the bill before us, the Committee report states that:

> There is a significant unobligated balance of disaster relief funds made available in prior years as well as a fiscal year 1995 supplemental appropriation of $6.55 billion for past and anticipated disaster relief.

Today 100 veterans will move from New York, Wisconsin, Michigan, Ohio, Pennsylvania, Illinois, New Jersey, and other States to Florida. Tomorrow another 100 will come.

The influx of veterans hasn't stopped, but the VA's ability to provide these veterans with medical care has. Florida's medical facilities also serve thousands of veterans who come to Florida for the winter. To my colleagues, I would say that many of these veterans are your constituents and this hospital will serve their needs.

Florida ranks 2d in the Nation in veterans population, but 46th in medical care expenditure by the Veterans' Administration.

Florida has virtually no long-term psychiatric beds and the fewest total psychiatric beds per 1,000 veterans. The proposed veterans hospital is designed to serve this need. Veterans in my district needing long-term psychiatric care must go to northern Georgia some 500 miles away.

This amendment is about fairness. It's about guaranteeing our Nation's veterans, who happen to live in Florida, access to the same type of medical care that is available to veterans in other parts of the Nation.

Please vote for this amendment and help us serve all of our Nation's veterans.

Ms. BROWN of Florida. Mr. Chairman, I rise today on behalf of veterans throughout this Nation and especially in Florida. The Weldon-Brown amendment will restore $154,700,000 for a VA Medical Center in Brevard County, FL. This authorized project, included in President Clinton's budget for fiscal year 1996, has been planned for over 10 years.

Right now we have a disaster in Florida because Congress has not lived up to its commitment to veterans. The funds for this project will come from the Federal Emergency Agency Disaster Relief which has more than $7 billion and currently has $700,000 in discretionary funds.

Perhaps it was an oversight that the House Appropriations subcommittee decided to cut this funding. The 470 bed VA hospital will provide 240 acute care beds and 230 beds for Florida's mentally ill veterans.

Here are some of the shocking facts about Florida veterans:

First, one in every two veterans who moved last year, moved to Florida.

Second, Florida ranks second in the Nation in veterans population, but 46th in medical care funding by the VA.

Third, Florida has more than twice the national average of veterans per hospital.

Fourth, Florida VA facilities do not have long term beds for the mentally ill.

The Brevard VA Medical Center will greatly assist in caring for veterans, especially mentally ill veterans—many of whom are fragile and aging World War II and Korean conflict veterans. These, and all, veterans should expect and receive good care. If we cannot protect veterans in their time of need, how can we ask them to stand in harms way to protect us?

We all know that American men and women—in the prime of their lives—willingly go to remote parts of the world to defend this country. Sometimes they do not return. Sometimes they return wounded. Sometimes they return with wounds that do not surface until years later. War is never without human cost.

There can be no backing down on this matter. A vote to keep this veterans' project is a vote to keep a promise to our veterans. This project is critically necessary to Florida veterans. We must fund this project. We owe this to our veterans.

I have in my hand a copy of a letter from the Secretary of Veterans Affairs, Mr. Jesse Brown, to Chairman JERRY LEWIS. The letter is dated May 10, 1995. A part of the letter reads:

> The need for additional VA hospital beds in Florida has been documented since December 1982, when VA completed the congressionally mandated "Thirty-Year Study of the Needs of Veterans in Florida." This and subsequent analyses support the need for the Brevard facility and identify a significant population of veterans with inadequate access to care. The nearest inpatient facilities are approximately 120 miles from the Brevard County population center. The Brevard hospital will provide primary and secondary medical and surgical services and help fill a great need as a statewide referral center for chronically mentally ill veterans. The administration included in our fiscal year 1966 budget $154.7 million, which represents full funding to complete construction of the Brevard County VA Medical Center, because of the unique need for a new hospital in this area and our desire to avoid the need for repeated, partial requests in the future. We have been moving forward with the advance planning for the project I believe we have demonstrated the value and need for this project. It is the right thing to do, and it is particularly appropriate that this project be allowed to move forward at a time when a grateful Nation is commemorating the 50th Anniversary of the end of World War II.

I have a letter from Major General Earl Peck, Executive Director, Department of Florida Veterans' Affairs, dated July 27, 1995, which reads in part: "The veterans of Florida deeply appreciate the extraordinary efforts you and DAVE WELDON are making to save the Brevard VA Medical Center. It would be patently unfair for the Congress to terminate all VA construction and, thus, freeze Florida veterans in a permanently disadvantaged status."

Mr. Chairman, I submit for the RECORD the letter from the Secretary of Veterans Affairs, as well as the letter from General Earl Peck, Executive Director, Department of Florida Veterans Affairs, dated July 27, 1995, and the Department of Veterans Affairs fiscal year 1995 budget submission, "Construction Appropriations and Authorization," pages 2–6, 2–7, 2–8, 2–9, the Department of Veterans Affairs fiscal year 1996 Budget Submission, "Construction Appropriation and Authorization", page 2–11, 2–12, 2–13, and the Public Law referred to previously.

The material referred to is as follows:

THE SECRETARY OF VETERANS AFFAIRS,
Washington, May 10, 1995.

Hon. JERRY LEWIS,
Chairman, Subcommittee on VA, HUD, and Independent Agencies, Committee on Appropriations, House of Representatives, Washington, DC.

DEAR CHAIRMAN LEWIS: I am following up on my March 13, 1995, letter requesting approval of our proposal to reprogram $10 million from the Major Construction Working Reserve to the Advance Planning Fund. Of the $10 million proposed for reprogramming, a total of $5.5 million is needed to continue with our planning for the new Medical Center in Brevard County, Florida. I have not yet received an answer from you approving our proposal. Rather, we have been advised by Subcommittee staff that the reprogramming is not being approved for the Brevard project. As a result, as of May 1, the funding source for the Design Development of the Brevard County VAMC was exhausted, and we were forced to shut down this effort. We strongly urge your approval of the reprogramming so that further delay and disruption can be avoided on this extremely important project.

The need for additional VA hospital beds in Florida has been documented since December 1982, when VA completed the Congressionally mandated "Thirty-Year Study of the Needs of Veterans in Florida" (Public Law 97–101). This and subsequent analyses support the need for the Brevard facility and identify a significant population of veterans with inadequate access to care. The ratio of VA hospital beds to veterans is only 1.4/1000 for Florida, while it is 2.02/1000 nationally. When the Brevard VAMC is completed the ratio for Florida will still be only 1.69/1000. The nearest inpatient facilities to Brevard are Tampa and West Palm Beach, both approximately 120 miles from the Brevard County population center. The nearest outpatient facility is in Orlando, approximately 50 miles distant.

The Brevard hospital will provide primary and secondary medical and surgical services and help fill a great need as a statewide referral center for chronically mentally ill veterans. Florida VA hospitals have a much smaller percentage of psychiatry beds than VA hospitals nationwide and *no* psychiatry beds for the chronically mentally ill. Private providers and insurance coverage simply do not offer the range of treatment and services necessary for veterans with chronic psychiatric disorders. Even if these services were available from the private sector, reimbursement costs would be significantly higher than care through a VA facility. In 1989, the average cost of veteran admissions to non-VA hospitals in East Central Florida was 35.6 percent higher than care in VA hospitals. A similar study in Palm Beach County, using 1990 data, showed private sector costs were 35 percent to 113 percent higher than similar care in VA hospitals. Hospitalization in a VA medical center is cost-effective treatment.

Plans for Brevard include a 120-bed nursing home on the grounds. Florida has the highest percentage of veterans 65 years and older in the nation. They currently represent 30 percent of the state's veteran population and the numbers are increasing. Based upon the 1990 census, approximately 1,100 VA-operated nursing home care beds will be needed in Florida by FY 2005. VA currently operates 840.

In keeping with the fundamental changes which are taking place in modern health care, VA is moving vigorously toward outpatient treatment in lieu of hospitalization wherever medicine allows it. We are working to expand the number of cost-effective ambulatory care centers which provide primary and urgent care to veterans. However, both ambulatory care centers and nursing homes must be supported by modern inpatient services or they fail to offer the continuum of care necessary for the effective care of our veterans.

The Administration included in our FY 1996 budget $154.7 million, which represents full funding to complete construction of the Brevard County VAMC, because of the unique need for a new hospital in this area and our desire to avoid the need for repeated, partial requests in the future. We have been moving forward with the advance planning for the project; and, at this time, our architects have developed and evaluated several schemes for the new medical center. We have selected the architectural proposal which will best meet the needs of our veterans, in the most cost-effective manner. The land, as you may know, has already been donated to the Federal Government, thus further reducing the cost of the project.

In FY 1995, the Congress provided $17.2 million for preparation of Construction Documents; but, before they can be started, we must finish the earlier design stages which are paid for from the Advance Planning Fund. VA has already obligated about $1.945 million out of the Advance Planning Fund for Schematic Design and site surveys. We now need to move into Design Development, and the reprogramming is necessary in order to fund this part of the work. Any further delay in the reprogramming will threaten the continuity of planning and design and thereby may compromise the quality of the product produced by the architectural office, since they will soon be forced to disband the design team to other projects. It will also delay the schedule, forcing our veterans to wait longer for accessible medical care, and will increase the project cost through inflation.

I believe we have demonstrated the value and need for this project. Therefore, I urge you to act promptly to authorize us to continue our mission to our Nation's veterans by addressing recognized needs of Florida's veterans. It is the right thing to do, and it is particularly appropriate that this project be allowed to move forward at a time when a grateful Nation is commemorating the 50th Anniversary of the end of World War II.

Sincerely,

JESSE BROWN.

STATE OF FLORIDA, DEPARTMENT OF VETERANS' AFFAIRS, OFFICE OF THE EXECUTIVE DIRECTOR

St. Petersburg, FL, July 27, 1995.

Hon. CORRINE BROWN,
House of Representatives,
Washington, DC.

DEAR CONGRESSWOMAN BROWN: The veterans of Florida deeply appreciate the extraordinary efforts you and Dave Weldon are making to save the Brevard VAMC. It would be patently unfair for the Congress to terminate all VA construction and, thus, freeze Florida veterans in a permanently disadvantaged status. Until we enjoy something approaching equitable access to VA health care, selected construction projects and resource reallocation must be fostered.

Thank you for the proposed amendment to HR2099 and your continuing support for Florida veterans.

Sincerely,

E.G. PECK, MGen USAF (Ret),
Executive Director.

DEPARTMENT OF VETERANS AFFAIRS FISCAL YEAR 1996 BUDGET SUBMISSION

BREVARD COUNTY, FL, NEW MEDICAL CENTER AND NURSING HOME

Proposal is to construct a new medical center with ambulatory care facilities and a nursing home.

I. Budget authority.—

Total estimated cost	$171,900,000
Available through 1995	17,200,000
1996 request	154,700,000
1997 or future	

II. Priority score.—9.08.

III. Description of Project.—A new 470-bed medical center and 120-bed nursing home care unit will be constructed. The new hospital will provide 135 internal medicine, 60 intermediate care, 45 surgical and 230 psychiatric beds and an ambulatory care clinic to serve the veteran population in this newly defined distributed population planning base (DPPB) area. All associated site work, including surface parking spaces, is included in this project. An environmental impact statement has been accomplished in compliance with the National Environment Policy Act.

IV. Priorities/deficiencies addressed.—Provision of comprehensive primary care services will ensure equity of access to America's veterans irrespective of residence. The East Central Florida area has been identified for over ten years as a critically underserved area with a growing population of retired, limited income veterans. The project will provide capacity for comprehensive basic services. Service delivery will be organized around the managed care concept with primary and preventive care as a foundation.

V. Alternatives to construction considered.—In 1988, VA sent letters to hospitals located in the counties where construction of this new medical center was being considered. The purpose was to investigate potential opportunities to acquire by lease or purchase existing hospitals as an alternative to VA construction. No favorable responses were received.

VI. Mission/background.—The proposed new medical center in Brevard County, Florida will be part of the Florida/Puerto Rico network. This network currently consists of five existing medical centers in Florida and one medical center in San Juan. Studies conducted in the early 1980's and revalidated in 1992, showed that, by the year 2005, VA will need approximately 1,000 additional hospital beds in the State of Florida to meet the veteran demand. The new 400-bed medical center in Palm Beach addresses a portion of the need for additional beds. The studies showed that a medical center in the East Central Florida area would serve a significant number of veterans that currently have no reasonable access to veterans health services. In March 1993, the Secretary of Veterans Affairs announced plans to construct new medical facilities to serve an expanding veteran population. Consideration was given to patient utilization and demographics, accessibility to other VA medical centers and projected patient lengths of stay. As a result, a site in Brevard County, near Rockledge, was chosen for construction of a VA medical center.

The new medical center will consist of 470 hospital beds and provide primary and secondary general medical and surgical care and acute psychiatric care. The medical center will have full ambulatory care capability. In addition, a 120-bed nursing home care unit will be constructed to address the critical need for nursing home care beds in the State of Florida.

VII. Affiliations sharing agreements.—This facility will not be affiliated with any medical schools.

VIII. Demographic data.—

	Current	Projected (2005)
Authorized beds:		
Hospital	0	470
Nursing home care	0	120
Outpatient visits	0	126,000

Veteran Population Projections

1992	282,620
2000	275,258
2005	257,952

IX. Schedule.—

Complete design development	Feb 1996
Complete construction	Dec 1999

X. Project cost summary.—

New construction 792,524 gross square feet @ $127.94	$101,397,000
Alterations	N/A
Subtotal	101,397,000
Other costs:	
Site work, utilities, demolition and surface parking	13,057,000
Allowance for specialized equipment	507,000
120-bed nursing home care unit (57,886 gsf)	7,293,000
Energy plant (22,945 gsf @ $482.47/gsf)	11,625,000
Total other costs	32,482,000
Total estimated base construction cost	133,879,000
Construction contingency (5 percent)	6,694,000
Technical services (10 percent)	14,057,000
Construction management firm costs	4,113,000
Utilities agreements	2,200,000
Total estimated base cost	160,943,000
Inflation allowance to construction contract award	10,957,000
Total estimated project cost	171,900,000

XI. Annual operating staff and equipment costs.—

	Project activation costs	Present facility operating costs
Equipment costs	$30,000,000	([1])
One time non-recurring cost	14,928,000	([1])
Recurring costs:		
Additional manpower FTE: 1,329	73,760,000	([1])
Other recurring	14,928,000	([1])
Total recurring	88,688,000	([1])

[1] Not applicable.

DEPARTMENT OF VETERANS AFFAIRS FISCAL YEAR 1995 BUDGET SUBMISSION

BREVARD COUNTY, FL—NEW MEDICAL CENTER AND NURSING HOME

Proposal is to construct a new medical center with ambulatory care facilities and a nursing home as a joint venture with Patrick Air Force Base Medical Command.

I. Budget authority.—

Total estimated cost	$171,900,000
Available through 1994	
1995 request	[1]17,200,000
1996 or future	154,700,000

[1] Funds requested in 1995 are for design only.

II. Priority score.—12.95.

III. Description of project.—A new 470-bed medical center and 120-bed nursing home care unit will be constructed. The new hospital will provide 135 internal medicine, 60 intermediate care, 45 surgical and 230 psychiatric beds and an ambulatory care clinic to serve the veteran population in this newly defined distributed population planning base (DPPB) area. All associated site work, including approximately 1,300 surface parking spaces, is included in this project. An environmental impact statement has been accomplished in compliance with the National Environment Policy Act.

IV. Priorities/deficiencies addressed.—Only availability of comprehensive primary care services will ensure equity of access to America's veterans irresponsible of residence. The East Central Florida area has been identified for over ten years as a critically underserved area with a growing population of retired, limited income veterans. An opportunity has been identified through a joint venture with Patrick Air Force Base to correct equity of access issues in a cost-effective manner. The project will provide capacity for comprehensive basic services. Service delivery will be organized around the managed care concept with primary and preventive care as a foundation.

V. Alternatives to construction considered.—In 1988 VA sent letters to hospitals located in the counties where construction of this new medical center was being considered. The purpose was to investigate potential opportunities to acquire by lease or purchase existing hospitals as an alternative to VA construction. No favorable responses were received. Land has been donated for this project near Patrick Air Force Base, which provided an ideal opportunity for cost-effective sharing arrangements with Patrick Air Force Base and joint venture construction.

VI. Mission/background.—The proposed new medical center in Brevard County, Florida will be part of the Florida/Puerto Rico network. This network currently consists of five existing medical centers in Florida and one medical center in San Juan. Studies conducted in the early 1980's and revalidated in 1992, showed that, by the year 2005, VA will meet approximately 1,000 additional hospital beds in the State of Florida to meet the veteran demand. A new 400-bed medical center currently under construction in Palm Beach addresses a portion of the need for additional beds. The studies showed that a medical center in the East Central Florida area would serve a significant number of veterans that currently have no reasonable access to veterans health services. In March 1993, the Secretary of Veterans Affairs announced plans to construct new medical facilities to serve an expanding veteran population. Consideration was given to patient utilization and demographics, accessibility to other VA medical centers and projected patient lengths of stay. As a result, a site in Brevard County, near Rockledge, was chosen for construction of a VA medical center. Patrick Air Force Base is located approximately seven miles to the southeast, so that this site is conducive to a VA/Air Force joint venture.

The new medical center will consist of 470 hospital beds and provide primary and secondary general medical and surgical care and acute psychiatric care. The medical center will have full ambulatory care capability. In addition, a 120-bed nursing home care unit will be constructed to address the critical need for nursing home care beds in the State of Florida.

VII. Affiliations/sharing agreements.—This facility will not be affiliated with any medical schools. Discussions to share services are part of the project development efforts in progress with the Air Force.

VIII. Demographic data.—

	Current	Projected (2005)
Authorized beds:		
Hospital	0	470
Nursing home care	0	120
Outpatient visits	0	126,000

Veteran Population Projections

1992	282,620
2000	275,258
2005	257,952

IX. Schedule.—

Complete schematics/design development	July 1995
Complete construction	Sept. 1999

X. Project cost summary.—

Phase I (Nursing Home, energy plant, foundation, substructure, and superstructure for main building)

New construction (NHC) 49,600 gross square feet @ $135.00	$6,696,000
Alterations	N/A
Subtotal	6,696,000
Other costs:	
Site work, utilities, demolition and surface parking	4,172,000
Energy plant (21,400 gsf)	10,431,000
Main building (foundation, substructure, superstructure)	20,547,000
Pre-design development allowance (10 percent)	4,184,000
Total other costs	39,334,000
Total estimated base construction cost	46,030,000
Construction contingency (5 percent)	2,302,000
Technical services (10 percent)	4,833,000
Construction management firm costs	1,367,000
Total estimated base cost	54,532,000
Inflation allowance to construction contract award	2,068,000
Total estimated project cost	56,600,000

Phase II (Remainder of main building)

New construction (Hospital) 716,800 gross square feet @ $100.96	72,366,000
Alterations	N/A
Subtotal	72,366,000
Other costs:	
Site work, utilities, demolition and surface parking	10,029,000
Allowance for specialized equipment	464,000
Pre-design development allowance (10 percent)	8,286,000
Total other costs	18,779,000
Total estimated base construction cost	91,145,000
Construction contingency (5 percent)	4,557,000
Technical services (10 percent)	9,570,000
Impact cost allowance	1,600,000
Construction management firm costs	2,752,000
Total estimated base cost	109,624,000
Inflation allowance to construction contract award	5,676,000
Total estimated project cost	115,300,000

XI. Annual operating, staff and equipment costs.—

	Project activation costs	Present facility operating costs
Equipment cost	$30,000,000	[1]
One time non-recurring cost	17,937,420	[1]
Recurring costs:		
Staffing FTE: 1,329	78,381,870	$0
Other recurring	17,584,390	0
Total recurring	95,966,260	0

[1] Not applicable.

This notification is made in accordance with Public Law 102–389, Title V, Section 516.

LEASE NOTIFICATION—ALL LEASES OVER $300,000

[Dollars in thousands]

Location	Description	Fully serviced annual rent
Bay Pines (Fort Myers), FL	Satellite Outpatient Clinic	$1,036
Denver, CO	Distribution Center/Expansion (GSA).	1,426
Hilo, HI	Residential Facility	419
New York, NY	Footwear Center	662
Rochester, NY	Outpatient Clinic/Relocation	667
San Diego, CA	Outpatient Clinic/VBA Regional Office.	3,750

Title 38, United States Code, Sections 8104(a)(2) (as amended by section 301(a), Public Law 102–405) requires statutory authorization for all major medical facility construction projects and major medical facility leases exceeding $300,000 (including parking facilities) prior to appropriation of funds. In accordance with Title 38, United States Code, Section 8104(h) prospectuses for the construction projects are reflected on pages 2–11 through 2–26 and 2–31 through 2–34. Prospectuses for the VA direct leases are reflected on pages 11–4 through 11–7. Authorization for construction of the Replacement Bed Building/Ambulatory Care Facility at Reno, NV, the VA/AF Joint Venture at Travis, CA, the lease for the Residential Facility at Hilo, HI, and the lease for the Outpatient Clinic portion of the San Diego Collocation is not required under the exemption noted on page 11 (Paragraph 2). The Ambulatory Care Addition at Boston, MA and the Outpatient Clinic/Relocation lease at Rochester, NY were authorized in a prior year. VA is not requesting authorization for leases acquired through the General Services Administration (GSA).

FISCAL YEAR 1996 CONSTRUCTION, MAJOR PROJECT LEASE AUTHORIZATION

[Dollars in thousands]

Location	Description	Authorization request
MAJOR CONSTRUCTION		
Replacement and modernization:		
Brevard County, FL	New medical center/NHCU	$154,700
Patient environment:		
Lebanon, PA	Renovate nursing units	9,000
Marion, IL	Environmental improvements.	11,500
Marion, IN	Replace psychiatric beds	17,300
Perry Point, MD	Renovate psychiatic wards	15,100
Salisbury, NC	Environmental enhancements.	17,200
	Total—major	224,800
Leases:		
Bay Pines (Ft. Myers), FL.	Satellite outpatient clinic	1,736

FISCAL YEAR 1996 CONSTRUCTION, MAJOR PROJECT LEASE AUTHORIZATION—Continued

[Dollars in thousands]

Location	Description	Authorization request
New York, NY	National footwear clinic	1,054
Total leases		2,790

AN ACT To amend title 38, United States Code, to extend certain expiring veterans' health care programs, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the "Veterans Health Programs Extension Act of 1994".

(b) Table of Contents.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. References to title 38, United States Code.

TITLE I—GENERAL MEDICAL AUTHORITIES

Sec. 101. Sexual trauma counseling and services.
Sec. 102. Research relating to women veterans.
Sec. 103. Extension of expiring authorities.
Sec. 104. Facilities in Republic of the Philippines.
Sec. 105. Savings provision.

TITLE II—CONSTRUCTION AUTHORIZATION

Sec. 201. Authorization of major medical facility projects and major medical facility leases.
Sec. 202. Authorization of appropriations.

SEC. 2. REFERENCES TO TITLE 38, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

TITLE I—GENERAL MEDICAL AUTHORITIES

SEC. 101. SEXUAL TRAUMA COUNSELING AND SERVICES.

(a) Authority To Provide Treatment Services for Sexual Trauma; Repeal of Limitation on Time To Seek Services.—Subsection (a) of section 1720D is amended—

(1) by striking out paragraph (2); and

(2) by inserting after paragraph (1) the following new paragraph (2):

"(2) During the period referred to in paragraph (1), the Secretary may provide appropriate care and services to a veteran

* * * * *

affect women or members of minority groups, as the case may be, differently than other persons who are subjects of the research.".

(b) Health Research.—(1) Such section is further amended by adding after subsection (c), as added by subsection (a), the following new subsection:

"(d)(1) The Secretary, in carrying out the Secretary's responsibilities under this section, shall foster and encourage the initiation and expansion of research relating to the health of veterans who are women.

"(2) In carrying out this subsection, the Secretary shall consult with the following to assist the Secretary in setting research priorities:

"(A) Officials of the Department assigned responsibility for women's health programs and sexual trauma services.

"(B) The members of the Advisory Committee on Women Veterans.

"(C) Members of appropriate task forces and working groups within the Department (including the Women Veterans Working Group and the Task Force on Treatment of Women Who Suffer Sexual Abuse).".

(2) Section 109 of the Veterans Health Care Act of 1992 (Public Law 102-585; 38 U.S.C. 7303 note) is repealed.

(c) Population Study.—Section 110(a) of the Veterans Health Care Act of 1992 (Public Law 102-585; 106 Stat. 4948) is amended by adding at the end of paragraph (3) the following: "If it is feasible to do so within the amounts available for the conduct of the study, the Secretary shall ensure that the sample referred to in paragraph (1) constitutes a representative sampling (as determined by the Secretary) of the ages, the ethnic, social and economic backgrounds, the enlisted and officer grades, and the branches of service of all veterans who are women.".

SEC. 103. EXTENSION OF EXPIRING AUTHORITIES.

(a) Authority To Provide Priority Health Care for Veterans Exposed to Toxic Substances.—Chapter 17 is amended—

(1) in section 1710(e)(3)—

(A) by striking out "June 30, 1994" and inserting in lieu thereof "June 30, 1995"; and

(B) by striking out "December 31, 1994" and inserting in lieu thereof "December 31, 1995"; and

(2) in section 1712(a)(1)(D), by striking out "December 31, 1994" and inserting in lieu thereof "December 31, 1995".

(b) Drug and Alcohol Abuse and Dependence.—Section 1720A(e) is amended by striking out "December 31, 1994" and inserting in lieu thereof "December 31, 1995".

(c) Pilot Program for Noninstitutional Alternatives to Nursing Home Care.—(1) Effective as of October 1, 1994, subsection (a) of section 1720C is amended by striking out "During the four-year period beginning on October 1, 1990," and inserting in lieu thereof "During the period through September 30, 1995,".

(2) Such subsection is further amended by striking out "care and who—" and inserting in lieu thereof "care. The Secretary shall give priority for participation in such program to veterans who—".

(d) Enhanced-Use Leases of Real Property.—Section 8169 is amended by striking out "December 31, 1994" and inserting in lieu thereof "December 31, 1995".

(e) Authority for Community-Based Residential Care for Homeless Chronically Mentally Ill Veterans and Other Veterans.—Section 115(d) of the Veterans' Benefits and Services Act of 1988 (38 U.S.C. 1712 note) is amended by striking out "September 30, 1994" and inserting in lieu thereof "September 30, 1995".

(f) Demonstration Program of Compensated Work Therapy.—Section 7(a) of Public Law 102-54 (105 Stat. 269; 38 U.S.C. 1718 note) is amended by striking out "1994" and inserting in lieu thereof "1995".

(g) Report Deadlines.—Section 201(b) of the Department of Veterans Affairs Nurse Pay Act of 1990 (Public Law 101-366; 38 U.S.C. 1720C note) is amended by striking out "February 1, 1994," and inserting in lieu thereof "February 1, 1995,".

SEC. 104. FACILITIES IN REPUBLIC OF THE PHILIPPINES.

Notwithstanding section 1724 of the title 38, United States Code, the Secretary of Veterans Affairs may contract with facilities in the Republic of the Philippines other than the Veterans Memorial Medical Center to furnish, during the period from February 28, 1994, through June 1, 1994, hospital care and medical services to veterans for nonservice-connected disabilities if such veterans are unable to defray the expenses of necessary hospital care. When the Secretary determines it to be most feasible, the Secretary may provide medical services under the preceding sentence to such veterans at the Department of Veterans Affairs Outpatient Clinic at Manila, Republic of the Philippines.

SEC. 105. RATIFICATION OF ACTIONS DURING PERIOD OF LAPSED AUTHORITY.

Any action of the Secretary of Veterans Affairs under section 1710(e) of title 38, United States Code, during the period beginning on July 1, 1994, and ending on the date of the enactment of this Act is hereby ratified.

TITLE II—CONSTRUCTION AUTHORIZATION

SEC. 201. AUTHORIZATION OF MAJOR MEDICAL FACILITY PROJECTS AND MAJOR MEDICAL FACILITY LEASES.

(a) Projects Authorized.—The Secretary of Veterans Affairs may carry out the major medical facility projects for the Department of Veterans Affairs, and may carry out the major medical facility leases for that Department, for which funds are requested in the budget of the President for fiscal year 1995. The authorization in the preceding sentence applies to projects and leases which have not been authorized, or for which funds have not been appropriated, in any fiscal year before fiscal year 1995 and to projects and leases which have been authorized, or for which funds were appropriated, in fiscal years before fiscal year 1995.

* * * * *

Mr. SHAW. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to compliment both of my colleagues from Florida on their tireless efforts to see that the veterans of Florida, the many thousands that are moving to Florida each and every week, are properly cared for. There is no question but there is a crying need for these facilities. I would, however, oppose this amendment very strongly, and particularly tonight, in that the funding would come out of FEMA.

As we are seated in this Chamber tonight, a hurricane is bearing down on south Florida. That hurricane, we do not know whether it will come in somewhere in the Florida Keys, or whether it will come in somewhere south of Sebastian, but right now it is predicted it is going to hit somewhere in south Florida. This would make a drastic need for FEMA and the funds that it carries, and it also, I think, really amplifies the need not to raid FEMA.

Several amendments have been offered under this bill that would raid these funds that will be desperately needed one day. Hopefully, south Florida will be spared tomorrow from the rages of this hurricane, but, nonetheless, it should underline to us our dependence in time of disaster upon FEMA.

I would, therefore, reluctantly, but very strongly, oppose this amendment.

Ms. BROWN of Florida. Mr. Chairman, will the gentleman yield?

Mr. SHAW. I yield to the gentlewoman from Florida.

Ms. BROWN of Florida. Mr. Chairman, the gentleman is from Florida, and he knows we already have a disaster in Florida as far as the veterans and our lack of health care facilities in Florida. In the FEMA funds there is over $7 billion and an additional $700 million in discretionary funds.

Mr. SHAW. Mr. Chairman, If the gentlewoman has completed her remarks, I think it is just a question that the timing is entirely wrong. The funding for FEMA is too important. I would urge a "no" vote.

POINT OF ORDER

The CHAIRMAN. Does the gentleman from California [Mr. LEWIS] insist on his point of order?

Mr. LEWIS of California. Yes. I do, Mr. Chairman.

I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriations bill, and, therefore, violates clause 2 of rule XI. The rule states no amendment to a general appropriations bill shall be in order if it is changing existing law. I ask for a ruling of the Chair.

The CHAIRMAN. Does the gentleman from Florida wish to be heard on the point of order?

Mr. WELDON of Florida. Yes, Mr. Chairman, I wish to be heard on the point of order.

Ms. BROWN of Florida. Mr. Chairman, I would like to be heard on the point of order.

The CHAIRMAN. The Chair will protect the gentlewoman's right. The gentleman from Florida [Mr. WELDON] is recognized.

Mr. WELDON of Florida. Mr. Chairman, I believe that this project is an authorized project. Section 201 of Public Law 103-452, signed into law on November 2, 1994, states:

> The Secretary of Veterans Affairs may carry out the major medical facility projects for the Department of Veterans Affairs, and may carry out the major medical facility leases for that Department, for which funds are requested in the budget of the president for fiscal year 1995.

In the President's fiscal year 1995 congressional submission for VA construction, major projects, pages 2-7 through 2-9, the budget requests $17.2 million for the design phase and $154.7 million for fiscal year 1996 and beyond for the complete construction. The budget submission goes on to describe the proposed hospital.

It's clear to this Member that section 201 of the public law specifically authorizes all projects for which any funds were requested in the President's fiscal year 1995 budget request. Under this reading of the law, the committee, through Public Law 103-452, clearly provides an authorization for the full hospital, not simply the first phase—the design phase.

Section 201 clearly authorizes the Secretary to carry out the major medical facility projects for which funds are requested. The President's fiscal year 1995 budget requests funds for the VA hospital in Brevard.

Additionally, with regard to the chairman's statements that section 202 places a limitation on section 201. I strongly disagree with his interpretation.

The limitation may apply to the amounts that can be appropriated for these accounts in fiscal year 1995, however, the limitation in no way restricts the authorization of the project. This limitation is clearly limited only to the amount authorized in fiscal year 1995, not 1996 and beyond. The authorization for fiscal year 1996 and beyond remains intact. Section 202 does not affect this.

On this basis, I ask the chair to rule against the point of order and allow for consideration of the amendment.

□ 1930

Ms. BROWN of Florida. Mr. Chairman, I also want to go on record as saying this Brevard County project is more in order than other back-door projects that have been allowed by the chairman and that are not authorized. I submit these projects for the RECORD. I know they are all worthwhile. However, they have not been authorized for this year. I am submitting those 5 projects.

Further, I quote from the joint statement of the Committee on Veterans' Affairs which appears in the RECORD on October 7, 1994, regarding Public Law 103-452 title II, construction authorization: "The committee notes that some major medical facility projects in the VA fiscal year 1995 budget submission were authorized or partially funded in a prior year and therefore do not require authorization under section 8014 (a)(2) of title 38."

Mr. Chairman, it is a known fact that the hospital at Brevard County was partially funded in prior years. Therefore, based upon these facts, there should be no further need for authorization.

I also submit a letter from General Earl Peck and a letter from Secretary Jesse Brown to Chairman LEWIS stressing the need for this project.

The CHAIRMAN (Mr. COMBEST). The Chair is prepared to rule.

The gentleman from California makes a point of order that the amendment offered by the gentleman from Florida violates clause 2 of rule XXI by providing an unauthorized appropriation.

The amendment proposes to insert a new paragraph at the end of the bill that would reduce the amount provided for Federal Emergency Management Agency—Disaster Relief and provide appropriations to the Department of Veterans Affairs for the construction of a medical facility in Brevard County, FL.

The gentleman from Florida has not met his burden of proving that appropriations for fiscal year 1996 for the medical facility in Brevard County are authorized. Section 8104(a)(2) of title 38 precludes the appropriation of funds for a major medical facility project unless funds for that project have been specifically authorized by law. Section 201(a) of Public Law 103-452 authorizes any major medical facility project submitted by the President for fiscal year 1995. As mentioned by the gentleman from Florida, the Brevard County project was submitted in the President's 1995 budget request, as well as in his 1996 budget request. However, the authorization carried in section 201(a) of Public Law 103-452 is constrained by an accompanying limitation in section 202(b), which states that such projects may "only be carried out using funds appropriated for fiscal year 1995," thus limiting all authorizations for appropriations to fiscal year 1995 funds.

The Chair has not been provided with any documentation indicating that the medical facility in Brevard County is exempt from section 202 of Public Law 103-452, which limits authorization of appropriations for such project to fiscal year 1995.

The works-in-progress exception provided for in clause 2(a) of rule XXI may not be invoked for this project because the project is governed by a lapsed authorization and because actual construction has not yet begun.

Accordingly, the Chair sustains the point of order.

Are there other amendments to title V?

Mr. BARRETT of Wisconsin. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I have an amendment at the desk that the gentleman from Wisconsin [Mr. KLECZKA] and I had planned to offer.

Last week I asked the Committee on Rules to craft the VA-HUD rule in a manner that would give the Members of this House the opportunity to vote up or down on our proposal. Unfortunately my request was denied. Because Members will not be permitted to vote on this issue, I would like to just take a moment to explain why it was proposed.

Last year thousands of workers in my community got a major slap in the face when their employer told them their jobs would be moved to another part of the country.

If that was not bad enough, these loyal employees had salt rubbed in their wounds a short time later when they learned that their own Federal tax dollars would be used to help move their jobs elsewhere. Nearly a quarter of a million dollars in Community Development Block Grant money would be used to help the company they worked for expand a plant and move the jobs to another State.

Earlier this year, we learned that another company would be relocating its production facility to another State. At that time, it was announced that $500,000 in CDBG funds would be used as part of the incentive package which lured the company to move these jobs.

These actions are dead wrong. The CDBG Program is designed to Foster Community and Economic Development, not to help move jobs around the country. Although we cannot reverse what has already happened, our amendment would stop this from happening again.

Our amendment would add an antipiracy provision to the Community Development Block Grant Program administered by the Department of Housing and Urban Development. It would prevent the use of Federal funds from being used to move jobs from one part of the country to another.

Congress and the executive branch have recognized the importance of preventing this type of economic relocation in the past. Similar antipiracy provisions are currently in effect for Economic Development Administration grants, Small Business Administration programs, and grant programs for dislocated workers.

And, as you may recall, our amendment received solid bipartisan support and passed the House as part of a bill reauthorizing HUD programs last year.

More recently, the White House Conference on Small Business overwhelminingly passed a resolution in June calling on Congress to ban the direct or indirect use of Federal funds of any kind that would lure existing jobs and businesses from one area to another. This issue is now one of 60 national issues endorsed by the Conference.

Mr. Chairman, I believe the Members of the House should have been given the opportunity to vote on this important initiative. If adopted, Wisconsin taxpayers and other taxpayers across our country would no longer be forced to pick up the tab for transferring jobs from their State.

Mr. Chairman, I yield to the gentleman from Wisconsin [Mr. KLECZKA].

Mr. KLECZKA. Mr. Chairman, it is too bad that the amendment before us is not in order on this bill. Let me just say a couple of words about the Community Development Block Grant Program.

We are not here to decry the benefits because in our State and many other States it has worked so well. But it is not and it has never been incepted to be used as raiding jobs from one State to another. Last year it happened in Wisconsin on a couple of occasions. Maybe if it happens to the State of California and New York and some other States, we will get more support on the House floor to change this. I would hope the chairman of the committee, not only the appropriation committee but also the authorizing committee, will look at this and deem it to be an essential part of any reform of the CDBG Program.

Again, it was never authorized and never meant to be a means of raiding jobs from one State to another. Maybe when it happens to Members from other States, you might be taking the floor and helping us out getting this amendment passed in a more appropriate way.

I thank my colleague from Wisconsin for yielding.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to the order of the House of Thursday, July 27, 1995 and today proceedings will now resume on those amendments on which further proceedings were postponed in the following order: Amendment No. 7 offered by the gentleman from Illinois [Mr. DURBIN]; amendment No. 38 offered by the gentleman from Michigan [Mr. DINGELL]; and an unnumbered amendment offered by the gentleman from Nevada [Mr. ENSIGN].

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 7 OFFERED BY MR. DURBIN

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Illinois [Mr. DURBIN] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mr. DURBIN: Page 59, line 3, insert before the period the following:

": *Provided further*, That any limitation set forth under this heading on the use of funds shall not apply when it is made known to the Federal official having authority to obligate or expend such funds that the limitation would restrict the ability of the Environmental Protection Agency to protect humans against exposure to arsenic, benzene, dioxin, lead, or any known carcinogen".

Mr. VOLKMER. Mr. Chairman, I would like to take this opportunity to correct the numerous factual errors committed by the gentleman from Texas last Friday during last week's debate on the Durbin-Wilson amendment to H.R. 2099.

First, I would like to tell the distinguished gentleman from Texas that the Continental Cement plant he referred to is not located in Hanover, MO. In fact, there is no Hanover, MO. It is located in my hometown of Hannibal. However, this error was only the first of many in his statement about Continental Cement.

The gentleman from Texas stated the EPA standard for arsenic emission is .4 parts per million and in 1993 the actual emission of the plant was 97 parts per mission. He goes on to state the EPA standard for lead is 400 parts per million and the plant's actual emission in 1993 was 2,700 parts per million. I would invite the gentleman from Texas to share his data with me on the 1993 test burn because the EPA did not even conduct arsenic or lead emissions tests at Continental Cement in 1993.

The test burn my colleague from Texas is referring to occurred in May of 1992. This type of EPA test required thousands of gallons of waste material containing heavy metals to be pumped into the kiln. This procedure is known as "spiking the kiln" and under normal operating conditions the plant would never burn such a concentration of heavy metals. During the test the EPA allowed Continental to emit 241 parts per million of lead and 2,198 parts per million of arsenic.

The kiln actually emitted 199.36 parts per million of lead and 33.83 parts per million of arsenic. Both arsenic and lead levels were well within the guidelines established by the EPA for the test burn and show that Continental Cement in Hannibal is not shirking its responsibility to the people or the environment.

Mr. GILLMOR. Mr. Chairman, I rise in opposition to this amendment and in support of the committee's provisions dealing with the combustion strategy. Let me briefly outline three reasons why.

First, the committee's language reaffirms the original congressional intent. When Congress passed the 1990 Clean Air Act which directed EPA to establish a combustion strategy and maximum achievable control technology, we did not intend for EPA to circumvent the legal and procedural safeguards the law requires. Currently, EPA is operating under an open process which allows all parties to comment on these proposed rules. This is "Big Brother" government at its worst.

Second, EPA has been zealous at best in setting standards for hazardous waste combustion that combine the authority of two dissimilar laws, one dealing with clean air and the other with recycling. The House Commerce Committee is slated to work on both bills this Congress. The power to draft the executive branch's enforcement options and procedures rests, constitutionally, with the Congress, not with the EPA by default.

Finally, this Congress is, if nothing else, skeptical of further regulation. The Wilson amendment reinforces EPA's ability to regulate, obfuscate, and eventually strangulate at will. We should not allow EPA, through the combustion strategy, to go above and beyond its regulatory parameters. Congress must do more than provide a Band-Aid fix to an agency that requires major surgery.

I urge my colleagues to oppose this amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. Pursuant to the order of the House of Thursday, July 27, 1995, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each amendment on which the Chair has postponed further proceedings.

The vote was taken by electronic device, and there were—ayes 188, noes 228, not voting 18, as follows:

[Roll No. 602]

AYES—188

Abercrombie
Ackerman
Andrews
Baldacci
Barcia
Barrett (WI)
Beilenson
Berman
Bevill
Bishop
Blute
Boehlert
Bonior
Borski
Boucher
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Bunn
Cardin
Castle
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Costello
Coyne
Davis
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dixon
Doggett
Durbin
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Foglietta
Forbes
Fox
Franks (CT)
Franks (NJ)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gilchrest
Gilman
Gonzalez
Gordon
Gutierrez
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Horn
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klug
LaFalce
Lantos
Lazio
Leach
Levin
Lewis (GA)
Lincoln
Lipinski
LoBiondo
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McDermott
McHale
McInnis
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moran
Morella
Nadler
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Peterson (FL)
Peterson (MN)
Pomeroy
Porter
Poshard
Quinn
Rahall
Ramstad
Rangel
Reed
Richardson
Rivers
Roemer
Roukema
Roybal-Allard
Sabo
Sanders
Sanford
Sawyer
Saxton
Schroeder
Schumer
Scott
Serrano
Shays
Skaggs
Slaughter
Smith (NJ)
Spratt
Stokes
Studds
Stupak
Taylor (MS)
Thompson
Torkildsen
Torres
Torricelli
Towns
Upton
Velazquez
Vento
Visclosky
Ward
Waters
Watt (NC)
Waxman
Weldon (PA)
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Zimmer

NOES—228

Allard
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Bilbray
Bilirakis
Bliley
Boehner
Bonilla
Bono
Brewster
Brownback
Bryant (TN)
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
de la Garza
Deal
DeLay
Diaz-Balart
Dickey
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Fowler
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Gillmor
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Holden
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klink
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
Longley
Lucas
Manzullo
McCollum
McCrery
McDade
McHugh
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Molinari
Mollohan
Montgomery
Moorhead
Murtha
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Ortiz
Orton
Oxley
Packard
Parker
Paxon
Payne (VA)
Petri
Pickett
Pombo
Portman
Pryce
Quillen
Radanovich
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Royce
Salmon
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Talent
Tanner
Tate
Tauzin
Taylor (NC)
Tejeda
Thomas
Thornberry
Thornton
Tiahrt
Traficant
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weller
White
Whitfield
Wicker
Young (FL)
Zeliff

NOT VOTING—18

Becerra
Dingell
Flake
Ford
Frank (MA)
Green
Hall (OH)
Hoke
Hoyer
Laughlin
Meyers
Moakley
Reynolds
Rush
Stark
Thurman
Tucker
Young (AK)

□ 1957

Mr. EDWARDS changed his vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 38 OFFERED BY MR. DINGELL

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Michigan [Mr. DINGELL] on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 155, noes 261, not voting 18, as follows:

[Roll No. 603]

YEAS—155

Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Beilenson
Bentsen
Berman
Bishop
Bonior
Borski
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Coyne
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dingell
Dixon
Doggett
Doyle
Durbin
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Foglietta
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gilchrest
Gonzalez
Gordon
Gutierrez
Hamilton
Harman
Hefner
Hilliard
Hinchey
Holden
Horn
Jackson-Lee
Jacobs
Jefferson
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Mascara
Matsui
McDermott
McHale
McKinney
Meehan
Menendez
Mfume
Miller (CA)
Mineta
Moran
Morella
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Rahall
Rangel
Reed
Richardson
Rivers
Roemer
Roukema
Roybal-Allard
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Shays
Sisisky
Skaggs
Slaughter
Stokes
Studds
Stupak
Thompson
Thornton
Torres
Torricelli
Towns
Traficant
Upton
Velázquez
Vento
Visclosky
Ward
Watt (NC)
Waxman
Weldon (PA)
Williams
Wilson
Wise
Wyden
Wynn
Zimmer

NAYS—261

Abercrombie
Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brewster
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Costello
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
Deal
DeLay
Diaz-Balart
Dickey
Dicks
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary

Hobson
Hoekstra
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martinez
Martini
McCarthy
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
McNulty
Meek
Metcalf
Mica
Miller (FL)
Minge
Mink
Molinari
Mollohan
Montgomery
Moorhead
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Ortiz
Orton
Oxley
Packard
Parker
Paxon
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shuster
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stockman
Stump
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thornberry
Tiahrt
Torkildsen
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Waters
Watts (OK)
Weldon (FL)
White
Whitfield
Wicker
Wolf
Woolsey
Young (FL)
Zeliff

NOT VOTING—18

Becerra
Edwards
Ewing
Flake
Ford
Green
Hall (OH)
Hoke
Meyers
Moakley
Reynolds
Rush
Stark
Thurman
Tucker
Weller
Yates
Young (AK)

□ 2004

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. ENSIGN

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Nevada [Mr. ENSIGN] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were ayes 121, noes 296, not voting 17, as follows:

[Roll No. 604]

AYES—121

Ackerman
Allard
Bilbray
Bishop
Bonior
Brown (FL)
Brown (OH)
Brownback
Bryant (TX)
Burr
Camp
Canady
Chabot
Chambliss
Chenoweth
Christensen
Clyburn
Coble
Coburn
Collins (GA)
Collins (MI)
Condit
Conyers
Costello
Coyne
Crapo
Cremeans
Danner
DeFazio
DeLauro
Dickey
Dingell
Durbin
Edwards
Engel
Ensign
Evans
Fattah
Fields (LA)
Filner
Foglietta
Fox
Frost
Furse
Gejdenson
Gephardt
Geren
Gilman
Goodlatte
Goodling
Gordon
Gutierrez
Hall (TX)
Hamilton
Hefner
Heineman
Herger
Hilleary
Holden
Hostettler
Hutchinson
Jacobs
Johnson (SD)
Jones
Kelly
Kennedy (RI)
Kildee
Kleczka
Latham
Lipinski
LoBiondo
Maloney
Manton
Martinez
McHugh
McInnis
McIntosh
McNulty
Menendez
Mink
Molinari
Montgomery
Myers
Norwood
Obey
Orton
Owens
Pallone
Pastor
Payne (VA)
Peterson (MN)
Pomeroy
Poshard
Rahall
Ramstad
Reed
Riggs
Rivers
Roemer
Sanders
Saxton
Skelton
Smith (MI)
Stenholm
Stupak
Tate
Tejeda
Thompson
Thornton
Traficant
Velazquez
Volkmer
Vucanovich
Ward
Waters
Watts (OK)
Weller
Whitfield
Wise
Woolsey
Wyden

NOES—296

Abercrombie
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Bryant (TN)
Bunn
Bunning
Burton
Buyer
Callahan
Calvert
Cardin
Castle
Chapman
Chrysler
Clay
Clayton
Clement
Clinger
Coleman
Collins (IL)
Combest
Cooley
Cox
Cramer
Crane
Cubin
Cunningham
Davis
de la Garza
Deal
DeLay
Dellums
Deutsch
Diaz-Balart
Dicks
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Eshoo
Everett
Ewing
Fawell
Fazio
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gonzalez
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hilliard
Hinchey
Hobson
Hoekstra
Horn
Houghton
Hoyer
Hunter
Hyde
Inglis
Istook
Jackson-Lee
Jefferson
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Johnston
Kanjorski
Kaptur
Kasich
Kennedy (MA)
Kennelly
Kim
King
Kingston
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Largent
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Livingston
Lofgren
Longley
Lowey
Lucas
Luther
Manzullo
Markey
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McDermott
McHale
McKeon
McKinney
Meehan
Meek
Metcalf
Mfume
Mica
Miller (CA)
Miller (FL)
Mineta
Minge
Mollohan
Moran
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Nussle
Oberstar
Olver
Ortiz
Oxley
Packard
Parker
Paxon
Payne (NJ)
Pelosi
Peterson (FL)
Petri
Pickett
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Rangel
Regula
Richardson
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Royce
Sabo
Salmon
Sanford
Sawyer
Scarborough
Schaefer
Schiff
Schroeder
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stockman
Stokes
Studds
Stump
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Torres
Torricelli
Towns
Upton
Vento
Visclosky
Waldholtz
Walker
Walsh
Wamp
Watt (NC)
Waxman
Weldon (FL)
Weldon (PA)
White
Wicker
Williams
Wilson
Wolf
Wynn
Young (FL)
Zeliff
Zimmer

NOT VOTING—17

Becerra
Farr
Flake
Ford
Green
Hall (OH)
Hoke
Meyers
Moakley
Moorhead
Reynolds
Rush
Stark
Thurman
Tucker
Yates
Young (AK)

□ 2011

Mr. FATTAH changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. FARR. Mr. Chairman, I was unavoidably detained during rollcall No. 604. Had I been present, I would have cast my vote in the affirmative.

Mr. BOEHLERT. Mr. Chairman, I move to strike the last word.

Mr. Chairman, it is my understanding that in a few minutes the House will be asked to vote again on the amendment I offered with the gentleman from Ohio [Mr. STOKES] last Friday, an amendment that passed 212 to 206.

Just to remind my colleagues, in case you missed what took place across America this weekend, every major television network, every major newspaper in America, just to remind my colleagues, this amendment struck provisions that would have prohibited, prohibited the Environmental Protection Agency from enforcing provisions of the Clean Water Act, the Clean Air Act, the Safe Drinking Water Act, and several other statutes that deal with the health and safety of the American family.

This House sent the American public a clear, unequivocal bipartisan message on Friday, and it was this: The Congress cares about the environment. Republicans care about the environment. Democrats care about the environment. All Americans care about the environment.

I think that that was an important message to send, and it was a message that caught the attention of the American people.

I hope we repeat that message this evening. If we do not, if we fail, the burden will be on those who switched their votes.

Exactly what did these Members learn over the weekend?

□ 2015

Did the environment suddenly become less fragile over the weekend? Did their constituents lose their fondness for clean air and water? Do their constituents no longer expect the Federal Government to ensure that the air that they breath and the water that they drink and the food that they eat will not injure them? I do not think so.

Mr. Chairman, I urge my colleagues to follow their principles and once again, to prove to the American people that this Congress, and particularly the Republicans in this Congress, are committed to open political processes and environmental safeguards. Vote yes, once again, on the Stokes-Boehlert amendment.

Mr. CASTLE. Mr. Chairman, will the gentleman yield?

Mr. BOEHLERT. I yield to my colleague from Delaware [Mr. CASTLE], the former governor of Delaware and a trusted and loyal supporter of worthy causes, particularly those involving the environment.

Mr. CASTLE. I thank the gentleman for yielding, and I will be very brief. I rise in support of the Stokes-Boehlert amendment. I went home too, and we need to understand what this bill does. Basically the bill itself cuts funding for the EPA by 34 percent. It cuts funding for enforcement by the EPA by 50 percent. But the amendment before us would make sure that we do not cut 17 programs, because the bill itself also has in it 17 programs that will not be enforced by the EPA if the amendment does not get passed. We would not be able to enforce standards of air emissions, storm water runoff, wetlands, sewer overflows, and another 13 or so numbers which are in that particular bill.

Mr. Chairman, the time has come for us to pay attention to our environment. This bill as it is written now effectively eliminates environmental enforcement on a Federal level. America must not tolerate this. We must support the Stokes-Boehlert amendment.

Mr. BOEHLERT. Mr. Chairman, let me tell you, it has been suggested that we get on with it, and we will be glad to get on with it. We are dealing with the people's business.

Mr. Chairman, I could bring before this body right now member after member that would give the same testimonial that was given by the gentleman from Delaware [Mr. CASTLE] and by others who support the Stokes-Boehlert amendment. If you voted yes on Friday, vote yes today for America.

Mr. STOKES. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to take a moment to firstly express my appreciation to the gentleman from New York [Mr. BOEHLERT] for the strong leadership that he has given to the coalition force between the Democrats and Republicans of this House.

Mr. Chairman, on Friday we saw one of those rare moments in the House where the Members of this body rose above partisan politics and put the people of this Nation first. We saw the environment of this Nation put above party politics. We saw men and women in this body who expressed themselves in a way that is seldom seen in this House. On both sides, we saw people who really cared about the people in this country.

Mr. Chairman, when this matter is revoted, people in this country are going to be watching. All over the Nation this past weekend, as the gentleman from New York said, the Nation watched what happened here Friday. They are going to be watching again tonight, to see how many of us stand up for the principles that we showed here on Friday.

This vote will never go away. Mr. Chairman, this vote is going to live with all of us for a long time. I would urge those Members who stood up on principle and put environment above party to stand up once again tonight and show that you care about clean water and clean air and pure food for the people of this country. I urge my colleagues to stand up as they did on Friday in support of the Stokes-Boehlert amendment.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I move to strike the last word.

Mr. Chairman, it should be noted, and I appreciate the gentleman from California recognizing, that there is a very serious issue that is contained in the housing portion of this bill that affects 900,000 poor families in this country that benefit from the project-based Section 8 program. Many of those families are elderly people. Under the wording that is contained in this bill, there is a presumption that it is cheaper to voucher these families out.

Mr. Chairman, it is very important that we take action that sends a signal to HUD that they should only take actions that are going to provide protections to the families at risk at the cheapest possible cost to this Government. We should not be vouchering families out of project-based Section 8 housing if in fact that project-based Section 8 is cheaper than the vouchering-out process.

Mr. Chairman, I want to make it very clear, and I appreciate the gentleman from California, Chairman LEWIS, making it very clear to HUD and to all of those associated with this program, that actions taken by this House do not in any way send a signal that people should be thrown out or moved out of project-based Section 8 just for the sake of getting rid of the project-based Section 8. So we ought to be providing the cheapest possible protection for the greatest number of tenants in this country as our Nation's housing policy.

Mr. LEWIS of California. Mr. Chairman, this will not take very long. I do want the House to know that my colleague from Massachusetts brings up a very, very important point. It is an item that I have been concerned about in my own county in California. Literally, it is not our objective, as we try to streamline housing and the programs to negatively impact those people in Section 8 housing. There is little doubt that our bill moves in the direction of providing the kind of flexibility the gentleman is calling for within the department to ensure that they select those options that will not be less expensive, but also serve people better.

So Mr. Chairman, I want to express my appreciation to my colleague and also say that we will evaluate this in depth and work with you as we go between here and conference.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I appreciate the chairman's comments and look forward to working with him and other members of the committee.

Mrs. ROUKEMA. Mr. Chairman, during debate on the VA/HUD appropriations bill, I have discussed several of its provisions with my colleague Mrs. WATERS, with whom I worked last year when I was the ranking member of the Subcommittee on Housing and Community Development. I would like to assure my colleague that the rent reform provisions contained in H.R. 2099 are very similar though not identical to those contained in H.R. 3838.

First, Federal preferences have been eliminated in favor of local preferences, enabling PHAs to establish a preference for working families. Second, ceiling rents have been included in the legislation so that families who live in public housing will never have to pay more of their income than the apartment is actually worth. These provisions will have several very important effects: working families will be encouraged to remain in public housing, providing role models for children as well as additional rental income for PHAs. Additionally Federal micromanagement of public housing will be reduced in favor of local decisionmaking.

As the former ranking member of the Housing Subcommittee, I worked hard to include these provisions in last year's housing bill, H.R. 3838. Unfortunately, H.R. 3838 did not become law because the legislation passed in the House but not the Senate. I was pleased, therefore, to see that the appropriations bill started the process of reforming this part of the public and assisted housing programs. It is my understanding that additional reforms will come when a comprehensive housing bill is introduced by Mr. LAZIO, the new chairman of the subcommittee.

In my statements last week, I also mentioned that the rent increases in the section 8 program did not affect the Section 202 and Section 811 elderly and disabled housing programs. I want the record to be extremely clear. Though the vast majority of these projects have been built with grants, some buildings were financed with Section 8 assistance. Only those projects financed with Section 8 will receive rent increases estimated to be about $12/month. This appropriations bill does not recognize the distinctions between the new grant program and the old Section 8 financing system. I believe this was an oversight. Nevertheless, rent increases would be inappropriate, and I will work assertively to see that they are dropped in the final conference report.

Mr. LEWIS of California. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I will not take any time, but my colleagues, if you will, this has been a very very tough bill. The only chair that I would prefer not to be sitting near besides my own would be that of the gentleman who had the chair through this arduous process. I hope the entire House gives appreciation to the gentleman from Texas, LARRY COMBEST, for truly a tremendous job, and we appreciate it.

Mr. Chairman, during the consideration of this bill by the full committee, an amendment offered by Mr. COLEMAN to the VA part of the report was adopted. This language was inadvertently omitted in the printing of the report. The VA is to treat the following language as if it had been printed in House Report 104-201:

EL PASO VA STAFFING FLEXIBILITY

The Committee is aware of the difficulty in staffing several Veterans Administration Medical Facilities in the southwest, particularly El Paso, Texas. This situation is compounded by the budgetary constraints the VA faces in allocating FTEEs among its facilities. The Committee urges that the VA Regional Sectors, especially its Southern Regional Sector, engage in intra-region FTEE transfers during the fiscal year for purposes of staffing as warranted by changing circumstances in VA medical facilities. The Committee urges the VA to review the staffing situation in El Paso and to move personnel as necessary to meet the new service demands that will exist if veterans are not required to travel to other VA facilities for treatment.

The CHAIRMAN. The Chair is much appreciative.

If there are no further amendments, the Clerk will read the final three lines of the bill.

The Clerk read as follows;

This Act may be cited as the "Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1996".

The CHAIRMAN. Under the rule, the committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. HASTINGS of Washington) having assumed the chair, Mr. COMBEST, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2099), making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1996, and for other purposes, pursuant to House Resolution 201, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment?

Mr. LEWIS of California. Mr. Speaker, I demand a separate vote on the Amendment No. 66, the so-called Stokes amendment.

The SPEAKER pro tempore. Is a separate vote demanded on any other amendment? If not, the Chair will put the remaining amendments en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The Clerk will report the amendment on which a separate vote has been demanded.

The Clerk read as follows:

Amendment: Page 53, line 18, strike ": *Provided*" amd all that follows through "appropriate" on page 55, line 9.

Page 55, line 19, strike "*Provided*" and all that follows through "concerns" on page 59, line 3.

The SPEAKER pro tempore. The question is on the amendment.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. STOKES. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 210, noes 210, not voting 14, as follows:

[Roll No. 605]

YEAS—210

Abercrombie
Ackerman
Andrews
Baldacci
Barcia
Barrett (WI)
Bass
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bishop
Boehlert
Bonior
Borski
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Castle
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Costello
Coyne
DeFazio
DeLauro
Dellums
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Doyle
Durbin
Ehlers
Ehrlich
Engel
English
Eshoo
Evans
Farr
Fattah
Fawell
Fazio
Fields (LA)
Filner
Foglietta
Forbes
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Gordon
Goss
Greenwood
Gutierrez
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Horn
Houghton
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
Klug
LaFalce
Lantos
LaTourette
Lazio
Leach
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Longley
Lowey
Luther
Maloney
Manton
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Mink
Moran
Morella
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Orton
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Peterson (FL)
Pomeroy
Porter
Quinn
Ramstad
Rangel
Reed
Regula
Richardson
Rivers
Ros-Lehtinen
Rose
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schiff
Schroeder
Schumer
Scott
Serrano
Shaw
Shays
Skaggs
Slaughter
Smith (NJ)
Spratt
Stokes
Studds
Stupak
Tanner
Taylor (MS)
Thompson
Thornton
Torkildsen
Torres
Torricelli
Towns
Upton
Velazquez
Vento
Visclosky
Ward
Waters
Watt (NC)
Waxman
Weldon (PA)
White
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Young (FL)
Zimmer

NAYS—210

Allard
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bateman
Bilbray
Bilirakis
Bliley
Blute
Boehner
Bonilla
Bono
Brewster
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeLay
Dickey
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Edwards
Emerson
Ensign
Everett
Ewing
Fields (TX)
Flanagan
Foley
Fowler
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Goodlatte
Goodling
Graham
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hostettler
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson, Sam
Jones
Kasich

Kim
King
Kingston
Knollenberg
Kolbe
LaHood
Largent
Latham
Laughlin
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Livingston
Lucas
Manzullo
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Minge
Molinari
Mollohan
Montgomery
Moorhead
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Ortiz
Oxley
Packard
Parker
Paxon
Payne (VA)
Peterson (MN)
Petri
Pickett
Pombo
Portman
Poshard
Pryce
Quillen
Radanovich
Rahall
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Roth
Royce
Salmon
Schaefer
Seastrand
Sensenbrenner
Shadegg
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Talent
Tate
Tauzin
Taylor (NC)
Tejeda
Thomas
Thornberry
Tiahrt
Traficant
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weller
Whitfield
Wicker
Zeliff

NOT VOTING—14

Becerra
Flake
Ford
Green
Hall (OH)
Hoke
Meyers
Moakley
Reynolds
Stark
Thurman
Tucker
Yates
Young (AK)

□ 2043

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. STARK. Mr. Speaker, I was unavoidably detained from voting on Monday evening, July 31. I was attending a child-birth class with my wife, Deborah, and I was unable to return in time to vote on the Stokes amendment to H.R. 2099, rollcall 605. Had I been here, I would have voted "yes," just as I did when the Stokes amendment passed the House on Friday, July 28, rollcall 599. I am saddened and disappointed that this provision was defeated, as I have continually fought for clean air and safe drinking water. I would like my colleagues to know that I wish I had been available to vote on this measure.

□ 2045

The SPEAKER pro tempore (Mr. HASTINGS of Washington). The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. STOKES

Mr. STOKES. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. STOKES. Mr. Speaker, I am opposed to the bill.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. STOKES moves to recommit the bill to the Committee on Appropriations with instructions to report it back forthwith with an amendment, as follows:

Page 59, line 3, before the period insert the following:

: *Provided further*, That any limitation set forth under this heading on the use of funds shall not apply when it is made known to the Federal official having authority to obligate or expend such funds that the limitation would restrict the ability of the Environmental Protection Agency to protect humans against exposure to arsenic, benzene, dioxin, lead, or any known carcinogen.

The SPEAKER pro tempore. The gentleman from Ohio [Mr. STOKES] is recognized for 5 minutes on his motion to recommit.

Mr. STOKES. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the motion to recommit we submit is essentially the Durbin amendment, which was offered in the Committee of the Whole earlier.

Mr. Speaker, I yield 4 minutes to the gentleman from Illinois [Mr. DURBIN].

Mr. DURBIN. Mr. Speaker, the House has now acted and reversed the position taken by a majority of the Members last Friday. Those who took the position that we should have 17 individual riders in this bill, which virtually weaken the environmental protection for families across America, have prevailed. They have had a big weekend. They have reached Members to solidify their votes and other Members to win their votes, but unfortunately, the real losers here are the families which count on this Government to protect them from unseen hazards in air and water.

If we have made the decision this evening that this Environmental Protection Agency will not enforce the law, the question on this vote is whether or not this Environmental Protection Agency will still be able to protect American families from the dangers of cancer-causing substances: Arsenic, dioxin, benzene, lead, and known carcinogens.

Mr. Speaker, it is clear that lobbyists and special interests are playing fast and loose with cancer and lead contamination. In the name of ending regulation, we are leaving American families vulnerable. We are exposing them to the risk of cancer, and our children to the danger of lead poisoning.

For those who argue, Mr. Speaker, that this is part of the new revolution, let me tell them this is a no-course-correction when it comes to regulation. It is a full-scale retreat from environmental safeguards which have been accepted by responsible businesses, which have been implemented by public health officials across the Nation, and have been counted on by American families to protect them from these dangers. These Republican-inspired proposals will reduce environmental standards on deadly chemicals like arsenic, benzene, dioxin, lead, and other cancer-causing substances.

This particularly endangers children in America and the elderly. They are the first to be vulnerable to this contamination. We now have a chance to at least demonstrate some conscience when it comes to environmental safeguards.

For those who voted against my amendment earlier, the amendment offered by the gentleman from Texas [Mr. WILSON], and I, saying the 167 riders have been stricken, they are back in the bill; 17 exceptions, 17 exceptions for special interest groups that want to get off the hook. We cannot get off the hook. We have to face the music. What we are facing here are the kinds of dangers which in fact will take human lives.

I beg the Members, at the very least, make it clear. The Environmental Protection Agency can establish these standards and protect our families. Say to the lobbyists and special interest groups, We are going to draw the line at cancer. We are going to draw the line at contamination by lead poisoning. We are going to draw the line when it comes to the public health of America. That is the least we can do this evening. The question now for each of us is whether or not we can stand for that safeguard. I hope that we will.

Mr. STOKES. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, a few moments ago the Stokes-Boehlert amendment failed, but we did not really lose. We win anytime we stand up for people in this country. That is what we did. We stood up for the people in this country. The people who won on that amendment were the polluters of this Nation. They won that vote, and the people of this Nation lost, but I am going to tell the Members, as I said earlier, this is one that is not going to go away. People are going to remember this vote for a long time.

This bill is bad enough with these riders stripped from the bill. Mr. Speaker, there is no way to vote for this bill now, with these riders in this bill. I urge my colleagues to recommit this bill, and then if that fails, to defeat this bill on passage.

The SPEAKER pro tempore. The gentleman from California [Mr. LEWIS] is recognized for 5 minutes in opposition to the motion to recommit.

Mr. LEWIS of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I do not rise to contest the comments of my colleague, the gentleman from Ohio, LOU STOKES, for we have worked extremely well together on this measure. His amendment was a very, very close amendment. I have not seen one closer since I have been in this body.

However, having said that, the item that is before us by way of this recommital motion is an item that we did vote on earlier this evening. It is an item that gives EPA more authority, not less authority; more regulation, not less regulation. The House defeated that amendment by a vote of 228 to 189.

I would suggest that we repeat that, get on with final passage, and move on to other business.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. STOKES. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 198, nays 222, not voting 14, as follows:

[Roll No. 606]

YEAS—198

Abercrombie
Ackerman
Andrews
Baldacci
Barcia
Barrett (WI)
Bass
Beilenson
Bereuter
Berman
Bevill
Bishop
Blute
Boehlert
Bonior
Borski
Boucher
Browder
Brown (FL)
Brown (OH)
Bryant (TX)
Bunn
Cardin
Castle
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Costello
Coyne
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Durbin
Ehlers
Ehrlich
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Foglietta
Forbes
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gilchrest

Gilman
Gonzalez
Gordon
Greenwood
Gutierrez
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Horn
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Leach
Levin
Lewis (GA)
Lincoln
Lipinski
LoBiondo
Lofgren
Longley
Lowey
Luther
Maloney
Manton
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moran
Morella
Murtha
Nadler
Neal
Oberstar

Obey
Olver
Orton
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Peterson (FL)
Peterson (MN)
Pomeroy
Porter
Poshard
Quinn
Rahall
Rangel
Reed
Richardson
Rivers
Roemer
Rose
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sanford
Sawyer
Saxton
Schroeder
Schumer
Scott
Serrano
Shays
Sisisky
Skaggs
Slaughter
Smith (NJ)
Spratt
Stokes
Studds
Stupak
Tanner
Taylor (MS)
Thompson
Thornton
Torkildsen
Torres
Torricelli
Towns
Upton
Velazquez
Vento
Visclosky
Ward
Waters
Watt (NC)
Waxman
Weldon (PA)
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Zimmer

NAYS—222

Allard
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bateman
Bentsen
Bilbray
Bilirakis
Bliley
Boehner
Bonilla
Bono
Brewster
Brown (CA)
Brownback
Bryant (TN)
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeLay
Diaz-Balart
Dickey
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Edwards
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)

Flanagan
Foley
Fowler
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Gillmor
Goodlatte
Goodling
Goss
Graham
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Holden
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
Lucas
Manzullo
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Molinari
Mollohan
Montgomery
Moorhead

Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Ortiz
Oxley
Packard
Parker
Paxon
Payne (VA)
Petri
Pickett
Pombo
Portman
Pryce
Quillen
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Royce
Salmon
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shuster
Skeen
Skelton
Smith (MI)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Talent
Tate
Tauzin
Taylor (NC)
Tejeda
Thomas
Thornberry
Tiahrt
Traficant
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weller
White
Whitfield
Wicker
Wolf
Young (FL)
Zeliff

NOT VOTING—14

Becerra
Flake
Ford
Green
Hall (OH)

Hoke
Meyers
Moakley
Reynolds
Stark

Thurman
Tucker
Yates
Young (AK)

☐ 2110

Mr. DOYLE changed his vote from "yea" to "nay."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). The question is on the passage of the bill.

Pursuant to clause 7 of rule XV, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 228, nays 193, not voting 13, as follows:

[Roll No. 607]

YEAS—228

Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bilbray
Bilirakis
Bliley
Blute
Boehner
Bonilla
Bono
Boucher
Brewster
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan

Foley
Fowler
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Goss
Graham
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson, Sam
Jones
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Livingston
Lucas
Manzullo
McCollum
McCrery
McDade
McHugh
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Mollohan
Montgomery
Moorhead
Myers
Myrick
Nethercutt

Neumann
Ney
Norwood
Nussle
Ortiz
Orton
Oxley
Packard
Parker
Paxon
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Pryce
Quillen
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Royce
Salmon
Sanford
Scarborough
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Talent
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Tiahrt
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weller
White
Whitfield
Wicker
Wolf
Young (FL)
Zeliff
Zimmer

NAYS—193

Abercrombie
Ackerman
Allard
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)

Beilenson
Bereuter
Berman
Bevill
Bishop
Boehlert
Bonior
Borski

Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Castle
Clay
Clayton

Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Costello
Coyne
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Foglietta
Forbes
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gilchrest
Gordon
Greenwood
Gutierrez
Hamilton
Harman
Hastings (FL)
Hefley
Hefner
Hilliard
Hinchey
Holden
Horn
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Longley
Lowey
Luther
Maloney
Manton
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McDermott
McHale
McInnis
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Molinari
Moran
Morella
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Poshard
Quinn
Rahall
Rangel
Reed
Richardson
Rivers
Roemer
Rose
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Saxton
Schaefer
Schroeder
Schumer
Scott
Serrano
Shays
Skaggs
Slaughter
Spratt
Stark
Stokes
Studds
Stupak
Tanner
Tejeda
Thompson
Thornton
Torkildsen
Torres
Torricelli
Towns
Traficant
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Weldon (PA)
Williams
Wilson
Wise
Woolsey
Wyden
Wynn

NOT VOTING—13

Becerra
Flake
Ford
Green
Hall (OH)
Hoke
Meyers
Moakley
Reynolds
Thurman
Tucker
Yates
Young (AK)

□ 2128

Ms. JACKSON-LEE and Mr. MATSUI changed their vote from "yea" to "nay."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. GENE GREEN of Texas. Mr. Speaker, on Monday, July 31, I was in my district conducting a previously scheduled townhall meeting, and, therefore, missed rollcall votes 601 through 607. These events were planned at the time with information from the House leadership that the House would not be casting votes on July 31.

I am including in the RECORD how I would have voted on rollcall votes 601–607. No. 601—"yes"; No. 602—"yes"; No. 603—"yes"; No. 604—"no"; No. 605—"yes"; No. 606—"yes"; and No. 607—"no".

POSTPONING VOTES DURING CONSIDERATION OF H.R. 2126, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 1996

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that during consideration of H.R. 2126, the Defense Appropriations Act of 1996, pursuant to the provisions of House Resolution 205, the Chairman of the Committee of the Whole may postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment, and that the Chairman of the Committee of the Whole may reduce to not less than 5 minutes the time for voting by electronic vote on any postponed question that immediately follows another vote by electronic device without intervening business, provided that the time for voting by electronic device on the first in any series of questions shall not be less than 15 minutes.

□ 2130

Mr. Speaker, in explanation of that unanimous-consent request, I would like the Members to be advised that this evening we will conduct general debate on this bill and debate amendments in title I and title II. We will also consider the C–17 amendment in title III, and after conclusion of the C–17 amendment, then the Committee will rise.

We have no expectation of any further recorded votes this evening.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

GENERAL LEAVE

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the H.R. 2126, making appropriations for the Department of Defense for the fiscal year ending September 30, 1996, and for other purposes, and that I be permitted to include tabular and extraneous material.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). Is there objection to the request of the gentleman from Florida?

There was no objection.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 1996

The SPEAKER pro tempore. Pursuant to House Resolution 205 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2126.

□ 2131

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2126) making appropriations for the Department of Defense for the fiscal year ending September 30, 1996, and for other purposes with Mr. SENSENBRENNER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Florida [Mr. YOUNG] and the gentleman from Pennsylvania [Mr. MURTHA] will each be recognized for 30 minutes.

The Chair recognizes the gentleman from Florida [Mr. YOUNG].

Mr. YOUNG of Florida. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, first, I would like to thank all of the members of the subcommittee who have spent the better part of this year in hearings and in markups for the preparation and the presentation of this bill to the full House.

This is a good bill providing for the national defense of our Nation. Mr. Chairman, there are many areas of legislative activity in which the Federal Government finds itself a player, many of which could be done equally as well, if not better, by the States or by the local governments. Mr. Chairman, if there is any one responsibility of the Federal Government, it is to provide for the defense of our Nation and to provide for the security of our national interests wherever they might lie.

The bill we present this evening totals $244.1 billion in budget authority and $244.2 billion in outlays. Compared to the fiscal year 2995 level, we are $2.5 billion higher in budget authority, but $5.4 billion less in outlays. We are above the President's budget request, but we are $2.2 billion less than the authorization bill which passed the House on June 15.

A strong theme of this bill is to provide readiness for U.S. forces should they be called upon to perform in an arena of hostility and to provide some quality of life for those men and women who serve in our uniformed services who are prepared to do just that.

Procurement has been reduced over the last 10 years by 70 percent.

This bill does a little bit to turn that around. While we do provide an increase for procurement, we also add funds for readiness and cost-of-living adjustments, pay raises for people in uniforms, and things of this type.

We have reduced over 120 programs from the amounts requested by the President. We have fully funded the military pay raise, and have also added $90 million for housing allowances. We have added $1 billion for real property maintenance, and much of that goes for the renovation and the repair of our barracks. Many of our soldiers are today living in World War II barracks that are pretty rundown, and we need to make a considerable change there. This bill does that.

Mr. Chairman, there were several philosophies involved here. One was that anything that goes in this bill must have a military application. It must apply to the national defense or the people who serve in the military.

Second, there must be a requirement for what it is that we seek to do.

There have been many, many discussions on some of the issues that we will face today. The are written up in the media and reported, some of the high-profile military systems. We took a little different approach this year.

I wanted to hold up, if I might, just briefly, this chart, and the saying on this chart was taught to me by my grandmother many, many years ago. It says, "For want of a nail, the shoe was lost; for want of a shoe, the horse was lost; and for want of a horse, the rider was lost, being overtaken and slain by the enemy, all for the want of care about a horseshoe nail."

Mr. Chairman, we have included a lot of horseshoe nails in this bill, items that are never written about, never reported, never politically controversial.

I would like to give you an example of some of the shortages we have identified that would be extremely important to our military should they be called into a hostile situation. If I can have the help of a page, I would like to roll out this scroll, and Members take a look at it; we will just twist it a little bit to the side.

You will see there are hundreds and hundreds of items that you will never hear about, but are important to the conduct of our military institutions. If you will notice, we have highlighted in blue a number of those areas that we have been able to take care of in this bill. Again, no one is ever going to write about them in the media. They are not controversial. But they are things that need to be done to make sure that our national defense establishment continues to function as it always has in a very, very strong way. So there is the list.

We are trying to take care of the horseshoe nails so that we do not lose the shoes and do not lose the riders and do not lose the battle.

At this point, Mr. Chairman, there will be a lot of opportunity to discuss more specifics as we get into amendments.

Mr. Chairman, I bring to the House of Representatives the fiscal year 1996 Defense appropriations bill. This has been a historic year in the House of Representatives.

In the first 100 days we passed the Contract With America as we promised the American people.

Ten appropriations bills and major tax legislation have also passed and in those bills the majority party has stood by the commitment to change made during the watershed election of 1994.

While it is true that much work remains to be done in this session and many important bills are yet to be passed, no legislation is more important or vital than the bill we are about to act on—the fiscal year 1996 Defense appropriation bill. Over two centuries ago our Founding Fathers embodied in the Constitution the sacred obligation of the Congress to "provide for the common defense." Mr. Chairman, this bill fulfills that constitutional obligation.

Before describing in some detail the specifics of this bill, I want to extend my thanks to the ranking minority member of the subcommittee, the gentleman from Pennsylvania [Mr. MURTHA]. His advice and input was invaluable in the development of this bipartisan bill. I also extend my thanks to the chairman of the full committee, Mr. LIVINGSTON, for his counsel and support in the development of this legislation. All members of the subcommittee played a key role in the hearings and the markup and I congratulate each of them for a job well done.

FUNDING LEVEL

The Appropriations Committee is recommending to the House a total of $244.1 billion in new budget authority for the Department of Defense for fiscal year 1996. This funding level is: $2.5 billion above the current fiscal year; $2.2 billion below the House-passed authorization levels; and $7.8 billion above the budget request.

These spending levels do not include funds for military construction or the nuclear weapons program of the Department of Energy. Those funds are included in other appropriations bills. At this point in the RECORD I would like to include a table outlining the committee's recommendations by account.

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 1995 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR 1996

Agency and item (1)	Appropriated 1995 (enacted to date) (2)	Budget estimates, 1996 (3)	Recommended in bill (4)	Bill compared with appropriated, 1995 (5)	Bill compared with budget estimates, 1996 (6)
Recapitulation					
Title I—Military Personnel	71,101,502,000	68,696,663,000	69,231,892,000	−1,869,610,000	+535,229,000
Title II—Operatiion and Maintenance	82,819,085,000	80,800,250,000	81,583,817,000	−1,235,268,000	+783,567,000
Title III—Procurement	43,124,636,000	38,662,049,000	42,898,305,000	−226,331,000	+4,236,256,000
Title IV—Research, Development, Test and Evaluation	35,130,599,000	34,331,953,000	35,879,560,000	+748,961,000	+1,547,607,000
Title V—Revolving and Management Funds	1,669,638,000	1,852,920,000	2,548,020,000	+878,382,000	+695,100,000
Title VI—Other Department of Defense Programs	11,381,546,000	11,719,914,000	11,818,514,000	+436,968,000	+98,600,000
Title VII—Related agencies	349,184,000	322,183,000	277,304,000	−71,880,000	−44,879,000
Title VIII—General provisions	−857,422,000	85,000	−76,012,000	+781,410,000	−76,097,000
(Additional transfer authority)	(2,000,000,000)	(2,000,000,000)	(2,000,000,000)		
Title IX—Management Funds	299,300,000			−299,300,000	
Total, Department of Defense	245,018,068,000	236,386,017,000	244,161,400,000	−856,668,000	+7,775,383,000
Scorekeeping adjustments	−3,414,997,000	−42,000,000	−42,000,000	+3,372,997,000	
Grand total	241,603,071,000	236,344,017,000	244,119,400,000	+2,516,329,000	+7,775,383,000

Note.—FY 1995 Enacted includes Supplemental P.L. 104–6 (+$2,709,997,000 in new BA and −$2,259,956,000 in Rescissions).

The Defense budget submitted by the administration continued the decade long decline in defense spending. While we all agree that a significant downsizing of the force structure that was in place during the cold war is appropriate, the extent of the builddown implicit in the budget submitted is a serious concern to the committee. The procurement account in the budget request was the lowest in 45 years when measures in constant dollars. Production lines are being shut down and inventory objectives are not being achieved for key systems for critical programs such as the Blackhawk helicopter and the F–15 E tactical fighter and also for unglamorous but equally critical systems such as trucks, ammunition and numerous other low-profile but essential programs.

The committee also has serious concerns about the impact of this long range decline of resources for defense on morale and readiness. Because of the constant deployments to a series of unbudgeted contingency operations, at one point in the fall of last year, over 100,000 U.S. troops were deployed in such operations. The incremental cost of these operations were often funded by transferring funds from ongoing programs. This had the impact of specific units standing down operations, canceling scheduled training and deferring maintenance. As a result, earlier this fiscal year three Army divisions had their readiness ratings decline to a C–3 level. This rating level means that the divisions affected could not undertake all wartime missions, had decreased flexibility, increased vulnerability, and required significant resources to offset deficiencies. In response to these realities, the funds recommended by the committee in this bill begins to slow the decade long decline in defense spending, increases the production rates of many key programs and improves the quality of life and readiness levels of our troops.

WORLD REMAINS A DANGEROUS PLACE

As the daily news makes clear, the post-cold-war era remains a volatile and dangerous time. Ethnic, cultural, and religious conflict continues in many areas of the world. Instability in the states of the former Soviet Union continues. Significant military threats in the Persian Gulf region and the Korean Peninsula are continuing. At least 20 countries, many of them hostile to the United States, have now or are seeking to develop nuclear, biological, and/or chemical weapons and the means to deliver them. As the world's only superpower, it is vital that America remains the world's finest fighting force. In response to the global situation and the decade-long decline in defense resources the committee has taken a number of initiatives as described below.

HIGHLIGHTS OF COMMITTEE'S RECOMMENDATIONS

As detailed in the report accompanying this bill, the committee's recommendations and objectives are in three broad categories.

1. Ensure that the greatly downsized force structure is of the highest caliber, has a high level of readiness and a reasonable quality of life.

2. Ensure that a modernization program is in place which addresses the shortfalls of equipment for our current forces and also provides for the security needs of the future.

3. Ensure that we are getting the best return on our expenditures for defense by eliminating those programs which from the committee's perspective are of marginal military value, and reforming or reducing other programs which have encountered technical problems or have a low longer range payoff.

Quality of life: The committee has taken a number of steps to improve the quality of life of the men and women of our Armed Forces and their dependents. We have added almost $670 million to the budget request for housing allowances and overseas station allowances. Because of the decline in the value of the dollar subsequent to the budget submission, service personnel and their dependents stationed overseas would face severe budgetary shortfalls without this increased funding. Funds were also increased for military recruiting. Because of the relatively high turnover rate of the active force, it is absolutely essential that high quality recruits enter the service. Additionally, of the total add-on for real property maintenance, $256 million is included for the renovation and upgrades of barracks. Onsite inspections by committee members and testimony before the committee detailed the rundown conditions of many of the living facilities for the Armed Forces.

Readiness: Various units have undergone a deterioration in readiness in recent times because of a shortfall of funds. For example, in addition to the 3 Army divisions mentioned earlier, last September 8 Marine Corps aviation squadrons were grounded for the entire month, and 28 Marine and Navy squadrons had to ground over one-half of their aircraft. There has also been a deferral of programmed ship and aircraft maintenance because of funding shortfalls. To remedy this serious situation the committee has taken numerous initiatives including an increase of $210 million for training in specific areas where shortfalls were identified in testimony. The bill also provides an increase of $379 million to help alleviate the enormous backlog of equipment that needs maintenance-repair to meet operation standards. A total of $1 billion was added for real property maintenance. In addition to the aforementioned funds for barracks enhancement included in this increase, funds are also provided to upgrade and enhance the physical assets of numerous mission essential facilities.

Importantly, the committee has added $647 million above the budget for the ongoing operations in and around Iraq—for example, Operations Provide Comfort and Southern Watch. Despite the fact that these operations are entering their fourth year, they have never been budgeted for by the administration. The addition of these funds ensure that other operating accounts will not be raided to fund these ongoing operations.

MODERNIZATION

Mr. Chairman, the budget request for the procurement account for fiscal year 1996 was $43.1 billion. To put this in perspective, the amount provided for procurement in 1985, when measured in today's dollars, was $135.7 billion. The budget requested no funds to procure tanks, Air Force fighter aircraft, reconnaissance helicopters, attack helicopters or fighting vehicles. Production rates of numerous other systems are at historically low rates, thus resulting in high per unit costs. The Research, Development, Test and Evaluation Account has also been decreasing and many key programs in research have been undergoing slippage.

To redress this situation, the committee has taken significant initiatives in the areas of major weapons programs, mobility, missile defense, munitions and inventory shortfalls for low profile programs.

Major Weapons: Regarding major weapons systems the committee has provided a net increase of $493 million to continue the production of the B–2 strategic bomber. An increase of $200 million was also provided for the Air Force's highest priority funding shortfall, the F–22 tactical fighter aircraft. Other high profile programs were fully funded at the budget request including the Comanche helicopter, the V–22 Osprey aircraft and the Navy's F/A–18 E/F aircraft.

Mobility: Given the increasingly important role of mobility and logistics in light of the greatly scaled back presence of U.S. Forces stationed abroad, the committee has included significant funds for a number of vital mobility related programs. In addition to approving the budget request for the C–17 aircraft and strategic sealift, the committee added $339 million for additional tactical transport aircraft and $260 million for tactical trucks and vehicles. The committee also recommended an increase of $974 million for the lead ship of the new LPD–17 class for marine expeditionary forces. Increases were also provided for mobility infrastructure improvements and prepositioning programs.

Munitions: Testimony before the committee revealed that serious shortfalls exist in a wide variety of munitions programs, including both precision guided munitions and basic munitions. An increase of $770 million includes $374 million for precision guided munitions and $396 million was provided for Army, Navy, and Marine Corps ammunition accounts.

Low-Profile Programs: Throughout the hearings this year the committee asked almost every witness about shortfalls that existed in any areas no matter how low profile the program was. Interestingly, many of the shortfalls existed in very unglamorous items such as ground support equipment, aircraft loaders, night vision goggles and small arms. The committee has added almost $500 million for such items to address shortfalls cited by the services in testimony.

Missile Defense: The committee recommends a net increase of $599 million for the ballistic missile defense program [BMD]. The total provided for this essential program is $3.49 billion. This expanded program accelerates both the Theater Missile Defense program and the National Missile Defense program, thus increasing the protection of our troops deployed abroad as well as the United States.

PROGRAM REDUCTIONS

Although the committee has provided a net increase to the budget request, the committee eliminated various programs and reduced or restructured others. The reductions ranged from eliminating programs of low military value to adjustments to programs which have encountered technical problems, contract savings or undergone slippage for a variety of reasons. Major reductions recommended by the committee include:

Program	*Reduction*
Technology Reinvestment Program	–$500,000,000
Environmental Restoration	–$200,000,000
Defense Acquisition	–$163,500,000
Energy management programs	–$114,700,000

POLICY ISSUES

Mr. Chairman, I'd like to briefly address a few of the general provisions we have included in the bill. Section 8104 prohibits the use of any funds available to the Defense Department being used for the deploying United States forces to participate in a negotiated peace settlement in Bosnia unless authorized by Congress. Given the course of events in that troubled area of the world, the probability of a negotiated settlement followed by the deployment of a large peace enforcement contingency is fairly remote. Nevertheless, we believe it is important that if events should evolve to the point where a large scale deployment of United States forces is the recommended policy of the administration regarding Bosnia, such a policy cannot be implemented unless specifically authorized by law.

In section 8102 we set a prohibition of the use of DOD funds for peacekeeping, peacemaking and certain types of humanitarian assistance unless the President has consulted with the Congress. Section 8102 also spells out many specifics on the types of issues to be covered in the consultation.

CONCLUSION

In summary, I would simply make a number of points concerning the fiscal year 1996 Defense appropriations bill.

This bill is a bipartisan effort which had widespread support from both parties in the subcommittee markup and in the full committee markup.

The bill is: $7.8 billion above the budget request; $2.2 billion below the authorized level; $2.5 billion, or 1 percent, above the current fiscal year; and is within the 602(b) allocation for defense.

The bill:

Ensures that our armed services remains the finest fighting force in the world.

Ensures that the quality of life of our servicemen and servicewomen will be enhanced.

Deletes programs of a low military value and restructures programs which have encountered technical problems and delays.

Provides a modernization program which meets both today's requirements and the security needs of the future.

Mr. Chairman, I urge passage of H.R. 2126, the fiscal year 1996 Department of Defense appropriations bill.

Mr. Chairman, I reserve the balance of my time.

Mr. MURTHA. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin [Mr. OBEY], the ranking member of the Committee on Appropriations.

Mr. OBEY. Mr. Chairman, I simply want to say there are two things wrong in general with the budget under which the Congress is now proceeding. One of them is a lot of the items that wind up being cut, and the other thing wrong with the budget is a lot of items that are not cut.

Some of those items are in this bill. In my view, for instance, it is simply not a rational division of priorities for us to decide that we are going to see reductions in programs that support senior citizens living near the edge of poverty, to see reductions in education that are crucial to improving people's lot in life, to see reductions in job training programs and economic development programs, and yet seeing this bill commit to spend some $70 billion for the F-22, a plane which we do not need at this time, to see the recommendation made in the bill to exceed the number of B-2's that have been requested by the Joint Chiefs of Staff at a cost of well over $1 billion a plane. Just one of those would pay the entire tuition bill for every single student at the University of Wisconsin in Madison for the next 12 years, just one of those planes, to put that in context. It seems to me that is a wasteful expenditure we should not be providing.

We will be debating that tomorrow, but also other reductions that we ought to be having in DOD travel, in star wars.

Even in my own district, the gentleman from Pennsylvania tells me that I am one of two Members of the House who has been suggesting the elimination of a defense facility, military facility, in his own district. The committee has not seen fit to share my judgment on that, but it seems to me that that is an example of things which are nice to have but which are not necessary, given the squeeze on the budget. So we will be dealing with this more tomorrow. I wanted to get that off my chest.

Mr. MURTHA. Mr. Chairman, I yield back the balance of my time.

Mr. YOUNG of Florida. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered under the 5-minute rule by titles and each title shall be considered read.

An amendment striking sections 8021 and 8024 of the bill is adopted.

During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition to a member who has caused an amendment to be printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

Pursuant to the order of the House of today, the Chairman of the Committee of the Whole may postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment made in order by the resolution.

The Chairman of the Committee of the Whole may reduce to not less than 5 minutes the time for voting by electronic device on any postponed question that immediately follows another vote by electronic device without intervening business, provided that the time for voting by electronic device on the first in any series of questions shall not be less than 15 minutes.

The Clerk will read.

The Clerk read as follows:

H.R. 2126

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1996, for military functions administered by the Department of Defense, and for other purposes, namely:

The CHAIRMAN. The Clerk will designate title I.

The text of title I is as follows:

TITLE I

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For pay, allowances, individual clothing, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Army on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), and to the Department of Defense Military Retirement Fund; $19,884,608,000.

MILITARY PERSONNEL, NAVY

For pay, allowances, individual clothing, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Navy on active duty (except members of the Reserve provided for elsewhere), midshipmen, and aviation cadets; and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), and to the Department of Defense Military Retirement Fund; $17,006,363,000.

MILITARY PERSONNEL, MARINE CORPS

For pay, allowances, individual clothing, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Marine Corps on active duty (except members of the Reserve provided for elsewhere); and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), and to the Department of Defense Military Retirement Fund; $5,928,340,000.

MILITARY PERSONNEL, AIR FORCE

For pay, allowances, individual clothing, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Air Force on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), and to the Department of Defense Military Retirement Fund; $17,294,620,000.

RESERVE PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army Reserve on active duty under sections 10211, 10302, and 3038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and for members of the Reserve Officers' Training Corps, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund; $2,122,566,000.

RESERVE PERSONNEL, NAVY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Navy Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Reserve Officers' Training Corps, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund; $1,350,023,000.

RESERVE PERSONNEL, MARINE CORPS

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Marine Corps Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Marine Corps platoon leaders class, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund; $366,101,000.

RESERVE PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air Force Reserve on active duty under sections 10211, 10305, and 8038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and for members of the Air Reserve Officers' Training Corps, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund; $783,586,000.

NATIONAL GUARD PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army National Guard while on duty under section 10211, 10302, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund; $3,240,858,000.

NATIONAL GUARD PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air National Guard on duty under section 10211, 10305, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund; $1,254,827,000.

The CHAIRMAN. Are there amendments to title I?

If not, the Clerk will designate title II.

The text of title II is as follows:

TITLE II

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Army, as authorized by law; and not to exceed $14,437,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Army, and payments may be made on his certificate of necessity for confidential military purposes; $18,999,825,000 and, in addition, $50,000,000 shall be derived by transfer from the National Defense Stockpile Transaction Fund.

OPERATION AND MAINTENANCE, NAVY

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Navy and the Marine Corps, as authorized by law; and not to exceed $4,151,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Navy, and payments may be made on his certificate of necessity for confidential military purposes; $20,846,710,000 and, in addition, $50,000,000 shall be derived by transfer from the National Defense Stockpile Transaction Fund.

OPERATION AND MAINTENANCE, MARINE CORPS

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Marine Corps, as authorized by law; $2,508,822,000.

OPERATION AND MAINTENANCE, AIR FORCE

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Air Force, as authorized by law; and not to exceed $8,326,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Air Force, and payments may be made on his certificate of necessity for confidential military purposes; $18,894,397,000 and, in addition, $50,000,000 shall be derived by transfer from the National Defense Stockpile Transaction Fund.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For expenses, not otherwise provided for, necessary for the operation and maintenance of activities and agencies of the Department of Defense (other than the military departments), as authorized by law; $9,958,810,000, of which not to exceed $25,000,000 may be available for the CINC initiative fund account; and of which not to exceed $28,588,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of Defense, and payments may be made on his certificate of necessity for confidential military purposes.

OPERATION AND MAINTENANCE, ARMY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Army Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications; $1,119,191,000.

OPERATION AND MAINTENANCE, NAVY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Navy Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications; $857,042,000: *Provided*, That of the funds appropriated in this paragraph, $19,000,000 shall not be obligated or expended until authorized by law.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Marine Corps Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications; $104,783,000: *Provided*, That of the funs appropriated in this paragraph, $13,000,000 shall not be obligated or expended until authorized by law.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Air Force Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications; $1,519,287,000: *Provided*, That of the funds appropriated in this paragraph, $11,840,000 shall not be obligated or expended until authorized by law.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For expenses of training, organizing, and administering the Army National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; hire of passenger motor vehicles; personnel services in the National Guard Bureau; travel expenses (other than mileage), as authorized by law for Army personnel on active duty, for Army National Guard division, regimental, and battalion commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau; supplying and equipping the Army National Guard as authorized by law; and expenses of repair, modification, maintenance, and issue of supplies and equipment (including aircraft); $2,344,008,000.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For operation and maintenance of the Air National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, repair, and other necessary expenses of facilities for the training and administration of the Air National Guard, including repair of facilities, maintenance, operation, and modification of aircraft; transportation of things; hire of passenger motor vehicles; supplies, materials, and equipment, as authorized by law for the Air National Guard; and expenses incident to the maintenance and use of supplies, materials, and equipment, including such as may be furnished from stocks under the control of agencies of the Department of Defense; travel expenses (other than mileage) on the same basis as authorized by law for Air National Guard personnel on active Federal duty, for Air National Guard commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau; $2,737,221,000: *Provided*, That of the funds appropriated in this paragraph, $3,000,000 shall not be obligated or expended until authorized by law.

UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES

For salaries and expenses necessary for the United States Court of Appeals for the Armed Forces; $6,521,000, of which not to exceed $2,500 can be used for official representation purposes.

ENVIRONMENTAL RESTORATION, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For the Department of Defense; $1,422,200,000, to remain available until transferred: *Provided*, That the Secretary of Defense shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of Defense, or for similar purposes (including programs and operations at sites formerly used by the Department of Defense), transfer the funds made available by this appropriation to other appropriations made available to the Department of Defense as the Secretary may designate, to be merged with and to be available for the same purposes and for the same time period as the appropriations of funds to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

SUMMER OLYMPICS

For logistical support and personnel services (other than pay and non-travel-related allowances of members of the Armed Forces of the United States, except for members of the reserve components thereof called or ordered to active duty to provide support for the 1996 Games of the XXVI Olympiad to be held in Atlanta, Georgia) provided by any component of the Department of Defense to the 1996 Games of the XXVI Olympiad; $15,000,000: *Provided*, That funds appropriated under this heading shall remain available for obligation until September 30, 1997.

OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

For expenses relating to the Overseas Humanitarian, Disaster, and Civic Aid programs of the Department of Defense (consisting of the programs provided under sections 401, 402, 404, 2547, and 2551 of title 10, United States Code); $50,000,000.

FORMER SOVIET UNION THREAT REDUCTION

For assistance to the republics of the former Soviet Union, including assistance provided by contract or by grants, for facilitating the elimination and the safe and secure transportation and storage of nuclear, chemical and other weapons; for establishing programs to prevent the proliferation of weapons, weapons components, and weapon-related technology and expertise; for programs relating to the training and support of defense and military personnel for demilitarization and protection of weapons, weapons components and weapons technology and expertise; $200,000,000 to remain available until expended.

The CHAIRMAN. Are there amendments to title II?

AMENDMENT OFFERED BY MR. NEUMANN

Mr. NEUMANN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. NEUMANN: On page 8 of the bill, line 1, strike out "$18,999,825,000" and insert in lieu thereof "$18,998,131,000".

On page 9 of the bill, line 4, strike out "$18,894,397,000" and insert in lieu thereof "$18,873,793,000".

On page 10 of the bill, line 10, strike out "$857,042,000" and insert in lieu thereof "$841,565,000".

On page 10 of the bill, line 21, strike out "$104,783,000" and insert in lieu thereof "$102,079,000".

On page 12 of the bill, line 3, strike out "$2,344,008,000" and insert in lieu thereof "$2,334,487,000".

Mr. MURTHA (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. NEUMANN. Mr. Chairman, I would like to start this evening, and I do have this amendment to present, but I do want to praise our chairman for the work that he has done on this bill and the members of the committee.

There are three things, in my opinion, this Nation faces. Any one of the three could bring this Nation to its knees. One is the budget and fiscal constraints that we must act on in order to bring our budget back in line to get our budget balanced, to get our deficit under control.

The second one is, while we are balancing the budget and getting the budget under control, we cannot destroy our ability to defend our Nation.

So, the three things that could bring us to our knees, failure to promptly take care of the defense budget is certainly the second one.

The third one is the moral values facing this Nation. More on that in the future.

The bottom line is our chairman has done a great job paying attention to the fact we need to preserve a very strong military in this Nation. The world is not a safe place. We need to look forward to the fact that our children can look at this Nation in a situation where we can defend our homelands and defend our Nation in the future. Our chairman deserves a lot of praise for that. Mr. Chairman, you have done a great job.

I am offering this amendment even though the bill that has been presented is in line with what is necessary to balance the budget. There are some accounts in the defense budget that can still be cut further. This is one of the accounts that can, in fact, be reduced further.

The DeFazio-Neumann amendment reduces by $50 million the operational support aircraft account. This account funds executive travel and administrative costs. I would like to read from a June 1995 GAO report, and I am just going to read very briefly a few words out of it to show why we are bringing this amendment.

The report states that, "The existing number of aircraft dedicated to OSA missions has been and continues to be excessive. Our review shows that the current OSA inventory is 10 times greater than the number of OSA aircraft used in the theater during the Persian Gulf War."

The bottom line is we have extra money in this account. It can be reduced. The DeFazio-Neumann amendment suggests we reduce by $50 million to a sum remaining of $196.31 million in this account.

☐ 2145

So this amendment will reduce by $50 million available in this account.

Mr. Chairman, I would reiterate that this $50 million savings will not harm military readiness operations functions in any way, shape or form, but will cut down an unnecessary administrative cost in executive travel and force the operations support aircraft fleet to trim its budget.

Mr. Chairman, I would conclude by urging my colleagues to support the DeFazio-Neumann amendment.

Mr. DEFAZIO. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to thank the gentleman from Wisconsin [Mr. NEUMANN] for his leadership on this issue. This is an example that if Congress applies the proper scrutiny to the Pentagon, the same scrutiny that is being applied to many other budgets of the Federal Government, there are places to save funds.

The GAO report that the gentleman mentioned that a Senator from Iowa and I had commissioned found that the OSA aircraft far exceed the wartime needs of the Pentagon, and they are routinely used for missions that have no urgency, missions where the generals or the assistant secretaries involved could make the same trip on commercial aircraft for a fraction of the cost. The helicopters which are used frequently between Andrews Air Force Base and the Pentagon at a cost of between $400 and $1,600 more per trip, saving 10 to 12 minutes, but boosting a lot of egos, are also a place where this amendment would apply.

Mr. Chairman, it is time the same strictures are applied to the Pentagon that we are applying to other parts of the Federal budget. This is definitely an area where funds could be saved.

Mr. Chairman, I was not here for the opening dialog, but my understanding is that perhaps the committee is going to accept the amendment. I would like at this point, if I could engage the chairman in a brief colloquy.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. DEFAZIO. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I would like to say first that the committee is very much aware of this amendment, and we worked with both of the authors, the gentleman from Wisconsin [Mr. NEUMANN] and the gentleman from Oregon [Mr. DEFAZIO], and we are prepared to accept this amendment.

Mr. Chairman, I would like to, if I might, point out that this amendment to reduce this money does not include aircraft assigned to the unified combatant command's, so it does not have a negative effect on any of our combatant air activities.

Mr. Chairman, I would also like to say to both gentlemen that it is the intention of our subcommittee to hold specific hearings shortly after the House reconvenes in September on this very issue. But we agree strongly with what both gentlemen have said and we intend to pursue that.

Mr. DEFAZIO. Mr. Chairman, I thank the gentleman from Florida. I appreciate the fact that the committee will delve more deeply into this issue.

Mr. Chairman, I believe the GAO report is a road map talking about perhaps a unified use, a unified command of all of the OSA, operations support aircraft fleet, perhaps under the Air Force and one of the other services. We could meet all of the legitimate travel needs, particularly the urgent travel needs of the Command and Control staff at the Pentagon, and the Uniformed Services for a lot less than we are spending today, and we would avoid embarrassments such as the unfortunate general and his cat who flew back from Italy at a rather extravagant cost.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin [Mr. NEUMANN].

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to title II?

AMENDMENT OFFERED BY MR. OBEY

Mr. OBEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. OBEY: Page 9, line 11, strike "$9,958,810,000" and insert "$9,908,810,000."

Mr. OBEY. Mr. Chairman, it is always risky to try to compare activities of government with activities in the private sector, especially when you are dealing with military requirements. But nonetheless, this amendment is offered to try to bring attention to the fact that the General Accounting Office has reported that it cost the Department of Defense an additional 30 percent of its total cost of travel, $3.5 billion, or roughly $1 billion of that amount, in order to process their regular travel. They process about 8.2 million travel vouchers each year.

Mr. Chairman, I do not know whether the GAO's estimate that the Pentagon could save around $800 million is accurate or not. They point out that the percentage difference between what this processing costs DOD and what it costs in the private sector is 30 percent versus 6 percent. I do not know how far down you can bring that number. But certainly, if the General Accounting Office thinks that you can bring it down to the tune of $800 million, we ought to be able to bring it down by at least $100 million.

Mr. Chairman, this amendment does not even do that. It simply says that we will cut this account by $50 million to indicate our concern about the problem. The Defense Department is aware of the problem. They are in the process of instituting reforms to try to deal with it, but they have not yet been able to put those in place to any appreciable degree. It seems to me that we have a requirement as an institution to indicate that we expect this problem to be attacked and to be attacked quickly, which is why I offer the amendment.

Mr. YOUNG of Florida. Mr. Chairman, I move to strike the last requisite number of words.

Mr. Chairman, again, I would say to the gentleman that the subcommittee, as he knows, reduced this account by $40 million. We do believe that the additional $50 million will not create any undue burdens, and we are prepared to accept this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin [Mr. OBEY].

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to title II?

AMENDMENT OFFERED BY MR. SKAGGS

Mr. SKAGGS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SKAGGS: Page 9, line 11, strike "$9,958,810,000" and in lieu thereof insert "$9,953,810,000"; on page 35, line 11, strike "$75,683,000" and in lieu thereof insert "$80,683,000".

Mr. SKAGGS. Mr. Chairman, this amendment would move $5 million from the operation maintenance account dealing with, in particular, travel, and shift that $5 million into the account for intelligence community management.

Mr. Chairman, the purpose is to provide those funds for the continued operation of the Environmental Task Force, which has been a very important initiative within the intelligence community to make intelligence products declassified and available for use by the scientific community and by various agencies of Government.

Mr. MURTHA. Mr. Chairman, will the gentleman yield?

Mr. SKAGGS. I yield to the gentleman from Pennsylvania.

Mr. MURTHA. Mr. Chairman, we have discussed this in some detail, and we are going to do everything we can in conference to get this change made. I think the gentleman from Colorado has made a good point to us, and we will certainly do everything in conference that we can to get this worked out.

Mr. SKAGGS. I appreciate the comment of the gentleman.

Mr. Chairman, I would be pleased to yield to the gentleman from Florida [Mr. YOUNG], our distinguished subcommittee chairman also on this point. I hope I might have his assurances of assistance in trying to get this matter taken care of when we get to conference.

Mr. YOUNG of Florida. Mr. Chairman, if the gentleman will yield, I would say to the gentleman that we understand the issue; we did have some concern about who really should be paying for this, and it is a good project, but our concern was who should pay for it.

Mr. Chairman, the gentleman from Pennsylvania [Mr. MURTHA] has stated our position very well. In the conference with the other body, we believe we will be able to work this out.

Mr. SKAGGS. I appreciate the comment of the gentleman.

As I am sure the gentleman is aware, there are various consumers of intelligence product around the Government about which essentially the same argument could be made, perhaps USTR and its work and so forth. So I really think that this is one that we ought to be able to work out. I appreciate the willingness of both of the gentlemen to assist with this when we get to conference.

Mr. Chairman, I ask unanimous consent that the amendment be withdrawn.

The CHAIRMAN. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The CHAIRMAN. Are there further amendments to title II?

If not, the Clerk will designate title III.

The text of title III is as follows:

TITLE III

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; $1,468,067,000, to remain available for obligation until September 30, 1998: *Provided*, That of the funds appropriated in this paragraph, $45,000,000 shall not be obligated or expended until authorized by law.

MISSILE PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of missiles, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; $842,830,000, to remain available for obligation until September 30, 1998.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For construction, procurement, production, and modification of weapons and tracked combat vehicles, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; $1,616,964,000, to remain available for obligation until September 30, 1998: *Provided*, That of the funds appropriated in this paragraph, $257,300,000 shall not be obligated or expended until authorized by law.

Procurement of Ammunition, Army

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities authorized by section 2854, title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; $1,019,315,000, to remain available for obligation until September 30, 1998.

Other Procurement, Army

For construction, procurement, production, and modification of vehicles, including tactical, support, and nontracked combat vehicles; the purchase of not to exceed 41 passenger motor vehicles for replacement only; communications and electronic equipment; other support equipment; spare parts, ordnance, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; $2,570,125,000, to remain available for obligation until September 30, 1998: *Provided*, That of the funds appropriated in this paragraph, $24,538,000 shall not be obligated or expended until authorized by law.

Aircraft Procurement, Navy

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; $4,310,703,000, to remain available for obligation until September 30, 1998: *Provided*, That of the funds appropriated in this paragraph, $204,215,000 shall not be obligated or expended until authorized by law.

Weapons Procurement, Navy

For construction, procurement, production, modification, and modernization of missiles, torpedoes, other weapons, and related support equipment including spare parts, and accessories therefor; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; $1,736,211,000, to remain available for obligation until September 30, 1998: *Provided*, That of the funds appropriated in this paragraph, $109,800,000 shall not be obligated or expended until authorized by law.

Procurement of Ammunition, Navy and Marine Corps

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities authorized by section 2854, title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; $483,779,000, to remain available for obligation until September 30, 1998: *Provided*, That of the funds appropriated in this paragraph, $22,000,000 shall not be obligated or expended until authorized by law.

Shipbuilding and Conversion, Navy

For expenses necessary for the construction, acquisition, or conversion of vessels as authorized by law, including armor and armament thereof, plant equipment, appliances, and machine tools and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; procurement of critical, long leadtime components and designs for vessels to be constructed or converted in the future; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; $5,577,958,000, to remain available for obligation until September 30, 2000: *Provided*, That additional obligations may be incurred after September 30, 2000, for engineering services, tests, evaluations, and other such budgeted work that must be performed in the final stage of ship construction: *Provided further*, That none of the funds herein provided for the construction or conversion of any naval vessel to be constructed in shipyards in the United States shall be expended in foreign facilities for the construction of major components of such vessel: *Provided further*, That none of the funds herein provided shall be used for the construction of any naval vessel in foreign shipyards.

Other Procurement, Navy

For procurement, production, and modernization of support equipment and materials not otherwise provided for, Navy ordnance (except ordnance for new aircraft, new ships, and ships authorized for conversion); the purchase of not to exceed 252 passenger motor vehicles for replacement only; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; $2,480,670,000, to remain available for obligation until September 30, 1998: *Provided*, That of the funds appropriated in this paragraph, $19,198,000 shall not be obligated or expended until authorized by law.

Procurement, Marine Corps

For expenses necessary for the procurement, manufacture, and modification of missiles, armament, military equipment, spare parts, and accessories therefor; plant equipment, appliances, and machine tools, and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; vehicles for the Marine Corps, including the purchase of not to exceed 194 passenger motor vehicles for replacement only; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired and construction prosecuted thereon prior to approval of title; $480,852,000, to remain available for obligation until September 30, 1998: *Provided*, That of the funds appropriated in this paragraph, $81,605,000 shall not be obligated or expended until authorized by law.

Aircraft Procurement, Air Force

For construction, procurement, and modification of aircraft and equipment, including armor and armament, specialized ground handling equipment, and training devices, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things; $7,162,603,000, to remain available for obligation until September 30, 1998: *Provided*, That of the funds appropriated in this paragraph, $130,651,000 shall not be obligated or expended until authorized by law.

Missile Procurement, Air Force

For construction, procurement, and modification of missiles, spacecraft, rockets, and related equipment, including spare parts and accessories therefor, ground handling equipment, and training devices; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things; $3,223,265,000, to remain available for obligation until September 30, 1998.

Procurement of Ammunition, Air Force

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities authorized by section 2854, title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; $321,328,000, to remain available for obligation until September 30, 1998.

OTHER PROCUREMENT, AIR FORCE

For procurement and modification of equipment (including ground guidance and electronic control equipment, and ground electronic and communication equipment), and supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of not to exceed 385 passenger motor vehicles for replacement only; and expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon, prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; $6,508,425,000, to remain available for obligation until September 30, 1998.

PROCUREMENT, DEFENSE-WIDE

For expenses of activities and agencies of the Department of Defense (other than the military departments) necessary for procurement, production, and modification of equipment, supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of not to exceed 451 passenger motor vehicles, of which 447 shall be for replacement only; expansion of public and private plants, equipment, and installation thereof in such plants, erection of structures, and acquisition of land for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; $2,187,085,000, to remain available for obligation until September 30, 1998.

NATIONAL GUARD AND RESERVE EQUIPMENT

For procurement of aircraft, missiles, tracked combat vehicles, ammunition, other weapons, and other procurement for the reserve components of the Armed Forces; $908,125,000, to remain available for obligation until September 30, 1998: *Provided*, That of the funds appropriated in this paragraph, $138,125,000 shall not be obligated or expended until authorized by law.

AMENDMENT OFFERED BY MS. FURSE

Ms. FURSE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. FURSE: On page 23, line 17, strike "$7,162,603,000," and insert "$7,140,703,000".

Mr. YOUNG of Florida (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

Ms. FURSE. Mr. Chairman, this is a very simple amendment. This is to cut $21.9 million from an aircraft procurement account for spare parts. That $21.9 million is more than what is required, and my amendment would merely remove that $21.9 million from the $117 million.

Mr. YOUNG of Florida. Mr. Chairman, will the gentlewoman yield?

Ms. FURSE. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Chairman, we appreciate the amendment being offered. We are very much aware of the amendment and agree with this amendment, and we are prepared to accept it.

Ms. FURSE. I thank the Chairman and I thank the ranking member.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Oregon [Ms. FURSE].

The amendment was agreed to.

Mr. YOUNG of Florida. Mr. Chairman, I move the committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. BONILLA), having assumed the chair, Mr. SENSENBRENNER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2126), making appropriations for the Department of Defense for the fiscal year ending September 30, 1996, and for other purposes, had come to no resolution thereon.

WAIVING PROVISIONS OF LEGISLATIVE REORGANIZATION ACT OF 1970 REQUIRING ADJOURNMENT OF CONGRESS BY JULY 31

Mr. SENSENBRENNER. Mr. Speaker, I offer a concurrent resolution (H. Con. Res. 89) waiving provisions of the Legislative Reorganization Act of 1970 requiring adjournment of Congress by July 31, and I ask unanimous consent for its immediate consideration.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 89

Resolved by the House of Representatives (the Senate concurring), That, notwithstanding the provisions of section 132(a) of the Legislative Reorganization Act of 1946 (2 U.S.C. 198(a)), the House of Representatives and the Senate shall not adjourn for a period in excess of three days, or adjourn sine die, until both Houses of Congress have adopted a concurrent resolution providing either for an adjournment (in excess of three days) to a day certain or for adjournment sine die.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

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SPECIAL ORDERS

The SPEAKER pro tempore (Mr. BONILLA). Under the Speaker's announced policy of May 12, 1995, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

BLM LOBBYING AGAINST LIVESTOCK GRAZING ACT

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentlewoman from Idaho [Mrs. CHENOWETH] is recognized for 10 minutes as the designee of the majority leader.

Mrs. CHENOWETH. Mr. Speaker, I rise tonight to speak with you about an issue that is taking place with regards to the activities of the Bureau of Land Management and the Rangeland Reform Act that is now pending before the committees here in the House and in the Senate. Shockingly the Bureau of Land Management, Mr. Babbitt, and the Clinton administration have ordered a communications plan designed to discredit the Livestock Grazing Act before committee hearings were even held on the act and before the legislation has been finalized. It is obvious, Mr. Speaker, that through this action the Clinton administration has no desire to work with Congress on grazing issues so important to our lifestyle, our culture, our economic base, and our way of life in the West.

Mr. Speaker, the job of the Bureau of Land Management is very plain and simply to carry out the laws passed by Congress, not to use taxpayer dollars to lobby the media or attempt to write their own laws.

Mr. Speaker, the Director of the Bureau of Land Management in the State of Nevada published in local newspapers a lobbying effort against this particular action. I am, Mr. Speaker, calling on the Bureau of Land Management to immediately cease spending taxpayer money to spread false and misleading information to the public on the Public Rangeland Management Act.

I need to remind the Bureau of Land Management that the Hatch Act under section 7322 of the United States Code clearly states that an employee in an executive agency or in the competitive service may not use his official authority or influence to coerce the political action of a person or a body.

Section 303 of the Interior Appropriation Act of 1995 clearly states that, quote, no part of any appropriations contained in this act shall be used for any activities, for publications or distribution of literature that in any way tend to promote public support or opposition to any legislative proposal on which congressional action is not complete.

The Public Rangeland Management Act currently under consideration by the House and the Senate is the result of hard work and lengthy discussions from all parties involved with the use and management of public rangelands.

Mr. Speaker, I intend to work as a member of the House Committee on Resources to schedule a special hearing on the conduct of the Bureau of Land Management to this issue. It is imperative that we bring the separation of powers back under control as envisioned by our Founding Fathers.

Article I, section 1, of the United States Constitution suggests, and states, and mandates that the Congress shall form all laws. It is the administration's responsibility simply to carry out those laws. Many of these public employees are very well paid. They have very high positions, and to see them blatantly ignore the Hatch Act and other pieces of legislation which have kept and maintained that separation of powers over these years, to see it blatantly ignored, is alarming to me, Mr. Speaker.

You know, today I had the fortune of going to Fredericksburg and viewing the battlefield there, viewing the battlefield where 35,000 young men from age 12 up through their twenties are buried, where only 15 percent of those young men were identified with grave markers. So much has gone before us, Mr. Speaker, in order for us to maintain the concepts emboldened and embodied in the Constitution of the separation of powers, so much has gone before us in the way of sacrifice, and yet today, yet today, we see public officials blatantly ignore the laws of Congress with absolutely no retribution or no fear of retribution.

Mr. Speaker, it is only when we are able to bring this out in the public and the public is able to see and to say to the lawmakers and to the policy makers in this Nation it is time, it is time, Mr. Speaker, that the members of the Bureau of Land Management and various other agencies abide by the same course of law and standard of law that nonpublic employees must live and abide by.

WILL MEDICARE SEE ITS 40TH BIRTHDAY?

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Pennsylvania [Mr. FOX] is recognized for 10 minutes as the designee of the majority leader.

Mr. FOX of Pennsylvania. Mr. Speaker, this week marks the 30th birthday of Medicare, very important health care program for our senior citizens, and this week is very important, that we look to Medicare and see how we can strengthen, preserve, and protect Medicare.

We have heard disturbing news, however, that Medicare, as strong as it has been, as much good as it has done, could be in trouble unless we make some changes. Currently the Medicare board of trustees has reported in a bipartisan fashion to the Clinton administration that in fact, if Medicare is not preserved, protected, and improved within 7 years' time, the Medicare funds will be depleted. In fact, the hospital insurance trust fund, which pays beneficiaries' bills, begins to run a deficit in the near future. Only 2 years following the initial problems we will find there to be $126 billion in the hole.

Republicans and some reform-minded Democrats in the House of Representatives recognize the gravity of the situation, Mr. Speaker, we know that Medicare must be protected for the sake of current and future generations. To do this, we have determined that there are six basic principles which will guide our efforts to strengthen, preserve, and protect the Medicare Program.

First, we must act immediately to preserve Medicare for current retirees and to protect the system for the next generation of beneficiaries. The President's trustees have reported that the Medicare Part A Trust Fund will be bankrupt in 7 years. Medicare must be preserved and prompt, decisive action—at once—is imperative.

Second, Medicare spending will increase at a controlled rate. Under the proposed new budget, spending per beneficiary would increase at least from $4,800 this year to $6,700 over the next 7 years, and that includes adjustment for new beneficiaries.

Third, senior citizens deserve the same choices available to other Americans. Medicare currently gives seniors only one choice—an outdated, bureaucratic fee-for-service program that is rife with waste, fraud, and abuse. Our seniors, like all Americans, deserve to choose a plan that best fits their personal needs.

Fourth, Government must not interfere in the relationship between patients and their doctors. Medicare currently dictates to doctors how to treat patients, limits patient options and worse, it has buried both the patient and the doctor under an avalanche of duplicative regulations. To succeed in reforming the system, we need to ease this burden by reducing regulation and needless paperwork.

Fifth, senior citizens should be rewarded for helping to root out waste, fraud and abuse in the system. Seniors have proven themselves to be fine stewards of public funds by frequently calling attention to fraud and abuse in the Medicare system. We need to reward their efforts to make the system more efficient. According to the Government Accounting Office [GAO], there already exists $44 billion in fraud, waste, and abuse in the Medicare/Medicaid systems.

Sixth, strengthening Medicare is too important to be left to "politics as usual." All Americans see how important it is for Medicare to be saved. They expect Republicans and Democrats to work together to get the job done and that is exactly what we will do, Mr. Speaker.

To help us find the best solutions on a local level, many of us have formed local Medicare preservation task forces, as I have in the 13th District of Pennsylvania. Our task force has taken public testimony from doctors, health care professionals, senior citizens, insurance companies, and health care consumers to suggest a course of action that we should take to preserve and protect Medicare. The task force has had four hearings, heard from dozens of witnesses and has read volumes of materials regarding possible solutions. They are drafting a report which has been prepared for my inspection on September 5 when I will have a public meeting in the district at a town meeting at Montgomery County Community College at 7 p.m. the day after Labor Day. I will present the task force report to the people of the 13th District, and thereafter, Mr. Speaker, I will transmit back to this House those suggestions so that we may make the kinds of legislative initiatives that will strengthen, protect, and preserve Medicare as the outstanding health care program for our seniors which it has been.

Saving Medicare will make the 30th birthday of Medicare a happy occasion after all. By working together, Republicans and Democrats, we can save Medicare for the beneficiary of today and tomorrow, and by doing so we will insure that Medicare will have a bright future and many happy returns.

THE FAILURE TO ENFORCE ENVIRONMENTAL LAWS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey [Mr. PALLONE] is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, I wanted to talk tonight briefly about what happened with regard to the VA, HUD, and EPA appropriations bill, and specifically the amendment sponsored by the gentleman from Ohio [Mr. STOKES] and the gentleman from New York [Mr. BOEHLERT] on a bipartisan basis which was in effect turned around tonight.

Mr. Speaker, I think many people do not realize in the House of Representatives you can vote once in what we call the Committee of the Whole, which is what happened with this bill last week, and have a vote one way, but again, when the bill comes to the full House, as it did tonight, you can have the same amendment or provision, and the bill can go another way, and what happened essentially, Mr. Speaker, is that over the weekend the Republican leadership spent a lot of time trying to convince Members and get Members back here so that in fact today, when this amendment came up again, the vote went the other way, and what I consider a very good amendment that was sponsored on a bipartisan basis by both Democrats and Republicans was defeated. The appropriations bill that we took up today essentially does great damage to the environment by including something like 17 riders, as we call them, that would prohibit expenditures of funds for enforcement of environmental protection.

Mr. Speaker, when I was first elected to the House of Representatives back in 1988, I believe the main reason I was elected was because I said I would come down here and try to protect the oceans and try and protect the environment. We had gone through a summer in New Jersey where we had medical waste wash up on the beaches. Our beaches were closed. People were very concerned about what the Federal Government was doing to protect the environment, particularly clean water, and we passed some major legislation over the last 7 or 8 years that increases protection of the environment not only with clean water, but clean air and a lot of other areas, and the most important aspect of that is enforcement because, if you think about it, you can pass all the environmental bills you want, you can have every environmental agency that you can possibly have, but if you do not have the money to hire people to go out and enforce the law, you might as well not have the laws on the books, and that is what we were facing here today, a bill, an appropriations bill, that cut back by one-third the amount of money that was available to the Environmental Protection Agency to enforce the law and riders, if you can call them, or provisions that were put into this appropriations bill that made it difficult, if not impossible, for the EPA to enforce environmental laws.

The amendment sponsored by the gentleman from Ohio [Mr. STOKES] and the gentleman from New York [Mr. BOEHLERT] would have changed all that and taken out these riders, and, as I said, it did pass last week, but over the weekend a lot of pressure was put on this Congress, particularly the Republican Members, to try to make sure that that bill, that amendment failed today, and it did in fact fail today.

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To give you an idea of some of the provisions that are in this bill now, without that amendment having passed, the spending package includes more than 17 substantive riders which will gut key environmental provisions by prohibiting spending for implementation and enforcement.

Mr. Speaker, let us talk about the Clean Water Act, which is so important to my district and to coastal states. Basically, the bill would bring enforcement of the existing law to a halt. It stops enforcement of wetlands protection programs. It blocks the Great Lakes water quality initiative. It bars effluent guidelines and water quality standards. It freezes storm water permits and it also stops enforcement of sewer overflow permits. If you think of those things collectively, they add up to gutting the Clean Water Act.

With regard to the Clean Air Act, it makes the clean air operating permit program voluntary. It exempts refineries from air toxic standards. It allows full credit for ineffective auto emission inspection and maintenance programs. It exempts the oil and gas industry from accident prevention programs. It provides special treatment for cement kilns and exempts those kilns that burn hazardous waste from air toxic regulation, and it forbids trip reduction strategies in state clean air plans.

Mr. Speaker, some of these things I am providing are from an analysis put together by the Natural Resources Defense Council.

On the Safe Drinking Water Act, which is so important to so many communities in this country, the bill prohibits, on EPA's issuance of tap water standards for arsenic, a known human carcinogen, it prohibits the EPA's issuance of a tap water standard for radon and other radionuclides. Other environmental protection programs are gutted. There is a threat, essentially, to the community right to know program. It is gutted. There are major cuts in the energy efficiency program. It also revokes the Delaney clause.

Mr. Speaker, the bill essentially repeals the Federal Food, Drug and Cosmetic Act's prohibition on the use of cancer causing pesticides in foods when the pesticides concentrate in processed foods, such as in the making of apple sauce. All in all, this is a very bad piece of legislation. It is really a shame tonight that we saw the reversal on the Stokes-Boehlert amendment.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. YOUNG of Alaska (at the request of Mr. ARMEY) for today and the balance of the week, on account of medical reasons.

Mrs. THURMAN (at the request of Mr. GEPHARDT) for today, on account of illness in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members to revise and extend their remarks and include extraneous material:)

Mrs. SCHROEDER, for 5 minutes, today.

Mrs. MINK of Hawaii, for 5 minutes, today.

Mr. MILLER of California, for 5 minutes, today.

Mr. ROMERO-BARCELÓ, for 5 minutes, today.

Mr. MARTINEZ, for 5 minutes, today.

Mr. OWENS, for 5 minutes, today.

Mr. MONTGOMERY, for 5 minutes, today.

Mr. SKAGGS, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. HUNTER, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. MCKEON, for 5 minutes, today.

(The following Members (at the request of Mr. SENSENBRENNER) to revise and extend their remarks and include extraneous material:)

Mr. WELLER, for 5 minutes, today.

Mr. JONES, for 5 minutes, on August 1.

Mr. FOX of Pennsylvania, for 5 minutes, on August 1.

(The following Member to revise and extend his remarks and include extraneous material:)

Mr. PALLONE, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Ms. FURSE) and to include extraneous matter:)

Mrs. SCHROEDER.

Mr. RAHALL.

Mr. STARK.

Mrs. COLLINS of Illinois.

Mr. DIXON.

Mr. HILLIARD.

Mrs. MALONEY.

Mrs. MINK of Hawaii.

Mr. BORSKI.

Mr. STOKES.

Mr. DINGELL and to include extraneous matter on H.R. 2099 in the Committee of the Whole today on the Dingell-Brown amendment.

(The following Members (at the request of Mr. SENSENBRENNER) and to include extraneous matter:)

Mrs. JOHNSON of Connecticut.

Mr. BAKER of California.

Mr. SCHIFF.

Mr. ALLARD.

Mr. HORN.

Mr. WAXMAN, notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $3,497.

ADJOURNMENT

Mr. PALLONE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 18 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, August 1, 1995, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1281. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

1282. A letter from the Administrator, Agency for International Development, transmitting the quarterly update report on development assistant program allocations as of March 31, 1995, pursuant to 22 U.S.C. 2413(a); to the Committee on International Relations.

1283. A letter from the Administrator, Federal Aviation Administration, transmitting the administration's final environmental impact statement [FEIS] on the effects of the implementation of the expanded east coast plan over the State of New Jersey, pursuant to Public Law 101-508, section 9119(c) (104 Stat. 1388-369); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ROBERTS: Committee on Agriculture. H.R. 701. A bill to authorize the Secretary of Agriculture to convey lands to the city of Rolla, MO; with an amendment (Rept. 104-215). Referred to the Committee of the Whole House on the State of the Union.

Mr. ROBERTS: Committee on Agriculture. H.R. 1874. A bill to modify the boundaries of the Talladega National Forest, Alabama; with an amendment (Rept. 104-216). Referred to the Committee of the Whole House on the State of the Union.

Mr. SHUSTER: Committee on Transportation and Infrastructure. H.R. 2017. A bill to authorize an increased Federal share of the costs of certain transportation projects in the District of Columbia for fiscal years 1995 and 1996, and for other purposes; with an amendment (Rept. 104-217 Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 1675. A bill to amend the National Wildlife Refuge System Administration Act of 1966 to improve the management of the National Wildlife Refuge System, and for other purposes; with an amendment (Rept. 104-218). Referred to the Committee of the Whole House on the State of the Union.

SUBSEQUENT ACTION ON A REPORTED BILL

Under clause 5 of rule X, the following action was taken by the Speaker:

H.R. 2017. The Committee on Government Reform and Oversight discharged.

H.R. 2017 referred to the Committee of the Whole House on the State of the Union.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 2017. Referral to the Committee on Government Reform and Oversight extended for a period ending not later than July 31, 1995.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. SCHIFF (for himself, Mr. FAWELL, Mr. HASTERT, Mr. WAMP, Mr. BAKER of California, and Mrs. MORELLA):

H.R. 2142. A bill to promote the scientific, technological, and the national security interests and industrial well-being of the United States through establishing missions for and streamlining Department of Energy laboratories, and for other purposes; to the Committee on Science, and in addition to the Committee on National Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ACKERMAN (for himself, Mr. ABERCROMBIE, Mr. BORSKI, Mr. BROWN of California, Mr. DEFAZIO, Mr. DEUTSCH, Mr. ENGEL, Mr. FARR, Mr. FAWELL, Mr. FRANK of Massachusetts, Ms. FURSE, Mr. GILMAN, Mr. GONZALEZ, Mr. GUTIERREZ, Mr. HINCHEY, Mr. JACOBS, Mr. JOHNSTON of Florida, Mr. KLECZKA, Mr. LANTOS, Mr. LEWIS of Georgia, Mr. LIPINSKI, Mrs. LOWEY, Mr. MCDERMOTT, Mr. MANTON, Mrs. MALONEY, Mr. MARKEY, Mr. MARTINEZ, Mr. MINETA, Mrs. MINK of Hawaii, Mr. MORAN, Mr. NADLER, Mr. OWENS, Mr. PORTER, Ms. ROYBAL-ALLARD, Mrs. SCHROEDER, Mr. SCHUMER, Mr. SHAYS, Mr. STARK, Mr. TORRICELLI, Mr. TOWNS, Mr. VENTO, Mr. WAXMAN, and Mr. YATES):

H.R. 2143. A bill to amend the Packers and Stockyards Act, 1921, to make it unlawful for any stockyard owner, market agency, or dealer to transfer or market nonambulatory cattle, sheep, swine, horses, mules, or goats, and for other purposes; to the Committee on Agriculture.

By Mr. BARRETT of Nebraska (for himself, Mr. HAMILTON, Mr. JACOBS, Mr. SKELTON, Mr. EMERSON, Mr. VOLKMER, Mr. BEREUTER, Mr. FUNDERBURK, Mr. EHLERS, Mr. BROWNBACK, Mr. KINGSTON, Mr. BRYANT of Tennessee, Mr. BUNNING of Kentucky, Mr. HEINEMAN, and Mr. CHAMBLISS):

H.R. 2144. A bill to amend title 49, United States Code, in a manner which ensures to a greater degree the ability of utility providers to establish, improve, operate, and maintain utility structures, facilities, and equipment for the benefit, safety, and well-being of consumers by removing limitations on maximum driving and on-duty time in regard to utility vehicle operators and drivers, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. GILCHREST (for himself, Mr. SHUSTER, Mr. MINETA, Mr. WISE, and Mr. WICKER):

H.R. 2145. A bill to reauthorize and make reforms to programs authorized by the Public Works and Economic Development Act of 1965 and the Appalachian Regional Development Act of 1965; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Banking and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. JOHNSON of Connecticut:

H.R. 2146. A bill to amend the Internal Revenue Code of 1986 to extend the nonconventional fuel tax credit; to the Committee on Ways and Means.

By Mr. ROBERTS (for himself, Mr. LUCAS, and Mrs. CHENOWETH):

H.R. 2147. A bill to amend the Federal Crop Insurance Act to permit producers greater discretion in deciding to purchase catastrophic risk protection and to amend the Agricultural Act of 1949 to clarify the prevented planting rule for the calculation of crop acreage bases; to the Committee on Agriculture.

By Mr. SENSENBRENNER:

H. Con. Res. 89. Concurrent resolution waiving provisions of the Legislative Reorganization Act of 1970 requiring adjournment of Congress by July 31; considered and agreed to.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

145. By the SPEAKER: Memorial of the House of Representatives of the State of Maine, relative to memorializing the Administrator of the Environmental Protection Agency to require development of a gasoline that reduces ozone without endangering health; to the Committee on Commerce.

146. Also, memorial of the House of Representatives of the State of Texas, relative to requesting the Congress of the United States to continue its efforts to determine the location and status of all U.S. military personnel still missing in Southeast Asia; to the Committee on International Relations.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 60: Mr. BONO and Mr. CANADY.

H.R. 533: Mr. EHLERS.

H.R. 580: Mr. PETERSON of Minnesota, Mr. SANDERS, and Mr. MINETA.

H.R. 743: Mr. LATHAN and Mr. HANSEN.

H.R. 784: Mr. MCCOLLUM.

H.R. 789: Mr. GALLEGLY.

H.R. 863: Mr. SANDERS.

H.R. 940: Mr. DICKS, Mr. FLAKE, Ms. MCKINNEY, Mr. TUCKER, Ms. WATERS, and Mr. PALLONE.

H.R. 1226: Mr. EMERSON, Mr. ANDREWS, and Mr. LINDER.

H.R. 1423: Mr. SMITH of New Jersey, Mr. LIPINSKI, Mr. WAXMAN, Mr. BORSKI, Mr. DELLUMS, Mr. MINETA, Mr. KENNEDY of Massachusetts, and Ms. DELAURO.

H.R. 1594: Mr. CALVERT.

H.R. 1619: Mr. CALVERT, Mr. HUNTER, and Mr. LOBIONDO.

H.R. 1687: Mr. FOX, Mr. ANDREWS, Mr. PALLONE, and Mr. HINCHEY.

H.R. 1821: Mr. HORN, Mr. BILBRAY, Mr. WALSH, Mr. RIGGS, and Mr. DOOLITTLE.

H.R. 1833: Mr. DEAL of Georgia, Mr. DELAY, Mr. POMBO, Mr. SOUDER, and Mr. DICKEY.

H.R. 1846: Mr. BEREUTER and Mr. BONIOR.

H.R. 1974: Mr. HOEKSTRA.

H.R. 1978: Mr. ROHRABACHER.

H.R. 1980: Ms. NORTON, Mr. TORRES, Mr. SCHUMER, Mr. BECERRA, Mr. TEJEDA, Mr. ROMERO-BARCELO, Mr. ABERCROMBIE, and Mr. FLAKE.

H.R. 2045: Mr. MCDERMOTT.

H.J. Res. 70: Mr. PAYNE of New Jersey.

H. Res. 174: Mrs. MORELLA, Mr. CARDIN, Mr. LEWIS of Georgia, Mr. WATT of North Carolina, and Ms. FURSE.

H. Res. 200: Mr. FORBES.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 1555

OFFERED BY: MR. MARKEY

AMENDMENT NO. 2: Page 126, after line 16, insert the following new subsection (and redesignate the succeeding subsections and accordingly):

(f) STANDARD FOR UNREASONABLE RATES FOR CABLE PROGRAMMING SERVICES.—Section 623(c)(2) of the Act (47 U.S.C. 543(C)) is amended to read as follows:

"(2) STANDARD FOR UNREASONABLE RATES.—The Commission may only consider a rate for cable programming services to be unreasonable if such rate has increased since June 1, 1995, determined on a per-channel basis, by a percentage that exceeds the percentage increase in the Consumer Price Index for All Urban Consumers (as determined by the Department of Labor) since such date.".

Page 127, line 4, strike "or 5 percent" and all that follows through "greater," on line 6.

Page 129, strike lines 16 through 21 and insert the following:

"(d) UNIFORM RATE STRUCTURE.—A cable operator shall have a uniform rate structure throughout its franchise area for the provision of cable services.".

Page 130, line 16, insert "and" after the semicolon, and strike line 20 and all that follows through line 2 on page 131 and insert the following:

directly to subscribers in the franchise area and such franchise area is also served by an unaffiliated cable system.".

Page 131, strike line 6 and all that follows through line 21, and insert the following:

"(m) SMALL CABLE SYSTEMS.—

"(1) SMALL CABLE SYSTEM RELIEF.—A small cable system shall not be subject to subsections (a), (b), (c), or (d) in any franchise area with respect to the provision of cable programming services, or a basic service tier where such tier was the only tier offered in such area on December 31, 1994.

"(2) DEFINITION OF SMALL CABLE SYSTEM.—For purposes of this subsection, 'small cable system' means a cable system that—

"(A) directly or through an affiliate, serves in the aggregate fewer than 250,000 cable subscribers in the United States; and

"(B) directly serves fewer than 10,000 cable subscribers in its franchise area.".

H.R. 1555

OFFERED BY: MR. MARKEY

AMENDMENT NO. 3: Page 150, beginning on line 24, strike paragraph (1) through line 17 on page 151 and insert the following:

"(1) NATIONAL AUDIENCE REACH LIMITATIONS.—The Commission shall prohibit a person or entity from obtaining any license if such license would result in such person or entity directly or indirectly owning, operating, or controlling, or having a cognizable interest in, television stations which have an aggregate national audience reach exceeding 35 percent. Within 3 years after such date of enactment, the Commission shall conduct a study on the operation of this paragraph and submit a report to the Congress on the development of competition in the television marketplace and the need for any revisions to or elimination of this paragraph.

Page 150, line 4, strike "(a) AMENDMENT.—".

Page 150, line 9, after "section," insert "and consistent with section 613(a) of this Act,".

Page 154, strike lines 9 and 10.

H.R. 1555

OFFERED BY: MR. MARKEY

AMENDMENT NO. 4: Page 157, after line 21, insert the following new section (and redesignate the succeeding sections and conform the table of contents accordingly):

SEC. 304. PARENTAL CHOICE IN TELEVISION PROGRAMMING.

(a) FINDINGS.—The Congress makes the following findings:

(1) Television influences children's perception of the values and behavior that are common and acceptable in society.

(2) Television station operators, cable television system operators, and video programmers should follow practices in connection with video programming that take into consideration that television broadcast and cable programming has established a uniquely pervasive presence in the lives of American children.

(3) The average American child is exposed to 25 hours of television each week and some children are exposed to as much as 11 hours of television a day.

(4) Studies have shown that children exposed to violent video programming at a young age have a higher tendency for violent and aggressive behavior later in life that children not so exposed, and that children exposed to violent video programming are prone to assume that acts of violence are acceptable behavior.

(5) Children in the United States are, on average, exposed to an estimated 8,000 murders and 100,000 acts of violence on television by the time the child completes elementary school.

(6) Studies indicate that children are affected by the pervasiveness and casual treatment of sexual material on television, eroding the ability of parents to develop responsible attitudes and behavior in their children.

(7) Parents express grave concern over violent and sexual video programming and strongly support technology that would give them greater control to block video programming in the home that they consider harmful to their children.

(8) There is a compelling governmental interest in empowering parents to limit the negative influences of video programming that is harmful to children.

(9) Providing parents with timely information about the nature of upcoming video programming and with the technological tools that allow them easily to block violent, sexual, or other programming that they believe harmful to their children is the least restrictive and most narrowly tailored means of achieving that compelling governmental interest.

(b) ESTABLISHMENT OF TELEVISION RATING CODE.—Section 303 of the Act (47 U.S.C. 303) is amended by adding at the end the following:

"(v) Prescribe—

"(1) on the basis of recommendations from an advisory committee established by the Commission that is composed of parents, television broadcasters, television programming producers, cable operators, appropriate public interest groups, and other interested individuals from the private sector and that is fairly balanced in terms of political affiliation, the points of view represented, and the functions to be performed by the committee, guidelines and recommended procedures for the identification and rating of video programming that contains sexual, violent, or other indecent material about which parents should be informed before it is displayed to children, provided that nothing in this paragraph shall be construed to authorize any rating of video programming on the basis of its political or religious content; and

"(2) with respect to any video programming that has been rated (whether or not in accordance with the guidelines and recommendations prescribed under paragraph (1)), rules requiring distributors of such video programming to transmit such rating to permit parents to block the display of video programming that they have determined is inappropriate for their children.".

(c) REQUIREMENT FOR MANUFACTURE OF TELEVISIONS THAT BLOCK PROGRAMS.—Section 303 of the Act, as amended by subsection (a), is further amended by adding at the end the following:

"(w) Require, in the case of apparatus designed to receive television signals that are manufactured in the United States or imported for use in the United States and that have a picture screen 13 inches or greater in size (measured diagonally), that such apparatus be equipped with circuitry designed to enable viewers to block display of all programs with a common rating, except as otherwise permitted by regulations pursuant to section 330(c)(4).".

(d) SHIPPING OR IMPORTING OF TELEVISIONS THAT BLOCK PROGRAMS.—

(1) REGULATIONS.—Section 330 of the Communications Act of 1934 (47 U.S.C. 330) is amended—

(A) by redesignating subsection (c) as subsection (d); and

(B) by adding after subsection (b) the following new subsection (c):

"(c)(1) Except as provided in paragraph (2), no person shall ship in interstate commerce, manufacture, assemble, or import from any foreign country into the United States any apparatus described in section 303(w) of this Act except in accordance with rules prescribed by the Commission pursuant to the authority granted by that section.

"(2) This subsection shall not apply to carriers transporting apparatus referred to in paragraph (1) without trading it.

"(3) The rules prescribed by the Commission under this subsection shall provide for the oversight by the Commission of the adoption of standards by industry for blocking technology. Such rules shall require that all such apparatus be able to receive the rating signals which have been transmitted by way of line 21 of the vertical blanking interval and which conform to the signal and blocking specifications established by industry under the supervision of the Commission.

"(4) As new video technology is developed, the Commission shall take such action as the Commission determines appropriate to ensure that blocking service continues to be available to consumers. If the Commission determines that an alternative blocking technology exists that—

"(A) enables parents to block programming based on identifying programs without ratings,

"(B) is available to consumers at a cost which is comparable to the cost of technology that allows parents to block programming based on common ratings, and

"(C) will allow parents to block a broad range of programs on a multichannel system as effectively and as easily as technology that allows parents to block programming based on common ratings,

the Commission shall amend the rules prescribed pursuant to section 303(w) to require that the apparatus described in such section be equipped with either the blocking technology described in such section or the alternative blocking technology described in this paragraph.".

(2) CONFORMING AMENDMENT.—Section 330(d) of such Act, as redesignated by subsection (a)(1), is amended by striking "section 303(s), and section 303(u)" and inserting in lieu thereof "and sections 303(s), 303(u), and 303(w)".

(e) APPLICABILITY AND EFFECTIVE DATES.—

(1) APPLICABILITY OF RATING PROVISION.—The amendment made by subsection (b) of this section shall take effect 1 year after the date of enactment of this Act, but only if the Commission determines, in consultation with appropriate public interest groups and interested individuals from the private sector, that distributors of video programming have not, by such date—

(A) established voluntary rules for rating video programming that contains sexual, violent, or other indecent material about which parents should be informed before it is displayed to children, and such rules are acceptable to the Commission; and

(B) agreed voluntarily to broadcast signals that contain ratings of such programming.

(2) EFFECTIVE DATE OF MANUFACTURING PROVISION.—In prescribing regulations to implement the amendment made by subsection (c), the Federal Communications Commission shall, after consultation with the television manufacturing industry, specify the effective date for the applicability of the requirement to the apparatus covered by such amendment, which date shall not be less than one year after the date of the enactment of this Act.

H.R. 1555

OFFERED BY: MR. MORAN

AMENDMENT NO. 5: Page 90, beginning on line 11, strike paragraph (7) through page 93, line 6, and insert the following:

"(7) FACILITIES SITING.—(A) Except as provided in subparagraph (B), the Commission shall be prohibited from engaging in any rulemaking that preempts or has the effect of preempting State or local regulation of the placement, construction, modification, or operation of facilities for the provision of commercial mobile services.

"(B) No State or local government or any instrumentality thereof may regulate the placement construction, modification, or operation of such facilities on the basis of the environmental effects of radio frequency emissions, to the extent that such facilities comply with the Commission's regulations concerning such emissions.

"(C) A State or local government or any instrumentality thereof may regulate the placement, construction, modification, or operation of such facilities if—

"(i) the regulation of the placement, construction, and modification of facilities for the provision of commercial mobile services by any State or local government or instrumentality thereof—

"(I) is reasonable, does not discriminate among commercial mobile service providers, and is limited to the minimum necessary to accomplish the State or local government's legitimate purposes; and

"(II) does not prohibit or have the effect of precluding any commercial mobile service; and

"(ii) a State or local government or instrumentality thereof acts on any request for authorization to locate, construct, modify, or operate facilities for the provision of commercial mobile services within a reasonable period of time after the request is fully filed with such government or instrumentality; and

"(iii) any decision by a State or local government or instrumentality thereof to deny a request for authorization to locate, construct, modify, or operate facilities for the provision of commercial mobile services is in writing and is supported by substantial evidence contained in a written record.

"(D) Any person adversely affected by any final determination made by a State or local government or any instrumentality thereof under this paragraph shall commence an action within 120 days after receiving such determination in (1) the district court of the United States for any judicial district in which the instrumentality is located; or (2) in any State court of general jurisdiction having jurisdiction over the parties.".

H.R. 2126

OFFERED BY: MR. BATEMAN

AMENDMENT NO. 12: Page 28, line 11, insert "(increased by $8,000,000)" after the dollar amount.

H.R. 2126

OFFERED BY: MR. BATEMAN

AMENDMENT NO. 13: Page 28, line 11, strike "$13,110,335,000" and insert "$13,118,335,000".

H.R. 2126

OFFERED BY: MR. BURTON OF INDIANA

AMENDMENT NO. 14: Page 94, after line 3, insert the following new section:

SEC. 8107. None of the funds made available in this Act may be used for the procurement of Army projectiles, except when it is made known to the Federal official having authority to obligate or expend such funds that such procurement is in compliance with the Competition in Contracting Act.

H.R. 2126

OFFERED BY: MR. DORNAN

AMENDMENT NO. 15: Page 94, after line 3, insert the following new section:

SEC. 8107. None of the funds made available in this Act may be used to administer any policy that permits the performance of abortions at medical treatment or other facilities of the Department of Defense, except when it is made known to the Federal official having authority to obligate or expend such funds that the life of the mother would be endangered if the fetus were carried to term.

H.R. 2126

OFFERED BY: MR. FARR

AMENDMENT NO. 16: Page 94, after line 3, insert the following new section:

SEC. 8107. None of the funds appropriated by this Act or any other Act for any fiscal year may be obligated or expended in a total amount in excess of $6,700,000 for the relocation of Fort Bliss, Texas, as a result of the report of the 1995 Defense Base Closure and Realignment Commission, of the activity of the Army Operational Test and Experimentation Command that is located at Fort Hunter Liggett, California, as of July 1, 1995.

H.R. 2126

OFFERED BY: MR. FARR

AMENDMENT NO. 17: Page 94, after line 3, insert the following new section:

SEC. 8107. None of the funds appropriated by this Act or any other Act for any fiscal year may be obligated or expended in a total amount in excess of $6,700,000 for the relocation, as a result of the report of the 1995 Defense Base Closure and Realignment Commission, of the activity of the Army Operational Test and Experimentation Command that is located at Fort Hunter Liggett, California, as of July 1, 1995.

H.R. 2126

OFFERED BY: MR. KASICH

AMENDMENT NO. 18: Page 94, after line 3, insert the following new section:

SEC. 8107. (a) None of the funds provided in this Act may be obligated or expended for new production aircraft for the B–2 bomber aircraft program.

(b) The amount otherwise provided in title II of this Act for "AIRCRAFT PROCUREMENT, AIR FORCE" is reduced by $493,000,000.

H.R. 2126

OFFERED BY: MR. NEUMANN

AMENDMENT NO. 19: On page 8 of the bill, line 1, strike out "$18,999,825,000" and insert in lieu thereof "$18,998,131,000".

On page 9 of the bill, line 4, strike out "$18,894,397,000" and insert in lieu thereof "$18,873,793,000".

On page 10 of the bill, line 10, strike out "$857,042,000" and insert in lieu thereof "$841,565,000".

On page 10 of the bill, line 21, strike out "$104,783,000" and insert in lieu thereof "$102,079,000".

On page 12 of the bill, line 3, strike out "$2,344,008,000" and insert in lieu thereof "$2,334,487,000".

H.R. 2126

OFFERED BY: MR. NEUMANN

AMENDMENT NO. 20: On page 8 of the bill, line 1, strike out "$18,999,825,000" and insert in lieu thereof "$18,998,131,000".

H.R. 2126

OFFERED BY: MR. NEUMANN

AMENDMENT NO. 21: On page 9 of the bill, line 4, strike out "$18,894,397,000" and insert in lieu thereof "$18,873,793,000".

H.R. 2126

OFFERED BY: MR. NEUMANN

AMENDMENT NO. 22: On page 10 of the bill, line 10, strike out "$857,042,000" and insert in lieu thereof "$841,565,000".

H.R. 2126

OFFERED BY: MR. NEUMANN

AMENDMENT NO. 23: On page 10 of the bill, line 21, strike out "$104,783,000" and insert in lieu thereof "$102,079,000".

H.R. 2126

OFFERED BY: MR. NEUMANN

AMENDMENT NO. 24: On page 12 of the bill, line 3, strike out "$2,344,008,000" and insert in lieu thereof "$2,334,487,000".

H.R. 2126

OFFERED BY: MR. NEUMANN

AMENDMENT NO. 25: Page 88, after line 3, after "for the current fiscal year" insert "or prior fiscal years."

Page 88, line 5, strike "serving in an operation" and all that follows through line 10 and insert "participating in an operation described in subsection (b) unless the participation of United States Armed Forces units in such operation is previously authorized by law or conditions meeting subsection (d) apply."

Page 89, strike line 12 and all that follows through line 18 on page 90.

Page 90, line 19, strike "(d)" and insert "(c)".

Page 91, strike lines 3 through 12 and insert new subsection "(d) None of the funds provided in this Act may be obligated or expended for the participation of United States

Armed Forces in any operation in the territory of the former Yugoslavia for a period in excess of 60 days after the date of initial deployment above the level of forces so deployed as of date of enactment."

H.R. 2126

OFFERED BY: MR. NEUMANN

AMENDMENT NO. 26: On page 94 of the bill, after line 3, add the following section:

SEC. . (a) Notwithstanding any other provision of this Act, the amount appropriated by this Act for "Operation and Maintenance, Army" is hereby reduced by $1,694,000: *Provided*, That not more than $6,652,000 of the funds made available under that heading shall be available for operational support airlift.

(b) Notwithstanding any other provision of this Act, the amount appropriated by this Act for "Operation and Maintenance, Air Force" is hereby reduced by $20,604,000: *Provided*, That not more than $80,896,000 of the funds made available under that heading shall be available for operational support airlift.

(c) Notwithstanding any other provision of this Act, the amount appropriated by this Act for "Operation and Maintenance, Navy Reserve" is hereby reduced by $15,477,000: *Provided*, That not more than $60,767,000 of the funds made available under that heading shall be available for operational support airlift.

(d) Notwithstanding any other provision of this Act, the amount appropriated by this Act for "Operation and Maintenance, Marine Corps Reserve" is hereby reduced by $2,704,000: *Provided*, That not more than $10,614,000 of the funds made available under that heading shall be available for operational support airlift.

(e) Notwithstanding any other provision of this Act, the amount appropriated by this Act for "Operation and Maintenance, Army National Guard" is hereby reduced by $9,521,000: *Provided*, That not more than $37,379,000 of the funds made available under that heading shall be available for operational support airlift.

H.R. 2126

OFFERED BY: MR. NEUMANN

AMENDMENT NO. 27: Page 94, line 3, insert the following new section:

SEC. 8107. None of the funds appropriated by this Act shall be obligated or expended for the construction, operation, or administration of any golf course or other golf facility at Andrew Air Force Base, Maryland (other than for a golf course or golf facilities in existence on the date of the enactment of this Act).

H.R. 2126

OFFERED BY: MR. NEUMANN

AMENDMENT NO. 28: Page 94, after line 3, insert the following new section:

SEC. 8107. None of the funds provided in this Act may be obligated or expended for the participation of United States Armed Forces in any operation in the territory of the former Yugoslavia for a period in excess of 60 days after the date of initial deployment or 60 days after the passage of this Act above the level of forces so deployed as of date of enactment.

H.R. 2126

OFFERED BY: MR. OBEY

AMENDMENT NO. 29: Page 8, line 1, strike "$18,999,825,000" and insert "$18,809,825,000".

H.R. 2126

OFFERED BY: MR. OBEY

AMENDMENT NO. 30: Page 8, line 13, strike "$20,846,710,000" and insert "$20,756,710,000".

H.R. 2126

OFFERED BY: MR. OBEY

AMENDMENT NO. 31: Page 9, line 4, strike "$18,894,397,000" and insert "$18,804,397,000".

H.R. 2126

OFFERED BY: MR. OBEY

AMENDMENT NO. 32: Page 9, line 11, strike "$9,958,810,000" and insert "$9,918,810,000".

H.R. 2126

OFFERED BY: MR. OBEY

AMENDMENT NO. 33: Page 28, line 11, strike "$13,110,335,000" and insert "$12,910,335,000".

H.R. 2126

OFFERED BY: MR. OBEY

AMENDMENT NO. 34: Page 23, line 17, strike "$7,162,603,000" and insert "$6,669,603,000".

H.R. 2126

OFFERED BY: MR. OBEY

AMENDMENT NO. 35: Page 23, line 17, strike "$7,162,603,000" and insert "$7,112,603,000".

H.R. 2126

OFFERED BY MR. OBEY

AMENDMENT NO. 36: Page 26, line 10, strike "$908,125,000" and insert "$569,125,000".

H.R. 2126

OFFERED BY MR. OBEY

AMENDMENT NO. 37: Page 28, line 11, strike "$13,110,335,000" and insert "$12,110,335,000".

H.R. 2126

OFFERED BY MR. OBEY

AMENDMENT NO. 38: Page 28, line 24, strike "$9,029,666,000" and insert "$8,579,666,000".

H.R. 2126

OFFERED BY: MR. SANDERS

AMENDMENT NO. 39: Page 94, after line 3, insert the following new section:

SEC. 8107. None of the funds made available in this Act may be used for salaries or expenses of any personnel of the Department of Defense who authorize, execute, or implement any procurement contract that is prohibited by section 4(a) of the Buy American Act (41 U.S.C. 10b–1(a)).

H.R. 2126

OFFERED BY: MR. SANDERS

AMENDMENT NO. 40: Page 94, after line 3, insert the following new section:

SEC. 8107. None of the funds made available in this Act may be used for salaries or expenses of any personnel of the Department of Defense who authorize, execute, or implement any procurement contract when it is made known to the Federal official having authority to obligate or expend such funds that such contract is contrary to subsection (a) of section 4 of the Buy American Act (41 U.S.C. 10b–1), without regard to subsections (b) and (c) of such section.

H.R. 2126

OFFERED BY: MR. SANDERS

AMENDMENT NO. 41. Page 94, after line 3, insert the following new section:

SEC. 8107. None of the funds made available in this Act may be used for the salaries or expenses of any personnel of the Department of Defense who authorize, execute, or implement any procurement contract for production or manufacture of an article outside of the United States after the national unemployment rate for the United States during the first 6 months of fiscal year 1995 exceeded 4 percent.

H.R. 2126

OFFERED BY: MR. SANDERS

AMENDMENT NO. 42: Page 94, after line 3, insert the following new section:

SEC. 8107. None of the funds made available in this Act may be used for the salaries or expenses of any personnel of the Department of Defense who authorize, execute, or implement any procurement contract when it is made known to the Federal official having authority to obligate or expend such funds that—

(1) such contract is for production or manufacture of an article outside of the United States; and

(2) the national unemployment rate for the United States during first 6 months of fiscal year 1995 exceeds 4 percent.

H.R. 2126

OFFERED BY: MRS. SCHROEDER

AMENDMENT NO. 43: Page 94, after line 3, insert the following new section:

SEC. 8107. Each amount appropriated or otherwise made available by this Act that is not required to be appropriated or otherwise made available by a provision of law is hereby reduced by 3 percent.

H.R. 2126

OFFERED BY: MR. SKAGGS

AMENDMENT NO. 44: Page 9, line 11, strike "$9,958,810,000" and in lieu thereof insert "$9,953,810,000"; on page 35, line 11, strike "$75,683,000" and in lieu thereof insert "$80,683,000".

H.R. 2126

OFFERED BY: MR. SPRATT

AMENDMENT NO. 45: Page 94, after line 3, insert the following new section:

SEC. 8107. (a) Of the funds provided in title IV of this Act, not more than $100,442,000 may be obligated or expended for research, development, test, and evaluation for the Sea-Based Wide Area Defense (Navy Upper Tier) program, notwithstanding the proviso in the paragraph under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE".

(b) The amount otherwise provided in title IV of this Act for "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE" is reduced by $100,000,000.

H.R. 2126

OFFERED BY: MR. STOCKMAN

AMENDMENT NO. 46. On page 90, line 23, strike the word "should" and replace it with "must".

H.R. 2126

OFFERED BY: MS. WOOLSEY

AMENDMENT NO. 47: Page 94 after line 3, insert the following new section:

SEC. 8107. None of the funds appropriated in this Act may be used to modify any Trident I submarine to enable that submarine to be deployed with Trident II (D-5) missiles.

H.R. 2127

OFFERED BY: MR. BLUTE

AMENDMENT NO. 18: Page 75, after line 24, insert the following section:

SEC. 514. Of the total amount made available in titles I through IV of this Act, there is hereby made available for carrying out title XXVI of the Omnibus Budget Reconciliation Act of 1981 an amount that is equal to 2 percent of such total amount (exclusive of funds that are by law required to be made available) and that is derived by hereby reducing each account in such titles (exclusive of such funds) on a pro rata basis to provide such 2 percent.

H.R. 2127

OFFERED BY: MR. EWING

AMENDMENT NO. 19: Page 88, after line 7, insert the following new title:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. 701. None of the funds made available in this Act may be used to enforce the requirements of section 428(b)(1)(U)(iii) of the Higher Education Act of 1965 with respect to any lender when it is made known to the Federal official having authority to obligate or expend such funds that the lender has a loan portfolio under part B of title IV of such Act that is equal to or less than $5,000,000.

H.R. 2127

OFFERED BY: MR. EWING

AMENDMENT NO. 20: Page 88, after line 7, insert the following new title:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. 701. None of the funds made available in this Act may be used to enforce the requirements of section 428(b)(1)(U)(iii) of the Higher Education Act of 1965 with respect to any lender when it is made known to the Federal official having authority to obligate or expend such funds that the lender has a loan portfolio under part B of title IV of such Act that is equal to or less than $10,000,000.

H.R. 2127

OFFERED BY: MR. GOODLING

AMENDMENT NO. 21: Page 45, line 7, strike "$1,057,919,000," and insert "$1,062,788,000, of which $4,869,000 shall be for the National Institute for Literacy; and".

Page 49, line 1, strike "$255,107,000" and insert "$250,238,000".

H.R. 2127

OFFERED BY: MR. GOODLING

AMENDMENT NO. 22: Page 88, after line 7, insert the following new item:

TITLE VII—LITERACY PROGRAM

NATIONAL INSTITUTE FOR LITERACY

(INCLUDING TRANSFER OF FUNDS)

For expenses to carry out the literacy program of the National Institute for Literacy under section 384 of the Adult Education Act (20 U.S.C. 1213c), to be derived from amounts provided in this Act for "EDUCATION, RESEARCH, STATISTICS, AND IMPROVEMENT", $4,869,000.

H.R. 2127

OFFERED BY: MR. HASTINGS OF FLORIDA

AMENDMENT NO. 23: Strike section 509 (page 69, lines 12 through 17) (and redesignate the succeeding sections accordingly).

H.R. 2127

OFFERED BY: MR. HASTINGS OF FLORIDA

AMENDMENT NO. 24: Strike title VI (page 76, line 1 through page 88, line 7).

H.R. 2127

OFFERED BY: MR. HOEKSTRA

AMENDMENT NO. 25: Page 55, strike line 20 and all that follows through page 56, line 19 (relating to the Corporation for Public Broadcasting).

H.R. 2127

OFFERED BY: MR. HOEKSTRA

AMENDMENT NO. 26: Page 88, after line 7, insert the following new title:

TITLE VII—TRAVEL FUNDS

SEC. . None of the funds appropriated in this Act may be used by the National Labor Relations Board for travel when it is made known to the Federal official having authority to obligate or expend such funds that—

(1) such travel is not directly related to conducting elections under section 9 of the National Labor Relations Act or preventing unfair labor practices under section 10 of such Act by the Chairman or other Members of the National Labor Relations Board; and

(2) a written decision has not been issued by the Board in the review of the Administrative Law Judge decision, dated May 29, 1992, in California Saw and Knife Works.

H.R. 2127

OFFERED BY: MR. SAM JOHNSON OF TEXAS

AMENDMENT NO. 27. Page 41, after line 8, insert the following section:

SEC. 210. Each dollar amount otherwise specified in the account in this title relating to "AGENCY FOR HEALTH CARE POLICY AND RESEARCH—HEALTH CARE POLICY AND RESEARCH" is reduced to $0.

H.R. 2127

OFFERED BY: MR. KOLBE

AMENDMENT NO. 28: Page 69, strike lines 12 through 17 and insert the following:

SEC. 509. Notwithstanding any other provision of title XIX of the Social Security Act, for quarters beginning on or after October 1, 1993, the Federal medical assistance percentage applicable under such title with respect to medical assistance which consists of abortions furnished where the pregnancy is the result of an act of rape or incest shall be 100 percent.

H.R. 2127

OFFERED BY: MRS. LOWEY

AMENDMENT NO. 29: On page 45 line 15, strike "and 3" and insert "3 and 4" and on page 45 line 17, strike $6,916,915,000 and insert $7,056,915,000 on page 32 line 8 after the word "expended" insert:

": *Provided*, that none of the funds in this Act may be used to reimburse any State for expenditures incurred under title XIX of the Social Security Act based on a Federal matching rate under section 1905(b) or any related provision in excess of 71 percentum."

H.R. 2127

OFFERED BY: MRS. LOWEY

AMENDMENT NO. 30: On page 45 line 15, strike "and 3" and insert "3 and 4" and on page 45 line 17, strike $6,916,915,000 and insert $6,920,915,000.

H.R. 2127

OFFERED BY: MRS. LOWEY

AMENDMENT NO. 31: On page 45 strike out all beginning on line 21 through the word "purpose:" on line 8 of page 46.

H.R. 2127

OFFERED BY: MRS. LOWEY

AMENDMENT NO. 32: On page 69, strike lines 12—17.

H.R. 2127

OFFERED BY: MR. OBEY

AMENDMENT NO. 33: On page 3 line 11 strike $350,000,000 and insert $385,000,000.

H.R. 2127

OFFERED BY: MR. OBEY

AMENDMENT NO. 34: On page 3 line 11 strike $350,000,000 and insert $385,000,000.

On page 22 line 16 strike $2,927,122,000 and insert $2,973,122,000.

On page 33 line 12 strike $2,136,824,000 and insert $2,140,824,000.

On page 33 line 15 strike $2,136,824,000 and insert $2,140,824,000.

On page 35 line 15 strike $1,000,000,000 and insert $100,000,000.

On page 37 line 7 strike $4,543,343,000 and insert $4,662,343,000.

On page 37 line 23 strike $778,246,000 and insert $827,246,000.

On page 43 line 22 strike $3,092,491,000 and insert $3,213,491,000.

On page 44 line 11 strike $4,000,000 and insert $5,500,000.

On page 44 line 15 strike $39,737,000 and insert $41,737,000.

On page 44 line 24 strike $72,028,000 and insert $78,528,000.

On page 55 line 19 strike $168,974,000 and insert $184,974,000.

On page 32 line 8 after the word "expended" insert:

": Provided, that none of the funds in this Act may be used to reimburse any State for expenditures incurred under title XIX of the Social Security Act based on a Federal matching rate under section 1905(b) or any related provision in excess of 65 percentum."

H.R. 2127

OFFERED BY: MR. OBEY

AMENDMENT NO. 35: On page 18, strike lines 17 through 24.

H.R. 2127

OFFERED BY: MR. OBEY

AMENDMENT NO. 36: On page 18, strike lines 17 through 24.

On page 19 strike out all beginning on line 1 through line 14 on page 20.

On page 20 strike out lines 15 through 22.

On page 20 strike out all beginning on line 23 though line 12 on page 21.

On page 21 strike out lines 13 through 23.

On page 41 strike lines 6 through 8.

On page 51, strike out all beginning after "1996" on line 12 through line 18 on page 52.

On page 54 strike lines 6 through 18.

On page 58 strike all beginning after the word "purposes" on line 20 through page 60 line 8.

On page 69 strike lines 12 through 17.

On page 70 strike all beginning on line 17 through line 8 on page 71.

On page 71 strike all beginning on line 7 through line 15 on page 72.

Strike title VI of the bill beginning on page 76 line 1 through line 7 on page 88.

H.R. 2127

OFFERED BY: MR. OBEY

AMENDMENT NO. 37: On page 19 strike out all beginning on line 1 through line 14 on page 20.

H.R. 2127

OFFERED BY: MR. OBEY

AMENDMENT NO. 38: On page 20 strike out lines 15 through 22.

H.R. 2127

OFFERED BY: MR. OBEY

AMENDMENT NO. 39: On page 20 strike out all beginning on line 23 though line 12 on page 21.

H.R. 2127

OFFERED BY: MR. OBEY

AMENDMENT NO. 40: On page 21 strike out lines 13 through 23.

H.R. 2127

OFFERED BY: MR. OBEY

AMENDMENT NO. 41: On page 22 line 16 strike $2,927,122,000 and insert $2,973,122,000.

H.R. 2127

OFFERED BY: MR. OBEY

AMENDMENT NO. 42: on page 32 line 8 after the word "expended" insert:

": Provided that none of the funds in this Act may be used to reimburse any State for expenditures incurred under titles XIX of the Social Security Act based on a Federal matching rate under section 1905(b) or any related provision in excess of 65 percentum".

H.R. 2127

OFFERED BY: MR. OBEY

AMENDMENT NO. 43: on page 33 line 12 strike $2,136,824 and insert $2,140,824,000 and on page

33 line 15 strike $2,136,824,000 and insert $2,140,824,000.

H.R. 2127

Offered By: Mr. Obey

Amendment No. 44: on page 35 line 15 strike $1,000,000,000 and insert $100,000,000.

H.R. 2127

Offered By : Mr. Obey

Amendment No. 45: on page 37 line 7 strike $4,543,343,000 and insert $4,662,343,000.

H.R. 2127

Offered By: Mr. Obey

Amendment No. 46: on page 37 line 23 strike $778,246,000 and insert $827,246,000.

H.R. 2127

Offered By: Mr. Obey

Amendment No. 47: on page 41 strike lines 6 through 8.

H.R. 2127

Offered By: Mr. Obey

Amendment No. 48: on page 32 line 22 strike $3,092,491,000 and insert $3,213,491,000.

H.R. 2127

Offered By: Mr. Obey

Amendment No. 49: on page 44 line 11 strike $4,000,000 and insert $5,500,000.

H.R. 2127

Offered By: Mr. Obey

Amendment No. 50: on page 44 line 15 strike $39,737,000 and insert $41,737,000.

H.R. 2127

Offered By: Mr. Obey

Amendment No. 51: on page 44 line 24 strike $72,028,000 and insert $78,528,000.

H.R. 2127

Offered By: Mr. Obey

Amendment No. 52: on page 51, strike out all beginning after "1996" on line 12 through line 18 on page 52.

H.R. 2127

Offered By: Mr. Obey

Amendment No. 53: on page 54 strike lines 6 through 18.

H.R. 2127

Offered By: Mr. Obey

Amendment No. 54: on page 55 line 19 strike $168,974,000 and insert $184,974,000.

H.R. 2127

Offered By: Mr. Obey

Amendment No. 55: On page 58 strike all beginning after the word "purposes" on line 20 through page 60 line 8.

H.R. 2127

Offered By: Mr. Obey

Amendment No. 56: On page 69 strike lines 12 through 17.

H.R. 2127

Offered By: Mr. Obey

Amendment No. 57: On page 70 strike all beginning on line 17 through line 6 on page 71.

H.R. 2127

Offered By: Mr. Obey

Amendment No. 58: On page 71 strike all beginning on line 7 through line 15 on page 72.

H.R. 2127

Offered By: Mr. Obey

Amendment No. 59: Strike title VI of the bill beginning on page 76 line 1 through line 7 on page 88.

H.R. 2127

Offered By: Ms. Pelosi

Amendment No. 60: Page 20, strike lines 15 through 22 (relating to OSHA ergonomic protection standards).

H.R. 2127

Offered By: Ms. Pelosi

Amendment No. 61: Page 58, line 20, strike the colon and all that follows through "Act" on page 59, line 8 (relating to NLRB and salting).

H.R. 2127

Offered By: Ms. Pelosi

Amendment No. 62: Page 59, line 8, strike the colon and all that follows through "evidence" on page 60, line 8 (relating to NLRB section 10(j) authority).

H.R. 2127

Offered By: Mr. Sanders

Amendment No. 63: Page 88, after line 7, insert the following new title:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

Sec. 701. (a) Limitation on Use of Funds for Agreements for Development of Drugs.—None of the funds made available in this Act may be used by the Director of the National Institutes of Health to enter into—

(1) an agreement on the conveyance or licensing of a patent for a drug, or another exclusive right to a drug;

(2) an agreement on the use of information derived from animal tests or human clinical trials conducted by the National Institutes of Health on a drug, including an agreement under which such information is provided by the National Institutes of Health to another on an exclusive basis; or

(3) a cooperative research and development agreement under section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a) pertaining to a drug.

(b) Exceptions.—Subsection (a) shall not apply when it is made known to the Federal officer having authority to obligate or expend the funds involved that—

(1) the sale of the drug involved is subject to a reasonable price agreement; or

(2) a reasonable price agreement regarding the sale of such drug is not required by the public interest.

H.R. 2127

Offered By: Mr. Skaggs

Amendment No. 64: Page 76, strike line 1 and all that follows through page 88, line 7.

H.R. 2127

Offered By: Mr. Solomon

Amendment No. 65: Page 88, after line 7, insert the following new title:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

Sec. 701. None of the funds made available in this Act may be used to study or research the legalization of any drug or other substance included in schedule I of the schedules of controlled substances established by section 202 of the Controlled Substances Act (21 U.S.C. 812).

H.R. 2127

Offered By: Mr. Stockman

Amendment No. 66: On page 41, strike lines 9 and 10 and add the following new section:

"Sec. 209. No funds appropriated under the provisions of this title may be used for funding to any jurisdiction that sanctions physician-assisted suicide.

"This title may be cited as the 'Department of Health and Human Services Appropriations Act of 1996'.".

H.R. 2127

Offered By: Mr. Stokes

Amendment No. 67: On page 2 line 15, strike $3,180,441,000 and insert $4,355,441,000.

On page 2 line 16, strike $2,936,154,000 and insert $3,436,154,000.

On page 2 line 21 strike $95,000,000 and insert $120,000,000.

On page 2 line 23, after the ":" insert:

" and of which $650,000,000 shall be available from January 1, 1996, through June 30, 1996 for the Summer Youth Employment and Training Program

On page 3 line 3, strike $830,000,000 and insert $930,000,000.

On page 3 line 4 strike $126,672,000 and insert $276,672,000.

On page 41 line 4, strike $95,000,000 and insert $120,000,000.

On page 45 line 7, strike $1,057,919,000 and insert $1,157,919,000.

On page 45 line 8, strike $1,055,000,000 and insert $1,155,000,000.

H.R. 2127

Offered By: Mr. Stokes

Amendment No. 68: On page 2 line 15, strike $3,180,441,000 and insert $4,355,441,000.

On page 2 line 16, strike $2,936,154,000 and insert $3,436,154,000.

On page 2 line 21 strike $95,000,000 and insert $120,000,000.

On page 2 line 23, after the ":" insert:

" and of which $650,000,000 shall be available from January 1, 1996, through June 30, 1996 for the Summer Youth Employment and Training Program.

On page 3 line 3, strike $830,000,000 and insert $930,000,000.

On page 3 line 4 strike $126,672,000 and insert $276,672,000.

On page 41 line 4, strike $95,000,000 and insert $120,000,000.

On page 45 line 7, strike $1,057,919,000 and insert $1,157,919,000.

On page 45 line 8, strike $1,055,000,000 and insert $1,155,000,000.

On page 32 line 8 after the word "expended" insert:

": Provided, that none of the funds in this Act may be used to reimburse any State for expenditures incurred under title XIX of the Social Security Act based on a Federal matching rate under section 1905(b) or any related provision in excess of 69 percentum".

H.R. 2127

Offered By: Mr. Stokes

Amendment No. 69: on page 2 line 15, strike $3,180,441,000 and insert $4,355,441,000, on line 16, strike $2,936,154,000 and insert $3,436,154,000, on line 21 strike $95,000,000 and insert $120,000,000, on line 23, after the ":" insert:

" and of which $650,000,000 shall be available from January 1, 1996, through June 30, 1996 for the Summer Youth Employment and Training Program".

and on page 3 line 3, strike $830,000,000 and insert $930,000,000 and on line 4 strike $126,672,000 and insert $276,672,000.

H.R. 2127

Offered By: Mr. Stokes

Amendment No. 70: on page 2 line 15, strike $3,180,441,000 and insert $3,185,441,000, on line 16, strike $2,936,154,000 and insert $2,941,154,000, and on line 21 strike $95,000,000 and insert $100,000,000.

H.R. 2127

Offered By: Mr. Stokes

Amendment No. 71: on page 32 line 8 after the word "expended" insert:

": *Provided*, That none of the funds in this Act may be used to reimburse any State for expenditures incurred under title XIX of the Social Security Act based on a Federal matching rate under section 1905(b) or any related provisions in excess of 65 percentum"

H.R. 2127

OFFERED BY: MR. STOKES

AMENDMENT NO. 72: on page 41 line 4, strike $95,000,000 and insert $120,000,000.

H.R. 2127

OFFERED BY: MR. STOKES

AMENDMENT NO. 73: on page 45, line 7, strike $1,057,919,000 and insert $1,157,919,000 and on line 8, strike $1,055,000,000 and insert $1,155,000,000.

H.R. 2127

OFFERED BY: MR. TRAFICANT

AMENDMENT NO. 74: Page 88, after line 7, insert the following new title:

TITLE VII—GIFTED AND TALENTED PROGRAMS

JACOB K. JAVITS GIFTED AND TALENTED STUDENTS

(INCLUDING TRANSFER OF FUNDS)

For the gifted and talented programs as authorized under subtitle B of title X of the Elementary and Secondary Education Act of 1965 (29 U.S.C. 8031 et seq.), to be derived from amounts provided in this Act for "RELATED AGENCIES—OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION—SALARIES AND EXPENSES", $9,500,000.

H.R. 2127

OFFERED BY: MS. WATERS

AMENDMENT NO. 75: Page 2, line 15, after the dollar amount, insert the following: "(increased by $55,000,000)".

Page 2, line 21, after the dollar amount, insert the following: "(increased by $55,000,000)".

H.R. 2127

OFFERED BY: MS. WATERS

AMENDMENT NO. 76: Page 2, line 15, after the dollar amount, insert the following: "(increased by $378,500,000)".

Page 2, line 16, after the dollar amount, insert the following: "(increased by $378,500,000)".

Page 3, line 4, insert after "such Act," the following: "$1,228,500,000 shall be for carrying out title III of such Act (employment and training assistance for dislocated workers),".

H.R. 2127

OFFERED BY: MS. WATERS

AMENDMENT NO. 77: Page 2, line 15, after the dollar amount, insert the following: "(increased by $350,000,000)".

Page 2, line 16, after the dollar amount, insert the following: "(increased by $350,000,000)".

Page 3, line 4, insert after "such Act," the following: "$350,000,000 shall be for carrying out title II, part B of such Act (summer youth employment and training programs),".

H.R. 2127

OFFERED BY: MS. WATERS

AMENDMENT NO. 78: Page 23, line 8, insert before the period the following: ": *Provided further*, That of the amount made available under this heading, $105,000,000 shall be available for the Healthy Start infant mortality initiative".

H.R. 2127

OFFERED BY: MS. WATERS

AMENDMENT NO. 79: Page 36, beginning on line 16, strike "Head Start Act,".

Page 37, line 7, strike "$4,543,343,000" and insert "$1,145,915,000".

Page 37, after line 10, insert the following:

HEAD START ACT

For carrying out, except as otherwise provided, the Head Start Act, $3,534,429,000.

H.R. 2127

OFFERED BY: MS. WATERS

AMENDMENT NO. 80: Page 55, line 19, insert before the period the following: ": *Provided*, That of the amount made available under this heading, $68,640,000 shall be available for the Foster Grandparent Program".

EXTENSIONS OF REMARKS

MEDICINE AT MARSHALL: CARING FOR WEST VIRGINIANS

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 31, 1995

Mr. RAHALL. Mr. Speaker, sometimes it is said that people do not appreciate what is in their own backyards. It then becomes even more important to recognize the outstanding accomplishments of the hard-working people of southern West Virginia. The case in point? Marshall's medical school in Huntington.

In the past 10 years, 42 percent of Marshall University School of Medicine graduates have entered primary care practice. This gives Marshall the distinction of having the second highest rate of primary care graduates in the Nation—which is at least 3 times the national average.

National recognition of this kind is impressive. But what it says is something even more important, both for Marshall and for West Virginia. Primary care—namely family practice, general internal medicine, and general pediatrics—is what West Virginia needs the most. And people at Marshall are deeply dedicated to providing it.

The medical school at Marshall has two goals: providing students a top-quality education and improving health and health care delivery in West Virginia. Besides providing excellent classroom instruction, a medical education at Marshall emphasizes work in clinical settings, far beyond what most medical schools offer.

Unlike what is found at most medical schools, the focus at Marshall is on situations common to generalists rather than narrow subspecialists dealing in highly technical areas. Dr. Bob Walker, the chairman of family and community health at Marshall, is dedicated to the community-integrated approach of Marshall's program. All students are required to spend at least 1 month in a rural practice, a requirement which often leads students to want to continue learning preparation in primary care in rural areas.

One of the choices available is the rural physicians associate program, in which selected third-year students are placed in rural clinics for up to 9 consecutive months. Other programs include the accelerated residency in family practice program at Marshall, which lets some medical students combine their fourth year of medical school and the first year of a family practice residency, and Marshall's fellowship program in rural family practice, which matches family physicians with nonprofit health agencies in rural communities.

The medical students are taught by dedicated physicians, who often teach on a volunteer basis. These professionals believe in what they do and are deeply committed to seeing that more students become primary care providers. With mentors like these, it is no wonder that Marshall students quickly catch the enthusiasm primary care providers have for their field.

Although one-quarter of all Americans live in rural areas, only 6 percent of medical school graduates go to rural areas to practice. At Marshall, people are well aware that it is the primary care provider who best serves the needs of a rural area. Marshall graduates leave the university having learned how to apply what they are learning in real-life situations. This is important to West Virginians. Those who study at Marshall are prepared to bring their skills to the people of southern West Virginia. This is an excellent example of the quality endeavors of people in our State who work every day to improve the quality of life for West Virginians. Marshall's medical school is training people to be doctors in West Virginia, and doing a very good job of it.

SAVE THE HEADWATERS FOREST

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 31, 1995

Mr. STARK. Mr. Speaker, for 117 years, family-operated Pacific Lumber Co. was a model corporation. As owners of the Headwaters Forest in Humbolt County, CA, Pacific Lumber's conservative logging practices left their forests healthy long after other timber companies had liquidated. Corporate raider, Charles Hurwitz, recognized Pacific Lumber Co. as an undervalued asset and with his friends Michael Milken and Ivan Boesky orchestrated a takeover of Pacific Lumber primarily through high interest, high risk, junk bonds. In the wake of the takeover, Hurwitz's United Savings Association of Texas failed, costing the taxpayers $1.6 billion. It was the sixth largest savings and loan failure in U.S. history.

Hurwitz has been logging the Headwaters Forest at an unprecedented rate so that he can pay off his debts. He has tripled the logging of redwood, especially old growth and since 1986 has cut in excess of 40,000 acres of redwood and Douglas fir. The company has only 5,500 acres of virgin redwood and 5,000 acres of virgin Douglas fir left. However, Hurwitz's debts from various ventures are so massive that no amount of logging will help him balance his accounts. By logging at such a furious pace, Hurwitz has nearly exhausted the resources of the forest which will devastate the local timber industry and mean the loss of hundreds of jobs from the region.

Several court decisions have kept Hurwitz from logging even further. Still, Hurwitz has been logging previously restricted parts of the forest since March and has indicated that he will log the Headwaters Grove, home of the last stand of privately owned ancient redwoods in the world, in September. He has already violated State and Federal endangered species law and is clearly not afraid of punishment. Mr. Hurwitz needs to know that the taxpayers will not stand idly by and watch him break the law time after time, avoid his massive public debt and cut down an ancient grove of 2,000-year-old redwood trees. Unfortunately, it appears that Hurwitz will break the law once again, but this time he will also completely ruin one of nature's greatest treasures.

The Federal Deposit Insurance Corporation [FDIC] is investigating Hurwitz for his role in the 1988 savings and loan failure. If prosecuted, the FDIC on behalf of the taxpayers could force Hurwitz to pay back $550 million, which ironically, conveniently, or justly approximates his price tag for the Headwaters Forest. A debt for nature swap is the best way for the taxpayers to recover their debt from Mr. Hurwitz and also save the Headwaters Forest from destruction.

If the public is interested in saving the Headwaters Forest redwoods from the chainsaws, then this dept for nature proposal is our best hope. Voters should let their Members of Congress know—and all concerned taxpayers should urge the FDIC to pursue aggressively its investigation of the failure of United Savings Association of Texas.

OPM PRIVATIZATION: CONTRACTING OUT TRAINING

HON. CARDISS COLLINS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 31, 1995

Mrs. COLLINS of Illinois. Mr. Speaker, the Office of Personnel Management [OPM] has become the proving ground for the administration's privatization efforts. The types of business organizations which OPM has utilized thus far to spin-off two of its major functions, training and investigations, have generated controversy because they do not fit the traditional mold of a private sector enterprise. But OPM's willingness to be innovative in an effort to ensure that agencies continue to receive quality services and that its separated employees have bona fide job opportunities is commendable.

Last month, the subcommittee held a hearing on the first of OPM's privatization initiatives—the proposed formation of an employee stock ownership plan [ESOP] to conduct background investigations needed for Federal employment. Several important issues were examined, including the viability of the new entity, the amount of savings to be realized, and whether a private firm could do better or more cost effective work.

Today, the subcommittee examines OPM's decision to transfer its nonresidential training

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

activities to the USDA Graduate School, a non-appropriated fund instrumentality [NAFI]. The very same issues raised at the earlier hearing need to be addressed by the each of the witnesses.

Mr. Chairman, since you made known your belief that more than 50 percent of the services and activities of the Federal Government ought to be contracted out, privatization has become an issue dominating much of the time of this subcommittee. While I do not oppose privatization, I believe that each proposal calling for it must be subjected to an exhaustive and deliberative review.

TRIBUTE TO ROLAND DAVID DEL CID

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 31, 1995

Mr. DIXON. Mr. Speaker, I rise to pay special tribute to a young man in my district, Roland David Del Cid, who will be honored by the Boy Scouts of America on August 21, 1995. On that day, Troop 113 will bestow upon Roland the highest honor of Eagle Scout at his honor court ceremony.

An honor graduate of Culver City High School, Roland has demonstrated dedication to athletics and academics. He was a varsity starting player on the Culver City High School football and baseball teams. Additionally, Roland maintained a 4.2 GPA and is ranked in the top 10 of his graduating class of 270. Roland has been recognized as a scholar-athlete by the National Football Foundation and College Football Hall of Fame, and he has received several other honors for his scholastic and athletic accomplishments. This fall, he will enter the Wharton School of Business at the University of Pennsylvania where he plans to major in economics.

During his career in the Boy Scouts, Roland has continued to dedicate himself to the improvement of his community and his troop. He has held several positions in the troop, including scribe, patrol leader, assistant patrol leader, senior patrol leader, and troop guide. Roland is also known to be active in recruiting and training younger scouts. Together with the rest of Troop 113, Roland has volunteered at homeless shelters, worked on food drives, and planted trees.

Roland's commitment to volunteerism is best exemplified by his Eagle project, in which he organized a highly successful blood drive. Culminating 3 months of organization and planning, the blood drive collected over 60 pints of blood which was donated to the American Red Cross. I commend his dedication to this project and community service.

Mr. Speaker, Roland is an exemplary young man who has shown great commitment to his family, community, and education. I urge my colleagues to join me, Troop 113, and Roland's friends and family in congratulating him on earning the rank of Eagle Scout, and in extending our best wishes for continued success in the future.

FOOZLE OF THE WEEK AWARD

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 31, 1995

Mrs. SCHROEDER. Mr. Speaker, I confer the "Foozle of the Week" award on my colleague, Mr. HEFLEY. Mr. HEFLEY has earned this award by giving his "Porker of the Week" award to the National Institutes of Health [NIH] for its $5.5 million grant to the University of Colorado. He claimed that the grant will merely fund research on "why people get fat." Hardly the case.

The NIH grant will establish the Colorado Clinical Nutrition Research Unit [CNRU], the only regional research unit of its kind between Chicago and Los Angeles. CNRU will study three areas: obesity and diabetes, pediatric nutrition, and trace mineral metabolism. The grant will also support a project on nutrition and premature infants that will help determine the best diet for the first days of life, as well as a study on proper nutrition and fitness for adolescents. Not only are nutrition and proper eating habits key to a healthy life, but their emphasis is still lacking in medical training.

Contrary to what my colleague has stated, obesity is not a problem that can be solved by simply eating properly and exercising regularly. Medical experts will tell you that there is no known, definitive cause of obesity.

Mr. HEFLEY also claimed that the NIH money will not be used for research on cancer, AIDS, or juvenile diabetes. The truth is that obesity is associated with diabetes and certain types of cancer, as well as with heart disease, atherosclerosis, hypertension, strokes, and many other illnesses that cost this Nation millions of dollars in health care every year.

The CNRU project brings Colorado into the forefront of national research in nutrition. My colleague says that a Colorado university does not need to study obesity, since obesity is not a major Colorado problem. That is like saying that we should only study skin cancer in California, or that we should restrict study of gerontology to Florida. The Colorado delegation should be proud that the University of Colorado has consolidated nutritional research in the Rocky Mountain region and is on its way to becoming a national leader in health research. I know that I am.

PORKER OF THE WEEK AWARD

Mr. HEFLEY. Madam Speaker, I would like to tell you about the National Institutes of Health and its multimillion-dollar grant to the University of Colorado. This multimillion-dollar grant is not for cancer research, as one might expect, or for AIDS research, or aid to children in developing countries, or for juvenile diabetes, or any of the things you might think this kind of money would go for. But what it is for is to study why people get fat.

Now, it does not take this kind of money, it does not take any money, to figure out what will result from too many trips to the refrigerator. In fact, you could spend a fortune just buying the magazines and books that contain the already countless studies on this subject. Thousands of them have been done.

Sure, it does appear that there is a certain medical explanation for some obesity, but most of the studies seem to indicate that the way you eat and the way you exercise explains most of the problem.

It is ironic that this study is being done in Colorado, which has the lowest percentage of overweight people in the Nation.

So the National Institutes of Health gets my porker of the week award this week.

CU NUTRITION CENTER BECOMES REGIONAL RESEARCH SITE

The University of Colorado Center for Human Nutrition has received a five-year, $5.5 million grant from the National Institutes of Health to form a regional nutrition research unit, the only one of its kind between Chicago and Los Angeles.

The Colorado Clinical Nutrition Research Unit (CNRU), one of 10 in the country, will focus on research in three areas: obestity and diabetes, pediatric nutrition and trace mineral metabolism. The grant will fund pilot research projects and several "core labs" to support research already funded from other sources.

"This award launches Colorado into the forefront of national research in nutrition," said Michael K. Hambidge, MD, professor of pediatrics and director of the CU Center for Human Nutrition. The Center, established in 1988, is part of the University of Colorado Health Sciences Center.

One project that will benefit from the grant is a three-year weight control program that focuses on nutrition and fitness for students at Lincoln High School.

"One third of American adults are inactive and overweight, and rates in adolescents are at least that high," said James Hill, PhD, associate professor of pediatrics and program director. "Inactive, overweight teens often become inactive, overweight adults, and they can develop a number of serious health problems, including cardiovascular disease and diabetes."

Students in the program take classes three times a week in nutrition and "lifetime" activities such as rollerblading, bicycling, walking and aerobics. They will also undergo a number of measurements several times during the year, including underwater weighing to determine body composition and a stationary bike riding to measure aerobic capacity.

"We hope to prove that an intervention program like this can have a positive health impact on adolescents," Dr. Hill said. "Hopefully, it can also be adapted to other schools."

The CNRU grant will also support a pilot project on nutrition and premature infants, directed by Patti Thureen, MD, assistant professor of pediatrics. Dr. Thureen is studying protein utilization in extremely low birth-weight infants to determine the best diet for their first days of life.

"There is already some evidence that what you feed larger premature babies in their first month of life may affect their long term developing," she said. "We think the same may be true for tinier babies." Her patients weigh less than 1,000 grams, or approximately two pounds, and are 10 to 15 weeks premature.

Premature infants are traditionally fed a mixture of water and glucose intravenously for the first two to three days after birth. Dr. Thureen and her colleagues think that the infants may grow better if they are fed a diet closer to that which they receive from the placenta in utero—a mixture of water, protein, fat, vitamins and minerals.

The CNRU will consolidate nutrition research in the Rocky Mountain region, helping others extend their research beyond what they can do for themselves, said Dr. Hambidge. The Center already coordinates research with Colorado State University through the CU-CSU Nutrition Consortium, and Dr. Hambridge hopes to form similar partnerships with other universities in the region.

COMMENDATION FOR COL. JAY McNULTY

HON. G.V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Monday, July 31, 1995

Mr. MONTGOMERY. Mr. Speaker, August 31 will mark the end of a very distinguished career in the U.S. Army with the official retirement of Col. Jay McNulty. It also will mean the House of Representatives will lose the services of an individual who is the epitome of professionalism.

For slightly over 28 years, Jay has served in his Nation's uniform with great distinction. He served two tours of duty in Vietnam, first with the 11th Armored Cavalry Regiment (Blackhorse) and then the 1st Squadron of the 1st Regiment of Dragoons (Blackhawk). As a former armored officer myself in World War II and during Korea, I feel a special kindredship with Jay because of our similar military duty.

Since 1993, Colonel McNulty has served as Chief of Army Liaison to the U.S. House of Representatives. I am sure my colleagues will join me in commending Jay for the many times he has been of help to them and their constituents. He has served the Army well in this position.

On a more personal note, I appreciate the excellent job Jay did in planning and making arrangements for our trip to observe the 50th anniversary of D-day in England and Normandy last year. I believe we had the largest congressional delegation to ever attend a single event, not to mention the many other delegations from other countries. The trip was a logistical nightmare, but thanks to Colonel McNulty and his dedicated staff it was one of the smoothest trips I have been on.

Jay, we will miss you and certainly wish you well in the future as you take on new challenges. We thank you for your service to the House and the Nation. You truly have been a credit to the uniform you wear.

THE IMPORTANCE OF SECTION 29 TO LANDFILL GAS PROJECTS

HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, July 31, 1995

Mrs. JOHNSON of Connecticut. Mr. Speaker, I am introducing today a bill to extend a tax credit in section 29 of the Internal Revenue Code for producing gas from biomass or synthetic fuels from coal. The credit expires at the end of next year. My bill would extend it for another 4 years through the year 2000.

This tax credit was originally enacted in 1980 in the aftermath of the oil embargo as an inducement for Americans to look for fuel in unusual places. The country had just gone through oil shortages, long lines at gasoline stations, spiralling inflation, and record-high interest rates driven by the increase in energy prices, followed by a deep recession. We were determined not be be held hostage again. To this end, Congress enacted a series of measures intended to use what fuel we have more efficiently and to give business incentives to tap sunlight, wind, geothermal fluid, biomass, and similar resources for fuel.

The section 29 tax credit was part of the strategy. It was a credit of $3 for the equivalent of each barrel of oil in energy content produced from a list of unconventional fuels. The list included gas from Devonian shale, tight sand formations, coal seams, geopressured brine and biomass, and synethetic fuels from coal. None of these fuels could be economically produced without the credit. Congress provided for a phaseout of the credit if oil prices ever reached high enough levels again so that the market would produce them on its own. Both the amount of the credit and the phaseout prices are adjusted each year for inflation.

The credit was originally scheduled to expire in 1989. It has been extended three times.

The last time—in 1992—Congress drastically cut back the list of fuels that qualify to only two: gas from biomass and synthetic fuel from coal. An example of gas from biomass is methane produced by decomposing garbage at landfills.

To a degree, the logic for continuing the credit shifted by 1992. In the case of landfill gas, the credit produced important environmental benefits by collecting a dangerous greenhouse gas that might otherwise be released into the atmosphere. This was on top of tapping a potentially useful fuel that was otherwise going to waste. In the case of synthetic fuels from coal, the country has tremendous coal reserves, but coal can be a dirty fuel and there was a desire to continue efforts to develop coal-based fuels as an alternative to burning straight coal.

Why extend the credit again? My main interest is in seeing an incentive remain on the books to tap methane gas at landfills. We still are not doing enough in this area.

Methane gas at landfills is a serious health and safety hazard. It must find an outlet or it can explode. During the 1980's, there were more than two dozen life-threatening explosions and at least three deaths at U.S. landfills.

There are two possible outlets for landfill gases. Gas can migrate underground to adjoining properties, where it can kill or stunt vegetation by displacing oxygen from the ground. Alternatively, it can escape into the atmosphere. Contaminants in the gas contribute to air pollution and mix with sunlight to create smog.

Landfill operators control the gas either by installing so-called passive systems, like trenches, barriers and vents to prevent gas from migrating underground and to give it an outlet into the atmosphere, or by installing so-called active systems where the gas is pumped to the surface and either flared, vented, or collected for use as a fuel.

Use as fuel is still rare. There are approximately 6,000 landfills in the United States. At the end of 1990, gas was geing collected for fuel at just 97. In 1995, the figure is still only 143.

Last year, the U.S. Environmental Protection Agency created a special Landfill Methane Outreach Program in an effort to encourage more collection of landfill gas for use as fuel. Methane is a greenhouse gas that contributes to global warming. It is the second largest contributor to global warming after carbon dioxide, and landfills are the single largest source of methane emissions, accounting for more than a third of total methane.

Greenhouse gases are expected to increase by 14.5 percent during the 1990's. The Clinton administration committed in April 1993 to hold greenhouse gas emissions to 1990 levels. The Landfill Methane Outreach Program is an effort to avert this increase. EPA is preparing a report to Congress on barriers to landfill gas projects, it has set up a hotline to cut through redtape, and it is in the process of signing cooperative agreements with States and utilities to encourage more landfill gas production.

Air pollution officials—not just at EPA but also at the State and local levels—are eager to see the tax credit extended. The credit is just starting to have an effect at landfills. Most landfill owners have only recently become aware of it, and the pace of landfill gas development is increasing noticeably. It took almost 15 years to get the word out. There was almost a 50-percent increase in landfill gas projects in the last 5 years. The credit needs more time to reach its potential.

EPA estimates that approximately 750 of the 6,000 landfills in the United States are candidates for landfill gas production. The experts believe it will not happen without the credit.

My bill would do four things.

First, it would extend the credit. The credit is currently scheduled to expire for projects placed in service after December 1996. Under the bill, this deadline would be pushed back 4 years through the year 2000.

Second, it would push back the so-called expiration date for the credit by a commensurate number of years. Under current law, landfill gas projects must be in service by next year, but if they meet this deadline, then they qualify for tax credits on the gas produced through the current expiration date, 2007. My bill would push back the expiration date by 4 years through 2011.

Third, my bill would eliminate a complication concerning expiration dates. There are two different expiration dates in the statute currently. The credit expires for pre-1993 projects in 2002. It expires for more recent projects in 2007. My bill would collapse these dates into a single expiration date of 2011 for all projects. There is a misconception that having made an investment to get a landfill gas project off the ground, the developer will continue producing gas after the credit expires. Many projects will not. Landfill gas production is not economic at most sites without the credit. Production will case, notwithstanding the capital investment the developer made to get the project going initially, because he cannot afford to operate at a loss. In addition, there are continuing capital costs that must be made to keep a project operating. Landfills expand. Garbage shifts underground. Pipes that have been put underground to collect the gas break or bend and new ones must be installed.

Finally, my bill would make a technical change in section 29 that, at a 1994 House Ways and Means Committee hearing, the Treasury Department said it does not oppose. To qualify for section 29 tax credits today, the person producing the gas must sell it to an unrelated party. The reason for this requirement is obscure. Most landfill gas is used to generate electricity for sale to the local utility. Landfill gas projects are structured currently so that ownership of the gas collection equipment is in different hands than the electric generating equipment. It would be simpler if the producer of the gas could use it himself to generate the electricity. My bill would allow him to do just that. The bill would treat the unrelated-party sale requirement as having been met in cases where the producer uses the gas to generate electricity which is sold to an unrelated party.

The Ways and Means Oversight subcommittee, which I chair, held a hearing on May 9, 1995, about whether to extend certain expiring tax benefits, including the section 29 credit. I look forward to extending the credit later this year before work on new landfill gas projects grinds to a halt because developers are worried there is not enough time to get them into service.

H.R. 2142, THE DEPARTMENT OF ENERGY LABORATORY MISSIONS ACT

HON. STEVEN SCHIFF

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 31, 1995

Mr. SCHIFF. Mr. Speaker, today I am joining my colleague Mr. GEREN in introducing legislation which will begin to establish the missions for the Department of Energy's national laboratories in the post-cold war Federal scientific establishment. Specifically, my legislation will establish a procedure for defining and assigning missions to the Department's laboratories which take into account the historic role the laboratories have played, and continue to play, in the defense of this Nation and in its scientific and technological success.

I am introducing this legislation in response to recent studies of the national laboratories, which clearly show the need for better defined roles and management. Through their unique historical missions, DOE's national laboratories have developed core competencies and scientific capabilities that have contributed and continue to contribute technology to ensure the maintenance of the nuclear deterrent and other elements of our national security. These laboratories collectively represent an extensive science and technology resource of people, facilities, and equipment. The national laboratories have established successful collaborative relationships with other Federal agencies, universities, and private industry that have allowed each partner to share and leverage their capabilities. Their contributions to energy-related and basic science, environmental restoration and waste management, and other emerging scientific fields are internationally significant.

Over the years, however, the missions of the national laboratories have become diffuse. Congress is now in the process of rethinking the infrastructure which supports research by the Federal scientific establishment. I believe it is, therefore, vital that the laboratories' preeminence as research facilities and their contributions to the Nation's overall national security, scientific and industrial well-being be recognized, defined, and focused. Whatever the final form of our Federal research support infrastructure, the national laboratories will have a prominent role within it.

My legislation first defines a three step public process by which the Secretary of Energy, working with all stakeholders, including Congress, first defines the criteria, then the missions, and then streamlines, if necessary, the labs to carry out those missions. H.R. 2142, the Department of Energy Laboratory Missions Act, also directs the DOE to cease internal health, safety, and environmental regulation of the labs and to transfer those responsibilities to other appropriate Federal regulatory agencies. Recent reports to the Secretary of Energy indicate this will substantially improve management of the labs and release scarce resources to accomplish the labs' missions.

As chairman of the Subcommittee on Basic Research of the Committee on Science, I intend to hold hearings on this legislation, and other related pending legislation this September. I am open to improving the mission-definition process and management at the Department and look forward to hearing from all interested parties at that time.

Thank you, Mr. Speaker. I look forward to working with you and the Members of this House on this legislation.

A section-by-section summary of the legislation is attached.

SECTION-BY-SECTION SUMMARY, H.R. 2142

The Department of Energy Laboratory Missions Act

Section 1. Short Title.

"Department of Energy Laboratory Missions Act"

Section 2. Definitions.

1. Departmental Laboratory;
2. Federal Laboratory;
3. Relevant Congressional Committees;
4. Secretary.

Title I. Mission Assignment

Section 101. Findings.

1. Labs have developed core missions;
2. Labs continue to contribute to national security;
3. Labs have helped maintain the peace;
4. Labs represent extensive science and technology resources that contribute to national technology goals;
5. Labs have established successful collaborative relationships;
6. Partnerships and cooperative agreements should be encouraged;
7. Labs need well defined and assigned missions.

Section 102. Missions.

The DOE may maintain labs to advance the following core missions:

1. To maintain the national security.

A. By providing to nuclear weapons stockpile.

B. By assisting with dismantlement of nuclear weapons and working to curb proliferation.

C. Advancing science and technology in the development of nuclear and conventional weapons.

2. To ensure the Nation's energy supply.

3. To conduct basic research in energy-related science and technology and in emerging scientific fields.

4. To carry out research and development for the purpose of minimizing environmental impacts of the production and use of energy, nuclear weapons, and materials.

5. To carry out additional missions as assigned by the President.

To further its core missions the DOE may establish mutually beneficial collaborative partnerships.

Section 103. Procedure for Laboratory Mission Assignment and Streamlining.

a. Mission Assignment and Streamlining Criteria.

1. The Secretary shall publish in the Federal Register, not later than 3 months after enactment, the criteria for the assignment of missions to, and streamlining if necessary of departmental laboratories. The public shall have 30 days to respond. In developing the criteria, the Secretary shall consider the following:

A. the unique technical and experimental capabilities of each lab;

B. unnecessary duplication of effort at the labs;

C. cost savings or increases due to streamlining;

D. appropriateness of research done at the labs;

E. expert advice from outside individuals.

2. Five months after enactment, Secretary shall publish in the Federal Register and transmit to Congress the final criteria.

b. Secretary's Proposals.

1. Not later than 1 year after enactment the Secretary shall publish in the Federal Register and transmit to Congress the Secretary's proposals for mission assignments and streamlining.

2. Summary of Process.

The Secretary shall include a summary and justification of the process used.

c. Availability of Information.

The Secretary shall make all information available to the Comptroller General.

d. Comptroller General Report.

Fifteen months after enactment the Comptroller General shall report to Congress on the Secretary's proposals.

Section 104. Assignment of Missions and Streamlining of Labs.

The Secretary shall:

1. assign the missions as proposed in the report;
2. streamline the labs as proposed;
3. complete process in 4 years after date report is transmitted.

Section 105. Reports.

Each fiscal year the Secretary shall transmit to Congress:

1. a schedule of mission assignments;
2. any transfer of functions between labs.

Title II. Governance

Section 201. Findings.

1. inordinate internal focus at DOE on compliance issues;
2. too much emphasis at DOE on oversight and compliance roles;
3. costs of review groups interferes with research operations;
4. too much influence has been ceded by DOE to nonregulatory advisory boards;
5. enforcement of environment, safety, and health rules and regulations is a function of other government agencies.

Section 202. Elimination of Self-Regulation.

The Department shall implement, but shall not be the agency of enforcement of, Federal, State, and local environment, health, and safety rules and regulations, unless the Secretary certifies a particular action is unique to DOE and is necessary to maintain human health and safety.

Section 203. Effective Date.

Title II shall take effect October 1, 1996.

RECOGNITION OF PROFESSOR SUNG-HOU KIM AND PROFESSOR CARL HUFFAKER

HON. BILL BAKER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 31, 1995

Mr. BAKER. Mr. Speaker, recently two outstanding citizens of my district of San Francisco's East Bay region have been recognized for their outstanding achievements in the field of science.

Professor Sung-Hou Kim of the University of California at Berkeley is one of the newest inductees of the prestigious National Academy of Science. A resident of Moraga, CA, Professor Kim is the first American of Korean ancestry to obtain membership in this exclusive organization, whose 1,700 members represent the finest in American science.

As Director of the Lawrence Berkeley National Laboratory's Biodynamics and Structural Biology Division, Professor Kim addresses questions relating to molecular communication and structure. His expertise in x-ray beams and molecular research is enabling him to make an important contribution in the development of cancer-fighting drugs, chemicals to break-down oil spills, and the formulation of a drug for the HIV virus.

The significance of Professor Kim's work is apparent. He richly deserves the signal honor he has received for his valuable efforts.

In addition, another UC-Berkeley professor (emeritus) has been recognized by the Government of Israel for his work in enhancing the world's agriculture. The Israeli-based Wolf Foundation gave Professor Carl B. Huffaker the Wolf Prize in Agriculture for his groundbreaking research in integrated pest management. This international prize, presented to Professor Huffaker in March by Israeli President Ezer Weizman, is awarded to individuals who use their disciplines to benefit humanity.

This major international award is being shared by Professor Huffaker and Professor Perry L. Adkisson of Texas A & M University for their efforts to combat crop-destroying insects not with pesticides, but other insects. This innovative, environmentally safe way of preventing crop devastation has had a major impact on crop protection worldwide.

Professor Huffaker, who lives in Lafayette, CA, first came to UC-Berkeley in 1946 as an assistant entomologist, after which he joined the faculty. He was director of the university's International Center for Integrated and Biological Control from 1970–1983.

These two remarkable men are living evidence that uniting one's gifts with dedication and perseverance can make a true difference in the way we live our lives. Professors Kim and Huffaker have done this for the good of people throughout the world, and merit our thanks for their noble work.

TRIBUTE TO TARA SALLEE

HON. EARL F. HILLIARD

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 31, 1995

Mr. HILLIARD. Mr. Speaker, I come before you today to pay tribute to a young lady from my office, Ms. Tara Sallee. Ms. Sallee is my Washington, DC scheduler and special assistant.

At the end of this month, Ms. Sallee will be going back to Alabama to continue her studies at the University of Alabama at Birmingham. She has received a full scholarship so she may study and receive a master's degree in health care administration.

Ms. Sallee is one of the most dedicated workers that I have ever employed. She has a work ethic which is second to none. She not only does a great job at work, but she is also one of our most popular staff members. Everyone in our office regards her as one of their friends. She has an excellent attitude which this House of Representatives could use more of in our day-to-day dealings with one another. Needless to say, we will all miss her very much.

Although we will all miss her, I congratulate her for continuing her education. My congratulations go to Tara, as well as to her mother, Ms. Daisy Sallee of Montgomery, Alabama.

TRIBUTE TO THE OTTERBEIN-LEIPSIC RETIREMENT COMMUNITY

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 31, 1995

Mr. GILLMOR. Mr. Speaker, it gives me great pleasure to rise today and pay tribute to an outstanding organization located in Ohio's Fifth Congressional District. On August 1, 1995, the Otterbein-Leipsic Retirement Community will break ground for its new assisted-living wing.

The center serves residents from Findlay, Defiance, Paulding, Napoleon, Fostoria, and Ottawa. Founded in 1988, it provides a wide variety of retirement services and living arrangements. The assisted-living project has been many years in the making and everyone is very excited about its groundbreaking.

The original Otterbein Home was established in 1912. The facility was purchased from the Shakers at Union Village by the United Brethren Church. Since its humble beginnings it has grown to include five campuses across the State of Ohio.

Selecting a retirement facility can be an extremely difficult decision for anyone. Otterbein has been successful because the dedicated staff at Otterbein-Leipsic understands this and strives to make the decisionmaking process as smooth and gentle as possible.

Mr. Speaker, it is obvious that the Otterbein-Leipsic Retirement Community has benefited the residents of northwest Ohio. I ask my colleagues to join me today in recognizing the achievements of the center and encouraging them to continue to uphold what has become the standard for service in Ohio.

INTRODUCTION OF A BILL TO AMEND THE FEDERAL CROP INSURANCE ACT

HON. PAT ROBERTS

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 31, 1995

Mr. ROBERTS. Mr. Speaker, today I am introducing legislation that would eliminate the requirement that all agricultural producers must buy a Federal crop insurance policy if they are to retain their eligibility for USDA programs. In return for this flexibility, producers will give up any possible Federal assistance for weather-related losses.

The one problem with the new catastrophic crop insurance program is it imposes a government program on someone who doesn't want it. Because any person who receives a USDA payment must purchase a catastrophic policy, we have seen landlords with a minimal interest in a farming operation faced with buying insurance coverage they do not want and do not need. As I cited in subcommittee hearings recently, nine persons with an interest in three crops in two counties were required to buy three policies in the two counties costing $2700. This figure does not include the costs to the tenant farmer. I can assure my colleagues this implementation of crop insurance reform was not what the committee intended and needs to be fixed.

The bill I am introducing will strike this onerous requirement and instead require the producer to sign a waiver acknowledging his refusal of crop insurance with the understanding there will be no disaster assistance provided in the event the producer suffers a weather-related disaster. In addition to the common sense this brings to the program, the Congressional Budget Office estimates this provision will save nearly $180 million during the period 1996 through 2002. That is good news during these times of budget cuts.

Finally, Mr. Speaker, the bill also deals with a problem summer-fallow farmers experienced this spring with failed wheat acres. Current law restricts a producer who intends to plant a substitute crop to do so only on those acres where the failed crop was planted. This does not work in high plains winter wheat country where a substitute crop will not grow on ground where the failed crop was growing. There is insufficient moisture to grow a substitute crop. The amendment I am introducing today would allow the crop to be planted on summer fallow ground where there would be moisture sufficient to grow a substitute crop so long as the producer maintained compliance with his conservation plan.

These amendments are necessary for the credibility of the crop insurance program and the flexibility producers need in order to plant substitute crops. Thank you, Mr. Speaker.

INTRODUCING THE MARKEY-MORAN-BURTON-SPRATT AMENDMENT ON PARENTAL BLOCKING OF TV SHOWS THAT HARM CHILDREN

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 31, 1995

Mr. MARKEY. Mr. Speaker, today I am introducing into the RECORD the Markey-Moran-Burton-Spratt amendment on parental blocking of TV shows that harm children as submitted to the House Rules Committee. We are introducing this amendment on behalf of a diverse coalition of parents, teachers, elementary school principals, school psychiatrists, churches, pediatricians, doctors, and civic organizations working to combat violence in our homes, our schools, and on the streets.

Our request is their request—that the rule for consideration of H.R. 1555 make in order the Markey-Moran-Burton-Spratt amendment to promote the health and welfare of children by including in TV sets technology that parents can use to manage and reduce the flood of violent, sexual, and indecent material delivered to young children over the television set.

This request is bipartisan, as you will note from today's witnesses and from the signatures on the letter we have delivered to you, Mr. Chairman, in support of this amendment's consideration by the full House of Representatives.

The subject of this amendment has received extensive consideration by the House of Representatives during five hearings on television violence held in the House Telecommunications Subcommittee in the last Congress and a similar number in the Senate.

When I first began pressing this technological defense against TV violence in 1993, I introduced a bill with the support of 4 Republicans and 10 Democrats.

When Mr. MORAN, Mr. BURTON, and Mr. SPRATT and I introduced a new bill in this Congress, 4 Republicans and 25 Democrats joined us.

When a similar proposal was offered by Senator CONRAD in June as an amendment to the Senate counterpart to H.R. 1555, it received the support of 32 Republicans and 41 Democrats, passing 73–26.

On July 10, the President of the United States endorsed this approach, calling the V-chip "a little thing but a big deal".

And as you know, the letter we delivered today includes 19 Republicans and 23 Democrats.

So this is a subject of intense interest receiving broad support from both parties.

It is supported by a huge majority of the American public, with some polls and reader surveys putting support as high as 90 percent.

Mr. Chairman, its time has come.

The average American child has seen 8,000 murders and 100,000 acts of violence by the time he or she leaves elementary school.

Parents know what's going on. I have held five hearings over the last 2 years on the subject of children and televised violence. In every hearing I have heard compelling testimony about the harmful effects of negative television on young children, and about the efforts of industry to reduce gratuitous violence. But parents don't care whether the violence is gratuitous or not. When you have young children in your home, you want to reduce all violence to a minimum.

That's why parents are not impressed with the temporary promises of broadcast executives to do better. Parents know that the good deeds of one are quickly undermined by the bad deeds of another.

The pattern is familiar. Parents plead for help in coping with the sheer volume and escalating graphics of TV violence and sexual material. Congress expresses concern. The industry screams first amendment. The press says they're both right, calling on Congress to hold off and calling on industry to tone things down.

Meanwhile, parents get no help.

Until parents actually have the power to manage their own TV sets using blocking technology, parents will remain dependent on the values and programming choices of executives in Los Angeles and New York who, after all, are trying to maximize viewership, not meet the needs of parents.

Mr. Chairman, here is what the amendment would do:

First, we will give the industry a year to develop a ratings system and activate blocking technology on a voluntary basis. If they fail to act, then the legislation will require the FCC to:

First, form an advisory committee, including parents and industry, to develop a ratings system to give parents advance warning of material that might be harmful to children. Please note that the government does not do the ratings.

Second, require that any ratings implemented by a broadcaster be transmitted to TV receivers, and

Third, require TV set manufacturers to include blocking technology in new TV sets so that parents can block programs that are rated, or block programs by time or by program.

We want both the House and the Senate on record as favoring this simple, first amendment-friendly, parent-friendly, child-friendly solution to this ongoing problem.

You will hear arguments from some that this technological way of dealing with the problem of TV violence is akin to Big Brother. It's exactly the opposite. It's more like Big Mother and Big Father. Parents take control.

And we know this technology works. In this country, the Electronics Industries Association has already developed standards for it. In Canada, a test in homes in Edmonton proved that it works and works well.

This is not a panacea. It will take some time for enough new sets to be purchased to have an impact on the Nielsen ratings and, therefore, an impact on advertisers. But its introduction in the cable world through set-top boxes is likely to be much more rapid. The cable industry has said that it is prepared to move forward with a V-chip approach as long as broadcasters move forward as well.

And the Electronic Industries Association has already agreed to introduce the technology into sets that would allow up to four levels of violence or sexual material to be rated.

Only the broadcasters have remained adamant in their opposition. They are opposed because the V-chip will work so well, not because it won't work. It will take only a small number of parents in key demographic groups using the V-chip to test the willingness of advertisers to support violent programming.

Parents will have the capacity to customize their own sets—to create their own private safe harbor—to protect their own children as they see fit.

I urge my colleagues to support this important initiative.

HONORING THE 100TH ANNIVERSARY OF LONG BEACH POLYTECHNIC HIGH SCHOOL

HON. STEPHEN HORN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 31, 1995

Mr. HORN. Mr. Speaker, I rise today to salute the 100th anniversary of Long Beach Polytechnic High School—a much-loved, venerable institution in Long Beach, CA, which has been producing scholars and champions for the past century.

Poly high, as it is affectionately known, had humble beginnings in the chapel of a local church, but a strong—for the time—starting enrollment. At that time, 1895, Long Beach was a modest village of approximately 2,000 residents. The Federal census counted 2,252 in 1900. Though small in number, these early citizens saw learning as a large part of their children's lives. The first school had begun in 1885, with under a dozen students in a tent loaned by the local postmaster, when the community numbered 12 families. Ten years later, with over 100 elementary school students studying in their own building, an election was held on September 3, 1895, to determine whether a high school district should be formed in Long Beach. The vote in favor was unanimous. Two weeks later—in an era when education beyond the eighth grade was not the norm—43 9th, 10th, and 11th graders began classes with a faculty of two: Professor Walter Bailey and Mrs. Hattie Mason Willard.

Three years later, in 1898, the community's strong desire for a high school education for one and all supported the opening of a separate high school building—the first in Los Angeles County outside of the city of Los Angeles. They even levied a special tax on themselves to raise the $10,000 to cover the city's part of the construction costs.

The new high school was known as American Avenue High School for its location and offered a strong, but limited program primarily aimed at preparing students for college. The quality of instruction was so high that 6 years after opening its doors, the high school was accredited by the University of California, thus permitting its graduates to enter the university without passing special examinations.

By 1910, Long Beach had rapidly grown into a city of 18,000 and its high school was overflowing with students. Residents not only saw a need for a larger high school, but also for an expanded curriculum that would offer technical-vocational courses in addition to the college preparatory classes. They wisely knew that such a school would appeal to many young people who had not been interested in the more traditional type of educational program.

That year, a $240,000 bond issue was passed to build a new type of high school that would offer technical-vocational courses as well as a college preparatory curriculum. In 1911, it opened its doors at the corner of 16th Street and Atlantic Avenue in Long Beach and has stood there ever since as Long Beach Polytechnic High School. In 1910, the site was considered so far on the outskirts of town that "only jackrabbits were out there." This somewhat derisive comment led to the selection of Poly's mascot, the jackrabbit. Bearing the deceptively benign title of the Mighty Jack Rabbits, Poly High's athletic teams have gone on to win numerous championships and to produce many professionals and Olympic athletes.

In addition to offering a well-rounded, polytechnic curriculum designed to meet the needs of all the community's young people, Poly has also provided experiences in self-governing for its students. In the early part of this century, student government was not a common activity in high schools. But a Poly teacher during this era, Miss Jane Harnet, worked to add this important learning activity to the school's courses. In the 1913–14 Poly student yearbook, the Cerulea—from the adjective meaning of the color sky blue—student Stanley Harvey wrote: "The students of the Long Beach Polytechnic High School have a privilege not generally accorded in most high schools, in that they have an organized student body with both elective and appointive offices who have charge of all assemblies, entertainments, literary activities, etc., provided that they pass the two faculty members of the Commission."

The Long Beach community's commitment to the finest educational experiences for all students also extended to students of varied backgrounds. Poly High has long-served as a model for providing a first-rate education for a multi-ethnic student body. The student body has been integrated from the school's first days, and Poly High has a decades-long tradition of educating young people to appreciate and respect those of differing backgrounds and cultures. In the years following the Second World War, Japanese-Americans returning from the relocation camps sent their children there—the same school that their parents had attended in the 1920's and 1930's. Those Japanese-American sons and daughters who enrolled in the 1940's and returned to Long Beach saw their children later join a large, racially mixed student body of African-Americans, Anglos, and Latinos. With over 40,000 Cambodians in Long Beach and many Vietnamese and overseas Chinese, Poly High today embraces a large Southeast Asian population as well.

Recently, I visited Poly High and met with the cadet corps as well as students in American Government. What an outstanding group of young Americans. The cadets were energetic, dedicated, and motivated beyond their years.

In many ways, alumni from Poly High follow their school's motto: Enter to learn, go forth to serve. From celebrities such as Van Johnson, Billie Jean King, Marilyn Horne, and young film star Cameron Diaz; to countless community activists to heroes of the First and Second World Wars, Korea, Vietnam, and the Persian Gulf war; students from Poly have made their mark. One graduate, Lorraine Miller Collins, became Long Beach's major philanthropist—funding the Miller Children's Hospital, a rare book room in the public library, and an international house and Japanese garden at California State University, Long Beach.

I am pleased that my two children are Poly graduates, as are three of my staff members. My wife, Nini, served as president of the parent-teacher association and, for many years, was also a member of the Poly High Community Interracial Committee. The PACE program at Poly has attracted bright students of all ethnicities and races from all parts of the city. The number of college acceptances is proof that this fine high school is truly producing scholars and champions.

Beginning near the end of the 19th century in a small building on the outskirts of town, Poly High has grown through the 20th century to become a leading urban educational institution. Its history is one of community commitment to a quality education for all. Its graduates are models of the value a community receives in return for an early investment in and commitment to education. Today, Long Beach Polytechnic High School stands as testimony to the importance placed on education by the citizens—then and now—of Long Beach, CA.

Congratulations again on your 100th birthday, Poly High, may you have many more years of service to our community, our State, and our Nation.

NASA: LOOKING TO SPACE

HON. WAYNE ALLARD

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 31, 1995

Mr. ALLARD. Mr. Speaker, I would like to take a minute to show my support for NASA and the space station. NASA is a critical investment in America's future. The contributions made by NASA have provided major breakthroughs in science and technology, which in turn, have contributed to long-term economic growth and provided opportunities for future generations.

Technology is rapidly changing, and NASA has been a major part of that change, with its long range research focus. While the private sector should be the principal place for developing new and improved technologies, many of NASA's investments have led to spinoffs which have been successfully incorporated into the marketplace—for example: Virtual reality, color and 3-dimensional graphics, language translators, compact discs, heart rate monitors, water purification and filters, breast cancer detection, microlasers, fireman's air tanks, and emission tests.

Even with these innovations, NASA has remained focused on its one core mission: Space exploration. NASA's mission does not interfere or compete with private industry. NASA stands as a strong example of how Government research can complement private industry research.

I have always had the utmost respect for the research by NASA but in the past I have not always been their strongest ally. I have voted against the NASA budget for the space station when I believed NASA was wasting resources and moving away from their core mission. Though it took much prodding from Congress and a major reduction in their budget, I strongly believe NASA is now one of the leanest and most productive agencies of the Federal Government.

Earlier this year, the Budget Committee held hearings on corporate downsizing. At these hearings, we heard from General Electric and Kodak. They told the committee how they successfully downsized their companies while producing more. With their reduced budget, this is exactly what NASA has accomplished. NASA's budget has already been reduced by 35 percent since fiscal year 1993 and has reduced its work force to its lowest level since 1961. The agency has stepped up to the challenge and is accomplishing more while spending less. For example, NASA's new mission control saved millions of dollars by buying and using marketplace computers and technology. I believe NASA is an example that all agencies and departments should follow.

Since I have been in Congress, the space station has been extensively debated. Today, the redesigned station is less expensive and more capable. The new design saves $5 billion in developmental costs, reduces annual operating costs by half, and expands the station's research capabilities. The space station will conduct valuable medical and technological research which can have great benefits for the future. In addition, the station is a cooperative project with Russia, Japan, Canada, and member nations of the European Space Agency. This project brings together the world's best and brightest scientists to work for solutions to problems here on Earth.

Congress should not turn its back on the future. It is imperative that America remains first in technological advancements. We need technology to move this country forward. NASA is a sound investment which can help facilitate new technological innovations and discoveries that will lead America into the 21st century.

CABLE AMENDMENT

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 31, 1995

Mr. MARKEY. Mr. Speaker, the Nation's cable monopolies are trying to persuade the Congress to dismantle the rate regulation rules that have saved consumers over $3 billion since 1993.

They are trying to break free from consumer protection rules before competition arrives to offer Americans an affordable marketplace choice.

Cable consumers should be on red alert. What's in store for the American public if Congress goes along?

What is the cable industry offering consumers? Free remotes? Special discounts? Unlimited channels?

No. Although we might wish it were otherwise, without effective competition to give consumers a real choice, the cable industry is going to give us reruns.

Reruns of the hyper-inflationary rate hikes that were the norm before Congress reined in the monopolies.

Reruns of the exorbitant prices charged for equipment.

A rerun of the same horror story for the American consumer.

That's right. If cable consumers have a TV clicker in one hand, they better be holding onto their wallets with the other because the telecommunications bill moving through Congress is going to raise cable rates.

The House bill would lift all rate regulation on cable programming, either immediately on small systems—representing about 30 percent of consumers—or 15 months after the date of enactment for the rest of the country.

And when they're deregulated the cable monopolists will return to past practice and consumers will be forced to relive that past again.

Many cable operators will use their newfound freedom to charge exorbitant rates.

The new 18-inch Direct Broadcast Satellite dishes will not hold them back as long as it's a $700 alternative.

And the telephone companies won't hold back cable rate hikes until they show up and start delivering the goods. And the cold reality is that no telephone company is currently offering cable service on a commercial basis in competition with a cable company.

In fact, a recent front page story in the Wall Street Journal made it clear that the phone companies aren't coming soon. The article stated that the Bell companies are unlikely to reach 25 percent of the country with a competing video service until well after the year 2000. The chairman of one of the Bell company's multimedia group stated that simply aiming at the 25-percent mark in the next 7 years would be "very optimistic."

The hooplah many of us heard as recently as a few months ago about a video world with over 500 channels being offered to millions of consumers by the end of the year is pure fantasy. The high technology hype has confronted engineering reality. The phone companies are still figuring out how to make the technology work.

To pretend, as H.R. 1555 does, that 15 months from now, this world will have suddenly changed to one of widespread delivery of commercially competitive cable service from a telephone company, is sheer folly.

As in any industry, the cable world has its share of bad actors. They will see their unregulated monopoly opportunities, and they will take them.

The blindly deregulatory provisions in the pending telecommunications bills will take us back to the recent past where from 1986 to 1989 the U.S. General Accounting Office found that, on average, the price of basic cable services rose more than 40 percent—3 times the rate of inflation over that time.

As most of you know, things got so bad that in 1992 Congress had to act. The current law already stipulates that when a cable company faces effective competition the cable company's rates are deregulated.

I believe we should stick with a competition-based telecommunications policy. Competition offers consumers choice. Competition will bring lower prices. Competition will drive infrastructure development and innovation.

The Markey-Shays amendment will correct many of the anticonsumer, anticompetitive cable provisions of H.R. 1555.

The Markey-Shays amendment will allow cable operators flexibility in the rates they charge for cable programming services, but will restrain operators from engaging in rate gouging. The Markey-Shays amendment says that until a cable operator faces effective competition in the marketplace, that operator must charge reasonable rates.

Rates will be deemed unreasonable if they exceed, on a per channel basis, the percentage annual increase in the Consumer Price Index.

Again, these limitations on how high cable rates can go are temporary provisions. The Cable Act of 1992 already has put provisions in the law that state that when a competitor reaches 50 percent of the homes in a franchise area and 15 percent take that alternative, the incumbent cable operator's rates are deregulated.

H.R. 1555 also modifies the complaint threshold that must be met to review cable rates charged to ascertain whether they exceed legal limitations. The legislation requires that 10 consumers or 5 percent of all subscribers of a cable system, whichever is greater, must complain to the FCC to induce a rate proceeding. In other words, H.R. 1555 would require that in a cable system of 200,000 subscribers, that 10,000 consumers would have to complain.

This is absurd. Moving the complaint level to 5 percent of subscribers is a clear attempt to create an impossibly high threshold in order to insulate cable companies from provisions originally designed in the Cable Act of 1992 for consumer protection and empowerment.

Another anticompetitive provision in the bill is the repeal of prohibitions on predatory pricing.

Not only does H.R. 1555 prematurely deregulate cable monopolies, it contains provisions that would snuff out fledging competitors before they can take wing in a community. It would allow cable monopolies to target unfairly a new competitor's customers for temporary lower prices and special offers. These lower prices and special offers to undercut a competitor would not be available to all subscribers in the cable systems' franchise areas. Rather, other subscribers would subsidize lower rates to undercut competitors. In this way, cable monopolies can crush competition in its cradle.

Nascent competitors, such as wireless cable systems and direct broadcast satellite [DBS] systems, would suffer greatly from this anticompetitive provision. H.R. 1555 would significantly thwart the ability of consumers to reap the benefits of competition in the form of greater choice, higher quality, and lower price, if section 202(g) is retained in the bill.

Not content simply to deregulate monopolies before competition arrives, H.R. 1555 frustrates, rather than promotes, the emergence of a competitive market. The current cable provisions constitute a glaring flaw in a bill whose ostensible purpose is to promote competition in the telecommunications marketplace.

The Markey-Shays amendment will retain the uniform pricing rules on cable operators.

Finally, the Markey-Shays amendment will scale back the sweeping definition of small cable system contained in the bill.

As I have mentioned before, the bill deregulates rates for cable programming services for so-called small cable systems immediately upon enactment. These are systems which largely serve rural America.

As a result, it will be consumers in rural America who see their cable rates rise first. H.R. 1555 deregulates any cable system which has less than 1 percent of all cable subscribers—approximately 600,000 subscribers—and is not affiliated with an entity that earns in excess of $250 million in gross annual revenues.

According to the FCC, this provision would deregulate cable systems affecting 28.8 percent of all cable subscribers.

The Markey-Shays amendment would define small cable systems as those that directly serve fewer than 10,000 cable subscribers in its franchise area and have in aggregate less than 250,000 subscribers.

I believe that the cable provisions of H.R. 1555 go far astray of a competition-based telecommunications policy. They are opposed by the administration. They are opposed by consumer groups. They should be amended to protect consumers until competition arrives to offer an affordable marketplace choice.

MARKEY BROADCAST AMENDMENT

The drastic and indiscriminate elimination of mass media ownership rules proposed by this bill would eviscerate the public interest principles of diversity and localism. Instead, H.R. 1555 will concentrate great wealth and media power in the hands of a few. It allows for the concentration of television, radio, cable and newspaper properties in a way that will make Citizen Kane look like an underachiever.

The mass media provisions of H.R. 1555, which were adopted in the form of an amendment offered by Mr. STEARNS (R-FL), are sweeping in scope. The network duopoly rule is repealed. The broadcast-cable crossownership rule is repealed. The network-cable crossownership rule is repealed. The broadcast rule is repealed. The broadcast-newspaper crossownership rule is repealed. National limits on radio station ownership are repealed. Limits on local ownership of radio stations are also eliminated. The one-to-a-market rule is repealed, allowing for the creation of television duopolies in local markets. Finally, the national audience reach limitation for television networks is allowed to double from 25 percent of the country to 50 percent.

The aggregate effect of these changes are to move telecommunications policy back to the 1930's. They will encourage the rapid consolidation of mass media ownership in this country and the elimination of diverse sources of opinion and expression. They are a powerful toxin to democracy and a death knell for community control of its own media.

H.R. 1555 will ensure that mass media outlets increasingly became beholden to policies and programming originating in New York and Hollywood.

The bill encourages the hoarding of media power to truly nightmarish proportions; in a particular town one large company could control 2 TV stations, an unlimited number of radio stations, the only newspaper in town, the town's only cable system, and in small towns the local phone company. Such control over the local media marketplace would give the owner a huge advantage in dictating the terms for advertising. More importantly, it also furnishes this local media potentate with dramatic power to influence coverage and public opinion on hundreds of issues of concern to the citizens of that local community.

The bill repeals local media cross-ownership rules between television stations, cable systems and newspapers, allows for unlimited AM and FM radio ownership on both the national and local levels, allows the national television networks to consolidate and to double their audience reach, and permits people to own 2 television stations within a community. Rather than promoting a forward-looking media policy for a 21st century economy, these provisions return us to the 1930's-era when there were very few media owners in most communities.

The current rules, which have successfully created a level of media diversity in this country that is the envy of the world, were not the sole creation of liberals. They were implemented on a bipartisan basis by both liberals and conservatives, Democrats and Republicans, to mitigate against media concentration and to promote competition and diversity.

Such media concentration was not a theoretical possibility. During the 1930's, NBC had a Red and a Blue television network. In 1941, the FDR administration barred dual network ownership and required NBC to divest itself of its Blue network. That network became the American Broadcasting Co. After waiting decades for the emergence of a fourth competing network (FOX), the House bill would allow FOX to buy CBS and permit NBC and ABC to merge back together again after a 50-year hiatus. This ill-advised proposal will lead to less choice, less diversity, less competition.

On the local level, powerful conglomerates in the 1960's and 1970's were amassing multiple ownership of media outlets. At the time, in the top 50 television markets (comprising 75 percent of the Nation's television homes), 30 markets had one of the local TV stations owned by a major newspaper in the same market. By 1967, some 76 communities had only one AM radio station and only one daily newspaper, with cross-ownership interests between the two. Fourteen communities had one AM radio station, one television station, and only one daily newspaper, all commonly owned. Moreover, in 1968 it was reported that the infant cable industry was already seeing a trend toward media concentration, with 30 percent of cable systems controlled by broadcasters.

Across the country, media moguls were assembling what was called a Royal Flush: one person or company would own a local television station, an FM station, an AM station, the daily newspaper and the cable system.

And who stepped in to implement rules to prevent the unhealthy accumulation of media power? Why, it was the Nixon and Ford Administrations that found the trend so disturbing they decided to take action. The Republican-led FCC in that era, reflecting main street, small town sensibility on media concentration issues, adopted restrictions on mass media ownership to further the twin goals of diversity and competition.

Now who is threatened by the communications cannibalism in media properties that would be unleashed by the current House proposal? Local television affiliates and independent TV stations, small radio stations with innovative but niche programming formats, family-run newspapers struggling to remain independent are endangered species in a new digital Darwinism where only the communications colossi can survive.

Every local town and hamlet runs the risk of becoming real life Pottersville, the mythical town that Jimmy Stewart prevented from existing in the 1946 classic "It's a Wonderful Life."

The House bill would allow for the aggregation of mass media power that far exceeds the Royal Flush in local markets. Such a historic public policy reversal poses grave repercussions for Democratic Government. Since the time of Jefferson, access to a diversity of information and opinions on the important issues of the day was considered essential to the workings of democracy.

In an era when we are searching for ways to break down monopolies and provide consumers with greater choice, the telecommunications bill returns us to a bygone era and resurrects the possibility that the emerging multimedia milieu will be dominated by a few communications cartels.

My amendment addresses two key issues in the bill.

REPEAL OF THE BROADCAST-CABLE CROSSOWNERSHIP RULE

This rule prevents TV-cable combinations within local markets. Adopted by the FCC during the Nixon administration, this rule helps to protect fair competition in the local media marketplace and safeguards diversity in mass media outlets within local communities. Simply put, this rule prevents a cable system from acquiring a local TV station in the same city.

Television broadcasters today rely upon so-called must carry rules to ensure their carriage on local cable systems. These rules are currently subject to litigation in the courts.

If the court invalidates these rules, the broadcast-cable crossownership repeal contained in H.R. 1555 could have adverse consequences. For example, if a cable company has a financial interest in one of the TV stations within the local market (or 2 TV stations if it is one of the new local duopolies permitted by H.R. 1555), some or all of the remaining broadcasters may be refused carriage or discriminated against in such carriage. Without safeguards, repeal of this rule would allow a local cable system-local television combination to utilize the bottleneck of cable system access to stifle media voices and distort the advertising market.

Yet even without any judicial decision with respect to the status of must carry obligations, repeal of this rule will have anticompetitive consequences. H.R. 1555 does not extend must carry rights to any new channels offered by broadcasters. In developing new section 336 of the Communication Act of 1934, the authors of H.R. 1555 stipulate that if the Commission decides to award additional licenses for advanced television services, the supplementary services or channels that a broadcaster may develop utilizing digital compression are not granted must carry rights on cable systems.

Although numerous broadcasters in a locality might be using digital compression technology to create 3, 4, or 5 additional TV channels each, the cable system is not obligated to carry these additional channels. This is a competitively neutral provision only if all the local television stations are treated by the cable system in similar fashion.

With repeal of the broadcast-cable crossownership rule, however, the local cable system could immediately favor the television station in which it had a financial interest. The cable system could do this simply by carrying the additional or supplementary channels and services of that TV station and denying such opportunity to the other broadcasters within the same community.

DEREGULATION OF THE NATIONAL TV AUDIENCE REACH LIMITATION

The bill would lift the current cap limiting television networks to 25-percent coverage of the Nation to 35 percent immediately. It would then be lift the cap to 50 percent 1 year later.

I believe that the relationship between networks and television affiliates has served our country well. H.R. 1555 does more than tip the balance between TV networks and their affiliates toward the networks. It completely disrupts that balance.

Local broadcasters in communities across the country are fighting to remain local broadcasters in this legislation. Increasing the national audience caps to 50 percent puts localism in jeopardy. The doubling of the audience cap will hurt diversity.

The nature of the network-affiliate relationship today is that networks must count on their affiliates to air national programming while affiliates count on the networks to provide national news, sports and entertainment to add to a mix of local news and independently-produced programming. Tilting the balance too much toward the networks will create a concentration of nationally-produced programming and a corresponding loss of locally-oriented programming.

If networks can own stations that cover the largest markets in the country, we lose the tradition—and the capability—of having local affiliates pre-empt network programming to bring viewers important local news, public interest programming, and local sports. As Ed Reilly, president of McGraw Hill Broadcasting Co. said in testimony before the Committee: A network-owned station almost never pre-empts a network program to cover a local sports event or to air a local charity telethon.

Because American society is built upon local community expression, the policy favoring localism is fundamental to the licensing of broadcast stations. Localism permits broadcasters to tailor their programming to the needs and interests of their communities. Moreover, as trends toward national homogenization of the media grow—for example, cable channels and direct broadcast satellite service—localism increases in importance. Expansion of national media outlets increases the need for local media outlets with the locally ubiquitous reach of broadcast television stations.

In short, relaxation of the national audience caps is an anti-competitive proposal. Deregulation of the audience cap will intensify concentration in the hands of the vertically-integrated, national television networks. Once they are permitted to gobble up additional local stations, these mega-networks will have an increased ability to sell national advertising by controlling local distribution.

No one will argue that, in general, it is not more efficient to simply make local broadcast stations passive conduits for network transmissions from New York. Localism is an expensive value. We believe it is a vitally important value, however, and like universal service, it is a principle of communications policy rooted in the Communications Act of 1934. It should be preserved and enhanced as we reform our laws for the next century.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, August 1, 1995, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

AUGUST 2

9:00 a.m.

Governmental Affairs
To hold hearings on the nominations of Jacob J. Lew, of New York, to be Deputy Director of the Office of Management and Budget, Jerome A. Stricker, of Kentucky, and Sheryl R. Marshall, of Massachusetts, each to be a Member of the Federal Retirement Thrift Investment Board, William H. LeBlanc III, of Louisiana, to be a Commissioner of the Postal Rate Commission, and Beth Susan Slavet, of Massachusetts, to be a Member of the Merit Systems Protection Board.
SD–342

9:30 a.m.

Energy and Natural Resources
Business meeting, to consider the nomination of John Raymond Garamendi, of California, to be Deputy Secretary of the Interior; to be followed by hearings to discuss leasing of the Arctic oil reserve located on the coastal plain of the Arctic National Wildlife Refuge for oil and gas exploration and production and the inclusion of the leasing revenues in the Budget Reconciliation.
SD–366

Finance
Social Security and Family Policy Subcommittee
To hold hearings on the impact of privatization proposals on the Social Security Old Age and Survivors Insurance Trust Fund.
SD–215

Governmental Affairs
Post Office and Civil Service Subcommittee
To hold hearings to review the annual report of the Postmaster General.
SD–342

Judiciary
Administrative Oversight and the Courts Subcommittee
To hold hearings on proposed legislation authorizing funds for the Administrative Conference.
SD–226

Labor and Human Resources
Business meeting, to mark up S. 1028, to provide increased access to health care benefits, to provide increased portability of health care benefits, to provide increased security of health care benefits, and to increase the purchasing power of individuals and small employers, S. 593, to authorize the export of new drugs, and proposed legislation to authorize funds for programs of the Substance Abuse and Mental Health Services Act.
SD–430

Indian Affairs
To hold oversight hearings on the implementation of the Indian Tribal Justice Act (P.L. 103-176).
SR–485

Select on Intelligence
To hold hearings to examine war crimes in the Balkans.
SD–106

Special on Special Committee
To Investigate Whitewater Development Corporation and Related Matters
To continue hearings to examine issues relative to the President's involvement with the Whitewater Development Corporation, focusing on certain events following the death of Deputy White House Counsel Vincent Foster.
SH–216

10:00 a.m.

Environment and Public Works
Business meeting, to consider pending calendar business.
SD–406

2:00 p.m.

Environment and Public Works
Clean Air, Wetlands, Private Property, and Nuclear Safety Subcommittee
To resume oversight hearings on implementation of section 404 (relating to wetlands) of the Clean Water Act.
SD–406

Foreign Relations
Near Eastern and South Asian Affairs Subcommittee
To hold hearings to examine Iraqi atrocities against the Kurds.
SD–419

2:30 p.m.

Banking, Housing, and Urban Affairs
International Finance Subcommittee
To hold hearings to examine the Duel Use Export Control Program.
SD–538

Commerce, Science, and Transportation
Aviation Subcommittee
To hold hearings to examine proposals to reform the operation of the Federal Aviation Administration (FAA).
SR–253

3:30 p.m.

Appropriations
Transportation Subcommittee
Business meeting, to mark up H.R. 2002, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1996.
S–128, Capitol

AUGUST 3

9:00 a.m.

Agriculture, Nutrition, and Forestry
To hold hearings on the nomination of Jill L. Long, of Indiana, to be Under Secretary of Agriculture for Rural Economic and Community Development, and to be a Member of the Board of Directors of the Commodity Credit Corporation.
SR–332

Environment and Public Works
Drinking Water, Fisheries, and Wildlife Subcommittee
To resume hearings on proposed legislation authorizing funds for programs of the Endangered Species Act, focusing on incentives for the conservation of endangered species and the role of habitat.
SD–406

9:30 a.m.

Special on Aging
To hold hearings to examine Medicare health maintenance organization (HMO) programs and whether the Health Care Financing Administration is doing enough to ensure that patients receive high quality care when they enroll in such programs.
SD–628

Special on Special Committee To Investigate Whitewater Development Corporation and Related Matters
To continue hearings to examine issues relative to the President's involvement with the Whitewater Development Corporation, focusing on certain events following the death of Deputy White House Counsel Vincent Foster.
SH–216

10:00 a.m.

Foreign Relations
Near Eastern and South Asian Affairs Subcommittee
To hold hearings to examine United Nation sanctions and Iraqi compliance.
SD–419

Judiciary
Business meeting, to consider pending calendar business.
SD–226

2:00 p.m.

Judiciary
To hold hearings on pending nominations.
SD–226

AUGUST 4

9:30 a.m.

Joint Economic
To hold hearings to examine the employment-unemployment situation for July.
SD–562

10:00 a.m.

Appropriations
Business meeting, to mark up H.R. 2002, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1996.
SD–192

AUGUST 9

9:30 a.m.

Energy and Natural Resources

To hold hearings on S. 1054, to provide for the protection of Southeast Alaska jobs and communities.

SD–366

Indian Affairs

Business meeting, to consider pending calendar business.

SR–485

AUGUST 10

2:00 p.m.

Judiciary

To hold hearings to examine United States Sentencing Commission's cocaine sentencing policy.

SD–226

POSTPONEMENTS

AUGUST 1

2:00 p.m.

Foreign Relations

To hold hearings on the drug trade in Mexico and implications for U.S.-Mexican relations.

SD–419

SENATE—*Tuesday, August 1, 1995*

(Legislative day of Monday, July 10, 1995)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Let us pray:

Gracious Father, whose presence and power is revealed to the heart that longs for Your guidance, to the mind that humbly seeks Your truth, and to those who are united in oneness to serve You in a great cause, we ask that this time of prayer be an authentic experience of communion with You that issues into an inspiring conversation with You throughout the day.

We seek to receive Your presence continually, to think of You consistently, and to trust You constantly. We urgently need divine wisdom for our leadership of this Nation, and we have discovered that this only comes in a reliant relationship with You. Prayer enlarges our minds and hearts until they are able to be channels for the flow of Your spirit. You Yourself are the answer to our prayers.

As we move through this day, we seek to see each problem, perplexity, or person as an opportunity to practice Your presence and accept Your perspective and patience. We do not want to forget You, but when we do, interrupt our thoughts and bring us back into an awareness that You are waiting to bless us and equip us to lead with vision and courage. Thus, may our work be our worship this day.

In Your holy name. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able senior Senator from Alaska is recognized.

SCHEDULE

Mr. STEVENS. Mr. President, this morning there will be a period for morning business until the hour of 10 a.m. At 10 a.m., the Senate will immediately begin a rollcall vote on the motion to invoke cloture on the State Department reorganization bill. The Senate will recess between the hours of 12:30 p.m. and 2:15 p.m. for the weekly policy conferences. If cloture is not invoked in the morning, a second cloture vote will begin at 2:15 p.m. immediately following the recess. If cloture is not obtained, the majority leader has indicated the Senate may resume consideration of the energy and water appropriations bill or begin consideration of the Department of Defense authorization bill. Rollcall votes can, therefore, be expected throughout the session today.

Also, as a reminder, Members have until 10 a.m. this morning to file second-degree amendments to qualify postcloture and until the hour of 12:30 p.m. today to file first-degree amendments under the cloture procedure.

MORNING BUSINESS

The PRESIDING OFFICER (Mr. CAMPBELL). Under the previous order, there will now be a period for the transaction of morning business, not to extend beyond the hour of 10 a.m., with Senators permitted to speak for up to 5 minutes each.

Under the previous order, The Senator from Ohio, Senator GLENN, is recognized to speak for up to 15 minutes.

BENEFITS OF NASA-FUNDED RESEARCH

Mr. GLENN. Mr. President, I rise today to begin a series of statements in which I want to outline some of the research and other scientific benefits derived from NASA-funded programs. These are programs that have benefit, by and large, for every man, woman, and child in this country; indeed, for people all over the globe.

I note with pleasure that just recently, the House passed their appropriations bill regarding NASA's space station by a vote of 299 in favor and 126 against. That is well over a 2-to-1 margin. I hope we can match that in the Senate.

But every year in the Senate, when the time comes to consider the NASA budget, there are those doubters, there are those people who want to cut it. I do not want to see excess money going into NASA either, but I also think we need to step back once in a while and look at what we are talking about with regard to research.

If there is one thing this Nation should have learned throughout its history, it is that money spent on research usually has a way of paying off in the future beyond anything we can see at the outset. That is just as true with research in space as it is with research that we have done in other areas. Research by its very nature is not as amenable to cost accounting procedures as are some other programs. But that is why it is research: It is looking into the unknown, it is having inquiry into things we do not yet know about and do not yet know the value of. Yet, that has been at the heart of every bit of advance in science and technology that we have ever made as a nation.

Someone has to wonder, someone has to have a curiosity about what we do not know in a certain area, how can we do things better, what would happen if we knew the answer to a certain question. And they are willing to go out and do something about it. They are willing to exercise their wonderment, their curiosity. This Nation is just replete with examples of where that has been to our advantage.

For example, we can think back in agriculture and we can see the old settlers planting corn. When I was a boy back in New Concord, OH, a good corn crop was probably 48 to 50 bushels per acre. That was considered pretty good around there in those days. Do you know what it was last year not far from where I grew up? There was one farm pointed out to me that won the competition in that little part of our State near Utica, OH, where our good friend, Gene Branstool, who was in the Department of Agriculture for awhile, comes from. That area had 239 bushels per acre last year on one of the farms—239 bushels per acre.

Back when I was growing up, the people thought 48 to 50 bushels was pretty good. Why do we need research? Why would anybody spend money on it when we are getting 48 to 50 bushels off this land, where people before had only 30 or 35? But we put money into an agricultural research system, and out of that system came improvements in soil and fertilizers and hybrids, a tremendous step forward when you got to hybrids.

So the increase in production is not something that indicates farmers are working six or seven times as hard as they worked back when I was a boy, but it means that we did basic research, even though nobody knew what the outcome of it was going to be at that time.

Out of that research then came improvements in the hybrids, machinery, fertilizers, soil stabilization, and all these things that give us this wonderful production today that makes us the envy of the world. We are not the envy of the world just because—just because—we have great plains on which to conduct all of our agriculture. We

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

have that agricultural production out there largely because we did basic research more than anyone else in the world, and we are the envy of the rest of the world with that system that we set up in agriculture.

I can give other examples. In metals, we develop metals that now give more reliable engines, valves, and generators, and all the things that go to make up our industrialized society. We did metallurgical research that was the envy of the rest of the world. Now there are some places in the world, Russia being one of them, where we envy them in some of the metallurgical research they are doing. In some areas, we believe they are probably ahead of some of our metallurgical research.

Aeronautical research—why would anybody want to get up and fly like the birds? The Wright brothers wondered why not and then did it. That first flight they made was 120 feet long and took 12 seconds. Before that day was over, they had done four flights, the longest one just a little under 900 feet, 59 seconds I believe it was. But they were curious about why we could not get up and do sustained flights. People have wondered for thousands of years, I suppose, why we could not fly like the birds.

The Wright brothers were curious about it, and they were ridiculed by some of the people at the time, because why would anyone want to do this? Later on, when they were trying to sell one of the airplanes, or a series of them, to the Army to use and were in Washington demonstrating it, one of the people in Congress in one of the hearings was quoted as saying, "Why not just buy one airplane and let them take turns using it?"

Well, it shows how myopic the view is of some people. The airplane was developed in part because we did basic research. Out of that start came an aeronautical industry that, in turn, had its own research done. The Government invested in wind tunnels and conducted lift experiments and drag experiments and metallurgical experiments along with some of that to see what would hold up in a wind tunnel. Out of that came the lifting bodies and the aerodynamic surfaces that were the basis of our whole aeronautical industry and helped develop such giants as Boeing, Lockheed, Grumman, Northrop, McDonnell-Douglas, and all the rest of the aviation companies that did not do all of that themselves. They could not. They did not have the resources. Yet, the Government went ahead with the research that let this whole new industry develop.

In medicine, we have had people concerned since we have been a nation in doing more medical research than any nation. Out of that has come a medical system that is the envy of the world. At the same time, we have problems with it because we want to see more people benefiting from that system. But we have made our medical advances and breakthroughs largely because of basic, fundamental research. We have people willing to go into the laboratories and conduct that kind of research in oceanography, for example.

Those who would think that just because we have moved into this new environment of space—there are some who think we should lay that down and it cannot possibly have any advantage to us. Yet, we have found in the past that exploring the unknown, whether it be in the lab or geographical expansion—can be just as valuable as any of the other kinds of research that we do. But we still have those who doubt.

I am reminded of a quote that is sort of a favorite of mine because it shows how myopic some views can be. It involves Daniel Webster. He rose on the Senate floor when they were considering some territorial acquisitions from Mexico back in 1852. These were the lands beyond the Mississippi. These were the great plains beyond the Mississippi. These were the mountains and plains clear to the west coast. He did not like that idea very much. Daniel Webster rose on the Senate floor and spoke in opposition to the purchase. He is quoted as having said the following:

> What do we want with this vast worthless area, this region of savages and wild beasts, of deserts of shifting sands and whirlwinds of dust and cactus and prairie dogs? To what use could we ever hope to put these great deserts or the mountains that are covered to their very base with eternal snow? What can we ever hope to do with the western coast, a coast of 3,000 miles rock-bound, cheerless, uninviting, and not a harbor on it? What use have we for this country? Mr. President, I will never vote one cent from the Public Treasury to place the Pacific coast one inch nearer to Boston than it is now.

We look back today and think how myopic that view was. I am sure everyone that comes from States west of the Mississippi would first be amused by Daniel Webster's statement. It shows how myopic the views of even well-educated, great public servants can become when they try and just assume that the status quo is what we are going to live with forever, and should live with forever.

When we look up at space, in order to stay up there, you have to go fast enough to set up enough centrifugal force going around the Earth so that you balance gravity, so that, we now can assume a zero gravity or microgravity environment. You cannot do that here on Earth. You can throw something up in the air and for the time period it is going up and coming back down, it will be in a zero gravity condition or zero-G condition. However such experiments are very short-lived.

In the spacecraft we have now, whether it be the space shuttle or the coming orbiting space station, up there on a permanent basis, we now have the capability of exercising this curiosity, exercising our wonder, exercising our look into the unknown to see how it can benefit us here on Earth. That is the reason why I rise today, to talk about the value of this and some of the things that, even at this early stage of investigation, this early stage of research in space, is of value to everyone right here on Earth.

Let me take the last Space Shuttle flight that went up as an example. The last flight was called an "Ohio flight" because, as it turned out, four out of the five people on board were from Ohio. The flight was not set up that way, as an Ohio flight, to begin with. It was just the luck of the draw on that assignment of crew that it turned out that four of the five people were from Ohio.

I went down before their launch and spent a couple of days with that crew down at Houston. It was intensely interesting. We went through some of the simulations the astronauts use for training there, as well as reviewed some of the experiments and things they were going to do on that particular flight. This was not an unusual flight in that regard. It was a flight that had a number of experiments on board—a dozen or so—and some of them that may have a particular benefit to people right here on Earth.

The people on that flight were Commander Tom Hendricks from Woodville, OH; Nancy Jane Curry from Troy; Mary Ellen Weber of Bedford Heights, Don Thomas of Cleveland; Kevin Kriegle from Amityville, NY, who we made an honorary Ohioan for the duration of that particular mission. They did a great job. Many people watched the other day as they landed successfully at the cape after being delayed in coming back because of weather.

But the important thing I want to stress this morning is that just on that one flight, some of the things they had aboard may be of extreme value to everybody right here. Actually, they had a total of 18 different experiments that were on board that flight. The primary mission was to put into space the TDRS satellite, the tracking and data relay satellite system. This is a final installation of a series of space-based communication and tracking networks that will be used for lower Earth orbit communications.

The amount of communications of data relay that that particular satellite will be able to handle, to me, is sort of mind boggling. Once it is fully up and fully operational—it is up there now but not fully operational—it will be used as a spare in case one of the other TDRS satellites develops problems. But its capacity, when fully operational, will be to transmit information per second, equal to about a 20 volume encyclopedia, to be able to transfer that amount of data per second. The communications that something like that provides and the ability to communicate with different parts of the world almost instantaneously is rather mind boggling to even consider.

I will not try and go through all 18 of these experiments, but another one I was particularly interested in—and that the scientists at NASA are very excited about—is the bioreactor system. We were briefed on that in Houston, and one of the scientists describing this says that if this comes through the way they think it may, this is Nobel Prize material. Well, it may well be. What it does is it makes a new way of studying cancer cells and other cells that are in the human body. It provides a new way of analyzing these cells and may lead to a new way of treating them.

The reason it is different is this. In a laboratory here on Earth, if you want to grow some cancer cells you usually must grow them on the bottom of a Petri dish. These cells grow in essentially a two-dimensional way. Scientists can then analyze the cells, but because they are two dimensional, they do not exactly replicate how these cancer cells are found in the body.

A two dimensional model is not the cells' natural environment. Cancer cells in the blood stream, cancer cells in a tissue, are surrounded by other body fluids, body parts.

With the bioreactor, researchers can grow cells in a three-dimensional environment, more similar to what is found in the human body. When cancer cells are allowed to grow in three dimensions, researchers can use different experimental techniques, different drugs or lasers or whatever, to see how these cells or tumors may best be treated. On a lab here on Earth a bioreactor has been used to grow small three dimensional breast cancer cells, but eventually the forces of gravity take over and these models fall apart. In a constant microgravity environment, like that of the space shuttle or space station larger cell clusters can be grown—more similar to what is found in the human body.

The first efforts at that are being done now, and were conducted with this bioreactor development system which flew on the most recent shuttle. Stated in other terms, the ability of a bioreactor to provide the environment and metabolic support required to grow and maintain mammalian cell cultures in microgravity.

This is a short statement, meaning, basically, what I said a moment ago. The experiments that they were starting on this last flight on STS-70 were with cancer cells. They want to see what reaction they get, how they can maintain the cells there, what reaction they have to different conditions, and so on.

Can I say right here that we have the answer to cancer near at hand, or the answer to AIDS near at hand? No. But out of an inquiry like this might well come some advances that combine with others, and other research may give us a handle.

Surely, this environment that they are in, where they are surrounded by the normal body fluids in the reactor, is much more conducive to research.

The effect of microgravity on bone development has been an ongoing area of research. Research into osteoporosis, which is a degenerative bone disease, is one prime example. One thing that happens in microgravity is the body starts to correct itself, as it no longer needs the same skeletal strength it has here on Earth to maintain itself up there.

We used to worry about this because if one's body eliminated enough calcium and the bones became much less rigid, we used to joke about the possibility of "jelly bones." Sometime in the future if a person went on a long space flight, maybe you would come back and your bones would be so weak, so much calcium was out of them, you might not be able to stand without taking a chance of breaking your leg.

Osteoporosis goes through much of this same process. Prolonged bed rest in the hospital creates some of that same process—the body throwing off much of the calcium that it has in its bones.

In space, you develop some of these characteristics much more rapidly. That is the reason why you see some of the pictures coming back, people are up there exercising, exercising, exercising, about an hour every day on a treadmill, tied down with bungee cords, because they find that hard exercise every day is the best way to prevent that from happening.

Here on Earth, one of the ways people prevent osteoporosis is by daily exercise. Up there, we can then use additional chemicals or medicines or whatever to see if we cannot reverse this process or at least prevent it from happening, which will have a direct relationship right here on Earth.

Another experiment, commercial protein crystal growth. Crystallized human alpha-interferon protein. The protein crystal growth experiments have been particularly interesting. These crystal growths occur with more purity and sometimes in much different size in the weightlessness of space than they do here on Earth. It opens up a whole new area of experimentation with regard to what may be of benefit right here on Earth. This particular crystal also may have some cancer benefits.

All of these things are not just curiosities in space, to be applied in space. They are of benefit to people right here on Earth. It always surprises me when people do not seem to want to realize or they talk down projects that may result in a whole new approach to disease. It may result in what we call tailormade drugs; in other words, drugs that will be tailored to a specific benefit to cope with a particular disease or a particular medical difficulty. They are doing those experiments there now.

Another experiment that has a title that is rather unwieldy may have some defense applications for us. We do not know yet. We think it may. It is called the HERCULES project. Now, HERCULES stands for hand-held, Earth-oriented, cooperative, real time, user-friendly, location targeting, and environmental system. That is some handle for the project HERCULES. What it is, is a space-based geolocating system to locate a wide variety of features on the ground with great accuracy. It has some defense applications that may come out of that, as well as other scientific applications.

Another experiment is microencapsulation in space to produce novel pharmaceuticals in a weightless condition which can be done with more purity than they can be done here on Earth.

Another one is a midcourse space experiment, which supports the development of surveillance capabilities of ballistic missiles during the midcourse of their flight. There are a number of experiments they perform on just that one flight.

Going back one flight before that, we all watched as astronaut Hoot Gibson flew the STS-71 mission, the shuttle-MIR mission. There were great pictures of that, that I am sure many of my colleagues saw. On that mission, in addition to just being able to rendezvous with two 100-ton vehicles coming together up there in space, they did metabolic experiments: Studying physiological responses in space, changes in blood volume, cardiovascular and pulmonary research, neurosensory research, how zero gravity affects brain communication. Does that tie in with brain communication? We need information with regard to Alzheimer's disease or whatever. Also, behavior and performance research, long-term effects of microgravity on muscle coordination, mental acuity, and once again, the protein crystal growth experiments.

These are just a few of the things that are going on in the space program these days. I just mention these things now and, in subsequent remarks here on the floor, I want to give more information on some of these. I wanted to set the stage this morning by going back in just a few of the things that I have mentioned with regard to the value of basic research in this country, and that NASA is out there, right now, doing that kind of cutting edge, basic research, in this new laboratory of space.

Every year, NASA publishes a book called "Spinoffs." This one is "Spinoff, 1994," a whole book full of some of the things that NASA has been doing that are of value right here on Earth.

Health and medicine, environment and resources management, public safety, consumer, home, recreational spinoffs, transportation, computer technology, industrial productivity, and manufacturing technology.

I will not try to read all the things here this morning for people, but I commend them to my colleagues and the staffs here on the floor for reading, to see what is going on in some of these areas. We will be talking more about some of these things as time goes on.

I know the time is limited here this morning. I will make some more lengthy remarks in days ahead. I wanted to take this time this morning to set the stage for the upcoming debate on NASA's budget.

People have looked up for hundreds of thousands of years and wondered what is up there in the air, and then the Wright brothers went ahead and learned how to fly and learned how to stay up there for a period of time, and people first thought, what use was it. But we know what use it became later on—our whole aircraft and airline industry that lets people travel to far places around the world.

Every time we come up with a new capability for doing research, it seems that there are those who do not want to recognize that something good may come out of it, whether it be agriculture research, metals research, aeronautical research, oceanography, geographical research, or whatever.

But, as I said starting out, if there is one thing this Nation has learned, it is that money and time spent on basic, fundamental research in whatever area usually comes back and shows more value than we could ever foresee at the outset.

Mr. President, I yield the floor.

TRIBUTE TO C. ABBOTT SAFFOLD, SECRETARY FOR THE MINORITY

Mr. HEFLIN. Mr. President, I rise today to join my colleagues in hailing the faithful service of Abby Saffold, who has served as secretary to the Democratic caucus since 1987. Abby has been one of the greatest fixtures in this body, and I cannot imagine the remarkably different place this Chamber would have been without her.

I remember well the days when this body was not so divided by party lines. Abby is a rare example of a person who provided her expertise to all, regardless of party. She did not concern herself with which side of the aisle we were on. She was helpful to anyone who needed of her.

I am sure Abby could tell remarkable stories about the questions that were posed to her throughout her career in the Senate. If someone was planning a vacation for 1999, they would first call Abby to ask if the Senate would be in session—and she would know. I am sure that she has been asked countless times "When will we be out of here tonight?" "What's on the lunch menu today?" or "What's the best joke you can tell me, Abby?"

Abby has served as a school teacher and a case worker, and I am sure that those experiences have led to her expertise in working for and with Members of the Senate. She is well known for her endless knowledge of legislative procedures and negotiating skills, and for avoiding disaster through her expertise.

Abby was here with us all the late nights, still sharp, awake, and aware. There was no question whether she would be on the floor the next morning, and she was just as cheerful.

Abby is undoubtedly one of the brightest luminaries we have had the opportunity to work with here in the Senate. She learned from her experiences in Senator BYRD's office, working her way up from legislative correspondent to her position as the secretary of the majority, and most recently, as the secretary to the minority.

Senator BYRD taught her well. He passed on his attention for detail and professionalism to a truly great staffer. In appointing her, Senator BYRD gave us one of the greatest gifts any colleague could have—the opportunity for us to know the endless kindness of Abby Saffold. As Senator BYRD recently said, "Abby has done it all, and done it all very, very well."

As I look toward my own retirement, I would like to express by best wishes to Abby for hers. I doubt I will ever meet any finer person. We will all miss her presence here in this Chamber.

TRIBUTE TO DUANE GARRETT

Mrs. FEINSTEIN. Mr. President, only 48 years old, a veritable dynamo, exuding ideas and proposals, knowing his words commanded attention from the humblest abode to the White House itself, Duane Garrett seemed to have it all.

With a loving family, legions of friends, the respect and admiration of the lowly and highly placed alike, Duane appeared boundlessly blessed.

Lawyer, businessman, political adviser, art and stamp collector, sport savant, historian for the San Francisco Giants, fishing boat skipper—no one could fillet a salmon with such aplomb—radio talk show host, television commentator, Duane was a talented universalist—the proverbial Renaissance man.

Serious and thoughtful in his political analysis, witty and full of fun in conversation, a tenacious fighter for what he believed, yet practical and down-to-earth in his judgments, Duane was a true prodigy.

A giving man, always surprising friends with a gift—a stamp to a collector, a baseball card from a hero of long-ago to a young fan—but as only the generous can, Duane brushed aside gratitude. "It was nothing. Just thinking about you," he would say.

And he would mean it because he gave from his heart.

With him, everything was done with enthusiasm born of interest in people and intensified by an endless curiosity about our world and our place in history.

He took to the microphone of his talk show with the same unrestrained gusto as he would enter a private conversation with an old friend.

He never held back. He always gave his all. He drew unselfishly from his knowledge and experience. Widely read and deeply thoughtful, he cut quickly and expertly to the heart of issues.

Certainly, I benefited from this ability as he advised me over the years, most recently as the cochair of my campaign for the U.S. Senate.

His candor could be counted upon. His word was his absolute bond. His thought was as rich and inventive as any person I know.

Also, he was a good friend, a person of great warmth and compassion. His mere walking into a room brought a brightness and warmth.

His bearish looming over a podium at a political dinner—and he was master of ceremonies at countless of them for me—was sure to give instant vibrancy to festivities. He was a master not only of long range ideas and concerns, but of the moment.

Actually, when his many talents and attributes are added together, the sum seems larger than life.

That makes his loss all the greater.

A giant who suddenly, without hint or warning, silences himself inevitably conjures a mystery.

But even in death there can be no detraction from what he contributed to life, no diminution of his love for Patty and his daughters, Laura and Jessica; no devaluation in the worth of the counsel and friendship he gave, or of the affection and respect he received in return.

While we may never learn or understand why this ebullient man should end his life, we can never subtract from his accomplishments.

We may never fathom the why of death, but we shall always be thankful for the fullness of his life.

Outwardly, Duane was the epitome of confidence and elan, seemingly so impregnable. Whatever pain he felt, or doubts he had, remained concealed behind the customary lift of his head and broad smile.

What drove him to that final, solitary walk on the Golden Gate Bridge may elude us, but what we shall always know is his love for his family and his zest whenever he was on the other end of the phone, or sitting in the living room or booming his opinion on radio or television.

His life is what matters. His death is mere punctuation that makes clear the substance and meaning that came before.

Indeed, Duane seemed to have it all, and for those of us who knew him he endlessly seemed to give his all.

So very much alive, so bursting with ideas, so expressive, so reaching out to help others, Duane, even now that he is gone, reverberates in our mind in endless reminders of the vigor and principle he brought to politics and other endeavors.

Campaign manager, advisor, counselor, invariably shrewd and insightful, always helpful, thoroughly unselfish, unfailingly available and generous with his time, Duane Garrett was always there.

And always shall he be.

FOREIGN RELATIONS REVITALIZATION ACT

Mr. McCAIN. Mr. President, I intend to offer an amendment to the Foreign Relations Revitalization Act of 1995 to assist the President in his efforts to deal with the growing threat to American interests from Iran. President Clinton clearly sought to address this threat with his May 6 Executive order establishing a full United States embargo of Iran. It is my hope that short of successfully encouraging other nations from trading with Iran, an extremely challenging task, the President will be able to use the authority in this amendment to encourage other countries to at least refrain from contributing to Iranian weapons capability.

The 1992 Iran-Iraq Arms Non-Proliferation Act, which I cosponsored with then-Senator GORE, established sanctions against third parties which assist Iran and Iraq in their efforts to rebuild their weapons capabilities. It was a start, but it did not go far enough. Efforts by Senator LIEBERMAN and me last year to expand the legislation were unsuccessful.

The 1992 bill was intended to target not only the acquisition of conventional weapons, but weapons of mass destruction as well. In the process of amending the bill to the 1993 Defense Act, however, the explicit references to weapons of mass destruction were dropped.

The amendment I am offering today attempts to make these applications absolutely clear. It also removes from the proposed sanctions exceptions for assistance under the Freedom Support Act, thereby removing the benefit of the doubt Congress gave Russia in 1992. As I will explain later in my statement, Russia has used this exception to the detriment of United States policy in the Persian Gulf.

To the current list of sanctions against persons assisting Iran and Iraq in its weapons programs, which already include procurement and export sanctions, the amendments we are offering today add the denial of visas, denial of commercial credit, and denial of authority to ship products across United States territory. To the list of sanctions against countries offering similar assistance, the amendment adds the denial of licenses for export of nuclear material, denial of foreign military sales, denial of the transfer of controlled technology, denial of the transfer of computer technology, suspension of the authority of foreign air carriers to fly to or from the United States, and a prohibition on vessels that enter the ports of sanctioned countries.

The threat from Iraq is not an immediate concern. The most important aspect of our policy with regard to Iraq must be to remain firm on the U.N. embargo. But given the history of the Iraqi military buildup before the gulf war, the sanctions included in the Iran-Iraq Act may at a later date be as important with regard to Iraq as they are currently in the case of Iran. Once the embargo is lifted, there will be a great temptation for cash-strapped economies to resume sales of military hardware to Iraq. Outside forces may once again be compelled to maintain a balance in the region through arms sales and a dangerous escalation of firepower.

It is also vitally important to prevent the reemergence of an Iraqi conventional military threat. One need only observe the origins of the weapons which constituted the Iraqi threat in 1990 to know that the key to any post-embargo containment strategy will depend on our ability to influence Iraq's trading partners in Europe, Russia, the People's Republic of China, and North Korea.

The threat from Iran is more immediate. The Iranian buildup in the Persian Gulf is common knowledge. Its importation of hundreds of North Korean Scud-C missiles, its intention to acquire the Nodong North Korean missiles currently under development, and its efforts to develop nuclear weapons are well established—as is its conventional weapons buildup.

Successive CIA directors, and Secretaries Perry and Christopher have all testified to the effect that Iran is engaged in an extensive effort to acquire nuclear weapons. In February, Russia signed an agreement to provide Iran with a 1,000 megawatt light water nuclear reactor. The Russians indicate that they may soon agree to build as many as three more reactors—another 1,000 megawatt reactor, and two 440 megawatt reactors.

I have raised my concerns regarding this sale with the administration on a number of occasions. I have maintained that under the Freedom Support Act of 1992, which the Iran-Iraq Act of 1992 was intended to reinforce, the President must either terminate assistance to Russia or formally waive the requirement to invoke sanctions out of concern for the national interest.

The State Department has informed me that "to the best of its knowledge, Russia has not actually transferred relevant material, equipment, or technology to Iran," and so there is no need to consider sanctions. I have been further informed that they are "examining the scope of the proposed Russian nuclear cooperation with Iran, and as appropriate, they will thoroughly evaluate the applicability of sanctions," presumably, if at a later date they can confirm the transfer.

I have no reason to question the State Department's evaluation of the facts on the ground. However, I would note that there have been public reports of as many as 220 Russians employed at the site of the proposed reactor. There seems to be a dangerously obscure standard for determining when material, equipment, or technology useful in the manufacture of nuclear weapons has actually been transferred, especially when as is the case with Iran, the reactor may already be partially complete.

At what point in the construction of the reactors does the transfer become significant? Do we allow the Russians to build portions of the reactor which do not strictly involve the transfer of dangerous equipment or technology while Iran obtains the most vital assistance from other sources? Although I cannot make this determination myself, common sense and an appropriate sense of caution would dictate that any assistance provided Iran in its efforts to acquire nuclear technology is significant.

The administration declined to identify the dispatch of technicians to the site as sufficient proof that a technology transfer was occurring. However, now that we are approaching the completion of site inspection and preparation, and nearing the start of the actual construction, it is my hope that the President will make another assessment of the situation.

I would point out that although the administration may have technical grounds for arguing that it is not yet required to invoke sanctions, making a determination on the applicability of sanctions sooner rather than later would serve as necessary leverage in resolving the issue. My intention is not to gut United States assistance to Russia. It is to prevent Russia from providing Iran dangerous technology. Waiting to make a determination until the transfer is complete defeats the purpose of the sanctions.

Ultimately, I fear that the reason the administration has not made a determination is that it does not want to jeopardize our relationship with Russia.

Based on this assumption and anticipating that the State Department may at a later date find other ways to avoid compliance with the Freedom Support Act, the legislation we are introducing today makes the President's legal responsibility under the act more explicit.

We sent our Armed Forces to war in the Persian Gulf once in this decade. They endured hardship to themselves and their families. Some will live with the injuries they suffered in service to our Nation for the rest of their lives. And, as is the case with every war, some never returned. With the cooperation of our friends in Europe, whose own sacrifices to the effort to free Kuwait should not be forgotten, we must see that the service of these brave men and women was not in vain.

Stability and security in the Persian Gulf is vital to the world economy and to our own national interests. Aggressors in the region should know that if we must, we will return to the Persian Gulf with the full force of Operation Desert Storm. At the same time, our friends and adversaries elsewhere in the world should understand that the United States will do everything in its power to preclude that necessity. It is my sincere hope that his legislation will serve as an indication of just how serious we are.

DON'T ABANDON HANFORD

Mr. GORTON. Mr. President, the Nation's nuclear facilities are being singled out for strident criticism these days. The Hanford site in Washington State is one of those pointed to for its alleged waste and inefficiency. In fact, some of my distinguished colleagues have proposed legislation that would dramatically, fundamentally, and perhaps dangerously affect the principles which govern cleanup at Hanford.

I am troubled by these criticisms, Mr. President, not because they do not make some good points—for certainly, Hanford's cleanup operation is not perfect—but because they ignore two important factors: first, that cleanup operations at Hanford are actually progressing; and second, that this Government has an obligation to help communities which contributed in no small part to our victories in World War Two and the cold war.

The massive undertaking to clean up nuclear waste at Hanford is overseen by what is known as the Tri-Party Agreement. This agreement, forged in 1989, includes the Department of Energy, the Washington State Department of Ecology, and the U.S. Environmental Protection Agency, and is showing itself to be an effective means for guiding cleanup. As a recent article in the Tri-Cities Herald noted:

> Many in the Northwest, including former adversaries, say the pact is the engine driving cleanup and, while slow in the beginning, it now is speeding the work along.

From safety to new technology to administrative savings, Hanford has made great strides. I submit for the RECORD a list of Hanford's recent accomplishments from the Tri-Cities Herald. It shows how far Hanford has come, and how the Tri-Party Agreement has influenced and moved cleanup efforts.

The Blush Report, a review of Hanford commissioned by my distinguished colleague Senator JOHNSTON, cited the Tri-Party Agreement as the primary obstacle to efficient cleanup. But that report was wrong. Just ask the people who signed the Tri-Party Agreement, the contractors who follow its guidelines, and the people of Washington State who benefit from its success. For all its faults, the Tri-Party Agreement serves as a constant reminder to the Federal Government that cleanup at Hanford is a top priority.

And officials at Hanford are now looking to move 2,300 tons of spent nuclear fuel away from the Columbia River 3 years earlier than originally planned. This is not only good for the environment, but for the taxpayer as well—it may save as much as $120 million. Would the Federal Government, on its own, take the initiative like this and actually try to finish a project ahead of schedule? I have my doubts.

A unique example of innovation at Hanford is the use of micro-organisms to get rid of pollution. These microscopic creatures are, according to DOE News, "stimulated with a vinegar-like solution to 'eat' chemical pollutants such as carbon tetrachloride and nitrates." Mr. President, surely no one can say that Hanford is in the grips of bureaucratic sclerosis when it enlists what one local paper calls "vinegar-swigging microbes" in the fight against pollution.

I recently received a letter from Mr. Kenneth Kensington of Viatech, Inc., in Hastings, MI. Viatech is cooperating with the Department of Energy on certain aspects of the cleanup, and Mr. Kensington writes that such cooperation is valuable not just to Hanford, but to the private sector and the advancement of research and development as well.

Administratively, Hanford is also making great strides. Last April members of the Tri-Party Agreement met in St. Louis to create a "Blueprint for Action and Cost Control." As the Tri-City Herald reports, "[t]he officials at the St. Louis meeting examined how to better manage projects, reduce costs and increase competition, track savings and streamline the regulatory process."

Mr. President, this strategy goes hand-in-hand with the legislation my fellow members of the Washington State delegation and I have introduced to reform cleanup at Hanford.

There is, Mr. President, another aspect to this issue, and that is the responsibility the United States of America has for supporting facilities like Hanford which provided the manpower and the materials that helped fight and win both World War Two and the Cold War.

Beginning in the 1940's, the Federal Government asked the Hanford community to join in the effort to combat Japanese, then Soviet, aggression. Hanford responded to the country's call, and performed its task magnificently, producing the materials to build up our Nation's defenses and face up to first the Fascist and then the Communist threat. Tens of thousands of men and women worked on this mission, each contributing in their own way to American strength and security.

Now, Mr. President, as we all know, the cold war is won, communism is vanquished, and we should all be thankful for the hard work and dedication of people in communities like Hanford. After all, these communities sacrificed a great deal. At Hanford, thousands of tons of nuclear waste lie underground, the result of a decades-long nuclear effort. I understand, Mr. President, that some of my distinguished colleagues may be concerned by the cost of cleanup at Hanford, but I cannot believe they would suggest that we simply turn our backs on the people who never faltered in their duty to their country.

On Tuesday, the Senate Energy and Water Subcommittee approved funding for Hanford for 1996. I was very pleased by this, Mr. President. But I am still concerned about Hanford's long-term situation. I am very concerned that we stand by our commitments.

Mr. President, I hope my colleagues will consider this issue carefully. I hope they will do what is right by the people of Hanford, and not, in their rush to save dollars, forget Hanford's invaluable service to America.

Mr. President, I ask that this article from the Tri-City Herald be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Tri-City Herald, July 2, 1995]

SIGNIFICANT ACCOMPLISHMENTS HAVE BEEN MADE, MILESTONES REACHED SINCE SIGNING OF TRI-PARTY AGREEMENT

Here's a rundown of major accomplishments at Hanford since the Tri-Party Agreement was signed in 1989:

Hanford's highest risk—the "burping" tank 101-SY—was resolved by installing a giant mixer pump that controls releases of hydrogen gases from the tank.

Fabrication was completed on a spar pump, the second of its kind for waste tank use.

Contaminated liquid discharges to the soil were eliminated.

K Basins, which hold highly radioactive used nuclear fuel, were made earthquake-proof.

Forty million dollars was saved by selling nitric acid stored in the Plutonium Uranium Extraction Finishing Plant to British Nuclear Fuels in England.

Getting that nitric acid out of PUREX will cut 10 months off the former chemical processing plant's deactivation schedule. The first shipment of nitric acid arrived in Great Britain this month. Two shipments will leave Hanford each week until December, when all 190,000 gallons will have been removed.

The Uranium Oxide Plant deactivation is done, which mean the former processing plant is ready for final cleanup and disposition. This project was done four months early and $800,000 under budget. Deactivation reduced the annual cost of maintenance from $4 million to $40,000.

This so-called interim sludge stabilization program was completed at the Plutonium Finishing Plant (PFP) 85 days early. That was the first major step in the eventual cleanup of the plant.

The work was done inside two small furnaces in a PFP glovebox. Moist, chemically reactive plutonium scraped from 236 containers was heated to 1,000 degrees Celsius, converting it into about 30 kilograms of impure plutonium oxide that was sealed in containers and placed in PFP's shielded vaults. Stabilizing this material reduced total worker radiation exposures by 25 percent.

Fuel was removed from the Fast Flux Test Facility four months ahead of schedule and $475,000 under budget.

An evaporator was constructed and has reduced the amount of radioactive liquids in underground tanks from 61 million gallons to 55 million gallons. By evaporating a portion of the water and thus concentrating the remaining liquid waste in double-shell tanks, there will be more available storage space for wastes to be transferred out of other troublesome tanks.

The extra tank space provided by the evaporation means six new tanks, at an estimated cost of $378 million, won't be needed.

With evaporation, only water is removed. The condensate water is being piped to nearby basins to await final processing.

In the N Reactor complex, 13 of 32 buildings have been deactivated and are ready for final disposal. Cleanup of the N Reactor's fuel basin is to be done in 1997.

Two effluent disposal facilities have been built in central and southern Hanford to treat contaminated liquids. The liquids will no longer be dumped into the soil; a practice that began in 1943.

The 200 Area Treated Effluent Disposal Facility was $25 million under budget and fulfilled 12 TPA milestones.

Reduced annual overhead costs by $200 million and infrastructure costs by $22 million.

The $31 million Waste Sampling and Characterization Facility was built, a laboratory to provide analysis of Hanford's wastes. The complex includes an analytical laboratory, nuclear spectroscopy laboratory and solid-waste storage facility. Nonradioactive and low-level radioactive samples can be analyzed, as can samples that cannot be sent to commercial laboratories.

250,00 pounds of carbon tetrachloride will soon have been removed from the soil in the 200 Areas, nearly 34 million gallons of contaminated ground water will have been treated, 56,000 cubic yards of contaminated soil excavated and 52 buildings decontaminated and decommissioned.

A new drilling technology now in use at Hanford is safer, three times faster and minimizes wastes better than conventional drilling methods while producing higher-quality samples.

K Reactor water basins have been converted into fish-rearing ponds to revive Columbia River salmon runs. The project is in cooperation with the Yakama Indian Nation.

The Hanford Advisory Board was created to provide public direction on cleanup from stake-holders throughout the Northwest.

A super landfill was created in central Hanford to receive debris and soil from the planned riverside cleanup.

Numerous buildings, including the B Reactor water treatment plant, have been demolished.

Construction is under way on the $230 million Environmental and Molecular Sciences Laboratory, a 200,000-square-foot building that will house equipment and programs to study molecular interactions and likely will lead to improved cleanup technology.

The Fitzner-Eberhardt Arid Lands Ecology reserve and the North Slope have been cleaned. Combined, they make up 45 percent of the 560-square-mile site. The lands, which had contained no radiological contamination, are to be turned back to the public, but a debate continues on who will get the land. By 1997, another 65 square miles along the Columbia River will be available for other uses.

Additionally, several new technologies are in use. They include:

Virtual reality, a simplified version of a special stereoscopic viewing system to inspect Hanford tanks. The system gives operators the feeling they're actually in the tank looking for structural flaws.

A high-temperature melter system to allow for more "waste loading" during eventual vitrification of tank waste. Increased operating temperatures allow greater flexibility to incorporate more volume of waste into the glass, thus reducing the number of radioactive glass logs to be sent to a permanent repository.

A device that for the first time measured the amount of gas in tank 101–SY.

A tungsten ball, about the size of a softball, that has been suspended into that tank on a wire cable to provide information on the thickness of waste inside.

WAS CONGRESS IRRESPONSIBLE? CONSIDER THE ARITHMETIC

Mr. HELMS. Mr. President, as of the close of business yesterday, Monday, July 31, the Federal debt stood at $4,960,151,653,142.55. On a per capita basis, every man, woman and child in America owes $18,828.82 as his or her share of that debt.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. SANTORUM). Under the previous order, the hour of 10 a.m. having arrived, morning business is now closed.

FOREIGN RELATIONS REVITALIZATION ACT

The PRESIDING OFFICER. The clerk will report the pending business.

The assistant legislative clerk read as follows:

A bill (S. 908) to authorize appropriations for the Department of State for fiscal years 1996 through 1999, and to abolish the United States Information Agency, the United States Arms Control and Disarmament Agency, and the Agency for International Development, and for other purposes.

The Senate resumed the consideration of the bill.

Pending:

Dole amendment No. 2025, to withhold certain funds for international conferences if funds were expended for U.S. participation in the United Nations Fourth World Conference on Women while Harry Wu was being detained in China.

Helms amendment No. 2031, to authorize reduced levels of appropriations for foreign assistance programs for fiscal years 1996 and 1997.

Kerry (for Boxer) amendment No. 2032 (to Amendment No. 2025), to express the sense of the Senate regarding the arrest of Harry Wu by the Government of the People's Republic of China.

Hutchison amendment No. 2033, to express the sense of the Congress that the United Nations Fourth World Conference on Women, to be held in Beijing, China, should promote a representative American perspective on issues of equality, peace and development.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the clerk will now report the motion to invoke cloture.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on S. 908, the State Department reorganization bill:

Senators Dan Coats, Spencer Abraham, Nancy Kassebaum, Rick Santorum, Jesse Helms, Judd Gregg, Rod Grams, Olympia Snowe, Bob Dole, Thad Cochran, Paul Coverdell, Larry Craig, Phil Gramm, Kay Bailey Hutchison, Don Nickles, Trent Lott.

CALL OF THE ROLL

The PRESIDING OFFICER. Under the previous order, the mandatory quorum call has been waived.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on S. 908, the State Department reorganization bill, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

The yeas and nays resulted—yeas 55, nays 45, as follows:

[Rollcall Vote No. 345 Leg.]

YEAS—55

Abraham
Ashcroft
Bennett
Bond
Brown
Burns
Campbell
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
DeWine
Dole
Domenici
Faircloth
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hatch
Hatfield
Helms
Hutchison
Inhofe
Jeffords
Kassebaum
Kempthorne
Kyl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Packwood
Pell
Pressler
Roth
Santorum
Shelby
Simpson
Smith
Snowe

Specter
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—45

Akaka
Baucus
Biden
Bingaman
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Conrad
Daschle
Dodd
Dorgan
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Heflin
Hollings
Inouye
Johnston
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Moseley-Braun
Moynihan
Murray
Nunn
Pryor
Reid
Robb
Rockefeller
Sarbanes
Simon
Wellstone

The PRESIDING OFFICER. On this vote, the yeas are 55 and the nays are 45. Three-fifths of the Senators duly chosen and sworn, not having voted in the affirmative, the motion is rejected.

Mr. DOLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GORTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Washington is recognized.

Mr. GORTON. Mr. President, I ask unanimous consent to proceed for 5 minutes as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORTON. I thank the Chair.

(The remarks of Mr. GORTON pertaining to the introduction of S. 1099 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. GORTON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FOREIGN RELATIONS REVITALIZATION ACT

The Senate continued with the consideration of the bill.

AMENDMENT NO. 2033

Mr. HELMS. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business is amendment No. 2033 offered by the Senator from Texas.

Mr. HELMS. Mr. President, Senator HUTCHISON's amendment providing guidance to the U.S. delegation to the U.N. Conference on Women in Beijing is important for the signal it sends to the administration—and to the United Nations.

The upcoming Beijing Conference offers a smorgasbord for radicals who are constantly fighting against traditional family values—paid for, in part, by American taxpayers. Organizers of this U.N. Women's Conference are determined to peddle their bizarre views of the family and the role of women. There is already too much kowtowing to fringe elements at the United Nations in New York and that is why this amendment is necessary.

The Senator from Texas and the Senator from Indiana clearly explained the amendment yesterday. It simply urges the U.S. delegation to the Beijing Conference to promote genuine women's rights and traditional family values, and not the agenda of a few activists who have captured the hearts and minds of U.N. bureaucrats.

In all honesty, Mr. President, it is astounding that an amendment even needs to be offered to protect the institutions of motherhood and the family. But, experience has shown that if Congress ignores the Beijing Conference, the United Nations will soon be pushing every country in the world to accept the United Nations strange notion of motherhood and family and even gender.

Some ideas promoted in the Beijing Conference "Platform for Action" are too bizarre to be believed, as I will explain in a moment. But, the American people know exactly what is going on, thanks to a multitude of news stories in the Christian and secular media.

You may remember, Mr. President, that some folks—but not this Senator—were sold a worthless bill of goods before last year's U.N. Conference on Population Control in Cairo. Senators and Congressmen were assured, promised, and guaranteed that Cairo Conference organizers and the U.S. delegation would not promote abortion-on-demand as a so-called international "reproductive right." But that is exactly what happened thanks to Tim Wirth, who was being advised by former Congresswoman Bela Abzug.

Senator HUTCHISON's amendment does not address this issue. But, it should come as no surprise that organizers of the Beijing Conference are determined to repeat what happened at the Cairo Conference—that is, they will attempt to coerce prolife foreign governments into creating a so-called "right" to abortion-on-demand.

Making matters worse, Mr. President, is the fact that this conference on women's issues is to take place in China of all places, where women are routinely forced to undergo abortions and sterilizations against their will, in the name of population control. Holding the Conference in China is nothing less than a slap in the face to women everywhere. It sends the clear signal that the United Nations finds China's grotesque behavior acceptable.

Lest anyone think that I have exaggerated the extent to which the United Nations has pandered to extremists, ask yourself why the word "mother" is virtually nonexistent in the Conference "Platform for Action" document. This is a conference on women, after all. Conference organizers prefer "caretaker." The reason: because they dare not condemn—indeed they probably endorse—so-called homosexual marriages.

Ask yourself, Mr. President, why Beijing Conference organizers refuse to agree to a definition of the word "gende" as meaning only male and female. The United Nations apparently has decided that the world is made up of five genders: male, female, homosexual, bisexual, and transsexual—whatever that is. The U.N. Conference Secretariat stated that, "gender is relative." What in the world does that mean?

This administration is also on record stating that "gender differences" are "cultural—changeable, variable." [AID "Gender Analysis Tool Kit"]. And what is worse, Mr. President, they arrogantly want to shove this nonsense down the throats of American taxpayers, and ask them to pay for it.

It is obvious what is going on. These strange ideas and values may be acceptable to U.N. bureaucrats or even to some in this administration, but they are not acceptable to the American people, and that is why this amendment is important. I urge Senators to support Senator HUTCHISON's amendment.

It is my understanding that the distinguished Senator, the manager on the other side, is willing to accept the amendment.

Mr. KERRY. Mr. President, we have looked at this amendment. We will be happy to accept it.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 2033) was agreed to.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

AMENDMENT NO. 2041

(Purpose: To express the sense of Congress regarding the consolidation and reinvention of the foreign affairs agencies of the United States)

Mr. HELMS. Mr. President, I send an amendment to the desk and ask it be stated. It is already at the desk. I ask that the clerk read it slowly because the amendment speaks for itself.

The PRESIDING OFFICER. Is there objection to setting aside the pending amendment? Without objection, it is so ordered.

The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from North Carolina (Mr. HELMS) proposes an amendment numbered 2041.

At the end of the bill, add the following:

SEC. . SENSE OF CONGRESS REGARDING CONSOLIDATION AND REINVENTION OF FOREIGN AFFAIRS AGENCIES.

(a) FINDINGS.—The Congress finds that it is necessary in order to make the Government more efficient and to realize significant budgetary savings for the American taxpayer—

(1) to consolidate and reinvent foreign affairs agencies of the United States within the Department of State;

(2) to provide for the reorganization of the Department of State to maximize efficient use of resources, eliminate redundancy in functions, and improve the management of the Department of State;

(3) to assist congressional efforts to balance the Federal budget by the year 2002;

(4) to ensure that the international affairs budget function shoulders an appropriate share of the reductions in United States Government spending necessary to eliminate the $4,800,000,000,000 budget deficit; and

(5) to strengthen—

(A) the coordination of United States foreign policy;

(B) the leading role of the Secretary of State in the formulation and articulation of United States foreign policy;

(C) the authority of United States ambassadors over all United States Government personnel and resources located in United States diplomatic missions, in order to enhance the ability of the ambassadors to deploy those resources to the best effect that will attain the President's foreign policy objectives; and

(D) the United States Foreign Service, as the forward deployed civilian force of the United States Government, through renewed emphasis on the original principles which undergird the distinct Foreign Service personnel system. These include worldwide availability, assignments based on the needs of the service, rank in person, and merit-based advancement.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the President should—

(1) consolidate within the Department of State, or eliminate, such duplicative, overlapping, or superfluous personnel, functions, goals, activities, offices, and programs that the United States Arms Control and Disarmament Agency, the United States Information Agency, and the Agency for International Development have in common with the Department of State in order to realize a budgetary savings to the American taxpayer of at least $3,000,000,000 during fiscal years 1996 through 1999;

(2) encourage the United States foreign affairs agencies to maintain a high percentage of the best qualified, most competent American citizens serving in the United States Government while downsizing significantly the total number of people employed by these agencies; and

(3) ensure that all functions of diplomacy be subject to recruitment, training, assignment, promotion and egress based on common standards and procedures, with maximum interchange among the functions.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. I thank the Chair.

Mr. President, if ever an amendment submitted in this Senate spoke for itself, this one does. That is why I asked the able clerk to read it in its entirety. And if there is a Senator who can offer an equivalent savings while preserving foreign affairs programs, I ask that Senator, whomever he or she may be, to do so.

The point is, and the fact is, they cannot do it. It cannot be done. So we are playing games with this business of not voting cloture and proceeding on this bill in concert with the administration, which has set out at the outset to say we will delay, we will obfuscate, we will do everything to block this bill. That is what is going on.

Mr. President, I ask for the yeas and nays. We do not need anybody except the two managers.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER. Does the Senator from North Carolina yield the floor?

Mr. HELMS. Yes, I yield the floor, of course.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I thank the distinguished Senator from North Carolina. Let me say to my friend from North Carolina that I think it is unfortunate that within a mere matter of hours on a bill we proceed to a cloture vote and behave as if somehow there is a major effort to delay a bill. I think there are 139 amendments on this bill—139 amendments; 94 of them—it is now 144 amendments—94 of them are from the Republican side of the aisle. Most of them are from my colleague from North Carolina.

So to suggest that a bill that was laid down yesterday—was laid down Friday afternoon, to be technically correct—but first debated yesterday for a few hours, beginning at 2 o'clock in the afternoon is now suddenly, on Tuesday morning, the subject of some kind of delay confuses me and, in fact, I think sort of does an injustice to the legislative process.

This is a very important bill. It represents a major overhaul of the means by which the United States of America delivers all of its foreign policy effort in the world. It has the most significant reorganization in it in modern history. It has some $3 billion-plus of cuts. It is a very significant altering of the mechanism of foreign policy.

There are many people in the U.S. Senate, Mr. President, who feel that it runs roughshod over the constitutional prerogatives of the President of the United States. Let me give you an example. I think every word of the amendment that the Senator just put in, with the exception of maybe five, I would support.

I think it is a very strong statement of what the Secretary of State ought to do. It is a very strong statement, an exhortation to reorganization, we should do that. But it has a specificity as to a particular department or a particular movement that we have suggested in keeping with constitutional prerogatives of the President ought to be decided by the President.

All we are suggesting is give the President a mandate from the Congress to make the cuts, but allow the President to determine exactly how they are going to be made.

I can remember my friends on the other side of the aisle over the years that President Reagan and President Bush were in office consistently coming to the floor and saying, "Get the cotton-picking micromanaging hands out of the administrative process. Congress shouldn't micromanage. Congress shouldn't decide every single movement of personnel. There ought to be some administrative capacity here."

Here we are suddenly, because President Clinton is in office, and we are going totally role reversal back on all of those restraints on micromanagement, and we are telling them, "You have to specifically get rid of this department, you have to put it here; you have to get rid of this department, you have to put it here; you have to get rid of this department, you have to put it here."

Now, all we have suggested is this would not be a problem if we came to the floor and adopted a compromise that was proposed by the administration and Democrats, which would have suggested, look, give the President a mandate for consolidation, but allow the President to decide what he wants to consolidate and where, how it best will function.

Here there is a mandate that you put certain departments within the Department of State when all of the former Secretaries of State have said, while they may be in favor of the concept, they have no confidence that the current State Department has the capacity to effect it. We have not addressed that here. There is nothing that deals with the capacity of Foreign Service officers to pick up these particular missions. There is nothing that deals with the capacity of these missions to be effected within the context of the State Department. So while, on the one hand, you are making this enormous shift, there is no commensurate administrative capacity or enablement to be able to actually implement the shift.

So I just say to my friend, this is an effort to legislate, not an effort to delay. Legislating is what we ought to do. We are supposed to come to the floor of the Senate and make some wise decisions about how to best demand change or mandate it and how best to make these savings.

I wonder if my friend from North Carolina would be willing to mandate the savings but take out the specificity and simply say we are going to try to find *x* amount of savings within this Department in order to try to reduce the budget, but leave up to the President the capacity to be able to choose where that might occur.

May I ask my friend from North Carolina—turning to his sense-of-the-Senate request on page 3, reading at line 15, paragraph 1, the Senator says, "It is the sense of the Congress that the President should consolidate within the Department of State or eliminate * * *." —I wonder if the Senator intends that it be an option of one or the other, just to clarify.

Mr. HELMS. Well, I say to the Senator, I have a corrected amendment here, and to call for the regular order on amendment 2031, I will send a second-degree amendment——

Mr. KERRY. I have asked a question of the Senator. But I do have the floor.

Mr. HELMS. Of course you do. But I thought you wanted a remedy.

Mr. KERRY. I wanted to know what his intention was before I give up the floor for any further action. I am trying to find out the status of the amendment.

Mr. HELMS. I will answer that in due time, I say to the distinguished Senator. If he yields the floor, I will do it right this minute.

Mr. KERRY. I would like to just pursue a few thoughts, Mr. President, before we perfect this. I gather now that it does need an amendment, needs to be perfected. I may not object to that. I want to clarify what it is we are precisely talking about.

Mr. HELMS. If the Senator will yield, why do you not put in a quorum call, we will discuss it, and I think he will agree to the modification.

Mr. KERRY. Mr. President, I will do that in a moment in order to try to see if we can make an agreement on this. The Senator from Connecticut was here a moment ago. I know he wanted to address this particular amendment. So I am hopeful to give him that opportunity. I simply say to my friend again—and we can discuss this privately while in a quorum call—it is something we have had some discussion on in the past. I personally am not averse to some kind of consolidation, and I have said that to the Senator. I personally think that there are ways to more effectively deliver the interests of the United States through our foreign policy establishment.

I do not think that this particular recommendation ought to be treated lightly, and I have never suggested that. What I do think is that we should try to construct a mechanism which affords the administration the maximum amount of flexibility in keeping with the notion that it is really their responsibility to decide which "t" to cross and which "i" to dot. I think, as the Senator from Connecticut will demonstrate, there are very strong feelings here about one particular shift versus another. So I ask my friend if, rather than putting in a quorum call, he and I could spend a minute visiting while the Senator from Connecticut addresses the amendment.

Mr. HELMS. That is a call of the Chair. We have two Senators seeking recognition. I will leave that to the Chair.

Mr. KERRY. I yield the floor.

Mr. SANTORUM. The Senator from Maine is recognized.

Ms. SNOWE. I certainly want to speak to this amendment and to the issue of consolidation, because I think it is more. As I said yesterday in my opening statement, I thought it was essential that there should be bipartisanship on this consolidation. This is not a new issue. In fact, Secretary of State Christopher had recommended this originally, only to be rejected in the inner-agency process. The Vice President has said through the process of reinventing Government he recommended and, in fact, said they would submit a proposal to the Congress that would yield $5 billion in savings through the consolidation, through the merging and streamlining within the State Department and its related agencies. We have yet to see that proposal.

There has been no proposal forthcoming from the administration to achieve the goals that are outlined in the authorization in this amendment before us today, or as mandated by the budget resolution that passed the Congress. We have a certain mandate to meet specific funding levels for the 150 account, and the consolidation helps us to reach that goal. So the administration, for the last 5 or 6 months, has not worked with the committee on this consolidation proposal in any fashion. They have not been proactive; they have not made recommendations. They simply rejected the idea of any consolidation. This is not a new issue.

Five former Secretaries of State did support this proposal. The fact is, they were not reticent in their support for this proposal. Former Secretary of State Eagleburger said that this consolidation was necessary in order to change the focus at the top within the State Department. This would be the impetus for creating the change that is necessary for this consolidation to work and that it was vital because the State Department was going to have to approach its own agenda differently in advancing foreign policy goals.

After rejecting the Secretary of State's plan within the administration, the only proposal the administration made with respect to consolidation and merging were two small elements within the department. One was consolidating the State Department and the USIA Office of Inspector General and a merger of the State Department Office of Foreign Missions and the Bureau for Diplomatic Security. That was it.

So we are now saying that we are going to move forward with the proposal. But that still could include the administration's proposal because the mechanism that is included in this legislation allows the President to propose alternatives or refinements to this plan and is required to submit a reorganization plan for each agency that would be considered by Congress by a resolution of approval under expedited procedures.

So we give the President the opportunity to address this particular consolidation plan. But today they have been silent. So I think that we have an obligation to move forward on this issue because five former Secretaries of State said this is the direction we should take in order to reintegrate these policy functions, but also to make sure that we revitalize these agencies and these functions. That is what is important.

We have provided a detailed way in which to streamline and consolidate the funding and personnel of foreign affairs agencies.

We need to take that approach. The administration, and I know that no one thinks that we should dictate to the administration as to how we should consolidate, but the President has a right to offer a plan. It is not just going to be this President who will be affected by this consolidation. It is not aimed at a Democratic President by a Republican Congress, because future Presidents—certainly I hope there will be future Republican Presidents—will also have to live under this consolidation proposal.

I said yesterday it is not a Republican plan, it is not a Democratic plan. It is an American plan as to how to make the State Department more efficient and function more effectively in administering our foreign policy goals.

I hope we can support this consolidation. I think it is worthwhile for the future. We have had a number of people who testified before the subcommittee, suggesting this would be the appropriate approach to take. We have to look differently at the way in which we handle our goals within the State Department.

It is the end of the cold war. We have to make a transition to a balanced budget. We have to consider new approaches.

This requires us to look at the kind of consolidation and integration in our foreign affairs infrastructure that will be more flexible and cost effective. I think that is what is so important. We need a more flexible foreign policy structure. That is why it requires us to integrate our program decisions with changing, and frequently changing, policy goals.

It was less of a problem before the cold war ended. We had a single particular focus. Today, that is not the case. What was the rule is now the exception. What was the exception is now the rule. That is why this consolidation is so essential.

I hope that rather than engaging and saying this is a partisan approach, we want it to be a bipartisan approach. Unfortunately, the administration was unwilling to be forthcoming in any suggestions, other than to say they were opposed to it. I yield the floor.

PRIVILEGE OF THE FLOOR

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that Frederic S. Baron, a Pearson fellow in my office, be permitted privileges of the floor for the duration of the debate on S. 908 and S. 961.

The PRESIDING OFFICER (Mr. THOMAS). Without objection, it is so ordered.

Mr. LIEBERMAN. Mr. President, a number of Senators on both sides of the aisle have focused with some seriousness on the questions raised in this bill. The amendment currently before the Senate, offered by the Senator from North Carolina, is, of course, a serious proposal and deserves the kind of reasoned consideration that our colleague from Massachusetts has described.

I rise to speak about the impact of the bill before the Senate on one particular agency, which is the U.S. Information Agency, and to make the case, respectfully, to my colleagues and to the chairman of the committee and members who come forth with this proposal, why I believe the USIA uniquely should not be consolidated as part of the State Department, although the general request for consolidation I think is a very worthy one.

Mr. President, I suppose I could spend this time explaining and defending the work of the USIA. It is a modest but highly effective foreign affairs agency. I do first want to say that I believe more is at issue here than just the work of the USIA.

The proposal to consolidate or perhaps to abolish the USIA presents another opportunity in this debate to address the choice that has been referred to here on the floor that we face at this juncture in our history between two profoundly different views of America's role in the post-cold-war world.

The choice, put simply, is this: Will America remain involved and lead in shaping the values and ideas, the military realities and the markets of the modern world? Will we continue to reach out in search of economic opportunities, cultural enrichment, and the alliances that strengthen our national security? Or will we step back and become a detached and reactive power that regards the wider world chiefly as a source of difficulty and danger?

Mr. President, I am convinced that on both sides of the aisle here the overwhelming majority of my colleagues have chosen the former course, which is to say staying involved in the world, exercising America's leadership role in the world, because that is not only the correct course but the realistic course.

Having made that choice, it seems to me that we are then left with the question of methods. What is the method we choose to remain involved and to remain the leader of the world, not just the free world, but the world overall?

Mr. President, I understand that some of my colleagues who share my concern for maintaining America's involvement and leadership have reservations about some aspects of our foreign aid program, including our involvement in the United Nations and other international institutions.

Mr. President, I want to respectfully suggest that for anyone who thinks that America must lead in today's world, it does not make common sense to favor the consolidation of the functions of the USIA to the Department of State, or certainly not to favor the abolition of the USIA. In fact, if we reduce our foreign aid and scale back our involvement in other multilateral organizations, as other parts of the bill before the Senate would do, I suggest that we will even have a greater need for a more robust, and I might say agile, USIA.

Mr. President, the distinguished chairman of the committee, Senator HELMS, and his committee, I say, have acted on a sound impulse, which is that we do need a searching reappraisal of the way we conduct our foreign policy in the post-cold-war era. The committee has produced a coherent, centralized, new architecture for our foreign affairs agencies.

However, no organization is an end in itself. Organizations are tools that we create to carry out our strategic and moral purposes as a nation. What are the goals? What is the strategy that the new centralized foreign affairs edifice laid out in this bill is meant to serve?

It is, indeed, an impressive organization, but I think we have to continue to come back and ask, What is its purpose? In that sense, what is our purpose—our American purpose—in the world, after the cold war?

Today, the cold war that possessed our thinking and our energies for four decades is over. The period of conflict with aggressive global totalitarianism reaches back another generation even beyond the beginning of the cold war. That is at an end. We are grappling with large and difficult questions about what role America should play in the world that go deeper than our country has faced for over a half century.

Now, the problems we face in developing a broad foreign policy to guide us into the next century are extraordinarily difficult. As was clear on the Senate floor last week in the debate on Bosnia, we have not yet reached a universal consensus about just when and how and under what circumstances the United States should exert its power and prestige in world affairs.

But disagree as we may about the specifics, so far as I have suggested a moment ago, I think we have maintained a remarkably broad consensus about one thing; that is, that the United States must continue our engagement with the world and must retain the capacity to lead, not out of the goodness of our hearts, but in the interests of our security and our principles.

That brings me back to the proposed consolidation or abolition of the U.S. Information Agency. Why is this such a key matter—an issue that I personally regard as a fork in the foreign policy road?

Mr. President, although we are searching for a new course for the future, I want to argue here that we should not abandon existing institutions just because they were developed during the cold war. Rather, we should profit from our experience in the cold war, which was, obviously, a very difficult and trying experience, but it was ultimately a successful experience. Where once we faced the Soviet Empire and feared a third world war, now, democracy and free market systems are establishing themselves from Vilnius to Vladivostok.

It is clear our military might was central to our success in the cold war. So, too, was the skill and perseverance of our diplomats and negotiators, and our political leaders. But what else ultimately helped us win this struggle that we sometimes overlook? My answer to that is that we engaged people, not just governments, but the people of the nations who were our potential adversaries in debate and discussion about the values, ideas and interests that guide the United States in world affairs. Our not-so-secret weapon here in the cold war was information and contact with people throughout the world, particularly those living under totalitarian regimes with the democratic world.

I think that had an enormous influence and helped and inspired peoples who were captive behind totalitarian walls to sustain their hopes and ultimately to rise up and create the pressure that miraculously crumbled the Berlin wall and all that it represented.

Mr. President, rather than wiping our foreign policy slate clean, I think we should draw upon the successes of the past to develop the foreign policy strategies for America's future. We must do this work together. Republican administrations can and should take credit for some of the great successes of public diplomacy which have enduring relevance today. The Reagan administration revived our understanding of the importance of values, ideas, and information in international affairs, and strongly supported the independent role of the USIA in conveying those values, ideas, and information. Far from losing importance, our values, ideas, and information—and an independent USIA—I think will be even more crucial as we chart our course in the next phase of world history after the cold war.

This new world is ever more democratic, ever more integrated into a global market economy, ever more linked by electronic communications. In such a world, relations among governments obviously remain important. But, frankly, such government-to-government relations simply do not matter as much as they did before. Increasingly, I believe, relations between countries will depend, as they have in the recent past, upon the perceptions and interests of the public within those countries, and particularly of what might be called key subsections of the public within those countries—political and intellectual elites, are two examples.

So, U.S. foreign policy in the next phase, with communications particularly growing as rapidly and in as revolutionary a fashion as they do today, must go beyond government-to-government relations and reach the people of the world.

We always say the world is a small world. It is a dramatically smaller world today. When I can sit at my personal computer—I have just been educated in the last several months—and try to reach one of my children who is at school in Boston, in the State of my colleague from Massachusetts, and find I cannot get into the so-called "Gopher" index to Massachusetts, so I go to the worldwide index of indexes and I am instructed to go through the index of the University of Southern Australia in Perth, find an opening there, then go to North America, then to the United States, then to Massachusetts, then, at the risk of offending my colleague and alumnus of Yale, to Harvard, then to my son's room—and all of that happening in about 20 seconds—it is a very, very small world indeed.

We all know one of the forces that brought the Berlin wall crumbling down was the availability of knowledge within the countries of the former Soviet Union and Eastern Europe about what was happening elsewhere, knowledge that they obtained in ways that could not be stopped by the dictators. They obtained it over the radio and they obtained increasingly over the fax machine and the personal computer.

So the central roles of the Department of State as I see them are to develop our overall foreign policy and manage the relations our Government has with the governments of other countries. The Department of State, obviously, has extraordinary experience and skill at the work of government-to-government relations. But, as a recent statement by Freedom House put it: "Public diplomacy—which is to say—our open efforts to win understanding and support among the peoples of foreign countries on matters that affect U.S. national interests—suffers when it is subordinated to the demands of formal diplomacy."

This Freedom House statement is a remarkable statement for its content and those who have signed it. It lays out in greater detail the argument for the separation of public diplomacy from formal diplomacy.

Mr. President, I ask unanimous consent that the Freedom House letter on the USIA be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. LIEBERMAN. Mr. President, this statement is especially impressive for the list of leaders in America's foreign affairs community who have endorsed it—a list that includes Democrats and Republicans, conservatives and liberals. The signatories include, and it is a large list, Dr. Zbigniew Brzezinski, former National Security Adviser in the Carter administration, Dr. Edward Feulner of the Heritage Foundation, our distinguished former colleague, Senator Malcolm Wallop, Lane Kirkland, President of the AFL–CIO, Malcolm S. Forbes, Jr., and Ambassadors Jeane Kirkpatrick and Andrew Young, all signing this statement. A remarkable group, reflecting a broad consensus across ideological and partisan lines in the foreign policy leadership of our country, in favor of keeping the USIA independent and strong, not consolidating it into the State Department.

These opinion leaders base this judgment on long, practical experience in the tough work of international relations. They recognize, and I quote again from their statement: "The culture of the State Department differs substantially from the culture of USIA." Formal diplomacy requires quiet, sometimes even secret negotiation; careful attention to consistency, nuance and form; and a willingness to continue even when the pace is painfully slow. That is the work of the State Department. Public diplomacy—the work of the USIA—requires openness, rapid response, and a willingness to put aside differences in order to make the most of agreement on broader themes that are shared by people throughout the world.

It says the obvious to say I have the highest respect for the foreign policy and diplomatic professionals of the Department of State. But their training and their experience, in my opinion, does not prepare them for the work in the informational environment, in the communications environment, the public-to-public environment, in which USIA and its officers and employees operate.

Let me say, responding to what has been said here a while ago, that the President and the Secretary of State should clearly determine the foreign policy of the United States. It is in the management and implementation of that policy that I believe the distinctions between formal and public diplomacy, between the State Department and an independent USIA, have their importance. It is in the management and implementation that the differences in organizational cultures add their respective values to the product.

The value of distinct organizational cultures is no novel, New Age idea. It was grasped by President Eisenhower when he founded USIA, and has proven itself in foreign affairs, now, for more than 40 years.

Operational autonomy is increasingly followed by corporations and other large financial institutions in the private sector. Centralized, pyramidal structures are what modern management is, frankly, trying to avoid. Teamwork is a recipe for success in both the public and private sectors. And the essence of teamwork, as it is understood in the modern organizational context, is in using the different talents of the different members of the team in working to achieve a common goal. That is why I believe, here, organizationally, the better course is to leave USIA independent.

As so many have said before me in this debate, victory in the cold war presents the United States with rare new opportunities. To grasp these opportunities, to advance our national interests and our moral principles, a more forward-positioned, engaged in aggressive economic, political, cultural, and communications, stance is required. The new world we face also holds many challenges and dangers and obviously we must be prepared to meet them. But I think we can best overcome those challenges and avert or mitigate those dangers and build a more stable, peaceful, and democratic international environment through purposeful engagement—engagement which is enhanced by the kind of active public diplomacy that an independent USIA can carry out.

What we now have is a plurality of means for engaging the wider world, and presenting American policy and projecting American interests and principles to different audiences, and one might say different consumers, worldwide. USIA inhabits the realms of the media, of education, of what we are happy to call in this country civil society, and what we are hoping to help develop in many of the fledgling new democracies that were former wards of the Soviet Union.

The USIA, incidentally, Mr. President, serves all agencies of the U.S. Government, not just the Department of State—but Commerce, Justice, Treasury, Defense, and others.

It is useful, I think, to all involved, that the USIA's program stand at one removed from the government-to-government functions carried on by the Department of State. When the Voice of America carries a news broadcast on a subject that is of some discomfort to a foreign government, is it not a good thing that our Ambassador can honestly say that the Voice of America is not controlled by—or organizationally aligned with—the Department of State?

Or to give another example, when one of our exchange programs brings a scholar from a foreign country to the United States who may be out of favor with the government of his country, is it not helpful that our ambassador can point out that the USIA, which has brought this scholar to America, is separate from the Department of State? And when that dissident goes home, will he or she not find it useful honestly to assert that their visit to the United States was not a foreign policy mission in behalf of the Department of State?

Mr. President, this formal separation is central I think to the credibility of our exchange and broadcast programs which have so well served America's interest in the cold war, which have so well served the interests and the aspirations of people living behind the Iron Curtain during the cold war and can so well serve people throughout the world who still yearn to be free?

People listening to USIA broadcasts around the world know that they are not hearing a propaganda instrument of the State Department but an independent voice—incidentally, a voice speaking so often in their language—reporting on world events and reflecting the views and values of the American people and helping make links between them in this country and the people of this country.

Mr. President, the United States Information Agency should not be part of the reorganization of foreign affairs agencies that are central to this bill. I say that respectfully. One of the amendments that I have filed among the 144 that are filed would remove the USIA from the consolidation aspects of this bill, with the minor exception of the consolidation of inspector general functions, and would maintain the USIA as an effective and independent agency.

We learned in the cold war that persuasion and involvement with peoples is the most powerful instrument that American democracy has in foreign affairs. The power of an idea, the power of an American idea, of the American idea conveyed to people around the world, ultimately is what cracked the Berlin wall. The kind of engagement USIA had, for instance, with Solidarnosc—not just with people generally, but with specific heroes in the fight for freedom—with Solidarity in Poland or with the pro-democracy movements in Central America is the kind of engagement we need today throughout the world, and particularly, may I say, with the coming generation of leaders in China and with the modernizers in the Islamic world.

This is no time to pull back and stop speaking to the people of the world and their future leaders. This is the time to continue effective public diplomacy through the USIA—independent and strong—to meet new challenges, seize new opportunities, and advance America's principles and strategic interests throughout the world.

I thank the Chair. I yield the floor.

EXHIBIT 1

[From Roll Call, May 11, 1995]

THE FUTURE OF U.S. PUBLIC DIPLOMACY

New proposals have been advanced to place the United States Information Agency (USIA)—long the chief instrument of American public diplomacy—under the centralized control of the State Department. We believe this proposed consolidation and centralization would weaken American public diplomacy.

Why should the USIA remain independent? Through its broadcasting, numerous exchange programs and links with people throughout the world, it already is highly successful in promoting American interests and articulating who we are and how our policies and values are shaped. The State Department has a different though related role. It explains U.S. foreign policy to Americans and presents our Government's official positions to foreign governments. The State Department values quiet negotiations, government-to-government contacts, protracted discussion, compromise and sometimes secrecy. A credible public diplomacy, by contrast, requires openness, the ability to respond quickly to rapidly changing world events, and independence in reporting, analysis and comment. In short, the culture of the State Department differs substantially from the culture of the USIA.

There are other important reasons to retain the USIA's present status.

Public diplomacy and formal diplomacy. While formal diplomatic relations conducted by the State Department are an important aspect of our Government's diverse engagement with other societies, public diplomacy—our open efforts to win understanding and support among the peoples of foreign countries on matters that affect United States national interests—suffers when it is subordinated to the demands of formal diplomacy. We have long-term interests in developing flexible relationships with foreign educators, journalists, cultural leaders, minority and opposition leaders that must not be subjected to the daily pressures of official government-to-government affairs. USIA has filled this niche by setting up exchanges that introduce foreign representatives to United States governmental, nongovernmental, private, business and cultural institutions.

American values: independent voices, one theme. The promotion of American political and economic values has been an auspicious aspect of our foreign policy in recent times. The spread of democracy and the global communication revolution indicate that this form of engagement in foreign affairs will be of great importance in the future. Diversification and independence—not centralization and uniformity—make the United States's message more meaningful and credible. The USIA's broadcasting and exchange programs should remain free of interference from officials with responsibilities in other areas. Radio Free Europe/Radio Liberty, Voice of America and Radio Marti remain vital sources of information around the world. In East Central Europe and the former Soviet Union (where independent media continue to face difficulties) RFE/RI is trusted precisely because of its journalistic integrity. This would be seriously compromised if they were perceived as official organs of State Department policy.

Re-orientation before re-organization. The structure of our foreign affairs agencies needs to be considered in light of America's global strategy in a rapidly changing international environment. Reorganization not rooted in a clear and comprehensive understanding and consensus about goals and missions cannot work or last. The USIA and federally-funded international broadcasting have track records of success and will continue to work. Indeed, with today's menacing phenomena of international criminal activity, terrorism, inter-ethnic hatreds and anti-democratic forces around the world, the work of USIA is more critical than ever.

We understand that there will have to be some significant re-organization and reprioritization in foreign policy. Those who have offered proposals for change have done some service. The world has changed, in no small measure because of our multilayered and multi-faceted foreign policy structures. Our goal should be coordination between agencies, not the kind of consolidated administrative centralism that will not work. The task of the State Department and the public diplomacy agencies should nurture one another, but must remain separate to be truly effective.

Ned W. Bandler, Vice Chairman, Freedom House; Saul Bellow, Author; Hon. Michael Barnes, Former Congressman, Chairman, Center for National Policy; Walter Berns, American Enterprise Institute; Daniel J. Boorstin, Librarian of Congress Emeritus, Historian; Dr. Zbigniew Brzezinski, Former National Security Advisor, Center for Strategic & International Studies; Hon. John H. Buchanan, Jr., Former Congressman; Hon. Richard R. Burt, Former Ambassador to Germany; Hon. Henry E. Catto, Chairman of the Board Catto and Catto, Former Director, USIA; William Van Cleave, Director, Center for Defense & Strategic Studies, Southwestern Missouri State University; Kerry Kennedy Cuomo, Executive Director, Robert F. Kennedy Memorial, Center for Human Rights; James S. Denton, President, National Forum Foundation; Patricia Murphy Derian, Former Assistant Secretary of State for Human Rights and Humanitarian Affairs; Vivian Lowery Derryck, President, African American Institute; Larry Diamond, Senior Research Fellow, Hoover Institution; Hon. Paula Dobriansky, Former Associate Director, USIA; William C. Doherty, Jr., Executive Director, American Institute for Free Labor Development.

Thomas R. Donahue, Secretary-Treasurer, AFL–CIO; Susan Eisenhower, Chairman, Center for Post Soviet Studies; Hon. Dante B. Fascell, Former Chairman, House Foreign Affairs Committee; Hon. Geraldine A. Ferraro, Former Congresswoman; Edward J. Feulner, Jr., President, The Heritage Foundation; Malcolm S. Forbes, Jr., Former Chairman, Board for International Broadcasting, Forbes Magazine; Al From, President, Democratic Leadership Council; Alton xFrye, Senior Vice President & National Director, Council on Foreign Relations; Hon. Frank J. Gaffney, Jr., President, Center for Security Policy; Hon. Bruce Gelb, Former Director, USIA; Ernest Green, Chairman, African Development Foundation; Samuel P. Huntington, John M. Olin Center for Strategic Studies of Harvard University; John T. Joyce, President, International Union of Brick Layers & Allied Craftsmen; Hon. Max M. Kampelman, Former United States Ambassador, Commission on Security and Cooperation in Europe; Lane Kirkland, President, AFL–CIO; Hon. Jeane J. Kirkpatrick, Former U.S. Ambassador to the United Nations; Bette Bao Lord, Chairman, Freedom House Board of Trustees; Bruce K. MacLaury, President, Brookings Institution.

Hon. Leonard H. Marks, Marks and Cohn; Will Marshall, President, Progressive Policy Institute; Adam Meyerson, Editor Policy Review; Charles Morgan, Jr., Attorney; John Norton Moore, Director, Center for Law & National Security, University of Virginia School of Law; Steven W. Mosher, Director, Asian Studies Center, The Claremont Institute; Joshua Muravchik, Resident Scholar, American Enterprise Institute; Father Richard John Neuhaus, Executive Director, Institute for Religion and Public Life; Michael Novak, American Enterprise Institute; Hon. Charles H. Percy, Former Chairman, Senate Foreign Relations Committee; Robert L. Pfaltzgraff, Fletcher School of Law & Diplomacy, Tufts University; Richard Ravitch, Attorney; Walter Raymond, Jr., Former Special Assistant to the President for National Security Affairs; William S. Reese, President, Partners of the Americas; Peter Rodman, Director, National Security Program, Nixon Center for Peace & Freedom; Burns W. Roper, Former Chairman, Roper Starch Worldwide; Hon. Eugene V. Rostow, National Defense University; John Seiganthaler, Chairman, Freedom Forum First Amendment Foundation, Vanderbilt University.

Al Shanker, President American Federation of Teachers; Walter J. Schloss, Chairman, Walter J. Schloss Associates, Inc; Nina Shea, President, Puebla Institute; Marvin L. Stone, Former Editor, US News & World Report; R. Emmett Tyrrell, Jr., Editor-in-Chief, The American Spectator; Hon. Malcolm Wallop, Former U.S. Senator; Ben J. Wattenberg, Syndicated Columnist; George Weigel, President, Ethics and Public Policy Center; Allen Weinstein, President, The Center for Democracy; Hon. Charles Z. Wick, Former Director, USIA; Jacques D. Wimpfheimer, Chairman, American Velvet Company; Hon. Andrew Young, Former Ambassador to the United Nations; James J. Zogby, President, Arab American Institute.

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Thank you Mr. President.

Mr. President, I would like to thank the Senator from Connecticut for a very thoughtful statement not just about USIA, but most importantly about the overall changes that are taking place in the world and the implications for the United States and for our foreign policy.

I think he has demonstrated the vision that is essential to any kind of decisionmaking with respect to the shuffling of the parts of our foreign public diplomacy effort. So I thank him for having shared those thoughts with us and I think provided a very important and credible statement with respect to this issue.

Mr. President, I would like to express further, following up on some of the things that the Senator from Connecticut has said, I think it is really important for us to understand, the United Nations particularly—and for a lot of appropriate reasons, I might add—the administration of the United Nations has been just sort of a morass without any seeming sense of concern or culpability, although I think in the last year perhaps the message may be beginning to get through.

But clearly, the ineffectiveness of the United Nations with respect to certain concerns, notwithstanding great successes, has clouded the image of that institution in its 50th anniversary so that for a lot of Americans, it is a very quick take. They think of foreign policy and they tend to think not of a global climate change treaty, not of the Montreal protocol which will reduce CFC's in the air and help to preserve the ozone layer, they do not think about the treaty to preserve Antarctica or the treaties with respect to arms control through the years that made an enormous difference in helping to win the cold war; they tend to think of the big symbols, and generally speaking, the symbols of either confusion or sometimes failure.

The result is, if you want to get a good applause line when you go home and give a speech, you can very quickly pick up a line that talks about how you should not be giving aid to other countries, that the aid ought to be coming back, you know, to whatever city in one State. If you say that when you are in a particular place, people are quick to respond and say, "Boy, that is right. We ought to be get that money, not these other folks." And in some cases, unfortunately, it is true. AID and others have had some programs sometimes that lack accountability.

But name for me the corporation in America that has not sometimes had an advertising campaign that has been overboard or an excess of expense accounts or an excess in departments. Most of the great buy-outs of the 1980's were predicated on a lot of those far too expansive corporate budgets where value was not limited and people saw that they had an opportunity to come in, pare down, create a far more productive entity, raise the share value, and sell it for a killing. Indeed, that happened over and over again.

This is no different. There is no bureaucracy on the face of this planet that does not have organizational problems. The question is, what are we trying to do here, and what are the interests of the United States?

Foreign policy is not some foreign engagement exclusively. Foreign policy is the art of achieving our interests abroad. It is really an extension of the interests in every community here in our country. It is not really a foreign affair. It is a domestic interest that is represented through whatever happens abroad.

So when we engage in Latin America in an antidrug program, we are representing the interests of people in Kansas City, in San Francisco, in Boston, in New York, in Los Angeles, and all across this country. And to whatever degree we can get the cooperation of Colombians or the cooperation of Ecuadorians or Panamanians or the Caribbean countries in helping us to prevent the flow of cocaine or helping to prevent the flow of laundered money, we are representing our interests. That helps us here at home. It keeps perhaps 1 kid, 20 kids, hopefully 1,000 or a million kids out of trouble.

It seems to me that in the same way, Mr. President, in dozens of other ways, our interests are represented through the diplomatic efforts of our State Department in ways that a lot of Americans just take for granted on a daily basis. Take, for instance, the interests of New England in fishing. We have two of the most important fishing ports in all of the country in Gloucester and New Bedford, MA. Until recently, our fishermen were able to go up and drag off the coast of Canada for scallops. Now, because of an international treaty, we are not allowed to do that anymore, and we have huge tensions with Canada over the questions of fishing. We have huge tensions over the fish that are caught there, that are sold in the United States at a lesser price, that take away from our fishermen and their livelihood.

So these are the relationships. This is not a foreign interest. This is not an expenditure of money somehow that goes to someone else's benefit abroad. It goes to our benefit, Mr. President. Hopefully, if well represented and well negotiated, it goes to our benefit.

There are dozens of other ways in which examples abound about how our interests are or are not represented. We have millions of Americans traveling abroad every year, millions probably even as I speak right now. They expect to be able to walk into an embassy or a consulate office and get answers. They expect to be able to get a visa. They expect to have their interests represented. If they get in an accident abroad, if they have a sickness abroad, if something happens where they are falsely arrested or some other event takes place, we need to be able to represent the interests of those citizens abroad.

Increasingly, Mr. President, in every single sector that is important to the interests of Americans, we have been cutting over the last few years.

We made an enormous cut in the foreign affairs budget just 2 years ago. We made a cut 2 years before that. It has become sort of the whipping boy, if you will, of the budgetary process because there is no easy, quick constituency in the United States that leaps up and says, "Oh, yes, I identify with that money."

Already out of a $1.5 trillion budget, we spend less than 1 percent of the total budget on all of our foreign affairs interests, including foreign aid, and most of the foreign aid of this country, as we know, goes to two countries: Egypt and Israel. So, if you take the almost $12 billion, I think it is, that goes to Egypt and Israel, we are leaving ourselves something like $8 billion for everything else that we wind up doing around the world in respect to all of our treaties, all of our negotiations, all of our representing of our citizens, all of our efforts to try to deal with international crime, with international customs problems, with all of the other interests that we have across this planet.

I inform my colleagues that overseas workload has increased dramatically. My colleague from Connecticut was talking a few minutes ago about what has happened with respect to the sort of closing in of the world. The fact is that because the world is now smaller, because there are more airlines flying more places, because communications are easier, because there is a much broader middle class, not just in America, but in many other countries, people are traveling more. And because of that travel, there is far more of a relationship between nations than there was previously, much more commerce, much more just to keep track of.

The workload for our embassies in just issuing passports, the workload in this country in issuing passports, is a 60 percent increase in the last few years. The overseas consular operations have exploded—visas, increased services to Americans, refugee admissions. We have opened 30 new posts in the last 3 years because of the collapse of the Soviet Union and Europe. And yet, notwithstanding all of that increase, there has been no financial increase whatsoever. All of these new posts, all of this new work has been taken up by virtue of consolidation, cuts, deferred maintenance, reductions.

Mr. President, I respectfully suggest that a hard analysis of what has been happening to the budget with respect to the State Department and the capacity of our Foreign Service entities to do their jobs over the last years has been such a significant reduction that we are getting to the point where we are losing our capacity to represent our own interests.

This is not smart anymore. This is the old story of cutting off your nose to spite your face. This is shooting yourself in the foot. It is reducing our own influence. I suggest that we ought to think hard about where we are going.

The State Department's budget has been frozen in recent years. In fact, the fiscal year 1996 request is underfunded by over $200 million, or by 10 percent when inflation and the exchange rate losses are factored in. That is an important thing to recognize, Mr. President. We operate our foreign offices, obviously, in a lot of places where the currency is fluctuating. So we send people there with an expectation that we are going to spend x amount of dollars. But because the dollar may go down, you wind up having a huge increase in expenses and it costs you a lot more to do the same business.

Have we increased the amount of money to represent that kind of increase in costs? No. We have taken it out of the building fund, we have taken it out of maintenance, we have cut other sectors, and we are beginning to get to the point where we are reducing our own capacity.

The State Department has already reduced its work force by 1,300 positions, and it has cut administrative expenses by almost $100 million. We have reduced the size of the senior Foreign Service already by 10 percent, and we have cut diplomatic security programs by 15 percent. This is what has already happened.

Now we approach this bill, and I want to share with my colleagues why I think there is such a problem in this bill.

Despite the fact that this bill meets the administration's 1996 appropriations accounts for the State Department and the USIA, the aggregate funding in this bill for 1996 is $450 million below the 1995 enacted level, and it is $330 million below the President's 1996 request. The total funding in the bill decreases sharply over the next 3 fiscal years. The authorized funding under this bill for fiscal year 1999 is over $1.3 billion below the 1995 enacted level.

I will add, Mr. President, that those cuts, that $1.3 billion by 1999, does not reflect the steep reductions in foreign aid funding levels for fiscal years 1996 and 1997 that are in the foreign aid bill. So when you add those cuts to the foreign aid bill, you wind up with the most significant reduction; in fact, you go below the function 150 budget resolution figures for the next 2 years. I do not think we ought to go below the budget resolution figures in the 150 account for those next 2 years, given the reductions that have taken place in the last years.

Mr. President, 10 years ago, in the height of the cold war, when you had a bipolar world with this intense focus on basically the Soviet bloc and China and whatever satellite countries of theirs were creating havoc in other parts of the world, our total international affairs budget was 2.44 percent of the total budget of our country—2.44. Today, it comprises only 1.3 percent. And in the last decade, the appropriations for function 150 have declined by $15.6 billion in fiscal year 1996 dollars. They have gone from $36.8 billion in 1985 down to $21.2 billion in 1995, all of that cut, notwithstanding what the Senator from Connecticut and I have just said with respect to an increase in responsibility, an increase in the number of relationships and an increase in the numbers of issues that we now face.

I might add, Mr. President, now that you have a world where you do not just deal with the Soviet Union and the whole focus is not on arms control and the arms race, you actually have unleashed a whole set of additional forces that make diplomacy far more complicated. In many ways, when you had the Soviet Union and the United States and people were dividing up along those lines, you had a much easier dynamic to work with than the current international economic competitive structure, with all of the attendant environmental, crime, refugee, ethnic conflict and other issues that have been liberated.

I respectfully suggest that the world we face today requires a knowledge of what is happening in countries, an understanding of that ethnic force, an understanding of who is who within the criminal constellation, an understanding of the dynamics of how we can assist other countries to move toward sustainable development—a host of issues that are far more difficult to leverage and that require personal relationships in the leveraging. Yet, here we are withdrawing ourselves from the very capacity to create those kinds of personal relationships.

Under the budget resolution, discretionary funding for the international affairs budget is reduced by $2.1 billion in fiscal year 1996 alone. And by fiscal year 2002, the Budget Committee's target date for the balanced budget, the mark for the function 150 discretionary funding is $14.7 billion.

Mr. President, we are going to go from $36.8 billion in 1985 to $14.6 billion in the year 2002, and we are somehow going to pretend that we are going to represent the domestic interests of the United States abroad with that budget while simultaneously meeting the needs of a country that prides itself in being the leader of the free world. I do not think it makes sense. I think it is ill considered. I think it is shortsighted. I think it is contrary to our national interests, and it may not be hyperbole to suggest that it is even dangerous for the interests of this country.

I recognize that economies have to be achieved in all respects, with respect to the Federal budget, including international affairs. But the dollar alone cannot be the sole measurement with respect to what we are doing. We do not just have a fiscal deficit, Mr. President, we have a leadership deficit, we have an involvement deficit, we have a presence deficit.

If you travel to Asia today, you will find greater presence of French and Germans and Japanese than you will Americans. I am consistently asked by foreign businessmen when the United States of America is going to get its act together and have the kind of presence necessary to signal our determination to be a real player beyond what our weaponry gives us.

It seems to me that those are the kinds of things we ought to be thinking about as we arrive at a budget, not just an arbitrary 602(b) figure that is thrown out by a couple of people sitting around saying, "We will give this much to this committee and that much to that committee," without a real measurement of what the real impact is in the overall interest of our country.

In addition to the problematic budget areas, Mr. President, this bill also contains several provisions that are designed to undermine and place restrictions on the United States' participation in the United Nations system. For example, the bill mandates that the United States withdraw from several international organizations, including the International Labor Organization, and it eliminates funding for U.S.-assessed contributions to these organizations.

In addition, the bill places conditions on the full payment of the U.S.-assessed contributions to the United Nations and to peacekeeping operations that serve to weaken our leverage at the United Nations at the very moment when our leadership is needed.

It is very difficult to go to Mr. Akashi and Boutros Boutros-Ghali and suggest to them that the role of the United Nations ought to be different, and they ought to heed our advice at the same time we are pulling back from an obligation, as well as from other involvement and efforts of the United Nations. If ever we wanted to invite others to begin to spur whatever leadership we might be offering, it seems to me that that is one of the ways to do it.

So, Mr. President, I would hope that in the course of the deliberation on this bill we can try to rectify, to whatever degree possible, some of these things, so that we get back to the spirit of bipartisanship that governed the movement of this bill in the last 11 years that I have been here. There was an unfortunate vote along party lines sending this bill to the floor. It is my hope that we can use this time now in the legislative process to harmonize and bring together a bipartisan effort when I think the Congress is most well-served and certainly when the interests of the country are served. Everybody knows that this country has been strongest when its foreign policy is bipartisan. The great standard was written by Arthur Vandenberg. In recent days, we have had joint efforts—whether it was Senators LUGAR and NUNN, who joined together with respect to Russia, or whether it was Senator MCCAIN and others here, who joined together with respect to Southeast Asia—and we have been able to show that bipartisanship makes a difference and it makes this country strong. I hope we can find that in further efforts with respect to this legislation.

Mr. HELMS. Mr. President, Senator KERRY is one of the most articulate human beings I have ever heard. I wish that he had somehow recognized in his eloquent comments the many efforts that we made—when I say "we," I mean the Foreign Relations Committee majority—to work with the administration.

I myself pleaded with the Vice President of the United States to let us get together, as the Senator has recommended. The bureaucracy prevailed in the Vice President's office. I am not being personally critical of the Vice President. He has many things on his plate. But, in this case, the ball got away from him, and the heads of three agencies, which were going to be rolled into the State Department where they belong, prevailed.

Warren Christopher, the Secretary of State, went through the same agony last fall after the election when he recommended the sort of reorganization that the pending legislation represents. Secretary Christopher got his comeuppance, and he took it like a man. He is a faithful, loyal member of the administration. He wrote a letter the other day to Senator DOLE, which was amazing to me. Sometime during this debate, I am going to put his letter in the RECORD and my response to it.

I wish we could get together, but at this moment, the White House is calling the tune. There is nothing wrong with that. That is the way the administration works. But they cannot have it both ways, that we want to do this and that, when in fact they have done everything in this world, including personal invective, to undermine the pending legislation. There were news conferences at the National Press Club downtown. One of the bureaucrats made all sorts of remarks, including one that I had written this bill on the back of an envelope. The press came to me and said, "What do you think about that?" I said, "Well, Abraham Lincoln did pretty well on the back of an envelope. I hope I have done fairly well."

But it has been a personal affront to these people that anybody could suggest that their bureaucracies be trimmed. Let me tell you something about the U.S. Information Agency. There is a great push to keep it like it is. But let me tell you, Mr. President, if you retain the U.S. Information Agency as it is, it will cost $320 million over the next 2 years and $600 million during the 7-year effort to balance the budget.

Now, all the people who have been lobbied to keep the USIA just like it is better bear in mind what the Budget Committee is going to say about that. And all sorts of suggestions have been made that, well, we are doing well, we just need to do better.

Well, tell me about the 600 people, Federal employees, in the U.S. Embassy at Cairo, whose sole responsibility is to give away the American taxpayers' money. What sense does that make? It costs $200,000 a year to post one Federal employee overseas. They have 600 of them at Cairo alone.

Mr. President, I have several dear friends among the heads of State of other countries who come to Washington, and they come to see me in my capacity with the Foreign Relations Committee. If I had to pick a favorite, I guess it would be Eugenia Charles, who is the former Prime Minister of Dominica. I am sad to say that the Prime Minister is not running for reelection. She is a pleasant, down-to-earth lady. She always comes in my office with a smile on her face. The last time she was here, which was about 3 or 4 weeks ago, give or take, she walked in and said, "Well, Senator, I see you are trying to do something about your foreign aid program." I said, "Yes, ma'am, I am." She said, "Well, it is none of my business, but something ought to be done. Do you realize, Senator, that it costs you more money to give away money than you give away?" And that is it. It is the bureaucracy that just grows and grows and grows, and these efforts with the pending legislation, from the administration that has not cooperated with the committee at all—JOHN KERRY tried to. I do not know what sort of instructions he got from the people downtown to the contrary. But I wish we could sit down and work out the difficulties. I am not going to give away the store. I am not going to change this bill so that it does not meet the budget resolution which was adopted by this Senate and the House of Representatives. No, sir, I am not going to do that.

But if we can have an understanding that we are working on the same team, being the Senate of the United States, trying to get a job that needs to be done and needs badly to be done, then we can pull this bill down and we can operate in good faith. But I cannot have Bill Clinton's people looking over somebody's shoulder, because Bill Clinton already said he is going to veto it, and he does not even know what is in the bill. He wants to keep the status quo. He does not want to save any money on foreign aid. Otherwise, he would have sent somebody in good faith up here to work with the committee, which we urged him to do, which we urged his Vice President to do. But we were stonewalled.

So do not give me all this stuff about the administration has not been consulted. Later on in the debate, we will talk about this business of micromanagement. There has been plenty of what some would call micromanagement in the past.

AMENDMENT NO. 2042 TO AMENDMENT NO. 2041

Mr. HELMS. Mr. President, I send a second-degree amendment to the desk to amendment No. 2041.

The PRESIDING OFFICER. The clerk will report the amendment.

The Senator from North Carolina [Mr. HELMS] proposes an amendment numbered 2042 to amendment No. 2041.

Mr. HELMS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike all after the word "SEC." and insert the following:

. SENSE OF CONGRESS REGARDING CONSOLIDATION AND REINVENTION OF FOREIGN AFFAIRS AGENCIES.

(a) FINDINGS.—The Congress finds that it is necessary in order to make the Government more efficient and to realize significant budgetary savings for the American taxpayer—

(1) to consolidate and reinvent foreign affairs agencies of the United States within the Department of State;

(2) to provide for the reorganization of the Department of State to maximize efficient use of resources, eliminate redundancy in functions, and improve the management of the Department of State;

(3) to assist congressional efforts to balance the Federal budget by the year 2002;

(4) to ensure that the international affairs budget function shoulders an appropriate share of the reductions in United States Government spending necessary to eliminate the $4,800,000,000,000 budget deficit; and

(5) to strengthen—

(A) the coordination of United States foreign policy;

(B) the leading role of the Secretary of State in the formulation and articulation of United States foreign policy;

(C) the authority of United States ambassadors over all United States Government personnel and resources located in United States diplomatic missions, in order to enhance the ability of the ambassadors to deploy those resources to the best effect that will attain the President's foreign policy objectives; and

(D) the United States Foreign Service, as the forward deployed civilian force of the United States Government, through renewed emphasis on the original principles which undergird the distinct Foreign Service personnel system. These include worldwide availability, assignments based on the needs of the service, rank in person, and merit-based advancement.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the President should—

(1) consolidate and eliminate, such duplicative, overlapping or superfluous personnel, functions, goals, activities, offices, and programs that the United States Arms Control and Disarmament Agency, the United States Information Agency, and the Agency for International Development have in common with the Department of State in order to realize a budgetary savings to the American taxpayer of at least $3,000,000,000 during fiscal years 1996 through 1999;

(2) encourage the United States foreign affairs agencies to maintain a high percentage of the best qualified, most competent American citizens serving in the United States Government while downsizing significantly the total number of people employed by these agencies; and

(3) ensure that all functions of diplomacy be subject to recruitment, training, assignment, promotion and egress based on common standards and procedures, with maximum interchange among the functions.

Mr. HELMS. Mr. President, let me get back to one of the most heavily lobbied portions of the pending bill.

I said a while ago that keeping the U.S. Information Agency as it is will cost $320 million over the next 2 years, and $600 million during our 7-year effort to balance the budget. Those who do not care whether the budget is balanced or not in 7 years, do not care very much one way or another.

The effort to keep the U.S. Information Agency independent of the Department of State is misguided and it is out of step. The time has come to recognize the problem and to reorganize our entire foreign relations apparatus.

As JOHN KERRY has said with his customary eloquence, public diplomacy is an extremely important part of the way this country conducts business with other countries. It is, after all, the way we convey American values and interests, and the way that we communicate the American dream to the people around the world.

Accordingly, Mr. President, it ought to be part and parcel of the larger foreign policy effort, not shunted away out of sight, out of mind. As the single agency charged with the conduct of U.S. foreign relations, the Department of State must be given a clear mandate and must be provided with all the tools of the trade. Diplomacy can be a most effective tool, but its effectiveness can be truly realized only when it is synchronized with all the rest of the diplomatic initiatives.

That is just not the opinion of JESSE HELMS, a member of the Foreign Relations Committee. Five Secretaries of State have said the same thing. They have endorsed this bill which President Clinton, Vice President GORE, and now poor Warren Christopher, who is caught in a bind, say they oppose.

Now, S. 908 acknowledges what has to be the centrality of public diplomacy of foreign affairs, by putting public diplomacy at the center of the foreign affairs apparatus.

I ask, what is a better way to make sure that this tool gets used frequently, than to provide it to those who need it and to those who will use it, by creating an Under Secretary for Public Diplomacy within the Department of State, as this bill proposes? We will strengthen our core foreign policy apparatus, and 5 former Secretaries of State have testified and written letters of endorsement of this very proposal that is the pending business in the U.S. Senate.

As for the U.S. Information Agency, its consolidation into the State Department will allow us to stretch our dollars devoted to foreign policy. It will cut out the waste. It will cut down on the bureaucracy. It will cut out functions that really are not essential to our foreign policy. They may be desirable, but they are not essential.

Now, in the case of international broadcasting, the irony is that S. 908, the pending bill, is the best deal in town. They will not find a better one—not from Bill Clinton, not from AL GORE, not from anybody else. Right here, it is pending before the U.S. Senate.

S. 908, Mr. President, assures the continuation of the restructuring, the reduction, and the consolidation of broadcasting elements that began last fall. This bill will ensure that the Congress and the administration keep their commitment to support broadcasting around the world. Some of the people—lobbyists—who are opposing S. 908 would have you believe otherwise.

Broadcasting, under this bill, will remain independent and will be operated by the Broadcasting Board of Governors, which is a nonpartisan board that sets the broadcasting policy.

In a very real way, S. 908, despite the protests of people who will save it, passes the litmus test of USIA itself. It strengthens the role of public diplomacy in our foreign policy apparatus by integrating it with larger foreign policy concerns.

As has been shown, S. 908 in no way eliminates or reduces the capabilities needed to convey the American message to foreign populations. That is the job it was created to do in the first place.

It preserves those capabilities, but it also makes a strong move to abolish waste and needless bureaucratic duplication. That is where some nerves have been rubbed raw.

Make no mistake, the amendment to retain USIA, any effort to retain USIA independently, is a proposal to retain wastefulness and inefficiency. It is a tired old litany. I hope the Senate, if and when we are given an opportunity to vote on the matter, will understand what it is all about.

I yield the floor.

The PRESIDING OFFICER (Mr. ASHCROFT). The Senator from Maine.

Ms. SNOWE. Thank you Mr. President. I think the chairman has accurately stated the dilemma that faces Members here in terms of making decisions about whether or not to move forward with a specific consolidation proposal.

The real question is whether or not there is support—bipartisan support—for a consolidation proposal.

We heard from Senator KERRY this morning, who said that he supports consolidation, the idea of consolidation. He basically said the same thing in committee.

The problem is, there has been no specific proposal forthcoming to achieve the goals of consolidation. That is the problem. Everybody talks about consolidation, eliminating duplicating functions and responsibilities, but there is no specific plan that has been put forward by the minority, on the committee or here on the floor, that achieves the goals that are necessary and indeed mandated by the budget resolution.

Even the Vice President said, back on January 27, that he would come forward with a plan for reinventing Government and these agencies in the State Department that would achieve a savings of $5 billion. We have no such plan.

The only recommendation the Vice President has made is eliminating 6 missions and streamlining the contracting services within the agencies. That is it. That will not achieve $5 billion. Even our savings are less than $5 billion. The fact is the budget resolution requires us to achieve $3.6 billion.

Now, somebody can say how we do it differently. I cannot understand, frankly, why the minority could not accept the principles that are embodied in the amendment that is before the Senate. It says, and it is a sense of Congress, that the President should consolidate and eliminate duplicative, overlapping or superfluous goals, activities, offices, and programs that the United States Arms Control and Disarmament Agency, the United States Information Agency, and the Agency for International Development have in common with the Department of State, in order to realize budgetary savings to the American taxpayers. That leaves $3 billion during fiscal years 1996 through 1999.

That is the essence of the amendment now pending before the Senate. It incorporates the principles of consolidation.

It is obvious that there is not an interest in working together in a bipartisan way to come up with a consolidation plan that can get a majority of support here.

Now, the President—and I can understand, there is a dilemma here for those on the minority side—the President proposed in his budget to increase the 150 account by $1 billion. The budget resolution that passed this Congress requires us to cut by $3.6 billion. That is what we have to do.

The President does not want to cut the foreign affairs account. He is asking for a $1 billion increase.

That is why I think we are meeting the resistance from the other side with respect to consolidation, because they do not want to consolidate. They do not want to eliminate. They do not want to do anything to change the status quo. That is what last year's election was all about—to change the status quo on how we conduct our business. That is what we have to do. That is our mandate here. It surprises me in a lot of ways to suggest that there are not ways in which we can do that. I happen to think that consolidation is necessary because I think it will reinvigorate the departments and the agencies. I think it will reinvigorate the State Department in the way it conducts its foreign policy decisionmaking. I think it is necessary.

Does anyone here suggest that we should not look at the exchange programs? I am a strong advocate of the exchange programs. But, believe it or not, the exchange programs have doubled. They have actually doubled since 1990. They have doubled in the 1980's. So they doubled in the 1980's and they have doubled since 1990. We are proposing that we cut $400 million in the exchange programs that are duplicative. They are spread out all over the U.S. Government. We are saying we should consolidate and manage them because we do think they are important, especially in this post-cold-war period. It is important for our young people to have a chance to understand the cultures of governments of other countries. But does anybody think that we should not do it a little bit differently, given the proliferation of those exchange programs? I say not.

What about the Agency for International Development? As I said, the Director has done an outstanding job since he has been in that position. But there is much more to be done. Even he said, several years ago before he took that position, that the agency was a disaster. We have spent on development assistance since the agency was created $144 billion, and we still provide countries with assistance. Countries have received development assistance from 35 to 51 years consecutively. We have not made any headway.

The point is, we have to do things somewhat differently. We should tie development assistance to our foreign policy goals. There is nothing wrong with that. Indeed, I think we will maximize the benefits for our taxpayers, but also for our specific goal.

Sixty percent of the employees of the Agency for International Development work here in Washington, DC. There are 9,000 employees in the Agency for International Development—9,000. Just the administrative costs alone represent 25 cents on every development dollar we spend, but that does not take into account the grants. That is where the other 4,000 employees come in. We have 5,000 under the traditional administrative costs and overhead, and then we have another 4,000 employees that are paid through the grants that we issue through development assistance in the Agency for International Development.

Is anyone suggesting that we should not cut or reform those programs to maximize the benefits for the American taxpayers and, indeed, the program? No one is saying that the essence of development assistance and helping countries for sustainable development for the future to become independent economically is not essential. It absolutely is. The question is how we achieve those goals.

That is what we are attempting to do with this legislation: To consolidate and to improve the way in which we deliver these programs.

Public diplomacy—I have been a very strong proponent of the broadcasting functions under the USIA. Again, the question is whether or not we can move those functions within the State Department. I had concerns about maintaining the independence and integrity of the broadcasting functions of radio, for example. But we maintain that critical firewall in this legislation because we have a broadcasting board of governors. So we will maintain the independence and integrity of radio. But there is not anything to say that we cannot do things differently in bringing them into the State Department hierarchy.

Edward R. Morrow, who was once the USIA Director, said that oftentimes the agency was always brought in when a policy crash landed, but was never there when there was a takeoff. I think they will correct that longstanding problem. I think it is our responsibility to reform the public diplomacy structure. We create an Under Secretary for Public Diplomacy. We create a fifth person so that preserves the Foreign Service officers and their skills, because I have a great deal of respect for their professionalism and their dedication to their job. There is no greater demonstration of the way in which they perform than at the various embassies around the world. In fact, they are integrated fully into the process within the embassy. That is exactly the same kind of procedure we want to duplicate here in Washington, DC. Everybody works together.

Today, in a more democratic world than ever before, the foreign policy in those countries is very, very essential to the formation of policy in this country. That is what public diplomacy has become, an essential responsibility. I think we can emphasize that even more by taking the USIA and putting it into the State Department. We are not here to deemphasize it or say it is a lesser priority; absolutely not. We are saying it is very much a priority, and we are going to protect the integrity and the independence of broadcasting. In fact, we had the nomination hearing for the eight individuals who serve on that board, a very distinguished group of individuals that will bring a broad array of experience into the public and private sector to manage this board in this transition. I have a great deal of confidence in their ability to manage a very crucial change in the broadcasting function.

I hope, as generally can be the case, that we just do not have this natural visceral reaction in opposition to any kind of change. I am certainly willing to consider any proposal and any ideas to reform the consolidation that we have before us. I think we have to make a decision that consolidation is very, very essential. But we are not getting any specific or concrete ideas from the other side as to how to achieve it. We keep hearing, well, we support consolidation. But we have been hearing that for 6 months, and nothing has come forward that would suggest that they have a plan or indeed actually support any kind of plan for consolidation.

We will hopefully go through this legislation and hopefully we will have a vote, which I am going to ask for in a moment on the pending amendment, because I think it is important that we find out where everybody stands on the principle of consolidation of the State Department and its related agencies.

We are here today because we need to change the way in which we handle the organizational structure of the State Department and other agencies. But we certainly want to do everything we can to make it right.

Senator KERRY mentioned the fact that we have increased responsibilities on the embassies and our diplomatic corps. That is certainly true. In fact, this last year, I attempted to mandate a cost sharing so we apportion the costs within each embassy among a variety of agencies, because the State Department is not the only one that creates costs within our embassies. We have the Department of Commerce, the Department of Defense, and other agencies that have responsibilities for those embassies, and yet they do not pay their fair share of cost.

Unfortunately, I was not successful. I am not saying that we just should cut. I am saying that we should cut in a responsible way through consolidation. I do not think anybody can disagree on the purpose of consolidation.

So as we move forward in this debate, perhaps there will be some interest on the other side, and most specifically the administration, which obviously is governing the course and the direction of this legislation, with respect to accepting the idea of consolidation or not.

OPPOSITION TO ABOLISHING AID

Mr. LAUTENBERG. Mr. President, I oppose abolishing the Agency for International Development and merging its programs and personnel into the State Department. This proposal will do more than simply move some boxes around on an organizational chart; it will make fundamental changes in the ability of AID to perform its mission. As a result, it threatens our ability to protect and advance important American interests.

Let me begin by identifying three primary elements of AID's mission.

First, there is a clear and compelling humanitarian interest. AID's programs tells others, and reminds us, that the United States is a caring and compassionate nation. That compassion and caring reflect both our character as a country and our recognition that we have the resources and the responsibility to do what we can to help those in need. Compassion has a place in foreign policy and our main instrument in this regard—in feeding children, providing housing and medical care, building roads and sewers, and so much more—is AID.

Second, AID is the instrument through which we get on with the task of building functional democracies around the world. What we sought to preserve throughout the cold war, we can now expand. Country after country, on continent after continent, want to establish representative governments, democratically elected and based on the rule of law and a respect for human rights and liberties. The development assistance and expertise developed by AID is the way to get them the resources they need to achieve a result we all want. While there is an element of altruism in such programs, there is also a cold calculation that it serves our national interest. Wherever we are successful in ensuring that democratic principles take root, we are less likely to face the prospect of intervention in a political crisis, with it the high costs of peacekeeping and emergency relief operations.

Third, AID's overseas assistance efforts provide for both immediate and long-term economic benefits to the United States.

In the short run, nearly 80 percent of AID's grants and contracts go directly to American firms and private organizations. This creates American jobs, encourages American exports, and expands domestic prosperity. Over the longer run, our current and prospective foreign assistance efforts help to create future overseas markets for American goods and services in developing countries. A built-in, long-term preference for American exports bodes well for continued employment and prosperity here as well.

So, Mr. President, the functions that AID preforms are important. And the question now is whether we can continue that work in a new organizational structure.

I do not think we can or need to for three reasons.

First, AID is already reorganizing. The Agency is reinventing itself in order to become both more efficient and effective. Under the leadership of its Administrator, Brian Atwood, AID has already cut its costs. Overseas, AID will have closed 21 missions between 1994 and 1996. In its domestic operations, AID has eliminated 90 offices in Washington. Overall, AID has cut 70 senior positions and reduced total staff by over 1,200. Moreover, AID is adopting a new development strategy. Recognizing that its limited resources make it impossible to be all things to all people, it is targeting fewer countries for more intensive assistance. While some may criticize this almost triage-like approach, it certainly reflects a willingness to adopt a leaner focus to the problems it confronts.

Second, the suggestion that the savings will come out of "administrative reforms" is simply not credible. As I have indicated, AID has already scaled back. I do not believe there will be significant additional administrative savings from this consolidation. The reality is that AID's overseas operations, like all U.S. Government agencies and departments operations in our embassies and consulates, already are fully integrated into State Department administrative services on a reimbursable basis. So, the proposed consolidation would not save any money abroad. And domestically, there is no room in the State Department to house AID's employees and functions, so we will not save on building costs here in Washington, either.

The net result, I fear, is a further reduction in our developmental programs. Some may say "well its about time." But that kind of response is usually based on a profound misunderstanding of just how much we spend on foreign aid. While many believe that such programs account for 8 to 10 percent of all Federal spending, in reality they now constitute only ½ of 1 percent of all spending by the U.S. Government. This level of spending already places us in the lowest ranks of the developed world in terms of per capita spending on foreign aid and assistance programs. Indeed, from 1956 to 1993, our share of official development assistance worldwide has dropped from 63 to 17 percent. Our current effort, then, is inadequate. This bill makes it even worse. And, as a result, it threatens our ability to protect the national interests I identified at the beginning of these remarks.

Finally, Mr. President, I have to note the major irony involved in this proposal. This proposal to augment and centralize the State Department is made by precisely the same people who profess to believe that "big government" should be decentralized and made more flexible.

Let me conclude, Mr. President, with this simple observation. Destroying

AID is not the way to accomplish our foreign policy objectives. It would not be efficient or effective, and we should not do it.

OPPOSING CONSOLIDATION OF USIA

Mr. LAUTENBERG. Mr. President, I oppose consolidating the U.S. Information Agency.

We need to ask two questions about this proposal to abolish USIA and merge its functions and personnel into an expanded State Department. First, will it result in a less costly set of information, cultural and exchange, and broadcasting programs in support of American foreign policy objectives? Second, will it enhance the effectiveness of these programs as we continue to readjust and redirect our foreign policy interests?

Mr. President, the answer to both questions is "no."

Let us look initially at the purported cost-savings of merging USIA into the State Department.

There is a seductive logic to the argument that merging USIA into the State Department would result in substantial administrative cost-savings. But the facts reveal otherwise.

Managerially, USIA's overseas operations currently are well-integrated with State's. USIA—like all departments and agencies operating from our Embassies and consulates—already reimburses the State Department for administrative support services, such as housing, computers, motor pools, and the like. Consolidation will not save any money overseas.

Would there be savings in U.S. operations by merging USIA into the State Department? I do not believe so. Aside from its foreign press centers, the Agency by law has no domestic charter, no domestic presence. And we would not be able to eliminate the need for some sort of separate office space to house USIA's personnel and functions, since the State Department has none to spare.

In fact, USIA on its own and in response to the President's and Vice president's reinventing Government initiatives has already achieved major and substantial cost-savings. In this regard, I believe that it is important to remember that the Agency constitutes only 6 percent of the total function 150 budget but accounts for 58 percent of the total savings wrung from the 150 account in the past 2 years.

USIA has accomplished these savings by consolidating and restructuring its own activities. USIA now has RIF authority and is in fact closing overseas posts and bringing officers home, as well as cutting overseas and domestic positions and staff.

By bringing together all of the U.S. Government's international broadcasting activities, USIA will save more than $400 million by fiscal year 1997 and eliminate 1,250 staff positions. By creating a new Information Bureau, USIA has reduced its policy and program staff by 30 percent for an annual savings of $10 million. And by streamlining and downsizing its educational, cultural, and management functions, USIA has wrought savings of almost $15 million and eliminated 186 positions this year alone.

The fact is, Mr. President, significant, real cuts are being made by USIA right now without consolidation. We cannot extract more savings by merging USIA into the State Department without sacrificing the very programs that support our foreign policy worldwide in the new information age.

Will consolidation enhance the effectiveness of the U.S. Government's information, broadcasting, and cultural and exchange programs? I do not think so for at least two reasons.

First, the budget cuts raised by this bill for USIA—$118.6 million in fiscal year 1996 and an additional $81 million in fiscal year 1997—are general reductions. In fact, they have nothing to do with consolidation and cannot be achieved by merging USIA into the State Department. To meet these spending levels, the Agency will have to make deep cuts in its overseas presence and its core programs.

Second, USIA was carved out of the State Department in 1953 to fulfill a function—that of public diplomacy—that the State Department is inherently unable to perform. USIA was expanded in 1978—when State's Bureau of Cultural Affairs was abolished and its functions given to the Agency—when the State Department could not give high priority to programs that promote unofficial contacts between U.S. public opinion leaders and their foreign counterparts overseas.

In other words, Mr. President, merging USIA back into the State Department flies in the face our historical experience. It is being proposed at precisely the time when the benefits of our cold war labors—democracy-building world wide—are just beginning to be realized in such far-flung places as Haiti, Angola, and Cambodia and require active, effective public diplomacy from USIA.

Finally, I note that—at a time when businesses across America are creating more flexible, less centralized organizational structures, and we are seeking to emulate this move in the Federal Government—it is hard to understand why any of my distinguished colleagues on the other side of the aisle would advocate creating a mega-bureaucracy in the State Department.

I urge my colleagues to oppose consolidating USIA.

Ms. SNOWE. Mr. President, I would now like to ask for the yeas and nays on amendment 2042, the amendment that is pending before the Senate.

The PRESIDING OFFICER. Is there a sufficient second?

There is not a sufficient second.

Ms. SNOWE. I yield the floor.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Mr. President, I intend at the appropriate time to offer amendment No. 1964 on behalf of Senators HATFIELD, GLENN, SIMON, and BIDEN, and myself that would amend S. 908 in order to retain the independence of ACDA from the Department of State.

The State Department authorization bill, S. 908, would, as reported, make meaningless serious and comprehensive efforts in recent years to strengthen and revitalize ACDA. Moreover, it would have this unfortunate effect without any significant savings with respect to ACDA. As a result, its true price would be high.

As an aside, commenting on the words of the Senator from Maine, I appreciated her kind words about the Foreign Service, being the only Foreign Service officer in the Senate. I think all of us recognize what the Foreign Service does, and I appreciate the comments of Senator SNOWE.

S. 908 as reported from the Committee on Foreign Relations, would abolish ACDA and place the retained functions and personnel in a single bureau of the Department of State. That bureau would be one of five under the control of an undersecretary also responsible for international narcotics, law enforcement, political-military affairs, humanitarian assistance, refugees, and migration affairs. We believe that what can only be described as a jumbled reorganization would be in error that could prove very costly to our Nation, and to our arms control efforts, for several reasons. First, this major downgrading of the arms control apparatus at a time in which major threats to our security are becoming both more diverse and more challenging is a dangerously shortsighted action. Second, it would muffle, if not silence, the arms control voice at several major levels. Third, it would deny the Secretary of State and the President the benefit of an independent perspective and judgment on arms control and nonproliferation issues. For these and other reasons, it would be inevitable that our ability to identify and implement effective arms control and nonproliferation activities would be diminished to the detriment of our national security interests.

The amendment would require a serious and comprehensive effort to eliminate duplication and overlap within and between the Arms Control and Disarmament Agency and the Department of State, while preserving the agency's independence and authorizing the appropriation of necessary operating funds.

In the course of committee markup of the legislation, I offered an alternative proposal—that the Arms Control and Disarmament Agency be retained and strengthened. At that time, my proposal was supported only by my Democratic colleagues. The amendment I intend to offer is more modest in that it does not shift important nonproliferation responsibilities to ACDA. Rather, it preserves the present relationship, leaving the issue of the further strengthening of ACDA to be resolved later. It also authorizes appropriations of $45 million in fiscal year 1996 and in fiscal year 1997, which allows for spending at current levels.

I hope that a number of Senators of both parties—not just one, but both parties—who understand arms control and nonproliferation issues and appreciate the value of ACDA as a specialized agency at the center of these issues will join in supporting the amendment.

Arms control activities were handled within the Department of State until 1961, when it was decided that a separate agency would be a better approach. As the final decisions were being considered, I remember going to the White House with the Senator from Minnesota, Mr. Humphrey, and the Senator from Pennsylvania, Mr. Clark, to make the case that arms control was a matter of such central importance to the United States that it should be the responsibility of an agency created by and operating under statute.

As I think we all can recall, when Senator Kennedy was running for President, he talked about it being a separate statutory agency. But when the time came and he was President, then the question came up whether he had the votes for it to be made a statutory agency or whether it should be set up by Executive order.

The decision made, on the recommendation of Arthur Schlesinger, at that time to the President was that he stick to his guns and that we have it as a separate statutory agency. This was a decision that President Kennedy made at that time. I believe that decision really came out of the conversations Senators Clark, Humphrey, and I had with him then.

McGeorge Bundy, who served both Presidents Kennedy and Johnson as National Security Adviser, recalled the decisions on ACDA earlier this year in testimony on this bill. He spoke of "the requirements for first-class executive branch performance in the field of arms control. These requirements are well met in the present executive arrangements; they could be met only by most improbable good luck if the proposal before you (S. 908) should be adopted."

Mr. President, no American has left a greater mark on arms control in the modern era than Ambassador Paul H. Nitze. In a long and illustrious career, he has served Democratic and Republican administrations alike. He understands fully the value of ACDA within any executive branch. He wrote me on July 6 to say: "This reorganization I believe to be ill-advised; folding the U.S. Arms Control and Disarmament Agency (ACDA) into the State Department seems to me to be unnecessary and unwise."

I think when a man of wisdom and experience and the depth of knowledge of arms control, as in the case of Paul Nitze, takes a view like this, we all should take his view seriously.

Ambassador Nitze continues,

> In my experience as an arms control negotiator, I always found ACDA's input into the negotiating process to be expert, insightful, and uniquely helpful. That input could well be lost if the Agency does not remain independent. As recent events in Iraq, Iran, and North Korea show, nonproliferation and arms control are more important than ever. Eliminating ACDA from the diplomatic effort to protect our security would be like eliminating the Marine Corps from the military effort. While it will never replace its larger brethren on the foreign policy team, ACDA plays an essential role as a lean and flexible vanguard, always ready to aggressively counter the threat weapons of mass destruction pose to our national security.

Paul Nitze concluded,

> The game has changed, but the stakes are at least as great; our national survival still hangs in the balance. We should be strenthening our nonproliferation team, not abolishing it. ACDA is a key part of the best team possible to face the real and growing threat of nuclear, chemical, and biological terrorism. In this new era of opaque and unpredictable threats to our security, the vigilance that saw us through the Cold War should not be relaxed.

(Ms. SNOWE assumed the chair.)

Mr. PELL. Madam President, I ask unanimous consent that the full text of Ambassador Nitze's letter be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. PELL. Madam President, the need for first-class arms control performance has not always been recognized. Accordingly, in the past 34 years, the agency has had its ups and downs, but it has been central to some successes, including the Non-Proliferation Treaty, SALT I Interim Agreement, Anti-Ballistic Missile [ABM] Treaty, Biological Weapons Convention, Senate agreement to the 1925 Geneva Protocol, Intermediate Range Nuclear Forces [INF] Treaty, Threshold Test Ban Treaty, Peaceful Nuclear Explosions Treaty, and the Chemical Weapons Convention now pending before the Senate. While ACDA was not in charge of START I or START II, it did the bulk of the backstopping work.

It is worthy of note that ACDA has fought alone in some key matters. The State Department opposed negotiation of the Non-Proliferation Treaty in order to please NATO allies. ACDA persevered and won. When the State Department wanted to eviscerate the ABM Treaty in the early 1980's, ACDA fought for the traditional interpretation. Recently ACDA and the Energy Department have been supportive of the current nuclear testing moratorium and of a comprehensive test ban. The State and Defense Departments have been the foot draggers. Recent press reports allege that the administration sided with the Secretary of Defense and the Joint Chiefs of Staff against ACDA and the Energy Secretary in its decision not to agree with the Russians to negotiate further strategic arms cuts beyond START II.

In 1991, the Bush administration did not seem to hold ACDA in particular regard, and there was a general sense on the Hill that ACDA was both insignificant and ineffectual. Senator SIMON proposed, and the committee and Senate agreed to, an amendment requiring that the State/ACDA inspector general, Sherman Funk, investigate ACDA and report back with recommendations in December 1992. Mr. Funk ordered a very thorough study and analysis by an outside panel headed by Ambassador James Goodby. That panel explored all the options, including merger into State and concluded that ACDA should be kept independent and strengthened.

The importance of the independence of ACDA can not be overemphasized. This was the same logic that President Kennedy used when he said it should be a statutory agency and it should be separate, and why he made the decision to have it set up by statute.

Subsequently, I introduced legislation to strengthen and revitalize ACDA. At the same time, the new administration was considering a plan to merge ACDA into State. That subsequently rejected plan is the progenitor of the current majority plan to merge ACDA into State.

After their review, the President, on the recommendation of Secretary Christopher, decided to retain ACDA and support the bill I had introduced as soon as some compromises were reached. That was done and the bill, with bipartisan support in both Houses was enacted last spring. These are the highlights of the revitalization legislation, which is now law.

The bill enhanced the role of the ACDA in the areas of arms control and nonproliferation policy and negotiations in several ways: First, ACDA was given primary responsibility for all arms control negotiations and implementation fora, including negotiation of a comprehensive nuclear test ban; second, positions for Presidential Special Representatives for Arms Control, Nonproliferation, and Disarmament were created and placed under the ACDA Director; and third, ACDA's role in nonproliferation was underscored by giving the Agency primary responsibility for managing U.S. participation in the 1995 review conference of the Nuclear Non-Proliferation Treaty and primary responsibility for other nonproliferation activities when so directed by the President.

The bill improved ACDA's role regarding arms transfers and nonproliferation. ACDA was given mandatory prior consultation and review rights with respect to export licenses and other matters under both the Arms Export Control Act and the Nuclear Non-Proliferation Act.

The bill strengthened the functioning of the Agency by eliminating a number of outdated or redundant reporting requirements and by disbanding the General Advisory Committee, thereby permitting the Agency to reassign personnel to other substantive areas.

The results of the strengthening and revitalization are beginning to be seen. Officials of ACDA are effectively involved in bringing an arms control perspective to executive branch decisionmaking at various levels. The Agency was in charge of the critically important and successful effort this spring to secure the indefinite extension of the Non-Proliferation Treaty. The Agency is currently running the efforts to achieve a comprehensive test ban in negotiations in Geneva. The Agency recently submitted a remarkably detailed and informative annual report to Congress that included a section dealing with the adherence of the United States to its arms control commitments and the compliance of other nations with their obligations under arms control agreements. Any Senator reading this compliance report, in either classified or unclassified form, would have to agree that ACDA is on top of various arms control problems and that it is willing to be open and forthright with the Congress regarding these matters and what can be done to deal with them.

I am convinced that ACDA is on the right track now. Having decided to strengthen ACDA, it makes no sense now to abolish the agency and give its unique and specialized responsibilities to the Department of State. Within very real budgetary constraints, we need to stay the course and continue to strengthen ACDA. Our amendment would do just that.

Mr. McGeorge Bundy also told the committee:

> Arms control—especially the limitation of nuclear danger—is not easy. It requires agreement among sovereign states who often fear and mistrust each other. It can require limits on weapons that a military service may initially prefer not to limit. It requires technical understanding, political sagacity, and coordination from the White House. What I would emphasize in particular, from my own service with two Presidents who were deeply and directly engaged in the effort to limit nuclear danger, is that there must be a close and continuous relation between the President and his staff and the main center of arms control analysis and effort. The government's senior people on arms control should have easy access, as a matter of right and expectation, to the White House.

The value of independent access to the President as cited by Mr. Bundy cannot be overestimated. Many arms control and nonproliferation matters should be considered at the interagency level and decided by the President. To put arms control at a lower level within the Department of State would mean that the arms control voice would be muffled and key questions could be dealt with inside the Department. Under the present and preferred arrangement, the Director is the principal adviser on arms control, disarmament, and nonproliferation matter to the President, the National Security Council, and the Secretary of State. Thus, the Agency can be actively engaged and effective at whatever level is appropriate.

Much is made of the notion that abolishing agencies such as ACDA will save large funds. The ACDA budget is currently about $55 million. ACDA's core spending would remain at about $45 million under my amendment. The Vice President has set about the task of making all feasible reductions throughout Government, and indications are now that significant cuts can be made. With regard to ACDA and the State Department overlap, it is clearly largely within the Department, and there can be reasonable savings in areas in which the Department duplicates ACDA pointlessly. Beyond that, it is hard to imagine cuts that would not simply mean the termination of important programs.

I conclude that there could be some relatively insignificant savings realized from the merger of ACDA into State, but the results would not be an improvement. It would amount to dollars saved very foolishly—at an unfortunately high price. Too much is at stake. We should not take steps that could lead to risks to our national security. In a challenging and threatening international environment, reasonable amounts spent on ACDA can only be seen as a sound investment.

EXHIBIT 1

THE PAUL H. NITZE SCHOOL
OF ADVANCED INTERNATIONAL STUDIES,
Washington, DC, July 6, 1995.

Hon. CLAIBORNE PELL,
Senate Office Building, Washington, DC.

DEAR CLAIBORNE: As a long term observer of U.S. foreign and security policy, I write to you in opposition to the foreign affairs reorganization bill soon to be considered by the Senate. This reorganization I believe to be ill-advised; folding the U.S. Arms Control and Disarmament Agency (ACDA) into the State Department seems to me to be unnecessary and unwise.

In my experience as an arms control negotiator, I always found ACDA's input into the negotiating process to be expert, insightful, and uniquely helpful. That input could well be lost if the Agency does not remain independent. As recent events in Iraq, Iran, and North Korea show, nonproliferation and arms control are more important than ever. Eliminating ACDA from the diplomatic effort to protect our security would be like eliminating the Marine Corps from the military effort. While it will never replace its larger brethren on the foreign policy team, ACDA plays an essential role as a lean and flexible vanguard, always ready to aggressively counter the threat weapons of mass destruction pose to our national security.

The global security environment has changed radically in recent years. The proliferation of nuclear, chemical, and biological weapons and the increasing flow of materials and know-how from the former arsenals of communism are now the chief threats to our nation. ACDA has been the champion of nonproliferation within the U.S. Government for more than thirty years. Without the 1968 Treaty on the Non-Proliferation of Nuclear Weapons (NPT) the number of aspiring nuclear powers confronting us today would be an order of magnitude greater. The NPT would never have been achieved without an independent ACDA balancing the bilateral interests promoted by the State Department. Just two months ago, ACDA led the interagency effort which made the NPT unconditionally permanent. Organizing consensus for indefinite extension among the nearly 180 parties to the NPT was a great diplomatic victory for the United States. An independent ACDA proved it could succeed in a post-cold war leadership role that would have been impossible for it to play as part of the State Department.

The Soviet Union has collapsed under the weight of its own bankrupt ideology and the global threat of communist aggression has shattered. But the technology (and even the very weapons and materials) used by the communists to threaten our way of life continue to endanger our nation, only now the danger comes from many sources instead of one. The game has changed, but the stakes are at least as great; our national survival still hangs in the balance.

We should be strengthening our nonproliferation team, not abolishing it. ACDA is a key part of the best team possible to face the real and growing threat of nuclear, chemical, and biological terrorism. In this new era of opaque and unpredictable threats to our security, the vigilance that saw us through the Cold War should not be relaxed.

Sincerely,

PAUL H. NITZE.

Mr. McCONNELL. Madam President, I strongly support Senator HELMS initiative to reorganize our foreign affairs agencies—the time has come to restructure the Department of State, USIA, and ACDA to better serve American interests abroad in the new post-cold-war world.

The combination of diminishing resources and increased international trade and economic competition require us to revise our priorities and approach and restructure our institutions.

During my tenure on the Foreign Relations Committee and now on the Foreign Operations Subcommittee, I reached the same conclusion that many of my colleagues did—foreign aid is almost as unpopular as it is misunderstood.

Time and time again I have addressed audiences that really believe that foreign aid represents at least 50 percent of our budget—if we just scaled it back to 5 percent we could balance the budget.

Well, as most of us know, foreign aid hovers around 1 percent of the Federal budget, and is shrinking by the day.

So why do so many people have the wrong impression?

I think the problem stems from the fact that no one really knows what we do abroad or why? Sure they understand emergency food and medical support to a country that is experiencing an earthquake or similar natural disaster.

But what does sustainable development mean and why is it important?

Why are we the largest contributor to global family planning programs?

Do we really need to fund the International Office of the Vine and Wine?

I share the view of many Americans that think our aid does not support clear cut U.S. interests. And, central to this problem is the disconnect between the agencies administering foreign aid and foreign affairs.

I commend Senator HELMS for his ambitious effort to reorganize our bureaucracy to better serve our interests. His proposal to integrate our aid and interests in one agency closely tracks legislation I introduced earlier this year. I also support his emphasis on our trade and economic interests—assuring each regional bureau actually has a deputy responsible for trade and development will enhance our global standing and performance.

The reforms outlined in S. 908 are essential to rebuilding American confidence in our foreign aid programs. The bill reduces waste and expensive duplication of agency efforts. And, in scaling back and focusing our resources and effort, we will strengthen the coherence and effectiveness of our programs and policies.

Mr. HELMS. Madam President, I ask for the yeas and nays on the pending amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. KERRY. Madam President, prior to the Senator proceeding, I ask unanimous consent to have printed a letter to the President of the United States from a series of groups with respect to this legislation.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PLANNED PARENTHOOD,
July 26, 1995.

President WILLIAM JEFFERSON CLINTON,
The White House, Washington, DC.

DEAR MR. PRESIDENT: We urge you to oppose all efforts to prevent the United States from sending an official delegation to the United Nations Fourth World Conference on Women, to be held in Beijing, China in September. The UN Conference on Women is predicted to be the largest UN conference ever held; 184 government delegations and over 6,000 NGO representatives are expected to attend the UN meeting. The Conference will adopt a Platform of Action which outlines critical actions governments must take to advance women's rights and access to resources in many areas including health, education, economics, human rights and the environment. Our organizations—representing millions of Americans—are deeply concerned about attempts to stifle US participation in this important global conference.

In response to recent reports of increases in the number of human rights abuses in China, there are efforts currently underway in the Senate and House of Representatives to block participation of a U.S. delegation the UN Conference on Women. We strongly believe that human rights abuses in China and in all nations must be confronted directly. Our organizations abhor infringements upon the basic human rights of all people. At the same time, we find the abuse, suffering and inequities faced by millions of women worldwide equally distressing. The purpose of the Fourth World Conference on Women is to assess progress made in improving women's status and seek real solutions to bringing women out of the cycle of poverty, inequality and discrimination that continues to entangle so many women and their families.

American women should not be denied the voice of their government at this high level international meeting. There are appropriate vehicles for dealing with this matter including multilateral and bilateral policy discussions with the Chinese—not in the context of a world conference about women's issues. The matters of women's health, human rights, education, employment and political status are much too important for the U.S.—or any nation—to ignore by sitting on the sidelines of this prominent forum. The U.S. would be doing an injustice not only to American women but to all the world's women, if its voice is silent in Beijing.

The decision to hold a women's conference in Beijing was made years ago by many nations and agreed to by former U.S. President George Bush and then Secretary of State James Baker. While many would prefer that this conference be held elsewhere, especially now that the Nongovernmental (NGO) Forum has been forced to a less than adequate site some distance outside of Beijing, we believe that U.S. attendance is critical. In fact, it would be a victory for China, which does not want to be criticized, for the U.S. to be absent from this international event. What better forum to highlight women's abuses in China and all other nations, than this global conference of government delegates, NGOs and media? The U.S. has been a leading advocate on human rights and democracy. Further, it has been one of the strongest voices at the UN for NGO access and accreditation. Restricting U.S. participation in the Conference would undermine our ability to use this conference as an opportunity to pressure China on democracy and human rights issues.

We, the undersigned, represent a wide array of citizen-based groups working to improve the lives of all people. We focus on issues concerning human rights, economic and social development, health, environment and women's rights.

We urge you to oppose all efforts to prevent or restrict in any way the United States' full participation in this conference.

Sincerely,

American Friends Service Committee, American Association of University Women, The African-American Institute, Bay Area Friends of Tibet (San Francisco), Center for Women's Global Leadership, Rutgers University, Douglass College, Centre for Education, Development, Population, and Population Activities, Chesrown Metzger International Group, Childhope, Church Women United, Coalition for Women in Development.

Delegation of Original Women of Philadelphia (DOWOP), The Development Gap, Family Care International, Feminist Majority Foundation, Friends of the Earth, Heifer Project International, The Hunger Project, InterAction, Institute for Policy Studies, International Center for Research on Women (ICRW).

International Committee of Lawyers for Tibet (San Francisco), Laubach Literacy International, MAP International, Ms. Foundation for Women, National Audubon Society, The National Black Women's Health Project, Oxfam America, People for the American Way, Planned Parenthood Federation of America, Population Action International.

Population Communication, Save the Children, Tibetan Association of Boston, Tibetan Association of Northern California, Tibetan Rights Campaign (Seattle), Tibetan Women's Association/East Coast (New York), United Church of Christ, Board for World Ministries, United Church of Christ, Coordinating Center for Women, U.S.-Tibet Committee (New York), Utah Tibet Support Group (Salt Lake City), World Women in Development and Environment.

Mr. ASHCROFT. Madam President, I ask unanimous consent that such time be provided for me to speak in regard to this matter, Senate bill 908.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ASHCROFT. Madam President, the Foreign Relations Revitalization Act of 1995 represents an important step in establishing a coordinated and coherent foreign policy and a refocusing of our national priorities in this time of limited resources.

We need our foreign relations to be conducted at the highest level of integration and coordination, and the highest level of representation of the interests of this country and of the American people. And a top priority must be to ensure that our influence is used to benefit our interests and to ensure respect for American leadership.

Senate bill 908, the Foreign Relations Revitalization Act of 1995, is a bill which will do that.

I want to commend the Presiding Officer, and the chairman of the committee, Senator HELMS, for his guidance and direction in crafting this important legislation that eliminates program duplication and establishes a sense of clarity in the conduct of foreign relations. This bill also streamlines the delivery of services by eliminating three agencies and consolidating their remaining functions within the Department of State. I believe this will strengthen the role of the Secretary of State and will enhance his ability to organize a foreign policy structure that will best serve our Nation.

We will not be well served by a foreign policy that continues to flow from the mouths of many. This is a very important issue, and one that the full Foreign Relations Committee addressed on several occasions with witnesses appearing from the Agency for International Development [AID], U.S. Information Agency [USIA], and Arms Control Disarmament Agency [ACDA]. I found it interesting that some witnesses indicated that it was important that separate sub-interests of the United States be represented vocally and that there be a competition of sorts—a "good-cop, bad-cop" approach to foreign policy, whereby the folks who handed out the foreign aid for the United States would maintain good relations with a particular client nation, while the Department of State would essentially hold the line in protecting United States interests.

I find that to be somewhat troublesome. I think we need to speak with a single voice. I do not think someone should be handing out foreign aid to a country at a time when that very country is clearly acting against our interests.

If we continue with a foreign aid proposal, it should be with an understanding that the person asking for coordination and cooperation in one arena is the same person that will be delivering foreign aid and the kind of assistance that this country gives to other nations that are developing.

The network of competing fiefdoms can only undercut the authority of the Secretary of State in conducting foreign policy. This bill will change that. It would be difficult to believe that those individuals who have tried to represent our interests with a singular, clear voice, would not favor this reorganization. Thus, it is no accident that virtually every previous Secretary of State who has had experience in this arena supports this bill.

I believe that it is no accident that all the former Secretaries of State that came to speak with us supported this concept, and supported it very clearly, as did the current Secretary before his voice was muffled by the Vice President and others who suggested that perhaps he should not have that opinion.

Sadly, rather than grab the opportunity to play a constructive role in helping to shape this proposal, the administration sought instead to adopt a fighting posture, a fixed-bayonet, take-no-prisoner strategy.

I was particularly troubled by the secret minutes of an internal AID staff meeting that were provided to members of our committee. In that internal staff meeting, the staff was advised that "Our strategy is delay, postpone, obfuscate, derail. If we derail [the bill], we can kill the merger."

This has nothing to do with the merits of this particular proposal. It has to do with the preservation of the bureaucracy. The American people deserve better from public servants than to sit around the conference rooms of these agencies figuring out how to derail, obfuscate and delay the will of the American people.

The American people not only deserve a sound foreign policy, they deserve to have individuals operating in our agencies so as to comply with the will of the Congress and the people, as expressed through the Congress.

An entrenched group of Government bureaucrats has been diligent in their efforts to hold the line at any cost, by stonewalling and delaying the process. This represents precisely the attitude of Government that this last election was designed to change.

People have signaled very clearly a distaste for this. They not only want our Government to reflect their wishes, they want the Government, when it reflects the America interests abroad, to do so coherently, concisely, and clearly.

They think if we have a single voice in foreign policy representing the administration, be it Republican or Democrat, that single voice is most likely to get the job done, rather than if we have competing agencies, an agency handing out foreign aid resources, another agency asking for cooperation in some other area of the international arena.

There is another point that ought to be made here, and that is while there has been wild speculation that this consolidation plan and the corresponding reductions in some foreign assistance accounts is undertaken, somehow our national prestige will be threatened. I think it is important to understand that national prestige is reinforced and enhanced when we operate with a clear, coherent, concise, understandable foreign policy. Speaking out of both sides of our mouths may be a habit that is understood politically in the United States. It is really not appreciated by the American people. It is certainly not appreciated in the international community, when various organizations from this country misrepresent our stated policy.

On the related topic of our national prestige, it is my sense that our stock will rise on the exchange of the world's international community, when we let them know that we intend to seriously address our responsibilities.

This reorganization plan correctly recognizes the fact that there is a direct correlation between our international prestige and our ability to express ourselves with clarity. Second, it recognizes a direct correlation between our international prestige and the fiscal health of this country.

If we do not have the ability to put our financial house in order, we will not be respected by countries around the world. If we continue to race down the road to bankruptcy, our influence will not be substantial.

This is the first authorization measure to come before the U.S. Senate that makes good on the promise we extended to the American people when we passed the budget resolution; that is, to have a balanced budget, to put our financial house in order. I submit to you that living within those rules and setting our priorities, financially as well as refining and clarifying our message in the international community—all of these things have no promise whatever other than to raise the prestige of the United States and to set an example in the world community that we should be responsible.

Unfortunately, there are those in this country who think that there cannot be any cuts at all in the foreign relations area. And the lobbyists came around with their buttons saying, "Just 1 percent." They said that since our foreign aid budget represents only 1 percent of the total Federal budget, it cannot be touched. I just want to point out that the "Just 1 percent" is actually $14.3 billion. And I believe it can be touched.

Should it be abolished? I am not in favor of abolishing foreign assistance. But I am in favor of sending a signal around the globe that when American citizens are tightening their belts, and exercising fiscal responsibility, there will be some ripple effects in terms of our aid. Not that we are going to shut anything down, not that we are going to change our policy dramatically, but we need to send a clear signal that the shared sacrifice here at home should be matched by a certain degree of sacrifice around the world. If we did not have the courage to ask them to participate in that respect, they would lose some of their admiration for the way we do business and they would lose some of their respect for us, and we would lose some of our ability to influence events around the world.

This administration seems to be following the same path as the foreign aid lobbyists leveling charges that this commonsense reform bill represents a dangerous shift toward isolationism. It is not a shift toward isolationism but rather a shift toward the development of respectable foreign policy. We have dealt with foreign situations but we have not had foreign policy. Policy is something that is coherent, that sticks together, that you can forecast, that you can predict. It has a philosophy about it. We have too many lawyers in the process and too few philosophers. We solved this problem, and we solved that problem, and we solved this other problem. But we never do it in accordance with a philosophy. And the philosophy should be a philosophy which keeps us from having additional problems.

I remember when the leaders of the so-called foreign policy establishment of this administration came to talk to the committee about the North Korean situation and the problems which we had negotiating with the North Koreans over nuclear issues. I asked the leadership of this administration's foreign policy what it was about the way we solved that problem that would suggest to the rest of the world that we should not do the same things that the North Koreans had done. They said, "Well, nothing. We think this is a unique situation, and it will happen anyplace else." So we could afford to make this a very sweet deal for the people who went against the U.S. interest because it could never happen again.

I submit to you that is not foreign policy. It may have temporarily solved that problem. But that is not policy. That is just pragmatism at the moment, and does not look down the road.

We need a foreign policy, and we need a Secretary of State with the capacity to articulate that foreign policy with clarity, with singularity, and coherently around the world.

The administration has pursued a "Chicken Little" approach to denouncing the reorganization plan by issuing a series of gloom and doom forecasts about how passage of this bill will result in damaged American prestige abroad and the possible emergence of more Rwanda-type situations.

Well, it is just not so. The sky will not fall if the Arms Control and Disarmament Agency is abolished. At the present time, the State Department, the Defense Intelligence Agency, and the CIA all have departments that are dedicated to pursuing arms-control-related functions. We have the ability to handle these issues in a coherent, rational, integrated, coordinated way if we make the changes that are in this important legislation which is before us.

It is time that we prioritize. Some said we cannot afford to reduce our foreign aid at all in 1993. AID helped fund a visit to the United States by a group of Romanian architects so they could study U.S. architecture. Was this a priority for a country whose economic infrastructure was devastated by 40 years of Communist rule? I doubt it.

Last week, the Washington Times reported that AID recently spent $175,000 to produce 3,000 of these gender analysis tool kits.

I think the American people might wonder if the purchase of gender analysis tool kits is the right kind of priority setting.

AID even floated a plan to help supply Moscow with street lamps. I know that crime has gotten to be a problem in Moscow. But it is a tough sell to say to the people of the United States of America, some of whom live in inner-city neighborhoods in the United States that make Moscow after dark look like a trip to Disney World, that we should spend millions of dollars putting street lights in Moscow, particularly at a time when Moscow was spending billions of dollars grinding up the people of Chechnya. I wonder.

Again, it is a question of establishing priorities.

In closing, and with great enthusiasm, I want to draw attention to the key features of this reform legislation. It says we do not have unlimited resources, we need to set priorities, and we need policy, and policy should not be articulated by contradictory messages issued by a variety of organizations. It says we must maximize our influence, and in order to maximize our influence, let us not speak with many voices in contradictory messages; let us speak with one voice so those who deliver the benefit can also be those who ask for the cooperation.

It says that we in the United States of America will not sacrifice without expecting others to sacrifice along with us, because ultimately when we have the kind of fiscal integrity that we ought to have, the entire world will benefit. When our house is in order, we will be the leader that provides the kind of message and the kind of opportunity around the world which will lift the performance of many nations with us.

We cannot spend as we have in the past in ways that are counterproductive. As the world desperately needs a leader—and there is only one—the United States must revamp its capacity to deliver that leadership with clarity and coherence, and the Foreign Relations Revitalization Act does that.

I urge my colleagues to vote for this measure, because it is a major step forward in our world leadership responsibilities.

Thank you, Madam President.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Madam President, before the distinguished Senator from Missouri leaves for the policy luncheon, I want to say that he has made an extraordinarily brilliant speech. He has said it all, and he said it well. If I may reminisce just one moment, one of the first people I met in another State after I came to the Senate was a young man in Missouri named JOHN ASHCROFT. I went to Missouri to work with him on a little matter. I have admired him ever since. He has had a distinguished career, and he has already begun a distinguished career in the U.S. Senate. I thank the Senator.

I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will now stand in recess until 2:15 p.m.

Thereupon, at 12:50 p.m., the Senate recessed until 2:14 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. COATS).

FOREIGN RELATIONS REVITALIZATION ACT OF 1995

The Senate continued with the consideration of the bill.

AMENDMENT NO. 2033

Mrs. HUTCHISON. Mr. President, yesterday I proposed an amendment to instruct the United States delegation as to the sense of the Congress regarding the representative American perspective the United States delegation should promote at the United Nations Fourth World Conference on Women which will be held in Beijing, China from September 4 to 15, 1995. I am pleased that the amendment was adopted today by voice vote.

My amendment instructs the U.S. delegates to recognize the importance of motherhood, to uphold the traditional family as the fundamental unit of society upon which healthy cultures are built, and to define or agree with definitions of gender only as the biological classification of male and female.

Most Americans would be surprised to learn that an amendment of this nature was even necessary. Most Americans would respond that of course a U.S. delegation to an international conference would be eager to uphold the family as the fundamental unit of society and of course, that there are only two genders, male and female.

However, the delegates to the Fourth World Conference on Women have made these simple concepts an issue, and therefore, we need to be clear that our United States delegation represents the views of most Americans.

At the last preconference meeting, held in New York City in March 1995, one nation suggested that the word "mother" be removed from the platform document and replaced with "caretaker."

What about the traditional family? We have heard a great deal of discussion lately about families and the important role they play in the well-being of children and society. Conservatives and liberals alike are lamenting the breakdown of the American family and the dire consequences—such as increased crime, high teen pregnancy rates, drug use and lower educational performance which result from a breakdown in the family and family values.

On all sides of the political spectrum there is a growing understanding that the family is the single most important factor in combating these problems.

Finally, on the issue of gender Mr. President, this issue on its face seems ridiculous. At the March 15, 1995 Preparatory Committee meeting for the Fourth World Conference on Women in Beijing, delegates prepared a draft platform. The word gender appears 184 times in that document. The use of gender had never been an issue as a majority of delegates assumed that the term did not need definition.

In response to the various questions about the definition of gender, the conference leadership floated the definition:

> Gender refers to the relationship between women and men based on socially defined roles that are assigned to one sex or the other.

Delegates pressed for bracketing the word gender until a definition could be agreed upon. Bella Abzug of the U.S. delegation in an angry speech contested the bracketing saying:

> We will not be forced back in the "biology is destiny" concept . . . the meaning of the word "gender" has evolved as differentiated from the word sex to express the reality that women's and men's roles and status are socially constructed and subject to change.

Many delegates became convinced that this move to refine gender was designed to forward an entirely different agenda, and not to further the interests of ordinary women, the primary purpose of the Conference.

When many of these delegations sought to define gender as "male and female, the two sexes of human being" that definition proved unacceptable to many Western nations and even the United States delegation did not want to be bound by a two-gender definition. The United Nations responded to these concerns by issuing a statement that said, "gender is a relative concept" and its "roles can vary with time and circumstance."

It is for that reason that my amendment sought to ensure that the United States delegation agree with the definition of gender as the biological classification of male and female, which are the two sexes of the human being.

Mr. President, the purpose of my amendment was to ensure that those who represent the women of the United States at a world conference on women must indeed be representative of the majority of the women in America. The amendment which the Senate adopted today sends a strong message in support of motherhood and the family, and traditional values which have made America a great Nation.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the clerk will report the motion to invoke cloture.

The legislative clerk read as follows:

> CLOTURE MOTION
>
> We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on S. 908, the State Department Reorganization bill:
>
> Bob Dole, Jesse Helms, John McCain, Fred Thompson, Olympia Snowe, Jim Inhofe, Lauch Faircloth, Spence Abraham, Trent Lott, Strom Thurmond, Larry E. Craig, Don Nickles, Mitch McConnell, Bob Smith, John Ashcroft, Nancy Landon Kassebaum.

CALL OF THE ROLL

The PRESIDING OFFICER. Under the previous order, the mandatory quorum call has been waived.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on S. 908, the State Department reorganization bill, shall be brought to a close?

The yeas and nays are required. The clerk will call the roll.

The legislative clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 55, nays 45, as follows:

[Rollcall Vote No. 346 Leg.]

YEAS—55

Abraham
Ashcroft
Bennett
Bond
Brown
Burns
Campbell
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
DeWine
Dole
Domenici
Faircloth
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hatch
Hatfield
Helms
Hutchison
Inhofe
Jeffords
Kassebaum
Kempthorne
Kyl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Packwood
Pell
Pressler
Roth
Santorum
Shelby
Simpson
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—45

Akaka
Baucus
Biden
Bingaman
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Conrad
Daschle
Dodd
Dorgan
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Heflin
Hollings
Inouye
Johnston
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Moseley-Braun
Moynihan
Murray
Nunn
Pryor
Reid
Robb
Rockefeller
Sarbanes
Simon
Wellstone

The PRESIDING OFFICER. On this vote, the yeas are 55, and the nays are 45. Three-fifths of the Senators duly chosen and sworn, not having voted in the affirmative, the motion is rejected.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, I am going to give President Clinton an opportunity to micromanage the Senate Foreign Relations Committee. When he is in the mood to have some ambassadors confirmed or some treaties considered, and that sort of thing, all he has to do is send word that he no longer believes in that memorandum that was circulated by the Agency for International Development, the memorandum that said the way the administration is going to beat this bill is to "delay, postpone, obfuscate, derail." Well, his minions have done that in denying an opportunity to have cloture on this bill.

Invariably, as the Senators know, and as one of the reporters said, the shoe is on the other foot—and that is correct. But this is an important bill, and the budget requirements of the Foreign Relations Committee cannot be met without this bill, or some bill very close to it.

The point is that there has been no cooperation extended. There has been a lot of rhetoric, and that is the end of it. Mrs. Helms raised a dumb son, maybe, but she did not raise a stupid one. I understand the name of the game. The administration and its supporters have wanted this bill to die a quiet death. It is not going to die. It is going back on the calendar, but it will return. Just as MacArthur said, I will return, the administration can count on this bill's return.

I will enjoy the Tuesdays and Thursdays when we normally have business sessions of the Foreign Relations Committee. The bill will not be killed with the administration's tactic. It is going to keep coming back and back and back until we get a vote. If the Senate votes down the bill, fine. That is fair enough. Or, if there is a move by Members of the Senate on the other side who want to present a concrete alternative, that will be fine. Or, if we can get now what we did not get before, a commitment from the Vice President of the United States—you know, the fellow who is in charge of re-invention of Government—that he and his associates will work with us, that will be fine. If the President of the United States indicates that he wants some ambassadors cleared and he wants his representatives in the Senate to cooperate in jointly producing a bill, that will be fine.

But I appreciate the Senators on the Republican side, and I appreciate my good friend, Senator PELL, for having voted for cloture in both instances today.

At a later time, I will have more to say, and I thank you, Mr. President.

I yield the floor.

MEASURE PLACED ON THE CALENDAR—S. 908

Mr. DOLE. Mr. President, I have indicated at our policy luncheon that this bill will probably be brought up at a later time. But I would now ask unanimous consent that the Department of State reorganization be placed back on the calendar.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. DOLE. Again, let me say to my colleague from North Carolina that we have indicated to him that this would be back up again. We discussed that with the distinguished Senator from Massachusetts, and the Senator from Rhode Island. It is an important bill. But I think in the spirit of trying to get some things done—we can get on hopefully with part of the recess—this is the best course to follow.

So I thank my colleague from North Carolina for his agreeing with that procedure.

There will be votes throughout the day.

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I would just like to say to the majority leader and to the distinguished chairman of the Foreign Relations Committee, I respect and appreciate the decision of the majority leader with respect to the bill that was just on the floor, but I want the distinguished chairman of the Foreign Relations Committee to know that the quote he read has already been disavowed. It is not the policy of the Democratic side, and that is not what we are trying to do with respect to this bill.

I would be happy to engage with the Senator further as we have previous to this to try to see if we can arrive at some kind of understanding. It is an important piece of legislation. We are not trying to avoid it altogether. But I think it was premature in its current state, and we would be happy to work with the Senator from North Carolina in an effort to see if we can come up with a reasonable bipartisan approach.

THE SENATE'S SCHEDULE

Mr. DOLE. Let me indicate to my colleagues now what we would like to do between now and the 12th of August—hopefully by the 12th, if not beyond the 12th; that is, to complete action on the energy and water appropriations, to complete action on the DOD authorization bill, to complete action on welfare reform, to complete action on the DOD appropriations bill, and I am advised by Senators STEVENS and INOUYE—we had a meeting in my office this morning—that could be done in 1 day. Marty was there, I might add, the Democratic leader's representative. It was not a party meeting. They said what we could do. And there is also a hope, because we have had some conversations that there may be renewed interest in getting some agreement, if possible, on reg reform, that we can either finish it before we leave for the recess, or finish it when we are back.

So I would just say in the spirit of everybody trying, I know there are going to be important amendments, and I know they want them to be debated. Everybody has that right.

According to the appropriators, the DOD appropriators, many of these amendments that are going to be taken care of in DOD authorization we will treat the same in the appropriations bill. It might speed up the process. So that would be very helpful.

I say to the Democratic leader, I do not think we have tried to pile up too much here if everything goes well and if we all cooperate on both sides. Most of these issues involved are not partisan issues. They are policy issues where you have Republicans and Democrats, particularly in DOD, maybe in this energy and water, you have Republicans and some Democrats on each side of the issues, so they are not partisan issues. There should not be any partisan roadblocks that I know of. I am not as familiar with the bills as obviously the managers are.

So we will now move to energy and water. And I will be very happy to yield to the distinguished Democratic leader if he wanted to make any comments.

Mr. DASCHLE. Mr. President, I would subscribe to what the majority leader indicated. None of the legislation contemplated for completion except perhaps welfare reform—we will have to see where we are on that, but I think by and large the legislation pending is all legislation that I am hopeful we can work through.

I am not as optimistic about the degree to which we can work through these very significant amendments on DOD unless we have some understanding as to what the timeframe may be and whether or not some of these amendments could be offered as amendments to defense appropriations, but there are very serious questions here that have to be addressed. And I think Members ought to expect long days and a Saturday session in order for us to accomplish all that the leader has set out for us to accomplish in the next week and a half.

Mr. DOLE. There will be a Saturday session. I appreciate the Democrat leader mentioning that.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS, 1996

Mr. DOLE. Mr. President, what is the pending business?

The PRESIDING OFFICER. The Senate business is the energy and water appropriation bill, which the clerk will report.

The legislative clerk read as follows:

> A bill (H.R. 1905) making appropriations for energy and water development for the fiscal year ending September 30, 1996, and for other purposes.

The Senate resumed consideration of the bill.

Mr. DOLE. Mr. President, let me indicate that we are going to try to finish this energy and water appropriations bill today. I have been advised by the managers that they think that can be done. They have resolved one of the contentious issues.

Mr. GORTON. Mr. President, I should like to address one portion of that bill for just a few moments.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. GORTON. Mr. President, as we re-commence the debate on the appropriations for energy and water, I should like to express my appreciation to the distinguished chairman of that appropriations subcommittee, the Senator from New Mexico, and his colleague, the Senator from Louisiana, for the thoughtful and generous treatment they have accorded to two projects in the State of Washington that are of great importance to that State. The subcommittee has approved and the Senate is now considering funding for the Yakima River Basin water enhancement project and the Columbia Basin project. Each of them is beneficial both to irrigators and fish and wildlife and the Yakima Indian Nation in central Washington.

Last year, under the leadership of the Senator from Louisiana, Congress passed authorizing legislation creating the Yakima River Basin water enhancement project. This program will fund water conservation and storage measures which will secure irrigation water supplies for farmers, help salmon populations in the basin, and be of considerable benefit to the Yakima Indian Nation as well.

Specific programs within the project are the Cle Elum Reservoir, the Chandler pumping and powerplant, the Kachess Dam and Reservoir, irrigation and instream flow studies, enhancement of tributaries water supplies and environmental compliance activities.

Further down the river, the Columbia Basin funding will help complete that project's drainage system. It will assure a sustainable irrigation project that will be able to meet its Federal repayment obligations and generate the project's intended social, environmental, and economic benefits. Once a drainage inventory is finished, local irrigation districts and the local Bureau of Reclamation office will be able to expedite work and reduce overhead burdens to finally complete the drainage system, saving taxpayer dollars in the long run.

Mr. President, as we all know, weather is an uncertain thing. And if you are a farmer faced with a drought, your entire livelihood is in jeopardy. Washington State is no stranger to severe water shortages, and funding for these projects will make water supply more certain for farmers within their areas.

These projects also improve conditions for fish. Already, at the Yakima project, fish passage facilities have been installed at project dams and screens have been placed at irrigation diversions.

I am truly pleased that the Senate subcommittee and full committee have approved funding for the Yakima enhancement and Columbia Basin projects. Both are excellent measures for helping Washington State agriculture.

I encourage support for the overall bill and once again thank the two managers of the bill.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, we are now on the energy and water appropriations bill?

The PRESIDING OFFICER. That is correct.

Mr. DOMENICI. Mr. President, I understand the Senator from Tennessee wants to wait a couple of minutes on the committee amendments, and we are going to obviously wait for that. But I might say to Senators that have expressed an interest in amendments, the leader has asked us to get this bill finished tonight, and there are two Senators who have told me they have amendments. I hope they could get here in the next few minutes and we can get a reasonable time agreement and vote on them.

Senator BUMPERS indicated he had a gas-cooled reactor amendment. Maybe we could just ask Senator BUMPERS' office if he could come down and offer that and do that rather quickly. Senator JEFFORDS on the Republican side has a renewable resource amendment.

If Senator JEFFORDS could come down and share that with us so we can move quickly with it. We are working up some amendments that we are going to make en bloc for various Members. But we cannot do anything on the committee amendments until we get word from the Senator from Tennessee who has a hold on those committee amendments.

Mr. JOHNSTON. Will the Senator yield?

Mr. DOMENICI. Indeed, I would be pleased to yield.

Mr. JOHNSTON. Mr. President, the difficult things on this bill—which are nuclear waste in Nevada—we hope the new spallation source will be worked out. We believe that the Princeton problem has been worked out. The difficult things, those that would have tied us up for a long time, I believe have been worked out. And it is my hope that dealing with two fairly short amendments, we will be ready to go to final passage.

I ask the Senator from New Mexico, does he not share my view that we ought to be able to go to final passage very shortly?

Mr. DOMENICI. Mr. President, unless there are Senators that have not conferred with me—and I have had plenty of notes given to me; we are working on most of them—I think most of them are solved. I think that conclusion is correct.

Mr. JOHNSTON. I would, from my standpoint, like to put Senators on notice that if they have something they want in the bill, something to go in the managers' amendment, please contact us so we can put it in, because we may be ready to wrap up, we hope, early this afternoon.

Mr. DOMENICI. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GORTON). Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. JOHNSTON. Mr. President, I ask unanimous consent that Dr. Robert Simon be allowed the privilege of the floor during consideration of H.R. 1905, the energy and water appropriations bill, and any votes thereon.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the committee amendments be agreed to, en bloc, except as to the amendment found on page 23, line 7, and the amendment found on page 38, line 19, and that the bill as thus amended be regarded as original text for the purpose of further amendment, provided that no point of order shall have been waived by agreeing to this request.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

(The committee amendments are printed in the RECORD of July 31, 1995.)

EXCEPTED COMMITTEE AMENDMENT BEGINNING ON PAGE 23, LINE 7

Mr. DOMENICI. Now, Mr. President, as I understand it, the first committee amendment which I exempted from that unanimous-consent request is pending.

The PRESIDING OFFICER. The Senator is correct.

AMENDMENT NO. 2053 TO THE COMMITTEE AMENDMENT BEGINNING ON PAGE 23, LINE 7

(Purpose: To amend the provision relating to the expansion of a facility for the storage of uranium)

Mr. DOMENICI. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI] for Mr. REID, proposes an amendment numbered 2053 to the committee amendment on page 23, line 7.

Mr. DOMENICI. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 24, line 7, strike "135(a)(2), 135(d), 135(e), 141(g), 145" and insert "135(d), 135(e),".

Mr. DOMENICI. Mr. President, this has been agreed to by the two Senators from Nevada, myself, and the ranking member. I have no objection to its adoption.

The PRESIDING OFFICER. Is there further debate?

Mr. JOHNSTON. Mr. President, this has been worked out with the two Senators from Nevada. We support the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2053) was agreed to.

Mr. JOHNSTON. Mr. President, I move to reconsider the vote.

Mr. DOMENICI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOMENICI. Mr. President, I believe we are working with Senator JEFFORDS and his staff regarding an amendment that he has. I ask Senator BUMPERS and his cosponsor if they could be ready in a few minutes. We could take that amendment and get the debate, and maybe there is a vote needed on that.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. DOMENICI. Mr. President, I ask unanimous consent that Mark Turner, who is a Javits Fellow detailed to the Energy and Water Development Subcommittee, be allowed floor privileges during the debate of the fiscal year 1996 appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. I believe, through oversight, after amending the first committee amendment, I did not proceed to have that amendment adopted, as amended.

The PRESIDING OFFICER. The question is on agreeing to the first committee amendment, as amended.

The committee amendment beginning on page 23, line 7, as amended, was agreed to.

Mr. DOMENICI. I move to reconsider the vote.

Mr. JOHNSTON. I move to table the motion.

The motion to lay on the table was agreed to.

Mr. DOMENICI. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, I understand the distinguished Senator from Vermont [Mr. JEFFORDS] has an amendment on behalf of himself and three other Senators. We are going to accept the amendment. He is going to modify it and then send it up. He agrees to speak up to 15 minutes on the amendment.

Mr. JEFFORDS. Mr. President, if I may respond.

Mr. DOMENICI. Of course.

Mr. JEFFORDS. Yes, that is perfectly all right with me.

Mr. DOMENICI. I ask unanimous consent there are 15 minutes on the amendment and then we proceed to a vote on the amendment, and we intend to accept it at the time.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, today I will be proposing an amendment very shortly which will help maintain the United States support for its solar and wind power. It would restore $25 million and offset this by reducing funding for the Department of Energy's operations budget.

Mr. President, the Energy Policy Act of 1992 began to outline an energy security strategy for our country. As I have argued many times before, energy security is vital to our economy and our national security. I believe that renewable energy resources are important components of our energy security strategy and must not be compromised.

The United States now imports in excess of 50 percent of the oil we use to power our homes, automobiles and workplaces. This is a national security concern, and our dependence on foreign sources of energy is an economic security risk.

Mr. President, every month the Commerce Department releases its statistics on the balance of our trade. The numbers are very grim. We are running huge trade deficits, and oil imports are a major reason why. Imports of oil constitute an enormous drag on our balance of payments and serve only to export U.S. jobs abroad.

In contrast, more than one-half of the manufacturing capacity of the U.S. solar industry is geared to exports. Northern Power Systems from my State of Vermont markets wind turbine technologies around the globe. If a city, town or power system in Saudi Arabia wants to build a wind turbine, they call Waitsfield, VT. Nevertheless, without adequate Federal support, the United States leads in developing renewable energy technologies will slip.

The U.S. Information Agency predicts that the worldwide market for renewables and efficiency technologies will equal $280 billion through the year 2010. However, they also point out that at the current rate of growth, the United States will capture less than 8 percent of this market. Why? Because Europe and Japan are funneling more and more money to their renewable companies in the form of capital financing and export promotion. And that export promotion is what does the most damage, especially deals they can give.

Mr. President, despite the proven successes of renewable energy programs and their overwhelming public support, the renewable accounts have been hit disproportionately hard in this bill. Funding for wind, solar, and biomass programs have been cut 27 percent from the fiscal year 1995 levels compared to a 15-percent cut in the Department of Energy's overall energy supply research and development accounts.

We have made commitments to many small companies through public and private partnerships to drive renewables research and development to the marketplace. We are just entering year 3 of a 5-year commitment to the solar and wind field. To pull the plug now would constitute a serious abrogation of our commitment and undermine much of the progress we have witnessed in the past few years.

In this time of fiscal constraint, hard choices must be made, and I agree with many of them. But solar and wind programs are working. These programs have enormous nationwide benefits for a very small investment. For example, the DOE wind program is working closely with Kotzbue Electric Association 30 miles inside the Arctic Circle in Alaska to supply reliable wind energy and reduce dependence on diesel generators. The Florida Solar Energy Center in Cape Canaveral works with more than 100 solar manufacturers, resulting in significant exports to Latin America. The AWT-26, one of the world's most advanced wind turbines, is being developed by former Boeing engineers outside of Seattle, WA.

Mr. President, we are pushing forward, working to lead this booming global market, and we will succeed if Congress maintains its commitment to wind and solar research and development. The money that is spent on renewable energy programs has a direct impact on this country's bottom line. Overall, we can expect more than $4 billion in annual fuel cost savings by the year 2000, more than $8 billion by the year 2010, and nearly $26 billion by the year 2020. Solar, biomass, wind, and geothermal energy systems will also create many thousands of jobs by the year 2000.

This amendment simply asks the Department of Energy to speed up implementation of the strategic alignment and downsizing plan, thereby reducing administrative costs. Currently, the Department spends $377 million for general management and program support functions.

One of the largest pieces of this budget is the field operations offices. These offices are the paperwork side of our national labs. A less than 10 percent cut of $25 million will help do what needs to be done to keep us on track.

My amendment would shift this amount from administrative functions to support for solar, wind, and biomass programs. This money would not be used for overhead and paperwork but to finance important programs that assist small companies in the development of advanced renewable technology.

The goal we seek to accomplish today with this amendment has been recommended by the Galvin task force, which reviewed our national labs, and the Daniel Yergin task force, which advised DOE on how to best downsize.

Mr. President, we may hear arguments today that downsizing the operations office in this matter is not wise. However, this Friday Secretary Hazel O'Leary will announce additional components of her strategic realignment plan. I expect a major component of her plan is to downsize the operations office, saving millions and millions of dollars in overhead costs.

Mr. President, what we are doing is moving money from paperwork and bureaucracy to technology and the development of science from top-down, command-and-control administration to technology transfer and international competitiveness and from duplicative management to small business. Clean economic growth is not a contradiction in terms. New generations of environmental technologies are making it possible to have both. To be truly strong, the U.S. economy must be efficient, clean, and fueled by stable supplies of energy. By voting for this amendment, the Senate will help ensure that we attain these goals.

I urge my colleagues to support this amendment.

Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOMENICI. I ask unanimous consent that the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. May I ask my friend, what was the purpose of the quorum call?

Mr. JEFFORDS. I was getting the amendment.

Mr. DOMENICI. Thank you.

I yield the floor.

AMENDMENT NO. 2054

(Purpose: To provide that certain funds appropriated for the Department of Energy operations be available instead for energy supply, research and development activities relating to certain renewable energy sources)

Mr. JEFFORDS. Mr. President, at this time I offer my amendment and ask unanimous consent that the pending amendment be set aside for the purposes of consideration of this amendment.

The PRESIDING OFFICER. Without objection, so ordered.

The clerk will report the amendment of the Senator from Vermont.

The assistant legislative clerk read as follows:

The Senator from Vermont [Mr. JEFFORDS], for himself, Mr. ROTH, Mr. GRAMS, Mr. WELLSTONE, Mr. HARKIN, and Mr. LEAHY, proposes an amendment numbered 2054.

Mr. JEFFORDS. I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 20, line 23 insert the following:

"SEC. . FUNDING FOR ENERGY SUPPLY, RESEARCH AND DEVELOPMENT ACTIVITIES RELATING TO RENEWABLE ENERGY SOURCES.

"(a) REDUCTION IN APPROPRIATION FOR DEPARTMENTAL ADMINISTRATION.—Notwithstanding any other provision of this Act, the amount appropriated in title III of this Act under the heading DEPARTMENTAL ADMINISTRATION is hereby reduced by $37,000,000.

"(b) INCREASE IN APPROPRIATION FOR ENERGY SUPPLY, RESEARCH AND DEVELOPMENT ACTIVITIES.—Notwithstanding any other provision of this Act, the amount appropriated in title III of this Act under the heading ENERGY SUPPLY, RESEARCH AND DEVELOPMENT ACTIVITES is hereby increased by $37,000,000.

"(c) AVAILABILITY OF FUNDS.—Of the funds appropriated in title III of this Act under the heading ENERGY SUPPLY, RESEARCH AND DEVELOPMENT ACTIVITES—

"(1) not less than $4,500,000 shall be available for solar building technology research;

"(2) not less than $78,929,000 shall be available for photovoltaic energy systems;

"(3) not less than $28,443,000 shall be available for solar thermal energy systems;

"(4) not less than $55,300,000 shall be available for biofuels of which no less than half shall go toward the BIOMASS ELECTRIC PROGRAM;

"(5) not less than $42,000,000 shall be available for wind energy systems;

"(6) not less than $8,000,000 shall be available for international solar energy programs;

"(7) not less than $9,000,000 shall be available for hydrogen research;".

Mr. ROTH. Mr. President, today, I am sponsoring an amendment that would restore $37 million into solar and renewable energy programs. The overall DOE energy supply account was cut 15.6 percent, while the overall renewable accounts were cut by 27 percent. My amendment would bring into line the budget reduction of the solar and renewables program to the percentage reduction level of the other DOE energy supply accounts.

This amendment would restore funding for solar and renewable energy programs at the expenses of overhead. It would transfer 37 million from DOE's departmental administration to solar and renewable energy programs. This represents a 10-percent cut in DOE's overhead. Recent studies show that we need to reduce bureaucracy, cut overhead burdens and costs to have more effective and efficient R&D programs.

The Galvin Task Force Report, recently commissioned by the Department of Energy, recommended that bold action be taken regarding the reduction of administrative oversight. The report further states, DOE should be able to accomplish a substantial reduction in oversight without reducing the dollars spent directly on R&D scientists and engineers. In addition, the Yergin Task Force also recently recommended that DOE reduce total energy R&D costs by cutting directly at administrative compliance and overhead costs. This amendment would restore funding for solar and renewable energy programs by cutting administrative costs identified in these reports.

I believe that funding renewable energy programs is an important issue to our Nation. Renewable energy programs promise to supply economically competitive and commercially viable energy, while also assisting our Nation in reducing greenhouse gases and oil imports. The Nation should be looking toward alternative forms and sources of energy, not taking a step backward by cutting funding for these programs.

My own State of Delaware has a long tradition in solar energy. In 1972, the University of Delaware established one of the first photovoltaic laboratories in the Nation. The university has been instrumental in developing solar photovoltaic energy, the same type of energy that powers solar watches and calculators.

Delaware has a major solar energy manufacturer, Astro Power, which is now the fastest growing manufacturer of photovoltaic cells in the world. In collaboration with the University of Delaware and Astro Power, Delaware's major utility—Delmarva Power & Light—has installed an innovative solar energy system that has successfully demonstrated the use of solar power to satisfy peak electrical demand. Through this collaboration, my State has demonstrated that solar energy technology can be an economically competitive and commercially viable energy alternative for the utility industry.

It is vital that we continue to manufacture these solar cell products with the high performance, high quality, and low costs required to successfully compete worldwide. Investment in Department of Energy solar and renewable energy programs has put us on the threshold of explosive growth. Continuation of the present renewable energy programs is required to achieve the goal of a healthy photovoltaic industry in the United States. While the solar energy industries might have evolved in some form on the their own, the Federal investment has accelerated the transition from the laboratory bench to commercial markets in a way that has already accrued valuable economic benefits to the Nation.

The solar energy industries—like Astro Power—have already created thousands of jobs and helped to reduce our trade deficit through exports of solar energy systems overseas, mostly to developing nations, where two billion people are still without access to electricity.

International markets for solar energy systems are virtually exploding, due to several key market trends. Most notably, solar energy is already one of the lowest cost options available to developing countries that cannot afford to build large, expensive centralized power generation facilities with elaborate distribution systems.

The governments of Japan, Germany, and Australia are investing heavily in aggressive technology and market development in partnership with their own solar energy industries. Until recently, Japan and Germany held the lead in world market share for photovoltaics; the United States has only recently recaptured international market dominance. Cutting funding for commercializing these technologies would have a chilling effect on the U.S. industry's ability to compete on an international scale in these billion-dollar markets of today and tomorrow. The employment potential of renewables represents a minimum of 15,000 new jobs this decade with nearly 120,000 the next decade.

It is imperative that this Senate support solar and renewable energy technologies and be a partner to an energy future that addresses our economic needs in an environmentally acceptable manner. My State has done and will continue to do its part. I hope my colleagues in the Senate will look to the future and do their part in securing a safe and reliable energy future by supporting this amendment.

AMENDMENT NO. 2054

Mr. GRAMS. Mr. President, I rise in strong support of the Jeffords amendment and am pleased to be an original cosponsor. Over the past 2½ years, I have had the opportunity to help formulate our renewable energy policies, both as a member of the House Energy R&D Subcommittee, and now as a member of the Senate Energy Committee. This amendment represents an important step forward in our efforts.

In my home State of Minnesota, we have a strong commitment to renewable and alternative energy resources. Solar, wind, and biofuels play a key role in Minnesota's overall energy blueprint, and these priorities are shared across this Nation. Our amendment demonstrates this understanding while reducing redtape and bureaucracy at the same time.

Too many taxpayers' dollars are being wasted on bureaucracy and redtape in Washington and not on programs that help meet the energy needs of the people of Minnesota. If we are going to spend the taxpayers' money, we had better make sure it is for their benefit, and not for a bloated bureaucracy.

By slashing bureaucracy and eliminating $25 million from departmental administration, we are able to increase the levels of funding for solar and renewables. Even DOE Secretary Hazel O'Leary endorses this type of approach—her proposal for strategic realignment estimates potential savings of nearly $2 billion through consolidating and realignment of the current DOE structure.

Limiting the scope of Government—while expanding funding for renewable energy resources—are goals which can be achieved together, as this amendment so clearly demonstrates.

The Jeffords amendment reflects a balanced prioritization of our limited energy dollars. It is my strong hope that by maintaining a Federal commitment to solar and renewable programs, we will be able to achieve a strong and vibrant industry that is capable of thriving in the free market.

Therefore, I urge my colleagues to join me in supporting the Jeffords renewable amendment. It allows us to pursue renewable energy resources at the same time we protect the taxpayers, and I am proud to be a cosponsor of such a proposal. Thank you and I yield back the balance of my time.

Mr. LEAHY. Mr. President, I am happy to join Senator JEFFORDS as a cosponsor of his amendment to restore funding to the solar and renewable budget of the Department of Energy fiscal year 1996 spending bill.

Our amendment restores $25 million to this vital account, boosting funding for solar, wind, and biomass energy research. Renewable energy has the potential to reduce pollution, decrease our dependence on imported fuels, and produce good paying jobs here in the United States.

The United States has the opportunity to lead the world in clean, renewable energy technology. Vermont in particular has taken the lead with the development of wind and biomass energy technology. This "green technology" has the potential to generate more than virtually pollution free energy, it generates good paying manufacturing jobs in Vermont and throughout the country.

The energy and water appropriations bill passed by the House mortgages the future of our energy program by dramatically reduced funding for the solar and renewable energy budget, cutting it by 22 percent. I think that is a shortsighted approach.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

So, the amendment (No. 2054) was agreed to.

Mr. DOMENICI. I move to reconsider the vote.

Mr. JOHNSTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOMENICI. Mr. President, I thank the Senator for accommodating us on the floor. We are pleased to have accommodated him. But I thank him for accommodating us on time so we can move ahead with the bill and, hopefully, finish it in the next couple hours. I thank the Senator very much.

Mr. JEFFORDS. Mr. President, I want to thank the Senator from New Mexico for accommodating us. This will be an important amendment to help. And I am very pleased to accommodate the committee with our promptness.

Mr. DOMENICI. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. DOMENICI. Let me ask that that be withheld for a moment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, I say to Senators that have amendments that they think are going to have to take time and perhaps be voted on, that they accommodate the leadership of the Senate, the leadership on the Democrat side and the Republican side.

Some colloquies earlier in the day indicated we wanted to get our schedule completed, especially on these issues that do not appear to be partisan in nature. So we have made a commitment to stay here tonight and finish this bill. I do not see any reason why we have to keep Senators here tonight. If Senators have amendments, please come down and offer them. I think that is only fair. So once again, I am not going to name Senators, but, please, if Senators have some amendments that they want us to consider and that clearly need debate, would they please come on down or call us and tell us?

Mr. JOHNSTON. Will the Senator yield?

Mr. DOMENICI. I would be pleased to yield.

Mr. JOHNSTON. Very seriously, this bill should not go into tonight. The difficult things are worked out. If Senators will come down and offer these amendments, we can be gone this afternoon. And so I urge Senators not to wait until tonight. Frankly, we ought to go to third reading if Senators are not going to be here to offer their amendments.

Mr. DOMENICI. I said we pledged to get finished tonight, but it looks to me like we should be finished here early enough to get home and have dinner with our families for a change. On this bill, there were three major issues, and we have solved them, at least to the satisfaction of the Senators that contested the issues. With Senator LAUTENBERG from New Jersey, we have agreed to an amendment he has with reference to fusion energy. We solved the Nebraska Senator's issue, at least in this body, with reference to interim nuclear waste. We have satisfied the issue between the Senators from Tennessee and the committee. We are waiting for a colloquy on that. And, indeed, I believe we are real close to solving it with the Senate Committee on Armed Services for a colloquy with reference to our nuclear stockpile.

If we are able to work that out, whatever is left would be the Bumpers amendment, who—the Senator has at least told us about it. And we understand perhaps Senator BROWN has an amendment with reference to two of the commissions that we funded, or one of them. And Senator BROWN, and maybe Senator BROWN's staff could advise Senators, we would be ready for him shortly if he could come down. And I think maybe we have heard that there might be one on the Appalachian Regional Commission. We do not know that.

All right. That is all that we are aware of that will require debate. We have a number of amendments we will offer as chairman and ranking member as we wrap this up. Some we will not be able to accept. And the Senators will have to understand that.

I yield the floor.

I suggest the absence of a quorum first.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, I am prepared to enter into a colloquy with the distinguished Senators from Tennessee. We can either enter it in the RECORD or we can state it here on the floor, whichever they prefer. What is Senator THOMPSON's preference?

Mr. THOMPSON. The Senator will state it briefly.

I would like to state what I understand to be language that is agreed to by the managers of this bill. It is language which clarifies the intent of the committee and replaces references in the committee report on pages 96 and 97 with regard to the siting of the new spallation source project. Part of the agreed-upon language is as follows:

> The conferees make no recommendation with regard to the siting of the new spallation source project. The Department of Energy shall make that determination in a fair and unbiased manner.

Am I correct in stating that this is part of the language that is agreed to for the purpose of legislative history?

Mr. DOMENICI. That is correct.

Mr. FRIST. Mr. President, it is my understanding that the following language is also agreed to by the managers:

> The conferees direct the Department to evaluate opportunities to upgrade existing reactors and spallation sources as a cost-effective means of providing neutrons in the near term for the scientific community while the next generation source is developed. This evaluation shall be available prior to the Appropriations Committee's hearings on the Department's fiscal year 1997 budget submission.

Am I correct in stating that this language is also agreed to?

Mr. DOMENICI. Mr. President, I just read it carefully, and I ask that one word be deleted, and then I will say we agree.

Where it says, on the second line of what the Senator read "spallation sources as a cost-effective means," I wonder if we can strike the word "a" and just say "sources as cost-effective means" instead of "a cost-effective means."

Mr. FRIST. That will be agreeable.

Mr. DOMENICI. If we strike that "a," then my answer to the Senator's question is that is absolutely correct.

Mr. THOMPSON. Mr. President, I believe it is our further understanding that our conferees will seek to place the agreed-upon language in the conference report; am I correct?

Mr. DOMENICI. The Senator is correct. Let me say to both Senators from Tennessee, it has been a pleasure working with them on this. They have been tenacious. We had a genuine discussion at length and we came up with something at least this Senator believes is workable and good for spallation and neutron acceleration in the future. I think that is a very important part of the necessary science for the United States.

I think the second part of it means that we will not fall behind while we proceed with the new major construction, and the first indicates that the Department will decide on a fair and equitable basis the site for the big machine, which will cost in excess of a billion dollars.

Mr. THOMPSON. This will help us move forward in those ways, and we appreciate the accommodation of the Senator from New Mexico and his willingness to work with us on this.

Mr. FRIST. We do appreciate it, Mr. President. It does reflect, I think, the critical importance placed on the Department of Energy's recommendations in making this site in the best way that they see fit in terms of overall systems development for the entire country.

Mr. DOMENICI. I thank my colleagues. Mr. President, I wonder if any of the other Senators who arrived have amendments?

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. I say to my colleague from New Mexico, we are right now attempting to see if we can work this out, if we could have a little more time.

Mr. DOMENICI. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2054, AS MODIFIED

Mr. DOMENICI. Mr. President, it has come to my attention, and I believe Senator JEFFORDS from Vermont agrees, that there is a typographical error in the amendment that the Senator offered, which has been agreed to by the Senate. So I ask unanimous consent that the amendment be modified, as per the amendment which I now send to the desk. This change is agreed upon by the Senator from Vermont, the Senator from Louisiana, Senator JOHNSTON, and myself.

The PRESIDING OFFICER. Is there objection to modification of the amendment previously adopted? Without objection, it is so ordered.

The amendment, as modified, is as follows:

> On page 20, after line 23 insert the following:
>
> **SEC. . FUNDING FOR ENERGY SUPPLY, RESEARCH AND DEVELOPMENT ACTIVITIES RELATING TO RENEWABLE ENERGY SOURCES.**
>
> "(a) REDUCTION IN APPROPRIATION FOR DEPARTMENTAL ADMINISTRATION.—Notwithstanding any other provision of this Act, the amount appropriated in title III of this Act under the heading Departmental Administration is hereby reduced by $25,000,000.
>
> "(b) INCREASE IN APPROPRIATION FOR ENERGY SUPPLY, RESEARCH AND DEVELOPMENT ACTIVITIES.—Notwithstanding any other provision of this Act, the amount appropriated in title III of this act under the heading Energy Supply, Research and Development Activities is hereby increased by $37,000,000.
>
> "(c) AVAILABILITY OF FUNDS.—Of the funds appropriated in title III of this Act under the heading Energy Supply, Research and Development Activities—
>
> "(1) not less than $4,500,000 shall be available for solar building technology research;
>
> "(2) not less than 78,929,000 shall be available for photovoltaic energy systems;
>
> "(3) not less than 28,443,000 shall be available for solar thermal energy systems;
>
> "(4) not less than 55,300,000 shall be available for biofuels of which no less than half shall go toward the Biomass Electric Program;
>
> "(5) not less than 42,000,000 shall be available for wind energy systems;
>
> "(6) not less than 8,000,000 shall be available for international solar energy programs;
>
> "(7) not less than 9,000,000 shall be available for hydrogen research;".

Mr. DOMENICI. Is it necessary to reconsider and table that?

The PRESIDING OFFICER. It is not.

Mr. DOMENICI. I thank the Chair. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. THOMPSON). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, I understand that Senator BUMPERS is going to offer an amendment with reference to the water-cooled reactor. I understand he is willing to enter into a time agreement of 1 hour equally divided. I ask unanimous consent that the time be equally allocated to Senator BUMPERS and Senator JOHNSTON.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. We will check with Senator STEVENS and make sure that he can come down and be part of this argument.

Mr. JOHNSTON. And no second-degree amendments.

Mr. DOMENICI. I ask unanimous consent that no second-degree amendments be in order, Mr. President.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Arkansas.

AMENDMENT NO. 2055

(Purpose: To terminate the Gas Turbine-Modular Helium Reactor Program)

Mr. BUMPERS. Mr. President, I send an amendment to the desk on behalf of myself, Senator INHOFE, and Senator KERRY of Massachusetts.

The PRESIDING OFFICER. Without objection, the pending committee amendment will be set aside.

The clerk will report the amendment.

The assistant legislative clerk read as follows:

> The Senator from Arkansas [Mr. BUMPERS], for himself, Mr. INHOFE, and Mr. KERRY proposes an amendment numbered 2055.

Mr. BUMPERS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> Strike lines 22–23 on page 20 and insert in lieu thereof the following: "$2,793,324,000 to remain available until expended. *Provided* That, no more than $7,500,000 of such funds shall be used for the termination of the Gas Turbine-Modular Helium Reactor program."

Mr. BUMPERS. Mr. President, this is a complicated subject dealing with

$12.5 million, not a lot of money around here. But considering the budget constraints we are operating under, we need to be very careful what we spend. It is, to use the technical term, $12.5 million to continue the "gas turbine-modular helium reactor."

This is a project that has been around for a very long time. A lot of money has already been spent on the program. Make no mistake about it, we have put $900 million into it, and industry has put almost as much. But it has been sagging simply because it is not viable. It is not viable technically within the time frame within which we ought to complete it and the National Academy of Sciences says you cannot leave plutonium lying around stored for the periods of time that you are likely to have to store it before this reactor is completed and has the ability to burn it.

In addition to that, the National Academy of Sciences says leaving plutonium stored is a dangerous proposition, and the longer you leave it stored, the more dangerous it becomes because of the threat of diversion of the plutonium to weapons.

The Academy does not like the program. I do not like it. A lot of people do not like it, and they do not want to spend any more money on it. The first reactor that was used for demonstration of this technology was in Pennsylvania back in 1967 to 1974. Then a larger commercial plant was built in Colorado. And after operating for 16 years, it was finally shut down because it could only operate 14 percent of the time.

Now, Mr. President, just like the super collider and a host of other technologies we have undertaken, including the liquid metal breeder reactor, there always comes a time to shut these things down. In 1993—and I hope all Senators will listen to this—the U.S. Senate, this body, voted 58–41 to terminate this program. But we got over to conference, which is so often the case, and we receded to the House and the project continued.

This year, the Appropriations Committee in the House provided $20 million to continue this thing, and Congressman Klug offered an amendment to kill it, and the vote to kill this project in the House this year was 306–121.

Now, what we have had here is a little shell game. We did not put any money in, and the House did. They did not put in any money, and we did. Now we are back to we did not have any money in it until it was offered in the Appropriations Committee a few days ago, after the House just got through killing this thing by 306 votes to 121. This is pork at its worst. There was $12.5 million in the bill here on the floor right now. But do you know why? The Senator from Alaska—which was certainly his right—put it back in in committee. He won it there by 15–8. But Senator DOMENICI, in the chairman's mark, had torpedoed this thing. He left $7.5 million in the budget to terminate. That is the termination cost.

Incidentally, my amendment only cuts $5 million. The Senator from Alaska got $12.5 million put back in. I am only cutting 5 of that because I agree with Senator DOMENICI. We ought to use that $7.5 million to torpedo this project once and for all. The senior Senator from Texas, with whom I agree about 1 percent of the time, made what I thought was a good statement the other day in committee. He said, "When the Department of Energy, or anybody else, wants to get rid of something, why do we not, at least occasionally, if the bureaucrats want to get rid of it, honor their requests?" It is very seldom they want to.

When I think of all the unmet needs of this country, and when I think of all the pressures on the domestic discretionary spending side of this budget, and here the House has killed this thing almost 3-to-1, and you are talking about a project that would cost $5.3 billion to complete—we are not talking about a bean bag here, Mr. President. The Federal share would be $2.6 billion.

Mr. JOHNSTON. Will the Senator yield at this point?

Mr. BUMPERS. Yes.

Mr. JOHNSTON. Is not the $5.3 billion figure the Senator refers to the amount for the new production reactor, which was a different design, and that was wholly financed by the United States?

Mr. BUMPERS. Repeat your question.

Mr. JOHNSTON. The $5.3 billion figure the Senator refers to was for the new production reactor, which was designed several years ago, different from this design, and wholly supported by the United States and nothing by either foreign countries or by the domestic industry, is that not correct?

Mr. BUMPERS. Senator, DOE said that they would expect this to cost billions to complete.

Mr. JOHNSTON. Of whose dollars?

Mr. BUMPERS. Half Government and half private. That is the way the project has been operated so far.

Mr. JOHNSTON. But the $5.3 billion was the cost of the new production reactor which was the tritium reactor for the manufacture of tritium, was it not?

Mr. BUMPERS. Senator, you could be right about that, I am not sure.

Mr. JOHNSTON. And there has been no cost put on this.

Mr. BUMPERS. Well, $5.3 billion is $5.3 billion.

Mr. JOHNSTON. This is a different design from the new production reactor on which the $5.3 billion estimate was made.

Mr. BUMPERS. You are talking about something different from the gas turbine modular helium reactor?

Mr. JOHNSTON. This design is different. The initial design of the new production reactor had a steam cycle. This has no steam cycle and has a 50 percent higher efficiency.

Mr. BUMPERS. Let me just say that it is a different design reactor, but the figures I am using are sort of a horseback guess by the Department of Energy of what it would cost for the new design, not the old design.

Well, to get on with the story, we can always find some rationale to keep a project going—new design, old design, anything to keep the money flowing. But you ought to bear in mind, there has not been one single nuclear plant built in the last 20 years, and right now there is not one single utility in America that has any plans to build one.

So you are talking about 20 years we have not built one, and certainly if somebody started trying to license one now, it would take another 20 years, and nobody is going to license one under current technology ever again.

I started off confessing that I am not a physicist. I did not even have high school chemistry. These subjects are difficult to me. They are not difficult for the National Academy of Sciences.

Do you know what the National Academy said? The best argument that the Senator from Alaska can make, or anybody else can make, for going forward with this project is that this advanced reactor will burn plutonium. That is a highly desirable goal.

Everybody in the U.S. Senate wishes we could wave a wand and some new technology would appear to burn plutonium, get rid of it. One of the arguments that has consistently been made for this reactor is that is what it will do. I am not going to argue whether ultimately, after we spend $5 billion, we might have something that would burn plutonium.

I want to make a couple of points. One I have already made, that burning plutonium in a new reactor is even more dangerous than our present situation, because it will be years and years and years before this reactor is ready. Meanwhile, we will have all this plutonium stored, and then even after we finish it, it will take years and years and years to burn it up, during which time it is always subject to a diversion—to Qadhafi, North Korea, or whoever.

A more compelling argument is the one the National Academy of Sciences made when they said, in 1992, "The committee believes that no funds should be allocated for development of high-temperature gas-cooled reactor technology within the commercial nuclear power development budget of DOE."

In addition to that, they have said there are two much more preferable ways to get rid of plutonium. One is to fabricate it with other fuel and burn it up; the other, which is essentially my favorite, is vitrification, a process which we have also spent a lot of money on and which so far as we know will pay rich dividends.

Now, Mr. President, further quoting the National Academy of Sciences, in their 1994 report said, "These advance reactor types themselves, however, are not economically competitive with other sources of power." Listen to that: "These advance reactor types themselves are not economically competitive with other sources of power," and the availability of plutonium as fuel does not make them economical. The storage of large stocks of weapons—plutonium—until such reactors become competitive, is not attractive for security reasons.

Now, Mr. President, none of the research for this goes on in my State. I do not know where it goes on. I do not have a dog in the fight. All I know is I have been waking up screaming for the last 6 months—not about a budget cut, not about trying to balance the budget, but about our priorities.

I spoke at the Governors School in my State last Saturday. There are 400 of the presumably brightest students in my State. They go to a 6-month school at a little liberal arts college called Hendrix College, where my sons went to school. When I walked out, a woman who accosted me said, "My son who is here will not be able to get a college education."

We did not elaborate on that. But we are cutting student loans, we are cutting income investments, earned income tax credits. We are going to wind up cutting welfare for the poorest of the poor. I have no objection to reforming welfare. We will wind up cutting food stamps. We are going to cut everything that affects about 30 to 40 percent of the people in this country, and we are going to increase defense spending $7 billion above what the Defense Department says they want— $7 billion above the President's request—but still, twice as much as virtually the rest of the world combined. Here is an opportunity to save a paltry $5 million, and in the future, lord knows how many millions.

The National Taxpayers Union, the Citizens Against Government Waste, all those people are strongly in favor of this amendment, and torpedoing this technology, not once and for all, but at least for the foreseeable future, until the National Academy of Sciences says it has a lot more promise than it has now.

I yield the floor. I reserve the balance of my time.

Mr. JOHNSTON. I yield to the Senator from Alaska 10 minutes.

Mr. STEVENS. Mr. President, I have authored the provision in the report that Senator BUMPERS' amendment seeks to delete because of my belief that this new technology, which has not been analyzed by the National Academy, may be critical to our energy future.

What I am trying to accomplish by the change that was made in the report is to create the availability of $5 million to complete the study by the National Research Council of the technical feasibility and economic potential of GT-MHR for power generation.

I got into this because of my role in arms control. One of the problems we have run into is the destruction of plutonium. I have been told that this process will destroy plutonium as it is used to produce electric power.

As a matter of fact, I think the claim can truly be made that this new concept—and it is a new concept—has the potential to destroy weapons-grade plutonium and eliminate its proliferation potential.

If the Senator will look at the report on page 91, what we have done is increase the funding of $5 million over the cost of the close-out of the program with the understanding that no more than the $5 million is available until the National Research Council has completed its study and the results have been reported.

That means that the $5 million is available to do just what the Senator from Arkansas says has not been done. It is available for making the study and to report to respective committees of Congress. If it finds that this process has as much potential as we believe it has, the program will not be closed down. It will be continued.

Now, this is an entirely new procedure. It is a concept of a gas-cooled reactor with a very high rate of efficiency. It is something that should be reviewed by the National Academy before the project is closed up.

Let me say that the Senator from Arkansas is right in one respect. The Government and industry have put $1.5 billion into trying to find a technology to accomplish the results that the program originally sought of nuclear power generation meeting the safety requirements of our country.

One of the added benefits of this new concept is that it is possible for this gas turbine modular helium reactor to use plutonium for the purpose of generating power and at the same time accomplish the world's sought-after result of destroying plutonium.

I believe that this is something which the Senate should realize what we are trying to do, which is to get a review of the technology. The technology is much different from that which has been the subject of this vast investment in the past. This is a technology which uses ceramic-coated fuel and uses inert helium as the heat transfer medium. It allows higher operating temperatures than can be found in the water-cooled reactors. The water-cooled reactors have been the ones used by the world's nuclear power plants.

This GT-MHR process uses higher temperature helium coolants directly to drive the turbine that drives the generator. As a result, the efficiency is much higher than the water-cooled reactors. But, what is more, it then has the side benefit that was brought to my attention, and that is that it will destroy weapons-grade plutonium so it can no longer be used for nuclear weapons. The GT-MHR not only destroys it and degrades it while generating electricity, it is really not even a problem as far as waste disposal. This has been one of the great difficulties with nuclear-powered generation in the past.

I believe that what we are trying to do is let the scientific community now analyze this new concept that is available, and only expend Federal money in the future, if GT-MHR is found to have the feasibility and economic potential as it has been represented by those who have developed it and presented it to the Department of Energy.

The Senator says this is pork. There are no nuclear reactors in my State. There is no helium in my State. There is nothing connected with this process in my State. I am the one that offered this amendment for one purpose only, to get the National Research Council to determine whether this process has the potential to accomplish two national benefits: First, to provide a process by which we can start developing an industry that can provide environmentally safe nuclear-generated energy; and, second, that the process that has been presented will in fact destroy plutonium at the 90-percent level in so accomplishing the first benefit. I think the second benefit is the one that is most important to the world.

There are enormous stakes here. There is no question about that. If this process proves valid, as people believe it will, this $5 million may be the most important $5 million we have ever invested. We are not investing it in the process. We are investing in investigating the process to determine if it has the potential as presented. If it does, then the research will continue with the $7.5 million that was intended to be used to close out the program. And Congress will be directly involved in how much, if anything, the Federal Government will put into the further advancement of this concept.

But for now, what we are doing is saying $5 million will be used during the period of the evaluation. That is the maximum that can be used to evaluate this process. After having spent $1.5 billion in getting this from the very beginning of nuclear technology development to the present, and not having successfully found a process that will meet our needs, it seems to me to be very little to ask that we put up $5 million to check this latest technology.

This technology is important because it hinges on two different types of technology in order to be successful—the new gas turbine and the generator that has been used in the past. If the technology is proven to have the potential that we feel it does, then, I think we will have a program that will meet more than our national needs. It will meet the world's needs.

There are assertions that the Senator from Arkansas has made that I believe should be answered. I can answer them for the record. But I think the most important thing to note is that this has not been reviewed before at this level.

I will reserve what time I have.

The PRESIDING OFFICER. Who yields time?

Mr. BUMPERS. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Thirteen minutes and ten seconds.

Mr. BUMPERS. Is 10 minutes sufficient for the Senator?

Mr. INHOFE. Five minutes is fine.

Mr. BUMPERS. I yield 5 minutes to the Senator from Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I thank the Senator from Arkansas for yielding the time.

Mr. President, I rise in support of the Bumpers amendment to terminate the gas-turbine modular-helium-reactor program. For the past 30 years, the Department of Energy's program has only served as another Federal monetary waste. To date, the taxpayers have already spent $900 million to advance gas-coolant reactor technology. One would imagine that after costing the American public nearly $1 billion, we would see some type of tangible technological benefits. But this is not the case.

In 1992, the National Academy of Sciences study concluded that the gas-cooled reactor has low market potential. Last month the DOE stated in a report by the Secretary of Energy Advisory Board that it did not see any further need to continue to develop the program.

The report said—this is a quote we have not heard yet, I do not believe anyway, at least I have not:

> This technology requires a very expensive, long-term development program that cannot be supported in the near future. Given industry's low interest in this technology, DOE has requested termination of the Gas Turbine Modular Helium Reactor Program.

But I have to say, Mr. President, that my concern is not a technical concern. Yes, I am concerned about the energy industry. I believe, had a lot of this money been spent to develop enhanced recovery programs and to do something to stop the demise of the domestic oil industry, I would be in strong support of it. That is where our money should have gone.

The GAO report estimates that the total cost to design and construct a gas-cooled reactor should be approximately $5.3 billion, of which taxpayers are expected to absorb approximately 50 percent. Mathematics would tell us that we would save more than $2 billion of hard-earned taxpayer dollars simply by going with the President, Congress, DOE, and the National Taxpayers Union, Citizens Against Government Waste, and the list goes on and on.

Congress has been trying to terminate funding for this program for the last several years. Finally, this year, the House adopted an amendment to eliminate the program altogether. Rightfully, the Senate Appropriations Committee authorized $7.5 million to cover the Department of Energy's termination of this program. The administration, the Bush administration, the Reagan administration, Congress, scientists and many of the fiscal unions, such as the National Taxpayers Union, the National Tax Limitations Committee, the Citizens Against Government Waste, are united in their campaign to terminate the project. The Department of Energy, like the rest of us, must make massive budget cuts if we are to ever keep our commitment to the budget resolution that we made that would eliminate the deficit by the year 2002.

We can no longer afford such luxuries as the gas-cooled reactor that do not earn their Federal keep. With the possibility of the dismantling of DOE, the administration has made a wise decision to end the program that only serves as a liability.

America is watching both the House and the Senate as we bring Federal spending back under control. By supporting this amendment, we are legislating exactly the way we said we would last November by appropriating wisely and cutting out programs that continue to waste Federal dollars intended for future generations.

So, Mr. President, I am not as impressed as I should be, I guess, with the National Academy of Sciences, but I am impressed with the National Taxpayers Union and many of the groups that are looking at this from a fiscal perspective.

I would only say this is a good example of what Ronald Reagan said in one of the greater speeches I have ever heard, entitled "Rendezvous with Destiny," way back in 1965 when he said there is nothing closer to immortality on the face of this Earth than a Government program. I think this is such a program.

I yield back the time.

Mr. JOHNSTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. JOHNSTON. Mr. President, I yield myself 5 minutes.

There is a lot of technology involved here, but the question is really quite simple. What the Stevens amendment does—and it is a very sound amendment—it simply says that before we take this program, which has a promise of burning 85 to 95 percent of the plutonium which is put through the cycle—and that compares with 20 percent of plutonium which would be burned in a light-water reactor, but before we stop this technology which has that capacity, that hope of burning 85 to 95 percent of the plutonium, we get a report from the National Research Council, which is part of the National Academy of Sciences. No more than $5 million may be spent until that evaluation takes place. That is all the amendment does.

We have done in this country research on these high-temperature gas reactors over a period of many years. This is a new design which has never been evaluated by the National Academy of Sciences. It is 50 percent more efficient than the previous design. It is the first design that has used the high-temperature helium gas directly against the turbine, which is a radical new design.

Moreover, the main reason we want to do this is because of plutonium burnout, but it also has the added advantage in that this reactor cannot melt down. Its fuel density and maximum temperature is less than the melt rate of the fuel. So if you lost all coolant, there would be no possibility of a meltdown of this reactor, which is one of the reasons that Mr. Mikhailov, who is the Russian Energy Minister, wants to build this reactor in a consortium with America. They have a proposal whereby they would put up half of the costs, and the net cost to the United States, if this were done, would be about $350 million, not $5.3 billion.

Mr. President, the fact is we do not know the answers to these questions about exactly what it would cost because, frankly, we need an evaluation by the National Research Council of the National Academy of Sciences. Really, as a matter of prudence, we ought to have the National Academy of Sciences look at this brand new technology, this brand new design before we scrap this program in which so much has been invested, which has such hope not only for plutonium burnup but it has tremendous hope for being meltdown proof. It is what we call a passively safe reactor.

I might add, it also has the capacity and capability to make tritium in a reconfiguration, which is the reason it was picked as the top candidate for the new production reactor. In any event, this is a very prudent thing to do, to have the National Academy of Sciences look at this matter before we scrap the reactor. And that is all the Stevens amendment does. It represents real progress. We are not committing this country by this amendment to build the reactor or to spend additional money but simply to have the National Academy of Sciences look at this design. That is all it does.

Mr. President, did the Senator from Alaska desire additional time at this point?

Mr. STEVENS. Mr. President, if the Senator will yield me just a couple more minutes, I do not want to use it all because I want to respond in the end. But, I would like to reference the committee report, and I encourage my colleagues to read it.

> The Committee understood that the GT-MHR has the capability of destroying 90 percent of weapons grade plutonium 239 when used alone and over 99 percent of the plutonium 239 when used in combination with an accelerator-driven reactor without the need of reprocessing or recycling of the material. The evaluation shall also include, therefore, a review of the technical capability of the reactor to accomplish the near total destruction of weapons grade plutonium alone or in combination with an accelerator without reprocessing and recycling. The study shall be supported by funds within this account and shall be completed no later than 90 days following the signing of this bill into law. If the results reported are positive, the balance of the funding shall be released to continue the development of the GT-MHR and, if negative, the balance of the funding shall be applied to the program closeout.

In other words, all we are doing is saying give the National Research Council an opportunity to review this before it is closed out. If they find that the Senator from Arkansas is correct, it will be closed out. If they find that those who have presented the process are correct, they will continue to analyze and find out how to apply this new technology to these two very vital world goals.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. I yield 5 minutes to the junior Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I rise in support of the amendment of the Senator from Arkansas, and I must say to my friends I do so on a personal level with some reticence because I worked so closely with both the proponents of this. Nevertheless, I feel very strongly that this is one of the moments where Congress really needs to just make the cut. The House has voted by 306 to 121 to cut the funding for this. We have been toying around with this technology since 1970. We have spent now some $900 million to date for the technology. But no commercial buyer is prepared to step up for this technology. Gas-cooled reactors employ what is known as a passive cooling system, and these do not allow for the use of conventional containment structures to prevent the release of radiation in case of accidents. That lack of containment could be a serious problem and would represent a major safety tradeoff.

Mr. JOHNSTON. Will the Senator yield on that?

Mr. KERRY. Not on my time.

Mr. JOHNSTON. On my time. If the Senator will yield.

Mr. KERRY. I yield but not on my time. If I can use the time of the Senator.

Mr. JOHNSTON. Yes. Just on my time on that point. The Senator said that they do not allow for the use of containment. You cannot put containment over a gas-cooled reactor. It is simply that it is not necessary because the fuel density and the temperature is such that it cannot melt down. You cannot have that kind of accident where hydrogen gas accumulates and you have an explosion and you need containment.

Mr. KERRY. Let me say to my friend——

Mr. JOHNSTON. Is that not correct?

Mr. KERRY. I am not suggesting you have a meltdown structure, but you could nevertheless have a release of radiation, and the Nuclear Regulatory Commission's advisory committee has suggested that they are not willing to accept these approaches. Moreover, in order for this technology to be competitive, you would have to complete the R&D phase, which would cost another $700 million, and then in order to make the technology commercial, you are going to have to build a full-scale demonstration plant. You are going to have to operate that successfully for another $1 billion.

Now, various reports of the National Academy of Sciences, the most recent of which was released this month, have unfailingly rejected this reactor technology for either mission, for the mission of providing energy or for the mission of getting rid of nuclear plutonium. So, Mr. President, if you look at what the Electric Power Research Institute, which is a research arm of the electric utility industry, said, they reported in 1991 that the HTGR was just not cost competitive. Now, if the private sector refuses to finance the R&D on a gas-cooled reactor, why should the taxpayers? It just does not make sense. I mean, this is one of those projects which we have got to have the courage to say it does not make sense economically, the science is not good. There are other alternative means of dealing with what is being proposed. This is the same argument as the ALMR. It took us 2 years to cut the ALMR. We cut it. But it was being proposed as a way of getting rid of nuclear unspent fuel.

I think that truly, Mr. President, this particular expenditure of $900 million since 1970, chasing some kind of legitimate mission using taxpayers' money on an ongoing process, in a year when we are cutting education, we are cutting Medicare, we are cutting all of the other programs that are of such importance, and here we are once again trying to protect one of the great chases. Truly this is the kind of program that makes the wool and mohair subsidy look like support for the 101st Airborne or for cancer research. It simply does not stand up to scrutiny under the National Academy Of Sciences itself, under the private sector's own judgments. And therefore, the U.S. Senate ought to step up to bat and terminate it.

I yield back the balance of my time.

Mr. STEVENS. Would the Senator yield me 1 minute for a question of my friend from Massachusetts?

Mr. DOMENICI. Yes.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Does the Senator understand that the $5 million is for the study by the National Research Council? I do not understand how I can be accused of promoting pork when I am giving $5 million to the council that you and I support. Why should we not give the money to the one council that ought to tell us if this process has the potential to destroy over 90 percent of the weapons grade plutonium in this country?

Mr. KERRY. My answer is the judgment has already significantly been made by the private sector and by the National Academy of Sciences that it is not worth pursuing.

Mr. STEVENS. Mr. President, that is absolutely not true. This process has not been examined. The National Academy wrote to Senator BRADLEY on December 10, 1993, stating that they did not examine this GT-MHR process. That is precisely why we are giving the $5 million so they will examine this process before we consider closing out the program.

Mr. KERRY. I do not use any more time.

The PRESIDING OFFICER. Who yields time?

Mr. DOMENICI. How much time remains?

The PRESIDING OFFICER. The Senator has 12 minutes, 7 seconds.

Mr. DOMENICI. Senator JOHNSTON?

The PRESIDING OFFICER. The Senator from Arkansas has 4 minutes, thirty seconds.

Mr. JOHNSTON. Does the Senator want to yield back the balance?

Mr. BUMPERS. I am sorry. I missed that.

How much time do I have remaining?

The PRESIDING OFFICER. Four minutes, thirty seconds.

Mr. BUMPERS. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, I just want to say to my colleagues there are three powerful arguments for finally terminating this program which has been around for 30 years. One is the National Academy of Sciences that said there are two eminently better methods of using up plutonium: Fabricated fuel, and vitrification.

Second, this is a much more dangerous project because you have to store plutonium for much longer periods of time, and that subjects it to diversion for weapons use.

And third, we are headed for a $5.3 billion project, 50 percent of which Uncle Sugar will have to put up.

Now, Mr. President, what do you have to do around here? The Department of Energy does not want it. The National Academy of Sciences says it is a terrible idea. And the costs are staggering. What do you have to do to convince people to terminate something around here? The Senator from Alaska read from the committee report. I assume he wrote it. That is committee report language that he wrote. It has no technical value. And the Senator from Alaska says he wants to put $5 million into this study. After 30 years, $1,800,000,000, we are going to study it. And, Mr. President, here is what the Department of Energy said:

> The Department does not support continued funding of the Gas Turbine Modular Helium Reactor. There are significant questions about the viability of this reactor type, including whether the fuel will retain fission products to the extent necessary for safety. There is little utility interest in this technology, and we believe that development of this reactor concept would require Federal expenditures in excess of $1 billion [just] over the next decade.

The PRESIDING OFFICER. The Senator has used his 2 minutes.

Mr. BUMPERS. I yield the floor.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I do not get into these things lightly, particularly coming from an oil producing State—the most significant oil producing State in the Union.

Now, I am arguing for this review by the National Research Council because of the report that came to us that this process will destroy plutonium. The Senator from Arkansas has repeatedly said that the National Academy has examined this process. That is not true. Again I point out that on December 10, 1993, in a letter to Senator BRADLEY, the chairman of the NAS committee stated that "The National Academy Committee did not examine and therefore could not evaluate the gas turbine reactor." GT-MHR is a new process. And as the report says—and it is true that I did have something to do with writing that report—that the information we have is, that when combined with an accelerator, this GT-MHR process can destroy 99 percent of plutonium 239 while producing economically and environmentally sound electirc power for the future of the country.

Now, I think the Senate should concentrate on what we have done. We have not said go ahead with this process. We have not said fund any more of this process. We have given $5 million to the National Research Council and said, examine this process and report back to us in 90 days. If you find this process cannot live up to the claims, then go ahead and shut down the program with the $7.5 million. If you find that it can, then report that back to the four committees and we will go further.

Now, I cannot think of anything more simple than the process of looking at what we have done. We have provided $5 million for the evaluation of this unique, new process that the National Academy Committee did not examine, and could not evaluate because of the fact that it was not submitted to them. We are now submitting to them the gas turbine reactor program known as GT-MHR with a 90-day deadline and a maximum amount that they can spend for the evaluation of $5 million. I think that is the fairest thing we can do for the taxpayers, particularly for those of us who are worried about what to do with plutonium.

What are we going to do with plutonium, Mr. President? Are we just going to let it sit out there and worry about how to destroy it? We cannot destroy it today. This system burns it. It is possible to burn 99 percent of it without cost to the taxpayers, and provide cheap electric energy in the process. We are going the spend billions of dollars to try to destroy this plutonium. This process could destroy it while producing normal utility electric power for our consumption. Now I think it is a very fine process. I hope it is evaluated and I urge the Senate to vote against this amendment.

Mr. BUMPERS. Is the Senator from Louisiana prepared to yield back time?

Mr. JOHNSTON. Yes. Mr. President, I yield back the balance of the time.

Mr. BUMPERS. I yield back the balance of my time, and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I ask unanimous consent that I may proceed for 1 minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, I want to say to Senators who are coming down now, to vote, could you search your offices and your minds and see whether you have any other amendments? We would like very much to get a list right after this. We know of four amendments. If there are any others, we would like to know about them. We are not seeking time agreements yet, just to see how many there are because we would like to tell our leaders what this looks like for the remainder of the evening.

So if Senators have any amendments that they want to offer, can they get us information? Maybe we will accept some of them. It will very much help us in our endeavor to get through at an early hour. I yield the floor.

The PRESIDING OFFICER (Mr. ABRAHAM). The question is on agreeing to amendment No. 2055. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk proceeded to call the roll.

The result was announced—yeas 62, nays 38, as follows:

[Rollcall Vote No. 347 Leg.]

YEAS—62

Abraham
Akaka
Baucus
Biden
Bingaman
Boxer
Bradley
Brown
Bryan
Bumpers
Campbell
Chafee
Coats
Cohen
Conrad
Coverdell
D'Amato
Daschle
Dodd
Domenici
Dorgan
Exon
Feingold
Feinstein
Glenn
Graham
Gramm
Grassley
Gregg
Hatfield
Inhofe
Jeffords
Kassebaum
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mack
McCain
Moynihan
Murray
Nickles
Nunn
Pell
Pryor
Reid
Robb
Rockefeller
Roth
Sarbanes
Simon
Simpson
Smith
Snowe
Specter
Thomas
Warner
Wellstone

NAYS—38

Ashcroft
Bennett
Bond
Breaux
Burns
Byrd
Cochran
Craig
DeWine
Dole
Faircloth
Ford
Frist
Gorton
Grams
Harkin
Hatch
Heflin
Helms
Hollings
Hutchison
Inouye
Johnston
Kempthorne
Kyl
Lott
Lugar
McConnell
Mikulski
Moseley-Braun
Murkowski
Packwood
Pressler
Santorum
Shelby
Stevens
Thompson
Thurmond

So the amendment (No. 2055) was agreed to.

Mr. BUMPERS. Mr. President, I move to reconsider the vote.

Mr. INOUYE. Mr. President, I move to table the motion.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER (Mr. McCAIN). The Senator from New Mexico.

Mr. DOMENICI. Mr. President, fellow Senators, let me ask again, if any Members have amendments that we will vote on, I would like to know about it. I assume the same holds true for Senator JOHNSTON.

Mr. JOHNSTON. That is correct.

We know we have a Dorgan amendment that is ready to go.

Mr. DOMENICI. Let me tell Members what I know, and Senators on our side, if you have something to add to this, I would appreciate it.

Senator GRAMS has an amendment with reference to the Appalachia Regional Commission. I assume Senator GRAMS would be ready at some point on that.

Senator WELLSTONE has a water level amendment. We would have to oppose that. I would like very much for him to be ready soon.

Senator BROWN's amendment has been solved. Senator DORGAN has a sense-of-the-Senate on line-item veto, is that correct?

Mr. JOHNSTON. Mr. President, I am advised Senator DORGAN says his side could take 10 minutes; I suppose our side could take even less than that. I suggest 20 minutes equally divided.

Mr. DOMENICI. Mr. President, we have to check that out. We will see where we are.

Are there any other amendments that Senators have that might be offered?

Mr. BUMPERS. Does the Senator from New Mexico have my amendment?

Mr. DOMENICI. No.

Mr. BUMPERS. It is regarding the $65 million for a cancer institute.

Mr. JOHNSTON. Mr. President, how much time would the Senator from Arkansas want on that amendment?

Mr. BUMPERS. Mr. President, I want to accommodate the expedient disposition of this bill. I suggest an hour, and we will try to cut it to 30 or 40 minutes. One hour equally divided.

Mr. JOHNSTON. Why do we not cut it to 30 or 40 minutes going into debate?

Mr. BUMPERS. It is not always easy to get the unanimous consent to extend the time.

Mr. DOMENICI. Let me suggest that your amendment will be very controversial, and I think the Senator understands that.

Without setting time agreements, I would like to see what the amendments are. If you have one that has to do with the superconducting super collider closedown——

Mr. BUMPERS. That is the only one we have.

Mr. DOMENICI. Could I ask unanimous consent that the following amendments be in order, and there be second-degree amendments permissible on any of them: Senator GRAMS on Appalachia, Senator WELLSTONE on water level, Senator DORGAN on a sense-of-the-Senate on line-item veto, and Senator BUMPERS on superconducting super collider, and that there be no other amendments in order.

Mr. JOHNSTON. If the Senator would yield, we have a package of agreed amendments. If you could make an exception to that, accept those which are cleared by managers on both sides.

Second-degree amendments were permitted or not permitted?

Mr. DOMENICI. I cannot follow because I cannot hear.

Now, Mr. President, could I propose a unanimous-consent request?

Mr. FEINGOLD. If the Senator would yield for a moment, I did have an amendment that we are trying to work out. At this point, I reserve a spot, in case we do not work it out.

Mr. DOMENICI. We will try it again. I was going to clear Senator Abraham's amendment.

Senator HUTCHISON would like to inquire, a little more specifically, of Senator BUMPERS and see if we cannot get an agreement. Could the Senator tell the Senator from Texas precisely what his amendment would do?

Mr. BUMPERS. Mr. President, briefly, when we terminated the superconducting super collider, we entered into an agreement with the State of Texas, which was obligated at that time to spend close to $1 billion. They had already spent quite a bit of it.

I guess you would say there were two parts of the termination agreement. One dealt with the employees severance package; the other was with the State of Texas. There was $65 million that the Federal Government was going to put up to assist Texas in building a cancer institute on the site where the super collider was being built.

Texas has now decided that they will not build the cancer institute there and wants us to give them the $65 million. My amendment would rescind the $65 million.

Mrs. HUTCHISON. Will the Senator yield?

Mr. BUMPERS. I am happy to yield.

The PRESIDING OFFICER. Does the Senator from Texas seek recognition?

Mrs. HUTCHISON. I understand what the amendment of the Senator from Arkansas does. I will oppose the amendment because it was part of the package deal that the Federal Government agreed with the State of Texas to do. Although there was a change, we will discuss that during the amendment.

My question is, when is this amendment going to be brought up and what is the proposed time agreement for the unanimous consent?

Mr. BUMPERS. I will defer to the distinguished floor manager on that.

Mr. DOMENICI. Mr. President, might I say to the Senator from Texas and other Senators, I was not looking for a time agreement. I was merely looking to establish a list of primary amendments and see if we could agree on those, and then we will work out time agreements and maybe even work out some of the amendments.

It will be sometime this evening. I understand that is not necessarily in the best interests of the Senator from Texas, but we have been asked to complete this bill today.

Mr. BUMPERS. Mr. President, just one other point. This would put this bill on all fours with the House bill which has already done what my amendment would do.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the only amendments that be in order on this bill are the Grams amendment on Appalachia; WELLSTONE; DORGAN on line-item veto—these amendments are subject to second-degree amendments—Senator FEINGOLD on TVA; Senator HARKIN on hydrogen research; and Senator PRESSLER; I understand we are exempting any amendments that could be agreed upon by the two managers; and Senator ABRAHAM has an amendment he will offer right quick that we are going to accept, so that would be subject to both managers' agreement.

Mr. JOHNSTON. Mr. President, if the Senator will yield?

Mr. DOMENICI. Yes.

Mr. JOHNSTON. We would need a Byrd second-degree amendment to the Grams amendment, and a Byrd first-degree relevant amendment.

Mr. DOMENICI. What is the Byrd second-degree amendment beyond Grams? What was the second one?

Mr. JOHNSTON. Second degree to the Grams amendment.

Mr. DOMENICI. And that is all? You did not have another one on Byrd?

Mr. JOHNSTON. And a Byrd first-degree relevant amendment.

Mr. DOMENICI. OK.

Let us add to the unanimous-consent request the following: A Byrd second-degree amendment to the Grams amendment, a Byrd relevant amendment, and a Burns relevant amendment.

Mr. JOHNSTON. Mr. President, if the Senator will withhold the request, I am advised we need to hotline it and we will try to do so very quickly.

Mr. DOMENICI. OK. I withhold.

Let us proceed.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. BUMPERS. Will the Senator from Michigan yield for 30 seconds?

Mr. ABRAHAM. I will.

Mr. BUMPERS. Mr. President, I misspoke myself a while ago and in fairness to the Senator from Texas I want to correct it. The amendment is what the Congressman from the district where the super collider is located tried to do in the House, but because of the House rule, was not permitted to offer the amendment.

Mrs. HUTCHISON. If the Senator will yield for a minute, I know that was what was meant and I appreciate his correcting it because I think the Congressman does not understand the agreement. We will debate this fully but it is not the House bill and, of course, I am going to try to keep it from being in the Senate bill as well.

Mr. DOMENICI. Senator ABRAHAM, I had agreed to accept the Senator's amendment and then Senator MACK wanted some time so I will yield to him after the Senator's amendment.

AMENDMENT NO. 2056

(Purpose: To repeal section 7 of the Magnetic Fusion Energy Engineering Act)

Mr. ABRAHAM. Mr. President, I send to the desk an amendment I think will be agreed to.

The PRESIDING OFFICER. The Chair will inform the Senator, under the present parliamentary situation it will require the pending amendment be set aside.

Mr. ABRAHAM. Mr. President, I ask unanimous consent the pending amendment be set aside. This is an amendment on behalf of myself as well as Senators GRAMS and KYL.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. ABRAHAM] for himself, Mr. GRAMS and Mr. KYL, proposes an amendment numbered 2056.

Mr. ABRAHAM. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 41, between lines 12 and 13, insert the following:

SEC. 510. MAGNETIC FUSION ENERGY ENGINEERING.

Section 7 of the Magnetic Fusion Energy Engineering Act (42 U.S.C. 9396) is repealed.

SEC. 511. REPEAL OF REPORT ON VERIFICATION TECHNIQUES FOR PRODUCTION OF PLUTONIUM AND HIGHLY ENRICHED URANIUM.

Section 3131 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat. 1839) is amended by striking out subsection (c).

Mr. ABRAHAM. Mr. President, I will speak briefly to the amendment.

Earlier this summer, the Congress adopted a historic budget resolution.

The PRESIDING OFFICER. If the Senator will suspend for a moment, the Chair notes the Senate is still not in order. Please extend courtesy to the Senator from Michigan. The Senate is still not in order.

The Senator from Michigan is recognized.

Mr. ABRAHAM. Mr. President, in putting together the budget I think Members on all sides worked hard to try to identify various departments, agencies, commissions, boards, and councils whose functions were either unnecessary or duplicative of other activities going on in Government.

Working in conjunction with a number of my fellow freshman Members of this body, we have tried using the assumptions made in that budget, using suggestions that have been previously made by the GAO, by the CBO, in some cases by the President in the budget submission he made, to try to identify numerous agencies of Government which no longer fill their purpose and which consequently ought to be terminated. The purpose of this amendment, and it is the first of several we will be bringing during the course of the appropriations debates, is to bring to an end to these various no longer necessary Government agencies.

The amendment I am offering today will repeal the authorization of two technical panels who have outlived their usefulness, the Technical Committee on Verification of Fissile Material and Nuclear Warhead Controls and the Technical Panel on Magnetic Fusion. Neither of these panels currently receives funding. Nor do they have the support of either Congress or the executive branch. In other words, they are deadwood that should be cleared away as part of the process of balancing the budget.

Mr. President, Congress has the opportunity to produce something a vast majority of Americans want very deeply, a balanced budget. But to do so means trimming the fat from Government and cutting spending. This amendment represents a step in that direction. It terminates the activities of two Federal panels whose job is either finished or never began.

More important, it sets the tone I believe we should adopt with all of our spending bills. And so, as I said, from time to time during the appropriations process, a number of us are going to be working together bringing other similar amendments to the floor in the hope we can produce the tangible reduction of numerous activities, agencies, and programs in Government that have outlived their usefulness.

Mr. President, I ask unanimous consent to add Senator ASHCROFT as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ABRAHAM. I yield the floor.

Mr. MACK addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida.

Mr. DOMENICI. Mr. President, did we adopt the amendment?

THE PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 2056) was agreed to.

Mr. DOMENICI. Mr. President, I move to reconsider the vote.

Mr. JOHNSTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOMENICI. Mr. President, before Senator MACK speaks I wonder if I could ask Senator GRAMS if he would let us follow a routine, now. Senator DORGAN has also been waiting on a line-item veto sense-of-the-Senate. He would agree to 15 minutes per side. Could we have him go next and then the Senator would follow immediately after that?

Mr. GRAMS. That will be fine.

Mr. DOMENICI. I yield the floor.

The PRESIDING OFFICER (Mr. ABRAHAM). The Senator from North Dakota.

AMENDMENT NO. 2057

(Purpose: To express the sense of the Senate on the conference on S. 4, the Line Item Veto Act)

Mr. DORGAN. Mr. President, I have an amendment No. 2057 at the desk which I would like to call up. Is there an amendment pending before the Senate?

The PRESIDING OFFICER. The pending amendment is set aside.

Mr. DORGAN. I call up my amendment.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN], for himself, Mr. KOHL, Mr. FORD, Mr. ROBB, Mr. BREAUX, Mr. HARKIN, Mr. BRADLEY, and Mr. WELLSTONE proposes an amendment numbered 2057.

Mr. DORGAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following:

SEC. . SENSE OF THE SENATE ON THE CONFERENCE ON S. 4, THE LINE ITEM VETO ACT.

(a) FINDINGS.—The Senate finds that—

(1) the line item veto was a major plank in the House majority's "Contract with America" and has received strong bipartisan support in the 104th Congress;

(2) the House of Representatives on February 6, 1995, passed H.R. 2, the Line Item Veto Act, on a vote of 294–134;

(3) the Senate on March 23, 1995, passed S. 4, the Separate Enrollment and Line Item Veto Act of 1995, on a vote of 69–29;

(4) the House passed S. 4, with the text of H.R. 2 inserted, by voice vote on May 17, 1995, 50 days after passage by the Senate;

(5) notwithstanding the failure of the House to request a conference, the Senate disagreed with the House amendment, requested a conference and appointed conferees on S. 4 on June 20, 1995;

(6) the papers for S. 4 have been held at the desk of the Speaker of the House for 42 days and the Speaker of the House has not yet moved to appoint conferees;

(7) with the passage of time it increasingly appears that the Congress may pass and send to the President not only the appropriations bills for fiscal year 1996 but also the reconciliation bill required by H. Con. Res. 67 (the concurrent resolution setting forth the congressional budget for fiscal years 1996, 1997, 1998, 1999, 2000, 2001, and 2002) without first passing and sending to the President a line item veto bill; and

(8) the House majority leadership has publicly cast doubt on the prospects for a conference on S. 4 this year.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the Speaker of the House should move to appoint conferees on S. 4 immediately, so that the House and Senate may resolve their differences on this important legislation;

Mr. DORGAN. Mr. President, are we operating under a time agreement by unanimous consent?

The PRESIDING OFFICER. It has not been formally entered into.

Mr. DOMENICI. Mr. President, I ask unanimous consent that on this amendment there be 15 minutes on a side.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. I wonder if Senator DORGAN will do me a favor. I forgot, I left Senator MACK standing. He had been recognized and I asked him if he would wait for us and I did not go back to him. He wants to speak for 2 minutes and then it will be Mr. DORGAN's turn on the amendment.

Mr. DORGAN. Of course, I will be happy to do that. It is my understanding there will not be a second-degree on my amendment, and I will have an up-or-down vote on my amendment.

Mr. DOMENICI. That is my understanding.

Mr. DORGAN. I yield to the Senator from Florida.

PRESIDENT CLINTON'S STATEMENT ON LEGISLATIVE APPROPRIATIONS

Mr. MACK. Mr. President, earlier today, in a statement made by President Clinton, he said he was planning to veto the legislative appropriations bill, and I find that, frankly, very disappointing. There have been many press reports suggesting the Clinton White House is in a constant campaign mode. His decision to veto the bill is clearly the decision of candidate Clinton, not President Clinton. Candidate Clinton is playing games. He is misleading the American people.

This year the Congress, in a bipartisan fashion, cut its own spending by nearly 9 percent. A cut of this magnitude has not occurred in 40 years, I might say, the last time the Republicans controlled the Congress.

The legislative branch bill has not been vetoed since 1920. Let me outline a couple of the specifics about what we have done: An overall reduction of $206 million; reduction of Senate committee budgets by 15 percent; elimination of the Office of Technology Assessment; a 2-year, 25-percent reduction in the budget of the General Accounting Office.

This is part of what the President had to say today:

> [The Congress] is way behind schedule on virtually every budget bill . . . but one bill, wouldn't you know, is right on schedule—the bill that funds the Congress, its staff, and its operations. I don't think Congress should take care of its own business before it takes care of the people's business.

If you listen to that statement, there is an implication there that they have increased spending in the legislative branch. This is one of the most misleading statements that I have heard.

The President likes to talk about common ground and solving the fiscal crisis responsibly, but when it comes to spending cuts he is totally absent. We are leading by example. Candidate Clinton is leading by rhetoric. It is disappointing and bodes poorly for finding the common ground he claims to embrace.

We hear a lot of talk about a train wreck coming in October. President Clinton likes to talk about avoiding it. But when it comes time for demonstrating good faith, President Clinton takes a walk and candidate Clinton comes into play. It may make good politics, but President Clinton is not being served well by candidate Clinton, and neither are the American people.

The American people elected us to cut spending. We are doing it, and Bill Clinton is standing in the way.

I yield the floor.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS

The Senate continued with the consideration of the bill.

AMENDMENT NO. 2057

Mr. DORGAN. Mr. President, am I correct that amendment 2057 is now pending?

The PRESIDING OFFICER. That is correct.

Mr. DORGAN. Mr. President, I offer this amendment for myself, and Senators KOHL, BREAUX, FORD, ROBB, BRADLEY, WELLSTONE, and HARKIN.

Mr. President, if you will notify me when I have used 3 minutes, I would appreciate that.

This is a very simple amendment. Many of us feel that the President—any President—ought to have a line-item veto. I voted for the line-item veto when President Bush was in office and when President Reagan was in office, and I have voted for the line-item veto now that President Clinton is in the office of the Presidency.

On February 6, the U.S. House passed a line-item veto bill. The next month, on March 23, the U.S. Senate passed a line-item veto bill. A great amount of time has intervened, and there has not even been a conference. The House has not even appointed conferees.

Many of us feel that a line-item veto is a good policy, that it will help in reducing the deficit, that it will certainly help in trying to take out, from some of the legislation that moves through the Congress, special projects that have not previously been authorized or heard or substantially discussed. Many of us believe that we ought to see a line-item veto conference report passed by the House and the Senate and given to this President before the appropriations bills hit his desk and before the reconciliation bill comes to this President.

If a line-item veto is good policy—and, indeed, in my judgment it is—then it seems to me that the Speaker of the other body ought to appoint conferees. Let us have a conference, let us pass the conference report, and let us give this President the line-item veto to be able to use it to reduce the Federal deficit.

I do not understand why this is not a matter of high priority for a House that on February 6 passed a line-item veto bill but now in August has not even been able to find time to appoint conferees. This amendment is very simple. It explains what I have just said, and it says it is the sense of the Senate that the Speaker of the House should move to appoint conferees on S. 4 immediately—that is, the line-item veto bill—so that the House and the Senate may resolve their differences on this important legislation. I at least believe that the line-item veto in the hands of this President—any President—makes sense in terms of public policy, and I hope he has the line-item veto before the appropriations bills and the reconciliation bill come to his desk.

That is the purpose of this amendment.

Mr. President, let me yield 3 minutes to the Senator from Wisconsin, Senator KOHL, who is a cosponsor.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. KOHL. Thank you very much.

Mr. President, I am an original cosponsor of this bill, and I believe very strongly that it can be a very useful, in fact, perhaps decisive tool in order to avoid the budget impasse and a breakdown of the whole process, in order for us to avoid having the kind of a "train wreck" that will not allow us to pass a budget come this fall.

It was in the Contact With America. Not only Democrats but also Republicans are very supportive of the line-item veto. And there is a suspicion that the only reason we are not going to pass it right now is because we have a Democrat in the White House instead of a Republican. That is not the way to conduct budget policy in this country. That is the way to conduct politics. I think it is the kind of Government that the American people are sick and tired of. They do not want to see a continuation of it. They are supportive in overwhelming numbers of the line-item veto. It is something that we can do. It is something that will contribute to an effective budget come this fall.

I think we are all winners. There are no losers if we pass the line-item veto.

So I support this amendment by the Senator from North Dakota. I think that we, as a body, should encourage the House to appoint their conferees so that we can resolve the minor differences between the House and the Senate on the line-item veto and get on with the important work in behalf of the American people.

Mr. President, as I said, I am an original sponsor of the pending sense-of-the-Senate amendment, and it states simply that the House of Representatives should move to appoint conferees on S. 4, the line-item veto bill, and that we should not send appropriations bills to the President until we pass line-item veto legislation.

It may seem odd to see two Democratic Senators calling for action on the line-item veto, one of the most popular plans in the Contract With America. But as long time supporters of the line-item veto, we are unhappy that such an important tool for budget discipline has apparently been lost in the bog of balanced budget politics.

We ought to move the line-item veto legislation because it is a tool that can trim the fat of Government and highlight the spending choices that must be made if we are going to balance the budget. We ought to move the line-item veto legislation now because it is a tool that could save us from the budget impasse that we may be facing.

Many now speculate about the coming budget train wreck. The President has already threatened to veto six of the appropriations bills passed by the House. Veto override vote counts are taking place on a tax bill that hasn't even been drafted. And White House Chief of Staff Panetta is drawing up plans for the anticipated shut down of the Government at the beginning of the fiscal year.

It does not have to happen this way, and it should not happen this way.

The 104th Congress could be remembered as the Congress where balanced budget changed from a slogan to the status quo. The House passed a balanced budget constitutional amendment; the Senate is one vote away from doing so.

The Republican majority passed a Budget Resolution that balances the budget. The Democrats proposed an alternative that does the same, and a vast majority of our party voted for it. The President has his own balanced budget plan on the table. No longer is the debate over whether we should balance the budget—we are now talking about how we will balance the budget.

This remarkable change in business-as-usual could all be lost if the debate shifts away from budget priorities and toward budget politics. Passing the line-item veto is one way to stop that from happening.

If the President has the line-item veto, he does not have to shut down whole agencies because he disagrees with one or two riders in the bills that fund those agencies. He can line-item veto out the pork or the politics and send just those items back to Congress for further debate. No unnecessary show down—just a straightforward debate on spending priorities.

Similarly, if the President has the line-item veto, he doesn't have to veto an entire tax bill because he objects to specific items. He can line-item veto his objections, send them back to Congress for another vote, and again force a clear national debate on spending priorities.

Balancing the budget means hard choices about where taxpayer dollars should go and should not go. It is debate about what we are as a nation and what we will become. It is a serious debate—not one that ought to disintegrate into a chaotic Government shut down. Giving the President line-item veto will focus the debate on priorities and away from political points.

So I urge my colleagues to support this amendment and send a strong message to the House: Pass the line-item veto that was in the Contract With America. Pass the line-item veto that passed the House and the Senate. Don't let budget politics keep us from doing what most of us believe is good budget policy. Give the President the line-item veto.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. COATS addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. Mr. President, I yield 5 minutes to the Senator from Arizona.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. McCAIN. Mr. President, I want to thank the Senator from North Dakota for bringing this amendment to the floor.

There is no doubt that many people are surprised that, after describing the line-item veto along with a balanced budget amendment as the crown jewels of the Contract With America, we still have not had a single conference on the bill, the line-item veto.

The House passed it, I believe, in January and the Senate in February. Recently, there have been indications that the House would appoint conferees after their recess begins, which, of course, would preclude any mention of a full conference until after the August recess. And there has been no meeting of the conferees that have been appointed on the line-item veto.

I think maybe for a change we ought to talk about reality here, Mr. President; that is, there are significant forces afoot who do not want the line-item veto sent to the President's desk until after the 13 appropriations bills are dispensed with. I do not agree with that.

For 8 years that I have come to the floor of this body in support of the line-item veto, I said that I would support the line-item veto whether it was a Democrat or a Republican in the White House. I think it is wrong of us to delay. But I am afraid it is going to be delayed, and I believe that it is wrong of us to do so.

Senator COATS and I were often accused—and we brought this bill up time after time—of saying, well, you would support this bill only if there was a Republican in the White House. We steadfastly maintained that was not the case. I still maintain that is not the case. I urge my colleagues to make every effort they can to see that conferees are appointed.

Mr. President, I want to point out one other aspect of this issue; that is, that it has been said that there are significant differences between the Senate-passed and the House-passed bill. Yes, that is true, but it is mainly in the vehicle. The fundamental aspect of the line-item veto that takes a two-thirds vote to override a Presidential veto is there.

I do not think there is any doubt that Senator COATS and I would be more than willing to accommodate the House in practically whatever desires they may have, especially since the House version more closely resembles our original proposal than that which finally emerged from the U.S. Senate.

Mr. President, speaking as a Member of this body from this side of the aisle who for 12 years has been involved in this issue, I think we are doing a great disservice to the American people in the things we promised them last November—we Republicans promised them last November—by delaying final passage of this very, very significant change in the way that the Government in Washington does business. It is supported by 73 percent of the American people.

Therefore, I am grateful that the Senator from North Dakota has brought this bill up. I want to assure him that I and the Senator from Indiana and others will continue to do everything in our power to see that this bill is moved along. Very frankly, if someone accuses us of dragging our feet on this issue, there is some legitimacy to that accusation, and I regret very much to have to admit that on the floor of the Senate.

Mr. President, I yield the remainder of my time.

Mr. DORGAN. Mr. President, I yield 3 minutes to the Senator from Louisiana.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. BREAUX. Mr. President, I thank the Senator. I congratulate the Senator for bringing this to our attention, not only to the Members of this body but hopefully to the Members of the other body, as well as to the attention of the American public.

Do any of us remember the big public display and the big publicity gathering they had on the steps of the Capitol when the Contract With America was announced? There was a huge public display, and it made all the evening news.

One of the key plans in that Contract With America was action to be taken on the line-item veto. What happened to it? Where is it? Where are the conferees from the other body who were willing to sit down and finish this incredibly important part of the contract?

Nineteen Democrats over here voted for it, and Republican colleagues here supported it. The Senate appointed the conferees. We found 18 willing souls to sit down with the other body and work out the differences. Cannot the House find 18 Members who are willing to sit with the Senate, Republican and Democrats, and work out the differences between the House- and Senate-passed bills?

Sometimes what people do in this business, they give a great political speech and then they sort of forget and hope everybody else forgets what they said because this is, in effect, what is happening. They make this great political announcement and pronouncement on the steps of the Capitol that the line-item veto was absolutely essential to Western civilization, and then the House passes it and the Senate passes it and the House will not appoint the conferees.

We can send them 18 names and say, "Here, pick one of these or pick anybody you want to pick. Just pick somebody to sit down and meet with the Senate."

If this was so important and it justified being put in their Contract With America, is it not still important in August to find 18 House Members who can sit down with the Senate and talk with us? Is it that difficult to do? Or is maybe there is another reason? Maybe the reason is that all these appropriations bills are now working their way through the House and the Senate.

I have heard some of them say, "Well, we may do this after we finish with the appropriations bills and they have already been signed."

That is after the fact. The whole purpose of a line-item veto is to say that some items in an appropriations bill should not become the law of the land. And they are saying, "Well, we want to do the appropriations bills first and then maybe sometime next year we will appoint the conferees."

The time is now. The American people do remember what politicians say on the steps of the Capitol, and I suggest that our House conferees should be appointed. We can send them a list and they can pick. We can send them 435 names and just pick 18. It is not that difficult. Start with A and just go right down the list. When we get 18, stop, send us the names, we have a meeting, and we can work this out. If it is important enough to put in the contract, it is important enough to at least finish the job.

The PRESIDING OFFICER (Mr. INHOFE). Who yields time?

Mr. COATS addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. I yield myself 5 minutes.

Mr. President, I wish to join in the commendation of the Senator from North Dakota and support that he has received in bringing forth this resolution. I wish to thank him as well as the Senator from Wisconsin for their support when the issue was before the Senate.

This obviously is an effort which involves the Members from both sides of the aisle because it deals with a very fundamental, important principle, and it is a principle underlying the way in which decisions are made that affect the way in which taxpayers' dollars are spent.

We had what many would consider a historic debate on this issue. This effort to provide the President with line-item veto power had been tried numerous times dating well into the last century, always failing to gain a majority of support in necessary votes in both Houses of the Congress to send to the President for his signature.

We accomplished that goal this year, and it was a historic vote. We fundamentally altered the balance of power between the legislative branch and the executive branch in terms of how dollars are spent. The Congress had forfeited the power that it held, gave it to the executive branch. In doing so, it made the statement and the commitment to the American people that business as usual, that is, attaching unrelated, unnecessary spending items to otherwise necessary appropriations bills, was going to end, or at least we would provide a vehicle to end that practice. We would shed light on that practice. And Members would have to come to the floor and defend the particular item, so-called pork barrel item, that was attached to a particular appropriations bill.

Therefore, what I think the voters have asked of us, that is, that our yea be yea and our nay be nay on the specific item in question be cast as a vote in this Chamber, so that we no longer would hide spending from the direct public scrutiny and from the accountability that ought to fall to each of us in terms of where we stood on a particular spending item involving their tax dollars.

So we passed that historic legislation but in two very different forms. The form that the Senate used was a very different form than what the House used. In fact, the House used a form that Senator MCCAIN and I originally had used on a number of occasions. We have led this effort over the last several years, coming ever closer to a majority and finally had the breakthrough this year, for which we were grateful. But in doing so, we adopted what many would say is a somewhat convoluted vehicle to deliver the substance of line-item veto.

Reconciling the two differences between the House and the Senate, while it appears on its face to be a very complicated matter, really is not that complicated, because the underlying substance of the legislation is the same. It is simply the vehicle which delivers that substance that is different. Senator MCCAIN and I have said repeatedly that we are willing to negotiate that substance and sit down with our colleagues from the House of Representatives and work out an acceptable vehicle to accomplish that very end.

Now, the House has not yet appointed conferees. The Senate has. Senator MCCAIN and I have urged the leadership in both the Senate and in the House to accomplish this fact. Discussions have been held with the leadership, and I know that the majority leader is committed to moving forward. I know that has been communicated to the House.

Obviously, this is an extraordinary year. Our plates are full as they never have been before. We are dealing with an extraordinary level and degree of complex legislative changes. We are redefining the role of Government. We are redefining how we spend the taxpayers' dollars, and so there is a great deal before us. That has, unfortunately, delayed the process of getting some of these conferences together to resolve some of this legislation that has passed both Houses of the Congress. But we do, I believe, have a commitment from both Houses now to move forward with this legislation, to appoint conferees, to meet as soon as is possible and bring back to both bodies the line-item veto in a form that is acceptable and that can be given to the President for his signature, which I believe he has indicated he would sign.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. COATS. Let me say, Mr. President, if I could ask unanimous consent for 30 seconds, there is no objection to acceptance of the sense-of-the-Senate resolution that has been offered by the Senator from North Dakota. If he is willing to accept that, we do not feel it is necessary to have a vote. Obviously, that is the decision the Senator has to make, but it is perfectly acceptable to our side. It is a good resolution, and I am proud to support it.

Mr. DORGAN. Mr. President, I yield 3 minutes to the Senator from Kentucky.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. I thank my friend from North Dakota. Let me compliment him, Senator KOHL, Senator COATS, Senator BREAUX, and Senator MCCAIN for the effort that is being put forth this evening.

I wish to associate myself with the comments that have been made by my colleagues on both sides of the aisle. As I voted for line-item veto when it passed the Senate, I believe in March, I said I did not like the procedure, and I think my friend from Indiana agreed with that.

The underlying legislation is there. We just need to refine the procedure. And I think it will get there. This is good policy. I used it as Governor of Kentucky, as other Governors have used it. It works. You just line the item, send it to the legislature with a message, and they either approve it or disapprove it. It is good policy. It ought to come sooner than later.

So it is ironic to me that after we have been pounded, if I can use that word, by those on the other side for years now to pass line-item veto, now that we have an opportunity and we have joined together in a bipartisan fashion, we cannot get it done. We cannot arrive at the conference for purely political reasons. They do not want to give this President an opportunity to have the line-item veto as appropriations bills come, as the reconciliation bill comes. Now that we are on the verge of passing this into law, the Speaker says I do not have time to do it. But as we have heard, he can write two books. He can go out on the trail and sell his books. But he does not have time to sit down and pick a handful of friends to get on a conference committee and let us work it out. I think the Speaker should listen to his colleagues on the Senate side of the same party that are sending the same message.

We need to get this done. But, Mr. President, as we try this bipartisan effort, when we talk about everything being bipartisan, we run into a bump. Mr. President, I believe we have finally found who runs the political agenda on Capitol Hill. And that is the Speaker of the House. I yield the floor.

Mr. DORGAN. How much time is remaining?

The PRESIDING OFFICER. Five minutes remaining.

Mr. DORGAN. Let me yield 2 minutes to the Senator from Virginia, Senator ROBB.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ROBB. Thank you, Mr. President. I thank my colleague from North Dakota for offering this amendment. I join with others that have already spoken on this particular amendment in support. I particularly want to commend our Republican colleagues, because this is a situation where it might be in their interest to take a little different course of action.

During the time when we had a Republican President and a Democratic majority in the Congress, I took the same position that I do now. I sometimes kidded colleagues on this side of the aisle suggesting that if we were to give this particular request to the then-Republican President of the United States, it might not be a gift that was enjoyed to the extent that remarks might have suggested it would be.

In this particular case, it puts the burden directly on the President to make some of the very difficult decisions that Members of the legislature frequently want to find a way not to have to make. So I strongly encourage colleagues to vote in support of this. And I encourage those in the other body to encourage the Speaker to make those appointments so we can get on with the business. It does not make sense to suggest that it is an amendment that only makes sense if you have a certain majority and a certain party in the Presidency. And I hope that very shortly the Speaker will find time to make these appointments.

Mr. President, I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. What is the status of the time on this amendment?

The PRESIDING OFFICER. The Senator from North Dakota has 3 minutes 19 seconds. And the other side has 5 minutes.

Mr. DORGAN. Mr. President, I intend to use only another minute or so. If the Senator from New Mexico wishes to comment, I would be happy to have him comment. I will ask for 1 minute and then a recorded vote.

Mr. DOMENICI. I yield back our time.

Mr. DORGAN. Let me then use 1 minute and then yield back our time and ask for a recorded vote at the end.

I would like to say that I offer this amendment because I think there are some who have said very strongly that they favor a line-item veto, but they have become lost in the wilderness somehow on this issue. There is an old saying, "There's no prevailing wind that favors a ship that does not know where it is going." So we would like to help those who we think are lost in the wilderness get found today. We would like to provide a prevailing wind to help them move toward a line-item veto conference, bring the line-item veto back to the House and the Senate, and then send the President the line-item veto—this President, and every President, Republican or Democrat.

I say to my friends, Senator COATS and Senator MCCAIN, no one, in my judgment, will, with good cause, ever suggest that they have stalled on this issue. They have been consistent for years on this issue, as have I and others, who for years have voted for the line-item veto, no matter who is in the White House, because we think it will measurably help deal with some of the problems that exist in appropriations bills and authorization bills and fiscal policy. And we just think it is the right thing to do.

So I very much appreciate the comments that have been made today by Senator MCCAIN and Senator COATS, and especially by Senators KOHL, BREAUX, ROBB, and FORD on our side of the aisle. And with that, I hope the Senate will register a strong expression today that we would like to see those who are stalling to stop stalling, stop dragging their feet, help us get a line-item veto passed; appoint conferees, have a conference and give this President the line-item veto. In my judgment, it is good for the country.

Mr. President, with that I yield back the remainder of my time.

Mr. President, I ask for a recorded vote.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. I reclaim 30 seconds of my time.

Mr. President, I did not participate in the debate. It was a good and interesting discussion. But I think that there might be other reasons that the House has for not having appointed conferees. I understand they have some rules that are difficult in terms of how long they can be in conference before certain other rules take effect. And, frankly, I have no understanding that they are peculiarly delaying this because they did not want the line-item veto.

Nonetheless, this ought to serve as a useful tool in reminding everyone to get on with the bill that is highly touted and was debated here in the Senate in a very adequate and thorough manner.

I yield back any of my 30 seconds.

I join in asking for the yeas and nays.

The PRESIDING OFFICER. The motion has been properly seconded.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. I ask that I be permitted, at the request of the majority leader, to seek the following unanimous consent, which I understand is satisfactory with the other side. And then we will proceed to vote.

Could I do that, Mr. President?

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the following amendments be the only first-degree amendments in order to H.R. 1905; that they be limited to relevant second-degree amendments and the excepted committee amendment be agreed to and considered as original text for the purpose of further amendments. I will state the amendments: Senator Byrd, relevant; Harkin, hydroresearch; Grams, Appalachia Regional Commission; Feingold, TVA; Wellstone, water level and reservoir; Pressler, water authorization; Brown, salary cuts—I believe that is resolved. We will strike salary cuts. Bumpers, SCSC close down; Dorgan—we just did that. And the managers' amendment, which we will do jointly. In addition, Senator Burns, Flat Head Indians irrigation; Hatfield, relevant; Specter, an amendment regarding a medical center.

That is the extent of it.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, there is one penciled in I did not see. Senator BOXER from California, Corps of Engineers offices.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. I thank the Chair.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from North Dakota, amendment No. 2057.

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mrs. BOXER (when her name was called). Present.

Mr. LOTT. I announce that the Senator from Texas [Mr. GRAMM] is necessarily absent.

Mr. FORD. I announce that the Senator from Nebraska [Mr. EXON] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 83, nays 14, as follows:

[Rollcall Vote No. 348 Leg.]

YEAS—83

Abraham
Akaka
Ashcroft
Baucus
Bennett
Biden
Bingaman
Bond
Bradley
Breaux
Brown
Bryan
Bumpers
Burns
Campbell
Chafee
Coats
Cohen
Conrad
Craig
D'Amato
Daschle
DeWine
Domenici
Dorgan
Faircloth
Feingold
Feinstein
Ford
Frist
Glenn
Graham
Grams
Grassley
Gregg
Harkin
Hatch
Heflin
Helms
Hollings
Hutchison
Inhofe
Inouye
Kassebaum
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Kyl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
McCain
McConnell
Mikulski
Moynihan
Murkowski
Murray
Nickles
Packwood
Pressler
Pryor
Reid
Robb
Rockefeller
Roth
Santorum
Shelby
Simon
Simpson
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner
Wellstone

NAYS—14

Byrd
Cochran
Coverdell
Dodd
Dole
Gorton
Hatfield
Jeffords
Johnston
Mack
Moseley-Braun
Nunn
Pell
Sarbanes

ANSWERED "PRESENT"—1

Boxer

NOT VOTING—2

Exon
Gramm

So, the amendment (No. 2057) was agreed to.

Mr. DOMENICI. Mr. President, I move to reconsider the vote.

Mr. JOHNSTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

(Later the following occurred:)

AMENDMENT NO. 2057

Mr. BYRD. Mr. President, I voted against the amendment today by Mr. DORGAN and other Senators which expresses the sense of the Senate as being that the Speaker of the House should move to appoint conferees on S. 4 immediately so that the House and Senate may resolve their differences on this important legislation.

Mr. President, I voted against this amendment for a number of reasons, one of which is, I think we ought to do everything we can to improve the comity between the two Houses rather than taking actions that will undermine that comity. I say this without casting any reflection on any of the Senators who cosponsored or voted for the sense-of-the-Senate amendment today dealing with the conference on the line-item veto.

Mr. President, I have been in the Senate now going on 37 years and I was in the House 6 years prior to that. In these nearly 43 years, I have seldom seen one body taking action to tell the other body how it should conduct its business. I do not think this is good. I feel that most Senators would certainly not like to see the House pass amendments or resolutions that called upon the Senate to take certain actions.

Both Houses in which I have served have been very careful over the years to observe the responsibilities, the duties, the prerogatives, each of the other. Each House has been conscious of that.

I have been disturbed in recent times that Senators, on this floor, have called the names of House Members from time to time and in some cases were critical of what House Members had done or how they had voted.

Mr. President, I do know that in the last Congress the Speaker of the House, at least the leadership, called to the attention of a Member or Members of that body the rules against referring to Members of the Senate by name.

And so for a number of reasons I voted against the amendment. I did not speak against it, but I told the chief sponsor that I would vote against it and told him why.

I feel I should state for the RECORD, now that the vote has occurred, my opposition to the amendment. As I say, I do not believe that the Senate should involve itself in the internal matters relating to the other body. It is my opinion that the House is perfectly capable of determining what it wishes to do and when it wishes to do it in relation to the appointment of conferees on the line-item veto bill or any other bill. Even had I supported the amendment, I would have had reservations about addressing the business of the other body. I think we should restrain ourselves from doing such things.

Another reason why I opposed the amendment was because I did not agree with paragraph (b)(2) which, as I understood it, read that the Congress should pass the conference report.

Now, that paragraph may have been stricken from the amendment.

I understand that paragraph was stricken from the amendment.

The reconciliation bill will be the vehicle used by the Republican majority to include massive tax cuts. There were those who said we ought to give the President this line-item veto; there were others who said that the reasons they did not want to give the President a line-item veto now, was because we have President Clinton—a Democrat—in the White House, and they did not want him to veto line items in the reconciliation bill.

I have said all along it does not make any difference as to what party has a person holding the office of President of the United States, he should not be given a line-item veto. We ought to be on guard, always protecting the constitutional responsibilities and functions and prerogatives of this, the legislative branch.

Apparently some of our friends on the other side of the aisle have now seen fit to delay acting on the conference report because they are concerned that President Clinton might utilize the veto power to line item certain matters out of the appropriations bills.

On our side of the aisle, there are those who say we should send it to him now, not hold back, because he is a Democratic President at a time when the Republicans are in control of the House and Senate.

Mr. President, I might have a little sympathy for that approach if it were not for the fact that the President on May 8 of this year wrote a letter to the Honorable NEWT GINGRICH, Speaker of the House, in which the President wrote as follows:

> DEAR MR. SPEAKER: I am writing to urge that Congress quickly complete work on line-item veto legislation so I can use it—this year—to curb wasteful tax and spending provisions.
>
> We must not let another year go by without the President having authority to eliminate special interest provisions, such as the tax benefits that were targeted to individual businesses earlier this year in H.R. 831.
>
> I am disappointed that six weeks after the Senate passed its version of line-item veto legislation, neither body has appointed conferees. As you may recall, I commended the House and the Senate last month for passing line-item veto legislation. However, the job is not complete until a bill is sent to my desk that provides strong line-item veto authority that can be used this year.
>
> I have consistently urged the Congress to pass the strongest possible line-item veto. While both the House and Senate versions would provide authority to eliminate wasteful spending and tax provisions, the House-passed bill is much stronger—and more workable.
>
> I appreciate your making passage of line-item veto legislation a priority. I look forward to working with the Congress to enact the line-item veto quickly.
>
> Sincerely,
>
> BILL CLINTON.

Just a few days later, on June 7, 1995, the President wrote another letter to the Honorable ROBERT DOLE, majority leader of the Senate, in which the President stated:

> DEAR MR. LEADER: I am deeply alarmed by today's press report that some Republicans

> in the House and Senate want to continue to hold back the line-item veto so that I don't have it during this year's budget process. The line-item veto is a vital tool to cut pork from the budget. If this Congress is serious about deficit reduction, it must pass the strongest possible line-item veto immediately, and send it to my desk so I can sign it right away.
>
> This is not a partisan issue. Presidents Reagan and Bush asked Congress for it time and again, and so have I. It was part of the Republican Contract with America. It has strong support from members of Congress in both parties and both houses. No matter what party the President belongs to or what party has a majority in Congress, the line-item veto would be good for America.
>
> If Congress will send me the line-item veto immediately, I am willing to pledge that this year, I will use it only to cut spending, not on tax expenditures in this year's budget. I have already put you on notice that I will veto any budget that is loaded with excessive tax breaks for the wealthy. But I need the line-item veto now to hold the line against pork in every bill the Congress sends me.
>
> The American people have waited long enough. Congress should give them and the Presidency the line-item veto without further delay.
>
> Sincerely,
>
> BILL CLINTON.

So what we have is a letter from the President to the Speaker of the House on May 8 saying, in essence, "Give me the line-item veto."

Now, again I quote from that letter:

> We must not let another year go by without the President having authority to eliminate special interest provisions, such as the tax benefits that were targeted to individual businesses earlier this year in H.R. 831.

And then lo and behold, 1 month later, lacking 1 day, the same President pledges—pledges—to the majority leader of the Senate that if Congress will send the President that line-item veto legislation, the President will not—will not—use it on tax expenditures; he will only use it "to cut spending."

Mr. President, I have difficulty following that line of reasoning. It is obvious that the President intended to use the line-item veto authority to eliminate tax expenditures in the first letter. I was dismayed by the sudden reversal by the President in his June 7 letter. That was a 180-degree turn by the White House on matters which are of the utmost importance to the American people in terms of fairness relating to how the deficit will be reduced. And it should leave all thinking Members of Congress and the American people wondering why this administration would make such an outrageous pledge.

Why should we Democrats butt our heads against the wall urging that the Speaker appoint conferees on a measure so that the President would have the line-item veto authority, which the President has pledged not to use against tax expenditures? Since the President pledged to avoid lining out any new tax expenditures, that meant that any new goodies in the form of tax writeoffs would be in place from now on, further exacerbating our deficit problem for years to come.

So, this unwise pledge by the President is just one reason why this Senator is not in any hurry to see a line-item veto enacted this year. The President says he will use the authority only on appropriations bills, not on tax expenditures. In other words, he will continue to cut domestic discretionary programs—not defense. He is, to the contrary, recommending that military spending go up. Apparently, he is going to cut nondefense discretionary programs, which are already being severely cut.

I note also that, in a statement made this morning in the briefing room at the White House, the President says:

> One of the most interesting things that has achieved not too much notice in the last few days is that while Congress has been taking care of the special interests, it's also taking care of itself. It is way behind schedule on virtually every budget bill, in the hope, apparently, of enforcing a choice at the end of this fiscal year between shutting the government down and adopting extreme budget cuts which will be bad for our country, bad for our economy, and bad for our future.

This may, indeed, confuse a lot of people. First the President says, "Give me a line-item veto with which I can cut." Then he says today that Congress is making cuts that are bad for our country:

> Apparently, they don't even plan on letting the American people see their planned Medicare cuts until the last possible minute. But one bill, wouldn't you know it, is right on schedule—the bill that funds the Congress, its staff, and its operations.
>
> I don't think Congress should take care of its own business before it takes care of the people's business. If the congressional leadership follows through on its plan to send me its own funding bill before it finishes work on the rest of the budget, I will be compelled to veto it.

Mr. President, if I were in the leadership today I would say, "Let us send it to him. Let him veto it. He can veto it; he can let it become law without his signature; or he can sign it."

The reference is made to Congress "taking care of its own business." Mr. President, the Constitution, in article I, creates the legislative branch. And in the very first sentence of article I it provides for the making of laws and vests all power to make laws in the Congress. In article I, section 9, it vests the appropriations power in the Congress. The Constitution created the legislative branch. We have to pass laws to appropriate moneys for the legislative branch. I do not see that as "taking care of its own business." The legislative branch has to operate.

So I hope that the President will sign the legislative appropriation bill if it goes to him first. There is no design here on the part of the Members or on the part of the leadership to send to the President the legislative appropriations bill first. There was no design. That is not by calculation or by intention. We have been marking other appropriations bills up in the Appropriations Committee. Another appropriations bill has been before the Senate today, the energy-water appropriations bill, and we hope to pass it today. So there are other appropriations bills that are being acted upon. But now we hear the threat that if the legislative appropriations bill is the first to be sent down to the White House, the President will be inclined to veto it, because those people up there take care of themselves first.

Mr. DOMENICI. Will the Senator yield for an observation?

Mr. BYRD. Yes.

Mr. DOMENICI. I note there is another thing the President said in that letter that does not seem to me to be consistent with the way business is done and has been done for a long time and done properly.

He says the appropriations bills are way behind schedule; all budget bills are behind schedule. It is my understanding we do not have to get the appropriations bills passed until October 1. We started in August, did we not? That is 2 months. I have been around here a while, not as long as the Senator from West Virginia has, but the House has done a pretty good job. They are through with all but two, and we have not yet reached August. They finished all but two before August arrived. I have been here many years, and we do not get all the appropriations done until 16, 17, 18 September. That is not unusual.

So I think the President is making a false argument even there about us being far behind.

Mr. BYRD. Well, in many instances in past years, appropriations bills have not been passed until or after the beginning of the next fiscal year.

Mr. DOMENICI. That is correct.

Mr. BYRD. I think the Congress is doing very well. The beginning of the next fiscal year is October 1, as the Senator has pointed out. We are well ahead of that. We have plenty of time before the beginning of the fiscal year. I hope we will pass all appropriations bills and have them on the President's desk by or before the beginning of the fiscal year. But I also hope that if the President is going to veto appropriations bills, he will do so on the basis of the merits, not on the basis of some grand strategy to veto appropriations bills for political purposes.

As one member of the Appropriations Committee, I take a bit of umbrage at this statement that the legislative appropriations bill is being passed first because Congress is "taking care of itself."

Mr. DOMENICI. He did not mention, did he, that we also significantly reduced the cost of the legislative branch of Government in that bill?

Mr. BYRD. It has been significantly reduced, I believe.

Mr. DOMENICI. Ten percent.

Mr. BYRD. Mr. President, I will not belabor the point any longer. I think it is unwise to adopt amendments such as the Senate adopted today instructing or urging the Speaker of the House to appoint his conferees, and so on. As I said, it does not make for good will, good feeling, or good comity between the two bodies.

I would not have voted for the amendment if for no other reason than that reason. I hope that we will slow down a little bit and not adopt such resolutions, or else we will meet such resolutions coming back from the other body, and they will not be entirely to our liking.

I yield the floor.

(Conclusion of later proceedings.)

Mrs. BOXER. Mr. President, on the Dorgan amendment stating the sense-of-the-Senate that the House should appoint conferees on the line-item veto bill and a conference should occur, I voted "present."

Although I have always opposed the line-item veto, because I believe it is an unwarranted transfer of power from the legislative branch to the executive branch, I do agree with Senator DORGAN that the Republican Congress should not refuse to conference the bill simply to embarrass the current President, who happens to be a Democrat.

Mr. GRAMS. Mr. President, on behalf of myself and my good friend from Arizona, Senator MCCAIN, and my friend from Wisconsin, Senator FEINGOLD, we intend to offer a bipartisan amendment to the energy and water appropriations bill, which would reduce funding for the Appalachian Regional Commission, ARC, by $40 million.

First, I will explain some of our reasons for offering this amendment.

In his inaugural address 35 years ago, President Kennedy challenged the American people to "ask not what your country can do for you, ask what you can do for your country." Just five years later, however, those words seemed to have been forgotten with the establishment in Congress of the ARC, the ultimate expression of "what can I get out of my government?"

The goal of Congress in creating the ARC was to bolster economic development in a 195,000 square-mile region which presently encompasses 13 States. Over the course of the past 30 years, we have spent more than $7 billion in the Appalachian region, much of it for pork-barrel projects, trying to stimulate economic growth there.

Today, many of the ARC's programs duplicate activities funded by other Federal agencies. In fact, Appalachian corridor construction, under which the Senate energy and water appropriations bill justifies the $40 million increase in funding from the House, also falls under the jurisdiction of the Transportation Department's Federal highway program.

Representative SCOTT KLUG of Wisconsin put it this way:

> What the Appalachian Regional Commission does is essentially allow 13 states in this country to double dip into infrastructure money, money to do economic development, and money also to do highway and water construction and projects like that.

Now, clearly, Mr. President, the Appalachian Regional Commission has become a vehicle to justify continued pork-barrel spending which duplicates the efforts of many other Federal programs. That is hardly what President Kennedy had in mind 35 years ago.

While the ARC allocates funds for the poor, rural communities of Appalachia, these areas are no worse off than rural communities in Minnesota, Arizona, or the 35 other States that do not benefit from the ARC. In fact, in my home State of Minnesota, 12.8 percent of my constituents live below the poverty level.

That is a troubling statistic for a state which considers itself not a poor State, but a proud State. It is higher than many states which benefit from ARC funding—such as Virginia at 9.4 percent, Maryland at 11.6 percent, Pennsylvania at 11.7 percent, and Ohio at 12.6 percent.

Do Minnesotans have a Federal program designed just for them? Of course not. To pay for something like the ARC on a nationwide basis would require billions of dollars, either from cutting more from other programs, borrowing money from our children, increasing the deficit, or raising taxes. The first option is unlikely—the remaining three are completely unacceptable.

Already, for every dollar the taxpayers of my State contribute to the Federal Treasury, they receive only 82 centsworth of government services. That is 82 cents on the dollar. The States which receive ARC funding receive, on average, $1.21 for every tax dollar they contribute.

Now, Minnesota has been a good neighbor and has contributed more than its fair share.

But when Minnesotans see $750,000 of ARC funds spent on a summer practice stadium for the National Football League's Carolina Panthers, this is a slap in the face. Clearly, the ARC's priorities do not reflect the priorities of the taxpayers.

While there have been some improvements in the Appalachian region, these have generally followed the health of the economy in general. In the 1980's, there was strong growth in the area which mirrored the economic growth of the country at large.

During this time, ARC funding was reduced by 40 percent, roughly the level appropriated by the House bill this year. Did the region suffer? On the contrary. Taxes were cut and unemployment rates in the region fell by 38 percent.

That is how President Kennedy created jobs in the 1960's. That is how President Reagan created jobs in the 1980's. That is how we need to create jobs as we approach the year 2000.

The ARC is a classic example of how pork barrel projects are dished out in Washington. If ARC programs only benefitted two or three States, the Commission probably would not have lasted as long as it has. But when you cobble together several hundred counties, in 13 different States, with 26 Senators representing them, you have a built-in political constituency that will make sure funding is perpetuated forever and ever.

Mr. President, the ARC is a relic, a thing of the past. We need to look toward the future, toward a balanced budget, tax cuts, and job creation. These benefits would far outweigh the additional $40 million in taxpayers' money the Senate wants to appropriate.

Earlier this year, Congress agreed to phase out the ARC in the balanced budget resolution which passed both chambers. Our amendment does not zero out funding for the ARC this year—it simply reduces the level of funding to that approved by the House, $142 million. That means $40 million that goes back to the taxpayers, either in the form of deficit reduction or tax cuts.

I urge my colleagues to vote for the Grams-McCain amendment and support us in this effort to cut government waste. Show the taxpayers that we will keep our word and make the tough choices necessary to balance the Federal budget and bring economic growth and prosperity to every region across this Nation.

President Kennedy was right—Ask not what your country can do for you. Ask what you can do for your country.

Mr. MCCAIN. Will the Senator yield for a question?

Mr. GRAMS. I yield.

Mr. MCCAIN. Is the Senator aware that two of the poorest counties in the nation are located on Indian reservations in South Dakota—Rosebud Sioux and the Pine Ridge Sioux?

Mr. GRAMS. No, I did not know that.

Mr. MCCAIN. Is the Senator aware that South Dakota is not part of Appalachia or countless other areas of poverty on Indian reservations in urban areas and rural communities?

I wonder if my colleague is aware that as part of the Appalachian Regional Commission, $750,000 was spent for the Carolina Panthers football facility, money was spent for the Alabama Music Hall of Fame, money was spent for a program to attract German travelers to West Virginia, money for an access road to a Pennsylvania ski resort, money for a limestone cave display in Georgia, $1.2 million for the National Track and Field Hall of Fame, money for the NASCAR Hall of Fame, funding for a study on the migration of the elderly, funding for a grant to train workers for a BMW plant in South Carolina.

I wonder if the Senator from Minnesota is aware of all of those uses that the Appalachian Regional Commission has spent money on, and how far the Appalachian Regional Commission—which, by the way, was a temporary commission when it was set up in 1965—has gone. And is the Senator aware that the Federal Government has countless programs that provide economic development assistance for everyone in America: community development block grant programs, housing development block grants, social service block grants, community service block grants, Economic Development Agency grants, farmers home loans, small business development loans and grants, rural electrification loans, highway aid, and the list goes on and on.

In addition, as we know, the individual States have many similar programs. The rest of the Nation that is outside of the Appalachia region has to rely on those programs in order to achieve funding to help people who are poor and deprived.

I am very proud of the economic advancement that my State has made. I am very proud our standard of living is very high and that our economy continues to grow. I am also deeply distressed, as I know many of my fellow citizens are, that there are still extremely poor places in my State, places where Native Americans live in holes in the ground, places where there is no running water or sanitation. I believe, frankly, these people, along with the people, the Rosebud Sioux and the Pinewood Sioux, need help as much as anyone else.

For us to somehow perpetuate a commission that has spent, now—$5 billion?

Mr. GRAMS. It is $7 billion.

Mr. McCAIN. Mr. President, $7 billion—that was originally set up as a temporary commission, I think, is an argument, frankly, that it has outlived its original purpose.

Finally, I wonder if my colleague will respond to the following statement. In 1994, the American people said they want us to reduce spending. In 1994, the American people said that they want us to do business in a different way, that the tax dollars that they send to Washington, DC, they want wisely and efficiently spent.

If we cannot cut $40 million out of a commission that was recommended to be abolished by President Reagan and that the original House budget proposal was to do away with, if we cannot cut $40 million and cut it down to only $142 million, I ask my colleague where he thinks we might really be in the commitment that we made to the American people to balance the budget and reduce this $5 trillion debt that we have laid on future generations of Americans?

I suggest the answer is we are not going to go very far in that direction if we cannot make this very modest reduction that my colleague and friend from Minnesota is making.

So I ask my colleague if he believes that this amendment might be a strong indicator of what is to come in our battles to reduce unnecessary spending on the part of the Federal Government.

Mr. GRAMS. I would just like to say, I know this might sound like just a small step, only $40 million in a city where we talk in billions and trillions, but I think about how many taxpayers in Minnesota would I have to put in a line to put $40 million into the Treasury. There are a lot of people in Minnesota to whom I would have to say, "Your money is going to fund a music hall of fame in Alabama, a practice stadium for a professional football team in North Carolina, a NASCAR Hall of Fame.

I have to say, I am one of the biggest fans of NASCAR racing in the country, but I do not know if Minnesota taxpayers want to be asked to spend some of their tax money for that, when I know in Minnesota there are needs for $850,000 to keep flooding out of a town in Marshall, $3 million request for a highway, 610. But these are going by the wayside because there is not enough money to fund projects like this. But yet we continue to ask for money that is being spent for such as the Appalachian Regional Commission.

I just wanted to mention one other thing. It is always great to say we are going to help somebody. But we are always using somebody else's money to do it. We are asking the taxpayers of this country to pony up for the money we want to spend on pet projects.

I want to recount a story of a lady back in Minnesota, Natalie Wolstad, Coon Rapids. I have used this story before, but I would like to recount it again.

She wrote me a letter saying she had gone to the bank with a realtor trying to buy their first home, a young couple. After they went through all the process, the bank said, "I am sorry but you do not qualify for a loan."

She said she and her husband went home that night and went through their checkbook and all their bills because they wanted to see what were they doing wrong with their money that they could not afford to buy a home. After they figured up all the bills, they found out they were not doing something wrong, but as they went through it they noticed, really for the first time, how much money was coming out of their paycheck to go for taxes. So it was the tax bite that was keeping them from qualifying for a loan.

Like I say, we always want to do something good for somebody else, but we want to use somebody else's money. Those dollars come from taxpayers. Those taxpayers have faces and names, like Natalie Wolstad. So before we take more money out of their pockets to spend as we think would be needed—and as my good friend from Arizona said, there are many, many poor counties in this country that could use this type of funding but they are not supplied with dollars from commissions like the ARC. There is no MRC, there is no Minnesota Regional Commission that will provide these types of dollars that would help Natalie Wolstad and her family. So I think we should think twice about asking the taxpayers whether they want to spend money for projects like this.

AMENDMENT NO. 2058

(Purpose: To reduce the level of funding for the Appalachian Regional Commission to that enacted by the House of Representatives)

Mr. GRAMS. Mr. President, I now call up amendment 2058 at the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Minnesota [Mr. GRAMS] for himself, Mr. McCAIN, and Mr. FEINGOLD proposes an amendment numbered 2058.

On page 32, line 13, strike "$182,000,000" and insert "$142,000,000."

Mr. WARNER. Mr. President, I rise today in opposition to the Grams amendment to reduce funding for the Appalachian Regional Commission.

During debate on the budget resolution, I supported the McConnell amendment to ensure that the essential services provided by the Appalachian Regional Commission are continued for some of this Nation's most destitute areas. The McConnell amendment was agreed to on the Senate floor by a vote of 51–49, and was included in the approved conference between the House and Senate.

Under the budget resolution, the Appalachian Regional Commission would adjust spending levels to assume funding of $1.154 billion for the Appalachian Regional Commission over fiscal years 1996–2002. The Energy and Water bill that we have before us follows the budget resolution allocating $182 million for fiscal year 1996.

At a time when we are correctly terminating or scaling back outdated Federal programs, I believe the Appalachian Regional Commission is the type of Federal initiative we should be encouraging. It is important to recognize that the ARC uses its limited Federal dollars to leverage additional State and local funds. This successful partnership enables communities in Virginia to have tailored programs which help them respond to a variety of grassroots needs.

In the Commonwealth of Virginia, 21 counties rely heavily on the assistance they receive from the Appalachian Regional Commission. Income levels for this region of Virginia further indicate that on average my constituents who reside in this region have incomes which are $6,000 below the average per capita income for the rest of the Nation.

In 1960, when the ARC was created, the poverty rate in Virginia's Appalachian region was 24.4. In 1990, the poverty rate statistics of 17.6 show improvement which can be attributed to the effectiveness of the ARC. However, we are still a long way from achieving the United States average poverty level of 13.1 and also the regional poverty level of other ARC-member States of 15.2.

With these statistics in mind, I would like to offer some specific points one should keep in mind regarding the effectiveness of ARC programs, its relationship with the Commonwealth of Virginia, and the direct impact that this relationship has on the private sector.

In recent years, a significant portion of ARC funds have been dedicated to local economic development efforts. Were it not for this assistance, the LENOWISCO Planning District and Wise County would not have been able to complete construction of the water and sewage lines to provide utility services to the Wise County Industrial Park at Blackwood. These lines were financed by a $500,000 grant from the ARC and a $600,000 grant from the U.S. Economic Development Administration. The construction of these utilities to serve a new industrial park has attracted a major wood products manufacturing facility which has created 175 new jobs for the community.

The Fifth Planning District serving the Alleghany Highlands of Virginia is a prominent example of leveraging other State and local funds and stimulating economic development with partial funding from the ARC. For fiscal year 1995 with $350,000 from the ARC, the Alleghany Regional Commerce Center in Clifton Forge, VA was established. This new industrial center already has a commitment from two industries bringing new employment opportunities for over 220 persons.

The ARC funds for this project has generated an additional $500,000 in State funds, $450,000 from the Virginia Department of Transportation, $145,000 from Alleghany County and $168,173 from the Alleghany Highlands Economic Development Authority. As a result of a limited Federal commitment, there is almost a 4-to-1 ratio of non-Federal dollars compared to Federal funds.

In many cases these funds have been the sole source of funding for local planning efforts for appropriate community development. For example, such funds have been used to prepare and update comprehensive plans which are required by Virginia State law to be updated every 5 years in revise zoning, subdivision and other land use ordinances. In addition funds are used to prepare labor force studies or marketing plans in guide industrial development sites.

Mr. President, the mission of the Appalachian Regional Commission is as relevant today as it was when the program was created. This rural region of our Nation remains beset with many geographic obstacles that have kept it isolated from industrial expansion. It is a region that has been attempting to diversify its economy from its dependency on one industry—coal mining—to other stable employment opportunities. It is a program that provides essential services and stimulates the contributions of State and local funds.

I urge the Senate to follow the budget resolution and oppose the Grams amendment.

Mr. ROCKEFELLER. Mr. President, I rise in strong opposition to this hostile amendment that tries to weaken and retreat from the important work of the Appalachian Regional Commission. It is with great pride that I join the senior Senator of West Virginia in explaining to my colleagues why this amendment should be rejected.

Senators listening to this debate may think this is an amendment that deserves the votes of every Senator representing a State other than the 13 States which comprise the Appalachian region. I hope our case will be heard so that this will not be the conclusion of our colleagues.

The people of every State have a stake in the economic strength of the rest of the country. When floods ravage the Midwest or the gulf States; when a major defense installation or space center is located in a State like Texas or Alabama; when payments are made to farmers in Minnesota or Wisconsin for dairy support, for crop losses, and for basic support; when billions are spent to shore up S&L institutions in certain States; when special aid is given to cities or to California after its riots or earthquakes; when research labs get special funds in New Mexico or Massachusetts—when any of this support and assistance is extended, it is the country's way of investing in each region and in the futures of Americans everywhere.

The Appalachian Regional Commission is the Nation's effort to help a part of this country overcome tremendous barriers. In many parts of the region, major progress has been achieved. But the ARC's job is not finished, and the agency should not be abolished until it is.

Whenever the Senate considers appropriations bills or other budget measures, the question is whether the spending proposed is a sound investment in the Nation or another form of waste. In this case, the answer is that the funding in this bill is a vital investment. The bill's architects already made the required cut so that the Appalachian States are doing our share of deficit reduction. Digging deeper is mean-spirited, and it's a foolish way to abandon the progress made by ARC over recent years that should be continued. If we can't finish the basic links to economic development and growth, like water and road systems, my State and the region cannot make the contributions we want to or build the life our people deserve.

The ARC's partnership with West Virginia and the Appalachian region should not be severed. We need to finish the economic development being built on top of the foundation being laid by the ARC—and that's essential in our States for more growth, more jobs, and more hope for our people.

As a former Governor, an now as a U.S. Senator from West Virginia, I know—vividly—the value of the ARC and how it improves the lives of many hard-working citizens. Whether the funding is used for new water and sewer systems, physician recruitment, adult literacy programs, or the Appalachian Corridor highways, it has made the difference in West Virginia, Kentucky, Virginia, and the other Appalachian States.

The highways are the most visible and best known investments made by the ARC for the people of Appalachia. As of today, over two-thirds of the ARC highway system have been completed. But if this amendment to cut ARC so severely prevails, the job will not be completed. What a waste of taxpayers' money to pull out before a road system is finished.

At this very moment, some of these highways are called highways halfway to nowhere, because they are just that—half built, and only halfway to their destination. The job has to be completed, so these highways become highways the whole way to somewhere. And that somewhere is called jobs and prosperity that will benefit the rest of the country, too. Appalachia simply wants to be connected to our national grid of highways. Parts of the region weren't lucky enough to come out as flat land, so the job takes longer and costs more. But it is essential is giving the people and families in this part of the United States of America a shot—a chance to be rewarded for a work ethic and commitment with real economic opportunity and a decent quality of life.

I won't speak for my colleagues from other Appalachian States, but West Virginia was not exactly the winner in the original Interstate Highway System. And Senators here represent many States that were. As a result, areas of my State have suffered, economically and in human terms. Without roads, people are shut off from jobs. That's obvious. But without roads, people also can't get decent health care. Dropping out of school is easier sometimes than taking a 2-hour bus ride because the roads aren't there.

The structure of the ARC makes it more efficient and effective than many other agencies. The ARC is a working, true partnership between Federal, State, and local governments. This structure expects responsibility from citizens and local leaders, Federal funding is designed to leverage State and local money for any activity. According to the ARC, throughout its lifetime, it has contributed less than half of the total amount of project funds. Administrative costs have accounted for less than 4 percent of total costs over ARC's lifetime.

Long before it was fashionable, ARC used a from-the-bottom-up approach to addressing local needs rather than a top-down, one-size-fits-all mandate of the type that has become all too familiar to citizens dealing with Federal agencies. It works, too.

I urge everyone in this body to keep a promise made to a region that has been short-shrifted. Each region is unique. Solutions have to differ, depending on our circumstances. When it comes to Appalachia, a small agency called the Appalachian Regional Commission should finish its work. Slashing the support for such a targeted, effective commitment to a region that was excluded from economic progress for so long will only create more problems and more costs that should be avoided. I urge my colleagues to vote against an amendment that asks the Senate to give up on an investment that will benefit all Americans.

CUTS TO ARC APPROPRIATIONS

Mr. McCONNELL. Mr. President, I rise in strong opposition to the amendment offered by my colleague. This amendment targets the Appalachian Regional Commission [ARC] for an unfair and disproportionate burden of budget cuts. I have worked with the officials of ARC to pare back the budget and duties of the ARC. The approach we have crafted is balanced, fair, and meets the new budget parameters while continuing to provide essential assistance to the people of Appalachia.

I want to assure my colleagues that the ARC budget proposal does not preserve the status quo. The funding level for the fiscal year 1996 budget of $182 million is $100 million less than what was appropriated in 1995. This represents a 35-percent cut in overall funding.

It has been a mere 2 months since the Senate approved my amendment to reform the ARC. My amendment outlined a blueprint to reform the ARC and set it on a glide path of reduced spending that falls within the guidelines of a balanced budget by the year 2002. I would like to remind my colleagues that this amendment, which passed the Senate, established the fiscal year 1996 funding levels contained in this bill.

Mr. President, I ask that a copy of that vote be included in the RECORD at the end of my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. McCONNELL. Mr. President, I understand why the Senator from Minnesota has offered this amendment. To him, the ARC is a program that benefits only Appalachian States. I might share his views if I didn't see first-hand the impact this program has had on an area that is burdened by high levels of unemployment and economic dislocation.

The ARC is very important not only to Kentucky, but also to a great number of other States. This program has proven to be effective in providing targeted assistance to those who need it most without wasting millions of dollars on administrative expenses.

Although the ARC has made a significant impact in improving the economic opportunities and quality of life for people living in Appalachia, there continues to be a real need for assistance in this region. Poverty, outmigration, and high levels of unemployment are especially prevalent in central Appalachia, which includes some of the poorest counties in the Nation.

The ARC serves parts of 13 States, totaling 399 counties from New York to Mississippi. This is a region that lags behind the Nation in most, if not all, major economic measures. Chronically higher unemployment levels, substantially lower income levels, and perniciously high poverty rates plague most of Appalachia. In eastern Kentucky, for example, the poverty rate stood at 29 percent in 1990—16 percent higher than the national average.

Of the 399 counties served by ARC, 115 of the counties are considered distressed. This means that these counties suffer from unemployment levels and poverty rates that are 150 percent of the national average and have per capita incomes that are only two-thirds the national average.

The ARC was designed to specifically address the unique problems of this region—which has been afflicted by over a century of exploitation, neglect, geographic barriers, and economic distress. These are not problems born of cyclical economic fluctuation, but are the result of years of unremitting underdevelopment, isolation, and outmigration.

The good news is that the ARC has worked hand-in-hand with each of the 13 States in its jurisdiction to develop flexible and effective programs, tailored to the specific needs of each community or region.

And there's more good news. The ARC is unusually lean, as Federal agencies go, with respect to administrative and personnel expenses. Total overhead accounts for less than 4 percent of all expenditures. This is largely achieved through close cooperation with the individual States.

State Governors contribute 50 percent of the administrative costs as well as the full cost of their own regional ARC offices. In fact, I would urge my colleagues to look to the ARC as a model of efficiency, cost sharing, and State cooperation for other Federal programs.

The ARC is not a traditional poverty program, but an economic development program, with a lot of work still ahead of it. The fact is, that Appalachia receives 14 percent less per capita spending from the Federal Government than the rest of the country—and that includes funding received through ARC. While this may not seem like a lot, this amounts to $12 billion less for the Appalachian region annually.

Like many of my colleagues, we are all taking a close look at each and every program to find areas where we can eliminate wasteful spending. I worked with the ARC to ensure that this program was reduced to its most essential function—economic development.

The best way we can achieve this is quite simple. First, we start with a 35-percent reduction from the current funding level for ARC. There's no question that this is a considerable cut, and it will have an impact on the ARC's ability to fully serve its target areas. But I think it underscores how serious we are about preserving the vital purposes of this agency.

The 35-percent cut in the first year is just a start. If the reforms I have proposed are implemented, funding levels will continue to decline through 2002. Overall, if we use, as a baseline, a hard freeze at 1995 funding levels, my proposal would achieve a 47-percent reduction in spending. This amounts to $925 million in savings over 7 years.

With regard to my colleague's concerns regarding the difference between the House and Senate spending levels for ARC, I suggest that the Senate has already spoken on this matter and endorsed this funding level on two occasions. Once as an amendment that passed the Senate on May 24, and the second when this body approved the budget resolution. I would also point out that this spending level was also included in the chairman's mark of the budget resolution for fiscal year 1996.

I might also point out to my colleague, that the reconciliation of these spending differences should be worked out in conference.

Mr. President, I have worked hard to develop a reform plan that is responsible both to the people of eastern Kentucky, and the taxpayers of this Nation. If my colleagues believe that eliminating the ARC will save money, they are sadly mistaken. The poverty and economic distress of central Appalachia will only deepen, imposing higher cost on other Federal programs. On the other hand, if we keep ARC alive, we can help this region to help itself, and save a lot more money in the long run.

I urge my colleagues to reject this amendment and maintain this level of funding for the Appalachian Regional Commission.

EXHIBIT 1

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. MCCONNELL. Mr. President, I ask for a rollcall vote.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 51, nays 49, as follows:

[Rollcall Vote No. 188 Leg.]

YEAS—51

Abraham
Akaka
Biden
Breaux
Bryan
Burns
Byrd
Coats
Cochran
Coverdell
Craig
Daschle
DeWine
Dodd
Dole
Exon
Feinstein
Ford
Frist
Glenn
Harkin
Hatch
Heflin
Helms
Hollings
Hutchison
Inouye
Johnston
Kerrey
Leahy
Levin
Lieberman
Lott
Lugar
McConnell
Mikulski
Moseley-Braun
Nunn
Pell
Pryor
Reid
Robb
Rockefeller
Santorum
Sarbanes
Shelby
Snowe
Specter
Stevens
Thurmond
Warner

NAYS—49

Ashcroft
Baucus
Bennett
Bingaman
Bond
Boxer
Bradley
Brown
Bumpers
Campbell
Chafee
Cohen
Conrad
D'Amato
Domenici
Dorgan
Faircloth
Feingold
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hatfield
Inhofe
Jeffords
Kassebaum
Kempthorne
Kennedy
Kerry
Kohl
Kyl
Lautenberg
Mack
McCain
Moynihan
Murkowski
Murray
Nickles
Packwood
Pressler
Roth
Simon
Simpson
Smith
Thomas
Thompson
Wellstone

So the amendment (No. 1148) was agreed to.

Mr. FORD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD. Mr. President, I rise in opposition to the amendment which proposes to alter the Committee's recommendation regarding funding for the Appalachian Regional Commission. The Committee recommendation is a responsible one and should be supported. The ARC is funded just below the President's request, and is well below last year's level. The amendment by the Senator from Minnesota would reduce the Committee's recommendation to the House level.

Mr. President, the ARC has already contributed to the deficit reduction occurring in this appropriations bill. The ARC is recommended at a level of $182,000,000, which is $100,000,000, or 35 percent, below the fiscal year 1995 enacted level. Let me repeat—ARC is already funded 35 percent below last year's level. We do not need to drain it any further. Given that the non-defense portion of the 602(b) allocation assigned to this appropriation bill is down just 13 percent below a freeze, I contend that the ARC is already bearing more than its fair share of the reductions in this bill. Cutting below the Committee recommendation will impede upon the ability of ARC to address its core mission—maintaining an effective regional development program that will create economic opportunity in distressed areas so that communities are better positioned to contribute to the national economy.

As I indicated, Mr. President, ARC has already been subjected to a significant reduction—35 percent—below the FY 1995 level. Can the same be said for other accounts in this bill? Bureau of Reclamation funding is down 7.3 percent; energy supply, research and development is down 15.6 percent, which is less than half of the reduction imposed on ARC. Atomic energy defense activities are up $1.3 billion, or 13 percent; the regional power marketing administrations are increased by nearly 15 percent. So if the concern is about funding, I suggest that Senators look closely at which programs are already bearing more than their fair share of the reductions in this bill.

Mr. President, the funding recommendation for ARC contained in this appropriations bill is absolutely consistent with the budget resolution approved earlier this summer by the House and Senate. The budget resolution assumed that ARC would be reduced below the FY 1995 level, and this budget does exactly that. The recommendation in this appropriation bill is consistent with the position taken by 51 senators when they voted to fund the ARC during consideration of the budget resolution in the Senate initially. The budget resolution conference agreement adopted the Senate position on ARC. In its consideration of this appropriations bill, the House sought to eliminate all funding for the ARC and voted overwhelmingly, by a 3:1 margin (319–108), to support continued funding for the Appalachian Regional Commission. So the Congress has been clear—the programs of ARC are important, and they should be continued.

For those who contend that the Senate should not fund ARC at a level different than the House, the 602(b) allocation for non-defense activities in the energy and water development bill is above the House allocation. I will attempt to speak on behalf of the Chairman of the Appropriations Committee, but I believe this allocation is consistent with the long-standing commitment to the infrastructure development funded in this bill. ARC is but a part of that infrastructure—just as the investments in the Corps of Engineers and Bureau of Reclamation programs benefit economic activity, so too do the programs of the ARC. Mr. President, this bill is in compliance with its allocation and is already doing its part for deficit reduction.

The presumption behind this amendment is that the benefits of the ARC are limited to a particular geographic region. Mr. President, that can be true of many programs throughout the government, which don't happen to have the name of their geographical region in the program name. For example, in the Interior appropriations bill, we fund a program called "Payments in Lieu of Taxes". There is nothing geographical in that name. However, it benefits primarily those western states where the Federal government happens to own land. In that program, we will spend $100 million in FY 1996, of which 67 percent benefits just 8 states. But we don't propose to terminate that program in the Interior bill because it benefits a select few.

Mr. President, the tradition of this Congress is to come to the aid of regions of this country that are in need. We have responded to the earthquakes in California, the floods in the Midwest, hurricane recovery in South Carolina and Florida, volcano eruptions in Washington, and winter storm damages in the Northeast. Some might say "well, those are in response to natural occurrences—events that were totally unpredictable." To that, Mr. President, I would respond that the geography that defines Appalachia was beyond the control of man, and that the programs of the ARC are designed to respond to those challenges. The natural topography has created isolation in many parts of Appalachia—it is through programs such as ARC that communication and transportation links are enhanced so that access to markets, diversity and opportunity can grow. And by investing in the human component of Appalachia, through better education and health, the region is able to provide the workforce necessary to meet these challenges.

The programs of the ARC have contributed to improvements in the ability of the region to address the disparity in poverty and income levels between Appalachia and other parts of the country. Despite the progress in recent years, the income level in Appalachia is 17 percent below the national average. The poverty rate in Appalachia is 16 percent above the national average. When it comes to U.S. expenditures on a per capita basis, in fiscal year 1994, Appalachia had 8.2 percent of the U.S. population, but received just 7.5 percent of U.S. expenditures. So even with the investments from ARC's programs, the funding provided to this area is not out of proportion to the needs or economic circumstances.

Mr. President, at a time when many people are demanding a leaner, more efficient government that is closer to the people it serves, the ARC should be held up as a model. ARC operates with a small staff—about 50 people—and spends only about 4 percent of its budget on overhead. The decisions on the expenditure of its funds are made after consulting with the governors of the region. This Congress has repeatedly urged that more attention be paid to the input of the governors as we seek to make programs more responsive. This is exactly what ARC is all about.

Mr. President, the governors of the 13 states are represented on the Commission. This is not a Federally-run, top-down type of operation. It is very much driven by the local requirements, as represented by the governors. All 13 governors—8 Republicans and 5 Democrats—have supported the continuation of the Appalachian Regional Commission.

So, Mr. President, I urge Senators to table this amendment. This agency is already funded 35 percent below the FY 1995 level. Cuts are already being imposed on the ARC. Eliminating this agency will not solve the problems of the Federal budget. The Senate has already voted earlier this year to sustain the ARC. The Senate should stand by its earlier vote and stand by the budget resolution.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. JOHNSTON. Mr. President, the business of cutting budgets is a matter of shared sacrifice. We want to be fair in the way we cut our budgets. The Appalachian Regional Commission has suffered from last year a $100 million cut, from $282 million to $182 million, a 35 percent cut, which is more than most programs in this country.

With any program you can point out little incidents that are less than the best. And over a period of, what, 30 years or so, they have pointed out very few with the Appalachian Regional Commission.

The fact of the matter is that in the 13 States that comprise the Appalachian Regional Commission, they do very excellent work and needed work, most of it in highways, which is ongoing, and to cut 35 percent from that budget I believe is enough. To cut $100 million off of what last year was $282 million I believe is fair enough and more than, indeed, enough, more than a fair share for the Appalachian Regional Commission. This is not an important program in most States, certainly not in mine. But in those States that comprise the heart of Appalachia, it is very important.

And suffice it to say, we should be prepared to stay here for a long time if we do not table this amendment. I hope we do because I believe that they have done enough, that we have done enough to cut the Appalachian Regional Commission.

So, Mr. President, I move to table and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. DOMENICI. Mr. President, might I state to the Senate, at the request of the Republican leader, even though some other issues may be concluded and votes may be asked for, we are going to try to stack votes now until 8:30. So everybody should know that. We will try to do that after this vote, I say to my friend.

The PRESIDING OFFICER. The question is on the tabling motion of the Senator from Louisiana.

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Texas [Mr. GRAMM] is necessarily absent.

Mr. FORD. I announce that the Senator from Nebraska [Mr. EXON] is necessarily absent.

The result was announced—yeas 60, nays 38, as follows:

[Rollcall Vote No. 349 Leg.]

YEAS—60

Akaka
Baucus
Bennett
Biden
Bingaman
Boxer
Bradley
Breaux
Bryan
Bumpers
Burns
Byrd
Cochran
Conrad
Coverdell
Daschle
DeWine
Dodd
Domenici
Dorgan
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Harkin
Hatfield
Heflin
Hollings
Inouye
Johnston
Kennedy
Kerry
Leahy
Levin
Lieberman
Lott
McConnell
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Nunn
Pell
Pryor
Reid
Robb
Rockefeller
Santorum
Sarbanes
Shelby
Simon
Simpson
Specter
Stevens
Thurmond
Warner
Wellstone

NAYS—38

Abraham
Ashcroft
Bond
Brown
Campbell
Chafee
Coats
Cohen
Craig
D'Amato
Dole
Faircloth
Feingold
Grams
Grassley
Gregg
Hatch
Helms
Hutchison
Inhofe
Jeffords
Kassebaum
Kempthorne
Kerrey
Kohl
Kyl
Lautenberg
Lugar
Mack
McCain
Nickles
Packwood
Pressler
Roth
Smith
Snowe
Thomas
Thompson

NOT VOTING—2

Exon
Gramm

So the motion to lay on the table the amendment (No. 2058) was agreed to.

(Ms. SNOWE assumed the chair.)

Mr. BYRD. Madam President, I move to reconsider the vote by which the motion was agreed to.

Mr. JOHNSTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOMENICI. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOMENICI. I ask that the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. I understand Senator HARKIN wants to speak a moment, and then we will have a colloquy with reference to a program he is very interested in.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Madam President, I thank the chairman for agreeing to a little colloquy. Before we do that, I would like to spend a few moments talking about an issue dealing with energy that I care very deeply about and which in one form has passed the other body with an overwhelming vote, and that is the issue of hydrogen energy.

Madam President, I would like you to imagine a future energy scenario based on a totally sustainable energy system. Imagine a car that runs so clean that you could drink the effluent from the tailpipe because the only output from this car would be pure, clean water. Imagine a small electrical power plant sitting next to all major buildings, factories, shopping centers, apartment houses quietly, very quietly, producing electrical power and heat or air-conditioning, with over twice the efficiency of current power plants, but with absolutely no pollution.

I know it sounds incredible. But it is possible and it is possible today using hydrogen and fuel cells.

Hydrogen is the ideal environmental fuel. Burning hydrogen produces no acid rain, no greenhouse gas emission, no smog, no ozone-depleting chemicals and no radioactive waste.

And if the hydrogen is made from renewable energy, that is solar, wind or biomass, then there is absolutely no pollution, no greenhouse gases, and no resource depletion, a totally sustainable energy system. One key to the renewable hydrogen future is the fuel cell. A fuel cell is an electrochemical device with no moving parts, much like a car battery. A fuel cell produces electricity when supplied with hydrogen and oxygen and when the hydrogen and oxygen combine, then the output is, of course, H_2O, pure water. Now, we have experience with fuel cells because they provide the electrical power for our astronauts on the space shuttle. Plus it also produces pure, clean water.

So hydrogen is the latest breakthrough. Unlike electricity which it complements, hydrogen can be stored and piped long distance with no energy loss. So we think of hydrogen not so much as a source of energy, but as a transmittal of energy. It is the carrier we can use.

One of the problems with solar energy is, of course, it is OK when the Sun is shining but it is not too good when it is cloudy or raining or it is nighttime. The same is true of wind. Wind energy is fine, but it is not too good when the wind is not blowing. And so we can use those forms of energy to electrolyze water. And this is the perfect cycle. You use biomass or you use wind or you use solar or you use hydropower, for example. To make electrolyzed water, you get the hydrogen and oxygen, and you then take that hydrogen and you combine it back with oxygen in fuel cells. You get the electricity. You get heat also that can be used also for air-conditioning. And then what you get is water. So you start with water and you end with water. And it is a perfectly pure fuel cycle.

Hydrogen is not just a pipedream. It is already being used. These fuel cells that use hydrogen can efficiently convert the hydrogen back to electricity. In fact, buses right now are running on hydrogen-fed fuel cells in Vancouver and other cities. These buses have the pickup and the range of fossil fueled buses. But there is no pollution, and they are as energy efficient.

Furthermore, there is no reason why the hydrogen buses should not eventually cost any more than any other bus. And I believe this will be true for automobiles also. But much more work needs to be done to bring hydrogen energy to the point where it can be used on a wide-scale basis.

A recent House measure just passed the other body that was sponsored by Congressman BOB WALKER from Pennsylvania, who chairs the Science and Technology Committee in the House. I have worked with Congressman WALKER often in the past. I served on the committee with him when I was a Member of the House. And I know of his long and deep commitment to getting funds in for hydrogen energy research. And it comes out of his long study, as I said, of science and of technology. As I said, he is now the chair of that committee in the House. The bill that he introduced, I have introduced with bipartisan sponsorship here in the Senate. It is now introduced. It has, as I said, sponsors from both sides of the aisle.

It calls for a $25 million authorization next year for hydrogen energy research. I might point out that the House has already passed that bill and the Appropriations Committee in the House added money to this line to bring the total amount for hydrogen research to $15 million.

I am quite well aware that the administration only asked for $7.5 million. The Jeffords amendment, which was adopted earlier, provided, if I am not mistaken, another $1.5 million. That brings it up to $9 million total. That is still less than what we spent last year.

So for a very promising energy resource, for one that holds a great deal of promise for cutting down on pollution and for providing a clean renewable source of energy, both for electricity for buildings, for stationary uses, but also for use in transportation, this is the wrong way to go in cutting down the research.

As I said, the House upped it to $15 million. I had offered the amendment in the full Committee on Appropriations to bring that up to $15 million. I must admit, I lost on an 11-to-10 vote. I think if all the people had been there, maybe I would have won. I do not know. Not everybody was there. It was a very close vote. It was 11 to 10, and it was bipartisan. There were people on the Republican side and people on the Democratic side both voting for and against it. So it was a very close vote.

I do not want to take a great deal of time of the Senate. I know everybody wants to get out of here this evening. I have spoken with the chairman about this. I am hopeful that when the committee goes to conference, they will look kindly upon the mark that the House put in. I want to assure the chairman that he will have my support. I can assure him of the support of the people who are cosponsors of the bill and I, again, would like to ask the chairman what his intentions might be when they go to conference on this one item of hydrogen research.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Madam President, Senator HARKIN's request has been partially granted by the Jeffords amendment which added $1.5 million to this program as part of his larger amendment regarding solar energy and other things.

I want to make it clear to Senator HARKIN that since the House has a higher number—I think they have $15 million; we are going in with $9 million—we will do our very best to work with them so we do not return with anything less than $12 million, and that is what the Senator originally asked for. We will be there, or higher than that, when we come out of conference.

I urge that the Senator consider that as a great victory. He has my word, and certainly he is going to come out of it fairly well.

Mr. HARKIN. Madam President, when the Senator from New Mexico gives me his word, I take it to the bank. I appreciate his consideration of this. He has been a strong supporter of research in new energy. I compliment him for that.

This is another one of the elements, I think, that helps us to provide the energy we are going to need in the future.

I thank the chairman for his consideration of this. I will give him whatever support I can in getting this item up in conference. I thank the chairman.

Mr. DOMENICI. Madam President, I am reviewing the list with the ranking member. I will tell the Senate we are, believe it or not, perilously close to having this bill done. As a matter of fact, I ask if Senator WELLSTONE's and Senator Grams' offices would contact me. I think it is the WELLSTONE amendment with reference to water reservoirs. It is the only one still pending that needs to be discussed. So if we can get some word on that. And then we have the managers' amendment cleaning up the bill and agreeing to a number of amendments that have been presented that we both agree on. Obviously, they are going to be in order, and we are going to adopt them. I say to Senator WELLSTONE, Mr. President, that we need to know what his intentions are.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. Madam President, I want my colleagues to know I am ready to go forward with a discussion on this amendment. The Senator from New Mexico is waiting for my colleague from Minnesota. The reason for this delay is we are waiting for my colleague from Minnesota, and I am reluctant to go forward. I think we will be ready to go in a few moments.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JOHNSTON. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

VITIATING ADOPTION OF COMMITTEE AMENDMENT ON PAGE 12, BEGINNING ON LINE 17

Mr. JOHNSTON. Madam President, I have a group of cleared amendments now.

I ask unanimous consent to vitiate the action of the Senate adopting the committee amendment on page 12, beginning on line 17 through line 18 on page 13, striking House text regarding Manistique Harbor, MI. The adoption of this request will restore the House language.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Madam President, I am pleased that the managers of the energy and water development appropriations have agreed to keep the House language regarding a federally designated harbor of refuge in Michigan. The provision will allow the implementation of a U.S. Environmental Protection Agency administrative order addressing contaminated sediments in Manistique River and Harbor.

In early July, immediately after the House's favorable action on the Stupak amendment, I requested that an identical provision be included in the Senate Appropriations Subcommittee on energy and water development bill for fiscal year 1996. I understand that the Environment Committee has no objection to the substance of the language in question, particularly since it does not affect policy or require Federal funds.

I appreciate the cooperation of the managers and the Environment Committee. There are special time constraints at work in the Manistique case. The EPA, the Army Corps of Engineers, the local community, and the interested parties, would like to begin implementation of the remediation action this summer to prevent further contaminants from entering Lake Michigan. I ask unanimous consent that a letter from the EPA Region V Administrator be included in the RECORD, following my statement.

As some of my colleagues may know, winter comes early to the Upper Peninsula. Therefore, it is urgent that action occur during our limited construction season. If H.R. 1905 should become bogged down for some unlikely reason in the conference process or on the floor, I hope my colleagues will bear with me as I seek to move this language on another vehicle or as an individual bill. This is not a controversial matter. We should move it quickly.

Mr. BRADLEY. Mr. President, I understand that the House has included language in its report accompanying the Energy and Water Appropriations bill which would have an impact on the Central Valley Project Improvement Act of 1992 (CVPIA). I am very concerned that an appropriations bill would be used for this purpose and I urge my colleagues who will be conferees on this bill to reject these attacks on the CVPIA.

The House report attempts to delay a study of the San Joaquin river that was established in law through the CVPIA. As the author of that act, I am surprised by the action of the House. The study is specifically ordered in the 1992 Act and, in fact, has a statutory deadline for action by the Secretary. Clearly, this statute is unaffected by any Committee Report language and the law remains binding on the Secretary.

The House also includes report language which bears on the repayment for the Kesterson Reservoir Cleanup Program.

I understand that there is no Senate report or legislative language concerning repayment responsibilities for the Kesterson Reservoir Cleanup Program and the San Joaquin Valley Drainage Program.

Mr. JOHNSTON. That is correct.

Mr. BRADLEY. I also understand that the taxpayers have spent tens of millions of dollars for the cleanup of the Kesterson Reservoir which was built to collect the drainage water from farms in the Bureau of Reclamations' San Louis Unit within the Central Valley project.

The Kesterson facility is so contaminated with selenium and other chemicals that it was closed on March of 1985 by the Department of Interior. Many migratory birds using Kesterson Ponds were killed in violation of the Migratory Bird Treaty and Congress has appropriated tens of millions of dollars to clean up Kesterson.

Mr. JOHNSTON. The Senator is correct.

Mr. BRADLEY. It is my further understanding that absent legislative language, the repayment for Kesterson cleanup is reimbursable and the Secretary of Interior is obligated by law to collect reimbursable costs.

Mr. JOHNSTON. That is correct.

Mr. BRADLEY. Now is not the time to be spending additional taxpayer funds on cleanup which should be paid by water contractors whose drainage caused such problems at Kesterson.

With regard to the San Joaquin River comprehensive plan, I understand that the House committee report recommends that $1 million be moved out of the San Joaquin River Basin initiative and into the Shasta temperature control device. This would have a devastating effect on the San Joaquin River comprehensive plan, a study required under the 1992 statute which is due for completion next year. Is there language on these funds in the Senate bill or report?

Mr. JOHNSTON. No.

Mr. BRADLEY. I thank the Senator for these clarifications. Nothing in the CVPIA required Friant water users to give up any water. The San Joaquin comprehensive plan is only a study.

AMENDMENTS NO. 2059 THROUGH 2065

Mr. JOHNSTON. Madam President, I send a group of amendments to the desk and ask unanimous consent that the amendments be considered and agreed to, en bloc.

Mr. President, these amendments are as follows: An amendment by Senator BINGAMAN to reduce the energy costs of Federal facilities; an amendment by Senators BRADLEY and LAUTENBERG, within available funds, to provide for the use of funds for the Tokamak fusion test reactor; an amendment by Senator DASCHLE, within available funds, to provide $300,000 to complete a feasibility study of alternatives for meeting the drinking water needs on the Cheyenne River Sioux Reservation under the Bureau of Reclamation; an amendment by Senator BAUCUS to provide $2 million, within available funds, for Indian energy resource projects, for Crow Indian projects; an amendment by Senator BYRD respecting Petersburg, WV, revising a cost ceiling on an authorized Corps of Engineers project; an amendment by Senator FEINGOLD to provide spending limitations on the TVA Environmental Research Center; an amendment by Senators BOXER and BAUCUS with respect to reporting requirements.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Louisiana [Mr. JOHNSTON], proposes amendments No. 2059 through 2065.

The PRESIDING OFFICER. Without objection, the amendments are agreed to.

So the amendments (No. 2059 through 2065) were agreed to, en bloc, as follows:

At the appropriate place, insert the following:

SEC. . ENERGY SAVINGS AT FEDERAL FACILITIES.

(a) REDUCTION IN FACILITIES ENERGY COSTS.—The head of each agency for which funds are made available under this Act shall take all actions necessary to achieve during fiscal year 1996 a 5 percent reduction, from fiscal year 1995 levels, in the energy costs of the facilities used by the agency.

(b) USE OF COST SAVINGS.—An amount equal to the amount of cost savings realized by an agency under subsection (a) shall remain available for obligation through the end of fiscal year 1997, without further authorization or appropriation, as follows:

(1) CONSERVATION MEASURES.—Fifty percent of the amount shall remain available for the implementation of additional energy conservation measures and for water conservation measures at such facilities used by the agency as are designated by the head of the agency.

(2) OTHER PURPOSES.—Fifty percent of the amount shall remain available for use by the agency for such purposes as are designated by the head of the agency, consistent with applicable law.

(c) REPORT.—

(1) IN GENERAL.—Not later than December 31, 1996, the head of each agency described in subsection (a) shall submit a report to Congress specifying the results of the actions taken under subsection (a) and providing any recommendations as to how to further reduce energy costs and energy consumption in the future.

(2) CONTENTS.—Each report shall—

(A) specify the total energy costs of the facilities used by the agency;

(B) identify the reductions achieved; and

(C) specify the actions that resulted in the reductions.

Mr. BINGAMAN. Madam President, when it comes to controlling Government spending, nothing stands out in my mind more than the billion dollars that the Federal agencies toss out the window every year in energy waste.

The Federal Government is our Nation's largest energy waster. This year agencies will spend almost $4 billion to heat, cool and power their 500,000 buildings.

Both the Office of Technology Assessment and the Alliance to Save Energy, a nonprofit group that I chair with Senator JEFFORDS, have estimated that Federal agencies could save $1 billion annually.

To achieve these savings, agencies just need to buy the same energy saving technologies—insulation, building controls, and energy efficient lighting, heating and air conditioning—that have been installed in many private sector offices and homes.

Why, because there are now businesses, known as energy service companies, that stand ready to upgrade Federal facilities at no up-front cost to the Government—That's right, at no up-front cost to the Federal Government.

These companies offer what are called energy saving performance contracts which provide private sector expertise to assess what energy saving technologies are most cost effective, provide nongovernmental financing to make the improvements, install and maintain the equipment and guarantee the energy savings will be achieved.

Agencies pay for the service over time using the energy costs they have saved—if they do not see the saving they do not pay for the service—its that simple, that is the guarantee.

This type of contract is used every day in the private sector and State and local government facilities. For instance, Honeywell Corp. has entered into these energy saving arrangements with over 1,000 local school districts nationwide, allowing schools to reinvest $800 million in savings in critical education resources rather than continuing to pay for energy waste.

Unfortunately, even though Congress first authorized Federal agencies to take advantage of this innovative business approach in 1986 agencies have been dragging their heels.

To help get things moving, the Department of Energy recently prepared streamlined procedures to encourage their use.

Now is the time for Congress to put the agencies feet to the fire on financial reform of Government energy waste. Agencies should enter into these partnerships with the private sector.

That is why, today I am proposing an amendment calling for each Federal agency covered by this bill, to reduce Government energy costs by 5 percent in 1996. I am also asking that agencies report back to us by the end of 1996 to ensure that they have actually taken action to reduce their energy costs.

You know, we are often called upon up here to make really hard controversial decisions that please some and anger others. This is a winner for everyone. If 1,000 local school boards have examined it and are reaping the savings, I say its time we got our Nation's biggest energy waster on track, too.

With this one, simple reform, we will create thousands of job and business opportunities in every one of our States, improve the environment by reducing air pollution and save ourselves hundreds of millions of dollars every year, at no up-front cost to taxpayers. As my kid would say, "Dad, its a no brainer".

AMENDMENT NO. 2060

(Purpose: To provide for the use of funds for the Tokamak Fusion Test Reactor)

On page 20, lines 22 and 23, after "expended" insert ", of which amount within available funds $56,000,000 may be available to continue operation of the Tokamak Fusion Test Reactor (for which purpose, the Secretary may use savings from reducing general administrative expenses in accordance with the Department of Energy's strategic alignment and downsizing effort, but none of the savings used for this purpose shall come from programmatic accounts within this title)".

Mr. LAUTENBERG. Madam President, I rise in support of the pending amendment. This amendment is a smart one because it makes use of existing Department of Energy resources. It is also a no-cost amendment. It does not increase any account in this bill. And it does not take one cent from any other Department of Energy research program.

Last year's conference report on the energy and water bill contained language calling for an expert commission to report to Congress on what the future of the fusion program should be. This report was done by the President's Committee on Advisors on Science and Technology or more commonly known as PCAST.

This report was written by energy research experts within Government, the private sector, universities, and the national laboratories.

The PCAST report anticipated that the fusion program would have to live with fewer resources in the next few years. Despite the dwindling resources envisioned by the PCAST, they strongly recommended that the existing Tokamak fusion test reactor [TFTR] at Princeton University operate for another 3 years.

And the statement of administration policy accompanying this bill reiterates support for the PCAST report in general and TFTR specifically.

However, the current language in the energy and water bill is ambiguous about the TFTR machine. Therefore, this amendment seeks to clarify that the Secretary of Energy will have the authority to keep TFTR effectively operating for another 3 years. And it accomplishes exactly what the PCAST report called for with regard to TFTR.

Madam President, the fusion program has been a success for this country. The TFTR machine at Princeton University has broken world records of fusion power in the last 2 years. Furthermore, the TFTR at Princeton is the only machine in the world that uses deuterium-tritium fuel, which is the type of fuel that might one day be used in a commercial fusion machine.

Madam President, at this time I would like to tell my colleagues about some of the potential advantages to developing fusion energy. Fusion energy holds the promise of an abundant, clean burning, inexpensive energy alternative for the next century.

The byproducts of fusion energy are thousands of times less dangerous than fission. The byproducts also cannot be converted into nuclear weapons. Finally, fusion energy has no chemical combustion products and therefore, would not contribute to acid rain or global warming.

It is clear that fusion energy is an environmentally sound energy source worth the investment of Federal resources.

Despite all of the promise and success of the fusion program in the last 2 years, its budget has been cut deeply this year. It has been cut by 40 percent, which is much more than other energy research programs. For example:

Nuclear energy was only cut by 6 percent.

Biological and environmental research was only cut by 4 percent.

General sciences was only cut by 1 percent.

Nuclear physics was only cut 8 percent.

And some part of the energy research budget actually received increases in this bill:

High energy physics received a 2-percent increase; and

Basic energy science got a 6-percent increase.

Madam President, I understand that some of the cuts in the fusion program and in other programs in this bill are necessary. The allocation for this bill is less than it was last year. The managers of this bill have had to make some tough decisions and I commend them for their hard work in putting this bill together.

However, I believe that adopting this amendment will improve this bill while not increasing its tight allocation.

This amendment simply allows the Secretary of Energy the flexibility to operate the TFTR machine to complete all the ongoing experiments at Princeton. The Federal Government has already invested over $1 billion in the fusion facility at Princeton. It would be shortsighted to stop these continuing research activities at Princeton, especially since the machine will be ending its operations in 3 years.

This amendment does not cut the core fusion program or the international fusion activities funded in this bill. Nor does it cut any other energy research activities funded in this bill. It simply allows the fusion research on the TFTR machine at Princeton to continue.

Madam President, in 3 years the fusion program will be at a turning point. At that time, we must decide whether or not we will make the long-term investment in developing fusion energy. We may or may not have the resources at that time to go forward. But we should move the fusion program forward until that day comes. We should make the best use of the facilities and human resources that we have invested so much into over the years.

Madam President, I urge my colleagues to support this no-cost amendment.

I yield the floor.

Mr. BRADLEY. Madam President, today Senator LAUTENBERG and I are offering an amendment to insure the continuation of the tokamak fusion test reactor, or TFTR, at the Princeton Plasma Physics Laboratory. Without increasing any account in the bill or cutting any other Department of Energy research program, the amendment insures that the TFTR and its valuable research will proceed for another year.

I agree that we need to make significant appropriations cuts, however, we should not forget that some cuts hurt more than others. Shutting down a major research lab like TFTR is doubly damaging. First, we lost the important research it might have provided into cleaner, safer sources of nuclear power. But even worse, we make it that much harder to restart research when times get better financially but scientists have moved on to other, more secure, fields of study.

The Princeton lab is the world leader in fusion research and the only tokamak in the world using deuterium-tritium fuel, the most likely fuel for a future commercial fusion reactor. In December 1993, when this fuel was first injected into the machine, the TFTR began setting world fusion power records. Over the next few years, researchers plan to double the production of fusion power at TFTR. And as reported last week in Science magazine, Princeton scientists have made a recent breakthrough in fusion research which has great promise for removing some of the biggest obstacles to power production.

TFTR was authorized by Congress in 1976 and began operations in 1982 at a time when fusion machines could produce only a 10th of a watt of fusion power. The device has now produced more than 10 million watts of fusion power—an increase of more than 100 million times. TFTR has achieved or surpassed its initial design objectives and has higher performance standards and capabilities than any other existing device.

When power generation options for the next century and beyond are severely limited, we cannot afford to waste precious resources by abandoning important research work like the TFTR.

AMENDMENT NO. 2061

(Purpose: To ensure the completion of the feasibility study of alternatives for meeting the drinking water needs on the Cheyenne River Sioux Reservation and surrounding communities)

On page 15, line 17, add: "*Provided further*, That within available funds, $300,000 is for the completion of the feasibility study of alternatives for meeting the drinking water needs on the Cheyenne River Sioux Reservation and surrounding communities."

AMENDMENT NO. 2062

(Purpose: To provide that funds shall be made available to the Crow tribe for energy resources programs under title XXVI of the Energy Policy Act of 1992)

On page 20, lines 22 and 23, after "expended" insert "*Provided further*, That within the amount for Indian Energy Resource projects, $2,000,000 may be made available to fund the Crow energy resources programs under title XXVI of the Energy Policy Act of 1992 (25 U.S.C. 3501 et seq.)".

AMENDMENT NO. 2063

At the appropriate place in the bill (suggest page 12, after line 16) insert the following:

SEC. . The project for flood control for Petersburg, West Virginia, authorized by section 101(a)(26) of the Water Resources Development Act of 1990 (P.L. 101-640, 104 Stat. 4611) is modified to authorize the Secretary of the Army to construct the project at a total cost not to exceed $26,600,000, with an estimated first Federal cost of $19,195,000 and an estimated first non-Federal cost of $7,405,000.

AMENDMENT NO. 2064

(Purpose: To limit funding for the Tennessee Valley Authority Environmental Research Center)

On page 38, lines 1 and 2, after "$110,339,000, to remain available until expended" and insert "Of the funds appropriated under this heading, not more than $25,000,000 may be expended for the Tennessee Valley Authority Environmental Research Center in Muscle Shoals, Alabama, in the event that the Center expends less than $25 million, such amount not expended shall be returned to the U.S. Treasury and the Tennessee Valley Authority appropriation reduced accordingly and the Tennessee Valley Authority shall take steps to obtain funding from other sources so as to reduce appropriated funding in the future and, not later than January 1, 1996, submit to Congress a preliminary plan securing funding from other sources.

Mr. FEINGOLD. Madam President, the manager's amendment includes an amendment relating to funding for the Tennessee Valley Authority which I authored. I appreciate the willingness of Members concerned with the issue to work out an acceptable amendment. This amendment is simple, and structured in such a way to gain acceptance from the Senate, including those from the Tennessee Valley Region. It limits and targets funds for the Tennessee Valley Authority and moves TVA forward on a path of becoming less reliant upon appropriated funds.

This amendment directs that no more than $25 million of the funds appropriated for TVA may be spent for TVA's Environmental Research Center in Muscle Shoals, Alabama. The House Energy and Water bill zeroes out funding for the Research Center. The Senate Report explains that the Committee restores funding for the Center, but proposes to reduce the Center's funds by 22 percent, from its current appropriations of $32 million to $25 million. My amendment would explicitly codify the Senate Report language and cap the amount that the Research Center could receive at $25 million. It provides that if less than $25 million is expended on the Center, the amount shall be returned to the Treasury and the TVA appropriation reduced accordingly. Senate Committee Report recommendations relative to transitioning the Environmental Research Center to dependence upon funds other than appropriated funds for the conduct of its research program. I was pleased to see that the Committee made such a recommendation, and I am moving forward with this amendment to ensure that the TVA receives explicit legislative direction to achieve such a transition.

Finally, my amendment adds a new requirement for the Environmental Research Center. Consistent with the mandate to reduce dependence upon appropriated funds, the amendment directs TVA to report to Congress a plan for achieving a transition away from appropriated funds at the Environmental Research Center. That report should serve as a baseline for next year's fiscal year 1997 appropriations process and I am hopeful that the recommendations will clarify the source and type of funds that support the Environmental Research Center's program, and help TVA to plan for reductions in appropriated funds.

Madam President, I recently met with the Director of the TVA Environmental Research Center. Ongoing work in poultry litter utilization, ozone mitigation, and agricultural pollution prevention all are important areas of investigation—and all affect my home State of Wisconsin. After my meeting, I did feel that the work in which the Center is engaged is valuable, but it raised two issues to me. First, I question, given the character of the Center's work, whether this work needs to be done within the regional context, especially if it has national implications. Second, was the question of whether the Center has a proper institutional fit within TVA. Certainly, this Center, given its capable staff, has the ability to attract and complete research projects that are reimbursable.

Madam President, I understand the role that TVA has played in our history. I also know that we face an uncertain budget future. I believe that TVA discretionary funds should be on the table, and that the fiscal year 1996 funds should be structured and targeted to achieve further reductions in the future. I believe my amendment is a reasonable approach to address these concerns, and makes a logical compromise between the House and Senate approaches. I believe that the overall House level of funding for TVA, which amounts to a 25-percent cut in the TVA budget is appropriate in these tight budget times and I hope the conferees will accept that figure. However, I believe in making that cut, we should seek to direct an appropriate transition to non-federal funds.

The amendment caps the Center's funds at $25 million, making the Senate Committee report suggestions hard numbers by codifying them. I believe that this is an amendment that can be supported by Senators interested in reducing federal spending, including those within the TVA area.

Madam President, this amendment seeks to move TVA and its various projects closer toward reduced dependence on federal funding. In this time of severe pressure on the federal budget and the need to reduce the federal deficit, it is essential that some programs, like TVA, which have served an important purpose in the past, begin to transition away from reliance on federal funding. This transition should be done in a careful, planned manner, but the process toward transition off of reliance on federal funding must begin now. This amendment takes us a step further in that direction and I appreciate the support of the manager and interested Senators in reaching an agreement in the language of my amendment.

TVA'S ENVIRONMENTAL RESEARCH CENTER

Mr. HEFLIN. Madam President, I rise today to urge my colleagues to reject any amendments that would reduce or eliminate funding for the Tennessee Valley Authority's Environmental Research Center.

TVA's Environmental Research Center was once the Nation's most effective laboratory for developing new fertilizer and nutrient technologies that fueled the legendary gains in food and fiber production in the United States and around the world. Because of this work, TVA is largely responsible for the tremendous success of U.S. agriculture.

During the decades TVA conducted its fertilizer and agricultural research programs, it built a strong base of expertise in chemistry, chemical engineering, process engineering, agronomy, and other related agricultural and nutritional sciences. Now TVA is capitalizing on this expertise in developing technologies to solve environmental waste problems in the Tennessee Valley as well as across the Nation.

Today, TVA's Environmental Research Center is on the threshold of discovering new ways to prevent or reduce pollution of the air, land, and water from agricultural, municipal, and industrial operations. For our Nation to achieve agricultural and economic sustainability, we must have innovative technologies to operate our farms, factories, utilities, and cities in environmentally acceptable ways.

The research and development underway at the Environmental Research Center will help us avoid a crisis in disposing our agriculture, municipal, and industrial wastes. In fact, some of the Environmental Research Center's technologies are already in use throughout the country in cleaning up contaminated sites, reducing pollution from agricultural, and converting wastes into value-added products.

Let me cite a few examples of the impact that the Center's environmental and waste conversion work is already having across the country. These will serve as examples of the potential the Center has to fulfill the Nation's substantial environmental technology needs in the future:

POLLUTION PREVENTION IN AGRICULTURE

The Environmental Research Center's scientists have already developed pollution prevention technologies that are being used across the country. The Center is providing technical assistance in 70 agrichemical demonstration projects in 27 States.

It is a tribute to the Environmental Research Center's work that 15 of the Center's demonstrators have won State and regional awards for excellence in environmental stewardship.

A spinoff of the pollution prevention demonstration work with agricultural chemical suppliers is the impact that these retailers are having on farmers. The Center's demonstration sites are providing agri-dealers with information that they are using in promoting environmental stewardship with their farmer customers. These retailers are providing environmental services to their customers—services which will go a long way in helping solve the Nation's nonpoint source pollution problem.

ANIMAL WASTE MANAGEMENT

The technologies developed at the Environmental Research Center offer practical solutions to help manage the Nation's animal waste problems. The Center conducts 37 animal waste management projects in 10 States including high-tech composting for poultry wastes and poultry by-products. Research at the Center's constructed wetlands complex also contributes to solving severe pollution problems associated with the poultry and livestock industries. The animal and meat production industries are rapidly growing throughout the Nation to keep up with consumer demands. More than 20 States list poultry and poultry products as one of their top four agricultural income generators. But the downside of this $30 billion dollar a year industry is the tremendous volume of poultry litter and other wastes that must be disposed of or used in the environmentally acceptable way. The poultry waste issue is a serious problem for farmers and for the environment. The Center has research underway to develop technologies to convert poultry litter and other wastes into usable products.

The Center's compost research and development facility will demonstrate innovative ways to use composting of poultry litter as an industrial process. The process will generate products with controllable properties and designated uses.

The Center's researchers are making progress in investigating the use of nutrient-enhanced broiler litter as an organic-based plant food for turf. And poultry waste by-products are being evaluated as a feed source for ruminant animals and as a substitute in potting mixes for horticultural plants. Poultry litter also has potential for production of methane. The Center is exploring the commercial opportunities in this area.

Some cutting-edge research underway at the Center is determining the potential of mixing poultry litter with heat-loving microorganisms to remediate PCB contaminated soils. This development can benefit many regions of the country where cost-effective technologies are needed to clean up contaminated soils.

The Center has joined forces with USDA, EPA, and the poultry industry to establish a poultry water quality consortium. Together, these public and private organizations are promoting innovative ways to manage and convert poultry wastes to assure that surface and groundwater quality are protected.

It is essential that this work continue. The Center has the expertise and research facilities to speed the development of needed technologies for animal waste management practices throughout the country.

ENVIRONMENTAL TECHNOLOGIES

There is a national concern over reducing ozone concentrations in urban as well as rural areas of the country. America has spent billions of dollars on emissions reductions during the past decade. But we still have serious problems. Ninety-six urban areas affecting 63 million people were identified in 1990 as having ground-level ozone problems. Ozone in the upper atmosphere is good, but at ground level it causes respiratory problems, reduces agricultural crop production, and hinders business growth.

The southeastern United States is especially susceptible to ozone exposure because of the region's warm temperatures, abundant sunshine, and high frequency of air stagnation, in addition, to the large percentage of forest land.

To address this concern, the Center helped establish the southern oxidants study, a unique partnership of Federal agencies (TVA, EPA, NOAA, the National Park Service, NASA, and DOE), universities, industry, and regulatory agencies. The research conducted by this group has significantly improved our understanding of the factors that control ozone formation. This public-private partnership is recognized as an excellent example of the efficient use of limited Federal resources. Research results from the southern oxidants study have significant application to many other parts of the country.

The Center has developed a genetically-engineered microbe that feeds on

PCBs. This is a low cost way to clean up PCB-contaminated soils and will save millions of dollars annually in cleanup costs. The Center's constructed wetlands research facility is showing how to use this technology for more effective and low-cost cleanup of industrial, municipal, and animal wastes.

The Center is working on an economical way to filter and remove industrial air pollutants from manufacturing plant emissions. For example, the system is removing 99 percent of styrene, an industrial pollutant, from the emissions of a boat manufacturing facility.

The Center is working with the Department of Defense to clean up hazardous waste sites on military bases. Many defense sites have hazardous materials containing elemental phosphorus. The Center has found a way to clean up this problem economically.

Let me briefly highlight additional environmental technologies the Environmental Research Center is developing to benefit the Nation:

The Center is developing methods to predict environmental impacts of agricultural practices on nonpoint source pollution on a watershed scale.

The Center's scientists are seeking ways to use waste materials from fossil fuel-fired electricity producing plants in the United States. These fossil fueled plants today generate 120 million tons annually of coal combustion wastes. The Center is making progress in developing uses for these wastes, such as in soil amendments, plastics, paint fillers, and construction materials. These and other uses for such wastes will significantly reduce the amount of coal-combustion wastes going to landfills or other storage areas.

The Center is conducting research to detect, track, and remediate wastes and contaminants. These include organics and toxic metals in waste water from industrial, power generation, and municipal operations; oily contaminants to surface water (ponds, streams, and rivers); organic and inorganic contaminants in soil and groundwater; and chemical emissions to the air.

The Center's scientists project that 40 percent of the remediation and restoration needs of the Nation can be handled by bioremediation technologies. These technologies use living organisms to destroy pollutants such as PCBs; and, these bioremediation technologies are more cost-effective than many of today's cleanup methods. The Center's biotechnical research technologies will help reduce the Nation's cost for hazardous waste remediation and site restoration which is estimated to be $1.7 trillion over the next 30 years.

Mr. President, and my colleagues in the Senate, TVA's Environmental Research Center is addressing many of the concerns of the Nation in the environmental and waste management areas. As this chart shows, the Center is involved directly in environmental and waste management projects in 41 States. And the technologies being developed have significance for all the States, and indeed, the whole world.

It makes no sense to cut funding for this effective, problem-solving research laboratory. Our Nation is at a crossroads. We have the unique responsibility today to manage the fragile balance between sustainable economic development and environmental protection. The Welfare of our generation and future generations will be affected by what we do today and in the early years of the 21st century.

AMENDMENT NO. 2065

(Purpose: To require the Secretary of the Army to submit the plan to reduce the number of division offices within the Army Corps of Engineers to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives)

On page 9, line 24, insert "(including the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives)" after "(Congress".

Mr. JOHNSTON. Mr. President, I move to reconsider the vote.

Mr. DOMENICI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOMENICI. Madam President, I have a series of amendments that I will offer, en bloc. I might state to the Senate that I think that the only thing left after this is accomplished is the disposition of the Wellstone amendment. I might say that Senator WELLSTONE is here waiting. Senator ROD GRAMS of Minnesota is on his way. He thought we had nothing going until 8:30 because that is what I had announced. But he will be here shortly, and we will discuss the Senator's amendment and see what we can work out, if anything, then.

Mr. WELLSTONE. I thank my colleague from New Mexico. We can wait and see what we can work out.

Mr. DOMENICI. Senator HUTCHISON has an amendment on Cooper Lake, Corps of Engineers; Senators GRAMS and WELLSTONE have an amendment on Marshall, MI, Corps of Engineers; Senator WARNER has an amendment on Virginia Beach hurricane protection; Senator BROWN has two amendments on Delaware Basin and Susquehanna River Basin Commissions; Senators CRAIG and KEMPTHORNE have an amendment on Idaho Chemical Processing Plant at the Idaho Engineering Laboratory. They have a statement they wish to be included following this action. Senators PRESSLER and DASCHLE have an amendment on Lake Traverse, South Dakota and Minnesota, which has been cleared on both sides; Senators DOLE and KASSEBAUM have an amendment on Arkansas City flood control project; Senator HATFIELD has an amendment on Coos Bay.

AMENDMENTS NOS. 2066 THROUGH 2075

Mr. DOMENICI. Madam President, I send a group of amendments to the desk and ask unanimous consent that the amendments be considered and agreed to, en bloc.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI] proposes amendments numbered 2066 through 2075.

The PRESIDING OFFICER. Without objection, the amendments are agreed to.

The amendments (Nos. 2066 through 2075) were agreed to, en bloc, as follows:

AMENDMENT NO. 2066

(Purpose: To provide for the donation of land to the Army Corps of Engineers and the United States, the development of a recreation center, and the designation of land for mitigation)

On page 13 insert the following new section after line 23:

SEC. . (a) The Secretary of the Army is authorized to accept from a non-Federal sponsor an amount of additional lands not to exceed 300 acres which are contiguous to the Cooper Lake and Channels Project, Texas, authorized by the River and Harbor Act of 1965 and the Water Resources Development Act of 1986, and which provide habitat value at least equal to that provided by the lands authorized to be redesignated in subsection (b).

(b) Upon the completion of subsection (a), the Secretary is further authorized to redesignate an amount of mitigation land not to exceed 300 acres to recreation purposes.

(c) The cost of all work to be undertaken pursuant to this section, including but not limited to real estate appraisals, cultural and environmental surveys, and all development necessary to avoid net mitigation losses, to the extent such actions are required, shall be borne by the donating sponsor.

AMENDMENT NO. 2067

On page 6, after line 11, add: "; For Marshall, Minnesota, $850,000;".

AMENDMENT NO. 2068

On page 6, between line 11 and line 12 insert the following: "Virginia Beach Erosion Control and Hurricane Protection, Virginia, $1,100,000;".

AMENDMENT NO. 2069

(Purpose: To limit the use of funds for the Delaware River Basin Commission)

On page 33, strike line 5 and insert the following: Commission, as authorized by law (75 Stat. 716), $440,000, *Provided:* that the U.S. Commissioner (Alternate Federal Member) shall not be compensated at a level higher than General Schedule level 15.

AMENDMENT NO. 2070

(Purpose: To limit the use of funds for the Susquehanna River Basin Commission)

On page 37, strike line 14 and insert the following: $280,000, *Provided:* that the U.S. Commissioner (Alternate Federal Member) shall not be compensated at a level higher than General Schedule level 15.

AMENDMENT NO. 2071

Page 26, line 16, insert the following before the period: ": *Provided*, that within available funds, $4,952,000 is provided for electrical and utility systems upgrade, Idaho Chemical Processing Plant, Idaho National Engineering Laboratory, project number 96–D–463".

Mr. CRAIG. Madam President, I want to thank the bill managers for agreeing to my and Senator KEMPTHORNE's amendment that provides $4.9 million for safety upgrades to the Idaho Chemical Processing Plant. I strongly support this proposal, the electrical and utility systems upgrade [EUSU] project, that will upgrade the Idaho Chemical Processing Plant utility systems.

This project will correct high risk environmental, health and life safety deficiencies at the plant. As the Department of Energy has stated in their field budget request, "Correction of these deficiencies will reduce health and safety risks and provide safe and reliable utilities to support the ICPP mission." These facilities are outdated, overloaded and not in compliance with State regulations, DOE orders or national codes and standards. This project includes upgrades to normal and standby power electrical systems, sanitary sewer systems and water systems.

Madam President, there are spent nuclear fuels stored at the Idaho Chemical Processing Plant and it is essential they be stored safely. Madam President, this amendment will assure that goal is met.

I thank the managers.

Mr. KEMPTHORNE. Madam President, I am pleased to join Senator CRAIG in cosponsoring this amendment.

Madam President, this amendment provides funding, as called for in the President's budget request, for electrical and utility upgrades at the Idaho Chemical Processing Plant at the Idaho National Engineering Laboratory. The funding, $4.9 million, would come from the $1.45 billion provided for the nuclear materials and facilities stabilization program within the $5.9 billion provided for the Defense Environmental Restoration and Waste Management account.

This project was previously identified as a safety concern by the Nuclear Facilities Safety Board. The Idaho Chemical Processing Plant is one of the facilities at INEL that stores large volumes of highly radioactive spent nuclear fuel.

According to the Defense Nuclear Facilities Safety Board report of October 12, 1994, "The electrical systems at ICPP, including CPP–603, are outdated and overloaded, and are not in compliance with state regulations, DOE orders, National Electric Codes and Standards and IEEE Standards." This report also states that these problems "present potential health and safety risks during continued operation and maintenance of these systems. Upgrades to these systems are required but have been delayed for many years."

Likewise, the fiscal year 1996 DOE budget submission states "Upgrades to the ICPP electrical and utility distribution system are essential to: First, provide safe operation of site facilities vital to the ICPP mission, second, provide a safe work place for employees, third, minimize risk of property damage as well as damage to the environment, and fourth, provide adequate capacity to support the DOE mission."

I am sure the chairman and ranking member understand the importance of this project and I regret that I did not bring this project to their attention sooner. I want to thank Senator DOMENICI and Senator JOHNSTON for agreeing to accept this amendment.

Finally, I want to thank Senators DOMENICI and JOHNSTON for this overall level of funding for the DOE clean up program provided by this bill. As the managers of the bill know, this is a very important program to the States and communities that host DOE facilities. In light of our very difficult budgetary situation, I am pleased by the level of funding for defense environmental restoration and waste management provided by this bill.

I want to once again thank the managers of the bill for their help and consideration.

AMENDMENT NO. 2072

(Purpose: To require the Army Corps of Engineers to take such actions as are necessary to obtain and maintain a specified elevation in Lake Traverse, South Dakota and Minnesota)

At the appropriate place in title I, insert the following:

SEC. 1 . WATER LEVEL IN LAKE TRAVERSE, SOUTH DAKOTA AND MINNESOTA.

(a) IN GENERAL.—Subject to subsection (b), notwithstanding any other law, the Secretary of the Army, acting through the Chief of Engineers of the Army Corps of Engineers and using funds made available under this Act, shall, to the greater extent practicable, take such actions as are necessary to obtain and maintain an elevation of 977 feet above sea level in Lake Traverse, South Dakota and Minnesota.

(b) LIMITATION.—No action taken under subsection (a) shall result in flooding at Mud Lake, South Dakota and Minnesota.

Mr. PRESSLER. Madam President, today I and Senator DASCHLE are offering an amendment to correct a problem in South Dakota that has resulted in severe flooding along the shores of Lake Traverse over the last several years. Lake Traverse lies on the far northeast section of South Dakota and in parts of western Minnesota. In fact, the boundary line between South Dakota and Minnesota goes through the middle of the lake.

Two out of the last three years, Lake Traverse has faced a major disaster due to high water levels. Shorelines were destroyed. Some small businesses lost money and proprietors were placed in financial jeopardy. Farmland was damaged and homes, cottages and other structures were damaged or destroyed. And if this is not enough, the environment and subsequent erosion wreaked havoc to the local land. Thousands of trees are under water and are dead or dying. Something must be done.

According to the U.S. Army Corps of Engineers, Congressional approval is needed before they can take steps to correct the high water level and erosion problems. The Corps is managing the lake with arcane rules that are half a century old. That is unacceptable. My amendment would give the Corps the necessary authority to better manage water release at Lake Traverse and control erosion.

The amendment would direct the U.S. Army Corps of Engineers the needed authority to obtain and maintain an elevation of 977 feet above sea level at Lake Traverse. The amendment also assures that should the Corps take action, such action would not result in flooding at Mud Lake.

There is strong public support for this action. I have held two meetings in South Dakota on this issue. At both of these meetings over 250 citizens were in attendance. Such turnout clearly indicates that South Dakotans believe something needs to be done. This amendment achieves their goal.

AMENDMENT NO. 2073

(Purpose: To provide funds for a flood control project)

On page 5 insert the following between lines 16 and 17: "Arkansas City flood control project, Kansas, $700,000, except that for the purposes of the project, section 902 of Public Law 99–662 is waived;".

AMENDMENT NO. 2074

On page 13, insert the following after line 23:

SEC. . Using funds appropriated herein the Secretary of the Army, acting through the Chief of Engineers, is authorized to undertake the Coos Bay, Oregon project in accordance with the Report of the Chief of Engineers, dated June 30, 1994, at a total cost of $14,541,000, with an estimated Federal cost of $10,777,000 and an estimated non-Federal cost of $3,764,000.

AMENDMENT NO. 2075

(Purpose: To require the Army Corps of Engineers to take such actions as are necessary to obtain and maintain a specified elevation in Lake Traverse, South Dakota and Minnesota)

At the appropriate place in title I, insert the following:

SEC. 1 . WATER LEVEL IN LAKE TRAVERSE, SOUTH DAKOTA

(a) IN GENERAL.—Subject to subsection (b), notwithstanding any other law, the Secretary of the Army, acting through the Chief of Engineers of the Army Corps of Engineers and using funds made available under this Act, shall, to the greatest extent practicable, take such actions as are necessary to obtain and maintain an elevation of 977 feet above sea level in Lake Traverse, South Dakota and Minnesota.

(b) LIMITATION.—No action taken under subsection (a) shall result in flooding at Mud Lake, South Dakota and Minnesota.

Mr. DOMENICI. I move to reconsider the vote.

Mr. JOHNSTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOLE. Madam President, we are down to one amendment on this bill. It seems to me that rather than call everyone back for one vote, if there is a vote on this, we could have that vote tomorrow morning. There is no request for a vote for final passage, as long as we have one on the conference report—either one on the bill or one on the conference report.

If that is satisfactory with the Senator from Minnesota, then I am willing to say—and the managers, of course—that there will be no more votes tonight, but we would have opening statements on DOD authorization yet tonight.

Mr. JOHNSTON. Madam President, I think that is an excellent idea.

I wonder if we could get unanimous consent to close out all other amendments other than the Wellstone amendment.

Mr. WELLSTONE. Madam President, I want to say to the majority leader that anything I can do to accommodate colleagues is fine with me. I am hopeful my colleague and I can work this out. It would be fine to have the vote tomorrow morning, if that is what we need.

Mr. DOLE. If it is all right with the Democratic whip, who is on the floor, Senator FORD, I announce there are no more votes this evening. If there is a vote required on the Wellstone amendment, maybe 9 o'clock in the morning.

Mr. DOMENICI. Madam President, reserving the right to object, and I will not, we might want to make sure, because I do not know what Senator GRAMS' desires are. He may want to amend the amendment. I think he ought to be permitted to do that.

The only thing left is your amendment and the possible second-degree amendment to it, if any.

Mr. DOLE. Whatever the disposition is——

Mr. FORD. Madam President, would the majority leader yield for a question?

Mr. DOLE. I am happy to yield to the Senator.

Mr. FORD. I understand the Senator is trying to move this along and get Members out. Did we get a unanimous-consent agreement that Senator Wellstone's amendment would be the only remaining amendment, or a second-degree to that amendment, that has already been offered?

Mr. DOLE. That was in the original list. We could make that request.

Mr. DOMENICI. There were no others allowed anyway, Madam President.

Mr. FORD. I wanted to be sure. There will be amendments in the second degree.

Mr. DOLE. I make that request, that the Wellstone amendment plus any second-degree amendments be the only amendments in order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FORD. I thank the majority leader.

One further question: Should the Wellstone amendment be worked out and no final passage vote requested, that we could finish this bill tonight, and there would not be any left for tomorrow, could that be understood?

Mr. DOLE. That would be understood. Obviously, if we finish tonight without a vote, I am sure the managers would be happy to do that.

Mr. DOMENICI. Delighted.

Mr. FORD. One, no more votes this evening; and two, probably no votes on this bill tomorrow. We will go to DOD authorization tonight with opening statements.

Mr. DOLE. In the event there is a vote, we request it be put over until tomorrow. In the event we complete action without it, obviously that is desired.

Mr. DOMENICI. Madam President, I just noticed on this list there are two Senators that I have not formally asked. I believe there will be no amendment, but we must check with Senator BURNS right now and Senator SPECTER.

We have nothing else pending. We have to wait for Senator GRAMS now.

Mr. WELLSTONE. Very briefly, I wanted to thank my colleagues, both Democrats and Republicans alike. The managers' amendment includes funding for a flood control project in Marshall, MN, which was flooded three times in 1993.

This has been a project that for some time now, is very, very important to the people in Marshall. I know that the elected leadership of the people will be very, very grateful for the action that we have taken.

I thank my colleagues for their support. I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ASHCROFT. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

WELFARE IN AMERICA

Mr. ASHCROFT. Madam President, I take this opportunity to raise important issues relating to a set of concerns which will be before the Senate next week, or perhaps even late this week.

I am talking about our responsibility to reform a welfare system, a welfare system which has been a tragic failure. All too frequently, we speak of this tragic failure as if it is a tragic failure in terms of dollars and cents. The tragedy of this failure is compounded. It is not just dollars and cents, or not even most importantly dollars and cents.

The tragedy of this failure is it is a failure in terms of human lives, the lives of children, the lives of families. It is a failure not only in terms of a single generation, but it is a failure that extends to lives that will exist in the future.

I will talk a little bit about that story. I have been talking about different stories in the welfare system, and the tragedies, the human face of this tragedy, for the last several days.

I might point out, you might think these are special cases I have somehow gained access to. The cases which I am addressing are cases which have appeared in the mainstream media. The first case was recorded in detail in the Chicago Tribune. Yesterday's case was reported in detail in the Boston Globe.

These cases are cases which have been a part of the mainstream reporting. A case which I will talk about today is the story of Rosie Watson and her successful 18-year endeavor to get welfare benefits for all seven members of her family. This is a story that is a vivid illustration of how the system entices people to try to game the system, even to be industrious in working the system, instead of working in the productive arena of American culture.

The Baltimore Sun reported in January that Rosie Watson, her common-law husband, and their seven children live in Lake Providence, LA, and they receive annually, $46,716 in tax-free income—$46,716 in tax-free income. That is principally from a Federal supplemental security income payment.

Now, this woman, Ms. Watson, has an addiction to Federal welfare. That addiction began when she was 23 years of age. She started receiving Federal AFDC payment checks for herself and her two small children.

According to the Baltimore Sun, as the number of children in the family expanded, Ms. Watson soon discovered her family's income could be significantly expanded by switching from ordinary welfare to SSI, the supplemental security income. That is the Federal Government's welfare program that distributes payments to a broad range of beneficiaries that include disabled adults that cannot work and the families of children with so-called mental and learning disabilities. Since 1974, Ms. Watson has submitted no fewer than 17 applications to Social Security law judges. She submitted these applications on behalf of herself and members of her family in an attempt to receive the maximum Federal welfare allotment possible.

She claimed that she was too stressed out to work, and Ms. Watson was certified to receive Federal welfare benefits because of the disability, because she was too stressed out to work.

Her common-law husband likewise was approved to receive welfare payments after he successfully argued that he was overweight and his overweight condition constituted a physical disability that made him too heavy to work.

Moreover, since there is no limit to the number of times that anyone can ask for assistance, after even being turned down, Ms. Watson simply continued to file welfare petitions until she eventually secured payments of $458 each for all seven of her children.

According to a feature in the Baltimore Sun, all of Ms. Watson's children were ultimately awarded full SSI benefits because they "lagged behind in school and scored poorly on psychological tests, which, under Government rules, translates in a failure to demonstrate"—and this is the term of art we use in the law—"age-appropriate behavior."

Madam President, it is no surprise that across the land citizens are irate and they derisively refer to these monthly SSI checks that go to these individuals who do not have age-appropriate behavior as "crazy checks," because if the children will act out aggressively, irrationally, will perform poorly, they can qualify themselves for $458 a month.

But that is not all. Ms. Watson soon discovered that persistence pays off. In the case of our Federal welfare system, it pays off big. In the case of the Watson family, $37,000 in tax-free, retroactive, lump-sum payments, because the lump sum was designed by our Federal system to say, "We probably should have granted you these payments earlier. Here is a check or here are checks totaling $37,000 because you have finally convinced us that you are all incapable of functioning."

Madam President, as I mentioned earlier, the issue here is not the amount of money the Federal bureaucracy is sending to this family every month. The real issue, the real issue is the toll this cycle of dependency collects in terms of human lives. In this case, the real issue concerns Ms. Watson's children and the devastating impact that this life style has on their lives.

Next to me is a picture of her 16-year-old daughter, Oleaner. She is not encouraged to pursue any of the dreams normal to a 16-year-old child. She is not doing well in school, in sports, or any extra curricula activity. It seems that her main use to her mother is the check that she ensures will show up in the mailbox every month. At 13 years of age, she was officially classified as unfit to work or to study or to do anything but collect checks.

Oleaner has become ensnared in a system which her mother manipulates for financial gain at the expense of her children's futures. She brings the family $458 per month and is paid $20 a month in allowance because of it. In order to qualify for these benefits, the children have forsaken their educations, their dreams, their futures, all sacrificed to the monthly check in the mailbox, which in a very strange way becomes their representation of what they are worth. They are worth something in terms of welfare.

According to the principal of the children's former elementary school, the abuse of these "crazy checks" is very widespread. Mr. Willie Lee Bell receives a questionnaire from the Social Security Administration—he is the principal—every time a student applies for benefits. He estimates that half of the students have applied for the benefits. He believes that many of these students are encouraged or even coached by their parents in a manner that makes them eligible to receive the so-called "crazy checks." The children, he says, do not want to fail. They are just doing what mama wants.

Mrs. Watson's youngest son, George, was suspected of having been so coached. In 1991, the authorities alleged that he was not trying up to the best of his ability on the IQ tests. Ms. Watson denies the charge, saying she has never told any of her children to act crazy in order to get some money.

The effect on school performance is clear. Children must be disruptive, they must be noisy, they must be slow. If not, their checks will cease.

According to the Baltimore Sun, the message for this family and the message sent by this system is that it is not education that will provide advancement, it is not achievement, but it is disruption. Government assistance checks follow this kind of counterproductive behavior.

The message to her son George from Mrs. Watson is clearly evident by a dispute last year in school. George's school books were taken from his locker. The principal told him he had to pay for them. Ms. Watson refused to pay. George then flunked all of his courses. George then would have to repeat the seventh grade, and Ms. Watson bragged about the additional year as a result and the ability to collect these kinds of payments.

Madam President, we are now days away from the welfare debate. There is a near unanimous consensus from Republicans that the tragedy of cases like these demands immediate reform. SSI must be reformed. But from President Clinton and from those on the other side of the aisle, we hear: No proposal. There is silence. It is a silence which is deafening.

The people of America have sent us to this Chamber to change the way business is done.

Madam President, silence and apathy are the twin evils that have allowed this Washington-based, Washington-knows-all system to stifle the poor, that have ensnared the poor. The answer from the Democrats is more spending, more bureaucracy, more rhetoric, less reform, and on this point, silence.

We cannot accept reforms that are little more than half measures designed to make the American people think they have done something about welfare. We have been down that road before.

In 1988 we passed a so-called revolutionary welfare bill that did two things. First, it ensnared more people in the web of dependency. Second, it increased the costs of welfare. You can see this on the two charts that are here behind me, a major welfare reform in 1988 and see the spike in the costs.

Here is a percentage chart showing the number of children, or the percentage of children in poverty in our country. Notice that the war on poverty began in the 1960's. We had a relatively low figure. But as we have waged our so-called war on poverty, we found out we were waging war on the future of our children, as larger and larger numbers of our children found their way into the despair of poverty, ensnared by a welfare system which captured them rather than liberated them.

It is time for us to reform a system which has sought, perhaps, noble objectives. But it has elicited the worst of behavior.

It is time, Madam President, for us to do real reform. No rearrangement of the deck chairs on the welfare *Titanic* will save us. We have to repudiate the current system. We have to institute reforms. We have to capitalize on the ingenuity and creativity and capacity of State and local governments, even governments like the District of Columbia which are addressing the central problems of the absence of family and the absence of work in the welfare system.

They know that Government cannot solve this problem, cannot solve it alone, cannot solve it just with more money. The more money we have spent, the greater the problem has grown.

The real cost in this entire operation is not just a cost in terms of financial resources. It has been a cost in lost lives. It has been from those who have sought to use their families, to abuse the system. It has been a cost of the future of children, and it will be the cost of the future of America if we do not correct this.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ASHCROFT). Without objection, it is so ordered.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS, 1996

The Senate continued with the consideration of the bill.

Mr. DOMENICI. Mr. President, it is my custom on every appropriations bill, whether I am the floor manager or not, to state succinctly as I can how it relates to the budget resolution and do some accounting for anybody that is interested in how the bill stacks up versus the budget resolution.

Mr. President, I would like to take a moment to discuss the budget impact of this bill as reported by the Senate Appropriations Committee.

By CBO's scoring, this bill provides $20.2 billion in new budget authority and $12 billion in new outlays for the Department of Energy, the Corps of Engineers, the Bureau of Reclamation, and for other selected independent agencies. With outlays from prior-year budget authority and other completed actions, the Senate bill is within the subcommittee's section 602(b) allocation.

Mr. President, this year's budget resolution established separate binding caps on defense and nondefense funding. This bill contains both defense and nondefense funding and must meet separate allocations.

According to CBO, the Senate-reported bill is within the allocation of budget authority and outlays for the defense and nondefense funding in this bill.

Mr. President, I ask, unanimous consent that a table printed in the RECORD comparing the Senate-reported bill's budget authority and outlay levels to the subcommittee's section 602(b) allocation.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ENERGY AND WATER SUBCOMMITTEE—SPENDING TOTALS—SENATE-REPORTED BILL

[Fiscal year 1996, dollars in millions]

	Budget authority	Outlays
DEFENSE DISCRETIONARY		
Outlays from prior-year BA and other actions completed		4,039
H.R. 1905, as reported to the Senate	11,446	6,868
Scorekeeping adjustment		
Subtotal defense discretionary	11,446	10,907
NONDEFENSE DISCRETIONARY		
Outlays from prior-year BA and other actions completed		4,171
H.R. 1905, as reported to the Senate	8,716	5,100
Scorekeeping adjustment		
Subtotal defense discretionary	8,716	9,271
MANDATORY		
Outlays from prior-year BA and other actions completed		
H.R. 1905, as reported to the Senate		
Adjustment to conform mandatory programs with Budget Resolution assumptions		
Subtotal mandatory		
Adjusted bill total	20,162	20,178
SENATE SUBCOMMITTEE 602(b) ALLOCATION		
Defense discretionary	11,447	10,944
Nondefense discretionary	8,733	9,272
Violent crime reduction trust fund		
Mandatory		
Total allocation	20,180	20,216
ADJUSTED BILL TOTAL COMPARED TO SENATE SUBCOMMITTEE 602(b) ALLOCATION		
Defense discretionary	−1	−37
Nondefense discretionary	−17	−1
Violent crime reduction trust fund	NA	NA
Mandatory		
Total allocation	−18	−38

Note.—details may not add to totals due to rounding. Totals adjusted for consistency with current scorekeeping conventions.

SUSQUEHANNA RIVER BASIN WATER MANAGEMENT

Mr. SARBANES. Mr. President, I would like to engage the distinguished chairman of the subcommittee in a colloquy regarding the funding contained in the bill under general investigations for Susquehanna River Basin water management.

First, I want to thank the chairman for including $290,000—the full amount requested in fiscal year 1996—for the Army Corps of Engineers to continue the reconnaissance study investigation of the Susquehanna River Basin that was initiated last year. The Susquehanna River is the largest river on the east coast of the United States and the largest tributary of the Chesapeake Bay. It is also one of the most flood prone river basins in the Nation. The Army Corps of Engineers operates 13 reservoirs on the upper Susquehanna and regulates the low and high water flow management. There are also three large hydroelectric projects on the lower Susquehanna. Under normal conditions, these reservoirs and dams serve as traps for the harmful sediments which flow into the river. During major storms however, they suddenly discharge tremendous amounts of built-up sediments, severely degrading the water quality of the Chesapeake Bay, destroying valuable habitat and killing fish and other living resources. Scientists estimate that Tropical Storm Agnes in 1982 aged the bay by more than a decade in a matter of days because of the slug of sediments discharged from the Susquehanna River reservoirs. There is a real danger that another major storm in the basin could scour the sediment that has been accumulating behind these dams and present a major setback to our efforts to clean up the bay.

It was my understanding that it was the committee's intent in funding the reconnaissance study of the Susquehanna River Basin last year and again this year, that the corps was to investigate not only alternatives for managing water storage during high and low flow conditions and flood damage reduction needs in the basin, but also to address sediment related issues for the study area. Is this correct?

Mr. DOMENICI. The Senator from Maryland is correct. It is the committee's intent that the Corps of Engineers conduct a basin-wide sedimentation assessment as part of this study, including a complete evaluation of potential sediment management strategies to reduce the impact on Chesapeake Bay.

Mr. SARBANES. I appreciate these assurances and thank the chairman for his support.

COMMITTEE AMENDMENT BEGINNING ON PAGE 12, LINE 17

Mr. DOMENICI. Mr. President, with reference to the bill, I have two housekeeping measures that I would like to get behind us now.

On page 12, starting at lines 17, section 102, continuing through page 13 until section 103, I ask unanimous consent that that committee amendment be tabled.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXCEPTED COMMITTEE AMENDMENT BEGINNING ON PAGE 38, LINE 19

Mr. DOMENICI. Mr. President, on page 38 of the bill, lines 19 through 25, that committee amendment remains not adopted because we just did not ask that it be adopted. At this point, I ask unanimous consent that committee amendment be adopted.

The PRESIDING OFFICER. That amendment has been agreed to.

Mr. DOMENICI. I thank the Chair. That is our error.

Ms. MOSELEY-BRAUN. As we consider the fiscal year 1996 energy and water development appropriations bill, I would like to express my great concern about the decision by the Senate to reduce funding for high-energy physics research by $20 million for a total of $657 million. This funding cut will impact the operating budgets of Fermi National Accelerator Laboratory in my State of Illinois, the Stanford Linear Accelerator Center in California, and the Brookhaven National Laboratory in New York.

I am aware that the deficit-driven decisions this Congress must make will have a real impact on Federal energy priorities. I also appreciate the support the committee has provided for high-energy physics research, and for Femilab, in previous years. Physicists commit decades of their lives, and, in many instances, their entire careers to long-term Government-sponsored research projects. And that means it is critical that the Government also remain committed to orderly, stable research priorities.

This Federal commitment, however, can be jeopardized by insufficient funding for the base budgets of the high-energy physics laboratories, crating situations where research is pared back, trained personnel are lost from the field, and future productivity is endangered by discouraging students from these professions.

This is the situation faced by Fermilab. Budget cuts in previous years have led to the loss of approximately 300 people at Fermilab. And once again, the budget cuts proposed by the Senate will require further staff reductions at Fermilab.

I greatly appreciate the decision by the committee to provide $52 million to continue the construction of the main injector. The main injector will increase the power of the particle accelerator at Fermilab by a factor of 5. Given that Fermilab was the site of one of the most significant discoveries in modern physics—the discovery of the subatomic particle known as the top quark—ensuring that the main injector comes on line as quickly as possible will help us learn more about the top quark and other critically important high-energy physics issues.

Unfortunately, the leaps in knowledge promised by the main injector will be adversely countered by the cuts in the operating budget as proposed by the Senate, and that means less people who can use Fermilab, and more delays in carrying out our research priorities.

The United States has great potential to lead the world in high-energy physics—our community of scientists, facilities, and partnerships built up over the last 40 years is one of our Government's greatest achievements. In order to exploit these superb resources and the new major upgrades underway at these three national laboratories, however, increased base program funding is crucial.

Therefore, during conference of this bill, I strongly urge that $20 million be restored to the high-energy physics budget, bringing the total funding to $677 million, and ensuring that the high-energy physics field in the United States remains strong in the years ahead.

Mr. DOMENICI. I thank the Senator from Illinois for her comments regarding Fermi National Accelerator Laboratory and the high-energy physics budget. The committee has provided substantial funding for this budget in previous years, but given the budget constraint that the committee was forced to confront, we were simply unable to include these funds. I can assure the distinguished Senator that we will look favorable upon her request in conference and do all that we can to assist her in including her recommendation.

MCCOOK RESERVOIR CONSTRUCTION

Ms. MOSELEY-BRAUN. Mr. President, I would like to call attention to language in the committee report to this bill that would jeopardize the commencement of construction on a very important flood control project in my State of Illinois, the McCook and Thornton Reservoir project.

The McCook and Thornton Reservoir project is an integral part of the underground tunnel system of the Chicago underflow plan [CUP] designed to control major flooding problems in Chicago and surrounding communities. Once construction in complete, the reservoirs will protect over 500,000 homes and over 3 million people, helping to protect an extremely vulnerable area which sustains over $150 million in damages every year from floods. The project has been strongly supported over the years by the Appropriations Committees of both Chambers of Congress and by the Illinois delegation.

The McCook and Thorton Reservoir project is fully authorized. Its design memorandum is based upon a plan that was carefully crafted by the U.S. Army Corps of Engineers, and, most importantly, with the full input of the current landowner. Every effort was made to accommodate the interests of all parties involved in the project. Due to complexities associated with the negotiations for the acquisition of the project land, construction on the McCook and Thornton Reservoirs have been greatly delayed. However, these negotiations are making substantial progress, and are nearing closure.

That is why I am greatly concerned by the committee report language which unfairly questions the 1986 design memorandum that was the basis for the project authorization. The committee report language also directs the U.S. Army Corps of Engineers to continue their assessment of other siting options for the project.

If the committee report language is allowed to stand, the baseless questions about the authorization will continue, construction will be further delayed, and the project will wither and die.

Chicago desperately needs these flood control reservoirs to come online. In 1993, severe thunderstorms caused massive flooding southeast of Chicago. The capacity of the existing underground flood control system was only able to hold 1.5 billion of the 45 billion gallons of rainfall before being overwhelmed. The resulting excess floodwaters caused severe disruptions of major traffic thoroughfares, including the closing of Interstate 55, and the Dan Ryan and Stevenson expressways. Rainwater and raw sewage backed up into the basements of half a million homes, creating serious public health problems. The McCook and Thornton Reservoirs, had they been complete, would have provided more than enough capacity to contain those excess waters, and would have prevented these types of disasters from occurring.

This project must be allowed to move forward without further delay. I urge the chairman's assistance in clarifying the committee's intent regarding this project. I also ask that the committee include language in the committee report which directs the key parties to complete negotiations for the acquisition of the McCook Reservoir immediately, and to direct the corps to proceed to construction with the project as authorized, notwithstanding the language in the committee report. In addition, if further funding beyond the prior appropriated dollars is needed to advance the project in fiscal year 1996, then the corps would have the authority to reprogram funds to the project.

Mr. SIMON. I want to join my colleague from Illinois in her request. The McCook Reservoir project is the linchpin to the successful flood protection and water pollution control efforts we have developed in the Chicago area. Unless this project is allowed to proceed with the funding Congress has provided, the Chicago metropolitan area will remain vulnerable to floods and significant threats to health and safety.

I urgently request the assistance of the chairman in including the conference report language referred to by Senator MOSELEY-BRAUN to complete negotiations for land for the project immediately, and to direct the corps to proceed with the authorized project notwithstanding the committee report language. Her assistance in including this and the reprogramming language is critical to the protection of the Chicago area, and I thank her for her efforts.

Mr. DOMENICI. Mr. President, I understand Senator ROD GRAMS is about ready to come and help us complete this measure.

Mr. FORD. Mr. President, will the Senator yield for a question?

Mr. DOMENICI. Of course.

Mr. FORD. I know he is doing everything he can. But any Senator who has been on his way now for about 40 minutes——

Mr. DOMENICI. He is here, and he is going to be ready quickly.

Mr. FORD. We are holding a lot of things up, and I know the Senator from New Mexico wants to get through the bill and get it behind us so we can move on to the defense authorization bill.

Mr. DOMENICI. I am fully aware of that, and we are keeping the Senate open. But Senator GRAMS is very desirous that I give him another 5 minutes, and I am going to accommodate him. He is in the Cloakroom. He will be out shortly, and then we can complete this matter.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

AMENDMENT NO. 2076

(Purpose: To establish interim water levels for certain lakes)

Mr. WELLSTONE. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Minnesota [Mr. WELLSTONE] proposes an amendment numbered 2076.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in title V, insert the following:

SEC. . WATER LEVELS IN RAINY LAKE AND NAMAKAN LAKE.

(a) FINDINGS.—Congress finds that—

(1) the Rainy Lake and Namakan Reservoir Water Level International Steering Committee conducted a 2-year analysis in which public comments on the water levels in Rainy Lake and Namakan Lake revealed significant problems with the current regulation of water levels and resulted in Steering Committee recommendations in November 1993; and

(2) maintaining water levels closer to those recommended by the Steering Committee will help ensure the enhancement of water quality, fish and wildlife, and recreational resources in Rainy Lake and Namakan Lake.

(b) DEFINITIONS.—In this section:

(1) EXISTING RULE CURVE.—The term "existing rule curve" means each of the rule curves promulgated by the International Joint Commission to regulate water levels in Rainy Lake and Namakan Lake in effect as of the date of enactment of this Act.

(2) PROPOSED RULE CURVE.—The term "proposed rule curve" means each of the rule curves recommended by the Rainy Lake and Namakan Reservoir International Steering Committee for regulation of water levels in Rainy Lake and Namakan Lake in the publication entitled "Final Report and Recommendations" published in November 1993.

(c) WATER LEVELS.—The dams at International Falls and Kettle Falls, Minnesota, in Rainy Lake and Namakan Lake, respectively, shall be operated so as to maintain water levels as follows:

(1) COINCIDENT RULE CURVES.—In each instance in which an existing rule curve coincides with a proposed rule curve, the water level shall be maintained within the range of such coincidence.

(2) NONCOINCIDENT RULE CURVES.—In each instance in which an existing rule curve does not coincide with a proposed rule curve, the water level shall be maintained at the limit of the existing rule curve that is closest to the proposed rule curve.

(d) ENFORCEMENT.—

(1) IN GENERAL.—The Federal Energy Regulatory Commission shall enforce this section as though the provisions were included in the license issued by the Commission on December 31, 1987, for Commission Project No. 5223–001.

(2) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to require the Commission to alter the license for Commission Project No. 5223–001 in any way.

(e) SUNSET.—This section shall remain in effect until the International Joint Commission review of and decision on the Steering Committee's recommendations are completed.

Mr. WELLSTONE. Mr. President, I will be brief. We have been waiting for some time. I think this amendment is acceptable to both sides. I thank my colleagues for their support.

This amendment deals with really a critical problem of water levels in the Rainy Lake and Namakan Lake. It is a hugely important issue to my State, especially to northern Minnesota.

The problem has been that the water level has been too low in the spring which, in turn, has created problems with spawning of fish and other wildlife habitat, but it also has been a problem for anglers. It has been a problem for recreation. It has been a problem for our resort owners.

So what this amendment does is it takes the water curve rule and it just essentially says this is an agreement that ultimately has to be worked out, I say to my colleague from New Mexico and my colleague from Minnesota, with the Canadians, with the IJC, the International Joint Commission. But in the meantime, within the existing rule structure, what we say to FERC is to implement this in such a way within the existing rules that we require that the water level in these lakes be on the upper level of the curve in the spring.

This is hugely important to my State of Minnesota. I will just list some of the beneficiaries. Above and beyond fish and wildlife and the park ecosystem, the sportfishing industry, the resort industry, the local economy; this amendment has the support of the International Steering Committee on Rainy Lake and Namakan Reservoir, the Citizens' Council on Voyageurs National Park, the Ash River Sportfishing Association, the Rainy Lake Sportfishing Association, and numerous other resorts, recreational, and business interests.

The amendment will not affect the IJC's current regulations. We cannot do that by law, nor are we trying to. This is an interim measure. It will not increase the flood risk. It will protect fish spawning grounds. It will improve dock access and decrease dock damage, also extremely important to people in my State. It will protect the park ecosystem and it will help save the local economy an estimated $800,000 a year in lost business due to low water levels at the beginning of the fishing season.

So it has taken some time for us to work this out, but this is an amendment that I am really proud to bring to the Senate. I believe I have the support of colleagues. I know it is extremely important to the International Falls community and really northeastern Minnesota.

I will say, since northeastern Minnesota is so important to Minnesota, it is very important to Minnesota.

I know that my colleague from Minnesota, whom I believe now is going to be supporting this, wants to speak on this as well.

I yield the floor to my colleague from Minnesota, and then I think I will follow up with concluding remarks. I believe the amendment will be acceptable to both sides.

Mr. GRAMS addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. GRAMS. Mr. President, I rise today in support of this amendment.

Clearly, there is a problem with the disputed water levels. It is a problem that deserves a solution—one that is well thought out and final.

Today, my colleague from Minnesota has offered his proposal. And I am prepared to support it—not as a solution to the problems facing the people of northern Minnesota, but as a message that we will not let these problems go unresolved.

Unfortunately, this amendment, while sending a message, does not necessarily pass the test of being a good solution. Hastily prepared ideas rarely do.

It should come as no surprise that this amendment has a number of problems and could have some unforeseen consequences of which we're not aware today. And the Senate needs to be aware of that.

There is an orderly and regular process by a joint United States-Canadian commission to address this very matter—the International Joint Commission.

That process is already underway. It will result in water level decisions based on scientific analysis.

Tonight the Senator's amendment would prejudge the outcome of that process.

It would put into effect a subcommittee report to the full international committee before the full committee has a chance to consider the report and make a final decision.

We simply do not know what impact the subcommittee recommendation would have on fish, wildlife, and the environment.

The amendment also does a very curious thing: It would require the Federal Energy Regulatory Commission to enforce the international joint commission subcommittee's water recommendations on dams and water impoundments over which the FERC does not now have jurisdiction.

What we are doing here is codifying a decision by a subcommittee of a United States-Canadian body, the international joint commission with virtually no input from the Canadian side.

But today, we will adopt this amendment—without adequate notice, without proper consultation. Because what we are giving the people of Minnesota is a message: and that is the Senate urges the IJC to act quickly to resolve this issue. The people of Minnesota deserve a solution, not just a message. But a message is what we are giving them tonight.

Again, I want to thank my colleague for his efforts and support. I yield the floor.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, there is agreement. We will not go on with the debate.

I say to my colleagues, this is not a hastily prepared idea. The steering committee spent 2 years and had lots of public comments before they reached their recommendations.

This is not a solution, it is an interim solution. We wait for the IJC to make final ruling. We cannot wait in the meantime. We have this problem to deal with now. This does not prejudice any final outcome. It is just a way of fixing a very important problem now.

There is no reason to go on with the debate. I am proud to have the support. I hope that we can voice vote this tonight.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I thank both Senators for working this amendment out. Obviously, we have no objection on our side, and I understand Senator JOHNSTON has no objection on his side. With that, I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2076) was agreed to.

Mr. WELLSTONE. Mr. President, I move to reconsider the vote.

Mr. DOMENICI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOMENICI. I thank both Senators.

Mrs. BOXER. Mr. President, the energy and water appropriations bill for fiscal year 1996, despite some progress particularly on water reclamation projects, represents a serious setback for environmental preservation.

In addition, the committee, in my view, has strayed outside its jurisdiction in directing the Secretary of the Army to develop a plan to consolidate the division offices of the Corps of Engineers. That issue is properly left with the authorizing committee, in this case the Environment and Public Works Committee.

I appreciate the committee accepting an amendment by me and Senator MAX BAUCUS, the ranking member of the Committee on Environment and Public Works, that specifies that the report on division consolidation shall be sent to the Senate Environment and Public Works Committee, on which I serve. I believe it is important that divisions which have a large workload and critical emergency response duties, such as the South Pacific Division in San Francisco, should be located in close proximity to the work requirements. The Environment and Public Works Committee will have a chance to consider the corps consolidation plan before implementation begins in August 1996.

Included in the House-passed bill, but omitted from the Senate Appropriations Committee version, were funds for the Spring Run Restoration Programs, the Coho Salmon Restoration Programs, the Winter Run Chinook Salmon Captive Breedstock Program, and certain fish screening programs and habitat acquisition programs. These represent solid investments in the health of the Pacific Salmon fishery.

I sincerely hope that the Senate conferees give these particular House-passed provisions careful consideration when they go to conference with the House.

I am pleased that the bill includes $11,367,000 for construction of the Los Angeles County Drainage Area, an important flood control improvement project that will restore an adequate level of flood protection to one of the more densely populated areas of the country. Without flood control improvements, the corps estimates that a 100-year flood event could inundate as much as 82 square miles of Los Angeles County, affecting more than 500,000 residents in 11 cities.

I appreciate Acting Assistant Secretary of the Army for Civil Works, John Zirschky, meeting with me personally about the project and hearing my concerns about the environmental impact of this project. Several environmental groups in Los Angeles County had raised concerns about the effect both visually and environmentally of constructing parapet walls along the top of the levees in place now and questioned whether the corps had fully explored nonstructural alternatives.

I understand because of the urgent need to move on this project that we could not afford to halt construction until such alternatives had been assessed. Therefore, I agreed to support the project after obtaining the corps support to pursue a feasibility study of the whole Los Angeles Basin watershed. Although some of the cities in the floodplain recently refused to participate in a community task force to look at project modifications while initial construction was under way, Secretary Zirschky has assured me that the corps will seek the county's cooperation in a 3-year feasibility study for ways to improve the river watershed including a review and possible modifications of the river's flood control improvements.

Even without a formal task force, the Secretary is willing to work with the county, affected cities, and the environmental groups to recommend ways to restore the natural ecosystem, improve stormwater management, and enhance water conservation and supply, and recreational opportunities. It is my hope that this study will serve as a springboard to greater cooperation among the affected cities, the country, the corps, and the environmental community.

Secretary Zirschky should be commended for working with Los Angeles County in the flood control project cooperation agreement to require the county to manage stormwater runoff to avoid any need for future expansion of the flood control project.

I ask unanimous consent that Secretary Zirschky's July 21, 1995, letter to me about this project be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF THE ARMY,
Washington, DC, July 21, 1995.

Hon. BARBARA BOXER,
U.S. Senate, Washington, DC.

DEAR SENATOR BOXER: I am pleased to inform you that I recently sent to Congress a recommendation for construction of the flood damage reduction project for the Los Angeles County Drainage Area. My recommendation completes the authorization required by Section 101(b) of the Water Resources Development Act of 1990. A copy of my letter to Congress and a press release on the project are enclosed.

In approving this project, I have required that the non-Federal sponsor manage future stormwater runoff so that the authorized level of flood protection is not diminished. In addition, we have agreed to seek a non-Federal sponsor and initiate a multi-objective feasibility study of the entire Los Angeles River Watershed. This study will focus on restoring the natural ecosystem along the river and throughout the watershed, as well as providing opportunities to improve stormwater management, water conservation and water quality, recreation and the aesthetics in the watershed area. The study could also result in further modifications to the recently authorized project. In conducting this study, we are committed to working with other Federal agencies—State and local governments, as well as other non-governmental environmental organizations. The study will be initiated with available funds and will not delay construction of the Drainage Area project.

I look forward to working with you in bringing this much needed project to completion.

Sincerely,

JOHN H. ZIRSCHKY,
Acting Assistant Secretary
of the Army (Civil Works).

Mr. THURMOND. Mr. President, will the manager of the bill, the distinguished Senator from New Mexico, yield for a question?

Mr. DOMENICI. I would be glad to yield.

Mr. THURMOND. Am I correct in my understanding that the energy and water development appropriations bill, as reported from the Appropriations Committee, includes an increase of over $140,000,000 for the Department of Energy's stockpile management program?

Mr. DOMENICI. My colleague from South Carolina, the chairman of the Senate Armed Services Committee, is correct. As reported by the Appropriations Committee, the Energy and Water Development Appropriations Act for fiscal year 1996 includes a $143,800,000 increase over the budget request for stockpile management.

Mr. BOND. Mr. President, I strongly support the increase in stockpile management provided by the committee. There is a clear need for the Department to ensure that its capabilities that currently reside at the Y-12 plant at Oak Ridge, TN; the Kansas City plant in Kansas City, MO; the Pantex plant in Texas; and the Savannah River site in South Carolina, are modernized to meet the requirements of the enduring nuclear weapons stockpile.

Mr. THOMPSON. Mr. President, I want to thank the Senator from New Mexico for his support for stockpile management and the additional funds necessary to make needed investments in the Department of Energy's production sites such as the Y-12 plant. We certainly expect the Department will make additional investments in the production facilities to ensure those facilities meet future requirements.

Mr. FRIST. Mr. President, the facilities funded by the Department of Energy's stockpile management program represent essential elements in the continuing DOE complex. By simply having the know-how at hand, we cannot guarantee the proper management of the stockpile over the long term; we must also maintain the capabilities that exist in the facilities that produced components of the enduring stockpile.

Mrs. HUTCHISON. Mr. President, I also strongly support the increase in stockpile management provided by the committee. I am pleased to join with my colleagues to speak to the importance of maintaining a safe and reliable U.S. nuclear deterrent, and in particular, the need to make the necessary and cost-effective investments in nuclear weapons stockpile activities. The Pantex plant, along with Savannah River, Y-12, and Kansas City plant, is one of the few remaining production sites with existing infrastructure and capabilities that can meet the national security needs identified in the Department of Defense's nuclear posture review.

Mr. DOMENICI. I thank my colleagues.

Mr. President, I believe we are ready for third reading of the bill.

The PRESIDING OFFICER. The question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read a third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, shall the bill pass?

So the bill (H.R. 1905), as amended, was passed.

Mr. DOMENICI. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOMENICI. Mr. President, I move that the Senate insist on its amendments and request a conference with the House on the disagreeing votes thereon and that the Chair be authorized to appoint conferees on the part of the Senate.

The motion was agreed to, and the Presiding Officer appointed Mr. DOMENICI, Mr. HATFIELD, Mr. COCHRAN, Mr. GORTON, Mr. MCCONNELL, Mr. BENNETT, Mr. BURNS, Mr. JOHNSTON, Mr. BYRD, Mr. HOLLINGS, Mr. REID, Mr. KERREY, and Mrs. MURRAY conferees on the part of the Senate.

Mr. DOMENICI. Mr. President, I am going to proceed to wrap up the Senate at the request of the majority leader.

MORNING BUSINESS

Mr. DOMENICI. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ON THE NATIONAL EMERGENCY WITH IRAQ—MESSAGE FROM THE PRESIDENT—PM 71

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

I hereby report to the Congress on the developments since my last report of February 8, 1995, concerning the national emergency with respect to Iraq that was declared in Executive Order No. 12722 of August 2, 1990. This report is submitted pursuant to section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c).

Executive Order No. 12722 ordered the immediate blocking of all property and interests in property of the Government of Iraq (including the Central Bank of Iraq) then or thereafter located in the United States or within the possession or control of a U.S. person. That order also prohibited the importation into the United States of goods and services of Iraqi origin as well as the exportation of goods, services, and technology from the United States to Iraq. The order prohibited travel-related transactions to or from Iraq and the performance of any contract in support of any industrial, commercial, or governmental project in Iraq. United States persons were also prohibited from granting or extending credit or loans to the Government of Iraq.

The foregoing prohibitions (as well as the blocking of Government of Iraq property) were continued and augmented on August 9, 1990, by Executive Order No. 12724, which was issued in order to align the sanctions imposed by the United States with United Nations Security Council Resolution 661 of August 6, 1990.

Executive Order No. 12817 was issued on October 21, 1992, to implement in the United States measures adopted in United Nations Security Council Resolution 778 of October 2, 1992. Resolution 778 requires U.N. Member States to transfer to a U.N. escrow account any funds (up to $200 million apiece) representing Iraqi-oil sale proceeds paid by purchasers after the imposition of U.N. sanctions on Iraq, to finance Iraq's obligations for U.N. activities with respect to Iraq, such as expenses to verify Iraqi weapons destruction, and to provide humanitarian assistance in Iraq on a nonpartisan basis. A portion of the escrowed funds also funds the activities of the U.N. Compensation Commission in Geneva, which handles claims from victims of the Iraqi invasion and occupation of Kuwait. Member States also may make voluntary contributions to the account. The funds placed in the escrow account are to be returned, with interest, to the Member States that transferred them to the United Nations, as funds are received from future sales of Iraqi oil authorized by the U.N. Security Council. No Member State is required to fund more than half of the total transfers or contributions to the escrow account.

This report discusses only matters concerning the national emergency with respect to Iraq that was declared in Executive Order No. 12722 and matters relating to Executive Orders Nos. 12724 and 12817 (the "Executive orders"). The report covers events from February 2, 1995, through August 1, 1995.

1. During the reporting period, there were no amendments to the Iraqi Sanctions Regulations.

2. The Department of the Treasury's Office of Foreign Assets Control ("FAC") continues its involvement in lawsuits seeking to prevent the unauthorized transfer of blocked Iraqi assets. In *Consarc Corporation* v. *Iraqi-ministry of Industry and Minerals*, a

briefing schedule has been set for disposition of FAC's December 16, 1994, appeal of the district court's order of October 17, 1994, transferring blocked property.

Investigations of possible violations of the Iraqi sanctions continue to be pursued and appropriate enforcement actions taken. There are currently 43 enforcement actions pending, including nine cases referred by FAC to the U.S. Customs Service for joint investigation. Additional FAC civil penalty notices were prepared during the reporting period for violations of the International Emergency Economic Powers Act and Iraqi Sanction Regulations with respect to transactions involving Iraq. Three penalties totaling $8,905 were collected from two banks for funds transfers in violation of the prohibitions against transactions involving Iraq.

3. Investigation also continues into the roles played by various individuals and firms outside Iraq in the Iraqi government procurement network. These investigations may lead to additions to FAC's listing of individuals and organizations determined to be Specially Designated Nationals ("SDNs") of the Government of Iraq.

4. Pursuant to Executive Order No. 12817 implementing United Nations Security Council Resolution 778, on October 26, 1992, FAC directed the Federal Reserve Bank of New York to establish a blocked account for receipt of certain post-August 6, 1990, Iraq-oil sales proceeds, and to hold, invest, and transfer these funds as required by the Order. On March 21, 1995, following payments by the Governments of Canada ($1,780,749.14), the European Community ($399,695.21), Kuwait ($2,500,000.00), Norway ($261,758.10), and Switzerland ($40,000.00), respectively, to the special United Nations-controlled account, entitled "United Nations Security Council Resolution 778 Escrow Account," the Federal Reserve Bank of New York was directed to transfer a corresponding amount of $4,982,202.45 from the blocked account it holds to the United Nations-controlled account. Similarly, on April 5, 1995, following the payment of $5,846,238.99 by the European Community, the Federal Reserve Bank of New York was directed to transfer a corresponding amount of $5,846,238.99 to the United Nations-controlled account. Again, on May 23, 1995, following the payment of $3,337,941.75 by the European Community, $571,428.00 by the Government of the Netherlands and $1,200,519.05 by the Government of the United Kingdom, the Federal Reserve Bank of New York was directed to transfer a corresponding amount of $5,109,888.80 to the United Nations—controlled account. Finally, on June 19, 1995, following the payment of $915,584.96 by the European Community and $736,923.12 by the Government of the United Kingdom, the Federal Reserve Bank of New York was directed to transfer a corresponding amount of $1,652,508.08 to the United Nations—controlled account. Cumulative transfers from the blocked Federal Reserve Bank of New York account since issuance of Executive Order No. 12817 have amounted to $175,133,026.20 of the up to $200 million that the United States is obligated to match from blocked Iraqi oil payments, pursuant to United Nations Security Council Resolution 778.

5. The Office of Foreign Assets Control has issued a total of 590 specific licenses regarding transactions pertaining to Iraq or Iraqi assets since August 1990. Licenses have been issued for transactions such as the filing of legal actions against Iraqi governmental entities, legal representation of Iraq, and the exportation to Iraq of donated medicine, medical supplies, food intended for humanitarian relief purposes, the execution of powers of attorney relating to the administration of personal assets and decedents' estates in Iraq, the protection of preexistent intellectual property rights in Iraq and travel to Iraq for the purposes of visiting Americans detained there. Since my last report, 57 specific licenses have been issued.

6. The expenses incurred by the Federal Government in the 6 month period from February 2, 1995, through August 1, 1995, which are directly attributable to the exercise of powers and authorities conferred by the declaration of a national emergency with respect to Iraq are reported to be about $4.9 million, most of which represents wage and salary costs for Federal personnel. Treasury (particularly in the Office of Foreign Assets Control, the U.S. Customs Service, the Office of the Under Secretary for Enforcement, and the Office of the General Counsel), the Department of State (particularly the Bureau of Economic and Business Affairs, the Bureau of Near Eastern Affairs, the Bureau of International Organization Affairs, the Bureau of Political-Military Affairs, the U.S. Mission to the United Nations, and the Office of the Legal Adviser) and the Department of Transportation (particularly the U.S. Coast Guard).

7. The United States imposed economic sanctions on Iraq in response to Iraq's illegal invasion and occupation of Kuwait, a clear act of brutal aggression. The United States, together with the international community, is maintaining economic sanctions against Iraq because the Iraqi regime has failed to comply fully with United Nations Security Council resolutions. Security Council resolutions on Iraq call for the elimination of Iraqi weapons of mass destruction, Iraqi recognition of Kuwait and the inviolability of the Iraq-Kuwait boundary, the release of Kuwaiti and other third-country nationals, compensation for victims of Iraqi aggression, long-term monitoring of weapons of mass destruction capabilities, the return of Kuwaiti assets stolen during Iraqi's illegal occupation of Kuwait, renunciation of terrorism, an end to internal Iraqi repression of its own civilian population, and the facilitation of access of international relief organizations to all those in need in all parts of Iraq. More than 5 years after the invasion, a pattern of defiance persists: a refusal to account for missing Kuwaiti detainees; failure to return Kuwaiti property worth millions of dollars, including military equipment that was used by Iraq in its movement of troops to the Kuwaiti border in October 1994; sponsorship of assassinations in Lebanon and in northern Iraq; incomplete declarations to weapons inspectors; and ongoing widespread human rights violations. As a result, the U.N. sanctions remain in place; the United States will continue to enforce those sanctions under domestic authority.

Baghdad government continues to violate basic human rights of its own citizens through systematic repression of minorities and denial of humanitarian assistance. The Government of Iraq has reportedly said it will not be bound by United Nations Security Council Resolution 688. For more than 4 years, Baghdad has maintained a blockade of food, medicine, and other humanitarian supplies against northern Iraq. The Iraqi military routinely harasses residents of both the north and has attempted to "Arabize" the Kurdish, Turcomen, and Assyrian areas of the north. Iraq has not relented in its artillery attacks against civilian population centers in the south or in its burning and draining operations in the southern marshes, which have forced thousands to flee to neighboring States. In April 1995, the U.N. Security Council adopted resolution 986 authorizing Iraq to export limited quantities of oil (up to $1 billion per quarter) under U.N. supervision in order to finance the purchase of food, medicine, and other humanitarian supplies. The resolution includes arrangements to ensure equitable distribution of such assistance to all the people of Iraq. The resolution also provides for the payment of compensation to victims of Iraqi aggression and for the funding of other U.N. activities with respect to Iraq. Resolution 986 was carefully crafted to address the issues raised by Iraq to justify its refusal to implement similar humanitarian resolutions adopted in 1991 (Resolutions 706 and 712), such as oil export routes and questions of national sovereignty. Nevertheless, Iraq refused to implement this humanitarian measure. This only reinforces our view that Saddam Hussein is unconcerned about the hardships suffered by the Iraqi people.

The policies and actions of Saddam Hussein regime continue to pose an unusual and extraordinary threat to the national security and foreign policy of the United States as well as to regional peace and security. The U.N. resolutions require that the Security Council be assured of Iraq's peaceful intentions in judging its compliance with sanctions. Because of Iraq's failure to comply fully with these resolutions, the United States will continue to apply economic sanctions to deter it from threatening peace and stability in the region.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *August 1, 1995*.

MESSAGES FROM THE HOUSE

At 12:04 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 701. An act to authorize the Secretary of Agriculture to convey lands to the City of Rolla, Missouri.

H.R. 714. An act to establish the Midewin National Tallgrass Prairie in the State of Illinois, and for other purposes.

H.R. 1874. An act to modify the boundaries of the Talladega National Forest, Alabama.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 89. Concurrent resolution waiving provisions of the Legislative Reorganization Act of 1970 requiring adjournment of Congress by July 31.

ENROLLED BILL SIGNED

At 3:11 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 2017. An act to authorize an increased Federal share of the costs of the certain transportation projects in the District of Columbia for fiscal years 1995 and 1996, and for other purposes.

The enrolled bill was subsequently signed by the President pro tempore (Mr. THURMOND).

At 7:28 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2099. An act making appropriations for the Department of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for fiscal year ending September 30, 1996, and for other purposes.

The message also announced that the House has passed the following bill, without amendment:

S. 21. An act to terminate the United States arms embargo applicable to the Government of Bosnia and Herzegovina.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent and referred as indicated:

H.R. 701. An act to authorize the Secretary of Agriculture to convey lands to the City of Rolla, Missouri; to the Committee on Agriculture, Nutrition, and Forestry.

H.R. 1874. An act to modify the boundaries of the Talladega National Forest, Alabama; to the Committee on Agriculture, Nutrition, and Forestry.

H.R. 2099. An act making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for fiscal year ending September 30, 1996, and for other purposes; to the Committee on Appropriations.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. GORTON:

S. 1099. A bill to provide for a change in the exemption from the child labor provisions of the Fair Labor Standards Act of 1938 for minors between 16 and 18 years of age who engage in the operation of automobiles and trucks, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. MOYNIHAN (for himself, Mr. HATCH, Mr. BAUCUS, Mr. BINGAMAN, Mrs. BOXER, Mr. BREAUX, Mr. COCHRAN, Mr. D'AMATO, Mr. DODD, Mr. GRASSLEY, Mr. KYL, Ms. MOSELEY-BRAUN, Mr. PRYOR, and Mr. SIMPSON):

S. 1100. A bill to amend the Internal Revenue Code of 1986 to provide for the deduction of partnership investment expenses under the minimum tax; to the Committee on Finance.

By Mr. HATCH (for himself and Mr. HEFLIN) (by request):

S. 1101. A bill to make improvements in the operation and administration of the Federal courts, and for other purposes; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GORTON:

S. 1099. A bill to provide for a change in the exemption from the child labor provisions of the Fair Labor Standards Act of 1938 for minors between 16 and 18 years of age who engage in the operation of automobiles and trucks, and for other purposes; to the Committee on Labor and Human Resources

CHILD LABOR LEGISLATION

Mr. GORTON. Mr. President, few experiences are more valuable to young people than part-time and summer jobs. Jobs provide teenagers with both an income and an important lesson on what it's like to be in the work force. It is unfortunate, then, that the Federal Government—ever eager to encroach upon the lives of Americans—is denying young people the opportunity to work in at least one sector of our economy, car dealership.

Let me explain. Last year, the U.S. Department of Labor started cracking down on dealerships that allowed their 16- and 17-year-old employees to drive cars for short distances, say, from one lot to another across the street, or to a nearby gas station. Why? Because of a provision in the Fair Labor Standards Act that allows for only incidental and occasional driving by teenage employees under 18. As interpreted by the Department of Labor, this provision effectively wipes out any teenage driving whatsoever.

This provision in the Fair Labor Standards Act was intended to prevent employers from over-working young people and using then to drive heavy vehicles. But what we are talking about today, Mr. President, is not exploitation, but perfectly reasonable actions.

The Department of Labor, for reasons which I cannot fathom, has imposed almost $200,000 worth of fines on dealerships throughout Washington State, even thought the dealerships did not require their 16- and 17-year-old employees to drive often, or for a long time, but only in very limited circumstances. The result of these fines? Most car dealerships no longer hire people under 18 years of age, and hundreds of teenagers are prevented from getting good jobs.

Mr. President, I cannot help but point out the irony of the Labor Department acting as a job-destroying entity. Matthew Bergman, a then-17-year-old part-time dealership worker, said last year in the Seattle Times,

> I can have a legal state license that represents me in any state in the country, but I can't drive three blocks in a company car. It's a real bummer.

A bummer indeed, Mr. President. But it doesn't have to be that way. I believe we can reasonably modify the Fair Labor Standards Act so that teenagers can drive cars as long as it is not a primary part of their jobs. The bill I introduce today will do just that. It will be better for car dealerships, and better for kids who want to work. I urge my colleagues to support this important legislation.

Mr. President, I ask unanimous consent that the complete text of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1099

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORITY FOR MINORS TO OPERATE MOTOR VEHICLES.

In the administration of the child labor provisions of the Fair Labor Standards Act of 1938, the Secretary of Labor shall issue a final rule not later than 1 year from date of enactment of this Act to amend the exemption from the child labor restrictions of such Act under section 570.52(b)(1) of title 29, Code of Federal Regulation, for minors between 16 and 28 years of age who operate automobiles or trucks not exceeding 6,000 pounds gross vehicle weight to eliminate the requirement that such operation be only occasional and incidental to the employment of a minor and to add the requirement that such operation not be the primary duty of the employment of a minor.

By Mr. MOYNIHAN (for himself, Mr. HATCH, Mr. BAUCUS, Mr. BINGAMAN, Mrs. BOXER, Mr. BREAUX, Mr. COCHRAN, Mr. D'AMATO, Mr. DODD, Mr. GRASSLEY, Mr. KYL, Ms. MOSELEY-BRAUN, Mr. PRYOR, and Mr. SIMPSON):

S. 1100. A bill to amend the Internal Revenue Code of 1986 to provide for the deduction of partnership investment expenses under the minimum tax; to the Committee on Finance.

TAX LEGISLATION

Mr. MOYNIHAN. Mr. President, I am introducing a bill today to eliminate a serious tax impediment to venture capital investments. It would treat the investment expenses of individuals investing in partnerships the same for alternative minimum tax [AMT] purposes as they are currently treated for regular tax purposes. No longer would individuals who are subject to the AMT and invest in venture capital funds set up as partnerships face taxation on their gross earnings, rather than their net income after deduction of expenses. This provision was included in the Tax Fairness and Economic Growth Act of 1992, H.R. 11, legislation that was passed by Congress but vetoed for reasons unrelated to this issue.

Under current law, most investors are permitted to deduct the expenses of earning investment income so that they pay tax on the net income from an investment. Individual taxpayers not subject to the AMT are permitted to deduct investment expenses against investment income, to the extent that expenses exceed 2 percent of the taxpayer's adjusted gross income. Further, individuals who invest through mutual funds effectively get a deduction for all investment expenses without regard to the 2 percent floor applicable to direct investment. Corporate taxpayers are also entitled to a tax deduction for all investment expenses.

In contrast to the general rule, the AMT as it applies to individuals denies them a deduction for any investment expenses, despite the fact that such expenses are legitimate costs of earning investment income. Denying the deduction for investment expenses is especially harsh when applied to individual partners in a venture capital partnership, because all of the partnership's expenses—for example, salaries, rent, legal and accounting services, and the costs of investigating and managing investment opportunities—are considered investment expenses that cannot be deducted under the AMT.

The goal of the AMT is to properly measure a taxpayer's income, so that the tax is paid on economic income. There is no policy justification for preventing the deduction of legitimate expenses of earning investment income.

The bill that I am introducing today would address the undesirable AMT policy in current law by treating individuals investing in partnerships and subject to the AMT the same as individuals under the regular income tax. Partners would be allowed to deduct partnership investment expenses against their partnership investment income, subject to the same 2 percent floor applied to other individual investors under the regular income tax.

These proposed tax changes should increase the flow of funds to partnerships investing in new businesses by eliminating a substantial tax barrier that currently exists. The vast majority of venture capital funds are organized as partnerships. Further, this proposed legislation should improve the efficiency of capital markets by bringing the AMT rules for partnership investments into conformity with those applicable under the regular income tax rules, and closer to those applicable to investors in mutual funds.

Mr. President, I ask unanimous consent that the text of the bill be placed in the RECORD.

S. 1100

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TREATMENT OF PARTNERSHIP INVESTMENT EXPENSES UNDER MINIMUM TAX.

(a) GENERAL RULE.—Subparagraph (A) of section 56(b)(1) of the Internal Revenue Code of 1986 (relating to limitation on deductions) is amended to read as follows:

"(A) DISALLOWANCE OF CERTAIN DEDUCTIONS.—

"(i) IN GENERAL.—No deduction shall be allowed—

"(I) for any miscellaneous itemized deduction (as defined in section 67(b)), or

"(II) for any taxes described in paragraph (1), (2), or (3) of section 164(a).

"(ii) TREATMENT OF PARTNERSHIP INVESTMENT EXPENSES.—Subclause (I) of clause (i) shall not apply to the taxpayer's distributive share of the expenses described in section 212 of any partnership; except that the aggregate amount allowed as a deduction by reason of this sentence shall not exceed the lesser of (I) the aggregate adjusted investment income of the taxpayer from partnerships, or (II) the excess of the aggregate of the taxpayer's distributive shares of such expenses over 2 percent of adjusted gross income. For purposes of the preceding sentence, the term 'adjusted investment income' means investment income (as defined in section 163(d)(4)(B) without regard to clause (ii)(II) or clause (iii) reduced by investment interest (as defined in section 163(d)(3)).

"(iii) TREATMENT OF CERTAIN TAXES.—Subclause (II) of clause (i) shall not apply to any amount allowable in computing adjusted gross income."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 3, 1994.

Mr. HATCH. Mr. President, I am pleased to join with my distinguished colleague, Senator MOYNIHAN, in introducing legislation to ease the burden of the alternative minimum tax [AMT] on investors. I commend Senator MOYNIHAN and my other colleagues for the work they have done to help bring this bill to introduction in the Senate and to secure the strong bipartisan support that it enjoys.

Mr. President, changes to this area of the tax law are long overdue. Congress has attempted to correct this problem several times within the past few years. In fact, this bill was passed in its exact present form by both houses of Congress in 1992 as part of H.R. 11. My colleagues will recall that H.R. 11 was vetoed by President Bush for reasons unrelated to this provision.

Under current law, individuals who incur investment expenses may deduct them for regular tax purposes, subject to a 2-percent gross income floor. This includes expenses passed through to individuals from partnerships. While these legitimate investment expenses are deductible under the regular tax system, the alternative minimum tax system completely disallows their deductibility.

In the case of venture capital partnerships, investment expenses are often quite substantial. These partnerships spend a great deal of time and resources exploring possibilities for new investments to make sure that the products and companies will be successful before committing venture capital funding. The expenses required to explore and begin such investments include hiring support staff, renting office space, obtaining computers and other equipment, hooking up utilities, and legal and accounting fees.

Partners in these partnerships are generally successful and active businesspeople. Activities such as running other businesses, serving on boards of other companies, and investing heavily in other areas of the economy, often subjects their income to the alternative minimum tax. Even though their investment expenses from partnerships are completely legitimate, if the partners are subject to the AMT, these investment expenses are nondeductible and the partners, in effect, are punished for daring to invest.

The fact that these men and women are successful business people in other areas of their lives is the only reasons that the AMT kicks in to punish their investment activity. Mr. President, don't we want successful people to be the ones developing the products of tomorrow? In our view, there is simply no justification for disallowing legitimate expenses for reasons not even related to the venture capital investments.

Even the Treasury has acknowledged that the AMT's treatment of investment expenses is conceptually flawed. According to a recent report, this disparity in treatment results in the incorrect measurement of the economic income of investors subject to the

AMT. The problem is not just conceptual. Real money, desperately needed by small businesses, is being diverted by a flawed tax policy.

Investors are often simply unwilling to make investments in emerging businesses that not only carry the highest risks in the investment world, but also carry the highest possible tax rates.

Mr. President, our bill will help stop the flow of capital away from entrepreneurial investments by allowing a partner in an investment partnership, filing as an individual, to deduct certain investment expenses for both regular tax and alternative minimum tax purposes. The strong disincentive to invest that the AMT has imposed on such partnerships would thus be eliminated.

Mr. President, this bill is pro-economy and pro-jobs. Allowing the deductibility of investment expenses will enhance the critical role that private sector investment plays in advancing our Nation's growth and development goals. This bill will affect the economic growth and vitality of our Nation in such industries as health care, biotechnology, pharmaceuticals, and high technology.

Small firms with venture capital support contribute significantly to the overall job growth of our economy. Such firms contribute greatly to the creation of jobs, and these are generally high quality jobs. In fact, 59 percent of the labor force in businesses created by venture capital are high-skill, high-wage workers such as engineers, scientists, and managers.

With an average annual growth rate of 25 percent, venture capital financed firms outpace almost all other sectors of our economy. As we remove this burden of the AMT, millions of dollars in entrepreneurial capital will be attracted that can provide a vital source of funding for the jobs created by such start-up businesses.

In my home State of Utah, venture capital has contributed an estimated $100 million dollars to high growth industries. In fact, several of Utah's medical device and computer software companies owe their very existence to the capital that these partnerships provide.

Our bill would eliminate the AMT's financial impediment to the development of new, innovative products. Benefactors of this legislation include companies like Anefta, a Utah company which recently created the first pre-operating room anesthetic specifically designed for children. With the aid of a venture capital group, Anefta created an anesthetic in the form of a lollypop that hospitals across the country now give to children going into surgery.

Mr. President, it is time to stop punishing those willing to invest in America's future, in companies like Anefta. We need to remove the burden of the AMT on the entrepreneurial sector of our economy. I urge my colleagues to join Senator MOYNIHAN and myself in sponsoring this important legislation.

By Mr. HATCH (for himself and Mr. HEFLIN) (by request):

S. 1101. A bill to make improvements in the operation and administration of the Federal courts, and for other purposes; to the Committee on the Judiciary.

THE FEDERAL COURTS IMPROVEMENT ACT OF 1995

Mr. HATCH. Mr. President, at the request of the Administrative Office of the United States Courts, today I introduce the Federal Courts Improvement Act of 1995.

The Administrative Office prepared this legislation, and I am pleased to introduce it on that office's behalf. While I have reservations about some provisions of the bill, I believe that, out of comity to the judicial branch, the Senate should have the judiciary's specific proposals on record so that we can give those suggestions a full and fair hearing.

As for content, the bill is lengthy and includes both technical and substantive changes in the law. Some of its substantive changes do raise concern. For example, section 201 of the bill provides authorization for judicial branch reimbursement out of civil forfeiture funds for expenses incurred in connection with asset forfeiture proceedings. This might have a harmful effect on law enforcement and related programs, which currently receive reimbursement from civil forfeiture funds, and on other recipients of residual forfeiture funds.

A number of provisions relax rules pertaining to senior judges. Section 401 of the bill, for instance, changes the service requirements governing when judges may take senior status. Under the current rule, the earliest time a judge may take senior status is at 65 years of age, with 15 or more years of service. Under the new provision, a judge would be permitted to take senior status as early as age 60, so long as that judge's combined age and years of service equal at least 80.

Section 402 loosens requirements for senior judges' work certification to permit senior judges to obtain retroactive credit. Under that provision, a senior judge's work could be credited toward a prior year in which the judge did not complete the minimum work requirements. That would enable senior judges to remain eligible for salary increases for which they otherwise would not be qualified.

I have some concern that those provisions would increase costs to the Federal Government. With judges taking senior status earlier, a greater number of active judges would have to be appointed to handle the heavy Federal court caseload. Enabling senior judges to maintain senior status without meeting the already reduced work requirements could increase salary costs unnecessarily.

I mention these simply to highlight some concerns I have with this detailed and broad-ranging bill. The bill contains many other provisions that I hope to support. At this point, however, I must reserve my complete endorsement of it.

Mr. HEFLIN. Mr. President, I am joining with my colleague Senator ORRIN HATCH, chairman of the Judiciary Committee, to introduce at the request of the Administrative Office of the U.S. Courts the Federal Courts Improvement Act of 1995.

This bill contains some proposals carried over from previous Congresses, but it also contains some new proposals which the Federal judiciary believes will enhance and improve its operation. Section 101 would provide Federal authority for probation and pretrial service officers to carry firearms under rules prescribed by the Director of the Administrative Office of the Courts, if approved by the appropriate district court.

Section 202 would increase the civil filing fee from $120 to $150.

Section 304 would eliminate in-State plaintiff diversity jurisdiction.

Section 309 would raise the jurisdictional amount in diversity cases from $50,000 to $75,000 and index such amount for inflation to be adjusted at the end of each year evenly divisible by five.

Section 409 would authorize Federal judges to carry firearms for purposes of personal security.

Section 410 would change the date of temporary judgeships created in the 101st Congress under Public Law 101–650. Under current law, the 5 year term, after which new vacancies are not filled, began to run on the date of enactment of the public law. Under the proposed revision, the 5-year period would not begin until the confirmation date of the judge filling the temporary position.

Section 504 repeals a provision in a continuing appropriation resolution that bars annual cost-of-living adjustments in pay for Federal judges except as specifically authorized by Congress.

Section 603 would amend the Criminal Justice Act to delegate authority to the Judicial Conference to establish compensation rates and case compensation maximum amounts which are paid to attorneys who provide services under CJA.

The foregoing are just some of the provisions of the legislation we are introducing by request today. I do not agree with each and every proposal in the bill we are introducing, and I reserve the right to look at each specific proposal on its merits. I am confident that the Judiciary Committee will give this bill careful consideration and look forward to working with my colleagues on the committee in the weeks ahead.

ADDITIONAL COSPONSORS

S. 47

At the request of Mr. SARBANES, the name of the Senator from Washington [Mrs. MURRAY] was added as a cosponsor of S. 47, a bill to amend certain provisions of title 5, United States Code, in order to ensure equality between Federal firefighters and other employees in the civil service and other public sector firefighters, and for other purposes.

S. 112

At the request of Mr. DASCHLE, the name of the Senator from Wisconsin [Mr. KOHL] was added as a cosponsor of S. 112, a bill to amend the Internal Revenue Code of 1986 with respect to the treatment of certain amounts received by a cooperative telephone company.

S. 254

At the request of Mr. LOTT, the names of the Senator from Kansas [Mr. DOLE] and the Senator from Virginia [Mr. WARNER] were added as cosponsors of S. 254, a bill to extend eligibility for veterans' burial benefits, funeral benefits, and related benefits for veterans of certain service in the United States merchant marine during World War II.

S. 400

At the request of Mrs. HUTCHISON, the name of the Senator from Pennsylvania [Mr. SANTORUM] was added as a cosponsor of S. 400, a bill to provide for appropriate remedies for prison conditions, and for other purposes.

S. 434

At the request of Mr. KOHL, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of S. 434, a bill to amend the Internal Revenue Code of 1986 to increase the deductibility of business meal expenses for individuals who are subject to Federal limitations on hours of service.

S. 487

At the request of Mr. MCCAIN, the name of the Senator from Colorado [Mr. CAMPBELL] was added as a cosponsor of S. 487, a bill to amend the Indian Gaming Regulatory Act, and for other purposes.

S. 593

At the request of Mr. HATCH, the name of the Senator from Indiana [Mr. LUGAR] was added as a cosponsor of S. 593, a bill to amend the Federal Food, Drug, and Cosmetic Act to authorize the export of new drugs, and for other purposes.

S. 619

At the request of Mr. SMITH, the name of the Senator from Maine [Ms. SNOWE] was added as a cosponsor of S. 619, a bill to phase out the use of mercury in batteries and provide for the efficient and cost-effective collection and recycling or proper disposal of used nickel cadmium batteries, small sealed lead-acid batteries, and certain other batteries, and for other purposes.

S. 650

At the request of Mr. SHELBY, the name of the Senator from Idaho [Mr. KEMPTHORNE] was added as a cosponsor of S. 650, a bill to increase the amount of credit available to fuel local, regional, and national economic growth by reducing the regulatory burden imposed upon financial institutions, and for other purposes.

S. 772

At the request of Mr. DORGAN, the name of the Senator from North Carolina [Mr. FAIRCLOTH] was added as a cosponsor of S. 772, a bill to provide for an assessment of the violence broadcast on television, and for other purposes.

S. 847

At the request of Mr. GREGG, the name of the Senator from Indiana [Mr. LUGAR] was added as a cosponsor of S. 847, a bill to terminate the agricultural price support and production adjustment programs for sugar, and for other purposes.

S. 851

At the request of Mr. JOHNSTON, the names of the Senator from Oklahoma [Mr. INHOFE], the Senator from New Hampshire [Mr. SMITH], the Senator from Kentucky [Mr. MCCONNELL], the Senator from Wyoming [Mr. THOMAS], the Senator from Mississippi [Mr. COCHRAN], and the Senator from Michigan [Mr. ABRAHAM] were added as cosponsors of S. 851, a bill to amend the Federal Water Pollution Control Act to reform the wetlands regulatory program, and for other purposes.

S. 915

At the request of Mr. D'AMATO, the name of the Senator from Idaho [Mr. CRAIG] was added as a cosponsor of S. 915, a bill to govern relations between the United States and the Palestine Liberation Organization [PLO], to enforce compliance with standards of international conduct, and for other purposes.

S. 969

At the request of Mr. BRADLEY, the name of the Senator from Rhode Island [Mr. PELL] was added as a cosponsor of S. 969, a bill to require that health plans provide coverage for a minimum hospital stay for a mother and child following the birth of the child, and for other purposes.

S. 972

At the request of Mr. DASCHLE, the names of the Senator from Illinois [Mr. SIMON], and the Senator from Arkansas [Mr. BUMPERS] were added as cosponsors of S. 972, a bill to amend title XIX of the Social Security Act to provide for medicaid coverage of all certified nurse practitioners and clinical nurse specialists services.

S. 989

At the request of Mrs. KASSEBAUM, the names of the Senator from Colorado [Mr. BROWN] and the Senator from North Carolina [Mr. FAIRCLOTH] were added as cosponsors of S. 989, a bill to limit funding of an executive order that would prohibit Federal contractors from hiring permanent replacements for lawfully striking employees, and for other purposes.

S. 1072

At the request of Mr. THURMOND, the name of the Senator from Colorado [Mr. BROWN] was added as a cosponsor of S. 1072, a bill to redefine "extortion" for purposes of the Hobbs Act.

S. 1086

At the request of Mr. PRYOR, the name of the Senator from Louisiana [Mr. JOHNSTON] was added as a cosponsor of S. 1086, a bill to amend the Internal Revenue Code of 1986 to allow a family-owned business exclusion from the gross estate subject to estate tax, and for other purposes.

SENATE RESOLUTION 149

At the request of Mr. AKAKA, the names of the Senator from Vermont [Mr. LEAHY], and the Senator from New Jersey [Mr. LAUTENBERG] were added as cosponsors of Senate Resolution 149, a resolution expressing the sense of the Senate regarding the recent announcement by the Republic of France that it intends to conduct a series of underground nuclear test explosions despite the current international moratorium on nuclear testing.

AMENDMENTS SUBMITTED

THE FOREIGN RELATIONS REVITALIZATION ACT OF 1995

KERRY (AND PELL) AMENDMENT NO. 2034

(Ordered to lie on the table.)

Mr. KERRY (for himself and Mr. PELL) submitted an amendment intended to be proposed by them to the bill (S. 908) to authorize appropriations for the Department of State for fiscal years 1996 through 1999 and to abolish the United States Information Agency, the United States Arms Control and Disarmament Agency, and the Agency for International Development, and for other purposes; as follows:

On page 1, at the beginning of line 3, strike all that follows through page 2, line 20, and add the following—

"Section 4 of the United Nations Participation Act of 1945 (22 U.S.C. 287b) is amended—

"(1) by redesignating subsection (e) as subsection (f); and

"(2) by inserting after subsection (d) the following:

"(e) NOTICE TO CONGRESS OF PROPOSED UNITED NATIONS PEACEKEEPING ACTIVITIES.—(1) Except as provided in paragraph (2), at least 5 days before any vote in the Security Council to authorize any United Nations peacekeeping activity (including any extensions, modification, suspension, or termination of any previously authorized peacekeeping activity) which would involve the use of United States Armed Forces or the expenditure of United States funds, the President shall submit to the designated congressional committees a notification with respect to the proposed action. The notification shall include the following:

"(A) A cost assessment of such action (including the total estimated cost and the United States share of such cost).

"(B) Identification of the source of funding for the United States share of the costs of the action (whether in an annual budget request, reprogramming notification, a rescission of funds, a budget amendment, or a supplemental budget request).

"(2)(A) If the President determines that an emergency exists which prevents submission of the 5-day advance notification specified in paragraph (1) and that the proposed action is in the national interest of the United States, the notification described in paragraph (1) shall be provided in a timely manner but no later than 48 hours after the vote by the Security Council.

"(B) Determinations made under subparagraph (A) may not be delegated.".

KERRY AMENDMENT NO. 2035

(Ordered to lie on the table.)

Mr. KERRY submitted an amendment intended to be proposed by him to the bill S. 908, supra; as follows:

Beginning on page 125, strike line 1 and all that follows through line 15 on page 267 and insert the following:

DIVISION B—CONSOLIDATION AND REINVENTION OF FOREIGN AFFAIRS AGENCIES

SEC. 1001. SHORT TITLE.

This division may be cited as the "Foreign Affairs Reinvention Act of 1995".

SEC. 1002. PURPOSES.

The purposes of this division are—

(1) to reorganize and reinvent the foreign affairs agencies of the United States in order to enhance the formulation, coordination, and implementation of United States foreign policy;

(2) to streamline and consolidate the functions and personnel of the Department of State, the Agency for International Development, the United States Information Agency, and the United States Arms Control and Disarmament Agency in order to eliminate redundancies in the functions and personnel of such agencies;

(3) to assist congressional efforts to balance the Federal budget and reduce the Federal debt;

(4) to strengthen the authority of United States ambassadors over all United States Government personnel and resources located in United States diplomatic missions in order to enhance the ability of the ambassadors to deploy such personnel and resources to the best effect to attain the President's foreign policy objectives;

(5) to encourage United States foreign affairs agencies to maintain a high percentage of the best qualified, most competent United States citizens serving in the United States Government while downsizing significantly the total number of people employed by such agencies; and

(6) to ensure that all functions of United States diplomacy be subject to recruitment, training, assignment, promotion, and egress based on common standards and procedures while preserving maximum interchange among such functions.

TITLE XI—REORGANIZATION OF FOREIGN AFFAIRS AGENCIES

SEC. 1101. REORGANIZATION PLAN FOR THE DEPARTMENT OF STATE AND INDEPENDENT FOREIGN AFFAIRS AGENCIES.

(a) SUBMISSION OF PLAN.—Not later than 6 months after the date of enactment of this Act, the President shall transmit to the appropriate congressional committees a reorganization plan providing for the streamlining and consolidation of the Department of State, the United States Information Agency, the Agency for International Development, and the United States Arms Control and Disarmament Agency. Such plan shall provide for—

(1) the enhancement of the formulation, coordination, and implementation of policy;

(2) the maintenance, to the maximum extent possible, of a United States presence abroad within budgetary constraints;

(3) a reduction in the aggregate number of independent foreign affairs agencies;

(4) the elimination in the duplication of functions and personnel between the Department of State and such other agency or agencies not abolished under paragraph (3);

(5) the reduction in the aggregate number of positions in the Department of State and the independent foreign affairs agencies which are classified at each of levels II, III, and IV of the Executive Schedule;

(6) the reorganization and streamlining of the Department of State; and

(7) the achievement of a cost savings of at least $2,000,000,000 over 4 years through the consolidation of agencies.

(b) PLAN ELEMENTS.—The plan under subsection (a) shall—

(1) identify the functions of the independent foreign affairs agencies that will be transferred to the Department of State under the plan, as well as those that will be abolished under the plan;

(2) identify the personnel and positions of the agencies (including civil service personnel, Foreign Service personnel, and detailees) that will be transferred to the Department, separated from service with the Agency, or be eliminated under the plan, and set forth a schedule for such transfers, separations, and terminations;

(3) identify the personnel and positions of the Department (including civil service personnel, Foreign Service personnel, and detailees) that will be transferred within the Department, separated from service with the Department, or eliminated under the plan and set forth a schedule for such transfers, separations, and terminations;

(4) specify the consolidations and reorganization of functions of the Department that will be required under the plan in order to permit the Department to carry out the functions transferred to the Department under the plan;

(5) specify the funds available to the independent foreign affairs agencies that will be transferred to the Department under this title as a result of the implementation of the plan;

(6) specify the proposed allocations within the Department of unexpended funds of the independent foreign affairs agencies; and

(7) specify the proposed disposition of the property, facilities, contracts, records, and other assets and liabilities of the independent foreign affairs agencies resulting from the abolition of any such agency and the transfer of the functions of the independent foreign affairs agencies to the Department.

(c) LIMITATIONS ON CONTENTS OF PLAN.—(1) Sections 903, 904, and 905 of title 5, United States Code, shall apply to the plan transmitted under subsection (a).

(2) The plan may not provide for the termination of any function authorized by law.

(d) EFFECTIVE DATE OF PLAN.—(1) The plan transmitted under subsection (a) shall take effect 60 calendar days of continuous session of Congress after the date on which the plan is transmitted to Congress unless Congress enacts a joint resolution, in accordance with subsection (e), disapproving the plan.

(2) For purposes of paragraph (1)—

(A) continuity of session is broken only by an adjournment of Congress sine die; and

(B) the days on which either House is not in session because of an adjournment of more than 3 days to a day certain are excluded in the computation of any period of time in which Congress is in continuous session.

(e) CONGRESSIONAL PRIORITY PROCEDURES.—(1) Except as provided in paragraph (2), sections 908, 910, 911, and 912 of title 5, United States Code, shall apply to the consideration by Congress of a joint resolution described in paragraph (3) that is introduced in a House of Congress.

(2) The following requirements shall apply to actions described in paragraph (1) without regard to chapter 9 of title 5, United States Code:

(A) A referral of joint resolutions under this section may only be made to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

(B) The reference in section 908 of such title to reorganization plans transmitted on or before December 31, 1984, shall have no force or effect.

(3) A joint resolution under this section means only a joint resolution of the Congress, the matter after the resolving clause of which is as follows: "That the Congress disapproves the reorganization plan numbered ___ transmitted to the Congress by the President on ___, 19___", which plan may include such modifications and revisions as are submitted by the President under section 903(c) of title 5, United States Code. The blank spaces therein are to be filled appropriately.

(4) The provisions of this subsection supersede any other provision of law.

(f) EXPIRATION OF AUTHORITY TO TRANSMIT PLAN.—The authority of the President to transmit a reorganization plan under subsection (a) shall expire on the date that is 6 months after the date of the enactment of this Act.

(g) DEADLINE FOR IMPLEMENTATION.—If the reorganization plan transmitted under subsection (a) is not disapproved by Congress in accordance with subsection (e), the plan shall be implemented not later than March 1, 1997.

(h) ABOLITION OF INDEPENDENT FOREIGN AFFAIRS AGENCIES.—

(1) ABOLITION FOR FAILURE TO TRANSMIT PLAN.—If the President does not transmit to Congress a reorganization plan under subsection (a), the United States Arms Control and Disarmament Agency, the United States Information Agency, and the Agency for International Development are abolished as of 180 days after the date of enactment of this Act.

(2) ABOLITION FOR FAILURE TO IMPLEMENT PLAN.—If the President does not implement the reorganization plan transmitted and not disapproved under this section with respect to an agency referred to in paragraph (1), the agency is abolished as of March 1, 1997.

(i) DEFINITION.—As used in this section, the term "independent foreign affairs agencies" means the United States Arms Control and Disarmament Agency, the United States Information Agency, and the Agency for International Development.

SEC. 1102. TRANSFERS OF FUNCTIONS.

(a) TRANSFERS.—Subject to subsection (b), there are transferred to, and vested in, the Secretary of State all functions vested by law (including by reorganization plan approved before the date of the enactment of this Act pursuant to chapter 9 of title 5, United States Code) in, or exercised by, the head of each of the following agencies, the agencies themselves, or officers, employees, or components thereof:

(1) The United States Arms Control and Disarmament Agency

(2) The United States Information Agency.

(3) The Agency for International Development.

(b) EFFECTIVE DATE.—The transfers referred to in subsection (a) shall take place—

(1) if the President does not transmit a reorganization plan to Congress under section 1101(a), not later than 180 days after the date of enactment of this Act; or

(2) if the President does not implement the reorganization plan transmitted and not disapproved under such section with respect to an agency referred to in subsection (a), not later than March 1, 1997.

SEC. 1103. VOLUNTARY SEPARATION INCENTIVES.

(a) AUTHORITY TO PAY INCENTIVES.—The head of an agency referred to in subsection (b) may pay voluntary incentive payments to employees of the agency in order to avoid or minimize the need for involuntary separations from the agency as a result of the abolition of the agency and the consolidation of functions of the Department of State under this title.

(b) COVERED AGENCIES.—Subsection (a) applies to the following agencies:

(1) The Department of State.

(2) The United States Arms Control and Disarmament Agency.

(3) The United States Information Agency.

(4) The Agency for International Development.

(c) PAYMENT REQUIREMENTS.—(1) The head of an agency shall pay voluntary separation incentive payments in accordance with the provisions of section 3 of the Federal Workforce Restructuring Act of 1994 (Public Law 103-226; 108 Stat. 111), except that an employee of the agency shall be deemed to be eligible for payment of a voluntary separation incentive payment under that section if the employee separates from service with the agency during the period beginning on the date of enactment of this Act and ending on February 28, 1997.

(2) The provisions of subsection (d) of such section 3 shall apply to any employee who is paid a voluntary separation incentive payment under this section.

(d) FUNDING.—The payment of voluntary separation incentive payments under this section shall be made from funds in the Foreign Affairs Reorganization Transition Fund established under section 1104. The Secretary of State may transfer sums in that Fund to the head of an agency under subsection (e)(1)(B) of that section for payment of such payments by the agency head.

(e) TERMINATION OF AUTHORITY.—The authority of the head of an agency to authorize payment of voluntary separation incentive payments under this section shall expire on February 28, 1997.

SEC. 1104. TRANSITION FUND.

(a) ESTABLISHMENT.—There is hereby established on the books of the Treasury an account to be known as the "Foreign Affairs Reorganization Transition Fund".

(b) PURPOSE.—The purpose of the account is to provide funds for the orderly transfer of functions and personnel to the Department of State as a result of the implementation of this title and for payment of other costs associated with the consolidation of foreign affairs agencies under this title.

(c) DEPOSITS.—(1) Subject to paragraphs (2) and (3), there shall be deposited into the account the following:

(A) Funds appropriated to the account pursuant to the authorization of appropriations in subsection (j).

(B) Funds transferred to the account by the Secretary of State from funds that are transferred to the Secretary by the head of an agency under subsection (d).

(C) Funds transferred to the account by the Secretary from funds that are transferred to the Department of State together with the transfer of functions to the Department under this title and that are not required by the Secretary in order to carry out the functions.

(D) Funds transferred to the account by the Secretary from any unobligated funds that are appropriated or otherwise made available to the Department.

(2) The Secretary may transfer funds to the account under subparagraph (C) of paragraph (1) only if the Secretary determines that the amount of funds deposited in the account pursuant to subparagraphs (A) and (B) of that paragraph is inadequate to pay the costs of carrying out this title.

(3) The Secretary may transfer funds to the account under subparagraph (D) of paragraph (1) only if the Secretary determines that the amount of funds deposited in the account pursuant to subparagraphs (A), (B), and (C) of that paragraph is inadequate to pay the costs of carrying out this title.

(d) TRANSFER OF FUNDS TO SECRETARY OF STATE.—The head of a transferor agency shall transfer to the Secretary the amount, if any, of the unobligated funds appropriated or otherwise made available to the agency for functions of the agency that are abolished under this title which funds are not required to carry out the functions of the agency as a result of the abolishment of the functions under this title.

(e) USE OF FUNDS.—(1)(A) Notwithstanding any other provision of law, the Secretary shall use sums in the account for payment of the costs of carrying out this title, including costs relating to the consolidation of functions of the Department of State and relating to the termination of employees of the Department.

(B) The Secretary may transfer sums in the account to the head of an agency to be abolished under this title for payment by the head of the agency of the cost of carrying out a voluntary separation incentive program at the agency under section 1103.

(2) Funds in the account shall be available for the payment of costs under paragraph (1) without fiscal year limitation.

(3) Funds in the account may be used only for purposes of paying the costs of carrying out this title.

(f) TREATMENT OF UNOBLIGATED BALANCES.—(1) Subject to paragraph (2), unobligated funds, if any, which remain in the account after the payment of the costs described in subsection (e)(1) shall be transferred to Department of State and shall be available to the Secretary of State for purposes of carrying out the functions of the Department.

(2) The Secretary may not transfer funds in the account to the Department under paragraph (1) unless the appropriate congressional committees are notified in advance of such transfer in accordance with the procedures applicable to reprogramming notifications under section 34 of the State Department Basic Authorities Act of 1956.

(g) REPORT ON ACCOUNT.—Not later than October 1, 1998, the Secretary of State shall transmit to the appropriate congressional committees a report containing an accounting of—

(1) the expenditures from the account established under this section; and

(2) in the event of any transfer of funds to the Department of State under subsection (f), the functions for which the funds so transferred were expended.

(i) TERMINATION OF AUTHORITY TO USE ACCOUNT.—The Secretary may not obligate funds in the account after September 30, 1999.

(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $200,000,000 for deposit under subsection (c)(1) into the account established under subsection (a).

SEC. 1105. ASSUMPTION OF DUTIES BY APPROPRIATE APPOINTEES.

An individual holding office on the date of the enactment of this Act—

(1) who was appointed to the office by the President, by and with the advice and consent of the Senate;

(2) who is transferred to a new office in the Department of State under this title; and

(3) who performs duties in such new office that are substantially similar to the duties performed by the individual in the office held on such date,

may, in the discretion of the Secretary of State, assume the duties of such new office, and shall not be required to be reappointed by reason of the enactment of this title.

SEC. 1106. RIGHTS OF EMPLOYEES OF ABOLISHED AGENCIES.

(a) IN GENERAL.—Except as otherwise provided by this title, the transfer pursuant to this title of full-time personnel (except special Government employees) and part-time personnel holding permanent positions shall not cause any such employee to be separated or reduced in grade or compensation for 1 year after the date of transfer of such employee under this title.

(b) EXECUTIVE SCHEDULE POSITIONS.—Except as otherwise provided in this title, any person who, on the day preceding the date of the abolition of a transferor agency under this title, held a position in such an agency that was compensated in accordance with the Executive Schedule prescribed in chapter 53 of title 5, United States Code, and who, without a break in service, is appointed in the Department of State to a position having duties comparable to the duties performed immediately preceding such appointment shall continue to be compensated in such new position at not less than the rate provided for such previous position, for the duration of the service of such person in such new position.

(c) TERMINATION OF CERTAIN POSITIONS.—Positions whose incumbents are appointed by the President, by and with the advice and consent of the Senate, the functions of which are transferred under this title, shall terminate on the date of the transferal of the functions under this title.

(d) EXCEPTED SERVICE.—(1) Subject to paragraph (2), in the case of employees occupying positions in the excepted service or the Senior Executive Service, any appointment authority established pursuant to law or regulations of the Office of Personnel Management for filling such positions shall be transferred.

(2) The Department of State may decline a transfer of authority under paragraph (1) (and the employees appointed pursuant thereto) to the extent that such authority relates to positions excepted from the competitive service because of their confidential, policy-making, policy-determining, or policy-advocating character, and noncareer positions in the Senior Executive Service (within the meaning of section 3132(a)(7) of title 5, United States Code).

(e) Employee Benefit Programs.—(1) Any employee accepting employment with the Department of State as a result of such transfer may retain for 1 year after the date such transfer occurs membership in any employee benefit program of the transferor agency, including insurance, to which such employee belongs on the date of the enactment of this Act if—

(A) the employee does not elect to give up the benefit or membership in the program; and

(B) the benefit or program is continued by the Secretary of State.

(2) The difference in the costs between the benefits which would have been provided by such agency or entity and those provided by this section shall be paid by the Secretary of State. If any employee elects to give up membership in a health insurance program or the health insurance program is not continued by the Secretary of State, the employee shall be permitted to select an alternate Federal health insurance program within 30 days of such election or notice, without regard to any other regularly scheduled open season.

(f) Senior Executive Service.—A transferring employee in the Senior Executive Service shall be placed in a comparable position at the Department of State.

(g) Assignments.—(1) Transferring employees shall receive notice of their position assignments not later than the date on which the reorganization plan setting forth the transferal of such employees is transmitted to the appropriate congressional committees under this title.

(2) Foreign Service personnel transferred to the Department of State pursuant to this title shall be eligible for any assignment open to Foreign Service personnel within the Department.

SEC. 1107. TRANSFER AND ALLOCATIONS OF APPROPRIATIONS AND PERSONNEL.

(a) In General.—Except as otherwise provided in this title, the personnel employed in connection with, and the assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, used, held, arising from, available to, or to be made available in connection with the functions transferred under this title, subject to section 1531 of title 31, United States Code, shall be transferred to the Department of State.

(b) Treatment of Personnel Employed in Terminated Functions.—The following shall apply with respect to officers and employees of a transferor agency that are not transferred under this title:

(1) Under such regulations as the Office of Personnel Management may prescribe, the head of any agency in the executive branch may appoint in the competitive service any person who is certified by the head of the transferor agency as having served satisfactorily in the transferor agency and who passes such examination as the Office of Personnel Management may prescribe. Any person so appointed shall, upon completion of the prescribed probationary period, acquire a competitive status.

(2) The head of any agency in the executive branch having an established merit system in the excepted service may appoint in such service any person who is certified by the head of the transferor agency as having served satisfactorily in the transferor agency and who passes such examination as the head of such agency in the executive branch may prescribe.

(3) Any appointment under this subsection shall be made within a period of 1 year after completion of the appointee's service in the transferor agency.

(4) Any law, Executive order, or regulation which would disqualify an applicant for appointment in the competitive service or in the excepted service concerned shall also disqualify an applicant for appointment under this subsection.

SEC. 1108. PERSONNEL AUTHORITIES FOR TRANSFERRED FUNCTIONS.

(a) Appointments.—(1) Subject to paragraph (2), the Secretary of State may appoint and fix the compensation of such officers and employees, including investigators, attorneys, and administrative law judges, as may be necessary to carry out the respective functions transferred to the Department of State under this title. Except as otherwise provided by law, such officers and employees shall be appointed in accordance with the civil service laws and their compensation fixed in accordance with title 5, United States Code.

(2) A person employed under paragraph (1) may not continue in such employment after the end of the period (as determined by the Secretary) required for the transferal of functions under this title.

(b) Experts and Consultants.—The Secretary of State may obtain the services of experts and consultants in connection with functions transferred to the Department of State under this title in accordance with section 3109 of title 5, United States Code, and compensate such experts and consultants for each day (including traveltime) at rates not in excess of the rate of pay for level IV of the Executive Schedule under section 5315 of such title. The head Secretary may pay experts and consultants who are serving away from their homes or regular place of business travel expenses and per diem in lieu of subsistence at rates authorized by sections 5702 and 5703 of such title for persons in Government service employed intermittently.

SEC. 1109. PROPERTY AND FACILITIES.

(a) In General.—The Secretary of State shall review the property and facilities of each transferror agency for purposes of determining if the property is required by the Department of State in order to carry out the functions of the Department after the transfer of functions to the Department under this title.

(b) Deadline for Transfer.—Not later than March 1, 1997, all property and facilities within the custody of the transferor agencies shall be transferred to the custody of the Secretary of State.

SEC. 1110. DELEGATION AND ASSIGNMENT.

Except where otherwise expressly prohibited by law or otherwise provided by this title, the Secretary of State may delegate any of the functions transferred to the Secretary under this title and any function transferred or granted to the Secretary after the effective date of this title to such officers and employees of the Department of State as the Secretary may designate, and may authorize successive redelegations of such functions as may be necessary or appropriate. No delegation of functions by the Secretary under this section or under any other provision of this title shall relieve the Secretary of responsibility for the administration of such functions.

SEC. 1111. RULES.

The Secretary of State may prescribe, in accordance with the provisions of chapters 5 and 6 of title 5, United States Code, such rules and regulations as the Secretary determines necessary or appropriate to administer and manage the functions of the Department of State after the transfer of functions to the Department under this title.

SEC. 1112. INCIDENTAL TRANSFERS.

The Director of the Office of Management and Budget may, at such time or times as the Director shall provide, make such additional incidental dispositions of personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with such functions, as may be necessary to carry out the provisions of this title. The Director shall provide for the termination of the affairs of all entities terminated by this title and for such further measures and dispositions as may be necessary to effectuate the purposes of this title.

SEC. 1113. EFFECT ON CONTRACTS AND GRANTS.

(a) Prohibition on New or Extended Contracts or Grants.—Except as provided in subsection (b), the United States Arms Control and Disarmament Agency, the United States Information Agency, and the Agency for International Development may not—

(1) enter into a contract or agreement which will continue in force after the termination date, if any, of such agency under this title;

(2) extend the term of an existing contract or agreement of such agency to a date after such date; or

(3) make a grant which will continue in force after such date.

(b) Exception.—Subsection (a) does not apply to the following:

(1) Contracts and agreements for carrying out essential administrative functions.

(2) Contracts and agreements for functions and activities that the Secretary of State determines will be carried out by the Department of State after the termination of the agency concerned under this title.

(3) Grants relating to the functions and activities referred to in paragraph (2).

(c) Evaluation and Termination of Existing Contracts.—The Secretary of State and the head of each agency referred to in subsection (a) shall—

(1) review the contracts of such agency that will continue in force after the date, if any, of the abolishment of the agency under this title in order to determine if the cost of abrogating such contracts before that date would be exceed the cost of carrying out the contract according to its terms; and

(2) in the case of each contract so determined, provide for the termination of the contract in the most cost-effective manner practicable.

SEC. 1114. SAVINGS PROVISIONS.

(a) Continuing Effect of Legal Documents.—All orders, determinations, rules, regulations, permits, agreements, grants, contracts, certificates, licenses, registrations, privileges, and other administrative actions—

(1) which have been issued, made, granted, or allowed to become effective by the President, any Federal agency or official thereof, or by a court of competent jurisdiction, in the performance of functions which are transferred under this title, and

(2) which are in effect at the time this title takes effect, or were final before the effective date of this title and are to become effective on or after the effective date of this title,

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, the Secretary of State or other authorized official, a court of competent jurisdiction, or by operation of law.

(b) PROCEEDINGS NOT AFFECTED.—The provisions of this title shall not affect any proceedings, including notices of proposed rulemaking, or any application for any license, permit, certificate, or financial assistance pending before the transferor agency at the time this title takes effect for that agency, with respect to functions transferred under this title but such proceedings and applications shall be continued. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this title had not been enacted, and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law. Nothing in this subsection shall be deemed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this title had not been enacted.

(c) SUITS NOT AFFECTED.—The provisions of this title shall not affect suits commenced before the effective date of this title, and in all such suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this title had not been enacted.

(d) NONABATEMENT OF ACTIONS.—No suit, action, or other proceeding commenced by or against the transferor agency, or by or against any individual in the official capacity of such individual as an officer of the transferor agency, shall abate by reason of the enactment of this title.

(e) ADMINISTRATIVE ACTIONS RELATING TO PROMULGATION OF REGULATIONS.—Any administrative action relating to the preparation or promulgation of a regulation by the transferor agency relating to a function transferred under this title may be continued by the Secretary of State with the same effect as if this title had not been enacted.

SEC. 1115. SEPARABILITY.

If a provision of this title or its application to any person or circumstance is held invalid, neither the remainder of this title nor the application of the provision to other persons or circumstances shall be affected.

SEC. 1116. TRANSITION.

The Secretary of State may utilize—

(1) the services of such officers, employees, and other personnel of the transferor agency with respect to functions transferred to the Department of State under this title; and

(2) funds appropriated to such functions for such period of time as may reasonably be needed to facilitate the orderly implementation of this title.

SEC. 1117. ADDITIONAL CONFORMING AMENDMENTS.

The President may submit a report to the appropriate congressional committees containing such recommendations for such additional technical and conforming amendments to the laws of the United States as may be appropriate to reflect the changes made by this division.

SEC. 1118. FINAL REPORT.

Not later than October 1, 1998, the President shall provide by written report to the Congress a final accounting of the finances and operations of the United States Arms Control and Disarmament Agency, the United States Information Agency, and the Agency for International Development.

SEC. 1119. DEFINITIONS.

For purposes of this title, unless otherwise provided or indicated by the context—

(1) the term "appropriate congressional committees" means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives;

(2) the term "Federal agency" has the meaning given to the term "agency" by section 551(1) of title 5, United States Code;

(3) the term "function" means any duty, obligation, power, authority, responsibility, right, privilege, activity, or program;

(4) the term "office" includes any office, administration, agency, institute, unit, organizational entity, or component thereof;

(5) the term "transferor agency" refers to each of the following agencies:

(A) The Agency for International Development, a component of the International Development Cooperation Agency.

(B) The International Development Cooperation Agency (insofar as it exercises functions related to the Agency for International Development).

(C) The United States Information Agency (exclusive of the Broadcasting Board of Governors).

(D) The United States Arms Control and Disarmament Agency.

TITLE XII—CONSOLIDATION OF DIPLOMATIC MISSIONS AND CONSULAR POSTS

SEC. 1201. CONSOLIDATION OF UNITED STATES DIPLOMATIC MISSIONS AND CONSULAR POSTS.

(a) CONSOLIDATION PLAN.—The Secretary of State shall develop a worldwide plan for the consolidation, wherever practicable, on a regional or areawide basis, of United States missions and consular posts abroad in order to carry out this section.

(b) CONTENTS OF PLAN.—The plan shall—

(1) identify the specific United States diplomatic missions and consular posts for consolidation;

(2) identify those missions and posts at which the resident ambassador would also be accredited to other specified states in which the United States either maintained no resident official presence or maintained such a presence only at staff level; and

(3) provide an estimate of—

(A) the amount by which expenditures would be reduced through the reduction in the number of United States Government personnel assigned abroad;

(B) through a reduction in the costs of maintaining United States properties abroad; and

(C) the amount of revenues generated to the United States through the sale or other disposition of United States properties associated with the posts to be consolidated abroad.

(c) TRANSMITTAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of State shall transmit a copy of the plan to the appropriate congressional committees.

(d) IMPLEMENTATION.—Not later than 60 days after transmittal of the plan under subsection (c), the Secretary of State shall take steps to implement the plan unless the Congress before such date enacts legislation disapproving the plan.

(e) CONGRESSIONAL PRIORITY PROCEDURES.—(1) A joint resolution described in paragraph (2) which is introduced in a House of Congress after the date on which a plan developed under subsection (a) is received by Congress, shall be considered in accordance with the procedures set forth in paragraphs (3) through (7) of section 8066(c) of the Department of Defense Appropriations Act, 1985 (as contained in Public Law 98-473 (98 Stat. 1936)), except that—

(A) references to the "report described in paragraph (1)" shall be deemed to be references to the joint resolution; and

(B) references to the Committee on Appropriations of the House of Representatives and to the Committee on Appropriations of the Senate shall be deemed to be references to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate.

(2) A joint resolution under this paragraph is a joint resolution the matter after the resolving clause of which is as follows: "That the Congress disapproves the plan submitted by the President on __________ pursuant to section 1109 of the Foreign Relations Revitalization Act.".

(f) RESUBMISSION OF PLAN.—If, within 60 days of transmittal of a plan under subsection (c), Congress enacts legislation disapproving the plan, the President shall transmit to the appropriate congressional committees a revised plan developed under subsection (a).

(g) STATUTORY CONSTRUCTION.—Nothing in this section requires the termination of United States diplomatic or consular relations with any foreign country.

(h) DEFINITIONS.—As used in this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate.

(2) PLAN.—The term "plan" means the plan developed under subsection (a).

SEC. 1202. DETAIL OF OTHER AGENCY PERSONNEL TO STATE DEPARTMENT.

Any employee of any agency other than the Department of State who is assigned to an overseas post located within any United States mission except for those assigned to a military command shall be detailed to the Department of State for the duration of such assignment, and shall be fully under the authority of the Chief of Mission. The Chief of Protocol, at the sole discretion of the Secretary of State, shall accord diplomatic titles, privileges, and immunities to any such employees as the Secretary of State deems appropriate.

BROWN AMENDMENT NO. 2036

(Ordered to lie on the table.)

Mr. BROWN submitted an amendment intended to be proposed by him to amendment No. 1938 proposed by him to the bill S. 908, supra; as follows:

At the appropriate place in the bill, insert the following new section:

"SEC. . LIMITATION ON CARGO PREFERENCE.

For all agricultural commodities transported under section 901(b) and 901b of the Merchant Marine Act of 1936 as part of any United States Government-administered program of food assistance to foreign countries, the United States shall not reimburse carriers more than 25 percent above the international market rate, as determined by the Secretary of Agriculture."

BROWN AMENDMENTS NOS. 2037–2039

(Ordered to lie on the table.)

Mr. BROWN submitted three amendments to be proposed by him to amendments submitted by him to the bill S. 908, supra; as follows;

AMENDMENT NO. 2037

At the appropriate place in the bill, add the following new section:

SEC. . REIMBURSEMENT FOR MARGINAL COSTS.

(a) For all agricultural commodities transported under sections 901(b) and 901b of the Merchant Marine Act of 1936 as part of any United States Government-administered program of food assistance to foreign countries, the United States is authorized to reimburse carriers above the international market rate as determined by the Secretary of Agriculture only to the extent of the differential cost incurred by U.S. shippers necessary to comply with U.S. health, safety, labor and other U.S. standards that are not required for non-U.S. vessels.

(b) REPORT.—The Secretary of Transportation shall submit a report 90 days after the enactment of this Act and annually thereafter to the appropriate committees of Congress detailing the U.S. health, safety, labor and other standards and their differential cost to U.S. shippers of agricultural commodities under sections 901(b) and 901b of the Merchant Marine Act of 1936.

AMENDMENT NO. 2038

At the appropriate place in the bill, add the following new section:

"SEC. . AUTHORIZATION FOR AN INDUSTRIAL PARK ON THE BORDER BETWEEN THE TERRITORIES AND ISRAEL.

(a) FINDINGS.—The Congress finds that:

(1) Extremists in Hamas and Islamic Jihad who reject the gains made since the signing of the Declaration of Principles have used terrorist tactics to force the closing of the territories;

(2) These terrorist acts have exacerbated existing problems and Gaza is now experiencing staggering unemployment nearing 50%, increasing chaos and a downward spiral of dashed hopes and deepening poverty;

(3) Israel's legitimate security concerns necessitate creative new methods of ensuring continued economic opportunity for the Palestinians; and

(4) The development of industrial parks along the border between Gaza, the West Bank and Israel sponsored by individual nations provides an important means of providing both development for Palestinians while maintaining border security.

(b) SENSE OF CONGRESS.—It is the sense of Congress that:'

(1) The United States should take prompt, visible action before the coming elections in Gaza and Jericho that promises hope and jobs to Palestinians;

(2) The rapid development of an industrial park, closely coordinated with private sector investors, will provide a clear sign of opportunity resulting from peace with Israel;

(3) The decision to site the industrial park should give special consideration to the extremely difficult economic conditions in Gaza;

(4) The President should appoint a Special Coordinator to coordinate the rapid development of an industrial park in Gaza and to begin the recruitment of U.S. investors; and

(5) The Secretary of State should direct a short-term review and implementation of U.S. assistance plans to assist in speeding the flow of goods and services between Israel and Gaza while increasing security between the two areas.

(b) AUTHORIZATION.—There are authorized to be appropriated $10,000,000 for the rapid development of a prototype industrial park in Gaza and/or the West Bank, notwithstanding sections 513 and 545 of the FY1995 Foreign Operations, Export Financing and Related Programs and FY1994 Supplemental Appropriations Act (P.L. 103-306) or similar provisions."

AMENDMENT NO. 2039

At the appropriate place in the bill, insert the following new section:

TITLE ___—NATO PARTICIPATION ACT AMENDMENTS OF 1995

SECTION 1. SHORT TITLE.

This title may be cited as the "NATO Participation Act Amendments of 1995".

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) Since 1949, the North Atlantic Treaty Organization (NATO) has played an essential role in guaranteeing the security, freedom, and prosperity of the United States and its partners in the Alliance.

(2) NATO has expanded its membership on three different occasions since 1949.

(3) The sustained commitment of the member countries of NATO to mutual defense of their security ultimately made possible the democratic transformation in Central and Eastern Europe and the demise of the Soviet Union.

(4) NATO was designed to be and remains a defensive military organization whose members have never contemplated the use of, or used, military force to expand the borders of its member states.

(5) While the immediate threat to the security of the United States and its allies has been reduced with the collapse of the Iron Curtain, new security threats, such as the situation in Bosnia and Herzegovina, are emerging to the shared interests of the member countries of NATO.

(6) NATO remains the only multilateral security organization capable of conducting effective military operations to protect Western security interests.

(7) NATO has played a positive role in defusing tensions between NATO members and, as a result, no military action has occurred between two NATO member states since the inception of NATO in 1949.

(8) NATO is also an important diplomatic forum for the discussion of issues of concern to its member states and for the peaceful resolution of disputes.

(9) America's security, freedom, and prosperity remain linked to the security of the countries of Europe.

(10) Any threat to the security of the newly emerging democracies in Europe would pose a security threat to the United States and its European allies.

(11) The admission to NATO of European countries that have been freed from Communist domination and that meet specific criteria for NATO membership would contribute to international peace and enhance the security of the region.

(12) A number of countries have expressed varying degrees of interest in NATO membership, and have taken concrete steps to demonstrate this commitment.

(13) Full integration of Central and East European countries into the North Atlantic Alliance after such countries meet essential criteria for admission would enhance the security of the Alliance and, thereby, contribute to the security of the United States.

(14) The expansion of NATO can create the stable environment needed to successfully complete the political and economic transformation envisioned by European states emerging from communist domination.

(15) In recognition that not all countries which have requested membership in NATO will necessarily qualify at the same pace, the accession date for each new member will vary.

(16) The provision of NATO transition assistance should include those countries most ready for closer ties with NATO, and should be designed to assist other countries meeting specified criteria of eligibility to move forward toward eventual NATO membership.

(17) The evaluation of future membership in NATO for countries emerging from communist domination should be based on the progress of those nations in meeting criteria for NATO transition assistance and evolving NATO criteria, which require enhancement of NATO's security and the approval of all NATO members.

SEC. 3. UNITED STATES POLICY.

It should be the policy of the United States—

(1) to join with the NATO allies of the United States to redefine the role of the NATO Alliance in the post-Cold War world;

(2) to actively assist European countries emerging from communist domination in their transition so that such countries may eventually qualify for NATO membership; and

(3) to work to define the political and security relationship between an enlarged NATO and the Russian Federation.

SEC. 4. REVISIONS TO PROGRAM TO FACILITATE TRANSITION TO NATO MEMBERSHIP.

(a) ESTABLISHMENT OF PROGRAM.—Subsection (a) of section 203 of the NATO Participation Act of 1994 (title II of Public Law 103-447; 22 U.S.C. 1928 note) is amended to read as follows:

"(a) ESTABLISHMENT OF PROGRAM.—The President shall provide expanded security assistance and other related assistance to countries designated under subsection (d) to facilitate their transition to full NATO membership.".

(b) ELIGIBLE COUNTRIES.—

(1) ELIGIBILITY.—Subsection (d) of section 203 of such Act is amended to read as follows:

"(d) DESIGNATION OF ELIGIBLE COUNTRIES.—

"(1) PRESIDENTIAL REVIEW AND REPORT.—Within 60 days of the enactment of the NATO Participation Act Amendments of 1995, the President shall transmit to the Congress an evaluation of Poland, Hungary, the Czech Republic, and Slovakia as well as Estonia, Latvia, Lithuania, Slovenia, Bulgaria, Romania and Albania in accordance with the criteria in paragraph (3) and specifically designate one or more of these countries to be eligible to receive assistance under the program established in subsection (a). The President shall provide a report of the country-by-country evaluation as well as an evaluation of each designated country's progress toward conformance with criteria for full NATO membership.

"(2) OTHER EUROPEAN COUNTRIES EMERGING FROM COMMUNIST DOMINATION.—

"(A) In addition to the country or countries designated pursuant to paragraph (1), the President may designate other European countries emerging from communist domination. The President may make such a designation in the case of any such country only if the President determines, and reports to the designated congressional committees, that such country meets the criteria specified in paragraph (3).

"(3) CRITERIA.—The criteria referred to in paragraph (2) are, with respect to each country, that the country—

"(A) has made significant progress toward establishing—

"(i) shared values and interests;

"(ii) democratic governments;

"(iii) free market economies;

"(iv) civilian control of the military, of the police, and of intelligence services;

"(v) adherence to the values, principles, and political commitments embodied in the Helsinki Final Act of the Organization on Security and Cooperation in Europe; and

"(vi) more transparent defense budgets and is participating in the Partnership For Peace defense planning process;

"(B) has made public commitments—

"(i) to further the principles of NATO and to contribute to the security of the North Atlantic area;

"(ii) to accept the obligations, responsibilities, and costs of NATO membership; and

"(iii) to implement infrastructure development activities that will facilitate participation in and support for NATO military activities;

"(C) is not ineligible for assistance under section 563 of Public Law 103-306, with respect to transfers of equipment to a country the government of which the the Secretary of State has determined is a terrorist government for purposes of section 40(d) of the Arms Export Control Act; and

"(D) is likely, within five years of the determination of the President under paragraph (1) or (2), to be in a position to further the principles of the North Atlantic Treaty and to contribute to its own security and that of the North Atlantic area.

"(4) PROHIBITION ON FUNDING FOR PARTNERSHIP FOR PEACE ACTIVITIES OR ON FUNDING FOR THE WARSAW INITIATIVE.—Effective 60 days after the date of enactment of the NATO Participation Act Amendments of 1995, no funds authorized to be appropriated under any provision of law may be obligated or expended for activities associated with the Partnership for Peace program or the Warsaw Initiative until the President has designated at least one country to participate in the transition program established under subsection (a).".

(2) CONFORMING AMENDMENTS.—

(A) Subsections (b) and (c) of section 203 of such Act are amended by striking "countries described in such subsection" each of the two places it appears and inserting "countries designated under subsection (d)".

(B) Subsection (e) of section 203 of such Act is amended—

(i) by striking "subsection (d)" and inserting "subsection (d)(2)"; and

(ii) by inserting "(22 U.S.C. 2394)" before the period at the end.

(C) Section 204(c) of such Act is amended by striking "any other Partnership for Peace country designated under section 203(d)" and inserting "any country designated under section 203(d)(2)".

(c) TYPES OF ASSISTANCE.—Section 203(c) of such Act is amended—

(1) by redesignating paragraphs (1) through (4) as subparagraphs (A) through (D), respectively; and

(2) by inserting after subparagraph (D) (as redesignated) the following new subparagraphs:

"(E) Assistance under chapter 4 of part II of the Foreign Assistance Act of 1961 (relating to the Economic Support Fund).

"(F) Funds appropriated under the 'Nonproliferation and Disarmament Fund' account".

"(G) Assistance under chapter 6 of part II of the Foreign Assistance Act of 1961 (relating to peacekeeping operations and other programs).".

"(H) Authority for the Department of Defense to pay excess defense articles costs for countries designated for both grant lethal and nonlethal excess defense articles.

"(I) Authority to convert FMF loans to grants, and grants to loans, for eligible countries.".

(3) by inserting "(1)" immediately after "TYPE OF ASSISTANCE.—"; and

(4) by adding at the end the following new paragraphs:

"(2) For fiscal years 1996 and 1997, in providing assistance under chapter 5 of part II of the Foreign Assistance Act of 1961 for the countries designated under subsection (d), the President shall include as an important component of such assistance the provision of sufficient language training to enable military personnel to participate further in programs for military training and in defense exchange programs.

"(3) Of the amounts made available under chapter 5 of part II of the Foreign Assistance Act of 1961 (relating to international military education and training), $5,000,000 for fiscal year 1996 and $5,000,000 for fiscal year 1997 should support—

"(A) the attendance of additional military personnel of Poland, Hungary, the Czech Republic, and Slovakia at professional military education institutions in the United States in accordance with section 544 of such Act; and

"(B) the placement and support of United States instructors and experts at military educational centers within the foreign countries designated under subsection (d) that are receiving assistance under that chapter.".

SEC. 5. ASSISTANCE FOR NATO PARTICIPATION ACT DESIGNEES.

The President is authorized to obligate and expend $60,000,000 from funds made available under the Foreign Assistance Act of 1961 in support of countries designated to receive transition assistance under section 203(a) of the NATO Participation Act, as follows:

(1) Poland: $20,000,000.

(2) Czech Republic: $10,000,000.

(3) Hungary: $5,000,000.

(4) Slovakia: $5,000,000.

(5) Other European countries designated under subsection (d)(1) or subsection (d)(2): $20,000,000.

SEC. 6. TERMINATION OF ELIGIBILITY.

Section 203(f) of the NATO Participation Act of 1994 (title II of Public Law 103-447; 22 U.S.C. 1928 note) is amended to read as follows:

"(f) TERMINATION OF ELIGIBILITY.—(1) The eligibility of a country designated under subsection (d) for the program established in subsection (a) shall terminate 60 days after the President makes a certification under paragraph (2) unless, within the 60-day period, the Congress enacts a joint resolution disapproving the termination of eligibility.

"(2) Whenever the President determines that the government of a country designated under subsection (d)—

"(A) no longer meets the criteria set forth in subsection (d)(2)(A);

"(B) is hostile to the NATO alliance; or

"(C) poses a national security threat to the United States,

then the President shall so certify to the appropriate congressional committees.

"(3) Nothing in this Act shall affect the eligibility of countries to participate under other provisions of law in programs described in this Act.".

(b) CONGRESSIONAL PRIORITY PROCEDURES.—Section 203 of such Act is amended by adding at the end the following new subsection:

"(g) CONGRESSIONAL PRIORITY PROCEDURES.—

"(1) APPLICABLE PROCEDURES.—A joint resolution described in paragraph (2) which is introduced in a House of Congress after the date on which a certification made under subsection (f)(2) is received by Congress shall be considered in accordance with the procedures set forth in paragraphs (3) through (7) of section 8066(c) of the Department of Defense Appropriations Act, 1985 (as contained in Public Law 98-473 (98 Stat. 1936)), except that—

"(A) references to the 'resolution described in paragraph (1)' shall be deemed to be references to the joint resolution; and

"(B) references to the Committee on Appropriations of the House of Representatives and to the Committee on Appropriations of the Senate shall be deemed to be references to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate.

"(2) TEXT OF JOINT RESOLUTION.—A joint resolution under this paragraph is a joint resolution the matter after the resolving clause of which is as follows: 'That the Congress disapproves the certification submitted by the President on __________ pursuant to section 203(f) of the NATO Participation Act of 1994.'.".

SEC. 7. REPORTS.

(a) ANNUAL REPORT.—Section 206 of the NATO Participation Act of 1994 (title II of Public Law 103-447; 22 U.S.C. 1928 note), as redesignated by section 5(1) of this Act, is amended—

(1) by inserting "ANNUALTi" IN THE SECTION HEADING BEFORE THE FIRST WORD;

(2) by inserting "annual" after "include in the" in the matter preceding paragraph (1);

(3) in paragraph (1), by striking "Partnership for Peace" and inserting "European"; and

(4) by striking paragraph (2) and inserting instead the following new paragraph:

"(2) In the event that the President determines that, despite a period of transition assistance, a country designated under section 203(d) has not, as of January 10, 1999, met criteria for NATO membership set forth by the North Atlantic Council, the President shall transmit a report to the designated congressional committees containing an assessment of the progress made by that country in meeting those standards.".

SEC. 8. DEFINITIONS.

The NATO Participation Act of 1994 (title II of Public Law 103-447; 22 U.S.C. 1928 note), as amended by this Act, is further amended by adding at the end the following new section:

"SEC. 207. DEFINITIONS.

"For purposes of this title:

"(1) NATO.—The term 'NATO' means the North Atlantic Treaty Organization.

"(2) DESIGNATED CONGRESSIONAL COMMITTEES.—The term 'designated congressional committees' means—

"(A) the Committee on International Relations, the Committee on National Security, and the Committee on Appropriations of the House of Representatives; and

"(B) the Committee on Foreign Relations, the Committee on Armed Services, and the Committee on Appropriations of the Senate.

"(3) EUROPEAN COUNTRIES EMERGING FROM COMMUNIST DOMINATION.—The term 'European countries emerging from Communist domination' includes, but is not limited to, Albania, Bulgaria, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Moldova, Poland, Romania, Slovakia, Slovenia, and Ukraine.".

BROWN AMENDMENT NO. 2040

(Ordered to lie on the table.)

Mr. BROWN submitted an amendment intended to be proposed by him to amendment No. 1950 proposed by him to the bill S. 908, supra; as follows:

At the appropriate place in the bill, add the following new section:

SEC. 510. CLARIFICATION OF RESTRICTIONS UNDER SECTION 620E OF THE FOREIGN ASSISTANCE ACT OF 1961.

(a) IN GENERAL.—Section 620E of the Foreign Assistance Act of 1961 (22 U.S.C. 2375) is amended—

(1) in subsection (e)—

(A) by striking "No assistance" and inserting "No military assistance";

(B) by striking "in which assistance is to be furnished or military equipment or technology" and inserting "in which military assistance is to be furnished or military equipment or technology";

(C) by striking "the proposed United States assistance" and inserting "the proposed United States military assistance";

(D) by inserting "(1)" immediately after "(e)"; and

(E) by adding at the end the following new paragraph:

"(2) The prohibitions in this subsection do not apply to any assistance or transfer provided for the purposes of—

"(A) international narcotics control (including chapter 8 of part I of this Act) or any other provision of law available for providing assistance for counternarcotics purposes;

"(B) facilitating military-to-military contact, training (including chapter 5 of part II of this Act), or humanitarian or civic assistance projects;

"(C) peacekeeping and other multilateral operations (including chapter 6 of part II of this Act, relating to peacekeeping) or any provisions of law available for providing assistance for peacekeeping purposes, except that any lethal military equipment provided under this subparagraph shall be provided on a lease or loan basis only and shall be returned upon completion of the operation for which it was provided; or

"(D) antiterrorism assistance (including chapter 8 of part II of this Act, relating to antiterrorism assistance) or any other provision of law available for antiterrorism assistance purposes.

"(3) The restrictions of this subsection shall continue to apply to contracts for the delivery of F-16 aircraft to Pakistan.

"(4) Notwithstanding the restrictions contained in this subsection, military equipment, technology, or defense services, other than F-16 aircraft, may be transferred to Pakistan pursuant to contracts or cases entered into before October 1, 1990."; and

(2) by adding at the end the following new subsections:

"(f) STORAGE COSTS.—The President may release the Government of Pakistan of its contractual obligation to pay the United States Government for the storage costs of items purchased prior to October 1, 1990, but not delivered by the United States Government by virtue of the application of subsection (e) and may reimburse the Government of Pakistan for any such amounts paid, on such terms and conditions as the President may prescribe, if such payments would have no impact on the scoring of United States budget authority or outlays.

"(g) RETURN OF MILITARY EQUIPMENT.—The President may return to the Government of Pakistan military equipment paid for and delivered to Pakistan and subsequently transferred for repair or upgrade to the United States but not returned to Pakistan by virtue of the application of subsection (e). Such equipment or its equivalent may be returned to the Government of Pakistan if the President determines and so certifies to the appropriate congressional committees that such equipment or equivalent neither constitutes nor has received any significant qualitative upgrade since being transferred to the United States.".

HELMS AMENDMENT NO. 2041

Mr. HELMS proposed an amendment to the bill S. 908, supra; as follows:

At the end of the bill, add the following:

SEC. . SENSE OF CONGRESS REGARDING CONSOLIDATION AND REINVENTION OF FOREIGN AFFAIRS AGENCIES.

(a) FINDINGS.—The Congress finds that it is necessary in order to make the Government more efficient and to realize significant budgetary savings for the American taxpayer—

(1) to consolidate and reinvent foreign affairs agencies of the United States within the Department of State;

(2) to provide for the reorganization of the Department of State to maximize efficient use of resources eliminate redundancy in functions, and improve the management of the Department of State;

(3) to assist congressional efforts to balance the Federal budget by the year 2002;

(4) to ensure that the international affairs budget function shoulders an appropriate share of the reductions in United States Government spending necessary to eliminate the $4,800,000,000,000 budget deficit; and

(5) to strengthen—

(A) the coordination of United States foreign policy;

(B) the leading role of the Secretary of State in the formulation and articulation of United States foreign policy;

(C) the authority of United States ambassadors over all United States Government personnel and resources located in United States diplomatic missions, in order to enhance the ability of the ambassadors to deploy those resources to the best effect that will attain the President's foreign policy objectives; and

(D) the United States Foreign Service, as the forward deployed civilian force of the United States Government, through renewed emphasis on the original principles which undergird the distinct Foreign Service personnel system. These include worldwide availability, assignments based on the needs of the service, rank in person, and merit-based advancement.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the President should—

(1) consolidate within the Department of State, or eliminate, such duplicative, overlapping, or superfluous personnel, functions, goals, activities, offices, and programs that the United States Arms Control and Disarmament Agency, the United States Information Agency, and the Agency for International Development have in common with the Department of State in order to realize a budgetary savings to the American taxpayer of at least $3,000,000,000 during fiscal years 1996 through 1999;

(2) encourage the United States foreign affairs agencies to maintain a high percentage of the best qualified, most competent American citizens serving in the United States Government while downsizing significantly the total number of people employed by these agencies; and

(3) ensure that all functions of diplomacy be subject to recruitment, training, assignment, promotion and egress based on common standards and procedures, with maximum interchange among the functions.

HELMS AMENDMENT NO. 2042

Mr. HELMS proposed an amendment to amendment No. 2041 proposed by him to the bill S. 908, supra; as follows:

Strike all after the word "SEC." and insert the following:

. . SENSE OF CONGRESS REGARDING CONSOLIDATION AND REINVENTION OF FOREIGN AFFAIRS AGENCIES.

(a) FINDINGS.—The Congress finds that it is necessary in order to make the Government more efficient and to realize significant budgetary savings for the American taxpayer—

(1) to consolidate and reinvent foreign affairs agencies of the United States within the Department of State;

(2) to provide for the reorganization of the Department of State to maximize efficient use of resources, eliminate redundancy in functions, and improve the management of the Department of State;

(3) to assist congressional efforts to balance the Federal budget by the year 2002;

(4) to ensure that the international affairs budget function shoulders an appropriate share of the reductions in United States Government spending necessary to eliminate the $4,800,000,000,000 budget deficit; and

(5) to strengthen—

(A) the coordination of United States foreign policy;

(B) the leading role of the Secretary of State in the formulation and articulation of United States foreign policy;

(C) the authority of United States ambassadors over all United States Government personnel and resources located in United States diplomatic missions, in order to enhance the ability of the ambassadors to deploy those resources to the best effect that will attain the President's foreign policy objectives; and

(D) the United States Foreign Service, as the forward deployed civilian force of the United States Government, through renewed emphasis on the original principles which undergird the distinct Foreign Service personnel system. These include worldwide availability, assignments based on the needs of the service, rank in person, and merit-based advancement.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the President should—

(1) consolidate and eliminate, such duplicative, overlapping, or superfluous personnel, functions, goals, activities, offices, and programs that the United States Arms Control and Disarmament Agency, the United States Information Agency, and the Agency for International Development have in common with the Department of State in order to realize a budgetary savings to the American taxpayer of at least $3,000,000,000 during fiscal years 1996 through 1999;

(2) encourage the United States foreign affairs agencies to maintain a high percentage of the best qualified, most competent American citizens serving in the United States Government while downsizing significantly

the total number of people employed by these agencies; and

(3) ensure that all functions of diplomacy be subject to recruitment, training, assignment, promotion and egress based on common standards and procedures, with maximum interchange among the functions.

HATCH (AND OTHERS) AMENDMENT NO. 2043

(Ordered to lie on the table.)

Mr. HATCH (for himself, Mr. MOYNIHAN, Mr. JEFFORDS, Mr. PELL, Mr. HARKIN, and Mr. CAMPBELL) submitted an amendment intended to be proposed by them to the bill S. 908, supra; as follows:

On page 84, stroke lines 23 and 24.

On page 85, line 1, strike "(2)" and insert "(1)".

On page 85, line 3, strike "(3)" and insert "(2)".

On page 85, line 4, strike "(4)" and insert "(3)".

On page 85, line 6, strike "(5)" and insert "(4)".

HATCH (AND ABRAHAM) AMENDMENT NO. 2044

(Ordered to lie on the table.)

Mr. HATCH (for himself and Mr. ABRAHAM) submitted an amendment intended to be proposed by them to the bill S. 908, supra; as follows:

On page 124, after line 20, add the following:

SEC. 618. TERMINATION OF THE UNITED STATES ARMS EMBARGO APPLICABLE TO THE GOVERNMENT OF THE REPUBLIC OF CROATIA.

(a) TERMINATION.—Subject to subsection (b), the President shall terminate the United States arms embargo of the Government of the Republic of Croatia at such time that the United States terminates the United States arms embargo of the Government of Bosnia and Herzegovina.

(b) RESUMPTION.—The President may resume the United States arms embargo of the Government of the Republic of Croatia upon—

(1) determining the Government of the Republic of Croatia is actively interfering with the transhipment of arms deliveries to the Government of Bosnia and Herzegovina, and

(2) reporting in writing to the President pro tempore of the Senate and the Speaker of the House of Representatives that he has determined the Government of the Republic of Croatia is actively interfering with the transhipment of arms deliveries to the Government of Bosnia and Herzegovina, the basis for his determination, and the measures the United States has taken to minimize such interference.

(c) DEFINITION.—As used in this section, the terms "United States arms embargo of the Government of the Republic of Croatia," and "United States arms embargo of the Government of Bosnia and Herzegovina" mean the application to the Government of the Republic of Croatia and the Government of Bosnia and Herzegovina, respectively, of the policy adopted July 10, 1991, and published in the Federal Register of July 19, 1991 (58 FR 33322) under the heading "Suspension of Munitions Export Licenses to Yugoslavia.

BOND AMENDMENT NO. 2045

(Ordered to lie on the table.)

Mr. BOND submitted an amendment intended to be proposed by him to the bill S. 908, supra; as follows:

On page 24 line 3, strike all after the word "The" through the word "Committee" on line 14, and insert in lieu thereof the following:

"Attorney General shall conduct a study to develop, in consultation with the Secretary of State, the Secretary of Commerce, the Secretary of Treasury, the Director of Central Intelligence, the Securities and Exchange Commission, the United States Trade Representative, the Overseas Private Investment Corporation, the Trade and Development Agency, and the Export-Import Bank of the United States, proposals to end the discrimination against United States exports that result from bribery and corruption in international business transactions.

"(d) REPORT.—The Attorney General, in consultation with the agencies and agency heads listed in subsection (c), shall submit a report containing the proposals developed under subsection (c) to the Committee on Banking, Housing and Urban Affairs and the".

KASSEBAUM AMENDMENT NO. 2046

(Ordered to lie on the table.)

Mrs. KASSEBAUM submitted an amendment intended to be proposed by her to the bill S. 908, supra; as follows:

On page 108 strike lines 13 through 25, and on page 109 strike lines 1 through 3.

FEINGOLD (AND SIMPSON) AMENDMENT NO. 2047

(Ordered to lie on the table.)

Mr. FEINGOLD (for himself and Mr. SIMPSON) submitted an amendment intended to be proposed by them to amendment No. 1916 submitted by Mr. HELMS to the bill S. 908, supra; as follows:

Strike all and in lieu of the matter intended to be inserted, insert the following:

On page 124, after line 20, insert the following:

SEC. . UNITED NATIONS POPULATION FUND.

(a) AVAILABILITY OF FUNDS.—Of the amounts made available to carry out part I of the Foreign Assistance Act of 1961, $35,000,000 shall be made available for each of fiscal years 1996 and 1997 to the United Nations Population Fund (UNFPA).

(b) PROHIBITION.—None of the funds made available under this section may be made available for activities in the People's Republic of China.

(c) CONDITION.—Funds made available under this section to the UNFPA shall be provided only on the condition that such funds are maintained in a separate account and are not commingled with any other funds.

(d) REPORTS.—

(1) Not later than February 1, 1996, and February 1, 1997, the Secretary of State shall submit to the Committees on Appropriations and Foreign Relations of the Senate and the Committees on Appropriations and International Relations of the House of Representatives a report indicating the amount that the UNFPA plans to spend in the People's Republic of China during the fiscal year in which the report is submitted.

(2) If the amount indicated in a report submitted under paragraph (1) exceeds $7,000,000, then the amount made available to the UNFPA shall be reduced by $7,000,000.

BROWN AMENDMENTS NOS. 2048–2052

(Ordered to lie on the table.)

Mr. BROWN submitted five amendments intended to be proposed by him to amendments submitted by him to the bill S. 908, supra; as follows:

AMENDMENT NO. 2048

In lieu of the matter proposed to be inserted by the amendment, insert the following:

SEC. . AUTHORIZATION FOR AN INDUSTRIAL PARK ON THE BORDER BETWEEN THE TERRITORIES AND ISRAEL.

(a) FINDINGS.—The Congress finds that:

(1) Extremists in Hamas and Islamic Jihad who reject the gains made since the signing of the Declaration of Principles have used terrorist tactics to force the closing of the territories;

(2) These terrorist acts have exacerbated existing problems and Gaza is now experiencing staggering unemployment nearing 50%, increasing chaos and a downward spiral of dashed hopes and deeping poverty;

(3) Israel's legitimate security concerns necessitate creative new methods of ensuring continued economic opportunity for the Palestinians; and

(4) The development of industrial parks along the border between Gaza, the West Bank and Israel sponsored by individual nations provides an important means of providing both development for Palestinians while maintaining border security.

(b) SENSE OF CONGRESS.—It is the sense of Congress that:

(1) The United States should take prompt, visable action before the coming election in Gaza and Jericho that promises hope and jobs to Palestinians;

(2) The rapid development of an industrial park, closely coordinated with private sector investors, will provide a clear sign of opportunity resulting from peace with Israel;

(3) The decision to site the industrial park should give special consideration to the extremely difficult economic conditions in Gaza;

(4) The President should appoint a Special Coordinator to coordinate the rapid development of an industrial park in Gaza and to begin the recruitment of U.S. investors; and

(5) The Secretary of State should direct a short-term review and implementation of U.S. assistance plans to assist in speeding the flow of goods and services between Israel and Gaza while increasing security between the two areas.

(c) AUTHORIZATION.—There are authorized to be appropriated $10,000,000 for the rapid development of a prototype industrial park in Gaza and/or the West Bank, notwithstanding sections 513 and 545 of the FY1995 Foreign Operations, Export Financing and Related Programs and FY1994 Supplemental Appropriations Act (P.L. 103–306) or similar provisions.

AMENDMENT NO. 2049

In lieu of the matter proposed to be inserted by the amendment, insert the following:

SEC. . REIMBURSEMENT FOR MARGINAL COSTS.

(a) For all agricultural commodities transported under sections 901(b) and 901b of the Merchant Marine Act of 1936 as part of any United States Government-administered program of food assistance to foreign countries, the United States is authorized to reimburse carriers above the international market rate as determined by the Secretary of Agriculture only to the extent of the differential cost incurred by U.S. shippers necessary to comply with U.S. health, safety, labor and other U.S. standards that are not required for non-U.S. vessels.

(b) REPORT.—The Secretary of Transportation shall submit a report 90 days after the enactment of this Act and annually thereafter to the appropriate committees of Congress detailing the U.S. health, safety, labor and other standards and their differential cost to U.S. shippers of agricultural commodities under sections 901(b) and 901b of the Merchant Marine Act of 1936.

AMENDMENT NO. 2050

In lieu of the matter to be proposed to be inserted by the amendment, insert the following:

SEC. . LIMITATION ON CARGO PREFERENCE.

For all agricultural commodities transported under sections 901(b) and 901b of the Merchant Marine Act of 1936 as part of any United States Government-administered program of food assistance to foreign countries, the United States shall not reimburse carriers more than 25 percent above the international market rate, as determined by the Secretary of Agriculture.

AMENDMENT NO. 2051

In lieu of the matter proposed to be inserted by the amendment, insert the following:

SEC. 510. CLARIFICATION OF RESTRICTIONS UNDER SECTION 620E OF THE FOREIGN ASSISTANCE ACT OF 1961.

(a) IN GENERAL.—Section 620E of the Foreign Assistance Act of 1961 (22 U.S.C. 2375) is amended—

(1) in subsection (e)—

(A) by striking "No assistance" and inserting "No military assistance";

(B) by striking "in which assistance is to be furnished or military equipment or technology" and inserting "in which military assistance is to be furnished or military equipment or technology";

(C) by striking "the proposed United States assistance" and inserting "the proposed United States military assistance";

(D) by inserting "(1)" immediately after "(e)"; and

(E) by adding at the end the following new paragraph:

"(2) The prohibitions in this subsection do not apply to any assistance or transfer provided for the purposes of—

"(A) international narcotics control (including chapter 8 of part I of this Act) or any other provision of law available for providing assistance for counternarcotics purposes;

"(B) facilitating military-to-military contact, training (including chapter 5 of part II of this Act), or humanitarian or civic assistance projects;

"(C) peacekeeping and other multilateral operations (including chapter 6 of part II of this Act, relating to peacekeeping) or any provisions of law available for providing assistance for peacekeeping purposes, except that any lethal military equipment provided under this subparagraph shall be provided on a lease or loan basis only and shall be returned upon completion of the operation for which it was provided; or

"(D) antiterrorism assistance (including chapter 8 of part II of this Act, relating to antiterrorism assistance) or any other provision of law available for antiterrorism assistance purposes.

"(3) The restrictions of this subsection shall continue to apply to contracts for the delivery of F-16 aircraft to Pakistan.

"(4) Notwithstanding the restrictions contained in this subsection, military equipment, technology, or defense services, other than F-16 aircraft, may be transferred to Pakistan pursuant to contracts or cases entered into before October 1, 1990."; and

(2) by adding at the end the following new subsections:

"(f) STORAGE COSTS.—The President may release the Government of Pakistan of its contractual obligation to pay the United States Government for the storage costs of items purchased prior to October 1, 1990, but not delivered by the United States Government by virtue of the application of subsection (e) and may reimburse the Government of Pakistan for any such amounts paid, on such terms and conditions as the President may prescribe, if such payments would have no impact on the scoring of United States budget authority or outlays.

"(g) RETURN OF MILITARY EQUIPMENT.—The President may return to the Government of Pakistan military equipment paid for and delivered to Pakistan and subsequently transferred for repair or upgrade to the United States but not returned to Pakistan by virtue of the application of subsection (e). Such equipment or its equivalent may be returned to the Government of Pakistan if the President determines and so certifies to the appropriate congressional committees that such equipment or equivalent neither constitutes nor has received any significant qualitative upgrade since being transferred to the United States.".

AMENDMENT NO. 2052

In lieu of the matter proposed to be inserted by the amendment, insert the following:

TITLE ___—NATO PARTICIPATION ACT AMENDMENTS OF 1995

SECTION 1. SHORT TITLE.

This title may be cited as the "NATO Participation Act Amendments of 1995".

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) Since 1949, the North Atlantic Treaty Organization (NATO) has played an essential role in guaranteeing the security, freedom, and prosperity of the United States and its partners in the Alliance.

(2) NATO has expanded its membership on three different occasions since 1949.

(3) The sustained commitment of the member countries of NATO to mutual defense of their security ultimately made possible the democratic transformation in Central and Eastern Europe and the demise of the Soviet Union.

(4) NATO was designed to be and remains a defensive military organization whose members have never contemplated the use of, or used, military force to expand the borders of its member states.

(5) While the immediate threat to the security of the United States and its allies has been reduced with the collapse of the Iron Curtain, new security threats, such as the situation in Bosnia and Herzegovina, are emerging to the shared interests of the member countries of NATO.

(6) NATO remains the only multilateral security organization capable of conducting effective military operations to protect Western security interests.

(7) NATO has played a positive role in defusing tensions between NATO members and, as a result, no military action has occurred between two NATO member states since the inception of NATO in 1949.

(8) NATO is also an important diplomatic forum for the discussion of issues of concern to its member states and for the peaceful resolution of disputes.

(9) America's security, freedom, and prosperity remain linked to the security of the countries of Europe.

(10) Any threat to the security of the newly emerging democracies in Europe would pose a security threat to the United States and its European allies.

(11) The admission to NATO of European countries that have been freed from Communist domination and that meet specific criteria for NATO membership would contribute to international peace and enhance the security of the region.

(12) A number of countries have expressed varying degrees of interest in NATO membership, and have taken concrete steps to demonstrate this commitment.

(13) Full integration of Central and East European countries into the North Atlantic Alliance after such countries meet essential criteria for admission would enhance the security of the Alliance and, thereby, contribute to the security of the United States.

(14) The expansion of NATO can create the stable environment needed to successfully complete the political and economic transformation envisioned by European states emerging from communist domination.

(15) In recognition that not all countries which have requested membership in NATO will necessarily qualify at the same pace, the accession date for each new member will vary.

(16) The provision of NATO transition assistance should include those countries most ready for closer ties with NATO, and should be designed to assist other countries meeting specified criteria of eligibility to move forward toward eventual NATO membership.

(17) The evaluation of future membership in NATO for countries emerging from communist domination should be based on the progress of those nations in meeting criteria for NATO transition assistance and evolving NATO criteria, which require enhancement of NATO's security and the approval of all NATO members.

SEC. 3. UNITED STATES POLICY.

It should be the policy of the United States—

(1) to join with the NATO allies of the United States to redefine the role of the NATO Alliance in the post-Cold War world;

(2) to actively assist European countries emerging from communist domination in their transition so that such countries may eventually qualify for NATO membership; and

(3) to work to define the political and security relationship between an enlarged NATO and the Russian Federation.

SEC. 4. REVISIONS TO PROGRAM TO FACILITATE TRANSITION TO NATO MEMBERSHIP.

(a) ESTABLISHMENT OF PROGRAM.—Subsection (a) of section 203 of the NATO Participation Act of 1994 (title II of Public Law 103-447; 22 U.S.C. 1928 note) is amended to read as follows:

"(a) ESTABLISHMENT OF PROGRAM.—The President shall provide expanded security assistance and other related assistance to countries designated under subsection (d) to facilitate their transition to full NATO membership.".

(b) ELIGIBLE COUNTRIES.—

(1) ELIGIBILITY.—Subsection (d) of section 203 of such Act is amended to read as follows:

"(d) DESIGNATION OF ELIGIBLE COUNTRIES.—

"(1) PRESIDENTIAL REVIEW AND REPORT.—Within 60 days of the enactment of the NATO Participation Act Amendments of 1995, the President shall transmit to the Congress an evaluation of Poland, Hungary, the Czech

Republic, and Slovakia as well as Estonia, Latvia, Lithuania, Slovenia, Bulgaria, Romania and Albania in accordance with the criteria in paragraph (3) and specifically designate one or more of these countries to be eligible to receive assistance under the program established in subsection (a). The President shall provide a report of the country-by-country evaluation as well as an evaluation of each designated country's progress toward conformance with criteria for full NATO membership.

"(2) OTHER EUROPEAN COUNTRIES EMERGING FROM COMMUNIST DOMINATION.—

"(A) In addition to the country or countries designated pursuant to paragraph (1), the President may designate other European countries emerging from communist domination. The President may make such a designation in the case of any such country only if the President determines, and reports to the designated congressional committees, that such country meets the criteria specified in paragraph (3).

"(3) CRITERIA.—The criteria referred to in paragraph (2) are, with respect to each country, that the country—

"(A) has made significant progress toward establishing—

"(i) shared values and interests;

"(ii) democratic governments;

"(iii) free market economies;

"(iv) civilian control of the military, of the police, and of intelligence services;

"(v) adherence to the values, principles, and political commitments embodied in the Helsinki Final Act of the Organization on Security and Cooperation in Europe; and

"(vi) more transparent defense budgets and is participating in the Partnership For Peace defense planning process;

"(B) has made public commitments—

"(i) to further the principles of NATO and to contribute to the security of the North Atlantic area;

"(ii) to accept the obligations, responsibilities, and costs of NATO membership; and

"(iii) to implement infrastructure development activities that will facilitate participation in and support for NATO military activities;

"(C) is not ineligible for assistance under section 563 of Public Law 103-306, with respect to transfers of equipment to a country the government of which the the Secretary of State has determined is a terrorist government for purposes of section 40(d) of the Arms Export Control Act; and

"(D) is likely, within five years of the determination of the President under paragraph (1) or (2), to be in a position to further the principles of the North Atlantic Treaty and to contribute to its own security and that of the North Atlantic area.

"(4) PROHIBITION ON FUNDING FOR PARTNERSHIP FOR PEACE ACTIVITIES OR ON FUNDING FOR THE WARSAW INITIATIVE.—Effective 60 days after the date of enactment of the NATO Participation Act Amendments of 1995, no funds authorized to be appropriated under any provision of law may be obligated or expended for activities associated with the Partnership for Peace program or the Warsaw Initiative until the President has designated at least one country to participate in the transition program established under subsection (a).".

(2) CONFORMING AMENDMENTS.—

(A) Subsections (b) and (c) of section 203 of such Act are amended by striking "countries described in such subsection" each of the two places it appears and inserting "countries designated under subsection (d)".

(B) Subsection (e) of section 203 of such Act is amended—

(i) by striking "subsection (d)" and inserting "subsection (d)(2)"; and

(ii) by inserting "(22 U.S.C. 2394)" before the period at the end.

(C) Section 204(c) of such Act is amended by striking "any other Partnership for Peace country designated under section 203(d)" and inserting "any country designated under section 203(d)(2)".

(c) TYPES OF ASSISTANCE.—Section 203(c) of such Act is amended—

(1) by redesignating paragraphs (1) through (4) as subparagraphs (A) through (D), respectively; and

(2) by inserting after subparagraph (D) (as redesignated) the following new subparagraphs:

"(E) Assistance under chapter 4 of part II of the Foreign Assistance Act of 1961 (relating to the Economic Support Fund).

"(F) Funds appropriated under the 'Nonproliferation and Disarmament Fund' account".

"(G) Assistance under chapter 6 of part II of the Foreign Assistance Act of 1961 (relating to peacekeeping operations and other programs).".

"(H) Authority for the Department of Defense to pay excess defense articles costs for countries designated for both grant lethal and nonlethal excess defense articles.

"(I) Authority to convert FMF loans to grants, and grants to loans, for eligible countries.".

(3) by inserting "(1)" immediately after "TYPE OF ASSISTANCE.—"; and

(4) by adding at the end the following new paragraphs:

"(2) For fiscal years 1996 and 1997, in providing assistance under chapter 5 of part II of the Foreign Assistance Act of 1961 for the countries designated under subsection (d), the President shall include as an important component of such assistance the provision of sufficient language training to enable military personnel to participate further in programs for military training and in defense exchange programs.

"(3) Of the amounts made available under chapter 5 of part II of the Foreign Assistance Act of 1961 (relating to international military education and training), $5,000,000 for fiscal year 1996 and $5,000,000 for fiscal year 1997 should support—

"(A) the attendance of additional military personnel of Poland, Hungary, the Czech Republic, and Slovakia at professional military education institutions in the United States in accordance with section 544 of such Act; and

"(B) the placement and support of United States instructors and experts at military educational centers within the foreign countries designated under subsection (d) that are receiving assistance under that chapter.".

SEC. 5. ASSISTANCE FOR NATO PARTICIPATION ACT DESIGNEES.

The President is authorized to obligate and expend $60,000,000 from funds made available under the Foreign Assistance Act of 1961 in support of countries designated to receive transition assistance under section 203(a) of the NATO Participation Act, as follows:

(1) Poland: $20,000,000.

(2) Czech Republic: $10,000,000.

(3) Hungary: $5,000,000.

(4) Slovakia: $5,000,000.

(5) Other European countries designated under subsection (d)(1) or subsection (d)(2): $20,000,000.

SEC. 6. TERMINATION OF ELIGIBILITY.

Section 203(f) of the NATO Participation Act of 1994 (title II of Public Law 103-447; 22 U.S.C. 1928 note) is amended to read as follows:

"(f) TERMINATION OF ELIGIBILITY.—(1) The eligibility of a country designated under subsection (d) for the program established in subsection (a) shall terminate 60 days after the President makes a certification under paragraph (2) unless, within the 60-day period, the Congress enacts a joint resolution disapproving the termination of eligibility.

"(2) Whenever the President determines that the government of a country designated under subsection (d)—

"(A) no longer meets the criteria set forth in subsection (d)(2)(A);

"(B) is hostile to the NATO alliance; or

"(C) poses a national security threat to the United States,

then the President shall so certify to the appropriate congressional committees.

"(3) Nothing in this Act shall affect the eligibility of countries to participate under other provisions of law in programs described in this Act.".

(b) CONGRESSIONAL PRIORITY PROCEDURES.—Section 203 of such Act is amended by adding at the end the following new subsection:

"(g) CONGRESSIONAL PRIORITY PROCEDURES.—

"(1) APPLICABLE PROCEDURES.—A joint resolution described in paragraph (2) which is introduced in a House of Congress after the date on which a certification made under subsection (f)(2) is received by Congress shall be considered in accordance with the procedures set forth in paragraphs (3) through (7) of section 8066(c) of the Department of Defense Appropriations Act, 1985 (as contained in Public Law 98-473 (98 Stat. 1936)), except that—

"(A) references to the 'resolution described in paragraph (1)' shall be deemed to be references to the joint resolution; and

"(B) references to the Committee on Appropriations of the House of Representatives and to the Committee on Appropriations of the Senate shall be deemed to be references to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate.

"(2) TEXT OF JOINT RESOLUTION.—A joint resolution under this paragraph is a joint resolution the matter after the resolving clause of which is as follows: 'That the Congress disapproves the certification submitted by the President on ______ pursuant to section 203(f) of the NATO Participation Act of 1994.'.".

SEC. 7. REPORTS.

(a) ANNUAL REPORT.—Section 206 of the NATO Participation Act of 1994 (title II of Public Law 103-447; 22 U.S.C. 1928 note), as redesignated by section 5(1) of this Act, is amended—

(1) by inserting "annual" in the section heading before the first word;

(2) by inserting "annual" after "include in the" in the matter preceding paragraph (1);

(3) in paragraph (1), by striking "Partnership for Peace" and inserting "European"; and

(4) by striking paragraph (2) and inserting instead the following new paragraph:

"(2) In the event that the President determines that, despite a period of transition assistance, a country designated under section 203(d) has not, as of January 10, 1999, met criteria for NATO membership set forth by the North Atlantic Council, the President shall transmit a report to the designated congressional committees containing an assessment of the progress made by that country in meeting those standards.".

SEC. 8. DEFINITIONS.

The NATO Participation Act of 1994 (title II of Public Law 103-447; 22 U.S.C. 1928 note), as amended by this Act, is further amended by adding at the end the following new section:

"SEC. 207. DEFINITIONS.

"For purposes of this title:

"(1) NATO.—The term 'NATO' means the North Atlantic Treaty Organization.

"(2) Designated congressional committees.—The term 'designated congressional committees' means—

"(A) the Committee on International Relations, the Committee on National Security, and the Committee on Appropriations of the House of Representatives; and

"(B) the Committee on Foreign Relations, the Committee on Armed Services, and the Committee on Appropriations of the Senate.

"(3) European countries emerging from communist domination.—The term 'European countries emerging from Communist domination' includes, but is not limited to, Albania, Bulgaria, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Moldova, Poland, Romania, Slovakia, Slovenia, and Ukraine.".

THE ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 1996

REID AMENDMENT NO. 2053

Mr. DOMENICI (for Mr. Reid) proposed an amendment to the bill (H.R. 1905) making appropriations for energy and water development for the fiscal year ending September 30, 1996, and for other purposes; as follows:

On page 24, line 7, strike "135(a)(2), 135(d), 135(e). 141(g), 145" and insert "135(d), 135(e),".

JEFFORDS (AND OTHERS) AMENDMENT NO. 2054

Mr. JEFFORDS (for himself, Mr. Roth, Mr. Grams, Mr. Wellstone, Mr. Harkin, and Mr. Lehy) proposed an amendment to the bill H.R. 1905, supra; as follows:

On page 20, line 23 insert the following:

SEC. . FUNDING FOR ENERGY SUPPLY, RESEARCH AND DEVELOPMENT ACTIVITIES RELATING TO RENEWABLE ENERGY SOURCES.

"(a) Reduction in Appropriation for Departmental Administration.—Notwithstanding any other provision of this Act, the amount appropriated in title III of this Act under the heading DEPARTMENTAL ADMINISTRATION is hereby reduced by $37,000,000.

"(b) Increase in Appropriation for Energy Supply, Research and Development Activities.—Notwithstanding any other provision of this Act, the amount appropriated in title III of this act under the heading ENERGY SUPPLY, RESEARCH AND DEVELOPMENT ACTIVITIES is hereby increased by $37,000,000.

"(c) Availability of Funds.—Of the funds appropriated in title III of this Act under the heading ENERGY SUPPLY, RESEARCH AND DEVELOPMENT ACTIVITIES—

"(1) not less than $4,500,000 shall be available for solar building technology research;

"(2) not less than $78,929,000 shall be available for photovoltaic energy systems;

"(3) not less than $28,443,000 shall be available for solar thermal energy systems;

"(4) not less than $55,300,000 shall be available for biofuels of which no less than half shall go toward the BIOMASS ELECTRIC PROGRAM;

"(5) not less than $42,000,000 shall be available for wind energy systems;

"(6) not less than $8,000,000 shall be available for international solar energy programs;

"(7) not less than $9,000,000 shall be available for hydrogen research;".

BUMPERS (AND OTHERS) AMENDMENT NO. 2055

Mr. BUMPERS (for himself, Mr. Inhofe, Mr. Kerry, Mr. Feingold, and Mr. Bradley) proposed an amendment to the bill H.R. 1905, supra; as follows:

Strike lines 22-23 on page 20 and insert in lieu thereof the following: "$2,793,324,000 to remain available until expended. *Provided that*, no more than $7,500,000 of such funds shall be used for the termination of the Gas Turbine-Modular Helium Reactor program."

ABRAHAM (AND OTHERS) AMENDMENT NO. 2056

Mr. ABRAHAM (for himself, Mr. Grams, Mr. Kyl, and Mr. Ashcroft) proposed an amendment to the bill H.R. 1905.

On page 41, between lines 12 and 13, insert the following:

SEC. 510. MAGNETIC FUSION ENERGY ENGINEERING.

Section 7 of the Magnetic Fusion Energy Engineering Act (42 U.S.C. 9396) is repealed.

SEC. 511. REPEAL OF REPORT ON VERIFICATION TECHNIQUES FOR PRODUCTION OF PLUTONIUM AND HIGHLY ENRICHED URANIUM.

Section 3131 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 1839) is amended by striking out subsection (c).

DORGAN (AND OTHERS) AMENDMENT NO. 2057

Mr. DORGAN (for himself, Mr. Kohl, Mr. Ford, Mr. Robb, Mr. Breaux, Mr. Harkin, Mr. Bradley, and Mr. Wellstone) proposed an amendment to the bill H.R. 1905, supra; as follows:

At the appropriate place in the bill, insert the following:

SEC. . SENSE OF THE SENATE ON THE CONFERENCE ON S. 4, THE LINE ITEM VETO ACT.

(a) Findings.—The Senate finds that—

(1) the line item veto was a major plank in the House majority's "Contract with America" and has received strong bipartisan support in the 104th Congress;

(2) the House of Representatives on February 6, 1995, passed H.R. 2, the Line Item Veto Act, on a vote of 294-134;

(3) the Senate on March 23, 1995, passed S. 4, the Separate Enrollment and Line Item Veto Act of 1995, on a vote of 69-29;

(4) the House passed S. 4, with the text of H.R. 2 inserted, by voice vote on May 17, 1995, 50 days after passage by the Senate;

(5) notwithstanding the failure of the House to request a conference, the Senate disagreed with the House amendments, requested a conference and appointed conferees on S. 4 on June 20, 1995;

(6) the papers for S. 4 have been held at the desk of the Speaker of the House for 42 days, and the Speaker of the House has not yet moved to appoint conferees;

(7) with the passage of time it increasingly appears that the Congress may pass and send to the President not only the appropriations bills for fiscal year 1996 but also the reconciliation bill required by H.Con.Res. 67 (the concurrent resolution setting forth the congressional budget for fiscal years 1996, 1997, 1998, 1999, 2000, 2001, and 2002) without first passing and sending to the President a line item veto bill; and

(8) the House majority leadership has publicly cast doubt on the prospects for a conference on S. 4 this year.

(b) Sense of the Senate.—It is the sense of the Senate that—

(1) the Speaker of the House should move to appoint conferees on S. 4 immediately, so that the House and Senate may resolve their differences on this important legislation;

GRAMS (AND OTHERS) AMENDMENT NO. 2058

Mr. GRAMS (for himself, Mr. McCain, and Mr. Feingold) proposed an amendment to the bill H.R. 1905, supra; as follows:

On page 32, line 13, strike "$182,000,000" and insert "$142,000,000."

BINGAMAN AMENDMENT NO. 2059

Mr. JOHNSTON (for Mr. Bingaman) proposed an amendment to the bill H.R. 1905, supra; as follows:

At the appropriate place, insert the following:

SEC. . ENERGY SAVINGS AT FEDERAL FACILITIES.

(a) Reduction in Facilities Energy Costs.—The head of each agency for which funds are made available under this Act shall take all actions necessary to achieve during fiscal year 1996 a 5 percent reduction, from fiscal year 1995 levels, in energy costs of the facilities used by the agency.

(b) Use of Cost Savings.—An amount equal to the amount of cost savings realized by an agency under subsection (a) shall remain available for obligation through the end of fiscal year 1997, without further authorization or appropriation, as follows:

(1) Conservation measures.—Fifty percent of the amount shall remain available for the implementation of additional energy conservation measures and for water conservation measures at such facilities used by the agency as are designated by the head of the agency.

(2) Other purposes.—Fifty percent of the amount shall remain available for use by the agency for such purposes as are designated by the head of the agency, consistent with applicable law.

(c) Report.—

(1) In general.—Not later than December 31, 1996, the head of each agency described in subsection (a) shall submit a report to Congress specifying the results of the actions taken under subsection (a) and providing any recommendations as to how to further reduce energy costs and energy consumption in the future.

(2) Contents.—Each report shall—

(A) specify the total energy costs of the facilities used by the agency;

(B) identify the reductions achieved; and

(C) specify the actions that resulted in the reductions.

LAUTENBERG (AND BRADLEY) AMENDMENT NO. 2060

Mr. JOHNSTON (for Mr. LAUTENBERG, for himself and Mr. BRADLEY) proposed an amendment to the bill H.R. 1905, supra; as follows:

On page 20, lines 22 and 23, after "expended" insert ", of which amount within available funds $56,000,000 may be available to continue operation of the Tokamak Fusion Test Reactor (for which purpose, the Secretary may use savings from reducing general administrative expenses in accordance with the Department of Energy's strategic alignment and downsizing effort, but none of the savings used for this purpose shall come from programmatic accounts within this title)".

DASCHLE AMENDMENT NO. 2061

Mr. JOHNSTON (for Mr. DASCHLE) proposed an amendment to the bill H.R. 1905, supra; as follows:

On page 15, line 17, add: "*provided further*, within available funds, $300,000 is for the completion of the feasibility study of alternatives for meeting the drinking water needs on the Cheyenne River Sioux Reservation and surrounding communities."

BAUCUS AMENDMENT NO. 2062

Mr. JOHNSTON (for Mr. BAUCUS) proposed an amendment to the bill H.R. 1905, supra; as follows:

On page 20, lines 22 and 23, after "expended" insert "*Provided further*, That within the amount for Indian Energy Resource projects, $2,000,000 may be made available fund the Crow energy resources programs under title XXVI of the Energy Policy Act of 1992 (25 U.S.C. 3501 et seq.)".

BYRD AMENDMENT NO. 2063

Mr. JOHNSTON (for Mr. BYRD) proposed an amendment to the bill H.R. 1905, supra; as follows:

At the appropriate place in the bill (suggest page 12, after line 16) insert the following:

SEC. . The project for flood control for Petersburg, West Virginia, authorized by section 101(a)(26) of the Water Resources Development Act of 1990 (P.L. 101-640, 104 Stat. 4611) is modified to authorize the Secretary of the Army to construct the project at a total cost not to exceed $26,600,000, with an estimated first Federal cost of $19,195,000 and an estimated first non-Federal cost of $7,405,000.

FEINGOLD AMENDMENT NO. 2064

Mr. JOHNSTON (for Mr. FEINGOLD) proposed an amendment to the bill H.R. 1905, supra; as follows:

On page 38, lines 1 and 2, after "$110,339,000, to remain available until expended" insert "Of the funds appropriated under this heading, not more than $25,000,000 may be expended for the Tennessee Valley Authority Environmental Research Center in Muscle Shoals, Alabama, in the event that the Center expends less than $25 million, such amount not expended shall be returned to the U.S. Treasury and the Tennessee Valley Authority appropriation reduced accordingly and the Tennessee Valley Authority shall take steps to obtain funding from other sources so as to reduce appropriated funding in the future and, not later than January 1, 1996, submit to Congress a preliminary plan securing funding from other sources.

BOXER (AND BAUCUS) AMENDMENT NO. 2065

Mr. JOHNSTON (for Mrs. BOXER, for herself and Mr. BAUCUS) proposed an amendment to the bill H.R. 1905, supra; as follows:

On page 9, line 24, insert "(including the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives)" after "Congress".

HUTCHISON AMENDMENT NO. 2066

Mr. DOMENICI (for Mrs. HUTCHISON) proposed an amendment to the bill H.R. 1905, Supra; as follows:

On page 13 insert the following new section after line 23:

SEC.—."(a) The Secretary of the Army is authorized to accept from a non-Federal sponsor an amount of additional lands not to exceed 300 acres which are contiguous to the Cooper Lake and Channels Project, Texas, authorized by the River and Harbor Act of 1965 and the Water Resources Development Act of 1986, and which provide habitat value at least equal to that provided by the lands authorized to be redesignated in subsection (b).

"(b) Upon the completion of subsection (a), the Secretary is further authorized to redesignate an amount of mitigation land not to exceed 300 acres to recreation purposes.

"(c) The cost of all work to be undertaken pursuant to this section, including but not limited to real estate appraisals, cultural and environmental surveys, and all development necessary to avoid net mitigation losses, to the extent such actions are required, shall be borne by the donating sponsor.

GRAMS (AND WELLSTONE) AMENDMENT NO. 2067

Mr. DOMENICI (for Mr. GRAMS, for himself and Mr. WELLSTONE) proposed an amendment to the bill H.R. 1905, supra; as follows:

On page 6, after line 11, add: "; For Marshall, Minnesota, $850,000;".

WARNER AMENDMENT NO. 2068

Mr. DOMENICI (for Mr. WARNER) proposed an amendment to the bill H.R. 1905, supra; as follows:

On page 6, between line 11 and line 12 insert the following: "Virginia Beach Erosion Control and Hurricane Protection, Virginia, $1,100,000;".

BROWN AMENDMENTS NOS. 2069–2070

Mr. DOMENICI (for Mr. BROWN) proposed two amendments to the bill H.R. 1905, supra; as follows:

AMENDMENT NO. 2069

On page 33, strike line 5 and insert the following: Commission, as authorized by law (75 Stat. 716), $440,000, *Provided:* that the U.S. Commissioner (Alternate Federal Member) shall not be compensated at a level higher than General Schedule level 15.

AMENDMENT NO. 2070

On page 37, strike line 14 and insert the following: $280,000, *Provided:* that the U.S. Commissioner (Alternate Federal Member) shall not be compensated at a level higher than General Schedule level 15.

CRAIG (AND KEMPTHORNE) AMENDMENT NO. 2071

Mr. DOMENICI (for Mr. CRAIG, for himself and Mr. KEMPTHORNE) proposed an amendment to the bill H.R. 1905, supra; as follows:

Page 26, line 16, insert the following before the period: ": Provided, that within available funds, $4,952,000 is provided for electrical and utility systems upgrade, Idaho Chemical Processing Plant, Idaho National Engineering Laboratory, project number 96-D-463".

PRESSLER (AND DASCHLE) AMENDMENT NO. 2072

Mr. DOMENCI (for Mr. PRESSLER, for himself and Mr. DASCHLE) proposed an amendment to the bill H.R. 1905, supra; as follows:

At the appropriate place in title I, insert the following:

SEC. 1. WATER LEVEL IN LAKE TRAVERSE, SOUTH DAKOTA AND MINNESOTA.

(a) IN GENERAL.—Subject to subsection (b), notwithstanding any other law, the Secretary of the Army, acting through the Chief of Engineers of the Army Corps of Engineers and using funds made available under this Act, shall, to the greatest extent practicable, take such actions as are necessary to obtain and maintain an elevation of 977 feet above sea level in Lake Traverse, South Dakota and Minnesota.

(b) LIMITATION.—No action taken under subsection (a) shall result in flooding at Mud Lake, South Dakota and Minnesota.

DOLE (AND KASSEBAUM) AMENDMENT NO. 2073

Mr. DOMENICI (for Mr. DOLE, for himself and Mrs. KASSEBAUM) proposed an amendment to the bill H.R. 1905, supra; as follows:

On page 5 insert the following between lines 16 and 17: "Arkansas City flood control project, Kansas, $700,000, except that for the purposes of the project, section 902 of Public Law 99-662 is waived;".

HATFIELD AMENDMENT NO. 2074

Mr. DOMENICI (for Mr. HATFIELD) proposed an amendment to the bill H.R. 1905, supra; as follows:

On page 13, insert the following after line 23:

SEC. . Using funds appropriated herein the Secretary of the Army, acting through the Chief of Engineers, is authorized to undertake the Coos Bay, Oregon project in accordance with the Report of the Chief of Engineers, dated June 30, 1994, at a total cost of $14,541,000, with an estimated Federal cost of $10,777,000 and an estimated non-Federal cost of $3,764,000.

PRESSLER AMENDMENT NO. 2075

Mr. DOMENICI (for Mr. PRESSLER) proposed an amendment to the bill H.R. 1905, supra; as follows:

At the appropriate place in title I, insert the following:

SEC. . WATER LEVEL IN LAKE TRAVERSE, SOUTH DAKOTA AND MINNESOTA.

(a) IN GENERAL.—Subject to subsection (b), notwithstanding any other law, the Secretary of the Army, acting through the Chief of Engineers of the Army Corps of Engineers and using funds made available under this Act, shall, to the greatest extent practicable, take such actions as are necessary to obtain and maintain an elevation of 977 feet above sea level in Lake Traverse, South Dakota and Minnesota.

(b) LIMITATION.—No action taken under subsection (a) shall result in flooding at Mud Lake, South Dakota and Minnesota.

WELLSTONE AMENDMENT NO. 2076

Mr. WELLSTONE proposed an amendment to the bill H.R. 1905, supra; as follows:

At the appropriate place in title V, insert the following:

SEC. . WATER LEVELS IN RAINY LAKE AND NAMAKAN LAKE.

(a) FINDINGS.—Congress finds that—

(1) the Rainy Lake and Namakan Reservoir Water Level International Steering Committee conducted a 2-year analysis in which public comments on the water levels in Rainy Lake and Namakan Lake revealed significant problems with the current regulation of water levels and resulted in Steering Committee recommendations in November 1993; and

(2) maintaining water levels closer to those recommended by the Steering Committee will help ensure the enhancement of water quality, fish and wildlife, and recreational resources in Rainy Lake and Namakan Lake.

(b) DEFINITIONS.—In this section:—

(1) EXISTING RULE CURVE.—The term "existing rule curve" means each of the rule curves promulgated by the International Joint Commission to regulate water levels in Rainy Lake and Namakan Lake in effect as of the date of enactment of this Act.

(2) PROPOSED RULE CURVE.—The term "proposed rule curve" means each of the rule curves recommended by the Rainy Lake and Namakan Reservoir International Steering Committee for regulation of water levels in Rainy Lake and Namakan Lake in the publication entitled "Final Report and Recommendations" published in November 1993.

(c) WATER LEVELS.—The dams at International Falls and Kettle Falls, Minnesota, in Rainy Lake and Namakan Lake, respectively, shall be operated so as to maintain water levels as follows:

(1) COINCIDENT RULE CURVES.—In each instance in which as existing rule curve coincides with a proposed rule curve, the water level shall be maintained within the range of such coincidence.

(2) NONCOINCIDENT RULE CURVES.—In each instance in which an existing rule curve does not coincide with a proposed rule curve, the water level shall be maintained at the limit of the existing rule curve that is closest to the proposed rule curve.

(d) ENFORCEMENT.—

(1) IN GENERAL.—The Federal Energy Regulatory Commission shall enforce this section as though the provisions were included in the license issued by the Commission on December 31, 1987, for Commission Project No. 5223-001.

(2) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to require the Commission to alter the license for Commission Project No. 5223-001 in any way.

(e) SUNSET.—This section shall remain in effect until the International Joint Commission review of and decision on the Steering Committee's recommendations are completed.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. HELMS. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be allowed to meet during the Tuesday, August 1, 1995 session of the Senate for the purpose of conducting a hearing on the future of the Department of Commerce.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. HELMS. Mr. President, I ask unanimous consent that the Committee of Foreign Relations be authorized to meet during the session of the Senate on Tuesday, August 1, 1995, at 9:00 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. HELMS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate of the Senate on Tuesday, August 1, 1995, at 11 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CLEAN AIR, WETLANDS, PRIVATE PROPERTY AND NUCLEAR SAFETY

Mr. HELMS. Mr. President, I ask unanimous consent that the Subcommittee on Clean Air, Wetlands, Private Property and Nuclear Safety be granted permission to conduct an oversight hearing Tuesday, August 1, at 2:00 p.m. on title V of the Clean Air Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON THE CONSTITUTION, FEDERALISM AND PROPERTY RIGHTS

Mr. HELMS. Mr. President, I ask unanimous consent that the Subcommittee on the Constitution, Federalism and Property Rights of the Committee on the Judiciary, be authorized to meet during the session of the Senate on Tuesday, August 1, 1995 at 9:00 a.m., to hold a hearing on H.R. 660, Older Americans Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON IMMIGRATION

Mr. HELMS. Mr. President, I ask unanimous consent that the Subcommittee on Immigration, of the Committee on the Judiciary, be authorized to meet during the session of the Senate on Tuesday, August 1, 1995 at 11:00 a.m., to hold a hearing on annual refugee consultation.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON INTERNATIONAL TRADE

Mr. HELMS. Mr. President, I ask unanimous consent that the Subcommittee on International Trade of the Committee on Finance be permitted to meet Tuesday, August 1, 1995, beginning at 10:00 a.m. in room SD-215, to conduct a hearing on Cambodia and Bulgaria most-favored-nation status, the renewal of the Generalized System of Preferences Program, and Trade Agency Budgets for fiscal year 1996.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

WHO ARE THE VETERANS OF WORLD WAR II?

• Mr. COATS. Mr. President, I rise today to present a poem, "Who Are the Veterans of World War II," that Dr. Jack Gren, a Fort Wayne, IN, native, has written to pay tribute to the veterans of World War II. It reflects his experiences during possibly the most historic war of this century.

As a young man, Dr. Gren volunteered for the Air Force and flew the Hump in the China-Burma-India theater of operations. He has since been involved with several speaking engagements and seminars detailing his life experiences.

Mr. President, I ask that the poem be printed in the RECORD.

The poem follows:

WHO ARE THE VETERANS OF WORLD WAR TWO?

Who are the veterans of World War Two?
  People proud of the red, white and blue.

When the war broke out we got right in
  Knowing somehow we'd eventually win.

The average age was twenty-six
  But there certainly was a full range mix.

Some were the old guys at thirty-five
  Fighting to keep our country alive.

A few of us were kids, still in our teens
  Sincere and eager and full of dreams.

Joined the Air Force, Army, Marines and Navy too
  There was an important job we had to do.

We took all the training and it was rough
  But that's what taught us how to be tough.

Yes, we were tough when we had to be
  But only out of necessity.

The rest of the time we were gentle and kind
  Just winning the war was first in our mind.

We fought all over the world day by day
  And every night found time to pray.

We fought in Europe with all our might
  We knew that we had to make things right.

The battles were fierce in the Africa campaign
  And even there we did sustain.

We fought throughout the Pacific Islands
  From jungle swamps up to the highlands.

We fought in China, Burma and India as well
  Now that was a real living hell.

We thought about our loved ones way back home
  And sometimes felt so terribly alone.

We cared for our buddies quite a bit
  And it tore us apart when they got hit.

Casualties occurred in many different ways
  Sometimes it put us in kind of a daze.

It was difficult seeing wounded in terrible pain

And no way to help was hard to explain.
But worse was to see friends lie dying
It was all we could do to keep from crying.
Whether killed in a plane, a ship or tank
It was then we thought the whole world stank.
But that was the way it had to be
And we kept on fighting till the world was free.
Yes, we did our duty and did it with pride
Some of us lived while others died.
Then came the year of '45
The war was over and we were alive.
First Victory in Europe, then VJ Day
Thank You, God, we knelt to pray.
Then we came home to start once more
Hoping there'd not be another war.
We went to college or learned a skill
Thinking never again we'd have to kill.
We married, had children and that was nice
But like everything else we had paid a price.
We struggled as we tried to build a career
And many a night shed a silent tear.
Some attitudes changed it was hard to understand
Why certain people didn't appreciate this land.
When other wars started and some people fled
We remembered the ones who fought and bled.
Then along came those who defiled our flag
They spit on it burned it and called it a rag.
They called it "free expression," That it was their right
Something given to them without struggle or fight.
They insulted the veterans who came home lame
For their outrageous actions they ought to feel shame.
And some people still try to get a free ride
It's through self achievement that we earn our pride.
Now our children are grown and out on there own
And once again we're alone.
If we're lucky we still have a loving wife
It's really been an interesting life.
We've seen the world change and its hard to explain
Why there are wars, turmoil and pain.
When will people heed the message from above
And learn to live in peace and love.
Yes, World War II was long ago
Will the veterans forget it, the answer is no.
For some old guys in the war, their journey is done
They lived a good life and the battles were won.
We who were kids, then still in our teens
Are now in our sixties and accomplished our dreams.
We attend military reunions, reminisce with the guys
And occasionally a thought brings tears to our eyes.
We look around, observe and it's easy to see
There aren't as many of us left as there used to be.
But if a terrible war came, heaven forbid
We'd probably do the same thing as we once did.
We'd join in the fray with all our might
And do what we could to make things right.
For we still love this country, the red white and blue
And that by God, is the best we can do.●

IN PRAISE OF SUMMER INTERNS

● Mr. MOYNIHAN. Mr. President, I rise in recognition of my summer intern staff.

These fine young men and women volunteered their time and energy this summer, and did a most outstanding job. Mr. President, in recognition of a job well done, I ask that a list of their names be printed in the RECORD:

The list follows:

Daniel Anziska, Matthew Cross, Cheryl Glickler, Stacey Goldberg, Jessica Lappin, Michael McGinn, Jim Papa, Daniel Preister, Elizabeth Ross, Jeffrey Rotenberg, Jessica Ruthizer, Peter Sims, Rina Schiff, and Zachery Stillerman.●

GOOD OL' BOYS' ROUNDUP

● Mr. ABRAHAM. Mr. President, I would like to take a few moments to comment on the so-called Good ol' Boys' Roundup that was recently the subject of a Senate Judiciary Committee hearing. During that hearing, I and other committee members heard testimony about reprehensible acts of racism that took place at the roundup.

In my view, incidents like the roundup paint all law enforcement officials—not just the ATF and the FBI—with the coarse brush of racism and discrimination. I do remain confident that the attitudes and biases displayed at the roundup are not, in fact, representative of the views of law enforcement officials generally. But incidents like the roundup cannot help but erode citizens' confidence in what the 14th amendment calls the equal protection of the laws.

When citizens have occasion to wonder whether the law is being enforced evenhandedly, they sometimes cannot help but look with suspicion upon the actions of the officers involved in a particular case. As a result, trials in criminal cases often focus more on the actions of the police than on those of the defendant. Adhering to the maximum that the best defense is a good offense, defense attorneys in criminal cases, in effect, put the police on trial, just as the prosecutor puts the defendant on trial. The upshot, then, is that racist events like the roundup erode the effectiveness not only of the agencies whose officers were involved, but also of police departments across the country.

Mr. President, we must, therefore, redouble our efforts to ensure that racism is not present in the law enforcement community. Officers who engage in racist activities should be severely disciplined. Moreover, officers who do not themselves take part in racist activities must understand that they cannot passively stand by while others engage into racist behavior, without regard to whether they are on or off duty. The no-tolerance policy for racism must extend from the highest to the lowest ranks of our law enforcement community. Only by this kind of vigilance, Mr. President, can we ensure that the promise of the 14th amendment is kept.●

FRANCIS HIPP: SOUTH CAROLINA'S CIVIC LEADER

● Mr. HOLLINGS. Mr. President, I rise today to remember a true friend and South Carolina patriot—Francis M. Hipp. Last week at age 84, my friend and colleague passed away in Greenville.

Francis Hipp, a native of Newberry, and his brothers took over Liberty Life Insurance Co. from their father in 1943. Over the next three decades, he pushed the company, now named Liberty Corp., to spectacular business heights as it blossomed into a major insurer and broadcaster.

But the innovative and intelligent way that Francis ran his company is not what I most remember him for. That memory is reserved for the kind, caring way that he volunteered to help his State.

Francis Hipp was a civic leader extraordinare. He played a key role in moving South Carolina from a agricultural and textile State into a diversified national and international business powerhouse. In 1959 when I became Governor, I appointed Francis to head the newly reorganized State Development Board. Under his leadership, Francis jump-started economic growth in the Palmetto State.

Francis Hipp is the reason for today's prosperity in South Carolina. What we needed in the early 1960's was a successful businessman who could talk to successful businessmen. Francis traveled tirelessly telling the South Carolina story. He brought investment. He brought industry. He brought the jobs.

Mr. President, without the devotion, hard work and caring of Francis Hipp, South Carolina would not have today's successful business environment. It is with a profound sense of loss that we mourn his passing. With Francis' death, South Carolina has lost its greatest civic leader.●

THE 75TH ANNIVERSARY OF WOMEN SUFFRAGE

● Mrs. BOXER. Mr. President, this month, across our Nation, Americans are coming together to celebrate the 75th anniversary of one of the most important events in our history—the passage of the 19th amendment to the U.S. Constitution, guaranteeing women the right to vote.

As we commemorate this momentous anniversary, we pay tribute to the remarkable women of the suffrage movement, whose determination and courage have inspired and empowered countless Americans. These visionary leaders—Susan B. Anthony, Elizabeth Cady Stanton, Julia Ward Howe, Lucy Stone, and so many more—endured discrimination and scorn as they fought to extend a basic right to American women.

On August 26, 1920, the 19th amendment to the Constitution of the United States took effect. It is hard to imagine today that the passage of this amendment, with its modest declaration of equality, was so hard-fought and divisive. It reads simply:

> The right of citizens of the United States to vote shall not be denied or abridged by the United States or any state on account of sex.

But to the women of America, these simple words represented profound change and the culmination of a 72-year battle for the right to vote.

On this occasion, we are reminded of the tremendous strides made by women in the last century. Just 75 years ago, women could not vote. Today, women are actively involved in our political system, organizing campaigns, running as candidates, and voting on policy in city councils and State legislatures across the country and in the U.S. Congress. Indeed, two women now represent California in the U.S. Senate. What remarkable change in such a short time. And in every other area of our society, women have proven themselves to be gifted and able leaders.

But at this special time, we are also reminded of the many challenges that lie ahead. Currently, women earn only 76 cents for every dollar earned by men. A "glass ceiling" still prevents many women from occupying top management positions in the work force. And our elected Government still does not reflect the tremendous diversity of our society.

As we observe this anniversary, we must renew our commitment to creating equality for women at every level of our society. And we must always remember—every time we exercise our right to vote—the great gift bestowed on us by the brave and selfless women of the suffrage movement.•

TRIBUTE TO DR. ROBERT H. McCABE

• Mr. GRAHAM. One of the foundations of our democracy is our education system, which has the high calling of passing knowledge for one generation to the next, of preparing our young people for the future and teaching us about the past.

Mr. President, in the United States, our great tradition of public education is personified by Dr. Robert H. McCabe, president of Miami-Dade Community College.

After more than three decades of service to the college, Bob McCabe will retire, leaving a legacy that would inspire Socrates and Jefferson. A fundamental principle of our education system is that knowledge shall not be bounded by race or class or religion, that in a truly free society all people have access to learning.

For some, that principle is an academic precept. For Bob McCabe, it is a lifelong passion. He lives that principle every day.

Miami-Dade Community College is the latest of its kind in America, a nationally recognized institution which makes a consistent vital contribution to our future.

Thousands of Floridians—productive, employed, having an immeasurable positive impact on America—got their start in higher education at Miami-Dade Community College. For them, the community college was a door to the future, and Bob McCabe made sure that door was open to everyone.

As a native of Florida, as a former member of the Florida Legislature, as a past Governor of Florida and now a U.S. Senator representing Florida, I have a profound pride for our State's system of community colleges. These schools. located throughout our State, give real meaning to the sometimes fleeting goal of "access to higher education." Community colleges are close to the students they serve and affordable.

Community colleges are in the community and of the community. Bob McCabe is a tribute to that inter-connection between education and community, making multiple contributions to a greater south Florida. He helped establish the New World School of Arts and the New World Symphony, and worked with Miami's "We Will Rebuild" after Hurricane Andrew in 1992.

Bob McCabe's dedication to higher education earned him the 1988 Distinguished Graduate Award from the University of Miami and a MacArthur Fellowship in 1992. This year, he received the prestigious American Association of Community Colleges Leadership Award for his outstanding work on behalf of community colleges.

For an active person with a creative mind like Bob McCabe's, retirement is perhaps a misnomer. As we mark this milestone in his career, we salute his leadership knowing the our community and our Nation will reap the benefits from his efforts into the next century.•

THE ROUGH AND READY ENGINE CO., NO. 5

• Mr. CHAFEE. Mr. President, it is with great pleasure that I rise today to pay tribute to the Rough and Ready Engine Co., No. 5 of Warren, RI on the occasion of its 50th annual clambake, which will occur on August 6, 1995.

Declared "Rough and Ready Clambake Day" by the Warren Town Council, this day commemorates both the professional and charitable work of the Roughs, as they have been fondly nicknamed by the town. Part of the fire company's charter "* * * To assist in the extinguishing of fires, the protection of life and property and to enhance the general welfare of the community * * *" is also the Roughs' motto.

The Rough and Ready Clambake commemorates 50 years of charitable work with the State of Rhode Island. In 1994 and 1995, over 10 organizations and charitable institutions within the community have benefited from donations totaling over $3,000. The Roughs have sponsored a Little League baseball team and a youth soccer team. Three residents of Warren were given the opportunity to attend Camp Stonetower, a camp for children with mental disabilities. During the Christmas season, the Roughs annually prepare dinner baskets for distribution through local churches to those in need within the community.

I ask my colleagues in the Senate to join with me and all Rhode Islanders in commending the members of the Rough and Ready Engine Co., No. 5 for their many acts of generosity and good will within their community, and in wishing them continued health and prosperity.•

CONGRATULATIONS TO RED RIVER ARMY DEPOT COMMUNITY

• Mr. GRAMM. Mr. President, I want to commend the efforts of the people of northeast Texas and southwest Arkansas for the excellent job they did making the case to save Red River Army Depot. As you know, in each of the last three base closure rounds, the Defense Department recommendations have been approved by the Base Closure Commission 85 percent of the time. The fact that Red River Army Depot overcame those odds is a testament to the dedicated efforts of everyone in the community, and particularly those members of the Red River Defense Committee: Deldon Brewer, Judge James Carlow, Linda Crawford, Dr. Phillip Duvall, Hubert Easley, Bob Embrey, John Henson, Dr. K.C. Hillis, Edward Holly, Bill Hubbard, Hoyt Johnson, R.E. "Swede" Lee, Dennis Lewis, John "Wimpy" McCoy, Fred Milton, Robert Mountz, Dee Reese, Eldridge Robertson, Don Ruggels, George Shackelford, Horace Shipp, James Stokes, Scotty Taylor, and Steve Wiggs. Even in a community as unified, dedicated, and active as theirs, these individual efforts stood out.

Mr. President, the Red River Defense Committee saved Red River because they had the facts on their side and they worked together as a team. Each committee member volunteered countless hours to work on the Red River briefing, often traveling to Washington to gather information or meet with the Base Closure Commission. They organized massive public demonstrations of support, raised money, and took precious time away from their families and jobs to dedicate themselves to saving the depot. On this Saturday, August 5, 1995, they, their families, and as many citizens as can fit in the Four States Fair Entertainment Center will celebrate their well-deserved victory. As they do, I would once again like to offer my congratulations on a job well done.●

WAIVING PROVISIONS OF THE LEGISLATIVE REORGANIZATION ACT OF 1970

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of House Concurrent Resolution 89 just received from the House.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 89) waiving provisions of the Legislative Reorganization Act of 1970 requiring adjournment of Congress by July 31.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the concurrent resolution?

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. DOMENICI. I ask unanimous consent that the concurrent resolution be agreed to, the motion to reconsider be laid on the table, and any statements relating to the concurrent resolution appear at appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the concurrent resolution (H. Con. Res. 89) was agreed to.

MEASURE INDEFINITELY POSTPONED—S. 617

Mr. DOMENICI. Mr. President, I ask unanimous consent that calendar No. 39, S. 617, be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR WEDNESDAY, AUGUST 2, 1995

Mr. DOMENICI. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 9 a.m. on Wednesday, August 2, 1995; that following the prayer, the Journal of the proceedings be deemed approved to date, the time for the two leaders be reserved for their use later in the day, and that the Senate immediately turn to the consideration of S. 1026, the Department of Defense authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. DOMENICI. For the information of all Senators, the Senate will begin the DOD authorization bill at 9 a.m. Amendments are expected to the bill. Therefore, Members can expect rollcall votes throughout Wednesday's session of the U.S. Senate.

RECESS UNTIL 9 A.M. TOMORROW

Mr. DOMENICI. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in recess under the previous order.

There being no objection, the Senate, at 8:43 p.m., recessed until Wednesday, August 2, 1995, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate August 1, 1995:

MISSISSIPPI RIVER COMMISSION

REAR ADM. JOHN CARTER ALBRIGHT, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, TO BE A MEMBER OF THE MISSISSIPPI RIVER COMMISSION, VICE REAR ADM. WESLEY V. HULL.

THE JUDICIARY

BRUCE W. GREER, OF FLORIDA, TO BE U.S. DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF FLORIDA, VICE JAMES W. KEHOE, RETIRED.

HOUSE OF REPRESENTATIVES—*Tuesday, August 1, 1995*

The House met at 9 a.m. and was called to order by the Speaker pro tempore [Mr. CLINGER].

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
August 1, 1995.

I hereby designate the Honorable WILLIAM F. CLINGER, JR., to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

MORNING BUSINESS

The SPEAKER pro tempore. Pursuant to the order of the House of May 12, 1995, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates.

The Chair will alternate recognition between the parties, with each party limited to 25 minutes and each Member other than the majority and minority leaders limited to 5 minutes, but in no event shall debate continue beyond 9:50 a.m.

The Chair now recognizes the gentleman from Georgia [Mr. NORWOOD] for 5 minutes.

ARMS EMBARGO ON BOSNIA

Mr. NORWOOD. Mr. Speaker, today's vote to lift the arms embargo on Bosnia is undeniably an important one. But I would ask my colleagues to take a long, hard look at the bigger picture. Lifting the arms embargo is an important step and a step that I will support, but I believe we should not miss this opportunity to stand up for what we believe in and state clearly what we think America's role should be in the Balkans.

Mr. Speaker, it is my belief that at the current time we have no useful role in Bosnia. The fighting is escalating between the various parties. The relative calm in eastern Bosnia has now become a war zone. The so-called safe havens have proven to be no such thing, and only serve to embarrass the United Nations. Leadership has been completely vacant during this crisis. Machiavelli said that it is better for a leader to be feared than loved. The United Nations has been an utter failure every step of the way trying to get the parties to love each other. NATO, including the United States, has failed in trying to threaten the parties into behaving. And now we want the Bosnian Serbs to believe we will bomb them if they do not behave. We have given them no reason to believe that we will back up any threat with action. It is time for us to pull out before we sacrifice American lives to show we mean business.

How can we let the carnage continue? How can we sit idly by and let the ethnic cleansing continue? I hear those concerns over and over again, but I must ask in response: What can we do to truly stop the fighting? I will make one suggestion, if we, along with our European allies, land 500,000 to 750,000 troops in Bosnia and threaten to shoot anyone who gives someone a dirty look or uses harsh language we might be able to stop the fighting. Is anyone in this Chamber ready to support that action? Neither am I, but I do believe anything short of massive action is doomed to failure.

With that in mind, I would make one further recommendation to my colleagues, if a U.N. pullout can be accomplished with the use of only 25,000 American troops then it can be accomplished without any American troops. No mother or father or wife or husband should be forced to grieve for a loved one who died because the United Nations was an utter and complete failure.

In my view, we must lift the arms embargo and encourage the United Nations to leave Bosnia. We should take every action to limit the fighting in the former Yugoslavia. The United Nations, NATO, the European Community, and yes, the United States, must provide the warring parties every opportunity to reach a negotiated peace. I would like to see the fighting stopped, but I do not feel it can be stopped without massive intervention.

Mr. Speaker, I received my foreign policy training in Vietnam in 1968 and 1969. I know how costly a limited American commitment can mean in terms of the lives of young men and women. I know the cost of doing things halfway. We have the opportunity to do just that in Bosnia. We can take limited actions here and there, and that will be a tragic mistake. I would encourage my colleagues to act today and in the future to prevent American soldiers from dying because we decided to do something halfway.

CONCERNS REGARDING EFFECTS OF LABOR-HHS APPROPRIATIONS BILL

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Michigan [Mr. KILDEE] is recognized during morning business for 5 minutes.

Mr. KILDEE. Mr. Speaker, I rise today to express some very grave concerns regarding the devastating effects that the Labor-HHS appropriations will have on public education in America, and that despite the great efforts of my good friend, Chairman JOHN PORTER.

Since November of last year, we have been engaged in a robust and very healthy debate about the proper role of the Federal Government in the economic and social life of our country. In that debate, I continue to be guided by the words of one of this Nation's great humanitarians, the former Vice President of the United States, Hubert Humphrey, who said, "The moral test of government is how it treats those who are in the dawn of life, the children, those who are in the twilight of life, the elderly, and those who are in the shadows of life, the sick, the needy and the handicapped."

This bill, which we will take up this week, Mr. Speaker, I believe represents a monumental failure of this test. Over the next 7 years, it will cut education and training $36 billion.

Now, my Republican friends are fond of saying that this is a plan that will reward future generations. But what about this generation, the children in Head Start, the children in title I, the children in the kindergartens and first grades of this country? What price will they pay, Mr. Speaker? And what price will we as a nation pay for this failure of vision?

Mr. Speaker, I have served on this committee with responsibility for the children and workers of this country for 18 years, and during that time, particularly in the field of education, Republicans and Democrats have worked together on common ground to strengthen the basic fabric of this complex and diverse Nation. We have worked to provide opportunities for those willing to use the tools of education and work to achieve the rewards of American citizenship.

Education has always risen above partisanship as a shared priority, and it is sad, Mr. Speaker, to say that I believe this bill breaks that covenant between Democrats and Republicans.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

WHAT IS NEXT IN HAITI?

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Florida [Mr. GOSS] is recognized during morning business for 5 minutes.

Mr. GOSS. Mr. Speaker, I think it is very important on a day when we are going to devote in this chamber very serious deliberative debate on the subject of whether we are going to get involved and to what degree in a hostile situation in a place called Bosnia, that it is important that we also review where we have troops now that are somewhat in harm's way and doing American business overseas in another area where we have a major investment that has been very, very troublesome, although not as attention-getting because the atrocities are nowhere near as bad as the genocide we are seeing in Bosnia, the former Yugoslavia.

The place I speak of is Haiti, of course. I was there for the 25th of June elections and for the International Republican Institute as the chairman of the Election Observation Team, and I was personally much maligned for the way that we operated down there, and the IRI was much criticized for the report we issued as a result of those elections.

Curiously enough now, all the observers who have watched those elections and judged what is going on in Haiti have come over to the report that we issued and basically been much harsher and critical about the process in Haiti than even the IRI report. I guess it is difficult to be out in front of the pack sometimes, but what is important now is to find out where we are going next.

The commentary in the Washington Post yesterday, which I will quite because it is notable that the Washington Post has come around to this point of view, says, quote, "Early hopes, including our own, that Haiti was getting up momentum and building an electoral system turn out to have been wrong." That is a very strong admission from the Washington Post, which generally is very favorable to the Clinton administration's policy games.

It follows a little bit after the OAS commentary that came last week that said that it would be hard to call what happened in Haiti full, fair, free election. Larry Pasullo, who used to work for the Clinton administration as their top expert on Haiti, who was fired because they did not like the message he was bringing back, has made comment recently after looking at what happened in Haiti that there has been no real change there. We still have one-man rule. It is just a different man, and we are not sure we have democracy blooming at all.

Dr. Pastor of the Carter Institute, who has recently come back, I think put the final nail in the coffin. Quoting from the New York Times of last week, the Carter Center, normally a strong supporter of President Jean-Bertrand Aristide of Haiti, said today that last month's elections in Haiti were riddled with fraud and that the Clinton administration should not back a series of reruns and runoffs that many Haitian political parties are threatening to boycott.

So it seems that just about everybody who gave it a fair assessment understands there is a mess.

Now, we have sent a very high-level delegation down to Haiti. It is curious they would be going to Haiti rather than Bosnia, where the trouble seems to be a little more intense. But, nevertheless, we have sent the first team apparently down to Haiti to negotiate.

Again, what has happened is that observers are saying we are acting with a very heavy hand. This is supposed to be a democratic nation emerging in democracy, making its own decisions with all the institutions of democracy, including a fair, free, political program and election process.

Even the Washington Post has come up, and I will quote again yesterday's editorial, "Hence, the dispatch of a high-level American team the other day to move Haitian electoral reform along." It is an intrusive way to do delicate business, but the alternative is worse. To say that it is intrusive to go down there and tell the Haitians how to run their own country is a bit of an understatement, even for the Washington Post.

What has happened in Haiti is that, finally, they have fired the incompetent who was running the electoral council down there, and the opposition parties have all called for the removal of the total election council and replaced them with nonpartisan people.

Unfortunately, President Aristide has not listened to the other political parties in the country. He has only listened to his own party, and he has replaced the president of the election council with one of his party partisans, who has no credibility with the others, and, consequently, nothing has happened except we have changed seats one more time.

We have now still got all of the people except the Aristide people calling for a totally new electoral council and totally new elections. That is not a step forward by any means.

On other fronts down in Haiti where we have invested over $2 billion, $2 billion of American taxpayers' money in the last year or so, we have found that things are not going well either.

We had a delegation of business people who came to my office and the office of many others last week, and they said that, basically, there is nothing conducive to economic development going on. All of the money we are sending is just being squandered away one way or another. It is not going to meaningful programs.

We are still pouring money in, but the good things that need to happen, the reform of the judiciary system, the encouragement for business, the regulations that allow for stability and certainty in the banking sectors, those types of things are not happening at all. So, consequently, the score card is not good, and it is a dim situation.

This is not an "I told you so." But it is a good question for the administration. Where are we going and what is next in Haiti?

CUTS IN LABOR-HHS APPROPRIATIONS BILL

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentlewoman from California [Ms. PELOSI] is recognized during morning business for 2 minutes.

Ms. PELOSI. Mr. Speaker, today, when the leadership brings to the floor the Labor-HHS bill, or maybe it will be tomorrow, it will bring a bill to the floor which has declared war on the American worker. The cuts contained in the bill add up to nothing more than total disregard for the morale and working conditions of the American worker.

Just to review some of the cuts, at a time of globalization, technology causing a reduction in the work force as well as downsizing in corporate America, at a time when the American worker is faced with that uncertainty, this bill cuts $446 million in the program for dislocated worker assistance.

At the same time, it cuts $47 million in safety and health enforcement. It cuts employment standards by $25 million, collective bargaining, $58.8 million. It does serious damage to the National Labor Relations Board by cutting it by 30 percent, over $50 million. How can we be doing this to the American worker at a time when we are struggling to be competitive in the world?

America works because we have always had a high regard for the backbone of America, the working class people in our country. We have respected their need for a living standard, not a minimum standard of wages but a living wage. We have respected their need for safety in the workplace. We have respected their need to bargain collectively for unfair labor practices up until now.

All of our competitors who compete with us in a favorable way for them respect their workers. That is why they succeed.

So what we are doing is not only bad for the individual worker, not only bad for our work force, it is bad for our country internationally as we try to compete. Please stop this war on the American worker. Vote against the Labor-HHS bill.

RESOURCE CONSERVATION AND RECOVERY ACT

The SPEAKER pro tempore. Under the Speaker's announced policy of May

12, 1995, the gentleman from Colorado [Mr. HEFLEY] is recognized during morning business for 5 minutes.

Mr. HEFLEY. Mr. Speaker, I would like to share with you this morning a story of a friend of mine named Tom.

Tom owns a ranch north of Colorado Springs. A few weeks ago, he was on his way from the ranch to his place of business, and as he got out toward the road, he found—I have forgotten the exact number—but it seems like it was a dozen barrels, 50 gallon drums, some of which were turned over, some of which had spilled liquid onto the ground. Others had liquid in those barrels.

And his initial reaction was to go back to the house, get the tractor and the forklift and lift those barrels up and take them back to the house and decide what to do with them.

Then he thought again and said, no, we ought to do the right thing about this. We ought to call somebody in charge and have them come and take a look at what we have got here. Do not know what it is. We ought to take a look at it.

So he called the officials, and within 2 hours, every agency known to man was out there, practically, some in moon suits. There were ambulances. There were fire departments. There were sheriff's deputies. There were highway patrolmen. Everybody you could imagine was out there on Tom's property, and they were trying to figure out what it was and what to do with it and how it got there.

And in the course of all this activity, someone happened to mention to Tom, we do not know what it is, but the way, if there has to be a cleanup, you have to pay for it.

Tom says, "What do you mean I have to pay for it? I am the victim. Someone dumped this on my property. What do you mean I have to pay for it?"

They said, "Oh, yes, that is the law. You have to pay for it."

He said, "Aren't you going to investigate? Aren't you going to find out who dumped this on my property?"

Well, maybe we will find that out. Maybe we will not.

So he did his own investigation, and he discovered the name on one of the barrels of a local oil and gas company. He went to the local oil and gas company. He discovered that they had sold the barrels sometime around Christmastime to a salvage company.

He went to the salvage company. He discovered that the salvage company had sold it to a soldier who was getting ready to be mustered out at Fort Carson.

He discovered from a little more investigation that there was a practice of buying barrels, getting a U-Haul trailer, filling the barrels with water, driving the U-Haul trailer up onto a scale, getting a weight slip, and then taking the weight slip to the Government, because the Government will pay you for that last move when you leave the fort.

So it was a fraud on the Government that was being perpetrated. The scale happened to be half, three-quarters of a mile from Tom's ranch. So he weighed the barrels and brought them and dumped them on Tom's property. It was water that was in the barrels, but it cost him about $1,500, if I remember correctly, to find out through the analysis that it was water, and they said initially that it could have cost him up to $22,000, maybe even more, depending on what was in those barrels.

So with a little work and common sense, Tom had solved his mystery. He had saved himself $22,000 or more and proven himself a better and more conscientious investigator than the Government agencies charged with dealing with the hazardous waste.

All of this was due to a Federal law, the Resource Conservation and Recovery Act. In those States which have not adopted statutes dealing with the cleanup of hazardous waste, RCRA says the cleanup costs fall to the owner of the property where the waste was found, and this is called corrective action.

Now, Tom, the victim, admits that he could have, if he had had to, paid for the cleanup. But he wonders, what if those barrels had been dumped on the property of an elderly couple getting by on a fixed income? Tom may have been able to handle the cost. The elderly couple might have bankrupted as a result of it.

Friends, this is a dumb law. This is an unjust law. This is a law that punishes the victim. It is the kind of law that sets neighbor against neighbor and makes people question whether we have any idea what we are doing here in Washington.

It seems only fair that, in these cases, some efforts should be made to find the polluter and make them pay instead of dumping the bill on the property owner; and, frankly, if the dumper cannot be found, maybe this is a Government responsibility for us to pay for the cleanup. To do otherwise is to undermine the quick cleanup of these kinds of problems.

Our Nation's environmental laws are based upon the idea that people want a clean environment and are willing to make certain sacrifices to see that that happens. To do that, you have got to give people some assurance they are not going to be punished for doing the right thing.

My friend, Tom, could have just simply taken those barrels back to the barn and never said anything about it. He wanted to do what was right. He could have been punished severely for doing what was right. Given what he has been through, do you think he is ever going to do it this way again? We must change this kind of nonsensical law.

WORKER PROTECTION

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Puerto Rico [Mr. ROMERO-BARCELÓ] is recognized during morning business for 2 minutes.

Mr. ROMERO-BARCELÓ. Mr. Speaker, the health, safety, and lives of our fellow Americans are severely jeopardized by the drastic cuts in the enforcement budget of the Occupational Safety and Health Administration. The Labor-HHS appropriations bill makes a 33-percent cut in Federal OSHA enforcement activities.

Protecting American workers must be a priority. We cannot, we must not be indifferent to their safety.

We are speaking of real people. We are speaking of life-and-death situations: people such as Hector Noble, age 31, who was killed when he fell 30 feet from a balcony as he cleaned windows because the guardrail had failed; José Makina Moji, 46, who was killed in a 25-foot fall from a scaffold. The scaffold had not been inspected by OSHA. Juan Figueroa, age 21, who was crushed to death when the machine he was working with overturned; and Angel Colon Canter, age 50, who was killed by an oven rotating system while he was cleaning a bread oven. He forgot an instrument inside the oven, and when he tried to get back inside the oven to retrieve it, the rotation system caught and punctured him, causing his death.

In all these instances the employer was either indifferent or he was too greedy to invest in his worker's safety or just plain negligent. Will we in Congress look away and let workers be injured and/or killed by their employer's greed, indifference, or negligence?

These are family tragedies, and I cannot imagine that the families and friends of these individuals see any valid or compelling reason to reduce OSHA enforcement funds. Such cuts assault the average working American families, and we all pay the price.

GOVERNMENT REFORM FIELD HEARINGS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from California [Mr. HORN] is recognized during morning business for 2 minutes.

Mr. HORN. Mr. Speaker, it is appropriate that you are in the chair during these comments. We, as you know, went out to Cleveland, Ohio, on July 14 to hold the first of the town-meeting-type field hearings by the Committee on Government Reform and Oversight, which you chair. The hearing was designed as an open forum where experts in the private sector, such as the executive vice president of TRW, and those in the public sector, such as the mayor of Philadelphia, and the average American taxpayers in an open forum could voice their views on creating a new 21st century Government.

One of the witnesses that testified before the committee membership was the treasurer of the State of Ohio, J. Kenneth Blackwell, who indicated that, "The Federal Government enjoys access to world capital markets that so far has been unlimited. We have been fortunate that foreign investors and central banks still have sufficient confidence in the strength of our Nation's economy to purchase much of our debt. It is unclear, however," he said, "that this situation will continue. The Federal credit card may be reaching its limit."

As Members of Congress, we live with constant reminders of the staggering Federal deficit. The fact remains that our national deficit is four times the size it was just two decades ago. The time of inefficiencies and waste is over. The time for change is now. The Committee on Government Reform and Oversight, under your leadership, is dedicated to restructuring our current wasteful and inefficient Federal Government agencies and creating a 21st century Government that will be a reliable source of service to all for many generations to come.

EDUCATION CUTS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from California [Mr. MARTINEZ] is recognized during morning business for 1½ minutes.

Mr. MARTINEZ. Mr. Speaker, some would say that the new majority leadership has gone way beyond mean-spirited and is now in a cold-blooded killing mode. Why? Because in marking up the Labor-HHS-Education appropriation bill, they began what many of us believe is the killing of the American dream by slashing programs that help young people prepare for the future. They eliminate our investment in the future.

They cut Head Start. They cut student loans. They cut bilingual education. They cut special education. They cut summer jobs for youth. They cut title I. They cut safe and drug-free schools. They cut education for homeless children and youth.

And, as long as they were cutting, they cut taxes for the rich, and the rich get richer, and the poor get poorer. Eventually, I believe, only the children of the rich will be able to attend college, to compete in the classroom, to get a job at a decent wage.

Mr. Speaker, that does not project the promise of a better tomorrow for anyone.

I have a question. Is that the real agenda?

SPEAKING TO SENIORS ABOUT MEDICARE

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Texas [Mr. SAM JOHNSON] is recognized during morning business for 5 minutes.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I am absolutely disgusted with the lies and misinformation coming from the Democrats about Medicare. This past weekend, Democrats held town meetings with seniors to spread fear about the Republican efforts to save Medicare. One was held in my hometown of Dallas.

I find it unconscionable that these Democrats can tell seniors that Republicans are cutting Medicare when our budget increases Medicare spending by 5.8 percent every year over the next 7 years. Yes, you heard me right. Medicare spending increases by 5.8 percent every year per patient. Spending will increase from $4,800 in 1995 to $6,700 in the year 2002; and that is more of an increase than your usual annual wage increase. It is not a cut, and anyone who says it is either needs to take math over again or try to lie better.

The worst part of this big lie campaign is that the news media has fallen right into their hands. The Dallas paper did not even bother to cover Medicare meetings that were held in Dallas earlier with over 300 seniors at each of three different meetings.

I was there. I held them. We discussed the problems with Medicare and talked openly about the possible solutions with seniors.

I know seniors have the experience with Medicare necessary to provide us with good ideas for reform. So instead of holding meetings to scare them about Medicare, I am making them part of the solution. And I think the seniors deserve that.

This newspaper chose to run an article which, as the reporter freely admitted, was based almost solely on propaganda brochures passed out at the Democrats' big lie meeting. The paper never bothered to check the facts with any member of either one of the congressional committees with jurisdiction over Medicare or anyone else that might be able to clarify facts for this story.

This irresponsible journalism does a huge disservice to my constituents and others around the Nation and only makes the business of saving Medicare just that much harder.

But American seniors should not be as concerned with what the Democrats are telling them as what the Democrats are not telling them. Although it probably was not mentioned at this weekend's meeting, Medicare is facing an enormous crisis.

The Medicare Board of Trustees, which includes four Clinton-appointed Cabinet members, made it clear that Medicare is going broke and will be bankrupt in just 7 years. So unless Congress does something to help the system, there is not going to be any Medicare at all.

Democrats are not being honest with the seniors. They will throw out lies and use scare tactics, but when it comes to the facts, they have nothing to say.

Now I am going to turn 65 myself this year, and I am really worried that there are people like this in this Congress, people who would rather play partisan games than sit down with us and figure out how to help today's seniors and future seniors in America by saving Medicare.

So to the seniors in Dallas I say, I am sorry that you have been dragged into this political maneuvering. This issue is really too important to be left to politics as usual, and I assure you, with or without the Democrats, we are going to pass a bill this year that will protect, preserve, and strengthen Medicare for everyone in America.

SAFETY, EDUCATION, AND TRAINING FOR AMERICA'S WORK FORCE

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentlewoman from California [Ms. WOOLSEY] is recognized during morning business for 3 minutes.

Ms. WOOLSEY. Mr. Speaker, this HHS bill is worse than I ever thought possible. This bill will go down in history because it marks the beginning of the end of the Federal Government's role in education and training. It is sweeping and radical legislation which guts our education system, weakens workplace safety and makes a mockery of our efforts to get families off welfare. It makes college education almost impossible for not only the very poor, but also for the working poor and for middle-income families.

This bill ignores the Government's responsibility to educate our kids. It makes it impossible for mothers to get off welfare and into jobs. It forces education and training to take a back seat to tax breaks for fat cats and special interests.

Mr. Speaker, with this bill, the new majority has declared war on our children and war on our workers. It must be defeated.

I have heard from workers across the country about the new majority's effort to weaken workplace health and safety rules. Over and over again, spouses, parents, and children tell me that they are willing to see some of their taxes go toward enforcing health and safety rules so that they can be assured that their loved ones will come home from their jobs in the mines and other dangerous jobs, so they come home at night safe and sound.

The majority, however, do not see it that way. The Labor-HHS appropriation bill makes it clear that the new majority would rather invest in a tax break for the wealthy few than in education, training, health, and safety for American workers.

In fact, if this HHS bill passes, they will be showing a triple feature down at our local theaters in the near future. It will be called "Dumb and Dumber" with "Sick and Sicker" and "Poor and Poorer." And let me say to my colleagues, it is not going to be a bargain matinee. No doubt about it. This sweeping and radical legislation is going to harm American workers and cost this Nation dearly in the long run.

Mr. Speaker, like I said earlier, the faults of this bill are much too numerous to mention. I urge all Americans who care about the health and safety and the education and training of workers and for all of their loved ones to tell their representatives to oppose this dangerous bill.

PROTECTING THE RIGHTS OF WORKERS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentlewoman from Hawaii [Mrs. MINK] is recognized during morning business for 3 minutes.

Mrs. MINK of Hawaii. Mr. Speaker, I join today in decrying the Labor, Health, Human Services, and Education appropriations bill. We will be funding the Labor Department, and in what the bill provides, it is an outright attack on working men and women throughout this country. The Republican majority is using this appropriations bill to circumvent the appropriate legislative process in order to push through an antiworker agenda.

The 30-percent cut in funding of the National Labor Relations Board and language restricting the Board's authority to use its enforcement tools is a direct attack on the basic rights of employees to organize unions.

The right of workers to join together as one unit and bargain collectively for better wages, health care, and other benefits and safe working conditions has been an integral part of American law for more than a half a century. The National Labor Relations Board protects this right and resolves disputes between employers and employees.

Even without 1 hour of hearing, this appropriations bill, by cutting funds, undermines the ability of the National Labor Relations Board to protect the rights of working men and women and by legislative proviso ties their hands regarding enforcement. Unfair labor practices brought to the Board will languish, violations of law will go unchecked, and labor disputes will be prolonged.

Anyone with experience in business knows that timeliness is crucial to both employers and employees in the resolution of labor disputes. When disputes linger, productivity suffers, workers suffer, and families suffer.

This is not about protecting a bureaucracy. It is about protecting working people, people who get up every morning and go to work to face hazardous working conditions or unfair treatment. It is about protecting their ability to band together and petition for decent working conditions and decent wages.

The Republican bill is a blatant attempt to get rid of longstanding protections for working men and women in this country. I urge my colleagues to vote against this repudiation of the rights of working people.

MEDICARE RHETORIC

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Ohio [Mr. HOKE] is recognized during morning business for 3 minutes.

Mr. HOKE. Mr. Speaker, I was appalled this weekend when, having thought that perhaps we were going to bring a lowered style of rhetoric to the debate on Medicare, in fact, what happened is that the administration brought out, along with some of the liberal Democratic leaders of the Congress, they trotted out the big lie again for the centerpiece of their campaign to save Medicare, or is it the centerpiece of their campaign to smear and attack Republicans?

It seems to me that what has happened here is we have gotten into an incredibly demagogic style of rhetoric regarding Medicare, and it is just not right. It simply is not fair to senior citizens that we should be dealing in a partisan way with what is clearly a policy problem. It is a problem for everybody who is 65 or older, or whoever thinks that they might be 65 or older, because it is a problem with the fundamental question of whether or not we are going to be able to pay for the Medicare program based on the way that it is projected to go forward at this time.

It is very clear from this summary, which is a status report; what it is is a summary of an annual report that has to be made to the President and to Congress as a matter of law.

Every single year, the trustees of the different trust funds have got to make a report, and this is their report, and it is not just the Medicare trust fund. It is also the Social Security trust fund and the disability insurance trust fund.

The one that is the most telling and problematic is the Medicare trust fund, and it is absolutely the job of every responsible legislator in this body to both read this, take it seriously, and do something about it.

This is also not a partisan issue. It is not a partisan document. This is a document that was signed by three members of the President's Cabinet, Secretaries of Labor, HHS, and Secretary of the Treasury, Mr. Rubin, and it was also signed by Shirley Chater, who is the Commissioner of Social Security, also another Presidential appointee.

If it is a partisan document, then it is a Democrat partisan document. It is certainly not a Republican partisan document, and it says very clearly, in plain language that every American should read, the Medicare trust fund is going broke. It is going to be without money. It is bankrupt next year. It is without any money in 7 years. It is spending more than it takes in next year. It is exhausted in 7 years.

That is under not the worst-case scenario, according to the trustees. That is under the middle scenario, and it does not take into account the real problem that comes forward in about the year 2020 when people of my age, baby boomers, become eligible for Social Security and Medicare.

EFFECT OF PROPOSED OSHA CUTS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from New York [Mr. OWENS] is recognized during morning business for 5 minutes.

Mr. OWENS. Mr. Speaker, the war on workers and families in America will be escalated this week when the Health and Human Services and Education appropriations bill reaches the floor of the House.

For all matters concerned with workplace protections, this Republican appropriations bill is not focused on appropriations. This is, instead, a stampede into radical authorizing legislation. The authorizing Committee on Economic and Educational Opportunities is rendered obsolete by what the Committee on Appropriations is doing. The antiworker, antiunion Republican overlords have chosen to bypass the authorizing process and implement their war against the workers by cutting the funds for OSHA, MSHA, and NIOSH.

We have also provisions which require that OSHA cannot use but two-thirds of its funds, present funds, for enforcement activities, cuts the enforcement budget by 33 percent. It also cuts out economically targeted investments. It bans the use of such funds from the pension funds for economically targeted investments.

It allows 14 year olds to load bailers and compactors, although as recently as 1994 a man was killed in a compactor. It moves into such minute detail as removing the requirement that miners are not allowed to drive as part of their work.

It micromanages with dollars. By micromanaging with the dollars, the Appropriations Committee will streamline and accelerate the dirty work which was begun already by the authorizing committee.

The goal of the oppressive elite overclass is to take control of the situation through the appropriations process. What they want to do is create a level playing field for the worst company bosses in America. The goal is to reduce American workers to the level of the desperate, nearly enslaved workers of Bangladesh or the Chinese prison laborers.

Spend no significant money on the health and safety of workers. That is the goal. Turn all American workers into urban serfs or suburban peasants. This is the final solution. This is the ultimate goal. Total control is the Republican goal.

OSHA enforcement, as I said before, has been cut by 33 percent. That is one-third for enforcement. Already, we only have enough inspectors to inspect American businesses once every 86 years. With the kind of work force they have, they can only inspect every business establishment once every 86 years. They wanted to cut that by one-third.

MSHA, cut by 7 percent. NIOSH, which does research on new and dangerous chemicals, is cut by 25 percent. The National Labor Relations Board is cut by 30 percent, all of this in the appropriations bill to carry out the will of the Republican overlords in their war against labor.

Congress must be concerned about the health and safety of all American workers. The blind and furious ideological war being waged by the Republican party against the Nation's labor unions has impelled the Republicans into a search and destroy mission against OSHA. This attack places all American workers in harm's way.

There will be a large number of casualties. Already more than 56,000 American workers die each year as a result of accidents on the job or from disease and injuries they suffer in the workplace. Passage of legislation designed to disable OSHA will greatly escalate this unfortunate body count.

Speaker GINGRICH has recently proclaimed that politics is war without blood. The reality is that the Republican war on OSHA will provide pain and suffering, and in many instances their scorched earth assault on OSHA will also produce blood. Among the 56,000 casualties last year, there were 10,000 who bled and died at the work site as a result of a horrible accident.

There is a contract on the life of OSHA. Reform is no longer the objective of the Republicans. Vengeance is a goal, but vengeance only belongs to God.

Members of Congress who want to dedicate their efforts to the task of making Government work must labor to promote the general welfare and do everything possible to make it easier for Americans to engage in the pursuit of happiness. Congressmen and Congresswomen should not plot to murder OSHA and MSHA.

Speaker GINGRICH defines politics as war without blood. However, the kind of politics being pushed by the Republican death and injury appropriations act is very much a life-and-death matter. Children will lose fathers. Wives will lose husbands. Parents will lose sons and daughters. Americans will die as a result of these reckless changes being proposed to dismantle OSHA. This brand of politics is too extreme. This kind of political war is too deadly.

OPPOSITION TO EDUCATION CUTS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Rhode Island [Mr. REED] is recognized during morning business for 3 minutes.

Mr. REED. Mr. Speaker, the American people believe that Federal support for education represents the most valuable investment we can make in our Nation's future. Yet, throughout this Congress, Republicans have repeatedly targeted programs that help our students reach their full potential. The Labor-HHS bill cuts an unprecedented $4 billion from education funding, taking Federal investment in education to its lowest level since 1989.

And, where have the Republicans begun their assault on education? They have begun the assault on our youngest, most vulnerable children. To benefit fully from schooling, all children need to come to school ready to learn. Perhaps more than any other program, Head Start is about our future. This legislation would deny 180,000 children access to Head Start over the next 7 years.

This legislation also targets poor and disadvantaged students who need help the most to improve their academic performance. I find it ironic that Republicans want to withdraw support for title I at the same time that they are attempting to abandon affirmative action programs. Democracy is conditioned on fairness and equal opportunity. Enacted in 1965, title I of the Elementary and Secondary Education Act was part of a powerful demand that American society live up to its ideals by extending equal opportunity to all. This program sends money to more than 1 million disadvantaged students who need help to achieve in school. If equal opportunity does not begin here, then were does it begin? Today, this program represents the largest Federal investment in elementary and secondary education and enables millions of children to receive the extra help they need in reading and math.

Learning is difficult in schools where students fear for their safety or drug use is widespread. I was proud to be a part of the last Congress that took a strong stand on violence in our public schools. The Safe-and-Drug Free Schools Program helps every one of Rhode Island's 37 school districts to create a safe learning environment. Nationally, this program has enabled 39 million students feel a little bit more secure as they walk the halls of their schools.

Republicans claim that they stand for an American where every individual has the opportunity to compete. This is not the America that the Republicans have shaped in this bill, however. If education is the springboard to opportunity, then this bill causes our Nation to fall farther and farther behind. This bill slams shut the door of opportunity on our youth and our future.

As Secretary of Education Riley has stated, "The American people do not support efforts to close the budget deficit by widening the education deficit". I urge my colleagues to reject this short-sighted bill. Let us not turn our back on our future. The cuts contained in this bill will devastate millions of children and families. I urge my colleagues to oppose this bill.

RECESS

The SPEAKER pro tempore. There being no further requests for morning business, pursuant to clause 12, rule I, the House will stand in recess until 10:00 a.m.

Accordingly (at 9 o'clock and 48 minutes a.m.), the House stood in recess until 10 a.m.

□ 1000

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. DUNCAN) at 10 a.m.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

As we seek to follow Your command, O God, to do justice and love mercy, we are grateful that Your word provides a vision and an insight into the people we ought to be and the paths we should take. Even as we pray for diligence and vigor to walk the way of justice, we pray also for a sense of humility in all we do, knowing full well that our words fall short of Your will and our work can easily miss the mark. May not arrogance cloud our efforts, but let us walk the ways of life with humility and grace. Amen.

THE JOURNAL

The SPEAKER pro tempore (Mr. DUNCAN). The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from North Carolina [Mr. BALLENGER] come forward and lead the House in the Pledge of Allegiance.

Mr. BALLENGER led the Pledge of Allegiance as follows:

I Pledge Allegiance to the Flag of the United States of America, and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 2017. An Act to authorize an increased Federal share of the costs of certain transportation projects in the District of Columbia for fiscal years 1995 and 1996, and for other purposes.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain five 1-minutes per side.

REAL SAVINGS IN APPROPRIATIONS BILLS

(Mr. HOKE asked and was given permission to address the House for 1 minute.)

Mr. HOKE. Mr. Speaker, we passed another appropriations bill last night, the VA–HUD bill. It saved $10.5 billion. I am going to put the line here and we will fill it in with green later. What we can see so far is that we have now saved $24 billion, approximately, in the appropriations bills this year.

The one thing I want to point out about this in our Sav-O-Meter is that these are real savings. These are not Washington, DC, inside-the-beltway savings. There are actual savings over what we spent last year, not against a baseline, not against some bureaucrat's projection of what we might spend next year, but this is actually money less than what we spent last year.

In the agriculture bill we will spend $6.3 billion less in the appropriations for 1996. In Treasury, it will be $1.4 billion less; in Interior; $1.6 billion less; energy and water, $1.6 billion less; and then last night, VA–HUD, $10.5 billion less.

That is relief for the American taxpayer. That is getting close to a balanced budget. That means we are not going to be taxing our children, in the most immoral act that this Congress has ever done, for the debt that we throw on them.

LET US ACT TO GIVE BOSNIA A CHANCE: LIFT THE ARMS EMBARGO

(Mr. HOYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOYER. Mr. Speaker, 31 years ago, Kitty Genovese cried out for help as she was raped in New York. Thirty-eight neighbors heard her cries, but out of fear or irresponsibility, not one went to her aid. The next morning, she was found dead.

Today, Bosnia cries out for help. She asks only that her neighbors allow her to defend herself.

Her women have been raped, her children orphaned, her homes stolen, and her men massacred. All this by men branded by our country and the international community as war criminals.

And she wonders why the mighty, moral West watches, and waits, and debates.

Kitty Genovese is not in Bosnia.

But, genocide resides there now.

Let us act today to lift the arms embargo to give beleaguered Bosnia a chance.

MEDICARE: AMERICAN SENIORS KNOW THE DIFFERENCE BETWEEN AN INCREASE AND A DECREASE

(Mr. BILBRAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BILBRAY. Mr. Speaker, I am just a freshman. I grew up on the Mexican border. I thought I knew what bilingualism was. Now that I am here in these Chambers, I think we need to warn the American people that what we hear here in the House is not English, it is Washingtonese, when our colleagues on the other side of the aisle talk about cutting Medicare.

Mr. Speaker, it is absolutely absurd when we look at the numbers, in that what is being proposed by the Republican majority is for each recipient's Medicare funds to go from $400 a month to $561 a month. In plain English, that is an increase. Only in Washington and only with the Democratic minority could they call that a decrease.

Mr. Speaker, I think that seniors of the United States know an increase and know a decrease when they hear it. I just hope that when they hear the minority speaking on the other side of the aisle about a cut on Medicare that they start remembering that is Washingtonese for meaning that we are not going to spend three times the rate of inflation on providing health care. No consumer should allow his or her Medicare or health care to increase three times faster than inflation. What we are talking about, Mr. Speaker, is a commonsense approach to increasing our funding, but trying to control the overhead.

A 25-PERCENT REDUCTION IN OSHA BUDGET IS UNKIND AND DANGEROUS

(Mr. PAYNE of New Jersey asked and was given permission to address the House for 1 minute.)

Mr. PAYNE of New Jersey. Mr. Speaker, among the unkindest cuts for working men and women was the 25-percent reduction to the National Institute for Occupational Safety and Health. I suppose some Members have never heard of NIOSH. Neither has the Heritage Foundation which mistakenly reported that NIOSH duplicated the functions of OSHA—the Occupational Safety and Health Administration.

NIOSH is the only Federal agency charged with conducting research to identify the causes of work injuries and diseases and develop approaches by which workers can be protected. OSHA does not conduct research, although they rely on it.

Every day 17 Americans die from work injuries and illnesses. Every week 67,000 workers are disabled by workplace injuries and illnesses.

What is more disappointing is the fact that most of these illnesses and injuries are preventable. Many problems still exist in the workplace and need to be researched.

In 1991, NIOSH eased public concern over an unknown hazard. At that time, there were over 7 million women operating video display terminals [VDT's] and there had been widespread concern that the cause of the highly publicized clusters of miscarriages among workers were caused because of exposure to VDT's.

But thanks to NIOSH, these stories have happy endings. NIOSH published the definitive report that found no connection between VDT's and miscarriages. The NIOSH relieved anxiety of both employers and workers.

DEMOCRATS IN DENIAL REGARDING MEDICARE

(Mr. BALLENGER asked and was given permission to address the House for 1 minute.)

Mr. BALLENGER. Mr. Speaker, despite all their pious concern over Medicare, Democrats have chosen a path that most definitely will render Medicare bankrupt by the year 2002. Democrats have chosen the path of denial. They deny the existence of this report by three of Bill Clinton's own Cabinet Secretaries. They call for immediate action to save Medicare from bankruptcy.

But Democrats deny that Medicare is going bankrupt.

In fact, the minority leader himself has called this report a hoax. That's right. The Democrats don't even want to hear the advice and warnings from the people who run Medicare, who are themselves Democrats in the President's Cabinet.

Mr. Speaker, denial is a dangerous path to follow. Medicare is going bankrupt, the numbers are not lying, and we need to take action now to preserve Medicare for millions of seniors who depend on it. We simply cannot afford to ignore the warnings of this report.

CUT IN LABOR-HHS APPROPRIATIONS IS ASSAULT ON AVERAGE WORKERS AND THEIR FAMILIES

(Mr. KLINK asked and was given permission to address the House for 1 minute.)

Mr. KLINK. Mr. Speaker, this week the Labor-HHS appropriations bill is going to be taken up by this House. This really, Mr. Speaker, is an assault on average American working persons and their families.

This bill will come to the floor with a cut of 31 percent in enforcement for health and safety protections. At a time when 55,000 American workers a year are killed on the job, when tens of thousands more are permanently disabled each year from work-related injuries and diseases, we are going to cut the agency that enforces worker safety by 33 percent.

There is a cut in the dislocated workers' program of 31 percent. Now I happen to come from an area where, in 13 counties in southwestern Pennsylvania, about 150,000 workers were dislocated from the manufacturing industries. We have to retrain those workers. We are trying to cut back on welfare, we are trying to make sure that people have work at a time that we are saying if you are dislocated because your company shuts down or because something else has happened, that we are not going to retrain you for work anymore. We are going to cut that back by 31 percent.

Mr. Speaker, all the worker safety is being cut, including MSHA, which has really cut down on the number of mine deaths. In the 25 years before MSHA was created in the late 1960's, over 12,000 miners were killed. In the 25 years since then it is about 2,000. These are the kinds of cuts American workers cannot afford.

MEDICARE REFORM IS A BIPARTISAN ISSUE

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, it has been almost 4 months now that the trustees of the Medicare plan, the Clinton trustees, have come out with a report saying that Medicare is going broke in the year 2002. About 2 months ago President Clinton said:

> We cannot leave the system the way it is . . . when you think about what the baby boomers require . . . that's going to require significant long-term structural adjustment. We'll have to look at what we can do there. But the main thing we can't do—we can't have this thing go broke in the meanwhile.

I think, certainly, this is a very significant thing for all of us to realize, that Congress must, No. 1, fix Medicare. No. 2, we have got to do it in a fair way. It cannot be done on the back of one group over another one. No. 3, we have to save the system by strengthening it and preserving it. The proposal that we have in our budget is to increase spending per recipient from $4,800 today to $6,700 in the year 2002. We are also probably going to have options on Medisave accounts, a choice of doctor, managed care plans, and so forth.

I think the most important thing for right now is for us to acknowledge that Medicare is going broke. It is a bipartisan problem. We welcome the ideas of all the Democrats, Republicans, and senior citizens throughout our great country.

EDUCATION CUTS NEVER HEAL

(Mr. BAESLER asked and was given permission to address the Houses for 1 minute.)

Mr. BAESLER. Mr. Speaker, as we begin to consider the Labor-HHS-Education appropriations bill, I am reminded of the oft-quoted and foreboding statement in the 1983 report "A Nation at Risk":

> If an unfriendly foreign power had attempted to impose on America the mediocre educational performance that exists today, we might well have viewed it as an act of war. As it stands, we have allowed this to happen to ourselves. We have even squandered the gains in student achievement made in the wake of the Sputnik challenge. Moreover, we have dismantled essential support systems which helped make those gains possible. We have, in effect, been committing an act of unthinking, unilateral educational disarmament.

The spending bill that we are asked to consider is nothing less than a continuation of this disarmament. We are being asked by our colleagues on the other side of the aisle to cut spending on education and training by $36 billion over 7 years—$520 million in cuts to Kentucky alone. Ask any kid what cuts are. They know cuts hurt. We are being asked to believe that these are the kind of cuts that can heal this Nation. I believe these are the kind of cuts that will never heal. They will be with us for generations to come.

DEMAGOGUERY AND DECEPTION ON MEDICARE

(Mrs. SEASTRAND asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SEASTRAND. Mr. Speaker, this weekend on "Meet the Press" the minority leader referred to this document as a hoax. This is the Medicare trustees' report. It was not written by conservatives, it was not written by Republicans, but was written by the very people who run Medicare, who are charged with administering the program. It is even signed by three of the President's Cabinet Secretaries: Robert Rubin, Robert Reich, and Donna Shalala. In case the minority leader had not noticed, none of the aforementioned are conservative or Republican. Indeed, most Washington insiders would consider them liberal Democrats.

What is the problem? Could it be that there is a huge split in the Democrat Party? That is part of it, but I think there is something more going on. This report undercuts the minority leader's effort to scare the American public about Medicare. Mr. Speaker, it is truly sad that the liberals in Congress are more concerned about demagoguery and deception than about saving Medicare for our children and our grandchildren.

CALLING FOR FULL HEARINGS ON NAFTA BEFORE PLANNING A NAFTA EXPANSION

(Ms. KAPTUR asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. KAPTUR. Mr. Speaker, most Members do not know, tomorrow the Subcommittee on Trade of the Committee on Ways and Means is going to do it to United States workers again: to strike a deal to add Chile to NAFTA, and then bring the matter up here for a vote under a closed rule, with no opportunity for us to amend. The subcommittee has been so secretive that even members of the subcommittee were only given the legislation last Friday, late in the afternoon.

This is just the latest example of what is wrong with U.S. trade policy: the handiwork of a few powerful people behind closed doors without full debate, and little public participation, and at the last minute, with no opportunity for us to fully debate or amend. Full debate is a precondition to representative democracy.

For this reason, I and 50 of my colleagues, Republicans and Democrats, are requesting full hearings to be held on the NAFTA record to date by the Committee on Ways and Means before expanding any proposed NAFTA accord to include yet another country. America cannot afford billions more of trade deficit and hundreds and hundreds of thousands of more lost good-paying jobs. America cannot afford another bad trade agreement.

BOSNIA-HERZEGOVINA SELF-DEFENSE ACT OF 1995

Mr. DIAZ-BALART. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 204 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 204

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the

Whole House on the state of the Union for consideration of the bill (S. 21) to terminate the United States arms embargo applicable to the Government of Bosnia and Herzegovina. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed three hours equally divided and controlled by the chairman and ranking minority member of the Committee on International Relations. After general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered as read. No amendment shall be in order except an amendment in the nature of a substitute offered by the Minority Leader or his designee. That amendment shall be considered as read, shall be debatable for one hour equally divided and controlled by the proponent and an opponent, and shall not be subject to amendment. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendment as may have been adopted. The previous question shall be considered as ordered on the bill and any amendment thereto to final passage without intervening motion except one motion to recommit with or without instructions. The motion to recommit may include instructions only if offered by the minority leader or his designee.

Mr. DIAZ-BALART. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from California [Mr. BEILENSON], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for purposes of debate only.

Mr. Speaker, House Resolution 204 is a structured rule providing for the consideration of S. 21, a bill to terminate the U.S. arms embargo on Bosnia and Herzegovina, the Bosnia-Herzegovina Self-Defense Act of 1995. In addition to the 1 hour for debate on this rule, the rule provides for 3 hours of general debate, equally divided and controlled by the chairman and ranking minority member of the Committee on International Relations. It also makes in order an amendment in the nature of a substitute, if offered, by the minority leader or his designee, which would be debatable for 1 hour, equally divided between the proponent and an opponent.

□ 1020

If the minority chooses not to offer a substitute, the additional hour allocated for a substitute may be added to the general debate time by mutual agreement.

House Resolution 204 also provides, Mr. Speaker, for one motion to recommit which, if including instructions, may only be offered by the minority leader or a designee.

I believe that the time allocated for the discussion of S. 21 is sufficient and it was arrived at in a fair and judicious manner. The Committee on Rules originally considered providing 1 hour on the rule, 2 hours for general debate, and 1 hour on a substitute, but at my suggestion, and I would like to thank the gentleman from New York [Mr. SOLOMON], the chairman, and all of the distinguished members of the Committee on Rules for their gracious consideration, the committee increased the general debate time by an additional hour to provide for further discussion of this critical issue.

Mr. Speaker, the House has already spoken on the issue of lifting the arms embargo during consideration of H.R. 1561, the Overseas Investment Act. On June 8 of this year, the House voted overwhelmingly, 318 to 99 in favor of an amendment to require the President to unilaterally lift the arms embargo against Bosnia upon receiving a request for assistance from that government.

Mr. Speaker, the issue can wait no longer. That is why we need to act this week on an amendable bill that has already passed the Senate so that it can go straight to the President without the need for a conference. At this time I would like to thank the distinguished gentleman from New York [Mr. GILMAN], the chairman of the Committee on International Relations, as well as the gentleman from New Jersey [Mr. SMITH], the gentleman from Maryland [Mr. HOYER], and other colleagues who have worked tirelessly to bring an end to what I believe is the ethically unjustifiable arms embargo on Bosnia.

Mr. Speaker, the arms embargo on Bosnia, as the Speaker knows, was morally questionable from the very beginning and I believe that legally it was questionable from the very beginning as well.

It was the Yugoslav regime, the regime in Belgrade, over 3 years ago when that country was already in an obvious process of disintegration that asked the U.N. Security Council to impose an arms embargo on what at that time was Yugoslavia. What happened consequently was that months afterward, when Yugoslavia broke up and the independent states of the former Yugoslavia achieved independence, and in fact Bosnia was recognized as a member nation of the United Nations, the arms embargo that had been applied to Yugoslavia was consequently applied to the independent states of the former Yugoslavia.

Now, the objective of the aggressors in Belgrade, I believe, Mr. Speaker, was clear from the beginning. Inheriting the great overwhelming majority of the resources, of the equipment of the former army of Yugoslavia, the armed forces of Yugoslavia and having in mind the goal of the so-called greater Serbia, a Serbian empire, Mr. Speaker, which would include great portions of what is now the independent and sovereign and recognized by the international community state of Bosnia, the goal was, in effect, to have a situation imposed by the international community where the hands of the new State of Bosnia would be tied, where they would be in effect not capable of arming themselves against overwhelming superiority by the aggressor, by the army controlled by Belgrade, by the resources that came from the former Communist Yugoslavia.

So what we have seen is really a very profound injustice, Mr. Speaker, that has been perpetrated upon a new, sovereign, independent nation that is recognized by the international community, that is a member of the United Nations, and yet, in violation and contravention directly of article 51 of the U.N. Charter, it has not been allowed that most fundamental of the rights of any state, which is the right of self-defense.

Mr. Speaker, NATO and the United Nations have failed completely to enforce the Security Council resolutions which authorized the use of force to defend the so-called safe havens and to get humanitarian assistance through to the people who need it in Bosnia. As Margaret Thatcher stated in a letter just last week to Senator DOLE, the proponent of this very important measure in the Senate, "The safe havens," Margaret Thatcher wrote, "were never safe. Now they are actually falling to Serb assault. Murder, ethnic cleansing, mass rape, and torture are the legacy of the policy of the last 3 years to the people of Bosnia. It has failed utterly."

Mr. Speaker, we owe it to the victims, we owe it to the victims of Serb aggression at the very least to have them obtain at least the possibility of arming themselves, to defend themselves against what is without any doubt one of the most brutal forms of aggression that the Western World has witnessed since the Holocaust. If the international community is not willing to defend the Bosnian people, at the very least we should not prohibit them from defending themselves. That is the essence of the argument, of the extremely important argument, that the Congress will be debating today.

Despite the fact that we have so many important measures that we have to discuss and debate and vote upon this week, despite the fact that this is probably the busiest week since we have been in Congress since January, we are setting aside 5 hours today to debate this issue which very possibly, Mr. Speaker, may be the most critical issue that Members of this body will have an opportunity to vote on during this session of Congress.

If I may very briefly address three arguments that are used pretty consistently against the lifting of the arms embargo against Bosnia.

We will hear the argument, Mr. Speaker, that by lifting the arms embargo, we would be abandoning, in effect, the people of Bosnia because the United Nations and NATO have said that they oppose the unilateral lifting of the arms embargo by the United States. I think the key there is to ask the elected Government of Bosnia what they think. Ask the elected Government of Bosnia, the democratic Government of Bosnia if they think that by the United States unilaterally lifting the arms embargo, they would feel abandoned, or whether they feel abandoned today, when the U.N. Protections Forces are there either as spectators or as hostages, Mr. Speaker. What kind of protection is a force that is actually taken hostage by the thugs and the aggressors from Belgrade and their allies within the Bosnian state?

A second argument that we hear often is that we will be fragmenting, that we will be hurting the unity of NATO and of the U.N. Protection Force. I think the key there, Mr. Speaker, is the question that follows: How can you pursue peacekeeping, which is what specifically and officially the mission of the United Nations in Bosnia is, peacekeeping, how can you pursue peacekeeping when there is no peace? I think the answer to that question is self-evident. The mission of NATO is not possible as it is conceived, there is no peacekeeping and even the safe havens that were offered to the Bosnian people, here are six safe havens, give up your heavy arms and you will be safe even though safe havens now are being attacked by the Serbs and two of them have already fallen, Mr. Speaker. The policy of the United Nations and of NATO in effect, the promise to the people of Bosnia, has been but a farce and it is time that we admit it today.

Third, the argument is, if we let the Bosnians arm themselves, that will prolong the war. I submit, Mr. Speaker, that it is inherently immoral to say that. That contemplates that the war will inevitably be won by the aggressors, that the Serbs will soon overrun all of Bosnia, kill all of the refugees and destroy all the targets that they are seeking to destroy beforehand, and that by letting the Bosnians arm themselves, we will be prolonging the war. That argument, I maintain, is inherently immoral.

So I go back to the essential. What is the Government of Bosnia asking the United States to do? The Government of Bosnia is asking us to pass this bill today and when we pass this bill today, there will be no need for conference, it will go straight to the President and it will, I think, strengthen his hand when he deals with the Europeans that have imposed the policy of appeasement, have imposed the policy that makes Neville Chamberlain look like Rambo, Mr. Speaker, upon the disarmed and defenseless people of Bosnia.

I submit that this is an extraordinarily important vote that we are going to take today. This is a fair rule, and I would ask that all of the Members not only realize the importance of the vote today but favorably consider and vote for the resolution.

Mr. Speaker, I believe that House Resolution 204 is a correctly and fairly structured rule to provide for the thorough consideration of S. 21, and I would urge its adoption.

Mr. Speaker, I submit the following data from the Committee on Rules for inclusion at this point in the RECORD:

THE AMENDMENT PROCESS UNDER SPECIAL RULES REPORTED BY THE RULES COMMITTEE,[1] 103D CONGRESS V. 104TH CONGRESS

[As of July 31, 1995]

Rule type	103d Congress		104th Congress	
	Number of rules	Percent of total	Number of rules	Percent of total
Open/Modified-open [2]	46	44	40	73
Modified Closed [3]	49	47	13	23
Closed [4]	9	9	2	4
Totals:	104	100	55	100

[1] This table applies only to rules which provide for the original consideration of bills, joint resolutions or budget resolutions and which provide for an amendment process. It does not apply to special rules which only waive points of order against appropriations bills which are already privileged and are considered under an open amendment process under House rules.

[2] An open rule is one under which any Member may offer a germane amendment under the five-minute rule. A modified open rule is one under which any Member may offer a germane amendment under the five-minute rule subject only to an overall time limit on the amendment process and/or a requirement that the amendment be preprinted in the Congressional Record.

[3] A modified closed rule is one under which the Rules Committee limits the amendments that may be offered only to those amendments designated in the special rule or the Rules Committee report to accompany it, or which preclude amendments to a particular portion of a bill, even though the rest of the bill may be completely open to amendment.

[4] A closed rule is one under which no amendments may be offered (other than amendments recommended by the committee in reporting the bill).

SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS

[As of July 31, 1995]

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
H. Res. 38 (1/18/95)	O	H.R. 5	Unfunded Mandate Reform	A: 350–71 (1/19/95).
H. Res. 44 (1/24/95)	MC	H. Con. Res. 17	Social Security	A: 255–172 (1/25/95).
		H.J. Res. 1	Balanced Budget Amdt	
H. Res. 51 (1/31/95)	O	H.R. 101	Land Transfer, Taos Pueblo Indians	A: voice vote (2/1/95).
H. Res. 52 (1/31/95)	O	H.R. 400	Land Exchange, Arctic Nat'l. Park and Preserve	A: voice vote (2/1/95).
H. Res. 53 (1/31/95)	O	H.R. 440	Land Conveyance, Butte County, Calif	A: voice vote (2/1/95).
H. Res. 55 (2/1/95)	O	H.R. 2	Line Item Veto	A: voice vote (2/2/95).
H. Res. 60 (2/6/95)	O	H.R. 665	Victim Restitution	A: voice vote (2/7/95).
H. Res. 61 (2/6/95)	O	H.R. 666	Exclusionary Rule Reform	A: voice vote (2/7/95).
H. Res. 63 (2/8/95)	MO	H.R. 667	Violent Criminal Incarceration	A: voice vote (2/9/95).
H. Res. 69 (2/9/95)	O	H.R. 668	Criminal Alien Deportation	A: voice vote (2/10/95).
H. Res. 79 (2/10/95)	MO	H.R. 728	Law Enforcement Block Grants	A: voice vote (2/13/95).
H. Res. 83 (2/13/95)	MO	H.R. 7	National Security Revitalization	PQ: 229–100; A: 227–127 (2/15/95).
H. Res. 88 (2/16/95)	MC	H.R. 831	Health Insurance Deductibility	PQ: 230–191; A: 229–188 (2/21/95).
H. Res. 91 (2/21/95)	O	H.R. 830	Paperwork Reduction Act	A: voice vote (2/22/95).
H. Res. 92 (2/21/95)	MC	H.R. 889	Defense Supplemental	A: 282–144 (2/22/95).
H. Res. 93 (2/22/95)	MO	H.R. 450	Regulatory Transition Act	A: 252–175 (2/23/95).
H. Res. 96 (2/24/95)	MO	H.R. 1022	Risk Assessment	A: 253–165 (2/27/95).
H. Res. 100 (2/27/95)	O	H.R. 926	Regulatory Reform and Relief Act	A: voice vote (2/28/95).
H. Res. 101 (2/28/95)	MO	H.R. 925	Private Property Protection Act	A: 271–151 (3/2/95)
H. Res. 103 (3/3/95)	MO	H.R. 1058	Securities Litigation Reform	
H. Res. 104 (3/3/95)	MO	H.R. 988	Attorney Accountability Act	A: voice vote (3/6/95)
H. Res. 105 (3/6/95)	MO			A: 257–155 (3/7/95)
H. Res. 108 (3/7/95)	Debate	H.R. 956	Product Liability Reform	A: voice vote (3/8/95)
H. Res. 109 (3/8/95)	MC			PQ: 234–191 A: 247–181 (3/9/95)
H. Res. 115 (3/14/95)	MO	H.R. 1159	Making Emergency Supp. Approps.	A: 242–190 (3/15/95)
H. Res. 116 (3/15/95)	MC	H.J. Res. 73	Term Limits Const. Amdt	A: voice vote (3/28/95)
H. Res. 117 (3/16/95)	Debate	H.R. 4	Personal Responsibility Act of 1995	A: voice vote (3/21/95)
H. Res. 119 (3/21/95)	MC			A: 217–211 (3/22/95)
H. Res. 125 (4/3/95)	O	H.R. 1271	Family Privacy Protection Act	A: 423–1 (4/4/95)
H. Res. 126 (4/3/95)	O	H.R. 660	Older Persons Housing Act	A: voice vote (4/6/95)
H. Res. 128 (4/4/95)	MC	H.R. 1215	Contract With America Tax Relief Act of 1995	A: 228–204 (4/5/95)
H. Res. 130 (4/5/95)	MC	H.R. 483	Medicare Select Expansion	A: 253–172 (4/6/95)
H. Res. 136 (5/1/95)	O	H.R. 655	Hydrogen Future Act of 1995	A: voice vote (5/2/95)
H. Res. 139 (5/3/95)	O	H.R. 1361	Coast Guard Auth. FY 1996	A: voice vote (5/9/95)
H. Res. 140 (5/9/95)	O	H.R. 961	Clean Water Amendments	A: 414–4 (5/10/95)
H. Res. 144 (5/11/95)	O	H.R. 535	Fish Hatchery—Arkansas	A: voice vote (5/15/95)
H. Res. 145 (5/11/95)	O	H.R. 584	Fish Hatchery—Iowa	A: voice vote (5/15/95)
H. Res. 146 (5/11/95)	O	H.R. 614	Fish Hatchery—Minnesota	A: voice vote (5/15/95)
H. Res. 149 (5/16/95)	MC	H. Con. Res. 67	Budget Resolution FY 1996	PQ: 252–170 A: 255–168 (5/17/95)
H. Res. 155 (5/22/95)	MO	H.R. 1561	American Overseas Interests Act	A: 233–176 (5/23/95)
H. Res. 164 (6/8/95)	MC	H.R. 1530	Nat. Defense Auth. FY 1996	PQ: 225–191 A: 233–183 (6/13/95)

SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS—Continued

[As of July 31, 1995]

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
H. Res. 167 (6/15/95)	O	H.R. 1817	MilCon Appropriations FY 1996	PQ: 223–180 A: 245–155 (6/16/95)
H. Res. 169 (6/19/95)	MC	H.R. 1854	Leg. Branch Approps. FY 1996	PQ: 232–196 A: 236–191 (6/20/95)
H. Res. 170 (6/20/95)	O	H.R. 1868	For. Ops. Approps. FY 1996	PQ: 221–178 A: 217–175 (6/22/95)
H. Res. 171 (6/22/95)	O	H.R. 1905	Energy & Water Approps. FY 1996	A: voice vote (7/12/95)
H. Res. 173 (6/27/95)	C	H.J. Res. 79	Flag Constitutional Amendment	PQ: 258–170 A: 271–152 (6/28/95)
H. Res. 176 (6/28/95)	MC	H.R. 1944	Emer. Supp. Approps.	PQ: 236–194 A: 234–192 (6/29/95)
H. Res. 185 (7/11/95)	O	H.R. 1977	Interior Approps. FY 1996	PQ: 235–193 D: 192–238 (7/12/95)
H. Res. 187 (7/12/95)	O	H.R. 1977	Interior Approps. FY 1996 #2	PQ: 230–194 A: 229–195 (7/13/95)
H. Res. 188 (7/12/95)	O	H.R. 1976	Agriculture Approps. FY 1996	PQ: 242–185 A: voice vote (7/18/95)
H. Res. 190 (7/17/95)	O	H.R. 2020	Treasury/Postal Approps. FY 1996	PQ: 232–192 A: voice vote (7/18/95)
H. Res. 193 (7/19/95)	C	H.J. Res. 96	Disapproval of MFN to China	A: voice vote (7/20/95)
H. Res. 194 (7/19/95)	O	H.R. 2002	Transportation Approps. FY 1996	PQ: 217–202 (7/21/95)
H. Res. 197 (7/21/95)	O	H.R. 70	Exports of Alaskan Crude Oil	A: voice vote (7/24/95)
H. Res. 198 (7/21/95)	O	H.R. 2076	Commerce, State Approps. FY 1996	A: voice vote (7/25/95)
H. Res. 201 (7/25/95)	O	H.R. 2099	VA/HUD Approps. FY 1996	A: 230–189 (7/25/95)
H. Res. 204 (7/28/95)	MC	S. 21	Terminating U.S. Arms Embargo on Bosnia	
H. Res. 205 (7/28/95)	O	H.R. 2126	Defense Approps. FY 1996	A: 409–1 (7/31/95)

Codes: O-open rule; MO-modified open rule; MC-modified closed rule; C-closed rule; A-adoption vote; D-defeated; PQ-previous question vote. Source: Notices of Action Taken, Committee on Rules, 104th Congress.

Mr. Speaker, I reserve the balance of my time.

Mr. BEILENSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the rule before us provides for consideration of what is clearly one of the most significant foreign policy measures that we will be taking up in the foreseeable future—the bill requiring the President and the American participation in the United Nations-imposed arms embargo on the Government of Bosnia and Herzegovina could very well mark the beginning of our direct involvement in this tragic conflict.

As the gentleman from Florida has explained, the rule provides for 3 hours of general debate. It also makes in order one amendment in the nature of a substitute to be debatable for 1 hour. Should no substitute be offered, that hour will be available for general debate.

Mr. Speaker, our main concern in fashioning the rule was that enough time be provided so that Members on both sides of the aisle have an adequate opportunity to offer their arguments and to hear the opinions and the arguments of other Members.

We would have preferred 6 hours of debate time. Many of us felt that a full day of debate was necessary for a measure this momentous. We do hope very much that every Member who has a desire to be heard during this important debate is given the opportunity to speak in the 5 total hours of time that are provided under this rule.

Mr. Speaker, we support the rule, although as I have just stated we would have preferred that some more time be available for debate.

Mr. Speaker, it may not be necessary to restate the obvious, but perhaps it would be useful to do so. From the beginning, the policy choices for the United States and our NATO allies have been difficult, and each has been fraught with substantial peril. The alternatives available to us are probably fewer in number and less propitious today than they were 3 or 4 years ago.

From the beginning, our goals have been to end the fighting and the barbarism throughout the former Yugoslavia; to do so, if at all possible, as a contributor to multilateral efforts through the aegis of the United Nations to end the tragedy; to act in concert with and in support of our European allies who in their own way have sought to take the lead in responding to the situation and who have contributed the bulk of the troops on the ground in Bosnia; and to avoid, if possible, the insertion of U.S. troops on the ground there.

Needless to say, the policies undertaken by ourselves and our allies and the United Nations have not been entirely successful, although it is fair to say that our involvement together has undoubtedly lessened the amount of fighting and the amount of death and dislocation that would otherwise have occurred.

But we have known from the beginning that this was and is a terribly complex and difficult problem to help solve and although each of us has his or her own ideas about what we might have done differently at various times during these past few years, most of us have hesitated to criticize too harshly either Mr. Bush or Mr. Clinton as they who had the awful and final responsibility as President to forge U.S. policy and quite possibly commit U.S. troops grappled with the twin difficulties of responding in an effective way to the problems on the ground while at the same time trying to remain a part of and supportive of the multilateral efforts of which we are a part to contain the conflict.

It is precisely that concern that suggests to many of us that this week is not the time to take up this resolution.

It is extremely important in the long run that we not undertake unilateral action that may leave us with unilateral American responsibility in the area, and especially at a time when, as the gentleman from Indiana [Mr. HAMILTON] argued before the Committee on Rules on Friday afternoon, "We have just reached major new decisions with our allies and with the United Nations that will give the United Nations one good last chance to more effectively carry out its mandate in Bosnia. We now have a different strategy and we need time to make it work. This is not a matter of months, but weeks."

As appealing as lifting the embargo is, we all know that the hoped for results of getting adequate additional heavy armaments to the Bosnian Government will take a good many months, and we all know that the withdrawal of U.N. troops that our taking such an action will precipitate is likely itself to require the insertion of U.S. troops on the ground while they withdraw. It would seem that the prudent policy just now would be to give the newly arrived at agreement between the United Nations and NATO to commit to a serious air campaign to halt any further Serb aggression and last week's U.N. agreement to simplify the chain of command to allow military commanders to make the decisions as to whether and when air strikes should take place an opportunity to take effect. We shall all be back here 1 month from now and should these new policies which have been agreed upon and reached amongst ourselves and our allies and the United Nations not be successful or carried out to our satisfaction, there will be time enough then for us to undertake this unilateral action.

I say this, Mr. Speaker, as one who along with a good many of our colleagues in this body has felt strongly for some time now, in the case of many of us since late 1991 and early 1992, that the Serbs will not be deterred until finally they believe and are made to understand that they will suffer real damage and real pain and real casualties if they continue their aggression.

Every time they believed they would suffer retaliation, they have hesitated, but tragically they have succeeded in calling our bluff time and again.

Our argument now is that we seem to have finally a policy that will in fact inflict the necessary kind of damage in response to their continuing these outrageous assaults upon humanity. It would be foolish of us not to give this policy, which many of us have argued for now for a long time, a chance to work.

It cannot hurt to say once more that every one of us who has taken the time to think seriously about and argue through the various policy alternatives available to us understands that each of them carries with it its own grave risks and that none is certain of success. It thus seems to many of us that the wise and sensible thing to do now is to take no action that might prevent the successful functioning of our newly arrived at policy and worse yet perhaps force us to break with our closest allies in our mutual attempt to solve this problem together and leave us with an unwanted and potentially dangerous unilateral responsibility for undertaking further actions without the involvement of others that may necessarily be required by our unilaterally lifting the arms embargo.

Mr. Speaker, as I mentioned earlier, we support the rule.

Mr. Speaker, I reserve the balance of my time.

Mr. DIAZ-BALART. Mr. Speaker, I yield 2 minutes to the gentleman from Florida [Mr. GOSS], my distinguished colleague on the Committee on Rules.

Mr. GOSS. Mr. Speaker, I thank my friend and my colleague the gentleman from Florida [Mr. DIAZ-BALART] for yielding me this time. I hope his district and mine remain safe from Hurricane Erin and all others remain safe from Hurricane Erin bearing down on us.

Mr. Speaker, I rise in support of this rule and the bill, S. 21. I am most grateful to the leadership of this House—and to Chairman GILMAN—for the prompt work undertaken to ensure that this House has a debate and a vote on the subject of the escalating atrocity that is Bosnia and Herzegovina. No doubt, the gruesome and abhorrent reality of death, destruction, and debasement of human life in Bosnia, presents enormous challenges as does working through the ponderous international machinery now in use.

Although no one believes that resolving this terrible crisis is an easy task, there is at least one clear and obvious step that the United States should be taking, namely lifting the arms embargo and allowing the Government of Bosnia to exercise its right to self-defense. The administration seems to be arguing that it was all wisdom and that Congress should not participate in any resolution of this tragedy—but the administration has long had its chance to do the right thing on its own—and its policies have failed to do the job.

I am proud that this House, following the lead of the other body, will demonstrate that we are not afraid to stand up for what is moral and what is right. We will direct the President to lift the arms embargo against the Bosnian Government, something we should have done some time ago. I am pleased that Chairman SOLOMON and our Rules Committee responded to this urgent need—even at a time when our committee time and time on the floor is at such a premium—and developed a fair rule that allows significant debate, while ensuring an opportunity for the minority to present an alternative of their choice. Support this rule and support S. 21.

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Mr. BEILENSON. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Maryland [Mr. HOYER] who has been involved personally in this matter.

Mr. HOYER. Mr. Speaker, let me rise first and say that I do not believe this is an issue of the President's policy; neither President Clinton nor President Bush. Frankly, I think that President Bush should have moved more decisively at the beginning, but let me say that I thought President Bush was right at the time. We both made a mistake.

President Clinton, in 1992, spoke strongly of the strike-and-lift policy that he wanted to see our country pursue, but the issue is what we do today; What America's policy will be as set by the Congress of the United States.

Mr. Speaker, President John Kennedy, in his first inaugural address said, "To those people in the huts and villages of half of the globe struggling to break the bonds of mass misery, we pledge our best efforts to help themselves, for whatever period is required, not because the Communists may be doing it, not because we seek their votes, but because it is right."

Let me repeat that, Mr. Speaker. "Because it is right."

That is what we are about today; doing what is right. Helping the Bosnian people break the bonds of misery. We can do this by voting to allow them the right, the inherent right of a nation to defend themselves as explicitly stated in article 51 of the U.N. Charter.

In that regard, Mr. Speaker, I rise in strong support of this rule and legislation which would lift the arms embargo against Bosnia and Herzegovina.

Mr. Speaker, 318 of the Members of this body voted on June 8, just a little short of 2 months ago, to lift the arms embargo. Since that vote, the so-called safe havens, of Srebrenica and Zepa, which were designated safe havens by the United Nations, the mightiest nations on the face of the earth, have been overrun by the Serb forces.

Fighting rages around another safe haven, Bihac, and the shelling of Sarajevo continues. The West's response was to draw the line at Gorazde, allowing Serbian forces to amass at the other safe havens and threaten to overrun these areas as well.

Since that June 8 vote, 24 Bosnian and Croatian Serbs, including Bosnian Serb leader Karadzic and his military chief, General Mladic, have been indited by the international community for war crimes, including that of genocide. This is not a personal opinion; this is not an opinion of our Government or other governments; this is an opinion of the U.N. tribunal. We are dealing with international felons and war criminals.

This body should not retreat from that overwhelming vote on June 8. Some Members say it was an easy vote for them, but now this measure is real. It is a free-standing piece of legislation. To retreat from the House's overwhelming support to lift the embargo would send yet another signal to the Serbs that the United States has drawn another line in the sand, dared the Serbs to cross it, and then ourselves fallen back to a new position.

It seems to me, Mr. Speaker, that what we are encountering is similar to a scene dating back to the 1930's when yet another dictator sought to carve up a neighboring country in the name of ethnic unity. It occurred in Munich in 1938. It was called, rightly, "appeasement."

At the outset of the crisis in Czechoslovakia, one European leader remarked, "How horrible, fantastic, incredible it is that we should be digging trenches and tying gas masks here because of a quarrel in a faraway country between people of whom we know nothing."

All of us learned the lessons of the neglect and negligence at that time. The result was called a Holocaust and, Mr. Speaker, it tragically is happening today in Bosnia and Herzegovina.

The Bosnians do not want our soldiers. Prime Minister Silajdzic said in a letter, "Throughout this conflict we have never asked for American or foreign ground troops to fight for us. We do not need them. We have both the manpower and the will to fight for ourselves."

Mr. Speaker, let this body show the Bosnian people that we too have the will to do what is morally and ethically right and allow them to defend themselves.

Mr. Speaker, using another quote, "For two centuries," one of our Presidents said, "America has served the world as an inspiring example of freedom and democracy. For generations, America has led the struggle to preserve and extend the blessings of liberty. And today, in a rapidly changing world, American leadership is indispensable. Americans know that leadership brings burdens and sacrifices. But we also [know] why the hopes of humanity turn to us. We are Americans. We have a unique responsibility to do the hard work of freedom," he said. "And when we do, freedom works."

That was President George Bush in his State of the Union Address in January 1991.

Today, Mr. Speaker, this body has a unique and compelling responsibility to do the hard work of freedom. Let us give the Bosnian people the opportunity to pursue their freedom from their aggressors. I would hope that my colleagues would vote for this rule. Vote for S. 21. It will be a vote for the right of an internationally recognized sovereign Nation to defend itself.

In closing, Mr. Speaker, let me read from a letter to Haris Silajdzic, The democratically elected prime minister of Bosnia. He says this in a letter dated yesterday: "Since before the very first attacks on our population more than 3 years ago, we have been prepared to fight to defend ourselves. Tragically, the arms embargo against our country has ensured that this conflict be a slaughter rather than a war."

"The Arms Embargo," he goes on to say, "must be terminated and a balance of power be effected on the ground. Only then," he says, "will the genocidal spiral end." He closes with this, Mr. Speaker. "On behalf of our people, I appeal to the American Government, the American people, and their elected representatives to untie our hands and to prove, once again, why America is the leader of the democratic world. In the name of morality, lift the arms embargo. Sincerely, Haris Silajdzic, Prime Minister" of the democratic, internationally recognized, sovereign nation of Bosnia and Herzegovina.

Mr. DIAZ-BALART. Mr. Speaker, I yield 5 minutes to the gentleman from New York [Mr. GILMAN], the chairman of the Committee on International Relations and one of the great leaders of this Congress who continuously proves precisely that it is the American people who are the moral leaders of the world.

Mr. GILMAN. Mr. Speaker, I want to thank the gentleman from Florida [Mr. DIAZ-BALART] and the gentleman from Florida [Mr. GOSS] and the gentleman from Maryland [Mr. HOYER] for their strong supporting statements on behalf of this measure.

Mr. Speaker, I rise in strong support of this rule on S. 21 which will allow the House, for the third time in 14 months, to debate the critical issue of terminating the unjust arms embargo that has been imposed, with our Government's support, on the Government and people of Bosnia and Herzegovina. The position of the House is clear—we had a vote on this question in early June where an amendment to our State Department and foreign assistance authorization directing the President to terminate the arms embargo was adopted by an impressive, overwhelming 3-to-1 ratio.

However, the measure which we will consider today, S. 21 under this rule, will upon approval, go directly to the President's desk for his approval or his veto. This measure will allow the Congress as a whole to speak clearly, without ambiguity of our distaste, and our revulsion for the maintenance of an unjust, immoral, and entirely misguided arms embargo which has penalized the victims of aggression and prolonged a conflict which the international community has been powerless to bring to an end.

The legislation introduced and adopted in the Senate by Majority Leader DOLE is a responsible measure—it allows the Government of Bosnia to choose between having the U.N. peacekeepers remain or having the embargo terminated by the United States. It avoids the charge that we who support lifting the embargo would precipitate a withdrawal of the United Nations from Bosnia, because it explicitly says that the embargo will be lifted only after the Bosnian Government has formally requested the United Nations to depart. Moreover, it provides flexibility to the President to the degree that the safety of UNPROFOR troops or our own forces that may be involved in assisting a withdrawal.

This rule is a fair one. It provides for a counterproposal to be considered if one is offered by any Members opposing termination of the embargo. Most importantly, this rule provides for an ample allotment of time—3 hours, for our Members to speak out and fully consider this issue. Having been involved with the question of this embargo for 3 years as both ranking member of the Foreign Affairs Committee during the previous Congress, and as chairman of our International Relations Committee, I have become fully aware of the tremendous level of outrage and frustration which most of our Members share because of the continuing humiliation of the United Nations and our own Government, and the ongoing victimization of the Bosnian people. Today, we will have an opportunity to fully examine this proposal and its implications for the Bosnian people.

Accordingly, I urge our Members to support this rule and bring this urgently required measure to the floor.

Mr. BEILENSON. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Virginia [Mr. MORAN].

Mr. MORAN. Mr. Speaker, there have been few situations in modern history that have been as cruel and unjust as this, when people who could have changed it chose not to. The United Nations designated six areas in Bosnia that were to be safe enclaves. In fact, when people came into those enclaves, they were disarmed. We agreed to that.

We are the principal financial contributor to the United Nations. We contribute more than any other country. We have been contributing almost a third of all the money that supports the United Nations. So it was our word, as well as the U.N.'s word, that these people would be safe.

Nine out of ten of them were unarmed. In fact, those who had arms had only small arms that were of no use against heavy artilleries that the Serbs have had in their possession and have used for the last 3 years.

Mr. Speaker, it is a cruel irony, in fact, that the arms embargo was never intended to apply to Bosnia. It was intended to apply to those States within Yugoslavia that had as many heavy arms as they wanted to use; Serbia and Croatia and Slovenia. They all had access to arms, but we knew Bosnia did not, and yet we imposed an arms embargo on Bosnia as well. When it became clear it was only effectively applying to Bosnia, we would not lift it. Now, for 3 years we have stood by as tens of thousands of people have been slaughtered.

We have almost 2 million refugees floating around Europe that have been displaced. About 40,000 women have been raped. That is a large number, but it has been a tactic of this war; to rape women, defile them, to shame the family, to break the spirit of the Bosnian people, partly because they are Moslems, partly because it is a multiethnic secular democracy, and that, of course, is a threat to any dictator like Mr. Milosevic who is a hard-line, old-line Communist.

And so we set up six enclaves. Now, in the last few weeks, we have let those enclaves be overrun. In the process of overrunning them, hundreds of women have been raped, hundreds of people have been viciously tortured, thousands of people have been massacred.

Let me just put a little flesh and blood on what this means, what some of these numbers represent. Mr. Speaker, the following is from the July 31, 1995, edition of Newsweek magazine:

> This past week at a crossroads in the mountains outside Srebreica, Sabaheta Bacirovic saw 500 men on their knees. They were Bosnian Moslem prisoners. Their arms were tied behind their heads and their Serbian captors forced them to march by shuffling along on their knees. The Serbs taunted Mrs. Bacirovic and the women traveling with her. They were all driven out of Serbrenica when the Moslem enclave fell on July 11. "These are your husbands," she recalled them saying. "There is your army. We will kill them all."

Mr. Speaker, they can kill them, because they are unarmed, because we have insisted upon this arms embargo. Mrs. Bacirovic realized that her husband was not among them. He had already been executed. Other women who walked this trail of tears out of Srebrenica saw heaps of dead men, their throats slit, piled up beside the roads; 9 out of 10 of them were unarmed. They were shot at and shelled by the Serbs every step of the way, broken into segments. When the stragglers caught up, they saw piles of corpses with their throats slit.

Mr. Speaker, 9,000 men were killed as a result of the Serb's overtaking this enclave. This death march was the worst massacre in Europe since the Nazi era. Trickery led some of them to their deaths. The Serbs had white tanks that were made to look like U.N. vehicles. They had "U.N." painted on them, and with bullhorns they urged the Bosnian to come out of the mountains and surrender.

One of the Bosnian Moslems said, "We knew it was really the Serbs." Mr. Alija Omerovic watched as some of his companions walked down and tried to surrender and were shot down by the armored car's machine gun.

Some of the victims were mutilated, often with noses and ears cut off. A company commander was found, Enver Alaspahic, lying on a path. This is the company commander. His face had been cut open to the bone in the shape of an Orthodox cross. He begged the scout to kill him. The scout said he could not do it and left him there.

Many of the atrocities have been committed by the black-clad members of the Serbian Volunteer Guard. These are followers of a thug known as Arkan. A woman whose husband and brother were among the missing marchers said she saw Serbs in black bandanas pull a pair of 12-year-old twin boys off a refugee bus. This is a U.N. refugee bus that we finance, we are responsible for. They slit their throats, slit the throats of the two twins, as their mother tried vainly to trade her life for theirs.

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Later the mother tied herself to a tree limb and hanged herself. We saw that on TV. People at the time said they did not know why she had hanged herself. They have now found out. And who would not?

These are the kinds of atrocities that are occurring. While it is awkward and makes us uncomfortable to talk about them, they are real, they are happening today, and we are complicit in their happening unless we act.

General Arkan has a long history. He had eight convictions by Interpol, murders, and yet he was armed by the Serbs in Serbia. He rounded up the worst, most vicious thugs that they could find, sent them into Bosnian villages, told them, "You can go into these homes, you can shoot the men, you can rape the women. I will not go into what they did to the women, but it boggles the imagination that people could be so vicious and inhuman. They threw these families out of their homes, took all the possessions that they could, and went through village after village, ethnically cleansing these villages. That was the policy, and it has worked. It never should have worked at this time in the 20th century, when the United States has the military power, has the moral power to prevent this kind of slaughter, this kind of ethnic genocide. We committed ourselves to do that, not just when we erected the Holocaust Memorial, but when we learned of the slaughter of 6 million Jews because they were Jews, and now we see the slaughter of over 200,000 Moslems because they are Moslems. Most of them are innocent civilians. It never, never should have happened.

Let me just quote the last point that the gentleman from Maryland [Mr. HOYER] made. This is a quote from Prime Minister Haris Silajdzic, who just today sent us a letter, all of us, addressed specifically to the gentleman from New Jersey [Mr. SMITH] and the gentleman from Maryland [Mr. HOYER]. It says:

> On behalf of our people, I appeal to the American Government, the American people, and their elected representatives to untie our hands and to prove once again why America is the leader of the democratic world. In the name of morality, lift the arms embargo.

Mr. DIAZ-BALART. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin [Mr. ROTH], a tireless fighter for human rights throughout the world and a member of the Committee on International Relations.

Mr. ROTH. Mr. Speaker, I thank the gentleman for yielding me this time.

Few, if any, issues are more important and more urgent than the legislation that is addressed in this rule. The purpose of this legislation is to give the Bosnian Moslems one last chance to defend themselves and save their country from the Serb onslaught.

Under this rule, the Senate-passed measure would be brought up for an up-or-down vote. This means that we can send this bill directly to the President tonight. So, for those of us who want fast action, we can do that by passing this legislation, today.

Mr. Speaker, Bosnia is on the ropes. Its army is being pushed back. Its population is undergoing terrific hardships, death and destruction, as we have been told here this morning during this debate.

The civil war in Bosnia has now entered its fifth year. More than 200,000 people have been killed; 2 million more are refugees, driven from their homes.

The Bosnian Moslems have taken the worst of it even though their army is twice the size of the Bosnian Serbs'. The Bosnian Army has some 150,000 soldiers while the Bosnian Serb forces are about 60,000 strong. Why, then, are the Moslems losing this war to a smaller army?

Certainly, part of the answer is the military leadership on the part of the Bosnian Army. But the Serbs make up for their smaller army with much better equipment. What has caused this difference? It is the embargo which has prevented the Bosnian Army from obtaining the heavy weapons that are essential if the Moslems are to have a chance to turn back the Serbs.

The original purpose of the arms embargo was to stop the fighting, like putting out a fire by cutting off the oxygen. But it has not worked out that way.

In reality, the embarge has shifted the course of the conflict against the Moslems. By maintaining the embargo, we have been a silent partner in the Serbian aggression. The result is that the Serbs now control 70 percent of Bosnia.

The embargo should have ended last year when the House first voted to lift the embargo. It should have ended months ago when the House voted a second time to free Bosnia from its shackles. Now, before it is too late, the House must act and the President must sign this bill into law.

Mr. Speaker, the first step is for the House to adopt this rule, to vote for the rule and for this bill. Let us at least give the Bosnians a fighting chance. This bill will accomplish that goal.

Mr. BEILENSON. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from North Carolina [Mr. HEFNER].

Mr. HEFNER. Mr. Speaker, what I would like to do at this time is raise a question to anybody who would wish to answer the question. I have listened very closely to the debate today.

It is not going to be hard to vote to lift the embargo. That is going to be a very popular vote, to vote to lift the embargo, very popular.

Now, the next step is what if the United Nations forces, if the Bosnian Government says, "We want you to leave. We have lifted the embargo, we want you to leave, you have got to get out," we have already committed, the President has committed and some of the leaders on the Republican side have committed that we would commit 25,000 troops or more to help these people leave the conflict area. The next vote is not going to be that easy, because you are going to have to vote for authorization to authorize us to send 25,000 American troops to that part of the world for a conflict that I do not think that the American people are going to support putting Americans on the ground and in harm's way in this event.

And I would just like to ask why, if you are going to lift this, unilaterally lift the arms embargo, why is it not part of the legislation that you tell the whole picture, that you go through the whole scenario, that you are going to eventually have 25,000 or more American troops committed to the conflict?

Mr. DIAZ-BALART. Mr. Speaker, will the gentleman yield?

Mr. HEFNER. I yield to the gentleman from Florida.

Mr. DIAZ-BALART. I think it is important, No. 1 to concentrate on legislation before us today. I want to be specific with regard to the last section of the bill which reads:

> Nothing in this section shall be interpreted as authorizing for deployment of United States forces in the territory of Bosnia for any purpose, including training, support or delivery of military equipment.

Now, that is important to realize that is in this bill. The gentleman brings up other possibilities in the future.

Mr. HEFNER. Reclaiming my time, that is the easy vote. That is the easy vote, that we are not going to have anybody go in with the equipment that we send in. We are not going to have anybody go and show them how to use the equipment. It is easy to make that vote. But once you do this, you are going to have to have some commitment from somebody; if we supply the armaments to them, you cannot just send it in. It is going to take a month or longer. You cannot just send equipment in and say, "Here it is guys." They have no experience. Somebody is going to have to take this responsibility. That is going to be a tough vote to make in this House, to vote to authorize American troops to go in as advisers or as help to get the United Nations forces out. That has not even been talked about in this legislation. It has not even been mentioned.

You can make the votes to unilaterally lift the embargo. You can make the votes to the last part of your bill that says no Americans can be involved in any capacity.

Mr. DIAZ-BALART. They are not authorized at this point.

Mr. HEFNER. Then where do you go from there?

Mr. DIAZ-BALART. If the gentleman will yield, the gentleman brings up some possibilities with regard to the future and points to this vote being an easy vote. I do not think it is an easy vote to say that the world community, in fact, has acted immorally for over 3 years. That is not an easy vote.

There is a lot of speculation that we can engage in with regard to the future. But what is true is the world has acted immorally, and we are solving that problem with this vote.

Mr. HEFNER. This is not speculation. It is going to be a fact.

Mr. DIAZ-BALART. Mr. Speaker, I yield 3½ minutes to the gentleman from California [Mr. ROHRABACHER], a distinguished member of the Committee on International Relations, who is a genuine freedom fighter for the best causes throughout the world and has been throughout his political career.

Mr. ROHRABACHER. Mr. Speaker, I have been in Washington, DC, since 1980, when I came here with Ronald Reagan as a member of his White House staff, and I can tell you we did not end the cold war by being afraid to act. Every time Ronald Reagan tried to do anything, he was told, "You cannot do this, because there are going to be serious repercussions." We would still be in the middle of the cold war if we took that kind of advice.

The fact is Ronald Reagan stated, and he saw very clearly, that the problems we confronted are not so complex but that they are difficult and we must make difficult decisions if problems are to be solved.

In the Balkans, the fundamentals are clear. What the world is witnessing is, No. 1, a Serbian land grab; No. 2, Serbian aggression; and Serbian genocide, ethnic cleansing of their neighbors. Villages are being destroyed in Croatia and Bosnia.

Are there Croatian and Bosnian tanks in Serbia? Is there Croatian artillery or Bosnian artillery in Serbia? Are there Bosnian or Croatian airplanes in Serbia?

The fundamentals are clear. What we are facing is Serbian aggression and genocide against their neighbors. We must determine, as the Western powers and as the leading Western power, what to do about it, and do not let anybody say there are no non-Serbians in Serbia. In Kosovo, we are going to find if we let this genocide go on in Bosnia, there are hundreds of thousands of Muslims in Serbia who then will face genocide if we do not face up to this murderous regime right now.

Serbian crimes and culpability are clear. Yet U.S. policy has been an arms embargo on both sides.

Denying arms to an unarmed victim, denying the right to defend oneself is immoral on the face of it. It has encouraged the murder and aggression that we see taking place in the Balkans.

We have heard the answer is basically letting the victims defend themselves. I believe that is the central part of the answer. No. 1, let these people defend themselves by giving them the means to do so. Let us not watch a "Schindler's List" movie 20 or 30 years from now of unarmed civilians being herded, unable to defend themselves, to their slaughter.

Yes, we hear, "Oh, you cannot do anything unless you are willing to put U.S. ground troops on the ground." That is absolutely ridiculous. That is saying we cannot do anything unless we do everything.

Is it our policy that victims should be kept defenseless? This has encouraged attacks. If we do not believe in putting U.S. ground troops on the ground, what should our policy be? Again, lifting the embargo.

No. 2, we have the airpower, the airpower needed to deter the Serbian aggression and the Serbian genocide. I am not talking about using that airpower against little emplacements in Bosnia. The answer is lift the embargo, bomb Serbia, bomb Serbia. This will not cost innocent civilian lives in Serbia. We can destroy their military capability. We can bomb Serbia. They will get the message without killing any of their innocent civilians. We can destroy their military capacity.

No. 3, we should take Mr. Milosevic into custody and try him for his war crimes. Those things are within our capacity. We need not commit 50,000 U.S. troops on the ground.

We must stand for the moral position. We must stand up for what America is supposed to stand for, freedom and against aggression, or there is no hope in the world; there is no hope for the Bosnian people or anyone else.

□ 1115

Mr. BEILENSON. Mr. Speaker, I yield the remainder of our time to the distinguished gentleman from Pennsylvania [Mr. MURTHA], the ranking member of the Subcommittee on National Security.

Mr. MURTHA. Mr. Speaker, I appreciate what the gentleman from California [Mr. ROHRABACHER] just said about the Reagan administration and the support. Many of us Democrats supported the Reagan administration's foreign policy, and we felt very strongly about it, and there were very few of us. I supported President Bush very strongly when he went into Saudi Arabia and when he defeated the Iraqis in the desert. This policy, though, of lifting the embargo looks like to me we are inviting a defeat, we are inviting a Dien Bien Phu, in the United States. If we lift the embargo, what we are saying to our allies is, "You're going to have to get out because they have said they are going to get out." We have committed ourselves to send in 25,000 American troops on the ground to get to help them out.

Now I was just 2 weeks ago over in Split, in Split, a very inadequate port facility that takes one ship a day, that takes one C-5 at a time. The roads from Split to Sarajevo are very narrow with 10-ton bridges. None of the heavy equipment could get through this very narrow winding road. The military situation in the wintertime is impossible. Air power is not near as effective.

So we are inviting a defeat. We are inviting, we are saying, "All right; we're going to lift the embargo, and the results of that are the French and British pull out, the United States is going to deploy troops into Bosnia to withdraw and actually face a defeat." So the vote we are casting is actually to defeat the U.S. forces or to defeat the United Nations.

The policy change that has been made is a key factor here. The President has said, well, the dual authority for bombing is gone. We now have military-to-military to be able to using bombing in order to reinforce the people on the ground. That is important. This a key. We no longer are going to be concerned about it; we are no longer going to stop fighting because of hostages. That is obviously an important change in policy. In the United States, we will use massive air power in order to stop the Serb aggression around the enclaves, and negotiation is going forward.

For us to lift the embargo sends exactly the wrong signal. There is no worse signal we could send because the French and the British would immediately withdraw, and I say to the

Members of Congress, "This vote is actually participating in voting for the authorization of going to war because it will be essential that we go in to help rescue the French and British. They are on the ground, and we have committed ourself. The American President has committed our prestige and the power of the United States to help the British and the French withdraw."

And the physical conditions of just getting in; let us talk about just getting into Sarajevo and how long it will take. It took us 40 days to get a light helicopter division into Saudi Arabia with the most modern port facilities, the most modern airport facilities in the world. Here we have inadequate port facilities, with mountainous roads, with impossible terrain, within 40 to 60 days of having all kinds of bad weather.

Now I participated in the fighting in Vietnam. I was wounded twice. I know the advantage of closed air support. I know the advantage of having air support when in a tactical situation. That did not win the war. We had 450,000 American troops on the ground, and that did not win the war.

If we were to withdraw the troops from Bosnia, and try to lift the embargo, and try to force-feed the Bosnian troops—we tried to train the Vietnamese, we tried for years to train the Vietnamese. They do not have the long-term training of officers. It takes 10 years to train a staff sergeant, takes 15 years to train an officer in the American military, 20 years to train a battalion commander, and we are saying in a few weeks we can train the Bosnians to use heavy equipment. We can train them to use individual pieces of equipment, but we cannot train them to use a coordinated attack. We had trouble with our guard units, training them in 60 days, and they were already well trained, and many of them experienced in Vietnam.

So we are asking for a disaster, and I support this rule, but I ask the Members of Congress to think very seriously and to vote against this lifting the embargo because it will be disastrous to American foreign policy.

The SPEAKER pro tempore (Mr. DUNCAN). The time of the gentleman from California [Mr. BEILENSON] has now expired.

The gentleman from Florida [Mr. DIAZ-BALART] has 5½ minutes remaining.

Mr. DIAZ-BALART. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. KING].

Mr. KING. Mr. Speaker, I thank the gentleman from Florida [Mr. DIAZ-BALART] for yielding this time to me.

Mr. Speaker, this is an historic moment in the history of the House of Representatives, and it is important to keep our mind and our eye on the key issue, and the key issue is the right to a sovereign nation to defend itself, and it raises the issue of what we are to do in the post-cold war era. Is the United States going to continue to be an accomplice to a policy which deprives victims of the right to defend themselves?

Speakers have raised the issue today, is this going to involve the United States? The fact is the United States is already involved. It is involved in a conspiracy to deny the most basic rights to the people of Bosnia.

And what are we talking about? We are talking about aggression by the Serbs against the Bosnians. We are talking about mass rape against the people of Bosnia. We are talking about ethnic cleansing and genocide. This is "Schindler's List" of the 1990's, and what is the response of the Western World? Our response has been to look the other way, and worse than looking the other way, to put an embargo on those that want to defend themselves.

I was in Bosnia several years ago with the gentlewoman from New York [Ms. MOLINARI], the gentleman from New York [Mr. PAXON], and the gentleman from New York [Mr. ENGEL]. I saw firsthand the atrocities being carried out against the innocent people of Bosnia, and we, as Americans, have a moral obligation to step forward and lift this embargo. There is no moral, or diplomatic, or military justification to continue this unjust embargo upon the people of Bosnia.

Along with the gentleman from Maryland [Mr. HOYER] and the gentleman from New Jersey [Mr. SMITH] last week we met with the Prime Minister of Bosnia. Here is a man; all he is asking for for his people is not for American troops. He is asking for the right to defend himself, the most basic right, and if we do not have the courage today to cast the vote, and, by the way, I disagree that this is an easy vote. There is no easy vote when we are talking about war and peace. This is a very, very serious vote, and, if we have to cast votes in the future, they will be even more serious, but the fact is we cannot stand idly by while aggression goes unchecked.

The Prime Minister of Bosnia, all he is asking for is the weapons to defend himself, to defend his people. That is a moral right that they have, and we, as signatories to the U.N. Charter, have to agree with that right.

So I urge adoption of the rule and the bill, and I again stress to my colleagues what an historic moment this is to the House of Representatives.

Mr. DIAZ-BALART. Mr. Speaker, I yield the remainder of our time to the distinguished gentleman from New York [Mr. SOLOMON], the distinguished chairman of the Committee on Rules, tireless fighter for human rights and an inspiration for freedom fighters throughout the world.

The SPEAKER pro tempore. The gentleman from New York [Mr. SOLOMON] is recognized for 2½ minutes.

Mr. SOLOMON. Mr. Speaker, I thank the gentleman for yielding this time to me, and I strongly support this fair rule and the bill that it brings to the floor. I commend the gentleman from Florida [Mr. DIAZ-BALART], an outstanding fighter for human rights, along with the gentleman from New York [Mr. GILMAN], the gentleman from Maryland [Mr. HOYER], and others.

Mr. WILSON. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from Texas [Mr. WILSON], another great American.

Mr. WILSON. Would the gentleman agree with me that I am certain this amendment is going to pass and pass overwhelmingly, but would the gentleman agree with me that we also should pay some attention to the plight of Croatia, who also is a victim of aggression?

Mr. SOLOMON. Absolutely. The gentleman from Texas [Mr. WILSON] is correct.

My colleagues, let me just say this. As my colleagues know, the idea before us today is to lift the embargo. To those who legitimately argue against this idea, I would just ask them what is the better idea, because continuing the embargo is continuing genocide for helpless Bosnian people, and we cannot be a part of that.

As my colleagues know, American foreign policy under all Presidents, be they Republican or Democrat, has always been to support, and encourage, and, yes, defend democracy around the world against outside military aggression. It is argued that this is not outside military aggression, and we cannot interfere with internal strife, as bad as it may seem.

But what can we do? What we can do is lift the embargo, an embargo that's implementation has been one-sided.

As my colleagues know, we have been giving the former Soviet Union, Russia, U.S. tax dollars. They in turn are giving Russian rubles, Russian dollars, to Serbia. They are giving equipment to Serbia, who in turn are giving it to the Bosnian Serbs, who are perpetrating this genocide on those poor, helpless people. It is all one way. We are enforcing the sanctions on the official democratic Government of Bosnia, yet on the other side the oil tankers roll down the Danube giving oil to Serbia, which in turn is putting it into the Bosnian Serbs. That is genocide, my colleagues. The answer is to lift this embargo and let the Bosnian people defend themselves.

Someone said they are not going to know how to use this equipment. These people know better than my colleagues and I how to use that equipment. We give them the ability to defend themselves, and the genocide will stop, and we ought to be helping them do that, and I urge support of the rule and the bill that it brings to the floor.

Mr. DIAZ-BALART. Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Pursuant to House Resolution 204 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the Senate bill, S. 21.

□ 1127

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the Senate bill (S. 21) to terminate the United States arms embargo applicable to the Government of Bosnia and Herzegovina, with Mr. BONILLA in the chair.

The Clerk read the title of the Senate bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

The text of S. 21 is as follows:

S. 21

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Bosnia and Herzegovina Self-Defense Act of 1995".

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) For the reasons stated in section 520 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103-236), the Congress has found that continued application of an international arms embargo to the Government of Bosnia and Herzegovina contravenes that Government's inherent right of individual or collective self-defense under Article 51 of the United National Charter and therefore is inconsistent with international law.

(2) The United States has not formally sought multilateral support for terminating the arms embargo against Bosnia and Herzegovina through a vote on a United Nations Security Council resolution since the enactment of section 1404 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103-337).

(3) The United Nations Security Council has not taken measures necessary to maintain international peace and security in Bosnia and Herzegovina since the aggression against that country began in April 1992.

(4) The Contact Group, composed of representatives of the United States, Russia, France, Great Britain, and Germany, has since July 1994 maintained that in the event of continuing rejection by the Bosnian Serbs of the Contact Group's proposal for Bosnia and Herzegovina, a decision in the United Nations Security Council to lift the Bosnian arms embargo as a last resort would be unavoidable.

SEC. 3. STATEMENT OF SUPPORT.

The Congress supports the efforts of the Government of the Republic of Bosnia and Herzegovina—

(1) to defend its people and the territory of the Republic;

(2) to preserve the sovereignty, independence, and territorial integrity of the Republic; and

(3) to bring about a peaceful, just, fair, viable, and sustainable settlement of the conflict in Bosnia and Herzegovina.

SEC. 4. TERMINATION OF ARMS EMBARGO.

(a) TERMINATION.—The President shall terminate the United States arms embargo of the Government of Bosnia and Herzegovina, as provided in subsection (b), following—

(1) receipt by the United States Government of a request from the Government of Bosnia and Herzegovina for termination of the United States arms embargo and submission by the Government of Bosnia and Herzegovina, in exercise of its sovereign rights as a nation, of a request to the United Nations Security Council for the departure of UNPROFOR from Bosnia and Herzegovina; or

(2) a decision by the United Nations Security Council, or decisions by countries contributing forces to UNPROFOR, to withdraw UNPROFOR from Bosnia and Herzegovina.

(b) IMPLEMENTATION OF TERMINATION.—The President may implement termination of the United States arms embargo of the Government of Bosnia and Herzegovina pursuant to subsection (a) prior to the date of completion of the withdrawal of UNPROFOR personnel from Bosnia and Herzegovina, but shall, subject to subsection (c), implement termination of the embargo pursuant to that subsection no later than the earlier of—

(1) the date of completion of the withdrawal of UNPROFOR personnel from Bosnia and Herzegovina; or

(2) the date which is 12 weeks after the date of submission by the Government of Bosnia and Herzegovina of a request to the United Nations Security Council for the departure of UNPROFOR from Bosnia and Herzegovina.

(c) PRESIDENTIAL WAIVER AUTHORITY.—If the President determines and reports in advance to Congress that the safety, security, and successful completion of the withdrawal of UNPROFOR personnel from Bosnia and Herzegovina in accordance with subsection (b)(2) requires more time than the period provided for in that subsection, the President may extend the time period available under subsection (b)(2) for implementing termination of the United States arms embargo of the Government of Bosnia and Herzegovina for a period of up to 30 days. The authority in this subsection may be exercised to extend the time period available under subsection (b)(2) for more than one 30-day period.

(d) PRESIDENTIAL REPORTS.—Within 7 days of the commencement of the withdrawal of UNPROFOR from Bosnia and Herzegovina, and every 14 days thereafter, the President shall report in writing to the President pro tempore of the Senate and the Speaker of the House of Representatives on the status and estimated date of completion of the withdrawal operation. If any such report includes an estimated date of completion of the withdrawal which is later than 12 weeks after commencement of the withdrawal operation, the report shall include the operational reasons which prevent the completion of the withdrawal within 12 weeks of commencement.

(e) INTERNATIONAL POLICY.—If the Government of Bosnia and Herzegovina submits a request to the United Nations Security Council for the departure of UNPROFOR from Bosnia and Herzegovina or if the United Nations Security Council or the countries contributing forces to UNPROFOR decide to withdraw from Bosnia and Herzegovina, as provided in subsection (a), the President (or his representative) shall immediately introduce and support in the United Nations Security Council a resolution to terminate the application of United Nations Security Council resolution 713 to the Government of Bosnia and Herzegovina. The United States shall insist on a vote on the resolution by the Security Council. The resolution shall, at a minimum, provide for the termination of the applicability of United Nations Security Council resolution 713 to the government of Bosnia and Herzegovina no later than the completion of the withdrawal of UNPROFOR personnel from Bosnia and Herzegovina. In the event the United Nations Security Council fails to adopt the resolution to terminate the application of United Nations Security Council resolution 713 to the Government of Bosnia and Herzegovina because of a lack of unanimity of the permanent members, thereby failing to exercise its primary responsibility for the maintenance of international peace and security, the United States shall promptly endeavor to bring the issue before the General Assembly for decision as provided for in the Assembly's Uniting for Peace Resolution of 1950.

(f) RULE OF CONSTRUCTION.—Nothing in this section shall be interpreted as authorization for deployment of United States forces in the territory of Bosnia and Herzegovina for any purpose, including training, support, or delivery of military equipment.

(g) DEFINITIONS.—As used in this section—

(1) the term "United States arms embargo of the Government of Bosnia and Herzegovina" means the application to the Government of Bosnia and Herzegovina of—

(A) the policy adopted July 10, 1991, and published in the Federal Register of July 19, 1991 (58 FR 33322) under the heading "Suspension of Munitions Export Licenses to Yugoslavia"; and

(B) any similar policy being applied by the United States Government as of the date of completion of withdrawal of UNPROFOR personnel from Bosnia and Herzegovina, pursuant to which approval is denied for transfers of defense articles and defense services to the former Yugoslavia; and

(2) the term "completion of the withdrawal of UNPROFOR personnel from Bosnia and Herzegovina" means the departure from the territory of Bosnia and Herzegovina of substantially all personnel participating in UNPROFOR and substantially all other personnel assisting in their withdrawal, within a reasonable period of time, without regard to whether the withdrawal was initiated pursuant to a request by the Government of Bosnia and Herzegovina, a decision by the United Nations Security Council, or decisions by countries contributing forces to UNPROFOR, but the term does not include such personnel as may remain in Bosnia and Herzegovina pursuant to an agreement between the Government of Bosnia and Herzegovina and the government of any country providing such personnel.

The CHAIRMAN. Under the rule, the gentleman from New York [Mr. GILMAN] and the gentleman from Indiana [Mr. HAMILTON] will each be recognized for 1½ hours.

The Chair recognizes the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Chairman, as my colleagues know, this year is the 50th anniversary of the United Nations. The President himself went to San Francisco for the celebrations marking the signing of the charter.

Article 51 of that charter gives every member nation the right of self-defense against armed attack.

S. 21, the Bosnia-Herzegovina Self-Defense Act of 1995—is designed to enable the sovereign State of Bosnia—a member in good standing of the United Nations—to defend itself against armed attack from its immediate neighbor.

It establishes a procedure that resolves the concerns of many who have argued that unilateral lifting of the arms embargo would have disastrous results.

Opponents contend that U.S. termination would Americanize the conflict—first because the U.N. Protection Force—UNPROFOR—would pull out, requiring the President to make good his commitment to provide up to 25,000 American troops to assist in their withdrawal.

Second, it is argued that because the Bosnian Government would seek the heavy weapons they need from the United States, Americans would have to provide the necessary training.

Opponents also have said that long before Bosnia could obtain the weapons and training it needs, the Serbs would launch an all-out attack. The result would be even greater destruction than we have seen so far—with more ethnic cleansing, more rapes, murders, and other atrocities against unarmed civilians.

Some opponents also have argued that by unilaterally lifting the arms embargo, we would put at risk other embargoes that our Nation supports—such as those against Iraq and Iran.

However, the embargoes against Iraq and Iran are designed to punish those nations for aggressive actions—while the arms embargo against Bosnia punishes the victim.

S. 21 contains important conditions that obviate many of those arguments. First, in order for the United States to terminate the arms embargo, the bill requires action by Bosnia, the U.N. Security Council, or countries contributing troops to UNPROFOR.

The Bosnian Government must first call upon the U.N. Security Council to withdraw UNPROFOR, or the Council—or countries contributing to UNPROFOR—such as Britain and France—must decide to withdraw the force.

Second, after the Bosnian Government requests the withdrawal of UNPROFOR the President can wait up to 12 weeks before terminating the arms embargo.

Further, the President can extend the waiting period for up to 30 days if he determines that a safe, secure, and successful withdrawal will require more than 12 weeks. These extensions can be continued until the withdrawal of UNPROFOR has been completed.

Two years ago, on June 29, 1993, the Bosnian Ambassador to the United Nations called upon the security Council to terminate the arms embargo. That request obviously has not been granted.

This legislation links termination of the arms embargo to withdrawal of UNPROFOR, and places the decision to request that withdrawal upon those most directly affected by the consequences of that decision—the Bosnian Government.

If the Bosnian Government calls for the withdrawal of UNPROFOR, the United Nations will have no choice but to comply—despite the possibility of greater fighting and the implementation of some very serious commitments that many may prefer not to implement.

S. 21 has nothing to do with Americanizing the war. A request by the Bosnian Government for the withdrawal of UNPROFOR would activate the President's promise to assist in that withdrawal even if S. 21 is defeated.

Mr. Chairman, the policies of our Government have carried us into a political cul-de-sac. Those policies have not been working and they are no longer sustainable.

It is time to end the charade of the past 3 years. Not only has it demeaned and diminished the authority of the United Nations, it has eroded the credibility of our Western allies.

Mr. Chairman, there are times when the hinge of history turns on a decision. The failure of the League of Nations to act against the Italian invasion of Ethiopia—the failure to challenge Hitler when he marched into the Sudentenland. We all know the consequences that flowed from those failures to confront aggression.

Similarly, this is one of those critical decisions.

History will judge our actions—and the judgement of history will be harsh if we do not enable Bosnia to act as a sovereign state and a full-fledged member of the United Nations.

Accordingly, I urge my colleagues to support S. 21.

☐ 1130

Mr. Chairman, I reserve the balance of my time.

Mr. HAMILTON. Mr. Chairman, I yield myself such time as I may consume.

I. INTRODUCTION

I rise in opposition to the Dole-Lieberman bill. I know where the votes are on this issue. Yet I believe it is important to look at the other side of this issue before we vote.

II. STATUS QUO IN BOSNIA IS NOT ACCEPTABLE

We all agree that present policy has not worked. It is clear that we cannot accept the status quo.

The U.N. peacekeeping operation [UNPROFOR] and NATO were unable to fulfill pledges to protect safe areas in Bosnia.

Diplomacy is stalled. The delivery of much humanitarian aid is still blocked.

The killings continue. The number of refugees grow. NATO, the U.N., and U.S. efforts to stop this war have not worked.

In short, there is a growing feeling that UNPROFOR has failed and should leave Bosnia, and that the arms embargo should be lifted to allow the Bosnian Government to defend itself.

Many who support lifting the embargo do so because they believe that the situation in Bosnia cannot get worse, and that lifting the embargo is the only alternative.

I think my colleagues are wrong on both counts: First, the situation in Bosnia can get worse, if we lift the embargo unilaterally; second, there is an alternative to lifting the embargo.

III. A NEW STRATEGY HAS BEEN DEVELOPED

The situation in Bosnia is not the same today as it was on June 8, when the House last voted on lifting the embargo.

We have agreed upon a new and much tougher, more unified strategy with our NATO allies and the UN:

We now have NATO agreement on the policy of a massive air campaign to halt Bosnian Serb aggression.

We have told the Bosnian Serbs that if they attack Gorazde, we will respond with an air campaign of disproportionate force. Today, NATO is meeting to expand that commitment to include the U.N.-declared safe area of the town of Bihac.

We also have U.N. agreement on a simplified chain of command. U.N. military commanders on the ground in Bosnia, together with NATO air commanders, will make the decision on when and where an air campaign takes place. This is the way our military wants it—this is standard military practice.

There will be no more pinprick airstrikes.

There will be expanded military targets.

There will be no more dual-key control.

There will be no more decisions delayed because they must go through New York.

We now have a 10,000 man Rapid Reaction Force to protect UNPROFOR and make it more effective.

British and French troops in the Rapid Reaction Force are in combat fatigues, not blue helmets. They are much more aggressive and independent of the U.N. chain of command. They have suppressed Serb artillery around Sarajevo. They are prepared to do more in their successful effort to keep the Mt. Igman aid route into Sarajevo open.

Will this new strategy work? We want it to work. We think it is working but we do not know if it will work. We will work in a matter of weeks.

What can this new approach accomplish? The administration's new strategy will not solve all the problems in Bosnia. It will not roll back Serb aggression. It will not end the war in a matter of weeks.

But it will deter more Serb attacks on some of the safe areas, it will give more time to search for a negotiated solution, and it will keep the United States out of the war.

We should give this new, more assertive strategy time to work.

IV. WHAT'S WRONG WITH UNILATERAL LIFT

This new strategy, while imperfect, is far superior to the option we are voting on today, a unilateral lifting of the embargo.

A. Consequences of unilateral lift

Lifting the arms embargo unilaterally will have dire consequences on the ground in Yugoslavia:

UNPROFOR will withdraw, that is a certainty.

For all the complaints about UNPROFOR, it has helped feed over 2 million people for nearly 3 years, including the entire city of Sarjevo—which remains completely dependent on humanitarian assistance.

The U.N. has helped to protect civilians. Casualties were 130,000 in 1992 before UNPROFOR arrived, and declined dramatically to 2,500 in 1994.

Once UNPROFOR leaves, the war will intensify. The killing and human misery will increase; before the Bosnians get heavy arms, the Serbs will step up their attacks; and right in the middle of this escalating conflict, up to 25,000 U.S. troops will be sent to Bosnia to help UNPROFOR withdraw. That is a commitment the United States must fulfill.

Prime Minister Major and President Chirac have made clear that UNPROFOR will leave Bosnia if we lift the arms embargo unilaterally. President Clinton has made clear that United States troops will go into Bosnia to help UNPROFOR leave.

Make no mistake: Lifting the embargo means United States troops on the ground, in Bosnia.

Once United States troops are in Bosnia to help the U.N. withdraw, there will be enormous pressure to stay—to fill the humanitarian vaccum left by UNPROFOR.

Who will feed 2 million Bosnians each day, once UNPROFOR leaves?

Who will protect Bosnian civilians, once a Serb assault begins?

How can U.S. troops leave, under the glare of world attention?

We say now that the mission of U.S. forces will be limited in time and scope. But United States troops could be in Bosnia for a very long time.

Unilateral life means unilateral responsibility. By acting alone in Bosnia, we will Americanize the war.

Lifting the embargo will not change the outcome of this war.

The Bosnians have a better army today, but more armor and artillery is not enough. They need better leadership, training, tactics, command, control, communications, and intelligence. They need airpower. They need a modern army—the U.S. Army—if they are to win this war.

Lifting the embargo will damage U.S. interests at the U.N.

It will undermine the authority of the U.N. Security Council. While other Nations must honor multilateral sanctions, the United States is saying it can pick and choose those that apply to us.

If the United States unilaterally lifts the embargo on Bosnia, others may feel free to break existing U.N. sanctions on Iraq and Libya. Russia may feel free to break sanctions on Serbia.

Article 51/self defense issue

It has been argued that the U.N. embargo should be lifted because it violates Bosnia's right to self-defense. We all agree that the Bosnians have a right to self-defense.

On a practical level, the Bosnians are getting weapons from other countries and using those weapons to defend themselves.

But the legal argument—that an international arms embargo violates Bosnia's self-defense rights under Article 51 of the U.N. Chapter—is just plain wrong.

Article 51 says that member states' rights to "individual or collective self-defense" must not "affect the authority and responsibility of the Security Council" to take "such action as it deems necessary in order to maintain or restore international peace and security."

That means that rights of self-defense or collective defense cannot contradict existing U.N. Security Council enforcement actions.

In the judgment of the Security Council, the international arms embargo was the best means to ensure peace and security in the former Yugoslavia. That remains the judgment of the Security Council.

B. Loss of control by the United States

Lifting the embargo unilaterally also means the United States loses control of its foreign policy.

We complain a lot in this institution about handing over decisions to the U.N. Yet this bill hands over to a foreign government a crucial foreign policy decision that will result directly in the deployment of thousands of U.S. troops in the middle of a war zone.

This bill says that the President shall lift the embargo if the Bosnians ask UNPROFOR to leave. In my view, that's an incentive to the Bosnians to ask UNPROFOR to leave.

Under the terms of this bill we are simply telling the Bosnian Government: You decide. Make a request to lift the embargo, and we'll do it. No discretion. No judgment. Just do it.

C. Unilateral lift does not confront the hard questions

A vote to lift unilaterally the embargo leaves all the tough questions unanswered: Who will supply the arms? Who will deliver them? Who's going to pay for them? Who will train the Bosnians to use them? Who will protect the Bosnians while they are training?

Proponents of a unilateral lift don't answer these questions. They offer promises without resources—without authorization or appropriation.

One of the mistakes of this war is that the international community has promised more than it delivers. This bill continues that practice—it compounds the felony.

The key problem for United States policy in Bosnia has been the gap between what we say we want to achieve, and the resources we are willing to commit.

But we know who will be called on to provide these resources: The United States.

D. Unilateral lift presents constitutional problems

Voting for a unilateral lifting of the embargo creates serious constitutional problems for American foreign policy. If we adopt this bill we create a profound ambiguity in American policy.

Under the Constitution, the President is the chief architect of American foreign policy. Congress can advise the President on foreign policy, but Congress cannot implement or conduct foreign policy. Congress must declare war, but Congress cannot be the Commander-in-Chief.

This bill infringes on both those Presidential powers:

At a time when the President is moving in one direction—negotiating with our closest allies to strengthen the U.N. mission and trying to end this war—this bill moves in exactly the opposite direction—pulling the plug on the U.N. mission and fanning further war.

At a time when the Commander-in-Chief wants to keep United States troops out of Bosnia, Congress is acting on a measure that will mean United States troops going in.

If the President and Congress move in such opposite directions, it diminishes our stature in the world, it profoundly weakens our leadership, and it damages our system of separation of powers. It will tear U.S. foreign policy apart.

E. Bad timing of unilateral lift

Finally, voting today to life the embargo unilaterally is bad timing. We have simply not given the new strategy time to work.

V. CONCLUSION

I know my colleagues are frustrated about the tragedy in Bosnia. I am frustrated. I am not going to argue that the present policy will lead to a wonderful outcome. It is to late for a wonderful outcome.

I want to say to my colleagues that this is not a free vote today. Maybe the vote in June was free vote, not this one. I think the standard that every Member of this House should apply in voting on this bill is to ask himself or herself, what should the policy of the United States Government be with respect to Bosnia?

Put aside the politics. Put aside all else. Focus on what the policy ought to be, and cast your vote on the basis that your vote will control American policy.

I understand that my colleagues want to do something about the horror of Bosnia. We do not know what else to do, so we vote to lift the embargo.

But what we are proposing to do today will only make a bad situation worse.

I do not believe my colleagues are willing to send United States troops to Bosnia. I do not believe the American people are willing to do so either. That is simply too high a price.

Yet that is the consequence of lifting the embargo, in my view.

What is our alternative? What can we achieve at a price we are willing to pay?

Instead of concentrating on a military solution, we should concentrate on a political solution that brings all parties to the table for face-to-face negotiations—including the Bosnian Serbs.

If we support the administration's new strategy, we will be choosing a course that offers modest but realistic gains:

It reduces the risk of a wider war, and may reduce the killing.

It gives the negotiations another chance.

It will allow us to continue to contain the conflict.

It avoids further damage to NATO, and to the U.N. that would follow a pullout by UNPROFOR.

It will keep humanitarian aid flowing to Bosnia.

It will keep United States troops out of Bosnia.

I urge my colleagues to defeat this bill.

Mr. Chairman, I reserve the balance of my time.

Mr. GILMAN. Mr. Chairman, I yield 30 minutes of my 90 minutes provided for general debate to the gentleman from Maryland [Mr. HOYER] and I ask unanimous consent that Mr. HOYER be permitted to yield portions of that time to other Members.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. HOYER. Mr. Chairman, I want to thank my friend and the chairman of the committee for his generous yielding of time.

Mr. Chairman, I yield 5 minutes and 30 seconds to the very distinguished gentleman from New Jersey [Mr. TORRICELLI] who has been one of the most outspoken leaders on behalf of freedom in the international community.

Mr. TORRICELLI. Mr. Chairman, I thank the gentleman for his leadership on this issue throughout the months.

Mr. Chairman, I rise in support of the resolution. In a perfect world, the strong would defend the weak. In the world in which we live, the weak must sometimes defend themselves.

It is this basic truth of our time that brings us to this judgment today.

The people of Bosnia have made to the world a simple question eloquent in its simplicity, a plea that has been heard many times by many people in different lands.

Mr. Chairman, they seek to survive. They simply seek for their nation to exist. For 4 years the world has answered that plea with resolutions and international forums, negotiations by the world's premier diplomats and peacekeepers from throughout the globe. They were all well-intentioned. Each was brave, and each was intent and each was unsuccessful.

Every nation is grateful to all the diplomats who tried, acknowledges the time, the sacrifice of every soldier who risked their lives. It is to the eternal credit of the British and the French and the Dutch forces who tried to do so much, but we achieve nothing by ignoring the simple truth that they failed.

The evidence mounts with every rape, every murder, each disappearance, the pillage of each new village. The simple truth is that the international forces were always too weak to defend Bosnia. But the embargo was always too strong to permit Bosnia to defend itself.

Serbia, under the provisions of this resolution, will have 12 weeks to consider the implications of United Nations withdrawal or face the wrath of an international community, a community intent on justice on the battlefield that has eluded it at the negotiating table for so many years. It is not a perfect answer, but it is an answer when all other answers have failed.

Our opponents argue that lifting the embargo will Americanize the war. I argue that keeping the embargo will Americanize the genocide.

Our opponents argue that lifting the embargo will have America stand alone; I argue that if America alone will stand for the right of a poor and weak people to defend themselves, then America has never stood in better company.

Our opponents argue that Europe has the right to lead; I argue that Europe has had years to lead. Now it is time for America to lead again.

Mr. Chairman, in these last few months, our children have seen the specter on flickering television screens of the times of our fathers, liberating concentration camps and ending a genocide. Each Member today must ask whether they will exchange that memory for a time in which our children will remember a genocide in our generation and the flickering pictures of Americans not as liberators but standing guard as a defenseless people were prevented from getting the arms to defend themselves by our own forces.

What the world was unwilling to do for the victims of the Holocaust, what the United Nations has been unwilling to do for Bosnia, we have no right to prevent the people of Bosnia from doing for themselves. There is no human right more fundamental than the right of self-defense. The international community has no greater obligation in this crisis than to distinguish between the victims and the aggressors.

This resolution does both.

Mr. Chairman, in every church and synagogue throughout this land for a generation our people in a single prayer have made a simple pledge: never again. Simply because the institutions of peace have failed, there is no reason to abandon that pledge or that prayer. Keep the promise. Lift the embargo, pass the resolution. Never again.

Mr. GILMAN. Mr. Chairman, I yield 5 minutes to the gentleman from Wisconsin [Mr. ROTH], the distinguished chairman of our Subcommittee on International Economic Policy and Trade.

Mr. ROTH. Mr. Chairman, I thank the chairman of our committee for yielding time to me.

Mr. Chairman, I have to agree today with the speakers who have spoken here before. As I interpret their remarks, they are saying that the issue before us today is really a moral question: "By what right does the United States prevent Bosnia from defending itself?" Every nation, every people has the ultimate right to defend their land, their homes, their families from aggression.

Instead of stopping this war, this embargo has simply shifted the balance toward the Serbs and against the Moslems. It can be argued that by keeping this stranglehold on Bosnia, we have been the silent partners in the Serbs' aggression. Oh, the United States has promised over and over that we would save Bosnia. But 200,000 deaths later and some 2 million refugees later, the United States has done nothing to save Bosnia.

The United Nations has been useless. NATO has been impotent, and we have collaborated with the Western European Powers in the slow strangulation of Bosnia. Why else does a Serb force of only 60,000 conquer a far larger Bosnian army of 150,000?

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It is the embargo that has been the crucial difference. Without the heavy machinery of war, tanks, artillery, anti-tank weapons, missiles, and mortars, the Bosnian Army is doomed. For 4 years we have held the Bosnians' arms and hands behind their back while the Serbs beat the Moslems to death. For 4 years we have denied Bosnia the fundamental right of all nations: The right to defend themselves.

Our embargo, I think it can be argued, has been an immoral act. It is time for us in this 11th hour to rectify this grave error and give Bosnia one last chance to save itself. "Do not do it," the opponents of this bill will say, "it will just widen the war." Mr. Chairman, the course of the war is out of our hands. The Bosnian Serbs have taken the measure of the United Nations and taken the measure of NATO and have dismissed those forces as impotent, as forces that they do not have to contend with, so they are acting with impunity in Bosnia. The Serbs will march until they either conquer Bosnia or until we lift the embargo.

The essential fact is this: The ethnic cleansing will continue unless we lift this embargo. The Serb war crimes will go on until Bosnia is allowed to defend itself. The opponents of this measure will say that we will use air strikes to stop the Serbs. Consider what General Horner, one of our best Air Force generals, said recently about the Balkans. He said, "I would find it very difficult to design a military strategy to be successful."

Air strikes will not stop the Serbs. Consider what happened when one American pilot was shot down. It took us some 5 days to retrieve him. It took a massive rescue effort to get him back. Well, the Serbs have hundreds, perhaps a thousand surface-to-air missiles. How many casualties will we suffer in a vain attempt to rescue Bosnia? I, for one, do not want to tell one American family that their son or daughter died in Bosnia.

Let us do what is right. Now, at long last, let us do what we should have done a long time ago: End this embargo and allow Bosnia to defend itself.

Mr. HAMILTON. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from New Mexico [Mr. RICHARDSON].

Mr. RICHARDSON. Mr. Chairman, first let me say the sincerity of those on the other side of the issue is to be commended. There are no easy answers on the Bosnia issue, but lifting the arms embargo on Bosnia makes it America's war. We are taking the wrong step at the wrong time. We are pouring fuel to the fire, and we might cause an explosion.

Let us not make this vote the opening primary vote of the Presidential campaign, either. This is the time when we should rally behind the President, the Commander in Chief, his military advisers, the Joint Chiefs, all of whom do not want to lift the embargo. This morning they made a case to a number of Members of Congress with very strong convictions. Unilaterally lifting the embargo means unilateral responsibility, an Americanization of this war; possibly, yes, another Vietnam situation, as much as we hate to admit it.

Let us also remember what the American people want. Poll after poll shows the American people do not want to get involved in Bosnia. They do not want to put American troops there. They are leery about getting involved in an air war, even for defensive reasons. They are leery of the United Nations, they are leery of NATO. Let us support the President in his efforts to not Americanize this war.

Worse, Mr. Chairman, if this unilateral lifting passes, it would send a terrible message around the world that the United States is divided; that the President is going in one direction and the Congress is going in a totally different direction. We recognize that the votes are not there. We recognize that perhaps the best we can achieve is 150, 160 votes, so that a veto of the President can be sustained. He will veto this initiative if it passes.

Let us not make matters worse. Bosnia is an enormously difficult situation. No administration is flawless in its execution of policy toward Bosnia, but the fact is there may be no real solution to this problem. There may be killings and more savagery continuing, and little that we can do; but let us not exhaust diplomatic means, diplomacy, one last effort at trying to resolve the problem before we pour enormous fuel to the fire.

What happens if we lift this embargo? UNPROFOR leaves, and guess who has to protect them? American troops. No question about it, it would be our responsibility. What happens to the enclaves? They will be put in jeopardy. Tuzla, Srebrenica, possibly they can be defended, but what about Gorazde? What about Bihac? What about Croat and Serb, engaging in more tanks, thousands of Serbian troops massing at the border, jeopardizing the alliance? What happens to NATO? What will NATO's role be if all of a sudden we say, "We are shifting and we are lifting the embargo, we are going to act unilaterally, we are going to act on our own, we are not going to act jointly"? What about the 25,000 American troops that we are going to put at risk?

What happens if this war spreads to Kosovo, to Romania, to Greece, through the Balkans? What happens to sanctions? Russia is about to end sanctions on the Serbs, their Parliament. What about the sanctions on Iraq and Iran? How can we justifiably say that we will always uphold embargoes and sanctions?

There are no simple or risk-free answers in Bosnia, but unilaterally lifting this embargo has very serious consequences, and the time has come to let the executive branch, those that are on the ground, our diplomats, our military leaders, let them make the decisions without a totally different signal from us here in Congress. We will move on to the next vote and the next issue, but they have to live with it. This is the executive branch's responsibility. Let us rally around the President the way we did on the gulf war, recognizing that our goal here may be 150 votes.

Mr. Chairman, I urge a "no" vote on lifting the embargo.

Mr. Chairman, a unilateral lift of the arms embargo by Congress would undermine efforts to achieve a negotiated settlement in Bosnia and could lead to an escalation of the conflict there, including the possible Americanization of the conflict.

There are no simple or risk-free answers in Bosnia. Unilaterally lifting the arms embargo has serious consequences.

Both Britain and France have said they will withdraw their forces from Bosnia if the United States unilaterally lifts the embargo. This will lead to the collapse of the UNPROFOR.

The United States will have to assist in the withdrawal of UNPROFOR troops. involving thousands of U.S. troops in a difficult mission.

A unilateral lift by the United States drives our European allies out of Bosnia and pulls the United States in.

The United States is working intensively with our allies on concrete measures to strengthen UNPROFOR and enable it to continue to make a significant difference in Bosnia.

UNPROFOR has been critical to an unprecedented humanitarian operation that feeds and helps keep alive over 2 million people in Bosnia. The number of civilian casualties has been a fraction of what they were before UNPROFOR arrived.

UNPROFOR must be strengthened if it is to continue to contribute to peace. The administration is now working to implement the agreement reached last Friday in London to threaten substantial and decisive use of NATO air power if the Bosnian Serbs attack Goradze and to strengthen protection of Sarajevo using the rapid reaction force.

These actions lay the foundation for stronger measures to protect the other safe areas. Congressional passage of unilateral lift at this delicate moment will undermine those efforts.

It will provide our allies a rationale for doing less, not more—absolving themselves of responsibility in Bosnia, rather than assuming a stronger role in this critical moment.

The House must face the consequences of a U.S. action that forces UNPROFOR departure:

The United States would be part of a costly NATO operation to withdraw UNPROFOR;

There will be an intensification of fighting in Bosnia as it is unlikely the Bosnian Serbs will stand by waiting until the Bosnian Government is armed; under assault, the Bosnian Government will look to the United States for more military support to fill the immediate void.

This could cost up to $3 billion in arms, require some 25,000 U.S. troops, and immerse the United States in training and logistics operations for the foreseeable future.

Intensified fighting will risk a wider conflict in the Balkins with far-reaching implications for regional peace.

UNPROFOR's withdrawal will set back prospects for a peaceful, negotiated solution.

Unilateral lift means responsibility. It does not show leadership, it shows that the United States cannot get others to follow its frustrated actions.

We should not rush this action for political gain. The nightmare in Bosnia should not worsen in the name of political posturing for the upcoming Presidential elections in this country.

To abandon our NATO allies in their own backyard for political posturing is a dangerous precedent with grave consequences.

The NATO Alliance has stood strong for almost five decades. We should not damage it in a futile attempt to find an easy fix to the Balkan conflict.

While the majority of Americans are opposed to United States ground troops in Bosnia because it is a European conflict, Congress is willing to overlook the concerns of our European allies who have the most to lose in an escalated conflict.

Mr. Chairman, I include for the RECORD a letter from President Clinton to the majority leader, and an article appearing in Newsweek August 7, 1995, also written by the President.

The material referred to follows:

THE WHITE HOUSE,
Washington, July 27, 1995.

Hon. RICHARD A. GEPHARDT,
Democratic Leader,
House of Representatives, Washington, DC.

DEAR MR. LEADER: I am writing to express my strong opposition to Congressional efforts to unilaterally lift the Bosnia arms embargo. While I fully understand the frustration that supporters of unilateral lift feel, I nonetheless am firmly convinced that in passing legislation that would require a unilateral lift Congress would undermine efforts to achieve a negotiated settlement in Bosnia and could lead to an escalation of the conflict there, including the possible Americanization of the conflict.

There are no simple or risk-free answers in Bosnia. Unilaterally lifting the arms embargo has serious consequences. Our allies in UNPROFOR have made it clear that a unilateral U.S. action to lift the arms embargo, which would place their troops in greater danger, will result in their early withdrawal from UNPROFOR, leading to its collapse. I believe the United States, as the leader of NATO, would have an obligation under these circumstances to assist in the withdrawal, involving thousands of U.S. troops in a difficult mission. Consequently, at the least, unilateral lift by the U.S. drives our European allies out of Bosnia and pulls the U.S. in, even if for a temporary and defined mission.

I agree that UNPROFOR, in its current mission, has reached a crossroads. We are working intensively with our allies on concrete measures to strengthen UNPROFOR and enable it to continue to make a significant difference in Bosnia, as it has—for all its deficiencies—over the past three years. Let us not forget that UNPROFOR has been critical to an unprecedented humanitarian operation that feeds and helps keep alive over two million people in Bosnia, until recently, the number of civilian casualties has been a fraction of what they were before UNPROFOR arrived; much of central Bosnia is at peace; and the Bosnian-Croat Federation is holding. UNPROFOR has contributed to each of these significant results.

Nonetheless, the Serb assaults in recent days make clear that UNPROFOR must be strengthened if it is to continue to contribute to peace. We should be determined to make every effort to provide, with our allies, for more robust and meaningful UNPROFOR action. We are now working to implement the agreement reached last Friday in London to threaten substantial and decisive use of NATO air power if the Bosnian Serbs attack Gorazde and to strengthen protection of Sarajevo using the Rapid Reaction Force. These actions lay the foundation for stronger measures to protect the other safe areas. Congressional passage of unilateral lift at this delicate moment will undermine those efforts. It will provide our allies a rationale for doing less, not more. It will provide the pretext for absolving themselves of responsibility in Bosnia, rather than assuming a stronger role at this critical moment.

It is important to face squarely the consequences of a U.S. action that forces UNPROFOR departure. First, we immediately would be part of a costly NATO operation to withdraw UNPROFOR. Second, after that operation is complete, there will be an intensification of the fighting in Bosnia. It is unlikely the Bosnian Serbs would stand by waiting until the Bosnian government is armed by others. Under assault, the Bosnian government will look to the U.S. to provide arms, air support and if that fails, more active military support. At that stage, the U.S. will have broken with our NATO allies as a result of unilateral lift. The U.S. will be asked to fill the void—in military support, humanitarian aid and in response to refugee crises. Third, intensified fighting will risk a wider conflict in the Balkans with far-reaching implications for regional peace. Finally, UNPROFOR's withdrawal will set back prospects for a peaceful, negotiated solution for the foreseeable future.

In short, unilateral lift means unilateral responsibility. We are in this with our allies now. We would be in it by ourselves if we unilaterally lifted the embargo. The NATO Alliance has stood strong for almost five decades. We should not damage it in a futile effort to find an easy fix to the Balkan conflict.

Veto any resolution or bill that may require the United States to lift unilaterally the arms embargo. It will make a bad situation worse. I ask that you not support any Congressional efforts to require a unilateral lift of the Bosnian arms embargo.

Sincerely,

BILL CLINTON.

[From Newsweek, Aug. 7, 1995]

THE RISK OF 'AMERICANIZING' THE WAR

(By President Clinton)

Unilaterally lifting the arms embargo on Bosnia is the wrong step at the wrong time. Let me explain why I believe so strongly that this is the case.

Without question, the current situation in Bosnia is unacceptable. The recent assault by Bosnian Serbs on the Muslim enclaves in Srebrenica and Zepa, and the brutality and atrocities that have accompanied it, are intolerable. The inability of the United Nations mission in Bosnia (UNPROFOR) to protect centers it has declared as "safe areas" undermines the U.N., NATO and Western values in general. UNPROFOR clearly has reached a crossroads. The issue is not whether to act, but how.

There are three basic alternatives. One is to undertake a massive commitment by NATO, including U.S. ground forces, for the purpose of decisively affecting the outcome of the war. From the beginning of my presidency, I have refused to cross that line, and I will continue to do so. I cannot justify committing American ground troops to Bosnia except for the limited purpose of acting within NATO to protect our allies if they withdraw or to help enforce a genuine peace agreement.

The second alternative, born of intense frustration with the current situation and embraced by many in the Congress, is for the United States, by itself, to violate the international arms embargo in order to better enable the Bosnians to fight for themselves. It is powerfully appealing, but it is not that simple. It has real and serious consequences for the United States.

First, our allies have made clear that unilateral U.S. action to lift the arms embargo, which would place their troops in greater danger, will result in their immediate withdrawal from Bosnia. As the leader of NATO, the United States would have an obligation under those circumstances to assist in that withdrawal, involving thousands of U.S. troops in a difficult mission. Consequently, at the least, the unilateral lift immediately drives our European allies out of Bosnia and pulls America in, even if for a temporary and defined mission.

Second, after that operation is completed, there will be an intensification of the fighting. It is unlikely that the Bosnian Serbs would stand idly by waiting for the Bosnian government to be armed by others. The United States, having broken with our NATO allies as a result of the unilateral lift, will be expected to fill the void—in military support and humanitarian aid. If lifting the embargo leads to more Serbian military gains, would we watch Sarajevo fall, or would we be compelled to act—this time by ourselves?

Third, intensified fighting risks a wider conflict in the Balkans, with far-reaching implications for Europe and the world. We have worked hard to contain the conflict with Bosnia—so far, successfully. If the fighting spreads, the fact that our unilateral action had triggered the escalation would compel us to deal with the consequences.

Finally, the U.N.'s withdrawal will set back prospects for a negotiated peace for the foreseeable future—the only hope for a genuine end to the conflict.

In short, unilateral lift means unilateral American responsibility.

We must recognize that there is no risk-free option in Bosnia. But I believe the wiser course—the path I have been pursuing intensively with our allies over these past days—is to strengthen the U.N.'s ability and willingness to protect Bosnian safe areas against Serb aggression: to enable UNPROFOR to make a real difference in Bosnia as it has, for all its deficiencies, over the past three years. Let us not forget that UNPROFOR has carried out an unprecedented humanitarian operation that feeds and helps keep alive over two million people in Bosnia; that, until recently, the number of civilian casualties has been a fraction of what it was before the U.N. arrived; that much of central Bosnia is at peace; and that where UNPROFOR has agreed to make the commitment to use NATO power, as it did to stop the brutal Serb shelling of Sarajevo in February 1994, it has worked dramatically as long as that threat remained credible.

For UNPROFOR to play this role now, it must become a genuine force for peace in Bosnia once again. Serious steps have been taken over the past several days. The British and French, with our support, are deploying a Reaction Force to open land routes to Sarajevo and strengthen UNPROFOR's ability to carry out its mission. Meeting in London in recent days, our allies, mindful of the risks, agreed to respond to an attack on the remaining eastern enclave of Gorazde with substantial and decisive air power. We are working to extend that commitment to the other safe areas.

To make good that agreement, NATO has fundamentally altered the way in which such air strikes will be conducted, empowering military commanders to respond to a broad range of targets rather than the "pinprick" responses of the past. And U.N. Secretary General Boutros-Ghali last week delegated the authority for the use of air strikes to the military commanders in the field, where it belongs.

NATO air power will not end the fighting in Bosnia, but, at best, it can deter aggression; at least, it will increase its price; and in the process, it will enhance the chances of a diplomatic settlement.

We must make this final effort to strengthen UNPROFOR's ability to save lives in Bosnia and create the conditions for a negotiated peace. Congressional passage of unilateral life legislation at this decisive moment will undermine the effort. It will provide our allies with the rationale for absolving themselves of responsibility in Bosnia. Ultimately, it will Americanize the conflict.

Mr. SMITH of New Jersey. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, exactly 20 years ago today President Gerald Ford and other leaders of the 33 European countries and Canada gathered in Helsinki, Finland, for the solemn signing of the Helsinki Final Act of the Organization for Security and Cooperation in Europe, the OSCE. In two decades since this historic gathering, the Helsinki Accords have helped guide relations between the participating states from the dark days of the cold war to the dawning of democracy in the countries of East Central Europe and the former Soviet Union.

Mr. Chairman, the commemoration of today's anniversary is overshadowed by the dark ongoing tragedy in Bosnia-Herzegovina, one of the newest members to join the OSCE. It is fitting that the House consider S. 21 legislation to lift the arms embargo in Bosnia today.

At no point over these past 20 years, Mr. Chairman, have the principles enshrined in the Helsinki Final Act been under greater attack than in the ongoing war of aggression and genocide in Bosnia. Over the course of the past 3 years, virtually each and every one of these principles have been violated by the Serb militants in Bosnia and neighboring Croat, with devastating consequences for the people of these two countries. Tens of thousands of women and girls raped, hundreds of thousands of innocent civilians killed in cold blood, millions driven from their homes through a policy of ethnic cleansing; concentration camps, wanton aggression, and genocide in the heart of Europe 50 years after the victory over Nazi Germany. Promises of never again ring curiously hollow in the face of genocidal practices and policy pursued by those bent on the destruction of the multiethnic state in Bosnia.

The crisis in Bosnia, Mr. Chairman, has unmasked a crisis of leadership at the White House and in the West in general, characterized by confusion, contradiction, and ultimately, acquiescence. While no one wants to be blamed for the bleeding of Bosnia, Mr. Speaker, no one is willing to intervene in order to stop it. For 3 years the international community has pursued a diplomatic process which has consumed considerable time and effort, even as Bosnia and her people have been consumed by armed aggression and genocide.

Left unchecked, Mr. Chairman, this crisis of leadership will only further erode institutions, vital institutions like the United Nations, NATO, the European Union, and the OSCE, with direct political and economic consequences for the United States.

Mr. Chairman, the international community has stood by as well-armed Serb militants, under the leadership of indicted war criminals Karadzic and Mladic have pursued their genocide policies, bent on the destruction of Bosnia and the creation of a greater Serbia.

At the same time the government of the sovereign, independent, and recognized state of Bosnia has been prevented from attaining the means to defend itself and its people through its continued imposition of an arms embargo which virtually guarantees a victory to the Serb militants. At this point, further negotiations with war criminals like Mladic and the others can only yield results at the further expense of Bosnia. Appeasement by the West has only raised the stakes for a final settlement, even as the Serb militants pursue their aims on the ground.

Herding Moslems and Croats into shrinking numbers of ethnic ghettoes is not the answer. If the international community has been unwilling to provide for the collective defense of Bosnia within its internationally recognized borders, on what basis can we be expected to defend even a truncated Bosnia, as recently suggested by Charles Krauthammer in his op-ed?

Let me just quote this: "While the administration goes back and forth, more lives are being lost and the situation grows more desperate by the day." These words are not mine, Mr. Chairman, but an observation made by then candidate Bill Clinton in October 1992, in the early months of a war which has now stretched for over 3 years. For 30 months President Clinton has vacillated as even more lives have been lost and the situation has grown even more desperate on the ground.

The United States has backed a diplomatic process which has led to a dead end. We have to be honest and face that. No amount of tinkering is going to resuscitate the failed U.N. mission in Bosnia. The so-called rapid reaction force agreed to nearly 2 months ago was supposed to be the last great hope for UNPROFOR. So much for rapid reaction, Mr. Chairman. The force has turned into a farce as militant Serb forces moved against the enclaves in Srebrenica and Zepa, two U.N. protected areas, and they have done so with impunity. The fate of another enclave, Bihac, is very much in doubt as Serbs from Croatia have joined their Bosnian Serbian brethren in a military assault which continues, despite the promises to repel Croatian Serbs and to pull back from the area. A spokesman for the U.N. peacekeeping battalion in the Bihac pocket says there were no signs of a general withdrawal, and Serb military tanks and artillery that power the advances were going ahead.

Mr. Chairman, just let me conclude very, very briefly. Prime minister Silajdzic has said over and over again, "We do not need American troops there, but what we do need is the ability to defend ourselves." That is what they need the ability to do.

Mr. Chairman, I rise in strong support of S. 21, legislation passed in the Senate which would lift the arms embargo on Bosnia and Herzegovina upon a request from the Bosnian Government to the United States requesting a lift and a request from Bosnia to the United Nations requesting the withdrawal of UNPROFOR. An actual lift would take place, under this bill, 12 weeks from the date of the request to the United Nations. It also includes a provision extending that time frame in the event that such a withdrawal would require more time to complete.

Mr. Chairman, exactly 20 years ago today President Gerald Ford and the leaders of 33 European countries and Canada gathered in Helsinki, Finland for the solemn signing of the Helsinki Final Act of the Organization for Security and Cooperation in Europe [OSCE]. As a member, and now as Chairman of the Helsinki Commission, I have witnessed first hand, the positive impact of the OSCE in helping to shape developments in Europe. In the two decades since this historic gathering, the Helsinki Accords have helped guide relations between the participating states from the dark days of the cold war through the dawning of democracy in the countries of East Central Europe and the former Soviet Union.

Mr. Chairman, the commemoration of today's anniversary is overshadowed by the ongoing tragedy in Bosnia and Herzegovina, one of the newer members to join the OSCE. It is fitting that the House consider S. 21, legislation to lift the arms embargo on Bosnia today, Mr. Chairman, for at no point over these past 20 years have the principles enshrined in the Helsinki Final Act been under greater attack than in the ongoing war of aggression and genocide in Bosnia. Over the course of the past 3 years, virtually each and every one of these principles has been violated by Serb militants in Bosnia and neighboring Croatia with devastating consequences for the people of these two countries.

Tens of thousands of women and girls raped. Hundreds of thousands of innocent civilians killed in cold blood. Millions driven from their homes through a policy of ethnic cleansing. Wanton aggression and genocide in the heart of Europe 50 years after the victory over Nazi Germany. Promises of never again ringing curiously hollow in the face of genocidal practices and policies pursued by those bent on the destruction of the multiethnic state of Bosnia.

The crisis in Bosnia has unmasked a crisis of leadership in the West characterized by confusion, contradiction, and ultimately acquiescence. While no one wants to be blamed for the bleeding of Bosnia, Mr. Chairman, no one is willing to intervene in order to stop it. For 3 years, the international community has pursued a diplomatic process which has consumed considerable time and effort even as Bosnia and her people have been consumed by armed aggression and genocide. Whenever a new crisis has arisen, the response of the international community has been to convene yet another conference, issue another statement, or adopt a new resolution. So many words, so little action. Pursuit of policies largely intended to preserve the status quo have led to a dead end. With the passage of time, the policy options in Bosnia have been reduced. In fact, there are no easy options to pursue. This stark reality has only exacerbated the crisis in leadership over Bosnia.

Left unchecked, Mr. Chairman, this crisis of leadership will only further erode vital institutions like the United Nations, NATO, the European Union, and the OSCE with direct political and economic consequences for the United States.

Mr. Chairman, the international community has stood by as well-armed Serb militants, under the leadership of indicted war criminals Radovan Karadzic and Ratko Mladic, have pursued their genocidal policies bent on the destruction of Bosnia as a multiethnic state and the creation of a greater Serbia. At the same time, the government of the sovereign, independent, and recognized state of Bosnia and Herzegovina has been prevented from obtaining the means to defend itself and its people through the continued imposition of an arms embargo which has virtually guaranteed victory by the Serbs given their superiority in heavy weapons. The message is clear—might makes right.

There is nothing to suggest that the militant Serbs, who have been allowed to wage their war of aggression and genocide in Bosnia with impunity, will be satisfied with anything less than the complete annihilation of that country. Their appetites whetted, what is to prevent them from moving against Croatia, Macedonia, Kosovo, or others in the region? If the militant Serbs were interested in striking a deal, they would have signed onto the contact group proposal presented over a year ago, accepted by Sarajevo, and repeatedly rejected by Pale.

At this point, further negotiations with war criminals like Karadzic and Mladic or their benefactor in Belgrade, Slobodan Milosevic, can only yield results at the further expense of Bosnia. Appeasement by the West has only raised the stakes for a final settlement even as the militant Serbs pursue their aims on the ground.

Herding Moslems and Croats into a shrinking number of ethnic ghettos is not the answer. If the international community has been unwilling to provide for the collective defense of Bosnia and Herzegovina within its internationally recognized borders, on what basis can it be expected to defend even a truncated Bosnia as suggested in a recent opinion piece by Charles Krauthammer.

"While the administration goes back and forth, more lives are being lost and the situation grows more desperate by the day." These words are not mine, Mr. Chairman, but an observation made by then-candidate Bill Clinton in October 1992 in the early months of a war which has now stretched over 3 years. For 30 months now President Bill Clinton has vacillated as even more lives have been lost and the situation has grown even more desperate. The United States has backed a diplomatic process which has led to a dead end. Mr. Chairman, no amount of tinkering is going to resuscitate the failed U.N. mission in Bosnia.

Time and time again the administration has asserted that it was backing the one last chance to sustain the U.N. effort in Bosnia. It was the contact group proposal—that's been gathering dust on the table for over a year as the Bosnian Serbs have continued to wage their war of aggression and genocide on innocent civilians in so-called safe havens and elsewhere in Bosnia.

The so-called rapid reaction force agreed to nearly 2 months ago was suppose to be the last great hope for UNPROFOR. Well so much for rapid reaction. Mr. Chairman, the force has turned into more of a farce as militant Serb forces moved against the enclaves Srebrenica and Zepa two U.N. protected areas with impunity.

The fate of another enclave, Bihac, is very much in doubt as Serbs from Croatia have joined forces with their Bosnian brethren in a military assault which continues despite promises by rebel Croatian Serbs to pull back from the area. A spokesman for the U.N. peacekeeping battalion in the Bihac pocket said there were no signs of a general withdrawal and Serb artillery and tanks that powered advances almost to the heart of the pocket had not budged. So much for promises.

At the end of last week, President Clinton, referring to NATO plans for aggressive bombing of Serb positions if they move on Gorazde or if other safe havens are imperiled, said, "This is the last chance for UNPROFOR to survive." Well the robust bombing many, including myself, had hoped for has yet to materialize despite the latest attacks on Bihac. A spokesman in Brussels said last Thursday that NATO officials were ready to meet at a moment's notice to discuss plans for Bihac and Sarajevo. Mr. Chairman, attempts to fix UNPROFOR will only consume more precious time as the militant Serbs continue, with impunity, their campaign of aggression and genocide.

Mr. Chairman, time and time again we are told that plans are being worked out and that it will take a couple of more planning sessions before everything is in place. By the time most of this planning has been completed, the plans have been overtaken by events on the ground. And the cycle goes on and on and on.

President Clinton said the other day that he has decided "we're either going to do what we said we're going to do with the U.N. or we're going to do something else." Mr. Chairman, this pretty much sums up the Clinton administration's failed Bosnia policy if it has one to begin with. Faced with the worst humanitarian crisis to strike Europe since the end of World War II, the Clinton administration has vacillated and equivocated time and time again. A crisis of leadership in a country which, until recently, was viewed, with pride, as the leader of the free world.

Mr. Chairman, as the prime sponsor of H.R. 1172, I rise today to urge my colleagues to vote, as they did in overwhelming numbers and on a bipartisan basis on June 8, to lift the illegal, immoral, and inhuman embargo imposed on Bosnia and Herzegovina. In the past, the Congress has sent mixed messages to the administration over policy toward Bosnia. I believe it is imperative that the Congress—House and Senate—speak with a single voice in support of Bosnia's inherent and sovereign right to self-defense. The June 8 House vote of 318 to 99 confirmed that there is growing support on both sides of the aisle for ending this embargo once and for all.

In the 7 weeks since the House vote the situation on the ground in Bosnia has gone from bad to worse. The safe havens of Srebrenica and Zepa have fallen. Militant Serbs continue their savage armed attacks on Bihac. Sarajevo is subjected to sporadic shelling. These and other developments underscore the urgency of lifting the arms embargo without further delay. Time is of the essence.

While I would have preferred an immediate lifting of the embargo as envisioned in my bill, I am convinced that the Congress reach a consensus on the embargo sooner rather than later. The bill before us represents that consensus.

Mr. Chairman, through inaction the United States and the international community have, in fact, become accomplices to genocide.

I urge my colleagues to heed the message contained in the letter of resignation of the U.N. Special Rapporteur for Human Rights in the former Yugoslavia, former Polish Prime Minister Maziowieski, dated July 27, 1995: "We are dealing with the struggle of a state, a member of the United Nations, for its survival and multi-ethnic character, and with the endeavor to protect principles on international order. One cannot speak about the protection of human rights with credibility when one is confronted with the lack of consistency and courage displayed by the international community and its leaders. The reality of the human rights situation today is illustrated by the tragedy of the people of Srebrenica and Zepa."

He continues: "The very stability of international order and the principle of civilization is at stake over the question of Bosnia. I am not convinced that the turning point hoped for will happen and cannot continue to participate in the pretense of the protection of human rights."

Mr. Chairman, it is time to stand by our principles.

Mr. Chairman, the Bosnians have asked us for one thing—the right to defend themselves and their country. Enough is enough. Mr. Chairman, it is time to put an end to the equivocation and vacillation which have characterized United States policy toward Bosnia.

I urge my colleagues to uphold Bosnia's fundamental right to self-defense by voting to lift the arms embargo.

Mr. HAMILTON. Mr. Chairman, I yield 5 minutes to the gentleman from Texas [Mr. COMBEST], the distinguished chairman of the Permanent Select Committee on Intelligence.

Mr. COMBEST. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in opposition to this resolution. I have consistently opposed the lifting of the arms embargo in Bosnia, and I continue to maintain that consistency. I do not question the motives of those who strongly support this action. I respect their position, and I think it is a way to speak out against the atrocities that are occurring.

However, this is not a free vote. Some people have said that a vote in favor of this resolution would be a condemnation of the administration's failed policy, and I would have to admit that that makes it very tempting, but I think it is much more than that. Mr. Chairman, I would hope that if this policy becomes the law of the land that I am wrong, because if I am not wrong, it is going to mean that there have been Americans that have died in Bosnia.

If the proponents succeed and if the policy that is outlined becomes reality, supporters of this resolution had better be ready to support the engagement of American troops. I think it is important that these questions must be answered: Who provides the arms? How long does it take to put the arms in place? How long does it take to adequately train the Moslems? What happens to the Americans that are training and delivering those arms? Do we expect the Serbs to stand idly by? What do the Russians do about providing arms to the Serbs?

□ 1215

Mr. Chairman, there are too many unanswered questions, even before we consider the possibility of engaging Americans on the soil in Bosnia. All of the questions must be answered and all of the contingencies must be contemplated and the alternatives must be planned.

Mr. Chairman, several years ago, we voted to authorize the use of force and military action in the Persian Gulf, and I did not, as any Member of this body, take that lightly or as an unconcerned bystander. At that time I had a son who wore a marine uniform to work every day and there was a great probability that he would wind up in the gulf, and yet I think the action that was taken that day was right. I supported it. It was right then, and I think it is right now. But I think that today is a substantially different question. Where is the American interest?

Mr. Chairman, I would not vote to send my son to Bosnia, and I will not vote to send yours.

Mr. GOODLING. Mr. Chairman, I yield myself 1 minute.

First of all, Mr. Chairman, I would say that I would not worry about any message we may be sending to the rest of the world, as the previous speaker alluded to. Unfortunately, the administration has confused the rest of the world for so long with threats and promises never carried out, or changed their mind from day-to-day.

Mr. Chairman, in the past I have not supported this resolution. I have not supported the resolution primarily because it was a unilateral effort and I did not think we should be in that kind of position, since we did not have the troops on the ground and other countries did. However, this resolution is different in that this resolution only takes effect as the U.N. forces leave or if the Bosnian Government indicates in writing that they want the U.N. forces out. Therefore, we have a totally different picture.

So I will support this resolution. I do not stand here indicating that it is a great answer to a very serious problem. I know that what we have done in the past has not been effective and has caused millions to flee, other slaughtered. So it is our next best hope. But I will support the resolution since it is not unilateral in that the forces on the ground will already have gone, or they will be asked to leave by the Bosnian Government.

Mr. HAMILTON. Mr. Chairman, I yield 5½ minutes to the distinguished gentleman from Rhode Island [Mr. REED].

Mr. REED. Mr. Chairman, I rise in opposition to this bill.

Today, the House of Representatives considers legislation to lift the arms embargo governing Bosnia. This proposal is a product of months of frustration and outrage as the killing goes on in Bosnia, as we witness scenes of calculated cruelty which we thought had been banished with the defeat of the Nazi tyranny 50 years ago, and as we observe the western powers and the United Nations fitfully grapple with the violence that has engulfed the former Yugoslavia.

But, frustration and outrage, as sincerely and keenly felt as they may be, should not be the rationale or measure of our policies. Rather, we must look to the consequences of our actions; the consequences for ourselves as well as for the people of the former Yugoslavia.

By lifting this embargo, we will guarantee only one thing: The level of violence in the former Yugoslavia will increase. Passage of this proposal will initiate a powerful and compelling dynamic among the combatants. For the Bosnian Serbs, the logic is quite clear; strike as quickly as you can with as much force as you can muster before the Bosnian Government can increase its military capabilities. For the Bosnian Government, the logic is equally clear; do not negotiate, continue to resist, and prepare through local offensives for the time when a reequipped Bosnian Army can mount a general offensive to reclaim territory lost to the Serbs.

By lifting the embargo, we will precipitate the withdrawal of the U.N. mission and terminate the commitment of our European allies to maintain their troops in the former Yugoslavia. Having visited U.N. forces in the former Yugoslavia, I am acutely aware of their organizational shortcomings and, just as importantly, the lack of a clear and consistent policy objective to focus the use of military power. Nevertheless, UNPROFOR, for all its shortcomings, has limited the violence in Bosnia and prevented the expansion of violence into other regions of the former Yugoslavia.

That is the conclusion of Gen. John R. Galvin, former NATO commander, one of the most distinguished military leaders of our generation and now the dean of the Fletcher School of Law and Diplomacy at Tufts University. In testimony before Congress in June, General Galvin stated that a "key aspect for an understanding of the situation in Bosnia is our concept of the value of UNPROFOR. * * * They deserve more credit than we have been willing to give them." He went on to add in regard to UNPROFOR "their multinational troops have given the world outstanding service. Moreover, any conceivable solution to the conflict will require some kind of international presence. We should keep the U.N. forces in Bosnia and not take action that would confound their efforts."

Lifting the arms embargo will accelerate the departure of UNPROFOR for several reasons. First, intensified fighting will further threaten the very survival of UNPROFOR forces which are scattered throughout the former Yugoslavia and are not organized for sustained and determined combat operations. Second, and arguably most critically, it will give our allies and the United Nations the political justification to cut their losses and withdraw. No longer would they be accused of abandoning their mission. Rather they could point to the unilateral action of the United States in frustrating the strategy of the world community.

And as we consider this measure today, we should be acutely aware that the departure of the United Nations will trigger our announced policy of committing U.S. ground forces to assist in the evacuation of our allies. As such, if this proposal passes, we are taking a step closer to the introduction of American forces into the killing fields of the former Yugoslavia. Ironically then, today's vote may draw us into the battle and not, as some may argue, give us an easy way to remain aloof from the struggle.

Lifting the arms embargo will not provide the Bosnian Government with the timely and decisive edge that it needs to counter the Bosnian Serbs. Individual weapons already are in plentiful supply in Bosnia. What is lacking are crew-served weapons such as artillery and tanks. The simple presence of these weapons is not sufficient for their effective use. Extensive training must be undertaken on many levels. On the technical level, crews must train to obtain basic proficiency. On the tactical level, units must be trained to integrate these weapons into effective combined arms teams. All of this takes time as well as outside expertise.

Without training and external support, these arms are ineffective. Thus, today's vote is more about symbolism than practical and timely assistance to the Bosnian Government.

Although lifting the arms embargo may assuage the sensibilities of the proponents, it will not resolve the conflict in Bosnia. Moreover, the escalation of combat resulting from this policy could spill over into other parts of the former Yugoslavia; particularly if other ethnic groups claim that they should be the beneficiaries of this policy of unrestricted access to the international arms bazaar.

There are no easy solutions to the crisis in the former Yugoslavia. Lifting the arms embargo is easy, but it will not resolve this crisis. Indeed, there is the very real possibility that it will escalate the fighting, precipitate the withdrawal of international forces, expand the fighting to other regions and draw United States ground forces into the deadly morass of Bosnia.

What should we do? In the words of Gen. John Galvin "stay with peacekeeping * * * recognize that a crisis such as this can be long and difficult * * * hold to our purpose [and] remember that permanent peace can come only if the combatants will it so." I urge rejection of this bill.

(By unanimous consent, Mr. GILMAN was allowed to speak out of order.)

IN MEMORIAM: THOMAS E. "DOC" MORGAN

Mr. GILMAN. Mr. Chairman, the purpose of my request is to inform my colleagues of the death of the former distinguished chairman of our House International Relations Committee, the gentleman from Pennsylvania, Thomas E. Morgan.

"Doc" Morgan—as he was affectionately known to all of us—died peacefully yesterday afternoon in Fredericktown, PA. He was 88. "Doc" Morgan was first elected to this House in 1944, and retired on January 2, 1977, after 32 years of distinguished service.

He assumed the chairmanship of our House Foreign Affairs Committee, as it was then known, in 1959, and served as our able chairman for 17 years. He was a friend and a mentor to all who knew him.

Funeral services will be held Friday at 2 p.m. at the Methodist Church in Fredericktown. Flowers may be sent in care of the Greenlee Funeral Home, Fredericktown, PA 15333.

Mr. HAMILTON. Mr. Chairman, will the gentleman yield?

Mr. GILMAN. I yield to the gentleman from Indiana.

Mr. HAMILTON. Mr. Chairman, I appreciate very much the chairman of the committee making this announcement for the benefit of Members. It was my privilege, of course, to serve under Chairman Morgan. My recollection is he served as chairman of the committee, then the Committee on Foreign Affairs, longer than any other person has ever done so.

Mr. Chairman, our former colleague practiced medicine throughout his tenure in the Congress. He was very close to his constituents. He served any number of Presidents, I really do not know how many. He was a close confidant and adviser of several. He reflected great credit upon this institution, and all of us appreciate very much the contributions of his remarkable life and extend to his family our deepest sympathy. He was in all respects a most remarkable man.

Mr. GILMAN. Mr. Chairman, I thank the gentleman from Indiana for his remarks, and I would like to note that there will be a special order in memory of "Doc" Morgan at a later date.

The CHAIRMAN. The Chair would take the liberty at this time to thank the gentleman for advising this body of this tragic news.

Mr. GILMAN. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. GEKAS].

Mr. GEKAS. I thank the gentleman for yielding time to me.

Mr. Chairman, I come to the decision that has to be made here with of course the age-old-mixed emotions. In the community which I serve in my home area, there are fellow Americans who have direct blood and emotional ties to the very area which we are considering here today as the focal point of this resolution. I have Americans of Serbian contact, of Slovenian blood, of Croatian allegiance, of Macedonian heritage, of Bosnian Serb, Bosnian Croat extraction.

Mr. Chairman, what am I to do? They have strong feelings about what is happening. No matter what I do or how I vote, I will be perceived by one segment or another as taking sides. I can do nothing less than try to do the best I can in the situation we find ourselves; keeping their ideas and opinions in mind, of course, but then, rising above that and doing the best I can to try to help the American position, the U.S. Government position, in that morass that we find ourselves.

Mr. Chairman, I will support this resolution, because I have answered one question that I posed to myself in this fashion. The question: What good did the placement of the embargo do in 1991? What is the result of the embargo that was forced on these parties in 1991? The answer is easy to come by. Rapes, killings, expansion of the war, attacks, safe haven victims, nonsafe haven victims, war of words, no resolution to the problem, continued bloodshed. We can do no worse than to lift that embargo and begin to help the President form a foreign policy in that region that will help all.

Mr. HAMILTON. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Florida [Mr. GIBBONS].

Mr. GIBBONS. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, let me say that I regret hearing the news about the death of Dr. Morgan. I was privileged to work with him and serve with him here, and he was a man of good common sense, and I feel that if he had been here today, he would be right where Mr. Hamilton is, warning us not to get involved any deeper in their situation.

□ 1230

Let me say everything I have to say is premised upon the fact that I feel terribly sorry for the Bosnians involved in this conflict. It was obvious that we were going to be on their side, despite the religious differences, because we want to keep peace in that area and we want to protect people's rights in that area. Had the Bosnians been winning, we would be here defending the Serbs, but that is not the case.

The resolution is a feel-good, pass-the-buck resolution. It will allow us to go home and say we did something, despite the fact that it may not have been very rational; and we have got an answer for the people who stop us on the street, but it is not the right answer.

Mr. Chairman, I have been through about five of these in my career here in Congress. Some of them have been not quite this serious, but they are all about the same. Every time there is any injustice done around the world, our good instincts urge us to go out there and get involved in it. But this is not America's war, this is not the United States' war, and we should not get involved in it.

I want to make it very, very clear that if the President calls upon us to send troops, American troops, to this war zone, I will not support it. If we are called upon to appropriate money for the arms or any participation in this war, I will not support it.

Mr. Chairman, anyone who is the least bit familiar with the history of this sad part of the world knows that this conflict has been going on for eons. These poor people who are involved in it now were born into this mess, and I feel terribly sorry for them. But there is no practical way we can help them.

If we repeal the arms embargo unilaterally, as we do here, we will immediately give the Russians the excuse to supply arms to the opposing side. They are far closer to the conflict; they can transport their arms immediately to the areas, and the impact to the combatants is that the Serbs will have a lot more arms and more quickly and be able to do more damage to the Bosnians.

Second, are we going to pay for the arms that the Bosnians purchase? I do not know who else would pay for them; obviously, we are going to have to.

Third, what are we going to do when we Americanize this war? Are we going to then be prevailed upon to send ground forces into Bosnia, send more air forces into Bosnia? What are we going to do if this war expands, as it perhaps will do, as we add more fuel to the fire by supplying arms?

I do not think America is ready for it. We have a humanitarian interest in this area, certainly, but we have no great national interest in this area, and it has been my experience that Americans do not get involved well or stay long where we do not have a great national interest involved.

I hope that Members will take this vote very seriously, will realize that as well intended as they are, that this is just a feel-good, pass-the-buck type of resolution. It will not put an end to this war; it will cause those forces that are there now under the U.N. command to pull out. The pillaging will go on, and before any effective intervention can be made by any side, the war will have come to an even worse conclusion than it may under any other set of circumstances.

Mr. Chairman, this is not a wise resolution. It is humanitarianly motivated, but it will cause great suffering for the people who are on the ground there, and it will be something that we must pay a higher and higher price for as we go along.

Vote "no" on this resolution.

Mr. GILMAN. Mr. Chairman, I yield 1 minute to the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Chairman, we were not elected to Western Union to send messages; we are elected to the Congress of the United States.

I support the bill. Current policy is a failure. Bosnian Moslems are being exterminated. Safe havens do not exist. They are, in fact, shooting galleries. U.N. peacekeepers are being held as human-hostage shields, allowing the aggressors to brutalize the victims.

Mr. Chairman, I ask my colleagues, how can we sit idly by and not even allow those brutalized victims to defend themselves, protect their homes, their wives, and their children?

As far as getting involved in this, do we honestly believe that these Katzenjammer Cops who are over there are going to keep anybody out?

Mr. Chairman, I support this bill, but let me say this: This is in Europe's backyard. Europe has got to respond. We are not the policeman for the world, but all free people should at least help those victims to defend themselves and protect their families. If we cannot do that, then freedom means very little to the Congress of the United States anymore.

Mr. HAMILTON. Mr. Chairman, I yield 2 minutes to the gentleman from Florida [Mr. PETERSON].

Mr. PETERSON of Florida. Mr. Chairman, we are looking for a solution. We are looking for the solution to the indiscriminate killing that has occurred in Bosnia over the last several years.

For a moment, I thought lifting the embargo would be a solution. Maybe a few years ago, we would have made a difference. I do not think so now.

Mr. Chairman, my major consideration comes from what happens when we do so. My major consideration is that we immediately place our allies' troops, our allies who have troops in Bosnia on the ground, in deep jeopardy.

U.S. forces would immediately be withdrawn, and that has been well-known. The United States would become responsible for the introduction of troops to assist in that withdrawal. If we agree to assist in supplying arms, then we must assume the responsibility for training the personnel in the use of those arms.

There is a major cost fiscally, a major cost potentially in lives, for this action. I am not convinced we have exercised all the options that we have in the prospect of dealing with this issue.

Mr. Chairman, our strength lies in the use of air power. At the same time, we do not want to take sides. I am convinced that the conflict has a solution only in negotiation and not on the battlefield. I say, freeze in place everything throughout the country on both sides with no military movement anywhere in Bosnia, period.

With air power, we can enforce this proclamation. Whoever, either side, becomes the target in the movement, we will force both sides to the table. We will bring about a negotiated settlement as we try to take away from the military solution and move into a diplomatic solution.

Mr. HOYER. Mr. Chairman, will the gentleman from Florida yield?

Mr. PETERSON of Florida. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Chairman, I agree with the gentleman's conclusion.

Mr. Chairman, I yield 1½ minutes to the distinguished gentlewoman from New York [Mrs. MALONEY].

Mrs. MALONEY. Mr. Chairman, I rise in strong support of the resolution.

It pains me to vote against my President on a foreign policy issue, but I support the lifting of the arms embargo of Bosnia.

Mr. Chairman, we cannot wait even one more day before the United States changes its policy on the Balkans and takes active steps to stop the bloodshed and to halt the slaughter of innocents.

What the world has witnessed in Bosnia is quasi-genocide, mass rape, and the denial of the Bosnian people to defend themselves against aggressive assaults.

The U.N. policy has been a dismal failure.

Safe areas are not safe.

Weapon-free zones are filled with weapons.

No-fly zones are filled with planes.

And whatever humanitarian aid reaches the Bosnians does so at the sufferance of the Serbs.

Lifting the arms embargo will not lead to wider U.S. involvement.

Allowing the Bosnians to defend themselves is the only credible way to bring the fighting to an end.

Without the lift, Serb atrocities will continue and the war will go on.

And if we do not act now, we risk a much broader war involving the entire Balkans region. This tragic outcome would enhance the prospects of wider U.S. involvement.

Therefore, we have both a strategic and a moral obligation to lift the embargo, and to do it right away.

Mr. Chairman, I will never forget what Elie Wiesel said at the dedication of the Holocaust Memorial Museum, just 1 mile from this Chamber.

He turned to the President and said, "Something—anything—must be done to stop the bloodshed. It will not stop unless we stop it."

Stop the slaughter.

Support the amendment.

Lift the embargo.

Mr. GILMAN. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. KING], a member of the House Committee on International Relations.

Mr. KING. Mr. Chairman, I particularly thank the gentleman from New York [Mr. GILMAN] for the tremendous leadership he has shown on this key issue, both as chairman of the committee and as a Member of this body.

Mr. Chairman, I think there are certain points that should be made very clear at the outset. First of all, this is not a partisan issue; it is not a Democrat or Republican issue. It is a human issue, a moral issue, and it is an issue behind which all men and women of goodwill must rally to resist the aggression of the Serbs.

Second, there is no moral equivalency in this war. This is not a case of two nations who just happen to be fighting each other, any more than there was any moral equivalency between Nazi Germany and Czechoslovakia. We are talking about the democratically elected government in Bosnia being attacked by the brutal dictatorship in Serbia.

For those Members who say the United States should not get involved, the tragic fact is we are involved and, whether we admit it, we are involved on the side of the Serbs, because we are embargoing the weapons that are going to the victims. As long as we continue to allow that embargo to exist, then we stand with the Serbs.

Mr. Chairman, there are other foreign policy ramifications, apart from the moral issue here. If the aggression is allowed to go undeterred by the Serbs, we are going to provide greater instability in that region. This can be an encouragement to Russia to move on its former republics, when it sees that the Western World stays silent in the face of such aggression.

Also, what kind of a message are we sending to the Moslem world? We have denounced genocide for the past 50 years. We realized that the world stood by and did nothing during World War II and we have said, "Never again will we allow genocide to be carried out." Yet, there is genocide being carried out today against the Moslems and we are doing nothing about it.

Apart from the moral ramifications, what does that do to our foreign policy posture in countries such as Iran, Iraq, Egypt? We can go through all the Moslem, Arab countries and see what that has done to damage our reputation.

In conclusion, Mr. Chairman, I call for strong support of this bill. We have no choice. It is a moral imperative.

Mr. HAMILTON. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Mississippi [Mr. PARKER].

Mr. PARKER. Mr. Chairman, there comes a time in everyone's life when he or she must choose between two very bad choices. For me, this vote today is one of those times. For the last several years I have supported lifting the arms embargo on Bosnia. I have made public statements to that effect and have criticized the foreign policy leadership of the Bush and Clinton administrations on this issue.

But today, I will vote against this resolution. I no longer support lifting the embargo. Lifting the embargo will not make the slaughter in Bosnia go away. It will not right the wrong choices of the past. Bosnia is a tragedy and a failure for the entire world.

This decision I have arrived at is not so much based on a meticulous, intellectual analysis of foreign policy. It is based on a deep-seated, gut-wrenching feeling that I, as a man, would live to regret a decision to the contrary.

That's not to say that I have not given much thought to the matter and engaged in long and heated debates. I have. But I am absolutely convinced that the situation in Bosnia can get worse, far worse than it already is.

The war can broaden throughout the region. Lifting the embargo now will lead to a withdrawal by the United Nations. The Europeans will wash their hands and when the war escalates into a larger Balkan explosion, the United States will be drawn in.

That is the bottom line for me. I believe that a unilateral lifting of the embargo now—too late in my view—will lead to the use of American troops in the region and I am totally opposed to that course of action. I cannot accept the loss of a single American soldier in this insanity and that is the outcome that I believe I would have to live with if I voted for this resolution.

I do not have the answer for Bosnia nor, it seems, does anyone else. I wish I had the solution to the ongoing genocide and horror of this war's innocent victims. I don't. What I do have is an unyielding determination to fight against including American sons and daughters, and mothers and fathers in this suffering.

But let there be no misunderstanding. I can count votes and I believe this resolution is likely to pass. If it does, and if the promised veto is overridden, I will accept the commitment that we then acquire and will support whatever is necessary to honor that commitment. I believe that commitment will be the use of U.S. Armed Forces. But I, at least, will not regret that I failed to do all in my power to avoid that coming disaster.

☐ 1245

Mr. GILMAN. Mr. Chairman, I yield 6 minutes to the gentleman from Virginia [Mr. WOLF], who has been a leader in the issue of lifting the arms embargo against Bosnia.

Mr. WOLF. Mr. Chairman, I thank the gentleman for yielding time to me.

I want to pay tribute to the gentleman from New York [Mr. GILMAN] and the gentleman from Maryland [Mr. HOYER] for their leadership on this issue.

Before I speak, I want to say that there are good and decent people on both sides of the issue, and it is a difficult issue, and I am speaking for myself. I thank God, and I know that if the French had not needed us at Yorktown, we may not have been an independent nation. I will tell you, the British ought to thank God for the fact that Americans went to their rescue in World War II. So we talk about aid and what will make the difference. History has been changed by people assisting other people.

I have visited Bosnia three times. The first time I went there, I was with the gentleman from New Jersey [Mr. SMITH], who is not here. We were in Vukovar just 2 weeks before Vukovar fell. When we went down in the cellars of Vukovar, the people there said, "America? What will America do? Will America get involved?" We did not get involved. We now see the reports, hundreds were killed; in fact, 204 people were taken out of the Vukovar hospital and killed by the Serbs and put in a mass grave.

So we did not learn much of a lesson. We went on and maintained the embargo.

The second time I went to Bosnia, I visited a Serb-run prisoner-of-war camp. If you cannot see this picture, just go back and remember what "Schindler's List" was like, because this is what "Schindler's List" was like. The Moslem men would go like this, they would walk around, they would not look you in the eye. I went in a place, and I hollered, "I am an American Congressman from America." They lit up like that. You could see they thought maybe finally somebody cares.

Well, nothing more happened, and the embargo continued.

The third time I went, I went to East Mostar, and this young lady, who is probably maybe dead now, had nothing whereby they were being attacked over and over first by the Serbs and then by the Crouts. We continued, we continued the arms embargo.

Now, the geopolitic things are being talked about. Let us bring it down to where you and I and all of us are. It says, in the Golden Rule, it says, "Do unto others as you would have them do unto you." It does not say, "Do unto others as you would not have them do to you." It says, "Do unto others as you would have them do unto you."

Try to put yourself in this case. I am going to take one narrow slice. When we had the CSCE hearings, they said, the witnesses came and said there had been 20,000-some rapes in a country of less than 5 million people. Let me read you the testimony from that one day, the expert said. He said:

> Most of the rapes occurred in detention facilities or in custodial settings. Most of them occurred on a mass basis, not only in terms of the repeated number of rapes against the victim, but also the number of victims.

In other words, the victims were rounded up.

I will give you three examples in the town of Foca. There were three places where this occurred: the partisan hall where the women were brought in and raped and kept, and it was sort of a turning point where people would be brought in and out and raped and brought in and out and raped and brought in and out. In another place where women were kept for the satisfaction on rotation on a 15-day basis for soldiers coming in from the field, and I can identify with that one, because the people outside at risk, there was a little house there where women, young girls ranging in age from 11 to 17, were kept from 8 to 10 months, 8 to 10 months in this house. They were all daughters of prominent persons in the cities, and they were ultimately ransomed.

> I interviewed,

he said,

> A 14-year-old or a 15-year-old who had been raped repeatedly for 8 to 10 months, consistently by their guards. I have seen an 11-year-old in a fetal position in a psychiatric hospital in Sarajevo having given birth to a child but having completely lost her mind.

As fathers, forget the Congressmen and the Congresswomen, as fathers and as mothers, imagine you had to sit back and watch your wife raped in front of you, imagine that you watched your daughters raped in front of you, imagine that your sister is involved or, if you are woman, imagine that your daughter has been taken away, pulled out of your arms and taken away and is in a house in a village down the street, and you know the soldiers go in there day in and day out and your little daughter is in there.

Talk about the geopolitical things. Forget it. Talk about what you would do if you were a father, and I say, God willing, if you were a father and if you were a mother, you would want the arms to defend yourself. But more important than defending your country, but to defend your mom and your wife or your daughter or your sister. That is what we are talking about.

The Moslems have come to us and said over and over they do not want American troops. Do not hide behind this. There are no American troops involved.

They have told us over and over. The gentleman from Maryland [Mr. HOYER] has been there. They do not want American troops. So we are not voting on American troops.

Second, under the U.N. Charter, they have the right to defend themselves. They have the right to defend themselves. That is all they want to do.

No American troops. We are not voting on American troops. We are voting to lift the arms embargo.

So enough of this Bosnian nation, but so these Moslem fathers and sons and mothers and daughters can defend something that is so important that, if each of us were in that situation, we would want to do.

I strongly urge an "aye" vote to lift the embargo.

Mr. HAMILTON. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Alabama [Mr. CALLAHAN].

Mr. CALLAHAN. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, in 1991, most all of us who are speaking here today stood in this very well to talk about whether or not we were going to involve ourselves in the Persian Gulf war, whether or not we were going to send our troops to Kuwait to defend the freedoms this country stands for. The President of the United States called, George Bush, and he urged us to support what the administration was doing. The Vice President, Dan Quayle, called, and Colin Powell called, and Jim Baker called, and we had a tremendous debate, one of the healthiest debates that ever took place on the floor of this House, over one thing, whether or not we were going to go along with our commander in chief of these United States and let him exercise his constitutional prerogative of international affairs.

Today is no different. It was the hardest vote I have made since I have been in the Congress because I had to vote "yes" or "no" as to whether or not to involve people from my own district, placing their lives on the front liens of that encounter. And we won.

Today we have a new commander in chief, Bill Clinton. I did not vote for President Clinton, but he is our commander in chief, and the Constitution very clearly gives the responsibility of foreign affairs to the President of the United States. We have a new Vice President, and we have a new Chairman of the Joint Chiefs of Staff, and all of these people who have been selected by the President to run our international affairs have come to us and pleaded with us to let them handle international policy.

The statements by the previous speaker from Virginia are most compassionate statements. I could not agree with them more. No one in this House, no one, likes the atrocities that are taking place. No one of us will ever tolerate such atrocities, whatever section of the world it is in.

Incidentally, it is taking place in other sections of the world. Why are we not here saying, "Let's bomb, let's do something in Rwanda?" Look at the horrible things that are taking place there, and I do not see a single one of you coming and saying, "Let us do something about Rwanda"

If we in this Congress are going to take over the responsibility of foreign affairs from the administrative branch of government, well, then, let us vote on that. Let's change the Constitution and do that.

Are we going to tell our NATO allies that no longer does the President and the Secretary of State have the authority to enter into agreements with NATO forces? Are we going to say that just because the President thinks it is right and the French Government thinks it is right and the British Government thinks it is right and the Dutch Government thinks it is right, are we going to say we know more about the intricacies of this problem than they?

We ought to leave to the President of the United States his constitutional authority. This question is not over the atrocities.

Certainly, the Bosnian Moslems know that those of us in this Congress, 100 percent of those of us in this Congress, believe that they are being mistreated by, the Serbians, and that this is wrong, and we want to correct that. That is why we are here. That is why we are there.

Are we going to tell our NATO allies, "All right, fellows, you are on your own. We are going to lift the embargo," The Russian duma has already passed a resolution saying if the United States votes to lift the embargo for the Moslems, then they are going to lift it for the other side.

The arms embargo is not just on the Bosnian Moslem side. It is for the entire region. We are going to escalate the war, and we have 25,000 allies there that we are going to have to get out of there.

No matter which way you look at it, it is going to have to involve American troops.

Let me say to you today that the issue is not on whether or not the Serbians are mistreating the Bosnians, because every evidence I have seen indicates that they are. But, in my opinion, we ought to recognize that the President and the Secretary of State and the Chairman of the Joint Chiefs of Staff and NATO and our Ambassador to the United Nations are all pleading with us to let them handle this international affair, to let them work with our allies, hopefully to gain some peaceful solution.

I have conveyed to the President, which all of you should do, the direction that I think he should take. But for us to pass this resolution and for us to tell the world that our President, that our Chief of Staff, that our Secretary of State have no real authority, that the Congress is going to over-ride them, I think we are making a tremendous mistake.

I would like to urge that the resolution be withdrawn, and if not, then I would like to urge you to vote against it.

Mr. GILMAN. Mr. Chairman, I yield 1 minute to the gentleman from Nebraska [Mr. BARRETT].

Mr. BARRETT of Nebraska. Mr. Chairman, I rise in strong support of S. 21, a bill that would lift the arms embargo that has been imposed on the Government of Bosnia and Herzegovina for the last 4 years.

Unfortunately, the pursuit of peace has been met by turned backs and the guns of cruelty, inhumanity, and butchery. It should be apparent to everyone that neither the Bosnian Serbs nor the Bonsian Moslems are prepared for, or desire peace.

But, we must not fool ourselves, that passing this bill will absolve Congress, and our military, from further action in this troubled region. The President has already committed up to 26,000 U.S. ground forces to help speed the departure of U.N. peacekeepers. And, while we all may have differing opinions about the President's commitment, it is right and proper that we aid our allies as the our policy changes. We would expect nothing less if our roles were reversed.

Mr. Chairman, I urge my colleagues to support S. 21, and help close the book on a failed arms embargo policy that, has done nothing but continue the suffering of Bosnian Moslems.

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Mr. HASTINGS of Florida. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Colorado [Mr. SKAGGS].

Mr. SKAGGS. Mr. Chairman, I thank the gentleman from Florida [Mr. HASTINGS] for yielding this time to me.

Bosnia is a profound tragedy, a political, a moral, a military, a human tragedy. The brutality and depravity of Serbian aggression not only murders innocent Bosnian civilians, it defies the ability of words to express our outrage and disgust.

A vote to lift the embargo may look like a good way to register the moral outrage that we all feel. But sound national security policy requires a careful examination of the consequences, if we were to lift the embargo—and I do not believe we should.

Specifically, there are at least four unintended consequences that we have to face up to if we take the step of unilaterally lifting the embargo:

First, it would lead to a decision by UNPROFOR to depart Bosnia and so lead to the very dangerous involvement of United States ground troops to extract the international force. Britain and France have already made it clear what they would do. We have an obligation, which we have already acknowledged, to help with the withdrawal that would necessarily put U.S. forces at real risk.

Second and perhaps most problematic, lifting the embargo would almost inevitably lead to an expansion of the conflict. I do not believe Serb nationalists are going to be satisfied merely with territorial gains in Bosnia. And if the conflict spreads to other parts of the former Yugoslavia, then Greece, Turkey, other regional powers are likely to get involved. And if that happens, the entire European security structure that has functioned so well for so many years is really likely to become at risk also.

Third and even more serious is the probability of the Americanization of the conflict. If we are left with the moral responsibility for arming and training the Bosnian Army, having broken policy with our NATO allies, it seems to me very likely that the United States ends up alone trying to fill the void in terms of military support and humanitarian aid.

Finally, our unilateral action could jeopardize cooperative efforts against rogue states now and in the future. Under the legal constraints of the U.N. Charter, this embargo cannot properly be lifted without the approval of the Security Council. If we violate our legal obligation to adhere to that embargo, we will undermine the credibility of other multilateral embargo efforts in the future, such as that that we want to see maintained against Iraq.

What can we do? Sadly there are not a lot of good alternatives. But we can act, and we should act, to strengthen the U.N.'s ability and willingness to protect the remaining safe areas against Serb aggression. There have been improvements made in the recent weeks to make increased and, I hope, more effective use of air power in the event of any attack against the enclave of Gorazde. And I want to see that extended to other areas that ought to receive strong NATO support as well.

By increasing the price of aggression I believe our power can enhance the chances of diplomatic settlement. But a congressional vote now to go it alone and lift the embargo will provide our allies with a rationale for withdrawal. It will tend to Americanize the conflict at a time when the American people do not have a sense of a significant American interest there. And I am afraid it would ultimately result not in an improvement to this awful, awful situation, but to a further disintegration, further humanitarian calamity, and further outrages at the hands of the Bosnian Serbs.

Mr. GILMAN. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from New York [Mr. PAXON].

Mr. PAXON. Mr. Chairman, I rise in strong support of the resolution and commend the sponsors for their leadership.

My colleagues, many Members of this House and I know many American citizens have traveled to Israel and to Jerusalem where they have had the chance to visit the Yad Vashem Holocaust Museum, and in that very moving museum there is a specially moving place that is the Children's Memorial. It is a memorial to several million children who died at the hands of the Nazis. When one stands in that room, that dark room, they can hear the voices of those children saying, "Never again. Never again stand by while a modern-day Hitler carries out another genocidal campaign."

For those of us who have heard those voices and for the millions and millions of Americans who have already been to our own Holocaust Museum at the foot of this hill, today is a day of important historical note because, my colleagues, the modern-day Hitlers are at it, and it is not far away and far removed from our lives. It is on CNN every single day and every single night. They are not faceless people. Their names are Milosevic and Karadzic and others who we see on the television who are running the rape camps and the torture camps and committing the violence that the gentleman from Virginia [Mr. WOLF] just a few minutes ago so graphically described. The genocide is called ethnic cleansing, but it is nothing more, nothing less, than the action of the Serbs designed to wipe from the face of the Earth the Bosnian Moslems.

Now through our arms embargo I am embarrassed to say we have been party to this outrage through two administrations and through several Congresses. We have tied the Bosnians' hands while the Serb aggressors have had free rein to rape, and to brutalize, to tear apart families that will never be joined together again, and to murder innocent men, women, and children whose only crime is that they have a Moslem name.

Two years ago the gentlewoman from New York [Ms. MOLINARI], the gentleman from New York [Mr. KING], the gentleman from New York [Mr. ENGEL], and I went to Bosnia, and they said to us at the time, "Don't send your troops here. We don't want young American men and women fighting our battle." All they asked then, and all they ask today, is to unchain their hands, to give them the weapons to defend their children, and their lives, and their husbands, and their neighbors, and their people. That is a certain way to insure that American troops do not end up there, as I believe they will if we do not take this action today.

As I indicated, I feel very strongly that two administrations have mishandled the Bosnian tragedy. It is not Bill Clinton alone. George Bush was in the White House also. I disagreed with George Bush, as I do with Bill Clinton, but the time for disagreement is over. The time for action is here today. Let us not be here months from now or years from now looking back and saying, "We didn't try, we didn't take this stand." Let us support the resolution.

Mr. HOYER. Mr. Chairman, I yield 1½ minutes to the distinguished gentleman from Minnesota [Mr. OBERSTAR], one of the most senior Members of this body.

Mr. OBERSTAR. Mr. Chairman, I thank the gentleman from Maryland [Mr. HOYER] for yielding this time to me.

Mr. Chairman, last year I voted against unilateral lifting of the sanctions. I have changed my mind. The administration's best efforts have not been supported by the international community, the killing continues, the balance of power continues to shift to the numerically larger and stronger Bosnian Serbs. The Bosnian Moslems do not have the equipment they need to defend themselves, their families, and their land. If the international community, the United Nations and NATO, are not willing to launch sustained, massive air strikes with overwhelming force against the Bosnian Serb Army to deter the aggression, then the allies must in fairness lift the embargo and allow the Bosnians to defend themselves.

I have no illusions about the consequences. There will be increased security risks for the UNPROFOR peacekeepers. It may be necessary to introduce United States troops directly into Bosnia to help withdraw the peacekeepers. More arms in the country will mean more killing, a widening of the conflict, and prolonging the war. But, in the current circumstances, the war does continue under international auspices, and that is what my conscience cannot condone. If we are not willing to risk American lives in Bosnia—and we should not; if we are not willing or able to seal the arms and economic embargo against the Bosnian Serbs and their "greater Serbia" patrons, then we should remove the shackles from the Bosnian Moslems, who seek only to defend their homeland and their families and pass this resolution.

Mr. HASTINGS of Florida. Mr. Chairman, I yield 4 minutes to the gentleman from Virginia [Mr. SISISKY].

Mr. SISISKY. A strange dilemma happened this weekend. It seems everywhere I went, I thought they would be, people would be, talking about the appropriation bills that we had last week, but they were not. They were talking about Bosnia. They have watched television. They do not know an awful lot about it. But they do ask the question: What is the American interest there? Why should we be there? I tell them basically that we are there because of the carnage and we do not want to expand on the European continent.

I will be very honest with my colleagues. I was not in favor of the embargo. I think it is wrong. But we have the embargo now, and I am opposed to the unilateral lifting of the embargo.

A lot of people say, "Well, what is the United Nations doing? UNPROFOR is not doing anything." I would remind them that in 1992 there were 130,000 deaths in Bosnia; in 1994, there were 3,000 deaths, as best that we could calculate. Still too many, much too many. There are rapes going on there. There are children being killed. All of us know that.

Yes, I have been to Yad Vashem, and it is easy to bring that up, never again, but America is not turning its back on Bosnia. We have forces in the Adriatic, we have forces in Italy, and we are ready to do what we need to do under the auspices of the United Nations and NATO.

My colleagues, the rapid reaction forces are there now. The Europeans have finally got into the act. But if we unilaterally lift this embargo, I believe that the Europeans will pull out and we will have to have 25,000 troops just to protect the withdrawal. But even more than that, if the Europeans pull out and the United Nations pulls out, there is no food coming in, we lift the embargo, who is going to train them? Who is going to train the command and control and how to use sophisticated arms? American soldiers.

I am not willing to do that yet. I am willing to let the United Nations, and NATO, and the Europeans try their hand now.

All I can say is we are at a crossroads, things may break. Nobody knows what the right answer is. But I can tell my colleagues in my opinion, and I hope I am right, it is wrong to unilaterally lift the embargo, and I would hope that the members would vote against the resolution.

Mr. GILMAN. Mr. Chairman, I yield 1 minute to the gentleman from Minnesota [Mr. RAMSTAD].

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Mr. RAMSTAD. Mr. Chairman, I thank the distinguished gentleman for yielding me time.

Mr. Chairman, I rise in strong support of lifting the unjust and unconscionable arms embargo on Bosnia. For too long now the world has heard of countless atrocities from the war in Bosnia: Women systematically raped and tortured, men forcibly separated from their unarmed families and gunned down without being able to defend themselves, all in the name of ethnic cleansing, all during the arms embargo.

Mr. Chairman, let us call a spade a spade. Let us call ethnic cleansing by its real name: Genocide. The key question we must answer today with our vote, each and every one of us here in this body, is this: How much longer can we sit by and force the Bosnian Moslems to defend themselves from genocide with one arm tied behind their backs?

The people of Bosnia, Mr. Chairman, are at a breaking point. This vote today will show them that the United States will not turn its back on genocide. Let us not turn our backs on people who have the right to defend themselves, let us not turn our backs on the Bosnian Moslems. I urge a "yes" vote to lift the arms embargo.

Mr. HASTINGS of Florida. Mr. Chairman, I am pleased to yield 5 minutes to the distinguished gentleman from California [Mr. DELLUMS], ranking member of the Committee on Armed Services.

Mr. DELLUMS. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman and Members of the committee, I rise today in opposition to the bill, S. 21, the so-called Bosnia-Herzegovina Self-Defense Act of 1995. I urge my colleagues to resist the temptation that there exists such an easy solution to end the killing and the suffering in that region of the world.

Mr. Chairman, one of my colleagues quoted President Bush's statement that we have a unique opportunity and responsibility to do the hard work of freedom. While I agree with that sentiment, lifting the embargo is the easy work, and I believe the wrong choice. Seeking a successful termination of the conflict, an end to the violence and a resolution of the underlying dispute is indeed the hard work that should engage our attention.

Mr. Chairman, understand the probable consequences of lifting the embargo. First, we would see an immediate escalation of the fighting as the Bosnian Serb forces seek to win as much territory on the ground before the Bosnian Government forces can be armed and trained to use those arms.

Second, it would take, Mr. Chairman, 6 months to 1 year before the Bosnian Government will be capable of fielding and employing these new weapons. During this period, the Bosnian people will be at an even greater risk of attack and genocidal victimization.

Third, the United States would take a final and unambiguous commitment toward one side of this conflict, with all of the moral implications that arise from making such commitments.

Fourth, we will cause a rupture between ourselves and our NATO allies.

Fifth, we eliminate the moral authority with which the United States presses the case for embargo against Serbia and for other places such as North Korea and Iraq.

Mr. Chairman, understand the possible consequences of lifting the embargo. First, the United States will find itself pulled directly into the conflict because it will be compelled to shoulder the moral responsibility to defend the Bosnian people during the period of transition before the weapons are fielded. Can we simply stand by and allow people to die in the tens of thousands? I believe not.

Second, the war, in this gentleman's opinion, Mr. Chairman, will surely widen, possibly spread into other republics emerging from the former Yugoslavia, possibly sparking conflict between Greece and Turkey, drawing Russia into the conflict on behalf of the Bosnian Serbs or their Belgrade allies.

Mr. Chairman, these would be the awful consequences of taking the easy course in response to the list of horrors that have been offered up on the floor of Congress today. Unless those supporting the lifting of the embargo are prepared to have the United States shoulder the defense responsibilities for civilians in Bosnia and Herzegovina during the period when they would be armed, I would also argue that it would not be the moral choice.

Mr. Chairman, it is not enough to offer a critique to those who would seek, and I would believe in good faith, to end the civilian anguish of offering military equipment to the Bosnian Government through a lifting of the embargo. What other path exists to end these horrors? How do we successfully undertake the hard work on behalf of freedom and morality? Without revisiting the long list of diplomatic mistakes that have occurred since Yugoslavia began to dissolve, let me describe the other path that exists to secure peace to end the genocide and punish those responsible for international law violations.

First, Mr. Chairman, we should seek an immediate cease-fire and reconfirm to all parties that the primary mission of the U.N. forces in Bosnia are to secure the safety of civilians and not take sides in the conflict.

Second, the U.N. force should be made sizable enough and capable enough to discharge their mission to prevent ethnic cleansing and to ensure that humanitarian relief arises. This will require an urgent re-examination of decisions to intervene in a manner that appears to violate the first rule of peacekeeping and humanitarian assistance: Take no sides; make no enemies.

The no fly zone enforcement and one-sided close air support campaigns have, in this gentleman's opinion, violated such a norm, and, thus, compromised the mission and led to attacks on the safe areas.

Third, we should continue to press vigorously for a continuation of the war crimes tribunals to deal with the genocide that has occurred in Bosnia rather than to escalate the violence.

Finally, Mr. Chairman, we must recognize that the manner in which the former Yugoslavia dissolved in the first place generated this conflict because it failed to properly manage the conflicting claims for new nationhood. In order to end the war that has resulted from this miscalculation, we must seize upon possibilities that do exist for a realistic resolution of the underlying claims and which would create a viable and defendable Bosnian nation.

Mr. Chairman, I urge my colleagues to reject the proposed easy work that lifting the embargo represents and thereby avoid its disastrous consequences. Let us do the morally based hard work for freedom and morality. I urge my colleagues to reject the bill before the body at this time, and I thank my colleague for his generosity.

Mr. HOYER. Mr. Chairman, I am pleased to yield 1½ minutes to the gentleman from Texas [Mr. BENTSEN], one of our most valuable Members.

Mr. BENTSEN. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I rise in strong support of lifting the arms embargo against Bosnia and allowing the people of Bosnia to defend themselves against aggression and genocide.

There is an old saying I'm sure we've all heard: "Fool me once, shame on you. Fool me twice, shame on me." The United Nations has been shamed more than twice in Bosnia as we've hidden an unworkable policy while the Serbs slaughtered, raped, and tortured more than 200,000 Bosnian people. Today we in the United States can end the shame and begin to lead by lifting the arms embargo.

Those who oppose this legislation argue that lifting the embargo would end the United Nations peacekeeping mission and increase American involvement in the Bosnian war.

But the sad truth is the U.N. mission has failed and unfortunately, the United States is involved in Bosnia, not with troops on the ground, but through our international credibility and our moral authority which are at stake. The best way to preserve that credibility and authority is to show leadership, and the best way to show leadership is by lifting the arms embargo against Bosnia.

We will hear many arguments that we should give other approaches a chance to work. Give the latest ultimatum time to work. Give the United Nations one final chance.

These are the same excuses we have heard time and time again. These excuses have utterly failed to stop Serbian aggression and ethnic cleansing. All they have done is severely eroded our credibility and that of our allies.

So it is time to end the excuses and lift the embargo. The right policy is to allow the Bosnian people to defend themselves against this modern holocaust. There are those who would argue that lifting the embargo will result in unnecessary bloodshed, death, and escalation of hostilities, but if you talk to the Bosnian people they will tell you that the war cannot become any worse.

I recently met with a Bosnian refugee living in Houston. Her name is Jasmina Pasic and she ran a school in the basement of her bombed-out apartment building for 2 years during the siege of Sarajevo. She was finally forced to flee and is now separated from her family.

Jasmina dreams of returning home. "In five years maybe I can see it," she says, "but I don't know if it will be in the war or we will have freedom." Today, I will vote to lift the embargo because I believe it will help Jasmina Pasic and her fellow Bosnians fight back to attain that freedom and defend themselves against this grotesque human tragedy which calls into question the moral compass of the entire world.

Mr. GILMAN. Mr. Chairman, I am pleased to yield 4 minutes to the gentleman from California [Mr. ROHRABACHER], a member of the Committee on International Relations.

Mr. ROHRABACHER. Mr. Chairman, I rise in strong support of this motion to end the embargo against the victims of Serbian aggression.

During this debate it has been very clear by all who have participated that Serbia is clearly the aggressor. They are criminals. They are engaged in criminal activity. The victims are the Croatians and Bosnians, and we are talking about what to do about it.

Mr. Chairman, I would submit for the RECORD a letter from Margaret Thatcher, who says, and I quote, "We owe it to the victims at last and at least to have the weapons to defend themselves since we ourselves are not willing to defend them. The arms embargo was always morally wrong."

Mr. Chairman, I would submit this entire letter from Margaret Thatcher to Senator DOLE for the RECORD.

Lifting the arms embargo, Mr. Chairman, means less violence, not more. Let us get that straight. We have been talking about this all day now. What does it mean to lift the arms embargo? There will be less violence in that part of the world if we lift the arms embargo. Like all bullies and all aggressors and all criminals, the Serbs have been more aggressive as a result of the weakness of their victim. If those villagers could have defended themselves against tanks, there would have been fewer attacks made against those villages. The ethnic cleansing would not have taken place had those people, had the victims had the technology, the weapons to defend themselves.

Mr. Chairman, what happened was the criminals have had to pay no price for their crime against the victims. The criminal regime in Serbia has paid no price, and this has been going on for 4 years. Therein lies the solution.

No. 1, let the victims defend themselves. Let them have the weapons to defend themselves. No. 2, make the criminal regime of Mr. Milosevic and Serbia pay the price for the murder, rape and mayhem unleashed by Serbia against its neighbors in Croatia and Bosnia.

Mr. Chairman, how do we make Serbia pay a price and deter aggression? Naysayers claim either we must do everything, send U.S. troops and put them on the ground, or do nothing and just let this go on and on and on, not even lift the embargo so people can defend themselves. All the questions have to be answered before we can even let someone defend themselves.

Think about it, Mr. and Mrs. America. Someone next door is being raped and murdered. A neighbor is being raped and murdered, but you have to answer all the questions before you can help your neighbor, throw your neighbor a gun or a stick to defend his family. No, you don't have to wait to answer all the questions, you know what is right and wrong.

It is time for us to side with the victim and make sure that that victim can defend himself and his family. America is going to be a major force in the world if we have the courage to act and to be bold. That does not mean we have to be reckless and take chances.

In this post-cold-war world, we will face challenges of evil people. They might not be like the Soviet Union, a massive evil force, but we had the courage to stand against the Soviet Union, and that is why it crumbled. That is why we were able to save the world a holocaust of a world war three because we were bold and we were strong.

At the very least, the Milosevices of the world, this little pigsqueak gangster in Serbia, who is murdering innocent people in his neighboring countries, should know there will be a price to pay. At the very least, a minuscule use of American air power against Serbia, not against Bosnia, no, not in the neighboring countries but in Serbia, would convince the Milosevic regime to leave their neighbors alone. In fact, the Melosevic regime, just like communism in the Soviet Union, would likely crumble before a minuscule use of American power.

Mr. Chairman, let us be bold. Let us permit those who are victims to stand up and defend themselves, and let us make sure the world knows that America has the courage to lead the world in the post-cold-war era.

The letter previously referred to is as follows:

MARGARET, THE LADY THATCHER,
O.M., P.C., F.R.S., HOUSE OF
LORDS,

London, July 18, 1995.

DEAR SENATOR DOLE: I am writing to express my very strong support for your attempt to have the arms embargo against Bosnia lifted.

I know that you and all members of the United States Senate share my horror at the crimes against humanity now being perpetrated by the Serbs in Bosnia. The U.N. and NATO have failed to enforce the Security Council Resolutions which authorized the use of force to defend the safe havens and to get humanitarian assistance through. The safe havens were never safe; now they are falling to Serb assault. Murder, ethnic cleansing, mass rape, and torture are the legacy of the policy of the last three years to the people of Bosnia. It has failed utterly. We owe it to the victims at last and at least to have the weapons to defend themselves—since we ourselves are not willing to defend them.

The arms embargo was always morally wrong. Significantly, it was imposed on the (then formally intact but fragmenting) former Yugoslavia at that regime's own behest. It was then, quite unjustly and possibly illegally, applied to the successor states. Its effect—and, as regards the Serbs, its intention—was to ensure that the proponents of a Greater Serbia, who inherited the great bulk of the Yugoslav army's equipment, enjoyed overwhelming military superiority in their aggression. It is worth recalling that the democratically elected, multi-faith and multi-ethnic Bosnian Government never asked for a single U.N. soldier to be sent. It did ask for the arms required to defend its own people against a ruthless aggressor. That request was repeatedly denied, in spite of the wishes of the U.S. administration and of most leading American politicians.

There is no point now in listing the failures of military policy which subsequently occurred. Suffice it to say that, instead of succeeding in enforcing the mandates the U.N. Security Council gave them, UNPROFOR became potential and then actual hostages. Airpower was never seriously employed either. The oft repeated arguments against lifting the arms embargo—that if it occurred U.N. troops would be at risk, that the enclaves like Srebrenica would fall, that the Serbs would abandon all restraint—have all now been proved worthless. For all these things have happened and the arms embargo still applies.

Two arguments are, however, still advanced by those who wish to keep the arms embargo in place. Each is demonstrably false.

First, it is said that lifting the arms embargo would prolong the war in Bosnia. This is, of course, a morally repulsive argument; for it implies that all we should care about is a quick end to the conflict without regard to the justice or otherwise of its outcome. But in any case it is based on the false assumption that the Serbs are bound to win. Over the last year the Bosnian army has grown much stronger and the Bosnian Serbs weaker. The Bosnian army has, with its Croat allies, been winning back crucial territory, while desertion and poor morale are badly affecting the over-extended Serb forces. What the Bosnian government lacks however are the tanks and artillery needed to hold the territory won and force the Serbs to negotiate. This lack of equipment is directly the result of the arms embargo. Because of it the war is being prolonged and the casualties are higher. Lifting the arms embargo would thus shorten not lengthen the war.

Second, it is said that lifting the arms embargo would lead to rifts within the U.N. Security Council and NATO. But are there not rifts already? And are these themselves not the result of pursuing a failed policy involving large risks to outside countries' ground troops, rather than arming and training the victims to repel the aggressor? American leadership is vital to bring order out of the present chaos. No country must be allowed to veto the action required to end the present catastrophe. And if American leadership is truly evident along the lines of the policy which you and your colleagues are advancing I do not believe that any country will actually try to obstruct it.

The West has already waited too long. Time is now terribly short. All those who care about peace and justice for the tragic victims of aggression in the former Yugoslavia now have their eyes fixed on the actions of the U.S. Senate. I hope, trust and pray that your initiative to have the arms embargo against Bosnia lifted succeeds. It will bring new hope to those who are suffering so much.

With warm regards.

Yours sincerely,

MARGARET THATCHER.

Mr. HAMILTON. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Louisiana [Mr. LIVINGSTON], the chairman of the Committee on Appropriations.

Mr. LIVINGSTON. Mr. Chairman, I think my friend from Indiana for yielding me time.

Mr. Chairman, I rise in reluctant opposition to this resolution and to urge its defeat. While in the past I have spoken for and even voted for the lifting of the arms embargo, I have reappraised my position, and I have decided that to do so would be a terrible mistake.

Granted that the current situation is intolerable, and that the approach taken by our allies in Europe by way of the United Nations must change, and must change drastically, this unilateral step by the United States would bear consequences so far removed from reason and common sense, that on proper reflection, it could be one of the worst steps we could take.

Mr. Chairman, I want there to be no mistake in my position. If I thought this resolution would bring peace to Bosnia, if I thought this resolution would allow the Bosnian Moslems to defend themselves and thwart Serbian aggression, if I thought this resolution would bring a measure of social justice to Bosnia I would support it. Unfortunately it does none of these things.

Adoption of this resolution will simply mean the end of the U.N. mission in Bosnia. It will signal to our NATO allies, especially the French and the British troops on the ground that we do not care if they withdraw. It will put those troops at risk. It will put hundreds of thousands of refugees at grave risk, and it would damage the NATO alliance beyond repair.

Moreover, it would most certainly lead to the very commitment of U.S. troops to a European war that the sponsors of the resolution probably wish to avoid.

Why? Because UNPROFOR troops are already on the ground and scattered about Bosnia, many in wholly indefensible enclaves surrounded by Bosnian Serbs.

When they begin to pull out, the Bosnian Serbs will move in to take their place, and the Bosnian Moslems will become entirely vulnerable and defenseless. Will they allow the U.N. to abandon them? I doubt it. So UNPROFOR could very well find its forces exposed to attack by both Serbs and Moslems, with little opportunity to defend their own troops.

Thus, U.S. troops will be called on to help evacuate them, not just with air cover, but with ground support—with lots of American lives.

Mr. Chairman, I remain second to no one in my belief that the Bosnian Moslems should be allowed to defend themselves. But will that happen? Will the United States then sell arms to the Bosnians? Will we put troops in the ground to train them with our weapons? Will the Bosnians have an adequate command and control structure? Will their officer corps be capable of technical and tactical competence? Will they be given intelligence capability?

Will they have a fair chance against the Bosnian Serbs? If so, will the neighboring Serbians stay out of the fight? Will the Russians, the Turks, the Greeks? What if the fight spills into Macedonia, or Kosovo, or Albania? Is this the first step of another world war?

We are reaping the multiple effects of a failed policy. The Vance-Owen plan to force ethnic groups into enclaves or cantons was a total catastrophe. It has left us with pictures of places like Srebernica and Zepa and Gorazde where Serbian thugs backed by Russian military might are given license to murder, rape, and ethnically cleanse. The President says he is drawing the line on Gorazde. But what does that mean? Will massive U.S. air power do what diplomacy has failed to so save the lives of innocent women and children in Gorazde? I doubt it.

What is the end game for Bosnia? Can the Bosnian Moslems be consolidated into an area where a cease-fire can hold and a military position be staked out to give them some security? That may be the only solution but we can't get there under this resolution, or under the Clinton plan.

Mr. Chairman, again, what is the end game in Bosnia? We are considering this resolution today because men and women of good will on both sides of the aisle and both sides of the Capitol cannot stand the spectacle of the worst foreign policy debacle in the past decade. This resolution represents something, and the status quo is unacceptable. Unfortunately, after the arms begin to flow and after the massive air strikes the President wants, we still don't know the end game. There is none. Only more suffering.

I do not have a good answer for Bosnia, but I do not think this resolution is the answer. I do think it is important to keep our NATO alliance together. I think it is critical to address the refugee problem. I think it is necessary to bring about a cease-fire. I think it is vital we keep a NATO military presence in Bosnia. I do not see those things happening if we pass this resolution today. So I regret I must oppose it in the hope that we can do better later.

And I believe we can, if the Bosnian Moslems can and will centralize in a simple, clearly defined, and cohesive portion of Bosnia which becomes a defensible, predominantly Moslem region.

□ 1330

Mr. ROHRABACHER. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin [Mr. GUNDERSON].

Mr. GUNDERSON. Mr. Chairman, we cannot today dictate the moral compass of civilized society, and we cannot today dictate the moral compass of even the United Nations or our NATO allies. But I think today we will determine the limits beyond which the American people can no longer tolerate business as usual in Bosnia.

I call upon my colleagues in this Congress to take a good look at the reality, the stark reality before us. Over 200,000 people have been killed; over 20,000 have been raped, over 4,000 children have been displaced and await some kind of placement; and over 2.75 million people have already been driven from their homes and their personal belongings stolen.

I am reminded of those words of Pastor Martin Niemoller shortly after World War II when he wrote,

> First they came for the communists; I was not a communist, so I did not object. Then they came for the Jews; I was not a Jew, so I did not object. Then they came for the trade unionists; I was not a trade unionist, so I did not object. Then they came for the Catholics; I was not a Catholic, so I did not object. Then they came for me, and there was no one left to object.

I am not Bosnian, and I am not Moslem. But, Mr. Chairman, I am appalled by how we have failed to learn the lesson of history and how we stand by to watch the rape, the murder, and the pillage of a people. We say nothing and we do nothing, and we let history dictate its results.

Ideally I would suggest that the Western world would be moved to simply go in and impose a peace where there is no peace and to impose civilization where there is none. But if we are unwilling to do today what we were willing to do in 1991, then let us at least be willing to let them defend themselves.

Mr. HAMILTON. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Missouri [Mr. SKELTON].

Mr. SKELTON. Mr. Chairman, the German chancellor of the last century, Bismarck, once remarked that the Balkans are not worth the bones of one Pomeranian grenadier.

I say to you today that the Balkans are not worth the life of one American soldier. We are on the brink, Mr. Chairman, of a major international mistake. To those that would support this resolution, I say you do not know what you do. Oh, how simple it sounds. Level the playing field, let them fight back. But we should look, in the light of history, into the consequences of what lifting this embargo would be.

First and foremost, it would be a death knell for many Bosnian Moslems, because the Serbs will intensify their attack before any training and any additional weapons can reach them.

Second, the UNPROFOR forces will come out. They will leave, and they will ask and receive help by the American forces. Of this I will speak a bit later.

Third, the United States will be asked to fill the void, first to train, then to supply, and when that fails, to fight. Those who look at more recent history see that there is a great parallel to this and our tragedy in Vietnam, and it could be all that all over again.

Fourth, outside forces will enter the conflict. Russia has already stated that should we enter the conflict on one side, they will on behalf of the Serbs. What about the other Moslem countries in the area, the other orthodox countries in the area? We will have the tinderbox once again that started the First World War.

Fifth, it destroys any prospects for a negotiated settlement. We have been trying. As a matter of fact, it seems that the Serbs, of all people, are willing to talk and negotiate, and we find that the Moslems have been less prone to do the negotiating.

Sixth, it will cause a strain with our allies. The United Kingdom and France have soldiers there on the ground. It will cause us a great deal of trouble with them.

Last, it will irreparably harm NATO.

For all of these things and all of these reasons, we should not lift this embargo. Further, it will Americanize the conflict in one of two ways: Either to fill the void of which I spoke, to help with supplies, to train, logistics, and, sadly, to fight; or it will Americanize it by helping UNPROFOR withdraw, for which our President has already pledged some 25,000.

To withdraw this UNPROFOR force will not be easy. We look at the tunnels, the narrow roads, the dangerous situation in which we find the various UNPROFOR forces today, and our country has pledged 25,000 of a 110,000 force to withdraw them. We will have serious problems in getting that job done.

Heed the remarks of Bismarck. Heed our words today when we speak about not getting involved. This is really a vote as to whether to get America involved in this conflict or not. History tells us that this part of the world has repeated itself and repeated itself by finding the inhabitants at each others' throat for centuries. We will not change that.

The best thing we can hope for is a negotiated settlement. We have been trying. We should give it one last chance, for if we do not, we will find ourselves in an Americanized conflict for which we did not ask. The consequences of lifting this embargo would be disastrous for them and for our country.

Mr. OLVER. Mr. Chairman, I yield 2 minutes to the gentleman from Maryland [Mr. WYNN].

Mr. WYNN. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I rise in strong support of the Bosnian Self-Defense Act. We ought to pass this resolution. You know, Mr. Chairman, we are not just in the often referred to global marketplace. We are also part of a global community, and in such a community, as with the old playground, leaders have to step up to resist aggression and resist bullies.

It is time that we confront the realities. It is time that we confront the realities. It is not enough to play "what if." "What if" is an excuse for inaction. It is not enough to try to figure out the end game. We do not know the end game. We never will. What we have to do is confront the realities.

The realities are these: People are being slaughtered on one side, the Moslem side; women are being raped on one side, the Moslem side; our so-called safe-havens are being overrun on a daily basis. They have become a cruel joke.

It is time for us to respond. The Moslems deserve an opportunity. They have the right in fact to defend themselves. Through the exercise of this right, we can create consequences for aggression. The reason this war has gone on so long and gone so badly is because there have been no consequences.

□ 1345

The Bosnians have become emboldened. If the Moslems have weaponry to defend themselves, they can create consequences and create pain that will give the Bosnians pause in their aggression.

The great concern seems to be whether we will Americanize this war. I do not think so. The U.N. forces will ultimately have to come out. Our allies are not going to stay indefinitely and watch their people be used as human shields. So, as the President has indicated, we will have a responsibility as leaders in the global community to help extricate these U.N. forces.

But that need not mean that we will have a complete expansion of the war and a complete Americanization. On the contrary, it will signal Americans to stand up for the victims, to take its true and appropriate place as a world leader and respond to this crisis by enabling people who are the victims of rape and murder to defend themselves.

Mr. GILMAN. Mr. Chairman, I yield 1 minute to the gentleman from Virginia [Mr. DAVIS].

Mr. DAVIS. Mr. Chairman, I rise in support of this resolution. America should be a world leader, not the world waffler and follower that we have been in this crisis. We waited and allowed the U.N. safe havens to operate, but they have failed. We have stood by watching while tens of thousands of innocent Bosnians Moslems have been raped, bombed, and murdered

The arms embargo is a very noble-sounding phrase, but the arms embargo hurts only one side, the Bosnian Moslems. The Serbs have plenty of firepower and the remnants of the Yugoslavian armed forces. The arms embargo simply means that the Bosnian Moslems will be unable to defend themselves, and the Serbs have plenty of firepower.

Last week I was visited by two members of the Bosnian Parliament. When I asked what this country could do to halt the ongoing atrocities in Bosnia, they replied they do not want U.S. troops. They do not want this country's intervention. They only want us to help the lifting of the arms embargo so they can defend themselves against these atrocities.

That is the least we can do as a world leader. Let us adopt this resolution and end the current failed policies.

Mr. HAMILTON. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Michigan [Mr. KNOLLENBERG].

Mr. KNOLLENBERG. Mr. Chairman, I thank the gentleman from Indiana for yielding time to me. Mr. Chairman, I rise in opposition to S. 21. I too have watched the news reports of the worsening situation for the Bosnian people. But unilaterally lifting the arms embargo will not end this conflict. This legislation can only lead to the total collapse of humanitarian efforts in Bosnia and likely will result in an escalation of the fighting.

I remind this body that we do not have troops on the ground—nor should we—and it is our allies in NATO who will pay the price if the United States violates our own embargo. And as you know, our allies have said that if the United States acts unilaterally they will withdraw from UNPROFOR. President Clinton has stated his belief that the United States is obligated to assist that withdrawal. I do not want to see our troops dragged into this conflict.

Earlier this year this Congress voted to lift the embargo. Why hasn't it been lifted? Because the countries who are there say lifting it would jeopardize their mission of humanitarian relief.

Our allies do not want this lifted. Are you willing to sacrifice the lives of their soldiers over their objections? Or can you say, with any credibility, that lifting this embargo will not affect the U.N. and NATO operations in Bosnia.

No one can say that the United Nations and NATO have been successful in Bosnia. It is to our shame that these organizations have failed to protect so many people. But this action we take today will not rectify past mistakes. And it will not bring peace to this region.

Lifting the embargo will bring more weapons into the region. It will isolate us further from our NATO allies. It will antagonize Russia who already has threatened to aid the Serbs if the embargo is lifted. It will slide us further down the slippery slope we now are precariously balanced on.

Mr. Chairman, this legislation will force the President to act unilaterally to lift the embargo against his will and against the will of our allies. It will make the Bosnian conflict our responsibility, it will severely damage the NATO alliance, and it will make the conflict in Bosnia worse not better. This is the wrong policy at the wrong time. Vote "no."

Mr. GILMAN. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois [Mr. HYDE], a distinguished member of our House Committee on International Relations.

Mr. HYDE. Mr. Chairman, there are all kinds of peace. There is the peace of the jail and the peace of the graveyard. You can have peace in Bosnia, kill all the Moslems, and they cannot fight anymore. Next to that, just keep them disarmed while everybody else brims with armaments.

Freedom has to be defended. Genocide, its modern incarnation, ethnic cleansing, must be resisted if we are to retain our membership in the human race. Does the United States have any interest in faraway Balkin Bosnia? I would say yes. The moral imperative is resistance to genocide.

The slaughter in Bosnia has uncovered the inadequacy of the United Nations and NATO, for that matter, to deal with wars of ethnic nationalism, wars of states within states rather than between states. But please remember, Bosnia was recognized formally as a sovereign nation by the United States, by the European community on April 7, 1992, and by the United Nations on May 22, 1992. The U.N. charter guarantees the right of self-defense. So lifting the embargo is merely implementing the elementary rights of people in sovereign nations, and it ought to prove that aggression is not without cost.

This is not the time or the place to discuss the incredibly complicated problems of peace in the Balkans. I agree with everybody who has pointed out the incredibly difficult, shattering problems that we have trying to adjust borders and peace. It is incredibly difficult. But before we get to that problem, we ought to understand genocide cannot be tolerated. We cannot remain indifferent to it.

In this century there have been three major genocides, not counting Rwanda, Burundi, the Sudan, Nagorno-Karabakh, and all of the ongoing tribal killings that are going on. But the Armenians in 1915, the Jews in World War II in the Holocaust, and the Moslems in Bosnia today, are three genocides. We stand and avert our eyes because we have no interest there.

When the Holocaust Museum was dedicated by the President, he stood there, and I am sure he meant it, he said two words: never again. What did he mean, never again? Never again will the Jews be killed in Germany in 1940? Or does he mean never again will we permit holocausts against ethnic groups because somebody does not agree with their religion or their color or their way of living?

Never again. Let us put some flesh on those words and start by lifting the embargo.

Mr. HOYER. Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from Connecticut [Mrs. KENNELLY], one of the leaders on our side of the aisle.

Mrs. KENNELLY. Mr. Chairman, everyone in this Chamber is moved by the suffering we have seen in Bosnia. Everyone in this Chamber is disturbed by the frightening historical echoes of previous episodes of carnage in Europe. Yet not one person in this Chamber has come up with a completely satisfying answer. Three years ago the United States imposed an arms embargo on the former Yugoslavia. It is evident that the embargo has little or no effect on the Serbian aggressors. Obviously that is for one reason: because they inherited the arms of the former Yugoslvian military. Has this policy worked? It is clear to me that it has not.

For 3 years we have stood by a policy that has permitted the loss of 70 percent of the Bosnian land which has ended in tremendous suffering to get this land. After 3 years, I do not believe this policy, if continued, can accomplish anything further. So what do we do? If we had a clearly preferable solution, one that guaranteed success, I know every Member of this House would support it wholeheartedly. But there is no policy, no clear best course. We only know now what did not and does not work.

Our choice today is to continue down a path that has already resulted in so much suffering or to embark on a new path. For me the choice is clear. The choice now is in front of us, that we must, we have to look to a different way. We have to take a new course.

I will vote to lift the embargo today. I think it is up to us in this Chamber to try something new to spare those people we are worrying about here today.

Mr. GILMAN. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. WELDON].

Mr. WELDON of Pennsylvania. Mr. Chairman, I rise today to support this resolution lifting the embargo. And in coming up with my reasoning in terms of my decision, I sought the support and input of that one person who perhaps is the most well-versed American in terms of what our policy should be. John Jordan is a volunteer firefighter from Rhode Island.

As my good friend, the gentleman from Maryland, [Mr. HOYER], on the other side knows, John Jordan went over to Sarajevo 3 years ago as a volunteer to work with the Sarajevo fire brigade, to establish emergency response service for the people in that country, be they Serbs, Muslims, Croats, whatever they might be. John Jordan has been there every day for the last 3 years.

I called John Jordan on the phone, as I caught him on the way back to Sarajevo today. He said, "Curt, we have to lift the arms embargo."

Two years ago he brought Kenan Slinic over here, a 31-year-old fire chief from Sarajevo who was protecting the lives of the people in Sarajevo. Kenan Slinic met with the Vice President; he met with us at our dinner and spoke to us. He pleaded with us, I have his original notes from his speech, his handwritten notes, he pleaded with us to allow his people to defend themselves 2 years ago. Because he spoke out, when he went back to his homeland, he was shot in the back of the head and killed and his six-year-old child today does not have a father.

Mr. Chairman, this has gone on too long. The policy is not working. We have to create a level playing field.

John Jordan also said to me, "Curt, you have got to provide some support to bring your relief workers out." I agree with that. He said, "We have got to provide support until the arms can reach the appropriate groups inside of the afflicted area." I agree with that.

Mr. Chairman, in the end we have to lift the embargo to give these people a chance, to give them the opportunity to defend themselves.

We have heard story after story about the atrocities occurring in that country. I ask my colleagues on both sides of the aisle to support the resolution in honor of those people who have suffered so much.

Ms. MCKINNEY. Mr. Chairman, I yield 3 minutes to the gentleman from Georgia [Mr. LEWIS].

Mr. LEWIS of Georgia. Mr. Chairman, I am deeply troubled and anguished by what is happening in Bosnia.

We all share the pain and the suffering. We have seen the horror. Women are raped, children are brutalized, and young men are taken away to an uncertain fate—often death.

These people of Bosnia are part of the family of humankind. When they bleed, we bleed. When they suffer, we suffer. When they are slaughtered and killed, something dies in all of us.

What is happening in this part of the world is an affront to all humanity. We—as the community of nations—cannot, and we must not, stand by in the face of this carnage.

I—like everyone else—have watched in anguish as the United Nations failed to defend the safe areas in Bosnia.

But I know that the British and French have troops in Bosnia. Lifting the embargo is not so simple or clear. We will send troops to help remove the U.N. forces if we lift the arms embargo.

How many of us are prepared to send American troops—our young men and women—to Bosnia to fight in this conflict?

A vote for this resolution is a vote to send American troops into Bosnia. Every member of this body must know this. This vote is not a free vote. This vote has consequences.

The question is not whether to stop the violence. We all want to stop the violence. The question is how to stop the violence. Will unilaterally lifting the embargo bring peace to this region? Or will it spread the conflict and increase the toll of death and destruction?

We must strengthen our resolve to defend innocent men, women, and children. But we cannot act alone.

We must give this fresh plan a chance. The U.N. must allow NATO to defend the safe areas.

Mr. Chairman, we all are frustrated. All of humanity is crying out for a solution to this conflict. This vote is our attempt to act, to do something.

But we must not move this way. We must strengthen our U.N. mission. If it does not work, then later we may have to act on our own.

American willingness to work with the community of nations is at stake. Our allies have troops on the ground—they are in harm's way.

Mr. Chairman, I stand here with a heavy heart—I want to do what is right. I want to end the genocide.

I have thought long and hard about this vote. I have searched my soul and conscience, and I have concluded now is not the time to unilaterally lift the arms embargo. It will not help stop the killing. It will not end the bloodshed.

We must urge the United Nations to stop the violence—to stop the Serbian aggression. We must protect the innocent people of Bosnia. We must protect the safe areas.

Now is not the time to get lost in a sea of despair. With our allies, we have taken a stand against Serbian aggression. Now we must be strong in that stand. Mr. Chairman, I will oppose this resolution.

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Mr. GILMAN. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Texas, Mr. SAM JOHNSON.

Mr. SAM JOHNSON of Texas. Mr. Chairman, the United Nations and NATO do not work. That is what the problem is. Once again we are facing the same arguments we have heard for over 2 years now, that the United Nations and its military command is serving some purpose to the thousands of people who are dying or suffering every day in Bosnia, some purpose. Most importantly, we will find ourselves again face to face with America's worst kept secret: That is, the utter failure of our administration to define why the United States and our troops should be involved in a U.N. peacekeeping operation in a place where we have no national interest and where there is no peace to keep.

These same mistakes have been made before, and they cost us American lives. It happened 2 years ago in Somalia under U.N. command, with no defined mission and no defined purpose. The so-called humanitarian mission that first brought us to Somalia ended up costing us lives, like that of Sgt. James Joyce, our Army ranger who died on October 3, 1993. His father, Lt. Col. Larry Joyce, who was my constituent, testified before this House as to how dangerous it was for the United States to think that we could solve the world's problems, and how irresponsible of us it was to use our troops as bargaining chips in the international peacekeeping game.

President Clinton is making the same mistake again. He is using United States military troops as a bargaining chip in a game where the United States is not even a player, just like Somalia. How disappointed Larry Joyce must be today. Instead of knowing that his testimony and his son's death is making a difference, he is being forced to sit by and watch this country make the same tragic mistakes again, endangering America's stature, and more importantly, the lives of American soldiers. I urge my colleagues to end the arms embargo and vote in favor of this resolution.

Ms. McKINNEY. Mr. Chairman, I yield 2 minutes to the gentlewoman from Florida [Mrs. MEEK].

Mrs. MEEK of Florida. Mr. Chairman, I rise today to oppose the effort to unilaterally lift the arms embargo on Bosnia.

Mr. Chairman, there is a horrible tragedy happening in Bosnia. I, along with everyone else, wants that tragedy to come to an end. But Mr. Chairman, lifting the arms embargo will not end the tragedy, it will only force the United States to become an active participant.

Arms, it is argued, will allow the Bosnian Moslems to defend themselves. But Mr. Chairman, what else will arms shipments do? How about end the U.N. humanitarian mission which helps feed Sarajevo? How about trigger the exit of NATO from the conflict? How about signal the entry of Serbia into the Bosnian war?

Finally, Mr. Chairman, the most important result of lifting the arms embargo will be the entry of the United States into the war. We will be obligated by treaty to help our allies pull out. And we will be obligated by morality to protect the Bosnian Moslems until they can defend themselves. I strongly favor the end of the war in Bosnia, Mr. Chairman, but what price are we willing to pay to lift this embargo?

Mr. Chairman, what is happening in Bosnia is a horrible tragedy. But Mr. Chairman, acting unilaterally to end the arms embargo in Bosnia will only leave the United States holding the bag. Unilaterally. I urge a "no" vote on the bill.

Mr. GILMAN. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from Arizona [Mr. SALMON], a member or our committee.

Mr. SALMON. Mr. Chairman, there are no easy answers in Bosnia, no quick fixes. But I believe we must lift the embargo—now.

The Bosnians want to defend themselves against rape, murder, and ethnic cleansing. But let's face it: the fundamental right of self-defense is meaningless without the opportunity to procure weapons. The Bosnians deserve the same chance to defend themselves that the people of Afghanistan had in their fight against Soviet terror.

The current policy of the United States is to be an active accomplice in the strangulation of the Bosnian people.

And we are doing great damage to the vitality of NATO and the credibility of the United States. The debacle of Bosnia sends a clear message to the tyrants around the world—the United States can be bullied, and will not even stand up against genocide.

No tyrant will ever negotiate a settlement when he can get everything he wants by force.

If we continue to be paralyzed by weakness, countless American troops may be needed in the future to counter the aggressive actions of tyrants who conclude that America's weakness in Bosnia is the post-gulf-war reality of the United States.

Let us do what is right, and begin the restoration of America's foreign policy. Lift the embargo.

Mr. HOYER. Mr. Chairman, it gives me a great deal of pleasure to yield 5 minutes to the gentleman from Michigan [Mr. BONIOR], the minority leader of the House of Representatives and a leader on this floor.

Mr. BONIOR. Mr. Chairman, I thank my colleague, who has been so instrumental and who has shown extraordinary leadership on this issue, for yielding me the time.

Mr. Chairman, there are no easy answers in Bosnia today.

But how many more atrocities do we have to witness.

How many more children do we have to see killed before we act in Bosnia?

Are 200,000 dead Bosnians enough?

Are 16,000 murdered children enough?

Are 2 million homeless refugees enough?

That's what we've let happen the past 3 years.

And today, once again, there are those who say that lifting the arms embargo will involve America in this war. But let's be honest, Mr. Chairman, we're already involved in this war.

By keeping this embargo in place for so long—not only have we denied the Bosnian people the weapons they need to defend themselves—we have helped tilt the balance of the war in favor of Serbian aggression.

Mr. Chairman, there can be no more excuses.

It's time to lift this embargo once and for all.

Over the past 3 years, we have seen two dozen ceasefires come and go.

We have seen the peace process start and stall.

We have watched the Serbs break agreement after agreement.

And the one constant through it all has been the absolute unwillingness of the West to take the steps necessary to do what needs to be done.

The greatest sin, Mr. Chairman, isn't that we simply turned our backs.

The greatest sin in Bosnia is that time and time again, we have raised the hopes of the Bosnian people that the cavalry was on its way. And time and time again, we have not delivered.

Mr. Chairman, the people of Bosnia deserve better than this.

If we are not going to stop the slaughter, if we are not going to defend the people of Bosnia, then we have no right to continue to deny them the right to defend themselves.

By lifting this embargo today, we will extend to Bosnia the right which is guaranteed to every other sovereign nation under the U.N. charter—the simple right to defend themselves.

There are those who say that lifting this embargo will disrupt the peace process.

To them, I say: what peace process?

Just 2 months ago on this floor we heard the same tired arguments.

And in the past 2 months, we have seen nearly 50,000 people driven from their homes.

We have seen innocent women and children herded into trucks.

We've heard stories of young men being hung from trees and thousands of young women being raped.

Fifty years after the world said "never again" we are sitting back and watching mass genocide happen again.

Mr. Chairman, lifting the embargo won't weaken the peace process, it will strengthen it.

The reason peace talks have failed the past 3 years is because the Serbs have no reason to negotiate.

They face no real opposition on the battlefield, so they have no incentive to stay at the negotiating table.

Only when the Serbs are certain that the Bosnians can defend themselves will they realize that further aggression will get them nowhere.

And only then will we have a real chance for peace in Bosnia.

Mr. Chairman, 200 years of American leadership have led up to this moment. And we can't turn our backs any longer.

It's time to help the Bosnian people help themselves.

It's time to lift the arms embargo.

Ms. McKINNEY. Mr. Chairman, I yield 2½ minutes to the gentleman from Indiana [Mr. ROEMER].

Mr. ROEMER. Mr. Chairman, as medical students learn to become doctors, as they learn about healing, as they learn about hope, as they learn about improving the course of humanity, they learn very, very early about the Hippocratic oath: First do no harm.

Mr. Chairman, it is sad to say at this point neither side of this debate can claim no harm, at this point. Current policy has not been successful. The ethnic cleansing going on is a travesty. There are no good solutions at this point. As war is bloody and chaotic, so, at times, is peace. We may have to settle for a bad peace, a bloody peace, and a messy map, but lifting this embargo threatens even a bad peace or a bloody peace.

What does this resolution do to stop the killing? It will probably increase the killing, sending arms to 1.2 million Moslems fighting against over 9,000,000 Serbs. Will it prevent the war from spreading? Certainly not. It will probably exacerbate that war. Will we have a Christian-Moslem war on our hands? Maybe. Do we do permanent damage to our allies? Probably, yes.

War, as it has been said, is merely an extension of politics, by other means.

This resolution is an extension of politics, and although it is well-intended, I think it is responding in a simple way to a very complicated problem. Robert Caplan wrote a book called "Balkan Ghosts," a journey through history. This book traces the origins of this conflict. It goes back beyond 1939 and World War II. It goes back beyond our revolution in 1776, and even centuries beyond the signing of the Magna Carta.

We are not going to solve this war with a resolution to send more arms into a very messy and bloody war. Let us continue to try to work, although it will be difficult, for probably a messy and bloody peace.

☐ 1415

Mr. GILCHREST. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, we are not going to solve this war by doing nothing. Where is the door to hell on the planet right now? The door to hell resides in this bad peace in Bosnia. What has caused the 200,000 deaths in Bosnia? What has caused the 3 million refugees? What has caused the continuing nightmare of rape and mayhem? What has caused evil to prosper in Bosnia?

Dogma, ignorance, arrogance, apathy, the Nation's community who have had a sense of deliberate deafness to suffering. Are we as a nation becoming a nation of tortured ghosts because we do not know what to do? What has caused this evil to prosper, this door to hell to remain open in Bosnia for good men like us to do nothing? The Bosnians are far better off defending themselves than relying upon platitudes and international bureaucrats.

Ms. MCKINNEY. Mr. Chairman, I yield 3 minutes to my good friend, the gentleman from Mississippi [Mr. TAYLOR].

Mr. TAYLOR of Mississippi. Mr. Chairman, one of my colleagues, the gentleman from Michigan [Mr. BONIOR], just made the statement that we have somehow led the Bosnian Serbs to believe that the cavalry is on the way. Well, I might feel a little bit better about the outcome of this vote if I knew that the cavalry was going to be led by the likes of the gentleman from Michigan [Mr. BONIOR], the gentleman from Maryland [Mr. HOYER], and some other people who are very anxious to get America involved in a war where we do not belong.

Mr. Chairman, our national interests are not at stake. NATO is not under attack. Yes, people are dying. People are dying all over the world as we speak. I do not think it is America's business to be the world's policeman. People say, if we just lift the embargo, somehow the war will go away. Who is kidding who? That is like pouring gasoline on a fire.

According to Colin Powell when he spoke before the Committee on Armed Services back when he still was Chairman of the Joint Chiefs of Staff, he said there was a 10-year supply of weapons in the former Yugoslavia. You see, Tito was paranoid. He didn't know whether it was a Warsaw Pact or NATO that was going to attack him, so he prepared for either.

Folks, this fight has been going on at least since the 1200's. It has been a blood feud, and to sum up Canadian General McKenzie who was in charge of the general command just a few years ago when he came before the Committee on Armed Services, he summed up his remarks by saying, we have three serial killers. One has killed 15, one has killed 10, and one has killed 5, and he does not see the rationale of jumping in on the side of the one who has only killed 5.

Mr. Chairman, if you lift the embargo, who do we sell to? Are we going to sell to the Serbs? Are we going to sell to the Croatians? No you want to sell to the Moslems. You want to pick sides. When you pick sides, that means you have to train people, and when they invariably lose, that means the decision will have to be made in this body, do we go rush to the rescue, as Mr. BONIOR said? Not with my kids. Not with kids from south Mississippi, not with kids named Widener and Nickase and Bond who have no reason to die in what was Yugoslavia.

People, we are wasting 8 days on hearings on something that took place over 2 years ago in Waco, TX. You are not even willing to give a half a day's consideration to sending American kids to die in a part of the country most people could not point to on the map. Please, for God's sakes, think about what you are doing before we have hearings 4 years from now wondering what went wrong in Bosnia. Please oppose this resolution.

Mr. GILMAN. Mr. Chairman, I yield 1 minute to the gentlewoman from Florida [Mrs. FOWLER].

Mrs. FOWLER. Mr. Chairman, I rise today in support of S. 21, legislation to lift the arms embargo on Bosnia.

I have previously supported the embargo, but recent events in Bosnia and improvements in this legislation persuade me that this measure deserves support.

The whole premise of the arms embargo on the former Yugoslavia was to allow the United Nations to intervene and prevent hostilities against civilians. Six safe areas were established in Bosnia to shield civilians from Bosnian Serb aggression.

While these populations were subjected to periodic hostilities, they were still safer than if exposed to open warfare and Serbian ethnic cleansing. The United Nations, whether through moral suasion or military force, was supposed to protect these individuals.

But the United Nation's inability to protect Srebrenica and Zepa or prevent the massive human rights violations that followed were nothing but disastrous.

The President's plan for Bosnia is deeply flawed. This bill provides of the withdrawal of U.N. forces from Bosnia prior to the lifting of the embargo and will finally enable the Bosnian Government to defend its citizenry. It deserves our support.

Mr. HOYER. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Massachusetts [Mr. OLVER], who has been one of the strongest outspoken advocates of bringing peace to this troubled area of the world.

Mr. GILMAN. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts [Mr. OLVER].

The CHAIRMAN. The gentleman from Massachusetts is recognized for 4 minutes.

Mr. OLVER. I thank the gentleman for yielding time to me.

Mr. Chairman, it is time to do the right thing in Bosnia. From the first day of this war, Slobodan Milosevic, the President of Serbia and the last Communist dictator in Europe, has orchestrated the actions of the Serb minority in Bosnia. He has armed them, he supplied them with all of the weapons of a modern army, the tanks, the heavy artillery and the missiles, while Bosnia, a U.N. member, has been embargoed.

Three years ago Milosevic told General Mladic, the military commander of the Bosnian Serbs who has recently been indicted by the United Nations as a war criminal, for the deliberate slaughter of civilian populations, for the use of mass rape of women as a tool of terror, for the detainment or killing of male Bosnians between the ages of 16 and 65 in Srebrenica, Milosevic told Mladic to destroy Sarajevo, the capital of Bosnia.

Mr. Chairman, we recently saw General Mladic strutting through the streets of Zepa after the U.N. safe haven was overrun with the United Nations doing absolutely nothing. Mladic said he intends to take Bihac, then Gorazde, then Sarajevo by winter, and "eliminate the Bosnian Moslems as a people from the Earth".

The goal from the first day of this war has been the territorial expansion of Seriba by whatever means would eliminate the Bosnian Moslems as a people from this Earth. No amount of wishful thinking about being reasonable or making nice to Milosevic will change that policy. The United Nations had made it absolutely clear, at least to Milosevic, that the United Nations will not stop him, so it is time to allow the Bosnians to defend themselves.

Mr. Chairman, there is something obscene about the adherence to a failed policy long after that failure has been proven again and again and again and again, any many more times again. There is something obscene about the tortured self-righteous defense of an arms embargo on only one side of the

Bosnian conflict. The hand-wringers say the Bosnian Government cannot be allowed to defend its people from genocide because it would offend the Serbs.

Mr. Chairman, there is something obscene about declaring that a whole people cannot be allowed the weapons to defend itself against genocide, and there is something monstrously obscene about the cowardice of the international community refusing to protect the safe havens that they themselves established. Srebrenica and Zepa and the others that are to come from the indiscriminate slaughter of males of all ages, the mass rape of women, the bombardment of fleeing civilian refugees, there is something overwhelmingly obscene about genocide in all its forms.

It was obscene, and overwhelmingly so, in the 1930's and 1940's. It led to the near extermination of Jews in Europe and to the death of many more millions of Poles and other Slavic people from Eastern Europe.

Mr. Chairman, yesterday, a coalition of 27 human rights and religious and medical groups called for stepped up United States and international action to stop the slaughter of Bosnian civilians. These are not warlike organizations. The American Nurses Association, the Human Rights Watch, Anti-Defamation League, Refugees International, Physicians for Human Rights, American Arab Antidiscrimination League, the American Jewish Committee, World Vision. Quite the opposite. These are organizations that are devoted to peace and toward a just peace. They know that if Bosnia is not allowed to protect itself and the United Nations refuses to stop the Serb minority from its stated goal of "elimination of the Bosnian Moslems as a people from the Earth," then we will see in full color on CNN and all our other media the ethnic cleansing, the bombardment, the rape, and the slaughter of innocent people and the male populations of Bihac and Gorazde and Sarajevo repeated again.

Mr. Chairman, it is time to allow the Bosnians to obtain the weapons of defense. This war will stop when the Serbs know the world will not tolerate genocide. It is time to do the right thing in Bosnia; it is time to lift the arms embargo.

Ms. McKINNEY. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. BAKER].

Mr. BAKER of California. Mr. Chairman, this is a very healthy debate to have go on here today, but the resolution that we have before us is based on flawed premises. The premise is that there is not enough guns and that one side has more guns than another. It also has the premise that only one side are the bad guys, that this must be a one-way war. Just the other day we read in the newspaper where Croatia attacked an unarmed Serbian town and forced 15,000 people out of the town after shelling that town which was not defended by Serbian troops.

Mr. Chairman, this is not a one-way war. There is no shortage of arms. Yes, the Middle East are, through Croatia, arming the Bosnian Moslems. Yes, Russia is arming the Bosnian Serbs. Yes, even Germany is arming the Croatians in Bosnia. There is not a shortage of arms. There is not a one-side-is-all-bad attitude, and every other side is good. This war has been going on for 500 years since the Turks deposited the Moslems in the middle of this part of Europe. Now we are being asked to get in there and say, give them more arms, let us get involved. This controversy needs a new map.

Mr. Chairman, our State Department backed the recognition of Bosnia. What was wrong with that? Well, the map put little Croatian communities in the middle of Serbian territory, Serbian communities in the middle of Croatian territories, and Moslem territories, they were all mixed. In fact, 30 percent of Sarajevo was communities that were Serbian.

Mr. Chairman, suppose they came to you and said, Washington, DC is going to be under Moslem control, Maryland is going to be Catholic, and all of you in Virginia are going to be Orthodox. People would be forced to move unless they wanted to live under these constraints.

Mr. Chairman, the only way is to force people to the bargaining table. This is no resolution. This is an extension of war. There is no request that the Bosnian Moslems go to the bargaining table. We just ask for more arms.

Mr. HOYER. Mr. Chairman, will the gentleman yield?

Mr. BAKER of California. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Chairman, I would point out that in Sarajevo, the populations lived together very peacefully. It was extrinsic forces that changed that.

Mr. BAKER of California. They lived peacefully until we recognized the false state of Bosnia Moslems who then took in people who did not want to live under them and vice versa.

Mr. Chairman, vote "no" on this resolution. Let us do something to restore peace.

Mr. GILMAN. Mr. Chairman, I yield 1½ minutes to the gentleman from Virginia [Mr. GOODLATTE].

Mr. GOODLATTE. I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in strong support of the lifting of the arms embargo to allow defenseless people in Bosnia to defend themselves. They do not have to fight tanks with rifles.

Mr. Chairman, the gentleman from Indiana calls this a bloody peace that we see in Bosnia—200,000 lives slaughtered is a bloody peace? Mr. Chairman, a bloody peace is no peace.

Patrick Henry, 220 years ago in Virginia said, gentlemen may cry peace, peace when there is no peace in the famous speech that he cited calling for this country to rise up against Great Britain. The people of Bosnia seek a situation in which they should have the right to defend themselves against far worse atrocities, killings, torturing, rapes, imprisonment in internment camps, expulsion from their lands, creation of refugees, of thousands and thousands of people.

Mr. Chairman, the gentleman from Mississippi [Mr. TAYLOR] says that the United States cannot be the world's policeman, and he is right. So why are we participating in policing Bosnia by enforcing an arms embargo that prohibits people from having the opportunity to defend their own lives, their own families?

□ 1430

That is what this is about. This does not involve putting U.S. troops into the situation. It simply involves allowing people to defend themselves.

Mr. Chairman, I urge support for this bill.

Mr. HOYER. Mr. Chairman, if the gentleman would yield, I commend the gentleman for his excellent point that he just made. Right.

Ms. McKINNEY. Mr. Chairman, I yield 3 minutes to the gentleman from North Carolina [Mr. HEFNER].

Mr. HEFNER. Mr. Chairman, I would like to approach this from a little different perspective. As the gentleman from Pennsylvania [Mr. MURTHA], former chairman of the Armed Services Committee, said this morning when we debated the rule, these are some easy votes if we are looking for some votes that we want to make and we can put a press release out and say "I voted to lift the embargo to let the people defend themselves."

Mr. Chairman, it makes us feel real good, but there are going to be some tough votes that are going to come later if we implement lifting this embargo. What is going to happen is, we are going to lift the embargo and the President is probably going to veto the bill. If we do not override the veto, it goes through and becomes law and then the next step comes.

They are going to ask for some arms; it is going to come for the United States. We are going to be bringing these arms in, and somebody has got to accompany them to teach these people how to use these sophisticated weapons. Both Republicans and Democrats have said, if we need to extract the U.N. forces from this area, that they are willing to put 25,000 American troops on the ground to support extracting these people from this area.

Mr. Chairman, that is where the tough vote is going to come, because many Members have said, we are not going to enter into this unless Congress authorizes putting American troops on the ground in Bosnia. That is what it comes down to; that is when the tough vote comes.

Mr. Chairman, I just wonder where the people that are so eager to lift this embargo, where they are going to be when the argument is on this floor when we are being asked to send 25,000, or more, American troops to Bosnia to help extract the U.N. forces from Bosnia. There will not be a sufficient number of votes to allow that. We are going to find ourselves in an absolutely intolerable situation.

This is a feel-good vote, and I do not know of one single American, I do not know of one Member in this House that does not deplore the actions that are taking place in this part of the world today. But, to me, to do this is absolutely the wrong way to go.

Mr. Chairman, there have been some changes in policy that have been made that are going to put the decisionmaking policy into the military. If it takes strategic bombing and heavy bombing, let us give it a shot. Sooner or later, Members who are advocating lifting this embargo are going to be called on to come to this House floor and called on to make the vote to put American troops on the ground in Bosnia.

Make no mistake about it, Mr. Chairman, this vote today is Americanizing the war in Bosnia. Make no mistake about it. Remember that when the vote comes to put American troops in harm's way in Bosnia where our national interest is not at stake.

Mr. GILMAN. Mr. Chairman, I yield 3 minutes to the gentlewoman from New York [Ms. MOLINARI], the distinguished vice chairman of our Republican conference and a long-standing member of the Bosnia Task Force.

Ms. MOLINARI. Mr. Chairman, I would like to read a letter sent to a Senator from President Clinton. It states:

> If by October 15, the Bosnia Serbs have not accepted the Contact Group's proposal of July 6, it would be my intention within 2 weeks to introduce formally and support a resolution at the U.N. Security Council to terminate the arms embargo. Further, if the Security Council fails to pass such a resolution, it would be my intention to consult with Congress thereafter regarding unilateral lifting of the arms embargo.

This letter was in response to congressional attempts to end the arms embargo. The letter is dated August 10, 1994.

An entire year has gone by since this administration signaled its intentions to get serious, if only we give them a little more time.

So we agreed and we gave them a year: a year more of bombings, a year more of bloodshed, another year of children being viciously taken from their parents, another year of women being raped and men being tortured.

Mr. Chairman, we are all watching.

As if the tragic act of doing nothing in the face of this barbarism is not enough, we have heightened our complicity by insisting that the Bosnians "do nothing" as well:

Fathers forced at knife point to rape their daughters. Do nothing.

Concentration camp victims forced to drink their own urine to stall dehydration. Do nothing.

Mothers forced to watch their babies beheaded in front of them. Do nothing.

Watch as family and friends get blown away. Do nothing.

Here we are today face to face with our failure. No more delays.

The Serbians have not stopped in their quest for blood. The United Nations cannot save a town, a life, or a hope.

Genocide is our problem, and convenient dismissal of catastrophic human tragedy will be on all of our epitaphs just as it was 50 years ago when Neville Chamberlain chose to dismiss Nazi aggression with words that have been ringing in our ears since then:

"How horrible," he said, "How incredible it is that we should be digging trenches and trying on gas masks here because of a quarrel in a faraway country between people of whom we know nothing."

His words sound very similar to the speeches we have heard here today.

It was tragic then; it is tragic now. The time has come to end the arms embargo, and I thank the gentlemen on both sides of the aisle for their leadership in forcing this tragedy, once and for all, to end. This is our date with destiny.

Mr. HOYER. Mr. Chairman, I commend the gentlewoman from New York [Ms. MOLINARI] for her leadership and her strong statement.

Mr. Chairman, I yield 2 minutes to my friend, the distinguished gentleman from New Jersey [Mr. MENENDEZ].

Mr. MENENDEZ. Mr. Chairman, the time has come for us to be resolute, and for us to act.

As the leader of the free world, the United States of America must no longer stand by idly as accomplices to a carefully planned and savagely executed genocide by Serbian war criminals. We must act now to allow the Bosnian people to assert their right to self-determination and their right to self-defense.

The Republic of Bosnia and Herzegovina is a member of the United Nations. As a U.N. member Bosnia has an inherent and internationally recognized right to defend itself against armed aggression.

Let us not deny the Bosnian people the right to fight their own fight.

The United Nations Protection Force [UNPROFOR] no longer protects anyone. It is no longer a force for the protection of the innocent, but an object for our pity. The U.N. safe havens are no longer safe but sitting targets for more brutality. How much more blood will we allow to stain our hands?

Let us not deny the Bosnian Government the right to protect their defenseless women and children. That is all that we propose here today—nothing more and nothing less.

But this is not only about Bosnia's defense. This is about America's pursuit of her national interests.

International peace and stability is most certainly in America's national interests. The Balkan crisis has threatened the viability and the stability of the international system. Who would have predicted that just a few years after its historic victory in the cold war, the credibility of NATO would be threatened as it is? Well, it need not be that way.

Zbigniew Brzezinski, a former National Security Adviser to President Carter, could not have put it better when he wrote recently:

> The character of the international order is also at stake. A world unable to make the distinction between victims and aggressors, and especially a world unwilling to act on that distinction, is a world in which the United Nations becomes an object of derision—on the part not only of the aggressors but of all free peoples. World peace will be the ultimate casualty in Bosnia.

Let us enter the new millennium with the confidence of victory in the cold war and the Persian Gulf; with the moral authority that distinguishes between the victims and the aggressors—not with the insecurity of inaction in the Balkans. Let us enter a new millennium where world peace is the ultimate victor.

Ms. MCKINNEY. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Chairman, last month I was fortunate enough to have dinner with Colin Powell, Dick Cheney, John Sununu and "Cap" Weinberger, and everybody was in agreement the one way to expand the war in this part of the world is to get the major powers involved and also to increase the arms in those areas.

Mr. Chairman, none of us want the atrocities to continue. But if we look at the solution logically, increasing arms into an area is not going to help us to a peaceful solution; it is going to expand it and in my opinion, and many others' opinion, it is going to increase the length of time before we could ever go in and stop it.

Mr. Chairman, if my colleagues would just think logically, by increasing arms is it going to stop the war? No, it is not. It is going to encourage it. More will die on all sides if we put in weapons. And we do not just put in a weapon and ask them to pick it up, especially high-technology weapons. We have to put in those 25,000 U.S. troops. When we do that, we are going to lose a lot of those U.S. troops.

We expanded arms in Vietnam; 55,000 Americans died. That was not a good solution and, Mr. Chairman, I say this is not a solution either.

If we put in those arms, it is going to encourage. Why do my colleagues think that Greece and Russia support the BSA? Because, first, they were allies in World War II and, second, because of the orthodox religion. But if my colleagues will take a look at history, it was the Croatians that fought with Nazi Germany and they ethnically cleansed millions and millions of Serbs. Where were we then?

My idea is not to focus on the atrocities, as the gentleman from Mississippi [Mr. TAYLOR] said, but on a solution. Mr. Chairman, putting arms in that area is not focusing on the solution.

I recently attended an event where over 400 allied pilots gave homage to the Serbs for getting them out in World War II. Misinformation damages the solution. For example, the press reported that when Captain O'Grady was picked up, he was shot at by the Serbs. He was not. He was not shot at until he was over Croatia by the Croatians.

Mr. Chairman, that is immaterial. If we focus on who shot who, and who commits the most raids, and we dump arms into that area, Mr. Chairman, we are inviting pain. If we get involved, the things that the Republican Party has stood for, balanced budget amendment and Medicare solutions, if my colleagues want to get us involved, we can kiss it all good-bye. It is gone. It is history.

Mr. Chairman, once the fighting starts over there, try and get out. We could not even get out of Somalia without running with our tail between our legs.

Mr. Chairman, I ask for a "no" vote on this resolution.

Mr. HOYER. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey [Mr. PALLONE].

Mr. PALLONE. Mr. Chairman, I rise today in favor of S. 21, the Bosnia Self-Defense Act. The recent collapse of the two so-called U.N. designated safe areas indicate that the U.N. mission is falling apart. It is clear the United Nations is not capable of protecting the Bosnian Moslems and is denying them the right to adequately protect themselves.

Since its inception, the arms embargo has provided the Serbs who inherited the weapons of the former Yugoslavia with a decisive advantage in this war and the arms advantage as facilitated Serbian terror campaigns which have included ethnic cleansing, systematic mass rape, and executions. What is occurring in Bosnia is a campaign of terror by the Serbs that closely resembles the Nazi atrocities of World War II.

Mr. Chairman, the tide may be turning in the war in Bosnia. There are signs that the Moslems may be able to take back the lands captured by the Serbs and ultimately lift the stranglehold on their capital, Sarajevo.

☐ 1445

With a new infusion of arms, the Bosnian Moslems may be able to take the upper hand in the war for the first time. Let us give the Bosnian Moslems a chance in this war by passing this bill.

Ms. MCKINNEY. Mr. Chairman, I yield 3 minutes to my good friend, the gentleman from California [Mr. FAZIO].

Mr. FAZIO of California. Mr. Chairman, I rise in opposition to S. 21, the Bosnia and Herzegovina Self-Defense Act of 1995.

Mr. Chairman, I know that all of us share a commitment to bring a peaceful end to the tragedy in Bosnia, but we remain divided over one important question. Should we go forward, against the advice of our military commanders and unilaterally lift the embargo prohibiting the export of arms to the Bosnian Government?

The difficulty we face arises out of a complex set of circumstances, principally the lack of any easy, clear-cut alternatives, and the likelihood that such a decision will thrust the United States deeper into a war not of our own making, and permanently damage the NATO alliance.

While we bear a moral obligation and a global responsibility to seek a solution to this crisis, we have sought to strike a delicate balance—retain our commitment to multilateral peacekeeping operations while making every effort to guarantee the safety of the Bosnian people.

Until recent days, we could pursue these two goals in tandem.

But as two UN-declared safe-havens have fallen to Bosnian-Serb troops, we have rightly reexamined our decision to participate in this world-wide arms embargo, and we have begun to reassess the role of the U.N. peacekeeping force, giving command authority over to NATO.

The U.N. coalition has been less than successful, and conditions in Bosnia have continued to deteriorate.

But as we begin to look at alternative solutions—particularly one dependent on a heavily armed Bosnian military force—we should consider three things:

First, the likelihood that a unilateral decision to rescind the arms embargo will bring an immediate end to current peacekeeping operations. Our United Nations allies—principally Britain and France—have stated that unilateral United States action will compel them to withdraw troops they have placed under United Nations command in Bosnia.

Hundreds of thousands of Bosnians will be immediately and adversely affected if U.N. forces are forced to abandon what has been—largely—a humanitarian mission. Both injured civilians and refuges have come to depend on U.N. troops for humanitarian relief. In addition, humanitarian organizations that rely on U.N. forces to maintain a minimum level of safety and security would find it difficult if not impossible to continue their work.

Second, unilateral termination of the arms embargo will put a severe strain on our relationship with NATO allies and Russia.

While we have an obligation to assert a preeminent moral position on the world stage, we cannot and must not embark on approach that does nothing more than Americanize this conflict and leave us isolated.

Finally, the immediate and indisputable effect of this policy change will be an escalation of terror as Serbian troops advance on previously safe-havens. If arms shipments to Bosnian forces increase—as they are certain to do if we vote to reject the embargo—there is a real possibility that United States ground troops will slowly, but surely, be drawn into this conflict, as technical advisors or direct combatants.

Our engagement is likely to come in two phases. Initially, the United States is obligated to assist in the evacuation of U.N. forces—an operation, that despite its clear purpose, exposes our troops to considerable risk. We will face a second, more considerable risk as the Bosnian military, under heavy assault from Bosnian-Serb troops, look to United States to provide arms, air support, and active military support.

The United States cannot afford to back into this conflict. Driven by public outrage, and without having clearly defined the parameters for our involvement, we run this risk.

The United States should only consider rejecting the arms embargo—as the administration has suggested—as part of a multilateral agreement.

While avoiding irreparable damage to the NATO coalition, we would be in a position to reassess the U.N.'s role, and, possibly, develop a viable, international solution—one that does not require the United States to assume unilateral responsibility.

While this policy remains an option, the administration is in the midst of negotiations intended to strengthen the U.N.'s hand—a strategy that reflects a more sensible alternative to an outright rejection of the arms embargo. I urge my colleagues to consider this strategy, and reject S. 21.

Mr. HOYER. Mr. Chairman, I yield 1 minute 20 seconds to the gentleman from Michigan [Mr. LEVIN].

Mr. LEVIN. Mr. Chairman, I do think we have to consider who shot whom and who is raping whom. In a word, we have to step up to Serbian aggression.

While there is a clear difference of opinion in our Nation let me ask this: Would the Bosnian Serbs prefer this resolution pass or fail, that the arms embargo be lifted or continued? I suggest that they will deem a positive vote today as another indication of determination to stop Serbian aggression.

Any course does carry a risk. Past policies have risked continued aggression and mass murder, and they have paid the consequences. It is time, indeed long overdue, to try a new course. I support this resolution.

Mr. HOYER. Mr. Chairman, will the gentleman yield?

Mr. LEVIN. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Chairman, I think the gentleman makes a critically important point. The point the gentleman just made was that the message the Serbs would take from this was that the Congress and America were determined to stop further Serb aggression. I think the gentleman is absolutely correct, which is why I am so strongly in support of a "yes" vote on S. 21.

I thank the gentleman for his statement.

Mr. HOYER. Mr. Chairman, I yield 1½ minutes to the distinguished gentleman from Tennessee [Mr. CLEMENT].

Mr. CLEMENT. Mr. Chairman, this debate is about a father's right to protect his family, a brother's right to protect his siblings, and the preservation of a race and a heritage.

We have all seen the horrible scenes of starving men in camps which harkened memories of World War II concentration camps. We know about the rape, robbery, destruction, and mass genocide.

Ethnic cleansing has become commonplace in everyday conversation. Ethnic cleansing: what a sanitary term. Perhaps it is the hope that such a term will make the events in the former Yugoslavia a little more bearable—a little more tidy. But, in reality it is anything but tidy. Ethnic cleansing is the systematic destruction of a people, a culture, real live human beings like you and me.

The United Nations arrived as the knight in shining armor; the defender of the innocent and persecuted. They issued edicts and ground rules and promised to protect and defend the innocent victims.

Well, we are still waiting. This mission has the world's premier military hardware and the best trained soldiers at its disposal, yet time and time again innocent people are tortured, murdered, and abused while U.N. forces sit idle.

The U.N. Secretary-General has reduced UNPROFOR to a role of finger pointing. The U.N. has lost all credibility. Renegades and criminals masquerading as soldiers have managed to hold the world at bay for months.

I understand that this is a delicate situation and that things are easier said than done, but you have to make an effort. You can't win if you don't join the game. Superior force ceases to be a deterrent if there is a demonstrated reluctance to use it. The Serbs have no fear because U.N. reprisals have been too seldom and too restrained.

The U.N. has clearly demonstrated that it is willing to talk the talk but reluctant to walk the walk. Unfortunately, the Bosnians don't have such luxuries.

It is bad enough that the Secretary-General of the U.N. continues to sit on his hands and leave the so-called safe zones vulnerable. But to make matters worse, the Secretary-General continues to keep the Bosnians' hands tied behind their back.

The Bosnians have a right to defend themselves. If the U.N. is not going to defend the Bosnians—and there is no reason to believe they will—then the very least we can do is to lift the arms embargo.

Two safe havens have fallen since our last vote on the House floor and there is no reason to believe that other safe zones will not follow in the near future. How much longer will we wait? How many more people will have to suffer? How many more men and women will be widowed? How many more children will be orphaned?

Lift the arms embargo. Give the Bosnians a fighting chance.

Mr. GILMAN. Mr. Chairman, I move that the Committee do now rise.

The CHAIRMAN. The question is on the motion offered by the gentleman from New York [Mr. GILMAN].

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. EMERSON) having assumed the chair, Mr. BONILLA, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (S. 21) to terminate the United States arms embargo applicable to the Government of Bosnia and Herzegovina, had come to no resolution thereon.

PERMISSION TO EXTEND GENERAL DEBATE IN THE COMMITTEE OF THE WHOLE DURING CONSIDERATION OF S. 21, BOSNIA AND HERZEGOVINA SELF-DEFENSE ACT OF 1995

Ms. MCKINNEY. Mr. Speaker, I ask unanimous consent that further general debate on S. 21 be extended by 1 hour equally divided between the chairman and the ranking member of the Committee on International Relations in the Committee of the Whole.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Georgia?

There was no objection.

BOSNIA AND HERZEGOVINA SELF-DEFENSE ACT OF 1995

The SPEAKER pro tempore. Pursuant to the House Resolution 204, and rule XXIII, the Chair declares the House in the Committee of the Whole on the State of the Union for the further consideration of the Senate bill, S. 21.

□ 1455

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the Senate bill (S. 21) to terminate the United States arms embargo applicable to the Government of Bosnia and Herzegovina, with Mr. BONILLA in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose earlier today, the gentleman from New York [Mr. GILMAN] had 5½ minutes remaining in debate, and the gentleman from Indiana [Mr. HAMILTON] had 1 minute remaining in debate, pursuant to the House resolution 204 and the gentleman from Maryland [Mr. HOYER] had 3½ minutes remaining.

Pursuant to the order of the House of today, the gentleman from New York [Mr. GILMAN] and the gentleman from Indiana [Mr. HAMILTON] will each be recognized for an additional 30 minutes of general debate.

The Chair recognizes the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Chairman, I yield 15 minutes to the gentleman from Maryland [Mr. HOYER] of the 30 minutes provided to me, for general debate, and I ask unanimous consent that the gentleman from Maryland [Mr. HOYER] be allowed to yield portions of that time to other members.

The CHAIRMAN. Is there objection to the request of the gentleman from New York [Mr. GILMAN]?

Mr. HOYER. Mr. Chairman, reserving the right to object, obviously I am not going to object, I do want to thank the chairman of the committee, the gentleman from New York [Mr. GILMAN]. The gentleman from New York is one of the real gentlemen of this House irrespective of party. He is my close friend, and he and I have worked closely together for over a decade on issues of concern to human rights and international peace and justice. I want to thank the gentleman for his consideration during the course of this debate. It is very much appreciated.

Mr. GILMAN. I thank the gentleman for his kind remarks.

Mr. HOYER. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Ms. MCKINNEY. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. FARR].

Mr. FARR. Mr. Chairman, I rise today to address the issue of the arms embargo on Bosnia and Herzegovina, and proposals before Congress for the United States to unilaterally lift the embargo.

This is not an easy issue. It affects our relations with our allies abroad, and the authority of our President to conduct foreign policy. Above all, it involves the lives of thousands of people, Bosnians and Americans, who will be affected by lifting the embargo.

There are some who argue that ending the embargo will lead to a fair settlement in Bosnia, or even some victories for the Bosnian Moslems. But there is little evidence this will happen. Indeed, the exact opposite may occur: Serbs may begin massive preemptive attacks on Bosnians to destroy their army before they can receive arms. In addition, recent evidence suggests the Bosnians are so poorly trained and led that increased arms shipments would do little to improve their chances on the battlefield.

In fact, the war may expand far outside the borders of Bosnia if the embargo is lifted. Nearby places such as Macedonia and Kosovo are already politically and ethnically unstable, and could easily become engulfed in the conflict. Furthermore, Russia, a traditional ally of Serbia, may respond to any Bosnian victories by providing overt military support for Serbia—bringing a major world power into the war, and forcing the West to either provide similar support for the Bosnians, or else let them be defeated.

Even supporters of ending the embargo admit: Ending the embargo would mean increased conflict in Bosnia—and thus, more bloodshed, more deaths of innocent civilians, and massive increases in refugees fleeing to Western Europe.

Above all, I believe the ultimate question on this issue must be: Will lifting the embargo put the lives of American men and women in danger?

Supporters for lifting the embargo make it sound simple: Lift the embargo, and wash our hands of the Bosnian conflict. But things rarely happen that way—and they would be unlikely to happen that way in Bosnia.

First, the United States would be forced to immediately deploy troops—at least 20,000—to Bosnia, to aid the withdrawal of the thousands of defenseless U.N. troops stationed in Bosnia.

Next, the Bosnians would need weapons and the training to use them. Supporters for ending the embargo may say that that would not be our responsibility. But how will we respond to those who argue that, if we are responsible enough to unilaterally end the embargo, for the supposed benefit of the Bosnians, how can we not be responsible enough to come to the aid of those same Bosnians, especially the innocent civilians who have lost the protection of the United Nations?

And what if other countries, such as Russia, come to the aid of the Serbs? How could we not provide similar aid to the Bosnians?

Mr. Chairman, I support peace in Bosnia, not war, and not the deaths of Bosnian civilians or Americans soldiers. It is hard to believe—and no one can possibly guarantee—that lifting the embargo would help the peace process. I cannot support unilaterally lifting the arms embargo when the result will be needless conflict and deaths.

Mr. GILMAN. Mr. Chairman, I yield 5 minutes to the gentleman from New Jersey [Mr. SMITH], the distinguished chairman of the Subcommittee on International Operations of our Committee on International Relations.

Mr. SMITH of New Jersey. Mr. Chairman, earlier today I was given the opportunity to speak in this debate about why I felt so strongly we need to lift the arms embargo. I think it is immoral. It continues to be unethical. People are being killed and slaughtered.

Under the right of one's country, a sovereign right, to defend themselves, it is my strongly held view, and thanks to the majority of this Chamber, both sides of the aisle, that we ought to lift the arms embargo. It was improperly imposed. It ought to be lifted immediately so the Bosnians can defend themselves.

□ 1500

But I would like to take just a moment or two to read a letter that was sent on July 31 to myself and the gentleman from Maryland [Mr. HOYER], who has been a real strong advocate and a leader on this lifting of the arms embargo. It is from Prime Minister Haris Silajdzic, a man who has appeared before the Helsinki Commission, which I chair, and the gentleman from Maryland [Mr. HOYER] used to chair, is now ranking Democrat on that Commission, and time and time again he has made an impassioned plea over the years for lifting the arms embargo as a way of this country, this important country, to defend itself, but also so that the diplomacy would work. Absent a credible counterweight to the armed aggression by the Serbs, the Bosnian Serbs, the diplomacy will not work, and I would like to read the letter from Dr. Silajdzic, the Prime Minister, to Mr. HOYER and me:

REPUBLIKA BOSNA I HERCEGOVINA,
OFFICE OF THE PRIME MINISTER,
July 31, 1995.

Hon. CHRISTOPHER SMITH,
Hon. STENY HOYER,
U.S. House of Representatives.

DEAR CONGRESSMEN: As you are aware, the people of my country have been under the most brutal assault seen in Europe since World War II. Throughout this conflict, we have never asked for American or foreign ground troops to fight for us. We do not need them. We have both the manpower and the will to fight for ourselves. Nor have we asked for training for our soldiers in weaponry or fighting. Our officers are already well trained, and our rank-and-file soldiers have had three years of on-the-job training in addition to their service in the former Yugoslav army. Instead, we have asked only that the arms embargo against our country be ended.

In spite of the passage of the Hoyer amendment last month, this embargo remains in place. In the eight weeks since that vote, the situation in Bosnia and Herzegovina has deteriorated dramatically. The countries that created and committed themselves to protect the six United Nations-designated "safe areas" have betrayed two of them—Srebrenica and Zepa—by allowing them to be overrun by Serbian forces. During and after these attacks, hundreds of civilians were raped and tortured. Thousands were massacred. At least seven thousand are unaccounted for. Tens of thousands more were displaced, and, in the absence of any real response from the international community, hundreds of thousands of our citizens throughout Bosnia are now more gravely imperiled than before. Time is of the essence.

With their latest pledge to defend Gorazde and interminable deliberations over whether to honor their existing commitments to protect the three other remaining "safe areas," Contact Group and UN-troop contributing nations claim to have drawn a line in the sand. The London Conference countries made their pledge ten days ago, yet still there has been no action. And it increasingly appears that the line was drawn to protect only Gorazde—if that.

Why only Gorazde? Why not Zepa? Its 20,000 inhabitants, even as they were still clinging to life and defending the enclave against all odds, were written off in the London conference communiqué in the name of consultations and consensus. Why not Bihac, which Serbian forces are trying to overrun even now? Why not Sarajevo, where Serbian forces have escalated their criminal strangulation and shelling attacks, and where, last week alone, 45 civilians—including 5 children—were killed, and 184 more wounded.

How do you explain to the Bosnian people that the very governments that created and promised to protect these enclaves are now sacrificing them? Serbian forces have crossed every line that the international community has ever drawn. After only a few more summits, commitments, pledges to act, and consultations, there could be no more Bosnians left in Bosnia.

Since before the very first attacks on our population more than three years ago, we have been prepared to fight to defend ourselves. Tragically, the arms embargo against our country has ensured that this conflict be a slaughter rather than a war.

The arms embargo must be terminated and a balance of power be effected on the ground. Only then will this genocidal spiral end. The recent offer of Croatian Serb forces to retreat from Bihac back into Croatia rather than face approaching Croatian Army units amply demonstrates the Serbs' responsiveness to a credible threat of force rather than empty diplomacy.

Our Army and even ordinary citizens are determined to provide that threat and fight for their lives, homes, villages, and country. This is our right. It is one that the American people—and their leaders—would undoubtedly demand for themselves if faced with brutal aggression of the type that Bosnia is enduring.

On behalf of our people, I appeal to the American government, the American people, and their elected representatives to untie our hands and to prove, once again, why American is the leader of the democratic world. In the name of morality, lift the arms embargo.

Sincerely,

HARIS SILAJDZIC,
Prime Minister.

I urge all Members to vote to endorse the amendment that has been offered to the bill by Mr. DOLE, and please lift this arms embargo so people can defend themselves.

Ms. McKINNEY. Mr. Chairman, I yield 4 minutes to the gentleman from California [Mr. BERMAN].

Mr. BERMAN. Mr. Chairman, I think we should be clear about one thing. The Western response, our response, to the war in Bosnia represents the greatest failure of the West since the 1930's. It has tarnished NATO; it has tarnished all of us. In the past I have voted for the resolution to lift the embargo unilaterally because of my disgust for the Western response and, I am sorry to say, because of my disgust for our own response to what has been happening there, and I have listened during this debate to the passionate speeches on behalf of lifting the arms embargo. The gentleman from Maryland [Mr. HOYER] and others have reminded us about American responsibilities to support freedom and oppose the forces of tyranny, and nowhere is that tyranny more apparent than in former Yugoslavia today. There is rape, murder, ethnic cleansing, concentration camps, disappearances, the slaughter of innocents. These have all become Serbian trademarks in this battle, and we have long gone beyond the time for decisive action. We should have acted years ago to end these atrocities.

So why do I change my position at this particular time? It is because, as we all search for the moral and appropriate thing to do, I think we have to look at the consequences of our actions and what is happening, and for the first time in 3 years, since all of this started unraveling, since all of this horror came upon the scene, I finally see a glimmer of hope, perhaps the first demonstration of a reality that the West finally realizes it needs to act.

NATO is now taking a forceful role in Bosnia. The dual key system that gave United Nations bureaucrats control over the use of force has now ended. Military commanders now have the ability to order tactical and strategic attacks when necessary to defend the remaining safe areas.

NATO is now discussing the use of heavy air attacks to end the Serb assault on the Bihac safe area.

A Rapid Reaction Force, heavily armed, has been deployed. Artillery units are dug in on Mount Igman. Relief convoys are being escorted into Sarajevo. Artillery, tanks, and armored personnel carriers are in position. The French have already fired back, suppressing Serb artillery.

Secretary Perry says that "airplanes are ready to go on a moment's notice" and the White House assures us that "substantial air actions will be mounted."

With these new commitments and change in the command and control structure, NATO has pledged its resolve. Now it must demonstrate it.

The alternative of lift; we should be clear what it does and what it does not do. It lifts the arms embargo, but it does not provide arms to Bosnia. It does not authorize the use of American troops for any purpose in Bosnia, whether it is to help with the withdrawal of the UNPROFOR forces that surely must follow that lift or the training, support, or delivery of military equipment. It does not give the Bosnian forces a chance. It does not provide them with the heavy military equipment or the training that all experts—including the Bosnians—agree is needed.

Is this a vote for symbolism over substance? I fear that it may very well be.

In the end I cannot help remembering that whether it was Czechoslovakia, or Poland, or Hungary, or the other countries that were subject to Nazi aggression and genocide, there was no arms embargo on those countries. Those countries without a forceful Western response were unable to resist the aggression. It was not until that response came all too late for so many millions that that aggression was resisted, and in the hope and the belief that finally the West and the United States are prepared to do something meaningful, I say for this time now let us give them that chance. If we are disappointed once again, then we have to go back to the old strategy.

Ms. McKINNEY. I yield 2 minutes to the gentleman from Michigan [Mr. CONYERS].

Mr. CONYERS. Mr. Chairman, I thank the gentlewoman from Georgia for yielding this time to me.

My colleagues, I rise today in reluctant opposition to this bill which seeks to pile matches upon a smoldering tinderbox in the former Yugoslavia. I am a veteran of war, but if I am remembered for anything in this body, I hope this body will remember me as a champion of peace. At best, we will make a difficult choice in our policy toward Eastern Europe, and at worst, we will take the first step down a slippery slope to an involvement that we cannot get out of, and I would like to give my colleagues the three reasons that make me support a position of voting "no" on lifting the embargo.

If the United Nations has to move out, the United States will have to deploy 25,000 ground troops to this volatile region to protect the withdrawal as part of President Clinton's commitment to the NATO evacuation plan, OPLAN 40104. So do not be deceived. This is an easy vote in some quarters, but a vote to lift the embargo is a vote to send in U.S. troops.

Second, our best allies, Britain and France, have made clear that, if the embargo is lifted, the United Nations will pull out and no one will be there to feed the 3 million displaced people daily. This would dramatically exacerbate the refugee crisis and the civilian casualty rate, especially among Moslems.

Let me skip the other two and quote Dr. Martin Luther King, Jr.:

> The past is prophetic in that it asserts loudly that wars are poor chisels for carving out peaceful tomorrows. One day we must come to see that peace is not merely a distant goal that we seek, but a means by which we arrive at that goal. We must pursue peaceful ends by peaceful means.

So today I ask my colleagues not to overlook the common sense of this uncommon wisdom. Let us commit to a long-term policy that cuts off fuel and supplies to aggressors, allows the President to act in concert with the international community and seeks to wage peace rather than war.

Ms. McKINNEY. Mr. Chairman, I yield 1½ minutes to the gentleman from North Dakota [Mr. POMEROY].

Mr. POMEROY. Mr. Chairman, I thank the gentlewoman for yielding this time to me.

I hate to my core the tragedy that is occurring in Bosnia. Twenty-two years ago I was an exchange student in Yugoslavia. It was a country coping reasonably well with its incredibly diverse culture and backgrounds. This godawful tragedy did not have to happen. Those responsible for sending this country into a fratricidal state of unimaginable cruelty, murder, and rape should be condemned for all eternity. This tragedy on our planet is a blow for all mankind.

But let me make one thing very, very clear. It is not America's fault. It is not America's fight.

As I wrestled with the decision before us, a constituent asked me two questions that I think get to the core of the difficult issues before us. Why are these people killing each other, and why should we place American lives on the line to stop it?

□ 1515

I did not have an answer to either question posed by my constituent, and without these answers I cannot vote on a proposal which is an inevitable first step to Americanizing this tragedy. As deeply as I hate what is occurring, I will not support this country taking a "Go It Alone" approach and exposing us in this fashion to deeper U.S. Involvement in this tragic conflict.

Mr. HOYER. Mr. Chairman, I yield 2 minutes to my very good friend, the gentleman from New York [Mr. ENGEL] who has been deeply involved in foreign affairs issues during his career here in the House.

Mr. ENGEL. Mr. Chairman, I thank the gentleman for yielding me the time. We have all heard this story of how Nero fiddled while Rome burned. For the past 3 years the world has fiddled while Bosnia has burned and its people have been raped and killed. For 3 years, I and others have been arguing on this floor to lift the arms embargo, and what do we hear time and time again and 3 years later? We are still hearing the same things.

Mr. Chairman, the failed policies, the tired policies, the diplomatic niceties, they have failed. The status quo is not acceptable. Two hundred thousand people have been killed. It is almost an insult to our intelligence to say we should just stay the course and let us give NATO or the United Nations one more chance.

Mr. Chairman, for the past several weeks, some of us who are Members of Congress have been receiving the most vile anti-Semitic and racist faxes coming into our office. Unfortunately, it shows that 50 years after the Holocaust, anti-Semitism and racism is still alive and well in some quarters, and genocide, once again, is rearing its ugly face on the Continent of Europe. Are we just to stand by and do nothing?

Perhaps, Mr. Chairman, we ought to do something because it is right. Is that not what this wonderful country has always stood for, doing what is right? The Serbs are trying to expand Greater Serbia. If they get away with this in Bosnia, Kosova will be next and other places will be next. Let the Bosnian Moslems defend themselves. That is all they are asking.

We have seen in the past 3 years, whenever NATO has seemed to take a firm stance, the aggressors have backed down. When they saw that NATO and the United Nations was a paper tiger, they emboldened themselves. Safe zones were established only to crumble: Srebeniza, Zepa. What is next, Gorazde, Bihaj, and Sarajevo? Are we going to sit by and watch people be raped and murdered?

Mr. Chairman, we do not want to send the message that aggression and genocide pays. We want to send a message that this country will not tolerate it. Support the bill. The whole world is watching.

Mr. HAMILTON. Mr. Chairman, I yield 2½ minutes to the distinguished gentlewoman from Georgia [Ms. MCKINNEY].

Ms. MCKINNEY. Mr. Chairman, I rise today in support of the President's position to uphold the arms embargo on Bosnia. As the world's leader we have the responsibility to uphold the principles of negotiated settlement and conflict resolution.

By lifting the arms embargo, Mr. Chairman, we put 25,000 peacekeepers in danger, we become responsible for escalating the war, and we set the stage for a deeper, personal U.S. involvement in the conflict. A unilateral lifting of the embargo would drive our allies out of Bosnia and pull us in. It will place the responsibility for defining the mission in Bosnia squarely on our shoulders.

Our leadership on this issue must be clear, unwavering, and forthright. The Serbs' assault in recent days makes it clear that we must strengthen UNPROFOR in consultation with our allies. A congressional passage of a unilateral arms lift at this delicate moment would undermine all efforts to shore up UNPROFOR and work in concert with our allies.

A unilateral arms lift means unilateral responsibility for the United States. A unilateral arms lift, Mr. Chairman, will not be a quick fix. We must stand fast with our allies and with NATO.

We must maintain our global responsibility to seek a negotiated settlement to pursue a peaceful resolution to the Bosnian crisis. We must support the President, our allies, and NATO. Therefore, Mr. Chairman, I urge my colleagues to vote "no" on lifting the arms embargo on Bosnia.

Mr. HAMILTON. Mr. Chairman, perhaps we ought to get clear here on the amount of time remaining. Could the Chair advise us what time remains for each of the three managers?

The CHAIRMAN. The gentleman from Indiana [Mr. HAMILTON] has 18 minutes remaining, the gentleman from New York [Mr. GILMAN] has 14½ minutes remaining, and the gentleman from Maryland [Mr. HOYER] has 16½ minutes remaining.

Mr. HOYER. Mr. Chairman, I yield 1½ minutes to the distinguished gentlewoman from Connecticut [Ms. DELAURO], one of the leaders on our side of the aisle.

Ms. DELAURO. Mr. Chairman, I rise in strong support of lifting the arms embargo on Bosnia.

Lifting the arms embargo is not something we should take lightly. But we cannot continue to allow innocent civilians to be killed, tortured, raped, and herded out of what have been called safe havens. What kind of safe haven allows the slaughter of innocents?

The arms embargo was put in place to prevent weapons from entering the former Yugoslavia. But it has not worked each night on the news, we can witness the atrocities being committed by the well-armed Serbs. The Serbs have slaughtered men, women and children. The survivors have been forced out of their homes so that the Serbs may realize their appalling goal of an ethnically pure Serbia.

The international community has not been able to defend the Bosnian, and through the arms embargo, the international community has not accorded the Bosnians their fundemental right to defend themselves. We must not continue down the same path that has led to ethnic cleansing, rape, murder, and torture. In Bosnia the battle lines may change daily but the line between right and wrong does not move. It is wrong for the Serbs to slaughter a defenseless people and it is wrong for the United States to stand by and watch. Lift the arms embargo. Allow the Bosnians to defend themselves.

Mr. HAMILTON. Mr. Chairman, I will reserve the balance of my time. We do not have a speaker on the floor at the moment, but some are on their way.

Mr. GILMAN. Mr. Chairman, I reserve the balance of my time.

Mr. HOYER. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Maryland [Mr. CARDIN] a member of the Helsinki Commission.

Mr. CARDIN. First, Mr. Chairman, let me thank the gentleman from Maryland [Mr. HOYER] for his leadership on the Helsinki Commission and on human rights issues.

Mr. Chairman, by maintaining the status quo and not lifting the arms embargo, we are taking sides. We are taking the wrong side, on the side of the aggressor. The Serbs are clearly the aggressors in Bosnia.

We have had hearings before the Helsinki Commission here in Washington that have documented the atrocities that have taken place. The numbers before the most recent aggression by the Serbs indicate over 20,000 rapes, over 151 mass graves holding up to 3,000 remains, over 200,000 deaths, 800 prison camps and detention facilities, 50,000 people tortured. The Serbs are the aggressors, the Serbs are armed, the Bosnians are not. Maintaining the status quo is taking a side; taking the wrong side.

Yes, Mr. Chairman, lifting the arms embargo is uncertain. We do not know what will happen by lifting the arms embargo, but we know that by maintaining the arms embargo, the atrocities, the genocide that is currently taking place, will continue to take place. Why should we not let the Bosnians make their own decision? They should have the right to be armed.

Recently, at a meeting of the Organization for Security and Cooperation in Europe, I presented a statement on behalf of the Bosnian Government. They were unable to get there, for obvious reasons. I will quote from the government statement less than one month ago.

> This war continues because UNPROFOR commanders have lacked the political will and the Bosnian army has lacked the means to adequately confront those that willfully defy international law and Security Council resolutions and OSCE decisions and principles in pursuit of an ethnically pure Greater Serbia acheived through genocide. You know that the Bosnian government lacks the means of confront those butchering its civilians and acquiring its territory by force because of the unjust and absurd arms embargo, which is in full contradiction to Article 51 of the U.N. Charter confirming the inherent right to self-defense.

Mr. Chairman, the United States has stood up before, and many times alone on human rights issues. We stood very tall against the former Soviet Union and opposed economic sanctions against the advice of many of our allies, and the Soviet Union changed and Soviets were allowed to leave the Soviet Union.

We stood tall against South Africa, when many of our allies questioned our actions. We were right and South Africa changed.

On the 20th anniversary of the Helsinki Accords, let us stand up for what is right. Vote to lift the arms embargo.

Mr. Chairman, I include the statement by the Delegation of the Parliament of the Republic of Bosnia and Herzegovina to the 4th OSCE Parliamentary Assembly for the RECORD.

STATEMENT BY THE DELEGATION OF THE PARLIAMENT OF THE REPUBLIC OF BOSNIA AND HERZEGOVINA TO THE 4TH OSCE PARLIAMENTARY ASSEMBLY, OTTAWA, 4-8, 1995—GENERAL COMMITTEE ON POLITICAL AFFAIRS AND SECURITY

MR. CHAIRMAN, the Delegation of the Republic of Bosnia and Herzegovina is pleased to contribute to this debate on political affairs and security our views which have been formulated after years of experience with the United Nations and OSCE security mechanisms, as manifested in UNPROFOR, NATO, as well as numerous political mechanisms, including the International Conference on the Former Yugoslavia and the Contact Group.

We must impress upon you the fact that these experiences are first hand and in the most difficult and trying of circumstances. The lessons learned, or better to say, the lessons that have been offered to us, those in the security and political fields, come at the expense of more than 200,000 dead Bosnians, and perhaps at the expense of the credibility of the security and political mechanisms mentioned above.

Stability and security in Europe are most threatened by the continuing war of aggression and genocide waged by Karadzic's war criminals and their sponsors in Belgrade against the Republic of Bosnia and Herzegovina and Croatia. This war continues because (1) the Karadzic terrorist Serbs still reject the Contact Group peace plan, and (2) because UNPROFOR commanders have lacked the political will and the Bosnian Army has lacked the means to adequately confront those that willfully defy international law and Security Council resolutions and OSCE decisions and principles in pursuit of an ethnically pure Greater Serbia achieved through genocide.

You know that the Bosnian Government lacks the means to confront those butchering its civilians and acquiring its territory by force because of the unjust and absurd arms embargo which is in full contradiction to Article 51 of the UN Charter confirming the inherent right to self defense. You also know that the Karadzic regime continues to reject peace as its totalitarian ambitions have been fulfilled under the current status quo while its territorial ambitions have not.

What may not be known to you is why UNPROFOR, despite the courage and commitment of its troops on the ground, has failed to protect Bosnia's civilians and has failed to have an impact in facilitating peace. The answer is not new, rather, it is known to many, but unfortunately ignored by those capable of making it a reality. In October 1993, Mr. Jose-Maria Mendiluce (Former Special Envoy of the UNHCR in Former Yugoslavia) stated that humanitarian efforts in Bosnia and Herzegovina "were used as a palliative, an alibi, an excuse to cover the lack of political will to confront the reality of the war in Bosnia and Herzegovina with the necessary means (political and perhaps military) . . . generating a great deal of contradictions." This problem still exists today and is compounded by the UN Secretariat and some Permanent Security Council members who cling to a policy of "conflict containment" in Bosnia and Herzegovina—a policy that is morally corrupt and strategically absurd. In trying to justify their position, these factors have given us a public display of handwashing and rhetorical evasion.

Rather than seeing action to implement the mandates, we hear invocations that the neutrality of a peacekeeping mission must not be compromised when there is no peace to keep and when the mandates were established as reactions to the transgressions of the Karadzic Serbs. As this has become more difficult to justify, the relevant factors have engaged themselves in the immoral practice of equating victim and aggressor, and towards that end, have manipulated and suppressed information. An Associated Press wire report of 25 November, 1994 entitled "Playing Down Bihac" illustrates: "A United Nations spokesman . . . repeated assurances that rebel Serbs were respecting the Bihac (safe area) zone. He mentioned in passing, however, that a United Nations observation post had to be abandoned due to shell fire. Afterward, reporters with access to United Nations maps discovered the post was inside the safe zone."

Mr. Chairman, equation of victim and aggressor, evasion of responsibility, and manipulation of information are no substitute for the rule of law, and in Bosnia and Herzegovina, the law manifests itself in UNPROFOR's mandates. And, again despite the muddying rhetoric of the UN Secretary-General and others, the mandates are clear in their permission, under Chapter VII of the UN Charter, to use force to deliver aid to populations in need and to use force to protect the safe areas and to use force to ensure compliance with the UN/NATO exclusion zones around Sarajevo and Gorazde. It is high time that the relevant factors be held accountable for their evasion of responsibility and manipulation and suppression of information. It is high time the UNPROFOR implement what my government sees as a satisfactory mandate; not just to vindicate the suffering Bosnians, but to vindicate the valiant efforts of UNPROFOR's men and women, who have been short changed by the UN Secretary-General and his representatives.

Towards implementing the UNPROFOR mandates, my Government welcomes the deployment of the Rapid Reaction Force. We believe that this force has the capability and the means to help UNPROFOR bridge the gap between what is written in Security Council resolutions and what actually takes place on the ground. We also welcome the positions of those UNPROFOR troop contributing states, like the Netherlands, who have expressed that UNPROFOR's primary responsibility is to Bosnia's civilian population.

More and more UNPROFOR troop contributors hold the view that their troops must carry out their responsibilities in a robust fashion if the mandate is to be successfully implemented and if their troops are to be less vulnerable to Karadzic Serb terrorist reprisals. We believe that you, as Parliamentarians, are in a position to see this concept become reality.

However, if UNPROFOR, and the Rapid Reaction Force act only as instruments that maintain the status quo, we cannot accept their continued presence in the RBH. To do so would only prolong our civilians dependence on international subsistence without addressing their protection and how to neutralize those that are responsible for their suffering.

It must be remembered that UNPROFOR was deployed in BH in the absence of our inherent right to self defense. While humanitarian aid has prolonged some lives, it has failed to save others from murder and other acts of terror. Only a force with the will to protect civilians can protect civilians. In this regard, UNPROFOR has thus far failed. If the Rapid Reaction Force is unable to make amends for these shortcomings, then the Government of the Republic of Bosnia and Herzegovina must be given the opportunity, as it is legally and morally obliged to protect the civilian population. We can only succeed where others have failed if the arms embargo is lifted. To maintain this embargo under existing circumstances would be nothing less than playing accomplice to the genocidal and territorial designs of the Karadzic terrorist Serbs sponsored by the Milosevic regime. The continuation of this policy is nothing less than inviting other like-minded terrorists to pursue racist and aggressive objectives undermining peace and security in Europe and throughout the world.

Thank you Mr. Chairman.

Mr. HAMILTON. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Chairman, I have been incredibly frustrated by our situation is Bosnia, and I frankly think that the only time that the tragedy which has happened there could have been prevented was at the very beginning, before Mr. Milosevic and the Serbs began their brutal series of attacks. I think through much of the period since then NATO has failed. I think they especially failed at the beginning, when they should, I think, have made it quite clear that they were going to take collective action if the Bosnian Serbs moved one troop across a designated line.

Mr. Chairman, because of that concern and frustration, and my outrage at the conduct of the Bosnian Serbs, I voted on two occasions to lift the embargo in order to send a message to the United Nations that they needed to shape up their operations; in order to send the message to our NATO allies that they needed to get serious and get tougher; and that U.N. troops had to be in a position to shoot back when fired on; and, lastly, almost in desperation, to send a message to the Serbian leadership that they might, in the end, encounter more than they bargained for unless they backed off.

I believe, Mr. Chairman, that things have changed, at least for the moment. I reserve the right in the future to again vote to lift the embargo, but it seems to me that, at least for the moment, the message seems to have partially been heard. There seems to be some at least temporary pause by the Serbs in their attack since the possibility of air strikes were announced. There has been a change in U.N. operating procedures so that we do not have Mr. Boutros-Ghali continuing to interpose himself in decisions on air strikes. It also seems to me that we have had a stiffer reaction on the part of the U.N. forces lately to attacks or threats of attack.

Mr. Chairman, it seems to me, under these circumstances, the most important thing, since we have gotten movement from our allies, and since we have gotten a change in procedure from the United Nations, it seems to me the most important thing at this point is for us to be together and for us to try to see whether this new effort by the President can, in fact, be expanded and enhanced.

□ 1530

When we met with the President this morning, he indicated that perhaps those who had voted to lift the embargo in the past had in fact provided some help to him, because that had perhaps sent the message to our NATO allies, which helped him to get a stronger position out of them. I dearly hope so. But it seems to me at this moment, given the changes that have taken place on the ground and the changes that have been enunciated with respect to our allies' policy, as well as the United Nation's policy, that we ought to grant the President the time he needs to try to work out policy based on this new stance and this new posture.

So I, with great reluctance, and with great frustration, and with great understanding for those who have in the past supported lifting the embargo, I would urge that for the moment we give this new adjusted policy a chance to work, because it seems to me the best chance to avoid having to send American troops into that area and to avoid the significant and perhaps even massive loss of life that could come if this situation unravels quickly, as it certainly might.

Mr. GILMAN. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Utah [Mr. HANSEN].

Mr. HANSEN. Mr. Chairman, I appreciate the gentleman yielding time to me.

Mr. Chairman, I rise in strong support of lifting the embargo. I believe this vote is a vote for American leadership in the world and the only moral thing to do.

The Clinton administration calls their strategy engagement. Well, if this is engagement where is the ring?

It would be more accurate to call the current policy living together. We have no commitment, we have no plans for the future, we simply make ourselves feel good while leaving plenty of room to sneak out the back door with no strings attached.

This policy has been a disaster since the beginning. Bosnia, a member of the U.N. General Assembly, has been denied its fundamental right to self-defense under the U.N. Charter. Instead, the United Nations has provided a protection force hardly capable of protecting itself, and now provides U.N. escorts to ensure the safe and orderly ethnic cleansing of the U.N. designated safe areas.

While at its root this problem is a European one, this does not mean the United States should relinquish its rightful role as leader of the allies. On the contrary, leadership is precisely the role we must play.

Leadership, however, does not mean compromise and agreeing to some easy middle ground. Leadership requires the courage of commitment to do what is right.

What is right in this case is that the Bosnian Government is entitled to protect its sovereignty and its people, against Serbian aggression.

What is right, is that the NATO allies, supported by the United States, should begin to follow through on their promises of air strikes in response to continued Serbian attacks on the safe areas of Bihac, Gorazde, and Sarajevo.

What is right is that the United Nations should lift the immoral arms embargo against the people of Bosnia. While there will almost certainly be casualties, I believe the Bosnian people would rather die fighting for their country, than at the hands of cowardly Serb snipers or brutal ethnic cleansing.

As Dr. Martin Luther King so clearly stated, "The biggest enemy is not the brutality of the evil people but rather the silence of the good people."

I urge all of my colleagues to vote for American leadership and international law, vote for S. 21.

Mr. HAMILTON. Mr. Chairman, I yield 2 minutes to the gentleman from Maine [Mr. LONGLEY].

Mr. LONGLEY. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I have three points I would like to make this afternoon. First, I stand here as a past opponent of lifting the embargo, but not necessarily as a supporter of the administration's policies in that part of the world. I think we have been vacillating and indecisive, and I think we have invested far more authority in the United Nations than they are militarily capable of handling.

It has reached the point where our forces on the ground are actually ridiculing what we are establishing in terms of policy, for the forces that are on standby in that part of the world, they are not talking about the rapid reaction force, they are talking about the reaction force, or the reaction-reaction force; or, listen to this one, UNPROFOR-UNPROFOR, the U.N. Protection Force for the U.N. Protection Force.

It is clear to me that the administration needs to understand it needs to put some steel behind its words; and if we are going to offer safe havens for innocent civilians, they need to know they are going to be kept safe. But the real choice in this debate is between a policy that will further more violence or less violence, and I would submit that adding more ammunition, more weapons, to an already volatile situation is going to be counterproductive in terms of what we want to accomplish.

I will go one step further: It is very clear if we lift the arms embargo Great Britain and France are going to withdraw their peacekeeping forces, which is going to lead to a commitment the United States has made to provide troops on the ground in Bosnia to assist in that withdrawal.

This vote amounts to a vote as to whether we want to put Americans on the ground there or not. On that basis I would oppose lifting the embargo.

I would add one further thing. If I were a troop sitting on the ground in Italy or at sea, watching the division between the administration and the Congress over this aspect of our foreign policy, I would be shivering in my boots. I would submit that once we get through this vote, it is incumbent upon us as leaders of both parties and the administration to find some way to bridge the chasm that exists between us, so we can finally restore a bipartisan consensus on what our policy is going to be in that part of the world.

Mr. HOYER. Mr. Chairman, I yield 1 minute to the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Chairman, I thank the gentleman for yielding. I thank the gentleman for his relentless leadership on this effort. I have not always agreed with the gentleman from Maryland [Mr. HOYER] on this particular resolution. In the last year I voted against it. I did so because I am a strong believer in multilateralism, a strong supporter of the goals of the United Nations, and am indeed a member of the North Atlantic Assemblies, so I would prefer a multilateral solution. For that reason, I voted no last year.

I visited the former Yugoslavia. I have met with UNPROFOR forces there and are impressed by what they are trying to do. But, sad to say, this approach has not succeeded. Indeed, since the summer of last year, the allies contact group has developed a take-it-or-leave-it peace map, threatening the Bosnian Serbs with lifting the arms embargo or air strikes if they refused to sign on. They refused, but no punishment has been meted out. In August, we threatened air strikes against the Bosnian Serb forces violating the Sarajevo weapons exclusion zone. Pin prick strikes were the response. The list of threats and retreats goes on and on.

Mr. Chairman, we must be sure people know what we mean and say about ethnic cleansing. Never again. I urge our colleagues to support the resolution.

Mr. HAMILTON. Mr. Chairman, I yield 1 minute to the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Chairman, I thank the gentleman for yielding me the time. Let me say there is plenty of blame and shame to go around to everyone all over the world as to what has happened in the former Yugoslavia. But there is one bit of good news, and I fear that if we vote for this resolution today, we may even blow up the one bit of good news, and that is unlike the war in that region at the beginning of this century, so far that war has not spread. It has not splattered all over the face of Europe, making it a World War III.

While we have fumbled all over each other trying to figure out how to act together as an alliance, and we have been awkward, and alliances are not really efficient, and while there has been some real horror shows that none of us want to see on TV, if you read history and if you read what has been accomplished, at least this has not spread. If we Americanize this war, which is what I think we will be doing if we vote for this today, because if you were the Bosnian leaders, you would pick up the phone right after this passed and say, OK, you guys, you voted for it, now bring the weapons in and it is now ours, as our allies say goodbye. So let us not do that.

Mr. HOYER. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. ACKERMAN].

Mr. GILMAN. Mr. Chairman, I yield 2 minutes to the gentleman from New York.

The CHAIRMAN. The gentleman from New York is recognized for 4 minutes.

Mr. ACKERMAN. Mr. Chairman, it was a terrible joke to begin with. Izzi and Abie were rounded up and captured by the Nazi troops. They were marched to the end of the town and told to dig their own grave, which they did. And the Nazi storm trooper stood in front of them with his machinegun and he said, "Do you have any last wish?" And Izzi looks at Abie and he says, "Abie, I think I will ask for a blindfold." And Abie looks quietly back at Izzi and he says, "Izzi, don't make waves."

From that terrible story, Mr. Chairman, came the expression "Never again." Never again would a people allow themselves to be placed at the edge of annihilation, without fighting back, without defending themselves. Never again said the almost wiped out people. Never again said their neighbors. Never again said the rest of the world. Never again will we sit idly by and allow a whole race to face extinction. Never, said a regretful world.

We did not know, said their neighbors. We did not know it was happening, said everybody. They must have taken them away in the middle of the night. How did we know? Never again.

Well, Mr. Chairman, never again is happening yet again. Does it make it any better if you substitute Ahmed and Mohammed for Izzi and Abie? I think not. Does it make it better if you substitute someone else's people for my people? I think not. Does it make it better if you talk about the numbers being only hundreds of thousands instead of millions? It certainly does not.

How do we sit idly by? How do we allow this to happen? How do we institutionalize inaction? How do we prevent the people from fighting back and defending themselves, tying their hands behind their backs. That is worse. That is being complicitous. That is being enablers. That is being permitters. It is almost like being accomplices to those who are committing genocide on this planet today.

We sit here and fritter about terrible choices that we have. There were terrible choices then as well. We talk about glimmers of hope. Glimmers of hope for whom? If that were your people, if that were my people, you would not be so hopeful, waiting for the world to intervene.

Mr. Chairman, we must act or we will be guilty of recommitting the sins of the past that we have condemned on this floor over and over and over again. This is racial ethnic genocide, make no bones about it, and those who sit and only watch are guilty of participating, are guilty in sins of omission, if not sins of commission.

Mr. Chairman, once again evil stalks the world, and we are sitting around passing the blindfolds.

□ 1545

Do not let this happen. We would not want this to happen to our people. This should not happen to anybody's race. This is our race. It is the human race.

Mr. HAMILTON. Mr. Chairman, it is my understanding that the gentleman from New York [Mr. GILMAN] has the right to close. I advise my colleagues that I have three speakers remaining.

The CHAIRMAN. The gentleman from New York [Mr. GILMAN] has 10½ minutes remaining, the gentleman from Indiana [Mr. HAMILTON] has 11 minutes remaining, and the gentleman from Maryland [Mr. HOYER] has 9 minutes remaining.

Mr. HAMILTON. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, I think we are now beginning to wind the debate down. I want to say to my colleagues who have participated on both sides that I think we have had a very, very good debate, certainly have clarified the issues.

Let me speak very quickly to two or three points that I think are salient in the debate. One of the things that bothers me most gravely about the position of those who would lift unilaterally is it seems to me throughout this debate they have simply been unwilling to speak to the consequences of what happens once you have the unilateral debate.

They want to lift the embargo, but that raises a whole series of questions: who supplies the arms who delivers them, who pays for them, who is going to feed 2 million people every day, who protects the Bosnian civilians if Serbs attack. The consequences of the lift simply have not been adequately addressed, it seems to me, by the proponents of a unilateral lift. They do not provide any arms. They do not provide any funds. They do not provide a single cent in this resolution. I think it is a serious defect in the resolution.

Second, they have spoken very powerfully today about atrocities. I do not yield to any person in this Chamber at my abhorrence of atrocities that have been committed in this war. I am willing to concede that the Serbs have committed a lot of atrocities. I do not think all atrocities have been committed by one side. But I do know this: That the way to stop atrocities is to stop the war. Almost all who favor lifting the embargo recognize that that is a consequence of the war. To intensify the war will simply multiply the atrocities.

The third point I would make is that this unilateral lift simply turns over one of the most fateful decisions in American foreign policy to the Bosnian Government. The bill says that the President shall lift the embargo if the Bosnians ask UNPROFOR to leave. How can we in this Chamber, who often say that we do not like to put authority in multilateral institutions, how can we just turn over the authority of the U.S. Government to conduct American foreign policy to a foreign government, without any even participation on our part?

Finally, many have said that the policy has not worked. I agree with that statement. But I think we do have, as repeated speakers have said on our side, a new strategy in place. The President has articulated it and so have his secretaries. We do not know if that strategy is going to work. It may work. But give it a chance for the next few weeks to see if it works. If it does not, then maybe we have to go to a unilateral lift.

It is a stiffer policy. It is a tougher policy. It is a unified policy. It will give time for negotiations to work, and in the few days that it has been in place, it has worked. So far, so good.

I urge the defeat of the proposal.

Mr. GILMAN. Mr. Chairman, I reserve the balance of my time.

Mr. HOYER. Mr. Chairman, I yield 1½ minutes to the gentleman from Texas [Mr. WILSON].

Mr. WILSON. Mr. Chairman, I thank the gentleman for yielding time to me.

This is a difficult, difficult situation for me because in my 23 years in this House, I have supported the foreign policy of President Nixon, President Ford, President Carter, President Reagan, President Bush, and so far, President Clinton. However, the savageness that the Serbs have placed upon the people of the Balkans simply crosses the line. I can no longer do that, as much as I find it distasteful.

The aggression and brutality are just too much. With the arms embargo, this is the first time I can think of in history that the great democracies of the West have denied the right of self-defense to the people upon whom aggression is being put.

Therefore, I am going to support the resolution of the chairman of the Committee on International Relations from New York. But I would also say that I think that we are going to have to consider Croatian, and we are going to have to consider the fact that they are going to be next, if the Serbs are successful, as they are apparently going to be, in the wretchedness that they are vesting upon the Bosnians.

So I would say to the chairman of the committee and the sponsor of the amendment that I would hope that in the future we can consider the fact that we are probably going to have to lift the arms on Croatia because they are probably going to be the next attacked. They are going to be subject to exactly the same kind of racial cleansing that the Bosnians are. I hope that we will keep that in mind.

Mr. GILMAN. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. DORNAN].

Mr. DORNAN. Mr. Chairman, I rise in support of this amendment. Let me say every 2 or 3 years debate takes place on this House floor where the thoughtfulness and the humanity and the depth of feeling on both sides of the argument is equally powerful and has equal ability to touch the heart and to make one's thinking processes work at supersonic speed.

I agree with most, well not all, but I agree with much of the arguments made on the other side about how sad it is to release arms embargo, arms embargoes in a situation where males, and it is generally always older males, telling younger males to die and to fight for a cause that could be negotiated if the proper pressure were applied in this case, I believe, by the ex-superpower, that has come down to be the confederation of Russia, and the world's only superpower, the United States.

If the proper pressure, probably privately, was applied by the United States and Russia in Belgrade, which is the seat of this problem, when all is said and done, there probably could be a diplomatic solution.

Sometimes it appears like Northern Ireland in my heritage tree, that until there is an exhaustion over the death, the unnecessary death of thousands of innocent people, until the exhaustion point is reached, middle-aged males will not sit down and reason properly.

Now, there is one point that has been argued on the side against this resolution that I must take exception to. It is when they stand up and say, this is going to drag in American fighting people. And I guess that includes women at this point in our history for a while anyway, until I have hearings, men and women. American men and women are not going to be dragged into this fight under this Senate Resolution 21 that we are voting on here shortly.

On the next to last page, article f, Rule of Construction, it says quite clearly: "Nothing in this section shall be interpreted as authorization for deployment of United States forces in the territory of Bosnia and Herzegovnia for any purpose, including training"—I want to repeat that—"including training."

To release an arms embargo against the people most suffering does not mean high technology weapons are going in there, Stinger missiles. And it does not mean we have any obligation to train anybody to even use a rifle or a pistol. It just does not.

It says it includes "training, support, or delivery of military equipment." We have no obligation by removing this arms embargo to deliver anything, let alone train anybody, let alone put in Vietnam-style observers, let alone get involved in the fighting.

Here is what makes this thing so painful. One of the Members said it is like throwing gasoline on a fire. There has been an awful fire burning there. I read an intelligence report the other day, the title is not classified. It said simply, fighting in all directions. That is what is supposed to be on the President's desk in his 9 intell briefing, fighting in all directions was talking about the Bihac pocket where the Moslems are divided into two camps and the U.N. courts of justice have just made Martic, M-A-R-T-I-C, Martic another war criminal. That is war criminal No. 46, and they are all in the Serbian camp, 46 war criminals who cannot travel through the airports of the world. And they do not care, because they can drive up to R&R in Belgrade. So what do they care whether the world calls them war criminals?

But the fact that we have a four-way fight going on there does not mean that we have a right to hold the hands behind the back of one party being terribly beaten, even if we think by releasing their hands the adversary will pull out a gun and shoot them dead in front of our face. That is how bad I think this conundrum is, the horns of this dilemma is.

We are crippling the right of men to fight to defend themselves. Yet, if we take off the restraints we have put on them, the other side, led by 46 war criminals, will go so wild that they may try and kill as many young males as they can before the first pistol arrives on the scene.

With all of that said, this Member cannot vote to keep an embargo on people who are being slaughtered.

Mr. HAMILTON. Mr. Chairman, I reserve the balance of my time.

Mr. HOYER. Mr. Chairman, I yield 1 minute to the gentleman from Virginia [Mr. MORAN].

Mr. GILMAN. Mr. Chairman, I yield one-half minute to the gentleman from Virginia [Mr. MORAN].

The CHAIRMAN. The gentleman from Virginia [Mr. MORAN] is recognized for 1½ minutes.

Mr. MORAN. Mr. Chairman, I greatly respect the point of view of the ranking Democratic member of the Committee on International Relations, which is the point of view of the President of the United States, that we ought to continue negotiating.

I understand the implications of lifting the arms embargo. But we have been negotiating for 3 years, and the problem is we are dealing with a bully. Bullies to not negotiate. They react to the threat of force. We understand that in our own lives.

Who among us, if we were walking down the street and saw someone clubbing to death a defenseless person, who among us would not do something? I am sure there are some who would shrug their shoulders and walk on, saying this is not my battle. I am not in my neighborhood. A lot of people get clubbed to death all the time. Life is unfair. But that is not very many of us.

Some of us would take the club away, maybe punch them in the nose to create a level playing field, and then let them fight it out. Some of us might interrupt and give a club to the other person and say, okay, it is fair now. Go ahead. But I do not think any of us would stand there and watch it happen. And for 3 years that is what we have been doing. We have been complicit in this genocide.

America is the moral leader of the world. We are not just the military leader. We have looked to as the moral leader of this world. Let us be that leader. Let us be that leader. Let us exercise that leadership.

We have another choice then to do the right thing. Support the lifting of the arms embargo.

□ 1600

Mr. HAMILTON. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Pennsylvania [Mr. MURTHA].

Mr. MURTHA. Mr. Chairman, let me say that one of the previous speakers talked about supporting President Reagan in Central America, and I did that. He talked about supporting President Bush in Saudi Arabia, and I did that. I opposed their effort in Somalia. I felt it was a mistake. The United States can only do so much.

The gentleman who just spoke, said if somebody is fighting in the middle of the street, reminds me of one of the Members who said they got involved in a domestic quarrel; and when they got involved, in the end they both turned on the individual Member who tried to interfere with a domestic quarrel. There was a physical battle.

We are talking here about the most complicated type of situation. I remember one time going to Bosnia, 3 or 4 years ago, and Helen Bentley said to me, a former Member of Congress, "Do not forget, this started in 1389." The animosity and deep feelings of the two sides, the three sides, in Bosnia are very difficult. All of us feel we would like to solve it. It is a tragedy.

I walked through the mud in Vietnam, up to my waist in the water. I saw young Vietnamese killed, and I saw young Americans killed. I was wounded twice. I know something about what it is like to send Americans into harm's way. If I thought it would solve the problem, I would be the first to step in front, but it will not solve the problem. For instance, if we were to lift the arms embargo, France and Britain will withdraw their troops. America is committed, the prestige of the United States, the prestige of the President of the United States, is committed to sending in 25,000 American troops. It will not be an easy evacuation.

For instance, if we go into Split, it will take one ship at a time, it will take one C-5 in that small airport. The roads are narrow, the foliage is deep. It took us 40 days to get a light infantry unit into Saudi Arabia. It will take much more time to get 25,000 troops into Split, and we cannot send them in piecemeal. If they go over the roads, which are 10-ton roads, with our heavy equipment, it will break the roads down, so it will take all kinds of time to reinforce or to get a rapid deployment force into position, if we have to fight our way in and fight our way out. What we are saying is we are authorizing a defeat.

We are actually saying we are in favor of lifting an embargo which withdraws the British and French, and the United States will go in and bring them out. It is a Diepee. It is a Dien Bien Phu for the United States. We are starting out by saying we are authorizing a defeat, and what will it cost? One billion dollars, at least, and how many lives we do not know; and it will not solve the problem. What is the next step? Croatia gets more involved, Serbia gets more involved, the Russians get more involved, Hungary gets involved, Greece and Turkey get involved.

I stood on the spot where World War I started. I looked out and thought to myself, how could this have happened, that this incident where the Archduke Ferdinand was killed started World War I?

We are, in effect, starting the possibility of a wider war with much, much more loss of American lives. The President changed his policy dramatically. He now has got the key to eliminating the dual key of bombing. The military asks military-to-military. Second, the hostage situation is eliminated. They will not stop the bombing because of hostages. Instead of pinprick bombing, there will be massive bombing. That is a big difference. That will make a difference.

There is no one who knows better than I do how much air power means in an operation, especially in the short term. When we go in and drop bombs, we will usually drive off any enemy. We are facing a major decision, one of the most important decisions that Congress will face. I would urge Members not to lift the embargo, because they are in fact declaring war, and they are endangering American lives.

Mr. GILMAN. Mr. Chairman, I am pleased to yield 30 seconds to the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, we come to a close of a very serious debate. We come to the close of a debate that has seen 3 years of failure. No one on this floor has addressed the policy as a success. Everyone has said it is a failure. It is time, then, to move on. Today we mark, Mr. Chairman, the 20th anniversary of the signing of the Helsinki Final Act to the day, August 1, 1975. Twenty years ago the United States, in concert with 33 countries of Europe and Canada, declared our commitment to 10 sacred principles governing our relationships with each other. We pledge to respect human rights and fundamental freedoms. We pledge to respect the territorial integrity of each state, like Bosnia, the sovereign, independent, internationally recognized state of Bosnia. We pledge not to threaten or use force against any state, unlike Serbia. We pledge to settle disputes by peaceful means, so as not to endanger international peace, security, and justice. When President Force signed the historic accord on behalf of the United States he said this: "This document will not be measured by the promises made in the Helsinki Final Act, but by the promises kept."

This debate is about promises to keep. This debate is about meeting our commitments under article 51 of the Charter of the United Nations. There are promises to be kept, Mr. Chairman, and now is the time; not tomorrow, not tomorrow and thereafter.

I have heard in every debate on the lifting of the arms embargo, "Wait, wait until tomorrow. The sun will come up tomorrow for the Bosnians. The sun will come up, and all of a sudden the Serbs will see the light." However, here we are, Mr. Chairman, years later. The atrocities continue. Seven weeks ago this House voted overwhelmingly in support of the Hoyer amendment to lift the arms embargo. S. 21 before us now, gives us a vehicle to do just that. Three hundred and eighteen of us stood to say we will not give aid and sustenance to the aggressors, branded as war criminals by the international community.

The gentleman from Indiana [Mr. HAMILTON] makes the point that we will turn over American policy to the Bosnians, because if they have this they would have to request UNPROFOR to leave, or the lifting of the embargo. That is not true. We make a decision today to say in which manner we will lift the arms embargo. We will do it in a considered fashion, under S. 21, ensuring the safety of our allies. Indeed, the President is given 30-day segments to extend the lifting of the embargo if the allies are still at risk.

Mr. Chairman, what has happened in the few short weeks between voting for the embargo and today? Srebrenica and Zepa lie in ruins. The United Nations-declared safe areas have been overrun by the terrorist Serbs. The international community effectively buried Zepa. Where is our integrity? Where is our commitment to enforcing the principles we adopted in Helsinki?

Civilians raped, tortured, thousands massacred, thousands unaccounted for, and tens of thousands more displaced; more refugees out of this confrontation and conflagration since any time since the 1940's. War criminals we have put on the same level as the democratically elected government of Bosnia and Herzegovina. We have said to them: "You can only proceed with the arms that are in Yugoslavia," and all of us know that it is the Bosnian Serbs who succeeded to that army.

Yes, there has been some moral relativism on this floor, making analogies between the Serbs and the Bosnian Moslems, and we ought to be neutral; and yes, if we do this our European allies may lift the embargo on Iraq. If they do that, shame, shame, shame on them. Is there any analogy to be made between Saddam Hussein, the dictator-butcher of Baghdad, and the democratically elected government of Sarajevo, Bosnia, and Herzegovina? The answer, Mr. Chairman, is of course not.

The time has come for us to make a decision. The time for us has come to lift this embargo. The time for us has come to say we understand who the victims of aggression are in this case; and America, the leader of the free world, America, the beacon of freedom to the peoples of the world, America, that stands for justice, will not stand silently by while the innocent victims, unarmed, are subjected to the genocide that everybody on both sides of this issue has spoken to.

Mr. Chairman, let us not fall into the abyss of negligence. Let us not fall into the abyss of saying, "It is not our struggle." I quoted John Kennedy earlier today when he told the world that we would be with them in their fight for freedom. The international community recognized Bosnia and

Herzegovina. It said to them, "We respect you as a member of the international family of nations," under the Helsinki Final Act, under the United Nations Charter, but even more importantly than that, under the principles that America has held so dear since it declared on July 4, 1776, our independence. When we look to others to recognize and support that independence, let us stand for those principles today. Vote for S. 21.

Mr. HAMILTON. Mr. Chairman, I yield the remainder of my time to the distinguished gentleman from Missouri [Mr. GEPHARDT], the minority leader.

Mr. GEPHARDT. Mr. Chairman, I urge Members to vote against this resolution. I want to talk this afternoon about what is moral and what is right for our country and for the people in Bosnia. However, first, I want to talk to the Members who voted for a resolution of this kind a few weeks back. I want to urge them to change their vote. I want to argue to them that there are two reasons, in fact, three, to do that.

First, the situation on the ground in these 3 or 4 weeks has changed. The complexity of the war is now in full view, as the Croatians are about to enter the war again, and there is even talk of the Serbians coming back from Serbia proper and having a much wider conflagration than we contemplated 3 or 4 weeks ago.

Second, I want to argue that the President's and the West's policy has changed dramatically in these last 2 or 3 weeks. There is no more dual key. The West now says we will no longer stop air attacks if there are hostages taken; easy to say, hard to do. I understand it, but they have said it. The West is more united in taking a strong response. A rapid redeployment force is on the ground, and they are shooting back on the road to Sarajevo.

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So there is hope that a tougher, more effective policy among the western nations is in place. But last, I want to argue to you that lifting this embargo is not the moral thing to do. I want to lead you through what I believe, and more importantly, what experts on the ground believe, will happen if we lift this embargo.

Mr. Chairman, the first thing that will happen, it has been said many times today, is that the U.N. forces will immediately want to come out. Are we committed by the word of the President of the United States that we will put 25,000 of our people on the ground to defend the Moslems? No. To conduct a retreat. I am told it may take 50,000 of our people for a retreat. Imagine explaining to the American people that your kid died in Bosnia to perform a retreat. It will be the biggest retreat since Dunkirk. Is that what we want to do?

Mr. Chairman, the second thing that will happen is the Serbs will move. Do you think for a moment if this embargo is raised that they will not move faster than they are already moving? The Secretary of Defense told me this morning that all of the enclaves will go down. There is not a chance we will get there in time with arms to protect the enclaves. With the roads, with the ports being what they are, it would take 50 days to get arms in, much less train anybody to use them. The genocide that we are worried about will be increased if we adopt this policy.

Mr. Chairman, I want to give credit to the gentleman from Maryland [Mr. HOYER] who feels so deeply and so morally with such great integrity about this issue, and all who think like him. But in his case, he has consistently said throughout that he not only wants to lift the embargo, he wants American troops, and a lot of them, on the ground. I respect him for that view.

I even want to argue that if that is what we were deciding today, that that would not be a moral policy. We cannot bring about what we want to bring about, either by lifting the embargo or putting a lot of our people on the ground. Ladies and gentlemen, the answer in Bosnia has always been the same. We have to have a peace treaty. And even if you put 200,000 people on the ground and defeat the Serb army, when you leave, you will be back to what you are at today. There is no solution to this without getting peace.

I end with this: A British official said it best. No language can describe adequately the condition of Serbia, Bosnia and Herzegovina and the other provinces. The political intrigues, the constant rivalries, the hatred of all races, the animosities of rival religions, and absence of any controlling power, nothing short of any army of 50,000 of the best troops would produce anything like order in these parts.

Mr. Chairman, Benjamin Disraeli, 117 years ago, uttered those words. It has not changed. What we need is peace, peace in this very troubled, troubled part of the world. I wish our force could bring it about. I do not think it will happen. What we must do is what the President and the West is trying to do, which is get these people back to the peace table and do everything in our power to bring about peace and end the genocide. That is the moral thing to do, and we must recommit ourselves today to do exactly that.

Mr. GILMAN. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I want to commend the distinguished gentleman, both the ranking minority member of our committee, the gentleman from Indiana [Mr. HAMILTON], and the gentleman from Maryland [Mr. HOYER] for the fine manner in which they conducted this very thorough debate and all of our colleagues who participated.

Mr. Chairman, the choice that our colleagues have before them is clear and impelling. We can explain to our children and our grandchildren some 10 or 20 years from now that we stood with the people who have been the victims of rabid, genocidal supernationalism, and supported their right to self-defense, or that we stood on the sidelines wringing our hands and reaffirming once again the "Spirit of Munich" that we were powerless to do anything but speed the end of the conflict by ensuring the destruction of an innocent nation.

Let there be no mistake, my colleagues. Despite ours' and the international community's best intentions, our Bosnia policy has been an abject failure, and serves only the interests of the aggressors. Time after time during the sad history of this conflict, the United Nations, our friends in Europe and our own Government have laid down strict terms and lines that could not be crossed by the Serbs, and time after time, the Serbs have thumbed their noses with impunity.

We can start with Security Council resolutions stating unequivocally that humanitarian assistance could not be blocked, and how many times because of Serb obstruction have we heard about U.N. convoys taking weeks and sometimes months, to get through to a desperate people? How long has it been since a single flight of humanitarian supplies has been able to land in Sarajevo? It has been months.

We can go on to mention the enforcement of the no-fly decree. Today we heard that Serb aircraft were flying with impunity over Bosnia on military missions. What about the heavy weapons exclusion zones around Sarajevo and Gorazde? Those are apparently not even under discussion any more. Then of course there are those almost comically misnamed "safe areas." I think we may all be forgiven for our skepticism when we are told that the United Nations has drawn another line in the sand around one of the four safe areas that remain while it tries to decide whether we can defend the remaining three. We are fast running out of sand.

Mr. Chairman, let us not forget this war's other casualty, the credibility of our Government, of our allies, of the United Nations and its Charter, and of NATO.

Mr. Chairman, to my colleagues who point to the escalating U.S. involvement, I point to that section of the bill, section 4, subparagraph F, which states that this measure is not to be interpreted as an authorization for deployment of U.S. forces.

There is one principle in international relations that we can still salvage from this Bosnian debacle and that is the right to self defense. This right provides the backbone of any kind of international order that our own citizens would want to live under. I urge my colleagues by their support of this legislation to reaffirm that right, not only for the people of Bosnia, but for tomorrow's potential victims of aggression, for ourselves, and for our children.

Former National Security advisors, Zbigniew Brzezinski in a recent New Republic article on August 7 stated and I quote:

> There is every reason to believe that the lifting of the embargo will significantly help the Bosnians in their effort to defend themselves. Their army, which is eager and willing to fight, is larger than the army of the Bosnian Serbs. With the arrival of more modern and plentiful arms, the Serbian advantage on the battlefield will be erased. A number of States have indicated their willingness to finance and to deliver to the Bosnians the needed arms. The arming of the Bosnians need not be a unilateral American undertaking.

Accordingly, I urge my colleagues to vote "yes" to lift the arms embargo.

Mr. TORKILDSEN. Mr. Chairman, just last week here in Washington we dedicated a new memorial—albeit some decades late—to the veterans of the Korean war. This new monument sits directly across the Reflecting Pool from another great monument, the Vietnam Veterans Memorial. Both monuments offer moving testimony to the sacrifice of American service men and women who fought in those far away foreign lands.

My colleagues, with the memories of United States intervention in both Korea and Vietnam fresh in our minds, I stand before you today in opposition to unilaterally lifting the embargo on Bosnia.

Sometimes the United States should be looking at committing armed forces to an area. More recently, the commitment of United States troops to fight in the Persian Gulf war was just such an example. But Bosnia is not the Persian Gulf, or Vietnam, or Korea.

Lifting the current embargo could ultimately drag America, and American soldiers, into a no-win situation.

The Clinton administration has already pledged to our European allies that United States troops will be committed to assist U.N. or NATO forces withdraw from the region.

If we lift the embargo now—a move which, granted, may be politically attractive—we run the risk of escalating an armed war prior to United States and allied withdrawal. This is, sadly, a very real scenario—and one I hope we avoid.

As difficult as it seems, we must return to advancing diplomatic initiatives to end the violence in Bosnia. Lifting the arms embargo will only assure an increase in violence, and sadly, may draw U.S. soldiers into that fight as well.

I urge my colleagues on both sides of the aisle to oppose this measure to lift the arms embargo on Bosnia.

Mr. SMITH of New Jersey. Mr. Chairman, this week the Congress spoke its mind on the situation in Bosnia and Herzegovina, and we did so clearly and forcefully, just as the Senate did last week. By an overwhelming majority, we supported the right of the people of Bosnia and Herzegovina to defend themselves.

The Congress, however, is not the only voice expressing outrage over the toleration of aggression and genocide. On Monday, 27 nongovernmental organizations released a joint statement on Bosnia. It is a powerful statement which I request be inserted into the RECORD, and which I commend to my colleagues. Let me quote from it:

> Bosnia is not a faraway land of no concern to our "national interest." At stake is the global commitment to fundamental human values—the right not to be killed because of one's religion or ethnic heritage, and the right of civilians not to be targeted by combatants. The time has come for multilateral military action to end the massacre of innocent civilians in Bosnia. Nothing else has worked. Force must be used to stop genocide, not simply to retreat from it. American leadership, in particular, is required.

These words, Mr. Speaker, come from a variety of American organizations. They include religious organizations, those dedicated to humanitarian causes, including the care of refugees; and groups dedicated to the rule of law. These are not organizations which one would assume support military options; the fact that they do says something about the gravity of what is happening in Bosnia. Moreover, some are Arab-American organizations, and some are Jewish-American organizations. The list represents a broad spectrum.

Another statement on Bosnia has also been released recently—the letter of resignation by the U.N.'s rapporteur on human rights in the former Yugoslavia, former Polish Prime Minister Tadeusz Mazowiecki. Mr. Mazowiecki is known as a thoughtful and principled man; his dedication to human rights is evident as much in his resignation as it was in his acceptance of this position 3 years ago. I would like to submit that statement for the RECORD as well, Mr. Speaker, and let me quote a few lines from it:

> One cannot speak about the protection of human rights with credibility when one is confronted with the lack of consistency and courage displayed by the international community and its leaders. The reality of the human rights situation today is illustrated by the tragedy of the people of Srebrenica and Zepa. . . Crimes have been committed with swiftness and brutality and by contrast the response of the international community has been slow and ineffectual. . . I would like to believe that the present moment will be a turning point in the relationship between Europe and the world toward Bosnia. The very stability of international order and the principle of civilization is at stake over the question of Bosnia. I am not convinced that the turning point hoped for will happen and cannot continue to participate in the pretense of the protection of human rights.

These words, Mr. Speaker, reflect the frustration of many of us who see the conflict in Bosnia for what it is, and know what needs to be done to stop it. This is not a civil war based on ancient hatreds. This is not simply about Bosnia. This conflict is about aggression and genocide, and we must beware the message which the international community is sending should give to those around the world willing to use force to achieve their political ends.

In responding to crises and conflicts, we must remain objective, and attempt to see things as they really are, without bias. That means we must abandon an artificial neutrality. We must instead identify aggressor and stand with the victim of aggression. Just as these 27 nongovernmental organizations and Mr. Mazowiecki have taken that step, so must this Congress and this country, Mr. Speaker. We must take a stand. It's a matter of principle, and of lives.

JOINT POLICY STATEMENT ON BOSNIA

The international community's half-measures and evasions have not ended three years of ethnic slaughter in Bosnia. It is time for leadership and action. Bosnia is not a faraway land of no concern to our "national interest." At stake is the global commitment to fundamental human values—the right not to be killed because of one's religious or ethnic heritage, and the right of civilians not to be targeted by combatants.

The U.N. General Assembly, the U.N. Commission on Human Rights, the World Conference on Human Rights, and the International Criminal Tribunal for the Former Yugoslavia have all decried the slaughter in Bosnia as genocide, one of the most heinous crimes known to humanity. The international community has a moral and legal duty to prevent genocide (Convention on the Prevention and Punishment of the Crime of Genocide, Art. VIII) and to see that its instigators and those responsible for parallel war crimes and crimes against humanity are brought to justice.

The time has come for multilateral military action to end the massacre of innocent civilians in Bosnia. Nothing else has worked. Force must be used to stop genocide, not simply to retreat from it. American leadership, in particular, is required.

We represent 27 different human rights, humanitarian, religious and professional organizations. So far, our organizations have worked individually to end the atrocities in Bosnia. Today, in an effort to end the paralysis, we join together. We urgently call on President Clinton and the leaders of the other major powers to take the following steps:

Protect civilians in all "safe areas." The major powers, through their votes on the Security Council, established the six "safe areas" in Bosnia. Tens of thousands of Bosnians, many of whom had been driven from their homes elsewhere in the country, entrusted their lives to the international forces. Instead, in Srebrenica and Zepa, they have been abandoned. The major powers' recent vow to retaliate forcefully against Bosnian Serb forces if they advance on Gorazde is not enough. It should be extended to all remaining "safe areas"—Bihac, Sarajevo and Tuzla, as well as Gorazde—and triggered not only if troops advance on those havens but also if their civilians are shelled. Any military action by intervening troops should comply strictly with international humanitarian law.

Insist on immediate access to all detainees from Srebrenica and Zepa. Thousands of men who had taken refuge in Srebrenica and Zepa have now been detained by Bosnian Serb forces or face imminent detention. Reports of brutality in Srebrenica demonstrate that these detainees face an all-too-real threat of murder. To prevent further massive loss of life, the major powers should insist that international humanitarian organizations are given immediate access to all detainees and demand that their safety and well-being are ensured.

Ensure the delivery of humanitarian supplies to civilians in the "safe areas." The major powers must ensure the delivery of humanitarian supplies to the "safe areas," if necessary by employing military force in response to the obstruction of those supplies. For instance, the major powers should secure the passage of supplies to Sarajevo over the Mt. Igman road and ensure the delivery of supplies by airdrop to enclaves that are not accessible by land. Deployment of the rapid reaction force on Mt. Igman has begun, but we remain concerned by the major powers' continuing unwillingness to insist on the right to deliver humanitarian supplies in the absence of Bosnian Serb assent.

Stigmatize those who direct, assist and supply abusive troops. The major powers should publicly name the senior political and military leaders who are presiding over atrocities. Details of their crimes should be made public and provided to the International Criminal Tribunal for the Former Yugoslavia. The major powers, and particularly the U.S. government, should also disclose all available information, including intelligence, that implicates Serbia in supplying, assisting or directing Bosnian Serb troops. The major powers should also strengthen the regime for monitoring external support to Bosnian Serb forces.

Do not lift, suspend or weaken sanctions against Belgrade until it cooperates fully with the investigation and extradition of suspected and indicted war criminals. The creation of the International Criminal Tribunal for the Former Yugoslavia is an historic opportunity to demonstrate that genocide, war crimes and crimes against humanity cannot be committed with impunity—a message that was reaffirmed with last week's indictment of Bosnian Serb political and military leaders Radovan Karadzic and Ratko Mladic. The Tribunal promises justice for victims, deterrence against further abuse, and a basis for eventual peace and reconciliation by substituting individualized guilt for the assumptions of collective ethnic guilt that now fuel the conflict. In recognition of the need for the Serbian government's active support to secure the presence of defendants for trial, the U.S. government had insisted throughout much of 1994 that sanctions against Belgrade would not be eased until it cooperated in the investigation and extradition of suspected and indicted war criminals. But to date, Belgrade has blocked Tribunal investigators and done nothing to secure custody of Bosnian Serbs under indictment. We are deeply disturbed that the major powers are nonetheless now offering Belgrade an opportunity to suspend sanctions in return for political concessions that have nothing to do with the Tribunal. That offer should be withdrawn, and Belgrade's active cooperation with the Tribunal should be made a prerequisite for any new suspension, lifting or easing of the sanctions.

Signed by: The American Jewish Committee; The American Jewish Congress; American Nurses Association; Anti-Defamation League; Arab-American Anti-Discrimination Committee; B'nai B'rith; Center for Civil and Human Rights; Center for Constitutional Rights; Equality Now; Human Rights Watch; Institute for War and Peace Reporting; International League for Human Rights; International Human Rights Law Group; International Human Rights Law Institute, DePaul University, College of Law; Jacob Blaustein Institute for the Advancement of Human Rights; Lowenstein International Human Rights Clinic, Yale Law School; Minnesota Advocates for Human Rights; National Association of Arab Americans; National Jewish Community Relations Advisory Council; Physicians for Human Rights; Refugees International; Saferworld; Travelers and Immigrants Aid of Chicago; Union of American Hebrew Congregations; Women's Refugee Project (Harvard Law School); World Vision (Andrew Natsios, Executive Director and Bob Seiple, President); U.S. Committee for Refugees.

UNITED NATIONS OFFICE AT GENEVA,
CENTRE FOR HUMAN RIGHTS,
CH 1211 Geneve 10,July 27, 1995.

His Excellency TAN SRI DATO MUSA HITAM,
Chairman of the Commission on Human Rights, Xuala Lumpur.

DEAR MR. CHAIRMAN: Events in recent weeks in Bosnia and Herzegovina, and above all the fact that the United Nations has allowed Srebrenica and Zepa to fall along with the horrendous tragedy which has beset the population of those "safe havens" guaranteed by international agreements, oblige me to state that I do not see any possibility of continuing the mandate or special rapporteur entrusted to me by the commission on human rights.

On accepting the mandate which was given to me for the first time in August 1992, I declared unequivocally that my goal would not simply be writing reports but helping the people themselves. The creation of "safe havens" was from the very beginning a central recommendation in my reports. The recent decisions of the London conference which accepted the fall of Srebrenica and resigned itself to the fate of Zepa are unacceptable to me. Those decisions did not create the conditions necessary for the defense of all "safe havens".

These events constitute a turning point in the development of the situation in Bosnia. At one and the same time, we are dealing with the struggle of a state, a member of the United Nations, for its survival and multiethnic character, and with the endeavour to protect principles of international order. One cannot speak about the protection of human rights with credibility when one is confronted with the lack of consistency and courage displayed by the international community and its leaders, the reality of the human rights situation today is illustrated by the tragedy of the people of Srebrenica and Zepa.

Human rights violations continue blatantly. There are constant blockades of the delivery of humanitarian aid. The civilian population is shelled remorsely and the "blue helmets" and representatives of humanitarian organizations are dying. Crimes have been committed with swiftness and brutality and by contrast the response of the international community has been slow and ineffectual.

The character of my mandate only allows me to further describe crimes and violations of human rights. But the present critical moment forces us to realize the true character of those crimes and the responsibility of Europe and the international community for their own helplessness in addressing them. We have been fighting in Poland against a totalitarian system with a vision for the Europe of tomorrow. How can we believe in a Europe of tomorrow created by children of people who are abandoned today?

I would like to believe that the present moment will be a turning point in the relationship between Europe and the world towards Bosnia. The very stability of International order and the principle of civilisation is at stake over the question of Bosnia. I am not convinced that the turning point hoped for will happen and cannot continue to participate in the pretense of the protection of human rights.

Mr. Chairman, please understand the motives behind my decision and convey them to the members of the Commission on Human Rights. I will submit my final eighteenth report based on my recent mission to Tuzla to the commission in the near future.

Please accept, Excellency, the assurances of my highest consideration.

Tadeus, Mazowiecki,
Special Rapporteur on the situation of human rights in the territory of the former Yugoslavia.

Mr. Chairman, I yield back the balance of my time.

Mr. RADANOVICH. Mr. Chairman, today the House will consider legislation to lift the embargo against Bosnia and Herzegovina. Last week, the Senate passed S. 21, the Bosnia and Herzegovina Self-Defense Act of 1995, with the two-thirds necessary to override a Presidential veto. Senator BOB DOLE, in conjunction with a broad bipartisan coalition is attempting to assert American leadership in the right direction. In the course of 3 years, the United Nations prestige has dwindled to nothing, NATO's credibility has been seriously damaged, and the United States has invested over $2½ billion in a mission which is undeniably a complete failure. As a result, tens of thousands have died by simply putting faith in the United Nations promise of protection. After the fall of two of six U.N. safe havens, there can be no doubt that the United Nations lacks the will and means to defend innocent civilians. Yet, the embargo denies the Bosnians the ability to acquire the weaponry necessary for them to do the job of defending Bosnian homes, cities, and citizenry. And so, it is now our responsibility to exhibit strong and decisive leadership to end this grave injustice. It is high time to allow the Bosnian people to defend themselves. Therefore, I urge my colleagues to once again vote to lift this crippling arms embargo. Bosnia's fate should be decided by Bosnia, not the international community.

Mr. MARKEY. Mr. Chairman, as the international community watches, Europe's bloodiest conflict since World War II enters its 40th month. In the heart of Europe, villages are burning, innocent civilians are driven from their homes, women are raped, families are separated, and men are systematically executed in a campaign of terror unmatched since the days of Hitler.

It was once said that "the revolution will not be televised." Mr. Chairman, this genocide has been televised, analyzed, and quantified. We know how many Bosnians have been murdered, we know which cities and towns have been destroyed, we know who the aggressors are, where they operate, and what they plan to accomplish. Still, we do not stop them.

There are consequences for our inaction. The supporters of ethnic war everywhere are watching: Hutu rebels in the refugee camps of Zaire; Moslem extremists in the Middle East; white supremacists throughout Europe. By remaining silent accomplices to genocide, we are sending a loud and clear signal to the opponents of racial, ethnic, and religious tolerance: proceed with your plans, we will not object.

As we celebrate the 50th anniversary of the United Nations, we are paying a bizarre tribute to the very principles on which the United Nations was founded. Article 51 of the U.N. Charter stipulates that "nothing shall impair the inherent right of individual or collective self-defense if an armed attack occurs against a member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security."

Bosnia is a recognized member of the United Nations. Yet we refuse to permit the Bosnian Government to exercise its right of self-defense. The embargo imposed on Bosnia prevents a democratically elected government from protecting itself from the forces of hatred and separatism. Although intended to contain the Balkan conflict, the embargo has served merely to guarantee its outcome. With the heavy equipment of the former Yugoslav army in the hands of the Bosnian Serbs, the Bosnian Government is left to fight with substandard weapons. It's a fight they cannot win.

There are no good choices in Bosnia. There are no easy solutions to the problems in the former Yugoslavia. We must, however, allow the Bosnians themselves to try to solve their own problems. We must lift this unjust embargo and permit them to defend themselves. It is their right, and it's our duty.

Mr. VENTO. Mr. Chairman, the tragic situation in Bosnia demands action by the United States. While I support diplomatic efforts to end the war in former Yugoslavia permanently, it has become increasingly apparent that diplomacy will prove insufficient in resolving the Balkans conflict, the source of which is deeply rooted and complex. Moreover, achieving consensus with our European allies on the best course of action has been extremely difficult. The time has come for the United States to take a leadership role.

The recent Serb capture of U.N. safe areas and subsequent actions against the civilian population demonstrate once again that the U.N. arms embargo has worked only to the advantage of Serbia and the Bosnian Serbs against the Bosnian military and Croatian military and most importantly the civilians. I am outraged at recent reports of rapes, summary executions, and massive looting following the capture of Srebrenica by the Bosnian Serbs. This is a continuation of a pattern of outrageous behavior that is wholly unacceptable. If the Serb aggression continues unchecked and unchallenged, the former Yugoslavia will face an unprecedented humanitarian disaster. The United States should not stand by and permit this carnage and assault against human dignity persist to be endured by essentially unarmed Bosnian Moslems.

Lifting the arms embargo against the Bosnian Moslems will help some in this situation and permit the people of Bosnia to obtain weapons to defend themselves and their country. Lifting the embargo is not a panacea; but as the United Nations, NATO, our European allies, and the United States itself are unwilling to engage in the Bosnian civil war that is to provide protection to the unarmed population, then the Bosnian people must not be barred from having the opportunity to defend themselves.

Earlier this year, I joined 317 of my colleagues in voting for an amendment to the 1996 defense authorization bill supporting the efforts of the Bosnian Government and people to defend themselves against aggression, and calling on our President to lift the arms embargo against Bosnia and Herzegovina. I will today support S. 21, which terminates the U.S. arms embargo applicable to the Government of Bosnia and Herzegovina under specified conditions. The Senate has already approved this legislation by a wide margin. I hope there will be a similar show of support in the House, and I urge my colleagues to join me in supporting S. 21 to lift the arms embargo against Bosnia.

I believe that a diplomatic solution is best considering the diverse nature of this Yugoslavian society, but certainly negotiations to date have not crossed the line to a conclusion. Some progress has been made, but some outstanding and unreasonable actions persist, largely by Bosnia Serbs, that must be arrested. Endorsing the right to self-defense as proposed in this resolution will be of some assistance, but there should be no doubt that diplomatic and negotiated solutions must continue to be sought for a final resolution of the conflicts in Bosnia.

Mr. BEREUTER. Mr. Chairman, in considering this resolution we are faced with a terrible dilemma. A great many of us have long felt it is morally indefensible to deny the Bosnian Moslems adequate arms to defend themselves through the ill-advised multilateral arms embargo that is so one-sided in its effect. Yet beginning the process of unilaterally lifting the arms embargo today will surely place the UNPROFOR peacekeeping troops from France, the United Kingdom, and other countries in far greater danger.

Extracting those UNPROFOR personnel will surely require the use of American ground personnel. In fact, without adequate consultation with Congress, President Clinton has already committed up to 25,000 U.S. troops for that task. Just as surely there will be American casualties in this difficult operation—probably substantial casualties to the scattered UNPROFOR personnel and to the American and NATO allies' troops who are sent in to extract them from this difficult terrain. Under those circumstances the possibility for tragic events to cause an escalation of our actions and reactions into an Americanization of the conflict are very high. The countries providing the UNPROFOR troops and our NATO allies, all urging and warning the United States not to unilaterally lift the arms embargo, will surely blame America for the tragedy and hold us primarily responsible for such additional actions as the unfolding tragedy demands.

And what will become of the Bosnian Government and its Moslem population after UNPROFOR withdraws? The necessary quantities of adequate armament will not appear overnight and personnel are not instantly trained in their use and the military tactics to properly employ them. It certainly can be expected that the Bosnian Serbs will accelerate their onslaught before the Bosnian Government can increase their combat effectiveness. All restraint the UNPROFOR forces have been able to impose will be absent. There will be a countrywide killing field of Bosnia Government forces and the Moslem population. In this total conflict the relatively latent conflict between Croatian and Serbian forces will surely erupt and the resultant conflict and abandonment of the Yugoslavian area by UNPROFOR will make it even more difficult to keep this bloody warfare from spreading south into a larger Balkan war that would jeopardize the integrity of the NATO alliance.

Of course, the status quo is not acceptable and finally there is recent evidence of change.

Some of my colleagues have asked what could be worse than seeing this ethnic cleansing and genocide continuing? The answer to "What could be worse", my colleagues, is the probably general scenario I have just outlined. That would be worse and the approval of S. 21 by the House today will be a step down this road to a greater series of tragedies which clearly do affect our national interest. American actions must not be unilateral but framed and implemented in concert with our key European allies who have the troops on the ground in the Yugoslavian region.

Mr. Chairman, my colleagues, despite our horror with the events in Bosnia, despite the lack of confidence most of us have in the policies of the Clinton administration, and despite the dangerous incompetence of the civilian leadership of UNPROFOR, I urge my colleagues to set aside those emotions and vote "no" on this legislation.

Mr. BORSKI. Mr. Chairman, I rise today in opposition to S. 21, the so-called Bosnia and Herzegovina Self-Defense Act. While I share my colleagues' frustrations over the war in Bosnia, I believe this is the wrong course of action to take at this time. Unilaterally lifting the embargo will Americanize the war, damage U.S. leadership in NATO, and impede our ability to enforce U.N. sanctions in regions of the world where we have more vital national interests. Enactment of this legislation today will commit Congress to deploying U.S. troops into a war that will be made even more hostile and violent by these unilateral actions.

We are all united today in our condemnation of the recent deplorable actions of the Bosnian Serbs. The recent Serbian assaults on Srebrenica and Zepa, and their "ethnic cleansing" of these areas, have prompted this Congress to respond. The temptation to do something to put an end to this conflict has never been stronger.

But before we act, we must examine how effective our actions will be, and whether the benefits are worth the costs. I share my colleagues' belief in the principle that the Bosnian Government deserves the right to defend itself. But I believe the damage that will be caused to our national interests by unilateral action far outweigh any benefit to our interests in Bosnia.

Unilaterally lifting the arms embargo on the Bosnian Government will not end this tragic war. It will not bring about an end to ethnic cleansing. It is questionable whether it will even have any appreciable difference on the battlefield. In fact, our own military leaders at the Joint Chiefs of Staff [JCS] concluded in a January study that it is "extremely unlikely" that a unilateral lift would improve the Bosnian Government's chances of achieving a balance of forces with the Serbs.

More likely, lifting the embargo unilaterally at this time will intensify the fighting, widen the conflict and perhaps even make matters worse for the Bosnian Government forces. Because new heavy weapons would have to cross Croat and Serb territory, many would not even make it into right hands. By the time the Bosnian Government can be effectively trained to use the weapons that do make it through, it may be too late. Unilateral action by the

United States will give Russia an excuse to supply arms to the Serbs, its historic ally. Inspired and supplied by Russia and Belgrade, the Serbs will launch new offensives to capture as much territory as possible before the Bosnian Government can be effectively armed.

Overwhelmed by Serb attacks, the Bosnian Government will make urgent appeals for support from Islamic countries, including those antagonistic toward the United States. While such support may help Bosnia's interests, it will come at the cost of increased influence of Iran, Libya and other fundamentalist countries in the Balkans.

Unilaterally lifting the arms embargo will not only damage our efforts in the Balkans, but also threaten U.S. leadership throughout the world. While the United States has a strong humanitarian interest in ending the war, it has a greater national interest in preserving a strong relationship with our NATO allies. Unilateral action will cause extensive and irreparable damage to a relationship that has remained strong and united for the past 50 years. It will isolate the United States at a time when it is seeking allied support for its foreign policy toward North Korea, China, Iran.

Our refusal to comply with the U.N. arms embargo will also permanently damage our ability to enforce other U.N. sanctions in regions where we have more vital, national interests. This will prompt other nations, who wish to put their economic interests ahead of our national interests, to violate sanctions against rogue nations like Iraq, Libya and North Korea. We will have little credibility arguing against such violations.

The enactment of S. 21 will divide our Nation at home as well. By seizing the President's constitutional prerogative to make foreign policy, we will send a powerful signal abroad that Congress and the President are moving in different directions on foreign policy. A divided Nation at home is a weak nation abroad—a fact that will only embolden future potential foreign adversaries.

A vote for S. 21 is a vote to commit United States troops into the middle of an even more violent Balkan quagmire. The President has already promised 25,000 troops for the evacuation of U.N. peacekeepers. Should that evacuation be necessary, the enactment of this legislation is likely to create an even more hostile environment for our troops. They will be on the ground at the same time that Serbian forces will be launching new offensives before the actual lifting of the embargo. Our troops will become targets for those seeking retaliation for the actions we will take today.

Mr. Chairman, the war in Bosnia is a travesty that requires a determined and united effort by all western nations. We should work to cease this war, but we should not go it alone. Enactment of this legislation will Americanize this war and lead to the eventual deployment of thousands of our men and women into this troubled, violent land. If we pass this legislation today, we in Congress will become directly responsible for their fate.

Mr. POSHARD. Mr. Chairman, I rise in support of the resolution and in support of lifting the arms embargo against the Bosnian Government.

No one can approach this debate without some misgivings about the appropriateness of any action in this war-torn part of the world. But no one can watch what is taking place in the former Yugoslavia without being deeply troubled by the ongoing barbarity and terror.

As the safe havens for Bosnian Moslems continue to come under attack, and as the United Nations presence there does little to prevent aggression, the time has come to lift the arms embargo and allow the Bosnian people to defend themselves.

The arms embargo has not halted the aggression of the Serbs—it can be argued that it has, ultimately, encouraged them to continue their advances with little fear of retribution. The United States can no longer impose an embargo which ultimately results in leaving people virtually helpless against an aggressor intent on cleansing the earth of their presence.

I will reserve judgment about the manpower and equipment we might be called on to provide should a withdrawal of UNPROFOR troops be necessary. But I am opposed to putting American troops on the ground in the former Yugoslavia, and believe the time has come to lift the embargo and allow the Bosnian people to defend themselves.

Mr. LAZIO of New York. Mr. Chairman, I rise today to state support on a matter of utmost importance: lifting the arms embargo against the Bosnian Government. The United States Government must take the morally correct position and unilaterally lift the arms embargo immediately. We simply cannot continue to look the other way as the horrors of genocide continue.

On September 25, 1991, the United Nations Security Council imposed an international arms embargo against the former Yugoslavia which was intended to cut off the supply of arms to all parties involved in the conflict. Yet, despite this embargo, the violence and bloodshed continues. The Bosnian Serbs already have heavy weapons. The embargo, which United States forces have helped enforce, has done nothing but deprive the Bosnian Moslems of their inherent right to defend themselves and their families.

International bureaucrats should not be making decisions about which weapons the Bosnian people may use to defend themselves. For too long we have stood idly by as incidents of ethnic-cleansing, systematic rape and murder, and attacks on civilian targets continue. Yet there is no end in sight unless we unequivocally stand and demonstrate that this moral outrage is absolutely unacceptable.

I do not advocate the use of United States ground troops in this conflict. The Bosnian Government has not asked for that kind of help. While our European neighbors have apparently decided to abdicate their moral responsibilities in Bosnia, we have no right to turn a blind eye. The United States must not let itself become a party to such gross negligence. Although I hold out hope for a diplomatic solution to this conflict, the end is not in sight, and as long as the right to self-defense is denied to the Bosnians the onslaught will continue.

It is time to realize that our past policies have failed. It is time to do our part to stop the slaughter.

My colleagues, it is time to support this bill. Let's end the embargo.

Mr. COYNE. Mr. Chairman, there is no doubt that most Americans support efforts to bring peace to Bosnia and to end the war against the Bosnian people being waged by Serb forces in Bosnia. I share the deep concern of many Americans over recent events in Bosnia, especially the violation of safe areas established by the United Nations.

Americans are right to feel outrage and frustration over the events in Bosnia. The violations of human rights and atrocities against women, children and unarmed men should disgust everyone. It is natural for us to look for some solution to the war in Bosnia which will bring a quick resolution to this brutal war against the Bosnian people.

Unfortunately, there are no quick and easy solutions to the crisis in Bosnia. This is certainly true of the proposed legislation before the House today which would unilaterally lift the arms embargo currently in effect for all of the former parts of Yugoslavia. Lifting the embargo will ensure that the war will continue in Bosnia while sharply undermining efforts to achieve a negotiated settlement in Bosnia. Lifting the embargo will result in the certain withdrawal of NATO forces serving with the United Nations' humanitarian mission in Bosnia and will guarantee the deployment of up to 25,000 members of the American military to assist in the withdrawal of our NATO allies from Bosnia.

Unilaterally lifting the arms embargo against the former nations of Yugoslavia will ensure that the United Nations role in Bosnia is brought to an end. Members of the House must keep in mind that this U.N. mission currently provides the Bosnian people with vital humanitarian relief that feeds and helps keep alive over 2 million people in Bosnia. The United States will bear a great responsibility for the void left by the departure of our European NATO allies who have placed their military forces on the ground in Bosnia. It may be an easy vote for some to lift the embargo but this vote, if successful, will be only the first of several votes to follow with the Americanization of the Bosnian conflict.

The situation in Bosnia is at a very crucial point. The Clinton administration is currently working intensively with our NATO allies and the United Nations' command in Bosnia to strengthen the United Nations' position in Bosnia. President Clinton has stated that the United States is now working to implement the agreement reached recently in London to threaten substantial and decisive use of NATO air power if the Bosnian Serbs attack Goradze and to strengthen protection of Sarajevo using the Rapid Reaction Force. These actions lay the foundation for stronger measures to protect the other safe areas.

Congressional passage of this resolution to lift the embargo unilaterally will undermine these efforts. It will provide our allies with strong motivation to initiate a withdrawal from Bosnia at exactly the moment the United States is asking for greater involvement by our NATO allies. It will require the United States to honor its promise to provide ground support for the withdrawal of our NATO allies from Bosnia.

Mr. Chairman, I urge my colleagues to understand what is at stake if the Congress approves a unilateral lifting of the embargo. The Congress is setting the United States on a course that will place responsibility for Bosnia squarely with our country. I urge my colleagues to consider carefully the direction in which unilaterally lifting the embargo will move U.S. foreign policy. We must not vote on this issue out of frustration with the horrible situation in Bosnia but instead should support the efforts of President Clinton to strengthen U.N. resolve in support of its mission in Bosnia.

Mr. ACKERMAN. Mr. Chairman, today we are once again discussing the pros and cons of unilaterally lifting the U.N. arms embargo on Bosnia, and I rise in strong support of this measure, S. 21, that would lift the embargo.

Although the arms embargo was deemed a viable stopgap to the conflict when it was first instituted almost 3 years ago, it has clearly failed to inject any amount of fairness into this tragic war. The Bosnian Serb army, under the tutelage of Milosevic, and armed with the weaponry and training of the former Federal Yugoslav Army, is a towering Goliath to the Bosnian Government's brave David.

For 3 years now every American has watched with horror as the tragedies in the Balkans continued unabated. In those 3 years there has been much talk, and even several threats, about doing something that could effectively stop the advance of the Bosnian Serbs in their quest to ethnically cleanse Bosnia.

And yet the United States and Europe are still stuck in the same place we were in when the conflict began. What is the secret solution to ending the bloodshed? What is the correct combination of action and diplomacy that will send the strongest possible message to the Serbs that the international community does not tolerate this slaughter? I don't know. And I can't say if anyone knows. But I do know, as do most of my colleagues, what is the right thing to do. We must lift the embargo.

In my mind, it is the only conscionable thing to do. The Bosnian Government and people have called for it, and the American people support it, as does this Congress. There is no doubt that the embargo was well-intentioned, but in practice it has no validity. We must give the Bosnians a chance to defend themselves under equal terms. Without this measure, we leave them without a fighting chance.

Recently Srebrenica and Zepa were overrun, tomorrow it could be Sarajevo and Bihac. And it is common knowledge that the Bosnian Serbs won't stop until they get exactly what they want—a land free of everybody else except for them. This message sounds eerily familiar, particularly in light of the Nazi Holocaust, and especially this summer, as we commemorate the 50th anniversary of the end of WWII.

The United States has always been known as the true defender of democracy and basic freedoms. I say then, let us take the lead in promoting that legacy. We are not opening the door for another Vietnam. The Bosnians don't want us to train and advise them. They don't want us to plan their military operations and send in American ground troops to defend Sarajevo. What they want is a fighting chance. And with this vote, we can give that to them.

Mrs. MINK of Hawaii. Mr. Chairman, the policies of the Western allies with respect to the conflict in the former Yugoslavia, including the deployment of the U.N. Protection Force [UNPROFOR] to protect the U.N.-declared safe areas of Bosnia and the denial of arms to Bosnia, have failed. That failure has been vividly documented in newspapers and on television.

The arms embargo on Bosnia was intended to contain the spread of armed conflict in the former Yugoslavia. While that may have been the embargo's intent, the embargo has in fact expanded the conflict by securing the military advantage of the Bosnian Serbs and allowing the Bosnian Serbs to exercise their military advantage to the fullest. The Bosnian Serbs have shelled Sarajevo unrelentingly, attacked Bosnian Moslem enclaves repeatedly, and are now in the process of eliminating the U.N.-declared safe areas.

The arms embargo on Bosnia has allowed the 80,000-member Bosnian Serb militia, which is armed and supported by neighboring Serbia, to conquer and control roughly 70 percent of Bosnia. The embargo has also prevented the Bosnian Government from defending its territories by mobilizing its potential 200,000-member militia. And, by encouraging Bosnian Serb aggression, the embargo has undermined the efforts of the United Nations to encourage a diplomatic settlement and, most tragically, provide humanitarian aid to Bosnian civilians.

I have voted twice to lift the United States arms embargo on Bosnia because I believe that Bosnian Serb aggression and truculence can be checked and the stage set for a possible diplomatic resolution of the ongoing conflict only when the Bosnian forces are able to defend their territories by gaining parity with Serbian military might.

I urge my colleagues to vote to lift the arms embargo.

Mr. SMITH of New Jersey. Mr. Chairman, this week the Congress spoke its mind on the situation in Bosnia and Herzegovina, and we did so clearly and forcefully, just as the Senate did last week. By an overwhelming majority, we supported the right of the people of Bosnia and Herzegovina to defend themselves.

The Congress, however, is not the only voice expressing outrage over the toleration of aggression and genocide. On Monday, 27 nongovernmental organizations released a joint statement on Bosnia. It is a powerful statement which I request be inserted into the RECORD, and which I commend to my colleagues. Let me quote from it:

> Bosnia is not a faraway land of no concern to our "national interest." At stake is the global commitment to fundamental human values—the right not to be killed because of one's religion or ethnic heritage, and the right of civilians not to be targeted by combatants. The time has come for multilateral military action to end the massacre of innocent civilians in Bosnia. Nothing else has worked. Force must be used to stop genocide, not simply to retreat from it. American leadership, in particular, is required.

These words, Mr. Speaker, come from a variety of American organizations. They include religious organizations, those dedicated to humanitarian causes, including the care of refugees; and groups dedicated to the rule of law. These are not organizations which one would assume support military options; the fact that they do says something about the gravity of what is happening in Bosnia. Moreover, some are Arab-American organizations, and some are Jewish-American organizations. The list represents a broad spectrum.

Another statement on Bosnia has also been released recently—the letter of resignation by the U.N.'s rapporteur on human rights in the former Yugoslavia, former Polish Prime Minister Tadeusz Mazowiecki. Mr. Mazowiecki is known as a thoughtful and principled man; his dedication to human rights is evident as much in his resignation as it was in his acceptance of this position 3 years ago. I would like to submit that statement for the RECORD as well, Mr. Speaker, and let me quote a few lines from it:

> One cannot speak about the protection of human rights with credibility when one is confronted with the lack of consistency and courage displayed by the international community and its leaders. The reality of the human rights situation today is illustrated by the tragedy of the people of Srebrenica and Zepa. . . Crimes have been committed with swiftness and brutality and by contrast the response of the international community has been slow and ineffectual. . . I would like to believe that the present moment will be a turning point in the relationship between Europe and the world toward Bosnia. The very stability of international order and the principle of civilization is at stake over the question of Bosnia. I am not convinced that the turning point hoped for will happen and cannot continue to participate in the pretense of the protection of human rights.

These words, Mr. Speaker, reflect the frustration of many of us who see the conflict in Bosnia for what it is, and know what needs to be done to stop it. This is not a civil war based on ancient hatreds. This is not simply about Bosnia. This conflict is about aggression and genocide, and we must beware the message which the international community is sending should give to those around the world willing to use force to achieve their political ends.

In responding to crises and conflicts, we must remain objective, and attempt to see things as they really are, without bias. That means we must abandon an artificial neutrality. We must instead identify aggressor and stand with the victim of aggression. Just as these 27 nongovernmental organizations and Mr. Mazowiecki have taken that step, so must this Congress and this country, Mr. Speaker. We must take a stand. It's a matter of principle, and of lives.

JOINT POLICY STATEMENT ON BOSNIA

The international community's half-measures and evasions have not ended three years of ethnic slaughter in Bosnia. It is time for leadership and action. Bosnia is not a faraway land of no concern to our "national interest." At stake is the global commitment to fundamental human values—the right not to be killed because of one's religious or ethnic heritage, and the right of civilians not to be targeted by combatants.

The U.N. General Assembly, the U.N. Commission on Human Rights, the World Conference on Human Rights, and the International Criminal Tribunal for the Former Yugoslavia have all decried the slaughter in

Bosnia as genocide, one of the most heinous crimes known to humanity. The international community has a moral and legal duty to prevent genocide (Convention on the Prevention and Punishment of the Crime of Genocide, Art. VIII) and to see that its instigators and those responsible for parallel war crimes and crimes against humanity are brought to justice.

The time has come for multilateral military action to end the massacre of innocent civilians in Bosnia. Nothing else has worked. Force must be used to stop genocide, not simply to retreat from it. American leadership, in particular, is required.

We represent 27 different human rights, humanitarian, religious and professional organizations. So far, our organizations have worked individually to end the atrocities in Bosnia. Today, in an effort to end the paralysis, we join together. We urgently call on President Clinton and the leaders of the other major powers to take the following steps:

Protect civilians in all "safe areas." The major powers, through their votes on the Security Council, established the six "safe areas" in Bosnia. Tens of thousands of Bosnians, many of whom had been driven from their homes elsewhere in the country, entrusted their lives to the international forces. Instead, in Srebrenica and Zepa, they have been abandoned. The major powers' recent vow to retaliate forcefully against Bosnian Serb forces if they advance on Gorazde is not enough. It should be extended to all remaining "safe areas"—Bihac, Sarajevo and Tuzla, as well as Gorazde—and triggered not only if troops advance on those havens but also if their civilians are shelled. Any military action by intervening troops should comply strictly with international humanitarian law.

Insist on immediate access to all detainees from Srebrenica and Zepa. Thousands of men who had taken refuge in Srebrenica and Zepa have now been detained by Bosnian Serb forces or face imminent detention. Reports of brutality in Srebrenica demonstrate that these detainees face an all-too-real threat of murder. To prevent further massive loss of life, the major powers should insist that international humanitarian organizations are given immediate access to all detainees and demand that their safety and well-being are ensured.

Ensure the delivery of humanitarian supplies to civilians in the "safe areas." The major powers must ensure the delivery of humanitarian supplies to the "safe areas," if necessary by employing military force in response to the obstruction of those supplies. For instance, the major powers should secure the passage of supplies to Sarajevo over the Mt. Igman road and ensure the delivery of supplies by airdrop to enclaves that are not accessible by land. Deployment of the rapid reaction force on Mt. Igman has begun, but we remain concerned by the major powers' continuing unwillingness to insist on the right to deliver humanitarian supplies in the absence of Bosnian Serb assent.

Stigmatize those who direct, assist and supply abusive troops. The major powers should publicly name the senior political and military leaders who are presiding over atrocities. Details of their crimes should be made public and provided to the International Criminal Tribunal for the Former Yugoslavia. The major powers, and particularly the U.S. government, should also disclose all available information, including intelligence, that implicates Serbia in supplying, assisting or directing Bosnian Serb troops. The major powers should also strengthen the regime for monitoring external support to Bosnian Serb forces.

Do not lift, suspend or weaken sanctions against Belgrade until it cooperates fully with the investigation and extradition of suspected and indicted war criminals. The creation of the International Criminal Tribunal for the Former Yugoslavia is an historic opportunity to demonstrate that genocide, war crimes and crimes against humanity cannot be committed with impunity—a message that was reaffirmed with last week's indictment of Bosnian Serb political and military leaders Radovan Karadzic and Ratko Mladic. The Tribunal promises justice for victims, deterrence against further abuse, and a basis for eventual peace and reconciliation by substituting individualized guilt for the assumptions of collective ethnic guilt that now fuel the conflict. In recognition of the need for the Serbian government's active support to secure the presence of defendants for trial, the U.S. government had insisted throughout much of 1994 that sanctions against Belgrade would not be eased until it cooperated in the investigation and extradition of suspected and indicted war criminals. But to date, Belgrade has blocked Tribunal investigators and done nothing to secure custody of Bosnian Serbs under indictment. We are deeply disturbed that the major powers are nonetheless now offering Belgrade an opportunity to suspend sanctions in return for political concessions that have nothing to do with the Tribunal. That offer should be withdrawn, and Belgrade's active cooperation with the Tribunal should be made a prerequisite for any new suspension, lifting or easing of the sanctions.

Signed by: The American Jewish Committee; The American Jewish Congress; American Nurses Association; Anti-Defamation League; Arab-American Anti-Discrimination Committee; B'nai B'rith; Center for Civil and Human Rights; Center for Constitutional Rights; Equality Now; Human Rights Watch; Institute for War and Peace Reporting; International League for Human Rights; International Human Rights Law Group; International Human Rights Law Institute, DePaul University, College of Law; Jacob Blaustein Institute for the Advancement of Human Rights; Lowenstein International Human Rights Clinic, Yale Law School; Minnesota Advocates for Human Rights; National Association of Arab Americans; National Jewish Community Relations Advisory Council; Physicians for Human Rights; Refugees International; Saferworld; Travelers and Immigrants Aid of Chicago; Union of American Hebrew Congregations; Women's Refugee Project (Harvard Law School); World Vision (Andrew Natsios, Executive Director and Bob Seiple, President); U.S. Committee for Refugees.

UNITED NATIONS OFFICE AT GENEVA,
CENTRE FOR HUMAN RIGHTS,
CH 1211 Geneve 10,July 27, 1995.

His Excellency TAN SRI DATO MUSA HITAM,
Chairman of the Commission on Human Rights, Xuala Lumpur.

DEAR MR. CHAIRMAN: Events in recent weeks in Bosnia and Herzegovina, and above all the fact that the United Nations has allowed Srebrenica and Zepa to fall along with the horrendous tragedy which has beset the population of those "safe havens" guaranteed by international agreements, oblige me to state that I do not see any possibility of continuing the mandate or special rapporteur entrusted to me by the commission on human rights.

On accepting the mandate which was given to me for the first time in August 1992, I declared unequivocally that my goal would not simply be writing reports but helping the people themselves. The creation of "safe havens" was from the very beginning a central recommendation in my reports. The recent decisions of the London conference which accepted the fall of Srebrenica and resigned itself to the fate of Zepa are unacceptable to me. Those decisions did not create the conditions necessary for the defense of all "safe havens".

These events constitute a turning point in the development of the situation in Bosnia. At one and the same time, we are dealing with the struggle of a state, a member of the United Nations, for its survival and multiethnic character, and with the endeavour to protect principles of international order. One cannot speak about the protection of human rights with credibility when one is confronted with the lack of consistency and courage displayed by the international community and its leaders, the reality of the human rights situation today is illustrated by the tragedy of the people of Srebrenica and Zepa.

Human rights violations continue blatantly. There are constant blockades of the delivery of humanitarian aid. The civilian population is shelled remorsely and the "blue helmets" and representatives of humanitarian organizations are dying. Crimes have been committed with swiftness and brutality and by contrast the response of the international community has been slow and ineffectual.

The character of my mandate only allows me to further describe crimes and violations of human rights. But the present critical moment forces us to realize the true character of those crimes and the responsibility of Europe and the international community for their own helplessness in addressing them. We have been fighting in Poland against a totalitarian system with a vision for the Europe of tomorrow. How can we believe in a Europe of tomorrow created by children of people who are abandoned today?

I would like to believe that the present moment will be a turning point in the relationship between Europe and the world towards Bosnia. The very stability of International order and the principle of civilisation is at stake over the question of Bosnia. I am not convinced that the turning point hoped for will happen and cannot continue to participate in the pretense of the protection of human rights.

Mr. Chairman, please understand the motives behind my decision and convey them to the members of the Commission on Human Rights. I will submit my final eighteenth report based on my recent mission to Tuzla to the commission in the near future.

Please accept, Excellency, the assurances of my highest consideration.

Tadeus, Mazowiecki,
Special Rapporteur on the situation of human rights in the territory of the former Yugoslavia.

Mr. TORKILDSEN. Mr. Chairman, just last week here in Washington we dedicated a new memorial—albeit some decades late—to the veterans of the Korean war. This new monument sits directly across the Reflecting Pool from another great monument, the Vietnam Veterans Memorial. Both monuments offer moving testimony to the sacrifice of American service men and women who fought in those far away foreign lands.

My colleagues, with the memories of United States intervention in both Korea and Vietnam fresh in our minds, I stand before you today in opposition to unilaterally lifting the embargo on Bosnia.

Sometimes the United States should be looking at committing armed forces to an area. More recently, the commitment of United States troops to fight in the Persian Gulf war was just such an example. But Bosnia is not the Persian Gulf, or Vietnam, or Korea.

Lifting the current embargo could ultimately drag America, and American soldiers, into a no-win situation.

The Clinton administration has already pledged to our European allies that United States troops will be committed to assist U.N. or NATO forces withdraw from the region.

If we lift the embargo now—a move which, granted, may be politically attractive—we run the risk of escalating an armed war prior to United States and allied withdrawal. This is, sadly, a very real scenario—and one I hope we avoid.

As difficult as it seems, we must return to advancing diplomatic initiatives to end the violence in Bosnia. Lifting the arms embargo will only assure an increase in violence, and sadly, may draw U.S. soldiers into that fight as well.

I urge my colleagues on both sides of the aisle to oppose this measure to lift the arms embargo on Bosnia.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill is considered read for amendment under the 5-minute rule. No amendment is in order except an amendment in the nature of a substitute offered by the minority leader or his designee. That amendment shall be considered read, shall be debatable for 1 hour equally divided and controlled by the proponent and an opponent, and shall not be subject to amendment.

If there is no amendment, under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. COMBEST) having assumed the chair, Mr. BONILLA, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the Senate bill (S. 21) to terminate the United States arms embargo applicable to the Government of Bosnia and Herzegovina, pursuant to House Resolution 204, he reported the Senate bill back to the House.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the third reading of the Senate bill.

The Senate bill was ordered to be read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the Senate bill.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. GILMAN. Mr. Speaker, I object to the vote on the grounds that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 298, nays 128, not voting 8, as follows:

[Roll No. 608]

YEAS—298

Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baker (LA)
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Becerra
Bentsen
Bilbray
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Boucher
Brewster
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Calvert
Camp
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clement
Clinger
Coble
Coburn
Collins (GA)
Collins (MI)
Condit
Cooley
Costello
Cox
Crane
Crapo
Cremeans
Cubin
Danner
Davis
Deal
DeFazio
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dingell
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Forbes
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Green
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (TX)
Hancock
Hansen
Harman
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson (SD)
Johnson, Sam
Jones
Kaptur
Kasich
Kelly
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klug
Kolbe
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Lincoln
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martini
Mascara
McCarthy
McHale
McHugh
McInnis
McIntosh
McKeon
McNulty
Meehan
Menendez
Metcalf
Meyers
Mica
Miller (FL)
Mink
Molinari
Moorhead
Moran
Morella
Myers
Myrick
Nadler
Neal
Nethercutt
Ney
Norwood
Nussle
Oberstar
Olver
Owens
Oxley
Packard
Pallone
Pastor
Paxon
Pelosi
Peterson (MN)
Pickett
Pombo
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Rivers
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Royce
Rush
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shays
Shuster
Skeen
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Stearns
Stenholm
Stockman
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (NC)
Tejeda
Thomas
Thornberry
Tiahrt
Torricelli
Towns
Traficant
Upton
Velazquez
Vento
Volkmer
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wise
Wolf
Wyden
Wynn
Zeliff
Zimmer

NAYS—128

Abercrombie
Baesler
Baker (CA)
Baldacci
Barrett (WI)
Beilenson
Bereuter
Berman
Bevill
Bilirakis
Borski
Browder
Brown (CA)
Brown (FL)
Callahan
Canady
Chapman
Clay
Clayton
Clyburn
Coleman
Collins (IL)
Combest
Conyers
Coyne
Cramer
Cunningham
de la Garza
Dellums
Dicks
Dixon
Edwards
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Foley
Ford
Gejdenson
Gephardt
Geren
Gibbons
Gonzalez
Gordon
Hamilton
Hastert
Hastings (FL)
Hefner
Hilliard
Jackson-Lee
Jacobs
Johnson, E.B.
Johnston
Kanjorski
Kennedy (MA)
Kennedy (RI)
Klink
Knollenberg
LaFalce
Lewis (GA)
Lightfoot
Livingston
Longley
Martinez
Matsui
McCollum
McCrery
McDade
McDermott
McKinney
Meek
Mfume
Miller (CA)
Mineta
Mollohan
Montgomery
Murtha
Neumann
Obey
Ortiz
Orton
Parker
Payne (NJ)
Payne (VA)
Peterson (FL)
Petri
Pomeroy
Rahall
Rangel
Reed
Richardson
Roemer
Rose
Roukema
Roybal-Allard
Sabo
Schroeder
Shaw
Sisisky
Skaggs
Skelton
Souder
Spence
Spratt
Stark
Stokes
Studds
Taylor (MS)
Thompson
Thornton
Torkildsen
Torres
Tucker
Visclosky
Vucanovich
Ward
Waters
Watt (NC)
Waxman
Williams
Woolsey
Yates
Young (FL)

NOT VOTING—8

Bateman
Hall (OH)
Jefferson
Minge
Moakley
Reynolds
Thurman
Young (AK)

□ 1644

Mr. HASTERT changed his vote from "yea" to "nay."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. MARTINEZ. Mr. Speaker, although I intended to vote for S. 21, the Bosnia and Herzegovina Self-Defense Act, on August 1, 1995, my vote was recorded in the negative. As my voting record reflects, I have consistently supported all efforts to lift the arms embargo on Bosnia and Herzegovina.

□ 1645

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on S. 21, the Senate bill just passed.

The SPEAKER pro tempore (Mr. COMBEST). Is there objection to the request of the gentleman from New York?

There was no objection.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 1854, LEGISLATIVE BRANCH APPROPRIATIONS ACT, 1996

Mr. DIAZ-BALART from the Committee on Rules, submitted a privileged report (Rept. No. 104–221) on the resolution (H. Res. 206) waiving points of order against the conference report to accompany the bill (H.R. 1854) making appropriations for the legislative branch for the fiscal year ending September 30, 1996, and for other purposes, which was referred to the House Calendar and ordered to be printed.

THE COURT REPORTER FAIR LABOR AMENDMENTS OF 1995

Mr. FAWELL. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 1225) to amend the Fair Labor Standards Act of 1938 to exempt employees who perform certain court reporting duties from the compensatory time requirements applicable to certain public agencies, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

Mr. OWENS. Mr. Speaker, reserving the right to object, I will ask the gentleman to explain his unanimous-consent request.

Mr. FAWELL. Mr. Speaker, will the gentleman yield?

Mr. OWENS. Further reserving the right to object, I yield to the gentleman from Illinois.

Mr. FAWELL. Mr. Speaker, I thank the gentleman for yielding.

H.R. 1225, as reported by the Committee on Economic and Educational Opportunities on July 20, 1995, would allow an exemption under the Fair Labor Standards Act for official court reporters while they are performing transcription duties and being paid on a per-page basis.

I introduced H.R. 1225 on March 14, 1995. Without this bill, almost every State and local government and court will have to alter their payment structures for official court reporters.

My colleagues on both sides of the aisle deserve acknowledgment for their efforts in moving this bipartisan legislation and, in particular, the gentleman from North Carolina [Mr. BALLENGER], whose subcommittee held hearings on this bill, also to the chairman, the gentleman from Pennsylvania [Mr. GOODLING], and the ranking minority member, the gentleman from Missouri [Mr. CLAY], for their leadership in shepherding this bill through the committee. I especially want to pay my respects to the gentleman from New York [Mr. OWENS], who helped craft the final language of the substitute, and his help and guidance was certainly instrumental in this bill.

I understand that the other body will take up this bill in the near future. I look forward to their expeditious consideration of this matter.

Mr. OWENS. Mr. Speaker, further reserving the right to object, I rise in support of the unanimous consent request.

As the gentleman stated, H.R. 1225 concerns the compensation for overtime for State and local court reporters. Although a blanket exemption from the Fair Labor Standards Act overtime requirements would be inappropriate, where court reporters are otherwise receiving compensation for a transcript on a per-page basis and are preparing the transcript on their own time, that time should not be required to count for purposes of computing the reporters' overtime.

I support this legislation because it achieves that end, and I commend my colleagues, the gentleman from Pennsylvania [Mr. GOODLING], the gentleman from Illinois [Mr. FAWELL], the gentleman from North Carolina [Mr. BALLENGER], for working to resolve this issue in a bipartisan manner.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The Clerk read the bill, as follows:

H.R. 1225

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "The Court Reporter Fair Labor Amendments of 1995".

SEC. 2. LIMITATION ON COMPENSATORY TIME FOR COURT REPORTERS.

Section 7(o) of the Fair Labor Standards Act of 1938 (29 U.S.C. 207(o)) is amended—

(1) by redesignating paragraph (6) as paragraph (7); and

(2) by inserting after paragraph (5) the following new paragraph:

"(6) A public agency may not be considered to be in violation of subsection (a) with respect to an employee who performs court reporting transcript preparation duties if such public agency and such employee have an understanding that the time spent performing such duties outside of normal working hours or regular working days is not considered as hours worked for the purposes of subsection (a).".

SEC. 3. EFFECTIVE DATE OF AMENDMENTS.

The amendments made by section 2 shall take effect as if included in the provisions of the Fair Labor Standards Act of 1938 to which such amendments relate, except that such amendments shall not apply to an action—

(1) that was brought in a court involving the application of section 7(a) of such Act to an employee who performed court reporting transcript preparation duties; and

(2) in which a final judgment has been entered on or before the date of enactment of this Act.

COMMITTEE AMENDMENT IN THE NATURE OF A SUBSTITUTE

The SPEAKER pro tempore. The Clerk will report the committee amendment in the nature of a substitute.

The Clerk read as follows:

Committee amendment in the nature of a substitute:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Court Reporter Fair Labor Amendments of 1995".

SEC. 2. LIMITATION ON OVERTIME COMPENSATION FOR COURT REPORTERS.

Section 7(o) of the Fair Labor Standards Act of 1938 (29 U.S.C. 207(o)) is amended—

(1) by redesignating paragraph (6) as paragraph (7); and

(2) by inserting after paragraph (5) the following new paragraph:

"(6) The hours an employee of a public agency performs court reporting transcript preparation duties shall not be considered as hours worked for the purposes of subsection (a) if—

"(A) such employee is paid at a per-page rate which is not less than—

"(i) the maximum rate established by State law or local ordinance for the jurisdiction of such public agency,

"(ii) the maximum rate otherwise established by a judicial or administrative officer and in effect on July 1, 1995, or

"(iii) the rate freely negotiated between the employee and the party requesting the transcript, other than the judge who presided over the proceedings being transcribed, and

"(B) the hours spent performing such duties are outside of the hours such employee performs other work (including hours for which the agency requires the employee's attendance) pursuant to the employment relationship with such public agency.

For purposes of this section, the amount paid such employee in accordance with subparagraph (A) for the performance of court reporting transcript preparation duties, shall not be considered in the calculation of the regular rate at which such employee is employed.".

SEC. 3. EFFECTIVE DATE.

The amendments made by section 2 shall apply after the date of the enactment of this Act and with respect to actions brought in a court after the date of the enactment of this Act.

Mr. FAWELL (during the reading). Mr. Speaker, I ask unanimous consent that the committee amendment in the nature of a substitute be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The SPEAKER pro tempore. The question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. FAWELL. Mr. Speaker, I ask unanimous consent that all Members may have 5 days in which to revise and extend their remarks on H.R. 1225, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Edwin Thomas, one of his secretaries.

PERMISSION FOR COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT TO FILE LEGISLATIVE REPORT ON H.R. 1670 AND H.R. 2108

Mr. CLINGER. Mr. Speaker, I ask unanimous consent that the Committee on Government Reform and Oversight have until midnight tonight to file the legislative report on H.R. 1670 and H.R. 2108.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain 1-minute requests.

GENERAL LEAVE

Mr. DINGELL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on Mr. Keith Jewell, the official photographer of the House, who is resigning today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

TRIBUTE TO KEITH JEWELL

(Mr. DINGELL asked and was given permission to address the House for 1 minute.)

Mr. DINGELL. Mr. Speaker, I rise today to bid a fond farewell to a distinguished public servant and to a man who has served this House with great dignity and diligence over a career that has spanned almost three decades, whose last day with the House of Representatives is today.

He has served admirably as the Director of the House Office of Photograph, a demanding job in an office that logged over 19,000 visits to offices of Members of Congress and to address other functions in the last year alone. He joined Members of this body on countless missions overseas, including a trip to Saudi Arabia during the Gulf war and the 50th anniversary of Normandy last year.

Most of us see Keith Jewell at some point almost every day we are in session. Usually it is as he moves rapidly from one appointment to the next to serve the House, take pictures of Members and our constituents. Once in a while, if you have had time to chat with Keith, the Members will know what a thoroughly decent and hard working man he is and how dedicated he has been to the service of this body as well as the extraordinary leadership which he has given to a competent group of photographers.

Sadly, one of Mr. Jewell's staff is also retiring today, Joseph Avery, after some 35 years of service. He, too, has served this institution with great distinction.

This is why I have reason to pay tribute, well deserved, to these fine gentlemen. Whether it was on the House steps or on an overseas mission, Keith Jewell has been one of the official recorders of the history of this institution.

I wish him great success in the future and happiness as he joins his dear wife, a wonderful woman, Lorren, in a long and, I hope, healthy and happy retirement.

TRIBUTE TO KEITH JEWELL

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, I would like to make part of the RECORD my contribution to Keith Jewell and also to speak in behalf of him, too.

I also rise to speak highly of Keith Jewell, having seen him in operation during the State of the Unions and actually seeing him in operation on the steps of the Capitol so many times where all of us, when we had constitutents and we had junior high schools and high schools, and how many times he has been here when the President and Vice President and Cabinet officers have come by.

He is a remarkable man. He is so humble, and he is such a serving individual and has such a serving spirit. I want to compliment him also and to make my speech part of the RECORD, which I will put into the RECORD at a later time.

Mr. Speaker, I would like to take this opportunity to join with my colleague, Mr. DINGELL, in paying tribute to Keith Jewell.

Keith has served this body well in his 30 years of service. I have always found him to be not only an excellent photographer but also a fine human being. Keith was never too busy to answer a last minute call and always did it with a smile.

You will certainly be missed by all of us. You didn't just take pictures you studied human nature and the photographs you took are evidence of not only your ability but also reflect how much you enjoyed your profession.

On a more sentimental side, you might remember Keith, that you went above and beyond the call of duty by helping out my Executive Director, Marcia Summers, with her daughter's wedding.

You were selfless, hard working, and I know I speak for all the Members here today when I say thanks, a job well done.

TRIBUTE TO KEITH JEWELL

(Mr. MINETA asked and was given permission to address the House for 1 minute.)

Mr. MINETA. Mr. Speaker, I rise this afternoon to say thanks to a friend and loyal employee of the American people. For almost 30 years, Keith Jewell has recorded the history of this institution for the House Office of Photography. Now he's retiring.

Today, we hear a lot of talk about what is wrong with this institution. Those who love this institution are often vilified as out of touch. But to Keith Jewell, institutionalist is not a dirty word. To him, this place has never been about personalities or individual agendas. It's about our Nation as a whole.

Officially, Keith has served under six Speakers, but his boss has always been the American people. From joint sessions to State funerals to constituent visits, this self-taught photographer has captured it all with an understanding that his work is not only for us, but for posterity.

During his tenure, Keith has seen it all. He was the first photographer to capture a still image of a joint session of Congress. He's photographed seven American Presidents and countless dignitaries. And just last year, he traveled to Normandy with a congressional delegation to record the 50th anniversary of D-Day.

But Keith's captured the daily activities of the House as well. As the Director of the House Office of Photography, he has coordinated more than 19,000 appointments each year. And all of them have been conducted in a professional and friendly manner.

From children on their first visit to the Nation's Capital to widows here to say goodbye to their loved ones, Keith has captured the dignity of these events with a compassion not easily matched.

Mr. Speaker, we like to think that every action we take here is historic. That with each vote, we change the world. Only time will tell if that is the case. But one thing is certain—Keith's work will serve as the record.

TRIBUTE TO KEITH JEWELL

(Mr. BEVILL asked and was given permission to address the House for 1 minute.)

Mr. Speaker, 1 minute is not enough time to pay tribute to Keith Jewell, one of my long-time friends and an excellent photographer. As you know, Keith is retiring as Director of House Photography after 29 years of dedicated service on Capitol Hill. He came here shortly before I was first elected to Congress and we have worked together ever since.

As a young man, Keith knew he wanted to be a photographer. He essentially taught himself the tricks of the trade and became a true professional. He has captured more history through his camera lenses than most people witness in a lifetime.

Keith has served under six Speakers and was the first House photographer given permission to photograph the House during a joint session. That was in 1981 under Speaker Tip O'Neill.

Keith Jewell is one of the most dependable, hard-working people I have ever known. People who work with him will tell you that he does the job of three people and never complains. His staff is highly professional. Under Keith's leadership, they keep their commitments and consistently do outstanding work. That's quite an accomplishment considering that Keith has had 19,000 appointments a year.

I want to wish Keith all the best in his well-deserved retirement and future endeavors. His fine service to the U.S. House of Representatives will always be remembered.

□ 1700

TRIBUTE TO KEITH JEWELL

(Mr. GONZALEZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GONZALEZ. I rise also to add my voice to those expressing regret at our photographer, Keith Jewell's departure.

Mr. Speaker, I was here when he started as a novice, and we had the first really full professional photographer the House had; who employed him, Dev O'Neill' and ever since then I have learned to respect him, and it is with a great sense of sadness that I notice his departure and wish him well.

TRIBUTE TO KEITH JEWELL

(Mr. OBERSTAR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OBERSTAR. Mr. Speaker, I rise also to pay tribute to Dev O'Neill, who I first knew when I was administrative assistant to my predecessor, John Blatnik, and Dev was an apprentice, or Keith was an apprentice, to Dev O'Neill, which our preceding speaker just noted. Dev O'Neill was, to say the least, a character, but a photographer.

Keith Jewell has been a professional looking at this body through the eye of his lens, and I think we all owe him a great debt of appreciation and gratitude for making us all look a little better than we really are when that negative meets the paper and the print finally comes out for recording our meetings with our family, our friends, constituents, our committee hearings, our serious business in this House. He has recorded it for us and for history. He has been a true professional in the field of photography.

Mr. Speaker, I wish him well in all that he seeks to undertake in the future, good health, happiness, and some time of his own to look at the rest of the world through the eyes of that camera and see something other than the Capitol dome and the heads of Members of Congress.

TRIBUTE TO KEITH JEWELL

(Mr. MONTGOMERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MONTGOMERY. Mr. Speaker, I join my colleague from Michigan, Mr. DINGELL, in paying tribute to one of the hardest working people on Capitol Hill—House Photographer, Keith Jewell.

He is retiring this year after 29 years of service.

I have known Keith almost that entire time. He has always been there when I called. In fact he has been there when nearly every Member of this Chamber has called—and we call a lot. His office meets 19,000 appointments a year in and around the U.S. Capitol.

Rarely a day goes by that I don't meet Keith in the hallways with his camera—heading to yet another appointment.

Keith has served under six Speakers of the House, and has been here to photograph so many historic events in this Chamber.

He has also traveled around the world with congressional delegations over the years—including going to Saudi Arabia during the Persian Gulf war.

Keith, we salute you on a job well done and wish you well in retirement.

TRIBUTE TO KEITH JEWELL

(Mr. OBEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OBEY. Mr. Speaker, I would also like to express appreciation to Keith Jewell for the wonderful service that he has provided this House through the years.

Many a time constituents have come to the Capitol, they have come to the Capitol steps. They wanted to have their picture taken with their Representatives, and Keith Jewell has been there, Johnnie on the spot, to try to provide that service both to us and to the people we represent.

Mr. Speaker, he has recorded a significant portion of the history of this House. It has been a familiar sight to see him weighed down with four or five cameras, straps hanging around his neck, camera bag at his side, racing around this building and racing around Capitol Hill trying to do a decent job for us all.

Mr. Speaker, we very much appreciate the graciousness with which he has performed that task and the reliability he has always demonstrated, and we are going to be very sorry to see him go.

Mr. MARTINEZ. Mr. Speaker, I rise today to praise the director of the House Office of Photography, Mr. Keith Jewell. As my colleagues know, this is Keith's last day as an employee of the House.

Keith first began his employment with the House in 1966, and was promoted to his current position of Director on July 29, 1982. Throughout this time, Keith has provided exceptional service and dedication to Members of the House.

While I am saddened by his departure, I know that Keith is most anxious to spend time with his two grandchildren. I am especially pleased that Keith will be able to spend more time enjoying one of his true passions—sailing. Most importantly, I believe this will give him the opportunity to reflect on a very outstanding and rewarding career.

Keith's dedication to the House will certainly be missed, but I wish him well on his future endeavors.

Mr. BLILEY. Mr. Speaker, I rise today to speak of a man who is a walking history book of the U.S. House of Representatives, Keith Jewell. With his ever-present camera around his neck for almost three decades, Keith has not only served this institution with distinction, but he has often been the only friendly familiar face in these hallowed halls.

Keith's professional demeanor is unmatched in his swift response to Members' needs and those of the often-hurried staff member. His ability to accomplish the occasional miracle—like producing a photo that meets the approval of my entire staff—has earned him the respect of Members from both sides of the aisle.

With a steady hand and a sharp eye, Keith has focused on many a debate in the House—through the smooth waters of agreement and the stormy seas of dissent. But, through it all, this loyal public servant has stayed the course—offering assistance and good humor to all along the way.

However, Mr. Speaker, what has distinguished this gentleman the most in his years of service is his devotion—his devotion to capturing what is best in the House, while others only would see the bad; his devotion to guarding the history of the Capitol not only for its members but for all Americans; and finally, his devotion to a pictorial history has been a constant source of inspiration to all those who may have forgotten the true meaning of public service.

It has been a pleasure to work with such a fine gentleman, and his presence in this body will be greatly missed. Thank you, Keith, for your tireless efforts and your loyal commitment to service—your hard work certainly did not go unnoticed.

Mr. MOAKLEY. Mr. Speaker, I wish that I could be with the entire House today as the House pays tribute to one of its own, Keith Jewell. As we all know, Keith is retiring after almost 30 years of service to the institution and the men and women who have comprised the institution as we have known and loved it over the years.

Keith Jewell is the epitome of good staff. Ready to serve, diligent, friendly and gregarious, Keith consistently made all of us look good as he trained the lens of his camera on us and legions of constituents. His patience, unflappability, and trained eye turned the most hectic moments into memorable times. I personally will miss Keith as a friend and colleague, and I know I speak for this Congress and the last 15 Congresses in wishing Keith well in his new challenge.

Keith Jewell will always be a welcome face in my office and in my home.

Mr. STOKES. Mr. Speaker, in just a few days, Congress will adjourn for the August district work period. As we prepare to depart Washington, I want to join in a special tribute to a valued employee who is retiring from this institution. Today, Keith Jewell, Director of the Office of Photography, will leave his post after nearly three decades of service. I rise to join my good friend from Michigan, JOHN DINGELL, and others in the Chamber, in saluting Keith on this occasion.

As the official House photographer, many would refer to Keith Jewell as the visual recorder of historic events. Indeed, few Members of Congress and congressional staff can match Keith's impressive career record. He began his career as a House photographer in 1966, and fondly recalls that the first official photograph he snapped was that of our former colleague, Jack Brooks. Keith Jewell served this body under a total of six Spealers of the House, beginning with Speaker John McCormack. He has served under just as many Presidents, beginning with Lyndon Johnson to the Nation's current leader, President Bill Clinton.

Mr. Speaker, Keith Jewell has also captured on film the historic visits of world leaders and foreign dignitaries to the Halls of Congress. His photographic files includes the visits of President Anwar Sadat, Prime Minister Menachem Begin, Queen Elizabeth, and President Nelson Mandela, just to name a few. It is also interesting to note that Keith was the first photographer permitted to take a still photograph of the House of Representatives during a joint session of Congress.

The Office of Photography, on average, is responsible for 19,000 photographic appointments per year. As Director, Keith Jewell has done an excellent job of supervising a staff of five individuals, all of whom have at least 5 years of service to the Congress. Throughout his career, Keith has exhibited the highest level of professionalism. He is competent, reliable, and dedicated. I can say without reservation that each of the individuals under Keith's supervision possess those same qualities.

Mr. Speaker, as he departs his post as Director of Photography, I take this opportunity to express my deep appreciation to Keith Jewell. Over the years, I have known him to be an exemplary employee of the House. His demeanor was always pleasant and he was always cooperative in assisting Members in accommodating their constituents. Oftentimes, he had to look for special photographs for us. He always responded willingly, no matter how tedious the task. I am proud to extend my best wished to Keith Jewell. He will always be remembered for his outstanding service to the U.S. Congress and the Nation.

Mr. FROST. Mr. Speaker. I would like to take this opportunity to honor Keith Jewell, Director of the House Office of Photography, on his announced plans to retire.

Keith has contributed almost 30 years of service as the official visual recorder of events of the House of Representatives. He has served under six Speakers of the House and has traveled with congressional delegations on several trips, including a trip to Saudi Arabia during the Gulf war. Keith has witnessed first hand some very important events in our Nation's history and has documented these events for the world to see.

As all of us know, Keith has always been there when you needed him. He keeps a full schedule—19,000 appointments a year I am told. But Keith has always managed to find the time in his schedule to be there when an important, unforeseen occasion needed his special attention.

Keith, I am sorry to see you go, although I certainly recognize your retirement is well-deserved.

The house is losing a fine and loyal public servant. I wish you every happiness on your retirement. Enjoy.

Mr. DE LA GARZA. Mr. Speaker, every time I stand in this Chamber I think about it's grand history and how privileged I am to serve in this illustrious institution. Today we gather to pay tribute to someone who in his own way is an institution himself—Keith Jewell, Director of the House Office of Photography.

For a great number of my colleagues it is hard to remember a time when Keith was not here. Having started in 1966, the year after I came to Congress, he has been a part of our every day lives for almost 30 years. In that time has served as the official documenter of so many of our activities—both grand, momentous historical events, and also the small, intimate moments that mean so much personally to each of us. He has done this in an exemplary fashion.

Keith Jewell has been an integral part of the operation of the House. He has contributed to its running more efficiently and has always been a welcome and engaging presence. I think I speak for a great number of us when I say that he has touched all of our lives.

Let me say thank you for a job every well done. We're going to miss you.

Mr. GIBBONS. Mr. Speaker, Keith Jewell has lived up to his name. He is really a jewel. I watched his entire career here in the House of Representatives and he has always done his job to perfection. I have never seen him without a smile and a willingness to be helpful. His works will outlast all of us.

I regret that he has decided to retire, but I wish him good luck and thank him for his fine professional service.

Mr. QUILLEN. Mr. Speaker, I want to express my deepest appreciation to Mr. Keith Jewell, the Director of the House Office of Photography, for his unprecedented dedication and hard work for this body. I first remember meeting Keith in the Capitol when he was a photographer with another legend in the House Office of Photography, Director Dev O'Neil. Since that first meeting, Keith and I have become friends and his service to me and the constituents of my district has been invaluable. As many of you know, Keith will be retiring today from his post after almost 30 years of service.

Thirty years is a long time, and Keith is probably one of the few people who have been here as long as I have. We have seen seven different U.S. Presidents and many sessions of the U.S. House of Representatives come and go. From the landing of American astronauts on the Moon to the fall of the Berlin Wall, these 30 years have produced much change, but certain special people endure.

Only once in a great while does an individual come along who can really make an outstanding difference. I know that my constituents would not feel as if they had a full experience in Washington without one of the photographs produced by the House Office of Photography. I know that all of the special events and meetings in this body would not be the same without the direction of Keith.

They thank you, and I thank you, and we all regret to see you leave.

HURRICANE SUPPLICATION

(Mr. WELDON of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELDON of Florida. Mr. Speaker, I come before the House tonight with a tremendous amount of concern in that, as we are here tonight, a hurricane is bearing down on central Florida. In particular, Mr. Speaker, the eye of the hurricane is heading towards Vero Beach City in my district, and I would just ask that all Members would lift up the people of the State of Florida, as well as the people of my district, in prayer, that there would be no loss of life in this hurricane as it hits our Nation, and that our emergency personnel in the area, Federal and State, would be able to deal with any of the problems that arise in this crisis, and I ask that the whole body would remember our district now as we are being faced with this crisis.

NATIONAL EMERGENCY WITH RESPECT TO IRAQ—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 104–106)

The SPEAKER pro tempore (Mr. METCALF) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

I hereby report to the Congress on the development since my last report of February 8, 1995, concerning the national emergency with respect to Iraq that was declared in Executive Order No. 12722 of August 2, 1990. This report is submitted pursuant to section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c).

Executive Order No. 12722 ordered the immediate blocking of all property and interests in property of the Government of Iraq (including the Central Bank of Iraq) then or thereafter locateed in the United States or within the possession or control of a U.S. person. That order also prohibited the importation into the United States of goods and services of Iraqi origin as well as the exportation of goods, services, and technology from the United States to Iraq. The order prohibited travel-related transactions to or from Iraq and the performance of any contract in support of any industrial, commercial, or governmental project in Iraq. United States persons were also prohibited from granting or extending credit or loans to the Government of Iraq.

The foregoing prohibitions (as well as the blocking of Government of Iraq property) were continued and augmented on August 9, 1990, by Executive Order No. 12724, which was issued in order to align and sanctions imposed by the United States with United Nations Security Council Resolution 661 of August 6, 1990.

Executive Order No. 12817 was issued on October 21, 1992, to implement in the United States measures adopted in United Nations Security Council Resolution 778 of October 2, 1992. Resolution 778 requires U.N. Member States to transfer to a U.N. escrow account any funds (up to $200 million apiece) representing Iraqi-oil sale proceeds paid by purchasers after the imposition of U.N. sanctions on Iraq, to finance Iraq's obligations for U.N. activities with respect to Iraq, such as expenses to verify Iraqi weapons destruction, and to provide humanitarian assistance in Iraq on a nonpartisan basis. A portion of the escrowed funds also funds the activities of the U.N. Compensation Commission in Geneva, which handles claims from victims of the Iraqi invasion and occupation of Kuwait. Member States also may make voluntary contributions to the account. The funds placed in the escrow account are to be returned, with interest, to the Member States that transferred them to the United Nations, as funds are received from future sales of Iraqi oil authorized by the U.N. Security Council. No Member State is required to fund more than half of the total transfers or contributions to the escrow account.

This report discusses only matters concerning the national emergency with respect to Iraq that was declared in Executive Order No. 12722 and matters relating to Executive Orders No. 12724 and 12817 (the "Executive orders"). The report covers events from February 2, 1995, through August 1, 1995.

1. During the reporting period, there were no amendments to the Iraqi Sanctions Regulations.

2. The Department of the Treasury's office of Foreign Assets Control ("FAC") continues its involvement in lawsuits seeking to prevent the unauthorized transfer of blocked Iraqi assets. In Consarc Corporation versus Iraqi-ministry of Industry and Minerals, a briefing schedule has been set for disposition of FAC's December 16, 1994, appeal of the district court's order of October 17, 1994, transferring blocked property.

Investigations of possible violations of the Iraqi sanctions continue to be pursued and appropriate enforcement actions taken. There are currently 43 enforcement actions pending, including nine cases referred by FAC to the U.S. Customs Service for joint investigation. Additional FAC civil penalty notices were prepared during the reporting period for violations of the International Emergency Economic Powers Act and Iraqi sanction Regulations with respect to transactions involving Iraq. Three penalties totaling $8,905 were collected from two banks for funds transfers in violation of the prohibitions against transactions involving Iraq.

3. Investigation also continues into the roles played by various individuals and firms outside Iraq in the Iraqi government procurement network. These investigations may lead to additions to FAC's listing of individuals and organizations determined to be Specially Designated Nationals ("SDNs") of the Government of Iraq.

4. Pursuant to Executive Order No. 12817 implementing United Nations Security Council Resolution 778, on October 26, 1992, FAC directed the Federal Reserve Bank of New York to establish a blocked account for receipt of certain post-August 6, 1990, Iraqi-oil sales proceeds, and to hold, invest, and transfer these funds as required by the order. On March 21, 1995, following payments by the Governments of Canada ($1,780,749.14), the European Community ($399,695.21), Kuwait ($2,500,000.00), Norway ($261,758.10), and Switzerland ($40,000.00), respectively, to the special United Nations-controlled account, entitled "United Nations Security Council Resolution 778 Escrow Account," the Federal Reserve Bank of New York was directed to transfer a corresponding amount of $4,982,202.45 from the blocked account it holds to the United Nations-controlled account. Similarly, on April 5, 1995, following the payment of $5,846,238.99 by the European Community, the Federal Reserve Bank of New York was directed to transfer a corresponding amount of $5,846,238.99 to the United Nations-controlled account. Again, on May 23, 1995, following the payment of $3,337,941.75 by the European Community, $571,428.000 by the Government of the Netherlands and $1,200,519.05 by the Government of the United Kingdom, the Federal Reserve Bank of New York was directed to transfer a corresponding amount of $5,109,888.80 to the United Nations-controlled account. Finally, on June 19, 1995, following the payment of $915,584.96 by the European Community and $736,923.12 by the Government of the United Kingdom, the Federal Reserve Bank of New York was directed to transfer a corresponding amount of $1,652,508.08 to the United Nations-controlled account. Cumulative transfers from the blocked Federal Reserve Bank of New York account since issuance of Executive Order No. 12817 have amounted to $175,133,026.20 of the up to $200 million that the United States is obligated to match from blocked Iraqi oil payments, pursuant to United Nations Security Council Resolution 778.

5. The Office of Foreign Assets Control has issued a total of 590 specific licenses regarding transactions pertaining to Iraq or Iraqi assets since August 1990. Licenses have been issued for transactions such as the filing of legal actions against Iraqi governmental entities, legal representation of Iraq, and the exportation to Iraq of donated medicine, medical supplies, food intended for humanitarian relief purposes, the execution of powers of attorney relating to the administration of personal assets and decedents' estates in Iraq, the protection of preexistent intellectual property rights in Iraq and travel to Iraq for the purposes of visiting Americans detained there. Since my last report, 57 specific licenses have been issued.

6. The expenses incurred by the Federal Government in the 6 month period from February 2, 1995, through August 1, 1995, which are directly attributable to the exercise of powers and authorities conferred by the declaration of a national emergency with respect to Iraq are reported to be about $4.9 million, most of which represents wage and salary costs for Federal personnel. Personnel costs were largely centered in the Department of the Treasury

(particularly in the Office of Foreign Assets Control, the U.S. Customs Service, the Office of the Under Secretary for Enforcement, and the Office of the General Counsel), the Department of State (particularly the Bureau of Economic and Business Affairs, the Bureau of Near Eastern Affairs, the Bureau of International Organization Affairs, the Bureau of Political-Military Affairs, the U.S. Mission to the United Nations, and the Office of the Legal Adviser) and the Department of Transportation (particularly the U.S. Coast Guard).

7. The United States imposed economic sanctions on Iraq in response to Iraq's illegal invasion and occupation of Kuwait, a clear act of brutal aggression. The United States, together with the international community, is maintaining economic sanctions against Iraq because the Iraqi regime has failed to comply fully with United Nations Security Council resolutions. Security Council resolutions on Iraq call for the elimination of Iraqi weapons of mass destruction, Iraqi recognition of Kuwait and the inviolability of the Iraq-Kuwait boundary, the release of Kuwaiti and other third-country nationals, compensation for victims of Iraqi aggression, long-term monitoring of weapons of mass destruction capabilities, the return of Kuwaiti assets stolen during Iraq's illegal occupation of Kuwait, renunciation of terrorism, an end to internal Iraqi repression of its own civilian population, and the facilitation of access of international relief organizations to all those in need in all parts of Iraq. More than 5 years after the invasion, a pattern of defiance persists: a refusal to account for missing Kuwaiti detainees; failure to return Kuwaiti property worth millions of dollars, including military equipment that was used by Iraq in its movement of troops to the Kuwaiti border in October 1994; sponsorship of assassinations in Lebanon and in northern Iraq; incomplete declarations to weapons inspectors; and ongoing widespread human rights violations. As a result, the U.N. sanctions remain in place; the United States will continue to enforce those sanctions under domestic authority.

The Baghdad government continues to violate basic human rights of its own citizens through systematic repression of minorities and denial of humanitarian assistance. The Government of Iraq has repeatedly said it will not be bound by United Nations Security Council Resolution 688. For more than 4 years, Baghdad has maintained a blockade of food, medicine, and other humanitarian supplies against northern Iraq. The Iraqi military routinely harasses residents of the north and has attempted to "Arabize" the Kurdish, Turcomen, and Assyrian areas in the north. Iraq has not relented in its artillery attacks against civilian population centers in the south or in its burning and draining operations in the southern marshes, which have forced thousands to flee to neighboring States. In April 1995, the U.N. Security Council adopted resolution 986 authorizing Iraq to export limited quantities of oil (up to $1 billion per quarter) under U.N. supervision in order to finance the purchase of food, medicine, and other humanitarian supplies. The resolution includes arrangements to ensure equitable distribution of such assistance to all the people of Iraq. The resolution also provides for the payment of compensation to victims of Iraqi aggression and for the funding of other U.N. activities with respect to Iraq. Resolution 986 was carefully crafted to address the issues raised by Iraq to justify its refusal to implement similar humanitarian resolutions adopted in 1991 (Resolutions 706 and 712), such as oil export routes and questions of national sovereignty. Nevertheless, Iraq refused to implement this humanitarian measure. This only reinforces our view that Saddam Hussein is unconcerned about the hardships suffered by the Iraqi people.

The policies and actions of the Saddam Hussein regime continue to pose an unusual and extraordinary threat to the national security and foreign policy of the United States as well as to regional peace and security. The U.N. resolutions require that the Security Council be assured of Iraq's peaceful intentions in judging its compliance with sanctions. Because of Iraq's failure to comply fully with these resolutions, the United States will continue to apply economic sanctions to deter it from threatening peace and stability in the region.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *August 1, 1995.*

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

TOBACCO AND AMERICA'S YOUTH

[Additional statements to Mr. WAXMAN's testimony in the RECORD of Monday, July 31, 1995.]

DECEMBER 31, 1970.

Dr. P.A. EICHORN.
W.L. DUNN, Jr.
Quarterly Report of Projects 1600 and 2302—October 1–December 31, 1970.

WORK COMPLETED

Filter configuration preference

Some 500 smokers were interviewed in the streets and places of business of Richmond, Virginia. They were asked to rank order as to preference five filter ends all of which differed in appearance. One of the five was clearly the consistently preferred design.

Methods study

Report written. Findings: (1) The position effect is of such great magnitude as to possibly mask any real discerned differences between two cigarettes. (2) Differences in preference values between POL and SEF panelists were articulated. (3) A possible deficiency in the Marlboro smoke was isolated.

SERVICE VOLUME

	Number of tests	Number of judgments
Descriptive panel	32	385
Other panels	150	8,614
Field tests completed	8	3,350
Field tests in progress	13	7,850

WORK IN PROGRESS

Determinants of Menthol Cigarette Preference

Data in process.

Smoking and Heart Rate

Report being typed.

Anxiety and Cigarette Smoking

Data collection completed. Analysis in process.

Bird–I

Computer problems have plagued the completion of this study. There yet remain several computer runs before the final report can be assembled.

Project Carib

Seventeen of 21 invitees have agreed to participate, one has declined and three have yet to reply.

Nicotine/tar Ratio Study

We are initiating a study of the effect of systematic variation of the nicotine/tar ratios upon smoking rate and acceptability measures. Using the Marlboro as a base cigarette, we will reduce the tar delivery incrementally by filtration and increase the nicotine delivery incrementally by adding a nicotine salt. All cigarettes will be smoked for several days by each of a panel of 150 selected volunteers.

Smoking and Low Delivery Cigarettes

A study similar to the foregoing, but using a national mailout panel and a wider range (5–20 mg) of tar delivery.

Nicotine Discrimination Study

Marboro type cigarettes with increments of nicotine salt added were smoked on a handout basis by R&D volunteers. Tentative results suggest that differences in nicotine levels can be discriminated and then do influence acceptability judgments. Report in progress.

PHILIP MORRIS,
Richmond, VA, September 8, 1971.

INTER-OFFICE CORRESPONDENCE

To: Dr. P. A. Eichorn.
From: W. Dunn M. Johnston, F. Ryan, and T. Schori.
Subject: Plans for 1972.

1. We will concentrate upon the nicotine/tar ratio as a factor in determining cigarettes acceptability. We have established that tar nicotine levels ranged upwards from current production the current production level of nicotine is preferred. However the nicotine/tar ratio was not an independent variable since the base tar delivery of 16 mg increased absolutely with the increase of nicotine. Subsequently we established that among combinations of three levels of nicotine (1.2, 1.9, 2.2) and three levels of tar (10, 16, 19) the low nicotine/high tar combination was preferred. Note that the lowest nicotine level tested was the current production level for flavorful filters. In a third study which gave smokers the option of very low nicotine (0.3 mg) and production level nicotine (1.2 mg) with a constant high tar delivery (24

mg), the preference was a function of smoker variables, notably sex and brand smoked.

Our plans now are to concentrate upon that nicotine delivery range between 0.3 and 1.2 mg with a systematic manipulation of the nicotine/tar ratio at incremental nicotine levels within this range. The nicotine/tar ratio of .07, which is characteristic of a broad range of natural leaf, shall be taken as the mid-point of the ratio range. Obviously we must segment our smoking population for establishing optimum ratio levels.

Cigarettes with the following parameters will be smoked to determine optimal nicotine/tar regulations for cigarette acceptability of relatively low delivery cigarettes.

[Chart omitted.]

Also, using the low nicotine tobacco (.3 mg nicotine) and air dilution or filtration techniques, the following low nicotine cigarettes will be evaluated in terms of their acceptability, first in local then, where indicated, national testing:

1. 18, 12, 5 mg tar vs. Marlboro
2. 18, 12, 5 mg tar vs. Kent
3. 18, 12, 5 mg tar vs. Cigarette gold

2. We plan to investigate the relationship between socio-economic status and smoking behavior in terms of whether or not the panelist smokes, type and brand smoked, quantity smoked, and changes over time in brand and quantity smoked.

We will: investigate relations between Status Inconsistency and Personality Characteristics; and look for SES relations in differences between smokers and nonsmokers which have been attributed to smoking.

3. Continuing an ongoing program in economic analyses, we plan to:

a. Keep management apprised of the trends of tar and nicotine deliveries of cigarettes on the market by continuing to provide a regulate quarterly report and analysis of weighted average tar and nicotine deliveries.

b. Provide economic forecast and information as guidance to the corporation by continuing the annual contribution to the Philip Morris U.S.A. Five-Year Plan.

c. Provide economic information, principally for R&D and New York Marketing and Financial management, on selected economic aspects of cigarettes and their sales, through the study of such topics as:

1. the elasticity of demand for cigarettes
2. the impact of a value-added tax
3. switching patterns
4. brand image

4. We plan to complete our study of difference thresholds for RTO and menthol. In these studies we are looking for the just-noticeable differences which smokers can detect in these parameters.

5. We plan to study the relationship between Sustained Performance and Smoking:

1. On-the-job situation—Actual or simulated job situations will be used to study the effect of smoking on worker productivity.

b. Driver Fatigue—The effect of smoking on driving performance will be evaluated in an actual 8–10 hour driving task.

6. We plan to systematically observe puffing patterns across different cigarettes using portable recorders being developed by Engineering in order to:

a. Find standard puff profiles of a restricted group of smokers while working at their desks, smoking preferred cigarettes.

b. Find how standard puff profiles of this group are changed when cigarette characteristics are changed (e.g. switch Multifilter smokers to Marlboros, Marlboro smokers to Multifilters).

7. We plan to hold the conference on Motivational Mechanisms in Cigarette Smoking in January, 1972, and publish the proceedings as expeditiously as possible. Two papers from Philip Morris R&D will be included.

8. Major strides have been made in maximizing computer usage in conducting our national field test program in terms of roster maintenance, panel selection, data processing and reporting. During the forthcoming year we shall concentrate on rebuilding the roster by eliminating inactives and recruiting new members. The program whose objective is to determine the relationship between emotional state and smoking will be aggressively pursued during the forthcoming year. We intend to:

1. Further investigate relation between personality test scores and predicted puff rates among college students, e.g. anxiety and puff rate;

2. Expand shock-anxiety program to include other noxious stimuli, e.g. loud noises.

3. Expand dependent variables measured to include puff volume.

9. As a follow-up upon the demonstration of the preference justification effect as a contaminating variable in our current field test procedures, we plan to actively explore other field tests formats which would minimize the preference justification effect. Two such candidates have already been developed and will be tested within the next quarter.

10. If the trend of the past 15 years continues, it will be necessary to progressively reduce the tar delivery of our marketed brands in the future. Anticipating this need, we plan to address ourselves to the problem of determining the optimum way, among the multiple possible ways, of reducing the tar delivery of a cigarette.

Charge number: 1600.

Program title: Consumer Psychology.

Period covered: December 16–January 15, 1972.

Project title: Psychology of Smoking.

Project leader: W.L. Dunn, Jr.

The Conference on Motivation in Cigarette Smoking was held January 12–16 St. Martin. Work has now begun on publishing the proceedings of the conference.

Project title: Perceived Cigarette Attributes.

Project leader: T.R. Schori.

This is a national mailout study designed to determine the major cigarette characteristics as perceived by the smoker. Ballots will go out shortly.

Project title: A Comparison of the Effects of Caffeine and Cigarette Smoking.

Project leader: T.R. Schori.

This study was designed to compare the relative effects of caffeine and cigarette smoking on several indices of arousal in smokers. Smokers were tested under each of three conditions: smoking, caffine, and placebo. Automated data acquisition was employed. Data analysis will commence shortly.

Project title: Smoking and Low Delivery Cigarettes.

Project leader: T.R. Schori.

Our specially grown low nicotine-high tar tobacco has arrived.

Low delivery cigarettes with varying tar and nicotine deliveries are being made with both the low nicotine tobacco and with ordinary tobacco. These cigarettes will be used in national mailouts to determine what combinations of tar and nicotine make for optimal acceptability in a low delivery cigarette.

Project title: Smoking and Low Delivery Cigarettes.

Project leader: T.R. Schori.

Several attempts have been made to produce cigarettes for a national mailout. Some difficulties have been encountered in achieving desired tar and nicotine levels.

Project title: TPM Difference Limens.

Project leader: T.R. Schori.

In this study we are attempting to determine what constitutes a just noticeable difference in cigarette TPM. Cigarettes at five different delivery levels will be sent to panelists in the field. Previously, rather unsuccessfully, we had taken a laboratory approach to this same problem.

Project title: Personality Revisited.

Project leader: T.R. Schori.

Our Tar, Nicotine, and Smoking Behavior Study disclosed some interesting relationships between various indices of smoking and personality. We therefore tested students at two colleges to see whether our findings might be more general. Those data are commencing to come in.

OCTOBER 5, 1972.

DR. P.A. EICHORN.

W.L. DUNN, JR.

Quarterly Report—Projects 1600 and 2302.

SEX–III

Twelve hundred of the original 2400 filter smokers who participated in the SEX–I study in 1968 are, at the time of this writing, saying butts for R&D analysis. We will be attempting to relate change in smoke intake to other variables, notably change in available TPM, in the cigarette smoked.

Publication of smoking behavior: Motives and Incentives

Because of editing difficulties with one author, the volume is now likely to be delayed until January, 1973.

Participation in Food Motors Keep-Well Campaign

The Medical Department of Ford Motor Co. will be launching an exploratory study of a Prophylactic Program to Reduce Cardiovascular Illness among Employees. We will collaborate in the design and data collection. The study is in the early planning stage.

Miller Brewing

We are providing ongoing consultation and testing services to this subsidiary in the evaluation of its beer products.

The Schachter Studies

We are collaborating closely with this investigator and providing technical support to the research activities in the Psychology Dept. of Columbia University. A significant theoretical contribution to the understanding of cigarette smoking is believed imminent from this effort.

Puffing Behavior

We have begun gathering puffing data among student college smoking various brands of cigarettes and little cigars. Intake variables (puff frequency, interpuffing intervals, puff volume, etc.) should prove related to product preferences, FTC tar and nicotine delivery, etc. The human smoking recorder is used to monitor the puffing while subjects watch slides.

Personality and Puffing

We continue to observe differences in puffing behavior related to personality variables. The effect seems clearer among male subjects that among females.

Shock and Smoking

Data collection will resume in October at a new location (POL). We need to develop a different stressor as fear of shock is scaring away some of our more valuable subjects.

Sustained performance and smoking

In this two-part study, we are evaluating psychomotor performance of smokers, deprived smokers, and nonsmokers over time (3 hours). Part 1, concerned with complex task performance, has been completed. The subject's task consisted of five subtasks which had to be performed simultaneously. These subtasks were: a meter monitoring subtask (6 meters), a light monitoring subtask (4 lights), a visual choice reaction time subtasks, an auditory choice reaction time subtask, and a mental arithmetic subtask.

In terms of all five subtasks, the subjects showed significant improvements in performance over time. No significant differences in performance were found between the three smoking conditions except in the auditory subtask where smokers displayed the best performance. This latter finding suggests the possibility that smoking enhances auditory sensitivity and we are currently looking into this possibility. As we had found in previous studies, smokers had fewer significant mood changes (as measured by the Nowlis Mood Scale—a paper and pencil device to measure transient mood states) than did nonsmokers or deprived smokers. This suggests that smokers are more emotionally stable in this sort of test situation than are nonsmokers or deprived smokers.

Multiple Discriminant Analysis: A Repeated Measures Design, Virginia Journal of Science, 23, 62–63, Summer, 1972. Schori, T.R., and Tindall, J.E.

Menthol Cigarette Studies

Two menthol cigarette studies are underway. The first is designed to delineate the images possessed by various of the menthol cigarettes currently on the market. This is a questionnaire type study using national roster panelists.

The second type is a smoking test. It is designed to identify nicotine and menthol parameters which make for optimal acceptability of menthol cigarettes. This study has a three-stage design. The first stage is designed to identify those nicotine delivery levels which we might reasonably wish to consider for menthol cigarettes. Having identified these nicotine delivery levels, in stage 2 we will determine combinations of nicotine and menthol which make for optimal acceptability. And then in stage 3, cigarettes with these combinations will be tested against current brands of known quality and sales potential.

Bay Area Study

Marketing, for the past few months, has been trying to improve the image of Multifilter in the San Francisco Bay Area and San Jose. In this study, we are trying to determine whether this attempt to improve Multifilter's image has been successful. We are doing this by means of a mailout to smokers in these areas.

Tar and Nicotine Studies

We have done a number of nicotine to tar ratio studies. Development is continuing to try to make cigarette models with various levels of tar and nicotine using our low nicotine tobacco. When we get successful models, we will go out to a national panel in an attempt to determine combinations of tar and nicotine which make for optimal acceptability.

In addition, a local panel of smokers will test these cigarettes for nine weeks in order to determine the effect of tar and nicotine on cigarette consumption when both tar and nicotine deviate downward from that to which the smokers are accustomed. This is a follow-up of TNT–1.

PHILIP MORRIS,
Richmond, VA, November 14, 1972.

INTER-OFFICE CORRESPONDENCE

To: Dr. P.A. Eichorn.
From: W.L. Dunn.
Subject: 1600 objectives for 1973.

Objective I: To provide leads for new cigarette design and development.

A number of studies are planned or in progress which fall under this objective. Each study is concerned with some discrete aspect of the cigarette or smoke product idea that demands data for its evaluation. A brief description of each follows:

Nicotine/tar ratio

The nicotine/tar ratio of all cigarettes of natural leaf is .07 ± .01. We have no acceptability data for nicotine/tar ratios outside this range. Since the trend in tar delivery is downward, and since nicotine is presumed to be that which is sought by the smoke does a cigarette with a high nicotine/tar ratio have market potential. Three studies of this question were executed in 1972. The critical study is yet to be accomplished; namely, the evaluation of that matrix of nine cigarettes representing all combinations of three nicotine levels (.3, .8 and 1.2 mg) and three tar levels, (8, 12 and 16 mg). This study will be done in 1973.

Nicotine and menthol level variations in menthol cigarettes

What is the optimum combination of nicotine and menthol levels? In a manner similar to that used in the nicotine/tar ratio series, we will obtain smoker preference response to a matrix of cigarettes varying in menthol and nicotine levels, using black menthol smokers as principal panelists.

Optimum mode of tar reduction

Given that the market demands a 14 mg cigarette, and given a variety of ways to reduce delivery to this level, which way provides the most acceptable cigarette? This study has been in the making for a year. The problem is to obtain cigarettes at target delivery representing each of the reduction modes. Once the cigarettes can be provided, we will execute the study.

The influence of RTD on acceptability

In recent studies of the nicotine/tar ratio we have observed an effect on preference attributable to differences in RTD, RTD being a variable which we were unable to adequately control. We plan to conduct a preference study with cigarettes representing systematic manipulation of RTD. The study is contingent upon obtaining the required cigarettes, there being technical problems involved in attempting to vary RTD independently of other factors.

Puffing patterns as a function of cigarette characteristics

To what extent do cigarette parameters (tar, nicotine, RTD, rod length, etc.) influence puffing patterns? This is a problem that has long interested development. Several years have been devoted to the development of a device for recording puffing patterns. The device is now available (though falling considerably short of the original specifications) and observations of puffing patterns are now in progress. We expect to report some findings in 1973.

SEX–III

This study has been executed. The report is scheduled for early 1973. It is a replication of SEX–I (1968) using 1200 of the original 2500 subjects of SEX–I. We will relate changes in mean daily intake to a number of variables, with particular interest in the influence of changes in available tar upon intake.

Objective II: To further our understanding of the motives and incentives in cigarette smoking

That there are many rewards in cigarette smoking is a basic premise in our research aimed at explaining cigarette smoking. But some rewards we believe to be more crucial than others. Our program is aimed at identifying the crucial or primary reward(s), i.e. the reward(s) which, if eliminated, would lead to the discontinuation of smoking.

A second basic premise is that some people find smoking more rewarding than others because of certain yet to be isolated physiological or psychological characteristics. A third premise is that these characteristics are of such a nature as to make smoking rewarding under not all situations but only those which induce deviation in the individual's psychological state. Thus, smoking is rewarding for certain people under certain circumstances. Our tasks, then, is to identify the significant characteristic of the smoker and the significant elements of the situation and to state how the critical variables of the person and the situation interact to reinforce the smoking act. The following are discrete projects which share this common objective.

Telemetered heart rate

A psychological characteristic which is of interest to us is "arousal level" referring to a hypothetical state of activity in the central nervous system. Heart rate is taken to be an index of arousal level. We will sample heart rate via telemetered radio signal over the course of a working day under smoking and abstention conditions. Instrumentation limitations and the difficulty of obtaining subjects that are willing to abstain on demand over several weeks time compel us to focus on a few subjects and extensive observations per subject.

We are hypothesizing from a theoretical model that variability in heart rate will be lower under smoking than under abstention conditions.

Personality and puffing behavior

In this research we observe the differences in puffing behavior under relatively nonstressed situations (subjects evaluate the difficulty of choosing between two stimuli and later actually make the choices) of people with different personality characteristics. We then attempt to predict their puffing behavior from knowledge of their personality types.

Evidence to date suggests that students with a high type V score, determined by a composite 11 of the 20 factors measured by the 16 PF, take many more puffs on cigarettes than do students with a low type V score. Students with intermediate scores take an intermediate number of puffs.

Plans for the year: (1) Extend our observations to other puff variables by using the smoking recorder. (These observations can be embedded in other data-gathering tasks, such as those of the project examining effects of product differences on smoking behavior.) (2) Improve our prediction accuracy by increasing the number and type of personality test items in our tests. (We'll give both the A and B forms of the 16 PF, add items from the Maudsley scale, and administer a portion of an intelligence test.) (3) Seek out specific personality combinations which affect the new dependent variables. (d) Extend our interest to the prediction of FTC tar taken into the mouth by our local and national panelists by relating their daily intake and average intake per cigarette to their personality.

Anxiety and puffing behavior

In this project we will repeat an investigation conducted earlier which suggests that subjects threatened by shock will show differential heart rate increases associated with the threat on days when they are allowed to smoke than on days when they are not allowed to smoke. Our observations require confirmation before we are ready to publish the results.

Personality and social class

Our measure of social class is that of the U.S. Census, which has rated various occupations along a 99 point scale. We will select a set of sample panelists from different levels of the socioeconomic spectrum and compare their cigarette consumption with their social class and personality type. In addition to the general level of class, a factor we postulate as important in determining consumption is the relative consistency of a man's educational background, salary, and his occupation. We reason that where these factors are not appropriately consistent—so that the man may be under or overtrained for his occupation, or may be under or overpaid for his occupation we might expect him to be operating under such stresses as would (a) affect his personality test scores and (b) increase the likelihood of him becoming a smoker.

Effects of product differences on smoking behavior

This project is an offshoot of the theoretical research into states and traits which uncover differences in smoking behavior associated with differences in people. It examines differences in smoking behavior associated with differences in smoking material.

Procedures: Smoking behavior is monitored while smokers engage in a simple psychological task repeated over a series of days, during which they smoke two samples of each of eight products: two little cigars (Winchester, and Antonio and Cleopatra) and 6 85mm cigarettes (Marlboro, Winston, Multifilter, Kool, True, and Carlton). An additional two samples of four products are also smoked during a slightly more difficult task on the same days. Number of puffs per cigarette and interval between puffs are monitored both by an observer and by the desk model of the smoking recorder, which also records puff volume and maximum flow rate.

Expectation: The puff variables will be affected by (1) Tar and nicotine deliveries of the products and (2) General taste acceptability of the products as measured on a rating scale.

Estimated Completion: Depending on the availability of subjects during December and early January, when the University has a long vacation for the first time, data collection should end in March and a report should be published in April, 1973.

Comment: In the expectation that further projects of this character will be called for, we have devised a new task to occupy the smoker's attention. The task, which involves the comparison of artificially designed words called paralods with other words seen before, should be repeatable on many more occasions than is our present task. This should make it easier for us to make repeated observations on the same smokers and partly alleviate one of our major hangups, finding a constant supply of new smokers for our research activities.

Film-induced stress

Heart rate, respiration rate, galvanic skin response and muscle potential will be recorded for all subjects as they watch a neutral film. All subjects (nonsmokers, deprived smokers and smokers) will be deprived during the neutral film and for at least an hour preceding the film. Then two stress films will be shown. During this time only the smoking group will be permitted to smoke and the physiological measures will again be recorded. Mood scales will also be given at several points during the experiment. We will be looking for possible differences between groups in terms of physiological and/or mood changes. This will be an attempt to determine if smoking can affect the ability to handle stress.

Spare mental capacity

In this experiment nonsmokers, smokers deprived, and smokers will first be required to perform a tracking task. On the basis of their performance on the tracking task, they will be given varying amounts of other tasks to perform. The better a subject performs, the more he will be given to do. The object is to push every subject to his limit and determine whether there are any differences between groups in amount of spare mental capacity.

Sustained performance

We will analyze the data collected in two different types of sustained performance tasks. The first task was extremely difficult and required the subject to use a great deal of his mental capacity. The second was a slower (one quarter the speed) version of the first and was designed to bore the subjects. We will look for differential effects of smoking condition (nonsmoker, smoker deprived, and smoker) and task difficulty on performance and on two different mood scales.

Driving efficiency and smoking

This effort is in its germanal stage. We are thinking about the feasibility of a heavy commitment of time and money to an extensive monitoring of the automobile driver aimed at determining whether smoking does affect performance. Our plans to date go only so far as to include a literature search and a possible proposed writeup.

Objective III: To Provide Economic Analyses and Forecasts to R&D and New York Management, as follows:

Keep management appraised of the trends in tar and nicotine deliveries of cigarettes on the American market by continuing to provide periodic reports and analyses of weighted average tar and nicotine deliveries.

Provide economic forecast and analysis of the effect of demographic and social trends as guidance to the corporation through the annual contribution to the P.M. USA Five-Year Plan, and in answer to specific questions posed by R&O and New York Marketing and Financial Management regarding foreign and domestic economic, social and demograhic trends.

Provide, through the medium of the data bank developed in successive pollings of the POL National Roster, information to R&O and to New York Marketing Management on the demographic and socio-economic characteristics of users of products of interest to Philip Morris; brand and flavor preferences and extent of usage as related to demographic and socio-economic characteristics; and changes over time in brand and flavor preferences and extent of use of cohorts of our panelists.

Objective IV: To Maintain and Where Necessary Upgrade our Capability for Providing Consumer Product Testing Services

Toward this end we plan to do the following:

Establish a local panel of black menthol smokers

Via advertisement in the local newspaper, Afro-American, we are recruiting a mail-out, phone-back panel of black menthol smokers.

Establish a national roster of black smokers

We will select appropriate city areas from city directories and draw names for mail invitations to join the POL panel. We will target for an urban sample of a thousand smokers; which should include 300 menthol smokers.

Annual (semi-annual?) dinner for R&O booth panelists with high attendance records

We plan to institute this program to encourage more regular participation. An annual dinner for the Descriptive Panel has proven most effective.

A bastard descriptive panel/booth test procedure

We are in the process of evaluating an alternative procedure for in-house product testing suggested by the Stanford Research Institute. It combines certain of the Descriptive Panel principles with those of booth testing.

PHILIP MORRIS U.S.A.—RESEARCH AND DEVELOPMENT

FIVE YEAR PLAN—1974–78

May, 1973

Overall objective

To support the growth goals of PM-USA, R&D management will strive to maintain the rate of balanced technical progress consistent with our industry leadership position. Substantial effort will be channeled into major product and process programs in selected areas of greatest opportunity, while building the level of technical support and biological investigation needed to protect established domestic and international product positions.

I. New product and product improvement programs

R&D management strategy in the area of new products and product improvement will be to seek to anticipate the changes in cigaret design, construction or composition which will constitute readily-perceivable advances over present market brands, and to develop the technology needed to accomplish those changes.

A. Filters and filtration

The major filter effort is being directed toward understanding fundamental filtration mechanisms and providing a solid foundation of filter technology upon which to base future products. The program includes selective filtration of various smoke components, sorbtion and flow studies, controlled release of flavors, and analysis of the functioning of diverse filter material candidates.

Filter process development activities include plug combining through extrusion, space-fill techniques, and the single flush-fluted filter.

New filter products under current development include foamed plastic filters, impaction filters, fused CA, spiral filter, and porous polymeric filters.

B. Smoke composition and control

This long-range program is aimed at developing economical proprietary techniques for control of those specific smoke components which may come to be regarded as undesirable. Achievement of the objection will necessitate identification of the rod precursors of smoke constituents, understanding the conditions under which the constituents are formed, and developing techniques to alter the precursors and/or reaction conditions beneficially.

C. Non-tobacco fillers and additives

The principal elements of this program are the designed filler project and its supporting studies, evaluation of competitive non-tobacco sheet materials, tobacco protein concentrates, and the synthesis of analogs of tobacco alkaloids.

D. Flavor and subjective response

Our long range effort is aimed at a dramatic reduction in both nicotine and tar while maintaining subjective responses equal to our present major brands. This complex task will require (1) understanding more thoroughly the constituents of smoke, (2) discovering which constituents contribute positively to the smoker's response, and which detract or make no contribution, (3) determining those precursor substances in the filler and paper and those pyrolysis conditions which produce each type of constituent, and (4) developing means of decreasing the proportion of undesirable constituents, increasing the desirable ones, or supplementing them with additives.

E. Other new product concepts

Other new product models under current development include a slim cigaret formulated for a strong masculine appeal, a low delivery slim, and a paper-free, film-wrapped cigaret rod.

II. Psychological and biological aspects of smoking

R&D management will continue to emphasize three areas of investigation which are relatively long-term with respect to commercial applications: (A) Smoker Motives and Behavior, (B) Bioassay Methods, and (C) Physiological Effects of Smoking.

A. Smoker motives and behavior

This program comprises a number of studies expected to provide insight leading to new cigaret designs. These include studies of optimum nicotine/tar ratios, nicotine/menthol relationships, puffing patterns as a function of cigaret characteristics, influence of RTD on acceptability, personality and anxiety factors affecting puffing behavior, and effects of product differences on smoking behavior.

B. Bioassay methods

In order to remain abreast of, and when possible anticipate, trends and findings in smoking and health, R&D will continue to develop and apply rapid bioassay methods to evaluate the effects of cigaret smoke and its constituents upon biological systems.

C. Physiological effects of smoking

An increased level of effort is anticipated, both domestically and abroad, on the physiological effects of our smoking products. R&D management recognizes the importance to the Corporation of a rapid, informed response to challenges in the health field, and will seek to establish a level of preparedness commensurate with an industry leadership position.

OCTOBER 29, 1973.

Those listed.
T.S. Osdene.
5-Year plan.

Attached is a copy of the R&D Strategy 5-Year Plan. I would be pleased if you would use this as a framework in which your various programs and projects are supportive of this document. In the near future you will be given your Project Authorization sheets, and I would be pleased to receive your plans within the next two weeks. Should you wish to discuss this with me in some detail, please let me know.

If in your opinion, there have been any omissions or mistakes within the broad R&D outline, please let me know so that we can amend.

Dr. W.L. Dunn
Dr. D.A. Lowitz
Dr. F. Will

R&D STRATEGY OUTLINE

I. SUPPORT OF ESTABLISHED BRANDS

A. General strategy

R&D management believes that the technical support of our established successful cigaret brands is the foundation upon which any future growth through new brands must be built. Therefore, established product and profit positions will be protected through a balanced program in the areas of cost savings, smoking and health, brand improvement, and service to other departments.

B. Cost savings

Primary emphasis will be on development of the leaf, stem and sheet processing technology needed to achieve the lowest possible materials cost for PM-USA without jeopardizing the reputation for consistently high quality which our cigarets enjoy.

Secondarily, R&D will be alert to possible economies in other phases of cigaret manufacturing.

C. Smoking and health

R&D will seek to establish a level of knowledge and preparedness which will facilitate a rapid, informed response to challenges in the health field. This level will be developed largely through the sponsorship of selected studies at independent laboratories and universities. The principal in-house effort will be the development and application of rapid bioassay methods to evaluate the effects of cigaret smoke and its constituents upon biological systems.

D. Improvement or established brands

To the extent that opportunities or needs for technical improvement of established PM market brands may occasionally become evident, whether through new technology developed by R&D or by suppliers, through continuing R&D liaison with Marketing or Manufacturing, or through competitor actions, R&D will provide the technical support as needed to accomplish the improvements.

E. Technical service to other departments

Services to other PM departments will be mainly confined to complying with special project requests and continuing to provide established routine services such as the CI report, analytical support for HTI tests, etc. An important exception, however, will be service to the International Division, for whom R&D aggressively will seek to make available its technology and resources to support the continued rapid growth of that Division.

II. NEW PRODUCTS

A. General strategy

R&D management believes that, because of the broadcast, advertising ban and other changes in the structure of the cigaret market, new brands based on relatively modest product differences can no longer be introduced successfully. The few successful new brands in the foreseeable future mainly will be those which embody major, readily-perceivable advances over existing market brands.

Recognizing that the most innovative and promising cigaret concepts for the long run will require a depth of understanding of our product and customer which we have not yet attained and which can only be achieved through substantial investments in directed research, R&D management will concentrate a large part of the resources at its disposal in two major long-range new product programs: a cigaret with controlled-composition mainstream smoke, and a "full-flavor" cigaret delivering less than ten milligrams of FTC tar.

B. Composition control of mainstream smoke

This program is aimed at developing economical proprietary techniques for control of those specific smoke components which may come to be regarded as undesirable. The program will include projects to identify the rod precursors of unwanted smoke constituents, to understand the conditions under which the constituents are formed, and to develop techniques to eliminate selectively the unwanted constituents from the smoke, either by altering the precursors and/or reaction conditions, or by removing the constituent after it is formed (principally by filtration).

C. Full-flavor/low delivery

This program is directed at a dramatic reduction in cigaret tar level while maintaining subjective responses equal to our present major brands, and is in several important ways, the complement of the program described above. As the Composition Control effort seeks to "eliminate the negative," this program is to "accentuate the positive." The task requires (1) understanding more thoroughly the constituents of smoke, (2) discovering which constituents contribute positively to the smoker's response, and which detract or make no contribution, (3) determining those precursor substances in the filler and paper and those pyrolysis conditions which produce each type of constituent, and (4) developing means of increasing the relative concentration of desirable constituents.

D. Other new product technology

R&D management recognizes that, despite the importance of the two new product programs described above, these alone will not provide sufficient breadth of technology to enable the Company to become the undisputed industry leader by 1980.

[1.] Accordingly, additional programs will be maintained with two broad objectives:

[2.] To develop cigaret features and processes which can find *application* in a possible new brand, although the features and processes may not be sufficient justification by themselves for a new brand or brand extension.

To improve our understanding of how and why smokers actually smoke cigarets, to provide leads for other major new product concepts.

Strategically, R&D management wishes to maintain a large number of projects of these two types, sufficiently diverse to cover all of the important elements of the product and its use. Although the projects in the aggregate will represent a major investment of R&D resources, the expenditure level on any single project will be relatively low.

Charge number: 1600.
Program title: Smoker Psychology.
Project leader: W.L. Dunn, Jr.
Period covered: April 1–30, 1974.
Date of report: May 9, 1974.

Project title: Aloha Brain Waves and Smoking.
Written by: W.L. Dunn Jr.

Nearing completion of data collection.

Project title: Controlling Smoke Inhalation Post-Puff.
Written by: W.L. Dunn Jr.

Still in instrumentation phase.

Project title: Puffing Behavior.
Written by: F.J. Ryan.

When 16 students smoked 85 mm Marlboros or Salems cut to different lengths, we observed that (1) first puffs were strikingly similar in volume, flow, and duration, whether taken on an 85, 78, 71, 65, or 59 mm rod; (2) second puffs were strikingly similar, too, whether at 78, 71, 65, 59, or 52 mm; (3) later-than-second puffs had volumes which were determined by rod length, rather than puff number. In this study puffs were taken at 60-second intervals. But smokers are normally free to take puffs at any time, so that it is inappropriate to use puff number alone to categorize volumes. A third puff taken when an 85 mm rod is 71 mm long will have a different volume than a third puff taken when a rod is 40 mm long. Interpuff interval and static burn rate must be taken into account.

Some summarizing and grouping of the data in several recent studies suggests that puff volume is dependent on the weight of the smoker. Our nine heaviest student smokers had considerably larger volumes per puff than our nine lighter smokers. Most of the volume increase is attributable to differences in flow rate, but there are differences in puff duration, too. Whether this is due to general strength and vigor, to generally greater appetite, to lung capacity, or to some other factor is unknown. If we take smoke volume per puff, body weight, and puff by puff tar and nicotine deliveries into account, finding mg tar (or nicotine) per puff per kg of body weight—then the group differences disappear.

This suggests some type of dose hypothesis in controlling smoke volume intake.

Project title: Smoking, Arousal, and Mood Change.

Written by: T.R. Schori.

Data collection continues. We had hoped to be able to obtain good heart rate data using a cassette-type recording system. That now seems unlikely based upon the many difficulties we have experienced with that system. However, these data are only a nonessential minor part of this study.

Project title: Miscellaneous.

Written by: T.R. Schori.

SEF is nearly ready to go out with an RP[3] test of our DL–2 cigarettes. One of the menthol cigarettes for MN–3 is being remade.

Project title: Regression Analysis.

Written by: T.R. Schori.

Having done a number of studies (JND–1, JND–2, TNT–3, TNT–4) in which we have systematically manipulated tar and nicotine parameters of cigarettes, we are trying to see if we can make any overall conclusion. Specifically, we are trying to predict nicotine/tar ratios for optimal cigarette acceptability at differing tar deliveries.

PHILIP MORRIS U.S.A.,
RESEARCH CENTER,
October 1995.

Report title: Low Delivery Cigarettes and Increased Nicotine/Tar Ratios, A Replication.

Written by: Barbara Jones, Willie Houck, Peggy Martin.

Approved by: William L. Dunn, Jr. and Leo F. Meyer.

Distribution: H. Wakeham, F. Resnik, T. Osdene, R. Thomson, W. Gannon, R. Fagan, F. Daylor, J. Osmalov, H. Daniel, W. Claflin, P. Gauvin, M. Johnston, F. Ryan, C. Levy, F. Reynolds, Indexer Day File (2), Central File (2).

ABSTRACT

This study provides evidence that the optimum nicotine to tar (N/T) ratio for a 10 mg tar cigarette is somewhat higher than that occurring in smoke from the natural state of tobacco, namely, .07±.01.

Three low delivery cigarettes (10 mg tar) differing in terms of N/T ratio (.06, .09 and .12) were rated in terms of subjective strength and acceptability by 235 regular filter smokers. Two packs of each were provided each respondent plus two packs of a control Marlboro.

The .09 N/T ratio experimental cigarette was equal in acceptability to the Marlboro control. The .06 and .12 N/T ratio cigarettes were both judged less acceptable.

All four cigarettes were judged to be different from one another in terms of strength in the following ascending order: .06, .09, control, .12.

One can infer from these results that nicotine does contribute to the perceived strength of cigarette smoke, and that the optimum N/T ratio for a 10 mg tar cigarette is somewhat higher than that occurring in smoke from the natural state of tobacco, namely, .07±.01.

We plan to use these finding as guidelines in conducting another N/T ratio study using the National POL panel.

INTRODUCTION

It appears that aims of research in the area of low delivery cigarettes need to be twofold. One goal is to come up with a low delivery cigarette that will appeal to current low delivery cigarette smokers. It seems logical that such a cigarette can look like a low delivery cigarette, i.e., possibly having unconventional tipping paper and an unusual appearing filter. It may even be suggested that a cigarette will be acceptable to many current low delivery smokers only if it has the taste characteristics that they associate with a "healthy cigarette" e.g. low in flavor, strength and impact. One study (Schori, 1972) indicated that a large national sample of smokers did not perceive any cigarette then on the market as being low in delivery and high in flavor.

Another objective, providing the impetus behind the present study, is the development of a low delivery cigarette that will both look and taste like a regular filter cigarette and thus will appeal to current regular filter smokers. The idea behind this is that some of these smokers would possibly smoke a low delivery cigarette but they consider the low delivery cigarettes currently on the market as too flavorless, too weak and too low in impact. If a low delivery cigarette with impact and flavor were developed, it may cause the segment of current regular filter smokers who are concerned about their health but demand a flavorful cigarette to voluntarily switch to the low delivery cigarettes. This may seem at first to be a senseless venture since it might result in Marlboro smokers switching to this low delivery cigarette. However, we must recognize the possibility that if we do not develop such a cigarette, it may be developed by another tobacco company. Having developed such a cigarette would also give us an advantage in the event that the government imposes delivery restrictions. Furthermore, some portion of current low delivery smokers may desire to switch to a more flavorful cigarette and others may follow as consumer experience results in changing the image of low delivery cigarettes so that smokers believe a flavorful cigarette can really be "healthy."

It was hypothesized in an earlier study that increasing nicotine to tar (N/T) ratios[1] from the 107 ratio of most cigarettes currently on the market might increase the subjective strength of low delivery cigarettes and thus their acceptability among regular filter smokers. Therefore, three low delivery cigarettes in the 10 mg tar range with varying N/T ratios were compared to a Marlboro control. (Schori & Martin, 1974b) The results of that study (DL–1) indicated that the 10.7 mg tar, .12 nicotine to tar (N/T) ratio cigarette was comparable to the Marlboro in terms of both subjective acceptability and strength. Although cigarettes in this tar delivery range had previously achieved parity with Marlboro in acceptability (Schori & Martin, 1974a), the DL–1 study was the first time that such a cigarette achieved parity in both acceptability and strength.

However, on the DL–1 study the variations in N/T ratios of the low delivery cigarettes were confronted with variations in tar delivery. Therefore, the present study was designed as a follow-up of the DL–1 study. Three experimental low delivery cigarettes targeted to delivery 10 mg tar with N/T ratios of .07, .10 and .13 were compared to a Marlboro control in terms of subjective acceptability and strength. It was desired that the experimental cigarettes be more similar in tar delivery than was the case in the DL–1 study.

METHODS

Cigarettes

The experimental cigarettes were targeted to deliver 10 mg tar with .07, 10 and .13 N/T ratios. To obtain the two highest ratios, it was necessary to add supplementary nicotine in the form of nicotine citrate. The delivery levels obtained for the three experimental cigarettes and a Marlboro control are shown below (for complete analytic data, see Appendix A):

				Control
Tar (mg/cigt.)	10.4	11.0	11.0	18.0
Nicotine (mg/cigt.)	0.68	0.95	1.31	1.03
Tar (mg/puff)	1.09	1.13	1.08	2.04
Nicotine (mg/puff)	.07	.10	.13	.12
Nicotine/Tar Ratio	.06	.09	.12	.06

Inspection of the above table shows the success in maintaining constant tar over the experimental cigarettes, particularly with regard to tar/puff.

Test procedures

The test was sent to 300 RP[3] 85 mm regular filter smokers, half of whom were Marlboro smokers. The panelists received 10 packs of cigarettes; 2 packs of each of the four coded cigarettes (the 3 experimental cigarettes and the Marlboro control) and 2 packs of uncoded Marlboros to complete the carton. They were instructed to smoke the cigarettes in any order they wished as long as they filled in the scales for one set of codes before beginning to smoke the next set. In the event that the panelists smoke the cigarettes in the order suggested by the order of the rating scales on the ballot, all possible presentations of the rating scales for the four cigarettes were used an equal number of times. The cigarettes were rated on both an acceptability scale and a strength scale. (1=dislike extremely to 9=like extremely; 1=extremely weak to 9=extremely strong) The ballot is shown in Appendix B.

Data analysis

The ratings from the acceptability and strength scales were analyzed by means of a one-way analysis of variance with repeated measures on subjects. Individual comparisons of means, using Duncan's Range Test, were performed in order to assess the significance of differences between pairs of cigarettes where overall significant differences were detected.

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[1] Since tar was virtually constant across the three experimental cigarettes, it would have sufficed in this study to refer to nicotine rather than to N/T ratios. However, the use of N/T ratios was intended to facilitate discovering possible trends over different levels of tar. Furthermore, this terminology makes it more readily apparent as to how the data relate to the .07 N/T ratio that is characteristic of most cigarettes currently on the market.

RESULTS

The return rate

The return rate was 78%.

Analyses of variance

The analyses of variance for the acceptability and strength scale ratings of the total panel are summarized below.

	Marlboro	.06 N/T	.09 N/T	.12 N/T	Probability
Acceptability (N=235):					
X	5.77	5.32	5.65	5.26	.0034
S.D.	1.88	1.89	1.91	1.95	
Strength (N=235):					
X	5.34	4.34	4.73	5.62	.0001
S.D.	1.28	1.67	1.46	1.50	

From this summary, it can be seen that significant differences (p<.05) were found among cigarettes in both acceptability and strength. A multiple range test (Duncan, 1955) was performed to make individual comparisons between mean ratings. The results of this analysis are given below with the mean ratings rearranged in ascending order of magnitude. Those means not underlined by a common line are significantly different from one another (p<.05).

	.12 N/T	.06 N/T	.09 N/T	Marlboro
Acceptability	5.26	5.32	5.65	5.77

	.06 N/T	.09 N/T	Marlboro	.12 N/T
Strength	4.34	4.73	5.34	5.62

From these analyses it can be seen that the experimental cigarette with the .09 N/T ratio and the Marlboro control were equally acceptable and were more acceptable than the other two experimental cigarettes. These other two experimental cigarettes (.06 and .12 N/T ratio) also were not significantly different from one another in acceptability.

Further inspection of the individual comparisons reveals that the three experimental cigarettes and the Marlboro control were all significantly different from one another in strength.

DISCUSSION

In this study, three low delivery cigarettes in the 10 mg tar range varying in nicotine N/T ratio (.06, .09 and .12) were compared to a Marlboro control in terms of subjective acceptability and strength. The .09 N/T ratio cigarette was found to be equal in acceptability to the Marlboro control. The highest N/T ratio cigarette (.12) and the proportional reduction of tar and nicotine cigarette (.06) were less acceptable than the control. Among the experimental cigarettes, strength ratings went up as N/T ratio increased; and interestingly, the 11 mg tar cigarette with .12 N/T ratio was rated significantly higher in strength than the 18 mg tar Marlboro control.

These data suggest that acceptability increases as N/T ratio increases up to a certain ratio and then decreases. Thus it seems that increasing the strength of low delivery cigarettes by adding nicotine citrate increases the acceptability up to a point where the cigarettes may be perceived as too strong and acceptability decreases. Since the two highest N/T ratio experimental cigarettes were made by adding nicotine in the form of nicotine citrate spray, there is a possibility that the increased citrate that accompanied the increased nicotine is crucial in the resulting increases in subjective strength.

The results of the DL–1 study showed overall trends that were very similar to those of the present study. For the experimental cigarettes, strength ratings increased as the N/T ratio increased. However, whereas the present study found the .12 N/T ratio cigarette to be a stronger than the Marlboro control, the results of the DL–1 study indicated that these cigarettes were considered equal in strength.

In regard to acceptability, the DL–1 study results concurred with the results of the present study in that the experimental cigarette with the moderate level of nicotine addition was rated higher in acceptability than the proportional reduction cigarette and equal to the Marlboro control. Since the .12 N/T ratio cigarette in DL–1 was not seen as stronger than the control, it seems logical that the acceptability ratings would not decline. In fact, in the DL–1 study, both of the cigarettes with added nicotine were as acceptable as the Marlboro.

The difference between the two .12 N/T ratio cigarettes in the two studies that caused them to be perceived differently in relation to the control is not obvious. The analytical data for the cigarettes in the DL–1 study are shown in Appendix C.

Inspection of the analytical data for the two tests reveals that while total alkaloids decreased from DL–1 to the present study for all other cigarettes, they increased in the .12 N/T ratio cigarette. Another possible explanation is that there were subtle taste differences between the .12 N/T ratio cigarettes in the two studies that are not reflected in the analytical data but are responsible for the difference in strength and acceptability ratings. Unfortunately, no data on taste differences are available.

In conclusion, the results of this study support the DL–1 findings that increasing N/T ratios from the .07 level increases the subjective strength of low delivery cigarettes. Additionally, there is an indication that these increases in strength will be accompanied by increased acceptability. However, the data suggest that caution should be exercised such that N/T ratios are not increased to the extent that the increases in acceptability associated with moderate increases in N/T ratio are lost.

Further research

In order to clarify the meaning of the results of this study, it would be beneficial to discover whether nicotine has the same effect if added in forms other than nicotine citrate. Perhaps nicotine and citrate interact such that increases in both nicotine and citrate are necessary for any differences in subjective strength.

Since RP^3 is a local panel and there is a possibility of regional differences in cigarette preferences, we propose to conduct another study using the National POL panel. In this study we will test two 10 mg tar cigarettes, with N/T ratios of .07 and .11, with a Marlboro control. The .11 N/T ratio was chosen in an attempt to make a cigarette that will be perceived as stronger than the .09 N/T ratio cigarette in the present study but not as strong as the .12 N/T ratio cigarette. In other words, we are using the guidelines suggested by this study to attempt to make a 10 mg tar cigarette that will equal a Marlboro control in both subjective acceptability and strength.

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Schori, T.R. & Martin, P.G. Low Delivery Cigarettes and Increased Nicotine/Tar Ratios (DL–1). Philip Morris Technical Report, September, 1974b.

APPENDIX A.—ANALYTICAL DATA

	Control Marlboro 85	Experimental cigarettes		
	D4BDJ–1	D48DK–1	D4BDL–1	D48DM–1
Target—Tar, mg/cigt.		10	10	10
Target—Nicotine, mg/cigt.		0.7	1.0	1.3
Smoke:				
Butt Length, mm	28	28	28	28
FTC Tar, mg/cigt.	18.0	10.4	11.0	11.0
Nicotine, mg/cigt.	1.03	0.68	0.95	1.31
Puffs/cigt.	8.8	9.5	9.7	10.2
Filtration Eff., %	45	60	57	58
Nicotine/Tar Ratio	.0572	.0653	.0863	.1190
Tar, mg/Puff	2.04	1.09	1.13	1.08
Nicotine, mg/Puff	.12	.07	.10	.13
Cigarette:				
Total RTD, in. of H_20	4.3	5.4	4.6	4.6
Static Burn, Time, min.	7.7	7.5	7.4	7.8
Length, mm	84.5	84.3	84.2	84.3
Circumference, mm	25.0	25.1	25.1	25.0
Paper:				
Additive, type	Cit.	Cit.	Cit.	Cit.
Porosity, sec.	20	17	19	17
Filter:				
RTD, in. of H_20	2.6	4.0	3.6	3.6
Length, mm	20.8	21.0	20.9	21.0
Weight, g	0.15	0.20	0.19	0.17
Tipping Paper Length, mm	25	25	25	25
Dilution, %	None	19	25	26
Filler:				
Total Alkaloids, %	1.47	1.49	1.80	2.97
Total Reducing Sugars, %	6.1	6.9	6.8	7.8
Wt. of Tob., g	0.757	0.788	0.781	0.790
Rod Density, g/cc	0.239	0.248	0.246	0.251
Targeted Nicotine Citrate Spray, %	—	—	3	8

NOTES ON PROGRAM REVIEW PRESENTATION 2/79

Last year I devoted most of my time to the rationale and conceptualization of our program, and had little time left to talk about what we were in fact doing. Today I'd like to be more concerned and talk about the research projects we have underway and planned, with comments to relate the projects to our program objectives and to the R&D Five-Year Plan.

First let me state our 3 objectives:

1. To understand the psychological reward the smoker gets from smoking.

2. To understand the psychophysiology underlying this reward.

3. To relate this reward to the constituents in smoke.

Our three lines of investigation:

1. The effects of nicotine and nicotine-like compounds upon animal behavior.

2. The effects of smoke and smoke constituents upon the electrical activity in the human brain.

3. The effects of changes in smoke composition upon puffing behavior, inhalation behavior and descriptive statements by the smoker.

Our people:

Let's first talk about Gullotta's work.

He joined us a year and a half ago. The better part of the first year was used up in getting the EEG lab on line.

To date he has complete data collection on the first and very crucial study of the effect of smoking on the visual evoked response. At the moment he is working closely with the computer group in analyzing that data.

What is the VER?

Why the VER?

Dr. Gullotta has another study underway. This is a long-term project because of the problem of recruiting subjects. He is attempting to catch R&D smokers who have decided to quite before they do so. He records the EEG before they quit, then repeats the recording at fixed intervals following quitting. Subjects are scarce—so the study can take some time. He has picked up 45 to date.

Hopefully, he will be able to garner some knowledge on an old problem:

Changes that occur quitting have been cited by Jarvik Russell as withdrawal effects. There have been no long-term studies of abstention, so we don't know whether the observed changes upon quitting are indeed withdrawal effects of an enduring return to baseline. Frank's observations might be of great help at least insofar as CNS mediated changes are concerned.

Frank has other studies scheduled to being as the VER is completed. If he finds from VER study that he can identify discrete smoke induced event (i.e. a change in the after-discharge component for example) he will proceed directly to a comparison of those modes of nicotine administration, inhalation and ingestion and iv injection. At the same time that he is maintaining the EEG, he will monitor nicotine blood level, heart rate and perhaps other peripheral or autonomic signals.

Obviously, he will need medical collaboration. The Medical Dept. has agreed to work with him.

Russell has pointed to a possibility that we had also come to consider seriously about the smoker's smoking behavior. In all the titration theorizing, it has been postulated that the smoker is seeking to maintain a supply of nicotine at some optimum level in the bloodstream, and we have lamented the obstacles to getting good tracking of the level of nicotine in the blood. As new knowledge has developed, two observations have emerged which influence our thinking:

1. Observed smoking patterns are not consistent with the premise of titration for a constant blood level and
2. The most probable locus of action is within the central nervous system.

We are quite ignorant of smoke-derived nicotine's course through the brain:

a. the conditions required for its passage across the blood brain barrier (blood concentration, barrier permeability, etc.)
b. threshold concentrations required at brain loci for
c. diffusion rates, selective localization
d. rate of metabolism

I think I'd best add here a little concentualizing. Until recently we have entertained a titration hypothesis—we have postulated that the habituated smoker is seeking to maintain some optional level of nicotine in his bloodstream. As a corollary we would expect to see the smoker attune intake to blood level. Given a more diluted smoke, he would smoke more, with more cigarettes or bigger puffs, or deeper inhalations.

With our attention increasingly drawn to CNS effects of smoking, we are sorely frustrated by the constraints imposed upon us in studying the human smoker. With the effects upon manifest behavior continuing to elude us, we are limited to the EEG.

But happily there are other organisms than human that have CNS's which respond to nicotine. Which brings me to the comparative psychophysiological programs of Carolyn Levy and Gary Berntson. There is considerably greater license allowed in obtruding upon the corpus integritum of the species white rat than the species Homo Saprin. With apologies both to Gary and Carolyn, I shall pointedly avoid associating study with investigator.

We are systematically assembling a battery of behavioral tests which can be used in the larger assay program of R&O. Because of the sophisticated level at which the chemistry of nicotine is being investigated, it has become imperative that assay tools be made available to our chemists to assist them in assessing the nicotine likeness of nicotine in its various forms; its analogues, and other related compounds. Since our vital interest in nicotine rests upon its presumed psychophysiological actions, then those behavioral changes that reflect these actions possess intrinsic assay significance. Thus the nicotine likeness of a compound can be expressed in terms of the degree to which it can induce those changes induced by nicotine.

To date we have evaluated two behavioral tests for nicotine-likeness. One has been incorporated into the assay program. The other is still under investigation.

The stimulus discrimination technique has been described to you already. The animal is trained to press lever A when injected with nicotine, and lever B when injected with saline. After being trained to a predetermined level of correct hits, the animal is injected with Compound X. The ratio of Lever A to Lever B presses can be construed as an index of nicotine-likeness. We make no pretense to knowledge of the underlying mechanisms—we do submit the method as empirically valid.

The second technique still under study is the tail flick test. This is a means for determining relative changes in sensitivity to thermal pain induced by impinging focused radiant heat upon the animal's tail. The time from stimulus onset to the tail flick that stops the stimulus is called tail flick latency. We have established that the latency is increased by injected nicotine. Of course, one would expect other compounds to increase latency, as the test is not one of high specificity, but as part of an assay battery it has some merit.

The nicotine-induced analgesia as reflected in the tail flick latency increases is specific to thermal pain and perhaps some other sources of pain, but does not generalize to all sources. Dr. Berntson is developing a theoretical model based upon these observations and undertaking further research to test the model. He will be telling us about these developments in due time.

Three other behavioral manifestations of the CNS effects of nicotine are being or about to be evaluated for inclusion in the behavioral assay battery.

1. Motor activity
2. Prostration syndrome
3. Nicotine self-administration

Yet another assay candidate is the rat EEG.

This whole program of assay exploration is a two-edged sword for us. There is basic research implicit in the evaluation of each test, in fact, in the very selection of those behaviors which we are monitoring for nicotine effects. I might also point out that some of these tests have potential for establishing dose-response curves. We have already used one for just this purpose. We are forever mindful of the implications of the observed effects of nicotine for clues as to the reinforcing mechanism underlying human smoking.

The ultimate in this program is an inventory of all the behavioral and quasi-behavioral effects of nicotine at the animal level and a test for each such effect reduced to a parsimonious routine.

We can even at this early stage anticipate an extensive list of nicotinic behavioral effects and a test routine for each. The assay battery could rapidly become too cumbersome from the sheer number of discrete tests available. We are going to need a set of criteria for selecting those tests to be retained for routine assay.

One obvious criterion is nicotine specificity—nicotine brings the only compound known to elicit the effect.

Another criterion would be relevancy to human smoking which would rule out such tests as tail flick or lacency—or the tail pinch test.

I would point out again that I have not indicated where these studies are being undertaken they may all be here, all at Ohio State, or some at both.

We have several studies underway and beginning that are more immediately concerned with the cigarette. Frank Ryan is carrying out the long-term project of annual monitoring of preferences, with which I will assure you are sufficiently familiar. The third run is to begin within a few weeks. We are hoping to get some clues as to whether there are trends in cigarette preferences over 4 or 5 year time span; and, if there are trends, what characterizes them.

Frank Ryan is also beginning a study of the nicotine/tar ratio at the 5 mg tar delivery level. This is a study we would have liked to have undertaken some time back, but only recently has the technology of cigarette making made it possible to get the range of nicotine delivery needed with a constant car delivery.

As a corollary to this field study, Frank is doing a classical threshold study. What size of a nicotine increment is needed in order to be detected by the smoker? This is to be done not only at the 5 mg tar delivery level but at the 15 mg and perhaps the 10 mg level as well. We envision a family of curves with nicotine delivery differences plotted against: of persons detecting difference at three tar delivery levels. Acceptability responses will be gotten at the same time. Such information can be timely and relevant to the recurring expression of concern about the relative downness of N/T ratios in P.M. products

Yet another product related study being conducted by Ryan is the salivation study. Low tar products are often described as "hot and dry." It is possible that the perceived dryness is attributable to a reduced salivation response, rather than same intrinsic property of the smoke? The question has been addressed before by this laboratory, but indirectly. We don't know of any systematic attempts to measure saliva flow-in response to cigarette-smoke. We judge the question to be important enough to be explored further.

Dr. Bernston has also some human work underway which I shall mention briefly since it is coordinated with our own program.

He has nearly completed data analysis on a study or the effect of smoking on automatic response to stress. He used three stress, situations; anticipation of electric shock, viewing autopsy slides and an cognitive task. He recorded almost every measurable automatic response; heart rate, muscle tension, blood flow, respiration, electrogastric events and skin potential.

He is just beginning another study of the influence of smoking on higher mental processes. We have, as have others, looked for the effects of smoking upon human performance over the years, without ever discerning a straight forward effect. Or Bernston reasons that the effect may be a subtle one which is real but elusive. He is using a memorizing and recognition task (the Stemberg paradigm) in such a way as to be able to partial out the contributions to overall performance of (1) attention, (2) memory efficiency, (3) rate of memory formation and (4) retrieval efficiency. As a last item, we are finally moving forward on the study of nonobtrusive monitoring of smoke inhalation. Since Neil Nunnally joined us last year, he has taken over the instrumentation problem and brought us to a near on-line state.

The device is based upon the proposition that circumfarential changes in the chest and the abdomen can be converted to a good estimate of inspired volume.

We have good evidence that when the circumference changes are small, volume is a linear function. The average total lung capacity of 6 liters, the average smoke inspiration is one liter.

Considering all the ways to measure, the mercury strain gauge was selected, but there were problems.

The solution was to minimize the current flow-developed circuitry that provides a 100 M amplification, and a sophisticated method of summing the two inputs to yield a signal that is almost linearly related to volume.

There is another candidate transducer (inductance charges in coils about the chest and abdomen) already incorporated into a commercially available device. On order, due to arrive by March 1.

We will be running comparative tests of these two units, select the better one and proceed to solving the remaining problems:

(a) tagging the smoke-laden inhalation.

(b) incorporating a recorder into the system.

When the entire assembly is ready, I will begin a series of studies, all designed to determine the degree to which the smoker accommodates his intake to 1) smoke composition and 2) need.

THE PENNSYLVANIA STATE UNIVERSITY,
DEPARTMENT OF BIOBEHAVIORAL HEALTH,
University Park, PA, July 28, 1995.

Hon. HENRY A. WAXMAN,
House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR MR. WAXMAN: I have reviewed the attached data on Benson & Hedges Filtered Cigarettes (70 mm) using standard assumptions of inferential statistics.

The average Nicotine/Tar Ratio for the 17 measurements from 1968 to 1985 (not including the 3 measurements for 1981 SP, 1981 HP, 1983 HP) is .066 (minimum=0.58, maximum=.088, Standard Deviation=.00738). A score of 0.20 (as was observed in 1981) is very unlikely to come from the same population. The probability of sampling a score at least as large as 0.20 is considerably less than 1 in 100,000 (z=18.16). Even the ratio observed in 1983 (0.11) has a probability less than 1 in 100,000 of coming from the same population (z=12.19).

If one looks only at the years when this brand was in the 1 mg tar range (from 1978 to 1985), the average ratio for the 4 years (not including those years at issue) is 0.075 (minimum=.058, maximum=.088, Standard Deviation=.0126). The probability of sampling a score at least as large as 0.20 is considerably less than 1 in 100,000 (z=10.28). The probability of sampling a score at least as large as 0.11 is less than 4 in 1,000 of coming from the same population (z=3.13).

These analyses support the interpretation that the Nicotine/Tar Ratios were much larger in 1981 and 1983 than in the other years and confirm what is readily apparent to the naked eye when looking at the attached plot of ratios.

Sincerely,
LYNN T. KOZLOWSKI, PH.D.,
PROFESSOR AND HEAD,
Department of Biobehavioral Health.

REGULAR-LENGTH (70 MM) BENSON & HEDGES FILTERED CIGARETTES

Year	Tar	(+/−)	Nicotine	(+/−)	Ratio
10–68	21.0	(0.5)	1.29	(0.06)	0.061
2–69	20.1	(.5)	1.38	(.03)	.069
10–70	18.7	(.4)	1.35	(.03)	.072
8–71	18.4	(.3)	1.30	(.02)	.071
7–72	12.2	(1.1)	0.86	(.09)	.070
1–73	9.9	(.3)	.68	(.03)	.069
8–73	9.8	(.4)	.66	(.03)	.067
3–74	9.4	(.4)	.61	(.03)	.065
9–74	9.1	(.4)	.56	(.03)	.062
3–75	9.1	(.3)	.53	(.02)	.058
9–75	9.3	(.4)	.55	(.02)	.059
4–76	9.2	(.3)	.53	(.02)	.058
6–77	9.8	(.2)	.64	(.02)	.065
5–78	0.9	(.1)	.06	(.01)	.067
12–79	.8	(.1)	.07	(.01)	.088
3–81	.6	(.1)	.12	(.01)	.200
12–81	(1)	....	.10	(.02)	.200
3–83	.9	(.2)	.10	(.01)	.111
2–84	1.3	(.2)	.09	(.01)	.069
1–85	1.2	(.1)	.07	(.01)	.058

(1) Below the sensitivity of the method (i.e., <0.5)

POLITICAL ADVOCACY REPORTING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Colorado [Mr. SKAGGS] is recognized for 5 minutes.

Mr. SKAGGS. Mr. Speaker, I would like to return for a few minutes to this 13-page piece of legislation that is buried in the Labor, Health, and Education appropriation bill that the House will be taking up shortly. It is labeled political advocacy, and it is really an incredible effort at speech control and reporting, all at the hands of this new majority that made such a big deal out of wanting a less intrusive Government.

Well, let me just ask my colleagues to go through the painful exercise of actually reading this legislative provision in an appropriations bill. It is an absolutely chilling experience when you realize that this Rube Goldberg contraption that has been invented in order to get at the question of Federal funds being used to persuade Congress about public policy, how vast and really incredibly intrusive into civil liberties a proposal this is.

I spent some time yesterday explaining some of the people who would be covered as, quote, grantees under this legislative provision in the appropriations bill. I hope you will pay some attention to this; your constituents are absolutely going to hate this bill if it were to become law.

For instance, disaster victims getting emergency aid from FEMA would be a grantee, and I will tell you in a minute what grantees have to go through, researchers getting NSF research grants, probably because the definitions are so broad including anything of value coming from the Federal Government, a farmer getting emergency livestock feed in a major snowstorm, irrigators receiving subsidized Bureau of Reclamation water, and it probably even includes intangibles, so a broadcaster getting an FCC license would probably be a grantee under the provisions of this proposal, as, for instance, would many organizations, maybe your local church or YMCA, YWCA, if you are running a low-income child care program. With a Federal grant you would be brought into the provisions of this incredible proposal.

Now what happens to those who are covered? Let me just take a minute to walk you through what would happen to one very typical, if hypothetical, example, namely a pregnant woman or nursing woman getting food vouchers under the Women, Infants and Children's program. Let us just consider the example:

We will call her Sally. She will be required to follow "generally accepted accounting principles in keeping books and records," about the number and the value of the assistance that she is receiving under the WIC program. She would be required to file with the Department of Agriculture by the end of each calendar year a certified report on a standard form provided by your friendly Federal Government with her name and her ID number, description of the purposes that she put her WIC grant to, a list of all the Federal, State or local government agencies involved in administering the WIC program, and here is the real hooker in this, a description of her acts of, "political advocacy," which is defined all encompassingly to include, for instance, any attempt to influence any Federal, State, or local government action, including any attempt to affect the opinions of the general public or any part of the public about any government action. This would include, for instance, Sally's coming to one of your town meetings and talking with her congressman or congresswoman, writing a letter to the editor about some issue of public policy pending in her community.

This political advocacy activity would also include "participating in any political campaign of any candidate for public office," Federal, State, or local. So, marching in a candidate's parade, for instance, would be a political advocacy activity that a WIC grantee would have to report to the Department of Agriculture.

☐ 1715

It goes on and on and on. This would create, in some computer in Washington, DC, a master list of all political advocacy activities carried on by all Federal grantees around the country. Each Department would have to get these reports annually certified, subject to audit, subject to challenge, from all of their grantees, bring them together, and every year send their reports to the Bureau of the Census, which would then, in turn, pull all of these together to constitute a national database of political activities maintained under the force of Federal law by the Federal Government.

Mr. Chairman, why anyone that is interested in a smaller Government, much less in civil liberties, much less in the protections of the first amendment to the United States Constitution, would consider for a second endorsing this chilling Orwellian notion is beyond me, but it was stuck, buried, in the end of the Subcommittee on Labor, Health and Human Services, and Education appropriations bill that will be before the House shortly.

Mr. Speaker, I hope all of my colleagues will take just a few minutes to read through this provision and understand exactly what it is going to mean. It is going to mean a lot in the lives of most Americans. It is an appalling exercise of overreach by the Federal Government. We should support the amendment that I will offer on the floor to strike it from the bill.

A FOND FAREWELL TO KEITH JEWELL

(Mr. GILMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GILMAN. Mr. Speaker, I join with my colleagues in bidding a fond farewell to a good friend and outstanding public servant, Keith Jewell, upon his last day as Director of House Photography.

I know Keith not only from his day to day duties coordinating our House photographers, but also through his selfless devotion over the years on many of our foreign missions. Keith often shared our hardships as he kept an official photographic record of our responsibilities.

A visit to Keith's office in the Rayburn Building is a virtual trip through the history of the past 29 years. Displayed on the walls is Keith's photographic work as it appears in our major newsmagazines: a review of the Presidential addresses, the Joint Sessions, and the historic moments in this Chamber and on the Hill since the days of Lyndon Johnson.

Mr. Speaker, I join with our colleagues in wishing Keith success in all of his future endeavors, and in wishing Keith, his wife Lorene, his stepsons and his grandchildren many many retirement years of good health and happiness.

INVESTIGATION OF THE DEATH OF WHITE HOUSE COUNSEL, VINCE FOSTER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts [Mr. FRANK] is recognized for 5 minutes.

Mr. FRANK of Massachusetts. Mr. Speaker, I was appalled to read last week a statement from Speaker GINGRICH suggesting that House Counsel Vince Foster was murdered, coupled with Mr. GINGRICH's statement that he plans to do nothing at all about that. In other words, the Speaker apparently plans to suggest to the American people that an official in the White House was murdered, despite the fact that several investigations involving professional criminologists and others, forensic experts, have concluded that he was, tragically, a suicide.

Mr. GINGRICH chooses to call that into question but then do nothing about it. Remember that Mr. GINGRICH has a good deal of influence over the agenda of this House, including the House Committee on Banking and Financial Services. The House Committee will be having hearings on the Whitewater matters. The Senate Committee on Banking, Housing, and Urban Affairs is having hearings on Whitewater. The Republican party apparently plans to have hearings about what happened before Mr. Foster, sadly, killed himself; they plan to have hearings about what happened after Mr. Foster killed himself, and they are having those now; but they will not have any hearings into that question. Why? Because everyone who has looked at it has concluded, without question, that Mr. Foster was a suicide because of the enormous pressures he was under.

Mr. Speaker, Mr. GINGRICH chooses to ignore that overwhelming evidence and to suggest that he was murdered, but he is very careful to make it clear that he will do nothing about it. In other words, he will leave that terribly destabilizing, awful suggestion there, with its unstated implications of who was responsible. Despite the fact that he has control over the investigatory bodies of this House, he will not have them look into it because he does not want to know the truth.

Mr. Speaker, it has, unfortunately, become part of the right wing paranoia that circulates in this country to state, in defiance of the clear facts and pattern, that Mr. Foster was murdered. Mr. Foster's suicide has been investigated by two Republican independent counsel, first Mr. Fiske and now Mr. Starr. It has been investigated by police, by the FBI, by a whole range of officials. Overwhelmingly, everyone has concluded, tragically, that he committed suicide. The Speaker decides to ignore that, to reinforce one of the worst, craziest, most paranoid rumors now circulating and poisoning the American political atmosphere, but is careful to leave it at a suggestion. He is careful to avoid any forum in which that outrageous suggestion of his could be proven.

What this shows, Mr. Speaker, is, unfortunately, the extent to which the right wing, in its most extremist form, demands increasing tribute from the Republican party leadership. We see it in public policy on the floor of this House and we see it in their rhetoric. The Speaker apparently feels compelled to give credence to one of the most contemptible, vicious, and inaccurate stories now circulating in American politics. It is an effort by the right wing to use the tragic suicide of a very decent man under great pressure for political purposes.

Mr. Speaker, where is the Speaker of the House? Does he exercise leadership? I know Chairman D'AMATO, former chairman of the Senate committee, has said, yes, it was a suicide. He stipulates to that. That is the responsible position. The Speaker is not willing to do that. The Speaker will, instead, fan one of the most irresponsible flames that threatens now to consume civility in the American political discourse.

Mr. Speaker, I understand the need of the Republican leadership to keep happy those on the right wing who have been their most active troops, but can there not be a more decent way to do it? Must there be an unfortunate, unjustified, terrible effort to play with the facts involving this man's life? Does the Speaker really, genuinely believe this was a murder? No one, even the Speaker and even the people on the right are suggesting it was an act of God. The man was shot by his own hand. It is either murder or suicide. If the Speaker really believes it is murder, then where does he get the authority not to investigate it?

Mr. Speaker, anyone who seriously believes a White House Counsel may have been murdered for political purposes, who does not use his or her authority to look into it, seems to me to be guilty of a dereliction of duty. What we are clearly talking about, then, is not a serious effort to get to the bottom of what would be a terrible crime. It is the most discouraging example of right wing influence in the Republican party that I have seen, and I have, unfortunately, seen many.

FAREWELL TO KEITH JEWELL

(Mr. GEPHARDT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEPHARDT. Mr. Speaker, I simply wanted to add my voice to the gentleman from New York in saying that we will miss Keith Jewell as the House photographer very much. I know that all of us have had experience in his work. He has served this House and its membership loyally and with great effectiveness and efficiency, and, above it all, he has been a fine human being, a wonderful human being to be around.

Mr. Speaker, all of us together wish him and his family well as he now moves into retirement and into a new phase of his career. We are sorry he is leaving but we wish him very, very well.

THE ILLINOIS LAND CONSERVATION ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri [Mr. WELLER] is recognized for 5 minutes.

Mr. WELLER. Mr. Speaker, yesterday the House passed H.R. 714, the Illinois Land Conservation Act, with overwhelming bipartisan support. While a similar bill passed the House last session, time was short and the Senate did not have time to act on the bill. I am pleased we were able to move the bill through the House and I am working with my Senators to ensure that the legislation moves quickly through the other body with bipartisan support.

I would like to take a minute to speak briefly about the importance of this legislation. This bipartisan measure is supported by virtually the entire Illinois delegation, the Governor of Illinois Jim Edgar, a large number of veterans, environment and conservation organizations, business and labor, private citizens and a broad coalition of groups interested in making this project a reality. H.R. 714 serves as a model for communities looking at future use for closed and surplus military facilities.

In April 1993, the Joliet Army Ammunition Plant was declared excess Federal property. Congressman George Sangmeister appointed a citizens planning commission that developed a reuse plan, which is encompassed in my legislation. This innovative land use plan could very well be seen as a model for converting base closures into peacetime uses. It will create the largest national tallgrass prairie east of the Mississippi, and will have enormous environmental, economic, and educational benefits to offer for many years to come. In our increasingly urbanized society, it is important to take note of the opportunity we have to preserve such a large tract of land for wildlife habitat and prairieland preservation, and also to incorporate a national cemetery to honor those veterans who have served their country, and to improve the economy and create jobs.

The largest portion of the arsenal property, 19,000 acres, will be transferred to the National Forest Service for creation of the Midewin National Tallgrass Prairie. This is very crucial to a State that once had more than 43,000 square miles of prairieland, most of which has now been developed into towns and cities. Over 6 million people live within 45 miles of the land. Trails, camping, wildlife watching and other recreational activities are planned. The proposed prairieland is home to many species of birds and animals that are on both Federal and State endangered and threatened lists. Among these are the Upland Sandpiper, the Marsh Yellow Crest, and numerous species of fish, insects and plant life.

The plan also includes a veterans cemetery which will occupy close to 1,000 acres on the arsenal property. This cemetery, which will be one of the largest in the United States, will serve more than a million veterans and their families within a 75-mile radius. The site of the cemetery, known as Hoff Woods, is a beautiful and tranquil setting of forests and rolling hills; a perfect location for a nation for a national cemetery.

The plan also includes two sites, a total of 3,000 acres, to be used for economic development. These two sites are seen as ideal for job creation, and many manufacturing companies would find sites like these well suited to their needs. Not only is the land equipped for economic development, but there are a series of water wells and pumping stations with the capacity to pump up to 77 million gallons of water each day. This portion of the redevelopment plan is very important to the surrounding communities. This use of the land will put many local men and women to work and stimulate the economy. The Illinois General Assembly has already created the Joliet Arsenal Economic Development Authority to effectively implement this plan.

This bill will also benefit the American taxpayer. Upon receiving the land, the USDA plans to sell surplus assets such as railway equipment and steel from the arsenal property. The Congressional Budget Office estimates a result of asset sale receipts totaling $3.5 million over fiscal years 1996 and 1997. Agricultural leases on the property currently bring in about $1.1 million in receipts annually. Also, USDA expects to collect annual user fees of about $3 million from visitors to the new Midewin National Tallgrass Prairie. In sum, CBO estimates that enacting H.R. 714 would decrease outlays by about $1 million in 1996, $1 million in 1997, and $2 million in 1998 for a total savings of $4 million over the next 3 years.

The hard work and commitment of many people went into the success of this bill. Of course, I would like to thank former Congressman George Sangmeister, who initiated this process. I would also like to thank the Governor of Illinois Jim Edgar, and my fellow Illinois colleagues who have supported this concept plan. Special thanks go out to Fran Harty and Brent Manning of the Illinois Department of Conservation, Jerry Adelman and the Openlands Project, John Turner of the Conservation Fund, Ruth Fitzgerald of the Will County Center for Economic Development, Don Walden the head of my veterans advisory committee, and Lt. Col. Alan Kruse former Commander of the Joliet Arsenal. Of course, I also extend my gratitude to Chairmen PAT ROBERTS, BUD SHUSTER, TOM BLILEY, and FLOYD SPENCE; and to the majority whip TOM DELAY, and majority leader DICK ARMEY for their assistance in moving this bill through the House in a timely fashion.

I am very pleased with the success of everyone's bipartisan efforts. The hard work and commitment by all involved demonstrates what can happen when people work together to make a difference.

The plan approved by the House yesterday is a win-win-win for taxpayers, veterans, conservation, and working families.

Mr. Speaker, I submit for the RECORD a Chicago Tribune article regarding the legislation to convert the former Joliet Arsenal.

[From the Chicago Tribune, July 16, 1995]

A CRITICAL MOMENT FOR JOLIET ARSENAL

Legislation to convert the former Joliet Arsenal to peacetime uses is a congressman's dream: It offers so much good in so many ways—for generations to come—that it is almost impossible to oppose.

That's why it has enjoyed such broad-based and remarkably bipartisan support so far, from citizens, business people, preservation groups and local officials to the Illinois General Assembly, Gov. Jim Edgar, the Clinton administration and U.S. representatives and senators on both sides of the aisle.

It has been moving efficiently through Congress, but now it faces another critical hurdle with the House Agriculture Committee—which holds lead jurisdiction on the legislation—about to take it up for recommendation to the full House. If the committee approves—and it is strongly urged to do so—the plan could have final approval by the August break.

The legislation almost made it through the last Congress, until last-minute technical mischief by U.S. Sen. John Glenn (D–Ohio) stalled it. It was a blow to retired U.S. Rep. George Sangmeister (D–Ill.), who spearheaded the arsenal-conversion movement. His successor, U.S. Rep. Jerry Weller (R–Ill.), resurrected it with the pledge to make it his top legislative priority.

That he has done, and the new version of the legislation may be even better than the old, clearing potential stumbling blocks, providing a more detailed transfer procedure and adding some additional benefits—including tapping the arsenal's vast water supply for development and for nearby communities.

A less comprehensive Senate version would have to be reconciled, but U.S. Sen. Paul Simon (D–Ill.) is leading cooperation toward that end.

The genius of the concept is its provision for mixed use, a model for this type of conversion.

Of the 23,500 acres, almost 1,000 would be set aside for a new veterans' cemetery, the largest in the system and one desperately needed in the Midwest.

Will County would get more than 400 acres for a landfill, with provision to give the Army space for non-hazardous waste from its arsenal cleanup.

Some 3,000 acres would be set aside for industrial development under a state authority, generating both jobs and new tax revenue for local communities.

And the centerpiece, of course, would be the transfer of 19,000 acres to the U.S. Forest Service to create the Midewin National Tallgrass Prairie, the largest of its kind east of the Mississippi—an oasis for human recreation and wildlife prosperity in reach of some 8 million people in a 60-mile radius.

For all this, the Congressional Budget Office also estimates that transfer of the arsenal could save the federal government $4 million over 3 years.

Too good to be true? Certainly too good to delay.

Mr. HUNTER. Mr. Speaker, will the gentleman yield?

Mr. WELLER. I yield to the gentleman from California.

Mr. HUNTER. I thank the gentleman for yielding. I wanted to say I was walking by the floor when I saw the gentleman making his presentation, and those of us on the Committee on National Security were very impressed with your plan for the Joliet Arsenal. We have waived jurisdiction so it can go on down an expedited process to come to fruition.

When the people of your congressional district have this great asset, and this program is completed, they will have one person to thank for it, and that is JERRY WELLER. We appreciate your work on this, and anything that we can do in the Committee on National Security to expedite it, we are there, and I thank the gentleman.

□ 1730

NLRB CUTS AND THE CASE OF OVERNIGHT TRANSPORTATION COMPANY

The SPEAKER pro tempore (Mr. METCALF). Under a previous order of the House, the gentleman from California [Mr. MILLER] is recognized for 5 minutes.

Mr. MILLER of California. Mr. Speaker, the debate we are having on the Labor HHS Appropriations bill is about people, not government programs. It is about the extremes to which Republicans will go to protect special interests.

There is a very striking, specific example of how this bill sacrifices working families for the ignoble cause of catering to special interest. This bill punishes an independent agency on behalf of an unscrupulous employer, the Overnight Transportation Co.

Let's be clear about one thing, this has nothing to do with reducing the budget deficit. It has everything to do with eliminating the independence and impartiality of the National Labor Relations Board. The NLRB is a judicial body. It is not supposed to respond to thinly-veiled threats from Members of this Congress.

But certain Members have written to the judges of the NLRB that if they did not decide an issue in favor of the Overnight Co., the agency will be targeted for severe cuts. And when the judges used their independent judgment, Republicans went looking for blood. The cuts in this bill for NLRB are severe: 30 percent, while most other agencies were cut only 7.5 percent.

Indeed, the Wall Street Journal reported recently that an Overnight lobbyist worked closely with a Republican congressman to insure that NLRB be issued a dramatic cut and that its judicial procedures be tied up.

This unprecedented interference by Republicans in the duties of judges was not on behalf of the workers. Let me repeat, Republicans are going to extremes not on behalf of workers, but on behalf of an unscrupulous employer, the Overnight Co.

The management of Overnight, from the CEO on down, has been violating the rights of employees all across this Nation.

Since 1994, Overnight has mounted an illegal national campaign to prevent employees from exercising their right to come together for better wages and working conditions. Overnight's actions have resulted in literally hundreds of employee complaints. These complaints include all of the gross violations of worker protections law: firing employee leaders; threatening to close facilities if employees unionize; withholding pay increases for employees that vote to organize, while granting pay increases to others; and promising better benefits if employees do not exercise their right to unionize.

The people who were subject to this treatment are just like you and me—they have families, they are struggling to make ends meet, and they are trying to play by the rules. Yet, Overnight, with the support it seems of Republicans, is denying those people their rights.

Obviously, Overnight believed it was above the law. Under the laws of this Nation, it is illegal for an employer "to dominate or interfere with the formation or administration of any labor organization * * *"

After NLRB authorized the request of an injunction against the flagrant violations of Overnight, Republicans sprang into action to prevent the injunction from actually being sought and to influence the settlement. But Republicans are not stopping there. They hope to exact punishment and revenge on a judicial body that decided cases against Republican special interest.

Even some Members on the other side of the aisle were shocked by the catering to special interest. Republican Representative JOHN PORTER was quoted as saying "To my way of thinking, you don't cut judicial bodies because they make decisions you don't like."

I could not agree with my colleague more. To my way of thinking, Mr. Speaker, we were not elected to disregard the interest of the people in favor of special interest. This bill is extreme and will hurt working families only to help special interests. This bill should be resoundingly rejected.

OSHA REFORM NEEDED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. NORWOOD] is recognized for 5 minutes.

Mr. NORWOOD. Mr. Speaker, by now it is no secret that I want to change the way OSHA does business. I have come to the floor many times to talk about the excesses of OSHA. But our OSHA reform bill is not simply about curbing the regulatory excesses of OSHA; our bill seeks to restore the freedoms OSHA has taken away.

Mr. Speaker, allow me to quote from the sixth amendment to the Constitution. "the accused shall enjoy the right * * * to be confronted with the witnesses against him." Mr. Speaker, under current OSHA policy that right does not exist. If OSHA shows up on your doorstep today to investigate an alleged violation, you as an employer have no right to know who reported a violation. That policy encourages OSHA to be used as a tool of disgruntled employees and labor negotiators. Our bill will require that employees work with employers to correct safety problems. I have heard critics complain that employees will be afraid to question workplace safety for fear that an employer may take action against them. Maybe these people have forgotten about bureaucracies like the National Labor Relations Board or the labor lawyers salivating over a case like that. Anyone who believes that an employee does not have recourse against an employer probably thinks Medicare isn't going bankrupt.

Mr. Speaker, I had the privilege of testifying before the Small Business Committee last week on OSHA reform. It reminded me why OSHA reform is so important. OSHA regulations strangle small businesses. OSHA threatens the livelihood of small business men and women all over America. It is just that simple.

When OSHA sends out a 6-inch thick document on Air Quality, a small business owner doesn't say to himself "Wow! Here's a way for me to make my workplace safer for my employees." Instead, he says "How am I ever going to figure out what is in here? Will I have to hire someone just to figure it out? Is it going to force me to lay-off a worker or raise my prices?" Mr. Speaker, I ask you, is it any wonder that small business are terrified of OSHA?

In my opinion, here lies OSHA's basic flaw * * * OSHA acts as though the only people who care about workplace safety live here in Washington, DC. Nothing could be further from the truth. Small business men and women throughout America are deeply concerned about workplace safety. Their employees are often family. Employers want safe workplaces. They need help from OSHA. A 6-inch stack of regulations and the threat of a costly fine do little to improve workplace safety. A new improved OSHA will work with employees to teach them how to make the workplaces safer. We must have a carrot to go with the stick OSHA has grown so addicted to. OSHA should spend as much of the taxpayers money trying to educate employers as they do trying to collect fines.

Mr. Speaker, I am not convinced that OSHA can ever be reformed. However, if it is ever to be reformed, the steps taken in H.R. 1834, the OSHA Reform Act, will make a real difference. I strongly encourage my colleagues to stand up for workplace safety and cosponsor H.R. 1834, the OSHA Reform Act.

CUTS IN NLRB BAD FOR MANAGEMENT AND LABOR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. MARTINEZ] is recognized for 5 minutes.

Mr. MARTINEZ. Mr. Speaker, it never ceases to amaze me how this Republican juggernaut continues on its way, not thinking and unconcerned about the consequences of its actions. A case in point is found in the labor appropriations bill we are considering this week.

The Appropriations Committee proposes reducing the funding of the National Labor Relations Board by 30 percent. They also, of course, propose to change certain statutory rules—rules that have stood the test of time, and which used to be the province of authorizing committees.

Why? So that the employers of this country will be freed from the yoke of labor—and can return to being productive and profitable in this highly competitive world economy. If anyone really believes this, I have some oceanside property in Arizona I will sell you—what's been happening for years is that those employers who aren't capable of changing their business operations to keep up with the times, and who only look on labor as a tool, not a partner, and who can't force lower wages and benefits on their workers have been moving to Mexico and the Far East with impunity. And those that can't move will now work with impunity to eliminate workers' right to organize and to force down wages and benefits. Since the NLRB will no longer be able to carry out its responsibilities.

Lost in their zeal to unlevel the playing field is the real reason we have the NLRB in the first place—to bring balance to the management-union-employee situation, to protect each of the three elements from the others.

So, cutting the NLRB will mean less protection for the employers and employees who have had to go to the Board for redress against unreasonable actions by unions.

When the Portland Local of the United Food and Commercial Workers attempted to force grocery store owners into firing employees because of failure to pay union dues, the Board stepped in to prevent the union from doing something clearly in violation of the law.

The fact that these workers were not represented under a union contract was central to the decision.

This bill would prevent the NLRB from prosecuting employers who find union organizers taking jobs in a nonunion firm solely to organize the workers, a practice called salting.

I know that employers who find themselves the subject of salting think they will be assisted by this bill, because it allegedly makes such action illegal—but, cut 650 full-time-equivalent positions and see how many of these employers are going to be able to secure the assistance of the NLRB to bring a cease-and-desist order against the union that continues to use these tactics and disrupt the workplace.

What I really want to ask is: How will causing inordinate delays in processing complaints—including disposing of frivolous or unsupportable complaints—be beneficial to employers?

Employers, employees, or unions who go to the NLRB sometimes do so because that is the only way to avoid escalating a disagreement to the level of confrontation or violence.

That is why the Board was created in the first place.

If you take away the capability of the Board to deal efficiently and quickly with those disagreements, you are ensuring that there will be confrontations and battles.

This proposal is, like the rest of this appropriation bill, a perfect example of shortsightedness.

Because well over 90 percent of all Labor disputes are settled before they become the subject of a formal NLRB action, because the staff of the Board is now available to resolve disputes before they grow.

Cut this budget by 30 percent and employers, employees, and unions will wait months instead of days for resolution of complaints. And the number of complaints is unlikely to drop—the NLRB does not bring the complaints—unions, workers, and employers bring the complaints.

So, how can reducing the budget of this agency get Government off the backs of workers and employers?

It cannot.

Vote against this bill.

□ 1745

DEADHEADS

The SPEAKER pro tempore (Mr. METCALF). Under a previous order of the House, the gentleman from Tennessee [Mr. DUNCAN] is recognized for 5 minutes.

Mr. DUNCAN. Mr. Speaker, as some people here know, I spent 7½ years as a criminal court judge in Tennessee trying felony criminal cases, the burglaries, the rapes, the armed robberies, the murder cases, the drug cases, the most serious cases. As everyone can imagine, I saw many very sad things during those years. However, one of the saddest cases involved what was then, and may still be, the biggest drug case every to hit the city of Knoxville.

Four young people brought 72,000 hits of LSD from California and were arrested in a raid at the Hilton Hotel. One of the four was a very beautiful young woman, just 1 month past her 18th birthday. She testified that she started with marijuana in the 7th grade, and because she handled that with no problem, she went on to cocaine in the 9th grade and heroin in the 10th grade. She then left home and started following a band called the Grateful Dead. She became part of a subculture called the Deadheads.

They used her for a couple of years or so until she ran out of money in California and started living on the beach and having to beg for money and beg for food.

Then she got involved in selling drugs. She came to Knoxville, got caught and had to spend 12 years of a nonprobatable sentence in the Tennessee Penitentiary for Women.

After she was arrested, she found out she was pregnant, and she had twins which were delivered while she was incarcerated and had to be turned over to the State of Connecticut where she was originally from.

I became horrified from what I heard from those young people about how their lives were ruined when they became attracted to this band, the Grateful Dead, and became part of this horrible subculture called the Deadheads. So you can imagine how interested I was when I picked up Sunday's Washington Post and read on the front page of the Outlook section of a column, an article, a lengthy article entitled "Un-Grateful Deadheads, My Long, Strange Trip Through a Tie-Dyed Hell," by Carolyn Ruff.

I wanted to read just a portion of this article because there may be some people here tonight or some parents who are listening whose young people are attracted to things like this. I do this sort of as hopefully a warning for these young people to get some help. Carolyn Ruff wrote this:

> She jumped from a window of a seedy motel on Market Street in San Francisco. From a room full of Deadheads she considered to be her family, she climbed out onto the ledge and then took one more step forward. No one made any attempt to stop her. I was on the street below and to this day remain thankful I was looking the other way. I don't even remember her name anymore. I suspect few remember her at all.
>
> We met at a Grateful Dead show in North Carolina. It was the end of the Dead's fall tour of 1989. I had just completed my first full tour and she had finished what would be her last. She was a bright, beautiful runaway from a loveless home in Pittsburgh. Like many of the hundreds on the tour, she was attracted to the scene around the Grateful Dead as much as the band itself. In the Deadheads, she thought she saw family.
>
> When we saw each other again a few months later in Miami, I was shocked by her mental deterioration. She rambled gravely

about how her closest friends had stolen her clothes and her money. She shamefully recounted having sex with men in exchange for food and drugs. She had lice in her hair. She was hungry, lonely, miserable. Another Deadhead suggested that she medicate with acid to cleanse the dark thoughts from her head, and then swim in the ocean to rinse the black film on her soul. This home remedy failed and a young life was lost within months of our meeting.

I continue to read from this column from the Washington Post, as Carolyn Ruff put it this past Sunday:

Contrary to the image laid out by the Deadheads themselves, life on tour these days is far from peace, love and smiles. Capitalism, greed and betrayal would be more apt descriptions.

In my seven years as a devoted Deadhead including two spent touring the country, I came to take for granted that people would steal from a friend's backpack and rationalize their actions. I saw friends sleep with other friends' partners. I saw young women sexually assaulted after being unwittingly dosed with acid. I saw someone give a friend's dog acid just to watch it lose it mind. I saw people stranded in a strange city because their friends were impatient to hit the road. I saw people trash their friends motel rooms, knowing that they would not be held responsible for the damage.

With no legal system within the Deadhead culture, these injustices go unchallenged.

I do not have time, tonight, Mr. Speaker, to read this entire article. But I do commend the Washington Post for writing this and Carolyn Ruff for bringing this horrible subculture of the Deadheads to the attention of so many people.

Mr. Speaker, I include for the RECORD the article to which I referred.

[From the Washington Post, July 30, 1995]

THE UNGRATEFUL DEADHEADS

MY LONG, STRANGE TRIP THROUGH A TIE-DYED HELL

(By Carolyn Ruff)

She jumped from a window of a seedy motel on market Street in San Francisco. From a room full of Deadheads she considered to be her family, she climbed out onto the ledge and then took one more step forward. No one made any attempt to stop her. I was on the street below and to this day remain thankful I was looking the other way. I don't even remember her name anymore. I suspect few remember her at all.

We met at a Grateful Dead show in North Carolina. It was the end of the Dead's fall tour in 1989. I had just completed my first full tour and she had finished what would be her last. She was a bright, beautiful runaway from a loveless home in Pittsburgh. Like many of the hundreds on the tour, she was attracted to the scene around the Grateful Dead as much as the band itself. In the Deadheads, she thought she saw family.

When we saw each other again a few months later in Miami, I was shocked by her mental deterioration. She rambled gravely about how her closest friends had stolen her clothes and her money. She shamefully recounted having sex with men in exchange for food and drugs. She had lice in her hair. She was hungry, lonely, miserable. Another Deadhead suggested that she medicate with acid to cleanse the dark thoughts from her head, and then swim in the ocean to rinse the black film on her soul. This home remedy failed and a young life was lost within months of our meeting.

That indecent occurred five years ago, but recent headlines surrounding the Grateful Dead have taken me back to that time and to my own days on tour. As the itinerant band celebrates an astonishing 30 years on tour, it has been dogged by misfortune—lightning struck fans earlier this summer at RFK Stadium in Washington, several dozen people were arrested outside a Dead concert in Albany and for the first time in three decades, a scheduled concert was canceled in Indiana for fear of crowd violence. None of this can be directly attributed to the band itself, but the incidents are nonetheless beginning to expose a darker, more malevolent side of the Grateful Dead milieu. Contrary to the image laid out by the Deadheads themselves, life on tour these days is far from peace, love and smiles. Capitalism, greed and betrayal would be more apt descriptions.

Today's Deadheads wear the tie-dyed costumes of a past generation but aren't propelled by the same sense of moral rebellion. If bygone Deadheads were protesting war and social strife, today's seem only to be dissenters from real-world monotony. Unfortunately, like many of my generation's discontents, they are cynical, savy and unhappy with their lives.

In my seven years as a devoted Deadhead—including two spent touring the country—I came to take for granted that people would steal from a friend's backpack and rationalize their actions. I saw friends sleep with other friends' partners. I saw young women sexually assaulted after being unwittingly dosed with acid. I saw someone give a friend's dog acid just to watch it lose its mind. I saw people stranded in a strange city because their friends were impatient to hit the road. I saw people trash their friends' motel rooms, knowing that they would not be held responsible for the damage.

With no legal system within the Deadhead culture, these injustices go unchallenged. Thankfully, violent acts of retribution have been few, but who knows if it will someday come to that? The common reaction when this sort of incident occurs is to get a bit meaner, shrewder and make a plan to do it back to someone else. Eventually, I came to dislike the music of the Dead because of the association I made between the band and its followers.

It would be unfair to imply that all of those on tour engage in such loathsome behavior. There are many who revel in the shows and demonstrate respect not just for their fellow Tourheads but for the cities they visit. Their sole desire is to immerse themselves in the music and peacefully co-exist with others who feel the same. But the dominant culture is not so sanguine.

In an attempt to escape the society they so disdain, the Deadheads have created a world underpinned by the same materialism and greed. Whether it be overpricing their wares or selling crack and ecstasy, the looming specter of capitalism rules supreme, and it is every bit as ruthless as that of the American mainstream.

Newcomers naive enough to think otherwise quickly have their misconceptions dispelled. I met quite a few 14- and 15-year-old kids who came to tour without a penny and thought they could turn to other Deadheads for support. Somehow, they thought money didn't hold the same relevance that it does elsewhere. But unless you're a Trustfund Deadhead, sustained by the family fortune, everyone needs a scheme. Selling veggie sandwiches is one option, as is hawking jewelry or clothing. To make these business go, some Deadheads trek to Central America between tours to buy the Guatemalan jewelry and garb so popular among Dead followers. Others make their own products to sell. And with a steady flow of suburban kids who have the cash to spend on a $5 tofu burger and a $20 T-shirt, these entrepreneurs have an ideal location at Dead shows.

But these business ventures take a level of initiative and planning beyond what most Tourheads are willing to expend. More typically, people make just enough money to cover food, lodging, their concert ticket and enough gas to get to the next city. If you are not good at selling or at least scamming, you will not make it on tour. Many Deadheads, while professing distrust and disdain for the government, make it by accepting food stamps and other public hand-outs. A walk down the streets of Berkeley or San Francisco, a popular hub of between-tour activity, is evidence enough that many Tourheads are also adept at panhandling, although this is not a profitable choice for survival.

The drug trade is also an easy and rather lucrative route to sustenance. With perseverance, one can usually find suppliers of acid, mushrooms or ecstasy to resell, and the rising popularity of crack and heroin on tour is opening up new markets. There is the nuisance of undercover agents from the Drug Enforcement Administration, to say nothing of fellow Deadhead narcs, but this can add an element of excitement to a new career—which for today's Deadheads is a tonic in itself.

My initiation to the Grateful Dead came in 1986 and coincided with the band's resurgence back then. I was in college and had been more interested in the Clash and Flipper than wearing bells on my shoes and tie-dyeing every white shirt I owned. But after going to a few shows I grew enchanted, with the band and with the hordes of colorfully attired people who seemed like happy children at recess. I worked every conceivable retail job to finance my indulgence, choosing positions where there was little commitment. With the money I had saved and the cushion of a few credit cards, I was able to traverse the country with relative financial security. It also helped that I had family that, though preferring I settle down and get a job, made clear that I could rely on them if things got desperate.

It might have been different had I joined the tour earlier. One retired Tourhead who requests anonymity for fear of losing a respectable job says the late 1980s ushered in a more amoral environment. "The demise of the Dead scene began in 1987 when going to shows became like going to some sort of pop scene," says this ex-Deadhead who himself was eventually scared away by the violence. He blames alcohol abuse for what he sees as an increased incidence of fighting, show-crashing and other disruptive behavior.

Today's version of tour is a mockery of what the original Dead followers created. There is an attempt to form family units, but too often they aren't bound together by loyalty and trust. The members travel together, bunk together and, theoretically, provide the love and support that one might bestow on a relative. And, to a degree, there is a sense of sharing: In spurts of generosity, one person or a few will support the others by buying the gas or paying for the motel room. But typically this generosity is born of necessity—everybody else is broke.

Rarely do the relationships that develop transcend each person's own selfishness. Usually, the break occurs over money—

someone feels they've been cut out of a drug deal, or grows tired of supporting a parasitic family member.

To survive on tour, it helps to have emotions encased in steel. Courtesy is not mandatory and verbal assaults, rude comments and sexist remarks are common in the course of a motel room conversation. People refer to each other freely as "sister" or "brother" but there was rarely the accompanying intimacy. Practically everyone goes by a nickname—Woodstock, Scooter, Zeus, Rainbow, Jinx. Often, I never knew people's real first names, and rarely did I know their last. There was a degree of secrecy which supposedly stemmed from a paranoia of the law, but sometimes I wondered whether going by a fake name among friends was just a way of preventing anyone from getting too close.

So what's the beauty of it all? The question for many on tour is probably: What's the alternative?

"There is this core group of Tourheads who have dropped out of society and their only alternative is to follow the Dead," says Jill, another former Deadhead. These people live for tour to resume each season, but quickly grow disgusted. They boast of making enough money from the present tour to buy that land in Oregon and settle down. But more typically their money is blown on lavish hotel rooms, expensive meals, beer and drugs. Strung out and broke, they're left scrambling for someone to support them until tour begins again.

And so a cycle evolves: Many may want to try a new life but have become ensnared in the tour culture. Financially, they know no other way to make money other than selling wares on tour. Socially, whether they truly like them or not, the people on tour are the only friends they have. Alienated and fearful of what the real world is about, they settle into what they know best: The Dead.

Every time there is a scare that the Dead may stop touring, I find myself worrying about the lost souls who know nothing else but the parallel world of the Grateful Dead. Many are talented and have skills adaptable to the mainstream. It's those who use the Dead simply as an escape who will have difficulty adjusting to life without tour. Sadly, I cannot picture their future.

They will surely endure the loss of the Dead's live performances, but can they handle the end of tour? That possibility seems ever more zeal with the current malaise surrounding the band. As the amount of violence and police confrontation has grown, so have concerns about how to curtail it. A group calling itself Save Our Scene has formed in an attempt to quash disruptive behavior. And through newsletters and the Internet, band members have practically begged their fans to clean up their act. If they don't, the Dead will stop touring' or so they threaten.

In an open letter passed out to Deadheads at a recent St. Louis show and later posted on the Internet, the Dead told fans that "over the past 30 years we've come up with the fewest possible rules to make the difficult act of bringing tons of people together work well—and a few thousand so-called Dead Heads ignore these simple rules and screw it up for you, us and everybody."

Arguably, it is not the Tourheads who are responsible for the bad behavior, but local kids who view the parking lot at a Dead show as an invitation to party with complete abandon. Tourheads can blame the less devoted concert-goers, but it is these "outsiders" who buy the goods that sustain the Tourheads lifestyle. And it is the Tourheads who have created the atmosphere that is so appealing to revelers in the first place.

The Dead went on to say, "If you don't have a ticket, don't come. This is real. This is a music concert, not a free-for-all party."

To me, the issue of blame isn't really relevant. The real question is: How long did anyone think the party could last?

IN OPPOSITION TO THE LABOR-HHS-EDUCATION APPROPRIATIONS BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. ENGEL] is recognized for 5 minutes.

Mr. ENGEL. Mr. Speaker, I want to speak about the proposed cuts in the Labor-HHS-Education appropriations bill because in the 7 years I have been fortunate enough to serve in Congress, this bill is truly the worst bill I have ever seen. This bill is nothing less than a frontal assault on the working men and women of this country. The cuts will only serve to decrease productivity, increase costs and cost lives.

I am a member of what used to be called the Education and Labor Committee, which is now called the Economic and Educational Opportunities Committee. And the minute the new Republican majority took control, they changed the name of the Committee. They purged the word labor out of the Committee and purged the word labor out of all the subcommittees. That, to me, sums it all up. They want to just purge labor, purge labor unions and purge the working men and women of this country.

The cuts in OSHA in this bill, and OSHA takes care of the health and safety of American workers, they slash OSHA enforcement programs by 33 percent, a third. This would decimate the agency's enforcement program, leaving millions of working Americans with no where to turn for safety and health protections. With 17 workers dying on the job each day, these shortsighted cuts will increase this carnage sharply.

OSHA laws did not just happen overnight. They came in gradually. And we have now had OSHA protection for 50 or 60 years. And we have seen that as long as we have had the OSHA protection, American workers, less and less American workers have been injured, maimed or killed on the job so the OSHA laws are working. Why would we want to turn the clock back to before the time there were these protections? Why would we want to endanger the health and safety and welfare of America's workers?

In this bill, the National Labor Relations Board is also cut by 30 percent. Currently the National Labor Relations Board has the power to prevent and fix unfair labor practices committed by employers and safeguard employees' rights to organize. The cuts will result in severely weakened workers' rights to fair and decent conditions on the job.

Now, as rationale in all the hearings we have held in the committee, people who want to eliminate OSHA and want to eliminate the NLRB say, you know, these impose very big hardships on employees and most employers are good. I agree, most employers are good and they are responsible. Those are not the employers that we are worried about. To those employers who do what is right and do what they are supposed to be doing and protect the health and safety of their workers, OSHA ought not to affect them. It is those few employers who do not care about the health and safety of their workers which is the reason why OSHA laws were put into effect in the first place.

So now we are going to throw the baby out with the bathwater. Instead of trying to fix what is broken, we want to gut the whole program and throw the baby out with the bathwater and leave American workers exposed.

To me worker safety is not a Democratic issue or a Republican issue. It is an American issue. I do not know why my Republican friends want to gut the program.

Now, in this bill, also there is a 34-percent cut planned for the dislocated workers program. That means that 140,000 fewer workers will be helped finding new jobs, workers who need help in getting the skills for jobs in our changing economy due to increased corporate and defense downsizing. We talk about welfare reform. We want to keep people off the welfare rolls. We want to get people off the welfare rolls. How do you do that, by cutting the dislocated workers program which helps people get jobs, train jobs and find jobs?

It makes no sense whatsoever. So we must stop punishing the workers of this country in order to fund initiatives like tax cuts for the wealthy. The American workers deserve better from us.

My father was an iron worker. I remember walking the picket lines with him during a strike when I was a boy. Workers do not want to strike. They do not want to lose pay. They do a strike only as a last resort. The attitude that we see in some quarters in this new Congress, making workers a pariah, is just unbelievable. Davis-Bacon reform, Davis-Bacon protects prevailing wages so people in my area of the country, New York City, where there is a very, very high cost of living can get a decent wage. We do not want to depress people's wages and have cheap labor coming in from elsewhere, but that is exactly what happens if Davis-Bacon is repealed, and the Republicans are again assaulting Davis-Bacon. Some of us believe that $4.25 is not enough for anybody to live. That is the minimum wage. We think it should be raised. Our Republican friends do not want to raise the minimum wage; they want to eliminate the minimum wage.

This is backsliding. This is not what ought to be done. That is only the labor part of this bill. What we see later on in education is even worse.

I urge my colleagues to look at this legislation, to vote against it. We hear the votes still are not there. We ought to defeat this bill, if it comes up this week, and hopefully reason will prevail.

□ 1800

WE MUST KEEP MEDICARE AFLOAT

The SPEAKER pro tempore (Mr. METCALF). Under a previous order of the House, the gentleman from Minnesota [Mr. GUTKNECHT] is recognized for 5 minutes.

Mr. GUTKNECHT. Mr. Speaker, author Stephen Covey likes to tell a story about the Navy captain of a ship who is adrift in a rather stormy sea one night and he saw a light coming at him. He orders his signalman to contact the oncoming vessel and ask him to change course 20 degrees. So the message is sent out, and very quickly a message comes back, "You change course 20 degrees." The captain is a little upset by this message coming back, so he sends back and says, "This is a U.S. naval battleship. We demand that you change course 20 degrees." The message comes back, "We are the lighthouse."

Mr. Speaker, I think the story is analogous to the problem we have with Medicare. Right now the message is coming back that we are on a collision course with disaster. We are headed for the rocks, and unfortunately, the Medicare system is picking up speed.

In the private sector, we are seeing in the general economy inflation rates of about 3 percent. What we are seeing with Medicare is about 10½ percent. We all know, at least I think we all know, if we do not know, in fact it is available in a little yellow booklet that is being distributed, the board of trustees of the Medicare trust fund came out several months ago with a report, and in it they said many things. I think it is important that Members of this body and Members of the general public be as informed as possible about what they in fact said.

Let me read some of the quotes. For example, they said, "The Medicare program is clearly unsustainable in its present form." They went on to say, "It is now clear that Medicare reform needs to be addressed urgently as a distinct legislative initiative." They said, "We feel strongly that a comprehensive Medicare reform should be undertaken to make this program financially sound now and in the long term."

The message is coming out loudly and clearly from our own lighthouse that Medicare is on a collision course with disaster. Yet some folks tend to pretend that nothing is wrong and that we do not have to change course. In fact, the board's report stated: "Under a range of plausible and demographic assumptions, the HI Medicare program is severely out of financial balance in the short range, adding that the HI fund fails the solvency test by a wide margin."

Mr. Speaker, I would encourage anyone who is watching on television at home or other Members who are watching in their offices, if they do want a copy they can call 202-225-3121 and get the number of their Member. I know that the Government Printing Office is running a bit behind in terms of keeping up with the demand for these reports, but I think it is important that if people would like to get a copy for themselves, they can read for themselves about what the Medicare trustees have said about the future of Medicare.

Mr. Speaker, that is the bad news, but unfortunately, it gets worse. Not only does the fund begin to spend more money than it takes in just next year, and not only does the fund go bankrupt in just 7 years, the really bad news is that people my age, I happen to be the peak of the baby boomers. As a matter of fact, when I graduated from college, I remember the speaker at our commencement address was director of the U.S. Census. He told us that there were more kids born in 1951 than any other year. The bad news is the baby boomers will start to retire in about 15 years. That is going to have a disastrous impact on the Medicare fund as we go forward.

That is why the trustees, Mr. Speaker, have made it so clear that we need to change course. Like that battleship, we are getting the clear signal that we are headed for the rocks, we are picking up speed, things need to change. What we are proposing, really, are modest changes in the Medicare system.

What we are trying to do is work with all of the providers, with seniors, with other groups, to try and come up with solutions. The good news is if we look at the private sector and what has happened in the private sector over just the last 18 months, we see some good examples of how costs can be contained. As a matter of fact, before I came to this Congress I was a Member of the Minnesota State Legislature. I was on the Health and Human Services Committee.

I remember just a few years ago being told that we were going to see double-digit inflation rates in the health care system for as far as the eye could see. In the private sector, private insurance carriers, private employers, literally sat down and said, "This simply cannot be allowed to continue at this rate," so they employed a number of different methods to try and control those costs. The good news is we have seen virtually zero inflation in the private sector over the last 18 months in Minnesota, so it can be done.

We have examples in the private sector with just a little bit of working together. I think if the House and Senate can work together, if Republicans and Democrats can work together, I am confident that we can use some of the same things that have worked so effectively in the private sector to control costs here in the public sector, and particularly as it relates to Medicare.

It is an undeniable fact, Mr. Speaker, you cannot sink half of a boat. We are all in the same boat together. I think we owe it to ourselves, to the taxpayers, to the 36 million current beneficiaries to keep this ship afloat.

THE LABOR-HHS APPROPRIATIONS BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey [Mr. MENENDEZ] is recognized for 5 minutes.

Mr. MENENDEZ. Mr. Speaker, this week the House will consider the Labor-HHS appropriations bill. I think Americans need to be aware of provisions that were inserted into the bill that would severely curtail advocacy by organizations that receive Federal grants.

The bill currently sharply limits the amount of private money a Federal grantee may use to lobby elected officials, the reason being, ostensibly, that money is fungible. In other words, the award of Federal dollars makes it possible for an organization which gets a grant to use more of its own money for advocacy, instead of having to use it to provide services.

However, Mr. Speaker, that argument is not enough to warrant placing unprecedented restrictions on what Americans may do with their own money, and certainly not enough to warrant fiddling with first amendment rights. Who would be subject to these limitations? Church groups that receive Federal funds through their city to run a homeless shelter, small businesses that receive loans from the SBA, low-income nursing mothers and infant children who use the WIC Program to supplement their diets, farmers who utilize federally funded irrigation projects, children who receive subsidized school lunches, students who receive a college loan. The list is endless, and the answers to the questions are unclear, because the bill is so ambiguous as to what qualifies a grant.

In fact, the bill says that the term "grant" includes the provision of any Federal funds or other thing of value, something of value. Are not WIC benefits or food stamps things of value? Is not an irrigation system a thing of value? Is not a school lunch a thing of value? The sponsors of this language believe they are not, but the bill makes absolutely no distinction. It would be up to the courts to decide whether a thing of value is a grant or not under this confusing and wide-open definition. A person may be getting a so-called grant and not even know it, and if so, he will soon have to file reports to the IRS telling them now much he got and detailing how much money he spends writing to his Congressman to express his opinions. It is his right as an American, but he had better be prepared to report it to the Government.

How ironic. How ironic it is, in an age when we are supposed to be shrinking the Federal bureaucracy, that the solution to the imaginary problem of federally subsidized advocacy is to require thousands and perhaps millions of people to file new forms with the IRS, reporting what they said to their elected representatives, and how frequently they said it.

Mr. Speaker, I will be supporting an amendment to remove these provisions, because I do not believe they have been well thought out, and they certainly have not been examined thoroughly enough, given the sweeping changes the bill would make to the rights of Americans to petition their elected officials on issues of concern to them.

Remember, we are not talking about using Federal money to lobby. That is already prohibited under the law. We are talking about the use of private money. We are talking about stopping advocacy by groups on behalf of, for example, the mentally or physically handicapped, if they receive a grant in their organization; by a college or university, if they receive a grant; by an antipoverty agency, if they receive a grant; by a woman's group if they receive a grant. The list is endless. I believe there is a conspiracy to silence voices in America that some do not want to hear from.

However, Mr. Speaker, if the House wants to insist on going ahead with this ill-conceived plan and if we cannot strike the provision, then I intend to offer an amendment that will put more people on a level playing field. The bill seeks only to control lobbying or advocacy by groups which receive Federal grants. That ignores a whole host of other benefits which the Federal Government provides, all of which makes it possible for the recipients to spend more money on lobbying. All of these benefits are every bit as fungible as grant money, yet there is no attempt to address them.

We have newspaper accounts of tax-exempt organizations paying for flying politicians around the country, paying for their television ads or distributing materials promoting a certain political agenda. They are more than abundant. Meanwhile, the Federal Government is allowing it to go on tax-free. That is a benefit that is not only fungible, it is worth more than all of the grants that this bill tries to deal with.

Therefore, Mr. Speaker, if my amendment is passed, any politician that accepts tax-exempt dollars to promote his or her political agenda loses their Federal salary. The group that provides the money has to pay taxes on it. That is lobbying reform with real teeth. If the issue is fungibility of money, let us not give the high and mighty who have certain access to nonprofit organizations an opportunity to have their voices heard, but have the voices of Americans across the country silenced.

THE MOST IMPORTANT CHALLENGE IN FIXING THE MEDICARE CRISIS: PREVENTING THE PART A TRUST FUND BANKRUPTCY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. ENGLISH] is recognized for 5 minutes.

Mr. ENGLISH of Pennsylvania. Mr. Speaker, addressing the crisis in Medicare by preventing the Part A trust fund from going bankrupt may be the most important and the most difficult challenge for this Congress. Mr. Speaker, Medicare is part of a social compact we have with America's seniors. We in Congress serve as fiduciaries for this program, charged with the ultimate responsibility for its solvency.

This spring the Medicare board of trustees, including three members of the Clinton Cabinet, reported that Medicare will start running a deficit next year, and will be broke by the year 2002. Medicare will be broke in 7 years. Since then, we have been inundated with speculation on why this crisis happened, whose fault it is, and even whether the crisis is for real. Frankly, Mr. Speaker, sometimes in this debate there has been more heat than light.

Mr. Speaker, as a Member of the Committee on Ways and Means, I have been seeking a legislative solution to the Medicare crisis which simplifies and strengthens the program, while preserving it for future generations. Congress must find this solution quickly and get it right, or we will leave the public to face draconian budget cuts for seniors, or punitive tax increases for working families.

With the extremely short period of time Congress has to formulate a solution, I think it is vitally important to follow a three-step approach: Item one, to clean up the fraud and abuse; item two, to legislate a solution which preserves and protects senior benefits; and three, make sure the crisis does not happen again.

With this in mind, I have introduced two separate pieces of legislation to address the most overlooked aspects of the process, cleaning up the fraud, and establishing a mechanism to allow for a faster and less political approach to the threat of bankruptcy, to ensure that we never get to this point again.

Mr. Speaker, the costs of fraud and abuse to the health care system in general are staggering, with as much as 10 percent of the U.S. health care spending being lost to fraud and abuse every year. Over the past 5 years, estimated losses from health care fraud totaled about $418 billion, or as much as four times the cost of the entire savings and loan crisis to date.

Two of the most severely abused programs are Medicare and Medicaid. An extensive report compiled by one of our Senate colleagues states that for these two programs, the Federal Government pays out over $27 billion every year in fraudulent claims. These figures are even more disturbing in light of the fact that only a tiny fraction of the bad boys who rip off the Federal health care programs are identified and prosecuted. Even when they are caught, they are often allowed to keep right on doing business with the Federal Government, and with other health care plans.

For example, an alarming number of allegations of fraud and abuse have been leveled against agencies that provide services to homebound elderly and disabled. In February of this year the HHS inspector general proposed that ABC Home Health Services, Inc., which provides home health care services in 22 States through 40 wholly-owned subsidiaries, should be excluded from Medicare and State health care programs for a period of 7 years for padding its cost reports with false and fraudulent entries that were unrelated to Medicare patient care. This is simply unacceptable.

Mr. Speaker, to combat this problem and to provide an initial fundamental step in Medicare reform, today I introduced the House version of Senate legislation to expand criminal and civil monetary penalties for health care fraud, to ensure a stronger, better-coordinated efort in deterring fraud. Mr. Speaker, looking ahead to the future of Medicare, looking at ways to protect its solvency and provide a faster, fairer, nonpartisan process for controlling costs, today I introduced legislation to create an independent Commission on Medicare.

The Commission to Save Medicare Act of 1995 is designed to permanently protect the Medicare trust fund. The Commission proposed in my legislation would consist of seven members chosen in an entirely bipartisan manner, appointed by the President, and subject to Senate confirmation. The members would serve full time, and would consist of people who are nationally recognized for their expertise in health care policy. The Commission would report to Congress and to the President annually on the per capita value of services delivered of the Medicare benefits package and the projected growth in the program expenditures. In April of each year, Congress would set a target for Medicare spending for the upcoming year.

Mr. Speaker, I believe the combination of this Commission and the new sanctions against fraud and abuse will make the Medicare Program solvent in the long haul, and that has to be part of our solution.

□ 1815

BUDGET PRIORITIES

The SPEAKER pro tempore (Mr. METCALF). Under a previous order of the House, the gentlewoman from Oregon [Ms. FURSE] is recognized for 5 minutes.

Ms. FURSE. Mr. Speaker, at the start of what I have to say, I am just really amazed by the analysis I have heard of the Medicare Board of Trustees' report. I read it and nowhere did I find that they recommended a $270 billion cut in order to give a tax break to the privileged few.

Mr. Speaker, what I really want to talk about today is budget priorities. I want to remind you that this Congress has really only power over discretionary spending. That is about 54 percent of the budget, and that 54 percent is divided equally, 50–50, between military and nonmilitary spending. Well, that is, it was divided that way.

Mr. Speaker, we have all heard all this talk about how we are going to cut waste in this new Congress, we are going to balance the budget. But we may be surprised to hear that all of the cuts, all of them; I repeat, all the cuts, have come from nonmilitary spending. Did the military budget get a cut? No; it did not. In fact, it got a huge increase.

Now, poll after poll shows that the average American wants Pentagon spending either kept the same or cut, but they do not want it increased. In the Republican plan, one star wars account, yes, we are still funding star wars, was actually increased 111 percent over last year's level. That is nearly $400 million more than the administration requested. Mr. Speaker, I think this is wrong and I would submit that the American people might think this is a wrong use of their money.

Now, it is true that we have made enormous cuts. But I would like to talk about what those cuts are, and keeping in mind that those cuts are at the same time we are increasing Pentagon spending, while some of the cuts have been direct attacks on our children and our country's future. The Republicans have approved cuts that would deny Head Start, the most successful program, everybody agrees on that, deny it to 180,000 children nationwide by the year 2002. In addition, Pell grants. Pell grants that help our young people get to college, they will be denied to 360,000 students in 1996. In fact, in my district, 3,000 students in Oregon will not have a chance to go to college because of these cuts. Then they are also attacking the environment.

Mr. Speaker, let me tell you some of the cuts in the environment. There is an elimination of all funding for listing of endangered and threatened species. These are species on which the fishing industry depends. We need support for these endangered species, but we are cutting all of the funding. There is a 40-percent reduction in solar and renewable energy, a 33-percent reduction in the EPA budget, including a $765 million cut in clean water funding. There is a 17-percent cut in all of the Environmental Protection Agency enforcement.

Well, what about the cuts to seniors? I talked about the $270 billion cut in Medicare. We have eliminated the low-income energy assistance program. This new Congress has cut senior nutrition programs by $24 million. The older worker programs, $46 million in cuts. All at the same time that we are increasing the Pentagon, we are cutting from children, from the environment, and from seniors.

Mr. Speaker, I would wonder, and I would wonder if the American people would agree, that to cut away at these security protections, the security of good education, safer streets, healthy children and seniors, a safe and healthy environment, is the right priority. Is that the priority that we believe in in this country? I would say it is the wrong priority.

Mr. Speaker, it is also important to realize that all of these cuts will not reduce the deficit, because the Republicans have a budget which increases Pentagon spending, gives a tax break to the privileged few, so we are taking all of the cuts out of children, the environment, seniors, and we are not even reducing the deficit.

Shame—I think it is a shame—when we have such very skewed economic priorities. I would say that they are not, in my view, the priorities of my constituents. I hope that we will look for sane, commonsense economic priorities.

BOARD OF TRUSTEES' REPORT ON MEDICARE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. KINGSTON] is recognized for 5 minutes.

Mr. KINGSTON. Mr. Speaker, I do want to say one thing to the gentlewoman from the opposite party. On Pell grants, the Labor-HHS bill increases Pell grants to the highest level that it has ever been increased to, and so perhaps we could provide some information to her constituents on that, or her office, so she can get it to those 3,000 students. But Pell grants are going up higher than ever before. Head Start is also funded at a very high level. It is increased 128 percent over 6 years. Ryan White's funding has actually increased. Special education funding is funded at $3 billion, $230 million more than President Clinton proposed.

Perhaps it is just a matter of not agreeing with what the educational priorities are. But I think that clearly, this bill does put a very high priority on education. We may not agree with all of the education programs that the Democratic Party does, but this bill is extremely proeducation, and I hope that the members of the opposite party will look at that, and maybe join in the process of balancing the budget, which I think is very important for us to do on a bipartisan level.

Maybe I am just out of it; maybe I do not know the ways of Washington, but I do think that it is very easy to sit there and say well, I would not have cut that, I would not have cut that. I mean, where is your balanced budget? I mean, do not nickel and dime things that you do not like unless you are going to come with a total package of where your balanced budget is.

Now, Mr. Speaker, if I could get those charts, I would like a little bit about the trustees' report on Medicare. This is one that Mr. HOKE has used. This time, it is not time to hide our heads in the sand on Medicare. The trustees clearly said, the Clinton-appointed trustees of the Medicare plan, said that Medicare is going broke by the year 2001. This is the plan, there is a report on it, we can get members of the public a report on the trustees' plan.

The trustees were appointed by President Clinton. Here is a Secretary of the Treasury Robert Rubin, Secretary of Labor, Robert Reich, Secretary of Human Services, Donna Shalala. They have said that Medicare is going broke. President Clinton said in his June 11 appearance in New Hampshire that it is going broke. NEWT GINGRICH has said it on the same platform. So it is appropriate that we, on a bipartisan basis, deal with the reality, that it is going broke.

Mr. HOKE. Mr. Chairman, will the gentleman yield?

Mr. KINGSTON. I yield to the gentleman from Ohio.

Mr. HOKE. This is the report that we are talking about, right?

Mr. KINGSTON. That is the April 3, 1995 report.

Mr. HOKE. Mr. Speaker, this is a summary of the report by the trustees. It is like an annual report to the American people on the Medicare trust fund, Social Security trust fund and other trust funds, but Medicare trust fund. The President said it is going broke, the Speaker has said it is going broke.

Mr. KINGSTON. And the President's appointees.

Mr. HOKE. Mr. Speaker, would the gentleman explain to me then why the minority leader on Meet the Press Sunday morning said, this is a hoax? The Republicans are saying, because the report says the fund will have solvency problems in the year 2002, there is an emergency. This is a hoax. Where is the hoax? I do not understand. Is this a sham? Were they making this up?

Mr. KINGSTON. Mr. Speaker, this is the first I have heard of it. President Clinton has come forward an said that this is going broke. It is not a Democrat-Republican thing. Now, it may be in the Congress that certain Members of Congress prefer the old tactic. You know, when in doubt, run to the sand.

Mr. HOKE. Mr. Speaker, I do not want to delay the gentleman's special order, but I think the American people deserve to read this report themselves and make their own decision. I would urge every American to call 202-225-3121, ask your Representative at 202-225-3121, to send you, mail you a copy of this report. It is the annual report of the Medicare trustees to the president of the United States.

Mr. KINGSTON. Well, thank you for that. Here is the actual dollar figures. But just the bottom line, more will be going out than is coming in. On an NBC Nightline report the numbers were that the average couple's contribution to Medicare, $69,000. The average amount going out per couple is $186,000. So you do not have to be a mathematician to know that we have a problem. It is going broke. Let use accept that.

Now, let us in a bipartisan fashion fix it. Let us fix it in a fair way. Let us do it so that it is not just on the backs of the senior citizens, and let us do not do it on the backs on the future generations. Let us do it across the board. We need to simplify it. We need to save it, we need to strengthen it. There are a lot of options that are out there for us.

Mr. Speaker, just a couple of the things that we can do. No. 1, offer a choice, the same choice that you and I as Members of Congress have, the same choice that our friends have.

DEPARTMENT OF ENERGY'S TRIP TO SOUTH AFRICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. HOKE] is recognized for 5 minutes.

Mr. HOKE. Mr. Speaker, I yield to my friend from Georgia, Mr. KINGSTON.

Mr. KINGSTON. Let me just conclude with what some of the options are that we are looking at, because I think it is important that our seniors know that we want to have reform plans that will simplify and strengthen Medicare, and yet give them all of the choices that they deserve, and one of them would be to keep the current Medicare plan that they are under. The other one is a coordinated benefit plan.

Mr. Speaker, another possible option is an employer association Medicare plan, because currently if someone is 65, they are forced off the private sector insurance, but they may want to keep it, and they may want to stay on their employer's plan. We want to give seniors that option.

Then there is the medical savings account, which would give seniors the right to save money and pocket the difference at the end of the year on what they save on their own health care costs. We, under these plans, are projecting a spending increase of about $1,900 per person, going roughly from $4,816 per person to $6,734 over this time period to the year 2002, a 7-year time period.

Mr. Speaker, this is not a Medicare cut. We keep hearing from the hide-their-head-in-the-sand Members of Congress that we are trying to cut Medicare. This is not a cut. Now I know Washington DC math does funny tricks, but this is not a cut.

So to conclude, we want to simplify Medicare, we want to say that we want to strengthen it. I am confident that we can do it, and I am glad to say that it will be on a bipartisan basis, because there are a lot of Members of both parties who are stepping forward to make the tough decisions and do what is right for our American citizens.

Ms. KAPTUR. Mr. Speaker, will the gentleman yield?

Mr. HOKE. Mr. Speaker, I yield for just a moment. Actually I want to talk about something else, but very quickly.

Ms. KAPTUR. Mr. Speaker, just taking a very brief time, in looking at this chart there, I have seen this chart several times, but we know health insurance is rising faster.

Mr. HOKE. Reclaiming my time——

Ms. KAPTUR. The 7 years you are talking about——

Mr. HOKE. Mr. Speaker, regular order.

Ms. KAPTUR. You are talking about over $8,100 a year, so I would disagree with the gentleman.

Mr. KINGSTON. I thank my friend.

Mr. HOKE. I am reclaiming my time.

Mr. KINGSTON. Mr. Speaker, I can answer it in 30 seconds if the gentleman will let me. Please, the lady is right, medical inflation on Medicare is going up 10.15 percent a year, but regular insurance inflation is at about 4 percent, and in the private sector, some corporations are actually having a 1-percent decrease. So what we are going to do, trying to do through all of these options, is slow down the rate of that increase so we can get——

Mr. HOKE. Mr. Speaker, reclaiming my time, we are going to slow it down to about 6.5 percent per year, and we believe, there is every reason to believe, that we as Americans looking forward are going to be able to do that, we are going to be able to save Medicare, strengthen it, improve it, and simplify it all at once.

□ 1830

For some reason, and I know that we have been feeling very bipartisan tonight, it just irritates me that the minority leader would call this report a hoax, or at least say that we are trying to create a hoax. I am not sure exactly what he meant. Every American should read this. Call (202) 225-3151, ask your Representative for a copy.

Mr. Chairman, I want to move on to something having to do with the Department of Energy. As the chairman of the Committee on the Budget's national security task force, I have been examining the Department of Energy's defense activities. I introduced H.R. 1628, creating the Nuclear Programs Agency, which would be responsible for nuclear weapons activity and environmental cleanup for former DOE defense-related facilities.

As a result of that study and responsibility that I was given on the Committee on the Budget, I discovered that Energy Secretary Hazel O'Leary directed the transfer of $400,000 from defense activities to the Office on Nonproliferation and National Security to pay for her security when she is traveling.

Of particular concern is the $241,000, which was transferred from the materiel support program, responsible for the production, surveillance, and safeguarding of special nuclear materials including tritium. Tritium is a gas that is critical to the ignition of thermonuclear warheads.

Secretary O'Leary has recently ordered the 23 DOE program offices, the Office of Congressional Affairs, the Office of Public Affairs, the general counsel's office, others, to pay the advance costs of at least two invitational delegation members, each, for a trade mission that is going to take place leaving on August 18 for 6 days to South Africa.

According to an internal DOE memo, the estimated cost per person is $9,570, and that does not include an additional $500 for transport to Washington. The per diem cost of $930 for 6 days was figured—has my time expired? Is that what that means?

This is very disappointing, Mr. Speaker. I will seek time later, perhaps the gentlewoman from Ohio will give me some time in exchange for the time I gave her.

TITLE X FUNDING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. FARR] is recognized for 5 minutes.

Mr. FARR. Mr. Speaker, I rise in strong opposition to the majority party zeroing out funding for title X, which is our Nation's critical Family Planning Program.

The title X Family Planning Program was created in 1970, with broad bipartisan support, as part of the Public Health Service Act. It was enacted and signed into law by then-President Richard Nixon, creating for the first time a comprehensive Federal program devoted entirely to the provision of family planning services on a national basis.

Mr. Speaker, in his message on population growth and the American future, Nixon declared that "No American woman should be denied access to family planning assistance because of her economic condition. I believe, therefore," he continued, "that we should establish as a national goal the provision of family planning services to all who want, but cannot afford them."

Today, title X continues to be the glue that holds the national family planning service delivery system together, largely determining both its structure through its nationwide network of clinics and the substance of its services that are provided to low-income and moderate-income women and teenagers. In 1990, alone, 5.3 million family planning clients were served by clinics administered by title X-supported agencies.

Mr. Speaker, there has been a lot of misconception about the use of these title X funds. The far right claim that title X money is somehow used to pay for abortions. Nothing could be further from the truth. Since its inception in 1970, the title X statute has prohibited the use of the program's funds for abortions as a method of family planning.

In addition, congressional investigations during the 1980's found that all title X-funded clinics were operating in full compliance with the law. Of the more than 4,000 title X-funded clinics nationwide, approximately 80 provide abortions, all with other than title X funds, without exception. In fact, more than 50 percent of these clinics are in hospitals.

Mr. Speaker, let me tell my colleagues about title X and what it does. Besides providing contraceptive methods, family planning clinics conduct related tests and examinations, including: pelvic exams, blood pressure measurement, anemia screening, Pap smear tests, diabetes, urinary tract infection screening, pregnancy tests, HIV testing, well-baby care, infertility counseling, prenatal care, midlife health programs, and mammography screening.

Health care services are also provided to men, including STD treatment, STD screening, HIV testing, infertility counseling, and testicular cancer screening, among others.

The importance of family planning is widely recognized. According to the Institute of Medicine Committee to study the prevention of low birthweight, it is important to stress that both young teenage status and poverty are major risk factors for low birthweight, and title X is specifically targeted at low-income women, including adolescents. As such, the program should be regarded as an important part of the public efforts to prevent low birthweight.

Mr. Speaker, according to the March of Dimes Birth Defects Foundation, "Family planning counseling and services are essential elements of preconception and interconception care. We affirm that family planning should be an integral part of prenatal care to improve pregnancy outcome."

Mr. Speaker, I urge my colleagues to join me tomorrow and vote against the Labor-HHS rule which prohibits an amendment to restore funding to title X, and in the event that the amendment to restore funding for title X ruled in order, I urge my colleagues to support it. Support restoring these vital title X dollars.

HONORING KANSAS TECHNICAL INSTITUTE ON ITS HUNDREDTH ANNIVERSARY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas [Mr. BROWNBACK] is recognized for 5 minutes.

Mr. BROWNBACK. Mr. Speaker, it is my honor to stand on the floor of the House of Representatives and recognize an important part of Kansas and American history and that is the 100th anniversary of the Kansas Technical Institute. One hundred years ago, the State of Kansas created the Kansas Technical Institute that changed lives, providing careers and training for hundreds of men and women. It became a source of information, inspiration, and guidance to thousands.

From the beginning, the KTI was more than a school. To the school family, it became a mission to assist black women and men in pushing back any boundaries, real or perceived, that limited their lives.

The institution was founded in Topeka, KS, in 1895 by Edward Stevens and Izie Reddick. It was called the Industrial and Educational Institute and Mr. Stevens was its first President. The institute underwent many changes over the years, including several reorganizations and expansions. In 1919, it was made a regular State school by the legislature and in 1951, it became the Kansas Technical Institute.

In its 60 year history, this African-American institution graduated thousands of students in technical trades. Many of the institute's graduates went on to become business owners, doctors, nurses, lawyers, and other professionals, making one of the most significant contributions to the development of black leadership in the State of Kansas.

Mr. Speaker, I would like to commend the Kansas Technical Institute for its critical part in our history.

MENNINGER HOSPITAL HONORED AS BEST HOSPITAL IN PSYCHIATRY IN THE NATION

Mr. Speaker, on another matter that happened in my district this past month, U.S. News and World Report named America's best hospitals. In its sixth annual hospital guide, U.S. News worked with the National Opinion Research Center, assessed hospital care nationwide and ranked hospitals across the country in 16 specialties. A random selection of American Medical Association members and nonmembers were asked to rank the five hospitals they considered the best among the best in the Nation's 1,600 tertiary care centers. I am proud to state that Menninger Hospital, located in Topeka, KS, was named the best hospital in psychiatry in the Nation. Since its beginning, the Menninger clinic has been the foremost institution in applied psychiatry in the world. Menninger offers an unparalleled scope of treatment services, research, professional education, and prevention programs.

In the past 12 years, Menninger has been recognized as one of the country's top psychiatry centers of excellence 14 times by national publications.

So, Mr. Speaker, I stand here pretty proud of what has happened in my district in the past month; proud of my district for all it has contributed to the Nation, for African-American leadership development, for leadership in psychiatric care, and I am pleased to be able to recognize that on the floor.

RETIREMENT OF ROGER SLAGLE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. MINETA] is recognized for 5 minutes.

Mr. MINETA. Mr. Speaker, I rise this evening to recognize a member of the staff of the Transportation and Infrastructure Committee, Roger Slagle, and to express, on behalf of the committee, my gratitude to Roger for his hard work, wise counsel, wonderful sense of humor, and great personal friendship.

Roger will be retiring next week after nearly two decades of Government service and advocacy for a sound and balanced transportation system.

After graduating from Georgetown University in 1976, Roger came directly to the Hill to work on the Senate Commerce Committee. Then in 1981, he moved to Los Angeles where he served ably as the chief liaison for Federal and State Governments for the Southern California Rapid Transit District. Roger joined the House Public Works and Transportation Committee in 1988, and to our advantage, he came with a storehouse of knowledge and experience on transportation issues.

One of the great truths of Capitol Hill is that good staff work is the foundation of sound legislation. I strongly agree and think of Roger as a perfect example of that. His understanding of transportation issues and effective communication skills have combined to guide us on the committee in making many intelligent decisions. Roger's imprint can be found on many significant pieces of legislation. During the committee's consideration of the Intermodal Surface Transportation Efficiency Act in 1991, or ISTEA as it has come to be known, Roger was an energetic advocate for the cause of mass transit. Frankly, Roger is recognized as one of the most knowledgeable people in transit issues in Washington and as a leading expert among transit people in the Nation. Not only does he have a solid understanding of transit law, but he also knows many of the systems around the country first hand, making it a point to see them and ride the system—often without the local transit authorities knowing and providing escort.

Roger helped to ensure the recognition that planning for effective and efficient transportation systems is instrumental in helping to address our Nation's clean air problems. He was the lead on ISTEA on all the planning provisions which helped local governments, giving them the tools they needed to help put local governments back in charge of their transportation planning processes.

Roger was the point man for the committee staff in formulating the Americans With Disabilities Act, a monumentally important piece of legislation in opening up access for our disabled citizens.

In addition to being an extremely dedicated professional, Roger is a delightful individual with many varied interests. His personal travel takes him all over the globe, and he delights in bringing back stories and artifacts and building upon his knowledge of interesting food and diverse architecture. I have enjoyed working with Roger over these many years, admiring his irrepressible spirit and respecting his talent.

As a friend and a colleague, Roger will be missed on our committee. I join with his many friends in wishing him the best in his retirement.

NAFTA'S IMPACT ON AMERICA'S DRUG PROBLEM

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio [Ms. KAPTUR] is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, let me also add my congratulations and thanks to Keith Jewell, who has served as chief in our Office of Photography for so many years, for his distinguished service, for his courtesy, for his good humor, for all the years that he has served here, and we wish him very well in his future endeavors. We hope he will stop back many times to see us.

Mr. Speaker, today I would like to call upon the Clinton administration to convene a very high level working group, reporting directly to the President, to address the ever more serious and growing illicit drug trafficking problem facing us from Mexico, Central America, and South America.

This drug scourge is truly crippling our Nation: every one of our neighborhoods, every town, every city, 80 percent of the crime in this country, the burglaries, the robberies, murder, 80 percent of the people in our prisons and our local jails, all related to the drug problem.

Recently, three penetrating articles appeared in publications across the country that detailed the magnitude of this assault on civilized society. One of them appeared in the Nation magazine on July 10, 1995, written by Andrew Reding, entitled "The Web of Corruption: Narco-politics in Mexico."

He talks about the problem not just being a Mexican problem, of course, but a problem for our country as well. He then points out that integration of our continent's economies, formalized by the North American Free Trade Agreement, is increasingly binding our fates. He talks about the importance of a populous, unstable Mexico corrupted by narco-dollars threatening to subvert prospects for regional economic expansion. He adds that economic integration requires a common political currency, starting with democratic accountability and a rule of law.

Then this past Sunday, in the New York Times, on July 31 and then yesterday, Monday, there were two superb articles summarizing the Mexican connection growing as the chief cocaine supplier to our country. In the article on Sunday and yesterday, the authors expressed a concern that the fate of the North American Free Trade Agreement [NAFTA], got caught up in collusion by our Government with the Government of Mexico to not deal with the growing drug problems in order not to jeopardize the passage of that treaty.

The article says that both the Clinton and Bush administrations kept the problems of drugs and corruption from jeopardizing the trade accord and the new economic partnership that it symbolized. A senior official for international drug policy in our government was quoted in the article as saying, "People desperately wanted drugs not to become a complicating factor for NAFTA and there was a degree of illicit activity that was just accepted."

"What a shame for us as a country," the article states. It talks about a community just south of our border in Ciudada Juarez, Mexico, where the bodies of police informants, people who want to try to help, turn up around this sprawling border city, their mouths sometimes stuffed with one of the fingers that they might have pointed at drug traffickers. if you try to be an honest citizen, if you try to help, you can be sure that you will be shot for your desire to try to deal with this critical issue.

As Mexico's political and economic ties to the United States have strengthened, American demand for illegal drugs has helped a new generation of Mexican traffickers to consolidate their power, carving out an ever-larger share of the world's drug trade and posing a growing threat on both sides of the border.

If we do not do something both in the southern United States and in Mexico, Mexico will take over from Colombia in a few years as the traffickers' headquarters of choice, undermining democracy, undermining commercial development and, in fact, undermining the very free trade agreement that was supposed to be helped out by wiping out this drug trafficking.

□ 1845

American officials, who once trumpeted Mexican cooperation in fighting drugs, now worry that the Government of Mexico has lost control of most of its police. When the authorities located a leading cocaine trafficker last month after his rented Learjet crashed as he flew to a wedding in Guadalajara, they needed army troops to capture him. The city's federal police commander and most of his deputies were on the trafficker's payroll, and while America's officials lavishly praised Mexico's cooperation in fighting drugs under the prior President, Mr. Salinas, growing evidence indicates that protection for the traffickers reached high into his administration.

I urge the American people, I urge President Clinton, to read these articles I am going to put into the RECORD. Let us get serious. Let us deal with a real war on drugs in this country. It is ripping our Nation apart.

(The articles referred to are as follows:)

[From the Nation magazine, July 10, 1995]

WEB OF CORRUPTION—NARCO-POLITICS IN MEXICO

(By Andrew Reding)

The Tijuana cartel is one of three powerful border cartels that manage the multi-billion-dollar business of transshipping cocaine from Colombia's Cali cartel and heroin from Southeast Asia and Pakistan into the United States. At one end of the border, in Matamoros, the Gulf cartel dominates the eastern delivery routes into Texas. The Juárez-based Chihuahua cartel, run by Amado Carillo Fuentes, dominates the central border. At the other end, strategically straddling the busiest of all border crossings, the Tijuana cartel dominates Pacific delivery routes. To defend this coveted turf from rivals, the Arellanos have hired what amounts to a private army, ranging from federal and state police to members of San Diego gangs.

This is not just a Mexican problem but a U.S. one. Integration of the continent's economies, formalized by the North American Free Trade Agreement, is increasingly binding our fates. A populous, unstable Mexico corrupted by narco-dollars threatens to subvert prospects for regional economic expansion, overwhelm U.S. capacity to absorb immigrants, add to budget deficits with expensive bailouts and, as demonstrated by the harm inflicted on the dollar by the plunge of the peso, undermine our global stature and standard of living. Economic integration mandates a common political currency: democratic accountability and the rule of law.

[From the New York Times, July 30, 1995]

MEXICAN CONNECTION GROWS AS COCAINE SUPPLIER TO U.S.

(By Tim Golden)

CIUDAD JUÁREZ, MEXICO.—The bodies of police informants still turn up around this sprawling border city, their months sometimes stuffed with one of the fingers they might have pointed at drug traffickers.

As Mexico's political and economic ties to the United States have strengthened in recent years, American demand for illegal drugs has helped a new generation of Mexican traffickers to consolidate their power, carving out an ever larger share of the world's drug trade and posing a growing threat on both sides of the border.

"If we don't do something, both in the southern United States and in Mexico, Mexico will take over from Colombia in a few years as the traffickers' headquarters of choice," the United States Ambassador to Mexico, James R. Jones, said. "It will undermine democracy. It will undermine commercial development. It will undermine free trade."

American officials who once trumpeted Mexican cooperation in fighting drugs now worry that the Government has lost control of most of its police. When the authorities located a leading cocaine trafficker last month after his rented Learjet crashed as he flew to a wedding in Guadalajara, they needed army troops to capture him. The city's federal police commander and most of his deputies were on the trafficker's payroll, officials said.

While American officials lavishly praised Mexico's cooperation in fighting drugs under Mr. Salinas, growing evidence indicates that protection for the traffickers reached high into his Administration. Those directly implicated in taking bribes include former federal police commanders and two of the administration's three drug enforcement directors.

American officials say huge amounts of drug money have flowed into Mexico's tourism, transportation and construction industries, helping to fuel the speculative rise of the economy until last year. Without offering details, a senior F.B.I. official, James Moody, asserted recently that many of the state-owned companies privatized under Mr. Salinas had been bought by traffickers.

The bursts of violence that have attended the traffickers' rise have led many Mexicans to fear that their country is sliding toward the sort of terror that the Medellin cocaine cartel unleashed on Colombia during the late 1980's and early 1990's.

In the last three years, the victims of drug-related shootings have included the Roman Catholic Cardinal of Guadalajara, a crusading police chief of Tijuana, two former state prosecutors and more than a dozen active and retired federal police officials.

TRADE PACT HELPS ALL ENTREPRENEURS

Law enforcement officials say more and more drug cargoes are moving through Mexico into the United States as part of the widening flow of legal commerce between the two countries.

Clinton Administration officials insist that the 19-month-old trade agreement has not quickened the flow of drugs through Mexico. But United States Customs Service officials acknowledge that the smugglers are moving more of their drugs into the United States taking advantage of rising truck traffic and a falling rate of inspections.

[From the New York Times, July 31, 1955]

TO HELP KEEP MEXICO STABLE, U.S. SOFT-PEDALED DRUG WAR

(By Tim Golden)

Concerned for Mexican stability and the fate of the North American Free Trade Agreement, officials said, the United States often exaggerated the Mexican Government's progress in the fight against drugs, playing down corruption and glossing over failures.

Above all, though, American officials said they were kept in check by the desire of the Clinton and Bush Administrations to keep problems of drugs and corruption from jeopardizing the trade accord and the new economic partnership it symbolized.

"People desperately wanted drugs not to become a complicating factor for Nafta," said John P. Walters, a senior official for international drug policy in the Bush White House. "There was a degree of illicit activity that was just accepted."

Mexican and American officials also acknowledged that at least half a dozen top-level traffickers, including the man now considered Mexico's most powerful cocaine smuggler, Amado Carrillo Fuentes, were arrested during the Salinas Government and quietly freed by corrupt judges or the police.

A MODEST INCREASE IN THE MINIMUM WAGE WOULD BOOST THE ECONOMY

The SPEAKER pro tempore (Mr. METCALF). Under a previous order of the House, the gentlewoman from North Carolina [Mrs. CLAYTON] is recognized for 5 minutes.

Mrs. CLAYTON. Mr. Speaker, I was troubled, although not surprised, recently when I learned of the plans of a company in my district to relocate certain of its production to other places and to eliminate or relocate about 1,000 jobs, over a 5-year period.

The downsizing of this plant is part of a disturbing trend that is sweeping the Nation.

According to recent, credible news reports, across America, corporate profits are soaring, while wages remain stagnant and consumer spending continues to slow. Despite profits that are at a 45-year high, Businessweek magazine reports that a "hard-nosed, cost-cutting philosophy * * * has spread through executive suites in the 1990s."

Although the fine details surrounding the company in my district's decision have not been revealed, a press release from the company indicates that their goal is to ensure the "supply of the highest quality medicines in the most cost-efficient manner." The press release also indicates that many of the operations at the plant "will be transferred to other sites around the world."

Far too often these days, the need for greater efficiency and the consideration of other locations has meant that corporations have sought cheaper labor venues.

The Businessweek article recounts the decision by a company, founded and based in Milwaukee since 1909, that decided to move 2,000 jobs to other States where lesser wages could be paid.

The Washington Post made findings similar to Businessweek in a recent, published article. Citing data from the Bureau of Labor Statistics, the Post confirmed that productivity and profits are rising, but workers pay and benefits is the smallest since 1981.

According to the Post, workers pay has "been falling on an inflation-adjusted basis for nearly 20 years." It is understandable that business would seek to be more competitive by cutting costs and reducing payrolls. But, this approach can be short-sighted with other considerations.

The Post article quotes Labor Secretary Robert B. Reich, who observed that, "workers are also consumers, and at some point American workers won't have enough money in their pockets to buy all the goods and services they are producing."

Ultimately, the operations at the plant in my district and others that produce the various products, are financed by the very workers who now face job loss and relocation.

The gap in income is growing between those who have a lot of money and those who have less or little money. That is unacceptable.

According to an earlier article in Business Week, the income gap "hurts the economy." Almost half of the money in America is in the hands of just 20 percent of the people. That top 20 percent is made up of families with the highest incomes. The bottom 20 percent has less than 5 percent of the money in their hands. A modest increase in the minimum wage could help the bottom 20 percent, and, it will not hurt the top 20 percent.

But, more importantly, a modest increase in the minimum wage will result in increases in other wages, and ultimately a lifting of the standard of living for all workers, a narrowing of the income gap between the very rich and other Americans and a boost to the economy.

The Department of Labor's Bureau of Labor Statistics recently released a report entitled, "A Profile of the Working Poor, 1993." In that report the Bureau found that in 1993, 1 in 5 or 8.2 million of the 40 million people in poverty in this Nation, had a job.

The study further pointed out that the poverty rate for the families of working people in America is 7.5 percent, a rate that has been increasing over the past 4 years.

Most disturbing, children, according to the report, were present in 85 percent of all poor families with at least one worker.

Between 1980 and 1992, income for the top 20 percent increased by 16 percent. During that same period, income for the bottom 20 percent declined by 7 percent. For the first 10 of those 12 years, between 1980 and 1990, there were no votes to increase the minimum wage. Without an increase in the minimum wage, those with little money end up with less money. That is because the cost of living continues to rise.

Mr. Speaker, that amount of money makes a big difference in the ability of families to buy food and shelter, to pay for energy to heat their homes, and to be able to clothe, care for and educate their children. That amount of money makes the difference between families with abundance and families in poverty. An increase in the minimum wage would not provide abundance, but I can raise working families out of poverty.

An increase in the minimum wage can be the kind of spark the economy needs to get moving again.

It makes little sense to discuss welfare reform when working full time does not make a family any better off than being on welfare full time. Work should be a benefit. It should not be a burden. Work is a burden when, despite an individuals best effort, living is an unrelenting, daily struggle. Work is a benefit when enough is earned to pay for essentials.

In addition, a recent study indicates that job growth in America is lowest where the income gap is widest. Closing the gap helps create jobs rather than reduce jobs. Those who argue that an increase in the minimum wage will cause job losses, fail to look at the facts. The fact is that not increasing the minimum wage has caused job losses.

Mr. Speaker, there are 117,000 minimum wage workers in North Carolina. Those workers are not just numbers. They are people, with families and children.

They are farmers and food service workers, mechanics and machine operators. They are in construction work and sales, health and cleaning services, and a range of other occupations. Their families helped build this Nation, and they can help rebuild it.

They do not need charity, they need a chance. A chance is a modest increase in the minimum wage. We should reward work, Mr. Speaker, stimulate the economy and and lift this Nation up. We have time for Waco and Whitewater, let us make time for wages.

TRAVEL EXPENSES AT THE DEPARTMENT OF ENERGY

The SPEAKER pro tempore. Under the Speaker's announced policy of may 12, 1995, the gentlewoman from Washington [Mrs. SMITH] is recognized for 40 minutes as the designee of the majority leader.

Mrs. SMITH of Washington. Mr. Speaker, I yield to the gentleman from Ohio [Mr. HOKE].

Mr. HOKE. Mr. Speaker, I very much appreciate the gentlewoman from Washington yielding so I could finish what I tried to start earlier with respect to just talking about some of the problems that have been exposed in the Department of Energy and Secretary O'Leary's travel. What I was saying before is that the Secretary has demanded that 23 of the DOE program offices each advanced moneys from their program budgets to pay for at least two of the invited delegation members on a trade mission to South Africa. These are for non-DOE employees. In many cases those moneys are then reimbursed back, not to the program departments, program offices, but directly to the Secretary of Energy, and the GAO has come out with a report that indicates the impropriety of that and that that is not the way that the program money is supposed to be spent. I am going to talk a little bit more about that in a moment.

The per diem cost on this trip that is coming up August 18 for 6 days where there are going to be some 47 people going on this trip, the total cost of this delegation's trip is $700,000. Now there are 35 individuals planning to go to South Africa separately from the official delegation from the Department of Energy, 28 in advance, 7 separately. This is down, by the way, from 51, Mr. Speaker. There were going to be 51, but apparently, due to some criticism that has been levied from the Congress, it is down now to 35, and they are going to go for and spending at least 2 weeks in the country in advance doing advance work for reasons that are not completely clear. That raises the overall cost of the mission to approximately $1.2 million.

Well, what is wrong with that? Well, first of all, let us look at the justification that the Secretary has made for a previous trade mission. She claimed that she has gotten $19½ billion in business for U.S. firms as a result of that. Almost all of these claims were based on memoranda of understanding and letters of intent, not on actual contracts. Actually the DOE has not provided any accounting that shows that there are actually signed contracts, and frankly it begs another question, and that is would these firms have made these agreements otherwise? Would they not still have gone to contract this business? Would they not still be interested in creating these relationships? I would certainly think they would.

Second, the DOE inspector general conducted an audit of two of Secretary O'Leary's previous trade missions and found problems with respect to managing the cost of DOE international travel and recouping the costs associated with non-Federal passengers. Let me give you what the four suggestions were from the Inspector General, the IG.

First, prepare formal procedures for acquisition of international air services including a clarification of responsibilities for all interested parties.

Second, implement full cost-recovery policy for non-Federal passengers as provided for in 10 C.F.R. 1009.

Third, establish a procedure which insures that the Department collects passenger air fares before the trip occurs.

Fourth, establish accounts receivable for non-Federal passengers on the India and Pakistan flights and aggressively pursue collection of air fare costs from those passengers.

Well, those four steps have not been taken. There does not appear to be any plan to reimburse the program offices that fronted the money for the South Africa trip. In fact, this has been the problem with previous trips, the previous trips to India and to Pakistan. As the money being transferred was properly authorized and appropriated by Congress, I find it extremely troubling that funds that have already been obligated are now being redirected without any congressional consultation or approval. While it would be easy to dismiss that as an oversight by DOE, unfortunately there is a long history of congressional concern regarding DOE's reprogramming practices.

And lastly, Secretary O'Leary has proposed a substantial reorganization of DOE, and that is to her credit. I would eliminate DOE completely, but she has proposed a substantial reorganization of DOE with significant numbers of Federal jobs being eliminated, and at the same time it seems extremely strange that the Secretary is mounting an extensive international expedition with already strained program offices bearing the burden of the costs.

According to the L.A. Times, Mr. Speaker, the Secretary has spent more on her travels than any of her Cabinet colleagues. She stayed in higher-priced accommodations using more expensive flight classes and more expensive with the very, very high-security details as a result of that. Secretary O'Leary is always accompanied by large entourages on these trips.

Now the last thing that I want to do, and I guess my main concern in sharing all of this, and I do not want to use up any more of the gentlewoman's time, and I appreciate her giving it to me, is that it seems to me there is a real problem with respect to an abuse of the travel accounts at the Department of Energy, and somebody has got to blow the whistle. A senior DOE official provided me with the graphics of a T-shirt that Secretary O'Leary was going to distribute to each participant of the South Africa trip that was created at the Department of Energy on a Department of Energy computer. I understand that they have been working furiously all day to vet or to purge the computer of this work so the graphics would not show up, but it was designed and was going to be created and purchased at taxpayers expense. I think that it appears now the Secretary's office has canceled the T-shirt order, and, if I have anything to do with that, I am glad of that.

Obviously creating some T-shirts that look like a rock concert is not the issue. The issue here is that there is an arrogant and flagrant abuse of taxpayer dollars with respect to travel expenses at a time that those programmatic moneys are being taken out of the area that specifically insure the safety and the safeguarding of our nuclear programs in the Department of Energy.

☐ 1900

Mrs. SMITH of Washington. The gentleman is making an example that is pretty flagrant, but people around America see these things. They live and they see and they hear their neighbors talk about these things, and I think it makes sense, then, when we see the polls that we just saw that came out in the last few days, a bipartisan pollster took a poll on the confidence in government, and, basically, we flunked. Seventy-five percent of the people do not trust government, whether it be politicians or whether it be these agencies. They see things like this and they feel robbed.

We have to do what the gentleman is doing. We have to dig it out, we have to make it public, and we have to change the old ways.

Mr. HOKE. What is unfortunate about this is that this was shared with me by a top official in the Department, and now they are scrambling like crazy. They are probably watching this very broadcast and saying, "Oh, my goodness, what will we do next?" What they have done is purged their computers. They have canceled the orders. I think that is great, but they will try to hang one DOD staffer out to dry, cover the whole thing up, and claim the Secretary knew nothing about it and had nothing to do with it, and that this was strictly the idea, independently, of one person. I thank the whistleblowers in our Government.

Mrs. SMITH of Washington. Mr. Speaker, the gentleman has really brought into focus what we wanted to talk about tonight, and that is confidence in government.

There are several Members of Congress that have been working on building confidence in government now for several weeks, in fact, clear from last December, when many of us were elected, and we have this knowledge that people do not trust this place of Congress because of the practices, and yet we watch us do so many things. The people have watched us do so many things. At first, we opened up hearings that have never been opened. We stopped proxy voting. That is where a Member sends a pile of votes and lets someone else vote for them. Good representation, is it not? We decreased the size of staff here so people are not drafting legislation that have very little to do with it and then policymakers come out here and run somebody else's legislation.

Mr. Speaker, we also got the amount of cost of this place down, and yet the poll comes out and 75 percent of the people still do not trust us. I think it is because every day there is a new report on a trip one Member took to one warm place in the middle of winter, or a gift that they received, or a report on something like the sugar lobby, about who got the most money from the sugar lobby, or, last week, the report came out on who got the most money from the tobacco lobby, always assuming if we vote a certain way, we voted that way because we got the money.

Now, Mr. Speaker, that is clearly not true with everyone on every vote, but it is awfully hard to keep a straight face and convince the American people that the money is not connected to the vote.

We resolved finally, a group of us, that we would have to draft something that was clean, honest with the American people, honest with the incumbents that are here, treating them with respect, but that worked, and we drafted the Clean Congress Act, 2072. At first, we tried to reduce contributions from special interests, but everyone said why leave anything? Then we tried to raise contributions for individuals to balance, and they said, "Oh, good, now the rich control campaigns." It always came back to one basic premise: We needed to get groups out of D.C. and close the checkbooks; literally stop any checkbook from being opened in Washington, DC., and drive the campaigns back home.

PACs had a good original purpose, but they have been perverted from the very beginning from their purpose. We find that what happens now is the very best people come here, often running against those that got their money from PACs. A lot of freshmen did this year. They get here and they have had a PACs spending war, because the incumbent they challenged was funded by PACs.

Mr. Speaker, these Members get here with debt. They are here 80 hours a week. They get to go home to their home district maybe on the weekend, because we vote the rest of the week, and we throw everyone into a system of paying off debts with PAC money and then we turn around and we have a new opponent that is raising PAC money, and so it goes, and so it goes.

Good people come here with good intentions, and it is like swimming in a polluted lake. We just do the best we can with the system we have. We decided to drain the lake. We realized that most people are in the middle of a campaign right now, and that campaign started the day after most of us were elected, with often our prior opponents announcing they were running against us again and they started raising PAC money to get us out of office.

We cannot lay down our arms in the middle of a war. That would not be bravery, it would just be stupidity. We do say that at the end of this campaign cycle, we want everyone to disarm at the same time and send the campaigns home. Do not take money from anybody outside our State. Groups can organize still, even put together their groups and call them PACs, they just cannot give money to Federal candidates. We want to drive campaigns home.

Mr. Speaker, I want to show you just a couple of charts that show why it is so vital. It used to be PACs played a little bit in the race, to let some of the groups that had a little more trouble become a part of the political system. Over the last 10 years especially, however, we have seen an elevation of PACs that totally excludes the individual and leaves the individual as a minor player instead of a major.

The total PAC contributions have gone from right at 80 million, less than 80 million in 1984, to 132 million this last campaign cycle. This is just to the House, not the Senate. If you start looking at what people started raising in January to pay off debt, especially these new Congress people that ran against PAC kings and queens, who raised millions before they even filed against them, they are paying off debt. They have to clean up their old campaign, and they are facing a new person who is adding to that level, too.

Mr. Speaker, some will say let us just change the numbers and leave it here; let us continue to get money from groups and just change the numbers a little bit, or from larger individual contributions. I will tell you, however, to look at what it does. Incumbents get over 53 percent of their money from PACs. That is not including the wealthy. That is just PACs. Excuse me, 43 percent; 53 percent from individuals. Not quite half and half. 2½ percent or so from parties.

Challengers, on the other hand, have to raise over 80 percent of their money from individuals. That sounds pretty good to me, if it was on both sides. In PACs, they get 11 percent. Now, do you wonder, and it is no wonder, that challengers have had a tough time getting through these doors? The fluke of last year was the people getting fed up. Will they stay fed up to that level? Probably not. They get weary.

Mr. Speaker, they kicked a lot of old-timers out. Sorry old-timers listening on the screens, but last year they put in new blood. Should the new blood have to swim in the polluted lake? We advocate no, and so we are asking the American people to join us. We are going as a delegation to the United We Stand Conference next month, or this month, on the 12th. We are presenting the challenge to the Nation through that group.

This group is organizing around the Nation. We have pulled in other good government groups and grass roots groups all over the Nation, and we are raising the voice of the American people. If you want to raise your voice with the American people, whether you are Members in your offices or others listening, join us in supporting 2072, but at least become a part of the voice. If the American people do not speak out and say this is enough, then it will be the same next campaign, and the next campaign, and we will build a new generation of PAC kings and queens.

I would like now to yield, Mr. Speaker, to CHARLIE BASS of New Hampshire, a gentleman who is also moving in this area, working on campaign reform, and I think you have a plan to try to move campaigns back to the State, too.

Mr. BASS. I thank the gentlewoman from Washington [Mrs. SMITH] for yielding to me, and I want to commend her for the courageous effort that she has made as a freshman Member of Congress to swim against a tide of incumbency.

I said many times during my campaign last year that there are really three parties in Washington, Republicans, Democrats, and incumbents, and the incumbents is the largest party of all. I think on November 8 many of us who did not take any significant amount of political action committee money showed that we can make a difference here in Washington. As one of those new Members of Congress who is here today, and proud to be here, I want to create a Congress that the American people can be proud of, a Congress that is elected by people and supported by people from Members of Congress' districts.

I also want to commend the gentlewoman for standing up here tonight and bringing to the American people the need to reduce the influence of special interests, to require that campaign funds come from a candidate's own district. I am here tonight to discuss with you, also, an idea I have thought about for many years, as one who has sponsored legislation in my own home State to limit campaign spending overall, to limit the influence of special interests in my own home State, and to establish, among other things, a legislative Ethics Committee to limit independent expenditures.

Mr. Speaker, I feel that we ought to be returning some of the power to qualify Federal offices to the States, and it is my intention in the coming week to send out a "Dear Colleague" letter to my friends asking them if they would be willing to join me in an effort to repeal the provision of the Federal Election Campaign Act, which preempts all State and Federal regulations for Federal officeholders.

The effect of this repeal would be to give States, such as New Hampshire or the State of Washington, or, for example, the State of Indiana, which currently has a law on its books that says that anyone who contracts with the State cannot contribute to candidates, or lobbyists cannot contribute to candidates. If that is what the people in Indiana want to do, they should be able to do that.

We are in a Congress now that says that we ought to give States more rights. We have a new attitude here that says that local control is better. I feel that the people and voters of New Hampshire or any other State in this country should be able to set the qualifications and determine spending limits, determine other limits, as long as they are more stringent than the Federal limits, and enact those laws and have them apply to candidates for Federal office.

Mrs. SMITH of Washington. Mr. Speaker, I understand the gentleman intends to distribute that this week. That means all the Members listening would have a chance to take a look and sign on. I know that I certainly will look at anything seriously and get it moving that returns power to the States and gets those campaigns back into the streets of the States where we come from instead of the side rooms or the side cafes and rooms around this place.

Mr. BASS. Mr. Speaker, if the gentlewoman would yield back, nothing that I would envision by repealing this preemption provision, which, by the way, is only three lines long, would in any way affect any laws we made here in Washington to restrict the influence of political action committees and so forth. It would allow the States, however, to go farther than anything we decided to do here in Washington.

Let me point out that in a State like California, and my colleague here is from California, lives in the State of California, and they have different conditions, different populations, different numbers of Members of Congress, a larger delegation and different demographics, it may be different from Alaska, where there is only one Member of Congress in a huge and rather less populated State, or my home State of New Hampshire.

We established campaign spending limits in New Hampshire. I think we were the first in the country to do so after the Buckley-Valeo case in 1972, which outlawed campaign spending limits, and now other States have adopted. Vermont, I think, Arizona, and other States. I think these new laws should apply to Members of Congress as well as State officeholders. They do, in effect, apply in a de facto sense because nobody has challenged these new laws.

I think if we were to repeal the Preemption Act, then we would allow the States to have more control over the people they send to Washington and not center all the control of the Federal election process in one place, Washington, DC. It is time we turned that trend around, and I thank the gentlewoman from Washington for yielding to me.

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Mr. HORN. Mr. Speaker, will the gentlewoman yield?

Mrs. SMITH of Washington. Mr. Speaker, I would be honored to yield to someone who has worked on this long before me, but been very serious about the battle.

Mr. HORN. I commend you, as did my colleague, for the eloquence and energy that you bring to this project. It is going to take a lot of that and we are going to need a lot of allies. I think you are absolutely right. Our problem with government is too many people are running the government, be it the executive branch or Congress over the years, based on public opinion polls. They have not sat down to think, as the gentlewoman has, with the climate of distrust for representative government, which is shocking, that we have got to deal with the real problems. And the real problems are exactly what the gentlewoman is talking about: Overuse of money and its influence in American politics.

Now, the Republican Party grappled with this in the 103d Congress, and we came forth with an excellent proposal. It banned PAC's, it banned soft money, that money from labor unions and corporations, organized groups, that go to the political party to conduct registration drives, administration of their own operations. It also said raise most of the money in your constituency.

Now, those fundamentals I think are basic, and I think most of us would agree with that. The argument comes, do you do it at the three-fourths level, the majority level, or whatever.

I had an opponent last time that raised 1 percent of his money in the 38th Congressional District in California, and 99 percent of his money in the east coast, Midwest and other parts of California. I do not think that is good for representative government. If your local citizens cannot back you, why do we expect others to back us except for one reason, that they can get their agenda through you imposed on the legislative process.

Mrs. SMITH of Washington. Mr. Speaker, I was trying to explain to one of the major news magazines today what was bothering me about this place and why I wanted to change it, and I finally came to a cultural issue. That sounds odd. I said I want to change the culture. The culture becomes centered on Washington, DC, and people do not have to go home after a few years, because they become a chair or they meet enough of the special interest groups, and the money kind of comes in after you are elected.

So what this will do, if you take any versions of this, the one they introduced last year, eliminating PAC's, making it all come from people mostly in your State, or all in your State, I prefer all in your State obviously, but it changes the culture, because instead of us fighting the war here we move it back into the streets of America, the war of public opinion, I cannot stay here next year if I want to run for office if my opponents are at home raising money, and I cannot raise it here anymore. It will drive the incumbents back home. You will not have people just staying here.

What a wonderful thing for America when America's people reclaim the political system. Will it not be great to see some people who have not had to go home but once every 2 months or so, and then for special things, have to go back and explain votes? I am talking about this whole place. I know Members who say they go home every so often. They have been here long enough, they do not have to do that anymore. That is a serious statement, do not have to do that anymore.

Mr. BASS. Mr. Speaker, I am taken by the comments of my colleague from California about sources of income. I think the gentleman makes an excellent point. If you received 2 or 3 percent of the money from your district that you run on, and it is a high dollar campaign, who do you really represent? Who do you really represent?

That is what is so cancerous about this system. If all the money comes from the Route 495 Beltway or some big metropolitan area where there may be some special issue, the key here is you ought to be accountable to the people who sent you to Washington. Those are the people that really count, and there is nothing wrong with that. There ought to be limitations on sources of income, and that ought to be one of the highest priorities of this Congress in campaign spending reform.

The gentleman from California could not have done a better job in illustrating that. From my own perspective, I have a similar experience in that my opponent's funds were less than 10 percent from the whole State of New Hampshire, and I think that was made very clear that there was some question as to the quality of that representation. I think the gentleman, talking in his own home State of California, makes an equally good point.

Mr. HORN. If the gentlewoman will yield a moment, the other thing you started on, you are quite correct, what is the cancerous decay.

Even though these are all wonderful people, all nice people, and they are doing wonderful things, but when you raise the money as easy as it is when you are a committee chair, when you are a ranking minority Member, when you are in a position of influence and you come to Washington, as you both have suggested, and every night of the working week you can either go to the Democratic National Club or the Republican Capitol Hill Club, and you will find it $500 a clip, not just once a year, but now increasingly four times a year, and if you are a committee chair in the last Congress, Democrat-controlled, or this Congress, Republican-controlled, it is $1,000 a clip.

Who is bringing those checks? The PAC people. Are they based in your district? No. They might have a plant there, but most of them that show up do not have a plant there, because you sit on the right committee that affects their livelihood, be it agriculture, be it commerce, be it banking and financial institutions, whatever it is. And so they say, if you talk to the PAC representative, why are you doing it, they say, gee, if I do not do it, I will not have access and I have got to be able to get my message over.

That is a pretty sad commentary on representative government, if you have got five hundred a crack on a quarterly basis or one thousand a crack, in order to have access to get your message across.

Mrs. SMITH of Washington. I think the point is I do not believe that most people just say well, you did not give me $1,000, so you do not have access. I think what happens is everyone thinks that. So now some might be playing hard ball and saying "Do not even come see me if you do not bring money." That is the exception. The American people think that is how it operates.

But it has it started to be that is they do it because someone on another issue might counter you, and if you do not do it, what if they do it, and it becomes a spending war here.

In Washington State, when I first arrived, it bothered me there as much, and I was in the State legislature, as it is doing here. I realized they had fund raisers immediately before a session, even though they did not have them officially during the half year or so they were in session. They would have them and just back people up into these huge rooms and continually, several a night, raise money. They had office funds, which is where the gifts were put, and that is the money they could use for stereos and things like that, then they would have campaign funds. And every chair kept track of who came and who did not come, and it was pretty blatant there. I do not know if it is here or not, but the American people perceive both as disgusting.

It took me actually 4 years of trying with the legislature, to finally have an initiative. I abolished office funds, removed all fund raising where we vote, which is what I would like to do here, stopped any kind of transfer of money from one candidate to another, forced the special interests, our Supreme Court is a little different, more liberal, and our Constitution is, to very small amounts of contributions, literally took them out of power in 2 years, and returned it to where grass roots candidates flipped the legislature to beat nearly 60 new people in 1 year, and there are only 98.

So what happened is people, when they had a chance, they came in. But it was impossible. For 40-some years it stayed about the same. In fact, the Senate stayed in party control for 42 years with no change, somewhat like here. And what happened is the place became so ingrown, the staff was ingrown, it is a terrible terminology, that staff actually drafted bills, they became so powerful. When the Chair was there so long, they did not have their own ideas, so staff came in. They became powerful. The whole place separated more and more from the people.

The moment we removed the money, within 2 years the whole place flipped, and a whole bunch of old-timers did not like the idea of running without money, and a bunch of challengers said "We have the chance." They hit the streets in the most vibrant campaign cycle we ever had.

Mr. HORN. If you will recall, a few years ago Members in this House were able to retire and take the campaign fund they had in their bank account with them. In some cases, that meant they could take $1 million into retirement. That no longer can be done. Congress finally faced up to the idiocy of that operation.

But you mentioned these office funds at the State legislature. One of the things eventually we are going to have to deal with, and I am going to put in a bill this year on that, among other things we are all going to do, is dealing with leadership PAC's, where whether it be the other body in this Congress, or this body, regardless of party, you have major leaders with PAC's that they have built up. That is why some of them are major leaders. That is why some of them 5, 10, 15 years ago have been major leaders, or Lyndon Johnson in the 40's and 50's, is they raised the money in their State, they doled it out to the Members, and, guess what? The Members that they doled it out to just happened to vote for them when Congress reconvenes and chooses its leaders. That is a further influence of money that often overcomes talent.

Mrs. SMITH of Washington. You, know, we saw that in the State. They would have these big fund raisers, and actually the special interests did not want to take on another incumbent, so what they would do is give a whole lot of money or channel from their membership a whole lot of money to one member who they would like to see as a chair of a committee or some leadership. They would then take that money and give it to someone else, not only for their own benefit, but to launder the money. So that they did not have to worry about that PAC. If they lost this bet on that particular raise, they did not have to worry about them getting mad, and they would play both sides.

Mr. HORN. That is exactly what happens nationally as well. It is the old line of a lobbyist, the railroad owner in New York 100 years ago. He said when I am in a Democrat's district, I am a Democrat. When I am in Republican's district, I am a Republican. But I am always for the Erie Railroad.

That is what is really gets down to. They are always putting their agenda first. if we do what you and CHARLIE BASS and I and others are suggesting, let us get that back to the district. Then it is the district's agenda, which is what representative government is all about.

I found it sort of ironic, I have not taken PAC money in either the 1992 campaign when I was first elected or in 1994. It is sort of humorous. Out of the blue came $20,000 in PAC money, which the campaign manager, my son, immediately sent back, and just explained we do not take PAC money.

People could not believe it. There is about 35 of us in this Chamber, maybe with the freshman now 40, that do not take PAC money. That is 10 percent of the House, including Members in both parties, about equally divided. We have got to encourage others to do the same. One of our problems is the Supreme Court of the United States, which might say you cannot ban PAC money. Those people have a right to give all they can.

Well, I think that is personally nonsense. I think Congress ought to be able to cap the amount of money, either individuals give, which we do, and the amount of money PAC's give, which we do. Now, the question would be, if we are for banning PAC's, do we have to let them give just $1,000 at most to get by the Supreme Court. I think we also ought to limit what individuals can spend of their own money.

Mrs. SMITH of Washington. Buckley versus Valeo is a decision that both at the State level, and I had one Supreme Court case against our initiative, and won, by the way, in our State, and they used Buckley versus Valeo, and there are some State supreme court decisions.

You have to really watch that and decide whether or not this Supreme Court would look at it the same way, and whether they would decide allowing them to go ahead and organize, so you do not remove their ability to associate, and spend within their group, if that would satisfy now. Because if you look at the language, it was pretty squishy total to begin with. And we have a new Supreme Court. We also probably, to be a little safer than totally banning PAC's, letting them organize, work within their Members. We do not remove their ability to associate and we do not remove their ability to participate. That seems to be an easier place to be with a constitutional challenge.

But we do have to wrestle with this, and I think we the Congress should set the best policy we can to clean up this place, do the best job we can, bring all of our ideas together, and run with it.

Now, we are taking a plan to Dallas this month and we are taking it to groups all over the Nation, and we are just saying we want to call a truce next November. We want it to be over. We want this place to have no more special interest money, and we want to work on that direction. But so many people are coming up and saying we can make it better. And I think this place had better work in honesty with the American people and come out with something good, or we are going to face next November's election with people going, "This Congress was just like the other Congresses," and we are not just like the other Congresses. We have done some revolutionary things.

But when you throw a little dirt in the barrel, it makes the whole barrel look dirty, even though you know it is cleaner. It still looks dirty and we need to get rid of that dirt.

Mr. HORN. You are absolutely correct, because unless we do, everything we do will be called into question, when it simply is not true. I think if we treat the voters as they are, intelligent, thinking, human beings, I have always found you get an excellent response. If you level with them, tell them what the problem is, just as you are leveling with them, and saying "Look, we know it is a problem. We want to do something about it."

What galls me when I hear some of our colleagues on the floor talk about the gift ban, but they are taking PAC money practically by the wheelbarrow fulls, we ought to combine both, the gift ban and the ban on PAC's or severely limiting PAC's.

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And then let us get that package before the House and let us see if some of those gift ban people are quite willing to give up their several hundred thousand dollars of PAC money for their $50 gift ban.

Mrs. SMITH of Washington. I looked at a lot of the bills when I first got here thinking, I do not care if they are Democrats or Republicans, I was a Democrat 30-some years and then a Republican after that, lesser time, and my husband says, "Honey, you're not born a Democrat; you're not born anything."

But at 32 I changed. And I looked at all of them thinking, there has to be something good in there. I found holes big enough to fly a 747 bound to a warm place paid for by a lobbyist in it. They were using them for political tools.

I looked at one we faced on the first day. They had left trips. They just called them fact-finding trips, but if you looked at it, not only did they leave trips, they left trips for their wife or husband. They left trips for their staffs. Those are the big gifts. So they did not even deal with gifts. They had 20-some pages of exceptions, then they played around with whether you could eat a hot dog with a lobbyist. I do not give a rip if they eat a hot dog with a lobbyist. I care deeply about them going to Mexico to check something out. And we all know Americans go to Mexico.

So they have played games long enough. The American people do not trust us. So we do have to come out with a package. And 2072 says no gifts, no trips and no money from any special interest group here, only people from your States.

People are saying, why do you not just let people give you money here? Because lobbyists are people, wealthier people. And Bill Gates, bless his heart, he can give everybody here as much as we would want, it probably does not even affect him. So we can shift it to individuals and say, let us just let individuals take everywhere, go ahead and give everywhere, but those individuals will shift right into this place and instead of having lobbyists fund raisers or PAC fund raisers, we are going to end up with large donor, trial lawyers for certain people, medical for other people, they are going to move in with large, large checks. And the influence is going to stay here. So we have to move it out.

Mr. HORN. On that very point, I mentioned the Republican bill we brought to the floor in the 103d Congress. We had a compromise bill also that we tried to get to the floor. The Democratic bill came in where they want the public to pay for their campaigns. The Republican bill came in, no PAC money, no soft money, raise most of it in your district. But the so-called Synar-Livingston bill, Mike Synar, then a Representative from Oklahoma, now suffering some ill health, was the leader on it with BOB LIVINGSTON, the chairman of our Committee on Appropriations now. And there were eight others of us that did not take PAC money, generally, that were on it.

And what he did was cut PAC's down to $1,000 from their current $5,000 in the primary they can give you and $5,000 in the general election. He cut them down to $1,000, and he cut the present maximum of $1,000 from an individual down to $500 and felt that was par and that would pull back both of them, a little bit of nuclear disarmament, as you have been talking about. Of course, what happened was the Democratic leadership knew we could get that passed in the House.

Mrs. SMITH of Washington. They were not real serious.

Mr. HORN. And they would not let us get to the floor and the Democratic-controlled Committee on Rules refused to let us have a vote on Synar-Livingston. And obviously, I think we could have passed that. I think enough Democrats who were holding out for the public financing and did not like the complete abolition of PAC's would have bought that package. But they would not even let us vote on it.

Mrs. SMITH of Washington. I think it points to the fact that many people here over the years know what the American people want. And they want this place cleaned up. But they are not real serious about doing it. But they want to make it look like they are trying. When I got done looking at all the proposals that were being floated out, so many of them were a game.

I want to thank the gentleman for joining me.

Mr. HORN. I thank you for your leadership in this area.

Mrs. SMITH of Washington. We will work together and we will make it happen with the people's help.

CUTS IN INDIAN HOUSING IN THIS YEAR'S VA, HUD APPROPRIATIONS BILL

The SPEAKER pro tempore (Mr. METCALF). Under the Speaker's announced policy of May 12, 1995, the gentleman from American Samoa [Mr. FALEOMAVAEGA] is recognized for 60 minutes as the designee of the minority leader.

Mr. FALEOMAVAEGA. Mr. Speaker, as ranking member of the House Subcommittee on Native American and Insular Affairs, I want to speak to the Members of this body about the real impact that the fiscal year 1996 VA, HUD appropriations bill—which we passed last night—will have on this country's first people, the Native Americans. I want to talk about how Native American tribes and their members remain among the poorest rural people in this great country; how they continue to live without safe, decent sanitary housing; and how the housing situation they find themselves in today is both scary and tragic.

In 1990, the Bureau of Indian Affairs found that more than 55,000 new homes were needed in Indian country and that more than 35,000 homes needed extensive repairs. This was more than 5 years ago and knowing that this body allocates less than 3,000 units per year to Indian housing, it is highly unlikely that this acute need has diminished since that time. In addition, the figure that I have just mentioned does not account for the thousands of Native Americans who live away from their homelands but would return if they could be assured that they would find a home upon their return.

The 1990 U.S. Census has found that Native Americans living in rural America have the highest percentage of homes without complete plumbing, more than any other population group in the United States. More than 12 percent of Native Americans living in homes in rural areas, which includes Indian reservations and communities and Native Alaskan villages, live without running water and flush toilets—amenities which most Americans take for granted.

The 1996 VA, HUD appropriations bill cuts funding for new Indian housing starts by 61 percent. While in fiscal year 1995 Congress provided the Department of Housing and Urban Development with enough funding to construct 2,820 new Indian homes, the fiscal year 1996 budget will enable HUD to build just 1,000 new units. In addition, the bill cuts funding to operate Indian housing authorities by 14 percent, and funding for the modernization of Indian housing by 33 percent. Indian housing authorities manage HUD's Indian housing programs and throughout Indian country are the major providers of housing to Native Americans. When funds are cut to Indian housing authorities, we are literally denying homes to thousands of impoverished Native Americans. In other words, we are denying them the right to live as the rest of us.

Private financing has not yet arrived in Indian country. Due to a complex system of trust land provisions, and BIA title record keeping, as well as an absence of appropriate financial markets, private lenders have not moved into Indian country. If private lenders are not present and Federal funding is being sharply reduced, how do we plan to house the thousands of Native Americans living on reservations and communities who need housing? Does this body propose to let them continue to live impoverished forever? America's first real contract with its citizens was when the Federal Government signed the first treaty with an Indian tribe. The more than 550 Native American tribes and their members constitute America's first people and it is about time that we begin to live up to the treaty obligations—such as decent housing—that we owe them.

CALLING FOR A CESSATION OF FRENCH NUCLEAR TESTING IN THE SOUTH PACIFIC

Mr. FALEOMAVAEGA. Mr. Speaker, last month, French President Jacques Chirac announced that France will abandon the global moratorium on nuclear testing and explode eight more nuclear bombs in the South Pacific beginning in September. Chirac said that the eight nuclear explosions—one a month, with each up to 10 times more powerful than the bomb that devastated Hiroshima—will have no ecological consequences.

Mr. Speaker, I cannot comprehend how President Chirac can say with a straight face that setting off the equivalent of 80 Hiroshima bombs—1.2 million tons worth of TNT—in a short time on the tiny coral atolls of Moruroa and Fangataufa will have no ecological consequences. My constituents, the United States citizens and nationals in American Samoa, feel threatened by France's action and don't believe Chirac's assurances. Neither do the nations and peoples of the South Pacific.

After detonating at least 187 nuclear bombs in the heart of the South Pacific, France's intent to resume further nuclear poisoning of the South Pacific environment has resulted in a firestorm of outrage and alarm in the countries of the region, as well as with the world community.

House Concurrent Resolution 80, a measure I introduced which has passed the House International Relations Committee and which awaits floor action, recognizes the environmental concerns of the 28 million men, women, and children of Oceania and calls upon the Government of France not to resume nuclear testing on French Polynesia's Moruroa and Fangataufa atolls.

I want to express my thanks to House International Relations Committee chairman, BEN GILMAN, for his support in passing House Concurrent Resolution 80 out of committee and would also extend my appreciation to the ranking member of the committee, LEE HAMILTON, for joining us as an original cosponsor. This measure has broad bipartisan support, and I would thank the members of the International Relations Committee, Representatives JIM LEACH, HOWARD BERMAN, DOUG BEREUTER, TOM LANTOS, CHRIS SMITH, GARY ACKERMAN, DANA ROHRABACHER, SAM GEJDENSON, JAY KIM, SHERROD BROWN, and ELIOT ENGEL, who are original cosponsors or supporters of House Concurrent Resolution 80.

Mr. Speaker, when the United States stopped atmospheric nuclear testing in 1963 and initiated underground tests, it moved from the Pacific islands to Nevada. One reason for this was the assessment that fragile coral atolls permeated with water were not suitable for underground explosions.

After almost three decades of French nuclear testing in the South Pacific, involving more than 140 underground tests, French Polynesia's Moruroa atoll has been described by researchers as a "swiss cheese of fractured rock." Moruroa and its sister French test site at Fangataufa are water-permeable coral atolls on basalt, and they now contain several Chernobyls' worth of radioactivity. The great fear in the region is that if Moruroa suffers further damage, the radioactivity encased from over 100 nuclear tests would spill into the Pacific, causing unimaginable harm to the marine environment and the health of the Pacific peoples.

Leakage of radioactive waste from the underground test sites to the surrounding waters and air has been predicted, and is inevitable. It is hardly surprising that so many people in the Pacific draw a connection to the epidemic-like outbreaks in surrounding communities, with symptoms including damage to the nervous system, paralysis, impaired vision, birth abnormalities, and increased cancer rates among

Tahitians, in particular. Whether these health problems are connected to radioactive leakage or destruction of the coral ecosystem, it defies credibility to claim there are no environmental consequences to France's nuclear testing. Is it any wonder that the French Government has kept medical records at Moruroa a top secret and has permitted no long-term follow-up study of workers' health there.

Mr. Speaker, I would also challenge President Chirac on his statement that France's testing program is harmless to the South Pacific environment and would take him up on his offer inviting scientists to inspect their testing facilities. If President Chirac is acting in good faith and he wants to get to the truth of the matter, then he should have no reservations in authorizing full and unrestricted access—before the resumption of tests next month—for an international scientific mission to begin to conduct a serious, independent and comprehensive sampling and geological study of Moruroa and Fangataufa atolls. In conjunction with the monitoring, there should be a fully independent epidemiological health survey and full disclosure of the French data bases on the environmental and health effects from nuclear testing. Mr. Speaker, permission for an unrestricted and unimpeded scientific investigation has never been granted before. If French President Chirac's assertions are to be believed, then there is nothing to hide and it should be an easy request to meet.

Until we get a response, Mr. Speaker, it is interesting to note that although France has detonated over 200 nuclear bombs in the past 35 years, not one of these bombs has been exploded on, above or beneath French soil. In the truest form of colonial arrogance, France, instead, has exploded almost all of its nuclear bombs in its South Pacific colony—after being driven out of Algeria, a former colony also used as a nuclear testing dump.

If the Government of France must explode eight nuclear bombs that undermine the historic progress achieved with the recently concluded nuclear nonproliferation treaty, then it should explode its bombs on French soil. Resuming the detonation of nuclear weapons in Polynesia would make France the only nuclear power to test outside the borders of the nuclear weapons states.

Mr. Speaker, I would urge the Members of the House to adopt this resolution which sends a strong message of support for the 28 million men, women and children of the Pacific that are fighting to protect their way of life against France's colonial arrogance and nuclear adventurism.

Mr. Speaker, I also want to share with my colleagues and our listening audience throughout America, some additional developments concerning France's attempt to explode eight additional nuclear bombs in the South Pacific under the Moruroa Atoll—

Mr. Speaker, I have learned through recent media reports that some 60 parliamentarians from the nations of the Pacific, from Asia and from Europe—all plan to travel to French Polynesia to protest the French nuclear testing program which will commence next month. In fact, Mr. Speaker, the French Government has already transferred the canisters and related materials to detonate the first out of 8 nuclear bombs for the next eight months.

Mr. Speaker, it is my understanding the people and government of Germany are calling for an "intense boycott" of all French-made goods and products. Also, that a flotilla of yachts, schooners, and just about anything that can float—are all planning to voyage the Pacific and go to Moruroa to protest this immoral and politically expedient policy of the French Government to continue nuclear testing in the Pacific.

Mr. Speaker, I ask my colleagues and every good citizen of our Nation to support the 28 million men, women and children who make the Pacific Ocean a part of their existence on this planet—I ask for the goodness and compassion of the American people to support our Pacific island nations by boycotting all French goods and products that are being sold here in the United States.

Mr. Speaker, this is the only way President Chirac and has military subordinates are going to listen to the concerns of millions of people around the world. Mr. Speaker, I have nothing personal against President Chirac and his military advisers, but I am in every way against such a stupid and unnecessary policy of the French Government to explode eight more nuclear bombs in the Pacific.

As one can see on this map, Mr. Speaker—the Pacific Ocean covers almost one-third of our planet's surface. And I submit, Mr. Speaker, the Pacific Ocean is not a stationary mass of ocean water—the Pacific Ocean is a constant moving body of ocean currents that impacts the entire marine environment of every country that is part of this gigantic region of the world—this includes the entire State of Hawaii, the coastlines of the States of Washington, Oregon, and California.

Now, Mr. Speaker, let's look at the map—this is the Morurao Atoll, which is located about 600 miles from the main island of Tahiti—and on this group of islands there are some 200,000 native Tahitians and expatriates who are all French citizens, Mr. Speaker. I ask, Mr. Speaker, has President Chirac ever taken the time and courtesy to consult with the French citizens living there. Of course not, because it is my belief that even the lives and health of these people are determined by the military and President Chirac as expendable. The same way, Mr. Speaker, on how the French Government determined that the lives of some 75,000 French citizens who were forcibly deported to Nazi concentration camps during World War II. And why? Because they were expendable.

Mr. Speaker, I ask the good people of France to support the concerns of millions of your fellow human beings who live in the Pacific by telling President Chirac and his military cronies—France does not need to explode eight more nuclear bombs in the Pacific.

Mr. Speaker, despite indications that the public in France and in French Polynesia do not support French nuclear testing in the Pacific—why does President Chirac insist that France explode eight more nuclear bombs? Some say to verify the reliability of its nuclear trigger system. But Mr. Speaker, the United States has already exploded over 1,000 times—nuclear bombs to verify and to test the reliability of our nuclear arsenals. Mr. Speaker, our country has already developed the technology—we have even offered France the technology—why is President Chirac reinventing the wheel, Mr. Speaker?

It troubles me, Mr. Speaker—and what a sad commentary to make of the new leadership of France. What arrogance and total disregard that President Chirac makes of the serious environmental concerns that nations of the Pacific have had to make about the dangers to marine life and to the lives of people living in the Pacific region.

Mr. Speaker, I respectfully ask the world community and our own citizens to boycott all French goods, products, and services wherever and however such goods and products are sold in those countries, and especially here also in the United States. It appears that this is probably the only way leaders like President Chirac is going to seriously reevaluate and reexamine this most stupid and asinine policy of exploding eight nuclear bombs in order to catch up with the nuclear technology that has already been developed—and even more asinine, Mr. Speaker, is for the President of France to explode these eight nuclear bombs 15,000 miles away from French soil—and exploding these eight nuclear bombs in the middle of the largest ocean in the world—an ocean that is marine sensitive to all forms of marine life whereby the lives of millions of men, women, and children do depend upon every day in their lives.

Mr. Speaker, I make this appeal again to all Americans—make your voices heard by boycotting all French goods and products and services—send a strong message to President Chirac that his policy of exploding eight nuclear bombs is absurd and totally wrong.

French Nuclear Official Vows Safety of Tests

A senior official of the French Atomic Energy Commission told the French Parliament Defense Committee last week that, from a purely technical viewpoint, nothing prevented France from conducting nuclear tests on its own territory.

The testimony, likely to be given widespread publicity, will supply new arguments to opponents of French nuclear tests who have suggested, half jokingly, that the tests be conducted in France if they are indeed as harmless as claimed by French president Jacques Chirac.

Despite mounting international criticism, Chirac confirmed last week that France will proceed with plans to resume nuclear tests in its Pacific territories.

Japan Threatens Action Over French Test Plan

Japanese leaders have intensified protests to France over its declared resumption of nuclear tests in the Pacific Ocean, threatening that Tokyo will propose a resolution to the United Nations, send a protest flotilla and boycott French imports, including weapon systems for the Defense Agency.

Prime Minister Tomiichi Murayama said July 19 in Hiroshima that Japan, plans to submit a draft resolution to the U.N. General Assembly in the fall calling for comprehensive prohibition of any kind of nuclear detonation testing.

France Is Ready To Meet Peace Flotilla With Armada

PAPEETE, TAHITI.—France has stretched cables across the entrance to Mururoa Atoll's lagoon and installed a sophisticated security system to stop a peace flotilla from reaching its South Pacific nuclear test site.

Vice Adm. Philippe Euverte, commander in chief of the armed forces in French Polynesia, also said the French navy is prepared to send its own armada to stop the flotilla from interfering with the blasts.

He also made it clear French soldiers would be prepared to use tear gas against members of the flotilla of small boats, yachts and Greenpeace vessels planning to sail to Mururoa to protest the resumption of nuclear testing in September.

There won't be any mass invasion of the exclusion zone." Euverte said. "It's not easy to enter the lagoon at Mururoa."

More than 60 legislators from Australia and New Zealand have volunteered to join the flotilla.

Japanese and European lawmakers also will go along. Japanese Finance Minister Masayoshi Takemura confirmed today he planned to be part of the protest fleet, organizers announced in Sydney, Australia.

Some politicians have warned they will try to enter the 12-nautical mile exclusion zone around Mururoa.

"There won't be any violence used whatsoever—no more than was used three weeks ago," said Euverte, who ordered naval commandos using tear gas to seize the Greenpeace flagship Rainbow Warrior II at Mururoa on July 9.

France has two frigates, three patrol boats and several naval tugs and cargo vessels stationed in French Polynesia. The French navy could also use its powerful tugboats as a physical barrier against protest vessels.

At Mururoa and the nearby test site of Fangataufa Atoll, preparations are under way for the series of eight underground nuclear tests, due to stretch from September to May.

France said the tests will be its last.

Nuclear Plan Blamed for Chirac's Popularity Drop

(By David Buchan)

French president Jacques Chirac's decision to resume nuclear testing has now hit him where it hurts most—at home. According to an opinion poll published yesterday, the president's standing has fallen 20 percentage points in the past month.

The survey by the Ifop polling institute showed that the number of people satisfied with Mr. Chirac's rating fell from 54 per cent in June to 44 per cent this month. In his first month of office between May and June, the president's popularity fell five points.

Analysing the poll in yesterday's Journal du Dinanche newspaper, Professor Jean-Luc Parodi, a Paris political scientist and consultant to Ifop, said there was no doubt that Mr. Chirac's June 13 announcement of a final series of eight tests in the south Pacific by next May was the main cause for the fall.

The nuclear test decision was "spontaneously cited in a massive and exceptional way" by respondents to the poll, Prof. Parodi said.

Mr. Chirac insisted on June 19, and subsequently, that he would not go back on his decision to end the three-year moratorium in French nuclear testing. But yesterday's poll will come as an unpleasant surprise to the Chirac administration that had counted on French public opinion remaining immune to the foreign outcry.

France has a relatively weak anti-nuclear movement of its own and a rather distant relationship with Australia and New Zealand where protests have been loudest. But the spread of the protests to Europe, and the prospect of a growing commercial boycott of French goods and services, has now brought criticism at home.

Some respondents in the Ifop survey complained that Mr. Chirac had given little warning of his nuclear decision during his election campaign and does little to justify it since.

French diplomats are resigned to the prospect of criticism continuing over the next few weeks, first at a series of meetings in Brussels at the end of this month by the Association of South East Asian Nations, and then on the occasion of the August 6 and 9 anniversaries of the atomic bombings of Hiroshima and Nagasaki.

The Bosnian crisis does not appear to have contributed to the decline in Mr. Chirac's propularity.

But it was noteworthy yesterday that prime minister Alain Juppe, whose remit is mainly domestic policy, fared far better in the Ifop poll than his president. His "satisfaction" rating fell from 55 to 51 per cent over this past month.

A Pentagon Shell Game With Everything to Lose

(By Frank von Hippel)

Around the world, expressions of outrage have greeted French President Jacques Chirac's decision to carry out major nuclear weapons tests—some perhaps as large as 100,000 tons TNT equivalent—in the South Pacific this winter. France characterizes the tests as the "last" before a comprehensive test ban is signed next year. Little attention, however, has been paid to France's determination to conduct powerful "small" tests—100 or 200 tons TNT-equivalent—forever.

This would be a perfect time for the United States to urge Chirac to reconsider this position. Unfortunately, the Clinton Administration is not doing so. Instead, its attention is focused on a Pentagon proposal to leapfrog the French position and require that the comprehensive test ban allow tests with even larger yields.

A test ban that allowed tests with yields of hundreds of tons would create an opening for efforts to develop "usable" "micro-nukes" and "mini-nukes." It would therefore be seen as a fraud by virtually all of the 170 non-nuclear states that agreed this spring to an indefinite extension of the Non-Proliferation Treaty after receiving a commitment that the Comprehensive Test Ban Treaty would be signed next year.

The Pentagon, like the French military, argues that it will lose confidence that its weapons will retain their destructive power if it cannot see their fission triggers tested now and then at partial yield. Lack of confidence is a psychological state, however, in this case largely self-inflicted by the Pentagon's requirement that the power of warheads be guaranteed to within a margin for which there is no military justification. Any objective assessment of the record of more than 1,000 U.S. nuclear tests would give great confidence that the immense destructive power of the current stockpile can be maintained without detonation tests. This confidence extends to faithful copies of these weapons if it becomes necessary to remanufacture them.

Those arguing the contrary position often ask rhetorically, "Would you expect your car to work if you stored it for 20 years without testing?" Of course not, but the analogy is misleading. A nuclear warhead "works" only one time. Still, if you supported multibillion-dollar laboratories to test the components of your car under stressful conditions, adjusting and replacing them as necessary, would it work? You bet it would.

The functioning of nuclear warheads is also checked by replacing the plutonium with an inert simulant and then using a powerful X-ray machine to verify that it implodes into a configuration that would produce a nuclear explosion of the desired yield. All of our nuclear weapons have been designed with these and other sophisticated implosion tests before actual testing. As a result, the nuclear tests were successful with remarkably few exceptions.

Test ban opponents have made much of the few cases where there were surprises in tests of new warhead designs. But in every case, a new feature—for example, a new type of chemical explosive—had been introduced whose performance was known by the designers to be questionable under some conditions. Such problems have little relevance to the well-tested designs in the enduring stockpile.

To the argument that use of a new plastic or a change in the technique used to manufacture plutonium components might degrade the performance of the warheads, we would respond, "Don't fiddle with them" At the same time, experience has shown that the designs are robust enough to tolerate the inevitable minor changes that would occur in remanufacture. There were more differences between the warheads in the stockpile and the prototypes made by the nuclear-weapons laboratories than there would be with future remanufactured warheads. Yet both worked.

Based on U.S. experience, the objective value of "reliability" tests is negligible in comparison with the cost of reneging on the deal with the non-weapons state, which promises that we will all work together against the spread and to reduce the numbers of these terrible devices. President Clinton should reject the demands of those who would test forever and should urge President Chirac to do the same.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1555, THE COMMUNICATIONS ACT OF 1995

Mr. LINDER, from the Committee on Rules, submitted a privileged report (Rept. No. 104–223) on the resolution (H. Res. 207) providing for consideration of the Communications Act of 1995, which was referred to the House Calendar and ordered to be printed.

□ 1845

UNITED STATES-RUSSIAN JOINT EFFORTS

The SPEAKER pro tempore (Mr. METCALF). Under the Speaker's announced policy of May 12, 1995, the gentleman from Pennsylvania [Mr. WELDON] is recognized for 60 minutes as the designee of the majority leader.

Mr. WELDON of Pennsylvania. Mr. Speaker, I will not take the entire hour, but rise this evening to focus on an issue that will be heavily discussed tomorrow and later this week as we vote on the next fiscal year Defense appropriation bill.

Mr. Speaker, I think it is important that we approach defense spending in this day and age with a very cautious eye to what is happening, not just in the Soviet Union, but around the world. To that extent, I will be entering some documents into the RECORD this evening. I think Members should especially focus on, not just for the votes that will occur tomorrow and the rest of the week, but also for debate that we will be having further on in this session of Congress, during the conference process and as we begin to debate the relative importance of continuing within the confines of the ABM Treaty.

First of all, Mr. Speaker, let me say I rise as a 9-year member of the National Security Committee and the current chairman of the Research and Development Subcommittee, and as someone who is not just a self-proclaimed hardliner when it comes to dealing with the former Soviet Union and now Russia, as well as those rogue nations around the world, but as someone who spent the bulk of my last 20 years working on building bridges with the Russian people.

My approach to Russia is one of pragmatism. Reach out to the Russian people, work with them, build relationships on trust and mutual cooperation, but hold them accountable when they violate treaties on defense and foreign policy issues.

My background is in Russian studies, my undergraduate degree is in that area. Twenty years ago I spoke the language fluently. I have traveled throughout the country, stayed in Russian people's homes, and I have this year hosted well over 100 members of the Duma in various meetings and sessions.

Mr. Speaker, currently I am the cochair of the Russian-American Energy Caucus with my colleagues, the gentleman from Texas, GREG LAUGHLIN, on the Republican side, and the gentleman from Maryland, STENY HOYER, and the gentleman from Illinois, GLENN POSHARD, on the Democratic side. Working with the 16 multinational energy corporations, we attempt to foster relationships that build bridges between our energy corporations and joint venture opportunities in Russia to allow them to bring in the hard currency they need. Most recently, this past year, we worked with our administration and the Yeltsin administration and members of the Duma to complete the final support and approval within the Duma for the Sakhalin project, a project that is in fact the largest energy project in the history of not just Russia, but the entire world, that will ultimately see approximately $10 to $15 billion of western investment through companies like McDermott Marathon go into the Sakhalin area for development of Russian energy resources.

Mr. Speaker, we are also working on the Caspian Sea project, which we hope will provide a force to unify some of the warring factions down in the Caspian Sea area, and also further help stabilize the Russian economy through development of their energy resources.

Mr. Speaker, I also cochair an effort working with the Duma members on environmental issues. Just last year I led a delegation of Members to Murmansk, the North Sea fleet, to talk about how we could work with them in finding ways of disposing of the Russian nuclear waste that is coming from the dismantlement of their ships and their submarines, as well as to try to help the Russians stop what has been a recurring practice over the past two decades of dumping nuclear reactors and nuclear waste into the Bering Sea, the Arctic Ocean, and even out in the East, in the Sea of Japan. That effort is paying tremendous dividends, and there is an ongoing effort right now among members of the parliaments of not just Russia, but the European Parliament, the Japanese Diet, and our Congress to focus on this as one of our major priorities, the stopping of all dumping of waste, especially nuclear waste, in the oceans of the world. To that extent we held a conference here in Washington just a month ago where we had attendees from Russia, Japan, Europe, and the United States in trying to form a cooperative relationship in dealing with these problems.

Mr. Speaker, we are currently working with the Russian shipyard at St. Petersburg, the Baltic shipyard, to convert it to an environmental remediation center, where Russian workers who formerly built warships can be trained to dismantle old rusty vessels where the steel can be melted down and reused to benefit the Russian economy.

Mr. Speaker, we are working in Siberia, Nizhneyansk, in a joint venture to establish environmental opportunities with American firms and Russian firms to create jobs and economic opportunity and to also help stabilize environmental problems in Russia.

Third, Mr. Speaker, we are working on an effort to establish a joint Duma-Congress relationship between members of the Duma Defense Committee and members of our National Security Committee. Two months ago, the gentleman from South Carolina, FLOYD SPENCE, chairman of the Committee on National Security, the gentleman from Louisiana, BOB LIVINGSTON, chairman of the Committee on Appropriations, and the gentleman from California, DUNCAN HUNTER, chairman of the Subcommittee on Military Procurement, and I met for 3 hours with five members of the Russian Duma Defense Committee.

Mr. Speaker, the purpose of that meeting was to reach out to them and say look, we are not out to establish some kind of a dominant relationship over your people or your country, we are out to work with you, to change the whole notion of the way that we focus our efforts in the world, so that instead of building up more and more nuclear weapons and continuing this ridiculous posture of mutually assured destruction, to move toward a defensive posture where we asked the Russians and their leadership and their technical experts to work with us in developing defensive capabilities, much like Ronald Reagan first proposed some 10 years ago. In fact, we had that meeting, which was very successful, and we are currently planning on taking a group of similar leaders to Russia to continue that dialog with members of the Russia Duma Defense Committee.

Mr. Speaker, all of these efforts are designed to show that yes, we must reach out to the Russian people, to their government, to their leaders, to show them that we sincerely want to work with them to bring about the economic reforms that they want, the political reforms, the freedoms that they long for. But at the same time, we must not underestimate what is happening within the former Soviet Union, and now Russian, military.

□ 2000

Many of those military leaders there today were in power during the Soviet regime. Many of the ideals and goals of those leaders are similar today to what they were then, and we must understand that.

We must deal with the Russian leadership from a position of understanding while showing compassion and willingness to work with them to help stabilize their economy and their country.

Mr. Speaker, before continuing, I yield to the gentleman from Georgia [Mr. LINDER].

Mr. WELDON of Pennsylvania. Mr. Speaker, the point being that we must continue to reach out to the Russian people and their leadership. As a Member of Congress, I pledge my efforts to reach out to members of their Duma. But we must also let them understand that we will not be shortsighted, that we will not allow blinders to be pulled over our eyes in terms of what is happening in their country.

Mr. Speaker, it is not just talk or rhetoric that is important; it is the substance and actual extent of involvement of both countries in bringing about long-term peaceful relations. My own fear as a member of the Committee on National Security is that our two biggest security threats, as we approach the next century, involve terrorism throughout the world and in this country, and the proliferation of missiles and weapons of mass destruction. To that extent, we must understand what our threats are, what we can do about those threats and how we can work with our allies and countries like Russia to develop common defenses against those threats.

Some in this body would have us believe that the Russians are no longer putting money into sophisticated weapons systems. Mr. Speaker, that is just not true.

Mr. Speaker, I would like to submit for the RECORD an article taken from the FBIS reports, which I scan on a daily basis. This article is taken from Moscow Kommersant-Daily, printed in Russian on July 20 of this year, entitled "START II Treaty Ratification Seen Assured," and in it the author Aleksandr Koretskiy, goes through the determination that it is in Russia's best interest to ratify START II and, therefore, that will occur.

What is interesting in the article, that we should be aware of, is that the Russians are still developing state-of-the-art military technology.

A number of statements were made in the hearings,

these are hearings among the Duma members,

each of which, in fact, amounts to a sensation. First, Russia is developing, at the design stage so far, a new submarine missile cruiser. To all appearances, its technological performance will by far eclipse that of the American 'Ohio' type subs which form the basis of the U.S. nuclear forces until the year 2020 at a minimum. In other words, Russia plans for more than one day ahead despite the unprecedented cuts in funds for military R&D.

Second, a new missile for bombers is being developed which will make it possible to keep them effective also into the start of the next century at small cost. Work is in progress also in other fields.

The point of this article is that Russia, while it has certainly cut back its funds for the military, is still developing state-of-the-art technologies, not just to match what America has, but to give them an edge, an edge that we have to be able to deal with through the turn of the century.

Mr. Speaker, I include the article for the RECORD:

START II TREATY RATIFICATION SEEN ASSURED

[Report by Aleksandr Koretskiy: "START II Hearings. Cuts Are In Order Because There Are No Maintenance Funds"]

[FBIS Translated Text] The ratification of the START II treaty (on further cutting and limiting strategic offensive weapons) will help Russia minimize the difference between its nuclear potential and that of the United States. As for Russia's counter-force potential, it will even grow 20 percent despite the cuts as a result of the implementation of START II owing to a marked decrease in the corresponding potential of the United States. Such is only the smaller part of the arguments by those who advocate the ratification of the treaty voiced in the course of the first open hearings in the Duma. The final conclusions on the feasibility and, perhaps, additional terms of ratification will be drawn in September—there will be separate hearings on the financial aspects of START II implementation. One can already today, however, say with confidence: despite the pessimistic forecasts of its opponents, the treaty will be ratified with no special problems by the current State Duma.

The treaty was signed by Boris Yeltsin and George Bush in Moscow 3 January 1993. Many a lance has been broken since over the ratification problem both in Russia and the United States: some congressmen are sure that START II considerably lowers America's defense potential. A similar view, but as applied to Russia, is also voiced by a number of Russian deputies. The Russian politicians primarily doubt the feasibility of what is at first sight an abrupt change in the structure of the Russian strategic nuclear forces: under the treaty, the sea-based component of Russia's nuclear forces should be upped from 30 percent to between 50 and 58 percent. And this should be done by cutting the number of ground-based missiles. Russia will in fact have to scrap the new generation SS–18 and SS–19 ground-based intercontinental missiles. Shifting the center of gravity to sea-based missiles can take place only in theory: 90 percent of the submarine missile cruisers were built before 1990, which implies that their service life will be up in the year 2015. Russia actually does not build new subs—their keels have been laid but construction has been halted by lack of funds. A relative stability will only prevail in strategic aviation—the fleet of Tu–95 MS and Tu–160 bombers will be cut under the treaty by as little as 24 bombers. By 1998, the Air Force is supposed to have not more than 113 planes whereas their number today is 137. and 53 of them are outside Russia (7 in Kazakhstan and 44 in Ukraine), for which reason no Russian planes should be scrapped. Incidentally, it came to light during the hearings that Moscow did not lose all interest in Ukrainian strategic aviation at all—the Russian Air Force is still counting on it.

All the military strategy doubts of the politicians were dispelled by Vladimir Zhurbenko, first deputy chief of the General Staff. He thinks that by cutting the number of warheads to 3,500, START II facilitates the formation of a grouping of strategic offensive forces which is adequate to that of the United States. Indeed, reducing the number of warheads mounted on intercontinental missiles and submarine-based missiles does not call for remodeling or replacing the MRV [multiple reentry vehicle] platform and the destruction of the warheads removed from them, which gives potential advantages—this creates the danger of a quick increase in nuclear potential if the United States pulls out of the treaty. In this case, the United States will have more warheads than Russia by 55 percent. But this is still less than what it would have had under START I. This is to say, the United States is not getting a real edge, while Russia retains the effectiveness of its nuclear forces in retaliatory actions.

As regards the change in the structure, Zhurbenko stated that it would have to be altered in any case—most ground-based missiles are at the end of their useful life. They are supposed to be replaced by new missiles which Russia does not have. More accurately, there is no base for building heavy missiles of the SS–18 and SS–19 type which are produced in the Ukrainian "Yuzhmash." In principle, industrial cooperation could be arranged, but after Kiev joined the Nuclear Nonproliferation Treaty, this opportunity was lost. As a result, Russia is able today to produce on its own only one type of missile—the single warhead "Topol," on whose basis its ground based forces will be developing. Plans call for production of two versions of this missile—one for the existing mobile missile systems, and the new "Topol-M" system.

An important START II provision, the military thinks, is the fact that, in the number of warheads, the treaty brings U.S. nuclear forces down closer to a level which Russia is objectively capable of maintaining. The Russian military, one might say, dreamed of really counting on the warheads carried by bombers provided for by START II. The thing is that under START I, each Russian strategic bomber can carry 8 nuclear-tipped missiles (in reality this figure is 6), whereas a U.S. Air Force bomber can carry 10 missiles (in reality 20).

Generally, the military and diplomats convinced the deputies: START II is almost manna as far as Russia is concerned. At any rate, Russia cannot afford forces that the USSR could have hardly maintained. The problem is not so much direct funding but also the industrial and technological base that ended up on the territory of independent CIS republics. when all is said and done, we should also take account of Russia's new geostrategic situation, different foreign policy priorities, and the development of military technology.

Apropos of technology. A number of statements were made in the hearings, each of which, in fact, amounts to a sensation. First, Russia is developing (at the design stage so far) a new submarine missile cruiser. To all appearances, its technological performance will by far eclipse that of the American "Ohio" type subs which form the basis of the U.S. nuclear forces until the year 2020 at the minimum. In other words, Russia plans for more than one day ahead despite the unprecedented cuts in funds for military R&D. Second, a new missile for bombers is being developed which will make it possible to keep them effective also into the start of the next century at small cost. Work is in progress also in other fields.

The deputies' reaction to the reports of military and independent experts and the nature of the questions asked make it possible to claim: the Duma is not only going to ratify START II, but it may also pass a special Russian strategic nuclear forces development program with corresponding funds.

On the issue of a new superfighter, in a FBIS report summarizing a Moscow Interfax article, dated July 20 of this year, talking about the capabilities of the new Russian superfighter, and I will quote:

"The Sukhoy Design Bureau will exhibit its latest product, the superfighter Su-35, at the MAKS-95 Moscow air show in August," this month, "the bureau's designer-general, Mikhail Siminov, told a solemn meeting on the occasion of the 100th anniversary of Pavel Sukhoy's birthday. Siminov told Interfax that Su-35 was a dramatically modified version of the Su-27 jet. However, the new aircraft differed from the original by its exceptional maneuverability, adjustable thrust vector, new armament system to simultaneously destroy 6 ground and naval targets and artificial-intelligence computer."

He goes on to say, "'In the West, such fighters do not yet exist,' Siminov said. 'The only exception is the U.S.-made X-31, but no other analogues will appear within the next five years,' he added.

"If sufficient funds are set aside by the state, Russia's superfighter Su-27 and versions of it will occupy the first position in the world's arms market in the third millennium, Western experts say.

"At present, Russia's Air Forces have over 250 Su-27 fighters."

Mr. Speaker, I include the article for the RECORD:

MILITARY, NUCLEAR & SPACE ISSUES

MOSCOW, July 20.—The Sukhoy Design Bureau will exhibit its latest product, the superfighter Su-35, at the MAKS-95 Moscow air show in August, the bureau's designer-general, Mikhail Simonov, told a solemn meeting on the occasion of the 100th anniversary of Pavel Sukhoy's birthday.

Simonov told INTERFAX that Su-35 was a dramatically modified version of the well-known Su-27 jet. However, the new aircraft differed from the original by its exceptional maneuverability, adjustable thrust vector, new armament system to simultaneously destroy six ground and naval targets and artificial-intelligence computer.

"In the West such fighters do not yet exist," Simonov said. The only exception is the U.S.-made X-31, but no other analogues will appear within the next five years, he added.

If sufficient funds are set aside by the state, Russia's superfighter Su-27 and versions of it will occupy the first position on the world's arms market in the third millennium, western experts say.

At present, Russia's air forces have over 250 Su-27 fighters.

Mr. Speaker, evidence that Russia is still continuing to develop state-of-the-art technology. Not just for its own protection, but perhaps more significantly to begin to sell these conventional arms to other nations that may not have the same peaceful intentions as Russia's current civilian leaders and we have.

Mr. Speaker, we witnessed this past year the selling of three Russian submarines to Iran. We have witnessed efforts to sell technology to China. As a matter of fact, I was aghast when I read that we were, in fact, allowing proliferation to occur involving the Russians in countries where we could have imposed sanctions and yet had backed down on repeated occasions.

Mr. Speaker, this is an issue that this body has got to deal with, an issue that we have got to confront. it is important for Members, as we get ready to debate the issue of defense appropriations levels for next year and the defense conference process that will unfold in the fall, that we understand what is happening, based on the facts. It is important that we understand proliferation that is occurring throughout the world, not just by Russia, but by other countries.

China is a perfect example. The Clinton administration, Mr. Speaker, to my mind, seems incapable of employing a toughness in terms of proliferation of weapons of mass destruction.

A good example of that is China's sale of missiles and missile technology to Iran and Pakistan. Classified evidence of these sanctionable transactions have been on the books since the President's first day in office.

What has been the President's response? First, the State Department tried to sanction China's missile maker, the Great Wall Industries, but not long after, withdrew those sanctions. Then United States officials claimed that they had secured Chinese pledges not to proliferate.

Evidence of Chinese missile proliferation to Iran and Pakistan continued and was leaked in the press last month. This evidence continues to mount. So far this administration has taken no new action.

And then there is Russia, Mr. Speaker. Here the administration lifted sanctions that were imposed by the Bush administration against Glavkosmos, a Russian firm that violated the MTCR, missile technology control regime, guidelines. It had exported sensitive upper-stage rocket technology to India's Indian Scientific Research Organization, including production and integration technology. This know-how could help India extend the range of its missiles to reach Bejing and improve Indian upper rocket stages in general.

In exchange for Russian pledges to stop such technology transfers to India, the administration, in September 1993, offered Moscow hundreds of millions of dollars in space cooperation projects.

Mr. Speaker, I am not saying that we should not cooperate, but we have got to set a tone of firmness. When countries, whether it be China or Russia, violate proliferation agreements and violate understandings that we have, this administration has got to be firm. That has not worked.

What Clinton officials have chosen not to do about MTCR violations, however, is far less disturbing than what they recently announced that they are planning to do. That is to make MTCR members of the nations that are violating the regime. The Clinton administration hopes this will encourage problem proliferators to become part of the nonproliferation solution. In fact, I think it is shortsighted diplomatic public relations that will trivialize the MTCR and, worse, turn the regime into a major proliferation promotion organization.

How is this possible? Simple. Both U.S. law and the missile technology control regime guidelines discourage U.S. exporters and other members of the MTCR against selling missile technology to non-MTCR members who have missile projects of concern or who have had a bad track record proliferating missile technology to other nations.

Once these countries are made members of MTCR, which the Clinton administration proposes to do now, there is a legal presumption of approval for the very missile transfers that were previously barred, which means that once these countries are able to be a part of the MTCR, they can sell their missiles without any sanctions being available to the United States and other countries.

Under U.S. law, a nation that becomes a member of the MTCR can no longer be sanctioned for importing the hardware or technology needed to complete dangerous rockets or missiles or export it to any MTCR member.

What sort of nations might these be? Until the past few months, even the Clinton administration claimed that they included Brazil and Russia.

Mr. Speaker, I will enter into the RECORD, with unanimous consent, articles where Brazil, in fact, has been working on the capability for rocket technology which they have purchased from Russia through the black market. And I will provide an article once again from the FBIS documents that Members can read.

In addition, Brazil has made it known that they would like to have the capability that one of the most sophisticated Russian rockets offers in terms of a space launch capability.

SS-25 is perhaps the most sophisticated intercontinental ballistic missile that Russia has today. It has a range of 10,500 kilometers. It can hit any city in any part of America with that range. It is a mobile-launched system, launched off of the back of a mobile-launch tractor that can be moved around the country. Russia has somewhere less than a thousand of these launchers throughout Russia and the former Soviet republics.

Each missile battery has the potential of launching three missiles, which currently have nuclear warheads on them. However, what Russia has been doing for the past 2 years is, it has been trying to sell a version, a modified version, of the SS-25 to any country that, in fact, would want to have a space launch capability.

What problems does this present for us? Well, imagine, Mr. Speaker, a missile that has a range of 10,500 kilometers. Take the nuclear warhead off of that missile and modify it to become a space launch vehicle, and you can offer it for sale to anyone.

Brazil has been very interested in acquiring this capability and, in fact, had a tentative deal worked out until the administration and Members of Congress, including myself, stepped up and said, "We cannot allow this to go forward;" and Brazil temporarily backed off. We understand Russia has had other discussions with other countries who would like to use this technology for space launch purposes.

Now, you are not going to have a nuclear warhead on this missile, but, Mr. Speaker, what we are talking about doing is giving other nations the capability that comes with a missile that has a range of 10,500 kilometers. Furthermore, if you believe what the Clinton administration tells us in terms of the current command and control of the Russian nuclear arsenal, that all dissipates when you take the SS-25, as modified, and you give it to a Russian profitmaking venture to market on the open market as a space launch vehicle.

That is exactly what is happening today. In fact, several months ago, the world witnessed the first unsuccessful launch of an SS-25 modified rocket with an Israeli satellite on board from the Pozitiskiya Aerodrome. It was not successful, and the rocket and the satellite fell into the Sea of Okhotsk. The fact remains, Mr. Speaker, that Russia is aggressively trying to export this technology.

Make no mistake about it, Mr. Speaker, I do not fear for the safety of our people from an all-out nuclear attack by Russia. That is not my concern. What I fear, Mr. Speaker, is the capability the Russians have with the SS-25 and the SS-18, which they are also currently trying to market for space launch purposes to a Third World rogue nation.

You give any of the rogue nations of this world one of those missile launch systems, allow them then to put a conventional weapon on board, a conventional bomb or perhaps a chemical or biological weapon, and with the range of an SS-18 or an SS-25, our country and our people are under direct threat.

Mr. Speaker, this is reality. This is not some hypothetical situation made up in some star wars movie. Mr. Speaker, this is what is occurring today inside of Russia as proliferation of these missiles is a top priority. As the Russians are looking for ways to bring in hard currency, they see one of the quickest ways as selling off this technology, like the SS-25 and the SS-18.

Mr. Speaker, here is the real problem, besides the lack of attention and focus by the administration and the clear and consistent policy to call these acts when they occur, like the recent sale of rocket motors to China by the Garrett Engine Co., which are being used for fighter planes.

But unless the administration takes some overt action this year, the technology will be transferred to China, which we think will allow them to increase the capability of their cruise missiles. This administration has remained silent on blocking that technology transfer.

Again, Mr. Speaker, what we are talking about, whether it is it is the SS-25, whether it is the SS-18, whether it is technology to help the Chinese improve their cruise missile capability, whether it is North Korea Taepo Dong-1 or -2, which has a range of 5,500 kilometers, which today could hit Guam or Alaska, Mr. Speaker, these are real situations that every Member of this body has to understand.

No longer can this body vote in a vacuum. We must understand and recognize the facts as they are. The documents that I am placing in the CONGRESSIONAL RECORD today are factual statements by leaders in Russia, documented articles of situations occurring with China, North Korean developments in China. It will take only one of those systems to get in the hands of a rogue nation and then what do we do, Mr. Speaker?

☐ 2015

General O'Neill, who is the administration's point person on missile defense, has said repeatedly in our congressional hearings this year that if a nation acquires the capability of an SS-25 or SS-18, or perhaps even a Taepo Dong II with a range of 5,500 kilometers, we, as a country, have no defense against an accidental or deliberate launch of one vehicle. We have no system available today, with all the money we spend on defense, with all the money we spend on military every year, we have no system available today to protect the American people from such a launch.

Mr. Speaker, to me that is outrageous, and to most of our colleagues in this body that is outrageous, and that is why this year, in our defense bills, we have plussed up missile defense accounts by about $900 million in the House. Hopefully, through the conference process, we will come somewhere in between what the Senate plussed up, about $600 or $700 million, and what we plussed up.

We focused on four specific areas, Mr. Speaker. We focused on theater missile defense to give our troops protection when they are in a theater of operation against an incoming missile attack, like we saw in Desert Storm with the Scud. In the world today, 71 nations have cruise missiles, have the capability of attacking our soldiers and our allies. The only systems we have in place today are the upgrades of the Patriot, quickly becoming outmoded. We have funded theater missile defense to allow us to continue to develop and deploy the most sophisticated theater based systems that money can buy, and our funding does that in this year's defense bill.

The second thing we did, Mr. Speaker, is we plussed up national missile defense spending. This will give us the eventual capability to protect the mainland of America against the kind of rogue launch that I talked about earlier. If a rogue nation were to get an SS-25 or an SS-18, or if North Korea would sell off a version of the Taepo Dong II, that we would be able to protect our people in this country from a single launch. We would not be able to protect our country if a massive launch were to occur, but, by all practical standards, we do not think that will happen.

No one can assure us, however, that a rogue nation will not get the capability of one, two, or three missiles, or, say, a battery of SS-25's that could be threatened to be launched against an American city. Today we have no protection for that, Mr. Speaker. Not one iota of protection. Our plus-up in the national missile defense account allows for $400 million of increased funding that, even with this level of funding, will not allow us to deploy a program, in General O'Neill's estimation, until approximately 4 years. Four years of vulnerability.

If the people of this country see what has been happening around the world with terrorism, and see what happens when rogue nations and people like Saddam Hussein get capabilities beyond their ability to manage, we then are threatened, and for 4 years, under the administration's plan, we will have no protection, Mr. Speaker.

The third area that we plussed up funding was for a program called Brilliant Eyes. Brilliant Eyes is a space-based sensor program that will allow us to see a missile when it is launched. We do not have that capability today. If a rogue country launches a missile, and the ultimate destination is America, today we do not have a system in space that can tell us that launch has occurred. Why is that important? It is important because it gives us more time to take that missile out once it is launched, and to take it out on the rise as opposed to on the descent. We plus-up the Brilliant Eyes program to give us that technical capability.

The fourth thing we do in both the authorization and the appropriation bills is we plus-up funding for ballistic missiles by about $75 million so that we can enhance our ability to protect our troops and our country against the very real threat of ballistic missiles that dominate the world today.

I mentioned, Mr. Speaker, 77 countries today have cruise missile capability. Seventy-seven countries. Twenty nations can build and are building cruise missiles today. Granted, some are very crude, like the Scud system that we saw used by Iraq over in Desert Storm, but, Mr. Speaker, some of them are extremely sophisticated and present real challenges to us from a defensive posture.

Mr. Speaker, all the more reason why we have to focus on the threat that is out there and what is happening in these rogue nations. We have to understand that when we make a decision as to how much money we are going to spend on defense or on missile defense or missile proliferation activities that it must be based on sound scientific evidence.

Mr. Speaker, another article I want to submit for the RECORD is a recent publication appearing in the Brooking Review written by Bruce Blair entitled "Lengthening the Fuse", and, by the way, Mr. Blair has been a witness at hearings, primarily brought in by Democrats to testify on missile proliferation issues. This article is must reading for every member of this body, because Mr. Blair now makes the case that from the standpoint of operational safety, Russian's nuclear posture today is more dangerous than it was during the cold war.

He goes through the scenario of the possibilities for nuclear anarchy, from unauthorized use of weapons by rebellious commanders in the field, to political breakdown in Moscow, to a spread of nuclear weaponry and material on the global black-market.

Mr. Speaker, another article I will submit for publication in the RECORD today is an article within the Russian news media focusing on the problems of the control of the nuclear arsenal and the lack of adequate dollars to fund those military personnel who are monitoring on-site the Russian nuclear arsenal.

In that article there is discussion about the fact that you can have all the safeguards you want from a technology standpoint, but if the men and women who are monitoring those systems are not being paid, if they do have the quality of life issues that are important to them, the technical considerations go out the window, and that is the kind of threat that we have to fully assess.

Mr. Blair goes through that in great detail, and some of the quotes in here are the kinds of quotes that Members have to look at and understand, because they are critical to our posture in terms of defending our people in this country against what could happen in the former soviet Union. Let me quote just one piece from this article.

"The disintegration of the former Soviet Union and the dangers emerging from the attendant turmoil make loss of control the central problem of nuclear security. Indeed, the specter of nuclear anarchy in the former Soviet Union animates U.S. policy toward Russia."

He goes on to say, and I quote, "The specter of a catastrophic failure of nuclear command and control looms even larger."

Mr. Speaker, this is not some radical right wing conservation bashing the former Soviet Union. This is a respected individual who has studied the issue of command and control of the Russian nuclear arsenal. In fact, he goes on to say in his article that the Pentagon itself has conducted exercises to practice United States responses to nuclear anarchy in Russian, including scenarios that feature illicit strategic sites by Russian commanders. Can you imagine that, Mr. Speaker?

We now have evidence that our own Pentagon leaders have done practice sessions that, in fact, would have us assume that nuclear anarchy has broken out in Russia and that perhaps the American mainland is at threat. That is being done, Mr. Speaker, at a time where we have no capability to defend our mainland against a nuclear attack, either isolated or perhaps a multiweapon or multilaunched nuclear attack.

Another quote from Mr. Blair. "From the standpoint of operational safety, Russia's nuclear posture is more dangerous today then it was during the Cold War." Again a quote. "The Pentagon has so internalized deterrence as the essence of its mission that it simply cannot bring the two different conceptions of nuclear threat, the risk of deliberate attack and the danger of loss of control, into clear focus and perspective."

Another quote. "If safety is ever to be put first in U.S. nuclear planning, it will be because public discussion and broad public support, not the Pentagon, put it there."

Mr. Speaker, Bruce Blair has hit the nail on the head. We are not doing an adequate job of monitoring what is happening and what could happen in the former Soviet republics. Some would argue all is well.

Perhaps I will submit another article for the RECORD with unanimous consent again, Mr. Speaker, that talks about what has recently happened in Belarus. Belarus, Mr. Speaker, is one of those former Soviet republics that happens to have nuclear weapon capability. Just in July of this year less than 1 month ago, what did the President of Belarus say about his country's agreement to put all the SS–25's back into Russia? There are 18 remaining in Belarus. He said, and this article was printed on July 6, 1995, in Moscow's Izvestiya, in Russia, he said, and this is Alyaksandr Lukashenka, the President of Belarus, that he had made a decision to stop the movement of the SS–25's back to Russia; that he was going to leave the remaining 18 SS–25's in Belarus. He stated the reasons, which are in the article, which I will put in the RECORD, are twofold: First of all, it harms the national prestige of Belarus to give up the remaining parts of their nuclear arsenal; and, second, one day Russia and Belarus will be united again.

Now, Mr. Speaker, this is not me talking, this is the President of Belarus. I asked our State Department if we had gotten any clarification to this statement made by President Lukashenka of Belarus. They told me verbally we had; that he had denied that statement was made, even though it was printed both in Izvestiya and as well as on Moscow TV. To this date, Mr. Speaker, I have not had any statement from the State Department to refute the statement from the State Department to refute the statement by Mr. Lukashenka in terms of not complying with the agreed terms that Russia, Belarus, the United States, and the other former Soviet republics entered into to return those SS–25's back to Russia for dismantlement.

Mr. Speaker, the problem continues. My bottom line concern is that the intelligence community is not giving us the full scoop and the full picture. I do not say this lightly, Mr. Speaker; and, in fact, in September of this year, we will have a full hearing on the command and control of the Russian nuclear arsenal. However, Mr. Speaker, we are also going to have something else in that hearing. We are going to look at what has been the posture of our intelligence community in bringing to the Members of Congress and to the American public the threat that exists.

Mr. Speaker, we in this body need to base our decisions on fact. I am not an alarmist. I am not here to demagogue this issue. I am not here to call the Russian people an evil empire, because they are not. As I started my comments tonight, I am one who has devoted a significant amount of my personal time to building relations inside of Russia. I will match my efforts in those categories with any Member of this body in the area of Russian joint energy ventures, environmental cooperation, defense cooperation, economic cooperation, and I will continue that as I did on the House floor when I sided with the ranking member of the Committee on Appropriations, Mr. OBEY and the chairman of that committee, Mr. LIVINGSTON, in fighting back an effort to decrease Russian aid because of the importance of stabilizing their economy.

However, Mr. Speaker, We cannot allow anyone to dumb down our intelligence. We cannot allow anyone to pull the cloud over our eyes to the extent that we do not know really what is happening. That would be the worst travesty that could be brought on this body, to have any administration, or the intelligence community, dumb down information that is important for us as we determine how much money to spend on the defense of the people of this country.

We should not, Mr. Speaker, ever have any intelligence body think that they have to answer politically to some broader agenda of the administration of supporting the current Russian leadership. I support Boris Yeltsin. I support whoever the Russian people decide to have as their elected President. However, Mr. Speaker, we should never allow our support for the elected President of that country to downplay our understanding of the real threats that are there. That is my concern, Mr. Speaker. It is a concern that I think every American and every Member of this body has to understand and appreciate.

General O'Neill came in before our subcommittee earlier this year and he said, "Congressman, I am not satisfied with our intelligence assessment of the threat coming from Russia and other countries around the world in terms of nuclear proliferation, so I went to the intelligence community and I asked them to give me a new assessment, and that assessment is going to be published by the middle of June."

Mr. Speaker, the middle of June came, and then the end of June came, July 1 came, the middle of July, and yesterday July ended, and now this is August 1.

□ 2030

Mr. Speaker, we still have not gotten the upgraded intelligence assessment that General O'Neill asked for so that we can logically base our threat needs on what is out there.

Mr. Speaker, that is an outrage. The intelligence community has got to get its act together. They have got to give us the focus. They have got to give us the real facts, not sensationalized numbers, the real facts in terms of what is occurring. And they have got to give us real assessments about whether or not there is a potential for a nuclear anarchy, as Mr. Blair stated in his article.

Mr. Speaker, these issues go to the very core of what our Federal Government is all about, because in the end the primary purpose of a Federal Government is to protect and defend the American people, to protect and defend the American people from what I think are the two biggest threats that we are going to face in the next century: Terrorism and proliferation of weapons of mass destruction, especially missiles and nuclear missiles.

Mr. Speaker, this is the first in what will be a series of discussions that we have to have in this body, and they will be based on fact. They will be based on articles published in Russian news media, reported in reports that every Member of Congress can get access to, and reported by other foundations and groups that are out there every day giving us the summaries of what is being said and what is occurring throughout Russia and the former Soviet republics.

It is extremely important, Mr. Speaker, as we approach our debate tomorrow, as we approach the conference process, the ultimate debate on the ABM Treaty, that we have good intelligence, that has not been filtered, has not been whitewashed, has not been dumbed down, so that we can make intelligent decisions that in the end will allow us to protect the American people, because that is what our job is all about, protecting the American people.

I hope my concerns will be shared by my colleagues in this body, and by the general public, who has to understand that today we have no protection in these areas. That is a shortcoming we are going to try to address in this budget process, which will hit the House floor tomorrow.

Mr. Speaker, I will put into the RECORD the items I highlighted during my comments.

[From the Brookings Review, Summer 1995]

LENGTHENING THE FUSE

(By Bruce G. Blair)

During the Cold War a massive array of opposing Soviet and U.S. nuclear forces stood ready for launch on a moment's notice. In accord with the perceived needs of deterrence, strategic and tactical nuclear weapons were scattered around the globe, carried by a host of ground, sea, and airborne delivery systems, and primed to inflict instant apocalyptic devastation in retaliation against any nuclear aggressor.

Today, the ideological tensions of the Cold War have dissolved, the urgency of the need for deterrence has diminished, and the Russian and U.S. nuclear arsenals are smaller. Yet thousands of warheads on both sides remain on hair-trigger alert. And, by a bitter irony, the geopolitical revolution that defused the Cold War confrontation has posed a chilling new nuclear danger—loss of control. In an atmosphere of political turbulence and economic duress, Russia must now oversee the far-flung nuclear weaponry of the Soviet Union, much of it still ready for instant launch. The possibilities for nuclear anarchy are many—from unauthorized use of weapons by rebellious commanders in the field, to political breakdown in Moscow, to a spread of nuclear weaponry and material onto the global black market.

But dangerous as these scenarios are, an effective and realistic solution exists: an international agreement to take all nuclear weapons off hair-trigger alert, remove warheads or other vital components from the weapons delivery systems, and institute monitoring arrangements to verify compliance. Such an agreement would drastically reduce the risk of a catastrophic failure of nuclear control. But it would also require nuclear planners to back away from their traditional focus on deterrence—and to make a commitment to safety instead.

SAFETY ALWAYS CAME SECOND

The vast nuclear arsenals maintained by the superpowers during the Cold War were a product, of course, of deep political and ideological antagonisms. But they were also a product of the adversaries' commitment to deterrence, their faith that rational decisionmakers would refrain from striking first if they knew an opponent could retaliate with devastating effect. War was to be prevented by ensuring that each of the opposing forces was capable of retaliation destructive enough and credible enough to override any potential gain from striking first. The two defense establishments deployed forces capable of retaliating against tens of thousands of enemy targets—and to do so in the moments between enemy missile lift-off and arrival.

In all this, deterrence came first. Safety came second. Not that safety's importance was lost on the rival strategic organizations. After all, neither would likely have survived the political repercussions of a major failure in safety. Much of their mundane activity revolved around safety during peacetime. They strove to prevent the accidental, inadvertent, or unauthorized detonation of even a single weapon. Nuclear weapons received continuous scrutiny, augmented on occasion by high-level special investigations, to identify safety hazards and remedies. Both sides evolved sophisticated weapon design principles and operational procedures to preserve effective control. On the essential point—nuclear detonation—the record was perfect. On lesser but still critical points—notably, nuclear accidents resulting in the dispersal of toxic plutonium—it was nearly perfect.

That deterrence took precedence over safety is nonetheless demonstrable. If safety had been a governing influence at the planning level, the strategic deployments would not have been so large, so dispersed, and so geared to rapid use. At the design and daily operational level, too, trade-offs between safety and deterrence were regularly resolved in favor of deterrence. For example, locks to prevent low-level U.S. weapons commanders from firing strategic forces were not installed on heavy bombers until the early 1970s, on intercontinental ballistic missiles until the late 1970s. And they were installed only after a finding that they would not impede the wartime retaliatory mission. They were never installed on ballistic missile submarines because of fears that they would jeopardize the ability of submarine crews to carry out authorized launches. And although the missile propellants used in Trident and M-X missiles, as well as the conventional explosives used in Trident warheads, are relatively susceptible to accidental detonation, safety requirements were waived for the sake of wartime performance.

CHANGING PERSPECTIVES

Despite history's abrupt change of course with the end of the Cold War, the established practice of deterrence, with all its inherent danger, remains unchanged. Despite the rollback of the nuclear arsenals set in motion by the Strategic Arms Reduction treaties, nuclear policy and force deployment on both sides are still directed toward deterring deliberate attack. The nuclear confrontation is thus being sustained by a dubious rationale that sustains hair-trigger postures that undercut safety.

In key respects both the U.S. and Russian nuclear portfolios are actually being enlarged. Russia, for example, has dropped nuclear "no-first-use" policy from its new military doctrine and expanded the role of nuclear forces to compensate for the sharp decline in its conventional strength. The United States also appears reluctant to lower further its nuclear profile, despite the evaporation of the primary threat justifying nuclear vigilance during the Cold War: Soviet invasion of Western Europe. The United States now projects conventional superiority over all prospective adversaries and thus can rely more on conventional and less on nuclear forces. Accordingly, further reciprocal nuclear reductions would be beneficial. Yet the U.S. security establishment seems content with the numbers allowed under START II and shows little interest in another round of reductions.

Prompting that reluctance are fears that Russia may revert to authoritarian rule and revive nuclear hostility toward the West. Despite the grim outlook for the rejuvenation of Russia's economy and the projected steep decline in its defense spending for the next decade or more, uncertainty about the Kremlin's attitudes toward the outside world has assumed critical importance in U.S. estimations of the future nuclear threat and in planning U.S. nuclear posture through at least 2005. The Pentagon strongly supports the traditional U.S. strategic mission as an insurance policy. As Defense Secretary William Perry put it in the 1994 Defense Department annual report, "these Cold War tools of nuclear deterrence remain necessary to hedge against a resurgent Russian threat."

U.S. nuclear planners also envisage new missions tied loosely to contingencies in the third world. Although the Pentagon plans to use conventional weapons in dealing with weapons of mass destruction brandished by third-world states, U.S. nuclear forces will doubtless play a major retaliatory and deterrent role. The U.S. Air Force is identifying targets in third-world nations that are developing weapons of mass destruction—chemical, biological, and nuclear. And the U.S. Strategic Command has assumed major responsibility for planning both nuclear and nonnuclear strikes against these targets, whose numbers could easily reach many hundreds and might approach a thousand. China will also figure more prominently in the global strategic balance as it modernizes its ballistic missile forces. Any significant increase in the nuclear threat China projects at the United States may well prompt a review of U.S. nuclear planning, particularly the decision in the early 1980s to remove China from the U.S. strategic war plan.

Like the United States and Russia, other charter nuclear states are also disposed to invoke deterrence to justify aggressive alert operations. Britain and France seem committed to maintain a large portion of their nuclear forces on active alert, while China's extensive program of strategic modernization could bring its ballistic missile forces to a comparable level of combat readiness. Other states such as India, Pakistan, and Israel appear heading down the same path. In spite of strenuous international efforts to deny membership in the nuclear club, de facto and aspiring members not only have nuclear weapons programs but also surely have plans if not current capabilities for "weaponization"—mating nuclear warheads with dispersed delivery vehicles capable of rapid use. Intentions and technical progress are difficult to gauge, but the general picture is clear enough and does not bode well.

The proliferation of advanced aircraft and ballistic missiles with increasing range and accuracy certainly expands delivery options. In the name of deterrence, emerging nuclear states can be expected to equip, or prepare to equip quickly, these delivery systems with nuclear weapons from their stockpile. And the decision by the United States, Russia, Great Britain, and France to preserve rapid reaction postures sets an international standard that encourages emulation. Moreover, if the history of the nuclear superpowers is a reliable guide, and the classical dilemmas of nuclear security come to bear strongly on regional dynamics, regional rivals will be induced to shorten the fuses on their arsenals. Absent effective international constraints, the standards for daily combat readiness seem destined to rise.

SAFETY FIRST?

There can no longer be any justification for putting operational safety second. Not only is deterring a deliberate nuclear attack a less demanding challenge today than it was during the Cold War; ensuring safety has become more demanding. The disintegration of the former Soviet Union and the dangers emerging from the attendant turmoil make loss of control the central problem of nuclear security. Indeed, the specter of nuclear anarchy in the former Soviet Union animates U.S. policy toward Russia and drives U.S. support for the Yeltsin government and Russia's fledgling democratic institutions. Nor are weaknesses in nuclear control confined to the former Soviet Union. Lacking sophisticated systems for safety managing their arsenals, the aspiring nuclear weapon states also face problems of control. And while deliberate nuclear aggression growing out of regional tensions in areas like South Asia, the Korean peninsula, the Middle East, and other potential hot spots is conceivable, the specter of a catastrophic failure of nuclear command and control looms even larger.

If safety is to become the paramount goal of nuclear security policy, the operational stance of the world's nuclear forces—in particular, their high combat readiness—will have to change. The major defense establishments must lower their alert levels and coax the rest of the world to follow suit.

To de-alert the bomber forces, bomber payloads would be moved to storage facilities far away from the bombers' home bases. The retrieval and uploading of the payloads would require elaborate, time-consuming, and observable procedures. Similarly, warheads (or other vital components such as guidance sets) would be removed from land-based missiles and put in storage—a standard Soviet practice for all land-based strategic forces until the late 1960s. Although warheads could also be removed from ballistic missile submarines (SSBNs), an attractive alternative is to take guidance sets off the sea-based missiles and place them in storage on board attack submarines (SSNs) deployed at sea. Under routine practices, the components would remain separated at all times and invulnerable to attack. If necessary during a nuclear crisis, the SSBNs and SSNs could rendezvous and quickly transfer the guidance sets. The SSBNs could then install the components on all missiles in about 24 hours.

We should strive to further lengthen the fuse on all nuclear forces, extending the time needed to bring them to launch-ready status to weeks, months, and ultimately years.

Taking all nuclear weapons off alert—adopting a stance of universal "zero alert" in which no weapons were poised for immediate launch—would not only create a strict international standard of safety for daily alert, but also ease nuclear tensions by removing the threat of sudden deliberate attack. Certainly, a surprise or short-notice nuclear strike by any of the major nuclear powers is already implausible. But because all of them except China can mount a strike with ease, their strategic nuclear forces, particularly those of the United States and Russia, maintain a daily posture of rapid reaction to deter it. A remote, hypothetical scenario thus induces alert operations that feed on themselves. Although designed only to deter, the operations confer the ability either to strike back in retaliation or to initiate a sudden attack. The opposing forces create and perpetuate the very threat they seek to thwart.

In fact, an internationally monitored agreement to remove all nuclear weapons from active alert status could serve much the same purpose as traditional deterrence. Any initial preparations to restore alert status prior to attack would be detected and disclosed by monitors, allowing for counterbalancing responses, thereby denying a decisive preemptive advantage to any side contemplating redeployment and sneak attack.

Zero alert would thus eliminate the technical pretext for sustaining tense nuclear vigils in the post-Cold War era. Besides improving safety, it would relax the nuclear stances, bringing them into harmony with improved political relations.

OVERCOMING INERTIA

Left to themselves, the nuclear establishments will never adopt a zero alert posture. The bureaucracies that created the standard practices of deterrence cannot be expected to put safety before deterrence.

Typical arms negotiations, for example, have little scope for reining in aggressive alert practices. Even with the low ceilings on strategic nuclear arsenals imposed by START II at the turn of the century, the nuclear superpowers could still keep thousands of warheads poised for immediate release. The nuclear control systems that regulate force operations are still generally peripheral to mainstream arms control. If arms control were to proceed as usual, the numbers of weapons would continue to drop, but their reaction time would not change. The last weapon in the arsenal would still be cocked on hair-trigger alert.

The U.S. defense establishment is aware of the danger of nuclear anarchy. Recognizing the unstable and transitional character of the Russian political center, the Pentagon has quietly initiated extensive military-to-military contacts to nurture durable cooperation between the U.S. and Russian military establishments. It has also conducted exercises to practice U.S. responses to nuclear anarchy in Russia, including scenarios that feature illicit strategic strikes by Russian commanders. Furthermore, U.S. strategic war planners are devising options that allow selective nuclear strikes against breakaway units of the Russian nuclear forces as a last resort to neutralize such units. The Pentagon is also spearheading an effort to assist Russia in dismantling its nuclear arms, an endeavor it portrays as an urgent priority of U.S. national security.

Taken to its logical conclusion, this policy thrust would lead the Pentagon to make bold operational changes, including some form of zero alert, to ensure the safety of nuclear weapons in the former Soviet Union and elsewhere. Yet the Pentagon's overriding commitment remains deterring Russian nuclear aggression.

The review of the U.S. nuclear posture completed last September exemplifies the Pentagon's parochial perspective. The review advocates aggressive hedging against a turn for the worse in U.S.-Russian relations. It ignores the safety hazards that persist or grow as a result of aggressive hedging. It advances a U.S. nuclear force structure and operational posture that will reinforce Russia's reliance on quick launch. From the standpoint of operational safety, Russia's nuclear posture is more dangerous today than it was during the Cold War. And current U.S. nuclear planning will likely induce Russia to take yet *more* operational risks to buttress deterrence.

The Pentagon has so internalized deterrence as the essence of its mission that it simply cannot bring the two different conceptions of nuclear threat—the risk of deliberate attack and the danger of loss of control—into clear focus and perspective. At the height of the Cold War nuclear planners could argue, with some justification, that the danger of deliberate attack necessitated putting safety second. Today they cannot.

Redirecting nuclear policy toward an emphasis on safety not only addresses the danger of nuclear anarchy but would also constrain the ability of any state to launch a sudden nuclear attack. But if safety is ever to be put first in U.S. nuclear planning, it will be because public discussion and broad public support—not the Pentagon—put it there.

[Russia National Affairs]

MILITARY, NUCLEAR & SPACE ISSUES

GRACHEV URGES YELTSIN TO RECTIFY FINANCE PROBLEMS

[Interview with Defense Minister Pavel Grachev by unidenitifed correspondent; place and date not given; from the "I Serve Russia" progam—recorded]

[FBIS Translated Text] [Grachev] In the first half of the financial year the situation is such that for the month of June we were, for the first time this year, unable to finance the personnel of the Army and the Navy. We were able to meet only forty percent of the allowance for servicemen and wages for blue and white-collar workers.

We were practically totally unable to finance the military complex enterprises. Food, fuel, and lubricating materials have been financed to a very small extent.

The president, therefore, as they say, ought to enter the battle now, and his active efforts we will try to rectify this problem.

ARMY'S FOOD SUPPLY SAID ON 'BRINK OF DISASTER'

[FBIS Transcribed Text] Moscow, July 17 (INTERFAX)—The food supply of the Russian armed forces is on the brink of disaster, chairman of the State Duma, or lower house, defense committee Sergev Yushenkov (Russia's Choice) told INTERFAX Monday.

By July, the Russian army had "even used its emergency stocks" as the supply of food for both officers and solders became a "most grave issue."

The committee held a closed meeting Monday involving representatives of the Defense and Finance Ministries "To start stocking up with potatoes and vegetables for the winter, the army is asked to immediately pay over 500 billion rubles in advance." Yushenkov said.

According to Yushenkov, the Defense Ministry has used about 1.7 trillion rubles for the military operations in Chechnya, making its budget very restricted.

The committee will recommend the State Duma to ask the government to find means to supply the army with food and prepare a corresponding amendment to the 1995 federal budget.

GOVERNMENT APPROVES FUNDING FOR ITER PROJECT

[Russian Federation Government directive No. 924-r, signed by V. Chernomyrdin, chairman of the Russian Federation Government; dated Moscow, 1 July 1995—from the "Document" section]

[FBIS Translated Text] With a view to honoring the Russian Federation's commitments arising from the quadripartite Agreement on the Joint Development of an International Thermonuclear Experimental Reactor [ITER] of 21 July 1992:

1. The Russian Ministry of Atomic Energy's proposal, coordinated with the Russian Ministry of Finance, regarding the allocation of $1.55 million for the funding of the ITER project, including $0.95 million for the upkeep of Russian specialists at international project development centers and for Russian experts' short-term assignment abroad and $0.6 million for the payment of the Russian Federation's annual membership of the Joint Project Fund, is hereby adopted.

2. In 1996 the Russian Ministry of Finance is to allocate to the Russian Ministry of Atomic Energy the federal budget appropriations necessary to honor the Russian Federation's commitments as mentioned in Point of this directive stemming from membership of the ITER project.

[Signed] V. Chernomydrin, chairman of the Russian Federation Government

[Dated] Moscow, 1 July 1995

RS-18 ICBM UNDER CONVERSION INTO SPACE BOOSTER

(By Anna Bakina)

[FBIS Transcribed Text] Moscow July 17 (ITAR-TASS)—The Russian Khrunichev space enterprise is converting the intercontinental ballistic RS-18 missile into a new space booster which is to be launched from the Russian northern Plesetsk cosmodrome and, possibly, from the missile base in the Far East which is also to become a space launching site.

The "Rokot" craft will use the boosters of the first and second stages of RS-18. Tass was told Monday by a spokesman of the Khrunichev enterprise.

Besides, the "Breeze" booster has been devleoped which will allow to increase the payload launched to medium orbits. Its equipment is capable of ensuring high-precision placing of spacecraft into orbit, the necessary orientation of the payload and power supplies to it during a seven-hour long space flight.

The spokesman said the new booster is planned to blast off from the Plesetsk cosmodrome and, possibly from silos at the Svobodny missile base in the Far East which is to be developed into a space launching site.

So far three successful "Rokot" test launches have been carried out from silos at the Baykonur cosmodrome in Kazakhstan. The latest launch orbited a RADIO-ROSTO satellite for radio amateurs.

Foreign offers of a joint use of the new booster have already been received. Thus, the German Daimler Benz Aerospace company and the Khrunichev enterprise created a joint venture to market the "Rokot" for launching satellites of up to 1.8 tonnes of weight to low orbits. The first commercial launches are expected from the Plesetsk cosmodrome in the end of 1997.

FEDERAL ASSEMBLY—POSTPONEMENT OF KOZYREV DUMA SPEECH DETAILED

[From the "Diplomatic Panorama" feature by diplomatic correspondents Aleksandr Korzun, Igor Porshnev, Yevgeniy Terekhov, and others]

[FBIS Transcribed Text] Moscow, July 14 (INTERFAX)—The State Duma, Russia's lower house of parliament, has put off till autumn a report by Foreign Minister Andrey Kozyrev, originally scheduled for Friday.

Kozyrev, however, was ready to address the Duma on Friday, Valentina Matviyenko, a senior Foreign Ministry official told INTERFAX.

On Wednesday Duma speaker Ivan Rybkin informed the house that, at Duma's demand, Kozyrev has been invited to report on his ministry's performance during the so-called "government hour" at Friday's evening session of the house. On Thursday, however, the majority of leaders of Duma factions proposed deferring the report until the house reconvenes after the summer recess.

"The minister officially confirmed his readiness to speak at the scheduled time and made proper amendments to his schedule," said Matviyenko, head of the ministry department for contacts with the country's regions, parliament and public organizations.

Last week Kozyrev already spoke in the Federation Council, the upper house, she said. "Apparently the lower house deputies are busy with more important matters and found no time to hear a report by the head of the top foreign policy body of Russia," Matviyenko said ironically.

Another senior Foreign Ministry official said on Friday the postponement was "discourteous, to say the least."

Kozyrev is not only foreign minister but also deputy of the Duma, where he represents the Murmansk Region, the official stressed in an interview with INTERFAX.

"Before canceling their decision, the deputies should have thought about the fact that a minister's schedule is very tight and that he is busy every minute of his working day. So, if there was an arrangement for Kozyrev to speak in the State Duma on July 14, (the house) should have stuck to it, if only out of respect for the extreme business of the head of the Ministry of Foreign Affairs of the Russian Federation," the official said.

Moreover, Kozyrev was "carefully preparing" for the address. "Apparently in the autumn he will again have to look for spare time and make amendments to his report," he said.

DUMA DEPUTIES TREAT ELECTION NEWS 'POSITIVELY'

[Report by Petr Zhuravlev and Gleb Cherkasov under the "Start" rubric: "Duma Elections Set for 17 December. Lower House Finishes Forming Election Laws"]

[FBIS Translated Text] Boris Yeltsin has set 17 December as the date for the election of deputies to the Sixth (Second) State Duma of Russia. The signing of the corresponding edict was reported yesterday by the Kremlin press service, which had received the decision of the head of state, who is still in the hospital.

Many observers do not think there is anything surprising about the date itself—all election organizers and future rivals did set their beads at the first Sunday after 12 December. The surprising thing is that the edict should appear in July rather than in August. As a matter of fact, the election law says that the president is supposed to announce the voting day "not later" than four months in advance, meaning that it is not against the law that the elections have been called five months in advance. At the same time, this may spoil things for many parties and blocs, something Vyacheslav Nikonov (PRES) [Party of Russian Unity and Accord] cited yesterday.

EAST-CENTRAL EUROPE

Belarus Stops Arms Reductions. Izvestiya on 6 July reported that Belarusian President Alyaksandr Lukashenka has announced that Belarus will suspend the withdrawal of nuclear missiles from Belarus to Russia.

Lukashenka said the decision to withdraw the weapons was a political mistake made by the previous leadership. He also commented that it was unnecessary since Belarus and Russia may soon unite. RFE/RL reported Stanislau Shushkevich, former chairman of the Supreme Soviet, as saying the decision was a disgrace to Belarus's international image. Shushkevich was head of state when Belarus agreed to give up its inherited nuclear arsenal of 81 single-warhead mobile SS-25 Topol missiles. So far, 63 missiles have been withdrawn and the remaining 18 were to have been removed to Russia this month. Izvestiya commented that the decision to stop nuclear reductions was also prompted by financial considerations.—Ustina Markus, OMRI, Inc.

Azerbaijan—Azerbaijan: Transit Point for Nuclear Materials Smuggling

[Article by N. Medzhidova: "Our Borders Are Transparent to Nuclear Materials Transshipment: Azerbaijan Accused of Being One of the Main Routes for Nuclear Materials Smuggling"]

[FBIS Translated Text] The Russian media have reported that the principal routes for transshipment of atomic bomb materials from Russia and other countries pass through Ukraine and Azerbaijan. In addition, the German Bundestag's Security Commission has prepared a report based on intelligence service data regarding the disappearance of nuclear materials and their sale on the black market. According to DER SPIEGEL, former military officers and KGB agents and corrupt officers in Russia's Northern Fleet, where nuclear submarines are fueled, are involved in the smuggling of radioactive materials. They are the ones who have created this "caravan rout" between West and East. The bomb-making materials are transshipped from Russia to other countries mainly through Ukraine and Azerbaijan, continuing on through the Bosporus. All transshipment into Western Europe passes through Turkey, says DER SPIEGEL. German experts report that a "specialized international mafia" is taking shape, and that it includes Russian radioactive materials dealers. Most likely this international mafia will find its place in a black market where the buyers are Third World countries.

We asked Fikret Aslanov, head of the Radiation Medicine Department of the Azerbaijani Republic Center of Hygiene and Epidemiology, a leading specialist on radiation safety and candidate of medical sciences, to comment on this report.

"Unless steps are taken to tighten control over radioactive materials, our republic could well be accused of facilitating international terrorism and dealings in and smuggling of these particularly dangerous substances. As a rule, it is impunity that leads to the kind of violations your newspaper has described."

One year ago in an article entitled "Azerbaijan at Risk of Becoming a Radioactive Dump" we wrote about the illegal importation of radioactive sources into the Azerbaijani Republic, and in particular about the fact that in December 1993 a plane owned by U.S. owned Buffalo Airways delivered a radioactive cargo from Amsterdam to Baku's Bina Airport in a container weighing 763 kilograms. The container was shipped by the French company Schlumberger under a contract with the Azerbaijani Republic State Oil Company.

The contract indicated that the customer and the executor held each blameless in the event of any consequences. It was unclear who was supposed to be liable in the event of a radiation accident and pollution resulting from it, something that would take a great deal of manpower and money to clean up," said Fikret Aslanov.

The airport's customs service did not note the fact that a radioactive cargo had arrived, and customers agents, lacking dosimeters, merely looked over the shipping documents that arrived with cargo.

A similar incident occurred in February 1994. Three boxes weighing a total of 196 kilograms arrived at Bina Airport on a charter flight from the United States, addressed to a company called Ponder International Servis [sic]. According to the bill of lading, the boxes contained radioactive materials. No permit had been received to transship or import these radiation sources. Furthermore, there was no document indicating that the freight was insure in the vent of an accident or other unforeseen occurrence.

The illegality of both cases rests on the fact that importation of radiation sources into the republic was carried out without the knowledge of the republic's Ministry of Health and Ministry of Internal Affairs, which oversee imports, exports, storage, use, transportation and disposal of radioactive substances in accordance with "Radiation Safety Standards," "Fundamental Sanitary Regulations" and the Azerbaijani Republic law "On Sanitary and Epidemiological Health."

Another recent incident also escaped the attention of those agencies: a citizen of Azerbaijan was arrested by the Turkish security service attempting to sell 750 grams of enriched uranium. Our republic does not have any facility that would use that kind of nuclear material. Therefore it is clear that it was brought into Azerbaijan from somewhere else, passing through all border controls, then was transferred to Nakhichevan and subsequently carried to Turkey.

There is no guarantee that similar incidents will not occur over and over again. Currently the customs service does not have any dosimetric instruments, and customs agents are not informed about radioactively hazardous shipments. All these things make our borders transparent not only for radiation sources and wastes, but also, so it seems, for nuclear materials.

There is another interesting fact: according to information from the Russian media, the removal of nuclear waste from the Armenian Nuclear Power Plant and its resupply with nuclear fuel is the responsibility of the Russian Atomic Energy Agency. The question arises: by what routes are the necessary equipment and other nuclear materials being delivered to Armenia? This cannot be done by air for technical reasons. It would have been impossible to deliver these materials by rail through Georgia, because deliveries coincided exactly with the height of the Georgian-Abkhazian conflict. That leaves only one direct route: through Azerbaijan.

Judging by all this, continued F. Aslanov, the transshipment of nuclear materials and fuels was carried out through Azerbaijani territory. The specially marked trains traveled through under "green light" status, without inspection. Even if Azerbaijan's government does not permit Russia to transport this freight after the reopening of rail connections, our republic is still not protected from this radiation hazard: Russia's government, under the guise of supplying military freight to the Russian separatist forces deployed in Georgia (taking part in the Georgian-Abkhazian conflict) and in order to equip six military bases in Georgian territory (under the terms of a mutual agreement with Russia) may transport nuclear fuel, radioactive materials and wastes into Armenia in specially marked trains sealed as "particularly hazardous freight." (According to preliminary estimates, the operations of the Armenian Nuclear Power Plant will create approximately 14 metric tons of radioactive waste annually. And Armenia is not capable of disposing of that waste within its own territory).

According to F. Aslanov it is therefore essential to install automated radiation monitoring instruments at all border crossings as quickly as possible. This is the only solution to this situation. These installations will make it possible to inspect even special trains without opening them. The cost of each such instrument is $3,000-3,500—less than the price of the foreign-manufactured automobiles that crowd the streets of Baku. Our republic needs at least six of these installations to ensure the public's safety from radiation and prevent Azerbaijan from becoming a radioactive waste dump.

It is quickly becoming obvious that if emergency measures are not taken we could find ourselves facing a variety of consequences all at once: accidents like Chernobyl, and an image as a country that facilitates international nuclear terrorism.

START II HEARINGS: 'PARADOXICAL SITUATION' SEEN

[Report by Gennadiy Obolenskiy: "Pentagon May State Its All"]

[FBIS Translated Text] The discussion of questions connected with the ratification of the Treaty on Strategic Offensive Arms II [START II] in continuing in U.S. Congressional committees. In this connection, it would not be out of place to recall that the limitations and reductions of strategic offensive weapons envisaged in it, partially already implemented, have only became possible under conditions of the preservation of the 1972 ABM Treaty of unlimited duration.

This reminder is appropriate in connection with the paradoxical nature of the situation that has taken shape during the hearings. On the one hand, representatives of the Pentagon and the administration as a whole are expressing a clear desire for a real limitation of strategic offensive weapons (of course, primarily Russian ones). And on the other hand they want to evade observing the basic provisions of the ABM Treaty through agreeing with Russia the kind of parameters of so-called non-strategic anti-missile defense (or theater ABM) which would make this system entirely capable of setting strategic tasks too.

The idea of conducting talks on demarcating strategic and non-strategic ABM defense and agreeing on the specifications of the latter in the form of a separate accord was proposed to us by the Americans. Even the specific time schedules for conducting them were outlined. Reports have appeared to the effect that within the Pentagon's apparatus the accelerated preparation of a draft of such an agreement has begun. But the Americans themselves unexpectedly refused to continue the talks. Why?

Undoubtedly the emergence of a republican majority in the U.S. Congress plays a fairly major role here. The Congressmen have obviously decided not to be hasty as regards expanding cooperation with Russia and will try to wring new concessions from it. And in this connection, [they have decided] not to be in any hurry with getting up the ABM accord proposed by Washington shortly beforehand.

But there is also another side to this matter. The Americans' proposals on ABM defense have proved to be in direct contradiction to the limitations on strategic offensive arms envisaged by the START-II Treaty, and may hinder its ratification. And after all, it is extremely advantageous for the United States, and Washington is very interested in its implementation. That is why it should be expected that following the conclusion of the ratification process, the Americans proceed to additional steps to "push through" ideas in the sphere of anti-missile defense that will in fact lead to the collapse of the ABM Treaty.

Discussions can also be heard among independent American experts to the effect that once it has achieved significant reductions of Russian strategic offensive weapons, the Pentagon will stake its all, and, using its own homespun interpretations of the provisions of the ABM Treaty, will de facto stop taking it into account. Particularly since in the Pentagon's understanding, the ABM Treaty will not restrict the theater ABM. Admittedly, at the same time, the fact that this is a question of mobile ground-, sea-, and air-based ABM systems, which are banned by this treaty, is being deliberately kept quiet.

And I would like to stress the following here. Until the sides agree where the distinction between authorized and banned activity lies in respect of such ABM systems, there are no grounds for stating unilaterally that the creation of a particular ABM theater of military operations systems corresponds to the treaty and does not undermine it. Otherwise, the entire process of arms control might as well be scrapped.

Although the rumors about a "Russian nuclear mafia" are somewhat exaggerated, according to Mikhail Kulik, Northern Fleet military prosecutor's office investigator for special cases, cited by the paper CHAS PIK, there are criminal groupings in the Northwest region that are busy trying to get into depots containing nuclear materials.

The conference in St. Petersburg was attended by atomic energy specialists from Russia, the CIS countries, and Lithuania, senior officials from the International Atomic Energy Agency European Commission, representatives of the European Fuel Cycle Consortium, and nuclear experts. It was noted that the EU spent $400 million in 1991–1994 on improving the system of safeguarding nuclear safety in the countries on the territory of the former USSR. This involves training specialists at Obninsk and developing a robot capable of performing radioactivity measures, which is being designed at the Radium Institute in St. Petersburg. It was stressed that the EU is interested in importing nuclear materials from Russia on the basis of proper agreements, provided that effective international nonproliferation guarantees are found.

INTELLIGENCE SERVICE ON SECURITY OF NUCLEAR MATERIAL

[FBIS Translated Excerpt] The Russian Foreign Intelligence Service [FIS] is not aware of a single case of weapons-grade nuclear materials being smuggled out of Russia. This was stated by the press secretary of the FIS director to the Ekho Moskvy radio station.

To recall, STERN magazine alleges that Viktor Sidorenko, Russian deputy defense minister for nuclear energy, was involved in the 1994 scandal when 239 grams of weapons-grade plutonium was brought to Munich.

"There may be some minor theft from Russian civilian nuclear installations, but the military nuclear network so far appears to be sealed," Tatyana Samolis said.

"Only an expert analysis can reveal when the radioactive materials were manufactured and where they come from. These analyses have proved that there has been no smuggling of weapons-grade nuclear materials from Russian territory," she added. [passage omitted—reiteration of allegations that the Munich plutonium was of European origin]

NUCLEAR SAFEGUARDS STILL NOT 'AS WE WOULD LIKE'

[Report by Yuriy Kukanov: "Rumors About a 'Russian Nuclear Mafia' Are Highly Exaggerated"]

ST. PETERSBURG.—Talk about the danger of nuclear terrorism has clearly alluded to a "Russian fingerprint" in the international smuggling of radioactive materials. Asked by your ROSSIYSKIYE VESTI correspondent to comment on reports about German special services' involvement in an incident at Munich airport in which a container of plutonium 239 from Moscow was detained late August, Rolf Linkohr, president of the European Energy Foundation and member of the European Parliament, replied that he knew nothing about it. If it had occurred, he said, there would have been a government crisis in Germany.

Anyway, he said, it is immaterial where nuclear materials are being stolen—in the East or in the West. This view was supported by his foreign colleagues attending the first international meeting on cooperation between the European Union, the CIS, and the Baltic countries in the sphere of control over the use of nuclear materials, held in St. Petersburg in mid-April. The main thing, they stressed, is to combat this evil, create reliable national systems for recording nuclear materials, and strengthen the rules controlling their nonproliferation on the territory of the CIS and the Baltic countries. The EU countries were not mentioned.

We must combat it, of course. But it is not very clear how, if we do not know where the thefts are taking place. Lev Ryabev, Russian first deputy minister of atomic energy, flatly denied the story of a "Russian fingerprint" on nuclear contraband. There are rigorous standards which enable us to tell who fissile materials belong to. The data on the isotope structures and composition of the permissible impurities of the highly enriched uranium and plutonium seized in West Europe unequivocally demonstrate their non-Russian origin.

But in the Russian nuclear house, too, all is not as well as we would like. The Atomic Energy Ministry representative cited earlier had to admit that there have been 18 thefts of nuclear materials in the past 18 months.

He was referring to the "Luch" enterprise near Moscow and a Moscow scientific research institution where several hundred grams of highly enriched uranium materials were stolen. Otherwise we are dealing with natural, depleted uranium with a low, 235 isotope content, which poses no real danger. In none of these cases has stolen material crossed the state border. But it is worth pointing out that in the 50-year existence of the Soviet nuclear industry there have been no incidents of that kind.

It is difficult to block for certain all escape routes. The country's checkpoints do not appear to be equipped with the proper apparatus to enable them to detect and prevent unauthorized exports of uranium and plutonium. Storage of nuclear materials at Army depots is a worry. Three officers are currently being tried in Severomorsk, accused of stealing three fuel assemblies for submarine nuclear reactors containing 4.5 kg of uranium. This is not the first time it has happened in the Northern Fleet. But nuclear fuel for submarines is still stored at depots like potatoes: The criminals only had to contend with a standard barn-door lock.

STRATEGIC MISSILE TROOPS SAID IN FINANCIAL DIFFICULTIES

[From the "Vremya" newscast]

[FBIS Translated Text] Military experts have never doubted that the design of Russian missile silos would enable them to withstand any movement of the earth's crust. After all, these silos are designed to withstand a nuclear attack by a possible enemy. However, some experts point out that by the year 2003, when the period of storage of Russian missile rocket complexes which are kept in a combat-ready condition comes to an end, the facilities where they are kept in suspension will be rather dilapidated.

However, the high command of the Russian strategic missile troops, which is responsible for all land silos and mobile missiles, says there is no concern about the technical condition of the nuclear weapons. Nevertheless, it also says that insufficient funding for new developments in the nuclear sector may lead to the complete nuclear disarmament of Russia as early as 2005, when SS-33 [as heard] type missiles will have outlived their potential.

Today, the missile troops, who are constantly monitoring the nuclear safety of Russia, live in accordance with the favorite expression of their commander in chief: anyone can be on combat alert when there is money, but try to do so without it.

Although the largest units of the Russian nuclear triad, the strategic missile troops, are supposed to use only eight percent of the Russian military budget, they say that they do not see even a small part of this money.

Yuriy Kononov, commander of the largest missile division in Europe and based near Saratov, says the danger lies not in earthquakes, but in the lack of money for the smallest part of the Russian Armed Forces. The administrative infrastructure is in disarray and there is a permanent danger of electricity power cuts at command points. It seems that Russia's nuclear safety does not depend on the design of missile silos after all. [Video shows missile silos which Russian strategic missile troops have for nuclear warheads; facility in an unidentified location, servicemen and women monitoring equipment, warheads being transported; Yuriy Kononov, identified as commander of a missile division stationed near Saratov, also shown]

VOTERS BILL OF RIGHTS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the Chair recognizes the gentleman from Michigan [Mr. HOEKSTRA] for 30 minutes.

Mr. HOEKSTRA. Mr. Speaker, tonight I come to reflect on the first months of this what in many ways may be an historic Congress. We have done what many people have said we could not do. Early in this year we met our commitments by passing many of the elements, but completing the Contract With America. We met our commitment of considering and voting on all of this legislation within 100 days. We actually did it within 93 days.

After we completed the Contract With America, we completed another historic activity which many people in America said we could not do, and that is we passed a House budget resolution which puts us on a 7-year glide path to a balanced budget. We then went on and did an additional thing that people said will never happen. We worked through our differences with the Senate and we passed a conference budget resolution that both the House and the Senate passed which again put us on a glide path, a 7-year glide path, to a balanced budget.

We are now completing this week or have already completed something else that people said we probably would not get done. We have passed 10 appropriations bills through the House of Representatives, 10 appropriations bills that match or are under the spending caps that were contained in our budget resolution. As we finish this week, we will probably complete two additional bills, so by the time we go on our recess, we will have completed 12 out of the 13 appropriations bills within the budget guidelines and the budget caps that were outlined in the conference budget resolution.

The interesting thing with this, as we have gone through this process, today in the Washington Times this report comes out. Three of four Americans distrust Government, the most in polling history. According to this, this came out of a joint survey by Democrat and Republican pollsters.

This I think reflects an unfinished agenda that I hope that this Congress will take up during the fall and the winter of 1995 and the winter of 1996. We have a responsibility to make this Government, to make this House, to make this town, more responsive to the American people, to bring back the interconnectiveness between the wishes, the desires of what the American people want and what we do here in Washington.

One of the primary reasons for this significant distrust of the American people is that so often what people and politicians say in their campaign ring hollow once they come to Washington.

Last week I introduced a series of bills that I call my Voters Bill of Rights, a series of legislative initiatives that will, I think, lay the framework, create the foundation, for I think renewing American citizenship. I have written some thoughts about why I think this is needed, why I think it is important, and why I think that these initiatives will help deal with this problem of 75 percent of the American people not trusting what we do here in Washington.

The reason is that Washington has to start recognizing that the world is changing. There are forces at work in our society, in technology, in education, in business, and in health. They are moving us into an area of public policy which the current centralized bureaucracy, this current centralized Government in Washington, is incapable of addressing effectively.

The challenges we face in the coming years, whether it is Social Security, Medicare, taxation, health care, the Federal debt, if they are left unresolved, will undermine the legitimacy of our constitutional government. Our outdated systems in Washington I think need to be completely rethought. I believe that the Voters Bill of Rights will do that.

It is interesting to note that today more Americans between the ages of 18 and 40 believe in UFO's than believe in Social Security, or that Social Security will be there for them when they retire. They believe that we are wasting their money, and they feel helpless to act.

This national survey again said reasons that people listed for distrusting government include 93 percent believe that Washington is wasting their money. They feel helpless to act. Poor voter participation rates in recent elections reveal a deep lack of connectiveness between the American people and those who govern them. Elections have become more a battle of sound bites than a substantive debate about the issues facing our country.

Again, the survey indicates that 88 percent of the American people believe that politicians will say whatever it will take to get them elected, and do whatever they want once they are elected. We have to change that relationship and that process. Because when it comes right down to it, the bond between our citizens and their Government in Washington has been damaged because elected officials are unresponsive to critical issues. Issues and parties have less effect on voters' decisions. Personalities, money and narrow interests have far too great an impact. Through deliberate tactics and fudged by special interests, politicians personalize their appeal to voters. What they do is they avoid controversial or decisive issues. While this may win elections—I do not think it may win elections, I think it does win elections—the result is that politicians elected on such personality-centered campaigns believe the way to govern is to avoid responding to these issue agendas, but merely presenting a pleasing personality and satisfying the parochial needs of individuals and narrow interests is the best way to govern.

I think we should be very concerned about this direction and about this crisis of confidence. If unchecked, declining confidence will destroy the credibility of our national institutions so much that governing sensibly will become nearly impossible. I think some people would say that we have already reached that point.

The most important question for those concerned with these problems is how to restore confidence in our republican form of government. That is republican with a small r.

Policy making at the national level is really a two-step process. First we develop an issue agenda, and then these issues which make it on the agenda are debated and they are hopefully settled. Elections should allow voters to set the agenda as candidates courting their votes debate the relative importance of the issues and their positions on them. In casting their vote for a particular candidate, voters choose both what issues they want debated and whom they most trust to resolve them.

That is how it should work. But I do not think elections work that way anymore. Individual Members of Congress have devoted their staff and financial resources to doing individualistic favors and avoiding positions on broader national issues. The personalization of campaigning means that the agenda settling functions of elections has been short-circuited, left almost exclusively in the domain of Washington centered interests, rather than the broad national interests.

What I am saying here is that what we should have is we should have the national electorate setting the issue agenda for Washington, but because elections have become centered on personalities, these personalities get elected to Washington and they then set the agenda here.

I think a major corrective step would be to restore the connection between national elections and national issues. Unfortunately, one cannot rely only on individual candidates to do so, since the current campaign strategies are so effective. That is focusing on personalities rather than issues.

So we have to do some other approaches. I think allowing the voters to use the Voters Bill of Rights to help set national priorities would be an effective way to restore that connection. The ideas contained in the Voters Bill of Rights would reconnect issues to Congressional elections without violating the basic form of the Constitution or the founders' views of the proper role of Government.

The Constitution is a mix of elements forming our representative democracy, a form of government in which people freely choose their decision makers, but do not make the decisions themselves. We are and should remain a republic. We do not want to go to a pure democracy.

The founders rightly feared the momentary passions of even the limited property owning male and fairly well-educated electorate of their time. For them democracy meant rule by the demos, or mob. They evolved a situation to be avoided for its tendency to trample minority rights. Madison believed a republican form of government would refine and enlarge the public views, by passing them through the medium of a chosen body of citizens whose wisdom may best discern the true interests of their country, whose patriotism and love of justice will be least likely to sacrifice it to temporary and partial considerations.

In large measure the main constitutional elements of separation of government, separation of powers, federalism and bicameralism, are all designed to allow time for the passions of the masses to cool, hopefully turning dangerous impulses into more reasoned effective change. Madison is usually considered one of the more levelheaded founders of this country. His critic of the direct democracy is sound and broadly admired. His optimism, however, about—and when is the last time we heard people described Congress this way—full of wisdom, patriotism and love of justice, love of justice of elected representatives, seems, in light of current events, naive and anachronistic.

The brace against the mob rule written by the founders in the Constitution should not be lightly dismissed. There are, on the other hand, constitutional elements to promote the Democratic impulse. These include wide suffrage, short election terms for the House of Representatives, and the required origin of all money bills in the House.

Constitutional amendments have been added, they include the expansion of the right to vote and to make the Senate directly elected. Remember, the Senate used to be appointed. Guaranteed participation rights to excluded groups preserved and promoted individual freedoms. Extra constitutional development, such as the rise of mass political parties and the expansion of offices filled by elections, have further enhanced the voice of all the people. Sadly, these changes to broaden participation have not improve our Government or are not effective in dealing with some of the problems that we face today.

□ 2045

The changes clearly have made elected officials more responsive to the immediate opinion of individual voters, yet major issues remain unresolved. Individual citizens have more opportunities to participate in political debate but see little substance in what is being debated. Institutional developments and campaign change made Members of Congress almost invulnerable to mass public judgment, while at the same time empowered them to manipulate the opinions of isolated constituencies and individuals.

Representatives cultivated individuals through case work, narrow constituencies by targeted mail and political action committees resolutions. The power to appease constituents on an almost individual basis has empowered Representatives to ignore larger issues and placed the blame for inaction on the institution. Thus today we have a far more responsive government than ever, but its officials are far better able to evade responsibility for inaction and gridlock. We have not been dealing with the tough issues. This Congress has seen its vote on term limits, has seen its vote on a balanced budget amendment and a line-item veto.

The voters bill of rights, however, I think fundamentally empowers citizens to have a more direct impact on this town.

Now, let us talk a little bit about what we have as part of this voters bill of rights. What are we proposing in a series of legislative initiatives that will deal with this problem of 75 percent of the American people still being cynical about Washington? I think what we need to do is open up the process, invite them in, invite the grassroots population in, not to make decisions but to help set the agenda for what we work on here in Washington.

The voters bill of rights is our first step and perhaps the only step that realistically has a chance of passing in this Congress. I will have to be honest with the speaker. Most of these ideas are not very widely accepted in Washington, not very widely accepted in this House.

We have not been here long. But as I go through the list of ideas, I think you will be able to understand why these ideas resonate at the grassroots level and want to be buried and hidden once we get here in Washington.

The first one, I think, is a fairly harmless suggestion, an experiment that I think we could pass in this Congress and actually have in place in 1996, November of 1996. It is called the national advisory referendum. It is H.R. 2115 and H.R. 2116.

What is a national advisory referendum? Many of our States have binding referenda, but this is an advisory referendum. It allows for a national vote during the November 1996 general elections on issues such as term limits, tax reform and tax limitation.

Specifically, what this means is that if this legislation passed next summer, early next fall, we would have a debate on these three national issues. On election day in November of 1996, citizens would go in, they would go into their place, their voting booth, vote for President. They would vote for perhaps a Senator. They would vote for their Congress person.

Then they would see this funny little box in the corner, advice to Congress or to Washington, three questions. The three questions should be or will be: Should Congress approve a constitutional amendment to limit the terms of Representatives and Senators? Yes and no.

Remember, this would have been, these questions would be well defined before, so voters would recognize what the questions were. I bet they would want to know where the people they were voting for stood on these issues. Should Congress approve a constitutional amendment to limit the terms of Representatives and Senators? Second question, remember these are advisory: Should Congress approve a law to replace the current income tax system with a flat tax? Yes or no.

The third question: Should Congress approve a constitutional amendment to require a popular vote by the American people for any future income tax increases?

Three simple questions, helping to frame the debate for the next Congress, term limits, tax reform and a reform or vote empowerment on tax increases.

These are nonbinding issues. So the process then becomes one of debate these issues, advise Congress, the next election, probably elect people that are consistent with your views on these issues. We would come back in the 105th Congress, and we would have feedback from the American people on these three issues so that we could seriously debate, discuss and hopefully deal with these three issues early in the next session of Congress.

So the agenda that we would be working on here in Washington would be consistent with the agenda and the direction that the American people had set, but the direction we would be going in or the final details of how these would be worked out would be left up to this House, to our companion House and to the President.

The second piece of legislation that we have introduced would be very fitting as a follow through on this. It is House Joint Resolution 105. Here is where we move from the doable to the desirable, but unlikely in this Congress. It is called recall. What this does, it allows voters to circulate petitions calling for the recall of Senators and/or Representatives.

If a sufficient number of petitions are selected and certified, a recall election shall be held. If a majority choose to recall the elected official, a new election is called to fill the vacancy. Would that not be a wonderful process, if we could get both of these done, where you would have a debate, an advisory referendum, Congress would act, and then perhaps some constituents along the process might feel the need for a recall.

One of the things that we have heard so much about in the last few months is people that said we are in favor of term limits. We are in favor of a balanced budget. We are in favor of a balanced budget amendment. That is what they campaigned on. That is what they promised their voters. They came here, they had the opportunity to vote. And what did they do? They did what 88 percent of the American people believed that politicians do. They did and they said what will get them elected, and then they will do whatever they do or whatever they want once they are elected.

So the two elements that we discussed so far in this voters bill of rights, empowering the American citizenship, or national advisory referendum, connected with that is the opportunity for recall.

The third item that we have as part of this process goes to election day.

How many times have not people gone into the voting booth and said, I am really not pleased with any of the choices here, but the only choice that I have is to either vote for the people on this list or not vote in that category at all. Well, we are proposing that they have another choice.

The choice that they have would be the candidates who have gone through the normal process to get their names on the ballot, then a little box that is on their automatically. Again, not an idea that is well liked here in Washington, it is called none of the above. A little box there, you can vote for Mr. X, Mrs. Y, Ms. So-and-so, or none of the above.

What happens if you go through this process and at the end of the election day the votes are tabulated and counted and none of the above wins? It is a clear signal that the people have been dissatisfied with the choices that they were given by the major parties or independent people who worked to get on the ballot. And it says, none of these people meet our criteria, so we voted for none of the above. We would like a new election. None of the people that ran in this initial election are eligible for the second election.

So none of the above, the third element in our voters bill of rights.

The last two pieces of legislation that we have introduced, again, significantly empower voters to help set the agenda here in Washington. Actually allowing for voters to add in binding referenda so that they can actually help us and pass legislation through the referenda process, and the last piece of legislation is a national citizens initiative amendment process to actually enable, there are two ways to start a constitutional amendment now, through action in the Congress, action by the States, the third way we are saying now is to actually enable the voters to start the amendment process to the Constitution, not the complete process, but a third way of beginning the amendment process.

Just think if we had had that process in place today, I have a high degree of certainty that we would have passed term limits. We would have passed the balanced budget. We would have passed a line-item veto. Those things would have been part of our Constitution. They would have stopped a Congress that many people think has acted irresponsibly over the last number of years by spending more than what it takes in. The American people knew that, but Congress, as many believe, was unwilling to act.

What this whole voters bill of rights does is it makes the American people fuller and more complete partners with us in governing this country. It does not move us to a democracy. It just makes us, in an information age, it makes them more complete partners with us in the process so that we will not be reading anymore headlines like this that say, "75 percent cynicism rate suggests a third party."

The answer is not a third party. The third party will suffer from many of the same problems that the current process has. We need to change the process to enable people to more completely feel engaged in the process of funning this country. The current model says Washington knows best, that knowledge flows from Washington to the people.

This new model says, not says, actually demonstrates that the people know best and that the people should be allowed to speak in a more direct fashion to help set the agenda in Washington. They do not make the final decisions. That is the job of this House, of this Congress, working together with the President, to make the final decisions on how we implement what we do, how we will do it. But it is a way to more fully engage the American people. The voters bill of rights proposals will help citizens set the agenda in Washington without changing the essential nature of the way decisions are made.

The advisory referenda proposals are a modest means to induce congressional action. It is a half step, but I think it is the only step that this Congress is willing to take. If such a process bears fruit, the constitutional amendments I have proposed might prove unnecessary, but I think the experiment is worth going through. More likely, however, the more forceful mechanism, the joint resolution proposals, that is, the advisory referenda, none of the above, recall, are necessary to redirect Congress' attention back to the interests of the people. These items are outlined to give people an ability to enact laws through an initiative process, without disrupting the structure of our representative form of government.

The petition requirements, the supermajority, limitations built in this ensure that the genuine and unique characteristics of our form of government do not change. This is a way to create partnership, not to change the core values of how we run this government.

The voters bill of rights preserves many of the advantages of our current system, preserving our representative form of government, protecting minorities, preventing hasty decisions, fostering compromise and conciliation.

New benefits they bring include the potential to stimulate the dangerously flagging public participation in civic affairs. Why do not people come to elections? They feel disconnected. They do not believe what politicians say. And they do not trust us when we get here. This process, where they are more actively engaged, this will hopefully get them to come back out and participate in our electoral process.

Elections would once again be about both issues and candidates, not just candidates, about both issues and candidates. That is what we need to do. Voters would go to the polls confident that they are sending a signal to Congress on which issues they want addressed. Candidates would be more likely to take positions on ballot issues. I do not think they would be more likely to. I think voters would require them to take positions. And they would be less able to go into office based merely on name recognition and slick campaign styles or slogans.

The underlying contemporary malaise, alienation, and cynicism toward politics is all too apparent today. Unchanneled into productive expressions of citizens control, it is likely to erupt in ways far more dangerous to our constitutional principles and longstanding political traditions such as political parties.

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We need to address these issues. We can no longer sit on the sidelines with 75 percent of the American people cynical about what we do here in Washington. This Congress boldly acted when we said, we are listening to the American people, we know and we hear that you want us to deal with the deficit. We are doing that, and I congratulate this Congress on doing it. But now we have to deal with this cynicism and this contempt that people hold for this Congress.

Mr. Speaker, a Voter's Bill of Rights provides a framework to begin that discussion. It provides a framework, and actually it provides, I think, some legislative initiatives that we can pass and we can begin on the road to this citizen involvement.

A further benefit of the Voters' Bill of Rights is to provide national leadership for the legislature. Such leadership has been far too absent from the congressional power structure. A national initiative, either of the advisory referendum type, or the more powerful legislative proposal, would provide a national publicly-developed agenda of issues of which Congress would be forced to grapple with in its next session of Congress. Congress would be transformed from an assemblage of parochial agents to a body forcing the debate and defending the public good. What a wonderful change that would be.

Other attempts at more lightened debate like more Oxford-style debate are puny and hollow. They do not require resolution of any issues. They may make the House more entertaining, more fun to watch. We are not in the entertainment business, we are into education and resolving public policy date. Forced debate on say term limits would guarantee an open an educational debate on an issue otherwise inadequately considered.

The Voters' Bill of Rights provides us, I think, with the framework, with the foundation, to build on what I think is a record of success of this Congress. We have dealt with the budget, we have dealt with the contract, we have dealt with appropriations bills. Now is the time that we start doing the people's agenda, engaging in a full partnership with them, providing them with a light at the end of the tunnel that says, Washington is open. We want you to provide us with more direct feedback, more direct contact, and as a result of that new cooperation, that new dialogue, we are going to be a more responsive and a more effective body, so that you, once again, can be proud of the process here in Washington, and I think the result will be, you will also be prouder of the product that we produce here in Washington.

Mr. Speaker, the Voters' Bill of Rights is a step forward, a step to frame the debate and the discussion on how we can empower the American people, and how we can renew American citizenship.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2127, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATION ACT, 1996

Mr. McINNIS, from the Committee on Rules, submitted a privileged report (Rept. No. 104–224), on the resolution (H. Res. 208) providing for consideration of the bill (H.R. 2127) making appropriations for the Departments of Health and Human Services, an Education, and related agencies, for the fiscal year ending September 30, 1996, and for other purposes, which was referred to the House Calendar and ordered to be printed.

WHITEWATER INVESTIGATION

The SPEAKER pro tempore (Mr. METCALF). Under the Speaker's announced policy of May 12, 1995, the Chair recognizes the gentleman from Indiana [Mr. BURTON] for 30 minutes.

Mr. BURTON of Indiana. Mr. Speaker, I would like to talk today about the conviction of Webster Hubbell, the indictment of Governor Jim Guy Tucker (both close friends of President Clinton) and the two Arkansas judges overseeing these cases.

The judge in Webster Hubbell's case stepped aside because of his close ties to all of Arkansas' top Democrat politicians. The judge in Governor Tucker's case has made no move to recuse himself, even though many observers believe he has even more conflicts of interest.

Mr. Speaker, about a month ago former Associate Attorney General Webster Hubbell was sentenced to 21 months in prison. On December 6, 1994, Mr. Hubbell pled guilty to one count of mail fraud and one count of tax evasion to the independent counsel investigating Whitewater, Kenneth Starr. Last week, Mr. Hubbell, who a little more than a year ago was the Nation's third highest ranking law officer, testified before the Senate about the death of Vincent Foster and the obstructions of the investigation at the White House.

I'd like to talk for a moment about Webster Hubbell. He is often characterized in the media as the President's frequent golfing partner. But he is much more than that.

Mr. Hubbell was a partner along with Hillary Clinton, William Kennedy III, and the late Vincent Foster at Little Rock's powerful Rose Law Firm. In fact, Mr. Hubbell served as the firm's managing partner. He also served as mayor of Little Rock, and was appointed by then-Governor Bill Clinton as interim Chief Justice of the Arkansas State Supreme Court.

He came to Washington with the Clintons after the 1992 election and, in the opinion of many Washington insiders, ran the Justice Department until Janet Reno was confirmed by the Senate. Mr. Hubbell resigned as Associate Attorney General in March 1994 after his former partners at the Rose Law Firm began to investigate him for overbilling some of his clients, including the Federal Government for work done in a case against the auditors of Madison Guaranty Savings and Loan. Now, like many of the President's friends from Arkansas, Mr. Hubbell has left the government in disgrace and legal trouble.

On June 23, 1995, Mr. Hubbell asked the judge presiding over his case for leniency, stating that he had made proper restitution to his former firm. Under the sentencing guidelines, Mr. Hubbell was required to serve a mandatory minimum sentence unless the independent counsel asked the presiding judge for leniency. Mr. Starr replied to Mr. Hubbell's request by stating that he had no intention to ask for leniency.

The fact that Mr. Starr had no intention of asking for the court to be lenient with Mr. Hubbell leads us to believe that Hubbell did little to help Starr's investigation.

After he left the Justice Department, Hubbell landed a new job at G. William Miller and Co., the law firm of Michael Cardozo. Cardozo is the former Clinton Justice Department official who handles the Clintons' legal defense fund. He became notable in the summer of 1993 because he spent the entire weekend with Vincent Foster three days before Foster's death. Webster Hubbell and Michael Cardozo spent the weekend at the Eastern Shore secluded with Mr. Foster and his wife. Both have claimed that Foster did not seem unusually depressed, even though investigators have cited Foster's depression as the reason for his suicide 3 days later.

And somehow, Mr. Hubbell's wife was offered a job at the Interior Department after Mr. Hubbell entered his plea. We know that Mrs. Hubbell's hiring was orchestrated by talks between the White House and the Interior Department. Since Mr. Hubbell and his wife were both being employed by their friends, many people wonder whether he cooperated with the Starr probe as much as he might have.

The judge originally assigned to preside over the Hubbell case was one William Wilson in Little Rock. However, as is so often the case among the political and social elite of Arkansas, Judge Wilson had close associations with Bill and Hillary Clinton, and before becoming a judge was very active in the Arkansas Democrat party. Judge Wilson realized the possible conflict of interest, and 2 days after Mr. Hubbell's guilty plea he recused himself from the case. In doing so, Judge Wilson stated, "Not only must you do justice, you must have an appearance of doing justice." I take that quote from an editorial in the June 21, 1995 edition of the Wall Street Journal and ask that this editorial be entered into the RECORD.

WHO IS HENRY WOODS?

Last year, the President was reminiscing with Connie Bruck of The New Yorker about his 1990 gubernatorial race. At one point, he said, he was undecided about running and an influential Arkansan came up with a substitute: Hillary Clinton. The powerful member of the Arkansas political family "desperately wanted her to run for governor," the President told Ms. Bruck, "and it got out and around the state."

That gentleman was Judge Henry Woods of the U.S. District Court for the Eastern District of Arkansas. "Henry," a friend of the judge told Ms. Bruck, "just hangs the moon on Hillary." Judge Woods has contributed 15 years of distinguished service to the judiciary, particularly in the long-running Little Rock school desegregation cases. At a critical point in 1987, Judge Woods named Mrs. Clinton counsel to a citizens' committee working for racial balance in the schools. "I called on Hillary a lot," he told Ms. Bruck. "She was not just functioning as advisor to the committee."

Judge Woods will soon be back in the news, starting with tomorrow's arraignment of Arkansas Gov. Jim Guy Tucker and two associates. They're charged with defrauding the government in a scheme linked to David Hale's Capital Management Services. While the arraignment will take place before other magistrates in Little Rock, the trial is scheduled to unfold in the courtroom of Mrs. Clinton's biggest fan.

Gov. Tucker has angrily declared his innocence and says he may challenge Independent Counsel Kenneth Starr's jurisdiction. "None of the allegations," Gov. Tucker said, "involve President Clinton, Mrs. Clinton or any other person in the executive branch that the regular U.S. Attorneys would have had a conflict in prosecuting." As we have noted in regard to the Clintons, this is correct in a narrow sense; but it is also true that the indictments and guilty pleas so far obtained by Mr. Starr paint a disturbing picture of the political and business landscape from which the President and First Lady emerged.

Understandably, for example, Gov. Tucker would have preferred that "the regular U.S. Attorney" handle his case. That would be Paula Casey, the long-time Friend of Bill who first received criminal referrals from the Resolution Trust Corp. allegedly naming the Clintons and Mr. Tucker. After making some crucial decisions, Ms. Casey belatedly recused herself from the Madison Guaranty case, in November 1993, in the midst of a six-week period which saw Treasury contacts with the White House. Bruce Lindsey informing the President about the referrals, two Clinton-Tucker meetings, and Associate Attorney General Webster Hubbell's own recusal from Whitewater matters.

The problem, of course, is that everyone from the Arkansas political culture comes from the Arkansas political culture. When it came time for Mr. Hubbell to plead guilty to a scheme to defraud the government and his former partners at the Rose Law Firm, he stood before U.S. District Court Judge William Wilson in Little Rock. Two days after the plea, Judge Wilson stepped down from the case, saying his contacts with the Clintons over the years might be misconstrued. "Not only must you do justice," Judge Wilson said, "you must have an appearance of doing justice."

Naturally Judge Woods has the same sort of associations. Now 77, he was for some 40 years a close associate of Arkansas financier and legislator Witt Stephens—head of the Stephens Inc. investment giant until his death in 1991. "Mr. Witt" first earned a reputation as a political kingmaker with the 1948 election of Gov. Sid McMath; Henry Woods was Gov. McMath's top aide. Mr. Woods later fought segregationist Gov. Orval Faubus and was a supporter of current Sen. Dale Bumpers and Rep. Ray Thornton, among others. Messrs. Clinton, Tucker, Hale, and James McDougal of Madison Guaranty fame all got their early political education from one of the towering figures in Arkansas politics, former Sen. William Fulbright. It's a tight, if sometimes feuding, family.

Mr. Woods actively supported Mr. Bumpers' 1970 gubernatorial run. In 1974, Gov. Bumpers knocked Sen. Fulbright out of the Democratic primary and went on to the Senate; Mr. Fulbright went to work for the Saudis and Stephens Inc. In 1978, Mr. Woods supported Mr. Stephens' nephew, Mr. Thornton, in a three-way primary race against then-U.S. Rep. Tucker and David Pryor for the Democratic nomination to the Senate. President Carter nominated Mr. Woods to the federal bench in 1979; when he was sworn in, Gov. Clinton saluted him, saying he was a man who would "feel the pain" of the people.

The defendant to the contrary, the Tucker case is not just another case, but one pregnant with implications for the President, the First Lady and the whole circle of the judge's friends and associates. Judge Woods can best honor his distinguished record on the bench by following Judge Wilson's example and stepping aside.

This editorial raises an interesting question, because we are awaiting the trial of Bill Clinton's successor as Governor of Arkansas, Jim Guy Tucker. On June 7, 1995, Governor Tucker and two associates were indicated by a Federal grand jury in Little Rock. Governor Tucker was indicated for fraudulently obtaining a federally backed small business loan and evading taxes and is facing up to 12 years in prison if convicted.

On October 6, 1993, Jim Guy Tucker and President Bill Clinton met privately at the White House. About a week before this meeting, White House Counsel Bernard Nussbaum and White House Advisor Bruce Lindsey and other top administration officials were informed of the fact that the Resolution Trust Corporation had forwarded criminal referrals regarding Madison Guaranty Savings and Loan to the Justice Department. These criminal referrals named not only Bill and Hillary Clinton but also Jim Guy Tucker.

The White House has stated that President Clinton and Governor Tucker never discussed these criminal referrals, neither at the White House meeting nor at a later meeting in Seattle. But we have no way of knowing. That is why so many people are so concerned about the many improper contacts between the White House staff and the Treasury Department.

The judge assigned to preside over the Tucker case is Judge Henry Woods. For some background on Woods, I refer my colleagues to the Wall Street Journal editorial I quoted earlier, as well as a column by former elected Arkansas Supreme Court Justice Jim Johnson that ran in the June 23, 1995, edition of the Washington Times. I ask that these articles be entered into the Record.

[From the Washington Times, June 23, 1995]

The Life and Times of Judge Henry Woods

(By Jim Johnson)

To understand how the federal courts work in Arkansas, you have to understand Stephens Inc.

To understand Stephens, you have to understand Henry Woods, 77, the senior U.S. judge in Arkansas, and the judge to whom the fortunes of Jim Guy Tucker, our governor now under federal indictment, have been assigned.

You might say, "it's an Arkansas thing."

U.S. district judges and other major officials of the federal judiciary are selected by political appointment, and politicians are moved by political influence. The most powerful political influence in Arkansas for the past 40 years has been Stephens Inc., owned and operated for many years by Witt Stephens and his younger brother, Jack.

Stephens Inc., is the largest bond house off Wall Street, bigger than any in Chicago or Los Angeles or Dallas, and one of the top commodities traders in the nation. Stephens took Tyson Foods and a number of other business giants public, for example, and continues to influence their operations.

In 1992, when the Clinton campaign was knocked to its knees by the first allegations of the candidate's draft-dodging and womanizing, a Stephens subsidiary advanced him over $3 million to save his campaign. This advance was identical to the sum the Stephens organization got in a sweetheart deal it had manipulated with the Clinton-controlled Arkansas Student Loan Fund just a few months earlier.

These people play hardball, and play it well. When Sen. John L. McClellan died in 1977, the Stephens brothers determined to replace him with their nephew, Rep. Ray Thornton, who then represented a district in southern Arkansas. Our governor, Jim Guy Tucker represented the Little Rock district, and David Pryor, now our junior U.S. Senator, was the governor.

All three entered the race for Mr. McClellan's seat. The nephew ran a close third, leaving the Stephens brothers in a position to pick the winner in the runoff primary, by throwing the nephew's support to one of the two top candidates.

They selected David Pryor, on condition that he arrange the appointment of their friend, Henry Woods, a Little Rock lawyer, to a U.S. district judgeship. As soon as Mr. Pryor was elected, he kept his promise.

I first knew Henry Woods when I arrived in Little Rock in 1951 to represent Ashley County, where I was born, in the Arkansas state senate. Henry was the executive secretary to Sidney S. McMath, the governor. In that era, our governors exerted complete control over the state Highway Department, the agency that expended millions of dollars annually, by far the agency with the most rewards to dispense.

Henry was promising roads to everybody who could offer something in return. He became such a promising fellow that I, along with a number of other members of the state senate, introduced legislation to require an audit of the state's highway-construction operations.

Our bill became law, over the strenuous objections of the governor, and the audit commenced. It wasn't long until it appeared that Henry had his hands in the highway funds up to his elbows, and a Pulaski County grand jury was empaneled to determine whether crimes had been committed.

The hearings waxed hot and heavy, and three weeks before the governor's term expired, and with it Henry's job as the governor's executive secretary, the judge presiding over the grand jury abruptly and unexpectedly resigned, thereby enabling the governor to appoint his replacement. The governor appointed a Little Rock lawyer distinguished mostly for his enthusiastic appreciation of distilled spirits, and his first judicial act was to dismiss the grand jury—which, according to speculation the grand jurors never discouraged, was about to indict Henry.

Henry Woods is an empire-builder. He concerns himself not only with the appointment of federal judges, but clerks, magistrates, U.S. district attorneys, U.S. marshals, the office secretaries, clerks and even the janitors. Henry spent World War II on the home front, working as an FBI agent. He keeps himself informed as to every sparrow that falls by being the most active alumnus in the FBI association. Henry does not miss much.

Henry was the closest friend Witt Stephens ever had. He took lunch with Witt every day for years in the private dining room at Stephens Inc., in downtown Little Rock, and when Witt passed away two years ago Henry gave the eulogy. Henry knew of every federal vacancy before it occurred, just in time to make the wishes of the Stephens brothers known to the official assigned to fill the vacancies.

For example, Henry engineered the appointment of his former classmate and co-campaign manager, Elsijane Trimble Roy, to the federal bench in Arkansas. His public admiration of the president and the first lady has been remarked on for years, and when they went to Washington he saw to it that they leased a presidential office in the Stephens Building, even though ample space was available in Little Rock's spacious new federal office building.

When Mr. Clinton became the president, another of Henry's friends, his former law partner, William R. Wilson, was appointed to a federal judgeship, too. Mr. Wilson had been Henry's leg man and gofer for years; it was well known in Little Rock that when Mr. Wilson walked into your office you were actually dealing with Henry.

When Webster Hubbell, the U.S. associate attorney general and the No. 3 man in the Justice Department, pleaded guilty to having committed 2 of 47 felonies charged against him, the case was assigned to Judge Wilson for sentencing—even though Webb Hubbell worked on Judge Wilson's appointment, and as a lawyer Judge Wilson had represented Roger Clinton, the president's brother, when he was charged in a drug case. He had represented Mrs. Virginia Kelley, the president's late mother, in another matter. It did not occur to Judge Wilson to recuse himself until the pressure created by national news coverage became to intense that he finally stepped aside.

This brings us to Whitewater. Six judges sit in Little Rock for the Eastern District of Arkansas. Three are there through the maneuvering of Henry Woods, affording those persons indicted as a result of the investigation that began with the president and Mrs. Clinton a 50-50 chance of drawing a judge with a connection to Henry and Stephens Inc. Jim Guy Tucker had just such luck.

Further, anyone indicted as a result of an investigation into whether someone at Tyson Foods, Inc., bribed Mike Espy, the former U.S. secretary of agriculture, would be tried in the Western District of Arkansas, headquarted in Fort Smith, before Judge Harry Barnes, the former law partner of Sen. David Pryor; Judge Franklin Waters, the former law partner of James Blair, who is the chief counsel for Tyson and the guru of Hillary Clinton in the making of her miraculous fortune in the commodities-trading market; or Judge Jim Larry Hendren, the former personal attorney for Sam Walton, the founder of Wal-Mart. Stephens Inc., took Wal-Mart public. Jack Stephens and Hillary Clinton have been members of the board of Wal-Mart.

Kenneth Starr, the independent counsel, appears to us in Arkansas to be conducting his investigation in a vigorous and professional manner, but members of Congress should bear in mind that even if these judges recuse themselves, the judicial machinery for the selection of U.S. grand and petit juries will remain in place and exercise a marked influence on the outcome. All clerks, marshalls, secretaries, and even the janitors know they will be spending the remainder of their careers under the supervision of the judges who would be stepping aside only until the great spotlight dims, silence falls and the special prosecuting lawyers leave Little Rock.

If justice should be done with convictions secured, the convictions will be appealed to the U.S. Court of Appeals for the Eighth Circuit in St. Louis. The chief judge there is Richard Arnold, a protege of Henry Woods, who lunches with him nearly every day he is in Little Rock, at Stephens Inc. Witt is gone but the private dining room lives on.

His brother, Morris Arnold, also serves on the appeals court. Morris (or Buzz, as we call him at home) was the only Republican confirmed by the old Democratic Senate after Bill Clinton was elected president of the United States.

On his last visit home, Mr. Clinton spent the first several hours with Richard Arnold, the chief judge of the St. Louis court, which hears all federal appeals in Arkansas. The Paula Jones case is before that court now.

Judge Richard Arnold was an administrative assistant to Sen. Dale Bumpers, whose wife Betty is the chief Washington lobbyist for the largest utility company in our state. Arkansas can be an accommodating place.

Judge Arnold was, in the president's own description, Bill Clinton's sentimental choice for the seat that finally went to Stephen Breyer. Judge Arnold said his health was not good. It was also disclosed, in the FBI check into his background, that he earned more than $500,000 last year in the commodities-trading market—the very same market where Hillary struck gold "Brutus is an honorable man," said Mark Anthony "So are they all, all honorable men." But why, someone must ask, given their loyalties and the uncanny coincidences that thrive in Arkansas like Delta cotton in August, must we lead them into temptation?

Arkansas is a small state with a wealth and abundance of many wonderful God-fearing people. I was born here and when I die my mortal remains will return to the soil I love as a Southerner loves the land of his people. Many hearts have been broken by the squalid evidences of corruption paraded past America over these past 2½ years, besmirching the reputation of the state we love. We should have done something about it years ago. We failed.

Now Congress must meet its obligations to the Constitution and to the people who sent them to Washington to defend that Constitution. Congressional hearings on the order of Watergate must be conducted at once, and only when they are concluded after a thorough and vigorous effort, and everything has been laid out before America, can America know that justice has been done.

Judge Woods is a longtime member of the Arkansas political elite. He is a major power broker in the Arkansas Democrat party. He served as chief assistant to Democratic Governor Sid McMath. He freely admits that he is good friends with Bill and Hillary Clinton. Judge Woods named Mrs. Clinton to a State panel to work toward racial balance in schools. Woods and McMath later went on to form a law partnership, McMath, Leatherman, and Woods. McMath's son, Sandy McMath, a member of the law firm, was an instrumental leader in the early political campaigns of Jim Guy Tucker. So even if Judge Woods and Governor Tucker aren't the best of friends, they are undoubtedly members of the same tightly knit network from which Bill Clinton emerged.

In the Webster Hubbell case, Judge Wilson realized immediately that he had no business trying the case. Even if he could have been completely objective, many people would still question what they saw as the appearance of a conflict. In the Jim Guy Tucker case, Judge Woods has given us no indication that he intends to recuse himself, despite his multiple potential conflicts of interest. With Judge Woods, the conflict of interest is more than just an appearance. It is a very serious matter.

QUESTIONS:

If Jim Guy Tucker's attorneys move to throw out the indictments claiming that Kenneth Starr has exceeded his jurisdiction, would Judge Woods' many ties to the State Democrat party color his decision?

What other connections exist between Judge Woods and Governor Tucker that we do not know about?

With Judge Wilson's recusal due to possible conflicts of interest in the Hubbell case, isn't it in Judge Woods' best interest, after a long and illustrious career, to follow his example and recuse himself?

What did Jim Guy Tucker and Bill Clinton talk about at their meeting at the White House in 1993? How can we ever know for sure whether or not they shared confidential information about the RTC criminal referrals that had been revealed to the White House?

What did Jim Guy Tucker and Bill Clinton talk about in their meeting in Seattle?

DAVID HALE

When Jim Guy was indicted, the media were quick to proclaim that the indictment was not connected in any way to Bill and Hillary Clinton. But this isn't the case. The charges brought by the Independent Counsel against Governor Tucker are the direct result of testimony and documentary evidence provided by Judge David Hale.

Judge Hale is the same man who has accused the president of pressuring him to approve an illegal loan in 1986 to obtain funds to help the failing Madison Guaranty Savings and Loan.

Judge Hale pled guilty to defrauding the Small Business Administration. He has testified to a Federal grand jury that he was pressured by Governor Bill Clinton and his Whitewater partner, James McDougal, and by Jim Guy Tucker, to provide an illegal $300,000 loan to McDougal's wife, Susan McDougal. This loan was never repaid, and more than $100,000 of the loan reportedly ended up in Whitewater Development Company's account.

The day after the Tucker indictment, Mr. Starr secured a guilty plea from Stephen A Smith, who was one of Bill Clinton's top aides during his first term as Arkansas governor. Smith pleaded guilty to defrauding the Small Business Administration, lying to obtain $65,000 from David Hale's lending agency, Capital-Management Services.

The indictment of Jim Guy Tucker and the guilty plea of Stephen Smith show us that the grand jury—made up, incidentally, or normal citizens of Arkansas, not a bunch of right-wing Clinton critics—is looking closely at the documents and listening very carefully to the testimony offered by David Hale. The actions taken by Mr. Starr tell us that both the independent counsel's office and the grand jury consider David Hale a credible witness.

[From the Washington Post, March 4, 1995]

WHITE HOUSE OFFICIALS DETAIL AIDE'S ROLE IN HUBBELL HIRING

(By Susan Schmidt)

Administration officials yesterday offered more details about the White House role in helping Suzanna W. Hubbell secure a political post at the Interior Department last month, saying that Bruce Lindsey, a top presidential aide, was involved only peripherally.

Hubbell is the wife of former associate attorney general Webster L. Hubbell, who has agreed to cooperate with Whitewater independent counsel Kenneth W. Starr in hopes of receiving a reduced sentence on felony fraud and tax charges. Among other matters, Starr is investigating Lindsey's handling of campaign funds in then-Gov. Bill Clinton's 1990 presidential campaign.

Sen. Lauch Faircloth (R-N.C.), has complained that Lindsey should not have discussed Suzanna Hubbell's job with the Interior Department, given that her husband is cooperating with a criminal investigation that touches Lindsey. But White House officials said yesterday that Lindsey did nothing to help Suzanna Hubbell return to her $59,022-a-year job after an 11-month leave of absence caused by her husband's legal problems.

Suzanna Hubbell, formerly a special assistant in the secretary's office, came back to a job as an assistant to the director of external affairs.

Interior spokesman Kevin J. Sweeney said yesterday that Suzanna Hubbell had arranged to return to the department Feb. 6., and Interior officials sought throughout January to get the White House's okay, without success. When Suzanna Hubbell showed up for a staff meeting on that date, Interior Chief of Staff Tom Collier directed his deputy, B.J. Thornberry, to pull her out, until the White House approved her status. Hubbell and Thronberry then both got on the phone and tried to get an answer themselves, Sweeney said.

"Suzy called Lindsey to see if he could find out about the request for approval," said Sweeney. Lindsey, the associate White House counsel and a family friend, was unavailable, so she left a message.

Suzanna Hubbell then called Deputy White House Chief of Staff Erskine Bowles, who said he would get back to her, Sweeney said.

While • she waited, Lindsey returned Suzanna Hubbell's call, and talked to both Thornberry and Hubbell. "He said he'd check and get back, which he did not do," said Sweeney. Later, Sweeney said, Bowles called Thornberry and said that Suzanna Hubbell could be reinstated.

A White House official, who asked not to be named, described Lindsey's conversation differently. The official said that by the time Lindsey called Suzanna Hubbell back, the "glitch" already had been resolved and Thornberry told Lindsey that. The official said Lindsey was not asked to do anything, and was not involved in or aware of a decision by White House counsel Abner J. Mikva that day to allow Suzanna Hubbell to return to work.

The accounts given by the White House and Interior Department officials yesterday not only differed slightly from each other, they varied from Sweeney's statement Wednesday that Thornberry initiated the contact with Lindsey as "a courtesy" to inform him that Suzanna Hubbell had been reinstated.

□ 2115

Let me just end up by saying that Judge Woods, we believe, should recuse himself to eliminate any possibility of an appearance of impropriety in the case involving Jim Guy Tucker. I think that most of my colleagues, when they look at this information and read it in the CONGRESSIONAL RECORD, will agree with that.

One other thing, Mr. Speaker, I would like to put into the CONGRESSIONAL RECORD tonight and talk about is an article that was in the Washington Post today. The FDIC says that the Rose Law Firm, for which Hillary Rodham Clinton was a partner, was faulted by this agency's inspector general.

Mr. Speaker, I submit the following:

[From the Washington Post, Aug. 1, 1995]

FDIC, ROSE LAW FIRM FAULTED BY AGENCY INSPECTOR GENERAL

(By Susan Schmidt)

The inspector general of the Federal Deposit Insurance Corp. concluded yesterday that the agency ignored numerous conflicts of interest in hiring the Rose Law Firm and glossed over its failings in a report last year intended to examine whether Rose had been improperly hired.

The report issued yesterday took both Rose and FDIC lawyers to task.

The inspector general's investigation was prompted by Republican charges of a "whitewash" in the FDIC's earlier inquiry into conflict of interest charges involving the Arkansas law firm, where first lady Hillary Rodham Clinton was a partner.

The inspector general's office said it sent the report to the FDIC general counsel for possible legal sanctions against the Rose firm, including recovery of overbillings, and said it reported professional misconduct to authorities. The report came a week before the House Banking Committee is expected to examine Rose's work for the government as part of overall hearings into Whitewater.

Former Rose partner Webster L. Hubbell came in for the harshest criticism for failing to disclose his own and his firm's extensive ties to Madison Guaranty Savings & Loan when he agreed to sue the failed thrift's accountants on behalf of taxpayers in 1989.

Hubbell, the former number three official in the Clinton Justice Department, is scheduled to report to prison next week for defrauding his firm and overbilling clients, including the FDIC.

Among the conflicts the inspector general said Rose failed to disclose to the FDIC was the fact that the firm—in particular partner Hillary Clinton—had represented Madison before the Arkansas state securities department during the mid-1980s when the struggling S&L was seeking approval for a recapitalization plan. As part of that effort, Rose presented statements prepared by the accounting firm of Frost & Co. showing that Madison was in good financial shape, though the thrift was actually close to insolvency.

Hillary Clinton was on a $2,000-a-month retainer at Madison during the mid-'80s. The inspector general's report found no conflict of interest in her performance of a few hours of work in an S&L case that involved Dan Lasater, a Little Rock bond dealer and Clinton supporter who went to prison for cocaine distribution.

Hillary Clinton gave an affidavit to the FDIC inspector general, then submitted to an interview, but was not placed under oath. Her attorney, David Kendall, said she would have been willing to take questions under oath, but the inspector general did not want a court reporter present, as Kendall said he would have required.

The inspector general's office launched its investigation 18 months ago after the FDIC legal division issued a report finding that neither the Rose firm nor the FDIC had al(?) look into both the alleged conflicts and how the report was prepared.

In 1989, Hubbell circulated a memo among his colleagues saying he intended to sue Frost & Co. on behalf of the FDIC. He asked whether anyone knew of any Rose firm conflicts that would prevent the firm from taking the case, but got no reply.

Hubbell's own conflicts should have kept the firm out of the case under a standard that forbids even the "appearance of impropriety," according to the inspector general.

Hubbell failed to tell FDIC lawyers that his father-in-law was a Madison consultant and borrower whose loans were among those the government contended Frost & Co. should have flagged for Madison board members.

Rose's conflicts were so extensive, said the inspector general, that the firm was even representing a company partly owned by the very auditor who did Madison's books—putting Rose in position of both suing and representing the same person.

Rose managing partner Ronald Clarke said lawyers there "disagree with everything in the report. We did not have a conflict of interest in the Madison-Frost litigation." He said the firm hired two independent legal experts who agreed it did not have conflicts, but he said lawyers there believe the inspector general's findings were inevitable given the political interest in the issue in Congress.

The House Banking Committee's hearings next week will focus on Madison and owner James B. McDougal's financial relationship with the Clintons, including their joint ownership of Whitewater. Madison failed in 1989 at a cost to taxpayers of $65 million.

The voluminous FDIC report and backup documents were sent to congressional banking committee leaders Friday. The agency released a seven-page executive summary yesterday. A separate report is expected soon from the inspector general's office of the federal S&L cleanup agency, Resolution Trust Corp., for which Rose also did work.

Mr. Speaker, the fact of the matter is there have been numerous people indicted, numerous people removed from positions of authority in the White House, numerous people who have been convicted or will be convicted, I believe, because of the indictments that are coming down who are connected to this administration.

I believe and hope that the Banking Committee here in the House and the corresponding committee in the other body, will get to the bottom of all of this and bring to justice those people who broke the law.

At the very least, the appearance of impropriety for so many people in this administration is something that everybody in this country ought to be worried about. As the weeks and months come as these investigations continue to unfold, I will bring to the floor information for my colleagues to take a look at, because I think it is extremely important that the people's House and the people who represent the people of this country are apprised of all the facts of the case of Whitewater, the Arkansas Financial Development Authority, the Madison Guaranty Corporation, and other situations involving people in this administration.

With that I yield back the balance of my time.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. YATES (at the request of Mr. GEPHARDT), for Monday, July 31, after 7:45 p.m., on account of personal reasons.

Mr. TUCKER (at the request of Mr. GEPHARDT), for Monday, July 31, on account of official business.

Mrs. MEYERS of Kansas (at the request of Mr. ARMEY), on July 27, 28, and 31, on account of illness in the family.

Mrs. THURMAN (at the request of Mr. GEPHARDT), for today, on account of illness in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. FARR) to revise and extend their remarks and include extraneous material:)

Mr. SKAGGS, for 5 minutes, today.
Mr. FRANK of Massachusetts, for 5 minutes, today.
Mr. MILLER of California, for 5 minutes, today.
Mr. MARTINEZ, for 5 minutes, today.
Mr. ENGEL, for 5 minutes, today.
Mr. MENENDEZ, for 5 minutes, today.
Ms. FURSE, for 5 minutes, today.
Mrs. MINK of Hawaii, for 5 minutes, today.
Mr. FARR, for 5 minutes, today.
Mr. PALLONE, for 5 minutes, today.
Mr. MINETA, for 5 minutes, today.
Ms. KAPTUR, for 5 minutes, today.
Mrs. SCHROEDER, for 5 minutes, today.
Mrs. CLAYTON, for 5 minutes, today.
Mr. OBEY, for 5 minutes, today.

(The following Members (at the request of Mr. DUNCAN) to revise and extend their remarks and include extraneous material:)

Mr. WELLER, for 5 minutes, today.
Mr. NORWOOD, for 5 minutes, today.
Mr. DUNCAN, for 5 minutes, today.
Mr. GUTKNECHT, for 5 minutes, today.
Mr. ENGLISH of Pennsylvania, for 5 minutes, today.
Mr. KINGSTON, for 5 minutes, today.
Mr. HOKE, for 5 minutes, today.
Mr. BROWNBACK, for 5 minutes, today.
Mr. JONES, for 5 minutes, on August 2.

EXTENSIONS OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. FARR) and to include extraneous matter:)

Mr. HASTINGS of Florida.
Mr. STARK.
Mr. LAFALCE.
Mr. LEVIN.
Mr. FROST.
Mr. HAMILTON.
Mr. BERMAN.
Mr. STUDDS.
Mr. STOKES.
Mr. BORSKI.
Mr. MOAKLEY.
Mr. DEUTSCH.
Mr. KLECZKA.
Mr. FAZIO of California.

(The following Members (at the request of Mr. DUNCAN) and to include extraneous matter:)

Mr. STUMP.
Mr. ROGERS.
Mr. FRELINGHUYSEN.
Mr. BILBRAY.
Mr. QUILLEN.
Mr. FORBES in two instances.
Mr. CLINGER.
Mr. HANSEN.
Mr. RADANOVICH.
Mr. KIM.

ENROLLED BILLS SIGNED

Mr. THOMAS, from the Committee on House Oversight, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 2017. An act to authorize an increased Federal share of the costs of certain transportation projects in the District of Columbia for fiscal years 1995 and 1996, and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Oversight, reported that that committee did on this day present to the President, for his approval, a bill of the House of the following title:

H.R. 2017. An act to authorize an increased Federal share of the costs of certain transportation projects in the District of Columbia for fiscal years 1995, and 1996, and for other purposes.

ADJOURNMENT

Mr. BURTON of Indiana. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 23 minutes p.m.), the House adjourned until tomorrow, Wednesday, August 2, 1995, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1284. A letter from the Deputy Chief, Programs and Legislation Division (Office of Legislative Liaison), Department of the Air Force, transmitting the Secretary's determination that it is in the public interest to award the evolved expendable launch vehicle [EELV] low cost concept validation [LCCV] module contracts using other than full and open competition, pursuant to 10 U.S.C. 2304(C)(7); to the Committee on National Security.

1285. A letter from the Chief of Legislative Affairs, Department of the Navy, transmitting notification that the Department intends to renew lease of one naval vessel to the Government of New Zealand, pursuant to 10 U.S.C. 7307(b)(2); to the Committee on National Security.

1286. A letter from the Secretary of Education, transmitting a compilation and analysis of reports submitted by States in accordance with the Stewart B. McKinney Homeless Assistance Act, pursuant to 42 U.S.C. 11434(b)(5); to the Committee on Banking and Financial Services.

1287. A letter from the Secretary of the Treasury, transmitting the Department's third monthly report to Congress, as required by section 404 of the Mexican Debt Disclosure Act of 1995, pursuant to Public Law 104-6, section 404(a) (109 Stat. 90); to the Committee on Banking and Financial Services.

1288. A letter from the Secretary of the Treasury, transmitting the annual audit of the Student Loan Marketing Association [Sallie Mae] for the year ending December 31, 1994, pursuant to 20 U.S.C. 1087-2(k); to the Committee on Economic and Educational Opportunities.

1289. A letter from the Secretary of Education, transmitting final regulations—centers for independent living—compliance indicators, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Economic and Educational Opportunities.

1290. A letter from the Secretary of Education, transmitting final regulations—nonprocurement debarment and suspension, student assistance general provisions, and Federal Family Education Loan Program, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Economic and Educational Opportunities.

1291. A letter from the Administrator, Energy Information Administration, transmitting the Department's report entitled, "Uranium Purchases Report 1994," pursuant to 42 U.S.C. 2296b-5; to the Committee on Commerce.

1292. A letter from the Secretary of Health and Human Services, transmitting the 1990-94 annual report on the National Health Service Corps [NHSC], the NHSC Scholarship Program [NHSCSP], and the NHSC Loan Repayment Program [NHSC/LRP], pursuant to 42 U.S.C. 254i, 254l(i), 254l-1(i), and 254q(a); to the Committee on Commerce.

1293. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the texts of ILO Convention No. 175 and recommendation No. 182 concerning part-time work, adopted by the International Labor Conference at its 81st session, at Geneva, June 24, 1994; to the Committee on International Relations.

1294. A letter from the General Counsel, U.S. Arms Control and Disarmament Agency, transmitting copies of the English and Russian texts of five implementing agreements, three negotiated by the Special Verification Commission for the INF Treaty, and two negotiated by the Joint Compliance and Inspection Commission [JCIC] for the START Treaty; to the Committee on International Relations.

1295. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11-127, "Revised Fiscal Year 1996 Budget Request Act," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on Government Reform and Oversight.

1296. A letter from the Director, Administrative Office of the United States Courts, transmitting the actuarial reports on the Judicial Retirement System, the Judicial Officers' Retirement Fund, the Judicial Survivors' Annuities System, and the Court of Federal Claims Judges' Retirement System for the plan year ending September 30, 1994, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Reform and Oversight.

1297. A letter from the Commissioner, Bureau of Reclamation, transmitting a report on the necessity to construct modifications to Twin Buttes Dam, San Angelo Project, TX, in order to preserve its structural safety, pursuant to 43 U.S.C. 509; to the Committee on Resources.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GOODLING. Committee on Economic and Educational Opportunities. H.R. 1225. A bill to amend the Fair Labor Standards Act of 1938 to exempt employees who perform certain court reporting duties from the compensatory time requirements applicable to certain public agencies, and for other purposes; with an amendment (Rept. 104-219). Referred to the Committee of the Whole House on the State of the Union.

Mr. SPENCE: Committee on National Security. House Joint Resolution 102. Resolution disapproving the recommendations of the Defense Base Closure and Realignment Commission; adversely (Rept. 104-220). Referred to the Committee of the Whole House on the State of the Union.

Mr. DIAZ-BALART: Committee on Rules. House Resolution 206. Resolution waiving points of order against the conference report to accompany the bill (H.R. 1854) making appropriations for the legislative branch for the fiscal year ending September 30, 1996, and for other purposes (Rept. 104-221). Referred to the House Calendar.

Mr. CLINGER: Committee on Government Reform and Oversight. H.R. 1670. A bill to revise and streamline the acquisition laws of the Federal Government, to reorganize the mechanisms for resolving Federal procurement disputes, and for other purposes; with an amendment (Rept. 104-222 Pt. 1). Ordered to be printed.

Mr. LINDER: Committee on Rules. House Resolution 207. Resolution providing for the consideration of the bill (H.R. 1555) to promote competition and reduce regulation in order to secure lower prices and higher quality services for American telecommunications consumers and encourage the rapid deployment of new telecommunications technologies (Rept. 104-223). Referred to the House Calendar.

Mr. SOLOMON: Committee on Rules. House Resolution 208. Resolution providing for consideration of the bill (H.R. 2127) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1996, and for other purposes (Rept. 104-224). Referred to the House Calendar.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 1670. Referral to the Committees on National Security and the Judiciary extended for a period ending not later than August 2, 1995.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. WAMP (for himself, Mr. DUNCAN, Mr. HILLEARY, Mr. SCARBOROUGH, Mr. RIGGS, Mr. FOLEY, Mr. KINGSTON, Mr. DAVIS, Mr. LARGENT, Mr. BASS, Mr. GUTKNECHT, Mr. WELDON of Florida, Mr. WICKER, Mr. SANFORD, Mr. BUYER, Mr. BLUTE, Mr. LATOURETTE, Mr. KLUG, Mr. SOUDER, Mr. TATE, Mr. FOX, Mr. COBURN, Mr. ENSIGN, Mr. TRAFICANT, Mr. ISTOOK, Mr. RADANOVICH, Mr. ZIMMER, Mr. DEAL of Georgia, Mr. GRAHAM, Mr. STOCKMAN, Mr. UPTON, Mr. MILLER of Florida, Mr. DICKEY, Mr. CHRYSLER, Mr. EWING, Mr. ROHRABACHER, Mr. MCINTOSH, Mr. BALLENGER, Mr. SCHIFF, Mr. HEINEMAN, Mr. BURR, Mr. GALLEGLY, Mr. OXLEY, Mr. GREENWOOD, Mr. DOOLITTLE, Mrs. WALDHOLTZ, Mr. MCCRERY, Mr. PARKER, Mr. HUTCHINSON, Mr. CONDIT, Mr. SAXTON, Mr. MCKEON, Ms. DUNN of Washington, Mr. JACOBS, Mr. BAKER of Louisiana, Mr. WHITE, Mr. BARTLETT of Maryland, Mr. HORN, Mr. BILBRAY, and Mr. THORNBERRY):

H.R. 2148. A bill to reduce the influence of political action committees in elections for Federal office and to require that more than half of the contributions to a House of Representatives candidate be from in-State individual residents, and for other purposes; to the Committee on House Oversight.

By Mr. SHUSTER (for himself, Mr. MINETA, Mr. COBLE, Mr. TRAFICANT, and Mr. OBERSTAR):

H.R. 2149. A bill to reduce regulation, promote efficiencies, and encourage competition in the international ocean transportation system of the United States, to eliminate the Federal Maritime Commission, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mrs. MEYERS of Kansas:

H.R. 2150. A bill to amend the Small Business Act and the Small Business Investment Act of 1958 to reduce the cost to the Federal Government of guaranteeing certain loans and debentures, and for other purposes; to the Committee on Small Business.

By Mr. ENGLISH of Pennsylvania:

H.R. 2151. A bill to provide for enhanced penalties for health care fraud, and for other purposes; to the Committee on Commerce, and in addition to the Committees on Ways and Means, the Judiciary, and Government Reform and Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ENGLISH of Pennsylvania (for himself, Mr. MCHALE, Mr. CLINGER, Mr. WELDON of Pennsylvania, and Mr. STEARNS):

H.R. 2152. A bill to establish the Independent Commission on Medicare to make recommendations on how to best match the structure of the Medicare Program with the funding made available for the program by Congress, to provide for expedited consideration in Congress of the Commission's recommendations, and to establish a default process for meeting congressional spending targets for the Medicare Program if Congress rejects the Commission's recommendations; to the Committee on Ways and Means, and in addition to the Committees on Commerce, Rules, and the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LIPINSKI:

H.R. 2153. A bill to amend title 49, United States Code, to require the Secretary of Transportation to issue regulations and encourage the States to adopt and implement laws prohibiting the operation of certain uncovered commercial motor vehicles on highways; to the Committee on Transportation and Infrastructure.

By Mr. LIPINSKI (for himself and Mr. POSHARD):

H.R. 2154. A bill to privatize environmental testing analysis, and for other purposes; to the Committee on Commerce, and in addition to the Committees on Transportation and Infrastructure, and Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STUMP (for himself and Mr. MONTGOMERY) (both by request):

H.R. 2155. A bill to amend title 38, United States Code, to restrict payment, in the case of incarcerated veterans, of the clothing allowance otherwise payable to certain disabled veterans and to create for pension purposes a presumption of permanent and total disability for veterans over age 65 who are patients in a nursing home; to the Committee on Veterans' Affairs.

H.R. 2156. A bill to amend title 38, United States Code, to change the name of the Servicemen's Group Life Insurance Program to Service members' Group Life Insurance, to merge the Retired Reservists' Service members' Group Life Insurance Program into the Veterans' Group Life Insurance Program, to extend Veterans' Group Life Insurance coverage to members of the Ready Reserve of a uniformed service who retire with less than 20 years of service, to permit an insured to convert a Veterans' Group Life Insurance policy to an individual policy of life insurance with a commercial insurance company at any time, and to permit an insured to convert a Servicemembers' Group Life Insurance policy to an individual policy of life insurance with a commercial company upon separation from service; to the Committee on Veterans' Affairs.

H.R. 2157. A bill to amend title 38, United States Code, to authorize the termination of Servicemen's Group Life Insurance when premiums are not paid; to the Committee on Veterans' Affairs.

By Mr. VENTO (for himself, Mr. GONZALEZ, Mr. FRANK of Massachusetts, Mr. KENNEDY of Massachusetts, Mr. MFUME, Mrs. MALONEY, Mr. BARRETT of Wisconsin, Mr. HINCHEY, and Mr. BENTSEN):

H.R. 2158. A bill to streamline the regulatory treatment of financial institutions, and for other purposes; to the Committee on Banking and Financial Services.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 390: Mr. DIXON, Mr. GENE GREEN of Texas, and Mr. LATHAM.

H.R. 394: Mr. SANDERS, Mr. LEACH, Mr. ORTIZ, Mr. FAZIO of California, and Mr. QUINN.

H.R. 427: Mr. ZELIFF and Mr. GUNDERSON.

H.R. 436: Mr. GOODLATTE, Mr. KLUG, Mr. BILBRAY, Mr. PARKER, and Mr. CONDIT.

H.R. 534: Mr. DELLUMS, Mrs. WALDHOLTZ, Mr. SCHAEFER, Mr. DICKEY, Mr. JOHNSON of South Dakota, Mr. HOLDEN, Mr. POMEROY, Mr. PAYNE of Virginia, and Mr. ROHRABACHER.

H.R. 580: Mr. GILCHREST.

H.R. 700: Mr. FRANKS of Connecticut.

H.R. 752: Mr. REGULA, Mrs. SCHROEDER, Mr. POMBO, Mr. CASTLE, Mr. PETRI, Mr. BARRETT of Nebraska, Mr. BONO, Mr. EMERSON, Mr. GRAHAM, Mr. ROSE, Mr. TOWNS, Mr. HEFNER, Ms. ROS-LEHTINEN, Mr. BEVILL, Mr. SCOTT, Mr. TORRICELLI, and Mr. RIGGS.

H.R. 795: Mrs. THURMAN, Mr. SMITH of New Jersey, and Mr. HOKE.

H.R. 842: Mr. HAMILTON, Mr. BUYER, Mr. JOHNSON of South Dakota, Mr. DEUTSCH, Mr. SCOTT, Mr. MCHALE, Mr. CRANE, Mr. ENGEL, and Ms. WOOLSEY.

H.R. 863: Mr. STUDDS.

H.R. 969: Mrs. SCHROEDER, Mr. LANTOS, and Mr. MORAN.

H.R. 1023: Mr. BOEHLERT.

H.R. 1127: Mr. EVANS, Ms. MCKINNEY, Mr. CANADY, Mr. LAUGHLIN, Mr. FIELDS of Texas.

H.R. 1162: Mr. LAHOOD, Mr. SCARBOROUGH, Mr. BARTLETT of Maryland, Mr. LOBIONDO, Mr. HOKE, and Mr. METCALF.

H.R. 1172: Mr. BENTSEN.

H.R. 1385: Mr. PASTOR.

H.R. 1406: Mr. GINGRICH.

H.R. 1512: Mr. GOODLATTE, Mr. BACHUS, and Mr. PAXON.

H.R. 1619: Mr. CANADY.

H.R. 1748: Mr. SMITH of Michigan.

H.R. 1930: Mr. FOX, Mrs. KELLY, Ms. PRYCE, Mr. FROST, and Mrs. MEEK of Florida.

H.R. 2011: Mrs. CLAYTON and Mr. YATES.

H.R. 2078: Mr. JOHNSTON of Florida.

H.R. 2086: Mr. DAVIS.

H. Con. Res. 42: Ms. LOFGREN.

H. Res. 30: Mr. HOBSON and Mr. HILLIARD.

H. Res. 134: Mr. POSHARD, Mr. LOBIONDO, Mr. GOSS, Mr. MEEHAN, Mr. ZIMMER, Mr. RIGGS, Mrs. SEASTRAND, and Mr. INGLIS of South

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

32. By the SPEAKER: Petition of the Lower Township Council, NJ, relative to the township's opposition to solid waste flow control; to the Committee on Commerce.

33. Also, petition of the council of the city and county of Honolulu, HI, relative to urging congressional support and passage of the Filipino Veterans Equity Act of 1995; to the Committee on Veterans' Affairs.

AMENDMENTS

Under clause 6 or rule XXIII, proposed amendments were submitted as follows:

H.R. 1555

OFFERED BY: MR. UNDERWOOD

AMENDMENT NO. 6: Page 77, line 9, strike the close quotation marks and following period and after such line insert the following new section (and conform the table of contents accordingly):

"SEC. 275. EQUAL ACCESS AND RATE INTEGRATION FOR GUAM.

"Upon implementation of equal access, Guam shall be considered a part of the domestic United States rate plan, and all calls between the Guam and all other United States points shall be considered domestic calls. Rates charged by providers of interstate, interexchange telecommunications services for calls between Guam and all other domestic points shall be based upon domestic, rate-integrated principles.".

H.R. 1555

OFFERED BY: MR. UNDERWOOD

AMENDMENT NO. 7: Page 77, line 9, strike the close quotation marks and following period and after such line insert the following new section (and conform the table of contents accordingly):

"SEC. 275. EQUAL ACCESS AND RATE INTEGRATION FOR GUAM.

"Upon implementation of equal access, Guam, the Commonwealth of the Northern Marianas, and American Samoa shall be considered a part of the domestic United States rate plan, and all calls between the Guam, the Commonwealth of the Northern Marianas, or American Samoa and all other United States points shall be considered domestic calls. Rates charged by providers of interstate, interexchange telecommunications services for calls between Guam, the Commonwealth of the Northern Marianas, or American Samoa and all other domestic points shall be based upon domestic, rate-integrated principles.".

H.R. 2126

OFFERED BY: MS. DELAURO

(Amendment to the Amendment Offered by Mr. Dornan)

AMENDMENT NO. 48: Page 94, after line 3, insert the following new section:

"SEC. 8107. None of the funds made available in this Act may be used to administer any policy that permits the performance of abortions at medical treatment or other facilities of the Department of Defense, except when it is made known to the Federal official having authority to obligate or expend such funds that—

"(1) the life of the mother would be endangered if the fetus were carried to term; or

"(2) in the case of a medical treatment or other facility of the Department of Defense located outside the United States, any cost incurred by the United States in connection with such procedure will be reimbursed from private funds."

H.R. 2126

OFFERED BY: MR. EDWARDS

AMENDMENT NO. 49: Page 28, after line 16, insert the following caption:

(INCLUDING TRANSFER OF FUNDS)

Page 28, line 24, after the dollar amount, insert the following: "(reduced by $17,300,000)".

Page 29, after line 3, insert the following:

Of the amount provided under this heading, $23,000,000 shall be transferred to and merged with the appropriation in this Act for "Operation and Maintenance, Defense-Wide".

H.R. 2126

OFFERED BY: MR. EDWARDS

AMENDMENT NO. 50: Page 94, after line 3, insert the following new section:

"SEC. 8107. The amounts otherwise provided by this Act are revised by reducing the amount made available for "Research, Development, Test and Evaluation, Defense-Wide", and increasing the amount made available for "Operation and Maintenance, Defense-Wide", by $40,300,000 and $23,000,000, respectively."

H.R. 2126

OFFERED BY: MR. KENNEDY OF MASSACHUSETTS

AMENDMENT NO. 51: Page 28, line 11, after the dollar amount, insert the following: "(reduced by $2,338,718,000)".

H.R. 2126

OFFERED BY: MR. SANDERS

AMENDMENT NO. 52: Page 94, after line 3, insert the following new section:

"SEC. 8107. None of the funds made available in title III may be used for the procurement of any article produced or manufactured outside of the United States, except pursuant to a contract in effect before the date of the enactment of this Act."

H.R. 2126

OFFERED BY: MR. SANDERS

AMENDMENT NO. 53: Page 94, after line 3, insert the following new section:

SEC. 8107. None of the funds made available in title III may be used for the procurement of any article when it is made known to the Federal official having authority to obligate or expend such funds that—

(1) the article is produced or manufactured outside of the United States; and

(2) the procurement is not pursuant to a contract in effect before the date of the enactment of this Act.

H.R. 2126

OFFERED BY: MR. UNDERWOOD

AMENDMENT NO. 54: Page 94, after line 3, insert before the short title the following:

SEC. 8107. None of the funds made available in this Act may be used by the Under Secretary of Defense (Comptroller) or the Director of the Defense Finance and Accounting Service for fingerprinting, photographing, and questioning a military retiree in any State or Territory of the United States for purposes of investigating irregularities with respect to that retiree's receipt of military retirement benefits except when it is made known to the Federal official to whom the funds are made available that, based on an examination of the financial records of that military retiree (and a comparison of those financial records with other relevant data), probable cause exists to fingerprint, photograph, and question the military retiree to investigate such irregularities.

H.R. 2127

OFFERED BY: MR. BALLENGER

AMENDMENT NO. 81: Page 22, insert after line 6 the following:

SEC. 109. No funds appropriated under this Act may be expended by the Occupational Safety and Health Review Commission until such Commission shall enter of record and issue to the public and the parties as official actions and final orders of the Commission the decisions in Arcadian Corp., OSHRC Docket No. 93-1270, and Hartford Roofing Co., OSHRC Docket No. 92-3855, or until such Commission shall provide a report to its authorizing committees and the respective appropriations committees of the House of Representatives and the Senate stating whether the sitting members of the Commission as of April 27, 1995, voted as to the merits of such cases, and whether 2 then sitting members of the Commission voted affirmatively as to the merits.

H.R. 2127

Offered By: Mr. Cunningham

Amendment No. 82: Page 88, after line 7, insert the following:

TITLE VII—OTHER PROGRAMS

WORKING PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

In addition to amounts otherwise provided in this Act, for carrying out title VIII of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7701 et seq.); title VI of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7301 et seq.); for title II of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2331 et seq.); for the National Institute for Literacy under section 384 of the Adult Education Act (20 U.S.C. 1213c), respectively, $49,580,000, $40,000,000, $80,450,000, and $4,870,000, to be derived from amounts under the head "National Institutes of Health" by reducing each amount under such head by 1.465 percent.

Page 42, beginning on line 13, strike the colon and all that follows through "8003(e)" on line 22.

H.R. 2127

Offered By: Mr. Cunningham

Amendment No. 83: Page 88, after line 7, insert the following:

TITLE VII—OTHER PROGRAMS

SUCCESSFUL PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

In addition to amounts otherwise provided in this Act, for carrying out title VIII of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7701 et seq.); title VI of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7301 et seq.); for title II of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2331 et seq.); for the National Institute for Literacy under section 384 of the Adult Education Act (20 U.S.C. 1213c), respectively, $46,000,000, $40,000,000, $69,130,000, and $4,870,000, to be derived from amounts under the head "National Institutes of Health" by reducing each amount under such head by 1.34 percent.

Page 42, beginning on line 13, strike the colon and all that follows through "8003(e)" on line 22.

H.R. 2127

Offered By: Mr. Cunningham

Amendment No. 84: Page 88, after line 7, insert the following:

TITLE VII—OTHER PROGRAMS

SUCCESSFUL PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

In addition to amounts otherwise provided in this Act, for carrying out title VIII of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7701 et seq.); title VI of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7301 et seq.); for title II of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2331 et seq.); for the National Institute for Literacy under section 384 of the Adult Education Act (20 U.S.C. 1213c), respectively, $46,000,000, $40,000,000, $39,310,000, and $4,870,000, to be derived from amounts under the head "National Institutes of Health" by reducing each amount under such head by 1.0888 percent.

Page 42, beginning on line 13, strike the colon and all that follows through "8003(e)" on line 22.

H.R. 2127

Offered By: Ms. Danner

Amendment No. 85: Page 41, insert after line 8 the following new section:

Sec. 210. The amounts otherwise provided by this Act are revised by reducing the amount made available for the "Office of the Secretary" for "general departmental management" which is not transferred from trust funds, and increasing the amount made available for the "Office of the Secretary" for the "office of the inspector general" which is not transferred from trust funds, by $5,981,000.

H.R. 2127

Offered By: Mr. Engel

Amendment No. 86: Page 55, line 25, strike "$240,000,000" and insert "$260,000,000".

H.R. 2127

Offered By: Mr. Goodling

Amendment No. 87: Page 75, after line 24, insert the following new section.

NATIONAL INSTITUTE FOR LITERACY

(INCLUDING TRANSFER OF FUNDS)

"Sec. 514. For expenses to carry out the literacy program of the National Institute for Literacy under section 384 of the Adult Education Act (20 U.S.C. 1213c), to be derived from amounts provided in this Act for "Education, Research, Statistics, and Improvement", $4,869,000."

H.R. 2127

Offered By: Mr. Gutierrez

Amendment No. 88: Page 35, strike lines 11 through 15.

H.R. 2127

Offered By: Mr. Gutierrez

Amendment No. 89: Page 35, line 15, strike "$1,000,000,000" and insert in lieu thereof "$750,000,000".

Page 42, line 7, strike "$645,000,000, of which $550,000,000" and insert in lieu thereof "$395,000,000, of which $300,000,000".

H.R. 2127

Offered By: Mr. Kennedy of Massachusetts

Amendment No. 90: Page 18, strike lines 17 through 24.

H.R. 2127

Offered By: Mr. Lazio

Amendment No. 91: Page 38, line 6, after the dollar amount, insert the following: "(reduced by $15,000,000)".

Page 55, line 19, after the dollar amount, insert the following: "(increased by $15,000,000 for the National Senior Volunteer Corps)".

H.R. 2127

Offered By: Mr. McIntosh

Amendment No. 92: Page 33, line 12, after the dollar amount, insert the following: "(reduced by $200,000)".

Page 33, line 15, after the dollar amount, insert the following: "(reduced by $200,000)".

H.R. 2127

Offered By: Mr. McIntosh

Amendment No. 93: Page 41, after line 8, insert the following new section:

Sec. 210. Of the amount otherwise provided by this title for "Health Care Financing Administration—Program Management", $200,000 shall be available only for compensation to Henry County Memorial Hospital, in New Castle, Indiana.

H.R. 2127

Offered By: Mr. Menendez

Amendment No. 94: At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. . NONE OF THE FUNDS MADE AVAILABLE BY THIS OR ANY OTHER ACT MAY BE USED TO PAY THE SALARY OF ANY GOVERNMENT OFFICIAL (AS DEFINED IN SECTION 4946(C) OF THE INTERNAL REVENUE CODE OF 1986) WHEN IT IS MADE KNOWN TO THE FEDERAL OFFICIAL HAVING AUTHORITY TO OBLIGATE OR EXPEND SUCH FUNDS THAT THERE HAS BEEN AN ACT OF SELF-DEALING (AS DEFINED SECTION 4941(D) OF SUCH CODE, DETERMINED BY TREATING SUCH OFFICIALS AS DISQUALIFIED PERSONS) BETWEEN SUCH OFFICIAL AND ANY ORGANIZATION DESCRIBED IN PARAGRAPH (3) OR (4) OF SECTION 501(C) OF THE INTERNAL REVENUE CODE OF 1986 AND EXEMPT FROM TAX UNDER SECTION 501(A) OF SUCH CODE.

H.R. 2127

Offered By: Mr. Moran

Amendment No. 95: Page 30, line 13, insert before the period the following: ": *Provided further*, That of the funds made available under this heading, $7,500,000 shall be available for carrying out the activities of the Office of Alternative Medicine under section 404E of the Public Health Service Act".

H.R. 2127

Offered By: Ms. Pelosi

Amendment No. 96: On page 2 line 15, strike $3,180,441,000 and insert $3,412,441,000 on page 2 line 16, strike $2,936,154,000 and insert $3,168,154,000.

H.R. 2127

Offered By: Ms. Pelosi

Amendment No. 97: On page 2 line 15, strike $3,180,441,000 and insert $3,412,441,000.

On page 2 line 16, strike $2,936,154,000 and insert $3,168,154,000.

On page 7 line 18, strike $64,113,000 and insert $68,613,000.

On page 8 line 19, strike $246,967,000 and insert $268,967,000.

On page 12 line 17, strike $263,985,000 and insert $307,985,000.

On page 12 line 18, strike $65,319,000 and insert $70,000,000.

On page 15 line 6, strike $185,154,000 and insert $199,154,000.

On page 25 line 5, strike $2,085,831,000 and insert $2,115,831,000.

On page 58 line 6, strike $123,233,000 and insert $170,733,000.

H.R. 2127

Offered By: Ms. Pelosi

Amendment No. 98: On page 2 line 15, strike $3,180,441,000 and insert $3,412,441,000.

On page 2 line 16, strike $2,936,154,000 and insert $3,168,154,000.

On page 7 line 18, strike $64,113,000 and insert $68,613,000.

On page 8 line 19, strike $246,967,000 and insert $268,967,000.

On page 12 line 17, strike $263,985,000 and insert $307,985,000.

On page 12 line 18, strike $65,319,000 and insert $70,000,000.

On page 15 line 6, strike $185,154,000 and insert $199,154,000.

On page 25 line 5, strike $2,085,831,000 and insert $2,115,831,000.

On page 58 line 6, strike $123,233,000 and insert $170,733,000.

On page 32 line 8, after the word "expended" insert:

": *Provided*, that none of the funds in this Act may be used to reimburse any State for expenditures incurred under title XIX of the Social Security Act based on a Federal matching rate under section 1905(b) or any related provision in excess of 69 percentum".

H.R. 2127

Offered By: Ms. Pelosi

Amendment No. 99: On page 7 line 18, strike $64,113,000 and insert $68,613,000.

H.R. 2127

OFFERED BY: MS. PELOSI

AMENDMENT NO. 100: On page 8 line 19, strike $246,967,000 and insert $268,967,000.

H.R. 2127

OFFERED BY: MS. PELOSI

AMENDMENT NO. 101: On page 12 line 17, strike $263,985,000 and insert $307,985,000.

H.R. 2127

OFFERED BY: MS. PELOSI

AMENDMENT NO. 102: On page 12 line 18, strike $65,319,000 and insert $70,000,000.

H.R. 2127

OFFERED BY: MS. PELOSI

AMENDMENT NO. 103: On page 15 line 6, strike $185,154,000 and insert $199,154,000.

H.R. 2127

OFFERED BY: MS. PELOSI

AMENDMENT NO. 104: On page 25 line 5, strike $2,085,831,000 and insert $2,115,831,000.

H.R. 2127

OFFERED BY: MS. PELOSI

AMENDMENT NO. 105: On page 58 line 6, strike $123,233,000 and insert $170,733,000.

H.R. 2127

OFFERED BY: MR. PETRI

AMENDMENT NO. 106: Page 51, line 12, strike ", of which" and all that follows through "1996" on line 25.

Page 52, line 2, strike "(1)".

Page 52, line 5, strike ", or (2)" and all that follows through "(IPAs)" on line 18.

H.R. 2127

OFFERED BY: MR. RIGGS

AMENDMENT NO. 107: Page 88, after line 7, insert the following:

TITLE VII—OTHER PROGRAMS

WORKING PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

In addition to amounts otherwise provided in this Act, for carrying out title VI of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7301 et seq.); for title II of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2331 et seq.); for the National Institute for Literacy under section 384 of the Adult Education Act (20 U.S.C. 1213c); for the National Education Goals Panel under Title II of the Goals 2000: Educate America Act (20 U.S.C. 5801), respectively, $83,532,000, $83,532,000, $4,870,000 and $3,000,000 to be derived from amounts under the head "National Institutes of Health" by reducing each amount under such head by 1.465 percent.

H.R. 2127

OFFERED BY: MR. RIGGS

AMENDMENT NO. 108: Page 88, after line 7, insert the following:

TITLE VII—OTHER PROGRAMS

WORKING PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

In addition to amounts otherwise provided in this Act, for carrying out title VIII of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7701 et seq.); title VI of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7301 et seq.); for title II of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2331 et seq.); for the National Institute for Literacy under section 384 of the Adult Education Act (20 U.S.C. 1213c); for the National Education Goals Panel under Title II of the Goals 2000: Educate America Act (20 U.S.C. 5801), respectively, $49,580,000, $38,500,000, $78,950,000, $4,870,000 and $3,000,000 to be derived from amounts under the head "National Institutes of Health" by reducing each amount under such head by 1.465 percent.

Page 42, beginning on line 13, strike "That notwithstanding" and all that follows through the comma on line 20.

H.R. 2127

OFFERED BY: MR. RIGGS

AMENDMENT NO. 109: Page 88, after line 7, insert the following:

TITLE VII—OTHER PROGRAMS

WORKING PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

In addition to amounts otherwise provided in this Act, for carrying out title VIII of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7701 et seq): title VI of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7301 et seq.); for title II of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2331 et seq.); for the National Institute for Literacy under section 384 of the Adult Education Act (20 U.S.C. 1213c); for the National Education Goals Panel under Title II of the Goals 2000: Educate America Act (20 U.S.C. 5801), respectively, $49,580,000, $38,500,000, $78,950,000, $4,870,000 and $3,000,000 to be derived from amounts under the head "National Institutes of Health" by reducing each amount under such head by 1.465 percent.

Page 42, beginning on line 13, strike the colon and all that follows through "8003(e)" on line 22.

H.R. 2127

OFFERED BY: MR. RIGGS

AMENDMENT NO. 110: Page 88, after line 7, insert the following:

TITLE VII—OTHER PROGRAMS

WORKING PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

In addition to amounts otherwise provided in this Act, for carrying out title VIII of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7701 et seq): title VI of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7301 et seq.); for title II of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2331 et seq.); for the National Institute for Literacy under section 384 of the Adult Education Act (20 U.S.C. 1213c); for the National Education Goals Panel under Title II of the Goals 2000: Educate America Act (20 U.S.C. 5801), respectively, $49,580,000, $38,500,000, $78,950,000, $4,870,000 and $3,000,000 to be derived from amounts under the head "National Institutes of Health" by reducing each amount under such head by 1.465 percent.

Page 42, beginning on line 13, strike the colon and all that follows through "8003(e)" on line 22.

H.R. 2127

OFFERED BY: MR. RIGGS

AMENDMENT NO. 111: Page 88, after line 7, insert the following:

TITLE VII—OTHER PROGRAMS

WORKING PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

In addition to amounts otherwise provided in this Act, for carrying out title VII of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7301 et seq.); for title II of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2331 et seq.); for the National Institute for Literacy under section 384 of the Adult Education Act (20 U.S.C. 1213c); for the National Education Goals Panel under Title II of Goals 2000: Educate America Act (20 U.S.C 5801), respectively, $83,532,000, $83,532,000, $4,870,000, and $3,000,000, to be derived from amounts under the head "NATIONAL INSTITUTES OF HEALTH" by reducing each amount under such head by 1.46524 percent.

H.R. 2127

OFFERED BY: MR. RIGGS

AMENDMENT NO. 112: Page 88, after line 7, insert the following:

TITLE VII—OTHER PROGRAMS

WORKING PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

In addition to amounts otherwise provided in this Act, for carrying out title VIII of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7701 et seq.); title VI of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7301 et seq.); for title II of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2331 et seq.); for the National Institute for Literacy under section 384 of the Adult Education Act (20 U.S.C. 1213c), respectively, $49,580,000, $40,000,000, $80,450,000, and $4,870,000, to be derived from amounts under the head "NATIONAL INSTITUTES OF HEALTH" by reducing each amount under such head by 1.465 percent.

Page 42, beginning on line 13, strike the colon and all that follows through "8003(e)" on line 22.

H.R. 2127

OFFERED BY: MR. RIGGS

AMENDMENT NO. 113: Page 88, after line 7, insert the following:

TITLE VII—OTHER PROGRAMS

WORKING PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

In addition to amounts otherwise provided in this Act, for carrying out title VIII of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7701 et seq.); title VI of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7301 et seq.); for title II of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2331 et seq.); for the National Institute for Literacy under section 384 of the Adult Education Act (20 U.S.C. 1213c), respectively, $49,580,000, $40,000,000, $80,450,000, and $4,870,000, to be be derived from amounts under the head "NATIONAL INSTITUTES OF HEALTH" by reducing each amount under such head by 1.465 percent.

Page 42, beginning on line 13, strike "That notwithstanding" and all that follows through the comma on line 20.

H.R. 2127

OFFERED BY: MR. RIGGS

AMENDMENT NO. 114: Page 88, after line 7, insert the following:

TITLE VII—OTHER PROGRAMS

WORKING PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

In addition to amounts otherwise provided in this Act, for carrying out; title VI of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7301 et seq.); for title II of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2331 et seq.); for the National Institute for Literacy under section 384 of the Adult Education Act (20 U.S.C. 1213c), respectively, $85,032,000, $85,032,000, and $4,870,000, to be derived from amounts under the head "NATIONAL INSTITUTES OF HEALTH" by reducing each amount under such head by 1.465 percent.

H.R. 2127

OFFERED BY: MR. RIGGS

AMENDMENT No. 115: Page 88, after line 7, insert the following:

TITLE VII—OTHER PROGRAMS

WORKING PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

In addition to amounts otherwise provided in this Act, for carrying out; title VI of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7301 et seq.); for title II of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2331 et seq.); for the National Institute for Literacy under section 384 of the Adult Education Act (20 U.S.C. 1213c), respectively, $85,032,000, $85,032,000, and $4,870,000, to be derived from amounts under the head "NATIONAL INSTITUTES OF HEALTH" by reducing each amount under such head by 1.46524 percent.

H.R. 2127

OFFERED BY: MR. SOLOMON

AMENDMENT No. 116: Page 88, after line 7, insert the following new title:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. 701. None of the funds appropriated in this Act may be made available to any institution of higher education when it is made known to the Federal official having authority to obligate or expend such funds that—

(1) any amount, derived from compulsory fees (such as mandatory nonrefundable fees, mandatory/waivable refundable fees, and negative checkoffs), compulsory student activity fees, or other compulsory charges to students, is used for the support of any organization or group that is engaged in lobbying or seeking to influence public policy or political campaigns; and

(2) such support is other than—

(A) the direct or indirect support of the recognized student government, official student newspaper, officials and full-time faculty, or trade associations, of an institution of higher education; or

(B) the indirect support of any voluntary student organization at such institution.

EXTENSIONS OF REMARKS

TRIBUTE TO AMERICA'S KOREAN WAR VETERANS

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 1, 1995

Mr. FRELINGHUYSEN. Mr. Speaker, today, I rise to pay tribute to our Nation's Korean war veterans. Last week, the Korean War Veterans Memorial was dedicated to their honor—and it's about time. These men and women have waited too long to be recognized for their sacrifices. They fought, and many died, for "a country they never knew and a people they never met," as reads an inscription on one of the memorial's sculptures.

The Korean War Veterans Memorial is a somber yet powerful monument to those who served in what is often referred to as "the forgotten war" of the 20th century. Many heroes of the Korean war have spent the last 40 years lost in the shadows of the triumphant victory in World War II and the national divisiveness sparked by the war in Vietnam. Yet, the Korean war was critical because it was the first test of the post-World War II order; our Nation's commitment to defend liberty and to arrest the growing threat of tyranny were being directly challenged.

Carved in stone on the memorial are the words, "Freedom is Not Free"—a truism confirmed by painful numbers. Over 5 million Americans were mobilized for the Korean war—103,000 were wounded in battle, 52,000 gave their lives and 8,000 prisoners of war are still unaccounted for. There are still over 140,000 Korean war veterans in New Jersey, 12,400 of them in the 11th Congressional District.

Today, as I speak, thousands of American troops work together with South Korean forces to maintain the fragile peace that their grandparents fought and died for along the 38th parallel. For 42 years now, they have stood watch. Ever vigilant, ever brave, they continue to guard what has become a thriving democracy and a vibrant culture. So, while a threat still looms from the north, our Nation's commitment to defend the principles of liberty remain steadfast.

The legacy of the soldiers who fought in the frozen hills of the Korean Peninsula is evident today in the stark contrast of a nation's people still divided. The morning before the memorial was dedicated, South Korea's President, Kim Yong-sam, addressed a joint session of the United States Congress as the leader of a free and democratic nation while Kim Il Jung of North Korea still shrouds his people in the cloak of communism.

The Korean War Veterans Memorial serves as a reminder to the United States, South Korea, and the rest of the world that freedom has a price and we ought never to forget those who paid it.

THE HAMPTON CLASSIC

HON. MICHAEL P. FORBES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 1, 1995

Mr. FORBES. Mr. Speaker, I rise today to proclaim August to be Hampton Classic Month. On August 27, I will join with tens of thousands of admirers in Bridgehampton, Long Island, NY, in celebration of the 20th anniversary of the Hampton Classic. In addition to being one of the Nation's most superb horseshows, it is also an outstanding fundraising event. Thanks to the classic's program of charitable giving, the public's support of this wonderful event also makes possible a generosity that otherwise might not be available.

Since the inaugural show in 1976, Southampton Hospital has received more than $500,000 thanks to patrons of the Hampton Classic. In addition, Mr. Speaker, the classic produces significant annual revenues for the Nassau-Suffolk Chapter of Juvenile Diabetes Foundation and the U.S. Equestrian Team, sponsors of our Olympic and other international riding teams.

Mr. Speaker, I join with all our neighbors, friends, and visitors to the east end in extending heartiest congratulations and sincere thanks to everyone in the Hampton Classic family whose selfless devotion to this tremendous undertaking have made it a success. The Hampton Classic is a truly extraordinary event and, on behalf of a grateful community, I extend my sincere appreciation to all who support it.

HONORING DR. CARL E. WHIPPLE

HON. WILLIAM F. CLINGER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 1, 1995

Mr. CLINGER. Mr. Speaker, I rise today to honor Dr. Carl E. Whipple for a quarter century of service to the Housing Authority of Warren County, PA.

A native Pennsylvanian, Dr. Whipple dedicated himself to educating and encouraging others to achieve their goals. He began his career as a teacher, subsequently earning masters and doctoral degrees in education. Following a naval tour aboard the aircraft carrier U.S.S. *Ranger*, Dr. Whipple continued his devotion to education during a year mission to India.

Many regions across Pennsylvania also benefited from Dr. Whipple's lifelong commitment to community service. As a teacher, principal and superintendent of several schools, Dr. Whipple actively pursued improvement of the public school system.

In addition to his career as an educator, Dr. Whipple will long be remembered for the realization of one of his dreams. Following retirement from Warren County Schools, Dr. Whipple while traveling on a family visit to California, viewed for the first time a public housing complex for senior citizens. Upon return to Pennsylvania, Dr. Whipple led the charge to establish a similar program in Warren County. Not only did Dr. Whipple play an instrumental role designing the housing authority, he also served as chairman of the board of directors for 25 years.

From his first job as a high school teacher, and throughout his participation in the Pennsylvania Retired Public School Employees Association, the Rotary Club, and the Northern Allegheny Conservation Association, Dr. Whipple continuously demonstrated the depth of his commitment to mankind.

I am proud to recognize Dr. Carl E. Whipple for his outstanding accomplishments and extraordinary dedication to public service in Warren County and throughout the world. We, in northwest Pennsylvania, are fortunate to have such an individual who serves as a shining example of what community service is all about.

A SALUTE TO JAZMIN BROOKS

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 1, 1995

Mrs. MINK of Hawaii. Mr. Speaker, I would like to take this opportunity to salute an outstanding young women from my congressional district, Ms. Jazmin Brooks. Jazmin was recently named a national winner of the "Voice of Democracy" broadcast scriptwriting contest which is sponsored by the Veterans of Foreign Wars of the United States and its Ladies Auxiliary. The competition requires high school students to write an essay on a specified patriotic theme. In 1995, over 126,000 students participated. Jazmin was sponsored by VFW Post 2875, VFW Post 94, Ship's Post 2432 and its Ladies Auxiliary. All are located in Honolulu HI. This year's theme was entitled, "My Vision for America" and I am pleased to share Jazmin's award winning entry with you.

MY VISION FOR AMERICA

(By Jazmin Brooks)

The date: October 12, 1492. The Man: Christopher Columbus. A time in which the seas were an open book waiting to be written. A time in which the skies were the navigational tools for all explorers to seek. A time in which the new land was like a canvas anticipating an artist's touch. One of these artists was Columbus. His painting was the Americas.

With one small stroke, Columbus began the drawing. This drawing would contain wars, revolutions, and many a rivers of tears. But this drawing was the beginning of hope, freedom, and liberty. Had this Italian man known the "door" he had just unlocked for

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

the future of the most dominant of all nations? Could he have "envisioned" what the future possessed? . . .

Vision is a common word we perceive as being connected with the action of eyesight. This is true, but it alone is not the only element to its significance. From where I stand I see three other essentials necessary to truly project and set forth the future which you desire.

One: a mind that is as open and free as the air soaring through the wings of the masterful American eagle, knowledgeable, tenacious, and wishing to teach all those who gather. Two: a heart stout enough to withstand the mightiest of all blows, yet gentle enough to concern and reach out for those less providential. Three: a lordly soul bearing the load of the mind, heart, and body, to guide and lead the way to utmost success.

The mind, the heart, and the soul are the keys to which many great leaders have found themselves and their futures. Learn from them, observe their past and present deeds to better yourself. We all share a trace of ignorance and therefore must thrive off one another to move forward. It starts with one small step . . . a dream and a vision.

I envision the future of America thirty years from now. I see a dividend of lifestyles between micro-computers and the "Jetsons." I see the animals being able to equally share the land with humans. I see no pollution due to the fact we can now change it into lovely household pottery! I see no vandals, gangs, guns, or drugs—these people overdosed to their death in their own self-pity and anger. I see no diseases, decaying, or unwanted pain. I see wholesome lives, unlocked doors, and nightly jogs because people are no longer afraid. I see racial harmony, with acknowledgement and acceptance of the past, and a "ready foot" to move forward . . . united!

This is all that I see. This is my dream. I have that mind, that heart, and that soul to make this real. I may not do it alone, but it will be done. It may not be now, but it will be soon. And I will be that leader who shall be looked upon as a true scholar. Young adults who will be entering the "real world" with little experience, but lots of energy just looking for a light to guide them through. I will be one of those lights burning brightly for hereafter.

IN MEMORY OF ELMER CERIN

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 1, 1995

Mrs. MALONEY. Mr. Speaker, Congress has lost one of its most precious resources.

On Monday, July 24, Elmer Cerin passed away. I join with many of my colleagues, our staff, and others whose lives intersect with our's on Capital Hill to mourn Elmer's death and to take a moment to celebrate his life.

Unlike many of Elmer's admirers, I only knew him for a short time. When I arrived in Washington in January 1993, I began, of course, to meet the Hill's personalities. I met the Speaker. I met powerful Senators. I met important Ambassadors. And I met Elmer. Bounding into my office 1 day with a huge smile on his face and a stack of Dear Colleagues under his arm, I first laid eyes on this incredible man, on this Capitol Hill institution.

One of my staff members, who had known Elmer for several years, filled me in. Elmer was a volunteer lobbyist for a number of important causes, including health care, religious freedom, and pro-Israel issues. Although he had reached the age of 80, he had the energy of the interns a quarter his age with whom he constantly bantered. He was kind and funny, I was told, but also incredibly persistent and persuasive. With the force of his personality and his shoeleather, Elmer won many more legislative battles than he lost.

Elmer had a long and distinguished career before he ever began his lobbying crusades. He served in the administrations of Presidents Roosevelt and Truman, and also worked for the Postal Service for over 20 years. Subsequently, Elmer was a successful attorney in private practice.

When Elmer's beloved wife, Sylvia, was diagnosed with ALS—Lou Gehrig's disease—in 1977, he began the phase of his life that put him in contact with so many on the Hill. Elmer began a personal effort to lobby for more research funds for ALS. Over the years, he took on additional health issues including breast cancer, smoking, and NIH funding. For many years, he worked out of the office of our colleague HENRY WAXMAN, who spoke eloquently last week at Elmer's funeral.

Elmer also had a desk in Steve Solarz's office where he worked with Steve on human rights and Jewish issues. I'm told that he helped Representative Solarz pass the famous yarmulke bill—which allowed Jewish servicemen to wear religious head coverings while on duty—by recounting to Members and staff the fact that Elmer himself wore his yarmulke while parachuting behind enemy lines in World War II.

Together with his second wife, Shoshana Riemer, herself an activist, Elmer was very involved in a host of civic and community affairs. He was legendary for his continuous vigil in front of the Soviet Embassy during the dark days of oppression of Soviet Jews. He and Shoshana were charter sponsors of the Holocaust Museum.

In a New York Times profile about Elmer written in 1986, Elmer said, "During my lifetime, if I can reduce suffering in this world a little bit, I will be more than rewarded for all my efforts." Sadly, Elmer's life has come to an end. But he did indeed succeed in helping many, many people. And he enriched and inspired those he left behind. The poet Thomas Campbell wrote, "To live in the hearts we leave is not to die." By this measure, Elmer will live on in all who knew and loved him.

JUDGE LLOYD TATUM, A GREAT AMERICAN

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 1, 1995

Mr. ROGERS. Mr. Speaker, this Saturday, August 5, 1995, Judge Lloyd Tatum of Henderson, TN, will celebrate his birthday, matching the Biblical age of three score and ten.

Judge Tatum is a highly respected west Tennessee lawyer, known throughout Tennessee legal circles for having served many years as a member of the Tennessee Criminal Court of Appeals. Upon his retirement from the active bench several years ago, he resumed private practice in Henderson with his son, Lloyd Rogers Tatum, while continuing to serve as a reserve judge.

In addition to being the husband of my beloved deceased sister, Inadene, Judge Tatum is a mentor of mine. He is a brother-in-law who is as close to me as a brother. He inspired me to become a lawyer, to engage in politics and to muster the self-confidence to stand for Congress.

We confer frequently about issues of the day, as well as our latest golf scores—such as they are—and I value his advice.

Saturday, his four children and their spouses, many grandchildren, other family and scores of friends are gathering to wish Lloyd a joyous birthday.

I hope that through his life, I can inspire just a fraction of the great number of people who have been inspired and encouraged by Lloyd Tatum.

I wish for him many more productive years and thank him for all he means to me, my family, and hundreds of friends and admirers.

Happy birthday, Lloyd.

CONGRATULATIONS TO TERRY JAMES McCOY

HON. CHARLES H. TAYLOR

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 1, 1995

Mr. TAYLOR of North Carolina. Mr. Speaker, it is with great pleasure that I offer my congratulations to Terry James McCoy of Franklin, NC, who has been named a national winner in the 1995 Voice of Democracy broadcast scriptwriting contest.

The program was started 48 years ago and since 1958 has been sponsored each year by the Veterans of Foreign Wars of the United States and its Ladies Auxiliary.

Students competing in the contest write and record a 3-to-5-minute essay on a patriotic theme. This year more than 126,000 secondary school students nationwide participated in the contest competing for the 54 national scholarships.

McCoy, a recent graduate of Franklin High School, was named the North Carolina State winner for his script, "My Vision for America," and was awarded the $2,000 Jesse A. Lewis Memorial Scholarship Award.

I congratulate Terry on an outstanding accomplishment and ask that his script be placed in the RECORD.

MY VISION FOR AMERICA

(By Terry James McCoy)

The United States of America was, and is, an experiment. In its brief two hundred and eighteen years as an independent nation, America has stood the test of destruction many times. Every time this nation is engaged in a battle, it is tested. Every time America experiences a lapse in its economy, it is tested. When American citizens burn the symbol of this great land, it is tested.

The Civil War was possibly this nations greatest trial. Descension among citizens has never been this high. As states began to secede, hatred towards one another began to grow. Many were declaring this, "the end of democracy, and this nation." How fortunate, that from the fields of Illinois there came a tall, powerful man. This man has vision for America. He could see past the hatred and the violence. He saw America as it should have been. Abraham Lincoln led a nation out of its greatest test and left it far better than he found it.

The Great Depression is yet another potentially disastrous predicament that America has had to face. The United States' economy was in shambles. It was not only an economic depression but a social depression as well. Unemployment was at an all time high. Yet again there were those who said that, "capitalism has failed, its the end of this nation." Children were starving, families were destroyed, and American citizens were without hope. Through the midst of this terrible time, a great leader came to the forefront. He showed the American people that there was hope. He promised them that America could pull through this evil beast, called the Great Depression. Franklin Delano Roosevelt had a vision for America. Roosevelt knew that America could quickly become the world's largest economic and militaristic super power. Franklin Roosevelt never saw the day when America became what he dreamed it to be. His vision is still very much alive in this country and will continue to be alive as long as American citizens are students of its history.

These two men contributed more to this nation than we will ever realize. Their visions are still very much a part of this country. However, their visions are not the only visions that have influenced America. Every citizen of this nation has had a vision for America's future. For example, Susan B. Anthony had a very simple vision. It was a vision in which all Americans had the right to vote.

Henry Ford had a vision in which all the people of this country could afford and own their own car. The Wright brothers dreamed of an America in which people could travel through the air to get to their destinations. These visions for America were not just fantasies that only existed in these dreamer's heads, but they were attainable ideals that many other Americans shared with them.

What is my vision for America? It is one of idealism, but attainable idealism. I see an America in which citizens can put faith in those that govern them. I see an America in which if you destroy the United States Flag, the very symbol of our freedom and our pride, not only will you be breaking a federal law but you will be directly defying the United States Constitution. My vision for America is one in which we stand proud of those that have served this nation so well, both in military service and civilian service. I foresee a nation where school children are no longer afraid of violence in their own schools. I dream of the day when the people of this nation can once again stroll the streets in safety. I look forward to an America where people are proud of it and its rich history. This is my vision for America.

A TRIBUTE TO THE MEDICARE PROGRAM'S 30TH ANNIVERSARY

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 1, 1995

Mr. STOKES. Mr. Speaker, I rise to pay tribute to the 30th anniversary of the Medicare Program—three decades of commitment, service, and dedication to providing for the health care needs of our Nation's elderly citizens. Signed into law on July 30, 1965, by President Johnson, the Medicare Program has a rich history that all Americans can be proud of.

Prior to Medicare only 46 percent of the elderly had health care coverage, as a result of Medicare, today 97 percent of the Nation's elderly have health care coverage.

After the implementation of the Medicare Program, the death rates for all causes decreased dramatically. From 1960 to the present, the number of deaths for Americans ages 65 to 74 has decreased by over a quarter of a million—275,000—and for those over the age of 85 the number of deaths has decreased by nearly half million—427,000.

With good medical care, the life expectancy for Americans had increased by 6.1 years, increasing from 69.7 years prior to Medicare, to 75.8 years today.

In spite of Medicare's proven success in prolonging elderly Americans' independence, and its success in improving their quality of life, the Republicans have been steadfast in their commitment to kill the Medicare Program. Since day 1, they have attacked the Medicare Program from all angles—labeling it as socialized medicine, unnecessary, and ill-conceived.

Thirty years after the establishment of the Medicine Program, the Republican assault had not only continued, but as escalated and become even more mean spirited. Today, the GOP seeks to destroy the Medicare Program through the budget process. The Republican-passed budget resolution cuts $270 billion out of the Medicare Program, threatening the health of millions of American elderly.

While the Republicans have never supported the Medicare Program, their decision to gut the program's funding in order to give a tax cut to the wealthy is one of their most callous acts—not only against the Medicare Program—but more importantly, against the elderly citizens served by the program.

The American people must not tolerate the Republicans' blatant disregard for the health care needs of the elderly—the GOP's assault on the elderly is unconscionable and inhumane.

Mr. Speaker, when President Johnson signed the Medicare Program into law, he stated:

> No longer will older Americans be denied the healing miracle of modern medicine . . . no longer will illness crush and destroy the savings that they have so carefully put away over a lifetime so that they might enjoy dignity in their later years . . . and, no longer will this Nation refuse the hand of justice to those who have given a lifetime of service and wisdom and labor to the progress of this progressive country.

Mr. Speaker, I ask my colleagues to join me in paying tribute to the Medicare Program on its 30th anniversary, and to pledge ourselves to making its absolutely clear—that we will not allow the Republican Party to make our Nation's elderly their pawn in the Republican-tax give away scheme for the rich.

CONGRATULATIONS AND HAPPY 100TH BIRTHDAY CARL EVERETT VAIL, SR.

HON. MICHAEL P. FORBES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 1, 1995

Mr. FORBES. Mr. Speaker, I rise today to give my most heart-felt congratulations to Mr. Carl Everett Vail, Sr., on the occasion of his 100th birthday. Mr. Vail was born August 12, 1895, the son of Floyd Wiggins, a farmer and market hunter, and Elizabeth Genin Penny.

Mr. Vail has served both Long Island and this Nation for many years. He volunteered for the draft in 1917, and served valiantly in the 77th Division in World War I. He incurred a temporary disability during the war due to poisonous gas, and was discharged from the Army in 1919. Originally a farmer, Vail was unable to continue that occupation because of his disability. He decided to follow his interest in automobiles which began at the age of eight.

Through a combination of hard work, dedication, skill, and timing, Carl Vail built up his car dealerships from a single car—the Waltham, Massachusetts war-baby—to a multimillion dollar business. His success never tarnished his reputation for honesty and fairness. When the United States entered World War II, Vail again volunteered to serve his country. His wartime responsibilities included service on a civilian Army ordnance team that raised 2,200 men and officers for the regular Army ordnance. He was also eastern Long Island division captain in charge of Coast Guard Temporary Reserve with 200 men on part-time duty.

Aside from being a successful businessman and a national patriot, Carl Vail is also community-minded and a dedicated patriarch of the Vail family. His spirit of voluntarism lead him to actively participate in promoting automotive safety and driver education on eastern Long Island. He was also a founder and past commander of Raymond Cleaves Post, American Legion, Mattituck. Over the years, Carl Vail has been a dutiful husband, father, and grandfather. He has 3 children, 8 grandchildren, and 11 great grandchildren.

Once again I extend my best wishes and congratulations on 100 successful years to Carl Everett Vail, Sr. He is a man whose life is an inspiration to us all.

IN RECOGNITION OF NATIONAL FORGE CO., IRVINE, PA

HON. WILLIAM F. CLINGER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 1, 1995

Mr. CLINGER. Mr. Speaker, I rise today in proud recognition of the new employee-owners of National Forge Co. in Irvine, PA. On June 29, 1995, these men and women purchased the company's assets and those of a subsidiary in Manchester, England. In so doing, they married the dignity of hard work with the passion of self-investment.

An internationally competitive producer of precision machined steel components, the company has thrived on a reputation for excellence in quality and productivity. From its founding in 1915 by Clinton E. Wilder to its most recent days under the leadership of his son, Robert O. Wilder, National Forge has grown steadily, continuously seizing new opportunities and enhancing its operations.

National Forge is a northwest Pennsylvania success story, but it is also a company of national significance. An exporter to customers around the world, it is a source of our country's global competitiveness. The award-winning service and products of National Forge also contribute to our national defense. In times of need—from the world wars through the gulf war—the company was a key supplier to our Armed Forces, and it remains one today.

Now, National Forge takes another bold step forward. the employees look forward to the future with a new sense of vigor, and stand ready to face the challenges of the 21st century.

I appreciate this opportunity to recognize the people of National Forge. With their skill, dedication, and confidence they are pursuing the American dream, and I wish them all of the best.

CONGRATULATIONS TO NCOA IN CELEBRATING ITS 35-YEAR ANNIVERSARY

HON. BOB STUMP

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 1, 1995

Mr. STUMP. Mr. Speaker, I rise today to congratulate the Non-Commissioned Officers Association of the United States of America [NCOA] in celebrating its 35-year anniversary. I have enjoyed working with the members of the NCOA and wish them the very best in the years to come. I want to share with my colleagues the following article which chronicles the history of the association:

NCOA CELEBRATES 35 YEARS OF SERVICE TO MILITARY PERSONNEL, VETERANS, AND RETIREES

SAN ANTONIO, TX, July 29, 1995.—In 1960, several retired U.S. servicemembers founded the Non-Commissioned Officers Association (NCOA) as a vehicle for enlisted veterans and military retirees to discuss military issues. Today, the San Antonio-based association has members around the world and is regarded as one of the most influential military organizations in America.

"NCOA's lobbyists have successfully defended military and veterans entitlements while striving to improve the quality of life for enlisted personnel and their families," says NCOA President Charles R. Jackson, MCPO, USN (Ret). "Additionally, NCOA members, located on nearly every military installation in the U.S. and overseas, have made lasting contributions to their communities."

Thirty-five years ago, Army Sergeant Major Orville L. Vickers broadened the scope of the original vision of NCOA. SGM Vickers included active duty enlisteds from all five branches in the organizational composition. The new association, SGM Vickers declared, would have four primary purposes: fraternal, social, educational and patriotic. It would also provide some commercial benefits and employment services.

On September 20, 1960, just three days after NCOA's charter was issued by the state of Texas, SGM Vickers officially created NCOA. As the Association's first president, SGM Vickers paid his $12 membership dues and the dues of four NCOs who would form the board of directors. He also deposited $100 into NCOA's brand-new bank account.

Membership grew slowly for the first year or two, and was confined primarily to the San Antonio area. But within just a few years, the word got out about NCOA and the Association began to build a sizable membership throughout the U.S. and the world.

The 1960s was a period of growth and self-examination for NCOA. Emphasis was placed on public relations, membership recruitment and an exploration of which goals and issues the Association should pursue.

By the 1970s, NCOA had taken its place as a leading advocate of personnel issues pertaining to active duty military, veterans and retirees. The Association's lobbyists began appearing before congressional committees, defending endangered benefits and supporting progressive programs.

During the 1980's, the Association's membership and influence grew dramatically. NCOA members were now all around the world, in more than 200 chapters. In Washington, D.C., NCOA lobbyists had become well known. Based on their list of legislative achievements, NCOA had earned the respect of congressmen and senators. Perhaps one of their greatest accomplishments came in the mid-1980s, when President Ronald Reagan signed a bill (that had been passed unanimously by both houses of Congress) that granted a federal charter to NCOA. NCOA's federal charter was at that time only the 79th authorized by the U.S. Congress.

Today, NCOA has members and chapters worldwide. It employs a full-time team of registered lobbyists in Washington and provides a national network of service centers. NCOA's job placement assistance and veteran service programs have proven to be valuable assets to its members. Through the Association's Certified Merchant Program, members save dollars through consumer benefits and discounts.

NCOA membership encompasses the entire enlisted force—active duty, reservists, National Guardsmen, veterans and retirees from all branches of the U.S. armed services. Moreover, NCOA has committed itself to improving the lives of others. For instance, chapter members continue to support causes such as Special Olympics, Muscular Dystrophy Association, the NCOA Medical Trust Fund, the NCOA Scholarship Fund and the NCOA Disaster Relief Fund.

"NCOA certainly has come a long way in just three and one-half decades," says Jackson. "And we have lived up to our motto, 'Strength in Unity,' by fighting for servicemembers' benefits, helping them with problems, supporting important programs and providing unparalleled camaraderie. Simultaneously, through our commitment to benevolent acts, we have made a significant contribution to the civilian community," Jackson adds. "NCOA also remains the only national organization exclusively dedicated to representing enlisted servicemembers of all branches of the military."

NCOA's legislative highlights through the years:

In the 1970s, NCOA was:

The only military association to appear before the Veterans Affairs Committee to seek increases in veterans' compensation and DIC rates.

The first military association to appear before the House Budget Committee on behalf of military personnel (to seek increased sea pay).

One of only two military/veterans organizations testifying in opposition to law that barred persons in receipt of military retired pay from collecting unemployment compensation.

The first military association to suggest and testify for the opening of individual retirement accounts to active duty personnel, which later became law.

The first organization to seek a new GI Education Bill for members of the Armed Forces. A bill authored by NCOA was the first of its kind to be introduced in 1979 in Congress.

The only military association actively supporting increases in veterans' burial allowances, which subsequently became law.

In the 1980s, NCOA was:

Successfully recommended a 17 percent targeted pay raise for noncommissioned and petty officers in 1981.

Instrumental in fighting against subsequent military pay reductions and helping attain pay raises.

Influential in getting the Coast Guard's operating budget raised.

The first military association to provide a network of accredited Veterans Services Officers (VSOs) outside the nation's capital.

The first organization to open a veterans service office on a military installation.

The first military association to present its veterans affairs goals to a congressional panel.

Instrumental in preserving reemployment rights and retired pay eligibility for federal civilian employees who perform extended reserve duty in the Armed Forces.

A major player in getting the Senate to accept an increase in coverage for participants in Servicemen's Government Life Insurance (SGLI) and Veterans' Government Life Insurance (VGLI).

In the 1990s, NCOA has:

Successfully fought for enlisted widows to receive benefits equal to officers' widows under the Dependency and Indemnity Compensation program.

Helped persuade Congress to expand the DoD family dental plan.

Successfully pursued legislation that protects retirement benefits for NCOs and POs who have completed 18 years of service, thus extending to enlisteds a benefit previously enjoyed only by officers.

Requested and received the introduction of the first enlisted involuntary separation pay proposals considered by Congress, which subsequently became law.

Supported the subsequent enactment of voluntary separation pay for enlisted servicemembers and was successful in efforts to have these benefits extended to the Coast Guard, National Guard and military reserves.

Supported the creation of mail-order pharmacies and health care options to serve retirees at base closure sites.

Successfully supported the creation of the Troops to Teachers and the Leadership Employment for Armed Services Personnel (LEAP) programs to assist veterans and retirees in gaining employment.

IN MEMORY OF WILLIAM "BOONE" DARDEN

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 1, 1995

Mr. HASTINGS of Florida. Mr. Speaker, on July 22, Florida lost one of its finest citizens. I rise today to commemorate the life of community leader William Darden. Affectionately known as Boone, Mr. Darden had a long and distinguished career in law enforcement and public service. His career culminated in being named police chief in his hometown of Riviera Beach, becoming the first African-American police chief of a major city in Florida.

Born in Atlanta, Mr. Darden began his service to his country as a military policeman in World War II. Following the war, he became one of the first African-American policemen hired by the West Palm Beach Police Department. Throughout his life, he continued opening doors closed to minorities. When he rose to the position of lieutenant, he became the highest ranking African-American police officer in the South. In 1971, he was called in by Riviera Beach city leaders to help quell the devastating violence and calm the atmosphere of anger created by the integration of public schools. Using his considerable mediation skills, Mr. Darden single-handedly brought peace to his fractured community. He was promptly named police chief of Riviera Beach and set to work cleaning up and revitalizing the chaotic police force which at the time was a symbol of racial division.

A model of goodwill and a hero to many African-American youth, he was reknown for his community work with troubled children. His popularity spread across Florida and was widely regarded as a major force in State politics. He was the vice chair of the State Democratic Affirmative Action Committee and subsequently rose to hold a seat on the national executive committee of the Democratic Party. Having close ties to the Carter White House, Mr. Darden participated in a diplomatic trip to Algeria at the behest of President Carter. After a remarkable rise from patrolman to chief, Mr. Darden retired in 1983 to devote his time to his family. As well as being a respected community leader, Mr. Darden was a devoted family man, and he is survived by his wife, Rose, his daughter, Kimberly, two sons, William, Jr., and Darell; and a grandchild, Dominique.

A pioneer, peacemaker, and a dear friend, Boone Darden was an exceptional man. Mr. Speaker, Florida has lost one of its great citizens with the passing of William "Boone" Darden. His courageous life is an inspiration to all of us, and a blueprint of the American dream. We can only hope that his life emboldens those that face their own mountains to climb.

DISENFRANCHISING TENS OF MILLIONS OF ELDERLY AND LOW-INCOME AMERICANS

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 1, 1995

Mr. STARK. Mr. Speaker, on July 25, the president of the National Association of Public Hospitals, Larry Gage, testified before the Ways and Means Subcommittee on Health on the pending Medicare cuts.

I'd like to reprint here two paragraphs from his outstanding statement—a statement that every Member should read before voting on the excessive, destructive Medicare and Medicaid cuts proposed by the budget resolution:

> Despite rhetoric to the contrary, these programs have achieved their results for the most part efficiently and economically. Medicare in particular has seen provider payments capped at a growth rate less than inflation for most of the last decade. And current projections for growth in the Medicaid program are largely due to demand for long term care and the growth in the number of recipients, with the poor elderly being a major factor on both fronts.
>
> For these reasons, it is simply impossible for most analysts to imagine reducing spending in these two programs by almost half a trillion dollars over the next seven years without destroying both programs and disenfranchising tens of millions of elderly and low income Americans. Surely, it is impossible to contemplate implementing positive reforms such as are envisioned in the Committee's new proposal in the face of such reductions.

TRIBUTE TO TEMPLE SHIR SHALOM

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 1, 1995

Mr. LEVIN. Mr. Speaker, I rise today to recognize the dedication of a new home for Temple Shir Shalom of West Bloomfield, MI. Temple Shir Shalom was founded in June 1988 with just 30 committed families. For the past 7 years, congregants worshiped in rented space in an office building at the same time promoting and planning for a permanent home.

Today Temple Shir Shalom is the proud congregation of 650 members, and their new home reflects the commitment and diligence of the entire congregation—the clergy, the staff, and the congregants. I commend them on their achievement of reaching the day they had looked forward to for so long.

To everyone at Temple Shir Shalom, I extend every good wish for many, many fruitful years ahead.

CONGRATULATIONS, RON RUHLAND

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 1, 1995

Mr. BARCIA. Mr. Speaker, I rise today to offer my heartiest congratulations to Mr. Ron Ruhland on his appointment to the Michigan State Waterways Commission. Governor Engler could not have made a finer choice.

As a Member whose district includes more shoreline than most entire States, and with a district that includes a significant number of lakes, bays, and rivers, I have a great interest in waterways issues. The development and maintenance of harbors, channels, and docking and launching facilities is vital to thousands of people throughout my district. It is one of the key reasons why I sought membership on the Water Resources and Environment Subcommittee of the House Transportation and Infrastructure Committee.

Ron Ruhland understands the waterways in Michigan's 5th Congressional District. Living so close to the area and continuing to enjoy the waterways himself, he has first-hand knowledge of the benefits and needs of our water resources. He is also an accomplished sailor and boatsman for 35 years, and serves as vice commodore of the Saginaw Bay Yacht Club.

As one of the seven members of the Michigan State Waterways Commission, many of us are looking to Ron to being a strong advocate for our needs. His reputation as a successful and innovative business owner, and a thoughtful Commissioner on both the Bay County Board of Commissioners and the Bay County Planning and Zoning Commission, make everyone who knows him confident that he will be a positive and active influence on the Waterways Commission.

I look forward to working with Ron in a partnership to maintain and improve Michigan's waterway resources for our residents and our many, many visitors. I urge you, Mr. Speaker, and all of our colleagues in wishing Mr. Ron Ruhland the very best as he undertakes this new and most important task.

TRIBUTE TO THE HONORABLE THOMAS E. MORGAN

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 1, 1995

Mr. HAMILTON. Mr. Speaker, it is with sadness that I bring to the attention of my colleagues the passing of Thomas E. Morgan, former Member of Congress from the State of Pennsylvania and former chairman of the Committee on Foreign Affairs, who died yesterday in his native Pennsylvania at the age of 88.

Doc Morgan served this institution with distinction for 32 years, beginning in 1944. For most of his career he was the only practicing physician serving in the U.S. Congress.

For 17 years from 1959 to 1976, Morgan was the able chairman of the Foreign Affairs

Committee—renamed the Committee on International Relations during the 94th Congress. His stewardship was the longest of any chairman in the committee's history.

Doc Morgan presided over crucial debates on foreign assistance, arms control, the Cuba missile crisis, the Vietnam war, and relations with the Soviet Union. He led U.S. delegations to international meetings and parliamentary conclaves, and advised several Presidents and Secretaries of State.

Yet Doc Morgan never dwelt on his foreign policy expertise or the role he played in Washington's foreign policy deliberations. He simply referred to himself as a country doctor. He never lost his sense of humor. He never lost touch with his patients, whom he continued to see after he came to Congress. His priority in Congress remained the same throughout his career: to improve economic conditions for his southwestern Pennsylvania constituents.

The son of a Welsh coal miner, Doc Morgan remained close to his Monongahela River Valley roots his entire life. He returned to Pennsylvania upon his retirement but played a key role as chairman of the Permanent Joint Board on Defense—United States and Canada.

Our prayers and sympathy go to Doc Morgan's wife, Winifred, to his daughter, Marianne, and to other members of his family. They can be proud of his many accomplishments and of his dedicated service to his Nation. It was my distinct honor and privilege to work with Doc Morgan. He served his constituents, State and Nation with extraordinary distinction. He set a marvelous example of public service for all of us.

SALUTING FREEDOM FLIGHT AMERICA

HON. HENRY BONILLA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 1, 1995

Mr. BONILLA. Mr. Speaker, this year, the 50th anniversary of the end of World War II, we have much to be thankful for. As Americans, we are blessed to live in the greatest and most free Nation in the history of mankind. The freedom we enjoy today is the result of the sacrifices of millions of Americans during that war 50 years ago.

Not only must we honor those who sacrificed for our freedom, we must never forget the titanic global battle to protect freedom. On August 2 and 3 the people of El Paso will be honoring our great victory in a truly remarkable fashion when Freedom Flight America arrives.

Freedom Flight America is a coast to coast Journey featuring hundreds of World War II vintage aircraft. Some of the aircraft that won the war—DC-3's, T-6s, F-4U Corsairs and P-51 mustangs—will be on view. This remarkable display will entertain and educate the people of El Paso on the role of American airpower in the defeat of global tyranny. I salute the organizers of the event and extend my support for this undertaking.

God bless our airmen, young and old, present and departed and God bless America.

TELECOM BILL IS PRO-COMPETITION, PRO-JOBS AND PRO-CONSUMER

HON. CHARLES H. TAYLOR

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 1, 1995

Mr. TAYLOR of North Carolina. Mr. Speaker, this week—perhaps as early as tommorow—the House is expected to consider sweeping telecommunications legislation, H.R. 1555. This landmark regulatory reform bill will offer countless benefits to American consumers and open telecommunications markets to competition by eliminating layers of burdensome Federal regulations.

I would like to include an editorial from Friday's Washington Times for the RECORD. It sets out the reasons why the long distance carriers withdrew their support for H.R. 1555. I hope that my colleagues will read this article, and I urge them to vote in favor of the bill with the manager's amendment.

[From the Washington Times, July 28, 1995]

WHO'S AFRAID OF THE BABY BELLS?

Up for a vote next week in the House is the long-awaited and hard-fought telecommunications legislation. Accordingly, the AT&T, MCI and Sprint coalition got down to the serious business of retail politics yesterday, busing and training thousands of their employees into the Capitol to flood members' offices and to demand that the telecom bill be changed to their advantage. Happily, that is not likely to happen.

The bill, as it originally emerged from Rep. Thomas Bliley's House Commerce Committee, was packed full of the long-distance companies' druthers. The package of goodies for AT&T, MCI and Sprint posed a big enough threat to competition that the Republican leadership had a talk with Mr. Bliley, who agreed that when the bill comes up for a vote next week he will offer what is known as a "Manager's amendment" stripping the legislation of the provisions expected to hobble the Baby Bells. With Mr. Bliley offering the amendment, it is expected to pass easily, which is why the long-distance coalition put the full-court press on yesterday.

For all the complexities of the bill, the basic issue dividing the Baby Bells from the long-distance group is fairly simple. Marketing studies done by both camps show that the big prize goes to whoever is first at offering consumers simple, complete phone service. Phone customers are tired of having separate bills and companies for local and long distance, and would sign up with the first company to offer inexpensive combined service. All the jockeying between the Bells and the long-distance firms is about determining who will get the first shot at combining local and long-distance plans.

The provisions that AT&T et al. succeeded in working into the original committee bill, H.R. 1555, would have placed a series of hazards and roadblocks in the way of the Bell companies, while leaving their path to the market wide open.

The most important of these was the requirement that a local Bell company have a "facilities-based" competitor in its market before being allowed to compete in the long-distance market. In other words, the local company would be blocked from offering long-distance service until some other company had come into its market and built a physical network of wires comparable to the network the local Bell already has in place. In practice, that would be a very, very long time.

Since the legislation also requires the Bells to sell time on their own networks to the long-distance companies at a discount so the time can be resold as part of a local and long-distance package. AT&T, MCI and Sprint would have no reason to build local networks of their own. They would have been able to use the Bell local networks to get into the local service business, while at the same time keeping the Bells from competing with them in the Long-distance business.

The Bells successfully fought that provision, arguing that the market should be opened for everybody all at the same time. So too a slew of other provisions that would also have hindered the Bells' entrance into the long-distance market. That entry is feared by a long-distance industry that appears to have a very cozy environment going for itself.

For all the television ads touting the cut-throat competition among AT&T, MCI and Sprint, it turns out that basic long-distance rates have been going up for the last couple of years, by more than 5 percent a year. More disturbing still, the big three companies, which account for more than 95 percent of the long-distance market, have raised their prices in lock step. This is a happenstance that will likely end once the various Baby Bells are able to bring a new round of competition into the long-distance market.

As for the long-distance companies' argument that the Bells will be able to use their "monopoly" position to dominate the market, it is a little hard to see how a financial behemoth like AT&T is going to be intimidated by a regional phone company. Given that the Bells will be required to discount their lines to the long-distance companies for resale, the Bells' local monopolies become meaningless.

The long-distance coalition plans to do everything it can to kill the telecom bill as it now stands—with the manager's amendment. No bill at all, from the big three's perspective, is almost as good as a bill written to their liking. The long-distance companies can get into the local phone business if local law allows, as it does in almost half the states. But it takes a change in federal law to allow the Baby Bells into the interstate business of long-distance. Nonetheless, the bill is expected to pass next week with the support of the House leadership and Mr. Bliley. That is good news for consumers, for whom the greater the competition, the better.

UNITED STATES RELATIONS WITH SOUTH KOREA

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 1, 1995

Mr. BERMAN. Mr. Speaker, last week the Congress met in joint session to welcome South Korean President Kim Yong-sam.

Four decades after the Korean war, South Korea enjoys a thriving economy and an open political system. Our security interests in Korea have been complemented by a growing American economic interest.

The moving dedication of the Korean War Memorial was testimony to the blood shed by

Americans to ensure Korea's future and to our continued interest in Korean prosperity. Mr. Hamilton, ranking member of the International Relations Committee, recently spoke on the state of American-Korean relations at an Asia society meeting.

I commend Mr. Hamilton's remarks to my colleagues. His speech, "The U.S. and South Korea: A Successful Partnership," provides an insightful review of our mutual interests:

THE UNITED STATES AND SOUTH KOREA: A SUCCESSFUL PARTNERSHIP

(By Lee H. Hamilton)

I. INTRODUCTION

South Korea has been much on our minds of late. We watched with sorrow at the climbing casualty list from last month's tragedy in Seoul. We also celebrated with the South Korean people as survivors were miraculously pulled from the rubble of the collapsed department store.

South Korea captures our attention for other reasons, of course. The Korean peninsula presents some of the most challenging issues facing U.S. foreign policy. We are concerned about North Korea's nuclear program, the uncertainties of its leadership succession, and relations between South and North Korea.

Next week, we will welcome Korean President Kim Yong-sam to Washington. We will bestow upon him the honor of addressing a joint session of Congress. That is a true measure of the importance of our friendship with South Korea. Our countries have excellent bilateral relations, marked by a strong security alliance and broad economic ties.

II. SOUTH KOREA'S SUCCESS

South Korea is a great success story.

Consider Korea in 1945. It had been the victim of harsh colonialism for 50 years. The defeat of Japan brought not liberation, but division of the Korean nation along the 38th parallel. Families were torn apart. Customary patterns of trade, communication, and exchange were broken. Soviet occupiers ravaged the northern half of the country.

Five years later saw the resumption of warfare—all the more bitter because it was Korean against Korean. Armies surged up and down the peninsula, bringing death and devastation. Millions lost their lives. Tens of millions more were displaced.

The 1953 armistice brought no real peace. The peninsula remained divided. South Korea, the less prosperous half, was saddled with huge defense burdens to guard against future attack.

What a difference a few decades have made! South Korea is a thriving democracy. It is one of the world's most prosperous countries. Per capita income, which did not reach even $100 until the 1960s, is now nearly $10,000. South Korea is no longer a foreign aid recipient; it is a foreign aid donor. The World Bank points to South Korea to show how a country with few natural resources—other than its people—can transform itself in a generation from one of the poorest countries in Asia to one of the richest.

II. THE U.S.-KOREAN PARTNERSHIP

The Korean-American alliance is robust. It is a treaty commitment, but also a mature friendship built on shared commitments to democracy and free markets.

In fact, South Korea is a major success story for American foreign policy. A free and prosperous South Korea has contributed to peace and stability in a strategic corner of the world—where China, Russia and Japan intersect.

Korea also is a close partner and friend. We share a keen interest in regional stability, economic prosperity, and the control of weapons of mass destruction. Together, we seek to spread democracy and human rights to those Asian countries through which the winds of freedom have yet to sweep.

Nearly a quarter million Americans gave their lives in three Asian wars in the past half century for those objectives, but many times more Koreans died during that same bloody period. We are linked by bonds of common sacrifice.

One startling change in our relations has been the decline in anti-Americanism in Korea. It was not long ago that Korea saw widespread student demonstrations against the United States and frequent demands that U.S. troops be withdrawn. Today there is little of this discord.

The presence of 37,000 American troops in Korea is, as you might expect, an irritant from time to time. Crimes are sometimes committed against the civilian population, and South Korean critics complain that their court have only limited jurisdiction over U.S. servicemen and their dependents.

But by and large, the South Korean people and their government have grown accustomed to Americans: They are no longer controversial or distasteful. The alliance is viewed as mutually beneficial, a normal part of everyday existence. South Koreans, for example, were relieved earlier this year when the Clinton administration announced it would maintain a 100,000 troop level in East Asia.

III. THE U.S.-SOUTH KOREAN SECURITY ALLIANCE

I need not dwell on the reasons for the Korean-American security alliance. On the U.S. side, the stability of Asia is critical to our overall security and prosperity, and our security relationships with Korea and Japan are the linchpins of our presence in Asia.

For South Korea, the benefits are also clear. A hostile North Korea still stations two-thirds of its 1.2 million man army near the Demilitarized Zone. The North has enough artillery targeted on Seoul to reduce it to rubble. It has SCUD missiles and is developing longer-range ballistic missiles. Its dictators have committed terrorist acts. It has had, until recently, a secret nuclear weapons program flaunting the will of the international community.

This does not suggest the North could defeat the South in a war. But it does point out the dangers. The Korean peninsula remains the most dangerous flashpoint in Asia because of its location, North Korea's militarization, and the nature of its government. General Luck, the U.S. commander in Korea, estimates a war on the peninsula could claim a million lives and cost a trillion dollars. Thus, the money we invest in peace and stability on the Korean peninsula is prudent.

IV. ISSUES IN THE RELATIONSHIP

Let me turn to several key issues in the U.S.-South Korean relationship. A. North K

A. North Korea's Nuclear Program

North Korea's secret efforts to acquire nuclear weapons are a major threat to U.S. national security. A nuclear-armed North Korea would also jeopardize the stability of the entire region.

Last October, the United States signed an agreement with North Korea to freeze, and eventually eliminate, its nuclear weapons program.

This complex accord will be implemented in stages over a decade or more. In essence, it is a trade. North Korea has halted and will eventually dismantle its nuclear weapons program, accepting extensive international inspections to verify compliance. In exchange, the international community will provide North Korea with alternative energy sources, initially in the form of heavy fuel oil, and later with light-water reactors that cannot easily be used to make nuclear bombs.

The agreement also envisions that we will move toward normalization of political and economic ties between the United States and North Korea, and a resumption of dialogue between the two Koreas.

This agreement does not address every concern we have about North Korea. But it does provide us with an opening—one that did not exist before—to lift the specter of a nuclear arms race from the Korean peninsula, begin a process of meaningful dialogue between the two Koreas, and come to grips with other North Korean activities that concern us.

This time last year, we were on the verge of a confrontation with North Korea—a confrontation no one wanted, and that held little hope of solving the problem of North Korea's nuclear program. Voices in this city, and pundits across the country, called for sanctions and even military strikes.

Today, because of the Geneva agreement, the North has frozen its nuclear program and agreed to a step-by-step process that will eventually eliminate that program.

Some say the Agreed Framework is "frontloaded" in favor of the North. I cannot agree. North Korea has already taken a number of significant steps under the agreement.

It has shut down its only operating reactor.

It has halted construction on two new reactors.

It has sealed its reprocessing facility and stopped construction on a new reprocessing line.

It has refrained from reprocessing its spent fuel rods, which would have given the North enough plutonium for four or five nuclear weapons.

And it has admitted International Atomic Energy Agency (IAEA) inspectors and U.S. technicians into its nuclear facilities.

In return, we have provided North Korea with $5 million of heavy oil. We have also spent $10 million to ensure the safe storage of the North's spent fuel rods—but this was preferable to having Pyongyang reprocess those rods and obtain enough plutonium for 4–5 nuclear weapons.

North Korea will not get what it really wants—the light water reactors—until well down the line—after all our questions about its past nuclear activities has been resolved. The agreement is frontloaded—but in our favor.

Moreover, North Korea has agreed not only to resume IAEA inspections of its nuclear facilities, but to exceed its obligations under the Nuclear Nonproliferation Treaty (NPT). It has agreed to refrain from reprocessing the spent fuel it possesses, and to shut down its reprocessing facility—even though the NPT permits reprocessing. This means the North cannot obtain plutonium to manufacture nuclear weapons.

This agreement is not based on trust, but on North Korea's performance. The United States will have the means to verify that the North is living up to its commitments. We will pursue our interests by other means if North Korea does not fulfill its obligations. We will not only cancel the deal—we will respond firmly in other venues.

Some critics maintain that we gave away too much, that we could have gotten more from the North Koreans if only we had been better negotiators. I have not seen any evidence to support such claims.

One question often asked is whether North wants this agreement to succeed. Frankly, I don't know. We should expect the North to reopen issues we thought were resolved, and to issue threats designed to gain new concessions. Implementation will be slow, and sometimes painful.

Still, I am persuaded that this agreement is far preferable to any other alternative—as sanctions, or military escalation—at this time.

This agreement does not guarantee that future relations with the North will be without tensions and difficulties. But it will serve U.S. national interests, if it is fully implemented. It has the potential to defuse North Korea's nuclear threat, promote stability on the Korean peninsula, and lead to a more peaceful life for the people of Korea, South and North.

B. South-North Dialog

A dialogue between South and North Korea is also necessary if we are to bridge our differences with North Korea.

Recent events give us some grounds for optimism. Last month officials from North and South Korea spent five days in secret talks in Beijing. The result was an agreement by the South to provide 150,000 tons of rice to help North Korea meet its acute food shortage. A second round of talks between the two Koreas began a few days ago.

South Korea was careful during and after the talks not to humiliate the North. This shows a level of political maturity that bodes well for future South-North contacts. And it's not unrealistic to expect further contacts.

Just as ping-pong opened the door for substantive discussions between the United States and the People's Republic of China, so might rice set the stage for further progress on family reunification, cultural and athletic exchanges, trade and investment, and even a South-North summit.

One of the most pressing topics for South-North dialogue is the security situation along the Demilitarized Zone. The lessons we learned in central Europe during the Cold War can be applied in Korea.

Redeploying conventional forces, and great transparency, can reduce the danger of war along the DMZ.

Confidence-building measures, such as assigning liaison officers to the headquarters of field commands, requiring observers at military exercises, and limiting the size of such exercises, would help reduce tensions.

C. Reunification and the Armistice

On an issue of fundamental importance to the people of Korea, there should be no doubt: The United States supports the peaceful reunification of Korea. The division of the Korean peninsula, and of the Korean people, is artificial and unnatural. Reunification is clearly in U.S. interests: It will eliminate the danger of a new Korean war.

Reunification should be carried out by the Korean people themselves, on terms acceptable to them.

In recent years the North has insisted that the United States and North Korea should negotiate a peace treaty to replace the 1953 armistice agreement that ended the Korean War. Some of our friends in the South have voiced concern lest the United States, tired of its peacekeeping burdens, take up North Korea on its suggestion.

The United States has insisted, does insist, and will continue to insist that any peace treaty to replace the armistice agreement be negotiated between the two Koreas themselves.

I cannot emphasize this enough: The United States will not permit North Korea to drive a wedge between itself and its ally South Korea. As Ambassador Laney said earlier this year, "The United States will never play the role of an 'honest broker' between the two Koreas—because we are not neutral." The United States will not deal with North Korea behind its ally's back.

D. The Economic Dimension

I have dealt with the security side of the U.S.-South Korean partnership because it is so important. I can also report that our economic ties are closer than ever.

South Korea is our eighth largest trading partner.

South Korean exports to the United States will probably rise by 7 percent this year, to a level of $22 billion dollars. South Korea is the sixth largest market for U.S. exports, and the fourth largest market for U.S. agricultural goods.

American exports to South Korea may surpass $30 billion this year. Let me put that in perspective: That is ten times the amount of foreign assistance we provided to South Korea over thirty-three years.

Investment is also robust; the United States, with more than $300 million in direct investment, is the largest foreign investor in Korea.

Nagging problems are a part of these close economic ties. Unfair trade practices continue to restrict access by U.S. firms to Korean markets. Korea still does not provide sufficient protection for U.S. intellectual property. Indeed, the United States recently kept Korea on the Special 301 "priority watch list."

We also want Korea to open financial services markets, on par with the access we provide to the U.S. market. South Korea has given foreigners greater access to the bond market, raised investment limits for stock holdings in Korean companies, and allowed international organizations to issue local currency bonds—but more needs to be done.

E. Democracy and Human Rights in Korea

Had I been with you to address U.S.-South Korean relations a few short years ago, I would have highlighted grave American concerns about political freedom and human rights in South Korea. Not so today.

We have all been impressed in the last decade as South Korea moved from military to civilian rule, from authoritarianism to democracy, from closed to open politics. We applauded when President Roh Tae Woo broke with Korea's lengthy military tradition and opened the door to civilian rule.

We were thrilled two and a half years ago upon the inauguration of President Kim Young-Sam—the longtime dissident, political prisoner, and champion of Korean democracy.

In recent years we have seen considerable progress in human rights as well, although even South Koreans would concede that there is still room for improvement. The rule of law is not yet assured for every citizen. Preventive detention remains a problem. The labor movement is still handicapped by restrictions. Still, most observers agree that movement on human rights, if not always as swift as we might wish, is in the right direction.

As South Korea evolves into a prosperous democracy, the bilateral relationship between Washington and Seoul deepens andmatures. Our diplomats work closely together on issues far removed from the Korean peninsula. We collaborate in the United Nations and welcome Seoul's bid for membership on the Security Council. We work together on issues involving APEC and the ASEAN Regional Forum. Our partnership extends to global environmental and population issues.

Most important, perhaps, are the personal ties that link our two nations together. The Korean-American community is well represented in every state in the Union. A Korean-American, Jay Kim, now sits in the U.S. House of Representatives.

The South Korean ambassador tells me that several hundred Korean children come here each year for adoption—a particularly poignant manifestation of the ties we share. My next door neighbors have two adopted Korean girls. And a growing stream of students and tourists are turning the Pacific Ocean into a land bridge.

V. CONCLUSION

Periodically, the press in both the United States and South Korea report dangerous rifts between Seoul and Washington. A week or two later, those ominous differences miraculously disappear. Our relationship is durable, strong, and close.

We will disagree from time to time. Our perspectives on even key issues will not always coincide. But on the fundamentals, our two peoples and our two governments are united.

We share a huge stake in maintaining peace on the Korean peninsula and throughout East Asia.

We share an interest in restraining North Korea's nuclear ambitions and its conventional capabilities.

We benefit from economic cooperation and increased trade and investment.

We are committed to the political freedoms that underlie democracy.

And we both are committed to the defense of the freedoms we enjoy and cherish.

In short, we have a sound basis for a lasting friendship.

PUT LOYALTY BACK IN THE WORKPLACE ETHOS

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 1, 1995

Mr. LAFALCE. Mr. Speaker, for years I have spoken on the floor and in committee hearings on the urgency of making U.S. companies competitive in the world marketplace. U.S. companies have met this challenge and are beating their international competition by improving products, increasing production efficiency, and adapting to new technologies. In the jargon of the day, the key to this renovation has been corporate restructuring.

Unfortunately, restructuring has left a key element out of the equation for success: America's workers. To attain a positive bottom line, companies have thrown away workers like so many crumpled pieces of paper. General Motors has let go more than 100,000 employees since the 1980's. Corporate America announced record layoffs in 1993—over 615,000. The trend continued in 1994—first quarter—at a rate of 3,100 a day after the recession was over. Examples of announced cutbacks since 1991 have included IBM, 85,000; AT&T, 83,500; Sears, 50,000; Boeing, 30,000; NYNEX, 22,000. This year in February alone, 30,945 jobs were eliminated by 74 companies, and it is projected that year-end 1995 will tally 400,000 layoffs.

We are in a new phase of corporate downsizing. Loyal workers and managers are let go. But employment is not the only issue. The quality of employment is changing. Lower salaries are imposed because it is a buyer's market and companies can command good employees at low cost. Recent studies, including those by the OECD, show that among the G–7 industrial countries, the United States ranks first in having the longest workweek, the shortest vacation time, and the least weeks of maternity and parental leave.

Mr. Speaker, last month Robert Kuttner wrote in Business Week that our best corporations cannot guarantee career security no matter how dedicated the work force. There is no need for companies to make a career commitment to employees. On the other hand, workers loyal and dedicated to their employers deserve loyalty in return. As a society, we must recognize that two-way loyalty in the workplace benefits everyone, and we must find a way to be competitive and successful with more than a bottom-line mentality. Mr. Speaker, I am submitting a copy of Mr. Kuttner's article for the RECORD.

NEEDED: A TWO-WAY SOCIAL CONTRACT IN THE WORKPLACE

(By Robert Kuttner)

America's best corporations are caught between two opposite first principles. One prizes the engaged, empowered employee. The other views employees as expendable costs. Reconciling these views is like squaring the circle.

It is hard to pick up a business magazine without encountering compelling tales of companies that improved productivity through the "high road"—a policy of empowered employees, teams, and high-performance work. This model implies a reciprocal commitment between management and employees, but in an economy of relentless downsizing something appears to be lacking. The company can only insist that high-performance will be rewarded or even that the employee will keep a job. The corporate social contract in America today, says Anthony P. Carnevale, chairman of the National Commission on Employment Policy, "is the sound of one hand clapping."

You might think this one-sided social contract would have costs to employee morale and hence to productivity. But, evidently, fear is a powerful motivator. In his study of corporate loyalty, White Collar Blues, Charles Heckscher was granted access to middle managers at eight large corporations undergoing major restructurings, including General Motors, Dow Chemical, and AT&T. Heckscher, who chairs the labor studies and employment relations department at Rutgers University, found that employees were highly dedicated but had scant confidence that their devotion would be repaid. Yet they retained a surprising degree of loyalty. "Perhaps the principal puzzle in companies undergoing the shock of change," be concluded, "is that it produces so little conflict and disintegration."

GLOWING REPORT

At another conference at the Jerome Levy Economics Institute of Bard College, the keynote speaker was Frank P. Doyle, executive vice president of General Electric Co. Doyle confirmed Heckscher's portrait. GE today does three times the business it did in 1980—with half the workforce. To get there, Doyle said, "we did a lot of violence to the expectations of the American workforce. . . . We downsized. We de-layered. And we outsourced."

GE is among the most dynamic of U.S. companies, with a deep commitment to imaginative human-resource strategies. For its core employees, GE is an attractive place to work. However even the best of our corporations cannot guarantee career security, no matter how dedicated its workforce. If this is the core, heaven help the periphery.

At a conference at the Radcliffe Public Policy Center, there was much talk about a "new economic equation" to reconcile work and family life. Another corporate manager with a strong commitment to core employees, Robert E. Boruff, vice-president for manufacturing at Saturn Corp., gave a glowing report about how his company offers subsidized child care, flexible hours, and help to workers pursuing more education. But even Saturn uses outsourcing and contingent workers, who do not receive all these benefits.

HIGH-MINDEDNESS?

Corporate America is littered with companies that once prided themselves on generous fringe benefits and no-layoff policies—companies that now devalue health benefits and jettison faithful employees by the thousand. Although they talk a good game, America's most successful companies seem to have decided that a workplace compact is necessary only for their most valued workers. So a humane corporate culture for the entire workforce cannot be anchored in the high-mindedness or event he enlightened self-interest of the corporation.

Employment security, as opposed to job security, is assured only when the economy enjoys high growth and full employment. With high unemployment and plenty of job seekers, companies have no need to make a career commitment to employees. Conversely, in a full employment economy, the existence of plentiful job opportunities takes the sting out of downsizing at any one company.

Similarly of we believe as a society in profamily workplaces, lifetime learning, pay for performance, and other enlightened principles, these norms must be anchored in national policies. Enlightened corporations may want to pursue a high-rod approach, but competitive pressures may make that prohibitively expensive unless all companies are traveling the same road.

The elements of a decent, two-way social contract in the workplace require floors set by either national policies or strong labor unions. It's encouraging that America's most productive companies, in principle, value a high-road approach, but that doesn't guarantee that they will take it. It's also necessary for society to bar the low road.

TRIBUTE TO TANNETIE VERHOEVEN

HON. JAY KIM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 1, 1995

Mr. KIM. Mr. Speaker, I rise before the House floor today to pay tribute to Tannetie Verhoeven who will be celebrating her 100th birthday on August 11. Truly, this is an extraordinary occasion. The city of Chino has greatly benefited from her decades of continued dedication and commitment to community service.

Ms. Verhoeven has witnessed two World Wars, the Great Depression, the founding of the United Nations, man walking on the moon, as well as many other monumental events our country has faced. She has seen this country through its greatest triumphs and the most arduous of times. Ms. Verhoeven is a shining image of what American dreams are built upon. Her wisdom has helped shape the future of many people in her community.

Ms. Verhoeven has played an integral role in her community by possessing simple human compassion and kindness, along with a culmination of determination and drive.

I commend Ms. Vernhoeven on a lifetime of the many contributions she has given both her family and community. My most since wishes for more happiness and memories to come. Best wishes for a memorable celebration.

TRIBUTE TO CAPTAIN JIM MUNNINGHOFF

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 1, 1995

Mr. DEUTSCH. Mr. Speaker, as the Congressman for Florida's 20th Congressional District which includes Key West, I have had the privilege of working closely with Captain J.M. Munninghoff, the commanding officer of Naval Air Station, Key West. I am always impressed by Captain Munninghoff's professional manner and personable nature, but never surprised. He has shown relentless dedication to his job, and I am very sorry to see him leave his post.

Captain Munninghoff's entire career reflects his fine qualities and distinct attributes. His warfare specialty has taken him all across the globe. His 4,400 flight hours and 774 carrier landings stretch from the South Pacific to the Indian Ocean. During his tour as commanding officer of VA–81, the squadron received the distinguished Commander, Naval Air Force, U.S. Atlantic Fleet Battle Efficiency Award in 1987. In addition to his accomplishments with in his warfare specialty, Captain Munninghoff has held many prestigious positions including the aviation readiness training branch head, and later deputy director to the Chief of Naval Operations, as well as the assistant strike operations officer and the air operations officer of the U.S.S. *Forrestal* and the U.S.S. *Dwight D. Eisenhower.*

Reflecting his many achievements, Captain Munninghoff has also been awarded various personal awards, including the Legion of Merit, Merritorious Service Medal, Navy Commendation Medal, and Navy Achievement Award.

I have had the personal pleasure of working with Captain Munninghoff in his current position of commanding officer at Naval Air Station Key West. I feel that he has done an exemplary job of dealing with the civilian community of the Florida Keys on important issues such as the Peary Court housing controversy, the base realignment and closure process, as well as the more recent proposals for joint use of military property.

It is rare to meet a person of such fine character, and I am honored to have had the opportunity to work with such a man. Needless to say, I am very sorry to see him move on. I only hope that the Navy recognizes the tremendous asset they have in Captain Munninghoff.

TED LEIPPRANDT: LEADER, ENTREPRENEUR, ROLE MODEL

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 1, 1995

Mr. BARCIA. Mr. Speaker, one of the special privileges of being a representative of the people is meeting so many outstanding individuals. For several years, I have had the good fortune to know Ted Leipprandt of Pigeon, MI. He is a man who has been a leader in his community and in agribusiness. He has been an entrepreneur who has always worked to maximize the benefit that the free market would offer to him. He also has been a role model with his community service, his religious devotion, and his ability to maintain a clear perspective in an often demanding and conflicting world.

Ted Leipprandt formally retired from his 36-year career with the Cooperative Elevator Co. of Pigeon, MI, on May 31st. This weekend, he is being honored for his accomplishments by his friends and colleagues in the Michigan Bean Shippers Association and the Michigan Bean Commission. I am honored to join in this tribute to a man who has made such an impact on the agricultural economy of the most productive portion of Michigan's agricultural bounty—the Thumb.

Virtually a lifelong resident of Pigeon, Ted earned his degree from Michigan State University in animal husbandry before serving in the Army and returning to Michigan to work as a member of the Cooperative Extension Service. He began his affiliation with the Cooperative Elevator Co. of Pigeon, where over the years he worked in several capacities, including general manager. He planned and implemented several expansion and construction projects to make his facility into a state of the art leader in the grain business. He also undertook action to expand the elevator's capability to store and process multiple varieties of dry beans to respond to the demands of international market opportunities. He also was involved in several mergers and company formulations which again concentrated on both domestic and international marketing opportunities.

Throughout all of his career, Ted has had the active support of his wife, Peg, who is also a major contributor to her community. They emphasized the importance of work and Christian values to their four children, and continue to help guide their eight grandchildren. They also learned the value of community service as they saw Ted actively work as a member of the Salem United Methodist Church, a trustee and later president of the Michigan 4-H Foundation, and a board member of the Blue Water Youth for Christ. He has been very involved with the Rotary Club.

His other business affiliations include his membership in the Michigan Bean Shippers Association, the Michigan Grain and Agri Dealers Association, and his current service as a board member/director of Detroit Edison and the East Central Farm Credit System.

Ted's devotion and constant effort to live according to his code of values has made him a true role model. I can think of no one who can better exemplify what it means to be an upstanding citizen, a concerned individual, and a successful businessman.

Mr. Speaker, even though we are recognizing Ted Leipprandt's retirement, all of us who know him understand that he is only moving on to new opportunities and challenges in the same value-laden way that he has conducted his entire life. I urge you and all of our colleagues to join me in wishing Ted, Peg, and their entire family the very best as we look forward to continuing our relationship with a man we are proud to know.

HONORING JOAN SALTZEN

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 1, 1995

Mr. FAZIO. Mr. Speaker, I rise today to honor the selfless community leader and constituent, Joan Saltzen. She retired earlier this year as superintendent of schools of Colusa County.

From 1983 to 1995 she transformed the Office of Education into a place where children were allowed to grow as individuals. Mrs. Saltzen wasn't afraid to bring new programs to the classroom in order to let the students explore their own individuality.

Her career spanned nearly 30 years. Mrs. Saltzen's exuberance and motivation was as strong on her last day in education as it was on the first.

Mrs. Saltzen got her start in education in 1965, when she was hired as a classroom teacher at McCloud Elementary School. From 1969 to 1971, she was the school's Miller-Unruh reading teacher, for children in first, second, and third grades.

She served as a research intern from 1977 to 1979 for the Department of Research, Development and Evaluation at the Eugene 4J School District in Oregon.

Mrs. Saltzen came to Colusa County in 1979 and until 1982 was the special education teacher for the Office of Education. The following year she began her tenure as superintendent of schools.

Mrs. Saltzen has a Ph.D and M.S. in educational psychology from the University of Oregon. Her B.A. in liberal arts was from the University of Chicago. Mrs. Saltzen also completed the educational administration program at California State University, Chico.

She has numerous credentials and affiliations with professional organizations.

Perhaps her greatest attributes are an open mind for learning and an ability to excite others about education. Since leaving office last January, countless parents and educators throughout Colusa County have told me how much Mrs. Saltzen is missed as schools chief. I share their sentiment about her departure.

Mr. Speaker, I ask my colleagues to join me today in honoring Mrs. Saltzen for her many years of service to the Colusa County Office of Education. I wish her happiness and continued success in all her future endeavors.

RECOGNITION OF MR. AND MRS. MORTON O. HEINRICH

HON. BRIAN P. BILBRAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 1, 1995

Mr. BILBRAY. Mr. Speaker, I rise today to recognize and honor Mr. and Mrs. Morton Ochs Heinrich of La Jolla, CA, as they celebrate their 40th wedding anniversary on the 14th of August. Mr. Heinrich is also retiring this year after working for over 43 years as one of America's top experts in the field of lightweight, antisubmarine torpedos. Mrs. Heinrich is a community leader and a lawyer, who continues to this day to provide free legal services to senior citizens in San Diego. Together, the Heinrichs' represent the best that America has to offer and are a shining example of an American Family.

A native of New York, Mr. Heinrich graduated from the Bronx High School of Science and the University of Oklahoma. He began his career in 1951 at China Lake, in the high California desert, and quickly moved to a posting in Pasadena, CA. He settled in San Diego in 1974. He has been cited many times over the past four decades for his work in the design, development, test, and production support of the Navy's mark 32, mark 46, and mark 50 torpedoes. He holds a patent on the mark 46's acoustic homing system, which went into the fleet in 1967 and remains the Navy's standard lightweight torpedo. In 1984, he was awarded the Naval Ocean Systems Center's Lauritsen-Bennett Award, the highest award given by the center. For over 40 years, his leadership in both the public and private sector has been instrumental in maintaining the high state of readiness our naval forces rely upon to meet the global commitments with which they are tasked.

A native of Clayton MI, Mrs. Heinrich has been active in the community for over 25 years as a bridge teacher. After having raised two children, Mrs. Heinrich completed law school, passing the bar in 1989. For the last several years, Mrs. Heinrich has done volunteer legal work at San Diego Senior Citizens Legal Services.

Their two children have been role models themselves. Their son, Mark, is a 1975 graduate of La Jolla High School, a 1979 graduate of the U.S. Naval Academy, and a 1989 graduate of the University of Kansas Graduate Business School. He is currently a commander in the Navy, assigned to the staff of the Assistant Secretary of the Navy for Research, Development, and Acquisition, Commander Heinrich, his wife, Judy, and their two sons currently live in Fairfax, VA.

Their daughter, Marjorie, is a 1979 graduate of La Jolla High School, a 1983 graduate of the University of California at Berkley and a 1986 graduate of the Golden Gate University Law School. She is currently a partner in the Oakland, CA, law firm of Kincaid, Gianunzio, Caudle & Hubert. Miss Heinrich currently lives in Oakland, CA.

Morton and Eileen Heinrich have been totally committed to excellence, both in their public lives and in their efforts to raise their family. As a lawyer in San Diego, Eileen Heinrich has been a role model for others half her age. As a public servant for over 30 years and as an expert in this field for over 40 years, Morton Henrich has been a tremendous steward of the public's trust.

Mr. Speaker, Mort and Eileen Heinrich represent a tremendous example of an American success story; a couple of modest means who have served both the country and the community. It is only fitting that we should recognize their many accomplishments as pillars of the community. I ask all my colleagues on both sides of the aisle to join me in wishing this great American couple every success in the future and congratulations on their 40th wedding anniversary.

RESPECTEEN NATIONAL YOUTH FORUM

HON. EARL POMEROY

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 1, 1995

Mr. POMEROY. Mr. Speaker, I rise today to bring to the attention of my colleagues a letter written to me regarding the Conservation Reserve Program [CRP] by Rachel Heiser. Rachel Heiser participated in the seventh annual RespecTeen Speak for Yourself Program, and she was selected to represent North Dakota at the 1995 RespecTeen National Youth Forum in Washington, DC. She just completed the eighth grade at Simle Middle School in Bismarck, ND, and her letter emphasizes the benefits and importance of CRP. I have included Rachel's letter for the benefit of my colleagues.

> The Conservation Reserve Program (started in 1985) pays farmers not to farm highly erodible land for 10 years and convert it to perennial vegetation. CRP has been successful because farmers, taxpayers, wildlife and the environment all benefit.
>
> The Great Plains has been characterized as one of the most endangered ecosystems in North America. Populations of grassland-nesting birds have been declining faster than any other bird group.
>
> Now, because of CRP, many species of birds are making a great comeback. Ring-necked pheasant populations have more than doubled in several states. Increased pheasant populations in South Dakota attracted 48,000 non-resident and 80,000 resident hunters in 1993, spending $50 million. Grasshopper sparrows, lark buntings, and Eastern meadowlarks are increasing in areas with high CRP enrollment. Elk, Mule deer, white-tailed deer, and antelope have responded surprisingly well to CRP. In Idaho, Colombian sharp-tailed grouse, a candidate species for federal listing, is making a dramatic recovery on CRP lands. Three million additional ducks were produced in 1994 in the Dakotas and Montana because of CRP. CRP will provide up to $11.2 billion in overall environmental benefits during the life of the program.
>
> As you can see, CRP is a very important program when it comes to saving soil and providing grassland habitat. However, beginning this year, most of the grassland habitat created by CRP will be converted back to cropland without reauthorization of CRP. When all CRP contracts are terminated, commodity prices are expected to drop due to increased crop production leading to a significant reduction in farm income. CRP pays for itself by reducing surplus crops and thus support prices to producers. CRP is the only program that has restored many wildlife populations while saving taxpayers a bundle. Please help to reauthorize the CRP program.

RESTORING IMPACT AID AND EDUCATION: AMENDMENTS TO H.R. 2127, THE FISCAL YEAR 1996 LABOR-HHS-EDUCATION BILL

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 1, 1995

Mr. CUNNINGHAM. Mr. Speaker, today I will have three amendments printed in the RECORD regarding restoring education funding in the fiscal year 1996 Labor-HHS-Education appropriations bill.

These amendments restore from $130 to $174 million to education. They insure that critical health research funding grows at least 4 percent. And they seek to make positive, balanced change to the Labor-HHS-Education appropriations bill.

The first amendment transfers $174.93 million across the board from the National Institutes of Health accounts, permitting health research funding to continue growing by 4 percent, same as the administration's request. With those funds, resources are distributed as follows: $49.58 million to impact aid, $40 million to the chapter 2/Eisenhower Education Reform and Professional Development Program, $80.45 million to vocational education basic State grants, and $4.87 million to the National Institute for Literacy. The amendment also deletes legislative language in H.R. 2127 which prohibits impact aid funding for military B's, military B's with disabilities, and schools affected by the hold harmless provisions of last year's reforms. This amendment is also being submitted by Mr. RIGGS of California, a member of the Appropriations Committee, and will most likely be offered by him on the floor.

The second amendment transfers $160 million across the board from the National Institutes of Health accounts, permitting health research funding to continue growing by more than 4 percent, an amount greater than the Administration's request. With those funds, resources are distributed as follows: $46 million to impact aid, $40 million to the chapter 2/Eisenhower Education Reform and Professional Development Program, $69.13 million to vocational education basic State grants, and $4.87 million to the National Institute for Literacy. The amendment also deletes legislative language in H.R. 2127 which prohibits impact aid funding for military B's, military B's with disabilities, and schools affected by the hold harmless provisions of last year's reforms.

The third amendment transfers $130 million across the board from National Institutes of Health accounts, permitting health research funding to continue growing by more than 4 percent, an amount percent greater than the administration's request. With those funds, resources are distributed as follows: $46 million to impact aid, $40 million to the chapter 2/Eisenhower Education Reform and Professional Development Program, $39.13 million to vocational education basic State grants, and $4.87 million to the National Institute for Literacy. The amendment also deletes legislative language in H.R. 2127 which prohibits impact aid funding for military B's, military B's with disabilities, and schools affected by the hold harmless provisions of last year's reforms.

TRIBUTE TO FRANK ZEIDLER

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 1, 1995

Mr. KLECZKA. Mr. Speaker, it is with great pride that I rise today in tribute to a man I admire greatly, my good friend, Frank Paul Zeidler, former long-time mayor of my hometown, Milwaukee.

The history books and records at City Hall tell us that Mayor Zeidler served as a Milwaukee County Surveyor, the Director of Milwaukee Public Schools, and as our city's highest elected official from 1948 through 1960.

I would like to stress, however, the many aspects of this great leader that historians may have overlooked, and that the average Milwaukee-area resident may not be aware of. He is truly a gifted man, with many diverse talents and interests.

First and foremost, Mayor Zeidler was, and continues to be, a family man. He and his wife, Agnes, raised six children, who with their many offspring, continue to be Frank's pride and joy.

The former mayor was, and also continues to be, committed to education, demonstrated in his efforts on behalf of local libraries, colleges, museums, life-long learning institutions, and public radio and television stations, to name a few.

But, what Frank Zeidler is most, is a man dedicated to improving the quality of life for all those with whom he comes in contact with in his day-to-day activities. Be it the students he reaches in his college lectures, the attendees at one of the many civic board meetings he participates in, or the Milwaukee resident who just happened into City Hall when the former mayor was there for a meeting, all are graced by his presence.

Mr. Mayor, you are truly a living legacy in Milwaukee. So many of the treasures of my hometown are the way they are because of you and I can truly say that Milwaukee would not be what it is today without your influence over the years.

Mayor Zeidler, on behalf of all Milwaukeeans, past, present, and future, I salute you.

THE EXECUTION OF THOMAS LEE WARD: "THE DEATH PENALTY IS NOT A SOLUTION"

HON. GERRY E. STUDDS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 1, 1995

Mr. STUDDS. Mr. Chairman, earlier this year the House adopted legislation which severely restricts the right of State prisoners awaiting execution to challenge the constitutionality of their convictions or sentences in Federal court. If this legislation becomes law, it will increase the likelihood that persons who are unjustly convicted will be put to death.

Given the apparent willingness of this House to embrace such a result, I wish to share with my colleagues a powerful and sobering article which appeared in the Boston Sunday Globe on June 4, 1995. It is an account of the execution of Thomas Lee Ward, a death-row prisoner in Louisiana, written by David A. Hoffman, a Boston attorney who represented him, without fee, through 9 years of appeals in the effort to secure a new trial.

Mr. Hoffman's tribute to his client is one of the most moving and persuasive statements I have ever read on the evils of the death penalty. His client, an indigent 59-year-old African-American man, was executed by a criminal justice system that denied him a fair trial and then chose to take his life rather than admit its mistake. As Mr. Hoffman writes:

> Thomas Ward's case is a good example of the unfairness and arbitrariness of our death penalty system in the United States. . . . [O]ur legal system does not have any reliable means of sorting out who deserves death and who does not. As a result, the people on death row are often there simply because, as in this case, they did not have enough money for "dream team" lawyers or even competent lawyers. Or they had prosecutors who, as in this case, withheld evidence. Or, as in this case, the courts announced new principles but refused to apply them to people who had already been tried. This case leaves me more convinced than ever that, because we lack the wisdom to know who should live and who should die, our legal system should not be in the business of killing people.

The case of Thomas Lee Ward is not an isolated occurrence. As the number of executions continues to increase, and as new barriers are imposed on post-conviction appeals, such stories will be commonplace.

Two weeks from now, on August 17, the Commonwealth of Pennsylvania is scheduled to execute Mumia Abu-Jamal, an African-American radio journalist convicted 14 years ago of killing a police officer at a routine traffic stop. Mr. Abu-Jamal alleges that his conviction was obtained through police intimidation, a false confession, the suppression of evidence, and the incompetence of his counsel. He is seeking a new trial before the very judge who oversaw his conviction 14 years ago. According to the New York Times, the judge has been "openly contemptuous of the defense" throughout the hearing, declaring at one point in the proceedings, "Objection is over-ruled, whatever it was."

Mr. Chairman, people who commit heinous crimes should pay for what they have done. But when we condone the execution of defendants who have been unjustly convicted, it is we as a society who pay the price.

[From the Boston Sunday Globe, June 4, 1995]

"THE DEATH PENALTY IS NOT A SOLUTION"

(By David A. Hoffman)

On May 15, at 11:41 p.m., I said good-bye to 59-year-old Thomas Lee Ward, my client for the last nine years. Thomas was an inmate on death row at Angola Penitentiary in Louisiana. Half an hour later, Thomas was dead from a lethal injection administered by prison officials.

I spent the day with Thomas, as my colleagues and I spent many days with him during the last nine years. This time, however, instead of focusing on our appeals and legal theories, we talked about his family. We looked at dozens of family photos he had received from relatives during the 11 years he was on death row. Thomas has 14 children and almost that many grandchildren. We spent two hours constructing a family tree.

While we talked, we waited for word from the US Court of Appeals and the US Supreme Court, where his last round of appeals was being considered. We also waited for word from the State Pardon Board, which had scheduled a vote for the afternoon. Earlier in the day, I had met with the governor's chief legal counsel and urged commutation regardless of the Pardon Board's decision. My colleagues in Boston filed the last set of papers with the Supreme Court and stayed in close touch with the courts.

Thomas was not optimistic about the outcome. He had long ago made his peace with the fact that his trial was botched by a court-appointed lawyer who had not properly investigated the case. Thomas never denied killing his father-in-law. However, he resented the fact that the jury convicted and sentenced him without hearing evidence about the family quarrel that led up to the shooting. The prosecutor withheld that evidence, and argued for the death penalty on the grounds that Thomas was a child molester and lifelong criminal. His lawyer never told the jury that most of the charges against Thomas in those other cases were dismissed or dropped. The jury sentenced him to death because they believed Thomas was an evil man who had premeditated the murder. Both beliefs were unfounded.

By supper time, our appeals had almost run their course. The phone rang: The Pardon Board had voted 3-2 against commutation, and the Court of Appeals 3-0 against hearing the case, with one judge expressing misgivings about the result. Thomas shook his head gently as the news registered. As an African-American with no money, he had never believed that his appeals would be taken seriously.

Separated by the bars at the front of his cinderblock cell, we leaned toward each other and went back to the family photos. In one, his 80-year-old mother presides over 153d Street in Harlem, wearing a dashiki; in another, his daughter Tarsha looks out from her office desk in San Diego. Tarsha had written a moving letter to the Pardon Board to no avail. One photo surprised me: It showed Thomas without the knit skullcap and graying beard he had worn for as long as I had known him.

The prison warden arrived to supervise the arrangements for executing Thomas. He asked if there were anything he could do to make things easier—food, access to the phone, a chaplain, anything. Thomas asked to use the phone. While he called his mother, siblings and children, the warden confided to me that this was his first execution and that, as a Christian, he found it difficult. He wanted it to go smoothly and asked me how Thomas was feeling. What a question! Resisting the impulse to say something impertinent, I told him that, considering the circumstances, Thomas was at peace with himself and handling the pressure well. The warden asked me how I was doing, and for the first time, I felt the tears well up. I had kept a lid on my grief and anger all day, but the warden had inadvertently pried open the vessel. I reminded myself that, as Thomas' lawyer, I was supposed to act professionally. I looked away and said, "I feel like I am losing a friend."

The warden asked me if Thomas wished to make a final statement of some kind. He wanted Thomas' death to have some sort of meaning. I said I would discuss it with Thomas later. My mind was focused on the slim chance that the US Supreme Court or the governor would intervene. Two days before, a federal district court judge had denied Thomas' request for a new trial, but had written that he was "gravely troubled" by the case. The judge suggested that he would have granted a new trial but Supreme Court precedent stood in his way. Thus, we waited for the court to speak.

Thomas' wife called. Linda Ward had testified against him at trial and at the Pardon Board hearing. On the phone that night, she told Thomas she had thought the courts would stop the execution. Thomas ended the conversation abruptly; he had no use for her remorse.

We watched the 10 o'clock news: "Time is running out for death row inmate Thomas Ward as he waits for word from the US Supreme Court. A vigil of death-penalty protesters continues at the governor's mansion." We watched the report on the Simpson trial—a study in contrasts. Thomas' lawyers were no dream team; his trial lasted a day and a half. We speculated on whether O.J. did it alone or with an accomplice.

All evening long, a guard from the prison's "tactical" squad sat by us, listening to every word and keeping a log of Thomas' phone calls and activities. Thomas seemed used to this intrusion, but I finally lost my patience and asked him to back off so that my client and I could talk privately. With squadrons of guards surrounding Camp F (the "death compound" at Angola), there was little risk that we were going to hatch an escape plan. The guard slid his chair to the corner of the tier, but kept his eyes riveted on Thomas.

One of the guards brought in a tub of butter pecan ice cream, which we dished out into Styrofoam cups—the only thing either of us had eaten in many hours. Thomas, a diabetic, had been on a low-fat, no sugar diet—until today. "Do you want to write a statement?" I asked. "The warden seems to think your death will have more meaning if you make a statement." Thomas shrugged his shoulders and said, "You know how I feel—you write it." I typed out a statement on the laptop computer I had brought with me from Boston. Thomas studied it through the bars, dodging his head back and forth so that he could read the screen. He suggested a few changes, and then said it was OK:

"The warden has asked me if I would like to make a final statement. I do not wish to do so. I have asked my lawyer to inform the press as follows: I am leaving the world at peace with myself and with the Almighty. I feel remorse for the things that I did. I hope that young people today will learn that violence is not an answer. I hope that the legal system learns that lesson, too. The death penalty is not a solution."

One of the guards summoned me to take a phone call at 10:45 p.m. It was my office. The Supreme Court had turned down the appeal. The governor had decided against commutation. A spike of disappointment shot down my spine. I thought I was prepared for this news. I was not. I was convinced that our claim for a new trial was both legally and morally compelling. I felt betrayed by the courts.

All emotion drained from my face as I returned to the cellblock to share the news with Thomas. He was quiet. He nodded his acknowledgment that we had reached the end of the road. He took off two rings and handed them to me. "I want you to have these," he said. "One of them is my wedding band. The other is just a trinket I picked up years ago in California." I told him I would give the wedding band to Tarsha (Linda and Thomas' oldest child) and keep the other ring myself.

At 11 p.m., the warden returned. I gave him a copy of the statement, and he shook my hand and thanked me. The statement obviously had more meaning for him than for Thomas. One of the guards told me I had to leave because prison rules permit lawyers to stay with their clients only until an hour before execution. I asked for a few more minutes with Thomas. Under the bulldog gaze of the officer, Thomas and I stretched our arms through the bars and gave each other as much of a hug as the bars would allow. We said our good-byes as we held each other, and then I left the cellblock.

A deputy warden told me that I would have to leave the building and the prison complex. I asked him what would happen between 11 p.m. and midnight; he said that, according to prison regulations, only a "spiritual adviser" could remain with Thomas until midnight. Since Thomas had declined to meet with the prison chaplain, he would be alone for that hour. The chief warden stepped into our conversation and asked if I felt I could be Thomas' spiritual adviser. He pointed out that Thomas considered himself an Israelite (an African-American Jew) and I was Jewish (I had mentioned that to the warden when he brought up the subject of Christianity). I said I felt I could do that. Neither of us was fooled by this collusion. He did not want Thomas to be alone.

I returned to the cellblock, but conversation did not come easily that last hour with Thomas. He withdrew as we talked about death. He wondered what was on the other side. He felt confident that something better lay ahead. He told me he had lived a long life—unlike his brother, who was stabbed to death on the streets of Harlem at age 26. He said he had not begged the Pardon Board to spare his life because his diabetes was causing him to lose sensation in his extremities, and he did not wish to spend his life as an amputee in prison. He said he had seen such inmates in the sick bay, and he described the way they were treated by the guards as monstrously degrading. He said he was ready to go.

At 11:41 p.m., the warden arrived with the phalanx of guards who would accompany Thomas to the death room. I would be permitted to walk by his side until we reached the witness room. I was not on the approved witness list, and I had no desire to be.

We marched out of the cellblock, past a row of guards. No one spoke. As Thomas was marched through the witness room, I waited in an adjacent cinderblock room with a few guards while the state did its work. I typed out my own statement to give to the press. I hoped the press would be outside the gate, but I feared I would lose my composure if they were.

At 12:11 a.m., the warden, several guards and a lab-coated official walked single file out of the death room. Everyone stood up as they walked by, except me. I could not. A lawyer for the prison system stopped at my chair and said, "He handled it well. He was OK." I thanked him for telling me and left.

The press talked with the warden in his office as the guards ushered me out of the prison gate. There was no one to give my statement to. The night and a dark road lay ahead. I leave my statement here as a small tribute to a client and friend:

"Thomas Ward's case is a good example of the unfairness and arbitrariness of our death penalty system in the United States. Mr. Ward, who was poor and an African-American, did not receive a fair trial. My colleagues and I have worked for nine years, trying to get Mr. Ward a new trial. But the bottom line is that no matter how fair a trial he received, our legal system does not have any reliable means of sorting out who deserves death and who does not. As a result, the people on death row are often there simply because, as in this case, they did not have enough money for "dream team" lawyers or even competent lawyers. Or they had prosecutors who, as in this case, withheld evidence. Or, as in this case, the courts announced new principles but refused to apply them to people who had already been tried. This case leaves me more convinced than ever that, because we lack the wisdom to know who should live and who should die, our legal system should not be in the business of killing people."

RECOGNITION OF REAR ADM. RAY R. SAREERAM

HON. JAMES V. HANSEN

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 1, 1995

Mr. HANSEN. Mr. Speaker, I rise today to recognize and honor Rear Adm. Ray R. Sareeram, Supply Corps, U.S. Navy, as he prepares to retire on October 1 1995. Rear Admiral Sareeram is completing over 33 years of dedicated service to the Navy and our Nation.

A native of Sacramento, CA, Rear Admiral Sareeram graduated from Sacramento State College and was commissioned through Officer Candidate School in 1962. He subsequently earned a masters of business administration degree from the University of Michigan, and is a graduate of the Industrial College of the Armed Forces.

Currently, Rear Admiral Sareeram is the director, Supply Programs and Policy Division, Office of the Chief of Naval Operations. Admiral Sareeram has distinguished himself in one of the most crucial flag-rank logistics billets in the Navy. His leadership and vision has been instrumental in maintaining the high state of readiness our naval forces rely upon to meet the global commitments with which they are tasked.

Rear Admiral Sareeram's other tours ashore have included command at the Naval Supply Center in Oakland, CA, and at the Ogden Defense Depot in the great State of Utah. Admiral Sareeram served as fleet supply officer, U.S. Pacific Fleet during the Desert Storm conflict. He also served as deputy chief of staff for supply, Commander Task Force 73 in the Philippine Islands. Other tours include service at headquarters, Naval Supply Systems Command, Washington DC; Navy Ships Parts Control Center Mechanicsburg, PA; and, service in Saigon during the Vietnam war.

Rear Admiral Sareeram served at sea as supply officer aboard U.S.S. *Kenneth D. Bailey*, a destroyer based in Mayport, FL; as assistant supply officer on U.S.S. *Sylvania*, a fast combat stores ship out of Naples Italy; and as supply officer on board U.S.S. *Emory S. Land*, a submarine tender based in Norfolk, VA.

Admiral Sareeram's decorations include the Defense Superior Service Medal, the Legion of Merit with one Gold Star, the Bronze Star, the Meritorious Service Medal with three Gold Stars, and numerous unit and campaign medals.

Rear Admiral Sareeram is a dynamic and resourceful naval officer totally committed to excellence. A visionary, Admiral Sareeram has led the way in downsizing and streamlining operations without degradation of service to the fleet. His efforts have ensured our naval forces readiness levels are at historic highs even during these times of budget reductions.

Mr. Speaker, Ray Sareeram, his wife, Cathy, and their three children have made many scarifies during his 33-year naval career. It is only fitting that we should recognize their many accomplishments and thank them for the many years of service to our country. I ask all of my colleagues on both sides of the aisle to join me today in wishing this great American every success as well as "Fair Winds and Following Seas" as he brings to close a distinguished naval career.

NOTING THE PASSING OF MARJORIE BLACK WILSON

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 1, 1995

Mr. STOKES. Mr. Speaker. I am saddened to rise today and report the passing of Marjorie Black Wilson. Marjorie was a very gifted and inspirational women who was loved by all who knew her. On July 16, 1995, the St. Louis community mourned her passing after a prolonged illness. I join my colleague from Missouri, BILL CLAY, his wife, Carol, and many other as we reflect upon the life and legacy of this talented and courageous individual.

Throughout her life, Marjorie Black Wilson gave freely of her time and talents. For many years, she volunteered in city schools where she counseled teenage girls on the importance of education. She also had a great love for the arts and theater. In remembering Marjorie, friends recall that she was the type of person who always expected the best from people. Marjorie encouraged others, and she inspired them to reach their fullest potential. They also recall that during her long battle with cancer, Marjorie did not retreat, but she drew them even closer and sought to educate women of color about the disease.

Just recently, The St. Louis American paid special tribute to Marjorie Black Wilson and acknowledged her contributions to the St. Louis community. The article captures the spirit of an individual who was very special to each of us. I am pleased to share this article with my colleagues and the nation.

Mr. Speaker, the passing of Marjorie Black Wilson brings to a close a rich, full life devoted to family, friends, and the community. Those of us who had the privilege of knowing Marjorie will always remember her zest for living. My wife, Jay, and I extend our deepest sympathy to her husband, Earl; to her daughters, Denise, Stacy, Kim, and other members of the Wilson family. We take comfort in knowing that Marjorie's spirit lives on.

[From the St. Louis American, July 20-26, 1995]

MARJORIE BLACK WILSON LOVED ARTS AND THEATER

(By Kimberly Kendle)

DOWNTOWN.—A phenomenal woman. Someone who wove a tapestry of love. A friend to children, an appreciator and champion of the arts and theater. A tenacious spirit who was always driven, even in the face of adversity.

These are the words used by close friends of Marjorie Black Wilson, an artist and volunteer in St. Louis public schools, who died Sunday, July 16, 1995, at home in her sleep after a prolonged illness. She was 61.

"She truly had a zest for life and lived it fully and lovingly until the end," said Barbara J. Mabrey, who met Wilson in college in 1952. "She possessed an unusual ability to establish and maintain close relationships. Margie cultivated, nurtured and enriched relationships with many people. She made each of her friends feel very special and important to her."

Mrs. Wilson was born September 5, 1933, to Theodore and Lurline Black in Jefferson City, Mo. She attended the Jefferson City Public Schools and attended college at Lincoln University where she graduated magna cum laude. While attending Lincoln University, she met her husband, Earl Wilson Jr. The two married June 11, 1954, and moved extensively around the country and abroad before setting in St. Louis in 1987.

Mrs. Wilson volunteered in city schools, counseling teen-aged girls on parenting skills and the importance of education in a program called Sisters and Sisters United. The program encourages leadership, character development, rights of passage and womanhood training. She encouraged the girls to postpone sex and parenthood until they finished high school and college.

"One of the things she would do is tell them (the students) about her travels," and Cora Cade-Lemmon who knew Mrs. Wilson for four years. "She had an Afrocentric spelling bee where she would give the girls awards."

Mrs. Wilson was expecting the best from people, Cade-Lemmon added. Cade-Lemmon recalled one day when Wilson, who wanted to give fruit as a reward to the students for good work on their projects, was skeptical about how the children would receive the kind gesture.

"We were thinking these kids aren't going to be into fruit," Cade-Lemmon said. "It turned out to be one of the best awards we had."

During her eight-year battle with cancer, Mrs. Wilson worked diligently to educate women of color about the disease. She is featured in a program to be aired this summer on PBS on treatment options for black women stricken with cancer.

"Margie dealt with her illness as she did with her life, accepting those things she could not change, always including family and friends in her endeavors and fighting the good fight until the end," said Elizabeth J. Chandler, a close friend of Mrs. Wilson.

"I guess the thing I remember most about her is that she was a cancer survivor," Cade-Lemmon said. "Her love for life, she lived life fully and encouraged the girls to do the same. She didn't talk about her illness. She focused on the girls and their development. She put them first."

Mrs. Wilson frequently traveled with her students to visit black colleges and universities across the nation. An admirer of poetry, Mrs. Wilson often took her books with her on such trips, Cade-Lemmon said. "She felt very strongly that only African Americans can save African-American children and that we must lift while we climb."

Mrs. Wilson's ability to lift as she climbed also spread to the world of arts and theater, and she frequently found herself enjoying plays at the St. Louis Black Repertory Theater with friends.

"She was an appreciator and champion of the arts. She encouraged all artists and was a source of inspiration to us all," said Chirley Simmons, an artist and friend of Mrs. Wilson for 10 years.

In what was described by one friend as "a tapestry of love," Marjorie Wilson will be best remembered for her kindness and generosity as she embraced life fully and forcefully.

"Her spirit is alive," Cade-Lemmon said quietly, as she reflected on the memory of a friend. "What she left with us in that life is for the living. And so we take those memories, those memories of Marjorie, we take them with us."

A rosary Mass will be celebrated 7 p.m. Friday, July 21, at St. Nicholas Catholic Church, 701 N. 18th Street. A brief prayer service will be held at 10 a.m. Saturday, July 22. Burial will follow in Calvary Cemetery in North St. Louis.

Among the survivors are her husband, Earl Wilson Jr.; three daughters, Denise Wilson of Washington, D.C., Stacey Wilson of Paris, France, and Kimberly Wilson of Washington, D.C.; one grandson, Timothy Alexander Brown Jr.; a sister, Mildred Ballard of Washington, D.C.; a brother, Theodore Black Jr. of Omaha, Neb.; and a host of nieces, nephews, extended family and friends.

SENATE—*Wednesday, August 2, 1995*

(Legislative day of Monday, July 10, 1995)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. We have a guest chaplain, Father Stephen Leva, St. Ann Church, Arlington, VA. He is the guest of Senator JOHN WARNER.

PRAYER

The guest chaplain, Father Stephen Leva, St. Ann Church, Arlington, VA, offered the following prayer:

Let us pray:

Almighty and eternal God: You have revealed Your glory to all nations. God of power and might, wisdom and justice, through You, authority is rightly administered, laws are enacted, and judgment is decreed. Assist with Your spirit of counsel and fortitude these women and men that they may be blessed with an abundance of wisdom and right judgment. May they encourage due respect for virtue; execute the law with justice and mercy; and seek the good of all the people of the United States.

Let the light of Your divine wisdom direct their deliberations and shine forth in all proceedings and laws framed for our rule and government. May they seek to preserve peace, promote civic happiness, and continue to bring us the blessings of liberty and equality. We likewise commend to Your unbounded mercy all the citizens of the United States; that they may be blessed in the knowledge and sanctified in the observance of Your law. May we be preserved in union and that peace which the world cannot give; and, after enjoying the blessings of this life, be admitted to those which are eternal. In Your holy name. Amen.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1996

The PRESIDING OFFICER (Mrs. HUTCHISON). Under the previous order, the Senate will proceed to consideration of S. 1026, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1026) to authorize appropriations for fiscal year 1996 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

The Senate proceeded to consideration of the bill.

Mr. THURMOND. Madam President, today the Senate begins consideration of S. 1026, the National Defense Authorization Act for fiscal year 1996. The bill we bring to the floor incorporates the Armed Services Committee's best judgments on the Nation's defense requirements. It is based on many long hours of testimony, analysis, debate, and consideration of opposing views.

I would like to thank the distinguished ranking member of the committee, Senator NUNN, for his outstanding leadership, and for his open, fair, and bi-partisan manner. I would also like to thank the members of the committee and the professional staff for their dedication and hard work.

It has been a privilege to work with Senator NUNN to bring this bill to the Senate. Although it is a good bill, not every Member, including me, is happy with every part of it. Throughout the past 6 months the committee worked in its traditional bipartisan manner because the security of the United States and the safety of our people are paramount. The bill reflects this cooperative effort, provides a clear direction for national security, and maintains a solid foundation for the defense of the Nation.

The committee's overarching intent was to revitalize the Armed Forces and enhance or preserve our national security capabilities. That is essential in this post-cold-war world in order to provide the leadership and stability which are critical to the growth of democracy. Our military must be capable and ready in order to provide our men and women in uniform the best possible chance to succeed and survive in every demanding situation. We were reminded recently, with the dedication of the Korean War Memorial, that freedom is not free. We must always remember that courage and sacrifice are the price of freedom.

This bill would fund defense at $264.7 billion in budget authority for fiscal year 1996. I have noted with interest some inaccurate reports in the press that the bill would increase defense spending, and I would like to set the record straight. The funding level in the bill we bring to the floor today is nearly $6.2 billion lower in real terms than last year's bill, and that represents a decline of 2 percent. Although it had been my hope to preserve funding at last year's level, this is the best the committee could do, given the budgetary pressures facing the Congress.

I have stated repeatedly that the administration is cutting defense too far, too fast. Most credible analysts conclude there is a shortfall of at least $150 billion in defense budget authority over the future years defense plan. Although the proposal contained in this bill represents a decline in defense spending, I would note that the funding level is still $7 billion higher than the administration's budget request. The administration requested a defense budget 5 percent lower than the fiscal year 1995 level, and that is simply unwise.

Despite a decline in defense spending, the bill provides the resources to maintain substantial U.S. military power and the ability to project that power wherever our vital interests are at stake. An implicit theme in our bill is that any aggressor or potential adversary should know that our military services will remain the most effective and combat ready in the world.

National security is the most important responsibility of the Federal Government, and as we begin debate on this matter, I would like to explain the priorities which the committee kept in mind in crafting the bill, and highlight a few key decisions. The first objective was to ensure that forces remain viable, and manned at sufficient levels by people of the highest quality. Well-motivated, well-trained, and well-led soldiers, sailors, airmen, and marines are the bedrock of national security. Strong support for equitable pay and benefits, bachelor and family housing, and other quality of life measures are key elements in attracting and retaining high-quality people. Perhaps more importantly, this bill expresses the commitment of the Senate to our men and women in uniform and attempts to uphold our part of the implied contract.

Our second objective was to ensure the military effectiveness and combat readiness of the Armed Forces. We believe the funding levels we have recommended will be barely adequate to take care of current readiness if the Department of Defense manages resources wisely and carefully.

The quality of overall readiness essentially depends on adequate funding for both current and future readiness. Although this funding allocation is often described in shorthand as a balance, I would suggest it is a fundamental obligation of the Federal Government to provide adequate resources for both current and future readiness. However, the mix is important because a disproportionate allocation of scarce resources to operation and maintenance accounts would limit funds for

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

the research, development, and procurement essential to modernization. We sought to achieve a reasonable balance. We also addressed multiyear procurement to avoid creating bow waves of funding requirements in subsequent years.

Department of Defense decisions to cancel or delay modernization programs create unrealistic modernization requirements for the future. The committee has addressed critical modernization needs by adding $5.3 billion in procurement and $1.7 billion in research and development accounts to offset some of these problems. We believe the Department of Defense must continue to fund procurement, and research and development, at similar inflation-adjusted levels in future budget requests.

Congress must also continue to provide sufficient funds for research and development to ensure the military's technological superiority in the future. If we do not, future readiness will be jeopardized. Unless the research and development, and procurement accounts are adequately funded from year to year, the services will not have the right weapons, in sufficient quantity, to be able to fight and win in the next decade. We must remember that the force we sent to war in Desert Storm was conceived in the 1970's and built in the 1980's. We must focus on the future.

Third, we addressed the proliferation of missile technology and weapons of mass destruction. We cannot stand by, idly watching, as an increasing number of foreign states develop and acquire long-range ballistic and cruise missiles. Many people do not realize that we currently have no defense whatsoever against any missile launched against the United States. None. Such missiles are capable of carrying nuclear, biological, and chemical payloads to any point in our country. We, in the Congress, will richly deserve the harsh judgment of our citizens if we fail to prepare for this clear eventuality.

It is our grave responsibility to ensure we develop the capability to defend both our deployed forces and our homeland. The committee provided direction and funds for both these requirements in the Missile Defense Act of 1995. This title of the bill initiates a new program for defense against cruise missiles, while funding robust theater missile defenses. It also mandates a national missile defense program which will lead to the limited defense of the United States by the year 2003. I remind my colleagues that the largest single loss of life in the Persian Gulf war was from one, crude, Iraqi Scud missile that was not even targeted for the building it struck. It is entirely reasonable to spend less than 1½ percent of the defense budget to meet this serious security threat.

The bill's ballistic missile defense provisions also address the administration's attempts to limit theater missile defenses by an inaccurate interpretation of the ABM Treaty. That treaty was intended to limit only defenses against strategic ballistic missiles, not theater defenses. Unless this distinction is enforced, we will end up building less-than-optimally capable systems which may not be effective against the highly capable missile threats emerging in the world's most troubled regions.

Fourth, the committee was deeply concerned about maintaining the viability of the Nation's offensive strategic forces. According to the Nuclear Posture Review, the United States will continue to depend on its nuclear forces for deterrence into the foreseeable future. Safe, reliable, and effective nuclear weapons are at the core of deterrence. In this bill the committee directs the Department of Energy to meet its primary responsibility of maintaining the Nation's nuclear capability. This means the Energy Department must focus on a stockpile management program geared to the near-term refabrication and certification requirements outlined in the NPR. If DOE cannot or will not shoulder this responsibility, then another agency must be assigned the task. Unless steps are taken now to maintain a nuclear weapons manufacturing infrastructure and a safe, reliable nuclear weapons stockpile, we face the very real prospect of not being a first-rate nuclear power in 10 to 15 years.

The committee addressed the role of long-range, heavy bombers in projecting power. Although I regret the committee's vote not to fund the B-2 program, I understand the concerns of Members on both sides about the high cost of the program.

The committee is also concerned that the administration's budget request did not include funding for numerous operations which the Armed Forces are currently conducting, even though the administration knew when it submitted its budget request that these operations would continue into fiscal year 1996. We authorized $125 million to pay for these ongoing operations in order to avoid the kind of problems with curtailed training which emerged last year.

I caution the administration that one consequence of paying for these operations on an unprogrammed, ad hoc basis is ultimately to deny the funds necessary for readiness. Last year, the practice of paying for peacekeeping and other contingency operations without budgetary or supplemental funding was directly responsible for lower readiness ratings and curtailed training in some units. Unless the Department of Defense includes the funds for such operations in the budget request, it will be difficult if not impossible for Congress to assess the impact these operations will have on other accounts. The oversight responsibilities of Congress are hindered, if not usurped, when the Department does not budget for known requirements.

While I remain confident that this is a good defense bill under the present circumstances, I remain troubled. The defense budget trend over the past 10 years has been in constant decline, principally in response to budget pressures. The administration's request for procurement this year is at the lowest level since 1950, declining more than 71 percent in real terms since 1985. The defense budget is at its lowest level as a percentage of gross domestic product since 1940, just before a grossly unprepared United States entered World War II. Each successive budget since 1993 has continued to push recapitalization farther into the future. As a result, the Services have been forced to delay the fielding of critical modern systems while maintaining aging equipment at ever-increasing operating and maintenance costs.

The prospects of not having adequate defense funds in the coming years should alarm us all. Despite the recommended fiscal year 1996 funding increase of $7.1 billion above the administration request, proposed future year budgets do not adequately fund the administration's Bottom-Up Review Force, which is itself barely adequate. These funding levels cannot meet known modernization needs and they do not even cover inflation. Shortfalls of the magnitude projected by the GAO and others will seriously impair the ability of the Department of Defense to field the combat-ready, modern forces essential to our national security. The limited progress reflected in this bill cannot be maintained unless future funding is increased.

As the Senate takes up this defense bill, some Members will no doubt argue that my concerns about steadily declining defense spending and emerging threats are misplaced. They will point out that the cold war is over and provide long lists of other programs that could absorb the money. Such criticisms always surface after a major victory, and just before the emergence of the next major threat. They are always shown in the long run to have been naive and shortsighted. They consistently fail to realize the usefulness of effective military power in shaping future events in ways that are favorable to us. They fail to recognize the instability and uncertainty of the times, and they fail to consider the future.

We cannot predict what challenges and dangers we will face in the future. We do not know with any certainty who will be our next peer competitor. I assure you, however, that a peer competitor will emerge and if such competitor believes there is an advantage because our military has been weakened, he will become bold and our challenge will be more significant. I encourage every Senator to keep this in mind as we debate this bill over the next few days.

I thank the Chair, and yield the floor.

Mr. NUNN addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. NUNN. Madam President, as we begin debate on the National Defense Authorization Act for fiscal year 1996, I first want to congratulate Senator THURMOND and his staff on reporting together the first defense authorization bill that has been reported with Senator THURMOND as committee chairman. Although he has been a stalwart for many years on the committee and has helped prepare the bills in the past, this is his first bill as the official chairman of the committee.

The major themes of this bill reflect Senator THURMOND's longstanding and strong and effective support for our national security. It has been my great privilege and honor to have worked with Senator THURMOND in the Senate and on the Armed Services Committee for all of my 22 years, and for at least maybe slightly more than half of his time here in the U.S. Senate. His career—and his decorated service in World War II and unwavering support for strong national defense, and his devotion to the men and women of the Armed Forces—has served as a model and an inspiration to me, and to, I believe, his fellow members of the Armed Services Committee and the Senate.

The 18 to 3 vote in favor of the bill in the Armed Services Committee reflects the fact that the bill continues many bipartisan efforts initiated by our committee in recent years, such as improvements in military pay and benefits, modernization of weapons systems, and protecting, as Senator THURMOND laid out, military readiness and personnel quality. This bipartisan support also reflects the actions taken by the committee to address concerns raised by Secretary of Defense Bill Perry about a number of the provisions in the House bill. In contrast to the action taken by the House, for example, our bill provides full funding for the Nunn-Lugar Cooperative Threat Reduction Program, the program that is aimed at trying to prevent proliferation of nuclear, chemical, and biological weapons all over the globe. It also avoids micromanaging the Office of Secretary of Defense, as was done in the House bill, and we do not have unworkable restrictions on military operations as the Secretary of Defense specified very clearly he feared was being done in the House bill.

The bill before us provides $264.7 billion in budget authority, the amount specified in the budget resolution. This amount, which is $7 billion above the budget request, will enable us to fund the types of initiatives that have received bipartisan support in the past. This includes personnel programs such as the 2.4-percent pay raise for members of the Armed Forces and modernization programs from fighter aircraft such as the F-22 to unglamorous but essential items such as Army trucks. Most of the programs authorized by the committee reflect the administration's priorities as set forth in the current year budget request or in the future years defense program which covers the next 5 years. Dr. Perry, in his discussions with the committee, urged us to focus any additions to the budget on acquisition programs that are in DOD's future years defense program. The bill before us largely follows this recommendation.

And I believe as various Members may come to the floor and say that we do not now need this program or that program which is funded with the additional money that has been put in this bill that was provided in the budget resolution, I think it is very important for Members to keep in mind that these programs—most of them, not every, but most of them—that have been added are in the 5-year defense plan that Secretary Perry favors. And I think that is important for people to keep that in mind. That was the request that Dr. Perry made of this committee, and I think we have largely honored that request.

Madam President, this bill contains important legislative initiatives such as the authority to use innovative programs to finance military housing and housing for unaccompanied troops. This was a strong request and initiative by Dr. Perry and the Defense Department.

In addition, we establish a defense modernization account, which I sponsored and our committee supported, which for the first time that I have any knowledge about will provide incentives for savings in defense programs for use of those savings to modernize the equipment for our men and women in uniform.

In other words, Madam President, if the Army, Navy, Air Force, and Marine Corps can find savings, we will let them put those savings in a carefully monitored account that will have to be, of course, monitored by the Congress and will have to follow our normal procedures. But those savings will be able to be used for the most critical deficiencies we face in modernization. And modernization in the outyears, the years ahead, is the biggest challenge we face.

I think everyone would acknowledge that we are, even with the increases in this budget, underfunding the outyear modernization. When our equipment starts to wear out, which much of it will toward the end of this century, we are not going to have sufficient funding even with the increases in this bill to cover that.

So what we want to do in this defense modernization account—I know some Members will have some suggestions and concerns which we will certainly listen carefully to—but this account will be controlled by the Congress. It will be subject to the normal reprogramming and authorization and appropriation procedures which we have now.

There is a limit on how much can be accumulated. But for the first time we will be saying to each of the services, "You will now have an incentive. If you figure out how to save money, it can go into an account. We are not going to grab that money and take it away from you as your punishment for saving it. We are going to let you spend it subject to the congressional oversight as outlined on the critical programs you need in the future."

I believe this kind of initiative has real potential and promise in terms of giving people throughout the military services a real incentive to try to save money. We all know the horror stories of what we have heard for years, not just in the military but in all areas of Government where, when you get down toward the last couple of months of the fiscal year, there is money that has not been spent, and the people involved in those decisions decide that if the money is not spent, not only will it lapse but also they will have the budget cut the next year.

So there is almost a perverse incentive throughout Government now to take whatever is not spent and spend it so that you do not have your budget cut the next year. We want to reverse that psychology. This is at least a beginning along that line.

My outline of the bill's highlights should not, however, be viewed as representing unqualified support for all the provisions of this bill. The numerous rollcall votes during our committee markup reflect the serious concerns of many Members about inadequate funding of important programs as well as questions about some of the priorities reflected in this bill.

There is much in this bill that I support, and I do support the overall bill. But I do have serious reservations about those aspects of the bill that appear to head back without very much thought given to the period of the cold war.

For example, the proposed new Missile Defense Act of 1995 sets forth a commitment to the deployment of missile defenses without regard, without any regard for the legal requirements of the Anti-Ballistic Missile Treaty which we are a party to and which we signed and which is an international obligation of the United States of America, until changed or until we withdraw from the treaty under the terms of the treaty. That is our obligation. That is a law. That is a treaty. It is binding.

The same provision contains legally binding timetables in our bill for deployment of missile defense systems. For example, section 235 requires a multiple site national defense system to reach the initial operational capacity in 2003. These timetables are though exempt from adequate testing. I hope we can have a system by then. I hope we can have one that really works, and I hope it will be calibrated to meet the threat that we may have in those outyears. But since the applicable missile testing statutes that were in previous laws are repealed in this National Defense Act we have before us, what we have is a timetable for actual deployment stated as a part of the law and repealing the testing that would be required to determine if the systems are ready to deploy or whether they are going to be effective when they are deployed.

I do not think that is a good combination. Finally, there is an arbitrary—and possibly unconstitutional—restriction on the obligation of funds by the executive branch to enforce the terms of the ABM Treaty.

I invite all of our colleagues to look at those aspects where there is a demarcation definition between the theater ballistic missile and the national missile defense that is precluded except under certain conditions in the ABM Treaty. I have no quarrel with those definitions. I think they are sensible definitions, and I think we do have to have a demarcation point because clearly theater missile defenses are not intended to be covered under the ABM Treaty. They never were covered. They should not be covered now.

The problem is once this definition is set forth, the executive branch is barred from doing anything at all regarding the ABM Treaty in terms of its own negotiations, and I think that that goes way too far. In fact, the wording of the proposal we have before us is so broad that any Federal official including Members of Congress would be precluded, as that statute now would read, from doing anything contrary to that definition. I think that goes too far, and I do not think that is what we want. I hope we can work in a cooperative way to iron out some of those difficulties, which I believe can be done, while continuing the strong goal and endorsement of moving forward with defenses without doing so in a way that is counterproductive.

The Department of Energy portions of the bill contain provisions that direct the creation of new capabilities for the remanufacture of nuclear weapons.

Madam President, I have serious questions about whether this is a premature judgment at this time. The Department of Energy "Stockpile Stewardship" plan is only now under review by the Department of Defense. I know that Mr. DOMENICI, the Senator from New Mexico, and others have been in discussion with Senator THURMOND and his staff and Senator LOTT and his staff, Senator KEMPTHORNE, on these energy questions, and I hope we can work something out here that makes sense, that moves us in the right direction without making premature judgments that are not ripe for decision.

Madam President, these are important issues for discussion and debate. There are questions about the potential international implications of a number of these provisions. For instance, the Russian leadership and their Parliament have stressed repeatedly, both to this administration and to various Members of the Senate and House, both parties, the importance they attach to continued compliance with the ABM Treaty. They have indicated that should they judge the United States no longer intends to adhere to that treaty, then they would abandon their efforts to ratify the START II Treaty, which is now pending in the Russian Duma.

Further, they warned that they would stop further compliance with other existing treaties including the drawdowns mandated by START I. In my judgment, there is a real danger that the provisions of the Missile Defense Act will be considered by the Russians as what is known as "anticipatory breach" of the ABM Treaty.

Madam President, if this bill leads to that outcome, it will not enhance our national security. It will be adverse to our national security. Under START I and START II, the arms control treaties which have been entered into by Republican Presidents and adhered to by Democratic Presidents, the Russians are obliged under the terms of these treaties to remove more than 6,000 ballistic missile warheads from atop their arsenal of ICBM's and submarine-launched ballistic missiles. This includes the very formidable MIRV'd SS–18 ICBM's, the very ones that threaten our land-based Minuteman and MX missiles with first-strike possibilities.

These are not insignificant treaties, Madam President. They basically remove much of the first-strike capability that we spent 10, 15 years being concerned about and spending hundreds of billions of dollars trying to defend against.

They will also have to remove all of their MIRV'd SS–24 missiles and completely refit their ICBM force with single warhead missiles. These are goals that were worked on in a bipartisan fashion for several decades by both Democrats and Republicans with a lot of the leadership coming from Republican Presidents in the White House.

This removal of 6,000 warheads by treaty is a far more cost effective form of missile defense than any ABM system that the SDI Program has ever envisioned. I am not one of those who believes we ought to be so locked into every provision of the ABM Treaty that we do not believe it is a document that has to be improved, that has to be amended. I think it does. I do not think it is completely up to date. I think we need to take another look at it. I think we need to review it. I think there are changes that can be made and should be made in accordance with the provisions of the treaty.

Yet, this bill, if enacted, would create a very high risk of throwing away both the START II reductions which have not yet taken place, and the START I reductions which are taking place now. Because this bill, No. 1, acts as if the ABM Treaty does not exist; it does not even really acknowledge that there are any concerns. No. 2, it ignores the opportunity to negotiate sensible amendments with the Russians. And I think it is premature to believe that that effort cannot succeed. I do not think we have even started real serious efforts, and I think that those efforts at least have a strong possibility of success. And No. 3, this bill does not acknowledge that we can get out of that treaty. We can exit the treaty under its own terms if our national security is threatened.

If we are going to get out from under the ABM Treaty, if we are going to basically decide it no longer is in our national security interests, then we ought to get out of the treaty the way the treaty itself provides, which is our obligation under international law and our obligation under the treaty itself. We can serve 6 months' notice and exit the treaty if the Russians are not willing to make changes which we believe are necessary for our national security. That is the way to get out of the treaty. We should not get out of the treaty by anticipatory breach with provisions of the law that we have not carefully thought through.

Indeed, Madam President, in this respect the actions proposed in the bill could be self-fulfilling. They could provoke Russia to stop its adherence to the START Treaties which would leave a huge arsenal of Russian missiles in place and we would then have to move from a thin missile defense to protect against accidental launch or to protect some kind of small nation, radical nation, or terrorist group launch, we would then have to start worrying about the SS–18's again.

Now, do we really want to do that? Do we want a self-fulfilling circle? We take action without regard to the ABM Treaty in this bill. The Russians react by not basically going through with START II. Then they decide they are not going to comply with START I. Then they decide they are not going to comply with the conventional forces reduction in Europe causing all sorts of problems there.

Then, of course, we have to increase our defense. We have to go from the kind of system that President Bush wanted, which is an accidental launch type thin system that does not cost hundreds of billions of dollars, is achievable, that we can do. We could go to a much different kind of system. We are back in a spiral of action and reaction between the United States and Russia. I do not think we really want to go back into that atmosphere. That is one of the accomplishments we have had in the last 10 years. I do not think that is what the authors of these provisions in the bill really intend. But I think it has got to be thought about because those are the implications of where this bill will head.

Madam President, this leads me to pose several questions. Are we as a nation better off if the START I and START II treaties are abandoned than if they remain in force? If somebody thinks we ought to abandon them and we are better off without them, why do we not say so? Why do we not say so? We have got to stop legislating as if there are no consequences to what we legislate. Other people in the world react. I think that is the way we have legislated too many times on foreign policy. I see it increasingly taking place. We act as if we can take part of a cake, legislate, forget the consequences, and not even own up to what is likely to happen based on what we ourselves are doing.

The second question. Are we and our NATO allies better off if the Russians decline to be bound by the limits on deployments of conventional forces contained in the Conventional Forces in Europe Treaty? We have already drawn down our forces to 100,000. The allies are reducing significantly, in many cases more than we are. We are drawing down based on the CFE Treaty and based on the Russians' behavior because they have indeed dramatically reduced their forces. Do we really want to reverse that?

Of course, someone can say, well, the Russians cannot afford it now. They are not going to be able to build up. That is probably true. I think for the next 5 to 6 to 7 years, they will not be able to afford a conventional buildup. What they can do is start relying on their early use of nuclear weapons very quickly, like tomorrow morning. If they are going to decide they are going to give their battlefield commanders tactical nuclear weapons again, we are going to go right back to a hair trigger situation. That is what they can do. That is cheap. That is the cheap way. I do not think that is what we want. I do not think that is what the Russian leadership wants at this stage. But are we thinking about what we are doing?

Next question. What will be the effect on Russian cooperation with us in forums such as the U.N. Security Council if arms control agreements are abandoned, even if it is an inadvertent abandonment on our part?

Fourth question. What is the ballistic missile threat to U.S. territory that requires us to abandon compliance with the ABM Treaty and to abandon the pursuit of possible amendments to that treaty even when there is nothing whatsoever in that treaty that prevents us from taking every step we would otherwise take in the next fiscal year? Why are we doing this at this point in time? I think that is the question. If we were at a point where we had to make a decision, then I could understand some of the pressure in this regard. But there is nothing, according to all the testimony, there is nothing whatsoever in the ABM Treaty, even as now interpreted, that prevents us from taking every step we need to take in the next fiscal year. So why are we doing this? I do not have an answer to that.

Finally, what is the nature of the theater missile threat? And that is what I believe everyone would acknowledge is the greatest priority, the greatest threat we have now. It is not a future threat. It is a present threat, theater ballistic missiles. We already face those. As Senator THURMOND outlined in his opening statement, we faced those in the Persian Gulf war.

What is the change that has taken place? That basically would have us, as we are doing in this bill, have the money for developing and deploying no less than four overlapping-coverage missile defense systems to protect the rear area of the theater while leaving our U.S. forward-deployed ground troops totally unprotected from attack by existing enemy short-range missiles.

Madam President, I will have an amendment later in this process that will add back in the only program we have to protect our frontline troops from short-range missiles. Those are the threats we face right now. We have a program called Corps SAM that is aimed at making those systems that can protect frontline troops. That system has been totally zeroed out in this bill; $35 million has been taken out. I assume that was part of the money that went into the beef-up of $300 million for national missile defense. I think that is a reverse priority. We ought the deal with the most imminent threats first. The most imminent threat we face now is the theater ballistic missile threat, particularly the frontline effect on our troops from short-range missiles. So I will have an amendment that I hope we can get some attention to in adding back that program at a later point in this debate.

Madam President, I have a number of other concerns about the bill. First, our ability to monitor and control treaty-mandated strategic weapons reductions could be affected by the failure of the bill to fully fund the Department of Energy's arms control and nonproliferation activities. I am not certain whether that provision is part of the negotiation that is ongoing now with the Senator from New Mexico, Senator DOMENICI, and Senator BINGAMAN who has taken a great lead in this, but I am sure that will be the subject of some debate here on the floor.

The other provisions, I think there are questionable priorities, as mentioned for the missile defense programs. While the bill provides an additional $300 million in funding for the national defense program and $470 million for other missile defense programs which were not requested by the administration, the Corps SAM missile defense system, which is strongly supported by the war-fighting commanders. That program is terminating. We will have a letter from our war-fighting commanders showing that is one of their top priorities. It makes no sense to provide vast increases for long-range speculative programs that will require billions in expenditure before their validity can be assessed while denying funds for specific theater missile defense initiatives designed to protect our frontline troops which we have the possibility of securing in the very short-range distant future—in the very next few years.

Madam President, also, I am concerned that the bill fails to fund certain ongoing Department of Defense programs on the theory that the programs should be funded by other agencies, even though neither the budget resolution nor the committee bill makes any provision for any other agency to assume DOD's responsibilities. These include programs that have received bipartisan support for many years, such as humanitarian assistance, which was initiated by our former colleague, Republican Senator Gordon Humphrey; foreign disaster relief, which was initiated by another former colleague, Republican Senator Jeremiah Denton; and the civil-military cooperative action program, which was developed on a completely bipartisan basis by the Armed Services Committee.

Madam President, there are many good features in this bill, but there are a number of key areas where this bill can be improved during the consideration by the Senate. I look forward to working with Senator THURMOND, the other members of the committee, and the Senate in a cooperative fashion to move this bill along so we can complete our work in a timely fashion, and so that we can come out with a solid bill that will move our national security in the right direction.

Madam President, I yield the floor.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina, the President pro tempore.

Mr. THURMOND. Madam President, I wish to thank the able ranking member for his kind remarks and also thank him for his fine cooperation in getting this bill to the floor.

Madam President, I will now ask that the able Senator from Oklahoma [Mr. INHOFE] be recognized.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. I do have an opening statement.

Madam President, before presenting my opening statement, I would like to yield momentarily to Senator KYL for the purpose of proposing an amendment.

Mr. KYL addressed the Chair.

The PRESIDING OFFICER. Is there objection?

AMENDMENT NO. 2077

(Purpose: To state the sense of the Senate on protecting the United States from ballistic missile attack)

Mr. KYL. Madam President, I have an amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. KYL], for himself and Mr. INHOFE, proposes an amendment numbered 2077.

Mr. KYL. I ask unanimous consent that the amendment be considered as read.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 371, below line 21, add the following:

SEC. 1062. SENSE OF SENATE ON PROTECTION OF UNITED STATES FROM BALLISTIC MISSILE ATTACK.

(a) FINDINGS.—The Senate makes the following findings:

(1) The proliferation of weapons of mass destruction and ballistic missiles presents a threat to the entire World.

(2) This threat was recognized by Secretary of Defense William J. Perry in February 1995 in the Annual Report to the President and the Congress which states that "[b]eyond the five declared nuclear weapons states, at least 20 other nations have acquired or are attempting to acquire weapons of mass destruction—nuclear, biological, or chemical weapons—and the means to deliver them. In fact, in most areas where United States forces could potentially be engaged on a large scale, many of the most likely adversaries already possess chemical and biological weapons. Moreover, some of these same states appear determined to acquire nuclear weapons.".

(3) At a summit in Moscow in May 1995, President Clinton and President Yeltsin commented on this threat in a Joint Statement which recognizes ". . . the threat posed by worldwide proliferation of missiles and missile technology and the necessity of counteracting this threat . . .".

(4) At least 25 countries may be developing weapons of mass destruction and the delivery systems for such weapons.

(5) At least 24 countries have chemical weapons programs in various stages of research and development.

(6) Approximately 10 countries are believed to have biological weapons programs in various stages of development.

(7) At least 10 countries are reportedly interested in the development of nuclear weapons.

(8) Several countries recognize that weapons of mass destruction and missiles increase their ability to deter, coerce, or otherwise threaten the United States. Saddam Hussein recognized this when he stated, on May 8, 1990, that "[o]ur missiles cannot reach Washington. If they could reach Washington, we would strike it if the need arose.".

(9) International regimes like the Non-Proliferation Treaty, the Biological Weapons Convention, and the Missile Technology Control Regime, while effective, cannot by themselves halt the spread of weapons and technology. On January 10, 1995, Director of Central Intelligence, James Woolsey, said with regard to Russia that ". . . we are particularly concerned with the safety of nuclear, chemical, and biological materials as well as highly enriched uranium or plutonium, although I want to stress that this is global problem. For example, highly enriched uranium was recently stolen from South Africa, and last month Czech authorities recovered three kilograms of 87.8 percent-enriched HEU in the Czech Republic—the largest seizure of near-weapons grade material to date outside the Former Soviet Union.".

(10) The possession of weapons of mass destruction and missiles by developing countries threatens our friends, allies, and forces abroad and will ultimately threaten the United States directly. On August 11, 1994, Deputy Secretary of Defense John Deutch said that "[i]f the North Koreans field the Taepo Dong 2 missile, Guam, Alaska, and parts of Hawaii would potentially be at risk."

(11) The end of Cold War has changed the strategic environmental facing and between the United States and Russia. That the Clinton Administration believes the environment to have changed was made clear by Secretary of Defense William J. Perry on September 20, 1994, when he stated that "[w]e now have the opportunity to create a new relationship, based not on MAD, not on Mutual Assured Destruction, but rather on another acronym, MAS, or Mutural Assured Safety.".

(12) The United States and Russia have the opportunity to create a relationship based on trust rather than fear.

(b) SENSE OF SENATE.—It is the sense of the Senate that all Americans should be protected from accidental, intentional, or limited ballistic missile attack.

Mr. KYL. Madam President, I just wanted to propose this amendment now, since the Senator from Oklahoma, the coauthor of this amendment, is making his opening statement now because perhaps some of the remarks he will make in his opening statement will also reflect on the amendment, which we want to be considered next.

So I yield to the Senator from Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. I thank the Senator from Arizona.

Madam President, I am pleased today to speak on behalf of the Fiscal Year 1996 Defense Department Authorization Act. I urge my colleagues to preserve it in its somewhat inadequate but present form.

Mr. FEINGOLD addressed the Chair.

Mr. INHOFE. Since the 1991——

The PRESIDING OFFICER. The Senator from Oklahoma has the floor.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. Would the Senator yield?

Mr. INHOFE. I would be glad to yield after the statement.

Mr. FEINGOLD. I ask unanimous consent that at the conclusion of the Senator's statement, I be permitted to make an inquiry of the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma has the floor.

Mr. FEINGOLD. Madam President, I made a unanimous-consent request.

The PRESIDING OFFICER. The Senator from Oklahoma has the floor.

Does he yield for that request?

Mr. FEINGOLD. Madam President, the Senator from Oklahoma indicated he had a statement. I merely ask unanimous consent that I be recognized for the purposes of that inquiry at the conclusion of the remarks of the Senator from Oklahoma.

Mr. INHOFE. I would like to ask the Senator to repeat his unanimous-consent request, please.

Mr. FEINGOLD. I ask unanimous consent that at the conclusion of the Senator's remarks, I be recognized for the purposes of making an inquiry of the Chair.

The PRESIDING OFFICER. Does the Senator yield for that request?

Mr. INHOFE. Yes.

Mrs. BOXER addressed the Chair.

I have a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Oklahoma has the floor.

Mr. INHOFE. I thank you.

Mrs. BOXER. I have a parliamentary inquiry.

Mr. INHOFE. I do not yield.

The PRESIDING OFFICER. I am advised by the Parliamentarian that the Senator from Oklahoma has the floor. If he does not yield, there is no ability to request a parliamentary inquiry.

Does the Senator from Oklahoma yield the floor?

Mr. INHOFE. I do not yield until the conclusion of my opening statement.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. FEINGOLD. Madam President, does the Senator object to my unanimous-consent request? I ask unanimous consent that at the conclusion of his remarks I be recognized for purposes of making a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Oklahoma has the floor. If he yields for a unanimous-consent request, it is his prerogative to do so. Does the Senator from Oklahoma yield the floor?

Mr. INHOFE. Not at this time, Madam President.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from——

Mr. FEINGOLD. The Senator indicated he would not object to my simply taking the floor to make a unanimous-consent request of the type I indicated. That is all I am asking at this time.

Mr. INHOFE. Madam President, let me continue my opening statement from the top again.

I am pleased to speak on behalf of this fiscal 1996 defense authorization bill. Although I believe it is still inadequate, I think it is as good as we could pass at this time.

Since the 1991 Persian Gulf war, the military has been cut, misused, neglected, and otherwise distracted from its ultimate purposes—protecting and preserving America's vital interests. This bill, with its House counterpart, represents a first step towards strengthening America's Armed Forces.

One of the most important messages which voters delivered in 1994 was the need to restore the strength of America's defenses. With this bill, the Senate has clearly had enough of the Clinton administration's weak hand in the national security arena. We have added $7 billion to the administration's request.

It has become fashionable in some circles to assert that now that the cold war is over, there is no longer a threat out there. But history has told us that most wars come with little or no warning. From the attack on Pearl Harbor to the invasion of Korea to the invasion of Kuwait, few could have predicted the size and scope of American military involvement which became necessary in the wake of these unexpected events. The lesson learned the hard way in Pearl Harbor remains true today: We must always be prepared.

President Reagan reminded us many times that we, as Americans, never have the luxury of taking our security for granted. It is up to each generation to take the steps necessary to preserve and pass on the legacy of freedom to the next. With this bill, we are beginning to take up that challenge.

As we look to the future, all we can predict with certainty is that there will be more surprises. What there will be we cannot be sure, but we can make some educated guesses. For instance, the Gulf War taught us the growing importance of stealth, of space, and of ballistic missiles. As we look to the future, it is clear that technology will be playing a key role, both in shaping the threats we will be facing and the defenses that we will need.

Madam President, it was not long ago that the former CIA Director Woolsey estimated that there are somewhere between 20 and 25 nations that currently have or are developing weapons of mass destruction, either nuclear, chemical, or biological, and they are also developing the means with which to deliver those.

Today, we are going to have an amendment, the Kyl-Inhofe amendment, which will be addressing that, so I will not elaborate on that at this time but will seek time during the consideration of that amendment.

This is a good bill, but I must express my deep concern with the Senate's failure to support further funding of the B-2 bomber. The House, in its bill, had $553 million. America is reducing her military presence around the world. Budget constraints and the end of the cold war are naturally causing us to pull back our forward deployed forces overseas. But as a world leader, our continuing ability to project power around the world will be critical. Unfortunately, our ability to immediately respond in a crisis is going to be diminished unless we are able to use our technological advantages wisely.

This is why the revolutionary B-2 Stealth bomber is so important for our future arsenal. From bases within our own country, these aircraft can quickly deliver devastating payloads to virtually any target on Earth without refueling. They can penetrate the toughest air defenses with minimal risk to our pilots.

The B-2 multiplies mission cost-effectiveness. Today, the standard bombing run package using escorts, air defense suppression aircraft, refueling tankers, and bombers requires up to 67 aircraft and 132 crew members. The same mission can be completed with only two B-2's and four crew members.

Many Americans have been persuaded that sophisticated weaponry, such as the B-2, are relics of the cold war. They have been told that we can easily discard such systems without diminishing our security in the current world environment. They have been told that there are more important and immediate priorities. It is an easy argument to sell, but I do not buy it, and I plan to make my support for more B-2's clear as the deliberations go on.

For 8 years, Ronald Reagan gave us a policy of "peace through strength," a policy which invested wisely in defense needs with a special emphasis on America's inherent leadership in advanced technology. I believe proven success of that policy should continue to guide our defense posture. This is why, despite my reservations regarding the B-2, I support this bill. It will help save lives and protect our vital interests in the future.

I congratulate Chairman THURMOND and Senator NUNN for the solid effort, united effort they put forth. I urge my colleagues to support it. I yield the floor.

Mr. KYL addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. KYL. Madam President, I would like to begin by complimenting both the chairman, Senator THURMOND, and Senator NUNN, for their work, and all the members of the Armed Services Committee for presenting a very good bill to the Senate this year. I do not have the honor of serving on the Senate Armed Services Committee. I did serve on the House Armed Services Committee for 8 years. Frankly, I am very pleased with the product that has come out of the committee this year.

I, second, want to associate myself with the remarks the Senator from Oklahoma just made. I believe they help to set the stage for a good debate on what we need to do to provide for the defense of the United States.

Third, Madam President, I want to begin a discussion of the amendment which Senator INHOFE and I have laid down and which I think deals with one of the key parts of the bill that has been presented this year. It is the issue of missile proliferation, and the question of what the United States ought to do about it.

Given the fact that there is some difference of opinion about exactly what the nature of the threat is and when we ought to begin to deal with that threat, it seemed to Senator INHOFE and me that we should add something to the bill in the way of findings and a sense of the Senate which expresses our belief that the American people should be defended from ballistic missile attack.

There are very fine findings currently in the bill. We all agree that those findings are a proper predicate for what follows in the bill. But we also believe that there are some other things that should be added as findings and that the Senate should go on record expressing its sense that Americans should be protected from either accidental, intentional, or limited ballistic missile attack.

Madam President, let me read the portions of the findings of the amendment which we believe help to lay the predicate for further action the Senate will be taking with respect to the protection of American people from ballistic missile attack. We say, first of all, that the Senate finds the proliferation of weapons of mass destruction and ballistic missiles present a threat to the entire world.

This threat was recognized by Secretary of Defense William J. Perry in February of this year in the annual report to the President and the Congress, which states:

> Beyond the five declared nuclear weapon states, at least 20 other nations have acquired, or are attempting to acquire, weapons of mass destruction—nuclear, biological, or chemical weapons, and the means to deliver them. In fact, in most areas where the United States forces could potentially be engaged on a large scale, many of the most likely adversaries already possess chemical and biological weapons. Moreover, some of these same states appear determined to acquire nuclear weapons.

We think this is an important finding because of this question that has been posed: Why should we be preparing some of the things that we are preparing now? Why should we be testing and developing capable theater missile defenses and beginning to plan for the day when we would develop and eventually deploy a national missile defense system? It is because of the concern that has been expressed in this year's report to the President and Congress by the Secretary of Defense, among others.

Also, recently, in May of this year, at the summit in Moscow, President Clinton and President Yeltsin commented on this threat in a joint statement which recognizes:

> . . . The threat posed by worldwide proliferation of missiles and missile technology and the necessity of counteracting this threat.

At least 25 countries may be developing weapons of mass destruction and the delivery systems for such weapons. We further find that at least 24 countries have chemical weapons programs in various stages of research and development. Approximately 10 countries are believed to have biological weapons programs in various stages of development. And, finally, at least 10 countries are reportedly interested in the development of nuclear weapons.

Several countries recognize that weapons of mass destruction and missiles increase their ability to deter, coerce or threaten the United States. Saddam Hussein recognized this when he stated on May 8, 1990:

> Our missiles cannot reach Washington. If they could reach Washington, we would strike it if the need arose.

Madam President, we further find in the preliminary findings to the sense-of-the-Senate resolution that international regimes like the nonproliferation treaty, biological weapons convention and the missile technology control regime, while effective, cannot by themselves halt the spread of weapons and technology.

On January 10, 1995, Director of the CIA, James Woolsey, said, with regard to Russia:

> We are particularly concerned with the safety of nuclear, chemical and biological weapons, as well as highly enriched uranium or plutonium, although I want to stress this is a global problem. For example, highly enriched uranium was recently stolen from South Africa, and last month Czech authorities recovered 3 kilograms of 87.8 percent-enriched uranium in the Czech Republic—the larger seizure of near-weapons-grade material to date outside the former Soviet Union.

That is former CIA Director James Woolsey.

We further find in this resolution that the possession of weapons of mass destruction and missiles by developing countries threatens our friends, allies, and forces abroad, and will ultimately threaten the United States directly. On August 11, 1994, Deputy Secretary of Defense, John Deutch, now Director of the CIA said:

> If the North Koreans field the Taepo Dong 2 missile, Guam, Alaska, and parts of Hawaii would potentially be at risk.

(Mr. THOMPSON assumed the chair.)

Mr. KYL. Mr. President, these are not hypotheticals for other countries, other places in the world. This is the United States and our territory. The former Deputy Secretary of Defense says that they would potentially be at risk.

We further find, in finding 11, that the end of the cold war has changed the strategic environment facing and between the United States and Russia. That the Clinton administration believes the environment to have changed was made clear by Secretary of Defense William Perry on September 20, 1994, when he stated:

> We now have the opportunity to create a new relationship, based not on MAD, not on Mutual Assured Destruction, but rather on another acronym, MAS, Mutual Assured Safety.

The United States and Russia have the opportunity to create a relationship based on trust rather than fear.

That is the final finding in this sense-of-the-Senate resolution. As a result of all of these findings, these factors, of these statements made by the key representatives of this administration, it is the sense of the Senate that all Americans should be protected from accidental, intentional, or limited ballistic missile attack.

Let me focus a moment on that simple one-sentence statement of what the sense of the Senate would be. We should be protected from accidental launch of ballistic missiles. I cannot think of anyone who would disagree with that sentiment. It does not take a star wars or a strategic defense initiative to protect against such an attack. We have the capability to develop, and ultimately deploy, a system which would provide that protection. Inherent within this bill is the beginnings of the development and deployment of such a system.

It is the sense of the Senate that all Americans should be protected from intentional ballistic missile attack. Obviously, if there is an intentional attack, we want to be protected from that. We mentioned the Taepo Dong 2 missile under development by the North Koreans. Should they decide to launch an attack against Alaska, for example, who among us would argue that we should not be prepared to meet that threat? Indeed, the mere threat that such an attack could be launched inhibits the conduct of our foreign policy because of the potential of blackmail by a country like North Korea.

To digress a moment to further elaborate on this point, one of the reasons that we have such a difficult time dealing with North Korea today is that North Korea does pose an offensive threat to millions of South Koreans and thousands of American troops against which we have no real defense, because of the proximity of Seoul, Korea to the long-range artillery of North Korea, and because of the deployment of North Korean forces. It is very clear that if there were a North Korean attack or bombardment from their artillery, literally millions of South Koreans and thousands of Americans would be killed before the United States had an opportunity to respond. We simply do not have a defense against that kind of an attack, unless everybody from Seoul, Korea could move back about 30 miles. That is obviously not going to happen.

Because of the nature of this threat, we are in a position to be blackmailed by North Korea. We cannot go in and deal with North Korea as we would like to because they do have a means of inflicting great harm and damage on us and on the people of South Korea. We literally have no way to stop it. The only way to respond to that is by some kind of massive military action that would hopefully roll them back. But the damage would already be done.

That is the same thing with respect to missiles. A missile can be either used for blackmail in the conduct of one country's foreign policy, to push its weight around, or to actually launch against another country in a time of war, in order to either create chaos and inflict damage on civilian populations, or to be launched against military targets. And in order to prohibit that from inhibiting the conduct of our foreign policy, we have to have a way of defending against it. If you do have a way of defending against it, you can essentially say you can build the missiles if you want, deploy them if you want, but you cannot be effective in using them, so we are not going to be bullied.

If you do not have an effective missile defense—and as I quoted, we do not—then we are susceptible to that negative influence of bullying by a country like North Korea. That is why it is important for us to have the means of defending ourselves and our allies, whether troops are deployed abroad, or whether it is the defense of the American homeland—in this case, Alaska—by a threat from the North Koreans.

Finally, it would be the sense of the Senate that all Americans should be protected from limited ballistic missile attack.

The reason we state it that way, Mr. President, is because we are concerned here about a limited attack. We do not believe that there is currently existing a threat of massive, strategic attack of intercontinental ballistic missiles by a country such as Russia, and possibly China, which are the only countries today that could pose that kind of threat to the United States. We do not believe that circumstances warrant the development of a system that would provide a protection against such an attack.

That is why there is no longer an effort to develop a strategic defense, such as was contemplated during the Reagan administration when the cold war was a very real threat to the United States, and when the Soviet Union then was quite belligerent with the United States, and when such a threat actually existed. That is what not we are trying to do.

Now, that is why all we are saying here is that it is the sense of the Senate that all Americans should be protected from accidental, intentional, or limited ballistic missile attack.

That is the sense-of-the-Senate resolution. Those are the findings. Let me finish my presentation with a couple of other quotations that I think would not necessarily be properly included within the findings, but which I think help to make the case that this is not some hypothetical, this is not something that only paranoid people are concerned about, it is something that at the highest councils in our Government, our intelligence, and the Defense Department, there is concern.

The first reason is because it is not necessarily the development of an indigenous capability by a country that is of concern here. We are concerned about North Korea developing the missiles that could eventually reach the United States. As a matter of fact, the missile that could reach the United States is not even shown on this chart here which illustrates some of the other missiles that are in development, or already developed, and their capabilities.

The CSS-2, for example, is a Chinese missile that has been sold to the Saudi Arabians. It has a range of about 3,000 kilometers. That obviously poses a threat to countries in the Middle East, as well as some European countries.

It is not just the indigenous threat, but the possibility of a sale of one of these missiles to another country. I mention this missile, because this missile was sold by the Chinese to the Saudi Arabians. Saudi Arabians are obviously allies of the United States, and we do not fear that missile would be launched against us by this regime. We also did not fear during the regime of the Shah of Iran that Iran would ultimately be unfriendly to the United States. Of course, that is the situation that exists today.

A country that acquires a weapon like this today, if there should be some instability or other circumstance that changes its government, obviously, it could effectively, and perhaps not in the long-distance future, pose a threat to the United States.

We are first concerned about the indigenous threat, but second, we are concerned about a purchase. That is where the time element comes in. We can give an estimate of how long it takes a country like North Korea to develop a No Dong. It could be another 5 years to develop that. But they could sell a country with great capability in a matter of days or weeks, and the deployment could be a threat to us in a very short period of time.

A third aspect, in addition to the indigenous development and the sale of missiles to be used for military purposes, is, of course, the sale of satellite launch capable missiles. This has been done throughout the world, as well. There is absolutely nothing to prevent the interchange of a satellite to be launched into space for weather prediction, for example, and a warhead of mass destruction, a chemical or biological warhead, or even a nuclear warhead in such a missile.

These missiles are proliferating around the world. Even though they have a peaceful purpose, they can very quickly be used for military purposes, and therefore, for us to base predictions on the fact that an adversary of ours will take a long time to indigenously develop a weapon, again does not adequately and accurately state the intelligence threat to the United States.

We have to be prepared to accept the fact that nations will buy either weapons or buy space launch capable missiles for use as weapons, and that can be done in a very short period of time. We only have to look at previous examples to know it has been done.

As a matter of fact, Iraqi Scuds were purchased from another country and then modified by the Iraqis.

It is not just the indigenous development but the purchase of the weapons and the purchase of satellite delivery missiles that also create part of the problem here.

Mr. President, let me ask unanimous consent that other material be printed in the RECORD at this point, and allow me to reach a conclusion of my statement in support of this amendment for a sense-of-the-Senate statement.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THREAT AMENDMENT

Proliferation is a real concern:

(A) At their summit in Moscow in May of 1995, President Clinton and President Yeltsin commented on the threat posed by proliferation when they released a Joint Statement recognizing ". . . the threat posed by worldwide proliferation of missiles and missile technology and the necessity of counteracting this threat. . . ."

(1) In a March 1995 report, The Weapons Proliferation Threat, the Central Intelligence Agency's Nonproliferation Center observed that at least 20 countries—nearly half of them in the Middle East and South Asia—already have or may be developing weapons of mass destruction and ballistic missile delivery systems. Five countries—North Korea, Iran, Iraq, Libya, and Syria—pose the greatest threat because of the aggressive nature of their regimes and status of their weapons of mass destruction programs. All five already have or are developing ballistic missiles that could threaten U.S. interests.

(2) The missile proliferation threat, even to the U.S. homeland with long-range missiles, is real and growing. Third World nations are advancing their missile programs through indigenous development, the purchase of missile components, and the purchase of space launch vehicles for reportedly peaceful purposes.

(3) While space launch vehicles can be used for peaceful purposes, such as launching communications satellites, they also give would-be proliferants an inherent missile capability. Every four years another country develops space launch capability.

(4) The Clinton Administration is overestimating how long it could take for Third World countries to develop nuclear missiles that could hit the American homeland. The Clinton Administration claims that missile attack threats from potentially dangerous Third World nations to the U.S. homeland will not arise for at least ten years. No one can possibly know that—much less depend on such a guess.

(5) This estimate is based on the assumption that the states acquiring missiles will develop them indigenously. While it is questionable whether it will take ten years for Third World countries to develop missiles on their own, it is clear that proliferants could purchase long-range missiles and nuclear warheads at any time, with little or no advance warning.

(6) Indeed, Saudi Arabia purchased the 2,000-mile range CSS-2 missile from China several years ago. Others, such as Iran and Syria, have purchased shorter range ballistic missiles from North Korea. There is evidence, including from Russian General Victor Samoilov, who was charged with maintaining control over nuclear weapons, that nuclear warheads have disappeared from former Soviet sites.

(7) There are also reports that nuclear weapons have been sold abroad covertly, particularly to Iran.

(8) The key to estimating how long the United States has to respond to a missile threat is not, as is currently the practice, to determine how long it takes a rogue state to produce ICBMs once it has decided to do so. Rather, U.S. planning should be based on how long a rogue state needs to field missiles once the intelligence community has convincing evidence that either their development or purchase is under way.

(9) The evidence, as reported by the Heritage Foundation, thus far is troubling indeed. For example:

"(a) Iraq tested a booster with potential intercontinental range in 1990, only months after the U.S. intelligence community discovered what it was doing. After the Gulf War, it was discovered that Iraq had been pursuing an extensive, undetected, and covert program to develop nuclear warheads for its ballistic missiles. By authoritative accounts the Iraqis were within 18 months of having the bomb.

"(b) U.S. intelligence in early 1994 discovered that the North Koreans were developing a long range missile dubbed the Taepo Dong 2. Then Deputy Secretary of Defense John Deutch testified on August 11, 1994, that the Taepo Dong 2 may be able to strike U.S. territory by the end of this decade. If so, this capability will have arisen only five years after its discovery."

(10) Once the basics of missile technology are mastered, adding more range to the missile is not a great technical challenge. It can be accomplished by adding more thrust and rocket stages. Further, it can be accomplished under the guise of developing space launchers. Every booster capable of placing satellites in orbit can deliver a warhead of the same weight to intercontinental range.

And missile sales can create a new missile threat very quickly.

(III) Others will argue that if the United States were threatened by a nuclear weapon, it would be in the form of a suitcase bomb, or errant aircraft, or fashioned like the Oklahoma City bombing.

(A) Each scenario represents a possible method of attack. But, why is that an argument against BMD? We make great strides to cope with these and other kinds of threats. We have anti-aircraft weapons to shoot down hostile aircraft. We suspend commercial flights from potentially dangerous countries. The immigration and customs services monitor people and goods coming to the United States. Law enforcement agencies seek to identify terrorist groups before they act. Our tools may be woefully inadequate, but we make considerable efforts. Not so in defending the country against ballistic missile attack.

(IV) Moreover, the ballistic missile is the weapon of choice in the Third World. Ballistic missiles signify technological advancement, and are thus a source of prestige in the developing world. Missiles have become symbols of power, acquiring a mystique unrelated to their capabilities. Regional powers that have acquired these weapons can threaten the security of global powers and extend influence throughout the region.

(A) Jasit Singh, Director of the Indian Institute for Defense Studies and Analysis, has pointed out that "the element which is tending to rapidly enhance the strategic value of ballistic missiles . . . is there is yet no credible defense against them."

(V) Others may argue that the arms control regimes will protect us from threat from ballistic missiles. Not so.

(A) The Non-Proliferation Threaty (NPT), provides a useful barrier to discourage the transfer of technology concerning weapons of mass destruction. It is not, however, leak proof, and should not be relied upon as a primary element of American and allied security. The NPT, for example, failed to prevent Iraq or North Korea from developing their nuclear weapons programs.

(B) The Missile Technology Control regime (MTCR), founded by Ronald Reagan in 1987, again, has admirable goals, but can only slow the transfer of missile technology until more effective measures can be developed. The MTCR is a weak agreement that has no monitoring agency or enforcement mechanism, does not incorporate all the world's missile producers (most notably China), and cannot forbid technologies that have civil uses.

(C) Former CIA Director James Woolsey said on January 10, 1995, that, with regard to Russia, ". . . we are particularly concerned with the safety of nuclear, chemical, and biological materials, as well as highly enriched uranium or plutonium, although I want to stress that this is a global problem.

(D) We simply cannot rely on arms control to do the job.

(VI) The Kyl/Inhofe amendment expresses the Sense of the Senate that Americans should be defended—whether in foreign lands or here at home.

We can argue about how to do it: but we should not begin this debate without at least agreeing on the basic premise that Americans should be protected. Surely we can all agree with that.

There is nothing threatening about defenses. Missile defense destroys only offensive missiles.

Mr. KYL. These missiles are, unfortunately, becoming the weapon of choice of bullies in the world. Because they are relatively inexpensive, they can be used to great effect for blackmail purposes. The Iraqis demonstrated how even an errant launch, as the chairman of the committee noted in his eloquent opening statement, can cause great damage.

Mr. President, 20 percent of all United States casualties in the Iraqi war were from one Scud missile attack, which killed 28 Americans with one missile, because we did not have the capability of defending against that.

A question has been asked here, why now? Why are we so concerned about this now? Well, I did not realize until this morning, when radio reports carried the story, that it was 5 years ago today that Kuwait was invaded by Iraq. I think it is an anniversary worth reflecting on for a moment.

One could easily ask what has changed, knowing that this kind of threat can materialize almost overnight; knowing that we need to be prepared to deal with it; knowing that 28 Americans at one time died from a Scud missile attack—20 percent of all of our casualties came from that—knowing of the destruction that the Scuds directed on the State of Israel; and knowing of our great concern about that, because we could not locate the missile.

The only way we had to deal with it was to try to shoot it down, and finally, knowing after the fact that our Patriot missiles, designed to shoot down aircraft, not missiles, though pressed into action for that purpose, were really only effective to interdict about 30 percent of the Scuds that came their way.

Knowing all of these things, one would imagine that 5 years later, we would have made great strides to protect ourselves against the threats that are posed. The fact of the matter is that virtually nothing has changed. Other than a slightly upgraded investigation of the Patriot missile, we do not have a missile defense. This is 5 years later, a period of time in which we should have been able to develop and deploy an effective missile defense against a weapon like the Scud. We have not done so.

Just taking the theater context and forgetting for a moment the potential threat to the United States, it is clear that we have not adequately pursued a defense against this weapon of choice by the troublemaker nations of the world.

We have not developed and deployed a new sensor. We have not developed and deployed a new missile. We have made some strides in the research, but part of the reason we have not done this is because there has been no clear national mandate, no clear national instruction, to get about the business of doing this. There are all kinds of reasons why.

The fact of the matter is, we need to get on with the business of getting this done. That is why I compliment Senator NUNN and Senator THURMOND for much of what they have included in the bill this year.

We have some small differences we will perhaps need to work on. One thing on which we can all agree at this beginning point of the debate is that there is a threat to be concerned about, and that we do need, as we begin this debate, to at least express the sense of this body that Americans need to be protected against an accidental or a limited ballistic missile attack.

Mr. President, if we cannot agree on that, I suspect the American people would rightly question whether we are the body in which to repose confidence about their future security. I am confident that we can agree to this. Based upon that, we can make some sensible decisions about both the policy embodied in this year's defense bill and the expenditures inherent in the authorization bill.

I look forward to working with the chairman, Senator NUNN, and other members of the committee, and other Members of this body, in working through this bill based on an understanding there is a threat to the United States from ballistic missile attack, and to our forces abroad, and our allies, and it is against this threat we should be protected.

I hope when the time comes, Mr. President, my colleagues here will see fit to support the Kyl-Inhofe amendment, which expresses the sense of the Senate.

AMENDMENT NO. 2078 TO AMENDMENT NO. 2077

Mr. NUNN. Mr. President, I send a second-degree amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN] proposes an amendment numbered 2078 to amendment No. 2077.

Mr. NUNN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 5, beginning with "attack," strike out all down through the end of the amendment and insert in lieu thereof the following: "attack. It is the further sense of the Senate that front-line troops of the United States armed forces should be protected from missile attacks.

"(c) FUNDING FOR CORPS SAM AND BOOST-PHASE INTERCEPTOR PROGRAMS.—

"(1) Notwithstanding any other provision in this Act, of the funds authorized to be appropriated by section 201(4), $35.0 million shall be available for the Corps SAM/MEADS program.

"(2) With a portion of the funds authorized in paragraph (1) for the Corps SAM/MEADS program, the Secretary of Defense shall conduct a study to determine whether a Theater Missile Defense system derived from Patriot technologies could fulfill the Corps SAM/MEADS requirements at a lower estimated life-cycle cost than is estimated for the cost of the U.S. portion of the Corps SAM/MEADS program.

"(3) The Secretary shall provide a report on the study required under paragraph (3) to the congressional defense committees not later than March 1, 1996.

"(4) Of the funds authorized to be appropriated by section 201(4), not more than $3,403,413,000 shall be available for missile defense programs within the Ballistic Missile Defense Organization.

"(d) Section 234(c)(1) of this Act shall have no force or effect."

Mr. NUNN. Mr. President, very briefly, this adds back $35 million to what is the Corps SAM program. I know other people want to speak on the Kyl first-degree amendment. That is a good amendment. I support it.

This amendment does not in any way strike or in any way change the first-degree amendment, but is directly relevant because this gives strong emphasis to the Corps SAM program, which is at the heart of our forward theater missile defense.

I will explain this in more detail later. I know there are others who would like to speak, including the Senator from South Carolina.

Mr. FEINGOLD. Mr. President, I just have a little concern about the procedural step we started off with on the bill. At one point the manager of the bill on the majority side was properly recognized, as manager of the bill, for purposes .of speaking. But during the process it appeared that the Senator sought to have another Senator recognized for purposes of offering an amendment. There was no unanimous consent requested for that purpose. I am sure this was inadvertent, but it becomes very, very difficult to have what we would like to call here a "jump ball" on recognition if one Senator can sort of call on another Senator, in effect.

I again say I do not think that was the intent, but I am concerned about the way we got started on this.

Mr. President, I therefore ask unanimous consent that upon the disposition of the Kyl amendment that I be recognized.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. FEINGOLD. I thank the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I do not think I can add a lot to what the very eloquent Senator from Arizona, Senator KYL, said about this sense-of-the-Senate amendment.

I do support the amendment and offer this with Senator KYL. One of the reasons I came to the Senate in the first place, and one of the reasons I sought to serve on the Senate Armed Services Committee, is a very deep concern over what has been happening to our Nation's ability to defend itself.

I have watched the cold war leave us and many people, when I was serving in the other body, would stand up and say, "There is no longer a necessity to have a very strong defense system. The cold war is over and the threat is not out there." I honestly believe, in looking at this, through my service on the Intelligence Committee as well as on the Senate Armed Services Committee and formerly on the House Armed Services Committee, that there is a threat to our country out there that is even more severe, more serious today than there was during the cold war, because in the cold war we could identify who the enemy was. As Jim Woolsey said, there are 20 to 25 countries, not two or three, 20 to 25, that are working on or have weapons of mass destruction. That is not something that might happen in the future. That is something that is imminent and that is taking place today.

It is interesting that the administration downplays another conclusion by the intelligence analysts; namely, that there are numerous ways for hostile countries to acquire intercontinental ballistic missiles far more quickly. We have watched this. We have watched the discussions take place. I think we can come to some conclusions, and those conclusions are that there is a multiple threat out there.

The Senator from Georgia mentioned briefly the ABM Treaty. I think it is worth at least discussing in context with our need for a national missile defense system. I think at the time that the ABM Treaty went into effect, perhaps there was justification for that. There were two superpowers in the world—this was 1972—and the feeling was at that time, if neither of the superpowers were in a position to defend themselves from a missile attack, then there would not be any threat out there for the rest of the world. Maybe there was justification for that.

I had a conversation with the architect of the ABM Treaty just the other day, Dr. Kissinger. He said, and I will quote him now, he said:

> There is something nuts about making a virtue out of our vulnerability.

That is exactly what we are saying when we say, by policy and by treaty, that we can defend our troops who might be stationed overseas, that we can pursue a theater missile defense system, but we cannot defend our Nation against a missile attack. There is something nuts about that. So we are going to have to address this.

In the meantime, what can we do to put a national missile defense into effect in the next 5 years? We can do exactly what we are doing with this bill. I would like to move even quicker than we can move right now, but we feel what we are doing in this bill that we are looking at today is all we can do to prepare ourselves for what can happen in the next 5 years. So, when we are able to change this national policy, we will be in a position to not lose any time and do it in the next 5 years. I think the issue here is: Is it 10 years when the threat could be facing us or is it 5 years? I think it is incontrovertible it is closer to 5 years.

Even if we were certain there is no new threat that would materialize for 10 years, there are two compelling reasons to develop and deploy a national missile defense system. First, it will take more than 5 years to develop and deploy the limited system, even when the Missile Defense Act of 1995 is passed. By then, we will most certainly be facing new ballistic missile threats to the United States.

Second, deploying the national missile defense system would deter countries from seeking their own ICBM capabilities. A vulnerable United States invites proliferation, blackmail, and aggression.

We are going to hear, during the course of this debate, people who really are not concerned about the threats that face the United States of America talking about the missile defense system as star wars. They have always downgraded it by using that term. Star wars should not even be used. We are talking about an investment that we have in this country, through the THAAD system, through the Aegis system that we have—22 ships that are currently equipped—we have a $38 billion investment. That investment can be protected merely by putting approximately $5 billion over 5 years in, and being able to deploy a national missile defense system.

I implore my Senate colleagues in the strongest possible terms to wake up and see the world as it is and not the way arms control advocates in the Clinton administration would like it to be. The threat is clear. It is present. It is dangerous. That is why I strongly support this amendment.

Mr. President, I urge swift adoption of the Kyl-Inhofe amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, I commend the Senator from Arizona for a fine amendment. This provision makes it absolutely clear that the world is becoming increasingly dangerous with regard to missile proliferation and the spread of weapons of mass destruction. It also makes clear that the United States cannot wait around for a bunch of rogue states and possibly terrorists to acquire ballistic missiles capable of attacking American cities before we respond with a serious national missile defense system. Lest we want to invite another Oklahoma City bombing multiplied many times over, we must begin to take action to defend our country against this ever increasing threat.

In my view, the Kyl amendment simply states the obvious: that the United

States should be defended against accidental, unauthorized, and limited ballistic missile attacks, whatever their source. We have attempted to establish a path toward this end in the bill now pending before the Senate, so I am pleased to support this amendment.

It has been argued that there is no threat to justify deployment of a national missile defense system to defend the United States. This view is strategically shortsighted and technically incorrect. Even if we get started today, by the time we develop and deploy an NMD system we will almost certainly face new ballistic missile threats to the United States. Unfortunately, it will take almost 10 years to develop and deploy even a limited system.

As Senator KYL's amendment so clearly establishes, the intelligence community has confirmed that there are numerous ways for hostile countries to acquire intercontinental ballistic missiles in much less than 10 years by means other than indigenous development. Basically any country that can deliver a payload into orbit can deliver the same payload at intercontinental distances. Space launch technology is fundamentally ballistic missile technology, and it is becoming more and more available on the open market. Russia has all but put the SS-25 ICBM on sale for purposes of space launch. China has repeatedly demonstrated a willingness to market missile technology, even technology limited by the missile technology control regime.

In his last appearance before Congress as Director of Central Intelligence, James Woolsey stated clearly that countries working on shorter range ballistic missiles could easily transition to developing longer range systems. Saddam Hussein demonstrated that even countries without a high technology base could get into the missile modification and nuclear weapons business.

North Korea has also demonstrated to the world that an ICBM capability can be developed with relatively little notice. The Taepo-Dong II missile, which could become operational within 5 years, is an ICBM. Each new development on this missile seems to catch the intelligence community by surprise. It certainly undermines the argument of those who downplay the threat and the intelligence community's own 10-year estimate.

Even if we knew with certainty that no new threat would materialize for 10 years there would still be a strong case for developing and deploying a national missile defense system. Deploying an NMD system would serve to deter countries that would otherwise seek to acquire an ICBM capability. A vulnerable United States merely invites proliferation, blackmail, and even aggression.

For this reason, I strongly and enthusiastically support Senator KYL's amendment. It is a reasonable statement for the Senate to make. Only those who believe that the American people should not be protected against the one military threat that holds at risk their homes and country should oppose this amendment. I urge my colleagues to support it.

The PRESIDING OFFICER. Is there further debate on the second-degree amendment?

Mr. NUNN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I would like to make a couple of comments about the Kyl-Inhofe amendment, and then also about an amendment that I intend to offer during the consideration of this legislation. I intend to offer an amendment that eliminates the $300 million that was added to national missile defense in the Armed Services Committee's deliberations.

There is, as I understand it, $371 billion for the national missile defense research and development in the budget that was submitted by the President and requested by the Pentagon. In other words, the Pentagon said, Here is what we think is necessary for that program. The Armed Services Committee added $300 million above that for national missile defense.

I listened to my friends from Arizona and Oklahoma, for whom I have great respect. We just disagree on this question. I intend to offer an amendment to strip the $300 million out of the bill because I do not think the national missile defense system described in this bill ought to be built or deployed, and I do not believe that the taxpayers should be asked to provide $300 million that the Pentagon says it does not need.

The Kyl-Inhofe amendment has four pages of findings. And on page 5, it says, "It is the sense of the Senate that all Americans should be protected from accidental, intentional, or limited ballistic missile attack."

It is hard to find fault with the language unless one asks the question: What does one mean by this? Is someone who suggests this saying that we should spend over $40 billion on a ballistic missile defense system, or star wars? I know that we were admonished not to use that term because that does not apply, we are told. This is in my judgment a star wars national missile defense proposal. It is that simple.

The Congressional Budget Office in 1993 said the cost of building a national missile defense system at Grand Forks, ND and five other sites would be $34 billion. A March 1995 Congressional Budget Office review pegs the cost of that same site plus five others at $48 billion.

If with this simple sense of the Senate on page 5 the Senate is saying, Yes, let us develop a program that costs the American taxpayers $48 billion, I think people here in the Senate ought to think long and hard about this.

Sure everyone wants to be protected. Today, in the old Soviet Union, they are crushing and busting up missiles under a program that we are helping pay for. Missiles are being destroyed today as I speak in the old Soviet Union.

What is the threat? Well, the Soviet Union has now disappeared. But we are not told that the threat is that some terrorist Third World country, perhaps Iraq, or Iran, maybe some would suggest Qadhafi, could get ahold of an ICBM and some weapons grade plutonium, build a nuclear bomb, put it on the tip of a intercontinental missile and shoot it toward the West. Maybe that is the threat.

In my judgment, if the wrong people get ahold of enough weapons grade plutonium to build a nuclear bomb, it is far more likely that they will threaten this country by putting it in the trunk of a rusty Yugo parked on a dock of the New York City harbor. That is far more likely that the case in which they would acquire or be able to build an intercontinental ballistic missile with which to threaten the West.

Frankly, this bill is interesting to me. People are saying that we do not have enough money, that we are up to our neck in debt, and that we must reduce the Federal deficit—and I agree with that. Then this bill says the Pentagon does not know what it is talking about on ballistic missile defense—$371 million, humbug. We want to add $300 million. And more than that, we have not learned our lesson about advanced deployment and emergency deployment. We also want to not only add $300 million, we want to say to the folks who are building this star wars project that we want accelerated development for a limited deployment in 1999. And full deployment will follow in 2003. That is the scheme in this legislation.

I thought maybe we learned something about those enhanced research schedules and accelerated deployment schedules with the B-1 bomber, and some other weapons programs, but maybe not.

In any event, I think the question is not should we protect America. The question is why should we decide to spend $300 million more on national missile defense than the Defense Department says it needs? Why should we decide that we are going to dump in extra money beyond what the Secretary of Defense says he needs or wants?

We have direct testimony from the Secretary of Defense saying I do not want this. This is not money that I am asking for. I do not need this. You are proposing, he says, to defend against a threat that does not exist. And you are proposing giving the Pentagon money it does not want.

I just find it unusual that the same people who always tell us that the big spenders are on this side of the aisle are saying the Pentagon does not know what it is talking about; they want to provide the Pentagon $300 million more for this boondoggle, dollars they do not want. But that is not what I guess is so important today. The fact is that this extra $300 million is just lighting the fuse on a $40 to $50 billion spending program that once underway will not be controlled, and all of us know that.

I recognize that part of this deals with my State. My State was the site of the only antiballistic missile system in the free world. It was built in northeast North Dakota 25 years ago. I said at the time I did not think it should be built. It did not matter much what I said then; it was built. And after billions of dollars were spent and after the system was operational, within 30 days it was mothballed.

Now, some might say, well, it was useful to spend all of that because we were creating bargaining chips with which to negotiate with the Soviets on an ABM Treaty. I do not know the veracity of that. But I do know that we were the site of the only antiballistic missile system built in the free world, the only one that has ever been built by the West. And it was mothballed within 30 days after being declared operational.

Now we have a constituency to build a new ballistic missile defense system. This starts from President Reagan's announcement in the 1980's of a shield, sort of a national astrodome—I guess it was a national astrodome he was talking about, putting an astrodome over this country of ours so that no one could attack it. If an incoming intercontinental ballistic missile took aim on our country and took flight toward our country, we would have a system of defense, both ground based and space based, with which we would knock out those incoming missiles and protect our country forever.

The result was that an enormous amount of money has been spent all around this country on research, engaging academic institutions, engaging companies all over, virtually every State in the Union, and a constituency has developed for this idea. It does not matter that times have changed. It does not matter there is no longer a Soviet Union. It does not matter there is no Warsaw Pact, the Berlin Wall is gone, Eastern Germany does not exist. It does not matter the world is changed. The folks who want to build a star wars, ABM, national missile defense program have not had their appetites satisfied. So they want to continue with this program, but they are not satisfied by the Defense Department doing research in this area. They will only be satisfied if they require deployment—on an interim basis so that by 1999, less than 4 years from now, somehow, some way, someone will deploy the first contingent in any number of sites around the country of the national missile defense system.

Again, I certainly respect the views of those who have great ardor and support for this program. I respectfully disagree however. We have so many needs that we must prioritize them. Do we care about education? If we do, is not the need to build star schools more important than to build star wars? Do we care about hunger and nutrition? If we do, is it not more important to make sure that we fund those programs so that people in this country are not hungry instead of taking $300 million that the Pentagon does not want and building a system the Pentagon says should not be built at this point? It is a matter of priorities, and we must begin choosing.

I think those who push not only this but several other things in this legislation that go well beyond the funding request by the Pentagon are saying we do not have to make choices. We are not interested in prioritizing. Or at least if they are not saying that, they are making choices and prioritizing in kind of a burlesque way, saying, well, it is not important for a poor kid in school to have an entitlement to a hot lunch because we cannot afford it, and then changing suits, having a good sleep and coming back the next day saying it is important, however, to give the Secretary of Defense $300 million he does not need for a program he does not want to deploy at this point and for a program that he says is not going to be built to meet an existing threat.

I am just saying to you that I think those priorities are wrong. If I read Senator KYL's sense-of-the-Senate: "It is the sense of the Senate that all Americans should be protected from an accidental, intentional or limited ballistic missile attack," I would say, oh, sure, it is a sense of the Senate all Americans ought to be protected. I understand that. That makes sense to me. If I change this and say it is the sense of the Senate that we begin embarking on a program that will eventually cost $40 billion to deploy in multiple sites around the country a ballistic missile defense system with a ground-based and a space-based component, have I changed the question? I think I have, because if I am asking the Senators in this room whether that is the way we ought to spend $40 billion in the coming years, they have to evaluate whether $40 billion spent for this versus $40 billion allocated for other competing needs in this country is the right choice.

So, Mr. President, as I indicated when I began, I intend to offer an amendment to strip the $300 million in additional funding that has been put in the legislation before us for the national missile defense system. There will still remain $371 million, a substantial amount of money. But if my amendment is accepted, there will not remain $300 million which the Secretary of Defense says he does not want, does not need, and did not ask for. We will, I am sure, have a rather substantial debate about this when I offer my amendment. I shall not pursue it further at the moment. But I could not help but comment on this amendment, which is a sense of the Senate with language seemingly so innocent but consequences so substantial. The consequences of this are to say, yes, we believe that it is appropriate to embark on a $40 billion program with enhanced deployment to build a shield over the United States to protect us against incoming intercontinental ballistic missiles.

Frankly, I think that is a misplaced priority. And I think we should have learned something in recent years that we must make very tough choices, all of us, very tough choices about what we spend money on. I think two questions ought to be asked on all of these proposals. Do we need it? And can we afford it? And with those two questions on the national missile defense system, nicknamed star wars—which is appropriate, because this talks about the potential of a space-based system—when we ask those two questions: Do we need it? And can we afford it? The first answer is answered by the folks that run the Pentagon. They have said, no, we do not need it. And they have not asked for it. The second answer ought to be answered by everybody who is in the U.S. Senate who is grappling with questions about can we feed our children through nutritional programs? Can we adequately educate our kids? And can we do all the things that are necessary? Can we adequately fund Medicare and Medicaid for the elderly and the poor?

Mr. INHOFE. Will the Senator yield?

Mr. DORGAN. The answer to my question is no. We cannot afford something we do not need when priorities require us to make a better judgment than this.

I would be happy to yield.

Mr. THURMOND addressed the Chair.

Mr. INHOFE. I am sure you heard several times——

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator has yielded for a question.

Mr. INHOFE. We have quotes by Jim Woolsey and John Deutch and other experts in this field. And in terms of the quote that was attributed to Jim Woolsey, there are between 20 and 25 countries that have developed or are developing weapons of mass destruction and the ability to deploy those.

Do you not believe that statement by Jim Woolsey?

Mr. DORGAN. Well, I would say to the Senator from Oklahoma that the statements that are made by—let me give you a statement by the head of the DIA. "We see no interest in or capability of any new country reaching the continental United States with a long-range missile for at least the next decade," so on, so forth.

But I would say this, that the Secretary of Defense, having evaluated all of these conditions, including the potential of other developments of ICBM's, has concluded that this is not in our interest. I mean, what the Secretary of Defense has said to you looking at all those things, "Don't do this. I don't want the money. I don't want the program as you constructed it. It doesn't make sense for this country's national security."

I would be happy to yield further.

Mr. INHOFE. If the Senator will allow me to read a statement—two statements. One is by James Woolsey concerning what is out there today. "We can confirm that the North Koreans are developing two additional missiles with ranges greater than 1,000 kilometers that it flew last year. These new missiles could put at risk all of Northeast Asia, Southeast Asia, and the Pacific area. And if we export, the Middle East could threaten Europe as well." Then further John Deutch says, "If the North Koreans field the Taepo Dong 2 missile, Guam, Alaska, and parts of Hawaii would potentially be at risk."

So it is a two-part question. First of all, do you believe this? And, second, and most significantly, Mr. President, what if the Senator is wrong?

Mr. DORGAN. Well, will someday some countries that we now consider terrorist countries or renegade countries have the capability of developing or buying intercontinental missiles? Maybe. Maybe.

But I would say this. I ask if it is not the case, the single, strongest, best case that could ever have been made for a ballistic missile defense program, putting a shield over our country, will not be a case 5 years from now or 10 years from now or today. It would have been a case that you could have made 10 or 15 years previously when we had the proliferation of Soviet Union missiles, all of which were aimed at the United States, all of which the President said, at that point, required an umbrella around this country for protection.

But what did protect our country? No, it was not an umbrella. It was not a new ballistic missile program or a star wars program. What did protect our country? Well, it was a triad, of ground-based intercontinental ballistic missiles with Mark-12A warheads that persuaded the Soviets—and I assume will now persuade any other country foolish enough to think about this sort of thing—that they will exist about a day or a two or three, beyond when they launch that kind of an attack.

Mr. INHOFE. Will the Senator yield further?

Mr. DORGAN. The point I make is this: We developed the triad, ground missiles, sea-based missiles and air-launched nuclear capability, which has for decades persuaded countries far better armed than the potential terrorists you suggest from not even thinking about attacking this country. And I am just saying this: When we start taking the potential of the North Koreans developing a missile and deciding the result is America ought to consign itself to a $40 billion new program, at the time we say to the American elderly that we have got to cut $270 billion in Medicare because we do not have the money, or at the time we say to American kids that we are sorry about student aid, we do not have quite enough money, and quite enough money for nutrition programs, I am saying the priorities are out of whack.

Am I saying defense does not matter? No. I am saying that the Secretary of Defense, the folks that know this program, the folks that have spent a long, long while concerned about and evaluating the need for a ballistic missile defense system are saying it is wrong. It is wrong what is being proposed. The extra money should not be spent. This program should not be deployed. And it is not in this country's national interest.

Mr. INHOFE. Will the Senator yield?

Mr. DORGAN. They are the ones saying that, not me.

Mr. INHOFE. Is the Senator aware or do you deny that the Taepo Dong 2 is being developed today?

Mr. DORGAN. Let me say this again. Is the Senator aware that Yugoslavia produced Yugos and they are shipped to the United States and some terrorist could put a nuclear device in it and ship it to New York City and terrorize New York and this country? Would that require a sophisticated ICBM for delivery? Of course not. Would it accomplish the same result? Of course it would.

My point is, if you start taking a look at threats to this country, do not just look at the potential for developing an intercontinental ballistic missile. In fact, the Secretary of Defense and others are saying there is no realistic prospect within the next decade of that happening, No. 1. And No. 2, given all of the evaluations he and the folks in the intelligence community have made, he thinks what the Senator is proposing is not in this country's defense interests.

So that is the way I would answer the question of the Senator. I understand the case both Senators have made. I think they made it very well. It is just I do not agree with them. I think this is a case where you say, if you have unlimited funds that you can take from the taxpayer, you say, "Just keep giving us your money, because we have got plenty of opportunity and we have lots of needs." If you have unlimited funds, then build everything. That is fine. The problem is we do not have unlimited funds. We are forced—literally forced—to start choosing among wrenching, awful, agonizing priorities. I think when the Senator proposes this, what he is saying is, we do not intend to choose, at least not in defense; we intend to build it all.

Mr. KYL. Will the Senator yield for a question?

Mr. DORGAN. Yes.

Mr. KYL. I know the Senator from Georgia is able to speak on his amendment. I can respond to each of the points that the Senator from North Dakota made in detail. But rather than doing that, I want to pose one quick question, because, frankly, it may not be necessary for us to do that.

Is the Senator prepared to tell us whether he is going to vote against or for my amendment? If the Senator is going to vote for the amendment, I will not bother to respond to some of the points.

Mr. DORGAN. I have not read the entire amendment. I read the sense of the Senate. It is hard to disagree with the sense of the Senate if you understand that the sense of the Senate says that "It is the sense of the Senate that all Americans should be protected from accidental, intentional, limited ballistic attack." Yes, they ought to be protected.

I ask you this question: Are you saying with this that it is your sense that we should spend $300 million extra next year and go to enhanced deployment of a ballistic missile defense system; that it is your intention with this amendment to put the Senate on record to go for early deployment and $300 million extra and the tens of billions of dollars that will be required in the years ahead to fully deploy this system; is that your intention?

(Mr. CAMPBELL assumed the chair.)

Mr. KYL. In response to the Senator's question, it is as you have noted. You are going to propose an amendment to strike $300 million that is already in the bill. My amendment does not add any money to the bill. My amendment simply expresses the sense of the Senate that all Americans deserve to be protected from missile attack. So when the Senator makes the argument about the $300 million, he is really making the argument in support of his amendment that is going to be offered later to the bill. That is why I said I could easily respond to some of the things you said, but I do not want to take the time if the Senator is going to end up supporting my amendment. I think we can move on——

Mr. DORGAN. Let me just say this. The committee brought us $671 million, as I understand it, in ballistic missile defense, $300 million of which the Pentagon said it does not want, does not need and did not ask for.

My feeling is this country protects itself against nuclear threat, accidental, intentional, or ballistic missile attack by having intercontinental ballistic missiles in the ground, by having *Trident* submarines in the sea, and by having our bombers with nuclear capability in the air. In my judgment, the current triad, as I have indicated to you, has done that for 20 or 30 years.

I have not read the rest of your findings. As soon as I read the findings, I will determine whether it comports with what I think we ought to go on record with in the Senate.

Again, I ask the Senator from Arizona whether his intention with this is to provide support and comfort for and to assist in the accelerated deployment of a national missile defense system?

Mr. KYL. And I say to the Senator, absolutely, bingo.

Mr. DORGAN. If that is the Senator's intention, I will not want to be supportive of that, because I do not think that happens to make sense for this country.

Mr. KYL. The Senator, obviously, has the right to vote for or against my amendment. I was curious. There is a lot that can be said. Perhaps the Senator could be thinking—I would like to hear from some of the other Senators—perhaps the Senator could be thinking how he will substantiate the claim he made repeatedly now that the Secretary of Defense does not want this, did not ask for it, and so on. If the Senator can find those statements, I would be curious because, of course, General O'Neill testified to the Armed Services Committee that he could spend $450 million and he does not do that without getting the concurrence of the administration.

The administration's initial budget request did not ask for the money, I agree, but in last year's budget, the Clinton administration, in the 5-year defense plan, called for more than what is being requested——

Mr. DORGAN. Mr. President, reclaiming my time, I say it is good news for the Senator from Arizona. In a body where there are so few answers and so much debate, he is about 50 paces from the answer. I will give him the telephone number. He can call the Secretary of Defense and ask the Secretary of Defense in the next 4 minutes, "Do you want this $300 million, did you ask for it, and do you think that it is necessary for this country's security?"

His answer will be, "No, I didn't ask for it; no, I don't want it; and I think it is a mistake."

So the Senator is very close to an answer, physically and also with respect to time. Maybe by the next time we have this spirited discussion, when I offer the amendment to strike the money, maybe the Senator will have spoken to the Secretary of Defense and will have that answer.

Mr. COATS. Will the Senator yield for a question?

Mr. DORGAN. I will be a happy to yield.

Mr. COATS. The Senator from North Dakota, in answer to the Senator from Arizona as to what he would prefer, in response to what the Senator from Arizona has announced in terms of deterrence, he would prefer the deterrent that was used successfully for a long, long time, namely, we use the term "mutually assured destruction." He said that our deterrence from submarines under the sea, missiles in the ground, and bombers in the air would be his proposed solution to a ballistic missile attack on the United States.

My question to the Senator is, do you believe that mutually assured destruction is the preferred solution to, say, an accidental launch?

Mr. DORGAN. Well——

Mr. COATS. And do you believe that would be any kind of a deterrent or appropriate response to an accidental launch of a missile?

Mr. DORGAN. The Senator understands, I would judge successful the strategy that has been employed with the nuclear triad in order to avoid nuclear war over some 25 or 30 years. Would the Senator agree with that?

Mr. COATS. I do, but the world has changed significantly since then. We are trying to deter something entirely different.

Mr. DORGAN. If I may respond to that—I did not respond to the Senator's question about North Korea. I would like to add for the record something I will not read, a rather lengthy paragraph, about the capabilities of North Korea written by two Nobel laureates, two veterans of the Manhattan project, a total of seven eminent physicists, who are completely at odds with the Senator's representations about the capabilities of the North Koreans at this point.

I guess the Senator from Indiana is standing up saying we need this system because it is the only way we can provide for an impregnable defense against the renegades, against terrorist countries; is that what the Senator is saying?

Mr. COATS. I am saying the world has changed significantly since we employed the doctrine of mutually assured destruction, and the deterrent effect the Senator alluded to that would satisfy the concerns of the Senator from Arizona simply may not be applicable in today's world.

Mr. DORGAN. It is interesting, what has changed it is quite remarkable—it is almost breathtaking in its scope—is that the Soviet Union does not exist any longer, and today we are cutting the tails off bombers, they are crushing their missiles, and we are taking warheads apart. What has changed dramatically is that we have stepped back from the brink, we have largely seen the cold war dissolve, we have a circumstance in this world today for which all of us should rejoice.

The arms race is largely over, and the Senator raises the question, are there still not some other threats? Yes, there are. But you know what has not changed is the appetite for those who are parents of weapons programs, because those who have parentage of new weapons programs just cannot give up. It does not matter what the world is like, it does not matter what the need is; they have a weapons program, and they are going to build it.

Mr. COATS. That may or may not——

Mr. DORGAN. Will the Senator at least acknowledge that the genesis of this kind of program came from Ronald Reagan, I believe, in 1982 or 1983, in which he described the holocaust from a devastating full-bore Soviet Union ICBM attack on the United States? That is the genesis of the description of the umbrella with which to protect our country.

Mr. COATS. That is true——

Mr. DORGAN. Things have changed. The Senator makes a correct point. Things have changed. What has changed is that that threat has changed dramatically because it has lessened, a much lesser threat than existed before. In fact, we have Yeltsin over here, we are working with Yeltsin on all these things, we have Russians and Americans cavorting in space in a spacelab. Adversaries? No, hardly. We are working together. We are doing a lot of things together, including reducing the risk of an accidental nuclear attack.

What has changed? Has the change occurred among those who said we need an umbrella for $40, $50 billion to protect America against a full-scale nuclear attack from the Soviet Union? No, the Soviet Union is gone, but it has not deterred by one step those who want to spend money on this program. They simply find another threat—North Korea, and the Nobel laureates and others tell us about North Korea.

It is at odds, and I will put it in the RECORD because I do not want to read the whole thing.

Mr. President, I ask unanimous consent that this portion of the physicists' letter be inserted in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. DORGAN. Mr. President, I would say that if you do not want to use North Korea, then somebody else will come waltzing over here and say, "Well, maybe it's not Korea, maybe its Qadhafi." And the next person comes over and says, "Maybe it's not Qadhafi, maybe it's Iran."

Do all of those prospects concern me? Sure; sure. Is the likelihood of nuclear attack or the nuclear threat from those kind of renegade countries the likelihood of an ICBM pointed at Gary, IN? Of course not. The likelihood is a terrorist act that——

Mr. THURMOND. Will the Senator yield a minute to get somebody on the floor?

Mr. DORGAN. I will be happy to yield, without losing my right to the floor.

PRIVILEGE OF THE FLOOR

Mr. THURMOND. Mr. President, I ask unanimous consent that Michael Matthes and Peter Simoncini, military fellows in Senator WARNER's office, be granted floor privileges for the duration of Senate debate on S. 1026, the Defense Authorization Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I will be brief. I say that the likelihood of the nuclear threat coming from a renegade country is not them getting hold of some sophisticated targeted intercontinental ballistic missile; it is that they would get hold of some weapons grade plutonium and the know-how, which pretty readily exists, to turn that into a nuclear device, and then in some ingenious way to hold some country hostage with that device. It is unlikely that it is going to be on the tip of an ICBM in flight. It is much more likely that it is going to be different circumstances, in which the $40 billion and the best star wars program ever conceived by man or woman will be irrelevant.

I will make one other point to the Senator. On page 52 of the bill brought to us, on the bottom of the page, you are talking about deploying a system—deploy as soon as possible a highly effective system, and so on. Then it says, "That will be augmented over time to provide a layered defense against larger, more sophisticated ballistic missile threats."

When you stand and say we are trying to respond to North Korea—which I think gives them far more credit than they deserve—your bill would do much more than that. The legislation suggests that if you want to fund a program that will provide a layered defense against larger ballistic missile defense threats over time. That goes back to the Reagan star wars concept in the eighties.

My point is that nothing has changed with those that propose the program. They pull the wagon through here no matter what the climate is, whether the wind blows, or whether it rains, it is the same wagon. They just change the debate a bit. In my judgment, the taxpayers ought not to fund something that the Secretary of Defense says he does not want, the country does not need, and he says putting in this bill—I have not even talked about the things we will talk about later, about abrogating the ABM Treaty and other things; I have not even discussed that. But I think you ought to listen to the Secretary of Defense on this issue. You ought to listen to the taxpayers. I think they understand.

Mr. COATS. If the Senator will yield, I am going to get off the floor. I just came over to ask a simple question. I got everything but the answer to my question. I did not mean to prompt the opportunity for the Senator from North Dakota to repeat what he already said earlier. I simply asked the question as to how the Senator proposed that we would deter an accidental launch of a ballistic missile toward the United States. I got everything but the answer to that particular question.

The Senator from Arizona is more than capable of answering—and I believe he probably has already done it—the reasons why this program is significantly different from what Reagan or anybody else proposed in the early eighties. It is not the so-called umbrella defense star wars system that has been debated on the floor here for a decade and a half. It is much, much different from that. The threat is different from that. I do not disagree with the Senator that the threat we face includes options other than——

Mr. DORGAN. Mr. President, if the Senator would like to ask a question, I will be happy to answer a question. If not, I would like to regain the floor.

Mr. COATS. How does the Senator propose to deal with an accidental ballistic missile launch in the United States? The Senator suggested that mutually assured destruction was the deterrent to that and the way to respond. I do not agree with the Senator. I wonder what his solution was to that question.

Mr. DORGAN. Mr. President, I appreciate the query. The Senator from Indiana is now suggesting that the principal reason for spending $40 billion is to protect against an accident. It occurred to me that the Koreans would not likely be involved in an accident, according to the Senator from Arizona. He is proposing that the Koreans might pose a threat. I assume when we hear discussions about other countries—Libya, Iran, or others —we are talking about a threat rather than an accident.

The question of an accidental nuclear launch, I suppose, is a question others could ask of us and we could ask of many in the world. We have, it seems to me, very carefully, over many, many years, decades, in fact, worked to prevent that sort of circumstance from occurring on any side, with respect to the nuclear powers. I again say that I urge all of us to evaluate. When we start talking about the need now, when the Soviet Union is gone, to build a star wars program to react to North Korea and spend $40 billion we do not have, I urge everyone to understand that at the same time we are going to consign ourselves to spend $40 billion, we are going to say we cannot really afford Medicare and Medicaid, and that the old folks should pay more and get less, and we will cut $270 billion out of Medicare.

We supposedly cannot afford all the other things we are talking about because we have to tighten our belts. It occurs to me that those that push this, especially in the year 1995, when the world has changed, but changed in a way that would augur for less incentive to need this kind of a program, those who push this are making an illogical argument. It seems illogical to me to be saying we have to tighten our belts here at home and have to worry about priorities, we have to make tough choices, and then pull a project like this to the floor and say, by the way, this is true for everything else, but we have $300 million here that that does not apply because this $300 million we will substitute our judgment for the judgment of the Secretary of Defense, and others, and say that we must now embark on an accelerated deployment of a national missile defense program, including star wars.

I am just telling you that we will probably have a long discussion on the question of that $300 million. If I see the glint in the eye of the Senator from Arizona from across the room, I suspect he will have a spirited defense of spending that money. I will be here, as soon as it works into the schedule, to see where we all stand on spending money we do not have on something we do not need.

Mr. President, I ask unanimous consent that portions of a July 7, 1995 letter from seven eminent physicists, including two Nobel Prize winners and two veterans of the Manhattan project, who discuss accidental launch by Russia or China and the likelihood of a threat from a third country, particularly North Korea, be printed in the RECORD.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

(I) Accidental launch of Russian or Chinese nuclear missile:

According to US intelligence officials, an accidental or unauthorized launch from Russia or China is extremely unlikely. Moreover, it is in the interests of Russia and China to ensure that such launches do not occur. Indeed, Defense Intelligence Agency Director Gen. James Clapper testified in 1994 that "Russian strategic missile systems are currently considered to have very good control mechanisms" to prevent such launches, and the United States is currently discussing sharing similar systems with China. National missile defenses are the wrong solution to this problem in any event since cooperative measures could be implemented more quickly and cheaply, and would be more effective than NMD. These include installing destruct-after-launch mechanisms on all missiles to abort an unauthorized launch and separating nuclear warheads from delivery systems.

* * * * *

(3) Deliberate missile attack by other country in the future:

Ballistic missiles are the least likely method a developing country would use to deliver an attack. Long-range missiles are more expensive and technically difficult to build and deploy than other means of delivery, and are less accurate. Since launches are readily detected by satellites, the United States would pinpoint the origin of a missile attack and could retaliate quickly with devastating force. Such retaliation would have to be considered as certain by any leader, and will always be a powerful deterrent to missile attacks.

Currently, no country hostile to the United States possesses ballistic missiles that can reach US territory. Even if such threats begin to emerge in the future, the United States will have considerable warning since missile development requires flight testing that can be monitored by satellite. Although some 20 countries in the developing world possess some type of short-range missile or space-launch vehicle, only countries friendly to the United States—Israel, India, and Saudi Arabia—have deployable systems with a range greater than 600 kilometers.

North Korea, perhaps the most discussed threat, has conducted one partial-range test of the 1000 kilometer range Nodong missile, but does not have an operational version after six to seven years of development. North Korea is reported to be working on new missiles with ranges up to 3,500 kilometers, but such missiles would require new technologies, such as staging and more powerful engines. Judging from the long development time of past North Korean missiles, deployment of such an intermediate-range missile is many years off at least, and progress can be monitored closely by satellite. In any event, none of these missiles would have the range to strike the US homeland.

CONCLUSION

Rather than devoting resources to national missile defenses, the United States should instead focus on programs to combat existing, more pressing threats. For example, a higher priority should be placed on bringing military and civil weapon-usable fissile material in the former Soviet republics under better control and accelerating safe, verified dismantlement of Russian nuclear warheads and delivery vehicles.

In sum, proposals to deploy NMD are misguided and irresponsible. National missile defenses do not address the existing and most likely future threats to the U.S. homeland and are diverting valuable resources. Instead, NMD will destroy much of one of the United States' primary tools for maintaining and increasing national security: arms control. We urge you to weigh carefully the negligible benefits and substantial costs of deploying NMD. Thank you for your attention to our views and please call on us if we can be of assistance as you deliberate on this matter.

Sincerely,

HANS BETHE,
Professor of Physics Emeritus, Cornell University.
RICHARD GARWIN,
Adjunct Professor of Physics, Columbia University and IBM Fellow Emeritus, IBM Research Division.
KURT GOTTFRIED,
Professor of Physics, Cornell University.
FRANK VON HIPPEL,
Professor of Public and International Affairs, Princeton University.
HENRY W. KENDALL,
Chairman, Union of Concerned Scientists and Stratton Professor of Physics, Massachusetts Institute of Technology.
WOLFGANG K.H. PANOFSKY,
Professor and Director Emeritus, Stanford Linear Accelerator Center, Stanford University.

Mr. NUNN. Mr. President, I have enjoyed the dialog on this subject. I think this is a good way to begin the defense debate. I inform all of my colleagues that the biggest challenges we have in this bill, in managing the bill—the chairman, Senator THURMOND and myself—is the whole theory of ballistic missile defense, theater missile defense, and the ABM Treaty. We are off on the subject that I think is going to be the toughest subject. It will take the most time for debate. I consider this a good dialog with which to begin the debate and get the views out on both sides of this issue.

I am sure there will be other views as we go along. I would like to explain, in just a few minutes, the amendment I have offered, which is now the pending second-degree amendment to the Kyl first-degree amendment.

This amendment is intended to restore funds for the program known as the Corps SAM program, which is also a cooperative program called MEADS. They are one and the same program, but the MEADS program is the name given for SAM that is designated as a cooperative program and supported by the Governments of Germany, France, and Italy, where they will be paying approximately 50 percent of the cost of the program, which is what we have been encouraging for the last several years in terms of allied participation.

Corps SAM is a highly mobile theater missile defense system which is designed to defend our most vulnerable military forces, that is, our Marine and Army troops amassed at the very edge of the battle area. It is the only system under development that can meet this requirement. In addition to defending our forward troops from attack by short-range ballistic missiles, the Corps SAM/MEADS system will also replace the aging and outmoded and, in many cases, HAWK batteries that are now the Marines only defense against ballistic and cruise missiles, as well as enemy aircraft.

Notwithstanding the importance of the requirement to defend these forward deployed troops, the committee bill before us, unless it is changed, will cancel the Corps SAM/MEADS program that was done during the committee markup. That is the provision of the bill now. The bill does not just zero funding in the report; it directs the Secretary of Defense, in permanent bill language, to terminate this international program.

Mr. President, in my view, this is a shortsighted action and defies rational explanation. The Senate Armed Services Committee majority argued in their report accompanying our bill that 80 percent of the total ballistic missile defense funding goes to theater missile defense systems. And the majority of the report complains about both the number of the theater missile defense systems under development and their cost.

This bill has shifted more funds to the national missile defense, which is the overall, rather than the theater defense. But what the majority report does not set forth, Mr. President, is the following set of important facts:

First, the bill as it now exists, enshrines as the core theater missile defense program four programs to the exclusion of all the other programs.

Second, the bill does not recognize that these four core theater missile defense programs provide overlapping coverage of the rear area in the theater but often no coverage for our front line troops.

That is graphically shown on this chart, Mr. President. This is the forward battle area. These are various forms of attack coming from the enemy on a theoretical battlefield.

This unprotected zone, this area right here in red, is the area where our forward troops are, usually Marine forces or Army forces. The white zone is the theater zone that is the support area, not on the forward area.

The only system that is being designed now to protect these forces in the forward battle area is the Corps SAM system, which has been canceled in this bill and which I am seeking to add back in this amendment.

The programs that are left in the bill are all designed to protect in this zone. We have the Patriot intercept zone in white. The Patriot system is designed to protect in that area. We have the Navy upper tier—very difficult to read here—but it is the outlined pink area in the outline here.

That is the upper tier engagement. We have the THAAD intercept zone, the light green zone here. Then we have the Navy lower tier, which is a possible program, which is below here.

These are overlapping programs. We want some overlap. We did not know which programs will end up being the best programs. I am not complaining about the overlap. What I am complaining about is leaving this area completely—not only unprotected except for HAWK batteries, which are limited in their effectiveness—but we do not have any program, even with all this money that is being complained about that is being added, to protect the troops on the forward battle area.

There is a reference in the majority report to making the PAC–3 mobile. There is no money to do that. We do not know whether that can be done. In my amendment, what I provide is $4.6 million to test that view. Can we make the PAC–3 program apply to this area?

Right now the incoming missiles for this zone are only not protected now, if we have this bill without being changed, as it now exists, we will have no program being designed for that. We will cut out the only program that our international allies—at least three of them—have signed up for: Germany, France, and Italy.

That is what our Congress has asked, for our allies to get involved in this. They finally get involved, it is the very beginning of the program, and what did we do? We cancel the program. I do not understand it. Perhaps someone can explain it.

The third point I make is that the bill now makes the theater missile defense funding problem that is being complained about—that is, the majority report complains we are spending 80 percent of our money on overall defenses in the theater, but in this bill we add $215 million to the theater programs in this area while we cut out $30 million from the Corps SAM/MEADS program, which I seek to add back.

If there is a problem—and I am happen to be one that believes theater missile defense should be the priority because that is where the immediate threat is and where we have a chance to get programs in the field in the next few years that can be effective—if there is a problem with 80 percent of the overall funding going to theater, what is done in this bill as it now stands, those programs are being added to what the program that goes to the heart of the forward battle area is cut out.

The fourth point is that the bill argues that instead of pursuing Corps SAM, the ballistic missile defense office should begin development of a system based on making the Patriot PAC–3 technologies highly mobile to meet the Corps SAM requirement.

I do not have a quarrel with that. Perhaps PAC–3 would be better than Corps SAM. We do not have money in the bill to test that. Right now it cannot protect in this area. It is not being worked on. I do not mind seeking an answer to that question, but no one knows the answer now.

Why should we cancel the only program that is designed to protect this, and try the PAC–3, give them no money to try PAC–3, and in the meantime cancel the only program we have designed in that direction. I do not understand any logic in that.

The fifth point, the bill right now, unless it is changed, rejects the cooperation with our allies on the MEADS program. That is the program that three of our allies have signed up for, saying they are willing to put some of their money into it. For the first time we have some of our allies willing to put money into these programs. They will pay 50 percent of the MEADS program.

Now, that is puzzling to me, because every Congress—and I do not know of any objection we have ever had from this on either side of the aisle—has requested that the administration, the Bush administration and the Clinton administration, and even the Reagan administration in the early 1980's, push hard for greater involvement of our allies in missile defenses.

The allies finally, after a lot of urging, have voluntarily—we did not tell them which program to get involved in; they voluntarily chose this program. What do we do? The first thing we do after years of urging, we say, OK, you have signed up for this program, we will cancel it. We want you to now look at other programs, I assume. I do not think that makes any sense.

Mr. President, the bill's decision to terminate the Corps SAM/MEADS program leaves our forward-deployed Marine and Army troops virtually unprotected for the foreseeable future from attacks by short-range ballistic missiles.

I want no one to misunderstand. We are not talking about what the dialog was a little while ago, when we have a threat in 10 years against the Holy Land, the United States, or whether we have a threat in 12 years or 8 years, or a present threat. This is a present threat. It is today's threat. It is one in which the next time we have a conflict, we may well have a chemical weapon dropped on our forward battle troops by a delivery system, that the Corps SAM—which has been canceled under this bill—is designed to protect against.

I emphasize the point about today's threat. This is a Defense Daily report dated July 6, and it is reporting on the Roving Sands exercise, which the caption says "Roving Sands Exercise Reinforced Need for Corps SAM, the Army Says."

From the report, "In a June paper, officials of the Army's Air Defense Artillery Center say that recently completed Roving Sands air defense exercise 'reinforced the Army's need to field the Corps SAM [surface-to-air missile]' "—that is what SAM stands for, surface-to-air missile—" 'to fill a void that exists as a result of emerging threats' from tactical ballistic missiles, unmanned aerial vehicles, and cruise missiles."

"During the Army's live Theater Missile Defense Advance Warfighting Experiment, which was conducted as a part of Roving Sands, SS–21 short-range missiles employed by enemy red forces presented a particular problem for the friendly blue forces."

Mr. President, getting away from the quote, this is an exercise. We have enemy forces, we have friendly forces. They test the various enemy systems against our present capability. SS–21 has been produced by the Soviet Union for years and have been sold to numerous countries around the world. These are widely distributed missile systems that exist in many countries.

"The largest problem for the blue forces," that is, the friendly forces, "came from the red Alpha Battery 1st Battalion, 914 SSM Brigade, which 'successfully fired all missiles, many with chemical warheads, against some 20 Corps and Division targets.' The battery was not detected during a single mission, and they were not engaged by fixed wing aircraft, rotary aircraft," or the Army Tactical Missile System.

In other words, they had 100 percent success rate in the shots that were postulated with existing technology against forward battle troops. Any one of those in a real battlefield would have contained chemical weapons.

Continuing the quotation from this report:

> For the exercise, four Scud brigades—of which two were simulated and two combined live and simulated equipment—and one SS–21 brigade formed the theater ballistic missile threat.
>
> Surrogates for cruise missiles formed during Roving Sands "also attacked Corps targets at will" despite the deployment of blue forces of an advanced technology sensor to detect them.
>
> This inability to deal with the major elements of the emerging threat during Roving Sands highlights a deficiency in corps missile defense capabilities, air defense officials conclude in the paper. The Army must field the Corps SAM system to ensure protection of friendly forces and allow the corps commander to accomplish his mission.

Mr. President, there is much more that can be said about those testings, but I think those paragraphs pretty much capture the essence of what we are faced with.

I am not going to get into a detailed comparison of the programs which are funded versus this program which is not funded. Suffice it to say, though, in my opinion we are pouring money into programs that are going to take a long time to develop, that are speculative in terms of whether they will work or not. I think some of them are worth some money. Some of them are worth putting money in, to see whether they will work or not. I do not disagree with that. But we are pouring in large sums of money, above the requests in those areas, and we are canceling the very program that our allies are working on with us, finally, that is designed to protect the frontline troops against today's threat. That does not make sense.

Finally, the termination of the Corps SAM program in this bill is bound to have a chilling effect on further cooperation with our NATO allies on all defense programs, not just missile defenses. The actions in this bill are a complete reversal of the previous policy of cooperation. The Congress has been urging cooperation by the allies. Frankly, we want them to put some of their money into these programs, too. We do not want to be the only ones who ever put any money up. We want them to put some money up, because we are going to be fighting, in most conflicts, certainly in the European theater, side by side with our allies.

Quoting from the National Defense Authorization Act for fiscal year 1994, and I give this as the exact quote from that bill—I know of no Senator or Congressman who opposed this provision in any way:

> Congress encourages Allies of the United States, and particularly those Allies that would benefit most from deployment of Theater Missile Defense systems, to participate in, or to increase participation in, cooperative Theater Missile Defense programs of the United States.

We have urged them to get involved. They have finally gotten involved and we are canceling the program. We are talking about $35 million in this amendment and we are talking about, not an add-on to this bill, this amendment would shift the money from the big pot of money, over $3 billion that is provided in the overall missile defense area, and we leave it up to the Secretary of Defense, in this amendment, to determine how to shift those funds. But there is in my opinion sufficient funds for this purpose.

Let me briefly summarize. My amendment restores the $30.4 million requested by the ballistic missile defense office for the Corps SAM/MEADS program. We add another $4.6 million for the ballistic missile defense office to study the view of the majority that the PAC–3 system can also be made applicable to this. We say, "OK, good idea. Take a look-see. But do not cancel this program while you are doing it because we do not know the answer." Thus, my amendment adds back a total of $35 million. Since the grand total of $770 million the majority has already added to the request for ballistic missile defense in my opinion is adequate, my amendment thus offsets the $35 million increase by an undistributed reduction of $35 million to the total BMD funding of $3.4 billion.

We have $3.4 billion in this bill. Of that $3.4 billion, we would shift $35 million to restructure, repay, and reinsert this program.

Mr. President, I should close by quoting from a number of letters of support for the restoration of the Corps SAM funding which I received both from the Pentagon and from our commanders in the field.

The first letter is a letter from Secretary of Defense Bill Perry. I will just quote selectively from that. It is a 2½ page letter addressed to Senator THURMOND.

> DEAR MR. CHAIRMAN: As you continue your consideration of the Fiscal Year 1996 National Defense Authorization Bill, I strongly urge you and your colleagues to reconsider the termination of the Medium Extended Air Defense System (MEADS) program. The MEADS is a high priority advanced capability tactical ballistic missile defense system that merits your full support.

Continuing to quote:

> The MEADS [program] represents an appropriate form of allied cooperation in the development of a missile defense system for which the United States and our allies share a valid military requirement.

Continuing to quote:

> The outcome of the internationally structured MEADS program will be viewed on both sides of the Atlantic as one of the most important tests of future trans-Atlantic defense cooperation. At a time when both sides of the Atlantic are experiencing declining defense budgets and smaller procurements, we should welcome collaborative ventures where there are compatible requirements. Failure to follow through with this collaborative effort could significantly impact prospects for future defense cooperation within the alliance, jeopardize U.S. efforts to forge an alliance policy on theater missile defense, and may hamper the ability of U.S. defense industry to solicit joint programs with the allies in other areas.
>
> The Senate report language specifies the United States would be best served to work with the allies on theater missile defense systems that would provide wide areas of coverage, such as the Navy wide area or Army THAAD systems. While future cooperative efforts in those programs may have merit, I firmly believe that MEADS uniquely offers the best opportunity for allied cooperation at this time. In a future conflict, as in Operation Desert Storm, the United States and our allies will likely be operating together in a theater of operations as a coalition force. In this manner, our maneuver forces will be vulnerable to attack by tactical ballistic missiles, cruise missiles and other air-breathing threat. The MEADS would allow the United States, French, German and Italian forces operating the system to provide protection for all coalition partners.

Mr. President, next I will read from a letter from Gen. George Joulwan who heads up our European command. Quoting from General Joulwan:

> The recent Senate Armed Services Committee mark-up concerning the MEADS/Corps SAM program directly impacts USEUCOM and NATO's ability to fight and win on the future battlefield. USEUCOM and NATO have a critical need for MEADS.
>
> Missile defense is one of my very top priorities. While the "Core" US Theater Missile Defense (TMD) systems (PAC–III, Navy lower-tier and THAAD) play a central role in defending US interests and forces, they do not provide the mobility and force protection required to defend against emerging air and cruise missile threats. These limitations provide our potential enemies a window of opportunity to attack perceived vulnerabilities in protection of our forces and/or national interests. Core TMD programs alone simply do not provide sufficient operational capability to meet our security requirements.
>
> The MEADS/Corps SAM program will enable the US to protect its regional interests against a wide spectrum of threats. Excepting long range strategic missiles currently deployed by only a few countries, there is no direct missile threat to the continental United States today. Conversely, this theater faces a range of systems that could directly threaten US interests and US/Allied forces. Many nations in and around the European Theater (especially in our Southern Region) are developing and employing short range Theater Ballistic Missiles (TBM), cruise missiles and Unmanned Aerial Vehicles (UAV) to exploit perceived US and Allied vulnerabilities.
>
> In the European Theater, interoperability is absolutely vital. Further, NATO is the enabler for coalition operations elsewhere. The MEADS program improves both US and NATO operational capability through total interoperability. Having MEADS deployed with our allies would mean less reliance on strictly US assets to defend US and Allied forces and interests.

Mr. President, next I would like to read a letter from General Luck, commander in chief, U.S. Army in Korea.

> This situation, especially on the Korean peninsula, requires that we develop and field TMD systems that are highly flexible, extremely mobile, capable of 360 degree coverage and able to counter the full threat spectrum. Though there is no system that can currently do this job for us, I strongly believe the US Army has clearly articulated the need for such a system through the Corps SAM program.
>
> I understand that recent action by the HNSC and the SASC have essentially terminated the Corps SAM program. I would think that the demise of that program should not be mistakenly linked to the vital Corps SAM requirement. The capability provided by Corps SAM represents one of our more important needs in protecting the force on the peninsula today and in the future.

Mr. President, he goes on to say:

> While we do have Patriot PAC–2 assets in theater, we remain at risk given the growing and rapidly improving nature of the threat. The termination of Corps SAM continues and increases that risk. I would strongly recommend that Congress reconsider the Corps SAM requirement and restore appropriate funding to protect our forces.

Mr. President, I also would like to read a letter from Gen. Dennis Reimer, head of the U.S. Army:

> The predominant threats to Army and Marine Corps maneuver forces are very short/short range tactical ballistic missiles (VS/SRTBMs), cruise missiles (CMs) and unmanned aerial vehicles (UAVs). Defense against these threats well forward of our forces is clearly one of the greatest concerns facing our Commanders-in-Chief (CINCs). The Corps SAM Operational Requirements Document (ORD) specifies countering these threats with a strategically deployable, tactically mobile system providing 360 degree coverage. Existing/proposed system configurations (PAC–3, THAAD, Navy Upper/Lower tier) fail to provide the required protection due to deployability and mobility limitations, lack of 360 degree coverage, and lack of growth potential to meet these essential requirements.
>
> This is a compelling requirement. Army and Marine Corps forces are currently at risk, and will remain at risk with no defense against VS/SRTBMs and only limited capability against CM attacks.

Mr. President, finally a letter from Robin Beard. Many of you know Robin Beard. He was a Congressman from Tennessee, a Republican Congressman, and now is the Assistant Secretary General, NATO. He writes the following letter. This letter is addressed to Senator TED STEVENS:

DEAR SENATOR STEVENS:

I am writing to express extreme concern with the Senate Armed Services Committee's decision to terminate the Medium Extended Air Defense System (MEADS) program and to urge you and your colleagues to support the President's budget request of $30.4 million for MEADS in the FY 1996 Defense Appropriations Bill.

While others have spoken to the U.S. military requirements for MEADS/Corps SAM, I would like to offer a broader NATO perspective on the matter. Canceling MEADS would send a horrible message to the Allies. It would confirm their worst fears regarding the lack of U.S. interest in cooperative armaments projects and would seriously jeopardize on-going efforts to develop a cooperative approach for meeting the challenges posed by the proliferation of weapons of mass destruction and their delivery systems.

Mr. President, continuing to quote from Robin Beard who is now the Assistant Secretary General, NATO:

In addition to the political track, NATO Military Authorities have prepared a draft Military Operational Requirement for Theater Missile Defense that calls for the protection of NATO territory, forces and populations against ballistic missiles. And efforts are also underway under the auspices of the Conference of National Armaments Director (CNAD)—where NATO's material development is focused—to define future opportunities and mentors of collaboration in the area of TMD.

All of these efforts will lead, in the next couple of years, to the development of an Alliance policy framework on TMD cooperation endorsed by the North Atlantic Council. The termination of MEADS, the first significant TMD collaborative efforts, would be a serious setback for U.S. leadership in this area.

Mr. President, I also have a letter from General Shalikashvili, Chairman of the Joint Chiefs of Staff. But I think I have probably given enough so that my colleagues have gotten the drift of the priorities for this program.

I hope that the Senate will consider this carefully. I hope that this amendment could possibly be accepted. But, if it is not accepted, I urge my colleagues to vote for it.

I think this is a very important program. A lot is at stake here. The lives of the battlefield troops at the front line are at stake, and the future of cooperative efforts in our alliance in terms of theater missile defense I think also will be very significantly affected by how we handle this matter.

Mr. President, I ask unanimous consent that all of the complete letters that I have read excerpts from be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JULY 24, 1995.

Hon. SAM NUNN,
Ranking Member, Senate Armed Services Committee, U.S. Senate, Washington, DC.

DEAR SENATOR NUNN: As you well know, our combined forces in Korea face a significant threat from DPRK tactical ballistic missiles, cruise missiles and unmanned aerial vehicles. The growing quantity and capability of this particular threat and the restricted nature of Korean terrain amplify the risk to our forces. This situation, especially on the Korean peninsula, requires that we develop and field TMD systems that are highly flexible, extremely mobile, capable of 360 degree coverage and able to counter the full threat spectrum. Though there is no system that can currently do this job for us, I strongly believe the US Army has clearly articulated the need for such a system through the Corps SAM program.

I understand that recent action by the HNSC and the SASC have essentially terminated the Corps SAM program. I would think that the demise of that program should not be mistakenly linked to the vital Corps SAM requirement. The capability provided by Corps SAM represents one of our more important needs in protecting the force on the peninsula today and in the future. In fact, TMD as a whole is a high priority in our theater and has the support of USCINCPAC as one of the top ten priorities within our FY96 integrated priority list.

While we do have Patriot PAC-2 assets in theater, we remain at risk given the growing and rapidly improving nature of the threat. The termination of Corps SAM continues and increases that risk. I would strongly recommend that Congress reconsider the Corps SAM requirement and restore appropriate funding to protect our forces.

Sincerely,

GARY E. LUCK,
General, U.S. Army,
Commander in Chief.

U.S. ARMY,
THE CHIEF OF STAFF,
Washington, DC, July 14, 1995.

Hon. STROM THURMOND,
Chairman, Committee on Armed Services, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Senate Armed Services Committee (SASC) voted to terminate the Corps Surface-to-Air Missile (Corps SAM) program, after the House National Security Committee (HNSC) voted a $10 million decrement. However, the critical warfighting requirement that Corps SAM intends to fill remains completely valid.

The predominant threats to Army and Marine Corps maneuver forces are very short/short range tactical ballistic missiles (VS/SRTBMs), cruise missiles (CMs) and unmanned aerial vehicles (UAVs). Defense against these threats well forward of our forces is clearly one of the greatest concerns facing our Commanders-in-Chief (CINCs). The Corps SAM Operational Requirements Document (ORD) specifies countering these threats with a strategically deployable, tactically mobile system providing 360 degree coverage. Existing/proposed system configurations (PAC-3, THAAD, Navy Upper/Lower tier) fail to provide the required protection due to deployability and mobility limitations, lack of 360 degree coverage, and lack of growth potential to meet these essential requirements.

This is a compelling requirement. Army and Marine Corps forces are currently at risk, and will remain at risk with no defense against AS/SRTBMs and only limited capability against CM attacks. We strongly feel that development actions must continue, and welcome the opportunity to work with the Committee to demonstrate how we can leverage current capabilities in order to meet this critical need in a rapid, cost-effective manner.

Sincerely,

DENNIS J. REIMER,
General, U.S. Army,
Chief of Staff.

U.S. ARMY,
THE CHIEF OF STAFF,
Washington, DC, July 28, 1995.

Memorandum for Under Secretary of Defense (Acquisition and Technology).

Subject: Army Position for Corps Surface-to-Air Missile (Corps SAM)/Medium Extended Air Defense System (MEADS).

1. The Army fully supports the current proposed Corps SAM/MEADS program. We need to proceed as rapidly as possible with the Corps SAM program under any circumstances. The Army and the Marine Corps have a compelling need for the only system that can provide air and missile defense for maneuver forces as well as serve as an effective lower tier Theater Missile Defense (TMD) system under the Theater High Altitude Area Defense (THAAD) umbrella.

2. We have reviewed the current status of the Corps SAM/MEADS program with respect to the ongoing debate in Congress and the mid and long-term funding of DoD's TMD programs. We believe that the potential development cost savings and the prospects of allied interoperability and operational burden sharing in TMD fully justify pursuing the Project Definition—Validation phase of MEADS. The initial phase will define the program in terms of costs and other benefits to the participating nations and allow for an informed decision by all the countries involved regarding continuation of a cooperative program. The Army has the mechanisms in place to adequately address Congressional concerns with respect to leveraging current TMD and cruise missile defense programs while protecting our interests with respect to technology transfer. The industry proposals currently being evaluated reflect a high degree of leveraging of other programs and will serve as a sound foundation for entering into the MEADS program. We will provide full support to insure that MEADS is begun expeditiously and in a manner that protects the best interests of the United States. If efforts at a cooperative program are unsuccessful, the Request For Proposal (RFP) allows for a transition back to a U.S. only program.

3. I appreciate your continued support of this critical program for our warfighters.

DENNIS J. REIMER,
General, U.S. Army,
Chief of Staff.

NORTH ATLANTIC TREATY
ORGANIZATION,
July 25, 1995.

Hon. TED STEVENS,
Chairman, Subcommittee on Defense, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR TED: I am writing to express extreme concern with the Senate Armed Services Committee's decision to terminate the Medium Extended Air Defense System (MEADS) program, and to urge you and your colleagues to support the President's budget request of $30.4 million for MEADS in the FY 1996 Defense Appropriations Bill.

While others have spoken to the U.S. military requirement for MEADS/Corps SAM, I would like to offer a broader NATO perspective on the matter. Cancelling MEADS would send a horrible message to the Allies. It would confirm their worst fears regarding the lack of U.S. interest in cooperative armaments projects and would seriously jeopardize on-going efforts to develop a cooperative approach for meeting the challenges posed by the proliferation of weapons of mass destruction and their delivery systems.

NATO is now closer than ever to formulating an Alliance approach to theater missile defense. At the January 1994 NATO Summit, Ministers recognized the dangers posed by proliferation and directed that work begin on developing a policy framework to reduce the proliferation threat and protect against it. Supporting this effort is NATO's Senior Defense Group on Proliferation, which recently concluded that preventing the proliferation of WMD and their missile delivery systems remains NATO's top counter proliferation priority. Additionally, the June 1994 Alliance Policy Framework on Proliferation and Weapons of Mass Destruction recognizes the growing proliferation risks, especially with regard to states on NATO's periphery, and called on the Alliance to address the military capabilities needed to discourage WMD proliferation and use, and if necessary, to protect NATO territory, populations and forces.

In addition to the political track, NATO Military Authorities have prepared a draft Military Operational Requirement for Theater Missile Defense that calls for the protection of NATO territory, forces and populations against ballistic missiles. And efforts are also underway under the auspices of the Conference of National Armaments Directors (CNAD)—where NATO's materiel development is focused—to define future opportunities and methods of collaboration in the area of TMD.

All of these efforts will lead, in the next couple of years, to the development of an Alliance policy framework on TMD cooperation endorsed by the North Atlantic Council. The termination of MEADS, the first significant TMD collaborative efforts, would be a serious setback for U.S. leadership in this area. The need to respond to the growing proliferation threat, coupled with the high cost of new defensive systems, means that we can't go it alone. We need Allied participation and MEADS is a good place to start because it responds to French, German and Italian requirements to develop a new defensive capable of addressing the threat posed by aircraft, ballistic missiles, and cruise missiles. And, as it has been noted by U.S. military authorities, it fulfills the requirement for a highly mobile TMD/cruise missile defense system capable of protecting Army and Marine Corps maneuver forces.

The implications of canceling MEADS go well beyond NATO TMD cooperation. As the centerpiece of the U.S. "renaissance" in trans-Atlantic cooperation. MEADS is an experiment that is being closely watched on both sides of the Atlantic. Failure of the U.S. to follow through will stifle prospects for future cooperation—such as with JSTARS—and play into the hand of those advocating a strong European defense industry at the expense of trans-Atlantic cooperation. U.S. industry will then find it increasingly difficult to solicit European cooperation across a broad spectrum of projects. It may well spell the difference between trans-Atlantic cooperation and competition.

In closing, I would again urge you and your colleagues to consider the broader geopolitical implications of this cooperative program and support the President's budget request. MEADS will pay dividends in the future both in terms of its contribution to trans-Atlantic armaments collaboration and as a military capability in support of out-of-area operations—a central tenet of the Alliance's new Strategic Concept.

Yours sincerely,

ROBIN BEARD,
Assistant Secretary General, NATO.

CHAIRMAN OF THE JOINT
CHIEFS OF STAFF,
Washington, DC, July 12, 1995.

Hon. SAM NUNN,
U.S. Senate, Committee of the Armed Forces, Washington, DC.

DEAR SENATOR NUNN: Thank you for your letter of 11 July regarding your concerns about theater missile defense (TMD) priorities.

The President's Budget submit represents a balanced approach to satisfying our theater missile defense requirements. In that document, CORPS SAM/MEADS research and development was supported as a part of the integrated TMD architecture. It will fill a critical need for mobile, self-defensive capability for maneuver forces, both Army and Marine Corps. We support funding of this program at $30.4 million for FY 1996. In response to your questions, I support funding Corps SAM/MEADS at this level since none of the programs in the letter offer an alternative better than the President's Budget.

Current development efforts, new efforts in sophisticated strike operations against mobile launchers, and the Ballistic Missile Defense Organization-led TMD Cost and Operational Effectiveness Analysis will enable the Department to make critical TMD acquisition decisions in the FY 1998 budget process consistent with funding constraints and the CINCs' warfighting requirements. For now, I believe the DoD Budget submit appropriately represents our TBMD warfighting priorities.

I discussed the above position with the Joint Chiefs and our CINCs, and all are in agreement.

Sincerely,

JOHN M. SHALIKASHVILI,
Chairman of the Joint Chiefs of Staff.

THE SECRETARY OF DEFENSE,
Washington, DC, July 28, 1995.

Hon. STROM THURMOND,
Chairman, Committee on Armed Services, U.S. Senate Washington, DC.

DEAR MR. CHAIRMAN: As you continue your consideration of the Fiscal Year 1996 National Defense Authorization Bill, I strongly urge you and your colleagues to reconsider the termination of the Medium Extended Air Defense System (MEADS) program. The MEADS is a high priority advanced capability tactical ballistic missile defense system that merits your full support.

The Department's approach to the MEADS program has its direct legacy in past Congressional direction that the United States seek cooperation with our allies on the development of tactical and theater missile defenses. I would cite the provision from the Fiscal Year 1994 Defense Authorization Conference Report that expressed the following sense of the Congress:

"Congress encourages allies of the United States, and particularly those allies that would benefit most from deployment of Theater Missile Defense systems, to participate in, or to increase participation in, cooperative Theater Missile Defense programs of the United States. Congress also encourages participation by the United States in cooperative theater missile defense efforts of allied nations as such programs emerge."

The MEADS represents an appropriate form of allied cooperation in the development of a missile defense system for which the United States and our allies share a valid military requirement. As you are aware, MEADS will fulfill an existing U.S. operational requirement for a rapidly deployable, highly mobile, robust air defense system designed to protect maneuver forces and expeditionary forces of the U.S. Army and Marine Corps. Both Services are in strong agreement on the need for protection against short- to medium-range ballistic missiles and the full spectrum of air-breathing threats-aircraft, cruise missiles and unmanned aerial vehicles. This is also a military requirement shared by our European allies. In short, this is a valid requirement.

To satisfy this requirement and reduce costs, the committee recommends a restructured program that would merge ongoing efforts in PAC-3 and Theater High Altitude Area Defense (THAAD) to produce a mobile, hybrid system. The acquisition strategy for the current MEADS program does, in fact, leverage off existing ballistic and cruise missile defense programs as the committee suggests. During the MEADS program definition phase, we have planned to evaluate all viable options including hybrid solutions. Each approach will be assessed and its advantages in terms of costs and commonality will be compared to other system concepts. At least one of our partners, Germany, which already has PATRIOT, would most likely respond eagerly to any PAC-3 option which would provide part of a cost and operationally effective MEADS architecture. Additionally, any potential cost saving derived from unilateral development are more than offset by the political, operational and diplomatic benefits of international collaboration.

The outcome of the internationally structured MEADS program will be viewed on both sides of the Atlantic as one of the most important tests of future trans-Atlantic defense cooperation. At a time when both sides of the Atlantic are experiencing declining defense budgets and smaller procurements, we should welcome collaborative ventures where there are compatible requirements. Failure to follow through with this collaborative effort could significantly impact prospects for future defense cooperation within the alliance, jeopardize U.S. efforts to forge an alliance policy on theater missile defense, and may hamper the ability of U.S. defense industry to solicit joint programs with the allies in other areas.

The Senate report language specifies that the United States would be best served to work with the allies on theater missile defense systems that would provide wide areas of coverage, such as Navy wide area or Army THAAD systems. While future cooperative efforts in those programs may have merit, I firmly believe that MEADS uniquely offers the best opportunity for allied cooperation at this time. In a future conflict, as in Operation Desert Storm, the United States and our allies will likely be operating together in a theater of operations as a coalition force. In this manner, our maneuver forces will be vulnerable to attack by tactical ballistic missiles, cruise missiles and other air-breathing threats. The MEADS would allow United States, French, German and Italian forces operating the system to provide protection for all coalition partners. At the same time, THAAD and Navy Wide Area Defenses could provide a defensive overlay.

Hence, MEADS supports coalition efforts, joint operations and interoperability of tactical ballistic missile defenses. These could be critical features in a future conflict.

I urge you to support the full budget request for MEADS, our centerpiece of Theater Missile Defense cooperation with our European allies.

Sincerely,
WILLIAM J. PERRY.

COMMANDER IN CHIEF,
U.S. EUROPEAN COMMAND,
July 20, 1995.

Hon. SAM NUNN,
Ranking Member, Senate Armed Services Committee, U.S. Senate, Washington, DC.

DEAR SENATOR NUNN: The recent Senate Armed Services Committee mark-up concerning the MEADS/Corps SAM program directly impacts USEUCOM and NATO's ability to fight and win on the future battlefield. USEUCOM and NATO have a critical need for MEADS.

Missile defense is one of my very top priorities. While the "Core" US Theater Missile Defense (TMD) systems (PAC-III, Navy lower-tier and THAAD) play a central role in defending US interests and forces, they do not provide the mobility and force protection required to defend against emerging air and cruise missile threats. These limitations provide our potential enemies a window of opportunity to attack perceived vulnerabilities in protection of our forces and/or national interests. Core TMD programs alone simply do not provide sufficient operational capability to meet our security requirements.

The MEADS/Corps SAM program will enable the US to protect its regional interests against a wide spectrum of threats. Excepting long range strategic missiles currently deployed by only a few countries, there is no direct missile threat to the continental United States today. Conversely this theater faces a range of systems that could directly threaten US interests and US/Allied forces. Many nations in and around the European Theater (especially in our Southern Region) are developing and employing short range Theater Ballistic Missiles (TBM), cruise missiles and Unmanned Aerial Vehicles (UAV) to exploit perceived US and Allied vulnerabilities.

In the European Theater, interoperability is absolutely vital. Further, NATO is the enabler for coalition operations elsewhere. The MEADS program improves both US and NATO operational capability through total interoperability. Having MEADS deployed with our allies would mean less reliance on strictly US assets to defend US and Allied Forces and interests.

MEADS has potentially significant economic and political benefits, as well. New TMD systems are so expensive that unilateral development and fielding often makes them unaffordable. Yet, with the Germans, French and Italians picking up 50% of the MEADS program costs, it appears that we can protect our forces and interests while realizing potentially large savings.

Politically, MEADS is a visible and important illustration of the US commitment to missile defense, to NATO, and to Europe. MEADS is a model for future transatlantic cooperation efforts. Terminating MEADS now would have serious ramifications in other ongoing cooperative ventures and raise yet another round of poignant questions about US intentions regarding leadership in NATO. Consequently, to protect US forces and our national interests, we must maintain the leadership and momentum for MEADS. Congressional support is critical. With it, MEADS can protect US interests and US/Allied forces from adversaries equipped with short range TBMs, cruise missiles and UAVs. Without MEADS, we will place future US and Allied forces at a serious risk. I urge continued development of MEADS.

Sincerely,
GEORGE A. JOULWAN,
General, U.S. Army.

Mr. NUNN. Mr. President, I yield the floor.

Mr. LOTT. Mr. President, I rise in support of this very important Department of Defense authorization bill. I think outstanding work has been done on this bill, and I commend the very distinguished chairman of the full committee, the Senator from South Carolina, Senator THURMOND, who really provided true leadership on this bill. He allowed the subcommittees to do their work. We had a lot of very good hearings. All of the Members were engaged and involved. And I think we have produced a good bill. Obviously, there are some points we disagree on. But I think we can work out some of those disagreements, and we will have votes on others and move forward.

I want to thank the distinguished Senator from Georgia, who has always done good work on the important defense of our country, and I look forward to working with him on a number of issues that are still outstanding that I think we can resolve.

I want to make the point at the beginning that we have already had a lot of negotiations and addressed a number of concerns in the Department of Defense authorization bill. I believe we are going to be able to make a number of changes in the Department of Energy portion of the DOD authorization bill that will address concerns of Senators on both sides of the aisle, and from States as divergent at South Carolina, Idaho, New Mexico, and Tennessee.

We have tried to list all of the various concerns. We have resolved all of these issues except maybe one or two where we just need to have a good debate and have a vote and see how it turns out.

So I am pleased with the bill that we have produced. I think we should not lose sight of the fact that we need to move it on through in a reasonable time, get it into conference where we will continue to work out differences, and produce a bill that I feel confident that hopefully the President will be able to sign.

Also I would like to urge my colleagues to try to limit the number of amendments. Let us get right down to the basic issues and vote so we can finish up the authorization bill in the next 3 days and move on to the appropriations bill.

From an authorization standpoint, I think we need to remember that we are right on top of the appropriations process now. If we dally along very much, we will wind up on a side track, and the appropriators move forward. So let us work together and resolve these issues the best way we can.

But I would like to address the issue that has been discussed a lot here today—a couple of the issues that will be debated later on, and we will have amendments on it. That is the Missile Defense Act of 1995. Since there have been a number of assertions that I think are not true—I think they are false—concerning the content and the intent of this legislation, I would like to explain actually what it does and does not do in my opinion.

The Missile Defense Act of 1995 would replace the Missile Defense Act of 1991 which was a bipartisan effort that was developed in 1991 with more up-to-date legislation intended to respond more completely to the challenges and opportunities of the post-cold-war era—times have changed—and establish a more focused course for theater and national missile defenses.

The new legislation also addresses the growing cruise missile threat that we have around the world, for the first time establishing an integrated approach to ballistic and cruise missile defense.

Programmatically, the Missile Defense Act of 1995 has three pieces: One that focuses our efforts in the area of theater missile defense; one that establishes a clear policy to develop and deploy a limited national missile defense system; and, one that establishes the cruise missile defense initiative.

With regard to TMD, the legislation establishes a top priority corps program consisting of the Patriot PAC-3 system, the theater high altitude area defense system, or THAAD, the Navy lower tier system, and the Navy upper tier system. To allow us to maintain this high priority program and to make room for programs to defend American territory, the legislation also proposes to terminate two unfocused and relatively low priority programs—although its value or priority has already been discussed, and we will talk more about it in a moment—that is, the airborne boost-phase interceptor, and the Corps SAM system.

Each year, several of our colleagues say that, well, you never cancel any defense programs even when they have had problems or when their future is not clear, or regardless of what the cost is. Well here is a case where we are trying to terminate one that has been unfocused and has some problems.

We want to work with Senator NUNN on the Corps SAM issue and I think maybe we can find a way to work through this. But keep in mind, this is not some $30 million program or $35 million program. This is a program that leads us to over $10 billion now. If it is an international program that involves some of our allies in Europe, presumably they would take up some half of the costs of that Corps SAM program. But this is potentially a big dollar program.

So what I would like to see us do is let us look at the problems it has had, let us ask some questions about why it has moved on into the international arena without us I think directly acting on that, and see if we can understand where we want to go before we get started toward a program that could cost a lot.

I am impressed, we are all impressed, when the frontline commanders say we need this. We listen to that. But here is a case where we said we just do not feel we can afford this one in view of the way it has been developed and some of the problems it has had.

With regard to the national defense, I am amazed at what I hear on this. Listen to what I said: "National defense." The Missile Defense Act would establish a policy to deploy a multiple-site ground-based system by the year 2003. This is not star wars but a modest and responsible answer to a growing threat.

After considering all the alternatives, the Armed Services Committee felt that the United States should move directly to a multiple-site system, since a single-site system would just not be capable of defending all Americans. We are thinking about a system that is going to allow some Americans to be defended and not others? Somebody want to defend that?

We felt it was inappropriate morally and strategically to select a subset of the American population for defensive coverage while leaving some undefended. You better check and see if you would be undefended or not. We are talking about national defense of our country and by one that could have more than one site so that everybody could be covered. This decision seems even more correct given that the most unpredictable and dangerous new ballistic missile threats will be capable of reaching States like Alaska and Hawaii before the continent itself becomes vulnerable. I am referring to the North Korean intercontinental ballistic missile program which the intelligence community believes could become operational within the next 5 years.

This is not some far-off potential threat. This is very close. An NMD system consisting of the only site in the middle of the United States simply cannot defend Alaska and Hawaii and would not do a very good job of protecting the coastal regions where most Americans live, including this Senator. I live on the Gulf of Mexico. I look at the areas covered. We probably would not be covered. I am uncomfortable with that.

In the area of cruise missile defense, the legislation would require the Secretary of Defense to focus U.S. activities and coordinate the various efforts within the Department of Defense. It would require the Secretary to integrate U.S. programs for ballistic missile defense with cruise missile defense to ensure that we leverage our efforts and do not waste resources through unnecessary duplication. It also requires the Secretary to study the current organization for managing cruise missile defense and recommend changes that would strengthen and coordinate these efforts.

There have been a number of other statements I just do not agree with raised against this legislation, most of them having to do with the ABM Treaty. Let me set the record straight. Nothing in this bill advocates or would require violation of the ABM Treaty. Every policy and goal established in this bill can be achieved through means contained in the ABM Treaty itself. The argument this bill would force us to violate the ABM Treaty is like arguing that one must drive off a cliff just because there is a bend in the road where the cliff is.

This bill recommends that we gradually and responsibly turn the wheel. Can we improve on it? Let us work at it. Maybe we can. I think we have got some scare tactics here with regard to what we are trying to do, and that is not what we want to do.

Let me also say that it is not this bill first and foremost that forces us to reconsider the ABM Treaty. Such a reexamination is warranted, indeed required, as a result of the end of the cold war and the growing multifaceted ballistic missile threat characterizations of this new era. The ABM Treaty with its underlying philosophy of mutually assured destruction, MAD, practically defined the cold war confrontation. Why would anybody argue that we should now reexamine that agreement? Times are different.

Let us be clear about what this bill in fact calls for. It recommends that the Senate undertake a comprehensive review of the continuing value and validity of the ABM Treaty. It suggests that the Senate consider creating a select committee to undertake a 1-year assessment. Let us not run up to the point where in the year 2002 or 2003 we may actually want to move toward deployment.

Let us think about it. Let us have a group, and if this is not the way to set it up, set it up somewhere else. Get the various committees that would have jurisdiction involved. Let us start thinking about and talking about what we want to do with the ABM Treaty. So what we are recommending is a careful examination of all issues before making a specific recommendation to the President on how to modify our current ABM Treaty obligations.

By establishing a policy to deploy a multiple-site NMD, national missile defense system, this bill does assume that eventually we will need to amend or otherwise modify the ABM Treaty, but let me repeat that the means to achieve this are contained in the ABM Treaty itself. The treaty in no way limits the establishment of policies. It limits the deployment of ABM systems.

In the case of ground-based systems, the treaty in no way limits deployment or development or testing. Therefore, we can proceed simultaneously to develop the system called for in this bill while we figure out the best approach dealing in the future with the treaty.

We should remember that the ABM Treaty was meant to be a living document that can be changed as circumstances change. Anyone who argues that the strategic and political circumstances have not changed since 1972 is living on another planet.

Article XIII of the treaty envisioned possible changes in the strategic situation which have a bearing on the provisions of this treaty. So I wish to just emphasize again as I move forward that there are various treaty compliant ways to modify our current obligations under the treaty and we would like to work toward.

For those who are upset by the fact that this bill would establish a policy to deploy a multiple-site NMD system, I would point out that the ABM Treaty signed and ratified in 1972 did permit development and deployment of multiple sites. I would also remind my colleagues who seem to fear the prospect of amending the treaty that in 1974 the Senate approved a major amendment to the treaty. So we are not suggesting something happened that has not already happened before and we would not suggest doing it for quite some time.

Let me also briefly address another provision in the Missile Defense Act of 1995 which relates to the ABM Treaty. Section 238, which is based on legislation introduced earlier this year by Senator WARNER, would establish a clear demarcation line between TMD systems which are not covered by the treaty and the ABM systems which are explicitly limited. This provision is also consistent with the letter and the spirit of the treaty, and I know we will talk more about that later on.

Now, with regard to this specific amendment that is pending, I wish to commend Senator KYL for his amendment. How could anybody disagree with it? It says the purpose of this amendment is to state the sense of the Senate on protecting the United States from ballistic missile attack. That seemed like a very worthwhile proposal to me. The Senator from Arizona has clearly demonstrated that there is a real and growing threat to the security of the United States posed by ballistic missiles of all ranges. I fully conquer with his sense-of-the-Senate language that all Americans should be defended against this potential limited ballistic missile attack.

This week we will have a lot of debate on this subject and others related to it. One argument that will surface over and over is that there is no threat to justify the deployment decision of the national missile defense program. The Kyl amendment clearly establishes that this is an erroneous assumption. The United States currently faces ballistic missile threats from Russia and China, if only the threat of accidental or unauthorized attack.

Just as important, the missile technologies that these two countries possess have ended up or are likely to end up in the hands of countries that would like nothing more than to blackmail, if not attack, the United States. North Korea has also demonstrated that any country that has a basic technology infrastructure can develop long-range ballistic missiles without providing significant warning.

Saddam Hussein, I heard earlier today some Senators kind of seeming to brush off Saddam Hussein or what he might do. But he proved to the world that modifying existing missiles is not, you know, something we should take lightly. It can happen. High technology is not needed if the intent is to terrorize, if not directly act.

Since we will debate this issue at length, I will limit my remarks at this point. But I do think that the Kyl amendment is a good amendment to sort of lay out the parameters of this debate. I hope it will pass. I understand there has been a second-degree amendment by the Senator from Georgia that would put back in the Corps SAM funding at the $35 million level, as I understand it, which is $5 million more than what the administration asked for. Now, I understand that extra $5 million is so we can have a study of the potential problems and where we are headed.

My only suggestion would be here that maybe we are kind of getting the cart before the horse. Let us take a look at it and see where the problems are. Let us see how it is developing internationally.

Again, I sympathize with what the Senator from Georgia says on the front-line need for this. But I just have to ask if there is not a better way we can do it. Have we looked at the problems it has? And have we evaluated the fact that this could wind up costing $10 billion? I think we will talk about that some more. But again, my disposition on that is let us try to find a way to work it out, if we can. Let us go ahead and agree to the Kyl basic language and then get to some of the specifics. I think that, generally speaking, Senators on both sides of the aisle in the committee are comfortable with the dollar amounts, but we are still—and I know there will be some amendments to change the dollar amounts, but the big question is the policy we are establishing here. We could work on the language. That will allow us to move forward with the agreed-to policy.

Mr. President, I rise in strong support of the Kyl amendment. The Senator from Arizona has clearly demonstrated that there is a real and growing threat to the security of the United States posed by ballistic missiles of all ranges. I fully concur with his Sense of the Senate language which states that all Americans should be defended against limited ballistic attack, whatever its origin and whatever its cause.

This week we will have extensive debate on this subject and a variety of related matters. One argument that will surface over and over is that there is no threat to justify a deployment decision on national missile defense. The Kyle amendment clearly establishes that this is an erroneous assumption. The United States currently faces ballistic missile threats from Russia and China, if only the threat of accidental or unauthorized attack. Just as important, the missile technologies that these two countries possess have ended up or are likely to end up in the hands of countries who would like nothing more than to blackmail, if not attack, the United States.

North Korea has also demonstrated that any country that has a basic technology infrastructure can develop long-range ballistic missiles without providing significant warning. Saddam Hussein proved to the world that modifying existing missiles is not a serious challenge. High technology is not needed if the intent is to terrorize.

Since we will debate this issue at length, I will limit my remarks at this point. Later in the debate I will present a detailed rational for the missile defense provisions in the Defense authorization bill and respond to the many red herring arguments that have been made in opposition. Let me close by saying that the Kyl amendment is warranted and long overdue. I strongly urge my colleagues to support it.

This is not star wars but a modest and responsible answer to a growing threat. After considering all alternatives, the Armed Services Committee felt that the United States should move directly to a multiple-site system, since a single site system would just not be capable of defending all Americans. We felt that it would be inappropriate morally and strategically, to select a subset of the American population for defensive coverage while leaving some undefended.

This decision seems even more correct given that the most unpredictable and dangerous new ballistic missile threats will be capable of reaching States like Alaska and Hawaii before the continent itself becomes vulnerable. I am referring to the North Korean intercontinental ballistic missile program, the so-called Taepo-Dong, which the intelligence community believes could become operational within the next 5 years. An NMD system consisting of only one site in the middle of the United States simply cannot defend Alaska and Hawaii, and would not do a very good job of protecting the coastal regions where most Americans live.

In the area of cruise missile defense, the legislation would require the Secretary of Defense to focus U.S. activities and to coordinate the various efforts within the Department of Defense. It would require the Secretary to integrate U.S. programs for ballistic missile defense with cruise missile defense to ensure that we leverage our efforts and do not waste resources through unnecessary duplication. It also requires the Secretary to study the current organization for managing cruise missile defense and recommend any changes that would strengthen and coordinate these efforts.

There have been a number of other false arguments raised against this legislation, most having to do with the ABM Treaty. Let me set the record straight: nothing in this bill advocates or would require a violation of the ABM Treaty. Every policy and goal established in this bill can be achieved through means contained in the ABM Treaty itself. The argument that this bill will force us to violate the ABM Treaty is like arguing that one must drive off a cliff just because there is a bend in the road. This bill recommends that we gradually, and responsibly, turn the wheel.

Let me also say that it is not this bill, first and foremost, that forces us to reconsider the ABM Treaty. Such a reexamination is warranted, indeed required, as a result of the end of the cold war, and the growing multifaceted ballistic missile threat characterizes this new era. The ABM Treaty, with its underlying philosophy of mutual assured destruction, practically defined the cold war confrontation. Why would anybody argue that we should not reexamine such an agreement.

Let us be clear about what this bill in fact calls for. It recommends that the Senate undertake a comprehensive review of the continuing value and validity of the ABM Treaty. It suggests that the Senate consider creating a select committee to undertake a 1-year assessment. What we are recommending is a careful examination of all issues before making a specific recommendation to the President on how to modify our current ABM Treaty obligations.

By establishing a policy to deploy a multiple-site NMD system, this bill does assume that eventually we will need to amend or otherwise modify the ABM Treaty. But let me repeat, the means to achieve this are contained in the ABM Treaty itself. The treaty in no way limits the establishment of policies, it limits the deployment of ABM systems. In the case of ground-based systems, the treaty in no way limits development or testing. Therefore, we can proceed simultaneously to develop the system called for in this bill while we figure out the best approach to dealing with the treaty.

We should remember that the ABM Treaty was meant to be a living document that could be changed as circumstances changed. Anyone who argues that the strategic and political circumstances have not changed since 1972 is living on another planet. Article XIII of the treaty envisioned "possible changes in the strategic situation which have a bearing on the provisions of this treaty." Article XVI specifies procedures for amending the treaty. Article XV specifies procedures for withdrawal from the treaty. As we debate the Missile Defense Act of 1995, therefore, we must bear in mind that there are various treaty-compliant ways to modify our current obligations under the treaty, including withdrawal if we are unable to achieve satisfactory amendments. Talk of violation or abrogation at this time is nothing more than hyperbole.

For those who are upset by the fact that this bill would establish a policy to deploy a multiple-site NMD system, I would point out that the ABM Treaty, as signed and ratified in 1972, did permit deployment of multiple sites. I would also remind my colleagues who seem to fear the prospect of amending the treaty that in 1974, the Senate approved a major amendment of the treaty.

Let me also briefly address another provision in the Missile Defense Act of 1995, which relates to the ABM Treaty. Section 238, which is based on legislation introduced earlier this year by Senator WARNER, would establish a clear demarcation line between TMD systems, which are not covered by the treaty, and ABM systems which are explicitly limited. This provision is also consistent with the letter and spirit of the treaty. It simply codifies what the administration itself has identified as the appropriate standard. This provision is required to ensure that the ABM Treaty is not inappropriately expanded or applied in ways and in areas outside the scope of the treaty. In essence, it would prevent the ABM Treaty from being transformed, without Senate concurrence, into a TMD treaty.

Mr. President, before yielding let me briefly address one particularly flawed argument that is commonly used against this bill and missile defense programs in general. It has been asserted that this bill would undermine START II and perhaps even damage broader United States-Russian relations. There is no substantive basis to this argument. It is a red herring that has been used by some Russians and repeated by more than a few Americans including the Chairman of the Joint Chiefs of Staff.

Fundamentally, this argument is rooted in the cold war. It assumes an adversarial and bipolar relationship between the United States and Russia. Rather than repeat stale arguments, the Russians and the Clinton administration, including the Chairman of the Joint Chiefs of Staff, should be seeking to change the basis of our strategic relationship to one based on mutual security rather than mutual assured destruction. I would agree with Defense Secretary Perry's recent statement that "the bad news is that in this era, deterrence may not provide even the cold comfort it did during the cold war."

If we look closely at the argument that this bill undermines START II, we see no substantive content. The type of defense envisioned in the Missile Defense Act of 1995 should in no way undermine Russian confidence in strategic deterrence. We must remember that President Yeltsin himself proposed a Global Defense System and that, in the early 1990's, the United States and Russia had tentatively agreed to amendments to the ABM Treaty to allow deployment of five or six ground-based sites. According to testimony the Armed Services Committee received earlier this year from Mr. Sidney Graybeal, who was a senior United States ABM Treaty negotiator, the Russians were not opposed to permitting five or six sites in the original ABM Treaty. How is it, then, that today such deployments will upset stability and arms control? It simply will not.

Of course, we should seek to cooperate with Russia and take into account legitimate security concerns. But this is what START II is all about. That agreement is manifestly in both countries' interest and should not be held hostage to any other issue. Unfortunately, the Russians have linked it to a variety of issues including expansion of NATO. We must reject this linkage, lest we encourage the Russians to believe that they possess a veto over a wide range of United States national security policies.

Admittedly, START II is in trouble in the Russian Duma, but this has nothing substantively to do with the United States missile defense program. Stated simply, Russian hard-liners are intent on undoing START II so they can retain some or all of their multiple-warhead ICBM force. The United States should strongly oppose this effort to undo START II. But legitimizing the false argument about ABM Treaty linkage only obfuscates the issue. The United States should not participate in a clouding of the issue by repeating Russian arguments about ABM Treaty linkage. This is simply a distraction from the central problem.

As we proceed to debate the various aspects of the Missile Defense Act of 1995 and consider implications for START II, we should bear in mind that today the United States has no defense against ballistic missiles. Russia, on the other hand, has an operational ABM system deployed around Moscow, which has been modernized and upgraded over the years. We should not feel threatened by the existence of this system. Indeed, we should encourage the Russians to invest in this system instead of their destabilizing strategic offensive forces. Likewise, the United States should develop and deploy a national missile defense system. Such a system would provide greater security for all Americans than an outdated theory of deterrence that does not even apply other countries. The Missile Defense Act of 1995 clears the way for a world that is safer and more stable for the United States and Russia.

I will be glad to yield to the Senator from Georgia if he would like to respond.

Mr. NUNN. Yes. First, I appreciate all his good work on this bill. He has done a yeoman's job in helping the chairman and all of us on this legislation. I do not think the Senator from Mississippi was here when I mentioned we have a total of four systems that are in the bill. Of all of those, as the Senator noted, this one could cost a good bit of money before it is over. The allies hope to pay about half of it. But this is the only system that is designed to protect the front-line troops. The rest of these systems are in the theater support area.

We have the Navy upper tier program, which is in this envelope. We have the THAAD intercept program, which is in this green envelope. We have the PAC-3 right in this envelope, and then a possibility of maybe a Navy lower tier in this envelope.

So my point is, this system should not be canceled unless we can find one of these systems that could also cover this. Now, I believe the majority report indicated that perhaps the PAC-3 system could. I am perfectly willing to have that study. That is what the extra $5 million is for, is to see if that idea really will be proven to be workable. I would also be willing to have this study take place and hold back some of this money. I think that has been suggested by the staff of the Senator from Mississippi. We could work on some fencing amendment so we make sure we are getting the best program. I certainly share that, but I do not think we should cancel this program when it is the only one, until we get some affirmative answer, which we do not have now, on something that could take its place.

Mr. LOTT. Mr. President, if I may respond to the Senator's comments there, I do think there is a possibility that we could do that PAC-3 modification. But we do not know yet that it could provide that additional coverage. We should look into that to see if it can be done. Perhaps we can work out a way not to completely cancel the Corps SAM while we take a look at that. But again, my argument is before we start down this trail that could lead to $10 billion, I think we need to look and see if there are other options.

I would like some clarification of how we got into this international agreement. What is that international agreement? What extent of commitments do we have from our allies about being willing to pay up to $5 billion of the cost of this program? There are just a number of questions in that area that I think we need to get clarified.

But we will work with the Senator from Georgia as the day progresses, and hopefully we can work something out.

Mr. NUNN. I say to my friend from Mississippi, each of these other programs is going to involve billions and billions of dollars, also. We know we will not be able to afford them all. We know that.

Mr. LOTT. Which one do we not want to afford?

Mr. NUNN. Well, right now we have four programs that cover the same area, and they are fully beefed up and funded, while the only program that covers the forward battlefield is being canceled. So we have tremendous redundancy here. I do not mind some redundancy, because we do not know which of these programs is going to work and be the most cost-effective program.

But we do not have any redundancy here and no coverage here. The problem is the majority suggestion about PAC–3 possibly covering this area. We need to get some funding into a study for that, if that is going to be done. Perhaps we can work on something while we are continuing the debate.

Mr. President, I yield the floor at this time.

Mr. BINGAMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, before we went to a vote on any of the amendments, I just wanted to ask the Senator from Georgia a few questions about his understanding primarily of the Kyl amendment. I certainly support his perfecting amendment as I understand it, and believe it is well considered. But I have some concerns about the Kyl amendment, which it is an amendment to. And I wanted to just clarify the thinking of the ranking manager on this bill as to what his thoughts were on the import of the Kyl amendment.

It seems harmless enough in some respects. When you read it, it says it is a sense of the Senate that all Americans should be protected from accidental, intentional, limited ballistic attack. I agree with that. But I add to that that we also ought to protect all Americans from cruise missile attack, terrorism, and from a variety of other potential hazards.

I guess my concern is that, as the Senator from Georgia knows very well, and all of us on the Armed Services Committee know, there is considerable controversy about the provisions in the bill that we are now beginning to debate regarding ballistic missile defense.

We have a letter from Secretary Perry to Senator NUNN, and I am sure to the chairman of the committee as well, dated the 28th of July, where Secretary Perry makes a variety of points or a series of points about this. He says he wants to register strong opposition to the missile defense provisions of the Senate Armed Services Committee defense authorization bill. In his view, they would institute congressional micromanagement of the administration's missile defense program and put us on a pathway to abrogating the ABM treaty.

I am concerned that I do not want to support the Kyl amendment if it puts us on a pathway to abrogating the ABM Treaty. I would be interested in the Senator from Georgia giving me his perspective on that as to whether I could vote for the Kyl amendment with confidence that it was not an endorsement of the various ballistic missile provisions in this bill, many of which I intend to join with Senator EXON and others to strike here when the opportunity arises.

Mr. EXON. Will the Senator yield for an additional question before the——

Mr. BINGAMAN. I will be glad to yield to the Senator from Nebraska.

Mr. EXON. Mr. President, I would say to my friend from the State of Georgia, I have the same concern about this, basically, as posed in the question by the Senator from New Mexico. I am for and wish to make a short statement in support of the Nunn underlying amendment.

But if I understand the procedures, the Kyl amendment is a sense-of-the-Senate resolution that I would strongly oppose because of its implications, even though it is only a sense-of-the-Senate amendment.

What would be the situation if the Nunn amendment in the second degree to the Kyl amendment passes, and then the Kyl amendment itself falls? Obviously, it would take the amendment that I support, offered by the Senator from Georgia, along with it, would it not?

Mr. BINGAMAN. Mr. President, I guess we have six or eight questions posed to the Senator from Georgia.

Mr. NUNN. I am sorry. I must ask the Senator from Nebraska, and I apologize, if he will repeat that question. He has gotten to be such a good—almost like a lawyer since he has been here. I am sure he can reframe that question.

Mr. EXON. I resent that statement.

Mr. NUNN. I knew the Senator would resent that statement. I said "almost," not quite. Does the Senator mind repeating that, if he would?

Mr. EXON. I was simply saying to the Senator from Georgia, I was asking the same basic question just a little differently than the Senator from New Mexico. I am strongly in support of the amendment by the Senator from Georgia, and would like to make a statement in support of that amendment.

As I understand the procedure, though, it is attached as a second-degree amendment to a sense-of-the-Senate amendment offered by the Senator from Arizona. I am questioning what the situation would be if we vote on the second-degree amendment, which I support, then vote on the Kyl amendment, which is a sense of the Senate. If the Kyl amendment fails, that would take along with it the amendment that I support offered by the Senator from Georgia. I am wondering if I properly understand the procedure.

The PRESIDING OFFICER. Does the Senator from New Mexico yield the floor?

Mr. BINGAMAN. I yield for a response from the Senator from Georgia, because I have two or three other questions I want to ask.

Mr. NUNN. Mr. President, I will say first to my friend from New Mexico, his question was, does the amendment breach the ABM Treaty. We are talking about the Kyl amendment now.

As I outlined in my opening statement, I feel that the provisions of the underlying bill create what I would call a very high risk that it would be perceived as an anticipatory breach of the ABM Treaty. That is the underlying bill. I do not think there is anything in the Kyl amendment, and the Senator from Arizona is not on the floor now, but I do not read anything in the Kyl amendment that would either breach the ABM Treaty or suggest breaching the ABM Treaty.

The operative paragraph in the Kyl amendment is the one at the end that says:

> It is the sense of the Senate that all Americans should be protected from accidental, intentional, or limited ballistic missile attack.

Like the Senator from New Mexico, if I were drafting this, I would certainly add cruise missile in there, perhaps some other threats. I see nothing wrong with the way it is worded in terms of in any way creating the impression that the ABM Treaty would be breached by this amendment.

I also note the paragraph just before the sense-of-the-Senate operative paragraph, paragraph 12, page 5 of this amendment says, explicitly:

> The United States and Russia have the opportunity to create a relationship based on trust rather than fear.

So it seems to me there is nothing in this amendment that would in any way breach the ABM Treaty or that would in any way violate the conditions that the Secretary of Defense, Secretary Perry, has laid down in his letter.

I made a lengthy statement about what my fears were about the course this bill takes, and we will have amendments dealing with that on the ABM Treaty. So I do have very similar concerns as the Senator from New Mexico on the underlying bill, but I do not have such concerns on this amendment.

I will also say, if you look at the findings in paragraphs 1 through 12, I think the findings I generally agree with. Everyone will have to read them to see if they agree with them. But the findings I personally agree with.

I say to my friend from Nebraska, he is correct. If my amendment, the second-degree amendment, were adopted and became part of this Kyl amendment, then if the Kyl amendment were defeated, it would take down the second-degree amendment. In that case, what I would do is propose it again, and I hope that will not happen. I really believe careful reading of the Kyl amendment will not have many people taking exception to it. Everyone will have to judge some of the findings.

Mr. BINGAMAN. Mr. President, can I pose one additional question to the Senator from Georgia? Senator EXON, Senator GLENN, Senator LEVIN, and myself intend to offer an amendment at some stage to strike various of the provisions that are contained in this bill at the present time, particularly the ones under subtitle C on missile defense. I think that striking those is totally consistent with the letter we have received from Secretary Perry.

As the Senator from Georgia sees this Kyl amendment, it would not be inconsistent for a person to support the Kyl amendment and still vote to strike those provisions relative to missile defense when that amendment comes up?

Mr. NUNN. I say to my friend from New Mexico, I do not see any inconsistency there. As long as the Senator from New Mexico really agrees with the bottom paragraph, that it is the sense of the Senate that all Americans should be protected from accidental, intentional, or limited ballistic missile attack, this Kyl amendment does not say how that should be done. It does not refer to the ABM Treaty. It does not set up any kind of anticipatory breach of the ABM Treaty. It does not say anything should be done in terms of deployment or testing that would violate the ABM Treaty. It simply states that we would like to protect Americans. So I do not see any inconsistency.

Mr. BINGAMAN. Mr. President, let me clarify one more time. My own position is that I do support the existing law with regard to the ABM Treaty, which I gather was adopted by us in 1991. And as the Senator from Georgia reads the Kyl amendment, the adoption of that amendment would be consistent with existing law and with the 1991 language which we put on the books; is that correct?

Mr. NUNN. As I read it—I will not pretend to the Senator from New Mexico that I have made a detailed sentence-by-sentence analysis of this amendment—I read it hastily, I read it again, my staff has read it. I see nothing in here that would contravene—in fact, the basic premise of this amendment is also the basic premise on which the 1991 Missile Defense Act passed, which I coauthored.

I see nothing inconsistent in that. Most of the findings in the Kyl amendment reference various statements Secretary Perry has made or that various military witnesses have made or simply statements that, for instance, the head of CIA has made and the statements that have been adopted, some in conference between the President of the United States and the President of Russia. I do not see that it contradicts.

Mr. BINGAMAN. Mr. President, I appreciate those responses, and I yield the floor.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, I rise in support of the Nunn amendment, that I just referenced, to make $35 million available to continue the funding on the Corps SAM Program, also known as the MEADS or Medium Extended Air Defense System.

This program will provide a rapidly deployable, highly mobile 360-degree coverage defense system to protect our maneuver forces against short- to medium-range ballistic missiles.

Corps SAM will also defend against a full spectrum of air breathing threats against our troops, including advanced cruise missiles. The committee decision to terminate this joint NATO program is a mistake. Corps SAM will provide missile defense for our troops that other systems, such as the Patriot or the THAAD will not. Corps SAM will have the mobility necessary to advance with U.S. and allied ground forces in the field of battle. Sometimes Patriot's protective umbrella cannot provide this, and certainly not against short-range missiles that would otherwise underfly the THAAD Missile Defense System, as important as that system might be.

Corps SAM is what the Congress has been pushing for for many years, a cooperative trans-Atlantic defense program. Pulling out the program now will harm ongoing, as well as future, cooperative ventures with our allies. More important, it will deny—I emphasize, Mr. President—it will deny our forces in the field of battle an important layer of defense against missile attack that does not otherwise exist.

Therefore, I urge my colleagues to support this modest addition. At a time when we are unwisely throwing billions of dollars, in my opinion, on unnecessary full-blown national missile defense systems, I believe we can afford this small investment in the protection of our troops overseas in battle conditions.

Mr. President, I yield the floor.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. LOTT. Mr. President, I wonder if we are perhaps ready to go with a modification and perhaps a couple of votes on the pending amendments?

Mr. NUNN. Mr. President, I have asked the staff to check with the leadership. I recommend that we go ahead with the modification and have a rollcall vote on the second-degree and on the first-degree amendment.

I have talked to the Senators from Mississippi and South Carolina about modifying the pending second-degree amendment which is related to Corps SAM.

I will soon send a modification of the amendment to the desk. It basically says that we will defer $10 million of the $35 million until such time as we have the report referred to in subsection (c)(2). That is the report, as I explained in my remarks, to determine whether the PAC-3 system could basically also cover that unprotected forward area that the Corps SAM system is designed to. This is acceptable to me.

Mr. NUNN. Assuming the Senator from Mississippi and the Senator from South Carolina concurs, I will send a modification of my amendment to the desk.

The PRESIDING OFFICER. The Senator has that right.

The amendment is so modified.

The amendment (No. 2078), as modified, is as follows:

On page 5, beginning with "attack," strike out all down through the end of the amendment and insert in lieu thereof the following: "attack. It is the further Sense of the Senate that front-line troops of the United States armed forces should be protected from missile attacks.

"(c) FUNDING FOR CORPS SAM AND BOOST-PHASE INTERCEPTOR PROGRAMS—

"(1) Notwithstanding any other provision in this Act, of the funds authorized to be appropriated by section 201(4), $35.0 million shall be available for the Corps SAM/MEADS program.

"(2) With a portion of the funds authorized in paragraph (1) for the Corps SAM/MEADS program, the Secretary of Defense shall conduct a study to determine whether a Theater Missile Defense system derived from Patriot technologies could fulfill the Corps SAM/MEADS requirements at a lower estimated life-cycle cost than is estimated for the cost of the US portion of the Corps SAM/MEADS program.

"(3) The Secretary shall provide a report on the study required under paragraph (2) to the congressional defense committees not later than March 1, 1996.

"(4) Of the funds authorized to be appropriated by section 201(4), not more than $3,403,413,000 shall be available for missile defense programs within the Ballistic Missile Defense Organization.

"(d) Section 234(c)(1) of this Act shall have no force or effect.

"(e) Of the amounts referred to in section (c)(1), $10 million may not be obligated until the report referred to in subsection (c)(2) is submitted to the Congressional defense committees."

Mr. LOTT. Mr. President, if I could comment briefly, our staffs—Senator THURMOND's, mine, and Senator NUNN's—have discussed this, and I think this is acceptable, from my viewpoint. If the chairman is comfortable with that, it makes the amendment acceptable.

Mr. THURMOND. Mr. President, I ask unanimous consent that after we take the vote on Senator NUNN's amendment that we take the vote on Senator KYL's amendment, back to back, to save time.

Mr. NUNN. Reserving the right to object, I will ask the leadership to respond. I propose that we vote on both of those. I would like to accommodate the Senator.

I have received word, so I will not object.

I ask for the yeas and nays on the second degree amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. LOTT. On behalf of the Senator from Arizona [Mr. KYL], I ask for the yeas and nays on his amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

VOTE ON AMENDMENT NO. 2078, AS MODIFIED

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to amendment No. 2078, as modified.

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Ohio [Mr. DEWINE] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 98, nays 1, as follows:

[Rollcall Vote No. 350 Leg.]

YEAS—98

Abraham
Akaka
Ashcroft
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Bradley
Breaux
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Daschle
Dodd
Dole
Domenici
Dorgan
Exon
Faircloth
Feingold
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Harkin
Hatch
Hatfield
Heflin
Helms
Hollings
Hutchison
Inhofe
Inouye
Jeffords
Johnston
Kassebaum
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Kyl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Nunn
Packwood
Pell
Pressler
Pryor
Reid
Robb
Rockefeller
Roth
Santorum
Sarbanes
Shelby
Simon
Simpson
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner
Wellstone

NAYS—1

Brown

NOT VOTING—1

DeWine

So the amendment (No. 2078), as modified, was agreed to.

VOTE ON AMENDMENT NO. 2077, AS AMENDED

The PRESIDING OFFICER. The question is on agreeing to the Kyl amendment, No. 2077, as amended.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Ohio [Mr. DEWINE] is necessarily absent.

The PRESIDING OFFICER (Mr. SMITH). Are there any other Senators in the Chamber who desire to vote?

The result was announced, yeas 94, nays 5, as follows:

The result was announced—yeas 94, nays 5, as follows:

[Rollcall Vote No. 351 Leg.]

YEAS—94

Abraham
Akaka
Ashcroft
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Bradley
Brown
Bryan
Bumpers
Burns
Campbell
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Daschle
Dodd
Dole
Domenici
Exon
Faircloth
Feingold
Feinstein
Frist
Glenn
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Harkin
Hatch
Hatfield
Heflin
Helms
Hollings
Hutchison
Inhofe
Inouye
Jeffords
Kassebaum
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Kyl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Nunn
Packwood
Pell
Pressler
Pryor
Reid
Robb
Rockefeller
Roth
Santorum
Sarbanes
Shelby
Simon
Simpson
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner
Wellstone

NAYS—5

Breaux
Byrd
Dorgan
Ford
Johnston

NOT VOTING—1

DeWine

So, the amendment (No. 2077), as amended, was agreed to.

Mr. THURMOND. Mr. President, I move to reconsider the vote.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Chair reminds the majority leader that under the previous order the Senator from Wisconsin is to be recognized.

Mr. FEINGOLD. Mr. President, I yield to the majority leader for purposes of making remarks without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. I think we have worked out an agreement that might not require the introduction of an amendment and second-degreeing it, and that is in the process of being typed, so if we could just have a brief quorum call, I think it would be a matter of 2 minutes.

Mr. FEINGOLD. Mr. President, will the majority leader yield for a question?

Mr. DOLE. Yes.

Mr. FEINGOLD. I would like to offer the amendment at some point, but if there is an agreement, I can hold off and offer this particular amendment later in the process.

Mr. DOLE. This would not prejudice the Senator's right to offer the amendment as far as I am concerned immediately after disposition of the other two amendments.

Mr. FEINGOLD. I would clarify, upon the disposition of the unanimous-consent agreement, I ask unanimous consent that I be recognized for the purposes of offering an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GRASSLEY). Without objection, it is so ordered.

Mr. DOLE. Mr. President, in reference to the pending bill, let me encourage my colleagues—I know we have lost a little time here, but we started on the bill at 9 o'clock. We have had two rather, I guess, important votes, but one was a sense of the Senate; one was concerning $35 million. So this is a big, big piece of legislation. We are going to shut her down on Friday night. I hope that we can accept some of these amendments, and others who feel—we are not going to shut down the Senate Friday night; we are going to shut down this bill on Friday night.

I hope we can get time agreements on amendments. It seems to me that most have been argued every year for the past 10, 15 years. If we can get time agreements, I think it is the hope of the managers, Senators THURMOND and NUNN, that they can complete action by Friday evening, and then we can go to either Treasury Department appropriations bill or Interior. And then, Saturday, we will start on the welfare reform package. Later next week, we will take up the DOD appropriations bill, along with the legislative appropriations conference report, I guess, and maybe—depending on Bosnia—maybe a veto override.

In any event, I urge my colleagues that if we can cooperate with the managers, they are prepared to work late late this evening and late late tomorrow night and late late Friday night and would really appreciate your cooperation.

UNANIMOUS-CONSENT AGREEMENT

Mr. President, I ask unanimous consent that Senator BOXER be recognized to offer an amendment regarding ethics and that no second-degree amendments be in order to the Boxer amendment, and immediately following that, her amendment be temporarily laid aside and Senator MCCONNELL be recognized to offer an amendment regarding ethics, and that no amendments be in order to the McConnell amendment, and that the time on both amendments be limited to a total of 4 hours, to be equally divided between Senators MCCONNELL and BOXER.

I further ask unanimous consent that following the conclusion or yielding back of time on both amendments, the Senate proceed to vote on or in relation to the Boxer amendment to be followed immediately by a vote on or in relation to the McConnell amendment.

The PRESIDING OFFICER. Is there objection?

Mrs. BOXER. Reserving the right to object. Perhaps I did not hear it, but is this the unanimous-consent request on the two amendments? May I ask who will control time?

Mr. DOLE. You will control time on that side and Senator MCCONNELL will on this side.

Mrs. BOXER. Two hours per side. We will debate those simultaneously?

Mr. DOLE. Yes, that is what the agreement says.

Mr. DASCHLE. Mr. President, I have had the opportunity to consult with a number of our colleagues, and we find that this unanimous-consent agreement is agreeable, and we would like to proceed.

Mrs. BOXER. Reserving the right to object. I want to ask one more question of both leaders. Is a motion to table in order here?

Mr. DOLE. Just what the agreement says, "on or in relation to."

Mrs. BOXER. I do not have a copy of the agreement.

Mr. DASCHLE. "On or in relation to" would include a motion to table on each amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. DOLE. I thank the Democratic leader and the other people involved. I hope this will not take 4 hours. This is another half day off of the August recess, which we hope will start sometime in August.

The PRESIDING OFFICER. Under the previous order, the Senator from California is recognized.

Mrs. BOXER. Parliamentary inquiry. Does the Parliamentarian have a copy of the Boxer amendment?

The PRESIDING OFFICER. There is not a copy here at the desk.

AMENDMENT NO. 2079

(Purpose: To require hearings in the investigation stage of ethics cases.)

Mrs. BOXER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from California [Mrs. BOXER] proposes an amendment numbered 2079.

SEC. . ETHICS HEARINGS.

The Select Committee on Ethics of the Senate shall hold hearings in any pending or future case in which the Select Committee (1) has found, after a review of allegations of wrongdoing by a Senator, that there is substantial credible evidence which provides substantial cause to conclude that a violation within the jurisdiction of the Select Committee has occurred, and (2) has undertaken an investigation of such allegations. The Select Committee may waive this requirement by an affirmative record vote of a majority of the members of the Committee."

The PRESIDING OFFICER. Under the previous order, the amendment is temporarily set aside, and the Senator from Kentucky is recognized.

AMENDMENT NO. 2080

Mr. McCONNELL. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL] proposes an amendment numbered 2080.

At the appropriate place in the bill, insert:

(A) The Senate finds that:

(1) the Senate Select Committee on Ethics has a thirty-one year tradition of handling investigations of official misconduct in a bipartisan, fair and professional manner;

(2) the Ethics Committee, to ensure fairness to all parties in any investigation, must conduct its responsibilities strictly according to established procedure and free from outside interference;

(3) the rights of all parties to bring an ethics complaint against a member, officer, or employee of the Senate are protected by the official rules and precedents of the Senate and the Ethics Committee;

(4) any Senator responding to a complaint before the Ethics Committee deserves a fair and non-partisan hearing according to the rules of the Ethics Committee;

(5) the rights of all parties in an investigation—both the individuals who bring a complaint or testify against a Senator, and any Senator charged with an ethics violation—can only be protected by strict adherence to the established rules and procedures of the ethics process;

(6) the integrity of the Senate and the integrity of the Ethics Committee rest on the continued adherence to precedents and rules, derived from the Constitution; and,

(7) the Senate as a whole has never intervened in any ongoing Senate Ethics Committee investigation, and has considered matters before that Committee only after the Committee has submitted a report and recommendations to the Senate;

(B) Therefore, it is the Sense of the Senate that the Select Committee on Ethics should not, in the case of Senator Robert Packwood of Oregon, deviate from its customary and standard procedure, and should, prior to the Senate's final resolution of the case, follow whatever procedures it deems necessary and appropriate to provide a full and complete public record of the relevant evidence in this case.

The PRESIDING OFFICER. Under the previous order, there will now be 4 hours of debate on the Boxer and McConnell amendments, 2 hours under the control of the Senator from Kentucky and 2 hours under the control of the Senator from California.

Who yields time?

Mrs. BOXER. Mr. President, I yield myself 15 minutes.

The PRESIDING OFFICER. The Senator from California is recognized for 15 minutes.

Mrs. BOXER. Mr. President, there is a big difference between these two amendments. The reason we took a little time on our side looking over the amendment of the Senator from Kentucky is because, at first blush, you think all this sounds good, but when you get to the end of it, you learn quickly that it is essentially a "feel good" amendment, a "cover yourself" amendment. It is the "no public hearing" amendment. It is a sense-of-the-Senate amendment which has no force of law, no requirement.

On the other hand, the Boxer amendment, which I believe will have strong support here today, will require that if the Ethics Committee wants to close the door on a case that has reached the investigative phase where there is credible, substantial evidence of wrongdoing against the Senator, they need a majority vote to close those doors.

I think that is very reasonable. I think the fact that we have a deadlock in this case is very serious. It is the first time in history this has happened. This matter deserves our attention.

I also think it is important to note that the amendment of the Senator from Kentucky deals with one specific case, the case pending before it, whereas the Boxer amendment talks to the issue in generic terms. In other words, what we are saying is that in every case that we visit this stage, there should be public hearings, unless the committee votes by majority vote to slam those doors shut.

Today, the Senate can break the deadlock. It is up to each and every Senator to decide that issue. I think the message that has been sent on a deadlock vote by the Republicans on the Ethics Committee is a message that does not sit well with the American people.

Let me read from just a few individuals today. Sometimes I think if we would listen to the voices of America, we can learn a lot. The question in the USA Today poll of average people: Should the Packwood ethics hearings be forced open?

I will read a couple of these responses. A young man aged 19, a student in Florida:

> They definitely should be open. He is an elected official and a public servant. People should know what is going on. Government already has a bad name for being secretive.

A woman, a 32-year-old from Oregon:

> Keep them open to take the mystery out of what is going on. Women have a particular interest and may not be well represented behind closed doors.

John Larson, 55, a financial planner in Bloomington, MN, says:

> They should be open so the public would have more information about what is going on in Government. Ethics should be on a high level for everybody. Whatever happened to honesty? If we are not honest at the top, what do we expect our young people to do?

I think the people of America understand this. I just hope and pray that Senators do.

As we debate this today, I think we are going to hear very reasoned voices on this side of the aisle. So much for comments that if this was a secret ballot, 98 Senators would vote against open hearings. That notion will be dispelled here today when we see the kind of eloquence we will see on the floor on this matter.

Now, I have to make a point. When the Ethics Committee voted 3-3 and deadlocked, they made a big point of saying, the chairman did, of how he was going to release all the materials in the case. As a matter of fact, a couple of the members from the Ethics Committee have said to the press, "I feel really good. We are disclosing everything." Making people believe that there was something unique about this, that the papers were being released.

Mr. President, if we look over here—I can barely see over this—here we have the pile of materials that have been released in every other ethics case that has reached this stage. They are always released. They have never been withheld. Papers are always released. This is every case in history—these are the papers that have been released.

Of course, that is a precedent. So is public hearings. Every one of these cases also had public hearings. In this case, the doors have been slammed shut. I just hope that is a temporary glitch that we can straighten out here today.

There are a number of points, I know, that my Democratic colleagues on the Ethics Committee will make more eloquently than I, because they understand the precedence of the committee better than I, because it is their job to serve on the committee, to study the committee, and to act in the best traditions of the committee.

I have to say, as one U.S. Senator who is going to vote on how to dispose of this matter in a fair and just fashion to all concerned, I do not want to base my vote on a stack of papers. I know that the Senator in the case had a chance to go before the committee and look them in the eye and explain any discrepancies, in fact, if any; and when you read the papers, clearly there are. I do not know for a fact, but if you read the papers, there are discrepancies, in fact.

Yet, those on the other side have no chance to walk into that room, look in the eyes of the Senators, and tell their story. It reminds me of a trial where one side is heard and then they just say, OK, the jury should go in now, sequester itself and vote a penalty.

Excuse me, a juror might say, I never heard from the victims. I never heard from the victims. Yeah, I read what they said. But the defendant has said No, in certain cases, that is not what happened. I need to find out for myself. That would be a mistrial, and it would be unprecedented. That is what we are dealing with here.

I cannot believe that some Senators, from what I hear, are going to vote against public hearings and cast a vote without all the facts. I think this is something extremely important.

Now, I want to point out in my amendment I have bent over backwards to be fair to the Ethics Committee. As a matter of fact, it is a very respectful amendment. It says that the committee, by majority vote, can vote to close the hearings, and it underscores the fact that rule 26 will allow the committee to protect witnesses if they decide that must be done.

We are in no way in this amendment being disrespectful of the Ethics Committee. We are being respectful of the Ethics Committee.

For some to say Go away and never comment, would be a dereliction of constitutional responsibility of each and every Senator, if you read article V, section 1, that says, "We are responsible in this Congress to police ourselves."

Here we have an unprecedented circumstance where, for the first time in history, a case that has reached the investigative stage will not have public hearings. And then we must ask ourselves the next question: Why? Why? That is the question.

The question is not about Senator BOXER or any other Senator, or about what the record is in the House in holding hearings. The question is, why would the Republicans on the Ethics Committee vote not to proceed to public hearings when every single time in history—and it goes back to the day the Ethics Committee was formed—there have been public hearings.

I want to say, there were some who said, "Wrong, Senator BOXER, there were not any on this or that case." I will ask to have printed in the RECORD the dates of every public hearing, of every single case. You cannot argue with the facts. This would be the first time.

When you answer that question—why—the only thing I can think of are a few responses. One is, protect this particular Senator from something we never protected any other Senator from. The second is, it is embarrassing. Well, that is no answer, Mr. President. The Senators should have thought of that before.

Is the message that if you do something and it is embarrassing, there will not be public hearings? That is a swell message to send. That is the message that is being sent unless we break the deadlock here today.

I was going to quote from Senator BRYAN, in his letter that he sent when five Senators were concerned about this matter, but he is here and rather than quote him, I know he will have much to say on the subject.

But I want to personally thank the courage, the courage of the Ethics Committee members who were fighting hard in a very difficult situation for what is justice and what is right. What the Republicans have done by voting against public hearings is a miscarriage of justice any way you slice it. The best face you can put on it is a miscarriage of justice to allow the Senator to come before the committee and not allow the victims—and not allow factual differences to be explored by the committee. That is wrong. And if Senators want to hide behind a feel-good amendment, a sense of the Senate that does nothing on this matter, so be it. So be it. But let there be no mistake, that is what we are facing: An amendment that says there shall be public hearings unless a majority vote says no by the committee; and a feel-good amendment that is a sense of the Senate that does nothing.

Mr. President, it has been a very long road for me to get to this point, and it has been a harsh road, and it has taken many turns, some of them quite personal. But I am so honored that I am a Member of the U.S. Senate and that, because the people of my State sent me here and believe that I have a right to be here, that is all it took for me to hold my ground. You cannot be intimidated when you know you are doing what you think is right. So this has been, in many ways, a very important debate, just getting to this point.

In concluding my remarks, before I yield 30 minutes to the vice chairman of the Ethics Committee, Senator BRYAN, let me summarize. There are four main reasons to support public hearings in this case.

First of all, honor Senate precedent. Do not make an exception in one case. That is a very perilous path, because the message that it could send is: The more embarrassing the transgression, the more protected you will be. And if it is sexual misconduct, you can count on it being behind closed doors. And that is wrong, not only to the women of this country, but to their husbands, to their sons, to their fathers, to their uncles. We are all in this together.

Second, public hearings will clarify the issues that are in dispute.

Third, it is a question of fairness. The Senator got his chance to appear before the committee. The accusers did not.

Finally, we should fully air our problems. This is not a private club. This is the people's Senate, and we ought to act that way and open up the doors. We can handle it. My God, the Republicans voted for hearings and hearings and hearings and hearings on Whitewater, on Foster, on Waco. I voted with them. Open up the doors. Do not let problems fester. But do not suddenly close them when it comes to sexual misconduct. That is wrong, and a terrible signal for us to send.

Mr. President, I yield 30 minutes to the distinguished and eloquent vice chairman of the committee, Senator BRYAN.

The PRESIDING OFFICER. The Chair recognizes the Senator from Nevada.

Mr. BRYAN. Mr. President, I firmly support the amendment offered by the distinguished Senator from California. For more than six decades, the U.S. Senate has held public hearings on all major ethics cases. The committee counsel again confirmed this fact to each member of the committee earlier this week at our Monday meeting. So there can be no misunderstanding, what Senator BOXER seeks to accomplish with the amendment she is offering this afternoon is to continue that unbroken precedent of public hearings.

I embrace this position after considerable reflection. I can assure my colleagues that no one is more anxious than I to have this matter concluded without further delay. My service as chairman of the Ethics Committee for 2 years, and more recently my service as vice chairman over the past 7 months, has not been a pleasant experience.

Yet, I am firmly convinced that public hearings are essential if the integrity of the Senate and of the ethics process are to be sustained. There are many reasons to hold public hearings. There is no credible reason to make an exception in this one case.

On May 17, the Ethics Committee released the charges it was bringing against Senator PACKWOOD. The Ethics Committee found substantial credible evidence providing substantial cause for the committee to conclude that Senator PACKWOOD may have engaged in a pattern of sexual misconduct between 1969 and 1990, and may have engaged in improper conduct and/or violated Federal law by intentionally altering evidentiary materials needed by the committee; and may have inappropriately linked personal financial gain to his official position by soliciting offers of financial assistance from persons who had legislative interests.

Following its rules, the committee then offered Senator PACKWOOD an opportunity to appear before the committee to make a statement and to answer committee questions. That occurred over a 3-day period, from June 27 to June 29.

In addition, Senator PACKWOOD was also offered his right to a hearing, which would involve cross-examination and appearances by those who had brought the charges against him. He declined this opportunity.

When the Senate returned from the Fourth of July recess, it was the point in the process for the committee to make a decision on what else needed to be done in the final investigation and final stage, including the all-important question as to whether or not public hearings should be held; in other words, to complete the evidence phase.

On July 31, the Ethics Committee voted on the question of holding public hearings. The committee was split, deadlocked at 3-3.

So here we are today with a deadlock in the committee. In my view, it is entirely appropriate that the question now come before the full Senate for its determination.

I want to address the question of delay which has been raised. There is, in my view, no delay or improper interference with the committee process for the Senate to debate and vote on an amendment as to whether public hearings should be held.

In fact, this is the proper time for the Senate to make that decision. Otherwise, the committee will move ahead on making the decision on sanctions without holding customary and traditional and, in my opinion, needed hearings.

As for the delay in completing this case, I am confident the committee can hold public hearings, bring this case to the Senate, and the Senate can resolve it without undue delay. I have suggested we put a time limit on the hearings, say, no more than 3 weeks. During those 3 weeks, we can call witnesses the committee needs to hear, we can hear from them in person, we can examine their demeanor, we can test their believability. We can attempt to resolve discrepancies in previous testimony and to give to the alleged victims—the point made by the distinguished Senator from California—the same opportunity that rightfully we extended to our colleague from Oregon, who faces these accusations; in effect, to give the victims their opportunity to be heard.

I would like to put the process in some perspective, if I may. We deadlocked on the decision for public hearings. The committee, after that deadlock, did vote to release all relevant evidentiary materials to the public.

Some have suggested this is an unprecedented action. I assure my colleagues, this is consistent with the practice followed in the past; namely, that all evidentiary material is released.

I asked that this material be released as soon as possible, as opposed to waiting until after these proceedings are concluded, and the committee agreed. The committee counsel has told us it would take about a week to compile and print the documents.

I fully support the release of all evidentiary materials, as did each and every member of the Ethics Committee.

However, the release of all evidentiary materials is not and cannot be a substitute for public hearings. I can tell you unequivocally that there is a world of difference between reading a transcript and holding a hearing.

Release of the evidentiary material has been standard operating procedure in all previous major ethics cases, the same cases where public hearings were held. Release of all evidentiary material is the precedent. The release of all evidentiary material was done in the seven major ethics cases that the Senate has dealt with in this century. Indeed, if the Ethics Committee had not voted to do what it did yesterday, it would have broken yet another precedent in this one case.

What was done by the decision of the Ethics Committee earlier this week to release the evidentiary materials is a minimum public disclosure standard. I do not believe that the U.S. Senate wants to be judged by a standard of minimum public disclosure. I believe the appropriate standard is public disclosure and is consistent with the history and the practice of the Ethics Committee. That requires public hearings.

I would like to briefly run through some of the reasons why I think public hearings are important—indeed, necessary—in this case. And I would suggest to my colleagues that this will be one of the most important ethics votes that will be cast in this session of Congress, or perhaps in their congressional careers.

First, the precedent of the ethics process has been to hold public hearings in every major ethics case in this century. As you know, those of you who have served on the Ethics Committee were often guided by precedent just as courts are in legal matters. Indeed, few decisions are made by the committee without first inquiring of the staff to state the precedent or case history. The precedent on the question of holding public hearings is clear. The committee has always held public hearings.

Since 1929, seven Senators—Senators Bingham, McCarthy, Dodd, Talmadge, Williams, Durenberger, and Cranston—have been the subject of disciplinary proceedings on the floor of the U.S. Senate. All first faced public hearings. The pending case against Senator PACKWOOD has now moved into the final investigative phase. Since the three-tiered ethics process was adopted in 1977 setting up the investigative phase, public hearings have been held in all four cases—Talmadge, Williams, Durenberger, and Cranston—matters which reached this very serious stage.

Let me briefly review the major cases.

In 1929, the Hiram Bingham hearings were held between October 15 and October 23 on charges of employing on his committee staff an employee of a trade association which had a direct interest in legislation then before the committee.

In 1954, the celebrated Joe McCarthy hearings began August 31 and ended on September 13 on charges of obstructing the constitutional process.

In 1966, the Dodd hearings of March 13 to 17 on charges of converting political contributions to personal use.

In 1978, the Talmadge hearings, 27 days of hearings between April 30 and July 12 on charges of submitting false expense vouchers and misuse of campaign funds.

In 1981, the Senator Harrison Williams hearings were held, July 14, 15 and 28, on the question of misuse of his official position to get Government contracts for a business venture in return for a financial interest.

In 1989, Durenberger, June 12 and 13, hearings on charges of accepting excess honoraria and illegal reimbursement of personal living expenses.

In 1991, in the Keating matter, in which only the Cranston case entered the investigative phase, had 26 days of hearings beginning on October 23, 1990, on conduct which linked campaign fundraising and official activities.

There were no other ethics cases which entered the investigative phase or which came before the Senate for a proceeding. In short, there has been no exception in holding public hearings in any major ethics case in this century.

I suggest that is the standard by which the Senate ought to act today in supporting the Boxer amendment which seeks to continue that unbroken precedent.

Second, I ask myself: Is there some reason, some compelling or persuasive reason, as to why we ought not to hold a hearing in the Packwood case in light of the fact that there has been a clear and undeniable precedent?

I have given that considerable thought. And I must say I can find no justifiable reason for not holding a hearing in this case. I have heard no credible reason offered from any of my Senate colleagues.

I would ask you to ask yourself: Why would we make an exception in this one case? I do not think by and large you will be pleased with the only answer that I believe exists, and that is, the Senate does not want to hold public hearings in this case because it deals with sexual misconduct. In my view, that is not a persuasive reason to depart from our honored tradition of the past.

Third, I think this case presents an even more compelling reason for holding public hearings because of the alleged victims. This, to the best of my ability to review the record of the ethics process in the Senate, is the first case in the history of the Senate in which there are alleged victims that have come forward and filed sworn charges against a U.S. Senator for actions that have been directed against them individually and personally.

This is a case of first impression on two aspects—because they are alleged victims and because of the finding of substantial evidence of sexual misconduct. From a public credibility standpoint, there should be no doubt about the need to hold public hearings on a matter of this magnitude.

What message will the Senate be sending to those who have come forward in this case or anyone who dares to come forward in the future? If there are victims, we do not want to hear from you, so we will close the door? Mr. President, that is the standard that we invite if we decline to hold public hearings in this case.

Fourth, this is not just a question of the future of one Senator. This decision speaks to the fundamental question of whether the Senate as an institution is capable of disciplining its Members and itself in a manner which merits public confidence. This is far more important than any one of us individually.

In the most recent serious ethics case before the Senate, the so-called Keating case, all six Ethics Committee members voted to hold public hearings—Senators HEFLIN, PRYOR, Sanford, Rudman, HELMS, and LOTT.

In the opening statements of the first day of those hearings, no Senator was more eloquent nor more persuasive nor more to the point than our colleague Senator LOTT, who said it best in focusing on the need for hearings for the sake of public credibility of the institution, when he said:

> It may be necessary to hold these public hearings if for no other reason than to remove the cloud that has come over the Senate and to clarify the basis for decisions on whether violations of laws or rules have occurred. These proceedings will mean that the public will have a full opportunity to hear and view for itself the evidence in each case.

I wish I were so eloquent. That is, in my view, a compelling and riveting reason for the public hearing process in this case and all cases which reach this stage in the ethics process.

This debate is not based upon ideological division. Four Christian profamily groups have called for hearings. Gary Bauer of the Family Research Council told the Hill, a newspaper publication, on June 7, and I quote:

> We are an organization that talks about values . . . I've urged my Republican friends that the party ought to err on the side of being aggressive in removing any cloud over it. These charges are serious enough to warrant full hearing and investigation.

Eight women's law or advocacy groups have called for public hearings. Nine of the women who have made charges to the Ethics Committee have publicly called for hearings.

Let me comment here on an objection which some have made to holding public hearings. I am afraid I think it is more of an excuse rather than a reason. It is argued by some that we should not hold public hearings because we need to protect the women who have filed charges. I point out again that 9 of the 17 women have called for hearings. I am not aware that any of the others have expressed opposition.

I am not unmindful of the need to protect victims.

In order to protect women who come forward with complaints of sexual misconduct I asked the committee to adopt the principles of the Federal rape shield law. As the author in 1975 of Nevada's State rape shield law, I feel strongly about these principles. Rape shield laws are designed to protect victims of sexual misconduct from unfair cross examination when there are attempts to inquire into the most personal and intimate relationships totally unrelated to the current allegation.

There is no issue which should be before the committee or the Senate, nor should any other issue be referred to by any Senator or anyone involved in this case, except the issue of the specific allegation made by a woman against Senator PACKWOOD.

The issue of public hearings, some have tried to claim, is strictly an issue within the beltway. To the contrary, editorials from newspapers throughout the country, every geographical region, have called for public hearings.

USA Today, July 14:

> Open the PACKWOOD hearings; this isn't a personal matter

read their headline. And the editorial went on to say,

> No doubt public testimony about such acts may prove embarrassing. But the Senate can be shamed only if it tried to deal with the allegations behind closed doors.

Cincinnati Enquirer, July 1:

> So why the soft glove treatment and protection for Senator Packwood? Perhaps the mostly male, starched-shirt proper Senate is embarrassed or scared at being criticized and scrutinized over this matter.
>
> The way Packwood's alleged exploits are being treated by the Senate, there's room for suspicion—suspicion that could be quelled if the hearings were open.

Charlotte Observer, May 26:

> As committee members move to the next phase of the Packwood case, the public is watching how they treat their own.

San Francisco Chronicle, May 19:

> The system has worked and the process should now move to the final, necessary stage . . . the public forum for which Packwood has so often pleaded.

Atlanta Constitution; June 10:

> Word has it around the Capitol that the Senate Ethics Committee is under considerable pressure to spare the upper Chamber, and perhaps Packwood himself, the embarrassment of a public inquiry. . . . Some Packwood allies are hopeful of arranging a settlement, presumably including some sort of penalty, so as to avoid a messy hearing and clamor for Packwood's ouster. . . . He's entitled to the best defense he can muster, but that must be a public defense if he is to minimize suspicions of favoritism.

A fifth reason for public hearings is that the hearings will build upon the evidence already before the committee, and give committee members an opportunity to listen to and see the reactions of witnesses firsthand, not just read a report, and also ask questions to follow up on earlier interviews by our committee counsel.

As a former prosecutor, I know a little about evidence. I know that sometimes when a witness faces a jury in person, he or she provides additional information or gives additional insight from what can be gathered from reading a written report.

I know that if there are conflicting explanations, I want to question all parties in person about those conflicts.

I am familiar with the depositions of the women who have made charges of sexual misconduct. However, in the interest of fairness and judicial prudence, they should be given the right to come before the committee, just as Senator PACKWOOD was given that right.

It is equal justice that we seek here. We are rightly concerned about being fair to our colleague who is being charged by others. We need to be fair to those who have come forward at considerable personal risk themselves and who have made very specific allegations and seek the opportunity for a public hearing.

Some reports today are stating the committee hearings will be in private. Let me correct that impression. The committee voted to hold no hearings, public or private, not to hear in person from anyone involved in this case except Senator PACKWOOD.

So those are the reasons, Mr. President, I feel very strongly that public hearings should be held. First, it has been the precedent of this institution in major ethics violations for this century.

Second, I know of no justifiable reason for not holding public hearings. The only answer that has been suggested is that somehow the Senate ought to avoid embarrassment because this issue deals with sexual misconduct. I believe that is unacceptable rationale.

Third, this is a case of first impression in which we have victims coming before the Senate Ethics Committee and hopefully to be heard by the entire Senate and the American people who have made sworn charges against a U.S. Senator for actions directed against them. And this is also the first time the Senate will judge a Senator who has been charged by the Ethics Committee with sexual misconduct.

The PRESIDING OFFICER (Mr. GRAMS). The Chair reminds the Senator that he has spoken now for 30 minutes and the Senator from California could yield more time.

Mr. BRYAN. May I have 3 more minutes?

Mrs. BOXER. I yield 3 more minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BRYAN. Fourth, the credibility of the institution to deal with this issue is very much irreparably damaged without public hearings.

Fifth, as I have indicated, I think each of us needs an opportunity to evaluate credibility.

I will conclude by noting: What kind of message does the Senate want to send to the citizens we serve? This is really our opportunity to send a message to the American people that fits the message they sent to each of us last November. The public expects their Government to be open and to hold Members accountable to a proper standard of behavior. The message the Senate risks sending today, however, is that in disciplinary matters involving Members, we have chosen to retreat and to close the door tighter than it has ever been before.

Mr. JOHNSTON. Mr. President, will the Senator yield for a question?

Mr. BRYAN. I will be happy to yield for a question. I only have a couple more minutes, so if I am abrupt with the Senator, I do not mean to be rude.

Mr. JOHNSTON. Mr. President, I am concerned about whether there is any issue of material fact—I do not know what the Senator can tell me about that. I know there is some privilege. But can the Senator tell me whether there is an issue of material fact which by having a hearing the Senate would be further instructed as to the different sides of that material fact?

Mr. BRYAN. Let me just respond as I have tried to do in my statement that I believe the Ethics Committee, the Senate, and the American people would be further enlightened if we heard the testimony of the witnesses. I cannot get into the specifics of the evidence, but I must say that this is not in my view a circumstance in which nothing is to be gained by holding public hearings because I believe there are points at issue that, indeed, would be clarified.

Mr. JOHNSTON. Just one further question. Has Senator PACKWOOD publicly pleaded guilty in effect to the charges? Does the Senator know whether that is so?

Mr. BRYAN. I do not believe—I think the answer to that is no.

Mr. JOHNSTON. I thank the Senator.

Mr. BRYAN. In terms of public statements, those would be for each Senator to interpret.

I yield the floor. I thank the Senator.

Mrs. BOXER. Mr. President, may I ask the manager of the amendment for the majority if he is interested in taking any time to discuss this matter?

The point is I do not want to use all the time up on our side, but want to see if there are any speakers on the other side.

I will ask unanimous consent to have printed in the RECORD two important documents here which I believe go to the question of finding of fact that the Senator from Louisiana spoke of. In other words, his concern is, is there a need to have hearings to figure out if there are discrepancies?

In an AP story, an Associated Press story that was reprinted in one of the newspapers on July 29, Senator PACKWOOD is quoted as saying:

> If there was a hearing, we'd finally have a right to question the complainants. We've been unable to do that.

So I think that sentence alone says to me that there are differences of fact. And second, there is documentation from a "Nightline" appearance that I was on with Senator SIMPSON in which Senator SIMPSON says:

> If they want to come forward in a public hearing, they got to get their right hand up and be cross-examined with the rules of evidence. The last one,

meaning women,

> made moves on Bob Packwood. You'll find that in the deposition.

Now, this raises a lot of other questions, but it certainly raises the issue that there are differences of fact here.

The point made by the Senator from Nevada, who is very careful on what he says on this floor—I am only amplifying his answer by showing you two very important statements, one by Senator PACKWOOD himself quoted in the AP story, the other by Senator SIMPSON which indicates that there is, in fact, a dispute over what occurred.

And I now ask unanimous consent to have them printed in the RECORD at this time. They are identified as the actual words from the "Nightline" appearance and the AP wire story.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From ABC News "Nightline", July 27, 1995]

THE DAWDLING PACKWOOD INVESTIGATION

(This transcript has not yet been checked against videotape and cannot, for that reason, be guaranteed as to accuracy of speakers and spelling. (JPM))

ANNOUNCER. July 27th, 1995.

Sen. MITCH MCCONNELL, (R), Chairman, Select Ethics Committee. This has been the mother of all ethics investigations.

CHRIS WALLACE [voice-over]. The sexual misconduct investigation into Senator Bob Packwood: why won't the Ethics Committee conduct public hearings?

Sen. BARBARA BOXER, (D), California. I don't want to tell the Ethics Committee what to do, I want them to do the right thing.

PAUL JIGOW [sp?]. The demand for a public hearing is real low-ball, hardball politics.

CHRIS WALLACE [voice-over]. Tonight, the Packwood investigation; is it a case of the old boys' network looking after one of its own?

ANNOUNCER. This is ABC News Nightline. Substituting for Ted Koppel and reporting from Washington, Chris Wallace.

CHRIS WALLACE. The veil of decorum in the U.S. Senate was pulled back ever so slightly today in a debate over what to do about Bob Packwood. While maintaining all the practiced civilities of the Senate floor, the Republican head of the Ethics Committee, Mitch McConnell and a Democratic freshman from California, Barbara Boxer, were very politely sticking a shiv in each other. McConnell said the Ethics Committee wasn't about to be pushed around in deciding to deal with the Packwood case. Boxer said she respects the committee, but if it doesn't decide to hold public hearings on its own, she will bring the issue to the Senate floor.

Ever since the Clarence Thomas hearings, there's been a charge that the Senate—made up overwhelmingly of white middle-aged men—is insensitive to issues of sexual misconduct. Now, as the Packwood case is well into its third year, and so far, all the proceedings have been behind closed doors, that charge of insensitivity is being heard again. As ABC's Michel McQueen reports, the investigation of one senator is now putting some heat on all of his colleagues.

1st former PACKWOOD STAFF MEMBER. There was no warning. He suddenly grabbed me by the hair and forcefully kissed me, and it was very hard to get him off.

2nd former PACKWOOD STAFF MEMBER. He stood on my feet, pulled my hair, pulled my ponytail, my head back, was forcefully trying to kiss me, and with his other hand——

3rd former PACKWOOD STAFF MEMBER. In his offices, did grab me at the shoulders and kiss me forcefully.

MICHEL MCQUEEN, ABC News [voice-over]. There isn't much doubt about what he did.

Sen. BOB PACKWOOD, (R), Oregon. [NBC, 1992] My actions were just plain wrong, and there is no other, better word for it.

MICHEL MCQUEEN [voice-over]. The question has always been what to do about it.

[on camera] For two and a half years, the Senate Ethics Committee has investigated charges that Republican Bob Packwood of Oregon repeatedly harassed the women around him, and then tried to tamper with evidence to cover it up. In May, the Ethics Committee issued a finding that there was substantial credible evidence to warrant a formal investigation, the equivalent of a pretrial indictment or charge. But little has happened since then, and many people are getting impatient.

[voice-over] Last week, Senator Packwood's accusers and some of the congresswomen who support them held a press conference.

Rep. NITA LOWEY, (D), New York. Let me be very clear. The women of America will not tolerate politics as usual. We will not tolerate politics as usual in the good old boys' club. We will not stand for another Anita Hill. Whether it's in the Senate or in the office, the American people understand that sexual harassment is a serious abuse of power.

MICHEL MCQUEEN [voice-over]. What the lawmakers and many of Senator Packwood's accusers want are public hearings to air the allegations against him. An Oregon women's group paid for this ad in *The Washington Post*, designed by Democratic media consultant Mandy Grunwald.

MANDY GRUNWALD. For 40 years, the Ethics Committee has had public hearings every time they've found credible evidence. They put out a public report saying they found credible evidence of abuse of office tampering with evidence, and 17 counts of sexual misconduct. I think getting these things out in the open is appropriate, I think actions should have consequences, and he should be held accountable.

MICHEL MCQUEEN [voice-over]. The battle was joined on the Senate floor last week when five women senators [Boxer, Moseley-Braun, Feinstein, Murray, Snowe] led by California Democrat Barbara Boxer, strongly urged the Ethics Committee to hold public hearings.

Sen. BARBARA BOXER, (D), California. I have written the Ethics Committee and informed them that if no public hearings were scheduled by the end of this week—and that means the end of today—I would seek a vote on the matter by the full Senate.

MICHEL MCQUEEN [voice-over]. Senator Boxer's demand triggered threats to reopen past Democratic scandals, and complaints about her respect for protocol.

Sen. BOB DOLE, Majority Leader. Well, I believe in the integrity of the committee process. I don't believe that every time a senator doesn't like what the committee does, they come out with some motion.

MICHEL MCQUEEN [voice over]. Senator Boxer, who is not a member of the Ethics Committee, said Senate rules and the precedent set by previous cases demand public hearings.

STANLEY BRAND [sp?]. The line of precedent is unbroken on the fact that this stage of the procedure occurs in a public hearing.

MICHEL MCQUEEN [voice over]. Stanley Brand is a former Democratic counsel to the House of Representatives. He now represents both Democrats and Republicans before the ethics committees.

STANLEY BRAND. It really has nothing to do with partisan politics. These have been the rules through both Democratic and Republican control of the House and Senate, and in fact, these committees are evenly split along party lines, to prevent partisanship from taking control, if you will.

MICHEL MCQUEEN [voice over]. Not so fast, says Wall Street Journal editorial writer Paul Gigot.

PAUL GIGOT. What we're seeing here is the politics of ethics. If you don't have an issue, you can use personal politics, personal foibles of politicians. It was elevated to an art form in the 1980s against people like John Tower, Clarence Thomas, and in Bob Packwood's case, it's being used again, not to say that there's not real allegations here, but the public hearing aspect, the demand for public hearing, is real low-ball, hardball politics.

MICHEL MCQUEEN [voice over]. Whether it was politics or process, the argument erupted on the Senate floor today between Ethics Committee chairman Mitch McConnell and Senator Boxer.

Sen. MITCH MCCONNELL. This has been the mother of all ethics investigation. It is also the first full-fledged investigation of sexual misconduct ever conducted in the Senate. Although allegations of sexual misconduct were leveled against two other senators in the past, the committee dismissed both of these cases rather than proceed to an in-depth inquiry.

Sen. BARBARA BOXER. I'm glad that the committee is meeting, but I'm not backing off one bit. If they don't vote for public hearings, I'll be back here with an amendment, so let's keep the wheels turning.

MICHEL MCQUEEN [voice over]. Senator McConnell said that the committee would resume its work on the Packwood case next week, after what he called a "cooling-off period." But there was no word on how the committee will handle the question of public hearings. This is Michel McQueen for Nightline, in Washington.

CHRIS WALLACE. When we come back, we'll be joined by one senator who's defending Senator Packwood's right to private hearing and by another who's pressing for them to be made public. [Commercial break]

CHRIS WALLACE. Senator Alan Simpson is a supporter of Senator Packwood's attempt to have his hearings held in private. He joins us now from our Washington bureau, as does Senator Barbara Boxer, the Senate's most vocal supporter of public hearings.

Senator Boxer, let's start with this issue of public hearings. The Ethics Committee has conducted a thorough investigation, they've issued what amounts to a tough indictment. Why not let them finish this matter in private? I mean, what good does it do either the Senate or Bob Packwood to have a public spectacle?

Sen. BARBARA BOXER, (D), California. What I want is for the Ethics Committee to do the right thing, and the right thing is what ethics committees have always done in the entire history of the United States Senate, and that is, when you get to this phase of an investigation where there is credible, substantial evidence that a senator has committed wrongdoing, that there are public hearings. It's the way the Senate has always been. And by the way, I think it's important to note, even with that, the Senate, under Rule 26, could close those hearings if there was a sensitive matter or to protect a witness, so I think I'm just being very reasonable and, frankly, conservative, because that's what the ethics committees have always done throughout Senate history.

CHRIS WALLACE. Senator Simpson, this is a public official charged with misconduct. Personally painful as it may be, doesn't this have to be conducted out in the open?

Sen. ALAN SIMPSON, (R), Wyoming. Well, let's let the Ethics Committee finish their work. They're not finished with their work, and this is unprecedented, that a member of the Senate would ask and try to go past the Ethics Committee. If that ever happens, I can tell you who'll be the losers. The losers will be those who in the minority of the U.S. Senate, Election time comes, just roll one up and fire the shot, and let'em dig out from under the rubble. I'm not suggesting that we go—that we don't have private or public. I'm just saying let them finish their work, and Senator Boxer said that on the floor in November of '93, let them finish their work.

CHRIS WALLACE. But Senator Simpson, isn't this the point at which the committee has to decide, or the Senate has to decide, whether or not to hold hearings, in private or in public?

Sen. ALAN SIMPSON. But that will come when the committee has finished their work. If you allow a single senator to subvert the process at this point, the only losers will be those who are in the minority. Senator Boxer's party is in the minority. Can you imagine what happens if this gets done? I can tell you, there are plenty of people on our side who, in a personal vendetta, would simply file grievances and reports against Senator Boxer. Then, when we're in the minority, that's the purpose of the Ethics Committee.

Chris Wallace. But Senator Simpson, let's not get bogged down in the procedural issue. Let's talk about the actual decision as to whether to hold public or private. You favor private hearings, do you not?

Sen. Alan Simpson. I have—I have never—I have never objected to public hearings. I say let the Ethics Committee finish its work. I know you'd like me to say that I don't want them to have public hearings, but I don't know.

Chris Wallace. No, I want you to say whatever you—whatever you feel, Senator.

Sen. Alan Simpson. I just believe that the Ethics Committee should finish its work. If you—if you shortcircuit the investigatory process right now, you're—you're dooming the U.S. Senate. That's what you're doing.

Chris Wallace. Let me ask you about this, Senator Boxer, because since you called for public hearings, some of your Republican colleagues have warned about possible repercussions. In fact, Senator Simpson took you aside the other day off the Senate floor. What did he——

Sen. Alan Simpson. No, that's not true. I never warned Senator Boxer at all. I have the highest regard for her, and respect. We don't agree with things, but you can ask her—she's here——

Chris Wallace. Well, I just——

Sen. Alan Simpson [continuing]. I never warned her about——

Chris Wallace [continuing]. I was just trying to, Senator.

Sen. Alan Simpson [continuing]. No, but I get offended by that, because that didn't happen. I've already written a letter about the reporter that reported it that way.

Chris Wallace. Well, Senator Boxer, what—whether it's a warning or whatever he said to you, what did Senator Simpson say?

Sen. Barbara Boxer. Well, Senator Simpson and I are friends, and he gave me some friendly advice. The friendly advice was, essentially, to lay off. And I have to say this. I find it offensive. I had——

Chris Wallace. To lay off?

Sen. Barbara Boxer [continuing]. The advice. Because I think it's wrong, I think, to tell a senator to back off when she thinks something is important. I'll tell you what's unprecedented, not a senator making a view known on an important issue like this; what's unprecedented is that, in fact, in fact, we already had Trent Lott, who is a leader of the Republicans in the Senate, say he favors private hearings. It's no great secret that Mitch McConnell, the head of the Ethics Committee, favors private hearings. Listen, I wasn't born yesterday. That's where it's moving. That would be a change in precedent, and that would be wrong. The Senate is not a private club, as much as some would like to see it. It is the people's United States Senate, and we cannot sweep these things under the committee room rug, and that's exactly where this was going unless I had spoken up, and I'm really proud that I have.

Sen. Alan Simpson. Well, let's get the record straight. I never said to Barbara Boxer to lay off, and Barbara Boxer was a member of the House of Representatives while they did five of these kind of hearings, and she never once asked for a public hearing, and voted on the rules to prohibit public hearing.

Sen. Barbara Boxer. That's incorrect. That is incorrect.

Sen. Alan Simpson. Well I can read and write, too.

Sen. Barbara Boxer. Well, that is so incorrect, that—in 1989 we changed the rules in the House to force public hearings, and in the two sexual misconduct cases that came before me, Chris, what I did is vote for tougher penalties, and that was against a Democrat and a Republican. But what happens is, when you're winning an argument, my mother always taught me, your opposition is going to change the subject. I am not the subject. The subject is can the Senate police itself, and will they, in this one case, make an exception and close the doors? That would be wrong, and I'm not going to be intimidated.

Sen. Alan Simpson. Well——

Chris Wallace. Senator Simpson, let me ask you, there have been reports—and we're asking you about them so you can tell us if they're true or not—that you and other Republicans have suggested that if Barbara Boxer goes ahead with her call for public hearings on Packwood, that the Republicans might have public hearings on every Democratic scandal since 1969. First of all, did you say it?

Sen Alan Simpson. No, I've never said that. I think that'd be a real mistake. I heard 'em mention Ted Kennedy. I heard 'em mention Tom Daschle. I think those things would be a real mistake. But I'll tell you one thing we could do. We could go back just as far as the statute of limitations on these cases in every other jurisdiction in America, and the longest one is three years, and they're back in 1969 on this one. How many of—in the people in this audience can pass that little test, as to what they were doing in 1969?

Sen. Barbara Boxer. Well——

Sen. Alan Simpson. And remember, he was not charged with sexual harassment, it is sexual misconduct. You want to get back to the real specter of this, Anita Hill and Clarence Thomas, remember that Anita Hill never charged Clarence Thomas with sexual harassment, either.

Chris Wallace. Senator Simpson. Senator Boxer, we have to break in here for a moment, but when we return, I want to bring up the Hill-Thomas hearings and ask you just how enlightened the Senate is these days when it comes to matters of sexual misconduct, and we'll be back in just a moment. [Commercial break.]

Chris Wallace. and we're back now with Senators Alan Simpson and Barbara Boxer.

Senator Boxer, you were elected to the Senate in the wake of the Clarence Thomas hearings, and there was some feeling then that a lot of senators, quote, "Didn't get it," when it came to matters of sexual misconduct. Are we still seeing some of that here in the Packwood case?

Sen. Barbara Boxer. Well, I have to say that we are, although I'm very hopeful, because now that Senator Bryan, who's the vice chair of the committee, has called for meetings, and Mitch McConnell agreed today that they will vote to have public hearings, but let me tell you this. Supposing they vote not to, and it's a 3-3 deadlock, 'cause there's three Republicans and three Democrats, and they don't move forward, and this is the first time in history, as I've said, that they would have closed hearings. What is the message? That if you violate ethics and it has to do with mistreating women that you get the privacy behind closed doors to look at those charges? I think that would be awful. If it's embarrassing, the more embarrassing it is, the more it's behind closed doors? And I think it's important to note that the charges against Senator Packwood where the committee found substantial credible evidence in three areas, not just sexual misconduct, but tampering with evidence, and then trying to get his wife a job so, presumably, he could lower his alimony payments, and going to lobbyists, those are the charges that are before us here. They're serious, and the last one was in 1990, in terms of the sexual misconduct, so it isn't that it just was in 1969.

Chris Wallace. Senator Simpson, is this, as some have charged, a case of the boys' club protecting one of its own?

Sen. Alan Simpson. No, you know, that's really old stuff. I have a mother, a wife and a daughter, one of whom has been subjected to much more than anything I ever heard in the Anita Hill issue or this issue. This is absurd. This is a—an elitist, sexist statement, and it's not true.

Sen. Barbara Boxer. Well, you don't know what happened in this issue, Senator Simpson.

Sen. Alan Simpson. I do know what happened to people in my own family, and I do know——

Sen. Barbara Boxer. No, I said——

Sen. Alan Simpson [continuing]. That this man has not been charged with sexual harassment, and sexual harassment, as a statute of limitations, is three years in every other jurisdiction in America.

Sen. Barbara Boxer. The women haven't had a chance to come forward before the committee. Senator Packwood has——

Sen. Alan Simpson. Well, I'll tell you, there are going to be a couple of 'em that won't want to come forward, and the last one, which was the charge—

Sen. Barbara Boxer. Well, what does that mean?

Sen. Alan Simpson. Just what I said. If they want to come forward in a public hearing, they got to get their right hand up and be cross-examined with the rules of evidence. The last one made moves on Bob Packwood. You'll find that in the deposition.

Chris Wallace. Senator Boxer?

Sen. Barbara Boxer. Well, I'm just saying this. In every single case that has come before the Senate Ethics Committee, we've had public hearings. In every single——

Sen. Alan Simpson. That's not true.

Sen. Barbara Boxer [continuing]. In every single case. I put that in the record today. The vice chairman of the committee has stated that, Richard Bryan, very well-respected. It's been stated by Senate historians. I am not partisan. The amendment that I plan to offer if, in fact, we don't get the hearings, just says, in every case, be it against a Democrat or a Republican, if it gets to the stage——

Chris Wallace. Senator——

Sen. Alan Simpson. Barbara's gonna get——

Sen. Barbara Boxer [continuing]. If it gets to the stage where there's substantial credible evidence, there should be public hearings.

Chris Wallace. Senator Simpson, I want to ask you about the last comment you made, because there was a lot of feeling after the Anita Hill-Clarence Thomas hearings that in some sense—and this part of, I think, the anger of some people on one side, you would certainly say—was a feeling that some Senate members tried to make Anita Hill, through cross-examination, tried to make her into the transgressor. What you seem to be saying is, if this becomes public hearings, there's going to be a kind of fierce cross-examination of some of Bob Packwood's accusers.

Sen. Alan Simpson. Of course there will. What do you think happens in these kind of situations where you're trying to destroy a person? People get destroyed in the process. Is anyone so out of that they don't understand that?

Sen. BARBARA BOXER. Well, you know——

Sen. ALAN SIMPSON. Barbara Boxer is going to have her chance too anything she wants, bring up any amendment, bring up any argument, tear the joint down, tear it up, but not until the committee is through with their work.

CHRIS WALLACE. Senator Simpson, you know, for all the talk about issues of sexual misconduct and enlightenment and all that, is this just pure politics? Is this just Democrats looking for a way to embarrass a big Republican and Republicans looking for a way to sweep it under the rug?

Sen. ALAN SIMPSON. I don't know, but I do know this that my friend from California is a highly partisan individual. She has said remarks on the floor since she come here, and they're hard, and I know hard politics, 'cause I do it myself. But Barbara Boxer is one of the toughest partisan shooters in this building.

Sen. BARBARA BOXER. Well, first of all——

CHRIS WALLACE. Senator Boxer, is it just politics?

Sen. BARBARA BOXER. This is ridiculous. I already showed you where, when I was in the House and the Ethics Committee was too soft on a Democrat who I felt committed sexual misconduct, actually worse than that, I voted for a tougher penalty. My amendment isn't aimed at Bob Packwood. It is a generic amendment that just says we shall have public hearings in any case that gets to the stage of the investigation. I am stunned to hear my colleague say some of the things he has said tonight, turning the tables on this situation, making women look like they're the problem. Here——

Sen. ALAN SIMPSON. See, there's the argument, there it goes.

Sen. BARBARA BOXER [continuing]. No, well, Alan——

Sen. ALAN SIMPSON. Now you're getting the argument.

Sen. BARBARA BOXER [continuing]. Well, Alan, Alan, if you would give me a chance.

Sen. ALAN SIMPSON. I've heard that one.

Sen. BARBARA BOXER. You bet you have.

Sen. ALAN SIMPSON. Yeah, you bet.

Sen. BARBARA BOXER. And you're going to hear it again, and here's what it is.

Sen. ALAN SIMPSON. Well, I've heard it enough.

Sen. BARBARA BOXER. Here's what it is. Well, one more time, just for the road.

Sen. ALAN SIMPSON. Yeah, well, trot it out one more time.

Sen. BARBARA BOXER. One more time for the road. The fact is, Mitch McConnell and his Republicans on the Ethics Committee, Richard Bryan and his colleagues on the Ethics Committee, found substantial credible evidence.

That's a very high level of proof——

Sen. ALAN SIMPSON. Yes.

Sen. BARBARA BOXER [continuing]. That there was wrongdoing. It is time for the light to be shined on this matter, so that senators know how to vote, so that the public can understand it. Today we learned the vast majority of the American people agree they ought to have a chance to know more about this. After all, we are not a private club, we are not a country club where guys put their feet on the table, light up a cigar, and disguise it.

CHRIS WALLACE. Senator Simpson, you've got 30 seconds for the final word.

Sen. ALAN SIMPSON. Well, that's pretty sexist. I've been in these a lot, you know, and I know that finally they flee to this one about bald white guys that don't understand anything, and really, I practiced law for 18 years, I understand an awful lot about sexual issues.

Sen. BARBARA BOXER. You sure do.

Sen. ALAN SIMPSON. And molestation.

Sen. BARBARA BOXER. You do.

Sen. ALAN SIMPSON. And rape and incest, that's what I did in my practice, so I've heard all that guff before. Let's get down to the point. This senator is going to have her chance to do whatever she wishes when they finish the investigation, and there was only one charge of sexual misconduct in the last 13 years, and if that's a pattern, I'll buy the drinks.

CHRIS WALLACE. Well I think we're going to have to leave it there, but I think I'd point out, as a point of information, Senator Simpson, that I think there were a half-dozen allegations of sexual misconduct——

Sen. ALAN SIMPSON. No, there were not. In the last——

CHRIS WALLACE [continuing]. In the—during the course of the '80s.

Sen. ALAN SIMPSON [continuing]. Thirteen years, one.

CHRIS WALLACE. I know, but there were a lot in between '80 and '83, so the question——

Sen. ALAN SIMPSON. Yeah, but in the last 13 years, one.

CHRIS WALLACE. Well, you can divide it where you want to.

Sen. ALAN SIMPSON. Yeah, I will divide it.

CHRIS WALLACE. Sentor Simpson——

Sen. ALAN SIMPSON. It's called fairness.

CHRIS WALLACE [continuing]. Senator Boxer, thank you both very much for joining us.

Sen. BARBARA BOXER. Thank you.

CHRIS WALLACE. And I'll be back in just a moment. [Commercial break]

CHRIS WALLACE. Tomorrow on 20/20, an exclusive interview with David Smith. Barbara Walters talks with the ex-husband of convicted murdered Susan Smith. That's tomorrow, on this ABC station.

And that's our report for tonight. I'm Chris Wallace in Washington. For all of us here at ABC News, good night.

[From the Fresno Bee, July 29, 1995]

PACKWOOD SEES BENEFITS TO A PUBLIC HEARING

WASHINGTON.—While not endorsing the public hearings being demanded by Democrats, Sen. Bob Packwood said Friday they would give his lawyers their first chances to cross-examine some of the women accusing him of sexual and official misconduct.

"If there was a hearing, we'd finally have a right to question the complainants. We've been unable to do that," the Oregon Republican said in an interview with The Associated Press.

Packwood's lawyers earlier told the Senate Ethics Committee that the senator would not exercise his right to ask for a public hearing. The senator refused Friday to say whether he wanted a public hearing.

"It's up to the Ethics Committee to decide whether there is anything to be gained by that. I'm not sure any new information would be gained," Packwood said.

Two Democrats on the panel, Richard Bryan of Nevada and Barbara Mikulski of Maryland, have called for public hearings. Committee Chairman Mitch McConnell, R-Ky., opposes the idea.

Packwood said he would make clear in any hearing that most of the allegations were more than a decade old.

Mrs. BOXER. Is there anyone on the other side who wishes to take some time?

The PRESIDING OFFICER. Right now, there is no one to answer that.

Mrs. BOXER. There is no one to answer that. I say to my colleagues that this is a very important debate that is going on. And I think in fairness we ought to go back and forth, side to side, here. I find it very strange, given all the criticism of this Senator's amendment in the press, personally, publicly, every which way you could send a message to somebody, that they are not here to talk about it.

But in any event, at this time I am going to yield 30 minutes to the Senator from Maryland.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Thank you very much. I thank the Senator who has sponsored the resolution for yielding me this time.

I rise to speak in favor of the Boxer resolution. The purpose of this resolution states: "To instruct the Select Committee on Ethics of the Senate to hold hearings on certain allegations of wrongdoings by Members of the Senate." I want to commend Senator BOXER for her efforts in pursuing this issue. Senator BOXER has been persistent and clear. She says we must hold public hearings in order to defend the integrity of the U.S. Senate and follow its historic precedent. I agree with her purpose.

I regret that some have made Senator BOXER the issue. Senator BOXER is not the issue. And I would like to compliment Senator BOXER on her stamina and on her strength in resisting the abuse that has been hurled at her because she wishes to exercise her prerogative as a Senator and offer legislation on the floor. I compliment her that she refused to have her voice silenced on behalf of defending the women who have been the victims in this ethics proceeding. As we both know, whenever women are assaulted, battered, they themselves are always made to look like they are the problem rather than the victim. So I thank Senator BOXER. I thank her for not having her voice silenced, and I thank her for offering an amendment to ensure that the voices of the women are not silenced.

And I say that because as we look at what has been happening, we now see that as a Member—as it currently stands, the voices of the women will be silenced. As a member of the Ethics Committee, I voted to support public hearings in the Packwood case. Unfortunately, that motion failed on a 3 to 3 vote, strictly on party lines. I wanted public hearings to occur because I felt it was important for the honor and integrity of the U.S. Senate. I also voted to release all relevant information to the public as soon as physically possible.

Let me clarify that this release of information is the usual practice of the Ethics Committee. It is neither unusual nor is it unprecedented. It is the committee's customary practice that this type of information has been released to the public in the seven major cases in this century—involving Senator Hiram Bingham, Senator Joe McCarthy, Senator Thomas Dodd, Senator Herman Talmadge and Senator Harrison Williams, as well as Senator David Durenberger and Senator Alan Cranston.

I want to emphatically state that I do not believe that the release of this information is a substitute for public hearings. I do not believe that it is in lieu of public hearings. And, also, it is not a proxy for public hearings. It is the minimal acceptable form of disclosure.

Now, why is this not a substitute for public hearings? As my colleagues know, I am always for public hearings, public hearings to protect the honor of the Senate and because it is important to give voice and value to the charges brought by women. These women are the first actual victims ever to bring complaints against a U.S. Senator to the Ethics Committee. It is the case of first impression. And if we silence them now on the issue of sexual misconduct, will victims ever, ever again bring a charge to the Ethics Committee because they believe they will be treated as the problem or that they will be silenced because of the kind of vote that we saw?

I voted for public hearings because I wanted to be sure that women got a fair shake and that they got a fair shake in the U.S. Senate, that, as we know, when again women are ever assaulted, battered, or abused they are told to be silent or there is institutional forums to be silent. I want to assure them that their voices were not silenced, that they were treated with respect and dignity, that their allegations were taken seriously and would have value.

I never met these women. I have only heard their stories through depositions, affidavits, and through the summaries of their testimonies. I do not want their stories to be filtered. I also did not have a chance to personally hear the other witnesses, whether it was related to diary tampering or solicitation of jobs for Senator PACKWOOD's wife to have a job to lower the alimony. I did hear Senator PACKWOOD's statements.

There has been no opportunity to cross-examine or ask questions of the women or other witnesses in this area of investigation. I did not get to talk to the women. I did not get to talk to the lobbyists that Senator PACKWOOD spoke to about a job for his former wife. I did not get a chance to talk to the woman who has been typing Senator PACKWOOD's diary for all of these years and whether, in fact, there has been diary tampering and why. Because that is the way the committee works.

The committee first functions like a grand jury. We listen to the issues and concerns through depositions, through affidavits. And then we come to a conclusion. Is there substantial, credible evidence to present a bill of particulars to the U.S. Senate? We did do that. Now we have to decide whether there is clear and convincing evidence on those allegations to determine the sanctions. Now, how can we decide whether something with a higher standard of evidence is clear and convincing unless we follow the practice that has been done by the Senate in each and every one of those cases? That is the purpose of public hearings.

I also believe that the public hearings will help restore the honor and integrity of the U.S. Senate. We all know the American people have little confidence in their elected representatives and little confidence in the institution of Congress. They do not believe that we can police our own. The American people believe that, given a choice, we will always protect our own at the expense of others. They believe we meet in backrooms, behind closed doors, cut the deals, circle the wagons to protect our own. We must demonstrate by our actions this is not so. And this is why we need public hearings.

Now, I lived through the Anita Hill debacle. To many, the Senate did not deal fairly with Miss Hill's allegations. The Senate trivialized what Miss Hill had to say. Anita Hill was put on trial and treated very shabbily. She was shamed here in the U.S. Senate. And the institutional behavior of the U.S. Senate raised questions whether this institution could ever deal with allegations related to sexual misconduct.

Now, I want the American people to believe that we can act responsibly, and we do that not with words, but with deeds, and the most important deed we can do today is to vote for the Boxer resolution on public hearings.

I support public hearings because it will allow all of us, Members of the Senate and the American public, to judge for ourselves what has happened, to show that we can hold hearings that are neither a whitewash nor a witch hunt. No matter what we decide, the full Senate and the American people have a right to know the facts on these cases, a right to know how we arrived at those facts and reached our decisions. And they should have confidence that we have done the right thing.

Now, why do the arguments against hearings not hold up? Some say this will be a spectacle. I say it is going to be a spectacle if we do not hold public hearings. No matter what the Senate decides, I believe that there will be a public forum held on this matter.

Mrs. BOXER. That is right.

(Mr. SMITH assumed the Chair.)

Ms. MIKULSKI. We need to have a fair format, to make sure the format and tone is fair for the victims telling their stories, and a fair format for Senator PACKWOOD. Public hearings are the best way to ensure that there is no spectacle and that all parties are treated fairly.

To say that those hearings will debase and sensationalize the Senate and that the Senate will compete with the O.J. trial—hey, let me say this. No one seems very concerned about the Whitewater hearings debasing the U.S. Senate. No one seems concerned that the Whitewater hearings are debasing the Presidency.

No one seems very concerned about debasing the Congress through the Waco hearings. Nobody seems very concerned that at the Waco hearings, one of the purposes is to demean another woman, the Attorney General of the United States.

Nobody seemed to be concerned when a Senator stood on one side of the aisle and chanted, "Where's Bill? Where's Bill?"

No one seemed concerned about the Senate when another Senator stood on the floor and sang "Old MacDonald Had a Farm," concluding with "oink, oink, oink."

Well, there is a question about where the barnyard really is.

So I think we should stop these arguments that are filled with fallacy. If we want to honor the Senate, let us follow its historic precedents.

I think we further debase the Senate if we do not hold these hearings, precisely because citizens have come forward, they believed in us, they believed in the process, and the procedure. This is the first time that citizens have come forward and made statements about misconduct, the first time victims have come and asked us to listen to them, to allow them to tell their story, and this must occur.

Let me be clear, a public hearing at this point in the proceedings has been the practice of the Senate. If the Senate does not hold public hearings in this matter, the Senate would deviate from its own precedent.

In every case where the Ethics Committee has reached the investigation stage, where the Packwood case now stands, there have been public hearings. Those cases were Senators Tom Dodd, Herman Talmadge, Harrison Williams, David Durenberger, the cases involving Charles Keating—Senators DeConcini, MCCAIN, Riegle, GLENN, and Cranston.

Let me be clear that in this case the Ethics Committee found substantial credible evidence of misconduct and has moved to the "investigation" stage.

This resolution sets forth the committee findings in three areas: Sexual misconduct, diary tampering, and jobs for Mrs. Packwood.

Let me remind my colleagues what the committee members found. We found substantial credible evidence that Senator PACKWOOD may have engaged in a pattern of sexual misconduct spanning 20 years, 18 instances involving 17 women. Let me give an example, just so it refreshes everybody's memory.

Out of our bill of particulars, we found substantial credible evidence that in the basement of the Capitol, he walked a former staffer into a room, where he grabbed her with both hands in her hair and kissed her, forcing his tongue into her mouth.

We also found that in his Senate office in DC, he grabbed a staff member by the shoulders, pushed her down on a couch and kissed her. When the staffer tried to get up, he repeatedly pushed her down.

In the Capitol, he grabbed an elevator operator by the shoulders, pushed her to the wall, kissed her on the lips, followed her home, tried to kiss her and elicit her to engage in an intimate relationship.

I cannot bring myself to read more of these cases on the floor of the U.S. Senate, but I think if you read the bill of particulars, you will see what this is.

Then we find there is a strong possibility that Senator PACKWOOD tampered with his diaries; that he fought the committee 1 year—1 year—and this is why it has taken so long.

Then there are the allegations he improperly solicited job offers for his former wife so he could reduce his alimony payments.

All I see for the Senate to do is what it has done before, to hold public hearings in a case where we also found substantial credible evidence of misconduct, to then determine what is clear and convincing so we can come to what sanctions we need to recommend to the Senate. Hearings will allow all of us—Members of the Senate and the American public—to judge for ourselves what happened.

No matter what we decide, the American people have a right to know how we reached our decision. They should have confidence in us that we did the right thing.

As we try to then judge for ourselves what happened in the Packwood matter, know today when this vote is taken, it will be the Senate that will be judged and the criteria will be: Can the Senate police its own? Can it follow its precedent, and can it do its business in an open, public, fair format?

Mr. President, I yield the floor. How much time do I have left?

The PRESIDING OFFICER (Mr. GRAMS). The Senator from Maryland has 15 minutes left.

Ms. MIKULSKI. I reserve my time for later on in the debate.

Mrs. BOXER. Mr. President, that means I will hold that time for the Senator from Maryland; is that appropriate?

The PRESIDING OFFICER. The Senator from California controls that time.

Mrs. BOXER. I will reserve that time for my friend.

Let me just say to my friend from Maryland, who for so long carried issues for the women of this country, in many ways by herself that her courage and her conviction and her sense of fairness pervade this institution. I know how lonely the fight can get, and I was not nearly as lonely as the Senator from Maryland was for a long time. So I want to thank her.

Mr. President, I note there is not one Republican on the floor, except the good Senator in the chair. I wonder whether or not the Republican Senators would yield me additional time, because I have a number of people who wish to speak and it does not appear that any Republicans wish to speak. There is much debate in the media.

I see now the manager. I was going to ask the manager of the amendment, if he did not have many speakers if he would yield me an additional 30 minutes of time, because I have more speakers than I thought.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. I say to my friend from California, I understand her request, but I am going to have to reserve the 2 hours for this side and hope that she will be able to work everybody in under the agreement that we entered into.

Mrs. BOXER. Does the Senator have speakers at this time to take any time?

Mr. McCONNELL. The Senator will be using the time or controlling the time, and that is his prerogative.

Mrs. BOXER. My question is, does the Senator have any speakers at this time? Does the Senator from Kentucky have any speakers at this time?

Mr. McCONNELL. Mr. President, I have said three times that I have 2 hours under my control under the unanimous-consent agreement. I was trying to respond to the request from the Senator from California. I believe I did that. I retain the 2 hours for this side.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I was trying to find out in the spirit of running this place if the Senator had any particular speakers at this time, I would defer. How much time does the Senator from California have remaining?

The PRESIDING OFFICER. Sixty-two minutes.

Mrs. BOXER. I yield 5 minutes to the good Senator from Wisconsin, Senator FEINGOLD.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. I thank the Chair. Mr. President, I especially thank the Senator from California, Senator BOXER, for her courage and tremendous leadership on this issue, a painful issue but something that absolutely has to come before the Senate.

Mr. President, let me say how much I admire the work of the Senator from California, the courage, really, in this case. This is a hard thing to do. It is a hard thing to have to come before this collegial body and force an issue about public hearings that I think just comports with the common sense of every American.

As I look out at the room and see no one—no one—from the other side prepared to speak, I wonder if this is really a debate at all. Several of us have already spoken. The Senator from Maryland made a very eloquent, clear presentation; the Senator from Nevada; the Senator from California; others here are ready to speak.

What I understood was that they were going to have a back-and-forth debate for the American people to see about whether or not we should have public hearings in this Packwood case.

I recognize that this is a very emotional and painful matter for every Member of the U.S. Senate. These kinds of charges and the appropriate response by this institution is something that no one can enjoy considering. We are uncomfortable with the subject of the charges, with the task of judging one of our colleagues and with the taking of responsibility as a body with what is the proper format for dealing with this issue.

For some, Mr. President, there is a tremendous desire to just let the Ethics Committee decide whether there should be public hearings. Some say let Senator PACKWOOD make the decision. Some say let someone else take responsibility for this difficult question.

Mr. President, as the Senator from California pointed out so well, this is really an abdication of our responsibility to the American people and to the countless number of women and, yes, men, who have been the victims of the kind of conduct which is alleged to have been committed in this case.

The question before this body today is not whether Senator PACKWOOD is guilty, not whether the punishment proposed fits the alleged misconduct; the question, rather, is whether those who have alleged that they have been the victims of misconduct should have the right to a public hearing in which they have the opportunity to present their evidence and be heard.

I am pretty sure, Mr. President, if Senator PACKWOOD had requested a public hearing to clear his name or his reputation, there is little question that these women would be required to present public testimony supporting their charges. There could be no doubt of that, as I know the Senator from Maryland is very aware. Yet, Mr. President, in this instance, it is apparent that the Ethics Committee intends to break with a longstanding tradition of holding public hearings when a case reaches this stage of the proceedings.

Our current rules provide for a three-tiered process for examining allegations of misconduct. First, the preliminary inquiry; second, initial review;

and, third, the investigative stage. A case reaches the investigative stage only if there is substantial, credible evidence that misconduct has occurred. Heretofore, when a case reached this stage, every time public hearings have taken place, even before the current system was adopted, public hearings have been held in cases involving serious allegations of misconduct. Yet, Mr. President, somehow, despite this history, the Ethics Committee is currently deadlocked on whether to order such hearings.

Mr. President, the Senate has an obligation to make a decision on whether such hearings should be held. We should not try to hide behind the Ethics Committee for excuses that we should not interfere with its processes. The Senate, as a whole, is responsible for establishing what are fair procedures—fair to those directly involved and fair to the American public.

So, Mr. President, as we look at this whole picture here, with all the Senators on this side ready to speak and debate, the Senators on the other side not even present, I ask, what is the image that is being presented in an institution that prefers to conduct its business behind closed doors, an institution that believes that scandalous charges should not be publicly discussed, even after its own factfinding body has determined that there is substantial, credible evidence to support those charges?

Mr. President, let me repeat that phrase: Substantial, credible evidence to support the charges. This is not a request for a public hearing on every libelous or baseless charge made against any elected official. This is a request only for public hearings in a case which has advanced to the final stages.

The PRESIDING OFFICER. The Chair reminds the Senator that his 5 minutes have expired.

Mrs. BOXER. I will yield 2 additional minutes to the Senator from Wisconsin.

The PRESIDING OFFICER. The Senator is recognized for an additional 2 minutes.

Mr. FEINGOLD. I thank the Senator. Now we are asking the American public to allow the Senate to make its decision on this case behind closed doors, without public testimony. Little wonder that the public is so disillusioned about our political process. We are so concerned about protecting the image of this institution that we seem to forget one big thing, and that is that we are a public entity that is responsible to the American public. This is not a private club where the rules are made to please ourselves or to protect ourselves from public scorn.

The charges are sexual misconduct. There is little doubt but for the nature of the charges, the public hearings would have been scheduled quickly. That has been the practice of the past. We do ourselves no great service by this debate.

We should not seek to hide this matter behind closed doors. Public hearings should take place, and obviously the committee has the authority to close those portions of the hearings that would be prejudicial, or otherwise be appropriately closed. But to say that no public hearings at all should be held in this matter because of the nature of the charges is just plain unacceptable.

Across America, countless women are watching how this institution handles this matter. What is the message we send to those women who have been subjected to sexual misconduct if we refuse to air those charges in a public format? What are we telling our daughters about what can happen if you are the victim of this kind of misconduct and bring charges against a powerful person?

So, Mr. President, the Senate should go on record now, today, making it clear that this institution is prepared to hold its disciplinary process up to the plain light of day and to public scrutiny.

I again thank my colleagues on the floor, and especially the Senator from California for her persistence in this matter.

I yield the floor.

Mrs. BOXER. Mr. President, I yield 3 minutes to the Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I asked for 3 minutes because there is really no one to debate. I do not want to use up any more time on this side.

I voted for and support public hearings in the case of Senator PACKWOOD.

There are two values to which I hold fast as a U.S. Senator: fairness and accountability. This is the commitment I have made to Minnesotans who sent me here.

Refusing to hold public hearings on this matter runs contrary to these values and what, I believe, the American people expect of this institution. Given the committee's refusal to hold public hearings, I am very concerned about the message we are sending to the public.

We are now in the final investigative stage where there is precedent in the Senate for public hearings on ethics cases. It is time to move forward.

Shining the light of day on Senate proceedings is very important. I voted for public hearings because it is important to show that this investigation has not been held behind closed doors. While I commend the committee for unanimously voting to release all relevant documents, it is not sufficient. There simply is no substitute for full and open hearings at this stage of the proceedings before the committee and then the Senate are called upon to render our judgment about this case. I believe full and open hearings will help to ensure the public's confidence that we can—and will—police the conduct of Members—we have that responsibility.

It is also important to give voice to the charges brought by these women. I believe each of these women should have the opportunity to come before the committee to tell their story and I believe Senator PACKWOOD should have that same opportunity.

I feel strongly today that this is the right course. Let us honor the values of fairness and accountability. Let us move forward with public hearings.

Mr. President, I really came down to the floor for this debate, first of all, for a personal reason, which is to support my colleague from California. Senator BOXER is a friend, and I very much admire her courage. And I have some indignation—the same indignation that Senator MIKULSKI from Maryland has—about some of the attacks on a Senator who has been persistent and has had the courage to speak up, and whom I think has been a most effective Senator representing not just women, but men, really people all around the country. Because to me, Mr. President, the issue is just one of accountability.

At this final investigative stage, I think it is very important for all the parties concerned—for all the parties concerned—and I think it is very important for the U.S. Senate, that we now have a public hearing. It seems to me that there are important, compelling questions to be answered. I know that this process will be fair.

I do not believe anybody in this Chamber is pleased about where we are right now. It is painful for everybody. But we cannot have this kind of hearing at this stage of the process done privately. We cannot have it done behind closed doors. It really will serve no good purpose. It will serve no Senator well, and it certainly will not serve any of us well, whether we are Democrats or Republicans, or men or women.

Therefore, I am in strong, strong support of the Boxer amendment. I thank the Senator.

Mr. President, I will retain the remainder of my time for the Senator from California, who is managing her amendment.

Mrs. BOXER. How much time do I have now, Mr. President?

The PRESIDING OFFICER. The Senator from California controls 52 minutes 20 seconds.

Mrs. BOXER. I do not see any Republican Senators on the floor to engage in a very important debate that involves the constitutional responsibility of each and every Senator. I am very disappointed in that.

I have many Senators who wish to speak. At this time, I will yield 5 minutes to the Senator from Washington, Senator MURRAY, who has been such a leader on issues such as this.

The PRESIDING OFFICER. The Senator from Washington [Mrs. MURRAY] is recognized.

Mrs. MURRAY. Mr. President, I rise today to address the amendment offered by the Senator from California. First of all, I want to commend my friend, my colleague from California. She has been aggressive, forthright, and true to her principles on the issue currently pending before the Ethics committee. She has raised very difficult, but I believe very important, questions to which all of us must give very serious thought.

This has been a very long and very difficult case for the Ethics Committee. The whole Senate has waited for over 30 months while the committee has pored over the documents, interviewed the witnesses, and attempted to find the right path. In light of this work, I regretfully must express my grave disappointment in the committee's decision not to hold public hearings on this case.

Mr. President, this case is a test of the Senate and the Ethics Committee. The U.S. Constitution gives this body the sole responsibility for policing itself. No other agency of Government—not the executive, not the House, not the judicial branch—has authority to ensure that the Senate adheres to high standards of ethics and conduct. I am sure the senior Senator from West Virginia, or any other constitutional scholar, can give us a detailed explanation of this authority. Therefore, this case, like every other considered by the committee, is a test of whether the Senate can demonstrate to the public that it is capable of policing itself.

All Senators have gone out of their way to not interfere in this case, to give the committee the time it needs to go through the process.

Indeed, we have supported them when they needed the full Senate to support the investigation. We have continued steadfastly to allow the committee to do its job. As individual Senators, this has been our responsibility to the institution and to our constituents.

Now, we have a responsibility to conclude this matter in an equally responsible way. If it cannot be done by the Ethics Committee, it cannot be done at all.

I urge my colleagues to put aside the emotions of this case and focus carefully on the facts. In May, the committee found substantial, credible evidence of Senate rules violations. I am not a lawyer. I have never tried cases. I know that is a very high standard.

In every major case that has come before, public hearings have been held. Why, I ask my colleagues, should this case be any different? That is the key question. Why should this case be any different?

I believe a deviation from precedent on this case will cast a long shadow over the Senate's credibility. Specifically, the lack of hearings will shade any subsequent action by the committee on this issue and any issue that comes before the committee in the future.

I feel very strongly this will create doubt in a general public that is already skeptical of its public officials. They have a right to know their elected officials are held to high standards. Anything less not only damages this institution, but also our individual credibility.

Mr. President, like many Senators, I am already on record in support of public hearings on this issue. I believe this is the only way the committee and the Senate can show the public that it is serious about its responsibilities. I encourage Senators to weigh the facts as we currently know them. I believe we will conclude that the amendment offered by the Senator from California offers the best course of action. I urge its adoption.

I yield back the remaining time to the Senator from California.

Mrs. BOXER. Mr. President, I yield time to my friend and colleague from Illinois who has fought many of these battles. I think she will add greatly to the debate, Senator MOSELEY-BRAUN.

Ms. MOSELEY-BRAUN. Thank you, Mr. President.

Mr. President, I very much regret that this issue has become embroiled in partisanship, because the issue before the Senate now is not a partisan issue.

In truth, it is not even about Senator PACKWOOD. The amendment offered by my distinguished colleague from California, Senator BOXER, does not in any way represent any attempt to express a judgment on the merits of the complaint against Senator PACKWOOD that is presently pending before the Ethics Committee.

In fact, Mr. President, I think it is fair to say that this amendment is not about Senator PACKWOOD's ethics at all. This amendment is about the Senate's ethics. This amendment is about how we, as an institution, as a body, will comport ourselves in the public view.

Quite frankly, I think it is not surprising, I say to my colleagues, Senator BOXER and the Senator from Maryland, it is not surprising, no one on the other side of the aisle will speak to this issue. This is still something that can only shame, and I think it is the shame of the attempt to try to defend the indefensible that has kept the opposition from coming forward and speaking to this issue.

What this amendment is all about, in my opinion, is not any individual case, but about the Senate's obligation to the American people in every case. That is, the obligation that we have to resolve these ethics cases in public.

Mr. President, I serve on the Senate Banking Committee. The membership of that committee, with few additions, constitute the membership of the Special Whitewater Committee. Last year, under the resolution, we reviewed over 10,000 pages of documents. We conducted about 37 depositions. The committee had days and days and days of hearings—6 days, in fact.

The whole purpose of the public hearings was that the American people would have the opportunity to hear and to see the people who were involved in Whitewater themselves, and to reach their own judgments.

Now we are back again this year. The committee has reviewed, again, an additional hundreds of thousands of pages of documents, conducted at least 61 depositions, and we are right now in the middle of 13 days of public hearings—hearings that go all day long. Again, so the American people can see for themselves, can hear for themselves, and make their own decisions about the circumstances around the handling of papers following Mr. Foster's untimely death.

Mr. President, that is the way this should be. That is the way that we do things here in the United States. We investigate in public; we decide this in public. That, in fact, if anything, is one of the founding cornerstones of our democracy.

We do not have secret trials. We do no have star chambers. We believe sunshine is the best disinfectant. Quite frankly, acting in public is not just the principle of the Congress that applies to our investigations of the executive branch. The Senate has always applied that same principle to ethics investigations involving this body.

Without going over the details or the process, which the Senator from Maryland has spoken to, the fact is, in every single past case handled by the Ethic Committee that moved to this third stage, there have been public hearings. It seems to me, Mr. President, that our obligation to the American public is no less now than it has been in the past. We have the same responsibility to conduct public hearings now as we did in the past.

So the question then remains, Mr. President, whether or not we are going to stand up for this institution, whether or not we are going to stand up for the regard that the public has of this institution's business, whether or not we are going to allow in this particular instance for raw power to determine whether or not we air these issues in public or whether or not they will simply be covered up.

I do not believe that the Members of this body want to be seen as participating in a coverup. I do not believe that the Members of this body want to be seen as participating in any diminution of stature in regard to this institution, in the minds of the American people.

Mr. President, again, this is not a personal issue. I also happen to be the first woman—the only woman—to serve on the Senate Finance Committee. I have had occasions to work with Senator PACKWOOD. He is a brilliant man. He has certainly been fair. He certainly has been fine to work with.

In that regard, it puts me in a very difficult situation to stand on this floor and to take this position in the collegial atmosphere of the Senate. I have to say that service on the same committee—notwithstanding the fact is this is not a partisan issue, this is not a personal issue. This is not an issue of Senator PACKWOOD's ethics. This is an issue going to the ethics and the regard of the U.S. Senate in the minds of the American people.

I believe that toward that end and in defense of this institution, we have an obligation, a moral obligation, if you will, to support the amendment of the Senator from California.

I yield the time back to the Senator from California.

Mrs. BOXER. Mr. President, I see the Senator from Kentucky on the floor, so I will defer to see if he wants to make a statement. I yield the floor.

The PRESIDING OFFICER. If no one yields time, the time will be deducted equally from both sides.

Mrs. BOXER. Mr. President, I suggest the absence of a quorum. I ask that the time be charged to the other side, since they have no speakers at this time.

Mr. MCCONNELL. Mr. President, I object.

Mrs. BOXER. Mr. President, I have to say this is a very sad day for the Senate. It is sad for a number of reasons.

It is sad because we ought to all be for public hearings. That is the right thing to do. It is also sad that because clearly we have a lot of speakers on our side who wish to express themselves, who are assuming there would be speakers on the other side to participate in the debate.

I think there is an obvious point being made here, which I will let others interpret.

I think something that the Senator from Illinois said ought to be thought about. Namely, why no Member is willing to come over here at this point and debate on the other side.

Another point that was made by my friend from Maryland when she says, "Don't kid yourself. Whether there is a public hearing or not, there's going to be a public hearing," because this is the United States of America.

The American people already, 2 to 1, are in favor of public hearings in this matter, when they watch this debate. Unless we prevail, I think they will demand it.

Ms. MIKULSKI. Mr. President, will the Senator yield? When I said there would be a public hearing, even if your amendment is defeated, the women are counting on the U.S. Senate to provide a forum. They have counted on us for 30 months.

If, in fact, the Senate rejects that opportunity, and rejects them, I believe that the women will conduct some type of forum themselves—I do not know that.

I will reiterate the point that I have never spoken to the women as a member of the Ethics Committee. I have followed the rules of the Ethics Committee and never spoken to those women.

They are going to tell their story. I would much rather that they tell their story in an organized format in the Senate than through a series of other forums.

Mrs. BOXER. I think the Senator made such an excellent point here, because some of the things we hear whispered around here are, "This is too embarrassing. We better have this behind closed doors." If anyone on the other side thinks this is going to stay behind closed doors simply because they tried to close the doors today, they are mistaken. Because this is America. This is not a tyranny. This is not a country that gags its people.

At this time I yield 4 minutes to my friend from Vermont, Senator LEAHY. I am very proud he has come over to join the debate.

Mr. LEAHY. Mr. President, I agree this is a matter that should be heard before the Senate and heard in public. There is no question it is going to be heard, one way or the other. But we Senators, no matter how painful it might be, no matter how torn any one of us might be individually, for the good of the Senate—and that is important in our constitutional government —for the sake of trust in elected officials in the Senate, these hearings should be held here.

Certainly, for the women who have waited to be heard, the accusers in this case, ought to be heard and heard in public. For the Senator in question, he ought to be able to be heard in public, be able to hear his accusers and give his answers.

But I worry: in a country like ours, a democracy where our Government operates on the trust of the people, that the U.S. Senate should be the conscience of the Nation. The Senate, with our 6-year terms, with our unlimited debate, is the body that can be the conscience of the Nation. We are not reflecting that conscience if we do not have open hearings. Not because anybody in this body will relish this, but because we know, every single Senator knows in his or her soul, that it is the right thing to do. Every single Senator in this body knows in his or her soul that, if we are to be the conscience of the Nation, we must do this publicly before the Nation, no matter how difficult it is.

None of us knows how these hearings are going to unfold. When I was a prosecutor I presented a case, the other side presented a case, and the court ruled. Here, in a way we become judge and jury together. For many of us that is a unique experience. But for the U.S. Senate, it is not a unique experience. It has over 200 years of proud history. It is the body that has, time and time again, allowed the conscience of the Nation to be expressed. Unless we do it here openly, we do not uphold our own conscience, we do not uphold the standards we ask of others, and we do not uphold the standards of a great institution.

I hope the whole Senate will rise and support the Senator from California and say, let us have the open hearings. Whatever happens, we will have them, for the good of the Nation, for the good of the individuals involved, but also for the long term good of this fine institution.

I yield the floor.

The PRESIDING OFFICER (Mr. GREGG). Who yields time? The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, I was doing some work on matters for my constituents, and my staff tells me there is some suggestion that there might not be any speakers on this side of the issue. Let me disabuse my friends on the other side of that notion. It is my understanding, under the unanimous consent agreement, each side had 2 hours. We are prepared to use some or all of that time.

Let me say at the outset that I am told a number of Senators have suggested that a 3-3 vote in the Ethics Committee is not a decision. In fact it is a decision. The Ethics Committee was crafted on purpose to require four votes from a bipartisan committee to take any affirmative action. So at the outset let me make it clear, there is no deadlock to be broken. A decision was made on the public hearing issue.

Also, let me suggest that the resolution offered by my friend from California, ironically in the name of precedent, really seeks to uphold a precedent that does not exist—it simply does not exist—but demolishes other precedents which do exist and are vital to the ethics process and to the Senate.

One precedent which it destroys is that, in the 31-year history of the Ethics Committee, there has not been a single occasion upon which the full committee—the full Senate—injected itself into the process and sought to push the committee one way or the other or to overturn decisions the committee had properly taken.

Mr. President, with regard to the argument about whether there are precedents for public hearings, let me say that, while there is a consistent precedent for no interference with the procedures of the Ethics Committee by the full Senate until the full Senate is presented with the final product, there is a clear precedent for not doing that, which the approval of the BOXER proposal would violate, setting a new precedent. There is no precedent on the issue of public hearings.

The Durenberger case, for example, was a staged presentation with a prescripted proceeding, without witnesses and without cross-examination, hardly in any way what we would normally consider a public hearing.

In the Cranston case, there were some public hearings. They were used in the preliminary fact-gathering phase alone and not later in the case. The committee decided, actually, in the Cranston case not to hold public hearings, at a point when its rules and procedure provide, at the end of the inquiry.

So, with regard to the precedent issue, there is no clear, consistent precedent for holding public hearings at the end of major investigations in the Ethics Committee. But there is a 31-year precedent for not having the full Senate bind the Ethics Committee in any particular case. And while I suppose it could be argued that the amendment of the Senator from California is generic in nature, it is certainly no accident that it is being offered at this particular time. This is not the normal way in which we would change a committee rule.

So make no mistake about it, Mr. President. The precedent that would be set today would clearly be the beginning of the end of the ethics process, because you can imagine what would happen, particularly around campaign season when out here on the floor where there is always a majority and always a minority—unlike the Ethics Committee where it is 3-3—the temptation to offer amendments directing the committee to do this or to do that would be overwhelming, particularly as you get closer and closer to an election.

The second point I want to make, Mr. President, and those members of our committee on both sides who have served for the last 2½ years, I think, all agree that the professional staff of the Ethics Committee is completely nonpartisan. The same folks who are working there now under my chairmanship were there working under the chairmanship of the vice chairman last year. This professional staff, which has its reputation on the line in this case as well—these are professional investigators who serve the Ethics Committee on a nonpartisan basis. There is no partisan hiring whatsoever in putting together the staff of the Ethics Committee. They know more about this case than anybody else, more than I know, more than the vice chairman knows, and on many occasions members of the committee from both sides on our committee have praised the work of the staff.

In almost every instance we have followed their advice and counsel in working on this case, or other cases. The staff in this case, Mr. President, recommended that public hearings were not appropriate.

Why did they do that, this group of skilled professionals who have their own reputations on the line in a high-profile case like this? Mr. President, I think the answer is rather clear. There are two investigative criteria for holding hearings. One is to ensure the completeness of the evidentiary record—to ensure the completeness of the evidentiary record—and the second would be to assess the credibility of the witnesses who gave testimony.

The Ethics Committee, first and foremost, is an investigative body, and investigative criteria must be applied to our decisions. The staff judgment was that the evidentiary record is not just complete, the staff judgment was that the record was not just complete; it was encyclopedic and ready for final decision. Hearings would be needed only if witness credibility was in doubt tested by questioning and cross-examination.

Every committee member, Mr. President, has strong feelings about the believability of the testimony given to us through sworn depositions. No hearings are going to change that—we have voluminous sworn depositions before us—and poring over those.

In addition, there is the question of delay. The staff opinion is that real hearings would take at least 2 months, actually probably much more than that, given the preparation time involved to get ready for having them.

So we needed to ask: Is there another way to make our proceedings in this case public without adding unnecessary delay to a 2½-year-old case? The fact that the public has a right to know all the relevant information in this case is really not in dispute. The relevant sworn testimony of witnesses who came forward will be shared with the public. The Senate and the public will have all the relevant facts prior to the disciplinary action.

So it is not a question of whether the public is going to be denied information relevant to the final decision.

The resolution of the Senator from California, in effect, Mr. President, destroys the independent ethics process. I have some personal knowledge of this. I happen to have been a summer intern here in the summer of 1964, the year I graduated from college. I was in Senator John Sherman Cooper's office. Some of the folks here in this body who have been around for a while remember Senator Cooper. He is something of a legend in Kentucky, known for his integrity and his wisdom. Interestingly enough, it was Senator Cooper's resolution in 1964, the year I was an intern here, that created the Ethics Committee. What he was trying to do was to get misconduct cases—this was in the case of the Bobby Baker incident—which in those days was handled by the Senate Rules Committee, and, obviously, the Rules Committee, like every other committee of the Senate except the Ethics Committee, was controlled by the majority. So there was a sense, after the Bobby Baker case, that it really was not handled all that well, and both sides felt that way.

So it was Senator Cooper's vision that there would be created an evenly balanced committee, in effect, forced to be bipartisan because of the nature of the committee, and that committee, to act in any affirmative way, would have to achieve four votes. It would require bipartisanship to go forward. Mr. President, for 31 years this process has stood the test of time until today.

The Ethics Committee, as Senator Cooper envisioned it, was to be empowered to investigate cases as it—it—saw fit without outside intervention. The committee's authority was intended to be exclusive and absolute through the investigative phase.

Obviously, at that point it was envisioned the committee's work would come to the full Senate typically with a recommendation for action which only the full Senate could approve. The whole idea, Mr. President, was to make it possible in this most political of all places to have a bipartisan investigation, and the process has served the Senate well. And at no point during the 31-year history has there been a resolution offered, debated, and voted upon in front of the full Senate seeking to tell the committee what to do.

So the resolution of the Senator from California will shatter this 31-year precedent, and the new precedent for the future will be a way of proposals on the Senate floor to suggest that the committee open a case here, close a case there, do this, do that. That will be the precedent.

The approval of the proposal of the Senator from California would destroy the vision of Senator Cooper, and others, that the Senate could, at least through the investigative phase, remove a misconduct matter, deal with it on a bipartisan basis, and then produce a final product for the floor of the Senate.

All future Ethics Committee actions, Mr. President, or split votes—which, as I have already indicated earlier, is a decision—would be fair target for bruising, public floor fights.

Currently, the Ethics Committee sets aside preelection season complaints. Now I am fairly confident that the wave of the future will be resolutions in the Chamber forcing immediate action on one matter or another.

The resolution of the Senator from California sends really an unequivocal message. The Ethics Committee can be treated like a political football, propelled in any direction that the majority seeks to push it—kicked around by any Member who wants to push a political or personal agenda. The approval of the Boxer resolution would be the beginning of the end of the Ethics Committee and a return to the bad old days. And the bad old days before 31 years ago were to deal with misconduct cases on a partisan basis.

The other irony, Mr. President, is that the principal loser under a system which allowed the majority to control misconduct cases would be the minority party in the Senate. So the other ironic effect of the proposal of the Senator from California is to force a matter out of a bipartisan forum onto the floor of what arguably is one of the more partisan places in America. In what way does the minority party benefit from, in effect, ending a bipartisan forum?

Second, Mr. President, while we are discussing precedents, the resolution of the Senator from California clearly violates the precedent set earlier in this case when we had before the full Senate the question of the subpoena of diaries. Just a little while back, in 1993, I remind my colleagues, the Senate voted 94 to 6 to enforce the Ethics Committee's subpoena of the Packwood diaries. The Senate also voted 77 to 23 against an amendment restricting the committee's access to diaries. And clearly what was in this Chamber just in the fall of 1993 was a question of whether the committee judgment was going to be sustained. My friend from California and others were emphatic in saying the Ethics Committee should handle the case. Unfortunately, that was then and this is now.

At that time, both Democrats and Republicans argued that the Ethics Committee had exclusive authority to investigate misconduct without interference from the full Senate or from any single Member, and that was just in the fall of 1993. The Senate voted overwhelmingly that the Ethics Committee alone had the right to determine what procedures it should follow in conducting investigations. Senators from this side of the aisle voted almost unanimously against the interests of one of our own. Republicans voted against the demands that one of their own was trying to impose on the committee.

I know it would be extremely tough for someone on the other side of the aisle to oppose the resolution of the Senator from California, but I hope there may be a few listening to this debate who will think through the ramifications of the passage of the Boxer amendment. Remember, there is no deadlock. Three-three on the Ethics Committee is a decision. It takes four votes to do anything affirmatively in the ethics process. Make no mistake about it. This proposal is designed to overturn a decision already taken by a bipartisan committee.

Now, this vote today, in my judgment, is not about Republicans versus Democrats or, in my view, even being for or against public hearings. This vote is about whether the Ethics Committee should be allowed to do its work, to do its work without interference or second-guessing from the floor at least until it finishes its job. And that is important to understand. It is not like any individual Senator or group of Senators are not going to have ample opportunity to express themselves, to condemn the work of the committee, to argue that we should have done this or should have done that. None of those options are waived, Mr. President, by allowing us to finish our work. As a matter of fact, given the controversial nature of this case, it is inconceivable to me that we are going to be applauded by very many of our friends up in the gallery or anybody on the other side no matter how we handle it. The question is will we be allowed to finish? And—and—will the process be changed, the 31-year precedent of no interference in this bipartisan committee's work?

Many of us like to quote our senior colleague from West Virginia because he has said many wise things when it comes to this institution and what is necessary to protect it. Back during the diary debate, the diary subpoena debate in this case, Senator BYRD said, "If we turn our backs on our colleagues who have so carefully investigated this difficult matter, we may as well disband the committee."

I do not know where we go if we are going to set the precedent that the committee is to be in effect micromanaged from the Senate, but it does make one wonder whether this is a useful process. The committee is either going to be allowed to finish its work without interference from the floor or it is not. And if it is not, then I wonder why anybody would want to serve on the Ethics Committee. My colleagues, Senator CRAIG and Senator SMITH, and I have scratched our heads on that issue occasionally and wondered why we agreed to do it in the first place.

Imagine a scenario under which this Ethics Committee or any Ethics Committee knows that all along the way, at any crucial point or at any time when somebody is trying to score a political point or wants to make a few headlines, they are going to be out on the floor of the Senate in an awkward position trying to protect confidential information that they know about and at the same time trying to engage in a public debate on a case not yet finished. I do not want to be an alarmist here, but it seems to me there is no point in having the Ethics Committee if that is the way it is going to be from now on.

I cannot imagine that anybody would want to serve. I just cannot imagine it. It is not much fun now, I can assure you. It is not the way I particularly want to spend my afternoons. But imagine if in addition to presiding over the toughest kind of investigation against one of your own colleagues, you know that all along the way during the process you are going to be out here like we are today getting a bunch of bad press, trying to do what you think is right, while one or more Members of this body get terrific editorials and terrific headlines standing up for what appears to be the popular thing.

So I think we ought to think it through, Mr. President, whether or not if the Boxer resolution passes—and I say, think this through on a bipartisan basis, really—whether we want to continue to have an Ethics Committee. Maybe we go back to the Rules Committee. Maybe Senators think that would be a better way to do this. Of course, the Rules Committee is controlled by the majority party, and some people might be concerned that the Rules Committee might be a little less enthusiastic about pursuing a Member of the majority than a Member of the minority.

But maybe I am off base here. Maybe it would not operate that way. Maybe people would on the Rules Committee just kind of rise above party affiliation and be just as interested in pursuing examples of alleged cases of impropriety against Members of the majority as they would against Members of the minority. Or maybe we ought to just throw up our hands and say, "We cannot do this job. Let us let outsiders do it." Some have suggested that.

Well, Mr. President, one thing you can say about the case that has generated this floor debate, it is the toughest investigation in history. As I said earlier, it has been the mother of all ethics investigations. The witnesses have consistently praised the committee's comprehensive inquiry. The handling of the Packwood case outshines all previous investigations of sexual misconduct, certainly here because we have not had any, and compared to the House, which has had 5 in the last 10 years, the handling of this has been vastly superior in every measurable way.

The committee has interviewed 264 witnesses, taken 111 sworn depositions, issued 44 subpoenas, read 16,000 pages of documents, spent 1,000 hours in meetings. And even in spite of all of that, if the Senate will allow us to finish our work, the Senate will indeed have an opportunity at the appropriate time to substitute its collective will for ours.

The Senate will have a chance to challenge committee action. The Senate rules give broad latitude—broad latitude—for floor action after the committee's work is done. Any Member can accept, reject, or modify the recommendations of the committee at the appropriate time. No rights are waived. No rights are waived by allowing the committee to finish its work.

But to undermine the work of the committee in the middle of the case takes away its independence. It is tantamount to abolishing the committee outright or maybe dissecting it piece by piece by piece.

Let me say in conclusion, Mr. President, every precedent weighs against the resolution of the Senator from California. And precedents do not mean a thing, Mr. President, if they are not upheld in difficult cases.

Let me say again, there is no clear, consistent precedent for full-fledged public hearings at the end of every investigation involving ethics.

I may speak again later, but let me say, regardless of the outcome, I pledge as chairman of this committee we are going to try to finish our work. We are going to try to finish it in good faith. And let me say I would be less than candid if I did not say that the spilling over of this case on to the floor of the Senate has divided our committee. We have been able to work together on the whole, I think, on a good, bipartisan basis in this long and difficult investigation. There is no question that we have been feeling the strain. And I hope that once this unfortunate floor proceeding is over, that the six of us who have actually in many ways become good friends during the course of this difficult assignment, will be able to come back together, finish this case, do what is best for the Senate, for the American people, and for Senator PACKWOOD.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has approximately 1½ hours.

Mr. MCCONNELL. Mr. President, I yield such time as he may desire to the Senator from New Hampshire.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. SMITH. I thank the Senator from Kentucky for yielding.

Mr. President, in seeking office to be a U.S. Senator, it was not my hope that I would ever be in the position that I am now in on the floor of the U.S. Senate as a member of the Ethics Committee essentially debating in some ways regarding a case involving one of our colleagues. It is not something you look forward to.

But before entering into the discussion of the Boxer amendment, which I strongly oppose, I just want to say regarding the chairman of this committee—and frankly, his predecessor as well, Senator BRYAN—starting first with Senator BRYAN, I served on the Ethics Committee and I have served for the past 4 years on that committee, a year—2½ years of that—3½ years of that was under the chairmanship of Senator BRYAN. Never, ever under any circumstances did I see any partisanship reflected by him or his colleagues on the committee. We always worked together in the spirit of knowing, frankly, as you refer to this case, but for the grace of God it could be some or one on the other side.

See, as Senator MCCONNELL has so brilliantly outlined, that is the beauty of the whole concept of the Ethics Committee, Mr. President, to the fact that we have taken this whole issue of judging a colleague out of the hands—out of the hands—of politics and put it into a nonpartisan, rather than bipartisan, in my estimation, Ethics Committee.

Senator Cooper, who was referred to by Senator MCCONNELL, who helped to craft this legislation to create this committee, was brilliant, in my estimation. Is it a perfect process? No. I can certainly attest to that, as can any of my colleagues who have served on this committee.

Senator MCCONNELL, as the chairman of this committee, involving a major case of one of our colleagues on our side of the aisle, has taken more abuse than any chairman of this committee that I can recall in recent times. And every word of it, every single word of it has been unfair. And I happen to know because I have served with him every step of the way, both when he was ranking member and as chairman. He has taken it from the press, he has taken it from colleagues on his side of the aisle, he has taken it from colleagues on the other side of the aisle. And none of it, none of it, is justified.

I know how frustrating it is—because I have been in the Senate when I was not a member of the committee—when there is a case of this magnitude, or any case that is before this committee, to not know what is going on, meeting behind closed doors, if you will. There is a reason for that.

No, it may not be popular out there in the public. It is certainly not going to be popular when you have colleagues like Senator BOXER railing against the process on the floor of the Senate. No, it is not going to be popular. It is going to be unpopular because when Senator BOXER and others rail against the process on the Senate floor, they will make it unpopular. That is why it is unpopular.

There is no confidence in public officials or public institutions, it has been said on the other side of this debate. When I say "on the other side of this debate," I do not necessarily mean all of the other party. But that is the reason why, because with all due respect to my colleague, she did not give us the opportunity to render a decision, not a decision in regard to Senator PACKWOOD in terms of punishment, if any. No, no; that is not the issue. She did not give us a chance to render a decision on whether or not there was going to be a public hearing.

This issue is not about a public hearing. Let us be honest about this. This is not about a public hearing. If it was about a public hearing, with all due respect to the Senator from California, the Senator from California would have waited until the Ethics Committee took a vote and, as it turned out, it was 3 to 3. Then she would have come to the Senate floor and criticized the vote, which she has a right to do, and say we should have had public hearings.

But that is not what happened, I say to my colleagues. Senator BOXER decided, before the Ethics Committee made a decision, that she was going to criticize the Ethics Committee to intimidate the Ethics Committee and break up the process, the nonpartisan process. That is what happened. That is exactly what happened, and my colleagues know that is what happened, and that is wrong. We have now interjected the ugly aspect of partisanship into this process.

I heard it said on the floor of the Senate prior to this debate that the three of us on our side of the aisle in this case had made up their minds and had already announced their decisions. This Senator had not made any such decision, and my colleagues on the other side of the aisle know it. If they are honest about it, they will admit it, because I never made any statements until just days, a couple of days, before this whole thing happened, did I ever say to one of my colleagues on the other side of the aisle how I was voting. I did not know how I was going to vote. I tried to keep an open mind.

I heard Senator MIKULSKI say in the debate a while ago that I have always been in favor of public hearings. Let me just say, that is not true. In my case, I was never always against public hearings. You know what; I tried to listen to the merits of this case and I tried to make my mind up on whether or not there should be a public hearing based on what I heard after 2½ years. I did not make my mind up on anything, not anything at all, because it is too important to do that.

This is a colleague that we are talking about; these are victims out there that we are talking about. They all deserve—they all deserve—a fair process, and the process that has been outlined by Senator MCCONNELL is fair. It is fair, and it keeps politics out of it. It allows the Senate Ethics Committee to operate not under the pressures of what is popular out there, or unpopular out there, whatever the case may be, not what the Washington Post says or anybody else says out there in the media, not what is written on the editorial pages, no, and not what is said on the floor of the Senate in some partisan debate. That is not the way we are supposed to operate. We cannot operate that way.

I urge my colleagues to consider that when you vote. Forget about the "D" or the "R" next to your name and think about it. Think very carefully about it, because as Senator MCCONNELL has said, we very well may be back to the Rules Committee making decisions.

I do not know who in the world, as he said, would serve on the Ethics Committee if before you make a decision on anything, be it public hearings or final decision, we have to be told or intimidated by debate as to what may be popular how we are supposed to rule. That is not the process.

As Senator MCCONNELL also said, we never had any partisan rancor in this case; a little bit of it when we had the situation on the floor over the diaries, but minimal. But in terms of the meetings that we had, I do not know how many hundreds of them we have had and the hours we have spent.

I was sitting here and did not check the record—and I will be happy to stand corrected if I am wrong—I cannot recall one vote, not one, that was 3 to 3 on anything that we have done on this case, and we have had one heck of a lot of votes. This is the only one. It was 3 to 3.

I have to deal with my own conscience and with my own Creator, and I made that decision not based on whether there is an "R" next to my name or not, thank you, I say to Senator BOXER, but I made it on the basis of what I thought was right. That is how I made my decision. And my colleagues on the committee who have worked with me for the past 4 years know it.

The Senator seeks to undermine the bipartisan nature of this committee. It is a very dangerous road to travel down. The many issues that we face with other committee members have been handled not only in a bipartisan, nonpartisan, but a respectful manner—respectful manner.

I truly believe that each member of this committee feels strongly about every case we have worked on, about each Member's conduct we have judged, and the effect every case has on the Senate as an institution, as well as the victims, as well as the Senator accused—but also the Senate.

I can honestly state that I have never seen any partisanship until now. I understand the pressures, and I regret very much that because of those pressures, some have had to succumb to this. I regret very much—and I do not cast any personal aspersions, and my colleagues know that—but I regret very much for the few moments that I was in the chair earlier this afternoon, seeing all of my colleagues on the other side of the aisle on the Ethics Committee converged around the Senator from California with their staffs, working on an amendment which, in essence, guts the entire Ethics Committee process. I regret that very much. I want to get that out on the floor as a matter of public record. I regret it very much.

At each step of this investigation, with a Democrat as chairman, with a Republican as chairman, we have conducted our business fairly, bipartisanly, and we have never left a stone unturned that I am aware of, and that includes the committee. When Senator MCCONNELL took over as chairman of the committee, he did not change one staff member; not one. Can we say that about other Senate committees after the parties changed power? Not one staff person. It did not even cross his mind. It was never discussed, ever.

We cannot circumvent the procedure that we have here. If this Boxer amendment is adopted, no longer—no longer—will there be a thoughtful discussion of the facts among committee members, no more thoughtful discussions. It will be what is popular.

I resent very much—and I again want to be strong in my statement—I resent very much some of the terms that have been used on the floor in this debate: "Whitewash"; "sweep things under the rug"; "behind closed doors"; "men's club." I have heard all of it. I have heard all of it, and it is an insult, frankly, to all six members, and all six members know it is an insult.

The public has a right to know; it absolutely has a right to know the facts in this case. I spent 6 years on a school board, 3 years as its chairman. I strongly support the public right to know, the right-to-know laws, and full public disclosure. I take a back seat to no one on that.

I can tell you that when this case is concluded, everything that this committee knows the public will know. I can also tell you that after the decision is rendered and this case is discussed on the floor, you can ask any question that you want to ask of this Senator, of any other Senator on the committee, any information. It is all there. You will have it all. You can question anything you want—anything. You can overturn any decision we make. You can agree to any decision we make. But that is the way the process is supposed to work, and that is not what is happening now.

Think about this. In this case, it is a popular thing that Senator BOXER has brought up here. It is popular in the sense that somehow the perception is that a "men's club," a U.S. Senate with very few women, is somehow, because of this being an allegation involving sexual matters, sweeping something under the rug simply because we do not have public hearings. Hearings are supposed to produce new evidence, add to the debate. That is a decision for the committee to make, and we made it.

We made it in spite of the attacks that were made on this committee and the integrity of the process by the Senator from California. And I am glad we did, because it was the right thing to do. And tomorrow, God forbid, or next year, it may be someone on your side of the aisle, and you will be glad we did. You will be very glad we did.

Mr. President, in my judgment, we have enough information to move on the disciplinary phase of this process. I would like to end this 2½-year investigation, which has taken many, many hours of my time and days of my time, and that of my colleagues—time I would have liked to have spent with my family or on other matters. I believe that at its conclusion, most likely the case will be before you here on the floor. Every one of you will have the opportunity to make your own judgment.

I say to you, give us the chance, my colleagues. Vote against the Boxer amendment and give us a chance to be judged on the decision that we make. Give us that opportunity to be judged on the decision that we render.

Mr. President, I yield the floor.

Mr. MCCONNELL. Mr. President, I want to thank the distinguished Senator from New Hampshire not only for his outstanding comments here today, but also for his dedicated and principled service on the Ethics Committee. He has been absolutely indispensable to the process and has always conducted himself with the highest integrity, both in the committee and outside the committee, in how he has dealt with the matters before the committee and in complying with the rules of the committee. So I thank him very much for his kind comments.

Mr. President, another important member of our committee that has been with us during this process would like some time.

I yield the distinguished senior Senator from Idaho such time as he may need.

Mr. CRAIG. Mr. President, I thank the chairman of the Ethics Committee. Let me inquire of the Chair, are we to move to recess at 4 o'clock for the purpose of the conference, or is there any standing UC on that?

The PRESIDING OFFICER. There is no pending unanimous-consent request on that.

Mr. CRAIG. All right.

Mr. President, I, like all of my colleagues, come to the floor today gravely concerned about the ability of the Ethics Committee of the U.S. Senate to function in an appropriate manner and to render its decisions and to bring those decisions to the floor of the U.S. Senate to be considered by our colleagues.

At the outset of my comments, let me recognize the chairman from Kentucky, who has, in my opinion, served in an honest and forthright way to cause this procedure to go forward in a timely fashion, but in a thorough and responsible fashion, so that the accused and the victims of this issue could be considered appropriately. I think he has done an excellent job. And I must also say that, in my over 1½ years of service in this body, I also served under the Democrat chairman. He, too, functioned in the same manner.

As has been mentioned by my two colleagues, the staff of that committee is, by every respect and every test, bipartisan. They have worked in that fashion untold hours to bring about a body of knowledge and information from which we should make decisions that is probably, in total, unprecedented in number of pages and hours of work effort involved.

For the next few moments, then, let me read something into the RECORD that I think is extremely valuable for the Senate to focus on, because somehow in this proceeding, there is an attempted air of suggesting that things are being done behind closed doors, and that that somehow is unfair to the process and unprecedented in the openness of the U.S. Senate, and, therefore, judgments and decisions rendered inside that environment could somehow be distorted on behalf of a colleague under consideration and against those who might be victims.

Let me read:

May 17, 1995. The attached resolution of investigation was unanimously voted by the Senate Select Committee on Ethics on May 16, 1995.

RESOLUTION FOR INVESTIGATION

Whereas, the Select Committee on Ethics on December 1, 1992, initiated a Preliminary Inquiry (hereafter "Inquiry") into allegations of sexual misconduct by Senator Bob Packwood, and subsequently, on February 4, 1993, expanded the scope of its Inquiry to include allegations of attempts to intimidate and discredit the alleged victims, and misuse of official staff in attempts to intimidate and discredit, and notified Senator Packwood of such actions; and

Whereas, on December 15, 1993, in light of sworn testimony that Senator Packwood may have altered evidence relevant to the Committee's Inquiry, the Chairman and Vice-Chairman determined as an inherent part of its Inquiry to inquire into the integrity of evidence sought by the Committee and into any information that anyone may have endeavored to obstruct its Inquiry, and notified Senator Bob Packwood of such action; and

Whereas, on May 11, 1994, upon completion of the Committee staff's review of Senator Packwood's typewritten diaries, the Committee expanded its Inquiry again to include additional areas of potential misconduct by Senator Packwood, including solicitation of financial support for his spouse from persons with an interest in legislation, in exchange, gratitude, or recognition for his official acts;

Whereas, the Committee staff has conducted the Inquiry under the direction of the Members of the Committee; and

Whereas, the Committee has received the Report of its staff relating to its Inquiry concerning Senator Packwood; and

Whereas, on the basis of evidence received during the Inquiry, there are possible violations within the Committee's jurisdiction as contemplated in Section 2(a)(1) of S. Res. 338, 88th Congress, as amended;

It is therefore resolved.

I. That the Committee makes the following determinations regarding the matters set forth above:

(a) With respect to sexual misconduct, the Committee has carefully considered evidence, including sworn testimony, witness interviews, and documentary evidence, relating to the following allegations:

I am now going to proceed to read 18 different allegations. Mr. President, am I divulging secret information? Is this something that was held behind closed doors? Am I, for the first time, exposing to the public information that the committee has known that might otherwise come out in a public hearing?

No, I am not. This is a document that was put before the public and put before the press corps of this Senate some months ago. And it was thoroughly reported in many of the newspapers, on television and radio across this Nation.

(1) That in 1990, in his Senate office in Washington, DC, Senator Packwood grabbed a staff member by the shoulders and kissed her on the lips;

(2) That in 1985, at a function in Bend, OR, Senator Packwood fondled a campaign worker as he danced. Later that year in Eugene, OR, in saying good night and thank you to her, Senator Packwood grabbed the campaign worker's face with his hands, pulled her toward him and kissed her on the mouth, forcing his tongue into her mouth;

(3) That in 1981 or 1982, in his Senate office in Washington, DC—

And the allegations go on, all 18 of them, through 1969.

Then it says:

Based upon the committee's consideration of evidence related to each of these allegations, the committee finds that there is substantial creditable evidence that provides substantial cause for the committee to conclude that violations within the committee's jurisdiction as contemplated in section 2(a)(1) of Senate Resolution 338, 88th Congress, as amended, may have occurred; to wit, that Senator Packwood may have abused his U.S. Senate office by improper conduct which has brought discredit upon the U.S. Senate, by engaging in a pattern of sexual misconduct between 1969 and 1990.

Mr. President, I ask unanimous consent this document be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RESOLUTION FOR INVESTIGATION

Whereas, the Select Committee on Ethics on December 1, 1992, initiated a Preliminary Inquiry (hereafter "Inquiry") into allegations of sexual misconduct by Senator Bob Packwood, and subsequently, on February 4, 1993, expanded the scope of its Inquiry to include allegations of attempts to intimidate and discredit the alleged victims, and misuse of official staff in attempts to intimidate and discredit, and notified Senator Packwood of such actions; and

Whereas, on December 15, 1993, in light of sworn testimony that Senator Packwood may have altered evidence relevant to the Committee's Inquiry, the Chairman and Vice-Chairman determined as an inherent part of its Inquiry to inquire into the integrity of evidence sought by the Committee and into any information that anyone may have endeavored to obstruct its Inquiry, and notified Senator Packwood if such action; and

Whereas, on May 11, 1994, upon completion of the Committee staff's review of Senator Packwood's typewritten diaries, the Committee expanded its Inquiry again to include additional areas of potential misconduct by Senator Packwood, including solicitation of financial support for his spouse from persons with an interest in legislation, in exchange, gratitude, or recognition for his official acts;

Whereas, the Committee staff has conducted the Inquiry under the direction of the Members of the Committee; and

Whereas, the Committee has received the Report of its staff relating to its Inquiry concerning Senator Packwood; and

Whereas, on the basis of evidence received during the Inquiry, there are possible violations within the Committee's jurisdiction as contemplated in Section 2(a)(1) of S. Res. 338, 88th Congress, as amended;

It is therefore *Resolved:*

I. That the Committee makes the following determinations regarding the matters set forth above:

(a) With respect to sexual misconduct, the Committee has carefully considered evidence, including sworn testimony, witness interviews, and documentary evidence, relating to the following allegations:

(1) That in 1990, in his Senate office in Washington, D.C., Senator Packwood grabbed a staff member by the shoulders and kissed her on the lips;

(2) That in 1985, at a function in Bend, Oregon, Senator Packwood fondled a campaign worker as they danced. Later that year, in Eugene, Oregon, in saying goodnight and thank you to her, Senator Packwood grabbed the campaign worker's face with his hands, pulled her towards him, and kissed her on the mouth, forcing his tongue into her mouth;

(3) That in 1981 or 1982, in his Senate office in Washington, D.C., Senator Packwood squeezed the arms of a lobbyist, leaned over and kissed her on the mouth;

(4) That in 1981, in the basement of the Capitol, Senator Packwood walked a former staff assistant into a room, where he grabbed her with both hands in her hair and kissed her, forcing his tongue into her mouth;

(5) That in 1980, in a parking lot in Eugene, Oregon, Senator Packwood pulled a campaign worker toward him, put his arms around her, and kissed her, forcing his tongue in her mouth; he also invited her to his motel room;

(6) That in 1980 or early 1981, at a hotel in Portland, Oregon, on two separate occasions, Senator Packwood kissed a desk clerk who worked for the hotel;

(7) That in 1980, in his Senate office in Washington, D.C., Senator Packwood grabbed a staff member by the shoulders, pushed her down on a couch, and kissed her on the lips; the staff member tried several times to get up, but Senator Packwood repeatedly pushed her back on the couch;

(8) That in 1979, Senator Packwood walked into the office of another Senator in Washington, D.C., started talking with a staff member, and suddenly leaned down and kissed the staff member on the lips;

(9) That in 1977, in an elevator in the Capitol, and on numerous occasions, Senator Packwood grabbed the elevator operator by the shoulders, pushed her to the wall of the elevator and kissed her on the lips. Senator Packwood also came to this person's home, kissed her, and asked her to make love with him;

(10) That in 1976, in a motel room while attending the Dorchester Conference in coastal Oregon, Senator Packwood grabbed a prospective employee by her shoulders, pulled her to him, and kissed her;

(11) That in 1975, in his Senate office in Washington, D.C., Senator Packwood grabbed the staff assistant referred to in (4), pinned her against a wall or desk, held her hair with one hand, bending her head backwards, fondling her with his other hand, and

kissed her, forcing his tongue into her mouth;

(12) That in 1975, in his Senate office in Washington, D.C., Senator Packwood grabbed a staff assistant around her shoulders, held her tightly while pressing his body into hers, and kissed her on the mouth;

(13) That in the early 1970's, in his Senate office in Portland, Oregon, Senator Packwood chased a staff assistant around a desk;

(14) That in 1970, in a hotel restaurant in Portland, Oregon, Senator Packwood ran his hand up the leg of a dining room hostess, and touched her crotch area;

(15) That in 1970, in his Senate office in Washington, D.C., Senator Packwood grabbed a staff member by the shoulders and kissed her on the mouth;

(16) That in 1969, in his Senate office in Washington, D.C., Senator Packwood made suggestive comments to a prospective employee;

(17) That in 1969, at his home in Virginia, Senator Packwood grabbed an employee of another Senator who was babysitting for him, rubbed her shoulders and back, and kissed her on the mouth. He also put his arm around her and touched her leg as he drove her home;

(18) That in 1969, in his Senate office in Portland, Oregon, Senator Packwood grabbed a staff worker, stood on her feet, grabbed her hair, forcibly pulled her head back, and kissed her on the mouth, forcing his tongue into her mouth. Senator Packwood also reached under her skirt and grabbed at her undergarments.

Based upon the Committee's consideration of evidence related to each of these allegations, the Committee finds that there is substantial credible evidence that provides substantial cause for the Committee to conclude that violations within the Committee's jurisdiction as contemplated in Section 2(a)(1) of S. Res. 338, 88th Congress, as amended, may have occurred; to wit, that Senator Packwood may have abused his United States Senate Office by improper conduct which has brought discredit upon the United States Senate, by engaging in a pattern of sexual misconduct between 1969 and 1990.

Notwithstanding this conclusion, for purposes of making a determination at the end of its Investigation with regard to a possible pattern of conduct involving sexual misconduct, some Members of the Committee have serious concerns about the weight, if any, that should be accorded to evidence of conduct alleged to have occurred prior to 1976, the year in which the federal court recognized quid pro quo sexual harassment as discrimination under the civil rights Act, and the Senate passed a resolution prohibiting sex discrimination, and taking into account the age of the allegations.

(b) With respect to the Committee's inherent responsibility to inquire into the integrity of the evidence sought by the Committee as part of its Inquiry, the Committee finds, within the meaning of Section 2(a)(1) of S. Res. 338, 88th Congress, as amended, that there is substantial credible evidence that provides substantial cause for the Committee to conclude that improper conduct reflecting upon the Senate, and/or possible violations of federal law, i.e., Title 18, United States Code, Section 1505, may have occurred. To wit:

Between some time in December 1992 and some time in November 1993, Senator Packwood intentionally altered diary materials that he knew or should have known the Committee had sought or would likely seek as part of its Preliminary Inquiry begun on December 1, 1992.

(c) With respect to possible solicitation of financial support for his spouse from persons with an interest in legislation, the Committee has carefully considered evidence, including sworn testimony and documentary evidence, relating to Senator Packwood's contacts with the following persons:

(1) A registered foreign agent representing a client who had particular interests before the Committee on Finance and the Committee on Commerce, Science and Transportation;

(2) A businessman who had particular interests before the Committee on Commerce, Science and Transportation;

(3) A businessman who had particular interests before the Committee on Finance and the Committee on Commerce, Science and Transportation;

(4) A registered lobbyist representing clients who had particular interests before the Committee on Finance and the Committee on Commerce, Science and Transportation;

(5) A registered lobbyist representing a client who had particular interests before the Committee on Finance.

Based upon the Committee's consideration of this evidence, the Committee finds that there is substantial credible evidence that provides substantial cause for the Committee to conclude that violations within the Committee's jurisdiction as contemplated in Section 2(a)(1) of S. Res. 338, 88th Congress, as amended, may have occurred, to wit; Senator Packwood may have abused his United States Senate Office through improper conduct which has brought discredit upon the United States Senate by inappropriately linking personal financial gain to his official position in that he solicited or otherwise encouraged offers of financial assistance from persons who had a particular interest in legislation or issues that Senator Packwood could influence.

II. That the Committee, pursuant to Committee Supplementary Procedural Rules 3(d)(5) and 4(f)(4), shall proceed to an Investigation under Committee Supplementary Procedural Rule 5; and

III. That Senator Packwood shall be given timely written notice of this Resolution and the evidence supporting it, and informed of a respondent' rights pursuant to the Rules of the Committee.

Mr. CRAIG. The reason I do that is to show you and the rest of the Senators who I hope are listening this afternoon that there has been a concerted effort on the part of the Ethics Committee, not only to thoroughly investigate but to, in a responsible and timely fashion, spread before the Senate and the public the process and the procedure by which the Senate Ethics Committee was conducting its charge and its responsibility in the investigation of Senator BOB PACKWOOD.

Mr. President, I have had the unique experience of serving on this Ethics Committee and the Ethics Committee in the U.S. House of Representatives. I have also had the unique experience of serving on both of those bodies during times of extremely high profile cases. During the time that I served in the House it was the time that the House Ethics Committee was investigating the Speaker of the House, Jim Wright. All during that investigation there was never a question that there should be public hearings. But there was always a tacit understanding that all of the findings and all of the information collected would become a part of the public record, and that it would become a part of the public record simultaneous to the decisions, the findings and the recommendations of that Ethics Committee to the whole of the U.S. House as to the penalties that might be brought down on the then Speaker, Jim Wright.

I must tell you, Mr. President, that is exactly how the Ethics Committee of the U.S. Senate plans to operate. That there will be full public disclosure. Less than a few days ago we voted unanimously to cause that to happen. That, upon our findings and upon our recommendations to the U.S. Senate we would spread, for the public's review and for the Senators' review, all of our thousands and thousands of pages of findings and all 264 witness depositions, the vast body of information that you have already heard about today that have been talked about by my colleagues.

Never once in my experience on any Ethics Committee in either of these two bodies have I ever voted against public disclosure. I believe it is our responsibility. I think it is, more importantly, the right of the public to know.

But I also recognize it is the responsibility of the Ethics Committee of the U.S. Senate so charged by the U.S. Senate to operate in a bipartisan—or as my colleague from New Hampshire said, a nonpartisan—environment, in which to render its decisions.

I was, frankly, very amazed to see our committee for the first time split apart on this issue. I do believe that this, in itself, could be one of the most precedent setting involvements that we have ever seen, precedent setting in the fact that after 32 years of nonpartisan or bipartisan relationships we now find ourselves causing that aisle to divide us on how this committee should operate before it has rendered its decision to the Senate as a whole.

Last week that professional nonpartisan staff looked at us, after having provided us with all of this information, and said: It is our recommendation that public hearings are not necessary. There is nothing to be gained. It appears that, after the exhaustive effort at full discovery that was a unanimous vote of the committee, that there is little or no information that can be gained. It is now time to make a decision. It is now time to review and to render to the Senate our findings for the purpose of the Senate agreeing or disagreeing on those findings and those recommendations.

I am therefore tremendously bothered and frustrated that we risk making partisan what some 31 years ago we took off from the partisan table. I understand the pressures. I understand the nature of the arguments being placed. I also understand the uniqueness of these particular allegations.

But in all fairness I find them no different, as it relates to the conduct of a Senator in this body charged with the responsibility of being a U.S. Senator, whether he or she acted in a proper and responsible fashion, or whether he or she did not. And that is exactly what the Ethics Committee of the Senate is charged with finding out.

I am also amazed that we have members of the committee who would suggest they ought to have the right to question witnesses. It is important for the U.S. Senate to know that, by a unanimous vote of the committee, we charged the professional staff with the responsibility of going forward to take depositions and at no time was any member of that committee barred from the right to attend those depositions and to question any and all witnesses. So I am a bit surprised today that any member of the Ethics Committee would come to the floor using the argument that they did not have the opportunity to question all of the witnesses of whom questions were asked and depositions were taken. That is not true. What is true was that they had that right but, because of the vastness of the investigation, we spread the bulk of that responsibility to the professional staff of the Senate Ethics Committee.

I also remember arguing and agreeing and voting unanimously to not leave one stone unturned, to examine all allegations, to ask all parties under which allegations had been launched as to any kind of relationship or involvement Senator PACKWOOD had with any individual. And I must say, in all fairness, in a wholly bipartisan voice, that the committee responded in an exhaustive bipartisan, nonpartisan fashion. So there is a precedent here, and it is a precedent of risk.

It is a precedent of politicizing. It is a precedent of making partisan this very nonpartisan approach to dealing with the discipline of U.S. Senators. Discipline is the responsibility of the Senate and of its calling, and all of us understand that. And all of us for 32 years in this body have taken it most seriously. Every Senator has one absolute uncontested right—that when the Ethics Committee renders its finding and its decision, and it brings it to the floor of the U.S. Senate for a full public debate, that any Senator can investigate and review those findings, make a determination, argue for or against, offer amendments to change judgments and decisionmaking, and proceed in that fashion. That is the way we have always functioned.

As the chairman of the committee said, never before in the middle of a proceeding has it ever occurred to the U.S. Senate to abruptly attempt to cause the rules of the Senate to be changed because a Senator comes to the floor arguing that something in an alternative fashion ought to be done. The Senate has the rule. The Ethics Committee has made a decision, and the decision was not to hold public hearings. The fundamental reason has already been stated, time and time again—upon advice of the professional staff. All of the information was available.

So if hearings are for the purpose of allowing the public to know and to collect additional information and the second criteria had been met, then what about the first criteria? That criteria has also been met, and that is to provide full public disclosure of all relevant information, which is nearly 100 percent of all of the documentation that has been put before the committee for its process.

So I have one simple closing plea that I offer to my colleagues, my fellow Senators. I hope they are listening this afternoon in their offices, and I hope that they will come to the floor to vote with this in mind. I ask my colleagues to allow us to finish our decisionmaking process, to allow us to bring to the floor in a responsible fashion our findings and our conclusions and our recommendation, and then for the Senate to do as they have done historically, and I believe responsibly: Judge us, judge our findings, and vote accordingly. I hope that is the case. I hope you will allow us to finish our work in a responsible fashion in defense of the victims, and in respect for the process, recognizing that in the end Senator PACKWOOD, too, has rights, and that we respect all parties as we work this issue to bring about that conclusion that I hope this Senate will honor and recognize in its vote on this issue this afternoon. To fulfill that request, your vote would be to oppose the Boxer amendment, which I believe is the appropriate vote in allowing this committee to continue to function with its responsibility at the request of the U.S. Senate.

Mr. McCONNELL. Mr. President, how much time is remaining on each side?

The PRESIDING OFFICER (Mr. INHOFE). Forty-nine minutes is remaining on your side; the other side has 36 minutes.

Mr. McCONNELL. Mr. President, I have a number of requests for time, so I am going to have to start allocating minutes, fewer minutes than I had hoped. Senator KASSEBAUM has indicated she wants to speak. Senator HUTCHISON has indicated she wants to speak. Senator SIMPSON is here. Senator BROWN is here. But I believe Senator BROWN is really sort of next in order. I would like to give to Senator BROWN 10 minutes.

I yield Senator BROWN 10 minutes.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. BROWN. Thank you, Mr. President. Thank you, Mr. Chairman. I appreciate the time.

The Senate is now deliberating a change in its rules, and ostensibly the question that should be before us is one of openness. I am for openness. I believe in openness and in sharing information—I think it is the foundation of our democracy. I am not just verbally for openness. I was a sponsor of Colorado's sunshine law. It is probably one of the most—or the most—progressive laws in the country. It guarantees open meetings. It talks about open records. It even guarantees that whenever legislators get together, even in a caucus, that the press is allowed to be there to make sure that information gets out to the public.

I not only advocate openness, I vote for it. But Members should be aware that the amendment before us is not just about openness. The deliberations of the Ethics Committee will come to the floor regardless of how they rule, and they will be open, they will be public, and they will be subject to debate. And the information will be there.

The decision has already been made to make the information, the documents, and the investigation public. This debate is not about whether or not the facts about this case become public. They will become public, and the documents will be open and available.

This debate goes to a different problem, one that is always possible with investigations of this type. The danger in this or in any investigation is that it will become bottled up in committee and never heard of again. I served 7 years on the House Ethics Committee. It is my impression that this problem surfaced on a number of occasions and that people who committed serious infractions simply waited for their terms to end while the committee investigated. Often the matter was never brought forth in time.

Even though openness and access to the public are important, Mr. President, it may surprise some to know that the House rules accommodated delay and coverup. They allow the committee to continue to deliberate and never bring the matter to a close thus keeping it from the public. I voted against those House rules.

But amazingly, the sponsor of this amendment voted for those House rules, consistently voting for rules which allowed the Ethics Committee to bottle up complaints. That is not openness, Mr. President. That is a vote for closed Government and turning a blind eye toward ethics violations.

In 1983, Mr. President, there was a motion on the floor of the House to create a select committee to investigate alterations in hearing transcripts, a serious infraction. Believing in openness, I voted for that investigation. But the author of the amendment before us did not vote for openness. She voted against that investigation. She voted to close it down, to not let people see what went on.

In 1983, there was a proposed change in the House rules to make it easier for committees to hold meetings that are closed to the public, precisely the issue that we are deliberating today. I voted against closed meetings. I voted against that motion in 1983 because I am for openness. But the sponsor of the amendment today voted for it, voted for the motion to make it easier to close meetings.

Mr. President, the question before us today goes beyond openness or closed meetings. It is about something far different.

In 1987, the House had a motion to further investigate Congressman St Germain and to report findings back to the House. I voted for that further investigation, for the openness, and for the report. The sponsor of the amendment that is before us voted against it. She did not vote for openness. She voted for closed meetings.

In 1987, further, there was a sense of the House that a special commission be established to investigate an allegation of corruption of Members, charging the select committee to come back with suggested reforms. I voted for that select committee and for that investigation because I believe in openness. But the sponsor of the amendment before us voted against it.

Mr. President, the bottom line is simply this. This amendment is not about openness. Each of us have had countless votes on which we can express our view and our feelings as to whether this body and the democratic process ought to be open. I am for openness, and I voted for it and I stand for it consistently. But this amendment is not about openness. The documents in this case are open and will be available to the public. The results of the deliberations will be open and publicly debated in this Chamber. This amendment is about partisan gamesmanship. I do not think it deserves to pass.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I would like to yield 5 minutes to Senator EXON of Nebraska.

The PRESIDING OFFICER. The Senator from Nebraska is recognized for 5 minutes.

Mr. EXON. I thank the Chair, and I thank my friend and colleague from California.

I have been listening with great interest to the debate. It is one of those painful debates that the Senate has to go through from time to time, and I have been through many of them. I simply say I think we all owe a debt of gratitude to Members on both sides of the aisle who serve on the Ethics Committee. It is a thankless task. I think I have supported the Ethics Committee any time there has been any controversy. I would simply say that I have served in this body longer than any other Member on either side of the aisle on the Ethics Committee, and therefore I think I have some claim to what I think is proper for this body and for this institution and for what it stands.

I wish to thank personally once again now by name the distinguished Members on both sides of the aisle who have served with great distinction, in my view, on the Ethics Committee, as have Members of the body before them, once again a totally thankless task. If I were charged with an ethics violation, I would have complete confidence, I might say to the President, and the Members on that side of the aisle, Senator MCCONNELL, Senator SMITH, Senator CRAIG, and likewise the three Senators on this side of the aisle, Senator MIKULSKI, Senator BRYAN—and, of course, Senator BRYAN used to serve as the chairman of the committee—and certainly the newest member of the committee has served with great distinction, the Senator from North Dakota, Mr. DORGAN.

I have no ill will toward any of them. I think they have done a very yeoman job. But we are now down to a situation where we have to make a decision, and I stand here today in defense of the Senator from California for what I think is a proper course of action.

I looked through the previous open hearings that we have held in the Senate since I have been here, Cranston in 1991, Durenberger in 1990, Harrison Williams in 1981, and Herman Talmadge in 1978. I was here through all of those. And I remember the difficult task, very difficult vote that we as Senators were called upon to cast after the Ethics Committee had made its recommendations, all of them, I might say, after open hearings.

Therefore, I simply say that I have been quite amazed at the broadside against the Senator from California for what I think is a very legitimate action on her part. When she first made her announcement of considering going to and asking the Senate to go on record, I intended to visit her about it and see what was behind it. Then about that time a Member on that side of the aisle made a public statement—it has not been retracted as far as I know—that I consider a direct threat to the prerogatives of the Senator from California, by saying if the Senator from California proceeded with her action, that Senator on that side of the aisle might well investigate other prominent Members of the Democratic Party on this side of the aisle.

That was a threat. That should never have been made. And it is about time to receive an apology for that.

With that statement, Mr. President, this one Senator, who tries to be evenhanded on these things, recognized and realized that the Senator from California was only doing what I think is right and should be done.

The Senate of the United States is on trial. The institution is being looked at by the American people today, and its credibility is on trial.

I have no ill feelings against Senator PACKWOOD at all. I have worked with him on many, many important measures over a long period of time. I would just happen to feel better, frankly, if the Senator—could I have 2 more minutes?

Mrs. BOXER. One more minute to the Senator. I am running out of time. One more minute.

Mr. EXON. I hope that maybe Senator PACKWOOD would be better served by open hearings.

In closing, let me say that if the amendment offered by the Senator from California fails, the Senate fails, and the time will never come when the Senate can redeem itself in the eyes of the public and/or the eyes of itself. The Senate self-esteem is at issue. It was important yesterday. It is important today. It will be important tomorrow.

The Senate itself is on trial, and I hope that it does not fail in accepting the amendment offered by the Senator from California.

The PRESIDING OFFICER. Who yields time?

Mrs. BOXER. Mr. President, I yield 4 minutes to the senior Senator from California, [Mrs. FEINSTEIN].

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. I thank the Chair very much.

Mr. President, I rise to support my colleague and her resolution, which I believe is appropriate, fitting, and not partisan. I do not believe that she had in mind a partisan effect at all. I believe she had in mind being able to conclude a process in a way which gave much fresh air and clarity and credibility to it. So I am pleased to support her.

I think every member of the Ethics Committee has worked hard in what has been a very difficult case. None of us likes to sit in judgment of another, and certainly the Senator at issue is one who is competent, who has had great credibility and great standing in this body.

Nonetheless, I came here in 1992, and this issue was very much with us in 1992. The allegations and the statements of the accusers have been printed and published all over the United States. The question really is, are they credible statements? And this question can only be answered by a hearing.

I heard the distinguished chairman of the Ethics Committee say 264 witnesses had been interviewed but, of course, that is by staff. The Senator from New Hampshire said, well, any member of the committee could sit in and listen to those depositions. That is not likely to happen with the busy nature of the life we lead in this body.

Human beings are certainly not perfect, and there may well be mitigating circumstances, but I think sexual misconduct, and particularly sexual harassment, is often misunderstood. It means different things to different people.

What is compelling to me is that 9 out of the 18 accusers have publicly asked for public hearings. Generally, this is not true. Generally, women do not want to come forward publicly. However, these women have publicly asked for the hearings.

As the Senator from California, my colleague, has pointed out, in every one of these cases, when the investigation has been completed, there has in fact been a public hearing. As I have heard stated on this floor, the reason not to have a public hearing is often to protect the accuser or the person who provides the testimony. However, that is not the case here.

I think the only way to successfully conclude this is with a public hearing. Why? Because questions can be asked. Questions can be clarified. Issues can be probed. And the degree of culpability can be established. Perhaps that is very low. Perhaps it is very great. Without a hearing, I have no way of knowing, as a non-Ethics Committee member.

Another reason that is important to me is the allegations have all taken place in the course and scope of the individual's duties as a U.S. Senator. This is not private, personal conduct. This is conduct that took place in public service, and many of the people involved are themselves Federal employees. So I think these allegations involve conduct about which a hearing must be held and a decision must be made.

Is it acceptable? Is it not? If it is not, to what degree? I think issues revolving around sexual misconduct are issues that need to see the clarity of day and the openness of probing questions, and their resolution. So I am very proud to support my colleague from California and to stand and say that I believe her motives were of the highest. And I am hopeful that this body will conclude the process as rapidly as possible.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. I want to thank my friend from California.

I yield 4 minutes to the Senator from Massachusetts, Senator KERRY.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I thank the Senator from California. I would like to begin by paying tribute and gratitude to Members on both sides of the aisle who served on the Ethics Committee. They bear an enormous burden. There are too few here willing to serve. And we should all understand the difficulty of that service.

Whether willful or not, Mr. President, the effect of denying a public hearing here is to sweep away the human voices and to replace them with paper. That is a denial of process. And it is a reversal of the very commitment made by the U.S. Senate recently where we voted to live the way other Americans live. If probable cause was found in a case of sexual misconduct against an American citizen, that American citizen would find themselves in a public situation facing an accuser, having a public review. It is only because there is this hybrid entity called an Ethics Committee that was set up, in a sense, to try to guide this special institution through its life that there is now a denial of that open process.

It is contrary to all prior precedent where you have had a finding of probable cause, where you have found substantial and credible evidence. In every substantial and credible evidence case, the U.S. Senate has had a public hearing. If we are going to apply the standard which friends on the other side of the aisle are now suggesting, that when you build a sufficient record of depositions, you can make a judgment, that because it is encyclopedic you do not have to have a hearing, then let us end the Whitewater hearings today. Maybe we should come in here with a resolution as an addendum to this to say we have an encyclopedia of depositions. Let them speak for themselves. We do not have to hear from all these other people. I know my colleagues would vote against that. It is a double standard, double standard for Alan Cranston, double standard for JOHN GLENN, JOHN MCCAIN, DON RIEGLE, and now here we are at a moment where the Senate has to make a judgment as to whether or not depositions speak like people.

BOB PACKWOOD had his moment before the members of this committee. It was sufficient for him to be able to come forward and look them in the eye and be able to be asked questions. But our colleagues are being denied that same right to provide a record. That is what is important here, Mr. President, the question of whether there will be a sufficiency of a record for the U.S. Senate, where people are put to the test. It may help BOB PACKWOOD to have some of these people asked questions publicly, to have the full measure of these accusations judged by the American people, not off paper that everybody knows they will never read, but in the full light of day. That is what this is really about. Staff doing a deposition is not a Senator asking a question within public scrutiny of the hearing process.

So I respectfully suggest, Mr. President, that based on precedent, based on the standard we have accepted in the Senate, based on the best means of providing process in this situation, i.e., adequate capacity to ask questions and to judge answers, it is appropriate for the Senate to explore this in public. And it is interesting to hear my colleagues suggest that somehow this is popular——

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. KERRY. Can I have 1 additional minute?

Mrs. BOXER. I yield 1 additional minute.

Mr. KERRY. I hear the notion of popularity. There is a reason that one is popular and one is not. That is because one judgment is correct and the other is not. This is not a matter of partisanship, and it should not be. But it is highly inappropriate to apply a different standard that suggests that we are going to shut the door and sweep away the human capacity to speak to what has happened. These probable cause issues rise not just to the question of sexual misconduct, but they rise to the question of obstruction of justice, they rise to the question of a breach of ethics with respect to assistance in job finding for personal family members. And it is very hard to explain why all of a sudden sufficiency of record will be in depositions without senatorial participation. If that is the new standard around here, then let us fold up Waco, let us fold up Whitewater. Let us just do the depositions and live by that standard across the board. So the test here is very, very clear. And I congratulate my colleague for having the courage to bring it before the Senate.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. I will yield 5 minutes to my friend from Connecticut. I want to make a point to the Senator from Massachusetts. I just want to thank him for coming over here because it was such a new point that was just injected into the debate that was worth repeating for just a couple seconds. Why do we not just shut down all the committees and not call one witness in any of our work and just read the depositions? That is what this is about. And I want to thank my friend, because obviously that is ludicrous. But yet it is a standard that three members of the Ethics Committee want to apply.

I yield 5 minutes to my friend from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. I thank the Chair, and I thank my friend and colleague from California.

Mr. President, I rise to support the resolution offered by the Senator from California. And I do so with great respect and empathy for the six colleagues who are on the Ethics Committee. And I do so—it does not need to be said; I am sure it is true of all of us today—I do so without in any way prejudging the allegations that have been made against Senator PACKWOOD. In fact, quite the contrary. What I am saying in rising to support the resolution is that I believe that I, as one Senator, will not be able to reach the kind of informed decision I want to reach on the serious allegations that have been made against Senator PACKWOOD without the benefit of testimony from the witnesses live before the committee, subject to examination by the members of the committee and by counsel for Senator PACKWOOD.

Mr. President, the Senate has established the Ethics Committee in a remarkable act as a way to delegate responsibility to this committee to adopt standards for the behavior of the Members of this institution and then to uphold those standards. As a way, if you will, to discipline, to set standards for our behavior, in between those times when the ultimate judges of our behavior, namely our constituents, have the opportunity to vote on us.

The committee was established, I am convinced, to keep strong the bonds of trust between those of us who have been privileged and honored to govern and those for whom we govern. And at the heart of that trust is credibility and confidence in the process by which we judge each other. And it is on that basis that I feel so strongly that it is right and fair to have public hearings in this matter.

The precedents seem to say to me that in every case which has reached the investigative stage, including, I gather, the case of former Senator Cranston, there have been public hearings, although in the Cranston case the hearings were uniquely at an earlier stage. The point here is to preserve public credibility on the one hand. And that credibility is based on the public's assessment of the fairness of the process. But it is also critically important in terms of the judgment we reach. The members of the committee will have the opportunity to hear the witnesses come before them, and as I have said, Senator PACKWOOD's counsel will have the opportunity to cross-examine those witnesses.

The fact also is that how can we explain to the witnesses, those who have made allegations, that the doors to the judge's chamber essentially are closed to them, although the one against whom they have made the accusations has had the opportunity to appear in person.

Mr. President, the chairman of the committee, the distinguished Senator from Kentucky, has made an important argument and statement when he says that this would be a breach of precedent for the Senate as a whole to intervene in ongoing ethics proceedings, without letting the committee make the judgments itself.

It is an important point. Let me explain to him, and I was troubled by it, why I am supporting Senator BOXER's resolution. I do not take this resolution to amount to an intervention on a side. I do not take this resolution to equal an intervention to direct a particular verdict, to bias the proceedings. I see this as an intervention that is totally procedural and not at all substantive. It is, in fact, neutral on the question of substance.

Does it create a precedent? In a sense, it builds on a precedent and perhaps creates a clear statement by the full Senate, which has delegated our authority to govern ourselves and judge our own ethics to this six-member committee. And the precedent is that the burden of proof should be on the committee in rejecting hearings, because the openness of these proceedings is so critically important to the credibility of the final judgment.

Let me repeat what I said as one Senator as to why I am supporting this resolution to the members of the committee.

We give them a tremendous responsibility, and it is a difficult responsibility, to spend all this time, to hear all this evidence and to come back and report to us. On the basis of that, we make these terribly difficult judgments about our colleagues.

This Senator is saying respectfully to the members of this committee, I feel that I will not have all the information I need to make an informed judgment on the charges against our colleague from Oregon unless the committee has the opportunity to hear and confront those who have made these serious allegations and to cross-examine them. That is why I hope that my colleagues on both sides of the aisle, in that spirit, will vote to support the resolution of the Senator from California, understanding it does not in any way prejudge the case. Quite the contrary, it suggests the desire that all of us have for the fullest possible information before we reach a conclusion in this case.

I thank the Chair and I yield the floor.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. I yield 4 minutes to the Senator from Montana.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, this is not an easy matter for me. I am on the Finance Committee. BOB PACKWOOD is my chairman. I have known BOB PACKWOOD, I have served with BOB PACKWOOD for many years.

But I believe that we as Senators have a higher calling. It is not friendship—though friendship is very important—it is more important than friendship. It is fulfilling our responsibility of public service; living up to our obligation to the people we represent.

When I first came to the Congress, there was a joint conference meeting on a tax bill, a major tax bill. I wanted to learn a little bit about the tax bill. I wanted to learn how Senators and House Members decide matters in a conference. But I had a hard time finding where the conferees were meeting. Finally, I asked myself, "Who would know where the conferees were meeting?" This is about 20 years ago, about 1975.

Mike Mansfield, the majority leader of the U.S. Senate, I thought ought to be able to tell me where the conferees are meeting. I went to his office. They told me. I went to the meeting. There was a policeman standing at the door. I said, "I am a Member of Congress." He said, "OK, go in."

It was the House Ways and Means Committee hearing room: A sea of executive branch people. Secretary Bill Simon was there. Senator Russell Long, chairman of the conference, was talking about when he was a boy back years ago in Louisiana. Al Ullman, chairman of the Ways and Means Committee, was talking. Then Jimmy Burke of Massachusetts walked up to me and said I had to leave. "Why," I asked.

He said, "Because of the rules."

I said, "What rules?"

He said, "The Senate rules."

I asked, "What Senate rules?"

He said, "Just the rules." He said, "Nobody else can be in here; nobody else; no other Senator or Congressman. It is closed to everybody—closed to the public, closed to the press, closed to Members of the House, closed to the Senate."

I said, "That is wrong. And I am going to do something about it."

That afternoon, I stood up on the floor of the House and I said it was time to change this rule.

Ab Mikva, then a House Member, got up and agreed with me. And the next year we had the rules changed, so now all conferences are open to the public. I am very proud of that.

And I am also very proud of my home State of Montana and a provision we have in our State constitution requiring that all public meetings be open. It causes a certain burden on our Governor, a burden on certain State officials who would rather, in some instances, not to have everything open, but it is open. And the public benefits from this openness. In Montana, we know what our State government is up to. This has helped tremendously to increase confidence in the people of the State of Montana in State government. It has made a big difference.

I just stand here, Mr. President, basically to say that we have a much higher calling and honor to perform the public trust; that is openness. The U.S. Congress now is at one of its lowest ebbs in public popularity in modern history. Seventy-five percent of the public distrust the Congress.

I say one way, albeit a small way, to help regain some trust that the American people have lost in this institution is to open up everything. Open up the Ethics Committee investigation. What is there to hide? Sure, there is going to be a little bit of embarrassment. It is going to be difficult for some people. Some people of the Senate will be a little bit put out, but in the long run, public confidence will increase.

Again, this is a very difficult matter for me to address, because I am on the Finance Committee. But I feel very strongly that fair and open hearings are the right thing to do. I am bound to stand up and do what I think is right. I think we should vote for the resolution sponsored by the Senator from California.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MCCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. How much time remains?

The PRESIDING OFFICER. Forty-four minutes are left, and on the other side, 11 minutes are left.

Mr. MCCONNELL. I yield 10 minutes to the distinguished Senator from Iowa.

The PRESIDING OFFICER. The Senator from Iowa is recognized for 10 minutes.

Mr. GRASSLEY. Mr. President, I will not support the Boxer amendment. I have to say that it is a tempting proposition probably for a lot of us because on its face, I think it is a perfectly reasonable request, because, after all, what is wrong with letting the sunshine in on all the business we do around here?

But there is an important reason for holding public hearings generally, because you hold public hearings, do you not, so the truth can be known to the public? It allows the public then to judge the credibility of what we do as a body. Public disclosure, in general, helps this process.

There are three elements of what has helped our democracy endure and flourish: seeking the truth, holding people accountable, and dispensing justice. It is my belief that the Senator from California, hopefully, wants all three of those elements to prevail in the case of Senator PACKWOOD. I think we agree with those elements. We support those elements.

The Senate does have a process, however, for achieving all three of those elements. Of course, it begins with the relevant committee and it ends with the action of this full body. This process is set up to gather facts, and it is set up to learn the truth. It must then evaluate the facts, it must assign responsibility, and then it sets appropriate punishment.

I might add that the Ethics Committee is not yet finished with its own part of the process. To me, this is a very key point, and I will return to that point in just a minute.

But during the Senate process, sometimes it is necessary to air the facts publicly, sometimes not. But I would stress that closed hearings are OK if, and only if, the punishment at the end of the process fits the facts because, otherwise, the process opens itself up to legitimate criticism. Public hearings are necessary when a problem of credibility arises, as in the Anita Hill case, or if the punishment does not fit the facts, as I have stated. But, Senator BOXER, the committee has to render a judgment before it can be criticized. That is my view.

By the way, the issue of public disclosure is met to a large degree by the committee's decision already made to disclose all the relevant documents. Of course, this is not the same as a hearing, and I do not pretend that it is. But if the committee decides not to hold public hearings, then it, for sure, better do the right thing. If it does, then public hearings become a nonissue, so long as disclosure of documents is made. If it does not, then a motion to recommit is in order and the Senate should then demand open hearings. That is because the credibility of the committee's decision would have been questioned. But the key is, for Senator BOXER and my colleagues, the committee must render a judgment first before we can credibly call into question the committee's work. In the past, the committee process has produced unacceptable results that did not fit the facts, and that process has been rightly criticized. The Ethics Committee has been criticized in the past for whitewashing and dispensing mere slaps on the wrist, when a much harsher punishment seemed to be justified.

This Senator has joined in that criticism. I also intend to vote against the McConnell amendment, as well, because of the first finding of the amendment that would say this: "The Senate Committee on Ethics has a 31-year tradition of handling investigations of official misconduct in a bipartisan, fair, and professional manner."

Mr. President, I am not so sure that I can support an amendment with that language, because I think too often in the past—and, of course, this is not under Chairman MCCONNELL's able leadership, but well before him—the committee has acted too timidly, and I think it is important to not regard that too lightly.

And it is not just the Ethics Committee. I have had my own battles with the Armed Services Committee on closed versus open hearings. I tied up the Senate for 2 days at the end of the last Congress on a nomination that you will recall was General Glosson's promotion. I should add that I did so with the help of the Senator from California. The committee had recommended that General Glosson retire with a third star. We felt that the facts of the case dictated that he should not get such a promotion.

The committee recommended a third star, despite the fact that General Glosson had tampered with the promotion board. This was a serious offense because it jeopardized the integrity of the military promotion process, and the committee had a history of cracking down on such tampering.

Also, the Defense Department inspector general found that Glosson lied under oath during the investigation.

Mr. President, no evidence was uncovered at that time that overturned these serious charges. As the committee deliberated over the facts in the case and its recommendations, I took the posture of informing of the committee's judgment.

Yes, I believed in General Glosson's case there should be a public hearing, but I did not demand one. I wanted to give the committee a chance to do the right thing without it, a chance to make recommendations to be commensurate with the facts of that case. The committee chose to review the matter in several closed hearings.

If the closed-hearing process would produce a verdict commensurate with the merits, I would have had no problem. Under that scenario, public hearings in the Glosson case were, in my mind, irrelevant. It is the dispensing of a just remedy that I was most concerned with.

Well, the committee had several hearings and availed itself of the information I provided. Nonetheless, the committee recommended a third star for General Glosson. But—and this is important—it was not until I examined the committee's evidence and the committee's rationale in support of its decision that I decided to question the committee's judgment. And then I made my case on the Senate floor.

The committee and Senate leaders supported General Glosson—regardless of the facts in the case—I think out of friendship. I think that is as plain then as it is today. I accused the committee of putting friendship over integrity.

My point is, the amendment by the Senator from California has a proper objective. But the timing is wrong. In my view, the Senator from California has an appropriate amendment when, and only when, the committee renders a recommendation, and when, and only when, she measures the recommendations against the facts as presented by the committee's findings, because that is when the credibility is earned for persuading the public and this body of her intent.

I, for one, would join the Senator from California in a motion to recommit if it were clear that the committee fails to do the right thing, because if it were clear that the Ethics Committee were once again dispensing slaps on the wrist, having learned nothing then from the Anita Hill experience, the Senator from California would have all the moral authority in the world to insist on public hearings and insist that the committee get it right.

But the time for sending that message is not yet upon us. So let us wait for the committee's recommendations first. Clearly, that is the right thing to do right now.

Finally, let me reiterate a point about Senator MCCONNELL's leadership. The comments I have made with respect to the Ethics Committee's past do not reflect on him. The Senator from Kentucky has conducted himself fairly in this case, especially in the case of acquiring diaries and disclosing the relevant documents. Up to this point, I can find no fault with his committee's approach, and he has shown able leadership on a difficult issue. But I will reserve final judgment on his committee's work product pending its recommendations. That is the proper time to do it.

I yield the floor.

Mr. McCONNELL. Mr. President, how much time do I have left?

The PRESIDING OFFICER. There are 34 minutes remaining. The Senator from California has 11 minutes remaining.

Mr. McCONNELL. Mr. President, I yield 8 minutes to the distinguished Senator from Wyoming.

The PRESIDING OFFICER. The Senator from Wyoming is recognized for 8 minutes.

Mr. SIMPSON. Mr. President, I rise to speak against the pending motion regarding hearings in the current Ethics Committee investigation of our colleague, Senator BOB PACKWOOD.

I have listened very carefully to the remarks made by my colleague, Senator BOXER of California. Let me try to start on a positive note, a nonpartisan note, by outlining those areas where we agree. The Senator from California has urged us to focus our thoughts, to avoid being distracted by irrelevant issues, or by peripheral considerations. She has, in the past, urged us to remember what the issue is, saying, "I am not the issue."

I could not agree more. Senator BOXER is not the issue; partisan politics is not the issue; and I will say very firmly—and I hope this is heard correctly—sexual harassment, even, is not the issue here. Senator PACKWOOD has not been charged with that. My colleague from Iowa has just spoken about another issue we were both involved in, the Clarence Thomas hearings. Remember, too, please, in that particular grievous exercise sexual harassment was not the issue in that matter either. I know that may be shocking to some, but Anita Hill never charged Clarence Thomas with sexual harassment—ever. That was never in the record, never any part of that proceeding. She wanted us to "be aware of his behavior and his conduct. That is all borne out in the record. You can find that to be true through the Democrats and Republicans who served and anguished with regard to that.

The issue here is, how we do the difficult business of conducting ethics investigations, of passing judgment on our colleagues in a way that is fair and is nonpartisan? That is the issue here—the only issue. The issue before us is whether or not we are going to begin to dismantle the nonpartisan process by which such decisions are made in the U.S. Senate and whether to subject gritty, tough, sometimes ugly ethical decisions and questions to the whims of partisan majorities. That is the issue.

I hope everyone will understand this. It is absurd to say that it is a "threat" to simply note that it is a very, very bad idea to make these questions contingent upon who can rally the most votes on the Senate floor, and, ironically, this surely cedes a terrible degree of power to the party in the majority. Hear that. That is not a "threat." That is as real as you can get about partisan politics.

We have, through the Ethics Committee, deliberately created a nonpartisan forum in which these questions can be addressed. It is just about the worst job any Senator can have. I do not want it, would never take it. Chairing that committee is a daunting task. At the very least, in the past, we have tried to assure the chairman and co-chairman of the Ethics Committee that the process employed by the Ethics Committee would be respected, and that the full Senate would not interfere to change the rules in the middle of a case.

And I do hope that any suggestions that there is an attempt at secrecy here can be swiftly laid to rest. I have been reading all this now for about 2½ years. I read about the witnesses. I read about what they have said about Senator PACKWOOD. I do not know what is left to hear—except one thing that I am anxious to hear, and that is what will be said when somebody stands up and puts their right hand up and, under affirmation or oath, subjects themselves to cross-examination and the rules of evidence. Then I will be right here. I would love that. I practiced law for 18 years. Few here did.

I am not talking about "leaks" from the Ethics Committee, but it is surely all out there. There is not a single new thing you are going to find that is relevant. You might find some things that are not relevant, or what happened that might destroy somebody else from an event occurring 10 years ago, 20 years ago.

Let the record be very clear here too. I have never received or seen a committee deposition. That has been reported. Perhaps that is my own misstatement. I have never seen a deposition. I have seen statements. Those statements have a very different view of the "contact" that took place at that particular time; a very different view. Those will come out. Somebody will be very hurt in that process. That is not a threat. That is the way it works.

But I think, when we talk about secrecy, it is very difficult for anyone to believe that when the committee is going to release thousands upon thousands of pages of documents in an unprecedented airing of private information—yes, even personal diary information—I can assure you that few of us, if this were happening to us, would find that to be a laudable result. Who among the hundred of us does not know dozens, even hundreds of individuals who stand ready to cast all form of aspersions upon us for things that we may have done through the decades? Fortunately, I threw all mine right out there when I first ran. It is all there for the public to see. I believe any one of us would be stunned to find that there was to be a release of thousands of pages of such allegations. I do not believe any of us would ever feel that such an action, as seen by us or the public, would be called "covering up," or "secrecy." What an absurdity.

What we are debating today my colleagues, and I hope all will understand, has nothing to do with the merits of the case in question. It has to do strictly with the integrity of the process itself. It has to do only with whether or not we will respect the judgments of the committee with respect to the appropriate process to follow.

What is the appropriate process? What is it in such a case as this? Do we calibrate our sensitivities to the issue of sexual misconduct by how much we are willing to trample upon the nonpartisan procedures of the Senate in order to achieve a desired result? Do we measure our sensitivity by how far we are willing to go back to dredge up embarrassing and inappropriate conduct? No. We measure—or should measure—our sensitivity and our seriousness by the degree to which we ensure that such charges are weighed in a nonpartisan atmosphere of fairness.

Even if Senators are to be held to a higher standard of conduct, this surely does not mean we should employ a lower standard of fairness.

Under the current Federal law—hear this—when an individual wishes to bring a charge of sexual harassment, the individual has 180 days to file that complaint with the EEOC if there is no State agency to handle the complaint, 180 days, hear that; 300 days is the limit in a State with a deferral agency.

There is not a single statute of limitations in America that is over the limit of 6 years for sexual harassment—and Senator PACKWOOD has not been charged with sexual harassment; not one case. Not one jurisdiction in the United States. Go back more than 6 years, and here we are back in 1969, we are back in 1974, we are back in 1979 and 1980.

Why is there a statute of limitations? Probably because the reliability of such charges, such grievous charges as these, cannot be accurately judged at a tremendous distance from the time in which they were alleged to occur.

I agree with Senator JOHN KERRY, my good friend from Massachusetts. Let us indeed apply to ourselves the laws we apply to others because the biggest one out there is the statute of limitations on tort and sexual harassment. It is 6 years, as far back as you can go in any jurisdiction in this country. But in the matter of the conduct of the Senator from Oregon, conduct which even the Senator has himself said was "terribly wrong"——

The PRESIDING OFFICER (Mr. ABRAHAM). The Senator's 8 minutes has expired.

Mr. McCONNELL. I yield the Senator 1 additional minute.

Mr. SIMPSON. But in the matter of the conduct of the Senator from Oregon, conduct which even the Senator has himself said was "terribly wrong," we are dealing with charges reaching back for decades.

All of us will soon pore through thousands of pages of depositions to investigate charges that would not get a moment's hearing if they were brought before any other jurisdiction in this country. It is astonishing the degree to which we go. And we do that because we are different. These are decades after the fact. If ever there was a "consistent pattern" of behavior here, the pattern ceased to exist some time ago.

What we see here is a case study in the continuing destruction of a man. I ask my colleagues, how would you feel if this were happening to you? There is a good reason to pose the question, because if we approve the resolution of the Senator from California, someday it will happen to each of us, whether we "had it coming" or not. Our political opponents will see to it. Believe it. It is a sad chapter in the Senate history if this resolution passes.

The PRESIDING OFFICER (Mr. ABRAHAM). Who yields time?

Mrs. BOXER. Mr. President, I yield 3 minutes to the Senator from Maine, Senator SNOWE.

The PRESIDING OFFICER. The Senator from Maine.

Ms. SNOWE. Mr. President, I thank the Senator for yielding.

On July 10, I cosigned a letter to the chairman and vice chairman of the Ethics Committee urging that they hold public hearings at the concluding stages of the case currently before the committee.

Signing that letter was not an easy step to take. But I believe it was the right step to take. It was not an issue of politics; it was an issue of principle. The fact is, instances of misconduct know no partisan lines. Allegations of impropriety know no political boundaries.

My singular goal and overriding goal in this matter has been to preserve the integrity and reputation of this institution, and I believe we do so by opening up the final stage of an ethics process for public view.

Let me say from the outset, though, that I have the utmost respect for the hard work, dedication and integrity of the Chairman, Senator McCONNELL, Senators, and staff of the Ethics Committee have done in this case to date. Indeed, they have been assigned the most difficult and thankless of tasks in this institution.

Without question, this is a painful and difficult matter. It is tough for the institution of the Senate. It is difficult for each and every Senator in this Chamber and everybody involved.

But the time has come, Mr. President, the time has come for a decision to be made about the ethics process. On Monday, the Ethics Committee opted not to hold public, open hearings in the case pending before them. That is a decision with which I respectfully disagree.

I recognize that this is a very complex and delicate process, and I understand why some Senators look upon this amendment with concern.

But, Mr. President, this Chamber at the top of a hill in the Nation's Capital is not a museum. It is not an institution that should be removed from the people. And it must never be above the ideals of our country or its people. It must represent America at its very best.

This is a place where nominations to the U.S. Supreme Court are decided. It is the place where members of the President's inner circle—the Cabinet—are confirmed. And it is the part of Congress where the hope for peace is hatched through our unique role of crafting treaties.

The U.S. Senate is not immune to some of the problems and challenges of our society. Throughout the history of the Senate, Members have been cited and reprimanded for those flaws.

In this case, since December 1992, the Senate Ethics Committee has conducted a thorough investigation into accusations of misconduct against a Member of this institution.

Clearly, the Senators of this committee and their staff have not taken this case lightly.

Their analysis—released in mid-May—concluded that there exists "substantial credible evidence" that the Senator has engaged in clear misconduct over a period of 25 years. The committee then voted unanimously to proceed to the third and final investigative stage.

These are very difficult, very sensitive, and very disturbing allegations. For perhaps the first time since its creation 31 years ago, the Ethics Committee has had to investigate charges that are not simply numbers on paper. They are not a series of accountant's slips or ledgers. It is about a tough subject—we all know that—and it is about never tolerating that kind of misconduct, no matter when it occurs, no matter who the perpetrator, no matter what the context.

But the real issue that has come before this Chamber is whether to continue this matter behind closed doors or to conclude this last—and most serious—phase of the investigation in full, public view by way of open hearings.

Some have claimed that this will embarrass us as an institution.

Embarrass us as an institution? It is by our lack of action, Mr. President, by our failure to hold open hearings and by our embrace of the institutional sanctuary of closed doors that we would embarrass this institution.

To do otherwise would threaten those bonds of trust and faith with the American people. Does this policy mean that, simply because the issue at hand is in the form of sexual misconduct, even less openness is in order? Does that mean that financial misconduct deserves open, public hearings, but sexual misconduct should be a closed door policy? I think not.

The point is, if we are ever to turn back the tide of sexual misconduct—which has taken years to even get into the realm of public debate and dialog—open hearings must be held in this and othe cases.

In words attributed to Lord Acton, this point is made: "Everything secret degenerates, even the administration of justice; nothing is safe that does not show how it can bear discussion and publicity."

These are thoughts to bear in mind as we make our decision on this amendment today.

Mr. President, this amendment takes the simple and honest step of shining light into the process of the U.S. Senate.

In the end, the issue at hand drives us to cross a new threshold for this revered institution. Its significance cannot be underestimated, not just in terms of fairness and justice, but in terms of what we are as an institution, and who we are as servants of the American people. It is my hope that we will make the right decision.

Thank you, and I yield the floor.

Mr. McCONNELL. Mr. President, how much time do I have?

The PRESIDING OFFICER. Twenty-five minutes.

Mr. McCONNELL. Mr. President, I yield such time as she may need to the distinguished Senator from Texas.

Mrs. HUTCHISON. I thank the chairman. Thank you, Mr. President.

Mr. President, the matter before us today is very serious and extremely important. It is not an issue for partisanship. It is an issue that demands of each of us our best judgment of what is right and wrong. What is right about this matter is that the Senate Ethics Committee has been scrupulous about investigating every charge and accusation lodged against the Senator from Oregon. It is unprecedented in Senate history that so much time and effort has been devoted to assembling the facts on such a matter.

What is wrong is that this amendment threatens to render null and void all that has been done to date. The Ethics Committee must be allowed to finish its work and make its recommendations. At that point the full Senate will be called upon to agree or disagree and act on the recommendation. The full Senate will be heard on this matter. The question is whether we will wait to hear the Ethics Committee decision as our rules require us to do.

If we are not going to wait for the Ethics Committee's full report and recommendations before acting, we might as well disband the committee completely and conduct all future proceedings on the floor of the Senate. I think that bypassing the committee and conducting public hearings at this critical moment in the Packwood case would be a terrible mistake.

If we open these hearings and overrule our bipartisan Ethics Committee today, we will set the precedent that its authority can be usurped at any time the majority intends to make political points or whatever motive the majority might have.

I have been asked how my position on this question pending before the Senate squares with my position regarding sexual harassment in the Navy. In the case of the Tailhook incident, the Navy conducted its investigation. I was asked if the investigations were adequate. In my judgment, they were not.

The case before us is very different. We have an investigation in process. No recommendation has yet been made. But some of our Members want to make a judgment on its adequacy before it is finished. And I think that is wrong; wrong for the Senate and wrong for the process we have established for ethics cases.

I believe we should not change the rules in the middle of the case. If we decide the rules should be changed, we should do so when and if we have acted on the Ethics Committee recommendation and judged it to be inadequate. I believe fair play to all concerned is to give our respect to the process and to wait for the Ethics Committee to act.

Thank you, Mr. President. I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. MCCONNELL. If the Senator from South Carolina will use some of her time right now, I would appreciate it.

Mrs. BOXER. You mean the Senator from California, not the Senator from South Carolina. I do not know who you thought I was. But it is an interesting slip.

Mr. MCCONNELL. I say to my friend that I have no doubt in the world who she is.

[Laughter.]

Mrs. BOXER. I yield 3 minutes to my friend from North Dakota.

Mr. DORGAN. Mr. President, other members of the Ethics Committee have now all spoken on this floor on this issue, and it understates the case, it seems to me, to say that this is a difficult ethics case requiring tough, hard choices for everyone in the Senate. The ethics issues are difficult under any circumstances, especially difficult it seems to me in a political institution like the U.S. Senate. Our duties require us to confront not only what is convenient but rather what is necessary, and the duties of those of us on the Ethics Committee require us to with fairness judge the ethics complaints that are filed against Members of the U.S. Senate. I serve on that committee not by choice; I serve because I was asked, and there is no joy in that assignment.

In the committee process of the pending case, six of us who serve on that committee, three Republicans and three Democrats, were faced finally with the question of public hearings. I mention that the Senate Ethics Committee has six members. I want to say that I have enormous respect for every member of that committee. When confronted with the question of hearings, we voted. And the committee had a 3-to-3 vote on the question of whether to hold hearings. It takes four votes to advance and, therefore, the motion to hold hearings died.

Senator BOXER, exercising her rights as a Member, brings a resolution to the floor of the Senate calling for public hearings. She has asked the full Senate to express its will on a matter already voted on in the Ethics Committee and on which there was a tie vote. It is perfectly within her rights to do so. And I intend to vote for the resolution offered by Senator BOXER just as I voted for the resolution in the Ethics Committee.

So the will of the Senate will be expressed on this issue. One thing is clear. When the decision is made, men and women of good will, with a sense of purpose and fairness, must meet their responsibilities on the Ethics Committee and deal with the decisions in this case and bring our determination to the full Senate.

I want to say that I will not be critical of those who reach a different conclusion on the issue of public hearings. I respect their decision as well. But I will vote for public hearings as I did earlier this week in committee. It seems to me that when the Senate has expressed its will on this question—and it is an important question—whatever the Senate decides, however it turns out, we must as an Ethics Committee and as a Senate move to a conclusion on this case. We owe that to the U.S. Senate, and we owe it to the American people.

Mr. President, I yield whatever time is remaining to the Senator from California.

The PRESIDING OFFICER. Who yields time?

Mr. MCCONNELL. Mr. President, I yield to the distinguished Senator from Kansas whatever time she may use.

The PRESIDING OFFICER. The Senator from Kansas.

Mrs. KASSEBAUM. I thank the Senator from Kentucky.

Mr. President, I oppose the amendment offered by the Senator from California.

As a former member of the Ethics Committee, I certainly can sympathize with the comment Senator DORGAN made preceding my comments—that there is no joy in the process in serving on the Ethics Committee. But I also know the difficulties that are imposed in the process that this Ethics Committee has to undertake, and I am flatly and strongly opposed to any effort to inject the full Senate into the committee process in midstream, and at this point.

It saddens me that we have reached this point, Mr. President. It should be a cause of great concern to all of us on the floor of the U.S. Senate. I would feel this same way whether it was a Member on the other side of the aisle or a Member on this side of the aisle. We should not be debating the case at this point, but the process.

The Ethics Committee has one of the most difficult jobs in the Senate. It is never easy to sit in judgment of a colleague. But it is essential to the working of the Senate and to the public confidence in government that some of us take on that role.

I regret that the committee is now divided on how to proceed in this case. I have enormous respect for both the chairman, Senator MCCONNELL, and the vice chairman, Senator BRYAN. There is an honest difference of opinion with legitimate concerns on both sides. I believe it is a serious mistake to turn that honest disagreement into a partisan battle.

I do not believe that there is any effort for a coverup. I do not believe that it was designed to be done behind closed doors. And I really regret that we have reached this particular point.

The investigation of charges against Senator PACKWOOD has now been underway for 31 months. The committee has spent thousands of hours and interviewed hundreds of witnesses. It has conducted what may be the most thorough and exhaustive investigation in Senate history. Now we are at the end of this process, and the committee apparently is preparing to render its verdict, as it should.

Mr. President, I see no purpose in further delaying this matter by ordering the committee to conduct public hearings on this matter that could go on and on and on.

It is time to make a decision. That is the real question that the committee and the full Senate must address. Is Senator PACKWOOD guilty of the charges leveled against him? And, if so, what is the appropriate punishment? I believe we must answer that question in a fair and prompt manner. The committee should lay out all the evidence it has gathered, and then it should present its verdict to the Senate and the American people. We can then focus our energy not on committee procedures but on the committee product. Mr. President, that is the way it should be.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. If I could take a moment, I thank the distinguished Senator from Kansas for her remarks. As a former member of the Ethics Committee, I think she understands this process very well, and I am extremely grateful to her for expressing her view on this most important matter.

Mrs. BOXER addressed the Chair.

Mr. McCONNELL. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. I yield 2 minutes to the Senator from Nebraska, [Mr. KERREY].

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. KERREY. I come to the floor to support this amendment. I must confess that at first I thought it was a terrible idea. I thought the Senate Ethics Committee ought to complete its work and then let us make a decision about whether the work was worthwhile. I was concerned that the rhetoric was getting partisan. I was concerned as well that Senator PACKWOOD could be tried in a court of public opinion as opposed to allowing the facts to determine guilt or innocence, and I believe the charges of sexual misconduct necessitate special protection for those bringing the charges.

I have listened very carefully and particularly to the arguments of the Senator from Nevada, [Mr. BRYAN], who has made five very compelling arguments. First, he observes that every case this century which resulted in a Senate proceeding first had a public hearing, and every case which reached the final, serious investigative stage had a public record. This is our unbroken precedent.

Second, the Senator from Nevada points out that a justifiable reason must be there for not holding public hearings in this case. Except that if the Senate does not want to hold public hearings because it deals with sexual misconduct, there is not one. Since none of the alleged victims are unwilling to endure cross-examination, our concern does not stand as an excuse.

Third, he makes a legal point that this is a case of first impression because, for the first time in Senate history, these are alleged victims, citizens who came forward and filed sworn charges against a U.S. Senator for actions against them.

Fourth, the Senator from Nevada points out that he is concerned that the credibility of the Senate itself to deal fairly and openly with the discipline of its Members would either be greatly enhanced or irreparably damaged.

Mr. President, he is unquestionably right. The integrity of the Senate is far more important than the risk of embarrassment to any Member.

Fifth, he believes that hearings would provide a valuable opportunity to evaluate the witnesses firsthand, not just read a written statement. This last point made me believe that Senator PACKWOOD——

Mrs. BOXER. Mr. President, if the Senator will yield, the Senate is not in order, and I think it is very important. This is a Senator who has changed his view on this matter. Perhaps other Senators ought to hear his reasoning.

The PRESIDING OFFICER. The Senator's time actually expired. If the Senator would like to yield more time.

Mrs. BOXER. I yield the Senator an additional 1 minute.

Mr. KERREY. Mr. President, this is a rather simple change and I think it is a very important change in our law governing all ethics cases including the one involving Senator PACKWOOD. The simplicity and brevity of this proposed law compels me to read it in full:

> The Select Committee on Ethics of the Senate shall hold hearings in any pending or future case in which the Select Committee, first, has found, after a review of allegations of wrongdoing by a Senator, that there is a substantial credible evidence which provides substantial cause to conclude that a violation within the jurisdiction of the Select Committee has occurred, and second, has undertaken an investigation of such allegations. The Select Committee may waive this requirement by an affirmative record vote of a majority of the members of the committee.

This proposal deserves the support of any who are concerned about the integrity of this institution, the Senate, as well as the integrity of one of our Members, Senator BOB PACKWOOD. One stands accused of misconduct by citizens. He has not been convicted and deserves to be treated as innocent until a judgment is rendered. The other will stand accused of impeding the chance for justice to be delivered if we vote no on this amendment.

Mr. President, H.L. Mencken said that "Injustice is not so difficult to bear as it is made out by some to be; it is justice that is difficult to bear."

Let us vote yes with this truth in mind.

The PRESIDING OFFICER. Who yields time?

Mrs. BOXER. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 2 minutes 4 seconds.

Mrs. BOXER. I yield the remainder of the time to the Senator from New Jersey [Mr. LAUTENBERG].

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. I thank the Senator from California for her willingness to give me just a couple minutes.

I first wish to commend her for bringing the issue to the point that we have, where it is being discussed openly. And that ought to be the focus, because the public as well as the Senate has been working very hard on opening the process.

In the last 2 weeks we have had a couple of very serious votes on whether or not lobbyists have to be open in their dealings. We have openness questions on whether or not gifts are acceptable. We have tried to illuminate the process for the public. We all know that the public trust is no longer with us and they will not be with us if this process continues to be hidden, secretive.

Even though our friends on the other side of the aisle say that we ought not to interfere with the committee process, this is far above the committee process. This is a matter of human rights, of individual rights of a woman to work and to not be harassed during her job hours.

This is a question of whether or not someone has violated the basic rules of the Senate, and we should have an open hearing. I know that Senator PACKWOOD loves this institution. He has worked very hard on many good issues and has delivered positively on those issues. But we are not judging Senator PACKWOOD's past record. What we are making a judgment about is whether or not the public is entitled to know what is taking place. And in my view there is no doubt about it. The Senator from Connecticut, when he spoke, suggested that even for Senators it would be worthwhile to be able to gain the knowledge that would come as a result of a public hearing.

Mr. President, I think we are at a crossroads, and whether or not the hearings are secret or public will determine what the public thinks about Senator PACKWOOD's guilt. They will condemn him absolutely if the process continues to be hidden. And I hope that our Members will take heed for the good of the body to insist——

The PRESIDING OFFICER. The Senator's time has expired.

Mr. LAUTENBERG. That Senator BOXER's resolution goes through and that we have public hearings on this matter.

The PRESIDING OFFICER. Who yields time?

Mr. McCONNELL. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 18 minutes.

Mr. McCONNELL. Mr. President, in closing this debate, I wish to particularly thank Senator SMITH and Senator CRAIG, who have served with me on the Ethics Committee on our side of the aisle for these 2½ long years. I wish to say that they have approached this issue in every single instance with character, with integrity, with conviction and a sincere desire to produce the best possible result for the Senate and for the accused Senator.

To my colleagues on the other side of the aisle on the committee, until very recently, I think we had, indeed, succeeded in developing a bipartisan approach to this, and I regret deeply that this case has spilled over into the full Senate before it was over.

And that is what is before us today. Thirty-one years ago, Senator John Sherman Cooper, of Kentucky, some of the old-timers around here may remember, in the wake of the Bobby Baker case, felt that there ought to be a better way to handle misconduct charges against a sitting Senator. He felt we had to remove, if at all possible, these kinds of cases from the floor of the Senate where everything is partisan. And so he suggested we have a bipartisan Ethics Committee with not too many members, just six, three on each side of the aisle.

This approach, coupled with the requirement that there be four votes to do anything affirmatively, guaranteed—guaranteed—that the results of any case would have a bipartisan stamp. It has been said that the committee was deadlocked when it voted 3–3. It was not deadlocked. That was the decision. Because under the rules of the Ethics Committee, a 3–3 vote is not an affirmative act to proceed. So the decision on the issue of public hearings in the Packwood case has been made pursuant to the rules of the committee. So the Senator from California today would have us change the rules in the middle of the game—change the rules in the middle of the game.

I would say, Mr. President, not only is it a bad idea generally speaking to change the rules in the middle of the game, it is a bad rules change anyway. And beyond it being a bad rules change, what is happening here on the floor of the Senate today is exactly what Senator Cooper feared would happen if we did not create the Ethics Committee. And that is, have every one of these cases debated here in the most partisan forum imaginable, with the majority making the decision.

One of the astonishing things about this proceeding today is I think it can be totally persuasively argued that the principal beneficiary of the bipartisan Ethics Committee is whichever party happens to be in the minority in the Senate at a given time, and yet this proposal emanates from the minority side to bring a matter out of a bipartisan forum into a partisan forum for decision.

We will rue the day we go down this path. Just imagine campaign season. We are out here on the floor of the Senate introducing resolutions to condemn Senator so-and-so because the latest poll shows he is in trouble and our side may be able to pick up a seat. The temptation would be overwhelming. And so that is what this vote is about.

The reason for an Ethics Committee was that these cases would be investigated through the investigative phase without interference from the Senate. And it has never been interfered with in 31 years. At the end of the process the committee would take an affirmative action which would require at least four members, which would guarantee some bipartisan stamp. If the case was serious enough, bring it to the floor of the Senate, and at that point every Senator would have his or her opportunity to say whatever they felt appropriate about the work of the bipartisan committee. Criticize it, condemn it, applaud it, amend it, filibuster it, whatever. There is an opportunity, Mr. President, for any Senator to have his or her fair say about this when we get through.

So what we are experiencing today is the great fear that Senator Cooper had 31 years ago if we did not have an Ethics Committee. And yet here we are having this debate, slowing down the disposition of the case.

As I said earlier, candidly, it has all had an impact on the members of the committee. It has pulled us in opposite directions. It has tried to make us more political. And one of the things we are going to have to do, if the Boxer resolution is hopefully not approved, on the committee is to get ourselves back together again. Friendships have been strained. And we have got to get ourselves back together so we can finish this case.

Nobody's taken a bigger beating in the last 2½ weeks than I have. I am getting to wonder who the accused is in this case.

But I am proud to be chairman of the Ethics Committee because I believe in this process. I think it serves this institution well and I think it serves the public well. There is not going to be any coverup in this case. No coverup. Let us finish our work. We will release everything relevant to the decision. And if you do not like the penalty that we recommend, recommend another one. But do not start down this path. It is the beginning of the end of the ethics process, which has served this body well for 31 years.

So, Mr. President, I sincerely want to thank as well the Senators not on the committee on this side who came over and pitched in. Frankly, I thought I might be the only speaker. I did not have to ask anybody to come over. Senator SIMPSON was here. Senator BROWN was here. Senator KASSEBAUM was here. Senator GRASSLEY was here. And Senator HUTCHISON was here. And none of them on the committee. And this is the kind of thing your staff will whisper in your ear, "Boy, you don't want to get near this one. Vote and leave." And yet they came over and spoke in opposition to this resolution, expressed their opinion that the resolution was a bad idea and that the Ethics Committee ought to be able to finish its work.

Mr. President, it is my understanding that the Democratic leader would like to use some leader time to speak. I do not see him on the floor at the moment. So how much time do I have remaining?

The PRESIDING OFFICER. Eight minutes.

Mr. McCONNELL. I will for the moment reserve the balance of my time. I may well choose not to use it, but I reserve the balance of my time.

I suggest the absence of a quorum and that the time in the quorum not be taken out of the 8 minutes remaining.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Mr. President, I have to object to that. Every time, when I tried earlier, and I had so many people waiting, I was unable to get additional time.

The PRESIDING OFFICER. The objection is heard. The objection is heard.

Mrs. BOXER. I am trying to resolve the matter. Perhaps my friend can——

The PRESIDING OFFICER. The objection has been heard, Senator.

The Senator from Kentucky.

Mrs. BOXER. I just reserve my right. I did not say "object." I reserve my right to object. And I would ask my friend from Kentucky——

The PRESIDING OFFICER. The Senator from Kentucky has the floor.

Mr. McCONNELL. How much time do I have remaining?

The PRESIDING OFFICER. Seven minutes.

Mr. McCONNELL. I am more than happy to yield back the time and ask for the yeas and nays.

Both sides had 2 hours. I do not think it is in any way unfair for the time to be equal. If the Democratic leader would like to speak, it is my understanding the Republican leader would like to speak. Otherwise, we could——

Ms. MIKULSKI. Will the Senator from Kentucky yield for a point of clarification?

The Senator from Maryland wishes to inform him, the Democratic leader is coming.

The PRESIDING OFFICER. The Senator from Kentucky has the floor.

Mr. McCONNELL. Mr. President, I am not aware of any additional speakers on my side.

I gather the two leaders can speak with leader time?

The PRESIDING OFFICER. That is correct.

Mr. McCONNELL. Consequently, I yield back the balance of my time.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, I support the amendment offered by the Senator from California. The amendment tracks many years of precedent in the Senate Ethics Committee by clarifying that all cases advancing to the substantial-credible-evidence stage should be the subject of public hearings. At the same time, it allows the Ethics Committee to waive those hearings by a simple majority vote.

I regret that some have chosen to suggest this is a partisan matter, for it is not. Furthermore, such statements distract us from the real issue of how the Ethics Committee and the Senate should pursue ethics complaints. I believe the Boxer amendment charts a course that is both warranted and appropriate.

The vice chairman of the Ethics Committee and several others have already outlined some of the facts that lead me to that conclusion:

First, under the precedent of the Senate and the Ethics Committee, in every major ethics case this century, public hearings have been held. In 1977, a three-tiered ethics process was adopted. Public hearings have been held in all four cases that reached the final investigative phase under this process.

Second, the amendment before us today would apply to all pending and future cases that reach the final investigative phase. We must, as the vice chairman of the committee has suggested, consider whether or not there is sufficient reason to stray from that clear precedent in any particular case, including the case currently before the committee. Three members of the Ethics Committee have argued that we should not make such an exception, though, again, I note that the Boxer amendment would allow a simple majority of the committee to do so.

The issue before us goes far beyond the specifics of any case. If the evidence in a case before the Ethics Committee has reached the final investigative phase, and if there is not sufficient reason to make an exception for that case, then it is appropriate for the committee to move forward with public hearings. I urge my colleagues to support the amendment.

Finally, I want to commend the Senator from California, Senator BOXER, for offering this amendment. I also want to commend my other colleagues on the Ethics Committee. We all know theirs is a thankless job, yet they deserve all Senators' thanks.

Mr. DOLE. How much time remains?

The PRESIDING OFFICER. No time is left. This will be yielded from leader time.

Mr. DOLE. How much?

The PRESIDING OFFICER. There are 5 minutes left.

Mrs. BOXER. I am sorry, Mr. President, how much time do I have?

The PRESIDING OFFICER. Five minutes left.

Mrs. BOXER. Mr. President, I yield 2 minutes to the Senator from Nevada.

Mr. BRYAN. Mr. President, I thank the distinguished Senator in California.

My colleagues have spoken on both sides of this issue with eloquence and passion. For me, the central issue that we are debating today is the simple proposition of shall there be public hearings. A vote for the Boxer amendment commits this Senate to public hearings; a vote for the amendment of the distinguished chairman of the Ethics Committee votes not to have public hearings.

There has been much comment made about this somehow disrupting the process, or that it portends that in the future the minority may be placed at some disadvantage.

What this is all about, as far as I am concerned, is that in every case, whether a Member of the majority or the minority in which there is an ethical matter of this magnitude brought to the attention of the committee, there ought to be public hearings.

It has been said that precedent will be violated, 31 years of precedent will be violated if, indeed, the amendment is offered and approved. That is true, but if we fail to support the amendment of the Senator from California, the Senate abandons nearly a century of precedent, a precedent which has said that in every case of a major ethics violation, public hearings have been held. If my colleagues have any question about that, simply call the ethics office, and they will tell you the same thing that they have told each and every one of us.

I conclude, Mr. President, where I began, and that is: Why should this case be different? I am unable to reach a conclusion as to why this should be different. We have another precedent, and that is for the first time we have victims who seek to come forward and to present their testimony before the members of the committee. I think that we ought to reflect for a moment on what kind of a process we support——

The PRESIDING OFFICER. The Chair informs the Senator his 2 minutes have expired.

Mrs. BOXER. I thank my friend. I yield 1 minute to the Senator from Maryland.

Ms. MIKULSKI. Mr. President, I want to make clear that at no time during this debate or at any time during my membership on the Ethics Committee have I been critical of the other members of the Ethics Committee or of its current chairman. I believe that the Ethics Committee has conducted itself with honor, meticulousness, and really pursued due diligence.

We have an honest disagreement on the issue of public hearings. There is something special about the U.S. Senate. The world views us as the greatest deliberative body. The rules guarantee full and complete opportunity for all concerned parties to speak. We have great pride in the way we protect the rights of the minority.

It is that history and tradition that I believe that calls us now, as we get ready to vote, to honor the precedent of public hearings, for cross-examination of witnesses, to resolve discrepancies in testimony, to have a fair format——

The PRESIDING OFFICER. The Chair informs the Senator the 1 minute has expired.

Ms. MIKULSKI. A vote here is the right thing to do. It is the senatorial thing to do. It is the American thing to do.

The PRESIDING OFFICER. The Senator from California has the floor.

Mrs. BOXER. Mr. President, I thank my friends. I say to my colleagues on both sides that my amendment is very respectful of the Ethics Committee but is also respectful of the full Senate and the victims in this case. It is very respectful to the American people who want us to open the doors, very clearly.

The Ethics Committee chairman says the committee has not deadlocked. Only in the U.S. Senate would you say a 3 to 3 vote resulting in no action is not a deadlock. Clearly, the committee has deadlocked for the first time in its history.

The Boxer amendment says you need a majority vote to close hearings. I think that is very reasonable and no Senator—no Senator—from either party should fear a majority vote.

We have had 18 Senators speak in behalf of my amendment, including one Republican. I am a very proud Senator, as I stand here today, because when I started this, many colleagues told me that nobody cares about this but the Senator from California, and that never was true.

Why do we care? Because we love this place, and we want it to work right. I read the Constitution, and article I, section 5 says each and every one of us has a responsibility to make sure we police ourselves and do it in the right way.

The Senator from Kentucky has stated that I am turning precedents on its head. Nothing could be further from the truth. If you vote for the Boxer amendment, you vote to continue public hearings. We have heard it from the vice chairman of the committee; we have heard it from Senator MIKULSKI. These are valued Members of this body. I know they are well respected. It is not just a Senator who is not on the Ethics Committee calling for public hearings.

Then we hear we have the documents. Is that not wonderful, let us just have the paper. I want to ask you, does a piece of paper talk to you about the humiliation? Does a piece of paper come alive? I say not.

Finally, Mr. President, I note with regret that during debate on this amendment, several Senators made reference to my record on ethics matters as when I served as a Member of the House of Representatives. Unfortunately, their statements mis-characterized my record. I wish to take this opportunity to clarify the record.

Specifically, the Senator from Colorado, Senator BROWN, stated that I repeatedly voted against public hearings in ethics matters. In fact, the opposite is true. In 1989, I supported a comprehensive ethics reform bill that greatly improved House ethics procedures. As a result of that bill, rules were promulgated requiring public hearings in the final stage of ethics cases. The Senator from Colorado opposed that bill.

Also, in cases of sexual misconduct to reach the House floor, I voted twice to increase sanctions against individual Members. In those cases, one of the accused Representatives was a Democrat and one was a Republican. Senator BROWN, then my colleague in the House, voted for increased sanctions for the Democrat, but not the Republican.

The PRESIDING OFFICER. The Senator's time has expired.

Mrs. BOXER. Do not vote in favor of paper, vote in favor of people and support the Boxer amendment.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. DOLE. Mr. President, I have not had an opportunity to hear the debate. I know every second has been used. To many this is a very important matter and certainly the charges leveled against the Senator from Oregon are serious ones. There is no place for sexual harassment or any other form of sexual misconduct in the United States, in the U.S. Senate. That is point one.

Equally as important is point two. We do have an Ethics Committee. We may not have another one again. Maybe this is the end of the Ethics Committee. Maybe it should be. If they do not have any standing, if they do not have any credibility, if they are not supported by the bipartisan leadership, I am not certain what function they can perform in the future.

It is supposed to be a bipartisan committee. That is why it is 3 to 3, to avoid all the things we are doing right now. That is the reason it was implemented in this way, structured in this way, so we avoid a circus on the floor if somebody felt so inclined.

So we have a procedure that has worked, as I understand, fairly well for 31 years. I think it ought to be followed today. We have had 2½ years of investigation in this case—2½ years—against Senator PACKWOOD. As a part of this investigation, the Ethics Committee has interviewed 264 witnesses, taken 111 sworn depositions, issued 44 subpoenas, read 16,000 pages of documents and spent 1,000 hours in meetings just on this case alone.

It is now my understanding, at least, that the Ethics Committee is preparing relevant information, the most detailed public submission ever made by the committee in any case. As it does in other cases, the Ethics Committee will also recommend an appropriate sanction. And before the Senate votes on this sanction, the committee will provide a full and complete record of all relevant evidence, and this record will be made available to the public.

So I believe the American people, as they should, will have a right to know. The American people will know; they will have an opportunity to review the record, blemishes and all. It just seems to me, as someone not on the Ethics Committee—and, believe me, it is not easy to ask your colleagues to serve on that committee; it is going to be even more difficult from this day forward, I assume, unless you want to make it just a partisan committee, and then maybe we ought to change the numbers. But I guess the real question is whether or not we are going to allow the Ethics Committee to do its work without second-guessing on the floor of the Senate.

The Ethics Committee should not be a political football. We have a process and that process should be followed. It has been followed in numerous cases in the past. If we want to change the rules and change the process, I assume we will do it as we normally do, prospectively, in future cases, and not in the middle of a case.

I can imagine what would happen if this case were on the other side of the aisle. The Senator from California would not be on her feet. There were several cases in the House, as I understand it, and there was not a word uttered by the Senator from California, who was then in the House. But this is different.

I have confidence in the Ethics Committee. We are out here in the middle of a case—actually, at the end of this case, because I understand the committee would like to act. Now, if we do not believe in the integrity of the Ethics Committee, why do we not abolish it? We can turn it over to the Senator from California to be in charge of everybody's ethics in the Senate, or to someone else who does not agree with the Ethics Committee.

We do not agree with a lot of things that happen in committees around here, but I am not certain we challenge every committee when we have a disagreement and bring it to the floor and demand a public hearing on our issue because we did not prevail in any other committee.

This is the Ethics Committee. I can tell you, as the leader, that it is extremely difficult to ask your colleagues to serve on this committee. It is going to be more difficult if this becomes a transparent effort to score partisan political points either in this case or the next case. Maybe the next time it will be on this side and we will want to score the partisan political points. Things that go around come around here, or whatever it is. I hope that is not the case.

If I felt for a moment that there were Republicans on the Ethics Committee—not in this case—who were not men of integrity, I would say move right ahead. I think their integrity probably matches that of those on the other side. I think they are all men and women of integrity on the Ethics Committee.

So I hope my colleagues will defeat the amendment offered by the Senator from California and then adopt the amendment offered by the Senator from Kentucky.

Let the committee proceed. This may be good media, but it is bad policy. The press loves this. They have been flocking in all day long. They like it. Going after a Member really whets their appetites, whether it is this case or any other case. It is a great way to get big headlines and make the nightly news.

But what does it do for the integrity of the Ethics Committee to score a few political points at the expense of the institution? If anybody can show me that Senator MCCONNELL or Senator CRAIG or Senator SMITH have, in some way, violated their oaths and violated their obligations as members of the Ethics Committee, or anybody else in this Chamber, then I would say, OK, let us proceed, because they have let us down. If anybody, including the Senator from California, can find one scintilla of evidence that somehow the Republican members prejudged or overlooked whatever they overlooked, whatever the charge might be, then that is one thing.

So I hope I will be standing here the next time when it may be reversed, and I will be making the same speech, not a different one. I will be saying, maybe the next time, wait a minute, we have an Ethics Committee—we may or may not have an Ethics Committee, who knows. But if we have an Ethics Committee, and if it is evenly balanced with Democrats and Republicans, then let us wait until we hear what the decision is.

So for all the reasons I can think of—and I know it is, again, good theater, but sometimes we have to look beyond the theater in this body. This is a proud institution and, in my view, I think we can properly oversee and provide appropriate remedies for misconduct by anybody in this Chamber, Republican or Democrat, and I trust that is the way it will be in the future.

Mr. President, the charges that have been leveled against my colleague from Oregon are very serious ones. There is no place for sexual harassment or any other form of sexual misconduct in the United States or in the U.S. Senate. That is point 1.

Point 2 is that the Ethics Committee has established procedures for investigating charges of misconduct against Members of the Senate. These procedures have worked in the past, and they should be followed today.

During the past 2½ years, the Ethics Committee has been diligently investigating the charges against Senator PACKWOOD. As part of this investigation, the Ethics Committee has interviewed 264 witnesses, taken 111 sworn depositions, issued 44 subpoenas, read 16,000 pages of documents, and spent 1,000 hours in meetings just on this case alone.

It is my understanding that the Ethics Committee is now preparing the largest, most detailed public submission every made by the committee in any case.

As it does in other cases, the Ethics Committee will also recommend an appropriate sanction. And before the Senate votes on this sanction, the committee will provide a full and complete record of all relevant evidence in this case. This record will be made available to the public.

So, this debate is not about the American people's right to know, as some of my colleagues on the other side of the aisle have claimed. The American people will know. They will have an opportunity to review the record—blemishes and all.

The real question here is whether we will allow the Ethics Committee to do its work, without second-guessing from the floor of the Senate. The Ethics Committee should not be a political football. We have a process, and that process should be followed as it has been followed in numerous cases in the past.

If we want to change the rules, change the process, then we should do so prospectively, in future cases, not in the middle of this case or any other case, and certainly not as part of a transparent effort to score partisan political points.

Mr. McCONNELL. Mr. President, have the yeas and nays been ordered?

The PRESIDING OFFICER. No.

Mr. DOLE. Mr. President, I ask for the yeas and nays on both amendments.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

VOTE ON AMENDMENT NO. 2079

The PRESIDING OFFICER. The question is on agreeing to amendment No. 2079 by the Senator from California.

The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 48, nays 52, as follows:

[Rollcall Vote No. 352 Leg.]

YEAS—48

Akaka
Baucus
Biden
Bingaman
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Cohen
Conrad
Daschle
Dodd
Dorgan
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Heflin
Hollings
Inouye
Johnston
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Moseley-Braun
Murray
Nunn
Pell
Pryor
Reid
Robb
Rockefeller
Sarbanes
Simon
Snowe
Specter
Wellstone

NAYS—52

Abraham
Ashcroft
Bennett
Bond
Brown
Burns
Campbell
Chafee
Coats
Cochran
Coverdell
Craig
D'Amato
DeWine
Dole
Domenici
Faircloth
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hatch
Hatfield
Helms
Hutchison
Inhofe
Jeffords
Kassebaum
Kempthorne
Kyl
Lott
Lugar
Mack
McCain
McConnell
Moynihan
Murkowski
Nickles
Packwood
Pressler
Roth
Santorum
Shelby
Simpson
Smith
Stevens
Thomas
Thompson
Thurmond
Warner

So, the amendment (No. 2079) was rejected.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. LOTT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 2080

The PRESIDING OFFICER (Mr. GORTON). The question is on agreeing to the amendment of the Senator from Kentucky [Mr. McCONNELL].

Mr. DOLE. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of Senator from Kentucky. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 62, nays 38, as follows:

[Rollcall Vote No. 353 Leg.]

YEAS—62

Abraham
Ashcroft
Bennett
Bond
Breaux
Brown
Bumpers
Burns
Campbell
Chafee
Coats
Cochran
Conrad
Coverdell
Craig
D'Amato
DeWine
Dole
Domenici
Dorgan
Faircloth
Frist
Gorton
Gramm
Grams
Gregg
Hatch
Hatfield
Heflin
Helms
Hutchison
Inhofe
Inouye
Jeffords
Johnston
Kassebaum
Kempthorne
Kerrey
Kyl
Lott
Lugar
Mack
McCain
McConnell
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pell
Pressler
Pryor
Roth
Santorum
Shelby
Simpson
Smith
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—38

Akaka
Baucus
Biden
Bingaman
Boxer
Bradley
Bryan
Byrd
Cohen
Daschle
Dodd
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Grassley
Harkin
Hollings
Kennedy
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Moseley-Braun
Murray
Reid
Robb
Rockefeller
Sarbanes
Simon
Snowe
Specter
Wellstone

So, the amendment (No. 2080) was agreed to.

Mr. DOLE. I move to reconsider the vote.

Mr. THURMOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. DOLE. What is the pending business?

The PRESIDING OFFICER. Under the previous order, the Senator from Wisconsin [Mr. FEINGOLD] is to be recognized.

Mr. DOLE. If he would yield for a moment.

I have talked to the managers of the bill. I think it is their intent to stay here late this evening. And I understand they are going to take the amendment of the Senator from Wisconsin and take an amendment from the Senator from Iowa. But we need to find other amendments. And we have had a five-hour delay here, rain delay, that is not the fault of the managers. So we have lost five hours. So they would like to make up some of that time tonight.

If we cannot find any amendments, we need, in fairness, to let our colleagues know. If we cannot find amendments, we need to have our colleagues know whether we can have a roll call, and at what time. So maybe the managers can take a quick check and let the leaders know, so we can advise our forces.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, I urge Democratic Senators to come to the floor. We have a whole series of amendments that ought to be debated. This is prime time and a very important opportunity. I hope we will not let it go to waste. There are Senators who have expressed their interest in amending this bill, and they ought to come to the floor to offer these amendments.

I urge Cloakrooms to encourage Senators to come to the floor at their earliest convenience.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. BYRD. Mr. President, will the distinguished Senator yield to me without losing his right to the floor?

Mr. FEINGOLD. I yield to the Senator from West Virginia.

CONGRATULATIONS TO DARIUS JAMES FATEMI, PH.D.

Mr. BYRD. Mr. President, Plato thanked the gods for having been born a man and for having been born a Greek and for having been born during the age of Sophocles. I thank the benign hand of destiny for allowing me to live to see one of my grandsons become a Ph.D. in physics.

On yesterday, Darius James Fatemi was given his Ph.D. in physics. Seneca is reported to have said that a good mind possesses a kingdom. Disraeli said, upon the education of our youth, the fate of the country depends. Emerson said that the true test of civilization is not the census nor the size of cities nor the crops—no, but the kind of man the country turns out.

You can imagine, those of you who are grandparents, and those of you who may not yet be grandparents, the pride which I share with my wife, Erma, in feeling that we have, indeed, contributed to this great country a new physicist, a doctor of physics.

Darius was named after Darius the Great, who became King of Persia upon the neigh of a horse. Darius James Fatemi did not get his doctorate by the neigh of a horse.

We are grateful that the good Lord has blessed us with wonderful grandchildren, and this is the first Ph.D. in our line. I suppose if we all look back far enough, may I say to the distinguished majority leader and to my colleagues, we would find somewhere in our ancestry a slave—the Greeks, the Persians, the Romans, other peoples of antiquity owned slaves. And so we may have an ancestor who was a slave. At the same time, we may have an ancestor who was a king. But as far as I know, this is the first Ph.D. in my line, and I thank the good Lord for that.

I thank all Senators for listening.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1996

The Senate continued with the consideration of the bill.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin holds the floor.

Mr. REID. Mr. President, I ask my friend from Wisconsin to withhold.

Mr. FEINGOLD. I yield without losing my right to the floor.

PRIVILEGE OF THE FLOOR

Mr. REID. Mr. President, I ask unanimous consent that Debbie Allen, a congressional fellow assigned to my office, be assigned privilege of the floor during pendency of the legislation now before the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Wisconsin is recognized.

AMENDMENT NO. 2082

(Purpose: Sense-of-the-Senate resolution regarding Federal spending)

Mr. FEINGOLD. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Wisconsin [Mr. FEINGOLD] proposes an amendment numbered 2082.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following:

SEC. . SENSE OF THE SENATE REGARDING FEDERAL SPENDING.

It is the sense of the Senate that in pursuit of a balanced federal budget, Congress should exercise fiscal restraint, particularly in authorizing spending not requested by the Executive and in proposing new programs.

Mr. THURMOND. Mr. President, will the Senator yield for 10 seconds to get some people on the floor?

Mr. FEINGOLD. Yes, I yield.

PRIVILEGE OF THE FLOOR

Mr. THURMOND. Mr. President, I ask unanimous consent that Jack Kennedy and Floyd DesChamps, who are currently serving fellowship assignments on Senator MCCAIN's staff, be granted the privilege of the floor during the Senate's consideration of S. 1026, the fiscal year 1996 national defense authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, this is a simple sense-of-the-Senate amendment stating that Congress should exercise self-restraint in authorizing and appropriating funds for all Federal spending, including defense spending, especially in cases where the spending has not been requested by the applicable agency in the first place or is not directly related to national security needs.

I will just speak very briefly, because I understand the managers intend to accept this, but I do want to make a brief point about it.

I think every Member of this body is aware of the problem this sense-of-the Senate is intended to address. Congress passed a budget resolution a short time ago that called for increased defense spending over the next few years of more than $58 million. We ought to understand that just because there is room in the budget resolution to spend that extra money, it does not mean that Congress has to or is forced to spend it on projects that are either unnecessary or not directly related to national security interests.

In recent weeks, the reports, Mr. President, have been increasing. Media reports have documented what they have called a business-as-usual attitude in Washington, DC, as many of these so-called reformers have gotten in line not to decrease but to add defense spending for weapons systems that our military people have not even asked for. Why? Because the weapons systems are built in their districts or their home States. That is the simple answer.

Mr. President, I ask unanimous consent that an article from the Monday, July 31, Washington Post, entitled "Extra Pentagon Funds Benefit Senators' States," be printed in the RECORD.

There being no objection, the articles was ordered to be printed in the RECORD, as follows:

[From the Washington Post, July 31, 1995]

EXTRA PENTAGON FUNDS BENEFIT SENATORS' STATES

(By Dana Priest)

While Republicans talk about a revolution in the way government spends taxpayer money, in at least one area, according to a new study, the GOP is now the keeper of a decades-old bipartisan tradition: funneling Defense Department dollars to businesses back home.

Of the $5 billion in weapons spending that the Senate Armed Services Committee added on to President Clinton's budget request, 81 percent would go to states represented by senators who sit on the committee or on the Appropriations defense subcommittee.

This includes $1.4 billion for an amphibious assault ship built by Ingalls Shipbuilding, a huge employer in Sen. Trent Lott's state of Mississippi and partial funding of $650 million for two Aegis destroyers built by Ingalls and Bath Iron Works in Sen. William S. Cohen's state of Maine. Republicans Lott and Cohen are members of the Senate Armed Services Committee and Cohen chairs its seapower subcommittee, nicknamed the "shipbuilders subcommittee," which decides the fate of most sea-related military equipment.

Defense officials admit they do not need either ship to be ready to fight two wars nearly simultaneously, which is the standard set for all branches of the military by the Joint Chiefs of Staff. But, said a senior defense official, "If I don't get some of these ships, I'm going to have to keep some older ships in the fleet."

The ships are just the most expensive examples of congressional add-ons to the $258 billion presidential budget request, which all the Republican chairman of House and Senate defense-related committees believe is too low. The Senate Armed Services Committee added about $7 billion to Clinton's request. The House added nearly $10 billion. The full

Senate is to take up the defense spending bill in August.

Of the 44 military construction projects that the Senate Armed Services Committee added to the defense budget, 32 of them—and 73 percent of the $345.8 million in add-ons—went to states represented by senators on one of the two defense committees, according to the same study. The study is a culling of the defense bill programs compiled by the Council for a Livable World, a Washington-based organization that advocates decreased defense spending.

"They have added [these programs] not for national security reasons, but to help members of Congress," said Council President John Isaacs. "It is absolutely business as usual. This is a practice as common among Republicans as Democrats. Changes of parties, changes of ideology don't matter."

Technically, the Defense Department is supposed to wholeheartedly support the president's budget request. But when the Republican chairmen of the House and Senate defense committees asked the services this year to come up with a wish list if they had more money, not one balked.

That is the one reason, defense officials said, they did not want to be named in this article, or even identified as Army, Navy, Air Force or Marine.

Many items at the top of the services' wish list showed up on the Senate committee's list. Among them: 12 extra F-18 Hornet fighter jets for $564 million, built in the states of Sens. Christopher Bond (R-Mo.) of the Appropriations subcommittee on Defense and Edward M. Kennedy (D-Mass.) of the Armed Services Committee; 20 extra Kiowa Warrior helicopters for the Army, built by companies in states of Armed Services Committee members Kay Bailey Hutchison (R-Tex.) and Dan Coats (R-Ind.). Sen. Phil Gramm (R), the other senator from Texas, is on the Appropriations defense subcommittee.

"To be very honest, yes, Senator Coats certainly is very concerned when there are Indiana companies that have a tie-in—that is a consideration," said Coats's press secretary, Tim Goeglein. "But if Senator Coats feels that is money the Armed Services Committee should not be budgeting, he would not support it." A spokeswoman for Cohen's office sent a copy of the committee's bill to explain why Cohen had voted to spend more money than requested. It says the committee believes "the procurement of basic weapons and items of equipment has been neglected during the decline in defense spending" and that it would be cheaper to order more now than wait until a time when production costs could be higher.

Kennedy was not the only Democrat who benefited in the committee bill. The committee decided to buy three CH-53 Super Stallion helicopters for the Marines at a cost of $90 million. They are produced by General Electric Co. in Massachusetts and United Technologies Corp. in Democratic committee member Joseph I. Lieberman's state, Connecticut.

Kennedy did not support adding money to the president's request, said a spokesman for the Massachusetts senator, but when he realized Republicans were going to do it anyway, "he wanted to see the money spent as best as possible." He said Kennedy believes the helicopters will help the Marines improve their countermine warfare efforts.

"All politics is local," one defense official said. "If I'm a defense contractor I'm going to do everything I can to locate in a powerful chairman's district because I have immediate access. Jobs are important on the Hill."

Mr. FEINGOLD. I thank the Chair.

Mr. President, I am not suggesting that we should only fund weapons systems requested by the Pentagon, or that because the Pentagon has asked for something, that Congress should automatically vote to provide them with their wish list.

What I am saying is that when Members of Congress start adding things to the Department of Defense spending list, we ought to give extra special scrutiny to those items that the administration never even requested.

I think we ought to be looking carefully to make sure those additional items, in fact, are related to national security needs, not just a source of jobs back home. There are better ways to provide those jobs than building new weapons that we do not need, are not wanted by the military, and further drain our National Treasury.

Mr. President, my sense of the Senate is simply intended to make a commonsense statement. We do not have to spend it all just because the budget allows it. Let us apply some fiscal discipline and restraint in all budget areas, including the Department of Defense.

I do hope the amendment will be accepted, as has been indicated to me previously. I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, we will accept the amendment on this side.

Mr. NUNN. Mr. President, the amendment makes sense. I urge our colleagues to accept it on this side.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 2082) was agreed to.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

AMENDMENT NO. 2083

(Purpose: To prohibit a waiver of the time-in-grade requirement for a retirement in grade of an officer who is under investigation or is pending disposition of an adverse personnel action for misconduct)

Mr. GRASSLEY. Mr. President, my amendment, I do not think, will be controversial. I hope it has been cleared on both sides. I believe it has. My amendment will modify section 505 of the bill.

Section 505 of the bill streamlines the procedure for retiring our most senior military officers. That means admirals and generals who hold three- or four-star rank. Under current law, the President must nominate the most senior officers for retirement, which involves senatorial confirmation under existing law. If a three-star or four-star officer is not nominated or not confirmed under current law, that individual then, as we all know, reverts to his or her permanent grade, which, obviously, is lower.

For a three-star general, as an example, this could mean retirement with a two-star, or even a one-star grade, I believe. I hope I understand it well. section 505 would eliminate Senate confirmation. That means section 505 of this bill would do away with Senate confirmation of three-star and four-star officers who are retiring.

When Senator HUTCHISON and Senator NUNN, and others, first introduced this measure, it was introduced as S. 635 and introduced on March 28 of this year. At that time, I very much opposed the idea, and I joined Senator BOXER and Senator MURRAY in signing a letter to the committee on May 11 of this year expressing opposition to the bill by Senators HUTCHISON and NUNN. We felt that S. 635 would undermine congressional oversight, that it would undermine civilian control of the military, and would undermine accountability.

Our most senior military officers, we felt—because they are entrusted with tremendous power and responsibility—ought to, in all instances, be proven to do that. So, for that reason, and that reason alone, we feel that they must be held to the very highest possible standards.

Well, section 505 of this bill is not much different from the original S. 635. The language has not changed much, but I can say that we have changed as we viewed the intent of the NUNN-HUTCHISON bill.

Our initial reaction to S. 635 was tempered by several very difficult and controversial retirement nominations last year. Remember Admiral Kelso, Gen. Buster Glosson, General Barry, Admiral Mauz. We thought that we had good reason to question those nominations for retirement. We thought our concerns were justified. We still do.

Well, after the Hutchison-Nunn bill was introduced, I asked the American Law Division of the Congressional Research Service to assess all of the bill's implications. Mr. Bob Burdette, legislative attorney with the division, was kind enough to prepare a very thoughtful and helpful analysis of the proposed changes to the law, as suggested by our colleagues. Mr. Burdette's report helped to lay most of my concerns to rest.

I ask unanimous consent to have that report printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONGRESSIONAL RESEARCH SERVICE,
LIBRARY OF CONGRESS,
Washington, DC, July 20, 1995.

To: Hon. Charles E. Grassley. Attention: Charlie Murphy.
From: American Law Division.
Subject: The Legal Effect of Enacting Section 505 Of S. 1026, 104th Cong., 1st Sess., Respecting Retirements of Commissioned Officers Who Have Served At Grades O-9 and O-10.

This memorandum explains the legal effect of enacting Section 505 of S. 1026, 104th Cong., 1st Sess. (1995). This section of the proposed legislation would make four changes in the provision presently codified at 10 U.S.C. §1370. By way of "conforming amendments," this section would also repeal provisions presently codified at 10 U.S.C. §§3962(a), 5034, and 8962(a).

The proposed legislation would not amend paragraph (1) of subsection (a) of 10 U.S.C. §1370. That is, regardless of whether the proposed legislation is enacted, this paragraph will still specify a general rule that a commissioned officer of the Army, Navy, Air Force, or Marine corps shall, except as provided in paragraph (2) of 10 U.S.C. §1370(a), be retired in the highest grade in which he served on active duty satisfactorily for at least six months.

SECTION 505(A)(1) OF THE BILL

The first change, which would be made by section 505(a)(1) of the bill, is substantive in nature. It would strike out the words "and below lieutenant general or vice admiral" which presently appear at 10 U.S.C. §1370(a)(2)(A). With such words excised from subparagraph (A) of §1370(a)(2), that subparagraph would read, as follows:

In order to be eligible for voluntary retirement under any provision of this title in a grade above major or lieutenant commander [...], a commissioned officer of the Army, Navy, Air Force, or Marine Corps must have served on active duty in that grade for not less than three years, except that the Secretary of Defense may authorize the Secretary of a military department to reduce such period to a period not less than two years in the case of retirements effective during the nine-year period beginning on October 1, 1990.

As a consequence of the excision, commissioned officers serving, or who have served, at the grades of O-9 and O-10 would be eligible to retire at such grades only after serving at them for at least either three years or, if authorized by both the Secretary of Defense and the Secretary of the military department concerned, as little as two years in the case of retirements occurring during the specified nine-year window.

Subparagraph (B) of §1370(a)(2) would not be amended by the proposal. Hence, it would still confer none-delegable authority on the President to "waive subparagraph (A)" in individual cases involving either extreme hardship or exceptional or unusual circumstances. In other words, a relevant presidential waiver made under the conditions specified could render a particular commissioned officer above the grade of O-4 (albeit now including officers serving, or who have served, at the grades of O-9 and O-10) eligible to retire at the highest grade at which that officer had served without regard to the length of time he had served at that highest grade.

SECTION 505(A)(2) OF THE BILL

The second change, which would be made by section 505(a)(2) of the bill, is likewise substantive in nature. It would strike out the words "and below lieutenant general or vice admiral" which presently appear at 10 U.S.C. §1370(d)(2)(B). Subsection (d) of 10 U.S.C. §1370 relates generally to retirements of reserve officers under chapter 1225 of Title 10. Paragraph (1) of 10 U.S.C. §1370(d) specifies that a person entitled to retired pay under chapter 1225 is to be credited with satisfactory service in the highest grade in which that person served satisfactorily at any time. With the relevant words excised from subparagraph (B) of §1370(d)(2) as indicated in the proposed legislation, that subparagraph would read, as follows:

In order to be credited with satisfactory service in an officer grade above major or lieutenant commander [...], a person covered by paragraph (1) must have served satisfactorily in that grade (as determined by the Secretary of the military department concerned) as a reserve commissioned officer in an active status, or in a retired status on active duty, for not less than three years. A person covered by the preceding sentence who has completed at least six months of satisfactory service in grade and is transferred from an active status or is discharged as a reserve commissioned officer solely due to the requirements of a nondiscretionary provision of law requiring that transfer or discharge due to the person's age or years of service may be credited with satisfactory service in the grade in which serving at the time of such transfer or discharge, notwithstanding failure of the person to complete three years of service in that grade.

As a consequence of the excision, reserve commissioned officers serving, or who have served, at the grades of O-9 and O-10 would be eligible to retire at such grades only after serving at them for at least either three years or, in the specified circumstances, as little as six months.

It might be pointed out that no authority is presently (or, under the proposed legislation, would be) conferred on the President to "waive subparagraph (A)" in individual cases involving either extreme hardship or exceptional or unusual circumstances. Thus, eligibility for high-grade retirement presently does (and under the proposed legislation would continue to) differ as between regular and reserve officers.

SECTION 505(b)(1) OF THE BILL

The third change, which would be made by section 505(b)(1) of the bill, is nonsubstantive. It would amend subsection (c) of 10 U.S.C. §1370 by replacing certain words with certain other words. That is, the words "Upon retirement an officer" would be stricken out and replaced by the words "An officer." All this amendment does is simply remove excess verbiage.

SECTION 505(b)(2) OF THE BILL

The fourth change, which would be made by section 505(b)(1) of the bill, is substantive in nature. It would amend subsection (c) of 10 U.S.C. §1370 by striking out the words "may, in the discretion" and all that follows and replacing them with certain other words. This amendment would alter the thrust of the subsection entirely. At present, subsection (c) is the provision which allows officers serving at grades O-9 and O-10 while on active to duty to be retired at those grades, at the discretion of the President and subject to Senate confirmation. The proposed amendment would change the subsection, as already amended by section 505(b)(1) of the bill, to read, as follows:

"An officer of the Army, Navy, Air Force, or Marine Corps who is serving in or has served in a position of importance and responsibility designated by the President to carry the grade of general or admiral or lieutenant general or vice admiral under section 601 of this title may be retired in the higher grade under subsection (a) only after the Secretary of Defense certifies in writing to the President and the Senate that the officer served on active duty satisfactorily in that grade."

One obvious effect of this change would be to eliminate the requirement of Senate confirmation for officers retiring at grades O-9 and O-10. Another effect of this change is less obvious.

As noted at the outset of this memorandum, paragraph (1) of subsection (a) of 10 U.S.C. §1370 presently specifies a general rule that a commissioned officer of the Army, Navy, Air Force, or Marine Corps shall be retired in the highest grade in which he served on active duty satisfactorily for at least six months. The language setting out that general rule is preceded by the caveat "[u]nless entitled to a higher retired grade under some other provision of law." The words "higher grade" used in this caveat are not used anywhere else in subsection (a). Consequently, when the new language that would be added to subsection (c) of 10 U.S.C. §1370 refers to "the higher grade under subsection (a)," it clearly implies that there may be instances in which officers who would not otherwise be entitled to retire at higher grades under the terms of 10 U.S.C. §1370 (e.g., because they have not served long enough at those higher grades) could under some unspecified "other provision of law" be entitled to retire at those higher grades so long as the Secretary of Defense "certified" served satisfactorily for an unspecified period of time in the grade concerned and supplied such certification to the President and to "the Senate." The transmittal of such a certification to "the Senate" is of unknown significance.

ROBERT B. BURDETTE,
Legislative Attorney.

Mr. GRASSLEY. Mr. President, it is very hard to argue with the fairness and the justice embodied in Section 505 of the bill. Under Section 505, the retirement of three-star and four-star officers will be considered under the same standards and under the same procedures as the retirement of one-star and two-star generals. In fact, the retirement of all officers above the rank of major or lieutenant commander will be handled in the same way.

Under the new law, then, assuming this bill is enacted, once these officers have served 3 years in grade, they would be allowed to retire with their highest grade without Senate confirmation. I cannot argue with that, and it seems to me that that is the right way to do it. But in investigating this, I came up with this concern that I hope my colleagues feel is legitimate.

Under the law, the Secretary of Defense and service secretaries will still have broad discretionary authority to waive time in grade requirements. That is a potential loophole, as far as I am concerned. Hence my amendment.

I would like to offer a hypothetical scenario. Say a three-star general, with only a few months in grade, gets caught violating a regulation or law. The IG is called in to investigate. The

IG finds that the general has violated the law and lied about it to his investigators. The IG then recommends disciplinary action. The service secretaries reject the IG's recommendation, as is too often the case. The secretaries choose, instead, to waive time in grade requirements, allowing the officer to retire with full rank, as a three-star general. This would end the controversy, but it would give the officer an unearned promotion.

Mr. President, once we do away with the confirmation of three-star and four-star retirements, this scenario might be more than hypothetical. It might be very real.

My amendment, then, is meant to plug that loophole. Under my amendment, time in grade requirements could not be waived if an officer were under investigation for an alleged misconduct or if adverse personnel action was pending.

Mr. President, this would address the concerns that we have—meaning Senator MURRAY and Senator BOXER and myself—arising out of the controversial retirement nominations we wrestled with last year and, hence, our letter to the Armed Services Committee in May of this year.

Mr. President, with that one minor modification that will be in my amendment, I would support Section 505. We will still have ample opportunity to scrutinize the performance and conduct of our most senior military officers through the regular confirmation process.

All three-star and four-star active duty promotions and assignments will still be subject to Senate confirmation.

Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Iowa [Mr. GRASSLEY] proposes an amendment numbered 2083.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 159, line 3, before the end quotation marks insert the following: "The 3-year time-in-grade requirement in paragraph (2)(A) of subsection (a) may not be reduced or waived under such subsection in the case of such an officer while the officer is under investigation for alleged misconduct or while disposition of an adverse personnel action is pending against the officer for alleged misconduct.".

Mr. GRASSLEY. Mr. President, I yield the floor.

Mrs. MURRAY. Mr. President, I rise in support of the Grassley amendment, which seeks to modify section 505 of this bill. Section 505, which is almost identical to S. 635, would eliminate Senate confirmation of retiring three-star and four-star officers.

Currently, the President nominates senior officers for retirement and they come before the Senate for confirmation. As we all know, in recent years, there has been great cause for Senate involvement in the confirmation of retiring officers. This new section would allow officers who have served 3 years in grade the ability to retire with their highest grade without action by the Senate.

On May 11 of this year, I joined Senators GRASSLEY and BOXER in sending a letter to the Armed Services Committee outlining our concerns with the provisions in S. 635. At a minimum, we asked that public hearings be held before proceeding with this action. Obviously, my concerns with this section have not been alleviated.

Mr. President, I ask unanimous consent that the complete text of the letter sent to the Armed Services Committee be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, May 11, 1995.

Hon. STROM THURMOND,
Chairman, Senate Committee on Armed Services, Washington, DC.

DEAR MR. CHAIRMAN: We are writing to express our concern regarding S. 635, legislation recently introduced to eliminate the Senate's role in confirming the retirement nominations of military officers who hold three- and four-star rank and who have served three years or more in grade.

As you know, the law governing the Senate role in approving the retirement nominations of three- and four-star military officers was enacted in 1947 and has been amended several times since. Available information on the legislative history of this issue indicates that the introduction of Senate confirmation of senior military officers in 1947, for promotion or retirement, was principally an issue of separation of powers. One of the goals of the original statute, the Officer Personnel Act of 1947, was to reinforce civilian control over the military and increase Congressional purview over what had once been an exclusive function of the Executive Branch. We believe these principles are as valid today as they were in 1947.

Perhaps even more importantly, Congress' governing power and authority over the Nation's armed forces is clearly set out in Article I, Section 8 of the Constitution. Of additional relevance is Article II, Section 2, which describes the Advice and Consent role of the U.S. Senate with regard to Presidential appointments.

Therefore, we would like to take this opportunity to outline our concerns regarding S. 635 and to respectfully challenge the rationale behind its introduction.

Upon introduction of S. 635, the argument was made that our Nation's highest ranking military officers should be treated like their civilian superiors and other government officials. We believe that civilian comparisons are not relevant to this situation. The military, and indeed the Committee, have often taken the position that civilian rules and laws are not appropriate when applied to the unique role and mission of our Nation's armed forces. It is precisely for these reasons that we have concluded that requiring our highest ranking military officials to come before the Senate for their retirement nominations provides an important safeguard for their civilian leadership and the American taxpayer.

Likewise, we disagree with the argument that standards acceptable in the private sector are relevant to the military. For a variety of reasons, including the involvement of taxpayer funds, public service really bears no comparison to private sector service when it comes to standards of accountability and compensation.

Perhaps most importantly, we are concerned with this issue as it relates to leadership and command accountability in our Nation's armed services. The central issue in considering retirement nominations has been, and remains, that service in our Nation's military, especially at the highest levels, is a privilege and an honor. We continue to believe that the military should be governed by the highest standards, and that command accountability to those standards should in no way be compromised.

An additional argument made in support of S. 635 is that this legislation will "reduce the administrative work load of the Senate Armed Services Committee and the Department of Defense." We are sympathetic with this goal, but we believe that S. 635 fails to provide an effective and prudent response to this problem. We understand that in fiscal year 1993, for example, the Committee was asked to review just six grade 0–10 officers for retirement, and less than twenty at grade 0–9. In total, these retirement nominations represented just a fraction of the total number of nominations reviewed by the Committee—which we have been told numbered in the thousands. According to the Congressional Research Service, the numbers for 1993 are typical of the work load presented in other years by these retirement nominations.

Moreover, we reject the idea that military nominations, be they for promotions or retirements, are nothing more than routine "administrative workload." Reviewing military nominations is one of the Armed Services Committee's most important responsibilities. It is a Constitutional responsibility and an important tool for maintaining civilian control and accountability. It is also a way of keeping the Senate involved in the crucial process of nurturing military leadership.

Since the passage of the Officer Personnel Act of 1947, your Committee has held the view that the top-most military and naval officers in the Nation should be subject to Senate approval. The reason for this is quite simple: the question of who gets the "top rank" will in the long-run determine the overall quality of the leadership in the Armed Forces. And having top quality military officers is probably the single most important ingredient of military strength.

Keeping the Senate involved in the promotion and retirement process as the final, independent check will help to ensure that only the best are rewarded with top-level promotions. Most of those promotions go to future leaders, but some are given as rewards at retirement for outstanding service.

Retirement nominations are no less significant than others handled by the Committee. As you know, retired members of the armed forces can be recalled to active duty at any time, voluntarily or involuntarily, and therefore the status conferred on those individuals at the time of retirement carries much more than ceremonial significance.

Finally, last year we were encouraged by the Senate's almost unanimous support of the Moseley-Braun/Murray amendment to the FY 1995 Defense Authorization Act which required that the armed services improve the procedures by which discrimination and sexual harassment complaints are processed. In part, the amendment states:

"The Secretary of Defense shall ensure that the Department of Defense regulations governing consideration of equal opportunity matters in evaluations of the performance of members of the Armed Forces include provisions requiring as a factor in such evaluations consideration of a member's commitment to elimination of unlawful discrimination or of sexual harassment in the Armed Forces."

This statutory language reflects an important public policy, but we are concerned that without strong enforcement mechanisms DoD will not get the message. It is our understanding that so far DoD has missed every deadline for reporting to Congress and adopting the new anti-discrimination regulations required under the Amendment. This foot dragging underscores the need to maintain congressional oversight, including the Senate confirmation of retirement nominations where relevant leadership can be questioned on these types of matters. We believe it would be very unwise to relinquish this important tool for assuring compliance with national anti-discrimination policies and others critical to military readiness. In addition, less senior members of our armed forces who cannot turn to an independent judiciary with an unresolved but persistent discrimination or whistleblowing complaint deserve to know that their leadership is routinely held accountable to the highest standards.

In short, we have serious reservations about S. 635, and we hope you will consider our views carefully when reviewing this legislation. At a minimum, we strongly urge the Committee to hold a public hearing on this issue before any further action is taken.

Thank you very much for your consideration.

Sincerely,

PATTY MURRAY.
CHARLES GRASSLEY.
BARBARA BOXER.

Mrs. MURRAY. At this time I would like to outline a few of my concerns as described in the letter with this section.

Several arguments have been made in support of this section. For instance, it has been argued that military officers should be treated as their civilian counterparts. However, civilian comparisons are not relevant because of the unique role and mission required of our Nation's Armed Forces.

It has been argued that the confirmation of retiring officers increases the administrative workload of the Senate Armed Services Committee. In fiscal year 1993, the committee reviewed just six grade 0-10 officers for retirement and less than 20 at grade 0-9. I do not believe that is an unreasonable number. In addition, reviewing military nominations is a constitutional responsibility that helps maintain civilian control and accountability.

Most importantly, by removing Senate involvement in the confirmation of retiring officers, we remove congressional oversight. We remove our ability to play a role in the very process that has been so troublesome in recent years.

Mr. President, Senator GRASSLEY's amendment would prohibit waiving time in grade requirements if an officer is under investigation for alleged misconduct or if adverse personnel action was pending. While I do not feel this is the ultimate solution to this problem, I do feel it is a move in the right direction toward making this section more acceptable.

There is no reason for an officer to receive a promotion while an investigation into alleged misconduct is pending.

As I have stated, I still have concerns with the wholesale repeal of congressional oversight as it relates to the confirmation of retiring officers. I believe we have a duty and an obligation to ensure that there are standards of accountability.

Mr. President, I urge my colleagues to vote in favor of the Grassley amendment.

Mr. THURMOND. Mr. President, we will accept the amendment on this side.

Mr. NUNN. Mr. President, I want to make sure that I understand the amendment. I believe I do. The Senator from Iowa can check me on this. This basically would preclude the waiver by the President of time in grade requirements that exist in the law for three-star and four-star retirements if there is an investigation or disciplinary action pending at that time?

Mr. GRASSLEY. That is my intent, a narrow application of exception to the purpose of your original bill.

Mr. NUNN. As I understand it, Mr. President, the waiver in this amendment would actually—by the President—would not happen on very many occasions, but if it does not happen, it should not happen when there is an investigation or disciplinary action pending. That is what the Senator is trying to accomplish. This would nail it down and make sure that does not happen.

Mr. GRASSLEY. At that point, if the President wanted to retire them under those circumstances, it would have to come before the Senate for approval.

Mr. NUNN. Mr. President, I think that we should not compromise on accountability in this area. If the Senate confirmation is going to be changed in the three- and four-star area, then I think we must make sure that the waivers are not granted when, at any point, it would undermine accountability of the officer in question. I therefore think it is a good amendment, and I urge its approval.

The PRESIDING OFFICER. Is there further debate?

The question is on agreeing to the amendment.

The amendment (No. 2083) was agreed to.

Mr. GRASSLEY. Mr. President, I move to reconsider the vote.

Mr. THURMOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. THURMOND. Mr. President, we are ready to go forward with other votes. If Members have any amendments, we are glad for them to come forward.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THURMOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KYL). Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT

Mr. THURMOND. Mr. President, I ask unanimous consent that when the Senate resumes the DOD authorization bill at 9 a.m. on Thursday, Senator DORGAN be recognized to offer his amendment, and there be 90 minutes equally divided in the usual form, with no second-degree amendments in order, and following the conclusion or yielding back of time, the Senate proceed to vote on or in relation to the Dorgan amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

SECTIONS 631 AND 632

Mr. CRAIG. Mr. President, I rise to express some concerns I have about sections 631 and 632 of the Department of Defense authorization bill for fiscal year 1996, S. 1026. These two sections Nos. 631 and 632, will grant unlimited commissary shopping privileges to ready reservists, certain retired reservists and to all their dependents.

Mr. President, I am a strong supporter of the men and women who serve this Nation, including those who serve in the Ready Reserve. Their commitment to this Nation's security is strong, and they deserve our support. My concerns about sections 631 and 632 are not about the Ready Reserve, but rather about the budgetary impact of these proposed changes.

In total, Mr. President, these sections give an estimated 2 million people unlimited access to military grocery stores here in the United States and overseas.

This is quite a dramatic expansion over current law, which limits reservists to shop at commissaries while on active duty plus an additional 12 shopping trips during the course of a year.

Up until now, only active duty, career military men and women enjoyed unlimited commissary shopping privileges. However, under section 631 and 632 the Congress will be bestowing this special benefit to 2 million civilians. Stated differently, if we adopt this language, civilian reservists will have the same compensation benefit as career active duty military personnel.

Mr. President, I have been advised that according to the Department of

Defense, there will be no budgetary implications associated with granting unlimited shopping privileges to the ready reservists, retired reservists, and their families. I hope this is in fact true, because this is not the same message that we heard when such an expansion was contemplated in the fiscal year 1994 defense authorization bill.

According to Pentagon testimony just 3 years ago in 1992, every dollar of sales in a commissary store requires about 16 cents in appropriated funding. In other words, it takes roughly 16 cents of taxpayer money to subsidize a dollar sale in a commissary store. Back in 1992, the Defense Department also told Congress that $24 million in tax dollars is needed for every additional 100,000 commissary patrons.

Now, here we are in 1995, and all of a sudden, everything has changed. Now, according to the Pentagon, it won't cost the American taxpayer a single dime to grant 2 million civilians unlimited access to commissary stores. If this is true, and commissary stores have become efficient, streamline operators, this has to be one of the most astounding success stories in recent memory for the Pentagon.

Mr. President, let me conclude by saying that many of us in this Chamber have been working very hard to reduce the Federal deficit and to achieve a balanced budget by the year 2002. Therefore, it is my concern that section 631 and section 632 may be taking us in the wrong direction if this expansion results in the need for greater appropriations and taxpayer subsidies next year. This is especially true in light of the multitude of needs we are trying to fulfill for both active personnel and reservists, within growing budget constraints.

Mr. LOTT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ASHCROFT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ASHCROFT. Mr. President, I ask unanimous consent that I be allowed to speak as in morning business for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

WELFARE IN AMERICA

Mr. ASHCROFT. Thank you for this opportunity to address the Senate, as I have done on 3 or 4 previous evenings. I am here to talk again about a topic which will confront the Senate very dramatically later this week. It is the topic of welfare reform.

It is time for the Senate to begin to focus not only on the cost of welfare reform in terms of dollars and cents, but the cost of the welfare tragedy in terms of the human cost—not numbers, but lives.

In each of the previous evenings when I have had an opportunity to address the Senate on this topic, I have talked about specific individuals. Individuals who have a story; individuals who were tragic victims of our welfare system.

The story I want to talk about tonight is the story of Jack Gordon Hill, Jr., of French Camp, CA. Mr. Hill's story is not a particularly uplifting story, for it is yet another story of human suffering at the hands of the welfare system.

Mr. President, I believe that Mr. Hill's story is the personification of a system that has replaced responsibility with rights, and has replaced opportunity with entitlement.

This picture beside me is one bright spot in Mr. Hill's welfare legacy. About a year ago, Mr. Hill credited the Federal Government's Supplemental Security Income Program with saving his life, and all the indications seemed to support his assertion. He was physically strong. He was mentally prepared, and ready once again to accept a place in America.

Mr. President, Jack Gordon Hill, Jr, had a serious problem with drugs and alcohol his entire adult life. His cocaine and whiskey cost him everything he had. Years ago he lost his job, and shortly thereafter he lost his family. He and his wife divorced. He gave up an infant son for adoption. Most tragically, he abandoned his two small daughters in Baltimore, unable or unwilling to take care of them.

In short, Mr. Hill was rushing ever faster toward rock bottom and almost hit, he claims, when he discovered SSI, which provides special payments for addicts. In his words, "It is like I've been falling in a bottomless pit all my life, and all of a sudden there was this one thin branch sticking out. I grabbed it. Now I am climbing out."

It turns out that the branch of SSI did not save him. It accelerated his fall. Mr. Hill's branch was a $458 a month governmental check, with which he was able to enter a drug and alcohol treatment center and get away from the street corner he had haunted.

In an interview with the Baltimore Sun last July, he sat in his room, in the California rehab center, playing with his kitten, Serenity—its name represented a new-found state of peace in his life. This world of contrived contentment was built on a foundation of sand.

Six months after that interview, the Baltimore Sun found Mr. Hill back on the same corner where he had begun, drunk and doped up. His Federal funds were now being used to support his renewed addiction to cocaine.

His use of these funds is far from exceptional. The system under which he got them spends $1.4 billion per year of taxpayers' funds. Unlike Mr. Hill, however, most of the individuals who received these funds—hundreds of thousands, according to the Baltimore Sun—never enter treatment centers, or seriously try to beat their addictions. The $458 a month they receive only speeds their inevitable demise.

One drug counselor at a health clinic for the homeless told the Sun that drug dealers flock around the recipients of these Government checks whenever the checks come in. Speaking of his patients who had died from drug overdoses, the drug counselor said, "All the dealers came circling around the patient of the day like vultures. A week later he would crash from whatever dope he was doing and feel terrible. Those were the times he would go looking for help. The problem was that we could never find help for him when that check came in the mail on the first of the month, and the whole cycle started over again."

This cycle of abuse, funded by the Federal Government, this welfare system which provides funding for the maintenance of these habits, is a tragedy which is costing us a tremendous toll in terms of human lives. When our welfare system clearly and openly supports a policy which runs contrary to every law and principle in our Government, we cannot be so blind as not to see the immediate and overwhelming need for an overhaul of the welfare system.

I have come before this body repeatedly to relate the personal stories of real Americans, stories which demonstrate how bankrupt our current welfare system is, how it enslaves its beneficiaries, how it traps them and robs them of their independence, their hope, and their futures. It is hard enough to break out of the cycle of poverty and dependence which the welfare system creates economically, but when the welfare system buys drugs for addicts, it virtually guarantees they will not escape and they will never be anything but wards of the Federal Government.

Mr. Hill did not only find himself abused, but he tried to do something. Mr. Hill did more than most of the SSI substance abuse recipients. He tried to get treatment. Yet, because Washington, DC, perceived the solution to his problems to be a wad full of Federal money—because the helping hand of Washington extends money to those who are in need and does not do much else—it destroyed his capacity. True charity cannot come from the Federal Government, it must come from concerned citizens who know the problems of their own communities, know the citizens in those communities, and truly want to solve the problems. And Federal money, money alone, cannot solve the problem. We need to involve the communities. We need to involve the States. We need to involve people—people who have the chance to introduce those on welfare to opportunities that lift them out of welfare.

Federal money should be administered to the States directly, allowing them the freedom to direct funds where they are needed. Federal funds should not be administered from a distant Washington bureaucrat and directed in ways that are not meaningful on the local level. Welfare, as it is currently practiced, simply provides a means for Mr. Hill and others like him to continue their self-destructive behavior. This behavior costs not only Mr. Hill, it costs us—not only in terms of our resources but it costs us productivity and lives. It has cost his three children an association with a father. It has been a tragedy, not just in financial terms, but in personal terms. It provides a means for Mr. Hill and others like him to continue their destructive behavior.

This is not a time for us to engage in half measures of welfare reform, and it is not a time for silence. Unfortunately, silence is exactly what we are getting from the Democrats who are making proposals which they call welfare reform. Every Republican plan that has been proposed eliminates the drug addiction and alcoholism disabilities from SSI. The Democrats are silent. President Clinton is silent on this issue. On issues as important as these, silence is death.

We have been down the road of half measures before. It was called the 1988 Family Support Act. It made big promises. It was going to put people to work. We had hoped, with the so-called Welfare Reform Act of 1988, that the devotion of additional resources, that additional Washington management, that additional one-size-fits-all solutions from the Nation's Capital would somehow provide a solution to the problem. But if we take a good look at what has happened in terms of welfare spending, we did not solve the problem in 1988. The problem skyrocketed in 1988. Half measures, the rearrangement of the deck chairs on the welfare *Titanic*, will do no more than provide a basis for taking the line on this chart right off the page.

We need to have real reform. We need to understand that welfare that is simply the Federal Government's handing individuals a wad of money, like the welfare reform proposal made available to Mr. Hill, is not welfare reform. That is welfare entrapment. We need to be involved in welfare replacement.

We must do more, we must ask for more, we must involve more people in the program. We must ask that civic groups and nongovernmental organizations be allowed to work with States. We must send the resources to the States to give them flexibility. The idea that there is a single solution in Washington that will provide the opportunity for everyone everywhere is an idea that has been proven to be a failure.

My family has an average size. If we were to try to buy pajamas based on the average size, one-size-fits-all would translate into one-size-fits-none.

When the Government in Washington, DC, tries to have a one-size-fits-all solution, it frequently fits none. It is time for us to turn the opportunity over to the States, States that can involve institutions that care for people, States that have the courage to make basic reforms, States that will have the courage to say to those on drugs and alcohol, "We will not continue to support your habit."

The real costs of welfare are not just the costs that we face as a result of the budget crunch. They are the costs in terms of human tragedy, costs like those endured by the Hill family as a result of the fact that, as a Government, we have chosen to fund one's addiction rather than to provide the kind of care that would help an individual leave the welfare system and become a productive individual.

This Saturday we will begin the welfare debate. We will have the opportunity to make a decision to pull together the information which will lead us to an inevitable conclusion that the one-size-fits-all Washington system has failed. We will have the opportunity to give the States, which have been begging for decades now, the flexibility to do what works, to give them the resources through block grants, to allow them to make the kinds of changes and to have the kinds of conditions and requirements that will lift people by enlisting nongovernmental organizations and others in their communities to help individuals on welfare become productive members of our cities and towns.

It is with this in mind that we need to understand that welfare reform cannot be tinkering around the edges. It must be substantial. It must be real renovation and reformation, for without renovation and reformation in the system, we will not have a new opportunity for the citizens of the land. Indeed, that is what citizens who now are on welfare desperately need.

I thank the Chair.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

NOT THE TIME FOR MORNING BUSINESS

Mr. FORD. Mr. President, I have enjoyed the statement by the Senator from Missouri related to welfare reform. I think that is one thing that this country is looking forward to. But I do object to no morning business. Now we have not had morning business, or been allowed morning business for over a week. We come in here on a defense authorization bill and we take 10 minutes to talk about welfare reform. I am sitting here trying to get an amendment on the bill.

So we have morning business periodically during the day. That is fine. This is prime time, and I know it is a lot better than 8 o'clock in the morning or 9 o'clock in the morning. But we have a Defense authorization bill here. I would like to get that done. We are going to have welfare reform. You can talk all day Saturday if you want to, about welfare reform.

As I say, I have enjoyed what the Senator said. I appreciate what he is trying to do. But we are also trying to get a Defense authorization bill through, and I think we ought either to have morning business and do it then, or we should have morning business late in the evening, instead of going through and interrupting the flow of business in the Senate.

I thank the Chair and suggest the absence of a quorum.

Mrs. KASSEBAUM addressed the Chair.

Mr. FORD. I withdraw that suggestion.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1996

The Senate continued with the consideration of the bill.

Mrs. KASSEBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mrs. KASSEBAUM. Mr. President, the cold war is over, and in some ways we all long for the old certainties it provided. The Armed Services Committee has grappled with the difficult task of matching our national security interests to the new realities of international politics, and I commend them for their hard work in this area.

But I also want to take this opportunity to express serious concern about certain provisions in this legislation which, in my view, would discard a generation of progress toward arms control that serves our national security needs.

In terms of arms control—and, in terms of our Nation's solemn commitment to its treaty obligations—I have strong reservations about the paths charted by the committee legislation. I hope the Senate fully appreciates the weight and implications of proposals now before us.

I know that there are some negotiations that are going on regarding language, and I am pleased to hear that.

By my count, this legislation puts at risk at least four important arms control agreements. It puts us on a path toward abrogating two treaties which the United States has ratified with the advice and consent of the Senate—agreements which, in accordance with the processes of our Constitution, our Nation has pledged to honor. It also takes policy steps that may jeopardize our chances to successfully conclude and implement at least two other important agreements that our Nation long has pursued.

The stakes are high:

The Anti-Ballistic Missile [ABM] Treaty has been in force in the United States since 1972. This bill would put us on a path to abrogate the ABM treaty by setting a date to deploy national ballistic missile defenses and by unilaterally imposing a line of demarcation to separate ballistic missile defenses, which are covered by the treaty, from theater defense systems, which are not. This important demarcation issue is the subject of ongoing negotiations—and, yet, this bill would have us act alone. Perhaps, as its critics suggest, the ABM Treaty no longer serves our national interests. But if that is so, we should review our commitment to the treaty through a deliberate process—we should not simply take steps toward no longer complying.

The safeguards agreement between the United States and the International Atomic Energy Agency [IAEA] has been in force since 1980.

This is another aspect of language in the agreement that I find troubling, and perhaps this has been addressed.

This legislation would walk away from that agreement by setting unrealistic criteria that must be met before any IAEA safeguards inspection can take place. When the Senate ratified the safeguards agreement, we believed that placing many of America's nuclear materials under safeguards would strengthen our ability to press other countries to accept safeguards as well. Our national interests are well served when other countries accept safeguards, and our interests are at risk when safeguards are rejected, as we have learned bitterly in Iraq and in North Korea. If the Senate today walks away from our safeguards commitment, what message are we sending to those whose nuclear ambitions we oppose?

The third concern I have is that the Comprehensive Test Ban Treaty [CTBT] to ban nuclear testing is on schedule for completion in 1996. Our negotiators have pursued this agreement for decades, and their hand was significantly strengthened by the decision of the United States during the Bush administration to impose a moratorium on our own nuclear tests. Yet, this legislation would commit funds to prepare the United States to resume testing, even before our own self-declared testing moratorium has expired. If we take this step, we will signal to the world that we are not serious about a test ban, and we will put the treaty's successful conclusion in serious jeopardy.

Finally, we all are aware of the importance of START II, the basic agreement for implementing President Reagan's vision of deep cuts in the strategic nuclear arsenals of the United States and the former Soviet Union. The treaty now is pending before the Senate and before the Russian Parliament for ratification. Yet, the legislation before us today would halt for at least a year the retirement of U.S. strategic nuclear weapons, would substantially restructure our nuclear forces to retain greater capacity, and would strengthen our ability to quickly reconstruct weapons in excess of our treaty commitment. At a time when hard-line elements in the Russian Parliament are searching for reasons to kill the START II treaty—and when certain elements in Russia have stated clearly that they expect the United States to adhere to its commitments under the ABM treaty—any actions such as those proposed in this legislation would, I fear, significantly diminish the prospects for Russian ratification of the treaty.

Perhaps this again is something that we do not want to undertake at this time. But I think that we ought to have then a more full-blown discussion of the importance of the START II treaty.

Mr. President, I will oppose efforts that endanger these important agreements that serve the interests of our Nation. The provisions I have discussed do not serve our national security or foreign policy interests. I believe in a strong national defense, but I also believe that arms control has a place in America's national security strategy and that America should not lightly abandon its solemn treaty obligations. I urge my colleagues to think long and hard before proceeding with the courses of action this bill proposes.

Mr. NUNN. Mr. President, I want to commend the Senator from Kansas for her remarks. And I made remarks this morning and went over most of the same items and expressed many—not all but many—of the same concerns, particularly in relationship between what I call an anticipatory breach of the ABM Treaty which is in this bill, and the relationship between that and the START treaties which are pending. But not only that; the START I Treaty which has not completely been implemented.

I think it would be the height of folly if we end up increasing the threat that would otherwise be aimed at the United States by doing something in a bill that prevents the deep reductions that are taking place in both START I and START II.

So I share the views of the Senator from Kansas on this. I think she is on point.

I also share the concerns she has expressed about prematurely going back into manufacturing of nuclear weapons where we have not had decisions made yet by DOE on that point. I believe in prodding DOE to make sure we have nuclear safety and security. But I think we are making decisions in this bill that go too far at this time.

It is my hope that we will be able to have amendments that will iron out each of these problems as we go through this bill. And on the ABM question, the question that the Senator from Kansas raised, we will have at least two or three amendments tomorrow—early, I hope—on those key questions because she has identified I think the major concerns with this bill.

Mrs. KASSEBAUM. Mr. President, if I may, I appreciate the comments of the Senator from Georgia. I was in a markup all morning and did not hear his speech. I have the highest regard for the chairman, Senator THURMOND, and the ranking leader of Armed Services Committee, Senator NUNN. I know they know these issues well, and have great dedication to them.

I appreciate the Senator's comments.

Mr. NUNN. I have learned over the years that the Senator from Kansas does not necessarily need to listen to any of my speeches in order to come to the right conclusion.

Mr. WARNER. Mr. President, could I say to my distinguished colleague that I was not able to be present throughout the presentation of her statement. But I know it addressed several provisions that I was the author of in the bill. I will have an opportunity tomorrow after examining the statement in full, Mr. President, to reply I hope in full and perhaps to the satisfaction of my distinguished colleague.

AMENDMENT NO. 2084

(Purpose: To authorize additional military construction projects)

Mr. THURMOND. I send an amendment to the desk and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Carolina (Mr. THURMOND), for himself, Mr. BURNS, Mr. REID, Mr. FORD, Mr. BOND, and Mr. NUNN, proposes an amendment numbered 2084.

Mr. THURMOND. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 404, in the table following line 10, insert before the item relating to Fort Knox, Kentucky, the following project in Kentucky:

	Fort Campbell	$10,000,000

On page 405, in the table following line 2, insert after the item relating to Camp Stanley, Korea, the following:

	Yongsan	$4,500,000

On page 406, line 14, strike out "$2,019,358,000" and insert in lieu thereof "$2,033,858,000".

On page 406, line 17, strike out "$396,380,000" and insert in lieu thereof "$406,380,000".

On page 406, line 20, strike out "$98,050,000" and insert in lieu thereof "$102,550,000".

On page 408, in the table following line 4, in the item relating to Bremerton Puget Sound Naval Shipyard, Washington, strike out "$9,470,000" in the amount column and insert in lieu thereof "$19,870,000".

On page 410, in the table preceding line 1, add after the item relating to Norfolk Public Works Center, Virginia, the following new items:

Washington	Bangor Naval Submarine Base	141 units	$4,890,000
West Virginia	Naval Security Group Detachment, Sugar Grove	23 units	$3,590,000

On page 411, line 6, strike out "$2,058,579,000" and insert in lieu thereof "$2,077,459,000".

On page 411, line 9, strike out "$389,259,000" and insert in lieu thereof "$399,659,000".

On page 412, line 3, strike out "$477,767,000" and insert in lieu thereof "$486,247,000".

On page 415, in the table following line 18, in the item relating to Maxwell Air Force Base, Alabama, strike out "$3,700,000" in the amount column and insert in lieu thereof "$5,200,000".

On page 415, in the table following line 18, in the item relating to Eielson Air Force Base, Alaska, strike out "$3,850,000" in the amount column and insert in lieu thereof "$7,850,000".

On page 416, in the table preceding line 1, in the item relating to Mountain Home Air Force Base, Idaho, strike out "$18,650,000" in the amount column and insert in lieu thereof "$25,350,000".

On page 416, in the table preceding line 1, in the item relating to McGuire Air Force Base, New Jersey, strike out "$9,200,000" in the amount column and insert in lieu thereof "$16,500,000".

On page 416, in the table preceding line 1, insert after the item relating to Cannon Air Force Base, New Mexico, the following:

	Holloman Air Force Base.	$6,000,000

On page 416, in the table preceding line 1, insert after the item relating to Shaw Air Force Base, South Carolina, the following:

South Dakota ..	Ellsworth Air Force Base.	$7,800,000

On page 416, in the table preceding line 1, in the item relating to Hill Air Force Base, Utah, strike out "$8,900,000" in the amount column and insert in lieu thereof "$12,600,000".

On page 418, in the table preceding line 1, insert after the item relating to Nellis Air Force Base, Nevada, the following:

	Nellis Air Force Base.	57 units	$6,000,000

On page 419, line 17, strike out "$1,697,704,000" and insert in lieu thereof "$1,740,704,000".

On page 419, line 21, strike out "$473,116,000" and insert in lieu thereof "$510,116,000".

On page 420, line 10, strike out "$281,965,000" and insert in lieu thereof "$287,965,000".

On page 421, in the table following line 10, in the matter relating to Defense Medical Facilities Offices, insert before the item relating to Luke Air Force Base, Arizona, the following:

	Maxwell Air Force Base, Alabama.	$10,000,000

On page 422, in the table preceding line 1, in the matter relating to the Special Operations Command at Fort Bragg, North Carolina, strike out "$2,600,000" in the amount column and insert in lieu thereof "$8,100,000".

On page 424, line 22, strike out "$4,565,533,000" and insert in lieu thereof "$4,581,033,000".

On page 424, line 25, strike out "$300,644,000" and insert in lieu thereof "$316,144,000".

On page 429, line 14, strike out "$85,353,000" and insert in lieu thereof "$148,589,000".

On page 429, line 15, strike out "$44,613,000" and insert in lieu thereof "$79,895,000".

On page 429, line 19, strike out "$132,953,000" and insert in lieu thereof "$167,503,000".

On page 429, line 22, strike out "$31,982,000" and insert in lieu thereof "$35,132,000".

Mr. THURMOND. Mr. President, I am pleased to be joined by Senator NUNN, the ranking member on the Senate Armed Services Committee, and Senators BURNS and REID, the chairman and ranking member of the Subcommittee on Military Construction and Senators BOND and FORD in sponsoring this amendment which authorizes an additional $228 million for construction projects which are currently appropriated in the military construction appropriations bill for 1996. The amendment would authorize an additional 46 projects to enhance the readiness of our Armed Forces and improve the living and working conditions of soldiers, sailors, airmen, and marines across the country.

Mr. President, last Friday, I spoke against an amendment to the military construction bill that would have reduced the funding in the bill by $300 million. I will not repeat all the arguments I propounded at that time, other than to say that all the services acknowledge they have a significant shortfall and backlog in the repair and maintenance of the facilities. The facts also indicate that in excess of 70 percent of the family and unaccompanied housing does not currently meet Department of Defense standards.

Mr. President, I ask unanimous consent that a list of the additional projects authorized be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

State/Country	Service	Installation name	Project title	(thousands)
Kentucky	Army	Ft. Campbell	Whole Barracks Renewal, ph I	10,000
Korea	do	Yongsan	Child Development Center	4,500
Total				14,500
Washington	Navy-FH	Bangor Naval Sub Base	141 Units	4,890
Do	Navy	Puget Sound Naval Ship	Physical Fitness Center	10,400
West Virginia	Navy-FH	Sugar Grove NSDG	23 Units	3,590
Total				18,800
Alabama	Air Force	Maxwell AFB	Computer Software Facility	1,500
Alaska	do	Eielson AFB	Boiler Rehabilitation	4,000
Idaho	do	Mountain Home FB	Base Civil Engineering Warehouse	1,800
Do	do	do	Avionics Shop	4,900
Nevada	Air Force-FH	Nellis AFB	57 Units	6,000
New Jersey	Air Force	McGuire AFB	Dormitory	7,300
New Mexico	do	Holloman AFB	Learning Center	6,000
South Dakota	do	Ellsworth AFB	Consolidated Administrative Support Complex	7,800
Utah	do	Hill Air Force Base	Depot Fire Protection	3,700
Total				43,000
Alabama	Defense Agencies	Maxwell AFB	Ambulatory Healthcare Center, phase I	10,000
North Carolina	do	Fort Bragg	SOF Barracks	5,500
Total				15,500
Arkansas	Army National Guard	Camp Robinson	Military Operations in Urban Trg Facility	2,853
Florida	do	Camp Blanding	Wastewater Treatment Plant, Phase II	5,300
Do	do	do	Water Distribution System Upgrade	4,200
Louisiana	do	Plaquemine	OMS rehabilitation/renovation	776
Do	do	Ruston	OMS	1,638
Maryland	do	Camp Frettard	do	2,700
Minnesota	do	Camp Ripley	CSMS, phh II	8,150

State/Country	Service	Installation name	Project title	(thousands)
Mississippi	do	Camp Shelby	Multipurpose Range Complex, ph I	5,000
Missouri	do	Jefferson City	Multipurpose Baffle Range	2,236
Montana	do	Ft. Harrison	Training Site Support Facility	7,854
Nebraska	do	Hastings Training Range	Instructional Facility	761
Oregon	do	Camp Withycombe	CSMS	4,769
Do	do	Salem	Airfield Operations Building	2,972
Tennessee	do	Johnson City	OMS, AMSA & VMF	1,937
Utah	do	Camp Williams	Replace/Upgrade Portable Water Distrib. Syste	800
Wisconsin	do	West Bend	Army Aviatio Complex	5,235
Wyoming	do	Camp Guernsey	Utility Upgrade	6,055
Total				63,236
Kansas	Army Reserve	Witchita	HQ 89th ARCOM	8,389
Nevada	do	Las Vegas	Armed Forces Reserve Center/OMS	9,000
New Hampshire	do	Manchester	AFRC/AMSA/OMS	17,893
Total				35,282
Alaska	Air National Guard	Eielson AFB	Aircraft Engine Shop	2,550
Do	do	do	Base Engineer Maintenance Facility	4,400
Arkansas	do	Little Rock AFB	Base Supply Complex	4,800
Iowa	do	Sioux City Gateway AP	Upgrade Access Taxiway	750
Kansas	do	McConnell AFB	B–1 Fuel Maintenance Hangar	7,900
Missouri	do	Jefferson Barracks	Upgrade Sewer System	2,700
South Dakota	do	Joe Foss Field	Vehicle Maintenance and Storage Complex	4,400
Tennessee	do	McGhee Tyson Airport	Squadron Operations Facility	4,400
Vermont	do	Burlington Airport	Add/Alter Operations and Training Facility	2,650
Total				34,550
Colorado	Air Force Reserve	Peterson AFB	Composite Maintenance Facility	3,150
				3,150
Grand Total				228,098

Mr. THURMOND. I further ask that because the Senate has previously approved these projects by an overwhelming vote of 84 to 10, we can agree to a time limit on the debate and a vote on this amendment.

Mr. NUNN. Mr. President, this is a military construction amendment which we have discussed. This amendment has been worked carefully on both sides of the aisle, with Senator THURMOND's staff and my staff and the staff of other members of the committee, and I am in favor of this amendment and certainly hope it will pass.

It is my understanding that each of these projects meet the committee criteria. Those criteria are that it has to be a part of the 5-year defense plan of the Department of Defense. So these are high-priority projects. They must be the highest priority in the State or the base in question. Each one of the projects must be executable in fiscal year 1996. It must be consistent with the BRAC process and they must be mission essential.

So this is a list of projects for which the appropriators have already appropriated the money. It fits within the 602(b) funding allocation, and this would make the authorization committee and the Appropriations Committee in sync as I understand it. So I think that this amendment should be accepted. I hope it will be accepted.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. I understand the distinguished Senator from Arizona [Mr. MCCAIN] will be in in a little bit to speak against this amendment. I wanted to make that announcement now.

Mr. BINGAMAN. Mr. President, I just wanted to clarify, if I could, exactly what the amendment is and then make a short statement.

Am I correct, if I could address a question to the chairman or ranking member, either one, this amendment brings up the amount of funds authorized for military construction to the level that we decided to appropriate to last week in the appropriations bill? Is that essentially what is being done here?

Mr. THURMOND. Mr. President, that is correct.

Mr. BINGAMAN. Am I also correct that the level of funding for military construction this year in this bill, the 1996 authorization bill as requested by the administration, was about $2 billion over what was requested and appropriated in the 1995 bill?

Mr. THURMOND. That is correct.

Mr. BINGAMAN. Am I also correct that what we are essentially doing here is authorizing what the House has already appropriated, or the House appropriation/authorization provides, and that is about $500 million more than the administration request?

Mr. THURMOND. They appropriated $500 million. We are only appropriating here about $300 million.

Mr. BINGAMAN. We are going above the administration's request by this amount, is that correct?

Mr. THURMOND. Correct.

Mr. BINGAMAN. I appreciate the Senator's responses very much.

Mr. President, this is the same vote we cast last week where I indicated my opposition to adding additional money. I think the figures we had last week were that we were adding $474 million to what was requested by the administration, and in addition another $300 million. I tried to persuade my colleagues to not add the additional $300 million and was unsuccessful. We had a vote on it.

I understand that the Senate supports the amendment that the Senator from South Carolina is offering here, and I will not ask for a rollcall vote, but I would like the record to show that I oppose the amendment and have me recorded in opposition at the time this is voted by voice.

Mr. THURMOND. Mr. President, Senator MCCAIN I believe is ready now.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, it is with disappointment that I come to the floor. I do not know where my colleagues have been lately. I do not know if they have been seeing what is being written in the newspapers and editorials all over America about spending too much money on unneeded projects out of defense dollars.

You know what we are running the danger of here? We are running the danger of losing support for defense spending if we keep this up, if we keep spending money on things that we do not need.

If the chairman and the distinguished ranking member of this committee can find me one military leader, one military leader that would come over and say this $228 million is a priority, I would like to meet that person. What they will say, if you ask the military leaders what they need the money for, they will say they need it for depot maintenance; they will say they need it for force modernization, they need it for readiness, more ammunition. I can give you 20 things, 20 priorities that rank above more military construction.

My colleague from New Mexico last week tried to stop additional military construction money. We got a total of 17 votes, or was it 19? I do not remember. Seventeen votes. It is a little embarrassing to lose a vote by that much. But this is wrong. This is wrong.

I do not understand who we think we are kidding here. We have 54,000 young men, military families today on food stamps—on food stamps—and we are going to build more MilCon. Before the subcommittee, of which I am the Chair, the outgoing Commandant of the Marine Corps said the following. He said, yes, we want our military families to live in good housing, but I do not want the widow of a Marine living in a good house when we come to tell her that her husband has been killed because we did not supply him with the right equipment.

That is what the Commandant of the Marine Corps said. What he was saying was that they have a higher priority, they have a number of higher priorities than additional MilCon.

The Senate appropriators added a great deal already, $200 million, in response to the request of the Secretary of Defense that we improve the standard of living and the military housing situation for both married and unmarried military personnel. And we did that. And they were pleased.

Then we added another $125 million in the markup. Now we are adding another $228 million. I guess my question to the chairman and ranking member is, how much is enough? How much is enough? If I sound frustrated by this, it is because I continuously talk to people in the military who say to me: What are you guys doing adding all this MilCon money? I get that from captains and lieutenants and majors and lieutenant commanders. They say, why is it—we have a depot maintenance backlog of 3 and 4 years, and yet you guys keep adding MilCon money.

I have been around this body long enough to know, Mr. President, where the votes lie.

I have been around this body to know that we would probably get another 17 votes if a recorded vote on this was called for. And I do not particularly feel like putting the body through this drill. But I want to tell you, Mr. President, I want to tell you in all sincerity, more and more and more stories are coming out about defense pork. And the confidence and commitment of the American people for us to spend money on defense where it is truly needed is getting less and less and less. So, I guess—I do not know if the ranking member can answer, the distinguished Senator from Georgia. I would like to ask him, How much is enough? How much MilCon money is enough? But I guess there is not any answer because there may not be enough. Because if there is another billion or couple million, we will probably put it in MilCon.

So I want to strongly object to this. I think it is wrong. I think that there are other priorities. Those have been made clear time after time by our military leaders. And we are making a serious mistake because the time is going to come when we really need to spend some money on defense or some project and we will have lost the confidence of the American people in our ability to spend those funds wisely.

Mr. President, I yield the floor.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. Mr. President, I hope that my colleague from Arizona will understand that there are some of us that just sincerely disagree with him—and I will be glad to yield to the Senator—that we disagree and sincerely disagree. And so I hope that somehow or other we can look at the defense of our country in another light.

Now, this MilCon, as I understand it, met the criteria of the mission essential. It met the criteria of highest priority. And, Mr. President, one of the things we see as we downsize, we must support and improve the position of our Reserve, our National Guard. We have 66 Members of this Senate that are members of the National Guard Caucus. When we go back home we see the 130–H's and see them in Panama or Somalia or Bosnia and those places. Those are the National Guard. Those are the ones we want to train. These are the people in this MilCon that we are trying to support. So we are trying to strengthen the National Guard and give them the kind of training centers, the ranges, those things that would make them better military personnel.

And I understand that you do not want to go to a fine house and talk to a widow. But I also understand that if you are going to have quality personnel in the military, if you are going to continue to get, keep and recruit high-quality personnel, then we have to have a quality of life for the military personnel. And housing is one of the most important things that you can do.

And so, Mr. President, under this bill we have an appropriated amount. And we voted on that, 80-some-odd votes approving this particular amendment.

Now, we want to approve this amendment in the authorization part of the DOD bill. And I think it is only fair that we put it in the authorization now so that we can go on with supporting the quality of life of our military personnel, to strengthen the National Guard and the Reserve to meet our highest priority and mission essential. So I hope that we will vigorously support this amendment as I believe and sincerely believe it is in our best interest in the defense of our country.

I yield the floor.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, I am glad that we are using the criteria that we established in the Readiness Subcommittee on the Armed Services Committee over the last couple of years, the criteria for setting the ground rules for how we move forward on items like this. I must, however, join my friends, Senator McCAIN and Senator BINGAMAN, in their concerns about what we are doing. I recognize fully that we did vote for the appropriations bill last week that had these things in it, but it was done on the contingency, as I understand it, that we pass the authorization. Senator BINGAMAN disapproved of it then and wanted to move that money out of that appropriations bill and into contingency operations. And I supported that amendment of his.

Now we have $228 million we seem to have found here. It seems to me that that money would be better spent for what Secretary of Defense Perry has called one of his highest priorities; that is, getting the money to pay for Bosnia and Iraq and the other operations that we have going all around the world. So it would lessen the amount they would have to come up in the supplemental one of these days.

The criteria that were established says that if an item is on the FYDP, the 5-year defense plan, that we can move it forward. But one of the hurdles that would have to be jumped would be that one of having it on the 5-year defense plan. As I understand it, all of these items that are on the proposal for the $228 million expenditure do comply with those criteria being on that plan.

However, to me, we have so many other things that we are contending with on the defense budget this year. We have depot maintenance that is required. We are shortchanging that. We are shortchanging military housing. We are shortchanging a lot of other things and, in effect, moving these items forward to a higher priority than some of those items. We are moving things forward on what was going to be taken care of somewhere out in the 5-year defense plan.

We are moving it forward basically because some Members want these things in their districts, as I see it. And I can appreciate that. I have no quarrel with people wanting things in their particular districts or their particular States. But I just think that we are getting our priorities a little bit out of line when we move things forward on that 5-year defense plan and move them ahead of other requirements that I think are much more pressing than most of the things that this $228 million would be spent for.

So I appreciate the fact that we are using the criteria that has been established. I do not think we are setting our priorities right, though, when we move this $228 million ahead of some of the other priorities where money is more desperately needed in the defense budget than for these items. I realize they have already been put through the appropriations process. But I think they are wrong. And I would follow my colleagues earlier and ask that, if this is to be passed on a voice vote—I am not asking for a rollcall vote on this; I do not believe that has been done—but I would follow the lead of Senator BINGAMAN and say, if there is to be a voice vote, I wish to be recorded against it. I know that will be probably a losing effort. But I think that we have to stand up on some of these things. We have established a pattern in the Armed Services Committee of opposing some of these things the last couple of years. And I would want to do the same thing here even though we did pass the appropriations bill a week or so ago. So I would ask that, if there is a voice vote on this, that I be recorded in opposition.

Mr. NUNN addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. I would just like to point out to the Senator from Ohio—and I appreciate his leadership in this area and his remarks—that there are a number of these projects that are family housing projects. There are a number of these projects that are barracks. That was one of the high priorities that was mentioned. That is one of the things we talked about. There are three of these projects that are daycare centers and fitness centers. We are talking about high-quality, priority projects. None of these have been drawn out of the air. As I understand it, all of them are on the 5-year priority list for the defense plan.

I think people ought to understand, as we hear this talk about waste and so forth, that the reason the military construction add-ons are having to occur here is because the administration itself has requested a whole lot less money in military construction over the last couple of years because the BRAC process was going on. We now know what happened in BRAC. We did not know that, the administration did not know that, when they submitted their defense budget this year or last year. So that defense request, that is going to be the measurement.

If anything is going to be labeled waste that goes over the administration request in military construction, I think that is really a misleading kind of portrayal, because the BRAC process was ongoing when the administration put the budget together. They did not request a number of projects that are now high-priority projects. An awful lot of this money is going to barracks and to housing and to daycare, and to quality-of-life projects. We have one project on here, for instance, in Joe Foss Field in South Dakota, a World War II facility, a vehicle maintenance and storage complex. It is of World War II vintage. And it does not meet the fire and safety standards. It is in violation.

So I think people ought to be very careful and look at this on a project-by-project basis. I know the Senator from Ohio has done that, or will do that. But an awful lot of this effort here goes directly to the very areas that are a priority.

Mr. GLENN. Will the Senator yield?

Mr. NUNN. Yes.

Mr. GLENN. I do not quarrel with the fact that some of the funding in this goes to MilCon projects that are good and under the 5-year plan would be fine. But if we found $228 million to spend, it seems to me if we want to spend that on MilCon projects, we should have gone back to the Defense Department and said, where do you need it most, where are the worst barracks, where are the people living in the most intolerable conditions, and let them prioritize where the greatest needs are.

I submit most of these items were placed back on this agenda and moved ahead on the 5-year plan because of a personal interest of a particular Senator, and this was not done on a priority basis where the greatest needs are in the military. That is my objection to it.

I know that we followed some of the criteria on the 5-year defense plan that we used as one of our criteria. I think if we can find this kind of money, it should be put to use in places where the Pentagon says they need it most, not just in those areas where the Members were getting something back for their particular States.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Mr. President, I want to thank my ranking minority member on the subcommittee because we worked together on this. I want to assure the Senators, not only did we follow the criteria, but the suggestions of the different services that appeared before our committee. This is where they wanted housing built. This is where they wanted the construction.

We increased family housing $111 million, in family housing alone, and this touches every service. There is no one service, but these were the high priority units requested by each of the services. We have a total deficit of 273,000 units which are inadequate or entirely unavailable.

When we went to the all-volunteer Army, in all the services, we changed our relationship with our military personnel.

As my friend from Arizona pointed out, he is hearing from captains and lieutenants about the construction, "Why are we getting this money?" I will tell you that there is not a lot of it that is going into officer's quarters. If you will look at where this money is going, it is going to the enlisted personnel. We have a deficit of barrack spaces. We are 161,000 units short of that.

Then Dr. Perry, when we talked to him, the Secretary of Defense, said, "I have a new housing initiative, but give me a little money and I can lever in the private sector."

He wants a pilot program on that to see if it will work on off-base housing for some of our married personnel. We gave that to Dr. Perry because it is very high on his priority list.

He said maybe we can double the availability of housing that we have. So when I say that my friend from Nevada and I, when we had the hearings and our staffs got together—and there has been nobody better to work with on this committee in trying to prioritize what we do with this money than Senator REID—we know that the BRAC has taken a lot more money out of MilCon than we first thought it ever would, because of the environmental cleanup. We are not through that yet. In fact, we do not really know what the bottom line is going to be on that or what the cost is going to be before these bases that are being closed and bases are being realigned, before those bases become available and can be moved into the private sector, because right now they have no value to us at all until we complete the mission of environmental cleanup.

So when we look at the totality of what we have, the dollars are very well invested and all meet the criteria that was set forth by the Armed Services Committee.

I want to thank the Armed Services Committee, because they have done an excellent job in setting priorities on this particular piece of legislation.

I thank the Chair, and I yield the floor.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I appreciate the kind comments of the chairman of the subcommittee, the junior Senator from Montana.

I support this amendment that has been offered by the chairman of the Armed Services Committee. Mr. President, this conforms the military construction projects in the authorization bill to those already approved by the Senate in the military construction appropriations bill. I am a cosponsor of this amendment and hope the Senate will support it as strongly as it did, an identical provision, by a vote of 77 to 18 a week or so ago when we considered the military construction appropriations bill.

Mr. President, these projects are critical, worthy, well-scrubbed, quality-of-life projects which are needed in this era of an all-volunteer force. The chairman of the subcommittee very well outlined how our military force has changed. We depend much more today than we did 5 years ago, 10 years ago on a Reserve and Guard component, as we should. Any suggestion, as indicated by the senior Senator from Ohio in his remarks just a short time ago, that military housing is shortchanged is certainly true. That is what we are trying to rectify partially in this bill, and this amendment will allow us to do that.

Military housing has been shortchanged. I agree with the Senator from Ohio. We built many homes for the military during the Second World War. Those homes were to last for 5 years, 10 years at the most. People are still living in them after 50 years.

In many places, the military cannot live in the houses provided. No. 1, some of them are so bad they cannot live in them with their families, and at other times they just do not exist. So they have to live off base. Because housing is so expensive, they have to go on food stamps. One out of every 10 of our military is on food stamps. Why? Because housing is so outrageously expensive, they have no choice.

What the chairman of the subcommittee did and the ranking member is try to do a little bit to solve that problem—dormitories, barracks where single military can live. We did not go for officer's quarters. We looked to the enlisted men, what we could do to help the enlisted men and women of this country live a little better.

There is a tremendous backlog. We only do a little bit, but that little bit will help those people concerned.

I have to say, Mr. President, if you are in the military and you want to live and live decently, you are really more concerned about that than some new weapons system. If we are going to have a strong military, one of the things we must have are people who feel good about being in the military; they have a decent place to live.

So I strongly endorse the remarks made by the chairman of the Military Construction Subcommittee, the distinguished Senator from Montana, my friend, Mr. BURNS. He has done a great job on this subcommittee.

As he has said, each project meets strict criteria. First, these projects are all mission essential.

Second, each of these projects has already been programmed in the Department's outyear budget.

Third, a construction site has been selected for each of these projects, not by members of the subcommittee, not by members of the committee, but by the military.

Fourth, each project is considered by the base commander as their highest priority, not a priority, but their highest priority.

And fifth, each of these projects can be awarded in this 1996 fiscal year.

As I have said on the floor in the past, I do not think anyone would consider the chairman of the Armed Services Committee, the senior Senator from South Carolina, as a big spender. I have never heard the senior Senator from South Carolina referred to as a big spender. I do not know of anyone in the history of the U.S. Senate that has gained a stronger reputation for watching how the money of this country is spent than the Senator from South Carolina, the sponsor of this amendment. And probably running a close second is the Senator from Georgia, the senior Senator from Georgia, the ranking member, formerly the chairman of this full committee. The senior Senator from Georgia, on all issues, not only military issues, watches where the pennies are spent.

Well, Mr. President, during the floor action to approve the military construction bill, we heard from both cochairmen of the National Guard Caucus. We heard from Senator BOND of Missouri today and then we heard from Senator FORD of Kentucky. Their statements reflect the degree to which the active services tend to protect their own. The Pentagon always looks out for their own and not very often do they look out for the guard and reserve. That is an obligation traditionally that we have had, and I do not shirk that responsibility. Their statements, I repeat, reflect the degree that the active services tend to protect their own, neglecting adequately to consider and promote the National Guard and Reserve components. The active services can, therefore, budget their forces in the active force request and they traditionally underfund the guard and reserve. This year is no different. That is not the way it should be, but that is the way it is.

The guard and reserve deserve more than what the Pentagon and administration requested in this budget and in budgets in the past. When the going gets tough and there is a potential crisis on the horizon, the guard and reserve are called. I recently received a call from my friend who is a major in the Nevada National Guard. This man left his business during the gulf crisis to serve his country for 1 year. He was a combat veteran from Vietnam. He wanted to go to combat again in Iraq. They would not let him do it. They needed his service in the Pentagon. He has now been asked to go to Germany because he is an expert in something they need. That is what the guard and reserve is all about. They deserve more than what the administration and Pentagon requested in this budget. My friend, Maj. Evan Wallot, is debating in his own mind whether he is going to go to Germany. We in Congress are traditionally forced into the position of putting the priorities into a better balance—I am glad we have done that—which means adding needed funds to projects in the guard and reserve. These funds are for nothing lavish.

The amendment helps emphasize the importance of housing for our military families. This amendment replaces housing that suffers. Some places have suffered more than 50 years of neglect; they were built around the Second World War as temporary structures, built just for that war era.

It was not for the Second World War, not for Korea, not for Vietnam, not the cold war, or for Iraq, not for Haiti. Although that Second World War is long since gone, our military personnel continue to survive in these outdated residences. These projects are not budget busters. Each Senator should understand that the Military Construction Subcommittee was totally within our 602(b) allocation. Every penny was within the 602(b) allocation. It is just this simple. The committee evaluates rather than the Pentagon.

The budget requested by the Department of Defense has been, once again, as in past years, neglected, and I use that word pointedly to address the military construction needs of the National Guard. It is $182 million for guard and reserve military construction, as compared to $574 million appropriated just last year. When approved, this amendment will authorize 20 percent less than last year, some $452 million.

Once again, I emphasize this amendment addresses the long, overlooked quality of life initiative, particularly, Mr. President, in family housing and barracks, the initiative making up nearly one-third of the total military construction authorization. I repeat, as the senior Senator from Ohio said, military housing is usually shortchanged. We recognize that. That is why a third of what we are talking about here goes to military housing.

Mr. President, these programs are wasteful. The chairman of the full committee has sponsored this amendment and has come here to say that these that these projects are important. We must do a better job with the persons defending our country. We must recognize the necessity of the total bill and the effect of this amendment will help to authorize its completion.

Mr. COATS. The Senator from Arizona and I have joined together on a number of items. This is an area where we happen to disagree.

Mr. NUNN. If the Senator will yield, I thank my friend from Nevada for his leadership in this military construction area and for his remarks on the floor, and also my friend from Montana, chairman of that subcommittee. They have done a splendid job, and we have enjoyed working with them.

Mr. COATS. Mr. President, some time ago, I contacted the Department of Defense raising my concerns about the status of military housing. As chairman of the Personnel Subcommittee and someone that is charged with looking out for the quality of life of our military personnel, survey after survey, inquiry after inquiry, letter after letter kept raising the issue of the quality, or lack thereof, of military housing, both family housing and single soldier housing. And so I contacted the Department of Defense, and they confirmed my worse suspicions and gave me information that, frankly, was far worse than what I thought I would hear. That is, that military housing is in a deplorable state.

Much of the housing is more than 30 years old. It has suffered from lack of adequate maintenance and repair because funds have been diverted to other uses. Whenever there is a crunch on the utilization or need for funds, it seems like housing has always been pushed aside to be dealt with next year.

The Secretary of Defense saw that problem in his travels around the world in talking with troops, commanders, and others, and he identified this as a priority and has testified before our committee that this is one of his top priorities. He has articulately drawn the link between quality of life and readiness, and he has displayed for us and outlined for us the very sad state of military housing throughout our military. It has been neglected.

We have young men and women who are committing a career to service for this country, who are given the very best of training; they are given the very best of leadership that this country can offer; they are given the very best of equipment to operate and to utilize that this country can produce. We are attracting some of the very best people that our institutions are graduating to the services today. But when it comes to providing for their living conditions, they are given not the best, not anywhere close to the best, but some of the worst housing you can find in any of our cities across the country.

I have personally visited a number of barracks and a number of family housing units and a number of different bases. These are facilities that do not begin to measure up to minimum standards that we would expect. Some of the statistics are stunning: 60,000 Air Force housing units do not measure up to contemporary standards, and they are probably the best of the services; 75 percent of the Army's family housing does not even meet Department of Defense standards.

I just want to inform my colleagues that Department of Defense standards are not standards that you normally find outside of the military. They are lower; they are smaller in square footage; they require less in terms of quality construction than what is normally found.

I think it is a disgrace that we are putting some of our military people in some of the kind of housing that we find in our military bases.

Nearly 85 percent of the Army's barracks—facilities that house single sailors and soldiers and Air Force and marines—80 to 85 percent of the Army's barracks do not meet current Department of Defense standards. So we have a huge backlog of dilapidated housing in which we are putting our Army families and putting our system military people.

We have leaking roofs, air conditioners that do not work. We have latrine facilities that do not begin to meet the needs of those living in the units. Four shower heads, usually two that are not working, for about 60 to 65 soldiers. We have toilets that do not flush. We have mold that is rotting away the tile and rotting away some of the walls. We have windows that do not provide adequate seals. We have rooms that are of such small square footage that the military personnel cannot begin to put their stereo, their TV, or just a basic dresser drawer to put their clothes in.

We are looking at a program here that is going to take a number of years, at least a decade, to begin to bring the facilities up to standard.

When we have been able to come up with some additional funds, I think one of the top priorities for those funds needs to be adequate housing for our military personnel.

I cannot speak to the portion of the military construction budget that goes to fund other items. I know we have infrastructure and other maintenance problems throughout the military. I cannot speak to that, but I can speak to the portion that goes to the housing.

I am pleased that the committee has designated this as a priority. I am pleased they have adopted the criteria established by the Senate Armed Services Committee for evaluating these needs. I have had a number of discussions with the chairman of the MilCon Appropriations Subcommittee, and he has outlined for me that they have faithfully followed the criteria and the recommendations to try to get at some of the worst housing on a priority basis.

To the extent that we can accelerate some funding for this crucial area, I think we ought to do that. I am supportive of this particular effort. There is a housing initiative that has been undertaken by the Department. We granted some new authority for that to the Department of Defense.

Passage of this authorization bill and acceptable conference of the item will provide the Department of Defense with needed new authority to privatize some of this construction and maintenance effort, rebuilding efforts, and renovation effort. That is necessary if we are ever going to provide the kind of housing on a decent timetable for our military personnel.

The combination of the military construction funds that are utilized now for building new and renovating military family housing and barracks housing and the initiative that has been undertaken by the Department of Defense with both the inside task force group and an outside task force group headed by former Secretary of the Army John Marsh, a two-pronged effort to try to deal with a very significant problem that exists today in our armed services.

We have directed considerable funds to a number of tactical systems, to modernization, to readiness. If we had more, we could direct more. We wish we had more.

We cannot continue to defer the construction of housing and the renovation of housing for our military personnel and claim that we are providing the necessary quality of life for themselves and their families, that will attract the kind of people we want for our military. We cannot continue to do that. We are forfeiting the future.

We have postponed this now for more than a decade. It is time we undertook this project. I am thankful for the work by the chairman and the ranking member of the Appropriations Subcommittee. I hope that we can successfully move this forward as we attempt to finalize the legislation on this effort.

I yield the floor.

Mr. THURMOND. Mr. President, I just want to remind the Senate that the House has already passed $500 million for these facilities. In this amendment we are asking only for $228 million. The defense appropriations has approved this amount already.

We are ready to vote.

The PRESIDING OFFICER. Is there further discussion? If there is no further discussion, the question is on agreeing to amendment numbered 2084, offered by the Senator from South Carolina.

The amendment (No. 2084) was agreed to.

Mr. THURMOND. I move to reconsider the vote.

Mr. COATS. I move to table the motion.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2085

(Purpose: To exclude the Associate Director of Central Intelligence for Military Support from grade limitations applicable to members of the Armed Forces)

Mr. NUNN. Mr. President, I send an amendment to the desk and ask it be reported.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN], proposes an amendment numbered 2085.

Mr. NUNN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 403, between lines 16 and 17, insert the following:

SEC. 1095. ASSOCIATE DIRECTOR OF CENTRAL INTELLIGENCE FOR MILITARY SUPPORT.

Section 102 of the National Security Act of 1947 (50 U.S.C. 403) is amended by adding at the end the following:

"(e) In the event that neither the Director nor Deputy Director of Central Intelligence is a commissioned officer of the Armed Forces, a commissioned officer of the Armed

Forces appointed to the position of Associate Director of Central Intelligence for Military Support, while serving in such position, shall not be counted against the numbers and percentages of commissioned officers of the rank and grade of such officer authorized for the armed force of which such officer is a member.".

Mr. NUNN. This amendment to the National Security Act of 1947 provides, in the event neither the director or deputy director of Central Intelligence is a commissioned officer of the Armed Forces, a commissioned officer of the Armed Forces appointed to the position of associate director of Central Intelligence for Military Support, while serving in such position, shall not be counted against the numbers and percentages of commissioned officers of the rank and grade of such officers authorized for the Armed Force of which such officer is a member.

Mr. President, the law now provides that a commissioned officer of the Armed Forces appointed as either the Director or Deputy Director of the Central Intelligence Agency shall not be counted against the numbers and percentages of commissioned officers of the rank and grade of such officer authorized for the Armed Force of which such officer is a member.

At the present time, neither the Director nor Deputy Director of the CIA is a commissioned officer. At the same time, an important new position of Associate Director of the CIA for Military Support is being created. The incumbent of the new position, who will be a three-star admiral, will serve as the principal advisor to the Director and Deputy Director of the CIA on military issues, with particular emphasis on Intelligence Community support for military forces and operations. This will include serving as liaison between the Intelligence Community and senior military officers of the Joint Staff and the unified combatant commands; evaluating the adequacy of intelligence support for all military purposes, including operations, training, and weapons acquisition; reviewing intelligence resources in the light of military needs; representing the Director of Central Intelligence on various boards and interagency groups established for crises and issues that potentially involve the deployment of U.S. military forces; and serving as the Director's principal liaison with foreign military organizations.

This new position will be of critical importance under the circumstances when, as now, neither the Director nor Deputy Director of CIA are commissioned officers. However, because of Congressionally mandated grade limitations, the Navy, which will be providing the 3-star officer for this position, does not have a 3-star number available and has had to borrow a number from the Army. The Army will need that number in a couple of months.

This amendment, by enabling the assignment of a three-star officer without counting against that officer's Armed Force, would facilitate the performance of this critically important function at times when, as at present, neither the Director nor Deputy Director of CIA is a commissioned officer.

What this amendment does, since there is no military officer either as director or deputy director, it simply shifts over and allows this exemption on counting against the officers in the military services to apply to the new position, which is the associate director for military matters.

This is a new position. It will carry out the spirit of what we had done in the past with this exemption.

I believe this amendment is acceptable to both sides. I hope it would be supported.

Mr. THURMOND. Mr. President, we have no objection to this amendment. It will make it possible for one qualified service military officer to be assigned to the CIA without counting against the limit on senior officers within the Department of Defense.

I join the distinguished Senator from Georgia in supporting this amendment and urge its adoption.

The PRESIDING OFFICER. If there is no further discussion, the question is on agreeing to the amendment numbered 2085, offered by the Senator from Georgia.

The amendment (No. 2085) was agreed to.

Mr. NUNN. I move to reconsider the vote.

Mr. THURMOND. I move to table the motion.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2086

(Purpose: To authorize a land conveyance, Naval Surface Warfare Center, Memphis, TN)

Mr. THURMOND. Mr. President, on behalf of Senator Thompson, I send an amendment to the desk and ask for immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. THURMOND], for Mr. THOMPSON, proposes an amendment numbered 2086.

Mr. THURMOND. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 487, below line 24, add the following:

SEC. 2838. LAND CONVEYANCE, NAVAL SURFACE WARFARE CENTER, MEMPHIS, TENNESSEE.

(a) AUTHORITY TO CONVEY.—The Secretary of the Navy may convey to the Memphis and Shelby County Port Commission, Memphis, Tennessee (in this section referred to as the "Port"), all right, title, and interest of the United States in and to a parcel of real property (including any improvements thereon) consisting of approximately 26 acres that is located at the Carderock Division, Naval Surface Warfare Center, Memphis Detachment, Presidents Island, Memphis, Tennessee.

(b) CONSIDERATION.—As consideration for the conveyance of real property under subsection (a), the Port shall—

(1) grant to the United States a restrictive easement in and to a parcel of real property consisting of approximately 100 acres that is adjacent to the Memphis Detachment, Presidents Island, Memphis, Tennessee; and

(2) if the fair market value of the easement granted under paragraph (1) exceeds the fair market value of the real property conveyed under subsection (a), provide the United States such addition consideration as the Secretary and the Port jointly determine appropriate so that the value of the consideration received by the United States under this subsection is equal to or greater than the fair market value of the real property conveyed under subsection (a).

(c) CONDITION OF CONVEYANCE.—The conveyance authorized by subsection (a) shall be carried out in accordance with the provisions of the Land Exchange Agreement between the United States of America and the Memphis and Shelby County Port Commission, Memphis, Tennessee.

(d) DETERMINATION OF FAIR MARKET VALUE.—The Secretary shall determine the fair market value of the real property to be conveyed under subsection (a) and of the easement to be granted under subsection (b)(1). Such determinations shall be final.

(e) USE OF PROCEEDS.—The Secretary shall deposit any proceeds received under subsection (b)(2) as consideration for the conveyance of real property authorized under subsection (a) in the special account established pursuant to section 204(h) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 485(h)).

(f) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) and the easement to be granted under subsection (b)(1) shall be determined by surveys satisfactory to the Secretary. The cost of the surveys shall be borne by the Port.

(g) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance authorized by subsection (a) and the easement granted under subsection (b)(1) as the Secretary considers appropriate to protect the interests of the United States.

Mr. THURMOND. The committee has reviewed the amendment. It provides for the exchange of property at fair market value, which ensures that the Federal Government is fully compensated.

The amendment appears to be in the best interest of the Navy and the communities.

I recommend approval of the amendment.

Mr. NUNN. Mr. President, this amendment is supported by the Department of Navy.

I have a letter dated July 28 from the principal deputy of the Department of Navy, Office of the Assistant Secretary, and I ask it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF THE NAVY,
OFFICE OF THE ASSISTANT SECRETARY,
Washington, DC, July 28, 1995.

Hon. STROM THURMOND,
U.S. Senate,
Washington, DC.

DEAR SENATOR THURMOND: Based on the inquiries from your staff, this is to advise you that the Department of the Navy would support the proposed legislation pertaining to a proposed land agreement involving the Naval Surface Warfare Center, Memphis Detachment and Memphis and Shelby County Port Commission. The property is located at Presidents Island, Memphis, Tennessee.

The proposed legislation will provide a buffer zone between the river and the Cavitation Channel facility, which will increase mission efficiency. In addition, the Navy has no immediate need for the crane which if transferred to the Ports Authority will be maintained in operable condition and available for our use in the future if required.

If I may be of further assistance, please do not hesitate to call.

Sincerely,
CHERYL KANDARAS,
Principal Deputy.

Mr. THOMPSON. Mr. President, this amendment will allow a transfer of property between the U.S. Navy and the Port of Memphis, TN. The Navy will receive 100 acres of land to act as both a security and acoustic buffer zone for its Naval Service Warfare Center in Memphis. In return, the port will obtain from the Navy a 1,250-ton stiff leg derrick crane. The crane will give the port a facility to load and offload specialty cargo. In fact, no other port in the Central United States will have such lifting capabilities. This will be a great benefit for recruitment of future industry to Memphis and Shelby County.

This is something the Navy wants and the Port of Memphis and others in the community want. Local officials say it will bring new industry and more jobs to the Memphis area. As this is beneficial for both sides and there are no new costs involved, I urge adoption of this amendment.

Mr. NUNN. I urge approval of the amendment.

THE PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 2086) was agreed to.

Mr. THURMOND. Mr. President, I move to reconsider the vote.

Mr. NUNN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. THURMOND. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COATS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. COATS. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business with Senators permitted to speak for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE HOUSE

ENROLLED BILL SIGNED

At 5:59 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

S. 21. An act to terminate the United States arms embargo applicable to the Government of Bosnia and Herzegovina.

The enrolled bill was subsequently signed by the President pro tempore (Mr. THURMOND).

MEASURES PLACED ON THE CALENDAR

Pursuant to the order of August 2, 1995, the following bill was read the first and second times by unanimous consent and placed on the calendar:

H.R. 714. An act to establish the Medewin National Tallgrass Prairie in the State of Illinois, and for other purposes.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on August 2, 1995 he had presented to the President of the United States, the following enrolled bill:

S. 21. An act to terminate the United States arms embargo applicable to the Government of Bosnia and Herzegovina.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-1267. A communication from the President of the United States, transmitting, pursuant to law, the report on foreign economic collection and industrial espionage; to the Select Committee on Intelligence.

EC-1268. A communication from the Director of the U.S. Arms Control and Disarmament Agency, transmitting, the summary report and compliance annexes to the ACDA annual report for calendar year 1995; to the Committee on Foreign Relations.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-262. A petition from a citizen of the State of Missouri relative to National Cemeteries; to the Committee on Veterans' Affairs.

POM-263. A resolution adopted by the TLWH Association of Retired Commissioned Officers of the Armed Forces of the Philippines relative to the proposed "Filipino Veterans' Equity Act of 1994"; to the Committee on Veterans' Affairs.

POM-264. A concurrent resolution adopted by the House of the General Assembly of the State of Indiana; to the Committee on Veterans' Affairs.

"HOUSE RESOLUTION NO. 75

"Whereas, over 27,619 Hoosiers have given their lives for their country in World War I, World War II, the Korean Conflict, the Vietnam War, and the Persian Gulf Conflict, and over 37,510 Hoosiers remain living with service-connected disabilities from injuries inflicted on them while they were serving their country;

"Whereas, those servicemen and servicewomen who have chosen to make a career of defending their country are integral to the success of our military forces throughout the world;

"Whereas, currently disabled veterans receive compensation proportionate to the severity of their injuries; and, military retirees, who have served at least 20 years, accrue retirement pay based on longevity;

"Whereas, federal legislation has been introduced to amend Title 38 of the U.S. Code to eliminate an antiquated inequity which still exists in the federal law applicable to retired career service personnel who also receive service-related disability benefits;

"Whereas, under the 19th century law, these disabled career service personnel are denied concurrent receipt of full retirement pay and disability compensation benefits. They must choose receipt of one or the other or waive an amount of retirement pay equal to the amount of disability compensation benefits;

"Whereas, this discrimination unfairly denies disabled military retirees the longevity pay they have earned by their years of devoted patriotism and loyalty to their country. It, in effect, requires them to pay for their own disability compensation benefits;

"Whereas, many retirees actually returned to active duty to service in Operation Desert Storm and returned home disabled; but, when these loyal Guardsmen and Reservists arrive back home, they were not eligible to receive both VA disability and retirement pay;

"Whereas, no such inequity applies to retired Congress-persons, Federal civil service job-holders, or other retirees who are receiving service-related disability benefits;

"Whereas, America's career service-personnel's commitment to their country—in pursuit of national and international goals—must be matched by their own county's allegiance to them for those sacrifices; and

"Whereas, a statutory change is required to correct this injustice: Now, therefore, be it

"*Resolved by the House of Representatives of the General Assembly of the State of Indiana:*

"Section 1. That the General Assembly of the State of Indiana urges the United States Congress to amend the United States Code relating to the computation of retired pay to permit full concurrent receipt of military longevity retired pay and service-connected disability compensation benefits.

"Section 2. That the Principal Clerk of the House of Representatives shall send certified copies of this resolution to the presiding officers and the majority and minority leaders of both houses of the Congress of the United States, to the Secretary of the Senate and the Clerk of the House of Representatives of the Congress of the United States, to the President of the United States, to the Secretary of Defense, and to each member of the Indiana Congressional delegation."

POM–265. A resolution adopted by the House of the Legislature of the Commonwealth of Massachusetts; to the Committee on Veterans' Affairs.

"RESOLUTION

"Whereas, the Massachusetts House of Representatives urges the Congress of the United States to retain veterans benefits at their present level of funding; and

"Whereas, the Republican house budget resolution calls for a twenty-seven billion dollar cut in VA programs and a three billion dollar cut in disability compensation payments, while the Republican Senate Budget Resolution calls for a cut of thirty-two billion in VA programs and a six billion cut in disability compensation payments; and

"Whereas, these cuts include placing a cap on the disability compensation for veterans suffering from post traumatic stress disorder, as well as a permanent reduction in the "COLA" (cost of living adjustment) for recipients of the Montgomery GI bill; and

"Whereas, House Republicans have also proposed a freeze on veteran medical care that will hold funding at current levels for the next seven years and this would mean that veterans would lose twenty-four billion toward their health care, and as a result an estimated four and one-half million veterans would be denied care entirely; and

"Whereas, further proposals call for the closing of thirty-five to four hundred and twelve VA medical facilities, effectively eliminating the convenience of traveling to a VA medical facility close to home for severally disabled veterans and as for the remaining VA medical facilities, they face a proposed one billion cut in funding for improvements of existing hospitals; and

"Whereas, the proposal to cut the fifty million that was appropriated last year to hire VA benefits officers will discourage veterans from filing new compensation claims; and

"Whereas, many of these veterans and widows of veterans are in their sixties and seventies living on fixed incomes, and they can ill-afford these lengthy delays in having their claims resolved; Therefore be it

"*Resolved*, That the Massachusetts House of Representatives urges the Congress of the United States to retain veterans benefits at their present level of funding; and be it further

"*Resolved*, That a copy of these resolutions be forwarded by the Clerk of the House of Representatives to the Presiding Officer of each branch of congress and to the Members thereof from the Commonwealth."

POM–266. A concurrent resolution adopted by the Legislature of the State of Louisiana; referred jointly, pursuant to the order of August 4, 1977, to the Committee on the Budget, and to the Committee on Governmental Affairs.

"A CONCURRENT RESOLUTION NO. 842

"Whereas, the Highway Trust Fund, the Aviation Trust Fund, the Inland Waterways Trust Fund, and the Harbor Maintenance Trust Fund are wholly user financed and do not contribute one dime to the federal deficit; and

"Whereas, currently a thirty-three billion dollar cash balance, including eighteen and one-half billion dollars of which is unobligated balance, is languishing in these trust fund accounts through an accounting measure designed to mask the actual size of the federal deficit and federal spending in other areas; and

"Whereas, every time a motorist puts gas into the tank of a motor vehicle or a traveler buys an airline ticket user fees are paid into the Highway and Aviation Trust Funds; and

"Whereas, Congress imposed these fees and other taxes with the assurance to the American public that they would be spent on infrastructure improvements; and

"Whereas, economists agree that investment in infrastructure helps productivity, creates jobs, and is essential for economic growth; and

"Whereas, infrastructure spending is the one area that has widespread public support and actually provides a return on taxpayer investment; and

"Whereas, by combining these trust funds with the federal General Fund Budget, these trust fund balances have accrued at the expense of billions of dollars in productivity and safety; and

"Whereas, House Resolution 842, known as the "Truth in Budgeting Act," will remove these trust funds from the General Fund Budget and, by doing so, will restore integrity to the trust funds which are user financed, self-supporting, and directed to specific needs and will restore integrity to the General Fund Budget: Therefore, be it

Resolved, That the Legislature of Louisiana memorializes the Congress of the United States to approve House Resolution 842, and be it further

Resolved, That a copy of this Resolution shall be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives and to each member of the Louisiana Congressional delegation."

POM–267. A joint resolution adopted by the Legislature of the State of Nevada; to the Committee on Appropriations.

"JOINT RESOLUTION NO. 41

"Whereas, the Conservation Biology of Rangelands Research Unit of the Agricultural Research Service, USDA, Reno, Nevada, was not included in the federal administration's budget for fiscal year 1995–1996, beginning on October 1, 1995; and

"Whereas, the closing of this Unit will have severe impacts on the management and restoration of rangelands in Nevada and adjacent intermountain states; and

"Whereas, this Unit has been consistently rated as one of the most productive in the nation per dollar spent per scientist, which is attributed to the frugal, appropriate and productive use of federal money; and

"Whereas, Nevada receives less than 1 percent of the federal money expended for agricultural research in the western states; and

"Whereas, the Conservation Biology of Rangelands Research Unit's research on both preventing wildfires and restoring burned vegetation is essential to this state because wildfires cost the residents of the State of Nevada millions of dollars annually for suppression, and for loss of livestock, wildlife, habitat, watershed cover, private property and on occasion the loss of human lives; and

"Whereas, the Unit's research on the replacement of, and biological suppression of, cheatgrass has great ecological and economic significance to Nevada because cheatgrass has increased in dominance from less than 1 percent to nearly 25 percent on 19,000,000 acres of sagebrush rangelands during the last 30 years, with the invasion greatly increasing the chances of ignition, rate of spread and the length of the wildfire season; and

"Whereas, this unit is the only research organization conducting weed control experiments in Nevada, with a major role in weed control of tall whitetop (Lepidium latifolium), potentially the most biologically and economically devasting weed ever to invade Nevada's meadows and croplands; and

"Whereas, the Unit's research on adapted plant material, seedbed preparation and seeding technology for arid and disturbed lands is important to Nevada because mining reclamation is critical to the mining industry, which in turn is critical to the economy of Nevada; and

"Whereas, the Unit's research in general is critically important to Nevada because it provides a communications link between the users of Nevada's wildlands and the concerned environmental, scientific community and because maintenance of biological diversity is a major scientific and environmental issue in Nevada; and

"Whereas, without the Conservation Biology of Rangelands Research Unit, Nevada would become the only significant agricultural state that does not have an Agricultural Research Service research unit; and

"Whereas, there are no existing research units capable of filling the loss created by closing the Nevada unit: Now, therefore, be it

"*Resolved by the Assembly and Senate of the State of Nevada, jointly*, That the members of the 68th session of the Nevada Legislature urge the Secretary of Agriculture to maintain funding in the fiscal year beginning on October 1, 1995, for the Conservation Biology of Rangelands Research Unit of the Agricultural Research Service, USDA, in the State of Nevada; and be it further

"*Resolved*, That Congress is hereby urged to appropriate money for the fiscal year beginning on October 1, 1995, for the Conservation Biology of Rangelands Research Unit of the Agricultural Research Service, USDA, in the State of Nevada; and be it further

"*Resolved*, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the Vice President of the United States as presiding officer of the Senate, the Speaker of the House of Representatives, the Secretary of Agriculture, the Chairmen of the Senate Committee on Appropriations, the Subcommittee on Agriculture, Rural Development and Related Agencies of the Senate Committee on Appropriations, the House Appropriations Committee and the House Subcommittee on Agricultural Appropriations and each member of the Nevada Congressional Delegation; and be it further

"*Resolved*, That this resolution becomes effective upon passage and approval."

POM–268. A resolution adopted by the Greater Homestead/Florida City Chamber of Commerce of the City of Homestead, Florida relative to Homestead Air Reserve Base; to the Committee on Armed Services.

POM–269. A resolution adopted by the City and County of Denver, Colorado relative to securities; to the Committee on Banking, Housing, and Urban Affairs.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources:

John Raymond Garamendi, of California, to be Deputy Secretary of the Interior.

Charles B. Curtis, of Maryland, to be Deputy Secretary of Energy.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mrs. KASSEBAUM, from the Committee on Labor and Human Resources:

Jeanne R. Ferst, of Georgia, to be a Member of the National Museum Services Board for a term expiring December 6, 1999.

(The above nomination was reported with the recommendation that she be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mrs. BOXER (for herself and Mr. GRASSLEY):

S. 1102. A bill to amend title 10, United States Code, to make reimbursement of defense contractors for costs of excessive amounts of compensation for contractor personnel unallowable under Department of Defense contracts; to the Committee on Armed Services.

By Mr. GLENN (for himself and Mr. DEWINE):

S. 1103. A bill to extend for 4 years the period of applicability of enrollment mix requirement to certain health maintenance organizations providing services under Dayton Area Health Plan; to the Committee on Finance.

By Mr. ROTH:

S. 1104. A bill to suspend temporarily the duty on dichlorofopmethyl; to the Committee on Finance.

S. 1105. A bill to suspend temporarily the duty on thidiazuron; to the Committee on Finance.

By Mr. D'AMATO (for himself and Mr. MOYNIHAN):

S. 1106. A bill to amend the Internal Revenue Code of 1986 to provide the same insurance reserve treatment to financial guaranty insurance as applies to mortgage guaranty insurance, lease guaranty insurance, and tax-exempt bond insurance; to the Committee on Finance.

By Mr. DASCHLE (for himself, Mr. SIMON, Ms. MOSELEY-BRAUN, Mr. LEAHY, and Mr. PRESSLER):

S. 1107. A bill to extend COBRA continuation coverage to retirees and their dependents, and for other purposes; to the Committee on Labor and Human Resources; to the Committee on Finance.

By Mr. SMITH:

S. 1108. A bill to amend the Internal Revenue Code of 1986 to allow individuals to designate that up to 10 percent of their income tax liability be used to reduce the national debt, and to require spending reductions equal to the amounts so designated.

By Mr. CAMPBELL:

S. 1109. A bill to direct the Secretary of the Interior to convey the Collbran Reclamation Project, Colorado, to the Ute Water Conservancy District and the Collbran Conservancy District, and for other purposes; to the Committee on Energy and Natural Resources.

S. 1110. A bill to establish guidelines for the designation of National Heritage Areas, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. HATCH (for himself and Mr. KENNEDY):

S. 1111. A bill to amend title 35, United States Code, with respect to patents on biotechnological processes; to the Committee on Labor and Human Resources.

By Mrs. FEINSTEIN:

S. 1112. A bill to increase the integrity of the food stamp program, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. LAUTENBERG (for himself and Mr. SIMON):

S. 1113. A bill to reduce gun trafficking by prohibiting bulk purchases of hand guns; to the Committee on Judiciary.

By Mr. LEAHY:

S. 1114. A bill to amend the Food Stamp Act of 1977 to reduce food stamp fraud and improve the food stamp program through the elimination of food stamp coupons and the use of electronic benefits transfer systems, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. BOXER (for herself and Mr. GRASSLEY):

S. 1102. A bill to amend title 10, United States Code, to make reimbursement of defense contractors for costs of excessive amounts of compensation for contractor personnel unallowable under Department of Defense contracts.

DEPARTMENT OF DEFENSE CONTRACTS LEGISLATION

Mrs. BOXER. Mr. President, I rise to introduce legislation that will cap taxpayer reimbursement for the salaries of defense contractor executives at $250,000 per year. This legislation will permanently extend the temporary CAP established in the Fiscal Year 1995 Defense Appropriations Act. I am very pleased to be joined in this effort by the Senator from Iowa [Mr. GRASSLEY].

I began investigating this issue after hearing reports of multi-million-dollar bonuses awarded as a result of the Lockheed-Martin Marietta merger. As a result of that merger, $92 million in bonuses will be awarded—$31 million of which will be paid by the taxpayers.

I think it is wrong that corporate executives make so much money at a time when their employees are struggling just to make ends meet. What makes it even worse in this case is that these multi-million-dollar bonuses were given as a reward for a business deal resulting in 12,000 layoffs nationwide.

So the taxpayers buy rich executives $31 million worth of champagne and caviar, while laid-off defense workers struggle just to feed their families. I think the defense industry employees—in California and across the Nation—are the ones who deserve a bonus. The CEO's and multimillionaire executives are doing just fine.

As I investigated this issue further, I discovered that the problem was not limited to mergers or bonuses. Top defense industry executives routinely earn more than $1 million per year—sometimes even more than $5 million. And the taxpayers pick up most of the tab.

This legislation sets a $250,000 maximum for compensation that is reimbursable by the taxpayers. It applies to all forms of compensation including bonuses and salary.

It is important to understand that my bill sets no limit on the compensation that an executive can receive. That is an issue best left to the stockholders and directors of each company. If the stockholders believe that the Lockheed-Martin merger was such a fine business decision that they want to award their CEO a $9 million bonus—or for that matter a $90 million bonus—that is fine with me. All my legislation would do is stop them from passing the check to the taxpayers.

My legislation would add "excessive compensation"—defined as all pay over $250,000 in any fiscal year—to an existing list of expenses that cannot be reimbursed by the taxpayers. Under current law, the Pentagon cannot reimburse contractors for expenses ranging from small items such as concert tickets and alcoholic beverages to large items, like golden parachutes and stock option plans. My legislation would add compensation in excess of $250,000 to this list.

Congress has studied this issue for a number of years and has noted with increasing concern that executive compensation seems to be spiraling out of control. In last year's DoD appropriations bill, Congress placed a 1-year $250,000 cap on executive compensation. This legislation takes the next logical step—making that cap permanent.

I think this legislation addresses the issue fairly and responsibly. I hope my colleagues will support this bill.

I ask unanimous consent that the full text of the bill be inserted in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1102

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REIMBURSEMENT FOR EXCESSIVE COMPENSATION OF DEFENSE CONTRACTOR PERSONNEL PROHIBITED.

Section 2324(e)(1) of title 10, United States Code, is amended by adding at the end the following:

"(P) Costs of compensation (including bonuses and other incentives) paid with respect to the services (including termination of services) of any one individual to the extent that the total amount of the compensation paid in a fiscal year exceeds $250,000.".

By Mr. GLENN (for himself and Mr. DEWINE):

S. 1103. A bill to extend for 4 years the period of applicability of enrollment mix requirement to certain health maintenance organizations providing services under Dayton Area Health Plan; to the Committee on Finance.

DAYTON AREA HEALTH PLAN LEGISLATION

• Mr. GLENN. Mr. President, today, Senator DEWINE and I are introducing legislation which is necessary for the continued operation of the Dayton Area Health Plan.

The Dayton Area Health Plan is a mandatory managed care plan for 24,000 Medicaid recipients in Montgomery County, OH, which has been operating very successfully for over 6 years. It emphasizes preventive care and has developed two programs—Baby's Birth Right and Neighbors in Touch—to increase the use of prenatal and after-delivery care. In partnership with the Dayton School Board, it brings HealthChek physical exams to schoolchildren in Dayton.

Last fall, the Dayton Area Health Plan became the first Medicaid HMO in Ohio to publish a quality score card which assesses the plan's performance in the important areas of access to care, preventive care, success of medical care, consumer satisfaction, operational efficiencies, and quality assurance survey scores.

The Dayton Area Health Plan is operating under a waiver of the Federal 75/25 enrollment mix requirement for HMO's—a requirement that for every three Medicaid enrollees a plan must have one non-Medicaid enrollee. The current waiver expires at the end of the year, and the legislation we are introducing today extends it until December 31, 1999. This legislation is supported by the Ohio Department of Human Services, which received a waiver of the 75/25 enrollment mix requirement for HMO's participating in OhioCare, an 1115 Medicaid waiver program. However, the implementation of OhioCare has been delayed due to concerns about the level of Federal Medicaid funding for fiscal year 1996 and beyond.

The Dayton Area Health Plan has widespread community support and has been increasingly successful in providing high-quality, cost-effective care to Medicaid recipients in Montgomery County, OH. I urge my colleagues to support this legislation which extends the plan's waiver for 4 years.•

By Mr. ROTH:

S. 1104. A bill to suspend temporarily the duty on dichlorofopmethyl; to the Committee on Finance.

By Mr. ROTH:

S. 1105. A bill to suspend temporarily the duty on thidiazuron; to the Committee on Finance.

DUTY SUSPENSION LEGISLATION

Mr. ROTH. Mr. President, I rise to introduce two temporary duty suspension bills. It is my understanding that they are noncontroversial. I am introducing these on behalf of AgrEvo, a company located in my home State of Delaware, because they will help improve the company's overall competitive posture by lowering its costs of doing business.

While I recognize that it is exceedingly difficult to enact temporary duty suspensions, the administration has authority to proclaim certain tariff reductions in the context of additional progress in the WTO to harmonize chemical tariffs at lower levels. I urge the administration to achieve such progress, particularly through expanding the participation of other countries in the WTO's chemical tariff harmonization agreement. This would allow the administration to address growing demands for new duty suspensions on chemical products by utilizing existing tariff proclamation authority.

By Mr. D'AMATO (for himself and Mr. MOYNIHAN):

S. 1106. A bill to amend the Internal Revenue Code of 1986 to provide the same insurance reserve treatment to financial guaranty insurance as applies to mortgage guaranty insurance, lease guaranty insurance, and tax-exempt bond insurance; to the Committee on Finance.

THE FINANCIAL GUARANTY INSURANCE ACT OF 1995

• Mr. D'AMATO. Mr. President, today my distinguished colleague, Senator MOYNIHAN, and I are introducing legislation to amend Section 832(e) of the Internal Revenue Code to extend the scope of its provisions to general financial guaranty insurance.

Financial guaranty insurance, commonly called bond insurance, is an insurance contract that guarantees timely payment of principal and interest when due. The bond insurance contract generally provides that, in the event of a default by an insured issuer, principal and interest will be paid to the bond holder as originally scheduled.

Originally enacted in 1967, currently, section 832(e) applies to underwriters of mortgage guaranty insurance, lease guaranty insurance, and state and local tax-exempt bond insurance. Congress enacted section 832(e) to alleviate the significant drain on insurance providers' working capital that State financial regulations place on those firms. Under section 832(e), a company writing mortgage guaranty insurance, lease guaranty insurance and tax-exempt bond insurance may deduct, for Federal income tax purposes, amounts required by state law to be set aside in a reserve for losses resulting from adverse economic cycles. The deduction cannot exceed the lesser of, first, the company's taxable income or, second, 50 percent of the premiums earned on such guaranty contracts during the taxable year.

Further, the deduction is available only to the extent that the taxpayer purchases non-interest-bearing tax and loss bonds equal to the tax savings attributable to the deduction. The taxpayer insurance company may redeem such bonds only as and when it restores to income the associated deduction for reserves. Reserves are restored to income as and when they are applied, according to state regulations, to cover losses, or to the extent that the company has a net operating loss in some subsequent year. In addition, the reserve deduction taken in any particular year must be fully restored to income by the end of the 10th subsequent year. For the tax-exempt bond insurance, this period is increased to 20 years.

Mr. President, our proposed legislation would expand the scope of section 832(e) to include general financial guaranty insurance. This reflects the fact that the guaranty industry has expanded, and now provides other insurance guaranty instruments not offered at the time section 832(e) was enacted. These new guaranties are regulated by the same State financial regulations that apply to insurance guaranties currently covered by section 832(e); producing the same extraordinary tax burden that existed for earlier guaranty insurance instruments. Thus, the proposed legislation constitutes a sensible modification of the code to reflect new forms of bond insurance, and does so in a way which both Congress and Treasury have previously found acceptable.

This bill would allow those insurance companies which are writing lease guarantee insurance and insurance guaranteeing the debt service of municipal bond issues, for example, obligations the interest on which is excludable from gross income under section 103 of the Code, to deduct additions to contingency reserves in accordance with the current treatment of such additions for mortgage guaranty insurance under section 832(e).

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1106

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. INSURANCE RESERVE RULES FOR FINANCIAL GUARANTY INSURANCE.

(a) IN GENERAL.—Section 832(e)(6) of the Internal Revenue Code of 1986 is amended—

(1) by inserting "or a company which writes financial guaranty insurance" after "section 103" in the first sentence, and

(2) in the second sentence—

(A) by inserting "and to financial guaranty insurance" after "section 103,",

(B) by inserting "financial guaranty insurance or" after "in the case of", and

(C) by inserting "such financial guaranty or" after "revenues related to".

(b) CONFORMING AMENDMENT.—The heading for section 832(e)(6) of such Code is amended by inserting "; FINANCIAL GUARANTY INSURANCE" after "OBLIGATIONS".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1995.●

By Mr. DASCHLE (for himself, Mr. SIMON, Ms. MOSELEY-BRAUN, Mr. LEAHY, and Mr. PRESSLER):

S. 1107. A bill to extend COBRA continuation coverage to retirees and their dependents, and for other purposes; to the Committee on Labor and Human Resources.

THE RETIREE CONTINUATION COVERAGE ACT OF 1995

Mr. DASCHLE. Mr. President, in March I introduced a bill to address a serious problem brought to my attention by the retirees of the John Morrell meatpacking plant in Sioux Falls. Unfortunately, the situation has deteriorated in recent months and I feel that a new bill is needed to address the issues raised by this incident and to protect future retirees from being placed in a similar predicament.

Last January more than 3,000 retirees of the Morrell Co. in Sioux Falls and around the country found out that their health benefits were being terminated by their former employer.

With just a week's notice, these retirees, many of whom had accepted lower pensions in return for the promise of lifetime health benefits, were suddenly faced with the prospect of losing the benefits that they had assumed would be available for them and their spouses during their retirement years.

The bill I introduced in March would have required employers to continue to provide retiree health benefits while a cancellation of coverage was being challenged in court. However, the Supreme Court recently refused to hear the Morrell case, leaving this group no possibility of a judicial remedy for their problems.

Meanwhile, thousands of retirees and their families are left stranded without health coverage.

I am introducing a bill today to allow early retirees and their dependents who lost their health benefits to purchase continuing group insurance coverage until they become eligible for Medicare.

This would not prohibit employers from modifying their retiree health plans to implement cost-savings measures, such as utilization review or managed care. But it would protect retirees from suddenly losing their employer-sponsored health benefits.

This legislation simply extends COBRA coverage to early retirees and their dependents whose employer-sponsored health care benefits are terminated or substantially reduced. There would be no direct cost to the employer.

COBRA currently requires employers to offer temporary continuing health coverage for employees who leave their jobs. The employee is responsible for the entire cost of the premium, but is allowed to remain in the group policy, thus benefiting from lower group rates. This legislation would extend the COBRA law to cover early retirees and their families, until they are eligible for Medicare.

This bill would help secure health coverage for the most vulnerable retirees, at no cost to the Federal Government. It simply allows those workers who may not be able to purchase coverage elsewhere to take advantage of their former employer's lower group insurance rate.

These retirees deserve this kind of health security.

Workers often give up larger pensions and other benefits in exchange for health benefits. It never occurs to these employees that their benefits could be taken away, with no increase in their pensions or other benefits to compensate for the loss.

Early retirees have often been with the same company for decades, perhaps all of their adult lives. They rightfully believe that a company they help build will reward their loyalty, honesty and hard work.

When these hard-working people abruptly lose their health coverage, they suddenly have to worry that high medical costs will impoverish them or force them to rely on their children or the Government for financial help. Each day without insurance they live in fear of illness and injury.

In this particular case, Morrell retirees received a simple, yet unexpected, letter stating their health insurance plan was being terminated, effective midnight, January 31, 1995—only a week later. The benefits being terminated, the letter said, included all hospital, major medical and prescription drug coverage, Medicare supplemental insurance, vision care, and life insurance coverage.

For those retirees under 65, this action poses a particular problem. While Morrell did give them the option of paying for their own coverage for up to 1 year, for many that is simply not enough time. For example, if a retiree leaves the company at age 59, he or she will not be eligible for Medicare for 6 years; the original offer from the company could have left him or her without coverage for 5 years.

This bill will help many Morrell retirees; but there are thousands of other workers who could also benefit from this legislation. A 1994 Foster-Higgins report found that two-thirds of American companies surveyed had plans to reduce retiree health benefits or to shift more costs to retirees in the coming years, and 2 percent said that they were actually eliminating benefits altogether.

The presence of preexisting conditions can make it impossible for elderly Americans to purchase health insurance; insurers may refuse to enroll people who they expect to be heavy users or they may price the policies so that they are simply unaffordable. Consequently, early retirees with medical conditions, such as heart disease and diabetes, need to be continuously covered until they become eligible for Medicare.

This bill is not a cure, but it is a step in the right direction. It will help secure coverage for early retirees who cannot afford to buy an individual insurance policy. Under this legislation, Morrell retirees could be paying a premium of $500 a month per couple. While this is a lot of money for retirees on limited incomes, it is substantially less than if they purchased coverage on their own. And, of course, many are currently unable to purchase insurance at any price.

As I have said repeatedly, the long-run solution is comprehensive health reform that guarantees every American citizen—and every American employer—access to affordable health care.

I have fought over the years for comprehensive health reform and was deeply disappointed when the 103d Congress was unable to pass legislation addressing some of our health care system's most serious problems. If we had passed health reform, the Morrell retirees I have spoken about today would not face this loss of their health benefits.

Clearly, the problems we talked about in last year's health reform debate did not solve themselves when the session ended.

But some of these problems, like the one the Morrell retirees face, cannot wait for the long-run.

I hope we can pass this measure expeditiously, to help alleviate the harshest aspects of the injustice created by the Morrell Co. decision to eliminate retiree health coverage, and so that others are helped as they face the problem Morrell retirees are grappling with today.

Mr. President, I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1107

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Retiree Continuation Coverage Act of 1995".

SEC. 2. EXTENSION OF COBRA CONTINUATION COVERAGE.

(a) PUBLIC HEALTH SERVICE ACT.—

(1) PERIOD OF COVERAGE.—Section 2202(2)(A) of the Public Health Service Act (42 U.S.C. 300bb–2(2)(A)) is amended by adding at the end thereof the following new clause:

"(v) QUALIFYING EVENT INVOLVING SUBSTANTIAL REDUCTION OR ELIMINATION OF A RETIREE GROUP HEALTH PLAN.—In the case of an event described in section 2203(6), the date on which such covered qualified beneficiary becomes entitled to benefits under title XVIII of the Social Security Act.".

(2) QUALIFYING EVENT.—Section 2203 of the Public Health Service Act (42 U.S.C. 300bb–3) is amended by adding at the end thereof the following new paragraph:

"(6) The substantial reduction or elimination of group health coverage as a result of plan changes or termination with respect to a qualified beneficiary described in section 2208(3)(A).".

(3) NOTICE.—Section 2206 of the Public Health Service Act (42 U.S.C. 300bb–6) is amended—

(A) in paragraph (2), by striking "or (4)" and inserting "(4), or (6)"; and

(B) in paragraph (4)(A), by striking "or (4)" and inserting "(4), or (6)".

(4) DEFINITION.—Section 2208(3) of the Public Health Service Act (42 U.S.C. 300bb–8(3)) is amended by adding at the end thereof the following new subparagraph:

"(C) SPECIAL RULE FOR RETIREES.—In the case of a qualifying event described in section 2203(6), the term 'qualified beneficiary' includes a covered employee who had retired on or before the date of substantial reduction or elimination of coverage and any other individual who, on the day before such qualifying event, is a beneficiary under the plan—

"(i) as the spouse of the covered employee;

"(ii) as the dependent child of the covered employee; or

"(iii) as the surviving spouse of the covered employee.".

(b) EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—

(1) PERIOD OF COVERAGE.—Section 602(2)(A) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1162(2)(A)) is amended by adding at the end thereof the following new clause:

"(vi) QUALIFYING EVENT INVOLVING SUBSTANTIAL REDUCTION OR ELIMINATION OF A GROUP HEALTH PLAN COVERING RETIREES, SPOUSES AND DEPENDENTS.—In the case of an event described in section 603(7), the date on which such covered qualified beneficiary employee becomes entitled to benefits under title XVIII of the Social Security Act.".

(2) QUALIFYING EVENT.—Section 603 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1163) is amended by adding at the end thereof the following new paragraph:

"(7) The substantial reduction or elimination of group health plan coverage as a result of plan changes or termination with respect to a qualified beneficiary described in section 607(3)(C).".

(3) NOTICE.—Section 606(a) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1166) is amended—

(A) in paragraph (2), by striking "or (6)" and inserting "(6), or (7)"; and

(B) in paragraph (4)(A), by striking "or (6)" and inserting "(6), or (7)".

(4) DEFINITION.—Section 607(3)(C) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1167(2)) is amended by striking "603(6)" and inserting "603(6) or 603(7)".

(c) INTERNAL REVENUE CODE OF 1986.—

(1) PERIOD OF COVERAGE.—Section 4980B(f)(2)(B)(i) of the Internal Revenue Code of 1986 is amended by adding at the end thereof the following new subclause:

"(vi) QUALIFYING EVENT INVOLVING SUBSTANTIAL REDUCTION OR ELIMINATION OF A RETIREE GROUP HEALTH PLAN.—In the case of an event described in paragraph (3)(G), the date on which such covered qualified beneficiary becomes entitled to benefits under title XVIII of the Social Security Act.".

(2) QUALIFYING EVENT.—Section 4980B(f)(3) of the Internal Revenue Code of 1986 is amended by adding at the end thereof the following new subparagraph:

"(G) The substantial reduction or elimination of group health coverage as a result of plan changes or termination with respect to a qualified beneficiary described in subsection (g)(1)(D).".

(3) NOTICE.—Section 4980B(f)(6) of the Internal Revenue Code of 1986 is amended—

(A) in subparagraph (B), by striking "or (F)" and inserting "(F), or (G)"; and

(B) in subparagraph (D)(i), by striking "or (F)" and inserting "(F), or (G)".

(4) DEFINITION.—Section 4980B(g)(1)(D) of the Internal Revenue Code of 1986 is amended by striking "(f)(3)(F)" and inserting "(f)(3)(F) or (f)(3)(G)".

SEC. 3. EFFECTIVE DATE.

This Act shall take effect as if enacted on January 1, 1995.

By Mr. SMITH:

S. 1108. A bill to amend the Internal Revenue Code of 1986 to allow individuals to designate that up to 10 percent of their income tax liability be used to reduce the national debt, and to require spending reductions equal to the amounts so designated; to the Committee on Finance.

THE TAXPAYER DEBT BUY-DOWN ACT

● Mr. SMITH. Mr. President, today I am reintroducing the Taxpayer Debt Buy-Down Act. The proposal is specifically designed to give taxpayers an unprecedented role in the budget process and provide a mechanism for an annual national referendum on Federal spending. If Congress fails to reign in Federal spending, this bill allows the taxpayers of America to speak out every April 15.

The proposal would amend the IRS Code to allow taxpayers the opportunity to voluntarily designate up to 10 percent of their income tax liability for the purpose of debt reduction. All moneys designated would be placed in a national debt reduction fund established in the Department of the Treasury, and used to retire the public debt, except obligations held by the Social Security trust fund, the civil service, and military retirement funds.

On October 1, the Treasury Department would be required to estimate the amount designated through the checkoff. Congress would then have until September 30 of the following year to make the necessary cuts in Federal spending. The Debt Buy-Down Act does not micromanage the spending cuts. Congress retains complete authority to cut any Federal spending program it deems appropriate.

To coordinate this measure and the efforts to balance the budget, the checkoff will apply only if the amount designated is greater than the cuts that Congress has already implemented. For example, if Congress passes a reconciliation bill this year that designates cuts of $50 billion in 1998, and the checkoff in 1998 totals $60 billion, the $50 billion will count toward the checkoff and only an additional $10 billion will need to be cut.

If Congress failed to enact spending reductions to meet the amount designated by the taxpayers, an across-the-board sequester would occur of all accounts except the Social Security retirement benefits, interest of the debt, deposit insurance accounts and contractual obligations of the Federal Government. If Congress enacted only half of the necessary cuts, the sequester would ensure the other half. The Debt Buy-Down account would hold Congress's feet to the fire.

All spending cuts required by the act would be permanent—the cuts would permanently reduce the spending baseline. For example, if $1 billion of cuts are required and Congress eliminates a $1 billion program in the Department of Energy, that program would be gone forever. If Congress later decided that they needed the program, they would be required to cut $1 billion elsewhere. Although nothing in the legislation would prohibit Congress from increasing taxes, tax increases could not be used to substitute for the spending reductions designated by taxpayers.

Mr. President, we cannot allow the current talk about balanced budgets to deter us from our ultimate goal—elimination of the $4.9 trillion national debt. Yes, we must balance the budget first, and this proposal serves as a friendly enforcement mechanism to do just that. Balancing the budget, however, does not guarantee that we will begin to buy down our national debt. If our budget is balanced by the year 2002 as required by the congressional budget resolution, what happens next?

Under current law, the answer is: nothing. There is no requirement that Congress begin to attack the debt problem. This bill would change that. The American people would be allowed to tell us exactly how much debt reduction they believe is necessary and Congress would be required to act. That is the way our system of government is supposed to work.

Mr. President, the Taxpayer Debt Buy-Down Act was endorsed by then-President Bush at the 1992 Republican Convention. The House companion legislation, H.R. 429, is sponsored by Congressman BOB WALKER, and passed the House earlier this year as part of the Contract With America.

The legislation is supported by the National Federation of Independent Business [NFIB], Americans for a Balanced Budget, Americans for Tax Reform, The American Legislative Exchange Council [ALEC], The Council for Citizens Against Government Waste, Association of Concerned Taxpayers for a Fair and Simple Tax, the Institute for the Research on the Economics of Taxation [IRET], the National Taxpayers Union [NTU], and the U.S. Business and Industrial Council.

I urge my colleagues to support the Taxpayer Debt Buy-Down Act. It is an innovative proposal that makes "We the People" an integral part of the Federal budget process.•

By Mr. CAMPBELL:

S. 1109. A bill to direct the Secretary of the Interior to convey the Collbran reclamation project, Colorado, to the Ute Water Conservancy District and the Collbran Conservancy District, and for other purposes; to the Committee on Energy and Natural Resources.

THE COLLBRAN RECLAMATION PROJECT LEGISLATION

• Mr. CAMPBELL. Mr. President, today I am joined by my colleague from Colorado, Senator BROWN, in introducing legislation to transfer the Collbran project from the Federal Government to its real owners—the people who have paid for and own the water produced by this project.

This legislation will complete the repayment to the American people the amounts owed by the users of this project. Because this legislation involves a substantial payment from the Collbran and Ute Water Conservancy Districts to the Federal Treasury, this legislation helps us reduce the Federal deficit by a small, but important, amount.

Millions of people live, work, and play in Colorado and the other Western States. People are drawn to the rural areas of the West because these communities offer an attractive mix of economic opportunity and access to world-class natural resources. This high quality of life would not exist if it were not for the water and power provided from Federal reclamation projects constructed under the 1902 Reclamation Act.

The original vision of the Reclamation Act was that Congress would facilitate the construction of locally sponsored and locally controlled projects. Congress achieved this result by providing financing for these projects, subject to the requirement that a local entity repay the Federal investment in the irrigation portion of the project, and that power users in the West repay the remaining costs of the project.

Congress explicitly stated the water rights for reclamation projects were to be obtained in accordance with State law, and Federal courts have consistently ruled that the real owners of the water from reclamation projects are the people who put the water to beneficial use. The important point is that Federal ownership of these projects was always for the purpose of ensuring that the Federal investment was repaid; the Federal partnership in reclamation of the west was never intended to perpetuate Federal control over the use of land and water at the local level.

Water from reclamation projects allowed the development of irrigated agriculture, which provides an important complement to other industries such as mining, recreation, and tourism. Power from reclamation projects was and is an important part of extending the benefits of electricity beyond cities to people in the country. In short, the Reclamation Act has achieved its primary goal—the development of healthy and stable communities throughout the West.

While there is a continuing obligation to honor previous Federal commitments to complete reclamation projects, it is now time to reassess the Federal involvement in those projects which have been completed. In particular, the Federal Government should not be spending scarce resources on the operation and maintenance of projects when the project beneficiaries have or will repay all of their financial obligations to the United States. In these cases, the Federal Government should transfer the project to the local beneficiaries, subject to the requirement that the project continue to be operated for the purposes for which it was authorized.

The Collbran project meets these criteria. The project was authorized in 1952 for agricultural and municipal purposes, and included a power component. The project provides an important water supply for irrigated lands in the Collbran Conservancy District. In addition, the water released from the project provides an important domestic water supply for over 55,000 people in the Grand Valley served by the Ute Water Conservancy District. This legislation requires the districts to pay the net present value of the revenues which the United States would otherwise receive from the project, plus a premium of $2,000,000 and a significant contribution to promote additional protection for the Colorado River ecosystem.

The Federal goals of the project have been attained. It is now appropriate to transfer the project to the districts, with the United States retaining only its commitment to the State of Colorado on recreational facilities. This legislation not only establishes a good precedent for transfer of projects to reduce the Federal debt, but also fulfills the original vision of the 1902 Reclamation Act by ensuring that the project will continue to be used to benefit the people and communities for whom it was built.•

By Mr. CAMPBELL:

S. 1110. A bill to establish guidelines for the designation of national heritage areas, and for other purposes; to the Committee on Energy and Natural Resources.

THE NATIONAL HERITAGE ACT OF 1995

• Mr. CAMPBELL. Mr. President, I introduce the National Heritage Act of 1995.

Today, most of my colleagues are aware that the opportunity to create new park units is most difficult in light of the current condition of the National Park System. The Park Service, facing a 37-year backlog in construction funding, a 25-year backlog for land acquisition, and a shortfall of over $846 million for park operation and management, is clearly in trouble.

However, these difficulties are compounded by the growing popularity in Congress to recognize and designate important areas of our country for inclusion in the National Park System. Over the last 10 years alone, Congress has designated over 30 new units of the Park System. These new additions, while meritorious, have added significantly to this huge backlog of funding facing the agency.

It is well known that when you create a new unit, limited fiscal and human resources must be taken away from existing park units. Unfunded and poorly managed parks will only contribute to the continued erosion of the existing Park System. As a result, it can be fairly stated that in our current system new additions can actually hinder rather than enhance the Park Service System.

I am aware of approximately 110 areas, some of which have already been introduced in Congress, that may be suitable for inclusion into the Park System as heritage areas. I know of eight areas in my own State of Colorado, that may deserve recognition. However, under the current system, the National Park Service may not be able to afford any new area, no matter how deserved it may be.

Thus, the question of how to lighten this overwhelming load on the Park Service, while maintaining Congress' ability to recognize and protect precious areas of our country's heritage is before us.

I believe that my legislation will provide the solutions to this problem. National heritage areas can be created and established as an alternative to the traditional National Park Service designation. This can be accomplished in a very cost effective and efficient method, without creating unnecessary Federal management and expense to the taxpayer.

My bill, when enacted, will encourage appropriate partnerships among Federal agencies, State, and local governments, nonprofit organizations, and the private sector, or combinations thereof, to conserve and manage these important resources.

This bill will authorize the Secretary of the Interior to provide technical assistance and limited grants to State and local governments and private nonprofit organizations, to study and promote the potential for conserving, maintaining, and interpreting these areas for the benefit of all Americans—now and in the future.

In addition, this legislation would direct the Secretary of the Interior to set the standards by which areas may be eligible and designated as national heritage areas.

Mr. President, most important, this legislation, when enacted, will empower individuals, groups, and organizations to be true partners with the Federal Government. By giving the groups the decisionmaking authority, as well as a share of the fiscal responsibility, they will be able to maintain local control and ultimate oversight of the very areas they work so hard to save. Who better to manage our natural and cultural heritage, than those who are already going above and beyond their duties as Americans to preserve, restore, and protect these wonderful areas.

Mr. President, I ask unanimous consent that a section-by-section analysis of the legislation be printed in the RECORD for the benefit of my colleagues.

There being no objection, the section-by-section analysis was ordered to be printed in the RECORD, as follows:

SECTION-BY-SECTION ANALYSIS—NATIONAL HERITAGE ACT OF 1995

Section 1 entitles the Act the "National Heritage Act of 1995".

Section 2 sets forth Congressional findings.

Section 3 states the purposes of the Act.

Section 4 defines terms used in the Act.

Section 5(a) establishes a National Heritage Areas Partnership Program within the Department of the Interior to promote nationally distinctive natural, historic, scenic, and cultural resources and to provide opportunities for conservation, education, and recreation through recognition of and assistance to areas containing such resources.

Subsection (b) authorizes the Secretary of the Interior (the "Secretary" as used in this Act) (1) to evaluate areas nominated under this Act for designation as National Heritage Areas according to criteria established in subsection (c) below, (2) to advise State and local governments and other entities regarding suitable methods of recognizing and conserving thematically and geographically linked natural, historic, and cultural resources and recreational opportunities, and (3) to make grants to units of government and nonprofit organizations to prepare feasibility studies, compacts, and management plans.

Subsection (c) lists the eligibility criteria for designation as a National Heritage Area.

Subparagraph (1) states that the area shall be an assemblage of natural, historic, cultural, or recreational resources that represent distinctive aspects of American heritage worthy of recognition, conservation, interpretation, and continuing use and that such resources are best managed as such an assemblage, through partnerships among public and private entities.

Subparagraph (2) states that the area shall reflect traditions, customs, beliefs, or folklife, or some combination thereof, that are a valuable part of the story of the Nation.

Subparagraph (3) states that the area shall provide outstanding opportunities to conserve natural, cultural, historic, or recreational features, or some combination thereof.

Subparagraph (4) states that the area shall provide outstanding recreational and educational opportunities.

Subparagraph (5) states that the area shall have an identifiable theme or themes, and resource important to the theme(s) shall retain integrity that will support interpretation.

Subparagraph (6) states that residents, nonprofit organizations, other entities, and governments within the proposed area shall demonstrate support for designation of the area and appropriate management of the area.

Subparagraph (7) requires that the principal organization and units of government supporting the designation be willing to enter into partnership agreements to implement the compact for the area.

Subparagraph (8) requires the compact to be consistent with continued economic viability in the affected communities.

Subparagraph (9) requires the consent of local governments and notification of the Secretary for inclusion of private property within the boundaries of the area.

Subsection (d) states that designation of an area may only be made by an Act of Congress, and requires that certain conditions be met prior to designation. An entity requesting designation must submit a feasibility study and compact, and a statement of support from the governor of each state in which the proposed area lies. The Secretary must approve the compact and submit it and the feasibility study to Congress, along with the Secretary's recommendation.

Section 6 describes the feasibility studies, compacts, and management plans.

Subsection (a)(1) requires that each feasibility study be prepared with public involvement and include a description of resources and an assessment of their quality, integrity, and public accessibility, the themes represented by such resources, an assessment of impacts on potential partners, units of government and others, boundary description, and identification of a possible management entity for the area if designated.

Subparagraph (2) requires that compacts include a delineation of boundaries for the area, goals and objectives for the area, identification of the management entity, a list of initial partners in developing and implementing a plan for the area and statement of each entity's financial commitment and a description of the role of the State(s) in which the proposed National Heritage Area is located. This subsection requires public participation in development of the compact and a reasonable time table for actions noted in such compact.

Subparagraph (3) describes the plan for a proposed area. Such plan must take into consideration existing Federal, State, county, and local plans and include public participation. The plan shall specify existing and potential funding sources for the conservation, management, and development of the area. The plan will also include a resource inventory, policy recommendations for managing resources within the area, an implementation program for the plan by the management entity specified in the compact, an analysis of Federal, State, and local program coordination, and an interpretive plan for the National Heritage Area.

Subsection (b) requires the Secretary to approve or disapprove a compact within 90 days of receipt and directs the Secretary to provide written justification for disapproval of a compact to the submitter.

Section 7(a) outlines the duties of the management entity for a National Heritage Area. Duties include development of a heritage plan to be submitted to the Secretary within three years of designation. This section directs the management entity to give priority to implementation of actions, goals, and policies set forth in the compact and management plan for the area. The management entity is directed to consider the interests of diverse units of government, businesses, private property owners, and nonprofit groups in the geographic area in developing and implementing the plan, and requires quarterly public meetings regarding plan implementation.

Section (b) states that eligibility for technical assistance is suspended if a plan regarding a National Heritage Area is not submitted in accordance with the above provisions.

Subsection (c) prohibits the management entity for a National Heritage Area from using federal funding to acquire real property or interest in real property.

Subsection (d) states that a management entity is eligible to receive technical assistance funding for 7 years following area designation.

Section 8(a) states that National Heritage Area designation continues indefinitely unless the Secretary determines that the area no longer meets the criteria in section 5(c), the parties to the compact are not in compliance with the terms of the compact, the management entity has not made reasonable and appropriate progress in developing or implementing the management plan, or the use, condition, or development of the area is incompatible with the criteria in section 5(c) or with the compact. If such determination is made, the Secretary is directed to notify Congress with a recommendation for designation withdrawal.

Subsection (b) requires the Secretary to hold a public hearing within the area before recommending designation withdrawal.

Subsection (c) states that withdrawal of National Heritage Area designation shall become final 90 legislative days after the Secretary submits notification to Congress.

Section 9(a) outlines the duties and authorities of the Secretary. The Secretary may provide technical assistance and grants to units of government and private nonprofit organizations for feasibility studies, compacts and management plan development and implementation. The Secretary is prohibited from requiring recipients, as a condition of awarding technical assistance, to enact or modify land use restrictions. This subsection directs the Secretary to investigate, study, and monitor the welfare of all National Heritage Areas whose eligibility for technical assistance under this Act has expired and directs the Secretary to report on the condition of such areas to Congress.

Subsection (b) states that other Federal entities conducting activities directly affecting any National Heritage Area shall consider the potential effects of such activities on the plan for the area and requires consultation with the State containing the area.

Section 10 states that this Act does not affect any authority of Federal, State, or local governments to regulate land use, nor does this Act grant zoning or land use powers to any management entity for a National Heritage Area.

Section 11 is a fishing and hunting savings clause.

Section 12 authorizes an appropriation of not more than $8,000,000 annually for technical assistance and grants as outlined in section 9(a), and states that technical assistance and grants under this Act for a feasibility study, compact, or management plan may not exceed 75 percent of the cost for such study, compact, or plan. This section also places a total funding limit of $1,000,000 for each National Heritage Area, with an annual limit of $150,000 for a National Heritage Area for a fiscal year.

Section 13 states that the authorities contained in this Act shall expire on September 30 of the 15th fiscal year beginning after the date of enactment of this Act.

Section 14 requires the Secretary to submit a report of the status of the National Heritage Areas Program to Congress every 5 years.

Section 15 is a savings clause, preserving existing authorities contained in any law that designates an individual National Heritage Area or Corridor prior to enactment of this Act.•

By Mr. HATCH (for himself and Mr. KENNEDY):

S. 1111. A bill to amend title 35, United States Code, with respect to patents on biotechnological processes; to the Committee on Labor and Human Resources.

THE BIOTECHNOLOGY PATENT PROTECTION ACT OF 1995

Mr HATCH. Mr. President, today, I rise with Senator KENNEDY to introduce the Biotechnology Patent Protection Act of 1995, S. 1111. This bill is similar to legislation which passed the Senate last year, and is identical to a measure reported by the House Judiciary Committee on June 7.

It is abundantly clear that the current patent law is not adequate to protect our creative American inventors who are on the cutting edge of scientific experimentation. Through biotechnological research, for example, scientists are using recombinant processes to mass-produce proteins that are useful as human therapeutics.

The potential for unfair foreign competition, however, threatens the capital base of the biotechnology research industry. Clearly, without a protected end product that can be sold or marketed, there is little incentive to invest millions of dollars in biotechnology research.

The Hatch-Kennedy legislation extends patent protection in biotechnology cases to the process if there is a patentable starting product, offering the biotechnology research industry valuable and needed protection.

Specifically, the Biotechnology Patent Protection Act modifies the test for obtaining a process patent by clarifying *In Re Durden*, 763 F. 2d 1406 (Fed. Cir. 1985).

In Durden, the Federal circuit held that the use of a novel and nonobvious starting material with a known chemical process, producing a new and nonobvious product, does not render the process itself patentable. The erroneous application of Durden, a nonbiotechnology process patent case, to biotechnology process patent cases has led to devastating results for the biotechnology industry.

Under the current Patent Code, an inventor may hold a patent and still be unable to bar the importation of a product made abroad with the use of the patented material, if the inventor has been unable to obtain patent protection for the process of using such material.

The biotechnology field is particularly vulnerable to abuse under Unfortunately, the naturally occurring human protein was extremely difficult to obtain or produce.

Amgen scientists, using recombinant DNA technology and molecular biology, were able to produce an erythropoietin product, for the first time ever. Amgen was able to obtain a patent for the gene encoding and for the host cell, but not for the process of making the product, or for the final product.

With knowledge of Amgen's development, Chugai, a Japanese company, began manufacturing a similar protein in Japan using the patented recombinant host cell. Since the process of placing genes in host cells is prior art, thus unpatentable, and the end product is a previously known human protein, thus unpatentable, Amgen was without any recourse under our patent law when Chugai imported the erythropoietin product.

The proposed legislation would extend patent protection to the process of making new and nonobvious products. Thus, if a process makes or uses a patentable material, the process, too, will be patentable. The fact that the steps in the process, or most of the materials in the process are otherwise known in the art should not make a difference. Obviousness should be determined with regard to the subject matter as a whole, as the current Patent Code suggests.

S. 1111 will also make our patent law consistent, at least in the field of biotechnology, with the patent examination standards now practiced by the European and Japanese patent offices. American technology and research has been exploited by the legal loophole that can no longer be tolerated.

This bill is identical in substance to last year's Senate legislation, with one exception. This year's bill changes the definition of "biotechnological process" to include the wide range of technologies currently used by the biotechnology industry. New subparagraph 102(b)(3)(A) has been rewritten to cover the enhanced expression of a gene product—via the addition of promoter genes—and gene deletion and inhibition.

We were very disappointed when the Senate bill, which passed last year, died in the House Judiciary Committee. The House version of the bill introduced last year was drafted to address issues broader than biotechnology industry, due to then Chairman Hughes' insistence that the measure not be industry specific, an approach which was not acceptable to the Senate.

This Congress, CARLOS MOORHEAD, chairman of the Courts and Intellectual Property Subcommittee, has shown great leadership in sponsoring the narrower version, which was reported by the Judiciary Committee June 7. The bill we introduce today is identical to the House-reported measure.

Mr. President, the Hatch-Kennedy biotechnology process patent bill will restore fairness to inventors, promote and protect investment in biotechnology research, and eliminate the foreign piracy of our intellectual property. We commend this measure to our colleagues' attention.

By Mr. LAUTENBERG (for himself and Mr. SIMON):

S. 1113. A bill to reduce gun trafficking by prohibiting bulk purchases of hand guns; to the Committee on the Judiciary.

THE ANTI-GUN TRAFFICKING ACT

• Mr. LAUTENBERG. Mr. President, today Senator SIMON and I are introducing legislation, the Anti-Gun Trafficking Act, to reduce interstate gun trafficking by prohibiting bulk purchases of handguns. The bill generally would prohibit the purchase of more than one handgun during any 30-day period.

Mr. President, the United States is suffering from an epidemic of gun violence. Tens of thousands of Americans die every year because of guns, and no communities are safe. Reducing the violence must be a top national priority,

Mr. President, my State of New Jersey has adopted strict controls on guns. We have banned assault weapons, and we have established strict permitting requirements for handgun purchases. Yet the effectiveness of these restrictions is substantially reduced because the controls in other States are far less strict.

Unfortunately, many criminals are making bulk purchases of handguns in States with weak firearm laws and transporting them to other States with tougher laws, like New Jersey. This has helped spread the plague of gun violence nationwide, and there is little that any one State can do about it.

A few years ago, the State of Virginia enacted legislation that was designed to prevent gunrunners from buying large quantities of handguns in Virginia for export to other States. Under the legislation, handgun purchases were limited to one per month.

The Virginia statute has proved very effective in controlling gun trafficking from Virginia. A study by the Center to Prevent Handgun Violence found that for guns purchased after the law's effective date, there was a 65-percent reduction in the likelihood that a gun traced back to the Southeast from the Northeast corridor would have originated in Virginia.

Mr. President, Virginia's experience suggests that a ban on bulk purchases can substantially reduce gunrunning.

However, to truly be effective, such a limit must be enacted nationwide. Otherwise, gunrunners simply will move their operations to other States.

The legislation I am introducing today proposes such a nationwide limit.

Under the legislation, an individual other than a licensed firearms dealer generally would be prohibited from purchasing more than one handgun in any 30-day period. Similarly, the bill would make it unlawful for any dealer, importer, or manufacturer to transfer a handgun to any individual who has received a handgun within the last 30 days. Violators would be subject to a fine of up to $5,000 and a prison sentence of up to 1 year.

The legislation would provide an exception in the rare case where a second handgun purchase is necessary because of a threat to the life of the individual or of any member of the individual's household.

Mr. President, I do not claim that this bill will end all handgun violence. However, it is a reasonable and modest step in the right direction. I also would note that President Clinton has endorsed the adoption of a once-a-month handgun purchase limit.

I hope my colleagues will support the legislation.

I ask unanimous consent that a copy of the legislation be printed in the RECORD along with other related materials.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1113

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Anti-Gun Trafficking Act of 1995".

SEC. 2. MULTIPLE HANDGUN TRANSFER PROHIBITION.

(a) IN GENERAL.—Section 922 of title 18, United States Code, is amended by adding at the end the following:

"(y)(1)(A)(i) It shall be unlawful for any licensed importer, licensed manufacturer, or licensed dealer—

"(I) during any 30-day period, to transfer 2 or more handguns to an individual who is not licensed under section 923; or

"(II) to transfer a handgun to an individual who is not licensed under section 923 and who received a handgun during the 30-day period ending on the date of the transfer.

"(ii) It shall be unlawful for any individual who is not licensed under section 923 to receive 2 or more handguns during any 30-day period.

"(iii) It shall be unlawful for any licensed importer, licensed manufacturer, or licensed dealer to transfer a handgun to an individual who is not licensed under section 923, unless, after the most recent proposal of the transfer by the individual, the transferor has—

"(I) received from the individual a statement of the individual containing the information described in paragraph (3);

"(II) verified the identification of the individual by examining the identification document presented; and

"(III) within 1 day after the individual furnishes the statement, provided a copy of the statement to the chief law enforcement officer of the place of residence of the individual.

"(B) Subparagraph (A) shall not apply to the transfer of a handgun to, or the receipt of a handgun by, an individual who has presented to the transferor a written statement, issued by the chief law enforcement officer of the place of residence of the individual during the 10-day period ending on the date of the transfer or receipt, which states that the individual requires access to a handgun because of a threat to the life of the individual or of any member of the household of the individual.

"(2) Paragraph (1) shall not be interpreted to require any action by a chief law enforcement officer which is not otherwise required.

"(3) The statement referred to in paragraph (1)(A)(iii)(I) shall contain only—

"(A) the name, address, and date of birth appearing on a valid identification document (as defined in section 1028(d)(1)) of the individual containing a photograph of the individual and a description of the identification used;

"(B) a statement that the individual—

"(i) is not under indictment for, and has not been convicted in any court of, a crime punishable by imprisonment for a term exceeding one year;

"(ii) is not a fugitive from justice;

"(iii) is not an unlawful user of or addicted to any controlled substance (as defined in section 102 of the Controlled Substances Act);

"(iv) has not been adjudicated as a mental defective or been committed to a mental institution;

"(v) is not an alien who is illegally or unlawfully in the United States;

"(vi) has not been discharged from the Armed Forces under dishonorable conditions;

"(vii) is not a person who, having been a citizen of the United States, has renounced such citizenship;

"(viii) has not received a handgun during the 30-day period ending on the date of the statement; and

"(ix) is not subject to a court order that—

"(I) restrains the individual from harassing, stalking, or threatening an intimate partner of the individual or child of such intimate partner or of the individual, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child;

"(II) was issued after a hearing of which the individual received actual notice, and at which the individual had the opportunity to participate; and

"(III)(aa) includes a finding that the individual represents a credible threat to the physical safety of such intimate partner or child; or

"(bb) by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury;

"(C) the date the statement is made; and

"(D) notice that the individual intends to obtain a handgun from the transferor.

"(4) Any transferor of a handgun who, after the transfer, receives a report from a chief law enforcement officer containing information that receipt or possession of the handgun by the transferee violates Federal, State, or local law shall immediately communicate all information the transferor has about the transfer and the transferee to—

"(A) the chief law enforcement officer of the place of business of the transferor; and

"(B) the chief law enforcement officer of the place of residence of the transferee.

"(5) Any transferor who receives information, not otherwise available to the public, with respect to an individual in a report under this subsection shall not disclose such information except to the individual, to law enforcement authorities, or pursuant to the direction of a court of law.

"(6) In the case of a handgun transfer to which paragraph (1)(A) applies—

"(A) the transferor shall retain—

"(i) the copy of the statement of the transferee with respect to the transfer; and

"(ii) evidence that the transferor has complied with paragraph (1)(A)(iii)(III) with respect to the statement; and

"(B) the chief law enforcement officer to whom a copy of a statement is sent pursuant to paragraph (1)(A)(iii)(III) shall retain the copy for at least 30 calendar days after the date the statement was made.

"(7) For purposes of this subsection, the term 'chief law enforcement officer' means the chief of police, the sheriff, or an equivalent officer, or the designee of any such individual.

"(8) This subsection shall not apply to the sale of a firearm in the circumstances described in subsection (c).

"(9) The Secretary shall take necessary actions to assure that the provisions of this subsection are published and disseminated to dealers and to the public.".

(b) PENALTY.—Section 924(a) of such title is amended by redesignating the 2nd paragraph (5) as paragraph (6) and by adding at the end the following:

"(7) Whoever knowingly violates section 922(y) shall be fined not more than $5,000, imprisoned for not more than 1 year, or both.".

(c) EFFECTIVE DATE.—The amendments made by this Act shall apply to conduct engaged in 90 or more days after the date of the enactment of this Act.

[From the Washington Post, Mar. 10, 1993]

VIRGINIA ON GUNS: PLEASE COPY

Virginia's new handgun law won't produce a cease-fire across the state, nor will the Old Dominion benefit the most from the state's one-handgun-a-month limit on most purchasers. But what it should do—and can do—is more important. As the supporters were saying all along, the gunrunners up and down the East Coast won't have it so easy anymore. It was the state's reputation as the favorite stop-and-shop outlet for concealable weapons along the Atlantic Seaboard that propelled such strong bipartisan votes in Richmond. And it is those votes that should now signal Congress that a federal copy of the Virginia law would be politically possible and immensely popular.

For sure, the NRA will be all over Capitol Hill, warning that one handgun a month is just a cover for total disarmament of every peace-loving, government-fearing individual. That's what the lobbyists said in Richmond, but Republicans and Democrats—gun owners as well as those who wouldn't touch a firearm—didn't buy it. The lawmakers heard their constituents calling for reasonable ways to curb traffic in weapons that most people don't stockpile. They read polls showing intense public concern about the ease with which guns could be bought and resold in huge quantities for evil purposes. The legislators also learned that they could infuriate the NRA leaders, enact this measure and survive politically—with strong support from every major law enforcement organization in the country.

Now Virginia's delegation in Congress should spread the word that a federal version of this law would curb the trafficking of handguns that crosses state lines from coast to coast. With this reasonable purchase limit—and with passage of the Brady bill to establish a workable waiting period—America, like Virginia, might begin to shake its reputation as a global arsenal for criminals. The climate is right.

[From the New York Times, Feb. 4, 1993]

ONE GUN PER MONTH

Effective gun control requires national laws because so many firearms used in urban crime are smuggled across state lines. The latest proposal growing out of concern over gun trafficking in Virginia is simple and potentially powerful: Limit purchases of handguns by an individual to one per month.

Virginia's Governor, Douglas Wilder, has been pushing a one-gun-per-month bill for his state because it has become a source for illegal gun smuggling on the East Coast. Dealers from New York City, where local laws sharply restrict access to guns, drive to Virginia and fill the trunks of their cars with weapons purchased in stores with the help of local residents. Then they haul the guns back to New York and sell them illegally on the street at huge markups.

Since it wouldn't pay to travel back and forth for one gun at a time, limiting purchases to one per month could quickly put the smugglers out of business in Virginia.

But why put them out of business only there? Closing down the pipeline from Virginia will most likely result only in new ones opening elsewhere. After South Carolina enacted such a law in 1975, it ceased to be a crime gun supermarket. Smugglers apparently shifted much of their business to Virginia and Florida.

A Federal law imposing the limit for all states would shut down all the potential pipelines at once. Representative Robert Torricelli of New Jersey has introduced a bill to do just that. Like the Virginia law, it imposes a one-gun-per-month limit with provisions for those few cases of people who lose a recently purchased gun and have urgent need to buy another.

The gun lobby is already screaming about intolerable trespass on individual and commercial freedom. Yet South Carolina's law had no detrimental effects; it simply limited interstate trafficking that had gotten out of hand.

Even the most avid collector isn't likely to want—or be able to afford—more than 12 handguns a year. Legitimate gun dealers don't base their success on multiple sales to individuals.

Some supporters of gun control worry that the Torricelli bill could distract from the Brady bill, which would impose a national five-day waiting period between purchase and delivery of a handgun. That bill remains important to reduce both interstate trafficking and crime in general.

But with gun crime out of control, why should the nation have to choose? Both measures merit early attention in Congress and the support of all Americans who favor a common-sense approach to public safety.

EVALUATING THE IMPACT OF VIRGINIA'S ONE-GUN-A-MONTH LAW

(By Douglas S. Weil, Sc.D., and Rebecca Knox, M.P.H., M.S.W., Center to Prevent Handgun Violence)

EXECUTIVE SUMMARY

Introduction

In response to a growing reputation as a principal supplier of firearms to the illegal market—particularly in the Northeastern United States—Virginia enacted a law (which was implemented July 1993) restricting handgun purchases to one per month per individual. The purpose of this study was to determine whether limiting handgun purchases to one per month is an effective way to disrupt the illegal movement of firearms across state lines.

Hypothesis

The hypothesis tested was that the odds of tracing a gun, originally acquired in the Southeast region of the United States, to a Virginia gun dealer, if it was recovered in a criminal investigation outside of the region, would be substantially lower for guns purchased after Virginia's one-gun-a-month law took effect, than for guns purchased prior to implementation of the law.

Methods

The principal analytic method used in this analysis was to estimate the odds ratio for tracing a firearm to a gun dealer in Virginia relative to a gun dealer in the other Southeastern states (as defined by the Bureau of Alcohol, Tobacco and Firearms (BATF)), for guns purchased prior to Virginia's one-gun-a-month law's effective date compared to guns purchased after the law was enacted. The data, including information about 17,082 guns traced to the Southeast, come from the firearms trace database compiled by the BATF.

Results

The hypothesis was substantiated by the data. The odds of tracing a gun, originally acquired in the Southeast region, to a Virginia gun dealer, and not to a gun dealer in another Southeastern state, were substantially lower for firearms purchased after Virginia's one-gun-a-month law took effect, than for firearms purchased prior to implementation of the law.

Specifically, for guns recovered: Anywhere in the United States (including Virginia), the odds were reduced by 36%; in the Northeast Corridor (NJ, NY, CT, RI, MA), the odds were reduced by 66%; in New York, the odds were reduced by 71%; in New Jersey, the odds were reduced by 57%; and in Massachusetts, the odds were reduced by 72%.

Conclusion

Most gun control policies currently advocated in the United States (e.g., licensing, registration and one-gun-a-month) could be described as efforts to limit the supply of guns available in the illegal market. This study provides persuasive evidence that restricting handgun purchases to one per month per individual is an effective means of disrupting the illegal interstate transfer of firearms. Based on the results of this study, Congress should consider enacting a federal version of the Virginia law.

INTRODUCTION

In July 1993, a Virginia law limiting handgun purchases by an individual to one gun in a thirty day period took effect.[1] Prior to the one-gun-a-month law, individuals were able to purchase an unlimited number of handguns from licensed dealers.

The law was passed in response to Virginia's growing reputation as a principal supplier of guns to the illegal market in the Northeastern United States.[2] Statistics from the Bureau of Alcohol, Tobacco, and Firearms (BATF) provided evidence of the magnitude of gun trafficking from Virginia. The BATF reported that 41% of a sample of guns seized in New York City in 1991 were traced to Virginia gun dealers.[3] Virginia has long been a primary out-of-state source of recovered crime guns traced in Washington, D.C.[4] and Boston.[5]

Virginia is not the only out-of-state source of firearms illegally trafficked along the Eastern Seaboard. In fact, the BATF has identified the illegal movement of firearms from states in the Southeast northward to states along Interstate 95 (sometimes referred to as the "Iron Pipeline"[6]), as one of three principal gun trafficking routes in the country.[7] The same BATF report that identified Virginia as the principal out-of-state source of guns used in crime in New York City noted that a high percentage of recovered guns also came from Florida and Georgia. Together, the three states accounted for 65% of all successfully traced firearms in New York City. Investigators also found that 25% successfully traced firearms recovered in Baltimore were originally purchased in the Southeastern United States.[8]

Interstate gun trafficking occurs, in part, because of the disparity in state laws governing gun sales. As a result, the "street price" of firearms in localities with restrictive gun laws is significantly greater than the retail price for the same guns purchased in states where laws are less stringent. For example, low quality, easily concealable guns like the Raven Arms MP-25, the Davis P-38 and the Bryco Arms J-22 which retail less than $100 can net street prices between $300 and $600.[9] The ability to buy many guns at a retail price to be sold elsewhere at a higher street price suggests that the purchase of multiple firearms in a single transaction is an integral part of the profit motive which supports the illegal market.

The objective behind Virginia's passage of the one-gun-a-month law was to undermine the economic incentive created by the disparities in gun laws among the states—an objective supported by historical evidence. In 1975, South Carolina limited purchases of firearms to one gun in a thirty day period. Prior to enactment of the law, South Carolina was a primary out-of-state source of guns used in crime in New York City. After the passage of the law, South Carolina was no longer a primary source of guns for New York City.[10]

PURPOSE OF THE STUDY

The objective of this study was to assess the effect of Virginia's one-gun-a-month law on gun trafficking patterns, particularly along the "Iron Pipeline."

DATA

The data[11] used in the analysis came from the firearms trace database compiled by the Bureau of Alcohol, Tobacco and Firearms (BATF). Law enforcement agencies can request that the BATF trace a gun which has been recovered in connection with a criminal investigation. BATF staff at the National Tracing Center (NTC) contact the manufacturer of the firearm to identify which wholesaler or retail dealer received the gun. NTC staff then contact each consecutive dealer who acquired the firearm until the gun is either traced to the most recent owner or, until the gun can be traced no further. There is no requirement that records of gun transfer be maintained by non-gun dealers who sell a firearm. Consequently, the tracing process often ends with the first retail sale of the gun.

As part of the tracing process, information is collected on several variables including the location of the gun dealer or dealers who have handled the gun (by state and region); when the gun was purchased; when and where the trace was initiated; and, the manufacturer, model and caliber of the firearm being traced.

Footnotes at end of study.

The firearms trace database contained in excess of a half million records pertaining to approximately 295,000 firearms (9/89 through 3/95). The database contains more records than firearms because two or more traces can be of the same gun, as part of the same criminal investigation. Multiple traces of a particular gun is an indication that the weapon was transferred from federally licensed firearms dealer to another dealer before it was sold to a non-licensed individual. Since 1990, the number of traces conducted each year has more than doubled to approximately 85,000 in 1994.

METHODS

The principal analytic method used in the study was to estimate the odds ratio for tracing a firearm to a gun dealer in Virginia relative to a dealer in the other Southeastern states (as defined by the BATF), for guns purchased prior to Virginia's one-gun-a-month law's effect date compared to guns purchased after the law was enacted.

In other words, the data were classified by two criteria: (1) where the gun was purchased (from a gun dealer in Virginia or from a dealer in another state in the Southeast region of the country), and (2) when a traced firearm was purchased (before or after implementation of the Virginia law). The odds ratio was calculated by comparing the odds of a gun being traced to a gun dealer in the state of Virginia relative to a dealer in another part of this region, for guns purchased prior to the law's implementation and for guns purchased after the law took effect.

The Southeast region was identified as the comparison group for Virginia because the region has long been identified as a principal source of out-of-state firearms for the Easter Seaboard.[7] In addition to Virginia, the Southeast region includes North and South Carolina, Georgia, Florida, Alabama, Mississippi and Tennessee. Only guns traced to a dealer in the Southeast region were incorporated into the analysis.

The BATF no longer traces firearms manufactured prior to 1985 without being specifically requested to do so. Results are reported in this analysis only for guns purchased since January 1985. However, a sensitivity analysis was conducted incorporating data for all firearms for which date of purchase information was available. The results of the analysis were essentially unchanged by the sensitivity analysis; the conclusions would not change.

The period studied for which there is data after implementation of the law was 20 months long. Consequently, the possibility that seasonal variation in gun trafficking patterns could have effected the results of the analysis was studied. A sensitivity analysis was conducted excluding guns purchased more than one full year after the Virginia law took effect. The results of the sensitivity analysis were not significantly different from those of the principal analysis; the conclusions would not change.

Date of purchase information was not available for all guns in the firearms trace data set. The distribution of guns traced to the Southeast region (to gun dealers in Virginia relative to the rest of the region) is similar for the subset of data for which date of purchase information was available (24%), and the subset for which date of purchase information was not available (21%).

The Virginia law pertains to acquisition of handguns by individuals who are not federally licensed firearms dealers. Therefore, the origin of a gun which had been transferred from a dealer in one state to a dealer in a second state was considered to be the last dealer's location. In other words, if a firearm was transferred by a dealer in Georgia to a dealer in Virginia, who then sold the gun to an individual who was not a licensed dealer, the gun would be considered a Virginia gun.

Odds ratios were estimated for traces initiated: (1) anywhere in the United States; (2) the Northeast corridor taken as whole (New Jersey, New York, Connecticut, Rhode Island and Massachusetts); and, (3) for each of the Northeast states individually considered. For each iteration, the hypothesis being tested remained the same, and was that: the odds of a gun, purchased after enactment of Virginia's one-gun-a-month law, being traced to a Virginia gun dealer relative to a gun dealer in another part of the Southeast, were significantly lower than for guns purchased prior to enactment of the law.

A significant reduction in the odds would provide evidence that the Virginia law effectively helped to reduce gun trafficking from the state.

RESULTS

The date a gun was purchased and the date the trace request was made was available for 55,856 (19%) of the guns in the database. Of these guns, 17,082 (30.6%) were traced to a dealer located in the Southeast region. Approximately one in four guns (24%) traced to the Southeast were traced to a Virginia gun dealer.

Cross-tabulations indicate that there is an association between when a firearm was acquired (before or after the Virginia law went into effect) and where it was obtained (either from a Virginia gun dealer or a gun dealer in another state located in the Southeast). Twenty-seven percent of all guns purchased prior to passage of the one-gun-a-month law (including guns recovered in Virginia), which were traced to a gun dealer in the Southeast, were acquired from a Virginia gun dealer. Only 19% of guns purchased after the law went into effect and similarly traced to a dealer in the Southeast were acquired in Virginia. In other words, there was a 36% reduction in the likelihood that a traced gun from anywhere in the nation was acquired in Virginia relative to another Southeastern state, for firearms purchased after the one-gun-a-month law took effect compared to guns purchased prior to enactment of the law (Odds Ratio=0.64;p<0.0001) (Table 1).

The magnitude of the association between when a gun was purchased and where it was acquired was greater when the analysis focused on gun traces initiated in the Northeast corridor of the United States (New Jersey, New York, Connecticut, Rhode Island or Massachusetts). For gun traces originating in the Northeast, there was a 66% reduction in the likelihood that a gun would be traced to Virginia relative to a gun dealer elsewhere in the Southeast for guns purchased after the one-gun-a-month law took effect when compared to guns purchased prior to law's effective date (OR=0.34;p<0.0001).

Even stronger associations were identified for gun traces initiated in individual states—specifically for traces of guns recovered in New York and Massachusetts. Among the guns from the Southeast recovered in New York, 38% purchased prior to implementation of the Virginia law were traced to Virginia gun dealers compared to 15% of guns from the Southeast which were purchased after the law took effect (OR=0.29;p<0.0001). In Massachusetts, the percentages were 18 and 6 (OR=0.28;p<0.32). In other words, implementation of the law was associated with a 71% reduction in New York and a 72% reduction in Massachusetts in the likelihood that a traced gun originally purchased in the Southeast would be traced to a Virginia gun dealer as opposed to a dealer in another Southeastern state.

TABLE 1

[Estimated odds ratio that a firearm, purchased after implementation of the Virginia one-gun-a-month law, would be traced to a Virginia gun dealer relative to a gun dealer in another state in the southeastern region of the country compared to firearms purchased prior to the law.]

Firearms recovered in	Guns traced to dealer in	Guns purchased prior to law (%)	Guns purchased after law implemented (%)	Odds ratio (95% CI)		p-value
All states (n=14606)[1]	VA	27.0	19.0	0.64	(0.58–0.71)	<0.0001
	SE–VA[2]	73.0	81.0			
Northeast Corridor (NJ, NY, CT, RI, MA) (n=4088)	VA	34.8	15.5	0.34	(0.28–0.41)	<0.0001
	SE–VA	65.2	84.5			
NJ (n=729)	VA	28.7	17.7	0.53	(0.35–0.80)	=0.003
	SE–VA	71.3	82.3			
NY (n=2991)	VA	38.2	15.3	0.29	(0.23–0.36)	<0.0001
	SE–VA	61.8	84.7			
CT (n=53)	VA	34.1	33.3	0.96	(0.21–4.39)	=0.97
	SE–VA	65.9	66.7			
RI (n=14)	VA	7.1	(3)	(3)	(3)	(3)
	SE–VA	92.9	(3)			
MA (n=301)	VA	18.0	5.9	0.28	(0.80–0.94)	=0.032
	SE–VA	82.0	94.1			

[1] n=number of guns traced to the Southeast. [2] SE–VA=all states of the Southeast except Virginia. [3] Not available.

COMMENT

In 1993, 1.1 million violent crimes were committed with handguns.[12] Studies show that anywhere from 30% to 43% of criminals identified the illegal market as the source of their last handgun.[13] The illegal market exists for several reasons: would-be criminals may be unable to buy handguns because prior criminal records disqualify them from over-the-counter purchases, or the gun laws in their states prevent them from obtaining a handgun quickly and easily. In addition, would-be criminals do not want to make over-the-counter purchases because the handgun eventually can be traced back to them.

Local and state legislative bodies have created a patchwork of weak and strong laws regulating handgun sales across the country. In some jurisdictions purchasers may need a permit to possess a handgun,[14] or may be required to wait before the transfer is allowed to go forward.[15] In other jurisdictions, however, there are now restrictions on the sale of handguns beyond the few imposed by federal law.[16] Consequently, the jurisdictions with "weaker" gun retail laws attract gun traffickers who buy firearms in these jurisdictions and transport their purchases illegally to areas with "stronger" regulation. The guns are then sold illegally on the street to ineligible buyers (e.g., felons or minors), or to people who want guns that cannot be traced back to them.

The BATF recently completed a study on gun trafficking in southern California where a 15-day waiting period applies. The study found that more than 30% of the guns recovered in crime in that region which could be traced back to a gun dealer came from outside California.[17] Almost a third of these out-of-state guns were sold initially by dealers in Nevada, Arizona, and Texas, where the most exacting rules concerning handgun sales are the minimum restrictions set forth in federal law.[18] The experience in New York city is the same. For example, the BATF reports that 66% of all the guns recovered in crime in that city in 1991 and traced by the Bureau were originally obtained in Virginia, Florida, Ohio and Texas—states with "weak" gun laws compared to New York.[19]

The ability to purchase large numbers of firearms, which have a much higher street value than their commercial price, enables gun traffickers to make enormous profits and keep their "business" costs to a minimum. For example, convicted gun runner Edward Daily "hired" several straw purchasers to buy approximately 150 handguns in Virginia and North Carolina. Daily traded the handguns in New York City for cash and drugs and reaped profits of $300 per gun on smaller caliber handguns and $600 per gun for more powerful assault pistols like the TEC–9 and MAC–11.[20]

In March 1991, Owen Francis, a Bronx, New York, resident, drove to Virginia and, without having to show proof of residency, obtained a Virginia driver's license. Within a short time, Francis had purchased five Davis Saturday Night Specials—the most common handgun traced to crime between 1990–1991, according to the BATF[21]—and returned to New York and sold the guns. Francis was arrested a few weeks later when he returned to Virginia to buy four more Davis handguns.[22]

High-volume multiple sales are common. The BATF field division for southern California recently reviewed over 5,700 instances of multiple sales. Almost 18% of these multiple sales involved individual purchases of three or more guns.[23] Theoretically, prohibiting multiple purchase transactions should be an effective policy means to disrupt established gun trafficking patterns while ultimately reducing the supply of firearms available in the illegal market. The effects of the Virginia one-gun-a-month law seem to support the theory.

The results of this study provide strong evidence that restricting purchases of handguns to one per month is an effective way to disrupt the illegal movement of guns across state lines. The analysis of the firearms trace database shows a strong, consistent pattern in which guns originally obtained in the Southeast are less likely to be recovered as part of a criminal investigation and traced back to Virginia if they were purchased after the Virginia law went into effect. There was a 65% reduction in the likelihood that a gun traced back to the Southeast would be traced to Virginia for guns recovered in the Northeast Corridor; a 70% reduction for guns recovered in either New York or Massachusetts; and, a 35% reduction for guns recovered anywhere in the United States.

While evidence generated from this study is strong, a change in the laws governing gun purchases in the other southeastern states (e.g., Florida or Georgia) which makes the laws in those states more permissive after July 1993 could provide an alternative explanation for the findings. A review of laws related to private gun ownership in the southeastern region revealed no relevant changes, though Georgia will move to an instant check system and preempt local gun laws effective January 1996.[24]

While there are many strengths of this analysis, there are some limitations. First, additional research is needed to clarify what, if any displacement effects were created by the Virginia law (i.e., to what extent, if any, do gun traffickers successfully shift their activities to the next most attractive state for acquiring firearms). Second, all types of firearms are included in the analysis even though the Virginia law only restricts the purchase of handguns. This potentially results in an underestimate of the effect of the law. Third, the BATF does not trace all firearms recovered as part of a criminal investigation, and, for the firearms traced, some information (e.g., date of purchase) is not always available. Though it is unlikely that there is a systematic bias in the origin of guns from the Southeast which are recovered outside of the region, or with respect to which guns from the Southeast are traced (a gun's origin and date of purchase are not known prior to the trace), such a bias could alter the results leading to an over- or under-estimation of the association between passage of the Virginia law and the relative likelihood of Virginia guns turning up in the tracing data.

CONCLUSION

Most gun control policies currently being advocated in the United States (e.g., licensing, registration, and one-gun-a-month) could, most fairly, be described as efforts to limit the supply of guns available in the illegal market. In other words, these are policies crafted to keep guns from proscribed individuals. Once enacted, however, it is important to demonstrate that they are effective. This study, which looks at the impact of Virginia's one-gun-a-month law, provides persuasive evidence that a prohibition on the acquisition of more than one handgun per month by an individual is an effective means of disrupting the illegal interstate transfer of firearms. Based on the results of this study, Congress should consider enacting a federal version of the Virginia law.

ACKNOWLEDGEMENTS

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FOOTNOTES

[1] "Code of Virginia," Section 18.2–308.2:2(Q). Often referred to as "one-gun-a-month."

[2] Larson, Erik, "Lethal Passage: How the Travels of a Single Handgun Expose the Roots of America's Gun Crisis", Crown Publishers, Inc., New York, 1994, p. 104

[3] BATF memo, "Firearm/Homicide Statistics," June 16, 1992.

[4] Edds, Margaret, "The Pipeline to the Streets of New York," Virginian-Pilot, January 3, 1993: A9.

[5] Montgomery, Bill, "Guns Bought in Georgia Arm Northern Criminals," Atlanta Constitution, October 11, 1993: A1, A4.

[6] Id.

[7] Personal communication with Joe Vince of the Bureau of Alcohol, Tobacco, and Firearms, July 18, 1995.

[8] BATF and the Baltimore Police Department, "1994 Baltimore Trace Study", 1994: Appendix X.

[9] Freedman, Alix, Wall Street Journal, February 28, 1992: A1, A6.

[10] BATF memo, "Firearm/Homicide Statistics," June 16, 1992.

[11] Obtained by the Center to Prevent Handgun Violence through the Freedom of Information Act.

[12] United States Department of Justice, Bureau of Justice Statistics, "Guns Used in Crime", July 1995.

[13] Sheley, Joseph F and Wright, James D, "Gun Acquisition and Possession in Selected Juvenile Samples," National Institute of Justice and Office of Juvenile Justice and Delinquency Prevention, December 1993: 6; Beck, Alan, "Survey of State Prison Inmates, 1991," National Institute of Justice, Bureau of Justice Statistics, March 1993: 19.

[14] N.Y. Penal Law Section 265.01, 265.20(f)(3) (no handgun purchases without previously receiving a license to possess a handgun). New York City law grants great discretion to the police commissioner in determining whether to issue a license to possess. N.Y.C. Admin. Code Section 10–131.

[15] Cal. Penal Code, Section 12071(b)(3)(A) (15 day waiting period for delivery of firearm).

[16] For example, Georgia law places no additional restrictions on the sale of handguns beyond those established by federal law. In fact, as of January 1996, Georgia will prohibit local jurisdictions from regulating handguns sales.

[17] Bureau of Alcohol, Tobacco and Firearms, "Sources of Crime Guns in Southern California," 1995: 21–22.

[18] Id.

[19] BATF memo, "Firearms/Homicide Statistics," June 16, 1992. See also Edds, Margaret, "The Pipeline to the Streets of New York," Virginian-Pilot, January 3, 1993 at A9 (describing Project Lead data).

[20] "Federal Firearms Licensing: Hearing Before the Subcomm. on Crime and Criminal Justice of the Committee on the Judiciary House of Representatives." 103rd Cong., 1st Sess., 8–10 (June 17, 1993) (hereinafter "Housing Hearing").

[21] Freedman, Alix, "Fire Power: Behind the Cheap Guns Flooding the Cities is a California Family," Wall Street Journal, Feb. 28, 1992: A1, A6.

[22] Thomas, Pierre, "Virginia Driver's License Is Loophole for Guns", Washington Post, January 20, 1992: A1.

[23] BATF, "Sources of Crime Guns in Southern California," 1995: 16–17.

[24] Laws reviewed included one-gun-a-month, bans on weapons, background checks, waiting period, regulation of private sales, license to purchase, and registration of sales.•

By Mr. LEAHY:

S. 1114. A bill to amend the Food Stamp Act of 1977 to reduce food stamp fraud and improve the Food Stamp Program through the elimination of food stamp coupons and the use of electronic benefits transfer systems, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

THE FOOD STAMP FRAUD REDUCTION ACT OF 1995

Mr. LEAHY. Mr. President, I want to invite all Members to cosponsor legislation with me which will eliminate illegal trafficking in food stamp coupons by converting to electronic benefit transfer, often called EBT, systems. I may offer this bill as an amendment to welfare reform or as an amendment to the farm bill or the Reconciliation Act.

Under President Bush, USDA noted that "the potential savings are enormous" if EBT is used in the Food Stamp Program.

The bill is designed to save the States money. Issuing coupons is expensive to States. Some States mail coupons monthly and pay postage for which they receive only a partial Federal reimbursement. When coupons are lost or stolen in the mail, States are liable for some losses.

It also saves State money by requiring that USDA pay for purchasing EBT card readers to be put in stores. Under current law, States pay half those costs.

Some States issue coupons at State offices, which involves labor costs. Under the bill, USDA pays for the costs of the cards and recipients are responsible for replacements and much of the losses. The bill does not allow the Secretary of Agriculture to impose liability on States except for their own negligence or fraud, as under current law. Other welfare reform proposals allow the Secretary to impose liability on States consistent with this administration's views on regulation E. I disagree with that policy.

The Federal EBT task force estimates that the bill will also save Federal taxpayers around $400 million over the next 10 years.

Under current law, States are required to use coupons, with some exceptions. About 2.5 billion coupons per year are printed, mailed, shipped, issued to participants, counted, canceled, redeemed through the banking system by Treasury, shipped again, stored, and then destroyed. That cost can reach $60 million per year in Federal and State costs. Printing coupons alone costs USDA $35 million a year.

EBT does not just cut State and Federal costs. The inspector general of USDA testified that EBT "can be a powerful weapon to improve detection of trafficking and provide evidence leading to the prosecution of traffickers."

The special agent in charge of the financial crimes division of the U.S. Secret Service testified that "the EBT system is a great advancement generally because it puts an audit trail relative to the user and the retail merchant."

Another Bush administration report determined that EBT promises "a variety of Food Stamp Program improvements * * *. Program vulnerabilities to certain kinds of benefit loss and diversion can be reduced directly by EBT system features * * * [EBT] should facilitate investigation and prosecution of food stamp fraud."

A more recent Office of Technology Assessment [OTA] report determined that a national EBT system might reduce food stamp fraud losses and benefit diversion by as much as 80 percent.

The bill is based on meetings with the U.S. Secret Service, the inspector general of USDA, the National Governors Association, the American Public Welfare Association, Consumers Union, the OTA, the Federal EBT task force, and the affected industries, and a full committee hearing last session of the Senate Agriculture Committee.

Perhaps nothing is totally fraud-proof, but EBT is clearly much better than the current system of paper coupons, and EBT under my bill will cut State costs. Let us be bold.

Under current law, 2.5 billion coupons are used once and then canceled—except for $1 coupons which may be used to make change. Would we consider it cost-efficient if all $5 bills, for example, could only be used once, then stored and destroyed?

EBT has an added benefit—it eliminates cash change. Under current law, food stamp recipients get cash change in food stamp transactions if the cash does not exceed $1 per purchase. That cash can be used for anything.

In conclusion, I am convinced that the single most important thing we can do to reduce fraud and State costs is to eliminate the use of coupons. I hope you will join with me in this effort.

The following is the summary of my EBT bill.

The bill alters the Food Stamp Act and requires that the Secretary of Agriculture no longer provide food stamp coupons to States within 3 years of enactment. In general, under current law States are required to use a coupon system.

Any Governor may grant his or her State an additional 2-year extension, and the Secretary can add another 6-month extension for a maximum of 5½ years.

At the end of that time period, coupons will no longer be provided to the State. Food benefits instead will be provided through electronic benefits transfer [EBT] or in the form of cash if authorized by the Food Stamp Act—for example, under a bill reported out the Senate Agriculture Committee by Senator LUGAR on June 14, 1995, States can cash out food stamp benefits as part of a wage supplementation program.

The bill is designed to piggy-back onto the current expansion of point-of-sale terminals found in many stores. The bill requires that stores, financial institutions and States take the lead in the conversion to EBT.

Under current law, States must pay for half the costs of the point-of-sale equipment put in stores, but USDA pays for 100 percent of the costs of printing coupons. Under Senator LEAHY's bill, USDA will pay for 100 percent of those equipment costs, and USDA will pay for 100 percent of the costs of the EBT cards.

My bill provides that regulation E will not apply to food stamp EBT transactions. Generally speaking, regulation E provides that credit card or debit card users are liable only up to the first $50 in unauthorized uses of lost or stolen debit cards—as long as such a loss is reported in a timely manner.

Under current law the State is considered the card issuer for food stamp EBT purposes. Regulation E has been a major impediment to implementation of EBT by States because States are liable for household fraud and non-household member fraud.

While the risks are much lower for the Food Stamp Program than for debit cards—since EBT food cards only contain the balance of the unused food benefits rather than access to a bank account or a credit line, States are still worried about liability and oppose the application of regulation E rules.

Under my bill, USDA and the Federal Reserve Board are precluded from making States liable for losses associated with lost or stolen EBT cards—unless due to State fraud or negligence as under current law for coupons.

Under other welfare reform bills in the House and Senate, the Secretary of Agriculture would be allowed to impose additional liabilities on States for errors that should be charged to the recipient. For example, the Secretary could impose regulation E-type liabilities on States—although under these bills the Federal Reserve Board would be barred from imposing those liabilities.

The bill specifically makes households liable for most EBT losses: however, they are not liable for losses after they report the loss or theft of the EBT card.

As under current law, States are liable for their own fraud and negligence losses.

The bill also provides that each recipient will be given a personal code number [PIN] to help prevent unauthorized use of the card.

Most of the liability provisions, unlike those in other welfare reform proposals, are based on the May 11, 1992, EBT steering committee report under the Bush administration which represents an outstanding analysis of the liability issue.

Under the bill, food stamp families will have to pay for replacement cards. However, once reported as lost or stolen, the old card will be voided, and a new card will be issued with the balance remaining.

The card holder will be responsible for any unauthorized purchases made between the time of loss and the household's reporting of the lost or stolen card. The card cannot be used without the PIN number. Households will be able to obtain transaction records, upon request, from the benefit issuer and that issuer will have to establish error resolution procedures as recommended by the 1992 EBT steering committee report.

Under the bill, USDA will no longer have to pay for the costs of printing, issuing, distributing, mailing and redeeming paper coupons—this costs between $50 million and $60 million a year.

Under the bill, in an effort to reduce the costs of implementing a nationwide EBT system, States and stores will look at the best way to maximize the use of existing point-of-sale terminals. They will follow technology, rather than lead technology.

The Federal EBT task force estimated that Federal costs could be reduced by $400 million under the proposed bill. I do not have an official CBO estimate yet.

Many stores now use or in the process of adding point-of-sale terminals which allow them to accept debit and credit cards. These systems can also be used for EBT.

Stores which choose not to invest in their own systems will receive reimbursements for point-of-sale card readers. USDA will pay for those costs.

If the store decides at a later date that it needs a commercial—debit or credit card—reader, the store will have to bear all the costs. In very rural areas, or in other situations such as house-to-house trade routes or farmers' markets, manual systems will be used and USDA will pay 100 percent of the costs of the equipment.

It is planned that this restriction—only Federal and State program readers paid for, with the upgrade at store expense—will encourage the largest possible number of stores to invest in their own point-of-sale equipment.

To the extent needed to cover costs of conversion to EBT, the Secretary is authorized to charge a transaction fee of up to 2 cents per EBT transaction—taken out of benefits. This provision is temporary. Households receiving the maximum benefit level—for that household size—may be charged a lower per transaction fee than other households.

While it is unfortunate that recipients have to be charged this fee they are much, much better off under an EBT system. In studies conducted regarding EBT projects participants have strongly supported its application.

In implementing the bill, the Secretary is required to consult with States, retail stores, the financial industry, the Federal EBT task force, the inspector general of USDA, the U.S. Secret Service, the National Governors Association, the Food Marketing Institute, and others.

In designing the bill we met with the Director of the Maryland EBT System, they have Statewide food stamp EBT, the National Governors Association, American Public Welfare Association, the Federal EBT task force, USDA Food and Consumer Services, Office of the inspector general of USDA, Food Marketing Institute, U.S. Secret Service, OMB, Treasury, Consumers Union, Public Voice for Food and Health Policy, the American Bankers Association, and representatives of retail stores.

I want to again invite each of you to cosponsor this legislation.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1114

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; REFERENCES.

(a) IN GENERAL.—This Act may be cited as the "Food Stamp Fraud Reduction Act of 1995".

(b) REFERENCES.—Except as otherwise expressly provided, wherever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.).

SEC. 2. FINDINGS.

Congress finds that—

(1) Roger Viadero, Inspector General of the United States Department of Agriculture (USDA), testified before Congress on February 1, 1995, that: "For many years we have supported the implementation of the Electronic Benefits Transfer, commonly called EBT, of food stamp benefits as an alternative to paper coupons.... EBT also provides a useful tool in identifying potential retail store violators. EBT-generated records have enabled us to better monitor and analyze sales and benefit activity at authorized retailers.... [I]t can be a powerful weapon to improve detection of trafficking and provide evidence leading to the prosecution of traffickers.";

(2) Robert Rasor, United States Secret Service, Special Agent in Charge of Financial Crimes Division, testified before Congress on February 1, 1995, that: "The EBT system is a great advancement generally because it puts an audit trail relative to the user and the retail merchant.";

(3) Allan Greenspan, Chairman of the Board of Governors, Federal Reserve System, has noted the "importance of EBT for the food stamp program, and the potential advantages offered by EBT to government benefit program agencies, benefit recipients, and food retailers. (Indeed, EBT also would help reduce costs in the food stamp processing operations of the Federal Reserve System.)";

(4) the Bush Administration strongly supported EBT for the food stamp program, including 1 report that noted "The potential savings are enormous.";

(5) in February 1991, a USDA publication noted that Secretary Yeutter proposed EBT as an element of the "Department's strategy to reduce food stamp loss, theft, and trafficking.";

(6) in March 1992, USDA noted: "EBT reduces program vulnerability to some kinds of benefit diversion and provides an audit trail that facilitates efficient investigation and successful prosecution of fraudulent activity.... Benefit diversions estimated for an EBT system are almost 80 percent less.";

(7) in tests of EBT systems, USDA reported during the Bush Administration that: "EBT also introduces new security features that reduce the chance for unauthorized use of one's benefits as a result of loss or theft.... [R]etailer response to actual EBT operations is very positive in all operational EBT projects.";

(8) retail stores, the financial services industry, and the States should take the lead in converting from food stamp coupons to an electronic benefits transfer system;

(9) in the findings of the report entitled "Making Government Work" regarding the electronic benefits transfer of food stamps and other government benefits, the Office of Technology Assessment found that—

(A) by eliminating cash change and more readily identifying those who illegally traffic in benefits, a nationwide electronic benefits transfer system might reduce levels of food stamp benefit diversion by as much as 80 percent;

(B) with use of proper security protections, electronic benefits transfer is likely to reduce theft and fraud, as well as reduce errors, paperwork, delays, and the stigma attached to food stamp coupons;

(C) electronic benefits transfer can yield significant cost savings to retailers, recipients, financial institutions, and government agencies; and

(D) recipients, retailers, financial institutions, and local program administrators who have tried electronic benefits transfer prefer electronic benefits transfer to coupons;

(10) the food stamp program prints more than 375,000,000 food stamp booklets per year, including 2,500,000,000 paper coupons;

(11) food stamp coupons (except for $1 coupons) are used once, and each 1 of the over 2,500,000,000 coupons per year is then counted, canceled, shipped, redeemed through the banking system by 10,000 commercial banks, 32 local Federal reserve banks, and the Secretary of the Treasury, stored, and destroyed;

(12) food stamp recipients can receive cash change in food stamp transactions if the cash does not exceed $1 per purchase; and

(13) the printing, distribution, handling, and redemption of coupons costs at least $60,000,000 per year.

SEC. 3. ELIMINATION OF FOOD STAMP COUPONS.

Section 4 (7 U.S.C. 2013) is amended by adding at the end the following:

"(d) ELIMINATION OF FOOD STAMP COUPONS.—

"(1) IN GENERAL.—Except as provided in paragraph (2) and notwithstanding any other provision of this Act, effective beginning on the date that is 3 years after the date of enactment of this subsection, the Secretary shall not provide any food stamp coupons to a State.

"(2) EXCEPTIONS.—

"(A) EXTENSION.—Paragraph (1) shall not apply to the extent that the chief executive officer of a State determines that an extension is necessary and so notifies the Secretary in writing, except that the extension shall not extend beyond 5 years after the date of enactment of this subsection.

"(B) WAIVER.—In addition to any extension under subparagraph (A), the Secretary may grant a waiver to a State to phase-in or delay implementation of electronic benefits transfer for good cause shown by the State, except that the waiver shall not extend for more than 6 months.

"(C) DISASTER RELIEF.—The Secretary may provide food stamp coupons for disaster relief under section 5(h).

"(3) EXPIRATION OF FOOD STAMP COUPONS.—Any food stamp coupon issued under this Act shall expire 6 years after the date of enactment of this Act.".

SEC. 4. IMPLEMENTATION OF ELECTRONIC BENEFITS TRANSFER SYSTEMS.

Section 7 (7 U.S.C. 2016) is amended—

(1) in subsection (i)—

(A) by striking "(i)(1)(A)" and all that follows through the end of paragraph (1) and inserting the following:

"(i) PHASE-IN OF EBT SYSTEMS.—

"(1) IN GENERAL.—Each State agency is encouraged to implement an on-line or hybrid electronic benefits transfer system as soon as practicable after the date of enactment of the Food Stamp Fraud Reduction Act of 1995, under which household benefits determined under section 8(a) are issued electronically and accessed by household members at the point of sale.";

(B) in paragraph (2)—

(i) by striking "final regulations" and all that follows through "the approval of" and inserting the following: "regulations that establish standards for";

(ii) by striking subparagraph (A); and

(iii) by redesignating subparagraphs (B) through (H) as subparagraphs (A) through (G), respectively;

(C) in paragraph (3), by striking "the Secretary shall not approve such a system unless—" and inserting "the State agency shall ensure that—"; and

(D) by striking paragraphs (5) and (6) and inserting the following:

"(5) CHARGING FOR ELECTRONIC BENEFITS TRANSFER CARD REPLACEMENT.—

"(A) IN GENERAL.—The Secretary shall reimburse a State agency for the costs of purchasing and issuing electronic benefits transfer cards.

"(B) REPLACEMENT CARDS.—The Secretary may charge a household through allotment reduction or otherwise for the cost of replacing a lost or stolen electronic benefits transfer card, unless the card was stolen by force or threat of force."; and

(2) by adding at the end the following:

"(j) CONVERSION TO ELECTRONIC BENEFITS TRANSFER SYSTEMS.—

"(1) COORDINATION AND LAW ENFORCEMENT.—

"(A) CONVERSION.—The Secretary shall coordinate with, and assist, each State agency in the elimination of the use of food stamp coupons and the conversion to an electronic benefits transfer system.

"(B) STANDARD OPERATING RULES.—The Secretary shall inform each State of the generally accepted standard operating rules for carrying out subparagraph (A), based on—

"(i) commercial electronic funds transfer technology;

"(ii) the need to permit interstate operation and law enforcement monitoring; and

"(iii) the need to provide flexibility to States.

"(C) LAW ENFORCEMENT.—The Secretary, in consultation with the Inspector General of the United States Department of Agriculture and the United States Secret Service, shall advise each State of proper security features, good management techniques, and methods of deterring counterfeiting for carrying out subparagraph (A).

"(2) VOLUNTARY PURCHASE.—The Secretary shall encourage any retail food store to voluntarily purchase a point-of-sale terminal.

"(3) PAPER AND OTHER ALTERNATIVE TRANSACTIONS.—Beginning on the date of the implementation of an electronic benefits transfer system in a State, the Secretary shall permit the use of paper or other alternative systems for providing benefits to food stamp households in States that use special-need retail food stores.

"(4) STATE-PROVIDED EQUIPMENT.—

"(A) IN GENERAL.—A retail food store that does not have point-of-sale electronic benefits transfer equipment, and does not intend to obtain point-of-sale electronic benefits transfer equipment in the near future, shall be provided by a State agency with, or reimbursed for the costs of purchasing, 1 or more single-function point-of-sale terminals, which shall be used only for Federal or State assistance programs.

"(B) EQUIPMENT.—

"(i) OPERATING PRINCIPLES.—Equipment provided under this paragraph shall be capable of interstate operations and based on generally accepted commercial electronic benefits transfer operating principles that permit interstate law enforcement monitoring.

"(ii) MULTIPLE PROGRAMS.—Equipment provided under this paragraph shall be capable of providing a recipient with access to multiple Federal and State benefit programs.

"(C) VOUCHER BENEFITS TRANSFER EQUIPMENT.—A special-need retail food store that does not obtain, and does not intend to obtain in the near future, point-of-sale voucher benefits transfer equipment capable of taking an impression of data from an electronic benefits transfer card shall be provided by a State agency with, or reimbursed for the costs of purchasing, voucher benefits transfer equipment, which shall be used only for Federal or State assistance programs.

"(D) RETURN OF ELECTRONIC BENEFITS TRANSFER EQUIPMENT.—A retail food store may at any time return the equipment to the State and obtain equipment with funds of the store.

"(E) PRIOR SYSTEM.—If a State has implemented an electronic benefits transfer system prior to the date of enactment of the Food Stamp Fraud Reduction Act of 1995, the Secretary shall provide assistance to the State to bring the system into compliance with this Act.

"(F) NO CHARGE FOR ASSISTANCE.—Notwithstanding any other provision of this Act, the Secretary shall be responsible for all costs incurred in providing assistance under this paragraph.

"(5) APPLICABLE LAW.—

"(A) Disclosures, protections, responsibilities, and remedies established by the Federal Reserve Board under section 904 of the Electronic Fund Transfer Act (15 U.S.C. 1693b) shall not apply to benefits under this Act delivered through any electronic benefits transfer system.

"(B) Fraud and related activities which arise in connection with electronic benefit systems set forth in this Act shall be governed by section 1029 of title 18, United States Code, and other appropriate laws.

"(k) CONVERSION FUND.—

"(1) ESTABLISHMENT OF EBT CONVERSION ACCOUNT.—At the beginning of each fiscal year during the 10-year period beginning with the first full fiscal year following the date of enactment of this subsection, the Secretary shall place the funds made available under paragraph (2) into an account, to be known as the EBT conversion account. Funds in the account shall remain available until expended.

"(2) TRANSACTION FEE.—

"(A) IN GENERAL.—During the 10-year period beginning on the date of enactment of this subsection, the Secretary shall, to the extent necessary, impose a transaction fee of not more than 2 cents for each transaction made at a retail food store using an electronic benefits transfer card provided under the food stamp program, to be taken from the benefits of the household using the card. The Secretary may reduce the fee on a household receiving the maximum benefits available under the program.

"(B) FEES LIMITED TO USES.—A fee imposed under subparagraph (A) shall be in an amount not greater than is necessary to carry out the uses of the EBT conversion account in paragraph (3).

"(3) USE OF ACCOUNT.—The Secretary may use amounts in the EBT conversion account to—

"(A) provide funds to a State agency for—

"(i) the reasonable cost of purchasing and installing, or for the cost of reimbursing a retail food store for the cost of purchasing and installing, a single-function, inexpensive, point-of-sale terminal, to be used only for a Federal or States assistance programs, under rules and procedures prescribed by the Secretary; or

"(ii) the reasonable start-up cost of installing telephone equipment or connections for a single-function, point-of-sale terminal, to be used only for Federal or State programs, under rules and procedures prescribed by the Secretary;

"(B) pay for liabilities assumed by the Secretary under subsection (l);

"(C) pay other costs or liabilities related to the electronic benefits transfer system established under this Act that are incurred by the Secretary, a participating State, or a store that are—

"(i) required by this Act; or

"(ii) determined appropriate by the Secretary; or

"(D) expand and implement a nationwide program to monitor compliance with program rules related to retail food stores and the electronic delivery of benefits.

"(l) LIABILITY OR REPLACEMENTS FOR UNAUTHORIZED USE OF EBT CARDS OR LOST OR STOLEN EBT CARDS.—

"(1) IN GENERAL.—The Secretary shall require State agencies to advise any household participating in the food stamp program how to promptly report a lost, destroyed, damaged, improperly manufactured, dysfunctional, or stolen electronic benefits transfer card.

"(2) REGULATIONS.—The Secretary shall issue regulations providing that—

"(A) a household shall not receive any replacement for benefits lost due to the unauthorized use of an electronic benefits transfer card; and

"(B) a household shall not be liable for any amounts in excess of the benefits available to the household at the time of a loss or theft of an electronic benefits transfer card due to the unauthorized use of the card.

"(3) SPECIAL LOSSES.—(A) Notwithstanding paragraph (2), a household shall receive a replacement for any benefits lost if the loss was caused by—

"(i) force or the threat of force;

"(ii) unauthorized use of the card after the State agency receives notice that the card was lost or stolen; or

"(iii) a system error or malfunction, fraud, abuse, negligence, or mistake by the service provider, the card issuing agency, or the State agency, or an inaccurate execution of a transaction by the service provider.

"(B) With respect to losses described in clauses A (ii) and (iii) the State shall reimburse the Secretary.

"(m) SPECIAL RULE.—A State agency may require a household to explain the circumstances regarding each occasion that—

"(1) the household reports a lost or stolen electronic benefits transfer card; and

"(2) the card was used for an unauthorized transaction.

"(n) ESTABLISHMENT.—In carrying out this Act, the Secretary shall—

"(1) take into account the lead role of retail food stores, financial institutions, and States;

"(2) take into account the needs of law enforcement personnel and the need to permit and encourage further technological developments and scientific advances;

"(3) ensure that security is protected by appropriate means such as requiring that a personal identification number be issued with each electronic benefits transfer card to help protect the integrity of the program;

"(4) provide for—

"(A) recipient protection regarding privacy, ease of use, and access to and service in retail food stores;

"(B) financial accountability and the capability of the system to handle interstate operations and interstate monitoring by law enforcement agencies and the Inspector General of the Department of Agriculture;

"(C) rules prohibiting store participation unless any appropriate equipment necessary to permit households to purchase food with the benefits issued under the Food Stamp Act of 1977 is operational and reasonably available;

"(D) rules providing for monitoring and investigation by an authorized law enforcement agency or the Inspector General of the Department of Agriculture; and

"(E) rules providing for minimum standards; and

"(5) assign additional employees to investigate and adequately monitor compliance with program rules related to electronic benefits transfer systems and retail food store participation.

"(o) REQUESTS FOR STATEMENTS.—

"(1) IN GENERAL.—On the request of a household receiving electronic benefits transfer, the State, through a person issuing benefits to the household, shall provide a statement of electronic benefits transfer for the month preceding the request.

"(2) STATEMENT ITEMS.—A statement provided under paragraph (1) shall include—

"(A) opening and closing balances for the account for the statement period;

"(B) the date, the amount, and any fee charged for each transaction; and

"(C) an address and phone number that the household may use to make an inquiry regarding the account.

"(p) ERRORS.—

"(1) IN GENERAL.—Not later than 10 days after the date a household notifies a State agency of an alleged error, or the State agency discovers an alleged error, the State agency or a person issuing benefits to the household shall conduct an investigation of the alleged error.

"(2) CORRECTION.—If a State agency or person conducting an investigation under paragraph (1) determines that an error has been made, any account affected by the error shall be adjusted to correct the error not later than 1 day after the determination.

"(3) TEMPORARY CREDIT.—If an investigation under paragraph (1) of an error does not determine whether an error has occurred within 10 days after discovering or being notified of the alleged error, a household affected by the alleged error shall receive a temporary credit as though the investigation had determined that an error was made. The temporary credit shall be removed from the account on a determination whether the error occurred.

"(q) DEFINITIONS.—In this section:

"(1) RETAIL FOOD STORE.—The term 'retail food store' means a retail food store, a farmer's market, or a house-to-house trade route authorized to participate in the food stamp program.

"(2) SPECIAL-NEED RETAIL FOOD STORE.—The term 'special-need retail food store' means—

"(A) a retail food store located in a very rural area;

"(B) a retail food store without access to electricity or regular telephone service; or

"(C) a farmers' market or house-to-house trade route that is authorized to participate in the food stamp program.".

SEC. 5. LEAD ROLE OF INDUSTRY AND STATES.

Section 17 (7 U.S.C. 2026) is amended by adding at the end the following:

"(m) LEAD ROLE OF INDUSTRY AND STATES.—The Secretary shall consult with the Secretary of the Treasury, the Secretary of Health and Human Services, the Inspector General of the United States Department of Agriculture, the United States Secret Service, the National Governor's Association, the American Bankers Association, the Food Marketing Institute, the National Association of Convenience Stores, the American Public Welfare Association, the financial services community, State agencies, and food advocates to obtain information helpful to retail stores, the financial services industry, and States in the conversion to electronic benefits transfer, including information regarding—

"(1) the degree to which an electronic benefits transfer system could be integrated with commercial networks;

"(2) the usefulness of appropriate electronic benefits transfer security features and local management controls, including features in an electronic benefits transfer card to deter counterfeiting of the card;

"(3) the use of laser scanner technology with electronic benefits transfer technology so that only eligible food items can be purchased by food stamp participants in stores that use scanners;

"(4) how to maximize technology that uses data available from an electronic benefits transfer system to identify fraud and allow law enforcement personnel to quickly identify or target a suspected or actual program violator;

"(5) means of ensuring the confidentiality of personal information in electronic benefits transfer systems and the applicability of section 552a of title 5, United States Code, to electronic benefits transfer systems;

"(6) the best approaches for maximizing the use of then current point-of-sale terminals and systems to reduce costs; and

"(7) the best approaches for maximizing the use of electronic benefits transfer systems for multiple Federal benefit programs so as to achieve the highest cost savings possible through the implementation of electronic benefits transfer systems.".

SEC. 6. CONFORMING AMENDMENTS.

(a) Section 3 (42 U.S.C. 2012) is amended—

(1) in subsection (a), by striking "coupons" and inserting "benefits";

(2) in the first sentence of subsection (c), by striking "authorization cards" and inserting "allotments";

(3) in subsection (d), by striking "the provisions of this Act" and inserting "sections 5(h) and 7(g)";

(4) in subsection (e)—

(A) by striking "Coupon issuer" and inserting "Benefit issuer"; and

(B) by striking "coupons" and inserting "benefits";

(5) in the last sentence of subsection (i), by striking "coupons" and inserting "allotments"; and

(6) by adding at the end the following:

"(v) 'Electronic benefits transfer card' means a card issued to a household participating in the program that is used to purchase food.".

(b) Section 4(a) of such Act (7 U.S.C. 2013(a)) is amended—

(1) in the first sentence, by inserting "and the availability of funds made available under section 7" after "of this Act";

(2) in the first and second sentences, by striking "coupons" each place it appears and inserting "electronic benefits transfer cards or coupons"; and

(3) by striking the third sentence and inserting the following new sentence: "The Secretary, through the facilities of the Treasury of the United States, shall reimburse the stores for food purchases made with electronic benefits transfer cards or coupons provided under this Act.".

(c) The first sentence of section 6(b)(1) of such Act (7 U.S.C. 2015(b)(1)) is amended—

(1) by striking "coupons or authorization cards" and inserting "electronic benefits transfer cards, coupons, or authorization cards"; and

(2) in clauses (ii) and (iii), by inserting "or electronic benefits transfer cards" after "coupons" each place it appears.

(d) Section 7 of such Act (7 U.S.C. 2016) is amended—

(1) by striking the section heading and inserting the following new section heading:

"ISSUANCE AND USE OF ELECTRONIC BENEFITS TRANSFER CARDS OR COUPONS";

(2) in subsection (a), by striking "Coupons" and all that follows through "necessary, and" and inserting "Electronic benefits transfer cards or coupons";

(3) in subsection (b), by striking "Coupons" and inserting "Electronic benefits transfer cards";

(4) in subsection (e), by striking "coupons to coupon issuers" and inserting "benefits to benefit issuers";

(5) in subsection (f)—

(A) by striking "issuance of coupons" and inserting "issuance of electronic benefits transfer cards or coupons";

(B) by striking "coupon issuer" and inserting "electronic benefits transfer or coupon issuer"; and

(C) by striking "coupons and allotments" and inserting "electronic benefits transfer cards, coupons, and allotments";

(6) by striking subsections (g) and (h);

(7) by redesignating subsections (i) through (q) (as added by section 4) as subsections (g) through (o), respectively; and

(8) in subsection (j)(3)(B) (as added by section 4 and redesignated by paragraph (7)), by striking "(l)" and inserting "(k)".

(e) Section 8(b) of such Act (7 U.S.C. 2017(b)) is amended by striking "coupons" and inserting "electronic benefits transfer cards or coupons".

(f) Section 9 of such Act (7 U.S.C. 2018) is amended—

(1) in subsections (a) and (b), by striking "coupons" each place it appears and inserting "coupons, or accept electronic benefits transfer cards,"; and

(2) in subsection (a)(1)(B), by striking "coupon business" and inserting "electronic benefits transfer cards and coupon business".

(g) Section 10 of such Act (7 U.S.C. 2019) is amended—

(1) by striking the section heading and inserting the following:

"REDEMPTION OF COUPONS OR ELECTRONIC BENEFITS TRANSFER CARDS";

and

(2) in the first sentence—

(A) by inserting after "provide for" the following: "the reimbursement of stores for program benefits provided and for";

(B) by inserting after "food coupons" the following: "or use their members' electronic benefits transfer cards"; and

(C) by striking the period at the end and inserting the following: ", unless the center, organization, institution, shelter, group living arrangement, or establishment is equipped with a point-of-sale device for the purpose of participating in the electronic benefits transfer system.".

(h) Section 11 of such Act (7 U.S.C. 2020) is amended—

(1) in the first sentence of subsection (a), by striking "coupons" and inserting "electronic benefits transfer cards or coupons,";

(2) in subsection (e)—

(A) in paragraph (2)—

(i) by striking "a coupon allotment" and inserting "an allotment"; and

(ii) by striking "issuing coupons" and inserting "issuing electronic benefits transfer cards or coupons";

(B) in paragraph (7), by striking "coupon issuance" and inserting "electronic benefits transfer card or coupon issuance";

(C) in paragraph (8)(C), by striking "coupons" and inserting "benefits";

(D) in paragraph (9), by striking "coupons" each place it appears and inserting "electronic benefits transfer cards or coupons";

(E) in paragraph (11), by striking "in the form of coupons";

(F) in paragraph (16), by striking "coupons" and inserting "electronic benefits transfer card or coupons";

(G) in paragraph (17), by striking "food stamps" and inserting "benefits";

(H) in paragraph (21), by striking "coupons" and inserting "electronic benefits transfer cards or coupons";

(I) in paragraph (24), by striking "coupons" and inserting "benefits"; and

(J) in paragraph (25), by striking "coupons" each place it appears and inserting "electronic benefits transfer cards or coupons";

(3) in subsection (h), by striking "face value of any coupon or coupons" and inserting "value of any benefits"; and

(4) in subsection (n)—

(A) by striking "both coupons" each place it appears and inserting "benefits under this Act"; and

(B) by striking "of coupons" and inserting "of benefits".

(i) Section 12 of such Act (7 U.S.C. 2021) is amended—

(1) in subsection (b)(3), by striking "coupons" each place it appears and inserting "electronic benefits transfer cards or coupons";

(2) in subsection (d)—

(A) in the first sentence—

(i) by inserting after "redeem coupons" the following: "and to accept electronic benefits transfer cards"; and

(ii) by striking "value of coupons" and inserting "value of benefits and coupons"; and

(B) in the third sentence, by striking "coupons" each place it appears and inserting "benefits"; and

(3) in the first sentence of subsection (f)—

(A) by inserting after "to accept and redeem food coupons" the following: "electronic benefits transfer cards, or to accept and redeem food coupons,"; and

(B) by inserting before the period at the end the following: "or program benefits".

(j) Section 13 of such Act (7 U.S.C. 2022) is amended by striking "coupons" each place it appears " and inserting "benefits".

(k) Section 15 of such Act (7 U.S.C. 2024) is amended—

(1) in subsection (a), by striking "issuance or presentment for redemption" and inserting "issuance, presentment for redemption, or use of electronic benefits transfer cards or";

(2) in the first sentence of subsection (b)(1)—

(A) by inserting after "coupons, authorization cards," each place it appears the following: "electronic benefits transfer cards,"; and

(B) by striking "coupons or authorization cards" each place it appears and inserting the following: "coupons, authorization cards, or electronic benefits transfer cards";

(3) in the first sentence of subsection (c)—

(A) by striking "coupons" and inserting "a coupon or an electronic benefits transfer card"; and

(B) by striking "such coupons are" and inserting "the payment or redemption is";

(4) in subsection (d), by striking "Coupons" and inserting "Benefits";

(5) in subsection (e), by inserting "or electronic benefits transfer card" after "coupon";

(6) in subsection (f), by inserting "or electronic benefits transfer card" after "coupon";

(7) in the first sentence of subsection (g), by inserting after "coupons, authorization cards," the following: "electronic benefits transfer cards,"; and

(8) by adding at the end the following:

"(h) GOVERNING LAW.—Fraud and related activities related to electronic benefits transfer shall be governed by section 1029 of title 18, United States Code.".

(l) Section 16 (7 U.S.C. 2025) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by inserting "or electronic benefits transfer cards" after "coupons"; and

(B) in paragraph (3), by inserting after "households" the following: ", including the cost of providing equipment necessary for retail food stores to participate in an electronic benefits transfer system";

(2) by striking subsection (d);

(3) by redesignating subsections (e) through (j) as subsections (d) through (i), respectively;

(4) in subsection (g)(5) (as redesignated by paragraph (3))—

(A) in subparagraph (A), by striking "(A)"; and

(B) by striking subparagraph (B);

(5) in subsection (h) (as redesignated by paragraph (3)), by striking paragraph (3); and

(6) by striking subsection (i) (as redesignated by paragraph (3)).

(m) Section 17 of such Act (7 U.S.C. 2026) is amended—

(1) in the last sentence of subsection (a)(2), by striking "coupon" and inserting "benefit";

(2) in subsection (b)(2), by striking the last sentence;

(3) in subsection (c), by striking the last sentence;

(4) in subsection (d)(1)(B), by striking "coupons" each place it appears and inserting "benefits";

(5) in subsection (e), by striking the last sentence;

(6) by striking subsection (f); and

(7) by redesignating subsections (g) through (k) as subsections (f) through (j), respectively.

(n) Section 21 of such Act (7 U.S.C. 2030) is amended—

(1) by striking "coupons" each place it appears (other than in subsections (b)(2)(A)(ii) and (d)) and inserting "benefits";

(2) in subsection (b)(2)(A)(ii), by striking "coupons" and inserting "electronic benefits transfer cards or coupons"; and

(3) in subsection (d)—

(A) in paragraph (2), by striking "Coupons" and inserting "Benefits"; and

(B) in paragraph (3), by striking "in food coupons".

(o) Section 22 of such Act (7 U.S.C. 2031) is amended—

(1) in subsection (b)—

(A) in paragraph (3)(D)—

(i) in clause (ii), by striking "coupons" and inserting "benefits"; and

(ii) in clause (iii), by striking "coupons" and inserting "electronic benefits transfer benefits";

(B) in paragraph (9), by striking "coupons" and inserting "benefits"; and

(C) in paragraph (10)(B)—

(i) in the second sentence of clause (i), by striking "Food coupons" and inserting "Program benefits"; and

(ii) in clause (ii)—

(I) in the second sentence, by striking "Food coupons" and inserting "Benefits"; and

(II) in the third sentence, by striking "food coupons" each place it appears and inserting "benefits";

(2) in subsection (d), by striking "coupons" each place it appears and inserting "benefits";

(3) in subsection (g)(1)(A), by striking "coupon"; and

(4) in subsection (h), by striking "food coupons" and inserting "benefits".

(p) Section 1956(c)(7)(D) of title 18, United States Code, is amended by inserting "electronic benefits transfer cards or" before "coupons having".

(q) This section and the amendments made by this section shall become effective on the date that the Secretary of Agriculture implements an electronic benefits transfer system in accordance with section 7 of the Food Stamp Act of 1977 (7 U.S.C. 2016) (as amended by this Act).

ADDITIONAL COSPONSORS

S. 309

At the request of Mr. BENNETT, the names of the Senator from Indiana [Mr. LUGAR], the Senator from Kansas [Mrs. KASSEBAUM], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Vermont [Mr. JEFFORDS], the Senator from Mississippi [Mr. COCHRAN], and the Senator from Vermont [Mr. LEAHY] were added as cosponsors of S. 309, a bill to reform the concession policies of the National Park Service, and for other purposes.

S. 593

At the request of Mr. HATCH, the names of the Senator from Alabama [Mr. SHELBY] and the Senator from Minnesota [Mr. GRAMS] were added as cosponsors of S. 593, a bill to amend the Federal Food, Drug, and Cosmetic Act to authorize the export of new drugs, and for other purposes.

S. 692

At the request of Mr. GREGG, the names of the Senator from Maine [Mr. COHEN] and the Senator from Kansas [Mr. DOLE] were added as cosponsors of S. 692, a bill to amend the Internal Revenue Code of 1986 to preserve family-held forest lands, and for other purposes.

S. 770

At the request of Mr. DOLE, the name of the Senator from Delaware [Mr. BIDEN] was added as a cosponsor of S. 770, a bill to provide for the relocation of the United States Embassy in Israel to Jerusalem, and for other purposes.

S. 833

At the request of Mr. HATCH, the name of the Senator from Oregon [Mr. HATFIELD] was added as a cosponsor of S. 833, a bill to amend the Internal Revenue Code of 1986 to more accurately codify the depreciable life of semiconductor manufacturing equipment.

SENATE CONCURRENT RESOLUTION 3

At the request of Mr. SIMON, the names of the Senator from Iowa [Mr. GRASSLEY] and the Senator from Hawaii [Mr. INOUYE] were added as cosponsors of Senate Concurrent Resolution 3, a concurrent resolution relative to Taiwan and the United Nations.

SENATE RESOLUTION 147

At the request of Mr. THURMOND, the names of the Senator from South Carolina [Mr. HOLLINGS], the Senator from Illinois [Ms. MOSELEY-BRAUN], the Senator from Illinois [Mr. SIMON], the Senator from Washington [Mr. GORTON], and the Senator from Michigan [Mr. LEVIN] were added as cosponsors of Senate Resolution 147, a resolution designating the weeks beginning September 24, 1995, and September 22, 1996, as "National Historically Black Colleges and Universities Week," and for other purposes.

SENATE RESOLUTION 149

At the request of Mr. AKAKA, the names of the Senator from Kansas [Mrs. KASSEBAUM], the Senator from Illinois [Ms. MOSELEY-BRAUN], and the Senator from Arkansas [Mr. BUMPERS] were added as cosponsors of Senate Resolution 149, a resolution expressing the sense of the Senate regarding the recent announcement by the Republic of France that it intends to conduct a series of underground nuclear test explosions despite the current international moratorium on nuclear testing.

AMENDMENTS SUBMITTED

THE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1996

KYL (AND INHOFE) AMENDMENT NO. 2077

Mr. KYL (for himself and Mr. INHOFE) proposed an amendment to the bill (S. 1026) to authorize appropriations for fiscal year 1996 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 371, below line 21, add the following:

SEC. 1062. SENSE OF SENATE ON PROTECTION OF UNITED STATES FROM BALLISTIC MISSILE ATTACK.

(a) FINDINGS.—The Senate makes the following findings:

(1) The proliferation of weapons of mass destruction and ballistic missiles presents a threat to the entire World.

(2) This threat was recognized by Secretary of Defense William J. Perry in February 1995 in the Annual Report to the President and the Congress which states that "[b]eyond the five declared nuclear weapons states, at least 20 other nations have acquired or are attempting to acquire weapons of mass destruction—nuclear, biological, or chemical weapons—and the means to deliver them. In fact, in most areas where United States forces could potentially be engaged on a large scale, many of the most likely adversaries already possess chemical and biological weapons. Moreover, some of these same states appear determined to acquire nuclear weapons.".

(3) At a summit in Moscow in May 1995, President Clinton and President Yeltsin commented on this threat in a Joint Statement which recognizes ". . . the threat posed by worldwide proliferation of missiles and missile technology and the necessity of counteracting this threat . . .".

(4) At least 25 countries may be developing weapons of mass destruction and the delivery systems for such weapons.

(5) At least 24 countries have chemical weapons programs in various stages of research and development.

(6) Approximately 10 countries are believed to have biological weapons programs in various stages of development.

(7) At least 10 countries are reportedly interested in the development of nuclear weapons.

(8) Several countries recognize that weapons of mass destruction and missiles increase their ability to deter, coerce, or otherwise threaten the United States. Saddam Hussein recognized this when he stated, on May 8, 1990, that "[o]ur missiles cannot reach Washington. If they could reach Washington, we would strike it if the need arose.".

(9) International regimes like the Non-Proliferation Treaty, the Biological Weapons Convention, and the Missile Technology Control Regime, while effective, cannot by themselves halt the spread of weapons and technology. On January 10, 1995, Director of Central Intelligence, James Woolsey, said with regard to Russia that ". . . we are particularly concerned with the safety of nuclear, chemical, and biological materials as well as highly enriched uranium or plutonium, although I want to stress that this is global problem. For example, highly enriched uranium was recently stolen from South Africa, and last month Czech authorities recovered three kilograms of 87.8 percent-enriched HEU in the Czech Republic—the largest seizure of near-weapons grade material to date outside the Former Soviet Union.".

(10) The possession of weapons of mass destruction and missiles by developing countries threatens our friends, allies, and forces abroad and will ultimately threaten the United States directly. On August 11, 1994, Deputy Secretary of Defense John Deutch said that "[i]f the North Koreans field the Taepo Dong 2 missile, Guam, Alaska, and parts of Hawaii would potentially be at risk.".

(11) The end of Cold War has changed the strategic environmental facing and between the United States and Russia. That the Clinton Administration believes the environment to have changed was made clear by Secretary of Defense William J. Perry on September 20, 1994, when he stated that "[w]e now have the opportunity to create a new relationship, based not on MAD, not on Mutual Assured Destruction, but rather on another acronym, MAS, or Mutural Assured Safety.".

(12) The United States and Russia have the opportunity to create a relationship based on trust rather than fear.

(b) SENSE OF SENATE.—It is the sense of the Senate that all Americans should be protected from accidental, intentional, or limited ballstic missile attack.

NUNN AMENDMENT NO. 2078

Mr. NUNN proposed an amendment to amendment No. 2077 proposed by Mr. KYL to the bill S. 1026, supra; as follows:

On page 5, beginning with "attack," strike out all down through the end of the amendment and insert in lieu thereof the following: "attack. It is the further sense of the Senate that frontline troops of the United States armed forces should be protected from missile attacks.

"(c) FUNDING FOR CORPS SAM AND BOOST-PHASE INTERCEPTOR PROGRAMS.—

"(1) Notwithstanding any other provision in this Act, of the funds authorized to be appropriated by section 201(4), $35.0 million shall be available for the Corps SAM/MEADS program.

"(2) With a portion of the funds authorized in paragraph (1) for the Corps SAM/MEADS program, the Secretary of Defense shall conduct a study to determine whether a Theater Missile Defense system derived from Patriot technologies could fulfill the Corps SAM/MEADS requirements at a lower estimated life-cycle cost than is estimated for the cost of the U.S. portion of the Corps SAM/MEADS program.

"(3) The Secretary shall provide a report on the study required under paragraph (3) to the congressional defense committees not later than March 1, 1996.

"(4) Of the funds authorized to be appropriated by section 201(4), not more than $3,403,413,000 shall be available for missile defense programs within the Ballistic Missile Defense Organization.

"(d) Section 234(c)(1) of this Act shall have no force or effect."

BOXER AMENDMENT NO. 2079

Mrs. BOXER proposed an amendment to the bill S. 1026, supra; as follows:

At the appropriate place, insert the following:

RELEVANT AGENCIES OR DEPARTMENTS.

SEC. . ETHICS HEARINGS.

The Select Committee on Ethics of the Senate shall hold hearings in any pending or future case in which the Select Committee (1) has found, after a review of allegations of wrongdoing by a senator, that there is substantial credible evidence which provides substantial cause to conclude that a violation within the jurisdiction of the Select Committee has occurred, and (2) has undertaken an investigation of such allegations. The Select Committee may waive this requirement by an affirmative record vote of a majority of the members of the Committee.

McCONNELL AMENDMENT NO. 2080

Mr. McCONNELL proposed an amendment to the bill S. 1026, supra; as follows:

At the appropriate place in the bill, insert:

(A) The Senate finds that:

(1) the Senate Select Committee on Ethics has a thirty-one year tradition of handling investigations of official misconduct in a bipartisan, fair and professional manner;

(2) the Ethics Committee, to ensure fairness to all parties in any investigation, must conduct its responsibilities strictly according to established procedure and free from outside interference;

(3) the rights of all parties to bring an ethics complaint against a member, officer, or employee of the Senate are protected by the official rules and precedents of the Senate and the Ethics Committee;

(4) any Senator responding to a complaint before the Ethics Committee deserves a fair and non-partisan hearing according to the rules of the Ethics Committee;

(5) the rights of all parties in an investigation—both the individuals who bring a complaint or testify against a Senator, and any Senator charged with an ethics violation—can only be protected by strict adherence to the established rules and procedures of the ethics process;

(6) the integrity of the Senate and the integrity of the Ethics Committee rest on the continued adherence to precedents and rules, derived from the Constitution; and,

(7) the Senate as a whole has never intervened in any ongoing Senate Ethics Committee investigation, and has considered matters before that Committee only after the Committee has submitted a report and recommendations to the Senate;

(B) Therefore, it is the Sense of the Senate that the Select Committee on Ethics should not, in the case of Senator Robert Packwood of Oregon, deviate from its customary and standard procedure, and should, prior to the Senate's final resolution of the case, follow whatever procedures it deems necessary and appropriate to provide a full and complete public record of the relevant evidence in this case.

SPECTER AMENDMENT NO. 2081

(Ordered to lie on the table.)

Mr. SPECTER submitted an amendment intended to be proposed by him to the bill S. 1026, supra; as follows:

On page 403, between lines 16 and 17, insert the following:

SEC. 1095. JUDICIAL ASSISTANCE TO THE INTERNATIONAL TRIBUNAL FOR YUGOSLAVIA AND TO THE INTERNATIONAL TRIBUNAL FOR RWANDA.

(a) SURRENDER OF PERSONS.—

(1) APPLICATION OF UNITED STATES EXTRADITION LAWS.—Except as provided in paragraphs (2) and (3), the provisions of chapter 209 of title 18, United States Code, relating to the extradition of persons to a foreign country pursuant to a treaty or convention for extradition between the United States and a foreign government, shall apply in the same manner and extent to the surrender of persons, including United States citizens, to—

(A) the International Tribunal for Yugoslavia, pursuant to the Agreement Between the United States and the International Tribunal for Yugoslavia; and

(B) the International Tribunal for Rwanda, pursuant to the Agreement Between the United States and the International Tribunal for Rwanda.

(2) EVIDENCE ON HEARINGS.—For purposes of applying section 3190 of title 18, United States Code, in accordance with paragraph (1), the certification referred to in the section may be made by the principal diplomatic or consular officer of the United States resident in such foreign countries where the International Tribunal for Yugoslavia or the International Tribunal for Rwanda may be permanently or temporarily situated.

(3) PAYMENT OF FEES AND COSTS.—(A) The provisions of the Agreement Between the United States and the International Tribunal for Yugoslavia and of the Agreement Between the United States and the International Tribunal for Rwanda shall apply in lieu of the provisions of section 3195 of title 18, United States Code, with respect to the payment of expenses arising from the surrender by the United States of a person to the International Tribunal for Yugoslavia or the International Tribunal for Rwanda, respectively, or from any proceedings in the United States relating to such surrender.

(B) The authority of subparagraph (A) may be exercised only to the extent and in the amounts provided in advance in appropriations Acts.

(4) NONAPPLICABILITY OF THE FEDERAL RULES.—The Federal Rules of Evidence and the Federal Rules of Criminal Procedure do not apply to proceedings for the surrender of persons to the International Tribunal for Yugoslavia or the International Tribunal for Rwanda.

(b) ASSISTANCE TO FOREIGN AND INTERNATIONAL TRIBUNALS AND TO LITIGANTS BEFORE SUCH TRIBUNALS.—Section 1782(a) of title 28, United States Code, is amended by inserting in the first sentence after "foreign or international tribunal" the following: ", including criminal investigations conducted prior to formal accusation".

(c) DEFINITIONS.—As used in this section:

(1) INTERNATIONAL TRIBUNAL FOR YUGOSLAVIA.—The term "International Tribunal for Yugoslavia" means the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law in the Territory of the Former Yugoslavia, as established by United Nations Security Council Resolution 827 of May 25, 1993.

(2) INTERNATIONAL TRIBUNAL FOR RWANDA.—The term "International Tribunal for Rwanda" means the International Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighboring States, as established by United Nations Security Council Resolution 955 of November 8, 1994.

(3) AGREEMENT BETWEEN THE UNITED STATES AND THE INTERNATIONAL TRIBUNAL FOR YUGOSLAVIA.—The term "Agreement Between the United States and the International Tribunal for Yugoslavia" means the Agreement on Surrender of Persons Between the Government of the United States and the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Law in the Territory of the Former Yugoslavia, signed at The Hague, October 5, 1994.

(4) AGREEMENT BETWEEN THE UNITED STATES AND THE INTERNATIONAL TRIBUNAL FOR RWANDA.—The term "Agreement between the United States and the International Tribunal for Rwanda" means the Agreement on Surrender of Persons Between the Government of the United States and the International Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighboring States, signed at The Hague, January 24, 1995.

FEINGOLD AMENDMENT NO. 2082

Mr. FEINGOLD proposed an amendment to the bill S. 1026, supra; as follows:

At the appropriate place in the bill, insert the following:

SEC. . SENSE OF THE SENATE REGARDING FEDERAL SPENDING.

It is the sense of the Senate that in pursuit of a balanced federal budget, Congress should exercise fiscal restraint, particularly in authorizing spending not requested by the Executive and in proposing new programs.

GRASSLEY AMENDMENT NO. 2083

Mr. GRASSLEY proposed an amendment to the bill S. 1026, supra; as follows:

On page 159, line 3, before the end quotation marks insert the following: "The 3-year time-in-grade requirement in paragraph (2)(A) of subsection (a) may not be reduced or waived under such subsection in the case of such an officer while the officer is under investigation for alleged misconduct or while disposition of an adverse personnel action is pending against the officer for alleged misconduct.".

THURMOND (AND OTHERS) AMENDMENT NO. 2084

Mr. THURMOND (for himself, Mr. BURNS, Mr. REID, Mr. FORD, Mr. BOND, and Mr. NUNN) proposed an amendment to the bill S. 1026, supra; as follows:

On page 404, in the table following line 10, insert before the item relating to Fort Knox, Kentucky, the following project in Kentucky:

	Fort Campbell	$10,000,000

On page 405, in the table following line 2, insert after the item relating to Camp Stanley, Korea, the following:

	Yongsan	$4,500,000

On page 406, line 14, strike out "$2,019,358,000" and insert in lieu thereof "$2,033,858,000".

On page 406, line 17, strike out "$396,380,000" and insert in lieu thereof "$406,380,000".

On page 406, line 20, strike out "$98,050,000" and insert in lieu thereof "$102,550,000".

On page 408, in the table following line 4, in the item relating to Bremerton Puget Sound Naval Shipyard, Washington, strike out "$9,470,000" in the amount column and insert in lieu thereof "$19,870,000".

On page 410, in the table preceding line 1, add after the item relating to Norfolk Public Works Center, Virginia, the following new items:

Washington	Bangor Naval Submarine Base	141 units	$4,890,000
West Virginia	Naval Security Group Detachment, Sugar Grove	23 units	$3,590,000

On page 411, line 6, strike out "$2,058,579,000" and insert in lieu thereof "$2,077,459,000".

On page 411, line 9, strike out "$389,259,000" and insert in lieu thereof "$399,659,000".

On page 412, line 3, strike out "$477,767,000" and insert in lieu thereof "$486,247,000".

On page 415, in the table following line 18, in the item relating to Maxwell Air Force Base, Alabama, strike out "$3,700,000" in the amount column and insert in lieu thereof "$5,200,000".

On page 415, in the table following line 18, in the item relating to Eielson Air Force Base, Alaska, strike out "$3,850,000" in the amount column and insert in lieu thereof "$7,850,000".

On page 416, in the table preceding line 1, in the item relating to Mountain Home Air Force Base, Idaho, strike out "$18,650,000" in the amount column and insert in lieu thereof "$25,350,000".

On page 416, in the table preceding line 1, in the item relating to McGuire Air Force Base, New Jersey, strike out "$9,200,000" in the amount column and insert in lieu thereof "$16,500,000".

On page 416, in the table preceding line 1, insert after the item relating to Cannon Air Force Base, New Mexico, the following:

	Holloman Air Force Base.	$6,000,000

On page 416, in the table preceding line 1, insert after the item relating to Shaw Air Force Base, South Carolina, the following:

South Dakota ..	Ellsworth Air Force Base.	$7,800,000

On page 416, in the table preceding line 1, in the item relating to Hill Air Force Base, Utah, strike out "$8,900,000" in the amount column and insert in lieu thereof "$12,600,000".

On page 418, in the table preceding line 1, insert after the item relating to Nellis Air Force Base, Nevada, the following:

	Nellis Air Force Base.	57 units	$6,000,000

On page 419, line 17, strike out "$1,697,704,000" and insert in lieu thereof "$1,740,704,000".

On page 419, line 21, strike out "$473,116,000" and insert in lieu thereof "$510,116,000".

On page 420, line 10, strike out "$281,965,000" and insert in lieu thereof "$287,965,000".

On page 421, in the table following line 10, in the matter relating to Defense Medical Facilities Offices, insert before the item relating to Luke Air Force Base, Arizona, the following:

	Maxwell Air Force Base, Alabama.	$10,000,000

On page 422, in the table preceding line 1, in the matter relating to the Special Operations Command at Fort Bragg, North Carolina, strike out "$2,600,000" in the amount column and insert in lieu thereof "$8,100,000".

On page 424, line 22, strike out "$4,565,533,000" and insert in lieu thereof "$4,581,033,000".

On page 424, line 25, strike out "$300,644,000" and insert in lieu thereof "$316,144,000".

On page 429, line 14, strike out "$85,353,000" and insert in lieu thereof "$148,589,000".

On page 429, line 15, strike out "$44,613,000" and insert in lieu thereof "$79,895,000".

On page 429, line 19, strike out "$132,953,000" and insert in lieu thereof "$167,503,000".

On page 429, line 22, strike out "$31,982,000" and insert in lieu thereof "$35,132,000".

NUNN AMENDMENT NO. 2085

Mr. NUNN proposed an amendment to the bill S. 1026, supra; as follows:

On page 403, between lines 16 and 17, insert the following:

SEC. 1095. ASSOCIATE DIRECTOR OF CENTRAL INTELLIGENCE FOR MILITARY SUPPORT.

Section 102 of the National Security Act of 1947 (50 U.S.C. 403) is amended by adding at the end the following:

"(e) In the event that neither the Director nor Deputy Director of Central Intelligence is a commissioned officer of the Armed Forces, a commissioned officer of the Armed Forces appointed to the position of Associate Director of Central Intelligence for Military Support, while serving in such position, shall not be counted against the numbers and percentages of commissioned officers of the rank and grade of such officer authorized for the armed force of which such officer is a member.".

THOMPSON AMENDMENT NO. 2086

Mr. THURMOND (for Mr. THOMPSON) proposed an amendment to the bill S. 1026, supra; as follows:

On page 487, below line 24, add the following:

SEC. 2838. LAND CONVEYANCE, NAVAL SURFACE WARFARE CENTER, MEMPHIS, TENNESSEE.

(a) AUTHORITY TO CONVEY.—The Secretary of the Navy may convey to the Memphis and Shelby County Port Commission, Memphis, Tennessee (in this section referred to as the "Port"), all right, title, and interest of the United States in and to a parcel of real property (including any improvements thereon) consisting of approximately 26 acres that is located at the Carderock Division, Naval Surface Warfare Center, Memphis Detachment, Presidents Island, Memphis, Tennessee.

(b) CONSIDERATION.—As consideration for the conveyance of real property under subsection (a), the Port shall—

(1) grant to the United States a restrictive easement in and to a parcel of real property consisting of approximately 100 acres that is adjacent to the Memphis Detachment, Presidents Island, Memphis, Tennessee; and

(2) if the fair market value of the easement granted under paragraph (1) exceeds the fair market value of the real property conveyed under subsection (a), provide the United States such additional consideration as the Secretary and the Port jointly determine appropriate so that the value of the consideration received by the United States under this subsection is equal to or greater than the fair market value of the real property conveyed under subsection (a).

(c) CONDITION OF CONVEYANCE.—The conveyance authorized by subsection (a) shall be carried out in accordance with the provisions of the Land Exchange Agreement between the United States of America and the Memphis and Shelby County Port Commission, Memphis, Tennessee.

(d) DETERMINATION OF FAIR MARKET VALUE.—The Secretary shall determine the fair market value of the real property to be conveyed under subsection (a) and of the easement to be granted under subsection (b)(1). Such determinations shall be final.

(e) USE OF PROCEEDS.—The Secretary shall deposit any proceeds received under subsection (b)(2) as consideration for the conveyance of real property authorized under subsection (a) in the special account established pursuant to section 204(h) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 485(h)).

(f) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) and the easement to be granted under subsection (b)(1) shall be determined by surveys satisfactory to the Secretary. The cost of the surveys shall be borne by the Port.

(g) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance authorized by subsection (a) and the easement granted under subsection (b)(1) as the Secretary considers appropriate to protect the interests of the United States.

NOTICES OF HEARINGS

SUBCOMMITTEE ON FORESTS AND PUBLIC LAND MANAGEMENT OF THE COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. CRAIG. Mr. President, I would like to announce for the public that two field hearings have been scheduled before the Subcommittee on Forests and Public Land Management of the Committee on Energy and Natural Resources.

The purpose of the hearings will be to receive testimony on the proposed acreage limitation and water conservation rules and regulations issued by the Bureau of Reclamation, Department of the Interior on April 3, 1995.

The first hearing will take place on Monday, August 21, 1995, beginning at 9:30 a.m. in the cafeteria of the College of Southern Idaho, 315 Falls Avenue, Twin Falls, ID.

The second hearing will be held on Monday, August 21, 1995, beginning at 4 p.m. at the City Council Chamber, City of Riverton, 816 N. Federal Blvd., Riverton, WY.

Because of the limited time available for the hearings, witnesses may testify by invitation only. It will be necessary to place witnesses in panels and place time limits on the oral testimony. Witnesses testifying at the hearings are requested to bring 10 copies of their testimony with them on the day of the hearing. Please submit one copy of testimony in advance to the attention of James Beirne, Senior Counsel, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510.

Written statements may be submitted for the hearing record. It is necessary only to provide one copy of any material to be submitted for the record. If you would like to submit a statement for the record, please send one copy of the statement to the Subcommittee on Forests and Public Land Management, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510.

For further information regarding the hearings, please contact James Beirne, Senior Counsel, at (202) 224-2564 or Betty Nevitt, Staff Assistant, of the Committee staff at (202) 224-0765.

COMMITTEE ON INDIAN AFFAIRS

Mr. McCAIN. Mr. President, I would like to announce that the Senate Committee on Indian Affairs will be holding a markup on Wednesday, August 9, 1995, beginning at 9:30 a.m., in room 106 of the Dirksen Senate Office Building, on S. 487, a bill to amend the Indian Gaming Regulatory Act, and for other purposes.

Those wishing additional information should contact the Committee on Indian Affairs at 224-2251.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. DOLE. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be allowed to meet during the Wednesday, August 2, 1995, session of the Senate for the purpose of conducting a hearing on the future of the Federal Aviation Administration.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOLE. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Wednesday, August 2, 1995, for purposes of conducting a full committee hearing which is scheduled to begin at 9 a.m. The purpose of this hearing is to discuss leasing of the Arctic Oil Reserve located on the coastal plain of the Arctic National Wildlife Refuge for oil and gas exploration and production and the inclusion of the leasing revenues in the budget reconciliation.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOLE. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Wednesday, August 2, 1995, for purposes of conducting a full committee business meeting which is scheduled to begin at 9 a.m. The purpose of this meeting is to consider the nomination of John Garamendi to be Deputy Secretary of the Interior.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. DOLE. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be granted permission to meet to conduct a business meeting to consider pending business Wednesday, August 2, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. DOLE. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet on Wednesday, August 2, at 9 a.m. on the following nominations:

Jacob Joseph Lew, Deputy Director of OMB;

Jerome A. Stricker, Member, Federal Retirement Thrift Investment Board;

Sheryl R. Marshall, Member, Federal Retirement Thrift Investment Board;

William H. LeBlanc III, Commissioner, Postal Rate Commission; and

Beth Susan Slavet, Merit System Protection Board.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. DOLE. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Wednesday, August 2, 1995, beginning at 9:30 a.m., in 485 of the Russell Senate Office Building on the implementation of P.L. 103-176, the Indian Tribal Justice Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. DOLE. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for an executive session, during the session of the Senate on Wednesday, August 2, 1995, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. DOLE. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, August 2, 1995, at 9:30 a.m. to hold an open hearing on Intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. DOLE. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, August 2, 1995, at 2 p.m. to hold a closed hearing on Intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ADMINISTRATIVE OVERSIGHT AND THE COURTS

Mr. DOLE. Mr. President, I ask unanimous consent that the Subcommittee on Administrative Oversight and the Courts of the Committee on the Judiciary, be authorized to meet during the session of the Senate on Wednesday, August 2, 1995 at 9:30 a.m., to hold a hearing on "Reauthorization of the Administrative Conference on the United States Court."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CLEAN AIR, WETLANDS, PRIVATE PROPERTY AND NUCLEAR SAFETY

Mr. DOLE. Mr. President, I ask unanimous consent that the Subcommittee on Clean Air, Wetlands, Private Property and Nuclear Safety be granted permission to conduct an oversight hearing Wednesday, August 2, at 2 p.m. on section 404 of the Clean Water Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CONSTITUTION, FEDERALISM AND PROPERTY RIGHTS

Mr. DOLE. Mr. President, I ask unanimous consent that the Subcommittee on Constitution, Federalism, and Property Rights of the Committee on the Judiciary, be authorized to hold a business meeting during the session of the Senate on Wednesday, August 2, 1995, commencing at 2 p.m. to consider H.R. 660, the Older Americans Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON INTERNATIONAL FINANCE AND MONETARY POLICY

Mr. DOLE. Mr. President, I ask unanimous consent that the Subcommittee on International Finance and Monetary Policy be authorized to meet during the session of the Senate on Wednesday, August 2, 1995, to conduct a hearing on the Dual Use Export Control Program.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON POST OFFICE AND CIVIL SERVICE

Mr. DOLE. Mr. President, I ask unanimous consent that the Subcommittee on Post Office and Civil Service, Committee on Governmental Affairs, be authorized to meet during the session of the Senate on Wednesday, August 2, 1995, to receive the Annual Report of the Postmaster General of the United States.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SOCIAL SECURITY AND FAMILY POLICY

Mr. DOLE. Mr. President, I ask unanimous consent that the Subcommittee on Social Security and Family Policy of the Committee on Finance be permitted to meet Wednesday, August 2, 1995, beginning at 9:30 a.m. in room SD-215, to conduct a hearing on the privatization of the Social Security Old Age and Survivors Insurance program.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

STAFFING OF DOD OVERSEAS SCHOOLS

• Mr. HOLLINGS. Mr. President I call the attention of my colleagues to an educational matter that requires continued attention. Americans serving in the armed services who are stationed overseas usually depend on Department of Defense Dependents Schools to educate their children. It has been a matter of concern that these overseas schools do not provide the same level of educational services as schools on military installations in the United States. I ask to have printed in the RECORD the executive summary of a recent study providing hard numbers substantiating this concern. I hope Senators will consider the findings of this study as we draw down forces in Europe and as we provide for an appropriate quality of life for members of our Armed Forces stationed overseas.

The Executive summary follows:

DODDS—A STAFFING DILEMMA

EXECUTIVE SUMMARY

The process of staffing the Department of Defense Dependents Schools has reached a point where it needs to be reviewed.

The schools are staffed in the classical, enrollment-based manner which serves as a model for the larger school districts. Applying this method to DoDDS, while giving a favorable appearance on a system-wide basis, does not address the demographics of DoDDS with its many small and medium-sized schools located far apart and in isolated locations.

This briefing document describes and compares the configuration of the schools in the United States and in DoDDS-Europe. It shows how the sizes of the schools in the United States vary in enrollment patterns from those in DoDDS-E. A sampling of programs and services found in Section 6 schools is included. These schools are for military dependents located on military installations in the United States, and are supervised by the Department of Defense Education Activity (DoDEA), the same Activity which supervises DoDDS. The Section 6 schools provide a full range of educational programs.

DoDDS, because of its staffing model is enrollment-ratio-driven, will not be able to provide the same programs or services to the students attending its schools as those attending the Section 6 schools. This staffing model needs to be altered to accommodate the unique character of DoDDS. DoDDS must staff its schools in a manner guaranteed to maintain its current level of excellence.

This paper recommends that a staffing freeze be put in place, retaining the current staff, except for those locations where the schools are closing or enrollment is projected to drop sharply based upon next school year's enrollment data. The retention of this level of staffing is estimated to require 400 positions DoDDS-E wide. Since there will be a cut in staffing, this means that 400 fewer positions would be cut. At a work-year rate of $60,000 each, this would amount to a dollar cost of $24,000,000.

For the staffing in the coming years, DoDDS has stated that a Staffing Task Force has been established to develop new staffing criteria. Until this Task Force reports its findings and recommendations, all staffing actions should be frozen at present levels, then modified using the guidance developed by the Task Force. Assuming that this Task Force will develop a staffing model based upon program needs, this action is strongly recommended.

The educational services delivered by DoDDS are an integral part of the Quality of Life Program as well as of Force Readiness. It is essential that what needs to be done to maintain the current high standard be done.

Until the end of the current school year, SY 94-95, the Department of Defense Dependents Schools (DoDDS) has provided the educational services and programs of a premier school system.

DoDDS has the potential and resources to be a truly world-class school system—the standard bearer of the United States in the arena of global education. As evidenced by the DoDDS Strategic Plan promulgated by Dr. Lillian Gonzalez, Director of DoDDS, DoDDS has made a determined commitment in this direction. However, will the current proposed staffing reductions allow DoDDS to reach this serious goal?

As part of its "rightsizing" goal, DoDDS-Europe is eliminating over 900 positions. Most of these positions will be at the school level. The core of DoDDS' staffing planning is its concept of the "super teacher," a concept based on the belief that the classroom teachers can absorb program cuts back into their basic classroom instruction. In other words, DoDDS is relying on the "super teacher" to cover or provide all the services and programs which have been eliminated by the cuts in staffing. DoDDS teachers are arguably a cut above their stateside counterparts, but to demand that they fulfill these expectations on a regular basis is unrealistic—the average teacher doesn't have the skills to: maintain a full-scale modern computerized media center (library); provide quality curricular offerings in physical education, music, and art; conduct all remedial assistance for students who would ordinarily be provided with special help through Reading Improvement Specialists (RIS) and Compensatory Education Specialists (Comp Ed); mainstream and assist students in need of English as a Second Language (ESL); be ready to apply first aid and administer medication or diagnostic assistance for students with health needs (school nurse); and, assess and administer help to students who qualify for learning impairment assistance (Special Education for the Learning Impaired, teachers—SPED) or for school-wide enrichment (SWEP, a.k.a. TAG—talented and gifted, teachers).

While most classroom teachers have some skill in these areas, they are not specialists in these areas—to assume or assert that they are simply will not create the skills. Saying it doesn't make it so—no matter how often it is said.

Next year DoDDS schools will have fewer specialists, a higher Pupil Teacher Ration (PTR), and fewer options for students, if the cuts now proposed and currently being implemented are allowed to stand. This briefing paper will present statistics on the DoDDS Mediterranean (Med) district and DoDDS-Europe (DoDDS-E) as a whole. We have the necessary documentation on the schools in this district because the Overseas Federation of Teachers is the exclusive bargaining agent for the teachers in these schools. DoDDS Med District represents approximately 1/6 of the enrollment of the odds-E student enrollment. Our proposal, therefore, is based on projecting our data on a 1:6 ratio, so that we can reach a conclusion on what is needed for all of DoDDS-Europe

We point out that even though the Med district is unique in geographic terms (most of the schools are located on islands and peninsulas), it can still be used a "bellwether" for the other schools and DoDDS-E Districts. As the drawdown in northern Europe continues the school distributions in England, the Benelux, and Germany are going to look more and more like those in the Med District in terms of size and isolation by geographic distance.

What programs do American schools commonly have now? To obtain pertinent information, we looked at a random sampling of three school systems servicing American military dependents in the United States—the Section 6 Schools—which are managed by the Department of Defense Education Activity (DoDEA). DoDEA is also the supervisory activity of the DoDDS schools and is also directed by Dr. Lillian Gonzalez. These schools range in size from 262 students to 768 students. From a telephonic survey conducted on May 16-18, 1995, the information (enrollment data) gleaned is presented on Table 2, see Appendix no. 7.

In the Section 6 Schools surveyed, full services and programs are available to students in the elementary schools. Table 3, Appendix no. 8, shows the comparison of services available to students in schools of various sizes in DoDDS-E and to students in Section 6 Schools. Here it is quite evident that the majority (61.5%) of the DoDDS-E elementary schools do not enjoy the same program benefits as the students attending the Section 6 Schools. This condition is unacceptable.

DoDDS has attempted to retain some services and/or programs that fall below its staffing criteria by staffing "half-teachers." Combining "halves" does not benefit any program—it simply assumes that one teacher will do two full jobs in half the time and does not recognize the implied reduction in quality that must result. In the Med District, six full-time librarian positions were cut to half-time positions; three full-time art positions were cut to half-time.

An example of this is the situation at Vicenza Elementary School. This school has an enrollment and projected enrollment of slightly under 50 students in grades 1-6. The total enrollment tops 500 with the inclusion of pre-school and kindergarten but those students are not included when applying the DoDDS staffing standards for most of the DoDDS specialists.

At Vicenza, the high school media specialist—highly trained in the new computer-run library/media center—is cut for next year to a half-teacher. The elementary art teacher-who runs an outstanding DoDDS art program, recognized this year by the Advisory Council on Dependents Education (ACDE)—is also cut for next year to a half teacher.

The principals of the high school and elementary school are pooling their work year slots to create a full teacher, who will have to spend half a day in the high school media center and half a day teaching elementary school art classes. Will services be equal to current levels? No. Without a doubt next year both programs will not have the same quality of education that is now provided.

The National Profile (Table 94), Appendix no. 3. shows for elementary schools in the United States that the majority or 53% are in the range of 400+ student enrollment; for the unit schools (K-12) in the United States, the majority or 58% are in the range of 200+ student enrollment; and for high schools in the United States the majority or 53.5% are in the range of 500+ student enrollment.

The current practice in the United States is to keep elementary schools to a medium size, but to consolidate them if they get too small. For high schools, the standard practice is to consolidate. Consolidation of secondary schools (high schools) allows for larger staff and more electives and advanced course options for students—a depth and breadth of offerings not available in smaller secondary schools.

The Section 6 Schools generally follow the same staffing pattern as that in the United States. See Appendix No. 7. Table of school enrollments for the sampled Section 6 Schools. See below:

TABLE 3. COMPARISON OF SERVICES/PROGRAMS AND ELEMENTARY SCHOOLS—SECTION 6 VS. DODDS–E

Full services provided	K–6—Camp Lejeune (aver. 398)	1–6—Dodds-E Schools (1–400)	K–6—Fort Bragg (aver. 496)	1–6—Dodds-E Schools (400–499)	K–6—Fort Campbell (aver. 720)	1–6—Dodds-E Schools (500–749)	1–6—Dodds-E Schools (over 750)
Pre-school MNCP	Yes	?	Yes	?	Yes	?	?
Kindergarten	Yes	.5/25 kids	Yes	.5/25 kids	Yes	.5/25 kids	.5/25 kids
Art	Yes	No	Yes	No	Yes	No	Yes
Music	Yes	No	Yes	No	Yes	Yes	Yes
Physical Ed. (P.E.)	Yes	No	Yes	No	Yes	Yes	Yes
Guidance counselor	Yes	No	Yes	No	Yes	1/600 kids	Yes
Reading improvement specialist	Yes	No	Yes	No	No	Yes	Yes
Talented and gifted teacher	Yes	Yes	Yes	Yes	Yes	Yes	Yes
English as a second language	No	1/40 kids (weighted)	Yes	1/40 kids (weighted)	Yes	1/40 kids (weighted)	1/40 kids (weighted)
Compensatory Ed. (Comp. Ed.)	Yes	1/70 kids in program	No	1/70 kids in program	No	1/70 kids in program	1/70 kids in program
Librarian	Yes	.5/126–348 in 1/349–999 kids	Yes	Yes	Yes	Yes	Yes
School nurse	Yes	.5/350–499 kids	Yes	.5/350–498 kids	Yes	Yes	Yes
Special education services (learned impaired, etc.).	Full range available	Authorized only in weighted numbers	Full range available	Authorized only in weighted numbers	Full range available	(1)	(1)

*Refer to Dodds–E MPWR Branch Staffing Standards, SY 95/96 for fuller explanations. Section 6 Schools surveyed: Camp Lejeune, NC; Fort Bragg, NC; Fort Campbell, KY. 61.5% of DODDS–E Schools have under 400 students enrolled. 11% of DODDS–E Schools have between 400–500 students enrolled. 17% of DODDS–E Schools have between 500–800 students enrolled. 10% of DODDS–E Schools have over 800 students enrolled.

[1] Authorized only in weighted numbers.

Overseas, in DoDDS schools, the opposite occurs. This is shown in Table 1. Type and Size of DoDDS–E Schools, found in Appendix No. 4, Tables 4, 5, and 6 in conjunction with Table 1, show that:

for DoDDS elementary schools, a majority or 61.5% are in the range of under 400 student enrollment; for DoDDS unit schools (K–12), the majority or 58% are in the range of under 200 student enrollment; and,

for DoDDS high schools, the majority or 81% are in the range of under 500 student enrollment.

In particular, it should be noted that there are NO DoDDS high schools with more than 700 students, while U.S.-wide, over half of all American high schools have MORE than 1000 students.

The explanation for this phenomenon is quite simple. The bulk of the DoDDS–E schools are spread too far apart to allow for the consolidation that occurs in the United States. For example, in Turkey if the DoDDS schools there could be consolidated, it would make staffing easier. The distances of hundreds of miles which separate these schools prevent this. This is the rule in DoDDS, not the exception.

In effect, stateside schools can be visualized as an inverse pyramid, with the largest schools being the consolidated high schools, the smallest ones being the neighborhood elementary schools. It is clear that the sizes of the elementary schools in the United States are generally considerably larger than those in DoDDS. In the overseas schools however, the pyramid is bottom-heavy, positioned in its normal fashion, with most of the enrollment in elementary schools and a paucity of students in the age groups for upper grades (grades 7–12).

Overseas schools are often located at distances of 200 to 300 miles away from each other with no way to consolidate, which results in decreasing student populations as students move up through the grades.

If these smaller schools are staffed based purely and strictly upon enrollment requirements set forth in the Staffing Documents found in Appendix no. 1, can they offer the programs that are available in the sampled Section 6 Schools? Just because students are required to go to schools with smaller enrollments, is it appropriate that they have fewer educational opportunities than their stateside peers?

Certainly not. Parents, driven by perception and reality, who are required to bring dependents overseas to schools in these isolated areas will not be satisfied: They will refuse to enroll their children in schools that are not offering at least the same programs that are offered in the United States—in fact, the programs would have to be better to be a real inducement; word will spread that DoDDS is not providing quality education; the Quality of Life available will be degraded; military recruitment will suffer; and, there will be a resistance to overseas assignments.•

GLADYS MANSON HAUG ARNTZEN TURNS 100 YEARS OLD IN AUGUST

• Mr. GORTON. Mr. President, a very valued constituent of mine, E.P. "Pete" Paup, executive vice president of the Manson Construction and Engineering Co. in Seattle, WA, has brought to my attention that his mother-in-law will reach the age of 100 years on August 13, 1995. Pete has kindly shared with me the life story of this remarkable woman.

Gladys Angelica Christine Manson was born in the small community of Dockton on Maury Island in the young State of Washington, August 13, 1895. Her parents, Minnie Carlson Manson and Peter Manson, were Swedish immigrants who had moved to Dockton from Tacoma in 1893.

Peter was employed by the local drydocking company and became dockmaster in 1903. The year before, 1902, little Gladys held a lantern when her mother dug up a glass jar full of $20 gold pieces from a crawl space beneath their house. Because of the bank failures during the panic of 1893, the Mansons didn't trust their money to banks, so they hid it. The gold from the mason jar was used to purchase a steam donkey engine for a floating pile driver. Today, Manson Construction and Engineering Co. is a major Pacific coast marine construction and dredging contractor.

In 1910, Gladys was a member of Dockton Grade School's first graduating class, whereupon she entered Burton High School. In 1912 she moved to Seattle with her family and graduated from Lincoln High School in 1914. After graduation, Glady's entered the University of Washington and graduated in 1918 with a degree in music.

Gladys later taught music in Brooklyn, Seattle, and Roslyn, WA and spent 3 years as a district music supervisor in Kent, WA.

In 1924 she married Andrew J. Haug and had three children, Irving, Peter, and Andrea. Andrew Haug died in 1965. Later Gladys married Edward J. Arntzen, a retired professor from Western Washington University in Bellingham, WA. Edward passed away in 1971.

Gladys is an active member of Grace Lutheran Church in Bellevue, WA and is a member of the Lincoln High School Alumni Association. She has also been a member of both the Sons of Norway and the Swedish Club.

Gladys Manson Haug Arntzen will celebrate her 100th birthday at her daughter's home, on August 13, 1995. I invite the attention of all my colleagues to this tremendous story and great community contribution, and in doing so, I wish Gladys Manson Haug Arntzen the happiest of birthday celebrations on August 13.•

APPOINTING SAM FOWLER, CHIEF COUNSEL FOR THE MINORITY, COMMITTEE ON ENERGY AND NATURAL RESOURCES

• Mr. JOHNSTON. Mr. President, today I would like to formally announce that I have named Sam Fowler the chief counsel for the minority on the Committee on Energy and Natural Resources. For several years Sam has been our counsel for the toughest issues and the person we turn to make sense of the most difficult assignments.

I would like to recognize his importance to use with the title of chief counsel.

Sam follows in the footsteps of Mike Harvey, who has for two decades defined the role of chief counsel on this committee. Sam is cut from that same high quality cloth as Mike. I know that the committee's tradition of excellence in service to its members will be carried forward with Sam.

Sam is a graduate of the University of New Hampshire and the George Washington University Law School. He has served with the Smithsonian Institution, the Council on Environmental Quality, in private practice and with Mo Udall in the House of Representatives. Sam joined our staff in 1991. He has been invaluable, absolutely invaluable.

Sam's portfolio includes nuclear facility licensing, parliamentary procedure, the budget process, uranium enrichment, Russian reactor safety, cleanup of Department of Energy nuclear weapons production sites, alternative fuels, automobile fuel efficiency, low-level nuclear waste disposal, health effects of electromagnetic fields, the National Environmental Policy Act, constitution law, nominations, Government organization, Senate and committee standing rules and ethics issues. In addition, Sam can take on anything else you can assign to him.

Sam is also our resident historian, defender of Thomas Jefferson, source of quotes that elucidate the wisdom of Winston Churchill and repository or precedents established in the Senate, the House of Representatives and the English Parliament. He is a partisan of good clear prose, a lover of poetry and our committee's best legislative draftsman. I cannot imagine the Energy and Natural Resources Committee without him. I am glad to call him my chief counsel.•

COMMEMORATION OF THE 100TH ANNIVERSARY OF THE FOUNDING OF MACKINAC STATE PARK

Mr. LEVIN. Mr. President, I rise today to commemorate the 100th anniversary of the founding of Mackinac Island State Park. From the island's beginnings as a fort fought over by the French, British, and Americans, to the peaceful calm of a historical vacation spot enjoyed by many, Mackinac Island State Park and the waters surrounding it are a rich and important part of our Nation's frontier and exploratory history.

Mackinac Island State Park became Michigan's first State park in 1895 after its transfer to the State from the Federal Government, ending its 20-year tenure as the Nation's second national park. The Mackinac Island State Park Commission was founded in 1895 to supervise the Mackinac Island State Park, including the 14 historic buildings comprising Fort Mackinac, which were built by the British Army in the late 18th century.

In 1904, the commission took on the administration of the site of Colonial Michilimackinac, established by the French in 1715 in Mackinac City and later dismantled and moved to Mackinac Island by the British. The area had been a fur-trade community, full of life and color. In 1975, the water-powered sawmill and 625-acre nature park known as Mill Creek were added to the land overseen by the commission. Mill Creek is located southeast of Mackinac City on the shore of Lake Huron. Over the years, the acquisition of land by the commission has led to a beautiful State park consisting of 1,800 acres and enjoyed by more than 800,000 visitors each year.

Mackinac Island State Park is dear to the hearts of many Michigan residents and visitors alike. The smell of Mackinac Island fudge brings childhood memories back to many a visitor while the clip-clop of horse hooves and the ring of bicycle bells on the automobile-free island recalls a by-gone time.

Mackinac Island State Park is a vital part of Michigan's history. It is home to the State's oldest known building still standing and the longest porch in the world, located at the opulent Grand Hotel. I know many people in Michigan and around the world will join me in celebrating the jewel of the Great Lakes in the commemoration of its 100 spectacular years.

LOWER MILITARY SPENDING YIELDS HIGHER GROWTH

• Mr. SIMON. Mr. President, I refer to my colleagues an article from the July 15 issue of The Economist. The article discusses the economic impact of reduced military spending in light of worldwide declines in defense budgets over the last decade. While the impact of such a peace dividend is difficult to calculate, the article brings up an interesting point:

> In the long run, most economists think that lower defense spending should stimulate growth. One reason for this is that cash can be switched from defense to more productive areas such as education. A second is that smaller military budgets should lead to lower overall government spending, hence lower borrowing than would otherwise have been the case. As a result, interest rates should be lower, stimulating private investment.

The article also refers to a recent IMF study which finds a clear relationship between lower military spending and increased economic growth. It concludes that a 2-percent per capita rise in GDP will result from the decreased spending worldwide in the late 1980's. Its authors also estimate that if global military spending is reduced to 2 percent of GDP—the United States currently spends 3.9 percent—the dividend will eventually lead to a rise in GDP per head of 20 percent.

I bring this to light as we consider increasing military spending by $7 billion, while making deep cuts in education, job training, health, and programs for the poor. Already, our Nation spends more on the military than the next eight largest militaries combined. It is a mistake to turn back against global trends to a course which, in the long run, will lead to lower growth and hurt our international competitiveness.

This Congress skewed priorities of spending more on the military and less on social investment will nullify the dividend we hope to reap through balancing the budget and lowering interest rates. Simply put, investment in a B-2 bomber creates a plane that sits there incurring operating costs, but investment in a child's education creates opportunity, productivity, and long-lasting benefits to society.

I ask that the article be printed in the RECORD.

The article follows:

[From the Economist, July 15, 1995]

FEWER BANGS, MORE BUCKS—SINCE THE END OF THE COLD WAR, MILITARY SPENDING HAS DECLINED IN MOST COUNTRIES, YET THE PROMISED "PEACE DIVIDEND" IS PROVING ELUSIVE

Francis Fukuyama, an American political analyst, claimed in 1989 that the collapse of communism heralded the end of history. Few believed him, but many looked forward to the end of at least one aspect of the cold war: high defence spending. No longer would countries waste precious resources building tanks and bombs. Instead, they could use the cash for more rewarding activities: higher social spending, more capital investment or increased aid to the world's poor. Was this optimism warranted?

That overall defence spending has fallen is uncontested. According to the United Nations' latest World Economic and Social Survey, world military expenditure decreased at an average rate of 7.2% a year between 1988 and 1993. The biggest declines came in former Warsaw Pact countries, where defence spending fell by an average of over 22% a year. In America, it fell by 4.4% a year (though the Republican Congress is planning to stem this decline). The cuts are not as steep as some had hoped; but the share of CDP devoted to military spending has fallen everywhere (see chart).

Assessing the economic impact is harder. One crude notion is to calculate what countries would have spent on defence without the cuts. A previous UN report in 1994 suggested that had governments maintained their defence budgets in real terms from 1988 to 1994, global defence spending would have been $933 billion higher than it was. That suggests a peace dividend of almost $1 trillion. But such a calculation is flawed: 1987 was a year of high defence spending; had another base year been chosen, the dividend would probably be lower. More important, the sums fail to take into account the broader economic impact of reduced defence spending.

As with any big reduction in public spending, defence cuts tend to reduce economic activity in the short term. That may cause unemployment to rise, particularly in regions where defence-related industries are heavily concentrated. Between 1988 and 1992, for instance, the increase in the unemployment rates of the four American states that are most dependent on defence spending—Connecticut, Virginia, Massachusetts and California—was some two-and-a-half times greater than that in the rest of the country. Such regional effects often make defence cuts politically awkward.

In the long run, however, most economists think that lower defence spending should stimulate growth. One reason for this is that cash can be switched from defence to more productive areas such as education. A second is that smaller military budgets should lead to lower overall government spending, and hence lower borrowing, than would otherwise have been the case. As a result, interest rates should be lower, stimulating private investment. Some economists also argue that lower defence spending will result in fewer distortions in an economy. They point in particular to anti-competitive mechanisms that often feature in military contracts or the trade preferences given to military imports.

But big defence budgets can also have positive side-effects. In countries such as South Korea and Israel, spin-offs from military research and development have helped to foster expertise in civilian high-technology industries. In poor countries with low levels of education and skills, military training might be a good way to improve the educational standard of the workforce. During the cold war some poor countries also relied on the rival superpowers not just for military assistance, but also for other aid. If their erstwhile benefactors cut this aid along with military support, it might leave them with fewer resources overall.

Until recently, there has been little conclusive evidence about the long-run economic impact of lower defence spending. This is partly due to the difficulty of getting comparable data, and to the problem of separating short-term from long-term consequences. But in a recent working paper[1] Malcolm Knight, an economist at the IMF, and two colleagues, use a long-run growth model and sophisticated econometric techniques to measure the effect of military spending on growth in 79 countries between 1971 and 1985. They find a clear correlation between lower outlays and higher growth.

The authors then simulate what the long-run effects of the decline in military spending of the late 1980s are likely to be. Unsurprisingly, they are positive. Industrial countries, for instance, can expect a long-run absolute increase in GDP per head of 2% from the spending cuts that occurred up to 1990.

DELAYED PAYMENT

Mr. Knight and his fellow authors then try to estimate what the long-run effects of further cuts in world defence spending might be. They assume that global defence spending is reduced to under 2% of GDP (the current level in Latin America, the region with the world's lowest defence spending). If industrialised countries achieve such a target, the authors expect an eventual increase in their GDP per head of 20%. In other regions, such as Eastern Europe, the effects will be even greater. However, it will take a long time for these benefits to work through. Even after 50 years, for instance, the improvement in the level of GDP per head in rich countries would have reached only 13.2%.

Unfortunately, the model does not explain whether this increase would be attributable to more productive public investment, or to lower interest rates. In practice, the cuts in military spending since the 1980s appear to have been used to keep overall public spending under control. This means that the clearest long-term economic benefit from the end of the cold war is likely to come from lower interest rates—unless, of course, public spending rises for other reasons.

For those defence employees faced with the sack, it may be scant comfort to hear about the long-term gains to the economy that accompany fewer military bases. But, providing that governments keep public spending in check, the world will indeed benefit from a substantial peace dividend—even though it will not produce the immediate pay-off that optimists were hoping for.•

ORDER OF BUSINESS

THE SITUATION IN BOSNIA

Mr. LIEBERMAN. Mr. President, last week the Senate sent a clear message to President Clinton and to our allies that the illegal and immoral arms embargo on the Bosnian Government should be lifted so that the Government and people of the Republic of Bosnia and Herzegovina can exercise their right to defend themselves and their homes. While we wait for the lifting to occur, the people of Bosnia remain under siege—with suffering, death and destruction an intrinsic part of everyday life.

I am particularly concerned by the tragic developments in the Bihac region of Bosnia. While NATO threatens tough action in response to attacks on Gorazde—a threat I hope NATO will actually act on—the attacks on the Bihac safe area continue. These are coordinated attacks by the Bosnian Serbs, the Krajina Serbs from Croatia, and even renegade Moslems who have sided with the Serbs. These are concerted attacks which, like so much of the fighting in Bosnia, include direct targeting of heavy weapons against the civilian population. These are inhumane attacks accompanied by efforts to deny food and water to the Bosnians in Bihac who are surrounded by Serbs.

The fall of Bihac—another U.N. safe haven—would result in more human tragedy, more ethnic cleansing, more refugees forced from their homes. But the consequences of the fall of Bihac would go well beyond the immediate tragedy for the Bosnians in the region.

The fall of Bihac would fundamentally change the strategic balance in Bosnia and Croatia to favor victory for the Serbs and the establishment of a greater Serbia. The establishment of a greater Serbia with no place for Bosnians and Croats of other races and other religions clearly remains the objective of the Serbs in Belgrade, Pale and Knin alike. For the fall of Bihac would free up Bosnian Serb and Krajina Serb troops to continue their campaign of terror elsewhere in Bosnia and Croatia.

The Croatian Government, recognizing these strategic as well as humanitarian implications, has agreed with the Bosnian Government to come to the aid of Bihac. This may lead to a wider war with renewed fighting in Croatia.

But the fall of Bihac will become imminent, and this safe area dependent on Croatian intervention, if the United Nations forces and NATO fail to protect the Bosnian people of the Bihac region. The United Nations Security Council has declared Bihac a safe haven, but UNPROFOR has failed to keep it safe. NATO has declared Bihac a heavy weapons exclusion zone, but NATO has not carried out airstrikes to enforce that exclusion zone. The dual key arrangement under which the United Nations has denied NATO the authority to eliminate the missile threat to NATO aircraft has increased the likelihood that Bihac will not be protected. The United Nations Security Council has declared Bosnia a no-fly zone, but NATO aircraft have not been able to prevent Krajina Serb jets from bombing Bihac, because United Nations and NATO rules don't allow NATO to pursue these planes into Croatian airspace or to hit them on the ground. We need to eliminate these rules and the dual key arrangements which stand in the way of effective action.

Mr. President, the United Nations and NATO failed to protect Srebrenica. The United Nations and NATO failed to protect Zepa.

The United Nations and NATO must not fail again in Gorazde. They must not fail in Bihac, Tuzla, Sarajevo or other areas where Bosnian civilians come under attack. The international community must not fail the people of Bosnia.

Mr. President, last week an important voice spoke out against the international failure to halt atrocities in Bosnia. Former Polish Prime Minister Mazowiecki resigned his position as the United Nations human rights investigator for the former Yugoslavia to protest the United Nation's inaction to address the human rights violations he reported and the United Nation's failure to protect the United Nations-declared safe havens of Srebrenica and Zepa.

Allow me to read a few passages from Mazowiecki's letter of resignation, since his words are surely more eloquent than mine:

> One cannot speak about the protection of human rights with credibility when one is confronted with the lack of consistency and courage displayed by the international community and its leaders.
>
> Human rights violations continue blatantly. There are constant blockages of the delivery of humanitarian aid. The civilian population is shelled remorselessly and the

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[1] "The Peace Dividend: Military Spending Cuts and Economic Growth". By Malcolm Knight, Norman Loayza and Delano Villanueva. IMF, May 1995.

> blue helmets and representatives of humanitarian organizations are dying.
>
> Crimes have been committed with swiftness and brutality and by contrast the response of the international community has been slow and ineffectual.

Mr. President, these are not the words of a partisan spokesman. These are the words of a statesman who has devoted years to impartially investigating human rights abuses for the United Nations. I hope that President Clinton, the U.N. Secretary General, the NATO Secretary General and other world leaders will hear these words and will heed them.

WAS CONGRESS IRRESPONSIBLE? CONSIDER THE ARITHMETIC

Mr. HELMS. Mr. President, on that evening in 1972 when I first was elected to the Senate, I made a commitment to myself that I would never fail to see a young person, or a group of young people, who wanted to see me.

It has proved enormously beneficial to me because I have been inspired by the estimated 60,000 young people with whom I have visited during the nearly 23 years I have been in the Senate.

Most of them have been concerned about the enormity of the Federal debt that Congress has run up for the coming generations to pay. The young people and I almost always discuss the fact that under the U.S. Constitution, no President can spend a dime of Federal money that has not first been authorized and appropriated by both the House and Senate of the United States.

That is why I began making these daily reports to the Senate on February 22, 1992. I wanted to make a matter of daily record of the precise size of the Federal debt which as of yesterday, Tuesday, August 1, stood at $4,954,700,676,689.14 or $18,808.12 for every man, woman, and child in America on a per capita basis.

NATIONAL HOSIERY WEEK

Mr. HELMS. Mr. President, while driving to the Capitol this morning, I fell to thinking about what a calamity it would be if, all of a sudden, the hosiery manufacturing business in America were to shut down. How many jobs would be lost? How would the economy be affected? How would our country's trade balance with other countries be affected? And how many grandchildren would have to think of something else to put under the tree for Grandpa next Christmas?

None of the above is an idle question, Mr. President, and I bring up the subject because next week will mark the 24th annual observance of National Hosiery Week. So, beginning Monday, August 7, will be a time to pay our respects to a great American example of free enterprise, the hosiery manufacturers of our Nation.

Now, regarding some of the questions I posed at the outset of these remarks: Last year, 1994, the U.S. hosiery industry made significant increases in exports. To be precise, shipments overseas increased 34 per cent to 240 million pairs of socks and stockings. Total U.S. production totaled 362 million dozen pairs—or, if you want to break it down, the total production comes to four billion 394 million pairs of hosiery. A mind-boggling number, indeed.

We are blessed with a great many hosiery manufacturers in North Carolina, Mr. President. All of these companies are good corporate citizens—and the men and women employed in the hosiery industry are fine hard-working Americans. I am told that there are 455 hosiery plants in America, employing more than 65,000 people. Together these companies and these workers added more than $6 billion to the U.S. economy.

But, Mr. President, it is in the many smaller communities where the hosiery industry makes its most significant contribution, because it is there that these companies constitute a large part of the local economy. In so many cases, a hosiery company is the major employer in the area, providing good, stable jobs for its employees.

Mr. President, I think it was Dizzy Dean who once remarked that "braggin' ain't braggin', if you can prove it." Well, I can prove why National Hosiery Week is of special importance to me—it is because North Carolina is the leading textile and hosiery State in the Nation, generating more than half of the total U.S. hosiery production. I am proud of the leadership of the hosiery industry and the fine quality of life that it has provided for over 40,000 people.

On behalf of my fellow North Carolinians, I extend my sincere congratulations and best wishes to the hosiery industry and to its many thousands of employees for their outstanding contribution to our State and Nation.

MEASURE PLACED ON THE CALENDAR—H.R 714

Mr. COATS. Mr. President, I ask unanimous consent that H.R. 714, a bill to establish the Midewin National Tallgrass Prairie in the State of Illinois, be placed on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR THURSDAY, AUGUST 3, 1995

Mr. COATS. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until the hour of 9 a.m. on Thursday, August 3, 1995; that following the prayer, the Journal of proceedings be deemed approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then immediately resume consideration of S. 1026, the Department of Defense authorization bill, with Senator DORGAN to be recognized as under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. COATS. Mr. President, for the information of all Senators, the Senate will resume the Department of Defense authorization bill at 9 a.m. tomorrow morning. At that time, Senator DORGAN is to be recognized to offer an amendment regarding national missile defense. That amendment has a 90-minute time limitation, therefore Senators should be aware that, if all debate time is used, a rollcall vote can be expected at approximately 10:30 a.m. tomorrow morning.

RECESS UNTIL 9 A.M. TOMORROW

MR. COATS. Mr. President, if there is no further business to come before the Senate, and no other Senator is seeking recognition, I now ask unanimous consent that the Senate stand in recess under the previous order.

There being no objection, the Senate, at 8:26 p.m., recessed until Thursday, August 3, 1995, at 9 a.m.

HOUSE OF REPRESENTATIVES—*Wednesday, August 2, 1995*

The House met at 10 a.m.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

As we seek to learn the details of the issues before us and as we endeavor to understand all certainties, it is our prayer, O gracious God, that we will also gain a heart of wisdom. For we know that Your spirit is working within us when we have insight and discernment and sound judgment. Remind us always, O God, that it is not wise simply to observe events or to know all the facts, for the scripture proclaims that "the fear of the Lord is the beginning of wisdom, and the knowledge of the Holy One is insight." Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. The gentleman from Kentucky [Mr. BAESLER] will lead the House in the Pledge of Allegiance.

Mr. BAESLER led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will recognize 10, 1-minutes on each side.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed without amendment a concurrent resolution of the House of the following title:

> H. Con. Res. 89. Concurrent resolution waiving provisions of the Legislative Reorganization Act of 1970 requiring adjournment of Congress by July 31.

SUPPORT H.R. 1834, THE OSHA REFORM ACT

(Mr. NORWOOD asked and was given permission to address the House for 1 minute.)

Mr. NORWOOD. Mr. Speaker, yesterday the Secretary of Labor issued a so-called analysis that supposedly showed that Republican OSHA reforms would lead to more workplace injuries. This is outrageous fearmongering. Instead of playing politics, the Secretary should be finding an answer for the question we have asked: Why, after spending over $4 billion, is there so little evidence that OSHA has made a real impact on reducing injuries and deaths?

The Secretary is fond of noting that injury rates have been declining since OSHA's birth in 1970, but he rarely mentions that those rates have been dropping, indeed, since 1946. Perhaps the Secretary just does not want to consider the real world. Maybe he is just too busy trying to figure out that government can run our lives to think that OSHA really is a failure.

It is time the American taxpayer insisted that OSHA spend at least half of its funds on health and safety in the workplace, rather than hiring dictators to fine small businesses.

KEEPING THE EQUAL OPPORTUNITY PROMISE

(Mr. BAESLER asked and was given permission to address the House for 1 minute.)

Mr. BAESLER. Mr. Speaker, in 1994, the Federal Government spent less than 2 percent of the Federal budget educating the Nation's children. Now some in Congress are saying on the one hand that American children need to compete with the children of other nations—in other words that education is a national priority. On the other hand they are saying, let's spend less. I ask my colleagues, "Is education a national priority or not?"

The overwhelming majority of Federal education spending goes toward evening the odds for disadvantaged children in America. Yet some would ask me to support a funding bill that would cut title I funding which helps students from disadvantaged backgrounds with the three R's. They ask me to support this bill even though it would deny this important funding to 19,100 Kentucky students.

I am not ready to pull the educational rug out from under these kids. I firmly believe that the promise of America is equal opportunity, not equal outcomes. But I also believe title I is the kind of program that provides such equal opportunity and puts the Nation's money where its mouth is.

EVERY AMERICAN SHOULD KNOW WHAT IS IN THE MEDICARE TRUSTEES REPORT

(Mr. WATTS of Oklahoma asked and was given permission to address the House for 1 minute.)

Mr. WATTS of Oklahoma. Mr. Speaker, it has been said that Republicans live in paranoid fear that the American people will not discover the truth and that the Democrats live in paranoid fear that they will discover the truth. The current debate over Medicare clearly shows the wisdom of this statement.

Here is a copy of the Medicare trustees report. It says that immediate action is needed to save Medicare from bankruptcy. As a Republican, and as a concerned citizen, I want every American to get hold of this report. 202–224–3121 is the number for their Representative. They should ask for the Medicare trustees summary report. I want the American people to know what is in this report. It is important that the people decide for themselves if this report is valid.

If this report is true, then we need to get real serious, real quick about saving Medicare. It does not help when Democrats try to politicize and demagog this very important issue.

REPUBLICAN CUTS IN BILINGUAL EDUCATION

(Ms. ROYBAL-ALLARD asked and was given permission to address the House for 1 minute.)

Ms. ROYBAL-ALLARD. Mr. Speaker, the Republican Labor-HHS-Education appropriations bill cuts bilingual education programs by 75 percent.

This massive cut penalizes and punishes children by robbing them of their constitutional right to equal educational opportunities.

The primary objective of bilingual education is to teach children English while ensuring they do not fall behind in other basic subjects.

Numerous studies have documented that many limited English proficient students simply cannot learn and compete in the classroom without these programs.

As a result, the Republican plan will create a permanent underclass of poorly educated children who will be denied the opportunity to achieve their full potential.

We as a country cannot maintain our competitiveness in an ever-growing, highly technical global economy unless we develop the talents and abilities of all our children.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

The virtual elimination of bilingual education programs works against our children and our national interests.

IT IS TIME TO END THE GOVERNMENT FREE-FOR-ALL

(Mr. CHABOT asked and was given permission to address the House for 1 minute.)

Mr. CHABOT. Mr. Speaker, this week Congress will vote to undo some of the damage that previous Congresses caused over the last 40 years. For too long politicians here in Washington assured the American people that they had all the answers to society's problems.

Since the 1960's the Federal Government has created so many programs and so many spending plans that it is absolutely mind boggling. I think it is fair to say that there is not one accountant, not one Government bureaucrat who can name all of the programs that the Federal Government—and the American taxpayer—pays for.

And what has all this spending created?

Debt, debt, and more debt.

Mr. Speaker, it is time to end the Government free-for-all. It is time to set our priorities straight and work together to balance the Federal budget, if not for our own sake, then for our children and grandchildren.

"THE BUCK STOPS HERE" MEANS IT STOPS WITH THE ATTORNEY GENERAL

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, the Waco hearings are over. There are two issues. No. 1: Is Janet Reno truly responsible for the most incompetent police maneuver in American history; or is Janet Reno carrying the water, protecting Larry Potts, the FBI, and the ATF for their actions?

Quite frankly, I do not know; but if "the buck stops here" means anything, Janet Reno should be fired and the people of Waco, TX, should petition their county prosecutor to immediately convene a grand jury, because it appeared to me as a former sheriff that FBI and ATF agents were lying through their teeth to the U.S. Congress. "The buck stops here" should mean something.

LIBERAL DEMOCRATS DO NOT WANT THE PEOPLE TO SEE THE REPORT ON MEDICARE

(Mr. HAYWORTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYWORTH. Mr. Speaker, this is the report the liberal Democrats do not want the American people to see. They do not want the American people to know the truth about Medicare.

This report was signed by three of President Clinton's Cabinet members and shows clearly that unless something is done, Medicare will go bankrupt in 7 years.

Mr. Speaker, every American needs to know the truth about Medicare. I urge all Americans to call their Representative at 202-224-3121 and get a copy of this report.

The American people also need to know that the Democrats do not want to do anything. Their only strategy is to scare senior citizens and bash any attempt to save Medicare from bankruptcy.

What is so very important to Democrats that they would turn Medicare into a partisan issue. This is wrong and only hurts the millions of Americans who depend on Medicare.

FRENCH NUCLEAR TESTS

(Mr. FALEOMAVAEGA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FALEOMAVAEGA. Mr. Speaker, one of my dear colleagues and former member from the other side of the aisle said to me, "ENI, if you want to make a point and to make sure that an Embassy here in Washington gets your attention—just make it a point by coming to the well of this Chamber and share your concerns with your colleagues and the American people."

Mr. Speaker, I have got good news and bad news. The good news is that the President of France and his military advisors are beginning to feel the pinch whereby consumers all over the world are refusing to purchase French goods and products to protest France's recently announced policy to explode eight more nuclear bombs in the middle of the Pacific Ocean beginning next month on the Moruroa Atoll.

The bad news is that the French Government has now announced it will explode its first nuclear bomb explosion this month because there has been such a tremendous support from ordinary people and leaders of countries throughout the world condemning French nuclear testing.

Mr. Speaker, I suggest that the charismatic and dashing President of France to quit playing God with the lives of millions of men, women, and children who live in the Pacific. President Chirac should spend more time to resolve France's serious unemployment at 12 percent, rather than proving France's nuclear capability.

Mr. Speaker, I ask my colleagues and our citizens all over America to join other world citizens by refusing to buy French goods and products.

Shame on you France, shame on you for reintroducing a nuclear arms race again—we do not need it and I believe the good people of France do not want it.

SUPPORT RESOLUTION CELEBRATING SOCIAL SECURITY

(Mr. BUNNING of Kentucky asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BUNNING of Kentucky. Mr. Speaker, August 14 will mark the 60th anniversary of the signing of the Social Security Act by President Franklin Roosevelt. With his signature and the support of Congress, a new commitment was established between the American people and their Government.

To mark this anniversary of the signing of the Social Security Act, I along with my colleague, ANDY JACOBS, am introducing, today, a resolution to celebrate that landmark commitment.

This resolution will celebrate the occasion the best way possible—by letting the American people know that the House of Representatives still honors that 60-year-old commitment to Social Security and that the House of Representatives intends to make sure that this 60-year-old commitment is honored.

I urge my colleagues to join with me and ANDY JACOBS and support this resolution.

ONLY A GOOD EDUCATION BRINGS SUCCESS TO AMERICA'S POOREST CHILDREN

(Mr. DE LA GARZA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DE LA GARZA. Mr. Speaker, I come from a very low-income area of this country, but it has an obsession with education. We have seen the education of our children, the migrant children, the children of the poor. It could not have been done without the assistance of the Federal Government.

When I came here 30 years ago, the issue was should the Federal Government be involved or not in education. The answer was yes, and I can show Members the difference. There are now doctors, lawyers, engineers, with Spanish surnames that would have never been, relying solely on the income from the local school districts or from the State.

I did not come here to dismantle the educational system of the United States, I came to enhance it. We have enhanced it. I am concerned now that there is a move to dismantle it. It should not be done. We keep hearing about not putting a burden on our children and our grandchildren. The best thing we can do for our children and grandchildren is to give them an education. If we dismantle the Federal part, we would have done wrong to future generations.

THE ISTOOK-McINTOSH AMENDMENT WILL HALT TAXPAYERS' MONEY GOING TO POLITICAL ADVOCACY GROUPS

(Mr. WHITFIELD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WHITFIELD. Mr. Speaker, one of the most egregious wrongs imposed on taxpayers during the past 40 years has been a policy which gives tax money to various lobby groups that advocate special programs for particular groups. The Istook-McIntosh Federal grant reform amendment to the Labor Appropriation bill would put a halt to taxpayers' money going to support political advocacy groups they may not want to support.

Thomas Jefferson said it best when he said, "To compel a man to furnish funds for the propagation of ideas he disbelieves and abhors is sinful and tyrannical." The Government should not use taxpayers' money to strengthen special interest groups which do not reflect the views of most Americans. This is wrong, and I urge support of the Istook-McIntosh Federal grant reform amendment to the Labor-Education appropriation bill.

SACRIFICES FROM ALL AMERICANS MAKE POSSIBLE UNFAIR SUBSIDIES TO SPECIAL INTERESTS

(Mr. MENENDEZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MENENDEZ. Mr. Speaker, a little more than 1 week ago Members of this House came to this floor and voted in favor of continuing agriculture subsidies to farmers making over $100,000 in off-farm income and they voted to continue millions of dollars in market promotion subsidies for companies like McDonald's and Pillsbury.

Yet this week, many of these same Members will come to the floor to speak and vote in favor of $4.5 billion in cuts to education programs like student aid and safe and drug free schools. How will they justify it? They will say, "we must make sacrifices to balance the budget", "for our children" they will say, "for our children".

But McDonald's will continue to receive $1.2 million in market subsidies and a farmer making over $100,000 annually in off-farm income will get a $500-per-child tax break for his two children and continue to receive farm payments from the Federal Government. Apparently only your child and mine need to make sacrifices, not farmers nor big business.

GENERATIONAL EQUITY: SAVING MEDICARE AND BALANCING THE BUDGET

(Mr. GUTKNECHT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUTKNECHT. Mr. Speaker, I would like to read from Bill Bennett's Book of Virtues a poem entitled "The Bridge Builders" by Will Allen Dromgoole. The poem speaks of generational equity.

An old man, going a lone highway,
Came, at evening, cold and gray,
To a chasm, vast, and deep, and wide,
Through which was flowing a sullen tide.
The old man crossed in the twilight dim;
The sullen stream had no fears for him;
But he turned, when safe on the other side,
And built a bridge to span the tide.
"Old man," said a fellow pilgrim, near,
"You are wasting strength with building here;
Your journey will end with the ending day;
You never again must pass this way;
You have crossed the chasm, deep and wide—
Why build you the bridge at the eventide?"
The builder lifted his old gray head;
"Good friend, in the path I have come," he said,
"There followeth after me today
A youth, whose feet must pass this way.
This chasm, that has been naught to me,
To that fair-haired youth may a pitfall be.
He, too, must cross in the twilight dim;
Good friend, I am building the bridge for him."

Mr. Speaker, we owe it to our seniors to save Medicare. But, we owe it to our children to balance our budget.

MEDICARE TRUSTEES' REPORT DOES NOT RECOMMEND RAIDING MEDICARE FUNDS TO PAY FOR TAX BREAKS FOR THE WEALTHY

(Mr. MILLER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MILLER of California. Mr. Speaker, I have here a copy of the Medicare trustees report. They make it very clear that unless changes are made, Medicare will be insolvent. They also make a series of recommendations of minor extensions of current law that will make it solvent to the year 2010.

What the Medicare trustees do not recommend in this report is raiding the Medicare account to give tax breaks to the wealthy. The Medicare trustees do not recommend, as the Republicans plan to do, to take $270 billion out of Medicare and give it to the wealthiest people in this country. What the Medicare trustees recommend is that we reform the Medicare system to extend its life, not raid the system to give a handout to the wealthiest people in this country.

However, that is what the Republican plan is; not fixing Medicare, not reforming Medicare, but raiding Medicare, using the trustees' report as cover so that they can pass on a tax cut to the wealthiest people in this country. We are fully prepared to reform Medicare. We are not prepared to raid Medicare.

THE HOUSE NEEDS MORE TIME TO CONSIDER VITAL TELECOMMUNICATIONS LEGISLATION

(Mr. HEFLEY asked and was given permission to address the House for 1 minute.)

Mr. HEFLEY. Mr. Speaker, tonight at about 9 p.m. we are going to begin consideration of the telecommunications bill. It is a very important piece of legislation. It affects everybody in the United States, and will for years to come. We have been working on this piece of legislation for at least 10 years, I am told, and yet somebody has decided it must be out before we leave here the first of August.

This bill passed by an overwhelming majority when it came out of committee, a bipartisan majority, and has been taken and rewritten in a back room by a handful of people, and we are going to begin debate on it tonight. Usually when something this important is rushed through in the dark of night, it is because someone does not want us to know what the real ramifications are. This is no way to do the people's business.

□ 1020

OUTRAGED AND ASHAMED OF PRIORITIES OF NEW MAJORITY

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, as we end this session, I want to show two pictures, because pictures are worth a thousand words, so they say.

This is the picture of what we are going to be doing when we get to the Defense Department bill. Yes, it is very historic. For the first time since I can ever remember, and believe me, I am old with this gray hair, for the first time since I can ever remember, we are giving them $8 billion that even the Pentagon did not want.

Yes, the GOP elephant is carrying this pork right into the Defense Department. You do not want it, you get it. You get B-2 bombers, get all sorts of missiles, you get anything you want. Here it comes. Maybe they will even gift wrap it. Who knows?

I find that absolutely outrageous when at the very same time we are going to be taking up Labor-HHS and in there we are attacking children right and left. We are throwing 60,000 children out of Head Start. That does not make me very proud. We are taking a 60-percent cut in safe and drug-free schools. As a parent I am outraged. I could go on with the whole list. But remember these two pictures. This is the new priority of this new Congress. I am ashamed.

Today in my district an innovative new program is being launched to help kids and families and reduce teen violence.

Two years ago I teamed up with Attorney General Janet Reno, Colorado Gov. Roy Romer, Denver Mayor Wellington Webb and Aurora Mayor Paul Tauer to begin finding innovative solutions to urban violence in the metropolitan Denver area. The partnership is called Project PACT [Pulling America's Communities Together], an initiative being piloted by the U.S. Department of Justice.

In addition to coordinating law enforcement activities throughout the metro area, Project PACT encourages innovative preventive strategies. This summer Project PACT teamed up with Ticketmaster—the Nation's leading ticket sales outlet—and Mile High United Way to create an activities-for-kids hotline.

Starting today, Colorado parents can call the Ticketmaster/PACT safe summer hotline and get a listing of arts, sports, and recreation activities in any metro Denver neighborhood. The hotline will be piloted for the month of August and will run all next summer.

Ticketmaster is interested in replicating this hotline in other urban districts around the country. I encourage you to look into working with your local United Way, Ticketmaster and other public and private partners to create a safe summer hotline. Innovative strategies like this one need to be supported and replicated, and I am proud to have this hotline in my district.

CLINTON ADMINISTRATION ZIGS AND ZAGS ON OSHA

(Mr. BALLENGER asked and was given permission to address the House for 1 minute.)

Mr. BALLENGER. Mr. Speaker, I guess we all know by now that the Clinton administration has made a lot of zigs and zags and 180-degree turns. Now they are doing their famous "now you see it, now you don't" on OSHA reform.

Two months ago President Clinton made quite a show of going to a small business in northwest Washington and promising that his administration was going to reinvent OSHA. He said that the administration wanted OSHA to be a partner with employers in working toward safety in the workplace. "Prevention not penalties" was going to be the new goal for OSHA, according to the President. Last month, Assistant Secretary for OSHA, Joe Dear, made the same promises to the White House Conference on Small Business. Our goal is not to issue penalties, he said, but to work with employers and employees to improve safety.

Someone must have forgotten to get the script to Secretary of Labor Reich. Yesterday he criticized every effort Congress is making to have a more reasonable OSHA.

The Clinton administration's efforts to appeal to the small business community with promises of a reinvented OSHA are looking more and more like one more PR gimmick by this administration. Small businesses, employers, and employees, deserve better.

REPUBLICAN PRIORITIES ARE WRONG

(Mr. OLVER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OLVER. Mr. Speaker, the Republicans' defense appropriations bill earmarks $493 million to begin production of the first two unneeded B-2 bombers. But the Republicans' education appropriations bill which we debate today cuts funds for education.

Safe and drug-free schools, special education, art in schools, adult education, education for gifted children, and public library funding all will be slashed. Education for homeless children will be eliminated, gone. Dropout prevention, gone. The national writing project, gone. The teacher corps, gone. Workplace literacy programs, gone.

The irony here is that every single one of the cuts I just mentioned, plus many more, added together equals less than the startup costs of those two unneeded B-2 bombers.

Cuts in education on the one hand, more money to build unneeded B-2 bombers on the other hand. The Republican priorities are wrong.

MEDICARE

(Mr. TATE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TATE. Mr. Speaker, it is an undisputable fact that Medicare is going broke. In fact, in this report it states very clearly that under all sets of assumptions, the trust funds are projected to become exhausted. The good news is the Republicans are willing to take this issue head on, to preserve Medicare, to protect Medicare, and to strengthen Medicare. In fact, we plan on increasing the spending from $4,800 this year for a recipient on Medicare to $6,700 per recipient on Medicare, a $1,900 increase per recipient on Medicare.

The bad news is the liberals have a plan for Medicare as well. Their plan is to do nothing, to allow Medicare to go broke within the next 7 years. Even if the budget was balanced today, we would still have this report stating very clearly that Medicare would go broke.

The Republicans have repealed the Clinton taxes on Social Security benefits, raising the senior citizen earning limit. Now we want to allow seniors to keep more of their money and to protect their Medicare. I urge support for these kind of changes.

EDUCATION CUTS

(Mr. MARTINEZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MARTINEZ. Mr. Speaker, not even Head Start is safe from cuts.

Although it has enjoyed bipartisan support for years, but now the new majority is cutting $132 million from the program; 60,000 or more children will be denied services.

As you may recall, in 1989, a bipartisan group of Governors, along with President Bush, outlined the national education goals.

First and foremost was—"by the year 2000, all children will start school ready to learn."

Does the new majority leadership no longer believe that such a goal is laudable?

We certainly have not achieved it.

Cutting Head Start is one of many steps that will undermine educational achievement in this country.

Members on the other side of the aisle continually espouse the need for parents to assume responsibility for their children—something many of us already knew was critical. Head Start, in addition to helping prepare children for schooling, encourages parents to become integrally involved in their children's educational achievement.

Do the majority leaders really care about education and parental involvement, or do they only care about tax breaks for their wealthy contributors?

PROVIDING FOR CONSIDERATION OF H.R. 2127, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1996

Mr. SOLOMON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 208 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 208

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2127) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1996, and for other purposes. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule, and the first amendment printed in part 1 of the report of the Committee on Rules accompanying this resolution shall be considered as pending. The reading of the bill for further amendment shall not proceed until after disposition of the amendments printed in part 1 of the report. Each amendment printed in part 1 of the report may be considered only in the order printed, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for ten minutes equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. After disposition of the amendments printed in part 1 of the report, the provisions of the bill, as amended, shall be considered as the original bill for the purpose of further amendment under the five-minute rule. Further consideration of the bill for amendment shall proceed by title rather than by paragraph. Each title shall be considered as read. Points of order against provisions considered as the original bill for failure to comply with clause 2 or 6 of rule XXI are waived. It shall be in order at any time to consider the amendments printed in part 2 of the report of the Committee on Rules. Each amendment printed in part 2 of the report may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment except as specified in the report, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against amendments printed in the report of the Committee on Rules are waived. During further consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

MOTION TO ADJOURN

Mr. OBEY. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore (Mr. DICKEY). The question is on the motion offered by the gentleman from Wisconsin [Mr. OBEY].

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. OBEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 120, nays 289, answered "present" 1, not voting 24, as follows:

[Roll No 609]

YEAS—120

Abercrombie
Ackerman
Baldacci
Barcia
Becerra
Bentsen
Bevill
Bishop
Bonior
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Clay
Clayton
Clyburn
Coleman
Collins (MI)
Condit
Conyers
Coyne
Danner
de la Garza
DeLauro
Dellums
Deutsch
Dingell
Dixon
Durbin
Engel
Evans
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Ford
Frank (MA)

Frost
Gejdenson
Gephardt
Gutierrez
Hastings (FL)
Hayes
Hefner
Hoyer
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kaptur
Kennedy (MA)
Kennedy (RI)
Kildee
Lantos
Levin
Lewis (GA)
Lowey
Maloney
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McKinney
McNulty
Meek
Mineta
Mink
Mollohan
Montgomery
Moran
Nadler
Oberstar
Obey
Olver
Owens

Pallone
Pastor
Payne (NJ)
Pelosi
Pickett
Pomeroy
Rangel
Reed
Richardson
Rivers
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Sisisky
Skaggs
Slaughter
Stark
Stenholm
Stokes
Studds
Thompson
Torres
Torricelli
Towns
Velazquez
Vento
Visclosky
Ward
Waters
Watt (NC)
Waxman
Woolsey
Wynn
Yates

NAYS—289

Allard
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Beilenson
Bereuter
Berman
Bilbray
Bilirakis
Bliley
Boehlert
Boehner
Bonilla
Bono
Borski
Brewster
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clement
Clinger
Coble
Coburn
Collins (GA)

Collins (IL)
Combest
Cooley
Costello
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeFazio
DeLay
Diaz-Balart
Dickey
Dicks
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Eshoo
Everett
Ewing
Fawell
Fields (LA)
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Furse
Gallegly

Ganske
Gekas
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hilleary
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee
Johnson (CT)
Johnson, Sam
Jones
Kanjorski
Kasich
Kelly
Kennelly

Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lucas
Luther
Manzullo
Martini
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McKeon
Meehan
Menendez
Metcalf
Meyers
Mica
Miller (FL)
Minge
Molinari
Moorhead

Morella
Murtha
Myers
Myrick
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Ortiz
Oxley
Packard
Parker
Paxon
Payne (VA)
Peterson (FL)
Peterson (MN)
Petri
Pombo
Porter
Portman
Poshard
Quillen
Quinn
Radanovich
Rahall
Ramstad
Regula
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Sensenbrenner
Shadegg
Shaw
Shays

Shuster
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Solomon
Souder
Spence
Spratt
Stearns
Stockman
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thornberry
Thornton
Tiahrt
Torkildsen
Traficant
Upton
Vucanovich
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wise
Wolf
Wyden
Young (FL)
Zeliff
Zimmer

ANSWERED "PRESENT"—1

Blute

NOT VOTING—24

Andrews
Bateman
Chapman
Hansen
Hilliard
Jacobs
Manton
Mfume

Miller (CA)
Moakley
Orton
Pryce
Reynolds
Riggs
Roberts
Seastrand

Smith (WA)
Thurman
Tucker
Volkmer
Waldholtz
Williams
Wilson
Young (AK)

☐ 1051

Messrs. KIM, MEEHAN, INGLIS of South Carolina, SMITH of New Jersey, Ms. JACKSON-LEE, and Ms. FURSE changed their vote from "yea" to "nay."

Mr. WARD changed his vote from "nay" to "yea."

So the motion was rejected.

The result of the vote was announced as above recorded.

PROVIDING FOR CONSIDERATION OF H.R. 2127, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1996

The SPEAKER pro tempore (Mr. DICKEY). The gentleman from New York [Mr. SOLOMON] is recognized for 1 hour.

Mr. SOLOMON. Mr. Speaker, for the purposes of debate only, I yield 30 minutes to the gentleman from Texas [Mr. FROST], pending which I yield myself such time as I may consume. During consideration of the resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 208 is an open rule. It provides for the consideration of the bill, H.R. 2127, which is the fiscal year 1996 appropriation bill for the Departments of Labor, Health and Human Services, and Education.

The rule provides for 1 hour of general debate, equally divided and controlled by the chairman and ranking minority members of the Committee on Appropriations. However, I would hasten to add that I have been authorized by the Committee on Rules to offer an amendment to extend that general debate time from 1 hour to 2½ hours, plus 90 minutes each on the first three titles of the bill. That will total about 8 hours all together.

Mr. Speaker, the offering of that amendment was contingent on other arrangements being worked out between the chairman and ranking minority member of the Committee on Appropriations. I will withhold that manager's amendment until the end of the rule, in hopes that we could get that unanimous consent worked out.

Mr. Speaker, following general debate, the rule first makes in order two manager's amendments printed in part 1 of the report. The amendments are not subject to amendment and are debatable for 10 minutes each. If adopted, they will become a part of the base text for further amendment purposes.

Mr. Speaker, the rule provides for reading the bill by title rather than by paragraph, with each title considered as read. Members should go back and make sure they know where their amendments come up because of that.

The provisions of clauses 2 and 6 of House rule XXI are waived against provisions in the bill to protect the many unauthorized and legislative provisions in the bill. However, those provisions are subject to cutting and striking amendments under this open rule.

In addition to the regular amendment process, the rule makes in order three additional amendments contained in part 2 of the Committee on Rules report, and it waives points of order against them.

Mr. Speaker, the first of those amendments is by the gentleman from Pennsylvania [Mr. GREENWOOD] that restores $193 million to the Title X Family Planning Program by transferring the funds from the maternal and child health block grant and migrant health centers.

The Greenwood amendment is subject to one amendment, and that is a substitute amendment by the gentleman from New Jersey [Mr. SMITH] that would terminate funding for the Title X Family Planning Program and would transfer those funds back to the maternal and child health block grant and the migrant health centers.

Both the Greenwood amendment and the Smith substitute are subject to 30 minutes of debate each, divided equally between the proponent and the opponent.

Mr. Speaker, these two amendments are the product of many, many hours of negotiations. The gentleman from Arkansas [Mr. DICKEY] sat through many of them last night between the various parties on both sides of this very controversial issue.

Mr. Speaker, I just want to commend our leadership, and all the Members who did participate in those negotiations, for their good-faith efforts to bring this to a successful conclusion.

The other amendment specifically made in order in part 2 of the committee report is an amendment by the gentleman from Idaho [Mr. CRAPO], myself, and a group of others on a bipartisan basis. That amendment establishes a deficit reduction lockbox law that would apply to this and all future appropriation bills.

That amendment is not subject to amendment and is debatable for 40 minutes, equally divided between the proponent and the opponent.

Mr. Speaker, I am especially pleased with the amendment, since it is the product of the leadership of the gentleman from Idaho [Mr. CRAPO] and a bipartisan group of Members to develop a workable lockbox law that will lock in savings made in the appropriations process for reducing the deficit.

Included in that group of bipartisan Members are the gentleman from Oklahoma [Mr. BREWSTER] and the gentlewoman from California [Ms. HARMAN] on the Democrat side, and the gentleman from Florida [Mr. FOLEY], the gentleman from Oklahoma [Mr. LARGENT], the gentleman from New Jersey [Mr. ZIMMER], the gentleman from California [Mr. ROYCE], and the gentleman from Wisconsin [Mr. NEUMANN] on the Republican side, and a number of others.

The Committee on Rules has also reported this as a separate bill, H.R. 1162, that we hope to take up on the floor later this fall. So, Mr. Speaker, we will go in a tandem route where we will have not only a bill working its way through Congress, but we will have this amendment attached to this appropriation bill working its way through Congress as well.

☐ 1100

That was a commitment that was made to Members who support this, and we are fulfilling that commitment today. In the meantime, this amendment to the Labor-HHS bill will ensure that from now on we will utilize this process.

We are especially grateful to the Committee on the Budget, the Committee on Government Reform and Oversight, and the Committee on Appropriations for all of their assistance and support in producing this consensus approach to the lockbox. I would be remiss if I did not especially single out the Committee on Rules Subcommittee on Legislative and Budget Process, the gentleman from Florida [Mr. GOSS], sitting next to me over here, who was so instrumental in negotiating this bipartisan compromise, and finally we would commend our leadership on its commitment to bring this amendment forward today on this bill and for having an open mind on the concept while it was being developed.

I think we have once again proved this Congress is a reform Congress and that the reform process did not end on opening day but rather is an ongoing process, as well it should be.

Mr. Speaker, the Labor-HHS-Education bill has been a very, very difficult bill to fashion, given our new glide path towards a balanced budget in the next 7 years. The chairman of the subcommittee, the gentleman from Illinois [Mr. PORTER], and the ranking member, the gentleman from Wisconsin [Mr. OBEY], are to be commended on working together to bring this bill to us today even though they obviously do not agree on all the particulars or priorities in the bill. But we do have the bill here on the floor.

In conclusion, this is a good rule because it is an open and a fair rule that will allow a majority of this House to work its will within the allocations made to this bill and its subcommittee. I, therefore, urge my colleagues to give their strong support for this rule.

The information referred to follows:

THE AMENDMENT PROCESS UNDER SPECIAL RULES REPORTED BY THE RULES COMMITTEE,[1] 103D CONGRESS V. 104TH CONGRESS

[As of August 1, 1995]

Rule type	103d Congress		104th Congress	
	Number of rules	Percent of total	Number of rules	Percent of total
Open/Modified-open [2]	46	44	41	72
Modified Closed [3]	49	47	14	24
Closed [4]	9	9	2	4

THE AMENDMENT PROCESS UNDER SPECIAL RULES REPORTED BY THE RULES COMMITTEE,[1] 103D CONGRESS V. 104TH CONGRESS—Continued

[As of August 1, 1995]

Rule type	103d Congress		104th Congress	
	Number of rules	Percent of total	Number of rules	Percent of total
Totals	104	100	57	100

[1] This table applies only to rules which provide for the original consideration of bills, joint resolutions or budget resolutions and which provide for an amendment process. It does not apply to special rules which only waive points of order against appropriations bills which are already privileged and are considered under an open amendment process under House rules.

[2] An open rule is one under which any Member may offer a germane amendment under the five-minute rule. A modified open rule is one under which any Member may offer a germane amendment under the five-minute rule subject only to an overall time limit on the amendment process and/or a requirement that the amendment be preprinted in the Congressional Record.

[3] A modified closed rule is one under which the Rules Committee limits the amendments that may be offered only to those amendments designated in the special rule or the Rules Committee report to accompany it, or which preclude amendments to a particular portion of a bill, even though the rest of the bill may be completely open to amendment.

[4] A closed rule is one under which no amendments may be offered (other than amendments recommended by the committee in reporting the bill).

SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS

[As of August 1, 1995]

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
H. Res. 38 (1/18/95)	O	H.R. 5	Unfunded Mandate Reform	A: 350–71 (1/19/95).
H. Res. 44 (1/24/95)	MC	H. Con. Res. 17	Social Security	A: 255–172 (1/25/95).
		H.J. Res. 1	Balanced Budget Amdt	
H. Res. 51 (1/31/95)	O	H.R. 101	Land Transfer, Taos Pueblo Indians	A: voice vote (2/1/95).
H. Res. 52 (1/31/95)	O	H.R. 400	Land Exchange, Arctic Nat'l. Park and Preserve	A: voice vote (2/1/95).
H. Res. 53 (1/31/95)	O	H.R. 440	Land Conveyance, Butte County, Calif	A: voice vote (2/1/95).
H. Res. 55 (2/1/95)	O	H.R. 2	Line Item Veto	A: voice vote (2/2/95).
H. Res. 60 (2/6/95)	O	H.R. 665	Victim Restitution	A: voice vote (2/7/95).
H. Res. 61 (2/6/95)	O	H.R. 666	Exclusionary Rule Reform	A: voice vote (2/7/95).
H. Res. 63 (2/8/95)	MO	H.R. 667	Violent Criminal Incarceration	A: voice vote (2/9/95).
H. Res. 69 (2/9/95)	O	H.R. 668	Criminal Alien Deportation	A: voice vote (2/10/95).
H. Res. 79 (2/10/95)	MO	H.R. 728	Law Enforcement Block Grants	A: voice vote (2/13/95).
H. Res. 83 (2/13/95)	MO	H.R. 7	National Security Revitalization	PQ: 229–100; A: 227–127 (2/15/95).
H. Res. 88 (2/16/95)	MC	H.R. 831	Health Insurance Deductibility	PQ: 230–191; A: 229–188 (2/21/95).
H. Res. 91 (2/21/95)	O	H.R. 830	Paperwork Reduction Act	A: voice vote (2/22/95).
H. Res. 92 (2/21/95)	MC	H.R. 889	Defense Supplemental	A: 282–144 (2/22/95).
H. Res. 93 (2/22/95)	MO	H.R. 450	Regulatory Transition Act	A: 252–175 (2/23/95).
H. Res. 96 (2/24/95)	MO	H.R. 1022	Risk Assessment	A: 253–165 (2/27/95).
H. Res. 100 (2/27/95)	O	H.R. 926	Regulatory Reform and Relief Act	A: voice vote (2/28/95).
H. Res. 101 (2/28/95)	MO	H.R. 925	Private Property Protection Act	A: 271–151 (3/2/95)
H. Res. 103 (3/3/95)	MO	H.R. 1058	Securities Litigation Reform	
H. Res. 104 (3/3/95)	MO	H.R. 988	Attorney Accountability Act	A: voice vote (3/6/95)
H. Res. 105 (3/6/95)	MO			A: 257–155 (3/7/95)
H. Res. 108 (3/7/95)	Debate	H.R. 956	Product Liability Reform	A: voice vote (3/8/95)
H. Res. 109 (3/8/95)	MC			PQ: 234–191 A: 247–181 (3/9/95)
H. Res. 115 (3/14/95)	MO	H.R. 1159	Making Emergency Supp. Approps.	A: 242–190 (3/15/95)
H. Res. 116 (3/15/95)	MC	H.J. Res. 73	Term Limits Const. Amdt	A: voice vote (3/28/95)
H. Res. 117 (3/16/95)	Debate	H.R. 4	Personal Responsibility Act of 1995	A: voice vote (3/21/95)
H. Res. 119 (3/21/95)	MC			A: 217–211 (3/22/95)
H. Res. 125 (4/3/95)	O	H.R. 1271	Family Privacy Protection Act	A: 423–1 (4/4/95)
H. Res. 126 (4/3/95)	O	H.R. 660	Older Persons Housing Act	A: voice vote (4/6/95)
H. Res. 128 (4/4/95)	MC	H.R. 1215	Contract With America Tax Relief Act of 1995	A: 228–204 (4/5/95)
H. Res. 130 (4/5/95)	MC	H.R. 483	Medicare Select Expansion	A: 253–172 (4/6/95)
H. Res. 136 (5/1/95)	O	H.R. 655	Hydrogen Future Act of 1995	A: voice vote (5/2/95)
H. Res. 139 (5/3/95)	O	H.R. 1361	Coast Guard Auth. FY 1996	A: voice vote (5/9/95)
H. Res. 140 (5/9/95)	O	H.R. 961	Clean Water Amendments	A: 414–4 (5/10/95)
H. Res. 144 (5/11/95)	O	H.R. 535	Fish Hatchery—Arkansas	A: voice vote (5/15/95)
H. Res. 145 (5/11/95)	O	H.R. 584	Fish Hatchery—Iowa	A: voice vote (5/15/95)
H. Res. 146 (5/11/95)	O	H.R. 614	Fish Hatchery—Minnesota	A: voice vote (5/15/95)
H. Res. 149 (5/16/95)	MC	H. Con. Res. 67	Budget Resolution FY 1996	PQ: 252–170 A: 255–168 (5/17/95)
H. Res. 155 (5/22/95)	MO	H.R. 1561	American Overseas Interests Act	A: 233–176 (5/23/95)
H. Res. 164 (6/8/95)	MC	H.R. 1530	Nat. Defense Auth. FY 1996	PQ: 225–191 A: 233–183 (6/13/95)
H. Res. 167 (6/15/95)	O	H.R. 1817	MilCon Appropriations FY 1996	PQ: 223–180 A: 245–155 (6/16/95)
H. Res. 169 (6/19/95)	MC	H.R. 1854	Leg. Branch Approps. FY 1996	PQ: 232–196 A: 236–191 (6/20/95)
H. Res. 170 (6/20/95)	O	H.R. 1868	For. Ops. Approps. FY 1996	PQ: 221–178 A: 217–175 (6/22/95)
H. Res. 171 (6/22/95)	O	H.R. 1905	Energy & Water Approps. FY 1996	A: voice vote (7/12/95)
H. Res. 173 (6/27/95)	C	H.J. Res. 79	Flag Constitutional Amendment	PQ: 258–170 A: 271–152 (6/28/95)
H. Res. 176 (6/28/95)	MC	H.R. 1944	Emer. Supp. Approps.	PQ: 236–194 A: 234–192 (6/29/95)
H. Res. 185 (7/11/95)	O	H.R. 1977	Interior Approps. FY 1996	PQ: 235–193 D: 192–238 (7/12/95)
H. Res. 187 (7/12/95)	O	H.R. 1977	Interior Approps. FY 1996 #2	PQ: 230–194 A: 229–195 (7/13/95)
H. Res. 188 (7/12/95)	O	H.R. 1976	Agriculture Approps. FY 1996	PQ: 242–185 A: voice vote (7/18/95)
H. Res. 190 (7/17/95)	O	H.R. 2020	Treasury/Postal Approps. FY 1996	PQ: 232–192 A: voice vote (7/18/95)
H. Res. 193 (7/19/95)	C	H.J. Res. 96	Disapproval of MFN to China	A: voice vote (7/20/95)
H. Res. 194 (7/19/95)	O	H.R. 2002	Transportation Approps. FY 1996	PQ: 217–202 (7/21/95)
H. Res. 197 (7/21/95)	O	H.R. 70	Exports of Alaskan Crude Oil	A: voice vote (7/24/95)
H. Res. 198 (7/21/95)	O	H.R. 2076	Commerce, State Approps. FY 1996	A: voice vote (7/25/95)
H. Res. 201 (7/25/95)	O	H.R. 2099	VA/HUD Approps. FY 1996	A: 230–189 (7/25/95)
H. Res. 204 (7/28/95)	MC	S. 21	Terminating U.S. Arms Embargo on Bosnia	A: voice vote (8/1/95)
H. Res. 205 (7/28/95)	O	H.R. 2126	Defense Approps. FY 1996	A: 409–1 (7/31/95)
H. Res. 207 (8/1/95)	MC	H.R. 1555	Communications Act of 1995	
H. Res. 208 (8/1/95)	O	H.R. 2127	Labor, HHS Approps. FY 1996	

Codes: O-open rule; MO-modified open rule; MC-modified closed rule; C-closed rule; A-adoption vote; D-defeated; PQ-previous question vote. Source: Notices of Action Taken, Committee on Rules, 104th Congress.

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today we are considering a rule for a truly terrible bill. The Committee on Appropriations has recommended a bill which decimates nearly every program that affects school children, the elderly poor, working men and women, and the most vulnerable in our society.

The committee has sent the House a bill which repeals family planning programs when at the same time the Congress has under consideration legislation which will effectively penalize unwed teenage mothers. The Appropriations Committee has sent a bill to the floor which reaches so far into the social safety net that it even cuts the President's request for Head Start by $500 million. And, while all of us certainly agree that there are many governmental programs which may be duplicative or unnecessary, the Appropriations Committee—not the legislative committees with jurisdiction—has sent us a bill which terminates 270 Federal programs.

And, Mr. Speaker, to add insult to injury, this appropriations bill can hardly stand on its own by virtue of the fact that it is so loaded with legislative provisions. My friends in the majority party have often used the name of the distinguished gentleman from Kentucky, Mr. Natcher, to make points in debate; today, let me invoke that fine gentleman's memory to make a point. This bill contains pages and pages and pages of unauthorized provisions, but worse yet, contains page after page of legislative matters that are in blatant violation of the rules of the House. Mr.

Natcher was chairman of the Labor/HHS Subcommittee for 15 years and he never came to the Rules Committee to request such a waiver for one of his bills. Mr. Speaker, in my experience I have never seen such a mean spirited piece of legislation and I am sure that Mr. Natcher, were he with us here today, would agree wholeheartedly with me.

Mr. Speaker, this bill is so bad it cannot be fixed. I believe the Appropriations Committee should take this bill back, reallocate some of its scarce resources and preserve and protect the programs that have fought illiteracy, protected workers at their jobs, ensured a decent life for those elderly Americans who were not as fortunate as others, and provided opportunities for countless Americans to secure a place in the middle class through education and training.

Mr. Speaker, surely this is not what the American people voted for last November. Surely, the goodness and generosity that characterizes this Nation and all Americans does not condone a bill which abandons those in our society who have only a small or perhaps no voice here in Washington. I think not, Mr. Speaker.

I urge the Appropriations Committee to withdraw this terrible bill. We should not, we cannot, pass legislation that attacks children, women, the elderly, the disabled, and working men and women. I urge defeat of the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. SOLOMON. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Sanibel, FL [Mr. GOSS], a member of the Committee on Rules.

Mr. GOSS. Mr. Speaker, I thank our distinguished chairman the gentleman from Glens Falls, NY [Mr. SOLOMON] for yielding this time to me. I must commend him for his patience, persuasion, and persistence in seeking a reasonable compromise on the host of highly contentious issues that pervade the Labor-HHS and Education appropriations bill. As Members know, while the bats were swinging in Bowie, MD last night for the congressional baseball game, our Rules Committee and Members on all points of the political spectrum were at work in the Capitol seeking common ground on the terms of debate for this bill.

Some might call this bill the "mother of all appropriations bills" since it covers a tremendous scope of topics and allocates more than $60 billion. The sticking points have become highly visible sore thumbs—including the extraordinarily difficult issue of Federal funding for abortion. This rule does about the best it can do to allow for a relatively free and fair debate on the major issues—while keeping within a somewhat manageable timeframe. I am particularly pleased that this rule makes in order a lockbox amendment offered by Mr. CRAPO. This much-discussed and long awaited amendment commits the House to ensuring that savings agreed to on the floor of the House will indeed be used for deficit reduction and will no longer be permitted to be spent on other spending projects.

We have worked hard to translate this seemingly simply concept into a workable procedural device—one that can accomplish its mission without derailing the entire appropriations process. I think we have done it—and we did so in a bipartisan and deliberative way. Sure, many of us would have preferred that we reach this point sooner in the process. But I am convinced it was better to do lock-box right the first time.

Mr. Speaker, we have got a long debate ahead of us on a host of important subjects. I urge support for this rule.

I hope to have a dialog with Chairman BLILEY on the subject of local land use and local ability to earn revenues in the utilities area and some other things as we go along in this and other legislation. There are many things ahead of us in the days ahead.

This is an important appropriations bill. This is a good rule. It is going to get the full debate it deserves. I urge support for this rule so we can get on with our debate.

Mr. FROST. Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, let me simply say that I am of a split mind on this rule because this bill is so bad. But I guess what I would say is I would like us to pass this rule so that we can just as quickly as possible get to a vote on final passage so we can vote "no."

I said earlier, when this bill came out of committee, that in my view this bill was the meanest and the most vicious and the most extreme attack on the children of this country, on the dignity and the rights of workers, and on many of our most vulnerable citizens that I ever seen produced by the Committee on Appropriations in all of the years I have had the privilege to serve in this House. I do not believe this bill is fixable.

The basic problem with this bill is that earlier in the year the majority party adopted a budget. And under that budget what is called the 602 allocation was made by the committee, which decided how much would go to each department of Government, and this subcommittee is operating under constraints imposed by those 602 budget limitations. That means that even though the gentleman from Illinois [Mr. PORTER], who is the subcommittee chairman, and in my view one of the finest Members of this House, even though I am sure he would have liked to have done otherwise, he could simply not, under the conditions in which he was operating, produce a bill which meets our national obligations to our children, our workers, and the most vulnerable among us.

The bill also continues 17 major changes in authorization law, and each of those changes ought to be considered on their own by the committee of jurisdiction. They should not be slipped in as legislative riders in this bill so that the authorizing committees can avoid confronting not only the language that you have for each of these provisions, but also confronting rational amendments to them.

Under the way we work, the way the House governs appropriations bills, or the way the House rules govern appropriation bill consideration, you cannot offer many rational amendments to the extreme language which is in this bill, and because that language makes a wholesale assault on the ability of workers to expect even a reasonable degree of protection and dignity at the bargaining table, because it imposes a set of values on women of this country rather than trying to encourage a set of values, I think that this is a highly illegitimate process, and so I think the bill ought to go down.

But the rule does facilitate our ability to at least address each of these issues in a rational way.

With the amended suggestions of the gentleman from New York [Mr. SOLOMON], it will be a rational way in which we can focus the debate on education, on what we are doing to workers, on what we are doing to the seniors, and we will have an opportunity to at least debate in some fashion the legislative language which has illegitimately been attached to this bill, in my view, so I think the rule is far more legitimate than the bill which has spawned it.

So I would urge Members to vote for the rule, and I would ask the cooperation of Members on both sides of the aisle in helping us to focus the debate on each of these subjects without getting into the constant repetitive offering of individual amendments. This bill is so bad it cannot be fixed by amendment.

The key vote on this, in the end, will be the vote that occurs on final passage.

So I would urge Members of both sides of the aisle to vote for this rule, but when we move on to the bill itself, I would urge Members of both parties who recognize that this is an extreme attack on the education of children, the rights of workers, the rights of women, and the needs of the most vulnerable in our society, to join me in voting against the bill on final passage.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume to thank the gentleman from Wisconsin [Mr. OBEY].

The truth of the matter is that this is a very controversial bill, and in the first three titles we have, at his suggestion, increased the general debate time for each of those three titles. As a matter of fact, 1½ hours each, and that does then lay the groundwork for what is in those titles.

So I want to commend him for his suggestions and for helping us to get this rule through here today.

Having said that, I would like to yield to the gentleman from Claremont, CA [Mr. DREIER], the very distinguished vice-chairman of the Committee on Rules. He was the Chair of the task force, Speaker's task force, that brought about on opening day major changes in this institution that are now coming to fruition, and we are finally able to process legislation the way it should have been. We still have far to go.

The gentleman from California [Mr. DREIER] is still concentrating on that, and he has been very helpful in this lockbox legislation that is going to be in this bill here today.

Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. DREIER].

Mr. DREIER. Mr. Speaker, I thank my friend, the gentleman from Glens Falls, NY [Mr. SOLOMON] for yielding me this time. I hope the time he used to introduce me does not come out of such time as I may consume.

Let me say, Mr. Speaker, that our former colleague, Dan Rostenkowski, used to always say that if everyone is unhappy with a piece of legislation, it is probably a pretty good bill.

We do not always say that when we are looking at a rule, but we know that it took a great deal of negotiation to get to the point where we are today, and as the chairman of the Committee on Rules has just said, the ranking minority member of the Committee on Appropriations did have input in determining the time for general debate that was added for these three titles, and virtually everyone has had a hand in this.

If you look at the very beneficial aspects, I believe that it should lead a majority of Members of this institution to support this rule.

Now, one of the items that has been discussed in a bipartisan way consistently has been the lockbox, the desire to deal with deficit spending, and Members on both sides of the aisle again have stepped up and said, "We need to deal with the issue of the deficit." We have had very strong statements made by our colleagues, the gentleman from Oklahoma [Mr. BREWSTER] and the gentlewoman from California [Ms. HARMAN] consistently before our Committee on Rules on that, and, of course, we have had Members on our side of the aisle, the gentleman from Idaho [Mr. CRAPO], and others who have been dealing with the issue of the lockbox. This rule allows us to finally face that question.

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Then we look at a number of the other items. Well, it has been stated time and time again the legislation that deals with the Departments of Health and Human Services, and Labor, clearly is an overwhelmingly large bill, and there are many items in it, but it seems to me that it is our responsibility to deal, as well as we can, with them, and this rule, while it may not be perfect, is, quite frankly, the best product that can be assembled.

I am disappointed that things like the Riggs amendment were not made in order that would allow us to deal with the issue of illegal immigration, and I can point to other aspects of it that I believe should have been addressed. But we need to move forward.

This is an extraordinarily important appropriations bill, and I hope very much that our Members will come to the conclusion that providing support for this rule will at least allow us to consider this very important legislation.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Colorado [Mr. SKAGGS].

Mr. SKAGGS. Mr. Speaker, I thank the gentleman from Texas [Mr. FROST] for yielding this time to me.

Mr. Speaker, this rule, although touted by the good chairman of the Committee on Rules, as exemplifying yet another instance of reform is this place, really is belied in that regard. It is yet another example of cover and camouflage with which we have buried in an appropriations bill 13 pages of the most egregious, wrong-headed legislative language imaginable. Why in the world, Mr. Speaker, this was protected from a point of order is beyond me, but it is. And it should offend everyone's sense of regular order around this place that without any hearings, without any examination in the normal order of business, we would be putting a bill, an entire bill, dealing with a topic as sensitive as Government restrictions on political activity in this country, putting an entire bill into this appropriations measure. If for no other reason, not withstanding the reasons that have been outlined by the gentleman from Wisconsin for going ahead with this rule, we ought to seriously consider defeating it because of its protection of this provision. Nonetheless, we will have an opportunity, which I hope my colleagues will avail themselves of probably tomorrow, to get rid of this travesty, this frontal, headlong assault on first amendment protected activities in this country.

In any case I wanted my colleagues to be aware of what's probably the singular waiver event of this Congress in protecting the nonsense in this bill.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. GENE GREEN].

Mr. GENE GREEN of Texas. Mr. Speaker, Members, this rule makes it far too easy for the Republican majority to target children, seniors, and working families with these cuts. What we are seeing is a finalization, I guess, of the budget resolution we passed here earlier that required this bill to have these substantial cuts in education, senior programs, and for children programs and for working families.

Let me talk about the education cuts since I serve on that committee here in Congress. This bill that this rule will allow us to consider will cut 48,000 children from Head Start programs, cut the Healthy Start in half, it cuts the Safe and Drug Free Schools by 59 percent, it cuts 1 million children that will not get extra help on their reading and math thanks to the 17-percent cut in chapter 1. In my State of Texas we will lose $66 million on summer jobs programs that we restored this summer, but this appropriations bill will not allow it for the summer of 1996, and that is what is wrong with this bill. Chapter 1 funding; it goes to almost every elementary school in my district in the State of Texas, will be cut $97 million. There are school districts, particularly in poorer parts of Texas and all over the country, who depend on that to provide that extra help for these children who need that extra assistance.

Senior citizens' programs are cut in this bill. The programs that we have to provide heating assistance in the winter and cooling assistance in the summer are being cut. Take, for example, what has happened in Chicago this last month or what was happening in Texas up until we had the tropical storm come through, Mr. Speaker. Twelve million meals served to seniors each year are eliminated by cuts in Meals on Wheels and meals that are served in senior citizens' centers that all of us have in all of our districts.

Working families; let me talk about the cuts in just the labor side of it. Working families, the cuts; now we may all agree that we need to look at OSHA and a lot of Federal programs, but to cut 33 percent off of job safety is ridiculous, and cut the pension plans.

Mr. Speaker, I could talk all day, as my colleagues know, and I appreciate my colleagues' courteousness, and I urge a "no" vote on the bill.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Speaker, I thank the gentleman from Texas [Mr. FROST] for yielding this time to me, and, as my colleagues know, in 2 minutes I just cannot say enough bad things about this bill.

People are wearing these shame lapels because we are really ashamed to be here. The ranking member said over and over again this is the meanest and the most extreme bill we have ever seen. We are picking on people that rally cannot fight back.

I ask my colleagues, "Are you proud today if what we will be doing is kicking 48,000 children out of Head Start? Does that make anybody proud? Is anybody proud today that we're going to cut Healthy Start for infants and children in half?"

Well, Mr. Speaker, it does not make me proud.

Is there anybody proud that we are going to take Safe and Drug Free School funds and cut them by 60 percent?

Or how about gutting title I, which is where we try and bring children's reading skills up to snuff?

What about the whole area of protecting our workers, and their pension programs, and all the things that we have been doing?

Or what about what we are doing to seniors?

As I say, this list goes on, and on, and on, and I am ashamed because at the very same time we are gutting all of this we are going to be backing right up to this bill a Defense Department bill where we are going to give the Pentagon $8 billion more than they asked for, $8 billion more than they asked for. We have never done that. We cannot buy enough B-2's, and apparently we cannot buy enough hardware and all this stuff when they do not even want it, and yet we are saying to little kids, 3-year-olds, out of Head Start, we do not have the money. We are saying to people in Healthy Start get out, we do not have the money for them to have a healthy start.

Mr. Speaker, those are not the priorities for America's future.

I am surprised that the leadership of this House who keeps talking about the third wave, and their vision, and all of that; if their vision does not include children, if their vision does not include middle-class families, we are in real trouble. Their vision is a horror show.

Mr. SOLOMON. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois [Mr. PORTER].

PERMISSION FOR CHAIRMAN OF COMMITTEE OF THE WHOLE TO POSTPONE VOTES ON AMENDMENTS DURING CONSIDERATION OF H.R. 2127

Mr. PORTER. Mr. Speaker, I ask unanimous consent that during the consideration of H.R. 2127 pursuant to the provisions of House Resolution 208, the Chairman of the Committee of the Whole may postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment, and that the Chairman of the Committee of the Whole may reduce to not less than 5 minutes the time for voting by electronic device on any postponed question that immediately follows another vote by electronic device without intervening business, provided that the time for voting by electronic device on the first in any series of questions shall not be less than 15 minutes.

The SPEAKER pro tempore (Mr. DICKEY). Is there objection to the request of the gentleman from Illinois?

There was no objection.

LIMITING TIME FOR DEBATE ON AMENDMENTS AND LIMITING MOTIONS FOR COMMITTEE TO RISE DURING CONSIDERATION OF H.R. 2127

Mr. PORTER. Mr. Speaker, I ask unanimous consent that consideration of the bill H.R. 2127 in the Committee of the Whole pursuant to House Resolution 208 shall also be governed by the following order:

The following amendments, identified by their designation in the CONGRESSIONAL RECORD pursuant to clause 6 of rule XXIII, may amend portions of the bill not yet read for amendment, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole, if offered by the Member designated: the amendment by Representative OBEY of Wisconsin numbered 36; and an amendment en bloc by Representative PELOSI of California consisting of the amendments numbered 60, 61, and 62.

The time for debate on each of the following amendments to the bill, identified by their designation in the CONGRESSIONAL RECORD pursuant to clause 6 of rule XXIII, unless otherwise specified, and any amendments thereto shall be limited to 40 minutes equally divided and controlled by the proponent of the amendment to the bill and an opponent: the amendment by Representative OBEY of Wisconsin numbered 36; the amendment by Representative STOKES of Ohio numbered 70; the amendment by Representative LOWEY of New York numbered 30; the amendment by Representative KOLBE of Arizona proposing to strike section 509 of the bill; the amendment by Representative SKAGGS of Colorado numbered 64; the amendment by Representative SABO of Minnesota or Representative OBEY of Wisconsin proposing to amend title VI of the bill; and the amendment by Representative SOLOMON of New York relating to the subject of political advocacy.

Except as otherwise specified in House Resolution 208, the time for debate on each other amendment to the bill and any amendments thereto shall be limited to 20 minutes equally divided and controlled by the proponent of the amendment to the bill and an opponent.

After a motion that the committee rise has been rejected on a day, the chairman may entertain another such motion on that day only if offered by the chairman of the Committee on Appropriations or the majority leader or their designee. After a motion to strike out the enacting words of the bill, as described in clause 7 of rule XXIII, has been rejected, the chairman may not entertain another such motion during further consideration of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

Mr. GUNDERSON. Reserving the right to object, Mr. Speaker, the concern I have is the preclusion of Members offering a motion for the Committee to rise because this is one of the few opportunities where member of the committee, where there are time controls, have any access to get heard.

Mr. Speaker, there is a lot of controversy on this bill on both sides of the aisle, and I have got to tell my colleagues that if we are going to preclude Members like myself from moving that the Committee rise so that we might be heard for 5 minutes, it is something to which at this point I would object.

Can we delete that section from the motion?

Mr. OBEY. Mr. Speaker, will the gentleman yield?

Mr. GUNDERSON. I yield to the gentleman from Wisconsin.

Mr. OBEY. Let me point out that the language on that was specifically requested by the gentleman's party leadership.

Mr. GUNDERSON. It does not get any better.

Mr. OBEY. I was most reluctant to agree to it because I think it can put them procedurally in the driver's seat, but in the end I was persuaded to accept it on two grounds.

Mr. GUNDERSON. Further reserving the right to object, Mr. Speaker, my concern is that we are going to enter into a whole series of time agreements to expedite business over the next couple of days. I understand that, and I respect that, but, if we have time agreements, and the time is controlled, and we only allow one motion to rise during that day, then everybody else on the floor outside of the chairman and ranking member is precluded from getting heard if they feel strongly.

Mr. OBEY. Mr. Speaker, will the gentleman yield?

Mr. GUNDERSON. I yield to the gentleman from Wisconsin.

Mr. OBEY. Let me explain the process under which we are going to proceed. I think it will alleviate the concerns of the gentleman.

What we are doing is we are starting with 2½ hours of general debate under the proposal that is being offered by the gentleman from New York [Mr. SOLOMON].

□ 1130

We are trying to group debate so we can have a focused discussion title by title on Labor, on HHS, and on Education. We will also then have a focused discussion on a number of the language amendments. We have, for instance, the Istook amendment, the rape-incest provision, we have a number of those.

We have tried to structure a good deal of debate time so that Members on and off the committee will be able to participate. I know we certainly worked out a very large number of participants on this side of the aisle, and I would be very surprised if the gentleman from Illinois has not done the same thing.

So I, speaking as a Member of the minority who used that right the other night in order to make a point, I am very reluctant to give that up. If you ask the Speaker's representative, he will tell you we had a quite heated discussion on it. But I think the rights of Members to be able to participate meaningfully are being protected by the rule.

I do not have a dog in this fight. This is your leadership's request, but it is our efforts to try to accommodate them.

Mr. GUNDERSON. Mr. Speaker, I would like to make it clear that I need to correct my own language. It is the motion to strike the enacting clause that I wanted to preserve, not the motion to rise, so everybody understands what I am trying to preserve here.

Mr. SOLOMON. Mr. Speaker, will the gentleman yield?

Mr. GUNDERSON. I yield to the gentleman from New York.

Mr. SOLOMON. Mr. Speaker, in addition to the motion to rise by the manager of the bill, the gentleman would be entitled to one motion to strike the enacting clause.

Mr. GUNDERSON. Mr. Speaker, is it one per Member? For example, if the gentlewoman from Florida wanted to move to strike the enacting clause and get recognized for 5 minutes and that has been done, under this agreement do I have the right to strike the enacting clause?

Mr. SOLOMON. Mr. Speaker, if the gentleman will continue to yield, you would only have one between the two of you. But what is allowed, so that the gentleman may be heard, is that you are allowed to strike the last word at any time when an amendment is not pending. So one cannot be precluded from speaking for 5 minutes or even longer on their point of view. The gentleman is protected under this arrangement.

Mr. GUNDERSON. Mr. Speaker, reclaiming my time, that is the concern. The gentleman knows we are going to move to rather strict time debates. When we have amendments thereto, such as the Greenwood amendment and the Smith amendment thereto, and if I have Members here who feel strongly about this issue, myself or others, who want to be recognized, and we are told you only have 30 seconds under the time agreement, that is not acceptable.

Mr. PORTER. Mr. Speaker, will the gentleman yield?

Mr. GUNDERSON. I yield to the gentleman from Illinois.

Mr. PORTER. Mr. Speaker, this is an open rule. That means that any Member can simply offer another amendment and get time under the 5-minute rule to pursue it. I do not think anyone would be shut off from debate or further expressing themselves in any way they want.

We are trying, obviously, to pack a lot of work into the last few days before the August district work period, and this will simply allow us to expedite that work. I do not think it will cut off anybody's rights. I urge the gentleman to withdraw his reservation.

Mr. SOLOMON. Mr. Speaker, if the gentleman will continue to yield, the gentleman under all circumstances would be allowed 5 minutes by striking the last word. He might be precluded from an additional 2 or 3 or 5 minutes if someone objected to a unanimous consent request.

Mr. GUNDERSON. Mr. Speaker, I think it is important that people understand that members of the committee get recognized before anybody else. Second, we are doing things in this bill that do not belong in the Committee on Appropriations or the appropriations bill. Third, we are going by strict time controls on the debate on most of these amendments.

What the gentleman is telling a Member like me, who is a member of the authorizing committee, who sees all of these things done that we have had no input on, who feels very strongly about the question of human investment, is that I am going to be controlled by somebody else's time agreement and whether they yield me time, and now the gentleman is going to take away from me the one opportunity I have during the course of that debate to make points I feel strongly about, which is the motion to strike the enacting clause.

I would plead with the gentleman, delete that, so I do not have to object. I would not get recognized. One would not be able to get recognized to strike the requisite number of words.

Mr. SOLOMON. Mr. Speaker, under protocol and precedents of the House, the Speaker would recognize members of the committee first. Certainly in this case, with the authorizing committee being involved, I am sure that the gentleman's committee would come second in the eyes of the Speaker. The gentleman is protected.

Mr. GUNDERSON. Mr. Speaker, I object.

Mr. PORTER. Mr. Speaker, if the gentleman would further yield, if we were to remove that last sentence of the request, would the gentleman then not object?

Mr. GUNDERSON. That is right.

Mr. PORTER. Mr. Speaker, I ask unanimous consent to strike the last sentence of my earlier unanimous-consent request.

Mr. GUNDERSON. Mr. Speaker, further reserving the right to object, I want to make sure that is the sentence regarding striking the enacting clause?

Mr. PORTER. Yes.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. PORTER] modifies his request. Is there objection to the request of the gentleman from Illinois?

Mr. SKAGGS. Mr. Speaker, reserving the right to object, and I do not intend to object, I just wanted to pose a question to the gentleman from Illinois [Mr. PORTER]. The gentleman listed several amendments on which there would be a 40-minute limitation on debate, including, I believe, one attributed to the gentleman from New York [Mr. SOLOMON] on political advocacy.

My review of what is preprinted did not show such an amendment. Is this one that is yet to be drafted?

Mr. PORTER. Mr. Speaker, if the gentleman will yield, apparently it is not preprinted. It was printed this morning.

Mr. SKAGGS. So it has been submitted and is available for review. It is that amendment that is contemplated by that 40-minute restriction?

Mr. PORTER. Yes.

Mr. SKAGGS. Mr. Speaker, I withdraw my reservation of objection.

Mr. OBEY. Mr. Speaker, reserving the right to object, I simply want to make sure I understand what has been suggested by the gentleman from Illinois [Mr. PORTER]. Is the gentleman in fact simply removing the last sentence?

Mr. PORTER. Mr. Speaker, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Illinois.

Mr. PORTER. Mr. Speaker, yes.

Mr. OBEY. Mr. Speaker, if that is satisfactory to the majority, we have no objection.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The SPEAKER pro tempore. Is there objection to the original request of the gentleman from Illinois, as modified?

There was no objection.

Mr. SOLOMON. Mr. Speaker, I yield 3 minutes to the distinguished gentlewoman from Florida [Mrs. FOWLER].

Mrs. FOWLER. Mr. Speaker, it is with a heavy heart that I rise today in strong opposition to this rule.

This rule does not make in order an amendment offered by Mr. KOLBE, Ms. PRYCE, and myself, which would have provided a commonsense solution to the issue of Medicaid-funded abortions in the cases of rape and incest.

In 1993, the Hyde amendment, which was overwhelmingly supported by pro-life Members, included language allowing Medicaid-funded abortions in the cases of rape and incest. As we all know, Medicaid is funded jointly by the States and the Federal Government. Because some States prohibit funds from being used for rape and incest abortions, many States' laws are in conflict with the current Hyde language.

This bill includes a provision which attempts to remedy that situation by allowing States the option of not funding such abortions. While the bill protects States' rights, it would result in instances where a young woman who has become pregnant from rape or incest would have to travel across State lines to get a Medicaid-funded abortion.

The Kolbe amendment would solve the dilemma by maintaining States' rights not to fund such abortions, but would have the Federal Government cover the entire cost. Last year, there where only two—let me repeat that—only two Medicaid abortions because of rape or incest.

I do not support Federal funding of abortions except in the cases of rape, incest, or life of the mother. But I feel very strongly about those exceptions. As the mother of two daughters, it is horrifying to me to think of anyone's daughter having to suffer the consequences of rape or incest without recourse. The Kolbe amendment was not radical and it was not about funding abortion on demand. It was a commonsense solution. But it was not made in order by the Rules Committee.

Under this rule, we have two choices: either we accept the bill language, or we move to strike the provision. While I do not support the current bill language, the motion to strike fails to address the problem of States' rights.

It is beyond me to understand why our leadership has a problem with an open debate on this issue and an up or down vote on the Kolbe-Pryce-Fowler amendment. I am extremely disappointed that our leadership has ignored Members' concerns and I am voting against this rule.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from New Mexico [Mr. RICHARDSON].

Mr. RICHARDSON. Mr. Speaker, I rise in opposition to this bill. I think if we want to get a clear view of the new priorities in Washington, we need to take a close look at this bill.

First of all, it is antieducation. Our educational system, which is the truest test of what we are and where we are going, is going to be cut nearly 20 percent in this bill. These cuts affect 14,000 school districts, and are going to deny 1 million children the help they need in reading and math.

Vocational programs, which are key to ensuring that young adults and children keep step with a rapidly changing economy, are cut by one-third. Apparently, we are willing to tell children who simply must have vocational programs to rise above the poverty line that they are expendable.

Head Start, one of the Nation's most successful preschool programs for 700,000 disadvantaged and disabled children, is a target for cuts. At least 48,000 children will no longer get the community-based health and education programs they need to do well in school.

Programs for the mentally ill, which are already underfunded, take a 20 percent cut. In this country, 63 million children suffer from mental disorders. Severe mental illness is more prevalent than cancer, diabetes, or heart disease, yet this vulnerable population is apparently not a priority.

Rural health programs that assist doctors, local hospitals, and migrant workers are no longer necessary or important by the cuts of this bill. Protection for workers, decimated. Each year, 55,000 people die and another 60,000 are permanently disabled on the job, but OSHA, the agency responsible for dramatically reducing worker injuries in the last 20 years, has been slashed rather drastically.

Mr. Speaker, there is a need to read between the lines with this appropriations bill. However, many of my constituents and working families all over the country seem to be less of a priority now.

Mr. Speaker, it is critically important that we also recognize the damage to seniors. The low income energy assistance which provides heat in the winter and cooling in the summer for thousands of low income elderly people is totally eliminated. Twelve million meals served to seniors each year are eliminated by cuts in Meals on Wheels and meals served to senior centers.

I have already talked about Head Start. Healthy Start cut in half; safe and drug-free schools cut by 59 percent; 48,000 children eliminated from Head Start; 1 million children will not get the extra help they need in reading and math thanks to the 17 percent cut in title I education.

Again, as I mentioned, enforcement of health and safety protections in the workplace for working families is cut by 33 percent. Pension protection is cut. Enforcement of the minimum wage law, child labor laws, and the 40-hour week, is cut by 12 percent.

Mr. Speaker, this is not a good bill, and it should be defeated.

□ 1145

Mr. SOLOMON. Mr. Speaker, I yield 1 minute and 30 seconds to the gentleman from Fullerton, CA [Mr. ROYCE].

Mr. ROYCE. Mr. Speaker, I rise in support of the rule on the Labor-HHS bill. In particular, I support the provision in the rule which permits the offering of an amendment by my colleague, Mr. CRAPO and myself, requiring that any savings realized in the bill from amendments either in committee or on the floor below the 602(b) budget allocation, be specifically earmarked for deficit reduction.

This is the so-called deficit reduction lockbox provision, which Mr. CRAPO, Mr. SOLOMON, and others, myself included, have supported and worked for in the past. The Speaker, our majority leader, Mr. ARMEY, and many of our colleagues from the other side of the aisle, especially Mr. BREWSTER, all support this provision, which will insure that any savings we make below the budget allocation for this bill will go directly to debt reduction, rather than for other programs.

I think this amendment is also supported by the American people, who deserve to know that we are working to reduce the national debt while still providing essential services. A child born today faces a tax bill of $187,000 over his or her lifetime just to pay their share of interest on the national debt. I urge adoption of this rule, which will allow us to make sure our votes go to deficit reduction.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Speaker, I rise because of the statement just made by the last speaker to simply point out that the lockbox provision being attached to this bill is a king-size joke.

All year we have tried to defend the right of Members to offer an amendment on lockbox which essentially would save any money that is cut during floor consideration of a bill and use that for deficit reduction. We objected to the rescissions bill earlier in the year because lockbox was blocked. But now cynically the lockbox provision is provided on this bill at the end of the process; the only problem is that there is not going to be any money to put in the box because this bill is already so decimated that I doubt seriously that the House is going to make any significant reductions in the bill.

All the lockbox amendment is is a cover-your-tail amendment that allows politicians to pretend that they are setting up a system to save money when, in fact, there will be no money to be saved the way this bill is being handled.

Mr. FROST. Mr. Speaker, I yield myself 1 minute.

I would also point out on the same subject of lockbox that in the Committee on Rules last night I offered an amendment to make lockbox provisions retroactive so in fact we could cover all the appropriation bills that have already been considered, but that was rejected by the committee. So the gentleman from Wisconsin is entirely right. This is a meaningless provision as it is currently offered.

Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts [Mr. KENNEDY].

Mr. KENNEDY of Massachusetts. Mr. Speaker, we are considering a rule that is nothing more than a dastardly act perpetrated on the American people by the Republican Party, a bill so bad that it cannot be fixed by any number of amendments offered here in the next several hours.

The gaping wounds slashed into the heart of the programs by the Grand Old Party on our children's education, on our senior citizens, on training and protecting America's work force into the 21st century, and health programs cannot be healed by the Band-Aid approach that is taking place here.

Let us just let this bill bleed to death on the House floor. Make no mistake about it, the bill is a head-on assault on our future. It fundamentally goes in the opposition direction that our country needs to take. It targets the most vulnerable people in our society, and it yanks the safety net away from our seniors, rolls back protections for our workers and take away the opportunity for our children to learn.

It ends the fuel assistance program so key to the needs of our seniors and poor people in the middle of winter that ended up providing the assistance that was necessary right here in the summer where 700 people were killed in the last couple of weeks because of the heat wave. The Republicans want to cut it.

It kills the summer job programs for our Nation's youth, a program that is vital if we are going to end the kind of violence that we see, the kind of despair that so many young people feel in our inner cities today. It cuts backs on the Drug-free Schools Program by 60 percent.

It cuts $1 billion out of the job training programs for our country. It cuts 50 percent out of the Healthy Start Program. There are parts of this country, parts of my district where we have worse infant mortality rates than the poorest countries in our hemisphere. The one program that works, it works, is Health Start, which dramatically brings down the infant mortality rates; the Republicans are going to cut it. It cuts back the opportunities for college education. It undermines the bargaining rights for the working people of our country.

It undermines the bargaining rights of working people. Somehow we are told that the Republicans, again, are not trying to enforce an authorizing provision in an appropriations bill. That is a lot of jargon around here, but basically what it means is they write laws when they are supposed to be appropriating money. It eliminates the striker replacement bill in this legislation.

What we have here is an attempt by Republicans to go about their business of trying to balance the budget, at the same time providing an enormous tax cut and going through the back door of undercutting and slashing the most vulnerable people in this country. I do not understand it. If we are really, truly considering the future needs of Americans, why go and hurt the most vulnerable people in this country? Why go after our children? Why go after our senior citizens? It just is not right.

Find some heart, find some conscience in what you are doing. Do not just be mean-spirited to line your pockets and the pockets of wealthy contributors today. Go after a more balanced approach in terms of finding the ways to balance the budget of this country. We can do it, but not in this mean-spirited way.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am going to just propound a question to everyone: What is compassionate about running up a huge Federal deficit that is literally going to rob my children, my grandchildren, my great-grandchildren and yours and everybody's in this room?

We have a Federal deficit today that is approaching $5 trillion. When you look at the pie that makes up the Federal budget, about 16 percent of that pie goes to pay the interest, each year, on that Federal deficit that has now reached $5 trillion.

If we continue down the path that was presented by the President, we would have added another trillion dollars to that. In other words, at the end of 5 years we would then have a $6 trillion debt.

Do you know how much the interest is that we pay to foreign countries who own the Treasury notes that go to finance that debt? Now it is only $250 billion, which is almost equal to what we spend on the first priority of our budget, national defense. The interest alone each year almost equals that national defense budget. If we continue down that path, then it will not be just $250 billion that we pay out; it will be $350 billion. That is an additional $100 billion that has to be taken from the rest of the pie, which is national defense, which is discretionary programs, which is entitlement programs. You then have to deduct another $100 billion from the money you currently spend on the truly needy in this country.

What is compassionate about that?

Now, we are not going to raise taxes another dollar. We are not going to do it. Because young people today, including my five children, find it difficult to save enough money for a downpayment on something that the gentleman spends so much fighting for on this floor, and that is the right for decent human beings to own their own home, not a public home, but their own home.

My children have difficulty saving enough money for that downpayment.

They would have more difficulty even if they did save that money to make the mortgage payments because interest rates are so high. We cannot let this deficit continue to burgeon, to continue to go up and up and up. Those interest rates go up and up and up, and young people today are not going to have the ability to do what we all wanted to do so much 45 years ago.

When I first got married, we scrimped and we saved and we had enough money because the Federal Government did not take that much out of our take-home pay. We were able to save a little bit. We were able to make those mortgage payments, and we suffered, but we did it. We cannot continue to be noncompassionate on those people today.

That is what we are talking about in this debate. Sure, it is tough. You have got to have cuts. But you have got to cut someplace. We have cut everywhere and it has been fair.

Mr. KENNEDY of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from Massachusetts.

Mr. KENNEDY of Massachusetts. Mr. Speaker, I stand second to no one in terms of being willing to cut the Federal budget. We have different priorities.

The fact of the matter is that when you say you cut everywhere, you put $7.6 billion more into the equipment account of the military than they even asked for. You have lined the pockets of corporate America through the use of corporate welfare in this country, the likes of which we have never seen before in the Congress of the United States.

We have done things over the course of this budget by providing people with incomes above $200,000 a year with a $20,000-a-year tax break. I appreciate the gentleman talking about the fact that he is interested in having his kids own a home. I wonder whether or not the gentleman might have taken advantage of the VA loan program when he got out of the military. I know that he served the country very well, but the fact is that he probably got some Government help and assistance when he needed to buy a home.

I do not know that for sure, but there is certainly a large number of veterans that have. All that I am trying to suggest is that there are ways to invest in our country's future, and there are ways to frivolously throw money around today. This bill cuts the very heart out of the poorest people, the senior citizens, fuel assistance, summer jobs for our kids, protections in our work force, which I think are a shortsighted way of going.

Mr. SOLOMON. Reclaiming my time, Mr. Speaker, let me just say to my good friend, we can argue about the national defense budget. I recall when Captain O'Grady was shot down, and I recall how we were able to detect where he was and then go in there, stealthily, without a loss of one single American life, and bring him out. Do you know why? Because we have been able to maintain, since Ronald Reagan came in here in 1981, a decent research and development program in our military budget that allowed us to do that.

It allowed us to go into a place called Iraq with the fewest possible casualties. We were able to give the young men and women we put into the military the finest equipment in the world. And by God, if we ever put them in there again, and I hope it is not in Bosnia, they are going to go in with the very best.

Sure we increased procurement by 11 percent. We increased research and development by 5 percent, operation and maintenance by 3 percent to give them a decent place to live in the military. I could go on and on and on.

Minimal increases in the defense budget are necessary to guarantee that our military is going to be able to defend America's strategic interests around the world. That is what this debate is all about here, priorities and fairness.

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I would inquire of the chair the time remaining on each side.

Mr. SPEAKER pro tempore. The gentleman from Texas [Mr. FROST] has 8 minutes remaining, and the gentleman from New York [Mr. SOLOMON] has 7 minutes remaining.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Speaker, the last interchange between my colleague from Massachusetts and the gentleman from New York indicates the problem that now faces the House. We are about to make the most important decisions a civilized democracy can make in about 2 days. We are being told that we will appropriate the two largest amounts, the Defense Department appropriations bill and the Labor-Health and Human Services appropriations bill, totaling more than $500 billion, more than $300 billion discretionary, more than half of the discretionary account. Plus we will deal with the telecommunications future of this country in about 2 days. Nothing better illustrates the absolute incompetence with which the majority is now running the House.

This is not the fault of the Committee on Rules. They have been given an impossible job. We have heard Members on the other side, the gentleman from Wisconsin, the gentlewoman from Florida, objecting at the constricted nature of the debate that faces them. It happens because we have a Republican leadership that has so mishandled things that we come to 2 days before a recess, having taken time out for Republican fund raisers and other things, and we are told that we will go all night, if necessary, we will do the most fundamental decisions.

□ 1200

Yes, we will take money away from the poor and the needy and the elderly and give it to the B-2 bomber, and give it to defense. We will make all these decisions on American telecommunications.

There is a kind of a book that comes to mind. When the Mets played their first year, somebody wrote a book about the Mets and they quoted Casey Stengel as having said, as he looked at his team, "Can't anybody here play this game?" This is not a game, this is more serious; but can not anybody on this side run this House?

Mr. Speaker, to come to this late date, we have 2 days and 3 hours, 51 hours, 2 days and 3 hours to do the telecommunications bill, the Labor-HHS appropriation, and the Defense Department. This is not just incompetence, it becomes an abuse of democracy. If we were not cramming all this in so quickly we would have time to debate it adequately.

Mr. SOLOMON. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, let me just say to my good friend, the gentleman from Massachusetts [Mr. FRANK], he should have included the Democrat leadership in the incompetency that he mentioned, because they have conspired to limit the time for consideration of the bill.

Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Speaker, I just wanted to point out that last year we did Labor-HHS, DOD, and VA-HUD in 2 days. That was under the Democratic leadership of the Congress. That was a far bigger bite to take off than what the gentleman suggested that the Republican leadership has given. I just thought we ought to correct the record.

Mr. SOLOMON. Mr. Speaker, I yield 2 minutes to the gentleman from Idaho Falls, ID [Mr. CRAPO], a distinguished Member of this Congress. He is the father of lockbox, and boy, we are going to get this deficit spending under control because of people like him.

Mr. CRAPO. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, before we talk about lockbox, I have to respond also. As a freshman last year, I remember many times when we wanted to have a lot of time when we wanted to debate a lot of bills pushed through here in a short time, sometimes in a matter of hours. For the arguments to be made here, I think we should look back and see what the practice has been in this House.

Mr. Speaker, I came to talk about a very critical issue, and I want to thank the Committee on Rules for making this in order, the lockbox amendment. We have been fighting now for close to 2 years to make one of the most important reforms in our budget process that we will address in this Congress. That is the lockbox.

I can still remember as a freshman in this Congress when I found that after we had fought on bill after bill, motion after motion, to reduce spending here and to pare spending down there and to try to bring control to our budget, all we had been doing was eliminating various programs or projects; but the money was still getting spent.

Why? Because we were just cutting the programs or projects, and what was happening to the money is it was simply unallocated. When it went into the conference committee, those in the conference committee sat down, pulled out special projects of their own interest or concern, put them back into the bill and used the unallocated money on those projects.

The reason it happens, Mr. Speaker, is because our budget system does not mandate that when we vote on this floor to cut budgets, that the cuts go to deficit reduction. That is what the lockbox will do. It will create a special deficit reduction lockbox account. When we in the House and Senate vote to reduce spending, the spending reductions, the money, in addition to the projects, the money will go into these lockbox accounts, and there will then be a corresponding reduction in our Federal deficit spending, as we end each bill.

Mr. Speaker, this is a critical reform of our budget process, and I again thank our Committee on Rules for making it in order. I look forward to this evening's debate on this critical issue.

Mr. FROST. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, the charade being engaged in by the other side on the lockbox provision is really quite extraordinary. As a member of the Committee on Rules, I have offered an amendment in the Committee on Rules to every single appropriation bill up to this point, trying to get the lockbox provision added so we could vote on it, so we could have some savings.

The majority members of the Committee on Rules, day after day, bill after bill, rejected my amendment in the Committee on Rules, and only at this late date, with the final appropriation bill working its way through, did they deign to add the lockbox provision.

Mr. Speaker, the charade they are engaging in is extraordinary: crocodile tears. If they wanted this lockbox provision all they had to do was make it in order a month ago when I offered it to one of the other appropriation bills; but every time they rejected it, so we cannot take them seriously on this matter.

Mr. Speaker, I yield 2 minutes to the gentlewoman from New York [Mrs. MALONEY].

Mrs. MALONEY. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in opposition to the rule and to the underlying bill. I would like to respond to my good friend and colleague, the gentleman from New York, and agree with him on one point: that this bill is about priorities.

Mr. Speaker, as was pointed out by my colleagues earlier, this body voted for $8 billion, roughly $8 billion in additional spending to the defense budget that the President did not want, the Vice President did not want, the Joint Chiefs of Staff did not want, and the Pentagon said it did not need. However, in this budget we are slashing programs that are important to this Nation's children, seniors, and workers. We are slashing, really, programs that assist and help this Nation's cities.

Education cuts make up half of the cuts in the bill. Title I, which provides the extra support that millions of disadvantaged children need to get off to a good start, is slashed to ribbons. I represent portions of Manhattan, Queens, and Brooklyn. These counties will lose $48 million in title I funding alone.

These are not just numbers, these cuts have real consequences. This bill will force thousands of New York City children, and children across this Nation who receive the extra push in reading and math that they need this year, to go it alone next year. That is not fair. Neither is the 60-percent cut in the Safe and Drug-Free Schools Act, nor are the cuts that will eliminate thousands of Head Start slots across the Nation; the healthy start program; the job training and seniors programs. And the bill eliminates the summer jobs program. We are blocking young children from the path to learning, and young adults from the path to opportunity.

Finally, Mr. Speaker, I cannot abide the outrageous assaults on a woman's constitutional right to reproductive freedom that are contained in this bill.

The Istook amendment, which would prevent States from using Medicaid funds to provide abortions in the case of rape and incest, represents the rankest attack on or most vulnerable citizens.

This provision renders the right to choose meaningless since it denies women the means to choose. It must be stricken from the bill.

I also oppose the assault on title X funds. It is hard to understand why the new majority wants to cut a program that saves the Government $5 for every dollar invested and that prevents half a million abortions each year.

Finally, the egregious language on accreditation standards for graduate medical education is an unwarranted back door attempt to advance the anti-choice agenda.

There is no place in this funding bill for wanton Government interference in residency requirements for obstetrics and gynecology.

The bill undermines the constitutional rights of women.

The bill will make it harder for women to stay healthy.

The bill decimates the programs that have proven most successful in educating our children.

I ask for a "no" vote on the rule and a "no" vote on the bill.

Mr. SOLOMON. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, one reason Congress is held in such low esteem by the American people is because some politicians have a tendency to say one thing back home and then come down here and vote a different way. I would just ask the viewers of C-SPAN, maybe they want to write in for the National Taxpayers Union's list of big spenders. I have it here in front of me.

I hate to even bring this up with my good friend, the gentleman from Texas [Mr. FROST], but he says he has fought for this lockbox time in and time out. We have to live by our voting record. The name of the gentleman from Texas [Mr. FROST] appears here as one of the biggest spenders in the Congress, year in and year out. People ought to pay attention to this when they hear people on the floor get up and pretend to be fiscal conservatives. This will clarify the matter for the American people.

Mr. FROST. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I would only point out to the gentleman on the other side that I have offered this amendment on every single appropriation bill, and the gentleman who holds himself out as the defender of the taxpayers has led the fight to prevent this amendment from being offered on every single appropriation bill up until this point.

Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, previously Members on the other side said, "We did three appropriations bills in 2 days last year." There is a difference. Last year we did not have the systematic abuse of authorizing process. We did not have appropriations bills that preempted totally the authorizing process. We had a senior Republican from one of the authorizing committees today complaining about this.

Those three bills that only took 2 days last year all had completely open rules with no restriction, and they were done easily because they were appropriations bills, and they only dealt with the money. They did not, as this side did in VA-HUD this year. Try to rewrite and cripple EPA. They did not rewrite the legislation. What they have done is they have been unable to have the authorizing committees function. The Republicans control the authorizing committees, but they have not been able to get them to function. They have not been able to get them to function. They have, therefore, used the appropriations bills to a degree unprecedented in my experience as legislative vehicles, and then we run into this terrible problem. It is one thing to deal simply with the money. It is another to get into the degree of legislating that they have gotten into.

Mr. FROST. Mr. Speaker, I yield myself my remaining time.

Mr. Speaker, this is an absolutely terrible piece of legislation. This is a piece of legislation that the other side should be ashamed of. Quite the contrary, they seem to take great pride in cutting programs that affect women, cutting programs that affect children, cutting programs that affect the neediest in our society. This bill should be defeated, and I urge a "no" vote on this legislation.

Mr. Speaker, I yield back the balance of my time.

Mr. SOLOMON. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I have here the committee report on this bill. I would just point out to the previous speaker, the gentleman from Massachusetts [Mr. FRANK], and to my good friend, the gentleman from Texas [Mr. FROST], that in all of the bills that were brought before this House last year, all of the appropriation bills, all of them contained unauthorized and legislative language. All of them contained unauthorized programs.

As a matter of fact, let me just point out what will happen if this rule goes down. In this bill are literally dozens and dozens of programs, like the Older Americans Act, that have not been reauthorized. If we let this rule go down, there is going to be a heyday on this floor when we bring the bill back without a rule, and any Member can stand up, if you are a conservative you can stand up and wipe out all of these programs that the moderates in the House strongly support. It would be a field day.

By the same token, we have moderates who do not like a lot of the legislative language that is in here. They can stand up and, one by one by one, they can knock them all out on a point of order. We will end up with practically nothing in this bill, and we will not have taken care of those programs that truly help the needy. I do not think we want to do that. That would be terribly embarrassing to both sides of the aisle if we let that fiasco take place.

Mr. Speaker, this is a rule that has been negotiated for hours with moderates and conservatives by the droves, sometimes 35 or 40 of each, sitting down and working out the rule. It was an agreed-to rule. Everybody was in agreement. Then suddenly, because somebody smells blood, we are going to have a vote on this rule, and some are going to try to defeat the rule. I think that the American people would not like that to happen.

AMENDMENT OFFERED BY MR. SOLOMON

Mr. SOLOMON. Mr. Chairman, I offer an amendment suggested by my good friend, the gentleman from Wisconsin

[Mr. OBEY], where we are going to extend the debate time on general debate from 1 hour to 2½ hours. We are then going to set up general debate time on the first three titles, so we can actually have good give and take. We are going to give 90 minutes on each of those titles of general debate before we get into the amendment process. This was suggested by the gentleman from Wisconsin. We are going to go along with it.

The SPEAKER pro tempore (Mr. DICKEY). The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. SOLOMON: Page 2, line 6, strike "one hour" and insert "two and one-half hours".

Page 3, beginning on line 5, strike "It shall be in order at any time to consider" and insert "Consideration of each of the first three titles of the bill shall begin with an additional period of general debate, which shall be confined to the pending title and shall not exceed 90 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. It shall be in order at any time during the reading of the bill for amendment to consider".

The SPEAKER pro tempore. The gentleman from New York [Mr. SOLOMON] has 10 seconds remaining.

Mr. SOLOMON. Mr. Speaker, I move the previous question on the amendment and on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from New York [Mr. SOLOMON].

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the resolution, as amended.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FROST. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 323, nays 104, not voting 7, as follows:

[Roll No. 610]

YEAS—323

Ackerman
Allard
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bereuter
Berman
Bevill
Bilirakis
Bishop
Bliley
Blute
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (OH)
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clay
Clement
Clinger
Coble
Coburn
Collins (GA)
Collins (MI)
Combest
Condit
Cooley
Costello
Cox
Coyne
Cramer
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLay
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Eshoo
Everett
Ewing
Fattah
Fawell
Fazio
Fields (TX)
Flake
Flanagan
Foglietta
Foley
Forbes
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Furse
Gallegly
Ganske
Gekas
Gephardt
Geren
Gilchrest
Gillmor
Gonzalez
Goodlatte
Goodling
Goss
Graham
Greenwood
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee
Jefferson
Johnson (SD)
Johnson, E.B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kildee
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lucas
Manton
Manzullo
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McKeon
McNulty
Meek
Menendez
Metcalf
Mfume
Mica
Miller (CA)
Miller (FL)
Minge
Molinari
Mollohan
Montgomery
Moorhead
Moran
Murtha
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Obey
Ortiz
Oxley
Packard
Pallone
Parker
Paxon
Payne (NJ)
Payne (VA)
Peterson (FL)
Peterson (MN)
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rangel
Regula
Richardson
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Royce
Rush
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schumer
Seastrand
Sensenbrenner
Shadegg
Shays
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stockman
Stokes
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thornberry
Thornton
Tiahrt
Torres
Torricelli
Towns
Traficant
Visclosky
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wise
Wolf
Wynn
Young (FL)
Zeliff

NAYS—104

Abercrombie
Andrews
Becerra
Beilenson
Bentsen
Bilbray
Boehlert
Brown (CA)
Brown (FL)
Bryant (TX)
Cardin
Castle
Chapman
Clayton
Clyburn
Coleman
Collins (IL)
Conyers
Crane
DeLauro
Dellums
Deutsch
Doggett
Durbin
Engel
Evans
Farr
Fields (LA)
Filner
Ford
Fowler
Frank (MA)
Frost
Gejdenson
Gibbons
Gilman
Gordon
Green
Gunderson
Gutierrez
Hall (OH)
Hastings (FL)
Hayes
Hilliard
Houghton
Johnson (CT)
Johnston
Kennedy (MA)
Kennedy (RI)
Kennelly
Kleczka
Klink
LaFalce
Lincoln
Lowey
Luther
Maloney
Markey
Martinez
McDermott
McKinney
Meehan
Meyers
Mineta
Mink
Morella
Nadler
Neal
Oberstar
Olver
Orton
Owens
Pastor
Pelosi
Petri
Rahall
Ramstad
Reed
Riggs
Rose
Roukema
Roybal-Allard
Schroeder
Scott
Serrano
Shaw
Skaggs
Slaughter
Stark
Studds
Thomas
Thompson
Torkildsen
Upton
Velazquez
Vento
Waters
Watt (NC)
Waxman
Williams
Woolsey
Wyden
Yates
Zimmer

NOT VOTING—7

Bateman
Jacobs
Moakley
Reynolds
Thurman
Tucker
Young (AK)

□ 1235

Messrs. STARK, OLVER, GORDON, SERRANO, GILMAN, Ms. DELAURO, Mrs. COLLINS of Illinois, Ms. VELÁZQUEZ, Ms. WATERS, and Ms. MCKINNEY changed their vote from "yea" to "nay."

Mr. COSTELLO and Mr. WISE changed their vote from "nay" to "yea."

So the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERMISSION FOR SUNDRY COMMITTEES AND THEIR SUBCOMMITTEES TO SIT TODAY DURING 5-MINUTE RULE

Mr. SOLOMON. Mr. Speaker, I ask unanimous consent that the following committees and their subcommittees be permitted to sit today while the House is meeting in the Committee of the Whole under the 5-minute rule.

Committee on Banking and Financial Services; Committee on International Relations; Committee on National Security; Committee on Small Business; Committee on Transportation and Infrastructure; and Committee on Veterans' Affairs.

It is my understanding that the minority has been consulted and that there is no objection to these requests.

The SPEAKER pro tempore (Mr. DICKEY). Is there objection to the request of the gentleman from New York?

Mr. DOGGETT. Mr. Speaker, reserving the right to object. It is my understanding we have been consulted and that there is no objection from our side, with the exception of the Committee on Resources, and I believe the gentleman from New York has taken them off the list, since there was objection.

Mr. SOLOMON. If the gentleman will yield, their name is removed from the list.

Mr. DOGGETT. Mr. Speaker, I salute the gentleman for doing that and I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1996

The SPEAKER pro tempore (Mr. DICKEY). Pursuant to House Resolution 208 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2127.

□ 1237

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2127) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1996, and for other purposes, with Mr. WALKER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, as amended, the bill is considered as having been read the first time.

Under the rule, the gentleman from Illinois [Mr. PORTER] and the gentleman from Wisconsin [Mr. OBEY] will be recognized for 1 hour and 15 minutes.

The Chair recognizes the gentleman from Illinois [Mr. PORTER].

Mr. PORTER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is obviously a very difficult and contentious bill. It cuts $6.3 billion from discretionary budget authority of $67.2 billion, reducing it to $60.9 billion.

It is a 9-percent overall cut. It is a cut that is necessary to help bring down deficits and bring our budget as quickly as possible into balance.

The cuts range from a high of 15 percent for funding for programs in the Department of Education to cuts in discretionary spending in the Department of Health and Human Services, which is 3.5 percent.

May I suggest to my colleagues on the other side of the aisle that cuts of 9 percent in a bill of this magnitude are not cuts that will cause the sky to fall. They are moderate cuts that allow the departments and agencies and programs under our jurisdiction to contribute to deficit reduction and ensure that we help bring the deficits down and stop asking our children and grandchildren to pay for what we receive.

Mr Chairman, we worked very hard on the bill. We attempted to use intelligence and thoughtfulness in addressing the priorities for spending for our country under our jurisdiction, and we looked very carefully at every single line item starting with the premise that everything in the bill must contribute something to helping us to reduce the deficit.

We asked ourselves, Mr. Chairman, whether a particular program needed to be a Federal responsibility or could it be done better in the private sector or by State government or local government?

We asked ourselves, does the program actually work? In other words, is it actually helping people, or is it simply providing work to the people in the departments either at the State, Federal, or local level?

We asked whether it met a national need, whether the administrative costs were too high in respect to the benefits to be derived.

We asked ourselves, was it duplicative of other programs?

Every single line item was measured against those criteria, and we undertook to reduce the discretionary spending under our jurisdiction and, at the same time, give commitments to national priorities that should be funded at a higher level.

For example, we provided $11.9 billion to the National Institutes of Health, the NIH research done in teaching institutions across our country as well as intramurally at the NIH facility in Bethesda, Maryland. It provides research to combat disease and injury, helping people to live longer and healthier lives.

On the economic side, the United States leads the world in biomedical research and development. Federally supported biomedical research creates high-skilled jobs for our people and supports the biotechnology industry, which also leads the world in helping to generate a positive balance of trade for our country. The increase for fiscal year 1996 is $642 million, an increase of 5.7 percent.

We, at the same time, removed numerous earmarks and instructions that placed political considerations ahead of scientific decisions as to the most promising avenues of research. We end earmarking of research funding and leave the funding priorities not to political considerations, but to science.

We increase funding for prevention programs by $63 million, including funding for childhood immunization, sexually transmitted diseases, chronic and environemtnal diseases, breast and cervical cancer screening, and infectious diseases. Programmatic levels are maintained for programs such as the preventive health block grant, the AIDS prevention activities, tuberculosis, lead poisoning and epidemic services.

□ 1245

We increased, Mr. Chairman, funding for the Job Corps program, which will permit the opening of four newly authorized centers, and, Mr. Chairman, we support student assistance very strongly by providing the largest increase in maximum Pell grants in history, and by funding the maximum grant at $2,440, also the highest level in history.

We provide level funding for Federal supplemental educational opportunities grants, the work study programs and the TRIO program, which we consider a very high priority.

We do terminate 170 programs originally funded in fiscal 1995 at $4.9 billion. Among those terminated are many of the 163 separate job training programs in the Department of Labor and the Department of Education and over 50 programs in the Department of Education that provide no direct services to students but instead fund research, technical assistance, information dissemination, or demonstration funds.

We terminate Goals 2000, Mr. Chairman, a program that also provides no direct assistance whatsoever to students but instead funds a variety of administrative and planning activities that school districts and States can well do without billions of dollars of Federal funding.

We focus OSHA funds more towards compliance assistance to prevent worker injury and away from enforcement, an after-the-fact solution.

We abolish the Office of the Assistant Secretary of Health with its allocation of 14 deputy assistant secretaries and six special assistants at a grade 15 or above, which the Department itself is in the process of reforming.

We increase assurance that Federal funds are not being used to support the advocacy of public policy. We reduce administrative costs by cutting overall administrative budgets in every single department, program, and agency by 7.5 percent and for congressional and public affairs offices by 10 percent.

Mr. Chairman, for the Department of Labor, we cut discretionary spending by $1.1 billion, or 11.4 percent. This includes substantial reductions in certain job training programs, including the elimination of funding for the summer jobs programs, also previously rescinded because of their general lack of effectiveness. This decision reflects the need to prioritize programs and reduce spending as well as the fact the Committee on Economic and Educational Opportunities is in the process of consolidating these same programs.

As I mentioned, Job Corps is increased, one-stop career centers are level funded, Bureau of Labor Statistics is funded almost at level at $347 million, a reduction of 1.3 percent, OSHA funds are shifted, as I mentioned, and the bill directs more of the Community Service Employment for Older Americans spending to local providers rather than to national contracts.

The bill also contains language to prevent implementation of the President's Executive order on striker replacements and to end pressure on pension funds to invest in economically targeted investments.

For the Department of Health and Human Services, the funding declines by $1 billion, a 3.5-percent cut.

The bill funds the health centers activities at $77 million above last year's level, $756.5 million, and provides an increase of $116 million for the maternal and child health block grant to $800 million.

The bill presently folds the family planning program into the community and migrant health programs and the maternal and child health block grant, an idea that I do not support and will oppose when the amendment comes before the floor for our consideration.

We do provide level funding, maintenance funding, for the Centers for Disease Control and Prevention programs support, supporting a broad range of prevention programs and funding many others at last year's level, including the CDC AIDS prevention program.

Funding for breast and cervical cancer screening is increased by 25 percent to $125 million.

We provide level funding for community service block grants at $390 million, for child care and development block grants at $935 million.

For the Ryan White AIDS program, funding is increased by $23 million to a level of $656 million, and NIOSH funding, Mr. Chairman, is reduced by 25 percent to $99 million.

Funding for the Agency of Health Care Policy and Research declines by 21 percent to $125.5 million.

We provide level funding for the mental health and substance abuse block grants at $275 million and $1.23 billion, respectively.

Funding for the LIHEAP program, low-income home energy assistance, is eliminated because the original justification for this program no longer exists and has not existed for many years.

The bill reduces funding for Head Start by $137 million, or 3.9 percent, from last year's level, and even with this reduction, Head Start is still funded at over $3.3 billion for fiscal year 1996. We are not at all hostile to Head Start. We are strong supporters of Head Start, but we do believe that it is necessary to send a message to those programs that are not being run properly that the funding will not go on forever without their cleaning up their act and providing the kinds of services that we expect in a program that is well run.

The bill also changes current law by providing the States with the option of providing Federal Medicaid funds for abortion in cases of rape or incest and prohibits the use of Federal funds to discriminate against medical schools who do not include abortion training as part of their overall Ob/Gyn training and bans embryo research by NIH. I might say, Mr. Chairman, I do not agree with these provisions and will address them when we come into that section of the bill where amendments are being offered.

Mr. Chairman, overall, we have a 9-percent reduction. The largest departmental reduction is at 13 percent; the lowest is at 3.5 percent.

This is a responsible bill that chooses priorities for our country, funds those programs that are essential and working well to help people in our country. It is a bill also that contributes its share to deficit reduction and the need for us to put our fiscal house in order.

Let me say in closing Mr. Chairman, I believe we have done our job in a very thoughtful and responsible manner. I believe that we have made the reductions necessary to contribute to deficit reduction in a way that preserves essential and good programs.

To say that the sky is falling because we have reduced spending in this area is simply to vastly overstate the case. The Federal Government has grown for 40 years. It has grown without any control. It has grown on deficit spending that has raised our national debt to nearly $5 trillion.

These departments have grown hugely. In the last 10 years alone, the Department of Education has gone from 120 programs to 240 programs, just in the last 10 years. We must get control over this process. We must get back to the core programs that serve people. We must trim the tree. Every once in a while you have to do that, Mr. Chairman. You have to look at all that has grown up and, however worthy it may be, it is very costly to administer. We do not need programs that are very tightly targeted with their own separate staff and administrator. We need to get back to core programs that really help people. That has been the thrust of our thinking in this bill. I think we have done a responsible job.

I commend the bill to all of the Members.

Mr. Chairman, I reserve the balance of my time.

Mr. OBEY. Mr. Chairman, I yield myself 17 minutes.

Mr. Chairman, I have a great deal of respect for the gentleman from Illinois, as he knows. He has worked very hard, and he has dealt with all of us in a very fair way. But he is, frankly, caught in a maelstrom not of his own making. This is not a bill which he would have produced had he been able to control events.

Mr. Chairman, this is the worst appropriation bill that I have seen come out of the Committee on Appropriations in the 25 years that I have had the privilege to serve the Seventh District of Wisconsin in this House.

Mr. Chairman, the public, in the last election, tried to send us a message. I think what happened in the last election is that working people for more than a decade saw their living standard fall. They have seen costs slowly rise, while their incomes have stood still or even declined in real dollar terms after you adjust for inflation. Young workers see that it takes two workers per family to maintain the same kind of living standards that you could maintain a generation ago with one person in the workplace.

You have what many people call the sandwich generation. They are desperately worried about how to take care of their retired parents at the same time that they are trying to find enough money to send their kids to school. And I think for many years individual Americans have been looking in the mirror when they get up in the morning and saying, "Hey, what am I doing wrong?"

But in the 1990's I think they have come to understand that it is not just them. I think they have come to understand that everybody is being squeezed. And in 1992, President Clinton was elected because I think the public wanted him to pursue a solution to fundamental problems.

In 1994 they were not satisfied with the progress that they thought had been made. They saw a national failure on health care. They saw too much time being devoted to marginal issues, and so they put our Republican friends in charge. And I think what they were hoping was that by doing so, that would force both parties to work together to produce a common agenda on common ground for the common good of the greatest number of people in this country. They wanted us to deliver a dollar's worth of service for a dollar's worth of taxes. They wanted programs that were as well managed as they were well meaning, and I think they wanted us to weed out unnecessary spending and make Government smaller and make Government work better at the same time.

I think they also wanted a war on special interest domination of the Congress and the Government.

Now, certainly I think many of us in the Democratic Party got the message. If we did not, we would have had to be deaf. And I think many of us are willing to work to try to pursue that kind of agenda. But this bill goes far beyond that.

This bill eliminates a number of unnecessary and duplicative programs. I say "good." It makes additional cuts in the name of deficit reduction. Maybe we are not thrilled about that because some of these programs we deeply care about, but we understand it is necessary. But it goes far beyond that and, in doing so, becomes the meanest and the most vicious and extreme attack on women and kids and workers of any appropriation bill in the postwar era.

It reveals in the process enormous differences between my party and the Republican majority about the priorities that ought to be given to raising the quality of our children's education, to protect the health and dignity of workers, both in the workplace and at the bargaining table, and to provide the skills necessary for workers to compete in a changing world economy. And it shreds the vulnerable and those who are often cruelly neglected in a materialist society.

Next to the fight over Medicare, this bill is the epicenter of what I call the Gingrich counterrevolution. As I said, some of the cuts are necessary to help reduce our Federal spending, but this bill goes far beyond that because the economic game plan, of which this bill is a part, is insisting that we provide, among other things, some very large tax cuts for some very rich people.

If you take a look at what is being prescribed, you understand what I mean. We are being told by our Republican friends that we need to eliminate the corporate minimum tax. This is a list of companies who, from 1982 to 1985, paid no taxes whatsoever, despite the fact that they made one whale of a lot of money. We are going to return to those good old days because our majority party friends want us to eliminate the minimum tax that those corporations have to pay. So we will go back to the good old days when AT&T, DuPont, Boeing, General Dynamics, Pepsico, General Mills, Trans America, Texaco, International Paper, Greyhound, you get the idea, all the way down. You see, those corporations, during the 1982 to 1985 period, made $59 billion in profits, $59 billion in profits. Yet in many of those years they escape paying a dime in taxes. We are going to gouge Medicare and gouge programs in this bill to help finance that kind of nonsense.

□ 1300

If we take a look at the Federal Reserve studies which have been done on what happened in the 1980's, this shows who has gotten what and what has happened to the American dream in the 1980's.

The Federal Reserve shows that from the end of World War II to roughly 1979, beginning of 1979, indeed a rising tide did lift all boats in this country, because whether one was in the bottom 20 percent of income in the country, or in the middle, or in the top, everybody's income rose, even after inflation. And so everybody, despite the fact that we had the Vietnam war, despite the fact that we had the race riots after Martin Luther King was killed, this society hung together because everybody was getting a piece of the growing economic pie. But from 1979 through the latest year for which the Federal Reserve has been able to compile statistics we see that, instead of growing together, this country has been growing apart. I say to my colleagues, If you're in the bottom 20 percent of income, you have lost a bundle since 1979. If you're in the middle, you have lost ground. Only if you're in the top 20 percent of income earners in this country have you done well, and especially the richest ½ million families in this country have done exceedingly well because the new Federal Reserve study shows that the richest ½ million families in this country, about ½ percent of the total family number, have increased their share of national wealth since 1980, the beginning year of the Reagan revolution. They've increased their share of national wealth from 24 percent of the Nation's wealth to 31 percent.

Mr. Chairman, that is a huge expansion of wealth for the wealthiest people in this society who already had a awful lot. The wealth for those few families increased by a greater amount, by almost twice as much as the entire national debt increased during that period. And yet our Republican friends on this side of the aisle think that that is not enough disparity, that is not enough trickle-down which starts by taking care of the needs of people in the top berths.

So they have produced a tax package which has a distribution table roughly this way:

The average tax cut per family from the House tax bill is mighty slim for someone in the bottom 40 percent, or even in the middle of this society, but, oh man, someone in that top 1 percent, $20,000 in a tax cut. So we are going to chisel on programs for poverty-ridden senior citizens, and we are going to chisel on the aid that we provide local school districts to help educate the most difficult to educate kids in this society in order to provide those folks a $20,000 tax cut.

Mr. Chairman, that is what is behind this bill, and that is why this bill is so wrong.

If we take a look at what is happening, the biggest cut in this bill is aimed at the aid that we have traditionally provided local school districts, some $2½ billion. Going to clobber chapter 1. Going to clobber "Drug-Free Schools" that helps schools teach kids to avoid drugs before they get hooked. Going to clobber vocational education. Going to lay it to the School to Work Program which helps non-college-bound kids move out of high school into the world of work and helps them to try to find someplace that will give them a good bit of training to transition into the work force. The main results from that, my colleagues can be assured, will be lower educational quality and higher property taxes.

For the first time in 34 years the Federal Government is not going to make a contribution to the Stafford student loan program. I would bet my colleagues that a good third of the people in this Chamber, if they are 30 years of age or older, used that Stafford program when they went to college, but now we are going to have an awful lot of folks who have climbed the economic ladder of opportunity pulling that ladder up after them by not making a contribution to that program. Goals 2000 to improve educational quality: bipartisan, started under George Bush, wiped out under this bill.

The next biggest hit comes on the vulnerable, the seniors, the disabled, and the poor kids in this society. In the late 1970's Senator Muskie and I started a program to help low-income people, mostly seniors, pay their fuel bills, heat their houses in the wintertime, cool them in the summertime, because we got awfully tired of seeing senior citizens who had to choose between paying their prescription drugs and keeping their house warm in the winter. So we passed a low-income heating assistance program.

We just had almost 800 people in this country die in a heat wave 3 weeks ago, and lots of Governors put out press releases saying, "We are going to release emergency money under the Low-Income Heating Assistance Program that the Federal Government has just given us so that we could help people in that situation." Guess what? Under this bill there is not going to be any more funding available to provide that kind of emergency relief because the program is wiped out. Eighty percent of the people who use that program make less than $10,000 a year, one-third of them are disabled, so that is just another of the grace notes in this bill.

Under this bill we are going to have thousands of students who are learning to teach handicapped kids who are going to lose their scholarships to do that.

Under Healthy Start; it was started by President Bush to attack infant mortality in communities where it is more than twice as high as the national average. That program is going to be cut in half under this bill. Thirty-six thousand babies are going to die in this country this year.

Head Start, which the gentleman from Maryland [Mr. HOYER] and others will talk about later: 45,000 to 55,000 kids going to be tossed out the window on that program, and we are essentially going to be saying to local school districts, "You find a way to take care of it, kiddo. We're not going to do that anymore."

Both parties talk a grand game on welfare reform, and yet this bill clobbers virtually every program on the books to move people from welfare into work. It clobbers the dislocated worker program, it clobbers adult job training, and it hammers State vocational educational grants.

And what disturbs me more than anything in this bill is the attack it makes, the attack it makes on the protections that workers have a right to expect will remain: protections for worker health, protections for worker safety, protections for their bargaining rights. There are deep cuts in the Labor Department enforcement here which will make it easier for some corporations to make a profit, no doubt. It will also make it easier for those corporations to violate wage hour laws. It will make it a lot less risky for them to set up bogus pension systems. It will make it a whole lot easier for corporations to abuse workers who try to organize to get better pay. So that is another one of the "grace notes" in this bill.

All in all what this bill is going to do is make it harder for ordinary people to hang on to a middle-class lifestyle, and it is going to make workers more vulnerable to the whims of their employers who want to avoid paying the minimum wage, or the 40-hour week, or rules for fair labor practices, or standards for a safe working environment.

I think what we are regrettably witnessing in this bill—and indeed across the board in this Congress, but especially in this bill—I think we are witnessing a giving up on our efforts to be one people with a common interest and a common cause. We are ceasing to be a country with a large and growing middle class. Instead we are accepting the fact that we are going to have fewer and fewer tickets into the middle class, and we are accepting the fact that we are going to have a level of insecurity for those in the middle class that used to be associated with being poor. We are becoming in my view a society with a very rich people and a great number of people trying desperately to hang on to some semblance of what is left of a middle-class living standard, and not many people in between, and this bill makes all of that worse.

Mr. Chairman, this bill savagely cuts financial support for crucial programs that have been used by millions of Americans to help work themselves up the economic ladder. And the New Centurions who are running this House, I think, after having made it themselves are perfectly willing to pull that ladder up after them, and my response is, "Shame on you, shame on you. You ought to know better."

This bill also contains a number of legislative riders which are slipped into this bill literally in the dead of night because that is when we met, from 9:30 at night until 3 in the morning. And those provisions rip into the protections that we provided workers and working families for decades. We will be offering amendments to try to strip that language out, but we will not be offering amendments to fix this bill financially because this bill is beyond repair because of votes previously already cast in this House which locks this subcommittee into an allocation of resources which will allow this Congress to continue to fund the B-2, for instance, over $1 billion a plane. That is the cost of the B-2, just one B-2 bomber, and we are buying more than the Pentagon asked for, more than the President asked for, more than the Joint Chiefs of Staff asked for. Just one of those babies would pay the tuition costs of every single kid at the University of Wisconsin, Madison, for the next 12 years, to put it in perspective.

While we are going to be gutting the programs for the people in this bill, Mr. Chairman, we are going to continue the production, or we are going to begin production, of the F-22 in the Speaker's home State; $70 billion for that airplane to complete production. That is more than we have got in this entire bill in discretionary spending, for everything that this bill is supposed to do for education, and workers and seniors.

So we will be trying to make people understand, as we go through the amendment process, what is at stake, not inside the beltway, but for people out there in the country, and we will be trying to focus people's attention on the vote on final passage. There are going to be a lot of Members offering amendments, what I call get-off-the-hook amendments, or what I call holy picture amendments to try to pose for holy pictures and look good on a little narrow issue on this bill, hoping then people would not notice that they voted for final passage. The only way to correct the gross injustices in this bill is to vote the bill down, send it back to the committee, insist that the committee redo its budget allocation process so that we do not have to gouge seniors, gouge our future education prospects in order to provide a big tax cut for some of the richest people in this country.

Mrs. SCHROEDER. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentlewoman from Colorado.

Mrs. SCHROEDER. One of the most profound and thoughtful statements I have ever heard, I say to the gentleman.

I wanted to talk about the gentleman's charts for a moment because I thought they were so ominous. The way I read the gentleman's tax-cut chart, that last one is for the upper 1 percent? Is that correct?

Mr. OBEY. Yep, 1 percent.

Mrs. SCHROEDER. The upper 1 percent, and the reason I thought it was important to point it out is, as I understand the chart before that, it is broken into 20 percent——

Mr. OBEY. That is right.

Mrs. SCHROEDER. So what the gentleman is saying there is while the upper 20 percent had been doing much better, obviously, than the lower 20 percent, with this tax cut we are forgetting even the upper 19 percent of that 20 percent. We are just going for the 1 percent; we are going for the really fattest of the fat cats.

Mr. OBEY. Well, I guess what I would say is we have been told that this bill represents payback time, and I guess when we see this chart, we can see who is getting paid back.

□ 1315

Mrs. SCHROEDER. I thank the gentleman.

Mr. PORTER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me say about the gentleman from Wisconsin [Mr. OBEY] that I appreciate his contributions in working with the majority and the Members on his side who are excellent members of our subcommittee as well. He has contributed throughout the process in marking up and reporting the bill. It has not been easy for any of us, and I appreciate his kind remarks, and I feel that we have worked very well together and have done our best in addressing the difficult problems in the bill.

I might say regarding his chart, the one that shows the quintiles of income for people in the country, that that chart is completely misleading because it deals only with income. Income used to be a very easy quantifiable measure, but the difficulty was that the very times he worries that the income has gone down, we began a process in our country of providing worker benefits through employment health benefits, pension benefits and the like that are not reflected in his chart.

Mr. Chairman, he also ignores Government transfer payments. There is nothing in there that takes account of food stamps, Medicaid and like programs. So the chart measuring only income does not measure the well-being of families at all, and I believe that no one should believe that the chart really reflects the condition of families across this country.

I might say about the tax package, Mr. Chairman, that I agree with what the gentleman said about taxes. We should not be making tax cuts at this time. I did not support the tax cut provisions. I believe we should make tax cuts when we have balanced the budget and not before. A question of timing. I certainly think that they are not appropriate right now, and I might agree also with the gentleman, this is not the time to provide huge funding for the B-2. Even though it is wonderful technology to have, we do have other problems that have to be addressed. I have never supported funding for the B-2 bomber.

Mr. Chairman, let me talk about some of the other things the gentleman has talked about and set the record straight. On Perkins loans, which he called Stafford loans, the Perkins Loan Program is already funded at $6 billion. Yes, it is true we did not add $158 million of new capital to that account, but the account is a revolving account with $6 billion out there. I might say that if every person who borrowed a Perkins loan repaid it, we would never need to add capital to the account except as the number of students rise that might need it. There is a very adequate fund available to students who need help in this country. We have not cut that at all. We simply were not able, in this budgetary environment, to add to it.

We talked about the LIHEAP Program earlier. I would have supported it in 1979 because Federal policy caused the second Arab oil embargo. It did raise prices unconscionably, and the poor were terribly affected by the fact that heating oil and energy costs generally went through the roof. Today, however, energy costs and heating oil are at historic lows. The Federal policy has long since gone. There is no crisis, and yet the program continues on and on and on.

Do we have needs in this country among the poor? Of course, we do. Is it the Federal responsibility to address every one of those needs? It seems to me it is the responsibility of the utilities and the States which regulate them to handle that problem, as they always did in the past, and not for the Federal Government to create a program that simply is unending. A very expensive program indeed.

The gentleman talked about chapter 1, title I, the program for economically disadvantaged students. It would be wonderful to fund that forever, except for one thing: The program does not work. The very schools that the program sends its money to in the inner cities are failing our students. All the money in the world is not going to change that and it has not changed that.

In fact, the schools are in awful condition. What is going to change it is the very thing my State is doing. If I can say to the gentleman, we have said to the city of Chicago, which has among the poorest public schools in America, end it. Get rid of your board of education, get rid of all your bureaucracy and levels of administration.

We are turning over to the mayor of the city of Chicago the entire responsibility for the schools; and, believe me, the mayor will straighten them out. One of the great problems with school funding in America is that it supports huge bureaucracies that do not help students one whit. All you have to do is look to our major cities and see that that money is money truly down a rat hole. It is not working to help kids.

Healthy Start. Healthy Start is a demonstration program. We support that program. It is going to terminate this year. We did cut the funding for it to terminate it a little earlier, but it is not an ongoing program. It is not any thing other than a demonstration program. We think it works well, and maybe should be reauthorized, but that is not up to the Committee on Appropriations.

Head Start I addressed earlier. Let me say once again we strongly support Head Start, but we do not support sending money into new Head Start programs where it is poorly administered and we are not getting value for the money. That is why we made a very small cut in a program of over $3 billion that will keep the program going but send a message that we want that money spent well and wisely.

Job training: 163 programs. The gentleman talks about the dislocated workers program, the displaced workers program, for example. What about it? The Department of Labor, in its own departmental evaluations says that short-term skills training has not been successful in producing earning gains for dislocated workers. Only a minority of displaced workers are likely to enter long-term training if the option is offered to them.

Frankly, Mr. Chairman, the program is not a very good program and should have received and did receive the kinds of cuts that we made in it. We need effective programs that work for people, and the authorizing committee is in the process of reforming that entire area and I think we are going to see that happen.

Now, Mr. Chairman, I want to take just a minute to thank the members of our subcommittee before I recognize the chairman of the full committee. Again, I thank the gentleman from Wisconsin [Mr. OBEY], our ranking member. He has done an excellent job, and it is a very difficult assignment for him to have this ranking membership in addition to being the ranking member on the full committee.

We also have five new members of the subcommittee: The gentleman from Oklahoma [Mr. ISTOOK], the gentleman from Florida [Mr. MILLER], the gentleman from Arkansas [Mr. DICKEY], the gentleman from California [Mr. RIGGS], and the gentleman from Mississippi [Mr. WICKER]. All of them have done a wonderful job on our subcommittee and in their work on this bill.

I also want to thank the staff of the Committee on Appropriations, the full committee. They have been extremely helpful to us every step of the way, as they have been to all the subcommittees during this very difficult appropriation season in the House. I would like to remind the Members of the House that this committee has managed the passage and signature of the President of two rescission bills already, including the largest rescission in history just signed by the President. The staff has done an excellent job.

I would like also, Mr. Chairman, to thank the staff of the minority membership, Mike Stephens, who has done an excellent job in representing the minority, and he has worked cooperatively and courteously with all of our staff. Our staff has done wonderful, wonderful work, headed by our clerk, Tony McCann, Bob Knisely, Sue Quantius, Mike Myers, Joanne Orndorff, and Jennifer MacKay. All have done wonderful work. Jennifer is on detail from the Department of Health and Human Services. She has been a very big help to us all year long and we appreciate having her.

Let me take this opportunity, if I may, Mr. Chairman, to thank the chairman of the Committee on Appropriations [Mr. LIVINGSTON]. I cannot think of a tougher job than his job. I do not know when he has time to get even a minimal amount of sleep. He has played a tremendous role in getting this bill through the subcommittee markup and through the full committee. His help had been invaluable. I want him to know how much all of us appreciate it. He has done a splendid job under very, very difficult circumstances throughout the year, and all the major appropriation bills, hopefully, including this one, will have been passed on our August recess. That accomplishment is a real testimony to the leadership of our chairman and the importance of his excellent staff.

Mr. Chairman, I yield such time as he may consume to the gentleman from Louisiana [Mr. LIVINGSTON].

Mr. LIVINGSTON. Mr. Chairman, I thank my friend, the distinguished gentleman from Illinois [Mr. PORTER], the chairman of the Subcommittee on Labor, Health and Human Services, and Education for his very kind remarks and for his outstanding efforts on behalf of this very difficult and complex bill. It was a hard task for him to approach preparing and presenting this bill because he does care so deeply about each and every one of the items that are the subject matter of the bill. He has done a splendid job. This bill meets our budget targets, and I commend him, all of the staff, and all of the members of the committee on both sides of the aisle.

I want to say to my friend, the ranking minority member of the committee and the subcommittee, that I have enjoyed working with him through this very rigorous process. He and I do not agree on every single issue, and, as you will soon hear, certainly not on the issues involving this bill or his last statement, but we have had a good working relationship.

Mr. OBEY. Mr. Chairman, would the gentleman yield?

Mr. LIVINGSTON. I yield to the gentleman from Wisconsin briefly.

Mr. OBEY. As the gentleman knows, Will Rogers said once that when two people agree on everything, one of them is unnecessary.

Mr. LIVINGSTON. I would hope the gentleman has just proved that neither one of us is unnecessary. One of us will win, and I hope it is me.

At any rate, I want to commend him for the way he has handled his business on the subcommittee and on the committee. He is a great Member of Congress. He believes deeply in the institution, and I personally enjoy working with him very much, and would say to the Members that I think he is totally wrong on this bill.

In fact, Mr. Chairman, I think his statement on the floor is a representation, a very good representation, of a very failed and flawed philosophy that has gone dry over the last 60 years. It has ended. Socialism does not work anymore. We now know you cannot reach into the pockets of the taxpayer and expect them to rise up and be happy about spending money on every neat idea that some legislator happens to come up with, and that is what this bill has come to be. We have never scaled this bill back, and for that reason we now have redundancies and inefficiencies and unnecessary spending, wasteful spending, riddled all through the bill.

I rise, Mr. Chairman, in support of the bill as it has been confected by this subcommittee and hope that the Members will pass the bill on the House floor and send it to the Senate, and, ultimately, to the President. I think it represents a real transformation; a realization that, yes, there has been a revolution of political thought; that we cannot afford every good idea or every neat idea that comes down the pike, and that we can do things differently. We can actually give money to those who need it. We can help people survive without simply throwing money at every idea that tries to address every single problem.

In fact, Mr. Chairman, the debate today goes way beyond this bill. It is really about the legacy that we leave our children, about the contract we signed with the American people last September, and about the mandate that the American voters gave to all of us in November. That mandate is to balance the budget, to end duplication in Federal programs, and to downsize government agencies. To paraphrase the debate earlier in the year on the Republican budget: Why do we need to balance the budget? The chairman of the Federal Reserve, Alan Greenspan, said it best: So that our children will have a higher standard of living than their parents.

Now, Mr. Chairman, how long can we really expect to continue to strap American citizens with a national debt that is approaching $5 trillion, a debt that equates to over $18,000 for every man, woman, and child in America? That debt, just like the debt on your credit cards, is gathering interest at a rapid rate. So rapid in fact, that within a year and a half, the interest on the debt that we pay will exceed what we spend on the National defense of this country.

The fact is we have to rein in spending. We have to start saving and economizing. Government spending is not the be-all end-all to all of our problems. We have thrown money for too long at too many problems and gotten too little result. Now we realize if we do not start balancing our books, just like every family in America has to do and every business in America has to do, that this Nation will, like many other nations, go bankrupt.

Mr. Chairman, I do not think that is a legacy we want to leave our children or grandchildren. Even with the Republican budget that balances spending by the year 2002, total Federal spending will continue to grow by hundreds of billions of dollars.

□ 1330

In fact, we would just slow the increase in spending with our budget between now and then to an annual 3 percent growth rate as the economy grows. We are not stopping all spending. We are not even cutting real spending. The Government budget will continue to grow at an annual rate of 3 percent with the bills that we have passed this year.

Under the Republican budget for Medicare that you have heard so much about, it will still increase at an astronomical 6.4 percent a year. Until this and other appropriations bills that have come to the floor this year, nondefense domestic discretionary spending since 1985, according to this President's own fiscal year 1996 budget submission, has increased, even in inflation-adjusted outlay dollars, by 28 percent, grown by 28 percent since 1985.

Means-tested entitlements, those programs over which we have little or no control because they are written into law, and anybody who qualifies gets the money, have increased by 38 percent since 1985. Still, despite what others would have you believe, this is the first annual Labor, Health and Human Services, and Education appropriations bill since 1986 that actually decreases spending from the previous year, and I say for good reason.

It is a follow-up to the reductions we made in the rescissions bill, the $17 billion rescission bill the President now has, after one veto, finally signed into law. So that was the first step the President called it down payment on a balanced budget. But in this bill, we take that further. Yes; we do eliminate programs and downsize and streamline programs in this bill, because we believe that we can provide assistance to the truly needy without simply having more wasteful, inefficient, redundant, unnecessary, or abusive programs.

We believe that it is not necessary to have 163 programs across 15 departments and agencies doing the same thing in terms of Federal employment training programs or Federal job training. We believe that it is not necessary to have 266 Federal programs across 8 departments and agencies for youth at risk. We believe that it is not necessary to have 80 Federal welfare programs or 167 Federal programs across 16 departments and agencies, according to the GAO, for housing purposes, or 90 programs across 11 departments and agencies doing early childhood programs, or 240 education programs, or at least six different programs funding family planning.

We can hone these down. We can separate these programs, these redundancies and these inefficiencies, and we can have fewer programs with less bureaucracy and still provide probably more money to the people that are really in need. We can do without this wasteful idea of simply raising money from the American taxpayer and throwing it at good ideas.

In this bill, after the cuts that have been described by the gentleman from Wisconsin who preceded me, we still provide $68.1 billion in discretionary outlay spending for hundreds of domestic programs. We still provide a total of $278 billion in spending when you include mandatory programs under this committee's jurisdiction.

We provide $11.9 billion for the National Institutes of Health; $642 million over last year's level, which represents a 6-percent increase.

We have increased funding for prevention by $62 million for such programs like breast and cervical cancer, childhood immunization, and infectious diseases. We have provided over $2.16 billion for the Centers for Disease Control programs, an increase of $39 million over last year, and $802 million for the maternal and child health program, which is $116 million over last year's level.

We increased the Job Corps funding to open four new centers; total spending for Job Corps is $1.1 billion in this bill. In this bill we provide the largest increase in history for the maximum Pell grant, $2,440 per individual.

This bill provides new funding of $6.9 billion for funding for student financial assistance, and combined with the carry-over Pell grant funding, the total is $7.7 billion for student assistance, an increase of $103.9 million over last year's level, and they say the sky is falling. We are not giving enough to students.

The bill provides, among other things—here is a good one. We have heard the President, we have heard those in Congress who decry the cuts say the sky is falling, the Sun is rising in the West. Head Start, the one they talk about so much, we are cutting it all the way back from $3.5 billion to $3.4 billion; $3.4 billion will be spent on Head Start alone, up from $2.2 billion in 1992. And where does that money come from? From the American taxpayer, the generous American taxpayer. The taxpayer that genuinely cares deeply about America's children, is contributing this year, under this bill, $3.4 billion for Head Start, as well as $4.3 billion for foster care and adoption assistance, $2.8 billion for the social services block grant, $1.2 billion for the substance abuse block grant, $1 billion for the jobs program, $934.6 million for child care block grants, $77 million for the aging programs, or the administration of aging programs, $428 million for community services block grant, $357 million for the congregate nutrition services, and $275.4 million for the mental health block grant. And they say the sky is falling, the world is coming apart because we are not spending enough money on people?

The money comes from the taxpayer. We owe them the responsibility to weed out the waste, the inefficiency, the abuse, the redundancy, the unnecessary spending. That is what we try to do, and we do not neglect our poor, our needy, our elderly, or middle class.

In fact, there has been some talk about those tax benefits. I have another chart, not blown up unfortunately, but here is the Republican tax proposal. People whose income is under $20,000 get 5 percent of the proposed tax benefit. The people making between $20,000 and $30,000 of income get roughly 10 percent of the proposed tax benefit. The people making between $30,000 and $40,000 get 15 percent of the benefit. Those making between $40,000 and $50,000 get 15 percent of the benefit. If you add all these together and include the people making under $75,000, all of these people get 65 percent of the tax benefits. For the $500 child credit proposal, 75 percent of this tax benefit goes to those making under $75,000 in the aggregate.

Now, Mr. Chairman, I will have to tell you that there has been a lot of hype. There has been a lot of overplay, a lot of scare mongering. People say that this bill should not be adopted because it cuts. It spends a total of $278 billion for good causes, and that is $278 billion from the American taxpayer. It is not unfair, it is not unwise, it is not devastating. It is a good bill, it is a critical bill, it should be passed, and I urge its adoption.

Mr. OBEY. Mr. Chairman, I yield myself 3½ minutes.

Mr. Chairman, just very briefly to respond to the previous two gentlemen, I would say first to the gentleman from Illinois [Mr. PORTER], he suggests that our tax charts are not accurate. Is the gentleman truly suggesting that the middle-class families in this country have done better the last 10 years than the super rich? If he is, I would respectfully suggest somebody is smoking something that is not legal. I do not think anybody else sees it that way.

The gentleman says that the Perkins loan is amply funded. All I can tell you is there are going to be 150,000 students who are not going to be able to be helped by the Perkins loan program this year if we do not make a contribution to it.

The gentleman says in terms of low-income heating assistance, there is no crisis. Good gravy, 600 people died in Chicago just 2 weeks ago because they were overcome by heat. The low-income heating assistance program is the program that is supposed to help folks like that. No crisis?

The gentleman says that because schools are in trouble, we ought to cut back on chapter I. To suggest you ought to cut back on the major program we have to help local school districts educate the toughest to teach kids in their districts, to suggest we ought to cut that back and somehow that is going to improve education performance is, I think, backwards.

The gentleman says that we should not worry about the dislocated worker program; 193,000 fewer workers aren't going to get help on job training after they have lost their jobs, through no fault of their own. Is that the answer America is going to give to the workers who have fallen victim to programs like NAFTA and GATT? I hope not.

With respect to the gentleman from Louisiana, he recites a great number of small programs that ought to be eliminated. He is beating a dead horse. We have already said 15 times we support the elimination of those programs. Fine.

The gentleman says that this bill is an end to socialism. Well, with all due respect, I do not think helping kids to get an education is socialistic. I do not think helping workers to get job training is socialistic.

I ran into one young woman in the community of Rhinelander in my district, 22 years old, I think she was. She was in school, in a 2-year school. She had a couple of kids. She and her husband split because her husband had beaten the living devil out of her time after time after time. She was homeless for 2 months last year, yet she kept going to school every day trying to make something of her life, and she was using a Perkins loan and other educational help. Is it socialism to help a person like this? Nonsense.

The gentleman says we should stop throwing money at programs. I agree. Why do not you join us in eliminating the B-2 and the F-22? We will save a whole lot more money than we are spending in this bill.

The gentleman says that we are going to provide plenty of money for the truly needy. Here is a list of the truly needy giant corporations in this country who are going to wind up again paying no taxes whatsoever because of the Republican party insistence on eliminating the corporate minimum tax.

The gentleman says you are going to have some benefits to lower income people in the tax bill. Undoubtedly. But they will be table scraps in comparison to the caviar given to the people at the top of the income scale.

The gentleman says we should not worry because this bill is spending $68 billion in discretionary funds. It is not. It is spending $62 billion. If it was spending $68 billion, we would not be having this fight.

Mr. YOUNG of Florida. Mr. Chairman, I yield 1 minute to the gentleman from Louisiana [Mr. LIVINGSTON], the distinguished chairman of the Committee on Appropriations.

Mr. LIVINGSTON. Mr. Chairman, I point out, as regretful as that incident was when all those people died because of the heat, not one of them was saved by the existing LIHEAP program which is in full operation today. The LIHEAP program did not do them any good.

Second, the B-2 bomber, a $13 billion investment, is estimated may end up saving us well over $640 billion over the long haul because of its payload. This is the weapons system for the future. It really has no place in this debate, because that is talking about the defense of this Nation.

Mr. OBEY. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, with all due respect, it does have a place in this debate, because your allocation gave the Pentagon $7 billion more than the President asked for. You have cut at least $7 billion out of this bill. That is the problem.

□ 1345

Mr. Speaker, I yield 6 minutes to the distinguished gentleman from Maryland [Mr. HOYER], a member of the subcommittee.

Mr. HOYER. Mr. Chairman, I thank the gentleman for yielding time to me.

Thomas Jefferson said that the nation that expects to be both free and uneducated expects that which never was and will never be. As a result of that philosophy, America has historically invested in its children, both at the local level, the State level and, yes, at the Federal level as well.

We do so because we believe it is absolutely critical for the success of America's way of life. We believe it is absolutely essential if we are to remain competitive in an increasingly global economy where young people in America are not just in competition with kids from California or Maryland or Florida or Louisiana or Maine or Wisconsin, but are in competition with kids who are educated in Japan, in Germany, in Taiwan, all over the world. Therefore, we have made a commitment to making sure that every one of our children is educated.

The chairman of our committee, Mr. LIVINGSTON, has shown a chart at least 15 times now, I think I have seen it. He loves that chart. It is his Head Start chart. It shows how much money we are spending.

My colleagues, the reason that escalated in 1989, and 1990, and 1991, and 1992 and 1993 is because the Congress and President George Bush agreed, we were not doing enough. The bill was not vetoed. In fact, President Bush suggested increases. What the gentleman from Louisiana did not tell my colleagues is that more than 50 percent of the young people in America eligible for Head Start are falling through the cracks, that we are not investing in the over 50 percent of the young people for whom there are no seats in Head Start.

All of us in this Nation lament the fact that so many young people are falling into lives that are negative, that are going to make them tax takers rather than taxpayers. They will not be positive, participating citizens in our community. We see them on television. And we lament and we get angry, and we say, what is happening?

Government clearly cannot do it all. We have got to have parents do a better job in education. We have got to have our schools doing a better job. But we will not solve the problem by disinvestment. A party that believes in the capital system, in the free market system knows full well if you do not invest your capital, you will not get a return. Bottom line.

Now, I only have 4 minutes. The education budget that is presented by this bill would be opposed by the ranking member of this subcommittee, the Republican with whom I served for so many years, Silvio Conte. He would not countenance this bill. And Bill Natcher, the former chairman of this subcommittee, I am aware lamentably, is turning over in his grave.

I said earlier at a press conference that Bill Natcher used to say, "If you take care of the health of your people and the education of your children, you will continue to live in the strongest and best nation on the face of the earth."

Now, I am a Democrat. My good friends and colleagues on that side of the aisle could shrug their shoulders, oh, there go the Democrats again. All they want to do is throw money at problems. The States ought to educate people.

My colleagues, let me call to your attention a statement made by Terrel Bell. Most of you will recall this is not a Democrat, this is the Secretary of Education appointed by Ronald Reagan, his first Secretary of Education, when he first came into office, saying that he wanted to have a revolution in this country. Let me tell you what Secretary Bell believes of this budget, not the gentleman from Wisconsin [Mr. OBEY], not the gentleman from Maryland [Mr. HOYER], not the Democratic side of the aisle, but Terrel Bell, the Secretary of Education under Ronald Reagan.

Statement, July 13, 1995: "The drastic and unwarranted education cuts made in Congress by the House Appropriations Subcommittee," this subcommittee, this bill, "must be restored or we will undercut community efforts to help better educate our children." Ronald Reagan's Secretary of Education.

He goes on to stay, Secretary Bell, Secretary of Education under Ronald Reagan, "I hope the rest of Congress will take a different view."

We urge you to reject this bill. that is a different view than the subcommittee and committee took.

Listen, my colleagues, what Terrel Bell says: "The education of our children is too important to fall victim to this attack against education that serves a narrow agenda not supported by those who know and care about education."

He concludes with this: "The American people support educational excellence, not political extremism."

My colleagues, the person calling for the rejection of this bill and opposition to political extremism was Secretary Terrel Bell of the Reagan administration. Reject this bill.

Mr. YOUNG of Florida. Mr. Chairman, I yield 4 minutes to the gentleman from Pennsylvania [Mr. GOODLING].

Mr. GOODLING. Mr. Chairman, I would like to pick up on the last couple words that were just mentioned: educational excellence. I want to stand here today to take partial responsibility for the slowing down of the growth of funding of Head Start and chapter 1. It is based specifically on what the gentleman just said: educational excellence.

That is not what we have been getting in Head Start in many instances. That is not what we have been getting in chapter 1 in many instances. Anything other than educational excellence. And I have crossed this country for 20 years telling these people we want excellence. We do not want to just know how many new people you added. We do not want to know how much more money you spent. We want to know what the results are. And we do not have any studies that show us anything to indicate that $40 billion in one program and $20 billion in another program have done great things to improve the lives of those young people and make them productive citizens.

But what has happened every time I have spoken all over this country about insisting on educational excellence? Those who run the programs say, not face to face but behind my back: We do not have to pay any attention to you. We know the Congress of the United States is going to give us more money. We know that every President, it does not matter which side of the aisle they come from, are going to ask for more money, and so we are going to get more money and we do not have to worry about excellence. And what a disadvantage we have done to disadvantaged children in this country in Head Start in many instances and in chapter 1 in many instances.

What we are saying with this slight decrease is, now is the time to step forth and offer programs that are based on quality, that offer programs that will show us that in their third year, fourth year, fifth year of school, they have made dramatic increases and the Head Start has remained. The only studies we have to show that we have moved forward in these areas are in community college towns, where the mentors are college students who are out there doing what we should have been doing in Head Start and what we should have been doing in many of the chapter 1 programs. That is teaching parenting skills and improving the literacy skills of the parents so when the child goes home from a Head Start or a chapter 1 experience, they have someone to help them to improve, not just a couple hours they may be in a school setting.

So I am not ashamed that I am one who has asked us to slow down temporarily these increases until we get the kind of quality that will give disadvantaged students an opportunity to be advantaged. In many instances, that is not happening today.

Very few Members have spoken out, in all of these years of $40 billion of spending in the one program and $20 billion in the other. All we have ever heard about is, we need more money because we are not covering enough people; we should be covering more. I have always said, covering them with what? If you are not covering them with quality, you are doing them a disservice.

So I would hope that we would use those two words, educational excellence, to frame this discussion, not how much money we can spend, not how many people we can cover, but how much we can do to help them get a piece of the American dream. We have not been doing that successfully in many of these programs throughout the United States.

Mr. OBEY. Mr. Chairman, I yield 4 minutes to the gentleman from Ohio [Mr. STOKES].

Mr. STOKES. Mr. Chairman, I thank my distinguished ranking minority member, the gentleman from Wisconsin [Mr. OBEY], for yielding time to me.

Mr. Chairman, I rise in strong opposition to H.R. 2127, the bill establishing fiscal year 1996 appropriations for the Departments of Labor, Health and Human Services, and Education. For many years, I have been one of the members of this subcommittee who have put this particular bill together. Until now, I have always taken pride in this bill which our beloved deceased chairman, Bill Natcher used to call the people's bill. This is the first time that I have come to the floor opposing the Labor-HHS-Ed appropriations measure. I oppose H.R. 2127 because of the devastating physical, social, and economic burden it places on the backs of our children, the elderly, and hard working families.

Nevertheless, I want to acknowledge the leadership and fairness of our distinguished subcommittee chairman, the gentleman from Illinois, Mr. JOHN PORTER, as well as the leadership of the distinguished ranking member, Mr. DAVID OBEY of Wisconsin.

The 602(B) allocation for this bill is $9 billion, or 13 percent, below the fiscal year 1995 allocation. While some of the cuts can be justified, far too many of them will create critical quality of life problems for the people for whom this bill is intended.

Within the Department of Labor account, in overall discretionary programs, funding is cut 24 percent, or $2.7 billion, below the fiscal year 1995 appropriation level. More specifically, funding for summer jobs is eliminated, denying jobs to over 600,000 young people who need and want to work. The $446 million cut in the dislocated workers program will deny re-employment services to hundreds of thousands of laid-off workers.

With the Department of Health and Human Services account, funding for the LIHEAP is eliminated. The $55 million, or over 50 percent cut in the Healthy Start Program means that over 1 million women would be denied critical prenatal health care. Funding for family planning is completely eliminated.

Within the Department of Education account, funding is cut 16 percent, or $4 billion. The $1.1 billion cut in title I concentration grants means that more than 1 million educationally disadvantaged students would be deprived of the academic assistance they require in reading and math. Funding for safe and drug free schools is cut by $266 million, or nearly 60 percent below the current funding level. Critical cuts are also made in funding for Howard and Gallaudet Universities.

Drastic cuts are also made in a number of other quality of life programs including congregate meals, services for the homeless, substance abuse and mental health, unemployment insurance, and employment for older Americans. I ask my colleagues to be mindful that this is just a glimpse of the devastation contained in H.R. 2127.

The measure also takes extensive liberties with respect to authorizing legislation. An unbelievable number of authorizing provisions are contained in this appropriations bill—ranging from abolishing the Office of the U.S. Surgeon General, to restricting women's rights, to gagging political advocacy, to denying worker protections.

Mr. Chairman, I can understand and support a balanced approach to addressing our Nation's fiscal difficulties. But, I cannot support balancing the needs of the wealthy on the backs of our children, the elderly, and families. I urge my colleagues to defeat H.R. 2127.

□ 1400

Mr. PORTER. Mr. Chairman, I yield 4 minutes to the gentlewoman from Maryland [Mrs. MORELLA].

Mrs. MORELLA. Mr. Chairman, I would like to engage in a colloquy with the chairman of the subcommittee.

Mr. Chairman, I would like to express to the gentleman my concern over the defunding of the Office of Emergency Preparedness. As we know, this Office is charged under the Presidential decision document, NSC–39, to coordinate the health and medical response of the Federal Government in support of State and local governments in the aftermath of terrorist acts involving chemical and biological agents. The Office is also responsible for coordinating the Public Health Service interagency plans and activities to prepare for and respond to the consequences of natural disasters and terrorism, with particular emphasis on weapons of mass destruction.

Since 1992, the Office has responded to Hurricane Andrew, the Midwest flood, the Southeast flood, the Northridge earthquake, and the Oklahoma City bombing.

Mr. Chairman, I express this concern with the image of a rescue worker carrying a small child from the wreckage and devastation of the Oklahoma City bombing. No matter how much we wish to put this terrible tragedy behind us, it is indelibly etched in our minds, and serves as a grim part of our country's history. I feel very strongly that this Office should continue its good work.

Mr. PORTER. Mr. Chairman, will the gentlewoman yield?

Mrs. MORELLA. I yield to the gentleman from Illinois.

Mr. PORTER. Mr. Chairman, I would tell the gentlewoman that our subcommittee is fully aware of the important work performed by the men and women of the Office of Emergency Preparedness. The subcommittee's action is in no way a devaluing of their efforts and of the need to respond to national emergencies. The subcommittee only removed the Office as a line item in the agency's budget. The Secretary of Health and Human Services still has the discretion to keep this operation functioning if she deems it a priority.

Mrs. MORELLA. Mr. Chairman, I thank the gentleman very much for that clarification. I would also like to engage the chairman in a colloquy with my colleague, the gentleman from Virginia [Mr. DAVIS].

Mr. DAVIS. Mr. Chairman, will the gentlewoman yield?

Mrs. MORELLA. I yield to the gentleman from Virginia.

Mr. DAVIS. I thank the gentlewoman for yielding to me, Mr. Chairman.

I applaud the leadership of the chairman of the committee and the assistance of the chairman of the Committee on National Security, the gentleman from Florida, BILL YOUNG, in continuing funding for the DOT extramural AIDS program in the Labor-Health and Human Services-Education appropriations bill. As we know, the Army Research and Development Command was originally tasked by Congress in 1996 as lead DOD command for HIV–AIDS research. This research has focused on the practical aspects of screening, prevention, and early-stage treatment affecting military readiness and national security. The Army Medical Corps has a long history of battling infections diseases that threaten military personnel, and the success of the Army's program has been due largely to the unique character of military life.

Mrs. MORELLA. Reclaiming my time, Mr. Chairman, I also want to thank the chairman of the committee for so wisely continuing this program. I also want to thank the gentleman from Florida [Mr. YOUNG] for his assistance.

Mr. Chairman, it is our understanding that the Army is interested in only focusing research on finding a vaccine for HIV–AIDS. However, with the 10- to 20-year validation period for a suitable vaccine, the importance of maintaining a vigorous research treatment program for those military personnel who are already infected is obvious.

I would ask the chairman of the committee, is it his intention that the $25 million provided for DOD AIDS research in the bill is to continue the natural history cohort and the domestic clinical studies, including the chemotherapeutic program and the immune reconstitution program?

Mr. PORTER. Mr. Chairman, if the gentlewoman from Maryland will continue to yield; yes, it is our intention to fund the continuation costs of the DOD research project. I agree it is an important research and treatment program and should be continued.

Mrs. MORELLA. I thank the gentleman very much for his leadership in this regard and I reiterate my thanks to the gentleman from Florida [Mr. YOUNG].

Mr. OBEY. Mr. Chairman, I yield 4 minutes and 10 seconds to the distinguished gentlewoman from California [Ms. PELOSI], a member of the subcommittee.

Ms. PELOSI. Mr. Chairman, I thank our ranking member for yielding time to me, and also for his leadership on this legislation.

Mr. Chairman, I rise in opposition to the bill, with the greatest respect for our colleague, the chairman of the subcommittee, the gentleman from Illinois [Mr. PORTER], but I oppose the bill and hope that all of our colleagues will oppose it, because it is fundamentally flawed and must be rewritten.

Mr. Chairman, this is a sad day for the Congress, and, therefore, for the country. It has always been a great privilege to serve on the Subcommittee on Labor, Health and Human Services, and Education of the Committee on Appropriations, a place where a bill is developed to provide the funds and directions for America's future.

Others have referenced the gentleman from Kentucky, Mr. Natcher, and, I am sure they will, Mr. Conte, but as Chairman Natcher would always say, "If you educate your children and take care of the health of your people, you will live in the strongest country in the world." Mr. Conte agreed. That definition of strength is one that we should keep before us as we establish budget priorities in this Congress.

Mr. Chairman, our budget should be a statement of our national values, and our national values should measure our strength, not only in our military might, which is very important to our country, but also in the health, education, and well-being, as Mr. Natcher said, of our people.

While there was often controversy over the Hyde amendment, issues like the Hyde amendment, in the past there was no question about the broad bipartisan support for the programs in this bill. For many years, our subcommittee operated on the basis of consensus, without even taking a vote. Both parties worked constructively to fashion a truly bipartisan statement of priorities for these programs. The bill was a unifying factor between our two parties in this Congress.

All that has changed. This bill has become an ideological battleground. It has driven a wedge into this Congress, because it declares war on American workers, it erodes decades of progress for women, it declares war on education, it targets for punishment the most vulnerable people in America.

Some argue that this bill is just part of the pain associated with balancing the Federal budget. If that is all that was going on here, then the bill would be at least understandable, but this debate is about priorities within the budget limitations, as I mentioned earlier.

Mr. Chairman, while recognizing the need for us to have the strongest possible defense, it is hard to understand why we are moving more than $5 billion more into the defense and military construction projects, funds that were not even requested. The Republicans have decided to focus the drastic cuts on the Labor-HHS-Education and VA-HUD bills. Even if the defense-related programs were frozen rather than taking the same proportional hit as other bills, we would have about $4 billion more for this bill, enough to make it a much better bill.

I remind our colleagues that this bill takes a hit of $10 billion. We go from $70 billion to $60 billion. On top of all of this, the Republican leadership is insisting on a tax break for the wealthiest Americans, putting even more pressure on the most defenseless in our population. We want to give more money to defense and take money from the defenseless. I think it is wrong.

I think the bill started out bad, it was a very dark night, as our ranking member, the gentleman from Wisconsin [Mr. OBEY] mentioned, in the dark of night when this bill came out of subcommittee. Then it got even worse as it moved through 3 days of full committee markup. By adopting five amendments which were part of the issues alert of the Christian Coalition, the bill became worse. Those included attempting to gag public interest advocacy, limiting further a woman's right to choose, prohibiting human embryo research, interfering with the private sector's accreditation of graduate medical education, and eliminating, if Members can imagine this, Mr. Chairman, title X, family planning. In doing that, the majority has made a bad bill terrible.

Mr. Chairman, I urge my colleagues to vote against this most unfortunate legislation.

Mr. OBEY. Mr. Chairman, I yield 4½ minutes to the distinguished gentlewoman from New York [Mrs. LOWEY].

Mrs. LOWEY. Mr. Chairman, I want to say at the outset that I have great respect for the chairman of the committee, and we have worked together on many of the issues in this bill, and also, of course, for the ranking minority on this committee. I understand the terrible choices that our chairman and our ranking minority had to face with us, because this bill, the bill that really reflects the priorities of this Nation, was cut $10 billion. Therefore, although I am rising in strong opposition to the bill, it has no reflection on the chairman's commitment to some of the issues we face.

Mr. Chairman, this piece of legislation has always been called the people's bill, but today the people will find out whether Congress truly understands their needs and the needs of their families. They will find out how serious we are about making investments in our most precious resource, our children. The people of this Nation will learn whether it matters to Congress if elderly Americans have the means to heat their homes in the winter and cool them in the 100-degree summer heat, or we are going to just stand by when elderly people lose their lives; 100, 200, 300, 400, 500. These are people, real people with families. They will discover if we are truly committed to giving young people with little hope and laid-off workers with few opportunities the means to find a job.

Today the American people will find out whether Congress is willing to disregard our children and make unprecedented cuts in education, cuts which will deprive local schools of billions of dollars and hardworking college students of the aid they need to have a shot at the American dream.

Mr. Chairman, as a mother of three and a former PTA president, I can tell the Members that this bill will have a devastating impact on America's children and our community schools. Let us not make any mistake about it, this bill will lead to increased local property taxes, because our mothers, our parents, will not stand for their children not having the best education they can. Therefore, if we cut, guess where it is going to come from? Cut here, pay at the other end.

We will also vote on whether to force poor women who are the victims of rape and incest to carry those pregnancies to term. We will vote to eliminate an unprecedented intrusion in this bill into medical school curriculum which will endanger the health of women. We will have an opportunity to restore critically needed family planning funds.

It is shameful, and I am embarrassed to serve on this committee where I was once so proud, to be at a place in history where we are zeroing out family planning funds. Make no mistake about it, that is exactly what is happening in this bill. Members are going to hear all kinds of alibis, but we are zeroing out family planning funds.

Yes, I am pleased that the increases at the NIH were not on the Christian Coalition agenda. I am pleased that important investments, investments in breast cancer research will continue. I am pleased that the CDC breast and cervical cancer screening program is still alive. But this bill takes women backward. The GOP leadership has proudly touted its plan to reduce the deficit.

Today we are seeing, Mr. Chairman, we are seeing what that plan will mean, what GOP priorities really are. This bill cuts spending, but it does it on the backs of average Americans and on the backs of the Nation's most vulnerable citizens. These cuts in education, training, student loans, low-income energy assistance, are being made to finance the Republicans' proposal to provide a tax cut for the most privileged, and to build new weapons that the Pentagon did not even ask for.

As I sat in committee and subcommittee, Mr. Chairman, two things were very clear: first, this bill was deeply flawed from the start, because it was a direct outgrowth of mixed-up Republican budget priorities. We need to go back to scratch. We need to fix this bill.

Then the bill was made even worse as the Christian Coalition sent their legislative language and had everyone dutifully follow it, passed that legislative language, passed that special interest language that hurts workers and flies in the face of basic constitutional rights.

Mr. Chairman, I cannot support this bill. Let us send it back and do it right.

Mr. PORTER. Mr. Chairman, I am pleased to yield 5 minutes to one of the new and very able members of our subcommittee, the gentleman from Florida [Mr. MILLER].

□ 1415

Mr. MILLER of Florida. Mr. Chairman, I rise today to put this bill in its proper context. The 104th Congress is in the midst of the most important debate about America's domestic future since the New Deal. The debate is not about accounting numbers and line items, although that is what much of the public will hear in this debate. In fact, at its core, the debate is about what kind of America we want to be in the 21st century.

Mr. Chairman, America is at a crossroads. As we close the 20th century, we are faced with one great battle. The American people have defeated fascism and communism and spread democracy around the world. Now we are faced with the threat of the national debt. The challenge is to leave our children a legacy of both peace and prosperity. We must ensure that the American dream lives on. An America that enters the 21st century free from deficits will be a strong America that has resources to meet its obligations for Social Security and Medicare and to the American taxpayer. That is what this debate is about. We are making the tough choices to start on a glide path to a balanced budget.

The most obscene thing we have done in this Congress is to build up these horrendous deficits and the national debt. Let me put in perspective what this is. The national debt is $4.9 trillion. Now, if you divide that by the population of the United States, that amounts to $18,800 for every man, woman, and child in the United States; $18,800 for every man, woman, and child.

We have a Congresswoman on the Republican side who is going to have a baby next year. When that child is born, that child immediately inherits an $18,800 debt. My wife and I, we have two children. For a family of four, that means I have a $75,000 debt that the Federal Government has spent that I have inherited. The interest on that debt amounts to $5,264 a year. It takes $439 a month for my family to pay for the interest on the national debt.

Mr. Chairman, next year, and in 2 years, we are going to spend more money on interest on the national debate than we do for the entire national defense. That is insane, and it makes no sense. And that is what the real debate is about today, is the fact that we have a debt that we need to clear up and move to some fiscal sanity in our process.

Mr. Chairman, solving this process does not mean 7 years of pain and sacrifice. Far from it. If we can balance the budget in 7 years, Alan Greenspan says, that will lead to a 2-percent reduction in interest rates. Let me explain what a 2-percent reduction in interest rates might mean.

For a family having a $75,000 mortgage, if they refinance it or get a new home, that is $100 a month less that they have to spend on that $75,000 mortgage. For small business, that is going to give an incentive for them to invest more, to create jobs, and to improve our economy.

By balancing this budget and moving on that glide path, we are going to stimulate the economy and help restore the American dream. We need to stop spending more money here in Washington.

Mr. Chairman, in 1950, the average American family spent 5 percent of their wages in Federal taxes. Now we are spending 24 percent to send to Washington for a bloated Federal Government. Unless we cut spending and eliminate the deficit, the tax burden will continue to grow.

Mr. Chairman, the President has offered an alternative vision of America in the 21st century: $200 billion deficits as far as the eye can see. He says the problem is to big and we just cannot deal with it right now. Now, not only is that a defeatist attitude, it is counterproductive. The job of balancing the budget does not magically get easier a decade from now. In fact, it grows exponentially more difficult.

First of all, the more debt we build up, the more interest rates payments will grow. In other words, we lock in more and more spending. But more importantly, starting in the year 2008, the first of the baby boom generation begins to retire, and the costs of Social Security and the Medicare programs explode. How can we justify putting off the day of reckoning on this budget?

Mr. Chairman, I believe this is a moral issue. We all know the challenge we face. The facts are the facts. We have a moral obligation to meet this challenge now, and we know the problem becomes virtually insurmountable in 10 to 15 years. If we fail, we will have failed the test of our time.

Mr. Chairman, this bill is fair, and spent $60 billion on some of the most important programs in the Federal Government. The cruelest thing we can do for the young people today and for future generations is keep building up the debt. We must get this deficit under control and get our fiscal house in order. This bill makes a significant down payment on a balanced budget. It is some of the tough choices we are going to have to make in the appropriations process. That is the most important issue we are facing, balancing the national debt, and the moral and economic imperative of our time, and this bill meets that challenge.

Mr. OBEY. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Missouri [Mr. CLAY], the ranking member of the Committee on Economic and Educational Opportunities.

Mr. CLAY. Mr. Chairman, I rise to condemn this bill as the meanest, most vicious, most inhumane appropriations bill I have seen during my long career in the Congress. I implore my colleagues, on both sides of the aisle, to reject this cruel legislation and send it back to the Appropriations Committee with an instruction to produce a much more compassionate and fair-minded bill.

Mr. Chairman, once there was a time, when Democrats and Republicans worked together to expand access to education. Once there was a time when Democrats and Republicans supported efforts to help children raised in poor communities get a head start in life. Once there was a time when Democrats and Republicans believed that the role of Government was to protect the weak—from unsafe working conditions, oppressive employers, and dishonest pension managers.

That time has passed. To the Republican leadership in this House, people do not matter, profits do. To the Republican leadership, the role of Government now is to enhance the privileged and the powerful at the expense of the poor.

Mr. Chairman, the corporations and individuals unfairly enriched by this bill read like Who's Who among Fortune 500. The Republicans all but placed an ad in the Wall Street Journal that reads: "This House is for sale! And, if you've got a gripe with OSHA let the Republicans know; they'll gut funding for OSHA inspectors and render the agency impotent."

The Republicans are now abusing the appropriations process to carry out the political agenda of the radical right. This bill is polluted with the legislative wish list of the Christian Coalition. Through massive, unconscionable cuts in education, public education is being seriously crippled. These cuts support the thinking of religious extremists. Ralph Reed of the Christian Coalition has said "We should de-federalize education policy. * * * Our top legislative priority at the Christian Coalition is to abolish the Department of Education." And, Jerry Falwell said recently "I hope to see the day when * * * we won't have any public schools. The churches will have taken them over again and Christians will be running them. What a happy day that will be." These cuts in this bill will have Falwell dancing in his pulpit.

Mr. Chairman, provisions in the bill reflect promotion of a sinister, cynical agenda that is out of sync with mainstream Americans. In the middle of the night, Republicans rammed through crippling revisions in job safety, pension, and labor laws. They turned the appropriations process into a half-way house for those unscrupulous business people who would criminally expose their work force to unsafe and unhealthy working conditions.

Mr. Chairman, this is a critical time in our Nation's history, a time to better equip our Nation to compete in the world economy; a time to expand, not cut, job training opportunities for displaced workers; a time to expand, not cut, Head Start; a time to expand, not cut, college financial aid. This is no time to destroy the bridges to prosperity and opportunity.

Mr. Chairman, in the final analysis this bill is so bad it is beyond repair, and I urge my colleagues to vote against it.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from Connecticut [Ms. DELAURO].

Ms. DELAURO. Mr. Chairman, I rise in strong opposition to this legislation which attacks children, seniors and working families to pay for a tax cut for the wealthy. I call it the American Dream Destruction Act.

The American Dream promises our people that if you work hard, if you play by the rules, this country will provide you with opportunity and with security. This bill betrays that promise. It betrays the promise of educational opportunity by cutting funding for education, from Head Start to safe and drug-free schools. It betrays the promise of opportunity for our workers by cutting crucial health and safety protections that help them on their job, and by cutting retraining, and that help could be provided to them if they lose that job.

This bill also betrays the promise of security for our seniors by cutting energy assistance and nutrition programs that help seniors to pay for their heating bills and to stay healthy.

Mr. Chairman, my colleagues from across the aisle say that they are only making these cuts to balance the budget. They would like you to believe that this is a shared sacrifice with a noble purpose. But folks, this is not a shared sacrifice, and there is nothing noble in asking our most vulnerable citizens to pay for a tax break for the wealthiest citizens. There is nothing noble in that. It is amoral.

The American people want us to cut waste, but unneeded tax subsidies to giant corporations are wasteful. Taxpayer-funded advertising for multinational corporations is waste. Special tax loopholes for billionaire expatriates are waste. The Republican leaders in this House can never seem to find waste in any program that helps their wealthy campaign contributors; they can only find waste in programs that help the working families of this Nation.

Mr. Chairman, balancing the budget is about making choices. This bill makes bad choices, choices that will hurt children, hurt seniors, and hurt working families, all to fund a tax cut to the wealthiest Americans. Vote against this bill.

Mr. PORTER. Mr. Chairman, I yield 5 minutes to our colleague, the very able gentleman from Texas [Mr. BONILLA].

Mr. BONILLA. I thank the chairman for yielding time to me.

Mr. Chairman, the gentleman from Illinois [Mr. PORTER] has done so much work on this bill and has produced a bill that I am strongly supporting. This is a proud day for America, to be able to take one appropriations bill, cut $9 billion out of it, and still preserve good programs in this country, like Head Start, community and migrant health care centers, TRIO, and programs like the National Institutes of Health. Imagine that.

We are hearing a lot of Members come forward today with the same old song and dance that we have cut education to give a tax cut to the rich. Other days before today we have heard them say that we are trying to help the military to provide tax cuts at the expense of the poor, and we are providing tax cuts for the rich to cut volunteers in the park. You name it, everything is being tagged for the same reason, and we all know that this is not true. These are all lies that are just continuously spread to try to stop the agenda that the American people want us to move forward.

So instead, let us talk about the truth. In the dark of the night, there was an attempted midnight massacre by the opposition when Member after Member offered amendments to cut Medicaid for poor States. However, today, when the cameras are on and the lights are shining and C-SPAN is broadcasting, there will not be a single Member to come forward and offer an amendment like that to see what really happened as this bill was being drafted. Why is this happening? Because they are afraid that the American people may see them saying one thing and doing another, and really discover the truth about what is going on around here.

Mr. Chairman, this bill makes tough choices. The gentleman from Illinois [Mr. PORTER], the chairman of the subcommittee, has brought this House a bill which reflects responsive and thoughtful decisions to support national priorities, not parochial priorities, and to reduce the deficit by cutting lower priority and duplicative programs.

Mr. Chairman, no matter how you slice this bill, we have over $60 billion of discretionary spending in this bill. For some Members, it is never enough. If Members want to take pot shots at this bill, go right ahead. We do not claim to be perfect. We know that adjustments can be made to improve on what we are doing. But we are trying the best we can as a Republican majority to make the tough choices necessary that the American people are calling for.

Mr. Chairman, with over $60 billion in discretionary spending, let me give you two examples of how much $1 billion is. One billion seconds ago this country was in the middle of the Bay of Pigs. One billion minutes ago the world went from BC to AD on a calendar. In this bill we have over 60 of those billions. Again, for some Members, that is not enough; it is never enough.

If Members would not support a rescissions bill that cut only 1 percent of Federal spending this year that we proposed earlier this year, I do not anticipate support from Members when we want to cut 13 percent out of a spending bill. If Members would not support a rescissions bill that restored some fiscal sanity, they will not support a bill that tries to cut and consolidate 163 Federal employment training programs, 266 Federal youth at-risk programs, 90 Federal early childhood programs, 340 Federal families and children's programs, and 86 Federal teachers training programs.

□ 1430

How much is enough? It is never enough for the opposition.

I guess the dollar figure like that is whatever it takes to bow down to those special interest liberal groups.

Members will make all kinds of complaints against this bill, some based on facts and some are not based on facts. Either way, I am reminded of the old saying that says, "It takes a carpenter to build a barn, but just one jackass can knock it down."

There is a new way of thinking in Congress. After 40 years of the same old "throw money at the problem and pose for holy pictures," let us have just 1 year to try it our way. What do my colleagues say? Give us a chance to do it one year our way and see what happens.

The President made a statement last week saying that he would not allow our people to be sacrificed for the sake of political ideology. I agree with him. Our people are the taxpayers of this country that sent us here last November to get our fiscal house in order.

We must reject those who are slaves to the National Education Association, slaves to the American Bar Association, and other special interest groups, and others who always want more money, more money, more money, more money, without ever spending their own money.

So, Mr. Chairman, if my colleagues favor this new philosophy that we are bringing forth, I ask them to please support this bill. It is a good bill. It is a bill that is the result of many tough decisions.

Mr. Chairman, I urge my colleagues to support this bill.

Mr. OBEY. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman I yield myself this time to answer the nonsense that I just heard from the gentleman from Texas [Mr. BONILLA]. The gentleman from Texas is objecting to the fact that we are not offering the amendments on the House floor that we offered in the subcommittee. The answer is, we cannot do that because the rules of the House prevent that kind of en bloc transfer.

I would be happy to do that if the gentleman wanted to vote on them, but he does not want to. I do not blame the gentleman for being sensitive on the issue of surplus Medicaid compensation in some States.

To correct the gentleman, we did not cut Medicare. What we tried to do is take into account the fact that my State winds up getting from the Feds only 55 cents out of every dollar for the cost of dealing with a Medicaid patient. Texas only gets from the Federal Government 64 cents out of every dollar for the cost of dealing with a Medicaid patient, but the State of Louisiana gets 75 cents out of every dollar.

The gentleman from Texas consistently, in the subcommittee, voted to take money out of his own State of Texas and give it to Louisiana, because he voted against amendment after amendment to try to equalize the formula between States.

So, Mr. Chairman, the gentleman voluntarily, in his own committee, voted to give away from the State of Texas $66 million for summer jobs. He voted to take away $21 million from Texas for dislocated worker training. He voted to take away $29 million under Goals 2000. He voted to take away almost $100 million from Texas under title I, because he insisted on seeing to it that it kept going to States like Louisiana. I do not blame the gentleman for being sensitive on that issue.

I would also make one additional point. He said "Let us have it our way for a year." The reason we have gotten in this debt is because Ronald Reagan came into office and told us if we just passed his budget in 1981, that in 4 years we could cut taxes, we could double military spending, and still balance the budget.

Mr. Chairman, this chart demonstrates the promise versus what happened. These bars demonstrate that in 1981, President Reagan said: Pass our package, the deficit will go down from what was then $55 billion to zero over 4 years' time.

Guess what? The Congress did it the gentleman's way. The Congress swallowed the Reagan budget and guess what. We only missed the deficit target by $185 billion, because under the policies rammed through this place by the party of the gentleman from Texas, with 29 or so misguided souls on my side of the aisle mistakenly joining them, the deficit went from $55 billion not to zero, as Ronald Reagan promised, but to $185 billion.

Mr. Chairman, If the gentleman from Texas cannot get his story straight about what happened in subcommittee, he should at least get history straight.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from Hawaii [Mrs. MINK].

Mrs. MINK of Hawaii. Mr. Chairman, I rise today in strong opposition to the Labor, Health and Human Services, and Education appropriation. This bill demonstrates the most significant difference between the Democrats and the Republicans. We seek to invest in the people of this Nation, they seek to destroy that investment, not only through elimination and cutting of programs, which this bill does with unmeasured precedent, but by using this bill to push through their legislative agenda to weaken the rights of workers, women, and the most vulnerable in our Nation. Never before have we seen such a systematic abuse of the legislative process in order to get the agenda of the majority passed.

At every turn this bill attacks longheld rights and protections for people in this country including provisions which weaken the rights of workers, takes away first-amendment rights of the people who work through nonprofit agencies, eliminates reproductive rights for low-income women, even if they were raped or a victim of incest, and weakens enforcement of equity for women in intercollegiate sports.

A legislative rider in this bill attempts to weaken the enforcement of title IX of the Education Act Amendment of 1972. Title IX is the law which prohibits sex discrimination in federally funded educational institutions. As one of the coauthors of this legislation I am proud of title IX and its success in protecting equal rights for women in education and in increasing intercollegiate athletic opportunities for women. I am deeply disturbed that the Appropriations Committee would allow a provision in their bill which circumvents the legislative process, and is clearly intended to weaken the enforcement of title IX.

The rider prohibits the Department of Education Office of Civil Rights from enforcing title IX after December 31, 1995, unless the Department has issued objective policy guidance on complying with title IX in the area of intercollegiate sports.

While on its face this provision may seem harmless—a simple request for clarification on how to comply with title IX—do not be fooled. This provision pushed by opponents of title IX is clearly an attempt to force the Office of Civil Rights to weaken its enforcement standards, because of a misperception that men's sports are being hurt by overly aggressive enforcement of title IX.

This is simply not true. Since the passage of title IX, for every new dollar spent on women's sports, two new dollars have been spent on men's sports. The standards schools must meet under title IX are minimal. A school simply has to show that it is improving it's women athletic program or that it is meeting the needs and abilities of its women students in order to be in compliance with the law. I would argue that these standards are far too lenient.

The Department of Education opposes this language because it is unnecessary and micromanaging the Department, the NCAA does not like this language, colleges and universities think this language goes too far, and most importantly the women of America do not want this language because they know it is an attempt to turn back the progress we have made toward equity in intercollegiate sports.

In addition to title IX, this bill is also used to eliminate other rights for women—reproductive rights. Legislative language prohibits Medicaid from paying for abortions for low-income women, even women who have been raped or victims of incest. This provision denies women their constitutional right to reproductive freedom.

The bill also attacks workers rights. Limitations on the National Labor Relations Board's enforcement mechanisms in resolving a labor dispute means that companies can continue to commit unfair labor practices including firing of workers, strong arm tactics to influence the outcome of the dispute, efforts to prevent employees from organizing a union or issue illegal bargaining demands, while NLRB is reviewing a case.

The bill prohibits the enforcement of a child labor law which protects children under 18 from injury and death from cardboard and paper balers and halts efforts to protect the health of workers who work with computers and other office machinery by prohibiting the implementation of OSHA's ergonomics standards.

Prohibition of the Executive order on striker replacement is simply a slap in the face to the workers of this Nation. It is a clear indication that the majority party does not believe in workers' right to organize and fight for their rights through a union.

I am alarmed by the inclusion in this appropriations bill of 12 pages which strip away individual rights guaranteed to each and every one of us to petition our government for any reason whatsoever. Title VI of this bill states that you cannot get any Federal funds if you participate in political advocacy.

This bill if passed would prohibit any person who received a Federal grant under any law, not just this act, from speaking out on any matter relating to laws whether, State, Federal, or local. The prohibition against political advocacy which includes attempts to influence legislation or agency action explicitly prohibits communication with legislators and their staffs. The definition of "grantee" includes the entire membership of the organization who are explicitly prohibited from communicating with legislators or urging others to do so.

This bill disqualifies anyone from receiving a Federal grant if for 5 previous years it used funds in excess of the allowed threshold.

Further anyone receiving Federal grant money cannot spend it on the purchase of goods and services from anyone who in the previous year spent money on political advocacy in excess of the allowed limit.

Political activity is defined as including publishing and distributing statements in any political campaign, or any judicial litigation in which Federal, State, or local governments are parties, or contributing funds to any organization whose expenses in political advocacy exceeded 15 percent of its total expenditures.

This title of the bill is totally and completely unconstitutional. It is a blatant unlawful effort to stifle dissent and advocacy. It is contrary to basic principles of our democracy. It is a gag law. It must be defeated.

Mr. PORTER. Mr. Chairman, I yield 5 minutes to the gentleman from Oklahoma [Mr. ISTOOK], another able member of our subcommittee.

Mr. ISTOOK. Mr. Chairman, the public is demanding that the Congress reduce Federal spending. The message from the elections was clear, the constant messages we receive from our constituents are clear; they are demanding that we do so. They realize that we have built a gigantic Government bureaucracy of social programs and Government handouts that are cruel. They are cruel because they are killers of initiative, killers of self-reliance, and destroyers of the family.

Do the American people lack compassion because they want to bring down the size of Government? Of course not. Do Members of Congress, whether they be on this side of the aisle or on that side of the aisle, lack compassion because they see the necessity to reduce Government spending and to do it in social programs? Of course not.

Mr. Chairman, we all prove our individual compassion by what we do with our own time, our own efforts and our individual dollars. We do not prove we have compassion by reaching into the wallets of the American taxpayers and extracting, under force of law through the tax system, more and more money. That proves that we believe in taking from other people, not that we have personal compassion.

Compassion is measured by what we do individually and what we help people to be able to do for themselves, not with the Government programs that destroy initiative, that have brought down this country, that have generated the national debt that will be the ruin of the next generation of our children and our grandchildren, if we do not bring spending under control and do it now.

Mr. Chairman, this bill, compared to the task before us, is easy. The spending reductions in this bill are about $6.5 billion below what was spent last year and about $10 or $11 billion below what the President wanted to spend. But even after the reductions are made, the budget will still be almost $200 billion out of balance in the next fiscal year.

Even after these cuts that some people think will make the sky fall, it is still going to take years and years of effort to be able to meet our target of balancing the budget by the year 2002.

Mr. Chairman, any Member who thinks that this bill contains tough decisions should not come back for another term in the next few years, because the decisions will only get tougher. It is a choice: Cut spending now or visit ruin upon our children with a bankrupt Federal Government and a Federal Government that, according to figures released by the Clinton administration, would insist upon taking 83 cents out of every dollar that our children make in their future, over their lifetimes, in the amount of taxes they have to pay if we do not get spending under control, if we do not balance the budget.

The overall spending reductions in this bill, Mr. Chairman, are only 11 percent. Yet, we are told it will be the ruin of American civilization. That is hogwash, and people know it.

What my colleagues on the other side of the aisle want is a system of more personal dependency upon Government bureaucracy. I disagree with them on that. I believe the American people disagree with them.

I applaud what the gentleman from Illinois [Mr. PORTER] has done on this. The gentleman has things in this bill that frankly he does not want to do. The gentleman has programs that he likes, that he thinks are good programs. Yet, for the good of the entire country, he has been willing to put them forward to reduce and even zero out programs that he individually likes because he recognizes the scale of the problem. I applaud the fashion which the gentleman from Illinois has handled it, the fairness to all sides on the issues.

I applaud the gentleman from Louisiana [Mr. LIVINGSTON], chairman of the full committee, and I note, for the benefit of the gentleman from Wisconsin [Mr. OBEY], the very charts that he has had published in the report show that the State of Louisiana will have almost $100 million less coming to it in Federal spending under the bill already. In fact, if my rough figures are correct, I believe Louisiana takes a greater dollar hit than the State of Wisconsin does under this bill.

Mr. Chairman, that is not the chairman of the Committee on Appropriations trying to protect people back home; it is the chairman working for the common good of the entire country, and I applaud those efforts.

It is tough, but it is going to get tougher. This bill is important toward balancing the budget, toward correcting mistakes that have been made in the growth of the Federal bureaucracy and the duplication.

Mr. Chairman, I certainly urge support of this entire bill.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Texas [Mr. COLEMAN].

Mr. COLEMAN. Mr. Chairman, first of all, President Clinton 2 weeks ago said that he would veto this bill because the Republicans have approved $36 billion in cuts in education and training over 7 years. In contrast, the President's proposal balances the budget while increasing investment in education and training by $40 billion over that same 7 years.

In my State of Texas, Republican cuts of $2.5 billion will harm working families. The gentleman from Oklahoma [Mr. ISTOOK] used the term "hogwash." I agree with him.

Statements of the chairman of the Committee on Appropriations seem to indicate that he believes that the philosophy here is one of socialism, if we do not do what the gentleman from Oklahoma [Mr. ISTOOK] and the gentleman from Louisiana [Mr. LIVINGSTON] say we need to do.

Second, the gentleman from Pennsylvania stands up and says we need educational excellence, and the gentleman speaks all over the country about it.

□ 1445

We ought to start putting our money where our mouth is. We are told in this bill we are going to downsize and streamline. What did you do to Goals 2000? Eliminated it.

Ask the Governors around the country, both Republican and Democrat, whether or not they think that is a good idea. They do not think it is a good idea. In fact, they consider it one of the dumbest things they have seen in a long time.

Let me tell you what else you did. You took 1,043 out of 1,053 school districts in my State of Texas that we have been using a program called Safe and Drug Free Schools to prevent crime, violence, and drugs, to keep drugs away from the kids in the school room, you cut that program. You have also seen to it that we are not going to increase any access to college. We are going to deny programs, in fact, to 23,400 kids in Texas in 1996 alone. You are probably going to force them to drop out of school. That is what your idea is about educational excellence, the future for the children of America.

You are cutting in all the wrong places. That is what is wrong with the Republican plan. Each and every one of you stand up here and says, "Oh, we have got to do this." Wrong, wrong, wrong. Read your bill. Compare that to the President's budget for a balanced budget in 10 years. Take another look at it. You are making a big mistake. This is a bad bill.

Mr. Chairman, President Clinton said 2 weeks ago that he would veto the bill approved by the House Appropriations Committee since it slashes critical education and training initiatives. Republicans have approved $36 billion in cuts from education and training over 7 years. In contrast, the President's proposal balances the budget while increasing investment in education and training by $40 billion over 7 years. In Texas, Republican cuts of

$2.5 billion over 7 years would harm working families:

Head Start: President Clinton proposes to expand Head Start to serve 50,000 additional children nationwide by 2002. Republicans have approved cuts that would deny Head Start to 180,000 children nationwide and 12,512 children in Texas in 2002 compared to 1995.

Improving basic and advanced skills: President Clinton's budget completely protects title I, which helps students from disadvantaged backgrounds with reading, writing, mathematics, and advanced skills. Republicans would cut funding by $1.1 billion in 1996, denying this crucial assistance to 1.1 million students nationwide and 99,600 students in Texas.

Goals 2000: With strong bipartisan support, the President created Goals 2000 to help communities train teachers, encourage hard work by students, and upgrade academic standards in schools. The President calls for almost $700 million in 1996. Republicans would eliminate Goals 2000 and deny to Texas funding affecting as many as 1,428 schools.

Safe and drug-free schools: While President Clinton strongly supports Safe and Drug-Free Schools, Republicans want to gut the program, which 1,043 out of 1,053 school districts in Texas use to keep crime, violence, and drugs away from students and out of schools.

Increasing access to college: President Clinton would increase annual funding for Pell grants by $3.4 billion and raise the top award to a record $3,128 by 2002. The GOP would deny Pell grants to 23,400 students in Texas in 1996 alone, possibly forcing them to drop out of college.

National service: AmeriCorps offers young people a hand in paying for their education if they lend a hand to their communities. Republicans would eliminate AmeriCorps and deny 3,171 young people in Texas the chance to serve in 1996.

Job training: President Clinton's GI bill for America's workers would streamline Federal job training efforts and provide skill grants for dislocated and low-income workers. The President would provide 800,000 skill grants of up to $2,620 in 1996. Republicans would cut funding by $68.3 million and would deny training opportunities to 28,688 dislocated workers in Texas in 1996.

Summer jobs: Summer jobs are an important first opportunity for many low-income youths to get work experience. President Clinton wants to finance 600,000 jobs this summer. Republicans would slash the President's school-to-work initiative and eliminate summer jobs, denying jobs to 42,491 Texas youths in 1996 and 297,437 Texas youths over 7 years.

Student loans: While the President strongly supports the student loan program, Republicans want to raise student costs for loans by $10 billion over 7 years. The GOP cuts could raise the cost of college education by as much as $2,111 for 260,700 college students and as much as $9,424 for 37,200 graduate students in Texas.

Mr. BONILLA. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Arkansas [Mr. DICKEY], a member of the subcommittee.

Mr. DICKEY. Mr. Chairman, cut spending first; that is the mandate that I got when I came here and not only have I gotten it but it has been repeated time and time and time again by those folks whom I represent.

One way you can cut spending is by tax cuts, and what happens is if you have tax cuts, you just lessen the amount of money that comes into the government. The government then shrinks to match its budget, and we have less government, less intrusion, and less waste.

Another way is to cut spending in the true sense of the word, and that is what we are doing to the tune of $9 billion in this bill. I think it is a credit to what the committee has done rather than a criticism, seeing the criticism we have gotten.

When we went to cut this budget, we went to the source of the people who knew best, where waste was, where the fat was, where the excesses were. We went to the agencies. Time after time after time after time, we asked those agencies, "Please, do you realize that we have got to cut spending? Do you realize that if we do not, our country is going to become insolvent, that we are not going to be able to take care of our kids, that we are not going to be able to take care of our elderly people? Will you help us, agency, will you help us pinpoint where it is we can cut so that we are laymen, the people sitting here trying to do our job in cutting spending first, can do it more intelligently?"

But, no, we were stonewalled. Not a one came in and said, "This is where we should cut." Not a one said, "We want to help you. We want to be a part of this partnership, and we want to do what is best for America." What was said was, "We have got this program going. We have had these programs 30 or 40 years. We own them, and as long as we can own them, you are not going to take them away from us, and if you do, you are going to do it by the hardest." That is exactly what we have done. We have taken $9 billion. We said, "Okay, we are going to cut here and here and here," all the time asking for help, asking from those people who knew where the excesses were.

Some of the times after we cut the bills, people would come up to us and said, "Oh, if we just knew what you were after, what you were going to do, we would have told you this particular program overseas did not work, or this particular program is really full of excess and waste." All I said a couple of those times was, "Why didn't you tell us? Why didn't you tell us?"

All right, then, let us go to the architects of this. For 30 or 40 years the people who controlled this House, this Congress, put bill after bill after bill in here so they could have a perfectly good HHS Committee deliberation, and everybody could go and say, "Here is some more money. Here is what you can do, because we are afraid to say 'no' to you, and we want immediate gratification rather than to do what is best for the country."

We went to those people. What did they say? They said with their eyes and not with their mouths, "Yes, we have got you out there. I know we have got you out there." We could not have gotten back in. We did not have the way, the credibility of anything else to get back in. "We are going to let you do it." "We are not going to help you." Stonewalled.

So what did we have to do? The buck stopped. We have to go. Now, as we come back in, we are bringing this thing in in compliance with the commandment from the American people, the very people who are the architects of this are complaining all the way and criticizing us for doing what they know in their hearts, and it shows in their eyes, what is right, and that is we cut spending first for the sake of our country in a patriotic way.

We are going to make mistakes because the deck is stacked against us. Those of us who want this, the deck is stacked up here against us. We are going to make mistakes, so what we have to do now is do the best we can conscientiously, do the best we can to cut spending, to be obedient to the mandate from the American people and then, when things are calmed down, go back to these agencies and say, "Now will you, please, help us?" "You all know better. Do not leave it to laymen. Will you, please, help us?" "Help us find the right way to cut, the best way to cut."

But right now all we are trying to do is just to shrink it. Without money, there has to be something that is done by the agencies that is efficient, efficiency is in place.

I call upon this body, the American people, all of these agencies, the opposition, to work together, get in alignment.

We are in a step process right now, and we are willing to take the heat. We are willing to take the criticism. We are willing to take that which is really contradictory when the opposition says that you all are mean-spirited and do not care and are not compassionate. We are willing to take that for your sake and for our sake. But what I hope is that we will leave enough of conversation, enough of a relationship so we can get together with these agencies and with the opposition when this is all over and we do our job and do a better job of spending cuts for the sake of the American people and in love of the American people.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois [Mr. DURBIN].

Mr. DURBIN. Mr. Chairman, life and politics are a matter of choices. This Congress has made spending choices and is about to make one today.

Let me tell you some of the choices this Congress has made. Under Republican leadership, this Congress has decided we will continue to give farm payments to wealthy individuals with more than $100,000 off-farm income.

The same Republican leadership comes to us today and says, "But we are going to have to cut money for title I for kids in the classroom." The Republican leadership tells us, "We must continue to spend millions of dollars every year subsidizing the tobacco industry," and the Republican leadership comes today in this bill and says, "But we are going to have to tell 150,000 young men and women across the United States we cannot help them pay for their college expenses," kids from working families denied the opportunity of an education.

The Republican leadership tells us we have to spend billions of dollars on wasteful B-2 bombers and then turns right around and tells us we cannot afford Head Start to take kids in the toughest family situations in America and give them a fighting chance.

The Republican leadership tells us we have to waste millions of dollars on star wars, a welfare program for defense contractors.

Then they come to us today and say, "We are going to have to cut LIHEAP," the program that provides some assistance to the poorest, usually elderly, who are trying to survive in the cold of winter and in the heat of summer.

The Republican leadership comes and tells us we have to give $300 billion in tax breaks, mostly to the wealthiest people in this country, and yet we have to turn around and cut the money that is available for the agencies that make sure that the workplaces in America are safe for our employees, that there is money for workers who have lost their jobs because the plants move overseas, workers that need retraining, people who want protection so their pension benefits will be there when they are retired. We cannot afford that, according to the Republican leadership.

The Republicans are there for the wealthy farmers, for tobacco, and for defense contractors, but they are not there when American families really need them.

Mr. OBEY. Mr. Chairman, yield 1½ minutes to the gentleman from Texas [Mr. GENE GREEN].

Mr. GENE GREEN of Texas. Mr. Chairman, like a lot of the other colleagues on this side of the aisle, I think this today is a defining moment in our short term in the 104th Congress. We have dealt with a great many of the appropriations bills, but when we see what is happening to the education and job training provisions and the Department of Labor, we see where the intent really is.

Like my colleague from Arkansas, who is on the other side of the aisle, I would like to balance the budget and aim for that glide path to a balanced budget. But the way this bill is doing it is the wrong way to do it.

We hear every morning in our 1-minutes and all during these appropriations bills how we need to balance the budget, to save our children's futures so our grandchildren and children are not going to have to pay off the debt. This bill cuts job training, education funding, so those children will not be able to have that education to be able to even afford themselves much less pay off the debt.

We have to look to the future in our country. That is the beauty of our Nation. We have children that are in elementary school now who are utilizing chapter I funding to be a better citizen 10 years from now, 12 years from now.

By voting for this bill today and cutting the funds now instead of expecting that investment in those children, we are cutting off our nose to spite our face. It is amazing that we are willing to say we want to save our children from what they are going to have to pay, and yet we are cutting public education funding and we are cutting student loans.

Mr. OBEY. Mr. Chairman, I yield 1½ minutes to the gentleman from California [Mr. BECERRA].

Mr. BECERRA. Mr. Chairman, we hear in this debate that we are being told that some programs have to be trimmed, we have to trim this tree; Head Start, for example, is being penalized because some programs apparently did not run or were not managed as well as they should have been.

Yet I remember $500 toilet seats. I remember $100 screw drivers. I remember the costly travel junkets, and I remember the heavy cost overruns in the Department of Defense, and I see that they do not get penalized. In fact, they are rewarded. They are rewarded with $8 billion more in funding than they even requested.

Tree trimming? I call it butchering. When we go out there and tell our children in our schools that their programs will not be there, those are being hacked; when we tell our workers that safety for all of our middle-income workers has been axed; when we tell our senior citizens section 8 housing subsidies will not be there to help them pay for their high cost of living and their rent, that is being sacrificed, what we are telling people is that the dream Americans have for their children is just that, it is just a dream.

Let us be serious. We are not putting money into deficit reduction when we make these cuts. You could save every single penny we are cutting out of education by just cutting a fraction of the tax cuts that are going to go to the wealthiest of Americans in this country in this House's tax bill. We do not come even close with all the cuts we have made in education in paying for those wealthy tax cuts.

Let us be serious, let us let America know where we are heading in this Congress. It is not for the American family.

Mr. OBEY. Mr. Chairman, I yield 1½ minutes to the gentlewoman from New York [Ms. VELÁZQUEZ].

Ms. VELÁZQUEZ. Mr. Chairman, I rise in strong opposition to the Labor-HHS appropriation bill. This destructive legislation takes aim at the people who need the most help—women, children, students, the poor, and the elderly. At a time when we should be giving individuals a helping hand, this bill sentences the poor to a life of poverty and despair—all in the name of a tax break for rich corporations and the wealthiest Americans.

One of the most devastating parts of this legislation is the $3.8 billion that is cut from educational spending. Even more alarming, bilingual and immigrant educational programs stand to lose $104 million. I wonder which one of my Republican colleagues would like to explain to the thousands of bilingual students like those at Public School 169 in my district, why the programs that serve to educate them deserve a 50 percent cut?

It's ironic that this Congress is lecturing the Nation on welfare reform, yet systematically denying every opportunity for people to become self-sufficient.

Another terrible blow will come from the elimination of the Low Income Home Energy Assistance Program. Many seniors in the Lower East Side of my district depend on this program to survive. Have we already forgotten last month's episode in which hundreds of seniors died senselessly because they were unable to afford the costs of an electric fan? If we do not maintain funding for this critical program, the next time the temperature climbs into triple digits or drops below zero more people will die.

Then there will be no one to blame for these shameful cuts but ourselves. By then, it may be too late. Shame, shame, shame on all of us. I urge my colleagues to vote against it.

Mr. OBEY. Mr. Chairman, I yield 1½ minutes to the gentlewoman from California [Ms. WOOLSEY].

Ms. WOOLSEY. Mr. Chairman, I compliment the leader, the ranking member of the Committee on Appropriations, for all she has done on this.

If this bill passes, Mr. Chairman, the Gingrich Republicans will be showing a triple feature down at your local movie theater. It will be "Dumb and Dumber," with sick and sicker and poor and poorer, and let me tell you, folks, it is not going to be a bargain matinee. No doubt about it, this sweeping and radical legislation is going to cost us dearly in the long run.

□ 1500

My colleagues, I could go on and on about the other faults of this bill. It is antichoice, antifamily planning, it is antiwoman, all of the provisions that are much too much and numerous to mention. But one thing is for sure. This bill will go down in history as the declaration of war on our children, on women, on the poor, on working families, and on seniors.

Mr. Chairman, I urge all Americans who care about education, the well-being, health, and safety of their loved ones, to tell their Representatives to oppose this bill.

My friends, this Congress has passed some bad legislation, but this bill is worse than I ever thought possible. It is the epitome of the us-versus-them mentality which plagues the legislation and the debate of the 104th Congress.

This divisiveness has no place in a national dialogue. It has no place, because, it leads to elitist and dangerous policy, never more clear than in the bill we are debating today.

We must defeat the Labor-HHS bill because it abdicates this Government's greatest responsibility: to make life better for those who are uneducated, untrained, poor, sick, or disabled. It signals the end of the Federal Government having any obligation, whatsoever, in the education, training, and health and safety of our people.

Make no mistake, this is sweeping and radical legislation. It guts our education and training system. It makes a mockery of our efforts to get families off welfare. And, it puts the health and safety of all American workers at serious risk.

First and foremost, this bill flies in the fact of the American people's belief that education must be our Nation's No. 1 priority. It cuts Head Start for 5 year olds; safe and drug free schools for 10 year olds; summer jobs and vocational education for 15 year olds; and financial aid for students of all ages.

Is this any way to take care of our Nation's most important special interest: Our children? Absolutely not. And, what about all the talk we hear from both sides of the aisle about getting families off welfare?

Well, combined with the harsh Republican welfare plan passed earlier this year, this bill makes it next to impossible for a mother to get a job and get off welfare. While the Republican welfare plan shredded the safety net, this bill burns the ladder to self-sufficiency—effectively trapping families in permanent poverty. And, what about families who are working hard every day in our Nation's factories, plants, and mines.

As a member of the Economic and Educational Opportunities Committee, I have heard loud and clear from these families that they are frightened by the new majority's efforts to weaken workplace health and safety rules. Over and over again, spouses, parents, and children tell me that they are willing to see some of their taxes go toward enforcing health and safety rules, so they can be assured that their loved ones will come home from work at night safe and sound.

That's a reasonable tradeoff for our families, and that's a sound investment for our Nation. The majority, however, does not see it that way.

The Labor-HHS bill makes it clear that the Gingrich Republicans would rather invest in a tax break for the fat cats, than the education, training, and health and safety of American workers.

In fact, if this bill passes, the Gingrich Republicans will be showing a triple feature down at your local movie theatre: It will be "Dumb and Dumber"; with "Sick and Sicker"; and "Poor and Poorer." And, let me tell you folks, it is not going to be a bargain matinee. No doubt about it, this sweeping and radical legislation is going to cost us all dearly in the long run.

My friends, I could go on and on about the other faults of this bill. It is antichoice; antifamily planning; and antiwomen provisions—but they are much too numerous to mention. But, one thing is for sure, this bill will go down in the history as a declaration of war on our children; women; the poor; working families; and seniors.

I urge all Americans who care about the education; well-being; health and safety of their loved ones to tell their representatives to oppose this abomination of a bill.

Mr. BONILLA. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Mississippi [Mr. WICKER], a member of the subcommittee.

Mr. WICKER. Mr. Chairman, I thank the distinguished gentleman from Texas [Mr. BONILLA] for yielding this time to me.

Mr. Chairman, I came to Washington with 72 other freshmen Republicans to change the way Washington does business. This has included a number of important reforms ranging from requiring Congress to live under the same laws as everyone else to ensuring that the young men and women in our Armed Forces will never again serve under foreign generals. I am proud to be a part of this freshman class which I believe has forever changed the way Washington works.

But, Mr. Chairman, while we have taken many steps to restore the American people's belief in Congress, I believe the most important step is our commitment to balance the budget, and this Labor HHS, Education appropriation bill is an important part of that commitment.

Over the last 40 years our Government in Washington has grown out of control. Today the national debt is $4.8 trillion, and the President will soon ask the Congress to raise the ceiling to enable us to borrow even more money; that is, more money to pay for a spiraling bureaucracy today that will be paid for by our children tomorrow, by the very children that are shown in this photograph that I have with me today. At the current rate of Federal spending the national debt for these children will rise to $6½ trillion in 5 short years.

Now, these figures are incomprehensible. In more digestible terms, a child born today will pay over $187,000 in his lifetime in principal and interest on the national debt. Is there a parent or grandparent in America today who would knowingly hand one of these children a bill for $187,000 to pay for our own excesses? I think it is fair to ask, Mr. Chairman, are our children really getting their money's worth? Let us look at the Federal Department of Education, for example. Since its creation the Department of Education has more than doubled its budget, from $15 billion to over $31 billion. More than 240 programs exist within the Department today, nearly doubling in size since 1980. Yet the uncontrolled growth of the Department of Education has not increased our children's test scores. Sadly, we have seen a steady decline in student performance as parents and local communities have less control over the children's education.

No doubt, Mr. Chairman, when we get to the title of the bill dealing with education spending, we will see opponents of this bill parading with charts and perhaps dressed in Save the Children neckties claiming to be advocates on behalf of children. The truth is that many will hide behind the children to make their case for Federal bureaucrats who are in danger of losing their jobs. I would submit to my colleagues that those of us who are interested in balancing the budget and reducing the national debt on these children are the real advocates of children in today's current debate.

Mr. Chairman, it is also important to point out that we can balance the budget by the year 2002 by slowing the rate of growth of Federal spending. While people talk about cuts, the truth is that we will spend $1.8 trillion more over the next 7 years than we are spending today, $1.8 trillion more than we are spending today. This bill is a prime example of the fact that we can balance the budget by funding programs that work and by cutting redundant, wasteful programs. This bill takes a myriad of duplicative and intertwining programs and reshapes them into a leaner and smarter Government.

For example, the Federal Government now funds 163 job training programs, over 15 departments and agencies, with 40 inter-departmental offices. Each of these programs has its own bureaucracy swallowing tax dollars which never make it outside the Beltway. Equally astounding is the fact that of these 163 Federal programs to train workers to find jobs, less than half can tell us whether or not their participants receive jobs, and 40 percent cannot even tell us how many people they are training.

Mr. Chairman, we must ask ourselves is it morally right for these children to pay for a Federal Government:

which currently funds 119 housing programs across 10 different departments and agencies;

which currently funds 86 federal teacher training programs across 9 departments and agencies;

which currently funds 266 programs to help youth at risk across 8 departments and agencies;

which currently funds over 80 Federal welfare programs; and

which currently funds 340 programs for families and children across 11 departments and agencies to the tune of $60 billion annually.

Mr. Chairman, I urge a "yes" vote on the bill.

Mr. OBEY. Mr. Chairman, I yield a minute and a half to the gentleman from Ohio [Mr. SAWYER].

Mr. SAWYER. Mr. Chairman, I thank the gentleman from Wisconsin [Mr. OBEY] for yielding this time to me.

I have been listening with care to the remarks we have heard from the other side. They talk about the importance of looking to the future, and I agree that we must look to the future, we must recognize the imperative that we all face to reduce the debt that we face as a nation. That debt will come down on our children. But in understanding where we need to go in the future, we also sometimes can learn important lessons from our past. No lesson has been more important than the last two times we have been in this level of indebtedness.

In the period following the Civil War, the most devastating conflict this Nation has ever faced and in the period following the Second World War when our level of indebtedness compared to our economy was even more devastating than we face today, both were times of industrial transition, much like what we face across this Nation, a time in which people's jobs are less secure than they have been in the past, and in both circumstances we need to learn the lesson that took place in both of those times. In the period following the Civil War we put in place the Land Grant Colleges Act. We turned 200 small institutions into 3,500 institutions of higher education, and job development and nation building in this country that not only helped us grow, but helped us grow beyond the level of debt that we faced at that time. Again, at the end of the Second World War we invested in the education and training of an entire work force as a million men came back from that conflict. We put them to work at building their skills so that they could go to work building the industrial productivity of an entire nation.

Those are the lessons from the past that we need to learn as we address a bill that fails to take advantage of them in building for our future.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentlewoman form California [Ms. WATERS].

Ms. WATERS. Mr. Chairman, I was going to offer six amendments today, one on Head Start, Healthy Start, dislocated workers, summer jobs, School-to-Work Program, and Foster Grandparents Program, putting money back in, but then I realized, even if all of those amendments had passed, I could not vote for this bill. This bill is so outrageously bad that there is no way I could support it. It devastates education and job training.

Mr. Chairman, since I can only speak for a short time, I came to speak about Head Start. I know about Head Start. It changed my life. I was just a little teacher aide, a mother of two children, went to work for the Head Start Program. They encouraged all of us to continue our education, the parents and the workers. I went back to school and received my degree, and so did many of the parents in that program. We learned how to help children build self-esteem, we learned how to get parents involved in the budget, and we learned how to get people making decisions about their children's education.

Mr. Chairman, I saw Head Start change lives, change families, change communities. How can my colleagues say they care about children and take away money from Head Start? This is a wonderful program that not only helps children and families, it breaks the cycle of poverty.

I say to my colleagues, all of you Republicans who say you care about children, shame on you that you would do away with the program that everybody agrees is a good program that's helped America. These children need Head Start. Only 50 percent of the children in America who need Head Start are being served by Head Start. I wish there was some way I could convince you not to do this awful, terrible bill that is going to hurt so many children, but I know I can't. You're going to slash this program. You're going to get rid of some of the programs in this country that support Head Start.

Mr. Chairman, there is nothing we can do about it but vote against this awful bill, and I believe there are some Republicans who are going to stand with us on this terrible bill.

Mr. BONILLA. Mr. Chairman, I yield a minute and a half to the distinguished gentlewoman from New York [Ms. MOLINARI].

Ms. MOLINARI. Mr. Chairman, in the brief time that has been allotted me I would like to speak about the increases in funding that the Labor-HHS bill before us provides, recognizing, and gratefully so, the increasing trend of violence against women. This bill provides, as my colleagues know, an increase of over $40 million from last year's spending just on the Labor-HHS side, the majority of it, $35 million, going to rape-prevention programs. We had $400,000 for a domestic violence hotline, $400,000 for youth education, $4 million for community programs, $100,000 for a Center for Disease Control domestic violence study, and an equal amount of $32.6 million for a battered women's shelter. This billion under this year's funding provides $72.5 million to complete our contract with the Violence Against Women bill.

Now add that to the additional funding that we provided in State, Commerce, and Justice where we sent from $25 million in last year's funding request to $125 million in this year's funding request, and I am extremely proud of the work that has been done under the Republican Party to fulfill our commitment in the Violence Against Women Act. I want to thank Chairmen PORTER, ROGERS, LIVINGSTON, and the gentleman from New Jersey [Mr. FRELINGHUYSEN], for bringing this to our attention, and also I want to thank the gentlewoman from New York [Mrs. LOWEY], for leading a bipartisan effort to make sure that this funding was in place.

Again I want to commend my colleagues because this is an important initiative as we see the numbers rise where three out of four women will be victims of violent crimes. We have adequately responded with the resources at hand.

Mr. OBEY. I am awaiting my last speaker. I yield 1½ minutes to myself in the meantime.

Let me simply say, Mr. Chairman, that we have been told many times today by our Republican friends that we have to cut the deficit. Of course we do. And I am certainly willing, and so are the rest of us, to see education, and job programs, and seniors programs take their fair share of deficit reduction. But what we are not willing to do is to see them take a double hit so that they can spend $70 billion on the F-22, which we do not even need for 15 more years, or that they can' continue to spend almost $1½ billion a plane to buy more B-2's than the Pentagon itself has asked for. We also do not think we ought to continue three different separate subsidies for the nuclear industry. We are not willing to gut the NLRB and the protections it affords to workers in this country so that we can free up corporations to deal with their workers like chattel instead of dignified human beings. And we are certainly not willing to see these programs take a double hit so that we can provide a $20,000 tax cut for somebody making $300,000 a year.

There are some 17 separate special riders in this bill that have no business here. Many of them are flat-out gifts to special interests. There is absolutely no reason in the name of deficit reduction to provide those slippery-slope riders, none whatsoever, and so I think that on all grounds there is a very good reason to oppose this bill.

Mr. BONILLA. Mr. Chairman, I yield 2 minutes to the gentlewoman from Florida [Mrs. FOWLER].

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Mrs. FOWLER. Mr. Chairman, I rise in opposition to H.R. 2127 with regret, because it has come important provisions which I support. It contains a title on political advocacy that will end taxpayer subsides for lobbyists. It shifts OSHA funding priorities away from enforcement and toward helping to make workplaces safer, and it increases funding for the National Institutes of Health by 5.7 percent, preserving our commitment to biomedical research.

However, this legislation also has huge flaws, including disproportionate cuts in the area of education. If it passes, the Safe and Drug Free Schools Program will be cut by more than half. Vocational and adult education will be cut by 23 percent, and the Head Start Program will be reduced by $137 million.

The bill cuts funding for seniors as well, including reducing the National Senior Volunteer Corps by $21 million and cutting senior nutrition programs, which fund the very successful Meals-on-Wheels Program—which provides the only daily meal many senior citizens receive—by nearly $19 million.

I recognize and support the need to reduce spending, but the cuts in this bill are not properly prioritized.

The bill also contains some obvious contradictions, especially over family planning. My colleagues who worked on this bill want to eliminate family planning and—at the same time—reduce abortions, unwanted pregnancies, and the size of the welfare rolls. That does not add up—and in fact, this bill would increase abortions and welfare dependency I cannot in good conscience support that.

Finally, the issue of Medicaid-funded abortions in the case of rape or incest is not adequately addressed in this bill. Although Mr. KOLBE, Ms. PRYCE, and myself had an amendment which would have provided a commonsense solution to this problem, we were not allowed to offer it.

I urge my colleagues to oppose this bill so that we can go back and make it better.

Mr. OBEY. Mr. Chairman, may I inquire of the gentleman, does he have just one remaining speaker to close?

Mr. PORTER. Mr. Chairman, I think we have just 1 minute remaining.

The CHAIRMAN. The gentleman from Illinois [Mr. PORTER] does have 1 minute remaining. The gentleman from Wisconsin [Mr. OBEY] has 5 minutes remaining.

Mr. OBEY. Mr. Chairman, I yield the remainder of my time to the gentleman from Missouri [Mr. GEPHARDT], the distinguished minority leader.

Mr. GEPHARDT. Mr. Chairman, I rise today to denounce this mindless and mean-spirited package of budget cuts and to urge every one of my colleagues to cast their vote against it. This appropriations bill is more than a handful of budget reductions to balance the Nation's budget, it is more than a few policy changes about which we could rationally and reasonably disagree, Mr. Chairman, this appropriations bill is a dagger pointed at the heart of working Americans. It is a dangerous repeal of basic standards and protections that have been in place in this country for nearly a century. If we pass it, America in the 1990's will look more and more like America in the 1890's.

Mr. Chairman, like the days of the Robber Barons, we will have a Republican America where hard-working people are overworked, underpaid, and underprotected. We will have a Republican America where corporate titans wreak trickle-down tax cuts while we slash education, slash job training, slash summer jobs, and any chance of protecting average workers from abuse and exploitation.

Is that really what we should be doing? Is that really what America voted for last November; a Congress that doles out tax breaks for the few and partisan punishment for the many?

Mr. Chairman, the sole central purpose of this Government is to fight for working families and the middle class, to work as partners with the private sector, to lift up wages and incomes and our standard of living. That used to be a bipartisan commitment in this House. Judged by that goal, however, we are already in a crisis. Wages and incomes have been falling for all but the wealthiest Americans for a decade and a half, and, thanks to failed Republican policies, two-thirds of all the new wealth in the boom years of the 1980's went to the top 1 percent of earners. The bottom 80 percent actually saw their wealth decline in that period.

Mr. Chairman, in the midst of a business boom, the Labor Department recently reported the greatest yearly wage decline in nearly 150 years. If you do not know what that means, come back to my district, or many of the districts across the country. Go door to door and meet the families that I meet: Parents who work two and three jobs, barely ever seeing their children; couples that spend their precious time together fighting over their bills and their inability to pay their bills.

Are we proud of this legacy? Does that bad turn really deserve another? That is why Democrats have resisted a Republican agenda that slashes Medicare, student loans, and education to pay for a tax cut for people that have it made. We cannot afford a transfer of wealth in this country for people who work to people who are wealthy and no longer work.

Mr. Chairman, I suppose we could differ on supply side policies, but who, in good conscience, can support today's assault on workplace decency and children's opportunity? This bill slashes education, it slashes training, it slashes the standards under which our workers have been protected. The result is a damaging downward spiral: Even more children starting school unhealthy and unable to learn; even more Americans unable to find jobs and prepare for them; even more of the sweat shop standards that Democrats and Republicans together used to strive to eliminate for nearly a century. These are not partisan issues. These are human issues.

When it comes to enforcing basic standards and decency, Government has a role. When it comes to ensuring access to education and health, Government has a role. This bill not only denies it, it destroys it. A vote for this bill is a vote against America's working families. A vote for this bill is a vote for a lower standard of living. A vote for this bill is a vote for a meaner, tougher America where the dream of rising wages will be nothing but a mirage.

This is not the vision of our people, Mr. Chairman, and it is not what the people of this country want. I urge Members on both sides of this aisle to reject this bill as wrong headed and mean spirited, and to stand together in a bipartisan way and say that we can do better for the working people of this country.

Mr. PORTER. Mr. Chairman, I yield myself the balance of the time.

The CHAIRMAN. The gentleman from Illinois is recognized for 1 minute.

Mr. PORTER. Mr. Chairman, I take great umbrage on the words "mindless" and "mean spirited." I might say that the subcommittee worked very thoughtfully and, I think, very intelligently to provide cuts of about $6 billion on a base of $70 billion.

What I really take issue with is that the Democrats just do not get it. They do not seem to understand that we have to get spending under control; that we have to get the deficit down; that the special interest, serve them all, business as usual that has gone on in this Congress for the last 40 years is over.

Mr. Chairman, we are going to get our fiscal house in order. We are going to do it thoughtfully and intelligently. We are going to make the cuts necessary in order to accomplish that end. I might say it is fascinating to me to listen to the sky is falling coming from the other side of the aisle when the cuts in our bill are not cuts at all. The bill is going up, because entitlement spending is raising it by $11 billion over last year.

It seems to me, Mr. Chairman, you have to put all of this in perspective and understand that the hyperbole from the other side is simply that, hyperbole.

The CHAIRMAN. All time for general debate on the bill has expired.

Pursuant to the rule, the amendment numbered 1-1 printed in part 1 of House Report 104-224 is now pending.

Reading of the bill for further amendment shall not proceed until after disposition of the amendments printed in part 1 of that report, which will be considered in the order printed, may be offered only by a Member designated in that report, shall be considered read, shall be debatable for 10 minutes, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

After disposition of the amendments printed in part 1 of the report, the bill, as amended, shall be considered as the original bill for the purpose of further amendment under the 5-minute rule.

Further consideration of the bill for amendment shall proceed by title and each title shall be considered read.

Consideration of each of the first three titles of the bill shall begin with an additional period of general debate, which shall be confined to the pending title and shall not exceed 90 minutes, equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations.

It shall be in order at any time during the reading of the bill for amendment to consider the amendments printed in part 2 of the report. Each amendment printed in part 2 may be offered only by a Member designated in that report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

During further consideration of the bill for amendment, the chairman of the Committee of the Whole may accord priority in recognition to a Member who has caused an amendment to be printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

Pursuant to the order of the House of today, the following amendments (identified by their designation in the CONGRESSIONAL RECORD) may amend portions of the bill not yet read for amendment, shall not be subject to amendment, and shall not be subject to a demand for division of the question, if offered by the Member designated:

Amendment No. 36 by the gentleman from Wisconsin [Mr. OBEY]; and

Amendments 60, 61, and 62 offered en bloc by the gentlewoman from California [Ms. PELOSI].

Debate on each of the following amendments—identified by their designation in the RECORD, "unless otherwise specified"—and any amendments thereto, shall be limited to 40 minutes, equally divided and controlled by the proponent and an opponent of the amendment:

Amendment No. 36 by the gentleman from Wisconsin [Mr. OBEY];

Amendment No. 70 by the gentleman from Ohio [Mr. STOKES];

Amendment No. 30 by the gentlewoman from New York [Mrs. LOWEY];

An amendment by the gentleman from Arizona [Mr. KOLBE] proposing to strike section 509 of the bill;

Amendment No. 64 by the gentleman from Colorado [Mr. SKAGGS].

An amendment by the gentleman from Minnesota [Mr. SABO] or the gentleman from Wisconsin [Mr. OBEY] proposing to amend title VI of the bill; and

An amendment by the gentleman from New York [Mr. SOLOMON] relating to the subject of political advocacy.

Except as otherwise specified in the rule, the time for debate on each other amendment to the bill and any amendments thereto shall be limited to 20 minutes, equally divided and controlled by the proponent and an opponent of the amendment.

After a motion that the Committee rise has been rejected on a day, the Chairman may entertain another such motion on that day only if offered by the Chairman of the Committee on Appropriations or the majority leader or their designee.

Pursuant to the order of the House of today, the Chairman of the Committee of the Whole may postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment.

The Chairman of the Committee of the Whole may reduce to not less than 5 minutes to the time for voting by electronic device on any postponed question that immediately follows another vote by electronic device without intervening business, provided that the time for voting by electronic device on the first in any series of questions shall not be less than 15 minutes.

AMENDMENT NO. 1–1 PRINTED IN PART 1 OF HOUSE REPORT 104–224 OFFERED BY MR. PORTER

The CHAIRMAN. The Clerk will designate amendment No. 1–1 printed in part 1 of House Report 104–224.

The text of the amendment is as follows:

Amendment Number 1–1 printed in Part 1 of House Report 104–224 offered by Mr. PORTER:

On page 4, line 17, strike "$3,109,368,000" and insert: "$3,107,404,000"

On page 5, line 17, strike "$218,297,000" and insert: "$216,333,000"

On page 16, line 20, strike "$130,220,000" and insert: "$134,220,000"

On page 33, line 12 and line 15, strike "$2,136,824,000" and insert: "$2,134,533,000" and

On page 37, line 7, strike "$4,543,343,000" and insert: "$4,544,643,000".

The CHAIRMAN. Pursuant to the rule, the gentleman from Illinois [Mr. PORTER] and the gentleman from Wisconsin [Mr. OBEY] will each be recognized for 5 minutes.

The Chair recognizes the gentleman from Illinois [Mr. PORTER].

PARLIAMENTARY INQUIRY

Mr. PORTER. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. PORTER. Mr. Chairman, I believe that under the rule it is indicated that the manager's amendments, No. 1 and 2, will be disposed of before we proceed further at this point, but I also heard as part of the rule that amendments could be rolled in the discretion of the Chair.

Is it the Chair's intention to dispose of these amendments if recorded votes are requested at this time; or would the Chair intend to roll the votes until later in the day?

☐ 1530

The CHAIRMAN. It would be the Chair's intention to roll the votes until later in the day.

Mr. PORTER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the first amendment I intend to offer would do four things. The first would be to increase funding for Runaway Youth—Transitional Living in the Administration for Children and Families, in the Department of Health and Human Services by $1.3 million to a level of $14.9 million. This funding level will permit the continuation of all currently funded projects.

Second, it would increase funding for International Labor Affairs in the Department of Labor by $4 million. This increase will allow the Department to fund its portion of the International Labor Organization's International Program for the Elimination of Child Labor and to carry out other human rights activities conducted by that office. This $4 million increase is to be confined to those activities only.

Third, it would reduce funding for the Medicare Contractors budget by $2.3 million. HCFA indicated in fiscal year 1995 claims were below estimated levels and that $5 million was available for reprogramming. This reduction, along with the reduction approved by the committee, would reduce fiscal year 1996 funding by $5 million.

Four, it would reduce funding for State Unemployment Insurance and Employment Service Operations by $2 million. Throughout the bill, Federal administration costs were reduced by 7.5 percent. With this reduction overall, the State administrative account will have been reduced 3 percent.

Mr. Chairman, I would encourage adoption of the amendment.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The Chair wishes to correct a statement just made to the gentleman. The Chair is in fact under the rule entitled to roll a vote, should it occur, on amendment No. 1. However, on amendment No. 2, the Chair is not under the rule permitted to roll that vote. That vote will have to be taken immediately following the debate on amendment No. 2.

Mr. OBEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, on the first amendment offered by the gentleman, we have no objection.

Mr. Chairman, I yield back the balance of my time.

Mr. PORTER. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on amendment No. 1–1 printed in part 1 of House Report 104–224 offered by the gentleman from Illinois [Mr. PORTER].

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 1–2 printed in part 1 of House Report 104–224.

AMENDMENT OFFERED BY MR. PORTER

Mr. PORTER. Mr. Chairman, I offer an amendment numbered 1–2.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1–2 printed in part 1 of House Report 104–224 offered by Mr. PORTER: On page 76, line 12, after "applicant" insert: ", except an individual person,"

On page 77, lines 7 and 8, after "grantee" insert: ", except an individual person,"

On page 84, line 13, strike ", or" and insert: ";"

On page 84, line 14, strike "or"

On page 84, line 15, after "to" insert: "or distribution of funds by"

On page 84, line 15, before the period insert: "and the provision of grant and scholarship funds to students for educational purposes" and on page 85, line 7, after "grantee" insert: ", except an individual person,".

The CHAIRMAN. Pursuant to the rule, the gentleman from Illinois [Mr. PORTER] will be recognized for 5 minutes, and the gentleman from Wisconsin [Mr. OBEY] will be recognized for 5 minutes.

The Chair recognizes the gentleman from Illinois [Mr. PORTER].

Mr. PORTER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the second amendment I am offering would, first, correct an error in the drafting of the bill with respect to title VI. It would insert two phrases that were approved by the committee but were inadvertently left out of the version that was sent to the printer.

Second, it would make a technical change in title VI by inserting language to exempt individuals from the requirements of title VI. This simply clarifies the intent of the legislation, and, again, I would urge the adoption of the amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. OBEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me simply say here that I think it is important to understand that this is not just a technical change. As I understand it and as the gentleman from Colorado will point out shortly when I yield to him, this language not only accomplishes the technical changes desired by the chairman of the subcommittee, but also makes a substantive change to carve out individuals from the prohibition in the Istook amendment that should not be here in the first place.

So, it is an effort to put a rose on a pig, so-to-speak, and that does not mean that the pig is still anything but a pig.

So I do not have any objection to the fix-up, but I want people to understand, it does not improve the general picture of the animal.

Mr. Chairman, I yield such time as he may consume to the gentleman from Colorado [Mr. SKAGGS].

Mr. SKAGGS. Mr. Chairman, I thank the gentleman for yielding.

Let me just point out to my colleagues, if you can envision a jalopy that is up on blocks in somebody's backyard, the headlights have been shot out, the engine has been partly dismantled, the tires and wheels are gone, it is basically rusted out. This is a rough analogy to the quality of legislative product that we are now referring to as the Istook amendment.

What the gentleman's amendment will do to this disarray, mechanically and philosophically, is basically perhaps to replace the oil gasket. But we still have a jalopy that is unfit for human habitation, much less legislative consideration in this body.

It does go farther than merely correcting the clerical error that occurred when this was considered in the full Committee on Appropriations, as the gentleman from Wisconsin has pointed out. It also attempts, unsuccessfully I might add, to repair one of the fundamental flaws in this whole cockamamy scheme, which is to try to fix it so it does not apply to normal human beings, individuals that receive some kind of Federal grant. But it only goes partway in doing that. We will have further discussions of that later on, I am sure.

So it reflects, as will be the case over and over again as we discuss this ill-considered proposition, the incredibly sloppy conceptual work that was done originally in cobbling it together for ill purpose, and the incredibly sloppy drafting work that reflects the incredibly sloppy thinking.

Having said that, this clears up a little bit of the slop.

Mr. OBEY. Mr. Chairman, I yield back the balance of my time.

Mr. PORTER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, if I may say so, I, as the gentleman from Colorado and the gentleman from Wisconsin know, opposed the inclusion of this entire title in our bill. This I think would, however, improve the intent of what the gentleman from Oklahoma had when he offered the amendment that included title VI. I would therefore say it makes the product better, and would support it for that reason. The gentleman might want to oppose it for exactly the same reason.

Mr. OBEY. Mr. Chairman, I ask unanimous consent to reclaim my time.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. OBEY. Mr. Chairman, I yield such time as he may consume to the gentleman from Colorado [Mr. SKAGGS].

Mr. SKAGGS. Mr. Chairman, I cannot avoid commenting on the gentleman's characterization that this is attempting to improve on the intent of the gentleman from Oklahoma in offering this. His intent is unimprovable. This change certainly makes the bad impact of this provision somewhat diminished.

Mr. OBEY. Mr. Chairman, I yield back the balance of my time.

Mr. PORTER. Mr. Chairman, I yield such time as he may consume to the gentleman from Oklahoma [Mr. ISTOOK], the author of title VI.

Mr. ISTOOK. Mr. Chairman, I want to express appreciation for the comments of the gentleman from Colorado. I realize he opposes the thrust of the legislation and has his own concerns about that. As the gentleman correctly said a moment ago, even though he does not like the bill, at least in his opinion it is an improvement. This is certainly intended to clarify the intent and to correct the scrivener's error that was made when things that were in the actual amendment as offered in appropriations were inadvertently left out in the bill printing process.

We have certainly tried to be responsive to the concerns of the Members on the other side, and the corrective amendment I think certainly addresses those. I appreciate what modicum of favorable comment the gentleman was able to make in candor. I thank the gentleman. If there is no other debate on this, I would urge adoption of this technical correction.

Mr. SKAGGS. Mr. Chairman, will the gentleman yield?

Mr. ISTOOK. I yield to the gentleman from Colorado.

Mr. SKAGGS. Mr. Chairman, there is a simple way we can improve this even further.

Mr. ISTOOK. I think I can anticipate that, Mr. Chairman.

Mr. SKAGGS. Mr. Chairman, I appreciate the solicitude about improving the gentleman's proposal. I think we can make a very, very quick and brief act of mercy on it that will effect the real improvements necessary.

Mr. ISTOOK. Mr. Chairman, reclaiming my time, I thank the gentleman. I realize we are very much opposed on the legislation as a whole, and we certainly do anticipate going forward with it. But this does, through the technical correction, make sure that we are addressing some concerns. I would urge adoption of the amendment.

Mr. PORTER. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on amendment No. 1–2 printed in part 1 of

House Report 104-224 offered by the gentleman from Illinois [Mr. PORTER].

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1996, and for other purposes, namely:

The CHAIRMAN. The Clerk will designate title I.

The text of title I is as follows:

TITLE I—DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

For expenses necessary to carry into effect the Job Training Partnership Act, as amended, including the purchase and hire of passenger motor vehicles, the construction, alteration, and repair of buildings and other facilities, and the purchase of real property for training centers as authorized by the Job Training Partnership Act; title II of the Civil Rights Act of 1991; the Women in Apprenticeship and Nontraditional Occupations Act; National Skill Standards Act of 1994; and the School-to-Work Opportunities Act; $3,180,441,000 plus reimbursements, of which $2,936,154,000 is available for obligation for the period July 1, 1996 through June 30, 1997; of which $148,535,000 is available for the period July 1, 1996 through June 30, 1999 for necessary expenses of construction, rehabilitation, and acquisition of Job Corps centers; and of which $95,000,000 shall be available from July 1, 1996 through September 30, 1997, for carrying out activities of the School-to-Work Opportunities Act: *Provided,* That $50,000,000 shall be for carrying out section 401 of the Job Training Partnership Act, $65,000,000 shall be for carrying out section 402 of such Act, $7,300,000 shall be for carrying out section 441 of such Act, $830,000,000 shall be for carrying out title II, part A of such Act, and $126,672,000 shall be for carrying out title II, part C of such Act: *Provided further,* That no funds from any other appropriation shall be used to provide meal services at or for Job Corps centers.

COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

To carry out title V of the Older Americans Act of 1965, as amended, $350,000,000.

FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

For payments during the current fiscal year of trade adjustment benefit payments and allowances under part I, and for training, for allowances for job search and relocation, and for related State administrative expenses under part II, subchapters B and D, chapter 2, title II of the Trade Act of 1974, as amended, $346,100,000, together with such amounts as may be necessary to be charged to the subsequent appropriation for payments for any period subsequent to September 15 of the current year.

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

For activities authorized by the Act of June 6, 1933, as amended (29 U.S.C. 49-491-1; 39 U.S.C. 3202(a)(1)(E)); title III of the Social Security Act, as amended (42 U.S.C. 502-504); necessary administrative expenses for carrying out 5 U.S.C. 8501-8523, and sections 225, 231-235, 243-244, and 250(d)(1), 250(d)(3), title II of the Trade Act of 1974, as amended; as authorized by section 7c of the Act of June 6, 1933, as amended, necessary administrative expenses under sections 101(a)(15)(H), 212(a)(5)(A), (m) (2) and (3), (n)(1), and 218(g) (1), (2), and (3), and 258(c) of the Immigration and Nationality Act, as amended (8 U.S.C. 1101 et seq.); necessary administrative expenses to carry out section 221(a) of the Immigration Act of 1990, $125,328,000, together with not to exceed $3,109,368,000 (including not to exceed $1,653,000 which may be used for amortization payments to States which had independent retirement plans in their State employment service agencies prior to 1980, and including not to exceed $2,000,000 which may be obligated in contracts with non-State entities for activities such as occupational and test research activities which benefit the Federal-State Employment Service System), which may be expended from the Employment Security Administration account in the Unemployment Trust Fund, and of which the sums available in the allocation for activities authorized by title III of the Social Security Act, as amended (42 U.S.C. 502-504), and the sums available in the allocation for necessary administrative expenses for carrying out 5 U.S.C. 8501-8523, shall be available for obligation by the States through December 31, 1996, except that funds used for automation acquisitions shall be available for obligation by States through September 30, 1998; and of which $125,328,000, together with not to exceed $738,283,000 of the amount which may be expended from said trust fund shall be available for obligation for the period July 1, 1996, through June 30, 1997, to fund activities under the Act of June 6, 1933, as amended, including the cost of penalty mail made available to States in lieu of allotments for such purpose, and of which $218,297,000 shall be available only to the extent necessary for additional State allocations to administer unemployment compensation laws to finance increases in the number of unemployment insurance claims filed and claims paid or changes in a State law: *Provided,* That to the extent that the Average Weekly Insured Unemployment (AWIU) for fiscal year 1996 is projected by the Department of Labor to exceed 2.785 million, an additional $28,600,000 shall be available for obligation for every 100,000 increase in the AWIU level (including a pro rata amount for any increment less than 100,000) from the Employment Security Administration Account of the Unemployment Trust Fund: *Provided further,* That funds appropriated in this Act which are used to establish a national one-stop career center network may be obligated in contracts, grants or agreements with non-State entities: *Provided further,* That funds appropriated under this Act for activities authorized under the Wagner-Peyser Act, as amended, and title III of the Social Security Act, may be used by the States to fund integrated Employment Service and Unemployment Insurance automation efforts, notwithstanding cost allocation principles prescribed under Office of Management and Budget Circular A-87.

ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND OTHER FUNDS

For repayable advances to the Unemployment Trust Fund as authorized by sections 905(d) and 1203 of the Social Security Act, as amended, and to the Black Lung Disability Trust Fund as authorized by section 9501(c)(1) of the Internal Revenue Code of 1954, as amended; and for nonrepayable advances to the Unemployment Trust Fund as authorized by section 8509 of title 5, United States Code, and section 104(d) of Public Law 102-164, and section 5 of Public Law 103-6, and to the "Federal unemployment benefits and allowances" account, to remain available until September 30, 1997, $369,000,000.

In addition, for making repayable advances to the Black Lung Disability Trust Fund in the current fiscal year after September 15, 1996, for costs incurred by the Black Lung Disability Trust Fund in the current fiscal year, such sums as may be necessary.

PROGRAM ADMINISTRATION

For expenses of administering employment and training programs and for carrying out section 908 of the Social Security Act, $83,505,000, together with not to exceed $40,974,000, which may be expended from the Employment Security Administration account in the Unemployment Trust Fund.

PENSION AND WELFARE BENEFITS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for Pension and Welfare Benefits Administration, $64,113,000.

PENSION BENEFIT GUARANTY CORPORATION

PENSION BENEFIT GUARANTY CORPORATION FUND

The Pension Benefit Guaranty Corporation is authorized to make such expenditures, including financial assistance authorized by section 104 of Public Law 96-364, within limits of funds and borrowing authority available to such Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended (31 U.S.C. 9104), as may be necessary in carrying out the program through September 30, 1996, for such Corporation: *Provided,* That not to exceed $10,603,000 shall be available for administrative expenses of the Corporation: *Provided further,* That expenses of such Corporation in connection with the collection of premiums, the termination of pension plans, for the acquisition, protection or management, and investment of trust assets, and for benefits administration services shall be considered as non-administrative expenses for the purposes hereof, and excluded from the above limitation.

EMPLOYMENT STANDARDS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Employment Standards Administration, including reimbursement to State, Federal, and local agencies and their employees for inspection services rendered, $246,967,000, together with $978,000 which may be expended from the Special Fund in accordance with sections 39(c) and 44(j) of the Longshore and Harbor Workers' Compensation Act: *Provided,* That the Secretary of Labor is authorized to accept, retain, and spend, until expended, in the name of the Department of Labor, all sums of money ordered to be paid to the Secretary of Labor, in accordance with the terms of the Consent Judgment in Civil Action No. 91-0027 of the United States District Court for the District of the Northern Mariana Islands (May 21, 1992): *Provided further,* That the Secretary of Labor is authorized to establish and, in accordance with 31 U.S.C. 3302, collect and deposit in the Treasury fees for processing applications and issuing certificates under sections 11(d) and 14 of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 211(d) and 214) and for processing applications and issuing registrations under Title I of the Migrant and Seasonal Agricultural Worker Protection Act, 29 U.S.C. 1801 et seq.

SPECIAL BENEFITS

(INCLUDING TRANSFER OF FUNDS)

For the payment of compensation, benefits, and expenses (except administrative expenses) accruing during the current or any prior fiscal year authorized by title 5, chapter 81 of the United States Code; continuation of benefits as provided for under the head "Civilian War Benefits" in the Federal Security Agency Appropriation Act, 1947; the Employees' Compensation Commission Appropriation Act, 1944; and sections 4(c) and 5(f) of the War Claims Act of 1948 (50 U.S.C. App. 2012); and 50 per centum of the additional compensation and benefits required by section 10(h) of the Longshore and Harbor Workers' Compensation Act, as amended, $218,000,000 together with such amounts as may be necessary to be charged to the subsequent year appropriation for the payment of compensation and other benefits for any period subsequent to August 15 of the current year: *Provided*, That such sums as are necessary may be used under section 8104 of title 5, United States Code, by the Secretary to reimburse an employer, who is not the employer at the time of injury, for portions of the salary of a reemployed, disabled beneficiary: *Provided further*, That balances of reimbursements unobligated on September 30, 1995, shall remain available until expended for the payment of compensation, benefits, and expenses: *Provided further*, That in addition there shall be transferred to this appropriation from the Postal Service and from any other corporation or instrumentality required under section 8147(c) of title 5, United States Code, to pay an amount for its fair share of the cost of administration, such sums as the Secretary of Labor determines to be the cost of administration for employees of such fair share entities through September 30, 1996: *Provided further*, That of those funds transferred to this account from the fair share entities to pay the cost of administration, $11,383,000 shall be made available to the Secretary of Labor for expenditures relating to capital improvements in support of Federal Employees' Compensation Act administration, and the balance of such funds shall be paid into the Treasury as miscellaneous receipts: *Provided further*, That the Secretary may require that any person filing a notice of injury or a claim for benefits under Subchapter 5, U.S.C., chapter 81, or under subchapter 33, U.S.C. 901, et seq. (the Longshore and Harbor Workers' Compensation Act, as amended), provide as part of such notice and claim, such identifying information (including Social Security account number) as such regulations may prescribe.

BLACK LUNG DISABILITY TRUST FUND

(INCLUDING TRANSFER OF FUNDS)

For payments from the Black Lung Disability Trust Fund, $995,447,000, of which $949,494,000 shall be available until September 30, 1997, for payment of all benefits as authorized by section 9501(d) (1), (2), (4), and (7), of the Internal Revenue Code of 1954, as amended, and interest on advances as authorized by section 9501(c)(2) of that Act, and of which $26,045,000 shall be available for transfer to Employment Standards Administration, Salaries and Expenses, and $19,621,000 for transfer to Departmental Management, Salaries and Expenses, and $287,000 for transfer to Departmental Management, Office of Inspector General, for expenses of operation and administration of the Black Lung Benefits program as authorized by section 9501(d)(5)(A) of that Act: *Provided*, That in addition, such amounts as may be necessary may be charged to the subsequent year appropriation for the payment of compensation, interest, or other benefits for any period subsequent to August 15 of the current year: *Provided further*, That in addition such amounts shall be paid from this fund into miscellaneous receipts as the Secretary of the Treasury determines to be the administrative expenses of the Department of the Treasury for administering the fund during the current fiscal year, as authorized by section 9501(d)(5)(B) of that Act.

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Occupational Safety and Health Administration, $263,985,000 including not to exceed $65,319,000 which shall be the maximum amount available for grants to States under section 23(g) of the Occupational Safety and Health Act, which grants shall be no less than fifty percent of the costs of State occupational safety and health programs required to be incurred under plans approved by the Secretary under section 18 of the Occupational Safety and Health Act of 1970; and, in addition, notwithstanding 31 U.S.C. 3302, the Occupational Safety and Health Administration may retain up to $500,000 per fiscal year of training institute course tuition fees, otherwise authorized by law to be collected, and may utilize such sums for occupational safety and health training and education grants: *Provided*, That none of the funds appropriated under this paragraph shall be obligated or expended to prescribe, issue, administer, or enforce any standard, rule, regulation, or order under the Occupational Safety and Health Act of 1970 which is applicable to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs ten or fewer employees: *Provided further*, That no funds appropriated under this paragraph shall be obligated or expended to administer or enforce any standard, rule, regulation, or order under the Occupational Safety and Health Act of 1970 with respect to any employer of ten or fewer employees who is included within a category having an occupational injury lost workday case rate, at the most precise Standard Industrial Classification Code for which such data are published, less than the national average rate as such rates are most recently published by the Secretary, acting through the Bureau of Labor Statistics, in accordance with section 24 of that Act (29 U.S.C. 673), except—

(1) to provide, as authorized by such Act, consultation, technical assistance, educational and training services, and to conduct surveys and studies;

(2) to conduct an inspection or investigation in response to an employee complaint, to issue a citation for violations found during such inspection, and to assess a penalty for violations which are not corrected within a reasonable abatement period and for any willful violations found;

(3) to take any action authorized by such Act with respect to imminent dangers;

(4) to take any action authorized by such Act with respect to health hazards;

(5) to take any action authorized by such Act with respect to a report of an employment accident which is fatal to one or more employees or which results in hospitalization of two or more employees, and to take any action pursuant to such investigation authorized by such Act; and

(6) to take any action authorized by such Act with respect to complaints of discrimination against employees for exercising rights under such Act: *Provided further*, That the foregoing proviso shall not apply to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs ten or fewer employees.

MINE SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Mine Safety and Health Administration, $185,154,000, including purchase and bestowal of certificates and trophies in connection with mine rescue and first-aid work, and the hire of passenger motor vehicles; the Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, or private; the Mine Safety and Health Administration is authorized to promote health and safety education and training in the mining community through cooperative programs with States, industry, and safety associations; and any funds available to the Department may be used, with the approval of the Secretary, to provide for the costs of mine rescue and survival operations in the event of a major disaster: *Provided*, That none of the funds appropriated under this paragraph shall be obligated or expended to carry out section 115 of the Federal Mine Safety and Health Act of 1977 or to carry out that portion of section 104(g)(1) of such Act relating to the enforcement of any training requirements, with respect to shell dredging, or with respect to any sand, gravel, surface stone, surface clay, colloidal phosphate, or surface limestone mine.

BUREAU OF LABOR STATISTICS

SALARIES AND EXPENSES

For necessary expenses for the Bureau of Labor Statistics, including advances or reimbursements to State, Federal, and local agencies and their employees for services rendered, $296,993,000, of which $11,549,000 shall be for expenses of revising the Consumer Price Index and shall remain available until September 30, 1997, together with not to exceed $50,220,000, which may be expended from the Employment Security Administration account in the Unemployment Trust Fund.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For necessary expenses for Departmental Management, including the hire of three sedans, and including up to $4,056,000 for the President's Committee on Employment of People With Disabilities, $130,220,000; together with not to exceed $303,000, which may be expended from the Employment Security Administration account in the Unemployment Trust Fund.

WORKING CAPITAL FUND

The language under this heading in Public Law 85–67, as amended, is further amended by adding the following before the last period: ": *Provided further*, That within the Working Capital Fund, there is established an Investment in Reinvention Fund (IRF), which shall be available to invest in projects of the Department designed to produce measurable improvements in agency efficiency and significant taxpayer savings. Notwithstanding any other provision of law, the Secretary of Labor may retain up to $3,900,000 of the unobligated balances in the Department's annual Salaries and Expenses accounts as of September 30, 1995, and transfer those amounts to the IRF to provide the initial capital for the IRF, to remain available until expended, to make loans to agencies of the Department for projects designed to enhance productivity and generate cost savings. Such loans shall be repaid to the IRF no later than September 30 of the fiscal year following the fiscal year in which the project is completed. Such repayments shall be deposited in the IRF, to be available without further appropriation action."

ASSISTANT SECRETARY FOR VETERANS EMPLOYMENT AND TRAINING

Not to exceed $175,883,000 may be derived from the Employment Security Administration account in the Unemployment Trust Fund to carry out the provisions of 38 U.S.C. 4100–4110A and 4321–4327, and Public Law 103–353, and which shall be available for obligation by the States through December 31, 1996.

OFFICE OF INSPECTOR GENERAL

For salaries and expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $44,426,000, together with not to exceed $3,615,000, which may be expended from the Employment Security Administration account in the Unemployment Trust Fund.

GENERAL PROVISIONS

SEC. 101. None of the funds appropriated in this title for the Job Corps shall be used to pay the compensation of an individual, either as direct costs or any proration as an indirect cost, at a rate in excess of $125,000.

SEC. 102. Section 427(c) of the Job Training Partnership Act, as amended, is repealed.

SEC. 103. No amount of funds appropriated in this Act for fiscal year 1996 may be used to implement, administer, or enforce any executive order, or other rule or order, that prohibits Federal contracts with, or requires the debarment of, or imposes other sanction on, a contractor on the basis that such contractor or organizational unit thereof has permanently replaced lawfully striking workers.

SEC. 104. None of the funds made available in this Act to the Department of Labor or the Pension Benefit Guaranty Corporation may be used—

(1) to implement or administer Interpretive Bulletin 94–1, issued by the Secretary of Labor on June 23, 1994 (59 Fed. Reg. 32606; 29 C.F.R. 2509.94–1),

(2) to establish or maintain, or to contract with (or otherwise provide assistance to) any other party to establish or maintain, any clearinghouse, database, or other listing which—

(A) makes available to employee benefit plans (as defined in section 3(3) of the Employee Retirement Income Security Act of 1974) information relating to the status of investments as economically targeted investments referred to in such Interpretive Bulletin,

(B) provides assistance to employee benefit plans (as so defined) or any other party to develop or evaluate investments as economically targeted investments referred to in such Interpretive Bulletin, or

(C) identifies investments with respect to which the Department or the Corporation will withhold from undertaking enforcement actions under such Act by reason of their status as economically targeted investments referred to in such Interpretive Bulletin,

(3) to administer or otherwise carry out the contract entered into by the Department of Labor designated "Contract No. J–9–P–4–0060" or any other similar contract entered into by the Department or the Corporation (except to the extent required by applicable law to provide for the immediate termination of such contract), or

(4) to promote economically targeted investments referred to in such Interpretive Bulletin, either by direct means, such as lecture or travel, or by indirect means.

SEC. 105. None of the funds made available in this Act may be used by the Occupational Safety and Health Administration directly or through section 23(g) of the Occupational Safety and Health Act for the development, promulgation or issuance of any proposed or final standard or guideline regarding ergonomic protection or recording and reporting occupational injuries and illnesses directly related thereto.

SEC. 106. Notwithstanding any other provision of law, no funds shall be expended by the Occupational Safety and Health Administration for the enforcement of the Fall Protection Standard published at subpart M of 29 CFR part 1926, until 30 days after a new standard has been promulgated by the Secretary of Labor ("the Secretary").

The Secretary shall develop this standard no later than 180 days after the enactment of this Act. Until the publishing of the revised final rule, the Occupational Safety and Health Administration may only expend funds designated for the enforcement of an interim fall protection standard which adjusts all height requirements referenced at subpart M of 29 CFR part 1926 from 6 feet to 16 feet.

SEC. 107. None of the funds appropriated in this Act may be obligated or expended by the Department of Labor for the purposes of enforcement and the issuance of fines under Hazardous Occupation Order Number 12 (HO 12) with respect to the placement or loading of materials by a person under 18 years of age into a cardboard baler that is in compliance with the American National Standards Institute safety standard ANSI Z245.5 1990, and a compactor that is in compliance with the American National Standards Institute safety standard ANSI Z245.2 1992.

SEC. 108. None of the funds appropriated in this Act may be obligated or expended by the Department of Labor for the purposes of enforcement and the issuance of fines under Hazardous Occupation Order Number 2 (HO 2) with respect to incidental and occasional driving by minors under age 18, unless the Secretary finds that the operation of a motor vehicle is the primary duty of the minor's employment.

This title may be cited as the "Department of Labor Appropriations Act, 1996".

The CHAIRMAN. Pursuant to the rule, the gentleman from Illinois [Mr. PORTER] will be recognized for 45 minutes, and the gentleman from Wisconsin [Mr. OBEY] will be recognized for 45 minutes.

The Chair recognizes the gentleman from Illinois [Mr. PORTER].

Mr. PORTER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, total discretionary funding for the Department of Labor is $8.4 billion. This is a reduction of $1.1 billion below fiscal year 1995's revised amount and a reduction of $3 billion below the President's budget request.

In addition, the bill includes $1.9 billion for entitlement spending in the Labor Department. This is a reduction of $583 million below fiscal year 1995 and $3 million below the budget request.

The budget includes substantial reductions in certain job training programs, including elimination of funding for summer jobs program, also previously rescinded because of the general lack of effectiveness. This decision reflects the need to prioritize programs and reduce spending, as well as the fact that the Committee on Economic and Educational Opportunities is in the process of consolidating these very programs.

We also believe that these job training programs under the Job Training Partnership Act are, on the whole, less than effective, in that taxpayer funding is not getting full value out of these funds. Job Corps funding, however, has increased $31 million over last year, which will allow funding for four new centers which were approved in prior years and are opening in 1996. No additional new centers were approved beyond the ones already approved in prior years.

The total for Job Corps is $1.1 billion. We know that this program is expensive, but we believe that in the majority of centers, it is more successful in dealing with the very disadvantaged population than are the other principal job training programs which we have reduced very substantially. The committee has made it clear that the Government is to take all necessary steps to straighten out those centers that are not performing up to standards. I might say Job Corps, Mr. Chairman, addresses the most at-risk youth in our society.

The bill directs more of the Community Service Employment for Older Americans funding to States rather than to national contractors. We think the States can do a better job in this area. The national contractors have been in this program for 25 to 30 years, and there is essentially no competition in the program. They are simply renewed each year, year after year, by the Department of Labor. This includes AARP, the National Council on Senior Citizens, and the National Council on Aging. We believe these matters should be handled more at the State level.

One-stop career centers are level funded at $100 million. We believe this is adequate to maintain this program at current levels until we see whether it is going to do what the administration says that it will do. This sounds like a good concept, but there are so many job training programs operating, according to GAO, 163 of them, that it is not at all clear that a new Federal grant program is going to coordinate and pull all of this together. Congress needs to take legislative action to clean up this maze of job training programs. We are hopeful that this will be accomplished by the authorizing committee.

We fund State unemployment insurance administrative costs at roughly the same as the 1995 level. This bill includes $2.3 billion for States to administer the unemployment benefit program. We expect that the States will tighten their belts on administrative costs, just like the Federal agencies are doing in this bill.

The Bureau of Labor Statistics is funded at $347 million, a decrease of only 1.3 percent. We provide full funding for the revision of the consumer price index, and we expect the Bureau of Labor Statistics to give this a very high priority.

OSHA funding is reduced by 15 percent and shifted to emphasize compliance assistance. We increased funding by 19.2 percent over enforcement activities, where we cut funding by 33 percent for Federal enforcement and 7.5 percent for State enforcement.

□ 1545

Language is also included to prohibit OSHA from issuing a standard on ergonomic protection. This agency serves a useful public purpose, but it needs to arrange its priorities from being a policeman to a more cooperative and consulting role.

The bill also contains language to prevent implementation of the President's Executive order on striker replacements and to end pressure on pension funds to invest in economically targeted investments.

This language, along with other language included in the bill, was included at the request of the authorizing committee. The bill reduces administrative costs throughout the Department by cutting overall administrative budgets by 7.5 percent and the congressional and public affairs offices by 10 percent. The bill includes nearly $1.5 billion for Labor Department salaries and expense costs in 1996.

We believe that the Department can make do with that amount and still accomplish its essential duties under the law.

Overall, this bill substantially downsizes the Department of Labor. We think that we have reduced programs that do not work very well and have reduced overhead and administrative costs in a reasonable way. We have fully maintained the Job Corps. We have tried to redirect the priorities of the Occupational Safety and Health Administration. And we have provided adequate funding for the Department to carry out its essential responsibilities under the law.

Mr. Chairman, I reserve the balance of my time.

Mr. OBEY. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, working people pay most of the taxes to support the activities of Government. Yet the activities of Government that are most being chopped by this bill are those that help workers, that help the children and the families of workers by way of education, training, and health.

Our Republican friends are evidently not satisfied that between 1980 and 1993 only 97 percent of all of the income growth that occurred in our country went to the wealthiest 20 percent of people in this society. The rest of the 80 percent in this society had to settle for sharing that tiny little 3 percent. And yet this bill will in fact make that situation worse.

They think workers have too much power in the marketplace. In my view that is a joke. Yet their bill goes ahead and guts the ability of the NLRB to enforce laws to protect workers on everything from wages and hours to the minimum wage. It savages the ability of OSHA to provide a safe and healthy workplace; $1 out of every $4 that were present a year ago to defend the interests of workers in this society will be gone under this bill, $1 out of $4.

This bill, for instance, provides a healthy appropriation for the National Institutes of Health. I applaud that. They deal with diseases that anybody can get, whether you are the CEO of a plant or the janitor at that same plant. But the National Institutes of Occupational Health and Safety is supposed to be that one agency which does the research, the medical research which is supposed to underlie the actions that OSHA then takes to protect the health of American workers.

That agency is savaged. All ability to train occupational health workers in that agency is ended. Its budget, the budget to provide the desperately needed research, is gutted. I think the majority party ought to be ashamed of itself.

Mr. Chairman, I yield 5 minutes to the gentlewoman from California [Ms. PELOSI], who will begin essentially our side of this 1½-hour discussion on title I, focused on the problems that it presents to American workers.

Ms. PELOSI. Mr. Chairman, I thank the ranking member for yielding time to me, and once again for being such an articulate spokesperson for America's workers and America's families.

There are many reasons to be against this bill. Many of them have been enumerated in the debate thus far, and we will hear more later.

But this part of the bill, title I, deals with the war on American workers that this legislation has declared. Indeed, regardless of comments to the contrary from the majority Republican side, this legislation cuts $10 billion, $10 billion in programs that relate to family planning in title 10, workers protections, health, education. The list goes on and on.

This section, title I, goes to, as I said, the war on American workers. The Republican majority with this bill says to the American worker, essentially: Get lost. When it comes to your safety in the workplace, your pension protections, your employment standards and collective bargaining and job security, forget it. That is what the majority is saying.

This takes place at a time when workers in America are menaced by corporate downsizing to increase profits, the bottom line for corporate America, globalization, putting many U.S. jobs offshore, and the technological advances which we all support. Those factors make it even harder to understand why the Republican majority would strike out at the American worker at this very difficult time in our economic history.

We hear a great deal about competitiveness, how can we compete with our European and our Japanese competitors when they respect their workers? The American workers are the most productive workers in the world. Yet our reward to them is to say, in this bill, the law of the jungle will prevail. Laissez-faire reigns. We are not interested in your progress.

This committee bill reverses decades of progress to protect American workers. Out of respect for those American workers, I offered an amendment to restore funding for seven critical worker protections. Unfortunately, this amendment is not in order under the rule. Therefore, I want to explain to Members the implication of these cuts on American workers.

A vote for this bill, and I think every Member should be very conscious of this when they put their card in the machine, a vote for this bill is a vote for a 33 percent cut in safety and health enforcement in our country. Currently, 6,000 Americans are injured on the job each day, and these injuries cost America more than $112 billion a year. So it does not even make economic sense to make this foolish cut. These preventable injuries have a direct impact on American families.

In addition to that, they have a cut of 25 percent in safety and health research. Are you ready for this, my colleagues? Even General Motors is opposing this cut. This research ultimately saves the Nation billions of dollars annually in medical costs. Of course, the health care costs borne by the industry directly impact on the price of product, making global competition an issue as well. That is why General Motors is opposing this cut. Why do we not?

There are also cuts in mine safety. This means fewer mines will be inspected, exposing more miners to injury.

There are other reductions proposed in pension protections. The reductions proposed in this bill place in jeopardy working families' pensions. These cutbacks will result in pension plan losses of at least $100 million, and the number of pension fraud cases pursued will decline by 20 percent.

Employment standards enforcement is cut by 25 percent. These reductions will mean that $25 million in back wages owed to some 50,000 workers will not be recovered.

Mr. Chairman, for the record, I am putting elaboration of all of this in, but in the interest of time I am just going to proceed to collective bargaining. The collective bargaining protections are cut by 30 percent. This is absolutely appalling. The National Labor

Relations Board was created in 1935 to bring order to labor disputes.

This bill cuts 30 percent of the funds for the NLRB and handcuffs the board's ability to enforce existing laws and safeguards on employees rights and employers protection. The NLRB guards against unfair labor practices both by employers and employees. This is a direct attack on the basic rights of both.

The dislocated worker assistance program is cut by 34 percent. This means that 193,000 workers who lose their jobs in 1996, through no fault of their own, will not receive training.

Rapid advancements in technology, defense downsizing, corporate restructuring, and intense global competition result in structural changes necessary for economical growth. This program works. The inspector general has reported that workers served by this program were reemployed, remained in the workforce, and regained their earning power. Continuing our investment in dislocated workers is essential.

The cuts in these seven programs for worker protection, along with a long list of legislation provisions—limiting the authority of agencies to enforce child labor laws, laws which protect workers' right to organize, and regulations to protect occupational safety; and language blocking the President's Executive order regarding striker replacements—constitute a war on the American worker.

Mr. Chairman, American workers are the engine of our economy. They must be treated with dignity and respect. They also deserve a safe workplace. Despite our budget challenges, we should not retreat on worker protection. Cuts that will result in increased workplace accidents and fatalities will cost our society. This is the wrong place to cut back. Shame.

Mr. Chairman, we will go into this more as we try to bring up other amendments. All I am saying here today is that, if Members in this Chamber care about the American worker, they will vote against this bill.

Mr. PORTER. Mr. Chairman, I yield 5 minutes to the gentleman from Bentonville, AR [Mr. HUTCHINSON], a member of the Economic and Educational Opportunities Committee.

Mr. HUTCHINSON. Mr. Chairman, I commend the gentleman on his leadership that he has displayed on this very fine appropriations bill. I also want to commend my chairman on the Subcommittee on Workforce Protections, the gentleman from North Carolina [Mr. BALLENGER], for the work that he has done on OSHA reform.

We have had a number of OSHA hearings in recent months in which we have heard repeatedly the kind of horror stories of OSHA overkill. So I am very glad to support this bill, particularly because of the OSHA provisions in which we reduce funding for enforcement, investigation and imposition of penalties by 33 percent while increasing compliance assistance by 20 percent, as we can see on this chart.

This bill simply redirects OSHA's current philosophy of assessing excessive fines and penalties to one where OSHA will be required to work with and assist small businesses in their efforts to promote health and safety in the workplace. So we reduce the funding by 33 percent on the enforcement side while increasing funding by 20 percent on compliance assistance.

Surely it is not too much to ask of the Occupational Safety and Health Administration to work with small businesses to ensure the health and safety of their employees. After all, that is why OSHA was created.

We heard so many stories, but this story was faxed to me, and it is very typical of the kinds of stories we heard on OSHA overkill in our hearings. This small businessman operated for 21 years. None of his employees ever had a lost-day injury, not one. No workmen's compensation claim was ever paid. Yet after 21 years, that OSHA inspector came in, filed 21 alleged violations.

He said the allegations were that he was exposing his employees to hazards such as not having a crane operators manual, and not having instructions on how to pour diesel fuel, and not having a list of hazards on how to handle gasoline, grease, and concrete.

I will make a long story short. That happened in 1991, 4 years. After he contested the allegations, after he contested the citations, 4 years later and hundreds of thousands of dollars in legal costs later, all of the citations were vacated.

Would it not make a lot more sense had that inspector simply said, you have got 30 days to make the corrections on where we see violations and where you are out of compliance? The small businessman makes those corrections, and we go on with a good, safe workplace, saving the taxpayers of America hundreds of thousands of dollars in litigation costs.

That is what this bill moves toward. It refocuses its priorities toward assisting businesses in having a safe workplace.

OSHA inspectors are simply misguided in their efforts to promote a safe workplace. In recent years, eight of the 10 most cited standards by OSHA have been paperwork violations. With OSHA, it is regulation, inspection, citation and fine, fine, fine, and we want to change that.

We have heard that the 11-percent cut overall in Labor-HHS appropriations, the sky is falling, you have heard apocalypse now. You has heard, as one speaker said, that it is a declaration of war on the children. There has been a lot of talk about hurting our children. They say they are worried about our children. I want to say I am worried about our children. My son, about a year from now, will be getting married to a wonderful, wonderful bride. A few years from now they will be starting a family. His first child will be my first grandchild, and I am worried about them. I am worried about the future we are giving them. I am worried about the $18,000 debt that that little grandchild will inherit, the day he is born or she is born.

I am concerned about the $187,000 that they will pay in taxes just to pay interest on the national debt. So, when we talk about the children and the impact of this bill upon the children, please think about that. Think about the burden that we are imposing. And you will hear, as we have heard, that the minority leader said this bill is a dagger aimed at the heart of the children. No, it is not. It is a dagger aimed at the heart of runaway social spending. You heard that it is a war on American workers. No, it is not. It is not a war on American workers. It is a war on job-killing deficit spending.

☐ 1600

It is time we made the start. This bill does that. Let us pass a good Labor-HHS appropriation bill.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentleman from Rhode Island [Mr. KENNEDY].

Mr. KENNEDY of Rhode Island. Mr. Chairman, I believe when 17 Rhode Islanders died on the job in 1992, that we are not doing enough to protect worker safety; but the Republicans in this bill are saying that we are doing enough. In fact, they are saying that we are doing too much to protect workers.

Just think about this for a moment, Mr. Chairman. When 6,000 workers die every year, and there is one worker-related fatality every 5 seconds in this country, the Republicans in this bill we say are spending too much money on worker safety. This is madness.

Since worker safety protections were put in place in order to address trenching fatalities, the number of workers killed has declined by 35 percent, and hundreds of trenching accidents have been prevented. In one instance, an OSHA inspector in a Cleveland construction site said that the workers had to wear fall protection gear while working on a scaffolding 70 feet above the ground. Four days later that scaffolding collapsed, 4 days later, while none of the workers were injured, because they were all wearing the protective gear that OSHA told them they should wear. This is the reason we need to protect it.

Mr. Chairman, since the agency was charged with protecting worker safety, and since it was put in place, overall workplace fatalities have declined 57 percent, so why is this bill cutting its budget by 33 percent? Obviously, as the Member just said, to save money. That is obvious. The question is, save money for what? Save money and lose jobs? Save money and lose lives? Save money so that the richest 1 percent of this country can get a $20,000 tax break? To me, that is deplorable, and we should not allow it.

Mr. ROBERTS. Mr. Chairman, I am pleased to yield 5 minutes to the gentleman from Hickory, NC [Mr. BALLENGER], the chairman of the Subcommittee on Workforce Protections of the Committee on Economic and Education Opportunities.

Mr. BALLENGER. I thank the gentleman for yielding time to me.

Mr. Chairman, there has been a lot of talk about how if we make any cuts in OSHA enforcement we will directly endanger American workers. That kind of statement presumes that only the strong enforcement arm of OSHA stands between workers and serious injury and death. I think we all know that that's nonsense. Employers in this country have a lot more reasons than OSHA for providing safe workplaces. The fact of the matter is that once one cuts through the rhetoric, the evidence of an overall effect of OSHA in reducing injuries and deaths over the past 25 years is at best very limited.

It has been claimed that OSHA works because workplace fatality rates have decreased by more than 50 percent since the OSH Act was passed. In fact, workplace fatality rates have declined steadily since the end of World War II, and in fact the fatality rate decreased more during the 24 years prior to OSHA than it did in the 24 years after OSHA was created.

OSHA itself cites a 1993 study which, OSHA claims, "confirmed that in the three years following an OSHA inspection and fine, injuries at the inspected worksite decline by as much as 22%." In fact, OSHA is trying to make that study's conclusions far more positive than the authors were. The authors of the study did estimate that in their sample of companies that had been inspected and fined there was a 22-percent decline in injuries over 3 years. The companies in the sample were very large manufacturing facilities; thus the number of injuries suffered was relatively high compared to all worksites in the United States. The authors did try to extrapolate their findings from this sample to all employers, and concluded that OSHA probably reduced overall injuries by about 2 percent. Indeed, nearly all economists' attempts to estimate the overall effect of OSHA on workplace injuries have concluded that the effect is between 0 and 3 percent.

Since OSHA began the Federal Government has spent over $4 billion directly in implementing and enforcing the OSH Act and directed that billions more be spent by American employers to comply. Why is there so little evidence that OSHA has had a significant effect on workplace safety and health?

If you talk to safety and health directors across this country, what you realize is that OSHA's preoccupation on enforcement is not only not effective, but often counterproductive. Let me just read a few comments from a safety and health director of a major printing company.

> During the 1980's and my first five years with Donnelley, my department's focus was compliance based. During this time period, our accident rates and workers' compensation costs increased dramatically. During this time frame, we averaged about 10 OSHA inspections per year. None of the citations related to the main reasons our accidents were occurring. To use an analogy, all of our citations were for not putting a band-aid on a cut—none were for what was causing the cut. In the beginning of 1992, we returned to our historical focus of managing safety and not compliance. With the return to our historical focus on accident prevention, we achieved an accident rate reduction of 16%, a lost time accident rate reduction of 15% and a workers' compensation cost per claim reduction of 24% from 1991 through the end of 1994.
>
> In my position, I spend approximately 50% of my time on OSHA compliance issues and our plant safety coordinators spend approximately 80% of their time on compliance activities. The majority of our resources are dedicated to paperwork and programs that are not the cause of our problems. OSHA could be a helpful resource in our efforts to prevent accidents, but the agency needs to be refocused.

The problem is that OSHA's emphasis has been on compliance with regulations, many of which have only indirect or minor relationship to safety. More reasonable regulations, combined with other strategies which focus on safety and health rather than punishment—expanded consultation services, incentives for good safety records, provision for private sector workplace reviews, more leeway for employee participation and safety committees, and directing that enforcement focus on serious health and safety concerns—will make OSHA more effective, as well as less onerous.

Reforms to OSHA are badly needed. We are trying to reform OSHA in my subcommittee. This appropriations bill is a realistic reflection of where OSHA is today. Don't be deceived by the talk about increased worker injuries. The evidence just doesn't support those claims.

Mr. OBEY. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from New York [Mr. OWENS].

Mr. OWENS. Mr. Chairman, this bill is not merely about saving money. Very little money is saved in the reductions, the cuts on OSHA. This is about micromanaging the Department to achieve certain targeted objectives.

There is a conspiracy to wipe out OSHA. There is a conspiracy to destroy the effectiveness of OSHA. Thirty-three percent of the enforcement budget is cut, 33 percent is cut from an already small work force. With the number of inspectors that OSHA has presently, it would take them 86 years to inspect every business establishment in America one time, 86 years already. Now they are going to cut that by one-third. There is a conspiracy.

Mr. Chairman, that conspiracy is documented in a Washington Post article, two articles, which appeared July 23 and 24, and I intend to submit them in the Committee of the Whole for the RECORD, the entire two articles from the Washington Post. These articles expose the fact that there is a covert war to obliterate OSHA and MSHA. This conspiring has been underway since the beginning of the 1994 election campaign.

The Post article indicated that the down payment for the contract to assassinate OSHA was $65,000 in North Carolina. I am certain that similar war bonds for the destruction of OSHA and MSHA were being purchased in other States, also. They are specifically going after certain aspects of OSHA to please the business community. The world already knows how the Republican Party has turned over the Waco investigation to the NRA. That is well documented.

Thanks to this article in the Post, we now know that certain parts of what I call the Death and Injury Act in the authorizing committee was turned over to similar outside vested interests, and certain aspects of this appropriations bill have been turned over, to be written by outside interests.

Mr. Chairman, we are talking about life and death. We are talking about a bill which will go after the standards which protect the health and safety of American workers. Fifty-six thousand workers die per year. Ten thousand died last year directly on the job. The rest of them died as a result of complications suffered by conditions on the job or diseases contracted on the job, but 10,000 died directly.

In North Carolina, we know about the 25 people who were killed in one fire in a North Carolina plant that had not been inspected by OSHA. In Georgia, on March 17, 1994, Mr. Sangster, an employee of the Industrial Boiler Co., was killed while attempting to test fire a boiler. The boiler exploded and the left front door struck Mr. Sangster, killing him. There were quite a number of such deaths in the State of Georgia. I mention that because there are prominent Members of the State of Georgia delegation on the committee seeking to assassinate and destroy OSHA.

Also in Georgia, on April 18, 1994, a Mr. Powel, an employee of Harbert-Yeargin Co., was killed while in the process of erecting scaffolding. He bent over to pick up his hammer and his safety lantern got caught in an ungraded drive shaft. Mr. Powel was dragged into the shaft and killed.

In Pennsylvania, where the head of our authorizing committee that is out to assassinate and destroy OSHA resides, on December 13, 1993, a Mr. Rever, an employee of Hartlaub's Used

Cars and Parts, was crushed to death. No safety chain assembly was being used, nor was the vehicle jacked and blocked as it is supposed to be to prevent the falling. As a result, when Mr. Rever used an impact wrench to remove parts, the van fell on him, crushing his head and chest.

Mr. Chairman, this is a life and death matter for American workers. Not only the members of labor unions but all American workers are affected. Since OSHA has existed, the number of deaths and injuries have gone down. We must save OSHA from this micromanaging, and the authorizing language in this bill, which is part of the appropriations for appropriation, is part of the conspiracy to destroy it.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. DOGGETT].

Mr. DOGGETT. Mr. Chairman, there are so many cuts on middle-class working Americans in this bill, it is hard to know where to start. However, one example is an organization called the National Institute for Occupational Safety and Health, including the Southwest Center at the University of Texas in Houston. That is not in my district, but what that center and other regional centers do affect people across this country in every congressional district.

This program is purely scientific. It is a research organization. It is headed by scientists, not by politicians, not by bureaucrats, but scientists who are trying to prevent injury and illness in the workplace, to protect people so there are not lawsuits, so there is not government interference, so there is not an accident or an illness to start with. It is that program that is about prevention, not prosecution, that is about research, not redtape, that gets slashed in this Republican proposal.

By cutting this proposal, what Republicans are doing to middle-class working Americans is to cut research to improve the protective clothing for our firefighters, to cut research to cut out the investigation of new ways to improve respirators for our pilots, to cut research in painful and debilitating illnesses, like asbestosis and lead poisoning, that affect workers in the workplace, to cut research about workers who get crushed by machinery, who get crushed in accidental rollovers of large equipment.

Additionally, the Republicans abolish vital training and education programs that produced 2,700 health and safety professionals last year. They proceed to kill continuing education programs that taught 150,000 working men and women last year about the dangers of injury and illness. The goal of all these programs is to prevent injury and illness before it occurs. Stop the testing, stop the training, close the labs, turn out the lights. That is what this program is all about.

Mr. LIVINGSTON. Mr. Chairman, I am pleased to yield 4 minutes to the distinguished gentleman from South Carolina [Mr. GRAHAM].

Mr. GRAHAM. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. Chairman, I think the committee has struck a good balance with what we are trying to accomplish in this Congress, and what we are trying to accomplish in this Congress, in my opinion, is to fulfill the mandate of the November election. Unfortunately, some of my colleagues apparently believe that caring is equated and shown by how much commitment you have to fund bureaucracies in Washington, DC.

I would like to tell them the best I can that people in this country understand we can care without spending billions and billions of dollars on Federal bureaucracy. I care about safety in the workplace, but what I have been elected to do is reform government so we have a government that is efficient, that meets the needs of the people, and I think our OSHA structure does not meet the needs of the American businessman nor the American worker. When 8 out of 10 violations are paperwork violations, you can have a safe workplace but it may not be OSHA safe.

☐ 1615

For every dollar that you take away from a small business or a large business, that is a dollar you take out of the pocket of an employee who works for that business.

Mr. Chairman, reality has finally come home to Congress. The reality is that we are broke up here. We are looking at ways to save money, but we want to do it in an efficient way without hurting people. We can care about the American worker without funding OSHA at the extent that people up here want it funded. There is not enough money in the printing press to satisfy the needs of some of the people that serve in this body to fund Washington, DC.

Mr. Chairman, I had a city councilman come up to me and talk about the EPA reforms that we are engaging in. He says, Congressman, what are you going to do if I dump raw sewage in the river? I said, well, the EPA is going to get you, because we have not changed that. That is still a bad thing to do. However, one thing you forget, Mr. City Councilman, is your citizens are going to throw you out of office.

People care in our community. One way to regulate what happens in the community is to have people involved without bureaucrats in Washington, DC always being involved. What we have done in this bill is we have reduced the enforcement gotcha provisions and we have replaced it with money to help people comply.

If you want to make your workplace safe, we are going to reinvent government so that you can come and talk with us and we will sit down and talk with you about how to make the workplace safe, rather than sending in a bunch of inspectors and take money out of your pocket because the paperwork does not add up. That is the new Congress, that is what I got elected to do.

One way to make sure nobody ever gets hurt is to do away with the ability to have a job in America. If we do not control our spending and the way we regulate in Washington, DC, we are not going to have any workplace injuries because nobody is going to have a job. That is what this Congress is about, trying to reinvent government with some reality in the way it is run in Washington, DC.

The working stiff, I heard that mentioned 20-something times in my committee. I serve on the Workplace Protection Subcommittee with Secretary Reich. Well, let me tell him this, that in my district the average income is $13,200. I am the first Republican to get elected in 120 years. I am the first person in my family to graduate college because my parents worked hard. Let me tell you, the working stiff has broke the code. Caring and funding Federal bureaucracies do not necessarily go together.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentlewoman form California [Ms. WOOLSEY].

Ms. WOOLSEY. Mr. Chairman, this Congress has passed some bad legislation, but this bill is worse than I ever thought possible.

It actually signals the end of the Federal Government's obligation, to protect the health and safety of the workers of our Nation.

I am a member of the Economic and Educational Opportunities Committee, a committee I call the Opportunity to Cut Everything Committee and working families from across this country have told me they are frightened by the new majority's efforts to gut workplace health and safety rules and support.

These workers' families tell me they are willing to see some of their taxes go toward enforcing health and safety rules, so that their loved ones come home at night from work safe and sound.

Mr. Chairman, that's a reasonable tradeoff for our working families, and that's a sound investment for our Nation.

This bill, however, makes it clear that the GINGRICH Republicans would rather invest in a tax break for the fat cats, than invest in the health and safety of American workers.

I urge all Americans who care about the health and safety of their loved ones to tell their representatives to oppose this bill.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentlewoman from Ohio [Ms. KAPTUR].

Ms. KAPTUR. Mr. Chairman, this bill does not trim, it literally guts Occupational Safety and Health by one-third and will adversely impact millions of workers across this country. This very morning an individual was killed in my district in an oil refinery. He was using high pressure hydroblasting equipment to clean refinery equipment, was hit by water sprayed at a pressure of in excess of 10,000 pounds per square inch, and was killed. This accident could have been prevented.

Mr. Chairman, 55,000 workers die in our country and another 60,000 are permanently disabled each year in work-related deaths and injuries. Just in my region in the last 6 months there have been 11 work-related fatalities, a record number, two electrocutions, a fall from an elevated platform where no fall protection was used, an individual crushed by a forklift, a woman who was working on structural steel and was killed by a piece of that steel, a worker overcome by fumes while filling a rail car with CO_2. Let us stand up for people who work. Let us value life. Vote "no" on this bill.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey [Mr. PAYNE].

Mr. PAYNE. Mr. Chairman, I am here to speak out against the 25-percent reduction to the National Institute for Occupational Safety and Health.

NIOSH is the only Federal agency charged with conducting research to identify the causes of work injuries and diseases and develop approaches by which workers can be protected. This is not to be confused with OSHA. OSHA does not conduct research, although they rely on it.

Every day 17 Americans die from work injuries and illnesses. Every week 67,000 workers are disabled by workplace injuries and illnesses. What is more disappointing is the fact that most of these illnesses and injuries are preventable.

NIOSH has been making a difference to working men and women. Research and studies conducted by NIOSH has led to a reduction in work-related injuries, however, we still have a long way to go.

In July 1991, a 47-year old female had her entire scalp from the back of the neck to the browline removed.

Other workers have needed amputation and on average about 16 workers have been killed annually in entanglements involving rotating drive lines on agricultural machinery.

In 1991, NIOSH eased public concern over an unknown hazard and a possible link between use of video display terminals and a cluster of miscarriages.

At that time, there were over 7 million women operating video display terminals [VDTs] and there had been widespread concern that the cause of the highly publicized clusters of miscarriages among workers were caused because of exposure to VDTs. But thanks to NIOSH, these stories have happy endings. NIOSH published the definitive report that found no connection between VDTs and miscarriages. The NIOSH relieved anxiety of both employers and workers.

We must continue to protect our nation's workers. Do not support these cuts.

Mr. BONILLA. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois [Mr. FAWELL].

Mr. FAWELL. Mr. Chairman, I certainly rise in support of this legislation.

I would like to make reference to several of the labor references which are in the legislation. We have heard a lot of talk about the fact that there are tragic cuts being made here, but people often overlook some of the labor legislation we have on our books which are wasting a great deal of money.

One reference I would like to make is the economically targeted investments which have come to light as of recently. There we have the Department of Labor that has entered into what they call economically targeted investment, being investments in projects selected primarily for the social benefits that they purport to generate rather than the financial return and safety that they would give to America's pensioners.

We are talking here about the ERISA law, which has been a tremendous success in this Nation, by the way, and it is private financing which is going into the private infrastructure in investments. It is all done voluntarily by employers under the ERISA law.

Under that law for the last 20 years we have had this tremendously effective private pension plan project in this land of ours, the fiduciaries of ERISA and the pension plans rely upon what is called the prudent man rule, which is a very simple, basic rule that is well understood by the fiduciary community, the investment community, in this land.

Along comes the Department of Labor, and they issue what is called an interpretation of the prudent man rule, which is Interpretive Bulletin-94 that was issued in February 1994, where they try to interpret what is a socially beneficial investment, basically. Then, they follow that up by contracting for more than $1 million to implement what they refer to as a clearinghouse.

This was done in September 1994. Indeed, they went ahead, without any congressional clearance, to give a contract to Hamilton Securities Advisory Services at a cost of over $1 million to design and develop and operate a clearinghouse for the promotion, basically, of these economically targeted investments.

But the word that the financial community gives to the Department of Labor is, do not waste these millions of dollars in that regard. Do not promote or encourage or push any specific class of investments. You do not have to do that, because we have a very effective working prudent man rule in this land which has worked very well in regard to what is a proper investment being made in the private pension community.

Of course, what the Department of Labor would like to do is to be able to look at that $3.5 trillion of pension funds which are out there, having been successfully invested, and they would like to, of course, steer those investments into what they deem to be socially correct, but that simply is not required. If economically targeted investments are just as sound as other investments, which is what the Department of Labor likes to say, then promoting them through a clearinghouse at a cost of over $1 million just to get it started is superfluous, because the market obviously will direct capital to them.

Mr. Chairman, another area where we are spending money, for instance, and do not have to do at all, is the Presidential Executive Order 12954 which prohibits Federal contractors from hiring permanent replacement workers in an economic strike. Now, the President ignored completely that for 60 years the established labor law in America was that the workers did, indeed, and do, indeed, have the right to strike.

Also, as a last resort which no employer wants to ever utilize, the employer has the right to hire permanent replacement workers in a economic strike if indeed he finds that he has no other course but to go out of business if he cannot take that particular course.

Now, it is amazing to me that the President would just go ahead and take this action when there is no implied right, no basis in law under the procurement law, which he claims is his basis, to be able to enact a law like this. Presidents cannot just simply declare what the law shall be. It is not only not based on any kind of law, but also it is unconstitutional.

Mr. Chairman, we should think on these things as we criticize what this new Congress is trying to do.

Mr. OBEY. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Missouri [Mr. CLAY].

Mr. CLAY. Mr. Chairman, let me tell my colleagues what the cut proposed in this bill to the budget of the Pension and Welfare Benefits Administration [PWBA] will mean to working people and their families.

It means that a New York woman who needed emergency surgery to correct problems related to her breast cancer would have faced bankruptcy to pay her hospitals bills.

It means that a group of Kansas City employees would have lost all the hard-earned money they contributed to their employer's profit sharing plan when the employer failed to forward their payroll deductions.

It means that more than 13,00 annuitants of terminated pension plans would not have been protected with a guarantee of more than $200 million when their insurance company failed and went into receivership. These are examples of the conscientious people the PWBA helps.

Mr. Chairman, this bill will seriously endanger the security of workers' pensions and health benefits. It will make hard earned pensions and benefits much more vulnerable to thieves and scoundrels. This bill could be called the "Pension Grab Authorization Act."

The Republicans propose to slash the budget for the Pension and Welfare Benefits Administration for fiscal year 1996. The PWBA is a lean, mean pension watchdog. In fact, a recent Brookings Institution report praised the PWBA as "The most highly leveraged operation in the entire Federal government." On average a single employee of the PWBA oversees $4.8 billion in assets. So while the Republicans talk about eliminating wasteful bureaucrats, they contradict themselves with this cut. And while the Republicans talk about protecting pensions, they contradict themselves with this cut.

Three trillion dollars in pension and health assets covering more than 200 million Americans are protected by the agency. This enormous amount of money is an inviting target for flimflam artists and embezzlers.

Last year, the PWBA responded to 158,000 requests for assistance. And its cases resulted in 141 criminal indictments and restored $482 million in pension wealth to workers. But if the Republicans have their way, $100 million that belongs to workers won't be recovered. One out of five pension thieves the agency would have indicted will be able to commit fraud with no repercussions. And 30,000 requests for information and assistance from working families concerned about their health care and pension benefits won't be answered.

Mr. Chairman, despite their claims to the contrary, the Republicans are willing to jeopardize workers' hard-earned pensions and benefits by gutting the PWBA. Vote against this bill.

☐ 1630

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentlewoman from Ohio [Ms. KAPTUR].

Ms. KAPTUR. Mr. Chairman, the massive crippling in this bill of the National Labor Relations Board is a punitive effort to restrict the agency responsible for ensuring the rights of workers to organize and bargain collectively.

This agency was created in 1935 to bring order and reduce violence in labor organization disputes. The agency has served our Nation for over 60 years, guarding against unfair labor practices by both employers and employees.

Mr. colleagues who want to gut the NLRB should consider whether or not they really want disputes to be settled back in the streets, because that is where we are heading. In fact, with these massive cuts, it is going to take over 1,000 days before decisions are rendered by the NLRB. By disabling this agency, this bill strikes a hard blow against working Americans.

Mr. Chairman, let us stand up for working families. Let us vote "no" on this bill.

Mr. PORTER. Mr. Chairman, I yield 5 minutes to the gentleman from Tucson, AZ [Mr. KOLBE], my colleague on the Committee on Appropriations.

Mr. KOLBE. Mr. Chairman, I rise to discuss the Labor-HHS-Education bill before us today. Although we are now on title I, my comments are more general in nature.

Chairman PORTER deserves credit for the outstanding job he has done in his subcommittee. He has been patient in the face of extremely difficult circumstances as one bad amendment after another was attached to his bill during the full Appropriations Committee consideration. Unfortunately, this bill has now become a tar baby. Through no fault of the chairman, the Labor-HHS-Education bill is now fatally flawed.

Let me enumerate some of the problems I have with this bill. First, it contains extremely restrictive language on a woman's right to choose. It prohibits from receiving Federal funds ob/gyn residency programs that provide abortion training. The message we are sending is that while abortion is legal in our country, we are not going to train physicians on how to safely perform this procedure. This is an unprecedented Government intrusion into medical education.

Second, this bill contains a provision which allows Federal funds to be available for abortion under Medicaid in the cases of life of the mother, rape, or incest. However, States are only required to provide abortions under Medicaid in the case of life of the mother.

This language was added during full committee consideration of the bill as a States' rights issue. I had an amendment, that was not made in order, which would have reinstated the current Hyde language that makes Medicaid abortions available in circumstances involving life of the mother, rape, or incest. But, it would relieve the States of any financial participation in cases of rape or incest if they choose not to fund them.

Last year, there were all of two Medicaid-funded abortions in the entire country in cases of rape and incest. This amendment was a fair compromise for Members who support States' rights, but who recognize that poor women who are pregnant as a result of a heinous crime like rape or incest should not be discriminated against in the process. Unfortunately, Members of this body will not have the chance to vote on the Kolbe-Pryce-Fowler amendment. I therefore will sponsor with Congresswomen LOWEY and MORELLA a motion to strike this language—though I would have preferred my reasonable alternative.

Third, the bill zeros out critical money for family planning services—though we have an opportunity to restore this when we take up the Greenwood amendment.

Finally, this bill includes a measure which provides for much needed Federal grant reform. I strongly support the substance of this measure which will curb Federal subsidies for political advocacy groups. I have serious reservations, however, about attaching this very complicated and large bill to an appropriations bill without the benefit of hearings or a markup in the authorizing committee.

I wish that I could stand here today and tell you I support this bill. It is in line with the budget resolution. It reduces overall spending by $6.8 billion over current funding levels and terminates 176 overlapping programs—helping to move us toward a balanced budget by 2002. The bill also increases funding for the National Institutes of Health, cuts the bureaucracy at the Department of Health and Human Services, maintains funding for community and migrant health centers and increases Pell grant levels. It reforms labor and OSHA rules that are in need of reform. Coming out of the subcommittee it was a good bill.

Unfortunately, with the changes made in the full committee, the bad outweighs the good in this bill and I must oppose it.

Mr. OBEY. Mr. Chairman, I yield 4 minutes to the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Chairman, we can argue over the size of the budget cuts, but we also know that very often a budget cut of not a tremendous amount can cripple an agency, and that is unfortunately what our colleagues on the other side of the aisle intended to do when they sought the cuts against the National Labor Relations Board.

This is the arbiter of America's workplace. This is where employers and employees go to get a resolution to the conflicts that erupt in the workplace. This is where employers go to get issues resolved, and employees go so they can go back to work, they can go about their business, they can provide for their families, they can provide for their businesses and get on with life.

But what has happened is that they now seek to attack the National Labor Relations Act both through the budget and legislative language that would prevent the National Labor Relations Board from seeking an injunction if they find activities, by both unions and employers, which are so egregious that they prevent a fair election from taking place. They want to enjoin those actions. The National Labor Relations Board does not enjoin those actions; they go to the district court and they make a case.

Now they are changing the number of votes you will need on the board to go and get that injunction. Why? Because one of our colleagues is upset with the rendering of an injunction against Overnight Transportation Co., whose actions were so egregious that in 19 regions, action after action was sought against them because of what they were doing to their employees, withholding wage increases and promotions and the job opportunities of anybody who wanted to organize that workplace.

They made a determination that a fair election could not be conducted unless the injunction was offered.

What did our colleagues from Arkansas do? They wrote a letter and threatened the National Labor Relations Board and they said, "If you issue this injunction, we have the ability to take action against you," and they did. They cut their budget by 30 percent to cripple the agency.

Mr. Chairman, this means that businesses and worker organizations will be stymied in their efforts to reconcile the differences that exist in the workplace, but it also means that the National Labor Relations Board that uses injunctions in only 6 percent of the cases against unions and 2 percent of the cases against employees, but egregious cases they are, will now be rendered ineffective from doing that. That is the goal.

That is what is wrong with this legislation. Time and again, we see private agendas coming into appropriations bills to undermine the laws of this country. If you have a problem with the National Labor Relations Board, we have an Education and Labor Committee. We will deal with that just as we are dealing with OSHA.

But that is not what is going on in this legislation, Mr. Chairman. There is a private agenda, and there are campaign contributions, and threatening letters by Members of Congress to an agency. When that does not work, because they are an independent agency, we now see them being punished in the legislative process.

It is unconscionable that a nationwide independent agency like the National Labor Relations Board would be threatened and then stricken with these kinds of budget cuts and this kind of punitive action against them, when in fact they provide the basis on which workers and employers can get a fair shake about the terms and the conditions of working in that place of employment.

Mr. Chairman, we now believe we have the most productive workers in the world in any industry we point to, but what we do here is a deliberate attempt to go after those workers to stymie their ability, to get a decision rendered on a timely basis so that they can get on with providing for their families.

This legislation, time and again, strikes, through legislative language, on an appropriation against the protections that workers need, against the protection that employers need, so that they can conduct productive workplaces.

Mr. Chairman, I urge my colleagues to vote against the legislation.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentleman from Kentucky [Mr. WARD].

Mr. WARD. Mr. Chairman, I want to tell this House about someone who took off work to travel all the way to Washington to argue against this bill. His name is Donnie McDonald. Donnie worked at the Canny Creek mine in Muhlenberg County, KY, from 1963 to 1989.

In 1974, Donnie was in an accident where a loaded coal rail car fell on him He lost his arm and was off work for 6 months. But he went back to work and worked for another 16 years.

Donnie says that because of the Mine Safety Administration his line of work is much safer today than it was in 1974 but he warns that we cannot go back to the kind of loose regulation we used to have in the mining industry. He says that the $15 million cuts that this bill will impose in Federal mine safety efforts will do just that and that we should defeat this bill.

Mr. PORTER. Mr. Chairman, I yield 2 minutes to the gentleman from Topeka, KS [Mr. BROWNBACK].

Mr. BROWNBACK. Mr. Chairman, I rise in strong support of the bill today.

The bill does a number of things that I think are very important and necessary. What it does immediately is, it makes tough choices and it does it now. It cuts $11.1 billion out of a $256 billion set of funding. It does so now and does not put off future decisions so that we do not have higher deficits into the future.

Mr. Chairman, I have heard a lot of talk on the floor recently about private agendas or that we need to help people out. We clearly do. I would contend the best way to do that is to pass bills like this one that cut back on Government funding. They cut back on Government programs so we can get to balance.

The cruelest thing we can do to the people of our Nation is to continue to add to this deficit. This bill terminates 170 programs, so we can get to balance, and it does so now. It is what we need to do.

Mr. Chairman, this is not a private agenda; this is a nation's agenda of balancing the budget, and that is what we have got to do. We have a nation's agenda of balancing the budget, and it involves making tough choices.

Mr. Chairman, the committee has done an excellent job of doing that. I commend them and rise in strong support of this bill.

□ 1645

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentlewoman from Connecticut [Ms. DELAURO].

Ms. DELAURO. Mr. Chairman, I rise to strong opposition to this assault on working men and women made to pay for a tax cut for the wealthy. This bill doesn't just pull the rug out from under American workers, it pulls out the entire floor.

The deepest cut is made in crucial worker training and education programs that help displaced workers get back into the workforce. That cut is shortsighted and wrongheaded.

The American people are this country's greatest asset as we try to compete in a global economy. But, this bill puts people dead last. It puts working families dead last. It says—if you lose your job, you're on your own.

I know about the need for worker retraining. I live in a State that has lost more than 200,000 jobs over the last several years. Many of those jobs have been lost because of the defense build down. Many of those jobs aren't coming back.

And, the bad news just keeps coming for my State. We now face a plant closure at the AlliedSignal tank engine plant in Stratford, CT, in my district. The decision by the Army to close this facility will mean that we lose another 1,400 jobs. These workers in Connecticut, and workers like them all across the country, need our help.

Defense workers aren't looking for a handout. They're looking for a helping hand. After years of working to maintain our country's strong national defense, these workers are now being told that their skills are no longer needed. Their work helped us win the cold war, but now they are the ones being left in the cold.

The Republican leaders in this House say they are cutting across the board in order to balance the budget. They want us to believe that this is a shared sacrifice for a noble purpose.

But, this sacrifice is not shared and it is not noble. There is nothing noble in asking people who are out of work to pay for a tax cut for the wealthiest Americans.

Mr. Chairman, we have an obligation to help our displaced defense workers. We have an obligation to provide them with the training and education they need to get back on their feet. This bill fails our obligation to defense workers and that's why I will oppose it.

Mr. PORTER. Mr. Chairman, I yield 3 minutes to the gentleman from Lexington, NE [Mr. BARRETT], a member of the Committee on Economic and Educational Opportunities.

Mr. BARRETT of Nebraska. Mr. Chairman, I rise in support of the provision in H.R. 2127, that would prohibit the enforcement of President Clinton's Executive order, banning the use of permanent replacement workers on Federal contracts of $100,000 or more.

To put it simply, I believe that the President's Executive order is unconstitutional, and is a direct challenge to the prerogatives of the Congress to set labor law. The President's order—in the opinion of many—is nothing but a backroom deal to coddle favor with labor unions, and is a direct challenge to decades of well-established labor law which permits the use of permanent replacement workers.

Allowing employers to hire permanent replacement workers has been a long-standing right that employers have used, though sparingly, in order to countermand the union's use of the strike. I wouldn't say that either option in today's workplace is perfect, but it has provided a careful balance that has enabled neither side to claim an unfair advantage.

Instead of allowing this issue to be settled by Congress, the President has circumvented Congress and has allowed purely political goals to enter into the fray of employer-employee relations.

As a member of the Economic and Educational Opportunities Committee, I believe the committee has rightfully recognized the improper use of the President's Executive order, by reporting out H.R. 1176, which would make the order null and void.

Mr. Chairman, the provision in H.R. 2127 preserves the right of Congress to set labor laws, and would reverse a dangerous precedent-setting Executive order. I urge my colleagues to vote against any amendment to strike these provisions.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentleman from Montana [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Chairman, I encourage my colleagues and others to examine what we have just heard from the last speaker. This is a situation, or as Ross Perot used to say, here is the deal. You are an American worker, you are under contract, your employer violates the contract. What is left for you to do? Well, you probably try that cherished American right: You withhold your labor in protest.

Most Americans support that. Not these Republicans. They say if you go to that cherished American right of withholding your labor, you are fired, you're fired. You are a woman, kids at home, you are trying to make it, you have this job, you are fired, you lose health care. Same thing with a man, of course. You lose your position, you lose your retirement, you lose your tenure, you lose everything you put in that company, you are fired.

Somebody is permanently hired for your job, and you are not offered it back. You are fired. Why? Because you dared to withhold your labor, because the boss broke his part of your deal, his part of the contract. But you? You are fired.

Bill Clinton, President Clinton, said, well, we are not going to let you use Federal money to do that, to fire these people. If you have a job and the taxpayers are paying for it, you cannot fire these American citizens just because they withhold their labor under the law, legally withhold their labor. The Republicans say oh, yes, you can, you can fire them. That is extremism run nuts, and that is what is in this bill, extremism run nuts.

Mr. PORTER. Mr. Chairman, I yield 5 minutes to the gentleman from Mount Holly, NJ [Mr. SAXTON].

Mr. SAXTON. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, if I said to all the folks here who are in this room that I wanted to talk to you for a couple of minutes about how pension fund managers invest pension moneys, I would see a bunch of people yawn and you would all think it was pretty boring, and you would be right. But if I said to you that I want to talk to you about your pension check when you retire, the size of it and the security of it, and to be sure that it would come every month, I am sure there would be a lot more interest.

But if I said to you and anybody else that could hear that the pension fund, total amount of pension fund moneys in our country, has grown since 1983 from a level of about $1.5 trillion to about $4.8 trillion today, you know, that is kind of hard to relate to. But if I said to you that particularly people who are beginning to think about retirement that that pot of money is where your paycheck is going to come from after you retire and that it should be protected with all due diligence, that would be interesting.

So let me talk about that for a minute, because the Clinton administration, particularly Secretary of Labor Robert Reich, has done some things over the last year which I think are very unsettling for people who are beginning to think about retirement, particularly if their savings for their old age are invested in private retirement funds, because you see, in June 1993, Secretary Reich reinterpreted the law that provides safeguards for those savings in private pension funds.

Secretary Reich calls the program economically targeted investments. What he is saying to the people that manage all of that money for us so that we can retire with it, "We want to change the rules a little bit to permit you to do some things that you were not permitted to do before," because, before, they were considered to be too risky and, in my opinion, while nothing has changed to make the things that Secretary Reich would like us to do less risky, he wants us to go ahead and begin to invest in other kinds of things with other people's money that they are saving for their retirement. Now, I think it is a bad idea.

For years, what the gentleman from Illinois [Mr. FAWELL] refers to often as the "prudent man" rule was followed, and in the late 1960's and early 1970's, private pension funds began to have some problems, and so in 1974, and I think correctly, the Congress passed a law known as the Employee Retirement Income Security Act, which we refer to as ERISA. It says clearly that the people that manage those moneys in private pension funds must follow one rule, that those moneys must be invested for the sole purpose of providing benefits to the participant in the plan, the sole purpose. Secretary Reich would like us to do some other things with the money and is encouraging pension fund managers to do so, to invest in socially good programs, to make social investments, to invest in housing projects, to prop up a failing company if it means jobs for a community.

They are worthy goals, but if I want the moneys that I am investing for my old age in a private pension fund invested in those kinds of investments, then I will take my IRA fund and invest in some social good.

Most people do not choose to do that, and Secretary Reich, in my opinion, should not be encouraging pension fund managers to do that with my money either and the money of all the Americans, the 600,000 or so that I represent, and I think you will agree, Members on both sides of the aisle, that you do not want your constituents' money tampered with in an unsafe investment either.

This bill cuts back on funding that Secretary Reich and his staff are using for the purpose of encouraging pension fund managers to make these investments.

Now, we have lots of information that says that these are not good investments and they are not safe. For example, in one study at the University of Pennsylvania, Olivia Mitchell determined that the public pension funds which were required to make certain investments generated lower rates of interest, lower returns, and were less safe.

So I urge everyone to support this bill the way it is.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey [Mr. ANDREWS].

Mr. ANDREWS. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, we do not need to look at theories or predictions as to what will happen when OSHA is cut the way it is cut in this bill. I think OSHA is a agency in need of reform, and I am sure there are some bureaucrats in OSHA who are not necessary and who ought to go. That is not what this bill is going to do.

Make no mistake about it, this bill means fewer inspectors, fewer inspections, and more risks for workers. We do not need to theorize or guess what happens when you have too few inspectors or too few inspections.

We do not have to look to the future. We can look to September 1991, in Hamlet, NC, when the North Carolina Occupational Safety and Health Administration, with too few inspectors, too few inspections, underfunded, permitted a facility, a chicken packing plant that had committed egregious violations prior to September of 1991, to create a situation where 25 people burned to death. That is what we have to look for. That is why we should oppose this bill.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts [Mr. OLVER].

Mr. OLVER. Mr. Chairman, I thank the gentleman for yielding me this time.

I want to tell this House today about someone who came to Washington to argue against this bill. This is the gentleman that I am speaking about. His name is Jim Hale. He is a resident of Chattanooga, TN.

He works in the construction industry. He is opposing this bill because his brother was killed 30 years ago at the age of 23 in a construction accident.

Jim will tell you that construction is a dangerous trade under the best of circumstances, and he will tell you that since he started working, it has become much safer, that it is safer because Federal rules that require employers to take steps have made it safer in these last 30 years or so. Jim believes that his brother might be alive today, that his brother would have had an opportunity to get married and raise kids if the protections that we have today had been there in the 1960's, and he feels so strongly about that that he took off work and came here to oppose this legislation that takes us back to the 19th century.

☐ 1700

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. TUCKER].

Mr. TUCKER. Mr. Chairman, I thank the gentleman from Wisconsin [Mr. OBEY] for yielding this time to me.

Mr. Chairman, I rise today to say that the appropriations bill before us is fraught with cuts in programs that are important to the working men and women of this entire country, a 30-percent cut in the National Labor Relations Board, a 33-percent cut in OSHA, elimination of the summer youth employment program, and cuts in funding for job training for dislocated workers. The working men and women of this Nation deserve our gratitude and our thanks, Mr. Chairman, for a job well done. Instead we offer this bill which guts the very programs and protections we, as a Congress, created for them. We should reward them for their hard work, not punish them.

There is much more than just the labor provisions that are wrong with this bill. This bill is fraught with all kinds of problems, but the labor provisions are enough in and of themselves to say no to this bill, and, therefore, I urge my colleagues to say no to this bill.

Mr. OBEY. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, I know that there is a drive here to provide a great deal of deregulation in order to provide much more freedom in this society. That may very well be legitimate, but I think we ought to ask who is going to be free, what will they be free to do, and who will they do it to?

I want to give my colleagues some examples of who they will do it to. Take Jack Gray Transport, Inc. Truck drivers who worked in their facility in North Carolina began an organizing campaign in January of 1994, and they signed cards trying to recognize the union. In response their employer coercively interrogated those employees about their union activity, they threatened them with a loss of jobs if they did not sign a letter disavowing support for the union, and finally they laid off eight members of the organizing committee. Based on the facts, the district court used the injunctive relief at NLRB which is now available to prevent further action by that company, and they helped save those workers' jobs. That injunctive authority would be eliminated by this bill.

Krist Oil Co. in Michigan and Wisconsin. In 1993 a man by the name of Richard Johnson found out that their pay was being cut by being required to perform additional duties for insufficient compensation. They met at a park to discuss what appeared to them to be a wage crisis. They wrote a letter politely raising a number of questions. Two days later the company fired Mr. Johnson, in part, it conceded later, because of that letter. Cashiers Yvonne Mains and Jodi Creten were fired after presenting the complaints by their store employees to a supervisor during a meeting at one of their homes. Mains told the boss that the employees were considering contacting the union. The company wrote a letter notifying Mains of her termination because she was, quote, creating a mutinous situation, end of quote. Again the NLRB used their injunctive relief to provide those workers with help. That would be gone under this bill.

Wilen Manufacturing Co.: On June 2 of 1994 the union was certified on the day of the election itself. The employer interrogated employees about their election, about their election votes, and threatened them with discharge and other reprisals for voting for the union. The board sought 10(j) injunctive relief in order to prevent further damage to the workers.

One example of workers who are not protected:

On August 28, 1989, the Gary Enterprises company fired Jerry Whitaker for having previously filed an unfair labor practice charge with the Board. The Board decided in Mr. Whitaker's favor. The company ignored both the Board and the report. After being discharged, Whitaker had a hard time finding work, and finally took a job hauling logs. He had a heart condition, and frequently complained to his wife that the driving job was killing him. He was required to spend nights away from home, and had no money for lodgings. He slept in his truck. One morning, while the contempt case was pending before the court, Whitaker was found dead in his truck from a heart attack at age 55. The Board is still trying to collect the backpay owed to his estate by the company.

That is the kind of case that today could be considered for the injunctive relief which is being squeezed out of the law by the legislative provision in this bill.

People on that side of the aisle talk about OSHA as though it was created by a bunch of left-wing social engineers. The father of the OSHA statute was a man by the name of Bill Steiger, a respected Republican Member of Congress from Wisconsin who, when I came to this House as a freshman, was my best friend here.

We have had some successes under OSHA. The fatality rate is down 57 percent for workers in this country, and OSHA has contributed to that in a very significant way.

Along with Silvio Conte I helped create at OSHA the first fine-free consultation service, and we provided for some narrow exemptions in the case of small business and small farms. We did that all on a bipartisan basis.

Mr. Chairman, I would urge our Republican friends not to walk away from a bipartisan commitment to OSHA, to OSHA enforcement and worker protection. I urge them not to make this issue a partisan issue. Vote against this bill because of these provisions.

Mr. BONILLA. Mr. Chairman, I yield 5 minutes to the gentleman from Pennsylvania [Mr. GOODLING].

Mr. GOODLING. Mr. Chairman, I yield to the gentleman from Illinois [Mr. FAWELL] for a response to the gentleman from Wisconsin [Mr. OBEY].

Mr. FAWELL. Mr. Chairman, I simply wanted to respond to the previous speaker when he indicated that the 10(j) injunction had been eliminated.

Now that just is not so. The 10(j) injunction will be alive and well. It will require the usual equitable grounds to be shown before one gets a preliminary injunction, because a preliminary injunction means they get the final determination ahead of time, but understandably they must be able to show a likelihood of success, an irrevocable and irreparable harm, and a balance of the hardships between the complainant and the respondent, and that the injunction relief is in accordance with public interest.

So, that is the accurate way of setting that forth.

Mr. GOODLING. Mr. Chairman, the American system of collective bargaining is based on the balancing of interest and risk, including the right to strike, the right to maintain business operations during a strike, if necessary, by hiring replacement workers. The executive order takes away this balance in the Federal contractor arena. Permanent replacement is not the same as being fired. Permanently replaced workers have a right to be recalled until they get equivalent employment, and they may vote in union elections for 12 months. But the issue in relationship to this legislation is who has the responsibility under our form of government to legislate, who writes the laws, who passes the laws. I do not think there is anybody in this Chamber, anybody in the Congress, anybody in the United States, that does not understand under our form of government we do that, not the executive branch, and what the President has done is usurped our power, and we should guard our power jealously. The separation of powers was put together very carefully, and we should make sure that we guard that.

So, the issue is who has the responsibility to legislate, who has the responsibility to pass laws, and the answer is very clearly we in the Congress of the United States.

Mr. OBEY. Mr. Chairman, I yield 4 minutes to the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Chairman, I again thank the gentleman from Wisconsin [Mr. OBEY], the ranking member, for yielding this time to me and for his leadership on these workers' issues. I think it was perfectly appropriate that he closed his part of the debate on this in speaking about individuals and how this policy so cruelly affects them and speaking in their own words. I, too, want to bring to the attention of our colleagues and individual case of how people are affected by the cuts in this legislation. I want to tell the House about someone who traveled to Washington all the way from California to argue against this bill. Her name is Beverly Reagan, and she is a Republican. She votes Republican, but came here to fight against the passage of this bill.

Beverly is a food service worker. She works for private contractors at a U.S. Navy base. Repeatedly these contractors have won bids to operate food service facilities and then failed to make the pension and health insurance benefits that were required under the terms of the contract.

Beverly and her coworkers have had the experience of going to the doctor and finding that the health insurance that they thought was there to cover their expenses was not there at all. She is not alone. Tens of thousands of Americans find themselves in the same situation each year. And like Beverly, the only recourse they have is the Pension and Welfare Benefit Program in the Department of Labor.

This bill cuts that program.

I urge my colleagues to do what Beverly is asking and vote against this bill, protect the health benefits and pension plans of our constituents, and vote "no" on this legislation. This is only one of many cuts in the bill that deal harshly with the American worker. The cuts in these seven programs for worker protection, along with a long list of legislation provisions limiting the authority of agencies to enforce child labor laws, laws which protect workers' right to organize, and regulations to protect occupational safety, and language blocking the President's Executive order regarding striker replacements constitute a war on the American worker.

When I was interrupted by the gavel earlier, I was talking about this dislocated worker assistance program which I want to call to our colleagues' attention once again, which is being cut in this legislation by 34 percent. This means that 193,000 workers who lose their jobs in 1996 through no fault of their own will not receive training. Rapid advancements in technology, defense downsizing, corporate restructuring, and intense global competition result in structural changes necessary for economical growth. This program works. The inspector general has reported that workers served by this program "were reemployed, remained in the workforce and regained their earning power." Continuing our investment in dislocated workers is essential.

Of all the cuts in this bill, it is so very difficult to understand why, with all of our talk of free trade, et cetera, we will not deliver on our promise to dislocated workers who are affected by that kind of change.

Mr. Chairman, American workers are the engine of our economy. They must be treated with dignity and respect. They also deserve a safe workplace. Despite our budget challenges, we should not retreat on worker protections. Cuts that will result in increased workplace accidents and fatalities will cost our society.

There is only one word to describe this, Mr. Chairman: Shame.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. ENGEL].

Mr. ENGEL. Mr. Chairman, I thank the gentleman from Wisconsin [Mr. OBEY] for yielding this time to me.

This entire bill just shows how mean-spirited and radical the Republicans have been with this proposal, and it really is for shame because from the moment this Congress began we have seen the majority try to hurt working men and women of America, we have seen them purge the name of Labor from the old Education and Labor Committee, we have seen them refuse to raise the minimum wage, we have seen them cut OSHA now here by about a third. More American workers are going to die and be injured on the job because of these OSHA cuts. We have seen them slice the National Labor Relations Board which monitors unfair labor practices. We see them slice money, cut money, for dislocated workers.

Why hypocrisy. We talk about getting people off the welfare rolls, and here we have workers that are losing their jobs, and we want to cut funding to help them locate new jobs; Davis-Bacon, which pays prevailing wage, that is cut.

So, we have a pattern here, and this bill fits that pattern.

In my 7 years in Congress this is the most disgraceful appropriations bill I have ever seen, and it ought to be defeated.

☐ 1715

Mr. BONILLA. Mr. Chairman, I yield 5 minutes to the gentleman from Arkansas [Mr. DICKEY], a member of the Committee on Appropriations.

Mr. DICKEY. Mr. Chairman, I have a button here that I am not allowed to wear, but I will show it. It says, "Why does the NLRB have 628 lawyers?"

Why does the NLRB have 628 lawyers? What happened in committee with the NLRB appropriation was something like this. The chairman came in with a 15 percent reduction in the NLRB budget. I did not think that was enough so I scurried around and got an amendment together, and I said 15 percent more is what is more like it. A total of $52 million in reductions. The $26 million that I put in that particular amendment was done only after I had tried to find some way to do otherwise.

First, when the NLRB came to our committee, I asked them, "Please help us find a way to cut this particular department. Will you do that?" The asnwer was no. I got the general counsel, the general counsel of the 628 lawyer law firm to come to the office, and I said, "Will you help me? Will you tell me just what you can do to cut the expenses created by these 628 lawyers?" The eighth largest law firm in the United States was in his jurisdiction, and I said, "Can you help? He says, "Oh, heaven sakes, I cannot do that because we have such a caseload." I said, "Is there nothing we can do?" He said, "No, there is nothing we can do."

Mr. Chairman, I said, "OK, if they are going to stonewall us and say no to that and not help us, from their position of expertise, then we were going to have to cut blindly in some way to get their attention and help the American people and reach this deficit."

Here is what they have at the NLRB, and maybe others can tell me if there is anyplace to cut. There are over 2,000 employees. I have mentioned that it is the eight largest law firm in the United States. They have 628 lawyers that they let loose on American business and industry. Each NLRB Commissioner has between 18 and 22 lawyers assigned to him or her.

Mr. Chairman, our Supreme Court Justices, with all of their responsibilities and load, only have five. So we have all the way from 18 to 22 for the NLRB Commissioners, each one have that many lawyers, and the Supreme Court Justices only have 5. They have a D.C. office building that pays rent of $21 million per year. It costs $21 million a year for rent to keep up a house for these lawyers, to keep them going.

In Los Angeles alone they have three different offices so they can have more lawyers closer to business and industry, to interrupt the business and to interrupt workloads and cost our economy untold amounts of money. Here these people are saying they do not have any room for cuts. They are not going to help us with this. There are 50 field offices.

Mr. Chairman, we went to the committee, and after some hour and a half, maybe 2 hours of listening to the committee members talking about title I for the children and Head Start for the children, this 15 percent was not sent back that we were going to cut in this amendment. It was not sent back to the deficit, it was not taken to any other programs except Head Start.

Mr. Chairman, we have 628 lawyers on this side and we have all these children in Head Start, and there are some persuasive arguments that Head Start, in fact, is needed. I said, "We will take the $26 million from the lawyers and put it over here in Head Start. Will you vote for this particular provisio if that is the case?" Eight people on that committee said, yes, they would vote for that; that lawyers are not in the priority position when you compare them with children. We will take from lawyers and give to the children. The liberals on that committee, to the person, all five, said, no, we will vote for the lawyers. We will keep the $26 million in this burgeoning legal intrusive type of department, one that will not tell us what to cut. We would rather go with lawyers than children.

Mr. Chairman, I tell everyone this because it should give them an idea of how this particular Congress has existed for all these years. The argument about children, and the argument about Head Start was not the last time we found out that people were not sincere. We also had an amendment to transfer $135 million from the oldest American project of some sort, $135 million from that to Head Start. That was voted down also.

Mr. Chairman, what we are having here is a commitment to lawyers. Not everyone will understand it, if they are not businesspeople. Those who are business people will understand it. Lawyers are not deal makers, they are deal breakers. I say we vote for this and support the amendment and the economy.

The CHAIRMAN. All time for general debate on title I has expired.

The Chair will now recognize Members for amendments in title I.

AMENDMENT OFFERED BY MR. STOKES

Mr. STOKES. Mr. Chairman, I offer an amendment, number 70.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. STOKES: on page 2 line 15, strike $3,180,441,000 and insert $3,185,441,000, on line 16, strike $2,936,154,000 and insert $2,941,154,000, and on line 21 strike $95,000,000 and insert $100,000,000.

The CHAIRMAN. Pursuant to the unanimous-consent agreement of today, the gentleman from Ohio [Mr. STOKES] and a Member opposed will each be recognized for 20 minutes.

The chair recognizes the gentleman from Ohio [Mr. STOKES].

Mr. STOKES. Mr. Chairman, I yield myself 4 minutes.

Mr. Chairman, while the bill's $55 million, or 22-percent cut in school-to-work would devastate the viability of this initiative, my concerns extend well beyond this symbolic amendment to the broader devastating funding cuts in career and employment training.

Mr. Chairman, while global competition requires a highly trained workforce, while our technology driven and increasingly changing labor market requires a highly skilled work force, and while the American business community recognizes the importance of training, the majority on the committee have gutted funding for employment training.

No job training or re-employment initiative whether for our youth or older Americans was safe from the majority's budget ax. The 60 percent, or over $2 billion, cut in employment and related training means that 194,000 dislocated workers, individuals laid-off through no fault of their own, will be denied the re-employment and skills training services they desperately need to re-enter the work force; 80,000 Americans will no longer have access to the employment training they need to compete in the job market; 3 million individuals will be denied vocational education skills training they need to earn higher wages; over 275,000 young people will be denied the employment training they so desperately need; and over 600,000 youth will be denied summer jobs they need. It is important for us to realize that the unemployment rate for teens is three times that of the general population. And, for African-American teens, the rate is more than six times higher than that of the general population. In fact, the unemployment rate is approximately 40 percent.

Employment training works. Mr. Chairman, the real wages of American workers are declining and there is growing disparity between the rich and poor. Base closings and corporate downsizing are devastating American families. According to the Department of Labor, 2.5 million workers will be permanently laid off in 1995. Employment training is the key to better jobs and higher wages for the American people. Skills matter, job training pays off. Skilled high school graduates earn approximately 19 percent more than their nonskilled counterparts. Skilled college graduates earn over 40 percent more than their nonskilled counterparts.

Now is not the time to gut employment training. I ask my colleagues to restore the Nation's investment in the future of the American people. Overturn the $446 million cut in dislocated worker re-employment assistance, the $299 million cut in vocational education, the $55 million cut in school-to-work, and the over $300 million cuts in adult and youth employment training. And, my colleagues, overturn the majority's elimination of summer jobs for America's youth.

Mr. Chairman, H.R. 2127 is bad for our children, the elderly, families, and the country. I strongly urge my colleagues to join me in defeating H.R. 2127.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Does the gentleman from Illinois wish to be recognized in opposition to the amendment?

Mr. PORTER. Yes, Mr. Chairman.

The CHAIRMAN. The gentleman from Illinois [Mr. PORTER] is recognized for 20 minutes.

Mr. PORTER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the gentleman has raised the value of job training programs generally, and I would agree that there are some that do some good. There are others that do not at all.

For example, if we look at adult job training and we look at the Department's own reviews, they indicate the program is not very effective. The inspector general audit reports indicated only 53 percent of the participants in the adult job training obtained jobs. Furthermore, of the ones who got jobs, half said they found them without JTPA assistance. Last year the IG testified the program is being asked to address educational failures, physical dependencies, and emotional and physical disabilities with no demonstrated pattern of success. The IG said in testimony in 1993 that we continue to find phantom JTPA participants, bribery, and overbilling by consultants and contractors, abuses by brokers and other middlemen, and just plain stealing of JTPA funds by those who administer as well as participate in the program. In other words, there have been problems in the program.

Youth job training. Little evidence that the program is successfully training people for the future job market. The Department's own evaluation shows this program has been found to be unsuccessful in raising youth employment or earnings, and that it does not appear that JTPA youth training has had significant positive impacts.

The Summer Youth Employment Program. The program has not provided permanent skills training or education. It is basically an income supplement and the jobs are public sector jobs that do not meet critical needs. The Department's own reviews indicate that subsidized work experience "has generally not had long-term positive effects on employment in earnings."

The Displaced Worker Program. Effectiveness of short-term training has been questioned by departmental evaluations. According to the Department of Labor, short-term skills training has not been successful in producing earning gains for dislocated workers. Further, only a minority of displaced workers are likely to enter long-term training if the option is offered to them.

The School-to-Work Program that is the subject of the gentleman's amendment. Here we have seen a program that still, even with the cut, would receive nearly twice what it received in fiscal year 1994, and we had to make a cut here for budgetary reasons, obviously. This is a program that will be under intense pressure to turn the program into a permanent subsidy rather than a demonstration program, which it is, and I would simply have to rise and oppose the gentleman's amendment for that reason.

Mr. Chairman, I reserve the balance of my time.

Mr. STOKES. Mr. Chairman, I am pleased to yield 2½ minutes to the gentleman from Missouri [Mr. CLAY], the ranking minority member of the Committee on Economic and Educational Opportunities.

□ 1730

Mr. CLAY. Mr. Chairman, I thank the gentleman for yielding the time.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from Ohio [Mr. STOKES]. School-to-work is an initiative that should command broad-based bipartisan support. Of all of the provisions in this bill, the proposal to reduce job training for dislocated workers is among the dumbest. As a result of Republican priorities, 193,000 workers who lose their jobs through no fault of their own will not receive retraining in 1996.

This ill-conceived effort is ill-timed. Last month, the Base Closure and Realignment Commission recommended closing 132 military bases, disrupting 100,000 careers. In June, U.S. corporations announced more than 40,000 job cuts.

Let us look at some of the school-to-work success stories. Cassandra Floyd-Dade, of California, had been a clerk-typist at the Norton Air Force Base, earning $8.27 per hour. After being laid off, she entered classroom training to become a nurse. She completed her classwork with flying colors and passed the licensing exam. She now works at the Robert Ballard Rehabilitation Hospital, earning $12 an hour.

There is Susan Day. She was a nuclear technician at the Charleston Naval Shipyard. Before leaving the shipyard, she took advantage of training in business fundamentals. Then she and two of her friends opened a computer retail outlet in one of the most competitive fields in business today.

There is also Jeffrey Bartlett, who lost his job at the University of Minnesota in August of 1992. He collected unemployment benefits for 4 months before finding out about dislocated worker training. The services helped him with his job search and his computer skills. In August 1993, Jeff found a job at the Metropolitan Sports Commission. He has since moved on to become a facilities manager for a computer firm. His salary is now higher than it was when he lost his job at the University.

Mr. Chairman, training for dislocated workers actually works. It gives workers and their families renewed hope. Shame on those who want to cut it. Vote no on this bill.

Mr. PORTER. Mr. Chairman, I yield 3 minutes to the gentleman from Arkansas [Mr. DICKEY], a member of the subcommittee.

Mr. DICKEY. Mr. Chairman, I would like to make a case here that the Summer Job Program is obviously just a cash distribution system that our Government has set up. It is a 12-week program. I see it because I am in the restaurant business and we have a surge of business during the summer, and we go out and try to find people to work for us during that period of time, just the period of time that coincides with being out of school.

What we find is we find ourselves competing with the Federal Government and we cannot cut it. We cannot match it, because the Federal Government does not require anything of the people who they give money to other than you be at your home, we will come pick you up or come to the office somewhere around—come into the city hall, or whatever it might be, somewhere around 9 o'clock, and we are going to have you go out and stand in some ditch and act like you are doing something.

Now, what harm is what? What harm is that? First of all, let us look at it from the standpoint of our Government. It is wasting money. It is saying we want to give you sugar rather than protein and calcium. We do not want to give you any skills.

When I see someone is on a job program coming into my business with that on the resume, I say aha, we are going to have to undo what that person has learned from being a part of the welfare system and being a part of the cash distribution system that our Government gives, and then after we work that out, we are going to have to teach them what it is like to really try to satisfy customers, to really be accountable, and to really have some consequences from their actions.

That is what we are doing in this particular program. I cannot see in 12-week programs that we are doing anybody any good. We cannot find workers. We find people during the summer that we find we cannot satisfy the demand because workers are off doing those sort of things.

I just think what we need to do is, if nothing else, for the consideration of the kids, get us off this program, have the money brought back into the Government, and watch when people smile and say our tax dollars at least are not being wasted on a cash distribution system called the Summer Jobs Program.

Mr. STOKES. Mr. Chairman, I yield 1½ minutes to the gentleman from Michigan [Mr. LEVIN].

Mr. LEVIN. Mr. Chairman, I have been listening to the explanations for the majority position. Your bill is extremism run amuck. It rips whatever mask is left off of so-called concern about the people of this country.

I want to speak to the millions of Americans who will be permanently laid off in the next 2 years. To 46,000 of you, the Republican majority says "Forget it, no training in employment services." To 84,000, the Republican majority says "Tough luck, no training grants for you." And what does the Republican majority have for the kids of America? Your training grants are cut 80 percent; your summer jobs are eliminated.

I have seen training work in Michigan in the Transition Program, those laid off who were building tanks for this country, nowhere to turn. The transition center in Sterling Heights has helped these people get back on their feet. And you come here today and mock those programs. Shame on you.

Mr. PORTER. Mr. Chairman, I yield 5 minutes to the gentleman from Louisiana [Mr. LIVINGSTON], the chairman of the Committee on Appropriations.

Mr. LIVINGSTON. Mr. Chairman, I thank my friend for yielding me this time.

Mr. Chairman, I just heard the previous speaker say that the Republican position on the bill on the floor is extremism run amuck. After listening to him, I think his statement is hyperbole run amok. The fact of the matter is again we hear this Chicken Littleism. "The sky is falling. Call Henny Penny. The world is going to come apart at the seams."

My goodness; $270.9 billion is appropriated in this bill to help people. A major credit card, perhaps the biggest domestic credit card in the history of the free world, paid for by the courtesy of the American taxpayer, to help people in need.

Now, he says all the job programs are going to be eliminated. All the people that ever lose their job in the next year, move from one job to the other, are going to be without help.

My goodness, there are currently 163 separate programs for Federal employment training operations, across 15 departments and agencies, with 40 interdepartmental offices. That is according to the GAO. That is what the General Accounting Office says. For the youth at risk on which we hear the concerns of the gentleman from Ohio, there are 266 additional Federal programs across eight departments and agencies.

For JTPA, the training program that the gentleman talked about that sometimes works and sometimes does not, we would spend $3.3 billion; $1 billion on the JOB Program; another $1.1 billion on Job Corps.

Sooner or later we have to get some common sense. The fact of the matter is, the inner-cities are in deplorable condition because we have taxed the people who run businesses out of the cities and left the poor folks who just do not have the opportunity to gain employment to remain.

Now, it seems to me that common sense says that maybe we ought to stop doing the things the way we have been doing them over the years. Maybe we ought to be giving tax incentives to businesses to return to the cities, and let the real purveyor of wealth, the private sector, take over and generate the jobs to put poor kids in the inner-cities to work.

The gentleman has no more compassion for those out of work than I do. I will tell you that I have been working in summer jobs since I was 14 years old. I believe in summer jobs. I think that summer jobs are important for youngsters. They train them for skills that they will need in later life. But the Government is not the employer of last resort.

The fact of the matter is, the only useful skills that employees acquire on the job emanate from the private sector. If we can encourage every business in America to go into the inner-city and hire one kid, then we will make a remarkably better gain toward reducing unemployment in this country than the current programs that the gentleman is complaining about that are being trimmed back.

We can consolidate. We can trim. We can scale back. We can save the taxpayer money. We can make the programs more efficient. And in the long run we can put more kids to work, give them more training, and give them better skills, so that they in turn will be productive citizens. And when they get a little bit older, maybe they will be rich enough to go out and hire other kids and put them to work.

The hue and cry, from the liberals who have shown us their policies that have failed day in and day out for the last 60 years, is just intolerable. It is hyperbole run amuck. The gentleman's amendment should be discarded.

Mr. STOKES. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Wisconsin [Mr. OBEY], the distinguished ranking member of the full Committee on Appropriations.

Mr. OBEY. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I would like to respond to my hyperventilating friend from Louisiana if I could. Let me simply say that we are resisting the cuts in worker training for one very simple reason: Because corporate profits are headed up, and wages are headed down, and we would like to see the two traveling upward together. That is why we are doing it.

There are millions of Americans who are going to be downsized out of their jobs this year. It would be kind of nice if we provided them the same thing every other industrialized society does, which is some decent job retraining. It would also be kind of nice if we did not ignore kids who are not going to college. That is the purpose of the School-to-Work Program, to take kids who are not going to college, who usually flounder around for 3 or 4 years in our society, unlike other societies who provide a good number of apprenticeship programs. We want to take those kids, put them in a program tying together their high school, their technical school, and employers, and give them a track into a decent job.

This bill cuts the guts out of most of these programs. We passed NAFTA last year and we passed GATT, and I did not vote for them. But what we told workers at the time was "Look, don't worry; if you are going to lose your job, you will get some retraining help."

Instead, what you are doing is cutting 34 percent out of training programs. There are going to be 193,000 American workers who cannot get help which they would have gotten previously under the displaced worker program.

Now, you talk about all of the duplicative programs in labor. The fact is, and you know it, the Secretary of Labor is already reorganizing those programs. He is consolidating a lot of them, and we said, five times now, we support the elimination of those programs in this bill. Write it down. We support the elimination of that duplication. What we do not support is cutting job training by one-third so you can provide a $20,000 tax cut for somebody making $300,000 a year. That goes too far.

□ 1745

Mr. STOKES. Mr. Chairman, I yield 1½ minutes to the gentleman from Texas, Mr. GENE GREEN, a member of the Economic and Educational Opportunities Committee.

Mr. GENE GREEN of Texas. Mr. Chairman, I thank the gentleman for yielding time to me.

I am proud to serve on the committee, the authorizing committee, and let me talk about some of the things that are being cut. The job training, 17 percent less than what was spent last year; dislocated workers, 31 percent less than what was spent last year; the school-to-work that our ranking member talked about, 22 percent. School-to-work is a program designed to be successful because it takes those young people who may graduate from high school and not have anything to do, but it gets them before they get there, so they can have that skill that they will be able to sell.

This bill takes away our future because it cuts the job training for the young people. It cuts the adult training for people who are laid off, the dislocated workers. It cuts the summer jobs for next year.

I know on the rescission bill we fought long and hard and had summer jobs restored for this year. That is great. But if our chairman of the committee, the gentleman from Louisiana [Mr. LIVINGSTON], said anything, we need more than the 1,000 jobs that we may have in Houston. We need 18,000.

I hope private business will step up like he said and do it. But that does not mean we need to cut out the summer jobs that are across the country that are provided by the summer youth program. In Houston we have 6,000 young people who would not be working this summer without that. If we pass this bill today, they will not have that job next summer.

We need to triple that amount but not to cut it from the Federal program.

Mr. PORTER. Mr. Chairman, I yield myself 1 minute.

Just to respond to the gentleman from Wisconsin, the School-to-Work Program was $50 million just 2 years ago. The figure in the bill is $95 million. That is almost a 100-percent increase in 2 years. The fact that we are not increasing it 400 percent is what is sticking in the gentleman's craw.

I have to say that with $3 billion remaining in the JTPA Program, I think we are making a very, very healthy commitment to America's workers and protecting them at the same time we are rationally and reasonably downsizing spending throughout Government.

Mr. Chairman, I yield 5 minutes to the gentleman from Texas [Mr. BONILLA], our colleague on the Appropriations Subcommittee.

Mr. BONILLA. Mr. Chairman, I would like to begin by saying that one of the most fortunate occurrences that I have been fortunate to be part of in the last 2½ years is the privilege of having worked with the gentleman from Ohio [Mr. STOKES] on the subcommittee. He is one of the most thoughtful and most sincere and a man with strong convictions and every day works very hard for the people of his district in trying to do the right thing for this country.

I rise, however, today in opposition to this amendment. I would like to make a couple of points in my remarks.

First of all, I would like to point out how strong the Republican support has been for TRIO programs, which will be debated in a later portion of this bill, but is a strong, strong job training program that leads to job training. It keeps kids in school, and it helps them get a degree in higher education and, therefore, be a contributing member of society as they enter the workforce.

We have also supported very strongly in this bill, to show our commitment towards job training, the Job Corps program. This bill provides 1.1 billion for the Job Corps program. Job Corps prepares our disadvantaged youth for the workforce. its strength lies in providing students with the skills to help them succeed later in life.

I have a Job Corps program in Laredo, TX, which is one of the most outstanding programs that is run in this country. It has done so for many years. The kids that you see come through that program turn out to be responsible, well-behaved members of society and go on to lead productive lives in the workforce. Laredo sets an example for the rest of the country. There are other programs in other parts of the country as well that are part of the Job Corps program that work very well.

Even though we are expanding Job Corps, we have also sent a clear message to those running Job Corps facilities across the country. That message is and says very strongly that, if you are mismanaged and will not be effective, we will change leadership or shut you down. We are closing two centers, and we instruct the Department of Labor to think about closing some of the chronic poor performers under the Job Corps program.

Two weeks ago the latest performance figures were released by the Department of Labor. They showed that 7 out of 10 Job Corps people found jobs or went on to further their education. This is a good, solid record. Often times representatives from training programs have come before our committee that were part of the 163 job training programs that we have. Often, they cannot cite success stories like the Job Corps training program can. The report also shows that students placed in jobs are earning good wages, with nearly half working on jobs related to the training they received while enrolled in the program; again, a good way to measure the success of Job Corps.

Job Corps is the only program of its kind serving at-risk youth. The alternatives, welfare, unemployment, or incarceration, are more costly and lack any short- or long-term benefits. Job Corps is an investment which continues to yield returns for businesses, communities, and the youth who go on to better their lives.

I am sure if Job Corps graduates like heavyweight champion George Foreman were here today, they would thank this Congress for its leadership in funding the Job Corps program.

Mr. STOKES. Mr. Chairman, I yield 1¾ minutes to the gentleman from Montana [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Chairman, this bill is not about change; it is about retreat. Anybody listening would be confused about whether we are spending more or less.

Here are letters from America's mayors, Republicans and Democrats that say, do not do it. Do not do this to job training. Do not do this to summer youth. Why? Because they know we are spending less. We are sending them less, Republicans and Democratic mayors alike.

If we are to remain competitive in the world marketplace, we need to make sure that our workers, yes, including the new workers that will come on into the workplace market, have the skills necessary to move ahead. This is a terrible bill.

For my State of Montana it would be devastating. We would reduce adult training funding in my State in this bill, reduce it by more than $1,500,000.

The bill will reduce youth training funds to go to my State by close to $4 million. It eliminates every single dollar of summer youth program for the State of Montana and for every other State in this country.

The chairman on the Republican side might say that is not a cut, to go from what we spend today to zero next summer. The chairman would be wrong.

Finally, let me tell Members this: I serve along with the good chairman, the gentleman from California [Mr. MCKEON], a Republican chairman, of the committee that has redesigned the Job Training Partnership Act. In a bipartisan way we agreed to a 20-percent cut in job training funds. That is not what this bill does. This bill cuts funds for youth 54 percent and for everyone else in this country 27 percent. On a bipartisan basis, the education authorizing committee has accepted 20 percent and no more. You are cutting beyond us.

Mr. BONILLA. Mr. Chairman, I reserve the balance of my time.

Mr. STOKES. Mr. Chairman, I yield 1½ minutes to the gentleman from New York [Mr. RANGEL].

Mr. RANGEL. Mr. Chairman, let me thank the Republicans for their candor in how they intend to resolve some of the problems.

I wish the chairman of the Committee on Appropriations was on this floor because now I fully understand, having been born and raised and living in the inner city, that our problems were and have been today the fact that we taxed the rich too much. And if we relieve the rich of this burden of tax, they will come back to the inner cities where they fled.

What we are trying to do is to do for those who are held hostage in the inner city the same thing that we do for Americans no matter where they are born: to give them hope, to give them vision, to give them job training, to give them opportunity, to allow them to look forward to raising a family; and to be able to live the American dream.

You keep talking about how much money you are giving. Where do we get this idea of reducing the rate of increase? What we are saying is that if the poor are getting poorer and coming up in larger numbers, you do not cut back the resources that are necessary to give them the strength to get back on their feet to become Americans. What have you cut? Have you cut out communism, socialism, or any of the things that Americans want get rid of? No; you are honest enough to cut those things and stand up to the American people, summer jobs for our kids, school-to-work programs, one-stop employment centers—that is not welfare, my brothers and sisters—and drug treatment to have people be able to stand on their feet.

It is a shame what you are doing in order to make the rich even more rich.

Mr. STOKES. Mr. Chairman, I yield 45 seconds to the gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE. Mr. Chairman, I thank the gentleman from Ohio for his leadership. As I shred this sheet of paper this symbolizes the rights of Americans under this legislation. Under this bill, American workers simply have no rights. Passing this legislation results in a loss of money for Job Corps, and a loss of money for summer jobs. This legislation disregards the need of job training for dislocated workers. And simply, we are not listening to our constituents, for we are not listening to the school districts in Houston, the colleges in Houston that say school-to-work programs do work.

With a 22-percent cut, I do not know what we are saying to the American worker and to the young student who needs to have an opportunity. I certainly do not know what we are saying to those who are advocates of valuable social policy who are to now be gagged by this particular legislation so that they cannot speak out on issues dealing with those least able to access government.

Mr. Chairman, I would say that I rise to support the Stokes amendment because I do believe that the school-to-work program is a valuable tool in providing students real career options. I do believe that the Bill of Rights works, the Constitution works, and I do believe that we should support the Stokes amendment because we are doing nothing under this present legislation but eliminating the rights of Americans and taking away training and retraining opportunities for Americans.

Mr. STOKES. Mr. Chairman, would the Chair advise how much time remains on each side?

The CHAIRMAN. The gentleman from Ohio [Mr. STOKES] has 4½ minutes remaining, and the gentleman from Texas [Mr. BONILLA] has 6 minutes remaining.

Mr. STOKES. Mr. Chairman, I reserve the balance of my time.

Mr. BONILLA. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania [Mr. GOODLING].

Mr. GOODLING. Mr. Chairman, the tragedy with the amendment is the fact that, and I suppose that is why it was presented, it gives 40 minutes of talk time. It gives no money to do all the things that Members are talking about doing in job training, et cetera.

When you look at the authority in relationship to the amount of money available, you cannot do any of those things. So basically, the amendment gives 40 minutes of talk, zero of dollars in relationship to doing the kind of things Members are talking about. I just want to make sure that everybody understands that.

Mr. STOKES. Mr. Chairman, I yield 1 minute to the gentleman from Maryland [Mr. WYNN].

Mr. WYNN. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I just do not understand the reasoning of the Republicans. They say they want to fight welfare and put people to work. But they cut job training programs. They say they want to fight crime, they want to straighten out our young people, but then they cut summer jobs programs and school-to-work programs. I just do not understand.

They are cutting the vocational education program by $300 million or 27 percent. People ask me at town meetings, why do we not have apprenticeship programs like they have in Germany to give our kids technical skills? They say, Congressman, our jobs are going overseas. What are we doing to improve the skill level of our young people? Sad to say, I will have to tell them, the Republicans want to cut vocational training by 27 percent.

We talk about our young people. We say we ought to get our young people on the proper career tracks. But they cut the school-to-work program by 22 percent. I do not understand.

This puts seniors into a job environment that actually creates jobs. Then they talk about fighting crime, but they are cutting summer jobs. They are cutting almost 600,000 possible summer jobs, 7,000 jobs in my State of Maryland.

Mr. Chairman, I just do not understand their reasoning.

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Mr. BONILLA. Mr. Chairman, I yield 1 minute to the gentleman from Arkansas [Mr. DICKEY], a member of the committee.

Mr. DICKEY. Mr. Chairman, I would like to respond to three different accusations that have been made. The middle class understands what the members are saying about who the rich are. It is anyone who works and pays taxes. It is the middle class that we are trying to help. If we are helping the middle class and we are helping other people, they want to be helped, and the heck with whether or not other people are being helped also, so they are not being fooled.

Better training comes for our young people in businesses, where they need to be accountable in their consequences. We do not need to start our kids on a welfare program by teaching them they are doing something when they are not. Abstract training is not any good. We know that.

One hundred sixty-one million dollars was attempted to be restored in the subcommittee for Head Start. We need to stop talking about this particular provision, because not one vote on those restorations came from the liberals on that subcommittee, not one vote. They voted to keep programs that they think of as higher priority than Head Start, so we ought to stop the talk.

Mr. STOKES. Mr. Chairman, I yield 45 seconds to the gentlewoman from California [Ms. WOOLSEY].

Ms. WOOLSEY. Mr. Chairman, I ask my colleagues, do they not know that before Congress passed the school-to-work program last Congress, America was the only industrialized country that did not have a national program to prepare young people to go directly from school into a job? That is why last Congress we crafted a bipartisan plan to give students who are not going to college the knowledge and skills they need to move directly from high school to high-skills, high-wage careers.

The school-to-work program gives all young people the chance to support themselves and their families, and to be able to participate in the American dream. The school-to-work program is a sound investment in the future of our youth and of our country. I urge my colleagues to support the Stokes amendment.

Mr. BONILLA. Mr. Chairman, I reserve the balance of my time.

Mr. STOKES. Mr. Chairman, I would ask the Chair, do I have the right to close under my amendment?

The CHAIRMAN. The gentleman from Texas [Mr. BONILLA], who advocates the committee position, would have the right to close, and the gentleman from Texas is presently reserving the balance of his time.

Mr. STOKES. Mr. Chairman, may I inquire as to whether the gentleman from Texas has other speakers?

Mr. BONILLA. Mr. Chairman, we have no additional speakers at this time, and no objection if the gentleman from Ohio [Mr. STOKES] would like to close.

Mr. STOKES. I accept the gentleman's offer that I be able to close.

Mr. BONILLA. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The gentleman from Ohio [Mr. STOKES] is recognized for 2 minutes and 45 seconds.

Mr. STOKES. Mr. Chairman, I appreciate the gesture on the part of the gentleman from Texas [Mr. BONILLA]. Let me say that it has been a pleasure to serve with him on this subcommittee, and there are many matters upon which he and I agree and upon which we have worked jointly.

In closing, Mr. Chairman, let me just respond to remarks made by the chairman of our subcommittee, the gentleman from Illinois [Mr. PORTER], where he made reference to consolidation and elimination of small programs. We agree to that. We also have agreed to the elimination and consolidation of these programs, but we also support funding of the training programs, because they work.

I want to just cite from the adult training program valuation: "It is the only federally funded job training program that has undergone a major controlled evaluation. The national JTPA impact evaluation showed that participants earned 10 to 15 percent more than those who do not go through some form of education or training."

Mr. Chairman, those of us who have seen unemployment in our cities, those of us who see in some cities black youth unemployed in excess of 50 percent, those of us who walk the streets in our districts and have people yell at us "Hey, Stokes, how about a job," this is a meaningful way of us trying to provide an opportunity. We have told people over and over again that "All you have to do is work hard in this society, work hard on the job, and you can become a success in life. You can have a part of the American dream." This is what we are asking for here today: Give these young people and give these adults in our society a part of the American dream.

When we talk about the middle class, we are not talking about a lot of Americans who will never be able to get into the working class without a chance to just work a job. We owe every American that opportunity. This amendment would provide the opportunity for us to do that.

The CHAIRMAN. All time has expired.

Mr. STOKES. Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The CHAIRMAN. Are there other amendments to title I?

AMENDMENT OFFERED BY MR. OBEY

Mr. OBEY. Mr. Chairman, I offer an amendment.

the Chairman. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. OBEY: On page 18, strike lines 17 through 24.

On page 19 strike out all beginning on line 1 through line 14 on page 20.

On page 20 strike out lines 15 through 22.

On page 20 strike out all beginning on line 23 through line 12 on page 21.

On page 21 strike out lines 13 through 23.

On page 41 strike lines 6 through 8.

On page 51 strike out all beginning after "1996" on line 12 through line 18 on page 52.

On page 54 strike lines 6 through 18.

On page 58 strike all beginning after the word "purposes" on line 20 through page 60 line 8.

On page 69 strike lines 12 through 17.

On page 70 strike all beginning on line 17 through line 8 on page 71.

On page 71 strike all beginning on line 7 through line 15 on page 72.

Strike title VI of the bill beginning on page 76 line 1 through line 7 on page 88.

The CHAIRMAN. Pursuant to the unanimous-consent agreement of today the gentleman from Wisconsin [Mr. OBEY] will be recognized for 20 minutes in support of his amendment, and the gentleman from Texas [Mr. BONILLA] will be recognized for 20 minutes in opposition to the amendment.

The Chair recognizes the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I have often had constituents ask me the following question: Why does Congress always seem to have so many riders attached to bills that have nothing whatsoever to do with what those bills are supposed to accomplish? If this bill passes, they are going to be asking a lot more of those questions, because this baby sets a new record in terms of illegitimate legislation on what is supposed to be a budget bill. There are 29 pages of legislative riders stuffed into this bill, which is supposed to be a budget bill to fund education and health care and social service and labor programs, 29 pages.

I want to tell the Members, there is a clear pattern emerging in this House. We saw it on the bill earlier this week, the HUD bill, on the environment, and we are seeing it all across the board on this bill. There are 17 different items that should not be here that were stuffed in because either Members have individual gripes with programs or agencies, or else because the authorizing committee chairmen do not apparently have the courage to bring these bills before us out of their own committees, so that we can debate those policy issues and have amendments offered to them the way we can in the authorizing process, and we cannot do that in the appropriations process. Therefore, I think we are having a clear pattern.

Whether the issues affect women, whether they affect workers, whether they affect health, safety, or bargaining rights, they are rolling back basic law in a bill which is not supposed to write new law but only supposed to provide funding for budget items. I want to give the Members one example. Virtually every time I am in my district going through some plant or some business I run into somebody in an office, usually a woman at a typewriter, with a device on her wrist. I say, "What is the problem?" She says, "I have carpal tunnel syndrome."

OSHA is in the process of trying to develop a standard to protect workers from a malady which costs $20 billion a year, motion injuries, $20 billion a year. Yet, they are not going to be allowed, under a legislative rider attached to this bill, they are not even going to be allowed to collect data on those injuries. They are not even going to be allowed to prepare a possible standard, because the whiz kids on that side of the aisle have said, "No way. We know better than the agency charged with the responsibility for enforcing the law."

We have another provision which says that the President cannot weigh in and try to help workers who will see their jobs replaced when they go on strike by permanent strikers. I will tell a little story. Last year I was in my district. A company that I helped get an industrial park for, so they could develop their company in a new location in my district, that company decided they wanted their workers to have to work Sundays.

The workers had been willing in most cases to work Sundays, but they wanted to maintain the option, because some of them wanted a little room for family and a little room for church on Sundays. Therefore, they went on strike when they could not get the company to leave working Sundays on a voluntary basis. Three days after they went on strike, that company started advertising to hire permanent replacement workers.

Shame on people like that, shame on that company. Yet, what you do is ram a provision in this bill which says that the President cannot take any action whatsoever to help on that front.

Then there is the Istook amendment. This is the Constitution of the United States, article 1. Unless Members have read it, if they have not read it lately, let me read what it says: "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof, or abridging the freedom of speech or the press, or the right of the people peaceably to assemble and to petition the Government for a redress of grievances." Yet, we have the Istook amendment, which says that if you happen to get any kind of a Federal grant, even if you are using your own money, you have to zip your lip. You can no longer lobby the Government on matters of public policy.

Does it say that for defense contractors? Oh, no. Lockheed can continue to run full-page ads supporting this multi-billion dollar or that multi-billion dollar program. Do we try to stifle them? No. It is only the nonprofit organizations, who are trying to in many cases help people in this society who are at the lowest rung of the ladder.

Mr. Chairman, there are some people on the Republican side of the aisle who are offended by that. We already have laws on the books about illegal lobbying. That is clear. What they are trying to do in addition to that is to stifle freedom of expression and the right to redress one's own Government with one's own money. That is going too far. A lot of Republicans on this side of the aisle know that, as well as a lot of Democrats.

This bill has traditionally been a bipartisan bill. I appeal to my Republican friends on this side of the aisle, do not abandon that bipartisan tradition on this bill. They know this goes too far on a number of items, including these legislation items that have been attached and rammed through this bill, many times over the objection of the chairman himself.

Mr. Chairman, I would urge the Members, return this bill to the middle ground. Get rid of this stuff. If Members want to bring these legislative items up, have guts enough to do it through the right process. Have the right chairman from the right committee who has jurisdiction bring it up and debate it here, full-blown, so we can amend these crazy items, and possibly get them in a position where we can have both parties support them. If they are not willing to do that, I ask them to take out the junk. We also got it removed in the HUD bill last week. We lost by one vote. Let us hope we have a better result this time around.

Mr. Chairman, I reserve the balance of my time.

Mr. BONILLA. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, we are opposed to this amendment presented by the gentleman from Wisconsin [Mr. OBEY]. It strips out a lot of hard work and a lot of issues that we attached to this bill that are going to do a lot to help the American people. I am proud of the guts that members of this committee on our side showed in trying to advance some of these issues. I will point out two, because there are other Members who have other issues to discuss as well.

The first I would like to discuss involves ergonomics. Ergonomics is one of these words that has small business in America shaking in its boots, because it is another tool, a potential tool that OSHA is going to use to impose unfair fines and unfair burdens and unfair paperwork on small business across this country. Ergonomics is a fancy term for designing jobs and tools to fit the physical and physiological limits of people.

In the private sector, there have been many efforts so far to improve productivity, to try to help the working environment so people are at work more often, have fewer absences, fewer injuries, and fewer illnesses. This is a great tribute to the commitment that the private sector and small business has to helping their employees. There is a myth that exists on the other side of the aisle that somehow employers are not interested in keeping workers on the job, keeping them safe, keeping them productive, and somehow that we are simply concerned about removing any worker safety that exists in this country.

OSHA was born many years ago as a good idea that now, like many cases, is a government program that is out of control. The pendulum has now swung too far in the wrong direction. We have OSHA now that is a four-letter word in the offices of many small businesses in this country.

Ergonomics is an overly ambitious, burdensome, and possibly the most expensive and far-reaching and intrusive regulation ever written by the Federal Government. We are not opposed, long-term, to implementing ergonomics rules in the workplace. We just say at this time that we cannot let OSHA move forward with an aggressive agenda, a burdensome agenda, with no scientific background, with no research to base their efforts on. We must give OSHA and those responsible for worker safety time to develop a thoughtful, scientific basis for implementing any kind of rules related to ergonomics. We are simply asking in this bill, which is part of this bill now we want to protect and therefore must work to defeat the Obey amendment, to preserve the ergonomics aspect of this bill.

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Mr. Chairman, I would also like to address something in this bill that the amendment of the gentleman from Wisconsin [Mr. OBEY] is trying to strip, and that is the amendment I put in to prohibit funding of the office of the Surgeon General. I thought I was doing the current president and future Presidents a great service by eliminating funding for the Surgeon General.

How much time has the executive branch spent on this issue? How much time has the Senate spent on this issue, which has served to do nothing more than embarrass the White House in the last several months in trying to fill this job? The Surgeon General serves no role in terms of policymaking. It is simply a public relations job that the President has at his disposal.

You have a person walking around the country dressed in one of these uniforms, and it looks like they work on the Love Boat creating controversy all around America. So we do not need this anymore. We want to save the executive branch and the Senate a lot of grief and agony in the future by not allowing this to happen.

Mr. Chairman, I want to emphasize that we think advocating good health care policy is important, and this could be done by an assistant secretary out of Health and Human Services, or is a role that could be filled by the head of the Centers for Disease Control in Atlanta, or the private sector could provide leadership in this role via the American Medical Association, or many other groups that do a lot of work to advance good health care policy in this country. Therefore, eliminating the office of the Surgeon General is not in any way to say that we are not interested in advocating good health care policy.

Mr. Chairman, please vote against the Obey amendment, because it strips these two elements which are among a list of good reforms that the majority is trying to implement in this bill.

Mr. Chairman, I reserve the balance of my time.

Mr. OBEY. Mr. Chairman, I yield 3 minutes to the gentleman from Colorado [Mr. SKAGGS].

Mr. SKAGGS. Mr. Chairman, one of the many, many virtues of the amendment offered by the gentleman from Wisconsin is that it would strike from this bill the incredibly ill-conceived provision generally referred to as the Istook amendment, which attempts to control speech and political advocacy in this country. It is often described as if the only objective were to keep Federal funds from being used for Federal lobbying. That is already essentially against the law.

This proposal would go far further than that innocent-sounding purpose and fundamentally put the Federal Government in the business of crippling the ability of anyone who is covered by this amendment to participate in the political life of this country.

Mr. Chairman, if it were to become law, large numbers, probably millions of Americans, would end up having to file, or participate in the filing, if you can conceive of this of a certified annual report detailing their political activity. Incredible.

The proponents of this amendment often trot out a picture of a pig eating Federal dollars. I guess that pig is supposed to represent farmers and small business people, the Girl Scouts, the Red Cross, the YMCA, the U.S. Catholic Conference, some of over 400 organizations that are opposing this provision. The proponents say their purpose is to keep these people and organizations from spending more than a minimal amount of money to affect Federal policy, but the real guts of this is to keep Americans from spending their own money, their own money, on political advocacy.

It flies in the face, as the gentleman who opened this debate indicated, of the first amendment, whether we are talking about university researchers, churches getting funds for day care centers, companies receiving help for displaced workers, gun clubs being allowed to do target practice on a Federal reservation, on and on and on, being swept into this incredible proposal.

Perhaps worst of all, this amendment would establish a big government, big brother system of political controls. It would bring about the creation of a national database of political activity, and if you can believe this, a master computer file in Washington, DC, covering everything from communications to contributions made by covered groups and their employees, managed by the Government of the United States.

Mr. Chairman, a shame, an absolute shame. How any of us who took an oath to uphold the Constitution could stand still for this kind of nonsense on the floor of the United States House of Representatives in a free land, especially those who've spoken over and over again about wanting to restrain the reach of the Federal Government, is absolutely incredible.

Mr. BONILLA. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. COMBEST], the distinguished Chairman of the Permanent Select Committee on Intelligence.

Mr. COMBEST. Mr. Chairman, I thank my most able friend from Texas for yielding time to me.

Mr. Chairman, I rise today in strong opposition to the amendment offered by the gentleman from Wisconsin [Mr. OBEY]. In particular, I am concerned because it would strike a provision in this bill that denies funding for the Department of Labor to enforce the Hazardous Occupational Order H.O. 12, which prohibits teenagers from merely loading a baler.

I have been involved in this issue ever since these outdated restrictions were brought to my attention by grocers in my district who were fined by the Labor Department for violating H.O. 12. A fine of up to $10,000 can be issued every time a cardboard box is simply tossed into a silent, nonoperating baler by teenage employees under 18.

Unfortunately, efforts to change this regulation through the Labor Department fell on deaf ears and that is why we are here today arguing against this amendment.

Mr. Chairman, in typical bureaucratic form, it took 7 months for the Labor Department to respond to a letter signed by over 70 Members on both sides of the aisle that requested a revision of H.O. 12. The Labor Department did not even have substantial evidence to support the prohibition of teenagers to load nonoperating balers. In addition, in the last Congress, language was included in this very bill that instructed the Labor Department to do a review of H.O. 12.

If I remember correctly, in the last Congress the gentleman from Wisconsin and the gentleman from Ohio, the chairman of the committee and the subcommittee. The Labor Department then promised to issue a notice of proposed rulemaking by May. We have heard nothing yet.

Mr. Chairman, you will hear that this provision will undermine child safety, but that is a far cry from the truth. The Labor Department admits it only has 11 documented cases involving baler-related accidents, but in 6 of these there was operation of the baler, and under the provision in the bill, operation of the baler would still be illegal.

One case the Labor Department lists happened next to a baler when a piece of metal happened to fall that was leaning against it. In another documented case an individual had a paper cut when they picked up the box.

Mr. Chairman, this amendment should be defeated.

Mr. BONILLA. Mr. Chairman, I yield 4 minutes to the gentleman from Georgia [Mr. NORWOOD].

Mr. NORWOOD. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise to strongly, strongly oppose this amendment on many grounds, but for the point of this debate, let us just talk about his language that strikes the provision to control OSHA and ergonomics. Now, what is ergonomics? Ergonomics is simply repetitive motion. It might occur from playing tennis, it might occur from skiing, it might occur from fly fishing, perhaps it even can occur from using a computer too long.

If we have ergonomics, what really does it do? Well, they call it repetitive strain injury. I think we can all agree that there is such a thing. All of us over 50 know that there is repetitive strain injury. But how pervasive is it? Well, do not bother to find out. There is no correct answer.

Mr. Chairman, OSHA estimates that such injuries account for 60 percent of all workplace illnesses. The Bureau of Labor Statistics says that that figure is 7 percent. The National Safety Council thinks, well, maybe it is 4 percent. Well, that is the problem, the reason repetitive strain injury is the workplace's most complicated and controversial problem.

Now, beyond the fact that we know that there is such a thing, there is little agreement on this subject. One problem is that no one can determine the scope of the phenomena. Remember, these divergent statistics are offered by OSHA and the National Safety Council, but another involves the question of cause and effect, a science that is very muddled at best when it involves RSI, repetitive strain injury.

For instance, two secretaries work the same hours every day. One develops stiffness in her fingers and the other does not. An assembly line worker suffers from crippling backaches. His colleague who works right beside him and does the same thing whistles all through the day.

Now, did the employer's work cause the pain, or something else? What should an employer reasonably be expected to do about this? The way OSHA looked at the issue, every job would become a disorder waiting to happen. In its zeal to protect workers' health, the agency drafted a report identifying risk factors on the job from heavy lifting to working in cramped spaces. The 4-inch thick, 600-page document offers guidance to companies in reducing those risks. OSAH's regulations would have affected everyone who moves or works on the job.

Mr. Chairman, medical science cannot yet determine the cause. It affects everyone, and medical science cannot pinpoint the cause. This will not change the basic fact that there are not always clear causes or remedies for RSI. You cannot mandate a fix if the fix is not out there. However, we have an agency today who would mandate a fix. We have an agency today, and people in that agency, that we cannot allow to write ergonomic standards. We all want health and safety in the workplace, but this particular OSHA should not be allowed to do such a dangerous thing to the economy of this country and the consumers of every one of our districts.

Mr. OBEY. I yield 3 minutes to the gentleman from New Jersey [Mr. ANDREWS].

Mr. ANDREWS. Mr. Chairman, I thank my friend from Wisconsin for yielding time to me.

Mr. Chairman, this act is misnamed. It should be called the Special Interest Relief Act of 1995. One of the special interests that is no doubt dancing with glee over the contents of this act is the student loan industry, which has siphoned over $1 billion a year from the taxpayers of the United States of America, until 1993 when we adopted what I think was a good Republican idea called competition. In 1993 we said we would have two student loan systems compete with each other side-by-side. One was the expensive and complicated status quo system run by the banks, and the other was a new, more efficient system run through the college campuses called direct lending.

Everything that we have seen from around the country, Mr. Chairman, says, direct lending is winning. Students like it, universities like it, taxpayers like it, but the special interests who profit from the student loan system most certainly do not.

So what they have done in this bill is to cut off the competition at its knees. Language in this bill which would be removed by the Obey amendment says, direct lending will be effectively killed, dead and buried as a result of this. That is wrong. It is wrong for taxpayers because direct lending costs less than the bank-based system. It is wrong for students and administrators because around this country, a vast majority of them have said that they prefer the direct lending system. Perhaps most importantly, Mr. Chairman, it is wrong as a matter of process. It is wrong because it is based upon a CBO report which cooked the numbers.

Mr. Chairman, anyone who follows this issue and is familiar with it knows that the conclusion that somehow or another the direct loans cost more than guaranteed loans was a conclusion CBO was told to reach for reasons of political convenience, and it is also wrong, Mr. Chairman, because this debate and this issue is being tucked away in this appropriations bill.

Mr. Chairman, the special interests of the student loan industry know that they cannot win a fair fight on this issue, because they do not have the facts on their side. So what they have done is to load it up in this bill, tuck it away in a corner where a lot of other issues will take precedent and it will not see the light of day. The Obey amendment is a way to correct that and bring us into the light so that there can be a fair and balanced debate. For that and many other reasons I would urge my colleagues to do the right thing and vote "yes" on the Obey amendment.

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PARLIAMENTARY INQUIRY

Mr. OBEY. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN (Mr. WALKER). The gentleman will state it.

Mr. OBEY. Mr. Chairman, as you know, the Chair is considering rolling some votes. The next amendment scheduled to be discussed, depending upon whether or not my amendment passes, is the Pelosi amendment, which, in contrast to my amendment, is only trying to remove some of the legislative language with respect to some labor problems or worker problems.

Mr. Chairman, my question is this: How do we proceed to the Pelosi amendment if we have not actually had a vote on my amendment; and should we not, therefore, vote on my amendment before we proceed to the Pelosi amendment?

The CHAIRMAN. The Chair has the authority to postpone the votes. The inconsistency of the amendments does not necessarily impact on the Chair's decision with regard to postponement.

Mr. OBEY. Mr. Chairman, further parliamentary inquiry.

Is it the Chair's intention to roll the vote on the Obey amendment now before us?

The CHAIRMAN. The Chair is at the present time considering that matter and leans toward postponement of votes.

Mr. OBEY. Mr. Chairman, since we are not at a point where the Chair has to make that decision, I would urge that the Chair make that decision in consultation with both sides, not rolling that specific vote, so that we could, if it fails, proceed to the Pelosi amendment; unless, of course, the committee wants to accept the amendment, in which case we do not have any need to go to the Pelosi amendment.

Mr. Chairman, in fairness to both sides, I think it would not make sense to vote on the Pelosi amendment, or spend the time debating it, if mine passed. I am not asking for a determination now, but I would urge the Chair to consider that problem.

The CHAIRMAN. The Chair will take the gentleman's point under advisement.

Mr. BONILLA. Mr. Chairman, I yield 3½ minutes to the distinguished gentleman from Texas [Mr. DELAY], the Republican whip.

Mr. DELAY. Mr. Chairman, I hope Members are watching this debate and paying very close attention to what the gentleman from Wisconsin [Mr. OBEY] is trying to do. It is a huge amendment that affects a lot of issues that are very important to a lot of Members.

Mr. Chairman, the gentleman is trying to remove legislative language that deals with striker replacement. In a situation where the President has, in my opinion, stepped way beyond the bounds of his authority by writing legislation through Executive order, we are trying to correct that.

The gentleman also strikes a provision in the bill that I think is very, very dangerous, if Members do not know about it and vote for this amendment, and that is the legislative language that prevents the raiding of pension funds by the Department of Labor, a position that has gotten a lot of people exercised about a new way of spending, designed by the Secretary of Labor, by going in and raiding pension funds.

The gentleman from Georgia [Mr. NORWOOD] has already talked about the ergonomic standards, another example of overzealous regulatory agencies trying to write regulations on an issue that the scientific community has no consensus on, yet they are trying to write regulations that would have a severe impact on jobs in this country.

The gentleman is also attempting to stop summer jobs. In this bill, we have language that prohibits the Labor Department from stopping individuals under the age of 18 from using cardboard balers in grocery stores. Right now, they are trying to stop high school kids who work summer jobs in grocery stores from operating the cardboard balers in those stores. The gentleman strikes that language.

Also, those that understand, particularly in light of the recent Surgeon General, we do not need a Surgeon General in this country. The gentleman strikes the language that does away with the Office of Surgeon General. We go on and on and on.

Mr. Chairman, the gentleman from Wisconsin [Mr. OBEY] even includes some of the abortion language, so those Members who consider themselves pro-life had better look very carefully at this amendment, because it strikes the language that stops medical experimentation on human embryos outside the womb. I do not think anybody is offering a single amendment to strike that particular language.

I understand the point that the gentleman from Wisconsin [Mr. OBEY], the distinguished ranking member of the Committee on Appropriations, is making. The point is, he is upset with legislating on an appropriations bill.

Mr. Chairman, let me just say that in taking over the majority in the short period of time that we have had, we did not have time to legislate through the normal process; and we feel that it is very important to do these kinds of things to stop an overzealous administration from accomplishing some really bad things.

Mr. Chairman, I urge my colleagues to vote "ro" on the Obey amendment.

Mr. OBEY. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Chairman, we should support the Obey amendment because this legislation is just such an incredibly comprehensive raid on the rights of American workers.

Whether those American workers seek to have a bargaining position with their employer over their working hours, terms, wages and conditions, where that right is taken away because of the attempt here to overturn the President's Executive order; whether those workers seek to work in a safe workplace, where we see as serious a problem as the ergonomic standards being set aside in this bill; going even further, not letting OSHA collect the data. Apparently, the Republicans on this side do not know this when they see it.

Let me tell my colleagues, we see it every time we get on an airplane. We see a flight attendant with their hands in the braces; people that cannot do the job on the airplane, because their hands are in braces.

We see it on the assembly line and we also see it when almost 3 million claims are paid for the injuries that are suffered for this.

Mr. Chairman, the question is, do we stick our heads in the sand, as the Republican amendment would have us do, or do we go out and try to meet this problem? This is about whether or not our workers get to continue to be able to work without disability or whether they are sent home from the workplace and they are put on disability and they see that their ability to support their families is dramatically reduced.

This is about our families. This is about Americans. This is about people who go to work every day and do not want to be hurt, yet 2.7 million of them file claims and were paid. Mr. Chairman, we know the kind of workplace loss that that takes.

We see it in our own offices. There are people walking around this Capitol with braces on their hands, on their elbows and shoulders from that kind of work. Do we not owe it to them?

Mr. Chairman, we also know that employers and insurance companies recognize it. They are trying to develop a safer workplace. They are redesigning machine tools and redesigning the assets to the people working on the assembly lines.

Somehow the Republicans have just lost sight that these are people; these are families; these are bread winners; these are spouses; these are mothers; these are fathers; these are sons or daughters who are out there working.

Do they not deserve a safe workplace? The answer in this legislation is "no" from the Republican side of the aisle.

I think we have got to understand it extends even further in terms of the workers, where there is disagreement in the workplace between employer and employee. They make it much more difficult to go and get those conflicts resolved. What does that mean? That means it costs business more money, it costs workers wages and we do not get on doing what this country does very well, and that is produce goods and services, not only for this country, but for the international economy.

Mr. Chairman, why is this necessary? Because they will not deal with this through the authorization process as opposed to the appropriations process.

Mr. BONILLA. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Oklahoma [Mr. ISTOOK], a member of the Committee on Appropriations.

Mr. ISTOOK. Mr. Chairman, I find it interesting that some people object now, saying that we should not do other things on appropriations bills. I looked at last year's version of this very same piece of legislation when the other party was in power and there were in excess of 30 examples of what we call authorizing language on the appropriations bill.

Mr. Chairman, this is nothing new or unique; it is something that is common. But what is not common in this place, Mr. Chairman, is the type of outcry that we have heard from the special interests, because they realize they are threatened by this piece of legislation.

This piece of legislation defunds special interests. This bill is to stop the system of patronage, that has gone on through so much of the government bureaucracy, that hands money out to allies of the governing party and uses them to come back and lobby the taxpayers.

We have steps, not only by reducing the level of spending in this bill, but we have what we call the grants reform language, the stopping of welfare for lobbyists that goes to the heart of the problem.

Mr. Chairman, we will never get spending in this country under control if we do not stop using taxpayers' money for advocacy of political positions. This bill contains the language to correct it.

Mr. Chairman, I heard the gentleman from Colorado [Mr. SKAGGS], my friend, say, "Oh, this is going to create a national database." My goodness, I hope the gentleman realizes that lobbyists already have to register. There is already a database. There is a database of grantees. There is nothing new in that.

Mr. Chairman, perhaps some people want to hide from public view the amount of money that is going to special interest groups. The President of the United States, yesterday, decried the special interests in Washington. Here we have a bill to take money away from them to make them stop taking advantage of the taxpayers and people treat it as though the sky is falling.

Mr. Chairman, this bill on so many fronts addresses the problems with how Washington operates, the way that taxpayers' money is used to fund giant bureaucracies in the private sector, as well as the government sector. This bill is to put a halt to that.

Mr. Chairman, the Obey amendment tries to gut this piece of legislation. It needs to be defeated and the bill as a whole needs to be passed.

Mr. OBEY. Mr. Chairman, I yield 30 seconds to the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Chairman, I rise in support of the Obey amendment and I want to make an observation to the gentleman from Oklahoma [Mr. ISTOOK], my friend with whom I serve on two of the subcommittees. The fact of the matter is, we have not had a bill since I have been a member of the Committee, January of 1983, in which this kind of language was protected. Not one in that 14 years. It was not protected last year or the year before that or the year before that or the year before that.

Mr. Chairman, what has happened not just in this bill, but in numerous bills, the authorizing committees have been ignored and we are trying to jam through legislative language on appropriations bills.

Mr. Chairman, we ought to reject it. Pass the Obey amendment.

Mr. BONILLA. Mr. Chairman, I yield 2 minutes to the gentleman from Missouri [Mr. TALENT].

Mr. TALENT. Mr. Chairman, I think this amendment highlights the philosophical differences between the parties. We believe in Americans and what they have built on their own. We think workers and employers, subject to reasonable rules and regulations, are pretty capable of creating jobs and economic growth and not helpless and unable to protect their own safety.

The other side believes that we are going to have massive problems, unless these people are minutely watched by an agency whose record is largely unblemished by success, and I refer to the Occupational Safety and Health Administration.

Mr. Chairman, I want to talk specifically about the fall protection standard, which is in this bill and on which there were hearings in my subcommittee.

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The fall protection standard OSHA recently applied to all work above 6 feet in height, it was at 16 feet, they applied it to all work above 16 feet, which means it applies to all residential remodeling, all residential roofing, and, Mr. Chairman, everybody in this business, management, labor, everybody hates it because the workers have to tie on these harnesses and these lanyards and move anchors. It is tremendously inefficient, and it is unnecessary, and they resent the Federal Government telling them, experts in this, what they have to do in order to protect themselves.

OSHA says if we get full compliance with this fall protection standard at 6 feet, and every roofing job and every remodeling job in America, and I guess they are going to have cars in every subdivision to watch people, if we get full compliance, it will save 20 lives every year. I asked the head of OSHA, "How much does this increase the costs of these jobs?" Because the evidence we have, again pretty much undisputed, was that it would increase the cost of labor on the jobs about 10 percent, because the workers have to move so much slower. What happens when you increase the cost of this work? What do homeowners do? They turn to fly-by-night contractors, to handymen, to people who do not know and understand safety on roof tops, or maybe they do the jobs themselves.

What happens if you get a bunch of people working on roof tops who do not know what they are doing?

Mr. OBEY. Mr. Chairman, I yield myself the remainder of my time.

Mr. Chairman, the issue is not whether you like the language on paper balers. The issue is not whether you like the language on erogonomics or whether you like the language on any other OSHA action. The issue is whether or not this language ought to be considered as a slipped-in provision in this bill with no chance for hearings, no chance for examination, or whether we ought to do it in a more orderly way.

One of the previous speakers said that I was trying to prevent jobs because we are taking out the language on paper balers. We are not trying to prevent jobs. We are trying to prevent the killing of kids. The fact is that it is true that some balers meet the new industry standards. But only one in five current machines meets all of the requirements, and 15- and 16-year-olds are sometimes not the most cautious of people. There have been six deaths because of paper baler machines, deaths of children.

The ergonomics standards, I do not, frankly, know what the standards ought to be, but I do not believe that the agency ought to be precluded from even developing data on the injuries associated with this problem, and that is what this language does.

Let me simply state, in response to the gentleman from Oklahoma [Mr. ISTOOK], about other labor-health bills providing legislative language. The difference is that every single one of those provisions was brought to this floor under an open rule, and if a single Member of Congress objected, they could strike it on a point of order. That meant the only provisions in the bill were noncontroversial, and they were not special interest sweet dreams, as these are.

Let me simply say that when you take, as you have done, 17 different legislative provisions and jam them into an appropriations bill, do not try to kid us. You know what you are doing. What you do is you circumvent the process. When you put it into an appropriation bill, what you do is you circumvent the normal congressional hearing process and the authorizing committees. You circumvent the process which is designed to make certain all of the parties who were impacted by a decision have an opportunity to comment on it before we, as the publics'

Representatives, make a final decision and a final choice. What you are doing now when you slip it into an appropriation bill, you make sure that only certain special pleaders get taken care of. And the other folks who are affected by it? "Sorry buddy, but you are not involved. We got it in before you even knew we were doing it. Your comments do not even get heard." That is not the way to do business when you are dealing with people's lives, when you are dealing with people's rights to have a safe and healthy workplace, when your dealing with the ability of families to save some money on student loans. That is not the way to do business. This is simply, pure and simple, a special interest end run of the normal legislative process. If you truly believe that some of this legislative language is correct, and some of it may very well be, then the way to deal with it is to have the proper committee bring it out under conditions which allow us to amend that language and change it. You cannot legislate, supposedly, on an appropriations bill, so we cannot do that here. Except you have slipped in these items so we cannot get at them through the normal point of order process. You know that these are special interest proposals. You know, if, for instance, you are going to subject a woman to fewer choices because she is a victim of rape or incest, it would be nice if she at least had a chance to comment on it. They have not, not the way you have brought this here.

Strip out all of this language. Bring it here before us in the correct process. Some of it may pass. Some of it may fail. But at least you will give everybody in the process a square deal.

Mr. BONILLA. Mr. Chairman, I yield the remainder of my time, 2 minutes, to the gentleman from Indiana [Mr. McINTOSH], a great champion of free enterprise and small business.

Mr. McINTOSH. Mr. Chairman, I rise in opposition to the amendment. I think the American people have sent us here to get our work done. They are tired of us saying we cannot do it on this bill, we cannot do it on this vehicle. We have to go through this hearing. They sent us here last fall to change the very nature of this city and of this Government.

This bill takes a giant step in the right direction to accomplish that. It says to the agencies we are not going to continue giving you money to spend on regulations that do not make sense. It says to the President, "We think you have politicized the Surgeon General's office, and we are not going to give you more money to finance that operation." It says to the lobbyists here in Washington, "We are going to cut off your taxpaper funding, no more welfare for lobbyists under this Congress."

The time to act is now, Mr. Chairman. The American people want these measures. They sent us here to do this work.

The committees and the Committee on Appropriations and subcommittees have worked hard to fashion this bill and to craft these provisions in a way that reflects the will and the interests of all of the committees here in Congress. This is an effort to stop us from doing what the American voters sent us here to do, to change America, to cut back on regulations, to end welfare for lobbyists, to send a signal that it is no longer business as usual.

We are going to do what the people sent us here to do and fundamentally change the nature of this Government. I rise in strong opposition to this amendment. Support the committee bill as it is written, because it does move in the direction of changing this Government for the better and for the American people.

Mr. EWING. Mr. Chairman, I rise in strong opposition to this amendment, which would strike section 107 of the bill, which prohibits funding for the enforcement of Hazardous Occupation Order 12, relating to paper balers.

The language in section 107 is based on H.R. 1114, legislation which has 119 bipartisan cosponsors. It would reform a Labor Department regulation which has been on the books since the 1950's and is very outdated. The regulation prohibits teenagers from working around paper balers in grocery stores, despite the fact that modern paper balers cannot cause injury while they are being loaded. The Department has been passing out fines up to $10,000 to small grocery stores for allowing teenage employees to simply toss an empty box into a nonoperating baler, even though they are safe. As a result, many grocers have stopped hiring teenagers.

Our language would simply allow teenagers to load paper balers and compactors, but would not allow them to operate or unload the machines. Additionally, they could only load the modern machines which have the strict safety standards established by the American National Standards Institute.

This is a jobs issue as well as a safety issue. This small change will encourage supermarkets to start hiring teenagers again without the fear of huge fines. It will also make the workplace safer for all grocery store workers by providing an incentive for grocers to get rid of any old machines which are still in use and replace them with the modern, safe machines.

Congressman LARRY COMBEST and I have been working for well over 2 years to get the Labor Department to modify this regulation, and they have resisted our requests. Last year the Democratic Congress included language in this appropriations bill directing the Labor Department to review H.O. 12. In response, the Department told Congress that it would issue a "Notice of Proposed Rulemaking" on H.O. 12 by May of this year. As of today that Notice has still not been issued. That is why we strongly support the language contained in this bill.

The language in the bill is strongly supported by the Food Marketing Institute, which represents grocery stores in every congressional district.

Mr. Chairman, I include for the RECORD a letter from the Food Marketing Institute concerning this amendment.

I strongly urge my colleagues to support the committee bill.

FOOD MARKETING INSTITUTE,
Washington, DC, August 3, 1995.

Hon. TOM EWING,
House of Representatives, Washington, DC.

DEAR CONGRESSMAN EWING: The Food Marketing Institute (FMI) on behalf of the nation's supermarket industry, wishes to express our strong opposition to the amendment that will be offered by Representative Nancy Pelosi to the FY 1996 Labor/HHS Appropriations bill (H.R. 2127).

Among other things, this amendment will allow the Department of Labor (DOL) to continue issuing huge fines against grocery stores for situations when there is clearly no risk of injury to 16 and 17 year old employees. As you well know, the amendment seeks to preserve as is, Hazardous Occupation Order Number 12 (HO 12), a relic of a regulation that has remained unchanged since its adoption in 1954.

Similar to the important principles embodied in H.R. 1114 that you and Congressman Larry Combest are sponsoring, the language in the FY 1996 Labor/HHS Appropriations bill calls for common-sense reform to HO 12. This important language rejects the status quo and embraces safety standards that have been issued by the American National Standards Institute (ANSI) for cardboard balers and compactors. As provided for in H.R. 1114 and in the FY 1996 Labor/HHS Appropriation bill, employees who are 16 or 17 years of age would be permitted to place materials into a baler or compactor that cannot be operated during the loading phase because the equipment complies with current ANSI standards.

FMI strongly endorses H.R. 1114 and the common-sense reform relating to HO 12 as specified in H.R. 2127. A vote against the striking amendment achieves the following: Fairness to employers because fines will not be assessed for situations in which there is no risk of injury to workers; enhanced safety in the workplace as supermarkets upgrade or purchase new equipment that meets the ANSI standards; and finally, job opportunities for young people, as grocery stores will once again be encouraged to hire teenagers.

Sincerely,

HARRY SULLIVAN,
Senior Vice President and General Counsel.

Mr. FAZIO of California. Mr. Chairman, I agree with Mr. OBEY. If he's said it once, he's said it a thousand times: This legislative language has no place in an appropriations bill.

The issues that this bill touches—from abortion to workers' rights—are complicated and controversial. They should be considered out in the open in the committee with primary jurisdiction. If the Majority is proud of this legislation, its members should have the opportunity to hold public hearings to discuss these matters with the public. If this legislation—and that's just what it is—is so important, it should stand on its own, and not hide behind the cover of an appropriations bill.

That said, I rise in support of Mr. OBEY's amendment to strike the pages and pages of legislative language in this bill.

This inclusion is more than unnecessary and a waste of our time. It is malicious. It targets the most vulnerable in our communities, women who have been assaulted by rapists, and children who have been victims of incest.

In some cases, this bill rescinds years of legal precedent. In this bill, court decisions in labor cases are overruled.

The demolition does not end here. The supporters are attempting to give political pay back to their conservative supporters. Let me give you two examples.

The language in this bill about gender equity in college sports is unfair to our daughters. Title IX enforcement ensures that our sons and daughters have an equal chance to take part in sports while they are in school. The language in this bill would halt Title IX enforcement. Intercollegiate athletic opportunities for female students—hampered as they already are—would be limited even more. My daughters—each one a better athlete than her father—have been denied the access that I had to college sports. Halting enforcement of Title IX when there is still so much work to do is simply wrong.

The other example that I find intolerable as well as ironic addresses the training of obstetricians and gynecologists. Supporters of this language will say that it protects those who have moral and religious reservations about abortion from discrimination. But the Accreditation Council for Graduate Medical Education—the independent, organization of medical professionals who set the standards for medical education—does not mandate abortion training. Anyone, either an individual or an institution, with a legal, moral, or religious objection to such training is not required to participate.

I would argue that the language in this bill serves a different purpose. It serves to restrict academic freedom. It serves to restrict knowledge about a legal medical procedure its supporters find personally unacceptable. In an ironic twist, in order to satisfy the personal priorities of many proponents of small government, they have inserted this language which represents an unprecedented intrusion into the actions of a private organization.

To repeat, this language has no place in an appropriations bill. Vote with Mr. OBEY to strike all of these unnecessary and outrageous provisions.

Mr. Chairman, I rise in support of Mr. Obey's amendment to strike the pages and pages of legislative language in this bill. Legislative language has no place in an appropriations bill.

This bill addresses complex and controversial issues—from abortion to workers' rights. The American people demand and expect that these issues be subject to full Congressional scrutiny—out in the open—in the committee of jurisdiction.

Yet, the Republican back-door strategy is designed to circumvent this process.

This is wrong. Their legislative language deserves to stand on its own. These provisions deserve to rise or fall on their own merits, not on the basis of some legislative shenanigans.

My Republican colleagues speak highly of this bill. They are clearly proud of their efforts.

Yet, one could reasonably conclude—based upon the Republican decision to insert legislative language in this bill—that they seek to avoid a direct confrontation over this language.

Their motivation is clear. Many of these provisions reflect the most radical and extreme elements of Republican agenda.

This language targets the most vulnerable members of our society: rape victims and the victims of incest. In some cases, this bill rescinds years of legal precedent. It over-rules a number of significant court decisions in the area of labor relations.

This is a simple instance of political pay-back. My colleagues are advancing the interests of narrow, special-interests and right-wing conservative supporters.

Here are just two examples:

Language in this bill addressing gender equity in college sports is outrageously unfair. Currently, title IX enforcement ensures that our sons and daughters have an equal opportunity to participate in sports while at school.

Language in this bill would halt title IX enforcement, and intercollegiate athletic opportunities for female students—already limited—would be further scaled-back.

My own daughters—each one a better athlete than their father—have been denied the same access that I had to college athletics—support, facilities, scholarships, * * * the list is long. Undermining title IX—while so much inequity remains—is simply wrong.

Let me present another, more pernicious example of legislative meddling:

Language in this bill interferes with the training of obstetricians and gynecologists. While seeking to protect from discrimination, those with moral and religious reservations about abortion, this language actually serves to restrict academic and personal freedom. This language ignores the facts.

The Accreditation Council for Graduate Medical Education—the independent, organization of medical professionals that sets the standards for medical education—does not mandate abortion training.

Anyone, either an individual or an institution, with a legal, moral, or religious objection to such training is not required to participate.

This language has the intended consequence of restricting knowledge about a legal medical procedure that some find personally unacceptable.

In an ironic twist, in order to satisfy the personal priorities of many proponents of small government, they have inserted this language which represents an unprecedented intrusion into the actions of a private organization.

In closing, let me repeat what Mr. Obey has stated so forcefully: This language has no place in an appropriations bill.

Vote with Mr. Obey to strike all of these unnecessary and outrageous provisions.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Wisconsin [Mr. OBEY].

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. BONILLA. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to the order of the House, further proceedings on the amendment offered by the gentleman from Wisconsin [Mr. OBEY] will be postponed.

Are there further amendments to title I?

AMENDMENTS OFFERED BY MS. PELOSI

Ms. PELOSI. Mr. Chairman, I offer three amendments en bloc.

The CHAIRMAN. The Clerk will designate the amendments en bloc.

The text of the amendments en bloc are as follows:

Amendments en bloc offered by Ms. PELOSI:

Amendment No. 60: Page 20, strike lines 15 through 22 (relating to OSHA ergonomic protection standards).

Amendment No. 61: Page 58, line 20, strike the colon and all that follows through "Act" on page 59, line 8 (relating to NLRB and salting).

Amendment No. 62: Page 59, line 8, strike the colon and all that follows through "evidence" on page 60, line 8 (relating to NLRB section 10(j) authority).

The CHAIRMAN. Pursuant to the order of the House, the gentlewoman from California [Ms. PELOSI] will be recognized for 10 minutes, and the gentleman from Texas [Mr. DELAY] will be recognized for 10 minutes.

The Chair recognizes the gentlewoman from California [Ms. PELOSI].

PARLIAMENTARY INQUIRY

Ms. PELOSI. Mr. Chairman, parliamentary inquiry.

The CHAIRMAN. The gentlewoman will state her parliamentary inquiry.

Ms. PELOSI. Mr. Chairman, I thought we were 20-20.

The CHAIRMAN. The amendment offered by the gentlewoman from California is 20 minutes total, 20 minutes on each side.

Ms. PELOSI. That is for all three, the en bloc?

The CHAIRMAN. The en bloc amendments specified under the unanimous-consent request was for 20 minutes, 10 minutes on each side.

The Chair recognizes the gentlewoman from California [Ms. PELOSI].

Mr. PELOSI. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, in light of the fact that I only have 10 minutes and I though I had 20, I will take less time, obviously.

My en bloc amendment addresses three shortsighted riders to the Labor-HHS bill regarding worker protection. It deletes the ergonomics rider and can save American corporations $20 billion a year in workers' compensation costs. It eliminates one of the chief causes of a debilitating work-related disorder.

My amendment reverses the effects of this misguided rider which falls under OSHA. In addition to that, I have two amendments which address the NLRB.

As we know, earlier today we discussed some of the cuts in NLRB, a 30-percent cut.

The rules prevent me from introducing an amendment which would restore these cuts. Instead, I am addressing some of the legislative language in the bill that addresses the NLRB, two provisions in particular, the 10(j) provision and salting.

Section 10(j) of the National Labor Relations Act gives the NLRB the power to go into Federal court against an employer or a union to get the court to issue an order for interim relief. This is a very preliminary step. Such orders, for example, can require an employer or union to stop committing additional violations and to reinstate employees fired to chill organizing or withdraw illegal bargaining demands.

Mr. Chairman, what is important to note about this is when these 10(j)'s are issued, most of the time the overwhelming percentage of the time, the issue is dealt with expeditiously and in only a small minority of cases does it go to the next step.

This legislation in this bill would say that in order for the NLRB to go to Federal court against an employer or union, it would require a four-fifths vote of the NLRB, 80 percent. You talk about minority rule, 20-percent rules, a veto power of one person on the NLRB, so I think that in a sense of fairness, our colleagues would recognize that this is silly legislative language.

In fact, had this legislation been in effect at the time of the baseball strike, on which the NLRB voted 3 to 2, we would never have been able to proceed to the resolution of that strike. I think that the figures there speak for themselves.

Mr. Chairman, I have so much more to say on these issues, but will not, in the interest of time,

Mr. Chairman, I reserve the balance of my time.

PARLIAMENTARY INQUIRY

Mr. DELAY. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. DELAY. Mr. Chairman, could I, under the rules, transfer the management of the opposition to another Member by unanimous consent?

The CHAIRMAN. The gentleman, by unanimous consent, could do that.

Mr. DELAY. Mr. Chairman, I ask unanimous consent to allow the gentleman from North Carolina [Mr. BALLENGER] to control the time in opposition.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

The CHAIRMAN. The gentleman from North Carolina will be recognized to control the time in opposition to the Pelosi en bloc amendments.

Mr. BALLENGER. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois [Mr. FAWELL], a member of the committee.

Mr. FAWELL. Mr. Chairman, I am going to try to, in the 5 minutes I have, make reference to the National Labor Relations Act provisions which are involved in this particular amendment.

First of all, in regard to the 10(j) injunction, I think that is oftentimes misunderstood, but basically all that this bill is doing is to, in effect, require uniform standards in regard to the issuance of a preliminary injunction. Nobody, obviously, should be against something like that.

We are also setting forth that the basic equity principles that always apply in all other areas of our civil law in regard to the issuance of a preliminary injunction would apply here.

Here again, when we talk about a preliminary injunction, we are talking about a very extraordinary remedy, and you must understand that where ordinarily speaking—and any of my lawyer colleagues listening in on this would agree—that you do not get a preliminary injunction just as a matter of course, which is what the NLRB has been doing for the last 2 years. You have got to show a likelihood of success, you have got to show irreparable damage that would be done if the preliminary injunction were not granted. You would have to show a balance of hardships between the complainant and the respondent, and you have to show the public interest is something that demands it. That is what is being requested here.

In the last few years, we have had a great increase in the use of the 10(j) injunction, and both the new chairman, Mr. Gould, and the general counsel, Mr. Feinstein, have made a number of speeches where they have said that they are going to increase the use greatly and, indeed, they have.

Since 1947, when the Taft-Hartley law first authorized this kind of an injunction, it was used on average over the years no more than 30 or 50 times per year.

□ 1900

Now we are getting it at something like 160 over a 16-month period or roughly 10 times for each of the 16 months, and all of this means that what we have, as far as the small business person is concerned, a very costly and a very intimidating result because he is dragged into Federal court to try to defend himself, and then all too often we have, without these provisions applying as would ordinarily apply, we have an injunction that is issued against the respondent. The small business person especially cannot stand that cost, and it is an intimidating procedure to go through, and oftentimes we get what is called a settlement, but it is not really a settlement. There is nothing to worry about here if my colleagues understand that these kinds of preliminary injunctions should never be issued anyway unless there are these extraordinary circumstances.

In regard to the so-called salting issue, this involves unions that are sending paid or professional union agents and union members into nonunion workplaces under the guise of seeking employment, and the question raised in a number of appellate court cases is whether the union paid and employed applicants for a job can be classified as an employee who would meet the definition of employee under the National Labor Relations Act.

So the issue basically is simply this: Should the NLRB's general counsel proceed to investigate and prosecute unfair labor practice charges against employers who refuse to hire an applicant who is employed by a union full-time and under the control and the supervision of the union and there basically to organize?

In the most recent case, which is now before the Supreme Court, the Supreme Court stated, and I quote, "union members who apply for jobs so that they can organize workers are not employees under the protection of the National Labor Relations Act," so what is being suggested here is that they should not spend all that money that is necessary to prosecute and to investigate business people. We should not be spending all this money when we have a Supreme Court case which will very soon make a decision. As soon as that decision is made, then this particular ban in regard to spending would be lifted.

So I think in both of these areas we have some very commonsense suggestions.

Ms. PELOSI. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. OWENS].

Mr. OWENS. Mr. Chairman, 10(j) injunction processes allow the NLRB, the National Labor Relations Board, to do the job they set up to do. They operated for the last 60 years, done a great job for labor relations in America, but in their zeal to destroy organized labor and their zeal to destroy the workers of this Nation, the Republicans, the majority, has moved in this appropriations bill in a way which is abusive, abuses their power and makes a mockery of the democratic process. It trivializes the institutions that we have built for the last 60 years.

The 10(j) process, when it was not in existence, caused the National Labor Relations Board to be impotent in cases which were life-and-death matters. I am going to give my colleagues one extreme example.

In August 1989 the company fired employee Jerry Whitaker for having previously filed an unfair labor practice charge with the Board. The Board ordered the company to reinstate Whitaker, and the Fourth Circuit Court of Appeals enforced the Board's order in 1992. The company ignored both the Board and the court. This is Gary Enterprises ignored the court and the Board, and the Board was forced to bring a contempt case and forced the company to comply. After being discharged, Mr. Whitaker, while he is waiting for this process to take place, had to find work. He could not find work. He finally found work hauling logs. He had to sleep in his car. He had a heart condition, and one morning while a contempt case was still pending before the court, Mr. Whitaker was found dead in his truck from a heart attack at age 55. The Board is still trying to collect the back pay owed to Mr. Whitaker's estate by the company. This is the kind of case that today would be considered for a 10(j) injunction. It could not happen today. The use of the 10(j) injunction today successfully could have put Mr. Whitaker back to work promptly, reduced the back pay owed by the company, and possibly saved and prolonged Jerry Whitaker's life.

This is a life-or-death matter, and we are using a shortcut process in the appropriations process to deal with it.

Mr. BALLENGER. Mr. Chairman, I yield 1 minute to the gentleman from Geogia [Mr. NORWOOD], a member of the committee.

Mr. NORWOOD. Mr. Chairman, I appreciate the gentleman from North Carolina [Mr. BALLENGER] yielding this time to me.

Mr. Chairman, I rise to oppose this amendment on the same grounds that I opposed the Obey amendment 10 minutes ago. We must not allow OSHA to write an ergonomic standard about a medical condition they know nothing about. We do not even know for sure how many repetitive-strain injuries occur in this country. How can we say that it costs $20 billion when we are not sure exactly who has a repetitive-strain injury? How is it two employess can do the exact same thing, and one of them has a strain injury, and one does not?

Mr. Chairman, OSHA cannot write this standard yet. They do not have the ability, medical science does not have the ability, to determine when a person has a repetitive-strain injury.

I ask, "Is your sore elbow sore from tennis, or is it sore from work? Is your sore ankle from skiing, or is it sore from work?"

Mr. Chairman, we do not have the ability yet to understand this. Vote against this amendment.

Ms. PELOSI. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, responding to the previous speaker, it is interesting to hear our colleagues talk about needing a scientific basis for OSHA before proceeding with further ergonomic regulations. We do have that scientific basis with NIOSH, and these same colleagues want to cut $32.9 million of our safety and health research [NIOSH] which is the foundation for the OSHA work.

Mr.Chairman, I also would like to point out to our colleagues who are railing against the ergonomics regulation that a letter received in our offices that came from the Office of Inspector General, the House of Representatives. The letter says that among the provisions we recommend the Chief Administrative Officer develop proposals for the approval of the Committee on House Oversight to phase out nonfunctioning furnishings with ergonomic modern furnishings over the next 9 years.

Let us take the advice of the administration of this House and have ergonomics considerations for people outside as well as in the Congress.

Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. BECERRA].

Mr. BECERRA. Mr. Chairman, I thank the gentlewoman from California [Ms. PELOSI] for yielding this time to me.

Mr. Chairman, my father has never skied in his life, my father has never played tennis in his life. I doubt he even wore a pair of skis or touched a tennis racquet in his life. But for more than 50 years he did work with a pick and shovel, and now my father has tendons in his hands which are contracted and tendons in his hands which are hardened.

Pick and shovel and constantly stooping down, that is what my father did in building the great Nation that we have in America.

Now was it repetitive action that caused those tendons to contract and harden? I do not know, but we should have information to determine if in fact that is what caused my father's tendons to contract and harden. But this legislation does not even allow OSHA to collect the information to make that determination.

Whether or not we should have standards now, I will not make that judgment, but we should at least be allowed to collect the information needed to make that judgment. This bill under the Republican leadership would not allow it to happen.

I will go back and tell my father what the Republican Congress wishes to do on this particular issue.

Mr. BALLENGER. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan [Mr. HOEKSTRA].

Mr. HOEKSTRA. Mr. Chairman, I thank the gentleman from North Carolina [Mr. BALLENGER] for yielding this time to me.

Mr. Chairman, I rise in opposition to the Pelosi amendment to strike the OSHA ergonomic provision, the provision on the 10(j) injunctions, and the provision regarding the processing of salting charges by the NLRB. We have talked about these issues in our Committee on Economic and Educational Opportunities. We concur with the work that has gone on here in the Committee on Appropriations. These provisions included in the bill simply are statements by the Committee on Appropriations that these are areas which are not a priority for the expenditure of resources.

Mr. Chairman, we are in a time of making difficult choices. The ergonomic provision would prevent OSHA from issuing an overly expensive regulation as indicated by the draft proposal already issued. When there are other demands on OSHA, we should focus OSHA's limited resources on reducing fatalities and workplace accidents rather than on developing regulations to protect workers from repetitive injuries and other ergonomic hazards, regulations which will cost jobs, create paperwork, and will not work.

What we need to do in the area of repetitive-motion injuries is use common sense and not look for a bureaucratic paperwork maze to solve our problems.

The provision on 10(j) injunctions requires the Board to pursue injunctive relief to be guided by uniform standard in determining when injunctive relief would be appropriate. It would also allow parties impacted by injunctive relief a opportunity, an opportunity to present their cases to the Board to open up the process. These seem to me to be matters of simple fairness and due process.

The provision on salting merely requires the NLRB to suspend processing of charges until the Supreme Court has made a determination of whether or not these employees are covered under the National Labor Relations Act. It does not make sense for the NLRB to expend resources in an area where it might ultimately be determined that the NLRB has no jurisdiction.

Ms. PELOSI. Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts [Mr. OLVER].

Mr. OLVER. Mr. Chairman, the labor title of this legislation really is not about money. It is all about legislating a return to the labor philosophy of the 19th century just as we are entering the 21st century. The amendment by the gentleman from Wisconsin [Mr. OBEY] corrects some of the worst of those features, but, pending that, the amendment that the gentlewoman from California [Ms. PELOSI] has offered removes some of the limitations on the NLRB's actions, but it also allows OSHA to set standards protecting workers from repetitive-motion injuries, and that is clearly going to be one of the largest of the issues of the communication and information revolution that we are going to be having in the 21st century.

So, this is an extremely important amendment that we adopt and make certain that we go ahead with the ability to deal with ergonomic standards now and on into the future that is part of the communications information revolution of the 21st century.

Mr. BALLENGER. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, this Congress passed a number of regulatory reforms which have benefited America's employee community as much as its employer community. We have said that we cannot protect the safety of the employees without destroying their jobs. We can reduce the risk without reducing employment. This is why we passed risk assessment, cost-benefit, and a regulatory moratorium.

OSHA has said that in developing ergonomic standards it wants to do business as usual, no matter what Congress says. Cumulative trauma disorders represent less than 4 percent of the workplace illnesses, but to drive this 4 percent higher, OSHA arbitrarily decided to include back pain, which would increase the figure to 28 percent. But there is a great controversy in the scientific community over whether such back pain can be attributed to workplace causes.

In Australia, when an ergonomic standard was adopted in the 1980's, injury rates increased. Workers' compensation costs increased as much as 40 percent in some industries, and a single company lost more than $15 million in 5 years due to increased production costs.

As Tom Leamon, vice president and research director for Liberty Mutual Insurance, a company which has worked with OSHA to try to develop a standard, has concluded:

> I've spent a long time trying to make jobs better and lighter, but there is amazingly little evidence to support a mandatory standard.

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Ms. PELOSI. Mr. Chairman, how much time is remaining?

The CHAIRMAN. The gentlewoman from California has 2½ minutes remaining.

Ms. PELOSI. Mr. Chairman, I yield myself such time as I may consume.

In that time I want to urge our colleagues to support this amendment which supports American workers, and to give to the people in America concerned about ergonomics the same opportunity that the leadership of this House of Representatives wants to give to the workers in the Congress of the United States.

I believe that the calling for a four-fifths majority for 10(j) injunction is really antidemocratic. I urge our colleagues to vote for fairness and against that proposal in the appropriations bill. Please vote for the Pelosi amendment to support American workers and to treat them with the same fairness in regard to ergonomics we wish to have in this Congress.

With that, Mr. Chairman, I yield the balance of my time to the gentleman from Wisconsin [Mr. OBEY], the ranking member of the committee.

Mr. OBEY. Mr. Chairman, how much time remains?

The CHAIRMAN. The gentlewoman from California has 2 minutes remaining.

Mr. OBEY. Mr. Chairman, there are a lot of people here that seem to laugh at OSHA as a pointy-headed agency. I want to tell you a story. The first day I ever served on this subcommittee, I walked into the hearing and I heard a witness saying that 40 percent of the workers, shipyard workers, who had worked with asbestos in World War II, had died of cancer. That got my attention because I used to work with asbestos.

What I found out, after I started to dig into it is, that Manville Corp. knew since 1939 that their product killed people. They knew that workers like me were at risk. They did not bother to tell anybody. It is only the protection you get from an agency like OSHA that assures that people eventually find out what threatens their health in the workplace.

Mr. Chairman, the issue is not whether you like individual OSHA standards or not. Frankly, none of us are qualified to determine exactly what those standards should be because those should be scientific not political judgments. All I am saying with this amendment tonight, on these labor issues, on these worker health related and worker rights related issues, all we are saying is leave the choice to the people who are supposed to be objective about it. Do not turn each and every one of these choices into political decisions.

The gentleman from North Carolina [Mr. BALLENGER] smiles. With all due respect, he is not objective on this issue and neither can I. We have both had our personal experiences. That is why we established these agencies, so they can make neutral judgments based on the best possible scientific information and based on the best possible legal evidence.

If we want to toss this into the political arena and have worker health decided by a bunch of politicians based on which special interest got to them last, vote against the Pelosi amendment. If we think workers deserve better, vote for it.

Mr. FAZIO of California. Mr. Chairman, I rise in support of the amendment submitted by my colleague from California, Congresswoman PELOSI—an amendment which will restore some equilibrium to the relationship between American workers and employers.

By reducing funding for and restricting the operations of the National Labor Relations Board [NLRB], this bill damages one of the most important tools that we have in this country for ensuring that fairness and balance remain in the collective-bargaining process.

The NLRB ensures that American workers do not lose their legal right to choose whether or not they will be represented by a union, and it keeps both unions and employers from interfering with the organizing and collective-bargaining process. The NLRB is an independent agency and acts only in response to charges—charges that can be initiated by either employers or employees.

Impeding the work of the NLRB just makes it harder for middle-income workers and their families. By striking at the very heart of labor-management cooperation and teamwork, erosion of the NLRB lays the groundwork for making millions of American workers more vulnerable to the whims of employers who want to avoid the rules of fair labor practice. By undermining the collective-bargaining system, we pave the way for unfair labor practices, and contribute to the disintegration of the American middle class. Without the protection of the NLRB—safeguards that ensure that both workers and managers engage fully in the collective-bargaining process—we are on the road back to the days when workers had no security. We cannot backslide to the days when the relationship between employers and employees was ruled solely by management. I urge my colleagues to support fairness and balance for American workers, families, and companies by supporting Congresswoman PELOSI's amendment.

Mr. NADLER. Mr. Chairman, I rise to express my support for this amendment and my strongest opposition to the provisions in this bill which seek to limit the responsibilities and enforcement authority of the National Labor Relations Board.

The NLRB measures in this bill chip away at the basic organizing rights of American workers.

This attack on the NLRB could mean the closing of half of the NLRB field offices—an obvious attempt to dismantle the ability of the NLRB to halt flagrantly unfair labor practices by employers and to provide necessary worker protections.

The NLRB now takes over a year to resolve unfair labor practice cases. Ten percent of the cases are not resolved for 3 to 7 years. In the meantime, workers who have been improperly fired for union organizing activities remain out of work. Is it any wonder many workers are intimidated from being involved in organizing? The Republican leadership, by cutting NLRB funds by 30 percent, even in the face of this backlog, shows its true intent to make the rights of American workers, enshrined in the National Labor Relations Act of 1935, to choose freely whether to join a union, a fiction.

This provision is a direct attack on the democratic rights of workers. It is an attack on their right to organize, and on their basic right to a fair, safe and healthy workplace. It is an attack on every working American.

Mr. Chairman, I urge my colleagues to ensure the basic rights of America's working men and women and support this very important amendment.

The CHAIRMAN. All time has expired.

The question is on the amendment by the gentlewoman from California [Ms. PELOSI].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. OBEY. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to the order of the House today, further proceedings on the amendment offered by the gentlewoman from California [Ms. PELOSI] will be postponed.

AMENDMENT OFFERED BY MR. CRAPO

Mr. CRAPO. Mr. Chairman, I offer an amendment made in order by the rule.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part 2, amendment number 2–3, offered by Mr. CRAPO: Page 88, after line 7, add the following new title:

TITLE VII—DEFICIT REDUCTION LOCK-BOX

SEC. 701. SHORT TITLE.

This title may be cited as the "Deficit Reduction Lock-box Act of 1995".

SEC. 702. DEFICIT REDUCTION LOCK-BOX ACCOUNT.

(a) ESTABLISHMENT OF ACCOUNT.—Title III of the Congressional Budget Act of 1974 is amended by adding at the end the following new section:

"DEFICIT REDUCTION LOCK-BOX ACCOUNT

"SEC. 314. (a) ESTABLISHMENT OF ACCOUNT.—There is established in the Congressional Budget Office an account to be known as the 'Deficit Reduction Lock-box Account'. The Account shall be divided into subaccounts corresponding to the subcommittees of the Committees on Appropriations. Each subaccount shall consist of three entries: the 'House Lock-box Balance'; the 'Senate Lock-box Balance'; and the 'Joint House-Senate Lock-box Balance'.

"(b) CONTENTS OF ACCOUNT.—Each entry in a subaccount shall consist only of amounts credited to it under subsection (c). No entry of a negative amount shall be made.

"(c) CREDIT OF AMOUNTS TO ACCOUNT.—(1) The Director of the Congressional Budget Office (hereinafter in this section referred to as the 'Director') shall, upon the engrossment of any appropriation bill by the House of Representatives and upon the engrossment of that bill by the Senate, credit to the applicable subaccount balance of that House amounts of new budget authority and outlays equal to the net amounts of reductions in new budget authority and in outlays resulting from amendments agreed to by that House to that bill.

"(2) The Director shall, upon the engrossment of Senate amendments to any appropriation bill, credit to the applicable Joint House-Senate Lock-box Balance the amounts of new budget authority and outlays equal to—

"(A) an amount equal to one-half of the sum of (i) the amount of new budget authority in the House Lock-box Balance plus (ii) the amount of new budget authority in the Senate Lock-box Balance for that bill; and

"(B) an amount equal to one-half of the sum of (i) the amount of outlays in the House Lock-box Balance plus (ii) the amount of outlays in the Senate Lock-box Balance for that bill, under section 314(c), as calculated by the Director of the Congressional Budget Office.

"(d) CALCULATION OF LOCK-BOX SAVINGS IN SENATE.—For purposes of calculating under this section the net amounts of reductions in new budget authority and in outlays resulting from amendments agreed to by the Senate on an appropriation bill, the amendments reported to the Senate by its Committee on Appropriations shall be considered to be part of the original text of the bill.

"(e) DEFINITION.—As used in this section, the term 'appropriation bill' means any general or special appropriation bill, and any bill or joint resolution making supplemental, deficiency, or continuing appropriations through the end of a fiscal year.".

(b) CONFORMING AMENDMENT.—The table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by inserting after the item relating to section 313 the following new item:

"Sec. 314. Deficit reduction lock-box account."

SEC. 703. TALLY DURING HOUSE CONSIDERATION.

There shall be available to Members in the House of Representatives during consideration of any appropriations bill by the House a running tally of the amendments adopted reflecting increases and decreases of budget authority in the bill as reported.

SEC. 704. DOWNWARD ADJUSTMENT OF 602(a) ALLOCATIONS AND SECTION 602(b) SUBALLOCATIONS.

(a) ALLOCATIONS.—Section 602(a) of the Congressional Budget Act of 1974 is amended by adding at the end of the following new paragraph:

"(5) Upon the engrossment of Senate amendments to any appropriation bill (as defined in section 314(d)) for a fiscal year, the amounts allocated under paragraph (1) or (2) to the Committee on Appropriations of each House upon the adoption of the most recent concurrent resolution on the budget for that fiscal year shall be adjusted downward by the amounts credited to the applicable Joint House-Senate Lock-box Balance under section 314(c)(2), as calculated by the Director of the Congressional Budget Office, and the revised levels of budget authority and outlays shall be submitted to each House by the chairman of the Committee on the Budget of that House and shall be printed in the Congressional Record.".

(b) SUBALLOCATIONS.—Section 602(b)(1) of the Congressional Budget Act of 1974 is amended by adding at the end of the following new sentence: "Whenever an adjustment is made under subsection (a)(5) to an allocation under that subsection, the Director of the Congressional Budget Office shall make downward adjustments in the most recent suballocations of new budget authority and outlays under subparagraph (A) to the appropriate subcommittees of that committee in the total amounts of those adjustments under section 314(c)(2). The revised suballoctions shall be submitted to each House by the chairman of the Committee on Appropriations of that House and shall be printed in the Congressional Record.".

SEC. 705. PERIODIC REPORTING OF ACCOUNT STATEMENTS.

Section 308(b)(1) of the Congressional Budget Act of 1974 is amended by adding at the end the following new sentence: "Such reports shall also include an up-to-date tabulation of the amounts contained in the account and each subaccount established by section 314(a).".

SEC. 706. DOWNWARD ADJUSTMENT OF DISCRETIONARY SPENDING LIMITS.

The discretionary spending limit for new budget authority for any fiscal year set forth in section 601(a)(2) of the Congressional Budget Act of 1974, as adjusted in strict conformance with section 251 of the Balanced Budget and Emergency Deficit Control Act of 1985, shall be reduced by the amount of the adjustment to the section 602(a) allocations made under section 602(a)(5) of the Congressional Budget Act of 1974, as calculated by the Director of the Office of Management and Budget. The adjusted discretionary spending limit for outlays for that fiscal year, as set forth in such section 601(a)(2), shall be reduced as a result of the reduction of such budget authority, as calculated by the Director of the Office of Management and Budget based upon programmatic and other assumptions set forth in the joint explanatory statement of managers accompanying the conference report on that bill. Reductions (if any) shall occur upon the enactment of all regular appropriation bills for a fiscal year or a resolution making continuing appropriations through the end of that fiscal year. This adjustment shall be reflected in reports under sections 254(g) and 254(h) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 707. EFFECTIVE DATE.

(a) IN GENERAL.—This title shall apply to all appropriation bills making appropriations for fiscal year 1996 or any subsequent fiscal year.

(b) FY96 APPLICATION.—In the case of any appropriation bill for fiscal year 1996 engrossed by the House of Representatives on or after the date this bill was engrossed by the House of Representatives and before the date of enactment of this bill, the Director of the Congressional Budget Office, the Director of the Office of Management and Budget, and the Committees on Appropriations and the Committees on the Budget of the House of Representatives and of the Senate shall, within 10 calendar days after that date of enactment of this Act, carry out the duties required by this title and amendments made by it that occur after the date this Act was engrossed by the House of Representatives.

(c) FY96 ALLOCATIONS.—The duties of the Director of the Congressional Budget Office and of the Committees on Budget and on Appropriations of the House of Representatives pursuant to this title and the amendments made by it regarding appropriation bills for fiscal year 1996 shall be based upon the revised section 602(a) alloations in effect on the date this Act was engrossed by the House of Representatives.

(d) DEFINITION.—As used in this section, the term "appropriation bill" means any general or special appropriation bill, and any bill or joint resolution making supplemental, deficiency, or continuing appropriations through the end of a fiscal year.

The CHAIRMAN. Under the unanimous-consent agreement, the gentleman from Idaho [Mr. CRAPO] will be recognized for 20 minutes and the gentleman from Wisconsin [Mr. OBEY] will be recognized in opposition for 20 minutes.

The Chair recognizes the gentleman from Idaho [Mr. CRAPO].

Mr. CRAPO. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, we have finally made it to where the lock-box amendment is now getting an opportunity to be debated and voted on the floor. It has been nearly 2 years since a bipartisan group has been working to try to get this critical budget reform brought forward, and I want to thank the gentleman from Oklahoma [Mr. BREWSTER], and the gentlewoman from California [Ms. HARMAN], from the Democratic side, for their support and continued effort to try to bring this issue forward.

Mr. Chairman, I also want to thank the gentleman from California, Mr. ROYCE, the gentleman from New Jersey, Mr. ZIMMER, the gentlemen from Florida, Mr. FOLEY and Mr. GOSS, the gentleman from Michigan, Mr. UPTON, the gentleman from Oklahoma, Mr. LARGENT, the gentleman from Wisconsin, Mr. NEUMANN, the gentleman from New York, Mr. SOLOMON, for their strong effort on the Republican side to be sure that this important reform comes forward.

In a nutshell, Mr. Chairman, what does this amendment do? It corrects one of the basic problems in our budget process. Right now, as we vote to reduce spending, to try to balance our budget, and we reduce spending in a particular program, project or line item of our budget, all that happens is that particular program or project is eliminated. The money allocated to that project is not eliminated. It simply goes into the conference committee so that those in the conference committee can reallocate it to their special projects.

Mr. Chairman, it is important for us to have a system where when we make a cut that counts, and that when we talk about deficit reduction on this floor, our cuts reduce the deficit. This bill does just that. It takes those cuts and puts them into a lock box and makes certain when this bill is conferenced, those lock-box items are used to reduce the statutory as well as the budgetary limits on our spending.

I encourage the support of the Members of this body for this critical reform and think that we are now going to take one of the major steps in this Congress for budgetary reform.

Mr. Chairman, I reserve the balance of my time.

Mr. OBEY. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, the idea behind the lockbox is that, supposedly, when savings are made on the floor in bills that are brought out of the Appropriations Committee, that that money, instead of being used for another purpose, is locked up in a box and used for deficit reduction. Sounds great.

I think we ought to go through the history of the lockbox in this Congress. The first time that it was raised as a major issue was on the rescissions bill, when major reductions in the existing fiscal year's budget were being considered by this House. In that bill, in committee, the gentleman from Pennsylvania [Mr. MURTHA] tried to offer an amendment assuring that every dollar that was cut in that bill be used for deficit reduction, not for tax cuts. That amendment was defeated.

We then came to the floor, and our Republican friends in the majority had a change of heart. Essentially, they were looking for votes. What they said was, "All right, I tell you what. We will support the Murtha amendment." They supported the Murtha amendment and they also supported the Brewster amendment, which said "No money for tax cuts, just use it for deficit reduction."

One day after it was adopted, Mr. Chairman, the Republican chairman of the Committee on the Budget said, "Oh, that was just a game to get the votes to pass the rescissions bill." They dumped it in Congress and came back with a hugely modified provision which allowed only the first year's savings to go for deficit reduction, and they allowed all of the out-year savings, billions and billions of dollars, over 90 percent of the savings in the bill, to be used for their tax cut.

Guess who gets most of that tax cut, Mr. Chairman? The folks at the top of the heap. Folks making $100,000 a year or more.

We then tried to help the gentleman from Utah [Mr. ORTON] and others, the gentlewoman from California [Ms. HARMAN] another, who wanted to have the lockbox attached to other appropriation bills as they moved through here. Bill after bill, "Sorry, kiddo, no way." It was not done.

Mr. Chairman, now, when we have the last of the major appropriation bills before us, or almost the last, all of a sudden the lockbox is attached to this bill. Why? Because our Republican friends are desperately looking for some Democratic votes for this turkey of a bill on final passage. I want to assure our friends on the Republican side of the aisle, I do not think that there are very many people on our side of the aisle naive enough to think that this lockbox provision is going to be sweet enough to make them vote for this labor, health appropriation bill.

Let us not be fooled, Mr. Chairman. There are $9 billion or more in cuts in this bill from last year, but none of those dollars are going to go in a box for deficit reduction. Those babies are all going to be used to help finance that nice fat $20,000 tax cut for somebody making $300,000 a year and all of the other tax cuts associated with it.

I would simply suggest, Mr. Chairman, lockbox has been spectacularly manipulated politically for the past 7 months. I find it ironic that the only bill that you wind up debating this on is this bill which contains funding for the poorest people in this country and for middle class working people.

It did not apply when the Klug-Obey amendment passed to eliminate a fat subsidy for the nuclear power industry. Oh, no. You would not apply the lockbox to that. You would not apply the lockbox to pork projects when we had the public works bill before us. Oh, no. You would not apply it to the transportation bill when we had transportation pork out here. Oh, no. Now that it affects education, health, labor, however, now you are going to say, well, let us save the money.

Mr. Chairman, I do not think there will be any amendments adopted which cut this bill anyway. What that means is that this is an empty gesture from the majority party. It is a desperate effort to pick up a few votes on our side. Frankly, I do not care how people vote on this amendment, because it is so meaningless, but I hope it does not divert Members from the fact that if anyone really cares about a fair balancing of budget priorities in this country, they will vote against the underlying bill when the opportunity presents itself.

Mr. CRAPO. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio [Mr. KASICH].

Mr. KASICH. Mr. Chairman, I want to say to those who have been following the progress of the Republican revolution, this amendment today on the lockbox is critically important. There are a lot of people all over this country, we call them C-SPAN junkies, and many of them are as informed as any group of people you can find within this country, but they did not know, many of them, that if you actually cut spending on an appropriations bill, the money does not go to reduce the deficit; that the money, instead, will go for another spending program. This has been the practice now for about 40-plus years.

The Republicans have now been in the majority since January. This is now August. We have essentially been in charge a very limited period of time. Within this very short period of time, however, we are actually, today, going to pass the first official lockbox bill on the House floor, so that as we cut spending, instead of using Washington rules and using it to spend on something else, this actually is going to reduce spending and we will use it to reduce the deficit.

You know what that is, Mr. Chairman? That is Main-Street-USA common sense. People on the other side criticize us for the way in which we have got lockbox to the floor. I say wait a minute. The minority had 40 years to do it, why did they not do it? They response is, "Well, if we would have just had one more week to be in control, we would have got it done." That is kind of a joke around here. We could give them another 40 years and it probably would not have been done because this means real spending cuts, real reductions in the deficit, and it means common sense, USA, a Main-Street-America idea.

The beauty of this, Mr. Chairman, is it is on this bill and we are going to permanently extend the lockbox for as long as the Republicans, joined by some Democrats who have stuck their necks out, in order to get a lockbox and save this country's fiscal future.

Mr. CRAPO. Mr. Chairman, I yield 2 minutes to the gentlewoman from California [Ms. HARMAN].

Ms. HARMAN. Mr. Chairman, I thank the gentleman for yielding me time, and I commend him for his effective leadership on this issue.

First of all, I agree that Mr. OBEY that the lockbox should have been passed a lot sooner. Had we had a lockbox at the beginning of this Congress, $479 million in cuts from 11 appropriations bills would have been in it. Instead, today, the lockbox, sadly, is still empty. It will be empty at the end of this bill, because, as has been pointed out, we do not expect to cut money from this bill.

Nonetheless, Mr. Chairman, we start today on a very good footing with a bipartisan lockbox amendment that many of us have worked on for years. Had it been adopted in the last Congress it could have included more than $600 million in cuts adopted to appropriations bills.

I would like to commend the many freshmen on the other side whose involvement was critical in moving the amendment as quickly as it did move. Let me not forget my colleague, the gentleman from Oklahoma [Mr. BREWSTER], sitting to right whose formidable presence and leadership on this issue made a big contribution. I also thank Rules Committee Chairman TERRY SOLOMON and PORTER GOSS for their concerted efforts to report H.R. 1162.

Let me say, Mr. Chairman, that a reasonable person would believe a cut in a cut, but not here in Congress. Money cut from one appropriation bill is simply shifted to another.

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Lockbox will stop this practice and make a cut in spending a cut in the deficit. The lockbox, as I have said, has many fathers, but I am its mother, and as a mother, I would like to say how proud I am that after a very long gestation the baby will be born.

Congratulations again to all the bipartisan group that worked on this. I offer my strong support for the Crapo amendment.

Mr. CRAPO. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. ROYCE].

Mr. ROYCE. Mr. Chairman, I rise in support of this bipartisan effort to make our cuts, the cuts that we make on this House floor, count. What this bill would do would be to ensure that spending cuts to appropriations bills will be designated directly to deficit reduction. They will not disappear in conference to be respent later.

This reform, I should share with Members, is supported by such bipartisan groups as the Concord Coalition. It is supported by Citizens Against Government Waste, Citizens for a Sound Economy, and the National Taxpayers Union. The amendment makes a statutory change to the Budget Act of 1974, and would require that all net savings below the budgeted 602(b) allocation, whether from amendments on the floor or in committee, will go toward debt reduction and not for other spending projects.

In the case of this bill, the committee is already $320 million under its 602(b) budget authority allocation, and the net amount of savings and any more savings adopted on the floor of this House will be credited to the deficit reduction lockbox. The lockbox provision applies to this bill and to any other general or special appropriations bill or measure which follows, including supplemental appropriations, deficiency appropriations, and continuing resolutions upon their engrossment by either house.

I want to share with Members that had this passed last year, we would have saved $659 million that we cut on this floor, but was later respent rather than go to deficit reduction.

Mr. Chairman, this provision is supported by the American people. They desperately want and need deficit reduction. Interest on the national debt is now the third highest item in the federal budget, and a child born today will have to pay, on average, taxes of $187,000 over his or her lifetime just to cover their share of interest on the national debt. That does not include the off-budget impact of the national debt itself, which causes higher interest rates on everything from homes to cars.

Please support the amendment.

Mr. CRAPO. Mr. Chairman, I yield 2 minutes to the gentleman from Florida [Mr. GOSS].

Mr. GOSS. Mr. Chairman, as somewhat of a technician in the effort to devise a lockbox mechanism that could work and still meet the legitimate need of flexibility for those who must write our spending bills, I am pleased to rise in strong support of this lockbox proposal. Our Rules Committee—members and staff—worked long hours to ensure that lockbox would be more than just a catchy phrase—that it would be a powerful and workable budgetary tool to help us meet and maintain our commitment to a balanced budget. And I believe we have succeeded in that effort.

When the House and the Senate vote to save money in spending bills, those savings should not be spent elsewhere, they should be credited toward deficit reduction.

On its face, this appears to be a simple matter—and the principle, that a cut should be a cut, truly is simple. But given the complexities of our current budget process, this simple principle becomes complicated in its application and one can get hopelessly mired in arcane commentary on such things as 602(a) allocations, 602(b) suballocations, statutory spending limits, and the like. These are beltway terms but they are important to understanding the minutia of how this thing will work.

As chairman of the Rules Committee's Subcommittee on Legislative and Budget Process, I am deeply committed to reforming our entire budget process—it is complicated, it is cumbersome, it is confusing, it is often redundant, and it is generally geared toward spending and preserving the status quo.

While we proceed on the larger reform effort, there is no reason not to move forward now on this one important piece of the budget process reform puzzle. I urge strong support for this lockbox proposal.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. BECERRA].

Mr. BECERRA. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I do not think there is anyone in this House that is not pleased to see us with a lockbox amendment finally before us so that when we do see cuts being made, we know they are not just going to be for naught, because the money that will have been saved will go on to other programs within that particular agency.

If I may, I would like to propound a question to the sponsor of the amendment and tell the gentleman that I noticed something. This is an amendment that was made in order by the Committee on Rules. It was printed up. Unlike many amendments that were not included within the Committee on Rules report, this one was. As I understand it, this amendment applies to all the cuts and savings that will be made henceforth.

But as the gentlewoman from California mentioned, there were $400 million worth of cuts that have been made in the previously passed appropriations bills over the last couple of weeks, but those $400 million will not be put into this lockbox. They will be used for other purposes, which I imagine include a tax cut for the very wealthy.

So I would ask the gentleman, when he went to the Committee on Rules, if he had asked the Committee on Rules to make this lockbox amendment applicable retroactively to the appropriations bills which we have passed over the last 2 weeks?

Mr. CRAPO. Mr. Chairman, will the gentleman yield?

Mr. BECERRA. I yield to the gentleman from Idaho.

Mr. CRAPO. Mr. Chairman, I appreciate the gentleman yielding.

I agree that we have been trying to get this lockbox amendment put into the process much earlier, and it should have been, so we could have caught some of the savings we already voted on. We did ask for retroactivity. We found there were some significant technical problems with that. The amendment has been written to give as much retroactivity as we can within the process that we are working in. I have to say it is not going to catch all of that which has now gone under the bridge.

Mr. BECERRA. Mr. Chairman, reclaiming my time, I thank the gentleman for this response, because that worries me, because I know this committee can do quite a bit, technical or not, to make sure we save the money. It is unfortunate we did not take the opportunity to do so.

Mr. CRAPO. Mr. Chairman, I yield 2 minutes to my good friend, the gentleman from New York [Mr. SOLOMON], the chairman of the Committee on Rules, who has been of great assistance in this bill.

Mr. SOLOMON. Mr. Chairman, I took the well on this side of the aisle to look straight at two people sitting over here, because this truly is a bipartisan effort, and it is so badly needed. You know, there is nothing more disheartening for any Member of Congress than to stand up here and have the guts and the courage to vote for cuts of programs, some good program, but you have to do it. You have to get this deficit under control. And then, after you have cast that tough vote, to see the moneys not go toward lowering the deficit. That is so discouraging. The American people are just so disturbed with that.

Finally we have a lockbox that is going to correct that. That means when the gentleman from Oklahoma [Mr. BREWSTER] or the gentlewoman from California [Ms. HARMAN] or the gentleman from Idaho [Mr. CRAPO] or all of the rest of us, when we have the courage to come out here and vote for those cuts, it means now they are going to lower the deficit, and we are going to get this deficit under control.

I think this is a great day. I am just so excited I can hardly stand it. I want to jump up and down. Come over here and vote for this. I want to give the gentleman from Idaho [Mr. CRAPO] great credit, because for 2 years the gentleman has pursued this. Now we are going to get it. Pass it overwhelmingly. I thank the gentleman for the American people.

Mr. OBEY. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I tried to listen to the previous speech with a straight face. I just want to say that it was my impression that just last night the gentleman from Texas [Mr. FROST] tried to, in the Committee on Rules, amend this proposal so that the lockbox could be applied to all of the appropriations bills which had passed the House in this section, and that in fact he was turned down. It seems to me that that fact indicates the basic disingenuousness of the situation in which we find ourselves.

Mr. SOLOMON. Mr. Chairman, will my good friend yield?

Mr. OBEY. I yield to the gentleman from New York.

Mr. SOLOMON. Mr. Chairman, I would just say that there is nothing we would rather do than make this retroactive, to make it affect everything. But the gentleman knows after you pass these bills, and the gentleman from Wisconsin, DAVID OBEY, is one of the smartest Members of this body, once we had made those cuts and then the 602(b) allocations has been redistributed, where had they been redistributed to? Mostly to NASA, which people felt we had to reinstate some of the cuts, and mostly to veterans affairs. We could not do that.

Mr. OBEY. Mr. Chairman, reclaiming my time, I would simply say that I did not see that side of the aisle getting any double hernias trying to do heavy lifting in order to get the lockbox adopted on the rescissions bill. In fact, I saw them after they accepted the Brewster amendment, the rescission bill in this House, applying the lockbox principle to all of the savings, both near year and outyear in the rescissions bill. I did then see them swallow a process in which all of the outyear dollars were diverted for the tax cut, rather then for deficit reduction.

I find it interesting that the lockbox will be used to provide tax cuts for somebody making $200,000 a year, but we will also pretend we are going to make additional savings in this bill for people at the lower end of the economic scale, when in fact we know that all of the savings you are going to have in this bill have already been made, they have already been cut, and, again, they are being used to justify a tax cut.

Mr. CRAPO. Mr. Chairman, I yield 1 minute to the gentleman from Oklahoma [Mr. LARGENT].

Mr. LARGENT. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I would like to say if the only argument that we have to overcome in order to pass this lockbox is simply that it is not good timing, that I look forward to an overwhelming vote on the lockbox, because that is no argument against voting for the lockbox. I am encouraged by that. It is fun to take the field with so little opposition.

For the last month, we have been going at the annual ritual of offering amendments to reduce spending in the Federal budget. As a freshman and a freshman of the Committee on the Budget, to find out only hours later that we really did not reduce spending, we merely reallocated it, was really frustrating. I can tell you that in all sincerity we have been working morning, noon and night to try to get this lockbox retroactive, to get it passed as quickly as possible, and get it passed as a freestanding bill, which we are still committed to do, in order to make this lockbox truly effective right now. We want to make it effective yesterday and last month.

This is the best we can do, and I am glad to see that we should expect overwhelming bipartisan support.

Mr. CRAPO. Mr. Chairman, I yield 1½ minutes to the gentleman from New Jersey [Mr. ZIMMER].

Mr. ZIMMER. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I do agree it would have been an excellent idea to have enacted the lockbox earlier. In fact, it would have been an excellent idea to have enacted the lockbox shortly after the gentleman from Idaho introduced the legislation along with the gentlewoman from California in the 103d Congress. Think of all the money we could have saved if it had been passed under the previous majority.

But, fortunately, we have today for the first time a meaningful lockbox amendment before us, and it will establish that the budget allocations that we so solemnly adopt each year will be not floors, but ceilings. It will make it clear that we can reduce spending below those allocations and have those spending cuts stick. Budget cuts can go straight to deficit reduction, so we can reduce the amount we add to the national debt every single day until that blessed day when we finally reach a balanced budget.

Those of us who have been fighting to cut the budget over the years have felt sometimes like Sisyphus, the mythical character who would roll a rock up a hill only to see it roll back down again. Every cut would be reallocated and respent.

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And more than that, the effort to make the spending reductions in the first place would be undermined because everybody here knew that the reductions were not real cuts in spending, so why bother to make enemies by voting not to find programs.

What we are doing is truth in packaging. What we are doing is authenticity in Government. We are making good on our promise to be fiscally responsible. Vote for the amendment.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. STENHOLM].

Mr. STENHOLM. Mr. Chairman, I rise in support of the Crapo amendment. I commend the gentleman, and also the gentlewoman from California [Ms. HARMAN] and the gentleman from Oklahoma [Mr. BREWSTER] for the bulldogged work that they have provided this year to see that we have a chance to vote on this tonight.

I have had an interest in the lockbox idea for several years myself. In fact, Tim Penny, the gentleman from Ohio [Mr. KASICH], and I included in our commonsense budget reform bill last year, but this provision was one of only four of our provisions that the House did not approve.

This amendment would simply guarantee that spending cuts we approve as part of any appropriation bills could be designated for deficit reduction, a novel idea.

Having watched year after year after year spending cuts voted in the House never ever, ever becoming true spending cuts, to say that we are a little bit excited about the possibility this time in spite of the fact that this is the second time this year we have done this, perhaps this time we are going serious and that this will not only pass tonight but that it will receive the full and complete support which it deserves and see that it in fact becomes the law of this House. This is a commonsense legislative effort.

When Congress votes for cuts, we should not deceive the American public or ourselves about what those cuts mean. Citizens assume a cut means a reduction in the deficit, not just a reshuffling of funds as has always been the case. With this change, budget savings will be placed in the lockbox, locked in for deficit reduction, without loopholes. These spending cuts should be initiated automatically unless otherwise specifically designated or transferred, which can be done.

I commend the gentlewoman from California [Ms. HARMAN], the gentleman from Oklahoma [Mr. BREWSTER], and the gentleman from Idaho [Mr. CRAPO] for the effort, the leadership that they have shown in seeing that we have an opportunity tonight to vote for this amendment.

Mr. CRAPO. Mr. Chairman, I yield 1½ minutes to the gentleman from Florida [Mr. FOLEY].

Mr. FOLEY. Mr. Chairman, I am delighted to join the gentleman from Idaho [Mr. CRAPO] in this effort. I also commend the gentlewoman from California [Ms. HARMAN] and the gentleman from Oklahoma [Mr. BREWSTER] on their leadership on this issue.

The American public is telling us to quit spending their money, quit wasting their dollars. This is a mechanism by which we can start locking up some of those savings and putting them towards deficit reduction.

Simply put, I cut a project the other day $25 million. I found out hours later that that money, that $25 million, was swept off the table and spent somewhere else. It frustrated this Floridian to know that all of that effort was in vain because somebody else spent the dollars.

Let me tell my colleagues, the gentleman from Oklahoma [Mr. LARGENT] spoke eloquently on the freshman class. I want to read you from the Fort Lauderdale Sun-Sentinel an editorial, "Applaud House Foley, for 'revolt' ":

> Congress has played the old shell-and-pea game with the appropriations process for years, shifting federal money from shell to shell with so much speed and dexterity that the befuddled taxpayer soon loses track of the pea.
>
> Foley and many of his colleagues in the Class of 1994 were sent to Congress partly because they pledged to get serious about reducing the deficit. In this instance at least, they seem determined to make good on their pledge. Foley's prominent role on this important issue may not endear him to the House leadership, but it should earn him some deserved points with the people he was elected to serve.

My colleagues, we were sent here from districts across America to serve the taxpayers, not the leadership of this Congress.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentleman from Oklahoma [Mr. BREWSTER].

Mr. BREWSTER. Mr. Chairman, today first I want to thank my good friend from Idaho, Mr. CRAPO. We have worked on this project for 3 years, were joined by the gentlewoman from California [Ms. HARMAN] last year, and it has been a long road. But we finally reached the point of getting a vote.

Mr. Chairman, I rise today in support of the lockbox amendment to H.R. 2127. Many Members on both sides of the aisle have worked tirelessly to get to this point. We have many times seen amendments come up on the floor. We have made difficult votes to make cuts in those bills out there and then seen that money spent later by the Committee on Appropriations on other programs. That is just not right. Since I came here in 1991, I have been astounded that those kinds of things continued to happen.

I committed myself to make sure this practice would not continue. Today we have a vote on the lockbox amendment. This lockbox represents the most substantive change in the way this place does business that has occurred in many decades.

The gentlewoman from California [Ms. HARMAN] and I have appeared before the Committee on Rules on every appropriations bill this year. I am sure the gentleman from New York [Mr. SOLOMON] is tired of seeing us there.

As we testified for the Brewster-Harman lockbox to be made in order, savings were slipping away and being used by the Committee on Appropriations elsewhere. Although a lockbox amendment does not capture the $480 million in cuts the House has already made this year, it symbolizes our commitment toward deficit reduction.

I thank the gentleman from New York [Mr. SOLOMON] and the gentleman from Florida [Mr. GOSS] for bringing this issue before the House today and agreeing to also debate H.R. 1162 as a stand-alone bill after the August recess. I think this twofold process is important for the House to work its will on the lockbox issue and to better ensure that the lockbox becomes law as soon as possible.

Our constituents sent a message to Congress last November to reduce the deficit. Let us be honest to our constituents. Let us make sure a cut is really a cut, not additional spending for someone else. I urge my colleagues to vote for the lockbox amendment.

Mr. CRAPO. Mr. Chairman, I yield 1 minute to the gentleman from Florida [Mr. STEARNS].

Mr. STEARNS. Mr. Chairman, let me ask this question: If you asked the American people, do we need to change the way Congress works, I think you would get a large percentage that would say yes.

There is another question. Shortly we are going to see on this voting board around here the votes on this amendment. The American people are going to look to see who votes against this very simple amendment for a lockbox. That is the other question. Let us show the American taxpayers that we are serious, very serious about reducing the deficit. Supporting this amendment should make it clear that we are going to put our money where our mouths are. In other words, we will ensure that any savings realized in the appropriations bill will automatically go into a lockbox and not be spent in another way.

Such a trust fund is long overdue, my colleagues. If we show the folks back home that we are truly committed to reducing the deficit, it will be easier for our citizens to accept some of the other tough choices we are asking them to accept.

Again, I want to compliment my colleagues for offering this amendment. I am proud to be an original cosponsor. I support the amendment.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota [Mr. MINGE].

Mr. MINGE. Mr. Chairman, first, I will start by complimenting my Republican colleagues for what I think is an excellent proposal and also those Members on the Democratic side who have been so active in proposing and advocating and bringing this to the floor for a vote.

The lockbox principle is important; it is very important. One can simply say, a cut is not a cut unless we have the lockbox principle in place, because as others have explained, it is altogether too easy to take the cut, reallocate it among other programs, and undermine or defeat the entire effort that took place to save money and to reduce the deficit and ultimately to balance this budget.

There are aspects of this which remain troubling, and I trust that we will deal with these aspects in the weeks to come.

One that is most significant, in my opinion, is the unfortunate tension that exists in our Federal Government, the tension between the House and the Senate and between the White House and Congress. And what we find is that some of these bills and provisions are lost in that process. As a consequence, our efforts here to insert the lockbox principle in this appropriations bill may not survive the entire conference process and the possibility of a veto and work with the White House subsequently.

I urge the Committee on Rules and the Members of this body to work aggressively to not just pass this but to also make sure that if this does not pass and is not ultimately signed by the President that we, in fact, have a lockbox that this body will observe as its own internal operating procedure so that we, in fact, as the U.S. House of Representatives, are committed to deficit reduction and we do not abuse the cuts that are made and reallocate these funds for other programs.

Mr. CRAPO. Mr. Chairman, I yield 1 minute to the gentleman from Michigan [Mr. UPTON].

Mr. UPTON. Mr. Chairman, I ran for Congress to fight spending and to reduce the deficit. What has been more frustrating than ever has been when we have been able to get amendments on this House floor to cut spending, more times than not we have lost those battles. But in the times that we have actually been successful in cutting spending, something happens. The folks in the gallery, the folks at home may cheer watching C–SPAN, but ultimately when the bill goes to the Senate and those bills come back from conference, the spending level is at the same if not even higher.

This lockbox changes things. Thanks to a bipartisan approach from the very beginning, we have been able, I think, to change history with what we are going to be doing tonight. Because in the future when we cut spending for whatever project it might be, defense, nondefense, foreign aid, I do not care, the spending is going to come down and we are going to win and the taxpayers are going to win big time.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin [Mr. BARRETT].

Mr. BARRETT of Wisconsin. Mr. Chairman, I rise in strong support of the Crapo-Harman-Brewster lockbox amendment. It is an amendment that I think is long overdue.

I have to admit that I was sitting in my office listening to the debate and hearing many of my colleagues from the other side of the aisle get up and talk about their shock, their shock and amazement that the cuts that they thought that they had voted for were not going to deficit reduction but were going back in to be spent again by the appropriators. This shock was unbelievable to them.

What I find ironic is that we have had this debate for 7 months this year, and over and over again we have said, If we are going to truly address the deficit reduction problem, we have to have cuts made on this floor apply to deficit reduction. And time and time and time again we have been shot down. We have been unable to have those cuts go to deficit reduction.

I think it is wonderful that we have it in this bill. Of course, there are not going to be many cuts in this bill. It is ironic that we did not have this provision in the bill that dealt with transportation spending, that dealt with highway projects, that dealt with true pork, because that is the place where we should have been making cuts and having those cuts go to deficit reduction.

I am happy it is here now, but when I hear my colleagues talk about their shock, it makes me think, maybe it is not as shocking as they pretend that it is.

Mr. CRAPO. Mr. Chairman, I yield 1 minute to the gentleman from Ohio [Mr. HOKE].

Mr. HOKE. Mr. Chairman, we have done a lot, we have gone a long way to reform this Congress. But one of the things that we have not done is, we have not really tackled a systemic problem that needs systemic and systematic reform.

One of the problems we have got in the Congress is that we really have three parties. We have got Republicans; we have Democrats; and then we have appropriators. And sometimes the appropriators forget which party they originally came from.

The reason that it creates such a problem is that the appropriators run this place in a different way, knowing that if we do in fact get to the floor and make a cut, that when we make that cut, it will not matter. They can reprogram it however they want anyhow afterward, because it will not actually cut the budget in a way that goes to the deficit but it will simply be available to be used in another program in that particular appropriations bill.

That is wrong. It is part of what gives a certain kind of arrogance to the appropriations process that, frankly, becomes problematic to the rest of the Members.

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Mr. OBEY. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. CRAPO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I appreciate the opportunity that we have had to have this critical debate. As the gentleman from Oklahoma [Mr. BREWSTER] said, we have been fighting for a long time to get this issue to the floor, and I again want to say thank you to the gentleman from Oklahoma [Mr. BREWSTER] and the gentlewoman from California [Ms. HARMAN] for their strong help in getting this moved forward. This has been a bipartisan effort.

For those on the Republican side whom I mentioned earlier, we have fought long and hard to bring this critical reform forward, and now, tonight, we are going to have a vote on one of the most important reforms of our budget process that we have seen in years.

Mr. Chairman, as the previous speakers have said, we now have an opportunity to make our budget process real, so that when we vote, when those C–SPAN viewers see across the bottom of the screen that the debate is on whether to cut spending or to spend money on a certain project, then it is true that we are truly talking about making our cuts count. We now have the opportunity to create the lockbox; to create a true system in which when we vote on this floor to cut spending, spending is cut.

Mr. Chairman, I again want to say that this vote, this bill, has support of the Concord Coalition, the U.S. Chamber of Commerce, the Citizens Against Government Waste, the Citizens For a Sound Economy, and the National Taxpayers Union. Those who are interested in our budget process, in protecting the fiscal stability of our budget system, in protecting against the increasing taxes that we have seen across the country, are all standing up tonight, watching the vote here on this floor.

Mr. Chairman, one final point. I think it is very important that we have a strong vote tonight, so that we can send a signal to the other body that we are serious, that this reform was put into this appropriations bill because we expect to see it back, we expect it to come out of conference, and we expect it to be delivered to the President for his signature. That kind of a vote is what we need to see tonight to send a strong signal. I think that the debate today has shown that there is that kind of support, and I am encouraged that we pass the lockbox.

Mr. CLINGER. Mr. Chairman, I rise in strong support of the gentleman's amendment and would like to commend him for his tireless work in bringing the lockbox amendment before the House.

The concept of this proposal is so simple, so basic, and so common sense, that only in Washington could we have missed it for so many years.

In essence, the term "lockbox" simply means that a dollar saved is a dollar saved—that when Congress votes to cut funding for a program, the money won't be spent.

Most taxpayers—and maybe even most Members of Congress—believe that when Congress agrees to eliminate $5 billion in funding for the space station or $7 billion for the super collider, that the money remains in the Treasury. But, in fact, under current law, those tax dollars go back to the pot and can be reallocated, or spent, later that same year.

A ludicrous concept at any time, the practice is simply unsupportable in this era of $200 billion deficits and ongoing struggles to balance the budget by the year 2002.

When the American people voted last November 8, they sent us a message. The message was one of smaller Government, less costly Federal programs, and overall fiscal responsibility. Our ability to meet these demands hinges upon two factors.

First, we must engage in plain old-fashioned tough decisionmaking. We must determine which programs merit continuing, which can be privatized, and which should be eliminated altogether. My committee, the Committee on Government Reform and Oversight, is serving as overall House coordinator of this government-wide downsizing effort and is a strong champion of substantial Federal reform.

But even as we go about our business and make the hard choices on departmental restructuring and program eliminations, we recognize the need for a second type of fundamental reform. That is reform of the legislative process itself—reform which compels fiscal responsibility by promoting saving and making spending harder.

The Crapo lockbox amendment offers just such a change. It permits lawmakers to choose saving over spending, and allows us, for the very first time to honestly tell our constituents that a dollar saved is a dollar saved.

The amendment is long overdue, and should be supported. I urge my colleagues to vote "aye."

Ms. ESHOO. Mr. Chairman, I rise in strong support of the Crapo amendment which establishes a deficit reduction lockbox and finally makes our cuts count.

When I was first elected to Congress, one of my first priorities was to reduce and eliminate the deficit. I became a cosponsor of the Deficit Reduction Lockbox Act then and have again cosponsored the bill in the 104th Congress.

Why is this bill necessary? Every time we vote to cut spending in appropriations bills, these funds can be reallocated to other programs rather than being used for deficit reduction.

Mr. Chairman, we must get our House in order before we reorder anything else.

I worked hard to keep my own congressional office budget as low as possible both to save money and set an example of accountability to my constituents.

I was one of the rock-bottom, low spenders in my class, returning the unspent dollars of my office account back to the Federal Treasury for deficit reduction.

It's an outrage that we cannot do the same with our annual appropriations. This amendment will bring some accountability and common sense into our appropriations process, rebuild the confidence of the American people in what we do, and I urge my colleagues to support it.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Idaho [Mr. CRAPO].

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. CRAPO. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to the order of the House today, further proceedings on the amendment offered by the gentleman from Idaho [Mr. CRAPO] will be postponed.

Are there additional amendments to title I, or are there amendments made in order under the rule?

Mr. PORTER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I yield to the gentleman from New Jersey [Mr. SAXTON].

Mr. SAXTON. Mr. Chairman, the Labor, HHS, Education Committee report contains language that highlights the need for a Comprehensive Scientific Research Program addressing characteristics of extra-societal groups. Many Americans are concerned and puzzled by the conduct of individuals involved in events such as the bombing of the Murrah Federal Building in Oklahoma City, the Sarin attack in the Tokyo subway and the extreme hold that David Koresh had on his followers. The National Institute of Mental Health is particularly suited to examine such concerns in a scientific manner.

The current state of understanding of such groups is extremely limited. Through efforts by the National Institute of Mental Health, we hope to increase our understanding of characteristics of such groups which are associated with increased potential for terrorism, violence or other criminal behavior; the manner in which such groups recruit individuals and influence their behavior sufficiently to move them toward terrorism, violence, and other criminality; the causes behind members leaving such groups; and mental health effects of membership in such groups.

I want to clarify the committee report language. The committee language discusses the need for increased understanding of such extra-societal groups, but does not specifically request information on the above mentioned causes and characteristics to the extent the National Institute of Mental Health concludes that these concerns can be addressed scientifically, based on present knowledge and additional research.

I ask the subcommittee chairman if the intent of the committee language includes addressing the concerns I just mentioned?

Mr. PORTER. Reclaiming my time, it is important to note that one of the major goals of this bill is to provide for maximum flexibility within the National Institutes of Health as a whole and, in this particular case, within the National Institute of Mental Health.

With that in mind, yes, the committee recognizes that the intent of this request to the National Institute of Mental Health includes addressing the specific concerns that you mentioned in their research.

Mr. SAXTON. Mr. Chairman, I appreciate the willingness of the chairman of the subcommittee to include this language in the report. This program of research is vital to effective and strategic planning of dealings with terrorism, violence and other criminality associated with certain organizations.

Mr. PORTER. Mr. Chairman, I yield to the gentleman of Ohio [Mr. SAWYER].

Mr. SAWYER. Mr. Chairman I have sought this time to enter into a brief colloquy with the distinguished subcommittee chairman, Mr. PORTER, concerning title III of H.R. 2127.

Mr. Chairman, last year, after many months of bipartisan discussions and negotiations, Congress reauthorized the Elementary and Secondary Education Act, including the title I program for educational disadvantaged children.

One fundamental element in determining how to allocate title I dollars was the accuracy of the data itself. Because reliable poverty numbers for areas below the national level were only available every 10 years from the census, title I funds were being distributed on the basis of data that was as much as 13 years out of date.

Therefore, Congress decided that these critical program dollars should be allocated using poverty estimates that were updated every 2 years. Equally important, the funds would be allocated based on school district-level numbers, to ensure maximum targeting of shrinking dollars to those students most in need.

Congress recognized that producing poverty data for small geographic areas between censuses was a complex scientific task. That is why, as part of the reauthorization bill, it directed the National Academy of Sciences to conduct a 4-year review of the Census Bureau's efforts to produce updated poverty numbers for States, counties, cities, and eventually school districts.

The Academy study would have two important purposes. First, it would provide an objective, scientific review of the Census Bureau's methodology, and be able to recommend alternative approaches as the project moved forward.

Second, it would help the Congress determine the reliability of the updated poverty numbers at various geographic levels, and for various purposes. Without the Academy's review, I am not at all sure that Congress will have confidence in the numbers that the Census Bureau publishes.

Unfortunately, the Department of Education has not yet been able to fund the National Academy's study, due to a substantial rescission in the Department's evaluation funds.

Mr. Chairman, I am enormously pleased and grateful that the committee has included specific funding in this appropriations measure for the Department to obtain updated, school district-level poverty data from the Census Bureau. Those funds should allow the Bureau to proceed with its program as planned.

But I am afraid that failure to proceed with the National Academy study at the same time may render the Bureau's hard work irrelevant in the end, if Congress does not have confidence in the accuracy and soundness of the resulting numbers for purposes of the title I program.

Therefore, I would ask if you agree that the Department of Education should be able to use a portion of the $3.5 million set aside in this bill for updated, small area poverty data, for the National Academy study that Congress directed under the Improving America's Schools Act?

Mr. PORTER. I thank the gentleman from Ohio [Mr. SAWYER] for bringing this important matter to the committee's attention.

As a member of the committee on Economic and Educational Opportunities, Mr. SAWYER was instrumental in bringing the problem of outdated poverty numbers to the attention of this body and in developing the solution that we are funding in this appropriations measure.

I agree with the gentleman from Ohio that the National Academy study is an important part of the effort to ensure that we have accurate and timely poverty data on which to base the allocation of title I funds.

Therefore, I support the gentleman's point that a portion of the $3.5 million, as the Department deems appropriate, could be used to fund the National Academy study of the Census Bureau's poverty estimates program.

Mr. SAWYER. I thank the gentleman from Illinois for his assistance in this very important effort.

Mr. PORTER. Mr. Chairman, I yield to the gentleman from Virginia [Mr. MORAN].

Mr. MORAN. Mr. Chairman, I rise to inquire about the coordination of disease prevention and health promotion activities at the Federal level. H.R. 2127 eliminates explicit funding for the activities carried out by the Office of Disease Prevention and Health Promotion, including the aggressive implementation of the national prevention strategy, Healthy People 2000. Although the activities of this office are to be continued at the Secretary's discretion, no moneys were transferred to carry out this mandate.

I would like to clarify with the chairman his intent on maintaining disease prevention and health promotion as an integral part of our national health policy and ensuring coordination of the array of Federal efforts in this domain.

I understand the budget constraints that you faced in putting together this legislation and appreciate the considerable flexibility that this bill gives the Secretary of Health. I also appreciate the increased funding for specific, categorical prevention programs supported by the Centers for Disease Control and Prevention, such as for breast and cervical cancer screening. However, I am concerned that we are abdicating a strong Federal leadership role in orchestrating and coordinating prevention policy.

Would the chairman agree that a strong emphasis on disease prevention and health promotion must be part of our national health strategy?

Mr. PORTER. Mr. Chairman, I very definitely, do agree.

Mr. MORAN. Would the chairman further agree that it is the Office of the Secretary is best suited to coordinate all prevention activities in the various health-related agencies?

Mr. PORTER. Yes, I do.

Mr. MORAN. And so you would clarify your intent to ensure that funds are available for orchestrating disease prevention policy at the Federal level.

AMENDMENT OFFERED BY MR. GREENWOOD

Mr. GREENWOOD. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. GREENWOOD:

Page 22, line 13, insert "X," after "VIII,".

Page 23, line 8, insert before the period the following: ": *Provided further*, That of the funds made available under this heading, $193,349,000 shall be for the program under title X of the Public Health Service Act to provide for voluntary family planning projects: *Provided further*, That amounts provided to said projects under such title shall not be expended for abortions, that all pregnancy counseling shall be nondirective, and that such amounts shall not be expended for any activity (including the publication or distribution of literature) that in any way tends to promote public support or opposition to any legislative proposal or candidate for public office".

The CHAIRMAN. Pursuant to the rule, the gentleman from Pennsylvania [Mr. GREENWOOD] will be recognized for 15 minutes, and a Member opposed will be recognized for 15 minutes. Does any Member rise in opposition?

Mr. LIVINGSTON. Mr. Chairman, I rise in opposition.

The CHAIRMAN. The gentleman from Louisiana [Mr. LIVINGSTON] will be recognized for 15 minutes in opposition.

AMENDMENT OFFERED BY MR. LIVINGSTON AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. GREENWOOD.

Mr. LIVINGSTON. Mr. Chairman, I offer an amendment, amendment No. 2, as a substitute for the amendment.

The CHAIRMAN. The Clerk will designate the amendment offered as a substitute for the amendment

The text of the amendment offered as a substitute for the amendment is as follows:

Part 2, amendment No. 2-2 offered by Mr. LIVINGSTON as a substitute for the amendment offered by Mr. GREENWOOD:

On page 23, after line 8, insert the following new paragraph:

"Funding for the Title X categorical program is terminated and $193,349,000 is transferred to the Maternal and Child Health block grant and Community and Migrant Health Centers programs. Of the $193,349,000 amount, $116,349,000 is transferred to the Maternal and Child Health block grant program and $77,000,000 is transferred to the Community and Migrant Health Centers program. The additional funds transferred to these two programs are available through programs that also provide comprehensive health services to women and children.".

The CHAIRMAN. Under the rule, the amendment offered as a substitute for the amendment by the gentleman from Louisiana [Mr. LIVINGSTON] is also a 30-minute amendment, with 15 minutes being controlled by the gentleman from Louisiana and 15 minutes by a Member in opposition.

Does the gentleman from Pennsylvania [Mr. GREENWOOD], take the time in opposition?

Mr. GREENWOOD. I do, Mr. Chairman.

The CHAIRMAN. The gentleman from Louisiana [Mr. LIVINGSTON] will be recognized for 30 minutes, and the gentleman from Pennsylvania [Mr. GREENWOOD] will be recognized for 30 minutes, and the time will be fungible.

The Chair recognizes the gentleman from Pennsylvania [Mr. GREENWOOD].

Mr. GREENWOOD. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, 25 years ago legislation sponsored by then-Congressman George Bush, signed into law by then-President Richard Nixon, established an American family planning program. It has been one of the most successful programs in the history of our Nation, and its success is for simple reasons. Family planning prevents unplanned pregnancies. And when you prevent unplanned pregnancies, you prevent abortions, and we all support that, and every American supports that goal.

Preventing unplanned pregnancies prevents welfare dependency. It allows poor working women who have no health insurance to have access to contraception, to birth control, to the kind of counseling and health services they need, so that they can plan their families and stay off of the welfare rolls.

Mr. Chairman, this program has not been controversial. It is supported by 70 percent of Americans for good reason. But lately it has become controversial. The Committee on House Appropriations chose to zero out, after 25 years, to eliminate entirely the title X family planning bill.

Mr. Chairman, my amendment is straightforward. My amendment restores the title X family planning program. It is also very simple in these regards. It makes it clear, in black and white, that not a penny of these funds can be used to provide abortion services. That would be controversial. These funds are not for that purpose. It makes it clear that all counseling must be nondirective. Counselors in these programs may not suggest that a client choose abortion, but would simply lay out the legal options under the State laws that are applied. My amendment makes clear that not a penny of these funds can be used to advocate either in favor or against pending legislation at any level, nor for or against any candidate for public office.

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This is strictly a birth control, family planning debate.

Now we have an agreement that we have reached that makes the Livingston-Smith amendment to my amendment in order as a substitute. We have agreed to do that for the purposes of a fair debate. But let me tell my colleagues what the Livingston-Smith amendment does.

The Livingston-Smith amendment kills title X family planning. It is just that simple. The program is gone, and at least in 781 counties across the United States there would be no family planning services at all, at all.

What we have to do is we have to defeat the Livingston-Smith amendment and then vote in favor of the Greenwood amendment.

The opponents will say all they choose to do is block-grant these funds into existing programs. They are wrong; that is not what their amendment does because those programs are already written into law in ways that prohibit these funds from being available for family planning. For the most part perhaps 30 percent of the funds might be available, and in many States not a dime will be available to help women with their family planning needs.

The opponents will say that this is about abortion. It is not about abortion. This debate is not about abortion. This debate is about family planning. Ninety-eight percent of the recipients of these funds perform zero abortions, zero abortions, and of the small 2 percent that do provide abortions, half of those happen to be hospitals where abortions are performed.

I say to my colleagues if they support family planning, a 25-year-old, successful, noncontroversial, mainstream program, then I ask them tonight to stand up, vote against the Smith amendment, the Livingston-Smith amendment, and vote for the Greenwood amendment.

Mr. LIVINGSTON. Mr. Chairman, I yield myself 6 minutes.

Mr. Chairman, I thank the gentleman from Pennsylvania [Mr. GREENWOOD] for his participation in what will be a meaningful debate, however I might say that while the Livingston-Smith amendment kills title X, it certainly does not kill family planning.

The fact is that the Livingston-Smith amendment transfers the entire $193.3 million for title X, which the Greenwood amendment would hope to restore, the same amount allocated in fiscal year 1995, and it maintains that amount and places the entire $193.3 million into the maternal and child health care block grant and the community migrant health centers program, divided between them. About 60 percent of title X funding or $116.3 million would be transferred to the maternal and child health block grant, and the remaining 40 percent or $77 million will be transferred to the community and migrant health centers program.

Mr. Chairman, the most important thing is that this amendment does not, does not, eliminate or cut one single dollar in funding for family planning programs. What it does do is transfer the funding from a separate categorical family planning program centralized here in Washington into two other comprehensive health care programs for low-income women and children. Both of these programs already provide family planning services, so this amendment does not cut family planning, does not eliminate family planning, and even if I were to eliminate the funding as opposed to transferring it to other programs, family planning funds already provided by the Federal Government would still be considerable.

Family planning funds and services are already provided under Medicaid, under the maternal and child health block grant program today, and the social services block grant and the community and migrant health centers program. In fact, the total conservative estimate that the Federal Government will spend on domestic family planning services in fiscal year 1995 is over $750 million, three-quarters of a billion dollars, and that is if we eliminate this funding, which we do not do. We transfer every single dollar of it. But, in 1994 alone, approximately 2.6 million Medicaid-eligible people receive family planning services totaling over $580 million apart from this program. This is in addition to the millions of dollars available from State and private resources.

Under the Livingston-Smith amendment the same private and public nonprofit institutions, the same ones that currently receive title X family planning funds, can apply for funds for family planning under the maternal and child health block grant and the Community and Migrant Health Centers program. Under the maternal and child health care block grant program the decision as to what entities will receive funds will be left strictly to the State and local authorities. Now that is what opponents may not like, but it localizes the decisionmaking.

Under the community and migrant health centers categorical program the decision will be left to well over 150 community and migrant health centers in every State and territory who are allowed under present law to provide family planning services or, under present law, can contract out to other public and private organizations for family planning services. These community and migrant health centers already do contract out for other services.

According to HHS' own budget justifications, over 115 centers have contracting procedures with outside groups and have contracted out for other managed health care services. The maternal and child health care block grant program serves currently 13 million low-income women and children, age 19 and under, and infants. The Federal law leaves the discretion to States and localities as to what services to spend. Forty percent of those funds can be used for various services including family planning. The Library of Congress has documented that States can and do use their funds for family planning. But the Federal law guarantees the States provide services to, quote, assure mothers and children, and particularly those low-income mothers and children, access to quality maternal and child health services, unquote, and they determine that the low-income mothers and children are those with family incomes below 100 percent of the Federal poverty guidelines.

The HHS officials have cited the maternal and child care health block grant as a model of the Federal-State partnership in that it provides the maximum flexibility to the States to achieve what they determine is best for their citizens. Under the community and migrant health centers program, comprehensive health care services, including family planning, are already provided to over 7.6 million low-income and medically underserved people. These centers are all community based, and 61 percent of the people receiving services under this program are of minority ethnicity. Sixty-six percent of the users of community and migrant health centers are below the poverty level.

I say to my colleagues, if you believe that we should continue to streamline programs, downsize and operate more comprehensive, efficient health care programs for our needy, if you want to get the dollars to those who need it most and take it away from the Beltway bandits, then I urge you to support the Livingston-Smith amendment.

Mr. GREENWOOD. Mr. Chairman, I yield 3½ minutes to the gentlewoman from New York [Mrs. LOWEY].

Mrs. LOWEY. Mr. Chairman, I rise in strong support of the Greenwood-Lowey amendment to restore funds to our Nation's family planning programs. The amendment would restore $193 million to the bill for the network of family planning services provided through the title X program.

Those who oppose this amendment and support the Livingston-Smith amendment say that they are not cutting family planning, they are just putting the money somewhere else. They contend that family planning services will continue as before. Well, my colleagues, this is simply untrue. Here are the facts:

By law the maternal and child health program will be able to spend only the $34 million it would receive under this bill for family planning. That is a cut in family planning services of 72 percent. The rest of the title X funds that go to community health centers may or may not be used for family planning. We simply do not know if community health centers will use these new funds for family planning or for other very crucial health services.

Here is what we can be sure of. Without a designated source of Federal funds for family planning Congress' commitment to the prevention of unwanted pregnancies, to the prevention of out-of-wedlock births, is merely empty rhetoric. If we fail tonight to restore funds for family planning, we are reneging on our commitment to reduce this epidemic.

My colleagues, let us be clear about why title X was eliminated in committee. Title X is on the Christian Coalition's hit list, and I quote. They call it the notorious family planning program. Despite the fact that title X funds are not and may not be used for abortions, the Christian Coalition has chosen to make this a fight over the right to choose. I frankly just do not understand it.

We may disagree in this body about the right to choose, but why can we not work together to support a program to prevent unwanted pregnancies? Can we not work together, my colleagues, to prevent abortions?

To my colleagues who do not believe that government should be in the business of family planning, failure to restore title X funds today would affect more than just family planning services. Title X clinics provide over 4 million American women with their primary health care. If we fail to restore title X family planning funds today, the health of millions of American women will be jeopardized. Eliminating title X would cut out pap smears and exams for cervical and breast cancer. It would cut prenatal and postnatal care.

Earlier this year the House passed a welfare reform bill which stated that reduction of out-of-wedlock births was an important Government interest. How can this body claim it wants to decrease out-of-wedlock births while at the same time eliminating the cornerstone of our Nation's family planning efforts? Family planning services prevent abortions, prevent teenage pregnancies, help keep women off welfare. Let us work together, my colleagues, to maintain our Nation's commitment to family planning.

Mr. Chairman, I urge my colleagues to vote "yes" on the Greenwood-Lowey amendment and "no" on the Livingston-Smith amendment. I urge my colleagues to save the Nation's family planning program.

Mr. LIVINGSTON. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Texas [Mr. DELAY], the majority whip.

Mr. DELAY. Mr. Chairman, the title 10 family planning program was created in the 1970's with the expressed mission to decrease teen pregnancy. Mr. Chairman, that mission has failed. I repeat, title X has been an abject failure.

Unfortunately, more money does not solve our country's social ills. The increase in funding for title 10 over the past 25 years has actually paralleled a dramatic increase in teen pregnancy, between 1970 and 1992, the teen pregnancy rate has increased 23 percent. In addition, when title 10 began, 3 in 10 teen births were out of wedlock. Today, 7 out of 10 teen births occur outside of marriage.

The increase in funding not only correlates an increase in teen pregnancy, but also in teen abortions, the transmission of sexually transmitted disease and the HIV virus.

In addition, title 10 gives a $33 million subsidy to Planned Parenthood, the Nation's largest abortion provider, which also provides contraceptive services and abortion counseling without parental consent or knowledge.

I have to say, as a father, the idea of some other adult counseling my daughter to have an abortion, without my knowledge or consent, makes me sick to my stomach.

Mr. Chairman, title 10 has never been evaluated and has yet to show any success, and in this bill the amendment offered by the gentleman from Louisiana [Mr. LIVINGSTON] directs the $193 million back to the States, and, if my colleagues do not believe in block grants, I understand it, but they can compete for this money through the block grant system. This is in addition to the $560 million we already spent in 1995 for family planning services through Medicaid and social services block grants.

Vote "no" on Greenwood and "yes" on Livingston.

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Mr. GREENWOOD. Mr. Chairman, I yield 2 minutes to the gentlewoman from Maryland [Mrs. MORELLA].

Mrs. MORELLA. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I rise in strong support of the Greenwood/Lowey amendment to restore funding for the title X family planning program.

To eliminate this Federal program when we are trying to curtail dependence on welfare; when we are trying to reduce the number of abortions and unwanted pregnancies; when we are trying to reduce the number of breast and cervical cancer deaths; when we are trying to reduce the number of sexually transmitted diseases, including HIV; when we are trying to increase access to health care for low-income individuals—flies in the face of common sense.

The elimination of title X as a categorical program could be devastating to the availability of family planning services to women, particularly low-income women. While the funding designated for title X has been divided between the maternal and child health block grant, and the community and migrant health centers, there is no requirement that these additional dollars be used for family planning services. States would be given the option of using the dollars for any purpose allowed under the block grant.

Even more damaging is the fact that the maternal and child health block grant includes a number of set-asides: The result being that the maximum amount of the $116 million transferred to that program that could be actually used for family planning services would be $34 million—that is a cut of $83.6 million. Thus, this provision would not be a simple transfer of money for family planning—it would represent a drastic cut.

The title X program currently serves 4 million women—and some men—through more than 4,000 title X clinics across the country, with preference given to low-income women. In Maryland, 20 of our 23 counties have title X clinics only; there are no community health centers or MCH funded health department clinics currently providing family planning services in those 20 counties. And, 94 percent of the women served at title X clinics in Maryland were served in those same counties.

Title X clinics provide contraceptive services, including natural family planning methods and supplies, infertility services, and basic gynecologic care. The clinics also provide screening services for STD's—some test for HIV—breast and cervical cancer, hypertension and diabetes. Training is also provided for nurse practitioners and other clinic personnel.

The program is clearly prohibited from using any funds for abortion services. Title X clinics do not provide abortion services.

The Greenwood-Lowey amendment specifically includes language clearly stating that no title X funding can be used for abortions. Mr. Speaker, title X prevents abortions. How can we on the one hand talk about the need to prevent unwanted pregnancies, and then vote to eliminate funding devoted to family planning services.

It is estimated that for every dollar spent on family planning services saves an estimated $4.40 in medical, welfare, and nutritional services provided by Federal and State governments. If title X services were not provided, between 1.2 million and 2.1 million unintended pregnancies would occur each year, rather than the 400,000 occurring today.

The Greenwood-Lowey amendment restores funding for this critical program, and it restores common sense. Vote for the Greenwood-Lowey amendment and against the Smith amendment.

Mr. LIVINGSTON. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from New Jersey [Mr. SMITH].

Mr. SMITH of New Jersey. Mr. Chairman, I thank my good friend for yielding me time. Mr. Chairman, today I rise in strong support of the Livingston-Smith compromise which makes needed reforms in the Nation's family planning effort.

This vote, Mr. Chairman, is not about ending Federal family planning assistance. It is about defunding the abortion industry, restoring State and local control, and redirecting funds to organizations which recognize that the worst problems of teenage children cannot be solved by shutting their parents out of the process.

Make no mistake about it, the Livingston-Smith compromise does not end Federal family planning assistance. Instead, it redirects to the States a little over 25 percent of what the Federal Government spends on family planning programs—that's the $193 million we spend on title X—through block grants them and lets States decide how and where to best use these needed funds. As many of my colleagues know, the Federal Government will spend in excess of $745 million on family planning programs this year alone. The lion's share of the Federal spending on family planning is through Medicaid—the Nation's program for the poor—which is expected to spend in excess of $525 million on family planning for poor women in fiscal year 1995. The Livingston compromise leaves this money and this program as is—untouched. The argument that the Federal Government is abandoning family planning support for poor women is simply not true.

It's a red herring.

The truth is that under Chairman LIVINGSTON's proposal, the Federal funds now used for title X are redirected on a dollar-for-dollar basis to the Maternal and Child Health block grant, as well as the Consolidated Health Centers program. Each of these programs already provides primary health services and preventive services, including family planning, to low-income people. Under the Livingston-Smith compromise the Maternal and Child Health Block Grant program will receive an infusion of more than $116 million which they can target to family planning programs while the Consolidated Health Center program will receive an additional $77 million that can be targeted for family planning initiatives across the country.

Federal family planning assistance is not eliminated. But duplication of effort and administrative costs are. Right off the bat, the Livingston-Smith amendment will free up $3 million from overhead costs and allow that money to go to direct services. And as this Congress has searched for ways to bring the Federal budget under control, programs that are unauthorized have naturally been subject to particular scrutiny. The title X program hasn't been authorized in 10 years.

The Livingston-Smith compromise will provide greater power to the States to administer their own family planning programs. As we have seen with many other areas of Government spending, the State governments are closer to the problem and can more effectively channel funds so that the greatest number of persons—in each State—are served in the most efficient and most effective way possible. Who is more capable of delivering services to the people, the States or the Federal Government?

Part of the answer to this question includes a long, hard look at the title X program, its pet recipients and its record of controversy and failure. Most of us agree that the purpose of Federal involvement in family planning efforts is to reduce the number of children born outside of wedlock, particularly to teenagers.

Yet, since 1972, teen pregnancy has skyrocketed from about 50 pregnancies per 1,000 teenage girls to about 100 pregnancies per 1,000 girls in 1990. This is a staggering increase of 100 percent—in a time span of less than two decades.

As with many other social problems, we are slowly making the realization that throwing more money at the problem is not the answer. The problem with title X is not the amount of money, but who spends it and how.

The largest single recipient of title X funds is a private organization—the Planned Parenthood Federation of America, Inc. And its no coincidence that Planned Parenthood is the largest abortion provider in the United States today. Planned Parenthood organizations perform or refer for over 215,000 abortions each year. This is an organization that believes in giving out contraceptives to children, and performing abortions on them, without their parents being informed. Planned Parenthood proudly boasts of lobbying to overturn State laws that require informed consent before women undergo abortions, and which require parents to be notified before minors have abortions.

The ideology of Planned Parenthood is one that undermines parental authority. Unbelievably, title X regulations actually prohibit grantees from informing parents about treatment of and drugs that are given to teens, if the teenager in question requests that the parents be left in the dark. This bizarre requirement in the title X program has actually prevented some States from receiving title X funds because they have laws on the books which require parents to be informed about medical treatment given to their children. For example, the State of Utah was denied title X funds in the past because of the State's parental notification requirements.

And here's another coincidence. The Office of Population Affairs, which overseas the title X program, is headed by an abortionist from California who performed abortions for Planned Parenthood for over 20 years. This is the Clinton administration's idea of a family planning expert.

Mr. Chairman, I hope no one will be fooled by the language on abortion that is contained in the Greenwood amendment. The intent of the amendment is to nullify the Livingston compromise and take the $116 million in new moneys from the Community Health Centers in order to re-fund title X, Planned Parenthood, and the abortion industry.

The Greenwood amendment sounds like it has restrictions on funding of abortion, but it doesn't. It merely restates current law and policy with respect to title X recipients and abortion funding, counseling, and lobbying with Federal funds.

The Greenwood amendment provides no further protections than current law. Everyone on both sides of the abortion debate knows that the current restrictions on abortion funding do not really restrict. The proabortion side knows that they don't work and that's why the proabortion side supports the Greenwood amendment. The pro-life side knows the current restrictions don't work and that's why we oppose the Greenwood amendment. Money is fungible, and when more than $34 million in title X funds goes to the Nation's leading provider of abortions, we are subsidizing the abortion industry. Consider this: Planned Parenthood's records show that it is an organization which favors abortion over childbirth. In 1993, for example, Planned Parenthood clinics directly provided 134,277 abortions, but only provided prenatal care to 9,943 women—a staggering 13.5 to 1 ratio of planned abortions to planned births. With this record it cannot be denied that whenever tax dollars go to Planned Parenthood they prop up the abortion industry.

Supporters of the Greenwood amendment will say it prohibits title X funds from being used to pay for abortions. But abortion funding is already prohibited under the Hyde amendment. And yet, title X funds regularly go to support organizations and clinics which perform abortions as a method of birth control.

And they will argue that the Greenwood amendment says that title X funds cannot be used for lobbying for or against candidates or legislation. But this too is already in current law. And it has never stopped title X recipients from lobbying for abortion on demand and continued title X funding.

Just this month, a pro-life Member got hold of an "Action Alert" from Planned Parenthood of Central Florida—which receives title X funding—opposing the Livingston compromise. The alert urges PP supporters to write and call the Member and "express your outrage." It also encourages people to go to town hall meetings and "to clap or boo even if you don't want to speak." It concludes: "We need to let him know we are watching him . . ."

We should not be surprised that the Planned Parenthood Federation is opposed to the changes proposed to title X by Chairman LIVINGSTON. It is not often that a private organization can ride the gravy train and receive tens of millions of dollars in public funding each year, all from a program that is administered by one of its own.

Finally Mr. Chairman, it is important to note that under the Livingston/Smith amendment, Planned Parenthood can and presumably will apply to receive funding from the States, which would receive the title X funds that are redirected to the Maternal and Child Health block grant, and the Community and Migrant Health Centers program. But there will be no more sweetheart deals from the Federal Government. Planned Parenthood will have to compete on a level field with other service providers, many of whom are less ideological, less controversial, and more effective at providing family planning services other than abortions.

Mr. Chairman, I would ask my colleagues to consider what we would gain by restoring funding for the title X program. Billions more dollars for an unauthorized program which has a solid record of failure in reducing teen pregnancy? More funding for organizations like Planned Parenthood which undermine parental authority and perform or arrange hundreds of thousands of abortions every year? Is that what the American taxpayers really want?

Our choice today is not about whether we should continue to support family planning. It is about whether we should continue supporting a failed and controversial Federal program, or give the money to the States, and let them experiment with different approaches to solve these persistent and tenacious problems.

I urge my colleagues to support the compromise worked out by our distinguished colleague, Mr. LIVINGSTON.

Mr. GREENWOOD. Mr. Chairman, I yield 1 minute to the gentleman from Illinois [Mr. DURBIN].

Mr. DURBIN. Mr. Chairman, in 1970, President Nixon signed into law the Title X Family Planning Program to provide disadvantaged women with the means to avoid unintended pregnancies. No one would have imagined 25 years later, tonight, what we are trying to do.

In a country where our health bills are skyrocketing, the abolition of title X will deny preventive health care to millions of American women. In a world where too many unwanted kids become the victims of neglect and abuse, abolishing title X will result in more unintended pregnancies. In a Nation where we should work to keep abortion safe, legal, and rare, abolishing title X will result in more than 500,000 more abortions each year. At a time when we should encourage women to do the responsible thing in planning the size of their families, the abolishing of title X will slam the door on over 1 million women each year who turned to title X for family planning services.

Mr. Chairman, the abolishing of title X means more misery, more abused children, more abortions, and more American women locked in poverty.

Mr. LIVINGSTON. Mr. Chairman, how much time remains on both sides?

The CHAIRMAN. The gentleman from Louisiana [Mr. LIVINGSTON] has 19 minutes remaining, and the gentleman from Pennsylvania [Mr. GREENWOOD] has 19 minutes remaining.

Mr. LIVINGSTON. Mr. Chairman, I am delighted to yield 2 minutes to the gentlewoman from Nevada [Mrs. VUCANOVICH].

Mrs. VUCANOVICH. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I rise in opposition to the amendment offered by Congressman GREENWOOD, which would decrease the appropriation for the maternal and child health block grant by $16.3 million and decrease the consolidated health centers block grant by $77 million in order to fund the unauthorized title X program. I do strongly support the Livingston-Smith amendment and wish to speak on its behalf.

Since 1970 this program has never had an official impartial evaluation of its effectiveness, while its funding has continued to increase. However, we do know that the teenage pregnancy rate has doubled, out of wedlock births have increased, the teenage abortion rate has more than doubled, and sexually transmitted diseases among teenagers have increased to where one in four sexually active teenagers will be infected by a sexually transmitted disease every year.

In addition, Mr. Chairman, while title X prohibits the use of these funds for abortion, many of the clinics perform abortions as well as provide family planning services. This arrangement implies that abortion is just another family planning method. No one supports abortion as a method of family planning.

This program is a disaster. The Livingston-Smith amendment would terminate funding for title X and transfer all of the money to the maternal and child health block grant in community and migrant health centers programs. Services such as preventive and family planning health care for women would be better funded under a block grant. Preventive health care is also provided to pregnant women, infants, children, and adolescents. Health care and support services are also provided to families in rural and underserved areas and to children with chronic health conditions.

Mr. Chairman, it would be irresponsible of us to again fund an ineffective program that has not even been authorized since 1985. We have an obligation to the American people to fund programs that work and provide real family planning assistance. I urge my colleagues to vote yes on the Livingston-Smith amendment.

Mr. GREENWOOD. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois [Mr. PORTER], the chairman of the subcommittee.

Mr. PORTER. Mr. Chairman, I thank the gentleman for yielding me the time.

All during the 1980s, never was title X a target. On a bipartisan basis, even though from 1985 on the program was unauthorized, people on both sides of the aisle supported funding for family planning. There was an issue on the gag rule that was debated furiously, but not for a minute was there a question about funding of title X itself.

Mr. Chairman, now, somehow, the agenda has changed. Suddenly people are jumping up who were supporters of title X and saying how terrible a program it is. I heard a minute ago one of the Members say that he would be very, very concerned that his daughter was going to be counseled to have an abortion.

No one has ever been counseled to have an abortion by a title X clinic. It is against the law to do that. Never has a dollar been spent on abortion by a title X clinic. It is against the law to do that. GAO has repeatedly, over and over again, certified that no money is spent for abortion by title X clinics, yet here we are with some kind of new agenda.

Mr. Chairman, this is a program that helps poor women avoid unwanted pregnancies through contraception. Through contraception. Abortion is not a legitimate family planning method. Nobody thinks that, but, good God, here we are about to destroy, and make no mistake, this is an attempt to destroy title X family planning, a program that has served poor women for all of these years, sponsored originally in this House by George Bush, I might say, when he was a Member of Congress. The agenda has completely changed and it is a bad, bad agenda.

Mrs. ROUKEMA. Mr. Chairman, will the gentleman yield?

Mr. PORTER. I yield to the gentlewoman from New Jersey.

Mrs. ROUKEMA. Mr. Chairman, I want to associate myself with the gentleman's remarks. This is not about abortions, this is about education and stopping unwanted pregnancies.

Mr. Chairman, I rise in strong support of the amendment offered by my friend from Pennsylvania, Mr. GREENWOOD, and would like to thank him for his hard work on this issue of family planning which is so very important to the health of women and their families throughout the country.

Mr. Chairman, let us get one thing straight about the Greenwood amendment: it provides funding for family planning services, and not abortions, as critics of this program argue. To make this a debate on abortion is to, once again, distort the truth—a misfortune that now seems to permeate every abortion debate. By attempting to link family planning funds to providing abortions, it would appear to me that many of my colleagues don't want to educate young women about the responsibilities and consequences of becoming pregnant without obtaining abortions. Let me repeat, under the Public Health Service Act, title X funds cannot be used in programs that perform abortions.

What the Greenwood amendment would do is to help reduce the number of unintended pregnancies. Under title X, grantees such as State and local health departments, hospitals, family planning clinics, and organizations such as planned parenthood raise awareness among low-income women and adolescents about comprehensive reproductive services and the prevention of teenage pregnancy and sexually transmitted diseases.

In 1995 alone, it is estimated that over 4,000 family planning clinics will provide basic infertility and gynecological services and screenings for sexually transmitted diseases and other health problems to more than 4 million low-income women.

Mr. Chairman, critics of family planning like to cast a black eye on family planning by pointing their fingers at organizations such as planned parenthood. Well, let me tell you something Mr. Chairman. In case you didn't know, opponents of family planning don't like planned parenthood anyway because of its pro-choice position. And, as evidenced in this bill, they will do anything they can to destroy its and any other organizations or clinics ability to function if they either perform or promote abortion. And, as I have said already, even though title X funds can't be used for abortions, critics say that that's not good enough. Well, I say to them, enough is enough.

Mr. Chairman, let me conclude by saying that I find it rather ironic that many of those same Members who so strongly supported punitive welfare provisions denying benefits to mothers under the age of 18 who had more children or to mothers who had children out of wedlock, would oppose the very funding that would help prevent such births. Because, if we refuse to address issues related to family planning, then many of the other costs associated with our present welfare system that we are attempting to control in the welfare bill we recently passed will continue to rise.

Mr. Chairman, I applaud those pro-life Members who support family planning and who recognize how vital its services are. But, unfortunately, for many other abortion opponents, there is no common ground. For them, it is all or nothing. As we have already seen and as we will see again with Congressman LOWEY's amendment, even rape and incest is too much to consider. Opponents insist on taking it one step further, and that is what the Smith amendment does.

If we adopt the Smith amendment, then there is a real possibility that no family planning services will be provided at all, especially since under current law the maternal and child health block grant earmarks most of the funds for non-family planning related services. If this were to happen, then my State of New Jersey would lose the over $5 million that it receives to provide family planning services to 106,000 low-income women. And, I refuse to accept this.

I urge my colleagues not to let this happen. Vote no on the Smith amendment. Support the Greenwood amendment.

Mr. PORTER. Mr. Chairman, let me say to the gentlewoman that someone said it is not something they can quantify. I would say that this means 798,000 unintended pregnancies to unmarried women.

Mr. LIVINGSTON. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from Florida [Mr. STEARNS].

Mr. STEARNS. Mr. Chairman, I would say to my colleague from Illinois that the reason we have not really looked at this program is we did not have the majority here to do anything. The funding for this program just increased exponentially under the Democrats, and the only reason we have not taken the time to look at this program carefully is because we never had the votes.

Now let us talk about what the real problem is. This all comes down to a debate on, and I think it basically could be thought of this way, do you want young women to be counseled for abortions without parental consent, without informed consent? Do you want your Federal Government to spend your money to do that? Do you want this same agency that is getting your taxpayer dollars to go out and lobby, lobby through the Supreme Court, using your tax dollars, to fight for more abortions? That is what it all comes down to.

Obviously, Mr. Chairman, I rise in opposition to the Greenwood amendment to appropriate $193 million for title X.

The Federal family planning program, title X, was enacted in 1970. Before 1970, people will say, what happened? As the whip has said, the gentleman from Texas [Mr. DELAY] has mentioned that since title X, we have had no studies to show that it has worked, that it has done any of the things they have talked about. At this point it has ballooned into such a program that well-to-do families are using it.

Mr. Chairman, I ask the Members to support the Smith amendment.

□ 2045

Mr. GREENWOOD. Mr. Chairman, I yield one minute to the gentleman from California [Mr. MINETA].

Mr. MINETA. Mr. Chairman, I rise in very strong support of the Greenwood-Lowey amendment to restore title X funds to provide for voluntary family planning projects. Title X funds support clinics that provide 5 million low-income women with access to affordable, basic health care services, including access to all major methods of family planning. In my State of California, the working poor are caught without health insurance. Consequently, one out of five women of reproductive age are uninsured. For any of these women, title X services are essential to allow them to make informed personal decisions regarding their own health and well-being.

Furthermore, family planning is essential to preventing unintended pregnancies. The title X program is estimated to avert 1.2 unintended pregnancies every year. No title X funds are spent on abortions. Rather than supporting abortions, title X family planning prevents abortion.

Mr. Chairman, I therefore strongly support the Greenwood-Lowey amendment and urge my colleagues to vote for it.

Mr. LIVINGSTON. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from Oregon [Mr. BUNN], a distinguished member of the Committee on Appropriations.

Mr. BUNN of Oregon. Mr. Chairman, I rise in opposition to the Greenwood amendment and support for the Livingston-Smith amendment.

Mr. Chairman, I listened as an earlier speaker said that he could not imagine that 25 years ago we would picture this happening. I cannot imagine that it takes 25 years of failure before we decide to fix the problem.

We all know the abortion rate and the illegitimacy rate have increased. Do we need to go another 5 years of failure before we fix it or 10 or 20 years? We also had an earlier speaker say that title X provides basic medical services. It provides some services. It does not provide the kind of services that the maternal and child health block grants will. It does not provide the kind of programs that the community and migrant health centers are all about.

I think it is important to note this does not make family planning go away. Family planning is covered under the maternal and child health block grant, Medicaid, social services block grants and State moneys. I wanted to emphasize that this change does set a priority. It sets a priority, for example, with the community and migrant health centers to provide physician care, dental care, hearing care, prenatal care, and, yes, family planning services.

Mr. GREENWOOD. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. RIGGS].

Mr. RIGGS. Mr. Chairman, I thank the gentleman for yielding, and I thank him for his initiative in this area.

Mr. Chairman, I rise in strong support of the gentleman's amendment and in opposition to the amendment by the gentleman from New Jersey [Mr. SMITH], whom I have the deepest respect for.

However, this issue is not really about abortion politics. At least it should not be. It is whether the Federal Government ought to be involved in family planning and pregnancy prevention efforts. It seems to me the proponents of the Smith amendment are really driving a wedge in an area where we ought to be able to find middle ground and build some form of bipartisan consensus, and that the overall goal in this Chamber ought to be preventing unwanted abortions by preventing unwanted pregnancies.

I will admit there are elements of the title X program that I would like to see reviewed and revised through the reauthorization process. I am certainly willing to consider means testing the program. However, I strongly submit that you can be both pro-choice and pro-life and support the title X family planning area. Let us tonight indicate to our fellow Americans that we are capable of reaching bipartisan consensus. Let us preserve the title X family program. Support the Greenwood amendment and, unfortunately, reject the language included in the appropriations bill.

Mr. LIVINGSTON. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from California [Mr. DORNAN], the distinguished candidate for President.

Mr. DORNAN. Mr. Chairman, no commercials. I did not ask for that. No commercials.

Mr. Chairman, Planned Parenthood is what we are debating here tonight. Money is fungible, and title X funding must be abolished. It has been nothing but an annual subsidy for the largest abortion provider on the plant Earth with the sole exception of the Chinese oppressive communist government. They promote abortion, they lobby for abortion, and they litigate about abortion.

How many Members saw the movie, TV movie, this last few months glorifying Margaret Sanger, the very first president of Planned Parenthood, still praised by its rank and file members? A young talented actress, Dana Delaney, Irish, one time I guess practicing Catholic, played her in this glorification piece.

Here is a few Sanger quotes, and I will fade out. She believed that Negroes, as she used the term, and Southern Europeans were mentally inferior to native born Americans. She said the Jewish were feebleminded, human weeds, and a menace to society. The poor were sinister forces of the hordes of irresponsibility and imbecility. She argued that organized attempts to help the poor were the surest sign that our civilization has bred, is breeding, and is perpetuating constantly increasing numbers of defectives, delinquents, and dependents.

Mr. GREENWOOD. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. WAXMAN], with the comment that 85 percent of these funds never go to Planned Parenthood.

Mr. WAXMAN. Mr. Chairman, let us be clear what the Smith-Livingston amendment is all about. It is not to improve family planning around this country. It is not for women to get better access to primary care, which they now get under the existing title X program, which, for the most part, is distributed through State funds for the States to operate.

What this is is ideological; it is a payback to the religious right, who hate the idea that some people feel free to engage in sex outside of marriage because of contraception.

Well, let us understand something: Many of the women who go to clinics are married and they do not want to have a child, and they want contraception for that reason. Let us understand something else: That many of the people who are going to be denied family planning services are still going to have sex. But what they are also going to have is unintended pregnancies.

What is the answer we get from those who oppose this program? Well, what they suggest, those who claim they are against abortion, is end this program, which will lead to more abortion.

Mr. Chairman, I urge a defeat of the Smith-Livingston amendment.

Mr. LIVINGSTON. Mr. Chairman, I am pleased to yield 2 minutes to the gentlewoman from Washington [Mrs. SMITH].

Mrs. SMITH of Washington. Mr. Chairman, I want to first stand and commend the genius of the chairman of the committee. It looked to me like it was a no-win when I heard both sides of this issue, and then the committee came out with a compromise, which is the genius of the committee chair.

It did not make me so happy, because I have, after 30-some years of being pro-abortion, I decided that I could not stay in that position and became prolife. And it did not make the other side so happy, but it really probably did what the American people would like. And what it did is it left most of the family planning money, in fact, all of it for welfare women, poor women, all the access points still there. It just said a little tiny part called title X was going to be block granted back to the States where we could mix it with programs I helped start in our State, called the prenatal health program, and we could mix it with that and have some more money for those type of things and let the states make choices.

It sounded like a great genius. Then I found out there was all this controversy. Still could have abortion? Decide they did not like it, still does not like it. But what was happening, then I started getting letters and figured out what it was all about.

Planned Parenthood gets 21 percent of the money in title X. And Planned Parenthood is a political lobby that is very big in campaigns, both sides. So it became an issue of they would have to go to the States and compete for this money, where States values and people's values would have to be reflected.

I am not so sure I would want to compete for it. I would just as soon get rid of title X. I think it failed. I think we need to figure out how to prevent pregnancies and do family planning a different way. Title X has not worked real well. I did not get my way, but I am willing to take this compromise and say okay, this place is a place of compromise.

So I urge Members to vote for the Smith amendment and against the Greenwood amendment.

Mr. GREENWOOD. Mr. Chairman, I yield 1 minute to the gentlewoman from Connecticut [Mrs. KENNELLY].

Mrs. KENNELLY. Mr. Chairman, wonders never cease. Only a few months ago, this body voted to deny assistance to unwed teenage mothers and their children. Tonight we are voting on an amendment that would eliminate a program that actually prevents teenage pregnancies, family planning.

I agree with a letter sent by 35 Republicans to our Speaker, Mr. GINGRICH. This debate does not need to be divisive, it should not be politicized. Family planning is an important national health issue. Without family planning, thousands of additional low income women will go on the welfare rolls. Title X focuses on preventing unplanned pregnancy in the first place.

In fact, publicly funding public planning services such as Planned Parenthood has prevented 1.2 million pregnancies in a year. Let us not turn our back on common sense. Family planning is important so every child is a wanted child.

Please support the Greenwood-Lowey amendment.

Mr. LIVINGSTON. Mr. Chairman, I yield 1 minute to the gentleman from Nebraska [Mr. CHRISTENSEN].

Mr. CHRISTENSEN. Mr. Chairman, I thank the gentleman from Louisiana for yielding me the time.

Mr. Chairman, this amendment is the camel's nose under the tent.

It purports to refund title X but exclude abortion from the services title X and its clinics provide.

Well Mr. Chairman, we've been there, seen this and done that before.

During the Reagan and Bush administrations Title X clinics were prohibited from providing abortion counseling, but Planned Parenthood clinics continued to provide abortion counseling anyway as well as abortion on demand, even though they were receiving title X funds.

With the stroke of a pen, President Clinton made title X funds taken from the pockets of hard-working Americans available to provide abortions and abortion counseling.

Mr. Chairman, when it comes to title X it's not enough to say "you can't". The time has come to say—"you will never again."

I urge my colleagues to vote no on the Greenwood amendment.

Mr. GREENWOOD. Mr. Chairman, I yield 1 minute to the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I must say I cannot believe what Richard Nixon would think if he were here tonight to watch this program that he really tried to utilize to build a bridge, to build a bridge over an issue that people hate. We all hate the abortion issue. But people constantly say the solution is family planning, and title X is family planning, and states are allowed to get title X funds. But if you flip it the way they are trying to go, what you are really going to say is states are going to be able to take the funds and decide not to spend them for family planning if they opt to do that.

That is wrong. The recipients of this planning, family planning in title X, are women, tax paying American Women. We have heard all sorts of outrageous charges on this floor that title X has caused teen pregnancy. Please, no. Title 10 funds are given under state funds and they are not given without family permission and whatever the state law says.

Mr. Chairman, let us be sensible. Let us vote for the Greenwood-Lowey amendment.

Mr. LIVINGSTON. Mr. Chairman, I yield 2 minutes to the gentlewoman from California [Mrs. SEASTRAND].

Mrs. SEASTRAND. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I rise in opposition to the Greenwood amendment and in support of the Smith amendment on title X.

Mr. Chairman, I want to say right off the bat that elimination of title X as a government program does not mean the elimination of family planning services for the poor. What title X supporters fail to tell the American people is that its funding level is maintained in this bill. $193 million in family planning assistance—the same level as fiscal year 1995—remains available through block grants. All current recipients of title X funding will still be able to apply for funds from their States.

What we are doing in this bill is recognizing the inefficiencies of title X as a federal program. Title X was established in 1970 as a way to reduce unintended pregnancies by providing services to low-income, poor women. In fact the program was originally designed to help poor couples—not individuals—plan their families.

Over its 25 years title X has mushroomed into a model of government inefficiency and been a contributing factor to the steady increases in areas where we were supposed to see dramatic reductions: single-parent families; illegitimacy; sexually transmitted diseases; and despite the assertions of its supporters, abortions. The program is another example of where the hand of Federal Government—well intended as it may have been—has compounded a problem.

Block granting these funds allow us to do away with a costly and inefficient government bureaucracy that has failed to direct services exclusively to those in need. We are giving States the flexibility they need to ensure that services are going directly to those who need them.

This Smith amendment is perfectly consistent with Republican efforts in this Congress to move power and money away from Washington, DC and into the hands of States and communities where it belongs.

I urge my colleagues to support the Smith amendment.

□ 2100

Mr. GREENWOOD. Mr. Chairman, I yield 1 minute to the gentlewoman from New York [Mrs. MALONEY].

Mrs. MALONEY. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. Chairman, I rise in support of the Greenwood-Lowey amendment. Many referred to 1992 as the year of the woman. Today, Mr. Chairman, we face a Congress far more hostile to women's rights and health than any I remember.

It is hard to understand why anyone would want to cut the Nation's principal family planning program, one that through preventive medicine saves $5 for every dollar spent. If family planning is cut, 4 million women, most of whom are young and low-income, will lose their only health care.

How can anyone oppose such an essential program? Whose better interests are being served? Certainly not those of American women. Once again, the radical right's agenda is put ahead of a good government. Protect American women. Vote to keep funding for title X. Save the Nation's family planning program.

Mr. LIVINGSTON. Mr. Chairman, I yield 1 minute to the gentleman from Florida [Mr. WELDON].

Mr. WELDON of Florida. Mr. Chairman, prior to coming to this body, I was a practicing physician. So I used to see a lot of this stuff on a daily basis. I have to say this program was initiated with the intent of helping to deal with the terrible problem of unwanted pregnancies. The unwanted pregnancy rate has skyrocketed. The abortion rate has skyrocketed. Teenage pregnancy has skyrocketed. This is a dismal failure.

I saw an amazing statistic yesterday: The U.S. people get more upset about wasteful government spending than they get upset about violent criminals being let out of jail prematurely. That is the thing that gets them more upset than anything else. Here we are today arguing about whether or not we should continue to fund a program that has been a dismal failure.

The abortion rate is up. The teen pregnancy rate is up. The venereal disease rate is up. That is why this program was initiated, and it has not worked. Now we are asked today to continue its funding. I support the Smith-Livingston amendment. Oppose Greenwood.

Mr. GREENWOOD. Mr. Chairman, I yield 2 minutes to the gentleman from Iowa [Mr. GANSKE], a new Member, our physician.

Mr. GANSKE. Mr. Chairman, I rise in support of the Greenwood amendment.

Let me make myself perfectly clear. I have been strongly and consistently anti-abortion. I will base my vote on this amendment on my view of the best way to decrease the incidence of abortion.

I do feel there are too many abortions and do not believe abortion is an acceptable method of birth control or should be used to select the sex of a baby. And I firmly believe that abstinence is the best choice for unwed couples.

But I recognize that abstinence is not always practiced, and, in its place, contraception is far preferable to abortion.

Let me give some facts. We can never know how many abortions have been prevented in Iowa and around the country because young couples have had access to family planning services. But I do know that title X funds support 67 clinics in Iowa, provided family planning services to nearly 75,000 women in 1994. In my district alone, two-thirds of the 18,000 women receiving these services were at or below 150 percent of the poverty line. Without the assistance of title X services, they may be unable to obtain the family planning necessary to prevent unwanted pregnancies which may end in abortion. Title X funds provide support for 10 family planning clinics in my District four in Polk County, one in Pottawattamie County, one in Montgomery County, one in Harrison County, one in Shelby County, one in Audubon County, and one in Dallas County. Only one of the four sites in Polk County performs abortion services, and they do that without any title X funds.

If the Greenwood amendment fails, the funds transferred to the Maternal and Child Health Block Grant will not provide any family planning in Iowa. That is because the State has determined that none of the MCH funds should be used for that purpose.

The loss of title X funds in Iowa would leave a Community Health Center in my district of 1,800 sq miles, to provide family planning to the nearly 13,000 women at or below 150 percent of the poverty line. This clinic had 1,500 visits for family planning last year. The program's director, Dr. Bery Engebretsen told me today it would be impossible for the clinic to handle the approximately 36,000 visits needed to make up for the closure of the title X sites.

Dr. Engebretsen also said, "without adequate access to birth control, I expect the rate of abortion will increase in the Fourth District."

The Greenwood amendment recognizes the importance of separating family planning from abortion. It makes clear that none of these funds may be used to perform or counsel on abortion. These safeguards are important to ensure that the title X funds are used for family planning, not the termination of a pregnancy.

Mr. Chairman, I am strongly anti-abortion. And I believe that a vote against the Greenwood amendment would betray my goal of reducing the incidence of abortion in America. We cannot eliminate effective family planning without inviting a dangerous increase in the number of unwanted pregnancies, too many of which end in an abortion.

Mr. Chairman, I know that every one of us, whether we are pro-life or pro-choice, is anti-abortion. Ask yourself this simple question before voting. "Will the elimination of title X funding increase the incidence of abortion in your district?" I think the answer is yes. And that is why I support the Greenwood amendment. I urge all of my colleagues to do the same.

Mr. LIVINGSTON. Mr. Chairman, I yield such time as he may consume to the gentleman from Missouri [Mr. EMERSON].

Mr. EMERSON. Mr. Chairman, I rise in opposition to the Greenwood amendment and in support of the Livingston-Smith language.

Mr. Chairman, I rise today in opposition to Mr. GREENWOOD's amendment.

Each year as we review funding for title X, abortion supporters manage to cloud the debate, claiming that women will not receive complete medical care if title X is defunded. Let me remind you that title X is not the only source of family planning assistance available to women who are economically disadvantaged. Each year hundreds of millions of dollars from private and State resources and the Federal Government through Medicaid, the Social Services Block Grant, the Maternal and Child Health Block Grant and several other smaller programs are allocated for this type of health services.

I cannot support Mr. GREENWOOD's amendment which would essentially reinstate the hypocritical title X program. By hypocrical I am referring to the clause in title X that states, "none of the funds appropriated under this title shall be used in programs where abortion is a method of family planning," however, last year title X allocated $33 million of its $193 million to planned parenthood, the single largest abortion provider and advocate for legal abortion on demand in the United States.

Plainly and simply, if Mr. GREENWOOD's amendment is passed title X funds will be retained at present levels. Under these levels millions of taxpayer dollars will be funneled to abortion providers and advocates. Abortion is not family planning. It is family cancellation. As we all know planning is something you do before the fact. Abortion happens after the fact. I cannot support spending my fellow citizens tax dollars on a program that promotes abortion and I urge my colleagues to oppose Mr. GREENWOOD's amendment.

Mr. LIVINGSTON. Mr. Chairman, I yield such time as he may consume to the gentleman from Oklahoma [Mr. ISTOOK].

Mr. ISTOOK. Mr. Chairman, I rise in support of the Livingston and Smith language and in opposition to the Greenwood language.

Mr. Chairman, I oppose the Greenwood amendment, and support the proposals of Mr. LIVINGSTON and Mr. SMITH.

The current title X programs hurt America's families; they undercut America's families and our values.

How?

Because current title X programs promote teenage promiscuity and other sex outside of marriage. American history since title X was adopted shows that abortions are up, and out-of-wedlock births are also up dramatically. Why? Because the Federal Government, with taxpayers' money, is subsidizing sex outside of marriage.

Let's look just at the teenagers who are subsidized by title X: One-third of those who use title X are juveniles. Minors. Children. Teenagers. Over 1 million young people each year, who the law says are too young to vote, too young to enter a contract, often too young to have their ears pierced without a parent's permission, can go to a government family planning clinic, without knowledge of parents or family. There they don't get instruction in the moral and other consequences of sex outside marriage. Instead, they get free birth control pills, condoms, and other contraception, and treatment for sexually-transmitted diseases: AIDS, syphilis, gonorrhea, and other forms of venereal diseases. And their parents are never told.

No wonder America's families find it hard to guide their children, when the government offers their children an end-run around the family on this, the most intimate of family issues. As a father of five, I don't want government using my tax dollars to undercut what I teach my children about morality.

And these teens are not all poor, not by a long shot. That's because title X ignores the family's income, and looks only at the teenagers'. Thus, even children from wealthy families qualify for private government help in maintaining their sexual conduct. Our tax dollars are used to by-pass Mom, and by-pass Dad, and by-pass the entire family. In their place, a federally-paid worker tells our youth it's OK, you can sleep around all you want with your boyfriend or girlfriend, regardless of what your family has taught you. The Federal worker won't focus on the fact that it's wrong. They don't give you love and moral guidance. They just give this young person more birth control, and treatment for V-D if they catch something.

Title X in this insidious fashion undercuts America's families and promotes teenage promiscuity. Is this what we want to do with $193-million a year of our tax dollars?? I do not believe this is what America wants, or what our families want. I urge defeat of the Greenwood amendment, and adoption of the Livingston and Smith language.

Mr. LIVINGSTON. Mr. Chairman, I yield 2 minutes to the gentleman from Mississippi [Mr. WICKER] a distinguished member of the Committee on Appropriations.

Mr. WICKER. Mr. Chairman, I thank the chairman for the time.

The question before us tonight is clear. Should we let the title X program, which has been a failure by any objective measure, simply continue to exist? Or should we attempt to reprogram these scarce Federal tax dollars where they might provide a better service and value to our Nation?

The title X program was created with the best of intentions, but it has proven to be a dismal failure. It was supposed to reduce unplanned pregnancies among teenagers, but teenage pregnancy has risen dramatically. It was supposed to educate teenagers to prevent the number of abortions, but teenage abortion has doubled since the inception of the title X program.

Now, it is hard for some Members to admit that one of their social engineering schemes may be a failure, but title X is a failure. It is time we admitted that fact.

It is also important for us to stress that title X funds will be transferred under the Livingston amendment to block grants for the States. They will be used by individual States who will be able to set priorities for the use of these funds to benefit their citizens. No longer will these funds be a Washington setaside for Planned Parenthood and like-minded groups.

Planned Parenthood itself received approximately $35 million in 1995, approximately 19 percent of the entire program services budget for title X programs.

All the ills designed to be addressed by the title X program have increased. We have a national epidemic of out-of-wedlock births, teenage pregnancy, sexually transmitted diseases and abortion. It is time to let the States attempt to devise their own solutions. For all of these reasons, I urge a yes vote on the Livingston substitute and a no vote on the Greenwood amendment.

Mr. GREENWOOD. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Kansas [Mrs. MEYERS].

Mrs. MEYERS of Kansas. Mr. Chairman, I rise in strong support of the Greenwood amendment.

I rise in support of Mr. Greenwood's amendment to restore title X family planning grants to the Department of Health and Human Services. After consulting with Kansas health officials, I am gravely concerned that ending title X and rolling the money into the Maternal and Child Health Block Grant and Migrant and Community Health Care Centers will seriously reduce family planning access for working low-income women across this Nation.

The Maternal and Child Health Block Grant has a four-part mission, none of which has to do with providing basic routine gynecological care or birth control to women. The Maternal and Child Health block grant's mission is a laudable one: (A) to ensure mothers and children access to maternal and child health services; (B) to reduce infant mortality; (C) to rehabilitate blind and disabled children; (D) to promote community-based care for disabled children.

But because of these four specific earmarks there are very few dollars left for family planning. This is not block granting—the Smith amendment simply destroys a successful and tremendously important program which allows women control over their reproductive lives.

Mr. GREENWOOD. Mr. Chairman, I yield such time as he may consume to the gentleman from Massachusetts [Mr. TORKILDSEN].

Mr. TORKILDSEN. Mr. Chairman, I rise in strong support of the Greenwood amendment and in opposition to the Smith amendment.

Mr. Chairman, I support title 10 funding and the Greenwood amendment. I commend my colleague from Pennsylvania for his leadership and patience in bringing his amendment to the floor.

This issue is about family planning—not abortion. Title 10 is the only program that exclusively addresses the health of women in this country. It helps keep women off of welfare, and helps prevent abortions.

A facility in my district, HealthQuarters, is the only source of health care for thousands of women. Seventy percent of these women are well below the Federal poverty level. They have no health insurance—public or private.

The number of middle-aged women using family planning facilities is growing because these women are in desperate need of cancer screening, and they can't afford to pay a doctor for preventative care. The block grant approach proposed in this bill simply won't meet these needs because it is impossible to replace the nationwide network of 4,200 family planning facilities already in place. Community health centers simply don't exist in many parts of this country.

Even more onerous is the fact that these block grants provide no language explicitly directing States to use the funding for family planning services. Transferring funds to the Maternal Child Health Block Grant will mean an over 80-percent cut for family planning. This bill is a black hole for women searching for effective family planning and accessible, affordable care.

Eliminating title 10 is not the message this Congress and this majority should be sending to American women or American men. Family planning is clearly an integral part of healthy, successful families. Moreover, it allows poor women to take responsible control over their lives.

My colleagues, it is here that we must draw the line. It is here that we must rise above the rancorous political debate surrounding abortion, because this is not abortion. Let's not lose sight of the fact that title 10 is originally Republican legislation. I urge my colleagues to remember the tradition of a young Congressman from Texas named George Bush, who helped to pass the founding legislation, and the Republican President, Richard Nixon, who signed it into law.

Vote for responsible, healthy families. Support title 10. Vote for the Greenwood amendment.

Mr. GREENWOOD. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois [Mr. FAWELL].

Mr. FAWELL. Mr. Chairman, I rise in support of the Greenwood amendment.

Mr. GREENWOOD. Mr. Chairman, I yield such time as he may consume to the gentleman from New Jersey [Mr. FRELINGHUYSEN].

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in strong support of the Greenwood amendment.

Mr. Chairman, I believe that the title X family planning program is a national priority. We have done a disservice by transferring these monies to other areas with no guarantee that these vital services will continue.

Title X provides basic health care services for millions of low-income women.

Without title X, my state of New Jersey will lose $5.3 million in designated family planning funding and over 106,000 New Jersey women will lose access to contraception, pre-natal care, and other basic health services like cervical and breast cancer screenings.

This debate is about whether or not we believe it is a national priority to provide low-income women with family planning information, education and services.

Mr. Chairman, I respectfully submit that it is a national priority.

The most recent data estimates each year in the United States, there are 3.1 million unintended pregnancies, 1.5 million abortions, and 1 million teenage pregnancies.

This is a national crisis.

Congressman GREENWOOD'S amendment simply restores direct funding for title X family planning programs and I urge its passage.

Mr. GREENWOOD. Mr. Chairman, I yield such time as he may consume to the gentleman from New Hampshire [Mr. BASS].

Mr. BASS. Mr. Chairman, I rise in strong support of the Greenwood amendment.

Mr. GREENWOOD. Mr. Chairman, I yield such time as he may consume to the gentleman from New York [Mr. BOEHLERT].

Mr. BOEHLERT. Mr. Chairman, I rise in strong support of the Greenwood amendment.

Mr. GREENWOOD. Mr. Chairman, I yield such time as she may consume to the gentlewoman from California [Ms. HARMAN].

Ms. HARMAN. Mr. Chairman, I rise in strong support of the Greenwood amendment, salute the distinguished record of Planned Parenthood in preventing unwanted pregnancies.

Mr. Chairman, I rise in strong support of restoring funds to the title X Family Planning Program. I commend my colleague Mr. GREENWOOD for offering this important amendment, and am pleased that this amendment has bipartisan support.

The Title X Family Planning Program has a history of bipartisan support. It was enacted with broad bipartisan support in 1970, enjoying support from cosponsor former President George Bush. President Richard Nixon signed it into law. It has been reauthorized six times since 1970, always receiving bipartisan congressional support.

Unfortunately, choice opponents who don't understand the important role that title X serves seek to eliminate title X. Instead, they have launched an ideological war against Planned Parenthood and in their zeal they may succeed in ending an invaluable program. In fact, title X does something that many on both sides of the choice debate would agree is an important goal: it reduces unwanted pregnancy and makes abortion rare.

Like so many other provisions that we have seen during this year's appropriations process, this provision to eliminate title X is part of an anti-choice agenda designed to roll back a woman's right to choose. But this vote isn't even about choice—it's about ensuring quality health care for women.

No title X funds go toward abortion; clinics have always been prohibited from using title X funds for abortions. What title X does do is provide quality health care for low-income women, many of whom would not receive health care otherwise. In addition to providing a full range of reproductive health services for low income women, title X clinics screen women for breast an cervical cancer, sexually transmitted infections and hypertension. Title X's family planning services have reduced unwanted pregnancies by an estimated 1.2 million.

It is terribly ironic that anti-choice Members seek to eliminate a program that provides quality health care and is a proven success at preventing abortion. Support this bipartisan effort to restore funding to title X, a critically important program to American women that encourages responsible family planning choices.

Mr. GREENWOOD. Mr. Chairman, I yield such time as he may consume to the gentleman from Connecticut [Mr. SHAYS].

Mr. SHAYS. Mr. Chairman, I rise in support of the Greenwood amendment.

Mr. Chairman, I rise today in strong support of the Greenwood amendment to restore funding for the title X program and in opposition to the Smith amendment to restore the bill's language which would block grant these funds.

It is unfortunate that some Members of Congress insist on continuing their assault on a woman's right to choose to have an abortion and her right to comprehensive family planning services at the same time. Certainly these two agendas seem at odds with one another.

While I support a woman's right to choose to have an abortion, like many of my colleagues, I am very troubled by the number of abortions taking place in our country. I feel it is important to concentrate more resources toward educating our young people about the consequences of sexual activity. I have consistently supported the reauthorization of the title X program, which funds family planning clinics, because I feel it offers women necessary family planning information, including methods of avoiding unwanted pregnancy.

I believe withholding or reducing funding for title X programs denies poor women in particular information about the full range of available medical options. This could cause them to make uninformed decisions and deprive them of needed medical services.

Current provisions in the bill that would block grant title X funds with other health programs will, in fact, reduce the amount of money that will be devoted to the vital purpose of family planning.

Our party talks about the need for encouraging responsibility and taking control of one's life and that is exactly what this program aims to teach young women. We cannot abandon these women by eliminating this program at a time when this Congress has repeatedly sent the message that abortion is not an available option.

If we are truly serious about eliminating the need for abortion in our country, as well as many of the related social problems caused by unintended pregnancy, we must reaffirm our commitment to the title X program and support the Greenwood amendment.

Mr. GREENWOOD. Mr. Chairman, I yield 1 minute to the gentleman from Oregon [Mr. WYDEN].

Mr. WYDEN. Mr. Chairman, the authors of this appropriations bill should call their legislation the Barefoot and Pregnant Act of 1995. I must say that I find this appropriations bill particularly odd because so many of our colleagues have talked about citizen empowerment throughout this Congress. Well, cutting family planning takes power from women because it strips them of their most personal choice, the right to plan their own family.

Cut family planning and it will be harder to achieve our national goals of reducing the number of abortions and encouraging more personal responsibility. Cut family planning, and our Nation takes another step towards two-tiered medicine, where the wealthy can get access to the services they need and the poor go without.

Support the gentleman from Pennsylvania [Mr. GREENWOOD].

PARLIAMENTARY INQUIRY

Mr. LIVINGSTON. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. LIVINGSTON. Mr. Chairman, who has the right to close?

The CHAIRMAN. The gentleman from Louisiana [Mr. LIVINGSTON], a member of the committee, will have the right to close.

Mr. GREENWOOD. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE. Mr. Chairman, I rise in support of the Greenwood amendment, offering great support for not going back but going forward with family planning.

Mr. GREENWOOD. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas [Mr. BENTSEN].

Mr. BENTSEN. Mr. Chairman, I rise in strong support of the Greenwood amendment.

Mr. Chairman, George Orwell is alive and well in the Halls of Congress. This may be 1995, but it sure feels like 1984, when big brother can dictate what health services women have access to and then use double-speak to hide the impact of what is being done.

The termination of title X family planning programs is just plain wrong. We must fix this wrong by approving the Greenwood amendment. This amendment would provide $193 million for title X programs to ensure that women have access to health care services, including reproductive health care. Women should have the ability, no matter what their income is, to receive appropriate health care services.

Family planning works and should be continued. In Houston, many women regularly visit title X clinics to see doctors. This may be the only place that low-income women get health care. For many women, health care is not affordable and not a priority when they are struggling to pay for food and shelter. Title X is the safety net for these low-income women and should not be eliminated.

Family planning is not about abortion. This debate is about giving women access to health care services. The Republicans want to eliminate these services in order to pay for tax cuts for the wealthy. Family planning is cost-effective and necessary. We must not permit the Republican majority to eliminate these vital reproductive health services.

The women of America should have access to family planning services so that they, not the Government, can make the decisions about their health care. The Greenwood amendment ensures that low-income women have the same access as other women, which is fair and responsible. I strongly urge my colleagues to support the Greenwood amendment and oppose the Smith amendment.

Mr. GREENWOOD. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. BILBRAY].

Mr. BILBRAY. Mr. Chairman, for the last 10 years, I have had the privilege of administering many Federal programs for and to the people, 2½ million, in San Diego County. I am sure my colleagues on the other side of the aisle are sick and tired of hearing me point out all the terrible bad regulations that do not work. I will continue to do so. They will continue to be sick of it. But I think there is a responsibility here to point out the ones that do work.

I have to regretfully oppose the amendment of my dear friend, the gentleman from Louisiana, because if there is any program that I really believe did work, especially as somebody who desperately wanted to see abortions become a thing of the past, title X was the one thing as a local administrator that I was able to do, to avoid something that I felt very strongly about and that is trying to keep abortion out of the formula, as options for birth control.

I have to join with the gentleman from Pennsylvania [Mr. GREENWOOD] and support him because a dose of reality that I came here to try to bring to the Democratic Party also must be brought to both sides.

Mr. LIVINGSTON. Mr. Chairman, I yield such time as he may consume to the gentleman from North Carolina [Mr. TAYLOR].

Mr. TAYLOR of North Carolina. Mr. Chairman, I rise in support of the Livingston-Smith amendment.

Mr. Chairman, I rise in strong support of this bill's provision to transfer funds from title X to State health programs, and in support of the Livingston-Smith amendment.

We have heard some Members argue that we need to fund title X to ensure that money is available for family planning. Mr. Chairman this simply is not the case.

As we all know, the title X funds are being redirected to the maternal and child health block grant and community and migrant health centers. The fact is, these State health programs have always been able to use money for family planning, and will still be able to do so.

Under this bill, family planning will simply have to compete with other health needs when States set their funding priorities. Competition on a fair basis is a very reasonable approach. Funds can be used for the most serious health needs in each State, and family planning can be a part of that.

Mr. Chairman, I think it is also important to point out that this bill ensures that money for health needs will go to those who are truly poor. Instead of going to affluent or middle-class teens as it does in title X, the funds in the State programs will be used for the poor, and that group is the one that we are really trying to help here.

And let's talk a little bit about what title X was intended to do when it was brought about, as opposed to what it has actually accomplished. Since we introduced title X in 1970:

The teenage out-of-wedlock birth rate has doubled.

Sexually transmitted diseases among teens is at an all-time high.

The teen-age abortion rate has more than doubled.

These figures indicate many things, but success is not one of them.

Mr. Chairman, let's be honest with ourselves. Title X has not achieved its goals. The States are in a better position to understand the particular needs of their areas, so let us give them the opportunity and the money to do so.

The maternal and child health block grant and community and migrant health centers are a proven success—let these organizations determine the greatest health needs within their State.

Mr. Chairman, this Congress has demonstrated a remarkable commitment to put an end to failed or low priority Government programs. Title X is one of these failed programs, which is why I strongly urge my fellow members to vote for the Livingston-Smith amendment.

Mr. LIVINGSTON. Mr. Chairman, I yield 1 minute to the gentlewoman from Utah [Mrs. WALDHOLTZ], one of our most stalwart Members, a pregnant lady with shoes on.

Mrs. WALDHOLTZ. Mr. Chairman, this pregnant Member's shoes are firmly on. While my shoes are firmly on, I am proud to rise in strong support of the Livingston amendment and oppose the Greenwood amendment.

I was reluctant to come and speak on this issue because I have been careful not to politicize my pregnancy. But I came to share with you a phone call from a mother in my home district of Salt Lake City yesterday who wanted me to tell the story of her 16-year-old daughter who went to Planned Parenthood when she suspected she was pregnant and when the clinic personnel told her she was pregnant, the only option this 16 year old was offered was an abortion. Four times this young girl said no, that is not what I want to do. She finally left the clinic with no more help than when she had entered it, to go home and talk to her mother.

□ 2115

Her mother called me yesterday and said please, support the Smith amendment, let us get this money into a block grant where our States and communities can have a hand in helping with family planning. I do not want any more 16 year olds to go through what my 16 year old did.

Mr. Chairman, I am asking Members to listen to that mother from Salt Lake City and support the Smith amendment.

Mr. GREENWOOD. Mr. Chairman, this proud father of two fine young men and two beautiful little girls yields 2 minutes to the gentlewoman from California [Ms. WATERS].

Ms. WATERS. Mr. Chairman, I rise in support of the Greenwood-Lowey amendment to restore funds to title X. I rise in support of this amendment because I want Members to understand most of us, all of us, want to prevent pregnancies. We do not like the fact that younger and younger people are bringing babies into the world and we want to do something about it. Some people like to throw these statistics at us day in and day out and say, "Why don't you stop it?" If we had a magic wand, perhaps we could wave it and stop it.

Mr. Chairman, these young people are sexually active. They are not just kids from one community. All communities. Your children. Children from the Christian Coalition, children all over America. We have to do something about preventing pregnancies.

You cannot wipe out title X. You go too far. This is extreme. I want Members to know, most of their constituents do not support wiping out family planning. If we are ever to get a handle on this, Government must be involved.

Mr. LIVINGSTON. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Virginia [Mr. BLILEY], chairman of the Committee on Commerce.

Mr. BLILEY. Mr. Chairman, I rise in opposition to the Greenwood amendment and in support of the Livingston/Smith substitute.

Supporters of the Greenwood amendment would like for everyone to believe that by transferring funds from the Family Planning Program to the maternal and child health block and the community health centers we are eliminating family planning services for poor women. Nothing could be further from the truth. Both of these programs, in addition to the Medicaid program provide family planning services to women. But what these programs provide that family planning does not is comprehensive health care services.

I am convinced that transferring these funds will result in better health care for women.

The maternal and child health block is provided to States to improve the health status of mothers and children. States are required to use at least 30 percent for preventive and primary care services for children, 30 percent for services for children with special needs and 40 percent for other appropriate maternal and child health services. These services include prenatal care, well-child care, dental care, immunization, family planning, and vision and hearing screening services.

Community health centers are located throughout the country in areas where there are significant barriers to primary health care. In addition to providing primary care, health centers also link with services such as WIC, welfare, Medicaid eligibility, substance abuse, and other social services.

The health centers program provides comprehensive, perinatal care for women and their infants. The program also has provided perinatal care services to pregnant adolescents who comprise approximately 21 percent of pregnant women served in the program. According to the administration's own statistics the program in fiscal year 1993: provided perinatal care to 185,530 women; arranged or provided for the delivery of 104,344 babies to women receiving these services; enrolled 79,572 women in prenatal care in the first trimester of pregnancy; and served 38,898 pregnant teens.

The Family Planning Program on the other hand only provides family planning services including contraception, infertility services, basic gynecological care, and referral for other services. In fact, in March 1992 the administration released a guidance on a title 10 regulation. The guidance clarified that the purpose of the title 10 program is to provide prepregnancy family planning services, not services to pregnant women.

We can only guess how many women, especially adolescents never make it to a health care center for prenatal care after being told by the family planning clinic that they are pregnant.

In terms of health care for both mother and child, it makes more sense for a woman to go to one location for all her health care services, both family planning and prenatal care. Such an arrangement would be much more likely if these funds are transferred to the MCH block and the CHC program.

Do not be misled by the rhetoric my fellow colleagues. Family planning services will remain available to women with the Livingston-Smith amendment. In fact, better health care will be available to women. I urge my colleagues to join me in opposing the Greenwood amendment and in strong support of the Livingston-Smith amendment.

Mr. GREENWOOD. Mr. Chairman, woefully, only $34 million of the $116 million will ever find its way to family planning.

Mr. Chairman, I yield 1 minute to the gentlewoman from Connecticut [Ms. DELAURO].

Ms. DELAURO. Mr. Chairman, I rise in strong support of the Greenwood amendment and opposition to the Smith substitute. The Greenwood amendment would protect access to safe and affordable health care for women by restoring vital family planning funding.

Low-income and uninsured working women of all ages depend on the basic health care and family planning services provided by community clinics. These clinics rely on Federal funds. Without community clinics, millions of women would be denied access to potentially life-saving services such as screening for breast cancer, cervical cancer, hypertension, pap smears, and routine clinical exams. For many women, especially young women, community clinics are their only source for basic health care.

This debate is not about choice. Current law clearly states that no title X funds may be used for abortions. It is about women's health.

Combat the Republican attack on women's health; support the Greenwood amendment to help women in need.

Mr. LIVINGSTON. Mr. Chairman, I yield 1 minute to the distinguished doctor from Oklahoma [Mr. COBURN].

Mr. COBURN. Mr. Chairman, I rise to oppose the Greenwood amendment. I think what we need to ask ourselves is, everybody has made a lot of claims about what title X has and has not done. There is not a scientific study that will evaluate it. But there is a retrospective study based on economics.

Mr. Chairman, what we do know is since 1970, we have had a rise in teenage pregnancies, a rise in abortion. We now have a sexually transmitted disease epidemic that is out of control and unheard of anywhere in the western world. What we also are told is that there has not been a study of effectiveness.

We have one study that we can look at that will tell us what is going on, and it is a study that will be published next month out of the University of California by a Ph.D. economist. It says the following things: That those States which spend less money on family planning have less of those three things. They have less teenage pregnancy, less abortion, less sexually transmitted disease. It also says that the States with the highest amount of money will have the most abortion, will have the most teenage pregnancy, and the most sexually transmitted disease.

Mr. Chairman, I urge Members' support for the Livingston-Smith amendment.

PARLIAMENTARY INQUIRY

Mrs. SCHROEDER. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentlewoman will state it.

Mrs. SCHROEDER. Mr. Chairman, I keep hearing that title X has caused pregnancies.

The CHAIRMAN. The gentlewoman is not stating a parliamentary inquiry.

Mr. GREENWOOD. Mr. Chairman, I yield 1 minute to the gentlewoman from New York [Ms. SLAUGHTER].

Ms. SLAUGHTER. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in support of the bipartisan amendment to restore funding for title X Family Planning, a program that last year served more than 4 million women in 4,000 clinics.

Let me make clear that title X does not fund abortions; the law will not allow it. What title X does fund, in addition to family planning services, is gynecological exams and Pap smear tests; mammograms, clinical breast exams and education in breast self-exam; screening for high blood pressure; and screening for sexually transmitted diseases, as well as education and counseling on how to avoid and prevent such diseases.

Title X clinics provide critical health and family planning services for millions of women who can't afford private insurance, but don't qualify for Medicaid. These are women working in low-paying service-sector jobs that don't provide health coverage. What does eliminating title X say to these working women? It says, "Too bad if you can't afford a mammogram or pelvic exam. We hope you don't get breast or cervical cancer, but we're not going to do anything to help you detect or prevent it." I cannot conceive of a crueler message that this Congress could send to American women.

With an allocation that works out to just 75 cents per person each year, title X is one of the best bargains around. I urge colleagues to vote in support of protecting this critical program.

Mr. LIVINGSTON. Mr. Chairman, I yield 1 minute to the gentleman from Georgia [Mr. KINGSTON], a distinguished member of the Committee on Appropriations.

Mr. KINGSTON. Mr. Chairman, I think we have to put this in perspective. What we are arguing here is not ending family planning, it is saying who is going to run it, the Federal Government or the State government, and who has done a good job.

Let us look at the Federal plan. 1970 when title X began, teen pregnancy rate, 22 percent. 1992, up to 44 percent. Teenage births out of marriage, 1970, 30 percent. In 1991, 70 percent. The abortion rate in 1970, 19 percent; in 1990, 40 percent. Sexually transmitted disease. Now it is up to one out of four sexually active teenagers. Three million teenagers a year get sexually transmitted disease.

Mr. Chairman, it is not working on the Federal level. Let us let the locals take over. If this group was in charge of gun control, they would give all the 15-year olds in America loaded pistols and say, only shoot to graze. Let us be honest. It is not working. Support the Livingston-Smith alternative; let the local people run the family planning.

Mr. GREENWOOD. Mr. Chairman, I yield 1 minute to the gentleman from Texas [Mr. DOGGETT].

Mr. DOGGETT. Mr. Chairman, this is a debate about Elizabeth. Elizabeth, a young woman in Austin, TX, who makes use of the services of Planned Parenthood of Austin. It is a debate about Elizabeth and about thousands of other women across this country who should have the right to turn to agencies like Planned Parenthood. What type of birth control they use or whether they choose to use any birth control at all is none of my business, and it is none of the business of this Committee on Appropriations. She ought to be able to make the decision for herself.

Mr. Chairman, what this is all about is the agenda of an extremist coalition that thinks they can put an end to planned parenthood and to deny choice to people like Elizabeth to choose the type of family planning that they think they ought to have.

Mr. Chairman, I want to preserve her choice. I want to preserve her choice not to have an abortion because she has effective family planning through an agency that is providing quality health care services. This is a chance to speak up for Elizabeth and for women across this Nation to have the choice of effective family planning that they choose, and not this Congress.

Mr. GREENWOOD. Mr. Chairman, I yield 1½ minutes to the gentlewoman from New York [Ms. MOLINARI].

Ms. MOLINARI. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, title X and family planning works. In 1995, over 5 million low-income and uninsured women were served in clinics. In addition to family planning services, they provided screening for breast and cervical cancer. Where are these women going to go? It works. Eighty-three percent of women receiving Federal family planning services rely on clinics funded by title X. And where are these women now going to go? Every public dollar spent on family planning saves $4.40 that would otherwise be spent on medical and welfare costs, saving taxpayers $2 billion annually. Family planning works to save lives and to save money.

Let us be honest. If we are against abortion, if we are against escalating welfare costs, we must be a society that stands for family planning. We must give women a place to go.

Mr. GREENWOOD. Mr. Chairman, I yield 1 minute to the gentlewoman from Connecticut [Mrs. JOHNSON].

Mrs. JOHNSON of Connecticut. Mr. Chairman, I rise in strong support of the Greenwood amendment and in strong opposition to the Smith amendment.

Mr. Chairman, do not be deceived. The Smith amendment is not an innocent block grant proposal. It cuts Federal support for women's health services and pregnancy prevention by two-thirds. In just the maternal and child health block grant section, it cuts funding from $116 million to $34 million as a result of the mandatory set-asides in that program.

The Smith amendment cuts the money and cuts access to health care services for uninsured low-income women. It eliminates services in 25 counties nationwide.

In my district I have not one community health center and all that maternal child health money goes to the five big cities. In Connecticut 30 percent of all women now receiving pap smears, routine health services, and yes, pregnancy prevention services, will no longer have access to them.

Mr. Chairman, I urge opposition to the Smith amendment and support for the Greenwood amendment.

Mr. GREENWOOD. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I want to commend the House, those who agree with me, those who oppose us, for what I think has been a high-toned, important debate for this country. Let me close with this, Mr. Chairman. This is not now, never has been, never will be, a debate about abortion. It is a debate about family planning. It is a debate about public health. It is a debate about the right of women in this country, poor women, to plan their families, and we should all stand up for that.

Mr. Chairman, I yield back the balance of my time.

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Mr. LIVINGSTON. Mr. Chairman, I yield the balance of my time to the very distinguished gentleman from Illinois [Mr. HYDE].

Mr. HYDE. Mr. Chairman, I am filling in for the gentleman from Georgia [Mr. GINGRICH], who was supposed to close, but he is tied up somewhere, so here I am.

This debate is not about family planning. This debate is about who will deliver the family planning.

On welfare, on grants to fight crime, the Republicans have taken the position that Washington can not do it as well as the localities can, that States ought not to be administrative districts of the Federal Government, and so we have sought to return to local government, to local agencies, the funds that heretofore have been disbursed by the all powerful Washington bureaucracy.

Now I tell my colleagues what this debate is about. It is about a $33 million Federal earmark to the largest purveyor of abortions in the world, Planned Parenthood, and they are fighting because that is big money, but under our proposal they can still line up with other agencies out in the States and compete for those dollars. After all, Medicare today spends well over one-half billion dollars on family planning.

Who is sounding the death knell of family planning? Community health centers, social services block grants, maternal and child health block grants, and Medicare. They serve 13 million women, and children, and adolescents who need medical care, as well.

Mr. Chairman, let me in the time left simply say family planning is a good thing. I am for family planning, always have been. I am against a big Federal earmark. I am for letting the States handle it as we are doing in welfare reform and in crime grants.

Ms. ESHOO. Mr. Chairman, if 1992 was the year of the woman, then 1995 must be the year of the assault on women.

A good example of the continuing offensive against women in this country is the elimination of title X family planning money in this bill.

Title X was enacted with broad bipartisan support in 1970. This program provides critical services to low-income women and uninsured working women. In addition to family planning services, title X clinics provide screening for breast and cervical cancer, sexually transmitted diseases, and hypertension. For many women, it provides the only basic health care they receive.

While some in this body are pro-choice and others are anti-choice, none of us are pro-abortion. Yet this bill eliminates the one program which effectively prevents unwanted pregnancies and abortions.

In fact, for less than ½ of 1 percent of the entire Federal budget, this program averts 1.2 million unintended pregnancies, 516,000 abortions and 344,000 out-of-wedlock births each year.

I find it interesting that this prevention program has come under attack only after its termination was urged by the Christian coalition in its "Contract with the American Family."

Mr. Chairman, we can't allow special interests to run this Congress. I urge my colleagues to vote against this mean-spirited attack on American women. We have come too far to let demagogic extremists reverse our gains.

Mr. FAZIO of Califorina. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Pennsylvania [Mr. GREENWOOD]. This amendment would restore separate, discrete funding for the Federal family planning—or "Title X"—program.

What many of Title X's opponents fail—or refuse—to recognize is that the scope of this program goes far beyond family planning. The Title X program also provides other preventive health care services to approximately 4 million low-income women and teenagers at 4,000 clinics across America. It provides infertility services, as well as counseling, screening, and referral for basic gynecologic care, breast and cervical cancer, hypertension, diabetes, anemia, kidney dysfunction, sexually transmitted diseases, and HIV. Without Title X, millions of American women would have no other accessible, affordable source for quality, comprehensive health care services. It is the only source of health care for 83 percent of its clients and for many of them it is the single entry point into the entire health care system.

California has received Title X funds since the Public Health Services Act was passed in 1970. Last year, more than 350,000 low-income women received health care services at California's Title X clinics. Yet, because of inadequate funding, the program serves fewer than half of those currently eligible for services. Although funding for Title X has declined by over 70 percent since 1980, health care costs have soared, and the number of women of reproductive age who are in need of these services has increased.

Title X services prevent 1.2 million pregnancies in the United States each year. When we support contraceptive services—Both care and supplies—we thwart unwanted pregnancies and, ultimately, the need for abortion. By reducing unintended births, we also decrease welfare dependency. Each public dollar spent to provide family planning services saves more than four dollars that would otherwise be spent on medical care, welfare benefits and other social services.

Mr. GREENWOOD's amendment restores accessible, high-quality, affordable health care to women who could not otherwise afford to have it. I encourage my colleagues on both sides of the aisle to support passage of this pro-life, pro-health amendment.

Mr. SERRANO. Mr. Chairman, I rise in strong opposition to H.R. 2127, making appropriations for the Departments of Labor, Health and Human Services, and Education, as well as several Related Agencies.

Mr. Chairman, traditionally, the Labor-HHS-Education bill has been one of the most important bills before Congress each year. It funds programs that are key to the Nation's well-being: health, education, social and employment services that touch every person in the United States and provide the means for all of us to live healthier and more productive lives.

That is why this bill, this year, is such a tragic mistake. Its initial problem was the misguided priorities the Appropriations Committee used in allocating spending authority among the subcommittees. A grater problem is the equally misguided priorities used in writing the bill.

No amount of tinkering will make H.R. 2127 livable, Mr. Chairman; the Appropriations Committee should simply tear it down and rebuild it from the ground up.

In many ways, H.R. 2127 is a 180-degree turn from the priorities in last year's bill, in which, even within tight budgetary limits, we were able to strengthen the Nation's investment in our youngest children by increasing funding for Head Start and Healthy Start.

We were able to increase funding for title I, our country's primary mechanism for assisting disadvantaged children, and continue to fund Pell grants and Federal students loans, strengthening our commitment to access to higher education regardless of one's ability to pay.

We were able to strengthen our ability to save lives and improve health with increases for critical public health, health research, and health care programs.

We were able to increase funds for key employment and training programs.

H.R. 2127 is in sharp contrast to those priorities.

It cuts Head Start—cuts Head Start, Mr. Chairman—and whacks 50 percent out of Healthy Start.

It guts spending for title I and for bilingual and migrant education, and totally eliminates funding for Safe and Drug-Free Schools, Dropout Prevention, vital literacy programs, and Goals 2000, President Clinton's ambitious plan to prepare our children for the 21st century.

Minor increases in certain health spending come at the expense of an important family planning program and both the Office of the Assistant Secretary of Health and the Office of the Surgeon General, all of which are eliminated under this bill.

It slashes key employment and training programs and kills the summer youth program.

Just as hundreds of unfortunate people have died in the nationwide heat wave, it kills the Low-Income Home Energy Assistance Program.

And so far, Mr. Chairman, I have referred only to the funding priorities in this bill.

The limitations and legislative provisions in H.R. 2127 are far-reaching meddling in issues under the jurisdiction of authorizing committees.

Among other things, they threaten the health and safety of women, the safety and rights of working people, and the ability of

Federal grantees to share their expertise with or represent the needs of their members and clients before policymakers.

Mr. Chairman, this cruel bill makes victims of the most vulnerable people in our Nation, our children, our seniors, our minorities, even our increasingly beleaguered working people.

There is just no reason to support such a mean-spirited bill. I urge my colleagues simply to vote it down and let the Appropriations Committee try again to produce a new bill that will deserve the support of the House.

Mr. VENTO. Mr. Chairman, I rise in opposition to H.R. 2127, the Labor–HHS–Education appropriation for fiscal year 1996. More than any other legislation, this bill represents an all-out attack against working families. This bill is, in fact, an assault on American working families. Under the Republican leadership this bill targets the very programs that help working families to get ahead and to make a better life for their families.

This legislation seeks to return to the sad days of the 1930's, yesterdays work environment, when the working man and woman was nothing more than a tool for corporate interests—discarded when broken on the job. This antiworker bill eliminates the concept of a fair day's pay for a fair day's work. This legislation attempts to silence the voice of American workers by undermining their right to seek fair representation in the workplace through law. This legislation attacks the children of working families by putting them at risk in the workplace and by denying them the essential education assistance that they need to get ahead.

Mr. Speaker, denying our children the opportunity to attain requisite skills is perhaps the most wrongheaded and heartless feature of this measure. The families and working people that I represent work hard to provide for their families. Some are more fortunate and can plan ahead for their children's education. Others have to struggle to meet the day-to-day expenses. To cut vocational education, student loan and grant programs slams the door to opportunity in the face of youth from working families and destroys their dreams of a good life.

Mr. Speaker, I most strenuously object to the treatment of basic worker rights and protections in this spending legislation. Today on the House floor, the term "workers' right to know" has taken on a different meaning. In the past that phrase referred to the right of workers to know when they worked with materials hazardous to their health. Today, workers' right to know, should be a warning that congressional actions are hazardous to workers' health and rights.

As the House considers this Labor–HHS appropriations, C–SPAN should include a workers right to know disclaimer that this bill is hazardous to workers. This workers' hazardous warning should point out the impact of the bill on:

Workers health—a 33-percent cut in OSHA which means that thousands more American workers are going to be injured or die on the job. Workers' lives, health, and safety are at risk on the job. Over 1.7 million workers are seriously injured on the job each year. The cuts in OSHA will only exacerbate the situation.

Workers pay—workers are getting shortchanged by this legislation. The 12-percent cut in the employment standards administration means that businesses can ignore minimum wage and overtime requirements with impunity.

Workers' rights to representation—this legislation denies workers a fair chance to unite to fight for themselves and their families. The 30-percent cut in the Labor Relations Board will do more than tilt the management-labor playing field in favor of the companies. This cut will lock out the unions and frustrate workers' ability to be represented and achieve positive results.

This bill will also have a disastrous impact on education in this country. This measure denies opportunity for our youth, cutting programs designed to equip them for the world of work.

And the litany of cuts to education programs goes on with cuts to Head Start, title 1, safe and drug-free schools and summer jobs programs which in essence strike at our most vulnerable children and most apparent needs evident in today's America. Eliminating programs to help communities train teachers and improve student performance are a slap in the face to a nation that places education as a No. 1 priority. Limiting access to higher education and job training programs pulls the ladder to a better future away from the young men and women who will be charged to lead our Nation into the next century.

For my State of Minnesota alone this means that, in 1996, 2,081 children would be denied Head Start, 14,000 students would go without title 1 education benefits, over 5,000 Minnesota youths would miss their first summer job opportunity, 658 young people would be denied the chance to serve in Americorps, 154,000 college students would pay significantly more for college, and job training opportunities for 3,408 dislocated workers would be refused.

Education is a core value shared by all Americans; they realize that an investment in education is an investment in our future. Our Nation benefits greatly from developing the skills and abilities of future generations. Support for education helps citizens build a better future for themselves, their families, and America by contributing to a successful and stronger overall economy.

Indeed, an educated population—along with the roads, airports, computers, and fiber optic cables linking it up—today determines a nation's standard of living and a country's ability to compete. Nothing is more critical to the future economic success of America than making sure that all Americans possess the education and skills they need to compete and succeed in the global economy. Education is the key to a nation's success. When Congress cuts education programs, we all lose. That is why the distorted priorities of this spending measure are so ironic.

Education funding is less than 2 percent of the total Federal budget, yet it plays a critical role in enhancing the self-reliance, economic productivity, and well-being of our Nation's populace. Cutting education is a short-term solution that will cost us dearly in the long run. Some may boast of fiscal discipline and deficit reduction, but if we add so much to the human deficit, the education and job deficit, what have we accomplished?

This legislation also contains provisions that would seriously harm family planning activities in this country, which could have disastrous effects on the health and security of American families. The legislation we are considering today zeros out funding for title X of the Public Health Services Act, a cornerstone of the Federal family planning program since its inception in 1970. Title X provides family planning and health services to low income and uninsured women across the country who would, without title X, have no other means of attaining these or other primary health care services. Along with family planning services, title X provides valuable medical services such as cancer screening and mammograms and prenatal care.

Government expenditures on family planning services such as those funded through title X have been linked to lower rates of abortion, fewer cases of low birthweight babies, increased utilization of prenatal care, and fewer infant deaths. In 1989, Government-funded family planning activities prevented an estimated 1.2 million unintended pregnancies, eliminating the need for 516,000 abortions. Allowing women access to these family planning programs also saves money in the long run in medical expenses, welfare payments, and other services associated with unintended pregnancy and childbirth.

Another provision of this legislation which deeply concerns me is the projposal to zero out the funding for the Low-Income Home Energy Assistance Program, known as LIHEAP. As a member from one of the coldest States in the Nation, I am alarmed by the potential impact of this mean-spirited action. In 1994, approximately 6.1 million households received aid to help cover heating costs. Nearly half of these households contain elderly or handicapped persons, and about 80 percent of them earned less than $10,000 a year. Where are these people to turn when they can no longer afford to heat their homes? Where are my constituents in St. Paul to turn when the temperature drops to 30-degrees below zero and they do not have the money to pay for heating fuels.

The majority's answer to us is that the States and the utility companies will pick up the tab—apparently some in WDC believe that the local government and utilities are ready and waiting to excuse utility bills. Well the reality of the situation is that by zeroing out LIHEAP, the Republicans are leaving many poor families out in the cold.

There is a better way; not all of the cuts need to be made from people programs. The Pentagon, space programs, and corporate welfare grants, are just some of the other Federal programs that should also be subject to fiscal discipline. Surely the process of digging the deficit hole deeper with new tax breaks for corporations and investors by hundreds of billions of dollars would not be even considered, not if good policy is the issue. But, of course, the issue isn't fair policy or good policy, the issue is politics. The issue is ideology of dismantling the Federal Government and impairing the ability of the Federal Government to empower people, hence the attack is directly on this legislation involving working men and women programs and their families needs.

Mr. Speaker—the Labor-HHS appropriations is an assault on American working families. I urge my colleagues to stand up for the backbone of our Nation and to vote "No" on this antiworker bill.

Mr. POSHARD. Mr. Chairman, I rise in strong opposition to this bill. I am vehemently opposed to the wide range of attacks this bill launches on the American people.

This is the 7th year I've been through the appropriations cycle in the House. I regret to say this may be the most disappointing appropriations bill I've ever voted against.

Let me say that I know my good friend and colleague, Chairman JOHN PORTER, has had to make a lot of tough choices. I don't want my criticism of this bill to be construed as any criticism of him.

But I am compelled to say that this bill is not right for the American people.

I represent central and southern Illinois, America's heartland, an area of corn fields, oil wells, coal mines, and some of the world's leading manufacturers. I represent good, hardworking people.

As I travel the district, I hear the growing fears of workers who see their jobs put at risk by unwise trade agreements such as NAFTA. I hear from miners and factory workers who fear the loss of life and limb in their dangerous lines of work if we gut labor protection laws. And I hear from families who are trying to do more with less, who see their productivity on the job remaining high while their wages don't keep up with inflation.

More specifically, in the 19th District of Illinois, we have two tremendously difficult situations which face our communities. On the northern end of the district, Decatur is home to three contentious labor and management disputes which have affected thousands of workers, their families and the entire community. I have encouraged labor and management to meet each other at the bargaining table to resolve their differences. One key element in the collective bargaining process is the existence of the National Labor Relations Board, which this bill will cut by nearly 30 percent.

The bill also eliminates the Presidential order barring permanent replacement of workers who are striking against companies with Federal contracts. Let me again emphasize, I support the collective bargaining process which has served this country well. But part of that process must include the right of men and women to strike without being permanently replaced. This bill takes sides against workers who are exercising their bargaining rights and should be changed.

In the southern part of the 19th District, men and women have for years fueled the economy of this Nation by mining the coal found hundreds of feet into the belly of the earth. Things are much better than they used to be, but those are still dangerous jobs. This bill cuts funding for the Occupational Safety and Health Administration's enforcement budget and limits its ability to act in certain instances. Surely this country is rich enough to make sure that people can go to work with out best efforts to make sure they have a safe place in which to work.

We also have men and women who've worked in the coal mines for decades and have lost their jobs because the Clean Air Act has closed down markets for the coal at their mines. These people need new jobs—quite often they need training to help them come back into the work force—but this bill provides $166 million less than current spending and $255 million less than the administration request for adult job training. The same is true for the dislocated workers program—$378.5 million less than current spending and $546 million less than the administration request.

Those are tough numbers at a time when the American economy is in transition and people are discovering that the jobs they used to have are gone, or the ones they have could be pulled out from under them at a moment's notice. We don't guarantee anyone a job for life, but we ought to recognize that changes in the world economy impact real people, who want to buy a car, send their kids to college, and support their communities. They need help doing that, so that if their job disappears, they don't have to spend months on unemployment and we can help them get back into the work force.

And what investment are we making in our children? We're reducing funding for title I programs which help school districts which have students from low-income families. The bill reduces funding for Head Start, student loans, summer jobs, and school-to-work programs.

At this point in time, I enter into the RECORD the variety of changes being made to programs which serve working people in my State and district.

SELECTED CUTS IN THE LABOR–HHS–ED BILL BELOW THE FISCAL YEAR 1995 RESCISSION LEVELS

Program	Nationwide cut	Illinois cut
Summer Jobs	$867,070,000	$34,955,000
Dislocated Worker Training	378,550,000	13,104,000
Adult Training	166,813,000	6,785,000
Older American Employment	46,060,000	1,724,000
Title I, Comp. Education	1,143,356,000	54,142,000
Goals 2000	361,870,000	15,993,000
Safe and Drug-Free Schools	240,981,000	10,167,000
Teacher Training Grants	251,207,000	10,904,000
Vocational Education	272,750,000	10,577,000
State Incentive Grants	63,375,000	3,423,000
Senior Nutrition	22,810,000	1,015,000
Head Start	119,374,000	5,857,000
Low-Income Energy Assistance	965,940,000	56,108,000

Mr. Chairman, I know we need to cut the budget and get our financial House in order. I've made plenty of tough votes to cut spending, eliminate programs and do without things which could not be identified as priority items.

This bill might not be so objectionable were it not for the fact that so many of these cuts are being used to finance an ill-advised tax cut which will accrue almost entirely to the highest wage earners in the country. I've voted for a budget proposal by moderate Democrats which gets us to balance in 7 years. Believe me, that plan has some tough cuts in it—any credible plan does. But we ignore the siren's call for tax cuts and put our spending cuts on deficit reduction.

I know tax cuts sound good and are popular on their face. But the best tax cut we could possibly give our families and our country is a cut in deficit reduction.

That is why I so strongly oppose this bill. The priorities are out of order, the cuts are out of balance, and the attack on the American people is out of bounds.

I strongly oppose this bill and urge its defeat.

Mr. MINETA. Mr. Chairman, I rise today in strong and unequivocal opposition to this grotesque piece of legislation. If ever we needed an example of the skewed priorities of the new majority in this House, this bill is it.

In the area of health and human services, vitally important programs have been completely terminated:

Black lung clinics, the Native Hawaiian Health Care Program, AIDS education and training, substance abuse prevention and training, the National Vaccine Program, rural health grants, developmental disabilities projects, the elder abuse prevention program, aging research, preventive health grants, and funding for the Federal Council on Aging—all would disappear under this bill.

The bill eliminates the Office of the Assistant Secretary for Health and the Office of the Surgeon General—the two offices which are on the front lines of coordinating American public health policy.

The bill cuts almost $400 million from Substance Abuse and Mental Health Services Programs, and $15 million from homeless and runaway youth programs, a $288,000 cut for child abuse prevention, and a reduction of $2 million from the fund for abandoned infants assistance.

The bill cuts the Office of Civil Rights at the Department of Health and Human Services by $8 million—a reduction of almost 40 percent.

The bill contains four provisions that roll back women's reproductive health care and seriously undermine women's rights to make fundamental choices about their bodies and their lives.

It eliminates title X funds for family planning—which 83 percent of women receiving Federal family planning services rely on. This makes no sense, socially or fiscally. Every government dollar spent on contraceptive services saves an average $4.40 in expenditures on medical services, welfare, and nutritional services associated with unintended pregnancies and childbirth.

Title X funds are not used for abortions—they are used for family planning and birth control. This bill would deny millions of women access to all major methods of family planning—cutting them off from the help they need to make informed personal decisions about their own health and well-being.

The bill would also deny Medicaid funding for abortions for rape and incest survivors. Up to 1 in 3 women will be victims of rape or attempted rape in their lifetime. A woman living in poverty who has already been brutally victimized would be victimized yet again by being forced to bear a child against her will.

I also rise in opposition to the provision in this bill to undermine the Accreditation Council on Graduate Medical Education [ACGME] requirement for medical instruction in abortion. Any reduction in the number of doctors who are properly trained to perform abortions will place women at greater risk of losing access to safe and legal abortions. The right of women in this country to exercise control over their own bodies, and choose whether or not to have a child must not be eroded.

The bill is also an attack against the most vulnerable members of our communities: Children and senior citizens.

It would cut 50,000 eligible children from Head Start and cut the Healthy Start infant mortality initiative by half. These programs prepare our children for school and provide support for their parents to help them leave welfare and become independent.

In another short-sighted move, the bill would eliminate the Summer Youth jobs program, leaving 600,000 youth without work next summer. 2,500 young people will lose summer jobs in my hometown of San Jose alone.

The bill would cut total job-related spending on disadvantaged youth by more than half, denying them the work experience and education assistance they need to become productive members of society rather than turning to crime or welfare for survival.

Education is the most important investment our country can make for meeting the challenges of the 21st century, but the plans in this bill to eliminate or cut a host of education programs will leave us unprepared to compete in a changing world economy.

First, the bill would completely eliminate the Goals 2000 program for statewide school reform. Over 1,800 schools in 226 districts in California had planned to participate in local level reform emphasizing early literacy and mathematics, demonstrating the importance of this program. The elimination of the Eisenhower Professional Development program would also remove my state's primary source of support for professional development.

Even though Americans rank safety and drug use as their priority concern in schools, the bill would cut the Safe and Drug-Free Schools Program by 57 percent.

Education programs targeted toward the disadvantaged students are an essential investment for lifting them out of poverty and preparing them to become productive members of society. Cuts to Title I programs would affect services to 209,000 disadvantaged children in California. One-quarter of California's elementary school students have limited English proficiency, and the proposed 74% cut in bilingual education will decimate our programs that serve these students.

To compete in the information-based, global marketplace of the 21st century, our students need practical job skills. Yet the bill would cut vocational and adult education and the School-To-Work program that would allow them to contribute to our economy.

The proposed $162 million cut in Special Education Programs under the Individuals with Disabilities Education Act would virtually eliminate nationwide efforts to help provide 5.6 million children with disabilities with the education they need to live independent, self-sufficient lives.

Mr. Chairman, though these cuts might save money in the short term, they deny children already facing tremendous challenges the education and skills they need to become productive members of society.

The investments we made now in our children are essential for the future of this country. Our children deserve better than this.

Our seniors will also be hard hit by the Republican Appropriations bill.

Many seniors rely on senior nutrition programs as their only or primary source of daily food—but the bill would eliminate 12 million meals through cuts in Congregate Nutrition Services and the Meals on Wheels programs.

The elimination of the Low-Income Home Energy Assistance Program is an appalling move in the face of the hundreds of seniors who have died in the last month from lack of air conditioning. Next winter, thousands more seniors will be freezing in the dark.

Finally, the bill would eliminate the long-term care ombudsman program, which protects the most vulnerable group of senior citizens—those in nursing homes—from abuse, neglect, and fraud.

These provisions will only hurt those who have the least ability to cope with the attack. I do not believe that our budget should be balanced on the backs of our senior citizens and children—and especially not on the backs of the most vulnerable.

The anti-worker provisions in this bill constitute nothing less than a full-scale attack on basic rights of working Americans.

Six thousand American workers are injured on the job each day, costing businesses $112 billion each year. In California alone in 1993, 750,000 workers suffered from occupational injuries and illnesses and 615 workers lost their lives while doing their jobs.

In my district, workers face dangers from working with solvents, acids, metals, and toxic gases that can cause birth defects, cardiopulmonary problems, and damage to vital organs such as liver and kidneys.

The Occupational Safety and Health Administration [OSHA] has succeeded in reducing on-the-job injuries by 57 percent since its inception. OSHA does have problems that need to be addressed. It needs to be made more efficient and to provide meaningful incentives to employers to provide safe and healthy workplaces. But OSHA should be fixed, not dismantled.

This bill would force OSHA to close half its offices and shed half its inspectors, resulting in as many as 50,000 more injuries and deaths to hard-working Americans.

Limited to the resources provided under this bill, OSHA inspectors would need 95 years to inspect each workplace in my State just once.

Furthermore, in yet another example of backroom legislating on an appropriations bill, the Republicans are restricting OSHA's development of ergonomic standards. Musculoskeletal injuries from repetitive motions account for 30 percent of lost workdays due to injuries and illnesses and more than $2.7 million annually in workers compensation claims. Ergonomics, the science of physically fitting a job to a person, can reduce serious injury and illness and improve worker productivity and quality.

Yet the bill would prohibit OSHA from even conducting research to develop ergonomic standards that could help save millions of dollars and prevent hundreds of thousands of injuries. The cost to our society goes beyond the value of these claims. Workers who are disabled at unsafe workplaces end up on our unemployment and welfare rolls.

Those workers who lose their jobs will face a tougher time finding work under this bill. It would deny retraining and benefits to 273,000 dislocated workers and 84,000 low-income adults. The employment and training budget has been cut $2.5 billion below 1995 levels. A $357 million cut in California's education and training programs will force my State to drop 200,000 participants.

Finally, the right of working people to bargain collectively would be weakened through drastic cuts in funding and authority of the National Labor Relations Board [NLRB] and the prohibition on enforcement of the President's Executive order on striker replacements.

Hardworking Americans have basic rights to a safe and healthy workplace and to organize for these and other rights. The Republicans would take our worker protections back by decades.

This has been a fractious budget cycle so far, and I expect that it's going to get worse. Those who say that balancing the budget requires that priorities be identified are absolutely correct: and the priorities of the Republican leadership are coming through loud and clear during this Appropriations cycle.

If you're a corporate polluter who wants the government to just leave you alone—you're in luck.

If you're a defense contractor who wants to sell a few more of those planes—even if the Pentagon doesn't want them—you're in luck.

If you're an employer with an unsafe workplace and you just wish those busybodies at OSHA would leave you alone—you're in luck.

If you're cheating your employees by paying them less than the minimum wage, and you think it would be great if those guys at the Wage and Hour Division of the Department of Labor didn't have time to deal with you—you're in luck.

But if you're a senior citizen who's wondering whether to buy medicine or food this month, or a poor mother hoping for a better education and a better life for your children, then this bill has a message for you: You're on you own.

That's a message which I can never vote to send to the people of this country, and I urge my colleagues to vote down this bill.

Thank you, Mr. Chairman.

Mr. YOUNG of Florida. Mr. Chairman, I rise to commend the chairman of our subcommittee for his leadership on this bill under the most difficult of circumstances. Discretionary spending in the bill we consider today is $9.2 billion below the 1995 bill, a reduction of 13 percent. This is the reduction required by the allocation given our subcommittee under the direction of the House Budget Committee.

Needless to say, our subcommittee was required to make some very difficult decisions and to establish spending priorities for fiscal year 1996. The criteria we used emphasized programs that work well, provide the maximum return on our investment in them, and save lives. We also sought to make better use of Federal funds by eliminating or consolidating duplicative or ineffective programs to provide maximum program dollars and minimum bureaucratic overhead. In all, 170 programs were terminated in the bill.

High priority was given to continued funding for the National Institutes of Health, which received $642 million or 5.7 percent over the 1995 level. NIH remains the preeminent biomedical research program of its kind anywhere in the world. Our investment in unlocking the mysteries of many diseases and determining effective and lifesaving treatments is repaid many times over in lower health care costs, a higher quality of life, and a cure for many diseases for which there was no successful treatment just a few years ago.

We have made great strides in the war on cancer, heart disease, stroke, diabetes, mental illness, and other diseases that rob the young and old of valuable years of life and leave many disabled and suffering. As with any battle when we are so close to victory on many fronts, now is not the time to retreat from our commitment to remain the world leader in this field.

One area of special interest where a small but continuing investment by our committee over the past few years has paid off is the National Marrow Donor Program. Through advances in research sponsored by NIH, doctors and researchers determined that unrelated bone marrow transplants were just as effective as related bone marrow transplants in curing patients diagnosed with leukemia or any one of 60 other fatal blood disorders. The problem, however, was the lack of access to a large pool of prospective unrelated individuals who might have matching bone marrow for patients in need of transplants. With the great diversity in the genetic makeup of people, the chances of finding a matched bone marrow donor range from 1 in 20,000 to 1 in a million.

Having brought the need for a national registry of potential bone marrow donors to the attention of our committee in 1986, I am proud to say that my colleagues have provided support to me in this effort every step of the way. The result of this effort is a program that is a true medical miracle which is saving lives every day throughout our Nation and around the world.

The National Marrow Donor Program now maintains a registry of 1.7 million prospective donors and is growing at a rate of 36,000 donors per month. My colleagues may recall that early in my search for a home for the national registry, some Federal officials told me we would never recruit more than 50,000 volunteers who were willing to donate their bone marrow to a complete stranger.

We proved them wrong and in doing so have given a second chance at life to thousands of men, women, and children and the numbers are growing. As the registry continues to grow so do the number of transplants. More importantly, we have given hope to thousands of families who otherwise would have faced the prospect of certain death for a loved one.

Our committee has included in the bill $15,360,000 for the continued operations of the national registry under the oversight of the Health Resources and Services Administration. Responsibility for the registry was transferred last year from NIH to HRSA. The U.S. Navy also continues to play a leading role in providing operational support and direction to the program with additional funding made available by our Appropriations Subcommittee on National Security.

Other small, but significant programs supported by our subcommittee likewise save lives. The Emergency Medical Services Program for Children celebrates its 10th anniversary this year and we have included $10 million to continue its operations. These funds increase public awareness and train health care professionals for the unique emergency medical needs of acutely ill and seriously injured children. Forty States have now established training programs to improve the quality of care available for children. The leading cause of death for them continues to be accident and injury.

Children in the United States also continue to be at risk from illness due to the lack of timely immunizations, which can prevent diseases such as measles, mumps, and whooping cough. Unbelievably, our Nation continues to rank far below many lesser developed nations in the immunization rate for children. Our committee remains concerned about this problem and has consistently provided additional resources for childhood immunization programs. Again this year, we fulfill this commitment with increased funding to procure and distribute vaccines through public health centers and clinics.

We have made a significant investment in this bill in other areas of preventive health care. Funding is increased for the Centers for Disease Control to continue its breast and cervical cancer screening program, its surveillance for chronic and environmental diseases, screening for lead poisoning, tuberculous and infectious diseases, and for education and research activities to prevent injuries.

In another area of the bill, our committee maintained its commitment to the Social Security Program. For the first time, our committee has provided funding to a newly, independent Social Security Administration. Our bill includes $5.9 billion for the administrative costs of the program, a $300 million increase over the 1995 level, this despite the severe constraints faced by our committee.

This increase will enable the Social Security Administration to continue to make the investments necessary to automate agency operations based on a strategic plan that will improve the quality and efficiency of services. It will also allow for improvement in the processing of disability cases and in providing face-to-face phone service.

This reaffirmation of our support for Social Security sends a message that we strongly support the program, its almost 50 million current beneficiaries, and the countless millions of current contributors to the program who are future beneficiaries. We recognize the need to improve the efficiency and effectiveness of Social Security service delivery.

Mr. Chairman, we have had to make many difficult decisions in the preparation of this legislation, but we have clearly defined some high priority areas in which the Federal Government must maintain its leadership responsibilities. This was not an easy task and it is one that will continue as this legislation moves through the House, Senate, and into conference.

Mr. FAZIO. Mr. Chairman, this bill is an outrage, and it deserves to be rejected and repudiated by every Member of this body.

This bill is unfair to the people who depend most on our Government: Our children and the elderly. This bill is shortsighted. It does not provide for investment in students and workers—the very people who will grow our economy.

This bill cuts $6.3 billion from programs that average working families depend on.

Why? The unvarnished truth is that my Republican colleagues need to finance a tax break for wealthy Americans.

Every Democrat in this House is prepared and committed to bring our budget into balance, and provide a solvent, secure future for our children.

Yet, one-half of the cuts in this bill are stolen directly from the single best investment we can make in our future: education.

Overall spending on education has been slashed by nearly $4 billion. Few children have been spared. Some of the most significant and effective programs for kids—including title 1, school-to-work, and safe and drug-free schools—are subject to potentially crippling cuts.

It's an exhaustive list, and frankly, to reduce this bill to a series of programmatic cuts, masks the underlying meanness of this bill. In its breadth and scope, this bill is simply a monster of inequity.

If you are the principal wage earner in a hard-working family, or you have found yourself among the growing ranks of the working poor, and you desire to provide a brighter future for your children, this bill is a declaration of war.

This bill declares war on opportunity. This bill puts politics ahead of principle. This bill values pay-offs ahead of people.

This much is certain. The Republicans do not discriminate. If you are not on the receiving end of the Republican tax bailout—that is, if you are elderly, poor, young, unemployed, or just struggling to get by—you suffer in equal measure.

Seniors fare no better than our children. This bill sends a strong message to our senior citizens that their past efforts are no longer acknowledged, and that their current contributions are no longer appreciated.

This bill guts the Older Americans Act, including Green Thumb. It targets other programs which provide preventive health support, pension and Medicare counseling, and home meals to a growing senior population.

This bill undercuts the health and safety of American workers. It undermines the enforcement of hour and wage laws. It makes it more difficult for people who have lost their jobs to find new jobs by slashing job training.

Some of the most vulnerable members of our society are subject to the most extreme—the most harmful—and the most mean-spirited provisions in this bill. If this bill is passed, victims of rape and incest will no longer be guaranteed the right to an abortion.

I urge my colleagues to stand up for working families and reject this bill. Don't allow the GINGRICH Republican to sell us down the river so they can reward their wealthy friends.

Mr. ISTOOK. Mr. Chairman, I have consulted with Mr. STUMP, chairman of the Veterans' Affairs Committee, regarding concerns raised by some veterans service organizations about the definition of grants in the provision of H.R. 2127 prohibiting use of Federal grants for political advocacy. They have long been furnished space and office facilities, if available, by the Department of Veterans Affairs for the free assistance and representation of veterans by veterans service organizations in making claims for their veterans benefits. The furnished space and facilities are specifically authorized by section 5902 of title 38. The VA is authorized under section 5902 to recognize the veterans representatives as well.

Chairman STUMP has informed me that the furnishing of space and office facilities for this purpose has never been considered a grant to veterans service organizations. The free assistance given to veterans by the service organizations is in fact of considerable benefit and value to the Government because the Government itself is legally obligated to assist veterans in making their claims.

Furthermore, Chairman STUMP has emphasized to me that the assistance and representation given to veterans by the veterans service organizations has not involved political advocacy in any way, shape, or form. The assistance has been solely for the purpose of helping individual veterans to make their claims for VA benefits. This free representation for veterans by veterans service organizations is unique. I know of nothing else like it and I want to see it continued.

Therefore, I want to make it crystal clear that there is no intent for this measure to apply to section 5902 of title 38. It does not. I have assured the veterans service organization that I will make every effort to make the legislation more specific about this point during conference.

Mr. SERRANO. Mr. Chairman, the outrageous cuts to the Department of Labor and related agencies proposed by the Republican majority are a vicious attack on hardworking Americans.

The proposed cuts to OSHA enforcement, to the Wage and Hour Division, and to NLRB would result in a dangerous shift in the policies which protect working Americans. The prohibition on enforcement of President Clinton's Executive order banning striker replacement is but one example of the egregious and inappropriate legislating occurring on this year's appropriations bills.

From Youth Fair Chance, School-to-Work, and Summer Youth Employment, to the Job Training Partnership Act and Community Service Employment for Older Americans, opportunities for job training and employment are being severely reduced, and in some cases, completely eliminated. The funding cuts to the National Labor Relations Board and the Wage and Hour Division will mute two strong advocates for working people.

These programs are an essential part of providing opportunities for millions of Americans to achieve a decent standard of living. The cuts in this bill would move us farther and farther away from this goal. We cannot, with any conscience, allow these cuts to happen. This bill has devastating consequences for all Americans. I strongly urge defeat of this bill.

Mr. RAHALL. Mr. Chairman, it isn't often that a Member of this body would be tempted to rise in opposition to a bill, especially a funding bill, and to say unequivocally that there is so much in the measure to condemn it, that it is impossible to vote for good that is contained in it. Such is the case today, as I rise in strongest opposition to H.R. 2127 the Labor-HHS-Education appropriations bill for fiscal year 1996.

Mr. Chairman, using appropriations bills, such as this one and like many others we have debated recently on the floor of the House, to establish policy and make decisions best left to authorizing committees, is just reckless and irresponsible behavior. Such use of the appropriations process cannot be the decision of this or many other subcommittees, or even full committee chairmen. It is obviously being directed by those at higher levels in cooperation with outside interests.

The only thing of any real value in the Labor-HHS-Education appropriations bill are those provisions that protect the unborn. I strongly support every one of them. I commend the Members of this House who fought to get this antiabortion language in the bill, and I will do all that I can to keep it in the bill. But I cannot support the final product—even if all the pro-life language is preserved. I can't, in good conscience, do so. Let me tell you why.

Mr. Chairman, this bill decimates not only longstanding, vitally important, life-giving Federal programs for children, it also decimates longstanding workplace health and safety standards and the enforcement of such laws; it takes families earning at or below poverty wages and places them at greater risk of becoming homeless, by decimating labor laws and prevailing wages that keep them afloat. It takes those without jobs and tosses them aside like garbage—refusing to fund job search or job training programs so individuals can reenter the job market and care for themselves and their families and be contributing members of society. It attacks senior citizen programs to the point where I wonder: what is happening to us as a compassionate nation?

The bill cuts funding for programs that train and protect working Americans by 24 percent below last year's level. Training alone is cut by more than $1 billion; worker protection programs embodied within OSHA, the Employment Standards Administration, and the National Labor Relations Board are cut by $180 million. Legislative riders eliminate or restrict the ability to enforce collectively bargained agreements, a safe work environment, and child labor protections.

The bill nullifies the President's Executive order keeping Federal contractors from hiring permanent replacements for striking workers. Worse, the Labor-HHS-Education appropriations bill terminates black lung clinics that serve as the only caring, human, face-to-face contact for coal miners dying from black lung disease who are struggling to obtain appropriate life-giving health care, and who are struggling equally hard to qualify for benefits to enable them and their families to live in peace and dignity as they die of an incurable, progressive lung disease.

With respect to child labor laws, I could not believe it, until I read it, but this bill actually terminates a child labor law that protects 14-year-olds against being maimed or killed by balers—baling machines—that are almost too dangerous for adults to operate. Those who placed this language in the bill actually call it a job creating provision for youth even though it could be a job that kills.

These same members, in writing this same bill, Mr. Chairman, have terminated the summer youth job program for 14-year-olds and older youths—jobs that nourish rather than kill them.

The bill declares war on the Nation's senior citizens. Low Income Energy Assistance [LIHEAP] is terminated—so all the elderly folks who have had to choose between heating or eating every winter—are forced to choose to eat fewer meals in order to pay utility bills. Six million households receive LIHEAP assistance—two-thirds are seniors, and the rest are disabled.

To make matters worse for seniors, the minimum wage jobs that employ 14,000 seniors with incomes less than 125 percent of poverty are terminated—gone. Foster Grandparents and counseling programs to prevent MediGap ripoffs are cut.

Senior nutrition programs are cut by nearly $23.5 million—meaning that 114,637 fewer seniors will be able to get a hot meal at their senior center, and 43,867 frail elderly persons will be cut off from Meals on Wheels.

Millions of workers will be more vulnerable to employers who avoid paying even minimum wage, and who also avoid a 40-hour week, fair labor practices, and standards for safe work places.

Education overall is cut 18 percent below last year's level. Employment and training by 35 percent; other cuts include $2.5 billion in assistance to local schools, $266 million from drug-free schools and communities, and $66 million from the school-to-work program.

Student aid for college is cut by $701 million including a $219 million cut that terminates Federal contributions to Perkins loans and the SSIG scholarship program. Goals 2000 and the summer youth jobs program are eliminated.

Head Start is cut by $535 million below the President's request; President Bush's Healthy Start Program to lower infant mortality is cut in half.

Perhaps more than any other appropriations bill, the Labor-HHS-Education bill is the people's bill. When you make drastic cuts in this bill's funding, you are stabbing at the heart of this Nation—its people. For example:

Labor.—Translates into jobs and job training, safe workplaces, decent wages, and dignity of life that comes with the dignity of a paycheck.

Education.—Translates into quality of life for an educated citizenry, better jobs for better futures, for stable families. Most importantly, education translates directly into our national economic security, if not our national defense.

Health and Human Services.—Translates into quality of life for those in need of life-giving care, from cradle to grave, regardless of station in life or income.

How we can propose to make these funding cuts, and programmatic changes, and to disregard the educational needs, the health, well-being, and safety of every one of our constituents who rely upon us—while at the same time proposing to increase defense spending by $58 billion over the next 7 years? How can Members of this House decimate labor, health, and education programs in order to fund higher defense spending than any President has asked for in over 14 years, and this in spite of the fact that the cold war is over, the Soviet Union as a competing superpower is no more, and with communism on its knees?

This bill is, in all truth, beyond my understanding.

Hubert Humphrey said: The moral test of government is how it treats whose who are in the dawn of life—the children; how it treats those in the twilight of life—the elderly; and how it treats those who are in the shadows of life—the sick, the disabled, the needy, and the unemployed.

We have failed the moral test by bringing this bill to the floor of the House, and I am appalled.

Have we, finally, no shame?

Mrs. MORELLA. Mr. Chairman, H.R. 2127, the Labor-Health and Human Services-Education appropriations bill, is loaded with legislative riders that have no place in an appropriations bill, and it cuts too deeply into critical programs. I will be voting against the bill unless major changes are made today.

First, I want to acknowledge Chairman Porter for his efforts. He was given an allocation that was significantly lower than the fiscal year 1995 allocation, and he did his best to craft an acceptable bill. He also opposed the many riders attached in the full committee. I am strongly supportive of the 6 percent increase in funding for the National Institutes of Health, the increased funding for breast cancer research, and breast and cervical cancer screening, increased funding for the Ryan White CARE Act, the funding for the Violence Against Women Act programs in the bill, and the preservation of the DOD AIDS research program.

Unfortunately, I cannot support the bill for many reasons. I am strongly opposed to the changes made in the full committee. The most egregious amendment eliminates funding for the title X family planning program, transferring the funding to block grants. To eliminate this program when we are trying to end welfare dependency and reduce the number of abortions and unwanted pregnancies is an outrage.

Not only does the transfer to block grant programs fail to ensure that the $193 million for title X will go to fund family planning programs, but the very nature of the block grants selected ensures that this funding will be drastically reduced. The maternal and child health block grant includes many set asides, resulting in the diversion of $84 million of the $116 million transferred from title X. Thus, 70 percent of the money transferred to this block grant could not go to family planning services even if States wanted to earmark the funds for that purpose.

Later today, Representatives GREENWOOD and LOWEY will be offering an amendment to restore the funding for title X. Congressman SMITH will then offer an amendment that restates the bill's provision to eliminate the funding for title X. The Greenwood-Lowey amendment includes specific language clarifying what is already the case for title X—no funding can be used for abortion, nor can funding be used for political advocacy. Title X prevents abortion—these clinics are prohibited from providing abortions or directive counseling.

I will also be offering an amendment later today with Congresswoman LOWEY and Congressman KOLBE to strike the Istook language in the bill allowing States to decide whether to fund Medicaid abortions in the cases of rape and incest. This is not an issue about States' rights. States can choose to participate in the Medicaid Program; however, once that choice is made, they are required to comply with all Federal statutory and regulatory requirements, including funding abortions in the cases of rape and incest. Every Federal court that has considered this issue has held that State Medicaid plans must cover all abortions for which Federal funds are provided by the Hyde amendment.

Abortions as a result of rape and incest are rare—and they are tragic. The vast majority of Americans support Medicaid funding for abortions that are the result of those violent, brutal crimes against women. I urge my colleagues to support the Lowey-Morella amendment.

Another amendment added in committee makes an unprecedented intrusion into the development of curriculum requirements and the accreditation process for medical schools. An amendment will be offered by Congressman GANSKE and Congresswoman JOHNSON to strike this language in the bill, and I will be speaking in favor of their effort as well.

There is also troubling language in the bill that restricts the enforcement of title IX in college athletics. Congresswoman MINK will be offering an amendment to strike this language, and I urge support for this amendment.

Several additional amendments attempt to legislate on this bill, and I am opposed to these efforts as well. The entire appropriations process has been circumvented in the last several bills, and I am outraged at the efforts to bypass the appropriate, deliberative legislative process in this House. I am particularly troubled by the efforts of several colleagues to severely restrict the advocacy activities nonprofit organizations. If my colleagues believe that current law regarding such activities is insufficiently restrictive, then they should seek to change it through the appropriate legislative channels, not through the appropriations process.

In regard to funding cuts in the bill, I am very concerned with the scope of the cuts in education programs. I am very dismayed by the elimination or severe reductions in the Goals 2000 Program, the Women's Educational Equity Act, the Safe and Drug Free Schools Act, the Office of Civil Rights in the Department of Education, Head Start, the IDEA Program, title I, Vocational Educational, and the School to Work Program.

I am also concerned with the bill's disproportionate cuts in drug and alcohol treatment and prevention programs. The bill would cut 68 percent of the demonstration programs and 18 percent of the total HHS treatment and prevention funding. Some of the current programs that will be hardest hit are those serving women and children. I am particularly concerned with reductions for residential substance abuse treatment programs serving pregnant women and children; Congressman DURBIN and I have worked over the past several years to expand the availability of these critical services that save lives and tremendous health and social costs. The cost of not treating drug and alcohol problems far exceeds the savings in this bill.

I am further concerned with the elimination of the consolidated AIDS research budget appropriation, and, for the first time since 1983, the lack of a specific funding level for AIDS research at NIH. While report language added by Congresswoman NANCY PELOSI improves the bill, I remain concerned that the current centralized AIDS research effort through the OAR will be diminished. A strong OAR vested with budget authority is the most effective way to coordinate and guide the 24 AIDS efforts within the institutes at NIH. I will be working with the Senate to restore the current structure of the OAR consolidated budget of the NIH.

I will also be working to restore funding for the Corporation for Public Broadcasting, the Older Americans Act, and the Low-Income Home Energy Assistance Program [LIHEAP]. While it is impossible to provide level funding for every program in this bill with such a reduced allocation, I believe that many of these programs have suffered cuts that are too deep to sustain their important functions.

I urge my colleagues to vote for amendments to address many of the problems in the legislation, and if they fail, to oppose the bill.

Mr. FAWELL. Mr. Chairman, I rise in support of the Greenwood amendment to restore Federal funds for title X family planning.

Title X of the Public Health Service Act was enacted in 1970. In its 25 years of existence, the program has enjoyed bipartisan support. This program provides services to low-income and uninsured working women. In addition to family planning services, title X clinics provide screening for breast and cervical cancer, sexually transmitted infections, and hypertension. As stated in Mr. Greenwood's amendment, funds are prohibited to be used for abortion, directive counseling, literature or propaganda that promotes abortion or a political candidate.

I believe this plants the Title X Family Planning Program firmly in the realm of prevention and wellness. Often, the battle that young women face is a battle of education. In many cases what these women need is self esteem, belief in themselves, and confidence in the strength that they posses. These qualities are enhanced by education and care. Title X clinics are a part of that process. The educational and emotional assistance offered by family planning clinics can increase awareness, decreasing the chance of an unplanned pregnancy.

Mr. Chairman, I do not often rise to speak on the issue of reproductive rights and family planning. My wife and I have been married 42 years, reared three fine children, and have been blessed with eight grandchildren. It is my hope that the women who receive title X services can be blessed with such a family if they so choose. Let us give them those choices. Let us continue to fund the education and services offered by title X family planning clinics. Support the Greenwood amendment.

Mr. NADLER. Mr. Chairman, I rise to express my dismay over the elimination of the Summer Youth Employment Program in the Labor, Health and Human Services, and Education, Appropriations bill of 1996. Over the course of this summer, this program will enrich the lives of more than 600,000 low-income students across the Nation, helping them develop the skills essential to achieving self-sufficiency, independence, and career success.

The Summer Youth Employment Program provides young men and women between the ages of 14 to 21 with summer positions in libraries, hospitals, parks, and recreation centers. In addition to work experience, the program provides basic and remedial education and job search assistance, preparing our Nation's youth for further successful participation in the work force.

The program has helped employ and train more than 7 million students over an 11 year period. A survey conducted by the National Society for Hebrew Day Schools found three-fifths of former SYEP participants successfully employed in professional, managerial, computer, technical, sales, health or public safety fields. The Summer Youth Employment Program does more than give students a positive way to spend their summers. It proves to them that they can succeed by helping them develop the skills to succeed.

Mr. Chairman. I am appalled at the elimination of this very valuable program. It is shameful we cannot make a commitment to devote a portion of $1 out of every $100 toward our youth's future by funding this program. Termination of this program will send the following chilling message to our Nation's youth: Your future is not worth even 1 percent of our Federal budget.

Mr. Chairman, I urge my colleagues to vote against the elimination of this very fundamental program. The Summer Youth Employment Program is an investment in America's youth that yields positive returns for America's present and future.

Ms. JACKSON-LEE. Mr. Chairman, I rise today in strong opposition to the proposed cuts in various Labor Department programs that are affected in title I of this bill.

Among the most outrageous are the massive cuts in worker training programs. Cuts in adult job training, a 22-percent reduction in appropriations for the School-to-Work Program, and a reduction in funds for dislocated worker programs send a clear message to the American worker: Congress is not willing to invest in your human capital. Also through the gag rule in this bill Congress does not want to listen to your rightful grievances.

What is worse is the lack of concern this bill displays over the needs of our working youth. This appropriations bill zeros out funding for the Summer Youth Employment Program—effectively making this summer, the summer of 1995, the last year of operation for this program. It would be a tragedy for me to have to return to my district in Houston this August recess and relay the message to the working youth that benefit from this program: Enjoy your jobs while you have them this summer, kids. This will be the last year you'll have this opportunity.

The Summer Youth Employment Program works. This program reduces the number of teens that participate in gang activity and other nonconstructive behaviors during the summer months. It is better that the income from this program be used to enhance youthful opportunities for employment, challenges them with responsibilities, and provides them with an enhanced sense of self-worth.

I find the labor provisions of this bill to be a serious threat to a longstanding commitment to invest in our people—this is a tragedy as we move toward the 21st century. Shame. Shame. Shame.

Mr. COBURN. Mr. Chairman, I would like to insert the following article about a crisis pregnancy center in Rockville, MD, into the RECORD.

[From Family Voice, Aug. 1995]

MAKING A DIFFERENCE

(By Candy Berkebile)

Negative advertising campaigns have targeted pro-life crisis pregnancy centers in an attempt to marginalize the role they play in young women's lives. These centers, they say, are deceptive; only care about the baby before it's born; and don't care about women. To counteract these accusations, Family Voice interviewed two young women who have made life and death decisions. Millions of women have gone through similar experiences. Their stories demonstrate the vast difference between an abortion clinic and a pregnancy center. More importantly, they help us see beyond the rhetoric to the heart of the issue. We are dealing with real women faced with crises that they don't know how to handle.

Anna, a young unwed Christian entered a Planned Parenthood clinic in Pittsburgh, Pennsylvania in 1985.

What happened to me that day changed my life forever. The day I walked into the clinic was a muggy August afternoon. I was seventeen years old and I was eight weeks pregnant. I can't tell you step by step what happened, because I remember that day in snapshots.

I went into the room, a quiet and rather serious teenager; I left a silent, deeply hurt young woman. I sat and talked to the counselor in a room that, like most others at the clinic, was clean but shabby in appearance. It was bright and cold—there was no comfort, no luxury, just the tools to change life. I'm sure the counselor told me her name, but I don't remember it. She tried to put me at ease, to let me know it was alright, and to explain what was about to happen to me. She told me about the procedure, about the qualified medical resident who would be carrying it out. Then she asked, "Anna, is this what you really want? Are you sure you have no other options?"

My voice quavered as I said, "I have to do this. My parents would never understand. They expect so much out of me and my future. I can't let them down." My mind was made up. I had to do this. There was no other way out. I hated myself for what I was about to do. But I could do nothing else.

She ushered me to another room, a room which will stay vivid in my imagination forever. She gave me a smock to change into and left me alone with my thoughts and fears for a few moments. When she returned, I was sitting on the padded table-top wearing the flowered smock. She gave me a cotton blanket to wrap around my waist as I waited.

"Do you want to know the funniest thing about this whole situation?" I laughed nervously as tears brimmed my eyes.

"What's that?" she asked.

"I never believed that this could happen to me. Even when I thought I might be pregnant. I prayed to God it wasn't true. But I was still pregnant."

The resident dressed in surgical green entered the room. The counselor placed her hand over mine to calm my fingers, which had been nervously fraying the edge of the wax-like tissue paper I sat on. She said, "Anna, scoot down here to the end of the table. Put your heels in these holes—these are called stirrups." She pointed to the shiny pieces of metal protruding from the end of the table. "Now, lie back and relax. Let your knees fall to the sides. It's okay. That's right. Now relax," she said. "I'll be here with you. I'll talk to you, we'll go through this together.

I knew that while in some respects this was the truth, that nothing could be further from it. She would hold my hand, but I would experience this alone. I stared at the ceiling and counted the watermarks as the resident opened the cold steel speculum inside me. I tried to block out the discomfort and humiliation I was feeling. I was scared. She tried to divert my attention.

"Anna, what do you have planned now that you have graduated?"

"I'm going to college," I answered bravely. "I leave in two weeks." I clamped my mouth shut quickly as the pressure began to build in my lower abdomen.

"Do you know what you want to do?" She tried to speak softly, reassuringly. She knew the pain was quickly approaching.

"I want to be a lawyer," I stated in an anguished voice.

One tear sprang to the corner of my eye. She squeezed my hand. I experienced the pain—at least some of it—when the eight-week-old fetus was scraped from the inside of my womb. This, I was prepared for. But what I was not prepared for was the pain that followed in the next few seconds.

"We need more women as lawyers," she continued talking. I think she wanted to drown out any other sound I would hear. But her voice was barely a whisper to me now; I was not focusing on her. She asked me if I knew the area of law I wanted to pursue but I barely heard her, and I didn't answer. I only heard one sound; a sound which was, for me, amplified to a deafening crescendo. I flinched as I heard the hollow splash of the sopping sponge-like tissue when it bounced off the bottom of the awaiting utility bucket. I began to move my head back and forth slowly, my swollen eyes were closed, but the tears crept out.

"No, no," I repeated.

The medical resident left the room, but I didn't notice. I must have been in shock. The counselor helped me dress. Then she took me to a recovery room to lie down. I curled up on one of the many grey cots which lined the room. She sat in a chair by my side. I turned my back on her and faced the blank wall my knees were pulled almost to my chest. My body was quivering. Wave after wave of cramping pain clawed at my insides—the pain of a womb hysterically trying to readjust to its recent loss. I know she probably wanted to help, but what could she do?

Five hours later, I walked out the door. The counselor must have given me a reassuring hug as I walked out, but I can't remember anything beyond the recovery room. She has faded from my memory, I can barely remember her face. But what I do remember is that, there in that clinic, I alone experienced pain and death. But, that was my choice.

Vena a young 24-year-old college student walked into a crisis pregnancy center in Rockville, Maryland in 1994.

I walked into the center in October. I'd taken a home pregnancy test and wanted to verify it. I was scared. I was still in college. I wasn't married. So I looked through the yellow pages. But I didn't want to go to an abortion clinic. I didn't want to make a drastic choice right away. And if I hadn't finally seen the ad for the Pregnancy Center, I may not have kept my baby—because I wouldn't have known who to turn to. I was so confused and scared. I couldn't tell my parents. I knew they wouldn't be supportive. And I didn't think I could handle the responsibility of a baby right then.

I needed someone to talk to, someone to help me get through this. And I needed support. When my boyfriend and I went into the center, that's when I met Sylvia. She confirmed that the pregnancy test was positive. I was about six weeks pregnant. At first Joe was excited about the baby. But the more we talked about it, the more I knew it was a bad time to have a baby. I was in my junior year at the University of Maryland. I knew I didn't want to have an abortion. I wanted to give the child life. But I needed someone's support. Joe was not supportive at the time. He was so confused. His parents had died when he was a teenager, so he couldn't go to them for advice.

My parents were divorced. And I had a difficult time figuring out how to tell them because they were very strict. Besides, they believed in getting married before you have kids. I ended up telling my mother I was pregnant a few weeks after visiting the center. She said, "It's your responsibility. You got pregnant; you have to deal with it." She also told me to get married. I was afraid to tell my father. We hadn't had a good relationship up to that point so I didn't tell him until the eighth month.

It was late December. I was having trouble with one of my roommates at school. Joe's attitude at that point was, "It's your baby, and you're the one who has to deal with it." I was depressed and crying. I didn't think I could do well in school. I was working a job. I didn't have any support—and I wanted to scream.

It was 11:45 at night. I called Sylvia and woke her up. I didn't think I could deal with anything anymore. I asked her, "What should I do about the pregnancy?"

Sylvia was great. I don't think she realizes how important she was to me. "You're going to be okay. Just take one day at a time. Don't worry about anything right now," she said. "You don't want to jeopardize your health. You need to calm down and think rationally." Sylvia encouraged me, "Talk to me as long as you want to." I talked for about an hour. She got me through the night. Sylvia isn't the only counselor I talked to. I called a couple of times and spoke to some others. Especially when I needed things I didn't have money for—like maternity clothes. The counselors gave them to me. It was wonderful to be able to use the resources of the center.

Then in January, I called Sylvia again for emergency counseling. I had just moved from one dorm to another. Here I was moving in January and I was about five months pregnant. At least my old roommates knew the situation and I was close to them. I had no transportation. Money was tight. Everything I had was going towards transportation and food. I was providing for myself. It was difficult. No one was giving me money. I needed to talk to someone, so I called Sylvia.

"I don't have any money, and I don't know what to do." I told her. "I need to go to a doctor, but I don't have any money to get there. I want to take care of this baby. I can't make it to my doctor appointments. And no one can give me a ride there. I really need to talk to you."

She said okay. She met me after work. She reassured me that even though it was difficult, I had to understand that I might be the only one who could take care of this baby. She reminded me that I couldn't always depend on someone else to do it.

"You can't blame someone else or feel sorry for yourself because other people aren't helping you. You can't dwell on that," Sylvia said. "You have to think positively. Think about what you can do." She was always concerned about how I was doing financially.

Sylvia was very good about talking to Joe too. She helped him understand that he was going through a difficult situation as well. And she really let him know that she was there for him. There were a couple of sessions where she helped Joe and me communicate. Before that, we fought all the time. Sylvia helped us cope with our feelings.

In late January, we went to visit Joe's relatives. When he took me to visit them, he was very confident. I felt secure because he was very sure of what he wanted to do. He wanted this baby. He told them I was pregnant a few weeks afterwards. "We're happy for you," said his aunt and uncle. "This baby will be really special." They also hoped we would get married if we really loved each other. It was important to Joe that we have family support. Soon after that we started to talk about getting married. But we were both nervous and kept putting it off.

In April, Joe and Sylvia convinced me to tell my dad. I had wanted to wait until I had a plan to tell him. But his response surprised me. He encouraged us to get married. Then he invited us to move in with him. So we did. He helped us with groceries. And after I had the baby—when I couldn't walk—he was a great help.

Joe and I married on May 18, two days before the baby's due date. Six days later, I delivered a beautiful baby boy—Benjamin Cleveland. Everyone was at the hospital—Sylvia, Joe, my Mom and my Dad. I told Sylvia she was welcome to watch the delivery because I couldn't have done it without her. She was really my constant, main support during my pregnancy.

Clearly both situations were hard. But, in Vena's case, the strengths of the modern-day crisis pregnancy movement are in full evidence. So, the next time you hear someone say these centers are deceptive or that they don't care—remember Sylvia and the thousands of other counselors who are out there helping the Venas of this world make it through another night.

Mr. RAHALL. Mr. Chairman, I rise in strong opposition to the cuts proposed in the Labor-HHS-Education appropriations bill, and particularly for title I compensatory education.

This House is proposing to cut the lifeline of education for disadvantaged children in this country—known as title I of the Elementary and Secondary Education Act.

Remember all the horror stories you've heard about little Johnny who can't read? Remember the report about the huge number of 17-year-olds in this country who had been given high school degrees but who couldn't read or write? Title I is the remedial program that is putting a stop to illiteracy among young children that carries over to adulthood.

Title I services are paid for with Federal dollars which local folks can't afford to pay for themselves—or at least, not without raising taxes.

Mr. Chairman, I represent 16 counties in West Virginia. My 16-county, title I children stand to lose more than $5 million in fiscal year 1996 title I funds.

I am here to tell you, Mr. Chairman, there is no way that my 16 counties can afford to raise taxes to replace $5 million in lost title I dollars next year.

Is there anyone here on this floor whose district can afford to raise taxes in order to replace Federal title I dollars?

Mr. Chairman, education cuts don't heal. They bleed and stay sore, but they never heal.

Children who are already wary from bumping up against the wall of poverty, without title I remedial education, will never heal from these cuts.

If these kids are to avoid running into the wall of indifference and illiteracy as adults, we must help them right now by keeping their educational lifeline open to them.

This is a crucial vote—vote "no" on H.R. 2127.

Mr. BOEHLERT. Mr. Chairman, I rise in strong support of the Greenwood amendment—an amendment that really ought to be noncontroversial.

For starters, this amendment has nothing to do with abortion. Title X programs do not fund abortions. What these programs do instead is help over 5 million women to receive many primary health care services. Title X clinics serve as the entry point to the health care system—and the only source of services that would otherwise be unavailable to many women.

In addition, title X funding helps deter unintended pregnancies, particularly teenage pregnancies. Members of this House who argued so strenuously for the need to reduce teenage pregnancies during the welfare debate, ought to be the strongest supporters of family planning. But strangely, this is not the case.

Family planning also helps save the American taxpayers $1.8 billion annually. How? Every dollar spent on family planning saves $4 that would otherwise be spent on medical and welfare costs.

In short, family planning improves both the Nation's health and its economy. It should not become the victim of unrelated ideological struggles. I urge my colleagues to support the Greenwood amendment.

Mr. FILNER. Mr. Chairman and colleagues, I rise today to remind us all that the future of our Nation lies with our children. We hear those words so often that they are almost a cliche—but do we listen? Do we understand what that must mean as we develop our budget priorities?

As an educator, a former university professor, and a former president of the San Diego Board of Education, I am in a unique position here in Congress—I have first-hand knowledge of the importance of Federal funding to students of all ages and all communities. And I want you to know that I have serious concerns about the direction we are taking in the current budget deliberations.

For example, the San Diego School District—one of the school districts in my congressional district—stands to lose a minimum of $12 million in fiscal year 1996. Although students in every school in the district will be affected, the students most in need will be hit the hardest if we vote to slash title I as is currently proposed. Schools with a high number of students and families in poverty and low achieving students will receive the deepest and most severe cuts.

Title I funding helps disadvantaged children to better learn and achieve high educational standards. The proposed cuts in title I funding will devastate this program currently operating in the San Diego schools. A total of 50 schools will be eliminated from the program, and more than 11,000 children will not be served. Supplemental reading and math programs will be eliminated, as well as parental involvement activities. The very resources needed to raise student achievement and to meet the high standards we all want will be taken away.

In addition, the 127,000 students served by Impact Aid, the 31,000 students served by the Bilingual Education Program, the 17,000 students served by School-to-Work funding, and the 127,000 students affected by the Safe & Drug-Free Schools funding will suffer from the $700,000 cut to Impact Aid, the $1 million cut to Bilingual Education, the $140,000 cut to School-to-Work and the $500,000 cut to Safe & Drug-Free Schools. These cuts are for one school district. Multiply that by the thousands of districts in the Nation.

Perhaps the most foolish action in the bill pending before us is the cut of $137 million for Head Start. The money we spend to give our youngsters a head start makes for productive citizens and pays dividends in the future. We should be putting more money into Head Start—not less.

In California, the economic decline of the past several years means that State and local economics cannot absorb the huge financial burden that will be shifted to them. The loss of instruction, the lay-offs of teachers and staff, and the lessening of the quality of education resulting from these proposed cuts cannot be replaced at the local level. The Federal Government has a role, an obligation, and a responsibility to participate in the education of our children.

Our children are our future. Let us make them a priority. I urge my colleagues to do our part. Support the Federal investment in the future and reject the severe cuts proposed for the coming fiscal year.

Mr. OWENS. Mr. Chairman, in connection with the remarks I made on August 2, 1995, I wish to submit the following additional remarks and extraneous materials which include the following items:

A. The letter of dying coal miner Jacob L. Vowell killed with 183 others in a coal mining accident.

B. The text of articles on OSHA which appeared in the Washington Post on July 23 and July 24.

C. A summary of the quotes which were contained in the Washington Post articles.

LETTER OF DYING COAL MINER JACOB L. VOWELL KILLED WITH 183 OTHERS

Ellen, Darling, goodbye for us both. Elbert said the Lord has saved him. We are all praying for air to support us, but it is getting so bad without any air.

Ellen I want you to live right and come to heaven. Raise the children the best you can. Oh how I wish to be with you, goodbye. Bury me and Elbert in the same grave by little Eddy.

Goodbye Ellen. Goodbye Lily. Goodbye Jemmie. Goodbye Horace. Is 25 minutes after 2. There is a few of us alive yet.

JAKE and ELBERT.

Oh God for one more breath. Ellen remember me as long as you live. Goodbye Darling.

Letter written by Jacob L. Vowell while he and 26 others barricaded inside a Tennessee mine after a May 19, 1902, explosion. Although the makeshift barricade held out the bad air for over 7 hours, the trapped mines were eventually overcome by suffocating gases. The disaster claimed 184 lives.

[From the Washington Post, July 23, 1995]

THE HILL MAY BE A HEALTH HAZARD FOR SAFETY AGENCY—SHIFT IN POLITICAL FORCES BRINGS GOP PUSH TO WEAKEN OSHA

(By Michael Weisskopf and David Maraniss)

Thomas Cass Ballenger, in his rolls as small-town industrialist, civic benefactor and veteran congressman from the western hills of North Carolina, always displayed a talent for fund-raising. But the money never came easier than during the congressional elections last fall, when he traveled around his state soliciting contributions for candidates who would serve as ground troops for the Republican revolution.

Whenever Ballenger spoke, checkbooks opened at the mention of the Occupational Health and Safety Administration (OSHA), a regulatory agency that had emerged as a symbol of everything the business world disliked about the federal government. His vision of a House of Representatives controlled by Republicans, as Ballenger later described it, went like this:

"I'd say, 'Guess who might be chairman of the committee who'd be in charge of OSHA?"

"And they'd say, 'Who?'

"And I'd say, 'Me!'

"And I'd say, 'I need some money.'

And—whoosh!—I got it. This was my sales pitch: 'Businessmen, wouldn't you like to have a friend overseeing OSHA?'"

Indeed they would

They liked the idea so much that they gave Ballenger more than $65,000 to distribute to Republican candidates, including five from North Carolina who went on to win seats previously held by Democrats. The partisan transformation of the Tarheel delegation was an essential part of the Republican takeover of the House, and it led, among other things, to a new and decidedly pro-management chairman for the House subcommittee on work-force protections—Cass Ballenger. A panel that for years had been controlled by the son of a Michigan auto worker killed in an industrial fire was now headed by a deceptively easygoing, 68-year-old good old boy from Hickory who was educated at Amherst, inherited his family's box company and made his fortune producing plastic bags for underwear.

Ballenger and his allies are now fulfilling a promise made during the campaign. With the strong lobbying support of business coalitions, including corporations who are both repeated OSHA violators and leading financial contributors to the GOP, they are pushing the first viable legislative effort to diminish OSHA's powers since its creation a quarter-century ago. The Safety and Health Improvement and Regulatory Reform Act of 1995 would shrink the size of the investigative staff, shift the emphasis to consultation, eliminate separate research and mine-safety operations, and curtail the agency's powers to penalize workplaces that fail to meet federal health and safety standards.

Most of the attention in the House this seminal political year has been focused on the "Contract With America," the balanced budget and Speaker Newt Gingrich's pronouncements. But the OSHA measure is at the center of a quieter struggle, albeit one with major philosophical and economic consequences. The refashioning of OSHA—in combination with attempts to repeal wage and union security laws enacted over the decades by Congress's old Democratic majority—amounts to what labor scholars call the most serious effort to rewrite the rules of the American workplace in the postwar era.

The vast bureaucratic system constructed from those laws was based on a question of trust: Whom do you trust with a worker's welfare—the employer or a federal regulator? The time has come, members of the Republican Congress argue, to reword the answer. "I think employers now take a different approach with their workers than they have in the past," said Rep. Lindsey Graham, a freshman Republican from South Carolina and a member of Ballenger's subcommittee. "My job is to get the government up to speed with the times. And the times for me are to reevaluate the role of a the federal government in private business. If you believe that is the mandate, OSHA is a great place to start."

Although OSHA was established during the presidency of Richard M. Nixon and has been run by Republican-appointed administrators for 18 of its 25 years, it is scorned by House Republicans as the archetype of a liberal program gone astray. They describe it as a place where swarms of inspectors swoop down to intimidate innocent merchants, professionals and manufacturers, drown businesses in paperwork and are more interested in imposing fines than ensuring safety.

"They need to do what the hell they're told," said Charles W. Norwood Jr., a dentist from Georgia and the most intense of the Republican freshmen I his dislike of OSHA. "They've been sitting in their little cubicles for 25 years thinking they knew what was best for every industry in this country. They don't. And they don't want to know. All they want to know is what they can get away with to collect money from us."

Many Democrats find their predicament ironic. Year after year they complained that OSHA was ineffective and needed more inspectors and tougher standards. I the last session of congress, before they lost control, they pushed legislation that would strengthen the agency in the very places where Republicans seek to weaken it. But now they are caught in a rear-guard action defending the status quo, arguing that OSHA, for all its faults, has been a savior for American workers. They cite statistics showing that OSHA saves an estimated 6,000 lives each year and has led to significant decreases in workplace injuries and illnesses. Behind the cover of reform, they say, Republicans are exacting corporate revenge, using the paperwork complaints of small businesses to enrich the management class at the expense of blue-collar workers.

The arguments mark a profound shift of political forces. For years business had felt an obligation to pay homage to the Democratic masters of Congress, even where their interests differed. The Republican takeover created opportunities to bring politics in line with corporate objectives, none more important than rewriting labor laws and loosening the grip of government regulations. In moving from a marriage of convenience to one of shared passions, the business world has showered the Republican Congress with financial rewards. In a single evening last May, at the "New Majority" dinner to raise money for the next congressional election, companies lobbying for labor law changes gave more than $1 million.

With the stakes so high, the debate over OSHA has crackled with fiery rhetoric and melodramatic anecdotes.

From the business world comes a bumper sticker that only slightly exaggerates the prevailing sentiment: "OSHA is America's KGB—It Turns the American Dream into a Nightmare." In the matter-of-fact words of Rep. John A. Boehner of Ohio, a former plastics salesman who now serves as chairman of the House Republican Conference and the leadership's liaison to business: "Most employers would describe OSHA as the Gestapo of the federal government." Business leaders pass along tales of bureaucratic overzealousness, such as the case in Augusta, Ga., where a nonprofit group was fined $7,500 by OSHA for using mothballs to chase squirrels out of the attic and failing to post a notice describing the chemicals contained in the mothballs.

From labor comes a sarcastic title for Ballenger's bill—the Death and Injury Enhancement (DIE) Act of 1995. Democrat Major R. Owens of New York, ranking minority member of Ballenger's panel, reads off the names of men and women killed in the workplace and likens the toll to the death count in Vietnam. Unionists recount workplace tragedies that might have been avoided if not for management carelessness, such as the case in Grand Island, Neb., where a maintenance man at a meatpacking plant had his "head popped like a pimple," in the indelicate phrase of a coworker, when he tried to retrieve his pliers from a carcass defleshing machine that turned on because it lacked the required safety locks.

SEE WHAT CAN HAPPEN?

Cass Ballenger saw more than a few workplace injuries during his years as a manufacturer in Hickory, an industrial town whose streets are lined with hosiery mills. When he switched his family business from boxes to plastic bags, he often worked the machines himself. A contraption called the scoring machine was particularly troublesome, he said. "The clutch on it was mechanical and the dang thing always slipped. You'd be wiping grease off it and the cloth would get caught in the gears and, thwack, it would just cut your fingers off."

That was before the days of OSHA, Ballenger noted, and employers and workers relied on "simple common sense." Ballenger kept all his digits, but when someone at his plant lost a finger, he would say, "'See what can happen? Put the guard back on and don't do that again.' You'd learn not to do that anymore."

From the first time inspectors visited his factory, Ballenger's relationship with OSHA was quarrelsome. "They came into my plant and they told me that my loading dock was unsafe because it didn't have a barrier to keep people from falling off," he recalled in a recent interview. "And so I said, "Well, let me ask you something, if you put a barrier up, how do you load? They thought about it and said maybe they were wrong."

Ballenger is a southern storyteller who acknowledges that he occasionally delves into hyperbole to make points. Whether the loading dock inspection happened precisely as he remembered it is unclear. There are no records of the event. But it is important for two reasons. First, in the business world's catalogue of nonsensical OSHA actions, which is an assortment of documented cases and utter myths, the loading dock episode is prominently featured, told and retold in various versions around the country. Second, it shaped Ballenger's perceptions from then on as he dealt as a lawmaker with OSHA.

North Carolina is among two dozen states where federal OSHA standards are enforced at the state level. When Ballenger was in the legislature in Raleigh, he sat on the committee overseeing OSHA and constantly fought with the state labor commissioner, John Brooks. "Every time John came in and said, 'We are underfunded and need more inspectors,' and told us how it was awful that we didn't think about the health and safety of the workers of North Carolina," Ballenger said, he would be thinking, "Here's this horse's ass who runs a lousy operation asking us for more money."

There was a personal aspect to Ballenger's animosity that extended beyond the loading dock incident. He accused Brooks of conducting "political raids" on his bag plant, inspecting it three times only because he was a prominent Republican in what was then a Democratic state government. Brooks called the accusation groundless: Factories were chosen for inspection by a random computer system. "There is no human way to tamper with that system," Brooks said, "Cass knows that and was offered the opportunity to see it working."

"If you believe that," Ballenger responded, "I've got a bridge I'd like to sell you."

SYMPATHETIC TO THE CAUSE

From the time he reached Washington in 1987 as a House freshman, boasting that he was the only member who had been cited for workplace violations, Ballenger worked on OSHA legislation with a group of Republicans on the old Education and Labor Committee. Their efforts were defensive, trying to stop the Democrats and their labor allies from expanding the agency's powers. "Then, all of a sudden, oops! We got control," Ballenger said of the 1994 elections.

His first task as chairman of the workforce protections subcommittee of the renamed Economic and Educational Opportunities Committee was to pick a team of Republicans lawmakers to help him remake OSHA. "I wanted people sympathetic to the cause," he said. "I was looking for pro-business people."

Harris W. Fawell of suburban Chicago had been working with Ballenger on OSHA bills during the Democratic era and would be helpful this time around. Bill Barrett of Nebraska carried the complaints of the meatpacking plants in his district. Tim Hutchinson of Arkansas, whose district included the chicken giant Tyson Foods, would look out for the poultry processors. Peter Hoekstra of Michigan, who came out of the furniture industry, "hated OSHA with a passion," Ballenger thought. James C. Greenwood of suburban Philadelphia was the most moderate of the veterans, but Ballenger respected him. "I asked him where he would stand on OSHA," Ballenger recalled. "And he said, 'I'll be with you.'"

Then Ballenger recruited three freshmen. He brought in David Funderburk, one of the gang of five from North Carolina. "Oh, I knew Funderburk. Hoo, boy!" said Ballenger, explaining that he considered his Tarheel colleague even more conservative than he was. When Lindsey Graham, a freshman from South Carolina, signed on, Ballenger hailed his as "a good old southern boy—you can count on them every time." And finally there was Charles Norwood, the dentist from Augusta who arrived in Washington last winter with OSHA dead in his sights. "Everybody knew about Charlie," Ballenger said, smiling.

For all the decades that the labor subcommittees were dominated by Democrats, Republicans who were assigned to the panels tended to include a disproportionate share of moderates. Now, in the first year of Republican rule, Cass Ballenger looked at his group and declared that he was about to have some fun. "My subcommittee is so conservative it makes me look liberal," he said. "We could kill motherhood tomorrow if it was necessary."

One of his freshmen put it another way. "This has been a subchapter of the AFL-CIO for 20 years," said Lindsey Graham. "Now everybody here talks slower—and with a twang."

PUSHED TOO FAR

Graham and Norwood, whose congressional districts sit next to each other along the South Carolina-Georgia border, provide much of the new twang. They grew up in Democratic families and became the first Republican congressmen from their districts since Reconstruction. In their own ways, they represent the social, economic and philosophical forces behind the Republican revolution and the movement away from government regulation.

The 40-year-old Graham grew up in the textile town of Seneca, where his parents ran the Sanitary Cafe, a bar outside the factory gate. It was a beer and hot dog place with a juke box that played "Satin sheets to lie on satin sheets to cry on." When the factory shift changed at 3 every afternoon, young Graham would see the mill workers "come in with their shirts covered with cotton, white as they could be. There'd be a finger missing on every other person."

Although he considered his home town an "Andy Griffith of Mayberry type place," he also saw the failings of the old system. The textile plant treated its workers like children, he said, and placed a greater emphasis on productivity than safety. Graham understood that it was necessary for the government to come in then and make workplaces safer, just as he realized that the segregated system his parents were part of—they made black workers buy beer from a takeout window out back—was wrong and required the force of government action to eradicate.

But by the time Graham ran for Congress last year, he had long since become convinced that the pendulum had swung too far toward federal intervention. He though the role of the government in mandating affirmative action and regulating workplaces had "gone from being helpful to being the biggest obstacle dividing and polarizing the nation by race and by employers and employees." It was his generation's mission, Graham said, to "correct the excesses of government from the past generation."

One day during his congressional race, Graham had what his campaign manager, David Woodard, called "an epiphany." Graham had delivered a noon speech at a small-town Rotary Club, where he received a tepid response. Concerned that he had not figured out how to tap into the old southern Democratic establishment, Graham then paid a visit to a textile mill on the edge of town. He later told Woodard that the plant manager was so agitated he threw a sheaf of papers to the ground and bellowed, "No more damn Democrats. They've got all these inspectors on me. All these crappy regs!"

Afterward, Graham placed an excited call to his campaign manager. "He said, 'We may not have the Rotary, but we have the people running the mills,'" Woodard recalled, "From then on, he picked up the theme."

Norwood, a 54-year-old dentist, sounded that theme from the day he announced for Congress in suburban Augusta, calling himself a businessman "who just got pushed too far" by government regulators. It started a decade earlier when OSHA began taking an active role in the dental profession to ensure that employees and patients were not endangered by blood-borne pathogens such as the AIDS virus. Dentists, Norwood said, did not need to be inspected or told how to maintain safe offices.

Norwood became so upset by the federal health and safety standards, which he said required his dental team to use 200 pairs of gloves each day and set up laundry services within his office, that he began placing an explicit "OSHA surcharge" on the bills he sent to patients. The charges amounted to about $10 per visit. When patients complained, Norwood told them to call their congressman. Then he decided that he wanted to be the congressman. Although he had never run for political office, Norwood had developed a state and national network of dentists from his earlier position as president of the Georgia Dental Association. He raised more than $90,000 from his dental colleagues.

Much like Ballenger in North Carolina, Norwood was motivated in part by a personal experience. The Department of Labor had once investigated him for not paying overtime to his office aides after a disgruntled former employee filed a complaint. Norwood said it would have cost him more to fight the complaint than settle it, but he never forgot the $10,000 the incident cost him nor the role of the federal investigators. From then on he referred to them as "storm troopers."

One morning on the campaign trail, Norwood turned to his young aide, Gabe Sterling, and asked him to find out who was in charge of OSHA. Sterling called Washington and learned that it was an undersecretary of labor named Joseph Dear. From then on, wherever he spoke to businessmen in his district, Norwood would say, "You know, that fellow who runs OSHA, that Joe Dear, well when I get up to Washington I'm gonna call that Joe Dear at 5 every morning and explain to him the problems with OSHA."

It did not take long for Chairman Ballenger to realize that he had a firebrand on his subcommittee. There was no need to reform OSHA, Norwood told Ballenger. They should just close the place down, fire everyone who worked there and then start over. "The only way to do it is to get rid of that crowd," he said.

Ballenger might have agreed, but he knew it would have been counterproductive. "I said 'That's stupid. You can't win that way. You gotta have a bill,'" Ballenger recalled. I'm smart enough, or dumb enough, to realize that if we don't pass the bill, we haven't done a darn thing."

[From the Washington Post, July 24, 1995]

OSHA'S ENEMIES FIND THEMSELVES IN HIGH PLACES

(By David Maraniss and Michael Weisskopf)

At 3 in the afternoon of Jan. 30, not long after the Republican majority assumed control of Congress, about 50 of the GOP's powerful allies in the business world gathered in the Washington boardroom of the National Association of Manufacturers. Oil was there, and chemicals, along with freight and construction and steel and small business. They convened as members of a lobbying group known as COSH, the Coalition on Occupational Safety and Health, and they sensed that their time was at hand.

"We're in a position to get something for employers," said coalition official Pete Lunnie, opening the meeting.

As he spoke, Lunnie recalled later, he was struck by how unusual it all seemed, especially the optimistic tone. For several years, the business community had been on the defensive, trying to prevent the labor-oriented Democratic Congress from strengthening the powers of the Occupational Safety and Health Administration (OSHA), an agency that business leaders thought was already excessive in its regulatory zeal. The low point had come on April 8, 1992, when an executive had flown cross-country to testify before the House Education and Labor Committee, only to be ignored by the panel's chairman and never called on during a five-hour hearing. Lunnie sent out a membership memo the next day deriding what he called the "crude affront."

But now business had friends everywhere. Two former members of the House labor panel had become powers in the leadership: Majority Leader Richard K. Armey of Texas and House Republican Conference Chairman John A. Boehner of Ohio. Boehner, a former plastics salesman, had been deeply involved in OSHA issues in past years and could be counted on again. And in place of William D. Ford, the old Democratic chairman who had snubbed COSH earlier, the key labor subcommittee was now headed by Cass Ballenger, a manufacturer from North Carolina with a long history of antipathy toward federal regulators.

At the strategy session in Washington, Lunnie asked the participants to identify the industry's most pressing problems with OSHA. "Cass wants our input," he said. They spent more than two hours enunciating a catalogue of gripes, from which Lunnie and his core group of lobbyists produced a consensus list of 30 recommendations for revising OSHA. In late February, they typed out the suggestions on a single-spaced piece of paper, which they presented to Ballenger. when Ballenger's work-force protections subcommittee came out with the Safety and Health Improvement and Regulatory Reform Act of 1995 in early June, there was little doubt among congressional insiders about who benefited from each section of the 47-page document. Virtually everything on COSH's wish list was there.

The coalition was the largest of many business groups and lobbyists who found their way to Ballenger's office as the bill was being drafted. "Id say that any businessman who happened to come up here to see someone in the House would come by my office and say, 'When you draw this thing up, will you look at *this* please?' Ballenger said recently. "We had several groups that came up with finished bills they wanted. The North Carolina Citizens for Business and Industry, of which I've been a member for 30 years, came up with a complete bill. COSH had ideas. We had ex-heads of OSHA come in here and give us advice. They all knew exactly what I should do."

DELIVERING GIFTS

The work of revising OSHA and rewriting U.S. labor laws had already begun in Ballenger's shop even before the heavy lobbying started. Weeks before the congressional elections last fall, Jay Eagen, who was then the ranking minority aide on the Education and Labor Committee, had a hunch that the Republicans might gain control of the House and began organizing a plan of action. The staff drafted a document called Agenda 104, named for the 104th Congress. It outlined the issues facing the committee and identified those of highest priority. Labor laws and OSHA topped the list.

When Ballenger assumed control of the subcommittee, he delved deeply into the drafting process, choosing among legislative options presented by aides in daily briefings along with memos from corporate backers. Some industry lobbyists were brought in to press a point or explain its ramifications; others were enlisted to draft specific provisions or vet them. While COSH and other groups enjoyed broad access to the process, one lobbyist had the inside track: Dorothy Livingston Strunk.

A coal miner's daughter from Pennsylvania who arrived in Washington with only a high school diploma, Strunk had undergone a long rise through the ranks to emerge as one of the most powerful voices in the workplace safety field. For years she had been a top Republican aide on the labor committee. In 1987, President Ronald Reagan nominated her to run the Mine Safety and Health Administration, but her appointment was killed in the Senate after strong opposition from the United Mine Workers. During the Bush administration, she moved over to OSHA, where she rose from deputy to acting director.

Now she is a lobbyist for United Parcel Service, a company whose Santa Claus-like public image as the deliverer of presents covers an intensely political enterprise. During the 1994 election cycle, UPS, which is one of the nation's top five employers and has offices in every congressional district, emerged as the nation's No. 1 PAC contributor, giving more than $2.6 million. Like many major PAC givers, it has leaned heavily Republican since the GOP takeover, contributing $210,000 to Republican House members in this non-election year alone. About 9 percent of that amount went to members of the labor panel, including $5,000 to Ballenger.

The relationship between UPS and OSHA has been lengthy and costly. The agency says it has received more worker complaints against UPS than against any other employer, resulting since 1972 in 2,786 violations and $4.6 million in fines—cases that the delivery service says were mostly minor. According to UPS data supplied to the Teamsters Union, in 1992 company workers suffered 10,555 lifting and lowering injuries that required more than first aid. The corporation pays out an average of $1 million a day in workers' compensation.

UPS has an intense interest in revising the OSHA standards, particularly the sections dealing with cumulative stress disorders caused by repetitive motion or lifting. More than 180,000 of its workers perform such tasks, driving the boxy, brown UPS trucks or handling packages. In Strunk, UPS had a lobbyist who knew OSHA regulations inside out and someone with unusual access to the committee where she once had worked. Aides to other members of Congress said that when the bill was being drafted, it was not uncommon for them to enter the committee offices and see Strunk emerging from a back room meeting with Gary L. Visscher, the staffer assigned to write the OSHA bill. When the first version of the bill made the rounds in April, it was often referred to as "Dottie's draft."

Her influence is clear in Ballenger's bill. Strunk and other lobbyists from the construction and trucking industries pushed for restrictions on the only tool OSHA now has to prevent cumulative trauma disorders such as carpal tunnel syndrome and back strain. The agency has struggled for years to issue an ergonomics standard that would cover those health problems, but in the meantime has invoked a "general duty clause" in its statute to deal with "recognized hazards" of the workplace not specifically addressed.

The general duty clause is used against a wide range of otherwise unregulated risks, but starting in the 1980s it became a popular OSHA device to prevent cumulative trauma disorders. By 1990, more than 800 ergonomic violations were imposed by OSHA—one quarter of its general duty clause cases—costing employers more than $3 million in fines. Four UPS facilities were among those cited for package sorting and loading practices. Facing more than $140,000 in fines, the company contested the charges, arguing that there was no specific standard they failed to meet, and OSHA backed off for lack of sufficient evidence.

The Ballenger bill offered an opportunity for industry to achieve what had eluded it for 25 years. Staff members presented a number of options to narrow the general duty clause, adding language to limit its application. At a crucial meeting in the chairman's office, Strunk presented a historical perspective: The original drafters, she said, wanted the clause to be used sparingly, but over the years enforcers had used it liberally. No matter how they tightened the wording, she said, inspectors could still interpret it more broadly. Ballenger was in no mood to take chances. His bill effectively eliminated the general duty clause by preventing OSHA from imposing penalties where no specific standard exists. Strunk declined requests to discuss her lobbying role on the bill.

Without the general duty powers, OSHA supporters maintain that specific ergonomics standards are needed to deal with the fastest-growing occupational injury. Half of today's work force uses computers, requiring repetitive motion similar to that of slaughterhouse workers cutting meat and grocery store clerks using price scanners. But the Ballenger bill makes it less likely that tough ergonomics standards could be imposed. The measure reverses OSHA policy by requiring regulators to justify the costs to business of implementing any new rule on an industry-by-industry basis. On top of that complex undertaking, the drafters were persuaded by the argument of an Ashland Oil official to have such analyses reviewed by panels of experts, not excluding those from companies with interest in the outcome.

THE FINE PRINT

The Ballenger bill is pro-business in its contours, turning a feared regulatory agency into what labor critics say would amount to a consultant to employers. It would funnel half the budget into training programs and incentives for voluntary action. Large numbers of employers would be exempted from random inspections and given wider latitude to avoid penalties, while the rights of workers to file OSHA complaints would be diminished.

As in the case of UPS and ergonomics, the fine print of the bill shows the influence of many industries. Chemical companies reach one of their longtime goals by keeping states from exceeding OSHA standards on workplace safety, such as the labeling of toxic substances. Another provision, inspired by Dow Chemical Co., would free employers regulated by OSHA from other federal rules that are "potentially in conflict." The proposal is supposed to prevent double regulation, but critics say it would allow industry to bypass more extensive rules of other agencies if they can be shown to be remotely similar.

The iron and steel lobby got Ballenger to drop a requirement that records be kept for work-related illnesses, such as hearing loss, that do not call for medical treatment and lost time. OSHA uses such logs to target troubled industries for inspection—a threat to noisy plants because of OSHA plans to tighten standards for hearing loss.

Perhaps the most contentious section of Ballenger's bill would abolish the federal agency charged with mine safety and transfer its reduced regulatory powers to a weakened OSHA. The Mine Safety and Health Administration is regarded as a regulatory success story, bringing about a sevenfold drop in mine fatalities since 1968. Ballenger's bill would water down its enforcement powers against unsafe mines and loosen the training and inspection requirements. Instead of four inspections per year, underground mines would face one. The requirement for two surface mine inspections a year would be dropped.

Ballenger explains the decision as a budget-driven effort to save money and streamline federal authority. But larger economic constituencies loomed in the background. The most influential adviser advocating the merger was Dorothy Strunk, who after leaving government worked for a Washington law firm that represented mining interests. The proposal is supported by some owners and operators of the rich east Kentucky coal fields, whose small mines are among the most dangerous and the latest targets of the mine safety agency.

And the northeast corner of Ballenger's congressional district, Mitchell County, is the nation's principal producer of feldspar, a sand-like mineral mined on the surface and used in ceramic and glass products. Ballenger met with an official of Unimin Corp., one of the mining outfits there. "He said what really bugged him was, being above ground and so forth, he gets inspected by both OSHA and MSHA. So he's got two sets of rules to work off."

HOW DO YOU DEFEND THAT?

While there was basic agreement among subcommittee members and industry allies about the scope of the OSHA bill, there were some moments of tension. Georgia's Charles W. Norwood Jr., supported by some lobbyists, thought the bill seemed too timid, that it was just tinkering with the system instead of reinventing it. In May, a few weeks before the measure was presented, Norwood and his freshmen compatriots requested a meeting with Ballenger. They asked John Boehner from the House leadership to attend and help them make their case.

Boehner had spent much of the previous four years working on OSHA revisions that went nowhere in the face of Democratic opposition. He agreed with Norwood in principle that the committee staffers drafting the bill with Strunk's guidance "seemed too locked in on what is, instead of what could be." On the other hand, he had heard about Norwood's sentiment to just close down OSHA, and realized that was not politically possible.

When the meeting began, Boehner said later, he was more on the side of Norwood and the freshmen. But soon enough he found himself defending Ballenger and explaining to Norwood why certain things could not be done.

"Charlie wanted to prevent OSHA from entering the workplace where there was a serious accident or death if the employer's lost-work ratio was below the industry average." Boehner recalled. "It was one of those issues where you had to walk Charlie through the politics of it, the practicality of it. The politics of it are: 'Charlie, how do you defend that?' If you're going to have OSHA and your goal is to create greater safety in the workplace and somebody dies in the workplace, you have to let them in."

Norwood contended that unions were using OSHA as an organizing tool. Company managers back in Georgia had complained to him that whenever a union was trying to organize a plant, OSHA would somehow show up and do an inspection because an employee had called in a violation. Boehner and Ballenger satisfied Norwood with two other provisions. Under the revised bill, if OSHA makes an inspection after a death or injury, it can only issue fines directly related to that incident. The bill also requires an employee who sees a workplace violation to take it to the management first. Only if there is no response in 30 days can the complaint go to OSHA.

During his campaign for Congress last year, Norwood had vowed to call OSHA chief Joseph Dear every morning at 5 to tell him what was wrong with his agency. He never followed through on that threat, but he did invite Dear to Meet with him in his congressional office. Norwood complained that the blood-borne pathogen standards were so strict that dentists felt they could not give children their extracted teeth. It was a story that Norwood and other dentists had been telling for years, so common that it even had a name—The Tooth Fairy Story. Like so many of the OSHA "horror stories," as they are called, it fell somewhere between reality and myth. Some dentists did stop giving out extracted teeth, but there was nothing in the law preventing them from doing so.

Norwood also asked Dear about another common story—that OSHA regulations prohibited roofers from chewing gum on the job. Dear said that there was no such regulation. Norwood, according to his staff, later said that he had caught Dear in a lie. Again, there was a fine line between truth and myth. OSHA standards did say that workers could not chew gum in one case: when they were working "in an area where the level of asbestos is so high that chewing gum could result in the ingestion of asbestos."

While Norwood and other Republicans on the subcommittee have relied on their catalogue of horror stories to make their case against OSHA, the struggle has a stone economic and political component. Corporations lobbying on OSHA and other labor laws dominated Norwood's list of post-election contributions to pay off his campaign debt. Nearly two-thirds of the money he raised came from corporate members of those lobbying coalitions. More than a third of the $58,000 he has reported raising from PACs for his next election come from these same groups. He sponsors a monthly breakfast round table for business leaders in Augusta, GA., where members can become squires for $250 and knights for $500.

Dentists, who have played an active role in the anti-OSHA movement, gave more than $90,000 to Norwood's last campaign—one-quarter of his contributions from individuals. In turn, he fought to essentially exempt dentists from safety inspections: They fell into the category of small business that would no longer be visited by the green-and-yellow-jacketed OSHA investigators.

Subcommittee member Bill Barrett's largest source of money was from the meat and sugar industries, both of which have had OSHA violations in his rural Nebraska base. His largest contribution came from ConAgra, the agribusiness giant, which also accounted for the largest OSHA violation in his district in the last five years. ConAgra's Monfort meat-packing plant in Grand Island was hit with fines of more than $625,000 after a series of incidents there, including the death of a maintenance man who was beheaded by a defleshing machine that should have been secured with a safety lock.

More than one-third of the PAC money raised by Chairman Ballenger for his 1994 campaign came from corporations that were lobbying for labor law and OSHA changes. The most generous was UPS's PAC, at $10,000. The single largest contributor to the National Republican Congressional Committee from North Carolina was Glaxo Inc., a major North Carolina pharmaceutical firm which has a long history of working in tandem with Ballenger to fight OSHA. When Ballenger was in the North Carolina legislature, Glaxo was fighting a revision in the law which would have required it to have a locked mailbox at the plant gate containing all reports on chemicals shipped into the plant each day. "You had to change it every day if you received chemical shipments every day," Ballenger recalled. The company considered it a paperwork headache. "Luckily," said Ballenger, "I killed the hell out of it."

THE WORKING STIFFS

The complaint from labor and Democrats for years was that OSHA was doing too little. Of the 70,000 hazardous chemicals used by industry, the agency had set standards for only 25, an average of one each year. Only in the last two years had it begun moving seriously on ergonomics issues. Despite business complaints about swarms of OSHA storm troopers invading plants, inspections have actually been few and far between. The typical company in North Carolina, for instance, would be inspected once every seven years. In the aftermath of one of the most calamitous workplace disasters of the decade, the Sept. 3, 1991, fire at Imperial Food Products in Hamlet, N.C.; in which 25 people died because there was no sprinkler system and the fire doors could not be opened from the inside, it was determined that OSHA had never inspected the plant.

There were significant gains in some areas, however, which have strengthened the resolve of OSHA supporters this year as they fight for the agency's life. THe impact of OSHA intervention in certain high-risk industries is clear. There have been 58 percent fewer deaths in grain handling and 35 percent fewer deaths in trench cave-ins since OSHA cracked down on those industries. The number of textile workers suffering from brown lung—a crippling respiratory disease—fell from 20 percent of the industry work force in 1978, when OSHA set limits on worker exposure to cotton dust, to 1 percent seven years later.

Democrat Major R. Owens of New York, the ranking minority member of Ballenger's subcommittee, is fond of quoting Speaker Newt Gingrich's line that "politics is war without blood." The Republican attempts to change the American workplace, Owens says, amount to a declaration of war on the nation's working men and women.

But Lindsey Graham of South Carolina, one of Ballenger's activist freshmen, said the Democrats and labor are deluding themselves if they believe they have the working people on their side in the fight against government regulations. When Labor Secretary Robert B. Reich testified before the committee, Graham asked him one question: "How do you reconcile your agenda with my election?" Graham, who won 60 percent of the vote in a district where the average income was $13,200, said he counted the times Reich used the phrase "working stiff" in his presentation.

"He used the words 'working stiff' 21 times," Graham said. "I wrote it down every time he said it. Well the working stiff, the little guy, elected me. They picked me!"

[From the Washington Post, July 23-24, 1995]

QUOTES OF REPRESENTATIVE CASS BALLENGER

In regard to the idea of Republican run House:

"I'd say, 'Guess who might be chairman of the committee who'd be in charge of OSHA?'

"And they'd say, 'Who?'

"And I'd say, 'Me!'

"And I'd say, 'I need some money,' And—whoosh—I got it. This was my sales pitch: 'Businessmen, wouldn't you love to have a friend overseeing OSHA?"

Talking about the sooring machine:

"The clutch on it was mechanical and the dang thing always slipped. You'd be wiping grease off it and the cloth would get caught in the gears and, thwack, it would just cut your fingers off."

Before OSHA: employers and workers relied on "simple common sense."

After an employee of his lost a finger:

"'See what can happen? Put your guard back on and don't do that again.' You'd learn not to do that anymore."

About the first OSHA visit to his factory:

"They came into my plant and they told me that my loading dock was unsafe because it didn't have a barrier to keep people from falling off. . . . And so I said, 'Well, let me ask you something, if you put a barrier up, how do you loan?' They thought about it and said maybe they were wrong."

Speaking about John Brooks, state labor commissioner:

"Every time John came in and said, 'We are underfunded and need more inspectors,' and told us how it was awful that we didn't think about the health and safety of the workers of North Carolina."

Thinking about John Brooks:

"Here's the horse's ass who runs a lousy operation asking us for more money."

Speaking of the 1994 elections:

"Then, all of a sudden, oops! We got control."

About picking his team for the subcommittee:

"I wanted people sympathetic to the cause, I was looking for pro-business people."

Exchange with Rep. Greenwood concerning OSHA:

"I asked him where he would stand on OSHA, and he said, 'I'll be with you."

On recruiting freshman members:

Republican Funderburk. "Oh, I knew Funderburk. Hoo, boy!"

Republican Graham. "a good old southern boy—you can count on them every time."

Republican Norwood. "Everybody knew about Charlie"

About the subcommittee:

"My subcommittee is so conservative it makes me look liberal. We could kill motherhood tomorrow if it was necessary."

After Norwood's suggestion to just "shut down OSHA":

"That's stupid. You can't win that way. You gotta have a bill. I'm smart enough, or dumb enough, to realize that if we don't pass the bill, we haven't done a darn thing."

Ballenger on the drafting or H.R. 1834:

"I'd say that any businessman who happened to come up here to see someone in the House would come by my office and say, 'when you draw this thing up will you look at this please?' We had several groups that came up with finished bills they wanted. The North Carolina Citizens for Business and Industry, of which I've been a member for 30 years, came up with a complete bill. COSH had ideas. We had ex-heads of OSHA come in here and give us advice. They all knew exactly what I should do."

Ballenger on meeting with an official from Unimin Corp.:

"He said that what really bugged him was, being above ground and so forth, he gets inspected by both OSHA and MSHA. So he's got two sets of rules to work off."

Ballenger on Glaxo and OSHA regulations:

"You had to change it every day if you received chemical shipments every day," Ballenger recalled. The company considered it a paperwork headache. "Luckily," said Ballenger, "I killed the hell out of it."

QUOTES OF REPRESENTATIVE LINDSEY GRAHAM

On Republican priorities:

"I think employers now take a different approach with their workers than they have in the past. My job is to get the government up to speed with the times. And the times for me are to reevaluate the role of the federal government in private business. If you believe that is the mandate, OSHA is a great place to start."

About subcommittee:

"This has been a subchapter of the AFL-CIO for 20 years. Now everybody here talks slower—and with a twang."

Talking about patrons of his parents Cafe:

* * * young Graham would see mill workers "come in with their shirts covered with cotton, white as they could be. There'd be a finger missing on every other person."

On role of government is mandating affirmative action and regulating workplaces:

[it] had "gone from being helpful to being the biggest obstacle dividing and polarizing the nation by race and by employers and employees."

The 'mission' for his generation:

* * * to "correct the excesses of government from the past generation."

Plant manager from Rep. Graham's district:

"No more damn Democrats. They've got all these inspectors on me. All these crappy regs!"

Following this Graham placed a call to his campaign manager:

"He said, 'We may not have the Rotary, but we have the people running the mills.'" Woodward recalled.

"From then on, he picked up the theme."

Graham to Labor Secretary Reich on what the working people want:

"How do you reconcile your agenda with my election?" Graham who won 60 percent of the vote in a district where the average income was $13,200, said he counted the times Reich used the phrase "working stiff" in his presentation. "He used the words 'working stiff' 21 times. I wrote it down each time he said it. Well, the working stiff, the little guy, elected me. They picked me!"

QUOTES OF REPRESENTATIVE CHARLES W. NORWOOD, JR.

On OSHA inspectors:

"They need to do what the hell they're told. They've been sitting in their cubicles for 25 years thinking they knew what was best for every industry in this country. They don't. And they don't want to know. All they want to know is what they can get away with to collect money from us."

When speaking to businessmen in his district while campaigning:

"You know, that fellow who runs OSHA, that Joe Dear, well when I get up to Washington I'm gonna call that Joe Dear at 5 every morning and explain to him the problems with OSHA."

To Ballenger about how to deal with OSHA:

There is no need to reform OSHA. * * * They should just close the place down, fire everyone who worked there and just start over. "The only way to do it is to get rid of that crowd."

QUOTES OF REPRESENTATIVE JOHN A. BOEHNER

On OSHA:

"Most employers would describe OSHA as the Gestapo of the federal government."

Boehner on OSHA meetings with Norwood and Ballenger:

"Charlie wanted to prevent OSHA from entering the workplace where there was a serious accident or death if the employer's lost-work ratio was below the industry average. It was one of those issues where you had to walk Charlie through the politics of it, the practicality of it. The politics of it are: 'Charlie, how do you defend that?' If you're going to have OSHA and your goal is to create greater safety in the workplace and somebody dies in the workplace, you have to let them in."

Mr. FAZIO of California. Mr. Chairman, this bill is an outrage, and it deserves to be repudiated and rejected by every member of this body.

This bill is unfair to the people who depend most on our government; our children and the elderly. This bill is shortsighted. It does not provide for investment in students and workers—the very people who will grow our economy.

This bill cuts $6.3 billion from programs that average working families depend on.

Why? The unvarnished truth is that my Republican colleagues feel the need to finance a tax break that goes largely for wealthy Americans. Don't buy the argument that this is just for deficit reduction.

Every Democrat in this House is prepared and committed to bring our budget into balance, and provide a solvent, secure future for our children.

Yet, one-half of the cuts in this bill are stolen directly from the single best investment we can make in our future: Education.

Overall spending on education has been slashed by nearly $4 billion. Few children have been spared. Some of the most significant and effective programs for kids—including title 1, School-to-Work, and safe and Drug-free Schools—are subject to potentially crippling cuts.

It's an exhaustive list, and frankly, to reduce this bill to a series of programmatic cuts, masks the underlying meanness of this bill. In its breadth and scope, this bill is simply a monster of inequity. If you're the principal wage earner in a hard-working family, or you've found yourself among the growing ranks of the working poor, and you desire to provide a brighter future for our children, this bill is a declaration of war.

In fact this bill declares war on opportunity. This bill puts politics ahead of principle. This bill values pay-offs ahead of the needs of people.

This much is certain. The Republicans don't discriminate. That is, if you're not on the receiving end of the Republican tax bail-out—if you're elderly, poor, young, unemployed, or just struggling to get by—you suffer in equal measure.

Seniors fare no better than our children. This bill sends a strong message to our senior citizens that their past efforts are no longer acknowledged, and that their current contributions are no longer appreciated.

This bill guts the Older Americans Act, including Green Thumb. It targets other programs which provide preventive health support, pension and Medicare counseling, and home meals to a growing senior population.

This bill undercuts the health and safety of American workers. It undermines the enforcement of hour and wage laws. It makes it more difficult for people who have lost their jobs to find new jobs by slashing job training. Some of the most vulnerable members of our society are subject to the most extreme—the most harmful—and the most mean-spirited provisions in this bill. If this bill is passed, victims of rape and incest will no longer be guaranteed the right to an abortion.

I urge my colleagues to stand up for working families and reject this bill. Don't allow the Gingrich Republicans to sell us down the river so they can reward their wealthy friends.

Mr. SERRANO. Mr. Chairman, I rise to express my extreme distress—even disgust—at the way H.R. 2127 provides for the programs of the Department of Health and Human Services. I was privileged to serve on the Labor—HHS—Education Subcommittee in the last Congress, and I was proud of our work under Chairmen Natcher and Smith and ranking Republican PORTER. But this bill is a disgrace, and I am glad I had no hand in writing it.

The bottom line is that this bill does not include enough money to meet the Federal obligation to protect and improve the health and well-being of all of us in the United States, but particularly of the most vulnerable among us. The victims of these cruel HHS spending cuts are many, and include the elderly, children, women, and working people. The few bright spots are not enough to save the bill.

There were modest increases in funding for community and migrant health centers and the maternal and child health block grant, but these came entirely at the expense of title X family planning, which was terminated, and the increases disappeared last night when family planning was restored.

This bill slashes, by more than 50 percent, the Healthy Start Program, which is today successfully reducing infant mortality in the South Bronx and other places.

There is a very small increase in the Ryan White CARE Act, but only for title I. The other titles are flat funded, although the HIV/AIDS epidemic continues to grow. My congressional district in the South Bronx is particularly hard hit by HIV/AIDS, and Ryan White funds from all titles are crucial to meeting the needs of the growing numbers of affected women, children, and adolescents.

There is a modest increase for the Centers for Disease Control and Prevention. But, while increases in key prevention programs such as sexually transmitted diseases, breast and cervical cancer, chronic and environmental diseases, and infectious diseases are welcome, equally critical prevention programs for HIV/AIDS, tuberculosis, lead poisoning, and injury are flat funded. And the National Institute for Occupational Safety and Health is cut by 25 percent and its training program is eliminated.

The bill quite appropriately increases funding for the National Institutes of Health, where scientists seek new understanding of biological processes and disease mechanisms that will permit us to challenge and defeat threats to our health, improving quality of life and saving lives. But the bill eliminates the separate appropriation for AIDS research, putting execution of the annual plan for NIH AIDS-related research, which Congress mandated, at risk.

The bill cuts nearly $400 million from the Substance Abuse and Mental Health Administration and totally eliminates the Center for Substance Abuse Prevention at the same time the Republicans' welfare reform proposals will vastly increase the need to prevent and treat mental illness and substance abuse.

The bill slashes the Agency for Health Care Policy and Research, a key player in learning—and disseminating its findings on—how to provide health care that is both high-quality and cost-effective.

There is a modest increase in the Job Opportunities and Basic Schools [JOBS] Program, which helps welfare recipients become self-sufficient.

The bill kills the Low-Income Home Energy Assistance Program [LIHEAP], which is simply immoral. Poor, mostly elderly people have died of the cold last winter and in the nationwide heat wave this summer. Killing LIHEAP assures that more of them will die.

The child care and development block grant is flat funded and obligation of its funds is delayed until the end of fiscal year 1996, at the same time the Republicans' welfare reform will be forcing more mothers of young children into the workplace.

This bill cuts Head Start. Cuts Head Start, Mr. Chairman. Maybe not by much, but Head Start is one of the most popular and successful early childhood programs we have, and, until this year, it has been permitted to expand toward the goal of meeting the needs of all eligible children. Many are still unserved, and more will be dropped from the program with this cut.

The bill cuts funding for temporary childcare/crisis nurseries and for abandoned infants assistance. It cuts child welfare training and research and adoption opportunities. It cuts development disabilities programs, Native American programs, and homeless services grants.

The bill savages the violent crime reduction programs enacted just last year.

The bill slashes Older Americans Act programs, including such services as prevention of elder abuse, preventive health, and the vital nutrition programs.

This bill, Mr. Chairman, even cuts basic functions of the Office of the Secretary, such as civil rights—and even the HHS inspector general.

Mr. Chairman, that's just funding. The riders related to HHS programs are astonishingly wrong-headed. They trample on the health and well-being of our people. The abortion issue is the source of most of the mischief—this bill limits women's right to reproductive freedom, denies biomedical researchers—and sufferers from certain diseases—the hope of finding new treatments or cures using fetal tissue acquired under tight controls, and limits the ability of accrediting bodies to set standards for medical training.

Then there's title VI, a whole new bill that limits political advocacy by Federal grantees.

Who is better prepared than providers of health, social, educational, and other services, to advise policymakers on the needs of their clients and the efficacy of various programs they participate in? And how do we justify proposing to violate these groups' first amendment rights to freedom of expression with their own money? The clear purpose of title VI is to silence the advocates for the poor, the sick, the elderly, the green, and other people whose needs or whose views of Federal obligations and Federal programs do not have the authors' support.

On the whole, the title II and the related legislative provisions of this bill are part and parcel with the entire bill—cruel and disastrous. This bill is a mean-spirited joke on anyone who believes that the Federal Government has a moral obligation to protect and improve the health and well-being of our population and to make the investments in our people that help them to be self-sufficient and our economy to be competitive.

The problems with this title illustrate why the entire bill deserves swift defeat and a complete rewrite. I urge my colleagues to reject H.R. 2127.

Mr. BEREUTER. Mr. Chairman, this Member rises today in opposition to the amendment by the gentleman from Arizona [Mr. KOLBE] that would strike the language in the bill that clarifies the congressional intent regarding the interpretation of the Hyde amendment.

This Member was one of the first Members of Congress to speak against the 1993 Clinton administration directive that required States to fund Medicaid abortions in cases of rape or incest. This directive is an unjustified and incorrect interpretation of the law and of congressional intent. It is certainly not the intent of Congress to mandate States to fund Medicaid abortions in the case of rape or incest, regardless of State law. The 1993 Hyde amendment to public law was very clearly not a mandate, but an enlargement on the limitation on the use of Federal funds, allowing States to use Medicaid funds to finance abortions in the case of rape or incest and of course to save the life on an indigent mother. The language in the bill we are considering today, would this Member hope once and for all, restates and further clarifies the original congressional intent in statute.

Mr. Chairman, this Member urges his colleagues to oppose the Kolbe amendment.

Ms. BROWN of Florida. Mr. Chairman, I stand in strong support of Mr. GANSKE's amendment; and reaffirm the traditional policy of the Congress toward accreditation of medical schools and teaching hospitals. I believe that the medical profession, itself, should establish responsible standards for the recognition and approval of graduate medical education programs.

Further, I strongly oppose attempts by this Congress to interfere with the content of medical education and training standards of a private accrediting board. The Accreditation Council for Graduate Medical Education [ACGME] requirement, as currently written, allows individual medical residents—as well as institutions with religious or moral objections—to opt out of abortion training, so government intervention to protect individual conscience is not needed.

To prevent abortion training altogether because of the religious convictions of some, is ridiculous. Surely, this Congress will not be allowed to stand in the way of medical science and return us to an era of superstition and of strict religious control.

Mr. STUMP. Mr. Chairman, I rise in support of the bill.

I also want to thank Chairman PORTER for the cooperation and assistance he has given the Veterans' Affairs Committee on the portion of the bill for the Veterans' Employment and Training Service [VETS] at the Department of Labor.

Despite deep cuts in many other programs, VETS would be maintained very close to historic funding levels.

Mr. Chairman, I especially want to commend Chairman PORTER for being extremely receptive to concerns raised by the Veterans' Affairs Committee regarding funding for the National Veterans Training Institute in this bill.

The $2.8 million in the bill for fiscal year 1996 will enable the institute to continue providing quality training to both veterans groups and Government employees who help veterans find meaningful employment and job training.

Mr. Chairman, I yield back the balance of my time.

Mr. BENTSEN. Mr. Chairman, with this legislation before us today we have been asked to make difficult choices. We have been asked to choose between funding for medical research and education, cancer research, and the right to choose. The committee has included regressive legislative language on choice, freedom of speech, and labor law, while decimating preschool, elementary, secondary, and post-secondary education. And that is what is wrong with the 1996 Labor/HHS/Education appropriations bill.

I applaud and support efforts by the committee to increase funding for the National Institutes of Health [NIH] by 6 percent. It is no secret that I have long advocated such funding levels, particularly in light of the fact that a majority of this same Congress voted to cut NIH in the fiscal year 1996 budget resolution which I opposed.

Biomedical research is an important, cost-effective investment in our Nation's health. Less funding for NIH would have dramatic effects on all Americans, including threatening the health of our citizens, reducing thousands of research projects, reducing potential cost savings from future treatments, and jeopardizing U.S. competitiveness in the biomedical industry.

Over 80 percent of NIH's budget goes to universities, institutes, and medical schools, and to their researchers who are on the verge of significant breakthroughs in treating diseases such as cancer, heart disease, Alzheimer's, and AIDS. These funds will continue research which could save millions of lives. I am proud to say that I have fought all efforts to cut NIH, including the levels contained in this bill. I strenuously opposed the Blute amendment which would have cut NIH by $235 million.

I am also pleased that this House voted to restore funding for family planning programs. For over 25 years, title X funding has served as a cost effective and vital source of essential health care and family planning services for low-income women. At a time when we are working to reduce unintended pregnancy in America, we should be making birth control more accessible, not less. In addition, we should not penalize community health centers that help these women combat low-birth weights and inadequate nutrition. The reality is that this cut was aimed directly at Planned Parenthood, which the radical right has targeted.

I also approve of increases in breast and cervical cancer screening programs under the Centers for Disease Control, the Jobs Corps, special education programs and vocational rehabilitation services. In fact, I am an original cosponsor of legislation to meet this goal.

However, this legislation contains too many provisions which I believe are terribly misguided and completely unacceptable. For example, the summer jobs program, which provides 6,000 Houston area youngsters with jobs this past summer is eliminated under the Republican proposal. Texas will lose $66 million in funds for this program next year, and as a result, thousands more young people will be on the streets next summer. More importantly, these teens will lose an opportunity to receive valuable on-the-job training. Texas will also lose 22 percent in vital funds for school-to-work programs to help provide the transition from high school to high wage, highly skilled jobs. This program, which many community colleges in the 25th district utilize, helps train an able work force for the future.

Other programs slated for severe cuts include adult and youth job training programs which are cut 20 percent and the dislocated workers assistance programs which are cut by 30 percent. Any American who loses their job can expect to receive 30 percent less assistance than they may have otherwise anticipated. In southeast Texas, thousands of people in the oil and gas industry have lost their jobs and rely on this safety net to help them back on their feet.

The National Labor Relations Board and the Occupational Safety and Health Administration are significantly cut that they will face serious difficulties in protecting American workers. For example, the National Institutes of Occupational and Safety Health is cut by $32 million—this cut eliminates all training assistance, including safety training for hundreds of nurses and doctors at the University of Texas Health Sciences Center at Texas Medical Center in the 25th district.

The bill would repeal the Executive order banning the permanent replacement of striking workers. Under this provision, workers would lose a fundamental right to collective bargaining. Additionally, the legislation would alter the functions of the NLRB heretofore without precedent by requiring unanimous decisions. The cumulative effect of these initiatives is to deny American workers with equal rights under job security and safety laws.

I am deeply opposed to one provision which is part of a stealth campaign to take away a woman's right to choose. While this bill allows the use of State Medicaid funds for an abortion when the life of the mother is at risk, it prohibits the use of such funds to pay for an abortion for women who are victims of rape and incest.

I am also opposed to a provision in the bill which allows institutions to bypass the accreditation process if the standards include training in abortion procedures. The Accreditation Council for Graduate Medical Education [ACGME] is a private medical accreditation body responsible for establishing medical standards for more than 7,400 residency programs in this Nation. Under ACGME requirements, no institution or individual is required to participate in abortion training. Any program or resident with a moral or religious objection is exempted.

Congress has never before sought to override private education standards, let alone standards for training in medicine. Those who would take away a woman's right to choose have now turned their assault on both medical schools and doctors.

Some of the most egregious cuts in this bill, however, come in the area of education. Even Republicans would agree that education is the key to opportunity and success in our growing world economy. This bill cuts education programs in the billions of dollars. That is wrong.

In addition to cutting Head Start for our Nation's youngest children by $3.4 billion, this bill dramatically reduces funding for elementary, secondary, and post-secondary education. Title I compensatory education grants in the bill are cut 17 percent by $1.2 billion. Harris and Fort Bend counties, which I represent, would lose close to $15 million in funding to help children improve their reading and math skills, especially in disadvantaged communities.

The bill also proposes the elimination of Goals 2000, which is a voluntary program to help students improve their academic performance. Goals 2000 provides school districts with funds to bring technology like computers to the classroom, to increase teacher training, and to encourage parents to be actively involved in their children's education. Only yesterday, Texas received over $29 million in Goals 2000 grants to assist in the implementation of our State's education reform initiative which passed the State legislature earlier this year. Without this funding, we will lose an opportunity to build on the progress we have already made in Texas.

For college students, the Republicans have cut student loans and aid by $9.5 billion. They have eliminated the in-school interest subsidy for Perkins loans, which help millions of Americans attend college. On average, a Texas college student can expect to pay $5,000 more for college—and they'll start paying before they have even attended a class or moved into their dorm room. At Rice University, which is located in my district, 82 percent of all undergraduates receive student aid—that's 2,170 students who will most likely have to pay more for their education.

One other irresponsible provision in this bill prohibits any recipient of a Federal grant from spending grant funds on political advocacy. This provision is not about lobbying Congress as the Republicans would have us believe, it is about giving nonprofit organizations and individuals the right to express their opinions. This would gag such institutions as AARP, the Red Cross, and the Presbyterian Church, of which I am a member. At the same time, any Government contractor would still be free to subsidize their lobbying activities with Federal funds. This provision is a threat to free speech.

In the final analysis, while this bill would sufficiently fund programs which are of great national importance, in particular, the national Institutes of Health, when weighed against all of the egregious provisions affecting education, job training, choice, student loans, and free speech, I cannot support it as currently drafted. I urge its defeat while looking forward to preserving what is right about this bill and correcting what is wrong. That is our charge.

Mrs. WALDHOLTZ. Mr. Chairman, I am voting against the Kolbe-Lowey-Morella amendment to strike language in the Labor-HHS-Education appropriations bill allowing States to eliminate Medicaid funding for abortions for rape and incest because I believe that decisions on the use of State funds should be left to State governments.

However, I also firmly believe that women who are faced with deciding whether to end a pregnancy that is the product of rape or incest should not be forced to base their decision on their ability to pay.

Accordingly, while I respect and acknowledge the right of States to determine how to spend their funds, without Federal mandates, I strongly urge the State of Utah and other States to provide funding for abortions for victims of rape and incest who cannot afford to pay for themselves.

Mr. FAZIO of California. Mr. Chairman, I rise in support of the amendment offered by the gentlelady from Hawaii, Congresswoman MINK, which would strike the provision of this bill prohibiting enforcement of title IX requirements with respect to gender equity in intercollegiate athletic programs.

Enforcement of title IX—with respect to athletics—ensures that our sons and daughters have an equal chance to take part in sports while they are in school. It is that simple. This enforcement takes into consideration the fact that different sports have unique differences that are justifiable—that some aspects of athletics programs do not have to be the same for men and women. The key is that the needs of male and female athletes are being met equally.

But the language in this bill would halt title IX enforcement. The net effect would be that intercollegiate athletic opportunities for female students—hampered as they already are—would be limited even more.

I know that today, nearly three decades after my own college athletic experiences, all of my daughters—each one of them a better athlete than her father—have been denied the access that I had to college sports. Women in college today still do not have the access and opportunity that men do. But title IX enforcement ensures that young women like my daughters would not be denied the same opportunity as their male counterparts to compete in college athletics.

All of our children should have an equal opportunity to participate in intercollegiate sports. I therefore urge my colleagues to support Congresswoman MINK's amendment, which would ensure that we continue to work toward guaranteeing that our sons and our daughters have their athletic interests and abilities encouraged and supported.

Mr. PALLONE. Mr. Chairman, I rise in support of the Bateman Saxton Edwards amendment to restore $22 million to the Impact Aid Program. This program, which suffered a 15 percent cut in funding in fiscal year 1995 is scheduled for another $83 million in cuts this year. Together these figures translate to a drastic 2-year reduction of 26 percent for Federal impact aid.

The reason why this reduction is particularly drastic is quite simple. Impact aid is a program that provides for the education of the children of our military personnel and children on Indian reserves. Education programs run on federally owned property are, due to a lack of funds caused by an inability to collect State or local taxes, highly dependent on Federal funding. Without that assistance, the quality of education available for these children is certain to deteriorate.

I ask you, Mr. Chairman, do you think it is fair some children in our country should be offered a lower standard of educational training just because they happen to live on federal land? It seems clear to me that as it is the Federal Government who owns the land on which these children live, the Federal Government should be obligated, just as State and local municipalities are, to provide adequate educational services for children.

Mr. Chairman, what would you suggest I tell the military children of the Earle Naval Weapons Station in Tinton Falls and Fort Monmouth in Eatontown when I go back to New Jersey and they wonder why the resources for their education have been reduced? Indeed, how do I explain to their parents that their child's school day may have to be reduced because the government, though able to pay them to fight for their country, does not have enough money to educate their children? These are questions, Mr. Chairman, that they should not have to ask and I should not have to answer.

While I support efforts to balance the Federal budget, I believe attempting to do so by gutting valuable education programs like impact aid is unequivocally a step in the wrong direction. With the Department of Education projecting that 89 percent of the jobs being created in the United States will require post-secondary training, it is clear that cutting education programs jeopardize the well-being of our children and, ultimately, the economic growth of our Nation.

We must not allow the Federal Government to shirk its responsibilities to itself, and to our children. I urge my colleagues to act responsibly and vote "yes" on this amendment.

Mr. SERRANO. Mr. Chairman, the committee's draconian cuts to education programs represent a fundamental shift in our Nation's priorities. Less than 1 year after the passage of Goals 2000, President Clinton's ambitious plan to prepare our children for the 21st century, the Republican majority stands poised to initiate a massive rollback in funds for programs which benefit our most precious resource—our children. There can be no higher priority than their education and training for the future.

The more than $1 billion cut in title I, the program which serves our poorest children, the 59 percent cut to safe and drug-free schools, and the 75 percent cut to bilingual education, when combined with cuts at the

State and local levels, will have disastrous consequences for our Nation's already overburdened and understaffed school systems.

In New York City, these cuts will result in nearly 42,000 fewer children receiving title I services, 9,000 fewer students in bilingual education programs, and the loss of nearly 3,000 teachers.

Other Members have spoken eloquently about the cuts to education programs. I would like to speak for a moment about the cuts to bilingual education programs. I find these cuts particularly troubling because the need for the services those programs provide is ever-increasing. The number of limited English proficient children is expected to increase to nearly 3.5 million by the year 2000. Studies have shown that language-minority students take several years to fully master academic English. Bilingual education allows these children to keep up with their peers in math and science courses, while simultaneously mastering the English language. These programs have been proven effective at reducing dropout rates, which for Hispanic children are more than 50 percent.

This bill eliminates funds for nearly 200 programs, including literacy training, student aid, and graduate fellowships. We cannot hope to remain competitive in the global marketplace if we do not provide for the education and training of all of our citizens, not just those who can pay their own way.

This shift in our priorities is unacceptable. I do not believe that the way to solve our fiscal problems is to shortchange our citizens and mortgage our children's future. I strongly urge the defeat of this bill.

Ms. BROWN of Florida. Mr. Chairman, I stand in strong support of Ms. Lowey's amendment. Medicaid funds must pay for abortion in the case of rape or incest. Surely, our society is not so mean and brutal that it would force poor women to give birth against their will—especially in the case of rape or incest. Abortion is not a crime in this country. The law is clear on this matter. But you would not know this by the extremist, radical, right-wing proposals being attached to appropriations bills. Unfortunately, the radical religious right has driven terror in the hearts of this country over the issue of abortion.

Poor women, like all women, have a right to decide whether or not to terminate a pregnancy—certainly in the case of rape or incest.

Let's not turn the clock backward. Support the Lowey amendment.

Mr. STUMP. Mr. Chairman, I want to thank Mr. ISTOOK and Mr. MCINTOSH for the cooperation and assistance they have given the Veterans' Affairs Committee on the portion of the bill which would prohibit the use of Federal grants for political advocacy.

Veterans service organizations have raised concerns about this part of H.R. 2127.

They believe it could be interpreted to apply to space and office facilities which the Department of Veterans Affairs [VA] is authorized by law in title 38 to furnish to veterans groups.

These groups use the VA space and office facilities to provide individual veterans free representation on their disability compensation claims.

This is an important public service having nothing to do with political advocacy or Federal grants.

I have worked closely with Mr. ISTOOK and Mr. MCINTOSH to assure the veterans service organizations that there is absolutely no intent to include space and office facilities authorized under title 38.

Mr. ISTOOK and Mr. MCINTOSH have further assured the veterans service organizations and me that they will either amend the bill or work in conference for more specific language.

Then there will be no question whatsoever that veterans can continue to receive free assistance from veterans service organizations on claims related to their military service.

The bill also has an express exclusion covering the Pro Bono Representation Program of the Court of Veterans Appeals.

Ths program enables individual veterans to obtain legal representation on their claims which have been appealed to that court.

This program does involve a small amount of Federal grant money, but is not funding political advocacy, and the bill exclusion was drafted accordingly.

Mr. BEREUTER. Mr. Chairman, this Member rises today in support of the Federal Office of Rural Health Policy. Unfortunately, H.R. 2127 eliminates funding for this office.

Rural areas have vastly different health care needs than other parts of the country. The Office of Rural Health Policy provides many forms of assistance to rural communities and health care providers. For example, it directly assists rural communities through the provision of telemedicine grants and rural outreach grants. The telemedicine grants administered by the Office of Rural Health Policy make it possible for rural providers to initiate telemedicine systems now rather than wait for urban-based systems to eventually extend such services later. It also administers the important rural health outreach grant program. These grants are perhaps the most effective of any rural health grants because they require organizations within rural areas to work together to improve and strengthen the provision of health care.

The Office of Rural Health Policy also produces important annual reports through the National Advisory Committee on Rural Health. The most recent report focused on the impact of Medicare reimbursement policies on rural health providers.

Finally, the Office of Rural Health Policy supports research centers that address rural health policy problems. This research assists rural providers and policy makers on a local, State and Federal level in determining the best course of action to take to ensure that rural communities have adequate health care available.

Mr. Chairman, the Office of Rural Health Policy is not an unnecessary bureaucracy, but an important organization that works to improve available health care in rural areas. This Member urges his colleagues to support the continuation of this office in conference.

Mr. SMITH of Texas. Mr. Chairman, as a member of the Budget Committeee that produced the first balanced budget in 25 years, I rise in strong support of the Labor/HHS appropriations bill. This bill provides Federal support for such important activities as biomedical research, Head Start, and special and higher education.

In other areas, this appropriations bill returns power, money, and control where it belongs: to our families for decisions around the kitchen table, to our neighborhoods, and to our State and local governments. Rather than education Presidents, this bill creates education classrooms and empowers education parents across America.

Some of the same people who opposed our balanced budget and have opposed every attempt to control the Federal deficit have resoted to demagoguery to attack this appropriations bill. With no positive plan of their own, they try to scare students and the parents of students about education spending.

Don't believe these purveyors of doubt, doom, and deficits. The question is not whether or how much we'll spend on education. The difference between our balanced budget that this appropriations bill is an essential part of, and the Clinton bogus budget, is who will do the spending.

The Clinton bogus budget assumes that Government knows what's best for your children. It provides for a big bureaucratic Department of Education and tells parents what your children should learn.

The American people know better. And this Congress was elected to be different. Support our education parents. Return power to our families and local communities. Vote in favor of the Labor/HHS appropriations bill, an essential building block of our balanced budget.

Ms. FURSE. Mr. Chairman it is cruel and callous to restrict Medicaid funding of abortions for rape and incest victims. When the Medicaid statute was written, Congress made clear its intention that it should cover all medically necessary services. I can hardly imagine a service more necessary than an abortion for a rape or incest survivor.

Rape is a crime—punished the victims of the crime.

It is estimated that between 15 and 40 percent of women are victims of rape or attempted rape during their lifetime. Policies that force rape and incest survivors to continue a resulting pregnancy will cause additional suffering for women who much already overcome poverty and sexual violence.

By an overwhelming margin of 84 percent, the public supports Government funding for abortion in cases of rape, according to a Time/CNN poll.

This bill also nullifies the requirement that medical residency programs must provide training in abortion techniques unless the individual or institution has a moral objection to it. And, it bans Federal funds from being used for embryo research which leading scientists and endocrinologists tell us may hold the key to curing such diseases as diabetes and Alzheimers.

Mr. Chairman, this Congress is out of step on issues of women's reproductive health care. I urge my colleagues to stand up for women and vote against this very bad bill.

Support Kolbe-Lowey admendment.

Mrs. JOHNSON of Connecticut. Mr. Chairman, we are all interested in lowering our national debt and eliminating the Nation's deficit. Appropriations Committee members and staff have worked hard on this legislation and I thank them for their effort. Achieving the goal of balancing the budget will mean we must make tough choices in the weeks, months, and years ahead.

There are provisions in this bill that I do not like. In education, it is shortsighted to cut 55 percent of the funding from the Safe and Drug-Free Schools and Communities Program, Title I, and bilingual education. I oppose eliminating the LIHEAP Program, and strongly oppose the reduction in job training at this time of dramatic and rapid changes in policies. There are cuts in the Older Americans Act that I believe are equally unwise and harmful, and finally provisions that belong in authorizing legislation, where issues can be considered in hearings and Members can have ample time to review information and have consistent discussions before voting on changes in policy.

At this time, my anguish over the terrible consequences of $200 billion deficits on average for the next 10 years overrides my concern that certain programs have been cut too drastically in this bill. To balance our revenues and obligations by 2002 or shortly thereafter, cuts in every sector of Federal spending will have to be made, but pace, balance, and fairness are necessary.

As you all well know, the Federal budget process is terribly cumbersome and this legislation has a long way to go in the legislative process. As it moves through the Senate and Conference Committee, I am confident that many of the bill's shortcomings will be addressed and I look forward to supporting the conference report next month. In regard to compensation for essential cuts, our children will inherit a diminished national debt and a fiscally strong nation, capable of funding strong essential services and creating good paying jobs.

Mr. DAVIS. Mr. Chairman, I want to thank my colleagues, Mr. EDWARDS, Mr. BATEMAN, Mr. SAXTON, Mr. CHRISTENSEN and others for their work on restoring money to the Impact Aid Program. By funding this program at the amounts mentioned by the majority leader, Prince William County could gain $1.5 million and Fairfax County would gain an additional $800,000. Both of these school systems are spending far more in educating children of active duty military personnel on bases than they receive from the Government. And just as homeowners and businesses pay their local taxes annually, the Federal Government has an obligation to pay its fair share. Anything less amounts to an unfunded Federal mandate on localities.

Mr. FAZIO of California. Mr. Chairman, I agree with Mr. OBEY. If he's said it once, he's said it a thousand times: This language has no place in an appropriations bill. It should not be hidden in an appropriations bill.

That said, I rise in support of Mr. GANSKE's amendment to strike this language. First, this language is completely unnecessary. Its supporters will say that it protects those who have moral and religious reservations about abortion from discrimination. But the Accreditation Council for Graduate Medical Education—the independent organization of medical professionals who set the standards for medical education—does not mandate abortion training. Anyone, either an individual or an institution, with a legal, moral, or religious objection to such training is not required to participate.

I would argue that the language in this bill serves a different purpose. It serves to restrict academic freedom. It serves to restrict knowledge about a legal medical procedure its supporters find personally unacceptable.

In order to satisfy their personal priorities, they have inserted this language which represents an unprecedented intrusion into the actions of a private organization. As Dr. James Todd, executive vice president of the American Medical Association has said, accreditation is a "private sector, professional process."

I don't know about you, but I do not pretend to know the first thing about the ins and outs of a medical education. Congress has no business regulating medical curriculum. Not only do we not know enough about it, it is not within our jurisdiction. To again repeat the words of Dr. Todd, "The curriculum of educational programs, and the standards by which these programs are evaluated, should not be subject to Federal or State legislative initiatives, and should not be politicized by governmental regulation."

Listen to the experts. Support the Ganske amendment.

Mrs. MINK of Hawaii. Mr. Chairman, I rise to express my deep disappointment in the Committee's decision to eliminate the Native Hawaiian Health Care Act. The program was established in 1988 because of the poor health conditions of Native Hawaiians and the many cultural barriers that prevent them from receiving adequate care.

The Native Hawaiian people currently suffer from extraordinarily high rates of heart disease, cancer and chronic conditions, such as diabetes.

A Office of Technology Assessment Study authorized by the Congress in 1984, which compared both Native Hawaiians and part-Hawaiians to other populations in the United States, found that overall Native Hawaiians have a death rate that averages 34 percent higher than all other races in the United States.

Pure-blooded Native Hawaiians have a death rate that is an astounding 146 percent higher than other Americans. The study also revealed that Native Hawaiians die from diabetes at a rate that is 222 percent higher than for all races in the United States.

Recent studies in the State of Hawaii show that 44 percent of all infant deaths in the State are Native Hawaiian children, cancer rates among Native Hawaiians far exceed other ethnic populations in our State, and health care services are often lacking in Native Hawaiian communities.

The high incidences of mental illness and emotional disorders among Native Hawaiians is attributed to the cultural isolation and alienation in a statewide population in which they now constitute about 20 percent.

Disenfranchised from their land, culture, and ability to self-govern, the Native Hawaiian people have suffered a plight similar to that of the Native American Indians on the continental United States. And it is the responsibility of the Federal Government to assist in our efforts to improve the health status of the native people of Hawaii.

In 1988 the Congress recognized this tremendous need and the Federal Government's responsibility to the Native Hawaiians. We enacted the National Hawaiian Health Care Act, which has provided the Native Hawaiian community the opportunity to assess its own health needs and find solutions that its native population can understand and relate to.

Since 1990 the Congress has funded this program. Native Hawaiian Health Care Centers have been established on each major island to provide primary, preventive and mental health care services in a culturally appropriate manner. these centers have also been able to combine the use of western and traditional health methods and encourage Native Hawaiians to return to their traditional foods as a basis for a healthy diet.

The elimination of this program is a severe blow to the progress we have made in improving the health of the Native Hawaiian people.

The bill currently also does not include funds for the Hansen's disease patients of Kalaupapa on the Island of Molokai. I want to take this opportunity to acknowledge the agreement of Chair PORTER to restore funds to this program during the conference.

I understand that the committee did not fund this program because of incorrect information provided by committee staff which indicated that there are no longer any patients at Kalaupapa. Once we pointed out to the Chair that there are 77 patients still living at Kalaupapa and 134 who receive outpatient services at other facilities in Hawaii, he agreed to restore these funds. While he could not do it in Committee, he would resolve the situation in conference.

Kalaupapa is a small peninsula on the Island of Molokai, accessible only by boat, plane or by traversing rugged cliffs. This geographically isolated place was chosen in 1866 as an area of banishment for those in Hawaii who had Hansen's disease, or Leprosy, as it was known then. For many years people with Hansen's disease were literally discarded at Kalaupapa doomed to live out their short lives in isolation and misery. They were branded as outcasts by the rest of society because of the horrible disfigurement and social stigma attached to Hansen's disease.

Over time, with care and commitment of such individuals as Father Damien deVeuster, whose statue the State of Hawaii has placed in the Halls of this building, the patients at Kalaupapa came to live their lives in dignity. With the advance of medicine sulfone drugs were discovered in the 1940s which were able to cure Hansen's disease, however even until 1969 isolation laws still segregated Hansen's disease patients from the rest of the world.

In 1954 the Federal Government made a commitment to assist in the treatment and care of Hansen's disease patients, the most ignored and outcast in our society at that time. Since then Congress has provided payments to assist the patients at Kalaupapa.

In 1980 Kalaupapa was designated as a National Historical Park. This designation allowed the patients to continue to live at Kalaupapa for as long as they wish. Today 77 people chose to live their lives a Kalaupapa, the place that was once a place of abandonment and suffering, is now their home which they do not want to leave.

Federal assistance helps to provide medical care and other services the patients require. Last year the State of Hawaii received $2.9 million. I recognize it was not the intention of the committee to cut off assistance to the patients, but simply a misunderstanding of this situation. I appreciate the agreement to resolve this situation in conference.

Following is a letter from Hawaii's State Department of health clarifying that these funds are essential in the State's ability to address the needs of the Hansen's disease patients at Kalaupapa.

STATE OF HAWAII,
DEPARTMENT OF HEALTH,
Honolulu, HI, July 21, 1995.

Hon. PATSY MINK,
House of Representatives, Washington, DC.

DEAR REPRESENTATIVE MINK: Per your request of July 21, 1995, regarding information on Hansen's Disease (HD) funds received from the United States Department of Health and Human Services.

The federal reimbursement to Hawaii for its HD program was originally authorized by Public Law 411 by the 82nd Congress on June 25, 1954; authorizations continue today through P.L. 99–117 (99 Stat. 49). Currently, the federal reimbursement amounts to $2.9 million.

Federal reimbursements currently have covered 60% of operating costs since FY 1986. The federal receipts are deposited as reimbursements into the State General Fund.

Authorization for the State's budget is provided through the State Legislature. The HD program budget is funded 100 percent through the general fund appropriation which is then federally reimbursed in part as described above.

Federal HD funds do affect programmatic efforts and do have an impact on the level of services available. Declining levels of federal support would affect the program's ability to continue program enhancements for Hale Mohalu and Kalaupapa and for the outpatient program. Budget increases are authorized by the State Legislature.

The levels are based in part on the program's reimbursement capability, allowing us to provide enhanced levels of program benefits for the State's HD patients; i.e., various special operating repair and maintenance projects, needed equipment, position restorations from the State across-the-board budget cuts, and the conversation of temporary positions to permanent.

This is especially helpful for Kalaupapa, where recruitment and professional staff retention have always been difficult.

We hope this information is helpful, and we appreciate your commitment and continuing efforts in support of the current Federal/State partnership which well serves Hawaii's persons with Hansen's Disease.

Sincerely,

LAWRENCE MIIKE,
Director of Health.

Mr. KENNEDY of Rhode Island. Mr. Chairman, I rise in strong support of the Bateman-Edwards proposal in conference and its efforts to restore funding to the Impact Aid Program. Today we are faced with an $83 million gap in one of our countries most vital functions: the ability to educate our children and ensure our Nation's prosperity for generations to come.

For the past 45 years the Federal Government recognized its obligation to compensate school districts for the costs of educating children whose parents live or work on federally owned land. I ask my colleagues today, what has happened to that obligation? Has the Federal Government become so single-minded in its attempt to reduce the deficit that it has become blind to the needs of our Nation's children?

Many of these children are those of the men and women who serve in our Nation's armed services. Is cutting their children's education how we choose to pay back the people who faithfully serve our country? In my opinion it's a crime to tell the children of military impacted communities that they have to receive a substandard education because the Federal Government does not want to pay its fair share.

Many schools have had to close due to cutbacks in the Impact Aid Program. Many more have had to incur huge deficits just to keep operating. From Nebraska and South Dakota to New Jersey and New York schools of all sizes have had major difficulty keeping their doors open.

But the necessity of impact aid goes far beyond the 1.8 million children who are eligible under the program. Terminating the program will also have a significant impact on the 20 million students who attend schools that are dependent on impact aid funding. In my own district, thousands of children in the Middletown, Newport, and Portsmouth school districts are largely effected by the Impact Aid Program. What will happen to these children if this program goes unfunded? Where will they go if their school closes down?

Impact aid is about more than education, it is also about the strength of our communities. The people of Middletown, RI, tell me they are particularly proud of their community, their schools, and their military population. For over 200 years these same people have extended themselves to the military and have achieved an excellent reputation that is passed from generation to generation of servicemen and women at the naval base on Aquidneck Island. But there are limits to these relationships. It is unreasonable to expect local taxpayers to increasingly subsidize the education of military students.

Even with full funding of impact aid, Middletown Public Schools still experience over a $4 million loss in tax revenue from land occupied by the Navy instead of private housing or businesses. With this year's reductions, a bad situation will become undoubtedly worse.

Mr. Speaker, the choice is ours. We can fund the future of America's students today or be prepared to pay the costs of uneducated and unskilled work force tomorrow.

Mr. RAHALL. Mr. Chairman, I am deeply concerned over the impact of funding cuts in title I compensatory education programs contained in this bill.

In West Virginia, in my district alone, title I children will lose more than $5 million in the coming year—and much more over 7 years.

Let me tell you about Kimball Elementary School, in Welch, WV, McDowell County. At this school, there are 350 children dependent upon title I remedial education services so that they will learn to read and to do math at their appropriate age and grade levels.

Of the 19 schools in McDowell County, and of the 6,900 children in those schools, 4,700 of those children are eligible for title I services based on the low income of their families, and based on the breadth and scope of distress in the county—which still has double-digit unemployment rates, and most families live well below the poverty level.

McDowell County children will lose $565,700, over $1/2 million, of their title I funds in fiscal year 1996.

Kimball Elementary School spends a mere $94,000 a year on children—not just elementary-age children in need of services, but on dropouts who are brought back to school and guided to graduation.

Teen mothers are brought back to school to complete their high school degrees. I am told by the title I director at Kimball Elementary School that five of those teen mothers are now in college, and one of them is on the dean's list.

How's that for a success story for title I program services to children at risk of growing up and leaving school unable to read or compute, or write?

Mr. Chairman, don't vote for this bill that cuts 1.2 billion out of title I—affecting 1.1 million children nationwide. Just think of the 350 kids at Kimball Elementary School who need only a mere $94,000 a year.

Think of how it will affect 4,700 children in McDowell County West Virginia, who may grow up illiterate, without high school degrees, without these extraordinary remedial education services.

Vote "no" on H.R. 2127.

Mrs. SCHROEDER. Mr. Chairman, it is an outrage this issue is even being discussed. It shows how far backward the Republicans are willing to push women. It winks at rape and incest victims, saying too bad. To say in 1995 that rape and incest victims are at the mercy of where they happen to live. They have to be very careful where they live if they think they'll be raped. This is ludicrous.

Mr. COLEMAN. Mr. Chairman, I would like to go on record by stating my opposition to the removal of all $193 million for title X of the Public Health Service Act and the transfer of those funds to maternal and child block grants and community migrant health centers. The services provided by the family planning program reduce the amount of people on welfare, reduce the amount of unintended pregnancies, and reduce the spread of sexually transmitted diseases. An estimated 4 million patients, primarily low-income women and adolescents, receive services through more than 4,000 title X clinics nationwide. Since the creation of title X funding in 1970, there has been a decline in unintended pregnancies, particularly among teenagers. In addition, nearly 1 in 4 American women who use a reversible form of contraception rely on a publicly funded source of care. It is estimated that, if these services were not available, women would have between 1.2 and 2.1 million unintended pregnancies a year instead of the 400,000 now currently experienced. However, my colleagues have seen fit to eliminate a program that saves this country money and promotes our public health.

Title X funding provides training for nurse practitioners, clinical personnel, educational programs for family planning, exams, counseling, contraceptives, and screening for sexually transmitted diseases. The effect of this measure, in my district alone, will be calamitous. One hospital in El Paso receives about half a million dollars from title X funds annually. This hospital provides services to about 5,000 women. These women will be left with only one limited alternative—to seek health care at Planned Parenthood. The El Paso Planned Parenthood has indicated that its services are stretched to its capacity right now. Therefore, the potential that these 5,000 women will go without the necessary care is great.

Not only will lack of services affect my community severely, so will the loss of jobs due to the reduction of title X funds. El Paso Job Corps would be required to cut staff due to this reduction.

This type of action is simply dangerous to Americans and communities like El Paso. The transfer of funds to block grants certainly does not guarantee that the money will be spent for the purposes of sound family planning or that poor communities will receive their fair share of the funds. I understand that every public dollar spent for family planning services under the current title X saves an estimated $4.40 in medical welfare, and nutritional services provided by Federal and State governments. As a nation, we either pay the cost now and provide these women with the health care they need, or we will undoubtedly pay later and at a quadrupled rate.

[From the White House Office of Media Affairs]

HOUSE REPUBLICANS CUT $36 BILLION FROM CURRENT EDUCATION AND TRAINING INVESTMENTS

ESTIMATED STATE-BY-STATE REDUCTIONS FROM FY 1995 FUNDING LEVELS FOR EDUCATION AND TRAINING FOR FY 1996–2002 BASED ON ACTION BY THE HOUSE APPROPRIATIONS COMMITTEE

Alabama	$575 million
Alaska	102 million
Arizona	524 million
Arkansas	317 million
California	4.3 billion
Colorado	457 million
Connecticut	325 million
Delaware	88 million
Florida	1.5 billion
Georgia	805 million
Hawaii	98 million
Idaho	137 million
Illinois	1.5 billion
Indiana	639 million
Iowa	357 million
Kansas	321 million
Kentucky	520 million
Louisiana	789 million
Maine	157 million
Maryland	540 million
Massachusetts	884 million
Michigan	1.3 billion
Minnesota	530 million
Mississippi	472 million
Missouri	669 million
Montana	141 million
Nebraska	184 million
Nevada	124 million
New Hampshire	137 million
New Jersey	837 million
New Mexico	250 million
New York	2.9 billion
North Carolina	651 million
North Dakota	116 million
Ohio	1.4 billion
Oklahoma	437 million
Oregon	385 million
Pennsylvania	1.7 billion
Rhode Island	174 million
South Carolina	503 million
South Dakota	121 million
Tennessee	607 million
Texas	2.5 billion
Utah	215 million
Vermont	108 million
Virginia	610 million
Washington	635 million
West Virginia	316 million
Wisconsin	581 million
Wyoming	88 million
Washington, DC	179 million
All Other	1.9 billion
Total	$36 billion

Mr. NADLER. Mr. Chairman, I rise in opposition to the mean-spirited provision in this bill that would cut funding for senior meals programs.

For a very small Federal investment, senior means programs provide immeasurable nutritional and social benefits for seniors nationwide. For many seniors, federally funded nutritional programs are their only source of hot, nutritious meals. For others, a daily visit to the lunch program at the local senior center reduces the isolation often associated with our later years. These are benefits that cannot be measured.

I have, in my office, hundreds of truly heartfelt letters from seniors expressing how much these programs mean to them. One of my constituents writes:

> I am unable to cook for myself being infirm. The Meals on Wheels is the only hot meal I eat daily. I am 91 years old. Before I retired at the age of 58, I worked as a flower maker. I went blind. I live on a fixed income and the healthy lunches provided help me get through the month. These meals make my life worth living. I could not manage without the Meals on Wheels program.

Such sentiments are echoed in the hundreds of letters I have received from seniors opposed to cuts in congregate and home-delivered senior meals programs. We cannot turn our backs on seniors who rely on these programs. I urge my colleagues to join me in opposing these cuts.

Mrs. COLLINS of Illinois. Mr. Chairman, I rise in defense of title IX and to oppose the language in H.R. 2127 that prevents the Department of Education from enforcing title IX's gender equity requirements for women in college athletics. To me, this language represents an attack on title IX and an effort to ensure that it is not enforced. We should strike this language from H.R. 2127 completely, as Representative PATSY MINK sought to do.

Members trying to undermine title IX will argue that it is an unfair quota system that hurts men's sports teams. This is simply not true, not even close. In fact, it is athletic directors and coaches who regularly establish quotas at colleges and universities. They decide, often arbitrarily, how many men and women get to play sports and how many men and women will receive athletic scholarships. Almost always, this means that women get sloppy seconds and women's sports teams get a small portion of the school's athletic and scholarship budgets.

Today, the number of girls and young women participating in sports is increasing in leaps and bounds. Vast numbers of girls and young women are now playing sports with the same enthusiasm that generations of boys and young men have shown. They play all kinds of sports, and they play them well. Whether title IX has been responsible for generating this enthusiasm, or instead, has been a force to make schools react this interest is irrelevant. What is relevant is that women want the same opportunities as men and title IX guarantees them that right. H.R. 2127's sneak attack on title IX is unfair and unjustified and should be defeated.

Mr. Speaker, I appreciate the work that Representative NANCY JOHNSON has done in trying to improve H.R. 2127's title IX language and Representative DENNIS HASTERT's good faith efforts to find compromise language. However, I am convinced that we should support title IX and I will continue to make sure that title IX is defended and upheld.

Mr. FAZIO of California. Mr. Chairman, this is a terribly unjust piece of legislation that targets the most vulnerable members of our society. Many of the most onerous aspects of this bill—particularly cuts in programs that help working families—have been highlighted by my colleagues on the floor today.

Unfortunately for all of us, the Devil is also in the details.

The same Republican majority that promised to relieve us of burdensome Federal regulations is now advancing regulatory requirements that jeopardize academic freedom and freedom of expression.

Contained in this bill is a provision that would radically limit the constitutionally protected free speech of Federal grant recipients.

This "Orwellian" provision will have a chilling effect on political discourse, and prevent legitimate organizations—including universities and nonprofit groups—from participating in the democratic process.

Unless we reject this language and repudiate this bill, these organizations will be unable to express their views on those Federal issues in which they have a vested interest.

Instead, they would find themselves subject to substantial regulatory requirements and intrusive and burdensome restrictions—subject to the impossibly complex web of regulations necessary to enforce this provision.

These requirements range from the reasonable to the outright ludicrous. For example, grant recipients, not the Federal Government, would be required to shoulder the burden of proof regarding compliance with the limits imposed by this bill.

Innocent until proven guilty. Forget it. The bedrock principles of the Bill of Rights are thrown right out the window.

The personal disclosure requirements are particularly grievous. Employees will be so busy calculating time spent on political activities, providing the names and i.d. numbers of those involved, and listing the types of activities undertaken, and reporting all this to the Census Bureau, that they won't possibly find the time to do anything else.

Has the right of the individual to express his or her political beliefs and opinions become a danger rather than a privilege? Have we truly realized Orwell's dark, totalitarian vision? Do we have the courage to reject this disturbing, dangerous provision?

This restriction raises a host of other, nettlesome questions related to financial liability, and it does not adequately guard against the potential harassment and intimidation of legitimate organizations.

Let's go after the bad apples in the grant community, but reject the wholly invasive and suffocating approach presented in this bill. Let's demonstrate our good sense and reason and repeal this bold, beyond-the-pale attempt to micromanage the grant community and inhibit our basic civil rights.

Support the Skaggs amendment.

Mr. STOKES. Mr. Chairman, generation after generation of children have been told that a college education is the key to the American dream. Well, perhaps we were wrong, or perhaps it is that we did not realize that that advice is outdated. Just look at what the majority is doing to financial aid. Then, my colleagues you determine what is the best advice you have for America's over 6 million college students who must depend on financial aid to attend college.

The $158 million cut in Perkins loans would eliminate support to approximately 150,000 needy college students. The elimination of funding for the State Student Incentive Grant Program, means that over 200,000 college students would be denied the financial assistance they need. And, if this injury is not enough, the Republicans are working to derail the direct student loan program.

I guess my colleagues would tell these students that the States will pitch in, well the students and the States are too smart to fall for that one. In fact, 18 percent of the States expect to have to eliminate their need-based student aid program, and 82 percent expect to be forced to reduce the number and amount of awards.

Mr. Chairman, I strongly urge my colleagues not to derail our young people's future, vote "no" against H.R. 2127.

Mrs. KENNELLY. Mr. Chairman, I rise in support of the Lowey amendment to restore needed funding to the Perkins Loan Program.

Supporters of this bill say that the extreme budget cuts it contains are necessary to ensure a bright future for our Nation's young people. I share the commitment to deficit reduction, but I have to wonder what kind of future our children will have if they can't afford a college education.

Student loans help prepare a new generation of scientists, teachers, doctors, entrepreneurs, and, yes, elected leaders. Many of us in this body would not be here were it not for the college education we received through student loans.

Student loans give young men and women born into poverty the means to become productive members of society. Too many lower-income families strive to send their children to college but are forced to choose between paying tuition and paying for basic necessities.

We've heard so much rhetoric in this body about personal responsibility—about making people pull themselves up by their bootstraps. Cutting off student loans would take those bootstraps away from millions of Americans.

Most importantly, student loans are a downpayment on a strong American economy that will lead the world into the next century. By gutting our student loan program, we consign our Nation to a less-educated populace and a less-productive future.

I urge a "yes" vote on the Lowey amendment.

Mr. FAZIO of California. Mr. Chairman, the reason I stand here today is because I believe that every American should have the right to go to college. We all know that earning a college degree is one of the best investments that an individual can make. With this appropriations bill, the Republicans are making the difficult task of earning that degree even tougher.

In the Republican tax plan, people who make $200,000 a year will get a tax break. And who do you think will pay for it? You guessed it—our children, our neighbors' children, and their classmates through cuts to student aid.

This bill cuts financial aid by $701 million. That is $701 million too much. Over half of those cuts come from Pell grants; $482 million, to be exact. The Republicans say that they are improving this program by raising the maximum grant level by $100. But to do this, they have to eliminate 250,000 students from the program.

The cut to the Pell grant program is just one example of shortsighted Republican planning.

Mr. WAXMAN. Mr. Chairman, I rise in support of the Skaggs amendment.

This amendment would eliminate the overly broad, confusing, and unconstitutional provisions in the bill about limiting advocacy with private money.

Don't make a mistake. This is not a debate about Federal funds. This is a debate about private groups and private speech.

Federal grants already contain prohibitions on using Federal money for advocacy. This bill goes far beyond that and limits what private groups do with private money.

The provisions are so broad that they would limit advocacy not just by groups that relieve money, but by groups that, within the next 5 years, hope to receive money.

So if you hope to get money for a soup kitchen, you better not talk about feeding the hungry for 5 years.

And if you hope to get money for literacy, you better not talk about whether people should be able to read.

And the provisions are so broad that they would limit a grantee from even buying things or employing a contractor who does political advocacy.

So if you hope to buy soup from the Sisters of Charity, you better check to see if they advocate for the poor.

If you want to contract with a visiting nurses association for a community health center, you have to see their political records for the last 5 years.

And even groups that don't come anywhere close to the prohibitions of this bill will have to keep records and disclose records to prove it.

If a church thinks that someday it might run a homeless shelter, it better start keeping records showing that the priest hasn't testified before a school board too much.

If a synagogue is running a drug treatment program, it will have to show records of how much private money went for the rabbi's salary and whether the rabbi carried a banner in a peace march.

This is ridiculous.

You know and I know that for some in this body, this amendment is about pro-choice agencies getting Federal funds for family planning services and advocating with private funds for abortion rights.

I support the right of these agencies to do anything they wish with their private funds.

But this bill has gone so far that not only are the pro-choice groups opposed to this amendment but so is the Bishop's Conference on Pro-Life Activities. Cardinal Mahony himself has written to the Congress to ask that these provisions be deleted, saying that they will intrude into private activity that is unrelated to public funding.

As Catholic Charities said to the Appropriations Committee: "Churches and charities have a moral responsibility to stand up for the poor and vulnerable, and this plan appears designed to 'muzzle' the voices of these groups.

Many other groups feel this same moral responsibility.

I urge Members to vote for the amendment.

Mr. STOKES. Mr. Chairman, I rise in opposition to the political advocacy gag provisions contained in H.R. 2127, and to those that my colleagues may attempt to attach to the bill. In its current form, the bill contains provisions which seriously restrict and threaten the political advocacy rights of the American people. Such provisions are a blatant attack on the most vulnerable in our society, and are designed to silence the voice of those who are committed to speaking out on their behalf.

These provisions would restrict the fundamental rights of the American people by placing limitations on Federal grantees regarding the use of their own hard-earned money when engaging in activities that are protected by the first amendment. Activities include participation in public debate on issues of public concern, communication with elected representatives, and litigation against the Government.

Mr. Speaker, perhaps the Republicans believe an extensive political advocacy gag law is just what it takes to force the American people to stomach the pill of bitter pain, hurt, and suffering that will result from the devastating cuts in Healthy Start, Meals for the Elderly, energy assistance, financial aid, Education for the Disadvantaged, employment training, Head Start, Safe and Drug Free Schools, the list goes on and on.

If I were party to inflicting such hardship and pain, I too, would be in search of a hiding place or a cover up. And, I, too, would fear being held accountable by the American people. It will take more than a legislative silencer to quiet the cry of children, the elderly, and families that would result from the devastating cuts contained in H.R. 2127.

Mr. Speaker, I am absolutely opposed to any measure that authorizes such unconscionable attacks on the American people's rights. I strongly urge my colleagues to vote "no" to all measures and provisions that attempt to gag the American people. Vote "no" to H.R. 2127.

Mr. RICHARDSON. Mr. Chairman, there is no a way to vote for this amendment and claim that you are in favor of public broadcasting.

Public broadcasting has the overwhelming support of the America people. In fact a recent Roper poll placed public television third on a list of excellent values for tax dollars.

Funds for the Corporation for Public Broadcasting are forward funded so stations can raise the matching funds that are required in order to receive matching grants.

Forward funding has no bearing on how much the CPB is funded. Even with forward funding intact CPB's 1996 appropriation was reduced by $37 million. That is an 11 percent cut from original funding.

I understand that in times of tight Federal budgets, each program must be willing to take some cuts and the CPB has taken its share.

May I remind my colleagues that public broadcasting stations have already taken a 25 percent or $92 million cut. Public television stations have implemented many cost-saving initiatives in order to tighten their belts during these fiscally tough times.

Mr. Chairman, I urge my colleagues to oppose the Hoekstra amendment.

Mr. LUTHER. Mr. Chairman, I believe that deficit reduction is critical to our Nation's future. I have supported the balanced budget amendment, the line-item veto, the rescissions bill, and dozens of amendments to appropriations bills to cut spending. And I will continue to support across-the-board cuts in unnecessary spending because that is what is needed to restore our country's financial health.

I am however, particularly troubled by the priorities established in the pending Labor/HHS/Education and Related Agencies appropriations bill. This bill severely cuts investments in human capital which, in my view, will likely create long-term problems of a more severe and complex nature than the challenges we face today.

An example of this is the complete elimination of funding for Summer Youth Jobs. The Summer Youth Jobs initiative encourages at-risk young people to choose and value work over dependency. Summer Youth Jobs keep kids off the streets and out of trouble. In fact, do you know who are among the strongest supporters of Summer Youth Jobs? Well its local law enforcement, the people who we rely on to be on the front line in dealing with kids, drugs, gangs, and crime. By eliminating Summer Youth Jobs, this bill eliminates what law enforcement knows is the best approach to crime prevention in this country.

In my district, over 1,200 young people are taking advantage of this work opportunity. It is often their first opportunity to participate in the workforce. For many, it is their first exposure to a positive adult role model. How tragic that we in Congress would even consider eliminating a successful initiative like this when the net effect will predictably be more crime. How tragic that Congress would not value the work ethic and self-reliance—principles we all, Democrats and Republicans share.

There are many other misplaced priorities in this bill which require a vote against final passage. Cuts in Head Start, cuts in initiatives to keep our schools safe and free from crime and drugs, and cuts in post-secondary grant and loan programs which give millions of Americans the opportunity to go to college.

Mr. Chairman, my concern is not with taking the difficult steps to balance the budget. I have shown my willingness to make spending cuts across the board. My concern is with our priorities. I cannot believe that in this Congress, we would be proposing the cuts proposed in this bill when we continue to spend billions of dollars on senseless programs that are outdated or that the experts say are not needed. We can't afford this mistake if we are to be competitive as a nation in the next century. Our children and our Nation deserve better.

I strongly urge a no vote on this legislation.

Mr. SMITH of Michigan. Mr. Chairman, I will vote in opposition to the Solomon amendment. I wish to make clear that I do not support compulsory student fees for campus political groups whose views the student may not support. Rather, students should only be given an option to donate to a student group of their choosing if they wish through a positive check-off system, which would allow students to choose which groups, if any, received their money. Perhaps, if I were a university trustee and the amendment were a resolution before me I would vote for it. But I am not. I am a Federal legislator. As a Republican in the Federalist tradition, I stand opposed to national control of local and State matters.

Recently, we saw the Clinton administration try to coerce the University of California using the Federal spending power when it voted to end affirmative action. We should not similarly coerce colleges and universities to do what we Republicans wish. I did not come to Washington to replace one set of Federal rules, regulations and mandates with another.

Although the Solomon amendment represents a good idea, that students should not be forced to pay for political activities with which they do not agree, it is not enough. A good idea, when forced on States and local entities by Federal mandate, is no longer a good idea. For this reason, I oppose this amendment.

Mr. McINTOSH. Mr. Chairman, the Disabled American Veterans [DAV] has sent a letter to every member of the House expressing their concerns with the language contained in title VI of H.R. 2127, the "Taxpayer Funded Political Advocacy" legislation, and its adverse impact upon their ability to provide veterans with the necessary services to present the veteran's claim for benefits to the Department of Veterans Affairs [VA]. It is their concern that this bill would preclude their giving claims assistance to veterans because the DAV benefits from free Government office space and other VA services. They are also concerned that this bill would adversely impact upon their ability to act as veterans' advocate in Congress because they receive this assistance.

It was never the intention of this legislation to interfere, in any manner, with the services provided by veterans' service organizations [VSOs] to veterans either in pursuit of VA benefits or as veterans' advocates. It was not our intention to include the assistance VSOs received from the VA to assist them in providing necessary services to veterans and their families within the definition of "grant," including the reference to the term "other thing of value."

The services provided by VSOs under the provision of Title 38, United States Code, to America's veterans lessens the burden on VA to provide the assistance to veterans and are performed in partnership with a grateful nation.

In order to ensure that these services continue unencumbered by the provisions of this bill, it is my intention to have the language of this bill modified in conference to clarify that these provisions do not interfere with the services provided to veterans by veterans' service organizations.

We have talked with the Disabled American Veterans representatives here in Washington and in Indiana about this issue and they have indicated that DAV does not oppose the legislation. I have a letter signed by DAV's National Commander, Thomas McMasters, to that effect and ask that it be made part of the record of this hearing.

I would also like to clarify a concern raised by some members about the scope of the exclusion for loans. Loans made by the Government are expressly excluded from the definition of "grant" in title VI. Despite this exclusive, some members of Congress have expressed concern about whether this exclusion covers those who service or administer such loans. In sponsoring this title, I intended this exclusion for loans to include compensation paid to those who provide services related to the making and administering of loans. I hope that this clarifies any confusion, and resolves those concerns.

DISABLED AMERICAN VETERANS,
Washington, DC, August 2, 1995.

Congressman DAVID N. MCINTOSH,
Chairman, Subcommittee on Economic Growth, Natural Resources, and Regulatory Affairs, House of Representatives, Washington, DC.

DEAR CONGRESSMAN MCINTOSH: My staff has informed me of your assurance that attempts will be made either by floor amendment or in conference to clarify the language in the "Taxpayer Funded Political Advocacy" legislation so that the DAV and other veterans service organizations would not be considered a "grantee" based on the use of Department of Veterans' Affairs facilities and equipment. This action is necessary to ensure that this legislation does not, in any manner, interfere with DAV's ability to provide assistance to veterans in filing and prosecuting claims for benefits from the Department of Veterans Affairs.

Based on the assurance that the above corrective action will be forthcoming, I can assure you that DAV will not oppose this modified legislation.

My staff and I look forward to working with you and your staff on this matter and on other matters concerning our nation's service-connected disabled veterans. We look forward to your continued support.

Sincerely,

THOMAS A. MCMASTERS, III,
National Commander.

Mr. KOLBE. Mr. Chairman, I rise today in strong support of the Greenwood amendment to restore funding to the title X Family Planning Program.

My colleagues have been thorough in explaining what the Greenwood amendment entails. I would like to address my remarks to what a vote in favor of the Greenwood amendment is not.

This is not a pro-choice or a pro-life vote. This amendment is not about abortion—despite calls to congressional offices to the contrary. Title X is not a radical program—in fact, the original legislation was sponsored by then Representative George Bush and signed into law by President Nixon in 1970.

Title X is the only Federal program which must provide family planning services. It is a brilliant strategy on the part of the opponents of family planning to transfer title X moneys into the Maternal and Child Health Grant Program and the Consolidated Health Centers Migrant Block Grant Program. I strongly support both of these programs—which are adequately funded in the Labor-HHS bill. Neither of these programs, however, are required to provide family planning services.

I believe a majority of those on both sides of the choice issue want abortion to be rare. The most effective method of doing this is to take steps to prevent unintended pregnancy. The title X Family Planning Program has been enormously successful in doing just that. Family planning clinics serve a high-risk population whose only source of preventative helath care is a clinic. We are talking about women who are caught in the gap—they do not qualify for Medicaid and can't afford private health insurance.

An estimated 1.2 million additional unintended pregnancies would occur each year if there was no federally funded Family Planning Program. According to the Department of Health and Human Services, for every $1 invested in family planning services, this country saves $4.40 in costs that would otherwise be realized in welfare and medical services.

I plead with my colleagues to make an informed vote on this amendment. I urge a yes vote on the Greenwood amendment.

Mr. HOEKSTRA. Mr. Chairman, I want to submit the following information in the RECORD which will clarify that I did, in fact, invite the Accreditation Council for Graduate Medical Education [ACGME] to testify at the hearing of the Economic and Educational Opportunities Subcommittee on Oversight and Investigations.

The statement made by the gentleman from Iowa is incorrect. The executive director of the ACGME was invited by the majority, not the minority.

Thank you.

MEMORANDUM

To: Republican Members, Subcommittee on Oversight and Investigations.

From: George Conant, Professional Staff Member.

Re: June 14 Hearing on Accreditation Council for Graduate Medical Education Policy on Abortion Training.

Date: June 13, 1995.

The Subcommittee on Oversight and Investigation will hold a hearing on Wednesday, June 14 at 1:00 p.m. in room 2261 Rayburn to examine the recent ruling by the Accreditation Council for Graduate Medical Education (ACGME) requiring all medical schools it accredits to provide students with training in abortion procedures during their residencies.

The hearing is intended to provide detailed information on the revised policies of the ACGME concerning the accreditation of residency programs in Obstetrics and Gynecology. The hearing will examine the impact of the ACGME's policies on: (a) the relationship between the federal government and medical training in the United States; and (b) the moral and social aspects of medical training related to individual and organizational conscience.

WITNESSES

The hearing will consist of one panel with five majority witnesses and one minority witness:

Thomas Elkins, M.D., Chairman of the Department of Obstetrics and Gynecology at Louisiana State University Medical School, Former Chairman of Obstetrics and Gynecology at the University of Michigan, and an active member of the Christian Medical and Dental Society.

Edward V. Hannigan, M.D., Director of the Division of Gynecological Oncology, Vice Chairman for Clinical Affairs, and Professor of Obstetrics and Gynecology at the University of Texas at Galveston.

Anthony Levatino, M.D., J.D., Assistant Clinical Professor at the Albany Medical Center Department of Obstetrics and Gynecology, a Diplomate with the American Board of Obstetrics and Gynecology, and a former abortion practitioner.

Pamela Smith, M.D., Director of Medical Education at Mt. Sinai Medical Center, Member of the Association of Professors of Obstetrics and Gynecology, and President-Elect of the American Association of Pro-Life Obstetricians and Gynecologists.

John Gienapp, Ph.D., Executive Director of the Accreditation Council for Graduate Medical Education.

At this time we do not have any information on the minority witness.

BACKGROUND

On February 14, 1995, the 23-member Accreditation Council for Graduate Medical Education decided unanimously that obstetrics and gynecology residency programs must provide training in surgical abortion.

Institutions with moral or ethical opposition to abortion would be exempt from teaching these procedure within their own facility, but would be required to contract with another program in order to maintain accreditation. Likewise, the ruling exempts students with moral or religious objections to the practice of abortion from having to participate in training on the grounds that those students would not perform abortions regardless.

The ruling applies only to residency programs focussed especially on obstetrics and gynecology. Family practice programs, which cover some obstetrics and gynecology as part of their curriculum, are not required to train their residents in surgical abortion unless they think it necessary.

The new rule takes effect on January 1, 1996, and all Ob/Gyn residency programs accredited or re-accredited after that date must train doctors in abortion or contract with another program to do so. Programs that fail to provide the training could lose their accreditation and, therefore, federal reimbursement under some programs.

The Accreditation Council for Graduate Medical Education, formed in 1974, is the national panel which supervises medical education and decides what training programs medical schools must provide. Additionally, it is the only organization with the authority to accredit medical schools for participation in some federal programs. Teaching hospitals need Council accreditation to qualify for federal reimbursement for services medical residents provide to patients.

The Council has argued that their decision is not so much a new rule as it is a clarification of the existing rule. Ob/Gyn residency requirements have always included "clinical skills in family planning," but the council had never specified what that meant. The revised rule reads: "Experience with induced abortion must be a part of residency training, except for residents with moral or religious objections."

The Council decided to clarify the Ob/Gyn residency requirements after a four-year legal battle with a hospital in Baltimore. In 1986, the Council withdrew the accreditation of St. Agnes Hospital, a Catholic institution, because it did not provide training in abortion. The hospital then sued the Council claiming that their First Amendment right to religious freedom had been violated. The judge decided in the Council's favor, ruling that the public has a right to expect a doctor to be trained in all facets of a specialty.

The Council spent two years formulating the language of the new ruling and sought comment on the proposal from interested parties for a year before agreeing on the final wording.

IMPLICATIONS OF THE RULING

There is concern among members of the graduate medical education community that failure to comply with the ruling based on conscience will result in the loss of accreditation for institutions with a moral or ethical opposition to abortion. Additionally, many argue the ACGME is not merely a "private organization," and this policy has definite state and federal implications.

Under federal law, some Medicare costs (Part A, costs of intern and resident services) cannot be reimbursed if a teaching program is not accredited.

Ob/Gyn students enrolled in a program not accredited by ACGME are ineligible for repayment deferrals on federal Health Education Assistance Loans (HEAL).

States tie their licensure requirements to graduation from ACGME accredited programs.

If you have any questions regarding the hearing or need additional information, please contact George Conant at 225-6558.

COMMITTEE ON ECONOMIC AND EDUCATIONAL OPPORTUNITIES, HOUSE OF REPRESENTATIVES,
Washington, DC, June 8, 1995.

Dr. JOHN C. GIENAPP, PH.D.,
Executive Director, Accreditation Council for Graduate Medical Education, Chicago, IL

DEAR DR. GIENAPP: On Wednesday, June 14, 1995, at 1:00 p.m. in Room 2261 of the Rayburn House Office Building, the Subcommittee on Oversight and Investigations will hold a hearing on the topic of training in abortion procedures as a requirement for the accreditation of Obstetrics-Gynecology programs for residency students. Specifically, the hearing will look at the recently revised educational requirements on family planning of the Accreditation Council for Graduate Medical Education (ACGME). I would like to take this opportunity to invite you to testify before our subcommittee and to provide us with your insight on this issue.

We would be interested in your evaluation of the ACGME's requirement for abortion training and whether it places an undue burden on individuals and institutions that oppose abortion for ethical or religious reasons. Given your experience with the ACGME, we are also interested in your perspective on whether the ACGME's requirement for abortion training is necessary to the profession or whether it unfairly coerces individuals and institutions to provide training that may be ethically or morally objectionable.

If you have any questions, please feel free to contact George Conant at 202-225-6558. Thank you for your consideration of this request. I look forward to your appearance.

Sincerely,

PETE HOEKSTRA,
Chairman, Subcommittee on Oversight and Investigations.

Mr. SANDERS. Mr. Chairman, I rise today in complete opposition to the cuts in this years Labor-HHS-Education appropriations bill (H.R. 2127), a bill that funds programs that are in many cases the foundation of our future and the hope for tomorrow. I am staunchly opposed to any proposal that would make drastic cutbacks in programs for women and children, students, seniors disabled Americans, and individuals living in rural communities.

For example, I remain appalled that included in this bill is the absolute elimination of the Low-Income Home Energy Assistance Program [LIHEAP].

Five million Americans, including the disabled, the working poor, and low-income senior citizens are in desperate need of funding for LIHEAP. Without these funds vulnerable

Americans will be forced to chose between heating their homes or feeding their families. For Vermont, this means a cut of $5,753,000 in low-income heating assistance.

Beyond the cuts in LIHEAP, the package cuts federal education funding by $3.7 billion in fiscal year 1996. Education for disadvantaged children—formally known as chapter 1 funding—is cut by more than $1 billion, which will result in cuts to Vermont of close to $2.5 million in fiscal year 1996. Vermont education improvement funds will be cut by over $1 million, and Vermont will lose more than $1 million in safe and drug free school funds. Vocational education will be cut by 27 percent nationally, resulting in a loss to Vermont of over $1 million.

At a time when we need to devote more resources for education it will be an absolute disaster for Vermont to lose tens of million dollars in Federal education and training funding. These cuts will mean higher property taxes for Vermont communities and fewer students receiving Head Start, student loans, and grants, assistance for the disadvantaged, and summer job opportunities.

By the year 2002, Republican-approved cuts would deny: 309 Vermont children a chance to participate in Head Start; 60 out of 60 Vermont school districts funding used to keep crime, violence, and drugs away from students and out of schools; 21,200 Vermont college students would be denied $2,111 in loans, and as many as 3,000 graduate students would be denied $9,424 in loans to help pay college costs; 9,492 Vermont low-income youths would be denied a first opportunity to get work experience in summer jobs.

In 1996 alone, Republican-approved cuts would deny: 2,100 disadvantaged Vermont children crucial reading, writing, and mathematic assistance in school; 700 Vermont students funding for Pell Grants to help afford a college education; 227 young people in Vermont a chance to participate in national service programs; 563 dislocated Vermonters training opportunities.

Seniors programs are also severely damaged by this bill. The Community Service Employment for Older Americans is cut by $46 million dollars. The National Senior Volunteers Corp., which includes the Senior Companion Program, the Foster Grandparent Program and the Retired Seniors Volunteers Program, is cut by more than $20 million. Congregate and home delivered meals for seniors are cut by more than $20 million. This will mean that 114,637 fewer seniors will be able to get hot meals at senior centers under the Congregate Meals Program and 43,867 frail older persons will be cut off from Meals on Wheels.

Working Americans will suffer as a result of this bill. At a time when Americans are working longer hours for less pay and the gap between the rich and the poor is wider than at any time in the history of this Nation, this bill is an assault on working people. This bill is going to make it far more difficult for working people to keep their place among the middle class as workplace safety, health, protection, and bargaining laws are taken off the books. The bill literally guts the Occupational Safety and Health Administration which protects our workers from unsafe conditions in the workplace. Corporations will find it easier to violate wage hour laws, set up bogus pension systems and take advantage of workers who try to organize.

Disabled Americans are not spared the cuts in this bill. The Developmental Disabilities Councils, which provide some of the only services to meet the needs of the people with severest disabilities, have been cut by $30 million, or nearly 40-percent reduction. The Councils have been instrumental in supporting a voice for this highly vulnerable population and their families. Nationwide, the Councils have been a voice to foster deinstitutionalization of people with mental retardation; to work for employment and economic independence of people with developmental disabilities, and to encourage the development of long-term care in community-based settings.

In Vermont the Developmental Disabilities Council supports the Vermont Coalition for Disability Rights, an organization which provides advocacy on disability issues; supports a statewide newsletter, The Independent, focusing on issues affecting the elderly and people with disabilities; supports the disability law project to provide advocacy on individaul cases and systematic issues; supports a highly successful project to make recreation sites accessible to people with disabilities; and, among other things, supports statewide training for people with disabilities on the Americans with Disabilities Act.

And finally, Mr. Chairman, health care for rural communities has been put at great risk by this bill. This bill eliminates State Offices of Rural Health, the Federal Office of Rural Health, rural health telemedicine grants, the essential access to community hospitals programs, new rural health grants, and the bill cut by 43 percent, the rural health transition grants. This bill turns its back on small rural communities that are struggling to recruit doctors, maintain hospitals, and reach out to isolated rural settings that have difficulty accessing health care.

In closing, let me say that this bill could not be more clear about the misplaced priorities of the Republican majority in Congress. While Republicans set out gutting programs for women, children, students, seniors, people with disabilities and working Americans, they launch production of the F–22 airplane in the Speaker's district and increase spending billions more on the creation of more B–2 bombers—a weapon the Pentagon has said it doesn't want or need.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Louisiana [Mr. LIVINGSTON] as a substitute for the amendment offered by the gentleman from Pennsylvania [Mr. GREENWOOD].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. LIVINGSTON. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to the order of the House of today, further proceedings on the amendment offered by the gentleman from Louisiana [Mr. LIVINGSTON] as a substitute for the amendment offered by the gentleman from Pennsylvania [Mr. GREENWOOD] will be postponed.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to the order of the House of today, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order: amendment No. 36 offered by the gentleman from Wisconsin [Mr. OBEY]; amendments Nos. 60, 61, and 62 en bloc offered by the gentlewoman from California [Ms. PELOSI]; amendment No. 2–3 offered by the gentleman from Idaho [Mr. CRAPO]; substitute amendment No. 2–2 offered by the gentleman from Louisiana [Mr. LIVINGSTON]; and then possibly on the underlying amendment No. 2–1 offered by the gentleman from Pennsylvania [Mr. GREENWOOD].

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 36 OFFERED BY MR. OBEY

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Wisconsin [Mr. OBEY] on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 155, noes 270, not voting 9, as follows:

[Roll No. 611]

AYES—155

Abercrombie
Ackerman
Baesler
Baldacci
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bishop
Bonior
Borski
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clay
Clayton
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Coyne
Danner
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gilman
Gonzalez
Green
Gutierrez
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Horn
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnston
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kleczka
Lantos
Lazio
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney
Markey
Martinez
Matsui
McCarthy
McDermott
McHale
McKinney
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moran
Nadler
Neal
Obey
Olver
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pomeroy
Rangel

Reed
Richardson
Rivers
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Skaggs
Slaughter
Spratt
Stark
Stokes
Studds
Thompson
Torres
Torricelli
Towns
Traficant
Tucker
Velazquez
Vento
Visclosky
Ward
Waters
Watt (NC)
Waxman
Williams
Wise
Woolsey
Wyden
Wynn
Yates

NOES—270

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brewster
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clement
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Costello
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
de la Garza
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Geren
Gilchrest
Gillmor
Goodlatte
Goodling
Gordon
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Holden
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson, Sam
Jones
Kanjorski
Kasich
Kelly
Kildee
Kim
King
Kingston
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Largent
Latham
LaTourette
Laughlin
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Longley
Lucas
Manton
Manzullo
Martini
Mascara
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
McNulty
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Mollohan
Montgomery
Moorhead
Morella
Murtha
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Ortiz
Orton
Oxley
Packard
Parker
Paxon
Petri
Pickett
Pombo
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Regula
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thornberry
Thornton
Tiahrt
Torkildsen
Upton
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Young (FL)
Zeliff
Zimmer

NOT VOTING—9

Andrews
Bateman
Chrysler
Gekas
Moakley
Reynolds
Solomon
Thurman
Young (AK)

☐ 2153

Messrs. BARCIA, HOEKSTRA, KILDEE, RAHALL, and LAFALCE changed their vote from "aye" to "no."

Mr. MFUME changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to the order of the House today, the Chair announces he will reduce to a minimum of five minutes the period of time within which a vote by electronic device will be taken on each amendment on which the Chair has postponed further proceedings.

AMENDMENTS EN BLOC OFFERED BY MS. PELOSI

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendments en bloc offered by the gentlewoman from California [Ms. PELOSI] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendments en bloc.

The Clerk redesignated the amendments en bloc.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 197, noes 229, not voting 8, as follows:

[Roll No. 612]

AYES—197

Abercrombie
Ackerman
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bishop
Boehlert
Bonior
Borski
Boucher
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Costello
Coyne
Cramer
Danner
DeFazio
DeLauro
Dellums
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Doyle
Durbin
Edwards
Engel
English
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gilman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Horn
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
King
Kleczka
Klink
LaFalce
Lantos
Lazio
Levin
Lewis (GA)
Lincoln
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDade
McDermott
McHale
McHugh
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Mollohan
Moran
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pomeroy
Poshard
Quinn
Rahall
Rangel
Reed
Richardson
Rivers
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Sisisky
Skaggs
Skelton
Slaughter
Smith (NJ)
Spratt
Stark
Stokes
Studds
Stupak
Thompson
Thornton
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Velazquez
Vento
Visclosky
Volkmer
Walsh
Ward
Waters
Watt (NC)
Waxman
Weldon (PA)
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOES—229

Allard
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehner
Bonilla
Bono
Brewster
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
de la Garza
Deal
DeLay
Dickey
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Montgomery
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Ortiz
Oxley
Packard
Parker
Paxon
Pickett

Pombo
Porter
Portman
Pryce
Quillen
Radanovich
Ramstad
Regula
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (TX)
Smith (WA)
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thornberry
Tiahrt
Upton
Vucanovich
Waldholtz
Walker
Wamp
Watts (OK)
Weldon (FL)
Weller
White
Whitfield
Wicker
Wolf
Young (FL)
Zeliff
Zimmer

NOT VOTING—8

Andrews
Bateman
Chrysler
Moakley
Reynolds
Solomon
Thurman
Young (AK)

☐ 2203

So the amendments en bloc were rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. CRAPO

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Idaho [Mr. CRAPO], on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate this amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 373, noes 52, not voting 9, as follows:

[Roll No. 613]

AYES—373

Ackerman
Allard
Archer
Armey
Bachus
Baesler
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (WI)
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Bevill
Bilbray
Bilirakis
Bishop
Blute
Boehlert
Boehner
Bonilla
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Combest
Condit
Cooley
Costello
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Everett
Ewing
Farr
Fattah
Fawell
Fields (LA)
Fields (TX)
Filner
Flake
Flanagan
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Kolbe
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Menendez
Metcalf
Meyers
Mfume
Mica
Miller (CA)
Miller (FL)
Mineta
Minge
Molinari
Montgomery
Moorhead
Moran
Morella
Murtha
Myrick
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Ramstad
Rangel
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Royce
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Schumer
Scott
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stockman
Stokes
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Tiahrt
Torkildsen
Torricelli
Traficant
Tucker
Upton
Visclosky
Volkmer
Waldholtz
Walker
Walsh
Wamp
Ward
Watt (NC)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wise
Wolf
Wyden
Wynn
Young (FL)
Zeliff
Zimmer

NOES—52

Abercrombie
Baker (CA)
Beilenson
Berman
Bonior
Brown (FL)
Clay
Clayton
Collins (IL)
Collins (MI)
Conyers
Coyne
Dellums
Dixon
Evans
Fazio
Foglietta
Hastings (FL)
Hilliard
Hinchey
Knollenberg
Lewis (CA)
Lewis (GA)
Livingston
Martinez
McDade
McDermott
Meek
Mink
Mollohan
Myers
Nadler
Owens
Payne (NJ)
Rahall
Rogers
Roybal-Allard
Rush
Sabo
Serrano
Stark
Studds
Torres
Towns
Velazquez
Vento
Vucanovich
Waters
Waxman
Williams
Woolsey
Yates

NOT VOTING—9

Andrews
Barrett (NE)
Bateman
Bliley
Chrysler
Moakley
Reynolds
Thurman
Young (AK)

☐ 2210

Mr. OLVER changed his vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. LIVINGSTON AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. GREENWOOD

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Louisiana [Mr. LIVINGSTON] as a substitute for the amendment offered by the gentleman from Pennsylvania [Mr. GREENWOOD], on which further proceedings were postponed and which the noes prevailed by a voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 207, noes 221, not voting 7, as follows:

[Roll No. 614]

AYES—207

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bevill
Bilirakis
Bliley
Boehner
Bonilla
Bono
Brewster
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins (GA)
Combest
Cooley
Costello
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Ehlers
Emerson
English
Ensign
Everett
Ewing
Fields (TX)
Flanagan
Forbes
Fox
Frisa
Funderburk
Gallegly
Gillmor
Gingrich
Goodlatte
Goodling
Goss
Graham
Gutknecht
Hall (OH)
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman

Herger
Hilleary
Hoekstra
Hoke
Holden
Hostettler
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson, Sam
Jones
Kasich
Kildee
Kim
King
Kingston
Knollenberg
LaFalce
LaHood
Largent
Latham
LaTourette
Laughlin
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Lucas
Manton
Manzullo
Mascara
McCollum
McCrery
McDade
McHugh
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Mollohan
Montgomery
Moorhead
Murtha
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Ortiz
Orton
Oxley
Packard
Parker
Paxon
Peterson (MN)
Petri
Pombo
Portman
Poshard
Quillen
Quinn
Radanovich
Rahall
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Seastrand
Sensenbrenner
Shadegg
Shuster
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Stupak
Talent
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thornberry
Tiahrt
Tucker
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wolf
Young (FL)

NOES—221

Abercrombie
Ackerman
Baesler
Baldacci
Barrett (WI)
Bass
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bilbray
Bishop
Blute
Boehlert
Bonior
Borski
Boucher
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Castle
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Coyne
Cramer
Danner
Davis
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Dunn
Durbin
Edwards
Ehrlich
Engel
Eshoo
Evans
Farr
Fattah
Fawell
Fazio
Fields (LA)
Filner
Flake
Foglietta
Foley
Ford
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frost
Furse
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gilman
Gonzalez
Gordon
Green
Greenwood
Gunderson
Gutierrez
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hobson
Horn
Houghton
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kleczka
Klink
Klug
Kolbe
Lantos
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lincoln
Lofgren
Longley
Lowey
Luther
Maloney
Markey
Martinez
Martini
Matsui
McCarthy
McDermott
McHale
McInnis
McKinney
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Miller (CA)
Mineta
Minge
Mink
Molinari
Moran
Morella
Nadler
Neal
Obey
Olver
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Pickett
Pomeroy
Porter
Pryce
Ramstad
Rangel
Reed
Regula
Richardson
Riggs
Rivers
Roemer
Rose
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schiff
Schroeder
Schumer
Scott
Serrano
Shaw
Shays
Sisisky
Skaggs
Slaughter
Spratt
Stark
Stokes
Studds
Tanner
Thomas
Thompson
Thornton
Torkildsen
Torres
Torricelli
Towns
Traficant
Upton
Velazquez
Vento
Visclosky
Ward
Waters
Watt (NC)
Waxman
White
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates
Zeliff
Zimmer

NOT VOTING—7

Andrews
Bateman
Chrysler
Moakley
Reynolds
Thurman
Young (AK)

□ 2217

So the amendment offered as a substitute for the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. FOX of Pennsylvania. Mr. Chairman, I want to correct my vote on rollcall vote No. 614 from "yea" to "nay." Let the RECORD reflect this clarification as my original intention.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. GREENWOOD].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 224, noes 204, not voting 7, as follows:

[Roll No. 615]

AYES—224

Abercrombie
Ackerman
Baesler
Baldacci
Barrett (WI)
Bass
Beilenson
Bentsen
Bereuter
Berman
Bilbray
Bishop
Blute
Boehlert
Bonior
Borski
Boucher
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Castle
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Coyne
Cramer
Danner
Davis
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Engel
Eshoo
Evans
Farr
Fattah
Fawell
Fazio
Fields (LA)
Filner
Flake
Foglietta
Foley
Ford
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frost
Furse
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gilman
Gonzalez
Goodling
Gordon
Green
Greenwood
Gunderson
Gutierrez
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hobson
Horn
Houghton
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kleczka
Klink
Klug
Kolbe
Lantos
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lincoln
Lofgren
Longley
Lowey
Luther
Maloney
Markey
Martinez
Martini
Matsui
McCarthy
McDermott
McHale
McInnis
McKinney
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Miller (CA)
Mineta
Minge
Mink
Molinari
Moran
Morella
Nadler
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Pickett
Pomeroy
Porter
Pryce
Ramstad
Rangel
Reed
Regula
Richardson
Riggs
Rivers
Roemer
Rose
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schiff
Schroeder
Schumer
Scott
Serrano
Shaw
Shays
Sisisky
Skaggs
Slaughter
Spratt
Stark
Stokes
Studds
Tanner
Thomas
Thompson
Thornton
Torkildsen
Torres
Torricelli
Towns
Traficant
Upton
Velazquez
Vento
Visclosky
Ward
Waters
Watt (NC)
Waxman
Weldon (PA)
White
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Zeliff
Zimmer

NOES—204

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Becerra
Bevill
Bilirakis
Bliley
Boehner
Bonilla
Bono
Brewster
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins (GA)
Combest
Cooley
Costello
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Emerson
English
Ensign
Everett
Ewing
Fields (TX)
Flanagan
Forbes
Frisa
Funderburk
Gallegly
Gillmor
Gingrich
Goodlatte
Goss
Graham
Gutknecht
Hall (OH)
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hoekstra
Hoke
Holden
Hostettler
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson, Sam
Jones
Kasich
Kildee
Kim
King
Kingston
Knollenberg
LaFalce
LaHood
Largent
Latham
LaTourette
Laughlin
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Lucas
Manton
Manzullo
Mascara
McCollum
McCrery
McDade
McHugh
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Mollohan
Montgomery
Moorhead
Murtha
Myers
Myrick
Nethercutt
Neumann
Ney

Norwood
Nussle
Ortiz
Orton
Oxley
Packard
Parker
Paxon
Peterson (MN)
Petri
Pombo
Portman
Poshard
Quillen
Quinn
Radanovich
Rahall
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Seastrand
Sensenbrenner
Shadegg
Shuster
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Stupak
Talent
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thornberry
Tiahrt
Tucker
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weller
Whitfield
Wicker
Wolf
Yates
Young (FL)

NOT VOTING—7

Andrews
Bateman
Chrysler
Moakley
Reynolds
Thurman
Young (AK)

□ 2224

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. YATES. Mr. Speaker, on rollcall 615 on Wednesday, the Greenwood amendment to H.R. 2127, the HHS appropriations bill, I thought I had voted aye. I notice in the RECORD I had voted no. That was in error. I want the RECORD to show I intended to vote aye.

The CHAIRMAN. Are there additional amendments to title I?

If not, the Clerk will designate title II.

The text of title II is as follows:

TITLE II—DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

HEALTH RESOURCES AND SERVICES

For carrying out titles II, III, VII, VIII, XIX, and XXVI of the Public Health Service Act, title V of the Social Security Act, and the Health Care Quality Improvement Act of 1986, as amended, $2,927,122,000, of which $411,000 shall remain available until expended for interest subsidies on loan guarantees made prior to fiscal year 1981 under part B of title VII of the Public Health Service Act: *Provided*, That the Division of Federal Occupational Health may utilize personal services contracting to employ professional management/administrative, and occupational health professionals: *Provided further*, That of the funds made available under this heading, $933,000 shall be available until expended for facilities renovations at the Gillis W. Long Hansen's Disease Center: *Provided further*, That in addition to fees authorized by section 427(b) of the Health Care Quality Improvement Act of 1986, fees shall be collected for the full disclosure of information under the Act sufficient to recover the full costs of operating the National Practitioner Data Bank, and shall remain available until expended to carry out that Act.

MEDICAL FACILITIES GUARANTEE AND LOAN FUND

FEDERAL INTEREST SUBSIDIES FOR MEDICAL FACILITIES

For carrying out subsections (d) and (e) of section 1602 of the Public Health Service Act, $8,000,000, together with any amounts received by the Secretary in connection with loans and loan guarantees under title VI of the Public Health Service Act, to be available without fiscal year limitation for the payment of interest subsidies. During the fiscal year, no commitments for direct loans or loan guarantees shall be made.

HEALTH EDUCATION ASSISTANCE LOANS PROGRAM

For the cost of guaranteed loans, such sums as may be necessary to carry out the purpose of the program, as authorized by title VII of the Public Health Service Act, as amended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize gross obligations for the total loan principal any part of which is to be guaranteed at not to exceed $210,000,000. In addition, for administrative expenses to carry out the guaranteed loan program, $2,703,000.

VACCINE INJURY COMPENSATION PROGRAM TRUST FUND

For payments from the Vaccine Injury Compensation Program Trust Fund, such sums as may be necessary for claims associated with vaccine-related injury or death with respect to vaccines administered after September 30, 1988, pursuant to subtitle 2 of title XXI of the Public Health Service Act, to remain available until expended: *Provided*, That for necessary administrative expenses, not to exceed $3,000,000 shall be available from the Trust Fund to the Secretary of Health and Human Services.

VACCINE INJURY COMPENSATION

For payment of claims resolved by the United States Court of Federal Claims related to the administration of vaccines before October 1, 1988, $110,000,000, to remain available until expended.

CENTERS FOR DISEASE CONTROL AND PREVENTION

DISEASE CONTROL, RESEARCH, AND TRAINING

To carry out titles II, III, VII, XI, XV, XVII, and XIX of the Public Health Service Act, sections 101, 102, 103, 201, 202, and 203 of the Federal Mine Safety and Health Act of 1977, and sections 20 and 22 of the Occupational Safety and Health Act of 1970; including insurance of official motor vehicles in foreign countries; and hire, maintenance, and operation of aircraft, $2,085,831,000, of which $4,353,000 shall remain available until expended for equipment and construction and renovation of facilities, and in addition, such sums as may be derived from authorized user fees, which shall be credited to this account: *Provided*, That in addition to amounts provided herein, up to $27,862,000 shall be available from amounts available under section 241 of the Public Health Service Act, to carry out the National Center for Health Statistics surveys.

In addition, $39,100,000, to be derived from the Violent Crime Reduction Trust Fund, for carrying out sections 40151, 40261, and 40293 of Public Law 103–322.

NATIONAL INSTITUTES OF HEALTH

NATIONAL CANCER INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to cancer, $2,251,084,000.

NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to cardiovascular, lung, and blood diseases, and blood and blood products, $1,355,866,000.

NATIONAL INSTITUTE OF DENTAL RESEARCH

For carrying out section 301 and title IV of the Public Health Service Act with respect to dental disease, $183,196,000.

NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND KIDNEY DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to diabetes and digestive and kidney diseases, $771,252,000.

NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS AND STROKE

For carrying out section 301 and title IV of the Public Health Service Act with respect to neurological disorders and stroke, $681,534,000.

NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to allergy and infectious diseases, $1,169,628,000.

NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

For carrying out section 301 and title IV of the Public Health Service Act with respect to general medical sciences, $946,971,000.

NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

For carrying out section 301 and title IV of the Public Health Service Act with respect to child health and human development, $595,162,000.

NATIONAL EYE INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to eye diseases and visual disorders, $314,185,000.

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

For carrying out sections 301 and 311 and title IV of the Public Health Service Act with respect to environmental health sciences, $288,898,000.

NATIONAL INSTITUTE ON AGING

For carrying out section 301 and title IV of the Public Health Service Act with respect to aging, $453,917,000.

NATIONAL INSTITUTE OF ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to arthritis, and musculoskeletal and skin diseases, $241,828,000.

NATIONAL INSTITUTE ON DEAFNESS AND OTHER COMMUNICATION DISORDERS

For carrying out section 301 and title IV of the Public Health Service Act with respect to deafness and other communication disorders, $176,502,000.

NATIONAL INSTITUTE OF NURSING RESEARCH

For carrying out section 301 and title IV of the Public Health Service Act with respect to nursing research, $55,831,000.

NATIONAL INSTITUTE ON ALCOHOL ABUSE AND ALCOHOLISM

For carrying out section 301 and title IV of the Public Health Service Act with respect to alcohol abuse and alcoholism, $198,607,000.

NATIONAL INSTITUTE ON DRUG ABUSE

For carrying out section 301 and title IV of the Public Health Service Act with respect to drug abuse, $458,441,000.

NATIONAL INSTITUTE OF MENTAL HEALTH

For carrying out section 301 and title IV of the Public Health Service Act with respect to mental health, $661,328,000.

NATIONAL CENTER FOR RESEARCH RESOURCES

For carrying out section 301 and title IV of the Public Health Service Act with respect to research resources and general research support grants, $390,339,000: *Provided*, That none of these funds shall be used to pay recipients of the general research support grants program any amount for indirect expenses in connection with such grants.

NATIONAL CENTER FOR HUMAN GENOME RESEARCH

For carrying out section 301 and title IV of the Public Health Service Act with respect to human genome research, $170,041,000.

JOHN E. FOGARTY INTERNATIONAL CENTER

For carrying out the activities at the John E. Fogarty International Center, $25,313,000.

NATIONAL LIBRARY OF MEDICINE

For carrying out section 301 and title IV of the Public Health Service Act with respect to health information communications, $141,439,000, of which $4,000,000 shall be available until expended for improvement of information systems: *Provided*, That in fiscal year 1996, the Library may enter into personal services contracts for the provision of services in facilities owned, operated, or constructed under the jurisdiction of the National Institutes of Health.

OFFICE OF THE DIRECTOR

(INCLUDING TRANSFER OF FUNDS)

For carrying out the responsibilities of the Office of the Director, National Institutes of Health, $261,488,000: *Provided*, That funding shall be available for the purchase of not to exceed five passenger motor vehicles for replacement only: *Provided further*, That the Director may direct up to 1 percent of the total amount made available in this Act to all National Institutes of Health appropriations to activities the Director may so designate: *Provided further*, That no such appropriation shall be increased or decreased by more than 1 percent by any such transfers and that the Congress is promptly notified of the transfer.

BUILDINGS AND FACILITIES

For the study of, construction of, and acquisition of equipment for, facilities of or used by the National Institutes of Health, including the acquisition of real property, $146,151,000, to remain available until expended.

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

For carrying out titles V and XIX of the Public Health Service Act with respect to substance abuse and mental health services, the Protection and Advocacy for Mentally Ill Individuals Act of 1986, and section 301 of the Public Health Service Act with respect to program management, $1,788,946,000.

RETIREMENT PAY AND MEDICAL BENEFITS FOR COMMISSIONED OFFICERS

For retirement pay and medical benefits of Public Health Service Commissioned Officers as authorized by law, and for payments under the Retired Serviceman's Family Protection Plan and Survivor Benefit Plan and for medical care of dependents and retired personnel under the Dependents' Medical Care Act (10 U.S.C. ch. 55), and for payments pursuant to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), such amounts as may be required during the current fiscal year.

AGENCY FOR HEALTH CARE POLICY AND RESEARCH

HEALTH CARE POLICY AND RESEARCH

For carrying out titles III and IX of the Public Health Service Act, and part A of title XI of the Social Security Act, $85,423,000, together with not to exceed $5,796,000 to be transferred from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds, as authorized by sections 1142 and 201(g) of the Social Security Act; in addition, amounts received from Freedom of Information Act fees, reimbursable and interagency agreements, and the sale of data tapes shall be credited to this appropriation and shall remain available until expended: *Provided*, That the amount made available pursuant to section 926(b) of the Public Health Service Act shall not exceed $34,284,000.

HEALTH CARE FINANCING ADMINISTRATION

GRANTS TO STATES FOR MEDICAID

For carrying out, except as otherwise provided, titles XI and XIX of the Social Security Act, $55,094,355,000, to remain available until expended.

For making, after May 31, 1996, payments to States under title XIX of the Social Security Act for the last quarter of fiscal year 1996 for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

For making payments to States under title XIX of the Social Security Act for the first quarter of fiscal year 1997, $26,155,350,000, to remain available until expended.

Payment under title XIX may be made for any quarter with respect to a State plan or plan amendment in effect during such quarter, if submitted in or prior to such quarter and approved in that or any subsequent quarter.

PAYMENTS TO HEALTH CARE TRUST FUNDS

For payment to the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds, as provided under sections 217(g) and 1844 of the Social Security Act, sections 103(c) and 111(d) of the Social Security Amendments of 1965, section 278(d) of Public Law 97-248, and for administrative expenses incurred pursuant to section 201(g) of the Social Security Act, $63,313,000,000.

PROGRAM MANAGEMENT

For carrying out, except as otherwise provided, titles XI, XVIII, and XIX of the Social Security Act, and title XIII of the Public Health Service Act, the Clinical Laboratory Improvement Amendments of 1988, and section 4005(e) of Public Law 100-203, not to exceed $2,136,824,000, together with all funds collected in accordance with section 353 of the Public Health Service Act, the latter funds to remain available until expended; the $2,136,824,000, to be transferred to this appropriation as authorized by section 201(g) of the Social Security Act, from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds: *Provided*, That all funds derived in accordance with 31 U.S.C. 9701 from organizations established under title XIII of the Public Health Service Act are to be credited to this appropriation.

HEALTH MAINTENANCE ORGANIZATION LOAN AND LOAN GUARANTEE FUND

For carrying out subsections (d) and (e) of section 1308 of the Public Health Service Act, any amounts received by the Secretary in connection with loans and loan guarantees under title XIII of the Public Health Service Act, to be available without fiscal year limitation for the payment of outstanding obligations. During fiscal year 1996, no commitments for direct loans or loan guarantees shall be made.

ADMINISTRATION FOR CHILDREN AND FAMILIES

FAMILY SUPPORT PAYMENTS TO STATES

For making payments to States or other non-Federal entities, except as otherwise provided, under titles I, IV-A (other than section 402(g)(6)) and D, X, XI, XIV, and XVI of the Social Security Act, and the Act of July 5, 1960 (24 U.S.C. ch. 9), $13,614,307,000, to remain available until expended.

For making, after May 31 of the current fiscal year, payments to States or other non-Federal entities under titles I, IV-A and D, X, XI, XIV, and XVI of the Social Security Act, for the last three months of the current year for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

For making payments to States or other non-Federal entities under titles I, IV-A (other than section 402(g)(6)) and D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960 (24 U.S.C. ch. 9) for the first quarter of fiscal year 1997, $4,800,000,000, to remain available until expended.

JOB OPPORTUNITIES AND BASIC SKILLS

For carrying out aid to families with dependent children work programs, as authorized by part F of title IV of the Social Security Act, $1,000,000,000.

LOW INCOME HOME ENERGY ASSISTANCE

(RESCISSION)

Of the funds made available beginning on October 1, 1995 under this heading in Public Law 103-333, $1,000,000,000 are hereby rescinded.

REFUGEE AND ENTRANT ASSISTANCE

For making payments for refugee and entrant assistance activities authorized by title IV of the Immigration and Nationality Act and section 501 of the Refugee Education Assistance Act of 1980 (Public Law 96-422), $411,781,000: *Provided*, That funds appropriated pursuant to section 414(a) of the Immigration and Nationality Act under Public Law 103-112 for fiscal year 1994 shall be available for the costs of assistance provided and other activities conducted in such year and in fiscal years 1995 and 1996.

CHILD CARE AND DEVELOPMENT BLOCK GRANT

For carrying out sections 658A through 658R of the Omnibus Budget Reconciliation Act of 1981 (The Child Care and Development Block Grant Act of 1990), $934,642,000, which shall be available for obligation under the same statutory terms and conditions applicable in the prior fiscal year.

SOCIAL SERVICES BLOCK GRANT

For making grants to States pursuant to section 2002 of the Social Security Act, $2,800,000,000.

CHILDREN AND FAMILIES SERVICES PROGRAMS

For carrying out, except as otherwise provided, the Runaway and Homeless Youth Act, the Developmental Disabilities Assistance and Bill of Rights Act, the Head Start Act, the Child Abuse Prevention and Treatment Act, the Family Violence Prevention and Services Act, the Native American Programs Act of 1974, title II of Public Law 95-266 (adoption opportunities), the Temporary Child Care for Children with Disabilities and Crisis Nurseries Act of 1986, the Abandoned Infants Assistance Act of 1988, and part B(1) of title IV of the Social Security Act; for making payments under the Community Services Block Grant Act; and for necessary administrative expenses to carry out said Acts and titles I, IV, X, XI, XIV, XVI, and XX of the Social Security Act, the Act of July 5, 1960 (24 U.S.C. ch. 9), the Omnibus Budget Reconciliation Act of 1981, title IV of the Immigration and Nationality Act, section 501 of the Refugee Education Assistance Act of 1980, and section 126 and titles IV and V of Public Law 100–485, $4,543,343,000.

In addition, $800,000, to be derived from the Violent Crime Reduction Trust Fund, for carrying out sections 40211 and 40251 of Public Law 103–322.

FAMILY PRESERVATION AND SUPPORT

For carrying out section 430 of the Social Security Act, $225,000,000.

PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION ASSISTANCE

For making payments to States or other non-Federal entities, under title IV–E of the Social Security Act, $4,307,842,000.

ADMINISTRATION ON AGING

AGING SERVICES PROGRAMS

For carrying out, to the extent not otherwise provided, the Older Americans Act of 1965, as amended, $778,246,000.

OFFICE OF THE SECRETARY

GENERAL DEPARTMENTAL MANAGEMENT

For necessary expenses, not otherwise provided, for general departmental management, including hire of six medium sedans, and for carrying out titles III and XX of the Public Health Service Act, $116,826,000, together with $6,813,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Hospital Insurance Trust Fund and the Supplemental Medical Insurance Trust Fund.

OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $56,333,000, together with not to exceed $17,623,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Hospital Insurance Trust Fund and the Supplemental Medical Insurance Trust Fund.

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, $10,249,000, together with not to exceed $3,251,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Hospital Insurance Trust Fund and the Supplemental Medical Insurance Trust Fund.

POLICY RESEARCH

For carrying out, to the extent not otherwise provided, research studies under section 1110 of the Social Security Act, $9,000,000.

GENERAL PROVISIONS

SEC. 201. Funds appropriated in this title shall be available for not to exceed $37,000 for official reception and representation expenses when specifically approved by the Secretary.

SEC. 202. The Secretary shall make available through assignment not more than 60 employees of the Public Health Service to assist in child survival activities and to work in AIDS programs through and with funds provided by the Agency for International Development, the United Nations International Children's Emergency Fund or the World Health Organization.

SEC. 203. None of the funds appropriated under this Act may be used to implement section 399L(b) of the Public Health Service Act or section 1503 of the National Institutes of Health Revitalization Act of 1993, Public Law 103–43.

SEC. 204. None of the funds made available by this Act may be used to withhold payment to any State under the Child Abuse Prevention and Treatment Act by reason of a determination that the State is not in compliance with section 1340.2(d)(2)(ii) of title 45 of the Code of Federal Regulations. This provision expires upon the date of enactment of the reauthorization of the Child Abuse Prevention and Treatment Act or upon September 30, 1996, whichever occurs first.

SEC. 205. None of the funds appropriated in this title for the National Institutes of Health and the Substance Abuse and Mental Health Services Administration shall be used to pay the salary of an individual, through a grant or other extramural mechanism, at a rate in excess of $125,000 per year.

SEC. 206. Taps and other assessments made by any office located in the Department of Health and Human Services shall be treated as a reprogramming of funds except that this provision shall not apply to assessments required by authorizing legislation, or related to working capital funds or other fee-for-service activities.

(TRANSFER OF FUNDS)

SEC. 207. Of the funds appropriated or otherwise made available for the Department of Health and Human Services, General Departmental Management, for fiscal year 1996, the Secretary of Health and Human Services shall transfer to the Office of the Inspector General such sums as may be necessary for any expenses with respect to the provision of security protection for the Secretary of Health and Human Services.

SEC. 208. None of the funds appropriated in this Act may be obligated or expended for the Federal Council on Aging under the Older Americans Act or the Advisory Board on Child Abuse and Neglect under the Child Abuse Prevention and Treatment Act.

SEC. 209. None of the funds appropriated in this or any other Act may be obligated or expended for the position of Surgeon General of the Public Health Service.

This title may be cited as the "Department of Health and Human Services Appropriations Act, 1996".

Mr. PORTER. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. EMERSON) having assumed the chair, Mr. WALKER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2127) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1996, and for other purposes, had come to no resolution thereon.

GENERAL LEAVE

Mr. PORTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill, H.R. 2127, and that I may include tabular and extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

EXTENDING AUTHORITIES UNDER THE MIDDLE EAST PEACE FACILITATION ACT

Mr. GILMAN. Mr. Speaker, I ask unanimous consent to that the Committee on International Relations be discharged from further consideration of the bill (H.R. 2161) to extend authorities under the Middle East Peace Facilitation Act of 1994 until October 1, 1995, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. HAMILTON. Mr. Speaker, reserving the right to object, I do not intend to object, but I do want to state a continuing concern I have about our approach to this legislation.

□ 2230

Mr. Speaker, the existing law of the Middle East Peace Facilitation Act now expires August 15 of this year. On June 29 we took up a bill extending the law for 45 days. Now we are back doing the same thing again, extending the law only until October 1, 1995.

Mr. Speaker, I would much prefer that the House be taking up at least a 6-month extension at this time, and I regret that we are not. At this time especially, I think we should be sending a signal of very strong support to the parties in the Middle East peace process. This short-term extension I think has the opposite effect. It creates an unstable environment and makes a hard job for the Israelis and the Palestinians involved in the peace process even more difficult.

Mr. Speaker, having expressed that concern, since this bill is the only option before us right now.

My concerns have only increased about using this kind of approach on a bill critical to the Middle East peace process. If the act is allowed to expire, all funds for direct and multilateral assistance to the Palestinian authority will be cut off. Representatives of the Palestinian authority will not be able to maintain an office in the United States. Engaging in diplomatic activities relating to the peace process here in Washington would be impossible.

In short, allowing this law to expire could seriously jeopardize a fragile, but steadily progressing, Middle East peace process.

As I understand it, our reasons for extending this act for only 45 days at a time are related neither to Palestinians nor to Israelis. Instead, this act is being used in the other body as some kind of bargaining chip in negotiations on unrelated bills. I think this is a serious and potentially dangerous mistake.

On June 29 on the House floor, I expressed my hope that the next time we extended this law, we would do so for a longer period of time. Chairman GILMAN said we were taking up only a short term extension because we would conference a more substantive Middle East Peace Facilitation Act prior to the summer recess. We have not. In fact, we have not yet even considered such a bill in committee.

Difficult negotiations between Israel and the Palestinians continue and an interim agreement is possible soon. Terrorism also continues to raise its ugly head. The Palestinian authority is moving to control violence but there is always room for more effort.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. EMERSON). Is there objection to the request of the gentleman from New York?

Mr. ENGEL. Mr. Speaker, reserving the right to object, I will not object, but we are now extending it a second time for another 45 days, and I guess my feeling is a little bit different than my colleague from Indiana. I believe that we cannot indefinitely have these extensions without holding Mr. Arafat's feet to the fire. I have submitted a bill along with the gentleman from New Jersey [Mr. SAXTON], the gentleman from New York [Mr. SCHUMER], and the gentleman from Texas [Mr. DELAY], which clearly lays out reasons and the threshold for Mr. Arafat and the PLO to comply with before there can be a continuation of funding for the PLO.

I would like to ask the Chairman if he can give me assurances that our bill will be marked up at committee, because I think there are many, many different feelings and opinions on the committee, and I think we should have the opportunity. I just want to say, I think it is especially critical because it seems pretty obvious to me that in the Senate, the State Department authorization bill is dead. So I think it is even more critical that we in the House come together and mark up my bill so that we can have a resolution of this issue, and I would like to just ask the Chairman if he would agree to mark up the bill.

Mr. GILMAN. Mr. Speaker, will the gentleman yield?

Mr. ENGEL. Further reserving the right to object, Mr. Speaker, I yield to the gentleman from New York.

Mr. GILMAN. Mr. Speaker, we certainly will take the gentleman's thoughts into consideration and we will be reviewing the request as we return to committee following the recess.

Mr. ENGEL. Mr. Speaker, I would like to just reiterate that I think it is critical that we do have a markup of the bill, that we hold hearings and have a markup of the bill. With the chairman's assurances that he will take a look at this, and I hope with the assurances that we will mark up the bill.

Mr. Speaker, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the bill, as follows:

H.R. 2161

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF AUTHORITIES.

(a) IN GENERAL.—Section 583(a) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236), as amended by Public Law 104–17, is amended by striking "August 15, 1995," and inserting "October 1, 1995,".

(b) CONSULTATION.—For purposes of any exercise of the authority provided in section 583(a) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236) prior to August 16, 1995, the written policy justification dated June 1, 1995, and submitted to the Congress in accordance with section 583(b)(1) of such Act, and the consultations associated with such policy justification, shall be deemed to satisfy the requirements of section 583(b)(1) of such Act.

The SPEAKER pro tempore. The gentleman from New York [Mr. GILMAN] is recognized for 1 hour.

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2161 temporarily extends the Middle East Peace Facilitation Act of 1994, which otherwise will expire on August 15, 1995.

That act was previously extended by Public Law 104–17, which we passed in June. H.R. 2161 extends the Act until October 1, 1995, and further provides that the consultations with the Congress that took place in June prior to the President's last exercise of the authority provided by the Act will suffice for purposes of a further exercise of that authority prior to August 16.

In consultation with our Senate colleagues, we have decided to extend the Middle East Peace Facilitation Act only through October 1 because we hope to complete action by that date on legislation that will include a longer term extension of the authorities of the act, along with strengthened requirements for compliance with commitments that were voluntarily assumed.

I urge my colleagues to agree to the adoption of H.R. 2161.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

LEGISLATIVE PROGRAM

(Mr. GEPHARDT asked and was given permission to address the House for 1 minute.)

Mr. GEPHARDT. Mr. Speaker, I wish to inquire of the distinguished majority leader the schedule for the rest of the evening.

Mr. ARMEY. Mr. Speaker, will the gentleman yield?

Mr. GEPHARDT. I yield to the gentleman from Texas.

Mr. ARMEY. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, we are about to begin debate on the rule for the Telco bill. There will be a vote on the rule in about an hour. After that vote, which should be the last vote of the evening, we will do the general debate on Telco for about 90 minutes. We will then consider a Bliley amendment for 30 minutes, a Stupak amendment for 10 minutes, and a Cox amendment for 20 minutes, and all those votes will be rolled until tomorrow morning. So all Members should be alert for a vote in about an hour, and those Members who are interested in being involved in the general debate on Telco or those amendments mentioned should be prepared to continue working on the floor until we complete that work.

Mr. GEPHARDT. Mr. Speaker, what bill will be up in the morning at what time?

Mr. ARMEY. In the morning when we reconvene, we will reconvene on Labor-HHS, and hope to finish that bill tomorrow.

PROVIDING FOR CONSIDERATION OF H.R. 1555, COMMUNICATIONS ACT OF 1995

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 207 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 207

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1555) to promote competition and reduce regulation in order to secure lower prices and higher quality services for American telecommunications consumers and encourage the rapid deployment of new telecommunications technologies. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with section 302(f) of the Congressional Budget Act of 1974 are waived. General debate shall be confined to the bill and shall not exceed ninety minutes equally divided among and controlled by the chairmen and ranking minority members of the Committee on Commerce and the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Commerce now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. Points of order against the committee amendment in the nature of a substitute for failure to comply with clause 5(a) of rule XXI and section 302(f) of the Congressional Budget Act of 1974 are waived. Before consideration of any other amendment it shall be in order to consider the amendment printed in part 1 of the report of the Committee on Rules accompanying this resolution. That amendment may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for thirty minutes equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. If that amendment is adopted, the provisions of the bill, as amended, shall be considered as the original bill for the purpose of further amendment under the five-minute rule. No further amendment shall be in order except those printed in part 2 of the report of the Committee on Rules. Each amendment printed in part 2 of the report may be considered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment except as specified in the report, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against amendments printed in the report of the Committee on Rules are waived. The chairman of the Committee of the Whole may postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment. The chairman of the Committee of the Whole may reduce to not less than five minutes the time for voting by electronic device on any postponed question that immediately follows another vote by electronic device without intervening business, provided that the time for voting by electronic device on the first in any series of questions shall be not less than fifteen minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. After passage of H.R. 1555, it shall be in order to take from the Speaker's table the bill S. 652 and to consider the Senate bill in the House. All points of order against the Senate bill and against its consideration are waived. It shall be in order to move to strike all after the enacting clause of the Senate bill and to insert in lieu thereof the provisions of H.R. 1555 as passed by the House. All points of order against that motion are waived. If the motion is adopted and the Senate bill, as amended, is passed, then it shall be in order to move that the House insist on its amendments to S. 652 and request a conference with the Senate thereon.

The SPEAKER pro tempore. The gentleman from Georgia [Mr. LINDER] is recognized for 1 hour.

Mr. LINDER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from California [Mr. BEILENSON], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

House Resolution 207 is a modified closed rule providing for the consideration of H.R. 1555, the Communications Act of 1995, and allowing 90 minutes of general debate to be equally divided between the chairman and ranking minority member of the Commerce and Judiciary Committees. The rule waives section 302(f) of the Budget Act against consideration of the bill. The rule also makes in order as an original bill for the purpose of amendment, the amendment in the nature of a substitute recommended by the Committee on Commerce and provides that the amendment be considered as read. House Resolution 207 also waives clause 5(a) of rule XXI—prohibiting appropriation in an authorization bill—and section 302(f) of the Budget Act—against the committee amendment in the nature of a substitute.

House Resolution 207 provides first for the consideration of the amendment printed in Part 1 of the Rules Committee report. This amendment, which will be offered by Commerce Committee Chairman BLILEY, is debatable for 30 minutes, equally divided between a proponent and an opponent, and provides that the amendment be considered as read. The manager's amendment shall not be subject to amendment or to a demand for a division of the question in the House or the Committee of the whole.

After general debate and the consideration of the manger's amendment, the provisions of the bill, as amended, shall be considered as the original bill for the purpose of further amendment under the 5-minute rule. House Resolution 207 makes in order only the amendments printed in part 2 of the Rules Committee report in the order specified, by the Members designated in the report, debatable for the time specified in the report to be equally divided between a proponent and an opponent of the amendment.

The rule waives all points of order against amendments printed in the report, and provides that these amendments shall not be subject to division of the question in the House or Committee of the Whole nor subject to amendment unless otherwise specified in the report.

This rule allows the chair to postpone votes in the Committee of the Whole and reduce votes to 5 minutes, if those votes follow a 15-minute vote. Finally, this resolution provides one motion to recommit, with or without instructions, as in the right of the minority.

Following final passage of H.R. 1555, the rule provides for the immediate consideration of S. 652 and waives all points of order against the bill. The rule allows for a motion to strike all after the enacting clause of S. 652 and insert H.R. 1555 as passed by the House and waives all points of order against that motion. Finally, it is in order for the House to insist on its amendments to S. 652 and request a conference with the Senate.

I would also ask for unanimous consent to add any extraneous materials for inclusion in the CONGRESSIONAL RECORD.

Mr. Speaker, H.R. 1555 is a complex piece of legislation, and the final product that passes the House has been designed to ensure that the United States maintains the lead on the information superhighway as we move into the 21st century. The House has worked to create a balanced bill which equalizes the diverse competitive forces in the telecommunications industry. The complexity and balance of this legislation requires a structured rule, because it is conceivable that a simply constructed amendment would attract enough votes, on the face of it, to upset the balance of the bill.

Let me take this opportunity to commend the diligent work of Chairman BLILEY, Chairman FIELDS, and Chairman HYDE, and also recognize ranking minority members JOHN DINGELL and JOHN CONYERS, for their service in guiding this fair balanced legislation to the House floor.

The overriding goal of telecommunication reform legislation must be to encourage the competition that will produce innovative technologies for every American household and provide benefits to the American consumer in the form of lower prices and enhanced services. The House Telecommunications bill will promote competition in the market for local telephone service by requiring local telephone companies to offer competitors access to parts of their networks, drive competition in the multichannel video market by empowering telephone companies to provide video programming, and maintain and encourage the competitiveness of over the air broadcast stations. The American people will be amazed by the wide array of technological changes that will soon be available in their homes.

The massive barriers to competition and the restrictions that were necessary less than a decade ago to protect segments of the U.S. economy have served their purpose. We have achieved great advances and lead the world in telecommunications services. However, productive societies strengthen and nourish the spirit of innovation and competition, and I believe that H.R. 1555 will provide customers with more choices in new products and result in tremendous benefits to all consumers.

In order to achieve further balance and deregulation in H.R. 1555, the rule will allow the House an opportunity to debate a manager's amendment to be offered by Commerce Committee Chairman BLILEY. This amendment represents a compromise that will accelerate the transition to a fully competitive telecommunications marketplace.

This amendment is not a part of the base text, it will be debated thoroughly, and it will be judged by a vote on the floor of the House.

Following the consideration of the manager's amendment, the rule allows for the consideration of a number of divisive amendments that focus on cable television price controls, re-regulating cable broadcast ownership, and provisions for regulation of violence and gratuitous sexual images on local television that may be constrained by technology.

The Rules Committee has made seven amendments in order in part 2 of the Rules report, including five minority amendments, a bipartisan amendment, and one majority amendment. A number of the amendments offered to the Rules Committee were duplicative, some were withdrawn and some were incorporated into the manager's amendment. In addition, some amendments have already been included in the Senate bill, and it is important to note that there will be room for negotiation in conference.

The rule makes in order an amendment—to be debated for 20 minutes—offered by Representatives COX and WYDEN which would ensure that online service providers who take steps to clean up the Internet are not subject to additional liability for being Good Samaritans. The rule also makes in order an amendment—to be debated for 10 minutes—offered by Representative STUPAK which involves local governments and charges for public rights of way.

The rule also allows for an amendment offered by the ranking minority member of the Judiciary Committee, Mr. CONYERS, which would enhance the role of the Justice Department with regard to the Bell Companies applying for authorization to enter currently prohibited lines of business. The chairmen of the Commerce and Judiciary Committees have worked diligently to reconcile this issue, and it was decided that the Department of Justice should receive a consultative role. Nonetheless, the rule permits Members the opportunity to vote on this measure.

We have also been extremely responsive to the requests of the ranking minority member of the Commerce Subcommittee on Telecommunications and Finance, Mr. MARKEY, by allowing all three of the amendments he requested. Mr. MARKEY has a different, more regulatory view of the future of the telecommunications industry, and he has been afforded every opportunity to revise the bill by offering three rather controversial amendments. The first amendment—to be debated for 30 minutes—would amend the bill by changing the standard for unreasonable rates and imposing rate controls on the cable industry. While the goal of this legislation is to reduce regulations, the rule will reverse the deregulatory cable provisions in H.R. 1555.

The second amendment—to be considered for 30 minutes—would retain the current broadcast cable ownership rule and scale back the audience reach cap in H.R. 1555 from 50 to 35 percent. While I believe that this amendment would selectively weaken the broadcast deregulation provisions in the bill, this is an issue that concerns many Members of this House and deserves a full and open debate.

There will be a substantive debate over provisions for regulating certain violent and sexual images on television through technological constraints. While there is evidence that the increasing amount of violent and sexual content on television has an adverse impact on our society and especially children, the House has two options to consider in this debate. Mr. MARKEY has been granted the opportunity to offer an amendment requiring the establishment of a television rating code and the manufacture of certain televisions, which many fear will require a government-controlled rating system. The House will also have the opportunity to vote for a substitute offered by Representative COBURN that utilizes a private industry approach that does not impose strict, Washington-based mandates which raise difficult first amendment questions.

Mr. Speaker, I believe that this legislation will be remembered as the most deregulatory legislation in history. The goal of this legislation is to create wide open competition between the various telecommunications industries, and this legislation in its final form will undoubtedly encourage a new era of opportunity for every company involved in the telecommunications industry and many companies heretofore unheard of.

Those nations that have achieved the most impressive growth in the past have not been those with rigid government controls, nor those that are the most affluent in natural resources. The most extraordinary development has come in those nations that have put their trust in the power and potential of the marketplace. This bill states that government authority and mandates are not beneficial to economic development, and it will help assure this Nation's prosperity well into the 21st century.

The resolution that was favorably reported out of the Rules Committee is a fair rule that will allow for thorough consideration on a number of amendments. I urge my colleagues to support the rule so that we may proceed with consideration of the merits of this extraordinarily important legislation.

Mr. Speaker, I include the following information for the RECORD:

THE AMENDMENT PROCESS UNDER SPECIAL RULES REPORTED BY THE RULES COMMITTEE,[1] 103D CONGRESS V. 104TH CONGRESS

[As of August 2, 1995]

Rule type	103d Congress		104th Congress	
	Number of rules	Percent of total	Number of rules	Percent of total
Open/Modified-open [2]	46	44	41	72
Modified Closed [3]	49	47	14	24
Closed [4]	9	9	2	4
Totals:	104	100	57	100

[1] This table applies only to rules which provide for the original consideration of bills, joint resolutions or budget resolutions and which provide for an amendment process. It does not apply to special rules which only waive points of order against appropriations bills which are already privileged and are considered under an open amendment process under House rules.

[2] An open rule is one under which any Member may offer a germane amendment under the five-minute rule. A modified open rule is one under which any Member may offer a germane amendment under the five-minute rule subject only to an overall time limit on the amendment process and/or a requirement that the amendment be preprinted in the Congressional Record.

[3] A modified closed rule is one under which the Rules Committee limits the amendments that may be offered only to those amendments designated in the special rule or the Rules Committee report to accompany it, or which preclude amendments to a particular portion of a bill, even though the rest of the bill may be completely open to amendment.

[4] A closed rule is one under which no amendments may be offered (other than amendments recommended by the committee in reporting the bill).

SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS

[As of August 2, 1995]

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
H. Res. 38 (1/18/95)	O	H.R. 5	Unfunded Mandate Reform	A: 350–71 (1/19/95).
H. Res. 44 (1/24/95)	MC	H. Con. Res. 17 H.J. Res. 1	Social Security Balanced Budget Amdt	A: 255–172 (1/25/95).
H. Res. 51 (1/31/95)	O	H.R. 101	Land Transfer, Taos Pueblo Indians	A: voice vote (2/1/95).
H. Res. 52 (1/31/95)	O	H.R. 400	Land Exchange, Arctic Nat'l. Park and Preserve	A: voice vote (2/1/95).
H. Res. 53 (1/31/95)	O	H.R. 440	Land Conveyance, Butte County, Calif	A: voice vote (2/1/95).
H. Res. 55 (2/1/95)	O	H.R. 2	Line Item Veto	A: voice vote (2/2/95).
H. Res. 60 (2/6/95)	O	H.R. 665	Victim Restitution	A: voice vote (2/7/95).
H. Res. 61 (2/6/95)	O	H.R. 666	Exclusionary Rule Reform	A: voice vote (2/7/95).

SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS—Continued

[As of August 2, 1995]

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
H. Res. 63 (2/8/95)	MO	H.R. 667	Violent Criminal Incarceration	A: voice vote (2/9/95).
H. Res. 69 (2/9/95)	O	H.R. 668	Criminal Alien Deportation	A: voice vote (2/10/95).
H. Res. 79 (2/10/95)	MO	H.R. 728	Law Enforcement Block Grants	A: voice vote (2/13/95).
H. Res. 83 (2/13/95)	MO	H.R. 7	National Security Revitalization	PQ: 229–100; A: 227–127 (2/15/95).
H. Res. 88 (2/16/95)	MC	H.R. 831	Health Insurance Deductibility	PQ: 230–191; A: 229–188 (2/21/95).
H. Res. 91 (2/21/95)	O	H.R. 830	Paperwork Reduction Act	A: voice vote (2/22/95).
H. Res. 92 (2/21/95)	MC	H.R. 889	Defense Supplemental	A: 282–144 (2/22/95).
H. Res. 93 (2/22/95)	MO	H.R. 450	Regulatory Transition Act	A: 252–175 (2/23/95).
H. Res. 96 (2/24/95)	MO	H.R. 1022	Risk Assessment	A: 253–165 (2/27/95).
H. Res. 100 (2/27/95)	O	H.R. 926	Regulatory Reform and Relief Act	A: voice vote (2/28/95).
H. Res. 101 (2/28/95)	MO	H.R. 925	Private Property Protection Act	A: 271–151 (3/2/95)
H. Res. 103 (3/3/95)	MO	H.R. 1058	Securities Litigation Reform	
H. Res. 104 (3/3/95)	MO	H.R. 988	Attorney Accountability Act	A: voice vote (3/6/95)
H. Res. 105 (3/6/95)	MO			A: 257–155 (3/7/95)
H. Res. 108 (3/7/95)	Debate	H.R. 956	Product Liability Reform	A: voice vote (3/8/95)
H. Res. 109 (3/8/95)	MC			PQ: 234–191 A: 247–181 (3/9/95)
H. Res. 115 (3/14/95)	MO	H.R. 1159	Making Emergency Supp. Approps.	A: 242–190 (3/15/95)
H. Res. 116 (3/15/95)	MC	H.J. Res. 73	Term Limits Const. Amdt	A: voice vote (3/28/95)
H. Res. 117 (3/16/95)	Debate	H.R. 4	Personal Responsibility Act of 1995	A: voice vote (3/21/95)
H. Res. 119 (3/21/95)	MC			A: 217–211 (3/22/95)
H. Res. 125 (4/3/95)	O	H.R. 1271	Family Privacy Protection Act	A: 423–1 (4/4/95)
H. Res. 126 (4/3/95)	O	H.R. 660	Older Persons Housing Act	A: voice vote (4/6/95)
H. Res. 128 (4/4/95)	MC	H.R. 1215	Contract With America Tax Relief Act of 1995	A: 228–204 (4/5/95)
H. Res. 130 (4/5/95)	MC	H.R. 483	Medicare Select Expansion	A: 253–172 (4/6/95)
H. Res. 136 (5/1/95)	O	H.R. 655	Hydrogen Future Act of 1995	A: voice vote (5/2/95)
H. Res. 139 (5/3/95)	O	H.R. 1361	Coast Guard Auth. FY 1996	A: voice vote (5/9/95)
H. Res. 140 (5/9/95)	O	H.R. 961	Clean Water Amendments	A: 414–4 (5/10/95)
H. Res. 144 (5/11/95)	O	H.R. 535	Fish Hatchery—Arkansas	A: voice vote (5/15/95)
H. Res. 145 (5/11/95)	O	H.R. 584	Fish Hatchery—Iowa	A: voice vote (5/15/95)
H. Res. 146 (5/11/95)	O	H.R. 614	Fish Hatchery—Minnesota	A: voice vote (5/15/95)
H. Res. 149 (5/16/95)	MC	H. Con. Res. 67	Budget Resolution FY 1996	PQ: 252–170 A: 255–168 (5/17/95)
H. Res. 155 (5/22/95)	MO	H.R. 1561	American Overseas Interests Act	A: 233–176 (5/23/95)
H. Res. 164 (6/8/95)	MC	H.R. 1530	Nat. Defense Auth. FY 1996	PQ: 225–191 A: 233–183 (6/13/95)
H. Res. 167 (6/15/95)	O	H.R. 1817	MilCon Appropriations FY 1996	PQ: 223–180 A: 245–155 (6/16/95)
H. Res. 169 (6/19/95)	MC	H.R. 1854	Leg. Branch Approps. FY 1996	PQ: 232–196 A: 236–191 (6/20/95)
H. Res. 170 (6/20/95)	O	H.R. 1868	For. Ops. Approps. FY 1996	PQ: 221–178 A: 217–175 (6/22/95)
H. Res. 171 (6/22/95)	O	H.R. 1905	Energy & Water Approps. FY 1996	A: voice vote (7/12/95)
H. Res. 173 (6/27/95)	C	H.J. Res. 79	Flag Constitutional Amendment	PQ: 258–170 A: 271–152 (6/28/95)
H. Res. 176 (6/28/95)	MC	H.R. 1944	Emer. Supp. Approps.	PQ: 236–194 A: 234–192 (6/29/95)
H. Res. 185 (7/11/95)	O	H.R. 1977	Interior Approps. FY 1996	PQ: 235–193 D: 192–238 (7/12/95)
H. Res. 187 (7/12/95)	O	H.R. 1977	Interior Approps. FY 1996 #2	PQ: 230–194 A: 229–195 (7/13/95)
H. Res. 188 (7/12/95)	O	H.R. 1976	Agriculture Approps. FY 1996	PQ: 242–185 A: voice vote (7/18/95)
H. Res. 190 (7/17/95)	O	H.R. 2020	Treasury/Postal Approps. FY 1996	PQ: 232–192 A: voice vote (7/18/95)
H. Res. 193 (7/19/95)	C	H.J. Res. 96	Disapproval of MFN to China	A: voice vote (7/20/95)
H. Res. 194 (7/19/95)	O	H.R. 2002	Transportation Approps. FY 1996	PQ: 217–202 (7/21/95)
H. Res. 197 (7/21/95)	O	H.R. 70	Exports of Alaskan Crude Oil	A: voice vote (7/24/95)
H. Res. 198 (7/21/95)	O	H.R. 2076	Commerce, State Approps. FY 1996	A: voice vote (7/25/95)
H. Res. 201 (7/25/95)	O	H.R. 2099	VA/HUD Approps. FY 1996	A: 230–189 (7/25/95)
H. Res. 204 (7/28/95)	MC	S. 21	Terminating U.S. Arms Embargo on Bosnia	A: voice vote (8/1/95)
H. Res. 205 (7/28/95)	O	H.R. 2126	Defense Approps. FY 1996	A: 409–1 (7/31/95)
H. Res. 207 (8/1/95)	MC	H.R. 1555	Communications Act of 1995	
H. Res. 208 (8/1/95)	O	H.R. 2127	Labor, HHS Approps. FY 1996	A: 233–104 (8/2/95)

Codes: O-open rule; MO-modified open rule; MC-modified closed rule; C-closed rule; A-adoption vote; D-defeated; PQ-previous question vote. Source: Notices of Action Taken, Committee on Rules, 104th Congress.

Mr. Speaker, I reserve the balance of my time.

□ 2245

Mr. BEILENSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we oppose this modified closed rule for the consideration of this landmark deregulatory telecommunications legislation for several reasons.

First, there is no legitimate need—there is no compelling reaon—for us to consider H.R. 1555, during one of the busiest weeks we have experienced this year. There is absolutely no urgency at all attached to the passage of this bill before we adjourn.

Quite simply, we ought not to be debating this rule and this bill tonight. There are many more good reasons to put this legislation over until our return in September than there are for taking it up now.

Debating landmark legislation, which completely rewrites our existing communications laws, in the dead of night, squeezed carefully between major appropriations bills that should have first priority, is outrageous on its face.

We feel strongly that a bill with the enormous economic, political, and cultural consequences for the Nation as does H.R. 1555, should receive far more time for consideration than this bill will be allowed.

Second, there is not enough time allowed to properly consider the several very major amendments that have been made in order. For example, we shall have only 30 minutes to consider the Markey-Shays amendment to increase cable consumer protection in H.R. 1555, an amendment which seeks to guard consumers against unfair monopolistic pricing.

The sponsors of the amendment testified that H.R. 1555, as written, completely unravels the protections that cable consumers currently enjoy, and that their amendment is needed to ensure that competition exists before all regulation is eliminated. This is a very substantive amendment, dealing with an industry that affects the great majority of Americans. It certainly deserves more time for serious debate then we are giving it tonight.

Mr. Speaker, perhaps the most troubling part of the bill is its treatment of media ownership, and its promotion of mergers and concentration of power. The bill would remove all limits on the number of radio stations a single company could own, and would raise the ceiling on the number of television households a single broadcaster is allowed to serve.

It would also remove longstanding restrictions that have prevented television broadcasters from owning radio stations, newspapers, and cable systems in the same market.

Thus Mr. MARKEY'S amendment limiting the number of television stations that one media company could reach to 35 percent of the Nation's households, and prohibiting a broadcaster from owning a cable system in a market where it owns a television station, is especially important—and, since it could lead to a single person or a single company's owning an enormous number of television stations or media outlets in the country, this is an issue too that deserves far more than the 30 minutes the rule allows for it to be discussed and debated.

As the New York Times editorialized today, the bill "would for the first time allow a single company to buy a community's newspaper, cable service, television station and, in rural areas, its telephone company. It threatens to hand over to one company control of the community's source of news and entertainment."

Finally, Mr. Speaker, we also oppose the rule because it does not allow

Members to address all the major questions that should be involved in this debate. This rule limits to 6, the number of amendments that may be offered.

We fully understand and respect the need to structure the rule for this enormously complex and technical bill; but we do believe that, in limiting the time devoted to this bill, the majority incorrectly prevented the consideration of significant amendments that address legitimate questions.

When the Rules Committee met late yesterday on this rule, we sought to make those amendments in order. I would add that we did not seek to make every one of the 30 to 40 amendments submitted in order—as I have already mentioned, we understand the need to structure this rule.

But the committee defeated, by a bipartisan vote of 5 to 6, our request to make in order the amendment submitted by Mr. MORAN that prohibits the FCC from undertaking the rulemaking that could preempt local governments from regulating the construction of cellular towers. The Members of the House should have the opportunity to vote on this amendment—and Mr. MORAN deserves to have the opportunity to offer it.

The amendment addresses the very important concerns of localities who believe this issue is properly within the jurisdiction of local zoning laws. It is endorsed by the National Association of Counties, the National League of Cities, the U.S. Conference of Mayors, and the American Planning Association. Many local jurisdictions have contacted us this week in favor of this amendment, and we feel the committee made a mistake, Mr. Speaker, by not allowing it to be discussed on the floor.

We attempted unsuccessfully to make in order the amendment offered by the gentleman from Texas [Mr. HALL], eliminating the ban on joint marketing of long distance service and Bell operating company-supplied local exchange service. Mr. HALL deserves time to explain his amendment and let the Members decide for themselves whose interests are best served by his amendment.

The majority also denied making in order the Orton-Morella affordable access amendment, which adds affordability to the requirement for preserving access for elementary and secondary students to the information highway.

The amendment is strongly supported by education agencies and organizations, and we feel that the sponsors deserved the chance to present their arguments for the amendment to the House. We should not have acquiesced to the arguments of industry representatives that these affordable access requirements should not be debated because the implications are not known. That is why we have debates—so that both sides can explain their position. Unfortunately, in these cases, we were able to hear only one side.

So, Mr. Speaker, we believe our Members have legitimate amendments that should have been made in order by this rule, and we regret the decision to shut them out of this important debate.

With respect to the amendments that were made in order, Mr. Speaker, we are very disturbed that the commitment to ensure a vote on Mr. MARKEY'S V-chip amendment was not properly honored. While his amendment is in order, the Coburn substitute, which is much weaker, will be voted on first; if it is adopted, Mr. MARKEY is denied the right to have an up or down vote on his very important amendment.

Members should be allowed a clean vote on the Markey amendment, which is by far the stronger of the two. Whether or not parents are given the ability to block violent television shows so their young children cannot watch them is an important issue, and we should not allow the vote to be represented as something it is not. The rule is very unfair in that respect.

Mr. Speaker, H.R. 1555 is a very complex piece of legislation; very few Members understand the implications of this bill, and I would suggest that we might very well come to regret its consideration in this hurried and inadequate manner.

We all know that changes need to be made in our 60 year old communications law. But we should be concerned about the process under which this bill is being brought to the floor tonight. Not only has a manager's amendment been developed out of the public's eye, but it was done after the committee with jurisdiction overwhelmingly reported quite a different bill.

We should all be concerned about the process under which a bill with huge economic consequences and implications for consumers and business interests is being rushed through the House. The testimony of over 40 Members before the Rules Committee demonstrates the complexities involved in this legislation.

Mr. Speaker, we hope that the final version of this bill does balance the introduction of competitive markets, with measures designed to protect consumers. We have heard from all sides involved, and every industry has valid points to make. I do hope, however, that we do not lose sight of the consumer in this process, and of the need to protect the people from potential monopoly abuses.

Mr. Speaker, we oppose the rule—not only because it is restrictive, but because it does not go far enough in ensuring that enough time is given to this important debate, and because it does not protect the right of Members to offer amendments pertaining to all of the major issues of this very complicated piece of legislation.

Mr. LINDER. Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. SOLOMON], the chairman of the Committee on Rules.

Mr. SOLOMON. Mr. Speaker, let me just say to the gentleman from California [Mr. BEILENSON] I really am surprised at his testimony here. As my colleague knows, first of all we have 8–½ hours allocated for this piece of legislation. We extended that for another hour to take into consideration the gentleman from Michigan [Mr. CONYERS], our good friend, because he is a ranking Member, and he was entitled to his major amendment.

Mr. BEILENSON. Of course he was.

Mr. SOLOMON. Now we expanded it for 1 hour. That meant we were spending 9½ hours on this bill. It puts us here until 2:30 in the morning today, and many of us will stay here while many of our colleagues leave, and we will finish that part of the bill.

Now, if we had made in order all of those amendments that the gentleman just read off, we would be 19 hours. I figured out the time, 19 hours.

Now the gentleman knows we are going to be here until 6 o'clock in the morning tomorrow night and into Friday, and my colleague and other Members have asked me from the gentleman's side of the aisle to tighten things down, let us take care of the major amendments. We negotiated with the majority, we negotiated with the gentleman from Michigan [Mr. DINGELL], we negotiated with the gentleman's Democratic leadership. Everyone was happy, and all of a sudden we come on this floor here now and nobody is happy.

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Let us stick to our points. If we make a deal upstairs in the Rules Committee, let us live by it.●

Mr. LINDER. Mr. Speaker, I would like to inquire as to how much time is remaining on both sides.

The SPEAKER pro tempore (Mr. EMERSON). The gentleman from Georgia [Mr. LINDER] has 17½ minutes remaining and the gentleman from California [Mr. BEILENSON] has 22½ minutes remaining.

Mr. BEILENSON. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Michigan [Mr. BONIOR], the minority whip.

Mr. BONIOR. Mr. Speaker, I regret that I will have a different view than my good friend the gentleman from Texas [Mr. BEILENSON]. I rise in support of this rule. It makes in order the key amendments that the gentleman from Massachusetts [Mr. MARKEY] and the gentleman from Michigan [Mr. CONYERS] and others have asked for.

Mr. Speaker, I also would have liked to have seen more debate on these amendments, but, on balanced, I think it is a fair rule and I urge my colleagues to support it.

If we are going to make technology work for our economy and for our country, and especially for our families, our laws have to keep pace with the changing times, and I believe the bill before us today will help bring this country into the 21st century. From the beginning, Mr. Speaker, telecommunication reform has been about one thing, it has been about competition.

We all know the more competition we have will lead to better products, better prices, better services and the better use of technology for everybody. Above all, competition helps create more jobs and better jobs for our economy. Studies show that this bill will help create 3.4 million additional jobs over the next 10 years and lay the groundwork for technology that will help to create millions more.

Let us be honest, Mr. Speaker, this is not a perfect bill before us today. There are lots of improvements that can be made, and I want to suggest a couple of them to you tonight.

First, we have an important amendment on the V-chip. Studies tell us that by the time the average child finishes elementary school he or she will have seen 8,000 murders and 100,000 acts of violence on the television. Most parents do all they can to keep their kids away from violent programming, but in this age of two-job parents and 200 channel televisions, parents need some help. Fortunately, we do have technology today that will help. The V-chip is a small computer chip that, for about 17 cents, can be inserted into a TV set and it allows the parents to block out violent programming.

This V-chip, Mr. Speaker, is based on some very simple principles: That parents raise children, not government, not advertisers, and not network executives, and parents should be the ones to choose what kinds of shows come into their homes.

Second, I believe we should do all we can to keep our airwaves from falling into the hands of the wealthy and the powerful. Current law limits the number of television stations, one per person or media company can reach, to 25 percent of the Nation's households. That rule was established to promote the free exchange of diverse views and ideas. The bill before us today, however, would literally allow one person, in any given area, to own two television stations, unlimited number of radio stations, the local newspaper and local cable systems. Instead of the 25 percent limit under this bill, Rupert Murdock could literally own media outlets that reach to over half of America's households, Mr. Speaker. In other words, this bill allows Mr. Murdock to control what 50 percent of American households read, hear, and see, and that is outrageous.

Mr. Speaker, the gentleman from Massachusetts [Mr. MARKEY] will offer an amendment to set that limit to 35 percent, and, frankly, I don't think this amendment goes far enough. I believe we need to address broader issues, such as who controls our networks, who controls our newspapers, and who controls our radios.

In conclusion, Mr. Speaker, I would suggest that we would have liked to have seen a tougher amendment, but I urge my colleagues to support the Markey amendment on concentration, and, Mr. Speaker, this bill has been around a long time. It has been a long time in coming, and I urge my colleagues to support the rule.

Mr. LINDER. Mr. speaker, I yield such time as he may consume to the gentleman from Florida [Mr. GOSS], my colleague on the Rules Committee.

Mr. GOSS. Mr. Speaker, I want to thank the gentleman from Georgia [Mr. LINDER] and congratulate him for his fine work on an extremely complex rule that took a lot of work to get done, and the gentleman from New York [Mr. SOLOMON] as well, and I am delighted there is support on both sides of the aisle, for it deserves it.

Mr. Speaker, I urge support for the rule also, and I will use my time to indulge in a colloquy with the gentleman from Virginia [Mr. BLILEY], the honorable chairman of the Committee on Commerce, because two points have come up in discussion today regarding local government authority which I think can be clarified and need to be clarified.

Chairman BLILEY was Mayor BLILEY of Richmond, and this gentleman was mayor of a much smaller town, but they were both local governments and there was a great concern among some of our local governments about some issues here, particularly two, as I have said. I want to address the issue of zoning.

Mr. Speaker, as to the cellular industry expanding into the next century, there will be a need for an estimated 100,000 new transmission poles to be constructed throughout the country, I am told. I want to make sure that nothing in H.R. 1555 preempts the ability of local officials to determine the placement and construction of these new towers. Land use has always been, and I believe should continue to be, in the domain of the authorities in the areas directly affected.

I must say I appreciate that communities cannot prohibit access to the new facilities, and I agree they should not be allowed to, but it is important that cities and counties be able to enforce their zoning and building codes. That is the first point.

Similarly, Mr. Speaker, I want to clarify that the bill does not restrict the ability of local governments to derive revenues for the use of public rights-of-way so long as the fees are set in a nondiscriminatory way.

Mr. BLILEY. Mr. Speaker, will the gentleman yield?

Mr. GOSS. I am happy to yield to the gentleman from Virginia, the distinguished chairman of the Committee on Commerce.

Mr. BLILEY. Mr. Speaker, I thank the gentleman for yielding. I want to commend the gentleman and his colleagues and the chairman of the Committee on Rules for this rule. I wholeheartedly support it.

Let me say this, I was president of the Virginia Municipal League as well as being Mayor of Richmond, and I was on the board of directors of the National League of Cities. When legislation came to this body in a previous Congress for a taking of Mansassas Battlefield, I voted against it because the supervisors of Prince William County had made that decision. I have resisted attempts by people to get me involved in the Civil War preservation of Brandywine Station in Culpeper County for the same reasons.

Nothing is in this bill that prevents a locality, and I will do everything in conference to make sure this is absolutely clear, prevents a local subdivision from determining where a cellular pole should be located, but we do want to make sure that this technology is available across the country, that we do not allow a community to say we are not going to have any cellular pole in our locality. That is wrong. Nor are we going to say they can delay these people forever. But the location will be determined by the local governing body.

The second point you raise, about the charges for right-of-way, the councils, the supervisors and the mayor can make any charge they want provided they do not charge the cable company one fee and they charge a telephone company a lower fee for the same right-of-way. They should not discriminate, and that is all we say. Charge what you will, but make it equitable between the parties. Do not discriminate in favor of one or the other.

Mr. GOSS. Mr. Speaker, reclaiming my time, I thank the gentleman for that very clear explanation.

Mr. BLILEY. If the gentleman would continue to yield, the gentlewoman from Maryland has raised a point with me about access for schools to this new technology. Let me assure the gentlewoman that I know there is a provision on this in the Senate bill, and I will work with her and work with the other body to see that it is preserved and the intent of what she would have offered had she been able to is carried out in the final legislation.

Mr. GOODLATTE. Mr. Speaker, will the gentleman yield?

Mr. GOSS. I yield to the gentleman from Virginia.

Mr. GOODLATTE. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I have heard from a number of my local constituents, and I know the chairman is very strongly supportive of the rights of localities and strongly supportive of decentralized government. We have had some conversations about the process here, and I wonder if I may get a clarification.

Is my understanding correct that the gentleman is committed in the conference process to offer new language that will make it crystal clear that localities will have the authority to determine where these poles are placed in their community so long as they do not exclude the placement of poles altogether, do not unnecessarily delay the process for that purpose, do not favor one competitor over another and do not attempt to regulate on the basis of radio frequency emissions which is clearly a Federal issue? Is that an accurate statement of your intention?

Mr. GOSS. I am happy to yield to the distinguished chairman.

Mr. BLILEY. That is indeed, and I will certainly work to that end.

Mr. GOODLATTE. Thank you and I look forward to working with the chairman.

Mr. BEILENSON. Mr. Speaker, I yield 1 minute to the gentleman from Texas [Mr. DOGGETT].

Mr. DOGGETT. Mr. Speaker, if this bill really deserves a full and open debate, as the gentleman from Georgia has suggested, then why are we taking it up at midnight?

Mr. Speaker, this is a bill that affects the telephone in every house and every workplace in this country. It is a bill that affects every television viewer in this country and a wide array of other telecommunications services, and when does this Congress consider it? At midnight, after a full day of debate on an appropriations bill.

Regardless of your view on this bill, and I think it has some merit, regardless of your view on the substance of the bill, this sorry procedure ought to be voted down along with this rule. What an incredible testament to this new Republican leadership that they could take a bill of this vital important to the people of America and not take it up until midnight.

You can roll the votes. That just means there will not be anybody here listening to the debate. You can roll them all night long, as you plan to do. The real question is whether you will roll the American consumer.

Mr. LINDER. Mr. Speaker, I yield 1 minute to the gentleman from Texas [Mr. BARTON].

Mr. BARTON of Texas. Mr. Speaker, I want to rise in support of the rule. I think this is a good rule.

Mr. Speaker, I want to point out to my colleagues that if this were a software package that would be version 5 or 6. We have been working on this issue for the last 5 years in the Congress. We had a bill pass the House; we never went to conference with the Senate last year.

There is one amendment that has been made in order, a bipartisan amendment, the Stupak-Barton amendment, that deals directly with local access, local control of rights-of-way for the cities that is very bipartisan in nature, and I would urge support of that amendment if we can reach agreement on it, which we are still working on that.

So this is a good rule, I want to thank the Committee on Rules for making Stupak-Barton in order, and I would urge Members to vote for the rule.

Mr. BEILENSON. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Michigan [Mr. DINGELL], the ranking member of the committee.

□ 2315

Mr. DINGELL. Mr. Speaker, I rise in support of the rule. I urge my colleagues to vote for it. H.R. 1555 is a complex bill. It deals with a complex industry. It comprises a substantial portion of the American economy.

There are a lot of controversies in this legislation, and it should not be dealt with cavalierly. It is a matter of some regret to me we are proceeding late at night and that we have not had more time for this. But, nonetheless, the bill that would be put on the floor by the rule resolves many important questions, and it pulls out of a courtroom, where one judge, a couple of law clerks, a gaggle of Justice Department lawyers, and several hotel floors of AT&T lawyers, have been making the entirety of telecommunications policy for the United States since the breakup.

The breakup of AT&T was initiated by its president, Mr. Charley Brown, and it was done because he had gotten tired of having MCI sue him instead of competing with him because of antitrust violations by AT&T. The crafting of that agreement led to a situation where the entirety of the telecommunications policies of the United States were dealt with in a closed courtroom, where no other party could participate.

This legislation resolves that question. Now, does it do so perfectly? Probably not. But I will remind my colleagues that this bill will resolve a conflict between the very rich and the very wealthy, and that fairness under those circumstances is impossible to achieve.

I will discuss later how there is competition in the long distance services of the United States and how the rates of AT&T, MCI, and Sprint fly in perfect formation. They fly like the formation of the nuts and bolts in an aircraft, all tied together by invisible forces, which has led to a situation where they all make money and nobody gets into that because of the behavior of Judge Green and his law clerks and a gaggle of Justice Department lawyers and three floors of AT&T lawyers, who have been foreclosing the participation of any other person in or outside of the telecommunications industry.

The bill, is it perfect? No. But it is far better than the situation we have, and it is a good enough bill. I would urge my colleagues to vote for it.

The rule, is it what I would have written? Of course not. But it does get the House to the business of addressing an important national question, and that is the question of what will be our telecommunications policy, and will it be decided by the Congress, and will it be decided by the regulatory system, or will it be decided in a court of star chamber, in which no other citizen can participate.

I urge my colleagues to vote aye on the rule.

Mr. LINDER. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. PAXON].

Mr. PAXON. Mr. Speaker, I rise in support of the rule for H.R. 1555, the Communications Act of 1995.

The last time Congress considered communications legislation, the year was 1934. Radio was still in its infancy and commercial television broadcasting was still years away.

In those six decades dizzying changes in technology and markets have made our Nation's current telecommunications statutes totally outdated.

Over the last decade as Congress has debated telecommunications reform legislation, the private sector hasn't waited—instead they have moved aggressively, for example implementing a completely new, alternative phone system—cellular service—and they are now on the verge of creating yet another form of wireless communication.

Because of these rapid innovations in the marketplace, it is impossible and counterproductive for Congress to control micro manage the Nation's telecommunications future.

Instead, H.R. 1555 seeks to break down restrictive barriers, repeal outdated regulations and provide a fair and level playing field for all competitors.

As the Commerce Committee worked on drafting this legislation, we were of the opinion that competition is better than regulation. In areas where regulations are necessary, such as the transition rules while opening the local phone loop, regulations must be fair, reasonable, flexible, and sunset as quickly as possible.

In earlier decades it was perhaps logical for the Federal Government to establish communications monopolies to serve the Nation. However, we've now reached a stage in communications in which regulation is not only inefficient, but is actually a hindrance to the innovation and expansion which benefits the consumer.

For example—for the first time our policy is to move toward competition in local phone service and in cable television. We will also witness greatly expanded competition in long distance and in radio and television broadcasting.

Mr. Speaker, I also want to take this opportunity to speak about the process that produced this important legislation.

H.R. 1555 is the result of many months of hard work by all members, both Democrat and Republican, of the Commerce Committee and innumerable hours by committee and personal staff.

This bill does not favor one company or one industry at the expense of another. Chairman BLILEY, subcommittee Chairman FIELDS and Ranking Member DINGELL worked hard to produce legislation providing a fair and level playing field that will allow all companies to compete in a myriad of communication services.

Mr. Speaker, I urge my colleagues to support this rule, support the manager's amendment, and support final passage of H.R. 1555.

Mr. BEILENSON. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia [Mr. MORAN].

Mr. MORAN. Mr. Speaker, I thank my friend from California for yielding me this time.

Mr. Speaker, I rise in opposition to the rule, and I will share with my colleagues two good reasons to vote against this rule: You know, 90 percent of America's parents have been asking us to give them greater control over what their children are seeing on television, the sex and the violence and the profanity. Enough is enough they say. They look to us to give them some relief.

More than 50 colleagues, both Republicans and Democrats, cosponsored legislation to use the technology that exists today to empower parents to control what their children are viewing on television. Pennies is all it would cost to add it to every new television set.

We have worked on this for months, and now, at the last minute, we have an amendment that was put together by the broadcast industry, which really is a sham, whose only objective is to kill the V-chip amendment. This rule makes it in order that if this amendment wins, and all it does is to encourage the broadcast industry to address this problem, if that amendment wins, we do not even get a vote on ours.

The second reason is a real sleeper in this bill, and that is with regard to the siting of these control towers. There are about 20,000 of them around the country now. There are going to be about 100,000. Our amendment said on private property, if you try to site a commercial tower, then the people that own that property have a right to go to their local zoning board.

Of course they have the right. Imagine if somebody tries to put a 150 foot tower on your property, and you object, and they tell you, "Well, the Congress gave us the authority to put it on. It is a Federal law. It supersedes local zoning authority." That is the last thing we want to be doing.

So I would urge a "no" vote on this rule.

Mr. LINDER. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentleman from Indiana [Mr. BURTON].

Mr. BEILENSON. Mr. Speaker, I yield 1 minute to the gentleman from Indiana.

The SPEAKER pro tempore (Mr. EMERSON). The gentleman from Indiana is recognized for 3 minutes.

Mr. BURTON of Indiana. Mr. Speaker, I know that this bill has a great deal of merit and a lot of hard work has gone into it, and I think the rule, with a few exceptions, is a pretty good rule. But when I appeared before the Committee on Rules a couple of days ago, I specifically asked the chairman of the committee if we were going to get a freestanding up or down vote on this amendment.

I think there might have been a misunderstanding. I would not accuse the chairman of the committee of misleading anybody. But there definitely was a commitment, in my opinion, that we would have a straight, clear vote on the V chip amendment.

The problem is that we now have, as the gentleman from Virginia [Mr. MORAN] said, a perfecting amendment which will gut our ability to have an up or down vote on whether or not parents in this country will be able to block out sexually explicit programs and violent programs that they do not want their kids to see.

This legislation that we are trying to get passed would be very, very helpful to parents who are working. There are going to be 2 to 3 hundred channels in most homes in the not too distant future. The only technology we have now will block out one or two or three programs, and parents are not going to take the time to go through and specifically block out program after program. But the technology we are talking about will allow them to block out whole categories of violence and sexually explicit programs. The amendment that is going to be offered as a preferential amendment to mine would stop that and just create a study commission.

Mr. OXLEY. Mr. Chairman, will the gentleman yield?

Mr. BURTON of Indiana. I yield to the gentleman from Ohio.

Mr. OXLEY. Mr. Chairman, I would just point out, I had an amendment offered on the V chip that was not made in order. I am supporting the rule. I hope those Members who had their amendment made in order would have the courtesy to support the rule.

Mr. BURTON of Indiana. Mr. Speaker, reclaiming my time, the reason I am not supporting the rule is simply because I was told we would have a straight up or down vote.

Let me just get to the crux of the problem. The American people, 90 percent of the families, as has been said, want the ability to protect their kids against violence and sexually explicit material. We have a way to do it, and we are not being given an up or down vote on that issue.

Now, we hope that the amendment that is going to supposedly perfect mine, which does not do anything, will be defeated. I urge my colleagues to defeat it so we can get a straight up or down vote on that, because I am confident that Republicans and Democrats alike, if given the chance, will give the American people what they want, and that is the ability to protect their kids against violence and sexually explicit programs. To do otherwise, I think is a sin.

Mr. BEILENSON. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida [Mr. HASTINGS].

Mr. HASTINGS of Florida. Mr. Speaker, I rise in support of H.R. 1555. This vital legislation makes long-overdue changes to current communications laws by eliminating the legal barriers that prevent true competition.

I am particularly pleased that H.R. 1555 will break down barriers to telecommunications for people with disabilities by requiring that carriers and manufacturers of telecommunications equipment make their network services and equipment accessible to and usable by people with disabilities. The time is past for all persons to have access to telecommunications services.

H.R. 1555 assigns to the FCC the regulatory functions of ensuring that the Bell companies have complied with all of the conditions that we have imposed on their entry into long distance. This bill requires the Bell companies to interconnect with their competitors and to provide to them the features, functions, and capabilities of the Bell companies' networks that the new entrants need to compete. It also contains other checks and balances to ensure that competition in local and long distance grows.

The Justice Department still has the role that was granted to it under the Sherman and Clayton Acts and other antitrust laws. Their role is to enforce the antitrust laws and ensure that all companies comply with the requirements of the bill.

The Department of Justice enforces the antitrust laws of this country. It is a role that they have performed well. The Department of Justice is not and should not be a regulating agency: it is an enforcement agency.

Mr. Speaker, it is time to open our telecommunications market to true competition. This legislation is long overdue. I encourage my colleagues to support H.R. 1555.

Mr. BEILENSON. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. HOLDEN].

Mr. HOLDEN. Mr. Speaker, I rise to express my opposition with the process which was used for this important legislation. This bill will impact the life of every American—whether they talk on the telephone, listen to the radio, watch television, or send a fax. Even more significantly, it will impact technologies that have not yet been imagined and will be developed in the next century.

So how does the House of Representatives deal with this bill? By debating it into the dark of night under a rule which allows for almost no amendments. This process is seriously flawed.

The primary goal of this bill is supposed to be to increase competition through deregulation. Unfortunately, the bill as amended by the manager's amendment, falls short of this goal. For example, the bill does not require that there be any real, substantial competition in the local telephone loop prior to Bell entry into the long-distance business.

Several amendments were proposed to the Rules Committee to improve the bill and ensure that local competition will develop. None were made in order.

One such amendment, to ensure that 10 percent of local residential and commercial customers have access to a viable competitor prior to Bell entry into long distance, was rejected. In my State of Pennsylvania, which has 5.3 million local access lines, this means that a Bell company could provide long-distance service to State residents once a competitor could provide service to just 530,000 access lines.

Now why is it so important to have local competition before allowing the local telephone monopoly into long distance? Without real competition in the local loop prior to entry into long distance, a company can control long-distance service provider access to their long-distance customers because all long-distance calls must traverse the local loop to reach telephone customers. In short, the Bell system can use its monopoly control over the local loop into monopoly control over the long-distance business. This bill does not prevent the Bells from extending their monopoly and denying the benefits of competition to our constituents. I urge my colleagues to vote no on the rule and no on this bill in order to protect telephone consumers.

Mr. BEILENSON. Mr. Speaker, I yield 2 minutes to be the distinguished gentlewoman from New York [Ms. SLAUGHTER].

Ms. SLAUGHTER. Mr. Speaker, I rise in strong opposition to the rule.

Mr. Speaker, the rules governing debate of H.R. 1555 are bad enough—we have 90 minutes to debate the most substantial changes to our communications laws in over 60 years. What concerns me the most, however, are provisions in H.R. 1555 which would be the single biggest assault on American consumers and diversity of opinion that I've witnessed as long as I have lived.

H.R. 1555 completely repeals limits on mass media ownership, and the result will be a dangerous combination of media power. Under the bill, a single company can own a network station, a cable station, unlimited numbers of radio stations, and a daily newspaper, all in the same town.

We have heard that lifting ownership limits will promote competition. Personally, I can't think of a worse way to go about it. Once we lift the limits, a handful of network executives will dictate what programs the local affiliates in our districts should carry. If you have a complaint about losing local programming, don't bother changing the channel—the media group will own that station, too, If you want to write a letter to the newspaper, feel free, but know that the media group probably is the editorial board.

If any of my colleagues have kept up with the news recently, media companies are already lining up to buy each other out, all in anticipation of the broadcast ownership bonanza. You don't have to take my word for it, just look in today's New York Times and read about Walt Disney's buy-out of ABC, or the Westinghouse takeover bid for CBS. I will warn my colleagues: these companies are counting on us to remove ownership limits so they can squeeze out smaller competitors.

I don't think that many of my colleagues realize this, but the FCC is reviewing ownership limits and making changes right now to ensure competition and local diversity. Blowing the lid off all restrictions doesn't make sense; we should let the FCC continue to do its job.

Mr. Speaker, with unrealistic time limits, this rule continues the tradition of the Republican-led 104th Congress: careless legislating and minimal debate. The new leadership cares more about corporate giveaways than consumers, and that is why I will vote against this rule. I urge all of my colleagues to do the same.

Mr. LINDER. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio [Mr. OXLEY], a member of the committee.

□ 2330

Mr. OXLEY. Mr. Speaker, let me first say that the folks who support the Markey amendment which was made in order, the gentlewoman from New York was talking about the concentration of media, she has an opportunity to support the Markey amendment. But we cannot do that unless the rule passes. Then the Members, the V chip that they had their amendment made in order stand here in the well of the House and complain about the rule. When I had my amendment offered to the Committee on Rules, it was rejected. So instead, the bunch of ingrates standing here complaining about the rule who had had their amendment in order, and here I stand, I got stiffed by the Committee on Rules and I am supporting the rule. What is wrong with this picture?

I give up. I am here to support the rule and simply say that it is time that we break the chains of the modified final judgment and take once and for all the responsibility for telecommunications legislation back to the duly elected Representatives of the people and take it away from an unelected, unresponsive Federal court.

Let us give back, let us give us the opportunity to make those kinds of decisions for the consumer. This is the most far-reaching, procompetitive, deregulatory piece of telecommunications legislation in over 60 years.

This is a product that has not just come out of the woodwork. It is a product that has been worked on for at least 5 years. Members of our committee, members of the Committee on the Judiciary, Members who have been here a while have worked on this issue. I find it incredible that we would even consider not passing a rule that would get us one step closer to what we want in telecommunications in the modern marketplace.

We have an opportunity here to pass the most far-reaching job-creating bill that any of us can imagine, a 3.5 million jobs bill. In 10 years that will catch us up with technology and take an antiquated 1934 statute and bring it up to the 21st century.

I have a particular provision that I was proud to work on dealing with the foreign ownership restrictions. They are incredibly antiquated. They restrict the ability of American companies to raise capital and to compete in the worldwide market. This bill breaks those barriers. I am proud to support the rule and proud to support the bill.

Mr. BEILENSON. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from South Carolina [Mr. CLYBURN].

Mr. CLYBURN. Mr. Speaker, I rise tonight in opposition to this rule. Once again, the Republican leadership has crafted a closed rule. Call it what they may, but where I come from there is nothing open about limiting both the time for debate and the amendments to be considered.

Mr. Speaker, this legislation will affect the lives of nearly every American and is far too important to be subjected to a closed rule. H.R. 1555 would make it possible for one entity to own all the radio stations, newspapers, 2 TV stations, and even the local cable and telephone companies in the same media market. So the same bill which seeks to end local telephone monopolies would allow a handful of media magnates to drive smaller competitors from the market and put an end to broadcast diversity. But an amendment to maintain current law regarding broadcast ownership was not made in order.

And what about the hypocrisy of the Republican leadership? For months they have been telling us that State and local governments are better equipped to make decisions affecting local residents, but this bill preempts local zoning authority with regard to the placement of antenna towers. Yet, an amendment to restore local authority was not ruled in order. I find it hard to believe that the Republican leadership is willing to rely on our State governments to solve this Nation's welfare crisis but does not trust local authorities to regulate the placement of cellular telephone antennas.

I would like to urge my colleagues to vote against this rule.

Mr. LINDER. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. DREIER], my colleague on the Committee on Rules.

Mr. DREIER. Mr. Speaker, I thank my colleagues from Atlanta for yielding time to me.

Believe it or not, I know it is 11:34 p.m. But over the next couple of hours, because of the fact that the ranking minority member of the Committee on Appropriations wanted us today to proceed with consideration of the Labor-HHS appropriations bill, we are going to embark on what I am convinced is one of the most exciting debates that we have possibly addressed in this Congress. It is a debate which is going to lead us towards the millennium and in fact lay the groundwork for dramatically improving the opportunity for consumers in this country to benefit in the area of telecommunications.

Mr. Speaker, it is going to be done on a very, very fair, under a very, very fair and balanced rule. This rule will in fact allow for the consideration of a wide range of issues, contrary to some of the statements that have been made by those who are opposing the rule.

It will allow us to get into debates on the V chip issue, on broadcasting, on cable, on Internet, a wide range of items, including that very important item which was just addressed earlier, the issue of local control.

We also had a very healthy exchange between two former mayors, which is going to ensure that not only here but in the conference we will see the issue of local control addressed.

This is being done in a bipartisan way. I congratulate the gentleman from Texas [Mr. FIELDS], and the gentleman from Virginia [Mr. BLILEY], and the gentleman from Illinois [Mr. HYDE], and those on the other side of the aisle who have been involved in this issue. It is being addressed with the support of the leadership on both sides.

I believe that as we move toward the millennium, we are going with this legislation to greatly enhance the opportunity for the U.S. consumer.

Mr. BEILENSON. Mr. Speaker, I yield 1 minute to the gentleman from Texas [Mr. BRYANT].

Mr. BRYANT of Texas. Mr. Speaker, I say to the gentleman from California [Mr. DREIER], to the contrary, there is not going to be any debate tonight whatsoever. The reason is because once we vote on this rule, everybody in this room is going to go home except for five or six people, because there are not going to be any more votes until sometime tomorrow.

So the debate that takes place tonight will not be a debate. I would suggest all you Americans that are going to plan to participate, call home and tell them to start the home movies because you are going to be the only one to see yourself talking. There is not going to be anybody to talk to. There is not a single person who believes it is right to take up this bill at midnight and talk to ourselves for the next 3 or 4 hours.

General debate and debate on the amendments will take place in a total vacuum. It is not right. It is not necessary. Nobody on that side will stand up and defend this process, and nobody on this side will stand up and defend this process. It is an outrage. I am disappointed that the Democratic ranking member of the full committee, that the chairman of the full committee and chairman of the subcommittee have such a low regard for the jurisdictional area of this committee that they would go along with this process. I urge Members to vote no on this rule.

Mr. LINDER. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentleman from Texas [Mr. FIELDS], the chairman of the subcommittee which produced the bill.

Mr. FIELDS of Texas. Mr. Speaker, this is a good, balanced rule. This rule should be supported.

It gives us an opportunity to ask one question. That is: With our telecommunications policy, do we move into the 21st century or do we crawl back into the 1930s? Some of us have lived with that question for 2½ years, day in and day out. It is time to move forward. We know the issues of the debate. It is time to move forward on this important issue that affects a sixth of our Nation's economy.

I want to compliment the chairman, the gentleman from New York [Mr. SOLOMON], the gentleman from Georgia [Mr. LINDER], the gentleman from California [Mr. BEILENSON], the leadership on our side, the leadership on the other side for allowing us to move forward.

This is a complex issue. If we had our preferences, we would do this at an earlier time. We would have more time to debate this. We do not. It is important to move forward.

I also want to pay special recognition to some Members who, like me, have spent a great deal of time on this issue. My friend, the gentleman from Virginia [Mr. BLILEY], chairman, my good friend, the gentleman from Michigan [Mr. DINGELL], my friend in the back of the Chamber, the gentleman from Massachusetts [Mr. MARKEY], who has spent as much time and more on this particular issue. And we will have our differences during this debate. We do disagree on the V chip. We do not want to see the government get into content regulation. But we will debate that issue.

We do not want to see the government continue a policy of restricting growth when it is no longer necessary with direct broadcast satellite, the growth of cable, the spectrum flexibility, the ability of broadcasters to compress, and so forth. We will have that debate, a good debate on that particular issue.

Of course, we disagree on the government continuing to regulate cable. But those are debates that we have.

I want to recognize his leadership and others as we move forward on this legislation.

Mr. BEILENSON. Mr. Speaker, I yield 30 seconds to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Speaker, this is not legislation. This is three card monte.

First we started with the appropriations bill on Labor-HHS, now we are going to slip in a telecommunications bill. But just when we get a focus on that, they will switch to the defense bill. This is an absolute degradation of the legislative process.

We also have the problem that we are now going to have the debate first and then the votes. I think they ought to try it other way around. Why do they not have the votes first and then the debate? They have obviously decided that the two are totally unrelated. They have totally degraded the legislative process. They have borrowed their sense of procedure from the red queen. Verdict first; debate afterwards.

Mr. LINDER. Mr. Speaker, I reserve the balance of my time.

Mr. BEILENSON. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Massachusetts [Mr. MARKEY], subcommittee ranking member.

Mr. MARKEY. Mr. Speaker, this is an important piece of legislation. The gentleman from Texas has already pointed out that it affects one-sixth to one-seventh of the American economy. We should not be debating a bill that affects one-sixth to one-seventh of the American economy at midnight in the United States Congress. We should not be doing this.

We cannot have a good debate on cable. We cannot have a good debate on long distance. We cannot have a good debate on the V chip. We cannot have a good debate on privacy. We cannot have a good debate on the Internet. We cannot have a good debate on any of these issues which profoundly affect the satellite, the cable, the telephone, the computer, the software, the educational future of our country.

This bill will make most of the rest of the legislation which we are going to deal with on the floor of this body a footnote in history. This is the bill. We are taking it up at midnight. We are going to tell all the Members, after they vote on the rule, that they should go home, that there will not be any votes.

America is sound asleep. This is not the way to be treating one-sixth to one-seventh of the American economy. The Members should be here. Their staffs should be in their offices. The American people should be listening.

We are talking about issues that are so profound that if they are not heard we will have lost the great opportunity to have had the debate, to have had the educational experience which the Congress can provide to the country.

Now, some Members say, well, who cares, really, it is just a battle between AT&T on the one hand and the Bell companies on the other? Who really cares, is kind of the attitude that some Members have about it.

Well, my colleagues, this is more than how many gigabits one company might be able to provide or how many extra thousand cubic feet of fiber optic that one or another company might provide. This is about how we transmit the ideas in our society. Whether or not we give parents the right to be able to block out the violence and the explicit sexual content that comes through their television set goes to how our children's minds are formed. Whether or not consumers are going to have one cable company or two cable companies in their community 1½ years from now goes to the question of whether or not they are going to have a monopoly or a real choice in the marketplace.

Whether or not we are going to have a single company able to purchase the only newspaper in town, two television stations, every radio station and the cable system in every community in America is more profound than any other issue we are going to be debating on the floor this week, this month or this year.

This rule should be voted down. We should take up this bill in the light of day with every issue given the time it needs to be debated.

□ 2345

Mr. BEILENSON. Mr. Speaker, I yield 1 minute to the gentlewoman from California [Ms. LOFGREN].

Ms. LOFGREN. Mr. Speaker, arguably, the most important thing about telecommunications reform is not in this bill, and that is affordable access to the Internet for the Nation's schools. Myself and the gentleman from Rhode Island [Mr. REED] offered such an amendment in the Committee on the Judiciary. We were asked to withdraw it in the hopes that it would be worked on in this bill. The gentlewoman from Maryland [Mrs. MORELLA] and I went to the Committee on Rules for her amendment, and it is still not being considered.

Mr. Speaker, I would like to inquire of the chairman, the gentleman from Virginia [Mr. BLILEY] what our posture would be, if I may, in a colloquy, with the Senate version of the language that does ensure Internet access for schools that is affordable.

Mr. BLILEY. Mr. Speaker, will the gentlewoman yield?

Ms. LOFGREN. I yield to the gentleman from Virginia.

Mr. BLILEY. Mr. Speaker, as I told the gentlewoman from Maryland earlier, it is my intention to work with her and anyone else to see that this provision, or as near as we can, is included in the final version when we come out of conference.

Ms. LOFGREN. Mr. Speaker, I thank the gentleman.

Mr. LINDER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is time to vote on a rule for a very important bill. I would like to address a couple of points. First let me thank Chairman BLILEY and Chairman, FIELDS. We have worked on this for a long time. I would like to especially thank the ranking member [Mr. DINGELL] who has given us some sage advice and a great deal of help. I am a little bit surprised at the compliant that we are not debating for a long enough time. We started with a 6 hour rule and we wind up with nine and a half hours, and that apparently is not enough. I am surprised at my friend from Indiana who says he cannot vote for this rule because he made his amendment in order, he wanted a closed rule on his amendment. All he has to do to have an up or down vote on his amendment is to have a substitute. It seems to me, if you have enough votes, you can defeat the substitute.

Mr. Speaker, I am most startled by the gentleman from Massachusetts [Mr. MARKEY] who made it very clear to us that he could not support this rule unless he got all three amendments in order. And we believed the gentleman, and we thought they were substantive enough to debate, and we made all three in order, and now he is complaining because we are debating this at night.

Mr. Speaker, I was on this floor today on Labor-HHS and there were fewer people in this Chamber during this day on Labor-HHS appropriations than there are here tonight. You know as well as I that typically there are fewer people in this Chamber during the day than at night. These are specious arguments. The rule is a balanced rule. I urge you to support it.

Mrs. MORELLA. Mr. Speaker, I rise to express my disappointment that the rule on this bill does not include an amendment that I introduced to provide affordable access to advanced telecommunication technologies for schools, libraries, and rural health care facilities.

In title I, section 246(b)(5) of this bill, the committee expresses its intent that students in our public schools should have access to advanced telecommunications technologies as one of the fundamental principles of universal service. This is an important and historic commitment. However, the bill does not address the issue of affordability of such access, nor does it include provisions addressing libraries and rural health care facilities. This was the amendment I introduced with Congressmen ORTON and NEY and Congresswoman LOFGREN. The bill, I understand, refers to "reasonable" rates. Reasonable rates by what standards? "Affordable" would have ensured that all schools, nationwide, would have access to the information superhighway.

I want to clarify that my amendment would not have imposed a financial burden on telecom providers. In the bill, universal service is being redefined by the Federal Communications Commission [FCC] based on recommendations by this joint board. In my amendment, schools and libraries would pay "affordable" rates as defined by a joint Federal-State universal service board.

Most schools simply cannot afford advanced telecommunications services. At present, less than 3 percent of classrooms in the United States have access to the Internet. This will not change unless we make access for schools affordable.

The Senate has wisely added provisions to ensure access at a discount price for schools, libraries, and rural health care facilities. I am pleased the Commerce Committee chairman has stated his agreement to working with me to include this provision in conference. In a Nation rich in information, we can no longer rely on the skills of the industrial age. All of our students must be guaranteed access to a high quality of education regardless of where they live or how much money they make. We must ensure that the emerging telecommunications revolution does not leave our critical public institutions behind.

Mr. LINDER. Mr. Speaker, I have no further requests for time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. EMERSON). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BEILENSON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 255, nayes 156, not voting 23, as follows:

[Roll No. 616]

YEAS—255

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)

Bartlett
Barton
Bass
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Boucher
Brewster
Brown (FL)
Brownback
Burr
Buyer
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clement
Clinger
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Crapo
Cremeans
Cubin
Cunningham
Deal
DeLay
Diaz-Balart
Dickey
Dingell
Doolittle
Dornan
Dreier
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Eshoo
Everett
Ewing
Fawell
Fazio
Fields (TX)
Flake
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Furse
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Gordon
Goss
Graham
Greenwood
Gutierrez
Gutknecht
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Heineman
Hoke
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee
Johnson (CT)
Johnson, Sam
Johnston
Kasich
Kelly
Kildee
Kim
King
Kingston
Kleczka
Klug
Knollenberg
Kolbe
LaHood
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Livingston
LoBiondo
Lofgren
Longley
Lucas
Manton
Manzullo
Martini
Matsui
McCrery
McHugh
McInnis
McIntosh
McKeon
Meek
Metcalf
Mica
Miller (FL)
Minge
Molinari
Mollohan
Morella
Murtha
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Ortiz
Oxley
Packard
Parker
Paxon
Payne (VA)
Pelosi
Peterson (MN)
Pickett
Pombo
Porter
Portman
Pryce
Quinn
Radanovich
Rahall
Ramstad
Regula
Richardson
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Rush
Salmon
Sanford
Saxton
Scarborough
Schaefer
Scott
Seastrand
Shadegg
Shaw
Shays
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stockman
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thompson
Thornberry
Tiahrt
Torkildsen
Torricelli
Towns
Traficant
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wyden
Wynn
Zeliff

NAYS—156

Abercrombie
Ackerman
Baesler
Becerra
Beilenson
Bentsen
Bereuter
Berman
Borski
Browder
Brown (CA)
Brown (OH)
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burton
Cardin
Chapman
Clay
Clayton
Clyburn
Coble
Coleman
Collins (IL)
Collins (MI)
Conyers
Costello
Coyne
Cramer
Crane
Danner
Davis
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dixon
Doggett
Dooley
Doyle
Duncan
Durbin
Edwards
Engel
Evans
Farr
Fattah
Fields (LA)
Filner
Foglietta
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gibbons
Gonzalez
Green
Gunderson
Hancock
Harman
Hefley
Hefner
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Holden
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Jones
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Klink
LaFalce
Lantos
Largent
Latham
Levin
Lipinski
Lowey
Luther
Maloney
Markey
Mascara
McCarthy
McCollum
McDermott
McHale
McKinney
McNulty
Meehan
Menendez
Meyers
Mfume
Miller (CA)
Mineta
Mink
Moran
Myers
Nadler
Neal
Oberstar
Obey
Olver
Orton
Owens
Pallone
Pastor
Payne (NJ)
Peterson (FL)
Petri
Pomeroy
Poshard
Quillen
Rangel
Reed
Rivers
Roemer
Roth
Roybal-Allard
Sanders
Sawyer
Schiff
Schroeder
Schumer
Sensenbrenner
Serrano
Skaggs
Skelton
Slaughter
Stark
Stokes
Thomas
Thornton
Torres
Tucker
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wise
Wolf
Woolsey
Zimmer

NOT VOTING—23

Andrews
Bateman
Callahan
Chrysler
Dicks
Hall (OH)
Martinez
McDade
Moakley
Montgomery
Moorhead
Reynolds
Rose
Sabo
Shuster
Studds
Thurman
Volkmer
Williams
Wilson
Yates
Young (AK)
Young (FL)

□ 0005

Mr. CUNNINGHAM changed his vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

DISCLAIMER OF STATEMENTS ATTRIBUTED TO ME

Mr. OBEY. Mr. Speaker, twice in debate on the previous rule it was asserted that this bill is going to be debated tonight because that was my preference. That is absolutely baloney. For the last month, at the request of the majority, I have been trying to assist the majority to see to it that they finish all their appropriations bills before we recess for August. It has been my position from the beginning that telecommunications should not even be on the floor until the Labor-HEW bill is finished and until the defense appropriation bill is finished. If after that time there is time for telcom, in my view that is a decision that is made above my pay grade by the leadership, but I personally believe it is a disgrace that any of these bills, especially a bill involving this much money, will be debated in the dead of night in such a limited time frame.

Mr. Speaker, this bill should not be here at all this week.

REQUEST FOR CONSIDERATION OF AMENDMENT NO. 2-2 OUT OF ORDER DURING CONSIDERATION OF H.R. 1555, COMMUNICATIONS ACT OF 1995

Mr. DINGELL. Mr. Speaker, I ask unanimous consent that when the Committee of the Whole resumes consideration of the bill H.R. 1555 pursuant to House Resolution 207 on the legislative day of August 3, 1995, it shall be in order to consider the amendment numbered 2-2 in House Report 104-223 notwithstanding earlier consideration of the amendment numbered 2-3 in that report on the legislative day of August 2, 1995.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

Mr. BARTON of Texas. Reserving the right to object, Mr. Speaker, could I inquire of the distinguished ranking member of the Committee on Commerce if that means that the debate on the Conyers amendment would not be tonight, but would be tomorrow? Is that the intent of the gentleman's unanimous-consent request?

Mr. DINGELL. Mr. Speaker, will the gentleman yield?

Mr. BARTON of Texas. I yield to the gentleman from Michigan.

Mr. DINGELL. The gentleman is correct.

Mr. BARTON of Texas. Mr. Speaker, further reserving the right to object, I had asked for the same consideration. I am supporting the Stupak amendment, which is only 10 minutes of debate time, and it asks for the same consideration. The gentleman from Colorado [Mr. SCHAEFER], the gentleman from Michigan [Mr. STUPAK], and myself are in continuing negotiations, and it is quite likely that we would have an agreement so that there would not have to be even a vote on that amendment, and I was told that we could not do that.

Well, if we cannot do that, I am going to object to the gentleman from Michigan doing it.

Now if we can get unanimous consent that our little 10-minute debate can also be tomorrow, then I will not object.

Mr. DINGELL. Mr. Speaker, will the gentleman yield?

Mr. BARTON of Texas. I yield to the gentleman from Michigan.

Mr. DINGELL. Mr. Speaker, if the gentleman would permit, that has been discussed with the gentleman from Michigan [Mr. CONYERS]. He feels no objection. I have discussed it with other members of the committee and other Members managing the legislation. This meets the approval of the leadership on the Republican side.

I would urge the gentleman to go along. It does not prejudice the gentleman from Michigan [Mr. STUPAK], who happens to be a very close friend and comes from the same State I do.

Mr. BARTON of Texas. If we could get agreement that the Stupak amendment, which is only 10 minutes of debate, could be tomorrow, then I will withdraw my reservation of objection.

Mr. DINGELL. Mr. Speaker, if the gentleman would yield, I have no objection to the gentleman making that unanimous-consent request.

Mr. HYDE. Mr. Speaker, if the gentleman will yield, the gentleman from Philadelphia, Pennsylvania [Mr. FATTAH] is just about to make a privileged motion.

Now we are going to get along here, we are going to have unanimous-consents, we are going to try and move along. Many of us share the discomfort of the hour. But look. We want to get out on our recess, but is the gentleman going to move to adjourn, because if so, it is going to be difficult to agree to much around here.

So, I do not know if the gentleman wishes to disclose what his privileged motion is, but I suspect it is going to be to adjourn.

Mr. BARTON of Texas. Mr. Speaker, I am not sure of the parliamentary procedure, but, if I have the right, I would ask that the Dingell unanimous-consent request be amended so that the Stupak amendment will also be rolled until tomorrow.

Mr. DINGELL. Mr. Speaker, will the gentleman yield?

Mr. BARTON of Texas. Further reserving the right to object, I yield to the gentleman from Michigan.

Mr. DINGELL. Mr. Speaker, would the gentleman withhold his unanimous-consent request and let me make mine?

The SPEAKER pro tempore. The Chair will entertain one unanimous-consent request at this time.

Mr. BARTON of Texas. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

Mr. BRYANT of Texas. Reserving the right to object, Mr. Speaker, I would like to ask the gentleman what the purpose of wanting to change the order of consideration of the amendments is. Is he concerned that no one will be here to pay attention to the Conyers amendment if the unanimous-consent request is not granted?

Mr. DINGELL. Mr. Speaker, will the gentleman yield?

Mr. BRYANT of Texas. I yield to the gentleman from Michigan.

Mr. DINGELL. The gentleman from Michigan [Mr. CONYERS] had indicated he wishes to do business with his amendment tomorrow. I think that is a fine idea, and I would like to see him have that opportunity.

Mr. BRYANT of Texas. Where is the gentleman from Michigan [Mr. CONYERS], and why is he not making this request?

Mr. DINGELL. It just so happens, I will inform the gentleman, that I am, according to what I understand, the manager of the bill on this side, and I am simply trying to proceed and carry out those functions.

Mr. BRYANT of Texas. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

MOTION TO ADJOURN

Mr. FATTAH. Mr. Speaker, I offer a privileged motion.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. FATTAH moves that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania [Mr. FATTAH].

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. FATTAH. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were ayes 89, noes 216, not voting 129, as follows:

[Roll No. 617]

AYES—89

Ackerman
Baldacci
Becerra
Berman
Bishop
Brown (CA)
Brown (OH)
Bryant (TX)
Clay
Conyers
Danner
DeLauro
Dixon
Doggett
Durbin
Edwards
Engel
Evans
Fattah
Fazio
Fields (LA)
Filner
Ford
Frank (MA)
Furse
Gejdenson
Gephardt
Gonzalez
Hastings (FL)
Hayes
Hilliard
Hinchey
Jackson-Lee
Jacobs
Jefferson
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Klink
LaFalce
Lewis (GA)
Lofgren
Lowey
Luther
Maloney
Markey
Mascara
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Mollohan
Nadler
Neal
Obey
Orton
Owens
Pallone
Payne (NJ)
Pelosi
Rahall
Rangel
Reed
Richardson
Roybal-Allard
Rush
Sanders
Schumer
Scott
Serrano
Slaughter
Spratt
Thompson
Torres
Tucker
Ward
Waters
Wise
Woolsey

NOES—216

Allard
Armey
Bachus
Baesler
Baker (CA)
Ballenger
Barcia
Barr
Bartlett
Barton
Beilenson
Bentsen
Bereuter
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Boucher
Brewster
Browder
Brown (FL)
Bryant (TN)
Bunn
Burr
Burton
Buyer
Calvert
Camp
Castle
Chabot
Chambliss
Chapman
Christensen
Clayton
Clement
Clyburn
Coble
Coburn
Collins (GA)
Condit
Cooley
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Dickey
Dingell
Dooley
Doolittle
Doyle
Dreier
Duncan
Ehlers
Ehrlich
Emerson
English
Eshoo
Everett
Farr
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Ganske
Geren
Gilchrest
Gillmor
Goodlatte
Gordon
Goss
Graham
Green
Greenwood
Gutknecht
Hall (TX)
Hancock
Hastert
Hastings (WA)
Hayworth
Herger
Hilleary
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hyde
Inglis
Istook
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Johnston
Jones
Kasich
Kildee
Kim
Kingston
Kleczka
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Miller (FL)
Molinari
Morella
Nethercutt
Ney
Norwood
Nussle
Ortiz
Oxley
Pastor
Paxon
Payne (VA)
Peterson (MN)
Pombo
Porter
Portman
Poshard
Pryce
Quinn
Riggs
Rohrabacher
Ros-Lehtinen
Royce
Salmon
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Shadegg
Shays
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (WA)
Solomon
Souder
Stearns
Stenholm
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Tejeda
Thomas
Thornberry
Thornton
Torkildsen
Towns
Traficant
Upton
Waldholtz
Walker
Walsh
Watts (OK)
Weldon (FL)
Weldon (PA)
White
Whitfield
Wicker
Wyden
Wynn
Zeliff
Zimmer

NOT VOTING—129

Abercrombie
Andrews
Archer
Baker (LA)
Barrett (NE)
Barrett (WI)
Bass
Bateman
Bevill
Bilbray
Bilirakis
Bono
Borski
Brownback
Bunning
Callahan
Canady
Cardin
Chenoweth
Chrysler
Clinger
Coleman
Collins (IL)
Collins (MI)
Combest
Costello
Coyne
de la Garza
DeFazio
Dellums
Deutsch
Diaz-Balart
Dicks
Dornan
Dunn
Ensign
Ewing
Flake
Foglietta
Gallegly
Gekas
Gibbons
Gilman
Goodling
Gunderson
Gutierrez
Hall (OH)
Hamilton
Hansen
Harman
Hefley
Hefner
Heineman
Hutchinson
Johnson (SD)
Kanjorski
Kelly
King
Klug
Lantos
Laughlin
Levin
Lipinski
Livingston
Manton
Martinez
Matsui
McDade
Mica
Moakley
Montgomery
Moorhead
Moran
Murtha
Myers
Myrick
Neumann
Oberstar
Olver
Packard
Parker
Peterson (FL)
Petri
Pickett
Pomeroy
Quillen
Radanovich
Ramstad
Regula
Reynolds
Rivers
Roberts
Roemer
Rogers
Rose
Roth
Roukema
Sabo
Schroeder
Sensenbrenner
Shaw
Shuster

Sisisky
Skaggs
Smith (TX)
Spence
Stark
Stockman
Stokes
Studds
Taylor (NC)
Thurman
Tiahrt
Torricelli
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Wamp
Watt (NC)
Waxman
Weller
Williams
Wilson
Wolf
Yates
Young (AK)
Young (FL)

□ 0034

Mr. MILLER of Florida changed his vote from "aye" to "no."

So the motion was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. GILMAN. Mr. Chairman, I regret, due to the fact that I was told at midnight on August 2 to expect no more recorded votes, that I left the floor of the House and did not vote on rollcall vote No. 617, on a motion to adjourn. Had I voted I would have voted "nay."

REQUEST FOR PERMISSION TO CONSIDER AMENDMENT OUT OF ORDER DURING CONSIDERATION OF H.R. 1555, COMMUNICATIONS ACT OF 1995

Mr. BLILEY. Mr. Speaker, I ask unanimous consent that when the Committee of the Whole resumes consideration of the bill, H.R. 1555, pursuant to House Resolution 207, on the legislative day of August 3, 1995, it shall be in order to consider the amendment numbered 2-1 and 2-2 in House Report 104-223, notwithstanding earlier consideration of the amendment 2-3 in that report on the legislative day of August 2, 1995.

Mr. BRYANT of Texas. Mr. Speaker, reserving the right to object, I would like to ask the gentleman to explain exactly what he is attempting to do here.

Mr. BLILEY. Mr. Speaker, will the gentleman yield?

Mr. BRYANT of Texas. I yield to the gentleman from Virginia.

Mr. BLILEY. Mr. Speaker, basically it would allow us today to take up the Cox-Wyden amendment after the manager's amendment. That is it.

Mr. BRYANT of Texas. Mr. Speaker, I would ask the gentleman, is there some reason for doing that?

Mr. BLILEY. Mr. Speaker, if the gentleman will continue to yield, only to save time, so that we will have less time to be consumed tomorrow evening when we return to the bill.

Mr. DINGELL. Mr. Speaker, will the gentleman yield?

Mr. BRYANT of Texas. I yield to the gentleman from Michigan.

Mr. DINGELL. Mr. Speaker, it also is because the gentleman from Michigan [Mr. CONYERS] would prefer to bring up his amendments tomorrow, and the gentleman from Massachusetts [Mr. MARKEY] would prefer to bring up his amendments tomorrow. This would facilitate the business of the House, and also is an accommodation to the Members.

Mr. BRYANT of Texas. Mr. Speaker, I wonder if the gentleman would respond, if I might yield to him further, why these gentlemen want to take their amendments up tomorrow instead of the middle of the night like all of the other amendments?

Mr. STUPAK. Mr. Speaker, if the gentleman will yield, on my amendment No. 2-1, we were very close tonight to having a final agreement on it. We worked on it for about 4 hours. We feel with a little more effort tonight and tomorrow morning, we may be able to get an agreement so we do not have to bring up my amendment tomorrow. We are trying to save the time tonight.

Mr. BRYANT of Texas. Mr. Speaker, reclaiming my time under my reservation, I would just like to say that the process of bringing this up in the middle of the night is an outrage, and I will not go along with accommodating anybody. If we are going to stay here all night long, everybody can stay here all night long, and I object.

The SPEAKER pro tempore. Objection is heard.

COMMUNICATIONS ACT OF 1995

The SPEAKER pro tempore. Pursuant to House Resolution 207 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1555.

□ 0038

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1555) to promote competition and reduce regulation in order to secure lower prices and higher quality services for American telecommunications consumers and encourage the rapid deployment of new telecommunications technologies, with Mr. KOLBE in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Virginia [Mr. BLILEY] will be recognized for 22½ minutes, the gentleman from Michigan [Mr. DINGELL] will be recognized for 22½ minutes, the gentleman from Illinois [Mr. HYDE] will be recognized for 22½ minutes, and the gentleman from Michigan [Mr. CONYERS] will be recognized for 22½ minutes.

The Chair recognizes the gentleman from Virginia [Mr. BLILEY].

PARLIAMENTARY INQUIRY

Mr. FIELDS of Louisiana. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. FIELDS of Louisiana. Mr. Chairman, does the chair expect to take any more recorded votes tonight? Will we roll votes until tomorrow morning? There are many Members who wish to know the answer to that question.

The CHAIRMAN. The Chair cannot anticipate whether or not votes will be required this evening.

Mr. FIELDS of Louisiana. Can the Chair roll votes until tomorrow morning if it is not a privileged motion?

The CHAIRMAN. Under the rule, the Chair has the authority to postpone requests for recorded votes on the amendments, which is the intention of the Chair, but not on other motions.

Mr. FIELDS of Louisiana. Will the Chair exercise the prerogative to roll votes?

The CHAIRMAN. It is the intention of the Chair to postpone votes on amendments until tomorrow.

Mr. BLILEY. Mr. Chairman, I yield myself four minutes.

Mr. Chairman, today and tomorrow we will consider and pass the Communications Act of 1995, the most important reform of communications law since the original 1934 Communications Act, more than 60 years ago. This bill is sweeping in its scope and effect. For the first time, communications policy will be based on competition rather than arbitrary regulation. As a result of this fundamental shift in philosophy, American consumers stand to benefit from a greater choice of telecommunications services at lower prices and higher quality than previously available.

As most Members of this House know, Congress has talked about telecommunications reform for the past several years. In fact, we have come close several times, most recently last Congress, when the House overwhelmingly passed a telecommunications reform bill only to see it die in the Senate. This year, with the help of Mr. DINGELL, Mr. HYDE and Mr. FIELDS, we are determined to succeed where past Congresses have failed in seeing to it that telecommunications reform finally becomes law.

The Communications Act of 1995 requires the incumbent provider of local telephone service to open the local exchange network to competitors seeking to offer local telephone services. The legislation also will create competition in the video market by permitting telephone companies to compete directly with cable companies. Once the Bell operating companies open the local exchange networks to competition, the Bell companies are free to compete in the long distance and manufacturing markets. This bill also includes language relating to the Bell operating company provision of electronic publishing and alarm services.

More importantly, the key to this bill is the creation of an incentive for the current monopolies to open their markets to competition. This whole bill is based on the theory that once competition is introduced, the dynamic possibilities established by this bill can become reality. Ultimately, this whole process will be for the common good of the American consumer.

The difficulty of passing communications reform legislation is well known. In the midst of the important and difficult policy decisions which must be made by Members, large telecommunications companies have expended enormous pressure to keep competitors out of their businesses. In the name of competition, these companies have lobbied our Members intensively for their fair advantage in the new competitive landscape. Any one of these factions is capable of preventing what we all recognize is much needed reform. I urge my colleagues, particularly the new Members, to resist these pressures and to pass this long overdue bill. I realize these are not easy votes.

As I have stated, the need for telecommunications legislation is long overdue. We all recognize that the telecommunications industry is at a critical stage of development. This was highlighted by some of the merger activity we have seen this week. "Convergence" is the technical term used to describe the rapid blurring of the traditional lines separating discrete elements of the industry. From a policy perspective, convergence means that Congress must set the statutory guidelines to create certainty in the marketplace and to ensure fairness to all industry participants, incumbent and new entrant, alike. Such a policy will ensure a robust, competitive environment that will provide the American consumer with new telecommunications products and services at reasonable prices.

Mr. Chairman, Subcommittee Chairman FIELDS, Mr. DINGELL, and the members of the Commerce Committee strongly believe that the best policy decision this Congress can adopt is to open all telecommunications markets and to encourage competition in these markets. We believe it is competition, and not Government micro-management of markets, that will bring new and innovative information and entertainment services to Market as quickly as possible.

In shaping our legislation on a pro-competitive model, we have been careful, however, not to legislate in a vacuum. We have taken into account past Government-created advantages. We have resisted, in the name of deregulation, to simply break up one monopoly only to replace it with another. Rather, we have created a model that reflects the development of competition in the local telephone market.

Mr. Chairman, I want to spend a few moments on the issue of opening the local telephone market to competition.

The bill directs the Federal Communications Commission to adopt rules relating to opening the local telephone market. At any time after the FCC adopts its rules, a Bell operating company may seek entry into the long-distance market by filing with the Commission a certification from a State commission that it has met the bill's checklist requirements for opening up the local telephone market.

Additionally, a Bell operating company must file a statement that either: First, there is an agreement in effect—the terms and conditions of which are immediately available to competitors statewide—under which a facilities-based competitor is presently offering local telephone service to residential and business subscribers; or second, no such facilities-based provider has requested access and interconnection, but the Bell Company has been certified by the State that is has opened the local exchange in accordance with the act's requirements.

The FCC will review the Bell Company's verification statement, and during this review period, the FCC will consult with the Attorney General and the Attorney General's comments will be entered into the FCC's record.

Mr. Chairman, we believe that the approach we have adopted is a fair and balanced one. We understand the lobbyists and media tend to characterize this bill as either pro-Bell or pro-long distance depending on any word change. Our aim has always been to produce a fair test for providing not only Bell entry into long distance but long distance and other competitors entry into local telephony.

Each side has lobbied hard for its own fair advantage. What is important is that we believe we have achieved our goal of opening these markets in a balanced and equitable manner in order to bring new services and products to the American people as quickly as possible.

The legislation we are considering today will provide competition not only in the local telephone market but the long distance, cable, and broadcast markets. The bill also removes unnecessary and arbitrary regulation and adopts temporary rules that provide the transition to competitive markets.

Mr. Chairman, today we have a historic opportunity to reclaim our role in setting telecommunications policy. I urge my colleagues to vote for H.R. 1555.

□ 0045

Mr. Chairman, I reserve the balance of my time.

Mr. DINGELL. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, I rise in support of H.R. 1555.

H.R. 1555 is a big bill, but not a flawless bill. While I continue to have serious reservations about several of its provisions, it accomplishes many important goals. It will inject a healthy dose of competition into the communications industries—competition for cable service, competition for local telephone service, and more competition for long distance service. These are good provisions, and will benefit our constituents and our economy.

The bill will also get the Federal judiciary out of the business of micromanaging telecommunications—and that is good too. In fact, this has been a goal of mine since the breakup of the Bell System back in 1984.

The bill outlaws the practice known as slamming—when subscribers are switched from one carrier to another without permission. And it includes penalties that should serve as an effective deterrent to this noxious practice.

In moving to a competitive environment, the legislation protects several industries from unfair competition. H.R. 1555 includes safeguards to ensure that burglar alarm companies, electronic and newspaper publishers, and manufacturers of telecommunications equipment are not victimized by unfair competition.

H.R. 1555 requires that if the Federal Communications Commission adopts standards for digital television, that the rules permit broadcasters to use their spectrum for additional services that will benefit our constituents.

Having said all these good things about the bill, however, it is important to note that it is not perfect. It contains many compromises that were necessary to move the bill along. I'd like to compliment my colleagues, TOM BLILEY and JACK FIELDS, for the manner in which they have treated me and all the minority members as the bill moved through the process. We reached many compromises on the technically complex and detailed provisions of this bill, and they have worked with me with fairness, grace, and wit.

There are other areas, however, that need more work. These include the premature deregulation of the cable industry, the provisions eliminating limits on the ownership of mass media properties, and the absence of provisions that require the installation of the V-chip in television receivers. Mr. MARKEY intends to offer amendments to correct these deficiencies, and we will debate them later on.

Last year, the House suspended the rules and passed comparable legislation, H.R. 3626, by a vote of 423 to 5. Our bill did not pass the Senate—for a variety of reasons—and so we have been forced to go through this process all over again. I suspect that many of our colleagues dearly wish that the Senate had acted, so that we could have avoided much of the controversy of the last couple of weeks.

Mr. Chairman, on balance, H.R. 1555 is an improvement in current law. With its problems corrected by the adoption of the Markey amendments, it will be a downright good bill. I urge my colleagues to support Mr. MARKEY on his amendments, and vote for the adoption of H.R. 1555.

Mr. Chairman, I reserve the balance of my time.

Mr. HYDE. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Illinois [Mr. FLANAGAN].

Mr. FLANAGAN. Mr. Chairman, I rise in strong support of H.R. 1555. This is a very important bill. It will provide competitiveness to an industry that has long lacked it. It will provide competitiveness in the long distance market. It will provide competitiveness in the local market as well.

Most support this bill, industry, labor alike. There is one small group that opposes this bill violently. That is the group of powerful and very strongly opposing folks, the Competitive Long Distance Coalition, made up of seven of the most colossally large corporations in the world, with net assets that are measured in the hundreds of billions of dollars.

Over the course of the last 10 days or so, every Member of this Chamber has been greeted as they came through the door with a sack of mail. I got one such sack here. This sack is not the mail I have received over the past 10 days. It is not even the sack of mail I received today. This is my 2 o'clock mailing. Every Member of Congress gets four mailings a day. This arrived at 2 o'clock today. I've received many such sacks over the last 10 days.

I was so livid by this, because I have never sent a telegram in my life, but AT&T would have me believe that thousands of people in my district feel so strongly about their corporate profits that they are going to send me thousands of telegrams.

So I put my busy beavers to work today in my office and asked them to make a few phone calls. They called 200 of these telegrams. We actually got hold of 75 of them. And in the course of that time we found out that 3, exactly 3 people out of those 75 even heard of these telegrams much less supported them.

Let me give you a few examples. This group of people right here, they do not speak English. We put some multilinguists on the phone with them for a good long time and talked to them at great length, but they really did not care much about telecommunications and even less about long distance corporate profits.

This fellow here, Anthony in Chicago, a very fine fellow, we could not talk to him. He has been bed-ridden for several months, and his wife told us on the phone that he has bigger problems to worry about then profits in the long distance companies.

This guy here, Harold, he is also a very fine fellow. We could not talk to him either because his wife told us that he had been in intensive care for several weeks and probably had better things to do than call me about telecom.

This is a great one, Mr. Chairman. This is Dennis, who is supposed to live in River Grove. We called Dennis out there. Dennis has not lived in Illinois in 10 years. Dennis not only lives in southern Wisconsin, but just for grins we asked for his phone number to get hold of him. We called Dennis and Dennis said, Not only do I not care about telecom and long distance profits, but if I did, why the hell would I call you?

This is the great one, this is little Andrea. We called her, and her mom answered the phone and said, Well, little Andrea is 8 and she is out playing now, but when she comes in, I will have her call and tell you about the bill.

This is the worst one of all. This is the most loathsome example, Casimir in my district. I will not say anything more about him out of respect for the family. But Casimir passed on in March.

Now, it has been said in Chicago that those who have gone beyond have a tendency to vote, but to send me a telegram is indeed truly long distance at its best.

Mr. Chairman, I do not make this speech to mock the dead. I make this speech to show the appalling tactics of a tiny minority that are absolutely opposed to this bill, not because it is anticompetitive but because they are not preferentially advantaged as they have been through the years.

I urge every Member to vote for H.R. 1555, to ignore these sacks of mail and, if they have objection to this bill, please let it be principled. Please let it be a reason not to vote for it and let this have nothing to do with your decision.

Mr. CONYERS. Mr. Chairman, I yield myself such time as I may consume.

Good morning, Members of the Congress, insomniacs in the public, particularly those that are watching us on cable. I hope they are enjoying it now, because it is about to get a whole lot more expensive.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The gentleman from Michigan [Mr. CONYERS] is advised to address the Chair and not others.

Mr. CONYERS. Mr. Chairman, I will correct myself.

Good morning, Members of the Congress and insomniacs in the Congress, particularly those of you who are present on the floor. I hope that you are enjoying this now because it is going to get a lot more expensive for those of us who are cable subscribers in this country.

If this bill passes, cable rates are guaranteed to rise and rise substantially. That will be a blessing to some people who do watch us and listen to us with some regularity. Not only will it be more expensive to watch us, it will be more expensive to watch sports, movies, and even infomercials.

You know all those telephone commercials arguing that their rates are lower? Well, forget it. As a result of this bill, long distance telephone rates will also rise along with cable rates. It is going to be a lot more expensive to call anybody from one end of this country to the other, and it is going to be expensive for your constituents, more expensive for your constituents to call you and me here in Washington. It is going to be more expensive to reach out and touch.

When the Republican majority tells you this is good for you, I tell you that you had better read the fine print because this is a special interest bill. There are special interest politics that are at play here, not too much of a surprise at this point in time.

Special interest politics always smiles in your face while it picks your pocket. For American consumers, this is one big sucker punch.

The fact is that the Republican leadership knows all this, and that that is one big gift for the special interests. It is going to cost our constituents, the consumers, a bundle.

That is why the bill is brought up in the middle of the night, after so many people are not watching and that many Members of Congress have also apparently gone to sleep. And worse, they are not only doing it in the middle of the night, but with a so-called manager's amendment that was arrived at without the processes of either of the committee chairmen, not to mention ranking chairmen, of the two committees that produced two bills. No one saw this, including the press, the public, Members of the Congress, until the final copy was issued yesterday.

So I ask those who support this bill and the manager's amendment, what are you so afraid of and why must we do it under these processes?

Fact: Long distance prices have gone down 70 percent since the breakup of AT&T in 1984. That is because the antitrust principles enforced by the Department of Justice drove that breakup. This bill is to get rid of those antitrust principles and send the Department of Justice to the showers. The problem is that your phone prices are very likely to increase as a result.

Maybe it is because a number of Members here do not want the public to know that its cable prices are going to rise as a result of this bill.

Maybe it is because many here do not want the public to know that all the media outlets in particular markets, television, radio, newspapers, will increasingly be owned by a very few, thereby drowning out the diversity of voices in our media outlets.

Maybe it is because the leadership does not want everyone to know that the antitrust rules which have so successfully governed the telephone industry are now in the process of being chucked out of the window.

So if you want it to cost more when your constituents flip on television or pick up the phone, you will vote for this measure tonight. If you want lower cable and telephone rates, then you are going to have to do something different. But I will say to my colleagues, this is one of the biggest consumer ripoffs that I have witnessed in my career in the Congress.

Mr. Chairman, I reserve the balance of my time.

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Mr. BLILEY. Mr. Chairman, I yield 4 minutes to the gentleman from Texas [Mr. FIELDS], chairman of the Subcommittee on Telecommunications and Finance.

Mr. FIELDS of Texas. Mr. Chairman, I rise in strong support of H.R. 1555, the Telecommunications Reform Act of 1995, and I hasten to say that I believe that this legislation is balanced, it is sweeping, and it is monumental.

Mr. Chairman, there are few times in a legislator's career when one can come to this floor and talk about an historic moment, a watershed when a government breaks the chains of the past and enters a new policy era. Well, this is such a moment.

Mr. Chairman, since Alexander Graham Bell invented the telephone, this is only the second time the Government has focused and dealt with telecommunication policy. The first time was 61 years ago in the 1934 Communication Act when our country utilized radio, telegraph, and telephone technology. The Congressmen and Senators in 1934 could not have envisioned the technology that we enjoy today. They could not have envisioned the advantages of digital overt analog transmission. They could not have envisioned that clear voice transmission, along with data and video, could be accomplished without a wire. They could not believe that you could digitally compress and transmit as much as six times the current broadcast signal with the same or enhanced video capabilities.

Mr. Chairman, I am here tonight to tell our colleagues that we cannot on August 3, 1995, predict what the technologies and applications of those technologies would be next month, let alone next year. I do firmly believe, however, that this legislation will unleash such competitive forces that our country will see more technological development and deployment in the next 5 years than we have seen this entire century. I firmly believe that this legislation will result in tens of thousands of jobs being created and tens of billions of dollars being invested in infrastructure and technology in an almost contemporaneous manner when signed by the President.

Mr. Chairman, I cannot stand here and say that this legislation is perfect, but I can stand up and say to this House that our focus as a Committee on Commerce was correct. This legislation is predicated upon two things: Competition and the consumer. A belief that competition produces new technologies, new applications for those technologies, new services, all at a lower per capita cost to the consumer.

Mr. Chairman, central to competition to the consumer in this legislation is opening the local telephone network to competition. We do this with a short rulemaking by the FCC, the telephone companies having to enter a good faith negotiation with a facilities-based competitor, like a cable company, on how the network is open. A review by the State Public Utility Commission and FCC that the loop is open to competition, and once the FCC finally certifies that that local telephone network is open to that facilities-based competitor, then the same agreement with the same terms and conditions is open to any competitor within that State.

Mr. Chairman, this puts the consumer in control. Cable companies, telephone companies, long-distance companies, will all be vying for the consumer's business, offering new technologies, better services, more choice, at lower cost.

Among other things we do in the bill, we also have broadcasters as they move into the new era of digital transmission to utilize the technology of signal compression, to produce as many as six signals over the air broadcast signals; where today, only one signal is produced, we do six. It is hard for us to know what this one piece of the legislation means tonight. We hope it means more local news, weather, sports, cultural programming, and particularly, educational quality programming aimed at our Nation's children, but we do not dictate. We do not micromanage.

Mr. DINGELL. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Massachusetts [Mr. MARKEY].

Mr. MARKEY. Mr. Chairman, first of all, I would like to begin by complimenting my good friend, the gentleman from Texas [Mr. FIELDS]. I have worked with the gentleman for three years on this legislation, and he and I have spent hundreds of hours talking about these issues and trying our best to come to common ground, and on many issues, we have, and many of those issues are in this bill. I think it is there that, in my opinion, the monumental parts of this bill are contained. I cannot thank the gentleman enough, and the gentleman from Virginia [Mr. BLILEY] on that side and all of the Members, and on this side, the gentleman from Michigan [Mr. DINGELL] and all of the members of our committee for all of the hard work which they have put into this bill over the last 3 years.

Mr. Chairman, unfortunately, since last year when we were considering this bill, there have been additions made to the legislation that were never under consideration in 1994. It is there primarily that the serious flaws in this legislation appear.

For example, one, I repeat myself, but it is very important. It is wrong to allow a single company to own the only newspaper, two television stations, every radio station in the entire cable system for a single community. It is just wrong. Second, I have no problem with deregulating the cable industry, if there is another competitor in that community. For 100 years in this country we have regulated monopolies.

Mr. Chairman, my career on the Committee on Commerce has been dedicated to deregulating toward competition so that we do not need to regulate monopolies any more, in electricity, in telephone, and in cable. But the honest truth of the matter is that there will be no competing cable system in most communities in America 2 years from today and 5 years from today. We should not subject those captive ratepayers to monopoly rents. It is wrong. Whenever a competitor shows up, total deregulation. That should be the heart and soul of this bill: Competition.

Third, the V-chip. We are creating a universe that is going to go from 30 to 50 to 60 to 100 to 200 to 500 channels. Mothers and fathers who will want this technology in their home for the wide variety of programming that will be available will also be terrified at what their child may gain access to when they are not home, or when they are in the kitchen. A violence chip upgrades the on-off switch. That is all it does. It allows the parent to upgrade a 1950s on-off switch to something that they can have on or off when they are not in the room. That is all we are talking about. It only matches this 500 channel universe.

Mr. Chairman, these are the issues that we have to include in this bill if we are to move into the 21st century: Competition and protection of the consumer. I would hope that those amendments would be adopted.

Let me make another point. Here is the complaint form that is going to have to be filled out. For example, if you have 200,000 cable subscribers that are owned by the company in your area, 6,000 people have to fill out this form in order to complain about rates sky-rocketing when there is no other cable company in town that they can turn to, because rates are too high or quality is too low. Six thousand people out of 200,000 subscribers filling out a form that would basically make the 1040 form look attractive to most of them.

Mr. Chairman, this is not a complaint form. This is not a way in which ordinary consumers are going to be able to appeal when their rates go back up three times the rate of inflation before we put that cable rate protection on the books in 1992.

I am not looking for the kinds of radical changes that people might think. I am looking for common sense changes.

Mr. HYDE. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio [Mr. NEY].

Mr. NEY. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I just want to actually make a comment, Mr. Chairman, about something that was not in the bill and we were disappointed because we did have an amendment, and that was to include stressing of availability and affordability for access for rural libraries, rural schools, and also rural hospitals. The gentleman from Virginia [Mr. BLILEY], the chairman of the committee, has stated here that although the amendment did not make it to the Committee on Rules, which was a disappointment, but that he is going to do all he can to work with the Senate version which does contain, I think, some good language.

Mr. Chairman, I just wanted to restress that there are a lot of Members of the House, had that amendment been in order and had that amendment come forth on the floor, they would have supported the amendment. I want to tell people here on the floor, Mr. Chairman, that in fact one of the most disenfranchised areas in the United States is in fact rural America. They pay the toll calls. There has not been the availability in a lot of areas on the information highway for rural America.

We know that we do not have enough money to solve all the problems, so therefore using high technology is going to bring a lot of information for our hospitals we could not normally get, it is going to bring a lot of information to our students who really do not have the advantage a lot of times of the high-technology systems, it is going to bring a lot of advantage to our libraries. I just want to restress that it has to be available and affordable.

Mr. Chairman, I appreciate the commitment of the gentleman from Virginia [Mr. BLILEY], because if we do not do something in this bill that is not in the House version, if we do not do something in the conference report, as this information superhighway goes across the United States, there is not going to be any exit ramps for rural America.

Mr. CONYERS. Mr. Chairman, I am pleased to yield 4 minutes to the gentleman from Texas [Mr. BRYANT].

Mr. BRYANT of Texas. Mr. Chairman, I would like to identify with the very generous remarks made by the gentleman from Massachusetts [Mr. MARKEY] a moment ago about the hard work done on this bill over the last few years. In fact, we passed an enormous bill in the last session of Congress and it ended up dying in the Senate.

Unfortunately, however, the work that was done by the committee over a period of several days, and frankly over a period of months preceding that, has been obviated by the fact that we now have before us at the very last minute what is called a manager's amendment which changes the bill entirely. The work of the committee, therefore, and the work of all of the people that came forth in the private sector, all of the people that came forth in the various public sectors, all of the Members of Congress, has now basically been sidelined while a manager's amendment that has been hammered out by the gentleman from Virginia [Mr. BLILEY], and I assume the gentleman from Michigan [Mr. DINGELL] and the gentleman from Texas [Mr. FIELDS] and others, not in an open committee rule, not with hearings, not with any organized input from anybody, is going to be brought up and we are going to be asked to vote for that.

Mr. Chairman, I think it is unprecedented. Maybe there is a precedent for it, although I cannot remember what it is. But I think that even if there were some precedent along the way for this, it should be condemned as a process. It is wrong. It is not the right way to legislate. I think it has a lot to do with the fact that we are up here right now at 1:15 in the morning debating a bill that relates to, I think I heard the gentleman from Texas [Mr. FIELDS] say, one-sixth of the entire economy, that changes the ability of people who are very important, powerful people and entities that own television stations to own more and more television stations in the same market, have greater and greater market penetration in the entire country that is controlled by just a very few people, always at a time when we read in the papers, even today about the confrontations going on in the telecommunications industry.

Mr. Chairman, this is an enormous bill. It is 1:15 in the morning. It is not right to be doing this, it is not necessary to be doing this. Not one single person will stand on the floor and say it is right or it is necessary.

Mr. Chairman, it is an outrage. I think the fact that we are doing it says a great deal about the manager's amendment. It says a great deal about the bill, unless we are able to amend it. We ought to amend it. We ought to adopt the Conyers amendment when the bill comes up unless the Justice Department has something to say about whether or not, when the Bell companies are able to enter into long-distance, they are in a position to drive everybody else out of business before they are allowed to enter into that business.

Mr. Chairman, I hope the amendment will be adopted. The Markey amendment ought to be adopted to try to ameliorate the monopolistic effects of this bill with regard to communications. Surely, if there is any industry that we do not want to see move in the direction of greater consolidation and monopolization, it would be the industry that controls the ideas of our children and the ideas of adults. Surely that is the one area we should protect assiduously, and yet this bill goes in the opposite direction. I hope you will adopt the Markey amendment.

Also, with regard to the V-chip, for goodness sakes, you know, we ought to be able to give parents the ability to control what their kids watch on television.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. BRYANT of Texas. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Chairman, the gentleman from Texas has worked assiduously on both committees. This is one of the few Members in the Congress who serve on both the Committee on Commerce and the Committee on the Judiciary.

Mr. Chairman, I would like to ask the gentleman, is there any way that we can promote investment and competition at the same time that we promote concentrations of power and mergers? I mean are these concepts that can be reconciled at all?

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Mr. BRYANT of Texas. Not only can they not be reconciled, it is a great irony to me that our friends on the far right side of the political spectrum frequently stand up and say the problem with this country is the liberal media, and yet it is their bill that is going to allow the so-called liberal media owners to have greater and greater power. Now either my colleagues do not really believe the liberal media is a problem or somehow or another my colleagues do not mind going ahead and giving them more power. I am not sure which it is. It is preposterous.

The gentleman's question is right on target. We cannot reconcile the two goals, and I hope the Members will vote for the amendment offered by the gentleman from Massachusetts [Mr. MARKEY], for the amendment offered by the gentleman from Michigan [Mr. CONYERS], and, if we do not get them adopted, for goodness' sakes vote against the bill.

Mr. BLILEY. Mr. Chairman, I yield 3 minutes to the gentleman from Ohio [Mr. OXLEY].

Mr. OXLEY. Mr. Chairman, as an original cosponsor of the Communications Act of 1995, I wish to express my support for the manager's amendment and the bill, and let me give credit to the gentleman from Texas [Mr. FIELDS], the gentleman from Virginia [Mr. BLILEY], the gentleman from Michigan [Mr. DINGELL], the gentleman from Massachusetts [Mr. MARKEY], and many others who have worked long and hard on this. We are not reinventing the Wheel here.

The gentleman from Virginia [Mr. BOUCHER] and I have introduced a bill involving cable/telco cross-ownership along with then Senator GORE and CONRAD BURNS from Montana, and before that there was a bill introduced by Al Swift from Washington, and Tom Tauke from New York. This has been an issue that has been with us a long time.

The real question we ask ourselves is do we think it is necessary 10 years later to have an unelected, unresponsive Federal judge as a czar of telecommunications, or is it time we take that issue back for the people through their duly elected representatives?

Make no mistake about it. This is the most deregulatory bill in American history. Some $30 billion to $50 billion in annual consumer business costs are benefited, 3½ million new jobs created. This is the largest jobs bill that will pass this Congress or any other Congress for a long time to come. It opens up all telecommunications markets to full competition including local telephone and cable.

Now the cabel/telco provisions based on the bill I introduced with the gentleman from Virginia is part and parcel of this bill. It basically allows telephone companies into cable, cable into telephone, and provides the necessary competition that is going to benefit our consumers.

I want to talk briefly about a provision that I was intimately involved in, and that is section 310(b) of the Communications Act. We felt it necessary to modernize that provision so that American companies would have better access to capital and at the same time would be more competitive in a global economy. I think, through the efforts of compromise with the Members on both sides of the aisle, we have reached that compromise, and I think that section 310(b), as we have amended it working with the administration as well as with the members of the committee, is clearly a much better section than it currently is in that it would encourage foreign governments, if left as it is now, to restrict market access for U.S. firms.

Make no mistake about it. Countries all over the globe are liberalizing their policies in telecommunications and American companies are taking advantage of that more and more and more. It makes sense for us to be on that same path, and I think we will with the language we provided in section 310(b).

We are at the point of passing historic legislation in this House. It has been a long time coming. I give credit to all those who have been involved. This is a worthy undertaking, and I ask support for the manager's amendment and the bill.

Mr. DINGELL. Mr. Chairman, I yield 3 minutes to the distinguished gentlewoman from California [Ms. ESHOO].

Ms. ESHOO. Mr. Chairman, I rise in support of HR 1555.

The indelible mark of the latter part of this century is that we have moved from an industrial era to the information age. Our Nation's telecommunications policies need revisions to match not only this moment but also prepare us for a new century.

California's Silicon Valley, which I'm privileged to represent, are reinventing cyberspace each day, pioneering technologies so dramatic, that they revolutionize how we live, how we work, and how we learn.

I'm committed to maintaining and enhancing the ingenuity and innovation of our high technology and communications industries.

That's why I offered an amendment during full Commerce Committee consideration of this bill, adopted unanimously, that ensures that the FCC does not mandate standards which limit technology or consumer choices.

The language is supported by American business alliances including the Telecommunications Industry Association, the Alliance to Promote Software Innovation, the Coalition to Preserve Competition and Open Markets, and the National Cable Television Association.

On the other hand, foreign TV manufacturers are pushing the Federal Government to impose standards that will establish television sets as the gatekeeper to home automation systems.

These interests have spent hundreds of thousands of dollars in advertising calling for the elimination of this language. They've done this because the amendment is the only obstacle in their path to monopolizing consumers.

Mr. Chairman, my provision is not simply about TV wiring and cable signals. It's about shedding the past. It's about embracing the future. It's about allowing American technology to unleash their genius and create a new world of possibilities—new ways to communicate with each other, new ways to improve our lives, new ways to make technology work better for all of us.

I urge Members to support deregulation of our telecommunications markets. Our nation's leadership in the information age depends on it.

Mr. HYDE. Mr. Chairman, I yield 3 minutes to the gentleman from Virginia [Mr. GOODLATTE].

Mr. GOODLATTE. Mr. Chairman, I thank the gentleman from Illinois [Mr. HYDE] for yielding this time to me, and I rise in strong support of this legislation which will help to move the telecommunications policies of this country into the second half of the 20th century just in time to see this exploding technology move into the 21st century.

Make no mistake about it. It was Government policy that has restrained what is clearly the greatest opportunity for the creation of jobs and new technology that exists in this country, and it is about time that we enact this new policy to afford the opportunity to create the competition in all sectors of telecommunication that is going to bring about an explosion of opportunity for all Americans to have greater access to information, to have greater access to employment, and to have greater opportunities for new investment in all kinds of creative ideas.

So I strongly support this legislation. I do have concerns about some aspects of it. I will support the Burton-Markey v-chip amendment, and I would urge others to do so as well. This is not Government censorship, this is not getting Government involved in reviewing and screening these programs, the thousands of programs that are going to come across hundreds of cable channels. This is the empowerment of the parents of this country to be able to exercise the same responsibility in their own living rooms that they are now able to do with every movie that is offered in every movie theater in this country. It is simply an advanced technology for allowing parents to do the same thing with thousands of programs that are offered every week in their home that they do with the dozens of movies that are offered to their children in movie theaters. They will do it with technology, with the v-chip. That is the only feasible way that I know of, and anyone else that I have talked to knows of to accomplish this goal when we are talking about this massive amount of information.

I am also disappointed that the amendment which I offered, the Goodlatte-Moran amendment, was not made in order by the committee to guarantee protection for local governments that they will continue to be able to provide the kind of decisions on the placement of telecommunications equipment in their local communities, but we have received assurance from my good friend, the chairman of the Committee on Commerce and fellow Virginian, that this matter will be fully addressed in conference, and I have every confidence that that will take place, that we will make it clear that on local zoning decisions local governments will make those decisions, and we will also make it clear that in advancing this telecommunication policy we will not have restraints on the ability to make sure this is a national policy by insuring that every community will allow this telecommunications into the community, however we will not have a problem with the fact that local governments need to have that opportunity.

I urge support for this bill.

Mr. CONYERS. Mr. Chairman, I yield 3 minutes to the able gentleman from Virginia [Mr. SCOTT].

Mr. SCOTT. Mr. Chairman, I rise in support of the Conyers amendment to H.R. 1555. This amendment would require prior approval by the Attorney General before a Bell operating company may enter into long distance or manufacturing. Both the Justice Department and the FCC would review the State certification of "checklist" compliance.

Under the manager's amendment to H.R. 1555, the FCC must consult with the Department of Justice ["DOJ"] before it makes a decision on a BOC's request to offer long distance services—but DOJ has no independent role in evaluating the request.

Mr. Chairman, by depriving DOJ of an independent voice in the review process, this bill creates unnecessary risks for consumers and threatens the development of a competitive local and long distance telecommunications marketplace. The aim of deregulation was to spur phone and cable companies to enter into each other's markets and create competition. That in turn would lower prices and improve service.

Just the opposite would happen under H.R. 1555 in its current form. H.R. 1555 encourages local cable—phone monopolies. Cable and phone firms could merge in communities of less than 50,000. Therefore, nearly 40 percent of the nation's homes could end up with monopolies providing them both services and the public would not be protected from unreasonable rate increases.

Mr. Chairman, the Department of Justice is the best protector of competition by utilizing the antitrust laws of this country. The Conyers amendment will ensure that the Department of Justice has a meaningful role in the telecommunications reform, and, if it passes, consumers of America will benefit.

Mr. BLILEY. Mr. Chairman, I yield myself such time as I may consume.

I would like to announce for the benefit of the Members on the floor or in their offices that it is my intention to move that the Committee rise after general debate. There will be no debate or votes tonight on amendments.

Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. BARTON].

Mr. BARTON of Texas. Mr. Chairman and members, I rise in support of the bill. I think this is a very far-reaching telecommunications bill, the most far-reaching in the last 50 years. It will provide more competition for more industries for more consumers around this country. It will allow local telephone companies to get in long distance service. It will allow long distance telephone companies to get into local service. It will allow cable television providers to get into long distance and local service and vice versa. We will not have telephone companies, cable companies. We will have communications providers. The consumers will be the ultimate driver. They will have more choice.

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I think it is a good bill. I think we should move it out of this body this week, move it to conference with the Senate so that we can have a modified version early this fall to pass and put on the President's desk.

Mr. Chairman, I want to speak specifically on the Stupak-Barton amendment that deals with local access for cities and counties to guarantee that they control the access in their streets and in their communities. The bill, as written, did not provide that guarantee. The Chairman's amendment does provide, I think, probably 75 percent, maybe 80 percent of that guarantee.

We are in negotiations this evening and will continue in the morning with the gentleman from Michigan [Mr. STUPAK] and the gentleman from Colorado [Mr. SCHAEFER] and myself, so that we should have an agreement that solves the issue to all parties' satisfaction, but we simply must give the cities and the counties the right to control the access, to control right-of-way, to receive fair compensation for that right-of-way, while not allowing them to prohibit the telecommunications revolution on their doorstep.

Mr. Chairman, the Stupak-Barton amendment will do that, and I am confident that we can reach an agreement with the gentleman from Virginia [Mr. BLILEY], the gentleman from Texas [Mr. FIELDS], and the gentleman from Colorado [Mr. SCHAEFER] tomorrow so that we can present a unanimous-consent agreement to the Members of the body later tomorrow afternoon.

I would support the amendment and support the bill and ask that the Members do likewise.

Mr. DINGELL. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Oregon [Mr. WYDEN].

Mr. WYDEN. Mr. Chairman, I want to thank the gentleman from Michigan [Mr. DINGELL] and the gentleman from Massachusetts [Mr. MARKEY] for their many courtesies shown to me with respect to the provisions I am going to discuss, and also the gentleman from Texas [Mr. FIELDS] and the gentleman from Virginia [Mr. BLILEY], who have been exceptionally patient.

I take this floor first to talk as the father of two young computer literate children who use the Internet. As a parent, I and other parents want to make sure that our youngsters do not get access to the kind of smut and pornography and offensive material that we now see so often on the Internet.

Tomorrow, the gentleman from California [Mr. COX] and I, who have worked together in a bipartisan way, will offer an amendment based on a very simple premise. Our view is that the private sector is in the best position to guard the portals of cyberspace and to protect our children. In the U.S. Senate, they have somehow come up with the idea that our country should have a Federal Internet censorship army designed to try to police what comes over the Internet.

I would say to our colleagues, and, again, the gentleman from California [Mr. COX] and I have worked very closely together, that this idea of a Federal Internet censorship army would make the keystone cops look like Cracker Jack crime fighters. I look forward, along with Mr. COX, to discussing this more in detail with our colleagues tomorrow.

Second, Mr. Chairman, and very briefly, I would like to discuss an issue of enormous importance to westerners, and that is the problem with service in the U S West service territory. We learned today, for example, that there has been a 47 percent increase in delayed new service orders in the west. These are problems with waits for phone repairs, busy signals at the business offices, inaccurate information provided by company customer representatives.

An amendment I was able to offer, with again the help of the gentleman from Michigan [Mr. DINGELL], the gentleman from Texas [Mr. FIELDS], and the gentleman from Virginia [Mr. BLILEY], stipulates that local telephone companies have to meet certain service conditions as a factor prior to entering the long-distance market. This is a measure that will be of enormous benefit in the fastest growing part of our country, the U S West service territory.

Mr. Chairman, I want to thank our colleagues and the leadership on both sides for their patience.

Mr. Chairman, as telecommunications companies enter new fields, we must ensure current customers are not discarded and left without basic phone needs. The drive to streamline and downsize has subjected local telephone customers in my region of the country to poor customer service.

During Commerce Committee consideration of this legislation, I added a provision dealing with customer service standards. My amendment is in section 244 of the bill which outlines the conditions that local telephone companies must meet prior to entering the long distance market. My amendment will give state utility commissions additional leverage to pressure the local phone companies to meet established customer service standards and requirements.

Local telephone customers complain vociferously about long waits for telephone repairs, busy signals at business offices, and inaccurate information provided by company customer representatives.

Just today, the Associated Press ran a story detailing customer service woes in the Pacific Northwest. According to the story, delayed new-service orders have increased 47 percent just this year. Across the West, more than 3,500 orders for new telephone service have been delayed in excess of 30 days. I ask that several articles addressing this situation be printed in the RECORD. Additionally, I submit a letter from Oregon Public Utilities Commissioner Joan Smith be included for the RECORD.

[From the Associated Press, Aug. 2, 1995]

UTILITY REGULATORS QUESTION HELD ORDERS—CONSOLIDATION LINK

(By Sandy Shore)

DENVER.— U S West Communications Inc.'s delayed new-service orders have increased 47 percent this year, and utility regulators blame it partially on the company's consolidated engineering operations.

Joan H. Smith, chairwoman of the utility Regional Oversight Committee, said her panel identified two common problems contributing to the delays.

"The committee speculates that it is the removal of engineers from each state and the current centralization of engineering services in Denver that are causing the problems," she said in a June 9 letter to Scott McClellan of U S West.

U S West spokesman Dave Banks said the consolidation did not cause the problems.

"The intent of going through the re-engineering effort is to do just the opposite of what regulators might be saying," he said. "I think the problem is more of a result of the fact that we haven't been able to complete our re-engineering process in total yet."

For more than a year, U S West has battled customer-service problems, ranging from persistent busy signals at business offices to delays of months and, in some cases years, in filing new-service orders.

The company has said the problems were caused by unprecedented growth in the Rockies, which occurred as it launched a re-engineering program to consolidate work centers, cut jobs and upgrade equipment.

As part of that re-engineering, U S West last month opened the Network Reliability Center in Littleton, which houses employees and equipment needed to monitor the 14-state telephone network.

In a June 30 letter to Smith, Mary E. Olson, a U S West vice president in network infrastructure, said the major cause of engineering delays has been the company's inability to readily access updated records on the network plant.

The company hopes to complete mechanization of that information by year-end, she said.

When the consolidation occurred, Olson said many engineers declined to transfer, which caused some delays, but the center is 95 percent staffed.

At the end of June, U S West had 3,588 held orders new-service requests delayed more than 30 days. That compared with 4,406 at the end of June 1994; 1,797 in January and 2,443 in March.

The largest increase occurred in Utah, where held orders reached 422 at the end of June, up from 197 in June 1994. Increases also were reported in Idaho, Minnesota, Nebraska, Utah and Washington.

Held orders decreased in Arizona, Colorado, Iowa, Montana, New Mexico, North Dakota, Oregon, South Dakota and Wyoming.

U S West exceeded its company goal of answering within 20 seconds at least 80 percent of the calls to residential telephone service office. It answered within 20 seconds 75.5 percent of the calls for residential repairs; 79.9 percent of for business repairs; and 72 percent to business service offices.

The regulators also have seen an increase in delayed repair orders and an increase in consumer complaints across U S West's 14-state region.

"Held orders are the biggest problems," said Montana regulator Bob Rowe. "Some of the problems concerning access to the customer-service centers have seen some real improvements."

Banks of U S West said, "We're not exactly where we want to be, but again, June is a much busier season for us." The numbers "are basically going to be higher in the summer months because we have much more demand for service," he said.

U S West spokesman Duane Cooke the company has scheduled 250 major construction projects in Utah this year and increased its capital improvement project to nearly $100 million to offset the problems.

It is kind of ironic because the re-engineering process designed to improve customer service in the short-term has aggravated the situation," he said. "But, now we're starting to see the benefits of re-engineering."

For example, the consolidated engineering group can complete work on a major construction project in three months to four months, compared with a year to 18 months previously.

OREGON PUBLIC UTILITY COMMISSION,
Salem, OR, July 19, 1995.

Hon. RON WYDEN,
U.S. House of Representatives, Longworth Office Building, Washington, DC.

Re H.R. 1555 [Quality of Service].

I write to you about H.R. 1555, the telecommunications deregulation bill, as a member of the Regional Oversight Committee (ROC) for U S WEST. Representing a state served by U S WEST, you should be aware of the effect H.R. 1555 may have on the quality of Oregon's phone service. I urge your support for stronger service quality protections, as suggested below.

The ROC was formed as a result of state regulatory concerns about affiliated interest transactions and cross-subsidy issues arising out of the Modification of Final Judgment (MFJ) that divided the nationwide telecommunications monopoly into separate regional companies. The ROC assists state commissions to perform their duties through positive, open relationships in a cooperative process. Since its creation, the ROC has identified other regulatory issues of mutual interest to state regulators, including privacy, competition, and service quality.

The prolonged deterioration in U S WEST's service quality and the opportunity to strengthen the language in H.R. 1555 related to service quality prompted me to write to you. Declines in service quality have occurred because U S WEST (and other RBOCs) have reduced and reassigned staff. Technical staff needed to maintain service quality were centralized. Total staffing was reduced. The result has been a marked increase in consumer complaints and unacceptable delays for consumers trying to obtain service.

Currently, H.R. 1555 specifically allows states to consider compliance with state service quality standards or requirements when reviewing statements from local exchange carriers (LEC) that they are in compliance with requirements set forth in Section 242 of the bill. State Commissions appreciate the inclusion of service quality considerations in the bill. However, the particular section in which service quality considerations currently reside lacks enforcement mechanisms. Disapproval of a statement submitted by a LEC, whether the disapproval is issued by a state or by the FCC, carries with it no penalty.

In contrast, enforcement authority with respect to many of the same conditions under Section 245 (Bell operating company entry into interLATA services), allows for three enforcement mechanisms that can be used by the FCC: an order to correct the deficiency, a penalty that may be imposed, or possible revocation of the company's authority to offer interLATA services.

From our work, we know that service quality is especially important to customers. States need clear authority, with a means of enforcement, over service quality issues in order to be effective.

The Senate bill (S. 652) allows states to require improvements in service quality of Tier 1 carriers (which would include RBOCs) as part of a plan for an alternative form of regulation, when rate of return regulation is eliminated. The Senate bill lists many possible features of a state "alternative form of regulation" plan that would provide ongoing consumer protection from potential adverse effects of the change in the way companies are regulated. The language of the Senate bill could easily be included in H.R. 1555 by changing the existing Section 3 to Section 4, and including the Senate language as a new Section 3. (See attachment.) I support this modification.

I urge your support for such an amendment.

We sent this to the House delegation.

JOAN H. SMITH,
Chairman.

PROPOSED AMENDMENT TO H.R. 1555

Including the attached language in H.R. 1555 would make it clear that states have the authority to respond to local conditions and take action to protect consumers when necessary. The plan for an alternative form of regulation could include penalties for failure to meet service quality standards. While the transition to a full competitive marketplace for telecommunications services is a goal that we all share, consumer protection in the present is an important consideration that should not be ignored in our enthusiasm for the future.

(3) THE NEW REGULATORY ENVIRONMENT

(A) In instituting the price flexibility required in this section the Commission and the States shall establish alternative forms of regulation that do not include regulation of the rate of return earned by such carrier as part of a plan that provides for any or all of the following—

(i) the advancement of competition in the provision of telecommunications services;

(ii) improvement in productivity;

(iii) improvements in service quality;

(iv) measures to ensure customers of noncompetitive services do not bear the risks associated with the provision of competitive services;

(v) enhanced telecommunications services for educational institutions; or

(vi) any other measures Commission or a State, as appropriate, determines to be in the public interest.

(B) The Commission or a State, as appropriate, may apply such alternative forms of regulation to any telecommunications carrier that is subject to rate of return regulation under this Act.

(C) Any such alternative form of regulation—

(i) shall be consistent with the objectives of preserving and advancing universal service, guaranteeing high quality service, ensuring just, reasonable, and affordable rates, and encouraging economic efficiency; and

(ii) shall meet such other criteria as the Commission or a State, as appropriate, finds to be consistent with the public interest, convenience, and necessity.

(D) Nothing in this section shall prohibit the Commission, for interstate services, and the States, for intrastate services, from considering the profitability of telecommunications carriers when using alternative forms of regulation other than rate of return regulation (including price regulation and incentive regulation) to ensure that regulated rates are just and reasonable.

Mr. HYDE. Mr. Chairman, everybody has been thanking everybody around here, and I have kind of missed out, so I want to take this time to thank the staff: Alan Coffey, Joseph Gibson, Diana Schocht, Patrick Murray, and Dan Freeman on our side, and if I knew the names of the staff on the other side, maybe next round I will include them.

Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. HOUGHTON].

Mr. HOUGHTON. Mr. Chairman, I thank the gentleman for yielding time to me.

Ladies and gentlemen, in general, I think that this is a magnificent step forward, but I would like to concentrate on the Achilles heel of this bill, and that is the manager's amendment. The whole point, to me, of this telecommunications bill is that it will encourage investment. If it does not encourage investment, I do not think it opens up the opportunities for this country, and, frankly, has this tremendous job creating potential which is there.

Originally, Mr. Chairman, the wording was that the RBOCs were forced to have actual competition in their local areas before they reached out for the long-distance. Now that no longer is there, and that worries me. I think that is a mistake. I think it is counterproductive.

To prove my point, here is the report from Merrill Lynch, which talks about the wonderful opportunities for investing in some of the RBOCs, because the cash will be up, the earnings per share will be up, the dividend potential is up, and, therefore, it is a good opportunity. And why? Because investors should know that, quite positively, capital expenditures could decrease by as much as around 25 percent. That is not the point of this bill.

Mr. CONYERS. Mr. Chairman, I yield myself such time as I may consume.

I would like to just speak very directly to the problem of seven Bells going into long-distance, because there is a serious problem with the Bell entry into long-distance. The core rationale for the massive antitrust lawsuit by the Justice Department that began in the 1970's and settled in 1984 was that the Bell system was using its local exchange monopoly to impede competition in the long-distance business.

Basically, the Bell system was cross-subsidizing and discriminating in favor of their long-distance business. This is the biggest antitrust suit that has ever been brought. We are now dismissing the courts from it and deregulating at the same time; and, now, we suggest further that we defang the one regulator, the antitrust division of Justice, which, I think, is moving us in exactly the wrong direction to create business, to encourage diversity and to stimulate competition.

Because of the concern that the seven baby Balls would continue the same anti-competitive behavior, Mr. Chairman, the consent decree barred them from entering the long-distance business unless they could prove that there was "No substantial possibility" they could use their monopoly position to impede competition.

The truth is, Mr. Chairman, very little has changed since 1984. The Bells still have a firm monopoly over the local exchange market, and if they were allowed in long-distance without any antitrust review, they could use their monopoly control to impede competition and harm consumers. If we are to prevent this from occurring, we need to make sure that there is a Department of Justice antitrust review role, more of which will come on our amendment.

Now, Mr. Chairman, the administration has already sent an advisory that this bill will sustain a veto in its present form because of, principally, the manager's amendment, some 20 to 30 changes strewn throughout the commerce product that came to the floor in the form that it is in now.

What are we going to do, Mr. Chairman? Is there any way that we can get together? Does this have to be a train wreck? The President is going to veto the bill. Unless we make some sensible adjustments, I think that this is going to end up for naught, and we are going to be sent back to the drawing board. We did this once in the last Congress and now here we are doing it again.

I urge, Mr. Chairman, that some consideration to these important amendments by given by the Members of the other side.

I would like to thank, Mr. Chairman, my staff. They have played a very important role in this matter. My staff director, Julian Epstein, Perry Apelbaum, Melanie Sloan, and I do know the names of the other staff Members on the other side, and I salute them for their good work as well.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Before recognizing the gentleman from Virginia [Mr. BLILEY], let me, just for the edification of the Members, announce the time remaining.

The gentleman from Virginia [Mr. BLILEY] has 10 minutes remaining, the gentleman from Michigan [Mr. DINGELL] has 9½ minutes remaining, the gentleman from Illinois [Mr. HYDE] and the gentleman from Michigan [Mr. CONYERS] have 6½ minutes remaining.

Mr. BLILEY. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois [Mr. HASTERT], a member of the committee.

Mr. HASTERT. Mr. Chairman, I thank the gentleman for yielding me time. I urge my colleagues to support the Communications Act of 1995.

It is time to move forward with the most deregulatory and progressive communications legislation Congress has considered in over a decade. The Communications Act of 1934 is a dinosaur that just can't keep pace with the exploding information and communication revolution.

Communications industries represent nearly a seventh of the economy and will foster the creation of 3.4 million jobs over the nest 10 years. Thus, every day we delay passage of H.R. 1555, we stifle competition and prevent the creation of these new jobs. If we do not act, the cost to our Nation's economy will be $30 to $50 million this year alone.

As a member of the Commerce Committee, I have been closely involved with drafting this legislation.

This bill provides the formula for removing the monopoly powers of local telephone exchange providers to allow real competition in the local loop. The long distance companies came to us early on with a list of areas (such as number portability, dialing parity, interconnection, equal access, resale, and unbundling) that give monopolies their bottleneck in the local loop. We agreed to remove the monopoly power in each and every one of those areas in our bill.

What's more, we included a facilities based competitor requirement. This means there must be a competing company actually providing service over his or her own telephone exchange facilities. Just meeting the checklist isn't enough—there must be some proof that it works. We've got that in this bill.

Bringing competition to the local loop is the best thing we can do for consumers. They will receive the twin benefits of lower prices and exposure to new and advanced services. Every day we delay consideration of this bill is a day telephone customers are denied choice of service providers and the benefits that go along with it.

The bill is much larger than the Bell operating company/long distance company fight. The bill is supported by the cable, broadcast, newspaper, and cellular industries. Taxpayer and consumer interest groups such as Citizens for a Sound Economy also support the bill. This is broad based support that we should not ignore. Therefore, I urge my colleagues to vote for H.R. 1555.

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Mr. TAUZIN. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. KLINK].

Mr. KLINK. Mr. Chairman, I thank my good friend, the gentleman from Louisiana, for yielding this time to me. I also want to echo the comments of some of the other speakers made in thanking Chairman BLILEY and Chairman FIELDS. They have been two very accommodating chairmen in trying to reach some commonality on many of the issues that this massive bill deals with. Unfortunately, I have been unable at any level to support this bill, and continue my opposition of the bill.

Let me just say I have a little different perspective I think. As many of the Members who were talking on the rule and who also have been speaking during general debate have talked about, we have already seen the massive amounts of merging that has been going on in anticipation of this bill. We have seen the Disney buyout of Cap Cities-ABC for $19 billion. We have seen Westinghouse Broadcasting $5 billion buyout of CBS.

I worked for Westinghouse Broadcasting for 14 years before coming here, so I know a little bit about the company. I do not have any belief that Westinghouse is an evil corporation or that they have any bad plans. In fact, I have fed my children and paid my rent for many years from the fruits of my labor with that company.

But what really concerns me is the fact that we are beginning to see the formation of what I would call information cartels. Only the largest corporations are going to be able to own these media outlets. In fact, when you start to talk about the fact that you can own the newspapers, as so many speakers have talked about, and the radio and TV stations and the cable, my question is this: Who in this House among us, if we live in a market where that takes place, will be free to cast a vote of conscience on a matter in which the person who controls that information cartel in our district has a fiduciary interest? How will we be free to do that?

How can we look each other in the eye and say, "Well, I will cast my vote the way I want to"? What is your recourse? How do you get the information out back there? That person controls all the media. You are certainly not going to use frank mailing, because we have cut all that out.

I just simply think there are so many things wrong with this, and hope, as the debate goes on, we can bring more of the problems out, because we have many problems. I urge Members not to support the bill.

Mr. HYDE. Mr. Chairman, I am very pleased to yield 2 minutes to the gentleman for New Jersey [Mr. FRELINGHUYSEN].

Mr. FRELINGHUYSEN. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I rise to speak on the manager's amendment which will be offered by the gentleman from Virginia sometime later. And I do so regrettably, because I rise in strong opposition to it. But first, I want to commend the gentleman from Virginia [Mr. BLILEY] and the gentleman from Texas [Mr. FIELDS] on the enormous effort they have put forward in bringing this bill to the floor.

Mr. Chairman, I represent nearly 20,000 people who are employed in the telecommunications industry. This bill will directly impact their lives, professions, and the local economies which they support.

And I thought the bill that was reported by the Committee by a vote of 38 to 5 was a balanced bill. But the changes in the 66-page manager's amendment would dilute the competitive provisions in the original bill and would tilt the playing field in favor of the local exchange companies. So I will be opposing the manager's amendment.

However, this bill impacts more than just the people who work in the telecommunications industry. As many have said here tonight, our actions will impact every American citizen and we must remember them—our constitutents—in this debate.

Yes, this is an historic bill which will guide this multibillion dollar industry into the next century. But we need to understand that the results of this profound debate will enter into every facet of our personal and professional lives financial and otherwise.

And that is precisely why I oppose the manager's amendment. We should debate these substantial changes for longer than a half hour because they do represent a clear departure from the original bill. I would urge a no vote on the manager's amendment.

Mr. CONYERS. Mr. Chairman, I am pleased to yield 3 minutes to the gentlewoman from Ohio [Ms. KAPTUR], a very able Member of the House.

Ms. KAPTUR. Mr. Chairman, I thank the gentleman for yielding, and I rise in opposition to H.R. 1555. Here we are in the middle of the night considering the most sweeping rewrite of communications legislation in the last half century. I have to say to all the gentleman that have been complimented this evening for their marvelous footwork in conducting this debate at 2 a.m., I, as one Member, not serving on the committees of jurisdiction, am appalled that those people who would raise questions, like myself, would have 30 minutes, 30 minutes, to try to deal with legislation of this magnitude.

Mr. Chairman, there are times in my career when I have been very proud of this House. One of those times was when we debated the Persian Gulf War. I think our estimation went up in the minds of the American people.

There have been times when I have been very ashamed of this House, certainly during the S&L debate, brought up on Christmas Eve at midnight when it was snowing outside, or the Mexican peso bailout, where we did not fulfill our constitutional obligation.

I feel the same way this evening on this particular bill. I feel muzzled as a Member of this body, and I am ashamed of this institution. There has been enough lobbying money spread around on this bill, over $20 million, to sink a battleship, and it has been spread on both sides of the aisle.

This bill is not going to result in full competition. Are we kidding ourselves? It is going to result in full concentration, and the only question I have in my mind is how fast a pace that will occur at.

In my district, what will happen is the single newspaper, that is owned by a very wealthy and well-meaning family, will soon buy out the television stations, because they already own the cable stations anyway. They will probably go after all the radio stations. I really do believe in free press in this country and I really do believe in competition. This bill will not result in that.

I would say with all due respect to the gentleman from Virginia [Mr. BLILEY] and the gentleman from Texas [Mr. FIELDS] and the gentleman from Illinois [Mr. HYDE] and the gentleman from Michigan [Mr. CONYERS] I guess Mr. CONYERS. I guess I have to kind of leave him out of this equation, because his committee was absolutely resolved of all responsibilities in this, and that is the reason I am here at 2 a.m. in the morning.

Mr. HYDE. Mr. Chairman, if the gentlewoman will yield, if you are leaving the gentleman from Michigan [Mr. CONYERS] out, could you leave me out too?

Ms. KAPTUR. Mr. Chairman, I would say to the gentleman from Illinois [Mr. HYDE], I was hoping the gentleman would have a little more influence, because I think he is a man of very good intentions. But I wanted an opportunity on this floor to have time to debate on the foreign ownership provisions. I will not be given that opportunity. There will not be an opportunity to offer amendments. I think the neutering of the Justice Department is an absolute abomination, when we see the possibilities for concentration in this bill.

So as I leave this evening to drive home in my car, I find it a complete abomination, and I am ashamed of this House this evening. With a $1 trillion industry, with the rights of free press at stake, and competition in every one of our communities hanging in the balance, to be forced into this girdle, where we are only allowed 30 minutes during general debate, and then we will be put off on three little amendments tomorrow, maybe we will devote an hour or less to each of those, this is not the best that is in us.

I feel tonight as I did during the savings and loan debate, during the Mexican peso bailout, and probably during GATT as well, that we are truly being muzzled, and that is not what representative democracy is all about. I feel sorry for America tonight.

Mr. Chairman, here we are in the middle of the night, considering the most sweeping rewrite of communications laws in 60 years. The telecommunications industry represents 1/7 of our economy and is a trillion dollar industry. At stake is control of the airwaves and the information pathway into every American home. Not even the many appropriations bills that we have been debating for the past month before this Congress, will have a larger effect on consumer's pocketbooks. Consumers are promised choice and lower prices. Choice at what cost? Instead of creating competition by lowering prices and improving service, this bill allows the three monopolies to become one giant concentrated monopoly. It allows the 3 major players (cable, long distance, & local telephone) to partner or swallow potential competitors in each others business. The concentration could result in one company controlling the program's content, your local television stations, your cable company, your local telephone company, your long distance company, your local radio station, and your newspaper. Thus, controlling every aspect of access to information a consumer has and obliterate the likelihood of true competition.

This bill also promises job creation. I doubt it. Last time I checked, we do not even produce a single television or telephone in our country. In addition, I have very serious concerns about the foreign ownership provisions. Currently, foreign ownership in common carriers (such as telephone, cellular, broadcast television and radio) cannot exceed 25%, except in cable where there is no restriction. At a time when our trade deficits are at record levels, we are throwing open media markets to foreign ownership.

This bill would directly repeal foreign ownership restrictions on everything except broadcast television, which remains at 25%, thus allowing foreigners to control what America sees and should think and what America does not see. The bill leaves up to USTR crucial determinations regarding the rights of foreign interests to gain even more control. Why trust the USTR? That area of our government that has brought us record trade deficits for over a decade and can't even get our rice into Japan.

I also find it very disturbing that the telecommunications industry has spent $20 million to lobby for this bill. To find out the real winners in this bill one only has to follow the money. This bill is just another reason we need real campaign finance reform in our political process.

Moreover, this bill neuters the ability of our Justice Department to enforce the anti-trust laws against these giants who want to control every aspect of what you see, hear, and know. The bill basically turns our Justice Department Anti-Trust Division into paper pushers with no real enforcement power.

I welcome some deregulation to create competition and diversity in these monopolistic industries. However, deregulation is fine. No regulation is anti-competitive and anti-democratic.

Mr. BLILEY. Mr. Chairman, I yield 2 minutes to the gentleman from Florida [Mr. STERNS], a member of the committee.

Mr. STEARNS. Mr. Chairman, I rise in strong support of H.R. 1555, the Communications Act of 1995.

By the early 21st century, analysts predict the global information industry will be a $3 trillion market. That's an amazing figure when you consider the entire U.S. economy today is about $6 trillion. Make no mistake: If we fail to pass this bill, we will have forfeited a golden opportunity for the U.S. economy to catch the wave of this revolution.

It makes no sense to keep U.S. communications companies penned up in the starting gate as the global telecommunications race is set to begin. My colleagues, the Communications Act of 1995 is, quite simply, the most sweeping reform of communications law in history. And it should be. I direct your attention to the timeline. When the first Communications Act passed in 1934, we had the telegraph, the telephone and the radio. That's it. We didn't even have the black and white television set yet. Do you really want the communications industry to be governed by communications law that was enacted when we had this radio?

The communications world as it existed in 1934 is barely recognizable today. Again, I direct your attention to the timeline. We have experienced an explosion of technology. In the last 50 years, television, AM and FM radios, computers, faxes, satellites, pagers, cable TV, cellular phones, VCRs and other wireless communications have all joined the communications mix. And that's just the beginning. Video dial-tone and high definition television are poised at the entrance of the telecommunications arena, while countless other new technologies are waiting just over the horizon.

At this moment in history, when the communications revolution is racing forward, we still have not revamped communications laws written 60 years ago. To say our communications laws are out of sync with the technological revolution underway in America is an understatement.

The question we face today is not whether we can afford to deregulate the telecommunications industry, it is whether we can afford not to. I know of no sector of our economy so shackled by needless regulations as the communications industry. But if we pass this bill, the economic boom it will spark will amaze even its supporters.

My colleagues, it is not the business of Government to preordain winners and losers in the communications industry. Rather, at the starting line of the communications race, Government should step aside and allow the most dynamic sector of our economy to enjoy what most other segments of our economy take for granted, the freedom to compete. I urge all of my colleagues to support it.

Mr. DINGELL. Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from Arkansas [Mrs. LINCOLN].

Mrs. LINCOLN. Mr. Chairman, I thank the gentleman for yielding me time.

I too would like to add my thanks to Chairman BLILEY and Chairman FIELDS, as well as to the ranking members, Mr. DINGELL and Mr. MARKEY, for their diligence and persistence in moving ahead on this issue. This is a very critical issue to rural America. As we move ahead in this age of information and technology, moving into a worldwide economy, it is absolutely critical for rural America to be able to have the capabilities to compete. Supporting this bill is important to preserve the quality of life in rural America, while bringing improved health care, educational opportunities and jobs.

Early in the debate of this issue, I went to Chairman FIELDS and asked him very honestly to let me be a part of the discussion in terms of rural issues. He was very willing and interested in obliging to that. We worked hard to make sure that rural America saw a fair shake in this.

In terms of educational opportunities, I am delighted to hear from Chairman BLILEY that he is willing to work with the gentlewoman from California, Ms. LOFGREN, in terms of educational opportunities for schools.

I recently spoke with a teacher from my district who is a part of an important program sponsored by National Geographic to bring geography into the lives of children in areas where they are not capable or do not have the opportunities otherwise to be a part of that. They were shocked to find that in rural America very few of the schools and some of the other learning institutions, as well as many of the teachers, did not have the technology or equipment to be able to bring the importance of geography into the classroom through the Internet.

This bill will help us bring that reality to rural America. It encourages new technologies like fiber optics, which will allow two-way voice and video communication. The information highway is critical to all of us, but for those of us in rural America, the entrance ramp is absolutely mandatory. Doctors at the Mayo Clinic can read x rays from Evening Shade, AR. Children in Evening Shade can dial the Library of Congress for information for a term paper. Parents can work from their home in Cloverbend with folks in New York.

I urge my colleagues to support this. Opponents may want to stay in the past and may be afraid of competition, but we must move ahead.

Mr. HYDE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to say Aloha Oahu. It is 9 o'clock in the beautiful Hawaiian Islands where America's day almost begins, and I just wanted those lucky folks in that beautiful climate to know that we are here thinking of them. To my good friend from Michigan who did know the names of his staff, for which I should not be surprised because he would know those details, I just thought he missed George Slover, who has returned to the staff, having been away for a little while, and we welcome him, even though he serves the minority.

Mr. Chairman, I rise in support of H.R. 1555, the Communications Act of 1995. This legislation represents the most sweeping communications reform legislation to be considered in this House in 60 years. It will establish the ground rules for telecommunications policy in our Nation as we proceed into the 21st century. If enacted, this measure will have much to say about the future health of the American economy, America's international competitiveness, and expanded job opportunities for American workers.

However, it should be pointed out that H.R. 1555 does not take the approach I would have preferred, and I would like to take a few moments to discuss the role of the Judiciary Committee in the development of this legislation. The Judiciary Committee took a fundamentally different approach from that of the Commerce Committee. I believe that the entry of the regional Bell operating companies into the long distance and manufacturing businesses is an antitrust question. After all, it is an antitrust consent decree, commonly known as the modification of final judgment or MFJ, that now prevents them from entering those businesses, and it is that decree that we are now superseding. Based on this fundamental belief, I introduced H.R. 1528, the Antitrust Consent Decree Reform Act of 1995 on May 2, 1995. H.R. 1528 proposed to supersede the MFJ and replace it with a quick and deregulatory antitrust review of Bell entry by the Department of Justice.

On the other hand, the Commerce Committee understandably took a Communications Act approach. H.R. 1555 requires the Bell operating companies to meet various federal and state regulatory requirements to open their local exchanges to competition before they are allowed into the long distance and manufacturing businesses. For example, the Bell companies are required to provide interconnection to their local loops on a nondiscriminatory basis. They must unbundle the services and features of the network and offer them for resale. They must also provide number portability, dialing parity, access to rights of way, and network functionality and accessibility. Both the FCC and the state commissions will review the Bell companies' verifications to determine that they have met these regulatory requirements. In particular, there must be an actual facilities-based competitor in place before the Bell companies can get into long distance and manufacturing.

In keeping with the long tradition of these committees sharing jurisdiction over the area of telecommunications, H.R. 1528 was referred primarily to the Judiciary Committee, and secondarily to the Commerce Committee. Likewise, H.R. 1555 was referred primarily to the Commerce Committee, and secondarily to the Judiciary Committee.

I want to stress that both the antitrust approach taken in H.R. 1528 and the regulatory approach taken in H.R. 1555 are valid approaches to the problem of how to end judicial supervision of the telecommunications industry under the MFJ. My preference was the antitrust approach. Again, that is because I believe entry into new markets to be an antitrust issue, not a regulatory issue. However, despite extraordinary cooperation between the Commerce and Judiciary Committees, the two different approaches are not easily reconciled without creating precisely the kind of regulatory overkill that we are trying to eliminate in this bill. Thus, it was necessary to choose one or the other of these approaches.

Let me now describe the antitrust approach of H.R. 1528 and its consideration in the Judiciary Committee. Under H.R. 1528, the Bell companies would be able to apply to the Department of Justice for entry into the long distance and manufacturing markets immediately upon the date of enactment. The Department of Justice would then have 180 days to review the application under a substantive antitrust standard—if DOJ did not act within this tight time frame, the application would be deemed approved. Unlike the MFJ, the burden or proof would be on DOJ. Specifically, Justice would be required to approve the application unless it found by a preponderance of the evidence that there was a dangerous probability that the Bell company would use its market power to substantially impede competition in the market it was seeking to enter. DOJ's decision would then be subject to an expedited appeal to the Federal Court of Appeals in the District of Columbia. At the most, the procedure would take 11 to 13 months. H.R. 1528 also included the electronic publishing provisions that were included in last year's telecommunications bill and which passed the House by an overwhelming vote.

H.R. 1528 received broad, bipartisan support within the Judiciary Committee. The full Judiciary Committee reported H.R. 1528 by a 29 to 1 recorded vote. However, subsequently we found that there was not broad support for a substantive Department of Justice role either within the rest of the House or from interested outside groups. Thus, while I still prefer the approach taken in H.R. 1528, I have decided that it would be futile to press that approach as an alternative to H.R. 1555—there simply is not sufficient support to make such an effort worthwhile. As I have already noted, the regulatory approach taken in H.R. 1555 is also a valid approach, and it is very difficult to reconcile the two approaches. If we do not pick one or the other, then we get right back into the interminable delays that we have faced under the MFJ.

I would emphasize that in deciding not to offer such an amendment and allowing H.R. 1555 to proceed to the floor without further Judiciary Committee proceedings, I am not in any way waiving the Judiciary Committee's traditional jurisdiction in the area of antitrust law or telecommunications policy. The Judiciary Committee expects to have conferees on this bill, to participate fully in the conference, and to retain all of its existing jurisdiction over this area in future legislation.

In this connection, I note that later in the debate, the distinguished ranking member of the Judiciary Committee, Mr. CONYERS, will offer an amendment that will include some aspects of the bill as reported by our committee. Specifically, my friend from Michigan will offer the language of the antitrust test contained in H.R. 1528. However, the Conyers amendment also differs in important respects from our committee's bill. I will speak to those differences in greater detail when the Conyers amendment is debated. For now, I will simply point out that although the Conyers amendment would utilize the antitrust standard that was in H.R. 1528, it does not include the many procedural and substantive features that were central to my bill.

Despite my preference for the antitrust approach taken in my bill, I believe that H.R. 1555 is good legislation that will move America's telecommunications industry forward into the 21st century. In the development of the manager's amendment to be offered by Chairman BLILEY, the Judiciary Committee has worked closely with the Commerce Committee to improve H.R. 1555 in areas that are of particular concern to, and under the jurisdiction of, the Judiciary Committee. Let me now briefly explain those changes which are included within the manager's amendment.

First, the manager's amendment does include a consultative role for the Department of Justice. Under this part of the amendment, DOJ will apply the antitrust standard contained in H.R. 1528 to verifications that the Bells have met the competitive checklist contained in H.R. 1555. After applying the antitrust standard. DOJ will provide its views to the FCC and they will be made a part of the public record relating to the verification. Under this approach, the FCC will at least have the benefit of a DOJ antitrust analysis before the Bell companies are allowed to enter the currently restricted lines of business.

Second, we have made improvements to the electronic publishing provisions of the bill. Under the manager's amendment, the Bell companies will be required to provide services to small electronic publishers at the same per-unit prices that they give to larger publishers. This will allow small newspapers and other electronic publishers to bring the information superhighway to rural areas that might otherwise be passed by. Also, we have broadened to definition of basic telephone service to ensure that the Bell operating companies are not able to use the more advanced parts of their networks to skirt the intent of the electronic publishing provisions.

Third, we have made various changes to title IV of the bill. Title IV addresses the effect of the bill on other laws. Those changes that we have made to the MFJ supersession language, the GTE consent decree supersession language, and the wireless successors language are technical improvements to clarify the language and they are not intended to change the substantive meaning of these provisions.

Other changes to title IV are substantive. State tax officials have complained that section 401(c)(2) of H.R. 1555 would unintentionally preempt State tax laws. Because of their concerns, this language is being stricken in the manager's amendment. We are also adding language that expressly provides that no State tax laws are unintentionally preempted by implication or interpretation. Rather, such preemptions are limited to provisions specifically enumerated in this clause. In addition, we have also amended the local tax exemption for providers of direct broadcast satellite services to make it clear that States may tax such services and rebate that money to the localities. This change balances the need to protect State sovereignty against the need to protect the direct broadcast services from the administrative nightmare that would result from subjecting them to local taxation in numerous local jurisdictions.

Fourth, we have changed the restrictions on alarm monitoring to make it clear that those Bell companies that have already entered the alarm monitoring business will be allowed to continue in that business, and to manage and conduct their business as would any other participant in that industry. That is basic fairness to any Bell company that chose to enter the business when it was perfectly legal to do so. Their investment decision should not be undercut by a retroactive change in the law.

Fifth, law enforcement and national security agencies have expressed concern about the provisions of the bill that relate to foreign ownership of telephone companies. In particular, these agencies are rightfully concerned that there should be a national security review before a foreign national or foreign government can have access to the core infrastructure of America's telecommunications system. Cooperation among the agencies and the judiciary and Commerce Committees has led to language in the manager's amendment that addresses these concerns.

Finally, I have included language within the manager's amendment to address a burgeoning problem in the fast advancing telecommunications markets. Much to the dismay of concerned parents both softcore and hardcore pornography is freely available on the Internet. Virtually anyone with a home computer hooked up to that remarkable technology can get pictures, movies—some with sound—and explicit descriptions of the most vile and base aspects of human sexuality.

Although the law currently outlaws the interstate transportation of obscenity for purposes of sale or distribution, as well as its importation, this has not stopped the corruption of one of the greatest technological advances in our modern society. Computerized depravity continues unabated, largely because of the confusion over whether the obscenity statutes include the transportation and importation of the obscene matter through the use of a computer. Furthermore, the law currently does not address the issue of sending indecent material—by contrast to obscene matter—by computer, to a child.

It is time to end this dissemination of smut that only serve to debase those depicted and to defile our children.

Consequently, my language makes it a crime to intentionally communicate, by computer, with anyone believed to be under 18 years of age, any material that is indecent. Indecency is defined in the provision as any material that, in context, depicts or describes, in terms patently offensive as measured by contemporary community standards, sexual or excretory activities or organs.

This provision is entirely consistent with Supreme Court holdings in this area of law, because it is narrowly tailored to effectuate its particular purpose of protecting minors from directed communications that involve sexually or excretorily explicit functions or organs. The first amendment, as construed by the Supreme Court, requires this much. The Court instructs that Congress must be careful not to reduce the adult population, which is guaranteed a right of access to simply indecent material, to the status of children. But, the first amendment recognizes that the Government has a compelling interest in protecting minors from both obscenity and indecent materials. The Court has carved out a slim area in which we can legislate on these matters. And, we have managed to stay within those confines through this provision. The clarification of the current obscenity statutes, simply adds to the myriad of ways in which the obscenity can travel in, or be transported, or be imported. This section includes the word computer in those provisions to make it a certainty that Congress intends to regulate and prohibit one's access to obscenity by means of computer technology.

Mr. Chairman, I want to thank Commerce Committee Chairman BLILEY and Communications Subcommittee Chairman FIELDS and their staffs for their cooperation in addressing the Judiciary Committee concerns.

Mr. Chairman, as America advances into the 21st century, this telecommunications legislation is tremendously important. It is my firm belief that this bill means more jobs for Americans and will greatly enhance American competitiveness worldwide. It is high time that we replace this overly restrictive consent decree with a statute that recognizes the telecommunications realities of the 1990's. I intend to support H.R. 1555 and the manager's amendment because it will accomplish these goals.

□ 0200

Mr. Chairman, I yield back the balance of my time.

Mr. CONYERS. Mr. Chairman, I yield myself such time as I may consume.

The CHAIRMAN. The gentleman from Michigan [Mr. CONYERS] is recognized for 2½ minutes.

Mr. CONYERS. Mr. Chairman, I want to commend the chairman of the Committee on the Judiciary for his comments about our work product in the committee, and his candor is always refreshing, as usual.

I too believe it is a superior work product. But I would urge him not to be worried about the fact that the lobbyists may not like it and there is not a lot of reported support for it. Press on. If he is doing the right thing, more and more people will begin to recognize the inevitability of the logic and the truth and the fundamental correctness of his position. And I know my friend does not give up easily, and I cannot imagine the forces that may have overwhelmed him into the uncomfortable position that I imagine him to be in this morning.

But even if we have used our bill as the base text with the manager's amendment, I still would not be able to come to the floor tonight to tell my colleagues that they ought to support this bill because the people who use telephones are going to end up paying $18 billion in rate increases during the first 4 years of this law's existence. That is projected by the International Communications Association. The people who subscribe to cable TV are going to find $5 to $7 per month average increases in their cable bill. That is according to the Consumer Federation of America. The people on fixed incomes, older Americans, will be put at particular risk by rising basic rates for phone and cable.

So I cannot support the bill, the base bill, H.R. 1555. With 30 or 40 phantom changes in the manager's amendment, I think we should be rather embarrassed by what we are doing here, no matter what time it is in Hawaii.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The gentleman from Virginia [Mr. BLILEY] has 5 minutes remaining and is entitled to close the debate.

Mr. BLILEY. Mr. Chairman, I yield 2 minutes to the gentleman from Washington [Mr. WHITE], a new member of the committee.

Mr. WHITE. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, when I think about this bill, I always think about the year 1989. If we remember reading in the newspapers in 1989, we will remember a lot of hand wringing going on about high definition television. That was the time when the Japanese were ahead of our country in developing high definition television. There are a lot of people who said that we should follow their example, that our government should decide the course that we should take, should get our industry organized, and we should all follow that course, and maybe somehow, some way we would catch up with the Japanese.

Mr. Chairman, if we had followed that advice in 1989, we would not be here today. It was in 1990 that Americans, without the help of the government, invented digital television which leapfrogged the technology that the Japanese were using and put us in the position we are in today. It is digital television and digitization of the entire telecommunications industry that led to what we are doing in this bill. It has taught us a very important lesson.

The lesson is that it is the people, not the government, who are going to make the best decisions about technology. As we like to say in my district, which is the home of Microsoft, no matter how many Rhodes scholars you have in the White House, they are never going to be smart enough to tell Bill Gates to drop out of Harvard and invent software industries.

No matter how many Rhodes scholars you have in the White House, they will never tell the next Bill Gates to drop out of whatever school he or she is in now and invent the next revolution in the telecommunication industry. What is the lesson? Under this bill, the market, not the government, is going to tell us what the next wave of technology is. We have heard some people say this bill is not perfect. I guess that may be true. But I can tell you, we have made it about as fair as we can make it.

It is close enough for government work. Although it is late at night and although I am about the last person to speak on this bill, I am proud to be here. I am happy to be here. I am proud of this bill. I urge my colleagues to support it.

Mr. DINGELL. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Louisiana [Mr. TAUZIN].

Mr. TAUZIN. Mr. Chairman, I thank the gentleman for yielding time to me.

I think it is important tonight, as we celebrate the work of Committee on Commerce and the gentleman from Virginia [Mr. BLILEY] and the gentleman from Texas [Mr. FIELDS] in particular, we also give due credit to the incredible preliminary work done over the years by the gentleman from Michigan [Mr. DINGELL], the former chairman of the Committee on Commerce. Much of the work that is in this bill reflects efforts that were made over the years by Mr. DINGELL, and he deserves much credit for this bill tonight.

I rise in support of H.R. 1555. Recently the gentleman from Texas [Mr. FIELDS], and I had the opportunity to discuss telecommunications policy with government officials from several South American countries. During one of those discussions with the FCC counterpart in Chile, we asked that gentleman where in his country's communication infrastructure did they need the most investment, hoping to get some signal about where America and American companies could interact with that country in doing those investments.

The gentleman who represents the FCC in Chile responded astonishingly. He said, That is not my business; it is up to the consumers and our companies to make those decisions.

He reminded us of a lesson we forgot in telecommunications policy for many years, that consumers and companies making choices in a free marketplace where competition governs instead of court orders and regulations set on high here in Washington generally benefits the consumer much more than the best laid plans of mice and men here in Washington, DC.

He reminded us about our own free enterprise system, and H.R. 1555 reminds us about the values of competition. It remarkably keeps the program access provisions we adopted in 1992 that has produced the satellites that are now sending direct broadcast television signals to homes all over America in rural parts of this country where cable never reached.

It has produced for us competition in areas where people only had one provider of television, one provider of telephones and all of a sudden now there are choices coming to them. This bill will produce more of those choices. It has the possibility of several million new jobs for Americans, as we develop these new technologies and the new choices for our citizens. It will reach rural areas that we have been trying to force companies to reach. It will reach them by the sheer force of the free market, because now with multiple services, it will be profitable to serve communities as small as 12 people, when we could not serve them with a mere telephone, even under universal service.

This bill will do more to bring us together as a country by linking us together with communication, education, information, recreational programming, data services, including medicine at home and education at home for people who never saw education.

This bill is a good bill. It deserves our endorsement.

The CHAIRMAN. The gentleman from Michigan [Mr. DINGELL] has 2½ minutes remaining.

Mr. DINGELL. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I hope my colleagues were listening to the remarks of the distinguished gentleman from Louisiana about what this bill is going to do.

I want to commend my good friend from Virginia [Mr. BLILEY] the distinguished gentleman from Texas [Mr. FIELDS] my friend, the gentleman from Michigan [Mr. CONYERS] and our good friend, the gentleman from Illinois [Mr. HYDE] who is one of the finest Members in this body.

We have had a good debate. It has been an enlightening debate, an intelligent discussion of the legislation before us. I think that is important. I was rather troubled earlier about the ill will which we saw sprinkled around in the discussion. I think that was a bad thing. This legislation is extremely important not only to all of us individually and to our people but indeed to the future of the country.

It has been a long time since the modified final judgment was adopted. These have been bad times for telecommunications and for communications and for that industry. It also has had bad consequences for the country.

I want to repeat to my colleagues that this offers a chance now to utilize a good, new regulatory system which will enable us to begin to bring on new technology and to bring into play the forces of competition, which will serve all of our people both in terms of product and in terms of quality and in terms of cost. That is important. It also will open up the process.

I had been bitterly critical of the curious process which has gone on under the modified final judgment. It has been inadequate. It has been unfair, and it has been a closed process. The business of regulation of the telecommunications industry has gone on in a closed courtroom where no one could find out what was going on, no one could participate in the pleadings. No one could appear without the leave of the court and the people who were the principal beneficiaries of that particular modified final judgment. It is important that we get rid of that. And even if this were a bad bill, I would say that almost any price is worth paying to get rid of a system which is so basically unfair.

□ 0215

It is so basically unseemly and so inconsistent with the system that this country has, so closed to innovation, and so closed to the participation by the people whose interests are affected by it, and so controlled by the beneficiaries of it. This is one of the curious examples where government has been controlled for the benefit of the people who did in fact do the governing, AT&T, the Justice Department, working with the judge. He was a good judge, but a bad process.

Mr. Chairman, I would urge my colleagues to support the amendment. I want to commend the staff which has worked, Mr. Regan, Ms. Reid, Mr. Ulman, and Mr. Michael O'Rielly, as well as my dear friend and colleague, Mr. David Leach, who have all worked so effectively to put together the packages before us.

Mr. CHAIRMAN. The gentleman from Virginia [Mr. BLILEY] is recognized to close debate.

Mr. BLILEY. Mr. Chairman, it is late. I want to commend our colleagues, particularly the ranking member, for his fine statement that he has just concluded. I also commend the ranking member of the Committee on the Judiciary, though we disagree on the policy. I want to commend the chairman of our subcommittee who has put in numerous hours to make this bill as balanced as we possibly can make it.

Mr. Chairman, I say to the White House who have not been involved with us that we welcome you to join us now as we prepare to go to conference. Bring us your concerns, sit down with us, and we will certainly consider any changes that you would suggest. Whether we will adopt them all, that is another matter. But we will certainly consider them, and I invite them to come forward.

Mr. Chairman, it has been an interesting debate, as the gentleman said, and I look forward to tomorrow when we will consider amendments to further perfect this bill, and then we will pass it and we will go to conference some time later this year. This is the way this process works. It is not a sprint, it is a marathon. We have had subcommittee, we have had full committee. We now are on the floor, and ultimately we will go to conference and we will come back with a conference report. That is the way it should be, Mr. Chairman, and I urge my colleagues to support his legislation and to help us craft it, make it even better as we go on with the process.

Mr. BILIRAKIS. I rise in strong support of the landmark legislation which we are considering today, and I want to commend my colleagues on the committees of jurisdiction for their hard work on this bill. H.R. 1555 is the culmination of years of work to overhaul Federal telecommunications policy and position America as a world leader in the dawning information age.

While this bill contains many important provisions, I want to address one area in particular—the issue of telemedicine. As Chairman of the Commerce Health Subcommittee, I have a special interest in this subject.

Although it is subject to different interpretations, the term "telemedicine" generally refers to live, interactive audiovisual communication between physician and patient or between two physicians. Telemedicine can facilitate consultation between physicians and serve as a method of health care delivery in which physicians examine patients through the use of advanced telecommunications technology.

One of the most important uses of telemedicine is to allow rural communities and other medically under-served areas to obtain access to highly trained medical specialists. It also provides a access to medical care in circumstances when possibilities for travel are limited or unavailable.

Despite widespread support for telemedicine in concept, many critical policy questions remain unresolved. At the same time, the Federal Government is currently spending millions of dollars on telemedicine demonstration projects with little or no congressional oversight. In particular, the Departments of Commerce and Health and Human Services have provided sizable grants for projects in a number of States.

Therefore, I drafted a provision which is included in the manager's amendment to require the Department of Commerce, in consultation with other appropriate agencies, to report annually to congress on the findings of any studies and demonstrations on telemedicine which are funded by the Federal Government.

My amendment is designed to provide greater information for federal policymakers in the areas of patient safety, quality of services, and other legal, medical and economic issues related to telemedicine. Through adoption of this provision, I am hopeful that we can shed light on the potential benefits of telemedicine, as well as existing roadblocks to its use.

Mrs. FOWLER. Mr. Chairman, I rise in opposition to H.R. 1555, the Communications Act of 1995. Although I believe that our telecommunications laws are in need of reform, I have serious concerns about certain sections of this bill, and about the manner in which it has been brought to the floor.

This is an important bill, because it will affect every time he or she picks up a phone or turns on the TV. It is incumbent upon us to consider it carefully and thoughtfully. I am concerned that this bill has been brought to the floor in a rush, following a process which was none-too-open.

My primary concern revolves around provisions in the manager's amendment regarding entry of local telephone service providers into the long distance market and vice versa. I never expected that the long distance companies and the local telephone companies would ever completely agree on any bill. But to formulate a manager's amendment that is vehemently opposed by one of the parties forces Members to choose between the two. It is the responsibility of the leadership to do everything possible to reconcile the differences between those affected by this bill, and I do not believe this has been done.

I have other concerns, including the potential of the bill to concentrate media ownership in a few hands and the bill's effects on radio and television broadcasting audience reach limits.

I am also concerned about the effect of the bill on State authority to regulate the costs of certain long distance calls within States. Many States have already taken steps to liberate such rates, and the bill would negatively affect these efforts. I share the concerns of the Governor of Florida and several other governors about this issue.

Mr. Chairman, we need to reform our telecommunications laws so that we can enter the 21st century governed by laws appropriate to the technology and services available to us. But this bill is not the vehicle that will best accomplish those goals. I say let's go back to the drawing board and try again.

Mr. LAZIO of New York. Mr. Chairman, the House shortly will consider H.R. 1555, the Communications Act of 1995. Among other things, this bill and its Senate-passed companion, S. 652, aims to ensure competition in the cable television industry as it expands into interactive voice, data and video services.

I wanted to bring to the attention of my colleagues in both bodies a serious and potentially dangerous situation that merits further study by Congress in the future, as it was not addressed by the legislation we are about to take up.

Currently, telephone systems provide a different sort of lightning or surge protection than is provided by the cable industry. Telephone companies have provided such protection through devices that instantaneously detect dangerous surges and direct them to ground. Cable companies do not have these devices and now only are required to ground their systems. As telephone companies branch out into broadband transmission services, they will continue to be required to protect the public from power surge and lightning hazards.

The National Electric Code does not require the cable industry to provide the same kind of surge protection to current and future cable users, even if cable companies will be providing the same kind of telephone service in the future that telephone companies now provide. I am told that the cable industry has made a commitment to do so if it does offer such telephone service, but it is an issue Congress should review.

I would urge my colleagues, particularly those in the Commerce Committee, to closely examine this potential problem and to hold hearings to make sure public safety will be adequately protected as our telecommunications industry goes through a period of unprecedented change.

Mrs. COLLINS of Illinois. Mr. Chairman, last night we voted on a rule on the bill H.R. 1555. I voted against it in strong opposition to the back room deals cut outside the committee process which have resulted in significant changes to H.R. 1555, and in strong opposition to the GOP leadership's attempts to ram this anti-consumer, pro-special interest bill through the House before the August recess. It has become typical procedure for this Republican-led Congress to pass hastily conceived, big business give aways in the dark of night at the 11th hour and H.R. 1555 is no exception.

Reform of our Nation's outdated telecommunications laws is an important and necessary endeavor. Last year this body overwhelmingly passed, and I supported, legislation that, while not flawless, certainly would have helped pave the roads of the information superhighway with increased competition and assisted in promoting greater economic opportunities for more Americans as we head into the 21st Century. However, this year's efforts have fallen far short of such a goal, with our constituents getting a raw deal.

In short, H.R. 1555 will deregulate cable companies prior to true competition in these markets. The consumers will pay in the form of higher rates for the most popular services. H.R. 1555 will also allow a single broadcast owner to gobble up enough television stations to control programming for half the Nation as well as giving the OK for one company to corner the newspaper, broadcast cable market in any community. Again, the consumers will pay in the form of monopoly pricing, limited local programming, and diversity of views. Finally, H.R. 1555 would allow phone companies to buy out cable companies in smaller service areas across the Nation. Once more, the consumers will pick up the tab.

While a certain select few amendments will be made in order under this rule that seek to temper some of these drastic provisions, I do not believe they will be enough to bring proper balance to this legislation. In addition, despite the 38 to 5 vote in the Commerce Committee to report H.R. 1555 to the House, the chairman decided to make a number of revisions to the telephone regulation title of the bill after meeting in secret with multi-million dollar executives. No matter what you think of these proposed changes, we should all agree that this is not the manner in which business should be conducted in the people's House—or has this body been renamed the house of corporate representatives, inc.?

Mr. Speaker, consideration of this bill began months ago when Speaker GINGRICH and his GOP colleagues held closed door powwows with major telecommunications CEO's, yet didn't think it necessary to speak with consumer groups and other citizen advocates to get their input. Surprise, surprise.

This is a bad rule and I regret that we did not go back to the drafting table and craft a telecommunications reform package that puts the public interest before the Gingrich Republican special interests.

Mr. RADANOVICH. Mr. Chairman, I intend to vote for H.R. 1555 and against attempts to weaken it.

I believe in competition. I believe in reduced regulation. I want markets, not mandarins of the bureaucracy, to control what communications services are available to us and how much we pay for them.

The electorate's message that came here with us was a clear signal. It rises above the din of those who clamor for controls.

The people told us get the bureaucrats out of our houses and off our lines. Americans reject the idea that privileges or special advantages should be given by government to certain companies, allowing them to carry on a particular business and control the supply of certain services.

Much as our constituents may enjoy the game of Monopoly, they don't want its impact on their real-life pocketbooks.

I intend to keep my word to the people I represent. Their final judgment will not be modified by me.

Mr. BLILEY. Mr. Chairman, with that, I yield back the balance of my time, and I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. HASTART) having assumed the chair, Mr. KOLBE, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1555), to promote competition and reduce regulation in order to lower prices and higher quality services for American telecommunications consumers and encourage the rapid deployment of new telecommunications technologies, had come to no resolution thereon.

PRINTING OF OMISSIONS FROM RECORD OF JULY 31, 1995

(Consideration of the following 3 bills, H.R. 714, H.R. 701 and H.R. 1874 are reprinted as follows containing omissions from the RECORD of Monday, July 31, 1995, beginning at page H7996.)

ILLINOIS LAND CONSERVATION ACT OF 1995

Mr. EMERSON. Mr. Speaker, I ask unanimous consent that the Committee on National Security and the Committee on Commerce be discharged from further consideration of the bill (H.R. 714), to establish the Midewin National Tallgrass Prairie in the State of Illinois, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

Mr. STENHOLM. Mr. Speaker, reserving the right to object, and I will not object, I yield to the gentleman from Missouri [Mr. EMERSON] for the purpose of explanation.

Mr. EMERSON. Mr. Speaker, H.R. 714 would establish a tall grass prairie in the former Joliet Arsenal. Also, this legislation would set aside portions of the land for a landfill, portions for economic development, and also a section 4(a) national cemetery.

Mr. Speaker, further reserving the right to object, I yield to the gentleman from Illinois [Mr. WELLER].

Mr. WELLER. My Speaker, I would like to speak briefly about the importance of this legislation, H.R. 714, the Illinois Land Conservation Act, which has overwhelming bipartisan support from Members on both the Republican and Democrat side of the aisle. This is an innovative land reuse plan which was developed by a citizens planning commission, appointed under the direction of my predecessor, former Congressman George Sangmeister, resulted from thousands of hours of volunteer time from leaders in conservation, veterans' organizations, business and labor, educators, and many civic organizations.

Briefly, the Joliet Army Ammunition Plant, commonly referred to as the Joliet Arsenal, was declared excess Federal property in April 1993. A local citizens commission developed a plan for reuse of the site, which is encompassed in my legislation.

The plan has received broad-based support from Illinois' major media, citizens organizations, veterans' groups, business, labor, conservation, and educators. The plan includes transferring 19,000 acres to the National Forest Service for creation of the Midewin National Tall Grass Prairie. The plan also includes a veterans' cemetery, which will occupy just under 1,000 acres on the arsenal property.

There are also two sites, for a total of 3,000 acres, to be used for the purpose of economic development and job creation, and finally 455 acres will be used for a local landfill.

Since this bill's introduction, I have worked closely with all the agencies involved and have made changes in the legislation to reflect issues that they have had concerns with. This is bipartisan legislation supported by the Governor of the State of Illinois, Republicans and Democrats in the Illinois delegation, and a large number of veterans, conservation, environment, business and labor, and private organizations.

Clearly, H.R. 714 is a win-win-win for taxpayers, conservation veterans, and working men and women. I ask for and urge the bill's immediate passage with bipartisan support.

Mr. YATES. Mr. Speaker, I rise in strong support of the bill offered by the gentleman from Illinois.

H.R. 714, the bill that would establish the Midewin National Tallgrass Prairie at the former Joliet Arsenal, is an excellent piece of legislation that can serve as a model for other communities with closed military bases.

I am proud to say that I was there at the beginning, when the concept of turning an abandoned TNT factory into a multi-purpose site for the benefit of the 8 million Chicago-area residents was first conceived. I enjoyed working with our former colleague, George Sangmeister, during the 103d Congress and I have equally enjoyed working with his successor, the distinguished gentleman from Joliet.

Located less than 50 miles from the Ninth District, the Midewin National Tallgrass Prairie will offer my constituents unparalleled preservation and recreational opportunities.

The Joliet Arsenal is a treasury trove of rare and endangered species—so unique in the urban sprawl of northern Illinois. Sixteen State endangered species, 108 different birds, 40 types of fish, and 348 native plant species can all be found on the arsenal property.

In addition, the arsenal site contains the single largest tallgrass ecosystem east of the Mississippi River, and the only grassland of this size in unfragmented, single ownership. It is also important to note that the arsenal is adjacent to other reserves and when all of that open space is combined, it creates the biggest prairie in the eastern United States.

We have so few opportunities in Illinois to preserve original, intact ecosystems. Most of our land has either been consumed by ever-growing cities and suburbs or is being farmed. There are very few natural areas in our State; a forest preserve here, a park there, but not nearly enough to satisfy our most minimal needs.

That is why acquiring the Joliet Arsenal and creating a tallgrass prairie is a once-in-a-lifetime opportunity. We will never have this chance again. If we do not act now to protect this valuable site, it could be lost forever.

This is a bipartisan bill, supported by a large and diverse group, including the Republican Governor of Illinois, the Democratic mayor of Chicago, the Forest Service, and every major environmental organization.

There have been many people who have helped make this project a reality, but I want to give special recognition to Dr. Fran Harty at the Illinois Department of Conservation and Dr. Larry Strich and his colleagues at the Shawnee National Forest for their extraordinary efforts to make the arsenal a tallgrass prairie.

I also want to commend the Forest Service for their leadership in this matter. After other agencies dragged their feet on acquiring the Joliet Arsenal, the Forest Service enthusiastically entered the process. Their can-do spirit toward the arsenal is laudable and I want to express my sincere thanks to them for being so cooperative on a project that is important to me and my constituents. I hope to continue working with the Service in the future to secure adequate funding for the Midewin National Tallgrass Prairie.

The cooperation extended by the Forest Service is just one piece of the unique public-private partnership that formed to preserve the Joliet Arsenal. This is truly a national model of how closed military bases can be converted to productive civilian use and of how local communities can work with the Federal Government to ensure that these old bases are developed to benefit everyone.

There are hundreds of military installations across the Nation that have been closed by the Base Closure Commission. The Federal Government must decide what to do with these old bases.

We've seen the negative impacts that closing military bases can have on local communities. But if we follow the example of the Joliet Arsenal and let the local community decide how best to use the closed facility and have the Federal Government assist that locale, a closing military base need not destroy a struggling community.

I think it would be wise for the Pentagon to study the Joliet Arsenal model and to implement it at other facilities slated for closure.

This bill is good for the people of Illinois and clearly good for the Nation, and I urge my colleagues to support it.

Mr. DE LA GARZA. Mr. Speaker, I rise in support of H.R. 714, the Illinois Land Conservation Act. H.R. 714 is nearly identical to H.R. 4946 that was introduced in the 103d Congress by Congressman Sangmeister. H.R. 4946 was passed by unanimous consent in the House after being discharged by the Agriculture Committee at the very end of the session. The Senate took no action on the bill before adjournment.

H.R. 714, introduced by Congressman WELLER, establishes the Midewin Tallgrass Prairie by initially transferring approximately 16,000 acres currently held by the Department of the Army to the Department of Agriculture. Another 3,000 acres will be transferred when the Department of the Army completes an environmental cleanup on the site. Provision is made for the continued responsibility of cleanup of hazardous wastes by the Department of the Army. The bill also provides for the transfer of approximately 910 acres to the Department of Veterans' Affairs and the establishment of a National Cemetery on the site to be administered by the Secretary of Veterans Affairs. Additionally the bill provides for transfer to the county of approximately 425 acres to be operated as a landfill and approximately 3,000 acres to the State of Illinois to be used for economic development. The U.S. Forest Service is supportive of the legislation before us today.

Mr. Speaker, an amendment that will be offered to modify the language regarding special use permits is supported by the U.S. Forest Service. I ask that a letter from U.S. Forest Service Chief Jack Ward Thomas, acknowledging the new language's consistency with current U.S. Forest Service management practices, be included in the RECORD.

DEPARTMENT OF AGRICULTURE,
Washington, DC, July 28, 1995.

Hon. PAT ROBERTS,
Chairman, Committee on Agriculture
Washington, DC.

DEAR MR. CHAIRMAN: This is to confirm discussions my staff have had with members of your staff regarding language contained in a draft Agriculture Committee version of H.R. 714, the "Illinois Conservation Act of 1995."

John Hogan, counsel to the Committee, has told my staff that a proposed amendment may be offered on the House floor to strike two sentences in subsection 105(b)(2). The referenced subsection refers to the issuance by the Secretary of Agriculture of special use authorizations for agricultural purposes, including livestock grazing. The proposed amendment would strike the second and third complete sentences in that subsection, specifically: "Such special use authorization shall require payment of a rental fee, in advance, that is based on the fair market value of the use allowed. Fair market value shall be determined by appraisal or a competitive bidding process."

It is our understanding that the proposed deletion of those two sentences is intended to avoid any confusion between the use provisions of this bill and the ongoing legislative debate over grazing fees in the Western States. Mr. Hogan asked our opinion as to what effect the deletion of these two sentences would have on management of the Midewin National Tallgrass Prairie.

The proposed deletion of the referenced sentence would have no practical effect on management of the Prairie. The Forest Service will utilize the same general terms and conditions for agricultural leasing as was utilized by the Army, including competitive bidding for farming and leasing rights. This system has worked well for the Army and we plan to continue it. And, we note, the system is consistent with general Forest Service management practices throughout the Eastern United States.

If we can provide additional information, please do not hesitate to ask.

JACK WARD THOMAS,
Chief.

Mr. STENHOLM. Mr. Speaker, I thank the gentleman for his explanation, and urge passage of the bill.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The Clerk read the bill, as follows:

H.R. 714

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Illinois Land Conservation Act of 1995".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title and table of contents.
Sec. 2. Definitions.

TITLE I—CONVERSION OF JOLIET ARMY AMMUNITION PLANT TO MIDEWIN NATIONAL TALLGRASS PRAIRIE

Sec. 101. Principles of transfer.
Sec. 102. Transfer of management responsibilities and jurisdiction over Arsenal.
Sec. 103. Continuation of responsibility and liability of Secretary of the Army for environmental cleanup.
Sec. 104. Establishment and administration of Midewin National Tallgrass Prairie.
Sec. 105. Special management requirements for Midewin National Tallgrass Prairie.
Sec. 106. Special disposal rules for certain Arsenal parcels intended for MNP.

TITLE II—OTHER REAL PROPERTY DISPOSALS INVOLVING JOLIET ARMY AMMUNITION PLANT

Sec. 201. Disposal of certain real property at Arsenal for a national cemetery.
Sec. 202. Disposal of certain real property at Arsenal for a county landfill.
Sec. 203. Disposal of certain real property at Arsenal for economic development.

TITLE III—MISCELLANEOUS PROVISIONS

Sec. 301. Degree of environmental cleanup.

SEC. 2. DEFINITIONS.

For purposes of this Act:

(1) The term "Administrator" means the Administrator of the United States Environmental Protection Agency.

(2) The term "agricultural purposes" means the use of land for row crops, pasture, hay, and grazing.

(3) The term "Arsenal" means the Joliet Army Ammunition Plant located in the State of Illinois.

(4) The acronym "CERCLA" means the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

(5) The term "Defense Environmental Restoration Program" means the program of environmental restoration for defense installations established by the Secretary of Defense under section 2701 of title 10, United States Code.

(6) The term "environmental law" means all applicable Federal, State, and local laws, regulations, and requirements related to protection of human health, natural and cultural resources, or the environment, including CERCLA, the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.), the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), the Clean Air Act (42 U.S.C. 7401 et seq.), the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.), the Toxic Substances Control Act (15 U.S.C. 2601 et seq.), and the Safe Drinking Water Act (42 U.S.C. 300f et seq.).

(7) The term "hazardous substance" has the meaning given such term by section 101(14) of CERCLA (42 U.S.C. 9601(14)).

(8) The abbreviation "MNP" means the Midewin National Tallgrass Prairie established pursuant to section 104 and managed as a part of the National Forest System.

(9) The term "national cemetery" means a cemetery established and operated as part of the National Cemetery System of the Department of Veterans Affairs and subject to the provisions of chapter 24 of title 38, United States Code.

(10) The term "person" has the meaning given such term by section 101(21) of CERCLA (42 U.S.C. 9601(21)).

(11) The term "pollutant or contaminant" has the meaning given such term by section 101(33) of CERCLA (42 U.S.C. 9601(33)).

(12) The term "release" has the meaning given such term by section 101(22) of CERCLA (42 U.S.C. 9601(22)).

(13) The term "response action" has the meaning given such term by section 101(25) of CERCLA (42 U.S.C. 9601(25)).

TITLE I—CONVERSION OF JOLIET ARMY AMMUNITION PLANT TO MIDEWIN NATIONAL TALLGRASS PRAIRIE

SEC. 101. PRINCIPLES OF TRANSFER.

(a) Land Use Plan.—The Congress ratifies in principle the proposals generally identified by the land use plan which was developed by the Joliet Arsenal Citizen Planning Commission and unanimously approved on April 8, 1994.

(b) Transfer Without Reimbursement.—The area constituting the Midewin National Tallgrass Prairie shall be transferred, without reimbursement, to the Secretary of Agriculture.

(c) Management of MNP.—Management by the Secretary of Agriculture of those portions of the Arsenal transferred to the Secretary under this Act shall be in accordance with sections 104 and 105 regarding the Midewin National Tallgrass Prairie.

(d) Security Measures.—The Secretary of the Army and the Secretary of Agriculture shall each provide and maintain physical and other security measures on such portion of the Arsenal as is under the administrative jurisdiction of such Secretary. Such security measures (which may include fences and natural barriers) shall include measures to prevent members of the public from gaining unauthorized access to such portions of the Arsenal as are under the administrative jurisdiction of such Secretary and that may endanger health or safety.

(e) Cooperative Agreements.—The Secretary of the Army, the Secretary of Agriculture, and the Administrator are individually and collectively authorized to enter into cooperative agreements and memoranda of understanding among each other and with other affected Federal agencies, State and local governments, private organizations, and corporations to carry out the purposes for which the Midewin National Tallgrass Prairie is established.

(f) Interim Activities of the Secretary of Agriculture.—Prior to transfer and subject to such reasonable terms and conditions as the Secretary of the Army may prescribe, the Secretary of Agriculture may enter upon the Arsenal property for purposes related to planning, resource inventory, fish and wildlife habitat manipulation (which may include prescribed burning), and other such activities consistent with the purposes for which the Midewin National Tallgrass Prairie is established.

SEC. 102. TRANSFER OF MANAGEMENT RESPONSIBILITIES AND JURISDICTION OVER ARSENAL.

(a) Initial Transfer of Jurisdiction.—Within 6 months after the date of the enactment of this Act, the Secretary of the Army shall effect the transfer of those portions of the Arsenal property identified for transfer to the Secretary of Agriculture pursuant to subsection (d). The Secretary of the Army shall transfer to the Secretary of Agriculture only those portions of the Arsenal for which the Secretary of the Army and the Administrator concur that no further action is required under any environmental law and which therefore have been eliminated from the areas to be further studied pursuant to the Defense Environmental Restoration Program for the Arsenal. Within 4 months after the date of the enactment of this Act, the Secretary of the Army and the Administrator shall provide to the Secretary of Agriculture all existing documentation supporting such finding and all existing information relating to the environmental conditions of the portions of the Arsenal to be transferred to the Secretary of Agriculture pursuant to this subsection.

(b) Additional Transfers.—The Secretary of the Army shall transfer to the Secretary of Agriculture in accordance with section 106(c) any portion of the property generally identified in subsection (d) and not transferred under subsection (a) after the Secretary of the Army and the Administrator concur that no further action is required at that portion of property under any environmental law and that such portion is therefore eliminated from the areas to be further studied pursuant to the Defense Environmental Restoration Program for the Arsenal. At least 2 months before any transfer under this subsection, the Secretary of the Army and the Administrator shall provide to the Secretary of Agriculture all existing documentation supporting such finding and all existing information relating to the environmental conditions of the portion of the Arsenal to be transferred. Transfer of jurisdiction pursuant to this subsection may be accomplished on a parcel-by-parcel basis.

(c) Effect on Continued Responsibilities and Liability of Secretary of the Army.—Subsections (a) and (b), and their requirements, shall not in any way affect the responsibilities and liabilities of the Secretary of the Army specified in section 103.

(d) Identification of Portions for Transfer for MNP.—The lands to be transferred to the Secretary of Agriculture under subsections (a) and (b) shall be identified on a map or maps which shall be agreed to by the Secretary of the Army and the Secretary of Agriculture. Generally, the land to be transferred to the Secretary of Agriculture shall be all the real property and improvements comprising the Arsenal, except for lands and facilities described in subsection (e) or designated for disposal under section 106 or title II.

(e) Property Used for Environmental Cleanup.—

(1) Retention.—The Secretary of the Army shall retain jurisdiction, authority, and control over real property at the Arsenal to be used for—

(A) water treatment;

(B) the treatment, storage, or disposal of any hazardous substance, pollutant or contaminant, hazardous material, or petroleum products or their derivatives;

(C) other purposes related to any response action at the Arsenal; and

(D) other actions required at the Arsenal under any environmental law to remediate contamination or conditions of noncompliance with any environmental law.

(2) Conditions.—The Secretary of the Army shall consult with the Secretary of Agriculture regarding the identification and management of the real property retained under this subsection and ensure that activities carried out on that property are consistent, to the extent practicable, with the purposes for which the Midewin National Tallgrass Prairie is established, as specified in section 104(c), and with the other provisions of such section and section 105.

(3) Priority of Response Actions.—In the case of any conflict between management of the property by the Secretary of Agriculture and any response action or other action required under environmental law to remediate petroleum products or their derivatives, the response action or other such action shall take priority.

(f) Surveys.—All costs of necessary surveys for the transfer of jurisdiction of Arsenal property from the Secretary of the Army to the Secretary of Agriculture shall be shared equally by the two Secretaries.

SEC. 103. CONTINUATION OF RESPONSIBILITY AND LIABILITY OF SECRETARY OF THE ARMY FOR ENVIRONMENTAL CLEANUP.

(a) Responsibility.—The liabilities and responsibilities of the Secretary of the Army under any environmental law shall not transfer under any circumstances to the Secretary of Agriculture as a result of the property transfers made under section 102 or section 106, or as a result of interim activities of the Secretary of Agriculture on Arsenal property under section 101(f). With respect to the real property at the Arsenal, the Secretary of the Army shall remain liable for and continue to carry out—

(1) all response actions required under CERCLA at or related to the property;

(2) all remediation actions required under any other environmental law at or related to the property; and

(3) all actions required under any other environmental law to remediate petroleum products or their derivatives (including motor oil and aviation fuel) at or related to the property.

(b) Liability.—

(1) In general.—Nothing in this Act shall be construed to effect, modify, amend, repeal, alter, limit or otherwise change, directly or indirectly, the responsibilities or liabilities under any applicable environmental law of any person (including the Secretary of Agriculture), except as provided in paragraph (3) with respect to the Secretary of Agriculture.

(2) Liability of Secretary of the Army.—The Secretary of the Army shall retain any obligation or other liability at the Arsenal that the Secretary may have under CERCLA and other environmental laws. Following transfer of any portions of the Arsenal pursuant to this Act, the Secretary of the Army shall be accorded all easements and access to such property as may be reasonably required to carry out such obligation or satisfy such liability.

(3) Special rules for Secretary of Agriculture.—The Secretary of Agriculture shall not be responsible or liable under any environmental law for matters which are in any way related directly or indirectly to activities of the Secretary of the Army, or any party acting under the authority of the Secretary in connection with the Defense Environmental Restoration Program, at the Arsenal and which are for any of the following:

(A) Costs of response actions required under CERCLA at or related to the Arsenal.

(B) Costs, penalties, or fines related to noncompliance with any environmental law at or related to the Arsenal or related to the presence, release, or threat of release of any hazardous substance, pollutant, contaminant, hazardous waste or hazardous material of any kind at or related to the Arsenal, including contamination resulting from migration of hazardous substances, pollutants, contaminants, hazardous materials, or petroleum products or their derivatives disposed during activities of the Department of the Army.

(C) Costs of actions necessary to remedy such noncompliance or other problem specified in subparagraph (B).

(c) Payment of Response Action Costs.—Any Federal department or agency that had or has operations at the Arsenal resulting in the release or threatened release of hazardous substances, pollutants, or contaminants shall pay the cost of related response actions or related actions under other statutes to remediate petroleum products or their derivatives, including motor oil and aviation fuel.

(d) Consultation.—The Secretary of Agriculture shall consult with the Secretary of the Army with respect to the Secretary of Agriculture's management of real property included in the Midewin National Tallgrass Prairie subject to any response action or other action at the Arsenal being carried out by or under the authority of the Secretary of the Army under any environmental law. The Secretary of Agriculture shall consult with the Secretary of the Army prior to undertaking any activities on the Midewin National Tallgrass Prairie that may disturb the property to ensure that such activities will not exacerbate contamination problems or interfere with performance by the Secretary of the Army of response actions at the property. In carrying out response actions at the Arsenal, the Secretary of the Army shall consult with the Secretary of Agriculture to ensure that such actions are carried out in a manner consistent with the purposes for which the Midewin National Tallgrass Prairie is established, as specified in section 104(c), and the other provisions of such section and section 105.

SEC. 104. ESTABLISHMENT AND ADMINISTRATION OF MIDEWIN NATIONAL TALLGRASS PRAIRIE.

(a) Establishment.—On the effective date of the initial transfer of jurisdiction of portions of the Arsenal to the Secretary of Agriculture under section 102(a), the Secretary of Agriculture shall establish the Midewin National Tallgrass Prairie. The MNP shall—

(1) be administered by the Secretary of Agriculture; and

(2) consist of the real property so transferred and such other portions of the Arsenal subsequently transferred under section 102(b) or 106.

(b) Administration.—

(1) In general.—The Secretary of Agriculture shall manage the Midewin National Tallgrass Prairie as a part of the National Forest System in accordance with this Act and the laws, rules, and regulations pertaining to the National Forest System, except that the Bankhead-Jones Farm Tenant Act of 1937 (7 U.S.C. 1010–1012) shall not apply to the MNP.

(2) Initial management activities.—In order to expedite the administration and public use of the Midewin National Tallgrass Prairie, the Secretary of Agriculture may conduct management activities at the MNP to effectuate the purposes for which the MNP is established, as set forth in subsection (c), in advance of the development of a land and resource management plan for the MNP.

(3) Land and resource management plan.—In developing a land and resource management plan for the Midewin National Tallgrass Prairie, the Secretary of Agriculture shall consult with the Illinois Department of Conservation and local governments adjacent to the MNP and provide an opportunity for public comment. Any parcel transferred to the Secretary of Agriculture under this Act after the development of a land and resource management plan for the MNP may be managed in accordance with such plan without need for an amendment to the plan.

(c) Purposes of the Midewin National Tallgrass Prairie.—The Midewin National Tallgrass Prairie is established to be managed for National Forest System purposes, including the following:

(1) To conserve and enhance populations and habitats of fish, wildlife, and plants, including populations of grassland birds, raptors, passerines, and marsh and water birds.

(2) To restore and enhance, where practicable, habitat for species listed as proposed, threatened or endangered under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

(3) To provide fish and wildlife oriented public uses at levels compatible with the conservation, enhancement and restoration of native wildlife and plants and their habitats.

(4) To provide opportunities for scientific research.

(5) To provide opportunities for environmental and land use education.

(6) To manage the land and water resources of the MNP in a manner that will conserve and enhance the natural diversity of native fish, wildlife, and plants.

(7) To conserve and enhance the quality of aquatic habitat.

(8) To provide for public recreation insofar as such recreation is compatible with the other purposes for which the MNP is established.

(d) Other Land Acquisition for MNP.—

(1) Land acquisition funds.—Notwithstanding section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–9), monies appropriated from the Land and Water Conservation Fund established under section 2 of such Act (16 U.S.C. 4601–5) shall be available for acquisition of lands and interests in land for inclusion in the Midewin National Tallgrass Prairie.

(2) Acquisition of private lands.—Acquisition of private lands for inclusion in the Midewin National Tallgrass Prairie shall be on a willing seller basis only.

(e) Cooperation With States, Local Governments and Other Entities.—In the management of the Midewin National Tallgrass Prairie, the Secretary is authorized and encouraged to cooperate with appropriate Federal, State and local governmental agencies, private organizations and corporations. Such cooperation may include cooperative agreements as well as the exercise of the existing authorities of the Secretary under the Cooperative Forestry Assistance Act of 1978 and the Forest and Rangeland Renewable Resources Research Act of 1978. The objects of such cooperation may include public education, land and resource protection, and cooperative management among government, corporate and private landowners in a manner which furthers the purposes for which the Midewin National Tallgrass Prairie is established.

SEC. 105. SPECIAL MANAGEMENT REQUIREMENTS FOR MIDEWIN NATIONAL TALLGRASS PRAIRIE.

(a) Prohibition Against the Construction of New Through Roads.—No new construction of any highway, public road, or any part of the interstate system, whether Federal, State, or local, shall be permitted through or across any portion of the Midewin National Tallgrass Prairie. Nothing herein shall preclude construction and maintenance of roads for use within the MNP, or the granting of authorizations for utility rights-of-way under applicable Federal law, or preclude such access as is necessary. Nothing herein shall preclude necessary access by the Secretary of the Army for purposes of restoration and cleanup as provided in this Act.

(b) Agricultural Leases and Special Use Authorizations.—Within the Midewin National Tallgrass Prairie, use of the lands for agricultural purposes shall be permitted subject to the following terms and conditions:

(1) If at the time of transfer of jurisdiction under section 102 there exists any lease issued by the Department of the Army, Department of Defense, or any other agency thereof, for agricultural purposes upon the parcel transferred, the Secretary of Agriculture, upon transfer of jurisdiction, shall convert the lease to a special use authorization, the terms of which shall be identical in substance to the lease that existed prior to the transfer, including the expiration date and any payments owed the United States.

(2) The Secretary of Agriculture may issue special use authorizations to persons for use of the Midewin National Tallgrass Prairie for agricultural purposes. Such special use authorizations shall require payment of a rental fee, in advance, that is based on the fair market value of the use allowed. Fair market value shall be determined by appraisal or a competitive bidding process. Special use authorizations issued pursuant to this paragraph shall include terms and conditions as the Secretary of Agriculture may deem appropriate.

(3) No agricultural special use authorization shall be issued for agricultural purposes which has a term extending beyond the date twenty years from the date of enactment of this Act, except that nothing in this Act shall preclude the Secretary from issuing agricultural special use authorizations or grazing permits which are effective after twenty years from the date of enactment of this Act for purposes primarily related to erosion control, provision for food and habitat for fish and wildlife, or other resource management activities consistent with the purposes of the Midewin National Tallgrass Prairie.

(c) TREATMENT OF RENTAL FEES.—Monies received pursuant to subsection (b) shall be subject to distribution to the State of Illinois and affected counties pursuant to the Acts of May 23, 1908, and March 1, 1911 (16 U.S.C. 500). All such monies not distributed pursuant to such Acts shall be covered into the Treasury and shall constitute a special fund, which is hereby appropriated and made available until expended, to cover the cost to the United States of such prairie-improvement work as the Secretary of Agriculture may direct. Any portion of any deposit made to the fund which the Secretary of Agriculture determines to be in excess of the cost of doing such work shall be transferred, upon such determination, to miscellaneous receipts, Forest Service Fund, as a National Forest receipt of the fiscal year in which such transfer is made.

(d) USER FEES.—The Secretary is authorized to charge reasonable fees for the admission, occupancy, and use of the Midewin National Tallgrass Prairie and may prescribe a fee schedule providing for reduced or a waiver of fees for persons or groups engaged in authorized activities including those providing volunteer services, research, or education. The Secretary shall permit admission, occupancy, and use at no additional charge for persons possessing a valid Golden Eagle Passport or Golden Age Passport.

(e) SALVAGE OF IMPROVEMENTS.—The Secretary of Agriculture may sell for salvage value any facilities and improvements which have been transferred to the Secretary of Agriculture pursuant to this Act.

(f) TREATMENT OF USER FEES AND SALVAGE RECEIPTS.—Monies collected pursuant to subsections (d) and (e) shall be covered into the Treasury and constitute a special fund to be known as the Midewin National Tallgrass Prairie Restoration Fund. Deposits in the Midewin National Tallgrass Prairie Restoration Fund, which are hereby appropriated and made available until expended, shall be used for restoration and administration of the Midewin National Tallgrass Prairie, including construction of a visitor and education center, restoration of ecosystems, construction of recreational facilities (such as trails), construction of administrative offices, and operation and maintenance of the MNP.

(g) USE OF GROUND WATER RESOURCES.—The Secretary of Agriculture shall develop a plan to provide Will County, Illinois, and local jurisdictions in the county with reasonable access to, and use of, ground water through the system of water wells in existence on the date of the enactment of this Act and located on portions of Arsenal property to be included in the Midewin National Tallgrass Prairie. The Secretary shall develop the water access and use plan in consultation with the Board of Commissioners of Will County, the redevelopment authority established pursuant to section 203(c), and representatives of the affected jurisdictions.

SEC. 106. SPECIAL DISPOSAL RULES FOR CERTAIN ARSENAL PARCELS INTENDED FOR MNP.

(a) DESCRIPTION OF PARCELS.—Except as provided in subsection (b), the following areas are designated for disposal pursuant to subsection (c):

(1) Manufacturing Area—Study Area 1—Southern Ash Pile, Study Area 2—Explosive Burning Ground, Study Area 3—Flashing Grounds, Study Area 4—Lead Azide Area, Study Area 10—Toluene Tank Farms, Study Area 11—Landfill, Study Area 12—Sellite Manufacturing Area, Study Area 14—Former Pond Area, Study Area 15—Sewage Treatment Plant.

(2) Load Assemble Packing Area—Group 61: Study Area L1, Explosive Burning Ground: Study Area L2, Demolition Area: Study Area L3, Landfill Area: Study Area L4, Salvage Yard: Study Area L5, Group 1: Study Area L7, Group 2: Study Area L8, Group 3: Study Area L9, Group 3A: Study Area L10, Doyle Lake: Study Area L12, Group 4: Study Area L14, Group 5: Study Area L15, Group 8: Study Area L18, Group 9: Study Area L19, Group 20, Study Area L20, Group 25: Study Area L22, Group 27: Study Area L23, Group 62: Study Area L25, Extraction Pits: Study Area L31, PVC Area: Study Area L33, Former Burning Area: Study Area L34, Fill Area: Study Area L35, including all associated inventoried buildings and structures as identified in the Joliet Army Ammunition Plant Plantwide Building and Structures Report and the contaminate study sites for both the Manufacturing and Load Assembly and Packing sides of the Joliet Arsenal as delineated in the Dames and Moore Final Report, Phase 2 Remedial Investigation Manufacturing (MFG) Area Joliet Army Ammunition Plant Joliet, Illinois (May 30, 1993. Contract No. DAAA15–90–D–0015 task order No. 6 prepared for: United States Army Environmental Center).

(b) EXCEPTION.—The parcels described in subsection (a) shall not include the property at the Arsenal designated for disposal under title II.

(c) INITIAL OFFER TO SECRETARY OF AGRICULTURE.—Within 6 months after the construction and installation of any remedial design approved by the Administrator and required for any lands described in subsection (a), the Administrator shall provide to the Secretary of Agriculture all existing information regarding the implementation of such remedy, including information regarding its effectiveness. Within 3 months after the Administrator provides such information to the Secretary of Agriculture, the Secretary of the Army shall offer the Secretary of Agriculture the option of accepting a transfer of the areas described in subsection (a), without reimbursement, to be added to the Midewin National Tallgrass Prairie and subject to the terms and conditions, including the limitations on liability, contained in this Act. In the event the Secretary of Agriculture declines such offer, the property may be disposed of as the Army would ordinarily dispose of such property under applicable provisions of law. Any sale or other transfer of property conducted pursuant to this subsection may be accomplished on a parcel-by-parcel basis.

TITLE II—OTHER REAL PROPERTY DISPOSALS INVOLVING JOLIET ARMY AMMUNITION PLANT

SEC. 201. DISPOSAL OF CERTAIN REAL PROPERTY AT ARSENAL FOR A NATIONAL CEMETERY.

(a) TRANSFER REQUIRED.—Not later than 6 months after the date of the enactment of this Act, the Secretary of the Army shall transfer, without reimbursement, to the Secretary of Veterans Affairs the parcel of real property at the Arsenal described in subsection (b) for use as a national cemetery. Subsections (b) and (c) of section 2337 of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (Public Law 101–180; 101 Stat. 1225) shall apply to the transfer.

(b) DESCRIPTION OF PROPERTY.—The real property to be transferred under subsection (a) is a parcel of real property at the Arsenal consisting of approximately 910 acres, the approximate legal description of which includes part of sections 30 and 31 Jackson Township, T34N R10E, and part of sections 25 and 36 Channahon Township, T34N R9E, Will County, Illinois, as depicted in the Arsenal Land Use Concept.

(c) SECURITY MEASURES.—The Secretary of Veterans Affairs shall provide and maintain physical and other security measures on the real property transferred under subsection (a). Such security measures (which may include fences and natural barriers) shall include measures to prevent members of the public from gaining unauthorized access to the portion of the Arsenal that is under the administrative jurisdiction of such Secretary and that may endanger health or safety.

(d) SURVEYS.—All costs of necessary surveys for the transfer of jurisdiction of Arsenal properties from the Secretary of the Army to the Secretary of Veterans Affairs shall be shared equally by the two Secretaries.

SEC. 202. DISPOSAL OF CERTAIN REAL PROPERTY AT ARSENAL FOR A COUNTY LANDFILL.

(a) TRANSFER REQUIRED.—The Secretary of the Army shall transfer, without compensation, to the County of Will, Illinois, all right, title, and interest of the United States in and to the parcel of real property at the Arsenal described in subsection (b), which shall be operated as a landfill by the County.

(b) DESCRIPTION OF PROPERTY.—The real property to be transferred under subsection (a) is a parcel of real property at the Arsenal consisting of—

(1) approximately 425 acres, the approximate legal description of which includes part of sections 8 and 17, Florence Township, T33N R10E, Will County, Illinois, as depicted in the Arsenal Land Use Concept; and

(2) such additional acreage at the Arsenal as is necessary to reasonably accommodate needs for the disposal of refuse and other materials from the restoration and cleanup of only the Arsenal property as provided for in this Act.

(c) USE OF LANDFILL.—The use by any agency of the Federal Government (or its agents or assigns) of the landfill established on the real property described in subsection (b)(2) shall be at no cost to the Federal Government.

(d) REVERSIONARY INTEREST.—During the 5-year period beginning on the date the Secretary of the Army makes the conveyance under subsection (a), if the Secretary determines that the conveyed real property is not being operated as a landfill or that the Federal Government (or its agents or assigns) is denied reasonable access to the portion of the landfill described in subsection (b)(2), all right, title and interest in and to the property, including improvements thereon, shall revert to the United States. The United States shall have the right of immediate entry onto the property. Any determination of the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(e) SURVEYS.—All costs of necessary surveys for the transfer of real property under this section shall be borne by the Secretary of the Army.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Army may require such additional terms and conditions in connection with the conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 203. DISPOSAL OF CERTAIN REAL PROPERTY AT ARSENAL FOR ECONOMIC DEVELOPMENT.

(a) TRANSFER REQUIRED.—Subject to subsection (c), the Secretary of the Army shall transfer, without compensation, to the State of Illinois, all right, title, and interest of the United States in and to the parcel of real property at the Arsenal described in subsection (b), which shall be used for economic redevelopment to replace all or a part of the economic activity lost at the Arsenal.

(b) DESCRIPTION OF PROPERTY.—The real property to be transferred under subsection (a) is a parcel of real property at the Arsenal consisting of—

(1) approximately 1,900 acres located at the Arsenal, the approximate legal description of which includes part of section 30, Jackson Township, T34N R10E, and sections or part of sections 24, 25, 26, 35, and 36, Channahon Township, T34N R9E, Will County, Illinois, as depicted in the Arsenal Land Use Concept; and

(2) approximately 1,100 acres, the approximate legal description of which includes part of sections 16, 17, 18 Florence Township, T33N R10E, Will County, Illinois, as depicted in the Arsenal Land Use Concept.

(c) CONDITION OF CONVEYANCE.—

(1) REDEVELOPMENT AUTHORITY.—The conveyance under subsection (a) shall be subject to the condition that the Governor of the State of Illinois establish a redevelopment authority to be responsible for overseeing the economic redevelopment of the conveyed land.

(2) TIME FOR ESTABLISHMENT.—To satisfy the condition specified in paragraph (1), the redevelopment authority shall be established within one year after the date of the enactment of this Act.

(d) REVERSIONARY INTEREST.—During the 5-year period beginning on the date the Secretary makes the conveyance under subsection (a), if the Secretary determines that the conveyed real property is not being used for economic redevelopment or that the redevelopment authority established under subsection (c) is not overseeing such redevelopment, all right, title and interest in and to the property, including improvements thereon, shall revert to the United States. The United States shall have the right of immediate entry onto the property. Any determination of the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(e) SURVEYS.—All costs of necessary surveys for the transfer of real property under this section shall be borne by the Secretary of the Army.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Army may require such additional terms and conditions in connection with the conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

TITLE III—MISCELLANEOUS PROVISIONS

SEC. 301. DEGREE OF ENVIRONMENTAL CLEANUP.

(a) IN GENERAL.—Nothing in this Act shall be construed to restrict or lessen the degree of cleanup at the Arsenal required to be carried out under provisions of any environmental law.

(b) RESPONSE ACTION.—The establishment of the Midewin National Tallgrass Prairie shall not restrict or lessen in any way response action or degree of cleanup under CERCLA or other environmental law, or any response action required under any environmental law to remediate petroleum products or their derivatives (including motor oil and aviation fuel), required to be carried out under the authority of the Secretary of the Army at the Arsenal and surrounding areas.

(c) ENVIRONMENTAL QUALITY OF PROPERTY.—Any contract for sale, deed, or other transfer of real property under title II shall be carried out in compliance with all applicable provisions of section 120(h) of CERCLA and other environmental laws.

COMMITTEE AMENDMENT IN THE NATURE OF A SUBSTITUTE

The SPEAKER pro tempore. The Clerk will report the committee amendment in the nature of a substitute.

The Clerk read as follows:

Committee amendment in the nature of a substitute.

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Illinois Land Conservation Act of 1995".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title and table of contents.
Sec. 2. Definitions.

TITLE I—CONVERSION OF JOLIET ARMY AMMUNITION PLANT TO MIDEWIN NATIONAL TALLGRASS PRAIRIE

Sec. 101. Principles of transfer.
Sec. 102. Transfer of management responsibilities and jurisdiction over Arsenal.
Sec. 103. Continuation of responsibility and liability of Secretary of the Army for environmental cleanup.
Sec. 104. Establishment and administration of Midewin National Tallgrass Prairie.
Sec. 105. Special management requirements for Midewin National Tallgrass Prairie.
Sec. 106. Special disposal rules for certain Arsenal parcels intended for MNP.

TITLE II—OTHER REAL PROPERTY DISPOSALS INVOLVING JOLIET ARMY AMMUNITION PLANT

Sec. 201. Disposal of certain real property at Arsenal for a national cemetery.
Sec. 202. Disposal of certain real property at Arsenal for a county landfill.
Sec. 203. Disposal of certain real property at Arsenal for economic development.

TITLE III—MISCELLANEOUS PROVISIONS

Sec. 301. Degree of environmental cleanup.

SEC. 2. DEFINITIONS.

For purposes of this Act:

(1) The term "Administrator" means the Administrator of the United States Environmental Protection Agency.

(2) The term "agricultural purposes" means the use of land for row crops, pasture, hay, and grazing.

(3) The term "Arsenal" means the Joliet Army Ammunition Plant located in the State of Illinois.

(4) The acronym "CERCLA" means the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

(5) The term "Defense Environmental Restoration Program" means the program of environmental restoration for defense installations established by the Secretary of Defense under section 2701 of title 10, United States Code.

(6) The term "environmental law" means all applicable Federal, State, and local laws, regulations, and requirements related to protection of human health, natural and cultural resources, or the environment, including CERCLA, the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.), the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), the Clean Air Act (42 U.S.C. 7401 et seq.), the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.), the Toxic Substances Control Act (15 U.S.C. 2601 et seq.), and the Safe Drinking Water Act (42 U.S.C. 300f et seq.).

(7) The term "hazardous substance" has the meaning given such term by section 101(14) of CERCLA (42 U.S.C. 9601(14)).

(8) The abbreviation "MNP" means the Midewin National Tallgrass Prairie established pursuant to section 104 and managed as a part of the National Forest System.

(9) The term "national cemetery" means a cemetery established and operated as part of the National Cemetery System of the Department of Veterans Affairs and subject to the provisions of chapter 24 of title 38, United States Code.

(10) The term "person" has the meaning given such term by section 101(21) of CERCLA (42 U.S.C. 9601(21)).

(11) The term "pollutant or contaminant" has the meaning given such term by section 101(33) of CERCLA (42 U.S.C. 9601(33)).

(12) The term "release" has the meaning given such term by section 101(22) of CERCLA (42 U.S.C. 9601(22)).

(13) The term "response action" has the meaning given the term "response" by section 101(25) of CERCLA (42 U.S.C. 9601(25)).

TITLE I—CONVERSION OF JOLIET ARMY AMMUNITION PLANT TO MIDEWIN NATIONAL TALLGRASS PRAIRIE

SEC. 101. PRINCIPLES OF TRANSFER.

(a) LAND USE PLAN.—The Congress ratifies in principle the proposals generally identified by the land use plan which was developed by the Joliet Arsenal Citizen Planning Commission and unanimously approved on May 30, 1995.

(b) TRANSFER WITHOUT REIMBURSEMENT.—The area constituting the Midewin National Tallgrass Prairie shall be transferred, without reimbursement, to the Secretary of Agriculture.

(c) MANAGEMENT OF MNP.—Management by the Secretary of Agriculture of those portions of the Arsenal transferred to the Secretary under this Act shall be in accordance with sections 104 and 105 regarding the Midewin National Tallgrass Prairie.

(d) SECURITY MEASURES.—The Secretary of the Army and the Secretary of Agriculture shall each provide and maintain physical and other security measures on such portion of the Arsenal as is under the administrative jurisdiction of such Secretary. Such security measures (which may include fences and natural barriers) shall include measures to prevent members of the public from gaining unauthorized access to such portions of the Arsenal as are under the administrative jurisdiction of such Secretary and that may endanger health or safety.

(e) COOPERATIVE AGREEMENTS.—The Secretary of the Army, the Secretary of Agriculture, and the Administrator are individually and collectively authorized to enter into cooperative agreements and memoranda of understanding among each other and with other affected Federal agencies, State and local governments, private organizations, and corporations to carry out the purposes for which the Midewin National Tallgrass Prairie is established.

(f) INTERIM ACTIVITIES OF THE SECRETARY OF AGRICULTURE.—Prior to transfer and subject to such reasonable terms and conditions as the Secretary of the Army may prescribe, the Secretary of Agriculture may enter upon the Arsenal property for purposes related to planning, resource inventory, fish and wildlife habitat manipulation (which may include prescribed burning), and other such activities consistent with the purposes for which the Midewin National Tallgrass Prairie is established.

SEC. 102. TRANSFER OF MANAGEMENT RESPONSIBILITIES AND JURISDICTION OVER ARSENAL.

(a) Initial Transfer of Jurisdiction.—Within 6 months after the date of the enactment of this Act, the Secretary of the Army shall effect the transfer of those portions of the Arsenal property identified for transfer to the Secretary of Agriculture pursuant to subsection (d). The Secretary of the Army shall transfer to the Secretary of Agriculture only those portions of the Arsenal for which the Secretary of the Army and the Administrator concur that no further action is required under any environmental law and which therefore have been eliminated from the areas to be further studied pursuant to the Defense Environmental Restoration Program for the Arsenal. Within 4 months after the date of the enactment of this Act, the Secretary of the Army and the Administrator shall provide to the Secretary of Agriculture all existing documentation supporting such finding and all existing information relating to the environmental conditions of the portions of the Arsenal to be transferred to the Secretary of Agriculture pursuant to this subsection.

(b) Additional Transfers.—The Secretary of the Army shall transfer to the Secretary of Agriculture in accordance with section 106(c) any portion of the property generally identified in subsection (d) and not transferred under subsection (a) after the Secretary of the Army and the Administrator concur that no further action is required at that portion of property under any environmental law and that such portion is therefore eliminated from the areas to be further studied pursuant to the Defense Environmental Restoration Program for the Arsenal. At least 2 months before any transfer under this subsection, the Secretary of the Army and the Administrator shall provide to the Secretary of Agriculture all existing documentation supporting such finding and all existing information relating to the environmental conditions of the portion of the Arsenal to be transferred. Transfer of jurisdiction pursuant to this subsection may be accomplished on a parcel-by-parcel basis.

(c) Effect on Continued Responsibilities and Liability of Secretary of the Army.—Subsections (a) and (b), and their requirements, shall not in any way affect the responsibilities and liabilities of the Secretary of the Army specified in section 103.

(d) Identification of Portions for Transfer for MNP.—The lands to be transferred to the Secretary of Agriculture under subsections (a) and (b) shall be identified on a map or maps which shall be agreed to by the Secretary of the Army and the Secretary of Agriculture. Generally, the land to be transferred to the Secretary of Agriculture shall be all the real property and improvements comprising the Arsenal, except for lands and facilities described in subsection (e) or designated for disposal under section 106 or title II.

(e) Property Used for Environmental Cleanup.—

(1) Retention.—The Secretary of the Army shall retain jurisdiction, authority, and control over real property at the Arsenal to be used for—

(A) water treatment;

(B) the treatment, storage, or disposal of any hazardous substance, pollutant or contaminant, hazardous material, or petroleum products or their derivatives;

(C) other purposes related to any response action at the Arsenal; and

(D) other actions required at the Arsenal under any environmental law to remediate contamination or conditions of noncompliance with any environmental law.

(2) Conditions.—The Secretary of the Army shall consult with the Secretary of Agriculture regarding the identification and management of the real property retained under this subsection and ensure that activities carried out on that property are consistent, to the extent practicable, with the purposes for which the Midewin National Tallgrass Prairie is established, as specified in section 104(c), and with the other provisions of such section and section 105.

(3) Priority of Response Actions.—In the case of any conflict between management of the property by the Secretary of Agriculture and any response action or other action required under environmental law to remediate petroleum products or their derivatives, the response action or other such action shall take priority.

(f) Surveys.—All costs of necessary surveys for the transfer of jurisdiction of Arsenal property from the Secretary of the Army to the Secretary of Agriculture shall be borne by the Secretary of Agriculture.

SEC. 103. CONTINUATION OF RESPONSIBILITY AND LIABILITY OF SECRETARY OF THE ARMY FOR ENVIRONMENTAL CLEANUP.

(a) Responsibility.—The liabilities and responsibilities of the Secretary of the Army under any environmental law shall not transfer under any circumstances to the Secretary of Agriculture as a result of the property transfers made under section 102 or section 106, or as a result of interim activities of the Secretary of Agriculture on Arsenal property under section 101(f). With respect to the real property at the Arsenal, the Secretary of the Army shall—

(1) remain liable for environmental contamination attributed to the Army; and

(2) with respect to such contamination, continue to carry out—

(A) all response actions required under CERCLA at or related to the property;

(B) all remediation actions required under any other environmental law at or related to the property; and

(C) all actions required under any other environmental law to remediate petroleum products or their derivatives (including motor oil and aviation fuel) at or related to the property.

(b) Liability.—

(1) In general.—Nothing in this Act shall be construed to effect, modify, amend, repeal, alter, limit or otherwise change, directly or indirectly, the responsibilities or liabilities under any applicable environmental law of any person (including the Secretary of Agriculture), except as provided in paragraph (3) with respect to the Secretary of Agriculture.

(2) Liability of secretary of the army.—The Secretary of the Army shall retain any obligation or other liability at the Arsenal that the Secretary may have under CERCLA and other environmental laws. Following transfer of any portions of the Arsenal pursuant to this Act, the Secretary of the Army shall be accorded all easements and access to such property as may be reasonably required to carry out such obligation or satisfy such liability.

(3) Special rules for secretary of agriculture.—The Secretary of Agriculture shall not be responsible or liable under any environmental law for matters which are in any way related directly or indirectly to activities of the Secretary of the Army, or any party acting under the authority of the Secretary in connection with the Defense Environmental Restoration Program, at the Arsenal and which are for any of the following:

(A) Costs of response actions required under CERCLA at or related to the Arsenal.

(B) Costs, penalties, or fines related to noncompliance with any environmental law at or related to the Arsenal or related to the presence, release, or threat of release of any hazardous substance, pollutant, contaminant, hazardous waste or hazardous material of any kind at or related to the Arsenal, including contamination resulting from migration of hazardous substances, pollutants, contaminants, hazardous materials, or petroleum products or their derivatives disposed during activities of the Department of the Army.

(C) Costs of actions necessary to remedy such noncompliance or other problem specified in subparagraph (B).

(c) Payment of Response Action Costs.—Any Federal department or agency that had or has operations at the Arsenal resulting in the release or threatened release of hazardous substances, pollutants, or contaminants shall pay the cost of related response actions or related actions under other statutes to remediate petroleum products or their derivatives, including motor oil and aviation fuel.

(d) Consultation.—The Secretary of Agriculture shall consult with the Secretary of the Army with respect to the Secretary of Agriculture's management of real property included in the Midewin National Tallgrass Prairie subject to any response action or other action at the Arsenal being carried out by or under the authority of the Secretary of the Army under any environmental law. The Secretary of Agriculture shall consult with the Secretary of the Army prior to undertaking any activities on the Midewin National Tallgrass Prairie that may disturb the property to ensure that such activities will not exacerbate contamination problems or interfere with performance by the Secretary of the Army of response actions at the property. In carrying out response actions at the Arsenal, the Secretary of the Army shall consult with the Secretary of Agriculture to ensure that such actions are carried out in a manner consistent with the purposes for which the Midewin National Tallgrass Prairie is established, as specified in section 104(c), and the other provisions of such section and section 105.

SEC. 104. ESTABLISHMENT AND ADMINISTRATION OF MIDEWIN NATIONAL TALLGRASS PRAIRIE.

(a) Establishment.—On the effective date of the initial transfer of jurisdiction of portions of the Arsenal to the Secretary of Agriculture under section 102(a), the Secretary of Agriculture shall establish the Midewin National Tallgrass Prairie. The MNP shall—

(1) be administered by the Secretary of Agriculture; and

(2) consist of the real property so transferred and such other portions of the Arsenal subsequently transferred under section 102(b) or 106.

(b) Administration.—

(1) In general.—The Secretary of Agriculture shall manage the Midewin National Tallgrass Prairie as a part of the National Forest System in accordance with this Act and the laws, rules, and regulations pertaining to the National Forest System, except

that the Bankhead-Jones Farm Tenant Act of 1937 (7 U.S.C. 1010–1012) shall not apply to the MNP.

(2) INITIAL MANAGEMENT ACTIVITIES.—In order to expedite the administration and public use of the Midewin National Tallgrass Prairie, the Secretary of Agriculture may conduct management activities at the MNP to effectuate the purposes for which the MNP is established, as set forth in subsection (c), in advance of the development of a land and resource management plan for the MNP.

(3) LAND AND RESOURCE MANAGEMENT PLAN.—In developing a land and resource management plan for the Midewin National Tallgrass Prairie, the Secretary of Agriculture shall consult with the Illinois Department of Conservation and local governments adjacent to the MNP and provide an opportunity for public comment. Any parcel transferred to the Secretary of Agriculture under this Act after the development of a land and resource management plan for the MNP may be managed in accordance with such plan without need for an amendment to the plan.

(c) PURPOSES OF THE MIDEWIN NATIONAL TALLGRASS PRAIRIE.—The Midewin National Tallgrass Prairie is established to be managed for National Forest System purposes, including the following:

(1) To conserve and enhance populations and habitats of fish, wildlife, and plants, including populations of grassland birds, raptors, passerines, and marsh and water birds.

(2) To restore and enhance, where practicable, habitat for species listed as proposed, threatened or endangered under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

(3) To provide fish and wildlife oriented public uses at levels compatible with the conservation, enhancement and restoration of native wildlife and plants and their habitats.

(4) To provide opportunities for scientific research.

(5) To provide opportunities for environmental and land use education.

(6) To manage the land and water resources of the MNP in a manner that will conserve and enhance the natural diversity of native fish, wildlife, and plants.

(7) To conserve and enhance the quality of aquatic habitat.

(8) To provide for public recreation insofar as such recreation is compatible with the other purposes for which the MNP is established.

(d) OTHER LAND ACQUISITION FOR MNP.—

(1) LAND ACQUISITION FUNDS.—Notwithstanding section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–9), monies appropriated from the Land and Water Conservation Fund established under section 2 of such Act (16 U.S.C. 460l–5) shall be available for acquisition of lands and interests in land for inclusion in the Midewin National Tallgrass Prairie.

(2) ACQUISITION OF PRIVATE LANDS.—Acquisition of private lands for inclusion in the Midewin National Tallgrass Prairie shall be on a willing seller basis only.

(e) COOPERATION WITH STATES, LOCAL GOVERNMENTS AND OTHER ENTITIES.—In the management of the Midewin National Tallgrass Prairie, the Secretary of Agriculture is authorized and encouraged to cooperate with appropriate Federal, State and local governmental agencies, private organizations and corporations. Such cooperation may include cooperative agreements as well as the exercise of the existing authorities of the Secretary under the Cooperative Forestry Assistance Act of 1978 and the Forest and Rangeland Renewable Resources Research Act of 1978. The objects of such cooperation may include public education, land and resource protection, and cooperative management among government, corporate and private landowners in a manner which furthers the purposes for which the Midewin National Tallgrass Prairie is established.

SEC. 105. SPECIAL MANAGEMENT REQUIREMENTS FOR MIDEWIN NATIONAL TALLGRASS PRAIRIE.

(a) PROHIBITION AGAINST THE CONSTRUCTION OF NEW THROUGH ROADS.—No new construction of any highway, public road, or any part of the interstate system, whether Federal, State, or local, shall be permitted through or across any portion of the Midewin National Tallgrass Prairie. Nothing herein shall preclude construction and maintenance of roads for use within the MNP, or the granting of authorizations for utility rights-of-way under applicable Federal law, or preclude such access as is necessary. Nothing herein shall preclude necessary access by the Secretary of the Army for purposes of restoration and cleanup as provided in this Act.

(b) AGRICULTURAL LEASES AND SPECIAL USE AUTHORIZATIONS.—Within the Midewin National Tallgrass Prairie, use of the lands for agricultural purposes shall be permitted subject to the following terms and conditions:

(1) If at the time of transfer of jurisdiction under section 102 there exists any lease issued by the Department of the Army, Department of Defense, or any other agency thereof, for agricultural purposes upon the parcel transferred, the Secretary of Agriculture, upon transfer of jurisdiction, shall convert the lease to a special use authorization, the terms of which shall be identical in substance to the lease that existed prior to the transfer, including the expiration date and any payments owed the United States.

(2) The Secretary of Agriculture may issue special use authorizations to persons for use of the Midewin National Tallgrass Prairie for agricultural purposes. Such special use authorizations shall require payment of a rental fee, in advance, that is based on the fair market value of the use allowed. Fair market value shall be determined by appraisal or a competitive bidding process. Special use authorizations issued pursuant to this paragraph shall include terms and conditions as the Secretary of Agriculture may deem appropriate.

(3) No agricultural special use authorization shall be issued for agricultural purposes which has a term extending beyond the date twenty years from the date of enactment of this Act, except that nothing in this Act shall preclude the Secretary of Agriculture from issuing agricultural special use authorizations or grazing permits which are effective after twenty years from the date of enactment of this Act for purposes primarily related to erosion control, provision for food and habitat for fish and wildlife, or other resource management activities consistent with the purposes of the Midewin National Tallgrass Prairie.

(c) TREATMENT OF RENTAL FEES.—Monies received pursuant to subsection (b) shall be subject to distribution to the State of Illinois and affected counties pursuant to the Acts of May 23, 1908, and March 1, 1911 (16 U.S.C. 500). All such monies not distributed pursuant to such Acts shall be covered into the Treasury and shall constitute a special fund, which shall be available to the Secretary of Agriculture, in such amounts as are provided in advance in appropriation Acts, to cover the cost to the United States of such prairie-improvement work as the Secretary may direct. Any portion of any deposit made to the fund which the Secretary determines to be in excess of the cost of doing such work shall be transferred, upon such determination, to miscellaneous receipts, Forest Service Fund, as a National Forest receipt of the fiscal year in which such transfer is made.

(d) USER FEES.—The Secretary of Agriculture is authorized to charge reasonable fees for the admission, occupancy, and use of the Midewin National Tallgrass Prairie and may prescribe a fee schedule providing for reduced or a waiver of fees for persons or groups engaged in authorized activities including those providing volunteer services, research, or education. The Secretary shall permit admission, occupancy, and use at no additional charge for persons possessing a valid Golden Eagle Passport or Golden Age Passport.

(e) SALVAGE OF IMPROVEMENTS.—The Secretary of Agriculture may sell for salvage value any facilities and improvements which have been transferred to the Secretary pursuant to this Act.

(f) TREATMENT OF USER FEES AND SALVAGE RECEIPTS.—Monies collected pursuant to subsections (d) and (e) shall be covered into the Treasury and constitute a special fund to be known as the Midewin National Tallgrass Prairie Restoration Fund. Deposits in the Midewin National Tallgrass Prairie Restoration Fund shall be available to the Secretary of Agriculture, in such amounts as are provided in advance in appropriation Acts, for restoration and administration of the Midewin National Tallgrass Prairie, including construction of a visitor and education center, restoration of ecosystems, construction of recreational facilities (such as trails), construction of administrative offices, and operation and maintenance of the MNP.

SEC. 106. SPECIAL DISPOSAL RULES FOR CERTAIN ARSENAL PARCELS INTENDED FOR MNP.

(a) DESCRIPTION OF PARCELS.—Except as provided in subsection (b), the following areas are designated for disposal pursuant to subsection (c):

(1) Manufacturing Area—Study Area 1—Southern Ash Pile, Study Area 2—Explosive Burning Ground, Study Area 3—Flashing Grounds, Study Area 4—Lead Azide Area, Study Area 10—Toluene Tank Farms, Study Area 11—Landfill, Study Area 12—Sellite Manufacturing Area, Study Area 14—Former Pond Area, Study Area 15—Sewage Treatment Plant.

(2) Load Assemble Packing Area—Group 61: Study Area L1, Explosive Burning Ground: Study Area L2, Demolition Area: Study Area L3, Landfill Area: Study Area L4, Salvage Yard: Study Area L5, Group 1: Study Area L7, Group 2: Study Area L8, Group 3: Study Area L9, Group 3A: Study Area L10, Group 4: Study Area L14, Group 5: Study Area L15, Group 8: Study Area L18, Group 9: Study Area L19, Group 27: Study Area L23, Group 62: Study Area L25, PVC Area: Study Area L33, including all associated inventoried buildings and structures as identified in the Joliet Army Ammunition Plant Plantwide Building and Structures Report and the contaminate study sites for both the Manufacturing and Load Assembly and Packing sides of the Joliet Arsenal as delineated in the Dames and Moore Final Report, Proposed Future Land Use Map, dated May 30, 1995.

(b) EXCEPTION.—The parcels described in subsection (a) shall not include the property at the Arsenal designated for disposal under title II.

(c) INITIAL OFFER TO SECRETARY OF AGRICULTURE.—Within 6 months after the construction and installation of any remedial design approved by the Administrator and required for any lands described in subsection (a), the Administrator shall provide to the Secretary of Agriculture all existing information regarding the implementation of such remedy, including information regarding its effectiveness. Within 3 months after the Administrator provides such information to the Secretary of Agriculture, the Secretary of the Army shall offer the Secretary of Agriculture the option of accepting a transfer of the areas described in subsection (a), without reimbursement, to be added to the Midewin National Tallgrass Prairie and subject to the terms and conditions, including the limitations on liability, contained in this Act. In the event the Secretary of Agriculture declines such offer, the property may be disposed of as the Army would ordinarily dispose of such property under applicable provisions of law. Any sale or other transfer of property conducted pursuant to this subsection may be accomplished on a parcel-by-parcel basis.

TITLE II—OTHER REAL PROPERTY DISPOSALS INVOLVING JOLIET ARMY AMMUNITION PLANT

SEC. 201. DISPOSAL OF CERTAIN REAL PROPERTY AT ARSENAL FOR A NATIONAL CEMETERY.

(a) TRANSFER REQUIRED.—Subject to section 301, the Secretary of the Army shall transfer, without reimbursement, to the Secretary of Veterans Affairs the parcel of real property at the Arsenal described in subsection (b) for use as a national cemetery.

(b) DESCRIPTION OF PROPERTY.—The real property to be transferred under subsection (a) is a parcel of real property at the Arsenal consisting of approximately 982 acres, the approximate legal description of which includes part of sections 30 and 31 Jackson Township, T34N R10E, and part of sections 25 and 36 Channahon Township, T34N R9E, Will County, Illinois, as depicted in the Arsenal Land Use Concept.

(c) SECURITY MEASURES.—The Secretary of Veterans Affairs shall provide and maintain physical and other security measures on the real property transferred under subsection (a). Such security measures (which may include fences and natural barriers) shall include measures to prevent members of the public from gaining unauthorized access to the portion of the Arsenal that is under the administrative jurisdiction of such Secretary and that may endanger health or safety.

(d) SURVEYS.—All costs of necessary surveys for the transfer of jurisdiction of Arsenal properties from the Secretary of the Army to the Secretary of Veterans Affairs shall be borne solely by the Secretary of Veterans Affairs.

SEC. 202. DISPOSAL OF CERTAIN REAL PROPERTY AT ARSENAL FOR A COUNTY LANDFILL.

(a) TRANSFER REQUIRED.—Subject to section 301, the Secretary of the Army shall transfer, without compensation, to Will County, Illinois, all right, title, and interest of the United States in and to the parcel of real property at the Arsenal described in subsection (b), which shall be operated as a landfill by the County.

(b) DESCRIPTION OF PROPERTY.—The real property to be transferred under subsection (a) is a parcel of real property at the Arsenal consisting of approximately 455 acres, the approximate legal description of which includes part of sections 8 and 17, Florence Township, T33N R10E, Will County, Illinois, as depicted in the Arsenal Land Use Concept.

(c) CONDITION ON CONVEYANCE.—The conveyance shall be subject to the condition that the Army (or its agents or assigns) may use the landfill established on the real property transferred under subsection (a) for the disposal of construction debris, refuse, and other nonhazardous materials from the restoration and cleanup of the Arsenal property as provided for in this Act. Such use shall be at no cost to the Federal Government.

(d) REVERSIONARY INTEREST.—During the 5-year period beginning on the date the Secretary of the Army makes the conveyance under subsection (a), if the Secretary determines that the conveyed real property is not being operated as a landfill or that Will County, Illinois, is in violation of the condition specified in subsection (c), all right, title, and interest in and to the property, including improvements thereon, shall revert to the United States. The United States shall have the right of immediate entry onto the property. Any determination of the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(e) SURVEYS.—All costs of necessary surveys for the transfer of real property under this section shall be borne by Will County, Illinois.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Army may require such additional terms and conditions in connection with the conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 203. DISPOSAL OF CERTAIN REAL PROPERTY AT ARSENAL FOR ECONOMIC DEVELOPMENT.

(a) TRANSFER REQUIRED.—Subject to section 301, the Secretary of the Army shall transfer to the State of Illinois, all right, title, and interest of the United States in and to the parcel of real property at the Arsenal described in subsection (b), which shall be used for economic redevelopment to replace all or a part of the economic activity lost at the Arsenal.

(b) DESCRIPTION OF PROPERTY.—The real property to be transferred under subsection (a) is a parcel of real property at the Arsenal consisting of—

(1) approximately 1,900 acres, the approximate legal description of which includes part of section 30, Jackson Township, Township 34 North, Range 10 East, and sections or parts of sections 24, 25, 26, 35, and 36, Township 34 North, Range 9 East, in Channahon Township, an area of 9.77 acres around the Des Plaines River Pump Station located in the southeast quarter of section 15, Township 34 North, Range 9 East of the Third Principal Meridian, in Channahon Township, and an area of 511' x 596' around the Kankakee River Pump Station in the Northwest Quarter of section 5, Township 33 North, Range 9 East, east of the Third Principal Meridian in Wilmington Township, containing 6.99 acres, located along the easterly side of the Kankakee Cut-Off in Will County, Illinois, as depicted in the Arsenal Re-Use Concept, and the connecting piping to the northern industrial site, as described by the United States Army Report of Availability, dated 13 December 1993; and

(2) approximately 1,100 acres, the approximate legal description of which includes part of sections 16, 17, 18 Florence Township, Township 33 North, Range 10 East, Will County, Illinois, as depicted in the Arsenal Land Use Concept.

(c) CONSIDERATION.—The conveyance under subsection (a) shall be made without consideration. However, the conveyance shall be subject to the condition that, if the State of Illinois reconveys all or any part of the conveyed property to a non-Federal entity, the State shall pay to the United States an amount equal to the fair market value of the reconveyed property. The Secretary shall determine the fair market value of any property reconveyed by the State as of the time of the reconveyance, excluding the value of improvements made to the property by the State. The Secretary may treat a lease of the property as a reconveyance if the Secretary determines that the lease was used in an effort to avoid operation of this subsection. Amounts received under this subsection shall be deposited in the general fund of the Treasury for purposes of deficit reduction.

(d) OTHER CONDITIONS OF CONVEYANCE.—

(1) REDEVELOPMENT AUTHORITY.—The conveyance under subsection (a) shall be subject to the further condition that the Governor of the State of Illinois establish a redevelopment authority to be responsible for overseeing the economic redevelopment of the conveyed land.

(2) TIME FOR ESTABLISHMENT.—To satisfy the condition specified in paragraph (1), the redevelopment authority shall be established within one year after the date of the enactment of this Act.

(e) REVERSIONARY INTEREST.—During the 20-year period beginning on the date the Secretary makes the conveyance under subsection (a), if the Secretary determines that a condition specified in subsection (c) or (d) is not being satisfied, all right, title, and interest in and to the conveyed property, including improvements thereon, shall revert to the United States. The United States shall have the right of immediate entry onto the property. Any determination of the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(f) SURVEYS.—All costs of necessary surveys for the transfer of real property under this section shall be borne by the State of Illinois.

(g) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Army may require such additional terms and conditions in connection with the conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

TITLE III—MISCELLANEOUS PROVISIONS

SEC. 301. DEGREE OF ENVIRONMENTAL CLEANUP.

(a) IN GENERAL.—Nothing in this Act shall be construed to restrict or lessen the degree of cleanup at the Arsenal required to be carried out under provisions of any environmental law.

(b) RESPONSE ACTION.—The establishment of the Midewin National Tallgrass Prairie under title I and the additional real property disposals required under title II shall not restrict or lessen in any way any response action or degree of cleanup under CERCLA or other environmental law, or any response action required under any environmental law to remediate petroleum products or their derivatives (including motor oil and aviation fuel), required to be carried out under the authority of the Secretary of the Army at the Arsenal and surrounding areas.

(c) ENVIRONMENTAL QUALITY OF PROPERTY.—Any contract for sale, deed, or other transfer of real property under title II shall be carried out in compliance with all applicable provisions of section 120(h) of CERCLA and other environmental laws.

Mr. EMERSON (during the reading). Mr. Speaker, I ask unanimous consent that the Committee amendment in the nature of a substitute be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

AMENDMENTS OFFERED BY MR. EMERSON TO THE COMMITTEE AMENDMENT IN THE NATURE OF A SUBSTITUTE

Mr. EMERSON. Mr. Speaker, I offer amendments to the Committee amendment in the nature of a substitute.

The Clerk read as follows:

Amendments offered by Mr. EMERSON to the Committee amendment in the nature of a substitute. In section 105(b)(2) of the bill, strike the sentence beginning with "Such special use" and the sentence beginning with "Fair market value".

In section 201 of the bill, strike subsection (e).

Mr. EMERSON (during the reading). Mr. Chairman, I ask unanimous consent that the amendments be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

Mr. STENHOLM. Mr. Speaker, reserving the right to object, I will not object, but I yield to the gentleman from Missouri [Mr. EMERSON] to explain the amendments.

Mr. EMERSON. Mr. Speaker, these are technical changes in the bill. The one offered by the Committee on Veterans' Affairs merely allows the Secretary of Veterans Affairs the authority to name the cemetery. The second amendment gives the Forest Service authority to manage land used for grazing in the same manner that other Forest Service lands are managed. These amendments have been cleared with the minority, and it is my understanding that there is no objection.

Mr. Speaker, I include for the RECORD a letter from Jack Ward Thomas, Chief of the Forest Service, to the gentleman from Kansas, PAT ROBERTS, chairman of the Committee on Agriculture.

The material referred to follows:

DEPARTMENT OF AGRICULTURE,
FOREST SERVICE,
Washington, DC, July 28, 1995.

Hon. PAT ROBERTS,
Chairman, Committee on Agriculture, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: This is to confirm discussions my staff have had with members of your staff regarding language contained in a draft Agriculture Committee version of H.R. 714, the "Illinois Land Conservation Act of 1995."

John Hogan, counsel to the Committee, has told my staff that a proposed amendment may be offered on the House floor to strike two sentences in subsection 105(b)(2). The referenced subsection refers to the issuance by the Secretary of Agriculture of special use authorizations for agricultural purposes, including livestock grazing. The proposed amendment would strike the second and third complete sentences in that subsection, specifically: "Such special use authorization shall require payment of a rental fee, in advance, that is based on the fair market value of the use allowed. Fair market value shall be determined by appraisal or a competitive bidding process."

It is our understanding that the proposed deletion of those two sentences is intended to avoid any confusion between the use provisions of this bill and the ongoing legislative debate over grazing fees in the Western States. Mr. Hogan asked our opinion as to what effect the deletion of these two sentences would have on management of the Midewin National Tallgrass Prairie.

The proposed deletion of the referenced sentence would have no practical effect on management of the Prairie. The Forest Service will utilize the same general terms and conditions for agricultural leasing as was utilized by the Army, including competitive bidding for farming and leasing rights. This system has worked well for the Army and we plan to continue it. And, we note, the system is consistent with general Forest Service management practices throughout the Eastern United States.

If we can provide additional information, please do not hesitate to ask.

JACK WARD THOMAS,
Chief.

The SPEAKER pro tempore. The question is on the amendments offered by the gentleman from Missouri [Mr. EMERSON] to the committee amendment in the nature of a substitute.

The amendments to the committee amendment in the nature of a substitute were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. EMERSON. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks on H.R. 714, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

AUTHORIZING THE SECRETARY OF AGRICULTURE TO CONVEY LANDS TO THE CITY OF ROLLA, MO

Mr. EMERSON. Mr. Speaker, I ask unanimous consent to call up the bill (H.R. 701) to authorize the Secretary of Agriculture to convey lands to the city of Rolla, MO, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

Mr. STENHOLM. Reserving the right to object, Mr. Speaker, I shall not object, but I yield to the gentleman from Missouri [Mr. EMERSON] for an explanation of the bill.

Mr. EMERSON. Mr. Speaker, I thank the gentleman for yielding under his reservation.

Mr. Speaker, I rise today in strong support of this measure, H.R. 701, which is vital to the rural economic development efforts of southern Missouri. This legislation will authorize the U.S. Department of Agriculture to convey land within the Mark Twain National Forest to the city and citizens of Rolla, MO. This same bill was approved by the full House in the 103d Congress; however, procedural obstacles in the U.S. Senate on the last day of the 2d session, unrelated to the merits of this legislation, blocked further consideration and eventual passage.

The city of Rolla has been diligent in its plan to utilize the U.S. Forest Service's district ranger office site in the development and construction of a regional tourist center. I feel its important to note that tourism is the second largest industry in Missouri and this tourist center has already attracted great interest along with injecting needed dollars into the regional Rolla economy.

Clearly, this project is a prime example of a local community exercising its own rural development plan for local expansion and job creation. In these times of reduced Federal support for rural community-based economic enterprises, the city of Rolla is a shining example and model of both involvement and initiative that other communities around the country can clearly emulate.

For over a year now, the city of Rolla has been collecting a 3-percent tax on local hotels in the attempt to finance this project independent of any assistance from the Federal Government. Indeed, this land transfer arrangement is a very unique partnership for both Rolla and the Mark Twain National Forest. Several of Missouri's proud historical landmarks, which are important elements of this site, will be maintained and preserved for current and future generations through the efforts of the city of Rolla—at a substantially reduced cost to State and Federal taxpayers.

This is particularly important to bear in mind, since this facility would have no further commercial viability without the direct involvement of the city of Rolla. So now, two worthy goals can be achieved—economic development and historical preservation. Indeed, there are other facilities that would serve the city's need for a tourist center, but the local community and its leaders have had the vision to realize this is a prime opportunity to help themselves and relieve Federal taxpayers from the burden of maintaining these Forest Service buildings and related facilities within the city of Rolla.

Mr. Speaker, I commend the leadership efforts of the Mark Twain National Forest and the city of Rolla. I urge the expeditious approval of this measure in order that the citizens of

Rolla can get on with the business of economic development and job creation.

Mr. DE LA GARZA. Mr. Speaker, I rise in support of H.R. 701, a bill to authorize the Secretary of Agriculture to convey lands to the city of Rolla, MO. H.R. 701 is nearly identical to H.R. 3426 that was introduced in the 103d Congress by Congressman EMERSON. H.R. 3426 was passed by unanimous consent in the House after being discharged by the Agriculture Committee at the very end of the session. The Senate took no action on the bill before adjournment.

H.R. 701 authorizes the city of Rolla to pay fair market value for the lands described by the bill. The city may pay for the land in full within 6 months of conveyance or, at the option of the city, pay for land in annual payments over 20 years with no interest. If the 20-year option is taken, the payments must be put in a Sisk Act Fund where they will be available, subject to appropriation, until expended by the Secretary. The bill also releases the U.S. Forest Service from liability due to hazardous wastes found on the property that were not identified prior to conveyance and requires the preservation of historic resource on the property.

Mr. STENHOLM. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

H.R. 701

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LAND CONVEYANCE, ROLLA RANGER DISTRICT ADMINISTRATIVE SITE, ROLLA, MISSOURI.

(a) CONVEYANCE AUTHORIZED.—Subject to the terms and conditions specified in this section, the Secretary of Agriculture may sell to the city of Rolla, Missouri (in this section referred to as the "City"), all right, title, and interest of the United States in and to the following: The property identified as the Rolla Ranger District Administrative Site of the Forest Service located in Rolla, Phelps County, Missouri, encompassing ten acres more or less, the conveyance of which by C.D. and Oma A. Hazlewood to the United States was recorded on May 6, 1936, in book 104, page 286 of the Record of Deeds of Phelps County, Missouri.

(b) CONSIDERATION.—As consideration for the conveyance under subsection (a), the City shall pay to the Secretary an amount equal to the fair market value of the property as determined by an appraisal acceptable to the Secretary and prepared in accordance with the Uniform Appraisal Standards for Federal Land Acquisition as published by the Department of Justice. Payment shall be due in full within six months after the date the conveyance is made or, at the option of the City, in twenty equal annual installments commencing on January 1 of the first year following the conveyance and annually thereafter until the total amount due has been paid.

(c) DEPOSIT OF FUNDS RECEIVED.—Funds received by the Secretary under subsection (b) as consideration for the conveyance shall be deposited into the special fund in the Treasury authorized by the Act of December 4, 1967 (16 U.S.C. 484a, commonly known as the Sisk Act). Such funds shall be available, subject to appropriation, until expended by the Secretary.

(d) RELEASE.—Subject to compliance with all Federal environmental laws prior to transfer, the City, upon conveyance of the property under subsection (a), shall agree in writing to hold the United States harmless from any and all claims relating to the property, including all claims resulting from hazardous materials on the conveyed lands.

(e) REVERSION.—The conveyance under subsection (a) shall be made by quitclaim deed in fee simple subject to reversion to the United States and right of reentry upon such conditions as may be prescribed by the Secretary in the deed of conveyance or in the event the City fails to comply with the compensation requirements specified in subsection (b).

(f) CONVERSION OF HISTORIC RESOURCES.—In consultation with the State Historic Preservation Office of the State of Missouri, the Secretary shall ensure that the historic resources on the property to be conveyed are conserved by requiring, at the closing on the conveyance of the property, that the City convey an historic preservation easement to the State of Missouri assuring the right of the State to enter the property for historic preservation purposes. The historic preservation easement shall be negotiated between the State of Missouri and the City, and the conveyance of the easement shall be a condition to the conveyance authorized under subsection (a). The protection of the historic resources on the conveyed property shall be the responsibility of the State of Missouri and the City, and not that of the Secretary.

COMMITTEE AMENDMENT IN THE NATURE OF A SUBSTITUTE

The SPEAKER pro tempore. The Clerk will report the Committee amendment in the nature of a substitute,

The Clerk read as follows:

Committee amendment in the nature of a substitute:

Strike out all after the enacting clause and insert:

SECTION 1. LAND CONVEYANCE, ROLLA RANGER DISTRICT ADMINISTRATIVE SITE, ROLLA, MISSOURI.

(a) CONVEYANCE AUTHORIZED.—Subject to the terms and conditions specified in this section, the Secretary of Agriculture may sell to the city of Rolla, Missouri (in this section referred to as the "City"), all right, title, and interest of the United States in and to the following:

The property identified as the Rolla Ranger District Administrative Site of the Forest Service located in Rolla, Phelps County, Missouri, encompassing ten acres more or less, the conveyance of which by C.D. and Oma A. Hazlewood to the United States was recorded on May 6, 1936, in book 104, page 286 of the Record of Deeds of Phelps County, Missouri.

(b) CONSIDERATION.—As consideration for the conveyance under subsection (a), the City shall pay to the Secretary an amount equal to the fair market value of the property as determined by an appraisal acceptable to the Secretary and prepared in accordance with the Uniform Appraisal Standards for Federal Land Acquisition as published by the Department of Justice. Payment shall be due in full within six months after the date the conveyance is made or, at the option of the City, in twenty equal annual installments commencing on January 1 of the first year following the conveyance and annually thereafter until the total amount due has been paid.

(c) DEPOSIT OF FUNDS RECEIVED.—Funds received by the Secretary under subsection (b) as consideration for the conveyance shall be deposited into the special fund in the Treasury authorized by the Act of December 4, 1967 (16 U.S.C. 484a, commonly known as the Sisk Act). Such funds shall be available, subject to appropriation, until expended by the Secretary.

(d) RELEASE.—Subject to compliance with all Federal environmental laws prior to transfer, the City, upon conveyance of the property under subsection (a), shall agree in writing to hold the United States harmless from any and all claims relating to the property, including all claims resulting from hazardous materials on the conveyed lands.

(e) RIGHT OF REENTRY.—The conveyance to the City under subsection (a) shall be made by quitclaim deed in fee simple, subject to the right of reentry to the United States if the Secretary determines that the City is not in compliance with the compensation requirements specified in subsection (b) or other condition prescribed by the Secretary in the deed of conveyance.

(f) CONSERVATION OF HISTORIC RESOURCES.—In consultation with the State Historic Preservation Office of the State of Missouri, the Secretary shall ensure that the historic resources on the property to be conveyed are conserved by requiring, at the closing on the conveyance of the property, that the City convey an historic preservation easement to the State of Missouri assuring the right of the State to enter the property for historic preservation purposes. The historic preservation easement shall be negotiated between the State of Missouri and the City, and the conveyance of the easement shall be a condition to the conveyance authorized under subsection (a). The protection of the historic resources on the conveyed property shall be the responsibility of the State of Missouri and the City, and not that of the Secretary.

Mr. EMERSON (during the reading). Mr. Speaker, I ask unanimous consent that the Committee amendment in the nature of a substitute be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection

Mr. SPEAKER pro tempore. The question is on the Committee amendment in the nature of a substitute.

The Committee amendment in the nature of a substitute was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. EMERSON. Mr. Speaker, I ask unanimous consent that Members may have 5 legislative days to revise and extend their remarks on H.R. 701, the bill just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

MODIFYING BOUNDARIES OF TALLADEGA NATIONAL FOREST

Mr. EMERSON. Mr. Speaker, I ask unanimous consent to call up the bill, H.R. 1874, to modify the boundaries of the Talladega National Forest, Alabama, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

Mr. STENHOLM. Reserving the right to object, Mr. Speaker, I shall not object, but I yield to the gentleman from Missouri [Mr. EMERSON] for an explanation of the bill.

Mr. EMERSON. Mr. Speaker, I thank the gentleman for yielding under his reservation of objection.

Mr. Speaker, this bill would transfer land currently under the jurisdiction of the Bureau of Land Management to the Forest Service. The land is currently being managed by the Forest Service. Another reason for the transfer is that the Penhody National Recreational Trail runs through a portion of the land that we are transferring. This transfer will enhance the management of the Penhody. The total amount being transferred is 559 acres. It is my understanding that the minority has no objection to this legislation, and that the administration is in support.

Mr. Speaker, I will include a document titled "Questions and Answers, H.R. 1874, Talladega National Forest," for the RECORD.

Mr. DE LA GARZA. Mr. Speaker, I rise in support of H.R. 1874, a bill to modify the boundaries of the Talladega National Forest. This bill is a commonsense attempt to streamline and make more cost-efficient the management of our national forests by transferring two small tracts of adjacent Bureau of Land Management [BLM] land to the Talladega National Forest in Alabama. I commend our colleague, Mr. BROWDER of Alabama, in his efforts.

H.R. 1874 modifies the boundaries of the Talladega National Forest in Alabama by transferring approximately 350 acres of Bureau of Land Management [BLM] land to the Talladega National Forest. Both the U.S. Forest Service and the BLM support the concept of the transfer. The bill ensures that no existing rights of way, easement, lease license or permit shall be affected by the transfer.

According to the U.S. Forest Service this transfer will actually reduce the amount of boundary line the U.S. Forest Service will be required to maintain. Further, because the BLM lands are adjacent to or surrounded by the Talladega National Forest, the Congressional Budget Office reports that there are no significant costs to the government associated with the change in jurisdiction.

Mr. Speaker, I would also like included in the RECORD a document from the U.S. Forest Service entitled "Questions and Answers, H.R. 1874, Talladega National Forest, Alabama," regarding the transfer.

QUESTION AND ANSWERS, H.R. 1874, TALLADEGA NATIONAL FOREST, ALABAMA

Q. Where is the Talladega National Forest located in Alabama?

A. The Talladega National Forest is broken up into two divisions—the Oakmulgee Division, located in central Alabama South and West of Birmingham, Alabama; and the Talladega Division, located east central Alabama and being East of Birmingham, Alabama.

Q. Which Division is effected by H.R. 1874?

A. The land is located on the Talladega Division.

Q. Where on the Talladega Division are the tracts mentioned in H.R. 1874 located?

A. The first tract is located in Cleburne County and contains 399.4 acres and is more particularly described as Township 17 South, Range 8 East, Section 34, NE¼, SW¼, and S½ NW¼. This tract is located within the existing Proclamation Boundary of the Talladega N.F. and close to being surrounded by National Forest ownership.

The second tract is located in Calhoun County and contains 160 acres and is more particularly described as Township 13 South, Range 9 East, Section 28, SE¼. This tract is located just outside of the existing Proclamation Boundary of Talladega N.F. but is adjacent to and contiguous with National Forest ownership.

Q. What's presently located on these lands?

A. Both properties are forested tracts with pine and hardwood. There are no known or surveyed cultural resource sites or threatened or endangered species known to be located on these tracts. However, the first and largest tract is located inside a tentative Habitat Management Area for the Red Cockaded Woodpecker, a listed endangered species. In addition, the Pinhoti Trail, administered by the Forest Service, runs through the largest tract.

Q. What is a Habitat Management Area (HMA)? and why is it "tentative"?

A. This is an area that contains pine and pine-hardwood forest types that will be managed for the recovery of the Red Cockaded Woodpecker.

It is "tentative" until the Forest has completed its Forest Plan Revision.

Q. Just what is the Pinhoti Trail?

A. The Pinhoti Trail is a National Recreation Trail that was so designated back in 1977. It is a foot trail that extends for 98.6 miles along the mountains, valleys, and ridges of the Talladega Division, Talladega National Forest.

Q. Where does the Pinhoti Trail begin and end?

A. The trail starts on the Talladega Ranger District at Clairmont Gap off of the Talladega Scenic Drive and ends on the Northeastern boundary of the Shoal Creek Ranger District at Highway 278.

Q. H.R. 1874 indicates that the first tract contains 339.4 acres while the description calls for 399.4 acres. Which is correct?

A. The 399.4 acres is correct. There was probably a typo error made while drafting the bill. However, the description is accurate.

Q. Just what does the Bill do?

A. The Bill will transfer jurisdiction of these two tracts totaling 559.4 acres from the Bureau of Land Management, U.S. Department of Interior to the Forest Service, U.S. Department of Agriculture.

Q. Why is this necessary?

A. As pointed out, the effected lands are adjacent to and mixed in with existing National Forest lands. This would ease the administration of these federal lands for both agencies.

Q. Does BLM Agee with this change of jurisdiction?

A. Yes. They have worked closely with the Forest Service on this transfer for a number of years.

Q. Does the public have any concern about the change?

A. No. They already think the land is part of the National Forest System because of their location. This is especially true where the Pinhoti Trail runs through the larger tract in Cleburne County. In fact, the Forests current Administrative Map shows the 399 acre parcel as being national forest.

The county records in Cleburne County shows the property to be owned by the "USA Talladega NF"; while the Calhoun County records shows it to be owned by the "US Forestry Division".

Q. Why does the Administrative Map show this property to be National Forest?

A. Probably an error was made when the map was last revised since the property is government land, almost surrounded by national forest land and has the Pinhoti Trail running through it.

Q. Are there any right-of-ways, easements, leases, licenses or permits on the lands being transferred?

A. There are no known right-of-ways, easements, etc. or known claims (neither properties are adjacent to residential development) on either of the properties. If there were, the Forest Service has the necessary authority and regulations to handle.

Q. What is the history of these Tracts?

A. The 160 acre parcel, located in Calhoun County, has never been patented and was not withdrawn from the Public Domain when the Talladega National Forest was established by Proclamation 2190 dated 7/17/1936. This property has always been owned by the United States.

The 399 acre parcel, located in Cleburne County, was patented to the State of Alabama back in August 1941. A clause in the Patent stated "this patent is issued upon the express condition that the land hereby granted shall revert to the USA upon a finding by the Secretary of Interior that for a period of five (5) consecutive years such land has not been used by the said State of Alabama for park or recreational purposes, or that such land or any part thereof is being devoted to other uses." On November 14, 1978, the State of Alabama Quitclaimed this land to the United States and on February 9, 1979 title was accepted by the Bureau of Land Management.

(NOTE: The 1891 Organic Act originally gave the President the authority to place forest land into public reservations by Proclamation. President Franklin Roosevelt issued a Proclamation withdrawing the land now within our forest boundary for public recreational use pursuant to the Recreation and Public Purposes Act before the Talladega National Forest was established by Presidential Proclamation in 1936. A patent on the withdrawn lands was then issued to the State in 1941 with a reversionary clause to the United States. Alabama reconveyed by Quit Claim deed to the United States in 1978 due to its non-use. The Proclamation creating the Talladega National Forest included a provision that all lands hereafter acquired by the United States under the Weeks Act should be administered as a part of the Talladega National Forest. This provision, however, only applied to lands acquired under the Weeks Act, and not the BLM land which simply reverted back to the United States. The proclamation itself no longer had the force of law when the United States regained title to the subject land due to the repeal of the 1891 Act by section 704 of the Federal Land Policy and Management Act of 1976. Hence, the subject land reverted to the status of unappropriated public land, and hence are not included within the Talladega National Forest as they had been withdrawn in favor of the State of Alabama prior to the proclamation and were later patented to the State, thus entirely escaping federal control and the scope of the proclamation.)

Q. What boundaries are being modified?

A. As previously indicated, the 160 acre parcel located in Calhoun County is located adjacent to but west of and outside of the existing Proclamation Boundary for the Talladega National Forest. The Bill would extend this boundary to incorporate the tract.

The 399.4 acre parcel located in Cleburne County is within the Proclamation Boundary. Technically no boundary modification is needed in this case as far as the Proclamation Boundary is concerned. However, the land line boundary would technically be changed in the jurisdictional transfer.

Regardless of the technicality of boundary modification, the Bill does effect the correct transfer of jurisdiction being sought by both agencies.

Q. How many additional acres of lands does the BLM presently have jurisdiction over that are within or adjacent to the Talladega National Forest?

A. None to the best of our knowledge.

Q. How is BLM presently managing these lands to be transferred to the Forest Service?

A. They are currently being managed for hunting and dispersed recreation.

Q. How much will it cost the Forest Service to administer these lands?

A. The main additional cost would be to maintain the approximately 1 mile of additional boundary lines located on the 160 acre parcel in Calhoun County. Estimated cost for maintenance runs around $500 to $600 per mile. However, with the tract located in Cleburne County, the Forest Service would actually lose approximately 1¾ miles of land lines. Therefore there is a net loss of around ¾ miles of land lines that the Forest Service will not have to maintain.

Since the lands are adjacent to and/or are within the existing National Forest, there will be little or no additional costs associated with the change of jurisdiction. The 599 acres would be incorporated into the 229,772 acres that currently makes up the Talladega Division, Talladega National Forest. (Total for the entire Talladega National Forest is 387,176 acres.)

Mr. STENHOLM. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The Clerk read the bill, as follows:

H.R. 1874

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXPANSION OF TALLADEGA NATIONAL FOREST.

(a) BOUNDARY MODIFICATION.—The exterior boundaries of the Talladega National Forest is hereby modified to include the following described lands:

Huntsville Meridian, Township 17 South, Range 8 East, Section 34, NE¼, SW¼, and S½NW¼, Cleburne County, containing 339.40 acres, more or less.

Huntsville Meridian, Township 13 South, Range 9 East, Section 28, SE¼, Calhoun County, containing 160.00 acres, more or less.

(b) ADMINISTRATION.—(1) Subject to valid existing rights, all Federal lands described under subsection (a) are hereby added to and shall be administered as part of the Talladega National Forest.

(2) Nothing in this section shall be construed to affect the validity of or the terms and conditions of any existing right-of-way, easement, lease, license, or permit on lands transferred by subsection (a), except that such lands shall be administered by the Forest Service. Reissuance of any authorization shall be in accordance with the laws and regulations generally applying to the Forest Service, and the change of jurisdiction over such lands resulting from the enactment of this Act shall not constitute a ground for the denial of renewal or reissuance of such authorization.

COMMITTEE AMENDMENT IN THE NATURE OF A SUBSTITUTE

The SPEAKER pro tempore. The Clerk will report the Committee amendment in the nature of a substitute.

The Clerk read as follows:

Committee amendment in the nature of a substitute:

Strike out all after the enacting clause and insert:

SECTION 1. EXPANSION OF TALLADEGA NATIONAL FOREST.

(a) BOUNDARY MODIFICATION.—The exterior boundaries of the Talladega National Forest is hereby modified to include the following described lands:

Huntsville Meridian, Township 17 South, Range 8 East, Section 34, NE¼, SW¼, and S½NW¼, Cleburne County, containing 339.40 acres, more or less.

Huntsville Meridian, Township 13 South, Range 9 East, Section 28, SE¼, Calhoun County, containing 160.00 acres, more or less.

(b) ADMINISTRATION.—(1) Subject to valid existing rights, all Federal lands described under subsection (a) are hereby added to and shall be administered as part of the Talladega National Forest, and the Secretary of the Interior shall transfer, without reimbursement, administrative jurisdiction over such lands to the Secretary of Agriculture.

(2) Nothing in this section shall be construed to affect the validity of or the terms and conditions of any existing right-of-way, easement, lease, license, or permit on lands transferred by subsection (a), except that such lands shall be administered by the Forest Service. Reissuance of any authorization shall be in accordance with the laws and regulations generally applying to the Forest Service, and the change of jurisdiction over such lands resulting from the enactment of this Act shall not constitute a ground for the denial of renewal or reissuance of such authorization.

Mr. EMERSON (during the reading). Mr. Speaker, I ask unanimous consent that the Committee amendment in the nature of a substitute be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The SPEAKER pro tempore. The question is on the Committee amendment in the nature of a substitute.

The Committee amendment in the nature of a substitute was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. THURMAN (at the request of Mr. GEPHARDT) for today and the balance of the week, on account of illness in the family.

ADJOURNMENT

Mr. KOLBE. Mr. Chairman, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 19 minutes a.m.), the House adjourned until today, Thursday, August 3, 1995, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1298. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of a memorandum of justification for Presidential determination on drawdown of Department of Defense articles and services to the United Nations for purposes of supporting the rapid reaction force [RRF], pursuant to 22 U.S.C. 2348a; to the Committee on International Relations.

1299. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11-126, "Motor Vehicle Rental Company Amendment Act of 1995," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on Government Reform and Oversight.

1300. A letter from the Administrator, Federal Aviation Administration, transmitting a copy of a report entitled "Cost/Benefit Analysis of Radar Installations at Joint-Use Military Airports and Radar Coverage at Cheyenne, Wyoming, Airport," pursuant to Public Law 103-305, section 524 (108 Stat. 1603); to the Committee on Transportation and Infrastructure.

1301. A letter from the Administrator, Federal Aviation Administration, transmitting the department's report on the implementation of the aircraft cabin air quality research program, pursuant to Public Law 103-305, section 304(e)(1) (108 Stat. 1592); to the Committee on Transportation and Infrastructure.

1302. A letter from the Administrator, Federal Aviation Administration, transmitting the Administration's report on aviation safety inspector staffing requirements for fiscal years 1995, 1996, and 1997, pursuant to Public Law 102-581, section 121 (106 Stat. 4884); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. STUMP: Committee on Veterans' Affairs. H.R. 1536. A bill to amend title 38, United States Code, to extend for two years an expiring authority of the Secretary of Veterans Affairs with respect to determination of locality salaries for certain nurse anesthetist positions in the Department of Veterans Affairs (Rept. 104-225). Referred to the

Committee of the Whole House on the State of the Union.

Mr. STUMP: Committee on Veterans' Affairs. H.R. 1384. A bill to amend title 38, United States Code, to exempt certain full-time health-care professionals of the Department of Veterans Affairs from restrictions on remunerated outside professional activities; with amendment (Rept. 104–226). Referred to the Committee of the Whole House on the State of the Union

Mr. CLINGER: Committee on Government Reform and Oversight. H.R. 2108. A bill to permit the Washingotn Convention Center Authority to expend revenues for the operation and maintenance of the existing Washington Convention Center and for preconstruction activities relating to a sports arena in the District of Columbia and to permit certain revenues to be pledged as security for the borrowing of such funds, and for other purposes (Rept. 104–227). Referred to the Committee of the Whole House on the State of the Union.

Mr. MOORHEAD: Committee on the Judiciary. H.R. 1445. A bill to amend rule 30 of the Federal Rules of Civil Procedure to restore the stenographic preference for depositions (Rept. 104–228). Referred to the Committee of the Whole House on the State of the Union

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 1670. Referral to the Committees on National Security and the Judiciary extended for a period ending not later than Oct. 2, 1995.

PUBLIC BILLS AND RESOLUTION

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ROMERO-BARCELO (for himself, Mr. Gallegly, Mr. Miller of California, Mr. Faleomavaega, Mr. Underwood, Mr. Pastor, Mr. Serrano, Mr. Gutierrez, Ms. Velazquez, and Mr. Frazer):

H.R. 2159. A bill to provide for the transfer of certain lands on the Island of Vieques, PR, to the municipality of Vieques; to the Committee on National Security, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SAXTON:

H.R. 2160. A bill to authorize appropriations to carry out the Interjurisdictional Fisheries Act of 1986 and the Anadromous Fish Conservation Act; to the Committee on Resources.

By Mr. GILMAN:

H.R. 2161. A bill to extend authorities under the Middle East Peace Facilitation Act of 1994 until October 1, 1995, and for other purposes; to the Committee on International Relations.

By Mr. ARCHER:

H.R. 2162. A bill to restore immigration to traditional levels by curtailing illegal immigration and imposing a ceiling on legal immigration; to the Committee on the Judiciary, and in addition to the Committees on Ways and Means, Commerce, Agriculture, and Government Reform and Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. de la GARZA:

H.R. 2163. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit for investment necessary to revitalize communities within the United States, and for other purposes; to the Committee on Ways and Means.

By Mr. FILNER:

H.R. 2164. A bill to curtail illegal immigration through increased enforcement of the employer sanctions provisions in the Immigration and Nationality Act and related laws; to the Committee on the Judiciary, and in addition to the Committee on Economic and Educational Opportunities, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FORBES:

H.R. 2165. A bill to clarify the application of a certain transitional rule; to the Committee on Ways and Means.

By Mr. HUNTER:

H.R. 2166. A bill to amend the Internal Revenue Code of 1986 to impose a minimum tax on certain foreign and foreign-controlled corporations; to the Committee on Ways and Means.

By Mr. JEFFERSON:

H.R. 2167. A bill to amend title II of the Social Security Act to provide that the reductions in Social Security benefits which are required in the case of spouses and surviving spouses who are also receiving certain Government pensions shall be equal to the amount by which the total amount of the combined monthly benefit—before reduction—and monthly pension exceeds $1,200; to the Committee on Ways and Means.

By Mr. JOHNSON of South Dakota:

H.R. 2168. A bill to extend COBRA continuation coverage to retirees and their dependents, and for other purposes; to the Committee on Commerce, and in addition to the Committees on Ways and Means, and Economic and Educational Opportunities, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. McHALE (for himself, Mr. Shays, Mrs. Waldholtz, Mr. Barrett of Wisconsin, Mr. Klug, Mr. Castel, Mr. Minge, Mr. Deal of Georgia, Mr. Dickey, Mr. Zimmer, Mr. Meehan, Mr. Luther, and Mr. Inglis of South Carolina):

H.R. 2169. A bill to provide for the disclosure of lobbying activities to influence the Federal Government, and for other purposes; to the Committee on the Judiciary.

By Mr. MORAN (for himself, Mr. Wynn, Mr. Wolf, Mrs. Morella, Mr. Davis, Ms. Norton, and Mr. Hoyer):

H.R. 2170. A bill to authorize the establishment of the Woodrow Wilson Memorial Bridge Authority, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PETRI:

H.R. 2171. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit for certain political contributions and to eliminate the Presidential campaign fund; to the Committee on Ways and Means, and in addition to the Committee on House Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. SMITH of Washington:

H.R. 2172. A bill to establish the Vancouver National Historic Reserve, and for other purposes; to the Committee on Resources.

By Mr. STARK:

H.R. 2173. A bill to amend title XVIII of the Social Security Act to modify the types of ownership and compensation arrangements which are not considered arrangements between a physician and an entity furnishing a designated health service under the Medicare Program for purposes of the provisions of such title which deny payment for designated health services for which a referral is made by a physician with an ownership or compensation arrangement with the entity furnishing the service; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STUPAK:

H.R. 2174. A bill to establish the Commission on Missing-in-Action and Prisoners of War in Southeast Asia; to the Committee on International Relations.

By Mr. WILLIAMS:

H.R. 2175. A bill to amend the Public Health Service Act and the Social Security Act to improve the access of rural residents to quality health care by consolidating various categorical programs into a single program of grants to the States, and for other purposes; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BARTON of Texas (for himself, Mr. Pete Geren of Texas, Mr. Shadegg, Mr. Hall of Texas, Mr. Allard, Mr. Archer, Mr. Armey, Mr. Bachus, Mr. Baker of California, Mr. Baker of Louisiana, Mr. Ballenger, Mr. Barr, Mr. Barrett of Nebraska, Mr. Bartlett of Maryland, Mr. Bliley, Mr. Blute, Mr. Boehner, Mr. Bonilla, Mr. Brownback, Mr. Bryant of Tennessee, Mr. Bunn of Oregon, Mr. Bunning of Kentucky, Mr. Burr, Mr. Burton of Indiana, Mr. Callahan, Mr. Calvert, Mr. Camp, Mr. Chabot, Mr. Chambliss, Mrs. Chenoweth, Mr. Christensen, Mr. Chrysler, Mr. Coble, Mr. Coburn, Mr. Combest, Mr. Cooley, Mr. Cox, Mr. Crane, Mr. Cremeans, Mrs. Cubin, Mr. Cunningham, Ms. Danner, Mr. Deal of Georgia, Mr. Dickey, Mr. Doolittle, Mr. Dornan, Mr. Duncan, Ms. Dunn of Washington, Mr. Emerson, Mr. English of Pennsylvania, Mr. Ensign, Mr. Foley, Mr. Forbes, Mrs. Fowler, Mr. Fox, Mr. Franks of New Jersey, Mr. Franks of Connecticut, Mr. Frelinghuysen, Mr. Frisa, Mr. Funderburk, Mr. Gallegly, Mr. Ganske, Mr. Gilman, Mr. Goodling, Mr. Goss, Mr. Graham, Mr. Gutknecht, Mr. Hancock, Mr. Hansen, Mr. Hastert, Mr. Hastings of Washington, Mr. Hayes, Mr.

Hayworth, Mr. Hefley, Mr. Heineman, Mr. Herger, Mr. Hilleary, Mr. Hoekstra, Mr. Hoke, Mr. Horn, Mr. Hunter, Mr. Hutchinson, Mr. Inglis of South Carolina, Mr. Istook, Mr. Sam Johnson, Mr. Jones, Mrs. Kelly, Mr. King, Mr. Kingston, Mr. Knollenberg, Mr. Largent, Mr. Latham, Mr. Laughlin, Mr. Lewis of Kentucky, Mr. Lightfoot, Mr. Linder, Mr. LoBiondo, Mr. Lucas, Mr. Manzullo, Mr. Martini, Mr. McCollum, Mr. McCrery, Mr. McHugh, Mr. McInnis, Mr. McIntosh, Mr. McKeon, Mr. Metcalf, Mr. Mica, Mr. Miller of Florida, Mrs. Myrick, Mr. Neumann, Mr. Ney, Mr. Norwood, Mr. Packard, Mr. Parker, Mr. Paxon, Mr. Peterson of Minnesota, Mr. Quillen, Mr. Quinn, Mr. Radanovich, Mr. Ramstad, Mr. Riggs, Mr. Roberts, Mr. Rohrabacher, Mr. Royce, Mr. Salmon, Mr. Sanford, Mr. Saxton, Mr. Scarborough, Mr. Schaefer, Mrs. Seastrand, Mr. Sensenbrenner, Mr. Skeen, Mr. Smith of Texas, Mrs. Smith of Washington, Mr. Solomon, Mr. Souder, Mr. Spence, Mr. Stearns, Mr. Stockman, Mr. Stump, Mr. Talent, Mr. Tate, Mr. Tauzin, Mr. Taylor of North Carolina, Mr. Thornberry, Mr. Tiahrt, Mr. Torkildsen, Mr. Upton, Mrs. Waldholtz, Mr. Wamp, Mr. Watts of Oklahoma, Mr. Weldon of Florida, Mr. Weldon of Pennsylvania, Mr. Weller, Mr. Wicker, Mr. Young of Alaska, and Mr. Zeliff):

H.J. Res. 106. Joint resolution proposing an amendment to the Constitution of the United States to require three-fifths majorities for bills increasing taxes; to the Committee on the Judiciary.

By Mr. LANTOS (for himself and Mr. Gilman):

H. Con. Res. 90. Concurrent resolution expressing the sense of the Congress concerning freedom of the press in Russia; to the Committee on International Relations.

By Mr. POMBO (for himself, Mr. Kennedy of Rhode Island, Mr. Stark, Mr. Frank of Massachusetts, Mr. Abercrombie, Mr. Bilbray, Mr. Meehan, Mr. Reed, Mr. Moakley, Mr. Torricelli, Mr. Menendez, Mr. Pallone, Mr. Zimmer, Mr. Martini, and Mr. Kennedy of Massachusetts):

H. Con. Res. 91. Concurrent resolution expressing the sense of the Congress that the United States should participate in Expo '98 in Lisbon, Portugal; to the Committee on International Relations.

By Mr. BUNNING of Kentucky (for himself, and Mr. Jacobs):

H. Res. 209. Resolution honoring the old-age, survivors, and disability insurance program upon the 60th anniversary of the enactment of the Social Security Act; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. HYDE introduced a bill (H.R. 2176) for the relief of Christopher Urban; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 103: Mr. McCollum.

H.R. 109: Mr. Hoekstra, Mrs. Morella, Mr. Latham, and Mr. McCollum.

H.R. 127: Mr. English of Pennsylvania and Mr. Young of Florida.

H.R. 359: Mr. Studds.

H.R. 373: Mr. Bevill.

H.R. 468: Mr. Livingston.

H.R. 497: Mr. Engel, Mr. Orton, Mr. Dickey, Mr. Weldon of Florida, Mrs. Roukema, Mr. Porter, and Mr. Laughlin.

H.R. 656: Mr. McCollum.

H.R. 721: Mr. Zimmer.

H.R. 739: Mr. Pickett and Mr. Kim.

H.R. 783: Mr. Williams.

H.R. 862: Mr. Norwood.

H.R. 931: Ms. Velazquez, Mr. Ensign, and Mr. Herger.

H.R. 975: Mr. Zimmer.

H.R. 989: Mr. Packard.

H.R. 995: Mr. Upton.

H.R. 1005: Mr. Taylor of North Carolina.

H.R. 1006: Mr. Pastor.

H.R. 1023: Mr. McKeon.

H.R. 1050: Mr. Nadler.

H.R. 1099: Ms. Dunn of Washington.

H.R. 1161: Mr. Parker, Mr. Scarborough, Mr. Mascara, Mr. Pete Geren of Texas, and Mr. Ehlers.

H.R. 1242: Mr. Zimmer and Mr. Allard.

H.R. 1300: Mr. Hayes.

H.R. 1461: Mr. Coble.

H.R. 1493: Mr. Linder and Mr. Barr.

H.R. 1514: Mrs. Kelly, Mr. Graham, Mr. Wamp, Mr. Dooley, Mr. LoBiondo, Mr. Dickey, Mr. Abercrombie, Mr. Norwood, Mr. Johnston of Florida, Mr. Kildee, and Ms. McCarthy.

H.R. 1625: Mr. McCrery.

H.R. 1713: Mr. Thomas.

H.R. 1733: Mr. Berman.

H.R. 1734: Mr. Conyers.

H.R. 1744: Mr. Oberstar.

H.R. 1748: Mr. Williams.

H.R. 1766: Mr. Shays, Mr. Luther, Mr. Oxley, Mr. Frost, Mr. Clinger, Mr. Thomas, Mr. Peterson of Minnesota, Mr. Ehlers, and Mr. Petri.

H.R. 1856: Mrs. Vucanovich.

H.R. 1893: Mr. Serrano and Mr. Quinn.

H.R. 1915: Mr. Collins of Georgia, Mr. Hansen, Mr. Horn, Mr. Royce, Mr. Paxon, Ms. Molinari, Mr. Linder, and Mr. Hastert.

H.R. 1972: Mr. Bachus, Mr. Taylor of North Carolina, Mr. LoBiondo, and Mr. Klug.

H.R. 2013: Mr. Sanders.

H.R. 2026: Mr. Hastert, Mr. Skeen, and Mr. Kasich.

H.R. 2027: Mr. Greenwood.

H.R. 2077: Mr. Baldacci.

H. Con. Res. 47: Mr. Menendez, Mr. Bliley, Mrs. Vucanovich, and Mr. Weldon of Pennsylvania.

H. Con. Res. 79: Mr. Hastings of Florida.

H. Res. 36: Mr. Cramer.

H. Res. 123: Mr. Cunningham

H. Res. 200: Mr. Johnston of Florida, Mr. Frost, Mr. Flanagan, and Mr. Schumer.

H. Res. 202: Mr. Olver and Mr. Brown of Ohio.

H. Res. 203: Mr. Olver.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 2126

Offered By: Mr. Obey

Amendment No. 55: Page 23, line 17, strike “$7,162,603,000” and insert “$9,169,603,000”; and

On page 21, line 6, strike “$5,577,958,000” and insert “$3,184,958,000”.

H.R. 2126

Offered By: Mr. Obey

Amendment No. 56: Page 23, line 17, insert “(reduced by $493,000,000)” before “to remain available”.

H.R. 2126

Offered By: Mr. Obey

Amendment No. 57: Page 26, line 10, strike “$908,125,000” and insert “$877,125,000”.

H.R. 2126

Offered By: Mr. Obey

Amendment No. 58: Page 28, line 11, strike “$13,110,335,000” and insert “$13,010,335,000”.

H.R. 2126

Offered By: Mr. Obey

Amendment No. 59: Page 28, line 11, insert “(reduced by $100,000,000)” before “to remain available”.

H.R. 2126

Offered By: Mr. Obey

Amendment No. 60: Page 28, line 11, insert “(reduced by $200,000,000)” before “to remain available”.

H.R. 2126

Offered By: Mr. Obey

Amendment No. 61: Page 28, line 11, insert “(reduced by $1,000,000,000)” before “to remain available”.

H.R. 2126

Offered By: Mr. Obey

Amendment No. 62: Page 28, line 24, insert “(reduced by $450,000,000)” before “to remain available”.

H.R. 2126

Offered By: Mr. Obey

Amendment No. 63: Page 32, line 17, strike “$746,698,000” and insert “$784,000,000”.

H.R. 2126

Offered By: Mr. Obey

Amendment No. 64: Page 32, line 20, strike “$53,400,000” and insert “$90,702,000”.

H.R. 2126

Offered By: Mr. Obey

Amendment No. 65: Page 33, line 10, strike “$688,432,000” and insert “$738,432,000”.

H.R. 2126

Offered By: Mr. Obey

Amendment No. 66: Page 35, line 11, strike “$75,683,000” and insert “$70,683,000”.

H.R. 2126

Offered By: Mr. Obey

Amendment No. 67: On page 77, line 8 delete $250,000 and insert $148,400.

H.R. 2126

Offered By: Mr. Obey

Amendment No. 68: On page 82 line 23 delete everything from “Sec. 8094” through “reasons.” on page 83 line 25.

H.R. 2126

Offered By: Mr. Obey

Amendment No. 69: On page 85 line 20 delete everything from “Sec. 8098” through “Center.” on page 86 line 11.

H.R. 2126

Offered By: Mr. Obey

Amendment No. 70: On page 90 line 19 strike everything from “(d)” through “commences.” on page 91 line 2.

H.R. 2126

Offered By: Mr. Obey

Amendment No 71: Page 94, after line 3, insert the following new section:

Sec. 8107. None of the funds in this Act may be used for the continuation of the Extremely Low Frequency Communication System of the Navy.

H.R. 2126

Offered By: Mr. Schumer

Amendment No. 72: Page 16, line 14, after the dollar amount, insert the following: "(increased by $50,000,000)".

H.R. 2127

Offered By: Mr. Bateman

Amendment No. 117: Page 31, line 18, strike $85,423,000 and insert $67,423,000.

Page 35, line 21, strike $411,781,000 and insert $405,781,000.

Page 42, line 7, strike $645,000,000 and insert $669,000,000.

Page 42, line 7, strike $550,000,000 and insert $584,000,000.

Page 42, line 10, strike $50,000,000 and insert $40,000,000.

H.R. 2127

Offered By: Mr. Bateman

Amendment No. 118: Page 31, line 18, strike $85,423,000 and insert $67,423,000.

Page 35, line 21, strike $411,781,000 and insert $405,781,000.

Page 42, line 7, strike $645,000,000 and insert $669,000,000.

Page 42, line 7, strike $550,000,000 and insert $584,000,000.

Page 42, line 10, strike $50,000,000 and insert $40,000,000.

H.R. 2127

Offered By: Mr. Bateman

Amendment No. 119: Page 42, line 13, after the colon, strike all through Page 42, line 22.

H.R. 2127

Offered By: Mr. Bateman

Amendment No. 120: Page 42, line 13 after the colon, strike all through Page 42, line 22.

H.R. 2127

Offered By: Mr. Bateman

Amendment No. 121: Page 42, line 20, after the colon, strike all through Page 42, line 22.

H.R. 2127

Offered By: Mr. Bateman

Amendment No. 122: Page 42, line 20, after the colon, strike all through Page 42, line 22.

H.R. 2127

Offered By: Mr. Edwards

Amendment No. 123: Page 25, line 5, strike "$2,085,831,000" and insert "$2,063,331,000".

Page 42, strike line 7 and insert "$655,000,000, of which $550,000,000 shall be for basic".

H.R. 2127

Offered By: Mr. Edwards

Amendment No. 124: Page 35, line 21, strike "$411,781,000" and insert "$396,599,000".

Page 42, strike line 7 and insert "$657,009,000, of which $562,009,000 shall be for basic".

H.R. 2127

Offered By: Mr. Edwards

Amendment No. 125: Page 35, line 21, strike "$411,781,000" and insert "$396,599,000".

Page 25, line 5, strike "$2,085,831,000" and insert "$2,063,331,000".

Page 42, strike line 7 and insert "$667,009,000, of which $572,009,000 shall be for basic".

H.R. 2127

Offered By: Mr. Edwards

Amendment No. 126: Page 42, line 13, strike the colon and all that follows through "8003(e)" on line 22.

H.R. 2127

Offered By: Mr. Emerson

Amendment No. 127: Page 37, line 7, after the dollar amount, insert the following: "(reduced by $2,000,000)".

H.R. 2127

Offered By: Mr. Emerson

Amendment No. 128: Page 88, after line 7, insert the following new title:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

Sec. 701. (a) Limitation on Use of Funds.—None of the funds made available in this Act may be used for the expenses of an electronic benefit transfer (EBT) task force.

(b) Corresponding Reduction in Funds.—The amount otherwise provided in this Act for "DEPARTMENT OF HEALTH AND HUMAN SERVICES—Administration for Children and Families—Children and families services programs" is hereby reduced by $2,000,000.

H.R. 2127

Offered By: Mr. Hastert

Amendment No. 129: Page 54, line 14, strike "objective criteria" and insert "specific criteria".

H.R. 2127

Offered By: Mr. Sam Johnson of Texas

Amendment No. 130: Page 88, after line 7, insert the following new title:

TITLE VIII—OTHER PROGRAMS

PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

Sec. . In addition to amounts otherwise provided in this Act, for carrying out programs under the head "SCHOOL IMPROVEMENT PROGRAMS"; for carrying out programs under the head "VOCATIONAL AND ADULT EDUCATION", respectively, $50,000,000 and $100,000,000, to be derived from amounts under the head "Agency for Health Care Policy and Research—health care policy and research", $60,000,000: *Provided*, That, notwithstanding any other provision in this Act, none of the funds under the head "Agency for Health Care Policy and Research—health care policy and research" shall be expended from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds.

H.R. 2127

Offered By: Mrs. Meek of Florida

Amendment No. 131: Page 84, lines 10 through 13, strike the following phrase:

the provision of funds for acquisition (by purchase, lease or barter) of property or services for the direct benefit or use of the United States,

H.R. 2127

Offered By: Mr. Menendez

Amendment No. 132: Page 80, strike lines 13 through 22 and insert the following:

"(C) any act of self-dealing (as defined section 4941(d) of the Internal Revenue Code of 1986, determined by treating only government officials described in paragraph (1) or (2) of section 4946(c) of such Code as disqualified persons) between such an official and any organization described in paragraph (3) or (4) of section 501(c) of such Code and exempt from tax under section 501(a) of such Code;".

Page 84, at the end of line 15, insert the following: "In the case of an organization described in paragraph (3) or (4) of section 501(c) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code, all of the funds of such organization shall be treated as from a grant."

H.R. 2127

Offered By: Mr. Menendez

Amendment No. 133: At the end of the bill, insert after the last section (preceding the short title) the following new section:

Sec. . None of the funds made available by this or any other Act may be used to pay the salary of any government official (as defined in paragraph (1) or (2) of section 4946(c) of the Internal Revenue Code of 1986) when it is made known to the Federal official having authority to obligate or expend such funds that there has been an act of self-dealing (as defined section 4941(d) of such Code, determined by treating such government officials as disqualified persons) between such government official and any organization described in paragraph (3) or (4) of section 501(c) of such Code and exempt from tax under section 501(a) of such Code.

H.R. 2127

Offered By: Mr. Ney

Amendment No. 134: Page 41, after line 8, insert the following section:

Sec. 210. Of the first dollar amount specified in this title under the heading "Agency for Health Care Policy and Research—Health Care Policy and Research", $39,900,000 is transferred from such amount, of which $30,000,000 is available for allotments for State Developmental Disabilities Councils under part B of the Developmental Disabilities Assistance and Bill of Rights Act, $8,900,000 is available for grants to university affiliated programs under part D of such Act, and $1,000,000 is available for grants and contracts for projects of national significance under part E of such Act.

H.R. 2127

Offered By: Mr. Watts of Oklahoma

Amendment No. 135: Page 25, line 5, after the dollar amount insert "(decreased by $5,000,000)".

Page 35, line 21, after the dollar amount insert "(decreased by $14,427,000)".

Page 49, line 1, after the dollar amount insert "(decreased by $20,000,000)".

Page 42, line 7, after the dollar amount insert "(increased by $24,427,000)".

Page 45, line 7, after the dollar amount insert "(increased by $15,000,000)".

H.R. 2127

Offered By: Mr. Watts of Oklahoma

Amendment No. 136: Page 42, line 13, strike the colon and all that follows through "8003(e)" on line 22.

EXTENSIONS OF REMARKS

CAPTIVE NATIONS WEEK PROCLAMATION

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 2, 1995

Mr. SOLOMON. Mr. Speaker, the following is a copy of the Captive Nation's Week proclamation which I am submitting for the RECORD:

Whereas, the dramatic changes in Central and Eastern Europe, Central Asia, Africa and Central America have fully vindicated the conceptual framework of the Captive Nations Week Resolution, which the United States Congress passed in 1959, President Eisenhower signed as Public law 86–90, and every president since has proclaimed annually; and

Whereas, the resolution demonstrated the forsight of the Congress and has consistently been, through official and private media, a basic source of inspiration, hope and confidence to all the captive nations; and

Whereas, the recent liberation of many captive nations is a great cause for jubilation, it is vitally important that we recognize that numerous other captive nations remain under communist dictatorships and the residual structure of Russian imperialism; among others, Cuba, Mainland China, Tibet, Vietnam, Idel-Ural (Tartarstan, etc.) the Far Eastern Republic (Siberyaks); and

Whereas, the Russian invasion and massacre of Chechenia—a once-again declared, independent state—evoke the strongest condemnation by all given to rules of international law, human rights, and national self-determination; and

Whereas, the freedom loving peoples of the remaining captive nations (well over 1 billion people) look to the United States as the citadel of human freedom and to its people as leaders in bringing about their freedom and independence from communist dictatorship and imperial rule; and

Whereas, the Congress by unanimous vote passed P.L. 86–90, establishing the third week in July each year as "Captive Nations Week" and inviting our people to observe such a week with appropriate prayers, ceremonies and activities, expressing our great sympathy with and support for the just aspirations of the still remaining captive peoples.

Now, therefore, I _________ do hereby proclaim that the week commencing July 16-22, 1995 to be observed as "Captive Nations Week" in _____ and call upon the citizens _______ to join with others in observing this week by offering prayers and dedicating their efforts for the peaceful liberation of the remaining captive nations.

In witness whereof, I hereunto set my hand and caused the seal of the _____ to be affixed this _____ day of July _____, 1995.

As of today, July 31, 1995, the following Governors and Mayors have issued proclamations: George V. Voinovich of Ohio, Kirk Fordice of Mississippi, Tommy G. Thompson of Wisconsin, James B. Hunt of North Carolina, Gaston Caperton of West Virginia, Fife Symington of Arizona, Parris N. Glendening of Maryland, Pete Wilson of California, Brenton C. Jones of Kentucky, Don Sundquist of Tennessee, William J. Janklow of South Dakota, Thomas R. Carper of Delaware, Freeman R. Bosley of St. Louis and Stephan P. Clark of Miami.

DR. HADEN McKAY TO RECEIVE GRAND LODGE 50-YEAR MASONIC SERVICE AWARD

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 2, 1995

Mr. FIELDS of Texas. Mr. Speaker, a great friend of mine, Dr. Haden E. McKay, Jr., of Humble, TX, will receive the Grand Lodge 50-Year Masonic Service Award at ceremonies to be held tomorrow night in Humble. I want to take a moment to recognize this outstanding community leader who has devoted his life to improving the lives of so many of his neighbors.

Dr. McKay, now 87 years old, retired as mayor of Humble, TX, in May after 24 years in office. He began his service on the Humble city council when he opened up his medical practice in town, back in 1938. During World War II, his service in the U.S. Army Medical Corps forced him to suspend his medical practice and give up his city council seat. When he returned from the war, he resumed his medical practice and his public service.

As much as he loves medicine, and as much as he loves working to make Humble a better community in which to live and raise a family, Dr. McKay loves his wife of 54 years, Lillian, more. With the pressures of public office now behind him, Lillian and he can finally spend more time together.

Mr. Speaker, in an interview with the Houston Chronicle 4 years ago, Dr. McKay explained that he chose a career in doctoring for the same reason he chose to enter public service: to help people. He has done more to help more people than probably anyone else in the history of Humble, TX.

Now Dr. McKay is being honored by the Humble Masonic Lodge for his years of service to the lodge and to his community. This certainly is not the first honor accorded to Dr. McKay. It would take me hours to list the medical, civic, and other awards and honors that he has received during the course of his medical career and his years of public service.

At this time when many Americans question the motives of their elected public officials, I wish more Americans could know Haden McKay as I know him, and as the men and women of Humble know him. His half-century record of selfless service to others—both as a caring and compassionate medical professional, and as an equally caring and compassionate political leader—make him a role model for all of us who serve in positions of public trust.

Mr. Speaker, please join with me in congratulating Dr. Haden McKay as he is presented with the Grand Lodge 50-Year Masonic Service Award tomorrow night.

MAKE SURE OUR MORAL COMPASS IS WORKING PROPERLY: QUESTIONS FOR MANAGED CARE

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 2, 1995

Mr. STARK. Mr. Speaker, on July 25, the president of the National Association of Public Hospitals, Larry Gage, testified before the Ways and Means Subcommittee on Health on the pending Medicare cuts.

I am inserting portions of his outstanding statement—a statement that every Member should read before voting on the excessive, destructive Medicare and Medicaid cuts proposed by the budget resolution. In this section, Mr. Gage discusses the dangers of managed care if not properly implemented and supervised, and the benefits of managed care when done correctly.

Portions of Mr. Gage's statement follow:

WITH RESPECT TO MANAGED CARE, WE MUST BE CAREFUL NOT TO OVERPROMISE AND OVEREXPAND, BEYOND THE CAPACITY OF OUR HEALTH SYSTEM TO RESPOND

The term "managed care" is now so ubiquitous that it dominates the field of vision in both the private and public sectors of the our health industry. More than just a helpful tool, managed care has become a preoccupation—perhaps even an obsession—for private insurers, employers, and individuals, as well as for legislators and bureaucrats at every level of government. Yet it is an obsession that obscures the need for greater scrutiny of the managed care industry, in order to avoid potentially irreversible damage to the future viability, quality and ethical standards of health care providers, as well as to the good health of many millions of Americans.

In other words, before we continue this headlong rush into uncharted territory, we need to pause and take stock, to make sure our moral compass is working properly. We need to ask (and answer) some tough questions in the heat of the current debate, which I believe represents nothing less than a struggle for the reputation, ethics, values, even the soul, of the managed care industry.

The dilemma is essentially a simple one: what is "managed health care" and should it primarily benefit payers or patients? It is largely designed as a blunt instrument for containing health costs—as many policymakers in Washington and dozens of state capitols believe? Or—as many managed care advocates would like to believe—is it something else: a genuine health care delivery reform that shifts the historic emphasis from acute and episodic intervention to the prevention and maintenance of wellness?

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

This is not an idle question. If managed care is primarily the former—a way to contain costs—then we may be wasting our time worrying about ethics. As indicated by the recent publicity over the failure of some HMOs to pay for emergency services, if the bottom line is all that counts the patient and the provider will both suffer (this is true whether the bottom line is Medicare savings or higher dividends for shareholders). Of course, we would all like to believe that effective managed care plans can BOTH restrain costs and improve wellness. But the plain fact is, in the public sector at least, MOST managed care activities have been carried out in the name of short term cost containment rather than genuine health system reform.

There are perhaps several ironies here. The first, of course, is that there is increasing evidence that managed care is not much more effective over time in holding down health costs that the fee for service system it is rapidly supplanting. Only the most highly organized and self-contained plans—staff and group model HMOs—have any measurable track record over time in holding down costs. For most other plans, after a brief initial flurry of savings—often driven more by the arbitrary demands of payers than any inherent efficiencies in most organizations—costs seem to rise at about the same rate as the industry as a whole.

A second irony is that the major underlying reasons for cost increases in the American health industry have little or nothing to do with either managed care or fee for service medicine. Rather, they depend on such factors as the large and ever-growing numbers of uninsured, continuing advances in expensive technology on both the outpatient and inpatient fronts, and the fact that no one has effectively cured most Americans from demanding the most and the best no matter what health plan they enroll in. (It cannot escape the Committee's notice that the so-called "point of service" managed care plans—the most costly and least controllable—are the plans that usually score highest in consumer satisfaction among HMOs.)

The third, and perhaps greatest, irony is that the steps which clearly could reduce health costs over time—prevention, wellness and public health services—are the last services added and the first ones on the chopping block when the primary goals are short term cost containment and profit-taking.

Certainly, there is no disagreement about the importance of preventive measures aimed at improving both individual and community-wide health status. Preventive health can minimize both the potential for excessive care in the fee for service environment and the potential for providing too few services in the managed care environment. Moreover, the assignment of patients to primary care gatekeepers who are able and willing to manage the full continuum of a patient's care, also improve a patient's health, and thus hold down long term health costs, even if more services are needed in the short run. But these features must be fully integrated into HMO's not just grafted onto the surface. Of course, many managed care organizations and employers do try to emphasize wellness and prevention, or at least pay lip service. The problem is, we cannot demonstrate that these services will reduce health costs overnight. In fact, in the short run their effective use is likely to increase services and costs, especially for low income elderly patients historically deprived of such services.

Ultimately, of course, if "managed care" is seen only as a tool for cutting costs, the result will be a health system that is neither "managed" nor "care." We all know that there are more than a few dirty little secrets about the explosive growth in Medicaid managed care over the last several years. I will agree that some managed care organizations have developed elegant, sophisticated MIS and case management systems that emphasize prevention and wellness. Some plans may also have adequate and well-rounded networks of providers that are reasonably reimbursed even as they are given rational incentives to change wasteful practice patterns. However, many other organizations have simply grown too fast to take the time to develop such systems or incentives. Rather, they devote their efforts to enrolling mostly people who are young or healthy (or both), invest as creatively as possible the enormous cash flow generated by capitated payments, ratchet down payments to providers wherever they can, keep support staff to a minimum, erect subtle and not-so-subtle barriers to access, and pray no one needs a liver transplant before they can cut a deal to sell out.

Now it may sound from these statements that I am cynical—perhaps even that I oppose managed care. But nothing could be farther from the truth. I belong to an HMO. NAPH has been working rapidly to help both public and private health systems develop or expand managed care capacity all over the country. Together with my associate, Bill von Oehsen, I have even published a new book—a 1000 page "How To" manual for Medicaid Managed Care and State Health Reform. Managed care is not problematic in itself—especially for the poor and disenfranchised. Done properly, managed care can result in genuine improvements in health status and expansion of access for some of our most vulnerable patient populations. It is just that, done poorly, implemented too rapidly, or for the wrong reasons, it could be a setback, not an improvement, both for patients and for entire communities.

We need only look at the TennCare Medicaid debacle to see some of the problems we face when cost becomes the only issue. With TennCare, the state of Tennessee dumped all Medicaid and many uninsured patients overnight into ill-prepared managed care plans with inadequate provider networks, only to pay them premiums that were originally found to be 40% below acknowledged actuarial soundness. As recently as last month, TennCare rates were determined by Governor Sundquist's own TennCare Roundtable to remain 10–20% below costs. And in fairness to the Governor, who was not responsible for developing TennCare, he and his staff have now publicly committed themselves to implementing needed reforms.

I do not believe it is inevitable that TennCare represents the future of managed care—but if we hope to expand such programs to include a substantial proportion of Medicare beneficiaries, we must act quickly, together, to set tough standards for equity, fairness, access, quality and fiscal integrity in managed care plans.

"STO LAT" ST. JOSEPH'S SOCIETY OF PALMER ON YOUR 100 YEAR ANNIVERSARY

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 2, 1995

Mr. NEAL. Mr. Speaker, on August 12, 1995, the St. Joseph's Society of Palmer, MA, will celebrate its 100-year anniversary. Located in the village of Thorndike, the St. Joseph's Society has served generations of Polish-Americans as a social, spiritual, and athletic organization.

Upon the occasion of its 100-year anniversary, I proudly take this opportunity to enter the complete history of the St. Joseph's Society into the CONGRESSIONAL RECORD. May St. Joe's continue to flourish in the years to come.

HISTORY

The Nineteenth Century found people leaving their respective homelands for many and varied reasons to start life over in the New World. The first Poles to arrive in the Town of Palmer came in 1888.

In 1891 the Rev. Chalupka of Chicopee was instrumental in getting the Polish settlers of Thorndike and the other three villages of the town of Palmer to unite and form a society. It took nearly four years, and in April of 1895 the St. Joseph's Society was founded; its first purpose was to establish a fund to help the members in case of illness and to help form a Polish-speaking parish for the increasing number of Poles in the area.

The first governing committee consisted of: President—Joseph A. Mijal, Vice-President—Grzegorz Wisnowski, Treasurer—Thomas Kruszyna, Secretary—Stanley Ziemba. The next three years were trying for the society and their meeting places were the homes of the various members. At times, it looked as if the society would break up. Then, in 1898, the St. Joseph Society was given new blood by the joining of new members. In that year the society started to flourish under the committee of: President—Stanley Ziemba, Vice-President—Paul Pietryka, Treasurer—Symon Jorczak, Secretary—Michael Pelcarski, Marshall—Frank Salamon.

During 1898 the society chose Stanley Ziemba, Symon Jorczak, John Bielski, Michael Pelczarski, Frank Salamon, Marian Wlodyka, Albert Kolbusz, and Walter Krolik to explore the possibility of a Polish-speaking church. In the meantime, individuals traveled to Chicopee when their needs necessitated ministry in their native tongue. Occasionally, visiting priests of Polish descent ministered to their spiritual needs.

The first site chosen for the proposed Polish-speaking church was on Main Street in Thorndike, directly across from Four Corners Cemetery. In 1902, Bishop Thomas Daniel Beavar D.D. appointed Rev. Wenceslaus Lenz as the pastor of the first, Polish-speaking, St. Peter and Paul Parish. The site was later changed to a more central location for the town of Palmer—"Four Corners".

In 1902 the St. Joseph's Society was incorporated as an Insurance Aid Society in the Commonwealth of Massachusetts. The membership grew quickly and all the villages were well among the membership of the society. Under the Insurance Aid Society all the members received weekly benefits of three dollars for thirteen weeks when sick.

In 1908 a lot was purchased by the society on High Street, Thorndike, and the following year a building was bought and moved by members of this lot. This was the first home of the society. In 1912 the society replaced the first home on High Street with a new and larger building, one which had more room for larger Polish gatherings. It was now that the Polish of this area could have a place for dances, weddings, and plays, as well as a central location for its members.

In 1940 the society purchased the Ducy Home on Commercial Street, Thorndike. After months of remodeling and improvements made to the home and grounds, the society opened the new home on May 10, 1940. This new society quarters maintained a library of Polish books and daily newspapers, a sports room of pool tables, ping pong, plus a bar and lounge for members, guests, and their families.

In 1952 an addition was added to the society home consisting of two floors. The top floor was to be used as a ballroom for banquets, dances, and society meetings. The lower section was to be used for serving food and refreshments for all affairs held in the new addition. Three air-conditioning units were installed for the new addition, also for the bar and lounge patrons comfort.

In 1967 the society voted to remodel the interior of the bar and lounge. After several months of improvements the society now had a horseshoe bar for at least eighteen patrons, and a beautiful lounge with a 16 x 16 highly polished dance floor. The buildings old windows were removed in front and replaced by two large picture windows with drapery, colonial style.

The St. Joseph's Society has been well represented in the sports field. The St. Joseph's Club Ball Teams won the Quaboag Baseball Championships in 1937, 1939, and 1940; softball champions in 1944. The club Bowling Team has also won its share of trophies.

In 1948 the Self Locking Carton Co., now known as Diamond National Corp., Thorndike, deeded land to the society on Upper Pine Street for the purpose of building a baseball park and a park for children. Through the efforts of the Self Locking Carton Co. and society members hard work, a wonderful and beautiful park/playground was realized. A shelter for picnics and dancing was built on the grounds. Today, just about everyone uses the St. Joseph's Ball Park; Palmer High School, jay-vees, local elementary leagues, the Sandlot team, pee-wees, and the St. Joseph's A.A. Baseball team. The Palmer Lion's Club has a big field day every Labor Day at the park.

In 1966, under the guidance of William Buck Hurley, the St. Joseph's Club Baseball Team finished second in standings in the Tri-County League of Springfield. Many fine college boys from the surrounding towns played hard for the St. Joseph's Ball Team. Pete Beynor, pitcher from Palmer for the St. Joseph's Ball Team, won the most valuable player award for the 1966 Tri-County League. A great honor for Pete Beynor and the St. Joseph's Ball Team.

On October 22, 1972, the society's chaplain, Rev. A.A. Skoniecki, retired and was replaced by Rev. Robert J. Ceckowski.

In October of 1975 Society members participated in a "Week of Remembrance" in commemoration of Poles annihilated during World War II. Activities of the week included: a parade, memorial mass, and the dedication of a wooden shrine which stood outside of St. Peter and Paul Parish.

On May 2, 1976, the society actively participated in the Town of Palmer's Bicentennial Parade.

On October 16, 1978, Poles throughout the world were elated and honored when Karol Cardinal Wojtyla, Archbishop of Krakow, Poland, was elected as the Vicar of Christ to become Pope John Paul II.

To commemorate the seventy-fifth anniversary of the dedication of St. Peter and Paul Parish, the society purchased a hand carved, wooden statue of the Resurrected Christ. This statue is carried by society members during the Easter Resurrection Mass at St. Peter and Paul Parish.

The society continues its athletic association by supporting its A.A. Baseball team as part of the Tri-County League. To commemorate the one hundredth anniversary, the society has financed the erection of a lighting system for night baseball and football at St. Joseph's Field on Pine Street. This coming season, Pathfinder Regional Vocational Technical High School will use St. Joseph's as its home field.

Several years ago, the last member of the first immigration to this area from Poland died. Today, the society consists of Polish-Americans from the first, second, third, and even the fourth generation. The constitution, which was written entirely in the Polish language, has been re-written into English. Still, many of the original Polish traditions are observed by the society such as, taking part in the Corpus Christi Procession and the blessing of food for the Easter Sunday breakfast after Resurrection Mass.

For the past twenty-five years the society has been under the capable leadership of Fred S. Tyburski. Longtime treasurer Alphonse Lasota has been the guardian of the society's treasury. The society still maintains a sick benefit and a death benefit. Throughout all the years of its existence the society has made charitable contributions to a number of worthy causes.

St. Joseph's Society, 1885–1995, 100 YEARS! "STO LAT."

IN HONOR OF COL. JOHN SATTLER

HON. FLOYD SPENCE

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 2, 1995

Mr. SPENCE. Mr. Speaker, I rise today to recognize a truly outstanding Marine Corps Officer and to ask all of my colleagues to join me in bidding farewell to Col. John Sattler. John has served with distinction in the Navy and Marine liaison office to the U.S. House of Representatives during the last 4 years. His service to the House and to the Nation as a whole, has always been characterized by selfless devotion to duty and unflagging dedication to country and Corps. It is a privilege for me to recognize the many accomplishments John has achieved during his 24 years of military service.

A native of Pittsburgh, John earned a bachelor of science degree in economics from the United States Naval Academy. Upon graduation in June 1971, he was commissioned a second lieutenant in the U.S. Marine Corps. After graduating from the Basic School in Quantico, VA, John was assigned to the Fleet Marine Force, where he served as a rifle platoon commander, 2d Battalion, 4th Marines in Okinawa, Japan. He subsequently served in numerous leadership and staff billets to include two tours at Headquarters, U.S. Marine Corps; infantry tactics instructor at the Basic School in Quantico, VA; operations and executive officer for the 2d Battalion, 4th Marines in Okinawa, Japan and commander of the ground combat element for Marine Air Ground Task Force 4–88.

In addition to his service with the Fleet Marine Force and Headquarters Marine Corps, John also enhanced his professional education while attending numerous service schools. He attended and graduated with honors from the USMC Amphibious Warfare School and the USMC Command and Staff College. He was also a distinguished graduate of the Industrial College of the Armed Forces, National Defense University. John's professional accomplishments are numerous, and certainly understandable in light of the personal leadership and dedication he brings to everything he does. John continues to be a role model to countless thousands of young men and women serving in our Nation's Armed Forces.

During his tenure as the Marine Corps Liaison to the House, John has served the Members and staff of this institution, especially those of us who serve on the National Security Committee, in an exemplary manner. His ability to present and explain Marine Corps programs and issues to members of the House has contributed greatly to sustaining the Nation's premier expeditionary force—"a Corps of Marines that is most ready when the nation generally is least ready."

Mr. Speaker, John Sattler and his lovely wife Ginny have made many sacrifices during their 24 years of service with the Corps. During the past 4 years that I have had the privilege of working with John, his efforts have significantly improved the readiness and wellness of the Corps, and thus the military preparedness of the nation. Knowing John as I do I have no doubt that the same can be said about his entire career. John's presence and professionalism will be missed.

John, congratulations on your return to where you came from—the Fleet Marine Force. I wish you well as you assume command of the 2d Marine Regiment, 2d Marine Division in Camp Lejeune, NC. Good luck and God Speed, Marine—Semper Fidelis.

THE OP-ED THEY REFUSED TO PRINT

HON. DAVE WELDON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 2, 1995

Mr. WELDON of Florida. Mr. Speaker, last Sunday, July 23, readers of the Florida Today were treated to a classic case of misinformation by a newspaper that still has not gotten over the results of the 1994 election.

The charges leveled against me in the newspaper's open letter with respect to the veteran's hospital and the space program are a gross distortion of facts.

Regarding my efforts in support of the space program, the CONGRESSIONAL RECORD speaks louder than any words I could offer: Full funding for the space station; an actual increase in funding for the shuttle program; introduction of more stable, multiyear funding for space station; and an innovative, first-ever $10 million authorization in the NASA budget for investment in our Nation's developing spaceports

Contrast this with the facts not reported by the Florida Today about my predecessor's record: He voted in each of his 4 years to fund the shuttle program below the President's budget request. This year the Republicans, including myself, voted to support the President's budget level for shuttle operations; less than 1 year ago, he voted to cut $400 million from the shuttle program—KSC derives two-thirds of their budget from this account; since 1992, my predecessor voted to reduce actual shuttle program dollars by $1 billion. This year Republicans are proposing to increase it.

Selective reporting and journalism does little to foster a real debate on ideals and public policy and can seriously undermine morale at KSC.

A July 20, Florida Today editorial, stated: "Brevard county did pretty well in a congressional vote Tuesday on space and VA spending * * * veterans were relieved after the vote because U.S. Rep. Dave Weldon managed to salvage $17.2 million for a veterans clinic in Viera."

I see this clinic as the first step in the process of keeping the VA hospital alive and so, apparently, did the Florida Today, until its turnabout in its open letter. So much for consistency.

Florida Today mentioned being baffled these past 8 months. If by that they mean they are baffled about a vision for space that goes beyond today's paradigm of Government run programs; baffled as to why so many cherished liberal enclaves such as NEA, NEH, and countless ineffective Government programs are on a collision course with a fiscally responsible Congress; then being baffled is simply a euphemism for being desperate. Such desperate reporting takes place frequently inside the beltway. It's unfortunate to see it here in Brevard as well.

I support our space program and our veterans. But balancing our budget is crucial if we are going to have funds for space and VA care in the future. In 1996 we will spend $270 billion in interest payments on the debt. Imagine the good we could do today if previous Congressmen had the will to make the tough decisions and act responsibly.

MEDICARE

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 2, 1995

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, August 2, 1995 into the CONGRESSIONAL RECORD.

MEDICARE: PAST SUCCESSES, FUTURE CHALLENGES

July 30th marked the thirtieth anniversary of Medicare. Although many in 1965 predicted dire consequences as a result of Medicare's enactment, it is today without question one of the most widely supported federal government programs. And for good reason: Medicare has contributed to enormous improvements in the well-being and quality of life of older Americans. Americans of all ages agree that the assurance of access to medical care for the elderly must be preserved.

But Medicare also faces many challenges. Health care costs that have significantly outpaced inflation and growing numbers of older Americans have made it difficult to adequately finance the program. Congress has made numerous changes to Medicare over several years, cutting payments to health care providers and placing stricter limits on benefits. But financing problems remain, and will lead to hardships for the 37 million Medicare beneficiaries who depend on the program if the problems are not addressed soon.

SUCCESSES

The Medicare program consists of two parts: Hospital Insurance (HI), primarily funded through tax receipts; and Supplementary Medical Insurance (SMI) for physician costs, largely funded through general revenues with premiums for enrollees covering the remainder.

Before Medicare was enacted, less than half of Americans under 65 had health insurance, and 30% lived below the poverty line. Many older persons had to choose between medical care and other necessities because they could not afford both. Financial pressures forced some to forego treatment until it was too late. Today, almost all older Americans—97%—have health care coverage, and the percentage of them living in poverty has been cut by more than half. Life expectancy for an American born today is over five years higher than it is for those born in 1960.

While Medicare is not perfect, its administrative costs are just over 2% of program spending, considerably lower than the administrative costs of the average large private insurer. And while all Medicare enrollees receive coverage regardless of their incomes most Medicare benefits go to those who need them most—older persons with incomes of $25,000 or less.

CHALLENGES

Medicare's impending financing problems are of great concern to seniors receiving Medicare benefits, as well as future beneficiaries who question its availability during their retirement. Medicare expenditures, which were less than $5 billion in 1967, now total over $181 billion. The trustees of the Medicare trust fund project that HI will become insolvent in 2002, just 7 years away. This funding shortfall reflects the high rate of inflation in the health care sector, an aging population, and growth in the quantity of services provided. Since SMI is financed with premiums and general revenues, it does not have the same financing problems as HI.

REFORM PROPOSALS

Long-range deficits have been projected for HI since the early 1970s. In the early 1980s Congress took action to protect Medicare's solvency by increasing tax revenues and reforming how hospitals are reimbursed. These reforms, along with an expanding economy, improved Medicare's financial outlook in the near-term.

Currently, there are numerous proposals to reform the Medicare system. I believe that Congress should consider these reform proposals with a critical eye. Several proposals have already crated much interest, but long-term funding problems remain.

One proposal would mean annual limits on spending in the program by giving older people a choice of private health insurance plans as alternatives to a standard federal program. The idea would be to make an expanded choice of plan options available to Medicare beneficiaries at the time of initial eligibility and during subsequent annual open enrollment periods.

Another idea would require the government to give beneficiaries vouchers to buy private insurance. The Medicare system would cease to be a system of defined benefits and become instead a program providing a defined contribution toward the cost of health care.

Other proposals would offer options like medical savings accounts or managed care, such as Health Maintenance Organizations and Preferred Provider Organizations. Some would basically keep the current system but increase premiums for new SMI beneficiaries, increase the Medicare deductible, and charge copayments on home health services.

MY VIEW

Over the past three decades, Medicare has proven itself an effective and essential element in raising the standard of living of older Americans. Medicare is a commitment to the American people that when health care is most likely to be needed, it will be available. I believe that this core commitment must be preserved. Reforms in the Medicare system must be considered; however, wholesale immediate cuts are not the answer. Reforms cannot be considered without focusing on our inflationary health care system.

The budget resolution supported by the congressional leadership calls for a huge target of $270 billion reduction in Medicare spending; that's about 30% of the money that the resolution needs to balance the federal budget over the next 7 years. I voted against this budget resolution because these cuts simply cannot be made without doing harm to the beneficiaries and the health care system. But it is also true that there is no way to balance the federal budget or even achieve significant deficit reduction over the long haul without reducing the growth of Medicare.

The cuts proposed in this budget resolution are much greater than what is needed to maintain Medicare's solvency. Instead, I believe we should enact more modest short-term savings that would still extend the life of the trust fund and give us more time to examine the best policy options for longer-term reform. I believe we must be cognizant of certain principles when considering Medicare reform: affordability, universality, quality, cost containment, fairness to Seniors and providers. It is not my preference to reduce payments to beneficiaries under Medicare. We must act decisively yet carefully to preserve the promise of Medicare for the next thirty years and beyond.

TRIBUTE TO TED LEIPPRANDT

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 2, 1995

Mr. CAMP. Mr. Speaker, it is with great pleasure that I rise today to recognize Ted Leipprandt of Pigeon, MI, as he celebrates his retirement. For the past 36 years, Ted Leipprandt has devoted his time and energy to the advancement of Michigan's dry bean industry. On August 7, 1995, Ted will be honored for his role in Michigan's agricultural sector during the Michigan Bean Shippers Association summer conference.

Ted has worked tirelessly for the advancement of agricultural issues since his introduction to the industry in 1959 as an agronomist for the Cooperative Elevator Co. Over the course of the next two decades, his dedication was awarded with several promotions, culminating in his ascendancy to general manager in 1974.

In his capacity as the cooperative's general manager, Ted led the company through a period of rapid growth and industrialization. He devoted countless hours to ensure the company's significant expansion was a success. Under his leadership, the cooperative was carried into the latter half of the 20th century.

Ted's dedication to the agricultural industry is paralleled only by his devotion to the community. Currently, Ted sits on the board of the Detroit Edison Co. and of the East Central Farm Credit System. In the past, he spent 2 years as the president of the Michigan 4–H Foundation. Ted is also a member of the Salem United Methodist Church. Through his active role in organizations like the Michigan Bean Shippers Association and the Rotary Organization, he has continually made significant contributions to his community, and to the entire State of Michigan.

Mr. Speaker, Ted Leipprandt is an outstanding individual who has instilled his sense of honesty and trust into all that he comes in contact with. He has dedicated his life to improving Michigan's dry bean industry. I know you will join me in recognizing Ted for all that he has done as he celebrates his retirement from the Cooperative Elevator Co.

TRIBUTE TO LEUKEMIA SOCIETY VOLUNTEERS

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 2, 1995

Mrs. ROUKEMA. Mr. Speaker, I rise to thank DialAmerica Marketing Inc., for its dedicated work on behalf of those suffering from leukemia. Based in my congressional district in Mahwah, NJ, DialAmerica is a company with a heart, a company that uses its resources to go to the aid of those in need.

This Friday, August 4, DialAmerica will officially hand over a $5 million check to the Leukemia Society of America. This is money that has been raised through a magazine subscription program in which 12.5 percent of the company's proceeds is contributed to the Leukemia Society for research, patient assistance, and patient information.

DialAmerica joined forces with the Leukemia Society in 1988 in the CURE 2000 fight against leukemia and other related diseases. The initial contribution to the society was $40,000 and the company now contributes an average $1.8 million annually. I quote Dwayne Howell, president and chief executive officer of the Leukemia Society:

> DialAmerica is our largest corporate sponsor. Not only do we receive "no cost" dollars but we benefit from increased public awareness of the society. DialAmerica has proven to be an invaluable source of support for our research program.

I know personally the tragedy of leukemia: My husband and I lost our son, Todd, to leukemia in 1976 at the age of 17. At that time, bone marrow transplants and other techniques that offered hope were only in their experimental stages. Since then, many advances have been made that have spared thousands of other parents the heartbreak we faced. It is thanks to the dedicated, selfless people of the Leukemia Society—through their fundraising, their research, the goodwill, and the awareness they promote—that hope can be maintained. The people of the Leukemia Society are a shining example of how the kindness and caring of volunteers can support direct research as it races to a cure.

Today, we are within grasp of a cure but research costs money. I thank God for those who are willing to contribute to this cause and pray that with their help a cure can be found and that no child will ever again have to suffer from this terrible disease.

A TRIBUTE TO THE 30TH ANNIVERSARY OF THE MUSICAL DRAMA "TEXAS"

HON. LARRY COMBEST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 2, 1995

Mr. COMBEST. Mr. Speaker, I would like to take this opportunity to salute the musical drama, "Texas", as they celebrate their 30th anniversary. Set in the natural confines of Palo Duro Canyon State Park in the Texas panhandle, "Texas" has maintained its reputation as the best attended outdoor drama in the country, as well as the Official Play of the State of Texas. The Palo Duro Canyon State Park is located near Canyon, TX, and is administered by the Texas Parks and Wildlife Department. Since its inception in 1966, "Texas", produced by the nonprofit Texas Panhandle Heritage Foundation, Inc. has contributed over $1 million from show revenues to the department.

Written by Pulitzer Prize winning author, Paul Green, "Texas" portrays the struggle and hardships, celebration and joy of early settlers living in the Texas panhandle. Well over 2½ million people from across the country and around the world have come to the Grand Canyon of Texas to watch this epic story, which captures the uniqueness of the Lone Star State.

The talented cast of over 80 singers and dancers act out the historic tale on the stage of an open-air theater with a 600-foot cliff serving as a backdrop. "Texas" uses great choreography and stirring music to tell its story. Modern technology has improved props, sound effects, and light displays to help make "Texas" nights an unforgettable experience.

The play "Texas" embodies the true values of a great musical romance. I now ask that you, Mr. Speaker, and my colleagues join me in commending "Texas" for 30 wonderful seasons. As we look forward to the next 30 seasons, I am confident this extraordinary musical drama will continue its professional depiction of early Texas history for our children and our children's children.

SALUTING THE UNITED CHIOS SOCIETIES OF AMERICA

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 2, 1995

Mr. FIELDS. Mr. Speaker, I want to salute the fine work of the United Chios Societies of America on the occasion of the organization's upcoming second international convention. That second international convention will be held in Chios, Greece, from August 9 to 13.

Members of the Chios Societies of America work for the betterment of the citizens of Chios, a Greek island that played a prominent role in Greece's war for independence in 1822. But through their membership in the Chios Societies of America, individuals of Greek descent celebrate their identity while also preserving their ancient heritage.

Chian societies date back to the early 20th century, when they were founded chiefly as social groups for men with common interests and a common heritage who found themselves living in a new land thousands of miles from their native Greece. Scattered throughout the northeast, the organizations had little contact with one another until the 1930's, when Andrew Poutos, a young and dynamic Chian, established a national organization.

In the years since the national organization was founded, its members have joined together to help the men, women, and children of Chios in a variety of ways—as well as to strengthen and preserve their heritage of which they are so justifiably proud.

America is understandably proud of being the world's melting pot. But all Americans, whatever their nationality retain a special emotional tie to the lands of their ancestors—and the members of the Chios Societies of America are no different.

Mr. Speaker, please join with me in wishing the members and officers of the Chios Societies of America—especially Mr. Nick Marinakis of New York, who will serve as convention chairman, and his brother, Markos Marinakis, also of New York—well as they hold their second international convention next week.

TRIBUTE TO HARRY PASTER

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 2, 1995

Mr. ACKERMAN. Mr. Speaker, I rise today to join with the constituents of my district in honoring Mr. Harry Paster. Next month, one of the guiding lights of American advertising will retire after a most distinguished 47-year career. Harry Paster, a legend in the advertising world, will be retiring from his position as executive vice president of the American Association of Advertising Agencies [AAAA] on September 30, 1995.

American advertising is one of the Nation's most vibrant and important industries, and for over 77 years, the leadership of the AAAA has advanced and strengthened the advertising agency business throughout the U.S. One of the most respected and dedicated members of that leadership team has been the AAAA's executive vice president, Harry Paster.

Mr. Paster, who earned his bachelor's degree at City College of New York and his master's degree from New York University, started with AAAA as a statistician in 1948. Subsequently, he was promoted to vice president, to senior vice president, and in 1980, to executive vice president of the association. In each of these positions, Mr. Paster demanded the highest standards from his industry and from himself.

In 1992 Mr. Paster's dynamic career and extraordinary contributions to the advertising agency business were aptly recognized when he was named Man of the Year by the Advertising Club of New York and awarded the prestigious Silver Medal by the American Advertising Federation.

When Harry Paster retires next month from the industry that he has nurtured and led for almost five decades, his humor, his counsel and his unparalleled insight into the people and the workings of the advertising business will be sorely missed. I ask all my colleagues in the House of Representatives to join me, and Harry's countless friends in commending Harry Paster for his dedicated service and in wishing him the very best for a most rewarding and fulfilling retirement.

VIEQUES LANDS TRANSFER ACT OF 1995

HON. CARLOS A. ROMERO-BARCELÓ

OF PUERTO RICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 2, 1995

Mr. ROMERO-BARCELÓ. Mr. Speaker, today I am introducing the Vieques Lands Transfer Act of 1995. The purpose of this legislation is to authorize and direct the transfer of certain lands on the Island of Vieques, Puerto Rico, to the Municipality of Vieques for public purposes which benefit the people of the island.

The Island of Vieques is located in the Caribbean Sea, approximately 6 miles east from the eastern coast of Puerto Rico and 22 miles southwest of St. Thomas, U.S. Virgin Islands. Vieques is a long narrow island nearly 22 miles long and 4.5 miles wide at its widest point. It has an area of about 33,000 acres or 51 square miles of land and, according to the 1990 census, a population of 8,602. The island's two towns, Isabel Segunda and Esperanza, have populations of 1,702 and 1,656, respectively. The other residents are classified as rural inhabitants. Vieques is a civilian municipality of the Commonwealth of Puerto Rico and is divided into seven wards—barrios.

The Navy and Marine Corps conduct Atlantic Fleet training and readiness exercises at the Puerto Rico-Virgin Island complex known as the Atlantic Fleet Weapons Training Range [AFWTR]. Headquartered at Roosevelt Roads Naval Station in Ceiba, PR, the complex consists of four ranges: the inner range on the east end of Vieques; the outer range which is an easterly ocean range extending both north and south of Puerto Rico; the underwater tracking range at St. Croix, VI; and an electronic warfare range which overlaps all of the ranges.

On Vieques, but outside the inner range, is the Naval Ammunition Facility [NAF] which occupies the entire range of the civilian zone—approximately 8,000 acres. The Navy uses this facility for deep storage of conventional ammunition. Ships delivering the ordnance dock at Mosquito Pier, located on the northern coast of the NAF. From there, it is transported by truck to bunkers distributed throughout the NAF. Most of the ammunition is destined for off-island use by the Navy, the Marines and the Puerto Rican National Guard. Occasionally, ammunition is transferred overland from the NAF to the ground maneuver area located east of the civilian zone. At present, training exercises are not carried out at the NAF.

Since the 1940's, when the U.S. Navy acquired 78 percent—approximately 26,000 of 33,000 acres—of Vieques' territory, the island has suffered a prolonged and ever-increasing economic crisis and a massive out-migration. From a population of around 15,000 in the 1940's, Vieques currently has 8,602 inhabitants. An unemployment rate higher than 50 percent, lack of adequate housing, health, educational facilities, and a growing crime rate are among the clearest manifestations of the critical economic situation on Vieques. According to the 1990 census, the per-capita income in the island was $2,997, and the Viequense families with an income below the established poverty level reached 70 percent in 1989.

Women must be flown by emergency plane to the main island of Puerto Rico to give birth due to the poor conditions of Vieques' hospital. The island also suffers from the highest rate of broken families among Puerto Rico's 78 municipalities.

In the late 1970's, Viequense fishermen spearheaded a drive to stop the bombing on the island and end restrictions on fishing. Many of them were arrested.

In 1980, our colleague from California and now ranking minority member of the House National Security Committee, Congressman RON DELLUMS, directed a House Armed Services Committee panel review of the naval training activities on the island of Vieques. This panel concluded in its final report to the committee that the Navy "should locate an alternative site" and that "[i]n the interim, the Navy should make every effort to work closely with the Commonwealth of Puerto Rico in implementing programs to alleviate the impact of its activities and in particular explore turning over additional land to the island for civilian use."

In 1983, while Governor of Puerto Rico, I signed an agreement with the Department of the Navy whereby the Puerto Rican Government agreed to drop all litigations in court against the military for ecological and economic damage on Vieques in exchange of a Navy commitment to mitigate the ecological impact of their activities and help with local economic development. All of the economic projects set up in Vieques with assistance from the Navy closed down within 1 or 2 years after initiating operations.

Lack of control of over two-thirds of the island by the municipal government is widely recognized as the principal cause of Vieques' economic and social woes. Trying to find a solution to the current problems, the local planning board and the municipal government, in close coordination with the government of Puerto Rico and the State legislature have designed and commenced the implementation of a tourism industry strategy. But the truth of the fact is that this gloomy economic picture can only be improved if and when the municipal government of Vieques acquires sufficient lands to develop the required infrastructure for the implementation of the tourism industry strategy.

My bill would transfer the 8,000 acres of land that currently comprise the NAF to the municipal government of Vieques. The transfer would take place only after the municipality submits to the Secretary of Defense a detailed plan of the public purposes for which the conveyed property will be used—such as housing, schools, hospitals, libraries, parks and recreation, agriculture, conservation and economic development—and such plan is approved by the committees with jurisdiction in both the U.S. House of Representatives and the Senate.

The eastern part of Vieques, which comprises approximately 15,000 acres, would still remain U.S. Navy property. This means that, even with the adoption of this bill, the Navy would still control nearly half of the island.

Puerto Rico has a long and proud tradition of supporting national defense. This has been shown time and time again as hundreds of thousands of Puerto Ricans have demonstrated their valor and patriotism through service in the U.S. Armed Forces. Today, more than ever, we stand ready to assume an even bigger role in the defense and values for which our Nation stands.

This bill is in no way contrary to that tradition, but rather one that I believe provides a solution which will be beneficial for both the people of Vieques and the U.S. Navy. I am hopeful that it will receive favorable congressional action at an early date.

HEALTH UNIT COORDINATORS DAY

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 2, 1995

Mr. BONIOR. Mr. Speaker, 1995 is the 50th anniversary of the profession of health unit coordinators. Michigan, along with many other States and local municipalities have designated August 23, two weeks from today, as Health Unit Coordinator Day. I support these efforts to recognize those who play a vital role in the delivery of health care services in America.

Prior to World War II, hospitals were staffed by physicians, nurses, some specialists, and a few support personnel such as cooks and janitors. Health unit coordinator positions simply did not exist. Wartime casualties required that nurses and physicians receive support to answer phones and run errands. Before the arrival of such support personnel, many desk duties were interrupted or simply ignored until the arrival of floor clerks. This position evolved into what is today known as a health unit coordinator. Over the past half century, health unit coordinators have been known by more than 75 different titles.

We all must take responsibility for our health, but ultimately, our well-being depends on the cooperation and coordination that exists between the many individuals devoted to maintaining health. Doctors, nurses, dietitians, teachers, parents, and health unit coordinators all play important roles.

The National Association of Health Unit Coordinators has also been doing its part to improve the health of Americans. This professional organization advocates progressive changes in health care practice by providing a forum that encourages mutual exchange of ideas while advancing knowledge and technology in the health care field.

Celebrating the 50th anniversary of the profession is a proud milestone for health unit coordinators across the country. I urge my colleagues to join with me and the National Association of Health Unit Coordinators in recognizing August 23, 1995, as Health Unit Coordinator Day.

THE RURAL HEALTH CONSOLIDATED GRANT ACT

HON. PAT WILLIAMS

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 2, 1995

Mr. WILLIAMS. Mr. Speaker, tomorrow the House will vote on an appropriations bill that drastically cuts the modest inroads that we have made toward alleviating the barriers our rural communities face in obtaining quality health care. The health services available in rural areas have suffered over the course of the last few decades from the centralizing effects of the marketplace and the desire of practitioners to specialize. Rural States rely on the small amount of Federal funds available to them to counteract these pulls and provide their residents with care.

Mr. Speaker, 55 million Americans—nearly one quarter of our Nation's population—live in rural areas, yet many of these folks find it difficult to obtain even the most basic health care services. Forty percent of rural Americans live in areas with fewer than one primary-care physician for every 3,500 residents. Rural hospitals are in financial jeopardy and rural communities are finding it difficult to recruit doctors and other practitioners. Rural areas are plagued by a shortage of physicians, hospitals, and clinics. As a result, many folks must travel long distances and often through harsh weather conditions to get care. This is a hardship on many rural Americans, especially the elderly and the poor.

Mr. Speaker, as I see it, we have two options: either first, hope that the Senate restores the funding that the House has cut from these small rural health programs; or second, plan for the future and offer an alternative approach that recognizes both the necessity of maintaining the small stream of funding that goes to rural health and the reality that the current set of disparate programs are too small and limited in scope to effectively and comprehensively address the problems facing rural America today.

Today I am introducing legislation that finds that middle ground. My bill is the result of countless discussions with rural residents, doctors, nurses, hospitals, and policymakers. It reflects the lessons they've learned and the experiences they've had with breaking through the chronic isolation that plagues rural America to provide care to its residents.

My bill provides a new direction for rural health. It creates a single program aimed at enabling rural communities to develop their own sustainable health care delivery systems. Furthermore, it reaffirms that providing health care to underserved rural Americans is and will remain a priority.

Mr. Speaker, no community is viable without health care. Folks need to be healthy in order to go to work, pay taxes, attend school, and raise a family. That is why the decision to live in a rural area must not be a decision to accept inferior health care. Access to care in rural America is critical for both our local rural economies as well as the health of each individual rural American.

HONORING LINDA GALLIGAN-ROY

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 2, 1995

Ms. DELAURO. Mr. Speaker, I ask my colleagues to join me in honoring a strong and devoted woman, Ms. Linda Galligan-Roy. Ms. Roy serves as a role model for each of us seeking to improve ourself and our community.

As a young widow battling a drug addiction, Ms. Roy has stood firm in the face of challenge. She has set difficult goals and has accomplished them through hard work and untiring dedication. Dubbed the "Concrete Queen," Ms. Roy excels in the male-dominated field of construction work. While building houses, Ms. Roy breaks down the barriers women face in society. Her passion makes her strong and her determination makes her capable.

Ms. Roy has overcome tremendous personal challenges in addition to her professional success. At age 15, her mother's death forced her to leave school and enter the working world to help her father care for her younger siblings. Today she continues to demonstrate zestful spirit and strength: recovering from her dependency on drugs, she aspires to be a writer and plans to enroll in college.

Ms. Roy not only hopes and strives to better herself but also to share what she has learned with others. She has written about many of her life experiences, from her love of construction work to the devastating effect that drugs had on her life. In a piece entitled "A Knock on the Window," she describes the horror of substance addiction with vivid reality. As she expressed in a letter to me, her goal is to stop at least one person from developing a drug addiction. I admire and salute both her selflessness and its potential.

It is people like Ms. Roy who are leading the way for other women and men who seek new opportunities. Her perseverance is inspirational; she leads by example. Mr. Speaker, I know the sacrifices and commitment necessary to accomplish all that this woman has, and I ask you to join with me in honoring Ms. Linda Galligan-Roy.

THE HEROIC EFFORTS OF 2D LT. EDWARD C. DAHLGREN IN WORLD WAR II

HON. JOHN ELIAS BALDACCI

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 2, 1995

Mr. BALDACCI. Mr. Speaker, it is my privilege to speak today about an exceptional Mainer who served this country with great honor and courage during one of history's most terrifying wars, World War II.

To complete his mission in the face of insurmountable odds, 2d Lt. Edward C. Dahlgren exhibited uncommon courage and skill. He was awarded this country's highest form of gratitude, the Congressional Medal of Honor. I would like to honor him again as the 50th anniversary of World War II draws near.

Second Lieutenant Dahlgren was the commander of the 3d Platoon that was charged with rescuing another American unit that was surrounded by the Germans in Oberhoffen, France. Lieutenant Dahlgren risked almost certain death to draw fire away from his fellow soldiers. He alone charged a fortified German position under heavy fire and fought his way into their building. Eight German soldiers surrendered. With his courage and skill, he alone attacked again—five more Germans surrendered. He attacked again—10 Germans surrendered, and again with another soldier—16 Germans surrendered. These heroic charges made by Lieutenant Dahlgren at fortified German strongholds resulted in the surrender of 49 Germans and the safety of the American platoons. Lieutenant Dahlgren truly earned this country's highest honor.

Maine has a long and proud tradition of sending brave soldiers to fight for freedom at home and abroad. These men have exhibited enormous skill and unbreakable courage in the face of death. From Joshua Chamberlain in the Civil War through Gary Gordon in Somalia and countless numbers in between, Maine patriots have fought so that others might live free.

I am proud of Lieutenant Dahlgren for all that he has given to the world. He fought not only for America, but to rid the world from one of the most dangerous threats it had ever known, the Axis powers. The efforts of Lieutenant Dahlgren and his troops helped liberate Europe from the deadly grip of Nazism. This country and the world will never forget his sacrifice.

INTRODUCTION OF THE RETIREE CONTINUATION COVERAGE ACT OF 1995

HON. TIM JOHNSON

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 2, 1995

Mr. JOHNSON of South Dakota. Mr. Speaker, today, I am introducing legislation, the Retiree Continuation Coverage Act of 1995, to help address the terrible problem that occurs when health care benefits are eliminated for retirees and their dependents. A very tragic situation occurred in my home State of South Dakota earlier this year when the John Morrell and Co. canceled insurance benefits for more than 3,300 former employees and their dependents, 1,200 of whom live in South Dakota. This heartless and irresponsible action has had a direct and immediate impact on those retirees who have lost health care benefits they thought were guaranteed for life. Many of these retirees have preexisting conditions, making private insurance either unaffordable or simply unattainable, since many private insurance plans refuse to provide coverage. And a number of these individuals do not yet qualify for the Medicare Program, as they have yet to turn 65.

My legislation would extend COBRA coverage to retirees, their spouses, and dependents in situations where health care benefits sponsored by a retirees' former employer are either eliminated or substantially reduced. This extension of COBRA would remain in effect until the retiree, spouse, or dependents reach Medicare eligibility.

In doing this, early retirees—those under the age of 65—would be able to purchase health insurance coverage at group rates until they become eligible for the Medicare Program. There is a great need for this legislation, unfortunately, I am afraid that many more early retirees who are counting on their health insurance benefits for the rest of their life will instead have their hard work and dedication rewarded with a letter from their former employer saying their insurance has been canceled effective immediately. This simply cannot continue to occur. It isn't fair, and it isn't right.

I urge my colleagues to support this important legislation and help address this serious and growing situation of early retirees losing their health insurance benefits. Similar legislation is being introduced in the Senate by Senate minority leader DASCHLE of South Dakota.

THE PHYSICIAN SELF-REFERRAL IMPROVEMENT ACT OF 1995

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 2, 1995

Mr. STARK. Mr. Speaker, I am today introducing legislation to clarify, simplify, and improve the Medicare and Medicaid physician self-referral legislation, while maintaining its important protections against abuse of patients and expensive over-utilization and over-billing of the Medicare and Medicaid Programs.

Last month, when Caremark International Inc., a former health care giant pleaded guilty to Federal fraud and kickback charges, two physicians were accused along with the company. It is predicted that several hundred more doctors eventually could face criminal prosecution before the investigation concludes—that is because Caremark's guilty pleas stemmed from paying doctors to induce referrals of Medicare and Medicaid patients to the company's several home care businesses. Although the Caremark case is not a pure physician self-referral case, it confirms that physicians are vulnerable—vulnerable to greed; vulnerable to pay-offs; and vulnerable to temptation.

Without a doubt, physician self-referral is bad for the public and bad for the patient. Study after study has shown that it inevitably encourages unnecessary duplication and over-utilization of facilities and services, producing an overall significant increase in cost to the patient and to the Treasury in higher Medicare and Medicaid payments. As shown by the Caremark case, this type of unethical arrangement gives doctors powerful incentives to bend their professional judgment. Without laws to prohibit abusive arrangements, doctors will continue to drift toward the opinion that medicine is just a business, and patients are theirs to be bought and sold.

Clarification of current law is necessary. Perhaps the main problem with the law is the administration's inexcusable delay in releasing the antireferral regulations. The lack of guidance has contributed to both confusion of the doctors and to the bank accounts of lawyers, who have often created unnecessary fears about the legislation. We must clarify, where necessary, without creating loopholes that would essentially negate the law. Last year, we worked extensively with a number of provider groups and organizations to draft amendments during health reform, which were included in H.R. 3600, but that unfortunately did not pass. Today, I offer legislation to amend and clarify the physician self-referral law.

Today's bill includes a number of provisions designed to make the law clearer, more workable, and more acceptable to the provider community. The bill does the following: repeals the exception for physicians' services; includes durable medical equipment and parenteral and enteral nutrients, equipment and supplies in the exception for in-office ancillary services; excepts shared facility services that are furnished under certain conditions; creates a prepaid plan exception in the case of a designated health service, if the designated health service is included in the services for which a physician or physician group is paid only on a capitated basis by a health plan pursuant to a written arrangement and in which the physician or the physician group assumes financial risk for those services; includes an exception to the prosthetics, orthotics, and prosthetic devices and supplies designated health service by providing for prosthesis replacing the lens of an eye, eyeglasses, or contact lenses; and exceptions relating to compensation arrangements are deleted and language is inserted to define an acceptable compensation arrangement.

Physician self-referral has no inherent social value, biases the judgment of physicians, and compromises their loyalty. As the Caremark case exhibits, physicians are susceptible to the same temptations as any other person. This bill clarifies and simplifies many of the questions raised by current law while maintaining important protections for patients and for the taxpaying public.

LUMBERTON, AN ALL AMERICA CITY

HON. CHARLIE ROSE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 2, 1995

Mr. ROSE. Mr. Speaker, I rise today to recognize Lumberton, NC.

Over 200 years ago, in the year 1787, two events were occurring simultaneously that would one day result in common good for the people of southeastern North Carolina. For to the north in Philadelphia, the Constitutional Convention, under the eye of George Washington, was drawing up what would become the Constitution of the United States. Far to the south, a small village along a river was being chartered. While the former of these events would shape the path of the new Nation, the latter, a new town called Lumberton, would shape the southeastern area of North Carolina as a center for commerce and trade.

On June 24, 1995, Lumberton was named an All-America City by the National Civic League in Cleveland, OH. No city in the United States is more deserving of this honor. Lumberton and its residents have proven their whole-hearted dedication to their community by overcoming great obstacles placed upon them by chance, not by their own volition. This example of civic pride is undoubtedly at the heart of Lumberton's honor.

Under the leadership of Mayor Ray Pennington, the city government, and the Lumberton Chamber of Commerce, a delegation of community and business leaders traveled to Cleveland to present a case that represents the true character of Lumberton. This city is a place where children grow up and know everyone in their school, where people meet each other in grocery stores, on the street, and in church with a friendly smile. Lumberton is also a place where business thrives and industry is set to move into the 21st century. Most importantly, Lumberton's character exemplifies true caring for others and the community of friends and families who call it home.

Regardless of the challenges that have faced this city, Lumberton has overcome adversity and is a great place to live and work. In Lumberton, three major races, the young and old, and the rich and poor, have come together to create a community with concern and pride.

Today, over 200 years after the Constitution was drafted, and a village began its ascent, I am proud to congratulate Lumberton, an All-America City, on its most deserved award.

WORKING TO PRESERVE, PROTECT, AND STRENGTHEN MEDICARE

HON. JACK QUINN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 2, 1995

Mr. QUINN. Mr. Speaker, I am pleased to have this opportunity to inform my constituents about the House of Representatives' plan to preserve, protect, and strengthen Medicare.

Unfortunately, some individuals and groups are misstating the facts, thus causing unnecessary anguish and apprehension among our Nation's seniors. In my own district in western New York, I have seen firsthand the anxiety which such statements have caused.

According to the Presidential Medicare Board of Trustees, the Medicare hospital insurance trust fund (Part A) will begin running out of money as early as next year—spending $1 billion dollars more than it takes in—and will be completely bankrupt by the year 2002.

By law, Medicare is prohibited from making payments for hospital or other health services if its reserves are depleted. That means if nothing is done now to preserve Medicare, 24 million seniors will be in jeopardy of losing their vital health care coverage.

I am committed to saving the program for all Americans, that includes my mother, who currently is on the program, and my daughter, who will be on it someday. If Congress does not act to save Medicare, the consequences 7 years from now will be catastrophic for all Americans.

Preserving Medicare will not require cuts in the program. Rather, Medicare spending will continue to increase more than private-sector health care spending increases and general inflation rate.

The plan makes Medicare financially safe and secure both now and in the future by simplifying the system and making it easier for seniors to use and understand it. In addition, it gives seniors the same right that Members of Congress have to choose their health care plan.

In our efforts to preserve, protect, and strengthen the Medicare Program, we must eliminate fraud and abuse. We are working with doctors and hospitals to make this happen.

I urge all of my constituents, and all Americans to play a part in the effort to strengthen Medicare. I welcome all comments and suggestions regarding my effort to save this important program.

A SALUTE TO NEW YORK STATE MARITIME COLLEGE PRESIDENT "HOSS" MILLER

HON. THOMAS J. MANTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 2, 1995

Mr. MANTON. Mr. Speaker, last week, leaders of the U.S.-flag Merchant Marine gathered in New York City to pay tribute to retired Navy Rear Admiral Floyd Harry "Hoss" Miller, the president of the New York State Maritime College at Fort Skyler, a branch of the State University of New York. Having served with distinction as president of the New York Maritime College for 15 years, Admiral Miller has decided to move on to new challenges.

The most outstanding tribute to Admiral Miller, was the reaction of his students and colleagues to his announcement. Students at New York State Maritime and, indeed, leaders of the entire New York Maritime community were disappointed to learn that Admiral Miller was leaving. All seemed to agree that there were too many important projects that could not succeed without "Hoss" Miller's guiding hand. During his service as president, Hoss Miller has transformed the Maritime College into a technologically advanced, state-of-the-art institution that is well equipped to train young men and women for the future. While the college has a long legacy of training seafarers, Admiral Miller has broadened the training programs so that Maritime College graduates are prepared to meet the new challenges of a rapidly evolving transportation and trading system.

A member of the New York State Maritime College class of 1953, Admiral Miller possessed a deep commitment to the college. Many in this House, know from personal experience the strenuous efforts made by Admiral Miller and the other Academy presidents to ensure that the Federal Government honored its commitment to the U.S.-flag merchant marine and maritime education. Although we in Congress seem to have forgotten an important lesson of history, namely that a nation without a maritime fleet is doomed to fail both militarily and economically. Admiral Miller spent his last days in office urging Congress to reexamine this misguided philosophy which neglects maritime education and ignores the unfair maritime practices of our trading partners. Without Admiral Miller's efforts, clearly the State maritime colleges would be in even more perilous condition. Just as he fought hard for his students and his alma mater before Congress, Hoss Miller led the fight in Albany for increased State funding for education.

Prior to joining the college, Admiral Miller had an outstanding record of military service. From his start as a nuclear expert on the U.S.S. *Enterprise*, through his service off the coast of Vietnam as executive officer of the U.S.S. *Bainbridge*, Hoss Miller served with distinction and courage. Upon retiring from the Navy, Admiral Miller sought to serve his Nation in the field of education. He was thrilled by the prospects of preparing a future generation of leaders. Admiral Miller has been tremendously successful in this endeavor and indeed the men and women who trained at the college are part of his legacy.

Although Admiral Miller is leaving the college with a record of accomplishment most would envy, I am certain he will find numerous ways to continue to serve his Nation and his fellow citizens. I and the members of the New York delegation wish you every success in the future.

As we look ahead, I will take this opportunity to welcome Admiral Brown, the new president of the New York Maritime College. Admiral Brown was previously president of the Great Lakes Maritime College and is well known to Members of this House. Admiral Brown, we are pleased to have someone of your stature succeed our friend and we wish you every success in this new position.

PROTECT FUNDING FOR THE ARTS IN THE INTERIOR APPROPRIATIONS BILL

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 2, 1995

Mr. SANDERS. Mr. Speaker, I stand in complete opposition to this Interior appropriations bill, which could very well be the death knell for the National Endowments for the Arts. The bill itself terminates arts and humanities funding within 3 years.

Mr. Speaker, arts and culture are a vital part of human existence, and the opportunity to enjoy and appreciate the arts must be open to all of our people—and not just the wealthy who can pay $50 for a concert ticket.

Today, the United States spends only 64 cents per person to support the Arts Endowment, 50 times less than our major allies. In contrast, we spend $1,138 per person on military expenditures. Why is it that this Congress can lower taxes on the wealthiest people in our country, but cut back on programs which bring art and culture into the classrooms of Vermont and America? Why is it that this Congress can pour billions of dollars more into B–2 bombers that the Pentagon doesn't want, or an absurd star wars program, but eliminate funding for museums, symphony orchestras, and theater groups all over America?

The $1 million that Vermont receives from the NEA is essential to many groups like Vermont Council on the Arts, the Flynn Theatre, and the Vermont Symphony Orchestra Association.

The Arts Endowment opens the doors to the arts to millions of school children, including at-risk youth. Not only do the arts teach our children understanding, self-expression, cooperation, and self-discipline, but the arts tell the history and the soul of a nation. More and more children are becoming mesmerized by canned entertainment, with the average 5-year-old spending 33 hours per week in front of the television. Today our children should be inspired by music and theater and creative arts, rather than become desensitized to violence by television.

Unlike urban centers where art and cultural experiences are more readily available, arts funding enables programs to go out to the people in the rural communities of Vermont.

Without Federal support, arts programs would be affordable only to the rich. The average American would be faced with rising ticket costs and would be shut out from arts centers, galleries, community festivals, live music performances, and other institutions where families can experience the arts.

Support the National Endowment for the Arts—oppose these draconian cuts to the arts and humanities.

THE TREATY OF GREENEVILLE BICENTENNIAL

HON. JOHN A. BOEHNER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 2, 1995

Mr. BOEHNER. Mr. Speaker, it is an honor for me to share a story with my colleagues, about a historic event which took place in Darke County, OH. On August 3, 1795, the Treaty of GreeneVille was signed. This weekend, the city of Greenville will be celebrating the bicentennial anniversary of this important step in a peaceful settling of the western frontier.

The period after the Revolutionary War was a turbulent time in the newly created United States of America. Pioneers were venturing westward over the Appalachian Mountains into such States as Ohio. The founding fathers were concerned that the newly created nation would disintegrate as the western territories would side with the North, the South or even decide to form their own countries. The Northwest Ordinance was passed in 1785 to preempt this disaster.

The Northwest Ordinance set out an orderly framework for settlement and the qualifications for statehood. Land survey was done on a grid-like fashion to ensure that land title disputes would be few and so that settlements would be established in an orderly manner. Predictably, the increase in settlement led to further conflicts with the Indians of the region. President Washington was committed to providing security to the Northwest Territory and sent several commanders to lead the army. Each expedition was defeated, until President Washington appointed Maj. Gen. "Mad Anthony" Wayne.

In the spring of 1793, Wayne led his well equipped troops from Ft. Washington, which is present day Cincinnati, and marched northward following a line of forts, such as Ft. Hamilton, that had been established. Rather than stopping at Ft. Jefferson, Wayne continued north for a few miles and built Ft. GreeneVille, around which later grew the city of Greenville. He met with the Indians and held discussions to arrange for a peace treaty, however the previous Indian successes encouraged them to fight. Eventually, the peace talks were called off and Wayne prepared for battle. He pushed further north and defeated the Indians at the site of Ft. Recovery where a previous battle had been lost by General St. Clair. Near the Maumee River at the Battle of Fallen Timbers on August 20, 1794, Wayne again decisively defeated the Indians. Wayne continued to press the Indians and in the fall of 1794, Wayne returned to Ft. GreeneVille.

Peace negotiations began in June of 1795 and continued through August and concluded with the signing of the Treaty of Ft. GreeneVille on August 3, 1795. The signing of the treaty by Gen. "Mad Anthony" Wayne, President George Washington and the Indians living in the territory ended 40 years of hostilities with the Indians west of the Ohio River.

The agreement brought about the safe settlement of Ohio, Indiana, Illinois, Michigan, Wisconsin, and part of Minnesota. Settlers could explore and move to the West without fear of Indian attack and battle. The United States had taken its first step westward, ensuring stability for the future.

In 1912, as the late President Theodore Roosevelt stated in a speech made in Greenville, "Greenville is a most historical site. It marks one of the great epochs in the history of our nation. . . a starting point of America as a coming world power." After the treaty was signed, the Stars and Stripes automatically changed from a flag of 13 colonies to the flag of the United States. A 15 star flag was hoisted over Fort GreeneVille by General Wayne. Eight years later, Ohio became the 17th State in the union.

Therefore, Mr. Speaker, I am proud to represent the citizens and the city of Greenville, OH. Our forefathers persevered in creating a free and safe Nation. We truly have a reason to celebrate and recognize the treaty signed in Greenville, OH, 200 years ago today.

TRIBUTE TO THE LATE LT. GOV. RUDOLPH GUERRERO SABLAN

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 2, 1995

Mr. UNDERWOOD. Mr. Speaker, in the early morning hours of July 25 (Guam Time), Guam lost one of its most prominent leaders with the passing of Lt. Gov. Rudolph Guerrero Sablan. "Rudy" as we affectionately called him, is survived by his beloved wife Esperanza "Ancha" Cruz San Nicolas, children Rudy and Essie, and three grandchildren, Marie Antoinette, Jessica, and Mario.

Rudy always excelled at whatever he was tasked to do. He graduated as valedictorian of Father Duenas Memorial School in 1950 and went on to receive a bachelor's degree in political science from Loyola University in Los Angeles, CA. Rudy went on to serve his country as he worked at a Navy Public Works Center and eventually joined the U.S. Army. Serving his country in Hawaii, Rudy was an intelligence analyst and area study specialist with the Army Psychological Warfare Unit. Rudy's outstanding reputation was displayed through his selection to participate in various special assignments throughout Asia and the Pacific.

After his service ended, Rudy returned to his beloved island home. He began his service to Guam by entering the government of Guam work force. Within a short time, Rudy was promoted to various administration positions including director of labor and personnel in 1961. Impressed with Rudy's abilities, Gov. Manual F.L. Guerrero selected him to serve as assistant secretary of Guam and executive assistant to the Governor. During this time, Rudy had oversight over most of the executive branch of the executive branch of the Government of Guam.

After the Guerrero administration ended, Rudy went on to assume roles in the other two branches of Guam's Government. These included the position of administrative director of the courts of Guam and then the administrative director of the 12th Guam Legislature. With experience in all three branches of government and with the support and consent of Gov. Manual Guerrero, Gov. Ricardo J. Bordallo selected Rudy to be his running mate in the 1974 gubernatorial elections, the second gubernatorial election since the Organic Act of Guam was amended to allow for an elected Governor of Guam. The Bordallo-Sablan ticket was successful and the team spent 4 years in office.

After his years in office, Rudy was selected as general manager of Nanbo Insurance Underwriters, a well-respected business on Guam. Despite his busy and prominent lifestyle, Rudy managed to remain active in several community and civic organizations. These include the Young Men's League of Guam, the Guam Chamber of Commerce and the Chalan Pago Catholic Parish Organization.

In 1983, Rudy took the helm as head of the board of directors for the Guam Airport Authority. Under his leadership, movements toward the improvement, development, and modernization of the existing airport facilities were established. The massive airport expansion movement would eventually provide more sufficient facilities for Guam to take advantage of its growing tourism economy.

Despite his move to the private sector, Rudy would maintain his stature in Guam politics and serve as a respected Democratic Party elder. Commanding a respectable amount of grassroot followers, Rudy made three attempts to garner the support of the people of Guam and attain the elected office of Governor. So great was his influence that in 1993, he began his quest to merge the factions of the Democratic Party of Guam and is credited with spearheading the successful victory of Gov. Carl T.C. Gutierrez and Lt. Gov. Madeleine Z. Bordallo.

From the beginning of the Gutierrez-Bordallo administration until his untimely death, Rudy Sablan played an integral part in the policy making arm of the administration. Serving as the Governor's chief advisor, Rudy was also selected to be a member of the Commission on Self-Determination, tasked with the responsibility of charting Guam's future political relationship with the United States of America. This was his second appointment to the commission, the first during the Bordallo-Reyes administration of the island from 1983 until 1987.

During his first term as a member of the Commission on Self-Determination, Rudy is credited with participating in the drafting of the Guam Commonwealth Draft Act. His participation was highlighted with his expertise in airlines, travel, and communications. Rudy continued his support for the Commonwealth Act after the Bordallo-Reyes administration ended. Most notably he testified at the only congressional hearings to have been held on the Guam Commonwealth Draft Act in Honolulu, HI, during December 1989. Entrusted by the Governor, Rudy joined the other members of Team Guam and participated in the 1995 Base Reuse and Realignment Commission hearings held in San Francisco this past year.

It is with a sense of great loss that another distinguished island leader has passed away before the political status issues between Guam and the United States are resolved. It is for this reason, Mr. Speaker, that I especially mourn the loss of Lieutenant Governor Sablan. His perseverance on these issues will not go unnoticed. I am committed to continue his legacy of leadership in this realm. May his lifelong commitment to these issues not be neglected by our Federal Government and energize the people of Guam.

Mr. Speaker, as Guam mourns the death of this fine leader, let us pay him tribute by honoring him in our body today. He will be remembered as a strong and highly respected gentleman. Let him serve as a model of what an exceptional citizen should be, here as in Guam. He was a good friend, one of Guam's most respected leaders and a great contributor to Guam's struggle for dignity with its relationship with the Federal Government and the world.

THE HEROIC EFFORTS OF MAJ. JAY ZEAMER, JR. IN WORLD WAR II

HON. JOHN ELIAS BALDACCI

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 2, 1995

Mr. BALDACCI. Mr. Speaker, it is my privilege to speak today about an exceptional Mainer who served this country with great honor and courage during one of history's most terrifying wars, World War II.

Maj. Jay Zeamer, Jr., exhibited uncommon courage and skill to complete his mission in the face of insurmountable odds. He was awarded this country's highest honor, the Congressional Medal of Honor. I would like to honor him again as the 50th anniversary of the end of World War II nears.

Major Zeamer entered the service when he resided in Machias, ME. The Major was a volunteer bomber pilot who was charged with mapping a heavily defended region in the Solomon Islands. Even under the threat of a formidable Japanese fighter attack, Major Zeamer continued with his mission. In the ensuing fight, the crew destroyed five enemy aircraft. It was the Major's superior maneuvering ability that allowed the outnumbered bomber to successfully engage the enemy. All this was accomplished even though Major Zeamer was shot in both legs and both arms. Although he was seriously wounded, the Major did not give up until the enemy fighters had retreated. Mr. Speaker, it was courageous soldiers like this that allowed the United States to repel Japanese advances in the Pacific.

Maine has a long and proud tradition of sending brave soldiers to fight for freedom at home and abroad. These brave men exhibited enormous skill and unbreakable courage in the face of death. From Joshua Chamberlain in the Civil War through Gary Gordon in Somalia and countless numbers in between, Maine patriots have fought so that others might live free.

I am proud of Major Zeamer for all that he has given to the world. He fought not only for America, but to free the world from one of the most dangerous threats it had ever known. The efforts of Major Zeamer and his fellow soldiers helped purge the Pacific of Japanese imperialism. This country and the world will never forget his sacrifice.

ONE NATION, ONE COMMON LANGUAGE

HON. TOBY ROTH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 2, 1995

Mr. ROTH. Mr. Speaker, I rise today to call the attention of my colleagues to the August issue of Reader's Digest and the article, "One Nation, One Common Language." The author, Linda Chavez, makes a compelling case against bilingual education and for preserving our our common bond, the English language.

Ms. Chavez points out that immigrants oppose bilingual education for their children and teachers oppose it for their students. Listen to the commonsense observation on bilingual education's shortcomings that elementary school teacher Gail Fiber makes: "How can anyone learn English in school when they speak Spanish 4½ hours a day?"

A recent survey showed that in just 5 years, there will be 40 million Americans who can't speak English. Those Americans will be isolated, cut off from realizing the American dream, if they don't have the one skill that is required for success in America: Fluency in English.

Linda Chavez in her article calls for an end to mandatory bilingual education at the State and Federal level, and she's absolutely right. My bill, H.R. 739, would do just that. I hope you all join me in my effort to make English our official language and keep America one Nation, one people. Cosponsor H.R. 739, the Declaration of Official Language Act. I ask that the full text of her article appear in the RECORD at this point.

ONE NATION, ONE COMMON LANGUAGE

(By Linda Chavez)

Lusi Granados was a bright five-year-old who could read simple words before he entered kindergarten in Sun Valley, Calif. But soon after the school year began, his mother was told that he couldn't keep up. Yolanda Granados was bewildered. "He knows his alphabet," she assured the teacher.

"You don't understand," the teacher explained. "The use of both Spanish and English in the classroom is confusing to him."

Yolanda Granados was born in Mexico but speaks excellent English. Simply because Spanish is sometimes spoken in her household, however, the school district—without consulting her—put her son in bilingual classes. "I sent Luis to school to learn English," she declares.

When she tried to put her boy into regular classes, she was given the runaround. "Every time I went to the school," she says, "the principal gave me some excuse." Finally, Granados figured out a way to get around the principal, who has since left the school.

Each school year, she had to meet with Luis's teachers to say she wanted her son taught solely in English. They cooperated with her, but Luis was still officially classified as a bilingual student until he entered the sixth grade.

Immigrant parents want their kids to learn English. Why, then, do we have a multibillion-dollar bureaucracy to promote bilingual education?

Unfortunately, the Granados family's experience has become common around the country. When bilingual education was being considered by Congress, it had a limited mission: to teach children of Mexican descent in Spanish while they learned English. Instead, it has become an expensive behemoth, often with a far-reaching political agenda: to promote Spanish among Hispanic children—regardless of whether they speak English or not, regardless of their parents' wishes and even with-out their knowledge. For instance:

In New Jersey last year, Hispanic children were being assigned to Spanish-speaking classrooms, the result of a state law that mandated bilingual instruction. Angry parents demanded freedom of choice. But when a bill to end the mandate was introduced in the legislature, a group of 50 bilingual advocates testified against it at a state board of education meeting.

"Why would we require parents unfamiliar with our educational system to make such a monumental decision when we are trained to make those decisions?" asked Joseph Ramos, then co-chairman of the North Jersey Bilingual Council.

The Los Angeles Unified School District educates some 265,000 Spanish-speaking children, more than any other in the nation. It advises teachers, in the words of the district's Bilingual Methodology Study Guide, "not to encourage minority parents to switch to English in the home, but to encourage them to strongly promote development of the primary language." Incredibly, the guide also declares that "excessive use of English in bilingual classrooms tends to lower students' achievement in English."

In Denver, 2500 students from countries such as Russia and Vietnam learn grammar, vocabulary and pronunciation in ESL (English as a Second Language). An English "immersion" program, ESL is the principal alternative to bilingual education. Within a few months, most ESL kids are taking mathematics, science and social-studies classes in English.

But the 11,000 Hispanic children in Denver public schools don't have the choice to participate in ESl full time. Instead, for their first few years they are taught most of the day in Spanish and are introduced only gradually to English. Jo Thomas, head of the bilingual/ESL education program for the Denver public schools, estimates these kids will ultimately spend on average five to seven years in its bilingual program.

ACTIVIST TAKEOVER

Bilingual education began in the late 1960s as a small, $75-million federal program primarily for Mexican-American children, half of whom could not speak English when they entered first grade. The idea was to teach them in Spanish for a short period, until they got up to speed in their new language.

Sen. Ralph Yarborough (D., Texas), a leading sponsor of the first federal bilingual law in 1968, explained that its intent was "to make children fully literate in English." Yarborough assured Congress that the purpose was "not to make the mother tongue dominant."

Unfortunately, bilingual-education policy soon fell under the sway of political activists demanding recognition of the "group rights" of cultural and linguistic minorities. By the late 1970s the federal civil-rights office was insisting that school districts offer bilingual education to Hispanic and other "language minority" students or face a cutoff of federal funds.

Most states followed suit, adopting bilingual mandates either by law or by bureaucratic edict. The result is that, nationally, most first-grade students from Spanish-speaking homes are taught to read and write in Spanish.

The purpose in many cases is no longer to bring immigrant children into the mainstream of American life. Some advocates see bilingual education as the first step in a radical transformation of the United States into a nation without one common language or fixed borders.

Spanish "should no longer be regarded as a 'foreign' language," according to José González, director of bilingual education in the Carter Administration and now a professor at Columbia University Teachers College. Instead, he writes in Reinventing Urban Education, Spanish should be "a second national language."

Others have even more extreme views. At last February's annual conference of the National Association for Bilingual Education (a leading lobbying group for supporters of bilingual education) in Phoenix, several speakers challenged the idea of U.S. sovereignty and promoted the notion that the Southwest and northern Mexico form one cultural region, which they dub La Frontera.

Eugene Garcia, head of bilingual education at the U.S. Department of Education, declared to thunderous applause that "the border for many is nonexistent. For me, for intellectual reasons, that border shall be nonexistent." His statement might surprise President Clinton, who appointed García and has vowed to beef up border protection to stem the flow of illegal aliens into the United States.

I WAS FURIOUS

Bilingual education has grown tremendously from its modest start. Currently, some 2.4 million children are eligible for bilingual or ESL classes, with bilingual education alone costing over $5.5 billion. New York City, for instance, spends $400 million annually on its 147,500 bilingual students—$2712 per pupil.

A great deal of this money is being wasted. "We don't even speak Spanish at home," says Miguel Alvarado of Sun Valley, Calif., yet his eight-year-old daughter, Emily, was put in a bilingual class. Alvarado concludes that this was done simply because he is bilingual.

When my son Pablo entered school in the District of Columbia, I received a letter notifying me that he would be placed in a bilingual program—even though Pablo didn't speak a word of Spanish, since I grew up not speaking it either. (My family has lived in what is now New Mexico since 1609.) I was able to decline the program without much trouble, but other Hispanic parents aren't always so fortunate.

When Rita Montero's son, Camilo, grew bored by the slow academic pace of his first-grade bilingual class in Denver, she requested a transfer. "The kids were doing work way below the regular grade level," says Montero. "I was furious." Officials argued they were under court order to place him in a bilingual class.

In fact, she was entitled to sign a waiver, but no one she met at school informed her of this. Ultimately she enrolled Camilo in a magnet school across town. Says Montero, "Only through a lot of determination and anger did I get my son in the classroom where he belonged." Most parents—especially immigrants—aren't so lucky. They're intimidated by the system, and their kids are stuck.

Most school districts with large Hispanic populations require parents with Spanish surnames to fill out a "home-language survey." If parents report that Spanish is used in the home, even occasionally, the school may place the child in bilingual classes. Unbeknown to parents, a Spanish-speaking grandparent living with the family may be enough to trigger placement, even if the grandchild speaks little or no Spanish.

Though parents are supposed to be able to opt out, bureaucrats have vested interest in discouraging them, since the school will lose government funds. In some districts, funding for bilingual education exceeds that for mainstream classes by 20 percent or more. New York State, for example, doesn't allow Hispanic students to exit the bilingual program until they score above the 40th percentile on a standardized English test.

"There's a Catch-22 operating here," says Christine Rossell, a professor of political science at Boston University. She explains that such testing guarantees enrollment in the program, for "by definition, 40 percent of all students who take any standardized test will score at or below the 40th percentile."

FAMILY'S BUSINESS

Bilingual programs are also wasted on children who do need help learning English. Studies confirm what common sense would tell you: the less time you spend speaking a new language, the more slowly you'll learn it.

Last year, bilingual and ESL programs in New York City were compared. Results: 92 percent of Korean, 87 percent of Russian, and 83 percent of Chinese children who started intensive ESL classes in kindergarten had made it into mainstream classes in three years or less. Of the Hispanic students in bilingual classes, only half made it to mainstream classes within three years. "How can anyone learn English in school when they speak Spanish 4½ hours a day?" asks Gail Fiber, an elementary-school teacher in Southern California. "In more than seven years' experience with bilingual education, I've never seen it done successfully."

Rosalie Pedalino Porter, former director of bilingual education in Newton, Mass. and now with the Institute for Research in English Acquisition and Development, reached a similar conclusion. "I felt that I was deliberately holding back the learning of English," she writes in her eloquent critique, Forked Tongue: The Politics of Bilingual Education.

Native-language instruction is not even necessary to academic performance, according to Boston University's Rossell. "Ninety-one percent of scientifically valid studies show bilingual education to be no better—or actually worse—than doing nothing." In other words, students who are allowed to sink or swim in all-English classes are actually better off than bilingual students.

The overwhelming majority of immigrants believe that it is a family's duty—not the school's—to help children maintain the native language. "If parents had an option," says Lila Ramírez, vice president of the Burbank, Calif., Human Relations Council, "they'd prefer all-English to all-Spanish." When a U.S. Department of Education survey asked Mexican and Cuban parents what they wanted, four-fifths declared their opposition to teaching children in their native language if it meant less time devoted to English.

SENSE OF UNITY

It's time for federal and state legislators to overhaul this misbegotten program. The best policy for children—and for the country—is to teach English to immigrant children as quickly as possible. American-born Hispanics, who now make up more than half of all bilingual students, should be taught in English.

Bilingual education probably would end swiftly if more people knew about last November's meeting of the Texas Association for Bilingual Education, in Austin. Both the Mexican and U.S. flags adorned the stage at this gathering, and the attendees—mainly Texas teachers and administrators—stood as the national anthems of both countries were sung.

At least one educator present found the episode dismaying. "I stood, out of respect, when the Mexican anthem was played," says Odilia Leal, bilingual coordinator for the Temple Independent School District. "But I think we should just sing the U.S. anthem. My father, who was born in Mexico, taught me that the United States, not Mexico, is my country."

With 20 million immigrants now living in our country, it's more important than ever to teach newcomers to think of themselves as Americans if we hope to remain one people, not simply a conglomeration of different groups. And one of the most effective ways of forging that sense of unity is through a common language.

ELIMINATE THE MAGNET FOR IMMIGRATION!

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 2, 1995

Mr. FILNER. Mr. Speaker and colleagues, today I am introducing legislation to attack one of the most critical problems facing the residents of San Diego Country and California—illegal immigration.

The Eliminating the Magnet for Illegal Immigration Act gets at the root of the problem. It will stop people from trying to cross the border in the first place by eliminating the illegal jobs that attract people to the United States.

My bill finally clamps down on employers that encourage illegal immigration by violating our laws and knowingly hiring undocumented workers.

In San Diego, I represent the district that runs along the border and has the most border crossing—both legal and illegal—in the world. I am acutely aware of the strain illegal immigration puts on communities in my district, and I have always been a firm believer in gaining control of our borders.

In the last 2 years, we have made significant progress. We have increased the number of Border Patrol agents and have begun to give them the tools and technology to get the job done.

But these changes have had limited success in stopping illegal immigration. The critical next step in the fight to stop illegal immigration is to eliminate the magnet and enforce our laws against the hiring of illegal immigrants.

In 1986, Congress underscored the need to eliminate the job magnet and made it illegal to hire undocumented workers—but these laws have been largely ignored. The INS simply has not had the resources to do its job.

Some employers hire undocumented workers because their status makes them easy targets for exploitation and abuse. These employers know they can force them to work in substandard conditions. These employers know they can get away with paying them substandard wages. It it any wonder that we have this problem?

My legislation gives the INS the resources it needs to aggressively enforce employer sanctions and gives the Department of Labor the resources to aggressively enforce wage and hour laws.

And most importantly, it directs the two agencies to combine forces and target those industries notorious for hiring undocumented workers and forcing them to work in unacceptable conditions.

My bill gets tough on employers who knowingly hire undocumented workers by imposing stronger sanctions and doubling those penalties against employers also caught violating labor laws. It also helps employers by reducing the number of documents workers can use to verify their eligibility.

I want to fully acknowledge that there is an inherent danger that this kind of approach could lead to discrimination against workers—and evidence shows that this has indeed been the case in some instances. Thus my bill will also stiffen the penalties against employers that discriminate and give the Department of Justice the resources it needs to thoroughly investigate incidents of discrimination. We will also provide programs to educate employers about their responsibilities in this area.

Finally, my bill will crack down on document fraud by increasing the civil and criminal penalties for using or manufacturing fraudulent documents.

My bill takes a balanced, comprehensive approach to the problems created by illegal immigration. As a border Congressman, I am well aware of both the positive and the negative effects of immigration.

And I promised myself, and the people that I represent, that we would deal with the negative impacts without retreating from the values that have made this the greatest country in the world. I challenge Congress to get past the scapegoating that has become so politically profitable.

I urge my colleagues on both sides of the aisle to support this critically important initiative and show your commitment to truly stemming the illegal immigration that affects so many of our communities.

AN APPEAL TO PRESERVE THE U.S. BUREAU OF MINES

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 2, 1995

Mr. OBERSTAR. Mr. Speaker, minerals are the building blocks of modern industrial society. Americans consume 75 percent of the world's entire minerals production: four billion tons a year—that's 20 tons per capita, the highest per capita mineral consumption of any country in the world.

Yet, our domestic self-sufficiency in minerals has deteriorated over the last decade and a half, as the mining industry has, increasingly, turned to ore deposits that are leaner, deeper and more costly than those of the past.

Minerals exploration has declined in America; new mine development has dropped; and, smelting and refining of American ores have regressed. Yet, mineral demand has increased and will continue to grow. Last year, our output of raw, nonfuel minerals was estimated at $34 billion—a value growth of about 6 percent over 1993.

In 1974, the year I was elected to Congress, the value of both raw and processed minerals imported into the United States was $9 billion. Three years later, when former Congressman Jim Santini and I organized the Congressional Minerals Caucus, we pointed out, in a White House meeting with then-President Carter, that mineral imports had jumped to $21 billion.

Today we import $44 billion in nonfuel minerals and we have a $17 billion deficit in minerals trade.

More alarming than the trade deficit figures, is the fact that of the 44 strategically important minerals, the United States imports 25 of them to the extent of more than 50 percent of domestic needs: 100 percent of our manganese, 79 percent of our cobalt, and 66 percent of our nickel—all of which, incidentally, are vitally important to steelmaking.

Moreover, for a wide range of strategic and critical minerals, we are dependent upon countries with a history of social and political instability, making the United States vulnerable to events over which we have little influence or control.

These are sobering facts for this $360 billion industry, which employs almost 2 million workers and provides a more than $4.5 billion payroll.

We, in Minnesota, know how crucial minerals are to the economic strength of the Nation and to our national security—we have supplied the iron ore for the domestic steel industry to carry America through two World Wars, Korea, Vietnam, and other military actions of this century—nearly 4 billion tons of iron ore.

Our mining industry must have the most efficient extraction, processing, and refining technologies possible to lower the minerals trade deficit, and without the Bureau of Mines and a coherent national minerals policy our economy will be hurt, and we will be limited in our ability to compete in the global marketplace.

We northern Minnesotans also know that research has been the key to keeping our iron ore mining industry competitive. For us, that has meant the University of Minnesota School of Mines and brilliant researchers, lie Dr. E.W. Davis, the father of taconite, and the Twin Cities Research Center of the U.S. Bureau of Mines. The Taconite Enhancement Committee that I founded 3 years ago has worked hard to combine the School of Mines, the U.S. Bureau of Mines, the Natural Resources Research Institute, and private sector engineering and research capabilities into a coherent, cohesive effort to keep the mining and processing of Minnesota ores ahead of the state-of-the-art and to keep our region economically competitive.

The House Appropriations Committee's action to abolish the U.S. Bureau of Mines will be a very serious blow to our future competitiveness. Should this nefarious proposal succeed, it will eliminate a program that has created more jobs and generated more tax revenue every year than any other governmental initiative on behalf of the mining, minerals, and metal industry.

The Bureau has a long tradition of innovation that has advanced the state of the art of mining and minerals processing, creating new industries, revitalizing old ones, and in some cases saving industries that have been threatened with extinction due to economic or regulatory constraints.

I am going to mention just a few of the Bureau's contributions, beginning with the Tilden Mine operation in the Upper Peninsula, Michigan. The Bureau developed a process called selective floatation to treat the low-grade ores now being mined at Tilden during a 10-year research project whose investment totaled $2.5 million—from 1961–1971. During the subsequent 21 years that the Tilden has been operating, over 98 million gross tons of high-grade iron ore pellets have been produced with a value of over $3 billion. Total production taxes generated over this time period were approximately $85 million. In 1994, production at the Tilden Mine was 6.1 million gross tons which represents approximately 11 percent of America's 56.7 million gross tons of iron oxide pellets and well over 800 employees are currently employed. That is an impressive return on investment—a very modest investment, at that.

GOLD AND SILVER MINING TECHNOLOGY

Gold and silver mining in this country was in rapid decline until the Bureau developed advanced technologies which reversed that trend. The Bureau's contribution in these technologies over the last 10 years is approximately $9 million. In 1993 there were 68 active heap-leaching operations in Nevada alone, using Bureau technology. The gold mining in Nevada contributes $2.7 billion to the economy. Only South Africa and Russia produce more gold than the State of Nevada. Considering the nature of the Nevada gold deposits, without Bureau technology, the industry would likely be only 20 percent of the current output.

REACTIVE METALS INDUSTRY

The Bureau's $10 million investment developed the Kroll Process and the consumable-electrode, arc melting process which are used to extract titanium and zirconium. Titanium is used in making jet engines and zirconium is an essential component in nuclear reactors. Without the developments of these processes, we would lose over $140 million in annual production, and our aviation industry would be dependent on foreign mineral resources and our nuclear power plants would be much less safe.

MANGANESE

Here, in Minnesota, the Bureau has been vigorously involved over the past 8 years in a research project now reaching fruition to extract the more than 2 billion pounds of manganese reserves on the Cuyuna Range and to produce an economically competitive product, the mining and processing of which can restore jobs and renew economic vitality on the Cuyuna Range.

The Bureau of Mines has already taken its fair share of funding reductions and they are already going through a reorganization and downsizing which can be felt throughout the mining industry—facilities in Denver, Reno, Anchorage, and Spokane will be closed, the Mineral Institutes program, which supports minerals research at 32 universities, will be eliminated, and administrative and informational offices across the country will be streamlined.

The Bureau of Mines continues to succeed in its mission to help ensure that the Nation has an adequate and dependable supply of minerals and materials for national security and economic growth at acceptable economic, human, and environmental costs.

We need national research centers for the development of minerals technologies and we need a national minerals policy, and I am afraid that without a coordinating agency, like the Bureau, to work in cooperation with industry, communities which depend economically on mining will drastically suffer.

I deplore the action to terminate the Bureau of Mines, in an appropriation bill—without debate or opportunity to amend that provision. I urge the Senate to restore viable funding for the Bureau, and I further urge the House conferees to recede to the Senate on this point, and preserve this small, highly productive agency.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, August 3, 1995, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

AUGUST 4

9:30 a.m.
Joint Economic
To hold hearings to examine the employment-unemployment situation for July.
2261 Rayburn Building

10:00 a.m.
Appropriations
Business meeting, to mark up H.R. 2002, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1996.
SD–192

AUGUST 8

10:00 a.m.
Foreign Relations
To hold hearings on the drug trade in Mexico and implications for U.S.-Mexican relations.
SD–419

AUGUST 9

9:30 a.m.
Energy and Natural Resources
To hold hearings on S. 1054, to provide for the protection of Southeast Alaska jobs and communities.
SD–366

Indian Affairs
Business meeting, to mark up S. 487, to establish a Federal Indian Gaming Regulatory Commission to regulate Indian gaming operations and standards.
SD–106

AUGUST 10

2:00 p.m.
Judiciary
To hold hearings to examine United States Sentencing Commission's cocaine sentencing policy.
SD–226

SENATE—*Thursday, August 3, 1995*

(Legislative day of Monday, July 10, 1995)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, our day is filled with challenges and decisions. In the quiet of this magnificent moment of conversation with You we dedicate this day. We want to live it to Your glory.

We praise You that it is Your desire to give Your presence and blessings to those who ask You. You give strength and power to Your people when we seek You above anything else. You guide the humble and teach them Your way. Help us to humble ourselves as we begin this day so that no self-serving agenda or self-aggrandizing attitude will block Your blessings to us or to our Nation through us. Speak to us so that we may speak with both the tenor of Your truth and the tone of Your grace.

Make us maximum by Your Spirit for the demanding responsibilities and relationships of this day. We say with the Psalmist, "God, be merciful to us and bless us, and cause Your face to shine upon us, that Your way may be known on earth, Your salvation among the nations."—Psalm 67:1–2. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader is recognized.

Mr. LOTT. Thank you, Mr. President.

SCHEDULE

Mr. LOTT. Mr. President, this morning the leader time has been reserved and the Senate will resume consideration of S. 1026, the Department of Defense authorization bill. Under the order, Senator DORGAN is to be recognized to offer an amendment regarding the national missile defense. That amendment is limited to a 90-minute time limitation. Therefore, Senators may anticipate a rollcall vote at approximately 10:30 a.m. if all debate time is used. Additional rollcall votes are expected throughout the day today and the Senate is expected to remain in session into the evening.

I yield the floor, Mr. President, so that Senator DORGAN and others might be recognized.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1996

The PRESIDING OFFICER (Mr. ASHCROFT). Under the previous order, the Senate will now resume consideration of S. 1026, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1026) to authorize appropriations for fiscal year 1996 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

The Senate resumed consideration of the bill.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. Under the previous order, the Senator from North Dakota [Mr. DORGAN] is recognized to offer an amendment on which there shall be 90 minutes for debate equally divided.

Mr. EXON. Mr. President, may I inquire of the Senator from North Dakota? The Senator from Nebraska has been attempting to make an opening statement with regard to the measure before us. I am wondering, after the Senator from North Dakota has made the presentation under the unanimous-consent agreement, if both sides would agree to the Senator from Nebraska having 10 minutes for an opening statement on the overall measure without being charged to the time under the control by the majority or the minority.

Mr. DORGAN. Mr. President, if I might respond to the Senator from Nebraska, I have no objection. But my understanding is that the 9 to 10:30 time period for this amendment would result in a vote at 10:30, and there are some leadership obligations that require that vote to occur at 10:30, and by unanimous consent we have limited debate to an hour and a half, 45 minutes to each side, on the amendment.

It might be the case that the Senator should give an opening presentation immediately after the vote at 10:30.

Mr. EXON. I thank the Senator. That does not happen to agree with the schedule of the Senator from Nebraska. But I will try again.

Thank you very much, Mr. President.

Mr. DORGAN. Mr. President, I might say that I have no objection. But my understanding is that the 10:30 vote must occur at 10:30 because of some leadership obligations by previous agreement.

PRIVILEGE OF THE FLOOR

Mr. DORGAN. Mr. President, I ask unanimous consent that Robert Russell, a fellow on detail from the Department of Energy, be allowed floor privileges during the debate of S. 1026.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2087

(Purpose: To reduce the amount authorized to be appropriated under Title II for national missile defense)

Mr. DORGAN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN], for himself, Mr. BRADLEY, Mr. LEAHY, Mr. BINGAMAN, Mr. FEINGOLD, and Mr. BUMPERS, propose an amendment numbered 2087.

Mr. DORGAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 32, strike out line 14 and insert in lieu thereof the following' "$9,233,148,000, of which—

"(A) not more than $357,900,000 is authorized to implement the national missile defense policy established in section 233(2);".

Mr. DORGAN. Mr. President, we have by unanimous consent a time agreement on this amendment, I understand 45 minutes to each side. I yield myself such time as I may consume.

Mr. President, let me begin to describe this amendment. It is painfully simple. There was $300 million added to the defense authorization bill by the Armed Services Committee for something that this country does not need and that the Secretary of Defense says he does not want. The proposal that I lay before the Senate is to take the $300 million back out.

This, it seems to me, is a very symbolic issue. The $300 million is to build a national missile defense system with instructions it be done on a priority or accelerated basis so that the deployment begins in 1999. Some said yesterday, well, this has nothing to do with star wars. And, of course, that is not true at all. This is, in fact, national missile defense, which includes a star wars component. It is the building of missiles in order to create some sort of astrodome over our country to block incoming intercontinental ballistic missiles.

It is the revival of a proposal offered in the early 1980's by then President

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Ronald Reagan. Of course, times were different then. The Soviet Union existed. We had a cold war that was in full force. We had an active adversary and a real threat. Times have changed. Now we have the dismantling and destruction of intercontinental ballistic missiles in Russia. And, paradoxically, we are helping pay the bill to destroy those missiles.

It is an irony that does not escape me this morning that the same people who proposed $300 million in additional spending this year as part of what will eventually be a $48 billion new project are also saying they want to cut back on our contribution to help the Soviets dismantle and destroy their intercontinental ballistic missiles. If ever there is a disconnection, it seems to me it is in that logic.

To call this $300 million—or what eventually will be a $40 billion program—"pork" is I think unfair to pigs. Hogs carry around a little meat. This in my judgment is pure, unadulterated lard.

I want to describe this proposal in the context of what the Secretary of Defense has said. I am reading from a letter from the Secretary to Senator NUNN:

> This bill will direct the development for deployment by 2003 [incidentally, the early deployment by 1999] of a multiple site system for national missile defense that, if deployed, would be a clear violation of the ABM Treaty. The bill would severely strain U.S.-Russian relations and would threaten continued Russian implementation of the START I Treaty and further Russian consideration of the START II Treaty. These two treaties will eliminate strategic launchers carrying two-thirds of the nuclear warheads that confronted the Nation during the cold war.

That is a statement of current administration policy.

> S. 1026 would authorize appropriations for defense programs that exceed by approximately $7 billion the administration's FY 1996 request.

A $7 billion increase, this from folks who say they are opposed to the Federal deficit.

Here is what the committee says:

> The committee recognizes that deploying a multiple site NMD system by 2003 will require significant investments in the outyears.

And, incidentally, the Congressional Budget Office says anywhere from $30 to $40 billion. But the committee avoids the issue. The committee:

> . . . directs the Secretary of Defense to budget accordingly.

This is very interesting. The Armed Services Committee says we are going to build this. Here is $300 million you do not want to build something we do not need, and it is going to cost $48 billion, and we say to you, Mr. Secretary of Defense, "budget accordingly."

It does not say where he should get the money. It does not say they are going to raise taxes to pay for it. It says to the Secretary of Defense, budget accordingly.

Well, we all understand what that means. That means that the warriors who fight so hard rhetorically to reduce the Federal budget deficit are now wallflowers who decide they want to use the taxpayers' credit card to go out and purchase a $48 billion national ballistic missile program that this country does not need and cannot afford.

It seems to me we ought to ask two questions about these kinds of proposals when they come to us. One is, do we need it? And the second is, can we afford it?

On the first question, do we need it, do we need the $300 million added to this budget, the Secretary of Defense says no.

Can we afford it? Even if we do not need it, can we afford it? Does anybody in this room, living in a country that is up to its neck in debt, with annual yearly deficits that are still alarming and a Federal debt approaching $5 trillion, believe we can afford something we do not need?

I am going to talk some about the system itself, but first I wish to talk about the irony of being here in the Chamber at a time when we are told repeatedly, week after week after week, that we do not have enough money. We are told we do not have enough money to fully fund the programs to be able to send kids to college. So we are going to budget in a way that is going to make it harder for families to send their kids to college because we have to tighten our belt. We are told that we cannot afford to provide an entitlement that a poor child should have a hot lunch at school in the middle of the day because we must tighten our belt. We are told health care is too expensive and so we must cut $270 billion from Medicare and a substantial amount from Medicaid because we must tighten our belt.

So for the American family, the message is tighten your belt on things like education, health care, nutrition. But when it comes to security, we are told it is not time to tighten our belt; let us get the wish lists out and let us get the American taxpayers' checkbook out—or the credit card more likely—and let us decide to build a project that the Secretary of Defense says he does not want money for at this point.

Let me talk about the project itself. This bill provides research and development funds in order to accelerate the deployment of a national missile defense system. The administration requested $371 million for its ongoing research and development program. The Armed Services Committee says that is not good enough for us. The committee wants $300 million more added to the request because it wants to deploy the system in four years. The committee is telling the Defense Department to build it. They are saying that it does not matter to us what you think; it does not matter to us whether you think we need it. We insist you build it.

I come from a State where the only antiballistic missile system in the free world was built. It was built in the late 1960's and early 1970's. Less than 30 days after it was declared operational, it was mothballed. In other words, in the same month that it was declared fully operational it was also mothballed.

It is anticipated, because of our Nation's geography, that one of the sites in a multiple site national missile defense system would be in North Dakota. There would likely be one North Dakota site. And I suppose some would say, well, that means jobs in your State; you ought to support this.

I do not think it makes sense to support a defense initiative of this type especially at this time in our country's history if you measure it with the yardstick of a jobs program. Yes, this might include some jobs in North Dakota, but it also will include the commitment and the prospect of taking $40 billion from the American taxpayers to build a project we do not need, with money we do not have, at a time when we are telling a lot of Americans that we cannot make investments in human potential for the future of this country.

There is an ancient Chinese saying:

> If you are planning for a year, plant rice; if you are planning for 10 years, plant trees; if you are planning for 100 years, plant men.

I take "plant men" to mean "educate your children."

In this Chamber, we appropriately say that we have big financial problems. We are choking on debt and must do something about it. We have a lot of folks who talk a lot about it, gnash their teeth, who wring their hands, and act like warriors on deficit reduction—until it comes time for a bill like this. And then they say to us, boy, we have threats; we have threats from North Korea; we have threats from Libya; we have threats from Iraq.

What do those threats suggest we should do? What we should do is, under the aegis of reform—which is the wrong "re" word; the real "re" word is not "reform"; it is "retread"—is resurrect and dust off a proposal coming from the early 1980's, a cold war relic to build a national missile defense system to put an umbrella over America to protect against incoming missiles from some renegade country. Far more important, in my judgment, is the threat from a suitcase bomb somewhere; you start worrying about a nuclear device hauled in the trunk of a car and parked at a dock in New York City; you start worrying about a canister 3 inches high of deadly biological weapons. That is far more likely a threat to this country than a terrorist getting ahold of an intercontinental ballistic missile and attempting to blackmail America.

Mr. President, I am most anxious to hear those who defend this kind of spending on projects that are, in my judgment, worthless. So let me at this point yield the floor and listen and then respond to some of what I hear. I hope maybe the Senate, voting on this today, will decide that it ought not spend $300 million we do not have on something the Secretary of Defense says we do not need. That would seem to me to send a powerful signal to the American people who in this body is serious about the issue of the Federal deficit.

Mr. President, I yield the floor and reserve my time.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, I rise in strong opposition to the Dorgan amendment. The Armed Services Committee has taken a hard look at the ballistic missile defense programs and concluded that an increase of $300 million is warranted—indeed, badly needed. If the United States is to ever be defended against even the most limited ballistic missile threats, we must begin now.

The administration's program for national missile defense is simply inadequate. And in my view, the ballistic missile threat facing the United States is significant and growing. This threat clearly justifies an accelerated effort to develop and deploy highly effective theater and national missile defenses. In the bill now before the Senate we have done just this. The Missile Defense Act is a responsible and measured piece of legislation that responds to a growing threat to American national security.

There have been many arguments raised in opposition to the Missile Defense Act of 1995. These are either false or seriously exaggerated. Let me address three of the main objections that have been mentioned repeatedly.

First, the Missile Defense Act of 1995 does not signal a return to star wars. It advocates modest and affordable programs that are technically low risk.

Second, it does not violate or advocate violation of the ABM Treaty. The means to implement the policies and goals outlined in the Missile Defense Act of 1995 are contained in the ABM Treaty itself.

Finally, the policies and goals contained in the Missile Defense Act of 1995 will not undermine START II or other arms control agreements. Russia has repeatedly agreed in the past that deployment of a limited national missile defense system is not inconsistent with deterrence and stability. The United States must not allow critical national security programs to be held hostage to other issues when there is no substantive or logical linkage between them.

Mr. President, I therefore would conclude by urging my colleagues to oppose the amendment by the distinguished Senator from North Dakota. This amendment would undermine a critical defense requirement and further perpetuate the vulnerability of the American people.

Mr. President, I yield the floor.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Mr. President, I, too, rise in opposition to the amendment. I would like to begin with a quote from Secretary Perry in this general area now, that we have entered the post-cold war time. Secretary Perry is quoted as saying:

> The bad news is that in this era deterrence may not provide even the cold comfort it did during the cold war. We may be facing terrorists or rogue regimes with ballistic missiles and nuclear weapons at the same time in the future. And they may not buy into our deterrence theory. Indeed, they may be madder than MAD.

MAD, mutually assured destruction.

Mr. President, I think it is unfortunate that there are those who seem to think that the American people should not be defended against the one military threat which holds them at risk in their homes on a daily basis. Simply stated, this amendment seeks to perpetuate what many believe is truly an American vulnerability.

Yesterday there were only five Senators who opposed a sense-of-the-Senate resolution that the American people should be defended against accidental, intentional, or limited ballistic missile attack. Today the Senator from North Dakota is attempting to cut $300 million from national missile defense to ensure that American cities will in effect remain undefended without this additional funding.

Senators yesterday voted in favor of defending the American people in this new era that we are in. So today all Senators will have an opportunity to demonstrate whether or not they are serious about a national defense. If you believe, as the Senator from North Dakota so honestly does, and has stated, that the United States should not be defended against this particular potential for ballistic missile attack, then support the amendment. But if you believe that the time has come to get on with national missile defense, you should oppose this amendment.

We have heard quite a bit about how there is no threat and how investment in national missile defense is a waste of money. Let us remember that more Americans died in the Persian Gulf war as a result of one missile than any other single cause. I do not imagine that the families of these victims would view missile defense investments as a waste.

The argument that there is no threat to justify the deployment of a national missile defense system I think is strategically shortsighted and technically incorrect. Even if we get started today, by the time we develop and deploy an NMD system we will almost certainly face new ballistic missile threats to the United States. Unfortunately, it will take almost 10 years to develop and deploy even a limited system.

Much has been made of the intelligence community's estimate that no new threat to the United States will develop for 10 years. But the intelligence community has confirmed that there are numerous ways for hostile countries to acquire intercontinental ballistic missiles in much less than 10 years by other than indigenous development. I would point out the same intelligence has also prepared a chart that has been displayed on the Senate floor showing the North Korean missile programs, including the Taepo Dong II ICBM, which DIA says could be operational in 5 years.

We see the size and the capability of destructive ability of these various missiles. You have got the Scud-B, the Scud-C, the No Dong, the Taepo Dong I and II. And these have not been tested. But it is very capable for them to do that, the North Koreans to do that. And it is estimated that they could go to this biggest one, which would be well over the 1,000 kilometers, in 5 years or maybe less. And in developing this system North Korea has demonstrated to the world that an ICBM capability can emerge rapidly and relatively with little notice.

Nobody knows with certainty what the range of this potential new missile would be. But we do know that it is approximately the size of the Minuteman ICBM.

Even if we knew with certainty that no new threat would materialize for 10 years there would still be a strong case for developing and deploying a national defense system. Developing an NMD system would serve to deter countries that would seek to acquire otherwise ICBM capability. A vulnerable United States merely invites proliferation, blackmail, and even aggression.

It has also been argued that the administration's NMD program costs less than the one proposed in the defense authorization bill. Well, I guess that is right. It usually does cost more to actually do something about a problem than nothing, which is precisely what the administration's program will do, I fear—nothing at all. They request money. And they have requested almost $400 million this year. And yet it is not enough to actually get the job done. The administration's program has no deployment goal in sight. In effect, you know, it wastes almost $400 million per year on a program designed never to achieve a specific end. In my view, if we are not going to actually deploy something we ought to take the rest of the NMD money and spend it on something that will defend America.

The Senator from North Dakota has stated that the system we want to build will cost $40 billion. But by the administration's own charts, it states that it would cost less than $25 billion, including a full space-based sensor constellation. How does this compare to the cost of the F-22, the B-2 or other major new systems? I think it is a pretty good investment relative to virtually anything else that DOD is developing. What good does it do to be able to project power overseas with modern and sophisticated weapons if we cannot secure our families at home? Remember what we are talking about here.

It is not an insignificant amount, an additional $300 million approximately, but you are talking about the cost of three or four airplanes. You are talking about offensive weaponry, three or four airplanes. We can move toward the ability to develop and deploy this system.

One other chart I would like to refer to with regard to the national missile defense program. The Bottom-Up Review just, I guess, 2 years ago, projected the expenditures at this level for the national missile defense. The administration fiscal year 1995 request was as you see up to about, I believe it indicated about $500 million. And then in the fiscal year 1996 it dropped down, and what this bill actually does is basically a very small increase over what the administration's fiscal year 1995 request was. So, talking about just enough increase to move toward actual development and the ability to deploy within 10 years.

So this is a good-sense approach. It is one based on what the administration had projected in its Bottom-Up Review and what it asked for in 1995.

For those who argue that the Senate Armed Services Committee is throwing money at ballistic missile defense, I point out that the amount of this bill for the Ballistic Missile Defense Organization is $136 million lower than the Clinton administration's own Bottom-Up Review recommended for fiscal year 1996. It is also less than the administration's own budget forecast in last year's plan.

All four of the defense committees in Congress have increased funding for the national missile defense. In fact, the Senate Armed Services Committee and the Senate Defense Appropriations Subcommittee have recommended a smaller increase than the House committees have. The House has recommended an increase of $450 million.

In response to those who say the administration did not request this increase, I point out the Ballistic Missile Defense Organization has made it clear on many occasions and with the administration's, I think, tacit approval, that if more money was made available for ballistic missile programs that they would want to spend $400 million on the national missile defense program.

The bottom line is simple. If you think that the American people should not be defended against ballistic missiles, then go ahead and support this amendment. If you think that the time has come to do something about an ever-increasing threat in this post-cold-war era, then vote against this amendment.

I strongly urge my colleagues to put themselves on the side of defending the American people at a very reasonable cost.

I yield the floor, Mr. President.

Mr. INHOFE addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. THURMOND. Mr. President, I yield 5 minutes to the distinguished Senator.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I thank the Senator for the time.

I was listening intently to the Senator from Mississippi. I was glad he brought that up because the Senator from North Dakota has said over and over and over again that this is a $40 billion program for the future. I think it has to be clarified, and yet after we clarify it, I suggest the Senator from North Dakota will continue to use $40 billion. This is just not true.

The Senator from Mississippi talked about, according to the figures of the administration, it was $24.2 billion. But I suggest that includes the SMTS program, Brilliant Eyes, which is funded separately, which can be taken off. It is closer to $18 billion.

We do have an investment today in the program of $38 billion. Some people estimate it is more than that. Let us be conservative and say $38 billion in what we call the SDI program, which some people like to continue to use star wars to try to make the public of this country believe that this is some fantasy, that it is not real. It is not something we are handling today.

The SDI program, we feel, helped end the cold war by 5 years. What kind of a value can we put on that? In fact, the Russian Ambassador to the United States, Vladimir Lukin, stated that if it had not been for SDI, the cold war would have gone on for 5 additional years.

The SDI program and its research led to systems, not fantasies, but systems in place today, such as the Aegis system, cruisers and destroyers, kinetic energy programs, the hit-to-kill technologies which are used in the THAAD, the PAC-3, the Navy upper-tier defense systems. These are not star wars; these are technologies. They are on line today.

All we are trying to do is say that in 5 years from now, where many in the intelligence community say we are going to be threatened by perhaps North Korea or other technology that will reach the United States—and this is something that most of the intelligence community agrees with—we want to do something today that will be within the confines of the ABM Treaty. We talked about that before. This is as much as we can do to reach the point so that 5 years from today, we are going to be able to defend the United States against missile attacks.

The Senator from North Dakota refers over and over again to the suitcase bombs, to the ships and vans that deliver weapons. And on that case, I agree with the Senator from North Dakota, I think he is right. But we are already taking care of that. We are already working on that program.

The Senator from North Dakota talks about intelligence estimates. I asked yesterday on this floor, what if we are wrong, what if those intelligence estimates he is saying where the threat is not there for 10 more years, what if we are right and it is 5 more years? What if he is wrong? Look back to 1940 and Pearl Harbor. At that time our estimates were wrong; North Korea in 1950, or more recently, Iraq in 1990. Our intelligence was wrong at that time.

The Senator relies on the cold war mutually assured destruction program embodied in the triad of missile submarines, land-based missiles and bombers, but we had all these things 5 years ago, and that did not deter Saddam Hussein from using Scud missiles.

When the Senator points out that the administration says that $300 million to defend Americans from attack is not in our interest, he ignores the fact that just 3 months ago, the director of the Pentagon's Ballistic Missile Defense Organization, with the administration's blessing, said that they could spend $500 million more. That is $200 million more than the additional amount we are trying to put on that we did put on in the Senate Armed Services Committee and our counterparts in the other body to reach a system that would defend America.

The Senator from North Dakota is also citing the administration supposedly defended our interests last year by spending $2 billion. We are doing a lot of talking now about $300 million. What about the $2 billion that we spent for humanitarian missions that, by their own admission, in the Senate Armed Services Committee, by the Secretary of Defense were really not to our vital national security interests.

I am talking about Somalia and Haiti and Bosnia and Rwanda. We are spending all this money. We are sending our troops all the way around the world to defend violations of human rights. Certainly, I am not insensitive to the ethnic cleansing that is going on and all these human rights violations. But we are spending huge amounts for that. I disagree with the foreign policy of the administration, and I do not think we should be doing it. But if we are doing it, that is $2 billion, and we are talking $300 million right now to keep this on line to be able to defend this country 5 years from now.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. INHOFE. Mr. President, I ask unanimous consent for 2 additional minutes.

The PRESIDING OFFICER. Does the Senator from South Carolina yield 2 additional minutes?

Mr. THURMOND. Mr. President, I grant him 2 more minutes.

Mr. INHOFE. Finally, Mr. President, I must express my amazement with the priorities of the Senator from North Dakota. He wants to cut $300 million from the missile defense. He says we have higher domestic priorities. We heard about the nutrition programs, we heard about all these social programs that seem to, in his mind, have a higher priority.

I suggest to you that this $300 million is a relatively small amount of money. The one bomb in Oklahoma City that wiped out the Murrah Federal Building cost the taxpayers $500 million—one bomb.

I suggest if the Senator from North Dakota could have stood with me in Oklahoma City on April 19, April 20, April 21, when they are sending troops and volunteers into this building to pull out people who might be alive in there, the hope was there that more would be alive, then the fourth day came and the smell of death had enveloped the city, if you could have been there, and what was going through my mind was, this is just one building in one city, one missile could come in there and wipe out every building in the city of Oklahoma City, in the city of Sioux Falls, SD, in Bismarck, ND, in New York City, could wipe out the entire thing.

Multiply that one thing, the Murrah Federal Building in Oklahoma City by 100, by 1,000. That is the threat that is out there. That is the threat that can reach, according to many in the intelligence community, this country within 5 years. We have to be ready for that. This should be the highest priority. We are elected to defend America. That is exactly what this is about today.

So, Mr. President, in the strongest of terms, I say this is the minimum that we can do to keep on force, to have a national missile defense system in place in 5 years when the threat is very real.

Mr. STEVENS addressed the Chair.

Mr. THURMOND. Mr. President, I yield 3 minutes to the distinguished Senator from Alaska.

Mr. STEVENS. Mr. President, I thank the distinguished chairman of the Armed Services Committee.

The Ballistic Missile Defense Initiative, reported by the Armed Services Committee, puts our Nation on the right track to address the growing missile threat to our country.

In the defense appropriations bill, which was reported last week, we fully supported every element of that plan, and I congratulate Senators THURMOND, LOTT, and others who worked with them on this plan.

Every intelligence assessment available to the Congress indicates that the threat posed to U.S. military forces is growing from ballistic missiles, as is the threat to the United States itself.

There can be no greater imperative, as we allocate funding for research and development for future systems, than to develop and deploy an effective national missile defense system.

This matter has special significance to every citizen of my State of Alaska. Already, North Korea is developing missiles that could attack the military installations in Alaska.

Alaska-based F–15's, F–16's, and OA–10 aircraft will be the first to respond to any attack on South Korea. On that basis, we are a target for North Korea.

The distinguished Senator from North Dakota may be confident that his State will not face that threat in coming years, and I share that confidence. Our country was lucky in the gulf war. The ingenuity and technical creativeness ensured that we had some minimal capacity to respond to the Iraqi Scud missile threat.

We cannot, and must not, rely on luck to be ready to face the risk of missile launches against my State and against the United States in total. We must make the investment now to have ready a system to deploy, if that is the decision of the President and Congress.

The additional funds proposed for authorization and appropriation for national missile defense is a reasonable and affordable start for this program.

I am here to urge all Members to support this initiative. I do so as a Senator from a State that is seriously threatened today, and I believe the funding authorized by this bill, already included in the defense appropriations bill, is the proper way to start.

The PRESIDING OFFICER. Who yields time?

Mr. DORGAN. Mr. President, I yield such time as I may consume to myself.

Mr. President, statements have been made that my position is I do not want to defend America's cities against a very real threat—total nonsense; absolute nonsense.

My position is that we should not be spending money we do not have on something the Secretary of Defense says we do not need. Let me read from a letter from Secretary of Defense William Perry to Senator NUNN:

> The bill's provision would add nothing to DOD's ability to pursue our missile defense programs and would needlessly cause us to incur excess costs and serious security risks. The bill would require the United States to make a decision now on developing a specific national missile defense for deployment by 2003, with interim operational capability in 1999, despite the fact that a balanced strategic missile threat has not emerged. Our national missile defense program is designed to give us the capability for a deployment decision in 3 years, when we will be in a much better position to assess the threat and deploy the most technologically advanced system available, if they think it is needed.

This is not a case of somebody deciding we do not want to protect America's cities. It is a case of saying we do not want to spend $300 million that the Secretary of Defense says we do not need to spend.

Let me respond to a couple of other things that have been said. This is not about just $300 million. It is about $48 billion, according to the Congresional Budget Office. I ask all the Senators who spoke here, where are you going to get that money? You suggest that the Secretary of Defense budget for it. I ask you, are you going to charge it? And are you going to tax people for it? Where are you going to get the money? Do you want to advance a notion now that you want to build a $50 billion new system, which by the way does, indeed, include star wars, as page 59 of the bill says? I ask you, where are you going to get the money for it?

Let me say to you, as well, that when you talk about the threat from an intercontinental ballistic missile, as you have all talked about, you understand and I understand—I have some material that I will not read from on the floor, but it is material from Nobel laureates, from veterans of the Manhattan project and from physicists who are experts in this field, all of whom agree—and I think you would agree—that a threat from a renegade country is far more likely as a result of a cruise missile, which cannot be defended against by this system, than it is from an intercontinental ballistic missile. A cruise missile is easier to build and cheaper to build and more likely for them to get.

I ask you this question, if you are worried about protecting America's cities: If you finished spending $48 billion to defend against ballistic missiles, then tell me how that system defends America's cities against the far more likely threat of cruise missiles. The fact is that by building a national ballistic missile defense you have done nothing to defend against a cruise missile attack on American cities.

That is the point. The point here is that this is a weapons program with a constituency. Like all weapons programs, it does not matter what the climate is—it can be rain, snow, wind, or sleet; you can have a Soviet Union or not, and it could be 1983 or 1995—this weapons program has legs. It has jobs and it has constituencies. This is out of step, makes no sense, and yet we see on the floor of the Senate folks who come here and say, well, let us, this year, stick $300 million more in this program than was asked for and than is needed. Why? Because we want to defend America's cities. Against what? Against a threat which the Secretary of Defense says does not exist, and Nobel laureates and veterans of the Manhattan project say does not exist.

If you are so all-fired worried about threats, let us focus on the threats that the Nation will really face.

One additional thing. I think the Senator from Oklahoma makes the point that I have been trying to make this morning when he talks about the tragic bombing of Oklahoma City. It is not an intercontinental ballistic missile with all of its sophisticated targeting that is the likely way to attack against America. It is far more likely to be a rental truck, a suitcase, a glass vial, a single-engine airplane. I think the Senator from Oklahoma made the point I was trying to make.

Mr. INHOFE. Will the Senator yield?

Mr. DORGAN. I will not yield on my time.

Mr. INHOFE. I would like to respond to the Senator.

Mr. DORGAN. If the Senator would give time, I am happy to answer questions. But we have 45 minutes equally divided.

I will at this time reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. DORGAN. Mr. President, I yield 5 minutes to the Senator from Minnesota, Senator WELLSTONE.

Mr. WELLSTONE. Mr. President, first of all, let me just say that 5 minutes is not a lot of time to make the case. But I am in strong support of the Dorgan amendment for a number of reasons. First of all, I will talk policy, and then I will talk budget. There is no significant long-range ballistic missile threat to the United States now or in the immediate future. The head of the DIA stated:

> We see no interest in or capability of any new country reaching the continental United States with a long-range missile for at least the next decade.

Mr. President, the national missile defense provides no defense against the most likely future attacks on the United States, which will not be delivered by missiles. We have seen that clearly in a tragic way at the World Trade Center, the Federal building in Oklahoma City, and the subway in Tokyo.

Mr. President, there are many arguments I could make about this impossible dream. But let me just put it in a slightly broader context. We have out here a bill that requests $7 billion more than the Pentagon says it needs. We have out here with star wars a request for $300 million more than the Pentagon says it wants to spend or needs to spend.

Mr. President, I think this amendment is about more than star wars. It is about priorities. And if you look at requests for Head Start, it is $3.9 billion, but the total cost of the next aircraft carrier, the CVN–78, is $4.6 billion.

If you look at requests for police officers, housing, childhood immunization, alongside star wars, the B–2, Pentagon budget, $7 billion more in this bill than requested by the Pentagon itself, of the kind of stories that are now coming out, Mr. President, about a variety of different pork projects, all across the country, we have to ask ourselves the question, what are we doing here?

I was on the floor of the Senate not too long ago, saying why are we eliminating low-income energy assistance? I was talking about the poor in the cold-weather State of Minnesota. We also could talk about cooling assistance. This was during the time where we read that 450 people died, many elderly and poor.

On the one hand, we cut low-income energy assistance, we cut education programs, we cut job programs, we cut all sorts of nutrition programs, we are not investing in our children, and we have here a bill that asks for $7 billion more than the Pentagon says it needs for our national defense.

Now we have—for this impossible dream, many independent people arguing it never will work anyway—a request for an additional $300 million.

Mr. President, the real national security for our country is not for star wars in space. It is to feed children and educate children and provide safety and security for people in communities, and job opportunities for people on Earth.

This is outrageous. At the very time we have some of our deficit hawks saying, "Cut this nutrition program, cut low-income energy assistance, cut legal services, cut job training, cut summer youth programs, cut education programs, cut health care programs," we have here a budget that asks for $7 billion more than the Pentagon wants, and $300 million more for star wars—this impossible dream, this fantasy—than is requested by our own defense people.

This is really a test, I say to my colleague from North Dakota, this is a test case vote, as to whether or not we are serious about reducing the deficit and investing in people in our country, investing in people who live in the communities in our country. That is what this is about.

Senators, you cannot dance at two weddings at the same time. Maybe you are trying to dance at three weddings at the same time. You cannot keep saying you are for deficit reduction, you cannot keep saying you are for children and education, you cannot keep saying that you are for job opportunities, you cannot keep saying you are for veterans, you cannot keep saying we will not cut Medicare, and at the same time allocating more and more money for your pork military projects, and adding to a military budget that the Pentagon itself says it does not need. I yield the floor.

Mr. THURMOND. I yield 10 minutes to the distinguished Senator from Arizona.

Mr. KYL. I thank the distinguished chairman of the Armed Services Committee for yielding time to discuss this amendment.

Going back to basics, the amendment is to cut $300 million from the committee's request for funding for the Defense Department. The committee has a $300 million increase from what the administration had requested for this particular part of the budget. The House had increased it $400 million. The Senate increase is less than the House increase by $100 million. The Dorgan amendment is to cut $300 million from the committee's request.

The primary arguments against the committee's mark are categorized into two areas: First, the threat is not that great or that soon; second, the money could be spent on other things.

First, talking about the threat, there is a suggestion here that the threat is not imminent. The threat we are talking about is a threat to relatively soon be able to attack the continental United States, because this is the national missile defense part of the program we are talking about.

Now, we all understand that eventually we will have to have a defense against missiles that would either be accidentally or intentionally launched against U.S. territory. The question is, how soon do we need to begin preparing for that?

The Senator from North Dakota says we do not need to worry about it yet because it will be maybe 10 years before the threat emerges. There are two primary responses to it. First, it is wrong; and, second, we are not taking into account the fact that it takes a long time to develop the programs to respond to the offensive threat.

We have been working at this program for a long time. It has been 5 years yesterday, since the taking over of Kuwait by Iraq. Yet we are not very far down the road in terms of improving our ability to defend even against a missile like the Scud B that the Iraqis had. We are talking here about much longer range missiles than the Scud B. We are talking about missiles that could reach U.S. territory.

Now, at first we are talking about the State of Alaska or the Territory of Guam. I know it is of interest to the Senator from North Dakota.

In fact, we all would be very, very concerned about a threat to any U.S. citizen, whether it be in Guam or whether it be in Alaska. It does not have to be to the heartland of America.

What is the fact with regard to this threat? The person who last headed the CIA just prior to the new Director, John Deutch, the then Acting Director of the Central Intelligence Agency, Admiral William Studeman, made this point just a few months ago. He said,

> Our understanding of North Korea's earlier Scud development leads us to believe that it is unlikely Pyongyang could deploy Taepo-Dong I or Taepo-Dong II missiles before 3 to 5 years. However, if Pyongyang has foreshortened its development program, we could see these missiles earlier.

What the acting CIA Director was saying is that they probably will not have this missile that could reach the United States for 3 to 5 years.

Well, we cannot develop this system within 3 to 5 years. The bill calls for some kind of a deployment, hopefully, by 1999. That is within the timeframe that the CIA Director acknowledges the Taepo-Dong II missile could be developed.

Now, what about the current CIA director? John Deutch said last year, "If the North Koreans field that Taepo-Dong II missile, Guam, Alaska, and parts of Hawaii would potentially be at risk."

The point here is that North Korea, a belligerent state over whom we have virtually no negotiating control, no diplomatic control, is developing a weapon which the CIA says could potentially reach United States territory in 3 to 5 years.

If the 3 years is correct, we cannot possibly have anything deployed in time to meet that threat. Even if it is just used to blackmail us, it is a tremendous threat. For those who say that there is no threat here, the facts do not bear them out. The intelligence estimates do not bear them out.

The other side of this argument is, well, there are other threats. There could be a suitcase bomb. There is a cruise missile threat, and of course the answer is yes, that is true. We are doing everything we can to meet those threats as well.

It is a fallacy of logic to suggest that because there is some other threat that, therefore, this is not a threat. That is the logic of the Senator from North Dakota. Well, somebody might bring a suitcase bomb over.

Well, we are working that problem very hard. The last three CIA Directors have said that their primary concern is the proliferation of these weapons of mass destruction and the missiles that can deliver them.

As a matter of fact, there has not been a suitcase nuclear bomb explode, but there have been missiles launched against U.S. forces. As a matter of fact, as I said yesterday, fully 20 percent of our casualties in the Persian Gulf were as a result of a Scud missile. We did not have an adequate protection against the Scud missile.

We at least had the Patriot over there. We have nothing to protect the people in the United States. I think the CIA Directors are a pretty good source for the proposition that there is a potential threat out there, and we will be lucky to be able to deploy a system in time to meet that threat, if their statistics are correct.

Now, just one quick final point on the threat. The Senator from North Dakota suggests that the triad is actually adequate here, but the same Secretary of Defense that he is so fond of relying on has made it clear that mutual assured destruction, the threat that we retaliate with nuclear weapons against Iraq or some other country, is just not credible.

As Secretary Perry said on March 8 of this year,

> The bad news is that in this era, deterrence may not provide even the cold comfort it did during the cold war. We may be facing terrorists or rogue regimes with ballistic missiles and nuclear weapons at the same time in the future, and they may not buy into our deterrence theory. Indeed, they may be madder than MAD.

And the M-A-D that he is referring to is the mutual assured destruction doctrine, which the Secretary is saying is madness today. That doctrine no longer works. We need a defense, not just the threat of massive retaliation to prevent countries from launching missiles against the United States.

Finally, let us talk about the amount here. First of all, as the Senator from Mississippi pointed out earlier, the amount that is in the Senate bill this year is less than the Clinton administration requested last year in their 5-year budget. So in the 5-year plan the administration sent up here last year, they were asking for more money for this program than the committee has asked for this year. It is a matter of timing, of when you spend the money. As I think I have pointed out, even with this amount of money we will be lucky to be able to field something that is effective by the time the threat is upon us.

Second, there is a suggestion here that the Secretary does not want this because he has not asked for it. Obviously, we are all aware of the politics within the Pentagon and the administration and not asking for it is not the same as not wanting it. You will note in the letter from the Secretary, nowhere does he say: Do not send us this $300 million, I do not want it and I will not spend it if you send it to me. As a matter of fact, his spokesman on this issue, Gen. Malcolm O'Neill, before the House committee just a few weeks ago, was asked if he could spend this money, and here is what he said:

> I have reviewed the BMD program, the impact of last year's budget reductions and the schedule of several key programs in order to recommend where additional resources could be best applied.

Remember, the House is talking about $400 million in additional resources. And he says:

> These funds could be effectively used in several key BMD programs to accelerate development efforts, preserve early development options for a national missile defense system, and to protect current theater missile defense system acquisition schedules.

In other words, the expert in this area, the head of the program, Gen. Mal O'Neill, made it clear to the House of Representatives if he had this extra money he could effectively use it. I understand the administration position is against this. We all understand that. But it is not common sense when you recognize the speed with which this threat could be upon us and the ability we have to develop a system that could defend us.

When I say it is not common sense, I do not mean to denigrate the Secretary of Defense. He is a fine public servant and is very concerned about the future of our country. But reasonable people can differ about the speed with which we ought to get on with this effort and the priority of spending this money. I submit the weight of evidence from the Central Intelligence Agency and from the other people who have spoken on the issue is, we better get about this task right away.

The final point with regard to the money is that while we could be spending this money on summer youth programs or Low Income Home Energy Assistance—of course we could. But what is more important, defending American lives or summer youth programs? We have to set priorities around here. I submit, if a missile were launched against the State of Hawaii or the State of Alaska, every one of us on this floor would be denouncing the act and would be asking why that was allowed to happen? Who sat by while this threat emerged? Who allowed this threat to evolve to the point we could not defend our own citizens from a missile attack? Those would be the questions asked on this floor.

Today that question can be answered because those people who seek to cut these funds out of the committee bill will be the people responsible for us not having a system at the time that the CIA believes we are going to need to have it. That is the question before the body. Do we go along with the leadership? Do we go along with the committee, which is the body of expertise on this? Do we go along with the Central Intelligence estimates, and do we go along to fund this program to at least get us on a path to develop and deploy a system in the time we need it? Or do we take the risk and roll the dice, spend the money on summer youth programs or Low Income Home Energy Assistance or the like?

I submit the decision today is that we should go along with the committee's request here, support the committee and vote down the DORGAN amendment which would cut the $300 million.

The PRESIDING OFFICER. Who yields time?

Mr. DORGAN. Mr. President, let me yield a minute to myself before I yield 5 minutes to the Senator from Arkansas.

I might say if ever there is an Olympic event called side stepping, I have seen this morning several candidates for gold medals.

Let us not be confused about what the Secretary of Defense has said. Here is a letter he sent last week. It says this:

> The bill's provisions would add nothing to DOD's ability to pursue our missile defense programs and would needlessly cause us to incur excess costs and serious security risks.

That is not a letter from a Secretary who is undecided about whether this is good policy or not. The Senator from Arizona says he just has not asked us. The Senator says that of course, the Secretary would like to get at this additional money.

Mr. KYL. Will the Senator yield?

Mr. DORGAN. This letter says he does not want it. He thinks it adds excess costs and additional security risks to this country. So let us not be confused about the message from the Secretary of Defense. He is clear on this issue.

Mr. KYL. Will the Senator yield?

Mr. DORGAN. I yield 5 minutes to the Senator from Arkansas. I will be happy to yield momentarily for a question.

Mr. KYL. Briefly, can the Senator point anywhere in that letter where he is referring to this $300 million? He is referring generally to this bill, not to this $300 million.

Mr. DORGAN. In fact, he specifically refers to this $300 million in this program, I say to the Senator from Arizona, in the following part of this paragraph. I read it once before and I am not going to read it again for you.

The point is, he is talking about developing specific national missile defense for interim operational capability in 1999 and for full deployment in 2003. That is exactly and specifically the program we are now debating. If the Senator is asking, was the Secretary talking about this issue, the answer is clearly, unequivocally, yes, that is exactly what the Secretary was talking about in this letter.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. THURMOND. Mr. President, I yield 5 minutes to the distinguished Senator from New Hampshire.

The PRESIDING OFFICER (Mr. DEWINE). The Senator from New Hampshire is recognized.

Mr. SMITH. I thank the Senator from South Carolina for yielding, and thank him for his leadership in support of the defense of the United States of America.

I am very pleased that this amendment has been offered. I oppose it, vehemently and strongly oppose it, but I am glad it has been offered because it gives the American people a chance once and for all to see just exactly what this debate is all about and who stands for what.

The Dorgan amendment would leave the American people completely vulnerable to ballistic missile threats, completely vulnerable. It says to our constituents, it is OK to protect Israel, protect France, protect Germany, protect Italy, protect our allies, but not our folks at home. Do not protect them.

The armed services bill, on the other hand, establishes a program to defend all Americans, regardless of where they live, against a limited ballistic missile attack. For the life of me, I do not understand how anyone could use the argument it is OK to protect somebody in one area of the country and not in another area of the country. How can one do that and keep a straight face?

The Clinton program and the Dorgan amendment leaves the United States hostage, completely, to the likes of Kim Jong Il and the Pyongyang Communists. The intelligence community has suggested that North Korea may well deploy an ICBM capable of striking Alaska and Hawaii within 5 years, and some talk maybe even as far as San Francisco in a very short period of time, but the Senator from North Dakota thinks it is wrong for us to defend these American citizens?

If the Senator disagrees with this assessment, let us look at the statement of the recently confirmed Director of the Central Intelligence Agency, John Deutch. Dr. Deutch stated,

> If the North Koreans field the Taepo Dong II missile, Guam, Alaska, and parts of Hawaii would potentially be at risk.

This is a serious, serious problem. The issue really boils down to this. Twenty nations have acquired or are acquiring weapons of mass destruction and the capability to deliver them, Iran, Syria, North Korea, Libya, China, to name a few. That ought to put the fear of God in us—just that, just thinking about those nations. And at least 24, some of the same ones I just mentioned, have chemical weapons. And approximately 10 more are believed to have biological weapons. And at least 10 countries are reportedly interested in development of nuclear weapons.

The international export control regime is failing to prevent the spread of these technologies. They are being spread all over the world, this missile technology, biological, chemical, nuclear, and the capability to deliver them.

The Armed Services Committee, under the strong leadership of Senator THURMOND, recognizes that fact. This is a far-reaching, farsighted, looking-ahead attempt to protect the United States of America and its citizens in the outyears. You have to be thinking about that today, not 50 years from now, because 50 years from now it will be too late. You think about it today, and that is what the Senator from South Carolina has done. Under his leadership we have provided, in the Armed Services Committee, the opportunity to protect our citizens.

The Dorgan amendment would say that the continental United States, Alaska, and Hawaii, are absolutely vulnerable to these threats. The reckless leaders of North Korea, Syria, Libya, and others basically have free access to our citizens. The choice is simple, really; really simple. If you believe the American people should be protected against limited accidental or intentional missile attacks—take your choice—you should support the Armed Services Committee bill.

That is why we are on the committee. That is why we delve into these matters in great detail. That is our specialty. That is what we are there for, to understand these things and to present options to the full Senate. But if you believe the American people should not be defended and should be completely vulnerable, then you vote for the Dorgan amendment.

It is ironic—and tragically ironic, frankly—that those who oppose defending the American people hide behind the fig leaf of the cold war. The cold war is over. And the technology and the philosophy that we use to defend against it is also over. We do not have mutual assured destruction anymore. We do not have a bipolar world anymore. These people are not rational. Does anybody think Saddam Hussein is rational? Would Saddam Hussein have used a nuclear missile in the Persian Gulf war if he had the opportunity? You bet he would. He just does not have it.

We do not have the capability to protect against this. It is very interesting that focus groups have been held where we call a few people into the room and interview them. We asked them, "What would you do if somebody fired a missile at the United States?" In this group, American citizens were put together in a room and they were asked, "What would you do if someone fired a missile at the United States of America?" And every single one of those people said, "We would shoot it down." Guess what? We do not have the capability to shoot it down, Mr. President. This amendment will make sure we do not have the capability to shoot it down until it is too late.

So I urge my colleagues to defeat this very irresponsible amendment.

Mr. DORGAN. Mr. President, I yield 5 minutes to the Senator from Arkansas.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, first of all, I want everyone to understand that the President's request already has $371 million in the bill for a national ballistic missile defense system. The committee added $300 million. So now we have $671 million, almost doubling what the Pentagon requested. The Senator from North Dakota very sensibly and wisely is trying to strike out the extra money. I hear people on that side of the aisle saying, "We are not trying to abrogate the ABM Treaty. This does not abrogate the ABM Treaty." Really?

Here is what the ABM Treaty says:

> Each party shall be limited at any one time to a single area out of the two provided in Article III of the treaty for deployment of antiballistic missile systems or their components. . . .

English is the mother tongue. If you speak English, you understand the word "single." It means one. Our one site is now in North Dakota.

Here is what this bill says. Here is what the language of the bill clearly says if you speak the mother tongue.

> It is the policy of the United States—to deploy a multiple-site national ballistic missile defense system . . . .

I want to emphasize that—"a multiple-site" NBMD system.

And section 235 of the bill says:

> The Secretary of Defense shall develop a national missile defense system, which will attain initial operational capability by the end of 2003 . . .
>
> It shall include . . . ground-based interceptors deployed at multiple sites . . .

Remember, the ABM Treaty bans multiple-site systems. If that in itself is not compelling, there is more. This bill says we will decide what is a national missile defense system, and what is a theater missile defense system. We could not care less what the Russians think. Do you think people in Russia, the former Soviet Union, who crafted this treaty with us and that we ratified with, should have any say about what we are going to do in abrogating the treaty?

I read a very interesting article the other day in the Washington Post, an op-ed by someone named Sarah Roosevelt, who I do not know. She said, "Do not tweak the bear." Russia is an economic basket case. They are a military basket case. They were a military basket case and an economic basket case when Hitler decided he could take them with one hand behind him. They did not have any choice but to allow millions of their people to be slaughtered until they could arm and beat Hitler.

If I had asked this body 10 years ago standing beside my desk, "Senators, what would you give to see the Soviet Union disappear, and to see East Germany, Hungary, Poland, all of those nations free, how much would you be willing to cut the defense budget in exchange for that?"—10 years ago—I daresay a consensus in the body, the smallest number would have been 30 percent, and a lot of people would have said 50 percent.

So what are we doing with this bill, which is the most irresponsible defense bill I have seen in my 21 years in the U.S. Senate? We say we are going to give to the Pentagon $7 billion which it doesn't even want. What kind of insanity is sweeping over this body?

We spend already, without the additional $7 billion, twice as much as our eight most likely enemies including China, Russia, North Korea, Iraq, and Iran—twice as much; and, with NATO, twice as much as the rest of the world combined. And in this bill we are putting an additional $7 billion into defense.

If this bill goes to the President's desk in its present form and he does not veto it—I am going to say publicly he is a very good friend of mine, and I want him to be reelected—if he does not veto this bill, I am going to be terribly disappointed.

I yield the floor.

Mr. DORGAN. Mr. President, I yield 3 minutes to the Senator from Louisiana.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. JOHNSTON. Mr. President, there is an old song that says: "You keep coming back like a song."

Mr. President, in spite of the end of the cold war, in spite of the fact that the Russians are dismantling their nuclear weapons and we are buying the plutonium and the enriched uranium, in spite of the fact that there is no longer a threat from intercontinental ballistic missiles to the United States, no longer targeted at this country, this same issue, this military-industrial complex that the Defense Department does not want, keeps "coming back like a song."

Mr. President, I have had amendments on this I guess four or five times over the past few years; more than I think $25 billion ago. And we have won it sometimes on the floor only to see it reversed by one vote or by two votes. But, Mr. President, this really at this time in our history is madness.

The biggest threat to this country right now is not from Russian ICBM's and certainly not from Saddam Hussein, who is no conceivable threat to the continental United States. Rather, the real threat to the United States is from this kind of spending, which would start a new cold war, which would hurt the economy of the United States and weaken this country.

If you are really worried about nuclear weapons, I can tell you where the threat would come. It is from a terrorist nuclear weapon which could be easily brought into the United States in a suitcase.

Look, if they can smuggle bales of marijuana into this country easily, they can easily smuggle into this country a suitcase bomb which can be put into something the size of a briefcase. And so why are we spending billions of dollars, even going into space-based lasers? Do you know what it takes to drive a space-based laser? A nuclear bomb. That is what it takes; otherwise, they do not have enough power.

That is what we are spending all this money for? What is the threat, Mr. President? It is absolute madness. It is what President Eisenhower warned against—the military industrial complex—which gets this enthusiasm, gets it going; we have jobs out there in the economy. That is what this thing is about. It is not about defending the United States.

We really ought to go further than the Dorgan amendment. We ought to do away with any thought of deploying any ballistic missile defense in the continental United States. Do some research but do away with this deployment. It makes no sense today.

The PRESIDING OFFICER. Who yields time?

Mr. THURMOND. Mr. President, I yield 4 minutes to the distinguished Senator from Alabama.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, I wish to speak for a few minutes about our ballistic missile defense program and the ABM Treaty with an eye toward dismantling several myths about our missile defense program and the scope of the ABM treaty. Unfortunately, many of the opponents of a deployable national missile defense system, including the President, confuse the central issues at hand in this debate through the perpetuation of two central myths about national missile defense.

They maintain consistently that one, deploying a national missile defense system is a return to star wars and two, that such a deployment is an abrogation of the ABM Treaty. Neither of these claims has any grounding in fact.

First, the opponents of a deployable NMD system would have the Senate believe that in supporting NMD deployment we are committing ourselves to a long-term research program that would cost this Nation tens of billions of dollars.

In addition, they would have the Senate think that this system is a space-based system modeled along the lines of the star wars program of the 1980's. The deployed NMD system called for in this bill is neither a distant technological dream, a space-based system, nor an overly expensive investment for the American taxpayer. This legislation calls for a deployable, multiple site, ground-based interceptor system by the year 2003. Let me repeat—a ground-based interceptor system.

The current GBI configuration of a national missile defense system builds off our current advances in theater missile defense—advances that proceed from the concept of ground-based antiballistic missiles. Such a system builds upon existing ground-based interception technology—technology that is currently deployed or is being validated through successful flight tests.

The only current limitation on rapid EKV development and deployment is the funding strangulation placed on our NMD program by the current administration. The centerpiece of this system, the Exoatmospheric kill vehicle or EKV, has been in development for 5 years and has demonstrated outstanding technological progress and achievements. The EKV is a real piece of hardware designed to perform a mission that is well within our current intercept capabilities. As opposed to tens of billions of dollars in outlays to develop and deploy a ground-based NMD system, a deployable system will require a scant percentage of the funding provided for space-based research in 1980's. In fact, this year's authorization and appropriations bill call for an increase of only $300 million for national missile defense—an amount that is roughly a third of the cost of one destroyer. The opponents of national missile defense also claim that the national missile defense provisions in this authorization bill would violate the Anti-Ballistic Missile Treaty. While the ultimate goal of multiple site deployment of an NMD system will require modifications to the ABM Treaty, nothing in the range of the coming year's research and development efforts will in fact, violate the constraints of the treaty. Therefore, the committee has, wisely, asked only for a Senate study on the application and relevance of the ABM Treaty to the current missile defense needs of this country. The ABM Treaty is over two decades old. It is based upon a doctrine of deterrence commonly known as mutually assured destruction. While this doctrine was absolutely applicable to the realities of the cold war, it has little place in a nonbipolar world of rogue regimes and proliferating ballistic missile technology. Unfortunately, the current administration continues to adhere not only to a belief that the parameters of the treaty remain valid in today's world, but seem determined to apply unilateral interpretations to the treaty that limit not only our national missile defense program, but also our theater missile defense systems—limitations beyond those expressly contained in the treaty. Therefore, the committee has recommended a provision that would codify TMD speed and range standards for treaty compliance—standards derived from the administration's own November 1993 proposal. Make no mistake, Mr. President, the global political situation and the nature of the ballistic missile threat has changed dramatically from the time of the ABM Treaty's ratification. North Korea is nearing long-range ballistic missile capability. Just 2 months ago, the Chinese fired a truck-launched ICBM, demonstrating just how easy it will be for rogue states to develop and launch ICBM's on the cheap. Mr. President, the threat to the United States from long-range ballistic missiles from rogue regimes will exist by 2003, if such capabilities do not already exist.

It is absurd and irresponsible to continue to deny our citizens protections from a real threat, especially if that protection can be provided for limited cost and is based upon technology which is near fruition. I strongly urge my colleagues to see through the myths regarding national missile defense and resist any attempts to weaken the commitment of this act to deploying an NMD system.

Mr. DORGAN. Mr. President, I yield 3 minutes to the Senator from Ohio, Senator GLENN.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, I rise to speak in favor of the amendment offered by my colleague from North Dakota, Mr. DORGAN, to strike the $300 million that was added to the bill by the majority of the Armed Services Committee for national missile defense [NMD].

The President had requested $371 million for NMD—and the committee is proposing virtually to double that amount.

I do not believe that sensitive national security and diplomatic issues should be allowed to sink into the unruly pit of partisan politics. There have been appropriate lines drawn over the many years of this Republic by the various political parties, and I think most of us would have to agree that politics should stop at the water's edge when it comes the most sensitive issues of our national defense and security.

The language on national missile defense in the bill and the committee report, however, vaults over this line in a manner that infringes upon the constitutional prerogatives of the Executive in foreign policy, drains our Treasury, makes our country less secure, and ultimately increases international strategic instability.

After having to listen to the litany of complaints by the current majority party about tax-and-spend members of my own party, I find it ironic to see the majority party has now embraced this same tax-and-spend doctrine as the Rosetta Stone of that party's entire approach to strategic defense.

This is all the more ironic given that the Secretary of Defense, Mr. Perry—whose words can surely be taken as nonpartisan on this issue—has stated quite clearly that, "* * * a valid strategic missile threat has not emerged." [Letter of Sen. Nunn, July 28, 1995] These words echo the sentiments of our intelligence community. Gen. James Clapper, the DIA Director, testified before the Armed Services Committee on January 17, 1995, that "* * * we see no interest in or capability, of any new country reaching the continental United States with a long range missile for at least the next decade."

The ABM Treaty authorizes its parties to have a limited national missile defense capability, but the terms of the treaty are quite clear about what is permissible and what is not permissible. The committee majority seems determined to plus-up those programs that will inevitably drive us out of that treaty—a result that they earnestly believe will serve the national security.

Yet will it truly serve our security to spend a fortune to erect high-tech Maginot line defenses of dubious reliability against nonexistent threats, while we continue to underfund efforts to address clear and present dangers? I am speaking particularly of the challenges we should be facing to prevent proliferation from occurring, as opposed to just trying to cope with it after it is a fact of life as the majority evidently prefers to do. Proponents of the current bill seem more eager to prevent Qadhafi from launching a blizzard of nuclear-tipped ICBM's at Chicago than in keeping Qadhafi from obtaining the nuclear materials he will need to manufacture such warheads in the first place. Let me say, it would be a much more efficient use of our resources to focus our efforts on the latter type of problem. By the way, if Qadhafi finally gets enough of that material, he will not need to—and probably will prefer not to—attach the United States using ballistic missiles. There are plenty of other ways to get the job done.

Will it serve our security to place in jeopardy the progress that has been made in recent years in the START process to cut the size of the United States and Russian nuclear arsenals? If we march forward blindly into the future and eventually abrogate the ABM Treaty, does anybody seriously believe that such an action will have no effect on Russia's readiness to proceed with such cuts in its nuclear stockpile?

Will it serve our security to drain some $48 billion out of our Treasury to build a national missile defense system? That is what the Congressional Budget Office has estimated it will cost to build a complex that covered Grand Forks, ND, and five other States. To this we must add billions more for theater missile defense—which these days is getting to look more and more like strategic missile defense. And the costs just keep adding up. We must not forget the long-term costs of operating and maintaining such facilities. The legacy we will leave to future generations from this investment will not be a more secure country, but a less secure world, and a towering pile of budgetary IOU's.

Will it serve our security, in deploying an extensive national strategic missile defense network, to drive China, Britain, and France out of international negotiations aimed at further nuclear reductions?

Will it serve our security to jeopardize the Nuclear Non-Proliferation Treaty, which was just extended indefinitely on the basis of solemn commitments by the nuclear-weapon states both to conclude an early comprehensive ban on all nuclear tests and new progress on nuclear arms control and disarmament?

These are just some of my reasons for supporting the Dorgan amendment today. We are standing on a slippery slope leading to the demise of the ABM Treaty. The Dorgan amendment merely seeks to remove one large banana peel from that slope. I urge all my colleagues in joining me in endorsing his responsible proposal.

In summary, Mr. President, the President requested $371 million for national missile defense. That was to do the basic research. And somehow we come along now and want to say we are going to double that amount; we are going to put another $300 million in here. And for what? I do not understand the rationale of this whole thing except it seems to me we have reversed parties here almost. Tax and spend, tax and spend, tax and spend, that is what we have heard leveled at the Democratic Party all these years. Now, here we are with something that is not even needed and we are going to tax and spend, and now it is the Republican tax and spend. I think that is a valid charge back at the Republicans on this.

Tax and spend for what? The Secretary of Defense says that a balanced strategic missile threat has not emerged. General Clapper, DIA director, testified before the Armed Services Committee, and I quote him:

> We see no interest in or capability of any new country reaching the continental United States with a long-range missile for at least the next decade.

At the same time we are going to endanger the ABM Treaty, which authorizes its parties to have a limited national missile defense capability—limited. But the terms are quite clear about what is permissible and what is not permissible.

I do not know why the majority is determined to plus up these programs with something that will take a chance of eventually driving us out of that treaty. I think it is ridiculous. Will it really serve our security to place in jeopardy the progress that has been made in recent years in the START process to cut the size of the United States and Russian nuclear arsenals? If we march forward blindly into the future and eventually abrogate the ABM Treaty, does anybody seriously believe such an action will have no effect on Russia's readiness to proceed with such cuts in its nuclear stockpile?

I just do not see how it is going to serve our security to drain $48 billion—$48 billion—out of our Treasury to build a national missile defense system that is not needed. And that is not my figure. That is what the Congressional Budget Office estimated it will cost to build a complex that covers Grand Forks, ND, and five other States. That is $48 billion, and it does not even cover the whole country. That does not even cover the theater missile defense, which I support.

I think it moves in the wrong direction. I do not see that it serves our security in deploying an expensive national missile defense network to drive China, Britain, and France out of the international negotiations aimed at further nuclear reductions.

I am not sure either exactly what kind of system this is. Is this to be an SDI system? The President provided research, and yet we do not know what this system is. At best, it is going to be a $48 billion operation just to cover five States. It literally makes no sense whatsoever to take a chance of driving us out of the ABM Treaty when we have no international intercontinental missile defense necessity for this country at this time.

Let us do the research the President wanted. Let us continue on down the road with that research, which I favor, voted for it, support fully, and if we see a threat developing, we will have time to go to what this provides prematurely.

I know my time has expired. I yield the floor.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER (Mr. DEWINE). Who yields time?

Mr. THURMOND. Mr. President, I yield 2 minutes to the distinguished Senator from Virginia.

Mr. WARNER. Mr. President, three quick rebuttals. First, to my distinguished colleague from Ohio where he quotes General Clapper. There are two fallacies in that argument I say. One, it is predicated on a startup within a country to build it all the way up. But there are open bids on the free market in this world today from many countries, primarily Iran, Iraq, and others, that would buy a Chinese system which could hit the United States within that lesser period than 10 years. Also, it will take us 10 years to build the very system we are debating here at this point in time. So there is a convergence, Mr. President, in time and need for this system.

Shifting to another argument from the distinguished Senator from Louisiana, who said it is madness. Well, let me tell you, Mr. President, a little story of madness. The distinguished Senator from Georgia; myself; the distinguished Senator from Hawaii [Mr. INOUYE]; and the distinguished Senator from Alaska [Mr. STEVENS] were in Tel Aviv on February 18, 1991. I remember it very well. It happened, coincidentally, to have been my birthday. We were there in the Defense Ministry when a Scud alert was sounded and in a very calm way we participated with the others in putting on our gas masks. The Scud fell some 2 or 3 miles away. We were not in danger.

May I say to my colleagues, when we went out the next morning to visit the community that was struck and to talk to the people, that was madness. That was madness, to see in their faces the attack by Saddam Hussein for no military reason whatsoever, strictly to use that type of weapon as a terrorist weapon, a single strike. Coincidentally, it was the last to fall on Tel Aviv.

And I say, Mr. President, that same problem could happen, a single one as a terrorist weapon to fall on this country, and we have an obligation to the people of this country to invest this comparatively small, modest sum to ensure against that.

Mr. NUNN. Would the Senator yield for a brief observation?

I remember that evening very well. And I do not want to say this with much humor. There is not much humorous about anything regarding a Scud missile attack. The Senator said we were not in danger. If the Senator would amend that by saying we were not in danger because the target was where we were, the Ministry of Defense, and the Scud missiles are notoriously inaccurate. So we were probably in a safe place. But the target was the Ministry of Defense, we found out.

Mr. WARNER. Mr. President, I acknowledge that. I recall, if we want to close off on a note of humor, the distinguished Senator from Georgia said to me, "Saddam Hussein just sent you a birthday present."

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. How much time do I have left?

The PRESIDING OFFICER. Seven minutes, thirty seconds. The Senator from South Carolina has 2 minutes.

Mr. DORGAN. I yield 1 additional minute to the Senator from Ohio.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. I want to respond very briefly to my distinguished friend from Virginia. He is talking about theater missile defense. I am all for theater missile defense.

What we are talking about here is starting down a track that if we go this route and violate the ABM Treaty, we have got the Russians at that point of probably putting the coordinates back into their missiles or ICBM's. We have plenty of time, according to the people that do the estimates on these things, for Qadhafi and people like that before they develop true intercontinental capability. I am all for the theater missile defense that would have taken care of the situation that he is talking about that he was in. But I think when we go down this track of taking a chance of knocking out the ABM Treaty, which this does, if we go ahead with this whole process, then I think we just—the greatest likelihood is we are going to encourage the former Soviets, the Russians, to go back on the track of missile activation again. I see that as a real threat. That is an active threat. And I think this is folly to go down that course.

I yield the floor.

The PRESIDING OFFICER. The Senator's time has expired.

Who yields time?

Mr. THURMOND. Mr. President, I yield 1 minute to the distinguished Senator from Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. I will make this real quick.

After my remarks, the Senator from North Dakota made a couple of comments. Let me respond to him. First of all, he said we do not have any cruise missile defense in this bill. That is a greater threat. Let me suggest to you if you read page 119, we have $140 million in here for cruise missile defense. And I hope that no one believes that we think that the missile threat is the only threat to America. There are many other threats that are being addressed.

Now, the other thing is that the two Senators from Wisconsin and North Dakota know very well that the defense budget is not causing the deficit. We always hear about from the big spenders over there, "Well, we've got to do something about defense." The last 11 years our defense budget has declined. And for that period of time for every $1 of defense cuts, we have had $2 of increase in domestic spending. To be specific, in using 1995 dollars, in fiscal year 1985 the defense budget was $402 billion. Today we are considering one that is $265 billion.

Thank you, Mr. President.

The PRESIDING OFFICER. the Senator's time has expired.

Who yields time?

Mr. NUNN. Will the Senator yield me 1 minute?

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. Mr. President, the way I see this, I do not intend to vote for this amendment. I believe the money that is added here, the $300 million, which puts this budget back on national missile defense, about where it was when President Bush left office, I think the money is consistent with a limited thin defense but an effective defense against limited attack against accidental launch or against third countries that may develop a limited capability against the United States. What is inconsistent with that is the language in this bill which will be the subject for the next amendment which puts us in a position of anticipatory breach of the ABM Treaty, will be read like that in Russia, with no reason to be in breach because we do not have any programs in the next fiscal year that would in any way contravene that treaty. So we are going to be paying a huge price for nothing because of the language in this bill. So I will not favor the money striking because the money is needed.

I will favor though the amendments that will try to correct this language. If this language goes forward as it is, we are going to pay a big price, probably not only in the failure of ratification of START II but also in the Russians not complying or continuing to comply with START I. So we are buying ourselves perhaps 6,000 or 8,000 warheads pointed at America by the language in this bill. And I hope people recognize that when we get to the next amendment. But I do not believe the answer is to strike the money which everybody agrees at some point we are going to need some kind of limited defense. The administration agrees with that.

The PRESIDING OFFICER. The time is expired.

Mr. NUNN. Could I get another minute?

The PRESIDING OFFICER. The Senator from South Carolina does not have any time.

Mr. NUNN. I thank the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. I yield 30 seconds to the Senator from Nebraska.

The PRESIDING OFFICER. The Senator is recognized.

Mr. EXON. I thank the Senator from North Dakota.

Mr. President, I rise in support of Senator DORGAN's amendment to eliminate the Armed Services Committee add-on of $300 million for the national missile defense system. If I am not already listed, I ask unanimous consent that I be added as a cosponsor.

The committee funded increase of $300 million is an initial downpayment on what the committee majority advertises as a multisite, multilayered missile defense system designed to protect against a large and sophisticated missile attack. The missile defense language in the authorization bill makes clear that the system desired is one that will violate the ABM Treaty and intercept a Soviet-type missile attack. The $300 million plus-up in the bill is the first installment of a bill that could grow to a staggering $48 billion cost according to a March 1995, CBO report. This $48 billion is in addition to the $35 billion we have already spent on missile defense. Let no one misunderstand the significance of this vote. This is the first of many expensive installments to resurrect the Star Wars concept.

This vote is on a question of priorities. At a time when we are significantly slashing domestic spending and making tough, painful budgetary choices, it would be irresponsible to add $300 million into a system concept designed to defend against a threat that does not exist today and will not exist by the operational deployment date of 1999.

I believe we should send a powerful signal to the American public by approving the Dorgan amendment and putting the Senate on record that the domestic welfare of our citizens will not be sacrificed on the gold plated alter of star wars. This vote is on a question of priorities. We can ill-afford to shrug our shoulders and say "what is $300 million" at a time when we are asking all Americans to tighten their belts. As I said earlier, a vote for this $300 million installment is only part of a lengthy payment plan that will eventually drain our treasury by another $40 to $50 billion. To buy into such a payment plan would be the height of fiscal folly. I urge my colleagues to support the Dorgan amendment.

Mr. President, I yield the floor.

Mr. HEFLIN. Mr. President, I rise today in strong opposition to this amendment which would severely reduce the funding needed to develop missile defenses. In light of our experiences in the Persian Gulf war, and the advanced weapon development programs of hostile countries such as Korea, this amendment should be soundly rejected by the Senate.

The dangers of leaving our own country unprotected cannot be ignored. Perhaps some Senators have forgotten that we had a demonstration of the dangers of a ballistic missile attack just a few years ago. The picture of an unprotected Israel being hit by Scud missiles chilled the hearts of all Americans, but that incident would pale in comparison to the consequences of a nuclear missile strike. It was reported in the news a year ago that the North Koreans vowed to launch missiles at Tokyo should armed conflict occur with South Korea. While their capability to launch such an attack is questionable, the threat cannot be ignored.

It is my understanding that in reaction to this, Japan has approached the Department of Defense to discuss the purchase of our THAAD missile system. Unfortunately, THAAD will not be ready for deployment until the turn of the century. I am sure that if Japan could have anticipated the threat they now face, they would have invested in some type of missile defense system much sooner. As it is, Japan will be vulnerable to North Korean blackmail for years to come. They can only hope that North Korea never carries out its threat.

Mr. President, we cannot allow the United States to be put in such a vulnerable position. I firmly believe, however, that the present crisis with North Korea clearly demonstrates that need to continue the development of a national missile defense system. The cost of being unprepared to defend ourselves is too great to be ignored.

I encourage my colleagues to join me in defeating this unwise amendment.

Mr. DORGAN. I yield the remaining time to myself.

Mr. President, this has been a most unusual debate. I see a couple in this chamber who are parents who have no doubt read their children the

Berenstain Bears books. One of the Berenstain Bear books talks about the "give me's." Talks about "give me, give me, give me, give me this, give me that, give me this." You know, it is interesting to me as I read to my children and describe the Berenstain Bears books about "give me," it reminds me a bit of the folks who come to this floor with every conceivable project, every conceivable program in national defense that is proposed by someone and says—they say, "We have got to build this. We have got to fund it. In fact, we cannot wait. We have got to do it right now."

I asked the question an hour and a half ago, where are you going to get the money? Where is the money? The Congressional Budget Office says this will cost $48 billion. I ask, where is the money? Are you going to charge it? Are you going to tax people for it? Where are you going to get the money? I have not heard one response in an hour and a half. And I know why, because they do not have the foggiest notion where they are going to get the money. They just have an appetite to spend it and build this program.

Let me end where I began. This is $300 million the Secretary of Defense says he does not want, and we do not need, that folks who say they are opposed to the Federal deficit are now insisting we spend. To describe this as pork is to give hogs a bad name. At least hogs carry around a little meat. This is in my judgment pure lard to pay for a program this country does not need and cannot afford.

Now let me respond to a couple of the things that have been said. During this debate it has been said that this national defense program does not violate the ABM Treaty. Supposedly, this does not violate the ABM Treaty. How can anyone possibly say that? Of course it violates the ABM Treaty. To understand that is only to be able to read. This bill calls for many sites. The ABM Treaty only allows one. This bill calls for more than 100 interceptors. The ABM Treaty limits this Nation to less than 100 interceptors. This bill on page 59 calls for weapons in space. The ABM Treaty forbids weapons in space. Of course this bill violates the ABM Treaty. Let us not debate this issue with that kind of representation.

This leaves us vulnerable, one speaker said. That what folks want to do is defend France and Israel and leave us vulnerable. There is $371 million in this bill for ballistic missile defense. I am not touching that.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Has the time expired on both sides?

The PRESIDING OFFICER. The Senator has no time left.

The Senator from North Dakota has 2 minutes, 45 seconds. The Senator from South Carolina has no time left.

The Senator from North Dakota.

Mr. DORGAN. Mr. President, we are told by some speakers that our intention is to leave American cities vulnerable while at the same time we defend Israel and France and Egypt and others.

Total nonsense. There is $371 million in this bill for a ballistic missile defense system. All we want to do is take out the extra $300 million that was added that the Secretary of Defense says he does not want and that we do not need. That is all we are trying to do.

I do not need to hear from folks about the threat to this country. North Dakota has been ground zero for 40 years. If we seceded from the Union, we would be the third most powerful country in the world—300 intercontinental ballistic missiles with Mark-12 warheads, a B-52 base, we had a B-1 base. We understand about ground zero. They built an ABM system in North Dakota, in fact, the only site in the free world. Spent billions. Within 30 days after it was declared operational, it was mothballed. Tell that to the taxpayers.

We understand about missiles and bombers and national defense, and we understand about ground zero. But we also understand about Government waste. We understand it when people say we cannot afford to send kids to school; we are going to make it harder for parents to send their kids to college; we cannot afford money for the elderly for health care; we simply cannot afford money for nutrition programs; we have to tighten our belts.

And then the same folks say that it is our priority to add money to a system that the administration does not need. The Senator from Louisiana said this is madness. He is absolutely correct. This makes no sense at all. We ought to decide as a Senate what our priorities are. The Senator from Ohio, a decorated combat veteran in service to this country, stood up and said it the way that it is. Let us build things that are necessary for the defense of this country.

I am for a strong defense, but I am not for wasting the taxpayers money on boondoggles that we do not need and boondoggles that will not work. Let us decide for a change that we mean what we say when we talk about reducing the Federal budget deficit. Let us decide we cannot at this point embark on a new venture, to spend $48 billion on a ballistic missile program, a national defense missile system—yes, Star Wars, because part of it will be based in space—at a time when we are up to our neck in $5 trillion of debt, and when this year we will run a $170 billion deficit.

If we have some courage and common sense in this body, we will, in this case, say, "You can't add $300 million for something this country doesn't need and for something the Secretary of Defense doesn't want. To do so makes no sense."

That is the ultimate threat to this country: That debt, this deficit, this kind of mindless spending. That is the threat to America, and let us decide to stand up and finally stop it.

I yield the floor.

The PRESIDING OFFICER. The Senator's time has expired. All time has now expired.

Mr. THURMOND. Mr. President, I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table amendment No. 2087. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Colorado [Mr. CAMPBELL], is necessarily absent.

The PRESIDING OFFICER (Mr. THOMAS). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 51, nays 48, as follows:

[Rollcall Vote No. 354 Leg.]

YEAS—51

Abraham
Ashcroft
Bennett
Bond
Brown
Burns
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
DeWine
Dole
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Faircloth
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Hatch
Heflin
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Hollings
Hutchison
Inhofe
Kempthorne
Kyl
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Nunn
Packwood
Pressler
Roth
Santorum
Shelby
Simpson
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—48

Akaka
Baucus
Biden
Bingaman
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Chafee
Conrad
Daschle
Dodd
Dorgan
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Grassley
Gregg
Harkin
Hatfield
Inouye
Jeffords
Johnston
Kassebaum
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Mikulski
Moseley-Braun
Moynihan
Murray
Pell
Pryor
Reid
Robb
Rockefeller
Sarbanes
Simon
Wellstone

NOT VOTING—1

Campbell

So the motion to lay on the table the amendment (No. 2087) was agreed to.

Mr. THURMOND. Mr. President, I move to reconsider the vote.

Mr. SMITH. I move to table the motion.

The motion to lay on the table was agreed to.

Mr. LEVIN. Mr. President, in a moment I will send an amendment to the desk which would strike language from the bill which violates the ABM Treaty, which establishes unilateral interpretation of the ABM Treaty, and which also would tie the President's hands in even discussing the ABM Treaty with the Russians.

Mr. President, I ask unanimous consent, however, that I now be allowed to yield the floor to Senator EXON for 10 minutes, and then to Senator BAUCUS for 5 minutes, without losing my right to the floor.

Mr. McCAIN. Reserving the right to object, and I will not object, may I ask the Senator from Michigan, as part of that, will he agree to a time agreement on his amendment?

Mr. LEVIN. We are trying to see how much time will be required by various speakers. We are trying to put that together right now. We are working on that.

Mr. McCAIN. Also, reserving the right to object, following your amendment, there will be no more amendments on this issue?

Mr. LEVIN. I cannot say that; I do not know that.

Mr. McCAIN. Again, reserving the right to object, I remind the Senator from Michigan, we have now been on this single issue for all intents and purposes for 2 days.

At this point, we will have thoroughly ventilated the ballistic missile defense issue, and at some point we should acquire a list of proposed amendments and be prepared to move forward. I hope it is possible we could start reaching some time agreements.

The issue is a very important issue. I understand. It is critical. At some point, I think we should move on to other issues. There are other Members who plan on proposing amendments. I hope we can move forward.

The PRESIDING OFFICER. Is there objection?

Mr. WARNER. Mr. President, I want to make an objection. Reserving the right to object, can I inquire of the Senator whether or not, given the somewhat unusual procedure of asking two Senators be allowed to speak—you now holding the floor—would the Senator include in his request that those desiring to speak will not offer amendments?

Mr. LEVIN. I will be happy to do that. It is not my understanding they want to offer amendments.

I will modify my amendment. But I also will modify my UC in another way.

Mr. McCAIN. Mr. President, I suggest the absence of a quorum.

Mr. LEVIN. Mr. President, is it in order for a quorum to be called at this point?

The PRESIDING OFFICER. I am sorry, I did not hear you.

Mr. LEVIN. Is it in order for a quorum call?

The PRESIDING OFFICER. No, it is not. The Senator from Michigan has the floor.

Mr. McCAIN. I object to the unanimous-consent request of the Senator.

The PRESIDING OFFICER. The Senator from Michigan has the floor.

Mr. LEVIN. Mr. President, the most dangerous portion of this bill, in my view, is its head-on assault on the Anti-Ballistic Missile Treaty. This is not a subtle issue. This is not an issue of interpretation. That is a frontal, head-on assault which says that it is now going to be the policy of the United States——

Mr. KENNEDY. Mr. President, could we have order in the Senate? The Senator is making a very important speech. He is entitled to be heard.

I make the point of order the Senate is not in order.

The PRESIDING OFFICER. The Senator is correct. The Senate is not in order. Will we remove the conversations, please, from the floor? Will we remove the conversation over here on my left from the floor, please? The Senator may proceed.

Mr. LEVIN. Mr. President, the language we are going to analyze, that is in this bill, directly confronts the ABM Treaty and says it is the policy of the United States—and these are the words of the bill—no longer to abide by the ABM Treaty.

It does it in a number of ways throughout this bill, but the way in which it does it first is by simply stating, in section 233, that "It is the policy of the United States to deploy a multiple site national missile defense system." It goes on beyond that in section 233, but that is a very clear statement of what the intention and what the effect is, of this bill.

Mr. McCAIN. Will the Senator from Michigan yield for one second?

Mr. LEVIN. I will be happy to.

Mr. McCAIN. I will be glad to withdraw my objection to the unanimous-consent request of the Senator from Nebraska to speak for 10 minutes.

Mr. LEVIN. I thank my friend from Arizona. While we were going back to the unanimous consent, I would like to modify my UC in another way. This relates to the question of how many amendments will there be on this subject.

It was my intention originally to offer three different amendments striking the bill in three different places. I believe there has been some discussion between the ranking member and the chairman on this subject. I am not positive. But my amendment strikes language in three separate places and, rather than having three amendments striking three different places, since the issue is generally the same, I would modify my unanimous-consent request to make it in order that the amendment that I send to the desk strike three different provisions.

Mr. McCAIN. Will the Senator work on a time agreement for that amendment?

Mr. LEVIN. We are working.

Mr. THURMOND. As I understand it, the Senator has one amendment; is that correct?

Mr. LEVIN. I have one amendment touching the bill in three different places rather than having three amendments. This is the only amendment on ABM that this Senator has. But there are other Senators who may have other amendments.

Mr. McCAIN. I thank the Senator from Michigan.

If he wants to proceed with his unanimous-consent request, I will not object.

Mr. LEVIN. As modified?

Mr. McCAIN. As modified.

The PRESIDING OFFICER. Is there objection?

Mr. BUMPERS. Mr. President, parliamentary inquiry. Is it necessary, when a unanimous-consent request is made, is it necessary for a Senator to reserve the right to object to get the floor?

The PRESIDING OFFICER. When a unanimous-consent request is made, the Senator making the request retains the floor. Others may ask for a right to reserve the right to object at the sufferance of the Senator having the floor.

Mr. BUMPERS. But is it necessary for a Senator to be recognized? When a request is made for a unanimous-consent agreement, is it necessary for the Senator to say "I reserve the right to object" in order to state whatever he wishes to state or she wishes to state?

The PRESIDING OFFICER. That is the appropriate process to proceed.

Mr. BUMPERS. Mr. President, my question is, is it necessary?

The PRESIDING OFFICER. It is appropriate.

Mr. BUMPERS. But it is not necessary, is it?

The PRESIDING OFFICER. The Chair says it is an appropriate process.

Is there objection now to the UC?

If there is confusion here, will the Senator restate his unanimous-consent request, please?

Mr. LEVIN. I am not sure the confusion relates to my unanimous-consent request. I will be happy to restate my unanimous-consent request.

The PRESIDING OFFICER. If you would.

Mr. LEVIN. That is, I now be allowed to yield the floor for 10 minutes to the Senator from Nebraska. Following his 10-minute remarks, without offering an amendment, that the Senator from Montana be recognized for 5 minutes, and that he is not intending to offer an amendment. And that, then, I retain my right to the floor.

It is now part of the modified UC that it be in order in the amendment, which I will send to the desk, that it touch the bill in three places.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered. The Senator from Nebraska is recognized for 10 minutes.

Mr. EXON. Mr. President, I thank the Chair and I thank my friend from Michigan, Senator LOTT, and others for their cooperation. I would simply say, we have just gone through an exercise in futility, although finally successful. Had the Senator allowed me to proceed, I would have been almost through with my statement at this time. But at least I appreciate the consideration that has been offered by both sides.

There has been some criticism about the possibility of redundancy with regard to this authorization bill, particularly with regard to ballistic missile defenses. I simply say, this is the time to pause, this is the time to reflect, this is the time, if you will, to take some time. Because what we are about, in this authorization bill, is going to have long-range, possibly serious implications, in the view of this Senator, who has worked on these matters for a long, long time.

Later in the day, I believe, probably my colleague from Arkansas, Senator BUMPERS, will be addressing some of the issues that I will be addressing now, and he will probably be referencing a statement that came out of Moscow today with regard to what the Russians are doing and not doing and thinking as we proceed in this area.

Certainly, the policies regarding the national security interests of the United States should not be dictated by Moscow. But certainly, since we are talking about the possible violation if not the outright violation of treaties that we are a party to and a part of, we are talking about serious business here. And whatever redundancy is necessary to get that message across should be the order of the day.

Mr. President, I rise to offer my thoughts on the fiscal year 1996 National Defense Authorization Act. Rarely in my 17 years in the U.S. Senate have I come to the floor to take issue with a Defense authorization bill reported out of the Senate Armed Services Committee. As a member of the committee, I have usually been satisfied that the reported bill was the product of a bipartisan effort to further advance our national security objectives. To my dismay, the content and philosophy embodied in this year's bill is a significant departure from those of previous years. Crafted with little bipartisan consultation, the bill reported out of the committee represents a regrettable and potentially harmful U-turn in our national security policy that will, unless corrected, return the United States to the confrontational cold war policies of the 1980's that predated the fall of the Soviet Empire.

While much in the committee bill is laudable and will greatly enhance the readiness and capabilities of our Armed Services, I am fearful that these constructive elements of the authorization bill will be offset by misguided efforts to defend against threats that do not exist and hostile attempts to scuttle international agreements intended to enhance our security through peaceful means. As originally drafted—I emphasize "originally drafted"—in the Armed Services Committee, this bill attempted to: abolish the Department of Energy; gut the cooperative threat reduction program responsible for the removal of thousands of Russian nuclear warheads from their missiles; prevent the administration from carrying out a number of important nuclear non-proliferation agreements relative to North Korea and the former Soviet Union, and purchase unwanted B-2 bombers at a potential cost totaling tens of billions of dollars.

While the majority of the Armed Services Committee was successful in overturning these and other astonishing hardline recommendations, many provisions remain in the reported bill that will return us to the cold war mentality of yesteryear. Among the most objectionable of these reversals are bill provisions that: advocate violation of the antiballistic missile treaty; as has been briefly addressed and will be addressed more so by the Senator from Michigan on an amendment that I am a cosponsor of.

Add over $500 million in star wars missile defense funding; endanger ratification of the Start II Treaty, and resurrect at least two battleships.

Let me repeat that because this is an old battle that this Senator has carried on against unneeded, unwanted, and useless battleships.

It resurrects at least two battleships at a cost of nearly a $0.5 million a year with untold future modernization and operations costs; and, mandates the resumption of nuclear weapons testing.

These are just a few of the things that I think are terribly wrong with this bill.

The defense authorization bill is rife with legislative initiatives and reshuffled spending priorities intent on rekindling an arms bazaar that will have both domestic and international repercussions. The bill includes $7 billion—let me repeat that this bill includes $7 billion—in additional spending above the administration's request, a large majority of which has been siphoned off for the purchase of ships, planes, trucks, and other weapons not requested by the Pentagon. The so-called readiness debate we used to hear so much about is dead after only a year. The real winners in the committee reported bill are the defense contractors who stand to receive billions of dollars in unexpected weapons buys.

While our domestic spending accounts are being squeezed tighter and tighter—and while the polls are showing very clearly that with all the hoopla the standing in the public with the newly created Congress is going down and down. The people are catching on.

So I emphasize again, Mr. President, while our domestic accounts are being squeezed tighter and tighter, this bill contains a Christmas list or unexpected gifts for home State contractors that carry staggering price tags: $770 million more for missile defense contracts; a $650 million downpayment for two more DDG–51 destroyers; $1.3 billion for the unrequested LHD–7 assault ship; 12 more F–18's than asked for and the list goes on. Add in to this mix a committee initiative establishing a loan guarantee program for defense contractors to export their weapons overseas and you can understand why defense contractors throughout the country are popping champagne corks: Christmas has indeed come early.

But the bill to the taxpayer is not complete at the committee passed authorization of $264.7 billion. There is a built-in cost overrun. In the rush to fund these and other unrequested multibillion dollar weapons, the committee majority did not fund the anticipated expenses for ongoing Department of Defense operations in Iraq and Bosnia. This outstanding bill, the cost of which will in the mean time come out of Pentagon operation accounts, will come due next year and I warn my colleagues to not be surprised when this $1.2 billion expense is funded in part by more domestic spending cuts. Ironically, this built-in cost overrun is nearly identical to the cost of the LHD–7 add-on. I would hope that the Senate will reconsider this issue during floor debate and decide to place the operations funding of our troops in the field overseas above the cost of building an unneeded naval vessel.

While the funding priorities in this bill are questionable to say the least, there should be no doubt as to the design and effect of the bill on arms control and international relations. The defense authorization bill before the Senate takes aim at scuttling the ABM Treaty by requiring that the United States break out of the treaty and deploy a multiple site national missile defense system by 2003. Caught in the cross hairs of the committee's aim is the START II Treaty as well. Although this arms control agreement is a good deal for the United States as well as global security, the defense authorization bill does its best to see that it is killed in the cradle. That is precisely what will happen if the bill provision to break out of the ABM Treaty is approved. Ratification of START II will be blocked by the Russian Duma and the new alliance between our two countries will, in turn, be irreparably damaged, thrown into a resumption of the cold war, and still higher defense budgets. The bill is filled with jabs at Moscow designed to create distrust toward the United States and harm our new alliance. As if breaking out of the ABM Treaty and derailing START II Treaty ratification is not enough, the bill adds $30 million for a new antisatellite weapons program, it attacks and limits the Nunn-Lugar program that has been responsible for the safe and accountable disarming of over 2,500 former Soviet nuclear warheads, it cuts Energy Department nonproliferation, arms control, and verification funding, it recommends reconstituting our nuclear weapons manufacturing complex at untold billions of dollars while at the same time advocating the resumption of U.S. nuclear weapons testing. This last committee initiative is contrary to U.S. policy and is designed to scuttle ongoing comprehensive test ban negotiations and any prospect of reaching a treaty agreement. I will have a great deal more to say about the issue of nuclear testing later on during the consideration of this bill.

In summary, I am concerned with the tone and substance of the bill. The level of micromanagement placed on the Pentagon and the Department of Energy is unprecedented and harmful to our Nation's standing in the international community. Many of the committee initiatives are driven by a desire to defend against a superpower threat to U.S. security that simply does not exist. At a time when our onetime enemies are now allies and the world community is committed more than ever before to the peaceful resolution of conflicts, the committee bill is at odds with reality and in strong need of amendment before it can properly serve our Nation's security interests.

At a time when American leadership in the world community is strongly needed, we cannot be viewed as a nation living in the past, jousting with imaginary dragons in order to lay claim to the mantle of being "strong on defense." We are a strong country, the preeminent military power in the world by far. But we must also be forward looking and recognize that it is in our national interest as well as in the interest of other nations to encourage arms control and alliances based on collective security. It is unfortunate that some feel more comfortable in an adversarial environment than in one based on cooperation and a lowering of superpower antagonism.

Like a beehive, the world in 1995 has the capacity to be both dangerous and peaceful. If handled properly, the hive can be benign and capable of producing sweet honey. If agitated, however, it can become hostile and threatening. The defense authorization bill in its present form is a sharp stick ready to be jabbed into the hive. The design and intent of the bill is to agitate the world community to the ultimate detriment of ourselves. This is not the time in history to rekindle the rhetoric of the cold war. I urge my colleagues to support amendments that will correct these and other self-defeating elements of this flawed legislation.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Montana has 5 minutes.

Mr. BAUCUS. Thank you, Mr. President.

VIETNAM MOVING WALL OPENING CEREMONY

Mr. President, this morning, the Vietnam Moving Wall—the portable replica of the Vietnam War Memorial—came to Bozeman, MT. I would like to offer my thanks and congratulations to retired Col. Ron Glock and Jim Caird for their hard work in making it all happen, and say a few words in honor of this solemn occasion.

Walls generally divide people. But this wall unites us. It unites us, as Montanans and Americans, in reverence and gratitude to the Americans who gave their lives in Vietnam.

The Vietnam War Memorial allows people to touch the names of their friends and their relatives, and remember those individuals who touched our lives so deeply. And the Moving Wall, as it travels our country, allows each of us to honor their lives and their gifts, and remember the lessons of history.

The young people who were born after the war—many of them now entering adulthood—have a chance to experience and understand the magnitude of a war where we lost over 50,000 Americans.

The families and comrades in arms see their brothers, fathers, and friends given the honor which is their due.

And we all learn again the lesson of the cost of war.

So today we come together to honor and remember all those we lost in Vietnam, and in particular those who went off to war from Bozeman and Montana State and whose names we can read on the Wall today:

David Jay Allison, Jack Herbert Anderson, Alan Frederick Ashall, Richard DeWyatt Clark, Air Force Capt. Charles Glendon Dudley, whose mother is present at the opening ceremony this morning, Glenn Charles Fish, James Francis Fuhrman, Raymond LeRoy Gallagher, Edward Joseph Hagl, Hal Kent Henderson, James D. Hunt, Lyle Albert Johnson, Ronald George Jordet, Patrick Joseph Magee, Ronald John Moe, Stephen Stanford Oviatt, Duane Kenneth Peterson, Jimmy Dee Pickle, Dean Andrew Pogreba, Alexander Pomeroy, Roger Paul Richardson, Anton John Schonbrich, Donald William Seidel, Larry Max Smith, Jerry Wayne Snyder, Arthur Lee Stockberger, Johnnie Bowen Westervelt, Robert Vincent Willett, Jr., and Alvy Eugene Wood.

May the Lord bless them and grant them eternal peace.

The PRESIDING OFFICER. Who yields time?

The Senator from Michigan retains the floor.

Mr. LEVIN. I thank the Chair.

Mr. President, this bill is a head-on assault on the ABM Treaty. There is nothing subtle about it. Unlike our existing policy which permits us to consider whether or not we wish to withdraw from the treaty at the appropriate time, if and when there is a threat and after we have done the research and development to see how much it would cost to put up a national defense and after we have gathered together the information that we need and the impacts that we need in order to make that decision on a reasonable basis, this bill decides now that it is the policy of the United States to pull out of the ABM Treaty. It makes no bones about it. The language of section 233 says:

> It is the policy of the United States to deploy a multiple-site national missile defense system.

That is a clear breach of the ABM Treaty. Article III of the ABM Treaty says:

> Each party undertakes not to deploy ABM systems at more than one site.

The ABM Treaty has permitted us to do a number of things. First, it is permitting arms reduction in offensive weapons. Without the ABM Treaty, the Russians are not going to be reducing their offensive weapons, as they have agreed to in START I and we hope they will ratify in START II. That process is going to be ended because if they are going to be facing missile defenses, they are going to be increasing the number of offensive weapons rather than decreasing the number of offensive weapons.

They have told us that. So the ABM Treaty has allowed us to do the most important single thing we are probably doing right now in the nuclear strategic world, which is to reduce the number of offensive nuclear weapons.

The ABM Treaty has also allowed us to avoid a defensive arms race, where a defense is installed and there is a countermeasure to the defense, and then there is a counter-countermeasure to the defense, and then there is a counter-counter-counter, and on and on ad infinitum.

But first and foremost, what is going on right now is the dramatic reduction of offensive arms, and we have been told by the Russians—and I am going to read from General Shalikashvili's letter in just a moment about how seriously he takes this issue—they are going to stop the reduction of offensive arms and forget the ratification of START II.

That is what the stakes are in this discussion. This is not some theoretical discussion about defenses. This is a premature decision to destroy a treaty which is allowing us now as we speak to reduce the number of offensive weapons that threaten us, that face us, that are aimed at us now.

The bill also States in section 235 that to implement the policy that I just read in section 233:

> The Secretary of Defense shall develop an . . . operationally effective national missile defense system which will attain initial operating capability by the end of the year 2003.

> It shall be developed in a way which includes ground-based interceptors deployed at multiple sites.

There we go again with the multiple-site breach of the ABM Treaty. Section 235 also provides for an interim operational capability. It is all laid out very specifically as to the deployment schedule for the ABM system.

Now, this is a head-on collision. This again is not like our current law provides, that we are going to continue to do research and development on nationwide defenses, on strategic missile defenses. This bill decides now that it is the policy to deploy such a system before we have done the research and development and before we have concluded our negotiations with the Russians in an effort to make such a nationwide defense system permissible under an amended treaty.

This is not a question of interpretation. This is the head-on clash, this is the trashing of the ABM Treaty. This is the establishing of a policy now to pull out of the ABM Treaty. I cannot think of anything much more shortsighted than this. It is a provocative move to commit ourselves now to deploy an illegal national defense system, the ABM Treaty be damned. This is going to wreck the START treaty which was a landmark arms reduction treaty which was achieved by President Bush, and it is going to spark a buildup of offensive weapons instead of the reduction of offensive weapons which we have been trying to achieve.

Now, General Shalikashvili, the Chairman of our Joint Chiefs of Staff, wrote me the following on June 28:

> While we believe that START II is in both countries' interests regardless of other events, we must assume such unilateral U.S. legislation could harm prospects for START II ratification by the Duma and probably impact our broader security relationship with Russia as well.

The Secretary of Defense has weighed in in strong opposition to these missile defense provisions saying, in a letter to Senator NUNN dated July 28:

> These provisions would put us on a pathway to abrogate the ABM Treaty. The bill's provisions would add nothing to the DOD's ability to pursue our missile defense programs and would needlessly cause us to incur excess costs and serious security risks.

Secretary Perry's letter continues as follows:

> . . . certain provisions related to the ABM Treaty would be very damaging to U.S. security interests. By mandating actions that would lead us to violate or disregard U.S. Treaty obligations—such as establishing a deployment date of a multiple-site NMD system [national missile defense system]—the bill would jeopardize Russian implementation of the Start I and Start II Treaties, which involve the elimination of many thousands of strategic nuclear weapons.

And Secretary Perry's letter went on to say the following:

> The bill's unwarranted imposition, through funding restrictions, of a unilateral ABM/TMD demarcation interpretation would similarly jeopardize these reductions, and would raise significant international legal issues as well as fundamental constitutional issues regarding the President's authority over the conduct of foreign affairs.

And he concluded as follows in his recent letter to Senator NUNN:

> Unless these provisions are eliminated or significantly modified, they threaten to undermine fundamental national security interests of the United States.

That is pretty strong language. Here is the Secretary of Defense, telling us this language, unless it is eliminated or significantly modified, will "* * * threaten to undermine fundamental national security interests of the United States."

Not only would this committee decision to deploy missile defenses destroy a treaty which has been a cornerstone of global nuclear arms control for over 20 years, it would increase the threat to the United States by leaving more nuclear weapons pointed at us and it would, in addition, poison our relationship with Russia, a relationship which is improving and beginning to stabilize. Now, why do we want to risk that? Why do we want to hand the hard-liners in the Russian Duma an excuse to block the ratification of the Start II Treaty and resume an offensive arms race, instead of continuing and accelerating the dismantlement of nuclear strategic weapons? There is no new threat of massive nuclear missile attack on the continental United States requiring a decision now to pull out of the ABM Treaty.

The Director of the Defense Intelligence Agency, General Clapper, said:

> We see no interest in or capability of any new country reaching the continental United States with a long range missile for at least the next decade.

For several years, we have had a bipartisan consensus in Congress for continuing research on national missile defense that is consistent with the ABM Treaty. We have had a consensus that we should preserve the option to decide later to deploy a national missile defense system if the threat increases or if it proves financially feasible, or both. At the same time, we have had a national or bipartisan consensus that we should seek ABM Treaty understandings or changes that are mutually agreeable between the United States and Russia, and we should be doing these things simultaneously. We should be doing research and development of national missile defenses. We should be seeking understandings and modifications of the ABM Treaty while these research activities are continuing, and we should keep the option open when the time comes to withdraw from the ABM Treaty.

This bill before us breaks that bipartisan consensus, and instead decides now that it is the policy of the United States to trash the ABM Treaty and to withdraw from it. This bill commits us to meet a deployment program that is simply reckless because it is so intentionally provocative to the Russians without any military benefit to us because our present program is unconstrained by the ABM Treaty. What we are doing now in missile defense research is unconstrained by the treaty.

We do not need to make this decision now to trash a treaty which is allowing us to reduce the number of offensive weapons that threaten us. That is what is so reckless about this language. It prematurely commits us to a course of action which we need not take now and maybe never need to take. We do not know that.

We have had a bipartisan consensus to keep an option open. This wipes out that bipartisan consensus. Now, there is another provision in this bill which is threatening to our security in the eyes of Secretary Perry, and that is the one that sets a demarcation line between short-range and long-range missiles. Defenses against the former are permitted. Defenses against the long-range missiles are not.

What is the demarcation line? What is the range? We have been trying to negotiate that with the Russians as to what is the precise line between a short-range missile and a long-range missile. We put a proposal down on the table which we hope is going to be adopted. This bill incorporates our proposal as U.S. law.

We, in this bill, unilaterally adopt the proposal that the administration is making at a negotiating session and saying they cannot deviate from their proposal. Now, that is a rather unusual way to negotiate: You are sitting down with the other side, trying to reach an agreement, and your Congress back there unilaterally puts into domestic law what your first proposal is. Now, what would we think if the Duma did the same thing? We say we would like a range of 3,500 kilometers and the Duma says, unilaterally, the ABM Treaty means a range of 3,000 kilometers. Now, what would our reaction be? We are sitting at a negotiating table with the Russians, trying to figure out a demarcation line, and the Russians unilaterally make their own interpretation and make it their law, and tell their President he cannot deviate from that law. He cannot even sit down with the Americans to talk about it. He cannot even listen.

Under this bill, the President's people are not even allowed to listen to a Russian proposal because that would involve the expenditure of funds; that is, travel funds. So you can kiss goodbye those negotiations. And, by the way, the language in this bill says it is the sense of the Senate that the President cease all negotiations for a year. That is just sense-of-the-Senate language. But there is the power of the purse that is used here to prevent the President or the President's people from implementing any Presidential policy relative to the ABM Treaty. Negotiations to set a demarcation line are over.

Now, this is a country that has thousands of nuclear weapons that we have been in a cold war with, that we are trying to improve our relationship with, and we have had some real successes. And now we put one stick, two sticks, three sticks right in their eyes. For what? A new threat? Has our research carried us to the point where we now can even make a decision as to whether we can effectively and cost-efficiently deploy such a system? We are not at that point now.

The ABM Treaty does not constrain our research and development. That is why Secretary Perry said that the bill's unwarranted imposition through funding restrictions of a unilateral demarcation interpretation would jeopardize these reductions and would raise significant international legal issues, as well as fundamental constitutional issues regarding the President's authority over the conduct of foreign affairs.

Mr. President, I ask unanimous consent that the letters from General Shalikashvili and Secretary Perry be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

CHAIRMAN, JOINT CHIEFS OF STAFF,
Washington, DC, June 28, 1995.

Hon. CARL LEVIN,
U.S. Senate, Washington, DC.

DEAR SENATOR LEVIN. Thank you for your letter and the opportunity to express my views concerning the impact of Senator Warner's proposed language for the FY 1996 Defense Authorization Bill on current theater missile defense (TMD) programs.

Because the Russians have repeatedly linked the ABM Treaty with other arms control issues—particularly ratification of START II now before the Duma—we cannot assume they would deal in isolation with unilateral US legislation detailing technical parameters for ABM Treaty interpretation. While we believe that START II is in both countries' interests regardless of other events, we must assume such unilateral US legislation could harm prospect for START II ratification by the Duma and probably impact our broader security relationship with Russia as well.

We are continuing to work on TMD systems. The ongoing testing of THAAD through the demonstration/validation program has been certified ABM Treaty complaint as has the Navy Upper Tier program. Thus, progress on these programs is not restricted by the lack of a demarcation agreement. We have no plans and do not desire to test THAAD or other TMD systems in an ABM mode.

Even though testing and development of TMD systems is underway now, we believe it is useful to continue discussions with the Russians to seek resolution of the ABM/TMD issue in a way which preserves our security equities. Were such dialogue to be prohibited, we might eventually find ourselves forced to choose between giving up elements of our TMD development programs or proceeding unilaterally in a manner which could undermine the ABM Treaty and our broader security relationship with Russia. Either alternative would impose security costs and risks which we are seeking to avoid.

Sincerely,

JOHN M. SHALIKASHVILI,
Chairman of the Joint Chiefs of Staff.

THE SECRETARY OF DEFENSE,
Washington, DC, July 28, 1995.

Hon. SAM NUNN,
Ranking Member, Committee on Armed Services, U.S. Senate, Washington, DC.

DEAR SENATOR NUNN: I write to register my strong opposition to the missile defense provisions of the SASC's Defense Authorization bill, which would institute Congressional micromanagement of the Administration's missile defense program and put us on a pathway to abrogate the ABM Treaty. The Administration is committed to respond to ballistic missile threats to our forces, allies, and territory. We will not permit the capability of the defenses we field to meet those threats to be compromised.

The bill's provisions would add nothing to DoD's ability to pursue our missile defense programs, and would needlessly cause us to incur excess costs and serious security risks. The bill would require the U.S. to make a decision now on developing a specific national missile defense for deployment by 2003, with interim operational capability in 1999, despite the fact that a valid strategic missile threat has not emerged. Our NMD program is designed to give us the capability for a deployment decision in three years, when we will be in a much better position to assess the threat and deploy the most technologically advanced systems available. The bill would also terminate valuable elements of our TMD program, the Boost Phase Intercept and MEADS/Corps SAM systems. MEADS is not only a valuable defense system but is an important test of future trans-Atlantic defense cooperation.

In addition, certain provisions related to the ABM Treaty would be very damaging to U.S. security interests. By mandating actions that would lead us to violate or disregard U.S. Treaty obligations—such as establishing a deployment date of a multiple-site NMD system—the bill would jeopardize Russian implementation of the START I and START II Treaties, which involve the elimination of many thousands of strategic nuclear weapons. The bill's unwarranted imposition, through funding restrictions, of a unilateral ABM/TMD demarcation interpretation would similarly jeopardize these reductions, and would raise significant international legal issues as well as fundamental constitutional issues regarding the President's authority over the conduct of foreign affairs. These serious consequences argue for conducting the proposed Senate review of the ABM Treaty before considering such drastic and far-reaching measures.

Unless these provisions are eliminated or significantly modified, they threaten to undermine fundamental national security interests of the United States. I will continue to do everything possible to work with the Senate to see that these priorities are not compromised.

Sincerely,

WILLIAM J. PERRY.

Mr. LEVIN. Mr. President, the bill does not stop there.

Mr. KENNEDY. I wonder if the Senator will yield for a question, or does he prefer to finish.

Mr. LEVIN. I will be happy to yield for a question.

Mr. KENNEDY. Mr. President, I have been listening with great interest to the Senator's comments, and I find them enormously persuasive.

Does the Senator agree with me that these negotiations on SALT I and SALT II have been worked out in a very comprehensive way by Republican Presidents, Democratic Congresses, Joint Chiefs of Staffs, Secretaries of Defense? They were all negotiated not just as a way of trying to ease some pressure on the Soviet Union, but were negotiated because they were considered to be in the United States national security interest. It was Republicans and Democrats alike, after debate and discussion in the course of the hearings with the Foreign Relations Committee and the Armed Services Committee, and over a very difficult and complex period of time, as to the nature of the relationship between the United States and the Soviet Union, and that these were put into place because the leaders of the Joint Chiefs of Staff, the leaders of our military establishment, the Secretaries of Defense, the Secretaries of State, Presidents of the United States—Republican in these instances in terms of the SALT agreements—believed that they were in our national security interest.

As I understand from the Senator's excellent presentation, just by reviewing the particular words and phrases that are included in the defense authorization bill, the provisions that are included in the legislation, that this is effectively saying that a majority, in this case probably in terms of the vote, are expressing a counterview; that somehow they have better knowledge of the security interests and the nature of the nuclear threat to the American people than that long-term negotiating process that took place by those who were very sensitive to the security interests, the role of the United States and the relationship between the United States and the Soviet Union.

Can the Senator comment briefly on the historic context? I found very persuasive the particular details.

Second, does the Senator from Michigan, if he assumes that all of this was done in our security interest, believe that this is an extraordinary action on the floor of the U.S. Senate, when we are having our challenge in our relationship between China and the United States—we recently have heard about two military officers who were actually arrested in China; we have the tragic circumstances around Mr. Wu who has been apprehended, and the human rights violations—a range of different challenges that we are having with one of the other great world powers, China?

Our Secretary of State is involved in trying to work out at least some kind of modus operandi with the Chinese. As a student of history and as one of the leaders in the U.S. Senate on the whole issue of arms control policy, does the

Senator from Michigan feel that we should be unilaterally abrogating the solemn treaty of the United States with the Soviet Union on nuclear weapons that will certainly, in a very significant way, put in serious threat our relations with the Soviet Union? Does this make any sense?

Mr. LEVIN. The Senator is right. The Secretary of State has written a letter to Senator NUNN dated August 2, which I also want to print in the RECORD, which addresses the questions which the Senator from Massachusetts has raised.

These arms reduction treaties, starting with the ABM Treaty, which is limiting arms, and then going to START I and START II—START II is before us now, supported by the chairman of the Foreign Relations Committee—these have been negotiated by Democratic and Republican administrations alike. These are not partisan treaties.

President Nixon is the one who negotiated the ABM Treaty. This is a Republican President who strongly believed that the ABM Treaty was in our security interest, and I believe every single President since has supported keeping the ABM Treaty, modifying it at times. We have had protocols to it, we have had interpretations to it, but it has allowed us to reduce offensive arms. So it has had broad bipartisan support in administration after administration.

The Secretary of State points that out when he says in his letter to Senator NUNN that "successive administrations have supported the continued viability of the ABM Treaty as the best way to preserve and enhance our national security." And the Secretary of State points out that these unilateral interpretations "would immediately call into question the commitment to the treaty and have a negative impact on United States-Russian relations and on Russian implementation of the START I Treaty and Russian ratification of the START II Treaty."

The START II Treaty is going to come to the floor of the Senate one of these days, I understand with the support of the chairman of the Foreign Relations Committee, negotiated by a Republican President. It allows us to significantly reduce, dramatically reduce, the number of offensive nuclear weapons which we face.

We are told by General Shalikashvili and Secretary Perry that for us to trash the ABM Treaty will threaten the ratification of the START II Treaty. It makes absolutely no sense in terms of the bipartisan consensus which has been put together for these treaties over the years and in terms of reducing the number of offensive weapons. So I agree with the Senator from Massachusetts.

Mr. KENNEDY. Will the Senator's conclusion be that should the violation of the ABM Treaty—and I think the Senator has made that case both with regard to the multiple-site issue and also for the unilateral declaration on the theater and strategic systems, which are in the process of being negotiated, and the unilateral action or statement or sense-of-the-Senate resolution, that as far as our chairman of our Joint Chiefs of Staff, according to the President of the United States as well as the Secretary of State—those who have responsibility in the nature of both defense policy in this area and diplomacy—that the counteraction will be an action by the Soviet Union which will result in more nuclear missiles being pointed toward the United States, there will be more nuclear missiles pointed to the cities in my State, there will be more nuclear missiles pointed to cities in the Senator's State, and that there will be less security in terms of the citizens of our Nation from the dangers of nuclear war?

Finally, let me just ask the Senator, how does the whole Nunn-Lugar effort fit into this whole process? We have been involved in the very recent times with a bipartisan effort to try and help and assist the dismantling of Soviet weapons systems. For the obvious reason, as the Senator and others have pointed out, we believe that kind of reduction is in our security interest.

There have been difficulties in terms of the expenditure of funds and other factors which I know that the Armed Services Committee and DOD are interested in. The Congress has been reviewing that effort in terms of trying to see further action in the dismantling of nuclear weapons.

Does he think that this kind of unilateral action will enhance that whole kind of effort for further dismantlement, or does the Senator believe that whole effort will be undermined in a significant way as well?

Mr. LEVIN. I think the Nunn-Lugar effort is totally undermined, because instead of being willing to dismantle weapons, which Nunn-Lugar helps them achieve, our best experts in the State Department, the Defense Department say they are going to go the other way, they are going to stop the dismantlement and stop the ratification of START II, because now they are going to be told by the U.S. Senate that it is the American policy to put up defenses to their weapons, and that means in order for whatever they have left after START II to be effective, they are going to have to have more, not less, in order to overcome whatever defense.

This is a very threatening thing, we have to understand, to us. This is a threat to our security, what is going on in this bill language, because instead of seeing offensive weapons aimed at our States continuing to be reduced, the numbers of those weapons are suddenly going to go up instead of down. At a minimum, we are going to see the termination of these dramatic reductions which we have been able to achieve under START I and START II.

Mr. KENNEDY. I know the Senator has further comments to make, but I want to ask him, as I understand the situation we are facing in the Soviet Union—we are facing local elections that are going to be taking place in the next year. It is also a commitment in terms of the Presidential election which is to take place next year—there is movement in terms of the Soviet Union and, as I understand it, in terms of the political process and activity of increasing involvement and intensity and increasing United States investments.

Obviously, there are the creaking problems of a new nation finding itself in terms of trying to develop democratic institutions in that nation. Does the Senator, as someone who is a student both of the Soviet Union and the recent history of this time, does he think that this will help to stabilize the nature of the political discussion in the Soviet Union? As he has pointed out, the reduction of these nuclear arms was done because we believed they were in the security interests of the United States. As the Senator pointed out, if we take this action, that will be threatened.

Does he believe, as well, that if the Soviet Union did this action to the United States, there could be a counteracting reaction here in the Senate and among the American people? Does he anticipate that this may very well have some factor and force in terms of the domestic politics and defense politics of the Soviet Union?

Mr. LEVIN. This unilateral action in setting the dividing line between short-range and long-range missiles, which has been subject of the negotiations, suddenly is yanked out from those negotiations, the U.S. Senate usurps this and puts into American law what it believes the demarcation line is and prohibits the President from negotiating any other demarcation line. At the same time, we establish the policy of the United States to deploy a system which clearly violates the ABM Treaty.

Doing those things will play into the hands of the most rabid, anti-Western political forces in Russia. We are going to pay a terrible price, not just in having more weapons face our States, we are also going to pay a terrible price in terms of lending unwitting support to the very anti-Western forces in Russia which are creating so much difficulty already, not just for Russia, but for the rest of the world.

Mr. KENNEDY. Finally, the Senator spent a great deal of time in recent years, along with others, in terms of the meaning of the ABM Treaty. I am a member of the Armed Services Committee. All of us were enormously impressed during the 1980's and 1990's when the ABM Treaty issue and related issues were being reviewed as to the meaning. I think all of us who followed this whole issue in terms of arms control and the ABM Treaty are very mindful of the expertise which the Senator from Michigan has.

I hope at some time during the debate that at least included in this record, there will be some references to that review and that study, so that those that may be newer Members of this body can have some appreciation for the extensiveness and the depth of the hearings that were held on the meaning and significance of the ABM Treaty, which was challenged and reviewed and reviewed. So that the presentation will be given the weight that it should have. I think some reference or incorporation of some past discussion of that history is important for the understanding of the Senators.

I thank the Senator. I hope that our colleagues listen carefully to the excellent presentation. I find it absolutely persuasive. We have not gotten into if the Soviet Union takes corresponding action, what will be the corresponding action here in the United States. I think anybody who has followed the arms issue with the Soviet Union can predict that very easily and with certainty, not only with the cost but the instability that will be brought about.

So I thank the Senator. I think it has been a very important presentation. I think, in many respects, this may very well be either the first or second most important vote that we will have this year. I hope our colleagues give it attention.

Mr. LEVIN. I thank the Senator from Massachusetts. He reminds us that we had a debate here, and there was an effort made by Senator NUNN and myself, and many others, to avoid a unilateral reinterpretation of the ABM Treaty during the 1980's. This Senate has had a long history in not undermining treaties or not undermining chief executives who are aimed at negotiating treaties. We have an advise-and-consent function that is very different from putting into American law unilateral interpretations and prohibiting Presidents from even negotiating relative to treaties.

Senator NUNN's leadership during the 1980's on the whole ABM issue—and the Senator from Massachusetts was correct, he was deeply involved in it, as well—was part of a long-time bipartisan effort, generally, on the part of the Senate to avoid this kind of unilateral interpretation of treaties being put into American law and undermining the executive branch in their negotiating function, as well.

Now, Mr. President, the language in this bill, by saying that "appropriated funds may not be obligated or expended by any official for the purpose of implementing any executive policy that would apply the ABM Treaty to the research, development, or deployment of a missile defense," means the President and the President's representatives cannot even listen at a negotiation. They cannot even use travel money. "Appropriated funds are prohibited here from being obligated or expended by any official for the purpose of implementing an executive policy that would apply the ABM Treaty to the deployment of a missile defense."

That is section 238(b). In another subsection: "Or from taking any other action to provide for the ABM Treaty to be applied to the deployment of the missile defense."

That is what the ABM Treaty is all about.

So this language does three things. First, it unilaterally says what the demarcation is between short-range and long-range, and makes that the law of the United States. It prohibits the President of the United States from negotiating anything other than that. He cannot even listen to anything other than that.

It does one other thing. This is some of the most, I think, extreme language I have read in any bill, almost on any subject that has come to the floor because, under this language, if there were a test that violated this definition of a long-range system, nobody could act to stop it, because it says here that "appropriated funds may not be expended by any official to implement any policy that applies the U.N. treaty to the deployment of a missile defense."

What happens if you have a test here of an ABM system against a missile with a range of 4,000 kilometers, clearly in violation of the demarcation line, by this new demarcation line. Under this language, until the test is completed, the prohibition on the use of any funds to stop that test stands.

This language says that "unless and until there is an ABM qualifying flight test of a system, this prohibition stands."

This language goes so far as to say that even if there is going to be a flight test of an ABM system against a missile, with a range that clearly violates this unilateral declaration, that nobody can stop that illegal action on our part, which is admittedly illegal under this unilateral definition because the flight test has not occurred. Unless and until the flight test is completed, this restriction stands.

The ABM Treaty cannot be used to stop a test, even if it is illegal, by the definition in this bill.

Now, if we want to talk about language which is so excessive, this fits the test. That is what it says, what I guess is the frosting on the cake. What the bill provides is that we will have a commission to look at this whole thing. On page 61 of this bill, section 237, it says that the Senate should undertake

> . . . a comprehensive review of the continuing value and validity of the ABM Treaty, with the intent of providing additional policy guidance on the future of the ABM Treaty during the second session of the 104th Congress.

Now, in addition to undertaking a comprehensive review of the ABM Treaty, we were are also told in subsection B we should consider establishing a select committee to carry out the review, and to recommend such additional policy guidance on future application of the ABM Treaty, as the select committee considers appropriate.

Now, that is a little bit like having the hanging first, and then the trial. This bill says it is our policy to trash the ABM Treaty; this is the dividing line unilaterally; the President cannot negotiate anything else. But it is our policy now under this bill to withdraw from the ABM Treaty. That is what this bill says.

Then the same bill that says: But we are going to have a study; we are going to have a comprehensive review of the continuing validity of the ABM Treaty.

We ought to have the study before we trash the treaty. Looking at the committee report on page 119, it says:

> The committee believes that Congress should undertake a comprehensive review of the continuing value and validity of the ABM Treaty, with the intent of making a well-informed and carefully considered recommendation on how to proceed by the end of the 104th Congress.

That is supposed to be the purpose of this comprehensive review.

On page 120, the majority says it is prudent—prudent—to dedicate a year to studying all ABM Treaty-related issues and alternatives, and recommends the review of the continuing value and validity—a careful 1-year review, the report says—of the continuing value and validity of the ABM Treaty. Why not do the "careful" study before we decide to trash the treaty?

If it is prudent to have a 1-year study of the ABM Treaty's value, is it not prudent to have the review prior to saying it is the policy of the U.S. Government to trash the ABM Treaty? Does not prudence dictate that you withhold your conclusion until after the study?

If the purpose of our "comprehensive careful 1-year review" is to make a study of the value of the ABM Treaty, for heaven's sake, we should withhold the conclusions until after the study. That is not what this bill does. This bill says it is the policy of the United States to deploy a multiple-site system. That is an illegal system under the ABM Treaty. That is why Secretary Perry says that these serious consequences argue for conducting the proposed Senate review of the ABM Treaty before considering such a drastic and far-reaching measure. He underlines the word "before."

It seems to me it is just absolute common sense that we do not reach conclusions and implement those conclusions the way this bill does, with initial operating capability, with a date set, 2003. There is an IOC of 2003 for a national missile test, an interim capability mandated by the bill for this system.

We are mandating violations of a treaty when at the same time in another part of the bill we say we are studying the continued validity of that treaty. That makes no sense at all.

Mr. President, I will be sending an amendment to the desk which addresses these three issues that I have just outlined. It will strike the words that it is the policy of the United States to deploy a multiple-site system, since that is directly violative of the ABM Treaty; we will also strike the language which sets forth in permanent law what the demarcation line is between long-range and short-range missiles, since that is the subject of negotiations; and we will also strike the language which prevents the President from even discussing any matters relative to the ABM Treaty with the Russians.

AMENDMENT NO. 2088

(Purposes: (1) To strike section 233(2); (2) To strike section 237(a)(2), which states that the President should cease all efforts to clarify ABM Treaty obligations; (3) To strike Section 238, which establishes a unilateral interpretation of the ABM Treaty and prohibits treaty-compliance efforts)

Mr. LEVIN. Mr. President, at this point, I send the amendment to the desk.

The PRESIDING OFFICER (Mr. KYL). The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for himself, Mr. EXON, Mr. BINGAMAN, Mr. GLENN, Mr. BRADLEY, Mr. KENNEDY, Mr. FEINGOLD, Mr. DORGAN, Mr. WELLSTONE, Mr. BIDEN, Mr. MOYNIHAN, Mr. HARKIN, Mr. JEFFORDS, and Mr. PELL, proposes an amendment numbered 2088.

The amendment is as follows:

On page 52, strike out lines 20 through 25.

On page 62, strike out lines 8 through 11.

Beginning on page 63, strike out line 11 and all that follows through page 65, line 24.

Mr. WARNER. Mr. President, the distinguished manager of the bill on the majority side, Senator THURMOND, is anxious to get a time agreement.

I wonder if I might inquire of the distinguished ranking member as to the progress we are making on that. Many Senators are working on their schedules. Many Senators are anxious to engage in the debate on this particular amendment, I think at the convenience of the Senate. And this means to keep this momentum that we have this morning going forward, I wonder if I might inquire as to this.

Mr. NUNN. I say to my friend from Virginia, I think we ought to inquire of the Senator from Michigan as to his intentions.

We talked about a time agreement. The Senator from Michigan informed me he would prefer to come to the floor and determine how many people wanted to speak on this amendment.

I welcome a time agreement. I hope we can reach one. Perhaps the Senator from Michigan could give an indication of his feeling at this point.

Mr. LEVIN. I do not have the final figure yet, but it is approximately—and there are a couple more Senators we must consult with—2½ hours on this side that will be needed so far. We think that is fairly close to the total, but we are not quite there yet.

Mr. WARNER. Mr. President, that is a period of time considerably longer than I had hoped. That would mean if this side were to require an equal amount, we would be 5 hours.

Credit, perhaps, is being given on the 2½ hours for this time, so we are beginning as of this moment.

Mr. LEVIN. That would be 2½ additional hours, but that is not quite yet the total. There are two other Senators we have yet to hear from that we believe want to speak, and we have not heard how much time.

Mr. NUNN. If I may say to my friend from Virginia, the Senator from Michigan made such a powerful speech on this subject, with the intervention of the Senator from Massachusetts, and I plan to make a speech on it, and I know the Senator from Nebraska plans to speak, perhaps by the time our colleagues hear these speeches, they will not feel the need to speak as long on this subject. That remains to be seen.

I hope we can cut that time down. I will work with the Senator from Michigan. This is an important amendment. This is the heart of the bill in terms of the opposition to the bill. This is the heart of it.

While I would like to accelerate this process and will work hard to do that, I do think that once this matter is settled one way or the other on this amendment, and perhaps on another amendment that may follow if this one fails, I think once we do that, we will begin to make a lot more progress on the bill.

So, I say to my friend from Virginia and my friend from South Carolina, I know they want to move this bill, I will continue to work with them to see if we cannot reach some time agreement.

Mr. President, I would like to be recognized.

Mr. WARNER. Mr. President, if I might say, I thank my distinguished colleague. It is very reassuring to hear him say we can try to reduce the amount of time. Because the majority leader is very anxious to have this bill completed, as you know, on the timetable this week. I hope we can reduce the amount of time.

I see the Senator from Michigan indicating——

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. NUNN. Mr. President, if Senator EXON has a question?

Mr. EXON. No, I was going to follow up on some of the remarks that had been made by the other Senators on this matter. The Senator from Georgia probably wishes to do the same.

Mr. NUNN. Has the Senator from Nebraska had a chance to make a statement this morning?

Mr. EXON. Yes, I got that statement made.

Mr. NUNN. Mr. President, I am going to make some remarks on the Levin amendment and I am going to try to cut my remarks down. I think this is a very important amendment. I support the amendment. I would like to lay out what I consider to be the defects in the bill as it now exists and why I think this amendment is important and why I will support the amendment.

If this amendment fails I anticipate another amendment in this area.

Mr. President, the defects in the majority's Missile Defense Act of 1995 are simple and straightforward. First, the Missile Defense Act constitutes what, in law, I would call—reflecting back years ago on my law school courses—I would call this an anticipatory breach of the ABM Treaty. Only in this case, it is not a contract, as in law school. The bill before us proposes to breach an international treaty, the treaty between the United States of America and the Union of Soviet Socialist Republics, now succeeded by Russia, on the limitation of the antiballistic missile systems known as the ABM Treaty. Thus the Missile Defense Act if we pass it, if it became law, puts this body on record as directing the United States to knowingly violate an existing international treaty without first seeking amendments to the treaty and without reference to the provisions in the treaty which permit either party to withdraw upon 6 months' notice.

The ABM Treaty was entered into, not as a sacred document to be adhered to forever, but rather as a document that reflected the security interests of both the Soviet Union and the United States at that time. I am not wedded to every word in the ABM Treaty, as I will review in a moment. I do believe amendments are in order. But why not negotiate the amendments? Why act as if there is no treaty? That is what this bill does.

If we cannot negotiate the amendments, if the Russians will not budge after a good-faith effort, why not then consider whether to withdraw from the treaty under the provisions of the treaty? That is the way you get out of a treaty if you do not feel it is in your national security interests.

The second problem with the Missile Defense Act is that this breach is wholly unnecessary to the conducting of the near-term missile defense program run by the ballistic missile defense organization. In other words, we are basically serving notice that the treaty is going to be breached and it is not getting us anything in the next fiscal year—nothing. There is no program in this bill that would violate the ABM Treaty in the next fiscal year.

Enactment of the Missile Defense Act authorizes no activity by the ballistic missile defense office during fiscal year 1996 that would otherwise be proscribed by the ABM Treaty.

So, what we have is we are asked to take a gratuitous poke at the eye of the Russians, while helping to persuade them that the United States Congress is bent on resurrecting what some have called star wars.

In my view the Russians do not have the resources to compete in this arena in the near term. So they will certainly be frustrated, in the sense that they see us moving to breach the ABM Treaty when they do not have the resources to compete. They just simply do not have the finances to compete.

But, what they do have is thousands of missiles. Not a few hundred, but thousands of missiles that they are supposed to dismantle under START I, and they already are doing that under START I, and thousands more missiles they are supposed to dismantle under START II, which has been negotiated, and signed by President Bush but is now pending ratification both in the Duma and here in the Senate.

What they can do very easily is they can simply continue to target those thousands of missiles at the United States. That is likely to be their response to what they see as a breach of the ABM Treaty.

Do we really, on the floor of the U.S. Senate, after going through the Reagan administration, the Bush administration, basically negotiating carefully arms control agreements and trying to carry them out, getting thousands of nuclear warheads dismantled, do we want to turn around and do something in this bill that is going to say to the Russians, in effect: We are going to break out of the ABM Treaty. Now whatever you do is up to you?

I know what they are going to do. I believe I know what they are going to do. They do not have billions of dollars to conduct defenses now. They may in the future. In the future I think it is in their interests also to have some defenses. I think both countries ought to have some limited defenses against accidental launch, against any kind of unauthorized launch or against a Third World country that emerges as a threat. I think we ought to have those kind of defenses. I think the Russians ought to, too.

But if we strike out unilaterally they are going to do what we would do if we were in their circumstances. What is that? We would not dismantle our strategic offensive forces. We would find a way to proliferate the offensive forces because those offensive forces are going to have defenses that they have to contend with. And, what the Russians would fear, as we would fear, is that the combination of going to a lower START level, dismantling warheads, going down to START II, doing that, limiting the number of warheads; then having the United States embarked on a breach of the ABM Treaty, saying we are clearly going to deploy defenses without regard to negotiation, without regard to amendments, without regard to the provisions of the treaty—the combination of those two things says to them: Limited warheads, defenses by the United States, possible preemptive attack. We would never do that. We know that. But they do not know that just like we do not know that about them. That is the basis of our deterrence policy. We do not know that and we are not going to bank on it.

But the combination limiting the number of warheads, defenses in this country that basically breach the ABM Treaty, plus a preemptive attack, means that they would lose the ability to retaliate.

That is paranoia. But the whole equation of deterrence for years has been based on both sides being somewhat paranoid. And not irrationally so, based on the former confrontation all over the globe.

This breach of the ABM Treaty is wholly unnecessary. This poke in the eye to Russia leads to a third problem. That problem is one with serious, perhaps even tragic consequences. While enactment of the Missile Defense Act permits nothing within our own missile defense programs that we cannot already do in the next fiscal year, it may very well persuade the Russians that we have abandoned our obligations under the ABM Treaty.

Perhaps the majority does not really want to do that. If so, we have room to work out wording that would change that impression in this bill. The Russians have repeatedly told us, those in the executive branch as well as those of us in the Senate who have met with them on many occasions, they have told us of the importance they attach to continued compliance with the ABM Treaty by both parties. And they have suggested if they conclude we are abandoning the ABM Treaty unilaterally, this would call into question Russia's continued compliance with their international agreements.

Thus we may be jeopardizing START I and START II, thousands of warheads that would continue to be pointed at the United States, it will take us 10 or 12 years at best to build the defenses, yet we have a chance of dismantling thousands of warheads that are aimed at us.

Which is more cost effective? Embarking on a unilateral course without regard to the people we entered into the treaty with? Or negotiating with them, and determining what we would do if negotiations fail?

Why do we want to get thousands more warheads pointed at the United States? I do not. I do not think anybody in this body does. I do not think the American people do. That is the result of where we are heading, unless this bill is changed.

Mr. President, it is not only the two START agreements, it is also the Conventional Forces in Europe Treaty. That is the treaty where the Russians dismantled and continue to dismantle literally thousands—they are moving at least thousands and thousands of tanks and other threatening equipment, artillery tubes under the CFE Treaty in Europe.

They already are frustrated by that treaty. They already are making signs that this treaty causes them big problems. It is going to be a problem whether we pass this amendment or not. But, if we pass this amendment, it is going to be a bigger problem very quickly.

The two START treaties, if fully entered into force, will reduce by three-fourths the number of Russian ballistic missile warheads in their arsenal—a far greater reduction of nuclear warheads potentially threatening the United States than any defensive system could possibly offer or that we have any capability of developing and paying for in the next 10 years. Three-fourths of the warheads are coming off under START I and START II.

Do we really want to jeopardize that? The Russians have complained frequently about the enormous cost to them of compliance with these two START treaties and the CFE. But so far they are complying. We may reach a point where they do not. But they are so far complying. How much more will it cost us in our own defense budget if the START treaties go by the boards? Also, many Members are aware the Russians have been seeking relief from the limitations imposed under the CFE Treaty on the level of conventional forces and equipment they are permitted to station on their volatile southern flank. If the full Senate adopts the Missile Defense Act, this will give them a plausible excuse to ignore the CFE limits on stationing forces and equipment. To repeat, Mr. President, all of these serious consequences and costs may be brought upon us by adoption of the Senate Armed Services Committee majority's Missile Defense Act, which itself allows us to do no more than we already planned to do in the short run, unless the bill is changed.

The fourth problem with the Missile Defense Act is that it tries legislatively to have it both ways: the Senate Armed Services Committee majority wants the ABM Treaty to go away, and legislates as though it had already gone away; yet they do not take the straightforward approach of using legal remedy. Mr. President, if the Senate believes adherence to the ABM Treaty is no longer in our national interest, then we should have availed ourselves of a straightforward and honorable resolution. Under article XV, paragraph 2, of the ABM Treaty, the United States can withdraw from the ABM Treaty, after giving 6 months notice to Russia. Is the Senate ready to take that step? Or will we adopt the language of the Missile Defense Act to squeeze past, a direct confrontation with the ABM Treaty, by pretending that it is not there.

It seems to me that is the course we are on, pretending it is not there.

This unwillingness to confront the ABM Treaty head-on, Mr. President, leads to the fifth problem with the Missile Defense Act. By ignoring the ABM Treaty, rather than proposing U.S. withdrawal from it, the Senate Armed Services Committee majority are forced to try to negate its effect by the following legislative device: They restrict the use of appropriated funds to enforce our obligations under the ABM Treaty. In attempting to negate the treaty in this way, Mr. President, the Senate Armed Services Committee majority sets up a direct constitutional conflict between the executive and the legislative branches regarding responsibility for the conduct of foreign policy and the enforcement of this Nation's international obligations.

Mr. President, consider what is at stake here. Should the Missile Defense Act approved by the Senate Armed Services Committee majority be enacted in the next couple of years, we stand to gain nothing, but we stand to lose a great deal: we could lose the agreed drawdowns of nuclear arsenals under START I and II; we could lose the CFE Treaty's constraints on Russian conventional force deployments near troubled areas.

Now, some in the Senate Armed Service Committee majority will argue that the Missile Defense Act does not really breach the ABM Treaty, because only some subsequent testing or deployment action would technically place us in violation of the treaty.

They will argue this by saying that only some subsequent testing or deployment would technically place us in violation of the treaty.

Mr. President, this is too clever by one-half. If the Russian Republic were to announce tomorrow that it no longer intended to meet the timetable for reduction of nuclear systems under the START I Treaty, that it was not going to renegotiate them, that it simply was going to move forward as if START I did not exist, and that there was nothing we could do about it, would the Senate Armed Services Committee come to the Senate floor to calmly inform us that this is not a breach of their obligations under the treaty? Would they argue that the START I Treaty can only be breached once the deadline for implementing reductions is past? Or would they say instead, as I think would be the case, breach is inevitable, and based on what the Russians have told us, we should now move to prepare for this breach and take the necessary security precautions?

I think that the majority—and I would be in that majority—would say let us assume that they are going to do what they say they are going to do; they are going to breach the treaty, and we had better start recognizing that.

To recap, Mr. President, the Senate Armed Services Committee's Missile Defense Act provision has major problems: First, it abandons United States adherence to the ABM Treaty; second, abandoning adherence now is unnecessary—we can conduct an effective missile defense program in the near-term while continuing adherence; third, abandoning adherence now is likely to impose huge costs on us, if Russia declines to carry out some of its legal obligations in response to our breach; fourth, the Senate Armed Services Committee bill abandons adherence by stealth, rather directing the administration to use the legal withdrawal procedures contained in the treaty; and fifth, by failing to use the legal option, the Senate is forced to try to compel the executive branch to abandon adherence by usurping certain powers of the executive branch over the conduct of foreign policy, a move that raises serious constitutional issues, and could lead to this act never becoming law even if it passed as is.

Mr. President, I do not want any Senator to misconstrue my message regarding the ABM Treaty, and I am sure there will be people on this side who will not listen to the latter part of this message. I am not a diehard supporter of the ABM Treaty as some sacred document that cannot be changed. I think that would be a mistake in view of this treaty. Circumstances change. The circumstances surrounding the treaty's establishment have changed significantly since it was entered into in the early 1970's. Therefore, either the treaty itself must be changed to reflect the new realities, or the Congress and the President must at some point make the decision that the treaty's usefulness has ended and exercise our legal right to withdraw from the treaty.

The ABM Treaty condition contains provisions for renegotiation; indeed, that is precisely what the Clinton administration has been trying to do at Geneva, and they really need the backing of Congress to do that. Thus, it is not a foregone conclusion that the treaty cannot be amended by mutual agreement to allow us to deploy the missile defenses we consider necessary to meet our national security requirements. But Russia must understand that these negotiations must make progress and that the time period available for negotiations is not infinite. It is finite.

I think that message needs to go forth to the Russians clearly. It would be useful if it went forth in a united way from both the administration and from the Congress. But we will not have any united message because we are going to be too busy deciding whether there is an anticipatory breach by ignoring any negotiations and by ignoring the treaty itself.

Mr. President, I intend to vote in favor of the amendment by the Senator from Michigan; I hope it is successful. If it fails to pass, I believe the Senate then will face a major dilemma. I believe that, unless the problems I have outlined above are dealt with, this bill faces a bleak future. The administration is already on record that the House version of the Missile Defense Act is unacceptable, as is the provision in this bill as passed by the committee.

Thus, the prospects for an outcome in conference that will become law are indeed bleak unless we make some fundamental changes.

The Senator from Michigan seeks to correct the flaws by striking whole sections. If this approach is shown to be unacceptable to a majority of Senators present and voting, then the only remaining possibility will be to try to modify the language. And I will certainly have an amendment to do that after we decide what happens on this amendment.

Mr. President, I yield the floor.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I have worked for many years with my distinguished colleague from Georgia, and more often than not we have had a joinder of views and positions. But on this we are strong opponents.

I was the author of a number of provisions in this bill which are the subject of the strike of my good friend, the Senator from Michigan.

I vigorously oppose the Senator's amendment.

Mr. President, it is my understanding the administration is orchestrating a full court press to defeat the Missile Defense Act of 1995 and in particular section 238 of that act which was known as the Warner amendment during our markup.

I was the author of the previous Missile Defense Act, and the Missile Defense Act of 1995 builds on the act that was put in in I believe 1991.

Therefore, it seems to me that it is a logical sequence of legislative steps by the Congress to build on the foundation that we laid in 1991.

I have tried for many years together with a number of my colleagues through many, many legislative initiatives to ensure that the men and women of the Armed Forces are not once again sent into harm's way unless they are provided with the most effective defenses that not only we can buy with the dollars but that we can devise with the brains. I wish to emphasize that—devise with the brains.

My basic premise is that successive administrations have used the ABM Treaty as a means to limit the use of the intellectual capacity of the United States to develop the most efficient, the most cost-effective and the most technically sound and reliable systems for the defense against short-range ballistic missiles.

We failed in many respects during the gulf war. The crude Scud missile was utilized by the Iraqi military forces not only against the coalition of allied military forces but against the innocent people, the defenseless people of Tel Aviv.

Israel was not a combatant in the gulf war, yet Saddam Hussein rained down upon those innocent people the Scud missile, not for military purposes but solely for terrorist purposes.

Here we are some several years later still wrestling with the fundamental question: Are we going to unleash the full magnitude of the brains of this Nation, working with other nations, and in particular Israel, to devise the finest and most technically capable system to defend against the short-range missile?

That is what this is all about—that is that section of the strike that goes to the Missile Defense Act of 1995.

Over 30 nations now have short-range ballistic missiles—30 nations. Talk about the ABM Treaty. The ABM Treaty is between the United States of America and the former Soviet Union. And at that time in 1972 there was not even on a drawing board, so far as anybody can recall, an idea about a short-range system. Today, there are 30 nations with some measure of capability, and yet we are sitting here dealing with this archaic act, treaty, whatever you wish to call it, saying that it should stand there as a guardian against the ability of this country to devise our best systems.

Seventy-seven nations have cruise missiles, the flat trajectory. Many of the systems that we are looking at now to deter the ballistic missile also have a technical capability of being adapted to defend against the cruise missile.

As the gulf war demonstrated, the threat such missiles pose to the men and women of the Armed Forces is real, immediate, and growing. At this very moment and while we are debating this issue, all across the world are men and women of the U.S. Armed Forces on watch as a means to deter against attack, many of them within the range of the short-range ballistic systems posed as a threat by these 30 nations.

How many recall the incident in the gulf war which resulted in the largest number of American casualties? It was a single Scud missile that landed on a barracks killing and wounding the greatest number of Americans during that war.

Are we to say to the American people, particularly the mothers and fathers, the uncles and aunts, the loved ones of those on duty in places throughout the world today that this could happen once again because the United States will not unleash its full brain power to devise the best system to defend against that type of weapon?

If you look at the balance between the launch pad of a short-range system, that is fairly elementary. You can cobble that together. We know that from the crude Scud missile system. You can put it together. But the defense, the interceptor, the electronics needed to bring that missile into the bore sight of some weapon, that is many times more costly than the launch system. But we are going to stand here, if I listened correctly to the proponents of this amendment and once again go back to a treaty of 1972 and allow it to stand, stand there and block the full resources, mental and dollarwise of this great Nation to prevent another incident like we experienced in the gulf.

In the judgment of this Senator, we must accelerate the development and deployment of highly effective land- and sea-based theater missile systems to protect our troops, defenses that are not artificially or wrongfully limited, constrained by this ABM Treaty.

Therefore, Mr. President, it was in April of this year that I introduced an amendment along with dozens of cosponsors to clearly establish a policy for the United States of America which states that the ABM Treaty does not apply to short-range theater ballistic systems.

In effect, this legislation is intended to prevent the Clinton administration from making the ABM Treaty in effect a TMD treaty. That is what is underway and has been underway for some several years, to take this 1972 treaty and somehow wrap it around the short-range system. Despite administration claims that this provision is unconstitutional, I carefully chose the congressional power of the purse as the vehicle to get congressional views on the issue of ABM-TMD demarcation, to take those into consideration.

Contrary to the assertion of its critics, this provision does not prohibit negotiations with the Russians. I listened to this this morning. I cannot believe it. That is a weak reed to walk out on, I say to the proponents of the Levin amendment, a very weak reed to walk out on.

Instead, the provision would in effect prohibit the implementation of any resulting agreement which would have the effect of making the ABM Treaty a TMD treaty. That was the purpose of my legislation. I have tried in the past, and many others have tried, but to no avail to ensure that the Senate of the United States would be involved in decisions the administration might make in the demarcation negotiations.

Last year, I sponsored legislation requiring that any international agreement entered into by the President that would substantially modify the ABM Treaty be submitted to the Senate for advice and consent pursuant to our constitutional authority on treaties.

Despite that legal requirement, it became clear to me during the administration briefings on the demarcation issue—and I will say to their credit, particularly to a former Senate Armed Services staff assistant, Robert Bell, there has been considerable consultation on this demarcation series of negotiations, but we have not been able to present what I regard as a convincing argument.

I repeat, despite that legal requirement of last year, it became clear to many of us here in the Senate during these briefings on the demarcation that the administration had no intention of submitting any demarcation to the U.S. Senate, no intention, despite the fact that the administration's negotiating position would result in an international agreement that would impose major new limitations on the United States.

Therefore, many of us saw the need to act, and act we did. And as a consequence, we have before us today a bill that will give this country needed protections. Regrettably, one of our colleagues, joined by others, is wishing to strike that provision.

Mr. President, the ABM Treaty was never intended to limit or restrict theater missile defense systems. That is clear. The administration, in a sense, concedes the point. In addition, I had the opportunity to discuss this issue with two individuals who were intimately involved in the ABM Treaty negotiations at that period of time, 1972. I was privileged to be the Secretary of the U.S. Navy and was in Moscow primarily for the purpose of the Incidents of the Sea Agreement with the delegation that signed the ABM Treaty. These were persons that I had worked with for some several years prior thereto in the Department of Defense. The ABM Treaty was not a matter primarily in any respect under the jurisdiction of the military departments. But nevertheless, the military departments, including, of course, the Navy Department, had access to the negotiations, the papers, and were asked from time to time for views on this issue.

So I do have a contemporary recollection firsthand of this period of time in history. And I went back and talked with my former colleague, Dr. John Foster, who at that time was the head of the research and development section in the Department of Defense, an eminent scholar, mathematician, physicist. And he reassured me that the issue of short-range systems was not a product in any respect of the treaty. I likewise talked to former Secretary of State Henry Kissinger, who was the National Security Adviser during that period of time. And he also reaffirmed just a short time ago that theater missiles were never contemplated during the ABM Treaty negotiations.

Specifically, according to Dr. Kissinger, the focus of the negotiation was on defenses against intercontinental ballistic missiles because they were the only systems that were then in existence. Unfortunately, the administration appears intent on concluding an agreement with the Russians that would severely limit the technological development and deployment of United States theater missile defense systems, an agreement that would transform the ABM Treaty, in my judgment, into a TMD treaty.

These are examples of what the administration has been doing, is table proposals; that is, put on the table for discussion with the Russians, proposals that would accept performance limitations on the TMD systems. The ABM Treaty does not even impose performance limitations on the strategic systems.

Second, the administration initially accepted a Russian proposal to prohibit deployment of the Navy upper-tier system, a system that was subsequently deemed to be treaty compliant by the administration. Initially they put that on the table as a proposal.

The negotiations clearly then and indeed now are headed in the wrong direction. In my view, it is time for the Congress to act to pave the way for the development of the most capable, most cost-effective theater missile defense system to protect the lives of the men and women of our Armed Forces. My legislation does just that. It would prohibit the obligation or expenditure of any funds by any official of the Federal Government for the purposes of prescribing, enforcing or implementing any Executive order, regulation or policy that would apply the ABM Treaty or any limitation or obligation under such treaty to research, development, testing or deployment of a theater missile defense system, upgrade or component. The standard which I have used in this legislation to define the demarcation line between antiballistic missile defenses are limited by the ABM Treaty.

Let me repeat that. The standard which was used in this legislation and adopted by the Senate Armed Services Committee to define the demarcation line between antiballistic missile defenses which are limited by the ABM Treaty and theater missile defenses which are not so limited by the treaty, is the one, the very one used by the administration at the beginning of the demarcation negotiations in November 1993. That is, a missile defense system which is covered by the ABM Treaty is defined as a missile defense system that has been field tested against a ballistic missile with, one, a range of more than 3,500 kilometers, or, two, a maximum velocity of more than 5 kilometers per second.

Put simply, if a missile defense system does not have a demonstrated field-tested capability to counter intercontinental ballistic systems, it should not be limited in any way by the ABM Treaty. Without this legislation, Mr. President—I acknowledge that the current occupant of the chair was a most valuable participant in drawing up this legislation—without this legislation, Mr. President, the Senate will have no role to play in an international agreement which will impose major new obligations and restrictions on the military capabilities of the United States. This is an issue which is vital to our national security and which can be ignored no longer.

Mr. NUNN. Mr. President, will the Senator yield for a brief question?

Mr. WARNER. Yes. Two sentences, and then I will be happy to yield. We will no doubt debate this issue at length, as we are doing right now. And I welcome the debate, and I urge all to support those who seek to defeat the amendment by our distinguished colleague from Michigan.

I yield the floor.

Mr. NUNN addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. I cannot speak for the Senator from Michigan. Of course, he is on the floor to speak for himself.

What I hear the Senator from Virginia say is his main purpose is to protect the theater missile defense systems and to have a demarcation point of definition between those systems and the strategic systems that would be affected by the ABM Treaty. Assuming that is the Senator's main objective, it seems to me we can reach some agreement on this because that is not the language that gives me the problem. I do not think it is the language that gives the Senator from Michigan the problem. It is all language that basically states we are going to deploy national missile defenses with multiple sites without any negotiation and without any regard to the ABM Treaty, which has nothing to do with theater missiles. That is all strategic and it is all clearly involved with the ABM Treaty.

But if the Senator's main goal is to protect the theater missile defense system and have a demarcation more than a definition, as long as there is some flexibility for the administration so that there is not an absolute ruling out of any administration efforts—because somebody has got to negotiate this demarcation point no matter what we say—if that is the Senator's goal, I agree with him on the demarcation point. I think that is a very sensible point. If that is the Senator's goal, then there is no reason we cannot find a way, whatever happens on the Levin amendment, to deal with this language, because that is not the language we are trying to take out of this bill.

Mr. WARNER. Mr. President, in reply, that is encouraging to hear the views from my distinguished colleague. The Levin amendment, nevertheless, strikes the Missile Defense Act of 1995, which in turn incorporated in the committee markup the Warner provision, which I have just addressed.

Do I understand that there is some thought about amending the Levin amendment to——

Mr. LEVIN. No.

Mr. NUNN. I think the Senator from Michigan stated——

Mr. LEVIN. I want to go through the language of the amendment.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. I thank the Chair and apologize for jumping in without being recognized.

My amendment strikes the language in the bill which commits us to deploy a system which clearly violates the ABM Treaty. It leaves the language about deploying as soon as possible highly effective theater missile defenses. That is in the bill. It is left in the bill. I was surprised to hear the Senator from Virginia say the issue here is whether we want to deploy theater missile defenses. Boy, that is not the language we are after. We left that language in there.

Section 233 says:

> It is the policy of the United States—
>
> (1) deploy as soon as possible highly effective theater missile defenses capable of countering existing and emerging theater ballistic missiles;

We did not touch that. It is the next paragraph we touched. The next paragraph says it is the policy of the United States:

> (2) deploy a multiple-site national missile defense system. . .

Which I am absolutely confident my friend from Virginia will agree that a multiple-site national missile defense system is inconsistent with the ABM Treaty, just as I concede that the ABM Treaty does not prohibit theater missile defenses. It does not and we should proceed to deploy those, and we are.

By the way, General Shalikashvili says the ABM Treaty does not constrain our development of theater missile defenses. He said in his letter to me "the progress on these programs"—referring to theater missile defenses—"is not restricted by a lack of a demarcation agreement."

Just as I would be the first to concede, indeed proclaim, that the ABM Treaty does not restrict theater missile defenses, I hope my friend from

Virginia will agree that his language in section 233(2) that it is a policy to deploy a multiple-site national defense system that would violate the treaty unless the treaty were amended. We are seeking to try to amend this treaty. Yes, theater missile defenses are not constrained by the ABM Treaty, nor should they be, nor are they. But it is the language in subparagraph (2) that makes it the policy to deploy a multiple-site national defense system which clearly violates the ABM Treaty, which is the first target of the amendment.

So we leave in the theater defense language in subparagraph (1). We do not touch that.

Mr. WARNER. Mr. President, will the Senator address section 238?

Mr. LEVIN. I will be happy to.

Mr. WARNER. That is the provision of the Senator from Virginia, and that is subject to the strike.

Mr. LEVIN. It is the bill that I am addressing in three different places. In section 238——

Mr. WARNER. Mr. President, that is the subject of the amendment of the Senator from Virginia and the subject I just covered in my floor remarks. Looking at the Senator's amendment at the desk, in section 3, it says "to strike section 238 which establishes a unilateral interpretation of the ABM Treaty and prohibits treaty compliance efforts."

Mr. LEVIN. Section 238 does establish the dividing line between long-range and short-range missiles. It does it unilaterally, it does it in law. The reason that that is inappropriate is these are the subject of negotiations now, should be the subject of negotiations. If the Duma established a range of 4,000 kilometers for a short-range missile, I think the Senator from Virginia would be on his feet saying, "What, the Russian legislative body is unilaterally determining what is a short-range system and they said 4,000 kilometers? What is going on? We thought this was the subject of negotiations, this is bad faith. You have a Russian legislative body unilaterally saying 4,000 kilometers?"

Yes, we should not be establishing in law—in law—the demarcation line between the two when two things are true: One is the subject of ongoing negotiations and two, and this is critically important, is that General Shalikashvili told us that the absence of a demarcation line, having been agreed to, is not a constraint on the research and development of the theater missiles that we all support. In other words, it is not constraining us. So for us to prematurely, unilaterally have the Congress say this is the demarcation line between long-range and short-range does great mischief in terms of reaching an agreement with the Russians on a bilateral basis and militarily does not achieve anything for us because the absence of a demarcation line is not constraining the research and development of theater missiles.

Mr. NUNN. Mr. President, will the Senator yield for a brief question and observation?

Mr. LEVIN. I will be happy to.

Mr. NUNN. Mr. President, I think it is important, and I state this only for my own view and the Senator from Michigan can respond. There is a difference in making a finding and saying that this is where the Congress thinks the demarcation line ought to be and passing a line saying this is the way it is. Passing a law knocks out the executive branch of Government, if they sign the law and if it is constitutional, in any kind of negotiation. So you do not even have the ability under this bill, the way I read it now, for the President to say to the Russians or his Ambassador to say to the Russians, this is what the Senate passed. I believe the bill is so sweeping in its denial of executive authority to have any negotiations on this point that I do not think they would be able to inform the Russian Duma or the Russian leadership, Yeltsin and others, as to what the Senate did.

If the Senator wants to say this is where we think the line ought to be, and this is what we believe the administration ought to negotiate with the Russians, and this is what we think the Russians ought to accept, or these are the sensible findings we make, that would be a totally different matter. It is when you put it in law so it knocks out not only the Russians from having any say whatsoever in it, no negotiations, no say, no response, it knocks out even the President and the executive branch.

First of all, I do not think this will become law, but if it does, you will have almost an absurd situation. In fact, there is some language in here that is so broad that it might be interpreted if this became law to preclude the U.S. Senate from even debating it again. It says no Federal official. We are Federal officials, last time I got my paycheck. We are included in that, too. We cannot even talk about it once it is passed.

I think the Senator's language goes much further than the Senator's intent. That is what I think we need to work on, and if we can make findings on demarcation and urge the President forward and urge him to take this position, then I believe we can reach some consensus. It is the law part of it that bothers me.

Mr. WARNER. Mr. President, if I may reply——

Mr. NUNN. I believe I was to ask a question. That is a question mark at the end.

The PRESIDING OFFICER (Mr. INHOFE). The Chair observes the Senator from Michigan has the floor.

Mr. LEVIN. I will be happy to yield to the Senator from Virginia to answer the question without losing my right to the floor.

Mr. WARNER. The three of us who are now engaged in debate and, indeed, the occupant of the chair and others have been in the briefings on the negotiations of this demarcation issue.

As I said in my remarks, it was the fear that the administration would not come back to the U.S. Senate for "advise and consent" that has required this Senator and others to take this action. We cannot sit here knowingly, allowing the administration to go forth with a demarcation which would, in our collective judgment, not be in the best interest of this country, and the only way we would have a means to express that would be through the advice-and-consent procedure. And the administration, very forthrightly, said they would not bring it back. And that is the reason we acted.

Mr. KYL. Will the Senator yield to me for 1 minute?

Mr. LEVIN. Yes.

Mr. KYL. I want to add to the comments of the Senator from Virginia that at least some of us on this side have sent no fewer than five letters to the President on this subject asking to be consulted and advised, suggesting that the administration, frankly, was going too far in these discussions with the Russians and asked him not to do so.

As the Senator from Virginia just noted, one of the reasons for finally putting the language in the bill is that our entreaties have gone unheeded, the administration has gone forward. This is apparently the only way we can get their attention. We had 50 Senators, all Republicans, urging the administration not to go forward, and they did so anyway. That is the reason for finally acting in a legislative way.

I thank the Senator.

Mr. LEVIN. As the Senator from Georgia said, it is very different to give a recommendation to the President, which is one thing. To put into law what we believe the demarcation line is unilaterally, saying that the President cannot deviate from it, and he cannot negotiate even an improvement from our perspective. By the way, this language even goes beyond that. This language literally, when you read it, would prevent an official of the United States from stopping a test which violates this demarcation line by its own terms. In other words, let us assume that we were testing an ABM system against a missile that had a range of 4,000 kilometers. This language says that until it is flight tested, this prohibition is in place. That is what the language says. The Senator from Virginia and I have worked a long time on lots of bills together. But this language violates common sense because you could not even stop a test from occurring, which, by the terms of this bill, violates the ABM Treaty. That is how extreme this language is.

I yield the floor at this point.

Mr. WARNER. I will be very brief. The Senator from Michigan put in a letter of the Chairman of the Joint Chiefs, General Shalikashvili. I wish to put in the RECORD at this point in our colloquy my reply to General Shalikashvili and in the spirit of total fairness, again his reply back to my letter. Clearly, we disagree.

I would like to read one paragraph to the Senator. I said to the general:

> Unfortunately, that is exactly what is happening. Our ongoing TMD efforts—in particular THAAD and Navy Upper Tier—have been artificially limited by ABM Treaty considerations. For example, neither system has been allowed to incorporate space-based sensors because of concerns that the use of such sensors would not be ABM Treaty-compliant. This despite the fact that all of the military experts with whom I have consulted have assured me that we could develop and deploy more cost-effective and technically capable TMD systems if such systems incorporated space-based elements.

Mr. President, that is it, clear and simple. It is right there.

I ask unanimous consent to have those letters printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, July 18, 1995.

Gen. JOHN M. SHALIKASHVILI, USA,
Chairman, Joint Chiefs of Staff, Washington, DC.

DEAR MR. CHAIRMAN: This is in response to your June 28 letter to Senator LEVIN concerning the impact of the "Warner Amendment," which prohibits the application of the ABM Treaty to U.S. theater missile defense systems.

I introduced this amendment in April with only one goal in mind—to rapidly provide the brave men and women of the Armed Forces with the most technically advanced, cost-effective theater missile defense systems which the United States is capable of producing. As you well know, over 30 nations currently possess short-range ballistic missiles. The Gulf War demonstrated that such missiles pose a threat to our troops which is real, immediate and growing.

In my view, work on defenses against these missiles should not in any way be constrained by restrictive and erroneous interpretations of the ABM Treaty—a Treaty which was never intended to limit or restrict theater missile defenses.

I was there, General, in Moscow in May 1972 when this Treaty was signed. Further, as Secretary of the Navy, I knew and had access to the people conducting the negotiations and preparing the working papers for those negotiations. I have since—recently—spoken with some of thee people to confirm that short-range systems were not the subject of their work. The ABM Treaty was intended only to apply to strategic, long-range systems. It should not now be stretched to cover the short-range, or theater, systems.

Unfortunately, that is exactly what is happening. Our on-going TMD efforts—in particular THAAD and Navy Upper Tier—have been artificially limited by ABM Treaty considerations. For example, neither system has been allowed to incorporate space-based sensors because of concerns that the use of such sensors would not be Treaty-compliant. This despite the fact that all of the military experts with whom I have consulted have assured me that we could develop and deploy more cost-effective and technically capable TMD systems if such systems incorporated space-based elements. And I might add that this is not a new problem. This course was followed by previous administrations as well as the current one.

My amendment establishes a clear demarcation line between anti-ballistic missile defenses which are limited by the ABM Treaty, and theater missile defenses which are not. The demarcation standard which I selected for my amendment is the one used by the Clinton Administration at the beginning of the demarcation talks in November 1993, and one that was accepted by the Russians at that time. It is a standard which, to my knowledge, has not been disputed by either party to the negotiations.

Contrary to the assertion in your letter, my amendment does not prohibit the Administration from conducting demarcation negotiations with the Russians. Instead, the amendment would, in effect, prohibit the implementation of any agreement which might result from those negotiations which would have the effect of making the ABM Treaty a TMD Treaty. To remain on solid Constitutional grounds, I carefully chose the Congress' power of the purse as the vehicle to ensure that Congressional views on this issue are taken into consideration.

I, and many of my colleagues, have grave reservations about the direction the Administration has been pursuing in the demarcation talks with Russia. It appears that the Administration is intent on concluding an agreement with the Russians that would severely limit the technological development and deployment of a U.S. theater missile defense system. For example, reportedly over the objections of senior military officers, the Administration earlier this year tabled a proposal which would impose performance limitations on our theater missile defense systems, and accepted a Russian proposal to prohibit the deployment of the Navy Upper Tier system—a system that was subsequently deemed to be Treaty-compliant by the DoD. The negotiations are clearly headed in the wrong direction. A change of course is in order.

Your letter mentioned the potential impact my amendment might have on Russian ratification of START II. I might point out that START II Treaty ratification by the Russian Duma is in doubt for reasons having nothing to do with the ABM Treaty or U.S. theater missile defense efforts. Put simply, many Russians do not want to give up their multiple warhead ICBMs, as called for under START II. We must not hold our TMD efforts hostage to Russian threats concerning START II ratification, or any other issue.

While I share your desire to maintain a good security relationship with the Russians, I am not willing to sacrifice vital and legitimate U.S. defense efforts in the interest of that security relationship.

I think you would agree with me that our goal should be to provide our troops with the best defenses that our technical experts are capable of producing. I believe that my amendment advances that goal.

Thank you for your attention.

Sincerely,

JOHN WARNER.

THE CHAIRMAN,
JOINT CHIEFS OF STAFF,
Washington, DC, August 2, 1995.

Hon. JOHN WARNER,
U.S. Senate,
Washington, DC.

DEAR SENATOR WARNER: Thank you for your letter and strong support of efforts to protect US troops from the theater missile threat. The explanation and clarification of the intent and effect of your amendment are sincerely appreciated.

Since the beginning of the demarcation discussions, the first priority of the Joint Chiefs of Staff has been protecting US troops. I share the view that the ABM Treaty was never intended to limit theater missile defenses, and agreed to an initial demarcation approach to the Russians based on the standard specified in your amendment. As you note, the Russians appeared to accept the limiting parameters of 3500 km and 5 km/sec for testing against theater ballistic missiles, but pushed for interceptor performance limits as well.

In June 1994, in an effort to each early, acceptable demarcation agreement, some limits on interceptor velocity were proposed by the United States. As negotiations progressed, a subsequent proposal for an interim agreement which would have deferred some unresolved issues—such as deployment of Navy Upper Tier—was also proposed. The Russians rejected both US approaches.

The May 1995 Joint Summit Statement was an effort to move the negotiations away from technical parameters back to a set of principles which would preserve both the ABM Treaty and our ability to test and deploy needed theater missile defenses. The latest US negotiating position was based on that joint statement and was intended as just the sort of "change of course" you suggest.

The Chiefs and I have been fully involved in developing US positions and have never lost sight of our first responsibility to protect US forces. We are unanimous in our commitment to develop and field highly capable theater missile defense systems. While cueing from space-based sensors has yet to be incorporated into those systems, this is currently in our plans.

With regard to broader security issues, the linkage between the ABM Treaty and START II has been stressed repeatedly by the Russians with US military representatives in many fora, including discussions with members of the Duma. While there are, of course, other factors at play in the Duma considerations, one must assume that unilateral US legislation could harm prospects for START II ratification and probably impact our broader security relationship as well.

In closing, the priority goal has been to provide the US Armed Forces with best defenses technical experts are capable of producing. But we also seek to reconcile requirements for protection from theater ballistic missiles with further strengthening of the framework of strategic stability, including strategic arms reduction and the ABM Treaty. We are working to achieve both these goals.

Sincerely,

JOHN M. SHALIKASHVILI,
Chairman of the Joint Chiefs of Staff.

Mr. GLENN. Mr. President, I rise in support of the amendment to strike the missile defense provisions in the bill, because, if passed as is, I think this language will greatly complicate the work of our military and of our diplomats in the years ahead. I have been interested to hear that one of the reasons we have this in the bill, apparently, is because we have sent a number of letters, or some Members have sent a number of letters to the President, and did not get a response. They either got no response or one they did not like, so they decided to put it in legislation.

I can only say that I think taking that kind of action, when the leadership, in negotiating treaties and in seeing they are adhered to, is a function of the executive branch, does not ring very strongly with me, because I can remember—I could probably go back to the files and bring out a dozen or more letters I wrote during the Reagan administration, during those 8 years and during the 4 years of the Bush administration, and I may have gotten responses to some of those but certainly not to all of them. That did not mean to me that I took over what the constitutional powers of the President are and put into law things that would have tried to put my view into law, as opposed to what treaty requirements were or what treaties had been negotiated.

I say further that I think we are, obviously, talking a lot here about the demarcation between theater missile defense and national missile defense. That is a legitimate thing to try and work out. But to take over and unilaterally on the part of the Congress define language that would change the ABM Treaty or have that potential, I think, is wrong. I think we have to tread very carefully when we do that.

I think this could possibly harm our efforts to proceed with nuclear arms reduction, not just with Russia, when we try and negotiate these things with China, Britain, and France. It will raise new threats to the global nuclear nonproliferation regime, especially its cornerstone, the Nuclear Nonproliferation Treaty, NPT. It could establish an extremely undesirable new method for unilaterally reinterpreting treaties, thus setting up a precedent that will obviously be used against us in the years ahead.

I think it could establish programs that would cost us a fortune. It could divert money from military needs that are, in my opinion, much more vital to the country and ultimately leave America substantially no safer as a result. It tramples on the President's constitutional responsibilities as Commander in Chief and as the individual in charge of American foreign policy. In short, I think this would be a very bad mistake for this country.

I would like to begin with a few comments about the general level of partisanship that we have seen from the proponents of these provisions on the ABM Treaty. I hasten to add that I think missile defense should not be a partisan affair. All Americans understand that (a), the national interest may require the deployment of U.S. forces in unstable areas around the world. This bill contains some very undesirable features, I feel, that, if enacted, could greatly complicate the work of our military and our diplomats in the years ahead.

Let me talk about ballistic missile defense. So (a), the national interest may require deployment of U.S. forces in unstable regions around the world; and (b), these forces may be the targets of missile attacks, including missiles delivering weapons of mass destruction; and (c), such forces must be protected. That is something I am sure we can all agree on.

Now, though the committee has approved many of the administration's requested theater missile defense projects, the majority's refusal to yield on several controversial proposals dealing with key missile defense issues gives these proposals the quality of partisan ultimata rather than a sound foundation for policy. In other words, it is either or else.

Similarly, the bill's heavy emphasis on investing in expensive hardware for missile defense detracts from an equally, if not more important, goal: Pursuing means to reduce the numbers and performance characteristics of offensive missiles that may be fired against us in theater conflicts. This goal typically requires significant improvements in export controls, intelligence capabilities, analytic capabilities for the conduct of arms control and nonproliferation verification activities, better coordination between our military and our diplomats and other such means.

The committee, however, is placing inordinate reliance upon technical fixes to counter missile attacks, rather than strengthening efforts to slow our halt of the proliferation of such missiles in the first place. This position is unfortunate, since the latter will ultimately prove to be a better investment of scarce taxpayers' dollars.

With respect to the missile defense provisions the bill does support, many of these would considerably erode the stable consensus that exists to support ballistic missile defense efforts, would jeopardize both antiballistic missile, ABM and START II treaties, usurp the President's constitutional powers with respect to the conduct of foreign relations and the performance of the role of Commander in Chief, or otherwise erode, rather than enhance, U.S. national security.

These conclusions, to me, follow from an examination of the following provisions of the bill: First, the bill mandates, as a statutory policy objective, an action that would violate the ABM Treaty. It establishes a policy of deploying a multiple-site national missile defense network by the year 2003. That is in violation.

Second, the majority places into U.S. law a formal definition of an ABM-permissible ballistic missile defense system. We can justifiably assume, as the Chairman of the Joint Chiefs of Staff, Gen. John Shalikashvili, has warned, any such statutory definition could jeopardize prospects for early ratification of the START II Treaty in the Russian Parliament and negatively impact our broader security relationship with Russia.

It seems only prudent that before the Congress ventures off with a unilateral interpretation of a major bilateral arms control accord, we should consider very carefully several implications of such an action.

They would include: Is this the type of precedent we wish to establish as a basis for treaty interpretation? Do we want to set an example that can lead the Duma to legislate its own preferred definitions of vital terms of Russia's arms control and disarmament treaties?

In other words, what if the Russian Duma, what if we had word coming through or had pictures on TV this evening on the news that the Russian Duma is unilaterally deciding to put a new interpretation into the ABM Treaty. What would we do? I know what we would do. We would think the whole thing is null and void if they went ahead and legislated preferred definitions of vital terms of Russia's arms control and disarmament treaties.

If Russia deployed enough ballistic missile defense sites containing missiles just falling below the dictated threshold, could they collectively acquire an ability to counter United States strategic nuclear forces? What will be the reactions of China and other powers if the United States moves away from its ballistic missile defense restraints?

I point out that these agreements are hammered out word by word by word over agonizingly long negotiations. The ABM Treaty was no exception to that. To change some of that wording, or to change an interpretation of it unilaterally, means that our word in any other treaty that we might have with any other place around the world—whether China, Russia, wherever—is not going to be looked at as being worth very much.

While the committee majority has raised the specter of structural nuclear disarmament—a term that is supposed to describe our alleged inability to expand our nuclear arsenal in the event of future threats—it ironically ignores completely the effects on our deterrent force of releasing Russia from the treaty obligations that prevent it from acquiring a national missile defense capability.

The Russians are not going to just stand by and see us reinterpret that treaty without feeling free to go their own way. They will no longer be bound by that agreement that was hammered out over a long period of time.

So, if the opponents in the ongoing missile defense debate have their way, and that "fearsome beast," the ABM Treaty, is finally slain, the credibility of America's strategic missile forces would almost immediately be called into question as Russia begins to deploy its own large-scale national missile defense force.

What would prevent them from doing it? Certainly not the treaty that we would have violated at the time. It seems to me, if the majority is truly interested in avoiding this structural nuclear disarmament, as it is called, it should do all it can to ensure that U.S. nuclear deterrent retains its credibility. This is exactly what the ABM Treaty helps to achieve, by barring Russia from creating its own national strategic missile defense system.

The treaty accomplishes this, moreover, without the need for a diplomatically and financially costly expansion of our offensive nuclear capabilities. So-called deficit hawks in Congress today should, therefore, love the ABM Treaty, not revile it. It works to preserve our deterrent and saves plenty of money at the same time. One of the estimates by CBO has indicated that even a partial national missile defense system would cost about $48 billion, at a time when we really do not need it, as testimony and as the letters from the Secretary of Defense and Chairman of the Joint Chiefs of Staff have indicated.

I am afraid our colleagues in the majority, however, have turned a collective blind eye to these considerations. They appear to believe that unilateral United States actions to ensure against our own national missile vulnerability will instantly translate into a safer America and not lead Russia to reduce its vulnerability to our own strategic missile attacks.

In its enthusiasm not to miss an opportunity to bash the ABM Treaty, the majority is urging a course of action that can weaken our nuclear deterrent capability, can stimulate an offensive nuclear arms race, and eventually funnel tens or hundreds of billions of dollars into elaborate strategic national missile defense schemes, none of which, of course, will ever free American citizens from risk of nuclear attack.

The bill seems to enshrine into law what is known as the fallacy of the last move, which holds that any increment in our own security will take place without any detrimental side effects. I lose a lot more sleep over the side effects than I do over the slogan of "structural nuclear disarmament."

The Oklahoma City and World Trade Center bombings, coupled with the Tokyo gas attacks should serve as a sobering reminder that weapons of mass destruction can be delivered by a variety of means other than missiles. It does not mean we are not concerned about missiles. We are. Furthermore, our intelligence officials have repeatedly testified the United States will not face a new missile threat until sometime in the next century.

The Director of the Defense Intelligence Agency, Lt. Gen. James Clapper, testified before the Select Committee on Intelligence last January: "We see no interest in or capability of any new country reaching the continental United States with a long-range missile for at least the next decade."

We should not permit a fixation with delivery systems to distract our attention from the important goal of halting the proliferation of nuclear, biological, and chemical weapons.

Third, the majority voted down on a straight party vote a proposal by Senator LEVIN to ensure that America's theater missile defense systems will not be given strategic antiballistic missile capabilities, a proposal that was essentially a restatement of existing law, existing law under the ABM Treaty.

Fourth, the majority insisted on almost doubling the size of the administration's request for national missile defense projects, despite the majority's complete inability to identify any new foreign threat against which such a defense would be directed.

I do not believe that a highly conjectural North Korean missile threat to the Aleutian Islands sometime in the 21st century is sufficient grounds for America to abandon the ABM Treaty. I doubt North Korea will even manage to survive as a country by that time. It may not, anyway.

Furthermore, there is a fundamental contradiction in the majority's willingness to write a blank check on behalf of national missile defense and yet apply the sternest possible accounting standards for the more modest sums that we authorized elsewhere in this bill to such programs as humanitarian assistance and foreign disaster relief.

I would add, the systems we are talking about have yet to be invented. We made some progress in setting up systems, or doing some research in years past, but to mandate at this point we will have any of these systems by the year 2003, which is what is in the systems we are proposing here, is wishful thinking. Some of the claims under star wars were made back some years ago. I talked to the people at the Pentagon who were working in these areas, who had some confidence in those systems, or said they did. I thought some of the claims were so preposterous I went out to some of the laboratories where work was going on on the so-called star wars system. The scientists who were working on the systems out there almost laughed about some of the claims being made on star wars at that time. It was not just a matter of having the money to deploy, to cut the hardware and deploy it. We had not yet invented the systems. Yet we are talking about now we can set up a national missile defense system, just a partial one, for $48 billion, with equipment that has yet to be invented and certainly should not be deployed on a timetable between now and the year 2003. Within 8 years, we are supposed to now have this and it has to be deployed. And that is ridiculous.

Star wars before was talking about deformable laser mirrors, 12 feet across, that could take lasers of a power not yet invented, and focus it on a spot out there several hundred miles in space the size of a golf ball. At least the first step would be to focus it on a mirror in space that could be deformed, then focus it in turn on a spot the size of a golf ball several hundred miles away on a missile coming up at a changing rate of speed, and keep it focused on that area. We do not have the computer capacity nor the technology yet developed to enable us to do some of those things that were claimed years ago.

Now we are saying we have some different systems. But those systems are anything but proven and are anything but systems that should be set up on a time schedule that would have to be in place by law by the year 2003.

What do we think the Soviets would be doing all this same time? I know what the Duma would probably do, our counterpart over there in Russia. The Duma probably is going to say, OK, if all bets are off on the ABM Treaty, then the very first thing we are going to do is put all the coordinates back in on American targets we just took out of our missiles in agreement with the Americans, back just a few months ago. To me, that would be very silly if we did anything that might lead them into that kind of activity.

Yet, if the Russians were doing the same thing we are debating here today, I can guarantee the first thing I would be doing on the floor would be demanding we put their coordinates back in our missiles if they were advocating abrogating the ABM Treaty and deploying a missile defense system that neither side thought we needed to deploy.

Much has been written about the dangers of new isolationism as a foreign policy doctrine. Its companion in defense policy I guess would be called a fortress America. Nothing is more reflective of this doctrine than the current bill's fundamentally misguided policy approaches on nuclear testing and the ABM Treaty.

So I am still hopeful a new bipartisanship will emerge in the years ahead, however, behind policies that reflect a greater awareness of the costs of a modern national defense, a greater sensitivity to international reactions to U.S. defense actions, greater appreciation of the unexploited potential that lies in creative international solutions to security problems, and a greater emphasis on preventing proliferation rather than trying to manage it. If we abrogate the ABM Treaty or put language in here, in this legislation, or permit language to stay in that allows the Duma, in its own right, to start reinterpreting the ABM Treaty, then I do not see any option but what we are into an arms race again. Just as we spent probably most of the past decade taking some of those dangers down, reducing our arms, taking the targeting out of our missiles and the Soviets took it out—the Russians took it out of their missiles, I think we are in danger of reversing this whole direction, this trend that has been set in place over the past 10 years, and to cope with a threat that is not out there, by the best testimony we have from the Secretary of Defense and the Chairman of the Joint Chiefs of Staff, and spend a lot of money in the whole process, $48 billion for a very limited defense system that will not be a full national missile defense. It would be, basically, a missile defense that covers five States.

So I support the change proposed by the Senator from Michigan. I hope our colleagues will look at this very, very carefully. If we are to put into law something that encourages the ABM Treaty to be questioned and the Soviets to have less confidence in the American willingness to abide by that treaty, I think we will have made a drastic mistake in the Senate of the United States.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

ORDER OF PROCEDURE

Mr. DOLE. I will just take a minute. I want to see if we cannot get agreement on time here. We have been on this amendment since 11 o'clock. I have been listening to people ask for time agreements. We are not even close to a time agreement.

This bill is dying on the floor. This may be a very important amendment, but we intend to complete action on this bill by tomorrow night or I do not see when it comes up again. Because Friday—Saturday we will do appropriations bills, maybe one or two appropriations bills. Maybe late Saturday afternoon we can start on welfare reform, and then late in the week take up the defense appropriations bill.

If we want to pass the DOD bill we have to have cooperation. If we do not want to pass it, I assume we can take 6 or 7 hours on this amendment. It has been 2½ hours.

Is there any indication, any willingness to enter into a time agreement at this point? The Senator from Michigan——

Mr. LEVIN. If that is addressed to me, we are very willing to enter into a time agreement. Two Senators who wanted to speak have already spoken. There is one now who says he is willing to give up his time. I am adding it up and I will come up with a figure in about 2 minutes, now.

Mr. DOLE. I will just wait until the Senator adds it up. If we do not get it now, it may be another hour.

TITLE 31

Mr. KYL. Will the majority leader yield so I may make an announcement on behalf of Senator THURMOND? This is a very important announcement for all Members of the Senate. Senator THURMOND and Senator DOMENICI propose to offer a substitute amendment to title 31 of Senate bill 1026. This amendment contains numerous changes. In order to allow all Senators an opportunity to review it, copies of the amendment will be available in the Senate Armed Services Committee.

I thank the majority leader for yielding.

Mr. NUNN. I believe, if I may just add to the statement of my colleague from Arizona, that is the energy section of the bill that has been worked on for 2 or 3 days.

Mr. KYL. That is correct.

UNANIMOUS-CONSENT AGREEMENT

Mr. DOLE. Mr. President, when the Senator from Michigan adds the time there, we may want some time on the other side of the amendment. Hopefully not as much. I do not think it would take as much.

Mr. LEVIN. We need 1 hour and 50 minutes on this side.

Mr. DOLE. Say 2 hours on that side, and 1 hour on this side? So we could vote, then, by maybe 4:30, depending on how much time we use? I do not think we need 2 hours on this side. I just want to get the time agreement.

If there is no objection, let me propose this consent agreement.

I ask unanimous consent that there be 3 hours on the Levin amendment prior to a motion to table, to be divided 2 hours for Senator LEVIN or his designee, 1 hour for Senator THURMOND or his designee, no second-degree amendments or amendments to the language proposed to be stricken be in order prior to a failed motion to table, and any second-degree amendment or amendment to the language proposed to be stricken be relevant to the first-degree amendment, and that following the conclusion or yielding back of time, Senator THURMOND or his designee be recognized to table the Levin amendment.

The PRESIDING OFFICER. Is there objection?

Mr. LEVIN. Mr. President, reserving the right to object, and I do not intend to object, did the unanimous consent preclude second-degree amendments?

Mr. DOLE. No, not until after a motion to table, if it is not tabled.

Mr. LEVIN. It would be open to second-degree amendments which are relevant.

Mr. DOLE. That is correct.

The PRESIDING OFFICER. Is there objection?

Mr. EXON. Reserving the right to object, I would hope we are about to be in a place where we could agree to this. I heard the leader say that there would be no second-degree amendments. Now I understand. I was not clear.

If I understand correctly, the amendment offered under the unanimous-consent agreement by the majority leader, if we agree to this time agreement, as he has just spelled out, there would be no allowable second-degree amendment to the Levin amendment until after a tabling motion.

Mr. DOLE. That is correct.

Mr. EXON. After a tabling motion, then a second-degree amendment would be in order.

Mr. DOLE. That is what we have done here the last several times.

Mr. EXON. I have no objection.

Mr. LEVIN. Reserving the right to object for one more moment, in the event that it is not tabled, then in the event more second-degree amendments are offered, there is not in this unanimous consent any time limit on those second-degree amendments.

Mr. DOLE. That is true. This only refers to this amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, under this time agreement I would like to yield myself 20 minutes, and I ask to be notified when that 20 minutes has expired.

The PRESIDING OFFICER. The Senator is recognized.

Mr. KYL. Mr. President, since the Senator from Ohio just spoke in favor of the amendment, I thought I would take some of our time to speak in opposition to the amendment.

It seems to me that the arguments in favor of the amendment boil down to three: First of all, variations of the theme of the ABM Treaty is relatively sacrosanct; second, we have to do everything possible to avoid riling the Russians, doing something they may not like; and, third, that we should not limit the power of the President.

Let me discuss each of those arguments in turn. First of all, regarding the 1972 ABM Treaty, I think it is important to recognize that the ABM Treaty has, since its inception in 1972, been under the process of negotiation. There have been discussions going on between our two countries almost throughout that period of time. So the fact that we may be talking about making changes in it is nothing new, and it has never been interpreted as a breach or an anticipatory breach of treaty for the United States to be stating that we want to change a particular part of the agreement. As a matter of fact, the original ABM Treaty called for two national ballistic missile sites, not one. That was amended to one site. And one of the things that is being called for in the underlying legislation here is multiple sites.

I think almost all of us would agree that it does not make sense for us to deploy an ABM system in this country if we cannot have multiple sites. It just will not be effective. So that is our stated policy in the legislation. That is nothing new. It is nothing that the Russians should get excited about. As a matter of fact, I am not even sure what their position would be. I would not be surprised at all if they would agree that multiple sites are appropriate. So I do not think that is a big problem with the policy stated in the bill for multiple sites.

The second point under this first argument is that demarcation, as called for in legislation here, does not violate the ABM Treaty. As a matter of fact, the administration has already been demarking what is appropriate testing for a theater ballistic missile system, and has already been discussing that with the Russians.

Bob Bell, former staff member of the committee, a prominent specialist at the National Security Council, told the National Defense University that, "We have already reached an agreement with the Russians that you can shoot at a target that goes 5 kilometers per second and not have it captured as an ABM." The problem here is, of course, that the negotiations that the administration has been engaging in went further than that, and accepted, at least temporarily, Russian demands that the proposed demarcation also include a speed limit on the United States' interceptor of 3 kilometers per second, which would in effect dumb down our system to the point where it would not be as robust as we would want it to be.

The point here is that you cannot argue demarcation per se is a violation of the ABM Treaty. The administration has done it. That has been policy. The question before us is whether or not we will in legislation demark that limit at which we can test our theater ballistic missile system since it has never been a part of the ABM Treaty. I think that is an important point for us to make. Again, the ABM Treaty only limits strategic systems. It does not limit theater systems.

All the demarcation in the Warner language does is to define the level of testing that can be engaged in for theater systems. There should not be anything wrong with that. The administration has already engaged in demarcation. As a matter of fact, in a speech before the National Defense University, again referring to Bob Bell, he ably explained that this question of identifying the demarcation between ABM and TMD has been an issue for as long as the treaty has been around, and, as a matter of fact, it has changed. One of the things he said is, what is a TMD and what is not a TMD goes back to the ratification hearings and the negotiations themselves.

During the Senate hearings on the ABM Treaty in 1972, then-Director of Defense Research and Engineering, Johnny Foster, was asked by Senator Proxmire, "Where is the line? Where is the distinction between the two?" He said, "If you shoot a missile interceptor at a target that goes faster than 2 kilometers per second, that is an ABM."

Of course we all know that demarcation is unacceptable today. That is the point. Technology changes. It has been 23 years since the ABM Treaty was adopted.

What we are trying to do in this legislation is to keep up with the times. As a matter of fact, our own Defense Department has made the point that the treaty has not kept up with the times, and the gentleman who is now the CIA Director, John Deutch, has made the point that the treaty, the ABM Treaty, constrains us in ways that technology should not anymore. And, as a result, it seems to the committee—and it seems to me—that it is important for the United States to draw this demarcation so that we can test the systems that we could ultimately deploy against theater threats.

Why is it important to have the language in the bill? Because the administration in effect proposes to dumb down our TMD. And that is the problem. In both the Patriot system and the THAAD system earlier, we dumbed them down. The reason the Patriot could not be any more successful in the gulf war was because of decisions made right after the ABM Treaty that in effect preclude the use of certain sensors to enable it to be more robust.

We have done the same thing with the THAAD system in taking out certain software and making certain hardware changes that precluded it from being as robust as it otherwise would be in meeting these threats. We cannot do this anymore. And we should not dumb down our TMD system.

Our demarcation language in the bill merely proscribes tests against strategic missiles, as I said, and that enables us then to continue to test the theater system in a way that would make it effective against future threats.

Let me quote, as a matter of fact, from General Shalikashvili. He has been quoted before. Let me first of all quote a January 3 memo to Deputy Secretary of Defense John Deutch. Here is what he said General Shalikashvili said:

> The United States should make no further concessions and even start thinking about rolling back the U.S. negotiating position.

The reason that General Shalikashvili, I believe, made that statement is because he understood that the position that Bob Bell had negotiated with the Russians that I referred to earlier was as far as this country should go; that if we went any further, we would arbitrarily be putting limits on our theater systems in ways that we should not do. That would make them less capable of meeting future threats. That is why he said at that time that we should make no further concessions and even start thinking about rolling back the U.S. negotiating position.

That is the real position of General Shalikashvili. That is the position which is embodied in this legislation, to make no further concessions with regard to this demarcation.

Finally, with respect to this argument that the ABM Treaty is sort of sacrosanct, I want to make this point. There is no anticipatory breach in the bill at all because, of course, there are two specific conditions. No. 1, there can be amendments to the ABM Treaty. That is all we are suggesting should eventually occur here. But it is suggested that maybe the Russians will not agree with the policies stated in the bill, and they will not agree to those negotiations or to our position.

The United States can always withdraw from the ABM Treaty after having given 6 months' notice if that is deemed to be in the interest of the United States. So should we deem it to be in the interest of the United States to act in ways that the Russians would deem inimical to continuation with the ABM Treaty, they can either negotiate or the United States can step out of the treaty. The bill itself does not violate the treaty.

I want to make that point crystal clear.

There is some notion that has been seeping into this debate that somehow there is still a cold war going on here.

The cold war is over. The Soviet Union, with whom we negotiated the ABM Treaty, is no longer even in existence. The threats that the theater ballistic missiles are designed to thwart are not necessarily threats emanating from the Soviet Union or now Russia but, rather, are threats coming from countries like North Korea and Iraq and Iran, and countries of that sort.

Therefore, we cannot be proscribed from acting against those threats because of an ABM Treaty with the Russians. We need to proceed to develop theater missiles that can protect the United States, protect our forces deployed abroad, and protect our allies against these theater threats, whether they come from Iran, Iraq, North Korea, or whatever. So the ABM Treaty really ought not to stop us from doing it.

The second point is that it would cause the Russians to react negatively. It would not be a reason for the United States to forgo actions which are clearly in our national interest. The argument that is being made here is the same argument that was used against the Reagan initiatives that in fact today are credited with ending the cold war. Maybe the Russians will react badly to this. Well, as it turned out, by taking bold action, we were able to win peace through strength. The cold war is over because of the initiatives we took and because we did not listen to those who said the Russians might react badly to this if we do it. So I do not necessarily think that is a good argument.

I again refer to the now CIA Director, John Deutch, on the ABM Treaty. In some respects, the technology has exceeded the limits of the ABM Treaty, and we have to go forward with the technology to protect ourselves not just from Russian threats but from threats around the rest of the world. And the problem of waiting for the Russians to agree is that this is no longer a bipolar world and we have these other threats to be concerned about.

It is also, I think, an important point to make that the Russian Duma is not likely to ratify the START II Treaty in any event, and this is clear from a variety of things that come out of Russia. So to suggest that the action we take here is going to prevent Russia from ratifying the START II Treaty is not relevant.

Chairman of the Duma's Foreign Relations Committee, Vladimir Lukin said:

> We need big money to carry out these reductions [in START II], and we don't have it. We do not want to ratify this treaty and then not be able to comply with its terms. We will have to wait until we see how to pay for our promises.

That is the reason—or at least that is one of the reasons—nothing to do with what we are talking about today.

Others suggest that ratification should be tied to other international issues.

The Speaker of the Federation Council, their upper chamber, Vladimir Shumeyko, said:

> We closely link [START II] ratification with the overall situation existing between Russia and NATO . . . We consider the perseverance of NATO as a stumbling block to our cooperation in the era of disarmament and advancement on the road to peace.

And still others see START II as inimical to Russian interests. Viktor Ilyukhin, chairman of the State Duma Security Committee, said:

> If this treaty [START II] is fully implemented, the United States will almost double its superiority, while the damage to Russia's national security will be unrecoverable.

There are many more quotations that I could cite.

The point is there are a lot of reasons why a lot of Russians do not want to ratify the START II Treaty. It is not because of what we are doing in this legislation here today.

Finally, let me just refer to this notion of anticipatory breach. If we are going to use that legal doctrine here, we also ought to refer to the equitable doctrine of clean hands.

I will not take the time here to recite the numerous instances of Soviet and Russian violations of treaties that we have negotiated, but they are numerous. And in some respects we have chosen to ignore those violations because we believe that it is important to continue the dialog and to keep the process moving. But the fact is it would be anomalous for the Russians to consider that a policy we state today that in no way involves a violation of the treaty is some kind of a big deal when they are in violation of a variety of treaties, and should my colleagues desire we can put that information in the RECORD.

The final argument that is given as a reason to support the amendment of the Senator from Michigan is that the language of the bill ties the President's hands. What we do here is two things. We call for a study to determine what the administration should negotiate relative to the ABM Treaty. We are not saying what the administration has to negotiate. We are saying let us have a study and pick those areas where we want to make a change. One of them I think is going to be clear. We should not go forward in this country to deploy a national defense missile system at one site. That would not make sense. So one of the items clearly is going to be let us ask the Russians to negotiate this multiple site. That is the only way we should deploy a national system. And I do not see what the problem with that is.

In the meantime, we are saying let us not use defense funds to continue, the administration should not use the 050 account to continue to make concessions to the Russians on matters that ought to be either the subject of further negotiation or at least the administration ought to come to the Senate to discuss them with us.

That is the final point I wish to make here. We have been trying for months to get the administration to work with us. That is what advice and consent is all about. And it is true that there are prerogatives of the administration that are important to be protected, and I do not want to step on those. But it is also true that the Senate has prerogatives. We have the right of advice and consent, and thus far the administration has generally ignored the position that at least those of us on this side have taken. What we are asking in this legislation is that you not go any further—in fact, we are demanding that the administration go no further in the direction of making further concessions to the Russians in ways that would limit our ability to develop our theater systems which can be used not just against Russians but against other potential threats; that they do not do that; that they not use defense funds for that purpose. That is why we are saying it is important for us to be talking to the administration.

If the administration wants to get together with us and talk about what they can do, if they want to submit the changes to the Senate, then well and good. So far that has not been the administration's position.

So with regard to the argument that we are stepping on the administration's prerogative, I would just note that the administration has been ignoring the Senate and its advice and consent prerogatives, and it is time for us to be giving a little advice and asking for the ability to consent to what the administration is doing.

Mr. President, the bottom line here is that the Armed Services Committee came up with a very good bill, and I wish to commend the chairman of the committee, Senator THURMOND, who is here; Senator LOTT is a member of the committee; Senator WARNER made an excellent statement here this morning in opposition to the amendment of the Senator from Michigan, and I believe that it would be in the best interests of the United States for this body to agree with the Armed Services Committee to vote down the amendment of the Senator from Michigan.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. I thank the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. LEVIN. I will be happy to yield 20 minutes to the Senator from Nebraska.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, I have been listening and waiting very patiently for my turn to make some remarks on this matter. I had hesitation about the unanimous-consent agreement because this is one of the most important matters, if not the most important matter in my view that I have been a part of in my 17 years in the Senate.

Notwithstanding the desire to move on briskly, I simply say that I hope, regardless of political affiliation, we will all take a very close look at what we may be about to do unless the Levin, et al, amendment, of which I am proud to be an original cosponsor, is passed.

I have been listening to the Senator from Arizona and his rather interesting remarks, and during those remarks the Senator from Arizona mentioned the names of several very prominent administration officials, including Bob Bell at the White House, National Security Council. He mentioned the present CIA Director, the former second man at the Department of Defense. He mentioned the Chairman of the Joint Chiefs of Staff, General Shalikashvili.

I simply want to say that I am not indicating the Senator from Arizona has misrepresented any of the statements that those individuals have made, but I have checked, while the Senator from Arizona was addressing the Senate, with Bob Bell at the White House. Bob Bell tells me that, notwithstanding the name dropping, all of the individuals mentioned by the Senator from Arizona to substantiate his position of being against the Levin amendment is not shared by anyone in the administration including each and every one of the officials mentioned in support of his argument by the Senator from Arizona.

This is a tremendously important matter. My judgment is that this should not come down to a party-line vote.

I am afraid it is going to be a party-line vote. Maybe if we can just reach a few Republicans. I would guess at this time that we would not lose more than one or two Democratic votes, two at the most, on this side of the aisle, maybe none, which means that we Democrats are talking to five, six or seven of our Republican friends asking that they look very closely at this before they vote against the Levin amendment.

I thought it was rather ironic a couple hours ago while I was on the floor at that particular time there were four Senators on the floor. There was Senator NUNN, for whom I have great respect and with whom I have worked closely for 17 years; there was the chairman of the Armed Services Committee, my dear friend, and no one has more respect in this body, in the view of this Senator, than my friend STROM THURMOND from South Carolina; there was JOHN WARNER, who came to the Senate the same time as this Senator. And the four of us happened to be here on the floor.

There have been many very important statements made and, I thought, well thought out by Members on both sides of this issue. It is an issue that may not be clear-cut in some people's minds. For 17 years, I believe, on national defense matters I have stood hand in hand with the Senator from South Carolina, the Senator from Virginia and others. I do not know that we have been very far apart, if far at all, on many issues. I can include Senator LOTT, a Member of the Senate that I work very closely with; Senator LEVIN; and others.

I simply say that we are at a point where I do not feel it is fair to indicate people are in bad faith on that side of the aisle on the matter. I just hope they will listen to the pleas that we are making on this side. Maybe a good way to put it is, I think they know not what they do. They are not badly intentioned. I think they know not what they do.

To put this in perspective, I would like to ask a question of the Senator from Michigan on this matter that may put this in some kind of perspective as far as this Senator sees it. Notwithstanding the protestations to the contrary, if the Levin amendment is not adopted, I feel that we have gone a long way down the road to disrupt some of the advances that have taken place over the last few years with regard to downplaying the role of dependence on nuclear devices. It is this Senator's feeling—and I am wondering to what degree this is shared by my friend and colleague from the State of Michigan. Senator LEVIN and I came here at the same time. We have sat side by side on the Armed Services Committee. We have generally agreed. And I would generally include him in that group of bipartisan Senators, Democrats and Republicans, that have worked hand in hand on critical defense matters.

Without losing my right to the floor, I want to ask Senator LEVIN this question: If your amendment striking basically the references to the ABM Treaty fails, it is the opinion of this Senator that such action, if your amendment fails, will probably end any chance of finally completing in a successful fashion the implementation of the START I treaty. In all likelihood, further, it will scuttle any chances of cooperation to obtain ratification of the START II treaty and then further eliminations of the number of nuclear warheads that were planned to follow on beyond that. I think it drives a stake through the heart of the Nuclear Test Ban Treaty. I think it certainly would do great harm to any chances that we have with regard to the nonproliferation treaties that we are interested in. And last and certainly not least, I would think this action very likely would go a long way to maintain a conventional forces understanding in Europe meaningful from the standpoint of seeking some form of stability in the world. All of these things, I think, have a very grave threat of extinction if we proceed in the fashion that the ABM Treaty language that the Senator from Michigan is trying to strike as it came out of the committee remains.

Mr. LEVIN. The Senator is right. In my view and, even more important by far, in General Shalikashvili's view when he says in his letter to Senator WARNER, the following:

> With regard to broader security issues, the linkage between the ABM Treaty and the START II has been stressed repeatedly by the Russians and U.S. military representatives in many forums, including discussions with many Members of the Duma. While there are, of course, other factors that play in the Duma consideration, one must assume that unilateral U.S. legislation could harm prospects for START II ratification and probably impact our broader security relationship as well.

And it is that broader security relationship that I think my good friend from Nebraska is referring to. And I do agree with his assessment of the impact. But again, our top military officer agrees, our Secretary of Defense agrees, our Secretary of State agrees with that assessment.

Mr. EXON. I thank my friend from Michigan. Let me summarize, if I can, some of the overall problems that I see with this measure that I partially addressed in remarks this morning.

The way this came out of the committee it attacks the limits of the Nunn-Lugar proposal that has been responsible for the safe and accountable disarming of over 2,500 former Soviet Union warheads. It cuts the Energy Department nonproliferation arms control and verification funding. It recommends reconstituting our nuclear weapons manufacturing complex at untold billions of dollars, while at the same time advocating the resumption of U.S. nuclear weapons testing. This last committee initiative is contrary to U.S. policy, and it is designed to scuttle ongoing comprehensive test ban negotiations and any prospect of reaching a treaty agreement.

I will have some more to say about this later on as we go into other particular issues under consideration in this bill. Let me simply say, though, I am concerned with the tone and the substance of the bill and the level of micromanagement placed on the Pentagon and the Department of Energy is unprecedented and harmful to our Nation's standing in the international community. Many of the committee initiatives are driven by a desire to defend against a superpower threat to U.S. security that simply does not exist. At the same time, when one-time enemies are now allies and the world community is committed more than ever before to the peaceful resolution of conflicts, the committee bill is at odds with the reality and the strong need of amendment before it can properly serve our Nation's security interests. At a time when American leadership in the world community is strongly needed, we cannot be viewed as a nation living in the past, jousting with our imaginary dragons in order to lay claim to the mantle of being strong on defense. We are a strong country, the preeminent military power of the world by far. But we must also be forward looking and recognize that it is in our national interest as well as the interest of other nations to encourage arms control and alliances based on collective security. It is unfortunate that some feel more comfortable in an adversarial environment than in one based on cooperation and lowering of superpower antagonism.

Like a beehive, the world in 1995 has the capacity to be both dangerous and peaceful. And handled properly, the hive can be benign and capable of producing sweet honey. If agitated, however, it can become hostile and threatening. The defense authorization bill in its present form is a sharp stick ready to be jabbed into the hive. The design and intent of the bill is to agitate the world community to the ultimate detriment of ourselves. This is not the time in history to rekindle the rhetoric of the cold war. I urge my colleagues to support the amendment that will correct these and other self-defeating elements of this flawed legislation.

Mr. KERREY. Mr. President, a defense bill must meet threats, real threats, not shadows or ghosts of threats disappeared.

Our military leaders and our intelligence services have properly identified the threats our Nation faces.

They have come before us and told us what threats we face.

We have ignored much of their counsel and drafted a bill addressed to the realities of yesterday and a dark view of a possible future tens of years away.

This provision if enacted will take a step toward abrogating the antiballistic missile treaty, scuttling the START II Treaty, and launching us back into the arms race of the cold war.

This bill includes many weapons systems designed to match a missile threat from the Soviet Union that does not exist. Due to the diligent efforts of former President Bush, President Clinton, our diplomats and Senators like Mr. NUNN and Mr. LUGAR, we have been able to substantially curtail that threat, to destroy hundreds of the missiles that used to be aimed at our nations, and to divert the targeting of the others that still remain.

Since 1991, the Nunn-Lugar program has helped the states of the former Soviet Union to destroy their weapons of mass destruction and reduce the threat posed by proliferation of these weapons. This program remains an example of concise policy designed to meet an identified threat and has significantly improved our national security.

We cannot stress to the appropriate degree how important arms control efforts have been to our national security. Today, as a result of bipartisan efforts from different administrations, Russia is planning to eliminate 6,000 nuclear warheads that formerly were directed toward our Nation. That is far more than any national missile defense could hope to destroy.

It would be a shame if the other provisions of this bill caused this progress to be in vain.

Therefore, I reject the provisions in this bill that if enacted will most likely resurrect an arms race between the United States and Russia.

By unilaterally deciding what the ABM standard is in regard to missile interceptors, the Senate would disrupt the negotiating process currently underway. Not only is this an unwarranted intrusion into the normal working of foreign policy, this provision dangerously increases the risk that the ABM and other weapons treaties will be abrogated completely by the Russians.

Later this year the Russian Duma was to vote on the ratification of START II. After they see the provisions in this bill regarding the ABM treaty, and realize how we plan to have a missile defense system that could theoretically counter an attack on the United States, the incentive to destroy the thousands of weapons called for in START II will be greatly diminished.

Regardless of what we tell them, the Russians will logically be thinking, why destroy our missiles when we may need them to get through a U.S. missile defense system?

Though its proponents claim this measure will protect us from a change in Russian policy, this measure will only further destabilize our relations and cause the hardliners in Russia to question our commitment to START II.

We would be throwing away a chance to destroy literally thousands of nuclear weapons on the faint hope that we can build an impenetrable missile defense system.

To justify the national missile defense system now when the Soviet threat is gone, the supporters of this bill are countering the views of our professional military and intelligence personnel and telling the American people a threat exists elsewhere when in fact it does not.

The supporters of this bill say that North Korea, Iran, Iraq, or Libya now have or will have shortly the ability to launch a missile that can reach our shores. That is simply not the case.

The report to this bill specifically notes the possible threat from the North Korean Taepo Dong II missile, which the report claims may have the range to hit Alaska. Since this weapon is in development, we do not in fact know that this missile will be capable of that range. But with North Korea in such dire straits economically and the growing possibility of its opening, with reunification with the south increasingly likely, should we spend billions on a missile defense system that probably won't work to counter a threat that may never exist?

Our professional military and intelligence personnel, the people who have the training, the knowledge, and the access to the most sensitive of information to judge these threats, say there is no threat from any indigenously developed missile for the next 10 years. Yet the supporters of these provisions do not believe those who know the most about this subject.

This presumed threat does not justify spending the tax money of American citizens on unproven and untested antiballistic missile defense.

This bill adds $300 million this year toward a national missile defense system. In 1993, the GAO reported that the cost of such a system would total $35 billion and a CBO estimate from earlier this year pegged the cost at $48 billion. As we know from past estimates, these estimates would probably be low.

The bill calls for the deployment of this system even though it is unproven and untested.

Under the most likely of scenarios, the nuclear umbrella this would create would be a leaky one that fails to completely protect our Nation if the nonexistent threat were to become real. With nuclear, chemical or biological weapons, anything less than 100 percent certainty will not suffice.

One clear lesson from history is that in military affairs, those who concentrate their efforts on defense are bound to fail. In the 1930's and 1940's France felt secure behind the Maginot Line. Their defensive posture was outwitted and decimated by a German Army dedicated to the offensive. When it comes to threats to the United States today, the means chosen to deliver a weapon of mass destruction would very likely be something other than a missile. It may be a cliche that the best defense is a good offense, but it is also true. We should look to counter any incipient threat from rogue nations through a robust offensive capability.

If someone is intent on attacking the United States, they need not be rocket scientists to figure out our Nation's vulnerabilities. Why spend millions of dollars on missiles whose launch we can instantly trace and respond to with enough devastating force to destroy an entire civilization? No, our potential adversaries would most likely seek the path of least resistance. The delivery system posing the greatest threat is the rental truck, not a ballistic missile. We face that real threat through offensive actions against rogue nations and terrorist groups.

We can support and focus our offensive capability through intense intelligence activities, so our policymakers and military commanders know most about what countries or groups are developing weapons of mass destruction, delivery systems, and the characteristics and locations of these systems. Next, the full diplomatic and economic powers of our Nation can be used to counter the threat that may develop. Then, if the developers cannot be dissuaded in peacetime, the weapons themselves can be destroyed either preemptively or in war.

I have heard other Senators state that the United States is vulnerable to an accidental ballistic missile attack. The truth is, the situation today is the same as it has been for 30 years. We have managed to survive this long because governments have stressed proper security and operating procedures for these terrible weapons. Nations understand the gravity of a mistake when nuclear weapons are involved. That is why the launching of one of these missiles involves so many intricate, redundant steps with multiple built-in safeguards.

Yes, Murphy's law is true. Accidents can happen. But to have an accidental ballistic missile launch, several accidents must occur. Several redundant safeguard systems would have to fail all in the proper sequence at the precise moment, not just multiple failures of equipment but also multiple failures of human judgment, communication, and authority.

I am no statistician, but I bet the likelihood of all that occurring simultaneously is far more remote than other Senators have led the public to believe. It would be far more likely that an interceptor missile in the national missile defense aimed at a moving target would miss its mark. The threat of an accidental ballistic missile launch toward our shores does not meet even the lowest threshold to qualify as a legitimate threat.

Again, I say to my colleagues, we need to have a rational assessment of the threats our Nation faces. And the threat we face from a Russia with several thousand more nuclear weapons is far greater than the threat from a Russia that abides by the START II agreement.

Mr. EXON. I ask unanimous consent that Senator KERREY be listed as a cosponsor.

The PRESIDING OFFICER (Ms. SNOWE). Without objection, it is so ordered.

Mr. EXON. I ask the Chair how much time is remaining of the time assigned to the Senator from Nebraska?

The PRESIDING OFFICER. Six and a half minutes.

Mr. EXON. I reserve the remainder of my time.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. LEVIN. Madam President, I ask unanimous consent that at this time, I be allowed to yield in this order: 8 minutes to Senator SIMON; 15 minutes to Senator KERRY; 8 minutes to Senator BINGAMAN, and that they be recognized in that order.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from Illinois.

Mr. SIMON. Madam President, it was just a few days ago when Senator BYRD, in the middle of a series of votes, was acknowledged for his 14,000th vote in a row. He got up and, among other things, he said there is a growing and excessive partisanship in this body.

I was on the subway this morning with Senator LUGAR, and some young eager student asked me what was different from when I came here. I said, "The body, the Congress as a whole, is more partisan than it used to be."

I mention that because if we end up with a straight party vote on something as vital to the future of our Nation as this is, we have not done our two parties a favor. I think the Levin amendment is extremely important to the security of our country.

If we just decide we are going to abrogate the ABM Treaty on our own, we are going to interpret it the way we want to, and that is what this amendment calls for, we are going to raise fears all over the world. We are going to be playing into the hands of the Russian hardliners. No one should misunderstand that for a moment. If we pass this bill without the Levin amendment, the Russian hardliners are going to say, "We're going to have to stop this elimination of nuclear warheads. We're going to have to move in the other direction."

Unilaterally to say this is what the ABM Treaty is going to be—and among other things in this bill it says, no U.S. official, presumably the Department of Defense, can discuss with any other country what the ABM Treaty means. That is a restriction on freedom of speech, among other things, that is unwise.

What we have is the present course where we are gradually reducing the nuclear threat, the arms threat in the world where we have moved from the great threat being nuclear annihilation, to the great threat being instability around the world, and we are going to move to a world where the threat is both instability and a nuclear threat.

Our present course reduces the nuclear danger. I happen to think we are spending way too much on arms. We are spending more than the next eight countries combined. If you take a look at the 1973 defense appropriations and add the inflation factor to it, we are spending more today than we were in 1973. That is when the Berlin wall was up, that is when we were in Vietnam, that is when we had almost twice as many troops in Europe.

I think some sensible reduction in arms expenditure is desirable and, frankly, I think even the high number requested by the administration would not be there but for the sensitivity of the President, because he was not part of the military, he does not want to look like he is antimilitary. But this $7 billion increase is just unwarranted.

On top of that, to say we are going to just unilaterally decide what the ABM Treaty means, on top of that to escalate the nuclear threat, I think, just does not make any sense at all, and it is going to waste billions and billions and billions of dollars in addition to increasing the threat to our country.

If this bill passes in substantially the present condition, then I think the President of the United States has no option but to veto it, and I will strongly urge the President to veto it.

We have to move away from an arms race. This bill, without the Levin amendment, increases the probability of an arms race.

Madam President, I yield whatever time I may have left to Senator LEVIN.

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for 15 minutes.

Mr. KERRY. Thank you, Madam President.

Madam President, I want to congratulate the Senator from Michigan and also thank the Senator from Illinois for his comments with respect to this amendment. It seems that some of our colleagues in this body, in the wake of losing the former Soviet empire and the monolith of communism as targets of their opposition, now have lost their compass. They seem unsure of where to direct their energies and our taxpayers' money, and so are struggling to find another opponent at which to throw this Nation's treasure—regardless of the costs or risks entailed.

The Soviet Union has ceased to exist, and we are well into implementation of the START I Treaty limiting nuclear weapons and on our way to a START II Treaty to dismantle strategic delivery systems and further limit nuclear weapons.

So we are on a course where the compass clearly points toward reduction in the number of nuclear weapons present in our world, toward the reduction of risk to our citizens and our society itself from an aggressor's attack, toward the control and reduction of weapons, and, indeed, toward the creation of stability in our world's political equation.

As all of us who grew up in the 1950's and 1960's understand, nuclear deterrence is built on the concept of mutually assured destruction. "They" can destroy "us," "we" can destroy "them," so neither chooses to destroy the other because nobody knows what would be left.

In effect, that has maintained a state of rough peace—even if an uneasy peace—since the end of World War II. Certainly there have been surrogate wars and smaller skirmishes and client-state struggles around the globe, but the great nuclear powers have never seen fit to attack each other because of the belief that the damage that would be returned would be unacceptably great.

Now, in 1995, we are no longer faced with Soviet expansionism, a Soviet desire to exploit every conceivable Western weakness, and, in every way short of initiating an all-out conflict, a Soviet desire to achieve and maintain the advantage in every competitive situation. We no longer stare across the North Pole at thousands of Soviet nuclear warheads targeted on America's cities, its industrial and military facilities, and its governmental and social lifelines. Yet in the bill that is before the Senate today, we have a provision that unilaterally abandons—and, I would argue, effectively nullifies—one of the critical ingredients that has brought us to the point where the compass is pointing in the right direction.

The Antiballistic Missile—or ABM—Treaty is a keystone to this arms control progress—which already has made huge contributions to the security and safety of our Nation and its people, and offers the promise of even greater safety and security in the foreseeable future.

The bill brought before the Senate by the Republican-controlled Armed Services Committee establishes as our national policy that we will have a national missile defense system at "multiple locations," which violates the ABM Treaty. It says that we will develop defense systems against theater ballistic missiles without regard to the ABM Treaty restrictions. It prohibits our President from even negotiating on this subject. It prohibits any interference with TMD missile testing that is self-apparently illegal under the ABM Treaty which our Nation signed and this very body ratified.

The bill before us unilaterally obliterates the ABM Treaty, Madam President.

Anyone who understands the history and psyche of the Russian people knows that they adamantly insist on realistic means of defending their nation. Fundamental to their willingness to enter into arms control agreements, and to continue to abide by them, is a requirement that their strategic weapons systems be effective in order to serve as a real deterrent to aggression against their nation, and an effective means of retaliation if that deterrence fails.

If the United States moves ahead unilaterally to build a system that can defend successfully against their strategic forces, we undo a delicate balance, and in the process almost surely destroy the willingness of the Russian nation to continue to honor arms control agreements that further damage their side of the balance-of-power equation.

Madam President, nuclear deterrence is already tricky enough. But it really has always rested on each nation's perceptions of the others' forces and of the threat that is poised against it. We hold the upper hand with respect to that today, relative to every country on the face of this planet.

Today, to break out of the ABM Treaty, or signal our intention to do so, is to invite a return to the days of suspicion and countersuspicion, and far more dangerously, to invite a diminishment of the stability of our current world order. It is not perfect, of course, but I think few would argue with the assertion that it is better than it was for the 40 years between 1949 and 1989.

We do not attack each other, because we know to do so would be to beg the ultimate destruction. But if we develop a capacity to knock down anything that could be sent at us, we have changed the threat perception—the perception of whether a balance exists—changed it in our own mind, and changed it for those who are our adversaries.

Changing the threat perception or the perception of whether a balance exists initiates the very hopscotching process that is the simple history of the entire cold war. We detonated the first atom bombs; the Soviets followed. We detonated the hydrogen bomb; they followed. We put long-range bombers in the air with nuclear weapons; they followed. We developed intercontinental ballistic missiles; they followed. We developed long-range submarines with ballistic missile capability; they followed. We developed multiple independently-targeted reentry vehicle or MIRVed nuclear warheads; they followed. Every single major episode of the cold war consisted of a first effort by the United States to develop technology that would give us an advantage. In every case, the Soviets responded by countering that advantage. After the Berlin wall fell, finally it became evident that this was an insane and vicious circle, consuming precious resources in our Nation and bankrupting the Soviet Union—in more than one respect.

But now, at long last, that threat has receded. The Soviet Union is no more. And the threat of ballistic missile attack of the United States is virtually nil—and will be virtually nil for many years.

Only Russia and China today can reach the United States with a nuclear warhead carried on an ICBM. All our intelligence agencies agree that there is no significant threat of such a missile attack today from either of those nations. Russia, while one must respect the military power still at its disposal, including intercontinental ballistic missiles, is not in any way prepared to engage our Nation in an armed conflict. China has some strategic ballistic missile capability, but not anywhere close to enough to initiate a war with the United States. We are the only remaining superpower.

And our intelligence community further agrees that no other nation will be able to develop the ability to hit the United States with ballistic-missile-conveyed weapons of mass destruction for a minimum of 10 years.

Let me share with my colleagues an excerpt from the prepared statement of Lt. Gen. James R. Clapper, Jr., Director of the Defense Intelligence Agency, to the Senate Select Committee on Intelligence at a public hearing on January 10 of this year on the threats faced by our Nation. General Clapper said, in part:

> We see no interest in or capability of any new country reaching the continental United States with a long-range missile for at least the next decade.

Then-Acting Director of Central Intelligence Adm. William Studeman, in response to questions asked at that same hearing, replied that

> No new countries have emerged with the motivation to develop a missile to target CONUS and the four that we previously identified—North Korea, Iran, Iraq, and Libya—are at least a decade away.

The administration, the Secretary of Defense, and the Secretary of State are all opposed to the missile defense and ABM provisions of this bill. Let me share the Secretary of State's letter with the Senate. In a letter to the ranking member of the Foreign Relations Committee, he says:

> I am writing to you to express my deep concern over certain provisions in S. 1026. Specifically, it contains missile defense and ABM Treaty-related provisions that raise serious constitutional foreign policy and national security concerns. Unless these provisions are removed or modified, I will oppose this bill.
>
> If enacted into law, the provisions related to missile defenses and the ABM Treaty would put the U.S. on a path to violate the ABM Treaty by developing for deployment a non-compliant, multi-site, National Missile Defense by the year 2003. Such a program is unnecessary and would place the START I and START II treaties at risk.

I know that the Secretary of Defense also has opposed these provisions.

Successive administrations, this one included, have supported the continued viability of the ABM Treaty as the best way to preserve and enhance our national security.

Madam President, I ask unanimous consent to have the entire letter printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF STATE,
Washington, DC. August 2, 1995.

DEAR SENATOR PELL: I am writing to you to express my deep concern over certain provisions in S. 1026, the Senate's National Defense Authorization Act for FY 1996. Specifically, S. 1026 contains missile defense and ABM Treaty related provisions that raise serious constitutional, foreign policy and national security concerns. Unless these provisions are removed or modified I will oppose this bill.

If enacted into law, the provisions related to missile defenses and the ABM Treaty would put the U.S. on a path to violate the ABM Treaty by developing for deployment a non-compliant, multi-site National Missile Defense (NMD) by the year 2003. Such a program is unnecessary and would place the START I and START II Treaties at risk.

Successive Administrations have supported the continued viability of the ABM Treaty as the best way to preserve and enhance our national security. Not only has it been critical to preventing an arms race, but it has also made possible the extraordinary progress that both Republican and Democratic Administrations have made in reducing strategic offensive arms. Our allies, including Britain and France, also view the ABM Treaty as crucial to strategic stability and the viability of their own independent nuclear deterrents.

Another provision seeks unilaterally to impose a solution to the on-going negotiations with the Russians on the ABM/TMD demarcation. By prohibiting the obligation and expenditure of funds to implement Article VI(a) of the ABM Treaty according to any interpretation except the interpretation specified in the bill, the bill would infringe upon the President's exclusive responsibility for the execution of the law and would impair the conduct of foreign relations consistent with U.S. treaty obligations.

Further, such actions would immediately call into question the U.S. commitment to the ABM Treaty, and have a negative impact on U.S.-Russian relations, Russian implementation of the START I Treaty, and Russian ratification of the START II Treaty. This would leave thousands of warheads in place that otherwise would be removed from deployment under the two Treaties, including all MIRVed ICBMs such as the Russian heavy SS–18.

There is no need now to take actions that would lead us to violate the Treaty and threaten the stabilizing reductions we would otherwise achieve—and place strategic stability at risk. We have established a treaty-compliant approach to theater missile defense that will enable us to meet threats we may face in the foreseeable future—and one that preserves all the benefits of the ABM, START and START II Treaties.

I hope that you will join with me to ensure that future generations enjoy the benefit of these treaties and remove these provisions that place these benefits at risk.

Sincerely,

WARREN CHRISTOPHER.

Mr. KERRY. Madam President, we do not need to abrogate the ABM Treaty in order to defend against a threat that does not exist, and will not exist for at least 10 years. Indeed, there are many things that we can do while remaining in full compliance with the ABM Treaty to prepare a defense, should the decision be that such preparations are warranted and their cost is justified. And we always retain the option, under the terms of the treaty, to withdraw from the treaty under its terms, or to negotiate modifications to the treaty if the Russians will agree to our objectives.

I might add, respectfully, that there are other ways to respond to a perceived threat that do not require building $40 billion systems that we do not even know will work when they are completed. We could use permissive action links; we could be negotiating harder with the Russians, and others, to take steps to prevent any kind of accidental launch; we could pursue the activities supported by Nunn-Lugar program funding, including strengthening Russian government controls over their nuclear weapons, safely and surely dismantling surplus nuclear weapons and delivery systems, and preventing technicians from transferring dangerous technologies to rogue states; we can provide for integral systems that literally destroy a missile before it is launched if someone tries to fire it without authorization.

Indeed, under the terms of the ABM Treaty, we already are allowed to develop an antiballistic missile defense system in one location, and we started to do some years ago in Grand Forks and then we decided it was too expensive and we gave it up.

But that is not the course this bill takes, Madam President. The missile defense and ABM provisions of this bill are an exercise in sheer lunacy. This is an attempt to create from thin air a reason to continue the numbingly expensive defense systems that the demise of the cold war has made superfluous—while simultaneously threatening the tremendous progress we have made in reducing the threat to our people from nuclear weapons.

The effect of this bill is to jettison the current, real, demonstrable protections of the START I and START II Treaties in exchange for spending a minimum of $40 billion to develop a system to attempt to defend our Nation against ballistic missiles—an entirely theoretical system that may or may not function as designed.

There are some Senators who have argued that we must be prepared, even if the risk is small and distant, for the possible threat of a potential aggressor nation developing and choosing to use against the United States a ballistic missile carrying a weapon of mass destruction. Others have said that the biggest risk is that some rogue nations may purchase such systems from either Russia or China. Mr. President, the fact is that if such nations wish us ill, and choose to act on those wishes, there are far less expensive, far faster, far easier, and far less technically complicated and failure-prone ways to wreak ill on the United States—ways against which a national missile defense system would be powerless to defend.

Should a rogue nation, for whatever reason, choose to pursue development and fielding of a ballistic missile system capable of reaching our Nation, that capacity is so far down the road, so prone to detection, and so capable of being preemptively neutralized if necessary, that the world should not shudder at the notion that we are somehow defenseless.

The main threats to our Nation today are from terrorists rolling bombs, nuclear or conventional, into our cities in cars or trucks, or carrying them in suitcases. Or cruise missiles launched from offshore. These are threats that the $40 billion-plus national missile defense system either cannot defend against at all, or against which the system could defend only incompletely.

The biggest threat of all, Madam President, is one right before our faces. It is the very same threat with which we have lived for the duration of the cold war, and which we finally reduced dramatically and are reducing further by the arms control treaties which are constructed on the bedrock foundation of the ABM Treaty. Trashing the ABM Treaty will rekindle the strategic/nuclear arms race with Russia, because even in its current condition of economic distress, Russia will do whatever is necessary to ensure it has an effective deterrent and retaliatory capability. Russia, at a minimum, will retarget its ICBM's and SLBM's on American cities, industries, and military installations. It will stop retiring and disassembling nuclear warheads and delivery systems. The progress toward a safer world that was so painstakingly and painfully achieved over two decades by Presidents of both parties would be demolished. Surely, in a world that lacks the Soviet empire, in a world where we do not have the same kind of threat we have lived with for the last 50 years, we do not have to turn around and create a new arms race.

Let us review the effects of this provision of the bill: In one sweeping movement, we are effectively demolishing—unilaterally—a treaty to which our Nation is a party and which this Chamber ratified. This action simply ignores procedures to withdraw legally from a treaty we determine no longer is in our best interests.

We are countenancing in law the known, deliberate violation of U.S. law.

We are pushing Russia to cease abiding by the terms of START I and halt progress to implementation of START II.

We are tying the hands of our President in terms of negotiating arms control agreements.

And we are launching this Nation on the course of spending a minimum of $40 billion for an untried, untested missile defense system that will not protect against the greatest threats of attack on this Nation.

The people of this Nation have long ago concluded that we in the Congress often make decisions and laws that make no sense to them. The provisions of this bill that pertain to missile defense and, in particular, to the ABM Treaty, result from fanning the flame of an irrational fear built on a fiction—a fiction with which none of our senior intelligence community officials agrees, and that has no basis in our foreign policy history, in our arms control history, or in current threat analysis. If the Senate approves these provisions, it will take one of the most outrageously nonsensical steps it has taken in my 11 years of service here.

I strongly support the amendment of the Senator from Michigan in deleting the offensive language from this bill. I believe Senate adoption of his amendment is absolutely essential. Without approval of this amendment, I will vote against this bill and urge all Senators to do the same. I will join with other Senators to urge the President to veto it—a step he already has indicated he expects to take if these provisions are not acceptably modified.

I believe this bill is destined for the trash heap if the amendment is not approved. I hope it will be approved by an overwhelming vote.

Mr. BINGAMAN. Madam President, I opposed this bill when it was being considered in the Armed Services Committee. The main reason I did so were the provisions in the bill entitled the Missile Defense Act of 1995.

I believe these provisions will do this Nation's security more harm than good, by ensuring that START II will not be ratified by the Russian Duma.

Madam President, I am not going to repeat the analysis which Senator LEVIN, Senator NUNN, Senator EXON, Senator KERRY, and various others have already made about the specific provisions that the Levin amendment would strike. They are clearly the most provocative of the provisions on missile defense that the bill contains and the ones that are most certain to incite the Russians to react.

I would like, however, to ask my colleagues how we, here in this Senate, would react if the Russian Duma passed a defense bill that contained the following provisions: First, how would we react if the Russians adopted a provision that committed Russia to deploy a multisite antiballistic missile defense by the year 2003, with an interim capability by the year 1999, which constituted an anticipatory breach of the ABM Treaty and that added hundreds of millions of dollars in ruble equivalence in order to pursue that goal.

How would we react here in this Senate if the Russians adopted a provision that revived a space-based missile defense program, in the hope that it would allow Russia to dominate space in the long run, while providing a second layer of missile defense for that country?

How would we react here in this Senate if the Russians adopted a provision that unilaterally resolved the theater missile defense demarcation line at a point that would clearly make the American theater missile defense systems beyond Patriot violations of the ABM Treaty in Russia's view?

How would we react here in this Senate if the Russian Duma adopted a provision that limited President Yeltsin's ability to retire strategic weapons systems before START II is ratified by the U.S. Senate?

Finally, how would we react in this body if the Russians adopted a provision that proposed to resume hydronuclear testing with yields up to hundreds of tons of TNT, which is a level that is not usually associated with the term hydronuclear.

Madam President, if that bill were to pass the Russian Duma, the din on this floor would be deafening. Member after Member would stand up and declare that the right wing had won the internal political controversy in Russia, that the cold war was back on, and that in light of this deeply provocative attack by the Russian Duma, ratification of the START II Treaty was out of the question.

I am certain that at least 34 Senators here would dispatch a letter to the President declaring their opposition to START II, and demanding a defense supplemental bill be submitted to the Congress so we could react to what has happened.

Now, of course, if we do this sort of thing, in this defense bill that we are now considering on the floor, I presume the expectation is that the Russians would not be similarly provoked.

Madam President, I do not buy that assumption. The one thing that the Russian industrial base could effectively compete with us on is fabricating nuclear weapons and missiles. Some of that base is in the Ukraine and would have to be revived in Russia.

I, for one, do not want to take the chance that the extreme provisions in this bill will reignite the arms race. I, for one, do not want to subscribe it a double standard in our dealings with the Russians, now that the cold war is over.

The extreme and provocative actions by our so-called "conservatives" in this bill, in my view, will undoubtedly play into the hands of those who consider themselves conservative from a Russian perspective—those, in many cases, in Russia at least, who are bent on unraveling START II and other arms control efforts.

The only thing that is attempting to be conserved by this transnational alliance would be the cold war.

Madam President, I urge my colleagues, as many others have this afternoon, to support Senator LEVIN's effort to strike the most extreme provisions of this bill. If they are not struck, I trust that the President would veto the bill. I hope that is not necessary. I hope that we can act appropriately on this amendment and this bill can be improved to an extent that the President could sign it. Thank you. I yield the floor.

Mr. THURMOND. I yield 10 minutes to the distinguished Senator from Maine.

Mr. COHEN. Mr. President, in sitting here in the past few moments listening to the debate, I am somewhat surprised at the level of rhetoric that is currently being used.

We heard Senator after Senator get up and say this declaration in the DOD authorization bill is one to violate the ABM Treaty, or to signal our intent to do so. They say this is a unilateral abrogation of the treaty against a fictional threat.

I point out to my colleagues that nothing in this bill calls for the abrogation of the ABM Treaty. Nothing in this bill calls for us to violate the treaty.

Fictional threat? I wonder how our supporters on the other side feel about the fictional threat that was launched against the state of Israel? What if the state of Israel had no defensive systems? What if they had no Patriots to defend against the Scud missile?

I wonder how many would take the floor and say it is tough luck that they are out of business. All we had to have is a few Scud missiles carrying chemical warheads land in Tel Aviv or Jerusalem and wipe out their populations. They had no defensive mechanism available against it.

We are talking about something quite different in terms of ICBM threats. I recall the debate on the threat from Iraq, during the debate on the Persian Gulf war. I remember those citing estimates by our CIA and our DIA and other intelligence agencies at that time. They said, we cannot give you an estimate. It could be 1 year, it could be 10 years, and we are guessing it is closer to 10 years than 1 year.

Following the war with Saddam Hussein, I think we came to an entirely different conclusion. We discovered that Saddam had achieved much greater progress toward that goal than we had been aware of.

Members on the other side say this should not be a partisan issue. Why is it that every time the Republican majority suggests a policy, it is partisan, but when everybody on that side lines up and vote against it, it is not partisan.

This is not a partisan issue. It ought to be bipartisan. We ought to say, as a body, that we are concerned about the proliferation of technology—missile technology—in the world. We are concerned when we see major powers selling technology to potential enemies. We are concerned when we see China, for example, selling technology to other countries that may pose a threat to us in the future. We ought to be concerned about the proliferation of technology that one day—and we cannot predict when that one day will be—will pose a threat to our population.

Now, admittedly, if we were to engage in a war with the former Soviet Union, that would not involve a limited attack or an accidental launch against us. That would be a massive exchange, against which there is no defense.

I am one who, at different times over a number of years, has stood on this floor opposing the notion of having a so-called dome over the United States to protect us from an all-out attack. I never believed it was possible to do so and led the effort to defeat spending money in pursuit of that kind of system.

But I have also stood on the floor with the Senator from Georgia, Senator NUNN, when he expressed concern about limited attacks, about accidental launches, about what we would do if suddenly received a message stating: "Sorry, some accidental launch has taken place. There is an ICBM headed for New York City or Washington, DC, or Los Angeles," and all we can do is wait for it to hit?

We are talking about constructing a system that will protect against a limited attack or accidental launch and nothing more, and it is all to be done in accordance with the ABM Treaty.

The ABM Treaty as originally written called for multiple site defenses, two sites for each side. We renegotiated that treaty—at that time with the Soviets—to one site. Now we are saying, in view of the proliferation of technology, we ought to renegotiate it to allow each of us, the Russians and the United States, to have some minimal capability to protect our respective countries against an accidental launch or a limited attack. We can do that within the ABM Treaty.

The ABM Treaty explicitly anticipates "changes in the strategic situation" and provides a means to negotiate amendments to deal with such changes. It also allows for us to pull out of the ABM Treaty upon 6 months' notice.

Following what I hope will be the defeat of the Levin amendment, I intend to offer an amendment—perhaps joined by the Senator from Georgia, perhaps not—to make it clear that we intend to act in accordance with the ABM Treaty. We intend also to call upon the President to seek to negotiate with the Russians to allow each side to develop and deploy a limited system to protect our respective countries against this proliferation threat. And if the President should fail to do so, it will be my recommendation that the President come back and report to the Congress and then seek our advice as to whether or not we should continue with the ABM Treaty or at that time should indicate our desire to withdraw.

That is all within the ABM Treaty. And contrary to what is being represented here on the floor this afternoon, we are not seeking a unilateral abrogation. I do not want to see that. I hope, later on during the course of this afternoon, I can make that very clear with explicit language that will resolve any doubts about that. We want to continue to act in accord with the ABM Treaty. The ABM Treaty allows us to negotiate to seek amendments. We want to see if we cannot negotiate with the Russians to allow for a deployment on a land-based system with multiple sites—and the Russians would have the same right to do so—to protect us against miscalculation or accident.

Madam President, there is an assumption in all of this debate that somehow the threat will only come from the former Soviet Union. I do not make that assumption. We are concerned about what is taking place on a global basis. We are concerned about potential threats from other sources. We cannot predict who they are, where they may be, or how far along the line of technology development they have proceeded. But we cannot face our constituents in good conscience and say: "Sorry we failed to take any measures to protect you. Our only defense is to launch an all-out attack on whomever launched that missile." That is our only option today. Is that a rational, sound option, to say if you launch one or two missiles against the United States, we end up launching ours against yours?

What we need to do is to have a limited protective system. That is what the Armed Services Committee seeks to do in this authorization. I intend, following the debate and conclusion of the Levin amendment, to offer an amendment to make that very clear.

Madam President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. LEVIN. Madam President, I will just yield myself 1 minute and then I will yield to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Madam President, the language of this bill which we strike says it is the policy of the United States to deploy a multiple site national missile defense system. A multiple site national defense system is not allowed by the ABM Treaty. Period.

It also says we should negotiate. That is great. But it is very precise, and we tried to get these words out in committee and we failed. I am very glad to hear from the Senator from Maine he does not support abrogating the treaty and he will offer language making it clear we want to stay inside the ABM Treaty. That is what my amendment does. That is precisely what my amendment does, is to strike the language which says that it is the policy of the United States to deploy a multiple site system—which violates the ABM Treaty.

There is one other provision in here. The Senator from Maine talks about, "We should negotiate," and I surely agree with him on that, too. It is stated right here in language which the amendment will strike, if it succeeds, that it is the sense of the Senate the President should cease all efforts to modify or clarify obligations under the ABM Treaty.

So while the Senator from Maine, in a way that I fully support, says he thinks we should negotiate changes in the ABM Treaty, the bill has language, which the Levin amendment will strike, which says that for 1 year pending this study the President should not seek to modify, to clarify obligations under the ABM Treaty.

So I think the amendment which the Senator from Maine says he will oppose actually gets exactly at the language which I believe he basically will oppose as well, at least from the statement he gave this afternoon on the floor, that is to make it clear we are not now going to declare we are going to violate the ABM Treaty. The purpose of the Levin amendment is to strike the language in the bill that says we are going to violate the ABM Treaty. It is clear, as you can read it. "It is the policy of the United States to deploy a multiple site system." That is what is not permitted by the ABM Treaty. That is the language, specifically targeted, rifleshot language that we seek to remove from this bill.

Now I will yield to the Senator from Massachusetts 15 minutes.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for 15 minutes.

Mr. KENNEDY. Madam President, I yield myself 10 minutes.

Madam President, I listened to the interventions of my friend and colleague from Maine and the response from the Senator from Michigan, Senator LEVIN, about whether the provisions in question effectively abrogate the ABM Treaty. I would like to refer to the committee report which I believe gives us an answer. The report reads, "The committee acknowledges that many of the policies and recommendations contained in the Missile Defense Act of 1995, if implemented, would require relief in one form or another from the ABM Treaty."

It cannot be much clearer than that. This language, agreed upon by the majority of the members of the committee, acknowledges that many of the policies and recommendations contained in the Missile Defense Act of 1995, if implemented, would require relief from the ABM Treaty.

It is the purpose of the amendment of the Senator from Michigan to remove those particular provisions that would require such relief. Those who oppose his amendment want to maintain the provisions in the Missile Defense Act of 1995 which effectively will emasculate the ABM Treaty.

There is no question—certainly there was no question on the minds of any of the members of the Armed Services Committee—as to what was intended, and the Senator from Michigan has outlined in careful detail those parts of the ABM Treaty that are inconsistent with the provisions included in this bill. So we should be under no illusion about what was intended by the majority of the members of the Armed Services Committee and what the remedy will be if the amendment of the Senator from Michigan is accepted.

Madam President, during the course of the debate on the issue, some on the other side have argued that we need to build and deploy a national missile defense to protect our citizens against the accidental and unauthorized launch of Russian nuclear missiles. The Defense Department has looked at this matter. It is not a new issue. It is not a new argument. It is a matter that was considered and has been considered in its various forms over recent years in the fashioning and shaping of the START I, START II and the ABM treaties. During that consideration, the Defense Department determined that the best way to defend our Nation against accidental launches is to do two things: first, reduce the number of nuclear missiles in the Russian arsenal, thereby reducing the likelihood of an accidental launch. Republicans understood that. President Nixon understood it when he advanced the ABM Treaty. President Bush understood it when he advanced the START I and START II treaties. The Joint Chiefs of Staff and the various Secretaries of Defense and State understood it as well.

There must be some new revelation that has come over the members of our committee to undermine that very basic and fundamental concept embraced by Republicans and Democrats, Presidents, Secretaries of Defense, and members of the Joint Chiefs of Staff. They agreed that the most important thing that can be done for the security of the United States was to achieve nuclear arms reductions. These agreements were initiated and supported because Presidents over a long period of time believed that they were in the interest of the security of the American people, and of the nations of the globe.

The Missile Defense Act would undermine these achievements, the successful arms reductions negotiated in START I and START II. We have been warned of that. The Chairman of our Joint Chiefs of Staff and the Secretary of State have outlined the statements, comments, and conditions of Russian leaders that indicate they would not go forward to ratify START II if the ABM Treaty is abrogated.

Before taking the second step to protect our Nation against the unauthorized or accidental launch of nuclear missiles one must understand that the Soviet Union is not our adversary and that it is not our ally. We can expect one form of conduct from our adversary and another from our ally. But the Soviet Union is neither.

So the Secretary of Defense and the Joint Chiefs have recognized a second step, which they have put into practice, that will be further undermined if the Levin amendment is not agreed to, and that is to work cooperatively with the Russians to assure firm command and control over our respective forces. For example, in 1994 we reached the nuclear detargeting agreement with the Russians. We agreed that our nuclear missiles deployed in silos or on submarines would not be targeted against each other—an important step.

The Russian missiles are not targeted against us today. I do not want to see them retarget their missiles on our territory because they have additional concern about the United States breaking out of the ABM Treaty. Our friends on the other side cannot guarantee that. We cannot, as supporters of the Levin amendment, guarantee it. But we can say with some degree of predictability that the arguments for changing that policy of retargeting and increasing instability are further advanced by the defeat of the Levin amendment.

We agreed in 1994 that we would change the targeting of our missiles both on land and on the seas, and, in that way, if there were an accidental launch of a Russian nuclear missile, it would not land on United States cities but harmlessly in the ocean. We achieved this important agreement through cooperative discussions, not by mandates such as those included in this particular proposal that would mandate the President's negotiating position on the demarcation between theater missile defenses and strategic defenses. We get it through cooperative methods, not by sending bulletins to the Russians. We did it through cooperation, and it has worked and is working, and we are safer and more secure today because of that.

How are we going to make similar progress if there is no cooperative relationship with the Russians? How are we going to do that? We have not heard an explanation of how cooperation will continue if this bill is not amended. Once again, the key to United States-Russian nuclear safety is maintaining the productive relationship we have struck since the end of the cold war: to continue with the START reductions and cooperative threat reduction efforts. And the best way to protect Americans from unauthorized and accidental launches of Russian missiles as maintained by the Defense Department is through cooperative measures, not through active defenses.

There are two efforts—continued reductions in strategic nuclear weapons and the Nunn-Lugar cooperative threat reduction programs—that we must ensure will continue. There is no question that there would be serious damage to these efforts if we allow this bill to put cooperative ventures at risk.

Finally, Mr. President, in the committee report on this bill, there is the discussion in the section on the Missile Defense Act that states that in the near term, national missile defense deployments serve to stabilize mutual deterrence by reducing prospective incentives to strike first in a crisis.

That has been an issue that has been debated by Republicans and Democrats for as long as I can remember, for as long as we have been talking about strategic nuclear weapons. That was the argument when we were looking at star wars, and it has been resurrected even with the changed world conditions.

I have great difficulty understanding the logic behind this point. If we were to deploy a national missile defense, we would be degrading the effectiveness of the Russian offensive missiles. And as anybody who follows strategic nuclear policy understands, any time you degrade the effectiveness of a nation's missiles, you shorten the fuse on those missiles in a time of crisis, you increase the incentives for the other side to strike first.

Mutual deterrence remains as the ultimate guarantor of our safety from nuclear attack. There are ways to make deterrence more stable and more secure. That is through negotiation of arms reductions and negotiations on command and control agreements that improve the safety of U.S. and Soviet nuclear arsenals.

I believe that is the way to go, and all of those efforts will be advanced by the acceptance of the Levin amendment.

Madam President, I strongly support the amendment to save the Anti-Ballistic Missile Treaty from unilateral abrogation, which would be the result if this bill is enacted in its present form. Since the United States and the Soviet Union signed this landmark treaty in 1972, it has been the cornerstone of United States nuclear arms control policy. By insuring that nuclear arsenals remain effective deterrents, the ABM Treaty has brought stability to the nuclear relationship for the past quarter century.

Unilaterally discarding the ABM Treaty would severely undermine the cooperative United States-Russian strategic relationship. Just as the United States is beginning to reap the greatest rewards from the strategic nuclear policy constructed on the foundation of the ABM Treaty, many Members of Congress want to throw it all away.

The START I and START II accords, signed by President Bush, would verifiably eliminate three-quarters of all the nuclear weapons ever pointed at the United States. Through the Nunn-Lugar cooperative threat reduction program, the Russians are actually accepting United States help to dismantle their nuclear weapons, a situation that none of us would have dared imagine only a decade ago.

The bill's provision is a clear and present danger to the ABM Treaty. It would turn United States-Russian cooperation into mistrust. We would be discarding tangible present advances in arms control for the illusion of future security through a national missile defense system that will cost billions of dollars above and beyond the huge defense burden we already carry in this era of deep budget cuts.

The only way that opponents of the ABM Treaty could develop a rationale in support of the offending provisions in this bill is by misrepresenting the nature of nuclear threats to the United States in the post-cold war era, the value of the ABM Treaty today, and the need for building and deploying strategic defense in the near future.

Five transparent myths underlie the case for building national missile defenses and abrogating the ABM Treaty. Once the myths are exposed, the case for abrogating the ABM Treaty crumbles.

Myth No. 1 is that the ABM Treaty is a cold war relic whose value disappeared with the demise of the former Soviet Union, so that we can abrogate the ABM Treaty at no cost to United States security.

The cold war may have ended, but nuclear deterrence still remains as the centerpiece of U.S. nuclear security.

The end of the cold war and the relaxation of military tensions between the United States and the Soviet successor states have not made the ABM Treaty obsolete. The nature of nuclear weapons and their massive destructive power has not changed. No matter how much the opponents of the ABM Treaty wish it were otherwise, effective mutual deterrence is what keeps Americans safe from nuclear war.

Today, 6 years after the fall of the Berlin Wall and nearly 4 years after the breakup of the Soviet Union, the relationship between the United States and Russia is in transition. Russia is no longer our adversary, but it is not our ally either. Although we see no apparent tensions that could lead to nuclear conflict, prudence dictates that we structure our remaining nuclear arsenals to achieve the most stable nuclear deterrence possible.

The end to the hostile relationship allows us to cooperate much more extensively than in the past to solidify and stabilize nuclear deterrence at much lower levels of nuclear weapons. Over the past 6 years, we have managed to use this change in the relationship in a way that leaves deterrence more stable, and the American people safer than at any time since the beginning of the cold war.

Consider the progress we have made in recent years. In 1991, President Bush and President Gorbachev signed the START I Treaty. Two years later, President Bush and President Yeltsin signed the START II Treaty, which will reduce the number of Russian nuclear warheads pointed in our direction from 10,000 to 3,500.

In addition, through cooperative initiatives, the so-called Nunn-Lugar programs, we are working with the Russians to assist them in dismantling their nuclear warheads, thereby substantially reducing the Russian arsenal's threat to the United States and substantially reducing the likelihood that nuclear weapons will end up in the hands of renegade regimes or terrorists.

The ABM Treaty is the indispensable foundation for these steps. Abrogating the treaty would jeopardize all of these important advances, and endanger the future of United States-Russian nuclear relations.

Some argue that the ABM Treaty is obsolete because deterrence is no longer needed. They pretend that we can rely on missile defenses to protect the American people from nuclear war. This is the same preposterous argument we heard during the 1980's, when star wars was oversold as a miracle protection from the nuclear threat.

SDI never came close to meeting the standards of operational effectiveness and cost-effectiveness that the Reagan administration said would be necessary to make the transition from deterrence to defense. No technical advances since the abandonment of that ill-conceived and wasteful adventure make the reality today any different. Defense cannot replace deterrence, and we would be foolish to try it. The ABM Treaty is not obsolete. It is still the foundation for stable deterrence, and it deserves to be maintained.

The second myth is that the Russians will not mind if we abrogate the ABM Treaty. It is said that we can deploy a national missile defense and still maintain a cooperative strategic relationship with Moscow.

This groundless assertion is refuted by the Secretary of Defense, the Chairman of the Joint Chiefs of Staff, and most important of all, by the Russians themselves.

Gen. John Shalikashvili, the Chairman of the Joint Chiefs of Staff, in a June 28 letter to Senator LEVIN stated that undermining the ABM Treaty will make START II ratification by the Russian parliament highly unlikely. In the letter, he addresses this issue clearly. He writes:

> While we believe that START II is in both countries' interests regardless of other events, we must assume such unilateral US legislation could harm prospects for START II ratification by the Duma and probably impact our broader security relationship with Russia as well.

General Shalikashvili is the top military officer in the Nation. He has had extensive contacts with senior Russian military officers. In his view, enactment of legislation that harms the ABM Treaty will damage our cooperative security relationship with the Russians at the very moment when we are trying to move forward in arms control.

Secretary of Defense Perry, in a letter to Senator NUNN, the ranking member of the Armed Services Committee, feels the same way. He writes that the provisions in this bill "would jeopardize Russian implementation of the START I and START II treaties, which involve the elimination of many thousands of strategic nuclear weapons." Secretary Perry understands full well the damage this bill would inflict on U.S. security, which is why the administration strongly opposes these provisions.

The Russians themselves feel the same way. At the May summit in Moscow, President Clinton and President Yeltsin signed a joint statement that commits both nations to upholding the ABM Treaty, and to developing and deploying theater missile defense systems in compliance with the Treaty. It is reckless to think that the Russians will watch us violate this commitment without a response that will set back the cause of our mutual security.

At the Conference on Disarmament in Geneva on June 29, Russian Foreign Minister Alexander Kozyrev reaffirmed the commitment of the Yeltsin government to ratify the START II Treaty, "subject to strict compliance with the ABM Treaty."

It could not be any clearer. If we abrogate the ABM Treaty, we will not have START II, much less START III. We will not have cooperative threat reduction. And we may well not have a comprehensive test ban and other arms control agreements we need in the years ahead.

The third myth underlying the proposed abrogation of the ABM Treaty is that we face the threat of ballistic missile attack from renegade nations that will achieve this capability in the near future.

This myth squarely contradicts the conclusions of the U.S. intelligence community and the Pentagon leadership.

Lt. Gen. James Clapper, Jr., the Director of the Defense Intelligence Agency, testified before the Armed Services Committee in January that "we see no interest in or capability of any new country reaching the continental United States with a long range missile for at least the next decade." Secretary Perry endorsed this judgment in testimony before the Armed Services Committee this year.

Concern about future ballistic missile threats to U.S. territory is the basis for the Clinton administration's research and development program on national missile defenses. This reasonable level of spending on anti-missile defenses will put the United States in a position to rapidly deploy such a defense if unforeseen threats arise in the near future. It makes sense to spend a modest amount on R&D. It makes no sense to throw billions of dollars into deploying what may be an unnecessary system sooner.

Myth No. 4 is that a multi-site national missile defense can be deployed over the next decade for a modest cost. This assertion is a fantasy. This year's bill plans to spend $671 million on national missile defense, an increase of $300 million over the administration's request. But this increment is only the tip of a very large iceberg.

According to the Congressional Budget Office, deploying a single-site national missile defense would cost $29 billion to complete and $16.5 billion of the total would be spent over the next 5 years. This estimate does not include the cost of building additional sites, which the pending bill calls for, and it does not include the cost of operating and maintaining the system once it is operational.

Other costs will be higher too. Abrogation of the ABM Treaty will doom START II, and saddle us with a nuclear stalemate with the Russians at cold war levels. We will have to maintain our strategic nuclear arsenal at its current size, not the greatly reduced level under START II. If we proceed with this bill, we will be spending tens of billions of tax dollars in a way that increases the nuclear threat to the United States. The American taxpayer was taken for a long and expensive and unnecessary ride by star wars in the 1980s. It makes no sense to repeat that experience in the post-cold war era.

Myth No. 5 is that we need to discard the ABM Treaty in order to build and deploy effective theater missile defenses to protect U.S. forces in the field. The fact is, the United States can do both. We can comply with the ABM Treaty, and we can create effective theater missile defense systems.

The ABM Treaty strictly limits development and deployment of strategic missile defenses. But it expressly allows the signers to deploy theater missile defenses. The United States is already developing advanced theater missile defenses that may have significant capability to defeat strategic offensive missiles.

As a result, the Clinton administration has entered into negotiations with Russia to determine which systems will be permitted under the ABM Treaty. By so doing, the President is using one of the key features of the treaty—its flexibility to update and revise the Treaty as developments demand.

This bill, however, prevents the effective negotiation of any boundary between theater and strategic defenses. It would deny the President the power to negotiate this clarification of the treaty in a way that will best serve our national security.

By attempting to achieve by legislative mandate what the President should negotiate, the bill will undercut the basic constitutional allocation of treaty-making powers between the President and Congress. It is wrong to legislate an ideological negotiating position while rational negotiations are underway. This step sets an extremely dangerous precedent for the future, and could result in the collapse of the ABM Treaty.

It is time to cut through the myths and misrepresentations. Our national security is at stake. It makes no sense to sacrifice real and verifiable reductions in the Russian nuclear arsenal, in exchange for a multibillion dollar national missile defense that will leave us less secure. A decade ago, we should have left star wars in Hollywood where it belonged—and that is where this senseless sequel belongs too.

I urge my colleagues to support the amendment.

Madam President, I yield whatever time remains back to the Senator from Michigan.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER (Mr. THOMPSON). The Senator from South Carolina.

Mr. THURMOND. I yield 10 minutes to the distinguished Senator from New Hampshire.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized for 10 minutes.

Mr. SMITH. I thank the Senator from South Carolina.

Mr. President, the other side in this debate, Senator LEVIN and others, assert that somehow this bill is going to violate the ABM Treaty or require us to violate the ABM Treaty. Those are the terms that we have heard used—violate or require us to violate the treaty.

My friend, Senator LEVIN, is a very accomplished attorney, and I respect his intellect very much, but this is just patently false. There is no requirement to violate any treaty in this legislation we have written. Nothing in this bill violates the treaty, nothing. If it did, if the language in here were to violate the treaty, why does the distinguished Senator from Georgia, Senator NUNN, in comment after comment talk about an anticipatory breach down the road?

If there is an anticipatory breach down the road, the way I read that is there is not any breach yet. There is not any violation of anything. We are anticipating it. Well, you can anticipate anything you want, but the facts speak for themselves. This does not violate the ABM Treaty, period. Nothing in this bill violates the ABM Treaty. It is simply patently false to say that it does.

Now, in 2003—that is the deployment date for ground-based multiple sites—in 2003, yes, we could do that, but it is not 2003. This is still 1995 as I looked at the calendar, and I do not quite understand the logic here of how it is that we are violating something that we have not violated yet. We are anticipating a violation, but we are not violating anything. So I am having trouble understanding the semantics, and I think that is probably the intent of the opposition here, to make sure that others have trouble understanding the semantics so that we can confuse and obfuscate and hide the real truth, which is that we are not violating any treaty at all in this language.

Now, article XIII, which the Senator from Michigan and others are aware of, is very clear on this, about what our rights are under this treaty. There is nothing hidden about it. I have a copy of the treaty right here in my hand, and it says:

> To promote the objectives and implementation of the provisions of this treaty, the parties shall establish promptly a standing consultative commission within the framework of which they will—

Among other things,

> consider possible changes in the strategic situation which have a bearing on the provisions of this treaty.

Surely, my colleagues will admit there have been strategic changes since the fall of the Soviet Union. Second:

> Consider as appropriate possible proposals for further increasing the viability of this Treaty including proposals for amendments.

We have a right to amend the treaty. And finally it says under article XV, Mr. President, that:

> Each party shall in exercising its national sovereignty have the right to withdraw from this Treaty if it decides that extraordinary events relating to the subject matter of this Treaty have jeopardized its supreme interests and it shall give notice of its decision to the other party 6 months prior to the withdrawal from the Treaty.

So we are not violating any treaty with this language. If someone is saying we are anticipating the violation of the treaty, fine; we can anticipate anything we want to. But it is simply wrong to say that we are violating this treaty or that we do not have the right to change this treaty or to withdraw from this treaty or whatever the parties wish to do. It is right there. It is written. It is clear. It is indisputable. It is fact.

I am kind of surprised to hear that we are going to automatically violate this treaty if we decide that we, in the United States of America, want to defend America against attack.

Well, you know what? We do not violate the treaty, but if we had to defend America I would violate the treaty—that happens to be this Senator's personal opinion—because I do not think I am worshiping at the altar of a treaty. I did not know that a treaty was forever and that we could not change the provisions.

We have the right to change this treaty. It was written to change, just like the Constitution was written with a possibility to amend it. This treaty was written to change it, to even withdraw from it if it is in the national security interests of a nation to do so.

Those are the facts. I suggest to my colleagues that the end of the cold war is just the kind of change the treaty is referring to. That is the kind of strategic change that this treaty is referring to, the end of the cold war, the end of a bipolar world. We are now in a multipolar world with threats that we do not really know how to calculate, with weapons that are different and in the hands of some who may be more inclined to use them than even the old Soviet Union. Our colleagues who support the Levin amendment, if we are to put this in perspective, are the same people who day after day, day after day, year after year, argue the cold war is over and therefore we should adapt our defense program to the changed environment.

That is a good argument. The cold war is over. We must adapt. We are adapting. We have downsized our military. We are changing some of the priorities in our weapons systems. That is fine. But why are they fighting so hard, Mr. President, to preserve the most obvious relic of the cold war, the ABM Treaty? The ABM Treaty, the Anti-Ballistic Missile Treaty, the relic of the cold war, deals with a bipolar world, deals with a concept of mutual assured destruction, that if one side fires at the other, the other will fire back; therefore, the first side will not fire. That is the whole logic here, but is not a bipolar world.

Does anybody believe that Saddam Hussein would be reasonable and rational, or perhaps Qadhafi in Libya? Are we dealing with rational people in some of these fundamentalist and other nations around the world today? I think not, and the American people know that.

Frankly, those who wrote this treaty knew that, that we were not always going to have the same situation in the world. The treaty is between the United States and the Soviet Union. There is no Soviet Union anymore. Even if we agree that Russia is the successor to the Soviet Union—which frankly is an open question—there are many other nations now, legitimate nations of the world that were part of that old Soviet Union. It is not just Russia. Russia is not the automatic successor to the Soviet Union.

It is clear that this treaty does not include the nations that threaten us the most. The nations that threaten us most: Libya, North Korea, Syria, Iran, Iraq, China, they did not sign the ABM Treaty. They do not have anything to do with the ABM Treaty. So why are we locked to an ABM Treaty? Why are we locked to an ABM Treaty that does not even deal with the countries that are threatening us?

The answer is very simple. We should not be. And the treaty founders, those who authored that treaty, knew it. We are not standing on the brink with Russia. In fact, Yeltsin says Russia is no longer targeting us with missiles. This is no longer bipolar. It is multipolar.

The Levin amendment would leave us perpetually locked into an outdated posture of confrontation with the former Soviet Union, the past, the cold war. Let us step into the 21st century. Let us look at the threat today, not yesterday. We have an obligation here in this Senate to look ahead, to protect the future, and this language does it. This language does it. It encourages a cooperative transition away, away from mutual assured destruction toward mutual assured security—not destruction.

The Levin amendment would leave America completely vulnerable to ballistic missile attack. It would strike this language, gut the essence of the bill, restrict our ability to make theater defenses as technologically capable as possible.

The SASC bill says all Americans deserve to be protected and ensures that our national security and theater defense programs are targeted toward the specific threats which confront us today, not yesterday.

The Levin amendment would perpetuate the policy again of mutual assured destruction, even though the cold war is over. Do not take my word for it. Henry Kissinger, who helped develop the doctrine, agrees that mutual assured destruction is no longer relevant; not even appropriate, yet Senator LEVIN would continue a policy that I believe is absurd, that leaves our Nation defenseless while being locked into a policy, a relic that belongs in the dustbin of history. It is time to move on, Mr. President. It is time to move into the 21st century.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Forty-seven seconds.

Mr. SMITH. Mr. President, I yield back the remainder of my time, and I thank the Senator from South Carolina for yielding.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. I yield the Senator from Arkansas 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Arkansas.

Mr. BUMPERS. Thank you, Mr. President. I thank the Senator from Michigan.

Mr. President, I heard the Senator from Maine a moment ago say that there is not anything in this bill that abrogates the ABM Treaty between Russia and the United States.

Mr. CHAFEE. Mr. President, I cannot hear very well. Is the Senator using his microphone?

The PRESIDING OFFICER. Is the Senator using his microphone?

Mr. BUMPERS. I thought I was. I see it lying on the floor.

Most people say, "I heard your speech awhile ago, and when I stuck my head out the window I could really hear it."

Is this better? I apologize.

As I was about to say, the Senator from Maine awhile ago said there was not anything in this bill that would abrogate the ABM Treaty. I do not know how more forcefully you can abrogate the treaty than to pass this bill. Now, obviously, it is not going to be abrogated until the Soviet Union gets a stomach full of this kind of stuff and withdraws from the treaty, which they have a right to do on 6 months' notice. But, first of all, I want you to look at the language of the treaty. As I said this morning, English is the mother tongue. That is what we speak. That is what we write. And here is what the mother tongue says in article I of the 1976 Protocol of the ABM Treaty. "Each party shall be limited at any one time"—limited at any one time—"to a single area out of the two provided in article III of the treaty for deployment. . ."

You see the word "single"? That means one. "Single" and "one" are the same.

Here is what the bill says. Section 233, "It is the policy of the United States to . . . deploy a multiple-site"—"multiple," colleagues, is more than one. ". . .United States to . . . deploy a multiple-site national ballistic missile defense system."

Section 235, two sections down, "The Secretary of Defense shall develop . . . national missile defense system, which will attain initial operational capability by the end of 2003." It shall include "Ground-based interceptors deployed at multiple sites"—not two; maybe a half a dozen. And the treaty is very specific that we shall be limited to one.

And people have the temerity to get up on this floor and, I assume, try to deceive the American people into believing this is a perfectly harmless, innocent little bill. Oh, I wish I missed the cold war like some of my colleagues do. There are colleagues in this place that cannot sleep at night since the cold war ended and will do anything to resurrect it. There are defense contractors who cannot stand the demise of the Soviet Union. I do not know why it bothers them. We certainly have not cut defense spending any.

When the Senator from Maine mentioned the people of Israel, he was talking about a theater missile defense system which virtually every person in this body has strongly supported. We are not talking about theater missiles. We are talking about headed toward an antiballistic missile system in direct contravention of our word as a nation with our name on a treaty that either means something or it does not.

Oh, the arrogance in this bill drives me crazy. First, we will say where the demarcation line is between whether something is a theater missile or an antiballistic missile system. We will decide. And if the Russians do not like it, as we used to say when I was a kid, they can take it or lump it. We will deploy on multiple sites. And if the Russians think that violates the treaty, which it clearly does, they can take it or lump it.

This bill says "the Senate." Now, you think about the President of the United States, who negotiates treaties and who is talking to the Russians right now about trying to resolve some of these ABM questions. What does this bill say? The Senate—not the President—the Senate will appoint a group of Senators to review "continuing value and validity of the ABM Treaty." We will decide whether it has any value, whether it has any continuing validity. That would be insulting enough. What else do they say? This committee will recommend policy guidance, and the President—Mr. President, you will "cease all efforts to modify, clarify or otherwise alter this treaty," et cetera, et cetera. The arrogance of a bill that says to the President, "Stop it. Quit trying to work something out. We will decide whether this treaty has value or not."

The arguments on the other side about how this bill does not abrogate the treaty, all it does is set out a whole host of things which lead unalterably toward a flagrant violation of the treaty and abrogation of the treaty. No self-respecting nation—and Russia is one—will sit idly by while we construe the treaty any way we want to. And they are expected to sit idly by and say, "Yes, yes, yes."

I have never heard as much third-grade sophistry in my life as I heard when the Senator from Michigan offered his amendment. On June 21, President Yeltsin submitted the START II Treaty, not negotiated by Bill Clinton, negotiated by George Bush—a good treaty. It should be ratified by both sides immediately. George Bush should say he wants it put on his epitaph that he negotiated START II. So when President Yeltsin appointed his Foreign Minister, Andrey Kozynev, and his Defense Minister, Pavel Grachev, then the President of the Russian party, to negotiate with the Duma and ratify START II, a spokesman for the Duma said:

> The ratification process would undoubtedly be influenced by progress in the attainment of a Russian-American agreement on the delineation of the strategic and tactical antimissile defense system. The observance of the 1972 ABM Treaty depends on this.
>
> The role of this treaty remains unchanged in creating conditions for cutting down strategic offensive weapons.

Can you blame Russia? Be fair-minded for about 10 seconds. That is unusual around here. But try it. Be fair-minded for about 10 seconds. If the roles were reversed, if the Russians were passing laws to abrogate the ABM Treaty, would we ratify START II? We would take it to the men's room, is what we would do with it.

Well, Mr. President, both nations have saved billions of dollars by not building antiballistic missile systems. We have a lot of Senators, I say, who just can hardly handle the end of the cold war. How many times have I stood at this desk trying to keep this Nation from spending $2 billion resurrecting a bunch of old rusty buckets called battleships. Two billion dollars. Where are they? In mothballs right where everybody knew they were going. Two billion dollars already gone.

I stood here pleading with this body, "Don't buy all these D-5 missiles, you can't possibly use that many." And the Star Wars battle which I thought was over.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BUMPERS. I ask for 2 additional minutes.

Mr. LEVIN. I yield 2 additional minutes.

Mr. BUMPERS. All I heard was, "The chiefs want it, the Secretary wants it," and now the chiefs do not want this. They did not even want the $7 billion that was added in committee, and they certainly do not want all this language in the bill. Chairman Shalikashvili does not want it. Nobody wants it except the Armed Services Committee.

Our bombers are not on alert. Our cities are not targeted. For the first time in 40 years the American people can get a decent night's sleep. So what are we going to do? We are going to say, "Wake up, remember the good old days when you couldn't sleep at night for fear of a nuclear war? They are going to bring it back to you in spades."

There are a lot of things wrong with this bill. I said this morning, and I say again, in my 21 years in the Senate, this is, by far, the worst defense bill that has ever been presented on this floor.

Oh, the arrogance of power. Every great nation that has indulged in the arrogance of power, as this bill does, has lived to regret it. The Senator from New Hampshire said we have not violated the ABM Treaty "yet," "we're just going to interpret it any way we want to and we are going to build a system and we will decide where the demarcation line is." Do you think the Russians are going to take something that they feel is prejudicial to their security? The last guy to underestimate Russia was Adolf Hitler. They are on their hunkers, but I will tell you, they will starve their people before they will be humiliated.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BUMPERS. I ask for 1 additional minute.

Mr. LEVIN. I yield 1 minute.

Mr. BUMPERS. I have watched on Discovery Channel for the past 2 months and on PBS all these battles of World War II, a lot of them the Russians against the Germans. Twenty-two million Russians died. They starved to death by the thousands at Leningrad and in Stalingrad.

I am not suggesting we be afraid of Russia. I am suggesting that the world will be eminently better off if the two superpowers of this world can agree. The American people really do not understand the details of this. Do you know what the American people do? They elect you and me to do responsible things. They elect us expecting that we will know something about it and that we will protect the American people.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BUMPERS. I yield the floor.

Mr. LEVIN. I yield to Senator CHAFEE 10 minutes.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I am deeply concerned over this bill's provision affecting the ABM Treaty, and I would like to discuss my support for the Levin amendment. Let me give a little bit of history.

The ABM Treaty was agreed to 20 years ago. What does it do? We hear a lot about the ABM Treaty, but what does it do? What is the key part of it? The thrust of it was to prevent the United States or the Soviet Union from gaining the ability to unilaterally —that is one side alone—to launch a ballistic missile attack against the other without the possibility of retribution. In other words, the whole purpose of the treaty was to prevent either side from employing a defensive system to shoot down incoming missiles, because that would, in effect, encourage one side to launch an attack knowing that they would be protected from any retaliation.

Since that time, the geopolitical situation in the world has changed. The Soviet Union no longer exists and the Warsaw Pact has collapsed. There has also been rapid technological advances that could not have been predicted at the time that the ABM Treaty was signed.

Given these dramatic changes, I certainly understand the interest to take a look at this ABM Treaty. It has been 20 years. It is appropriate to have modifications and to look at it again. But, the point I want to make is, the changes to this treaty, or any other treaty, for that matter, must be negotiated by the President of the United States, in consultation with his military and diplomatic advisers and, obviously, with confirmation by the Senate.

Such changes should not be dictated by the legislature, either the House or the Senate.

Let us look at what S. 1026 does in regard to the ABM Treaty. This is what it says:

> It is the policy of the United States to deploy a multiple-site national missile defense system.

The ABM Treaty says each nation can only have one ABM site, one site in each nation. This says "No, no, we are changing that policy."

> It is the policy of the United States to deploy a multiple-site national missile defense system.

That policy is clearly in violation of the ABM Treaty. We are going to hear arguments back and forth, does that mandate that there be multiple sites? It can be argued both ways, and it obviously is an arguable point. But there is no question but we are declaring that it is the policy of the United States to have multiple sites.

Whether that is a mandate or not, I do not know, but certainly I do not want any part of it. We have gotten along with the ABM Treaty for 20 years. If we want changes, let us negotiate them. Let us not have them emerge from this Senate dictating in a way or declaring it is a policy to have these multiple sites.

What else does the bill we are debating today do? It prohibits "any missile defense or air defense system or system upgrade or system component that has not been flight tested in a unilateral," and here we go ahead and define what is an ABM qualifying flight test.

Next, it goes on—here is an important point, Mr. President—it states the sense of Congress that:

> . . . the President should cease all efforts to modify, clarify, or otherwise alter U.S. obligations under the ABM Treaty pending the outcome of a Senate review.

Look, who is in charge around here? Is it the Senate of the United States, or is it the President under his constitutional powers? We say, no, he cannot do anything until we have a Senate review of the treaty. How long is that going to last? It could last 3 years; it could last 10 years. During all of that time, the President's hands would be tied. I really do not think that is what we want.

The provisions of this bill constitute an unwarranted usurpation of Presidential authority to conduct foreign policy on the most sensitive of national security matters.

Mr. President, Congress simply should not be in the business of dictating to the President how to interpret, how to implement, or how to renegotiate a binding treaty of the United States. As a Republican Senator, I would never impose those kinds of conditions on a Republican President, and as a Republican Senator, I do not suggest that they should be imposed on a Democratic President.

Secretary of Defense William Perry has warned that these provisions would jeopardize Russian implementation of the Reagan and the Bush—who are they? Republican Presidents—Reagan-Bush negotiated START I and START II Treaties. These treaties involve the destruction of thousands of nuclear warheads.

Joint Chiefs of Staff Chairman Shalikashvili has similarly cautioned that the bill's ABM provisions should probably impact our broadened security relationship with Russia. I do not argue with the premise that the United States ought to pursue missile defense technologies in order to deter potential aggressors who have made substantial progress in this field. Yes, we ought to do some work in that area.

I also do not oppose appropriate modifications of the 20-year-old ABM Treaty that are negotiated by the President. But this bill simply goes too far. Congress must not legislate such specific modifications to the treaty.

So, Mr. President, I am in support of the Levin amendment and urge my colleagues to support it.

So I want to thank the Chair and thank the Senator from Michigan.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. THURMOND. Mr. President, the amendment by the Senator from Michigan attempts to hold on to the cold war status quo that we have come to know as mutual assured destruction. But is the cold war not over?

Mr. President, the United States should not be reluctant to reassess the continuing value and validity of the ABM Treaty. The Defense authorization bill does not advocate abrogation of the ABM Treaty, but it does firmly acknowledge that the strategic and political circumstances that led to the ABM Treaty have changed.

The Levin amendment is a backward rather than a forward looking amendment. We should be looking forward and attempting to foster a new form of strategic stability that is not based on mutual assured destruction. Think about it—5 years after the end of the cold war, with all the political changes that have occurred, the United States and Russia have not fundamentally altered the strategic posture that so characterized the cold war.

All Senators should agree that the ABM Treaty is technically and geopolitically outdated. While the treaty requires the United States and Russia to remain vulnerable to each other's threats, it has the effect of requiring the United States to remain vulnerable to threats posed by other countries. Countries like North Korea are developing intercontinental ballistic missiles, while missile and nuclear technologies are practically available on the open market. Let me quote former Deputy Secretary of Defense and current Director of Central Intelligence John Deutch:

> The 1972 ABM Teaty does not conform with either the changed geopolitical circumstances or the new technological opportunities of today. We should not be reluctant to negotiate treaty modifications that acknowledge the new realities, provided we retain the essential stabilizing purpose of the treaty.

It has also become clear that vulnerability to missile attack neither stabilizes nor enhances deterrence. The Persian Gulf war demonstrated this clearly. Israel, a country with an extremely credible retaliatory threat, came under repeated attack during the war. For a variety of complicated reasons Israel simply did not retaliate. Perhaps most ironic, the reason that Saddam Hussein launched missiles at Israel was precisely to provoke retaliation. Secretary of Defense Perry recognized this point in a recent speech: "The bad news is that in this era, deterrence may not provide even the cold comfort it did during the cold war. We may be facing terrorists or rogue regimes with ballistic missiles and nuclear weapons at the same time in the future, and they may not buy into our deterrence theory. Indeed, they may be madder than MAD." And yet, the amendment of the Senator from Michigan seems to deny that things have changed.

On the subject of change, let me quote Secretary Perry again: "We now have the opportunity to create a new relationship, based not on MAD, not on mutual assured destruction, but rather on another acronym, MAS, or mutual assured safety." This is precisely what the Missile Defense Act of 1995 calls for. Its language almost mirrors Secretary Perry's statement.

We must not allow a 20-year-old treaty to prevent the United States from responding to legitimate and growing security threats. Stated simply, the ABM Treaty as it now stands prevents the United States from deploying a national missile defense system that could protect all Americans against even a limited ballistic missile attack. The authorization bill says that it is time to begin changing this. There is a real and growing threat. It will take us 8 years to develop the system called for in the bill. By that time the United States could face a variety of new and unpredictable threats, including a North Korean ICBM.

I would also point out that the ABM Treaty was meant to be a living document. Article XIII recognizes the possibility that changed circumstances would require the treaty to be modified. Articles XIV and XV provide the procedures for making such changes. The argument that this bill violates the treaty is simply false. All the means for achieving the policies and goals in the Missile Defense Act of 1995 are contained in the ABM Treaty itself.

We should also remember that the ABM Treaty was originally a multiple-site treaty. For those who so resist any change to the treaty, I would remind them that the Senate voted to amend the treaty in 1974. It did not upset the Russians then and it should not upset them today if we restore the treaty's multiple-site aspect.

In fact, the Russians have repeatedly demonstrated a willingness to amend the treaty in ways that are fully compatible with the Missile Defense Act of 1995. Deployment of a multiple-site national missile defense system should not be viewed by the Russians as threatening or in any way undermining their confidence in deterrence.

There is no substantive reason why a U.S. policy to develop such a system should undermine START II, as has been argued by the Senator from Michigan. START II has plenty of problems, but the ABM Treaty should not be one of them. Allowing the Russians to use the ABM Treaty as a distraction from the real problems would be a major mistake. Among other things, it would lead Russia to believe that it has a veto over a wide range of United States national security policies. Remember that they have linked START II ratification to things like U.S. NATO policy. Is the Senator from Michigan suggesting that we hold our NATO policy hostage to START II as well?

Mr. President, let me conclude by saying that we should not try to reaffirm the cold war on the floor of the Senate 5 years after its demise. We should welcome the opportunity to establish a more normal relationship with Russia that is not a mutual hostage relationship. We should pursue what Secretary Perry termed mutual assured safety and reject the Levin amendment with its embrace of mutual assured destruction.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. LEVIN. Mr. President, I yield the Senator from Rhode Island 10 minutes.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. PELL. Mr. President, I strongly support the Senator from Michigan and my other colleagues in their effort to amend the missile defense sections of the defense authorization bill.

The amendment would strike from the bill language that mandates action that would violate the 1972 Anti-Ballistic Missile Treaty. The ABM Treaty, approved overwhelmingly by the Senate following extensive and thorough hearings by the Committee on Foreign Relations, has served in the intervening years as the centerpiece of modern arms control. The treaty has served to guarantee that neither side could threaten to neutralize the offensive forces of the other, with the result that we had years of strategic stability followed currently by major reductions in the strategic offensive arms of both sides. Various attacks have been made upon it over the years, largely by people who would prefer an unbridled strategic offensive arms race, but the treaty's benefits have been so clear that these assaults have been repelled.

The present favorable strategic arms environment has been achieved under the umbrella of the ABM Treaty. It probably would have been impossible to reach the present situation in which we are moving away from heavy dependence on strategic defensive arms were it not for the ABM Treaty.

The amendment also corrects an additional problem with the bill in that it unilaterally interprets the ABM Treaty's meaning for theater missile defenses. The bill would arbitrarily impose a demarcation line between theater and strategic missile defenses that would tie the President's hands as he is trying to negotiate this very matter with the Russians. It is those negotiations that should determine the outcome, not some arbitrary judgment in an authorization bill.

Secretary of Defense Perry noted to Senator NUNN his strong opposition to these provisions. He said, "Unless these provisions are eliminated or significantly modified they threaten to undermine fundamental national security interests of the United States."

Secretary of State Christopher wrote me yesterday to point out that the provisions under discussion here "raise serious constitutional foreign policy and national security concerns."

The Secretary continued:

> Further, such actions would immediately call into question the U.S. commitment to the ABM Treaty, and have a negative impact on U.S.-Russian relations, Russian implementation of the START I Treaty, and Russian ratification of the START II Treaty. This would leave thousands of warheads in place that otherwise would be removed from deployment under the two Treaties, including all MIRVed ICBMs such as the Russian heavy SS-18.
>
> There is no need now to take actions that would lead us to violate the Treaty and threaten the stabilizing reductions we would otherwise achieve—and place strategic stability at risk. We have established a treaty-compliant approach to theater missile defense that will enable us to meet threats we may face in the foreseeable future—and one that preserves all the benefits of the ABM, START and START II Treaties.

Mr. President, the Missile Defense Act portion of the bill, sections 233–235 simply does not warrant approval by the U.S. Senate. The policy it sets forth is neither realistic nor wise. It gives a sense of urgency that is not justified by any known facts.

There is no obvious danger from theater-range missiles that must be countered. As we all know, the Patriot missile system proved to be both highly effective and appropriate to the threat we faced in Desert Storm. An effort is now under way to upgrade the Patriot system over time to meet the threat in future years.

It is quite easy to overstate the missile threat this country might conceivably face, but it is important to understand that the missile technology control regime [MTCR] has done much to reduce the potential threat we will face from ballistic missiles. At present there are very few nations who have even the potential to mount new missile threats against us that could not be handled by planned systems. The provision states the policy that the United States should deploy a missile system that is highly effective against ballistic missile attacks on the United States, to be augmented over time to provide a defense against larger and more sophisticated ballistic missile threats. This proposal seems to me highly unrealistic.

Few Members of this body can seriously believe that any deployed missile system could be highly effective against any limited missile attack, much less a larger attack. While it is true that, under certain circumstances, ballistic missile defenses could shoot down incoming ballistic missile warheads, I would not wish to place a wager that no warheads would get through to bring on havoc and destruction nor would I want to risk my family or any other American lives on the supposition that any reasonable level of spending for a multiple site national missile defense system would do much of anything other than squander major parts of the national treasure.

The bill specifies that we should seek a cooperative transition to a regime that does not feature mutual assured destruction and the offense-only form of deterrence as the basis for strategic stability. This provision of the bill gives the impression that we do not understand what mutual assured destruction meant for our security during the cold war. The Anti-Ballistic Missile Treaty essentially guarantees that neither side can develop the sort of ballistic missile defenses that would prevent the other side from effectively attacking in a nuclear confrontation. The fact of assured destruction of a mutual nature kept both sides at bay.

Since the cold war has ended, the United States and Russia have embarked upon cooperative ventures that are moving us away from the confrontations of the past. We are working with them to dismantle their weapons, to ensure the safe storage of nuclear weapons material, and to implement such agreements as START I and, prospectively, START II. If, as envisioned in this bill, the United States were to violate or abrogate the ABM Treaty, the people on both sides rather than the treaty structure itself would be victimized. Moreover, such action could sabotage the current movement toward greater cooperation and throw us back to an era of confrontation as it jeopardized prospects for continued reductions in the START process and beyond.

Under the provisions of this bill, the Secretary of Defense is directed to develop an affordable and operationally effective national defense system with an initial operational capability by the end of 2003. If all goes well, that time is just about when the major reduction of the American and former Soviet nuclear arsenals by two-thirds is to have been completed.

I doubt that any Member can contemplate a situation in which the United States would go at top speed toward deployment of a national missile defense system and the Russian response would be passive acceptance. They might well match our system. They might well deploy a larger, more capable system. They might well bring to an end the reductions that are so clearly in our own national interests. They might well engage in other activities of a bellicose nature that we would find hard to bear. And that would require reactions on our part. It could well incite an action/reaction phase in our national defense activities that would be ruinously expensive and that would, in the end, increase the dangers to us rather than permitting the present continuous reduction in the strategic nuclear threat.

To me it is important that we stop to think what it is we are doing if we follow this path. In response to an uncertain threat, a threat that has not yet materialized, and a threat that might well be handled through diplomatic efforts, we would be preparing to obligate tens of billions of dollars. We would do this in the mistaken belief that we would somehow be better protected. Whereas the truth of the matter is that, even if we were able to afford and to deploy an effective national defense structure, our potential adversaries would still have the option of sending nuclear weapons our way by air, by land, or by sea. At some point in the future if some despot were to contemplate attacking the United States with a nuclear weapon under the misbegotten notion that he would teach us a lesson, it is hard to imagine that he would be deterred if informed that we had a new national missile defense.

Mr. President, this has been a rather difficult year in which many of us have tried to come to grips with the fact that our national deficits are alarming and must be curbed. We are required by the Constitution, to "establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity." If we lose sight of the several objectives that must be met, we risk the very well-being of our country. I remember well that a distinguished predecessor, Senator Stuart Symington of Missouri, was fond of pointing out to the committee that the key to a sound defense is a strong economy.

A key to a sound government is a demonstrated ability to keep various activities in proper focus and proper order, so that the whole Nation, not just the defense industry, would benefit.

It will not profit us if we sink further in educational quality, if we deny more of our young people the opportunity of a good education at the elementary and secondary levels and reduce the quality of our institutions of higher education, if we increase the misery of those who have no homes and who are hungry all in the interest of saving money, only to turn around and waste it on unnecessary defenses. It does not seem a wise idea to this Senator.

It is easy to say that one is for strong defenses. All of us are pledged to support strong defenses and we will do so. But the United States will stand first among nations because it continues to be strong in all of its endeavors, keeps proper balances, and meets other standards of a great, modern nation.

Mr. President, the strategic arms competition between the United States and the former Soviet Union has dwindled away. The ABM Treaty is serving as a very stabilizing force in this promising environment. Further reductions should be achievable.

It would be extremely foolish to place all of this in jeopardy. It makes no sense to give the Russians cause to back away from their START commitments or to engage in a dangerous strategic defensive arms race. It makes no sense—when so many human needs are so obvious throughout our Nation—to jeopardize what has been achieved in controlling and reducing strategic arms and to spend billions for dubious purposes when there are so many other desperate calls upon our resources.

Mr. President, I commend the Senator from Michigan [Mr. LEVIN] for his initiative. I am happy to be a cosponsor of his amendment. I hope that the Senate will once again prove its wisdom with regard to the ABM issue and vote overwhelmingly in favor of this amendment.

In conclusion, I am reminded of the question as to how we will be remembered in history, as succeeding generations look back at us, just as we often have looked back on ancient history from the floor of the Senate. I hope that we can be like Athens and not like Sparta—meaning put more emphasis on the civilian side of our economy, the economic side and the education side, and less on the military side. I yield the floor.

Mr. THURMOND. I yield such time as may be required by the distinguished and able Republican leader.

Mr. DOLE. I thank the Chair.

I would like to commend the members of the Armed Services Committee who, under the able leadership of the distinguished chairman, Senator THURMOND, and the distinguished Senator from Georgia [Mr. NUNN], have done a first rate job on the defense authorization bill. In particular, I would like to congratulate the Armed Service Committee for the forward-looking Missile Defense Act contained in this bill.

The Missile Defense Act is unique because it does not just authorize appropriations for individual programs, it also provides a strategic logic—principles, premises, and policies—thereby integrating these programs into a coherent and comprehensive approach.

In my view, the approach adopted in this bill is very compelling on four important points.

First, this legislation firmly establishes the critical imperative of defending the United States of America from ballistic missiles. Morally, rationally, and constitutionally this must be our top priority.

Why is this important now? Very simply because the proliferation of weapons of mass destruction and the means to deliver them is dramatically increasing. I would like to commend the distinguished junior Senator from Arizona [Mr. KYL] for highlighting this threat, as well as the need to defend America against it, in his amendment.

The Missile Defense Act notes that weapons can be acquired by our potential adversaries far more quickly than they can produce them indigenously.

Mr. President, we cannot wait around for years until this threat is literally on our doorstep. We must prepare now.

And so, I am very pleased with the national missile defense architecture established in the Missile Defense Act. This architecture includes ground-based interceptors, fixed ground-based radars and space-based sensors. The bill establishes a deployment goal of 2003 and provides an additional $300 million to support that goal. In my view, that is a good start, but frankly for something as important as defending our citizens, I would like to see an increase to ensure that we will be able to meet the 2003 date.

Second, the Armed Services Committee's bill deals with the thorny ABM Treaty questions through an intelligent two-step approach:

Step 1: It addresses what missile defenses are covered by the ABM Treaty, namely by establishing the following standard: Those actually tested against a ballistic missile with a range of over 3,500 kilometers and a reentry velocity of over 5 kilometers per second. This is the standard proposed by both Presidents Bush and Clinton. The point is that we should not drag theater systems into a treaty which was never intended to cover them.

Step 2: Contrary to wild administration accusations, the bill reviews where we go next with regard to the ABM Treaty. I think we need to set straight what this bill does and does not do.

It does not set us on a collision course with the ABM Treaty by mandating abrogation.

Indeed, it does not mandate any particular outcome.

It does recognize that an effective multiple site defense of the United States is inconsistent with the treaty as things stand today. The key here is that an effective defense requires multiple sites.

It does call for a year of careful consideration of these matters before we decide how to proceed on the ABM Treaty. The bottom line is that the bill recognizes what we all should be aware of—that mutual assured destruction, the doctrine underlying the ABM Treaty is not a suitable basis for stability in a multipolar world, nor for an improving relationship with Russia. Our goal should be, as outlined in this legislation, to seek a cooperative—and I stress cooperative—transition to a more suitable regime to this post-cold-war era.

The third aspect of this bill that is noteworthy is that it establishes a cruise missile defense initiative. In view of the fact that potential adversaries now have access, in varying degrees, to the technologies necessary to build effective cruise missiles, this measure is on the mark and reflects considerable foresight. It is my understanding that in addressing cruise missiles, the committee has in no way detracted from the emphasis placed on ballistic missiles which are a current and rapidly growing threat.

Finally, I would like to commend the establishment of a theater missile defense core program. The rationale behind theater missile defense is to deny a potential adversary the option of escalating by attacking or just threatening to attack U.S. Forces, coalition partners, or vital interests. The key elements of this core program are three systems already being pursued by the Clinton administration—namely Patriot-3, Navy lower tier, and THAAD—as well as one critical addition: Navy upper tier. The committee has wisely added $170 million to Navy upper tier.

Mr. President, just imagine trying to put together the Desert Storm Coalition if Saddam Hussein could have credibly threatened London, Rome, Istanbul, or Cairo with ballistic missiles. We cannot allow our political and military flexibility to be hindered. Therefore, our objective must be to prevent placing our forces, or those of our allies, needlessly in harm's way—with systems such as THAAD and Navy lower tier.

Furthermore, the United States must have the ability to project a regional ballistic missile defense capability where and when we need it. Navy upper tier give us that capability.

Mr. President, I would also like to note that the bill does save some money by terminating the boost phase intercept program and adding a lesser amount to explore fulfilling the same mission with an unmanned air vehicle [UAV], in conjunction with Israel. Given Israel's expertise in UAV's and its keen interest in a boost phase interceptor, this makes sense to me.

In addition I would like to emphasize that the programs and approach contained in the Missile Defense Act should be viewed as an integral part of our counter-proliferation strategy. If our adversaries know that their hard-gained missiles will be of no use against America and its allies, they may well be dissuaded from acquiring them in the first place.

Before I conclude, I would like to address the issue of how much all of this costs. It costs $3.4 billion. This is a substantial price tag, but does not represent even 2 percent of the total Department of Defense budget. More importantly, however, in considering the costs associated with missile defense, we need to keep in mind how the threat to our Nation's security and to our interests has changed.

For two centuries, oceans protected us. Now technology gives even relatively weak adversaries the hope of attacking or blackmailing the United States. This bill takes concrete steps to protect us and sends the clear message that we will defend our homeland with our superior technology. Moreover, America has, and will continue to have, vital interests around the globe which must be protected, as well.

Therefore, Mr. President, I urge my colleagues to reject the measure offered by the Senator from Michigan—or any other amendment which would weaken or threaten the Missile Defense Act.

Just let me indicate, having visited briefly with the chairman, that it is his hope, and it will happen, we will be here late tonight, and hopefully during this next vote we can line up serious amendments. Last night sort of fizzled out. Nothing very serious happened after 8:30. So tonight we would hope to have amendments up until a late hour and then conclude action on this measure tomorrow.

This is a very big amendment. It has taken a long time. It is now 5½ hours into this one amendment and I think that should be, with 30 minutes to go, that should be enough time on this amendment. But this is a very substantial amendment. It is one of the more important amendments. It certainly deserves a lot of consideration.

But, again, I would just say to my colleagues in the nicest way I can, that a lot of people want to have an August recess and they would like to have it start in August. We are trying to work that out, and much will depend on the cooperation of our colleagues.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I yield myself 2 minutes.

First I ask unanimous consent Senator NUNN be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, it has been said that this language in the bill is not inconsistent with the ABM Treaty. I just want to simply read the language. It speaks for itself. The ABM Treaty says that the parties undertake to deploy an ABM at no more than one site. The bill says it is the policy of the United States to deploy a multiple site defense system.

It also has been said, quoting here Mr. Deutch, that we should be willing to modify the ABM Treaty. And we surely should. Those negotiations are taking place right now. I believe we should try to modify the ABM Treaty. I would like to see a negotiated capability to deploy defenses—a negotiated capability to deploy defenses. The current Missile Defense Act provides that as something we should seek to obtain through negotiations.

But what does the bill say about negotiations and modifying the treaty? The bill says it is the sense of the Senate that the President should cease all efforts to modify the United States' obligations under the ABM Treaty. So, on the one hand, people are saying we should be willing to modify—indeed we should. We should be willing to negotiate to change it—indeed we should. And, on the other hand, there is a sense of the Senate that the President should cease until the Senate is done with its study, which will happen sometime next year. And then there is a prohibition on the spending of funds. Which, the way I think I read it, and any reasonable interpretation, is that the President may not change the demarcation line that is set forth in this bill through negotiations.

But the reading of this bill leaves, I think, only one conclusion, and that is that the treaty says multiple sites are not allowed. The bill says we will deploy—it is our policy to deploy multiple sites. I cannot think of a clearer conflict, and it should not be fudged or papered over, because I think it was the obvious intent of the sponsors of that language.

I yield the floor. I also ask unanimous consent that Senators DASCHLE and KERRY be added as cosponsors.

The PRESIDING OFFICER (Mr. GREGG). Without objection, it is so ordered.

Who yields time?

Mr. THURMOND. I yield 5 minutes to the able Senator from Alabama [Mr. HEFLIN].

The PRESIDING OFFICER. The Senator from Alabama.

Mr. HEFLIN. Mr. President, I rise today in support of providing a system to protect the citizens of the United States from ballistic missile attack.

There are two parts to the Levin amendment. The first provision strikes the goal of the Missile Defense Act of 1995—a multiple site deployment designed to protect the United States. The second provision strikes the demarcation provision for theater defenses.

My concern is with the first provision of this amendment. I support deployment. I fully believe the goal of the Missile Defense Act must be to deploy defenses to protect the United States as soon as possible. As I stated many times before, I strongly believe we should act within the ABM Treaty and deploy a single site defense immediately. I also believe it is important that the administration begin serious treaty negotiations to allow the deployment of additional ABM sites. This means that the long-range goal of our negotiations with the Russians must be a multiple site, ground-based deployment.

A statement of a national policy to deploy a multiple site defense system to protect the United States is far from violating the ABM Treaty. Many of my colleagues have called this language different things, such as a statement to plan to breach or an anticipatory breach of the ABM Treaty. By anticipatory breach I assume they mean that something like "conspiracy to agree to commit a breach of the ABM Treaty." A breach does not ripen until it actually occurs.

The treaty clearly defines what constitutes a breach. Deploying multiple missile defense sites today would be a breach. Stating a goal of deploying multiple sites would only be a breach if there is no legal way to perform such a deployment within the confines of the treaty. Fortunately, there are two legal ways. The first is a new protocol to the treaty. This may be possible to negotiate. You do not know until you try. Remember, the original treaty allowed two sites. It was a subsequent agreement that limited us to just one site. A second option is to actually withdraw from the treaty. It is our legal right to withdraw with 60-days notice. In summary, Mr. President, while there are legal methods to deploy multiple sites within the framework of the ABM Treaty, there can be no anticipatory breach.

I further support replacing the stated goal in the committee version of the bill with a new goal calling for the deployment of a treaty compliance system coupled with immediate negotiation for additional sites. This was a goal of the bipartisan Missile Defense Act of 1991. Unfortunately, in striking out the goal of a multiple site deployment, Senator LEVIN's amendment also strikes out the only statement that the goal of the United States is to protect our people from a nuclear missile attack. To me, this is unacceptable.

As for demarcation provisions, I share many of Senator LEVIN's concerns. I believe we should leave the President the flexibility to negotiate modifications to the treaty as required with the guarantee of a Senate ratification to safeguard against unacceptable provisions.

I regret that the two distinct separate provisions are in the same amendment.

Mr. President, unless there can be some compromise—and I hope that there can be some compromise—on the goal of the Missile Defense Act I will have to vote against the Levin amendment.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. THURMOND. Mr. President, if anyone else has an amendment, we would like for them to come forth now. We are ready to go forward with this bill.

I would like for both sides to notify their Members on the hotline that we are ready to vote on this bill.

In the meantime, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, I ask unanimous consent that the quorum call not be counted against the remaining time we have left in view of the fact we only have about 4 or 5 minutes at the most left.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. EXON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. EXON. Mr. President, I believe the Senator from Nebraska has about 5½ minutes.

The PRESIDING OFFICER. The Senator has 6½ minutes.

Mr. EXON. Mr. President, I rise as a cosponsor of the amendment to eliminate numerous objectionable provisions on missile defense contained in the pending authorization bill. There was no more contentious issue in the Armed Services Committee markup of this bill than the issue of missile defense. The committee was divided 11 to 10 on numerous unsuccessful votes to amend the missile defense language. There is a good reason for the controversy surrounding this section of the bill. No single issue is more deserving of amendment than this one.

The committee bill is nothing short of a power grab on the part of the Senate Armed Services Committee. The slim majority that approved the missile defense provisions in the bill is not satisfied with simply making foreign policy; it wants to override the foreign policy position of the President of the United States, our Commander-in-Chief and the person in which the Constitution vests the power to make foreign policy.

The committee bill in its present form moves to end our Nation's 23-year participation in the ABM Treaty and move aggressively to deploying multiple missile defense sites throughout the United States. More specifically, it defines our national missile defense policy in terms that not only abrogate our Nation's treaty obligations but also sets in motion a disastrous course of events that will profoundly threaten our national security. That is right, Mr. President, contrary to how it is being advertised by the proponents, the national missile defense system called for in this bill will harm, not enhance, our national security.

By voting our intention to break out of the ABM Treaty, we will be feeding the paranoid rhetoric of the militaristic, conservative wing of the Russian Duma looking to place Russia back in an adversarial relationship with the United States. Members of this body must not ignore the sobering consequences of breaking out of the ABM Treaty and strengthening the hand of Russian extremists. Not only will withdrawing from the ABM Treaty endanger our new alliance with Russia, it will likely sink future ratification of the START II Treaty and further implementation of the START I Treaty. The language in this bill is a dagger pointed at the heart of a whole array of arms control agreements, least of which is the ABM Treaty. It will imperil a whole generation of arms control agreements which will in turn have far-reaching consequences both domestically and internationally. It will hasten the return to a time of bigger Defense budgets, an arms race in space, larger nuclear arsenals and a general erosion of global security.

To best describe what type of national missile defense system is envisioned by this bill, I will read directly from section 233 of the bill. It states:

> It is the policy of the United States to deploy a multiple-site national missile defense system that (a) is highly effective against limited ballistic missile attacks on the territory of the United States, and (b) will be augmented over time to provide a layered defense against larger and more sophisticated ballistic missile threats.

This is no different from the flawed star wars concept pushed by President Reagan during the height of the cold war. In their rush to revive this concept of a shield against a Soviet missile attack, the committee majority is willing to trample the ABM Treaty along with START I and START II, and the START agreements that were contemplated to follow.

As a Nation, we have spent $35 billion in taxpayers' money on ballistic missile defense since 1983. The costs of implementing the type of system envisioned in the bill could easily reach or exceed that amount. No one knows for sure. A CBO report in March of this year, prepared at my request, estimates that a single site—not a multiple site, but a single site—system could cost $29 billion to complete. Additional sites necessary to provide the protective umbrella called for in the bill would cost an additional $19 billion, for a grand total of $48 billion. Is this the fiscal commitment we are ready to endorse? I think not. By voting for the missile defense provisions in the bill, that is exactly the road the

Senate will be supporting—$48 billion for a Star Wars system all over again.

By the way, it may not work as advertised. After already spending $35 billion, there is no high degree of confidence that we can operationally deploy the technology capable of intercepting a large and sophisticated strike against the United States by the year 2003. I call it ridiculous. The technology is far from proven and like the Maginot Line following World War I may be the wrong defense against the emerging threat, easily circumvented by a terrorist nuclear attack employing a delivery means other than a ballistic missile.

While the superpower threat has disappeared and the cold war is over, there seems to be a wave of nostalgia sweeping over some in the Senate to gain a renewed sense of mission and purpose by reconstituting the threat facing the United States. The testimony provided to the Armed Services Committee by both military and intelligence witnesses are in agreement that an enemy ballistic missile threat against the United States does not exist and will not emerge, if at all, well past the 2003 deployment mandate in the bill. I am struck by the irony that in trying to defend against a nonexistent threat we would by our rash actions be unwittingly fostering the very threat we profess to originally be addressing. In other words, our actions would be a self-fulfilling prophesy.

Mr. President, Senator LEVIN and others have already spoken to the numerous flaws contained in this bill language. I simply ask each Senator to read the language in the bill closely before voting on the amendment. The words speak for themselves. The only proper action is to support the Levin amendment and strike the objectionable sections of this bill that have been outlined by many of us who have studied this issue.

Mr. President, I yield the floor and yield back any remaining time assigned to me by Senator LEVIN.

Mr. BIDEN addressed the Chair.

Mr. LEVIN. Mr. President, I yield 20 minutes to the Senator from Delaware.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. I thank the Chair. I thank the Senator from Michigan.

I wish to thank the Senator from Nebraska, who, I might add, as a member of this committee, has fought against what seems to be the most perverse development in our military budget and planning in the last 4 years. The idea that now of all times in our history we need to overturn what was a centerpiece of two successive Republican Presidents seems to me to be a little bit bizarre. But, Mr. President, to state the obvious, I rise in support of the amendment of the senior Senator from Michigan, Senator LEVIN.

Mr. President, the so-called National Missile Defense Act of 1995 is a hodgepodge of contradictory provisions that, if implemented, would jeopardize our national security beyond anything that I have witnessed since I have been in the U.S. Senate. The bill before us represents a frontal assault on the ABM Treaty. I heard yesterday some sort of, how can I phrase it, interesting questions posed by some of our Republican friends—asking Senators, "Are you for missile defense? Are you for mutual assured destruction?" I would point out that the reason why we are where we are and we are dismantling missiles and we are diminishing the prospect of nuclear confrontation by super or former superpowers is because the policy of mutual assured destruction has worked pretty darn well. But I will get back to that in a minute.

This bill represents a flat, frontal assault on the Anti-Ballistic Missile Treaty. First, it would force us to violate the ABM Treaty by mandating dangerous unilateral infractions of that treaty. Then, it would jettison the entire treaty by requiring the development of a national missile defense system by the year 2003. In a final strange and, I think, unexplainable twist, it goes on to call for a select committee to review a treaty that is effectively being declared null and void by the very same bill.

Now, either the folks who wrote this into the bill do not understand what our nuclear strategy has been thus far—and I know they do—or this is incredibly poor draftsmanship or there is a perverse game being played here.

The first two parts of what is before us—not the amendment, but absent the amendment—by definition, destroy the ABM Treaty. Then the third part is to set up a select committee to review the treaty that we are legislatively destroying.

Now, I assume that may be because there is not enough work or enough committee assignments for Senators. They want to have other committees because maybe they get additional staff. I do not know. But, I mean, why in the devil do you need the third part if you are doing away with the first two parts? But at any rate, taken together, these provisions would simply eviscerate the ABM Treaty, which has provided the basis for our strategic arms reductions over the past 20 years.

The most likely immediate consequence of gutting the ABM Treaty would be that the Russian Duma, their Congress, would refuse to approve the START II Treaty, which is, quite frankly, a jewel in the crown of President Bush's, and prior to that President Reagan's, foreign policy initiatives. With START II unratified, the hopes for further strategic arms reduction would be dashed—which, I might add, I think is the real purpose of this initiative by the majority. They did not like START II to begin with. They did not like START I. They do not like the idea of our having to talk about further reductions in the amount of nuclear warheads that exist in the world.

But make no mistake about it that if we pass this, why if you were sitting in the Russian Duma, why if you were a Russian or anyone else for that matter, would you conclude that it is a good idea to follow through with the destruction of your existing nuclear arsenal? Why would you do that? I think I understand. I think that is the underlying purpose of the legislation before us.

This singular achievement of the Bush administration, the START II Treaty, is the basis upon which we moved to even further reductions—and, along with it, the significant enhancement of the security of Americans that we all hoped would be the byproduct of winning the cold war. Now, I do not know what you all are going to tell your kids. I do not know what you are going to tell your family and friends after you tell them how we won the cold war, but there is a greater need for nuclear weapons.

Now they say, well, this is not about nuclear weapons; this is about the ability to prevent our being attacked by nuclear weapons. I will not go into all the science which Senator NUNN and others have talked about here, but the one thing for certain about how you deal with an ABM system is you overwhelm it. You build more offensive systems. It is a lot easier and a lot cheaper to build offensive systems than it is to build defensive systems. As an old bumper sticker from my generation used to say, "One nuclear bomb that gets through could ruin your day." One hydrogen bomb dropping on Manhattan can ruin your day. So all you have to do, without even having the technology, is overwhelm the system. And it is cheaper to do that.

Now, I know what my friends are thinking. They say, "Boy, we have got the Russians in a great spot. They are broke. Let's take advantage here. They are not going to be able to do this."

Well, at a minimum, folks, I do not know why they are going to go ahead and destroy what they have, if, in fact, we are going to adopt this policy. The most likely immediate consequence of cutting the ABM Treaty, as I said, will be the elimination of the START regime.

Mr. President, what troubles me most about the provisions on the ABM Treaty is their reckless unilateralism. Article VI-A of the ABM Treaty contains two provisions that have been in place for years. First, it bans both parties from giving ABM systems the capacity to counter strategic ballistic missiles; and, second, it bans testing of such systems in an ABM mode.

The bill before us would effectively collapse these two provisions into one by asserting than an ABM system is actually not an ABM system, unless it has been field tested as a system. In other words, it must have a demonstrated capacity—a demonstrated capacity—of being an ABM system.

Now, there is a reason why when we did the ABM Treaty we insisted that you violate the treaty first, if you demonstrate a capacity to set up a system, or second, if such a system could be deployed in such a capacity even if it has not been tested.

Now, it might be useful at this juncture to cite the case of Krasnoyarsk radar, which we debated for months and months on the floor of the Senate not too many years ago. Some of the same people here were on the floor then pointing out how the Russians were violating the ABM Treaty and we could not do business with them and could not trust them. Now some of the same people are here saying we should do what we told the Russians they could not do.

A gentleman who is gone, a very bright fellow whom we all respected, from Wyoming, Senator Wallop, was on the floor day in and day out warning us about the Krasnoyarsk radar. The Soviet Union built this giant radar in Siberia in the 1980's. Although the radar was never turned on, that is, its capacities were never demonstrated as would be required now, we argued that it had the inherent capability of an ABM system and constituted a violation of the ABM Treaty. The Soviets asserted that since the system had never been tested, it was permitted under the ABM Treaty.

Eventually, through the good offices of my conservative friends and some of us who joined them, the Russians tore down the radar. If, in fact, the Armed Services Committee provisions that are contained in the bill prevail, absent being amended by the Senator from Michigan, they would be able to keep the radar.

It would not be a violation of the ABM Treaty. I wonder how many of my friends over there would be saying, "You know, no problem, we understand. We think there should only be one test."

I wonder what my friend Senator THURMOND would be saying then. I wonder what my friends over on the right would be saying. They would be apoplectic, because although it had not been turned on and demonstrated, it clearly had the inherent capability and, therefore, was in violation of the ABM Treaty.

I would like to point out to my colleagues that there is no legal basis for a unilateral amendment to the ABM Treaty. It seems like I have been fighting this, along with Senator NUNN, Senator LEVIN, and others, for the last decade. The Reagan administration tried a frontal attack on this in the early eighties saying, "We are going to reinterpret the ABM Treaty." If you do not like what it says, reinterpret it. Well, we won that fight, and little did I think we would be back here having this fight.

It would be better to come out here and just declare the treaty null and void and have a Senate vote saying it contravenes our national interest to be part of the ABM Treaty any longer. At least we would be honest with the people here. At least we would be telling the truth. But this is a charade.

I point out to my colleagues, again, that there is no legal basis for the unilateral amendment of the ABM Treaty, or any other treaty, for that matter. The Vienna Convention on the Law of Treaties serves as a source of customary international law and provides guidance in this matter. According to its provision, a treaty is to be interpreted in accordance with the ordinary meaning of its terms.

The two prongs of section 6(A) of the ABM Treaty are clear: One is aimed at constraining demonstrated capabilities, and the other is aimed at constraining inherent capabilities. In other words, this provision was intended to prevent testing against strategic missiles and development of systems that have the ability to counter such missiles.

To say that only the testing, or demonstrated capacity, standard is relevant would represent a clear departure from the obligation set forth in the treaty.

A second area in which the provisions of this bill would mandate unilateral action with regard to the ABM Treaty is defining the demarcation line between strategic and theater missiles. The bill before us would arbitrarily set that mark at a peak reentry velocity of 5 kilometers per second and an effective range of 3,500 kilometers. The so-called 5/3,500 threshold may, in fact, be a legitimate demarcation line.

Guess what? The treaty says you negotiate those things. You negotiate them. That is what the existing treaty demands.

Mr. President, these amendments to the ABM Treaty affirm that we will define unilaterally the line between a strategic missile system and a theater missile; and we will declare unilaterally our ballistic missile defenses are in compliance with the ABM Treaty. Forget the fact that the very issues are now being negotiated with the Russians. We are going to do what we want.

As my young 14-year-old daughter's friends often say, "Why don't we get real here?" Let us just declare the treaty null and void and stop this. At least that would have the integrity of allowing others to trust making a treaty with us again. At least it is straightforward, and almost every treaty including the ABM Treaty says if this is not in our national interest, the President can declare it so and we are out.

So let us not wreck the ABM Treaty. Do not wreck this President's or future Presidents' ability to negotiate treaties of consequence with people when we can come along and just redefine them midstream, when we either think the other party is extremely vulnerable or we want to do something that the treaty does not suggest.

I want to ask the rhetorical question: If we did not need an antiballistic missile system when the Soviet Union had over 12,000 nuclear warheads all aimed at the United States or things of vital interest to us, why in the devil do we need it so badly now?

As Senator NUNN explained, such a system is not the thing that is going to prevent a Qadhafi or some Third World screwball from detonating a nuclear weapon in the United States. They will bring it in by ship, smuggle it in, reassemble it in the basement of the World Trade Tower, and blow us up. They are not going to wait until they have an intercontinental ballistic capability to do it.

This is nuts, with all due respect. If there is any lingering doubt about whether the provisions I have referenced are meant to scuttle the ABM Treaty, I hope we disabuse ourselves of that.

The ABM Treaty is based on a very simple, yet powerful premise that has been tested and proven to be valid—and that is that the development of defenses against strategic ballistic missiles is inherently destabilizing. Were the Russians to develop a shield against strategic ballistic missiles, what would be our reaction? We would do the same thing they are likely to do if this provision becomes law—that is, maintain the means to overwhelm those defenses.

Or would we say, "You know, it's good for everybody, that they are now impervious to attack as long as we keep our missiles at the same number. We do not have that capability, but we are going to trust them; we have no problem." We know we would rush to do that.

Or would we sit here and say, "My Lord, the only thing we know for sure we can do, and do it more cheaply, is build more intercontinental ballistic missiles and theater ballistic missiles, for that matter, so that no matter how many of these brilliant pebbles or whatever else is in the sky, we can just send enough in so that a few will get through."

But we are going to expect the Russians to say, "Don't worry, we know those good old Americans would never, ever do anything like this to us; therefore, we don't have to worry. We'll continue to dismantle our missiles, and we won't attempt to do the same thing and all will be well."

One of the first assignments I was sent on abroad was in 1978 on the so-called SALT Treaty. I was asked to take a group of new Members of the Senate to meet with Mr. Brezhnev, then the leader of the Soviet Union. We sat down and negotiated what were referred to as conditions, Senate understandings that we had attached to the SALT Treaty.

In the middle of the conversation, as I was pointing out how we would never do anything bad, Brezhnev looked at me and said through an interpreter: Let me make sure I understand this.

He said, "I would like to remind you that as bad as you think we are, we never dropped a nuclear bomb on anybody. As bad as you think we are, you are not as good as you think you are. You expect us to say we know you would never attack us with nuclear weapons when, in fact"—I am not judging whether it was right or wrong—"you have already demonstrated when your national interests are at stake, you will use atomic weapons." That is kind of a compelling point.

If we are going to take such a brazen step as trashing a treaty that has helped to lessen the prospect of nuclear Armageddon for over two decades, you would think that there is a good reason behind it. Well, there is none that I can discern.

Instead, we are asked to accept the dubious justifications contained in a couple of paragraphs of this year's Defense authorization bill.

One justification is that mutual assured destruction and its corollary—deterrence—is no longer relevant after the cold war. That is right, folks, traditional deterrence is dead because the bill before us has declared it passé.

Mr. President, you cannot delegislate deterrence. That concept is grounded in the fundamental interaction among States.

In a continued elaboration of flawed logic, the bill goes on to assert that with traditional deterrence dead, both the United States and Russia will be encouraged to reduce their offensive strategic arsenals.

This bizarre line of reasoning reveals a failure to grasp the fundamental counter-intuitive interaction between offense and defense that gave rise to the ABM Treaty in the first place.

As long as we have a potentially adversarial relationship with Russia—in other words, as long as we are not dealing with a Canada, or a France, or a Britain—our sense of security will depend on the confidence we have in our retaliatory capability.

Anything that undermines confidence in retaliatory capability—which is what strategic missile defenses do—will increase the reluctance of one side or the other to reduce offensive strategic forces.

One implicit aspect of the bill's analysis is correct—the Russians do not have the economic means to develop an ABM system on a par with what we are capable of developing with the expenditure of a large portion of our treasure. But they do have a stockpile of surplus warheads which they could deploy to respond to our national missile defense system.

With our planned deployment of a national missile defense system, the Russians, now feeling less certain of their retaliatory capability, will opt for the next best alternative—they will ignore their remaining commitments under Start I and they will refuse to ratify Start II.

It will not end there—they are likely to begin expanding their strategic forces to overcome missile defenses. We will respond by expanding our forces and by developing even more robust missile defenses, and so on. In short, we will restart the spiral of escalating nuclear deployments that marked the worst days of East-West confrontation.

What a cruel irony that would be—after the cold war, when we could have achieved significant reductions in strategic arms—we will instead have created the kind of bankrupting, paranoia-driven arms race that the ABM Treaty sought to prevent, and, indeed, did prevent during the cold war.

Another justification for scuttling the treaty could be called the Barbarians are at the gates argument. According to this line of reasoning, there are numerous rogue States on the verge of acquiring advanced tactical and strategic ballistic missiles. And we urgently need to develop the means to counter this imminent threat to our national security.

This is a crucial matter, and one which deserves more careful analysis than has been employed to date. I know about the estimates that say that some countries are only a decade away from having long range ballistic missile delivery capability. But I question the validity of those analyses.

Many other reputable studies by experts in the field indicate that the nations causing the greatest worry to the Defense Department will not acquire long range delivery systems for the next 20 to 30 years, if ever. Even Defense Department data reveal that 97 percent of the Third World missile threat comes from theater ballistic missiles with a range of 1,000 kilometers or less.

The delivery system of choice of rogue states targeting the United States with weapons of mass destruction will not be ballistic missiles. There are plenty of ways to circumvent defenses without even using missiles. These are the threats on which we should focus our ever-scarcer resources, not on the alarmist scenarios that are being touted by the proponents of national missile defense.

If a national missile defense can be rendered ineffective by an overwhelming Russian attack, and if such a system is many times more capable than what is required to contend with the Third World theater ballistic missile threat, then we are left to ask a basic question—what are we spending tens of billions of dollars to defend ourselves from?

I think that the only logical conclusion is one that is not explicitly stated, but begins to emerge if you read carefully between the lines. The real reason for going on a crash program to develop a national missile defense system is that there are some who don't care that the ABM Treaty will be jettisoned because, in their view, arms reduction per se is not in our national security interest.

If our deployment of a national missile defense causes the Russians to abandon START II, that fits right in with their strategy. Such a move by the Russians will provide the excuse they need to argue for maintaining and perhaps even expanding a large United States strategic arsenal.

I realize that there are others who might vote for a national missile defense system because, upon first glance, it seems to be a way to render strategic ballistic missiles obsolete. I know that not everyone who supports a missile defense wants an arms buildup. Some may honestly believe that a national missile defense is a path to future arms reduction.

But I would hope that those who do want arms reduction will realize the essential paradox of defense and offense where strategic ballistic missiles are concerned. The more you try to defend, the more the other side will buildup. This has been borne out by experience. In this manner, a well-meaning attempt to reduce the effectiveness of strategic weapons by building a robust defense could have the perverse impact of leading to a new and costly arms race.

In closing, I would just like to remind my colleagues who remain skeptical about the usefulness of the ABM Treaty, that the START treaties—in which both sides have agreed to cut their strategic arsenals by a total of two-thirds—were concluded without the United States having deployed a single strategic defensive system.

The ABM Treaty has served the purpose of arms reduction remarkably well. We should seek to build upon its successes, not scuttle it for an ill-defined and perilous course.

Finally, let me say that if Senators are going to stand on the floor and say they are going to vote against the Levin amendment but they support START I and START II, then I respectfully suggest that they go read this legislation. I do not know how you can say that.

If a Senator is going to say, "I support the ABM Treaty but I am against the Levin amendment," I suggest he or she go read the legislation before us. If a Senator comes to the floor and says, "By the way, I not only do not like the doctrine of mutual assured destruction, I do not support START I, START II, or the ABM Treaty," then I say vote against this amendment, because then you will be intellectually honest. It is a legitimate position to take. But let us not kid the American people and the world and say we support reducing the number of nuclear weapons, we support START I, we support START II, we are even for a START III, which we are contemplating, and we are for the ABM Treaty but, by the way, we are going to vote for this legislation. You cannot do both and be intellectually honest about it.

So, as they say, pick a team, pick a side, pick a position, but do not pretend you are on both sides because you cannot be against Levin and for the ABM Treaty. You cannot be against Levin and for the START II agreement. You cannot be against Levin and for further reduction in the nuclear arsenals of the major powers in the world.

I thank my colleague from Michigan, and I yield the floor.

Mrs. FEINSTEIN. Mr. President, I rise today in support of the Levin-Exon-Bingaman-Glenn amendment, to the National Defense Authorization Act for Fiscal Year 1996, to strike provisions of the bill which would directly lead to our violation of the ABM Treaty. This treaty is vital to American national security.

The Missile Defense Act would lead to violations of the ABM Treaty in two crucial ways.

First, it would establish a deployment plan for a national missile defense. If a national ballistic missile defense were deployed, it would blatantly violate the treaty.

Second, before any national missile defense system can be deployed, it must be tested. Fully testing this type of system would violate the ABM Treaty.

The ABM Treaty is the diplomatic foundation of our intercontinental ballistic missile reduction strategy. It was possible to negotiate and ratify the Strategic Arms Reduction Treaty or START, which is currently being implemented, and negotiate START II, which awaits ratification by this Senate and the Russian Duma because of the strategic groundwork laid in the ABM Treaty. Abandoning or violating the ABM Treaty would threaten the strategic ballistic missile reductions under these two treaties which, when implemented, would verifiably eliminate the intercontinental ballistic missiles carrying two-thirds of Russia's nuclear warheads.

Further, abandoning our treaty obligations jeopardizes our future relationship with Russia. The Reagan, Bush and Clinton administrations have worked hard to not only strengthen the strategic relationship between our nations, but economic, cultural, and diplomatic relationships as well. We have achieved measurable strategic reductions because of the foundation of trust the ABM Treaty provides. To jeopardize this trust, especially while START II waits precariously for ratification, is simply unwise. If the ABM Treaty is abandoned, the casualty may very well be the future of nuclear arms reductions with Russia.

While it is true that the ABM Treaty was ratified at the height of the cold war and that its outlook is bipolar in nature, the fact remains that the greatest ballistic missile threat to the United States is still located in Russia and the states of the former Soviet Union. The ABM Treaty gives a sense of security to the Russian government which allows them to move forward toward reducing their stockpiles of nuclear weapons under both START and START II.

Even the Chairman of the Joint Chiefs of Staff, General Shalikashvili, has felt it necessary to declare that United States abandonment of the ABM Treaty could harm both the prospects for START II ratification by the Duma and our broader security relationship with Russia. In addition, abandonment of the treaty could threaten the continued dismantlement of nuclear weapons under START. Again, if we abandon our commitments under the ABM Treaty, we stand to lose the verified elimination of thousands of nuclear missiles currently aimed at the United States. Our national security priority should be to greatly reduce this ICBM threat.

My support of the ABM Treaty does not negate my willingness to see a national ballistic missile defense system studied. We should continue our research and development programs for a national ballistic missile defense system and should always look toward our future defense needs.

Turning to the issue of theater missile defense, I also believe deeply that we must develop and deploy this type of system which does not violate the ABM Treaty. Development and deployment of this type of system is technologically feasible and is permissible under the ABM Treaty. Most of the theater ballistic missile defense systems currently in development and being tested are ABM Treaty compliant. In fact, the joint summit statement from the May Clinton/Yeltsin Summit delineates a set of principles that provides that both sides can deploy effective theater ballistic missile defense systems within the framework of the ABM Treaty.

Because theater ballistic missile defense is entirely possible under the ABM Treaty, is it not the better path to both maintain the ABM Treaty thus protecting the elimination of thousands of intercontinental ballistic missiles under START and START II and to develop and deploy a theater ballistic missile defense system that could both protect future theater ballistic missile threats to American shores and current theater ballistic missile threats to American and Allied troops overseas?

Let us continue our research and development programs for a national ballistic missile defense, let us continue to develop and work to deploy a theater ballistic missile defense, but let us oppose abandoning the ABM Treaty and thus lose our opportunity to eliminate thousands of Russia's intercontinental ballistic missiles.

It is in our national security interest to continue to support the ABM Treaty until the great threat of Russian ICBMs aimed at the United States is substantially reduced under START and START II. Until this important process is completed, let us work to deploy a theater missile defense system and continue our research towards the development of national ballistic missile defense system.

Mr. THURMOND. Mr. President, today, I received a letter from the Honorable Henry Kissinger, former Secretary of State. I will take a few seconds to read a short paragraph:

> I commend the Committee's decision to set a course for deployment of a National Missile Defense system to protect all Americans. Development of such a system is long overdue. I believe that such a deployment will actually enhance deterrence. . . The ABM Treaty is unable to help the United States deal with one of the most significant post-Cold War security threats: the proliferation of long-range ballistic missiles. In fact, the ABM Treaty now stands in the way of our ability to respond in an effective manner.

I ask unanimous consent that the entire letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

AUGUST 3, 1995.

Hon. STROM THURMOND,
Chairman, Senate Committee on Armed Services,
Washington, DC.

DEAR SENATOR THURMOND: I am writing to congratulate you on your recent markup of the Defense Authorization Bill, especially the provisions in the bill dealing with ballistic missile defense and the ABM Treaty. With the bill soon to be debated on the Senate floor, I wanted to present my views on a number of related issues.

The time has clearly come for the United States to consider either amending the ABM Treaty or finding some other basis for regulating U.S.-Russian strategic relations. The ABM Treaty was born of a different era, characterized by a different set of strategic and political circumstances. As I said in my testimony before your committee earlier this year, when things have changed so much, we must not fear changes in our Cold War treaty arrangements if such changes are in our best interest.

I commend the Committee's decision to set a course for deployment of a National Missile Defense system to protect all Americans. Development of such a system is long overdue. I believe that such a deployment will actually enhance deterrence and provide the basis for deeper offensive reductions. Our experience with the ABM Treaty has shown that a lack of defense neither promotes offensive reductions nor otherwise enhances stability. More important, the ABM Treaty is unable to help the United States deal with one of the most significant post-Cold War security threats: the proliferation of long-range ballistic missiles. In fact the ABM Treaty now stands in the way of our ability to respond in an effective manner.

I am also pleased to see that the Committee has passed the legislation introduced by Senator Warner, which establishes a clear demarcation between permitted Theater Missile Defense systems, and strategic defenses limited by the ABM Treaty. It is essential that the ABM Treaty not be extended to cover systems that were never intended to be limited, such as Theater Missile Defense systems. Such systems are too important to be held hostage to arbitrary and unnecessary negotiations. I find it hard to believe that the Clinton Administration objects to having its own demarcation standard codified into law. Such a move seems entirely appropriate and consistent with U.S. obligations under the ABM Treaty.

I believe that the Missile Defense Act of 1995 is an important step in the right direction. It is a measured and well-focused response to a dramatic threat to United States national interests.

Sincerely,

HENRY A. KISSINGER.

The PRESIDING OFFICER. Who yields time?

Mr. LOTT. Mr. President, is the leader ready to proceed?

Mr. DASCHLE. Yes.

Mr. LOTT. I will withhold. I understand the Senator from Texas may have some remarks, if the Senator would like to wait, or would he like to proceed?

Mr. DASCHLE. I am prepared to speak, but if the Senator has been on the floor, I am happy to defer to her.

Mr. THURMOND. How much time does the Senator from Texas want?

Mrs. HUTCHISON. Two or three minutes.

Mr. THURMOND. I yield 3 minutes to the Senator from Texas.

Mrs. HUTCHISON. Mr. President, I think there is a fundamental issue here, and that is, as the world changes, is the U.S. Senate and the U.S. Congress going to continue to meet the challenges of the new world that we face today?

The world has changed since the ABM Treaty. No longer are we a bipolar world. We now know—and it has been published often in newspapers—that there are numerous countries that have nuclear, biological, and chemical weapons. Do they have the ability to attack the United States with these weapons? We believe that some might.

So the question is: Are we going to unilaterally disarm our ability to defend our shores from a potential attack? That is the issue. We cannot, in any way, limit our capability to meet the challenges of the post cold war, multipolar world that we are living in today.

So I hope that we will not do anything that will lessen our ability to defend our shores. We must have a theater ballistic missile defense. We must continue to go forward to make sure we have the technology to defend ourselves against any incoming missiles, or to defend our armed services in any theater in which they may be fighting. That is the core issue today.

So I hope that our colleagues understand the significance of this argument. This is not, in any way, partisan; it ought not be in any way a matter for discussion, really; it is a matter of priorities and what our leadership role is. I hope that we will put aside partisan views on this issue and look at our responsibility to defend our shores and our future generations.

Thank you, Mr. President. I yield the floor.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. LEVIN. Mr. President, I yield the remainder of my time to the Democratic leader.

The PRESIDING OFFICER. The minority leader is recognized.

Mr. DASCHLE. I thank the Senator from Michigan for the time.

Mr. President, I want to also thank him for offering this amendment, and I commend Senators EXON, BINGAMAN and GLENN for cosponsoring it. I believe that the vote on this amendment may be one of the most critical votes that we cast this year. There are many provisions in this bill that I, along with many of the people on this side of the aisle—and I suspect beyond the beltway—strongly oppose. However, perhaps the most objectionable provisions in this bill—and potentially the most damaging to the long-term security interests of the United States—are those calling for the United States to deploy multiple-site national missile defenses by the year 2003.

As Senator LEVIN and others have already pointed out, committing this country to deploying a multisite national missile defense system at this time would have very damaging consequences for our national security. The Levin amendment would retain the strategic policies that have kept this country safe now for a half century.

I strongly support the Levin amendment for several reasons.

First, I am concerned that any effort by the United States to deploy theater missile defenses could jeopardize several important treaties negotiated under both the Clinton and Bush administrations. For instance, the provisions could hold up implementation of the START Treaty; imperil Russian ratification of the START II Treaty, which requires Russia and the United States, as everyone here knows, to reduce their long-range nuclear weapons from 8,500 to 3,500; and possibly impact the conventional forces in Europe Treaty, which calls for the reduction of heavy weapons, such as tanks and combat aircraft throughout NATO and the former Warsaw Pact.

Second, I am concerned that deployment of national missile defenses in the United States could undermine U.S. nonproliferation efforts. For instance, China could withhold support for the Comprehensive Test Ban Treaty if the United States violates or renegotiates the ABM Treaty.

Needless to say, Chinese resistance to the CTB could induce other regional powers to follow suit, thus eroding support for the Nonproliferation Treaty. Moreover, deployment of theater missile defenses would make other nuclear countries, like China, Britain, and France, less willing to enter into future nuclear reduction treaties.

Third, as has been pointed out several times during this debate, nothing in the treaty precludes the Department of Defense and the Ballistic Missile Defense Office from conducting the program as currently planned for at least the next year or two. Let me repeat that. The ABM Treaty will not constrain our ballistic missile defense efforts for at least the next year or two.

Therefore, we have ample time to weigh the threats this Nation faces and debate the appropriate response. We need not march off precipitously on a path that leads us to unilateral abrogation of one treaty, and the probable breaking of several others.

Mr. President, let me make it clear, I am not saying that we should never consider making changes to the ABM Treaty or any other treaty. Circumstances change and security requirements must be modified accordingly.

Even the Constitution, the greatest document drafted by this country, has been modified 26 times. What I am saying is that this is neither the time nor the manner to modify the treaty.

For all these reasons, I strongly support the Levin amendment and urge my colleagues to do the same.

I yield such time as I have remaining to the author of the amendment, the distinguished Senator from Michigan.

Mr. LOTT. Could I inquire about the remaining time?

The PRESIDING OFFICER. One minute and eighteen seconds for the Senator from South Carolina, and 6 minutes for the Senator from Michigan.

Mr. LOTT. Due to the fact that we only have 1 minute and 18 seconds, we will reserve our time to see if the Senator from Michigan would like to use the balance of his 6 minutes.

Mr. LEVIN. I understand the Chair is saying there is 6 minutes remaining. I yield myself 5 minutes.

Mr. President, the language in the bill which this amendment would correct does three things.

First, the language sets forth a head-on clash with the ABM Treaty. Words have clear meaning by the way they have consequences, too, which we will get to in a moment.

Section 233 says it is the policy of the United States to deploy multiple site national defense missiles. The ABM Treaty prohibits such defenses. You cannot get much clearer than that without a formal abrogation document. What this bill says is the policy to do it is not allowed by the ABM Treaty.

In addition, section 235 of the bill says that to implement the policy established in that earlier section, the Secretary of Defense shall develop an affordable and operationally effective national missile defense system, which will attain initial operational capability by a specified year.

"Shall" and "will"; these are very clear and very strong words.

Second, the bill says that the line between short-range and long-range missile defenses is a specific line. We are doing it by U.S. law.

Now, it is the same demarcation which is being negotiated between Russia and us. What we are doing is usurping the negotiations and transferring them from wherever they are being negotiated to the floor of the U.S. Senate. If the Duma did that, we would not stand for it for one moment—any of us—I hope. So there is a unilateral interpretation of the ABM Treaty in this bill which would be stricken by this amendment.

Third, the bill says it is a sense of the Senate that the President shall not negotiate—these are the words—sense of the Senate the President should cease all efforts to clarify U.S. obligations under the ABM Treaty.

We have heard a lot about the need to modify. By the way, I think most would agree that the ABM Treaty should be modified. At least many of us, including myself.

Here it is said in section 237, that it is the sense of the Senate that the President should cease all efforts to modify, clarify, U.S. obligation. Both words are used—modify and clarify.

On the floor, we hear a lot about we ought to try to modify this treaty, and we should. Section 237 says the President shall cease all efforts to modify or clarify our obligations under the treaty. That section would also be stricken.

Mr. President, this language in this bill which the amendment would strike will dash the hopes of our generation for a new relationship with Russia, following the end of the cold war. That is what Secretary Perry tells us. That is what General Shalikashvili tells us.

This is why Secretary Perry has written us the following:

> Certain provisions [in this bill] related to the ABM Treaty would be very damaging to U.S. security interests. By mandating actions that would lead us to violate or disregard U.S. treaty obligations—such as establishing a deployment date of a multiple-site NMD system—the bill would jeopardize Russian implementation of the START I and START II Treaties, which involve the elimination of many thousands of strategic nuclear weapons.

We cannot get much more serious than this. It has never been more important to read words in a bill than it is now because what our Secretary of Defense is telling us; that the elimination of offensive weapons aimed at us is jeopardized if we unilaterally move to trash the ABM Treaty or interpret the ABM Treaty the way this bill does.

That is why this debate is worth 5 hours—indeed, maybe 5 days. That is the seriousness of the language that is in this bill.

Then the Secretary of Defense goes on to say that, "The bill's unwarranted imposition through funding restrictions, of a unilateral . . . demarcation interpretation would similarly jeopardize these reductions . . ."

Now, we have a treaty. Treaties should mean things. They should have significance. When the Russians violated it, we tried to hold them accountable. So, I believe, the Duma will point to our action in saying that this gives them an excuse to, instead of reducing nuclear weapons, to stop those reductions, to keep the numbers where they are, and, indeed, increase them, in order to now deal with these new defenses which this bill commits us to build.

I reserve the balance of my time.

Mr. LOTT. We do have at least one more speaker. Could I ask unanimous consent we have 10 additional minutes, 5 on each side?

Mr. LEVIN. Mr. President, does that then supersede whatever time we have left?

Mr. LOTT. It would begin now, when all existing time expires, which is within about 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THURMOND. Mr. President, I yield 5 minutes to the distinguished Senator from Oklahoma.

Mr. INHOFE. Thank you, Mr. President. We have talked about this now for 3½ hours, and we have got a little bit longer to go.

I think it has been said every argument has been made on both sides by this time. When the Senator from Texas stood up and talked about this being a different world, I have to emphasize that this is a different world than it was back in 1972.

In 1972, we had two superpowers. We had the USSR and the United States, and we had a treaty that took place back then that was controversial at that time, the ABM Treaty between two parties. One of those parties does not even exist anymore. The world is totally different. The threat is not there from the Soviet Union because the Soviet Union is not there anymore.

If we stop and look at the comparison that we have today, we are living under a treaty that says that we can defend ourselves overseas, we can defend ourselves in a theater missile environment, but we cannot defend our own country.

Now, I think we have to look at it and say, is the environment we are in today a more dangerous environment than it was in 1972? I think there is some argument, very persuasive argument, that there is. We have heard quoted several times on this floor a statement by Jim Woolsey, who is the Security Adviser to President Clinton, said that we know of between 20 and 25 nations that have developed or are developing weapons of mass destruction—either nuclear, chemical, or biological—and they are working on the missile method to deliver those weapons of mass destruction.

I think that a case can be made that the environment we are in today is far more serious, far more dangerous, to our Nation's security than it was when we could identify who the enemy was. At that time, of course, the enemy was the U.S.S.R.

I will share with you a conversation I had with Dr. Henry Kissinger. We all know he was the architect, back in 1972, of this controversial antiballistic missile treaty. He said at that time he felt it was the right thing to do.

At that time the mutual destruction mentality that we had seemed to make sense. "We only have two countries in the world who are capable of developing and delivering any form of destruction of that nature, so let us just both make ourselves so we are vulnerable to the other one." Maybe it made sense then. I am not sure that it did.

But the other day, in a private conversation with me—and he said it is fine to quote him—he said: For us to be living under that treaty today is insane. And he said, and this is a direct quote, "It's nuts to make a virtue out of our vulnerability."

I do not know whether that is in the letter that the distinguished Senator from South Carolina submitted for the RECORD. I suggest words to that effect are there, but it is a lengthy, two-page letter. In that letter he describes it.

This is the person who was the architect of the ABM Treaty. So all I am saying, Mr. President, is today it is a different world. Today it is a world not with two superpowers but with a superpower, the United States—if we want to call ourselves that—and many other semi-superpowers or quasi-superpowers, any of which, if they have the technology, can deliver weapons of mass destruction to the United States.

I agree with Henry Kissinger; it is nuts to make a virtue out of our vulnerability, which is exactly what we have been doing.

The PRESIDING OFFICER. Who yields time?

Mr. LEVIN. Mr. President, I yield 2 minutes to Senator DORGAN.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I rise to support the amendment offered by the

Senator from Michigan. I think this is awfully important. I know it has taken an awful lot of time on the Senate floor today, but I think it is worth the amount of time it has taken. This is an enormously important amendment. This amendment strikes the language in the bill that is brought to the floor by the Armed Services Committee that will abrogate the ABM Treaty. In my judgment, it is reckless to do what is done in this bill in a manner that will abrogate that treaty.

We had a long debate this morning on the subject of funding, $300 million added to the bill for a national missile defense system. That amendment that I brought to the floor to strip the $300 million out lost by a vote of 51 to 48. I hope we will revisit that issue in an appropriate way and we will achieve a different result. That was important.

But this is even more important. I hope the Senate, on this amendment, will understand the dimensions of this amendment offered by the Senator from Michigan. The ABM Treaty is the foundation of the arms agreements which we have reached with the Soviet Union and Russia and others. I think it is critically important that we agree to this amendment this afternoon and strike the language in the bill brought to the floor, that I think jeopardizes, literally jeopardizes, our security by weakening the arms control agreements that are now in place.

I congratulate the Senator from Michigan for a long, hard fight. I hope when the votes are counted we will find, in this circumstance, he prevails—he prevails for the good of this country and for the future of our children.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. LOTT. Mr. President, could I inquire on the remainder of time on both sides of the aisle?

The PRESIDING OFFICER. There is 1 minute and 33 seconds left on the majority side and 3 minutes and 50 seconds left on Senator LEVIN's side.

Mr. LOTT. I reserve the remainder of our time.

The PRESIDING OFFICER. Who yields time?

Mr. LEVIN. Mr. President, I yield myself 2 additional minutes.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, the cold war is over. But there are some remnants that remain, including about 8,000 nuclear warheads on Russian soil. Those warheads are being dismantled. They are being dismantled as part of the START I agreement and START II agreement. The dismantling of those warheads is critical to our security.

The Chairman of our Joint Chiefs says that the continuing dismantlement of Russian warheads that threaten us is jeopardized if we undermine the ABM Treaty. Because instead of dismantling warheads, the Russians will now be faced with the threat of defenses, which means they would be tending to increase the warheads in order to overcome those defenses.

So there are a number of treaties which are at issue. There is the ABM Treaty, but there is also a START I Treaty and a START II Treaty.

When General Shalikashvili tells us, as he has in writing, that we must assume that unilateral United States legislation could harm prospects for START II ratification by the Duma, and probably impact our broader security relationship with Russia as well, we should listen.

And when the Secretary of Defense says that the study which is referred to in this bill should be completed before we decide to deploy sites in violation of the ABM Treaty instead of vice versa—we should not be now committing to deploy multisites when they violate a treaty which we are then going to study—so what the Secretary of Defense last said is these serious consequences argue for conducting the proposed Senate review of the ABM Treaty before—underlined—before considering such drastic and far-reaching measures.

The PRESIDING OFFICER. The Senator's time is up. Who yields time?

Mr. LOTT. Mr. President, has all time expired?

The PRESIDING OFFICER. There is approximately 1 minute, 31 seconds on your side, approximately 1 minute and 20 seconds on the side of the Senator from Michigan.

Mr. LOTT. Mr. President, I have the authority of the majority leader to use leader time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, if I understand correctly what the Senator from Michigan said a minute ago—did I hear him say the "threat of defense"? The "threat of defense," did the Senator say that?

Mr. LEVIN. The Senator is correct. Our having defenses to the Soviets means that instead of getting rid of their offensive weapons, they will need more. That is not what I am saying, though. That is what General Shalikashvili and Secretary Perry are saying, far more important than what this Senator was saying.

Mr. LOTT. I thank the Senator, but I just want the American people to think about that terminology. The threat of defense. Maybe that should be the description of what the Levin amendment is all about. Defense—who does it scare in America? Our defense scares the Russians? The MAD era is over, thank God. Let us admit it. Let us let it go. Times have changed. The threat of defense, to me, is not a scary idea.

We are not saying, do it now. We are saying, let us move forward with development, let us have some plans, let us begin some specificity, let us have enough money to really do the job. Let us not have enough money to waste. Let us have enough money to do the job. Let us have enough money to deploy.

Yes, we should be reasonable. We should think it through. But does any Senator here, or any American, think that the Senator from Maine is going to support language that is going to be dangerous and irresponsible? That is ridiculous. The Senator from Virginia, Senator WARNER, who has worked on this for years and years and years and was one of the coauthors, with the Senator from Georgia, of the missile defense language of 1991, these are not irresponsible people.

Can we continue to work together to try to move into this new era to move beyond ABM? Yes. Let us do it rationally and reasonably. But let us do it. What is this absolute infatuation, this clinging to ABM? It is time to move on.

We have a letter from Dr. Kissinger that has been referred to. But I know a lot of Senators on both sides of the aisle have a lot of respect for Dr. Kissinger. Dr. Kissinger's letter is very telling. I am going to read every word of it because it really sums up where we are today. It is addressed to the distinguished chairman of the Armed Services Committee, Senator THURMOND. It is dated August 3. He also testified before the Armed Services Committee very clearly and very succinctly about what we should do and how we should move into the present and forget the past. This language is about the future, how do we get there and plan to get there. By clinging to ABM, are we trying to, as a matter of fact, stop a movement toward defense and start the movement toward the next generation? I fear that is what is involved.

Here is what Henry Kissinger had to say:

> AUGUST 3, 1995.
>
> DEAR SENATOR THURMOND: I am writing to congratulate you on your recent markup of the Defense Authorization Bill, especially the provisions in the bill dealing with ballistic missile defense and the ABM Treaty. With the bill soon to be debated on the Senate floor, I wanted to present my views on a number of related issues.
>
> The time has clearly come for the United States to consider either amending the ABM Treaty or finding some other basis for regulating U.S.-Russian strategic relations. The ABM Treaty was born of a different era, characterized by a different set of strategic and political circumstances. As I said in my testimony before your committee earlier this year, when things have changed so much, we must not fear changes in our Cold War treaty arrangements if such changes are in our best interest.
>
> I commend the Committee's decision to set a course for deployment of a National Missile Defense system to protect all Americans. Development of such a system is long overdue. I believe that such a deployment

will actually enhance deterrence and provide the basis for deeper offensive reductions. Our experience with the ABM Treaty has shown that a lack of defense neither promotes offensive reductions nor otherwise enhances stability. More important, the ABM Treaty is unable to help the United States deal with one of the most significant post-Cold War security threats: the proliferation of long-range ballistic missiles. In fact the ABM Treaty now stands in the way of our ability to respond in an effective manner.

I am also pleased to see that the Committee has passed the legislation introduced by Senator Warner, which establishes a clear demarcation between permitted Theater Missile Defense systems, and strategic defenses limited by the ABM Treaty. It is essential that the ABM Treaty not be extended to cover systems that were never intended to be limited, such as Theater Missile Defense systems. Such systems are too important to be held hostage to arbitrary and unnecessary negotiations. I find it hard to believe that the Clinton Administration objects to having its own demarcation standard codified into law. Such a move seems entirely appropriate and consistent with U.S. obligations under the ABM Treaty.

I believe that the Missile Defense Act of 1995 is an important step in the right direction. It is a measured and well-focused response to a dramatic threat to United States national interests.

Sincerely,

HENRY A. KISSINGER.

This is a name, this is a voice, although sometime not understandable, one that we all recognize, that has influenced so much of what has happened in this area over the past 30 years, I guess. Yet, he takes such a strong stand. Why are we so afraid of this?

So I think that we should defeat the Levin amendment. I know there are negotiations between the Senator from Maine, Senator COHEN, and Senator NUNN, and perhaps some others for some improvements. I am always willing to look at that. I think we can do that. But first we must defeat the Levin amendment. We must move into the era of reality.

The argument has been made that the Missile Defense Act of 1995 will undermine START II ratification, and perhaps even damage broader United States-Russian relations. This argument is fundamentally rooted in a cold war view of the world. It assumes an adversarial, bipolar relationship between the United States and Russia. Essentially, it projects the United States-Soviet rivalry into the present day by suggesting that missile defenses, even limited defenses, are destablizing.

I do not believe that. Times have changed. Yes, there is some opposition to this, and there are those in the Soviet Union that will argue that the START II Treaty may be in trouble. But if it is, there is plenty of evidence that it is for other reasons: money. We have quotes from the Russians saying they just do not have the money to implement it or for them to be able to tie START II and ABM. We cannot allow that.

They have even tried to link other things to ratification of START II such as expansion of NATO, which they oppose. It is clear that Russia is willing to play the START II card on a number of issues. We must reject this linkage lest we encourage Russia to believe that they possess a veto over U.S. foreign and national security policy.

Of course, we should cooperate with Russia and not disregard their legitimate security concerns. But this is what START II ratification is all about. This agreement is manifestly in both countries interest and should not be held hostage to other issues.

Before we conclude that a U.S. national missile defense program will undermine START II, we should examine what impact such a system would actually have. In reality, the NMD system envisioned by the Missile Defense Act of 1995 would in no way undermine Russian confidence in the effectiveness of their strategic deterrent. Even a multiple-site deployment will not significantly alter Russia's ability to threaten the United States.

Given this, I believe there is no basic rationality to these connections. Even President Yeltsin himself recommended a global defense system shortly after he assumed office. During the Bush administration, there was tentative agreement between the United States and Russia on amending the ABM Treaty to allow for up to five sites and unlimited deployments of sensors, including space-based sensors. Since then, many Russian officials have reconfirmed that a limited NMD deployment would not in any way undermine their deterrent posture.

We must also recall that the ABM Treaty has already been amended once, and that the original treaty did allow for the deployment of more than one site. In fact, I think multiple sites was in the original treaty. During the negotiations that led up to the signing of that treaty in 1972, the Russians were even willing to agree to as many as 5 sites with 100 ABM interceptors each.

So there is a long history here of an understanding really of what ABM means and the recognition that we need or may need and should move toward multiple sites.

But let me begin to conclude with these two points. Why is this legislation needed? The proliferation of ballistic missiles of all ranges, along with weapons of mass destruction, poses an ever-increasing threat to the United States and its interests. I think there is a lot of evidence that shows that, even from administration officials. We must get started now if the United States is to counter these threats in time. Ten years? Is that a rush? There is an orderly plan here.

The administration has repeatedly demonstrated a willingness to extend the ABM Treaty to theater missile defense systems which have not and have never been covered, as I understand it, by treaty.

What the legislation does not do is it does not signal a return to star wars. It advocates a modest and affordable program that is technically low risk. It does not violate, as I understand it, or advocate violation of the ABM Treaty. The means to implement the policies and the goals outlined in the Missile Defense Act of 1995 are contained in the ABM Treaty itself.

So I urge that we take this step. Is it a step? Yes. Is it different from last year or 2 years or 3 years ago? Absolutely. Times are different. In order to make that step, though, we must first defeat the Levin amendment.

I yield the floor, Mr. President.

Mr. LEVIN. Mr. President, do I have any time left?

The PRESIDING OFFICER. One minute and twenty seconds.

Mr. LEVIN. Mr. President, just last May our President and the Russian President issued a joint statement following a summit. One of those statements was that the United States and Russia are each committed to the ABM Treaty, a cornerstone of strategic stability.

That is how important the ABM Treaty is to the Russians.

Should they be afraid of our defenses? Should they be threatened by our defenses? Gosh, we do not think so because we are good guys.

The truth of the matter is they are. What is the proof of that? General Shalikashvili's statement and Secretary Perry's statement, which says flatout that if we act in this way to undermine the ABM Treaty, we jeopardize the reduction in START I and START II. So we are not afraid of defenses. We should be afraid of 8,000 Russian warheads which probably now will not be dismantled if we jeopardize a treaty which has provided some strategic stability. That is the threat to us, the 8,000 warheads which are currently being dismantled, reduced under START I and II, which now will probably not be dismantled according to two pretty important folks, Secretary Perry and General Shalikashvili. That is current evidence of what the stakes are here.

The PRESIDING OFFICER. Who yields time?

The Senator from South Carolina controls 1 minute 26 seconds.

Mr. LOTT. Mr. President, has the distinguished Senator from Michigan yielded all time?

The PRESIDING OFFICER. Yes, he has.

Mr. LOTT. I believe we are ready to proceed.

Mr. THURMOND. Mr. President, we are willing to yield back any time remaining if they are and we will proceed to a vote.

The PRESIDING OFFICER. All time has expired.

Mr. THURMOND. Mr. President, I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the Levin amendment No. 2088. The yeas and nays are ordered. The clerk will call the roll.

The bill clerk proceeded to call the roll.

The result was announced—yeas 51, nays 49, as follows:

[Rollcall Vote No. 355 Leg.]

YEAS—51

Abraham
Ashcroft
Bennett
Bond
Brown
Burns
Campbell
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
DeWine
Dole
Domenici
Faircloth
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hatch
Helms
Hollings
Hutchison
Inhofe
Kempthorne
Kyl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Packwood
Pressler
Roth
Santorum
Shelby
Simpson
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—49

Akaka
Baucus
Biden
Bingaman
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Chafee
Conrad
Daschle
Dodd
Dorgan
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Hatfield
Heflin
Inouye
Jeffords
Johnston
Kassebaum
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Pryor
Reid
Robb
Rockefeller
Sarbanes
Simon
Wellstone

So the motion to table the amendment (No. 2088) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. LOTT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. COHEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine.

AMENDMENT NO. 2089

(Purpose: To express the sense of Congress on missile defense of the United States)

Mr. COHEN. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Maine [Mr. COHEN], for himself and Mr. NUNN, proposes an amendment numbered 2089.

Mr. COHEN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill insert the following:

(a) FINDINGS.—Congress makes the following findings:

(1) The proliferation of weapons of mass destruction and ballistic missiles of all ranges is a global problem that is becoming increasingly threatening to the United States, its troops and citizens abroad, and its allies.

(2) Article XIII of the ABM Treaty envisions "possible changes in the strategic situation which have a bearing on the provisions of this Treaty".

(3) Articles XIII and XIV of the ABM Treaty establish means for the Parties to amend the Treaty, and the Parties have employed these means to amend the Treaty.

(4) Article XV of the ABM Treaty establishes means for a Party to withdraw from the Treaty, upon 6 months notice, "if it decides that extraordinary events related to the subject matter of this Treaty have jeopardized its supreme interests.".

(b) SENSE OF CONGRESS.—Given the fundamental responsibility of the Government of the United States to protect the security of the United States, the increasingly serious threat posed to the United States, the increasingly serious threat posed to the United States by the proliferation of weapons of mass destruction and ballistic missile technology, and the effect this threat could have in constraining the options of the United States to act in time of crisis, it is the sense of Congress that—

(1) it is in the supreme interest of the United States to defend itself from the threat of limited ballistic missile attack, whatever its source;

(2) the deployment of a multiple site ground-based national missile defense system to protect against limited ballistic missile attack can strengthen strategic stability and deterrence;

(3) the policies, programs, and requirements of subtitle C of title II of this Act can be accomplished through processes specified within, or consistent with, the ABM Treaty, which anticipates the need and provides the means for amendment to the Treaty;

(4) the President is urged to initiate negotiations with the Russian Federation to amend the ABM Treaty as necessary to provide for the national missile defense systems specified in section 335 to protect the United States from limited ballistic missile attack; and

(5) if these negotiations fail, the President is urged to consult with the Senate about the option of withdrawing the United States from the ABM Treaty in accordance with the provisions of Article XV of the Treaty.

Mr. FORD. Mr. President, may we have order?

The PRESIDING OFFICER. The Senator from Maine has the floor. The Senate will come to order.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine has the floor.

Mr. COHEN. Mr. President, I am going to yield to the minority leader in just a moment. I just want to indicate that during the course of the debate on the Levin amendment, I indicated that I would be sending an amendment to the desk for consideration that would, I think, clarify the intent of the Armed Services Committee, as far as the ABM Treaty is concerned.

My understanding is that the minority leader wishes to proceed at this point and introduce another measure dealing with welfare. I am prepared to yield to him if that is his desire, or we can continue to debate the amendment that I have now offered. But I am prepared to yield the floor for as much time as the minority leader needs, and then I will come back to my amendment following his statement.

Mr. DASCHLE. I thank the Senator from Maine for his courtesy.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. I seek the floor using my leader time to make a statement unrelated to the bill. If I can do that and then return to the bill just as soon as we complete the statements, I prefer to do that. I appreciate the courtesy of the Senator from Maine.

Mr. COHEN. Senator NUNN is a principal cosponsor of the amendment I just sent to the desk.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. DOLE. Mr. President, will we be able to get a time agreement on this amendment? Is it going to be accepted? We just spent 7 hours on the last amendment. If this bill is not finished by tomorrow night, I think it is gone. I hope we can get a time agreement, if it is necessary to have it.

Mr. COHEN. If the leader will yield, I think we can have a fairly short time agreement. I think Senator NUNN and I are working through really modifying this amendment to make sure we have broad bipartisan support for it. It should not take very long. If the leader wants to propose a time agreement——

Mr. LEVIN. Will the leader withhold offering a time agreement until we can see the amendment?

Mr. NUNN. I will say to the majority leader, if he will yield, I would like to have a time agreement on this amendment no longer than an hour equally divided. I believe we would be better to put that unanimous-consent request after the minority leader makes his statement.

Mr. BUMPERS. If the majority leader will yield, I wonder if it is possible to sequence the amendments so the Members will have some idea as to the sequence. I am not pleading for mercy, but I have to go to a funeral in my State this weekend, with absolutely no reservation. I have to leave here tomorrow night. I have a couple of amendments, and I would like to offer them before I leave. I think it would be expeditious for the Senate if we can get some lined up and some sequence and time agreements, maybe 30 minutes or an hour. I think we got the tough ones out of the way. The rest should not take that much time.

Mr. DOLE. I think that is an excellent idea. Senator DASCHLE and I may be starting to put it together, to rotate back and forth on the sequence of amendments. I think the Senator from Arizona wants to do the same thing. Maybe we can do the Senator's this evening if he has to be gone tomorrow.

Mr. DASCHLE. I yield to the manager of the bill.

Mr. THURMOND. Mr. President, I just want to say that we have spent a long time now just on a few amendments. I hope we can get reasonable time agreements and finish up this bill. I am saying that we can finish this bill in a reasonable time tomorrow, if we stay here tonight and work a reasonable time and do not take too much time on any one amendment. Most of the people know how they are going to vote; it is just a matter of voting. I hope we are all together.

Mr. DASCHLE. Mr. President, given that, I will use my leader time, and Senator DOLE and I will have an opportunity to go off the floor and talk.

I will yield to the Senator from Maryland, and following that, the distinguished Senator from Louisiana, for remarks regarding the Work First welfare reform plan.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

(The remarks of Ms. MIKULSKI and Mr. BREAUX pertaining to the introduction of S. 1117 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. McCAIN. Mr. President, what is the pending business before the Senate?

The PRESIDING OFFICER. The pending business is amendment 2089 offered by the Senator from Maine [Mr. COHEN] and the Senator from Georgia [Mr. NUNN].

Mr. McCAIN. Mr. President, I believe that language is still being worked out by Senator COHEN and Senator NUNN, and I believe that language will be resolved very quickly and with a commensurate time agreement.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COHEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Maine.

Mr. COHEN. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business is amendment No. 2089, offered by the Senator from Maine.

Mr. COHEN. Mr. President, I ask unanimous consent that the pending amendment be set aside in order to allow Senator McCAIN to proceed with his amendment, and that there be a time limitation of 2 hours equally divided.

Mr. McCAIN. They are not ready for the time agreement.

Mr. COHEN. I ask unanimous consent that we set aside the pending amendment to allow Senator McCAIN to proceed with offering his amendment dealing with *Seawolf*. And, during the course of that time for debate, if we, Senator NUNN and I, come to the floor with our amendment, we then go off the McCain amendment and return to the Cohen-Nunn amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from Arizona.

Mr. McCAIN. Mr. President, if I may repeat, my understanding of the parliamentary situation is that we temporarily set aside the Cohen amendment while negotiations continue on that amendment in order to take up the *Seawolf* amendment. It is also my understanding that a time agreement on the *Seawolf* is being negotiated. On the McCain amendment, there are negotiations going on, and I ask that the clerk keep time so that it will apply once the unanimous-consent agreement is reached for the purposes of moving forward.

The PRESIDING OFFICER. The Senator is correct with respect to the parliamentary situation. The clerk will keep time on the McCain amendment.

AMENDMENT NO. 2090

(Purpose: To delete funding for procurement of a third *Seawolf* submarine, and to prohibit expenditures of fiscal year 1996 funds and prior fiscal year funds for procurement of such submarine)

Mr. McCAIN. Mr. President, I have an amendment at the desk, and I ask for its consideration.

The PRESIDING OFFICER (Mr. SANTORUM). The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona (Mr. McCAIN), for himself and Mr. ROTH, Mr. FEINGOLD, and Mr. GRAMS, proposes an amendment numbered 2090.

Mr. McCAIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 30, after the matter following line 24, insert the following:

SEC. 125. SSN-23 SEAWOLF CLASS ATTACK SUBMARINE.

(a) DELETION OF FUNDING.—Notwithstanding any other provision of this Act, the total amount of the funds authorized under section 102(a)(3) for the Navy for fiscal year 1996 for shipbuilding and conversion is reduced by $1,507,477,000.

(b) PROHIBITION.—(1) Notwithstanding any other provision of this Act, funds available for the Department of Defense for fiscal year 1996 and, except as provided in paragraph (2)(B), funds available for the Department of Defense for any preceding fiscal year may not be obligated or expended for procurement of a third SSN-21 Seawolf class attack submarine or for advance procurement for such submarine.

(2)(A) Funds available for the Department of Defense for fiscal year 1996 may not be used for paying costs incurred for termination of any contract for procurement of a third SSN-21 Seawolf class attack submarine, including any contract for advance procurement of such submarine.

(B) Only the funds available for the Department of Defense for fiscal years before fiscal year 1996 for procurement of an SSN-23 Seawolf attack submarine may, to the extent provided in appropriations Act, be used for paying costs described in subparagraph (A).

Mr. McCAIN. Mr. President, for the information of my colleagues who I know are interested in this amendment, especially my friends from Connecticut, the pending unanimous-concept agreement is 1 hour equally divided on each side, which would mean that, unless the Cohen amendment intervenes, there would be a vote approximately 2 hours from now since I anticipate that there would be a time agreement agreed to very shortly, which I would like to propound as soon as it is agreed to.

Mr. President, I rise today to offer an amendment to terminate the *Seawolf* submarine program and delete $1.6 billion included in the fiscal year 1996 national defense authorization bill for attack submarine programs.

Mr. President, before I get into details, I want to talk about why it is that I oppose the *Seawolf* submarine. Mr. President, if this were the cold war, I would be standing here as a staunch advocate of the *Seawolf* submarine. It is a technological marvel. It is a state-of-the-art weapons system, and it is perhaps one of the finest weapons of war that has been produced by the enormously capable industrial base of this country.

But, Mr. President, I oppose the *Seawolf* submarine simply on the grounds that we are experiencing a justified decline in the defense budget. We are having to make very, very difficult decisions. This year we are authorizing the appropriations of funds for a very small number of ships, submarines, airplanes and tanks. And we simply cannot afford a submarine that costs almost $5 billion per submarine for the first two, and around $4 billion per submarine for the third.

Mr. President, you are going to hear the argument propounded on the floor that the Russians are ahead of the United States, that they are devoting every waking hour to developing a fast, quiet submarine, and that, unless we build the *Seawolf* submarine, the Russians will pass us and pose some grave threat to our national security.

Mr. President, I am sure that the Russian Defense Minister, General Grachev, is having a meeting with his top military advisers, and he is saying to them: "Guys, we have a little problem in Chechnya. We have taken a few thousand casualties. We have spent a few billion rubles. Although there is a tenuous cease-fire, it is by no means clear that we are going to be through in Chechnya for many years. We have a few battalions down there in Georgia to take care of that situation. We have Russian troops everywhere around what we now call the 'near abroad' that used to be the Soviet Union practically, and certainly to the south and to the west. We have our military officers who have come back from Eastern Europe living in boxcars with their families because we cannot afford to build houses for them, some of them living in tents. Recent conscriptions show that less than half of those conscripted are even showing up, much less being actually inducted into the military. Our fleets at Sevastopol and Vladivostok are rusting at the pier. Recent Western visitors have attested to that. We cannot even afford the oil required to allow them to go out on exercises. But forget all of that, guys. Our primary concern is fast, quiet submarines."

Mr. President, give me a break. Fast, quiet submarines are not the priority of the Russian military today. And I might say that up in room 407, the secret room to which only a privileged few are allowed, is the CIA document that I would urge my colleagues to read that I have not read—that I have not read—but I know the content of, that raises into serious question the assumptions that the Russian priority is fast, quiet submarines. In fact, you do not have to go to room 407 to figure that out. All you have to do is read the newspaper to discover that the Soviet Union has enormous challenges as far as where they spend their defense dollars which are, as we all know, dramatically declining.

So for us to base our continued support on the *Seawolf* submarine on a perceived threat to our national security, frankly flies in the face of the facts at hand.

Mr. President, the amendment is straightforward. It prohibits expenditure of any defense funds for a third *Seawolf* submarine. It eliminates the noncompetitive language in the Senate bill. Section 121 directs the allocation of the first new submarine contract to the Electric Boat shipyard and the second contract to the Newport News shipyard. In short, the amendment seeks to terminate the *Seawolf* program without making a judgment on a follow-on attack submarine program.

In total, the amendment would delete $1.6 billion from the committee's recommendation for shipbuilding. The fact is that, like the B-2 bomber and many other cold war weapons systems, the *Seawolf* submarine has little or no place in the military force of the future. It is a costly relic of the longstanding tensions between the United States and the former Soviet Union. Unfortunately, the reasoning which led the committee to reject additional funding for the B-2 bomber program did not extend to the committee's action on attack submarine programs. The committee chose to authorize funding for a third *Seawolf* submarine and to delay cost-saving competition for the follow-on new attack submarine until sometime in the next century.

Mr. President, it is noted—it should be noted with interest—that we entered into the deliberations of the Senate Armed Services Committee bent on competition as to where the next submarine would be built. That was between the two remaining and major shipbuilding corporations, and now we came out with no competition until sometime in the next century designating one submarine for one shipyard and designating one for another, and just to make sure there was proper support, of course, we threw in an amphibious ship.

After all, the *Seawolf* program has already cost nearly $11 billion, or more than $5 billion per submarine. Since the contracts for the first two *Seawolf* submarines were originally signed, their procurement costs have increased by $1.4 billion. The third *Seawolf* submarine is estimated to cost more than $2.4 billion, slightly more than last year's estimate.

Because of these increasing costs, the Congress included in last year's defense authorization legislation a cost cap procurement of the first two *Seawolf* submarines. As a result of the legislative cost cap, the Navy instituted a new program management team, which has been successful so far in containing the costs of these two submarines. Hopefully, no further taxpayer dollars will be required to finish them.

However, the cost cap would not apply to a third submarine, if one is authorized, which could therefore cost much more than the $2.4 billion currently estimated by the Navy.

As we know, in the past 10 years, defense budgets have declined. Since 1985, it has declined in real terms by 35 percent, and we will probably experience another 10-percent reduction by the turn of the century.

These significant reductions have meant that the Pentagon has canceled or delayed nearly all of its force modernization programs for the future. And it has meant that marines deployed on the U.S.S. *Inchon* off the coast of Somalia returned home to spend time with their families and friends for 10 days before being sent off to the coast of Haiti.

Even with the increased resources, the committee was unable to begin to redress all of the recognized deficiencies in current and future force structure. At the same time, the committee approved funding for the third *Seawolf* submarine, $1.5 billion, that I would rather see allocated to programs with a mission in the likely potential conflicts of the future.

Those who continue to support the program argue that procuring a third submarine is necessary to counter an enduring submarine threat. I do not find that argument to be persuasive.

As we all know, the Navy earlier this year published and widely distributed a very slick booklet advertising proliferation of conventional submarines in Third World countries and emphasizing the growing number and technological sophistication of Russia's attack submarine force. Their conclusion? Buy the *Seawolf* submarine to meet this growing threat.

Mr. President, I already discussed earlier the problems that the Russians face and the disarray of their economy, the disarray of their society, the problems in Chechnya, et cetera.

At a hearing this year before the Seapower Subcommittee, the General Accounting Office witness testified that the intelligence analysis upon which the Navy based its claim of a growing Russian submarine threat was incomplete and in some cases disputed within the intelligence community.

At the same hearing, the Congressional Research Service witness testified that a third *Seawolf* submarine is not necessary to fulfill the Joint Chiefs of Staff requirement for 10 to 12 stealthy attack submarines by the year 2012.

Thus, military requirements do not support authorization of an additional submarine. The Armed Services Committee report flatly states that the Navy's argument of an operational requirement for the SSN-23 was not compelling as a reason to build another *Seawolf* submarine.

Another argument on behalf of the *Seawolf* program is the requirement to maintain a two-shipyard submarine industrial base.

I am fully aware of the portion of the submarine industrial base that is in my State of Arizona, thanks to the efficiency of General Dynamics and Electric Boat. There are $62 million worth of contracts in the State of Arizona. I suspect that most Members of Congress have been advised in detail about the financial advantages to their constituents of continued nuclear submarine production at Electric Boat shipyard.

Mr. President, if we continue to base our support for weapons systems on whether there are defense contracts in our State or congressional districts, we will be doing an enormous disservice to the American taxpayer. We no longer have that luxury, if we ever did.

I believe the committee's authorization of $1.5 billion to complete the third *Seawolf* submarine amounts to a capitulation to the administration's submarine industrial base arguments. It is clear from the committee's explanation of its recommendations to authorize the third *Seawolf* submarine that cost considerations took second place to industrial base arguments. No other reasoning could explain the committee's action.

The Navy's stated policy is to maintain the two nuclear-capable shipyards currently in operation in the United States, Newport News in Virginia and Electric Boat in Connecticut. Under this policy, Newport News would build only carriers, although it is capable of building submarines, and Electric Boat would build only submarines. It is not capable of building carriers.

However, separate analyses by the Navy and by Newport News Shipbuilding Co. demonstrate that maintaining one nuclear-capable shipyard is cheaper than maintaining two yards. I am not sure how deep an analysis that might have required. For the period of fiscal year 1996 to 2012, the Navy estimates savings of $1.9 billion while Newport News estimates a savings of $5.8 billion if we had one shipyard instead of two.

Yet, the committee chose to endorse at least through the end of this century that part of the administration's industrial base policy which requires maintaining two nuclear-capable shipyards.

The committee explicitly directed that the first new attack submarine be built at Electric Boat, but in a departure from the administration's policy then directed that the second would be built at Newport News. What a surprise.

The committee appeared to support the concept of competition for the submarine's procurement but then chose to delay implementing cost-saving competition between the two shipyards until sometime in the next century—I might add, having the beneficial effect of pleasing everyone involved.

Under the committee's recommendation, however, future competition for the third and later submarines will not necessarily result in a winner-take-all contract award which could mean that both shipyards would stay in business indefinitely.

Essentially, the committee kicked the can down the road, granting one submarine contract to each shipyard without addressing future competition. The result is that the taxpayers will see no savings from competition until sometime in the next century, if at all.

Because of this arbitrary delay in imposing competition for submarine procurement, the committee found it necessary to accept the Navy's contention that building the third *Seawolf* submarine at Electric Boat was required to maintain Electric Boat shipyard as a viable competitor in the future. Thus, the committee authorized $1.5 billion for the SSN-23, an overly expensive submarine for which the threat will not materialize in the foreseeable future.

A more than adequate alternative to procuring a third *Seawolf* submarine and beginning the new attack submarine program in fiscal year 1998 as planned is extending the service life of the existing attack submarine force.

Currently, as of May 1, 1995, the U.S. attack submarine force consists of 83 SSN's. The Bottom-Up Review stated a long-term requirement for a force of only 45 to 55 attack submarines. In order to reduce the current force to the required levels, the Navy plans to retire rather than refuel a substantial portion of the SSN-688 class submarines. The Navy plan would mean scrapping submarines with an average of 18 years of service life remaining.

I might add, Mr. President, that those ships were built with an average service life of 30 years.

The cost of buying replacement submarines far exceeds the cost of refueling existing submarines as well as the estimated savings from decommissioning existing submarines.

For example, $1.5 to $2 billion is the estimated cost of a new attack submarine while the estimated savings from early decommissioning is only $600 to $700 million. Clearly, if the newest of the Navy's SSN-688 class submarines were retained in inventory throughout the remaining service life, the Bottom-Up Review requirement for 45 to 55 attack submarines could be met well into the next century at a cost much less than the cost of buying the SSN-23 and buying new attack submarines on an noncompetitive basis.

Terminating the *Seawolf* program and deferring a decision on a follow-on attack submarine program would provide needed time to reassess the need for and the design of a follow-on program. Such a decision, however, requires that we clearly face the stark reality of declining defense budgets and the future budgets which require tough decisions about sustaining duplicative infrastructure at a cost of billions of dollars.

The fact is that there are currently two nuclear-capable shipyards in the United States, Electric Boat and Newport News. How much of our scarce defense dollars are we willing to spend to maintain two shipyards capable of producing nuclear-powered submarines at $4 to $5 billion a copy? The price is very steep.

Mr. President, I yield at this time to the distinguished chairman, who I think is ready to propound a unanimous-consent request.

Mr. THURMOND. I wish to thank the able Senator from Arizona.

The PRESIDING OFFICER. The Senator from South Carolina.

UNANIMOUS-CONSENT AGREEMENT

Mr. THURMOND. Mr. President, I ask unanimous consent that there now be a total of 2 hours of debate prior to a motion to table on an amendment to be offered by Senators MCCAIN, ROTH, FEINGOLD, and GRAMS regarding the *Seawolf* submarine, with the time equally divided between Senators MCCAIN and COHEN; I further ask that no second-degree amendments be in order prior to a vote on a motion to table, and that upon expiration or yielding back of time the Senate proceed to a vote on or in relation to the McCain amendment.

Mr. COHEN. Reserving the right to object.

Mr. President, could we also indicate that the time that has been consumed to this point also be included in that 2-hour period?

Mr. THURMOND. That is correct, Mr. President, the statement made by the able Senator from Maine.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THURMOND. I ask unanimous consent that upon disposition of the first McCain amendment, Senator MCCAIN be recognized to offer an amendment regarding *Seawolf* cost cap and immediately after the clerk reports that amendment Senator DODD be recognized to offer a relevant second-degree amendment and that there be a total of 10 minutes of debate equally divided in the usual form on both amendments. I further ask unanimous consent that upon the expiration or yielding back of the time on the second amendment, the Senate proceed to a vote on or in relation to the Dodd amendment, followed immediately by a vote on or in relation to the McCain amendment, as amended, if amended.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THURMOND. Thank you.

Mr. McCAIN. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Forty-two minutes.

Mr. McCAIN. Thank you, Mr. President.

I yield myself such time as I may consume.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President in their ongoing efforts to convince the Congress to spend another $1.5 billion on a militarily unnecessary program *Seawolf* proponents argue that so much money has already been spent on the third *Seawolf* that it would be foolish to terminate the program now. They argue that terminating the third submarine would save only $315 to $615 million.

Mr. President, never once in the 12 years that I have been in Congress have the proponents of a program that was up for cancellation not argue that it was more expensive to cancel a program than it was to keep it alive. I guess going back to that old Vietnam philosophy we had to destroy it in order to save it.

Mr. President, even if the savings are only $615 million, that is still a lot of money to most Americans. However, I must point out that a careful look at the facts shows that these claims are, at best, misleading.

CBO estimates that savings from terminating the *Seawolf* submarine could amount to between $1.1 and $1.3 billion. In a May 15, 1995 letter report, CBO concluded that: "Canceling the third *Seawolf* would save about $1.5 billion in fiscal year 1996, minus $500 million in potential expenses over the next 5 years."

In an updated July 28 letter report, CBO refined their estimate of the potential expenses to be in the range of $300 to $500 million.

CBO concluded that "the net savings from canceling the SSN–23 could amount to between $1.1 and $1.3 billion * * *."

Now, I am sure those that run the shipyards would strongly contest those figures. I would rather rely on the Congressional Budget Office, an organization that clearly has much less at stake than the respective shipyards.

Obviously, in claiming that terminating the third *Seawolf* would result in little or no savings, the submarine's supporters use inflated figures. Let me explain some of the fallacies of their statements.

A document being circulated on Capitol Hill asserts that termination costs allegedly using a Navy estimate are $500 million to $800 million. The facts do not support this assertion.

In a June 8 response to my questions about the *Seawolf* program, the Navy stated: "If work were to be stopped today on SSN 23 the total additional liability beyond the $438 million expended would be $215 to $290 million." That is $285 to $510 million less than the contractor claims. It is also a significant amount of termination liability for less than $900 million in existing contracts. And the Navy admits that the amount of termination liability is entirely negotiable.

In addition, $484.6 million of prior year appropriations for the *Seawolf* submarine remained unexpended as of June 8, according to the Navy. Termination costs could be paid out of these unspent funds, saving even more money for the taxpayers.

The Navy estimates the impact of terminating the *Seawolf* would have a cost impact on existing and future contracts at Electric Boat shipyard, totaling $700 million to $1 billion. These estimates include some very questionable assumptions.

CBO notes a significant area of difference in their estimates and the Navy's, since the Navy included $130 million to $340 million for anticipated increased overhead on future contracts at Electric Boat. CBO did not include these costs in their estimate because their amounts and even whether they will be incurred at all depend on future decisions of the administration and the Congress.

Nor did CBO include the Navy's claims to other potential costs in the hundreds of millions of dollars for unspecified future claims. In their own estimates, the Navy has been unable to attach any estimated dollar amount to these potential claims for such things as environmental cleanup, severance pay, and depreciation.

The total estimated cost of the third *Seawolf* submarine is $2.4 billion, including more than $900 million already appropriated. The question we need to ask is, what are the sunk costs in that submarine today?

$438 million of prior year appropriations have already been spent and cannot be recovered.

Using the Navy's own estimates, an additional $420 to $650 million would have to be spent to pay contract termination costs and increased overhead expenses on other existing contracts at Electric Boat.

Adding these two amounts together results in approximately $850 million to $1.1 billion in total funding required if the third *Seawolf* were terminated today. That's $1.3 to $1.6 billion less than the estimated cost of the submarine. Or, in other words, that's $1.3 to $1.6 billion in savings for the American taxpayer.

In my view and in the view of our highest ranking military officers, the priorities for U.S. defense spending are near-term readiness, quality of life for our military personnel and their families, and future force modernization to meet the likely challenges of the future. In my discussions with these officers, they say emphatically that strategic lift, tactical air forces, amphibious forces, and advanced conventional munitions procurement are the types of programs most urgently required to adequately equip our forces. The *Seawolf* submarine is not mentioned.

There is no question that the *Seawolf* submarine is a technological marvel. Everyone associated with its development, design, and construction should be rightfully proud of this stellar example of American skill and ingenuity. The *Seawolf* program must be reviewed in the context of funding high-priority military requirements with a seriously inadequate defense budget.

The debate over the *Seawolf* program is not about the merits of a weapons system, rather, it is about priorities. All of us want to ensure that our military forces have the best equipment and are the best prepared to deal with the potential threats of the future. For all the reasons discussed above, particularly the declining defense budget, we simply cannot afford to buy another *Seawolf* submarine.

I cannot support spending another $1.5 billion on a militarily unnecessary jobs program. I cannot support procurement of a noncompetitive follow-on submarine when our existing submarine force remains capable and can be maintained into the next century.

Therefore, I urge my colleagues to support my amendment to strike funding for the third *Seawolf* submarine.

Mr. President, I have several letters here. Citizens Against Government Waste says:

> The *Seawolf* program is a Cold War relic designed to meet a threat that no longer exists. Russia can not afford to maintain its submarine fleet and at our current naval level, the U.S. is well defended on the seas against any potential threat of the future. Adding a third *Seawolf* adds little to defense—

The only convincing argument: It is a great jobs program—

> while taking much-needed resources from other necessary defense programs. . . . We applaud you for introducing this amendment and encourage your colleagues to support this amendment.

Mr. President, the National Taxpayers Union says:

> If members of Congress are truly serious about balancing the budget, they must refrain from setting costly precedents by continuing to fund unnecessary and outdated programs. . . . Today, our nation faces a far more destructive threat—a national debt racing toward $5 trillion. Winning this war requires a different kind of weapon—fiscal discipline.
>
> Congress should consider scrapping the *Seawolf* entirely.

That is from the National Taxpayers Union.

And from the Citizens for a Sound Economy:

> On behalf of Citizens for a Sound Economy and our 250,000 members nationwide. . . . At a time when all Federal spending is undergoing increased congressional scrutiny, the Department of Defense like other federal agencies, must find ways to get spending under control. . . .
>
> Congress should not approve the Navy's request for $1.5 billion to start building a third Seawolf submarine. That's $1.5 billion that could be put to better use by taxpayers themselves.

And, finally, Mr. President, from the Council for a Livable World.

> . . .. we believe it to be unconscionable to spend $1.5 billion for white elephants that would have no other mission than to serve as floating museum pieces.

I am not sure I agree with that last comment.

Mr. President, I ask unanimous consent that several documents related to this subject be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COUNCIL FOR CITIZENS
AGAINST GOVERNMENT WASTE,
Washington, DC, July 28, 1995.

Hon. JOHN MCCAIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR MCCAIN: The Council for Citizens Against Government Waste (CCAGW) supports your amendment to the Department of Defense (DoD) Authorization canceling the third Seawolf submarine (SSN–23), saving taxpayers nearly $1.5 billion over the next five years.

The Seawolf program is a Cold War relic designed to meet a threat that no longer exists. Russia can not afford to maintain its submarine fleet and at our current naval level, the U.S. is well defended on the seas against any potential threat of the future. Adding a third Seawolf adds little to defense, while taking much-needed resources from other necessary defense programs.

When the next phase in the submarine program, the New Attack Submarine, begins construction in 1998, there will be a shipyard fully prepared to begin construction, most likely at a cheaper cost. Why add the unnecessary burden of building an archaic third submarine as we are preparing to move into a new phase of naval defense? Advocates of the third Seawold muster only one convincing argument: It's a great jobs program.

This Congress' mission must be to reevaluate how all taxpayer money is spent. When looking at the changes the Navy is making in its submarine defenses, we cannot continue to fund outdated programs like Seawolf, leaving other programs more vulnerable to the budget ax! We applaud you for introducing this amendment and encourage your colleagues to support this amendment.

Sincerely,

TOM SCHATZ,
President.
JOE WINKELMANN,
Chief Lobbyist.

NATIONAL TAXPAYERS UNION,
Washington, DC, July 31, 1995.

Attn: Defense LA

DEAR SENATOR: The 300,000-member National Taxpayers Union is pleased to support Senator McCain's amendment to the FY 96 Defense Authorization bill which would eliminate $1.5 billion to procure a third Seawolf submarine.

Seawolf continues to be plagued by numerous problems: it is behind schedule and has incurred cost overruns. Already, $1.4 billion more has been spent over the original estimate, costing taxpayers a total of nearly $11 billion, or more than $5 billion per submarine. The third Seawolf estimate to cost more than $2.4 billion, slightly more than last year's estimate. A third submarine, however, would be exempt from the cost cap that applied to the first two, which could drastically increase its price tag. If members of Congress are truly serious about balancing the budget, they must refrain from setting costly precedents by continuing to fund unnecessary and outdated programs.

In the very year when Congress has pledged to make progress towards balancing the budget, some lawmakers would pull this policy in the wrong direction. The Cold War has ended, and with it the submarine threat that endangered the Seawolf program. Today, our nation faces a far more destructive threat—a national debt racing towards $5 trillion. Winning this war requires a different kind of weapon—fiscal discipline.

Congress should considers scrapping Seawolf entirely. At the very least, however, members should reject any additional subsidies for this relic of a bygone era. They can reaffirm their commitment by voting YES on the McCain Amendment.

Sincerely,

JILL LANCELOT,
Director, Congressional Affairs.

CITIZENS FOR A SOUND ECONOMY,
Washington, DC, June 27, 1995.

Senator JOHN MCCAIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR MCCAIN: On behalf of Citizens for a Sound Economy and our 250,000 members nationwide, I would like to extend support for your proposed deletion of $1.5 billion in funding for the Navy's third Seawolf submarine. At a time when all federal spending is undergoing increased congressional scrutiny, the Department of Defense, like other federal agencies, must find ways to get spending under control.

The United States' Seawolf submarine program was a Cold War undertaking to make the best submarine force in the world even better. However, given the fall of the Soviet Union, and the weakened Russian economy, a third Seawolf submarine (and its $4 billion plus price tag) no longer can be justified. Recognizing the need to prioritize tight defense dollars, President Bush tried unsuccessfully in 1992 to stop the Seawolf program after the completion of one submarine. In today's fiscal climate, the case against a third submarine is even more compelling.

Moreover, in terms of time and cost, the Seawolf program is indicative of too many major defense programs—it has been marked by schedule delays and cost overruns. In fact, by the time Congress capped the spending level on the first Seawolf submarines at $4.759 billion just last year, the program already had cost $2 billion more than originally anticipated.

Congress should not approve the Navy's request for $1.5 billion to start building a third Seawolf submarine. That's $1.5 billion that could be put to better use by taxpayers themselves.

Sincerely,

PAUL BECKNER,
President.

Washington, DC, July 27, 1995.

SUPPORT AMENDMENT TO CANCEL THIRD SEAWOLF

DEAR SENATOR: We urge you to support the amendment by Senator McCain to prohibit funding for the third Seawolf submarine.

The Congress is working hard to fulfill its commitment to reduce government waste. The Seawolf submarine, conceived over a decade ago to counter a specific Soviet threat, lacks a mission and should be cut.

The program has been plagued by repeated cost increases and scheduled delays. Last year Congress voted to cap the cost of the first two submarines at $4.759 billion. However, finishing the third Seawolf will require at least an additional $1.5 billion and will push the current estimate for the total program cost to over $12.9 billion, or $4.3 billion each.

It is widely acknowledged that the case for building the third Seawolf is founded entirely on "industrial base" arguments. However, many of the skills associated with submarine production would be maintained in other industries and submarine-unique skills would be maintained through ongoing submarine maintenance and repair activities.

It is our judgment that Congress should resist pressure to continue this funding simply to preserve jobs. We understand the concerns and fears of the people of Connecticut and Rhode Island. We strongly support assisting the people and the communities affected by the program termination in their adjustment to a difficult situation. However, at the same time, we believe it to be unconscionable to spend $1.5 billion for white elephants that would have no other mission than to serve as floating museum pieces. There are too many other desperate needs in this society—to say nothing of a federal budget deficit of $250 billion—to build this cold war relic.

Funding a missionless Seawolf is a waste of national resources. We urge you to support the McCain amendment to end this program.

Sincerely,

Jim Matlack, American Friends Service Committee; Darryl Fagin, Americans for Democratic Action; Timothy McElwee, Church of the Brethren, Washington Office; John Parachini, Committee for National Security; John Isaacs, Council for a Livable World; Joe Volk, Friends Committee on National Legislation; Maurice Paprin, Fund for New Priorities in America; Kay van der Horst, International Center for Technology Assessment; J. Daryl Byler, Mennonite Central Committee, Washington Office; Howard Hallman, Methodists United for Peace with Justice; Christopher Paine, Natural Resources Defense Council; Kathy Thornton, NETWORK: A National Catholic Social Justice Lobby;

Monica Green, Peace Action; Bob Musil, Physicians for Social Responsibility; Caleb Rossiter, Project on Demilitarization and Democracy; Robin Caiola, 20/20 Vision, National Project; Jennifer Weeks, Union of Concerned Scientists; Robert Alpern, Unitarian Universalist Association; George Crossman, United Church of Christ, Office for Church in Society; Jerry Genesio, Veterans for Peace; Edith Villastrigo, Women Strike for Peace; Susan Shaer, Women's Action for New Directions; Tim Barner, World Federalist Association.

[From the New York Times, July 30, 1995]

QUIETNESS ARGUMENT FOR SUB WON'T WASH

To the Editor: I have a lot of respect for Secretary of the Navy John Dalton; I hate to see him fall prey to the sharks who are trying to justify the spending of $1.5 billion for the third Seawolf submarine (letter, July 24).

Although I disagree with almost everything in his letter, I would like to focus on his assertion that "the quietest submarines in the world today are operated by the Russians."

This allegation is like the "missile gap" or the "bomber gap" or the "readiness gap." When these were scrutinized, it was found they did not exist. Their sole purpose was to justify unwarranted defense spending. Does this "quietness gap" exist?

There are two aspects to quieting a submarine. The first takes place when the submarine is built. To say that our submarines are not built as well as Russian submarines condemns the very shipyard we are trying to keep operating.

The second aspect of quieting is in the operation of the ship. Is Secretary Dalton telling us that the crews of our submarines are not as well trained or as competent as the Russians?

I never met a submarine officer who did not think our submarines were the best in the world—by far. I am sorry to see this proud group stoop to chicanery to justify an unnecessary weapon.

JOHN J. SHANAHAN.

Mr. MCCAIN. Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. COHEN. Mr. President, how much time does the Senator from Rhode Island wish to have?

Mr. PELL. Five minutes.

Mr. COHEN. I yield 5 minutes to the Senator from Rhode Island.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized for 5 minutes.

Mr. PELL. Mr. President, I rise today in strong opposition to the amendment offered by my colleague from Arizona, Mr. MCCAIN.

The Fiscal Year 1992 Defense Authorization Act authorized a third *Seawolf* submarine, commonly referred to as SSN-23. In 1992, Public Law 102-298 appropriated $540.2 million for advance procurement of critical long-lead items for SSN-23. Subsequent to this action, roughly another $400 million has been appropriated and spent on SSN-23 thus far, for a total of $920 million.

This amendment, which would deauthorize funding required for the completion of SSN-23, is opposed by the administration, is inconsistent with previous congressional action, and contradicts the findings of the Bottum-Up Review, the elaborate defense posture plan prepared by the Department of Defense as the blueprint for future weapon acquisition. In the Bottom-Up Review, the administration concluded that construction for the third *Seawolf* is the best, most cost-effective way to preserve the submarine industrial base. After much sober thought, numerous elaborate studies, and several thorough debates in this Chamber, the Department of Defense has concluded that completion of the third submarine would bridge the gap until we begin construction of the new attack submarine in fiscal year 1998.

Sustained, low-rate production is the most effective way to preserve the technology, design, and unique skills necessary to maintain our submarine industrial base. If a production gap occurs, the Navy has determined, and many observers concur, that the highly specialized submarine vendor base, consisting of over 1,000 firms in more than 40 States, will be jeopardized.

Mr. President, in addition to preserving unique skills and technology, completing the SSN-23 makes economic sense. In a recent letter to Chairman THURMOND, the Secretary of Defense and the Chairman of the Joint Chiefs of Staff, John Shalikashvili, state:

> Completing SSN-23 is right for the taxpayer and right for our defense needs. The cost to complete SSN-23 is $1.5 billion. If SSN-23 were canceled, between $700 million to $1 billion in direct costs will still be incurred to existing contracts and to the New Attack Submarine program without acquiring a submarine. Thus, the net cost of building SSN-23 at this point in the program is approximately $500 million to $800 million.

Moreover, completing the SSN-23 also makes sense from a security viewpoint. In the same letter mentioned above, Secretary Perry and General Shalikashvili state that "cancellation would deprive our Armed Forces of a needed military capability to counter the growing number of deployed improved *Akula* class submarines which are quieter than our improved 688 attack submarines."

Mr. President, SSN-23 is a necessary bridge for the entire submarine industry to be able to produce the more affordable and technologically advanced new attack submarine. The DOD's plan, as approved by the Armed Services Committee, is the only plan which will preserve this critical industrial base as well as permit long-term competition in the submarine industry. Furthermore, this plan will assist in our national strategy to maintain our margin of undersea superiority, a truly critical area.

The Senate has, on several occasions, thoroughly debated and voted on this matter. And each year, the Senate decided to continue this program for the reasons I stated above.

It would seem to me irrational and imprudent to cancel a program which would cost less to complete than to eliminate. It does not make sense from either a fiscal or national security viewpoint. The administration and the DOD strongly oppose this amendment, and I urge my colleagues to reject it.

Mr. President, I ask unanimous consent that the letter I mentioned above be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF DEFENSE,
Washington, DC, June 19, 1995.

Hon. STROM THURMOND,
Chairman, Committee on Armed Services, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The submarine funding decisions now before Congress are pivotal to maintaining our margin of undersea superiority and capability to design and produce nuclear submarines efficiently. The Department's plan maintains both these national objectives by building a final SEAWOLF in FY 1996 and a lead New Attack Submarine in FY 1998. This approach is the lowest cost plan to counter real world threats while shifting to a more affordable and capable submarine.

Completing SSN-23 is right for the taxpayer and right for our defense needs. The cost to complete SSN-23 is $1.5 billion. If SSN-23 is canceled, between $700 to $1,000 million in direct costs will still be incurred to existing contracts and to the New Attack Submarine program without acquiring a submarine. Thus, the net cost of building SSN-23 at this point in the program is approximately $500 to $800 million. Cancellation would deprive our Armed Forces of a needed military capability to counter the growing number of deployed improved Akula class submarines which are quieter than our improved 688 attack submarines.

The House National Security Committee in its bill supported submarine modernization by endorsing the national commitment to preserve two nuclear capable shipbuilders and by providing full funding for the continued development and advance procurement for a FY 1998 attack submarine. The Department appreciates HNSC's support in this aspect.

On the other hand, we take exception to the proposed HNSC alternative industrial bridge plan. This plan spends nearly $1 billion to avoid building SSN-23 and to build a technology demonstrator submarine in place of a needed operational New Attack Submarine. The House plan poses execution problems in that it is under-funded and creates significant future financial liability. Moreover, it causes SSN-21 and SSN-22 to be one-of-a-kind submarines which would drive up construction, operating, and support costs.

We believe the Department's plan merits the full support of Congress. It is the most straightforward and lowest cost approach to sustaining attack submarine force level requirements, while preserving two nuclear capable shipbuilders to provide the option for competition.

We ask your support for this very important program.

Sincerely,

JOHN M. SHALIKASHVILI,
Chairman of the Joint Chiefs of Staff.
WILLIAM J. PERRY,
Secretary of Defense.

The PRESIDING OFFICER. Who yields time?

Mr. COHEN. I yield 10 minutes to the Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut is recognized for 10 minutes.

Mr. LIEBERMAN. I thank the Chair.

PRIVILEGE OF THE FLOOR

Mr. LIEBERMAN. Mr. President, first, I ask unanimous consent that Edward Foster, a legis fellow in my office, be given the privilege of the floor for the duration of the debate on S. 1026.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LIEBERMAN. Mr. President, it has been used on many occasions before, but in the famous words of Yogi Berra, "It is deja vu all over again," with regard to the *Seawolf*. I rise in opposition to the amendment of my friend from Arizona which would terminate the SSN-23, the third and final *Seawolf* nuclear attack submarine.

I am going to make three points in opposition to the amendment. The first is that in finishing the *Seawolf* submarine, we are not just involved in a make-work project. It will produce a submarine that will be of military value immediately and, in fact, will be the best nuclear attack submarine in the world and will help us close what I will call a submarine gap that has opened up between Russia and the United States in favor of Russia.

Second, I will argue that the construction or the finishing of the third *Seawolf* is part of a carefully designed plan by the Pentagon to lead us to the construction of the new attack submarine, a smaller version of the *Seawolf*, smaller and less expensive.

Mr. President, no one seems to disagree with the contention that we need to build more submarines for our national security in the future as the older attack submarines live out their lifespan. What we are seeing in opposition to this amendment is that the best way to get to the next stage, which we all seem to agree on, is to complete the *Seawolf* submarine, the SSN-23, and to preserve the military-industrial base that is necessary to get to the new attack submarine and to create competition in building that submarine.

And finally, just as a matter of business common sense, we have spent almost a billion dollars on the third *Seawolf* already. It does not make sense not to complete it.

Mr. President, let me go to the first argument. We are not debating production of a weapon which has no use or which no one wants. On the contrary. Everyone, and I stress everyone, involved in the national security of our Government has spoken out loudly and clearly that they want this submarine to be produced and that the Navy needs it for its military value, not just because it enables us to produce the next generation of attack submarines at a lower price into the next century.

So let us not be confused as to what is fat and what is muscle in the defense budget that we are debating today. The President asked Congress to authorize this submarine, it is part of his budget and part of the plan which the Department of the Navy has laid out for shipbuilding into the next century.

The Chairman of the Joint Chiefs of Staff, General Shalikashvili, has told us why we need this submarine. He has said:

> Cancellation would deprive our Armed Forces of a needed military capability to counter the growing number of deployed improved *Akula*-class submarines—Russian subs—which are quieter than our improved 688 attack submarine.

And the quietness of a submarine is critical to its effectiveness.

Mr. President, I will speak more about that in a moment.

The Secretary of Defense, continuing our national security administration, has urged us to stay with the Navy plan and to authorize the SSN–23. Secretary Perry has said:

> We believe the Department's plan merits the full support of Congress. It is the most straightforward and lowest-cost approach to sustaining attack submarine force level requirements.

Secretary of the Navy Dalton and Chief of Naval Operations Admiral Boorda have spent numerous hours testifying before congressional committees and meeting with individual Members of Congress to explain why they are convinced that the *Seawolf* is essential to our future security.

Secretary Dalton has said:

> The builders of this submarine * * * are a national treasure in knowledge and skills * * *. We are gambling with a national treasure if we do not take steps to preserve it.

And Admiral Boorda, the top warfighter in the Navy today, says:

> The *Seawolf* class submarine will ensure continued undersea superiority, a position the United States cannot give up.

Mr. President, I note also that as you listen to the best thinkers when they talk about the future of warfare and security citing particularly the technological revolution that is occurring in warfare, the submarine will play an increasingly central role because of its stealth, which is to say obviously that it is hard to detect at its best. It is under water, and because of the enormous range of capacities it has, not only to perform the traditional attack submarine function of hitting targets in the water or under the water, but being able to fire cruise missiles from standoff positions unseen at targets on the land, as was done in the gulf war, being able to perform intelligence missions, being able to drop special forces into difficult situations, being able to move in shallow water and, in fact, being able to perform intelligence functions with very sophisticated technical equipment from a standoff, safe position.

Mr. President, there are many times on military authorizations when the Congress substitutes its judgment for that of the administration which is in power. I believe, however, that this is one time when we ought to listen carefully to the military experts and give them, as we always should, the benefit of the doubt.

The Armed Services Committee of this Senate spent many hours in hearings earlier this year seeking the views of those experts, and we all listened with care. And it is with some satisfaction that I note the strong support which the completion of the third Seawolf, after hearing all that testimony, received from members of the committee. The SSN–23 is necessary and essential because it has military value and meets valid military requirements.

Some have said that this submarine will serve no purpose, that there is no need or threat. I respectfully say that these allegations are wrong. We know that Russia, no matter what else has happened to its military apparatus, has continued to produce nuclear attack submarines after the end of the cold war. We know, as well, that these submarines are quieter than their predecessors—some because of better designs in their production and others because of backfitting of newer and quieting technologies. These submarines which Russia is putting to sea today are quieter than most of our existing fleet of attack submarines. For the first time in the history of undersea warfare, the United States does not have a qualitative edge over its potential adversaries in the stealth of the submarines which are taking our young sailors to sea to protect our national security. That is a fact, I would guess, that most persons are not aware of, but it is one that each of us must be unsettled by.

Mr. President, I know it is counterintuitive because the general impression is that the Russian military is falling apart. But they have made a conscious decision, no matter what else is happening in their military, to invest in attack submarines. I think we should take a look at their reasoning and think about it as we plan our national security in the future.

Listen to the words of the Russian Defense Minister, Gen. Pavel Grachev, who said a couple of years ago, June 8, 1993:

> A nuclear submarine fleet is the future of the armed forces. The number of tanks and guns will be reduced, as well as the infantry, but a modern navy is a totally different thing.

The underlying reality today is that the Russian political and military leadership has decided that they want to keep Russia a global military power. To do so, they have scaled down much of their military capacity and programming, but there are several key components critical to remaining a global military power, and at the top of that list—particularly when it comes to strategic weapons but also the attack submarine function—is submarines.

Much is made of the fact that the Russian surface ships are seen sitting in piers rusting, with no crews, undertrained crews, or rebellious and dissatisfied crews. But nobody has made those assertions about the Russian submarine forces because they are just not true. We know that Russia has in the water today about six submarines with fourth generation quieting technology. These improved *Akula*-class subs which are in the water today are quieter at tactical operating speeds that the best American submarines currently in our inventory cannot match.

Further, we know that the Russian Navy has under construction and will launch in the next year or so the lead ship of a new class of submarines which will be even quieter than the *Akula*, better armed and with improved sensors. The lead ship has been named the *Severodvinsk*, the first true multimission submarine in the Russian inventory. These are all facts that are generally agreed upon by the entire U.S. intelligence community.

There is also no disagreement within the intelligence community that the Russian Navy is returning to submarine operating patterns last seen in the mid-1990's. We are observing once again deployments of a submarine force capable of worldwide operations—and this includes renewed operations in the Western Atlantic.

Thus, my view—and I believe the view of the senior military leadership in this country—is that there is a real threat which must be addressed and this *Seawolf* addresses it quite well. In short, there is a valid military requirement for SSN–23.

The Joint Staff examined submarine force level requirements necessary to support the Bottom-Up Review and concluded that the U.S. Navy needs 10 to 12 *Seawolf*-quiet submarines by the year 2012. Since the Russian Navy has 6 fourth-generation-quiet submarines in the water today which are quieter than our 688I submarines with more under construction, the United States military needs to establish a stable low rate of production of submarines with *Seawolf*-level quieting. The Navy view is that completion of the SSN–23 is the most critical and timely contribution to achieving this essential warfighting capability.

The bottom line then in my view, after having questioned every witness who came before the Army Services Committee on this subject this year, is NOT that SSN-23 would be militarily helpful as one analyst asserted, but that it is essential to meeting valid military requirements.

Fourth, completing the third *Seawolf* is part of a plan which has been carefully developed by the Navy to ensure that this country can regain the tactical superiority it needs in undersea warfare and that we can maintain a national treasure, to use Admiral Boorda's description—the submarine industrial base in its broadest sense, in its entirety—which we will need in the future. And we should note, that future is not very far off as I have already demonstrated.

Some critics try to argue that the Navy's plan—building SSN-23 and then a new attack submarine which will be more affordable and more focused on the threats of the 21st century—is not well thought-out or based on analysis. These charges are flat wrong. In the past 3 years, there have been some 14 different studies which have examined the submarine industrial base. The consensus of these studies has been that the most cost-effective approach to sustaining our ability to design and build nuclear submarines is through low-rate production of submarines. One does not learn or create the skills necessary to build these highly sophisticated ships and their many unique components in a short period of time. If this industrial base is shut down, as we will risk if SSN-23 is not authorized, the costs of regenerating these essential skills will be prohibitive—if in fact they can be regenerated.

Let me turn then to a point which is often made when considering this subject and which does a disservice to this debate and to this body. Some people try to describe the third *Seawolf* as a jobs program—an attempt to keep people working in spite of the fact that there is no sense to the program anymore. Obviously, each of us in our own way wants to preserve jobs in our own State, and I, no less than any of our colleagues. But the fact is that even if this third *Seawolf* is built—as I believe it should and will be—the level of employment at Electric Boat in Connecticut and Rhode Island will go from a high of some 23,000 5 years ago to less than 14,000 by the end of this year and some 6,000 by the year 2000. That means some 17,000 workers at Electric Boat have or are going to lose their jobs as part of the effort to maintain our ability to build submarines into the next century.

The managers at Electric Boat do not have any allusions that the cold war still exists. They have been actively reengineering and downsizing for a number of years to ensure that their company—a company with a long and proud history of submarine construction, a company made up of skilled and dedicated workers who don't get rich doing the work they do, but do take great pride in producing the world's finest submarines to protect our way of life—can continue to make submarines in the next century.

Those who might claim that the *Seawolf* is just a jobs program for two northeastern States—or that the Navy plan is submarines for everyone—are wrong and their observations are a disservice to the broader issues involved here, and an offense to the people whose jobs are going to be lost, even with the building of the third *Seawolf*.

Mr. President, we have been here before on this issue. But, I believe the issues I have raised today are more relevant and more important than ever before. The cold war is over—no one who supports the *Seawolf* believes otherwise. But that does not mean that this incredible submarine—the first of which has already been christened and is in the water at Groton today—is not militarily necessary and vital to our national security.

This has not been a perfect program. What weapons system ever is? For that matter, when was the last time an automobile was designed and produced without some problems? But the program is on a sound footing today. It will produce a submarine which has been requested by the President and the Department of Defense and will meet a valid military requirement. This issue has been studied at length by the Armed Services Committee under the leadership of Senator THURMOND and, in particular, in the Seapower Subcommittee under the probing and thoughtful leadership of its chairman, Senator COHEN.

I urge my colleagues to support the Armed Services Committee position on this issue and to vote to authorize and complete construction of the third *Seawolf*. I will vote against the amendment by my colleague from Arizona and urge all Senators to do the same.

Mr. McCAIN. Mr. President, shortly, I believe there will be an agreement on the Nunn-Cohen amendment which was set aside for the purpose of this amendment, and we will return to it.

I would like to inform my colleagues that the distinguished chairman of the committee is ready to propound a unanimous-consent agreement of all remaining amendments. We have been on this bill since 9 o'clock yesterday morning. We intend to stay very late tonight, at least until we have a complete list of amendments with time agreements associated with them. Right now it is being hotlined to all the offices to get a list of the amendments.

The chairman is going to propound a unanimous-consent agreement within a very short period of time. We have had sufficient time to determine what amendments we have to this bill, and the only way we are going to move forward and get done by tomorrow evening, which is the expressed desire of the majority leader, is to get the amendments in and then we will begin to propound a unanimous consent on that and the ensuing time agreements.

I reserve the remainder of my time.

Mr. COHEN. Mr. President, I yield 8 minutes to the Senator from Rhode Island.

The PRESIDING OFFICER (Mr. BENNETT). The Senator from Rhode Island is recognized for 8 minutes.

Mr. CHAFEE. Mr. President, despite the end of the cold war and collapse of the Warsaw Pact and the Soviet Union, I think we can all agree that the United States still needs capable and effective military forces, and indeed that is why we are voting right now, very shortly, on a $264 billion appropriation, or authorization, for the U.S. military services. I do not think anybody in this body will argue that the United States will always be a maritime nation. Indeed, Mr. President, 95 percent of our export/import tonnage is carried by ship. That is an astonishing figure to me. Yes, 5 percent is carried over land to Canada and Mexico, or by air; but 95 percent is carried by ship.

During the time I spent in the Navy Department, I learned that submarines are a relatively inexpensive way for a potential adversary to disrupt international commerce.

Far too often, the press reports that the Navy does not really need the *Seawolf*. We are told that it is a ship solely designed to confront the Soviet Navy on the open ocean. This allegation is simply not true. I would like to refute it. The fact of the matter is that the third *Seawolf* has a valid military mission and will be instrumental in enabling the Navy to fulfill its national security obligations around the world.

Now, yes, the Soviet Union is gone, and its military forces inherited by Russia are undergoing substantial downsizing. There is no question about that. It is also very clear that the Russian Navy—in particular, its submarine force—has not been scaled back in the manner other components of the Russian military service have been. For example, it is estimated that by the year 2000, which is only 5 years from now, Russia will have about 122 submarines in its fleet, more than half of which will be advanced third-generation vessels. Already today, Russia has several operational submarines that are quieter than the quietest United States submarine at sea. Russia's latest submarine will be operational by the year 2000—the one under design now—and is expected to rival the capabilities of our best attack submarines.

To illustrate these advances, I would like to insert in the RECORD a February

12 article from Defense News documenting recent Russian undersea efforts.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Defense News, Feb. 6–12, 1995]

RUSSIA POURS RESOURCES INTO SUBMARINE IMPROVEMENT—BETTER WEAPONS, SENSORS WILL POSE CHALLENGE TO WEST

(By Robert Holzer)

Washington.—Despite enormous economic difficulties, the Russian government continues to invest in submarines and is expected to field a more advanced sub force by 2000, according to U.S. Navy intelligence estimates.

While the total number of submarines in the Russian Navy's inventory will decline from today's level of 181 to 122 by 2000, the overall quality of that force will increase markedly, with more than half the fleet composed of more advanced third-generation submarines, according to the Navy's analysis.

"They are getting more out of their programs now in terms of research and development," Norman Polmar, a Washington-based submarine design consultant and an expert on the Russian Navy, said Feb. 1. "They are putting a lot of resources into submarines."

Moreover, the Russians have started developing a new submarine class, called the Severodvinsk, that will be operational by 2000 and is expected to rival the capabilities of the best U.S. Navy attack submarines.

"Designed to emphasize improvements in quieting, sensor performance and weapons delivery, Severodvinsk is projected to outperform today's most advanced Western submarines in many respects," according to the January 1995 report "Worldwide Submarine Proliferation in the Coming Decade," prepared by Navy intelligence.

The Russian Navy also is improving its mix of sea-based weapons, according to the Navy's report, and has two significant new weapon programs under development.

One is described as an extremely fast rocket-powered torpedo that has no equivalent in the U.S. or other Western navies. The other is a new type of antiship cruise missile that would be launched from the torpedo tubes of future submarines and the Oscar II cruise missile-carrying submarine.

To achieve marked improvements in its submarine fleet, the Russian military is making sacrifices in strategic bomber and rocket forces, surface ships, and tank, artillery and infantry capabilities, the report said.

Third-generation submarines will climb to 51 percent of the Russian submarine fleet by 2000, compared with only 28 percent today, according to the Navy's report.

The percentage of less advanced, second-generation subs remaining in the inventory will decline to 46 percent from today's level of 68 percent, according to the report.

The performance difference between second- and third-generation submarines is fairly dramatic, Navy sources said, noting that third-generation Russian submarines incorporate advances in quieting and improved propulsion systems, enhancing the submarine's undersea stealth.

Improved Russian submarine performance could greatly impact U.S. and Western views of antisubmarine warfare and lead to a reassessment of needed capabilities to counter this potential threat, Navy sources and military experts said.

"With the improved Akula submarine, they have already achieved acoustic parity with the [U.S. Navy's Los Angeles-class] SSN–688s, and that is frightening," retired Vice Adm. Bernard Kauderer, president of the Annandale, VA-based Naval Submarine League, said Feb. 1.

Akula is an attack submarine that incorporates many of the advances the Russians have made in reducing the radiated noise of their submarines.

"We need to continue our research and development programs and produce new submarines," Kauderer said.

Mr. CHAFEE. Thankfully, today Russia is not a major adversary, and I am hopeful that this administration and future ones will indeed strengthen U.S.-Russian relations. We are all for that.

However, in these uncertain times, unforeseen political instability or a rise in anti-West nationalism could result in Russia becoming a genuine undersea threat in the future. That is a big nation.

Perhaps more importantly to the United States in the near term is Russia's sale of its very capable submarines to potential United States adversaries abroad, a move that poses a very serious challenge to our Navy.

There are many nations that recognize the cost effectiveness of submarines, even relatively unsophisticated ones: diesel power, for example.

Listen to this statistic, Mr. President. According to the Office of Naval Intelligence, more than 600 submarines are operational in the navies of 44 countries. That is an astonishing statistic. Mr. President, 44 nations have submarines. I must say, I have difficulty adding up what the 44 are.

Iran recently purchased two *Kilo*-class submarines from Russia. These vessels are operational today. Who would ever have thought Iran would have submarines? A third *Kilo* submarine is scheduled for delivery from Russia to Iran this year.

In addition, China—that great inland land-based power—intends to buy as many as 22 diesel-powered submarines from Russia over the next 5 years in its quest to enhance its military capability in the South China Sea.

What about North Korea? Who ever thought of North Korea as a great military power? Who would have thought it is an undersea threat? Yet it possesses, if you can believe it, the world's fourth largest submarine force and could use these submarines in a variety of belligerent coastal missions.

Yes, the cold war is over and we are grateful for that. However, I think we ought to recognize that the world is still a dangerous place. That is why we have this massive defense bill before us.

Undersea threats remain a fact of life that we ask our military forces to address. I am convinced that completion of the *Seawolf* program with its third *Seawolf* will give the United States the ability to respond to these still potent undersea threats.

Contrary to what we sometimes hear in the press, the *Seawolf*'s capabilities are more than the ability to engage the former Soviet Union in open ocean conflict. The *Seawolf* would be used to strike both land and sea targets with its cruise missiles, making it a versatile platform against any potential adversary. It will allow the Navy to covertly and quickly exert special operation forces.

The *Seawolf* will be given a wide variety of missions in our Navy of the future. As the director of submarine plans, Adm. Dennis Jones, said recently, "We must fundamentally change the way we will fight in the future." Included among the undersea missions is a demonstration over the next year to assess how a submerged submarine can control an unmanned aerial vehicle. This new mission and others are described in a June 12 article from the Defense News that I ask be printed in the RECORD, Mr. President.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Defense News, June 12, 1995]

U.S. SUBS GEAR FOR BROADER MISSION—FORCE EXPLORES UAVS, COMMUNICATION LINKS

(By Robert Holzer)

WASHINGTON.—Shedding decades of self-imposed isolation patrolling the open ocean, U.S. Navy submariners may soon control unmanned vehicles and stealthily communicate with each other in operations close to enemy shores.

Long accustomed to operating independently and focused almost exclusively on countering the Soviet submarine threat, the U.S. submarine force seeks added capabilities in communications, sensors and weapons to perform shallow-water missions.

"One constant is that things are changing, not only for us, but for our enemies," Rear Adm. Dennis Jones, director of submarine plans, said in a June 6 briefing to the Naval Submarine League's annual symposium in Alexandria, Va. "We must fundamentally change the way we will fight in the future."

To accomplish this, the submarine force will conduct a demonstration effort over the next year to assess how a submerged submarine can control an unmanned aerial vehicle (UAV), Jones said.

Pentagon officials say the Navy will test the Predator UAV in this role. Built by General Atomics Aeronautical Systems Inc., San Diego, the Predator emerged over the last year as a priority system in U.S. military plans.

The Predator is a high-altitude endurance UAV that can loiter aloft for more than 60 hours without refueling. It can fly as high as 12,100 meters and carry a 180-kilogram payload. The payload can include sensor packages that provide instant imagery, even at night and in bad weather, to tactical commanders.

The Pentagon is dispatching several Predators now to monitor the situation in Bosnia, military sources said.

Because submarines usually are the first weapon systems deployed off a potential enemy's coastline, often conducting clandestine reconnaissance and surveillance days or weeks before a crisis erupts, linking those operations with UAVs makes good tactical sense, military experts said.

"There is a lot of flexibility with that concept," Norman Polmar, a naval expert here, said June 7, noting that a submarine could simply leave the UAV operating over an area for an extended period and then come near the surface to tap into the data the system collected during its reconnaissance.

Submarines may even launch UAVs and retrieve them later at sea, Polmar said.

Although the submarine force has augmented its communication capabilities over the last several years, conveying information and data between submerged submarines is a new area of emphasis, Rear Adm. Richard Buchanan, commander of Submarine Group 2 with the Atlantic Fleet, said June 7.

The service already has conducted several tests of underwater communications, which even included the transmission of imagery, Jones said.

"This is a revolution unto itself," Jones said. "If information doesn't go easily from submarines to joint task force commanders, then we will be bypassed as seeming too difficult."

To prevent this, the submarine force will field a number of communication improvements over the next few years that will yield tremendous increases in capability, Navy officials said.

These include the capability by 1998 to transmit video to other subs or ships nearly instantaneously, and by 2000, Super High Frequency satellite links that will vastly increase the amount of data that submerged vessels can transmit and receive.

Mr. CHAFEE. I hope I have helped to dispel the myth that the submarine is a relic of the cold war and we no longer need submarines. To the contrary, the *Seawolf* is a very relevant military platform to face the threat of the post-Soviet world. For these reasons, I urge my colleagues to join me in opposing the McCain amendment.

I thank the Chair and thank the Senator from Maine.

Mr. COHEN. Mr. President, I yield 10 minutes to the Senator from Connecticut.

Mr. DODD. I thank my colleague from Maine. I will try and see if I cannot shave off some of those moments to move this along. I want to underscore and support the comments of the Senator from Arizona, trying to move this process along.

I am tempted to repeat what I have repeated on other occasions in this body or elsewhere the words of the famous Congressman from Arizona. Having listened to an extensive debate and been the fourth or fifth speaker, he announced to the audience that everything had been said on the subject but not everyone had said it. So I will take a few moments to share some thoughts about the pending matter.

Let me begin by commending my colleague from Connecticut, Senator LIEBERMAN, who serves on the committee, the chairman of the subcommittee, Senator COHEN of Maine, and of course my colleagues from Rhode Island as well.

My colleagues will be pleased to note that if we can successfully defeat this amendment, this may be the last debate on the *Seawolf* program, because this is the last *Seawolf*. That in itself may cause significant support to move in our direction, having heard for the last number of years on numerous occasions from colleagues across the country of their desire that this issue be resolved once and for all.

So I urge my colleagues to oppose the McCain amendment and once and for all put the *Seawolf* issue to bed, having completed the third program.

Mr. President, I will underscore many things that have been said by my colleagues from Connecticut and Rhode Island about the importance here—and it needs to be emphasized, it would be another matter indeed if we were talking about a world in which this technology had lost its appeal. Unfortunately, or fortunately, depending upon your perspective, that is not the case.

In fact, there are, as the junior Senator from Rhode Island pointed out, 44 nations that possess this technology. In fact, it seems to be growing in its appeal.

Again, I emphasize what has been said about Russia. All of us are deeply pleased with what has occurred in the collapse of the Berlin Wall, the end of the cold war. Again, I think we all appreciate the lack of clarity as to which direction Russia is going in. We all hope that it is going to continue to move in the direction of a democratic State which does not pose a threat to its neighbors or to others.

I do not think anyone would be prepared to stand on this floor today and say with absolute certainty that they were convinced that was going to be the ultimate result. If we cannot state that with absolute certainty, or the degree of certainty that seems to be the prudent course, to be mindful of the kind of technology that is being expanded and developed, and it is significant.

In fact, we are told by those who watch these efforts far more closely than most of us, that today Russia is developing a technology in submarine arenas that will approximate the quietness that we have been able to achieve with our technology, and as my colleagues know, in submarine technology the quietness of a submarine is one of the most critical elements of all.

So, the first point is, of course, that we still see a global threat, that there are nations that never before possessed this technology that are acquiring it.

Second, Mr. President, the industrial base argument which was made in the past but I think needs to be made here as well, there are no less than 10 unique submarine technologies that will perish if this amendment is adopted. I am not talking about large corporations with thousands of workers. I am talking about facilities with literally the last of the craftsmen—men and women—with knowledge and skill to create and build unique components of our Nation's submarine fleet.

Likewise, if this amendment should pass, the final legion of dedicated and professional workers who build the final product will disappear, and that is not an exaggeration.

Let me tell my colleague something about those workers. Some of them have been building submarines literally for decades. Most are members of entire families that have passed that knowledge on between generations. These are craftsmen, I say to my colleagues. They are the final artists of a very unique industry that America must not abandon.

Let me give an example of what I am talking about. It can take up to 7 years to replace a fully qualified Navy nuclear welder capable of welding the 3-inch steel hulls of the *Seawolf* class submarine. Mr. President, 7 years to acquire that technology. That is the apprenticeship, yard time, evaluations, and, finally, qualification to perform the delicate welds in and around the nuclear reactor area of this submarine. Seven years to acquire that skill level.

I suggest to my colleagues, and I think they would agree, we should not abandon that capability.

As for cost, I agree with the Navy plan to go to a smaller, less expensive submarine program. But to get there, we have to finish what we have started. We have to complete this final boat of the *Seawolf* class.

Remember, there were 23 of these boats we talked about. We are now down to three. I say to my colleagues that to complete the program here, to stop the program when it is 45 percent complete, I think, is penny wise and pound foolish.

So, Mr. President, again I underscore the terrific work done by my colleague from Connecticut on the Armed Services Committee in making this case. I appreciate immensely the support of the chairman of the subcommittee, the Senator from Maine, and others who have stood with us on this program over the years. It is obviously important to us in Connecticut.

But my colleague from Connecticut, my colleagues from Rhode Island, could not in good conscience stand here and ask our colleagues from across this country to support a program that did not contribute significantly to the long-term security needs of our Nation. No matter how important it is to us on a parochial level, that is not a justification to ever support one of these programs. As important as that is to us, the importance of this program is its contribution to the long-term national security needs of our Nation.

For those reasons, and with all due respect and affection for the author of this amendment, I urge the rejection of the proposal.

The PRESIDING OFFICER. The Senator from Maine.

Mr. COHEN. Mr. President, I yield 5 minutes to the Senator from Pennsylvania.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, I thank the distinguished chairman of the subcommittee for yielding this time. I want to start out by congratulating the Senators from Connecticut for their fine work on this project, particularly Senator LIEBERMAN, my colleague in the Armed Services Committee, for his outstanding work on this program.

I come here as someone who in the past has been an opponent of the *Seawolf*. In fact, I introduced a bill back in 1991 which called for eliminating the 29 *Seawolf* submarines that were on the boards because I thought it was too costly, that it was a cold war relic, that 29 of these submarines was far too many, the threat was not out there for that kind of expenditure of, really, tens of billions of dollars.

Having watched what has happened since 1991, and since I introduced that resolution, I have seen the number of *Seawolf* submarines go from 29 to 3, and I have seen the Russian Navy still be the focal point, as was said earlier. What I have seen in response, in the past 4 years since the fall of the Soviet Union, is the Russians keeping their eye on the ball of maintaining their capacity, their submarine capacity as really their focal point as to how they are going to be a world threat, militarily. That is where they have invested their money.

So, while I would not stand up here and support another 27 *Seawolf* submarines, I will say that, given the threat that is out there, given the legitimacy of the dollars invested and the capability of the Russian fleet, nuclear submarine fleet and attack submarine fleet, that this is a wise investment for us.

I repeat what the junior Senator from Connecticut said. We have a situation right now—and I agree with him, I do not think the American public realizes this—where the Russians are in fact ahead of us in a very important military capability and that is submarines. They are ahead of us. They have quieter ships than we do.

That is stealth. You hear so much about stealth technology when it comes to the Air Force. That means you cannot see it on the radar and you can go in there and do things before anybody sees you. Stealth in a submarine is how quiet it is. If you cannot hear them you cannot find them. That is the situation we are in right now. We are sending our submariners out there, into the oceans of this world, in a sense blind—deaf to the threats that the former Soviet Union, the Russians are now putting forward. This is our response and it is an appropriate one. It is an appropriate place to invest those dollars.

We do so recognizing if we pull the plug on the third *Seawolf* we will waste a whole lot of money. Already, as has been said many times, $900 million is already appropriated for this submarine. We have over a third of the costs already in the submarine. To close it down would cost even more.

There are disputes. The Senator from Arizona, whom I greatly respect—I admire his ability to go into this defense budget and try to find areas where he believes there is waste. I respect that. There are some substantial disagreements as to the CBO calculations for the cost savings of the *Seawolf* submarine, discontinuing the *Seawolf* submarine. The Navy, in a document that was transmitted to me, says that they underestimate a lot of the costs, that they do not recognize that by shutting off this third *Seawolf* we will likely end production of any kind of ships at Electric Boat, in Connecticut. They do not count for the shutdown of that facility or the costs that would be incurred in future shipbuilding as a result of having just one shipyard. I think it is a substantial one, not just for our industrial base—which I happen to believe is important—but for the competitiveness that is necessary to get high-quality, low-cost ships in this country.

I want to mention just one final thing. I want to talk about the industrial base, not from a State that has a huge submarine industrial base, although we have some. I will say one of the other reasons I support this third *Seawolf* is because I do believe we do need an industrial base of skilled technicians and companies that can produce this kind of very high-quality, demanding, and very specific high-quality work. If we do not continue this bridge, which the third *Seawolf* turns out to be, into the new attack submarine, we will not only have that new attack submarine cost more as a result, but I think we may not end up with as good a product.

So I come here as a reformed *Seawolf* opponent who understands this is a project, an investment that is worthwhile to combat a serious threat to preserve an industrial base that is essential to the military capability, production capability of our country. I support it wholeheartedly and oppose the amendment of the Senator from Arizona.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I yield myself 3 minutes.

Mr. President, the GAO report was before the Armed Services Committee on May 16, 1995 as follows: On page 6:

> . . . there is disagreement about a number of issues including Russia's defense spending priorities, Russia's ability to maintain its operating tempo and readiness and maintenance levels, and the future Russian force structure levels and production programs.

The GAO report goes on to say:

> The ONI report [Office of Navy Intelligence report] does not address other factors that should be considered in determining the overall superiority of United States and Russian submarines, such as sensor processing, weapons, platform design, tactics, doctrine and crew training.

Public reports, news accounts and, more importantly, other DOD publications, including the Annual Director of Naval Intelligence Posture Statement, present other information on some of the factors that affect submarine superiority. For example, these reports note:

> . . . a decline in the operating tempo of Russian submarines, order of battle, and construction programs.

They also note:

> Morale and discipline have deteriorated, personnel shortages are serious, and the frequency and scope of naval operations, training, readiness and maintenance have declined.

Somebody said earlier, one of the Senators from Connecticut, I believe, we ought to use common sense here. Let us use common sense. Common sense shows us the condition of Russia today, the state of their military. This military could not even defeat the Chechnyans. To believe, somehow, they come from some kind of superior shipyard with superior workmanship and with superior quality of personnel flies in the face of common sense.

Mr. President, I yield myself 2 additional minutes.

I will quote the New York Times, Sunday, July 30, 1995:

> To The Editor:
>
> I have a lot of respect for Secretary of the Navy John Dalton. I hate to see him fall prey to the sharks who are trying to justify the spending of $1.5 billion for the third *Seawolf* submarine.
>
> * * * * *
>
> The allegation is like the "missile gap" or the "bomber gap" or the "readiness gap." . . . Does this "quietness gap" exist?
>
> There are two aspects to quieting a submarine. The first takes place when the submarine is built. To say our submarines are not built as well as Russian submarines condemns the very shipyard we are trying to keep operating.
>
> The second aspect of quieting is in the operation of the ship. Is Secretary Dalton telling us that the crews of our submarines are not as well trained or as competent as the Russians?
>
> I never met a submarine officer who did not think our submarines were the best in the world—by far. I am sorry to see this proud group stoop to chicanery to justify an unnecessary weapon.
>
> —John J. Shanahan, Vice Admiral, retired.

Let us use some common sense when we evaluate whether we need to spend another couple of billion dollars on a weapons system for which there is no compelling requirement.

Mr. GRAMS. Mr. President, I rise as a cosponsor and strong supporter of the amendment by Senator McCAIN to terminate the third *Seawolf* submarine.

I want to thank the Senator from Arizona for his leadership on this issue and for his constant and tireless efforts to scour the defense budget—and, indeed, the entire Federal budget—for wasteful and unnecessary spending.

Like the Senator from Arizona, I believe we must build a strong military that can respond to the rapidly changing threats America faces in the post-cold war world.

The *Seawolf* submarine, which was developed to counter a specific Soviet threat during the cold war, is simply outdated and irrelevant in this new era.

Mr. President, if we're going to buy military equipment that's behind the times, the least we could hope for is to get it at a cut-rate price. But this is not the case. The third *Seawolf* will cost $2.4 billion bringing the grand total for this program to more than $7 billion for just three submarines.

I urge my colleagues on both sides of the aisle to terminate the *Seawolf* and save the taxpayers a minimum of $1.3 billion. Moreover, these savings could increase in future years as we determine the most efficient way to construct the next generation of nuclear submarines.

As the Senator from Arizona has repeatedly pointed out, this funding is needed for higher priority defense programs that will truly enhance our military readiness.

The McCain amendment has been strongly endorsed by a number of Government watchdog organizations, including the National Taxpayers Union, Citizens Against Government Waste, and Citizens for a Sound Economy.

Mr. President, let's stand with these groups and show the American taxpayers that the Congress supports responsible spending that will yield a strong and strategically sound national defense.

Mr. COHEN. Mr. President, how much time is remaining on this side?

The PRESIDING OFFICER. Twenty-four minutes and thirty-two seconds.

Mr. COHEN. I yield myself 10 minutes.

Mr. President, I rise in opposition to the Senator from Arizona, who is a good friend and someone I have worked with since I came to the Senate and long before that time. He was advising me on military matters when he was with the Navy.

Bismark once observed that there are two things that do not change in this life: One is history and the other is geography.

Going back historically, we can look at the period of time during World War II. At that time we had over 5,000 ships in our inventory. We are now looking at downsizing to in the neighborhood of 340 or 348 ships.

So we have come from having such an armada of 5,000 ships capable of fighting during World War II down to about 340 to 350 ships. Obviously, they are much more capable today than they were in the past. But as the numbers have come down, we have insisted that the capability increase. And that is because the oceans have not diminished in size and geography has not changed. The oceans are still roughly the same size. Our commitments have not diminished in any significant degree. We still are an island nation.

As my colleague from Rhode Island has said, we are likely to remain a naval power for the foreseeable future, hopefully for the indefinite future. Our commitment is to maintain the sealanes of communication. That is our lifeblood, and no nation should ever have the capability of being able to interrupt that, to cut off that flow, to cut off the blood supply, the oxygen supply. We depend upon having access to the open ocean and having that access unchallenged.

So looking at history and looking at geography, we can say, well, we have downsized. The reality is the cold war is over. It does not mean there are no dangers left in this world. They are of a different magnitude and a different type. But they are dangers nonetheless.

As most of my colleagues who have spoken in opposition to the Senator from Arizona, the one thing we keep reminding ourselves is that the Russians, notwithstanding the state of their economy, continue to produce submarines. Now, they may not be operating at the same tempo that our submarines are operating, the morale of their sailors may be at a much lower level than the morale of our sailors, but that, too, can change.

What has not changed is the number. They are still producing roughly the same numbers of submarines that they were at the height of the cold war. Some of that is no doubt due to fact that it is just inertia and it is a jobs program for the Russians. They have to do something. They might as well do something that they have been working on. They have to build more ships.

But the numbers ought to be of concern to all of us because at some point in time the tides might change. Our relationship with the Russians might change. It might get better. It might get worse. We do not know. We have no way of predicting the future. And we should never structure our forces or our industrial base predicated upon the unknown; that since we cannot foresee the future, we should simply conform our industrial base to what exists currently. That would be a prescription for future disaster.

So we have to plan for the future taking into account the unknown, taking into account history, taking into account geography, and try to plan as best we can given the resources that are available.

That, I believe, is what the Navy has done. The Navy has said we would like to have two nuclear-capable shipyards. We are not prepared at this point in time to say there should be only one yard in America producing nuclear-capable ships—one yard—namely, Newport News. That may be the situation sometime in the future. We may not be able to afford more than one yard.

But the Navy is unwilling, given the unforeseeability of the future, given the sort of chaotic situation which exists in the world today, to take that chance at this point in time. They are saying, "We are not willing to put all of our eggs in one basket. We do not know whether there will be a surreptitious attack upon that location. We do not know whether it will be a bolt out of the blue. We did not know whether it will be a natural catastrophe. We are unwilling to take the risk to put all of our shipbuilding into one yard."

We would like to see Electric Boat continue. And make no mistake about it, you cancel the third *Seawolf* and EB is out of business. They will shut down. Their 7,000 or 8,000 or 9,000 workers—whatever that figure is now—will be out of work. That may please the National Taxpayers Union and it may please the various groups that have come out in favor of this amendment saying it will save money. I do not think it will save money. It will put people on the welfare rolls. It will put them out of work. It will increase the deficit, no doubt, because we will simply have to pay for those welfare recipients and not have any income or revenues coming in from the taxpayers themselves.

So I am not sure it would be an appropriate tradeoff. If we were only engaged in one public works program, if we were simply talking about public works or dead-end jobs, sweeping streets, cleaning up garbage, that would be one thing. But we are talking about here highly skilled individuals, people who work for years to develop the capability of designing and then constructing the most complicated ships in the world—nuclear submarines.

It takes, as the Senator from Connecticut, Senator DODD, indicated, 7 years to build a ship.

Ironically, I was just at a launching of the U.S.S. *Maine* in Portsmouth Naval Shipyard in Kittery, ME. That ship, a Trident submarine, was launched. It was built by Electric Boat and commissioned at Portsmouth Naval Shipyard. The president of the EB yard was there and pointed out that in World War II Electric Boat was cranking out about two ships a month, or about one every other week. We are now down to producing one a year, or one and a half a year.

So times have changed, and we have to change accordingly. But it does not mean that we should sever the ability of this country to maintain an industrial capacity of skilled working people who are contributing substantially to our national security.

I can agree with much of what my colleague from Arizona has said. We come to a different conclusion on this. We are trying to keep Electric Boat in competition with Newport News for a little longer, at least because the Navy is unsure at this point whether or not we will ever have to build more than one ship a year, whether we will be able to support two yards. I think they are not prepared to say we can only afford one yard.

I believe Admiral Boorda, or read the writings of Admiral Shanahan and others. But I would put that up against Admiral Boorda. I do not think Mike Boorda would come to the Congress or to the U.S. Senate and misrepresent the facts. I do not think that he would suggest that this is something that is really necessary when it is not, that it is simply a jobs program for the Navy or for EB. I think that he is persuaded that the Navy does in fact need this ship in order to get us to the follow-on.

If you terminate the *Seawolf* right now, EB is not going to be in competition. That is very clear. We might as well say that Newport News will be the only yard that will then build the follow-on to the *Seawolf*, the *Centurion*, or whatever it is going to be called.

That is a policy decision that we will be making here on the floor of the Senate, and some are prepared to make it. I do not for 1 minute question my friend from Arizona. He is someone who is expert in the field. He is someone who has dedicated himself to the Navy. We just come out on a different end of the judgment on this one.

But I do not for a moment want to put us in the position of making the policy judgment that we only need one yard in this country to produce aircraft carriers and submarines. That is what it ends up being. Newport News will be the only shipyard in the country producing all of our nuclear-capable ships into the future.

I think that is a risk that the Navy is not willing to bear at this point in time. I think it is a risk that we as Senators should not be willing to bear at this time. And I think in view of the fact that we have spent the $900 million on the third *Seawolf*, in view of the fact we have come down from 23 to 3, in view of the fact that we would have termination liabilities, we at least ought to get a ship out of it which allows EB to be in a competitive position to compete head to head with Newport News on the follow-on ships.

For those reasons, Mr. President, I hope that we defeat the amendment of my friend from Arizona.

Mr. McCAIN. Mr. President, I yield myself 3 minutes.

Mr. President, I always respect and appreciate, and even enjoy, the comments of my old and dear friend from Maine. Usually he and I are on the same side on most issues. On this side, I pay careful attention to his words since they are always well thought out and extremely edifying.

Again, we find, as he mentioned, ourselves on opposite sides of this issue.

Mr. President, if we had a defense budget that we had all during the 1980's, I would still have some questions about this weapons system, primarily because I still believe that our money could be spent much more wisely in other areas. But we really do not have the kinds of funds that I believe would allow us to afford this ship.

I received a letter on July 28 from the Congressional Budget Office, so I can illuminate my friends as to what kind of money we are talking about.

> After briefly reviewing those savings, the accompanying attachment focuses on the implications of consolidating construction of all nuclear powered ships at a single shipyard.
>
> CBO's analysis suggests that such a consolidation could result in savings of between $2.4 billion and $3.7 billion (in 1996 dollars) over the life of the new attack submarine program, which is currently slated to acquire some 30 ships between 1998 and 2020. That amount is less than one contractor claims could be saved through consolidation, but more than the Navy's own estimate. Consolidation could also lead to a somewhat smaller shipbuilding work force: CBO estimates that at most 3,300 shipyards jobs are at issue, and the reduction resulting from consolidation might be substantially less. Essential skills for producing nuclear-powered ships—many of which reside in the suppliers and subcontractors to the shipyards—would be retained whether or not production was consolidated.

Signed by June O'Neill, who, as we all know, is the Director of the Congressional Budget Office.

Mr. President, I wish to make one additional comment. That is that I think we ought to look at history also, and the history of Russia is that they have primarily been a land empire. They have concentrated their focus on expansion of their empire to adjacent areas. It was not until well into the cold war that the Soviet Union began to build a fleet and when they built that fleet, it was primarily for strategic purposes and for the delivery of strategic weaponry. I do not believe that the Russians contemplate a strategic confrontation with the United States any time soon. Again, it is common sense, as has been said on this floor on many occasions.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 24 minutes 55 seconds.

Mr. ROTH. Mr. President, a $1½ billion vote deserves serious consideration by this body in this time of fiscal crisis. Throughout the defense budget debates in the 6 years since the cold war ended, I have been routinely amazed—and disappointed—that the Senate cannot bring itself to terminate one of the most expensive, outdated, poorly managed, cold war programs in the entire budget—namely, the *Seawolf* submarine program.

Mr. President, there are several reasons to support the amendment that Senator McCAIN and I are offering. First, the *Seawolf* is a cold war weapon with no modern mission. It was originally conceived as the ultimate United States weapon against Soviet ballistic missile submarines. It would operate 1,000 feet beneath the seas, quieter than the seas themselves. Its special sensors and computer systems would detect Soviet nuclear submarines well before the *Seawolf* could be observed.

If this Nation were still in the grip of the cold war, we would probably be justified in procuring further *Seawolf* submarines. But, the cold war is over, and the system has no mission in the post-cold war world. Consequently, it should be terminated immediately.

Second, this program is poorly managed and the problems are such that I have little faith in the Navy's estimate of how much money the taxpayers will be required to spend. The General Accounting Office now says that average cost of the first two subs will be well over $5 billion. Moreover, there are significant cost overruns in virtually every aspect of this program. According to the GAO, the design contract was overrun by 131 percent, the production contract on the first sub is overrun by about 80 percent, and the average unit cost is overrun by about 250 percent.

Giving this hog more feed is not going to make it any leaner. The design for the first submarine is currently in its fifth revision and is more than half a million hours behind schedule, even though production began several years ago. With the proposed design changes in the SSN-23, additional delays and cost overruns are inevitable.

A third reason to terminate the *Seawolf* program is to restore accountability for the Navy's poor acquisition management. There is no incentive for industry to perform efficiently as long as funding is guaranteed. The guise of the submarine industrial base should not remove the Navy's accountability for the *Seawolf's* 250 percent cost overrun. This program is a dud, and we ought to let it fizzle out.

A fourth reason to kill the *Seawolf* program is that funding a third *Seawolf* submarine takes money away from more important needs. It is untenable to require service men and women to live off food stamps so that $100,000 a year defense contractors can remain employed in an endeavor that does not add to our national security. We have all heard stories of shortfalls in military readiness, due to lack of funds.

A fifth reason not to fund a third *Seawolf* submarine is that there are more cost-effective means of protecting the industrial base. One alternative approach to maintaining the submarine industrial base is allowing it to work on commercial projects, which Electric Boat is currently pursuing and should do so more aggressively in the future. The Congressional Budget Office estimates that the costs of other alternatives, such as overhauls and modernization efforts, are much less than building and maintaining a third *Seawolf*.

We must also keep in mind that engineering expertise is being protected by work on the new attack submarine and design changes on the first two *Seawolves*. Furthermore, the submarine deactivation workload will ensure an industrial base well into the future. Finally, the Navy announced its intent to increase its reliance on commercial technologies in building the new attack submarine, and reduce its reliance on the submarine industrial base.

Several years ago, when Senator McCAIN and I have moved to stop funding for the *Seawolf*, we garnered very few votes. Then, 2 days later, President Bush terminated the program in recognition that the cold war was over. Time and again, the program has been kept alive for political, rather than military, purposes. We can no longer afford to spend $1.5 billion for such reasons. I encourage my colleagues to vote to support our amendment.

Mr. McCAIN. Mr. President, due to the exigencies of the hour and the efficiency of my friend from Connecticut, and, as my other friend, Senator LIEBERMAN, said, much of this debate has been covered in years past, I am prepared to yield back the remainder of my time if my colleagues are so prepared. Senator COHEN is prepared to yield it back.

Mr. COHEN. I am prepared to yield back the remainder of my time.

Mr. McCAIN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. DODD. Mr. President, I would move to table the——

Mr. McCAIN. I say to my friend, if we do, we will bring up the amendment again and again until we get an up-or-down vote.

Mr. DODD. Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCAIN. Mr. President, I ask unanimous consent that the motion be a tabling motion, as in keeping with the previous unanimous-consent agreement.

The PRESIDING OFFICER. The Senator can make a motion to table.

Mr. COHEN. I suggest the absence of a quorum, Mr. President.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I ask unanimous consent that further proceedings under the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Arizona.

Mr. McCAIN. Mr. President, I have been asked to announce that the vote on this amendment—I ask unanimous consent that it be an up-or-down vote——

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCAIN [continuing]. Will occur at 8:10. In the meantime, Mr. President, I would like to announce that on this side we have all of the amendments. We would appreciate it if those on the other side would complete their list of the amendments so that the distinguished chairman can move forward with the unanimous consent, at least so that we can finalize the list of amendments. We hope to be able to do that between now and 8:10, when the vote will take place. Also, Mr. President, I ask unanimous consent that the vote occur at 8:10.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCAIN. I ask my friend from Maine if he is ready to move forward?

Mr. COHEN. No.

Mr. McCAIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DASCHLE. I ask unanimous consent that the quorum call be dispensed with.

The PRESIDING OFFICER (Mr. FRIST). Without objection, it is so ordered.

Mr. DASCHLE. Mr. President, I also ask unanimous consent that my leader time be extended by an additional 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. DASCHLE pertaining to the introduction of S. 1117 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

VOTE ON AMENDMENT NO. 2090

The PRESIDING OFFICER. Under the previous order, the question occurs on the McCain amendment No. 2090.

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 30, nays 70, as follows:

[Rollcall Vote No. 356 Leg.]

YEAS—30

Ashcroft
Baucus
Bingaman
Bond
Bradley
Brown
Bumpers
Burns
Coats
Conrad
Domenici
Dorgan
Feingold
Gorton
Gramm
Grams
Grassley
Harkin
Hatfield
Kohl
Lautenberg
Leahy
Lugar
McCain
Murray
Pressler
Roth
Shelby
Stevens
Wellstone

NAYS—70

Abraham
Akaka
Bennett
Biden
Boxer
Breaux
Bryan
Byrd
Campbell
Chafee
Cochran
Cohen
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Dole
Exon
Faircloth
Feinstein
Ford
Frist
Glenn
Graham
Gregg
Hatch
Heflin
Helms
Hollings
Hutchison
Inhofe
Inouye
Jeffords
Johnston
Kassebaum
Kempthorne
Kennedy
Kerrey
Kerry
Kyl
Levin
Lieberman
Lott
Mack
McConnell
Mikulski
Moseley-Braun
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pell
Pryor
Reid
Robb
Rockefeller
Santorum
Sarbanes
Simon
Simpson
Smith
Snowe
Specter
Thomas
Thompson
Thurmond
Warner

So the amendment (No. 2090) was rejected.

Mr. DODD. Mr. President, I move to reconsider the vote.

Mr. LIEBERMAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Several Senators addressed the chair.

The PRESIDING OFFICER. The majority leader.

UNANIMOUS-CONSENT AGREEMENT

Mr. DOLE. Mr. President, I wonder if I could have the attention of all Members here so I can tell them where we are.

It is my understanding we might be able to line up three votes here—or three amendments, which will be debated tonight and voted on first thing in the morning if votes are necessary.

I think the first will be an amendment by the Senator from Arizona, which will be second-degreed by the Senator from Connecticut. I am not sure that will require a vote. It may or may not require a vote.

Then there is a DOE matter which will take, I understand, about 2 hours of debate.

Then Senator BUMPERS, we want to accommodate him because he has a personal problem tomorrow. We would like to take at least one of his, debate one of his amendments tonight and the other the first thing in the morning.

Will that be satisfactory?

Mr. BUMPERS. That will be satisfactory.

Mr. DOLE. So if that took that much time, it would be about 11:30.

It would seem to me, those who are involved can stay here and debate those and then have those two votes first thing tomorrow morning, if that is all right with the Senator from South Carolina.

Mr. THURMOND. That will be all right if we can get through the debate—all but the voting. We have a lot of amendments tonight to act on.

Mr. DOLE. I understand that.

Mr. BUMPERS. If the majority leader will yield for a question, I have one amendment I would like to offer tonight. I am willing to settle for a 30-minute time agreement. I would like very much to go in front of the DOE amendment, which will take 2 hours, if that will be all right. It will be very helpful to me.

Mr. COHEN. Which one is it?

Mr. DOLE. Can you give us some indication of what the amendment was?

Mr. BUMPERS. There is a provision in the bill that sets up a new method—directs the Department of Defense to set up a new method for financing arms sales. My amendment will strike that provision. It is a very simple amendment. Everybody will understand it.

Mr. DOLE. If I can get consent, Senator BUMPERS offers his amendment regarding export loan guarantees. There will be 30 minutes for debate divided in the usual form, with no second-degree amendments to be in order, and following the conclusion or yielding back of the time the Senate lay aside the amendment. That will follow the amendments by Senator MCCAIN and——

Mr. MCCAIN. If the leader will yield, I think the majority leader's unanimous consent is excellent. But I would point out we still do not have the list of amendments from the other side. I hope we could, at least by the close of business, get a complete list of amendments which would then be propounded as a unanimous-consent agreement before we leave tonight. So at least it will narrow down the total number of amendments if we are to have any prospect whatsoever of finishing tomorrow night.

Mr. NUNN. If the leader will yield, we are working on that list. We will have a copy of it in another hour or so.

Mr. DOLE. Hopefully you are working it down.

Mr. NUNN. We are doing our best to work it down.

Mr. DOLE. Because let me indicate again, on Saturday we start off with the Treasury-Post Office appropriations bill, and I am not certain when this bill will be back again. So, hopefully, if we can accommodate the manager, who has been working very hard—he lost 5 hours yesterday. We had 7 hours today on one amendment. They are trying to catch up here. So if we can keep our amendments to a minimum, I am certain it will help the managers, who have done a good job.

We do want to accommodate the Senator from Arkansas. He has a funeral to attend tomorrow.

Mr. BUMPERS. Mr. President, let me correct that. I am sorry, I misled the leader. I am leaving here tomorrow night.

Mr. DOLE. That is fine. We still want to accommodate the Senator from Arkansas.

Is there any objection to the request on his amendment?

Mr. CHAFEE. He goes first under the request?

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object, is the Thurmond amendment going to come before the Bumpers amendment?

Mr. DOLE. The amendment by Senator MCCAIN will be next. That will be second-degreed by Senator DODD. Following disposition of that, it will be Senator BUMPERS' amendment, 30 minutes. Following that will be the DOE amendment which will take about 2 hours.

Mr. MCCAIN. And amendments to the DOE bill will be in order?

Mr. DOLE. Amendments to the DOE bill will be in order but we would like to have the votes on those tomorrow morning.

Mr. REID. Reserving right to object, I have no objection to the unanimous-consent request as far as it relates to the amendment of Senator MCCAIN or the amendment of Senator BUMPERS. But I do not consent to anything relating to the Thurmond amendment, the DOE.

Mr. DOLE. Let us get this part and then I will make the next request. Is there objection to this?

Mr. GORTON. Reserving the right to object, I say to the majority leader, on the DOE amendment I have some severe reservations.

Mr. DOLE. I have not made that request yet. That is going to be next. All right?

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. DOLE. Now, if I can have the DOE.

Mr. DOMENICI. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, I understand we are not going to be able to get an agreement. I will propose the consent agreement. So it may be we will have to have additional votes this evening. But I am going to ask consent, when Senator THURMOND offers an amendment regarding title 31 of the bill, and immediately after reading of the amendment, Senator EXON be recognized to offer a second-degree amendment to the Thurmond amendment, and there be 45 minutes of debate under the control of Senator THURMOND and 90 minutes under the control of Senator EXON.

Further, following the expiration or yielding of time, the Senator from Nevada, Senator REID, be recognized to offer an amendment in the second degree regarding tritium, on which we will have 60 minutes, 40 minutes to Senator REID, 20 minutes to Senator THURMOND, and that the Senate proceed to vote on or in relation to the Exon amendment and on or in relation to the Reid amendment followed immediately by a vote on the Thurmond amendment, as amended, if amended.

Mr. GORTON. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. DOLE. We cannot get an agreement.

Does anybody else have any amendments that we can get agreements on?

Why do we not go ahead? Let us go ahead and have the debate on this amendment and go ahead and have a vote on the first Bumpers amendment. Then we will try to determine what we can figure out in the next 30 minutes.

AMENDMENT NO. 2091

(Purpose: To limit the total amount that may be obligated or expended for procurement of the SSN-21, SSN-22, and SSN-23 Seawolf class submarines)

The PRESIDING OFFICER. Under the previous order, the Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, I have an amendment at the desk and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN] proposes an amendment numbered 2091.

Mr. MCCAIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 30, after the matter following line 24, insert the following:

SEC. 125. SEAWOLF SUBMARINE PROGRAM.

(a) LIMITATION OF COSTS.—Except as provided in subsection (b), the total amount obligated or expended for procurement of the SSN-21, SSN-22, and SSN-23 Seawolf class submarines may not exceed $7,187,800,000.

(b) AUTOMATIC INCREASE OF LIMITATION AMOUNT.—The amount of the limitation set forth in subsection (a) is increased after fiscal year 1995 by the following amounts:

(1) The amounts of outfitting costs and post-delivery costs incurred for the submarines referred to in such subsection.

(2) The amounts of increases in costs attributable to economic inflation after fiscal year 1995.

(3) The amounts of increases in costs attributable to compliance with changes in Federal, State, or local laws enacted after fiscal year 1995.

Mr. MCCAIN. Mr. President, I make a point that the Senate is not in order.

The PRESIDING OFFICER. May we have order?

AMENDMENT NO. 2092 TO AMENDMENT NO. 2091

(Purpose: To propose an alternative limitation on the amount that may be obligated for procurement of the *Seawolf* class submarines.)

The PRESIDING OFFICER. Under the previous order the Senator from Connecticut is recognized to offer a second-degree amendment.

Mr. DODD. Mr. President, I send a second-degree amendment to the desk and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Connecticut (Mr. DODD) proposes an amendment numbered 2092 to amendment No. 2091.

On page 1, line 7, strike out "$7,187,800,000" and insert in lieu thereof "$7,223,659,000".

Mr. FORD. Mr. President, I make a point of order that the Senate is not in order. I know the Chair has a problem. But these are important amendments, and I hope the Chair will keep order.

The PRESIDING OFFICER. The Senate will come to order.

Mr. DODD. I yield to my colleague from Arizona.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCAIN. Mr. President I know what my amendment is about. I would be prepared to ask my friend from Connecticut what his is. But I would like to briefly explain mine.

Last year the Congress adopted an amendment to the DOD bill which caps the procurement cost for the first two *Seawolf* submarines at $4.75 billion, the total amount identified by the Department of Defense as necessary to complete construction of these two systems.

The amendment was necessary to control escalating costs of the program. Therefore, I offer an amendment to expand the existing cost caps to include the third *Seawolf* submarine, the provision establishing a procurement cost cap of $7.2 billion on the three *Seawolf* submarines.

The provision allows for the same automatic increases for inflation and labor law changes as the existing cap. It also exempts the future costs of outfitting in postdelivery for the submarines.

These are costs which will undergo congressional review and require authorizations and appropriations in the future.

For reasons which are not clear to me, the other body this year is recommending a repeal of the cost cap on SSN–21 and SSN–22. I do not believe we can allow a return to the uncontrollable cost escalations we have seen on the first two submarines. I believe that imposing the same strict cost controls on the third *Seawolf* would be to the advantage of the American taxpayer.

I yield to my colleague from Connecticut.

Mr. DODD. Mr. President, I thank my colleague from Arizona.

Let me make this very brief. I happen to agree with my colleague from Arizona on this amendment. We disagreed obviously on the previous amendment. But the Senator from Arizona is absolutely correct in what he is trying to do here.

We have a second-degree amendment that absolutely modifies the amendment being offered by the Senator from Arizona—modifies it up by $30 million, which I think we can reach agreement on here.

This is a mature program. I think a case can be made about cost containment provisions on defense procurement. In the early stages you ought to be somewhat careful about it when you are dealing with a mature program. That is what this is. This is a mature program. I think injecting some fiscal discipline into these programs can be helpful.

I am confident that this amendment will offer no problems at all. We have talked to the contractors and to the Navy. We ought to be able to complete the program with caps that are suggested by these two amendments.

So, Mr. President, I hope that there will be no need for a rollcall vote on this. We think it does the job.

Again, I support what our colleague from Arizona is doing. It is the proper and appropriate approach that should be taken on matters such as this.

Mr. LIEBERMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, very briefly, we disagree with our friend from Arizona whether or not to finish the third *Seawolf*. We do not disagree on the question of whether or not there should be a cost cap. There should be. I hope we will agree to the second-degree amendment. We disagree on the question of whether we should complete the third *Seawolf*. The Senate has spoken now on that question.

On the question that the Senator from Arizona now raises as to whether there should be a cost cap, there is no disagreement. Senator DODD and I and all the others who support the *Seawolf* feel probably even more strongly that there should be a cost cap.

So I hope we can agree on a number and leave it at that.

I thank the Chair.

Mr. McCAIN. Mr. President, before we voice vote this, because it has been accepted on both sides, I would like to extend my congratulations to the two Senators from Connecticut and to the Senator from Maine on a significant victory in maintaining the *Seawolf* submarine. I obviously strongly disagree. But their arguments and the work they did indicated that a clear majority of the Senate chooses to maintain the procurement of this weapons system. And I congratulate them on their success.

The PRESIDING OFFICER. Do the Senators yield back the remaining time?

Mr. McCAIN. I yield back the time.

Mr. LIEBERMAN. Mr. President, I would like to thank my friend from Arizona for his gracious statement and say to him that, given a choice, I would much rather have him on my side than against me, having real strength and conviction, and this is one of those cases where I end up after a fight respecting somebody more than I did before.

Mr. DODD. Mr. President, I want to associate myself with the remarks of my colleague from Connecticut.

My friend from Arizona and I have been with each other over these many years. And there is no better fighter, no more honest Member of our body, no person who brings more integrity to a debate, and I appreciate how fairly he raised this issue and gave us an opportunity to address it.

Mr. President, I would also like to commend our respective staffs, my colleague from Connecticut for his staff, and mine, Bob Gillcash, who has done a tremendous job over the years on these issues, this one particularly and many others as well.

I urge adoption of the amendment.

The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to the amendment of the Senator from Connecticut in the second degree.

The amendment (No. 2092) was agreed to.

The PRESIDING OFFICER. The question now occurs on amendment No. 2091, as amended.

The amendment (No. 2091), as amended, was agreed to.

Mr. DODD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. LIEBERMAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2094

(Purpose: To strike the bill's provision concerning Defense Export Loan Guarantees)

Mr. BUMPERS. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Arkansas [Mr. BUMPERS], for himself, Mr. FEINGOLD, Mr. SIMON, and Mrs. BOXER, proposes an amendment numbered 2094.

Mr. BUMPERS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike line 1 on page 353 through line 16 on page 357.

The PRESIDING OFFICER. Who yields time?

Mr. BUMPERS. Mr. President, we have a 30-minute agreement on this, but perhaps because it is a very straightforward, simple amendment, we may be able to do it in less time than that, and I hope we can.

Right now, the United States totally dominates the foreign arms market. We sell 53 percent of all the arms in international trade. We also have four separate methods of financing these sales which help maintain our position of dominance.

First of all, the Arms Export Control Act allows the President to commit the U.S. Government to a loan guarantee or a grant.

Second the Export-Import Bank can finance any sale of technology as long as it is nonlethal. So we sell a lot of military hardware to countries that are financed by the Export-Import Bank.

Third we have foreign military financing which is a part of the foreign aid bill. We pick out the countries and give them grants to buy our weapons. We say here is $1 billion for you and $1 billion for you. Come and buy whatever weapons you want until you use up that $1 billion. We can also subsidize loans with this program.

Fourth we have foreign military sales. Under this program the U.S. Government or a U.S. company sells arms to a foreign government.

The bill we are debating says four methods of financing arms are not enough. We have to have another one. And it directs with virtually no guidance the Defense Department to set up a program exactly like OPIC. Senators know what OPIC is. You pay a little fee and you get your loan guarantee.

That is all there is to this amendment. I say four is enough. Let me read you though just for entertainment purposes a list of the countries that arms sales merchants in this country will be selling arms to by simply paying a small fee to this new organization that the Defense Department is ordered under the bill to set up.

You are not looking at another S&L scandal, but you are looking at something that has the potential for a mini-S&L. We just got through writing off $7.1 billion to Egypt and $300 million to Jordan.

I do not want to refight those battles, but how do you feel about Burundi? Do you want to give loan guarantees to them? They already buy weapons from us.

Here is a list of roughly 100 countries that the contractors, the arms merchants of this already country sell arms to.

Now, the arms merchants are hot for this, and I do not blame them. How would you like to be able to sell $100 million worth of weapons to some Third World nation where 50 percent of the people are starving to death for a little simple fee you pay on the front end?

Incidentally, there is not even a prohibition in this against financing the fee. Let us assume you have a $10 million sale. Let us assume the fee is $500,000. Just add that on. Make it a $10.5 million loan. Finance the whole thing. There is no prohibition against it.

But here is Burundi, Chad, Djibouti, Mali, Niger, Nigeria, Namibia, Senegal, Zambia, Zimbabwe—100 of them. And someday in the future they will pay a little fee, and we will sell arms to them on credit. And the American taxpayer will assume the risk.

Now, Mr. President, I have a moral compunction about this. I make no bones about it. I have some moral reservation about how many arms we sell abroad. We keep forgetting that our weapons last longer than our friendships.

Do you know where the contras down in Nicaragua got most of their arms? They were the arms we left in Vietnam. The Vietnamese inherited a cache of weapons that would choke a mule, and a lot of them went to the contras in Nicaragua. What happened to all the Stingers we sent to Afghanistan? Why, our good friends the Iranians have about 30 of them.

As I said, we sell 53 percent of all the arms sold in the world, and the Pentagon estimates by the year 2004 we will be selling 59 percent. That is 59 percent of all the arms sales, and somebody will say, "Well, if we don't do it, somebody else will." I heard that argument the first year I was in the Senate, and I still hear it. I say let someone else then.

This may influence some of you—The White House strongly supports this amendment. The administration does not want another method of financing weapons. And the Pentagon says this can only marginally affect the number of weapons that we are going to be selling abroad.

Mr. President, in 1993–1995, that time period, we sold $53 billion worth of weapons. Let me ask you this: Who here believes that this Nation is safer and stronger because we are selling anywhere from $10- to $20 billion worth of weapons abroad each year?

Now, Mr. President, let me say to my colleagues this is not the biggest item in this bill, but it is just another provision in which we ought not to get involved. I promise you we are going to be financing weapons to countries, and we are going to be forgiving the debts. We are going to be picking up all these bad loans. It is a very generous method. And there are a lot of Third World countries that will jump on this thing like a chicken after a June bug, and obviously the arms merchants will be tickled to death to sell the weapons.

The PRESIDING OFFICER. The Senate will be in order.

Mr. BUMPERS. Mr. President, I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. KEMPTHORNE addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. KEMPTHORNE. Mr. President, I yield myself 5 minutes.

Mr. President, the Bumpers amendment proposes to strike the language in the bill creating a self-financing defense export loan guarantee program at the Department of Defense. I underscore the fact that it is self-financing. All of the Members who support this measure also have a moral compass. The program provides financing to a very select list of countries for defense sales that meet all, all of the existing export controls and nonproliferation policies of the United States.

It is also important to note that this authority is not limited strictly to arms. In many cases American companies lose bids to maintain or upgrade previously sold U.S. military equipment because they cannot offer financing. The program in the defense authorization bill will allow U.S. companies and American workers to compete on a level playing field with our international competitors.

Today, almost every major arms exporter provides financing to support the export of their domestic products and services. Indeed, some purchasers now make financing a requirement before a company can bid on a proposed purchase. The program is financed by fees paid by the buyer or the seller.

The list of eligible countries—and it was interesting Senator BUMPERS went down a list of a number of countries, but the list of eligible countries is limited to our NATO allies, nonmajor allies, Central European countries moving toward democracy, and selected members of the Asian-Pacific Economic Cooperation Group. Of the 185 members of United Nations, we only allow 37 countries to be eligible for these loan guarantees.

I would ask unanimous consent that the list of these 37 countries be printed in the record.

The PRESIDING OFFICER. Without objection, it is so ordered.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

LIST OF ELIGIBLE COUNTRIES

1. Albania.
2. Australia.
3. Belgium.
4. Brunei.
5. Bulgaria.
6. Canada.
7. Czech.
8. Denmark.
9. Egypt.
10. France.
11. Germany.
12. Greece.
13. Hong Kong.
14. Hungary.
15. Iceland.

16. Indonesia.
17. Israel.
18. Italy.
19. Japan.
20. Luxembourg.
21. Malaysia.
22. Netherlands.
23. New Zealand.
24. Norway.
25. Philippines.
26. Poland.
27. Portugal.
28. Romania.
29. Singapore.
30. Slovakia.
31. Slovenia.
32. South Korea.
33. Spain.
34. Taiwan.
35. Thailand.
36. Turkey.
37. U.K.

Mr. KEMPTHORNE. When similar legislation was proposed 2 years ago, the Commerce Department and the Department of Defense expressed support for the export loan guarantee program. The American companies continue to lay off thousands of defense workers each month. This program will help us avoid paying unemployment to defense workers and help us preserve the U.S. defense industrial base.

That is a winning combination. At a time when U.S. procurement of military equipment has reached all-time lows and we are all familiar with that in basics such as ships, planes, and trucks, it makes sense to sell these systems to our friends and our allies assuming those countries qualify for the equipment under our existing export controls.

Now, the House-passed defense authorization bill includes similar language, and in a strong bipartisan vote the House voted 276–152 to keep the language in the bill. So, I urge my colleagues to reject the Bumpers amendment and allow us to have this sort of bridge for our defense contractors and American workers.

With that, Mr. President, I would reserve the balance of my time.

Mr. DODD addressed the Chair.

The PRESIDING OFFICER. Who yields time to the Senator from Connecticut.

Mr. THURMOND. How much time do you want?

Mr. DODD. Three minutes, 4 minutes.

Mr. THURMOND. Mr. President, I yield the Senator from Connecticut 3 minutes.

Mr. DODD. Mr. President, I rise to oppose the amendment offered by the Senator from Arkansas [Mr. BUMPERS].

Mr. President, I do not believe that section 1053—defense export loan guarantees—should be deleted or amended in any way.

I believe the language in the bill strikes the right balance. It authorizes the Secretary of Defense to establish a program to issue export guarantees for financing of sales or long term leases of defense articles or services to certain countries.

Under the provision contained in the bill, U.S. companies would be eligible to seek export financing guarantees to countries that are members of NATO, to countries designated as major non-NATO allies, to countries in Central Europe, provided the Secretary of State has first designated such country as having a democratic government, and to certain non-communist member countries of the Asia Pacific Economic Cooperation [APEC] organization.

This financing won't be free. Companies will be required to pay appropriate fees and interest charges comparable to those that non-defense exporters are charged by the U.S. Export/Import Bank.

During a period of reduced funding for purchases of weapons systems and other defense equipment, I believe that defense exports can make a significant difference with respect to whether our domestic industrial base will be sustained at levels sufficient to protect our national security.

I would remind my colleagues that we are not going to be the first country to offer such a program. We are way behind our allies and major trading partners on that score. Many of them make no distinction between defense and non-defense exports in their export assistance programs.

The international defense market is incredibly competitive. Despite the fact that the U.S. defense industry produces some of the best equipment in the world, competitive financing can make or break the sale.

Since 1989, I have been trying to convince my colleagues that we have got to equip our defense exporters so that they can compete on a level playing field.

In 1989, I was successful in getting a much narrower defense export financing program operational for 1 year—fiscal year 1990. During the brief life of that program, a United States company—Sikorsky won a highly competitive contract to sell Black Hawk helicopters to Turkey.

That sale totalled $1 billion and enabled some people in my State to remain employed who might otherwise have lost their jobs—that is not to say that significant numbers of Connecticut workers haven't been severely impacted by defense spending cut backs.

The time has come to stop treating Americans employed in the defense industry like second class citizens. They deserve comparable support from their Government as they struggle to feed their families and pay their bills.

The provision that the Arms Services Committee included in the pending bill has been carefully crafted so as not to impinge on U.S. Export/Import Bank financing. It will be a program operated in the Department of Defense.

Nor should my colleagues be concerned that somehow we will be fueling the arms race with this program. No sale under this program will go forward until it has been fully vetted by all appropriate agencies to ensure that the sale is in the national interest.

Mr. President, I believe that it is long past time for such a program to exist and I strongly oppose the amendment offered by Senator BUMPERS to prevent that from happening.

To sum up, for my colleagues, this is an area where the Senator from Idaho and I are in full agreement. In fact, before he arrived in the Senate this was an issue of great interest to me. As I mentioned earlier, in 1989, I was successful in having a very modest, 1 year, defense export financing provision included in the fiscal year 1990 Foreign Operations Appropriations Act. In the 1 year that this provision was in effect it made a significant difference.

I believe we have to be pragmatic about these matters. If every other country would back away from this kind of financing, then there would be no reason for us to be establishing such a program. But that isn't likely to happen anytime soon. I can personally tell my colleagues that other nations engage in very supportive financing schemes to assist their defense industries.

As to the assertion that this provision will permit the sales of arms all around the world, I would say to my colleagues that is not accurate. I personally would not support a blanket authorization to finance the sale of defense equipment to every country around the globe.

The provision in the bill does not propose that approach. As I said earlier, the provision limits access to such financing to a select number of countries, including NATO allies, major non-NATO allies, certain non-communist members of APEC, and several democratic countries in Central Europe, provided they remain on the democratic track.

Moreover, I would say to my colleagues, at a time when we are reducing defense expenditures for obvious reasons, an intelligent, well-thought-out financing scheme makes sense. It allows us to market defense equipment to nations with strong democratic institutions, who are our allies. It is a way of maintaining an industrial base without having to go the taxpayers in this country to support it.

The Senator from Idaho has been involved in this for some time. My colleague from Connecticut and I have met with numerous people over the years on this issue. I will tell you, in 1989, had this body not supported the particular effort we made, we would have lost a $1 billion contract to the French or the Germans. I am telling you from personal experience, that a program such as the one proposed in this bill can make a difference.

So with all due respect to my colleague from Arkansas, these are not

Third World countries and not a wholesale financing scheme to any corporation that comes along. Nor is it meant to be in competition with the Export-Import Bank.

If we fail to approve this program, we put in possible jeopardy the industrial base of our country. So for those reasons, I respectfully urge the rejection of the amendment offered by Senator BUMPERS.

Mr. THURMOND. Mr. President, I rise to oppose the amendment offered by my distinguished colleague, Senator BUMPERS, of Arkansas. It would remove a very important program from the bill we have discussed in our committee and on the floor for the last several years.

According to studies conducted by the Office of Technology Assessment and others, the defense industry is laying off 20,000 workers every month and will continue to do so every month throughout the decade. One way to preserve these jobs is to help our industries export more defense products to our friends and allies. Export loan guarantees is the one way to put U.S. defense contractors on a level playing field with our foreign competitors.

Other countries such as France and Great Britain provide such finance guarantees to their industries, and we should do likewise. The loan guarantee program establishing section 1053 is a no-cost program for U.S. taxpayers. The eligible countries are restricted to 37 of our allies and friends, and the controls on the sales of sensitive technologies are in no way relaxed.

I urge my colleagues to reject this amendment.

Mr. LIEBERMAN. Mr. President, will the Senator from South Carolina yield?

Mr. THURMOND. How long?

Mr. LIEBERMAN. No more than 5 minutes.

Mr. THURMOND. Can you go with less than that?

Mr. LIEBERMAN. I will try my best.

Mr. THURMOND. I yield 3 minutes.

Mr. LIEBERMAN. The Senator is a tough negotiator. I thank the Senator from South Carolina.

As my colleagues before me have said, I thank the Senator from Idaho for his leadership on this.

I oppose the amendment offered by Senator BUMPERS. The point is that this is an attempt to help the defense industry of our country and our defense workers whose jobs are endangered for a reason that we are happy about, the end of the cold war. But they are not happy about it. And we ought to try the keep that base alive by helping them sell abroad.

The fact is that there is no source of export financing for arms exports available to American firms except at high commercial rates. The fact is that other countries are helping their firms dramatically with financing. I can give you one example. In Connecticut, where a Connecticut company actually moved over 70 good jobs from Connecticut to Canada in order to qualify for the export financing that the Canadian Government offers.

Mr. President, this program is not only self-financing but it is limited. Let me come back to the references that my friend from Arkansas made to Burundi and Chad and Senegal and Zambia, et cetera, et cetera. High-risk countries are ruled out of participation in this program under this law. I refer my friend from Arkansas to section 2540 of the bill. You have to be a member of NATO. You have to be a country designated as a major non-NATO ally. I think we are thinking here of countries like Israel. You have to be a country in Central Europe that has changed its form of government, and you have to be a non-communist country that was a member nation of the Asian Pacific Economic Cooperation group, which includes countries like Korea, Singapore, et cetera. This is a good program: self-financing; protect jobs; protect the military industrial base.

I urge my colleagues to vote against the amendment.

The PRESIDING OFFICER. Who yields time?

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

PRIVILEGE OF THE FLOOR

Mr. REID. I would ask if everyone would withhold while I ask for the unanimous-consent request.

I ask unanimous consent that Larry Ferderber a congressional fellow assigned to my office be allowed floor privileges during the pendency of the action.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BUMPERS. Mr. President, in just a moment I will yield to my good friend from Maryland, but I just want to make a couple of points.

You know, the Senator from Connecticut just talked about jobs. I have to tell you this is one place where I consider that the worst of all arguments is to create jobs so we can sell weapons abroad.

As I said, those weapons always have a tendency to get into terrorist hands. They get into all kinds of hands. They wind up half the time being used against us. And in addition to that, an awful lot of the arms sales in this country are quid pro quo. We will sell you so many weapons, but we will also create so many jobs in your country that would otherwise be in the United States. It is a trade-off.

And when it comes to who is creditworthy, you have Mexico. We are bailing them out right now. They are eligible to buy weapons under this. Chile, they are eligible. All of the Pacific rim, 37 nations on here. I promise you even some of those nations in Central Europe are lousy credit risks. They are fine and we wish them well, but they are a lousy credit risk. We have no business setting up yet a fifth way to sell weapons in addition to the four we already have.

Finally, let me just read this White House position for whatever this is worth to my colleagues.

> "The bill would require the Secretary of Defense to establish a program to issue loan guarantees and surety against losses arising from the financing of defense exports to certain countries. The administration opposes this program because the administration has not found it necessary given the availability of existing authority for transactions of this type and the substantial American presence in international markets for military equipment."

Mr. President, I yield 4 minutes to my distinguished friend from Maryland, Mr. SARBANES.

Mr. SARBANES addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Mr. President, I rise in very strong support of the Bumpers amendment. I hear all these assertions by the opponents of this amendment that it is necessary in order to make the United States competitive in the arms market. The fact of the matter is, the United States absolutely dominates the international arms market right now—right now—and the U.S. percentage of the world's arms market has increased markedly over the last few years, ever since the implosion of the Soviet Union and other developments that have taken place.

So I say to my colleagues, first of all, the assertion that you need this program in order to be able to sell the arms does not square with the facts. The reality is we dominate the international arms market.

Second, I hear it asserted in some way as though there is no risk here. I think the term "self-financing" was used as though this thing is absolutely certain to pay its way. Clearly, that is not the case. Why are they seeking a Government guarantee? They are seeking a Government guarantee in order to insure against the risk which they otherwise would encounter in the private market. So, obviously, there is some risk connected with these arms sales; in some instances, potentially very heavy and substantial risks.

As my colleague from Arkansas has pointed out, there are a series of programs right now to encourage these arms sales. Others say what these other countries do. None of these other countries have anything like a foreign military loan program and a foreign military gift program the way the United States does. So we are already making very substantial provision for arms sales. Of course, those programs are very tightly controlled and circumscribed to ensure that the national interests of the United States are provided for.

The administration has not sought this. It is my understanding that the

Pentagon—in fact, I will ask my colleague from Arkansas, is it, in fact, correct that the Department of Defense is resistant to this proposal?

Mr. BUMPERS. Absolutely. The Defense Department says it is not needed, and the administration says it is not needed. As the Senator said, we have 53 percent of the arms market now, headed for 59. It is not as though we are not competitive.

Mr. SARBANES. That is the worldwide market. If you isolate some of the areas, including some of the areas that are covered in this bill, the U.S. percentage rises substantially over that.

Mr. BUMPERS. Exponentially.

Mr. SARBANES. A lot of the places that it does not, a lot of the NATO producers make their own arms. You standardize their products and you direct that to meet their standardization purposely.

Some of the countries provided for here are high-risk countries—a country in Central Europe that recently changed its form of national government. Financially, those are high-risk countries. Some of the Asian countries carry risks with them.

I am not quite clear where this comes from. The administration does not want it. They are not proposing it. They are resistant to it. We dominate the arms market. I can understand the makers of arms want as many underwrites as they can possibly find. I think that is a given, and Members will recognize that. But whether it is wise to use money this way and to incur these kinds of risks by these guarantees, obviously there is a risk connected, and the provision recognizes that. To get up and assert somehow that this is a freebie, in every respect defies the basic rationale of the provision that is in the bill.

So I urge my colleagues to support the Bumpers amendment. We ought not to start down this path. We have dealt with this issue before.

Let me simply say this. The last time we had such a provision in the law, it was extended out to cover other countries as well. When it first comes before you, it gives you a short list. Then the next year that list gets added to. Then the year after that, it gets added to. And pretty soon they say, "Well, we have to make this comprehensive now. We have covered so many countries that there is an insult connected with leaving a country out from this program." So then you make it comprehensive.

That is exactly what will happen—I am prepared to predict that on the floor tonight—if this provision stays in the legislation. I hope my colleagues will support the Bumpers amendment.

Mrs. FEINSTEIN. Mr. President, I rise today to oppose the amendment offered by the Senator from Arkansas [Mr. BUMPERS] that would eliminate the defense export loan guarantee provision in this bill.

I believe that the loan guarantee provision will help maintain and may help to create jobs as our Nation reduces defense spending here at home. By aiding the sale of "made in the USA" military items to our close allies, we can lessen the pain of defense downsizing for hundreds of thousands of defense and aerospace workers across the country.

The entire Nation and, in particular, my home State of California, has been hard hit by defense downsizing, not to mention the recent base realignment and closure list. Hundreds of thousands of defense related jobs have been lost in California in the last 2 years, and this number is sadly expected to rise.

Continued exports of defense goods is vital to maintaining California's industrial resources. We can help to ease the transition for defense and aerospace workers by providing these loan guarantees, by establishing defense conversion programs, and through other initiatives. It is our duty to help in any way we can to provide good, high-quality jobs for the hundreds of thousands of dedicated workers who have contributed to U.S. national security.

The defense export loan guarantee provision in this bill does not, in any way, eliminate the many existing safeguards that protect against risky proliferation. Loan guarantees would be limited to friendly countries specified in the bill—including our NATO allies, major non-NATO allies, the democratic states of Eastern Europe, and the member nations of Asia Pacific Economic Cooperation [APEC]. Further, congressional oversight of these foreign military sales would not be lessened. All foreign military sales would still have to be reviewed by Congress as required by the Arms Export Control Act.

This defense export loan guarantee program offers an opportunity to assist our defense workers and improve our economy. I strongly believe that this provision is vital to our defense and aerospace industry and is essential to the preservation of hundreds of thousands of high-quality, good paying jobs in California and throughout the Nation.

I urge my colleagues to support this provision and oppose the Bumpers amendment.

The PRESIDING OFFICER. Who yields time?

Mr. THURMOND. Mr. President, I yield 2 minutes to the Senator from Idaho.

Mr. KEMPTHORNE. Mr. President, I thank the chairman of the Armed Services Committee for his courtesy.

We continually hear references to a variety of countries. I just want to drive the point home. The list of the 37 countries that are eligible for these loan guarantees are allies and friends—allies and friends. You can keep reading all the countries all night long, but there are only 37 that are eligible, and also those 37 countries come under the entire export control and nonproliferation policy of the United States.

This language simply grants the authority to the administration to allow the loan guarantees. It does not require the administration to do so. It is an authority to do so.

So, Mr. President, again, I urge my colleagues to reject this amendment because the language is here that is going to finally accomplish what we have been setting out to do for a number of years.

With that, I yield back the remainder of my time.

Mr. THURMOND. Mr. President, I yield the remaining 3 minutes to the distinguished Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I thank the distinguished chairman of the Senate Armed Services Committee.

I must say that I do not understand the opposition to this program that the Senator from Idaho and I and the Senator from Colorado have sponsored. We have the model for this in the private sector. It is the Eximbank, and it works very well to put American companies on a level playing field and protect American jobs.

Look, if somehow we were on the verge of achieving disarmament worldwide, I would say we should not be the only country out there selling weapons. The fact is, there is an active arms market worldwide. Why tie one hand behind our manufacturers when they go out to compete with other countries' manufacturers for contracts?

The fact is that we have a lot on the line. We have some defense companies that could close up and make our country less secure in the future, undercut our industrial base. The fact is, we could lose thousands of jobs without this kind of support. So I do not apologize. I think this is just giving the Department of Defense an asset to protect defense companies and the people who work for them and put us on an even playing field with other manufacturers around the world.

My friend from Idaho is absolutely right. Everything done here must be licensed under the Export Administration. There is no danger of proliferation in that sense. And I come back and say, Mexico was mentioned by the Senator from Arkansas, Chile was mentioned. They simply would not qualify. Of those 37 countries, the program mechanics are structured so that defaults are very, very unlikely.

I think this bill is good for America's national security and good for those who work in America and will not at all increase the proliferation of weapons throughout the world.

I thank the Chair. I hope my colleagues will vote against the amendment.

The PRESIDING OFFICER. Who yields time?

Mr. THURMOND. Since time has expired on both sides, I ask for the yeas and nays on this amendment.

Mr. BUMPERS. How much time do I have remaining?

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Arkansas has 1 minute.

Mr. BUMPERS. Mr. President, I heard some ingenuous arguments, but the Senator from Connecticut saying we need to level the playing field when we already have 53 percent of the market headed for 60 percent is ingenuous. I do not know how much more you can level this field.

But I would like to ask, on my time, the Senator from Idaho to tell me one country that we are going to finance under this provision that cannot buy weapons right now and to which you would want to provide loan guarantees. Name one.

Mr. KEMPTHORNE. If the Senator will yield, Greece and Turkey are two countries.

Mr. BUMPERS. Why can they not buy weapons now?

Mr. KEMPTHORNE. They need to finance it, and they are allies.

Mr. BUMPERS. They cannot afford the weapons so we are going to sell them with loan guarantees under this new program?

Mr. SARBANES. If the Senator will yield, both of those countries receive financing under the foreign military loan program, with all of the conditions and restraints of that program. Both of those countries receive financing under that currently.

Mr. BUMPERS. And military financing. We have given both of those countries billions of dollars of weapons over the years under the foreign aid bill.

Mr. KEMPTHORNE. Mr. President, to conclude, Greece and Turkey are allies, and I am proud to stand with the American workers that would provide necessary materials to our allies.

Mr. BUMPERS. The whole reason this provision should be struck from the bill is because the only countries that need it are those whose credit is so bad that they cannot get weapons under the four existing programs for selling military equipment.

The PRESIDING OFFICER. All time has expired.

The question is on agreeing to the Bumpers amendment No. 2094.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from North Dakota [Mr. DORGAN] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote.

The result was announced—yeas 41, nays 58, as follows:

[Rollcall Vote No. 357 Leg.]

YEAS—41

Akaka
Baucus
Biden
Bingaman
Boxer
Bradley
Bryan
Bumpers
Byrd
Conrad
Daschle
Domenici
Exon
Feingold
Ford
Glenn
Gramm
Grassley
Harkin
Hatfield
Hollings
Johnston
Kennedy
Kerrey
Kerry
Kohl
Kyl
Lautenberg
Leahy
Levin
McCain
Mikulski
Moseley-Braun
Moynihan
Murray
Pryor
Reid
Rockefeller
Sarbanes
Simon
Wellstone

NAYS—58

Abraham
Ashcroft
Bennett
Bond
Breaux
Brown
Burns
Campbell
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
DeWine
Dodd
Dole
Faircloth
Feinstein
Frist
Gorton
Graham
Grams
Gregg
Hatch
Heflin
Helms
Hutchison
Inhofe
Inouye
Jeffords
Kassebaum
Kempthorne
Lieberman
Lott
Lugar
Mack
McConnell
Murkowski
Nickles
Nunn
Packwood
Pell
Pressler
Robb
Roth
Santorum
Shelby
Simpson
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

NOT VOTING—1

Dorgan

So the amendment (No. 2094) was rejected.

Mr. KEMPTHORNE. Mr. President, I move to reconsider the vote.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WARNER. Mr. President, as we debate the fiscal year 1996 National Defense authorization bill, I want to join with my friend and colleague, the distinguished junior Senator from Idaho, in commending the Navy for its successful utilization of the Small Business Innovation Research Program in its development of the multipurpose processor. The multipurpose processor will be used to reduce risk and provide affordable technology for the new nuclear submarine, which will be developed within the next few years, as well as for the current U.S. submarine fleet.

Mr. KEMPTHORNE. Mr. President, I agree with my colleague, the distinguished senior Senator from Virginia. The American people demand that we continually look for the most cost effective solutions to our problems. That fact is particularly true with regard to Defense spending. The multipurpose processor is truly a cost effective and worthwhile program. It will provide our submarine fleet with a common open system processor which allows rapid insertion of advancing technologies while also protecting our previous investments in complex software. I therefore join with Senator WARNER in commending the Navy for its initiative and leadership in this area.

Mr. WARNER. Mr. President, I thank the distinguished Senator from Idaho, with whom I have the distinct pleasure of serving on both the Armed Services and the Small Business Committees. It is indeed noteworthy that the two of us are engaging in this colloquy because the multipurpose processor program combines the best interests of our Nation's defense with those of American small business. Many innovative products developed by small business have contributed significantly to the strength of our Armed Forces over the years and I trust, with continued congressional support for the Small Business Innovation Research Program, they will continue to do so well into the future.

Mr. KEMPTHORNE. Mr. President, I agree with my colleague on that point as well. The continued success of American small business is vitally important to the economic health of our Nation. The multipurpose processor program is an important example of how a small business, Digital System Resources, Inc., has made an important contribution to the Nation's defense. Appropriately, American small business should be given every opportunity to continue to make contributions to the national defense as well as to the other sectors of our economy.

MEDICARE—ELIGIBLE MILITARY RETIREES

Mr. COCHRAN. Mr. President, the Defense authorization bill now before the Senate contains the following provision:

"(1) * * * the Secretary of Defense should develop a program to ensure that covered beneficiaries who are eligible for Medicare * * * and who reside in a region in which the TRICARE program has been implemented have adequate access to health care services after the implementation of the TRICARE program in that region; and

"(2) to support strongly, as a means of ensuring such access, the reimbursement of the Department of Defense by the Secretary of Health and Human Services for health care services provided such beneficiaries at the medical treatment facilities of the Department of Defense."

Our military retirees are entitled to the medical benefits which they have been promised. When the TRICARE system is fully implemented, Medicare-eligible military retirees can receive care in military hospitals only on a space available basis. Consequently, these retirees are being put at the back of the line and in some cases must change health care providers after years of care in military treatment facilities. I am very concerned about this.

There must be an alternative to the current situation. Medicare funds should be transferred from the Department of Health and Human Services to the Department of Defense, so Medicare-eligible retirees will be able to use military health care facilities, with the costs covered by their Medicare benefits. I urge the approval of this legislation.

CIVILIAN MANPOWER AND AIRLIFT OPERATIONS

Mr. DODD. Mr. President, I rise to enter into a colloquy with the distinguished majority leader and the chairman of the committee.

Mr. DOLE. Mr. President, if my friend from Connecticut would yield. I am aware of the issue the Senator seeks to discuss and would be happy to enter into a colloquy on this matter.

Mr. DODD. I thank my colleague for his time. It is my understanding that the committee staff has reviewed the measure and has approved it. Specifically, this amendment seeks to restore funding to the Air Force Reserve operations and maintenance account for restoration of funds for civilian manpower and airlift operations support.

The U.S. Air Force Reserve has historically provided service-wide critical airlift and logistics support to our national defense. A perfect example of this effort is the medical airlift capability for our forces. With over 70 percent of our national medical aircrew manpower coming from the active Air Force Reserves, reductions in operation and maintenance at this point seems unreasonable.

Mr. DOLE. I have to agree with my colleague. I think Members would be interested to know that almost 45 percent of all heavy lift performed by the Air Force is provided by Air Force Reserves crewmembers. Another 25 percent occupy tactical airlift cockpits. There is no question where our Nation turns in time or need for airlift support.

Mr. DODD. I could not agree more. The Air Force Reserve is the very backbone of our national airlift and I ask my colleagues to join with me in this amendment to restore the necessary and requested funds to maintain this vital program.

Mr. THURMOND. Mr. President, I thank my colleagues for raising this important issue. I had previously directed the respective committee staff to review this matter and have included a funding adjustment in the manager's amendment. This adjustment would add $10 million to the Air Force Reserve account and reduce the Department of Defense wide activities by $10 million.

Mr. DODD. I thank my colleague and good friend from South Carolina.

Mr. DOLE. Mr. President, I join my friend from Connecticut in thanking the distinguished Senator and chairman of the committee for his cooperation.

The PRESIDING OFFICER. The majority leader.

Mr. DOLE. Mr. President, if I could have my colleagues' attention?

If I can just suggest the absence after quorum for 1 minute, we are about to type out the consent agreement. If we can reach an agreement there will be no more votes this evening. If not, we will just have to work through it.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, let me indicate to my colleagues that there will probably be additional votes tonight. There will be an amendment by Senator COHEN, 30 minutes equally divided—15 equally divided.

Mr. FORD. On what?

Mr. COHEN. This is on the ABM Treaty.

Mr. NUNN. I did not hear the request.

Mr. DOLE. Fifteen minutes equally divided on a Cohen amendment.

Is there any objection to that?

Mr. NUNN. I would suggest 30 minutes because most people on this side have not read the amendment.

Mr. DOLE. Thirty minutes equally divided.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. DOLE. No second-degree amendments. That would be followed by an amendment by the Senator from Georgia, Senator NUNN. As I understand, there is not any time agreement on that so we do not know when that vote will come. So that we will do those two tonight at least.

UNANIMOUS-CONSENT AGREEMENT

This is the time agreement we wanted to obtain earlier. We could not do that. So I ask unanimous consent that tomorrow morning, after consultation with the managers—they can determine when to bring it up—Senator THURMOND be recognized to offer an amendment regarding title XXXI of the bill; that immediately after the reading of the amendment, Senator EXON be recognized to offer a second-degree amendment to the Thurmond amendment, and that there be 45 minutes of debate under the control of Senator THURMOND and 90 minutes of debate under the control of Senator EXON; further, that following the expiration or yielding of time, the Exon amendment be laid aside and Senator REID be recognized to offer his amendment on tritium on which there be 60 minutes, to be divided 40 minutes under the control of Senator REID and 20 minutes under the control of Senator THURMOND; and following that debate, the amendment be laid aside and Senator MCCAIN be recognized to offer an amendment on competition, on which there be 10 minutes for debate, to be equally divided in the usual form; to be followed by a vote on or in relation to the Exon amendment, to be followed by a vote on or in relation to the Reid amendment, to be followed by a vote on or in relation to the McCain amendment, to be followed by a vote on the THURMOND amendment, as amended, if amended.

So we are talking about four amendments.

Mr. REID. Mr. President, reserving the right to object, everything is right except in the transcription, 45 should be 70 under the control of Senator THURMOND— 90 and 70.

Mr. DOLE. I said 90—

Mr. BRYAN. Seventy, Mr. Leader, under the control of Senator THURMOND.

Mr. DOLE. Did I short him? Good. I gave him 45 minutes.

He wants 70.

Mr. REID. We talked about that all night.

Mr. DOLE. Make that 70 instead of 45.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. DOLE. Hopefully, when this happens tomorrow sometime, we will not take all this time, but we may. That would be 3 hours plus four votes. You are talking about a big, big time.

I would also ask consent—to accommodate Senator BUMPERS—that following the disposition of this agreement, whenever it occurs, the previous unanimous consent, Senator BUMPERS offer his amendment on defense firewalls, 1 hour of debate to be equally divided in the usual form, no second-degree amendment be in order, and that following the conclusion or yielding back of time, the Senate vote on or in relation to the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Now, I might say to my colleagues, I know there are dozens of amendments out there. We are trying to accommodate those who have the shortest times. If we have 20 minutes equally divided or 30 minutes, we will try to rotate back and forth. It seems to me, if we are going to finish the bill, if everybody gets 2 hours, 3 hours, 4 hours, it is going to be 4 o'clock tomorrow afternoon before we take up 2 or 3 amendments here, and we cannot be on this bill Saturday.

I am not certain when we will get back on the bill. Senator THURMOND needs to leave tomorrow for an important family matter on Saturday. We will have votes on Saturday. We will be on at least one or two appropriations bills. If we should, by some miracle, finish this bill early tomorrow, we could go to Treasury-Postal tomorrow evening. If not, that will begin hopefully about 9 o'clock on Saturday morning. And there are two amendments there that may require some debate. Beyond that, it should not take very long, according to the managers.

Following that, it would be our intention either to move to welfare or to the Work Opportunity Act, or the Interior Appropriations bill.

So somebody asked me, what about Saturday. We have been saying for the last 2 weeks there will be votes on this Saturday and tomorrow. The day after tomorrow is Saturday, and there will be votes on Saturday, August 5.

AMENDMENT NO. 2089

Mr. COHEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine.

Mr. COHEN. Mr. President, I have an amendment at the desk which originally was designated as being cosponsored by Senator NUNN. That was in error. Senator NUNN is not a cosponsor of the amendment that I sent to the desk, and so I would ask unanimous consent that his name be withdrawn as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COHEN. Mr. President, I have requested that the entire amendment not be read, but let me just point to the basic purpose behind the amendment and some of the pertinent language.

Mr. President, we had extended debate during the course of the morning and afternoon dealing with the ABM Treaty. Senator LEVIN spent, I believe, roughly 6 or 7 hours debating this issue. And I think it has been resolved on a close vote but nonetheless resolved.

I had intended and now do offer this amendment for the purpose of at least clarifying what my intent was in supporting the legislation as it was developed by the Armed Services Committee in the DOD authorization bill.

Basically, I believe it should be our policy to develop a defensive capability against a limited or accidental launch of a nuclear weapon against the United States. I believe we have an absolute obligation to the American people to say that in the event that anyone were so mad as to launch an ICBM toward the United States or one should be launched accidentally, we ought to have some minimum capability of destroying that missile before it arrives on U.S. soil.

I find it really quite astonishing to think that we would represent to the American people that a missile somehow has been fired, whether by accident or by miscalculation or madness, it is on its way to New York City, Washington, DC, Los Angeles, you name the city or town, and we have absolutely no way of stopping it. The best we can do is tell you that we will try to minimize the casualties; we will try to evacuate as quickly as possible after catastrophic damage has been done.

I think that is unacceptable to the American people given the fact that we are now witnessing the proliferation of missile technology on a fairly pervasive basis. And so what this amendment does is to express the sense of Congress on this matter.

> Given the fundamental responsibility of the Government of the United States to protect the security of the U.S., the increasingly serious threat posed to the United States by the proliferation of weapons of mass destruction, ballistic missile technology, and the effect this threat could have in constraining the options of the United States to act in time of crisis, it is the sense of Congress that—
>
> (1) it is in the supreme interest of the United States to defend itself from the threat of limited ballistic missile attack, whatever its source;
>
> (2) the deployment of a multiple-site ground-based national missile defense system to protect against limited ballistic missile attack can strengthen strategic stability and deterrence;
>
> (3) the policies, programs and requirements of subtitle C of title II of this Act can be accomplished through processes specified within, or consistent with, the ABM Treaty, which anticipates the need and provides the means for amendment to the treaty.

Mr. President, what I am saying in this amendment is that whatever we do, we can do it consistent with the treaty. I want to stay within the limits of the treaty. The treaty allows us to seek to negotiate changes.

Originally we had a multiple-site ABM Treaty, two sites. We renegotiated it down to one site. With the changes of circumstances throughout the world, what we are asking is that we encourage the President to go to the Russians to seek to renegotiate the ABM Treaty for the purpose of allowing the Russians and the United States to have a effective capability against limited ballistic missile threats.

And so in this amendment the President is urged "to initiate negotiations with the Russian Federation to amend the ABM Treaty as necessary to provide for the national missile defense system as specified in section 235" to protect us from a limited ballistic attack.

And "(5)"—and here is another key point—

> If the negotiations fail, the President is urged to consult with the Senate about the option of withdrawing the United States from the ABM Treaty in accordance with provisions of article XV of the treaty.

Mr. President, basically what this amendment says is, there is a potential threat that we ought to be facing and that we should seek to negotiate amendments to the ABM Treaty. That is contemplated by the treaty itself. So I am urging the President to seek to negotiate with the Russians, and in the event he is unsuccessful in those negotiations to gain amendments allowing the deployment by each party of a limited system, that he then come back to the Senate and consult with the Senate about whether we should stay in the ABM Treaty as it originally stands now or whether we ought to opt out as the treaty allows us to do.

So this is a sense of the Senate that we ought to proceed with this system, that we ought to encourage the President and urge him to go and meet with the Russians and their negotiators to renegotiate the ABM Treaty to allow the deployment of a land-based system with multiple sites that would protect us against accidental launch or miscalculation, certainly not against an all-out attack by the Russians, but a limited type attack, so we can have the capability to defend ourselves.

We urge the President to do this, seek this. In the event he is unsuccessful, we ask that he turn to the Senate and at least consult with us as to whether we should stay in the treaty or get out of the treaty.

Mr. President, I believe that is a fair expression of the sentiment that was expressed during the debates within the Armed Services Committee. I believe it is a fair expression of the sentiment on this side of the aisle. I reserve the remainder of my time.

Mr. NUNN addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. NUNN. Mr. President, I urge all Members on both sides of the aisle to read this, of course, because some people may disagree with it, parts of it, particularly on my side of the aisle.

I do not disagree with anything in the Cohen resolution. I think it is helpful in the sense that it points in the right direction for the President to negotiate changes rather than simply assert changes. And that is clear in paragraph 4. I think also that it is the correct procedure for the negotiations. If the negotiations fail with the Russians, the President is urged to consult with the Senate about the option of withdrawing from the ABM Treaty under provision of article XV of the treaty.

I agree with some of the findings. Some of the people on this side of the aisle may not agree with the findings. I do. This is very close to what we had in the Missile Defense Act that Senator WARNER and I sponsored 2 or 3 years ago in the Missile Defense Act.

What is the problem with it? There is no problem with it that would keep me from voting for it, but it does not correct any of the things that we pointed out as being what we considered —most of us on this side and a few on that side of the aisle—to be fatal flaws with the bill itself. What it does not do because it is a sense-of-the-Senate resolution, it does not change any of the operative provisions in the underlying bill. And the operative provisions have the force of law. So we have got sense-of-the-Senate legislation that cannot by its very nature change the force of law.

So anyone who thinks there are problems in the underlying bill would not be comforted by this. This does not cure the problem. That is the reason I have not cosponsored it, not because I am not going to vote for it, not because it is not in the right direction, because it is. But it does not change the operative provisions of the bill which establish a number of legal restrictions on the President. This is, I believe, the first time I have seen provisions that restrict the President as to what he can negotiate. The underlying bill restricts the President of the United States in terms of his ability to negotiate.

Now, I believe that will be challenged by many as unconstitutional. I do not try to make a judgment on it. But I imagine that those in the executive branch would assert it is unconstitutional on its face. Whether that is the case or not, in my view it is bad policy, because if the President of the United States cannot negotiate, who can? We do not have a negotiating team from the U.S. Senate that I know of. We have an arms control observer group, but we make it clear we never negotiate; we simply discuss. So if the President cannot negotiate these changes, even if they are changes that the majority wants, how do we get changes in the treaty?

The Cohen amendment deals with one set of changes. And I think it appropriately says the President should negotiate the amendments to the ABM Treaty as necessary to provide for the national missile defense system specified in section 235. So the sense-of-the-Senate resolution does urge him to move in that direction.

The restrictions on negotiations of the President, however, do not relate to that section; they relate to the section that we talked about at length earlier in the debate which gets to the demarcation point between theater ballistic missiles and strategic ballistic missiles. And the defense against strategic ballistic missiles is that restricted by the ABM Treaty. The provision on theater ballistic missiles is not. And that demarcation point is defined in the underlying bill as a matter of law, and the President in the underlying bill is told that he cannot negotiate on that point. He cannot do anything on that point. And, therefore, I do not see how the Russians would ever accept that.

Now, maybe no one cares whether they accept it or not. But as I said earlier today, I do not think they have the option to go to defenses at this stage because of their economic condition. What they do have the option to do, and what they have said repeatedly they will do. So unless you believe they will not do what they said they are going to do, there is nothing in this amendment that changes the problem of the bill. And that is, it encourages, in fact it makes it clear to the Russians that we are going to move forward notwithstanding any concerns they may have on the ABM Treaty and that we will not comply with ABM Treaty in certain respects. And if they want to take action, then they will take action.

What action will they take? In my opinion they will simply not ratify START II. They will not, in my view, continue to draw down their missile forces under START I.

So, inadvertently, in the name of defending the United States and the people in the United States, the underlying bill, in my view, almost, not quite, because you cannot ever predict with certainty a foreign country's behavior, but it almost assures that the United States will end up with thousands of more missiles pointed at this country than we would otherwise have. I do not see how that improves our defense.

We are basically saying we want to move forward in 10 years to defend against threats that may be here in 10 years, that are not here now. But the threat that is here now, that is, the SS-18's the SS-24's that are pointed at us now that we want to take down, and the two Republican presidents have negotiated successfully to get the Russians to take down, we do not worry about that threat. It is now being dismantled. We put provisions in here that are likely to require or at least to encourage the Russians to keep those missiles pointed at us. I do not see how I can go home and tell my people that I voted for an underlying provision in a bill that is likely to keep thousands of missiles that we have described as the foremost threat that is aimed at the United States that we spent 15 to 20 years trying to figure out how to either negate through a deterrence policy, through a policy of negotiations, one way or the other, either through defenses or negotiation that we finally had two Republican Presidents, President Reagan and President Bush, successfully concluded the negotiations—one of them is now being implemented, START I, the other is pending in the Russian Duma and in the Senate.

So we are going to put a provision in here that says to the Russians, "We are going to go ahead anyway. And we are going to disregard the ABM Treaty. But you do what you choose." I think what they are going to choose to do is keep those missiles pointed at us. Now maybe 10 years from now we will be able to defend against them. 2003 is the date. But understand, we are only talking about a thin defense, a thin defense against a few missiles and a Third World country or an unauthorized launch or terrorist group that gets ahold of a ballistic missile or cruise missile. I want a defense against those. I am in favor of defense. I am in favor of amending the ABM Treaty, but I think we ought to do it through the procedure of international law and the procedure of American law, because a treaty is American law, and we are the ones who signed up for the ABM Treaty. It is our law now. It is the law of the land.

A treaty is the law of the land. We are saying disregard it in the underlying bill. I do not understand the logic, Mr. President. I cannot understand the logic of taking a step in the name of defending the people of America that is likely to end up having thousands of warheads pointed toward us while we spend 10 years and billions of dollars to figure out how to defend against a threat that is not yet here. I do not understand that logic.

Mr. President, I will vote for the Cohen amendment. It does not cure the underlying defects in the bill. I will have another amendment, in all likelihood. It depends on whether I have a chance to get it adopted. If I do not, then I will simply leave the bill as it is now and people can make their choice. But if I do have a chance to have it adopted, I will have an amendment that sets forth very clearly what our policy is. Succinctly what that would be is a policy, first of all, of coming forth with a defensive system in this country that protects against unauthorized launches, that protects against accidental launches, that protects against a third country defense, but that does so in compliance with the ABM Treaty.

Second, we ask the President to try to amend the ABM Treaty with amendments that would allow us to deploy that kind of system.

Third, if he fails to be able to amend it with the Russians—that is, if the Russians refuse—that we then consider our option of terminating our ABM obligations in accordance with article XV of the treaty itself, which says we can give 6 months' notice and terminate those obligations.

Mr. President, to me, that is a sensible policy. In the meantime, we should not tie the hands of the President of the United States to negotiate. We ought to insist that anything that has the nature of a treaty come before us for approval. We should not let treaties be amended by the executive branch, but we should not prevent the President from negotiating. We should not prevent him from negotiating a demarcation point.

I happen to agree with the demarcation point in the bill. I think it is perfectly reasonable. I do not mind putting it as a matter of findings. I do not mind saying this is the policy of the demarcation point. But I do not want the President to be prevented from saying to the Russians, "This is what the Congress thinks and I would like for you to sign up to this." We preclude him from even doing that. He cannot negotiate anything.

I do not believe that provision will stand, because I do not think it will become law. But if it does become law, I think it probably will be challenged on constitutional grounds. Nevertheless, that is where we are.

I urge my colleagues to agree with the findings in the Cohen amendment, to vote for it, because I think the provisions make sense. I think they are a step in the right direction, but it does not cure what I consider to be fatal flaws of the underlying provisions.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Senator COHEN has 12 minutes; Senator THURMOND 4 minutes.

Mr. NUNN. How much time do I have?

The PRESIDING OFFICER. Four minutes and 40 seconds.

Mr. NUNN. I yield 3 minutes to the Senator from Michigan.

Mr. LEVIN. Mr. President, in addition to the fact this amendment highlights the flaws in the underlying legislation because of what it does not address, it still leaves the President's hands tied. He cannot negotiate. It still commits us to deploy a system which is in violation of the ABM Treaty. That all remains. But in addition to actually highlighting the flaws of the underlying bill and not curing it, this resolution raises two questions, in my mind.

First, it says that the President is urged to initiate negotiations with the Russian Federation to amend the ABM Treaty. The underlying bill also has sense-of-the-Senate language which is exactly the opposite, which says the President should cease all efforts to modify U.S. obligations under the ABM Treaty.

The Cohen language says initiate it, presumably as soon as you can. In section 4, the President is urged to initiate negotiations to amend the treaty. The bill, which is left untouched, has sense-of-the-Senate language which says cease all efforts until the Senate has completed its review process. It is just totally inconsistent with the underlying language. That is No. 1. But No. 2 is a question to my good friend from Maine.

When the resolution says that it is in the supreme interest of the United States to defend itself from the threat, if one votes for this resolution, does one thereby commit himself or herself to withdrawing from the ABM Treaty under the supreme interest provision in the ABM Treaty? In other words, would this vote be looked back at as a statement on the part of people voting for your resolution that, in fact, we should withdraw from the ABM Treaty because of a supreme national interest?

Mr. COHEN. The answer to my friend is no. What the language of my amendment says is the President should, in fact, initiate negotiations. I believe we should seek to negotiate a provision to the ABM Treaty to allow for the construction and deployment of a multisite limited system. And you will see the second part of that is, if the President is unsuccessful, he is to return and consult with the Senate to see whether we should stay in the treaty or get out of the treaty under article XV.

Mr. LEVIN. The language urging the President to negotiate in one part in your resolution, and the underlying bill says cease and desist all negotiations as to modify the treaty, do you view those as inconsistent?

Mr. COHEN. I believe there is an appearance of an inconsistency that came about as a result of an attempt by the majority to prevent the President negotiating to apply the ABM Treaty to the theater missile defense system. That is where that confusion came about.

I believe it is in our interest to urge negotiation on the part of the President to seek to revise the ABM Treaty in order to allow for deployment of a multiple site system here in this country and in Russia.

I might point out that I disagree with the statement of my friend from Georgia——

The PRESIDING OFFICER. Senator LEVIN's time has expired.

Mr. COHEN. I yield myself 1 minute. That with respect to section 238, I do not believe you can point to that language as preventing the President from negotiating. It simply says that the appropriated funds may not be obligated or expended by any official of the Federal Government for the purpose of prescribing, enforcing, or implementing. It does not prevent him from negotiating, but he could not implement any changes that would apply the ABM Treaty to theater missile defenses. The difference, he could negotiate, but he could not implement under the language of section 238.

Mr. LEVIN. I wonder if the Senator will yield, because there is a subsection (B) that says take any other action.

The PRESIDING OFFICER. Who yields time?

Mr. COHEN. At the direction of the majority leader, I yield back my time.

The PRESIDING OFFICER. The majority leader.

Mr. DOLE. Mr. President, I think after this vote, I talked to the managers and what they would like to do, and I say this to all my colleagues, is to stay here. There are probably 25, 35 amendments that can be accepted, some on each side of the aisle. They are willing to stay here, and that will take a big amount of the amendments that are pending.

We now changed our list and, hopefully, before we go out tonight or tomorrow morning, we will have an agreement these will be the only amendments in order. That will at least give us a finite list. It is pretty long. We have 190-some amendments and everybody wants 2 hours. So I do not think we can make that by tomorrow night, the way I look at it. But you have to be optimistic around here. I know Senator THURMOND is, he is going to finish it by 6 tomorrow night, or earlier, more or less.

This will be the last vote tonight, but I say to my colleagues on both sides, the managers are here, the staffs are here. A lot of the amendments have great merit and are going to be accepted. This is an opportunity to have your amendment accepted. Then the managers will determine what time we start tomorrow morning and whether we start on the agreement we have or some other amendment. That will be up to the managers.

I thank my colleagues.

The PRESIDING OFFICER. Senator COHEN has 8 minutes, and Senator NUNN has 1 minute.

Mr. COHEN. I yield the remainder of my time.

Mr. NUNN. I yield the remainder of my time.

Mr. THURMOND. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Maine [Mr. COHEN].

The clerk will call the roll.

The legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from North Carolina [Mr. HELMS] and the Senator from New Hampshire [Mr. SMITH] are necessarily absent.

Mr. FORD. I announce that the Senator from Connecticut [Mr. DODD], the Senator from Hawaii [Mr. INOUYE], and the Senator from Louisiana [Mr. JOHNSTON] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 69, nays 26, as follows:

[Rollcall Vote No. 358 Leg.]

YEAS—69

Abraham
Ashcroft
Baucus
Bennett
Bond
Breaux
Brown
Bryan
Burns
Campbell
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
DeWine
Dole
Domenici
Exon
Faircloth
Feinstein
Ford
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hatch
Heflin
Hollings
Hutchison
Inhofe
Jeffords
Kassebaum
Kempthorne
Kerrey
Kohl
Kyl
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Murkowski
Nickles
Nunn
Packwood
Pressler
Pryor
Reid
Robb
Roth
Santorum
Shelby
Simpson
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—26

Akaka
Biden
Bingaman
Boxer
Bradley
Bumpers
Byrd
Daschle
Dorgan
Feingold
Glenn
Harkin
Hatfield
Kennedy
Kerry
Lautenberg
Leahy
Levin
Moseley-Braun
Moynihan
Murray
Pell
Rockefeller
Sarbanes
Simon
Wellstone

NOT VOTING—5

Dodd
Helms
Inouye
Johnston
Smith

So the amendment (No. 2089) was agreed to.

Mr. COHEN. Mr. President, I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WARNER. Mr. President, at this time the manager of the bill, the distinguished chairman of the Armed Services Committee, Senator THURMOND, together with the ranking member, were anxious to accept a number of amendments which have been cleared on both sides. I anticipate we will undertake to do that in just a matter of a minute or two.

Mr. President, if I could draw the attention of my distinguished colleague to an amendment by the Senator from Rhode Island [Mr. CHAFEE] which I believe has been cleared on both sides.

Mr. NUNN. The Senator from Virginia is correct. That amendment has been cleared. If you will give us just one minute, we want to make sure we have the right amendment.

AMENDMENT NO. 2095

(Purpose: To improve the section establishing uniform national discharge standards for the control of water pollution from vessels of the Armed Forces)

Mr. WARNER. On behalf of the Senator from South Carolina, Mr. THURMOND, I send to the desk an amendment which is submitted by the Senator from Rhode Island [Mr. CHAFEE].

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. CHAFEE, for himself, and Mr. WARNER, proposes an amendment numbered 2095.

Mr. WARNER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. WARNER. Mr. President, I ask the clerk note that I am acting on behalf of the chairman of the Armed Services Committee, Mr. THURMOND, and all amendments will be sent to the desk in Mr. THURMOND's name.

Mr. CHAFEE. Mr. President, this bill includes an amendment to the Clean Water Act based on a 5-year effort by the Navy to develop environmental standards that would apply to the non-sewage discharges from its ships. The Navy has a goal of building and operating environmentally sound ships and this amendment to the Clean Water Act will help them reach that goal.

The Clean Water Act amendment in his bill was developed by the Navy and sent to the Senate by the administration in early June. In addition to consideration by the Armed Services Committee, this proposal was also reviewed by the Committee on Environment and Public Works which has jurisdiction over the Clean Water Act. As chairman of that committee, I sought comment on this administration proposal from members of the committee, the coastal States, the Coast Guard, EPA and the National Oceanic and Atmospheric Administration and from other organizations with an interest in coastal pollution problems.

There was general support for this approach. It is seen as a net environmental improvement, because it provides for treatment of discharges from vessels that are not controlled today.

Some concerns were expressed by the States. They wanted to be consulted before the rules are issued. They wanted to be sure that treatment systems used to control these discharges are the most effective, consistent with the mission of the Navy. And they wanted assurance that current environmental requirements like section 311 dealing with oil spills would not be overridden.

The Environment and Public Works Committee developed a set of amendments to the administration proposal to address those concerns. The committee then reported an original bill, S. 1033, on July 13. The amendment that Senator WARNER and I are offering to the DOD authorization bill today is the text of the bill reported by the Environment and Public Works Committee. The committee also filed a report on S. 1033 which explains the provisions of our amendment and is to be looked to for legislative history on this amendment.

We have agreed to move this amendment to the Clean Water Act on the DOD authorization bill to facilitate the Navy's efforts to develop environmentally sound ships. The Navy has taken the lead in this area and they should be rewarded for their initiative with speedy enactment of this proposal.

With that said, let me address the substance of this amendment for a moment.

Even though vessels are considered point sources of pollution under the Clean Water Act, EPA regulations have exempted many discharges from the permit requirements of the act. Currently, sewage discharges are regulated under section 312 of the Clean Water Act. It requires that each vessel be equipped with a marine sanitation device to treat sewage before it is discharged.

But many of the other wastewaters like graywater from showers and sinks, bilge water from the hold of the ship, wastewater from the boiler or water from cleaning the deck or equipment are not regulated under the Clean Water Act. Some coastal States have taken an interest in these discharges, but there is no comprehensive Federal program.

The amendment we are offering requires the Secretary of Defense and the Administrator of EPA to act jointly to identify the non-sewage discharges from ships that need attention.

For each discharge that has a significant adverse impact, EPA and DOD would identify an appropriation pollution control technology or management practice to reduce the pollution.

These standards would only apply to ships of the Armed Forces and the Coast Guard.

Once the Federal regulations are in place, the States would be preempted. A State could not impose its own, inconsistent, regulations. But if a State identified a particularly sensitive coastal or marine area, it could establish a so-called "no-discharge zone" where all discharges of a particular type would be banned.

Mr. President, the Navy is to be congratulated for this effort. It will improve water quality in our estuaries and ocean waters. I am pleased that the Senate has moved this legislation quickly to assist the Navy in its efforts.

Mr. NUNN. Mr. President, this amendment has been cleared on this side of the aisle. I urge its adoption.

Mr. WARNER. Mr. President, I think it is appropriate now to call for the vote.

THE PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 2095) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

The PRESIDING OFFICER. Without objection, the motion to table is agreed to.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2096

(Purpose: To make funds available for the Troops to Teachers program and the Troops to Cops program)

Mr. NUNN. Mr. President, I inquire of my friend from Virginia. We have two amendments I would like to present. I believe they have been cleared, but I want to check with my friend before I send them to the desk, by Senator PRYOR and Senator FEINSTEIN.

The two amendments coupled together are the "Troops-to-Teachers" and the "Troops-to-Cops" program. The amendments provide $42 million for the "Troops-to-Teachers" program, offset from excess military personnel funds, and provides $10 million for the "Troops-to-Cops" program, offset from the same source. Mr. President, "Troops-to-Teachers" was created by the National Defense Authorization Act for fiscal year 1993 as part of the Transition Assistance Program, designed to help service members affected by downsizing.

Troops to Cops was added to the National Defense Authorization Act for fiscal year 1994. Individuals can receive a $5,000 stipend to assist in obtaining the necessary training and certification.

In addition, if a service member is part of an early 15-year retirement, the individual will receive time or credit for up to 5 years if he or she completes 5 years of teaching or law enforcement assignment.

That was an amendment that I proposed that became law, and I think it is working very well.

The school systems or law enforcement agencies that hire a participant receives funds to assist in paying the salary ranging from up to $25,000 for an individual's first year down to $2,500 for an individual's fifth year.

There is a win-win program benefiting separating service members, helping them get employment, and helping our Nation. Frankly, we will never have this reservoir of talented people coming out into the job market from the military in this number of people in any period in the future that I can envision at this point because this is part of the drawdown in our military. We have literally tens of thousands of people in the military that are extremely well qualified in math and science and languages, and encouraging them and facilitating them going into teaching and going into law enforcement at the local level and helping the States and local governments, to me, is not only helping the State and local government but helping the military and strengthening our Nation.

So these amendments provide for prudent steps.

Troops to Teachers receives $65 million in fiscal year 1995. This amendment calls for $42 million, which is a reduced program. The drawdown is being reduced.

These will not be permanent programs. After you get through the drawdown and you level off the military personnel, then you would not, in all likelihood, have these programs.

The Troops to Cops program receives $15 million in fiscal year 1995. This amendment calls for $10 million, which is a substantial reduction.

Mr. NUNN. Mr. President, I send an amendment to the desk and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN], for Mr. PRYOR for himself, and Mrs. FEINSTEIN, proposes an amendment numbered 2096.

On page 137, after line 24, add the following:

SEC. 389. FUNDING FOR TROOPS TO TEACHERS PROGRAM AND TROOPS TO COPS PROGRAM.

(a) FUNDING.—Of the amount authorized to be appropriated under section 431—

(1) $42,000,000 shall be available for the Troops-to-Teachers program; and

(2) $10,000,000 shall be available for the Troop-to-Cops program.

(b) DEFINITION.—In this section:

(1) The term "Troops-to-Cops program" means the program of assistance to separated members and former members of the Armed Forces to obtain employment with law enforcement agencies established, or carried out, under section 1152 of title 10, United States Code.

(2) The term "Troops-to-Teachers program" means the program of assistance to separated members of the Armed Forces to obtain certification and employment as teachers or employment as teachers' aides established under section 1151 of such title.

TROOPS TO TEACHERS

Mr. PRYOR. Mr. President, I rise today to offer an amendment to continue funding for the Troops to Teachers Program in the Department of Defense.

Troops to Teachers is a Department of Defense Transition Program designed to assist separated military service members and other former DOD employees to become certified and obtain employment as teachers or teacher's aides. Congress established this program in 1992, and it has always enjoyed strong bipartisan support.

Troops to Teachers provides up to $5,000 stipends to selected participants to help them become certified to teach, and grants of up to $50,000, paid over 5 years, to local education agencies for each former military service member they agree to hire.

Troops to Teachers is helping former service members find productive, meaningful employment after leaving the military. By tapping the skills and experience these individuals possess, Troops to Teachers is improving the quality of our public school education nationwide. And by placing special emphasis on schools with a high concentration of students from low income families, this program provides teachers in areas where educators are in short supply.

In the Department of Defense, the response to this program has been outstanding. Over 500 Troops to Teachers have recently been hired by school districts in 39 States. In addition, over 1,000 individuals scattered across 46 States are using this program to become certified to teach. Most importantly, there are over 9,000 applicants currently preparing to enter this program.

These 9,000 former DOD personnel awaiting acceptance to this program are counting on these funds to begin a new life after the military. They are counting on our support.

I mentioned earlier that Troops to Teachers has always enjoyed strong bipartisan support. In 1992, I was asked by former Senate majority leader George Mitchell to chair a task force on defense transition. The centerpiece of our task force report was a recommendation for Congress to help former military personnel get training, certification, and job placement required for employment in critical public service jobs, such as education, law enforcement, and medical services. The legislation that resulted from this recommendation created the Troops to Teachers and Troops to Cops Programs.

That same year, a Republican task force convened and made an identical recommendation supporting the creation of Troops to Teachers. The 1992 report of the Senate Republican task force on adjusting the defense base stated,

> The Task Force recommends that Congress adopt legislation to encourage states to adopt alternative teacher certification programs for separated and retiring servicemen. Not only will this enable some former military personnel to put their talents to productive use in public service, it will help address the teacher shortage found in some particularly urban, areas.

This report goes on to say, "The Task Force supports an expansion of the DOD program to pay for coursework of departing servicemen which meets reasonable state certification requirements." Finally, the Republican task force report concludes, "The cost of programs directly responding to problems resulting from the declining defense budget . . . should be paid for out of the defense budget."

Mr. President, the Troops to Teachers program was designed by Congress, in a bipartisan fashion, in response to the needs of separating military personnel. But the primary responsibility of Troops to Teachers is taking care of the men and women who are leaving the military after years of dedicated service to our country. These individuals should not be penalized because they desire to work in a classroom instead of in a shipyard building submarines.

Perhaps the best reason for continuing funding for this program is that it is a tremendous success. Just listen to what a few of its participants have said about their experiences.

Take Ed Coet for example. Ed is 45 years old. He recently retired from the Army after last serving as a military intelligence officer in the gulf war. Now Ed teaches a class of 10 emotionally disturbed fourth-grade boys at Brookhaven Intermediate School in Killeen, TX. Ed recently said, "My work as a teacher is every bit as challenging and important as anything I did in the Army. In the past, it was what I was doing for my country. Now all my kids are an extension of me. If they succeed, I succeed."

And then there is Arthur Moore, a retired Army staff sergeant from Baltimore, MD. Arthur is currently teaching fifth grade at Samuel Coleridge-Taylor Elementary School. About his experience Arthur said, "Every day I have to prove to them I really care, not just about teaching but about them."

And listen to what the school districts across America are saying about Troops to Teachers.

The Jackson County Public School System in North Carolina said, "Our teachers have exceeded all expectations. We are very pleased."

Beaufort County School District in South Carolina says, "An outstanding program—all of our participants are excellent."

Isaac School District No. 5 in Arizona says, "we are very fortunate to have an experienced, dedicated Troops to Teachers participant who is bilingual.

The military training and experience have assisted this individual in making the transition to teaching."

Mr. President, that is exactly what this program is all about—helping military personnel make the transition into a productive life in public service. These individuals are the centerpiece of the program.

Eliminating funding for Troops to Teachers would mean turning our backs on the military service members who served their country on the battlefield, and who now want to continue their service in the classroom. This program truly deserves our full support.

TROOPS TO COPS

Mrs. FEINSTEIN. Mr. President, I rise today in support of the amendment offered by the Senator from Arkansas which provides $10 million for the Troops-to-Cops Program and $42 million for the Troops-to-Teachers Program. I am happy to be an original cosponsor of this important amendment.

Senator PRYOR has discussed the Troops-to-Teachers Program, and I would like to focus on the Troops-to-Cops Program.

The program—administered by the Justice Department in coordination with the Department of Defense—provides $5,000 per officer for training to local police and sheriffs departments to hire former military personnel as law enforcement officers. This funding can be used to support the following: tuition at a police training academy; costs of local "compliance" training if the veteran attended an out-of-state police academy; the costs of specialized training in community policing.

Local law enforcement agencies can use Troops to Cops funds to pay for training of eligible recently separated military personnel.

Troops to Cops was initially authorized in the 1994 DOD authorization bill. Last year, the Appropriations Committee provided $15 million for this program. The fiscal year 1995 funding will provide training assistance for 3,000 former military personnel who elect to become law enforcement officers. I am proposing to provide $10 million more in fiscal year 1996 to provide training for 2,000 more.

For an investment of $25 million over 2 years, Congress has an opportunity to help provide good jobs for our former military personnel and make our streets safer. In my view, few Government programs offer such a win-win scenario as this program does. Troops to Cops fills two important needs: It helps our communities recruit quality law enforcement officers; At the same time it utilizes the tremendous wealth of skilled military personnel who are transitioning to new jobs as a result of defense downsizing.

Troops to Cops is a transitional benefit for troops affected by downsizing. In fiscal year 1994 alone, 291,000 troops were separated from the armed forces.

The Department of Justice is in the process of administering this program as a part of the overall COPS Program. Applications for the funds are due on August 15, 1995, and the COPS office anticipates making its awards by the end of September. The delay in implementation of this program is due to the emphasis on actually getting the crime bill's funding for officers to the police and sheriff's departments. Troops to Cops is follow-on funding to help make the program work.

The Department of Justice is expecting applications for this program to far exceed the ability they have to provide funding. And, the Department of Defense expects the demand among military personnel to far exceed the funding that is currently available for Troops to Cops.

According to the Defense Department's Office of Transition Support and Services, one of the most asked about post-military careers at DOD job fairs is law enforcement. Many veterans want to work in law enforcement, and police and sheriffs departments are often eager to hire them.

The $52 million authorized by this amendment en toto is fully offset. According to the Congressional Budget Office, section 431 of the bill contains $52 million more than is needed to implement the military personnel programs of the Department of Defense. So, this amendment does not increase spending over the original Armed Services Committee proposal.

The Troops-to-Cops Program is supported by a variety of cities, police departments and veterans organizations, including: National Sheriffs' Association; city of Long Beach, CA; Los Angeles County Professional Peace Officers Association; city of Virginia Beach, VA; city of Los Angeles; city and county of Denver, CO; city of Miami, FL; Non-Commissioned Officers Association of the U.S.; Los Angeles Police Protective League; and The American Legion.

Troops-to-Cops is a win-win program for defense conversion and law enforcement. We can give something back to our military personnel who served their country, as well as to our communities across the country to make their streets safer.

I urge my colleagues to support this amendment which would authorize $10 million to continue the work of the Troops-to-Cops program.

Mr. ROBB. Mr. President, I rise as a cosponsor of this amendment to support authorizing the Troops-to-Teachers Program. This program is a vital transition benefit for service members leaving the military because of downsizing. In 1993, the Congress authorized this innovative program which benefits both departing service members and school systems across our country which are having difficulty attracting quality teachers.

Troops-to-Teachers has two parts. First, it provides financial assistance to service members to help them get the certification necessary to work as a teacher or teacher's aide. Second, it provides funds over a 5-year time frame to school systems that hire program graduates to defray the individual's salary costs in decreasing increments. This allows the school system the time to find the means of paying for that teacher's salary.

The statistics back up the value of the Troops-to-Teachers Program. Over 8,000 individuals have applied to the program; Over 800 individuals are currently undergoing certification training in 45 states; Over 300 individuals have been hired so far in 35 States; 150 school districts nationwide are employing participants in this program.

Clearly this program is a winner for all involved, both the men and women who have served their country and our children who are going to benefit from not just their teaching abilities, but their service as role models. I strongly support efforts to make sure that this program continues.

Mr. WARNER. Mr. President, we are prepared to accept the amendment. It is acceptable.

Mr. NUNN. I thank the Senator.

Mr. President, Senator PRYOR is the prime author of the "Troops-to-Teachers" amendment, and Senator FEINSTEIN is the prime author of the "Troops-to-Cops" part of this amendment.

They have both worked diligently in this entire area, and in the transition of our military personnel, which has been a very large success.

Mr. NUNN. Mr. President, I urge adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Arkansas.

The amendment (No. 2096) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. NUNN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2097

(Purpose: To ensure the preservation of the ammunition industrial base of the United States)

Mr. WARNER. Mr. President, on behalf of the distinguished majority leader, the Senator from Kansas, Mr. DOLE, I offer an amendment which pertains to ammunition procurement and management. I send the amendment to the desk and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia (Mr. WARNER), for Mr. DOLE, proposes an amendment numbered 2097.

Mr. WARNER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 314, between lines 11 and 12, insert the following:

SEC. 823. PRESERVATION OF AMMUNITION INDUSTRIAL BASE.

(A) REVIEW OF AMMUNITION PROCUREMENT AND MANAGEMENT PROGRAMS.—(1) Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall commence a review of the ammunition procurement and management programs of the Department of Defense, including the planning for, budgeting for, administration, and carrying out of such programs.

(2) The review under paragraph (1) shall include an assessment of the following matters:

(A) The practicability and desirability of using centralized procurement practices to procure all ammunition required by the Armed Forces.

(B) The capability of the ammunition production facilities of the United States to meet the ammunition requirements of the Armed Forces.

(C) The practicability and desirability of privatizing such ammunition production facilities.

(D) The practicability and desirability of using integrated budget planning among the Armed Forces for the procurement of ammunition.

(E) The practicability and desirability of establishing an advocate within the Department of Defense for ammunition industrial base matters who shall be responsible for—

(i) establishing the quantity and price of ammunition procured by the Armed Forces; and

(ii) establishing and implementing policy to ensure the continuing viability of the ammunition industrial base in the United States.

MUNITIONS INDUSTRIAL BASE

Mr. DOLE. Mr. President, the amendment I propose today requires the Secretary of Defense to initiate a review of the ammunition procurement and management programs of the Department of Defense.

The munitions industrial base has undergone dramatic reductions in the years following the Vietnam war. Built principally during World War II, the base consisted of a large number of expansive, government-owned manufacturing plants combined with hundreds of private sector major component and end-item manufacturing plants, and thousands of second and third tier subcontractor facilities, all designed to produce large volumes of munitions to fight another worldwide conflict. The end of the cold war triggered a comprehensive reassessment and restructuring of the national security strategy. Concurrently, the ammunition requirements of the Armed Forces were precipitously reduced and the production of ammunition declined to the lowest level since before the Vietnam war. This reduced business for the industrial base has decimated what was once a versatile, robust, and energetic industry. Of the 286 major munitions companies which existed in 1978 only 52 are projected to be in business by the end of 1995, an 82 percent reduction. At the same time the Government production base has shrunk by over 40 percent from 32 to 19 facilities. Only 9 of those remaining 19 plants are being actively workloaded with production.

In light of these enormous changes, it is appropriate to review how the Department of Defense plans, budgets, conducts, and manages ammunition procurement and production. My amendment directs the Secretary to initiate such a review, aimed at restructuring the entire munitions infrastructure with three objectives in mind: Elimination of management/review layering in the planning, budgeting, and execution of ammunition programs; fixing the accountability for decisions; and reduction or elimination of Government ownership of production equipment and facilities, while preserving a robust and responsive ammunition production industrial base.

Summed up, the overall objective of the study is to recommend those changes which will reduce the cost to the U.S. Government of providing munitions to our Armed Forces both in peace and during war while making the industrial base more responsive to our war fighters' needs.

Mr. WARNER. I believe this amendment has been cleared by the other side.

Mr. NUNN. Mr. President, this amendment has been cleared on this side. I urge the Senate to approve the amendment.

Mr. WARNER. Mr. President, I urge adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Kansas.

The amendment (No. 2097) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. NUNN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2098

(Purpose: To modify the authority to transfer funds regarding foreign currency fluctuations so that the authority does not apply to appropriations for fiscal years before fiscal year 1996)

Mr. WARNER. Mr. President, on behalf of the distinguished Senator from South Carolina, Mr. THURMOND, I offer an amendment to modify section 1006, which is transfer authority regarding funds available for foreign currency fluctuations and eliminate the direct spending costs.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia (Mr. WARNER), for Mr. THURMOND, proposes an amendment numbered 2098.

Mr. WARNER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 328, line 19, strike out "1994" and insert in lieu thereof "1995".

On page 329, line 18, strike out "1993" and insert in lieu thereof "1995".

Mr. THURMOND. Mr. President, this amendment modifies section 1106, transfer authority regarding funds available for foreign currency fluctuations to eliminate the direct spending costs. When the committee adopted this provision during our markup, we did so based on a cost estimate from the Congressional Budget Office which made this provision affordable. Later, after the bill was approved by the committee, CBO revised the cost estimate upward. The revised estimate is that this provision will cost $30 million in direct spending in fiscal year 1996.

The amendment modifies the provision to make the authority effective in fiscal year 1996, eliminating the ability to use prior year funds.

I understand this amendment is agreed to on both sides.

Mr. NUNN. Mr. President, I ask my friend from Virginia if he would go to the next amendment and set this one aside very briefly.

We need to do a little more checking on this amendment.

Mr. WARNER. Mr. President, I understand that the minority is willing to return to the Thurmond amendment.

Mr. NUNN. Mr. President, this amendment has been cleared, and I urge its adoption.

Mr. WARNER. I urge the Chair to ask the question.

The PRESIDING OFFICER. The question is on agreeing to the amendment 2098.

The amendment (No. 2098) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. NUNN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2099

(Purpose: To provide a substitute for section 543, relating to military intelligence personnel prevented by secrecy from being considered for decorations and award)

Mr. NUNN. Mr. President, I have an amendment by Senator AKAKA. I send the amendment to the desk and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN], for Mr. AKAKA, proposes an amendment numbered 2099.

Mr. NUNN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Beginning on page 204, strike out line 8 and all that follows through page 206, line 4, and insert in lieu thereof the following:

SEC. 543. MILITARY INTELLIGENCE PERSONNEL PREVENTED BY SECRECY FROM BEING CONSIDERED FOR DECORATIONS AND AWARDS.

(a) WAIVER ON RESTRICTIONS OF AWARDS.—(1) Notwithstanding any other provision of law, the President, the Secretary of Defense, or the Secretary of the military department concerned may award a decoration to any person for an act, achievement, or service that the person performed in carrying out military intelligence duties during the period January 1, 1940, through December 31, 1990.

(2) Paragraph (1) applies to any decoration (including any device in lieu of a decoration) that, during or after the period described in paragraph (1) and before the date of the enactment of this Act, was authorized by law or under the regulations of the Department of Defense or the military department concerned to be awarded to a person for an act, achievement, or service performed by that person while serving on active duty.

(b) REVIEW OF AWARD RECOMMENDATIONS.—(1) The Secretary of each military department shall review all recommendations for awards of decorations for acts, achievements, or service described in subsection (a)(1) that have been received by the Secretary during the period of the review.

(2) The Secretary shall begin the review within 30 days after the date of the enactment of this Act and shall complete the review within one year after such date.

(3) The Secretary may use the same process for carrying out the review as the Secretary uses for reviewing other recommendations for awarding decorations to members of the armed force or armed forces under the Secretary's jurisdiction for acts, achievements, or service.

(4) The Secretary may reject a recommendation if the Secretary determines that there is a justifiable basis for concluding that the recommendation is specious.

(5) The Secretary shall take reasonable actions to publicize widely the opportunity to recommend awards of decorations under this section.

(6)(A) Upon completing the review, the Secretary shall submit a report on the review to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives.

(B) The report shall contain the following information on each recommendation for an award reviewed:

(i) A summary of the recommendation.

(ii) The findings resulting from the review.

(iii) The final action taken on the recommendation.

(iv) Administrative or legislative recommendations to improve award procedures with respect to military intelligence personnel.

(c) DEFINITION.—In this section, the term "active duty" has the meaning given such term in section 101(d)(1) of title 10, United States Code.

MILITARY INTELLIGENCE PERSONNEL AWARDS

Mr. AKAKA. Mr. President, I rise to offer an amendment that would improve section 543 of the pending measure, which concerns awards and decorations for military intelligence personnel.

As my colleagues are aware, recommendations for the Medal of Honor, Distinguished Service Cross, and other awards must be submitted and acted upon within a certain time frame. For example, for the Army and Air Force, the Medal of Honor must be recommended within 2 years of an act, and awarded within 3; for the Navy, the applicable dates are 3 years and 5 years, respectively. These limits were imposed by Congress to ensure that an award, and particularly the Medal of Honor, would be based on the most contemporaneous, and thus accurate, documentation.

While these time limits may be appropriate in the vast majority of cases, they are not always appropriate in the case of military intelligence personnel who, because of the secrecy of their missions, could not be considered for the Medal of Honor or other awards within the 3 or 5 year statutory period. The U.S. Army Intelligence Center, which administers the Military Intelligence Hall of Fame, cites a number of individuals who are members of the Hall who are in precisely this situation.

One example is the legendary COL Car Eifler, who performed extraordinary service during World War II, notably as the leader of the famous Detachment 101 of the Office of Strategic Services in Burma. Under his command, the secret commando unit operated behind enemy lines, harassing Japanese troops and organizing and training Burmese natives in espionage and sabotage.

During the course of the war, Detachment 101 cleared the enemy from a 10,000 square mile area, sabotaged the Japanese railway system, and gathered important intelligence about enemy activities and capabilities. COL Eifler displayed extraordinary personal courage on numerous occasions, including one instance in which he commanded a small, unarmed vessel through 450 miles of Japanese controlled waters to rescue 10 crewmembers of a downed B-24 bomber in the Bay of Bengal.

While COL Eifler received several citations, the covert conditions under which he operated prevented his being nominated for the Congressional Medal of Honor or the Distinguished Service Cross, either of which he clearly merits.

Another example is LTC Richard Sakakida, who served as an Army undercover agent in the Philippines during the Second World War. LTC Sakakida was captured by the Japanese shortly after the fall of Corregidor and subjected to excruciating torture; incredibly, he steadfastly refused to divulge his mission as an American intelligence agent. Later, after gaining the confidence of his captors, he established a spy network within Japanese Army headquarters and was able to send important combat intelligence to the Allies through Filipino guerrillas whom he had recruited as couriers. Some of this information may have led to the destruction of a major Japanese naval task force preparing to invade Australia.

During this period, he also engineered the escape of hundreds of Filipino guerrillas from prison, yet he himself remained behind in order to continue his intelligence activities. Today, because his mission was undertaken in complete secrecy, and because his direct superiors died or were killed during the war, he was never considered for an award for valor. Yet, now that his full story has become known, he is ineligible for awards such as the Medal of Honor or DSC because of the statutory deadlines that apply to such awards.

Mr. President, these are but two examples of military intelligence operatives whose courageous deeds have never been fully acknowledged. The U.S. Army Intelligence Center has identified other deserving individuals who were overlooked because of secrecy. Undoubtedly there are others, less well known, who have never been recognized for their intelligence-related accomplishments.

Earlier this year, Mr. President, I had the pleasure of working with members of the Armed Services Committee on an initiative to assist deserving individuals such as COL Eifler and LTC Sakakida. Due largely to the efforts of my friend and colleague, Senator COATS, the chairman of the Personnel Subcommittee, the committee approved a provision in the pending measure, section 543, that attempts to address this issue.

In brief, section 543 expresses the sense of the Senate that the military services should conduct a 1-year review of the records of military intelligence personnel to determine if they were prevented by the secrecy of their missions from being appropriately considered for the Medal of Honor, Distinguished Service Cross, and other awards. Based on the review, section 543 authorizes the services to approve awards for deserving individuals notwithstanding the statutory time limitations governing such awards.

However, since the provision was reported from committee, a number of technical shortcomings have been pointed out to me by the military services as well as by military intelligence veterans organizations. I have assembled their suggestions for improving section 543 in the pending amendment. My amendment does several things:

First, it would require, rather than urge, the services to undertake the proposed review. Making the review mandatory is important because many of the affected individuals are veterans of World War II or Korea who are in their 60's, 70's, and 80's and not in the best of health. Mandating that the review be undertaken and completed by a date certain rather than leaving it to the military's discretion, would ensure that the cases of these older veterans will be considered before age takes its toll.

Second, rather than requiring the military services to review the records of all military intelligence personnel, which would involve examining potentially millions of documents and files—a monumental, perhaps impossible task—my amendment would simply require the services to review only the records of those individuals for whom recommendations have been received by the services during the 1-year period. That is to say, the onus would be on the individual, or his or her supporters, to apply for consideration during the review period. This would considerably ease the administrative burden, and cost, that section 543 as currently drafted would impose on the military.

Third, my amendment would allow the service Secretaries to reject an application or recommendation if there is a justifiable basis for concluding that the application is specious. Again, the purpose of this particular provision is to make the services' task easier by giving them the authority to reject at the outset any recommendation for an award that is, on its face, without merit.

Fourth, it would require the services to take reasonable steps to publicize the opportunity to apply for awards during the 1-year review period. It would be a sad state of affairs, Mr. President, if certain deserving individuals were not to take advantage of the review opportunity through lack of notification. The services have an obligation to ensure that potential awardees are informed of the opportunity to apply for an award or decoration.

Fifth, my amendment would require the services, upon completion of the review, to make any legislative or administrative recommendations to improve award procedures with respect to military intelligence personnel. These recommendations will be important in helping Congress and the services develop policies that will obviate problems of the kind which makes this legislation necessary.

Finally, I should note that my amendment is almost identical in form and substance to another provision in the committee bill, section 542, which concerns awards for service during the Vietnam era. Thus, I believe there is ample justification and precedent for the amendment I am offering. Certainly if Vietnam veterans deserve a chance to be reviewed for acts of heroism, military intelligence officers from other wars whose heroism has been long-overlooked should be accorded a similar opportunity.

Mr. President, we will soon be commemorating the 50th anniversary of V–J Day and the end of World War II. I can think of no better way to honor the courage and sacrifice of the men and women who served our country as military intelligence officers during that conflict and in subsequent wars than to enact this amendment.

Thank you, Mr. President. I would like to thank the chairman and ranking member of the Personnel Subcommittee, Senator COATS and Senator BYRD, as well as the chairman and ranking member of the full Committee, Senator THURMOND and Senator NUNN, for their understanding and assistance on this matter. I would also like to recognize the efforts of their staff, including Andy Effron, P.T. Henry, and especially Charlie Abell, for the tremendous support they provided my staff.

I ask unanimous consent that copies of letters in support of this initiative from the commander of the U.S. Army Intelligence Command and the presidents of the Veterans of the Office of Strategic Services and the Association of Former Intelligence Officers, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CHIEF, MILITARY INTELLIGENCE CORPS.,
DEPARTMENT OF THE ARMY,
Fort Huachuca, AZ.

Hon. DANIEL K. AKAKA,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR AKAKA: I appreciate your continued support concerning the Medal of Honor situation faced by Lieutenant Colonel Richard Sakakida, and several other of our unrecognized members of the Military Intelligence Corps from World War II.

I wholeheartedly concur that Lieutenant Colonel Richard Sakakida should be awarded the Medal of Honor for his valorous actions in covert operations during World War II. Unfortunately, Lieutenant Colonel Sakakida is not alone in his unrecognized heroism. Due to the sensitivity and classified nature of their missions, several other members and nominees of the Military Intelligence Corps Hall of Fame would certainly benefit from your legislation. These individuals include Master Sergeant Lorenzo Alverado, Specialist Harry Akune, Sergeant Peter de Pasqua, and Colonel Carl Eifler. I support your efforts for legislation S. 566 that requires review of all World War II Military Intelligence personnel. Recognition for their accomplishments is long overdue.

If you require further assistance or background information, please contact Jim Chambers or Captain Vivian Santistevan, Office of the Chief of Military Intelligence, (502) 533-1178/1181.

Sincerely,

CHARLES W. THOMAS,
Brigadier General.

VETERANS OF OSS,
New York, NY, June 20, 1995.

Hon. DANIEL K. AKAKA,
Hart Senate Office Building, Washington, DC.

DEAR SENATOR AKAKA: As President of the Veterans of the Office of Strategic Services (VSS), which represents the men and women who carried out the majority of US secret intelligence and special operations activities during WW II that were outside the traditional military structure, I am writing to express our organization's strong support for your efforts to secure appropriate recognition for certain former military intelligence personnel who deserve same.

As you know, there are many deserving individuals who served in intelligence capacities during wartime who, because of the classified nature of their missions, were never appropriately considered for the Congressional Medal of Honor, Distinguished Service Cross, or other awards prior to the statutory deadline for official consideration for these medals.

Among others of our group who were unfairly precluded from receiving appropriate consideration include from Col. Carl Eifler, (who could not be put in for a Medal of Honor) to Camille Lelong, known then as Lt. Jacques P. Pavel, a Jed teammate of William Colby (who he put in for a Legion of Merit, but was never awarded) and Nisei Kay Sugahara (who after internment, joined the OSS's Moral Operations Branch and did extraordinary work in the Pacific before and immediately after VJ Day, is now buried in Arlington, but never received any recognition whatsoever).

VSS wholeheartedly supports legislation that would waive the time limits pertaining to the CMH and other medals for those individuals who, because of the secrecy of their operations, could and/or were not otherwise considered for these awards within the prescribed normal military limitation.

With all best wishes,

Yours truly,

GEOFFREY M.T. JONES,
President.

ASSOCIATION OF FORMER INTELLIGENCE OFFICERS,
McLean, VA, July 25, 1995.

Hon. DANIEL K. AKAKA,
U.S. Senate, Hart Building, Washington, DC.

DEAR SENATOR AKAKA: As Executive Director of the Association of Former Intelligence Officers (AFIO), I endorse your efforts to secure recognition for military intelligence veterans.

I wholeheartedly encourage proposed legislation that would require the military services to review the records of military intelligence personnel who, because of the secrecy of their work, were never appropriately considered for the Medal of Honor, Distinguished Service Cross, or other award.

The military should be required to review the records only of those individuals who apply to be reviewed or whose applications are submitted on their behalf. These individuals could then be considered on a case-by-case basis. To ensure that the military reviews the applications in a timely manner, a statutory delimiting deadline for making a final determination should be imposed, perhaps one year from the date an application is received.

Thank you again for your work on behalf of military intelligence veterans.

Sincerely,

DAVID D. WHIPPLE,
Executive Director.

Mr. NUNN. Mr. President, this amendment establishes congressional findings concerning the potential for overlooking meritorious acts by those whose activities necessarily require secrecy.

This establishes a 1-year period for review of recommendations and requests for awards for the period from

1940 to 1990. While the bill recognizes that persons deserving of awards may have been overlooked because their intelligence activities were necessarily secretive, it contains no provisions for review of existing procedures which are time consuming and not oriented toward cases which contain a presumption against reviewing cases more than 3 years old.

The provision establishes a limited time of 1 year and limits review to those requesting or recommended for such a review.

I urge adoption of the amendment.

Mr. WARNER. Mr. President, the amendment is satisfactory.

I urge its adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Hawaii.

The amendment (No. 2099) was agreed to.

Mr. NUNN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2100

(Purpose: To require the Secretary of the Army to review the records relating to the award of the Distinguished Service Cross to Asian-Americans and Native American Pacific Islanders for service in the Army during World War II to determine whether the award should be upgraded to the Medal of Honor)

Mr. NUNN. Mr. President, I have another amendment by the Senator from Hawaii, Senator AKAKA. This amendment would require a review of awards to Asian-Americans and native American Pacific Islanders during World War II. It requires the review of awards to African-Americans to determine whether they should be upgraded.

The Army has undertaken a review of World War II awards of the Distinguished Service Cross to determine whether any should be upgraded to the Medal of Honor. The review is requested based on a concern that some awards may have been downgraded due to prejudice.

The amendment requests a similar review of awards to native American Pacific Islanders in view of the possible prejudice at that time against these groups.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN], for Mr. AKAKA, proposes an amendment numbered 2100.

Mr. NUNN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 206, between lines 4 and 5, insert the following:

SEC. 544. REVIEW REGARDING AWARDS OF DISTINGUISHED-SERVICE CROSS TO ASIAN-AMERICANS AND PACIFIC ISLANDERS FOR CERTAIN WORLD WAR II SERVICE.

(a) REVIEW REQUIRED.—The Secretary of the Army shall—

(1) review the records relating to the award of the Distinguished-Service Cross to Asian-Americans and Native American Pacific Islanders for service as members of the Army during World War II in order to determine whether the award should be upgraded to the Medal of Honor; and

(2) submit to the President a recommendation that the President award a Medal of Honor to each such person for whom the Secretary determines an upgrade to be appropriate.

(b) WAIVER OF TIME LIMITATIONS.—The President is authorized to award a Medal of Honor to any person referred to in subsection (a) in accordance with a recommendation of the Secretary of the Army submitted under that subsection. The following restrictions do not apply in the case of any such person:

(1) Sections 3744 and 8744 of title 10, United States Code.

(2) Any regulation or other administrative restriction on—

(A) the time for awarding a Medal of Honor; or

(B) the awarding of a Medal of Honor for service for which a Distinguished-Service Cross has been awarded.

(c) DEFINITIONS.—In this section:

(1) The term "Native American Pacific Islander" means a Native Hawaiian and any other Native American Pacific Islander within the meaning of the Native American Programs Act of 1974 (42 U.S.C. 2291 et seq.).

(2) The term "World War II" has the meaning given that term in section 101(8) of title 38, United States Code.

REQUIRING THE REVIEW OF DISTINGUISHED SERVICE CROSS AWARDS TO ASIAN AMERICANS AND NATIVE AMERICAN PACIFIC ISLANDERS DURING WORLD WAR II

Mr. AKAKA. Mr. President, I rise to offer an amendment to S. 1026, the fiscal year 1996 Department of Defense authorization bill. The amendment directs the Secretary of the Army to review the service records of Asian-Americans and Native American Pacific Islanders who received the Distinguished Service Cross to determine whether the award should be upgraded to the Medal of Honor.

Under the direction of then-Acting Secretary John Shannon, the Army is reviewing all Distinguished Service Cross [DSC] awards given to African-American soldiers during World War II to determine whether any of these cases merited an upgrade to the Congressional Medal of Honor [CMH].

Mr. President, I offer my amendment to ensure that the Army conducts a similar study for Asian-Americans and Pacific Islanders who served during World War II. I am deeply concerned that this group of Americans may have also been discriminated against in the awarding of the CMH. The internment of Japanese-Americans during World War II is a clear indication of the bias that existed at the time. This hostile climate may have impacted the decision to award the military's highest honor to Asians, particularly Japanese-Americans.

The famed 100th Infantry Battalion/442 Regimental Combat Team, which performed extraordinary deeds in Europe, still has the unique distinction of being the most highly decorated unit of its size in American history. In fact, 47 individuals of the 442d Regimental Combat Team received the DSC. However, only one Japanese-American who served during World War II received the CMH; this award was given posthumously after the war only when concerns were raised that not one American of Japanese descent who served in World War II had received the medal.

Mr. President, my amendment only serves to ensure fairness for Asian-Americans and Pacific Islanders who so gallantly served their country during World War II. As we celebrate the fiftieth anniversary of the Allied victory over the Axis powers, I think it is timely and appropriate that we undertake such a initiative. I hope that my colleagues will support this important amendment.

Mr. WARNER. Mr. President, we find the amendment satisfactory and urge its adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Hawaii, No. 2100

The amendment (No. 2100) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. NUNN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2101

(Purpose: To revise section 723, relating to the applicability of CHAMPUS payment rules to health care provided by CHAMPUS providers to members of the uniformed services enrolled in a health care plan of a Uniformed Services Treatment Facility)

Mr. WARNER. Mr. President, on behalf of Senator COATS, I offer an amendment which modifies section 723 by striking the current section and replacing it with a new section which accomplishes the intended result of protecting Uniformed Services Treatment Facilities from being charged more than the CHAMPUS allowable costs for services provided by CHAMPUS providers to USTF enrollees who are treated when they are outside the USTF catchment area.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. COATS, proposes amendment numbered 2101.

Mr. WARNER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Beginning on page 290, strike out line 12 and all that follows through page 291, line 14, and insert in lieu thereof the following:

SEC. 723. APPLICABILITY OF CHAMPUS PAYMENT RULES IN CERTAIN CASES.

Section 1074 of title 10, United States Code, is amended by adding at the end the following:

"(d)(1) The Secretary of Defense, after consultation with the other administering Secretaries, may by regulation require a private CHAMPUS provider to apply the CHAMPUS payment rules (subject to any modifications considered appropriate by the Secretary) in imposing charges for health care that the provider provides outside the catchment area of a Uniformed Services Treatment Facility to a member of the uniformed services who is enrolled in a health care plan of the Uniformed Services Treatment Facility.

"(2) In this subsection:

"(A) The term 'private CHAMPUS provider' means a private facility or health care provider that is a health care provider under the Civilian Health and Medical Program of the Uniformed Services.

"(B) The term 'CHAMPUS payment rules' means the payment rules referred to in subsection (c).

"(C) The term 'Uniformed Services Treatment Facility' means a facility deemed to be a facility of the uniformed services under section 911(a) of the Military Construction Authorization Act, 1982 (42 U.S.C. 248c(a)).".

Mr. COATS. Mr. President, this amendment modifies section 723, amount payable by uniformed services for health care services provided outside the catchment areas of the facilities, to perfect the provision.

The amendment strikes the current section and replaces it with a new section which accomplishes the intended result of protecting the Uniformed Services Treatment Facilities from being charged more than the CHAMPUS allowable costs for services provided by CHAMPUS providers to USTF enrollees who are treated when they are outside the USTF catchment area.

The Uniformed Services Treatment Facilities and the Department of Defense concur in this change. I understand this amendment is agreed to on both sides.

Thank you, Mr. President.

Mr. NUNN. Mr. President, I urge adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Indiana.

The amendment (No. 2101) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. NUNN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2102

(Purpose: To change a date in section 712)

Mr. WARNER. Mr. President, on behalf of the Senator from Indiana [Mr. COATS] I offer an amendment which would change the date after which USTF enrollees are subject to the TRICARE uniform benefits. This change will enable the USTF's to enroll eligible personnel in the August-September 1995 enrollment period under the current benefit program. Any enrollment after October 1, 1995, would be subject to the TRICARE uniform benefit.

Mr. President, I send to the desk the amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. COATS, proposes an amendment numbered 2102:

On page 285, line 14, strike out "January 1, 1995" and insert in lieu thereof "October 1, 1995".

Mr. COATS. Mr. President, this amendment modifies section 712, provision of TRICARE uniform benefits by uniformed services treatment facilities, to change the date before which those enrolled in a USTF program would not be required to convert to the uniform benefit.

Section 712 currently would grand father those enrolled in a USTF health care program on or before January 1, 1995. This amendment would change this date to October 1, 1995. This change will enable the USTF's to enroll eligible personnel in the August–September 1995 enrollment period under the current benefit program. Any enrollment after October 1, 1995, would be subject to the TRICARE uniform benefit.

I understand this amendment is agreed to on both sides.

Mr. NUNN. Mr. President, I urge adoption of the amendment.

The PRESIDING OFFICER. Is there further debate?

Mr. NUNN. Mr. President, I urge adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Indiana.

The amendment (No. 2102) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. NUNN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2103

Mr. WARNER. Now, Mr. President, on behalf of the Senators from Oklahoma, Mr. NICKLES and Mr. INHOFE, I offer an amendment which will require the General Accounting Office to review the Department of Defense depot maintenance policy required in this bill.

Mr. President, I believe this amendment has been cleared by the other side. I think that is correct.

Mr. NUNN. Mr. President, that is correct. I have a brief statement I would like to make on behalf of the amendment.

Mr. WARNER. Mr. President, I now ask the clerk to read the amendment.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. NICKLES, for himself and Mr. INHOFE, proposes an amendment numbered 2103.

Mr. WARNER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 76, insert the following after line 4:

"(f) REVIEW BY THE GENERAL ACCOUNTING OFFICE.—(1) The Secretary shall make available to the Comptroller General of the United States all information used by the Department in developing the policy under subsections (a) through (d) of this section.

(2) Not later than 45 days after the Secretary submits to Congress the report required by subsection (a), the Comptroller General shall transmit to Congress a report containing a detailed analysis of the Secretary's proposed policy as reported under subsection (a).

Mr. NICKLES. Mr. President, I want to thank the Senate Armed Services Committee members and staff for working closely with me and my staff on this amendment. I also want to thank my friend and colleague Senator INHOFE and his staff who played a key role in getting this amendment adopted.

This amendment adds the requirement that once the Department of Defense submits its report to Congress regarding depot maintenance as required in this bill, the GAO be given 45 days to review the information and the conclusions from the Pentagon's recommended depot policy and submit that analysis to Congress.

In my view this is an appropriate and non-controversial amendment. By providing the Congress with an analysis of the Pentagon's proposal for depot maintenance the Congress will have an independent viewpoint on the recommended changes.

This analysis will be critical as the Congress decides whether to adopt the recommendations of the Pentagon or stay with the existing depot policy.

Once again, I wish to thank the members and staff of the Senate Armed Services Committee and Senator INHOFE for their cooperation and assistance in having this amendment included in this bill.

Mr. NUNN. Mr. President, I support the Nickles amendment, which will strengthen the bill's provisions on depot maintenance workload.

Section 311 of the bill requires the Secretary of Defense to submit to Congress a comprehensive policy on the performance of depot-level maintenance and repair not later than March 31, 1996.

The policy must: First, define purpose of public depots; second, provide for performance of core capabilities at public depots; third, provide sufficient personnel, equipment, and facilities at public depots; fourth, address environmental liability; fifth, provide for public/private competition when there is sufficient potential for realizing cost savings based on adequate private sector competition and technical capabilities; sixth, require merit-based selection when workload of a depot is changed; seventh, provide transition provisions for persons in DOD depots; and eighth, address related issues on exchange of technical data, efficiency, and effects on the Federal workforce.

The bill makes it clear that no changes may be made in the statutes requiring that at least 60 percent of the workload be preformed in public depots, and the requirements for public/private competition for any change in workload requirements unless Congress enacts separate legislation approving or modifying the DOD policy.

The Nickles amendment would require a detailed analysis by the General Accounting Office of DOD's proposed depot maintenance policy.

GAO oversight is necessary to assess the validity of DOD data and studies.

The importance of GAO report has been demonstrated in the base closure process, where their data provided important perspective to the BRAC Commission.

While there may well be opportunities for increased contractor participation, these should be developed on the basis of careful analysis, not theoretical beliefs. Depot-level maintenance and repair activities are essential to wartime readiness and sustainability. The current system has proved to be highly effective in meeting national security needs, and should not be subjected to significant changes without a clear understanding of the consequences of a new policy.

At the confirmation hearing for Deputy Secretary of Defense John White, he was closely questioned about the recommendations of the Roles and Missions Commission concerning privatization of depot workload.

He acknowledged that the Commission did not conduct a comprehensive analysis of specific DOD functions to determine which should be privatized; that the recommendation reflected a general philosophical approach; that the Commission did not develop a specific definition of the inherently governmental functions that should not be privatized; that the Commission had not developed a specific concept of what core capabilities should be retained; that there had been no analysis of the efficiency and effectiveness of current depots; and that the Commission did not have a specific plan for transitioning from public to private entities.

He also agreed that it was very important to ensure that any workload assigned to the private sector be subject to adequate private sector competition.

GAO review is needed to ensure that any changes in policy are developed on the basis of sound analysis rather than abstract philosophy.

Mr. INHOFE. Mr. President, I wish to express my thanks to Senator THURMOND and the staff of the Armed Services Committee for their diligence in working with Senator NICKLES and me and our staffs on this amendment.

This amendment requires the General Accounting Office to review the DOD report on depot maintenance required in the National Defense Authorization Act of 1995 (S. 1026), and report their findings to Congress within 45 days of the date of the report.

This is a common sense, noncontroversial amendment. It simply provides a second opinion for members of Congress when the time comes to review the Department of Defense's recommended changes. This additional review will help Members sort through this complicated subject.

Again, I thank the members and staff of the Armed Services Committee for their assistance in having this amendment included in the bill.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment of the Senator from Oklahoma.

The amendment (No. 2103) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. NUNN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2104

(Purpose: To make various amendments to the provisions relating to the Naval Petroleum Reserves)

Mr. WARNER. Mr. President, on behalf of Senators MCCAIN and BINGAMAN and CAMPBELL, I send an amendment to the desk. This amendment further strengthens the safeguards established to ensure minimum value—excuse me, that would be maximum value, to ensure maximum value, Mr. President, to the taxpayers as a consequence of the sale of the Naval Petroleum Reserve. It is my understanding this amendment has been cleared on the other side.

Mr. NUNN. Mr. President, it is cleared as long as that word is "maximum" value.

Mr. WARNER. That is correct.

The PRESIDING OFFICER. The clerk will report.

Mr. NUNN. I urge it be adopted.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. MCCAIN, for himself, Mr. BROWN, Mr. BINGAMAN, and Mr. CAMPBELL, proposes an amendment numbered 2104.

Mr. WARNER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 572, line 19, strike out "three months" and insert in lieu thereof "five months".

On page 573, line 11, strike out "fair market".

On page 574, beginning on line 9, strike out "In setting that price, the Secretary, in consultation with the Director, may consider" and insert in lieu thereof "The Secretary may not set the minimum acceptable price below".

On page 574, at the end of line 19, insert the following: "Notwithstanding section 7433(b) of this title, costs and fees of retaining the investment banker shall be paid out of the proceeds of the sale of the reserve.".

On page 574, line 22, insert "or contracts" after "contract".

On page 575, line 3, insert "or contracts" after "contract".

On page 575, line 11, insert "or contracts" after "contract".

On page 575, line 17, insert "or contracts" after "contract".

On page 576, line 11, by inserting "or purchasers (as the case may be)" after "purchaser".

On page 578, line 17, by inserting "or purchasers (as the case may be)" after "purchaser".

On page 579, line 4, strike out "a contract" and insert in lieu thereof "any contract".

On page 579, line 12, insert after "reserve" the following: "or any subcomponent thereof".

On page 579, line 16, insert "or parcel" after "reserve".

On page 584, strike out line 11, and insert in lieu thereof the following:
the committees.

"(m) OVERSIGHT.—The Comptroller General shall monitor the actions of the Secretary relating to the sale of the reserve and report to the Committee on Armed Services of the Senate and the Committee on National security of the House of Representatives any findings on such actions that the Comptroller General considers appropriate to report to such committees.

"(n) ACQUISITION OF SERVICES.—The Secretary may enter into contracts for the acquisition of services required under this section under the authority of paragraph (7) of section 303(c) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(c)), except that the notification required under subparagraph (B) of such paragraph for each contract shall be submitted to Congress not less than 7 days before the award of the contract.

"(o) RECONSIDERATION OF PROCESS OF SALE.—(1) If during the course of the sale of the reserve the Secretary of Energy and the Director of the Office of Management and Budget jointly determine that—

"(A) the sale is proceeding in a manner inconsistent with achievement of a sale price that reflects the full value of the reserve, or

"(B) a course of action other than the immediate sale of the reserve is in the best interests of the United States,

the Secretary shall submit a notification of the determination to the Committee on Armed Services of the Senate and the Committees on National Security and on Commerce of the House of Representatives.

"(2) After the Secretary submits a notification under paragraph (1), the Secretary may not complete the sale of the reserve under this section unless there is enacted a joint resolution—

"(A) that is introduced after the date on which the notification is received by the committees referred to in such paragraph;

"(B) that does not have a preamble;

"(C) the matter after the resolving clause of which reads only as follows: 'That the Secretary of Energy shall proceed with activities to sell Naval Petroleum Reserve Numbered 1 in accordance with section 7421a of title 10, United States Code, notwithstanding the determination set forth in the notification submitted to Congress by the Secretary of Energy on __________.' (the blank space being filled in with the appropriate date); and

"(D) the title of which is as follows: 'Joint resolution approving continuation of actions to sell Naval Petroleum Reserve Numbered 1'.

"(3) Subsection (k), except for paragraph (1) of such subsection, shall apply to the joint resolution described in paragraph (2).".

On page 584, strike out line 20 and all that follows through page 586, line 12, and insert in lieu thereof the following:

SEC. 3302. FUTURE OF NAVAL PETROLEUM RESERVES (OTHER THAN NAVAL PETROLEUM RESERVE NUMBERED 1).

(a) STUDY OF FUTURE OF PETROLEUM RESERVES.—(1) The Secretary of Energy shall conduct a study to determine which of the following options, or combination of options, would maximize the value of the naval petroleum reserves to or for the United States:

(A) Transfer of all or a part of the naval petroleum reserves to the jurisdiction of the Department of the Interior for leasing in accordance with the Mineral Leasing Act (30 U.S.C. 181 et seq.) and surface management in accordance with the Federal Land Policy and Management Act (43 U.S.C. 1701 et seq.).

(B) Lease of the naval petroleum reserves consistent with the provisions of such Acts.

(C) Sale of the interest of the United States in the naval petroleum reserves.

(2) The Secretary shall retain such independent consultants as the Secretary considers appropriate to conduct the study.

(3) An examination of the value to be derived by the United States from the transfer, lease, or sale of the naval petroleum reserves under paragraph (1) shall include an assessment and estimate, in a manner consistent with customary property valuation practices in the oil industry, of the fair market value of the interest of the United States in the naval petroleum reserves.

(4) Not later than December 31, 1995, the Secretary shall submit to Congress and make available to the public a report describing the results of the study and containing such recommendations as the Secretary considers appropriate to implement the option, or combination of options, identified in the study that would maximize the value of the naval petroleum reserves to or for the United States.

(b) IMPLEMENTATION OF RECOMMENDATIONS.—Not earlier than 31 days after submitting to Congress the report required under subsection (a)(4), and not later than December 31, 1996, the Secretary shall carry out the recommendations contained in the report.

(c) NAVAL PETROLEUM RESERVES DEFINED.—For purposes of this section, the term "naval petroleum reserves" has the meaning given that term in section 7420(2) of title 10, United States Code, except that such term does not include Naval Petroleum Reserve Numbered 1.

Mr. McCAIN. Mr. President, I wanted to commend the Senator from New Mexico for his diligent work regarding this amendment. It takes another important step toward ensuring that the taxpayer receives a fair value for the reserve.

The debate regarding the sale of the Naval Petroleum Reserve is not a new one. As my colleagues know, the sale of the reserve was proposed by the Reagan, Bush, and now Clinton administration. President Clinton's budget reads "Producing and selling this oil and natural gas is a commercial, not a governmental activity, which is more appropriately performed by the private sector." The sale of the reserve is advocated by groups like the National Taxpayers Union, the CATO Institute and the Heritage Foundation. Furthermore, this year's Budget Act directs the sale of the reserve in fiscal year 1996.

I want to make it clear that my goal, Senator BINGAMAN's goal and the goal of the committee has always been to sell this asset in a manner that protects the taxpayer and disposes the asset in a completely fair and open process that gives advantage to no one. To achieve this, the bill includes several provisions to ensure the Federal Government receives the maximum value for the field.

Specifically, the bill directs the Secretary of Energy to hire five independent assessors to establish a value for the reserve. The Secretary, in consultation with the Office of Management and Budget, must use these assessments when establishing a minimum bid. The Secretary is not permitted to accept an offer below the minimum bid price.

The independent assessors are required to include in the value of the field factors such as the equipment and facilities to be included in the sale, the estimated quantity of petroleum and natural gas in the reserve, and the anticipated revenue stream that the Treasury would receive from the reserve if it were not sold, as well as all other considerations affecting the value of the reserve.

The legislation also requires consultation with several other agencies with expertise in these matters. It directs the Secretary to consult with the General Services Administration to ensure that the bidding process is open. In identifying the highest offer, the Secretary is required to consult with the Secretary of the Treasury and the Director of the Office of Management and Budget.

The Senate bill also includes a provision to address compliance with deadlines. In the event the Secretary is unable to comply with the timeliness identified in the bill, the Secretary in consultation with the Office of Management and Budget [OMB] is required to notify both the House National Security and Senate Armed Services Committees and submit a revised plan to complete the sale.

It has been suggested that the sale of reserves in pieces may yield a better return to the Federal Government. The committee language allows for the Secretary to sell the reserve in pieces or as one unit, whichever returns the best value to the taxpayers.

Finally, the legislation requires a 31-day delay before the Secretary can finalize an agreement to accept the highest responsible offer. This delay allows the Congress to stop the sale if it is deemed not to be in the best interest of the taxpayer and the Federal Government. In the event there is only a single bidder, a joint resolution of Congress would be required before approval of the sale.

It has always been the committee's intention to do everything possible to ensure that the legislation results in the highest return for the Federal Government and dispenses of this property in the fairest manner possible. The committee reported legislation, contains many safeguards to help ensure that the interests of the taxpayer and the Nation are protected in the disposition of this asset.

The amendment which I have crafted with Senator BINGAMAN goes even further. The amendment provides increased oversight of the sale by directing the General Accounting Office to monitor all aspects of the sale and report to the Armed Services Committee and the House National Security Committee.

We have also clarified the process for establishing the minimum bid. The value established by the five independent assessors is based on the net present value of the reserve adjusted for any anticipated increases in tax revenues that would result if the reserve were sold. The Secretary is restricted from selecting a minimum bid price less than that value. This will ensure that the value received for the Elk Hills site is fair to the Federal Government.

It also directs the Secretary of Energy in conjunction with the Director of the Office of Management and Budget to notify the House National Security Committee and the Senate Armed Services Committee if the sale is not proceeding in a manner that will yield the maximum value for the Federal Government or if they determine that another course of action will receive a better value for the Federal Government.

Once that notification has been made, the sale could not be completed unless the Congress approves a joint resolution in support of the bill. This would allow the administration the opportunity throughout this process to suggest an alternative way to deal with the reserve.

Mr. President, the overriding concern of the committee was to ensure that the taxpayers receive the maximum value for the reserve. We have taken several steps to accomplish this goal. The sale of this asset involves five Federal agencies in the sale of the reserve. It allows Congress to review the sale of the reserve for a month before it is finalized. In the event of a single bidder it requires our approval. Finally, it directs the Secretary and the Director of OMB to notify us if the sale is proceeding properly or if they have a better way of dealing with the reserve.

As I said earlier, the debate regarding the Naval Petroleum Reserve has been going on for a long time. The passage of the Defense Authorization Act will not end this debate. We still have to work this bill out in conference with the House. In addition, we will have to address this issue during the budget reconciliation debate because this provision still falls short of the budget instructions. During the course of debate I look forward to the suggestions of my colleagues on how to further improve this bill. I hope my colleagues will join Senator BINGAMAN and me in supporting this amendment.

Mr. BINGAMAN. Mr. President, I want to thank the senior Senator from Arizona for his willingness to work with me on this amendment. This amendment basically puts every safeguard the Armed Services Committee staff or Senator McCain's staff or Senator Campbell's staff or my staff has come up with on the Elk Hills sale into the bill while remaining responsive to the mandate in the fiscal year 1996 concurrent budget resolution to sell the Elk Hills oil reserve in fiscal year 1996.

As many of our colleagues know, the sale of the Nation's naval petroleum reserves was not initiated by the Armed Services Committee. The sale was initially recommended by the administration to take place over the next 2 years. The budget committees noted this and nevertheless decided to score the administration's proposal in such a way that the sale will have to take place during the coming fiscal year instead of over the next 2 years.

Many of us on the Armed Services Committee have serious reservations about the pace of this sale. The National Academy of Public Administration has testified to serious concerns about selling the reserve in 1 year and about whether the taxpayers will get their money's worth if this sale is rushed. R. Scott Fosler, president of the National Academy of Public Administration, wrote Senator THURMOND on July 20 with his comments on the provision in the current bill. Let me cite the key paragraph in that letter:

> Every study of the management or privatization of Elk Hills has documented the complexity of the process of divestment. There are stubborn issues involving equity finalization, California claims, and the establishment of true values which are not likely to be disposed of in time to effect an advantageous sale in one year. We, therefore, believe that the most prudent and efficacious course would be (1) establish the corporation as a management structure, (2) direct the corporation to develop a plan to sell Elk Hills (and possibly other reserves) within two or three years after the activation of the operation. This approach would permit an orderly, well-managed divestment process and would help assure that the government received full value for the assets sold.

Mr. President, this option or any other option which would not result in the sale of Elk Hills and other reserves in fiscal year 1996 is not available to the Armed Services Committee under the budget resolution. I regret that. We only can sell these assets once. We should do it the right way. The Budget Committee should not be making the choices as to both the policy on selling the asset and the timing of that sale.

So I support this amendment. It is the best we can do under current reconciliation instructions. Indeed it probably goes to the limit of those instructions and I commend the Senator from Arizona and the Senator from Colorado for doing that. But I will continue to question those instructions and urge that the Armed Services Committee seek the flexibility from the Budget Committee that would allow the Secretary of Energy to dispose of these fields in the way that will bring maximum benefit to the taxpayers, the current owners of these assets. When the Armed Services Committee discusses reconciliation next month, perhaps we can offer two options to the Budget Committee, the provision we are adopting today which meets their mandate to sell the reserve in 1 year and a second provision that would allow the Secretary to sell it over a more extended time period.

Mr. President, this sale involves the 10th largest oil field in the Nation. Each year this oil field provides approximately $400 million into the public treasury. This is a very significant sale.

Mr. President, I have been told that there are many uncertainties about this sale that would make a potential bidder very cautious. The exact share of the field which the Government owns and which Chevron owns is in question. The amount of oil in the field is in question. The State of California has a suit in the courts regarding that State's interest in the field.

For all of these reasons, Mr. President, Senator MCCAIN and I and others placed a number of safeguards into this legislation that protect the interests of the taxpayers when it was before the Armed Services Committee. This amendment, which is sponsored by Senators MCCAIN, CAMPBELL, and myself adds even further safeguards to ensure that we get a fair price in any sales that may take place of Elk Hills or its components if the Secretary chooses to sell the field in parcels.

This amendment gives the Secretary of Energy the authority to stop the sale and report to the Congress if the sale is turning out to be a bad deal. It gives the Secretary the authority to recommend alternatives to the sale if the sale is turning out to be a giveaway. The amendment also sets up similar procedures for the sale of the oil shale reserves. Finally, Mr. President, this amendment contains several provisions to streamline the sale which have been requested by the Department of Energy to allow the sale to proceed as closely as possible to the schedule mandated by the Budget Committee.

Mr. President, in conclusion, I wish to commend Senator MCCAIN again for his effort to make the best of this situation. Decisions were made for his Readiness Subcommittee by the Budget Committee. He now has to implement those decisions and the provision in our bill as reported and the improvements being made today by this amendment represent his and the committee as a whole's best effort to do that given the information we had available in late June and now in early August.

The Armed Services Committee does not normally deal with selling Government assets and certainly we are not experts in oil field transactions. We have produced a provision that I believe is a significant improvement on the provision in the House version of this bill. And perhaps with the help of the budget committees, we will be able to improve it further in conference on this bill or in the reconciliation bill where this matter will also be dealt with.

Mr. President, I urge the adoption of the amendment.

Mr. CAMPBELL. Mr. President, I want to thank the committee chairman, Senator THURMOND, and the ranking member, Senator NUNN, for working with me and with the senior Senator from Colorado to craft an amendment to the bill concerning the Naval Oil Shale Reserves.

Section 3302 of the bill before us today would direct the Secretary of Energy to study the Naval Oil Shale Reserves and the Naval Petroleum Reserves, with the exception of the NPR 1 at Elk Hills, for the purpose of determining how the Federal Government, and the U.S. taxpayer, would best be served in the management and disposition of these reserves.

I support that goal. Last year the Energy Committee, of which I am a member, passed my bill which would have directly transferred jurisdiction over the Naval Oil Shale Reserves from the Department of Energy to the Department of the Interior. Since that time the Armed Services Committee has raised a concern that we may not have the appropriate scale of information to determine how we best maximize the Federal interest in these resources. These are federally owned resources; in these days of tough, difficult decisions on how we reduce the federal deficit, it is critical to me that the Federal interest be protected.

I commend the committee for addressing this issue. However I believe that this bill should take the next step. The amendment that I have worked out with the chairman and ranking member of the Armed Services Committee simply provides the Secretary of Energy with the authority to take that next step and implement whatever course of action is recommended by the study. Indeed, the Department of Energy asked, and I strongly agreed, that the time for endless study of the oil shale reserves must end and we should move expeditiously to develop these resources.

I have worked very carefully with the Department of Energy, whose staff requested nearly a dozen changes in the amendment, virtually all of which I made.

Under my amendment, three options for disposition of these resources could be considered. The reserves could be competitively leased by the Department of the Interior just the same as the other millions of acres of federally owned, energy resource lands in America. They could be leased by the Department of Energy. And they could be sold by the Department of Energy.

Some background may be appropriate. Two executive orders, in 1916 and 1924, withdrew public lands for the purpose of establishing three Naval Oil Shale Reserves. The purpose of the reserves was to ensure the military sufficient oil from the oil shale in the event of a cutoff of strategic oil supplies during a war.

Naval Oil Shale Reserve 1 (40,760 acres) and 3 (14,130 acres) are located in northwest Colorado near Rifle, and Naval Oil Shale Reserve 2 (90,400 acres) is in eastern Utah. Ironically, the critical resource within these properties is not oil shale, but natural gas. Profitable development of shale oil currently is considered to be decades away.

Management of the reserves was transferred from the Department of the Navy to the Department of Energy by the Department of Energy Organization Act in 1977. The Department of Energy has a cooperative agreement with the Bureau of Land Management to manage the surface resources of the reserves.

The reserves located in Colorado are situated on portions of three large natural gas producing fields, the Parachute, Rulison, and Grand Valley, and are estimated to contain substantial natural gas hydrocarbons. There has been significant private natural gas drilling and extraction activity on the southern border of the third reserve since 1978. Since 1980, 277 private wells have been drilled contiguous to the boundaries of Reserve 1 and 2; and through fiscal year 1992, 89 commercial producing gas wells were drilled by private industry within one mile of the boundary of the reserves.

The Department of Energy determined in 1983 that the potential existed for drainage of natural gas from the reserves due to the private development outside of the reserves. To prevent drainage of public resources, the Department of Energy began a protection program, drilling 35 offset and communitization wells. According to the Department of Energy's Annual Report of Operations for fiscal year 1992, natural gas production between fiscal years 1977 and 1992 totalled 5.4 billion cubic feet. Revenues from the reserves totalled $5 million between fiscal years 1977 and 1992; expenditures for the same period totalled $24.8 million.

Clearly, this is a giant money loser under Department of Energy stewardship. These reserves should be revenue raisers, not simply a black hole for Energy Department spending and bureaucracy.

Under the Naval Petroleum Reserves Production Act of 1976, the Secretary of Energy has discretionary authority to undertake certain activities, such as oil and gas development in the reserves, but only as necessary to protect, conserve, maintain or test the reserves. Production for other purposes may take place only with the approval of the President and Congress. That production—for commercial purposes—is the business we are doing today.

Mr. President, I have worked closely with the Department of Energy these past months. The DOE leadership wants very badly to be able to end the study phase and get on with the development phase.

Again, I want to thank the chairman of the Armed Services Committee for working with me on an amendment which will move us forward toward the actual development of these important natural resources in my State.

Mr. WARNER. I urge adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Arizona.

The amendment (No. 2104) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. NUNN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2105

(Purpose: To extend the fiscal year 1993 project authorization for the JP–8 fuel facility at the Los Alamitos Reserve Center, California)

Mr. NUNN. Mr. President, I send an amendment to the desk on behalf of Senator from California, Mrs. FEINSTEIN.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN], for Mrs. FEINSTEIN, proposes an amendment numbered 2105.

Mr. NUNN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 433, in the table relating to the extension of 1993 project authorizations for the Army National Guard, insert after the item relating to the project at Union Springs, Alabama, the following:

California.	Los Alamitos Armed Forces Reserve Center.	Fuel Facility.	$1,553,000

Mr. NUNN. Mr. President, I believe this amendment has been cleared by both sides.

This amendment by the Senator from California extends for 1 year, fiscal year 1993 project authorization for a $1.553 million fuel facility project at Los Alamitos Reserve Center in California.

Mr. WARNER. Mr. President, the amendment is acceptable. We urge its adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from California.

The amendment (No. 2105) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. NUNN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2106

(Purpose: To make the authority under section 648 subject to the availability of appropriations)

Mr. WARNER. Mr. President, I send to the desk an amendment on behalf of the senior Senator from South Carolina, Mr. THURMOND.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. THURMOND, proposes an amendment numbered 2106.

Mr. WARNER. I ask that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Beginning on page 275, strike out line 19 and all that follows through page 277, line 18, and insert in lieu thereof the following:

(a) STUDY REQUIRED.—(1) The Secretary of Defense shall conduct a study to determine the quantitative results (described in subsection (b)) of enactment and exercise of authority for the Secretary of the military department concerned to pay an annuity to the qualified surviving spouse of each member of the Armed Forces who—

(A) died before March 21, 1974, and was entitled to retired or retainer pay on the date of death; or

(B) was a member of a reserve component of the Armed Forces during the period beginning on September 21, 1972, and ending on October 1, 1978, and at the time of his death would have been entitled to retired pay under chapter 67 of title 10, United States Code (as in effect before December 1, 1994), but for the fact that he was under 60 years of age.

(2) A qualified surviving spouse for purposes of paragraph (1) is a surviving spouse

who has not remarried and who is not eligible for an annuity under section 4 of Public Law 92-425 (10 U.S.C. 1448 note).

(b) REQUIRED DETERMINATIONS.—By means of the study required under subsection (a), the Secretary shall determine the following matters:

(1) The number of unremarried surviving spouses of deceased members and deceased former members of the Armed Forces referred to in subparagraph (A) of subsection (a)(1) who would be eligible for an annuity under authority described in such subsection.

(2) The number of unremarried surviving spouses of deceased members and deceased former members of reserve components of the Armed Forces referred to in subparagraph (B) of subsection (a)(1) who would be eligible for an annuity under authority described in such subsection.

(3) The number of persons in each group of unremarried former spouses described in paragraphs (1) and (2) who are receiving a widow's insurance benefit or a widower's insurance benefit under title II of the Social Security Act on the basis of employment of a deceased member or deceased former member referred to in subsection (a)(1).

(c) REPORT.—(1) Not later than March 1, 1996, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report on the results of the study.

(2) The Secretary shall include in the report a recommendation on the amount of the annuity that should be authorized to be paid under any authority described in subsection (a)(1) together with a recommendation on whether the annuity should be adjusted annually to offset increases in the cost of living.

Mr. THURMOND. Mr. President, I send an amendment to the desk and ask for immediate consideration.

This amendment modifies section 648, annuities for certain military surviving spouses to eliminate the direct spending costs. When the committee adopted this provision during our markup, we did so based on a cost estimate from the Congressional Budget Office which made this provision affordable. Later, after the bill was approved by the committee, CBO revised the cost estimate upward. The revised estimate is that this provision will cost $40 million in direct spending in fiscal year 1996.

The Budget Committee is forcing us to take this action under threat of placing a point of order against our bill. I have looked at every solution available to me to find a way to keep these annuities. I am disappointed that I am unable to retain the provision this year.

The amendment modifies the provision to require the Secretary of Defense to conduct a study to determine how many forgotten widows would qualify for an annuity and to recommend the amount of such an annuity. The required study is to be delivered to the Armed Services Committee not later than March 1, 1996. This will give us time to consider the information in the report and develop legislation next year which will finally authorize providing this group of surviving military spouses the compensation they deserve. Once the committee has this study, we will be able to provide the Budget Committee and the Congressional Budget Office the data necessary to preclude the technical budgetese we faced this year from deterring us next year.

I understand this amendment is agreed to on both sides.

Mr. WARNER. Mr. President, I believe this amendment is acceptable on the other side.

Mr. NUNN. Mr. President, we have no objection to this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from South Carolina.

The amendment (No. 2106) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. NUNN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2107

(Purpose: To require a review and report on United States policy on the security of the national information infrastructure)

Mr. WARNER. Mr. President, on behalf of Senators KYL and ROBB, I offer an amendment which requires the President to submit an assessment of the policy and plans for protecting the national information infrastructure and assessment of the national communications system.

Mr. President, I believe this amendment has been cleared on the other side of the aisle.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. KYL, for himself, Mr. ROBB, and Mr. BINGAMAN, proposes an amendment numbered 2107.

Mr. NUNN. I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 403, between lines 16 and 17, insert the following:

SEC. 1095. REVIEW OF NATIONAL POLICY ON PROTECTING THE NATIONAL INFORMATION INFRASTRUCTURE AGAINST STRATEGIC ATTACKS.

Not later than 120 days after the date of the enactment of this Act, the President shall submit to Congress a report setting forth the following:

(1) The national policy and architecture governing the plans for establishing procedures, capabilities, systems, and processes necessary to perform indications, warning, and assessment functions regarding strategic attacks by foreign nations, groups, or individuals, or any other entity against the national information infrastructure.

(2) The future of the National Communications System (NCS), which has performed the central role in ensuring national security and emergency preparedness communications for essential United States Government and private sector users, including, specifically, a discussion of—

(A) whether there is a federal interest in expanding or modernizing the National Communications System in light of the changing strategic national security environment and the revolution in information technologies; and

(B) the best use of the National Communications System and the assets and experience it represents as an integral part of a larger national strategy to protect the United States against a strategic attack on the national information infrastructure.

Mr. KYL. Mr. President, I rise to propose an amendment to S. 1026, the Defense Authorization Act. I am pleased to introduce this amendment which will require the President to analyze all issues in developing a progressive, cohesive national policy toward protecting our ability to communicate, our defense structure, and our information.

There is currently no defense against attacks on our Nation's information systems, which include our defense, telephone, public utility, and banking systems. Military officials have no ability to protect our country from cyberspace attacks, and no legal or political authority to protect our information systems against another country's offensive. Current CIA Director John Deutch said, at his Senate confirmation hearing, "this is a very important subject * * * which we really don't have a crisp answer to."

We need to start looking for that answer now, since the problem is looming. A June 14 Wall Street Journal article reported that security experts were used to "hack" into 12,000 Defense Department computer systems connected to the Internet. The experts "hacked" their way into 88 percent of the systems, and 96 percent of the attacks were undetected. According to a June 1995 Federal Computer Week article, computer hackers are breaking into Defense systems by using highly automated tools. The article reported that the DOD's Center for Information Systems Security is receiving two computer attacks a day—twice the rate of last year's intrusions. In 1994, the DOD recorded 255 successful attacks.

The threat is imminent. According to a 1994 report prepared by the National Communications System [NCS], no fewer than 30 countries are working on information warfare techniques. The administration must develop a comprehensive national policy that coordinates national security defense for both U.S. Government and private sector users of our National Information Infrastructure [NII]. My amendment seeks to analyze all critical issues involved in protecting our Nation's information infrastructure. These answers will provide a framework, I believe, toward developing our Nation's policy for defending against strategic attacks against the NII.

As technology changes, we cannot allow ourselves to become vulnerable to attack on the nerve centers of our society and defense structure. We need to modernize our laws to protect against this very real threat. Vice Adm. Arthur Cebrowski, director of C4 systems at the Pentagon, states that, "a critical policy implication of the revolution in security affairs is the need to treat information and access to information as a vital national interest," and "information warfare must become an important instrument of national security policy."

Now is the time for Congress to be active. This amendment is intended to place an emphasis on an issue that must be addressed before our country's communications system is attacked. We must begin now to elevate our efforts to protect the national security interest of this country. I urge my colleagues to support my amendment.

Mr. WARNER. I urge the adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2107) was agreed to.

Mr. WARNER. I move to reconsider the vote.

Mr. NUNN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2108

Mr. WARNER. Mr. President, on behalf of Senators MCCAIN and LIEBERMAN, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. MCCAIN, for himself and Mr. LIEBERMAN, proposes an amendment numbered 2108.

Mr. WARNER. I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following:

SEC. . IRAN AND IRAQ ARMS NONPROLIFERATION.

(a) SANCTIONS AGAINST TRANSFERS OF PERSONS.—Section 1604(a) of the Iran-Iraq Arms Non-Proliferation Act of 1992 (title XVI of Public Law 102-484; 50 U.S.C. 1701 note) is amended by inserting "to acquire chemical, biological, or nuclear weapons or" before "to acquire".

(b) SANCTIONS AGAINST TRANSFERS OF FOREIGN COUNTRIES.—Section 1605(a) of such Act is amended by inserting "to acquire chemical, biological, or nuclear weapons or" before "to acquire".

(c) CLARIFICATION OF UNITED STATES ASSISTANCE.—Subparagraph (A) of section 1608(7) of such Act is amended to read as follows:

"(A) any assistance under the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), other than urgent humanitarian assistance or medicine;".

Mr. McCAIN. Mr. President, today I am offering an amendment to the Defense Authorization bill to assist the President in his efforts to deal with the growing threat to American interests from Iran. President Clinton clearly sought to address this threat with his May 6 Executive order establishing a full United States embargo of Iran. It is my hope that short of successfully encouraging other nations from trading with Iran, an extremely challenging task, the President will be able to use the authority in this amendment to encourage other countries to at least refrain from contributing to Iranian weapons capability.

The 1992 Iran-Iraq Arms Non-Proliferation Act, which I cosponsored with then-Senator GORE, established sanctions against third parties which assist Iran and Iraq in their efforts to rebuild their weapons capabilities. It was a start, but it did not go far enough. Efforts by Senator LIEBERMAN and me last year to expand the legislation were unsuccessful.

The 1992 bill was intended to target not only the acquisition of conventional weapons, but weapons of mass destruction as well. In the process of amending the bill to the 1993 Defense Act, however, the explicit references to weapons of mass destruction were dropped.

The amendment I am offering today attempts to make these applications absolutely clear. It also removes from the proposed sanctions exceptions for assistance under the Freedom Support Act, thereby removing the benefit of the doubt Congress gave Russia in 1992. I am afraid Russia has used this exception to the detriment of United States policy in the Persian Gulf.

The threat from Iraq is not an immediate concern. The most important aspect of our policy with regard to Iraq must be to remain firm on the U.N. embargo. But given the history of the Iraqi military build-up before the Gulf war, the sanctions included in the Iran-Iraq Act may at a later date be as important with regard to Iraq as they are currently in the case of Iran.

The threat from Iran is more immediate. The Iranian build-up in the Persian Gulf is common knowledge. Its importation of hundreds of North Korean SCUD-C missiles, its intention to acquire the Nodong North Korean missiles currently under development, and its efforts to develop nuclear weapons are well-established—as is its conventional weapons build-up.

Successive CIA directors, and Secretaries Perry and Christopher have all testified to the effect that Iran is engaged in an extensive effort to acquire nuclear weapons. In February, Russia signed an agreement to provide Iran with a 1000 megawatt light water nuclear reactor. The Russians indicate that they may soon agree to build as many as three more reactors—another 1000 megawatt reactor, and two 440 megawatt reactors.

I have raised my concerns regarding this sale with the administration on a number of occasions. Under the amendment I am offering today, the President will be required to either invoke sanctions against Russia as a result of its nuclear deal with Iran or formally waive the requirement out of concern for the national interest. Let me be clear. My intention is not to gut United States assistance to Russia. It is to prevent Russia from providing Iran dangerous technology. If the President determines that invoking sanctions against Russia is a greater potential danger to the national interest than the potential danger of a nuclear armed Iran, then he has the authority under this amendment to waive the sanctions.

We sent our Armed Forces to war in the Persian Gulf once in this decade. They endured hardship to themselves and their families. Some will live with the injuries they suffered in service to our Nation for the rest of their lives. And, as is the case with every war, some never returned. With the cooperation of our friends in Europe, whose own sacrifices to the effort to free Kuwait should not be forgotten, we must see that the service of these brave men and women was not in vain.

Stability and security in the Persian Gulf is vital to the world economy and to our own national interests. Aggressors in the region should know that if we must, we will return to the Persian Gulf with the full force of Operation Desert Storm. At the same time, our friends and adversaries elsewhere in the world should understand that the United States will do everything in its power to preclude that necessity. It is my sincere hope that his legislation will serve as an indication of just how serious we are.

Mr. WARNER. I believe this is acceptable on the other side.

Mr. NUNN. Mr. President, I urge the adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2108) was agreed to.

Mr. WARNER. I move to reconsider the vote.

Mr. NUNN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2109

(Purpose: To provide funding for the activities of the Defense Base Closure and Realignment Commission for the remainder of 1995)

Mr. WARNER. Mr. President, on behalf of Senator THURMOND, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. THURMOND, proposes an amendment numbered 2109.

Mr. WARNER. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 468, after line 24, add the following:

SEC. 2825. FINAL FUNDING FOR DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION.

Section 2902(k) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) is amended by adding at the end the following;

"(3)(A) The Secretary may transfer from the account referred to in subparagraph (B) such unobligated funds in that account as may be necessary for the Commission to carry out its duties under this part during October, November, and December 1995. Funds transferred under the preceding sentence shall remain available until December 31, 1995.

"(B) The account referred to in subparagraph (A) is the Department of Defense Base Closure Account established under section 207(a) of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note).".

Mr. THURMOND. Mr. President, I am pleased to sponsor an amendment that would authorize the Department of Defense to fund the Base Closure and Realignment Commission for the remainder of calendar year 1995.

The law establishing the Base Closure Commission authorized the Department of Defense to fund the operations of the Commission using fiscal year 1991 authorization. Unfortunately, the Department's 1990 estimate of the Commission's operating expenses fell short of actual requirement. This shortfall is due to the extensive travel required of the Commission to visit each base on the Secretary of Defense's closure list and attend the numerous hearings required to make the process as fair and open as possible. Additionally, the Commission had to purchase a new computer system to support its operation.

Mr. President, in my judgment the Base Closure Commission has provided a valuable service to the Nation. The funding, which is estimated to be less than $300,000 is necessary for the Commission to archive at files and prepare the appropriate closeout reports. I am advised that the Department of Defense is prepared to provide the necessary funds from existing authority, but needs this legislation authority.

Mr. President, this is an appropriate use of the Defense Department funds and I urge adoption of the amendment.

Mr. WARNER. Mr. President, this relates to the Base Closure Commission for the remainder of the calendar year for 1995. It is my understanding it has been accepted on the other side.

Mr. NUNN. Mr. President, we have cleared this amendment. I urge its adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2109) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. NUNN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WARNER. Mr. President, as far as I know, this concludes the matters relating to the pending measure. On behalf of the distinguished majority leader, I am prepared to address some wrapup items for the evening.

Mr. NUNN. I thank my friend from Virginia and look forward to further debate on the bill tomorrow morning.

MORNING BUSINESS

Mr. WARNER. Mr. President, on behalf of the majority leader, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to speak for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO U.S.S. "SOUTH DAKOTA" VETERANS

Mr. PRESSLER. Mr. President, with a sense of pride and honor I rise today to pay special tribute to Floyd Gulbrandson, Al Rickel, Charles Skorpik, Willie Wieland, and the rest of the crew of the U.S.S. *South Dakota*, one of the most decorated battleships during World War II. Commissioned on March 20, 1942, the U.S.S. *South Dakota* quickly became the flagship of Admiral Nimitz's 3rd Fleet, and originally was intended to host the Japanese surrender which ultimately was held on the U.S.S. *Missouri*.

Stretching more than 600 feet and displacing more than 43,000 tons of water, the U.S.S. *South Dakota* defended our Nation in World War II by traveling across 276,000 miles of ocean with massive firepower which included nine 16-inch guns, sixteen 5-inch guns, sixty-eight 40-millimeter guns, and seventy-six 20-millimeter guns. During her years of active service, more than 7,000 brave individuals would serve aboard the *South Dakota*. Collectively, the crew of the U.S.S. *South Dakota* endured her many battles and earned several distinguished awards, including the Navy Unit Commendation, the Asiatic-Pacific Campaign Medal with 13 battles stars, the World War II Victory Medal, and the Navy Occupation Service Medal.

Mr. President, I want to highlight some of many moments of naval combat from the many successful battles experienced by the crew of the U.S.S. *South Dakota*. On October 26, 1942, the U.S.S. *South Dakota* entered its first battle with a freshman crew on deck and was attacked by 180 enemy bombers in what is now known as the Battle of Santa Cruz Island. Defending both the *Enterprise* and *Hornet* aircraft carriers, the U.S.S. *South Dakota* offered a bold retaliation of gunfire that shot down an unprecedented 30 enemy aircraft and helped render two enemy aircraft carriers inoperative. For their valiant action during the repeated attacks and heavy fire, Captain Gatch was decorated with the Navy Cross, the crew was presented with the Navy Unit Commendation and the U.S.S. *South Dakota* received its first of 13 battle stars. That was an extraordinary beginning to an extraordinary vessel that symbolized gallantry, honor, and service at sea.

Mr. President, on October 25, 1962, the first and only U.S.S. *South Dakota*, one of the greatest battleships ever to sail during World War II, was sold for scrap metal. Although gone, the U.S.S. *South Dakota* continues in the memory of those who served on her decks. I am proud of the heritage of the U.S.S. *South Dakota*. She was instrumental during World War II in fighting successfully for the freedoms we now enjoy. I commend the brave crew of the U.S.S. *South Dakota* for their courage and commitment to duty. In honor of the crew, their dedicated service, and the memory of this great battleship, I have asked the Secretary of the Navy to name one of the new attack submarines the U.S.S. *South Dakota*. That would be a fitting tribute—to have one of the next generation's great submarines carry the same name of one of America's truly great battleships.

REPUBLICAN MEDICARE CUTS AND THE SO-CALLED COALITION TO SAVE MEDICARE

Mr. KENNEDY. Mr. President, today, the Republican disinformation campaign on Medicare went into high gear. The leaders of the Republican Party have entered into an unholy alliance with the insurance industry to raid Medicare by raising costs for senior citizens and turning Medicare over to private insurance companies.

The overall Republican goal is to cut Medicare by $270 billion in order to pay for their $245 billion dollar tax cut for the wealthy. To achieve those harsh cuts in Medicare, senior citizens will be forced to pay more—far more—for the Medicare benefits they now receive. To line up the insurance industry on their side, the Republicans are offering the industry the chance to get its hands on Medicare and earn vast additional profits at the expense of senior citizens.

The phony Republican coalition to save Medicare is now clear for all to see. It includes representatives of wealthy individuals and businesses who care about tax cuts, not senior citizens. It includes private insurance companies who want the elderly to be forced to give up Medicare and buy their policies.

Republicans pretend they want to save Medicare. What they really want to save is their tax cut for the wealthy.

Republicans pretend they want to restore the solvency of Medicare and save the trust fund. But I say, you cannot trust Republicans who talk about the trust fund. The Republican cuts in Medicare are deeper—far deeper—than any cuts needed to keep Medicare solvent.

The fundamental issue is not keeping Medicare solvent—it is keeping Republicans away from Medicare.

Democrats know how to keep Medicare solvent, and we will do it. We will do it without raising costs for senior citizens, without forcing senior citizens into HMO's, without forcing them to give up their own doctors and without turning Medicare over to the tender loving hands of the private insurance industry.

The real question is trust. Do the American people trust Democrats to save Medicare—or do they trust Republicans? I believe the answer is clear. Democrats have earned the trust of America on Medicare, and we intend to honor that trust.

WAS CONGRESS IRRESPONSIBLE? CONSIDER THE ARITHMETIC

Mr. HELMS. Mr. President, before discussing today's bad news about the Federal debt, how about "another go", as the British put it, with our pop quiz. Remember? One question, one answer.

The question: How many millions of dollars does it take to make a trillion dollars? (While you are thinking about it, bear in mind that it was the U.S. Congress that ran up the Federal debt that now exceeds $4.9 trillion.)

To be exact, as of the close of business yesterday, August 2, the total federal debt—down to the penny—stood at $4,956,664,786,501.42, of which, on a per capita basis, every man, woman and child in America owes $18,815.58.

Mr. President, back to our pop quiz, how many million in a trillion: There are a million million in a trillion.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting a treaty and sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ENTITLED "EMPOWERMENT: A NEW COVENANT WITH AMERICA'S COMMUNITIES"—MESSAGE FROM THE PRESIDENT—PM 72

The Presiding Officer laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

I transmit herewith my Administration's National Urban Policy Report, "Empowerment: A New Covenant With America's Communities," as required by 42 U.S.C. 4503(a). The Report provides a framework for empowering America's disadvantaged citizens and poor communities to build a brighter future for themselves, for their families and neighbors, and for America. The Report is organized around four principles:

First, it links families to work. It brings tax, education and training, housing, welfare, public safety, transportation, and capital access policies together to help families make the transition to self-sufficiency and independence. This linkage is critical to the transformation of our communities.

Second, it leverages private investment in our urban communities. It works with the market and the private sector to build upon the natural assets and competitive advantages of urban communities.

Third, it is locally driven. The days of made in Washington solutions, dictated by a distant Government, are gone. Instead, solutions must be locally crafted, and implemented by entrepreneurial public entities, private sectors, and a growing network of community-based firms and organizations.

Fourth, it relies on traditional values—hard work, family, responsibility. The problems of so many inner-city neighborhoods—family break-up, teen pregnancy, abandonment, crime, drug use—will be solved only if individuals, families, and communities determine to help themselves.

These principles reflect an emerging consensus in the decades-long debate over urban policy. These principles are neither Democratic nor Republican: they are American. They will enable local communities, individuals and families, businesses, churches, community-based organizations, and civic groups to join together to seize the opportunities and to solve the problems in their own lives. They will put the private sector back to work for all families in all communities. I therefore invite the Congress to work with us on a bipartisan basis to implement an empowerment agenda for America's communities and families.

In a sense, poor communities represent an untapped economic opportunity for our whole country. While we work together to open foreign markets abroad to American-made goods and services, we also need to work together to open the economic frontiers of poor communities here at home. By enabling people and communities in genuine need to take greater responsibility for working harder and smarter together, we can unleash the greatest underused source of growth and renewal in each of the local regions that make up our national economy and civic life. This will be good for cities and suburbs, towns and villages, and rural and urban America. This will be good for families. This will be good for the country.

We have undertaken initiatives that seek to achieve these goals. Some seek to empower local communities to help themselves, including Empowerment Zones, Community Development banks, the Community Opportunity Fund, community policing, and enabling local schools and communities to best meet world-class standards. And some seek to empower individuals and families to help themselves, including our expansion of the earned-income tax cut for low- and moderate-income working families, and our proposals for injecting choice and competition into public and assisted housing and for a new G.I. Bill for America's Workers.

I am determined to end Federal budget deficits, and my balanced budget proposal shows that we can balance the budget without abandoning the investments that are vital to the security and prosperity of the country, now and in the future. I am confident that, working together, we can build common ground on an empowerment agenda while putting our fiscal house in order. I will do everything in my power to make sure this happens.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *August 3, 1995.*

MESSAGES FROM THE HOUSE

At noon, a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1225. An act to amend the Fair Labor Standards Act of 1938 to exempt employees who perform certain court reporting duties from the compensatory time requirements applicable to certain public agencies, and for other purposes.

At 1:55 p.m., a message from the House of Representatives, delivered by

Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2161. An act to extend authorities under the Middle East Peace Facilitation Act of 1994 until October 1, 1995, and for other purposes.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-270. A resolution adopted by the Greater Ketchikan Chamber of Commerce of the City of Ketchikan, Alaska relative to the Tongass National Forest; to the Committee on Energy and Natural Resources.

POM-271. A joint resolution adopted by the Legislature of the State of Nevada; to the Committee on Energy and Natural Resources.

"SENATE JOINT RESOLUTION NO. 6

"Whereas, the exploration and development of mineral resources in the United States has provided a significant benefit to the residents of the United States; and

"Whereas, the mining industry of the United States provides steady, high-paying jobs for thousands of Americans, and through its operations pays millions of dollars in taxes; and

"Whereas, the mining industry in the State of Nevada makes significant contributions to the strength of the economy of this state; and

"Whereas, the basic tenets of the General Mining Law of 1872, 30 U.S.C. §§22 et seq., continue to be of critical importance in encouraging the development of hard rock minerals; and

"Whereas, under existing laws and regulations, the various regulatory agencies of the Federal Government and of the several states have substantial authority to control and monitor effectively the impact of mining and mining exploration; and

"Whereas, states located in the western United States have enacted comprehensive regulatory programs, enforced in conjunction with federal agencies for land management, which set forth the criteria for issuing permits to, and the exploration, development and reclamation of, mining operations and which contain provisions for the protection of surface and ground water, the designation of uses of land after mining operations are completed, the availability of financial resources and public notice and review of decisions made concerning mining operations; and

"Whereas, a bill has been introduced in the Senate of the United States, S. 506, which proposes to reform extensively the laws governing mining in the United States in a manner that would protect the valuable mining industry; and

"Whereas, S. 506 is a bipartisan bill which is supported by the entire Nevada Congressional Delegation; and

"Whereas, if enacted, S. 506 would raise millions of dollars for the treasury of the United States, require mining operations to comply with all applicable federal and state environmental laws and standards for reclamation, establish a program for abandoned mines, abolish the moratorium currently imposed on the issuance of patents and require the Secretary of the Interior to resume the processing of pending applications for patents: Now, therefore, be it

Resolved by the Senate and Assembly of the State of Nevada, jointly, That the Nevada Legislature hereby expresses its support for the activities and operations of all mining industries in Nevada; and be it further

Resolved, That the Nevada Legislature hereby expresses its support for the provisions of S. 506 which reasonably and progressively reforms the existing federal laws governing mining; and be it further

Resolved, That the Secretary of the Senate prepare and transmit a copy of this resolution to the Vice President of the United States as the presiding officer of the Senate, the Speaker of the House of Representatives and each member of the Nevada Congressional Delegation; and be it further

Resolved, That this resolution becomes effective upon passage and approval."

POM-272. A resolution adopted by the Council of the City of Gig Harbor, Washington relative to spent nuclear fuel; to the Committee on Environment and Public Works.

POM-273. A resolution adopted by the Assembly of the Fairbanks North Star Borough of the City of Fairbanks, Alaska relative to the Clean Water Act; to the Committee on Environment and Public Works.

POM-274. A joint resolution adopted by the Legislature of the State of Nevada; to the Committee on Environment and Public Works.

"SENATE JOINT RESOLUTION NO. 26

"Whereas, recent studies performed by the Nevada Department of Transportation indicate that approximately 8,000 vehicles pass over Hoover Dam daily and that approximately 70 percent of those vehicles are commercial and other vehicles using U.S. Highway No. 93 as a conduit to Las Vegas, rather than to bring tourists and visitors to Hoover Dam; and

"Whereas, the heavy traffic flow over Hoover Dam and through Boulder City has resulted in significant increases in the level of air pollution and the number of traffic accidents in the area; and

"Whereas, a study cited by the *Las Vegas Sun* on November 11, 1991, indicated that an average of 1,434 tons of hazardous materials, including gasoline, diesel fuel, hydrochloric acid, cyanide and chlorine, are transported daily over Hoover Dam and through Boulder City; and

"Whereas, such a heavy flow of large trucks transporting highly flammable or hazardous materials, or both, significantly increases the chances that a major accident could occur near Hoover Dam or in Boulder City; Now, therefore, be it

"*Resolved by the Senate and Assembly of the State of Nevada, jointly*, That the Legislature of the State of Nevada hereby urges Congress to take all necessary actions to alleviate the problems caused by the heavy commercial traffic over Hoover Dam and through Boulder City, including, without limitation, the construction of a highway bypass around Hoover Dam and Boulder City which would connect U.S. Highway No. 93 in Nevada to Interstate Highway No. 40 in California as a means of:

1. Diverting the heavy flow of trucks transporting highly flammable or hazardous materials, or both, and the heavy flow of regular traffic from traveling over Hoover Dam and through Boulder City;
2. Preventing further air pollution in the area;
3. Reducing the number of traffic accidents in the area;
4. Reserving the portion of U.S. Highway No. 93 over Hoover Dam to accommodate the traffic of tourists and visitors to the dam; and
5. Preventing the pollution of the Colorado River from spill into the river related to the heavy flow of such traffic;

and be it further

"*Resolved*, That the Legislature hereby directs the Nevada Department of Transportation to cooperate with the appropriate public agencies to accomplish the construction of the highway bypass between U.S. Highway No. 93 in Nevada and Interstate Highway No. 40 in California, or the improvement of U.S. Highway No. 95 in Nevada and California, if those projects are approved by Congress; and be it further

"*Resolved*, That the Secretary of the Senate of the State of Nevada prepare and transmit a copy of this resolution to the Vice President of the United States as the presiding officer of the Senate, the Speaker of the House of Representatives, each member of the Nevada Congressional Delegation and the Director of the Nevada Department of Transportation; and be it further

"*Resolved*, That this resolution becomes effective upon passage and approval."

POM-275. A joint resolution adopted by the Legislature of the State of Maine; to the Committee on Environment and Public Works.

"JOINT RESOLUTION

"Whereas, section 211(k)(1) of the federal Clean Air Act required the United States Environmental Protection Agency to promulgate regulations establishing requirements for reformulated gasoline that reduce emissions of volatile organic compounds and toxics to the greatest extent achievable "taking into consideration the cost of achieving such emission reductions, any non-air quality and other air quality related health and environmental impacts and energy requirements"; and

"Whereas, the Clean Air Act requires that such gasoline contain a minimum oxygen content of 2.0% by weight; and

"Whereas, one of the ingredients commonly used to meet the 2.0% oxygen content standard, namely methyl tertiary butyl ether, or MTBE, is suspected of increasing health risks due to contamination of water and air; and

"Whereas, the increased oxygen content decreases vehicle performance; and

"Whereas, the Administrator of the United States Environmental Protection Agency has the authority and a duty to control the contents of gasoline; Now, therefore, be it

"*Resolved*, That We, your Memorialists, respectfully urge and request that the Administrator of the United States Environmental Protection Agency revise the regulations for certification of reformulated gasoline to minimize or prohibit use of oxygenates and to achieve the statutory goals of reducing emissions of volatile organic compounds and toxics by means other than increasing the oxygen content of gasoline; and be it further

"*Resolved*, That suitable copies of this Memorial, duly authenticated by the Secretary of State, be transmitted to the Honorable Carol Browner, Administrator of the United States Environmental Protection Agency, the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States, and each member of the Maine Congressional Delegation. The Secretary of State shall send a copy of this Memorial to the governor and the legislative leaders of each state that is a member of the ozone transport region, created in Section 184 of the federal Clean Air Act."

POM-276. A resolution adopted by the Board of Commissioners of Pamlico County, North Carolina relative to tobacco; to the Committee on Labor and Human Resources.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. THURMOND (for himself, Mr. HEFLIN, Mr. HATCH, Mr. GRASSLEY, and Mr. D'AMATO):

S. 1115. A bill to prohibit an award of costs, including attorney's fees, or injunctive relief, against a judicial officer for action taken in a judicial capacity; to the Committee on the Judiciary.

By Mr. EXON:

S. 1116. A bill entitled "The Broadcast and Cable Voluntary Standards and Practice Act"; to the Committee on Commerce, Science, and Transportation.

By Mr. DASCHLE (for himself, Mr. BREAUX, Ms. MIKULSKI, Mr. ROCKEFELLER, Mr. REID, Mr. KERREY, Mr. FORD, Mr. DORGAN, Mr. DODD, Mr. KERRY, Mr. LIEBERMAN, Mr. CONRAD, Mr. BINGAMAN, Mr. BRYAN, Mr. INOUYE, and Mr. ROBB):

S. 1117. A bill to repeal AFDC and establish the Work First Plan, and for other purposes; to the Committee on Finance.

By Ms. SNOWE (for herself and Mr. GLENN):

S. 1118. A bill to amend title XVIII of the Social Security Act to provide for coverage of bone mass measurements for certain individuals under part B of the Medicare program; to the Committee on Finance.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 1119. A bill to define the circumstances under which earthquake insurance requirements may be imposed by the Federal Home Loan Mortgage Corporation on a specifically targeted State or area; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. DOLE (for himself, Mr. PACKWOOD, Mr. LOTT, Mr. NICKLES, Mr. COCHRAN, Mr. MACK, Mr. D'AMATO, Mr. THURMOND, Mr. ABRAHAM, Mr. BENNETT, Mr. BOND, Mr. BROWN, Mr. DEWINE, Mr. FRIST, Mr. GORTON, Mr. GRASSLEY, Mr. GREGG, Mr. HATCH, Mr. HELMS, Mrs. HUTCHISON, Mr. INHOFE, Mr. MCCAIN, Mr. MURKOWSKI, Mr. PRESSLER, Mr. ROTH, Mr. SANTORUM, Mr. SHELBY, Mr. SIMPSON, Mr. STEVENS, Mr. THOMAS, Mr. THOMPSON, and Mr. WARNER):

S. 1120. A bill to enhance support and work opportunities for families with children, reduce welfare dependence, and control welfare spending; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. THURMOND (for himself, Mr. HEFLIN, Mr. HATCH, Mr. GRASSLEY, and Mr. D'AMATO):

S. 1115. A bill to prohibit an award of costs, including attorney's fees, or injunctive relief, against a judicial officer for action taken in a judicial capacity; to the Committee on the Judiciary.

THE JUDICIAL IMMUNITY RESTORATION ACT

Mr. THURMOND. Mr. President, I rise today, along with Senators HEFLIN, HATCH, GRASSLEY, and D'AMATO, to introduce the Judicial Immunity Restoration Act of 1995 to protect judges from lawsuits filed against them for acts taken in their judicial capacity. This bill is nearly identical to legislation considered in the 100th Congress, the 101st Congress, and most recently in the 102d Congress.

This legislation is needed to restore the doctrine of judicial immunity by correcting the decision of the United States Supreme Court in *Pulliam* v. *Allen*, 456 U.S. 522 (1984). In a 5 to 4 decision, the Supreme Court held that judicial immunity does not bar injunctive relief or an award of attorneys' fees against State court judges acting in their judicial capacity. The Court recognized the possible chilling effects its decision might have on a judge's ability to exercise independent judgment. But the Supreme Court held that the Congress should determine the extent of judicial immunity.

It is important for the Congress to clarify the extent of judicial immunity to ensure that judges are free to make appropriate decisions in their judicial capacity without fear of reprisal. This legislation prohibits the award of costs or attorneys' fees against judges, both State and Federal, for performing the judicial functions for which they were elected or appointed. In addition, this legislation removes the threat of injunctions against judges for acts performed in their judicial capacities, except in rare circumstances when a judge refuses to respect a declaratory judgment.

Few doctrines are more important or more firmly rooted in our jurisprudence than the notion of an independent judiciary. Judicial immunity has been a fundamental tenet of our common law since distinguished jurist Lord Coke held in the case of *Floyd and Barker*, 77 Eng. Rep. 1305 (1607), that a judge who presided over a murder trial was immune from subsequent conspiracy charges brought against him by the murder defendant. Judicial independence is no less critical today, and remains essential to ensure justice.

It is time to restore the judicial immunity protections that were weakened by the Court's decision in Pulliam. In the 10 years since Pulliam, thousands of Federal cases have been filed against judges and magistrates. The overwhelming majority of these cases are without merit and are ultimately dismissed. The record from our previous hearings on this issue is replete with examples of judges having to defend themselves against cases that should never have been brought. The very process of defending against those actions constitutes harassment, and subjects judges to undue expense. More importantly, the very real risk to our judges of burdensome litigation creates a chilling effect that may impair the judiciary's day-to-day decisions in close and controversial cases.

Mr. President, an independent judiciary is a vital component in any democracy, and cannot be compromised. This bill will restore the independence of all justices, judges, and judicial officers.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1115

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PROHIBITION AGAINST AWARDS OF COSTS, INCLUDING ATTORNEY'S FEES, AND INJUNCTIVE RELIEF AGAINST A JUDICIAL OFFICER.

(a) NONLIABILITY FOR COSTS.—Notwithstanding any other provision of law, no judicial officer shall be held liable for any costs, including attorney's fees, in any action brought against such officer for an act or omission taken in such officer's judicial capacity, unless such action was clearly in excess of such officer's jurisdiction.

(b) PROCEEDINGS IN VINDICATION OF CIVIL RIGHTS.—Section 722(b) of the Revised Statutes (42 U.S.C. 1988(b)) is amended by inserting before the period at the end thereof ", except that in any action brought against a judicial officer for an act or omission taken in such officer's judicial capacity such officer shall not be held liable for any costs, including attorney's fees, unless such action was clearly in excess of such officer's jurisdiction".

(c) CIVIL ACTION FOR DEPRIVATION OF RIGHTS.—Section 1979 of the Revised Statutes (42 U.S.C. 1983) is amended by inserting before the period at the end of the first sentence: ", except that in any action brought against a judicial officer for an act or omission taken in such officer's judicial capacity, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable".

By Mr. EXON:

S. 1116. A bill entitled "The Broadcast and Cable Voluntary Standards and Practice Act"; to the Committee on Commerce, Science, and Transportation.

THE BROADCAST AND CABLE VOLUNTARY STANDARDS AND PRACTICE ACT

Mr. EXON. Mr. President, a license to use the public airwaves to broadcast or use the public rights-of-way to provide cable service is a tremendous privilege. To many, it is almost a license to print money. The recent purchases of television networks reveal the extraordinary value of this privilege.

With a broadcast or cable license a company gains a key to every household its signal can reach and access to the most intimate and memorable moments of people's lives.

Broadcast television and radio as well as cable programming are key elements of our Nation's culture.

With this privilege should come responsibility. Some of that responsibility is statutory or regulatory, for example, the requirements that broadcasters and cable operators refrain from transmitting obscenity; that broadcasters restrict indecency to hours when children are unlikely to be awake; and that broadcasters serve the public interest.

Some of that responsibility comes from the marketplace, broadcasters and cable companies which offend American families lose their audience. Grassroots efforts have both saved programs from cancellation and quickened the demise of others.

Some of that responsibility comes from the ethics of broadcasters and cable companies as leading corporate citizens of this country. Some of these corporate entities have been more responsible than others. Long before Presidential candidates have tried to shame the media, the Senate Commerce Committee on which I serve has attempted to focus attention on the destructiveness of certain trends in the popular culture.

Some of those who have not been responsible about what they put into American homes blame the marketplace. They claim that in spite of their desires to be more family friendly, the competitive environment forces them to test the limits of taste and decency in the quest for viewers and listeners.

To be effective, the law, the market, and individual ethics must work together. There are some examples of success such as Senator SIMON'S legislation which encouraged and allowed joint efforts to reduce the amount of violent programming. But more remains to be done on all fronts.

Few can deny that there is a crisis in America. Parents, churches, schools are having more and more difficulty conveying values to their children. The electronic emperors of the modern age are increasingly replacing parents and families as the primary source of values.

This is a crisis which goes deeper than violence on television it is also about sex and family values in popular culture.

Today, sex sells everything from soft drinks to blue jeans. Daytime commercial television talk shows have become a virtual freak show of abuse, addiction, and alternative lifestyles. And prime time television regularly tests the limits of taste and propriety.

Year after year the situation seems to get worse. Parents try to teach the values of "Mayberry" and are overruled by the values of "Beverly Hills 90210."

The entire premise of commercial television is that a 30- or 60-second advertisement will affect a substantial portion of an audience to do things which they would not otherwise do—that is, to buy a particular product or service. It should be no mystery that 30- and 60-minute programs on television or radio have a profound effect on the views and values of audiences, especially young audiences.

The three areas of entertainment industry responsibility—legal, market, and ethical—are ripe for careful review and discussion.

The legislation I introduce today attempts to empower the industry to bolster its ethical commitments and to take responsible self-initiated steps to improve the contemporary entertainment industry. It picks up where Senator SIMON'S TV violence initiative left off.

During the so-called golden age of television, broadcasters had a voluntary, but well followed, code of "standards and practices" known as the Television Code. Many of America's most memorable television series from the black and white era of the fifties and sixties proudly displayed the Television Code Seal at the conclusion of each show. It is ironic that those moments recognized as some of television's finest are devoid of the coarseness, vulgarity and unpleasantness of today's programming.

Antitrust prosecutions in the late 1970's related to the advertising provisions of the television code led to its eventual total demise in the early 1980s.

The legislation I introduce today would allow the television and cable industry to revise a voluntary code of standards and practices. Such private sector empowerment may be useful in reducing the crudity and coarseness in the modern entertainment industry.

While the Congress reviews ways to strengthen the legal responsibility of television and cable industry through legislation to limit violent programming and to strengthen the market forces through the public disclosure of violence report cards, I ask my colleagues to give serious consideration to the legislation I introduce today. The Broadcast and Cable Voluntary Standards and Practices Act will at least empower the entertainment industry to strengthen its ethical commitment to the American family.

I urge my colleagues to review and support this important legislation.

By Mr. DASCHLE (for himself, Mr. BREAUX, Ms. MIKULSKI, Mr. ROCKEFELLER, Mr. REID, Mr. KERREY, Mr. FORD, Mr. DORGAN, Mr. DODD, Mr. KERRY, Mr. LIEBERMAN, Mr. CONRAD, Mr. BINGAMAN, Mr. BRYAN, Mr. INOUYE, and Mr. ROBB):

S. 1117. A bill to repeal AFDC and establish the Work First plan, and for other purposes; to the Committee on Finance.

THE WORK FIRST WELFARE REFORM PLAN

Mr. DASCHLE. Mr. President, I am pleased to introduce, with my colleagues Senator BREAUX and Senator MIKULSKI, the Work First plan. We are joined today by Senators ROCKEFELLER, REID, BOB KERREY, FORD, DORGAN, DODD, and JOHN KERRY, our entire Democratic leadership, as well as Senators LIEBERMAN, CONRAD, BINGAMAN, and BRYAN.

We are gratified to have the broad bipartisan support of State and local leaders across the country. The bipartisan U.S. Conference of Mayors unanimously endorsed the Work First plan last month. The bill also has the support of the National Council of Elected County Executives, the Democratic Governors' Association, and many State legislators. The President has also endorsed our plan.

Our bill has four fundamental goals. First, we emphasize work. Our bill is designed to move welfare recipients from welfare to work. To put work first in priority. Second, our bill protects children. We do not punish children to pay for the mistakes or circumstances of their parents. Third, we do all we can to break the cycle of dependency. Fourth, we want to give States maximum flexibility.

The welfare system cannot be fundamentally changed without fundamentally changing the welfare culture.

Under the Work First plan, welfare offices are turned into employment offices. Welfare staff are retrained to focus on employment first. Gone are the micromanaging rules of today. We encourage states to consolidate and streamline their efforts to simplify administration and to restore common sense to a system that has become too bureaucratic.

Under the Work First plan, Aid to Families with Dependent Children, [AFDC] is eliminated. We do not modify it or revamp it. We do not ship it off to the States. We terminate it outright.

In its place, we create a conditional entitlement of limited duration. Referred to as "Temporary Employment Assistance," this new program is a dramatic change from AFDC.

There must be no more unconditional assistance. Everyone must contribute to the effort to change the welfare culture.

Toward that end, all recipients of Temporary Employment Assistance must sign a contract. This contract, called a Parent Empowerment Contract, is based on the Iowa model. Essentially it is a blueprint for employment. It spells out what each welfare recipient is expected to do to become employed and to be a responsible parent.

To obtain assistance, applicants must sign the contract. Those who do not sign, who are unwilling to accept personal responsibility for improving their situation—will not get assistance. The contract is a commitment, and those who do not abide by the contract will have their benefits reduced and ultimately terminated.

All able-bodied recipients are required to work. Even those who are not able-bodied, those who might be disabled or caring for a disabled child, must do something in return for assistance. States will decide what they will be required to do. It could be volunteering at their child's school, or ensuring that their children are properly immunized, or some other task or responsibility the State determines is fair and reasonable.

Again, there must be no more unconditional assistance.

Temporary Employment Assistance is temporary. There is a 5 year lifetime limit for Temporary Employment Assistance that may be waived only to protect children, disabled individuals, or other special cases. Applicants will know from day one that help will be available for a finite period.

Temporary Employment Assistance is flexible. States set their own rules for eligibility. States set their own maximum benefit levels. States set their own resource limits, asset limits, and income disregard policies.

All we require is that if a family meets those eligibility criteria set by the State, that family must receive assistance. That is one of the basic differences between our plan and the Republican plans. We all provide flexibility. We all let States set their own benefits. But, we say that families of similar income, or lack of income, ought to receive assistance based on their degree of poverty, not their place in line, or the time of year they applied.

A block grant, like the one approved by the Senate Finance Committee, is a first-come, first-served policy. What matters most is your place in line—not your level of need. We believe that is wrong.

As part of the effort to change the welfare culture and put welfare recipients to work, the Work First plan terminates the current JOBS program. Gone are the micromanaging rules under JOBS. We recognize that some welfare recipients made modest gains under JOBS. But, we believe that States ought to have far more flexibility to put welfare recipients to work.

Therefore, we replace the current JOBS program with a Work First Employment Block Grant. Under Work First, the focus is on job creation and employment in the private sector.

Once an individual receives Temporary Employment Assistance, she would spend up to two months in intensive job search activities to be designed by the States. At that point, we hope that the most job-ready of welfare recipients will have found a job and begun the transition out of welfare.

For those who have not found a job after 2 months, States can offer a variety of options under the Work First Employment Block Grant: placement services or vouchers; microenterprise or self-employment activities; work supplementation; grant diversion; workfare; community service; something like the GAIN program in Riverside County, CA; something like the JOBS Plus program in Oregon that provides clients with on-the-job training by cashing out AFDC and Food Stamps in return for wages; something like the Family Investment program in Iowa that moves families off welfare and into self-sufficient employment; or any other work-related option to employ welfare recipients.

For States that exceed the work performance rates under the Work First plan, we will provide bonuses on a per-person basis to the State. The bonuses are based on job retention. After the first 3 months, a State will receive one-third of the bonus. After 6 months, a State will receive another third. And, after 9 months of work, States will receive the final third.

As I said before, the objective of our plan is work first. That is the name of our bill, and that is our absolute goal. We not only want to move welfare recipients into the workforce. We want to keep them there.

As we consider welfare reform, there will undoubtedly be vigorous debate about various facts and statistics. But there is no denying one fact. And, that is that the overwhelming majority of welfare recipients are women, mothers raising children alone.

That is why it is no surprise that the greatest barrier for moving welfare recipients from welfare to work is the lack of child care, the inability to afford child care, and the anxiety about leaving one's child in the care of another.

We believe that the linchpin between welfare and work is child care. We believe that if we help mothers afford child care and help communities expand child care opportunities, we will tear down that barrier.

An investment in child care today pays off in two ways tomorrow. First, it enables welfare recipients to go to work. And second, quality child care provides a positive environment for children to better prepare for school and a life free of welfare.

If we are serious about putting welfare recipients to work, then we need to be equally serious about providing child care assistance.

To date, the focus of welfare reform has been on work. An essential part of that debate ought to be about child care assistance.

To leave her house, to get a job, to keep that job, a mother first must be able to find and afford child care. If we are going to retain women, particularly single women, in the workforce, then we need to invest in child care.

Another barrier to employment is the lack of health coverage. For many child care if has not become an insurmountable problem, then health care coverage has.

It is well know that many low wage jobs, often the only jobs available to welfare recipients, do not come with health care coverage. And we all know of stories of women who left welfare for work only to face a health care crisis and realize that welfare with Medicaid coverage is their only viable option. The incentives under the current system are all wrong. We have to make work pay.

That is why under Work First, we provide for 2 years of Medicaid coverage for those transitioning from welfare to work.

I know that, ideally, this problem should be considered within the context of overall healthcare reform. But, until that happens, through transitional Medicaid coverage, we have provided an incentive to keep women in the workforce.

Another critical issue in the welfare debate is teen pregnancy. I have talked to many experts throughout the country and in South Dakota about teen pregnancy. No one has come up with the perfect solution.

Under the Work First plan, mothers are required to live at home or in an adult-supervised environment. They are required to stay in school. States are free to reduce benefits to those who do not and provide bonuses to those who do.

Because there is no one-size-fits-all answer to reducing teen pregnancy, the Work First plan offers grants to States to work with communities to develop their own innovative approaches to reduce teen pregnancy.

With regard to absent parents and child support enforcement, our message is clear. The Work First plan includes the Bradley-Snowe provisions to improve child support enforcement and bring about uniformity to interstate cases so that they will no longer be impossible to enforce.

The Work First plan also goes one step further. Noncustodial parents with overdue support orders are required to pay up, enter into a repayment plan, or choose between community service and jail.

No longer will deadbeat parents be able to escape their financial responsibility. It is a crime that the default rate on used cars is about 3 percent, while the default rate on child support orders hovers around 50 percent. No longer. Not under the Work First plan.

The Work First plan is really about priorities. It is a priority for us to fundamentally change the welfare system to put welfare recipients to work—not to put them on someone else's doorstep.

We cut existing welfare and welfare-related programs and invest those savings in efforts to promote work and child care. Beyond the investments we make, we have savings of about $15 billion so that we not only put welfare recipients to work, but we reduce the deficit at the same time.

The time has come for fundamental change. The Work First plan is a pragmatic approach that focuses on work—private sector work.

We are told that the Senate will begin debating welfare reform on Saturday. I look forward to reviewing the revised Republican plan and comparing it to our plan. And I continue to urge my colleagues, on both sides of the aisle, to review the Work First plan.

Welfare reform should not be a partisan issue. It is time to put politics aside and get down to the business we were sent here to do. If we do that, there is no doubt in my mind that we can develop a welfare reform package that garners a large consensus in the Senate.

Ms. MIKULSKI. Mr. President, I am proud today to join with the Democratic leader in introducing the work first bill. It is the Democratic leadership's welfare reform bill.

We Democrats believe that welfare should not be a way of life but a way to a better life. The people on welfare agree that it is a mess. The taxpayers who pay for welfare agree that it is a mess. All agree that the current system does not work, and all agree that it needs to be replaced. It discourages work and economic self-sufficiency.

Therefore, the Democratic work first bill addresses these concerns. That is why we are absolutely firm on work. That is why the Democratic bill that we introduce today not only moves people off of welfare but helps them stay off.

The Republican welfare bill simply pushes people off welfare and pushes them into poverty. The Democrats have a work first plan. It focuses on ending the cycle of poverty and the culture of poverty. How do we do it? Our bill ends AFDC and creates a temporary employment assistance program. We require job readiness assessments of each adult job placement, job search, and on-the-job work activity. We require them to sign a parent empowerment contract that requires them to take the steps they need to go to work and be responsible parents. Then we expect the individuals to go to work.

But while being firm on work, we provide these individuals with the tools they need to get a job and keep a job. We also provide a safety net for children. That means quality day care for 2 years as parents go to work, the extension of health care protection, and making sure that a child has health care while their mothers are moving to work and self-sufficiency. This also means we look out for the food and nutrition programs.

The Democratic bill also brings men back into the family. Sure, we are very tough on child support. We strengthen the child support rules. But we do not look at men only as a child support check. We want men back into the family. We want to remove the barriers to family, the barriers to marriage, because we believe the way the family is going to move out of poverty is the way people move to the middle class, with two-parent wage earners. That is why we will eliminate the man-in-the-house rule and other barriers to men being in the family.

The Democratic plan also tackles the growing problem of teenage pregnancy. Under our bill, teen mothers must stay in school and stay at home as a condition of receiving benefits. If they stay in a home that is not desirable, where they are a victim of abuse, or where there is alcoholism or drug abuse, we create a network of second-chance homes. The work first plan also gives broad flexibility to States, administrative simplification and helps with those issues that Governors have complained about.

Finally the Democratic welfare bill saves money and lowers the deficit. Through a series of reforms in the current system and the elimination of fraud and waste, our bill will have a net savings of $21 billion over a 7-year period.

This work first bill is an act of tough love. Sure it is tough, but we have a lot of love in it. As we approach welfare reform, we ask people to take charge of their lives and go to work. In exchange for that, we give them the tools to stay at work, the opportunity for a better life, enable them to marry. And I believe that our bill brings about real reform because we do not have requirements, we have results and resources.

I hope that this bill will attract bipartisan support and we can truly end welfare as we know it.

Mr. President, I will yield the floor to the Senator from Louisiana.

Mr. BREAUX. Mr. President, I congratulate the Senator from Maryland for the excellent job she has done. As a former professional social worker, when BARBARA MIKULSKI speaks about welfare reform, she does not speak from having read a book about it; she speaks from having led a life of trying to improve the conditions of lives of people who have had the great misfortune of being on welfare.

Mr. President, I will be very brief. Today is an important day because today the Democratic leadership, with a number of cosponsors, a majority of all Democrats, have introduced our Work First welfare reform bill. It is a major document. It is a major document because it makes major changes in the current welfare system that we, as Democrats, and I think most Republicans would agree welfare as we know it today simply does not work.

I know of only a few people who may stand up anywhere and say the system we have is a good system. It does not work well for the people who are on it and it does not work well for the people who are paying for it.

I think there is a general consensus that we have to make major changes. How we make those changes is the subject, I think, of legitimate debate. There are a lot of different suggestions about what should be done to make it work better than it has worked in the past. I suggest that any program that is tough on work, any program that is good for children, is a movement in the right direction as to what we as a Congress should be doing.

It was an issue at the last Presidential campaign. I hope it will not be an issue in the next Presidential campaign, because I hope by that time we will have adopted a real bipartisan program that is good for all Americans.

We, as Democrats, could not do this by ourselves. I suggest that our Republican colleagues, by themselves, cannot do it either.

Therefore, this is a subject that will have to have bipartisan agreement. We are going to bring a real welfare reform bill to the President's desk, one that he can sign in this Congress. That should be the goal of all of us, Republicans or Democrats.

Let me just suggest that the bill that we are introducing today, the Democratic Work First Program, is an excellent vehicle. I wish all of our colleagues would join and we could pass it unanimously. I know that that is not likely.

I do think that it presents a document in a package of principles that we can all agree on and then tinker around the edges to make it a politically acceptable document to all of our colleagues.

Our bill starts off by recognizing that the current system does not work. We abolished the Aid to Families with Dependent Children, the AFDC program, which has been around for so long. We are saying that in the 1990's it does not work. Not only does it have to be changed a little bit, it has to be changed a lot. Not only does it have to be changed, it should be abolished, and start off with a new program.

That is what we have in our document. We replace Aid to Families with Dependent Children with a temporary employment system that requires people, when they walk into the welfare office, to sign a contract. That contract is going to get them starting to look for a job from the first day. If they do not follow the terms of the contract, their benefits can be reduced.

I think that is something that is incredibly important. They start from the first day they walk in the office looking for a job. The best social program that this Congress can pass is a good job, not another Federal program, but a good job for someone who currently is under welfare assistance in their particular State.

The program that we are offering abolishes the current system, starts over with a temporary employment program from the very first day. There are penalties and there are time limits. We are saying that people cannot be on welfare assistance forever. There is a 2-year time limit, and a total of 5 years in a person's life that they would be eligible for welfare assistance.

We also, I think, protect children. We also say to States that we are not going to give you an unfunded mandate to do things without helping you pay for those programs.

One of my concerns about the bill that came out of the Finance Committee was that we froze the amount of money going to the States at 1994 levels, yet we are telling States they have to do a lot more with a lot less. That is not real reform.

I suggest that plan is like putting all the welfare problems in a box and then mailing that box to the States and say, "Here, it is yours. We are washing our hands of the problem. You take it. We will give you less money to fix it."

That is not reform. That is passing the buck. That is not what we should be doing in this Congress.

Our program is real reform. We should not be arguing, I suggest, as to whether the Federal Government should do it or the State should do it. The fact is we both should do it. The Federal Government should work with the States and give them more flexibility, and the Federal Government should be there as a partner—not as a supervisor, not as a big heavy hand from Washington, but as a partner—with the States to work on what is best for a particular State.

Our bill does that. It gives great flexibility to the States to devise the proper system that works in their State, to design what is best for the State of Mississippi, the State of Louisiana, Maryland or California, or whatever State is involved. Let the States design the program.

We, as Federal officials who raise the money to pay for those programs, should not be unconcerned with how those funds are spent. There should be some national standards. There should be some national parameters.

We, for instance, feel that States should not be able to tell children who are innocent victims, who did not ask to be born, that they somehow will lose any benefits that they have to live because of the mistakes of their parents. We think that is hard. We think that is cruel. We think that should not be the policy of this country.

We think, however, parents should be penalized when they make mistakes. We think parents who refuse to work should be penalized for not wanting to work. Our bill does that by reducing the benefits to adults who refuse to live by the terms of their contract. I think that is good.

We do not say in our bill to an innocent baby who did not ask to be born that because your parent is a teenager, we are going to penalize your life and make it more difficult for you to be a functioning citizen in this society.

Mr. President, our bill may not be perfect. We are not saying it is. We are not saying that perhaps it cannot be improved by amendments, because perhaps it can be. What we are saying is that our Work First Program is a solid package that is going to arrive out with a lot of debate, a lot of discussion, where liberals and moderates and conservatives within our party have been able to come together and join hands and introduce this as a work first welfare package, which I think makes a great deal of sense.

We encourage our Republican colleagues, we challenge our Republican colleagues, to introduce your bill, to start the debate —not in an adversarial relationship, because this is something that truly should not be Republican or Democrat. We should be looking for an American solution to a uniquely American problem.

We all agree it does not work today. We all agree it needs to be fixed. We should come together and work together and get the type of program that this President is willing to sign and that we all can be proud of the ultimate results. I yield the floor.

Mr. LIEBERMAN. Mr. President, I am pleased to join my colleagues today to introduce our Work First welfare reform legislation. This Congress has an historic opportunity to address the welfare crisis. The primary welfare program—Aid to Families With Dependent Children [AFDC]—is viewed by those participating in it and those paying for it as a failure. It is failing at its most important task—moving people into the work force. Worse yet, it is contributing to the cycle of poverty. By rewarding single parents who don't work, don't marry, and have children out of wedlock, the current system demeans our most cherished values and deepens society's most serious problems.

The Work First plan repeals the failed AFDC Program and replaces it with a temporary employment assistance program focused on putting people to work. It gives States the flexibility and incentives they need to successfully move people into private sector jobs. And it addresses two key causes of welfare dependency through tough new child support enforcement laws and provisions to reduce out-of-wedlock births to teenagers.

The Work First Program ends unconditional benefits that foster dependency. Each person receiving assistance will sign an individualized contract for achieving self-sufficiency. If recipients do not comply with the plan, then they will lose some or all of their benefits. While the plan may include some training or education, the emphasis will be squarely on work experience; all recipients will be required to search for a job from day one.

Eligibility for benefits will be limited to 5 years, although children whose parents reach this time limit will still be eligible for assistance. We must continue to meet our responsibility to our Nation's poorest children.

States must focus their program directly on placing people in private sector jobs. The bill requires States to have at least 50 percent of their caseload working by the year 2001. It moves away from telling States how to succeed and instead rewards results—States that have high private sector job placement rates will receive a financial bonus.

Our work requirements are tough and funded. We understand that child care assistance is the critical link between welfare and work and, unlike Republican welfare proposals, our bill gives States the child care funding they need to put people in jobs and move them off of welfare. In contrast, the Congressional Budget Office estimates that, under the Republican proposal, only 6 States could afford to put 50 percent of people on welfare to work.

The legislation also tackles the critical problem of teen pregnancy. Unmarried teen parents are particularly likely to fall into long-term welfare dependency. More than one-half of welfare spending goes to women who first gave birth as teens. This legislation, among other things, requires teen mothers to live at home and helps communities establish supervised group homes for single teen mothers.

Finally, the bill incorporates strong child support enforcement legislation Senator BRADLEY introduced, and I cosponsored, earlier this year. The legislation will make it easier for States to locate absent noncustodial parents; establish paternity; establish a court order; and enforce payment of court orders. A tough child support enforcement system will help keep millions of children out of poverty and off of welfare. And tougher laws will send a message of responsibility to would-be deadbeat parents. In an era of skyrocketing out-of-wedlock births and rising teen pregnancy rates, child support enforcement payments must become a well-known and unavoidable fact of life for absent fathers and mothers.

The work first plan is true welfare reform. It demands responsibility from parents while providing continued protection for children. It addresses two of the key causes of welfare dependency—teen pregnancy and unpaid child support. It gives States the incentives and funding they need to put people back to work—and it holds States accountable for results.

By Ms. SNOWE (for herself and Mr. GLENN):

S. 1118. A bill to amend title XVIII of the Social Security Act to provide for coverage of bone mass measurements for certain individuals under part B of the Medicare Program; to the Committee on Finance.

THE BONE MASS MEASUREMENT STANDARDIZATION ACT OF 1995

• Ms. SNOWE. Mr. President, today I am introducing the Bone Mass Measurement Standardization Act of 1995. A companion bill is being introduced in the U.S. House of Representatives by Representative CONNIE MORELLA.

Millions of women in their post-menopausal years face a silent killer * * * a stalker disease we know as osteoporosis. This unforgiving bone disease afflicts 25 million Americans; causes 50,000 deaths each year; 1.5 million bone fractures annually; and the direct medical costs of osteoporosis fracture patients are $10 billion each year, or $27 million every single day. This cost is projected to reach $60 billion by the year 2020 and $240 billion by the year 2040 if medical research has not discovered an effective treatment.

The facts also show that one out of every two women have a lifetime risk of bone fractures due to osteoporosis, and that it affects half of all women over the age of 50 and an astounding 90 percent of all women over 75. Perhaps the most tragic consequences of osteoporosis occur with the 250,000 individuals annually who suffer a hip fracture. Twelve to 13 percent of these persons will die within 6 months following a hip fracture, and of those who survive, a 20 percent will never walk again, and 20 percent will require nursing home care—often for the rest of their lives.

We all know that osteoporosis cannot be cured, although with a continued commitment to research in this area I remain hopeful that we will find one. We also know that once bone mass is lost, it cannot be replaced. Therefore, early detection is our best weapon because it is through early detection, that we can thwart the progress of the disease and initiate preventative efforts to stop further loss of bone mass.

Bone mass measurement can be used to determine the status of a person's bone health and to predict the risk of future fractures. These tests are safe, painless, accurate and quick. Our expanding technology is adding new methods to determine bone mass and we need to keep up with this technology. The most commonly used test currently is DXA dual energy x ray absorptiometry.

In order to ensure that we detect bone loss early, we need to ensure that older women have coverage for bone mass tests. According to the National Osteoporosis Foundation, only about one half of private insurance policies cover these tests for diagnostic purposes, and the Federal Medicare coverage is inconsistent in its coverage depending on where an individual resides. For example, Medicare currently covers the DXA test in 42 States—including my home State of Maine. But it is not covered in 4 States and the District of Columbia, and it is covered only in parts of 4 additional States, some of which are our most populous, including New York.

This patchwork coverage means that on older women who lives in Florida will be covered, but if she moves to Pennsylvania, she will not be. And a Medicare beneficiary living in Baltimore will be covered, but if she moves to Rockville, Medicare will not cover the test.

Mr. President, a woman shouldn't have to change zip codes to obtain coverage for a preventive test, especially when early intervention is the only action we can take right now to slow the loss of bone mass. Once it is lost, it cannot be replaced.

The Medicare Bone Mass Measurement Standardization Act will clarify the Medicare coverage policy for DXA testing to make it uniform in all States. It also will provide an expanded definition of the types of tests covered for bone mass measurement in order to keep up with the expanding technology in this area.

We all know that "an ounce of prevention is worth a pound of cure". This bill will ensure that older women, regardless of where they live, will have access to bone mass measurement technology that will help detect bone loss and allow preventive steps to be taken. It is our only weapon right now in the fight against osteoporosis.

I hope my colleagues will join me in supporting this bill.•

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 1119. A bill to define the circumstances under which earthquake insurance requirements may be imposed by the Federal Home Loan Mortgage Corporation on a specifically targeted State or area; to the Committee on Banking, Housing, and Urban Affairs.

THE EARTHQUAKE INSURANCE AVAILABILITY ACT OF 1995

• Mrs. FEINSTEIN. Mr. President, I introduce the Earthquake Insurance Availability Act of 1995.

The purpose of this legislation is to ensure that all 50 States in our Nation are treated equally by the Federal Home Loan Mortgage Corporation with respect to special insurance requirements, specifically earthquake insurance.

The legislation I am introducing today specifies that earthquake insurance requirements targeted to a specific state, by the Federal Home Loan Mortgage Corporation, may be imposed only after the State insurance commissioner for the affected State certifies in writing that: First, reasonable insurance capacity exists in the State; and, second, compliance would not cause undue hardship for citizens of the State.

Mr. President, nobody in this Chamber is more aware of the threat of earthquakes than I am. I have seen the devastation they can cause, and I know of the terrible hardships, loss of life, and loss of property they leave behind.

Let me begin by saying that I believe everyone should have adequate insurance on their home to protect against hazards—including natural disasters.

The problem is, however, that adequate insurance is not always available. This is especially true, in California, with respect to earthquake insurance.

The truth is no region of our country is immune to natural disasters. In the last decade, different parts of our Nation have been hit by hurricanes, tornadoes, floods, cyclones, earthquakes, volcanic eruptions, and firestorms, and I believe that it is essential that Congress enact natural disaster legislation as quickly as possible.

That is why I am a cosponsor of the Natural Disaster Protection and Insurance Act recently introduced by the distinguished Senator from Alaska, Senator STEVENS, and the distinguished Senator from Hawaii, Senator INOUYE.

In the interim, however, my State of California which has experienced significant earthquakes in recent years—the Loma Prieta earthquake in 1989; and the Northridge earthquake in 1994—has experienced a sharp drop in the availability of earthquake insurance.

Simply stated, since the Northridge earthquake, many major insurers have pulled out of the California market. Many others have increased their premiums to such a point that they are beyond the reach of many homeowners, and even then there are very steep deductibles.

Recently the situation became much worse, for owners of California condominiums, when the Federal Home Loan Mortgage Company—commonly known as Freddie Mac—issued a policy requiring earthquake insurance, only for California condominiums, as a condition of purchase of mortgages.

I believe this policy, which targets only one State, is inappropriate for a federally chartered corporation which was created by Congress in 1970 to ensure a stable flow of mortgage funds for the entire Nation.

This policy which, in a way, redlines my State, is designed to minimize Freddie Mac's loss in the event of a future earthquake in California.

I can understand why the corporation feels the need to protect its shareholders from potentially lower dividends. But Freddie Mac, while a stockholder-owned corporation, enjoys considerable tax benefits by virtue of its Federal charter.

I believe that those benefits are provided by the American taxpaying public—which includes, I might add, many

Californians—to assist Freddie Mac in accomplishing its mission of helping more Americans become homeowners.

California still lags the Nation in its recovery, and the economy there is very fragile. In implementing its new policy, Freddie Mac, in effect, is reducing the number of options for California homeowners, and this will have a direct impact on the value of their homes. I believe this sets a dangerous precedent for other parts of the country which are prone to natural disaster.

I am not unsympathetic to Freddie Mac's position, and I have indicated a willingness to sit down with them and work out a solution. But that solution must take into consideration the underlying problem—which is the lack of earthquake insurance availability.

In addition, the solution must take into consideration not only the protection of Freddie Mac's investors. It must also include the protection of the homeowners of my State, for it is they whom I was elected to represent.●

ADDITIONAL COSPONSORS

S. 304

At the request of Mr. SANTORUM, the names of the Senator from Virginia [Mr. WARNER] and the Senator from Kansas [Mrs. KASSEBAUM] were added as cosponsors of S. 304, a bill to amend the Internal Revenue Code of 1986 to repeal the transportation fuels tax applicable to commercial aviation.

S. 529

At the request of Mr. GRAHAM, the name of the Senator from Indiana [Mr. LUGAR] was added as a cosponsor of S. 529, a bill to provide, temporarily, tariff and quota treatment equivalent to that accorded to members of the North American Free Trade Agreement [NAFTA] to Caribbean Basin beneficiary countries.

S. 673

At the request of Mrs. KASSEBAUM, the name of the Senator from Nebraska [Mr. KERREY] was added as a cosponsor of S. 673, a bill to establish a youth development grant program, and for other purposes.

S. 678

At the request of Mr. AKAKA, the names of the Senator from Rhode Island [Mr. CHAFEE] and the Senator from Iowa [Mr. HARKIN] were added as cosponsors of S. 678, a bill to provide for the coordination and implementation of a national aquaculture policy for the private sector by the Secretary of Agriculture, to establish an aquaculture development and research program, and for other purposes.

S. 760

At the request of Mr. ROCKEFELLER, the name of the Senator from Montana [Mr. BAUCUS] was added as a cosponsor of S. 760, a bill to establish the National Commission on the Long-Term Solvency of the Medicare Program.

S. 833

At the request of Mr. HATCH, the name of the Senator from Virginia [Mr. WARNER] was added as a cosponsor of S. 833, a bill to amend the Internal Revenue Code of 1986 to more accurately codify the depreciable life of semiconductor manufacturing equipment.

S. 959

At the request of Mr. HATCH, the name of the Senator from Oklahoma [Mr. NICKLES] was added as a cosponsor of S. 959, a bill to amend the Internal Revenue Code of 1986 to encourage capital formation through reductions in taxes on capital gains, and for other purposes.

S. 968

At the request of Mr. MCCONNELL, the name of the Senator from Idaho [Mr. CRAIG] was added as a cosponsor of S. 968, a bill to require the Secretary of the Interior to prohibit the import, export, sale, purchase, and possession of bear viscera or products that contain or claim to contain bear viscera, and for other purposes.

S. 971

At the request of Mr. COATS, the name of the Senator from Oklahoma [Mr. NICKLES] was added as a cosponsor of S. 971, a bill to amend the Public Health Service Act to prohibit governmental discrimination in the training and licensing of health professionals on the basis of the refusal to undergo or provide training in the performance of induced abortions, and for other purposes.

S. 986

At the request of Mr. D'AMATO, the name of the Senator from Wisconsin [Mr. KOHL] was added as a cosponsor of S. 986, a bill to amend the Internal Revenue Code of 1986 to provide that the Federal income tax shall not apply to U.S. citizens who are killed in terroristic actions directed at the United States or to parents of children who are killed in those terroristic actions.

S. 1000

At the request of Mr. BURNS, the names of the Senator from North Carolina [Mr. FAIRCLOTH], the Senator from Idaho [Mr. CRAIG], and the Senator from Mississippi [Mr. LOTT] were added as cosponsors of S. 1000, a bill to amend the Internal Revenue Code of 1986 to provide that the depreciation rules which apply for regular tax purposes shall also apply for alternative minimum tax purposes, to allow a portion of the tentative minimum tax to be offset by the minimum tax credit, and for other purposes.

S. 1004

At the request of Mr. STEVENS, the name of the Senator from Louisiana [Mr. BREAUX] was added as a cosponsor of S. 1004, a bill to authorize appropriations for the U.S. Coast Guard, and for other purposes.

S. 1028

At the request of Mrs. KASSEBAUM, the names of the Senator from Ohio [Mr. GLENN] and the Senator from North Dakota [Mr. DORGAN] were added as cosponsors of S. 1028, a bill to provide increased access to health care benefits, to provide increased portability of health care benefits, to provide increased security of health care benefits, to increase the purchasing power of individuals and small employers, and for other purposes.

S. 1045

At the request of Mr. ABRAHAM, the name of the Senator from Ohio [Mr. DEWINE] was added as a cosponsor of S. 1045, a bill to amend the National Foundation on the Arts and the Humanities Act of 1965, the Museum Services Act, and the Arts and Artifacts Indemnity Act to privatize the National Foundation on the Arts and the Humanities and to transfer certain related functions, and for other purposes.

S. 1097

At the request of Mr. HATFIELD, the name of the Senator from Idaho [Mr. CRAIG] was added as a cosponsor of S. 1097, a bill to designate the Federal building located at 1550 Dewey Avenue, Baker City, OR, as the "David J. Wheeler Federal Building," and for other purposes.

SENATE RESOLUTION 146

At the request of Mr. JOHNSTON, the names of the Senator from Indiana [Mr. COATS] and the Senator from South Carolina [Mr. HOLLINGS] were added as cosponsors of Senate Resolution 146, a resolution designating the week beginning November 19, 1995, and the week beginning on November 24, 1996, as "National Family Week," and for other purposes.

SENATE RESOLUTION 147

At the request of Mr. THURMOND, the names of the Senator from North Dakota [Mr. CONRAD], the Senator from Mississippi [Mr. LOTT], and the Senator from Virginia [Mr. WARNER] were added as cosponsors of Senate Resolution 147, a resolution designating the weeks beginning September 24, 1995, and September 22, 1996, as "National Historically Black Colleges and Universities Week," and for other purposes.

AMENDMENTS SUBMITTED

THE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1996

DORGAN (AND OTHERS) AMENDMENT NO. 2087

Mr. DORGAN (for himself, Mr. BRADLEY, Mr. LEAHY, Mr. BINGAMAN, Mr. FEINGOLD, Mr. BUMPERS, Mr. WELLSTONE, Mr. EXON, Mr. HARKIN, Mr. GLENN, Mrs. BOXER, Mr. JOHNSTON, and Mr. CONRAD) proposed an amendment to the bill (S. 1026) to authorize appropriations for fiscal year 1996 for military activities of the Department of

Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 32, strike out line 14 and insert in lieu thereof the following: "$9,233,148,000, of which—

"(A) not more than $357,900,000 is authorized to implement the national missile defense policy established in Section 233(2);".

LEVIN (AND OTHERS) AMENDMENT NO. 2088

Mr. LEVIN (for himself, Mr. Exon, Mr. Bingaman, Mr. Glenn, Mr. Bradley, Mr. Kennedy, Mr. Feingold, Mr. Dorgan, Mr. Wellstone, Mr. Biden, Mr. Moynihan, Mr. Harkin, Mr. Jeffords, Mr. Kerrey, Mr. Nunn, Mr. Daschle, Mr. Kerry, Mr. Lautenberg, and Mr. Pell) proposed an amendment to the bill S. 1026, supra; as follows:

On page 52, strike out lines 20 through 25.

On page 62, strike out lines 8 through 11.

Beginning on page 63, strike out line 11 and all that follows through page 65, line 24.

COHEN AMENDMENT NO. 2089

Mr. COHEN proposed an amendment to the bill S. 1026, supra; as follows:

At the appropriate place in the bill insert the following:

(a) Findings.—Congress makes the following findings:

(1) The proliferation of weapons of mass destruction and ballistic missiles of all ranges is a global problem that is becoming increasingly threatening to the United States, its troops and citizens abroad, and its allies.

(2) Articles XIII of the ABM Treaty envisions "possible changes in the strategic situation which have a bearing on the provisions of this Treaty".

(3) Articles XIII and XIV of the ABM Treaty establish means for the Parties to amend the Treaty, and the Parties have employed these means to amend the Treaty.

(4) Article X V of the ABM Treaty establishes means for a party to withdraw from the Treaty, upon 6 months notice, "if it decides that extraordinary events related to the subject matter of this Treaty have jeopardized its supreme interests.".

(b) Sense of Congress.—Given the fundamental responsibility of the Government of the United States to protect the security of the United States, the increasingly serious threat posed to the United States by the proliferation of weapons of mass destruction and ballistic missile technology, and the effect this threat could have in constraining the options of the United States to act in time of crisis, it is the sense of Congress that—

(1) it is in the supreme interest of the United States to defend itself from the threat of limited ballistic missile attack, whatever its source;

(2) the deployment of a multiple site ground-based national missile defense system to protect against limited ballistic missile attack can strengthen strategic stability and deterrence;

(3) the policies, programs, and requirements of subtitle C of title II of this Act can be accomplished through processes specified within, or consistent with, the ABM Treaty, which anticipates the need and provides the means for amendment to the Treasury;

(4) the President is urged to initiate negotiations with the Russian Federation to amend the ABM Treaty as necessary to provide for the national missile defense systems specified in section 235 to protect the United States from limited ballistic missile attack; and

(5) if these negotiations fail, the President is urged to consult with the Senate about the option of withdrawing the United States from the ABM Treaty in accordance with the provisions of Article XV of the Treaty.

McCAIN (AND OTHERS) AMENDMENT NO. 2090

Mr. McCAIN (for himself, Mr. Roth, Mr. Feingold, and Mr. Grams) proposed an amendment to the bill S. 1026, supra; as follows:

On page 30, after the matter following line 24, insert the following:

SEC. 125. SSN-23 SEAWOLF CLASS ATTACK SUBMARINE.

(a) Deletion of Funding.—Notwithstanding any other provision of this Act, the total amount of the funds authorized under section 120(a)(3) for the Navy for fiscal year 1996 for shipbuilding and conversion is reduced by $1,507,477,000.

(b) Prohibition.—(1) Notwithstanding any other provision of this Act, funds available for the Department of Defense for fiscal year 1996 and, except as provided in paragraph (2)(B), funds available for the Department of Defense for any preceding fiscal year may not be obligated or expended for procurement of a third SSN-21 Seawolf class attack submarine or for advance procurement for such submarines.

(2)(A) Funds available for the Department of Defense for fiscal year 1996 may not be used for paying costs incurred for termination of any contract for procurement of a third SSN-21 Seawolf class attack submarine, including any contract for advance procurement for such submarine.

(B) Only the funds available for the Department of Defense for fiscal years before fiscal year 1996 for procurement of an SSN-23 Seawolf attack submarine may, to the extent provided in appropriations Acts, be used for paying costs described in subparagraph (A).

McCAIN AMENDMENT NO. 2091

Mr. McCAIN proposed an amendment to the bill S. 1026, supra; as follows:

On page 30, after the matter following line 24, insert the following:

SEC. 125. SEAWOLF SUBMARINE PROGRAM.

(a) Limitation of Costs.—Except as provided in subsection (b), the total amount obligated or expended for procurement of the SSN-21, SSN-22, and SSN-23 Seawolf class submarines may not exceed $7,187,800,000.

(b) Automatic Increase of Limitation Amount.—The amount of the limitation set forth in subsection (a) is increased after fiscal year 1995 by the following amounts:

(1) The amounts of outfitting costs and postdelivery costs incurred for the submarines referred to in such subsection.

(2) The amounts of increases in costs attributable to economic inflation after fiscal year 1995.

(3) The amounts of increases in costs attributable to compliance with changes in Federal, State, or local laws enacted after fiscal year 1995.

DODD AMENDMENT NO. 2092

Mr. DODD proposed an amendment to amendment No. 2091 proposed by Mr. McCain to the bill S. 1026, supra; as follows:

On page 1, line 7, strike out "$7,187,800,000" and insert in lieu thereof "$7,223,659,000".

FAIRCLOTH AMENDMENT NO. 2093

(Ordered to lie on the table.)

Mr. FAIRCLOTH submitted an amendment intended to be proposed by him to the bill S. 1026, supra; as follows:

Beginning on page 110 strike line 20 and all that follows through page 114, line 6.

BUMPERS (AND OTHERS) AMENDMENT NO. 2094

Mr. BUMPERS (for himself, Mr. Feingold, Mr. Simon, Mrs. Boxer, Mr. Hatfield, and Mr. Dorgan) proposed an amendment to the bill S. 1026, supra; as follows:

Strike line 1 on page 353 through line 16 on page 357.

CHAFEE (AND WARNER) AMENDMENT NO. 2095

Mr. CHAFEE (for himself and Mr. Warner) proposed an amendment to the bill S. 1026, supra; as follows:

Beginning on page 78, strike line 21 and all that follows through page 87, line 20, and insert the following:

SEC. 322. DISCHARGES FROM VESSELS OF THE ARMED FORCES.

(a) Purposes.—The purposes of this section are to—

(1) enhance the operational flexibility of vessels of the Armed Forces domestically and internationally;

(2) stimulate the development of innovative vessel pollution control technology; and

(3) advance the development by the United States Navy of environmentally sound ships.

(b) Uniform National Discharge Standards Development.—Section 312 of the Federal Water Pollution Control Act (33 U.S.C. 1322) is amended by adding at the end the following:

"(n) Uniform National Discharge Standards for Vessels of the Armed Forces.—

"(1) Applicability.—This subsection shall apply to vessels of the Armed Forces and discharges, other than sewage, incidental to the normal operation of a vessel of the Armed Forces, unless the Secretary of Defense finds that compliance with this subsection would not be in the national security interests of the United States.

"(2) Determination of discharges required to be controlled by marine pollution control devices.—

"(A) In general.—The Administrator and the Secretary of Defense, after consultation with the Secretary of the department in which the Coast Guard is operating, the Secretary of Commerce, and interested States, shall jointly determine the discharges incidental to the normal operation of a vessel of the Armed Forces for which it is reasonable and practicable to require use of a marine pollution control device to mitigate adverse impacts on the marine environment. Notwithstanding subsection (a)(1) of section 553 of title 5, United States Code, the Administrator and the Secretary of Defense shall promulgate the determinations in accordance with the section.

"(B) Considerations.—In making a determination under subparagraph (A), the Administrator and the Secretary of Defense shall take into consideration—

"(i) the nature of the discharge;

"(ii) the environmental effects of the discharge;

"(iii) the practicability of using the marine pollution control device;

"(iv) the effect that installation or use of the marine pollution control device would have on the operation or operational capability of the vessel;

"(v) applicable United States law;

"(vi) applicable international standards; and

"(vii) the economic costs of the installation and use of the marine pollution control device.

"(3) PERFORMANCE STANDARDS FOR MARINE POLLUTION CONTROL DEVICES.—

"(A) IN GENERAL.—For each discharge for which a marine pollution control device is determined to be required under paragraph (2), the Administrator and the Secretary of Defense, in consultation with the Secretary of the department in which the Coast Guard is operating, the Secretary of State, the Secretary of Commerce, other interested Federal agencies, and interested States, shall jointly promulgate Federal standards of performance for each marine pollution control device required with respect to the discharge. Notwithstanding subsection (a)(1) of section 553 of title 5, United States Code, the Administrator and the Secretary of Defense shall promulgate the standards in accordance with the section.

"(B) CONSIDERATIONS.—In promulgating standards under this paragraph, the Administrator and the Secretary of Defense shall take into consideration the matters set forth in paragraph (2)(B).

"(C) CLASSES, TYPES, AND SIZES OF VESSELS.—The standards promulgated under this paragraph may—

"(i) distinguish among classes, types, and sizes of vessels;

"(ii) distinguish between new and existing vessels; and

"(iii) provide for a waiver of the applicability of the standards as necessary or appropriate to a particular class, type, age, or size of vessel.

"(4) REGULATIONS FOR USE OF MARINE POLLUTION CONTROL DEVICES.—The Secretary of Defense, after consultation with the Administrator and the Secretary of the department in which the Coast Guard is operating, shall promulgate such regulations governing the design, construction, installation, and use of marine pollution control devices on board vessels of the Armed Forces as are necessary to achieve the standards promulgated under paragraph (3).

"(5) DEADLINES; EFFECTIVE DATE.—

"(A) DETERMINATIONS.—The Administrator and the Secretary of Defense shall—

"(i) make the initial determinations under paragraph (2) not later than 2 years after the date of enactment of this subsection; and

"(ii) every 5 years—

"(I) review the determinations; and

"(II) if necessary, revise the determinations based on significant new information.

"(B) STANDARDS.—The Administrator and the Secretary of Defense shall—

"(i) promulgate standards of performance for a marine pollution control device under paragraph (3) not later than 2 years after the date of a determination under paragraph (2) that the marine pollution control device is required; and

"(ii) every 5 years—

"(I) review the standards; and

"(II) if necessary, revise the standards, consistent with paragraph (3)(B) and based on significant new information.

"(C) REGULATIONS.—The Secretary of Defense shall promulgate regulations with respect to a marine pollution control device under paragraph (4) as soon as practicable after the Administrator and the Secretary of Defense promulgate standards with respect to the device under paragraph (3), but not later than 1 year after the Administrator and the Secretary of Defense promulgate the standards. The regulations promulgated by the Secretary of Defense under paragraph (4) shall become effective upon promulgation unless another effective date is specified in the regulations.

"(D) PETITION FOR REVIEW.—The Governor of any State may submit a petition requesting that the Secretary of Defense and the Administrator review a determination under paragraph (2) or a standard under paragraph (3), if there is significant new information, not considered previously, that could reasonably result in a change to the particular determination or standard after consideration of the matters set forth in paragraph (2)(B). The petition shall be accompanied by the scientific and technical information on which the petition is based. The Administrator and the Secretary of Defense shall grant or deny the petition not later than 2 years after the date of receipt of the petition.

"(6) EFFECT ON OTHER LAWS.—

"(A) PROHIBITION ON REGULATION BY STATES OR POLITICAL SUBDIVISIONS OF STATES.—Beginning on the effective date of—

"(i) a determination under paragraph (2) that it is not reasonable and practicable to require use of a marine pollution control device regarding a particular discharge incidental to the normal operation of a vessel of the Armed Forces; or

"(ii) regulations promulgated by the Secretary of Defense under paragraph (4);

except as provided in paragraph (7), neither a State nor a political subdivision of a State may adopt or enforce any statute or regulation of the State or political subdivision with respect to the discharge or the design, construction, installation, or use of any marine pollution control device required to control the discharge.

"(B) FEDERAL LAWS.—This subsection shall not affect the application of section 311 to discharges incidental to the normal operation of a vessel.

"(7) ESTABLISHMENT OF STATE NO-DISCHARGE ZONES.—

"(A) STATE PROHIBITION.—

"(i) IN GENERAL.—After the effective date of—

"(I) a determination under paragraph (2) that it is not reasonable and practicable to require use of a marine pollution control device regarding a particular discharge incidental to the normal operation of a vessel of the Armed Forces; or

"(II) regulations promulgated by the Secretary of Defense under paragraph (4);

if a State determines that the protection and enhancement of the quality of some or all of the waters within the State require greater environmental protection, the State may prohibit 1 or more discharges incidental to the normal operation of a vessel, whether treated or not treated, into the waters. No prohibition shall apply until the Administrator makes the determinations described in subclauses (II) and (III) of subparagraph (B)(i).

"(ii) DOCUMENTATION.—To the extent that a prohibition under this paragraph would apply to vessels of the Armed Forces and not to other types of vessels, the State shall document the technical or environmental basis for the distinction.

"(B) PROHIBITION BY THE ADMINISTRATOR.—

"(i) IN GENERAL.—Upon application of a State, the Administrator shall by regulation prohibit the discharge from a vessel of 1 or more discharges incidental to the normal operation of a vessel, whether treated or not treated, into the waters covered by the application if the Administrator determines that—

"(I) the protection and enhancement of the quality of the specified waters within the State require a prohibition of the discharge into the waters;

"(II) adequate facilities for the safe and sanitary removal of the discharge incidental to the normal operation of a vessel are reasonably available for the waters to which the prohibition would apply; and

"(III) the prohibition will not have the effect of discriminating against a vessel of the Armed Forces by reason of the ownership or operation by the Federal Government, or the military function, of the vessel.

"(ii) APPROVAL OR DISAPPROVAL.—The Administrator shall approve or disapprove an application submitted under clause (i) not later than 90 days after the date on which the application is submitted to the Administrator. Notwithstanding clause (i)(II), the Administrator shall not disapprove an application for the sole reason that there are not adequate facilities to remove any discharge incidental to the normal operation of a vessel from vessels of the Armed Forces.

"(C) APPLICABILITY TO FOREIGN FLAGGED VESSELS.—A prohibition under this paragraph—

"(i) shall not impose any design, construction, manning, or equipment standard on a foreign flagged vessel engaged in innocent passage unless the prohibition implements a generally accepted international rule or standard; and

"(ii) that relates to the prevention, reduction, and control of pollution shall not apply to a foreign flagged vessel engaged in transit passage unless the prohibition implements an applicable international regulation regarding the discharge of oil, oily waste, or any other noxious substance into the waters.

"(8) PROHIBITION RELATING TO VESSELS OF THE ARMED FORCES.—After the effective date of the regulations promulgated by the Secretary of Defense under paragraph (4), it shall be unlawful for any vessel of the Armed Forces subject to the regulations to—

"(A) operate in the navigable waters of the United States or the waters of the contiguous zone, if the vessel is not equipped with any required marine pollution control device meeting standards established under this subsection; or

"(B) discharge overboard any discharge incidental to the normal operation of a vessel in waters with respect to which a prohibition on the discharge has been established under paragraph (7).

"(9) ENFORCEMENT.—This subsection shall be enforceable, as provided in subsections (j) and (k), against any agency of the United States responsible for vessels of the Armed Forces notwithstanding any immunity asserted by the agency.".

(c) CONFORMING AMENDMENTS.—

(1) DEFINITIONS.—Section 312(a) of the Federal Water Pollution Control Act (33 U.S.C. 1322(a)) is amended—

(A) in paragraph (8)—

(i) by striking "or"; and

(ii) by inserting "or agency of the United States" after "association,";

(B) in paragraph (11), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

"(12) 'discharge incidental to the normal operation of a vessel'—

"(A) means a discharge, including—

"(i) graywater, bilge water, cooling water, weather deck runoff, ballast water, oil water separator effluent, and any other pollutant discharge from the operation of a marine propulsion system, shipboard maneuvering system, crew habitability system, or installed major equipment, such as an aircraft carrier elevator or a catapult, or from a protective, preservative, or absorptive application to the hull of the vessel; and

"(ii) a discharge in connection with the testing, maintenance, and repair of a system described in clause (i) whenever the vessel is waterborne; and

"(B) does not include—

"(i) a discharge of rubbish, trash, garbage, or other such material discharged overboard;

"(ii) an air emission resulting from the operation of a vessel propulsion system, motor driven equipment, or incinerator; or

"(iii) a discharge that is not covered by part 122.3 of title 40, Code of Federal Regulations (as in effect on the date of enactment of subsection (n));

"(13) 'marine pollution control device' means any equipment or management practice, for installation or use on board a vessel of the Armed Forces, that is—

"(A) designed to receive, retain, treat, control, or discharge a discharge incidental to the normal operation of a vessel; and

"(B) determined by the Administrator and the Secretary of Defense to be the most effective equipment or management practice to reduce the environmental impacts of the discharge consistent with the considerations set forth in subsection (n)(2)(B); and

"(14) 'vessel of the Armed Forces' means—

"(A) any vessel owned or operated by the Department of Defense, other than a time or voyage chartered vessel; and

"(B) any vessel owned or operated by the Department of Transportation that is designated by the Secretary of the department in which the Coast Guard is operating as a vessel equivalent to a vessel described in subparagraph (A).".

(2) ENFORCEMENT.—The first sentence of section 312(j) of the Federal Water Pollution Control Act (33 U.S.C. 1322(j)) is amended—

(A) by striking "of this section or" and inserting a comma; and

(B) by striking "of this section shall" and inserting ", or subsection (n)(8) shall".

(3) OTHER DEFINITIONS.—Subparagraph (A) of the second sentence of section 502(6) of the Federal Water Pollution Control Act (33 U.S.C. 1362(6)) is amended by striking "'sewage from vessels'" and inserting "sewage from vessels or a discharge incidental to the normal operation of a vessel of the Armed Forces".

(d) COOPERATION IN STANDARDS DEVELOPMENT.—The Administrator of the Environmental Protection Agency and the Secretary of Defense may, by mutual agreement, with or without reimbursement, provide for the use of information, reports, personnel, or other resources of the Environmental Protection Agency or the Department of Defense to carry out section 312(n) of the Federal Water Pollution Control Act (as added by subsection (b)), including the use of the resources to—

(1) determine—

(A) the nature and environmental effect of discharges incidental to the normal operation of a vessel of the Armed Forces;

(B) the practicability of using marine pollution control devices on vessels of the Armed Forces; and

(C) the effect that installation or use of marine pollution control devices on vessels of the Armed Forces would have on the operation or operational capability of the vessels; and

(2) establish performance standards for marine pollution control devices on vessels of the Armed Forces.

PRYOR (AND OTHERS) AMENDMENT NO. 2096

Mr. NUNN (for Mr. PRYOR for himself, Mrs. FEINSTEIN, and Mr. ROBB) proposed an amendment to the bill S. 1026, supra; as follows:

On page 137, after line 24, add the following:

SEC. 389. FUNDING FOR TROOPS TO TEACHERS PROGRAM AND TROOPS TO COPS PROGRAM.

(a) FUNDING.—Of the amount authorized to be appropriated under section 431—

(1), $42,000,000 shall be available for the Troops-to-Teachers program; and

(2) $10,000,000 shall be available for the Troops-to-Cops program.

(b) DEFINITION.—In this section:

(1) The term "Troops-to-Cops program" means the program of assistance to separated members and former members of the Armed Forces to obtain employment with law enforcement agencies established, or carried out, under section 1152 of title 10, United States Code.

(2) The term "Troops-to-Teachers program" means the program of assistance to separated members of the Armed Forces to obtain certification and employment as teachers or employment as teachers' aides established under section 1151 of such title.

DOLE AMENDMENT NO. 2097

Mr. WARNER (for Mr. DOLE) proposed an amendment to the bill S. 1026, supra; as follows:

On page 314, between lines 11 and 12, insert the following:

SEC. 823. PRESERVATION OF AMMUNITION INDUSTRIAL BASE.

(a) REVIEW OF AMMUNITION PROCUREMENT AND MANAGEMENT PROGRAMS.—(1) Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall commence a review of the ammunition procurement and management programs of the Department of Defense, including the planning for, budgeting for, administration, and carrying out of such programs.

(2) The review under paragraph (1) shall include an assessment of the following matters:

(A) The practicability and desirability of using centralized procurement practices to procure all ammunition required by the Armed Forces.

(B) The capability of the ammunition production facilities of the United States to meet the ammunition requirements of the Armed Forces.

(C) The practicability and desirability of privatizing such ammunition production facilities.

(D) The practicability and desirability of using integrated budget planning among the Armed Forces for the procurement of ammunition.

(E) The practicability and desirability of establishing an advocate within the Department of Defense for ammunition industrial base matters who shall be responsible for—

(i) establishing the quantity and price of ammunition procured by the Armed Forces; and

(ii) establishing and implementing policy to ensure the continuing viability of the ammunition industrial base in the United States.

THURMOND AMENDMENT NO. 2098

Mr. WARNER (for Mr. THURMOND) proposed an amendment to the bill S. 1026, supra; as follows:

On page 328, line 19, strike out "1994" and insert in lieu thereof "1995".

On page 329, line 18, strike out "1993" and insert in lieu thereof "1995".

AKAKA AMENDMENT NO. 2099

Mr. NUNN (for Mr. AKAKA) proposed an amendment to the bill S. 1026, supra; as follows:

Beginning on page 204, strike out line 8 and all that follows through page 206, line 4, and insert in lieu thereof the following:

SEC. 543. MILITARY INTELLIGENCE PERSONNEL PREVENTED BY SECRECY FROM BEING CONSIDERED FOR DECORATIONS AND AWARDS.

(a) WAIVER ON RESTRICTIONS OF AWARDS.—(1) Notwithstanding any other provision of law, the President, the Secretary of Defense, or the Secretary of the military department concerned may award a decoration to any person for an act, achievement, or service that the person performed in carrying out military intelligence duties during the period January 1, 1940, through December 31, 1990.

(2) Paragraph (1) applies to any decoration (including any device in lieu of a decoration) that, during or after the period described in paragraph (1) and before the date of the enactment of this Act, was authorized by law or under the regulations of the Department of Defense or the military department concerned to be awarded to a person for an act, achievement, or service performed by that person while serving on active duty.

(b) REVIEW OF AWARD RECOMMENDATIONS.—(1) The Secretary of each military department shall review all recommendations for awards of decorations for acts, achievements, or service described in subsection (a)(1) that have been received by the Secretary during the period of the review.

(2) The Secretary shall begin the review within 30 days after the date of the enactment of this Act and shall complete the review within one year after such date.

(3) The Secretary may use the same process for carrying out the review as the Secretary uses for reviewing other recommendations for awarding decorations to members of the armed force or armed forces under the Secretary's jurisdiction for acts, achievements, or service.

(4) The Secretary may reject a recommendation if the Secretary determines that there is a justifiable basis for concluding that the recommendation is specious.

(5) The Secretary shall take reasonable actions to publicize widely the opportunity to recommend awards of decorations under this section.

(6)(A) Upon completing the review, the Secretary shall submit a report on the review to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives.

(B) The report shall contain the following information on each recommendation for an award reviewed:

(i) A summary of the recommendation.

(ii) The findings resulting from the review.

(iii) The final action taken on the recommendation.

(iv) Administrative or legislative recommendations to improve award procedures with respect to military intelligence personnel.

(c) DEFINITION.—In this section, the term "active duty" has the meaning given such term in section 101(d)(1) of title 10, United States Code.

AKAKA AMENDMENT NO. 2100

Mr. NUNN (for Mr. AKAKA) proposed an amendment to the bill S. 1026, supra; as follows:

On page 206, between lines 4 and 5, insert the following:

SEC. 544. REVIEW REGARDING AWARDS OF DISTINGUISHED-SERVICE CROSS TO ASIAN-AMERICANS AND PACIFIC ISLANDERS FOR CERTAIN WORLD WAR II SERVICE.

(a) REVIEW REQUIRED.—The Secretary of the Army shall—

(1) review the records relating to the award of the Distinguished-Service Cross to Asian-Americans and Native American Pacific Islanders for service as members of the Army during World War II in order to determine whether the award should be upgraded to the Medal of Honor; and

(2) submit to the President a recommendation that the President award a Medal of Honor to each such person for whom the Secretary determines an upgrade to be appropriate.

(b) WAIVER OF TIME LIMITATIONS.—The President is authorized to award a Medal of Honor to any person referred to in subsection (a) in accordance with a recommendation of the Secretary of the Army submitted under that subsection. The following restrictions do not apply in the case of any such person:

(1) Sections 3744 and 8744 of title 10, United States Code.

(2) Any regulation or other administrative restriction on—

(A) the time for awarding a Medal of Honor: or

(B) the awarding of a Medal of Honor for service for which a Distinguished-Service Cross has been awarded.

(c) DEFINITIONS.—In this section:

(1) The term "Native American Pacific Islander" means a Native Hawaiian and any other Native American Pacific Islander within the meaning of the Native American Programs Act of 1974 (42 U.S.C. 2991 et seq.).

(2) The term "World War II" has the meaning given that term in section 101(8) of title 38, United States Code.

COATS AMENDMENT NO. 2101

Mr. WARNER (for Mr. COATS) proposed an amendment to the bill S. 1026, supra; as follows:

Beginning on page 290, strike out line 12 and all that follows through page 291, line 14, and insert in lieu thereof the following:

SEC. 723. APPLICABILITY OF CHAMPUS PAYMENT RULES IN CERTAIN CASES

Section 1074 of title 10, United States Code, is amended by adding at the end the following:

"(d)(1) The Secretary of Defense, after consultation with the other administering Secretaries, may by regulation require a private CHAMPUS provider to apply the CHAMPUS payment rules (subject to any modifications considered appropriate by the Secretary) in imposing charges for health care that the provider provides outside the catchment area of a Uniformed Services Treatment Facility to a member of the uniformed services who is enrolled in a health care plan of the Uniformed Services Treatment Facility.

"(2) In this subsection:

"(A) The term 'private CHAMPUS provider' means a private facility or health care provider that is a health care provider under the Civilian Health and Medical Program of the Uniformed Services.

"(B) The term 'CHAMPUS payment rules' means the payment rules referred to in subsection (c).

"(C) The term 'Uniformed Services Treatment Facility' means a facility deemed to be a facility of the uniformed services under section 911(a) of the Military Construction Authorization Act, 1982 (42 U.S.C. 248c(a)).".

COATS AMENDMENT NO. 2102

Mr. WARNER (for Mr. COATS) proposed an amendment to the bill S. 1026, supra; as follows:

On page 285, line 14, strike out "January 1, 1995" and insert in lieu thereof "October 1, 1995".

NICKLES (AND INHOFE) AMENDMENT NO. 2103

Mr. WARNER (for Mr. NICKLES, for himself and Mr. INHOFE) proposed an amendment to the bill S. 1026, supra; as follows:

On page 76, insert the following after line 4:

"(f) REVIEW BY THE GENERAL ACCOUNTING OFFICE.—(1) The Secretary shall make available to the Comptroller General of the United States all information used by the Department in developing the policy under subsections (a) through (d) of this section.

"(2) Not later than 45 days after the Secretary submits to Congress the report required by subsection (a), the Comptroller General shall transmit to Congress a report containing a detailed analysis of the Secretary's proposed policy as reported under subsection (a)."

McCAIN (AND OTHERS) AMENDMENT NO. 2104

Mr. WARNER (for Mr. MCCAIN, for himself, Mr. CAMPBELL, Mr. BROWN, and Mr. BINGAMAN) proposed an amendment to the bill S. 1026, supra; as follows:

On page 572, line 19, strike out "three months" and insert in lieu thereof "five months".

On page 573, line 11, strike out "fair market".

On page 574, beginning on line 9, strike out "In setting that price, the Secretary, in consultation with the Director, may consider" and insert in lieu thereof "The Secretary may not set the minimum acceptable price below".

On page 574, at the end of line 19, insert the following: "Notwithstanding section 7433(b) of this title, costs and fees of retaining the investment banker shall be paid out of the proceeds of the sale of the reserve.".

On page 574, line 22, insert "or contracts" after "contract".

On page 575, line 3, insert "or contracts" after "contract".

On page 575, line 11, insert "or contracts" after "contract".

On page 575, line 17, insert "or contracts" after "contract".

On page 576, line 11, by inserting "or purchasers (as the case may be)" after "purchaser".

On page 578, line 17, by inserting "or purchasers (as the case may be)" after "purchaser".

On page 579, line 4, strike out "a contract" and insert in lieu thereof "any contract".

On page 579, line 12, insert after "reserve" the following: "or any subcomponent thereof".

On page 579, line 16, insert "or parcel" after "reserve".

On page 584, strike out line 11, and insert in lieu thereof the following:

the committees.

"(m) OVERSIGHT.—The Comptroller General shall monitor the actions of the Secretary relating to the sale of the reserve and report to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives any findings on such actions that the Comptroller General considers appropriate to report to such committees.

"(n) ACQUISITION OF SERVICES.—The Secretary may enter into contracts for the acquisition of services required under this section under the authority of paragraph (7) of section 303(c) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(c)), except that the notification required under subparagraph (B) of such paragraph for each contract shall be submitted to Congress not less than 7 days before the award of the contract.

"(o) RECONSIDERATION OF PROCESS OF SALE.—(1) If during the course of the sale of the reserve the Secretary of Energy and the Director of the Office of Management and Budget jointly determine that—

"(A) the sale is proceeding in a manner inconsistent with achievement of a sale price that reflects the full value of the reserve, or

"(B) a course of action other than the immediate sale of the reserve is in the best interests of the United States,

the Secretary shall submit a notification of the determination to the Committee on Armed Services of the Senate and the Committees on National Security and on Commerce of the House of Representatives.

"(2) After the Secretary submits a notification under paragraph (1), the Secretary may not complete the sale the reserve under this section unless there is enacted a joint resolution—

"(A) that is introduced after the date on which the notification is received by the committees referred to in such paragraph;

"(B) that does not have a preamble;

"(C) the matter after the resolving clause of which reads only as follows: 'That the Secretary of Energy shall proceed with activities to sell Naval Petroleum Reserve Numbered 1 in accordance with section 7421a of title 10, United States Code, notwithstanding the determination set forth in the notification submitted to Congress by the Secretary of Energy on _________.' (the blank space being filled in with the appropriate date); and

"(D) the title of which is as follows: 'Joint resolution approving continuation of actions to sell Naval Petroleum Reserve Numbered 1'.

"(3) Subsection (k), except for paragraph (1) of such subsection, shall apply to the joint resolution described in paragraph (2).".

On page 584, strike out line 20 and all that follows through page 586, line 12, and insert in lieu thereof the following:

SEC. 3302. FUTURE OF NAVAL PETROLEUM RESERVES (OTHER THAN NAVAL PETROLEUM RESERVE NUMBERED 1).

(a) STUDY OF FUTURE OF PETROLEUM RESERVES.—(1) The Secretary of Energy shall conduct a study to determine which of the following options, or combination of options, would maximize the value of the naval petroleum reserves to or for the United States:

(A) Transfer of all or a part of the naval petroleum reserves to the jurisdiction of the Department of the Interior for leasing in accordance with the Mineral Leasing Act (30 U.S.C. 181 et seq.) and surface management in accordance with the Federal Land Policy and Management Act (43 U.S.C. 1701 et seq.).

(B) Lease of the naval petroleum reserves consistent with the provisions of such Acts.

(C) Sale of the interest of the United States in the naval petroleum reserves.

(2) The Secretary shall retain such independent consultants as the Secretary considers appropriate to conduct the study.

(3) An examination of the value to be derived by the United States from the transfer, lease, or sale of the naval petroleum reserves under paragraph (1) shall include an assessment and estimate, in a manner consistent with customary property valuation practices in the oil industry, of the fair market value of the interest of the United States in the naval petroleum reserves.

(4) Not later than December 31, 1995, the Secretary shall submit to Congress and make available to the public a report describing the results of the study and containing such recommendations as the Secretary considers appropriate to implement the option, or combination of options, identified in the study that would maximize the value of the naval petroleum reserves to or for the United States.

(b) IMPLEMENTATION OF RECOMMENDATIONS.—Not earlier than 31 days after submitting to Congress the report required under subsection (a)(4), and not later than December 31, 1996, the Secretary shall carry out the recommendations contained in the report.

(c) NAVAL PETROLEUM RESERVES DEFINED.—For purposes of this section, the term "naval petroleum reserves" has the meaning given that term in section 7420(2) of title 10, United States Code, except that such term does not include Naval Petroleum Reserve Numbered 1.

FEINSTEIN AMENDMENT NO. 2105

Mr. NUNN (for Mrs. FEINSTEIN) proposed an amendment to the bill S. 1026, supra; as follows:

On page 433, in the table relating to the extension of 1993 project authorizations for the Army National Guard, insert after the item relating to the project at Union Springs, Alabama, the following:

California.	Los Alamitos Armed Forces Reserve Center.	Fuel Facility.	$1,553,000

THURMOND AMENDMENT NO. 2106

Mr. WARNER (for Mr. THURMOND) proposed an amendment to the bill S. 1026, supra; as follows:

Beginning on page 275, strike out line 19 and all that follows through page 277, line 18, and insert in lieu thereof the following:

(a) STUDY REQUIRED.—(1) The Secretary of Defense shall conduct a study to determine the quantitative results (described in subsection (b)) of enactment and exercise of authority for the Secretary of the military department concerned to pay an annuity to the qualified surviving spouse of each member of the Armed Forces who—

(A) died before March 21, 1974, and was entitled to retired or retainer pay on the date of death: or

(B) was a member of a reserve component of the Armed Forces during the period beginning on September 21, 1972, and ending on October 1, 1978, and at the time of his death would have been entitled to retired pay under chapter 67 of title 10, United States Code (as in effect before December 1, 1994), but for the fact that he was under 60 years of age.

(2) A qualified surviving spouse for purposes of paragraph (1) is a surviving spouse who has not remarried and who is not eligible for an annuity under section 4 of Public Law 92–425 (10 U.S.C. 1448 note).

(b) REQUIRED DETERMINATIONS.—By means of the study required under subsection (a), the Secretary shall determine the following matters:

(1) The number of unremarried surviving spouses of deceased members and deceased former members of the Armed Forces referred to in subparagraph (A) of subsection (a)(1) who would be eligible for an annuity under authority described in such subsection.

(2) The number of unremarried surviving spouses of deceased members and deceased former members of reserve components of the Armed Forces referred to in subparagraph (B) of subsection (a)(1) who would be eligible for an annuity under authority described in such subsection.

(3) The number of persons in each group of unremarried former spouses described in paragraphs (1) and (2) who are receiving a widow's insurance benefit or a widower's insurance benefit under title II of the Social Security Act on the basis of employment of a deceased member or deceased former member referred to in subsection (a)(1).

(c) REPORT.—(1) Not later than March 1, 1996, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report on the results of the study.

(2) The Secretary shall include in the report a recommendation on the amount of the annuity that should be authorized to be paid under any authority described in subsection (a)(1) together with a recommendation on whether the annuity should be adjusted annually to offset increases in the cost of living.

KYL (AND OTHERS) AMENDMENT NO. 2107

Mr. WARNER (for Mr. KYL, for himself, Mr. ROBB, and Mr. BINGAMAN) proposed an amendment to the bill S. 1026, supra; as follows:

On page 403, between lines 16 and 17, insert the following:

SEC. 1095. REVIEW OF NATIONAL POLICY ON PROTECTING THE NATIONAL INFORMATION INFRASTRUCTURE AGAINST STRATEGIC ATTACKS.

Not later than 120 days after the date of the enactment of this Act, the President shall submit to Congress a report setting forth the following:

(1) The national policy and architecture governing the plans for establishing procedures, capabilities, systems, and processes necessary to perform indications, warning, and assessment functions regarding strategic attacks by foreign nations, groups, or individuals, or any other entity against the national information infrastructure.

(2) The future of the National Communications System (NCS), which has performed the central role in ensuring national security and emergency preparedness communications for essential United States Government and private sector users, including, specifically, a discussion of—

(A) whether there is a federal interest in expanding or modernizing the National Communications System in light of the changing strategic national security environment and the revolution in information technologies; and

(B) the best use of the National Communications System and the assets and experience it represents as an integral part of a larger national strategy to protect the United States against a strategic attack on the national information infrastructure.

MCCAIN (AND LIEBERMAN) AMENDMENT NO. 2108

Mr. WARNER (for Mr. MCCAIN, for himself and Mr. LIEBERMAN) proposed an amendment to the bill S. 1026, supra; as follows:

At the appropriate place in the bill, insert the following:

SEC. —. IRAN AND IRAQ ARMS NONPROLIFERATION.

(a) SANCTIONS AGAINST TRANSFERS OF PERSONS.—Section 1604(a) of the Iran-Iraq Arms Non-Proliferation Act of 1992 (title XVI of Public Law 102–484; 50 U.S.C. 1701 note) is amended by inserting "to acquire chemical, biological, or nuclear weapons or" before "to acquire".

(b) SANCTIONS AGAINST TRANSFERS OF FOREIGN COUNTRIES.—Section 1605(a) of such Act is amended by inserting "to acquire chemical, biological, or nuclear weapons or" before "to acquire".

(c) CLARIFICATION OF UNITED STATES ASSISTANCE.—Subparagraph (A) of section 1608(7) of such Act is amended to read as follows:

"(A) any assistance under the Foreign Assistance Act of 1961 (22 U.S.C. 2151 *et seq.*), other than urgent humanitarian assistance or medicine;".

THURMOND AMENDMENT NO. 2109

Mr. WARNER (for Mr. THURMOND) proposed an amendment to the bill S. 1026, supra; as follows:

On page 468, after line 24, add the following:

SEC. 2825. FINAL FUNDING FOR DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION.

Section 2902(k) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended by adding at the end the following:

"(3)(A) The Secretary may transfer from the account referred to in subparagraph (B) such unobligated funds in that account as may be necessary for the Commission to carry out its duties under this part during October, November, and December 1995. Funds transferred under the preceding sentence shall remain available until December 31, 1995.

"(B) The account referred to in subparagraph (A) is the Department of Defense Base

Closure Account established under section 207(a) of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note).''.

THE ALASKA NATIVE CLAIMS SETTLEMENT ACT AMENDMENT ACT OF 1995

STEVENS (AND AKAKA) AMENDMENT NO. 2110

Mr. WARNER (for Mr. STEVENS, for himself, and Mr. AKAKA) proposed an amendment to the bill (H.R. 402) to amend the Alaska Native Claims Settlement Act, and for other purposes; as follows:

At the end of Title I of H.R. 402, add the following new section 110:

SEC. 110. DEFINITION OF REVENUES.

(a) Section 7(i) of the Alaska Native Claims Settlement Act, Public Law 92–203 (43 U.S.C. 1606(i)), is amended—

(1) by inserting ''(1)'' after ''(i)''; and

(2) by adding at the end the following new paragraph:

''(2) For purposes of this subsection, the term ''revenues'' does not include any benefit received or realized for the use of losses incurred or credits earned by a Regional Corporation.''.

(b) This amendment shall be effective as of the date of enactment of the Alaska Native Claims Settlement Act, Public Law 92–203 (43 U.S.C. 1601, *et seq.*).

NOTICES OF HEARINGS

SUBCOMMITTEE ON FORESTS AND PUBLIC LAND MANAGEMENT

Mr. CRAIG. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the Subcommittee on Forests and Public Land Management to review the implementation of Section 2001 of the fiscal year 1995 Emergency Appropriations and Funding Rescissions bill. This is the section that deals with emergency salvage of diseased dead timber on Federal forest lands.

The hearing will take place on Thursday, August 10, at 9:30 a.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

Those who wish to submit written statements for the record should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510. For further information, please call Mark Rey at (202) 224–2878.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be allowed to meet during the session of the Senate on Thursday, August 3, at 9 a.m., in SR–332, to consider the nomination of Ms. Jill Long to be Undersecretary for Rural Economic and Community Development and to be a member of the Board of Directors for the Commodity Credit Corporation.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to hold a business meeting during the session of the Senate on Thursday, August 3, at 10 a.m. in SD–226.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Thursday, August 3, 1995, at 2 p.m., in SD–226, to hold a hearing on judicial nominees.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mr. LOTT. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet during the session of the Senate on Thursday, August 3, at 9:30 a.m. to hold a hearing to discuss Federal oversight of Medicare HMO's.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON DRINKING WATER, FISHERIES AND WILDLIFE

Mr. LOTT. Mr. President, I ask unanimous consent that the Subcommittee on Drinking Water, Fisheries and Wildlife be granted permission to conduct a hearing Thursday, August 3, at 9:30 a.m. on reauthorization of the Endangered Species Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON NEAR EASTERN AND SOUTH ASIAN AFFAIRS

Mr. LOTT. Mr. President, I ask unanimous consent that the Near Eastern and South Asian Affairs Subcommittee of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, August 3, 1995, at 10:00 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON NEAR EASTERN AND SOUTH ASIAN AFFAIRS

Mr. LOTT. Mr. President, I ask unanimous consent that the Near Eastern and South Asian Affairs Subcommittee of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, August 3, 1995, at 2:00 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

RELEASE OF GAO REPORT ON SUPERFUND

• Mr. BOND. Mr. President, I rise today to draw my colleagues attention to a report just released by the General Accounting Office that I requested on May 24, 1995. The report is entitled ''Superfund: Information on Current Health Risks,'' and it examines the actual, current health risks at Superfund sites. I believe the results of this study are very surprising, and may have very important implications for the Superfund budget and possibly for Superfund reauthorization.

At the recent White House Conference on Small Business, Superfund reform was voted the No. 5 issue out of literally hundreds of topics of concern to small business. As these small businesses representatives know all too well Superfund liability is literally killing many small businesses. As chairman of the Small Business Committee in addition to being a member of the Environment and Public Works Committee and chairman of the Appropriations Subcommittee for the EPA, I asked GAO to prepare this report because I wanted to get a better understanding of the reduction in health risks and other benefits of the money spent on Superfund.

The GAO report looked at EPA's own data from 225 recent records of decision signed between 1991 and mid-1993. These are the sites that will soon be moving into the expensive construction phase and will be driving a big portion of the Superfund budget in the next few years.

The report found that less than one third of the sites posed health risks serious enough to warrant a cleanup under current land uses. Some of the sites in this category have no current exposure and hence no current risk. However, under current land uses, there could be a risk in the future if, for example, a ground water plume migrated to a currently used drinking water source. So this category is overinclusive if anything. In addition, about one-half of the other sites in this category used to pose a health risk but a removal action has already been completed to address any immediate risks.

Over one-half of the 225 sites do not pose any risk warranting a cleanup under existing conditions, although they might pose a risk in the future if current land use patterns change. The remaining 15 percent of the sites do not pose risks serious enough to warrant cleanup under existing conditions or under foreseeable future conditions. They are already in EPA's target risk range for completed cleanups.

The implications of these findings are profound. Superfund sites clearly do not threaten the health of millions of Americans. As is often stated in fact, if we stopped conducting Superfund remedial actions altogether there are only a few sites that would have any impact on human health today. However, I do not think we can conclude from this report that Superfund should be abolished entirely, this report shows that some sites do indeed pose a risk to health, and other sites may pose environmental risks sufficient to warrant cleanup, but dramatic reform is clearly needed.

I believe this report can help us to use our increasingly scarce Federal dollars more wisely, without putting anyone's health at risk. In fact, I think we can use this report to protect people's health by better prioritizing EPA's efforts on sites posing current health risks. This doesn't mean we should ignore environmental risks or future risks, but current health risks should be our first priority.

The decline in overall discretionary spending in forcing us to make significant changes in the EPA's budget. As chairman of the VA, HUD, and Independent Agencies Subcommittee, I must make reductions totaling more than $9 billion in budget authority from the fiscal year 1995 VA-HUD bill. This is a reduction of about 12 percent, and will impact virtually all of the agencies under my subcommittee's jurisdiction, including the Department of Veterans Affairs, HUD, NASA, EPA, and the National Science Foundation, to name a few. This reduction in discretionary spending will mean that increases for any program will be nearly impossible.

Clearly, in coming years, the Agency will simply have to get used to doing more with less. The Superfund Program will not be exempt from these changes. With decreasing resources available to EPA, Superfund can be expected to take its share of cuts. In this tight budgetary climate, it is only prudent to plan for smaller budgets by focusing on prioritizing among Superfund NPL sites.

The taxes funding the Superfund trust fund are set to expire on December 31, 1995.

Legislation to reauthorize Superfund is currently moving through Congress that will bring much needed reform to the program. Fiscal year 1996 will likely be a transition year for the Superfund Program. I want to ensure that the transition is an orderly one and the Agency can avoid the problems encountered by the program during the last transition in 1985 and 1986.

In my opinion, the highest priority of the Superfund Program should be to protect current risks to human health and to ensure that sites on the national priorities list are not currently causing illness. It is inappropriate to expend significant resources on remedial action at sites that will only pose a risk in the future, and only under changed circumstances, while sites that pose a health risk today—that are making people sick today—go unaddressed.

Currently, the Agency is not doing a sufficient job or prioritizing its resources to address the worst sites first, in part because it does not distinguish between current risks, future risks under current land uses and future risks that will only exist under changed circumstances. In response to a question by the Appropriations Subcommittee on how the Agency prioritizes its Superfund resources, EPA responded, "Once sites are listed on the NPL, Ban effort is made to maintain a stable pipeline of projects in the remedial process through resource allocation decisions." I am very concerned that by its own admission, EPA is placing a greater emphasis on bureaucratic convenience than on ongoing impacts to human health.

Our first obligation must be to protect the health of people who live around Superfund sites to stop people from getting sick due to real, ongoing exposures. It seems wrong to divert funds from these sites to sites that might only pose a risk warranting cleanup under changed circumstances simply "to maintain a stable pipeline of projects."

This GAO Report shows that Superfund is even more broken than we realized. I urge all my colleagues to read this report and consider its findings as we move forward to fund the program in fiscal year 1996 and to reauthorize the Superfund Program. I ask that the GAO Report be printed in the RECORD.

The report follows:

SUPERFUND—INFORMATION ON CURRENT HEALTH RISKS

U.S. GENERAL ACCOUNTING OFFICE,
RESOURCES, COMMUNITY, AND ECONOMIC DEVELOPMENT DIVISION,
Washington, DC, July 19, 1995.

Hon. CHRISTOPHER S. BOND,
Chairman, Committee on Small Business, U.S. Senate.

DEAR MR. CHAIRMAN: Superfund cost estimates are growing at a substantial rate. The Superfund program was authorized through 1994 at $15.2 billion, covering over 1,100 nonfederal sites on the National Priorities List (NPL).[1] These figures could grow to $75 billion (in 1994 dollars) and 4,500 nonfederal sites, according to the Congressional Budget Office (CBO).[2] Because of these escalating costs, congressional decision makers want to know more about the human health risks addressed by the program. Although the Administrator of the Environmental Protection Agency (EPA) recently testified to the Congress that approximately 73 million people live fewer than 4 miles from at least one Superfund site, much debate has occurred about the extent to which these sites pose health risks for cancer or other conditions, such as birth defects or nerve or liver damage.

To help measure the health risks from Superfund sites, you asked us to provide the best available information on (1) the extent to which sites may pose health risks under current land uses, as opposed to the risks that may develop if land uses change in the future; the nature of the current risks; and the types of environmental media (e.g., groundwater, soil, or air) that pose these risks and (2) whether EPA's short-term response actions to mitigate the health risks from Superfund sites have reduced the risks under current land uses. This report presents our findings on these issues as they relate to the 225 nonfederal NPL sites contained in EPA's data base on health risks from Superfund sites—the most comprehensive automated information available as of early 1995. These sites constitute most of the sites where EPA made cleanup decisions between 1991 and mid-1993. As agreed with your office, in our ongoing work for you we will examine other related issues, such as the nature of health risks from the Superfund sites under future changes in land use.

RESULTS IN BRIEF

About one-third (or 71) of the 225 sites contained in EPA's data base posed health risks serious enough to warrant cleanup, given current land uses.[3] About another one-half (or 119) of the 225 sites did not pose serious health risks under current land uses but posed such health risks under EPA's projections about future changes in land use. The remainder of the sites did not pose health risks serious enough to warrant cleanup action under either current or future land uses. However, EPA may decide to clean up these remaining sites to comply with other federal or state regulations or because of a threat to the environment, such as contamination endangering a wetland. The current health risks at the 71 sites usually occurred through a single environmental medium, most commonly groundwater or soil. Of these 71 sites, 28 percent posed cancer risks; 30 percent posed risks for noncancer conditions, such as birth defects or nerve or liver damage; and the remainder posed risks for both cancer and other, noncancer conditions.

According to officials from EPA's Office of Emergency and Remedial Response, EPA's short-term response actions have temporarily mitigated the health risks that could immediately endanger the population surrounding the 71 sites that posed serious health risks under current land uses. Under EPA's policy, whenever a Superfund site poses such a health risk, a short-term response, known as a "removal action," will be undertaken. EPA's data indicate that various removal actions have occurred at 31 of the 71 sites. EPA officials caution that while removal actions clearly reduce health risks, information is not readily available to determine the extent to which the removal actions taken at these 31 sites affected the risks reported in the data base. The remaining 40 sites did not pose immediate risks substantial enough to warrant removal actions, according to the officials, although the sites still pose longer-term health risks under current land uses. For example, at some sites contaminated groundwater that does not immediately endanger surrounding populations may eventually reach the drinking water supplies used by current residents, thereby posing an eventual health risk.

BACKGROUND

With the enactment of CERCLA in 1980, the Congress created the Superfund program authorizing EPA, among other things, to clean up contamination at hazardous waste sites. CERCLA also created a trust fund available for various cleanup activities and authorized EPA to compel the parties responsible for these sites to help conduct or

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Footnotes at end of article.

pay for the cleanup. The Superfund program was extended in 1986 and in 1990 and is now being considered for reauthorization. Under CERCLA, EPA assesses contaminated areas and then places the sites it considers to be the most highly contaminated on the NPL for further investigation and cleanup.

EPA responds to hazardous substances at Superfund sites through "removal" and "remedial" actions. Removal actions are generally short-term (less than 1 year), low-cost (under $2 million) measures intended to address actual or potential releases of hazardous substances that pose a threat to human health or the environment. Although many removal actions are temporary measures to prevent exposure by stabilizing conditions at a site or limiting access to the site, some removal actions may permanently clean up contamination.[4] Typical removal actions include installing security measures at a site, removing tanks or drums of hazardous substances from a site, or excavating contaminated soil. By contrast, remedial actions are long-term measures intended to permanently mitigate the risks from a site. Typical remedial actions include treating or containing contaminated soil, constructing underground walls to control the movement of groundwater, and incinerating hazardous wastes.

Once a site is on the NPL, EPA conducts a "remedial investigation" to determine whether the nature and extent of the contamination at the site warrant remedial action. One component of this investigation is a baseline risk assessment to evaluate the health risks the site would pose if no cleanup occurred.[5] For the baseline risk assessment, EPA evaluates health risks under both "current land-use conditions" and "alternate future land-use conditions." As an example, a site would pose health risks under current land-use conditions if local residents used groundwater containing a hazardous level of contaminants from the site as drinking water or if contaminated groundwater could eventually reach the wells of distant residents. By contrast, a site would pose health risks under alternate future land-use conditions if future land development would expose people to health risks from the site's contaminants, even if the site may not pose risks under current land uses.

At each site, EPA assesses the cancer risk, as well as the risk for other ill health conditions (noncancer risk), posed by the contaminants in groundwater, soil, surface water, sediment, air, and other environmental media to determine if these risks warrant cleanup. In the case of cancer, EPA considers the risk serious enough to warrant cleanup if the risk assessment indicates more than a 1 in 10,000 probability that exposure to the site's contaminants may cause an individual to develop cancer. In the case of noncancer health effects, such as birth defects or nerve or liver damage, EPA considers the risk serious enough to warrant cleanup if the risk assessment indicates that exposure to the site's contaminants might exceed the level that the human body can tolerate without developing ill health effects.

EPA's Responsive Electronic Link and Access Interface (RELAI) data base, from which we drew information for this report, is the most comprehensive and current automated source of EPA's data on the health risks of Superfund sites. Created in 1993, this data base contains information about health risks from EPA's risk assessments and other documents related to 225 nonfederal sites, which constitute most of the sites where EPA made cleanup decisions between 1991 and mid-1993.

ONE-THIRD OF SITES POSED RISKS UNDER CURRENT LAND USES

About 32 percent (71) of the 225 sites in EPA's data base posed serious health risks under the land uses current at the time of the risk assessment. About 53 percent (119) of the 225 sites did not pose risks warranting cleanup under current land uses, but posed such risks under EPA's projections about future changes in land use.[6] The remaining 15 percent (35) of the sites did not pose health risks serious enough to warrant cleanup action under either current or future land uses. As we noted earlier, EPA may still decide to clean up these remaining sites because of federal or state regulations or because of a threat to the environment, such as contamination endangering a wetland.

Our analysis of EPA's data on the 71 sites posing health risks under current land uses indicates the following: At 77 percent (55) of the sites, a single environmental medium, usually groundwater or contaminated soil, posed the health risks, and at the remaining 23 percent (16) of the sites, multiple environmental media posed the health risks.

EPA's data for the 71 sites also indicate that 28 percent posed cancer risks, 30 percent posed noncancer risks, and 42 percent posed both cancer and noncancer risks. EPA's noncancer risk category includes such conditions as birth defects or nerve or liver damage.

REMOVAL ACTIONS HAVE REDUCED IMMEDIATE HEALTH RISKS

According to officials from the Office of Emergency and Remedial Response (OERR), EPA's removal program has mitigated the immediate health risks from Superfund sites, at least temporarily. EPA's policy requires a short-term response whenever a Superfund site poses a health risk that immediately endangers the surrounding populations. According to the OERR officials, under the removal program EPA has periodically evaluated the NPL sites and has taken intervening steps at those sites determined to pose immediate threats to health. EPA's data indicate that removal actions have occurred at 31 of the 71 sites that posed risk under current land uses.

OERR officials caution that while removal actions have mitigated the immediate health risks at these sites, information is not readily available to determine the extent to which removal actions have affected the health risks reported in the data base. According to these officials, the available information does not indicate whether the removal actions removed or treated only enough contaminants to mitigate the risks that immediately endangered a site's surrounding population. For example, a small pile of highly contaminated soil might have been removed, mitigating the immediate risks to children playing nearby but having little effect on the site's more extensive soil contamination.

OERR officials also caution that the available information does not indicate the extent to which the health risks reported in the data base may already reflect the effect of the removal actions. In some cases, a removal action may have taken place before the risk assessment. OERR officials are uncertain about whether, in such cases, risk assessors might have considered the effect of the removal in reporting the site's health risks.

Of the 71 sites posing risks under current land uses, 40 sites did not pose immediate threats substantial enough to warrant removal actions, according to OERR officials. These officials explained that although these sites did not pose risks that immediately endanger nearby populations, they still pose risks under current land-use conditions. For example, according to these officials, at some sites contaminated groundwater has not yet reached drinking water. However, under current land uses, the groundwater could eventually reach a drinking water supply, thereby posing a health risk. Table 1 categorizes these 40 sites by the environmental media posing the current health risk.

Table 1—Forty sites posing health risks under current land uses that have not warranted removal action

Environmental medium that posed health risks	*Number*
Groundwater	18
Soil	13
Sediment	2
Air	1
Surface water	0
Multiple media	6
Total	40

Source: GAO's analysis of data from EPA's RELAI data base.

AGENCY COMMENTS

We requested that EPA provide comments on a draft of this report. On June 19, 1995, we met with officials from EPA's OERR, including the Chief, Response Operations Branch, to obtain the agency's comments on the draft report. The officials told us that they were generally satisfied that the information presented in the report is accurate. The officials provided additional perspectives on several issues discussed in the report and also suggested technical corrections on a few matters. We revised the draft report to incorporate these comments.

SCOPE AND METHODOLOGY

To provide information on the extent to which Superfund sites may pose serious health risks under current land uses and on the nature of those risks, we analyzed pertinent information from EPA's most comprehensive data base on the health risks from Superfund sites. While we did not independently verify the accuracy of EPA's data, we reviewed the agency's data collection and verification guidelines and internal quality assurance procedures, and determined these internal controls to be adequate. We worked closely with EPA officials to ensure a proper interpretation and analysis of the data. Although the Agency for Toxic Substances and Disease Registry—the Public Health Service agency responsible for identifying health problems in the communities around Superfund sites—also assesses sites' health risks, we did not analyze the agency's evaluation data on Superfund sites for this report because of time constraints.

To provide information on whether EPA's short-term response actions have reduced the health risks from Superfund sites, we obtained EPA's data on the removal actions that have occurred at the 71 sites where current health risks existed. Although we did not verify this information, we discussed the information and EPA's removal policy and actions with officials from OERR's Response Standards and Criteria and Response Operations branches.

We performed our work between April and June 1995 in accordance with generally accepted government auditing standards.

As arranged with your office, unless you publicly announce this report's contents earlier, we plan no further distribution until 10 days after the date of this letter. At that time, we will send copies to the Administrator, EPA; the Director, Office of Management and Budget; and other interested parties. We will also make copies available to others on request.

The major contributors to this report are listed in appendix I. If you or your staff have any questions about this report, please call me at (202) 512-6111.

Sincerely yours,

PETER F. GUERRERO,
Director, Environmental Protection Issues.

APPENDIX I—MAJOR CONTRIBUTORS TO THIS REPORT

Resources, Community, and Economic Development Division, Washington, D.C.: Eileen R. Larence, Assistant Director, Patricia J. Manthe, Evaluator-in-Charge, Karen A. Simpson, Evaluator, Barbara A. Johnson, Program Analyst, Jeanine M. Brady, Reports Analyst.

Chicago Regional Office: Sharon E. Butler, Senior Evaluator.

FOOTNOTES

[1] The Congress created the Superfund program under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), which authorized the Environmental Protection Agency (EPA), among other things, to clean up contamination at the nation's hazardous waste sites. EPA places the sites it considers to be the most severely contaminated on the NPL for cleanup.

[2] The Total Costs of Cleaning Up Nonfederal Superfund Sites, CBO (Washington, D.C.: Jan. 1994).

[3] EPA considers the risk serious enough to warrant cleanup if (1) an individual has more than a 1 in 10,000 chance of developing cancer from exposure to the site's contaminants or (2) if exposure to the site's contaminants might exceed the level humans can tolerate without developing other ill health effects, such as birth defects or nerve or liver damage.

[4] According to officials in EPA's Office of Emergency and Remedial Response, while permanent removal actions are preferred over temporary measures, EPA must consider several factors, including competing needs at other sites, in determining the appropriate removal action for a site.

[5] At some sites, EPA may take removal actions before the risk assessment occurs, which could reduce somewhat the risk estimated in the baseline assessment of the site.

[6] According to EPA officials, the Superfund program is supposed to address significant health risks under both current and future land uses. About 85 percent of sites in the RELAI data base meet EPA's criteria for serious health risk under either current or future land uses.●

FIRE, READY, AIM

Mr. SIMON. Mr. President, the Bosnian policy of the United States is lacking in backbone and commitment.

I confess, it discourages me.

I am not the only one who is discouraged.

A column by Tom Friedman appeared in the Sunday July 30, 1995, New York Times that is, unfortunately, on target. And I ask that it be printed in the RECORD.

The article follows:

[From the New York Times, July 30, 1995]

FIRE, READY, AIM

(By Thomas L. Friedman)

Washington: Lost in the commotion about the Senate vote to lift the arms embargo on Bosnia, and President Clinton's threat to veto such a move, is a small fact of some importance: Both the President's policy and the Congress's policy duck the real issue in Bosnia and are formulas for continued war.

What are our real interests in Bosnia? They are four: halt the killing, prevent the conflict from spreading, prevent the conflict from turning into a Christian-Muslim holy war and insure that it does not end in a way that permanently damages America's ties with its European allies, NATO and Russia.

The only way to realize those objectives is for the U.S. and its allies to draw up a map that divides Bosnia roughly along the lines of the NATO-Russia Contact Group proposal—50 percent Serb, 50 percent Muslim-Croat—and then use all necessary force, including bombing Belgrade it necessary, to impose those cease-fire lines on all the parties.

But, you might say, that would drag the U.S. into the war. Hey, we're already in the war. The U.S. and NATO last week committed to using their air power to defend a Muslim safe haven from further murderous Serbian attacks. Well, if we are ready to use what Defense Secretary William Perry called "massive" air bombardments to defend an isolated Muslim safe haven, why not use them to defend a cease-fire and a settlement map that could stop the killing altogether? Why not use them to defend a peace plan that would establish a Bosnian Muslim state centered around Sarajevo, next to a Bosnian Serb entity that would be federated with Serbia and a Bosnia Croat entity that would be federated with Croatia?

Moreover, since we want the British, French and U.N. to keep their peacekeeping troops in Bosnia, and they are willing, why not have them use their power to oversee a partition plan and cease-fire lines, instead of to just oversee further carnage?

Usually countries decide their war aims first and commit their military power second. The Clinton Administration has done just the reverse. It has decided to get involved militarily in Bosnia, but with no clearly defined plan for achieving America's basic interests. If we are going to enter this war, it should only be to end this war—and the only way to do that is through some form of partition.

Of course it would be preferable to have a pluralistic, multi-ethnic Bosnian society and state, where everyone lives together. But the parties had that once. It was called Yugoslavia, and the Serbs, Muslims and Croats all helped to rip that state apart. That is why the only way to stabilize things now is to divide Bosnia among them.

But instead, the Administration and Congress are posturing. The Administration doesn't want to lift the arms embargo, but it also doesn't want to impose any settlement, because it fears that would involve America too deeply and because it knows it would mean accepting the very partition plans it advised the Muslims for years to reject. The Clinton Administration wants more of the status quo because its only clear goal is to get through November 1996 without U.S. troops in Bosnia.

The Congress, by contrast, just wants to get through the evening news. It wants to feel good about lifting the embargo, but does not want to recognize that this will only trigger a heavier Serbian onslaught against the Muslims, which they will only be able to resist in the short term with the help of direct Western military intervention, which is precisely the sort of deep involvement Congress is actually trying to avoid.

With the Administration plan the Muslims lose slowly. With the Congress plan the Muslims lose quickly.

Neither the Administration nor the Congress wants to recognize what the Europeans already have—that the ideal multi-ethnic, democratic Bosnia, if it were ever possible, cannot be achieved now. The only way to achieve it would be to force the Serbs, Muslims and Croats to live together under one roof, which they demonstrably do not want to do. None of the parties right now are fighting to live together. They are each fighting for ethnic survival or independence.

We can lament the idea of a multiethnic, pluralistic Bosnia but we cannot build it from the raw material at hand. The only sane thing left is to stop the killing and build the least bad peace around the Bosnia we have, which is one in which Serbs, Croats and Muslims live apart until they can learn again to live together.●

THE 75TH ANNIVERSARY OF THE 19TH AMENDMENT

● Mr. DOMENICI. Mr. President. It is my pleasure to submit for the RECORD, Executive Order 95-32, issued by the Governor of New Mexico, Gary E. Johnson, in recognition of the 75th Anniversary of women's suffrage.

Whereas, since the founding of our nation women have played a vital role in the formation of the United States of America; and

Whereas, women have fought battles, built homes, set up governments and donated many hours to help make this nation the great nation that it is today; and

Whereas, despite all of their support and hard work, women were denied the right to vote; and

Whereas, it is proper and fitting to recognize the 75th anniversary of the struggle for women's suffrage;

Therefore, I, Gary E. Johnson, Governor of New Mexico, do hereby order that on August 26, 1995, at twelve noon Mountain Standard Time, bells shall be rung in recognition and celebration of the adoption of the 19th amendment to the United States Constitution.

Through the efforts of a committed group of New Mexican citizens, organized by Elizabeth Iolene McKinney-Brown, an organization was established to pay special tribute to the 75th anniversary of the 19th amendment, Celebrate Partners United. As the group said about August 26, "This is a special day and we need to recognize it as such so that all can participate in the celebration." As a result of this group's efforts, New Mexico issued its executive order to set aside 12 noon on August 26, 1995 for the ringing of bells in celebration of the adoption of this important amendment. I understand that New Mexico is the first State to set aside a certain time of day as a special tribute to the amendment.

The members of Celebrate Partners United and the Governor of New Mexico are to be commended for their dedicated efforts to recognize this special day. As Lieutenant Governor Bradley stated in the letter of transmittal of the executive order:

> The people of this nation are indebted to those who fought bravely in the face of adversity for the right of women to vote. This all important right is at the heart of our democracy. As we continuously strive for equality in this great nation, we must never forget the struggles of the past. We can only learn from the historic efforts of women fighting for suffrage and will continue to tell their story and celebrate their victory.

Elizabeth Iolene McKinney-Brown brought the Celebrate Partners United activities to my attention. It is her and the group's hope that all the States' Governors will consider the New Mexico example and issue similar proclamations. She pointed out that the ringing of bells "is reminiscent of the simple act, first done by our forefathers when they rang the Liberty Bell." She suggests that if there are no bells in the little towns and communities, that horns or sirens are just as good because "anyone, anywhere, can make a sound in remembrance of the 75th anniversary of the 19th amendment."

I am pleased that New Mexico has taken the initiative to honor August 26 in this unique way. I am also equally proud that many men and women of New Mexico, at the grassroots level, have led this statewide effort to make a sound for this very important amendment to our U.S. Constitution. I urge my colleagues to share a similar challenge within their own States—it is a unique way for all Americans to acknowledge their appreciation for the special significance of this date in history.•

TRIBUTE TO JOHN M. CURRAN

• Mr. BUMPERS. Mr. President, I rise today to pay tribute to John M. "Mike" Curran, an outstanding public servant from my State, who will soon retire from Government service after a distinguished 32-year career with the U.S. Forest Service.

Mike began his career with the U.S. Forest Service in 1965 as a landscape architect in the Intermountain Regional Office in Ogden, UT, and was later reassigned to the Ashley National Forest. In 1968, he moved to the Rocky Mountain Regional Office in Denver, CO. From there he went to the San Juan National Forest in Colorado where he served as forest landscape architect for 5 years. Mike held District Ranger positions from 1975 to 1981 in Wyoming, Buffalo Ranger District, and Colorado, Taylor River Ranger District. In 1981, he was selected as a Loeb Fellow at Harvard University. He then spent 4 years in the Forest Service's Washington office in programs and legislation where, during 1984, I was privileged to have Mike assigned to my staff as a Legislative Fellow to the U.S. Senate. In working with Mike on a daily basis, I developed a great respect and appreciation for his intelligence, his integrity, his judgment, and his sensitivity to the many complexities of environmental issues. Imagine my delight when, in 1986, Mike became the Forest Supervisor of the Ouachita National Forest, headquartered in Hot Springs, AR.

During his tenure in the Ouachitas, Mike has worked hard to forge a unique partnership between research and the forest which fosters the advancement of ecosystem management. His vision, initiative, and tireless efforts have earned the Ouachita National Forest national and international recognition for leadership in the evolving concept of sustainable forestry. He also made involvement of the public in the decisionmaking process a priority, always striving for new and innovative ways to improve this relationship. Significant recognition of his efforts include the Chevron Conservation Award, the Oklahoma and Arkansas Wildlife Federation Forest Conservationist of the Year Awards, the United Nations Environment Programme Award, the Chief's Ecosystem Management Award, and the Charles L. Steele Award by the Arkansas Nature Conservancy.

On a personal note, it was a unique set of circumstances which combined to forge the decade-long relationship Mike and I have enjoyed. From a valued staff member to an agency head in my home State, Mike has also become a personal friend. We have argued over issues and worked together to preserve and protect the beautiful land surrounding Lake Ouachita, and we have celebrated together those accomplishments which have added to Arkansas' deserved reputation as the Natural State. After he retires, Mike and his wife, Leslee, will be dividing their time between Arkansas and Colorado. I am pleased that although my State and our Nation are losing an exemplary public servant, I will be keeping a valued friend and constituent.•

TRIBUTE TO JOHN FRAZER

• Mr. McCONNELL. Mr. President, I rise today to pay tribute to John Frazer, a resident of Frankfort, KY, who is being recognized as a man who has contributed more than two decades of his life to the lobbying and leadership of Kentucky's coalition of private colleges.

At 66 years of age, this man retired in July after serving 21 years as the president of what is now referred to as the Association of Independent Kentucky Colleges and Universities. Mr. Frazer served as lobbyist and leader of the coalition which comprises 20 Kentucky schools, including Alice Lloyd, Bellarmine, Centre, Thomas More, Transylvania, and Union. Together, these colleges represent about 20,000 students, which is about 12 percent of Kentucky's college students and about 20 percent of its annual graduates.

Mr. President, this man's dedication to the liberal arts education and the institution of the private college is admirable. Mr. Frazer used funds from the Kentucky General Assembly to provide a private school education to students who were unable to afford otherwise. In addition, he coordinated libraries and created a central information system for the 20 colleges. A future problem solver, he started a joint insurance program that saves the colleges more than $300,000 each year.

In an age where educational reform has become one of the leading concerns among Kentuckians, Mr. Frazer's dedication to ensuring the tradition of excellence of the liberal arts education and the accessibility of such an education lives on. This lobbyist, leader, and good friend is being recognized today not only for this earnest dedication, but for the admirable way he represented these colleges.

Gary Cox, executive director of the Kentucky Council on Higher Education, recently described Mr. Frazer's honorable character this way in a recent Louisville Courier-Journal article: "He's a gentleman, a fella above reproach. That has added to his credibility, and to the stature of the schools he represents."

It is my honor to pay tribute today to this representative of Kentucky—this fine example for the future educators of our Nation.•

MARTHA PAYNE: A TRUE FRIEND AND PUBLIC SERVANT

Mr. HOLLINGS. Mr. President, I rise today with a heavy heart to inform the Senate that I am losing one of my most dedicated and trusted staffers to retirement—Martha Payne of Columbia, SC. At the same time, I am happy for Martha and her family because she is going to have a whale of a time in what will be her best years ever.

Since 1960 when she started working with me in the Governor's office, Martha has stood with me through thick and thin. Within months, her competence and commitment made her indispensable. At the end of my service as Governor when Senator Olin Johnston gave me a classic lesson in politics, I returned to Charleston to practice law and Martha assumed a position as manager of our State municipal association.

Martha and I never lost contact. I relied upon her to keep me advised on happenings in State and municipal government, and as a conduit to old, and more importantly, new friendships. In 1965 when I decided to again seek election to this august body, the first person I asked to join my campaign was Martha Payne.

Martha was the glue that held a fragile and inexperienced campaign together. She brilliantly bridged the gap between past Hollings supporters and thousands of new ones who rallied to our undermanned but committed cause. The victory we achieved in 1966 and all the victories in the 29 years since have, in no small measure, been Martha's victories.

Since that victorious 1966 Senate campaign, Martha served as my office organizer. She has been an office manager and staff assistant in Columbia. Day after day, she has helped thousands of people throughout South Carolina. Her energy and dedication to serving our people, our State, and our country has made my job easier and our successes easier to accomplish.

Through the many long and difficult days which saw some seek a safer haven elsewhere, Martha never waivered. She has always been there, has been supportive, and has been a true friend.

Martha and her husband Rob first moved to Columbia from Monroe, NC, in 1950. They are the proud parents of three children—Rob Jr., a psychiatrist in Charleston; Michael, a lawyer in Washington, DC; and Nancy, a teacher in Charleston—and grandparents of four. She and Rob will celebrate their 50th anniversary next May.

Mr. President, I often think of Martha as South Carolina's living Rolodex. She is a library of knowledge and information. Perhaps the only thing more impressive than the number of South Carolinians she knows is the information she knows about them—their parents, grandparents, and children. In fact, Martha Payne, more than anyone I can think of, understands the relationships that make South Carolina a big, big family.

Mr. President, we in South Carolina owe Martha Payne a huge debt of gratitude. It is a debt that I never will be able to repay. But what I can do is offer heartfelt appreciation for a job well done and my sincerest thanks for the 35 years of love, friendship, loyalty, and support. I wish her and Rob well in their years to come.

FREDDIE MAC'S 25TH ANNIVERSARY

• Mr. BOND. Mr. President, I rise to acknowledge the 25th anniversary of the Federal Home Loan Mortgage Corporation [Freddie Mac] and recognize Freddie Mac for its outstanding contribution in making financial credit available for home ownership.

In 1970, Congress created Freddie Mac to help ensure the nationwide availability of low-cost mortgage funds to home buyers everywhere. Freddie Mac has risen to this challenge by dedicating its resources and ingenuity to making the American dream of home ownership a reality. Since 1970, Freddie Mac has purchased some $1.2 trillion in mortgage loans, including $16 billion in Missouri, enabling some 16 million American families to own their own home. By purchasing mortgage loans from lenders, packaging loans into securities, and selling the securities to investors, Freddie Mac has been a primary participant in developing a secondary mortgage market that provides a continuous flow of funds to finance home ownership.

I emphasize that Freddie Mac has made a real commitment and continuing contribution to the mortgage finance system. Part of this commitment is Freddie Mac's effort to encourage fair lending and eliminate barriers to home ownership. Freddie Mac also has made a commitment to revitalizing neighborhoods by emphasizing community development mortgage lending for owner-occupied or rental housing which is affordable to low-, moderate-, and middle-income families. The shared commitment of Freddie Mac and its nonprofit partners have produced programs that are helping to revitalize neighborhoods throughout America.

The contribution of Freddie Mac to home ownership in America cannot be minimized. Congratulations to Freddie Mac on its 25th anniversary.•

RELIGIOUS FREEDOM RESTORATION ACT

• Mr. BRYAN. Mr. President, on July 28, Senator HARRY REID and I introduced the Religious Freedom Restoration Act of 1993 Amendment Act of 1995.

In 1993, during consideration of the Religious Freedom Restoration Act, Senator REID and I introduced our amendment to establish a different legal standard for judicial review of religious freedom cases brought by prison inmates. This bill proposes again to establish an exception for prisoner-generated free-exercise lawsuits challenging prison regulations.

I supported and voted for the Religious Freedom Restoration Act of 1993. However, I continue to be very concerned about the Act's impact on increasing prisoner lawsuits.

This bill will retain the current U.S. Supreme Court standard for the evaluation of prison actions affecting religious activities. That standard focuses on whether or not prison officials, in light of security, discipline, and safety concerns, have acted reasonably in the measures they have taken which may impact religious activities.

In the past, the U.S. Supreme Court has required courts to give great deference to decisions made by prison officials regarding how their prisons are administered. Without such a prison exception provision in the Religious Freedom Restoration Act, it is not clear such deference will continue. Many attorneys general, including Nevada's attorney general, Frankie Sue Del Papa, support this prison exception.

Without this provision, the Religious Freedom Restoration Act has overturned judicial review standards for prison settings that have existed for approximately 45 years. The result is not only increased numbers of prisoner-generated lawsuits. Courts now are also able to second-guess prison administrators' decisionmaking by looking beyond concerns for security and conditions of confinement in the prisons. For example, the Santeria religion case upholding religious ritual animal sacrifices could create immense problems should such sacrifices be upheld in a prison setting.

The Religious Freedom Restoration Act, as enacted, would require prison officials to justify any actions involving prisoners' exercise of their religious belief by showing there was a compelling governmental interest for the action, and that any action taken was the least restrictive alternative in burdening the prisoner's exercise of religion.

Nevada's attorney general, Frankie Sue Del Papa, recently cited her top-10 frivolous prison lawsuits. Among the top 10 are two religious freedom claims. One inmate claimed the prison chaplain wrongly denied a marriage ceremony between the male inmate and his male friend. Another inmate claimed the prison rule prohibiting inmates from receiving stamps in the mail violated his right as an indigent to engage in the Universal Life Church practice of writing letters to others.

As a former attorney general, I am well aware of the amount of prisoner-generated litigation that engulfs attorney general offices across this Nation. Oftentimes amounting to purely frivolous claims, these prisoner lawsuits tie up our already stretched State and Federal legal resources.

As a former Governor, I am also well aware of the difficult decisions facing our prison administrators day in and day out as they strive to maintain the security of their facilities, for both staff and inmates.

Also as a member of the Nevada State Prisons Board during my tenures as Governor and attorney general, I experienced first hand the burdens placed on State governments as a result of Federal court actions. This burden continues to impact State governments' monetarily and administratively through increased costs, time, and effort expended to comply with required legal holdings.

The National Governors' Association during its annual meeting this past weekend addressed the impact the Religious Freedom Restoration Act has had on State prison inmate claims. By voice vote, the NGA accepted a policy position resolution that provides:

> The Governors strongly support First Amendment rights that protect an individuals freedom to worship. Governors also recognize the importance of balancing the interests of prison administrators responsible for running safe and secure facilities with the legitimate claim of prisoners to exercise their right to worship and practice according to their individual religious faiths. Recently enacted federal legislation disrupts this delicate balance and threatens the ability of prison officials to effectively manage state and local correctional institutions.
>
> Under current Federal law, prison regulations governing religious practices are subjected to strict legal scrutiny. This effectively interferes with prison management on a day-to-day basis. For example, correctional institutions can be prohibited from regulating certain types of garments claimed to be religious clothing, which may conceal weapons, narcotics, and other contraband.
>
> In addition to the concerns for safety within our prison facilities, extensive litigation and an explosion of frivolous petitions by prisoners demanding accommodations for

specific religious activities has a detrimental impact on the costs of operating correctional institutions. Additional guards, new physical structures, legal expenses, and other additional costs are being incurred at a time when states can least afford expenditures of this nature.

The Governors strongly believe that prison officials require necessary flexibility to enact regulations that allow religious worship, but that also preserve institutional order and safety. For these reasons, the Governors believe Congress should enact legislation without delay that would:

Exclude prison and jail inmates or any person held or incarcerated as a pretrial detainee from provisions of the Religious Freedom Restoration Act; and

Eliminate any liability that may have accrued to State and local governments as a result of the misapplication of the Religious Freedom Restoration Act to individuals who are incarcerated in a State or local correctional detention, or penal facility.

I ask my colleagues to join with the Governors across this country in supporting this bill to ensure our prisons and their administrators are allowed to exercise their judgment to maintain the security and of their facilities, and to have that judgment given due deference by our court system.●

A TRIBUTE TO RED BARTLETT

Mr. McCONNELL. Mr. President, I rise today to pay tribute to Red Bartlett, a resident of Newport, KY, a man who has dedicated 50 years of his life to the people in his community, especially the children. Mr. Bartlett is marking his 50th year of service to knothole baseball in Campbell County. In addition to this commitment, Red has carried the children of Campbell County through many other programs.

It seems strange to refer to him as Mr. Bartlett. For thousands of northern Kentuckians know him—friend and stranger alike—simply as Red.

Red served as knothole supervisor for all of Campbell County beginning in 1949. Currently supervisor of knothole District 22, he will work with his replacement right up to the end of next year. Although he will soon retire, his memory will live on in the hearts of the countless number of children to whom he was coach, role model, and friend.

Red grew up in an orphanage and has spent his life enriching his community by providing a fun, safe, and accessible recreational outlet for children. He was honored by the Northern Kentucky Sports Hall of Fame and recently by the Greater Cincinnati Knothole Hall of Fame for his extensive commitment to athletic supervision. He has worked as the Newport city recreation director and as the Newport Central Catholic High School tennis coach.

Red organized Youth, Inc. Boys Club. That organization ran the junior olympics program in northern Kentucky, a youth basketball league, and was instrumental in establishing the Pee-Wee football league in Campbell County.

Mr. President, a little more than 4 years ago, Red reorganized the all-stars games to recognize knothole players of northern Kentucky. The proceeds benefit the family nurturing center child abuse prevention programs and local food pantries. He organized the games and made sure each young star received an engraved trophy.

Red believed each child should have a chance to build character and confidence on the athletic field. He provided a channel, gave positive recognition, and taught self-esteem.

Mr. President, I would like to close now with a thought expressed in a recent editorial by the Kentucky Post. The Post wrote, "No one hands out hero's medals to men who serve 50 years in knothole. Maybe they should. Red Bartlett just may have done more for youth sports and for the young people of Campbell County over the last half-century than anyone."

To sum it up, Red gave children a chance to learn some of life's most lasting lessons through athletics. His commitment to his community made Red the real star.

RELEASE OF NEW OTA REPORT ON COMPUTER SECURITY

● Mr. ROTH. Mr. President, in the new hit movie, The Net, private information is hacked into via the Internet, turning a young woman's life upsidedown. While The Net is a work of fiction, it is based on a factual premise: that information held in computer networks is susceptible to intrusion.

Unknown crackers routinely scan government and private sector databases for military research, confidential personal information and other sensitive data. This jeopardizes our Nation's security and our individual privacy. A report issued today by the Office of Technology Assessment clearly states the problems facing the Federal Government in ensuring the integrity and usefulness of America's information infrastructure. Its title is Issue Update on Information Security and Privacy in Network Environments.

Securing public and private databases from the mischievous and criminal elements of the computer community is not a simple task. The sheer number of break-ins and the electronic nature of this crime makes prosecution, and often even detection, almost impossible. It is neither affordable nor effective to prosecute each cracker. Defending the data and computer systems from infiltration has emerged as the most cost-effective and smartest way to deal with this problem.

The most recent issue of Defense News underscores the need for secure databases, as opposed to stronger enforcement. In it, Paul Strassmann, a distinguished visiting professor for information warfare at the National Defense University is quoted as saying: "new laws are not likely to stop online criminals because the professionals are undetectable." Against this kind of threat, prevention in the form of securing the data is more effective than prosecution.

Fortunately, we have already laid the groundwork to meet the challenge of securing sensitive Federal data. The Computer Security Act of 1987 established an approach for protecting the Federal Government's unclassified but sensitive data, and developed guidelines and standards to promote Federal data protection. However, the Computer Security Act needs to be updated and enforced for it to prevent thousands of computer break-ins currently occurring annually.

The costs of not facing these challenges are enormous. As Chairman of the Senate Governmental Affairs Committee, my primary goal is the restructuring of the Federal Government to be smaller, more effective and less expensive. Accomplishing this goal depends on automation, and will require enhanced protection of computer databases and networked information. OTA's report highlights why the Governmental Affairs Committee must update the Computer Security Act for today's networked society.●

REMOVAL OF INJUNCTION OF SECRECY—EXCHANGE OF NOTES RELATING TO TAX CONVENTION WITH KAZAKHSTAN (TREATY DOCUMENT NO. 104-15)

Mr. WARNER. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the Exchange of Notes Relating to the Tax Convention with Kazakhstan, Treaty Document No. 104-15, transmitted to the Senate by the President on August 3, 1995; that the treaty be considered as having been read the first time, referred with accompanying papers to the Committee on Foreign Relations and ordered to be printed; and ordered that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message of the President is as follows:

To the Senate of the United States:

I transmit herewith an exchange of notes dated at Washington July 10, 1995, for Senate advice and consent to ratification in connection with the Senate's consideration of the Convention Between the Government of the United States of America and the Government of the Republic of Kazakhstan for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income and Capital, together with a related Protocol, signed at Almaty on October 24, 1993, and exchanges of notes (the "Taxation Convention"). Also transmitted for the information of the Senate is the report of the Department of State with respect to the exchange of notes.

This exchange of notes addresses the interaction between the Taxation Convention and other treaties that have tax provisions, including in particular the General Agreement on Trade in Services ("GATS"), annexed to the Agreement Establishing the World Trade Organization, done at Marrakesh April 15, 1994.

I recommend that the Senate give favorable consideration to this exchange of notes and give its advice and consent to ratification in connection with the Taxation Convention.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *August 3, 1995.*

ALASKA NATIVE CLAIMS SETTLEMENT ACT AMENDMENT

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar No. 154, H.R. 402.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 402) to amend the Alaska Native Claims Settlement Act, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

TITLE I—ALASKA NATIVE CLAIMS SETTLEMENT

SECTION 101. RATIFICATION OF CERTAIN CASWELL AND MONTANA CREEK NATIVE ASSOCIATIONS CONVEYANCES.

The conveyance of approximately 11,520 acres to Montana Creek Native Association, Inc., and the conveyance of approximately 11,520 acres to Caswell Native Association, Inc., by Cook Inlet Region, Inc. in fulfillment of the agreement of February 3, 1976, and subsequent letter agreement of March 26, 1982, among the 3 parties are hereby adopted and ratified as a matter of Federal law. The conveyances shall be deemed to be conveyances pursuant to section 14(h)(2) of the Alaska Native Claims Settlement Act (43 U.S.C. 1613(h)(2)). The group corporations for Montana Creek and Caswell are hereby declared to have received their full entitlement and shall not be entitled to receive any additional lands under the Alaska Native Claims Settlement Act. The ratification of these conveyances shall not have any effect on section 14(h) of the Alaska Native Claims Settlement Act (43 U.S.C. 1613(h)) or upon the duties and obligations of the United States to any Alaska Native Corporation. This ratification shall not be for any claim to land or money by the Caswell or Montana Creek group corporations or any other Alaska Native Corporation against the State of Alaska, the United States, or Cook Inlet Region, Incorporated.

SEC. 102. MINING CLAIMS ON LANDS CONVEYED TO ALASKA REGIONAL CORPORATIONS.

Section 22(c) of the Alaska Native Claims Settlement Act (43 U.S.C. 1621(c)) is amended by adding at the end the following:

"(3) This section shall apply to lands conveyed by interim conveyance or patent to a regional corporation pursuant to this Act which are made subject to a mining claim or claims located under the general mining laws, including lands conveyed prior to enactment of this paragraph. Effective upon the date of enactment of this paragraph, the Secretary, acting through the Bureau of Land Management and in a manner consistent with section 14(g), shall transfer to the regional corporation administration of all mining claims determined to be entirely within lands conveyed to that corporation. Any person holding such mining claim or claims shall meet such requirements of the general mining laws and section 314 of the Federal Land Management and Policy Act of 1976 (43 U.S.C. 1744), except that any filings that would have been made with the Bureau of Land Management if the lands were within Federal ownership shall be timely made with the appropriate regional corporation. The validity of any such mining claim or claims may be contested by the regional corporation, in place of the United States. All contest proceedings and appeals by the mining claimants of adverse decision made by the regional corporation shall be brought in Federal District Court for the District of Alaska. Neither the United States nor any Federal agency or official shall be named or joined as a party in such proceedings or appeals. All revenues from such mining claims received after passage of this paragraph shall be remitted to the regional corporation subject to distribution pursuant to section 7(i) of this Act, except that in the event that the mining claim or claims are not totally within the lands conveyed to the regional corporation, the regional corporation shall be entitled only to that proportion of revenues, other than administrative fees, reasonably allocated to the portion of the mining claim so conveyed.".

SEC. 103. SETTLEMENT OF CLAIMS ARISING FROM HAZARDOUS SUBSTANCE CONTAMINATION OF TRANSFERRED LANDS.

The Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) is amended by adding at the end the following:

"CLAIMS ARISING FROM CONTAMINATION OF TRANSFERRED LANDS

"SEC. 40. (a) As used in this section the term 'contaminant' means hazardous substance harmful to public health or the environment, including friable asbestos.

"(b) Within 18 months of enactment of this section, and after consultation with the Secretary of Agriculture, State of Alaska, and appropriate Alaska Native corporations and organizations, the Secretary shall submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate, a report addressing issues presented by the presence of contaminants on lands conveyed or prioritized for conveyance to such corporations pursuant to this Act. Such report shall consist of—

"(1) existing information concerning the nature and types of contaminants present on such lands prior to conveyance to Alaska Native corporations;

"(2) existing information identifying to the extent practicable the existence and availability of potentially responsible parties for the removal or remediation of the effects of such contaminants;

"(3) identification of existing remedies;

"(4) recommendations for any additional legislation that the Secretary concludes is necessary to remedy the problem of contaminants on the lands; and

"(5) in addition to the identification of contaminants, identification of structures known to have asbestos present and recommendations to inform Native landowners on the containment of asbestos.".

SEC. 104. AUTHORIZATION OF APPROPRIATIONS FOR THE PURPOSES OF IMPLEMENTING REQUIRED RECONVEYANCES.

Section 14(c) of the Alaska Native Claims Settlement Act (43 U.S.C. 1613(c)) is amended by adding at the end the following:

"There is authorized to be appropriated such sums as may be necessary for the purpose of providing technical assistance to Village Corporations established pursuant to this Act in order that they may fulfill the reconveyance requirements of section 14(c) of this Act. The Secretary may make funds available as grants to ANCSA or nonprofit corporations that maintain in-house land planning and management capabilities.".

SEC. 105. NATIVE ALLOTMENTS.

Section 1431(o) of the Alaska National Interest Lands Conservation Act (94 Stat. 2542) is amended by adding at the end the following:

"(5) Following the exercise by Arctic Slope Regional Corporation of its option under paragraph (1) to acquire the subsurface estate beneath lands within the National Petroleum Reserve—Alaska selected by Kuukpik Corporation, where such subsurface estate entirely surrounds lands subject to a Native allotment application approved under 905 of this Act, and the oil and gas in such lands have been reserved to the United States, Arctic Slope Regional Corporation, at its further option and subject to the concurrence of Kuukpik Corporation, shall be entitled to receive a conveyance of the reserved oil and gas, including all rights and privileges therein reserved to the United States, in such lands. Upon the receipt of a conveyance of such oil and gas interests, the entitlement of Arctic Slope Regional Corporation to in-lieu subsurface lands under section 12(a)(1) of the Alaska Native Claims Settlement Act (43 U.S.C. 1611(a)(1)) shall be reduced by the amount of acreage determined by the Secretary to be conveyed to Arctic Slope Regional Corporation pursuant to this paragraph.".

SEC. 106. REPORT CONCERNING OPEN SEASON FOR CERTAIN NATIVE ALASKA VETERANS FOR ALLOTMENTS.

(a) IN GENERAL.—No later than 9 months after the date of enactment of this Act, the Secretary of the Interior, in consultation with the Secretary of Agriculture, the State of Alaska and appropriate Native corporations and organizations, shall submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report which shall include, but not be limited to, the following:

(1) The number of Vietnam era veterans, as defined in section 101 of title 38, United States Code, who were eligible for but did not apply for an allotment of not to exceed 160 acres under the Act of May 17, 1906 (chapter 2469, 34 Stat. 197), as the Act was in effect before December 18, 1971.

(2) An assessment of the potential impacts of additional allotments on conservation system units as that term is defined in section 102(4) of the Alaska National Interest Lands Conservation Act (94 Stat. 2375).

(3) Recommendations for any additional legislation that the Secretary concludes is necessary.

(b) REQUIREMENT.—The Secretary of Veterans Affairs shall release to the Secretary of the Interior information relevant to the report required under subsection (a).

SEC. 107. TRANSFER OF WRANGELL INSTITUTE.

(a) PROPERTY TRANSFER.—In order to effect a recision of the ANCSA settlement conveyance to Cook Inlet Region, Incorporated of the approximately 134.49 acres and structures located thereon ("property") known as the Wrangell Institute in Wrangell, Alaska, upon certification to the Secretary by Cook Inlet Region, Incorporated, that the Wrangell Institute property

has been offered for transfer to the City of Wrangell, property bidding credits in an amount of $475,000, together with adjustments from January 1, 1976 made pursuant to the methodology used to establish the Remaining Obligation Entitlement in the Memorandum of Understanding Between the United States Department of the Interior and Cook Inlet Region, Incorporated dated April 11, 1986, shall be restored to the Cook Inlet Region, Incorporated, property account in the Treasury established under section 12(b) of the Act of January 2, 1976 (Public Law 94-204, 43 U.S.C. 1611 note), as amended, referred to in such section as the "Cook Inlet Region, Incorporated, property account". Acceptance by the City of Wrangell, Alaska of the property shall constitute a waiver by the City of Wrangell of any claims for the costs of remediation related to asbestos, whether in the nature of participation or reimbursement, against the United States or Cook Inlet Region, Incorporated. The acceptance of the property bidding credits by Cook Inlet Region, Incorporated, Alaska of the property shall constitute a waiver by Cook Inlet Region, Incorporated of any claims for the costs of remediation related to asbestos, whether in the nature of participation or reimbursement, against the United States. In no event shall the United States be required to take title to the property. Such restored property bidding credits may be used in the same manner as any other portion of the account.

(b) HOLD HARMLESS.—Upon acceptance of the property bidding credits by Cook Inlet Region, Inc., the United States shall defend and hold harmless Cook Inlet Region, Incorporated, and its subsidiaries in any and all claims arising from asbestos or any contamination existing at the Wrangell Institute property at the time of transfer of ownership of the property from the United States to Cook Inlet Region, Incorporated.

SEC. 108. SHISHMAREF AIRPORT AMENDMENT.

The Shishmaref Airport, conveyed to the State of Alaska on January 5, 1967, in Patent No. 1240529, is subject to reversion to the United States, pursuant to the terms of that patent for nonuse as an airport. The Administrator of the Federal Aviation Administration is hereby directed to exercise said reverter in Patent No. 1240529 in favor of the United States within twelve months of the date of enactment of this section. Upon revesting of title, notwithstanding any other provision of law, the United States shall immediately thereafter transfer all right, title, and interest of the United States in the subject lands to the Shishmaref Native Corporation. Nothing in this section shall relieve the State, the United States, or any other potentially responsible party of liability, if any, under existing law for the cleanup of hazardous or solid wastes on the property, nor shall the United States or Shishmaref Native Corporation become liable for the cleanup of the property solely by virtue of acquiring title from the State of Alaska or from the United States.

SEC. 109. CONFIRMATION OF WOODY ISLAND AS ELIGIBLE NATIVE VILLAGE.

The Native village of Woody Island, located on Woody Island, Alaska, in the Koniag Region, is hereby confirmed as an eligible Alaska Native Village, pursuant to Section 11(b)(3) of the Alaska Native Claims Settlement Act ("ANCSA"). It is further confirmed that Leisnoi, Inc., is the Village Corporation, as that term is defined in Section 3(j) of ANCSA, for the village of Woody Island.

TITLE II—HAWAIIAN HOME LANDS

SEC. 201. SHORT TITLE

This title may cited as the "Hawaiian Home Lands Recovery Act".

SEC. 202. DEFINITIONS.

As used in this title:

(1) AGENCY.—The term "agency" includes—

(A) any instrumentality of the United States;

(B) any element of an agency; and

(C) any wholly owned or mixed-owned corporation of the United States Government.

(2) BENEFICIARY.—The term "beneficiary" has the same meaning as is given the term "native Hawaiian" under section 201(7) of the Hawaiian Homes Commission Act.

(3) CHAIRMAN.—The term "Chairman" means the Chairman of the Hawaiian Homes Commission of the State of Hawaii.

(4) COMMISSION.—The term "Commission" means the Hawaiian Homes Commission established by section 202 of the Hawaiian Homes Commission Act.

(5) HAWAIIAN HOMES COMMISSION ACT.—The term "Hawaiian Homes Commission Act" means the Hawaiian Homes Commission Act, 1920 (42 Stat. 108 et. seq., chapter 42).

(6) HAWAII STATE ADMISSION ACT.—The term "Hawaii State Admission Act" means the Act entitled "An Act to provide for the admission of the State of Hawaii into the Union", approved March 18, 1959 (73 Stat. 4, chapter 339; 48 U.S.C. note prec. 491).

(7) LOST USE.—The term "lost use" means the value of the use of the land during the period when beneficiaries or the Hawaiian Homes Commission have been unable to use lands as authorized by the Hawaiian Homes Commission Act because of the use of such lands by the Federal Government after August 21, 1959.

(8) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 203. SETTLEMENT OF FEDERAL CLAIMS.

(a) DETERMINATION.—

(1) The Secretary shall determine the value of the following:

(A) Lands under the control of the Federal Government that—

(i) were initially designated as available lands under section 203 of the Hawaiian Homes Commission Act (as in effect on the date of enactment of such Act); and

(ii) were nevertheless transferred to or otherwise acquired by the Federal Government.

(B) The lost use of lands described in subparagraph (A).

(2)(A) Except as provided in subparagraph (B), the determinations of value made under this subsection shall be made not later than 1 year after the date of enactment of this Act. In carrying out this subsection, the Secretary shall use a method of determining value that—

(i) is acceptable to the Chairman; and

(ii) is in the best interest of the beneficiaries.

(B) The Secretary and the Chairman may mutually agree to extend the deadline for making determinations under this subparagraph beyond the date specified in subparagraph (A).

(3) The Secretary and the Chairman may mutually agree, with respect to the determinations of value described in subparagraphs (A) and (B) of paragraph (1), to provide—

(A) for making any portion of the determinations of value pursuant to subparagraphs (A) and (B) of paragraph (1); and

(B) for making the remainder of the determinations with respect to which the Secretary and the Chairman do not exercise the option described in subparagraph (A), pursuant to an appraisal conducted under paragraph (4).

(4)(A) Except as provided in subparagraph (C), if the Secretary and the Chairman do not agree on the determinations of value made by the Secretary under subparagraphs (A) and (B) of paragraph (1), or, pursuant to paragraph (3), mutually agree to determine the value of certain lands pursuant to this subparagraph, such values shall be determined by an appraisal. An appraisal conducted under this subparagraph shall be conducted in accordance with appraisal standards that are mutually agreeable to the Secretary and the Chairman.

(B) If an appraisal is conducted pursuant to this subparagraph, during the appraisal process—

(i) the Chairman shall have the opportunity to present evidence of value to the Secretary;

(ii) the Secretary shall provide the Chairman a preliminary copy of the appraisal;

(iii) the Chairman shall have a reasonable and sufficient opportunity to comment on the preliminary copy of the appraisal; and

(iv) the Secretary shall give consideration to the comments and evidence of value submitted by the Chairman under this subparagraph.

(C) The Chairman shall have the right to dispute the determinations of values made by an appraisal conducted under this subparagraph. If the Chairman disputes the appraisal, the Secretary and the Chairman may mutually agree to employ a process of bargaining, mediation, or other means of dispute resolution to make the determinations of values described in subparagraphs (A) and (B) of paragraph (1).

(b) AUTHORIZATION.—

(1) EXCHANGE.—Subject to paragraphs (2) and (5), the Secretary may convey Federal lands described in paragraph (5) to the Department of Hawaiian Home Lands in exchange for the continued retention by the Federal Government of lands described in subsection (a)(1)(A).

(2) VALUE OF LANDS.—(A) The value of any lands conveyed to the Department of Hawaiian Home Lands by the Federal Government in accordance with an exchange made under paragraph (1) may not be less than the value of the lands retained by the Federal Government pursuant to such exchange.

(B) For the purposes of this subsection, the value of any lands exchanged pursuant to paragraph (1) shall be determined as of the date the exchange is carried out, or any other date determined by the Secretary, with the concurrence of the Chairman.

(3) LOST USE.—Subject to paragraphs (4) and (5), the Secretary may convey Federal lands described in paragraph (5) to the Department of Hawaiian Home Lands as compensation for the lost use of lands determined under subsection (a)(1)(B).

(4) VALUE OF LOST USE.—(A) the value of any lands conveyed to the Department of Hawaiian Home Lands by the Federal Government as compensation under paragraph (3) may not be less than the value of the lost use of lands determined under subsection (a)(1)(B).

(B) For the purposes of this subparagraph, the value of any lands conveyed pursuant to paragraph (3) shall be determined as of the date that the conveyance occurs, or any other date determined by the Secretary, with the concurrence of the Chairman.

(5) FEDERAL LANDS FOR EXCHANGE.—(A) Subject to subparagraphs (B) and (C), Federal lands located in Hawaii that are under the control of an agency (other than lands within the National Park System or the National Wildlife Refuge System) may be conveyed to the Department of Hawaiian Home Lands under paragraphs (1) and (3). To assist the Secretary in carrying out this Act, the head of an agency may transfer to the Department of the Interior, without reimbursement, jurisdiction and control over any lands and any structures that the Secretary determines to be suitable for conveyance to the Department of Hawaiian Home Lands pursuant to an exchange conducted under this section.

(B) No Federal lands that the Federal Government is required to convey to the State of Hawaii under section 5 of the Hawaii State Admission Act may be conveyed under paragraph (1) or (3).

(C) No Federal lands that generate income (or would be expected to generate income) for the Federal Government may be conveyed pursuant

to an exchange made under this paragraph to the Department of Hawaiian Home Lands.

(c) AVAILABLE LANDS.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), the Secretary shall require that lands conveyed to the Department of Hawaiian Home Lands under this Act shall have the status of available lands under the Hawaiian Home Commission Act.

(2) SUBSEQUENT EXCHANGE OF LANDS.—Notwithstanding any other provision of law, lands conveyed to the Department of Hawaiian Home Lands under this paragraph may subsequently be exchanged pursuant to section 204(3) of the Hawaiian Home Commission Act.

(3) SALE OF CERTAIN LANDS.—Notwithstanding any other provision of law, the Chairman may, at the time that lands are conveyed to the Department of Hawaiian Home Lands as compensation for lost use under this Act, designate lands to be sold. The Chairman is authorized to sell such land under terms and conditions that are in the best interest of the beneficiaries. The proceeds of such a sale may only be used for the purposes described in section 207(a) of the Hawaiian Homes Commission Act.

(d) CONSULTATION.—In carrying out their respective responsibilities under this section, the Secretary and the Chairman shall—

(1) consult with the beneficiaries and organizations representing the beneficiaries; and

(2) report to such organizations on a regular basis concerning the progress made to meet the requirements of this section.

(e) HOLD HARMLESS.—Notwithstanding any other provision of law, the United States shall defend and hold harmless the Department of Hawaiian Home Lands, the employees of the Department, and the beneficiaries with respect to any claim arising from the ownership of any land or structure that is conveyed to the Department pursuant to an exchange made under this section prior to the conveyance to the Department of such land or structure.

(f) SCREENING.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of Defense and the Administrator of General Services shall, at the same time as notice is provided to Federal agencies that excess real property is being screened pursuant to applicable Federal laws (including regulations) for possible transfer to such agencies, notify the Chairman of any such screening of real property that is located within the State of Hawaii.

(2) RESPONSE TO NOTIFICATION.—Notwithstanding any other provision of law, not later than 90 days after receiving a notice under paragraph (1), the Chairman may select for appraisal real property, or at the election of the Chairman, portions of real property, that is the subject of a screening.

(3) SELECTION.—Notwithstanding any other provision of law, with respect to any real property located in the State of Hawaii that, as of the date of enactment of this Act, is being screened pursuant to applicable Federal laws for possible transfer (as described in paragraph (1)) or has been screened for such purpose, but has not been transferred or declared to be surplus real property, the Chairman may select all, or any portion of, such real property to be appraised pursuant to paragraph (4).

(4) APPRAISAL.—Notwithstanding any other provision of law, the Secretary of Defense or the Administrator of General Services shall appraise the real property or portions of real property selected by the Chairman using the Uniform Standards for Federal Land Acquisition developed by the Interagency Land Acquisition Conference, or such other standard as the Chairman agrees to.

(5) REQUEST FOR CONVEYANCE.—Notwithstanding any other provision of law, not later than 30 days after the date of completion of such appraisal, the Chairman may request the conveyance to the Department of Hawaiian Home Lands of—

(A) the appraised property; or

(B) a portion of the appraised property, to the Department of Hawaiian Home Lands.

(6) CONVEYANCE.—Notwithstanding any other provision of law, upon receipt of a request from the Chairman, the Secretary of Defense or the Administrator of the General Services Administration shall convey, without reimbursement, the real property that is the subject of the request to the Department of Hawaiian Home Lands as compensation for lands identified under subsection (a)(1)(A) or lost use identified under subsection (a)(1)(B).

(7) REAL PROPERTY NOT SUBJECT TO RECOUPMENT.—Notwithstanding any other provision of law, any real property conveyed pursuant to paragraph (6) shall not be subject to recoupment based upon the sale or lease of the land by the Chairman.

(8) VALUATION.—Notwithstanding any other provision of law, the Secretary shall reduce the value identified under subparagraph (A) or (B) of subsection (a)(1), as determined pursuant to such subsection, by an amount equal to the appraised value of any excess lands conveyed pursuant to paragraph (6).

(9) LIMITATION.—No Federal lands that generate income (or would be expected to generate income) for the Federal Government may be conveyed pursuant to this subsection to the Department of Hawaiian Home Lands.

SEC. 204. PROCEDURE FOR APPROVAL OF AMENDMENTS TO HAWAIIAN HOMES COMMISSION ACT.

(a) NOTICE TO THE SECRETARY.—Not later than 120 days after a proposed amendment to the Hawaiian Homes Commission Act is approved in the manner provided in section 4 of the Hawaii State Admission Act, the Chairman shall submit to the Secretary—

(1) a copy of the proposed amendment;

(2) the nature of the change proposed to be made by the amendment; and

(3) an opinion regarding whether the proposed amendment requires the approval of Congress under section 4 of the Hawaii State Admission Act.

(b) DETERMINATION BY SECRETARY.—Not later than 60 days after receiving the materials required to be submitted by the Chairman pursuant to subsection (a), the Secretary shall determine whether the proposed amendment requires the approval of Congress under section 4 of the Hawaii State Admission Act, and shall notify the Chairman and Congress of the determination of the Secretary.

(c) CONGRESSIONAL APPROVAL REQUIRED.—If, pursuant to subsection (b), the Secretary determines that the proposed amendment requires the approval of Congress, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives—

(1) a draft joint resolution approving the amendment;

(2) a description of the change made by the proposed amendment and an explanation of how the amendment advances the interests of the beneficiaries;

(3) a comparison of the existing law (as of the date of submission of the proposed amendment) that is the subject of the amendment with the proposed amendment;

(4) a recommendation concerning the advisability of approving the proposed amendment; and

(5) any documentation concerning the amendments received from the Chairman.

SEC. 205. LAND EXCHANGES.

(a) NOTICE TO THE SECRETARY.—If the Chairman recommends for approval an exchange of Hawaiian Home Lands, the Chairman shall submit a report to the Secretary on the proposed exchange. The report shall contain—

(1) a description of the acreage and fair market value of the lands involved in the exchange;

(2) surveys and appraisals prepared by the Department of Hawaiian Home Lands, if any; and

(3) an identification of the benefits to the parties of the proposed exchange.

(b) APPROVAL OR DISAPPROVAL.—

(1) IN GENERAL.—Not later than 120 days after receiving the information required to be submitted by the Chairman pursuant to subsection (a), the Secretary shall approve or disapprove the proposed exchange.

(2) NOTIFICATION.—The Secretary shall notify the Chairman, the Committee on Energy and Natural Resources of the Senate, and the Committee on Resources of the House of Representatives of the reasons for the approval or disapproval of the proposed exchange.

(c) EXCHANGES INITIATED BY SECRETARY.—

(1) IN GENERAL.—The Secretary may recommend to the Chairman an exchange of Hawaiian Home Lands for Federal lands described in section 203(b)(5), other than lands described in subparagraphs (B) and (C) of such section. If the Secretary initiates a recommendation for such an exchange, the Secretary shall submit a report to the Chairman on the proposed exchange that meets the requirements of a report described in subsection (a).

(2) APPROVAL BY CHAIRMAN.—Not later than 120 days after receiving a recommendation for an exchange from the Secretary under paragraph (1), the Chairman shall provide written notification to the Secretary of the approval or disapproval of a proposed exchange. If the Chairman approves the proposed exchange, upon receipt of the written notification, the Secretary shall notify the Committee on Energy and Natural Resources of the Senate, and the Committee on Resources of the House of Representatives of the approval of the Chairman of the proposed exchange.

(3) EXCHANGE.—Upon providing notification pursuant to paragraph (2) of a proposed exchange that has been approved by the Chairman pursuant to this section, the Secretary may carry out the exchange.

(d) SELECTION AND EXCHANGE.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary may—

(A) select real property that is the subject of screening activities conducted by the Secretary of Defense or the Administrator of General Services pursuant to applicable Federal laws (including regulations) for possible transfer to Federal agencies; and

(B) make recommendations to the Chairman concerning making an exchange under subsection (c) that includes such real property.

(2) TRANSFER.—Notwithstanding any other provision of law, if the Chairman approves an exchange proposed by the Secretary under paragraph (1)—

(A) the Secretary of Defense or the Administrator of General Services shall transfer the real property described in paragraph (1)(A) that is the subject of the exchange to the Secretary without reimbursement; and

(B) the Secretary shall carry out the exchange.

(3) LIMITATION.—No Federal lands that generate income (or would be expected to generate income) for the Federal Government may be conveyed pursuant to this subsection to the Department of Hawaiian Home Lands.

(e) SURVEYS AND APPRAISALS.—

(1) REQUIREMENT.—The Secretary shall conduct a survey of all Hawaiian Home Lands based on the report entitled "Survey Needs for the Hawaiian Home Lands", issued by the Bureau of Land Management of the Department of the Interior, and dated July 1991.

(2) OTHER SURVEYS.—The Secretary is authorized to conduct such other surveys and appraisals as may be necessary to make an informed decision regarding approval or disapproval of a proposed exchange.

SEC. 206. ADMINISTRATION OF ACTS BY UNITED STATES.

(a) DESIGNATION.—

(1) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, the Secretary shall designate an individual from within the Department of the Interior to administer the responsibilities of the United States under this title and the Hawaiian Homes Commission Act.

(2) DEFAULT.—If the Secretary fails to make an appointment by the date specified in paragraph (1), or if the position is vacant at any time thereafter, the Assistant Secretary for Policy, Budget, and Administration of the Department of the Interior shall exercise the responsibilities for the Department in accordance with subsection (b).

(b) RESPONSIBILITIES.—The individual designated pursuant to subsection (a) shall, in administering the laws referred to in such subsection—

(1) advance the interests of the beneficiaries; and

(2) assist the beneficiaries and the Department of Hawaiian Home Lands in obtaining assistance from programs of the Department of the Interior and other Federal agencies that will promote homesteading opportunities, economic self-sufficiency, and social well-being of the beneficiaries.

SEC. 207. ADJUSTMENT.

The Act of July 1, 1932 (47 Stat. 564, chapter 369; 25 U.S.C. 386a) is amended by striking the period at the end and adding the following: ": Provided further, That the Secretary shall adjust or eliminate charges, defer collection of construction costs, and make no assessment on behalf of such charges for beneficiaries that hold leases on Hawaiian home lands, to the same extent as is permitted for individual Indians or tribes of Indians under this section.".

SEC. 208. REPORT.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Chairman shall report to the Secretary concerning any claims that—

(1) involve the transfer of lands designated as available lands under section 203 of the Hawaiian Homes Commission Act (as in effect on the date of enactment of such Act); and

(2) are not otherwise covered under this title.

(b) REVIEW.—Not later than 180 days after receiving the report submitted under subsection (a), the Secretary shall make a determination with respect to each claim referred to in subsection (a), whether, on the basis of legal and equitable considerations, compensation should be granted to the Department of Hawaiian Home Lands.

(c) COMPENSATION.—If the Secretary makes a determination under subsection (b) that compensation should be granted to the Department of Hawaiian Home Lands, the Secretary shall determine the value of the lands and lost use in accordance with the process established under section 203(a), and increase the determination of value made under subparagraphs (A) and (B) of section 203(a)(1) by the value determined under this subsection.

SEC. 209. AUTHORIZATION.

There are authorized to be appropriated such sums as may be necessary for compensation to the Department of Hawaiian Home Lands for the value of the lost use of lands determined under section 203. Compensation received by the Department of Hawaiian Home Lands from funds made available pursuant to this section may only be used for the purposes described in section 207(a) of the Hawaiian Homes Commission Act. To the extent that amounts are made available by appropriations pursuant to this section for compensation paid to the Department of Hawaiian Home Lands for lost use, the Secretary shall reduce the determination of value established under section 203(a)(1)(B) by such amount.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 2110

(Purpose: To amend section 7(i) of the Alaska Native Claims Settlement Act to exclude net operating losses from the definition of "revenues")

Mr. WARNER. Mr. President, I send an amendment to the desk on behalf of Senator STEVENS and Senator AKAKA.

The PRESIDING OFFICER. The clerk will report.

The Senator from Virginia [Mr. WARNER], for Mr. STEVENS, for himself and Mr. AKAKA, proposes an amendment numbered 2110.

Mr. WARNER. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of Title I of H.R. 402, add the following new section 110:

SEC. 110. DEFINITION OF REVENUES.

(a) Section 7(i) of the Alaska Native Claims Settlement Act, Public Law 92-203 (43 U.S.C. 1606 (i)), is amended—

(1) by inserting "(1)" after "(i)"; and

(2) by adding at the end the following new paragraph:

"(2) For purposes of this subsection, the term "revenues" does not include any benefit received or realized for the use of losses incurred or credits earned by a Regional Corporation.".

(b) This amendment shall be effective as of the date of enactment of the Alaska Native Claims Settlement Act, Public Law 92-203 (43 U.S.C. 1601, et seq.).

Mr. STEVENS. Mr. President, the amendment that my colleague from Hawaii, Senator AKAKA, and I are offering today makes clear that net operating losses under the 1984 and 1986 Tax Reform Acts are not subject to sharing under section 7(i) of the Alaska Native Claims Settlement Act.

Section 60(b)(5) of the Tax Reform Act of 1984, as amended by section 1804(e)(4) of the Tax Reform Act of 1986, allowed Alaska Natives—both regional and village corporations—to sell losses generated by the Federal Government's failure to transfer lands to Native people promised to them 15 years earlier. Other multi-billion dollar corporations had been permitted to sell their tax losses prior to 1984, and my amendment to the 1984 tax bill simply extended the program to Alaska Native corporations who had not been able to participate.

Section 7(i) of ANCSA requires the 12 Alaska Native regional corporations to distribute 70 percent of the natural resource revenues derived from their lands, after deducting expenses, to the other 11 regions. The provision was designed as a mechanism to share the revenues of regional Native corporations in Alaska naturally blessed with timber, minerals, and oil and gas—after the deduction of expenses—with regions which lacked such resources.

Although revenues after expenses from disposition of natural resources must be redistributed, the tax consequences of these natural resource transactions, such as credits or deductions for depletion and losses, remain with the producing region. For more than 20 years, this has been the position of the Internal Revenue Service on which the Native corporations have relied.

When I offered amendments in 1984 and in 1986 to extend the NOL provision to Alaska Native corporations, it was not my intention, nor the intention of Congress, that the revenue generated by the sale of NOL's be subject to sharing under section 7(i). On average, for every $100 in net operating losses, Native corporations received only $30 in NOL recovery and in no case more than $34. A recovery of $30 by a corporation because it has sold the right to offset its losses against income is not subject to sharing. Revenue recovered from the sale of natural resources NOL's is not revenue from natural resource production.

Congressional intent has been well-understood by most Alaska Native corporations. The provisions in the 1984 and 1986 Tax Reform Acts enabled eleven of the twelve regional corporations subject to ANCSA section 7(i) sharing requirements to partially recoup their losses from natural resource development and kept several Native corporations out of bankruptcy. It also benefited virtually every Native Alaskan. Without exception, the NOL proceeds have been retained by the receiving corporation, as was intended. In fact 10 of the regions signed an agreement to clarify their understanding that NOL proceeds were not subject to sharing under section 7(i). My amendment simply confirms and codifies that understanding. The phrase "losses incurred or credits earned" in the amendment precisely parallels the language in section 1804 of the Tax Reform Act of 1986 and is intended to have the same meaning.

Several of these corporations have already distributed NOL proceeds to their shareholders in reliance on the provisions of the tax reform legislation. To change the rules now would be unfair to both the corporations and the shareholders who received dividends.

A lawsuit was filed on the issue, but it was dismissed for lack of standing. However, to avoid future costly litigation, congressional action is required. My amendment simply clarifies that net operating losses are not revenues required to be redistributed under section 7(i) of ANCSA.

Mr. AKAKA. Mr. President, the bill before us today contains amendments to the Alaska Native Claims Settlement Act. However, I want to address my remarks to title II of the bill which contains the text of the Hawaiian Home Lands Recovery Act.

As a member of the Senate Energy and Natural Resources Committee, and as the author of the Hawaiian Home Lands Recovery Act during the 103d and 104th Congresses, I would like to speak for a few moments about the process and mechanisms that this legislation would institute. My purpose in doing so is to establish legislative history which will better enable Federal agencies to implement the legislation.

First, let me offer some historical background. More than 70 years ago, Prince Jonah Kuhio Kalanianaole issued an urgent plea to the Federal Government expressing concern about the plight of native Hawaiians. During the late 19th century and the early part of this century, the number of native Hawaiians declined dramatically and there was a significant disintegration of Hawaiian culture and society.

The Secretary of the Interior, Franklin Lane, responded to Prince Kuhio by recommending that the Federal Government establish a homesteading program for native Hawaiians. In his testimony before Congress on the Hawaiian homes legislation, Secretary Lane stated that the United States has a "moral obligation to care" for the native Hawaiian people. Secretary Lane went on to say that "the natives on the islands who are our wards, I should say, and for whom in a sense we are trustees, are falling off rapidly in numbers and many of them are in poverty."

In response to this appeal, legislation was drafted to help rejuvenate the Hawaiian people by establishing a home lands to promote housing and agricultural opportunities. The resulting legislation, known as the Hawaiian Homes Commission Act of 1920, set aside 203,000 acres for this purpose. Homesteading opportunities would allow native Hawaiians to, once again, enjoy their traditional lifestyle.

Regrettably, the enlightened program that Secretary Lane envisioned fell far short of expectations. One of the more significant provisions of the Hawaiian Homes Commission Act set aside land for native Hawaiians in perpetuity. The act permitted the transfer of home lands only in exchange for lands of equal value. Unfortunately, the prohibition against alienation of land was overlooked or ignored by the Federal Government. During Hawaii's territorial period, the Federal Government acquired Hawaiian home land in violation of the statutory prohibition against alienation. The Federal Government still retains 1,400 acres of these lands.

During hearings conducted by the Energy Committee on this issue, the committee received a report prepared by the General Accounting Office on the Hawaiian Home Lands Program. The most significant finding of the GAO report is that land was withdrawn from the home lands by executive action on 37 occasions during Hawaii's territorial period. These withdrawals were in clear violation of the provision of the Hawaiian Homes Commission Act which prohibits the transfer of land unless the home lands receives land of equal value in exchange. Native Hawaiians have always contended that territorial withdrawals violated the 1920 act, and the GAO report confirms this fact.

The Hawaiian Home Lands Recovery Act seeks to redress this issue by authorizing the transfer of Federal lands to the Department of Hawaiian Home Lands in exchange for Hawaiian home lands retained by the Federal Government. Although the term "exchange" is used in this legislation, there is no expectation that DHHL will relinquish land to the Federal Government. DHHL need only relinquish any remaining claim it may have to former home lands now controlled by the Federal Government. The bill would also provide compensation for lost use of Hawaiian home lands controlled by the Federal Government.

In advance of land being conveyed to the Department of Hawaiian Home Lands under sections 203(b) and 203(f) of the bill, the Secretary of the Interior is required to determine the value of lands currently controlled by the Federal Government that were designated as available lands under the Hawaiian Homes Commission Act. It is important to note that section 203(a)(1)(A)(i) states that this determination is to be made based upon the HHCA, as enacted. Thus, the valuation shall include lands designated as home lands under the 1920 Act that are not currently part of the home land inventory, whether the withdrawal occurred as a result of executive action, or through an act of Congress. The Secretary is also required to determine the value of the lost use of lands currently controlled by the Federal Government so that this, too, can be compensated.

The valuation required by the legislation is not intended to be a unilateral action by the Secretary. On the contrary section 203(a)(2)(A) requires the use of a valuation method that is acceptable to the Chair of the Department of Hawaiian Home Lands and, most importantly, is in the best interests of the beneficiaries. These two conditions exist regardless of whether the Secretary uses an appraisal or nonappraisal method of valuation. Section 203(a)(2)(A) requires the Secretary to be an advocate for the best interests of Hawaiian home beneficiaries in reaching a determination of value. Thus the Secretary has a fiduciary responsibility for seeing to it that the beneficiaries receive the maximum possible compensation.

Under section 203(a), the Secretary need not determine the value of land and lost use by appraisal. The committee included a provision allowing valuation by a method other than appraisal in order to promote a speedy resolution of this longstanding conflict. The committee considers valuation by mutual agreement to be far preferable to the burdensome process of appraisal. During our hearings on this legislation, the Senate Energy and Natural Resources Committee was advised that the State of Hawaii had appraised most of the Federal properties in question. The GAO, in their report to the committee, analyzed the state appraisals and found the appraisal methodology used by the state was appropriate and that proper accounting principles were employed. The state appraisals therefore supplant the need for a separate appraisal by the Department of the Interior.

In the unfortunate event that the Interior Department decides to proceed with an appraisal, a number of specific safeguards have been instituted to ensure that the Department properly discharges its fiduciary responsibility to protect the interests of the Hawaiian home beneficiaries. These include a guarantee that the Chairman of the Department of Hawaiian Home Lands shall have opportunity to present evidence of the value of the home lands that were lost as well as the value of the lost use of these lands, the right to review and comment on a preliminary copy of the appraisal, and most importantly, the requirement that the Secretary give full consideration of the evidence of value presented by DHHL. Given the responsibility under section 203(a)(2)(A) that the Secretary represent the best interests of the beneficiaries, the requirement in section 203(a)(4)(B) is not ephemeral. When construed together, these provisions require the Secretary to give great weight to the recommendations of the DHHL on matters of value, especially if the interests of home land beneficiaries would be advanced by doing so.

In addition to all these protections, the Chairman of the Department of Hawaiian Home Lands has the right to dispute the determinations of value for land and lost use. Thus it is unmistakably clear that the Secretary and the Chairman of DHHL must mutually consent to the values to be determined under section 203 of the bill.

Section 203(b) authorizes the conveyance of land to the Department of Hawaiian Home Lands as compensation for lost lands, and the lost use of home lands retained by the Federal Government. This section further authorizes the head of any Federal agency to transfer land and structures to the Secretary of the Interior for subsequent conveyance to DHHL. I want to contrast the two-step conveyance process described in section 203(b)(5) with the authority for the General Services Administration or the Department of Defense to convey property directly to DHHL under Section 203(f)(6) of the bill. A section 203(f)(6) conveyance would be a direct transfer of title, without intervention by the Department of the Interior, whereas the Interior Department would act as a transfer agent for conveyances executed under section 203(b)(5). Let me point out, however, that although jurisdiction and control of land would be transferred to the Interior Department under a section 203(b)(5) conveyance, the Interior Department's responsibility in completing the transfer is nothing more than a ministerial function. In this case the agency serves as a conduit for consummating the transfer of title to the DHHL.

Section 203(f) of the bill establishes a second means of conveying lands to the Department of Hawaiian Home Lands by allowing DHHL to obtain lands that are excess to the needs of individual Federal agencies. Subsection (f) places the Department of Hawaiian Home Lands in the same, or better, status as a Federal agency for the purpose of being notified of excess property and for obtaining the property from the excessing agency. Under no circumstances should the land that has been selected by the Chairman for appraisal under section 203(f)(2), and possible conveyance under section 203(f)(5), be transferred or otherwise disposed of by any Federal agency until the opportunity of the DHHL to obtain the land has expired.

Finally, let me comment on section 207 of the bill. This section establishes a cost sharing for Bureau of Reclamation projects on Hawaiian home lands that is the same as the cost sharing authorized for projects on Indian lands.

Mr. WARNER. Mr. President, I ask unanimous consent that the amendment be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the amendment (No. 2110) was agreed to.

Mr. WARNER. Mr. President, I ask unanimous consent that the committee amendment be agreed to, as amended; that the bill be deemed read a third time and passed, as amended; that the motion to reconsider be laid upon the table; and that any statements relating to the bill be placed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the bill (H.R. 402) was deemed read the third time and passed, as follows:

[The bill was not available for printing. It will appear in a subsequent issue of the RECORD.]

ORDERS FOR FRIDAY, AUGUST 4, 1995

Mr. WARNER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 9 a.m. on Friday, August 4, 1995, that following the prayer, the Journal of the proceedings be deemed approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then immediately resume consideration of S. 1026, the Department of Defense authorization bill, with Senator THURMOND to be recognized to offer an amendment regarding title XXXI, under the provisions of the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. WARNER. For the information of all Senators, the Senate will resume the DOD authorization bill at 9 a.m. Under the unanimous consent agreement, Senator THURMOND will offer a title XXXI amendment, with three amendments to be offered to the Thurmond amendment.

There are approximately 3 hours and 20 minutes of debate time in order to the amendments. Senators can, therefore, expect 4 consecutive rollcall votes at the expiration or yielding back of that time. Additional rollcall votes will occur during Friday's session of the Senate.

ORDER FOR 10-MINUTE VOTES

Mr. WARNER. Mr. President, I ask unanimous consent that the first rollcall vote in the sequence tomorrow be 15 minutes in length and the remaining votes in sequence be limited to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 9 A.M. TOMORROW

Mr. WARNER. Mr. President, seeing no Senators desiring to be recognized for the purpose of morning business, and since there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in recess under the previous order.

There being no objection, the Senate, at 11:28 p.m., recessed until Friday, August 4, 1995, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate August 3, 1995:

DEPARTMENT OF AGRICULTURE

JOHN DAVID CARLIN, OF KANSAS, TO BE AN ASSISTANT SECRETARY OF AGRICULTURE, VICE FREDERICK GILBERT SLABACH.

NATIONAL COUNCIL ON DISABILITY

MARCA BRISTO, OF ILLINOIS, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 1998. (REAPPOINTMENT)

BONNIE O'DAY, OF MARYLAND, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 1998. (REAPPOINTMENT)

KATE PEW WOLTERS, OF MICHIGAN, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 1998. (REAPPOINTMENT)

IN THE MARINE CORPS

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL IN THE U.S. MARINE CORPS WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C. SECTION 601:

MAJ. GEN. JEFFERSON D. HOWELL, JR [redacted]

IN THE ARMY

THE FOLLOWING-NAMED OFFICERS FOR PROMOTION IN THE RESERVE OF THE ARMY, UNDER THE PROVISIONS OF TITLE 10, U.S.C., SECTIONS 12203(A) AND 3383:

To be colonel

GERHARD BRAUN [redacted]
PAUL M. SHINTAKU [redacted]

To be lieutenant colonel

RONALD T. AKEMOTO [redacted]
DAVID I. DAWLEY [redacted]
THOMAS D. FARRELL [redacted]
PAUL C. FRANCIK [redacted]
LEE M. HAYASHI [redacted]
RAYMOND RIPPEL [redacted]
ROBERT M. SUNDBERG [redacted]

THE FOLLOWING-NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR PROMOTION IN THE RESERVE OF THE ARMY OF THE UNITED STATES, UNDER THE PROVISIONS OF TITLE 10, U.S.C. SECTIONS 12203 AND 3385:

To be colonel

JOHN A. BELZER [redacted]
ALLEN R. BOZEMAN [redacted]
LAUGHLIN H. HOLLIDAY [redacted]
LARRY W. JESSUP [redacted]
DONALD O. KOONCE [redacted]
DAVID J. REHKAMP [redacted]
CHESTER M. WAGGONER [redacted]

To be lieutenant colonel

ANDREW J. ADAMS III [redacted]
FRANK A. APPELFELLER [redacted]
DEBORAH A. ASHENHURST [redacted]
ROOSEVELT BARFIELD [redacted]
JEFFERSON T. BENNETT [redacted]
ROBERT C. BLIX [redacted]
EDWARD A. CANRIGHT [redacted]
LAWRENCE D. COOPER [redacted]
ROGER F. HALL, JR. [redacted]
TERRY G. HAMMETT [redacted]
CHARLES T. HARDEE [redacted]
DAVID R. HAYS [redacted]
DANIEL J. HOTOVY [redacted]
THOMAS E. JOHNSON [redacted]
MICHAEL E. JOSE [redacted]
DENNIS R. KINER [redacted]
TIM G. KRUEGER [redacted]
DAVID C. MACKEY [redacted]
TERRY S. MITCHELL [redacted]
STUART C. PIKE [redacted]
MARGARET J. SKELTON [redacted]
ARNOLD H. SOEDER [redacted]
PEDRO G. VILLARREAL [redacted]
JOHN F. YEARWOOD [redacted]

ARMY NURSE CORPS

To be lieutenant colonel

MONA J. HANLIN [redacted]

CHAPLAIN CORPS

To be lieutenant colonel

TIMOTHY W. THOMPSON [redacted]

THE JUDGE ADVOCATE GENERAL'S CORPS

To be lieutenant colonel

JAMES M. ROBINSON [redacted]

MEDICAL CORPS

To be lieutenant colonel

ROBERT G. MONTGOMERY [redacted]

MEDICAL SERVICE CORPS

To be lieutenant colonel

CHAUNCEY L. VEATCH III [redacted]

THE FOLLOWING-NAMED OFFICERS FOR PROMOTION IN THE RESERVE OF THE ARMY, UNDER THE PROVISIONS OF TITLE 10, U.S.C., SECTIONS 12203(A) AND 3383:

To be colonel

ROBERT BELLHOUSE [redacted]
JAMES G. CUSHMAN [redacted]
RONALD W. DRITLEIN [redacted]
CHARLES T. HEISLER [redacted]
JOSEPH F. KOPECKY [redacted]
DAVID E. KRATZER [redacted]
ANTONIO M. LOPEZ, JR. [redacted]
CARLOS LORAN [redacted]
STANLEY F. MESSINGER [redacted]

PATRICK MURPHY [redacted]
WILLIAM R. SCHIPUL [redacted]
JOHN O. STONE [redacted]
VANCE TIEDE [redacted]
HOWARD M. WHITTINGTON [redacted]

CHAPLAIN CORPS

To be colonel

JAMES T. SPIVEY, JR., [redacted]

MEDICAL SERVICE CORPS

To be colonel

DAVID P. MADDOCK [redacted]

To be lieutenant colonel

JONATHAN A. ASWEGAN [redacted]
JOHN N. GLOVER [redacted]
TIMOTHY J. HIGBEE [redacted]
BRENDA G. SMITH [redacted]
WILLIAM R. TETRO [redacted]
MELODY C. THOMAS [redacted]

ARMY NURSE CORPS

To be lieutenant colonel

CHERYL B. PERSON [redacted]

THE FOLLOWING-NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR PROMOTION IN THE RESERVE OF THE ARMY OF THE UNITED STATES, UNDER THE PROVISIONS OF TITLE 10, U.S.C. SECTIONS 12203 AND 3385:

To be colonel

TERRY C. AMOS [redacted]
JOHN C. GRIGGS [redacted]
GARY L. JOENS [redacted]
ROBERT M. KELLER [redacted]
MICHAEL A. MARVIN [redacted]
STEPHEN A. MAYHEU [redacted]
PHILIP W. NUSS [redacted]
WILLIAM H. POLAND [redacted]
DONALD F. PORTANOVA [redacted]
RAYMOND K. READ [redacted]

ARMY NURSE CORPS

To be colonel

TERRY L. DAVIDSON [redacted]
CAROLYN L. MC CARTNEY [redacted]

MEDICAL SERVICE CORPS

To be colonel

CYNTHIA TRUJILLO [redacted]

To be lieutenant colonel

ROBERT A. AVERY [redacted]
DANIEL E. BARNETT [redacted]
MICHAEL J. COLEMAN [redacted]
ALAN B. GALLOWAY [redacted]
GERALD M. HEINLE [redacted]
ROBERT E. MEIER [redacted]
MICHAEL E. MERGENS [redacted]
CLARENCE H. OVERBAY III [redacted]
NICKEY W. PHILPOT [redacted]
RICHARD L. SWEENEY [redacted]
RUSSELL R. TIMMRECK [redacted]
RICHARD A. VARTIGIAN [redacted]
ROBERT M. WENGER, JR. [redacted]
STANLEY O. WILLIAMS [redacted]
GREG M. WILZ [redacted]
WILLIAM W. YENISCAVICH [redacted]

ARMY NURSE CORPS

To be lieutenant colonel

JOANNE E. HIX-WIGGINS [redacted]

THE JUDGE ADVOCATE GENERAL'S CORPS

To be lieutenant colonel

GARY D. PAYNE [redacted]
CHARLES L. POURCIAU, JR. [redacted]

MEDICAL CORPS

To be lieutenant colonel

JOSEPH D. SARNICKI [redacted]
STEPHEN C. ULRICH [redacted]

THE FOLLOWING-NAMED OFFICERS, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE UNITED STATES ARMY IN ACCORDANCE WITH SECTION 624, TITLE 10, UNITED STATES CODE. THE OFFICERS INDICATED BY ASTERISK ARE ALSO NOMINATED FOR APPOINTMENT IN THE REGULAR ARMY IN ACCORDANCE WITH SECTION 531, TITLE 10, UNITED STATES CODE:

DENTAL CORPS

To be major

*JEFFREY S. ALMONY [redacted]
*MARVIN P. ANDERSON, [redacted]
*HOWARD H. CARRICO [redacted]
*MARC C. CLAYTON [redacted]
*JAMES J. CLOSMANN [redacted]
*CAMERON W. COLE [redacted]
*WALTER, COLLAZO [redacted]
*DEAN D. DOLES [redacted]
*KATHLEEN M. EISIN [redacted]
*ROGER W. ENGLAND [redacted]
*CHRIS EVANOV [redacted]
*DAVID B. FERGUSON [redacted]
*SCOTT C. FISHER [redacted]
*DAN C. FONG [redacted]
*TINA L. FOSS [redacted]
*ROBERT R. GALVAN [redacted]
*BRUCE A. GASTON [redacted]
*TAMER GOKSEL [redacted]
*EDWYNNA HALE [redacted]
*DAVID B. HEMBREE [redacted]
*JEFFREY A. HODD [redacted]
*GEORGE J. HOLZER [redacted]
*HEIDI C. HORN [redacted]
*DAVID M. JEFFALONE [redacted]
*KELLY B. JONES [redacted]
*KENNETH E. JONES [redacted]
*SHAUN L. KANION [redacted]
*STEPHEN M. KEESE [redacted]
*SANGKYU S. KIM [redacted]
*TAMARA A. LEARY [redacted]
*JAMES C. LYONS [redacted]
*JAMES R. MACHOLL [redacted]
*TROY MARBURGER [redacted]
*JOHN T. MARLEY [redacted]
*TIMOTHY MITCHENER [redacted]
*RONALD A. MORENO [redacted]
*RICKEY A. MORLEN [redacted]
*DAVID A. MOTT [redacted]
*KAREN PARK [redacted]
*MINAXI I. PATEL [redacted]
*JANET L. RAMLAL [redacted]
*GEOFFREY H. ROBERT [redacted]
*CHARLES A. SABADELL [redacted]
*STEPHEN T. SCHULTZ [redacted]
*KAREN L. SHINES [redacted]
*RANDALL W. STETTLER [redacted]
*THOMAS S. SYMPSON [redacted]
*THOMAS R. TEMPEL [redacted]
*ERIC V. THOMAS [redacted]
*MARTIN R. VELEZ [redacted]
*KHA N. VO [redacted]
*RAY WILLIAMS [redacted]

MEDICAL CORPS

To be major

*ERIC D. ADAMS [redacted]
*ERIC T. ADLER [redacted]
*MARY A. AHMED [redacted]
ALFONSO S. ALARCON [redacted]
*THOMAS AMSLER [redacted]
*ALFRED D. ARLINE [redacted]
ROCCO A. ARMONDA [redacted]
*RICANTHONY ASHLEY [redacted]
*WESLEY S. ASHTON [redacted]
*JOHN T. ATKINS [redacted]
*MIRIAM J. ATKINS [redacted]
*DIANE M. ATWOOD [redacted]
*AMY M. AUTRY [redacted]
*ROBERT A. AVERY [redacted]
*WILLIAM C. BANDY [redacted]
DAVID W. BARBER [redacted]
*SCOTT D. BARNES [redacted]
*ERIC W. BARRY [redacted]
*MICHAEL G. BEAT [redacted]
*DAVID I. BECKER [redacted]
*THERESA M. BECKER [redacted]
CYNTHIA L. BENFANTI [redacted]
PAUL L. BENFANTI [redacted]
*JAMES F. BENSON [redacted]
*NATHANIEL B. BERG [redacted]
*LYNN M. BERGREN [redacted]
*KURT J. BERNEBURG [redacted]
MARIE BETTENCOURT [redacted]
*BARRY T. BICKLEY [redacted]
*ROMAN O. BILYNSKY [redacted]
*WILLIAM J. BLANKE [redacted]
*MARK A. BONEY [redacted]
*DAVID C. BONOVICH [redacted]
*NATHAN C. BOSS [redacted]
*WILLIAM M. BOUSHKA [redacted]
*GREGORY W. BOUSKA [redacted]
*JAMES P. BRADLEY [redacted]
*YONG C. BRADLEY [redacted]
DAVID A. BROWN, [redacted]
*JAMES S. BROWN [redacted]
*ROBERT N. BRUCE [redacted]
*MICHAEL P. BURTON [redacted]
*JOHN C. BYRD [redacted]
*CRAIG D. CAMERON [redacted]
*MICHELLE L. CARLIN [redacted]
*SCOTT A. CARLTON [redacted]
*TORR E. CARMAIN [redacted]
*NICHOLAS P. CARPER [redacted]
*JOHN W. CARSON, III [redacted]
PAUL D. CASNER [redacted]
*JOHN R. CATON [redacted]
*DONALD J. CHAFFIN [redacted]
*ALEXANDER K. CHEN [redacted]
*ROBERT CHIANG [redacted]
*THEODORE J. CHOMA [redacted]
*ERIK D. CHRISTENSEN [redacted]
*ROBERT J. CHRISTIE [redacted]
*ELLEN M. CHUNG, [redacted]
MICHAEL J. CITRONE [redacted]
*DAVIS L. CLOWARD [redacted]
*STEVEN P. COHEN [redacted]
*RIGGINS G. CONSAGRA [redacted]
*BARTON B. COOK [redacted]
*THOMAS P. COOK [redacted]
*EDMUND W. CORNMAN, [redacted]
*ROBERT M. CRAIG [redacted]
*DONALD G. CRINO, [redacted]
*JAMES E. CURLEE [redacted]
*MICHAEL J. DACEY [redacted]
*ZACHARIAH DAMERON [redacted]
*BRAD J. DAVIS [redacted]
DAVE A. DAVIS [redacted]
*SCOTT T. DAVIS [redacted]
MARC L. DAYMUDE [redacted]
*MICHAEL J. DECKER [redacted]
DAVI DELLAGIUSTINA [redacted]
*ROBERT A. DELORENZO [redacted]
*ROBERT DESVERREAUX [redacted]
*DOMINIC T. DICIRO [redacted]
*EDWARD E. DICKERSON [redacted]
*THIEN M. DO [redacted]
*DANIEL D. DODAI [redacted]
*DAVID M. DOWNS [redacted]
*DAVID M. DRANETZ [redacted]
*VINCENT A. DUBRAVEC [redacted]
*KIM A. DUGGER [redacted]
*JOHN M. DUNFORD [redacted]
*ROBERT K. DURNFORD [redacted]
ERIN P. EDGAR [redacted]
*BYRON K. EDMOND [redacted]
KIRK W. EGGLESTON [redacted]
*MICHAEL EISENHAUER [redacted]
*MICHAEL A. ELLIOTT [redacted]
*RICHARD W. ELLISON [redacted]
*THERESA S. EMORY [redacted]
*JAMES J. ENGLAND [redacted]
*EDWARD J. ERBE [redacted]
*ALAN R. ERICKSON [redacted]
ALEC T. EROR [redacted]
*DIANE A. FARAN [redacted]
JOHN H. FARLEY [redacted]
*ANTHONY FERRARA [redacted]
*GREGORY FITZHARRIS [redacted]
*JASON P. FONTENOT [redacted]
*COLLEEN C. FOOS [redacted]
*LESLIE S. FOSTER [redacted]
*ANDREW C. FOWLER [redacted]
*STEPHANIE A. FOWLER [redacted]
*JAMES T. FOX [redacted]
EDWARD G. FROELICH [redacted]
*LINDA L. FUQUA [redacted]
*MARK P. GAUL [redacted]
*JACKSON R. GENANT [redacted]
*ROBERT T. GERHARDT [redacted]
*ALBERT L. GEST [redacted]
*ROBERT V. GIBBONS [redacted]
*MONICA B. GORBANDT, [redacted]
*MARK S. GORDON [redacted]
*PATRICK J. GRABLIN [redacted]
*DANIEL L. GRADIN [redacted]
JESS A. GRAHAM [redacted]
URSULA Y. GRAHAM [redacted]
*MARK S. GRAJCAR [redacted]
*MARYBETH A. GRAZKO [redacted]
*PATRICIA GREATOREX [redacted]
*THOMAS W. GREIG [redacted]
*RICHARD GREMILLION [redacted]
*GARY D. GRIDLEY [redacted]
*GREG L. GRIEWE [redacted]
JAMIE B. GRIMES [redacted]
*JAMES P. GUEVARA [redacted]
*NEAL C. HADRO [redacted]
*DONALD P. HALL [redacted]
*CYNTHIA K. HAMILTON [redacted]
*BARRY T. HAMMAKER [redacted]
*LLOYD D. HANCOCK [redacted]
KARLA K. HANSEN [redacted]
*KENNETH W. HARPER [redacted]
*MICHAEL T. HARPER [redacted]
*BRIAN C. HARRINGTON [redacted]
*CASSANDRA D. HARRIS [redacted]
*DAVID H. HARRISON [redacted]
DENNIS R. HARTUNG [redacted]
*JAMES M. HARVEY [redacted]
*THE HASLETT-ENDRIS [redacted]
*MARK D. HAWKINS, [redacted]
*EDWIN B. HAYES [redacted]
*KAREN E. HAYES [redacted]
*ARNOLD B. HENG [redacted]
*JOHN D. HERMANN [redacted]
WILLIAM C. HEWITSON [redacted]
*RANDALL HILDEBRAND [redacted]
*KIRSTEN B. HOHMANN [redacted]
*CARRI B. HOMOKY [redacted]
*DOUGLAS E. HOMOKY [redacted]
*GREGORY S. HOOKS [redacted]
*PAUL J. HOUGE [redacted]
*JAY R. HUBER [redacted]
*MAUREEN L. HUDSON [redacted]
JEFFREY J. HULL [redacted]
*GEORGE J. HUNTER [redacted]
*KENNETH M. HURWITZ [redacted]
*WELLFORD W. INGE [redacted]
*WILLIAM A. INGRAM [redacted]
*JOHN I. ISKANDAR, [redacted]
*HENRY C. JEFFERSON [redacted]
*TIMOTHY R. JENNINGS [redacted]
*CARLOS E. JIMENEZ [redacted]
ANTHONY J. JOHNSON [redacted]
*ROBERT E. JOHNSON [redacted]
*DENNIS E. JONES [redacted]
*MATTHEW P. JONES [redacted]
*REBECCA A. KELLER [redacted]
*MICHAEL S. KELLEY [redacted]
*KIMBERLY L. KESLING [redacted]
*MICHAEL S. KILLEN [redacted]

RONALD P. KING [redacted]
*ROBERT K. KOCH [redacted]
*DAVID T. KOON [redacted]
*MAUREEN K. KOOPS [redacted]
*ALISAN G. KULA [redacted]
*MICHAEL R. KUNKEL [redacted]
MARTIN L. LADWIG [redacted]
*JOHN A. LAFATA [redacted]
*PETER A. LAIRD [redacted]
*MARK E. LANDAU [redacted]
*PHILLIP W. LANDES [redacted]
*CHRISTOPHER LARISCY [redacted]
WILMA I. LARSEN [redacted]
*TAMARA D. LAUDER [redacted]
*GREGORY A. LAW [redacted]
*JENNIFER L. LEATH [redacted]
KERRYQ T. LEE [redacted]
*EMIL P. LESHO [redacted]
*PAUL A. LESTER [redacted]
*ALLEN J. LEVY [redacted]
*LAURA J. LILAC [redacted]
*WITTE J. LOIZEAUX [redacted]
*EDWIN W. LOJESK [redacted]
NICK N. LOMIS [redacted]
*RANDI J. LONG [redacted]
*JAMES M. LUCHETT [redacted]
*MARK L. LUKENS [redacted]
ERIC T. LUND [redacted]
*JOHN S. MADANY [redacted]
*KURT L. MAGGIO, [redacted]
*RICHARD S. MAKUCH [redacted]
*LAWRENCE W. MANAKER [redacted]
*ROBERT C. MANCINI [redacted]
LIEM T. MANSFIELD [redacted]
*RODRIGO A. MARIANO [redacted]
*JOHN P. MASTERSON [redacted]
*MARK A. MATAOSKY [redacted]
*TIMOTHY J. MATTISON [redacted]
*MARK L. MCDOWELL [redacted]
*THOMAS W. MCGOVERN [redacted]
*JOHN K. MCLARNEY [redacted]
*ROBERT P. MEE [redacted]
*KEVIN P. MICHAELS [redacted]
*BENJAMIN J. MILLER [redacted]
DANIEL R. MILLER [redacted]
*RICHARD A. MILLER [redacted]
*CARL M. MINAMI [redacted]
*VINCENT J. MIRARCHI [redacted]
*KELLY T. MITCHELL [redacted]
*RON L. MOODY [redacted]
*MILAN S. MOORE [redacted]
*TED O. MORGAN, JR. [redacted]
*JOSEPH M. MORMAN [redacted]
*EARLE E. MORTON [redacted]
*TODD A. MORTON [redacted]
*ROBERT L. MOTT, JR [redacted]
*MARK R. MOUNT [redacted]
*CHARLES R. MULLIGAN [redacted]
*SEAN P. MURRAY [redacted]
*KENNETH W. MYERS [redacted]
*MARK S. NEWMAN [redacted]
*WILLIAM H. NEWMAN [redacted]
FRANK J. NEWTON, [redacted]
*GILBERT A. NOIROT [redacted]
*PAUL F. NYBERG [redacted]
*JULIE E. OBRIEN [redacted]
*STEPHEN C. OCONNOR [redacted]
*JEANETT OLESKOWICZ [redacted]
*JAMES OLIVER [redacted]
*JOY L. OLSON [redacted]
WILLIAM T. PACE [redacted]
*MARK S. PACK [redacted]
*GUY K. PALMES [redacted]
*RITA A. PARISEK [redacted]
*SCOTT R. PARTYKA [redacted]
*LUCY PATTI [redacted]
*JULIE A. PAVLIN [redacted]
*SAMUEL E. PAYNE [redacted]
*RONALD F. PENDLETON [redacted]
*STEPHANIE W. PERDUE [redacted]
KEVIN R. PERUSSE [redacted]
*BETH E. PETERSON [redacted]
*THOMAS E. PHILLIPS [redacted]
*ELIZABE PIANTANIDA [redacted]
*JAMES V. PIEPHOFF [redacted]
*CHRISTOPHER PIERCE [redacted]
*GREGORY A. PISEL [redacted]
*RONALD J. PLACE [redacted]
*STANFORD PRESCOTT [redacted]
*DAVID M. PRESTON [redacted]
*MICHAEL G. RAAB [redacted]
*SUZANNE E. RALEY [redacted]
*FERNANDO RAMOS [redacted]
HERNANDO G. RAMOS [redacted]
*DOUGLAS R. REED [redacted]
*RUTHANN F. REES [redacted]
*ROBERTO RENDE [redacted]
*JAMES C. RHOLL [redacted]
*GUY W. ROBINS [redacted]
*STEVEN L. ROMITI [redacted]
*NATHAN T. RUDMAN [redacted]
*PAUL J. RUPP [redacted]
ROBERT M. RUSH [redacted]
*NANCY E. SANDERSON [redacted]
*DONALD K. SANFORD [redacted]
*JEFFREY A. SAUNDERS [redacted]
*MICHAEL F. SAVAGE [redacted]
*STEPHEN P. SCHERR [redacted]
*DOUGLAS A. SCHOW [redacted]
*DAVID W. SCHROEDER [redacted]
*BRADLEY F. SCHWARTZ [redacted]
JOHN S. SCOTT [redacted]
*DAVID W. SEES [redacted]
*GREGORY J. SEPANSKI [redacted]
*PATRICIA A. SHEVLIN [redacted]
*SONDRA E. SHIELDS [redacted]
*JAMES F. SHIKLE [redacted]
*DAVID G. SHORES [redacted]
JOSEPH A. SHROUT [redacted]
*JEFFREY L. SHY [redacted]
*BRIAN M. SIECK [redacted]
*STEPHEN V. SILVEY [redacted]
*HARLAND D. SIMPSON [redacted]
*CHARLES E. SMITH [redacted]
*ROBERT A. SMITH [redacted]
*GEORGE STACKHOUSE [redacted]
*WILLIAM J. STANTON [redacted]
*CHARLES V. STARGEL [redacted]
*CHRISTOPHER STARK [redacted]
*JAMES STAUDENMEIER [redacted]
*JOHN T. STEEDMAN [redacted]
*TIMOTHY STEINAGLE [redacted]
*RONALD T. STEPHENS [redacted]
MICHAEL R. STJEAN [redacted]
*TODD D. STORCH [redacted]
*STEVEN D. STOWELL [redacted]
*JOSEPH B. SUTCLIFFE [redacted]
GARY W. SWENSON [redacted]
*RICHARD S. SWINNEY [redacted]
*CHRISTINA SZIGETI [redacted]
*BARRON K. TAYLOR [redacted]
*JERRY J. TAYLOR [redacted]
*THOMAS B. TAYLOR [redacted]
*RICHARD W. THOMAS [redacted]
*JAMES W. THOMPSON [redacted]
*MARK F. TORRES [redacted]
*CAROL A. TRAKIMAS [redacted]
*THUTHAO T. TRINH [redacted]
*DANIEL S. TUMELTY [redacted]
*ALFONSO R. VACCARO [redacted]
*DENNIS J. VANZANT [redacted]
JENNIFER S. VARGAS [redacted]
*ROBERT E. VAUGHAN [redacted]
*VANESSA R. VICTOR [redacted]
*PATRICIA A. VORIES [redacted]
*ROBERT P. WACK [redacted]
*JOHN L. WADE [redacted]
*RICHARD K. WAGNER [redacted]
*ELLEN B. WALLEN [redacted]
*CHRISTOPHER WALSHE [redacted]
*BOYD V. WASHINGTON [redacted]
TIMOTHY WASHOWICH [redacted]
*RICHARD R. WAYNE [redacted]
*IAN S. WEDMORE [redacted]
*KEVIN A. WEEKS [redacted]
*CATHERINE A. WELCH [redacted]
*MARK C. WESTON [redacted]
GARY A. WHEELER [redacted]
*HEATHER WHITWORTH [redacted]
*DAN WIENER [redacted]
*GREGORY S. WITKOP [redacted]
*ROBERT WOLFGANG [redacted]
*ANDREAS WOLTER [redacted]
CLAUDE R. WORKMAN [redacted]
*BRIAN D. WORLEY [redacted]
*JEFFREY YABLONSKI [redacted]
*ANITA M. YEARLEY [redacted]
*JEFFREY A. YNGSTROM [redacted]
*OLIVER J. YOST [redacted]
*DAVID T. ZBYLSKI [redacted]
*JAMES H. ZEITLIN [redacted]
DAVID S. ZUMBRO [redacted]

IN THE NAVY

THE FOLLOWING-NAMED LIEUTENANT COMMANDERS OF THE RESERVE OF THE U.S. NAVY FOR PERMANENT PROMOTION TO THE GRADE OF COMMANDER IN THE LINE, IN THE COMPETITIVE CATEGORY AS INDICATED, PURSUANT TO THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 5912:

UNRESTRICTED LINE OFFICERS

To be commander

ANDREW W. ACEVEDO [redacted]
JAMES M. ACKLEY [redacted]
RODNEY M. ADAMS [redacted]
JOHN C. AGUERO [redacted]
JAMES M. AHLGRIMM [redacted]
JOHN M. ALLARD [redacted]
SCOTT E. ALLEN, JR [redacted]
WILLIAM R. ALLEN [redacted]
KEVIN W. ALT [redacted]
TIMOTHY M. ANDERSEN [redacted]
PAUL N. ANDERSON [redacted]
ROBERT B. ANDERSON [redacted]
JOSEPH ARANGO III [redacted]
CHRISTOPHER J. ARMITAGE [redacted]
RICHARD S. ARNOLD [redacted]
JOSEPH W. ASHBAKER, [redacted]
FRANK A. ASHTON [redacted]
JOHN R. ATKINSON [redacted]
JOSEPH V. BACKOF [redacted]
WARREN S. BARKLEY II [redacted]
EDMUND W. BARNHART [redacted]
BRIAN O. BARRETT [redacted]
MARK E. BAUMAN [redacted]
JAMES A. BECKETT [redacted]
NATHAN G. BEIN [redacted]
RICHARD A. BENSON [redacted]
JON E. BERGLIND [redacted]
JOHN A. BIEGEL [redacted]
TIMOTHY J. BISHOP [redacted]
ROBERT R. BLEHART [redacted]
DAVE C. BOHANON [redacted]
GREGORY A. BOOTH [redacted]
FREDERICK BOTERO [redacted]
THOMAS E. BOUGAN [redacted]
JEAN D. BOUVET [redacted]
THOMAS H. BOYCE [redacted]
DEAN C. BRACKETT [redacted]
STEVEN C. BRADFORD [redacted]
DONALD T. BRADY [redacted]
REUBEN C. BRADY [redacted]
THOMAS I. BRANCH [redacted]
CHARLES R. BRAUN, JR [redacted]
RICHARD E. BRAUNIG [redacted]
CHRISTOPHER J. BREHANY [redacted]
MICHAEL C. BRINKMANN [redacted]
THEODORE L. BROOKS [redacted]
MATTHEW D. BROWN [redacted]
CHRISTOPHER U. BROWNE [redacted]
DALE L. BRUSKOTTER [redacted]
JOHN R. BUCKLEY [redacted]
JOHN S. BUECHNER [redacted]
THOMAS A. BURGESS [redacted]
MICHAEL E. BURR [redacted]
ROBERT D. BURRUS, [redacted]
BARRY E. BUSH [redacted]
MICHAEL G. BUTCHER [redacted]
JON A. BUTTRAM [redacted]
ALLYSON T. CADDELL, [redacted]
JAMES C. CAIN [redacted]
MARK S. CAMPAGNA [redacted]
JAMES G. CANNON [redacted]
ALLEN F. CANTRELL [redacted]
MATTHEW A. CARR [redacted]
THOMAS E. CARROLL [redacted]
IAN S. CATH [redacted]
VAHAN CHERTAVIAN [redacted]
BRANNAN W. CHISOLM [redacted]
STEVEN J. CHRANS [redacted]
MICHAEL D. CHRISTOPHER [redacted]
ANTHONY CLEMENTI [redacted]
JAMES F. CLEMSON [redacted]
RONALD R. CLINKSCALES [redacted]
THOMAS A. CLOUD, [redacted]
MICHAEL H. COCHRANE [redacted]
LINDA M. COFFELT [redacted]
MARK L. COLE [redacted]
WILLIAM P. CONNELLY [redacted]
CHRISTOPHER R. CONNORS [redacted]
WILLIAM P. COOK [redacted]
PETER J. CORCORAN [redacted]
STEVEN P. CRAYCRAFT [redacted]
DAVID B. CRILLY [redacted]
RALPH D. CRISTIANI [redacted]
CHRISTOPHER L. CROSS [redacted]
ARTURO C. CUELLAR [redacted]
JOHN Q. DALSANTO [redacted]
DAVID A. DANIELS [redacted]
THOMAS P. DARCY [redacted]
CHARLES S. DARDEN [redacted]
CRAIG M. DAVIS [redacted]
KENNETH E. DAWE, II [redacted]
LELAND D. DEATLEY [redacted]
STEPHEN M. DEBEVOISE [redacted]
FRANK A. DEES [redacted]
JAMES C. DEGENHARDT [redacted]
DAVID J. DELANCEY [redacted]
ANTHONY J. DIBONA, JR [redacted]
STEVEN J. DITULLIO [redacted]
KURT J. DOBBERTEEN [redacted]
RICHARD DONOFRIO [redacted]
BRENT A. DORMAN, [redacted]
FREDERICK M. DOUGLAS [redacted]
DONALD R. DRENNEN [redacted]
DOUGLAS J. DREYER [redacted]
MICHAEL DRZONSC [redacted]
WILLIAM S. DURBIN [redacted]
TIMOTHY J. DWYER [redacted]
MELTON O. EAKIN, JR [redacted]
ERIC J. EARNST [redacted]
JAMES B. EDEN [redacted]
GARY L. EILAND [redacted]
RICHARD W. EKVALL [redacted]
WILLIAM L. ELDER [redacted]
DENNIS W. ELLISON [redacted]
JEFFREY T. ENGLE [redacted]
NICHOLAS J. EPISCOPO, JR [redacted]
STEVEN L. FARLEY [redacted]
MARK G. FEILMANN [redacted]
DAVID W. FERGUS [redacted]
PATRICK J. FETTER [redacted]
CHARLES J. FILARDI, JR [redacted]
GREGORY R. FINE [redacted]
EDWARD J. FINNEGAN [redacted]
SAMUEL E. FISHEL, JR [redacted]
CHARLES M. FLOWERS, JR [redacted]
WILLIAM F. FLYNN [redacted]
ANDREW J. FOERSTER [redacted]
THEODORE FOLLAS [redacted]
ERIC C. FORBES [redacted]
RAY FOWLER, JR [redacted]
EDWARD J. FRANCIS [redacted]
STEVEN R. FRAZER [redacted]
FRANK J. FRELKA [redacted]
JOHN F. FRICKE [redacted]
JEFFERY E. FROST [redacted]
JOHN P. FRY, 259–04–0309
MICHAEL H. GAFFNEY [redacted]
MAX E. GAMBLE, [redacted]
JEFFERY W. GARNER [redacted]
SIMEON C. GARRIOTT, JR. [redacted]
TIMOTHY B. GENT [redacted]
HUGH A. GERIAK [redacted]

KEVIN J. GILLIS [redacted]
CHARLES B. GILLMAN [redacted]
PAUL J. GILMORE [redacted]
AUSTIN W. GLEASON, JR [redacted]
STEVEN J. GOLDSTEIN [redacted]
DAVID A. GOULLA, JR. [redacted]
THOMAS P. GRAFF [redacted]
STEPHEN W. GRANT [redacted]
WILLIAM R. GRAY III [redacted]
SAMUEL D. GREEN [redacted]
JOHN D. GRISET [redacted]
DAVID B. GRUBER [redacted]
CHERYL A. GUIDOBONI [redacted]
ALAN M. HAGOPIAN [redacted]
MICHAEL H. HARING [redacted]
DONALD P. HARKER [redacted]
GARY T. HARPER [redacted]
ALBERT G. HARRIS, JR [redacted]
DAVID M. HARRIS [redacted]
MICHAEL W. HARRIS [redacted]
MICHAEL D. HARTE [redacted]
CHRIS G. HARTMAN [redacted]
MARK A. HASS [redacted]
KIM A. HAUER [redacted]
RONALD B. HAWKINS [redacted]
PATRICK L. HEALY [redacted]
BELINDA B. HEERWAGEN [redacted]
HENRY HELBIG [redacted]
CARL D. HENDERSHOT [redacted]
TODD A. HENDERSON [redacted]
CHRISTOPHER J. HERRON [redacted]
JOHN P. HETRICK, JR [redacted]
JOHN E. HETZEL [redacted]
WAYNE D. HILD, [redacted]
HOWARD D. HILL [redacted]
JAMES P. HODGES, JR [redacted]
JOHN E. HODGSON [redacted]
MICHAEL R. HOGEBACK [redacted]
RICKY A. HOLCOMB [redacted]
GARY L. HOLMES [redacted]
KEVIN D. HOLWELL [redacted]
HARVEY S. HOPKINS [redacted]
CHARLES T. HORNE II [redacted]
HOBART D. HOSTLER [redacted]
DENNIS P. HUGHES [redacted]
RICHARD C. HUGHES [redacted]
KEVIN H. HUGMAN [redacted]
WYNNE T. HYATT [redacted]
THOMAS V. HYNES [redacted]
JOHN G. IVBULS [redacted]
RAYMOND B. JAHN [redacted]
PAUL H. JAMES [redacted]
DONALD S. JARNBERG [redacted]
ROLF R. JOHANSEN [redacted]
RODERICK D. G. JOHNSON [redacted]
SIGVARD B. JOHNSON, JR [redacted]
STEVEN E. JOHNSON [redacted]
RICHARD L. JONES [redacted]
BYRON J. JOSEPH I [redacted]
JEFFREY A. JULIUS [redacted]
STEVEN M. JUNKINS [redacted]
MARK S. KACZMAREK [redacted]
BRUCE W. KAHL [redacted]
KYLE F. KAKER [redacted]
KEVIN K. KAMITA [redacted]
GRANT S. KASISCHKE [redacted]
JOHN S. KASPER [redacted]
MARK R. KASSOFF [redacted]
STEVEN L. KECK [redacted]
HOWARD D. KEESEE [redacted]
PAUL C. KELLEHER [redacted]
GERALD E. KELLY [redacted]
HOWARD V. KELLY [redacted]
BRUCE T. KENNEDY [redacted]
JOHN M. KENNEDY [redacted]
FRANK M. KENNEY [redacted]
JAMES E. KIEFHABER [redacted]
RICHARD L. KIENLE [redacted]
PETER H. KILIAN [redacted]
EARL K. KISHIDA [redacted]
RALPH W. KIVETTE [redacted]
KARL F. KOBALD [redacted]
WILLIAM H. KONRAD [redacted]
GARY J. KRASNOV [redacted]
BRADLEY A. KUETHER [redacted]
RAYMOND M. KUTCH [redacted]
RICHARD M. KYNASTON [redacted]
MICHAEL S. LAMB [redacted]
LESTER M. LAMBERTH [redacted]
SAMUEL P. LARKIN [redacted]
GREGORY E. LAWRENCE III [redacted]
CHARLES J. LEFEVRE [redacted]
DAVID W. LEGERTON [redacted]
STEVEN LEMOS [redacted]
MICHAEL W. LEONARD [redacted]
THOMAS W. LETT [redacted]
LORI A. LINDHOLM [redacted]
TIMOTHY K. LIPSCOMB [redacted]
RANDALL P. LITTLE I [redacted]
GEORGE G. LOMAS [redacted]
PHILIP A. LOVE [redacted]
ROBERT MACMILLAN [redacted]
THOMAS A. MAGUIRE [redacted]
RICHARD C. MAHON [redacted]
MICHAEL D. MAHRE [redacted]
ROY W. MALONE, JR. [redacted]
PETER T. MALONEY [redacted]
NORMAN R. MARCOTTE [redacted]
STEPHEN J. MARIN [redacted]
JOHN J. MARINO, [redacted]
PHILIP J. MARKERT, JR [redacted]
WILLIAM D. MARSH, JR. [redacted]
GEORGE MARTIN [redacted]
JOSEPH C. MARTIN [redacted]
PAUL B. MARTIN, JR [redacted]
RICHARD G. MARTIN [redacted]
WILLIAM R. MARTIN [redacted]
ARMANDO M. MARTINEZ [redacted]
RANDY A. MARTINEZ [redacted]
ROBERTO M. MARTINEZ [redacted]
WILLIAM F. MC ALPINE [redacted]
MICHAEL S. MC CARTHY [redacted]
EDWARD J. MC COOL, JR. [redacted]
DANIEL S. MC GARVEY [redacted]
TERRENCE T. MC GINNIS [redacted]
MARC V. MC GOWAN, [redacted]
JOE K. MC KAY [redacted]
DONALD E. MC MACKIN [redacted]
MALCOLM J. MC PHEE JR [redacted]
DANIEL E. MC WILLIAMS [redacted]
WILLIAM H. MEADER [redacted]
DANIEL D. MEYER [redacted]
JAMES P. MILLEGAN [redacted]
CRAIG N. MILLER [redacted]
IRA L. MINOR, JR. [redacted]
CHARLES J. MITCHELL [redacted]
DAVID M. MITCHELL [redacted]
CHARLIE R. MOFFITT I [redacted]
RICHARD A. MONTANIO [redacted]
BARTON A. MOORE [redacted]
TIMOTHY M. MORAN [redacted]
JOHNNY D. MORGAN [redacted]
THOMAS K. MORGAN [redacted]
WILLIAM C. MORRILL [redacted]
WILLIAM R. MORRIS [redacted]
DONALD C. MORRISON [redacted]
JAMES H. MORRISON [redacted]
JEFFREY C. MOTTER [redacted]
EDWARD M. MUCHA [redacted]
JORGE L. MUNOZ [redacted]
JOSEPH M. MURPHY [redacted]
STEVEN J. MURPHY [redacted]
JOHN C. MURRAY [redacted]
JOHN M. MYRAH [redacted]
CHRISTOPHER S. NEELY [redacted]
JAMES A. NEILON [redacted]
CLAUDE V. NELSON [redacted]
ALADAR NESSER [redacted]
PATRICK A. NEUMAN, [redacted]
FREDERICK J. NEWTON III [redacted]
KURT A. NIELSEN [redacted]
GARY D. NOBLE [redacted]
GREGORY S. NORRIS [redacted]
KERRY L. NYE [redacted]
THOMAS S. ODONNELL [redacted]
GREGORY G. OGILVIE [redacted]
ROBERT M. OGILVIE [redacted]
STEVEN R. OVERBECK [redacted]
WILLIAM J. OVERMAN [redacted]
DANIEL N. OWEN [redacted]
GARY J. PABST [redacted]
BRUNO S. PADOVANI [redacted]
DEMETRIOS A. PAHNO [redacted]
DAVID A. PALMER [redacted]
JOSEPH C. PAPALSKI [redacted]
DREW A. PAPPAS [redacted]
KEVIN E. PARKER [redacted]
JOSEPH D. PARLIN [redacted]
NANCY L. PARNELL [redacted]
RUSSELL A. PASCOE [redacted]
ROBERT M. PATCHETT [redacted]
WILLIAM B. PEARCE [redacted]
FRANCISCO C. PENAFLOR [redacted]
DOUGLAS H. PIERCE [redacted]
TERESA A. PIPER [redacted]
MARK PISCIONERI [redacted]
DERROL A. POOLE [redacted]
STEVEN M. POWELL [redacted]
JAMES D. PRESCOTT [redacted]
LANCE W. RAFFE [redacted]
JAMES W. RAMPEY [redacted]
MICHAEL C. RANZ [redacted]
TONY C. REDD [redacted]
JONATHAN D. REEDER [redacted]
PAUL J. REESE [redacted]
ILAN REITZES [redacted]
PAUL A. REMINGTON [redacted]
DAVID W. RENCURREL [redacted]
CHARLES P. RENNINGER I [redacted]
DONALD E. REOTT [redacted]
JOE REYES [redacted]
JAMES W. REYNOLDS, JR [redacted]
DANIEL W. RICH [redacted]
ALAN L. RIDNOUR [redacted]
WILLIAM J. RINKE [redacted]
EDWARD L. ROBILLARD [redacted]
GEORGE I. ROCKWOOD III [redacted]
JOHN A. ROHLEDER [redacted]
CRAIG F. ROUHIER [redacted]
KARL D. ROUTZAHN [redacted]
BRIAN R. RUCKER [redacted]
ANDREW L. RYAN [redacted]
CHARLES H. SASSONE [redacted]
JACK R. SAUVE [redacted]
PETER J. SCHMIDT [redacted]
STEVEN L. SCHMIDT [redacted]
COREY K. SCHOONMAKER [redacted]
STEPHEN J. SCHRADER [redacted]
MARK A. SCHULER [redacted]
DAVID P. SCHULTZ [redacted]
ROBERT C. SCHUTT [redacted]
GARY W. SCOTT [redacted]
WILLIAM G. SEIDEL, JR [redacted]
KEVIN J. SHAUGHNESSY [redacted]
DONALD J. SHELDON, JR [redacted]
ALVA R. SHUMWAY [redacted]
ROBERT G. SILVERMAN [redacted]
VINCENT J. SILVESTER, JR [redacted]
JOHN L. SIMS [redacted]
JOHN A. SMITH [redacted]
KERSHAW W. SMITH [redacted]
ROBERT W. SMITH [redacted]
WARREN T. SMITH [redacted]
STEVEN G. SOMERS [redacted]
KEVIN F. SPALDING [redacted]
LENNIE W. SPENCER [redacted]
GLENN L. STAMPLER [redacted]
GARY E. STANGE [redacted]
DANIEL R. STANLEY [redacted]
WILLIAM G. STARK [redacted]
ROBERT F. STAVER [redacted]
LAWRENCE W. STEBBINS, JR [redacted]
JOHN A. STEIGERS [redacted]
HOWARD J. STEINER [redacted]
DAVID A. STEPHENS, [redacted]
ERIC L. STILWELL [redacted]
MICHAEL T. SWANTON [redacted]
WAYNE C. SWENSON [redacted]
LAWRENCE R. TAYLOR [redacted]
MICHAEL C. TAYLOR [redacted]
STEVEN L. TAYLOR [redacted]
PAUL J. TETREAULT, JR [redacted]
WOLFGANG E. THIEL [redacted]
MARK C. THOMPSON [redacted]
WILLIAM L. TILTON [redacted]
ROBERT J. TOBEY [redacted]
REGINALD E. TRASS [redacted]
CORT R. TRAYLOR [redacted]
RICHARD TRUITT [redacted]
KENNETH L. TURNER [redacted]
PAUL M. ULMER [redacted]
CARL D. VANDERBILT [redacted]
BRIAN K. VANDERYACHT [redacted]
DENNIS VIERA, JR [redacted]
GARY K. VINOVICH [redacted]
JOHN H. VIVADELLI [redacted]
ALAN W. VOGES [redacted]
JOSEPH F. VONSAUERS [redacted]
RICHARD L. WADDELL [redacted]
JAMES R. WAIT, III [redacted]
NORMAN C. WALKER [redacted]
DOUGLAS R. WALTER [redacted]
MICHAEL D. WALTERS [redacted]
JAMES A. WARD [redacted]
KEVIN R. WARD [redacted]
VICENTE L. WASHINGTON [redacted]
MICHAEL G. WEDGE [redacted]
GARY T. WEISER [redacted]
JERRY L. WELLS [redacted]
MERRICK E. WELLS [redacted]
WILLIAM WELP, JR. [redacted]
CHRISTOPHER J. WELTY [redacted]
GARY S. WHEELER [redacted]
ROLFE K. WHITE [redacted]
GEORGE A. WHITESIDE, JR [redacted]
JOHN W. WICKEL [redacted]
GARY A. WICKS [redacted]
GERALD R. WILD, [redacted]
ROBERT L. WILHELM [redacted]
TERRY M. WILKS [redacted]
DAVID WILLIAMS [redacted]
JOHN C. WILLIAMS [redacted]
JOSH T. WILLIAMS III [redacted]
DUANE A. WILSON, [redacted]
GREGORY C. WILSON [redacted]
JAMES M. WILSON [redacted]
JOHN S. WINDLEY [redacted]
TIMOTHY S. WINSKY [redacted]
JEFFREY R. WISNOM [redacted]
JERRY L. WOMACK [redacted]
JAMES J. WOOD [redacted]
MICHAEL B. WOODWARD [redacted]
RICHARD A. WYANT, [redacted]
NICHOLAS C. XENOS [redacted]
THOMAS J. YOUHN [redacted]
ROBERT ZAUPER, [redacted]

UNRESTRICTED LINE OFFICERS (TAR)

To be commander

THOMAS M. BARRY [redacted]
WILLIAM S. BEYER [redacted]
THOMAS H. BLAKENEY, JR. [redacted]
JOHN A. BRAY [redacted]
JAMES D. CARR [redacted]
CECIL J. CARROLL III [redacted]
JERRY T. CASTLEBERRY [redacted]
JAMES S. CHEATHAM, JR [redacted]
WAYNE G. CHECHILA [redacted]
JAMES W. CONNOR, JR. [redacted]
DAVID W. COSTA, [redacted]
MARC R. DAVIS [redacted]
DONALD D. DENTON [redacted]
THEODORE F. FESSEL, JR [redacted]
JAMES K. FLYNN [redacted]
DAVID D. FOY, [redacted]
CHRISTOPHER J. GIEDLIN [redacted]
JOHN W. GILMORE [redacted]
STEPHEN G. GOSNELL [redacted]
ROBERT G. GRAMME [redacted]
MICHAEL L. GRAVES [redacted]
ROBERT N. GREENBERG [redacted]
STEVEN G. HARRIS [redacted]
MICHAEL F. HAYDEN [redacted]
THOMAS R. HUMPHREVILLE [redacted]
HENRY O. JOHNSON [redacted]

WILLIAM A. KING, JR [redacted]
FRANCIS J. KOMYKOSKI [redacted]
JAMES R. LOWELL [redacted]
WILLIAM C. MARTIN, JR [redacted]
MICHAEL E. MELO [redacted]
JOHN E. MURPHY [redacted]
HARRY L. MYERS [redacted]
IRVIN F. NORWOOD [redacted]
STEPHEN A. NOTT [redacted]
JAMES M. NUGENT [redacted]
DANA M. PETERSON [redacted]
DAVID A. POPOWICH [redacted]
KENNETH K. REILLY [redacted]
ANTHONY J. RIZZO, [redacted]
REID C. ROBINSON [redacted]
RUSSELL W. ROBISON [redacted]
GERARD B. SCHOENFELI [redacted]
WILLIAM G. SHEFFER [redacted]
CHRISTOPHER K. SMIRI [redacted]
JEFFREY A. SMITH [redacted]
SAMUEL J. SMITHERS [redacted]
DAVID A. SORENSEN [redacted]
MARK S. SPENCER [redacted]
TERRY J. SULLIVAN [redacted]
TERRY O. SUMPTER, [redacted]
DAVID TEZZA [redacted]
RICHARD D. THOMAS [redacted]
JAMES W. TRIPPEI [redacted]
JOSEPH L. VAUGHAN [redacted]
GILBERT R. VIERA [redacted]
JOSEPH E. VOLKI [redacted]
HENRY C. WARREN [redacted]
BRIAN R. WHITEHURST [redacted]
CHRISTOPHER J. WILLY [redacted]
CHARLES L. WILSON, JR [redacted]
TERRY L. WILSON [redacted]
VICTOR J. YANEGA, III [redacted]
JAMES A. ZAGRANIS [redacted]

ENGINEERING DUTY OFFICERS

To be commander

ALEXANDER M. ALBAN [redacted]
STEVEN A. BARTON [redacted]
FRED L. BEAVERS [redacted]
CARL CHING [redacted]
WILLIAM N., COPELAND, JR [redacted]
SCOTT S. DARLING [redacted]
LARRY W. DAVIS [redacted]
BRUCE J. DINSMORE [redacted]
WILLIAM C. DOSKOCIL [redacted]
BENNETT H. JOHNSON [redacted]
ANN L. KILLOREN [redacted]
RELLE L. LYMAN, JR [redacted]
KEITH M. PEECOOK [redacted]
LUIS E. POSADA [redacted]
SCOTT J. PURSLEY [redacted]
MARK D. SHELL [redacted]
ROBERT C. SWANEKAMP [redacted]
MARK R. WINSOR [redacted]

AEROSPACE ENGINEERING DUTY OFFICERS (ENGINEERING)

To be commander

JOHN P. DONALDSON, III [redacted]
JOYCE M. EASTWICK [redacted]
BRENT D. ELIASON [redacted]
TOMMY D. KELLEY [redacted]
PHILLIP A. KING [redacted]
ROBERT E. MESSENGER [redacted]
GEORGE M. PROUT [redacted]
LINDSEY M. SILVESTER [redacted]

AEROSPACE ENGINEERING DUTY OFFICERS (MAINTENANCE)

To be commander

SCOTT P. BAKER [redacted]
MARK T. DAVISON [redacted]
DOUGLAS B. DRIVER [redacted]
JOHN W. HARRIS [redacted]
PAUL T. KENNEDY [redacted]
JOAN M. KILLIAN [redacted]
HENRY A. MARSHALL, JR [redacted]
DAVID R. OLSON [redacted]
RICHARD S. ROOMIAN [redacted]
PAUL SORIAN [redacted]

AEROSPACE ENGINEERING DUTY OFFICERS (MAINTENANCE) (TAR)

To be commander

DENNIS O. BAKER [redacted]
BRUCE K. JACKSON [redacted]
LARRY K. NEIL [redacted]
JAMES C. NICHOLS, JR [redacted]
WILLIAM C. THOMPSON [redacted]
THOMAS A. TORCHIA [redacted]

SPECIAL DUTY OFFICERS (MERCHANT MARINE)

To be commander

ROBERT K. BAKER [redacted]
JOHN R. BENNETT [redacted]
THEODORE E. BERNHARD [redacted]
JAMES P. KING [redacted]
WILLIAM M. LEMKE [redacted]
MARCUS K. NEESON [redacted]
ANDREW K. ROCKETT [redacted]
JOHN C. TRONTI [redacted]

SPECIAL DUTY OFFICERS (CRYPTOLOGY)

To be commander

JOHN P. BRIGANTE [redacted]
PETER A. ENCHELMAYER [redacted]
THOMAS F. KENDZIORSKI [redacted]
LUIS E. MATOS [redacted]
JOHN P. REBERGER [redacted]
JAMES R. SEGUIN [redacted]
MICHAEL D. STAMAND [redacted]

SPECIAL DUTY OFFICERS (INTELLIGENCE)

To be commander

DOUGLAS W. ALEXANDER [redacted]
PAUL D. BARSALOU [redacted]
STEPHEN D. BAUGHMAN [redacted]
JOSEPH A. BERARDO [redacted]
CAMERON J. BOSNIC [redacted]
LEONARD J. BROWN [redacted]
WILLIAM H. BYRNE [redacted]
HAROLD F. CANNON, JR. [redacted]
RICK CLABBY, 569–04–8447
THOMAS D. CLASPER [redacted]
ROBERT S. COHEN [redacted]
HENRY J. CORSCADDEN III [redacted]
WILLIAM J. COX III [redacted]
RONALD L. DAVIS [redacted]
JAMES B. DEAR [redacted]
MARK D. DELPIANO [redacted]
JOSEPH P. DILLARD [redacted]
STEPHEN L. EHLERS [redacted]
ALPHONSUS J. FENNELLY [redacted]
TIMOTHY J. FLYNN [redacted]
DAVID C. GADDIS [redacted]
GENE P. GARNER [redacted]
JEFFREY A. GHIZZONI [redacted]
NICHOLAS J. GIZZI, JR [redacted]
KEITH V. GOODSON [redacted]
WILLIAM B. GRASWICH, [redacted]
STEVEN F. GREEN [redacted]
GEORGE E. HAPLEA [redacted]
FRANKLIN H. HILL [redacted]
JEFFREY L. HOACHLANDER [redacted]
CHARLTON T., HOWARD II [redacted]
JUDSON D., HUGGINS, JR. [redacted]
ANTHONY H. JOHNSON [redacted]
JOHN A. JONES [redacted]
THOMAS A. KAISER [redacted]
MICHAEL E. KENNEDY [redacted]
WILLIAM C. LARSON [redacted]
CHRISS W. LARUE [redacted]
JOSEPH G. LEE [redacted]
FREDERICK L. LEES [redacted]
MARTIN J. LINDENMAYER [redacted]
ROBERT D., LIVINGSTON III [redacted]
DEAN B. MARKUSSEN [redacted]
KENNETH L. MC ADOW [redacted]
ANNE M. MC CLELLAN [redacted]
ALFRED J. MC KENZIE [redacted]
MAURICE J. MC WHIRTER [redacted]
STEPHEN D. MEYER [redacted]
ALEC K. MORRIS [redacted]
SANDRA G. MOSES [redacted]
MATTHEW E. MURRAY [redacted]
PHILLIP M. OBRIEN [redacted]
MANUEL ORTEGA [redacted]
THORNE W. PARKER [redacted]
ANDREW R. PARR [redacted]
PARROTT, JOHN R., JR [redacted]
CHERI E. PATTERSON [redacted]
DELMER D. PIPER [redacted]
HENRY F. POWELL [redacted]
WYATT B. PRATT [redacted]
CHARLES R. PULLEN [redacted]
THOMAS E. PUTMAN [redacted]
JOSEPH RAPPISI [redacted]
MARK O. REBRO [redacted]
WILLIAM H. ROOF [redacted]
DENNIS P. ROSS [redacted]
KEITH B. ROYS, JR. [redacted]
DAVID E. SAUVE [redacted]
ROBERT W. SCHOLLE [redacted]
PATRICK M. SHANLEY [redacted]
JENNIFER W. SHAY [redacted]
CINDY R. SNOW [redacted]
ROBERT G. SOSNOWSKI [redacted]
GREGORY D. STOVER [redacted]
IRENE M. SUHLER [redacted]
MARK S. TIERNAN [redacted]
GARY R. VANVACTOR [redacted]
RAYMOND M. VOLLUZ [redacted]
CARL E. VONBUELOW [redacted]
CHARLES P. WERCHADO [redacted]
RONALD J. WILTSIE [redacted]
MICHAEL A. YUHAS [redacted]

SPECIAL DUTY OFFICERS (INTELLIGENCE) (TAR)

To be commander

MICHAEL D. T. EDWARDS [redacted]
ROBERT A. WOOD [redacted]

SPECIAL DUTY OFFICERS (PUBLIC AFFAIRS)

To be commander

WILLIAM J. ALEXANDER, JR [redacted]
JACK R. BRENNAN [redacted]
MARY T. COPELAND [redacted]
DAVID S. POINTS [redacted]
ALICE A. PRUCHA [redacted]
JAMES C. TAYLOR [redacted]
KENNETH R. TOTTY [redacted]
JILL H. VOTAW [redacted]

SPECIAL DUTY OFFICERS (FLEET SUPPORT)

To be commander

TIMOTHY M. ACHORN [redacted]
NANCY W. ADOLPHSON [redacted]
DAVID R. ANDERSON [redacted]
EDDIE G. ANDERSON [redacted]
ELIZABETH A. BAKER [redacted]
RANDALL L. BAKER [redacted]
CARYN F. BARRY [redacted]
ELINOR U. BARTLETT [redacted]
YELONDA D. P. BESS [redacted]
NANETTE L. BEVAN [redacted]
WANDA O. BISKADUROS [redacted]
GARY R. BLAZIN [redacted]
THOMAS G. BOGSTED [redacted]
CELIA A. BOOTH [redacted]
CHERYL P. BOWEN [redacted]
JAMES R. BRACKETT [redacted]
ROBIN A. BRAKE [redacted]
MARK L. CAMPBELL [redacted]
RANDY G. CANFIELD [redacted]
JAMES L. CHILDRESS [redacted]
JULIANNE S. COCHRAN [redacted]
JOHN E. CRUMP [redacted]
MARGARET A. DEMING [redacted]
JEFFREY P. DRURY [redacted]
MICHAEL L. ELLSWORTH [redacted]
WILLIAM R. EPPERSON [redacted]
ELDON A. ERICSON, JR. [redacted]
MALORIE L. FITZGERALD [redacted]
TERESA B. FOLTZ [redacted]
WILLARD L. FORD [redacted]
ANGELA M. FORWOOD [redacted]
LINDA T. GAINES [redacted]
TIMOTHY K. GAINES [redacted]
LOUIS A. GALLEGOS [redacted]
R. L. GILLEN, JR [redacted]
JOHN S. GILLETTE [redacted]
DONALD P. GLANDEN [redacted]
CLAUDIA J. GLENNAN [redacted]
ROBIN L. GRAF [redacted]
FRED M. GRIMES, JR [redacted]
LINDA A. HARBER [redacted]
KENNY D. HARRIS [redacted]
JOHN W. HAYES [redacted]
LYLE E. HEDRICK [redacted]
LINDA K. HERLOCKER [redacted]
PEGGY G. HERRINGTON [redacted]
THOMAS B. HILL [redacted]
RAYMOND F. HODGES [redacted]
THOMAS M. HOPFENSPIRGER [redacted]
KATHLEEN M. JAMES [redacted]
CAROYL D. JOHNSON [redacted]
KATHERINE N. JUBLOU [redacted]
GEORGE S. KACHMARIK [redacted]
STEPHEN S. KELLY [redacted]
CATHERINE R. KRAUS [redacted]
RICHARD R. LEONARD [redacted]
DOUGLAS L. LLOYD [redacted]
VALERY L. LYTLE [redacted]
ROMEO L. MANGLICMOT [redacted]
CHARLES D. MASSEY [redacted]
LAUREEN MC GOWAN [redacted]
SUSAN E. MEEKER [redacted]
ELISA R. MORRELL [redacted]
JOHN P. MUELLER [redacted]
MARY C. MURPHY [redacted]
KATHRYN J. NUGENT [redacted]
CAROL A.R. OHAGAN [redacted]
ROBERT H. OLSEN [redacted]
KIM A.D. OSWALD [redacted]
PATRICIA A. PASTOR [redacted]
PETER E. PETRELIS [redacted]
VIRGINIA R. PINNEY [redacted]
VALERIE J.P. PODET [redacted]
CELESTE D. POPE [redacted]
SAM REYNOLDS [redacted]
FRANK RIDGLEY [redacted]
ROBERT A. ROGODZINSKI [redacted]
LORRAINE J. ROMANO [redacted]
LISA A. SCHAEFER [redacted]
ELIZABETH A. SCHNEIDER [redacted]
JOHN P. SCHNEIDER [redacted]
CATHERINE C. SCHOENER [redacted]
DENNIS J. SNYDER [redacted]
DAVID A. STANTON [redacted]
TERYN A. STANTON [redacted]
DOROTHY O. STRONG [redacted]
UWANNA D. THOMAS [redacted]
ROBERT J. VELIE [redacted]
JOYCELYN B. WALTERS [redacted]
ANDRAE WASHINGTON [redacted]
CURTIS A. WEST [redacted]
ERIK H. WHITE [redacted]
GREGORY P. WHITTINGTON [redacted]
JOHN C. WIEGAND, IV [redacted]
MARTHA J. WILLIS [redacted]
DONNA R. WINER [redacted]
KEVIN P. WOLLEY [redacted]

SPECIAL DUTY OFFICERS (FLEET SUPPORT) (TAR)

To be commander

JANET L. DEMENT [redacted]
JENNIFER P. FORD [redacted]
CAROL L. LUNDQUIST [redacted]
JEAN M. SHKAPSKY [redacted]
LINDA D. TANNER [redacted]

TERESA C. TIPPINS [redacted]

SPECIAL DUTY OFFICERS (OCEANOGRAPHY)

To be commander

VICTOR E. DELNORE, JR [redacted]
TIMOTHY J. DOWDING [redacted]
DIANE C. DURBAN [redacted]
BARBARA A. IVES [redacted]
JEFFREY R. VANKEUREN [redacted]
JOHN ZANOFF, III [redacted]

LIMITED DUTY OFFICERS (LINE)

To be commander

LESTER J. BREEDEN, JR [redacted]
HAROLD J. COSTELLO [redacted]
CHARLES R. KRUMHOLTZ [redacted]
HAROLD W. LAWRENCE [redacted]
WAYNE T. NEWTON [redacted]
GUSTAV J. STANGLINE [redacted]
JOHN L. ZIMMERMAN [redacted]

HOUSE OF REPRESENTATIVES—*Thursday, August 3, 1995*

The House met at 10 a.m. and was called to order by the Speaker pro tempore [Mrs. WALDHOLTZ].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
August 3, 1995.

I hereby designate the Honorable ENID G. WALDHOLTZ to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

The Reverend Dr. Ronald Christian, Office of the Bishop, Evangelical Lutheran Church in America, Washington, DC, offered the following prayer:

Almighty God, in this moment of quiet, as the work of the day begins, we first acknowledge our dependency upon Your grace and Your care.

We seek guidance when we could so easily be led off the course of justice for all, we ask for wisdom when our decisions could so quickly be driven by selfish desires, we plead for mercy when our petty jealousies have caused a wedge to be driven between ourselves and others, and we pray for courage when, with feeble heart, we might easily give in to goals that are less than the best for others.

Oh God, in these moments and with these words, let us all be reminded again of Your presence with us and our responsibility to You, and may our actions this day serve more Your majestic will and purpose than our fleeting wants and wishes. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Georgia [Mr. NORWOOD] come forward and lead the House in the Pledge of Allegiance.

Mr. NORWOOD led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed with amendments, in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 1905. An act making appropriations for energy and water development for the fiscal year ending September 30, 1996, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 1905), "An Act making appropriations for energy and water development for the fiscal year ending September 30, 1996, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. DOMENICI, Mr. HATFIELD, Mr. COCHRAN, Mr. GORTON, Mr. MCCONNELL, Mr. BENNETT, Mr. BURNS, Mr. JOHNSTON, Mr. BYRD, Mr. HOLLINGS, Mr. REID, Mr. KERREY, and Mrs. MURRAY, to be the conferees on the part of the Senate.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. This morning the Chair will recognize ten 1-minute speeches on either side of the aisle as agreed to by the leadership.

TIME TO END WELFARE FOR LOBBYISTS

(Mr. TIAHRT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIAHRT. Madam Speaker, I stand in support of the Istook-McIntosh-Ehrlich grant reform amendment. This amendment in the Labor-HHS-Education appropriations bill would put a stop to the Federal Government subsidizing political advocacy groups.

We want to stop the welfare for lobbyists. These are the groups that feed at the Government trough, complaining that if we take away their funds, we take away their first amendment rights. They call this the "nonprofit gag order." They say, "Without our advocacy voice, nonprofits will no longer be able to share their insights with policymakers."

I tell my colleagues, there are plenty of advocacy groups and nonprofit educational research institutes who share insights without using taxpayers' dollars and without using your money. Besides that, constituents are free to visit or can come and call on me, or any of my fellow Congressmen, and share their thoughts; they just cannot send the phone bill or the airline bill to us and our neighbors.

Madam Speaker, that is exactly what happens when we have welfare for lobbyists. I encourage my colleagues to pass the Istook-McIntosh-Ehrlich Federal grant reform amendment. It is the right thing to do.

KENTUCKY AND TENNESSEE ARE DUE AN APOLOGY

(Mr. BAESLER of Kentucky asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BAESLER. Madam Speaker, recently, on Wednesday, July 19, a freshman Republican Member of Congress made the following quote in an interview regarding Koresh and the Waco hearings. "The only law they clearly established," talking about Koresh, "broke that I can see, so far, is he had sex with consenting minors." He said, "Do you send tanks and Government troops into large sections of Kentucky and Tennessee and other places where such things as this occur?"

This statement shows, I think, the extent to which some members of the majority party will go in order to justify the narrow world view about David Koresh. Instead of condemning him for what he was, this Member attacked the good people of Kentucky and Tennessee.

Something is clearly wrong with this picture, and this Member, as others, just does not get it. Defending religious freedom is not the same as defending religious fanaticism. Somebody ought to tell him the difference.

On behalf of the good people of Kentucky and Tennessee, I think this Member owes us an apology.

ABC GOT IT WRONG ON REPETITIVE MOTION STATISTICS

(Mr. NORWOOD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NORWOOD. Madam Speaker, I have come to the floor to correct a few things ABC's report on ergonomics last night would have led the American people to believe.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Madam Speaker, ABC says that 60 percent of workplace illness occurs from repetitive motion. Why would they give out that number? Why would they not say that the Bureau of Labor Statistics says that only 7 percent of the workplace illnesses occur because of repetitive strain?

Why would ABC not have said, The National Safety Council does not agree with either one? They say that only 4 percent of the workplace illnesses come from repetitive strain. It is a perfect example of what is wrong in this town.

Where did ABC get 60 percent? They got it from Joe Dear. Why did Joe Dear say 60 percent? So he could do what they have been doing for 40 years: Run down to this Congress and say, "Look at all these problems. I need more money. I need more people. I need to grow my agency."

MEDICARE PATIENTS NEED TRUE CHOICES

(Mr. BROWN of Ohio asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROWN of Ohio. Madam Speaker, the Congress is about to embark on major changes in Medicare. These reforms we will be considering will offer patients less choice, not more, unless we take action to ensure that their choices are protected.

Many of the so-called reform plans include efforts to increase the use of managed care for Medicare patients. A study released last week found that three-fourths of Americans age 50 and over said they would not join a Medicare managed care plan without the freedom to choose their doctor; 82 percent believe that the freedom to choose out-of-network physicians or specialists would be "very important" or "critically important" to their decisions about whether to join a Medicare managed care plan.

The message is simple. Choice is essential to older Americans. A point-of-service option provides true choice by allowing Medicare patients to go outside of a network when they need services. This option should be built into every health plan involving Medicare patients.

Madam Speaker, $270 billion in cuts in Medicare to pay for tax breaks for the rich is wrong. It is equally wrong to force America's elderly into managed care and take away their choice of physician.

HOLD THE LINE. COMPETITION JUST DOES NOT RING TRUE

(Mr. WATTS of Oklahoma asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WATTS of Oklahoma. Madam Speaker, hold the line. Competition just does not ring true.

Madam Speaker, does competition mean a monolithic, one-sided monopoly? The manager's amendment to H.R. 1555, the Communications Act of 1995, will do just that. The bill that came out of committee passed with bipartisan support and had some level of approval from all industry representatives. What happened?

The provisions in the manager's amendment are so vague, it will be difficult for State regulators, and everyone else, to determine what constitutes competition. As the U.S. Congress deregulates telecommunications, we must assure that some fair standard exists for gauging competition and create a blueprint for the future of a competitive communications industry.

As a former state utility commissioner, I have seen firsthand how true competition can benefit the consumer. This is why I have some reservations about the manager's amendment.

Madam Speaker, I urge a "no" vote on the manager's amendment. Let us go back to the original bill that the committee passed. We owe it to our constituents, the customers for all of these services, to make sure that rates are fair and wide open to competition.

IRS RIPPING OFF THE AMERICAN PUBLIC

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Madam Speaker, thousands of Americans receive faulty notices from the IRS. The IRS says, "Your taxes are delinquent, pay them up." When the IRS was asked if the 1993 tax law allowed deferrals, they said, "The law is being reviewed." When IRS was asked how many taxpayers got notices they said, "A small number."

Now documents reveal that 43,000 Americans got faulty notices in the first month. The IRS said, "Small problem. These things happen."

Shame, Congress. Shame, for allowing the IRS to rip off and trample the rights of the American taxpayers.

By the way, the old saying, "Easy for you, difficult for me," does not apply to the IRS.

REPUBLICANS ARE KEEPING THEIR PROMISES

(Mr. WHITFIELD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WHITFIELD. Madam Speaker, yesterday we were treated to a tremendous display of partisan rhetoric on the floor of this House.

Madam Speaker, most of yesterday, liberals took to the floor and accused Republicans of being extremists, mean-spirited, and shameful. The experiment in big government that was started in the 1960's has failed. It is over. We will not keep pouring hard-earned tax dollars of the American people down a huge sinkhole of debt just to support a bloated, ineffective government.

Madam Speaker, the American people want a balanced budget, they want to eliminate duplicative and wasteful programs, and they want, in short, to transform government to be effective and provide the needs that the American people demand.

Madam Speaker, we are going to keep our promise on this side of the aisle to reduce the size and cost of government and to create effective programs that work.

PHILADELPHIA'S EXAMPLE

(Mr. SANFORD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SANFORD. Madam Speaker, the Committee on Government Reform and Oversight held a field hearing in early July in Cleveland. Amongst those who gave testimony were the mayor of Philadelphia, Edward Rendell.

Madam Speaker, I was fascinated by his story because 3½ years ago Philadelphia stood at the brink of financial disaster. They were a quarter of a billion dollars in debt. Their bonds had been rated junk. Vendors as lowly as toilet paper suppliers said, "No more. We are not dealing with Philadelphia."

They had lost 30 percent of their tax base. Taxes had gone up 19 times over the last 11 years. Yet today, Madam Speaker, the city enjoys a $29 million surplus. They have investment-grade bonds. For the first time since World War II, they have had a tax cut.

How did they do it? One, they created an entrepreneurial environment wherein government was to view customers as king, and in this case, the taxpayer was to be king. Two, they were to spend government dollars as if they were their own.

Madam Speaker, if Philadelphia can do that, I think America and the Federal Government can do that.

MEDICARE: NO COMMON SENSE IN CONGRESS

(Mr. GENE GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GENE GREEN of Texas. Madam Speaker, the American people are gradually learning the truth about the Republican Medicare program. As the Wall Street Journal reported 3 days ago, raising Medicare premiums and copayments on seniors is becoming a likely possibility.

Republicans are finding that forcing seniors into HMO's may not provide the short-term cost savings they were hoping for, but the Democrats knew all along that the health care reform and Medicare reform should not be treated as a short-term budget exercise.

As you will recall, Madam Speaker, the Republicans only started talking about Medicare after their Contract With America rhetoric forced them to, by accident. Then they discovered the impending crisis in medical care, which President Clinton talked about all last year.

Madam Speaker, cutting $270 billion is not the way to save Medicare. It is becoming obvious to seniors that including $270 billion in cuts to their benefits and $245 billion in tax cuts in the same budget bill is poor public policy and really a raw deal. This Republican majority Congress wants to balance our budget on the backs of seniors, and today they are cutting programs for our youth.

This Congress wants to cut our oldest and youngest, forsake our elders and cut our future. To paraphrase my friend from Ohio, "Beam me up." There is no common sense here in Congress.

REPUBLICANS ARE SAVING MEDICARE

(Mr. TORKILDSEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TORKILDSEN. Madam Speaker, it is unanimous. The President and his trustees agree, and both parties in both Houses agree: Medicare is going broke. If the Congress chooses to do nothing, the status quo will destroy the Medicare system. But we can fight to improve the system, Madam Speaker, so that current and future generations will have access to health care.

This past week, I visited several senior centers in my district. The Americans I spoke with understood that change in the current system is necessary. Our seniors are trapped in a system designed for the 1960's, not the 1990's and beyond.

Madam Speaker, the facts are straightforward. Under the House-passed budget, spending on Medicare will increase from $4,800 per recipient now to over $6,700 per recipient over the next 7 years. Doing nothing means Congress is abdicating its responsibility.

Madam Speaker, every person and every idea is needed to resolve the Medicare crisis. I urge my colleagues on both sides of the aisle to join together. If Medicare goes broke in 2002, it is going to affect all of us, regardless of party affiliation or age. Let us work, preserve and protect Medicare.

APOLOGY DUE THE PEOPLE OF KENTUCKY AND TENNESSEE

(Mr. TANNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TANNER. Madam Speaker, a while ago one of the Members who spoke here used the term "extremist, mean-spirited, and shameful." Let me tell my friends that one of the most extremist, mean-spirited, and shameful remarks occurred in an interview by a Member of this body the other day in the Journal Gazette when he said, "The only law they clearly established Koresh broke that I can see is that he had sex with a consenting minor," a little girl 10-year-old. "Do you send tanks and government troops into large sections of Kentucky and Tennessee, and other places where such things occur? Since he viewed he was married, which then comes to the polygamy question, in other words, we are sending tanks in to enforce polygamy laws."

By way of a strained explanation, he said, "I implied something I don't believe. It was a wrong choice of words."

May I say to the Speaker of this House, the people of Kentucky and Tennessee deserve an apology from someone who speaks for this body.

THE ISTOOK-McINTOSH-EHRLICH AMENDMENT

(Mrs. SEASTRAND asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SEASTRAND. Madam Speaker, here is a little quiz. What do the following examples have in common: One, the National Council of Senior Citizens received $68 million from the Federal Government between 1993 and 1994. That is 96 percent of its operating budget. Between 1992 and 1994, the NCSC gave $405,000 to 134 congressional candidates.

Two, the Child Welfare League of America received $260,000 in Federal funding in 1 year. It then ran an ad in the Washington Times against the House welfare reform bill.

Three, the AFL–CIO in the 1993–94 year received more than $2 million in Federal money. It operates "Stand Up," a program designed to defeat the 104th Congress' agenda, and runs a TV campaign targeting Members of Congress.

What do these examples have in common? A, your tax money was used; B, you had no say in which group received your money; C, these groups actively and aggressively lobbied Congress; D, all of the above.

Believe it or not, Madam Speaker, the answer is D. That is wrong and I urge that the Istook-McIntosh-Ehrlich grant reform amendment be passed.

STAMP OUT THE REPUBLICAN WAR ON WOMEN

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Madam Speaker, this August 26, we have this wonderful stamp coming out, celebrating women having had the right to vote for 75 years. In November 1996, you are going to watch women use that vote. They are also going to be using this stamp, I think, to try and stamp out the Republican war on women.

I think women are not only angry about the actions against them in this Congress, they are angry about the attitudes that the Republicans have had against them in this Congress as seen by the vote yesterday in the other body.

□ 1020

That is all very, very sad, and it is very difficult today to celebrate the only victory, the only victory women have had this entire time, and that was saving a 25-year-old program started by Richard Nixon and George Bush that last time got two-thirds of this body and this time barely snuck through. That is outrageous.

Our foremothers would want us to fight back, and we will.

SUPPORT THE LABOR-HHS-EDUCATION BILL

(Mr. HOKE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOKE. Madam Speaker, let us be clear about one thing. If you want to hurt your children, if you want to hurt your grandchildren, if you want to punish the future generations that have not been born yet for this Nation, the best thing that you can do today is you can vote against the Labor-HHS appropriations bill.

Let me ask a simple question: Which is worse, eliminating some ineffective programs today while still funding important initiatives, or leaving our children a legacy in which the only thing the Government can afford to do is pay for entitlements and interest on the debt, if that?

This is a good bill. It deserves our support. It increases funding in important areas, like the National Institutes of Health. It eliminates funding in areas where it does not deserve to be funded. It consolidates a great deal of funding.

Please, support it.

SALUTE TO THE NATIONAL BAR ASSOCIATION AND PRESIDENT-ELECT LAWRENCE BOZÉ OF THE NBA

(Ms. JACKSON-LEE asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE. Madam Speaker, I rise this morning to salute Lawrence

Bozé, newly elected president-elect of the National Bar Association, now holding its 75th year meeting in Baltimore, MD.

The National Bar Association, organized in 1920, is now celebrating its 75th year of service. It is an organization of lawyers serving African-Americans throughout this Nation. Mr. Bozé, a native Houstonian, has been a longtime activist in the Houston Lawyers' Association, the NBA, and the Houston community. He has used his legal training to enhance the lives of those least able to access our American system of justice. He has fought the legal fight against eliminating the 18th Congressional District.

As head of an organization, the NBA, that has led the effort to maintain equality, civil rights, and opportunity, I know that Mr. Bozé's administration will continue that service in an excellent manner.

It is my pleasure to salute the National Bar Association in its 75th year of service and Mr. Lawrence Bozé, the newly elected president-elect of the NBA.

WE MUST PRESERVE MEDICARE

(Mr. MILLER of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MILLER of Florida. Madam Speaker, the Medicare program is a very, very essential program we need to save in this country. It is very important in my congressional district in Florida, where I have more senior citizens than any other congressional district in the country. It is also important not only for the seniors but for the jobs in my area, the hospitals, the nursing homes, the home health agencies. So it is very essential we preserve this very essential program, and it has to be a bipartisan effort.

The President speaks normally in a bipartisan fashion on Medicare, which is the way we should treat that. It is only when he gets into the partisan campaign reelection that he gets carried away on Medicare. But we start off with a bipartisan agreement that it is going broke. The President's own trustees, Secretary of Labor, the Secretary of HHS, the Secretary of the Treasury, they all said in their report on April 30 of this year, it is going broke in 7 years, and it starts running out of money next year.

Last night in the news the President is saying, according to headline news stories, that we need to look at the private sector. Great. We need to look at the private sector because the private sector health care costs also are not growing nearly as much as is happening in Medicare.

We must preserve Medicare.

THE CONTRACT WITH AMERICA'S SENIORS

(Mr. PALLONE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PALLONE. Madam Speaker, as many know, the Republicans seek to cut $270 billion from the Medicare program, and the Republicans claim that these cuts will not hurt senior citizens.

But if health care costs continue to rise faster than the money budgeted for Medicare, then seniors will either get less services or pay more money. It is that simple.

One plan that the Republicans are considering is a voucher plan which would force senior citizens to purchase their own health insurance. While Republicans claims this is giving seniors more choice, many forget the reason Medicare was enacted was because health insurance was so expensive. Prior to Medicare, most seniors did not have any medical insurance.

What the Republicans are in effect saying is, "Seniors, here is a small amount of money. Go out and buy health insurance that you will not be able to afford."

Now that Republicans are in power, they want to enact the largest cuts in Medicare history. The Republicans talk about reform, but they start with the cuts first. This is backwards, and it is also wrong.

Republicans have forgotten the truly important contract, the contract with America's seniors.

WE NEED TO SAVE MEDICARE

(Mr. DICKEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DICKEY. Madam Speaker, I think I am going to introduce a new word to this thing, counter-consultants' advice.

What we have here is we have consultants who are trying to take the Medicare issue and make it an issue of political proportions. Then the counter consultants come back and say, "No, we can't do this. We have got to respond to this politically."

We just have a contrast here with the previous speaker and myself. I think we all have something in common. I think we all agree, we all agree we must save Medicare. We all agree that if we continue like we are doing, with the overutilization and the rising costs, that Medicare is going to go broke.

So what we need to do in this particular discussion is keep the consultants and the counter-consultants out of it.

Look at the facts. In 2002, Medicare will go bankrupt, and $1 billion in Medicare part A will be spent over, above, what we have to spend.

We need to save Medicare, and we all agree on that.

DRAMATIC CUTS IN EDUCATION

(Mr. BECERRA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BECERRA. Madam Speaker, here in today's newspaper, USA Today, "Nation rates average in school reform,". Only "average". Yet today we will debate a bill that cuts education dramatically. It cuts the money that we provide schools to help kids who need help, doing math and reading, because they are behind.

We are eliminating a program that actually helps us get schools reformed, eliminating the program that helps 44 million students. We are eliminating 27 percent of funding for vocational education.

We are eliminating $137 million for Head Start Programs for our kids. We are cutting in half Healthy Start Program moneys. We are eliminating $286 million for safe and drug-free schools, to make sure our kids have a safe environment to go to.

At the same time we are doing this—the Gingrich Republicans are axing education funding, not only are they doing that, but they are adamant about giving corporations and the wealthiest of Americans $20,000 in tax cuts and at the same time they are adding $8 billion to the defense budget, which the Department of Defense did not even request.

Wrong-headed is the word.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 789

Mr. LEWIS of Georgia. Madam Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 789.

The SPEAKER pro tempore. (Mrs. WALDHOLTZ). Is there objection to the request of the gentleman from Georgia?

There was no objection.

PERMISSION FOR CERTAIN COMMITTEES AND THEIR SUBCOMMITTEES TO SIT TODAY DURING 5-MINUTE RULE

Mr. PORTER. Madam Speaker, I ask unanimous consent that the following committees and their subcommittees be permitted to sit today while the House is meeting in the Committee of the Whole House under the 5-minute rule: The Committee on Commerce, the Committee on Government Reform and Oversight, the Committee on International Relations, the Committee on National Security, the Committee on Resources, and the Committee on Small Business.

It is my understanding that the minority has been consulted and that there is no objection to these requests.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

GENERAL LEAVE

Mr. PORTER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 2127, Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1996, and that I may include extraneous material along with tables and charts.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1996

The SPEAKER pro tempore. Pursuant to House Resolution 208 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2127.

□ 1029

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2127) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1996, and for other purposes with Mr. WALKER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Wednesday, August 2, 1995, title II had been designated.

Pursuant to the rule, the gentleman from Illinois [Mr. PORTER] will be recognized for 45 minutes, and the gentleman from Wisconsin [Mr. OBEY] will be recognized for 45 minutes.

The Chair recognizes the gentleman from Illinois [Mr. PORTER].

Mr. PORTER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the total discretionary funding for the Departments of Health and Human Services declines by $1 billion from $29.2 billion to $28.2 billion, or 3.5 percent. Mandatory spending, on the other hand, increases from $152 billion to $170 billion.

One of the committee's top priorities is funding for biomedical research. The bill provides $11.9 billion for the National Institutes of Health, which is an increase of $642 million, or 5.7 percent.

The committee believes strongly we should permit scientists to determine the funding priorities at NIH rather than Members of Congress. As a result, the committee has not earmarked funds for specific diseases or directed NIH to fund particular research mechanisms. These decisions should be, and are under the bill, left to scientists.

Another high priority in the health and human services section of the bill is support of preventive health programs. Funding is maintained for the Centers for Disease Control and prevention programs supporting increases for a broad range of prevention programs and funding many others at last year's levels. Increases are provided for childhood immunization, breast and cervical cancer screening, sexually transmitted diseases, chronic and environmental disease, and infectious disease.

The committee has also adopted a strategy of preserving funding for the large block grants which permit States flexibility to provide a broad range of services or to reduce or eliminate funding for the smaller categorical programs which must be used for very specific purposes and constituencies.

For example, the bill preserves funding at the 1995 levels for the substance abuse and mental health services block grants, the preventive health services block grant, the community services block grant, and the child care and development block grant. The bill level funds the title X family planning program at $193 million. Ryan White AIDS treatment programs are level funded, with the exception of title I assistance to cities, which is increased by $23 million in recognition of the new cities coming on board in 1996.

Funding for health professions training is maintained at the 1995 funding level and is provided in one consolidated line item, pending reauthorization of various training programs.

The core programs addressing rural health care needs are protected. The National Health Service Corps is level funded at $120 million, as is the Rural Outreach Grants Program at $26 million; $10 million in continuation costs is provided for rural hospital transition grants.

In addition to supporting ongoing programs to address violence against women, such as the Family Violence Program, the bill provides an additional $39.9 million for violence against women programs specifically authorized in the crime bill.

Funding for the Agency for Health Care Policy and Research declines by 21 percent, to $125 million, and the bill abolishes the Office of the Assistant Secretary of Health, with its allocation of 14 deputy assistant secretaries and 6 special assistants at grade 15 or above, and transfers some of its core functions to the Office of the Secretary of Health and Human Services.

Funding for the Low-Income Home Energy Assistance Program is eliminated because the original justifications for this program at the Federal level no longer exists.

The bill does make a very small reduction in Head Start funding of $137 million, or 3.9 percent from last year, but even with this small reduction, Head Start is still funded at over $3.3 billion for fiscal year 1996.

We reduce in the bill Federal administrative costs by cutting overall administrative budgets by 7.5 percent and congressional and public affairs offices by 10 percent. The bill changes current law by 10 percent.

The bill changes current law by providing States with the option of providing Medicaid funding for abortion in cases of rape or incest. It also prohibits use of Federal funds to discriminate against medical schools who do not include abortion training as part of their overall Ob/Gyn training, and bans human embryo research by NIH.

All of these provisions are the subject of possible amendments today.

I believe that this section of the bill reflects a thoughtful approach to the funding for the Department of Health and Human Services.

Mr. Chairman, I reserve the balance of my time.

Mr. OBEY. Mr. Chairman, I yield myself 8 minutes.

Mr. Chairman, yesterday we talked about the implications of this bill for working Americans. Today we are moving to the portion of the bill that attacks our most vulnerable citizens.

This is really the second stage of a three-stage attack on the elderly, on disabled, and poor Americans.

Last week, this House adopted legislation which will substantially increase the rent that low-income elderly will pay to live in section 8 housing and other federally subsidized housing. In September we will be considering legislation that will radically scale back the options of senior citizens on Medicare and will substantially increase their out-of-pocket expenses, and today we are attacking vulnerable Americans on another front in this bill.

This bill kills the program that helps pay winter fuel bills and summer air-conditioning costs when the alternative is that their heat and electricity will be cut off, 6 million American families, 80 percent of whom make less than $10,000 a year, we are going to kill that program.

The bill will dramatically cut back opportunities for part-time community service work for programs like Green Thumb. We are cutting Federal support for senior center activities, RSVP programs, senior aides, foster grandparents. We are even cutting elderly nutrition programs, and so we are at midstream in a process that hits the same group of people, older Americans living on $8,000 to $10,000 a year or less, and we are hitting them over and over and over again.

The problem is that right now people are living on the edge. They cannot take one hit much less three, and so I think you have a right to ask who is going to pick up the slack.

In some cases, no question, maybe their kids may be able to step in. In those cases, we will be shifting the burden right back on to working Americans. In other cases, there may be some local help. But given the cuts that we are already making in aid to schools and other areas, that is not very likely.

So, in many cases, we are simply looking at the prospect of many of these people falling through the cracks or being tossed out the window, and if you think it is hyperbole, listen to what the Wall Street Journal reported last November when it said, "More than two decades after the creation of a Federal law aimed at providing free meals to anyone over 60, several million older Americans are going hungry and their numbers are growing steadily. The Federal food programs cannot keep up with the Nation's rapidly graying population. For the first time, we have growing waiting lists," it quotes a Federal official as saying. "The level of malnutrition is only increasing." This was not in a left-wing newspaper. This was in the Wall Street Journal.

Or take a look at this New York Times headline and the story. The story read, "A gray-haired man in a blue Yankee cap lifts the lid off of a garbage bin next to a supermarket. Peering inside, he pulls out a tray of mushrooms still wrapped in plastic, slips it surreptitiously into a small gym bag, as shoppers stroll in front of the supermarket. Elderly people go almost unnoticed as they scavenge for food in garbage bins just around the corner." These are not homeless people. They are not entirely destitute. But they are driven to the unappealing and even humiliating task of foraging through trash by a disturbing combination of immediate financial need and more general fear of the future.

This picture, while I know it does not show up very well, shows older Americans searching for food outside of a supermarket in a dumpster—in a dumpster. We have come to this.

We are going to be providing a big capital gains tax cut. We are going to be eliminating the minimum corporate tax that the high-flying, truly needy corporations of this country now pay but will not be paying under the new tax bill. So that again you have a laundry list of large corporations ranging from AT&T down through you name it, who will wind up not paying taxes, again, just like they did not pay taxes between 1982 and 1995 even though they made $60 billion in profits.

□ 1040

We are going to be doing all of that and paying for it by taking jobs away from our seniors and by taking literally food out of the mouths of not just kids, but out of our low-income elderly.

Mr. Chairman, it is really hard to put this bill in context because there is really no precedent for what is being done. We are witnessing an attempt to implement policies that are radically out of the mainstream.

Take, for instance, the foster grandparents program. It is hard to find anybody who is familiar with that program who does not think it is one of the best things that has ever happened to this country.

It takes low-income elderly, gives them a minimum wage for providing care and companionship to young kids 20 hours a week. These are kids in foster care or State institutions. Some are very severely retarded, they are autistic; they are kids who would not receive love or attention from any other source.

Some people thought the Reagan administration was pretty hard-hearted, particularly when it came to the disadvantaged and to programs to help them, but I would like to read something.

Mr. Chairman, let me read this quote: "It is really hard to say who benefits more in this program, the child or the foster grandparent. What of the children in the program? They have been abandoned, forgotten, the victims of pernicious neglect. They range in age from infancy to 21 years. The fact is, it is doubly beneficial. That is one reason why the cost of the program is so worthwhile."

You know who said that? Not some left-wing socialist. Nancy Reagan. That is who said that. Yet, you are going to gut those programs.

Mr. Chairman, I would simply say, I know that there are going to be some amendments offered today to try to make a token apology to the seniors and the vulnerable in this country by restoring a few pennies in the almost $10 billion savaging that you are doing these populations, and I guess there is no harm in bringing up those amendments. It is a little conscience money that you are going to provide so you can take back home and tell your constituents, you care at least a little bit.

All I would say is that regardless of how many fig leafs you pass on this floor today, you cannot fix up this bill, and those little conscience amendments still do not remove the obligation for people of both parties to keep our bipartisan commitment to these programs for the vulnerable.

Some of these programs were started on a bipartisan basis by people like Mel Laird and Gaylord Nelson, two bipartisan Wisconsin products. We ought not abandon these programs or the people who are helped by them. I urge you, no matter what happens on amendments today, vote this turkey down.

I reserve the balance of my time.

Mr. PORTER. Mr. Chairman, I yield to myself 30 seconds.

Mr. Chairman, I would simply say that the overall cut in the Department of Health and Human Services in the discretionary funds is 3.5 percent. Of that, a portion is in salaries and expenses that are cut by 7.5 percent. The overall cut in services is perhaps under 3 percent, and most of the spending in this section of the bill is mandatory spending that will continue regardless of what is contained in the bill. I think the gentleman from Wisconsin [Mr. OBEY] greatly, greatly overstates the effect of what the bill does.

Mr. Chairman, I yield 7 minutes to the gentleman from Florida [Mr. MILLER].

Mr. MILLER of Florida. Mr. Chairman, this bill is an integral part of our effort to balance the budget, the moral and economic challenge of our time. This bill meets its share of the burden and therefore deserves every Member's support. These are the tough choices we are having to make to balance this budget.

These are the specifics that follow after the budget that we approved earlier this year, and we have prioritized what we consider the most important areas, funded those, and said, wait a minute, do we need to fund everything just because it has been in the budget for years and years and years?

Mr. Chairman, this bill was not undertaken in a haphazard or malicious way. We went about this very thoughtfully and determined our priorities. We have over 1,200 programs under our jurisdiction in this subcommittee and for each one, we asked a simple question: Is this Federal undertaking absolutely critical or can it be reformed or eliminated? Some programs which were not found to be Federal concerns were eliminated, while others were deemed essential and received increases.

By setting priorities, we eliminated programs that do not work and strengthened ones that do. Spending taxpayer dollars on useless programs is not compassion. Balancing the budget and setting priorities is real and true compassion. There are many programs which we found to be essential.

Some of these include the five prevention programs within the Centers for Disease Control which all received increases above their 1995 funding levels. The first is the breast and cervical cancer screening program. The subcommittee's recommended increase of $25 million, which goes from $100 to $125 million, will provide enough funding to permit the expansion of this program into all States, thereby allowing greater access for low-income, high-risk women to receive screening and referral services for the detection of breast and cervical cancer at earlier and more treatable stages.

The prevention program of infectious disease received over a 20-percent increase. This additional funding is intended to provide sorely needed resources to the CDC for addressing such monumental problems as the ebola virus and E. coli which we have all heard so much about lately.

Additionally, the bill increases funds for chronic and environmental disease prevention and sexually transmitted disease prevention by $15 million. This will permit enhancement of programs such as diabetes control and education, cancer registries, birth defects, disabilities, and other diseases.

Finally, the subcommittee provides additional protection for our most important resource: Children. The Childhood Immunization Program has gone from $465 million to $475, a $10 million increase, which will permit the CDC to purchase more vaccines, expand clinic hours, and provide increased outreach opportunities ensuring vaccination for previously unreachable children.

Mr. Chairman, this bill does fund those items in which the Federal Government has a legitimate and necessary role. AIDS prevention has gone from $569 million to $595 million. The Ryan White Program, the AIDS Treatment Program, goes from $633 million to $656 million. Overall, the bill increases funding for prevention programs by $63 million. This is $63 million which will go toward assisting low-income women and children to achieve better health care and $63 million which will go toward securing the safety of our Nation by protecting us from infectious diseases.

A further example of setting priorities is the proposed increase in funding for the National Institutes of Health, a real treasure to this country. The majority party realizes that even when resources are necessarily restricted, it is important to continue to fund and support those programs which are critical for future development.

It is estimated that the advances derived from the National Institutes of Health research save $69 billion annually in medical care costs. Additionally, federally supported biomedical research creates high-skilled jobs and supports the biomedical industry generating a positive balance of trade for our country.

I do not believe the importance of biomedical research can be understated. And for those reasons, this bill increases the overall spending for the National Institutes of Health by $642 million, a 5.7-percent increase. Let me repeat that. The National Institutes of Health has an increase in spending of $642 million, or 5.7 percent. This translates into millions of new research dollars for finding a cure for cancer or AIDS, as well as additional millions for battling the debilitating diseases such as hemophilia and cerebral palsy.

Mr. Chairman, it is time for this Congress to make some tough choices. For too long we have allowed programs which do not provide any tangible or national benefit to receive precious Federal dollars. We cannot increase NIH and prevention spending unless we are willing to make cuts somewhere else. If we are to ensure the relative prosperity of future generations, we have to stick to our funding levels and make the decisions based on a program's relative worth.

Mr. Chairman, President Clinton's 1996 proposed funding for NIH was at $11.3 billion, $165 million below what we are proposing to spend on NIH. We are proposing to spend, in this bill, $165 billion more than President Clinton even requested.

The center of our debate today is where are our priorities, what programs can we point to that have a direct benefit on society and have had a success in health care?

These are the tough choices we have to make, but we have to remember the bottom line is we must balance this budget over the next 7 years. That is what is important for our children and grandchildren in this country, is to get on that glidepath to a balanced budget. That is what is going to give the benefits that we need for the standard of living, the quality of life that affects all Americans. I urge my colleagues to support this bill.

Mr. OBEY. Mr. Chairman, I yield 3½ minutes to the gentlewoman from Connecticut [Ms. DELAURO].

Ms. DELAURO. Mr. Chairman, I rise in strong opposition to this bill. This is a mean-spirited attack on the elderly, working families, and our Nation's children. Nowhere is this assault more evident, than with the bill's total elimination of the Low Income Home Energy Assistance Program, which provides life saving assistance to low-income families and seniors.

It is an outrage that this Congress would take the heat away from our seniors to give a cool $20,000 tax break to the Nation's most wealthy.

The draconian and heartless action of the committee to eliminate all funding for the Low income Home Energy Assistance Program jeopardizes the health and safety of millions of Americans who rely on these funds to heat and cool their homes.

In my home State of Connecticut, nearly 70,000 households benefit from $27 million in home energy assistance. In my district alone, nearly 13,000 households benefit.

Marie Brown of Wallingford is one of the many people in my district who depend on energy assistance to heat her home in the winter. It gets very cold in Connecticut. Marie's $500 a month budget isn't enough to pay her home heating bills after she has paid rent, medical costs and other expenses.

Marie calls home energy assistance "a blessing," and says that "this is the best thing they have ever done, especially for the elderly." Eliminating energy assistance would force Marie and other seniors on fixed incomes make choices they shouldn't have to make—choices between home heating and necessities such as food or medicine.

If energy assistance is eliminated, what are we going to say to Marie Brown and the millions of families who depend on this program?

I do not want to tell them that to ensure people have adequate shelter is no longer a priority for Congress and that tax breaks for the Nation's wealthy are a more pressing concern. I will not carry that message.

It is unconscionable that low-income seniors and working families in extreme need would be swept aside so that Republicans can offer the wealthy an unnecessary tax break.

Just last month, the Nation experienced an unusually harsh heat wave, which caused the deaths of 400 people in Chicago. The Governor of Illinois was able to offer the citizens of his State emergency energy assistance to prevent future fatalities. Under this bill, Governors across the Nation would not have those emergency resources, and just possibly more men and women would die. Energy assistance is truly life-saving assistance and we have an obligation to provide it to people in need.

I urge my colleagues to stand by working families and the elderly. Support amendments to restore energy assistance to millions of seniors and working families, whose survival should be our No. 1 priority.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts [Mr. OLVER].

Mr. OLVER. Mr. Chairman, I want to play directly to the comments made by the minority Member who is in control of the time at the moment. The gentleman from Florida [Mr. MILLER] just a few minutes ago said that the bill that is before us represents the Republican controlled Committee on Appropriations majority's careful and thoughtful consideration of priorities; and, No. 2, the elimination of spending Federal dollars on useless programs.

Mr. Chairman, let us look at one of those programs. The Republican controlled Committee on Appropriations has completely eliminated the Low Income Home Energy Assistance Program, the so-called LIHEAP Program, completely eliminated that.

Mr. Chairman, that program serves almost 6 million families around this country. Usually it is thought about as a program that covers people who have problems with the cold from the Rocky Mountains east to the eastern seaboard along the northern tier, but as the gentlewoman from Connecticut just pointed out, emergencies this summer in Chicago where there were more than 400 dead and emergencies over the Southern Plains and in the Southwest where the heat has been up in the 115 range at various times, those are the kinds of places where even a little bit of money is used on exceptionally hot days like today, and here in Washington for that program.

Six million people are covered by this program, mostly half of them are elders, the most vulnerable people to both heat and cold, the most vulnerable people, and those are the people. That is the priority for cutting off a program on the part of the Republican majority here.

The question of priorities, this $1 billion that is eliminated from the Low Income Heating Assistance Program, their priority is to put in instead, in a different bill, their priority, one new B-2 bomber that costs the same amount, or one new amphibious transport ship, neither of which was acquired by the Committee on Appropriations.

Mr. PORTER. Mr. Chairman, I yield 30 seconds to the gentleman from Florida [Mr. MILLER].

Mr. MILLER of Florida. Mr. Chairman, the gentleman from Massachusetts [Mr. OLVER] talked about the LIHEAP Program. The LIHEAP Program came out of the energy crisis we had in the 1970's. It was a program that has outlived its usefulness. It is a very costly program of over $1 billion a year.

The cost of energy now as a percent, compared to that, is less, and yet, we want to keep that billion dollar a year program going. Even President Clinton has asked for dramatic reductions in that program. Mr. Chairman, we have to set priorities. We have to balance this budget.

Mr. PORTER. Mr. Chairman, I yield 1 minute to the gentleman from Missouri [Mr. TALENT].

Mr. TALENT. Mr. Chairman, I want to congratulate the gentleman from Illinois [Mr. PORTER] on bringing an excellent bill to the floor today. I would like to discuss with him the Transitional Living Program.

Mr. PORTER. If the gentleman from Missouri would yield, I would be glad to engage him in a colloquy.

Mr. TALENT. Mr. Chairman, it is my understanding that the en bloc amendment adopted yesterday includes an additional $1.3 million for the TLP Program. It is also my understanding that this funding will be used for nine agencies who provide services to homeless and runaway youth. This funding will provide a 1-year extension to those nine TLP grantees whose grants are expiring in September 1995. The nine grantees could then competitively compete in the spring or summer of 1996 for fiscal year 1997 grants without having to dismantle or eliminate their programs in October 1995.

Mr. PORTER. The gentleman is correct. This funding will provide a 1-year extension for these nine agencies only.

Mr. TALENT. I thank the gentleman from Illinois [Mr. PORTER] for his time and for his attention to this matter.

Mr. OBEY. Mr. Chairman, I yield 1½ minutes to the gentleman from Texas [Mr. DOGGETT].

Mr. DOGGETT. Mr. Chairman, we have seen all this before. You have seen it on late night television, and ad, the fellow with the Ginzu knives. He brandishes them. He swings them over his head, and whack, an onion is in two. Before you know it, a radish lies in slivers. He can whack anything with those knives, whether it needs whacking or not, and what we have this morning is the Republican equivalent of a Ginzu knife ad.

The Older Americans Act, whack; student financial assistance, whack; assistance for education, whack. They keep slicing up the American middle class. Well, we have heard for 40 years from the Republicans about how they could solve all these problems by simply whacking out waste and fraud. If they can do it with whacking the waste and fraud, why do they not do that and stop slicing with their Ginzu knives the American middle class?

I have got a program called the Retired Senior Volunteer Program. It has operated for 23 years in Travis County. It provides 2,000 of our citizens opportunities to volunteer. Nobody has ever suggested that it involved one cent of waste or fraud, and yet, they have got their knives out whacking it, terminating it, so that seniors in our community will not have the opportunity to have the coordination they need to give back to the community.

Mr. Chairman, it is wrong. It is wrong. Why not use a surgical knife and cut out the waste and the fraud and leave middle-class America alone?

□ 1100

Mr. PORTER. Mr. Chairman, I yield 2 minutes to the gentleman from Missouri [Mr. TALENT].

Mr. TALENT. I thank the gentleman for yielding time.

Mr. Chairman, I have heard a lot about what my distinguished colleagues on the other side of the aisle are upset about with this bill. Now, I am not on the Committee on Appropriations, I do not deal on a day-to-day basis with millions of dollars for this program or to this person, so I have a little bit different perspective. I thought maybe I would discuss a little bit about what I am upset about and what this title is designed to address.

I have a 3 year old little girl, she is going to be 3 in 2 weeks. She is going to owe $100,000 in taxes during her working lifetime just to pay the debt service that the last generation of congressional leadership ran up on the Federal debt in the last 20 years, and I am kind of upset about that.

This country, if we continue on the current course of spending, will be bankrupt inside of 10 years. It will take the entire Federal revenue to pay for Medicare, Social Security, Medicaid, and the debt service. I am a little bit upset about that.

My parents believed what you did was you paid off the mortgage and left your children the farm. The last generation of congressional leadership sold the farm and is leaving the rest of us the mortgage, and I am kind of upset about that.

Now what does this bill do about it in this title? It does not cut spending in this bill; it slows the growth rate of Federal spending. What are my honorable and distinguished colleagues on the other side doing about this? Well, they voted against the balanced budget amendment by and large. They have opposed our seven year plan to balance the budget, they are offering no plan of their own, and they savage their own president when he even talks about developing a consistent plan to balance the budget, and I am pretty upset about all of that.

Mr. Chairman, and I am going to speak here to the people who are listening also, what you are hearing here is a desperate attempt to preserve a status quo that has failed and that is indefensible. We are trying to turn this budget around, it is like a big ocean liner. We are taking some initial steps to turn it around now. This is a good bill and it should be passed.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair would remind all Members that all remarks should be addressed to the Chair and to the Chair only.

Mr. OBEY. Mr. Chairman, I yield 1½ minutes to the gentleman from Minnesota [Mr. OBERSTAR].

Mr. OBERSTAR. Mr. Chairman, it may seem incongruous in these days of 90-degree weather and high humidity to be talking about home heating assistance, but in northern Minnesota, although the glacier retreated, it makes a return attempt every fall, and lasts well into April and sometimes May. Last year we had wind chill temperatures of 77 below zero, midwinter. I visited a home in Duluth where the Energy Assistance Program was conducting weatherization for an 84-year-old widow with one leg amputated. Her husband had worked all his life in the steel mill in Duluth and left her a modest little pension. Her total income is about $480 a month. Half of it was going to pay the energy bill. The Energy Assistance Program weatherized the home and helped her buy a new furnace so she could stay in her home and not have to go to a nursing home.

In the city of Duluth alone, 3,746 households last year received primary heating assistance. Look at the record of this program in Duluth, alone: 374

households received primary heating assistance; their average income was $9,208 a year. Furnaces were replaced in 107 of more households, making it possible for the homeowners to remain in their homes, rather than seek public assistance in the form of welfare or be committed to a nursing home. Heating system repairs were made in an additional 560 households. Of the total number of households receiving LIHEAP assistance, 926 have children under the age of 6 and the average household income is $11,400.

Senior citizens account for 712 of the total households served; their average income is $8,286. There are AFDC families assisted under this program, they have an average household income of $7,631.

The point I want to drive home is that this program is preeminently designed for and targeted to the poorest families, the neediest among us. Cutting these funds, altogether, as this heartless Republican majority proposes to do, will reduce these people the most among us to a condition of abject dependency, cause each of them needless anguish and anxiety, emotional, as well as physical stress, and simply shift the cost from the weatherization program to welfare or Medicaid and Medicare. Cutting off these funds will not make the problem go away; it will only worsen the condition.

But, I want my colleagues to hear the beneficiaries of the Energy Assistance Program tell the story in their own words, as expressed in letters to the Arrowhead Economic Opportunity Agency, which serves a seven-county area of northeastern Minnesota, which is geographically about the size of New England, excluding Maine:

> I've been a widow since 1989 and as time goes on, I find it very difficult to adjust to all the changes. I live on a fixed income and with costs of living always rising, I don't even dare to think of the future. I thank the Lord and ask him to bless all the people that makes the Fuel Assistance Program possible.
>
> Thank you so much for the fuel assistance. If it weren't for this program, I wouldn't be able to afford to live in my own house.
>
> I thank God for the very existence for your agency. Never in my wildest dreams did I, as a former middle class American worker, believe that I could be reduced to poverty level in 3 years. I've always been proud of myself as a self-employed carpenter, but now have no work to be proud of.
>
> I am a diabetic, and if it weren't for the Energy Assistance Program, I'm certain I would have a tough decision to make in deciding between insulin or fuel oil.

I do not know what these previous speakers are talking about on the other side of the aisle, but if you cut home heating assistance, you are making people choose between life or death, and that is not right.

Mr. PORTER. Mr. Chairman, I yield 3 minutes to the gentleman from Florida [Mr. WELDON].

Mr. WELDON of Florida. Mr. Chairman, during my campaign for the U.S. Congress last year I met a man who lived in my district. His name was Dave Exley, and he was a painter, and I got talking to Dave. I was interested in talking to him. I had an uncle, Joe Ditta, who raised a family of seven as a painter. I got to talking to him about his business and what it was like, and he got out something and gave it to me that I will never forget. It was a paint stirrer, and he told me that he had been using that same stirring stick to stir the paint for 5 years.

Each time he would use it, he would wipe it carefully off, and he said he was saving himself about 5 cents a day by using that paint stirring stick over and over and over again, and he showed it to me, and he said something to me that I will never forget.

He said, every time you think about spending money or raising taxes, I want you to remember me because I am trying to feed my wife and my two sons, and I have trouble making ends meet. At the end of the month I have trouble making sure I have got enough money to pay the mortgage and to pay the electric bill.

That is a lot of what this debate is about. We are taking money out of the hands of a lot of hard working Americans, and we are spending it the way we see fit, on programs that we think are good, and I think this committee has worked very hard to analyze these programs and come up with what they think are some difficult decisions, but nonetheless are the appropriate decisions that need to be made in order to get us toward a balanced budget.

We cannot keep spending money over and over again because we think it is the right thing to do. We have to have some real good hard objective measures. We have to make the difficult decisions because if we do not, let us face it, there will be no money for anything. We will be bankrupt.

That is what has propelled us, the freshmen Republicans, into this body and led to the Republican majority this year, and why we are seriously changing the spending priorities of our Nation. The public knows that if we do not make a change there will be no money for anybody, and I think of Dave Exley, the painter, every time I am asked to vote on a spending decision, and, yes, the decisions are hard, but we are ready to make the hard decisions, and I think this bill is a good bill, it is a tough bill, it makes some tough decisions.

Mr. ROEMER. Mr. Chairman, will the gentleman yield?

Mr. WELDON of Florida. I yield to the gentleman from Indiana.

Mr. ROEMER. Mr. Chairman, I thank the gentleman for yielding. As the gentleman knows, I am for a balanced budget, I am trying to make some of these tough choices to balance the budget for our children's sake and future generations. The gentleman is from a great part of the United States where the climate is between 70 and 95 degrees all year. I am from South Bend, IN, where the weather can be 50 degrees below zero.

Mr. OBEY. Mr. Chairman, I yield 4 minutes to the gentleman from Maryland [Mr. HOYER], a member of the subcommittee.

Mr. HOYER. Mr. Chairman, Dave Exley takes care of that stirring stick so his paint will be well mixed, and it will give a good coat. How much more, Mr. Chairman, should we take care of our little children so that when they grow they can paint America successful, they can paint America with more opportunity?

Now, I see the Chairman of our committee standing up here, or sitting here, he is going to stand pretty soon, and he is going to show that little red chart over there. And he is going to go bankrupt as a businessman if he uses that chart, because that chart relates to this chart. How many children are we serving in America that we promised in 1965 to serve under Lyndon Johnson, concurred in by Richard Nixon, followed on by President Ford and endorsed by President Carter, and then said to be by Ronald Reagan one of the programs that works, and what did we do? We retreated. We retreated, Mr. Chairman.

Mr. Chairman, the gentleman's little red chart over there is serving less children. Less children in America who are eligible for Head Start are being served today, Mr. Chairman, and that red chart will not change those statistics, and as that happens, we are losing children in America, and we cannot afford to do that.

This Head Start budget that you talk about drops 48,000 children through the cracks. This budget alone, 48,000 children. I do not know whether your painter thinks that is a good investment. He cares about that stirring stick because it saves him a nickel a day, and he is smart. Would that every American would do that, America would be a more successful Nation. But would that every Member of this Congress, ladies and gentlemen, would understand that those little children, 3 and 4 years of age are America's stirring sticks. They are America's future. They will paint America as a successful, competitive community. They will paint America the kind of land of opportunity of which your Speaker speaks. but opportunity does not just happen for some kids, for any children.

The best solution, Mr. Chairman, as we all know, is two loving, caring nurturing parents. Would that every child had that. And the economic opportunities that all of us can provide our children, God bless them as God has blessed us. But ladies and gentlemen, cutting Head Start makes no economic sense. It makes no common sense, and it makes no human sense.

That is why we ought to reject this bill, because notwithstanding the Chairman's little red chart, we are serving less children who are eligible to be helped and who America has promised to help in Head Start. Let us not have a false start once again. Let us reject this bill. Let us save those little stirring sticks that we call our children, our future.

Mr. Chairman, this is a defining moment for this Congress. With this bill we declare our priorities as a nation.

Should we invest our money in our children and in our future as a Nation, or give the money in a tax break to the wealthiest Americans?

The cut to Head Start is only one example of the misguided choices Republicans have made in this bill.

There is a good reason why Head Start is America's best loved program for children. Head Start isn't perfect. But it is a place where children get the education, nutrition, health checkups, and skills they need to learn and succeed in school.

In 1993 and 1994, we reached a high point of serving 40 percent of eligible Head Start kids. At the high point, 6 out of every 10 needy preschoolers couldn't go to Head Start because we didn't have the room.

Despite these shortages, the Republican bill cuts Head Start by 50,000 children in 1996—allowing us to serve only 36 percent of eligible children, the same percentage served in 1991.

Under this bill, 50,000 fewer children will go to Head Start in 1996 than could in 1995.

That's 50,000 children who are more likely to be high school dropouts, juvenile delinquents, or teenage parents.

Fifty thousand children who are more likely to be on welfare—taking from society rather than contributing to it.

Head Start helps children like Guy, who began Head Start in southern Maryland unable to learn and far behind his peers.

Guy's mother and stepfather were overwhelmed and unable to help their son.

That's when Head Start sprang into action. Guy's mom was given medical cards so Guy and his sister could go to the doctor for immunizations and to the dentist for checkups.

Head Start got Guy an appointment at Children's Hospital, where his learning disability was diagnosed and addressed.

Head Start found parenting classes for Guy's parents to help them help Guy.

As Guy's behavior improved, his mom was able to go back to school at Charles County Community College.

Because Guy was in Head Start, his mom could attend school 5 days a week, and graduated from the secretarial program. She is now working for a small business and supporting her family.

In September, Guy will start kindergarten. Thanks to Head Start, he is doing well and is ready to learn.

In 1990, Frank Doyle, the CEO of General Electric called on Congress to fully fund Head Start. He spoke on behalf of TRW, Goodyear, Eli Lilly, AT&T, Mobil, and many other businesses who know that getting children ready to learn is the key to future economic success.

But this bill goes in the other direction. This bill isn't a Head Start—it's a false start. I urge a "no" vote on this bill.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair would again remind Members that they are to address the Chair and only the Chair in their remarks from the floor.

Mr. PORTER. Mr. Chairman, I yield such time as he may consume to the gentleman from Louisiana [Mr. LIVINGSTON], the Chairman of the Committee on Appropriations.

Mr. LIVINGSTON. I thank my good friend from Illinois for yielding time to me, and I will try to be brief.

Mr. Chairman, a couple of comments: First of all, about the gentleman that preceded me, I want to say how much I appreciated his performance. It was a performance. The gentleman always makes a magnificent speech and gives a great performance. Sometimes he is a little short on the facts, as this time, but it was a good performance.

That being said, yesterday the gentleman from Wisconsin, the ranking minority member of the committee, and I had a dialog back and forth, and we discussed one of us winning versus the other, and I said at the time I hoped I won on this bill.

I want to rephrase that. Because I had an opportunity to reflect on my comment. I do not know whether he will win or whether I will win, but I hope that America wins, and I hope that America's children win, and I think they will with this bill, contrary to the statements of the gentleman from Maryland, who went before me. Because we are beginning to understand that simply by sitting down and writing a check on a bank account where somebody else puts the money in is not the answer to our problems. It is certainly not the answer to educating and nourishing the youngsters of America.

The fact is that I do have a red chart, and what it illustrates quite clearly is that in 1989 the Head Start funding was $1.2 billion. It rose in 1990 to $1.5 billion and went on up, up, up, until now, just a few short years later, 1995, it is virtually three times the size that it was in 1989. As Everett Dirksen said, a billion dollars here and a billion dollars there, and pretty soon you are talking about real money; $3.5 billion is what we will spend this year on just the Head Start Program.

Now, as we know from additional debate on this floor in the last few days, this is just one program. There are 240 separate education programs for the youngsters of America run by the Federal Government, spread over some 11 departments, 15 agencies, and other offices.

□ 1115

This is only one of those programs currently funded at $3.5 billion. To hear the hue and cry of the gentleman from Maryland [Mr. HOYER] and other people who have said, oh, my goodness, the heartless, heartless majority in Congress today, the Republicans, have cut the program. We have cut it all the way back by $3.4 billion.

Now, I have to question the premise the world is coming apart and our children are going to grow up illiterate because of this cut. It is simply not so or, as the song says, "It ain't necessarily so." In fact, there is some great question, some significant doubt as to whether or not this program works at all.

Mr. Edward Zeigler, the Yale professor who founded Head Start, the man that started the program, is quoted in the Washington Post of February 19, 1993, "Until the program has reached a certain minimum level of quality they should not put one more kid in it".

That was 1993. And in 1993 we spent $2.7 billion.

In 1996, we propose to spend $3.4 billion.

Now, if the gentleman really seriously was concerned about the children of America he would remember that the children in Head Start are not the only children in America. All of the children of America, roughly 100 million, are the future of America, and their prosperity, their education, their nourishment is important to the future of America. The more we take money out of the pockets of the parents who are trying to raise and educate them, the more we take that money away from them, send it to the bureaucrats in Washington, put it in a program that does not work, the more we stifle the opportunity for those children to become the real future of America.

This cut is meaningless, and for these people to say the world is coming to an end when all we are doing is trimming back a measly 2.9 percent, $.1 billion out of $3.5 billion, then it seems to me this is much ado about nothing. We are speaking about how many angels can dance on the head of a pin.

Many of my colleagues do not care about rolling back the cost of Government. They do not care about getting the budget under control. What they say is, in effect, we will not balance the budget. We will not be concerned about the escalating interest on the debt. We will not be concerned with the fact that interest alone will exceed the cost of the national defense of this country within 2 years. We will not be concerned with the fact that nearly $20,000 is piled on every man, woman, and child in America to pay off the debt. We will just wear blinders and keep spending money and writing checks because, after all, the good old American taxpayers will pay the bill.

It is time to say no. It is time to make a trim. It is time to make the cuts. It is time to pass this bill.

Mr. OBEY. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, listening to all this, I would think I was born in Jamaica where the motto is "No problem, No problem."

You are taking 150,000 student loans away from kids under the Perkins Loan Program. You are cutting drug-free schools by 50 percent. You are eliminating 1 million kids out of chapter 1. You are cutting 55,000 kids out of Head Start.

Eight hundred people died in this country 2 weeks ago and you are saying, no problem, we are going to eliminate the program for them.

You are cutting MediGap counseling so seniors do not get chiseled by insurance companies on phony MediGap policies. You are cutting that promise to help them by 50 percent. Yet you have got guts enough to talk about spending. Before your President Ronald Reagan took over and you swallowed his line of malarkey, we never had a deficit larger than $65 billion.

We followed your advice, passed those budgets, deficits are now over $200 billion. Thanks a lot for your fiscal discipline. Ha, ha, ha.

You are talking about spending, cutting spending. You are going to keep the F-22. You are going to keep the B-2.

Just one of those B-2 bombers—and you are buying a heck of a lot more than the Pentagon wants—just one of them will fund the tuition for every student at the University of Wisconsin for the next 12 years. Where in God's name are your priorities?

Then you talk about Head Start. That chart talks about the dollars. As Members know, we have had a bipartisan recognition that Head Start needed a quality improvement. We need to improve the quality of teachers. We need to improve the quality of services. And so that is where the money has gone, to try to improve quality.

As a result, under your budget, the number of kids who are going to be enrolled in Head Start next year is going to drop from 752,000 to 704,000. Maybe you do not care about those kids who are going to be dropped off the program. We do. Forget your phoney numbers game. Look at the people behind those numbers.

Mr. PORTER. Mr. Chairman, I am pleased to yield 5 minutes to the gentleman from Texas [Mr. BONILLA] an eminent member of our subcommittee.

Mr. BONILLA. Mr. Chairman, the first thing I would like to say is that I am a proud supporter of Head Start and proud to support the 190-percent increase in this program in the last 5 years. The program is working very well in many parts of this country, and the sourpuss look on the faces of our opponents this morning is because we are telling the truth, we are exposing the hypocrisy of those who are trying to say that we are not concerned about this program and are not interested in preserving it.

I would like to turn attention now to another aspect of this portion of the bill. That is rural health. I am also most proud of the overall funding for rural health care.

According to the National Rural Health Association, it would like to have $1.4 billion worth of funding in this bill. With the leadership of our chairman and the hard work by the Rural Health Care Coalition this bill has $1.33 billion or 95 percent of that request. We got 95 percent of what we wanted. In anyone's book that is a tremendous success rate.

In this budgetary time, I consider that a big success. However, some think this is not enough. I do. Of the 24 programs deemed important to rural health care, we increased the most vital components, community and migrant health care centers, and health care for the homeless cluster.

We provide last year's funding levels minus the rescission bill, for 12 other line items, including health service corps, rural health outreach grants, family medicine, physicians assistants, allied health, area health education centers, health education training centers, and many of the nursing programs that are so vital to rural areas that have no health care provider whatsoever.

My colleagues, we have worked very hard in subcommittees to secure adequate funding for rural health care. The Rural Health Care Coalition should be able to hold its head high and declare a job well done.

While I understand that an amendment will be offered to increase funding even more, regardless of the outcome of the Gunderson-Poshard amendment, I hope all members that support rural health care will support this bill in the end. This bill is a good bill for rural America in helping to meet their needs and not penalizing them for living in the heartland of this great country.

I call attention to all Members who represent rural areas in America; this is a good bill for rural health care. Please vote for the bill.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana [Mr. ROEMER].

Mr. ROEMER. Mr. Chairman, this debate is not about who is for balancing the budget and who is not for balancing the budget.

Many of us Democrats are going to make the right choices and vote to cut the B-2 bomber and not to kick children out of the Head Start Program.

Now, let us talk about Head Start for a minute. Here is a program that President Reagan talked about how much money do we put in to increase funding on Head Start. President Bush talked about how much money do we put in here to increase our education for low-income children. Now in this Congress we have Republicans talking about how many children are we going to kick out of the program.

Here is the chart. We currently have 752,000 children enrolled. After this bill passes, and I hope it does not, 48,000 children are going to be kicked out of this program.

Now, the distinguished chairman of the Committee on Appropriations [Mr. LIVINGSTON] quotes the Washington Post and Washington charts. How does this program work in Michigan City, IN? We have 80 children waiting to get into this program in Michigan City, IN. We have a waiting list of eligible children. Yet you are going to tell us who to kick off.

Whoever votes for this bill, my colleagues, you go back to Michigan City, IN, and you point out who gets kicked out of this program.

Whoever votes for this bill, my colleagues, you decide how many, 5, 10, 12 children, in your programs do not get to enroll and get kicked out of maybe the most successful Government program ever put together.

We have got to make some tough decisions around here on our spending priorities.

The chairman of the committee said it does not make any difference how many angels dance on the pin of a needle. There are our angels dancing right there. Do not kick those children off of Head Start. Defeat this bill.

Mr. PORTER. Mr. Chairman, I would inquire of the chairman how much time is remaining on each side.

The CHAIRMAN. The gentleman from Illinois [Mr. PORTER] has 18 minutes remaining, and the gentleman from Wisconsin [Mr. OBEY] has 21 minutes remaining.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentlewoman from Florida [Mrs. MEEK].

Mrs. MEEK of Florida. Mr. Chairman, it is really a very, very hard message to listen to the Republican arguments for cutting Head Start. It is one of the few programs, Federal programs, which has succeeded over the years. But now to cut it is a dangerous thing, because what we are doing on one hand is giving a big tax cut to the rich and we are cutting off at the pass these poor children who need Head Start.

It has been shown by a bipartisan commission that Head Start does improve the lives of these children. It improves the educational outlook of these children. So you are going to cut funding for the little ones who cannot speak for themselves, these little ones, 3- and 4-year-old preschool children and not open up to even younger.

If you are going to restore the kinds of things in America that we need to restore, you should be restoring the lives of these young children. Study after study has shown that it works and it works well.

Since 1965, nearly 14 million children have participated in the program. So why are they saying it should be cut? To pay for the tax cuts for the rich. It currently serves fewer than half the poor children who are eligible. You have heard the arguments. It is well documented that this program worked. So then Head Start helps children in both urban and rural areas.

□ 1130

Does it work? You bet. There are thousands of success stories.

Mr. Chairman, I remember Winnie Jordan of Miami. She came from a very poor family and started out in Head Start at the age of 4. She still remembers her Head Start teacher that led her on to grade school with more success. She was on the Dean's List at Fordham. She was president of the Law Association, and today she is a law clerk for the U.S. State district judge in Miami.

Mr. Chairman, it is a great Federal program, one of the few where we can see documented success. We must continue to help this Nation's children, and we cannot use what we call fiscal conservatism only for the poor.

Mr. Chairman, I rise in strong opposition to this wrong-headed bill. This bill is nothing more than an attack on little children. Somewhere along the line the Republican leadership seemed to forget a few basic facts: They forgot that children are our future, and they forgot that we need to invest in our children.

Mr. Chairman, just a few months ago, the Republican majority was falling all over itself to give a big tax cut to rich people.

But today, this bills cuts funding for Head Start—cuts funding for little 3- and 4-year-old pre-school children who live in America's poorest families.

Mr. Chairman, I tried to restore Head Start funding in the House Budget Committee, and I was told that "everybody has to suffer a little pain." This bill puts the hurt of budget cuts on little children. I say, shame on you.

The American people support Head Start—for good reason.

Study after study, evaluation after evaluation has shown that Head Start works and works well. Head Start gets toddlers ready for school. Children who participate in Head Start enter school better prepared to learn, with improved health and with better self-esteem. According to the Bipartisan Advisory Committee on Head Start quality and expansion, "The evidence is clear that Head Start produces immediate gains for children and families."

Head Start gives the American taxpayer good value for the dollar: Grantees have to contribute 20 percent of the cost of the program.

Since 1965, nearly 14 million children, most of them 3- and 4-year-olds, have participated in the program. By law, virtually all of them are from families with incomes below the poverty level.

The Republicans say Head Start should be cut. Why? To pay for tax cuts for the rich? Head Start currently serves fewer than half the poor children who are eligible. If anything, we should increase funding for this program.

President Clinton wanted to increase Head Start by $537 million. This bill cuts Head Start by $137 million. I'm surprised this bill doesn't change the name from "Head Start" to "Fall Behind."

Mr. Chairman, Head Start helps children in urban areas and rural areas, it helps the truly needy and poor; and it helps the tiniest and most vulnerable in our society.

Does Head Start work? You bet. There are thousands of success stories—like Winnie Jordan of Miami. She came from a very poor family and started out in Head Start at the age of 4.

She still remembers her teacher, Ms. Whitelow. The boost that Winnie Jordan got in Head Start helped her succeed in grade school, and success led to success.

She was a dean's list student at Florida State University; she was president of the Black Law Students Association at the University of Miami Law School. And today, she is law clerk for U.S. District Judge Wilkie Ferguson, Jr.

Head Start is a great Federal program. It is what the Federal Government should be doing to help this Nation's children and to help the most vulnerable in our society to learn and to succeed.

This bill has many terrible provisions. But, in my view, it should be defeated soundly because it ignores the needs of our children.

Mr. Chairman, I rise to voice my very grave concerns about the more than $21 million in cuts to the Senior Volunteers Program. These cuts are consistent with the mean-spirited attacks that the Republicans are making on elderly Americans. Medicare, Medicaid, Meals on Wheels, Senior Volunteers, the GOP's attacks on the elderly continue.

The Senior Volunteer Program's small budget is perhaps one of the best investments in all of the Federal budget. For every dollar we spend coordinating this program we get back many many more dollars worth of services in return.

These harmful cuts to the Senior Volunteers Program will have a devastating affect on the 23,000 foster grandparents who last year cared for more than 80,000 disabled kids; the 12,000 senior companions who, last year, helped 36,000 frail elderly people to continue to live in their own homes; and the more than 400,000 seniors who participated in volunteer programs last year.

These mean-spirited cuts aren't necessary to balance the budget, and they won't. What they will do is make it harder for a lot of older Americans to do a lot of good in our communities.

Shame on the Republicans for picking on senior citizens and volunteers. Shame on the GOP for robbing the elderly of opportunities to live meaningful and committed lives just to finance huge tax breaks for the wealthy. Shame on them for producing this very bad bill. Let's defeat this bill and give senior volunteers a chance.

Mr. PORTER. Mr. Chairman, I yield 3 minutes to the gentlewoman from Maryland [Mrs. MORELLA].

Mrs. MORELLA. Mr. Chairman, this bill is loaded with legislative riders that have no place in an appropriations bill, and I hope further changes will be made today.

But first, I want to acknowledge Chairman PORTER for his efforts. He was given an allocation that was significantly lower than the fiscal year 1995 allocation, and he did his best to craft an acceptable bill. He also opposed the many riders attached in the full committee. I am strongly supportive of the 6-percent increase in funding for the National Institutes of Health, the increased funding for breast cancer research, and breast and cervical cancer screening, increased funding for the Ryan White CARE Act, the funding for the Violence Against Women Act programs in the bill, and the preservation of the DOD AIDS research program.

Unfortunately, the full committee attached a number of legislative riders in the full committee. I will be offering an amendment later today with Congresswoman LOWEY and Congressman KOLBE to strike the Istook language in the bill allowing States to decide whether to fund Medicaid abortions in the cases of rape and incest. This is not an issue about States' rights. States can choose to participate in the Medicaid Program; however, once that choice is made, they are required to comply with all Federal statutory and regulatory requirements, including funding abortions in the cases of rape and incest. Every Federal court that has considered this issue has held that State Medicaid plans must cover all abortions for which Federal funds are provided by the Hyde amendment.

Abortions as a result of rape and incest are rare—and they are tragic. The vast majority of Americans support Medicaid funding for abortions that are the result of these violent, brutal crimes against women. I urge my colleagues to support the Lowey-Morella-Kolbe amendment.

Another amendment added in committee makes an unprecedented intrusion into the development of curriculum requirements and the accreditation process for medical schools. An amendment will be offered by Congressman GANSKE and Congresswoman JOHNSON to strike this language in the bill, and I will be speaking in favor of their effort as well.

There is also troubling language in the bill that restricts the enforcement of title IX in college athletics even before a fall report is submitted. Congresswoman MINK will be offering an amendment to strike this language, and I urge support for her amendment.

Several additional amendments attempt to legislate on this bill, and I am opposed to these efforts as well. The entire appropriations process has been circumvented in the last several bills, and I am outraged at the efforts to bypass the appropriate, deliberative legislative process in this House.

I urge my colleagues to vote for amendments to remove the riders before they consider final passage.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentlewoman from California [Ms. WATERS].

Ms. WATERS. Mr. Chairman, I rise in defense of Head Start.

How dare the gentleman from Louisiana, who has never been to a Head Start site, who has probably never talked to a Head Start parent, how dare he attack Head Start on the floor of Congress?

I was an employee in the Head Start Program. I worked first as a teacher's aide. Because of Head Start, I returned to college. I graduated. I became supervisor of the Parent Involvement and Volunteer Service.

Mr. Chairman, Head Start is not a baby-sitting program. It is an early childhood development program. It is a program for children of working parents and poor parents. Yes, rich parents can buy early childhood experiences for their children. Working parents do not have the money to do it. Head Start provides a little bit of an opportunity.

Mr. Chairman, we have children who have learning disabilities that never would have been discovered had it not been for Head Start. They would have sat in school, not been able to learn, and been relegated to being a dropout.

Mr. Chairman, we had children who never owned a book.

Mr. PORTER. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, in response to the gentlewoman from California, nobody is attacking the Head Start Program. The Head Start Program is being reduced by about 3 percent for a very good reason. The reduction is made only because in the testimony before our subcommittee, and before the authorizing committee, it is very, very clear that there is money that is being misspent in the program and not providing the kids with the services that the program is designed to provide.

We are all fans of the Head Start Program. We are strong supporters of the Head Start Program, but we are not for wasting Government money, taxpayer money, on programs that do not work for the kids. That is the only reason that any cut is made in the program. We are supporters of Head Start.

Mr. PORTER. Mr. Chairman, I yield 1½ minutes to the gentleman from Missouri [Mr. EMERSON].

Mr. EMERSON. Mr. Chairman, I rise to engage in a colloquy with the gentleman from Illinois [Mr. PORTER].

Mr. Chairman, as the gentleman is aware, there has been a recent proposal for a federally funded research study on the cost effectiveness of applying case management services to substance abuse treatment.

The research would study, in a practical and applied manner, the use of care management techniques to reduce the cost of treatment and incidents of relapse for those patients suffering from addictive diseases.

Case management techniques have proven to be cost effective in treating other chronic diseases and since substance abuse is a progressive, chronic, and potentially fatal disease, these techniques should be equally successful in treating substance abuse.

Mr. Chairman, I am both pleased and appreciative that the gentleman from Illinois [Mr. PORTER] has agreed to support this effort, which would address a critical need in this country, and I thank the gentleman for the opportunity to raise this issue and would invite the gentleman's comment.

Mr. PORTER. Mr. Chairman, if the gentleman would yield, I thank the gentleman from Missouri for his thoughtful points on an issue we both agree on. Addiction is a chronic disease that affects 10 percent of American adults and 3 percent of adolescents.

The economic costs associated with alcohol and other drug problems are truly staggering; over $165 billion in 1990 alone. This research study would help to advance both the private and public sectors' understanding of what mix of services is necessary in order to cost effectively treat substance abuse.

Mr. Chairman, substance abuse is not a disease that we can continue to take lightly if we are ever to control the spiraling health care costs associated with it. I look forward to working with the gentleman from Missouri further to address this issue.

Mr. OBEY. Mr. Chairman, I yield 1½ minutes to the gentleman from North Dakota [Mr. POMEROY].

Mr. POMEROY. Mr. Chairman, in the history of this Chamber there have undoubtedly been some unbelievably hypocritical statements made from this well, but I do not think there are any more hypocritical statements ever made than those coming to the microphone professing to care about children, while supporting a bill that makes the mean-spirited, targeted cuts at programs essential for kids that this budget, this appropriations bill represents.

Take for example the Healthy Start Program a program geared at reducing infant mortality. This country of ours ranks 20th in the world for infant mortality, and in different places in the country, places like the Native American reservations in North Dakota, we even rank behind the countries of Bulgaria, Cuba, and Jamaica, for God's sake, with infant mortality.

Mr. Chairman, we have reduced infant mortality with Healthy Start by programs that have allowed little fellows like E.J. Chantell, to survive when he otherwise would not have made it. He came into this world with water on his brain and serious stomach disorders, but with Healthy Start, and his fighting spirit, E.J. is alive. He is going to make it.

In fact we have taken 4 percent off of our infant mortality rates in the reservations in just 4 years. Why in the world would someone come to a mike professing to care about kids, while arguing for a program that cuts Healthy Start by 50 percent? Tomorrow's E.J. might die because of this cut, and no more hypocritical statement would be made to say that you are for kids while you take away the very programs that let them live.

Mr. OBEY. Mr. Chairman, I yield 1½ minutes to the gentlewoman from California [Ms. ESHOO].

Ms. ESHOO. Mr. Chairman, in my view, there is a gap in the debate we are engaged in. The mantra is that we must cut, cut drastically for the long term, for future generations.

Mr. Chairman, there is a new generation, Congress, and they are alive today. They are our young; they are our kids. They have a right to hope and fulfill their dreams for themselves. They are the little ones of America today. Today, Mr. Chairman.

We need to balance our budget, but the Republican budget priorities, tax breaks for the most fortunate of our country, who are not even asking for them, by the way, coupled with increased defense spending on the one hand and massive cuts in critical health and education programs on the other, shows just how little this majority really cares about the children of today.

Healthy Start is a small program with a big payoff. It began 4 years ago as a demonstration project, providing funds to 15 communities with the highest rates of infant mortality in the country.

Every industrial society measures itself by infant mortality rates. It operates on the premise that we should plant a seed, which is nurtured by local communities, with input from health care providers, so that we can solve this terrible problem.

Mr. Chairman, I think it is a sad commentary on the priorities of this Congress, and this country, to increase defense spending, provide corporate subsidies that total over $100 billion, and insist on hundreds of billions of dollars in tax cuts while denying our tiniest citizens a chance at a healthy start. It is wrong-headed, it is wrong for the future of our Nation, and I think that it is shameful that the Congress would be doing this.

□ 1145

Mr. RIGGS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me point out, first of all, in response to the previous speaker's comments, that, of course, we are talking about an appropriations bill here that does not in any way affect the Tax Code or tax policy and certainly does not grant any kind of tax breaks to American citizens or businesses.

Mr. Chairman, proceeding under my own time now, I would like to direct the attention of our Democratic colleagues to one section of the bill. I would like to, Mr. Chairman, point out that this particular appropriation bill, despite the very real budgetary constraints that we have been discussing here on the House floor this morning, provides level funding for three of the titles of the Ryan White AIDS Care Act, and an additional $23 million increase over 1995 for title I of the Ryan White Care Act, which provides assistance to American citizens. This increased funding for title I, which I fought for in both the subcommittee and full committee markup of the bill, is to address the funding pressures resulting from additional cities becoming eligible to join the program in 1996. This is the so-called hold-harmless funding that is intended to address the growing AIDS epidemic in our major metropolitan centers in America.

At least 7, and perhaps as many as 10, new cities will be eligible for this funding in 1996. Many of those cities, in fact, are located in California, where we have borne the brunt of the AIDS epidemic, and again this bill is intended to provide funding for those communities that are struggling to cope with the AIDS crisis.

I think we are all aware and, again we have attempted to reflect this in the priorities set out in the bill, that the impact of the HIV epidemic continues to grow in America, both in the numbers of people infected as well as the geographic areas of the country that are impacted. The people affected are often medically underserved, with substantial access problems to quality health care. Demographic changes in the epidemic, for example, the increasing proportions of women, youth, and minorities contracting the HIV virus, require changes in our planning and in our thinking. They also require changes in the organization and delivery of care in health services.

It is estimated that 800,000 to 1.2 million individuals have HIV in the United States. Large numbers of people are still not receiving care. Others receive insufficient or inappropriate care or are being served in inappropriate care or are being served in inappropriate or high-cost settings.

The committee has maintained funding for Ryan White programs in recognition of the extent of unmet need in serving this population. We have increased funding again for those larger metropolitan areas where the HIV epidemic continues to grow.

I want to salute my colleagues on the subcommittee and the full committee for finding the funds to increase the Ryan White AIDS funding overall, again within the very difficult fiscal constraints of this bill.

Mr. Chairman, I reserve the balance of my time.

Mr. OBEY. Mr. Chairman, I yield 1½ minutes to the gentlewoman from California [Ms. ROYBAL-ALLARD].

Ms. ROYBAL-ALLARD. Mr. Chairman, the cuts in the Republican Labor-HHS-Education bill, that targets the national senior service corps' volunteer program, is a display of blatant arrogance toward the value and experience of our country's older Americans.

As we place emphasis in ensuring that all people become productive and contributing members of our society, we must not forget those who have already contributed greatly to our Nation and will continue to do so, if we do not deny them the opportunity.

Recent figures indicate that there are 13,000 senior volunteers and the numbers are growing.

The retired and senior volunteer program helps hospitals nurture and care for children afflicted with a serious illness.

In the foster grandparent program, the forgotten child benefits from the guidance and love of a senior.

The senior companion program provides frail adults with assistance in daily activities helping them remain independent and in their communities.

These programs allow seniors to play a role where their expertise, time, and attention fill many voids that the rest of our society neglects.

It is a disgrace that Republicans will help destroy the spirit of senior volunteerism with these cuts.

Instead of praising senior volunteers as a model of citizenship, Republicans are dismissing their contributions and treating them as if they have nothing to offer.

Republicans are wrong.

Seniors most certainly have much to offer.

Those of us who highly value the worthwhile contributions of our seniors have yet another reason to vote against the Labor-HHS-Education bill.

Mr. RIGGS. Mr. Chairman, I yield 2 minutes to the gentleman from Kansas [Mr. ROBERTS], the distinguished chairman of the Committee on Agriculture.

Mr. ROBERTS. Mr. Chairman, I thank the gentleman for yielding me this time.

I am rising in support of an amendment that will be offered later in the debate to restore approximately $9 million for rural health care research.

As a past cochairman of the House Rural Health Care Coalition, and that involves about 140 Members who are obviously very much interested in the rural health care delivery system, we have really worked very hard to strengthen and preserve the rural health care research. Our coalition was organized back in 1987, and we have been able to establish a Federal office of rural health policy. We have worked very hard to try to eliminate the urban-rural Medicare reimbursement differential with State offices of rural health and the rural health transition grant program.

I know that we have very severe budget responsibilities, Mr. Chairman. However, let me point out that these are just a few of the letters I have from my small community hospitals in my 66 countries out on the prairie, pointing out the value of the $9 million, and note I said "million," not "billion," in regard to research. I just cannot stress how important it is that we maintain a presence for rural health at the Federal level.

We have been working for years to overcome our physical and our age and our geographical barriers to health care. Let us not put up one more barrier by removing the rural health research component.

So, when the amendment is introduced as of later this afternoon, I certainly urge all Members to support it.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentlewoman from Florida [Ms. BROWN].

Ms. BROWN of Florida. Mr. Chairman, behind me are pictures of three of my constituents who are participants in senior volunteer programs in Orlando, FL. The first, largest, and best in the State of Florida.

These successful programs, such as the Foster-Grandparents and RSVP programs, will be cut by $21 million in this shameful bill. Not only do these programs provide opportunities to older people of all backgrounds and income levels to contribute to our communities, they also allow seniors to make a difference in the lives of so many of our children by providing the structure and guidance that would otherwise be missing from these children's lives. This prevention program is often the only thing preventing these kids from a life of crime.

Mr. Chairman, these programs work. It is disgraceful and downright shameful to cut these programs which provide so much to our communities, to be cut.

I strongly urge my colleagues to oppose the Labor-HHS appropriations bill. Shame, shame, shame.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentlewoman from California [Ms. WOOLSEY].

Ms. WOOLSEY. Mr. Chairman, most of my colleagues would think that Green Thumb would be a garden club or an environmental group. But if they know someone whose life has been changed through Green Thumb, they know that it is a unique employment training program for low-income seniors.

In fact, this chart shows the typical participant. There is a Green Thumb program in my hometown of Petaluma, CA, and one woman in my county whose life has been changed by Green Thumb is Lynn Gibbs. Lynn Gibbs is a 62-year-old graduate. A few years back, Lynn lost her successful business and was left living on an income below the poverty level. Thanks to Green Thumb and the training and job placement assistance program, Lynn is now working at a local boys' and girls' club.

I will bet that almost every one of my colleagues knows someone who has worked hard, played by the rules, but who found they needed a helping hand in their older years.

Last year, Green Thumb placed more than 19,000 seniors in jobs and community service projects.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentleman from Florida [Mr. PETERSON].

Mr. PETERSON of Florida. Mr. Chairman, I just want to follow on with the comments by my friend, the gentlewoman from California, on the Green Thumb program.

This is a senior community service employment program. It is a major, critical part of the Older Americans Act that we have supported here for many years. This program is very critical to the quality of life for our senior citizens.

We talked about children. They are important. We want to take care of our children. They are our future. But we cannot forget our seniors.

This is a means-tested program. This is people over 55 with incomes lower than 125 percent of the poverty level. We have got to take care of these people because it is quality of life. It allows them to participate in our communities.

This budget that we are setting in front of us, this appropriations bill, cuts this program by $60 million under what was budgeted, $42 million over what was in last year's.

As a result of this bill, 14,000 seniors will lose their jobs. Ladies and gentlemen, we owe it to our children to protect their future. We owe it to our seniors for their efforts for paying them back for the sacrifices they have made in our behalf.

Vote against this appropriations bill.

Mr. RIGGS. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. BONILLA], my colleague on the subcommittee.

Mr. BONILLA. Mr. Chairman, I would like to talk for just a minute about the hypocrisy of those who are standing up to oppose our bill this morning.

We have fully funded the TRIO program, for example. We have fully funded the community and migrant health care center program. We are supporting the 190 percent increase over 5 years of the Head Start Program. We are increasing funding for the Ryan White Program. We are increasing funding for the National Institute of Health.

Anyone who supports these programs on the other side of the aisle ought to stand up proudly and say these are good programs, that we need to support the increased funding for, and vote for this bill.

They have taken a handful of items out of over 400 items that this bill addresses, taken a handful and turned it into a huge propaganda machine to try to act like we do not care about TRIO, we do not care about community and migrant health care centers or Head Start or Ryan White or the National Institutes of Health.

So let us stop this hypocrisy that we are hearing on the floor today of those who say that we are not interested in preserving and supporting and increasing funding for these programs.

What do you want us to do, take money out of TRIO to fund an increase for OSHA? Do you want us to take money out of community and migrant health care centers to give it to the Labor Department, to attorneys at the Labor Department? Do you want us to cut funding for Head Start to give it to phony, duplicative job training programs? Do you want us to cut Ryan White money to support Goals 2000? Do you want us to cut the National Institutes of Health to support some of these other boondoggles in the program?

If not, stand up and vote for the bill and stop being hypocritical.

The former chairman of this committee, Mr. Natcher, who I worked very closely with, and for whom we all had tremendous respect, always said, "If I had my way, we'd double everything in this bill." He did not have the money to do it either. We do not have it either. We are doing the best we can.

I encourage all of my friends on the other side of the aisle to stand up for these good programs that we are trying to support and vote for the bill.

Mr. OBEY. Mr. Chairman, I yield myself ½ minute.

The fact remains you are cutting $9.5 billion out of education, health and job programs. It is true that a few programs managed to escape your ax. Big deal. Even a stopped clock is right twice a day.

□ 1200

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. MARTINEZ].

Mr. MARTINEZ. Mr. Chairman, this bill is cutting back on all the programs that benefit families. I am not sure the family values new majority understand the dire consequences of their actions. One of the most onerous cutbacks is on a program that was designed to ensure that seniors receive adequate nutrition. Enabling them to live independently and not be an economic burden on their families or society.

The Senior Nutrition Program is the major reason that seniors can live independently in the community rather than in $34,000 per year nursing facilities. Another program that is being eliminated is the Ombudsman Program which protects vulnerable seniors in nursing homes. It has been shown that most nursing home operators are caring professionals who provide significant support to frail elderly patients.

But "20/20" recently graphically demonstrated instances of real physical abuse of elderly patients in nursing homes.

Without the independent Ombudsman Programs, those abuses will continue and will, I believe, grow in number and in severity.

In addition, the bill proposes slashing the budget of the three senior volunteer programs—Foster Grandparents, Senior Companions, and the Retired and Senior Volunteer Program [RSVP].

These programs were developed at the grass-roots level, tried in many places and then presented to the Federal Government as an idea whose time had come.

Since these programs were first funded, they have shown time and again that the small investment by the Federal Government reaps significant rewards, such as the cooperative agreement between the Senior Companion Program and the Visiting Nurses Association. By providing a visiting nurse to visit only 1 day a week, in support of the daily visit by the Senior Companion, the patient is ensured that he or she can live independently.

I remember a volunteer from my own district who organized his fellow retirees into a community street patrol. They provide mature eyes and ears for the public safety service and allow police officers to respond quickly and provide greater community safety.

These stories are not unique to the 31st District of California, they are repeated in every congressional district.

I urge Members to oppose these cuts, vote "no" on this bill, and protect the economic benefits of these programs.

Send a message that this is truly a family friendly Congress—not one that is ready to destroy the elderly, the children, and the family.

Mr. OBEY. Mr. Chairman, I yield 1½ minutes to the gentlewoman from North Carolina [Mrs. CLAYTON].

Mrs. CLAYTON. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, the gentleman from Texas wanted to know what he would have us to do on this side. We would have you to balance your priority. The gentleman from Texas, we will say, we will have you to have a sense of compassion. We also would have you to recognize that is not ineffective, nonessential to make sure that senior citizens have heat in the winter and have air-conditioning in the summer.

It is not ineffective, no longer needed, that those almost 500 people who died in Chicago, the majority of them senior citizens, the majority of them low-income, had no air-conditioning. That was life and death. So we are talking about priorities.

This bill, more than any other bill, makes the distinction between the policies of the minority and the cruel extreme policies of the majority. You will go to a balanced budget at the cost of anything, regardless of whether people live or die.

You raise the issue about children, and yet you depress the opportunity for them to learn, to live, and to be healthy. You claim that you are about family values and yet you deny the opportunity, even want to deny the opportunity of family planning. This is, indeed, lack of consistency and borders on hypocrisy.

So what we would have you to do is to understand there are consequences to your actions. You cannot ignore the pain and distress that you cause millions of people if you pursue this policy.

Mr. Chairman, I urge my colleagues to vote against this unthinkable bill.

Mr. Chairman, this bill clearly demonstrates the differences between the policies of the minority and the extreme policies of the majority.

Over the past several days, cuts have been made in programs which have benefited Americans for many, many years. But now we are debating the most unconscionable cut of all—elimination of a program which serves thousands of senior citizens across America.

Next week, as we begin the August recess of the House, we will come face to face with our constituents.

As much as I enjoy visiting in my congressional district, I am not looking forward to having to explain why there is less money for low-income housing programs: Why there is less money to combat homelessness; why there is less money for construction of VA facilities; why there will be no more drug elimination grants; why there is no summer youth employment program; and why there is no Goals 2000 Education Program.

But just how do you explain to people that the House of Representatives has eliminated a program so critical to the health and well-being of so many people. LIHEAP is a program which provides assistance to thousands of senior citizens across our Nation to help them pay for heat in the winter and cooling in the summer.

This is certainly an appropriate time for us to vote on this program.

Think about it. Weather people have been telling us that this past July has hosted a record number of days over 90 degrees. And the hardest hit—those most affected by the heat—are our senior citizens.

How can we in good conscience tell those thousands of senior citizens that they will just have to "make do."

"Stay cool the best way you can."

Tell that to the families of the more than 500 people in Chicago who died as a result of the heat. And most of these people were senior citizens.

They were someone's parents—someone's grandparents. That's an unsettling thought.

I wonder just how well we would do if the air-conditioning in this Chamber—and our offices—was cut off for just 1 day during this sweltering heat.

Where is our compassion?

I cannot—in good conscience—vote to eliminate this program which serves so many. I ask for your compassion as well.

Vote "no" on H.R. 2127.

Mr. OBEY. Mr. Chairman, I yield 1½ minutes to the gentleman from Massachusetts [Mr. KENNEDY].

Mr. KENNEDY of Massachusetts. Mr. Chairman, this bill is such a crime against senior citizens, there should be an assault weapons ban included to protect them.

It says it will cut your Social Security and cost-of-living increase; we will ask you to pay $5,000 more in out-of-pocket expenses for Medicare, take away your fuel assistance program, take food out of your mouths, take away protections to protect seniors against elder abuse, and restrict your jobs. It forces seniors to choose between heating, eating, lifesaving medicines, providing for fuel assistance, and cooling bills. Make no mistake about it. This bill makes tough choices even tougher.

What are the Republicans thinking about when they end the fuel assistance? This heat wave has already killed over 700 Americans, most of them senior citizens, and many, many more will die as the actions are taken on this bill today.

There are 12 million people that count on the Congregate Meals and the Meals on Wheels program; 150,000 seniors will be cut off from their only source of daily food. It abolishes the program that protects our seniors from fraud and nursing home abuses and, finally, it restricts opportunities for older workers who still want to work.

Have the Republicans gone to Washington and forgotten about their parents and grandparents? What is happening to the conscience of this party? The Grand Old Party has sunk to a low of coming to this House floor trying to cut the budget of America in order to protect the tax cut for the wealthiest people in this country.

Mr. Chairman, let us stand up for our senior citizens that build this country up, not knock them down for the sake of our pockets today.

Mr. PORTER. Mr. Chairman, I yield 3 minutes to the gentleman from Wisconsin [Mr. GUNDERSON].

Mr. GUNDERSON. Mr. Chairman, I think this is the most difficult bill I have debated in 15 years. Going to war was easy compared to this.

I come here with the greatest respect for the gentleman from Illinois [Mr. PORTER] because I think he was given the most impossible and most unfair task that any subcommittee Chair should ever be asked to do. I do not blame him, because he was given a 602(b) allocation cutting $10 billion from last year, and I got to talk to my own party.

Our macro priority of balancing the budget is absolutely right, but the micro priority that cuts $10 billion in human investment is absolutely wrong and we will pay for that for future generations in this country.

We all want to break down the barriers to trade for a global economy. We all want to pass the tax incentives to modernize and equip business for high technology, and we somehow suggest that in that process there is no time, there is no effort, and there are no resources to train and to educate a skilled force to be able to compete in that high technology global economy.

One cannot cut 63 percent from child training programs and expect those kids to get off the street and to give up crime and drugs and to go to work. One cannot cut 33 percent from the adult job training programs in 1 year and expect that we are going to transition rural America, where I come from, where we are losing farm jobs, or the inner city, where some of you come from, where we are losing industrial jobs, and expect us to put those people back to work. Because we do not like the delivery systems of the past does not give us the right to deny that the problems exist, and that is the problem with the bill in front of us, and it is the price that our party will pay, which I personally regret, but worse than that, that our Nation will pay, that every one of us as a citizen must be totally disturbed by.

We are debating the section on health care. I do not know what some of you know about health care, but I've got to tell you, we are struggling to keep the hospital open in my hometown, and we are struggling in western Wisconsin to give people an access to emergency lifesaving care, and this bill guts, totally guts, trauma care. Zero money.

Now, when you close down our hospitals and you eliminate our emergency health care, that is not a problem in some of America's beautiful suburbs, but I got to tell you, that is life and death in rural Wisconsin. It is not just the State offices of rural health being eliminated. Probably some of them should not have been continued. It is not just eliminating the Office of Rural Health or a 43-percent cut in transition grants. It is the basic bottom line. We have got to find some different priorities or, trust me, we will pay a lot more in the future.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentleman from Texas [Mr. STENHOLM].

Mr. STENHOLM. Mr. Chairman, I want to associate myself with the remarks of the gentleman from Wisconsin [Mr. GUNDERSON] on his commendation of the gentleman from Illinois [Mr. PORTER] and the other statements that he made about priorities.

It is not necessary for us to have had to do what the gentleman has had to do in bringing the bill before us today. There was an alternative budget that was out, but I want to speak just briefly to the area of rural health, something that is a minor portion of this bill but is a major portion to my district, appropriations for rural health.

I want to just say I am confused, because it seems to me that the committee report states that big government is better and small government is not preferable, and I talk specifically about the Office of Rural Health, and I would like to submit for the RECORD what I have received from the Texas Rural Health Association and the Texas State Grange in support of the good work done by the Federal office.

These folks do not talk about some distant bureaucratic wasteful Federal office. They talk about a friendly face, an advocate in Government which rolls up its sleeves and provides support and advice and administers small but vital programs. It helps them communicate with other rural programs across the country. These are the kinds of things that are working in our Government and should not be left out.

Mr. Chairman, I rise to talk briefly about something which is a very minor portion of this bill but which is of huge importance to my district and my State—appropriations for rural health.

I do want to thank my Texas colleague, Mr. BONILLA, for his good work in promoting a number of rural health programs in this bill and I also want to thank Chairman PORTER and the committee for recognizing the importance of programs such as the National Health Service Corps and outreach grants.

I do have to day, however, that I am confused by one decision the committee made and confused by the committee report language which explained that decision.

The committee report stated:

> The [Federal Office of Rural Health Policy's] size and location at HRSA limit its impact on Federal health reimbursement policies and other concerns of rural areas.

What I am unclear about is whether the committee is suggesting that small government can not be effective, that big government is preferable?

It's true that the office is tiny, especially in government standards. It employs only 15 people out of a total of 60,000 HHS. The funding is tiny as well. Very few Federal offices can operate effectively with less than $10 million. But the Office represents the best concentration of expertise on rural health in the Federal Government. Even with their David status, they have taken on the Goliath of HHS and frequently been victorious. The Office has been instrumental in raising the awareness that a one-size-fits-all approach does not work in rural America. For example, they have helped to win victories on hospital reimbursements and small laboratory regulation.

Or, is the committee arguing that the Federal Office should be enlarged and raised in the Department structure?

As one who was around when the bipartisan Rural Health Coalition first called for the creation of this office, I can tell you that it was intentionally established outside of Department headquarters to ensure that it would serve as a quasi-independent office to look out for the concerns of rural health. It functions as a broker, not a bureaucracy. In fact, you might say it was intended to be a thorn in the side of Federal bureaucracy.

Today, the Office is the Federal voice bringing attention to obstacles in the path of rural telemedicine and rural managed care. It is also the Government's only official rural voice in the debate over restructuring Medicaid and Medicare. We would be happy for it to be bigger or higher if the committee wishes to finance such stature, but absent that, let's make sure we support its current role rather than eliminating it, as this bill does.

I would like to submit for the record letters I have received from the Texas Rural Health Association and the Texas State Grange in support of the good work done by the Federal Office. These folks do not talk about some distant, bureaucratic, wasteful Federal office. They talk about a friendly face and advocate in the Government which rolls up its sleeves, provides support and advice, administers small but vital programs, helps them communicate with other rural programs across the country, and assists them in avoiding mistakes and duplication. In these days when so few people speak of positive experiences with the Federal Government, why would we want to eliminate one of the bright lights that exists?

Like my constituents, I certainly hope that before this appropriation bill is signed into law, funding for these valuable services will be restored.

TEXAS STATE GRANGE,
San Antonio, TX, July 31, 1995.
Hon. CHARLES W. STENHOLM,
17th Congressional District of Texas.

DEAR REPRESENTATIVE STENHOLM: The Texas State Grange is very concerned with the cuts/elimination of funding for the rural health care programs contained in the FY'96 appropriation bill for the Departments of Labor, Health and Human Services, Education, and Related Agencies. If passed, this bill will eliminate the following essential rural health care programs:

Federal Office of Rural Health, State offices of rural health, rural health research, telemedicine, new rural health grants, trauma care, and essential access community hospitals.

The Federal Office of Rural Health is the only office that provides a voice for rural health care in Washington, D.C. It is also a crucial link in the federal-state-local health care provider chain. This office needs to be maintained, not eliminated.

While we understand that when originally authorized, funding for the State Offices of Rural Health was to be eventually phased out, not all states have made an investment in their State Offices of Rural Health. Ten to fifteen of the offices predict they will close if funding is eliminated now.

Rural residents comprise approximately 22% of our population. In addition, farmers have the highest percentage of injuries and/or deaths per industry. Eliminating funds for trauma care (and EACH is shortsighted) and as more rural hospitals are forced to close, funds for telemedicine become a necessity for those communities.

The Texas State Grange recognizes and appreciates the 104th Congress' attempts to be fiscally-minded in its appropriations. However, zeroing out funds for essential services to rural health care programs is not a "fair share" cut.

We ask that if floor amendments are brought up dealing with reinstating funds for rural health care programs, you will vote "yes"! Thank you.

Sincerely,

ARCHIE D. KNIGHT.

TEXAS RURAL HEALTH ASSOCIATION,
Austin, TX, August 2, 1995.
Hon. CHARLES STENHOLM,
Longworth House Office Building,
Room 1211,
Washington, DC.

DEAR REPRESENTATIVE STENHOLM: The House will be voting this week to eliminate the Federal Office of Rural Health Policy (ORHP). As President of the Texas Rural Health Association, I implore you not to let this happen. The Office of Rural Health Policy is a voice for rural health in America. Jeff Humans and his very concerned and committed staff monitor what is happening to the health of rural Americans and advise the Secretary of HHS as to trends and needs. This Office helps coordinate and guide what would otherwise be totally fragmented and potentially duplicative rural efforts of other Federal agencies.

ORHP Programs like the Rural Health Outreach Grant Program (RHOG) help promote the development of community coalitions to improve the delivery of health care by maximizing available resources. In Mount Pleasant, Texas, RHOG funds were employed to open a high risk prenatal clinic. In East Texas, RHOG funds are being used to develop a network of lay health advocates through area minority churches and housing projects to assist with health outreach and education.

The telemedicine grant program helps bring specialty care to rural Americans, lessens provider professional isolation, and enables patients to stay in their communities. The ORHP Rural Research Centers provide a very important glimpse into rural health care delivery systems—helping us determine what works, under what circumstances, and where—this is real world research.

Through the State Offices of Rural Health, the Center for Rural Health Initiatives here in Texas, the ORHP helps link health providers and communities, provides technical assistance, and is a continuing source of local support.

In sum, the Federal Office of Rural Health Policy represents rural Americans, it hears rural voices. We cannot afford to lose it!

Sincerely,

GAIL R. BELLAMY,
President.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. HINCHEY].

Mr. HINCHEY. Mr. Chairman, Republicans have been running ads about how they are helping the children in the next generation by reducing the deficit. That is very nice but they are making sure that the kids pay for it by cutting programs that help those same kids and provide them with an education.

Elementary and secondary education cuts force communities to make an unwelcome choice. They either reduce the services that Federal funds paid for or they raise property taxes to keep them going. Either way, it is the people least able to help themselves, children or older homeowners with fixed incomes who are being required to pay the bills.

This bill cuts funding for title I compensatory education by $1.1 billion, that is 17 percent. My state, New York, will lose $123 million, and 100,000 New York students will be affected.

This program has the strongest support of any Federal education program from our own school districts, whether they are urban, rural, liberal, or conservative. They tell us how important the program is. The program cuts funding for safe and drug free schools. It will cost New York $59 million at the same time that we hear about students shooting other students and selling drugs in schools.

It is time that we had some rationale about what we are doing and pass a sensible bill. This bill needs to be defeated.

Republicans have been running ads about how they are helping children and the next generation by reducing the deficit. That's very nice, but they are making sure that the kids pay for it by cutting programs that help kids and that provide them with an education.

Elementary and secondary education cuts force communities to make an unwelcome choice: either reduce the services that Federal funds paid for, or raise property taxes to keep them going. Either way, it is the people least able to help themselves—children or older homeowners with fixed incomes—who are being required to pay the bills.

The bill would cut funding for title I compensatory education by $1.1 billion, 17 percent. New York will lose $103 million, and 100,000 New York students will be affected. Title I pays for remedial education. It has the strongest support of any Federal education program from our own school districts—liberal and conservative, rural and urban. They tell us how important they think the program is.

It cuts funding for Safe and Drug-Free Schools Programs by 59 percent, $286 million nationwide, $59 million in New York. Does this make sense when we hear almost daily about students shooting other students, or students selling drugs in schools?

It cuts funding for children at risk—52-percent cut in Healthy Start, HHS program to reduce infant mortality; $137 million in Head Start, cutting 60,000 children out of Nancy Reagan's favorite program for children; cut of 20 percent in programs for homeless children.

It cuts funding for education reform—$250 million in funding for Eisenhower Professional Development Program for teacher improvement; total elimination of funding for Goals 2000, to improve and upgrade school curricula. Cost to NY: $18.8 million for Eisenhower, $27 million for Goals. Goals was the product of the bipartisan effort by governors, blessed by the Bush Administration, to respond to the "Nation at Risk" report which said that our education system was weak enough and inconsistent enough that it threatened our economic future.

So, maybe today's kids will be paying less in Federal taxes—but they'll be living in a third-rate economy that was too cheap to give them the good education that all children need and deserve.

Mr. OBEY. Mr. Chairman, I yield 1½ minutes to the gentleman from Oregon [Mr. WYDEN].

Mr. WYDEN. Mr. Chairman, the real story of this bill is that it is punishing those in the dawn of life, our children, and those in the twilight of life, our senior citizens.

In the case of the elderly, if this bill passes in its present form, our Nation better get out the ambulances. At a time when our aging population is growing so rapidly, this bill hits 16 key programs for the elderly that are a lifeline for our seniors. It eliminates programs like the elderly abuse program at a time when elderly abuse has gone up 94 percent over the last 5 years. These are seniors that are being physically abused. They are being exploited. They are in a position where they cannot defend themselves and, yet, this Congress eliminates that program.

The same is true of the long-term care ombudsman program, a program that provides an early warning signal to seniors that are being abused in long-term care.

Let us not do this. We have supported those programs in the past on a bipartisan basis. Let us keep them strong for our Nation's seniors.

Mr. OBEY. Mr. Chairman, I yield such time as he may consume to the gentleman from Tennessee [Mr. FORD].

Mr. FORD. Mr. Chairman, I rise in strong opposition to what the Republicans and what the chairman of this committee is trying to lay before the House.

Mr. Chairman, I rise in strong opposition to the Labor-HHS-Education appropriations bill. H.R. 2127 is an assault on our Nation's most vulnerable.

Mr. Chairman, historically, the Labor-HHS-Education bill has been a testament to our commitment to the things which have held our Nation together: good health, education, and jobs.

But this bill is a disgrace. In one giant sweep we manage to cut the funding for programs that alleviate the misery this Nation experiences from lack of economic opportunity and poor health.

If this bill is passed, we will turn our backs on poor mothers, babies and young people.

HEALTHY START

Healthy Start cuts will deepen the infant mortality crisis in the United States.

The bill will cut Healthy Start by $55 million in 1996 and eliminate funding after 1996.

The United States—the wealthiest and most industrialized country in the world—has an infant mortality rate that is worse than many third world countries.

Babies born in the United States are less likely to reach their first birthday than babies born in 22 other industrialized countries.

In my district alone, the infant mortality rate is over 17 percent. In other urban areas across the United States, the infant mortality rate is over 20 percent.

These cuts will be devastating to the public hospital in my congressional district that is struggling to reduce the number of low-birthweight babies.

LOW-INCOME HOME ENERGY ASSISTANCE

Abolishing funding for LIHEAP will worsen the devastating effects of this summer's heat wave.

According to the public health officials, over 700 people have died from the heat wave this summer. Of these, 550 were in Chicago which has had temperatures as high as 103 degrees and average temperatures of 96 degrees. Are we going to turn our backs on the hundreds that could die as a result of eliminating LIHEAP?

The National Weather Service predicts that this heatwave will continue unabated. Are we going to turn our backs on the 6 million families who will suffer if LIHEAP is eliminated?

SUMMER YOUTH EMPLOYMENT

This bill cancels appropriations for summer jobs for young people. The President rightfully requested $958 million for this program.

In Memphis, over 30,000 young people have benefited from this program since 1984.

In 1995, Memphis received $2.3 million and employed 1,600 kids who worked in summer jobs as a result of this program.

Summer jobs give our neediest young people a vital income and keeps them productive when school is out.

CONCLUSION

Abolishing Healthy Start, summer jobs, and energy assistance will result in the deaths of thousands of Americans.

In South Carolina, a jury sentenced Susan Smith to life imprisonment for killing two innocent children.

What will the sentence be for Republicans who are cutting programs that will cost the lives of thousands?

Mr. OBEY. Mr. Chairman, I yield 1½ minutes to the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Chairman, I want to balance the budget for our children. I agree. I voted for a balanced budget amendment this year and in years past. I voted for the Stenholm amendment to balance the budget in 7 years.

But those who stand on this floor and say we are balancing the budget do not tell the truth. We are taking $9 billion from children that my constituents do not believe are pork, from seniors that my constituents do not think is waste, from rural health that my constituents do not believe is fraud, and from people who need energy assistance to keep warm and cool in distress, and people do not believe that is abuse.

Mr. Chairman, we are taking that $9 billion and we are giving it not to balance the budget, not to bring down the deficit, not to save our children from debt, but we are taking that money and we are shifting it over here to the wealthiest Americans among us so that they can have a tax cut.

We are not saving any money. We are not reducing the deficit by these cuts. In point of fact, we have been on a downhill slide on domestic spending like education and like health care.

Reject this bill. It is bad for America, it is bad for the future, it is bad for our children, and it does not make sense.

□ 1215

Mr. PORTER. Mr. Chairman, I yield myself the remainder of the time.

Mr. Chairman, all of us in Congress have our priorities. We are rural or city. We are putting education or health or national defense or agriculture at the top of our list. Every one of us are here crying for a balanced budget, provided we do so on someone else's priorities.

The gentleman from Indiana, the gentleman from Wisconsin said earlier it is the B-2 bomber that is the problem. We are for balancing the budget provided we do it on the B-2 bomber or national defense or elsewhere.

Let me say that you cannot balance the budget on someone else's priorities. Everyone has to contribute to this process. I voted against the B-2 bomber, consistently. I am voting against tax cuts now until the budget is into balance. We cannot do it without everybody giving something to the process. Those who say balance it on someone else's priorities are part of the problem and not part of the solution.

If I may say to the gentleman on the other side and some on my side as well, the funding under this section of the bill is not going down. It is going from $181 to $198.2 billion. It is going up substantially. The cut in the discretionary portion is 3.5 percent and in services probably a good deal less than 3 percent.

Should it make a contribution? Yes. Is this the way to move toward a balanced budget? Yes. I believe that we have done a very responsible job in handling this section of the bill. I think the hyperbole on the other side is, frankly, just that, hyperbole.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. Time for general debate on title II has expired.

Are there any amendments to title II?

AMENDMENT OFFERED BY MR. MORAN

Mr. MORAN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment numbered 95, offered by Mr. MORAN: Page 30, line 13, insert before the period the following: ": *Provided further*, That of the funds made available under this heading, $7,500,000 shall be available for carrying out the activities of the Office of Alternative Medicine under section 404E of the Public Health Service Act".

The CHAIRMAN. Pursuant to the order of yesterday, the gentleman from Virginia [Mr. MORAN] will be recognized for 10 minutes in support of the amendment, and a Member opposed will be recognized for 10 minutes.

Does the gentleman from Illinois [Mr. PORTER] wish to claim the time as the opponent?

Mr. PORTER. We have no objection to the amendment, so if there is a Member opposed, they should claim the time.

Mr. MORAN. Mr. Chairman, I know of no one who objects to the amendment. I would like to explain it, Mr. Chairman.

The CHAIRMAN. The gentleman from Virginia is recognized for 10 minutes.

Mr. MORAN. Mr. Chairman, this amendment simply earmarks an additional $1.9 million within the Office of the Director of NIH for the Office of Alternative Medicine. It does not increase the budget. In fact, as I say, this is unallocated money, but I think it is terribly important that we put a little bit more money into the Office of Alternative Medicine.

You know, 80 percent of the world's medicine is considered alternative medicine. It is amazing, the fact that 80 percent of the rest of the world uses different therapies than the conventional therapies that we use in the United States and that, in fact, 50 percent of the American people who are faced with a very serious illness like cancer try alternative medicines. In fact, they pay out of pocket about $10 billion. As much as they pay out of pocket for hospital care, they are paying out of pocket, uninsured, for alternative approaches to traditional medicine.

Now, Mr. Chairman, I came across this issue because of a personal experience in our family. My child had a malignant brain tumor and had maybe a 10- to 20-percent chance of living up to the age of 5, we were told, and so it was recommended to take the traditional approach, which is surgery, chemotherapy and radiation. Essentially cut, poison, and burn.

The surgery was not able to get all of the tumor and so we gave her chemotherapy. We soon realized, the debilitating effect that chemotherapy was having on her. She is only a 3-year-old, but it generally has an adverse impact on anyone taking chemotherapy. We also put off the radiation.

A story was written about our situation, and we got thousands of letters from all over the world, primarily from the United States. We got boxes of them. I do not have the time to read them. My wife has been reading most of them. It is amazing the common experiences that are shared and the fact that the majority of people have tried alternative approaches and yet they do not have anywhere to go to determine the efficacy of these different approaches, because there are no random clinical professional trials done on most of these approaches.

We are trying something that we found out about from hundreds of people who have had success with powdered shark cartilage. People wince when we mention it. We do not have anywhere to go to determine whether, and under what conditions, it is likely to be effective, but the reality is, it seems to be working with our daughter in combination with high doses of vitamin C and other nutrients.

I only mention the personal experience because our experience is being shared by thousands of families, if not millions across the country. We need some professional analysis. We need random trials that are done in a professional, scrupulous manner.

We have a new director at the Office of Alternative Medicine with the right kind of background in clinical trials. He was at Walter Reed. He is an extremely competent physician. He is going to direct this office, but we need to give him at least the minimal amount of resources to determine whether some of these alternative therapies work.

They will be done in collaboration with what the other National Institutes of Health are doing, and so I would urge that this small amount of increase to the Office of Alternative Medicine, which would bring it up to $7.5 million out of billions we put into the total budget for the National Institutes of Health, be approved by this body and that we make some progress in giving the kind of professional analysis we have the ability to provide, to so many American families who are desperately in need of it.

Mr. Chairman, I yield 2 minutes to the gentleman from Oregon [Mr. DEFAZIO].

Mr. DEFAZIO. Mr. Chairman, I appreciate the gentleman yielding time to me. The issue is, you know, will we transfer a small amount of funds, $1.9 million, to the Office of Alternative Medicine. The director's office from which we would transfer this receives $3.5 million more than the President asked for. The Office of Alternative Medicine is receiving the same small amount of funds it got last year.

We are in kind of a catch-22. People say to me, well, Congressman, your idea is here, the ideas expressed by Mr. MORAN are not clinically and scientifically proven, but we are not funding the Office of Alternative Medicine so we can conduct those scientific and clinical tests.

You know, the problem is many of these potential cures are nonproprietary. They are not going to be billion dollar drugs. Many of them are natural substances. Many of them have long been in use in other countries. They cannot be patented in the United States under current law. They are orphans.

So unless the Office of Alternative Medicine has the budget to research these substances, to do clinical tests, we are not going to move forward.

This is preventive medicine. It can save tremendous amounts of money. You can look at folic acid for heart attack prevention. A lot of documentation in other countries, some in this country, but no clinically scientifically proven tests, so doctors are prescribing other things that perhaps are not even as effective.

Degylcyrrhizinated licorice, tough word to say, for stomach problems, as opposed to tagamet and other proprietary drugs, not a lot enthusiasm out there for something that you can buy for $15 a month when you can prescribe something for $100 or $200 a month.

If we are going to save money, if we are going to have a healthier populous, we need to begin looking at some of these alternatives, and this small amount of money transferred over to the already existing Office of Alternative Medicine, doing nothing to impact the director's budget which will still exceed the President's request, would move this country forward tremendously, and it would meet the goals of all of us who want to see that Americans have the widest range of choices available to them when they or their loved ones have health problems.

Mr. MORAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, since it is such an important topic, I am going to make a few more remarks, and I appreciate the fact that the chairman is not opposed to this amendment. In fact, he would probably like me to speed this up as rapidly as possible and get on to more controversial amendments.

□ 1230

I think it is important to recognize that with a $1 trillion health budget, 70 percent of the illnesses that we come down with are preventable, if we had a better concept of how to keep ourselves healthy, and that is largely what this is all about. It is determining how we can bring about the healthiest population possible and not rejecting things because they are not taught in traditional schools of medicine, even though they have been used efficaciously throughout the globe.

So I would appreciate greater attention being given to what I think is an area at NIH that holds tremendous promise, that does not cost a lot of money. The rewards are going to be far more than what they cost for investing in the Office of Alternative Medicine.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. Is there any Member who wishes to be recognized in opposition to the amendment?

Mr. OBEY. Mr. Chairman, I would like to say it is acceptable on both sides of the aisle.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia [Mr. MORAN].

The amendment was agreed to.

The CHAIRMAN. Are there other amendments to title II?

If not, the Clerk will designate title III.

The text of title III is as follows:

TITLE III—DEPARTMENT OF EDUCATION

EDUCATION REFORM

For carrying out activities authorized by titles II and III of the School-to-Work Opportunities Act, $95,000,000, which shall become available on July 1, 1996, and remain available through September 30, 1997.

EDUCATION FOR THE DISADVANTAGED

For carrying out title I of the Elementary and Secondary Education Act of 1965, $6,014,499,000, which shall become available on July 1, 1996 and shall remain available through September 30, 1997: *Provided*, That up to $3,500,000 of these funds shall be available to the Secretary on October 1, 1995 to obtain updated local-educational-agency-level census poverty data from the Bureau of the Census: *Provided further*, That no funds shall be reserved under section 1003(a) of said Act.

IMPACT AID

For carrying out programs of financial assistance to federally affected schools authorized by title VIII of the Elementary and Secondary Education Act of 1965, $645,000,000, of which $550,000,000 shall be for basic support payments under section 8003(b), $40,000,000 shall be for payments for children with disabilities under section 8003(d), $50,000,000, to remain available until expended, shall be for payments under section 8003(f), and $5,000,000 shall be for construction under section 8007: *Provided*, That notwithstanding the provisions of section 8003(a)(2), children described in section 8003(a)(1)(D) shall have a weight of zero for the purpose of computing basic support payments under section 8003(b) and construction payments under section 8007: *Provided further*, That no payments shall be made under section 8003(d) or 8003(g) for children described in section 8003(a)(1)(D): *Provided further*, That none of the funds provided shall be used for payments under section 8003(e).

SCHOOL IMPROVEMENT PROGRAMS

For carrying out school improvement activities authorized by titles II, IV–A–1, V–A, VI, and X of the Elementary and Secondary Education Act of 1965 and the Stewart B. McKinney Homeless Assistance Act; $842,000,000, of which $723,000,000 shall become available on July 1, 1996, and remain available through September 30, 1997.

BILINGUAL AND IMMIGRANT EDUCATION

For carrying out, to the extent not otherwise provided, bilingual and immigrant education activities authorized by title VII of the Elementary and Secondary Education Act, $103,000,000: *Provided*, That State educational agencies may use all, or any part of, their part C allocation for competitive grants to local educational agencies: *Provided further*, That the Department of Education should only support instructional programs which ensure that students completely master English in a timely fashion (a period of three to five years) while meeting rigorous achievement standards in the academic content areas: *Provided further*, That no funds shall be available for subpart 3 of part A.

SPECIAL EDUCATION

For carrying out parts B, C, D, F, and H of the Individuals with Disabilities Education Act, $3,092,491,000, of which $3,000,000,000 shall become available for obligation on July 1, 1996, and shall remain available through September 30, 1997.

REHABILITATION SERVICES AND DISABILITY RESEARCH

For carrying out, to the extent not otherwise provided, the Rehabilitation Act of 1973, the Technology-Related Assistance for Individuals with Disabilities Act, and the Helen Keller National Center Act, as amended, $2,455,760,000.

SPECIAL INSTITUTIONS FOR PERSONS WITH DISABILITIES

AMERICAN PRINTING HOUSE FOR THE BLIND

For carrying out the Act of March 3, 1879, as amended (20 U.S.C. 101 et seq.), $4,000,000.

NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

For the National Technical Institute for the Deaf under titles I and II of the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.), $39,737,000: *Provided*, That from the amount available, the Institute may at its discretion use funds for the endowment program as authorized under section 207.

GALLAUDET UNIVERSITY

For the Kendall Demonstration Elementary School, the Model Secondary School for the Deaf, and the partial support of Gallaudet University under titles I and II of the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.), $72,028,000: *Provided*, That from the amount available, the University may at its discretion use funds for the endowment program as authorized under section 207.

VOCATIONAL AND ADULT EDUCATION

For carrying out, to the extent not otherwise provided, the Carl D. Perkins Vocational and Applied Technology Education Act, the Adult Education Act, and the National Literacy Act of 1991, $1,057,919,000, of which $1,055,000,000 shall become available on July 1, 1996 and shall remain available through September 30, 1997: *Provided*, That of the amounts made available under the Carl D. Perkins Vocational and Applied Technology Education Act, $1,000,000 shall be for national programs under title IV without regard to section 451.

STUDENT FINANCIAL ASSISTANCE

For carrying out subparts 1 and 3 of part A, part C, and part E of title IV of the Higher Education Act of 1965, as amended, $6,916,915,000, which shall remain available through September 30, 1997.

The maximum Pell Grant for which a student shall be eligible during award year 1996–1997 shall be $2,440: *Provided*, That notwithstanding section 401(g) of the Act, as amended, if the Secretary determines, prior to publication of the payment schedule for award year 1996–1997, that the $5,697,000,000 included within this appropriation for Pell Grant awards for award year 1996–1997, and any funds available from the fiscal year 1995 appropriation for Pell Grant awards, are insufficient to satisfy fully all such awards for which students are eligible, as calculated under section 401(b) of the Act, the amount paid for each such award shall be reduced by either a fixed or variable percentage, or by a fixed dollar amount, as determined in accordance with a schedule of reductions established by the Secretary for this purpose: *Provided further*, That no Pell grant shall be awarded to any student during award year 1996–1997 if the amount of that grant as determined under section 401(b) of the Act is less than $600.

FEDERAL FAMILY EDUCATION LOAN PROGRAM ACCOUNT

For Federal administrative expenses to carry out guaranteed student loans authorized by title IV, part B, of the Higher Education Act, as amended, $30,066,000.

HIGHER EDUCATION

For carrying out, to the extent not otherwise provided, parts A and B of title III, without regard to section 360(a)(1)(B)(ii), chapter 1 of subpart 2 of part A of title IV, subpart 2 of part E of title V, parts A and B of title VI, title VII, part D of title IX, and part A and subpart 1 of part B of title X of the Higher Education Act of 1965, as amended, and the Mutual Educational and Cultural Exchange Act of 1961; $757,700,000, of which $16,712,000 for interest subsidies under title VII of the Higher Education Act, as amended, shall remain available until expended.

HOWARD UNIVERSITY

For partial support of Howard University (20 U.S.C. 121 et seq.), $170,366,000.

HIGHER EDUCATION FACILITIES LOANS

The Secretary is hereby authorized to make such expenditures, within the limits of funds available under this heading and in accord with law, and to make such contracts and commitments without regard to fiscal year limitation, as provided by section 104 of the Government Corporation Control Act (31 U.S.C. 9104), as may be necessary in carrying out the program for the current fiscal year.

COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS PROGRAM

For administrative expenses to carry out the existing direct loan program of college housing and academic facilities loans entered into pursuant to title VII, part C, of the Higher Education Act, as amended, $700,000.

COLLEGE HOUSING LOANS

Pursuant to title VII, part C of the Higher Education Act, as amended, for necessary expenses of the college housing loans program, previously carried out under title IV of the Housing Act of 1950, the Secretary shall make expenditures and enter into contracts without regard to fiscal year limitation using loan repayments and other resources available to this account. Any unobligated balances becoming available from fixed fees paid into this account pursuant to 12 U.S.C. 1749d, relating to payment of costs for inspections and site visits, shall be available for the operating expenses of this account.

HISTORICALLY BLACK COLLEGE AND UNIVERSITY CAPITAL FINANCING, PROGRAM ACCOUNT

The total amount of bonds insured pursuant to section 724 of title VII, part B of the Higher Education Act shall not exceed $357,000,000, and the cost, as defined in section 502 of the Congressional Budget Act of 1974, of such bonds shall not exceed zero.

For administrative expenses to carry out the Historically Black College and University Capital Financing Program entered into pursuant to title VII, part B of the Higher Education Act, as amended, $166,000.

EDUCATION RESEARCH, STATISTICS, AND IMPROVEMENT

For carrying out activities authorized by the Educational Research, Development, Dissemination, and Improvement Act; the National Education Statistics Act; part A of title III, parts A and B and section 10601 of title X of the Elementary and Secondary Education Act of 1965, as amended, $255,107,000: *Provided*, That $3,000,000 shall be for section 10601 of the Elementary and Secondary Education Act: *Provided further*, That $25,000,000 shall be for section 3136 of the Elementary and Secondary Education Act (K-12 technology learning challenge): *Provided further*, That none of the funds appropriated in this paragraph may be obligated or expended for the Goals 2000 Community Partnerships Program.

LIBRARIES

For carrying out, to the extent not otherwise provided, titles I and III of the Library Services and Construction Act, $101,227,000.

DEPARTMENTAL MANAGEMENT

PROGRAM ADMINISTRATION

For carrying out, to the extent not otherwise provided, the Department of Education Organization Act, including rental of conference rooms in the District of Columbia and hire of two passenger motor vehicles, $327,319,000.

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, as authorized by section 203 of the Department of Education Organization Act, $53,951,000.

OFFICE OF THE INSPECTOR GENERAL

For expenses necessary for the Office of the Inspector General, as authorized by section 212 of the Department of Education Organization Act, $28,154,000.

GENERAL PROVISIONS

SEC. 301. No funds appropriated in this Act may be used for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to overcome racial imbalance in any school or school system, or for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to carry out a plan of racial desegregation of any school or school system.

SEC. 302. None of the funds contained in this Act shall be used to require, directly or indirectly, the transportation of any student to a school other than the school which is nearest the student's home, except for a student requiring special education, to the school offering such special education, in order to comply with title VI of the Civil Rights Act of 1964. For the purpose of this section an indirect requirement of transportation of students includes the transportation of students to carry out a plan involving the reorganization of the grade structure of schools, the pairing of schools, or the clustering of schools, or any combination of grade restructuring, pairing or clustering. The prohibition described in this section does not include the establishment of magnet schools.

SEC. 303. No funds appropriated under this Act may be used to prevent the implementation of programs of voluntary prayer and meditation in the public schools.

SEC. 304. No funds appropriated under this Act shall be made available for opportunity to learn standards or strategies.

SEC. 305. Notwithstanding any other provision of law, funds available for section 458 of the Higher Education Act shall not exceed $320,000,000 for fiscal year 1996, of which $160,000,000 shall be available for the payment of administrative cost allowances to guaranty agencies. The Department of Education shall, within 30 days of enactment, develop a plan for the payment of administrative cost allowances which shall be submitted to the Chairs of the House Committee on Economic and Educational Opportunities and the Senate Committee on Labor and Human Resources. Notwithstanding section 458 of the Higher Education Act, the Secretary may not use funds available under that section for subsequent fiscal years for administrative expenses of the William D. Ford Direct Loan Program during fiscal year 1996, nor may the Secretary require the return of guaranty agency reserve funds during fiscal year 1996.

No funds available to the Secretary may be used for (1) marketing, advertising or promotion of the William D. Ford Direct Loan Program, or for the hiring of advertising agencies or other third parties to provide advertising services, or (2) payment of administrative fees relating to the William D. Ford Direct Loan Program to institutions of higher education.

None of the funds provided by this Act may be used to hire staff at the Department of Education if such hiring would increase onboard employment at the Department as of the date of enactment of this Act.

None of the funds provided by this Act may be used to conduct an evaluation of the William D. Ford Direct Loan Program except as administered by the Advisory Committee on Student Financial Assistance.

None of the funds provided by this Act may be used by the Department of Education to implement new Individual Procurement Agreements (IPAs).

SEC. 306. None of the funds appropriated in this Act may be obligated or expended to carry out sections 727, 932, and 1002 of the Higher Education Act of 1965, section 621(b) of Public Law 101–589, the President's Advisory Commission on Educational Excellence for Hispanic Americans, and the President's Board of Advisors on Historically Black Colleges and Universities.

SEC. 307. Section 444(b)(1)(E) of the General Education Provisions Act (20 U.S.C. 1232g(b)(1)(E)) is amended to read as follows:

"(E) State and local officials or authorities to whom such information is specifically—

"(i) required to be reported or disclosed pursuant to State statute adopted before November 19, 1974;

"(ii) allowed to be reported or disclosed pursuant to State statute adopted before November 19, 1974, if the allowed reporting or disclosure concerns the juvenile justice system and such system's ability to effectively serve the student whose records are released, or

"(iii) allowed to be reported or disclosed pursuant to State statute adopted after November 19, 1974, if—

"(I) the allowed reporting or disclosure concerns the juvenile justice system and such system's ability to effectively serve, prior to adjudication, the student whose records are released; and

"(II) the officials and authorities to whom such information is disclosed certify in writing to the educational agency or institution that the information will not be disclosed to any other party except as provided under State law without the prior written consent of the parent of the student;".

SEC. 308. None of the funds made available in this Act may be used by the Office of Civil Rights of the Department of Education after December 31, 1995, to enforce title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.) with respect to gender equity in intercollegiate athletic programs, except when it is made known to the Office that the Department has issued updated policy guidance to institutions of higher education which includes objective criteria clarifying how such institutions can demonstrate a history and continuing practice of program expansion for members of the underrepresented sex and full and effective accommodation of the interests and abilities of the underrepresented sex.

This title may be cited as the "Department of Education Appropriations Act, 1996".

The CHAIRMAN. Pursuant to the rule, the gentleman from Illinois [Mr. PORTER] will be recognized for 45 minutes, and the gentleman from Wisconsin [Mr. OBEY] will be recognized for 45 minutes.

The Chair recognizes the gentleman from Illinois [Mr. PORTER].

Mr. PORTER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, at the outset, let us agree that if money, both Federal, State, and local were the problem, we should have already solved our education problems. Between 1960 and 1990, inflation adjusted spending for education rose from $50 billion to almost $190 billion and per pupil spending, again adjusted for inflation, increased from $1,454 in 1960 to $4,622 in 1990; an increase of over 300 percent in real terms. However, student scores on their SAT's and National Assessment of Educational Progress declined. Between 1976 and 1994, Federal funding for elementary, secondary, and vocational education rose from $4.6 billion to $14.8 billion, again, an increase of over 300 percent.

As in other titles, the bill sets clear priorities while providing significant contributions to our goal of eliminating the Federal deficit by 2000.

Total discretionary funding for the Department of Education declines by $4.5 billion from the fiscal year 1995 originally enacted levels and $3.7 billion from the post-rescission levels.

The bill places a high priority on student assistance. The maximum Pell grant is increased by $100 to $2,440, the largest increase ever provided to raise the grants to the highest levels in history. Federal Supplemental Educational Opportunity grants, Federal Work-Study and TRIO programs are all held at last year's levels.

The Committee recommendation maintains the $6 billion available for Perkins loans. While ending the Federal contribution, prudent management by the schools plus their continued contribution to this high priority program will allow the balance available for loans to students to increase.

The bill eliminates over 90 mostly small, duplicative programs in the Department of Education.

The mark terminates many of over 50 planning, dissemination, technical assistance, and research programs in education, including Goals 2000.

The Goals 2000 program initiated by the Bush administration was a voluntary effort by States to develop and implement goals and standards. The current program is simply another Federal grant-in-aid program which, while having few formal requirements, will see a proliferation of informal rules and specifications as it is implemented down through the multi-layered bureaucracy of the Washington office and the regional offices.

While this program has no specific, written, substantive requirements, there are many connections between Goals 2000 and funding for other programs. Not so subtle pressures will surely arise to address issues such as opportunity to learn, gender equity and other issues that are part of the administration's national educational policy.

This account funds National Opportunity to Learn Standards and School Financial Equity programs. The administration would impose these social experiments on localities with little evaluation and where evaluation exists, it indicates that there is little relationship between spending and learning outcomes. According to Dr. Dianne Ravitch ". . . No one knows what such standards are, so it seems premature to expect States to establish them."

School-to-Work and tech-prep activities are funded at $190 million in anticipation of their inclusion in larger block grants. These programs are slated to be consolidated into a block grant by the Economic and Educational Opportunities Committee and this funding level was decided upon in anticipation action by the authorization committee.

Title I funding for Education for the Disadvantaged is reduced by $1.14 billion, or 17.9 percent based on evaluations indicating little impact and the fact that the broad distribution of funds, to even the wealthiest school districts in America, diffuses the effectiveness of this program.

I would say, Mr. Chairman, that I believe very strongly that this money should be targeted only to the schools most in need, those in the inner cities and rural areas that have a high percentage of at risk children, and not be sent to school districts all over the country, including those in the most wealthy areas, as it is today. The program is extremely poorly targeted.

Mr. Chairman, according to the final report of the National Assessment of the chapter I program, the program "* * * Does not appear to be helping close the learning gap." Recently enacted reforms make some changes, but their impact on performance is unclear.

There is little targeting in the program, 90 percent of the local school districts receive funding from this program, including many of the most wealthy school districts in the country. Those districts that do not participate are generally not those that are rich, but those that are so small as to not meet the minimum number of poor school aged children.

Four hundred eighty-nine million dollars of fiscal year 1994 funding for Education for the Disadvantaged went to the 100 richest counties in America—with per capita personal income ranging from $24,000 to $49,000. While these counties surely contain disadvantaged children, with this level of income, these localities can provide more of the support for disadvantaged education themselves.

Impact Aid, which reimburses local schools for the costs of educating military dependents, is reduced by 11 percent to $645 million. Funding is targeted only to students whose parents live and work on Federal installations. Funding for military "b" students is provided for in the Defense bill.

Library service grants and interlibrary cooperation programs are supported at approximately last year's level while funds are terminated for smaller, categorical library programs.

The bill amends authorizing statutes to limit the administrative costs of the Direct Student Loan Program and to prevent implementation of opportunity to learn standards.

Opportunity to learn standards focus on inputs rather than results. They divert attention to issues such as amounts spent per pupil, class size, years of schooling of the teacher, numbers of computers, and allow justification of failure rather than the focus on results.

This title represents the clearest example of priority setting by the committee, of elimination of duplicative and redundant programs and of reform of programs and administration.

Mr. OBEY. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, in the first section of our debate we discussed what this bill was doing to cripple our workers and worker programs. In the second section we talked about what it was doing to savage programs that support the most vulnerable people in this society. Now we are turning to a discussion of how this bill is, pure and simple, an attack on education.

This bill is the anti-education appropriation act of 1995, pure and simple. It cuts 18 percent out of what we appropriated just last year for Federal education programs. That means almost one out of every 5 dollars that was there a year ago will not be there this year.

It takes almost $2.5 billion away from local school districts, and that is most assuredly going to result in lower quality and higher property taxes. And it does it all to provide a $20,000 tax cut for people making $350,000 a year.

I would suggest there are an awful lot of people in society who make that amount of money, who recognize that if they have to choose between getting a $20,000 tax cut at that bracket, and seeing to it that the basic education structure of this country is sound, they will opt for education, because they know they cannot in the end disconnect from society. You cannot achieve success by working up the opportunity ladder yourselves, and then pull it on up so that someone else cannot use that ladder as well.

The answer from the Republican side of the aisle seems to be, Well, our education programs do not work, so let's give up and give some rich guy a tax cut. Well, I do not think that is an especially effective way to go about it.

I have one last simple thought: For as long as I have been in this House, support for education has been a bipartisan proposition. But whether back home in Wisconsin, when I served in the legislature, or here in the Congress, support for education has always been bipartisan. Look at some of the programs that are named after distinguished Republican leaders in the area of education: Stafford, Javitz, Goldwater, Eisenhower. Has this party really moved even beyond them? Are they no longer acceptable? I simply do not believe it.

It just seems to me that the most fundamental purpose of any society is to see to it that its children are made top priority, that they receive decent opportunity, decent education. That is what this bill walks away from. That is why this bill ought to be defeated.

Mr. Chairman, I reserve the balance of my time.

Mr. Chairman, I ask unanimous consent that the gentleman from Maryland [Mr. HOYER] be allowed to control my time and yield time from this point.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. MILLER of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let us get back to basics on this and why we are doing this. These are tough choices we are making. It is not easy to have to establish priorities in our spending. But that is exactly what we are doing. So let us remember what we are doing. We are balancing the budget, the most important single thing we can do for the generation today and for future generations.

Let me just show you what numbers amount to. The budget of approximately $176 billion means we are overspending right now $670 for every man, woman, and child in this country. We are overspending. We are going into debt. I have a family with two children. That is $2,700 worth of debt we are going into this year. We have a debt for every man, woman, and child in this country of over $18,000 per person. We are going to build it and get it larger and larger, and spend more and more on interest.

So our goal is to balance this budget, start that glide path to a balanced budget. The other side just wants to spend, spend, spend, and we know how to spend in Washington. We have had lots of experience in spending for the past 25 years. We have to get some sense and fiscal sanity to what we are doing here.

We keep hearing the rhetoric: We are cutting this. We heard it earlier this year: We cut the school lunch program. We increased it by 4.5 percent. They say we are cutting Medicare. We are increasing Medicare spending from $4,800 for every man and woman in Medicare, to $6,700, in 7 years, in the Medicare Program. We are increasing spending. So the most important thing we can do is to balance this budget and get on that glide path. It is important to every American.

Let me show why. As a member of the Committee on the Budget, Mr. Greenspan, the Chairman of the Federal Reserve Board appeared before us on two different occasions, discussing what would it mean if we balanced the budget. He uses the word remarkable, what is going to happen over the next years. Some of the thoughts he is talking about is children will have a higher standard of living than their parents if we can get this budget under control and stop wasting money on interest of the national debt. There will be improvement in the purchasing power of their incomes. There will be a rise in productivity.

Our competitiveness in the world is important in this issue. There would be a reduction in inflation. There is a strengthening of the financial markets, actual rates of long-term economic growth. That means jobs.

There would be a significant drop in long-term interest rates. He says it will be around 2 percent; that is, for someone having a $75,000 mortgage on their home, that is about $100 a month less they are going to have to spend on that mortgage. That is money in someone's pocket.

We have to get this deficit under control. That is what we are talking about here today. We can say I wish we had more money here or there. Maybe we could have changed it a little bit. These are tough choices. We are trying to balance what we have to work with. We have to live within our budget.

I have to live within my personal budget. Every American has to live within a personal budget. Only the Federal budget has this credit card that has no spending limit; you just spend, spend, spend. That is not right. It is wrong. Balancing the budget is the best thing we will do for every single American today and for the future generations.

Mr. Chairman, I reserve the balance of my time.

Mr. HOYER. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, this title of the bill is education. Americans believe strongly in education, and everybody on this floor wants to balance the budget. As a matter of fact, unlike the gentleman who just spoke, I voted to reduce the deficit by $500 billion in 1993. The gentleman did not.

Whether conservative or liberal, all Americans believe in the American opportunity society. My parents wanted me to have a better life than they had. That is what I want for my three daughters, and, yes, for my granddaughter. The United States is a great Nation because we give people that opportunity, the opportunity to make a better life for themselves and their children. Education is the doorway through which American access that opportunity.

But this appropriation bill is an all-out assault on the American opportunity society. The words opportunity society are meaningless if you do not have the education you need to compete in today's global marketplace. The word opportunity is meaningless if you cannot make a living wage and your kids cannot get a good education in school.

Why are the Republicans waging this attack? The reason is not so they can bring that deficit down, I tell my friend, but so that we can take that money and shift it over to a tax cut for the wealthiest folks in America.

□ 1245

That is what we are doing. We are not taking that money that they gentleman just talked about to bring down that $670 figure, what we are doing is taking that money and shifting it over here for a tax cut: a $245 billion tax cut.

Nobody likes paying taxes, but I do not talk to any constituents who believe that it is not important to see that our kids are educated, and that is what that title is about.

Mr. Chairman, what does this attack mean for local schools? Let me talk about a school in my district, Carrollton Elementary School in Prince George's County.

At Carrollton, parents attend workshops to learn what their children are learning in the classroom to help their kids at home. We know if parents are not doing the job, nothing we do is going to suffice. The budget cuts in this bill would end those parent workshops.

Carrollton needs reading and writing materials to reach the new higher educational standards the State of Maryland has set, appropriately, so we can compete in the world markets. The school board has approved them and the contract has been signed, but these budget cuts will cancel that program.

Mr. Chairman, at Carrollton more than 100 third- and fourth-grade students are struggling to learn to read. Some kids have a tough time. These cuts mean the teacher who works to help those kids catch up with their classmates will lose their job.

This is real. This is not some chart so that we can shift money to the wealthiest in America, not bring down the deficit, I tell the gentleman from Florida. It is to give that $245 billion cut, that seems so important, at the expense of these kids.

The American people know that cutting support for kids at Carrollton and across the country is bad educational and economic policy. That is why the polls show, I tell my colleagues, over 90 percent of the voters in America believe we must invest more, not less, in improving education.

Mr. Chairman, this bill is shortsighted. I am going to mention this again, but I want to mention it now, do not take my word for it. Let me quote from a statement made by Secretary Terrel Bell, who served as the Secretary of Education under Ronald Reagan. It was not a Democratic administration, you understand; Ronald Reagan. Let me read to my colleagues what he says on July 13, 1995:

"The drastic and unwarranted education cuts made in congress by the House Appropriations Subcommittee," the bill we are considering, "must be restored or we will undercut community efforts to better educate our children."

He closes with this: "The American people support educational excellence, not political extremism."

That is what he refers to this bill as. That, Mr. Chairman, was Secretary Terrel Bell, the Secretary of Education under Ronald Reagan.

Mr. Chairman, let us reject this political extremism that is masked as deficit reduction, when it shifts from our kids to the wealthiest Americans our resources to improve this country.

Mr. MILLER of Florida. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Pennsylvania [Mr. GOODLING], the chairman of the Committee on Education and Economic Opportunities.

Mr. GOODLING. Mr. Chairman, I rise to put to rest, once and for all, this phony business that has been going on in this House for many weeks, in fact several months, where people keep trying to say that we are taking from the poor and giving to the rich through a tax program.

Let me tell my colleagues a little bit about the tax program. Is a $500 credit for home care for the rich? Darn right, it is not. It is for the most needy people around here.

Is a $500 credit for long-term care insurance for the rich? One of the most important things for senior citizens is that long-term care. That is not for the rich.

Is a $2,000 IRA for the parent who stays at home for the rich? No, that is not for the rich.

Is the $500 for an adoption? We talk about pro-choice/pro-life all the time. Is that for the rich? No, it is not.

Mr. Chairman, I was a sucker for a while, thinking that the $500 credit for every child was for the rich. Then I got off my high horse and did a little study, and I discovered that, as a matter of fact, 31 percent of that goes to families with incomes of $18,000 and less; 65 percent of it goes to families with incomes of $50,000 and less.

Yes, then they say, but what about capital gains? In my district, every farmer and every fruit grower that I have is not rich by a long sight, but they sure are at the point where they should be retiring and they would love to retire.

If they retire, Mr. Chairman, they have to sell what it is they have in order to take care of themselves in their golden years, or we have to send money out to do that. But if they sell, between us and the State, we take 60 percent of everything that they have.

So I think we ought to put that nonsense to rest.

If this were a perfect world, Mr. Chairman, I would be here screaming for billions more for education and billions more for training. I would be screaming for what Terrel Bell said, which we had better emphasize.

He talked about quality education, and I have been here saying over and over again for 20 years, just do not pour $40 billion into chapter 1. Do not just pour $20 billion into Head Start, if that is all you are going to do. Pour it in to get quality. We do not have any studies to really tell us that we have done a remarkable job in helping the people that we wanted to try to help with that $60 billion of expenditure.

Mr. Chairman, as I said yesterday, the one thing I wanted to do with a slight reduction in both of those areas is finally get a message out there that they have to clean up their act and they have to provide quality in every one of those programs, all over this Nation. Access is not acceptable. Access will not serve us well in the 21st century.

Mr. Chairman, I would hope that we can do the very best we can with what we have, because if we do not, since it is not a perfect world, we are then faced with a deficit that does this to the very young people we are trying to train, the very young people we are trying to educate.

We are saying to them, after you get all your training and all your education, we will take 80 percent of everything you make in tax dollars. Why get up in the morning and go to work if that is what we are going to do?

Mr. Chairman, I hope we can develop a program where we are talking about quality education, quality training. I hope we will be in a position sometime to put more money into those programs, and we will do some of that today, after we are ensured that it is quality that we are talking about.

Again, access is no longer acceptable, Mr. Chairman. It has to be access to quality, because we are failing the very young people we are trying to help because we are not giving them an opportunity to get a piece of the American dream because they do not have, in many instances, a quality program.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. GOODLING. I yield to the gentleman from California

Mr. LEWIS of California. Mr. Chairman, I rise simply to say that the statement of the gentleman from Pennsylvania [Mr. GOODLING] is one of the finer statements I have ever heard on this floor.

Mr. Chairman, just sending money without worrying about quality is what has been wrong with this place. It is why the American taxpayer is reacting. They want to see people served and they want to see them served well.

The gentleman from Pennsylvania has worked at this for years, very, very effectively. Finally, the gentleman is in a position to really impact that process, and I commend the gentleman for his good work.

Mr. HOYER. Mr. Chairman, I yield such time as he may consume to the gentleman from New Jersey [Mr. MENENDEZ].

Mr. MENENDEZ. Mr. Chairman, I rise in opposition to the bill. I rise today to express my disgust with this bill. This is the bill where Republicans rewrite the world in their own image—where they create their own brave new world, if you will. They will weed out the poor, the needy and the weak to provide subsidies to corporate interests and tax cuts to the wealthy. And the middle class will foot the bill. A world where capital is more important than labor.

Let me tell how this image will play out in New Jersey. According to the Children's Defense Fund, this image will mean 3,850 children will lose Head Start services, 54,200 New Jersey students will lose access to remedial education through title I and 42,200 babies, preschoolers and pregnant women in New Jersey will lose infant formula and other WIC supplements. This is the new America Republicans have created for your children and grandchildren.

The new America will have $4.5 billion less in funding for education, less funding to keep schools safe and drug free and less funding for young people struggling to earn a bachelors degree. The new America will provide less assistance for dislocated workers, like the 2000 individuals working at MOTBY, in my district, unemployed due to recent base closings. It will have fewer resources for job training and it will have no funding for the Low-Income Home Energy Assistance which serves 51,000 needy seniors in New Jersey.

And yet Republicans can find the resources to fund Agriculture subsidies for wealthy farmers and to fund B–2 bombers that the Defense Department didn't even want?

I have a clear image of this brave new world which Republicans seek. It has nothing to do with balancing the budget and it has nothing to do with making a better America for the working poor, our children, our young people or our seniors. Clearly it is designed to be a world where the rich and privileged will be free to prosper without the nagging and nettlesome problem of caring for their less fortunate brothers and sisters.

Mr. HOYER. Mr. Chairman, I yield 4 minutes to the gentleman from Michigan [Mr. KILDEE].

Mr. KILDEE. Mr. Chairman, I rise today in very strong opposition to the Labor-HHS appropriations bill, because it will result in very real damage to very real students and teachers in real schools in communities throughout this country.

Mr. Chairman, I say to my colleagues, the education policy in this bill is based on two somewhat conflicting assumptions. First, that because the national contribution to education funding is so small that it does not matter and will not be missed; second, that the national role in education is too large and too intrusive and needs to be scaled back.

Mr. Chairman, these assumptions are both wrong. These assumptions dishonor decades of bipartisan cooperation over education policy as a shared priority.

Mr. Chairman, this bill will seriously erode the long-standing role that we play on the national level to ensure that educational opportunities are available to those who have been denied them. Laws like the Individuals With Disabilities Education Act [IDEA] were enacted 20 years ago because over 1 million disabled children were excluded entirely from public schools. Those 1 million disabled children now have a chance to realize their full potential and contribute to American society because of what Congress did then.

Mr. Chairman, ask the parents of Caitlin Cody, who live in my community. Caitlin is a bright 8-year-old with spina bifida who joins her classmates every day in her neighborhood public school to discover the joys of learning. They will tell you that in the absence of the Federal role in education, Caitlin's future would not be as promising as it is.

Mr. Chairman, this bill cuts IDEA. It cuts funding which will severely curtail professional development, research, and outreach activities which are crucial for improving services to children with disabilities.

This bill also cuts chapter 1 by $1.2 billion. With this cut, over 1 million disadvantaged children across this country will be denied a chance to succeed. In Flint, MI, which is struggling right now to regain its economic footing, over 2,800 students will lose vital academic help. These students will lose the guidance of 47 teachers and 109 teaching aids.

Who are these children and who are their teachers? Mr. Chairman, let me tell my colleagues the story of one chapter 1 student. Shelly is a real person who lives right now in my district. She is not a composite; a real individual person.

Shelly entered middle school in the seventh grade last fall. Shelly came to school every day, because there she could get a meal. Then her teachers discovered that Shelly lived with her mother and younger brother right in my neighborhood, wherever they could find a place to stay at night. They had been evicted from their apartment and stayed in a shelter or with friends.

When Shelly moved to Michigan, she was identified as a chapter 1 student. Shelly's teacher recognized that she needed the stability of a regular classroom and instead of pulling her away from her peers, she provided Shelly with reading support services in her science and social studies classes.

As the year progressed, because of this program, Shelly's life improved and her teacher made connections to mentors and helped find a place for her to live because this teacher believed in Shelly's potential.

Shelly entered middle school as a homeless child. She finished the year as an honor student.

Mr. Chairman, we should not take opportunities away from the Caitlin's and the Shelly's to finance a tax cut for the very, very rich.

Vote "no" on this.

Mr. MILLER of Florida. Mr. Chairman, I yield 5 minutes to the gentleman from Arkansas [Mr. HUTCHINSON].

Mr. HUTCHINSON. Mr. Chairman, I especially commend the gentleman from Pennsylvania [Mr. GOODLING], my chairman, for his outstanding statement a few moments ago in which he gave a clear rebuttal for the mindless political rhetoric, that we hear over and over again, in which the opponents of this bill recite like a mantra the phrase "tax breaks for the wealthiest in our society."

Mr. Chairman, are the wealthiest in our society like that couple in my district that makes $25,000 a year with two children who are going to find, with the $500 per child tax credit, that their Federal tax liability will be eliminated altogether? Or like my wealthy friends, the grandmother and the grandfather who have worked for 30 years on a farm in northwest Arkansas and as they reach retirement age and want to move in town, to get close to quality health care, discover they cannot afford to sell their farm because of exorbitant capital gains tax rates?

Mr. Chairman, yes, these are the wealthy friends that we want to help in our society.

My colleague says that, yes, 90 percent of the American people support higher investment in education. I believe that. I believe my constituents do. But they want to invest it where it will work and it will work when we invest that money locally, not when we invest it in more Federal spending on education.

Mr. Chairman, Americans last November rejected the "government-knows-best" philosophy that has held sway for far too long.

Goals 2000, which we defund in this appropriation bill, is a manifestation of that very failed philosophy. What Goals 2000 does is lay the groundwork for all future Federal experimentation with education, which takes control away from parents and local school districts where it belongs.

It increases the Federal role by imposing a congressional formula for reform on any State, school district, or local school that wishes to receive funding under the act.

□ 1300

Only 40 percent of the money appropriated for Goals 2000 ever reaches the schools. The other 60 percent constitutes the bureaucratic skim that is being used at each level to create the new framework for the educational system.

The American people did not buy into the misguided idea of national health boards in the last Congress, and they do not want national school boards. If the past 30 years have taught us anything, it is that national solutions do not solve local problems.

It is amazing to me my colleagues on the other side of the aisle can stand and defend the status quo. The past three decades, American taxpayers have been pouring money into the public school system with almost no encouraging signs that this money is buying better education for our children.

Who knows best what children need but their parents and people who are in contact with them every day? This appropriation bill begins to put the focus back upon the local schools, empowering parents to control the education of their children.

There were originally six national goals that were developed in 1989, hand in hand with the States, but they now have been increased to eight. The two additional goals differ from the States' original intentions, leading us even further away from the direction that education in this country should be taking, which is back to the parents.

We can, in defunding Goals 2000, as we do in this appropriations bill, we can take a decisive first step in returning education to the State and to the local school boards and empowering parents to participate and to control the education of their children.

I urge support of this Labor-HHS appropriations bill.

Mr. HOYER. Mr. Chairman, I yield 3 minutes to the gentleman from Ohio [Mr. SAWYER], a distinguished member of the authorizing committee.

Mr. SAWYER. Mr. Chairman, I am grateful for the opportunity to join with my colleagues on this side of the aisle, but with some regret, to oppose the passage of this bill.

The work that we do today, the work that has preceded us over the last decade really emphasizes a singular important message, and that is that today's graduates have got to be prepared to enter a world of profound and constant change. The people of this Nation are moving more rapidly across and within this Nation than we have for 100 years, and all of today's children simply must be able to graduate equipped with skills that are not just technologically adaptable to a variety of different employment situations across the United States, but which also will make them intellectually flexible.

Now, our colleagues have suggested that somehow this is not a national problem. The truth of the matter is that education has always been a local function and a State responsibility, but today, my colleagues, it is an overarching national concern. Education from the national level is not a matter of federalizing education at all. It is not even a matter of directing education, but it is recognizing that if we are to be successful, we must connect education all across this country, 50 million students, 2.5 million faculty, 15,000 school districts in diverse communities all across this country, as diverse as Missoula, MT, or Meridian, MS, or all of the metropolitan areas of this Nation. The children have got to be equipped to be competitive and to contribute to this Nation's capacity.

Education is, indeed, a national priority, nowhere more so than in recognizing that the expectations that we have for these children have vastly outstripped the ability of some schools to keep pace. We have got to elevate the expectations of our schools, of our teachers and our children, and in that sense what we do here today or ought to be doing here today is to provide the connective tissue, the ability to improve and elevate a curriculum, not to be forced upon local schools, not to be adopted, but to be adapted throughout this country to local need. We have got to recognize that in a 30-year career, a teacher who began with certification that may have been perfectly sufficient in 1960 is no longer suitable to the kind of change that has been undertaken in this world and in this Nation in the 30 intervening years.

We need to have the capacity to share that improved curriculum, that improved professional development all across this country. I have to tell you I do not think that anybody ever said it better than Allen Wertzel, vice chairman of Circuit City, who agreed that growing businesses need students to graduate with higher skills. He said, "High academic expectations in schools is probably the single most important component of education reform."

Drawing this Nation together in that capacity is our single highest priority.

Mr. MILLER of Florida. Mr. Chairman, I yield 1½ minutes to the gentleman from Tennessee [Mr. CLEMENT].

Mr. CLEMENT. Mr. Chairman, I wish to enter into a colloquy.

Mr. Chairman, with regard to the Education Research Statistics and Improvement account within the Department of Education there is an interest among a number of House Members to provide funding of about $300,000 within the total provided to not less than two institutions to support programs utilizing innovative technologies and practices for the professional development and training of teachers in music education. Is it correct to say that the House report accompanying the Labor-HHS fiscal year 1996 bill speaks favorably, but with less specificity, to music education and its impact on learning?

Mr. MILLER of Florida. Mr. Chairman, will the gentleman yield?

Mr. CLEMENT. I yield to the gentleman from Florida.

Mr. MILLER of Florida. Mr. Chairman, the gentleman is correct. We attempted to economize on verbiage where we could in preparing the committee report.

Mr. CLEMENT. Mr. Chairman, the bill will shortly be considered by the other body. If, during that consideration, the other body includes more specific language regarding music education, could I have the chairman's assurance that the House conferees would carefully consider the generic direction for these funds in light of my favorable recommendation to accept the more specific allocations of funds for music education programs?

Mr. MILLER of Florida. Mr. Chairman, I assure the gentleman from Tennessee that the House conferees will keep your recommendation in mind when we address this issue in conference.

Mr. CLEMENT. Mr. Chairman, I thank the gentleman for his support on this issue.

Mr. HOYER. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from California [Mr. BECERRA].

Mr. BECERRA. Mr. Chairman, I thank the gentleman for yielding me this time.

Well, we hear the Republicans say they want to balance the budget and that is why we are cutting so dramatically into education programs.

Well, do we want to balance the budget?

We are cutting about $450 million out of two programs very important to our children: Safe and Drug Free Schools, which makes sure we try to protect our children as they go to school so they do not have to worry about drug dealers on the corner trying to sell them drugs or the gang violence they may encounter on the way to school; Special Education, $174 million is being cut out of that program for our kids who are disabled, who need a little bit of extra attention so they can succeed with their peers.

On the other hand, we put $500 million extra into the defense budget which was not even requested by the Department of Defense for new spending on barracks and other pork that the Pentagon, as I said, never requested, and all of it targeted to 26 of the 31 States represented by the people who sit on the Committee on Appropriations.

Cut in education: $1.2 billion in our title I program that helps kids that are behind in their reading and in their sciences learning. What is not cut? Well, we see on the Senate side the Armed Services wants to spend $1.3 billion for an amphibious assault ship that the Navy says is does not even want. Cut in education: $55 million for a school-to-work program which helps our kids have abilities once they get out of school. What is not cut? Well, $42 million, that is the amount the Committee on Appropriations preserved in taxpayer subsidies for tobacco growers.

We are talking about balancing the budget? At the same time that we hear that we must cut the $4 billion out of education to balance a $5 trillion debt and an annual deficit of about $200 billion, we find that the Defense Department got $8 billion more than it even asked for, and we find that the Republicans are trying to spend about $300 billion on tax cuts over 7 years.

That is not the way to go. We do not need to cut $4 billion out of education when it is so dramatic and so needed.

Mr. HOYER. Mr. Chairman, I yield such time as he may consume to the gentleman from Maryland [Mr. WYNN].

Mr. WYNN. Mr. Chairman, I take strong exception to the unconscionable cuts in this bill for the Safe and Drug Free School zones.

Mr. HOYER. Mr. Chairman, I yield 3 minutes to the gentleman form California [Mr. MILLER], one of the ranking members of the Committee on Economic and Educational Opportunities, former chairman of the Children's Task Force.

Mr. MILLER of California. Mr. Chairman, I thank the gentleman for yielding this time to me and for adding to my resume here.

Mr. Chairman, members of the committee, these cuts in education are deep, and they are serious, and they are real, and they are going to have an impact in each and every one of our districts.

Because let us understand something, they are not cutting this money to give it back to the schools at the local level. They are cutting this money to provide for a tax cut, the overwhelming benefit of which goes to people earning in excess of $200,000 a year. So they are gathering up money from poor schools, from poor children, from handicapped children, from all of the school districts in the country and transferring that to the wealthiest people in the country. That is simply not fair, and it does not make sense.

Let us understand that these Federal dollars are what allows these school districts to engage in teacher training, to provide inservice training for teachers, to move toward 21st century technologies for many of our school districts that have no ability to do that. They do not have the financial capability of doing that.

These Federal dollars are what allows school districts to take care of the neediest, the poorest children in our society, because they do not have the capability of doing it without these dollars.

Let us understand something. We hear time and time again about the inability of the local school board and the local school district. Let me explain to you that many of those school districts are bringing you today the abysmal education that America's children are reaching. And why? Because they do not do these activities without Federal help. They were not educating the poorest children in this country without Federal help. They were not educating handicapped children without Federal help. They were not providing teacher training without Federal help, and it is very likely they will not again if the Federal Government does not help them out.

So understand the Federal Government is a catalyst for education programs. Goals 2000 is a catalyst to make the States, and to help them, finance world-class standards for our children so that our children can compete with the children of any country in the world in the future.

Today they cannot. They cannot compete in math. They cannot compete in language skills. They cannot compete in critical thinking. It is a national disgrace, and these few Federal dollars, very, very important to meeting those goals, because in fact in my own district and many other districts, without these moneys, those efforts will go by the wayside and we will continue to see children graduated who cannot read their diploma. We will continue to see children passed on to the next grade who cannot read at grade level.

This is that opportunity. But this is the opportunity that the Republican budget cuts would deny our school districts. This is a disinvestment, a disinvestment in the children of this Nation, in the education of this Nation and their ability to participate in the world economy of the future.

Mr. PORTER. Mr. Chairman, I yield 2 minutes to the gentleman from Oregon [Mr. Bunn], a member of the subcommittee.

Mr. BUNN of Oregon. Mr. Chairman, I wish to enter into a colloquy with the chairman of the subcommittee, the gentleman from Illinois [Mr. Porter].

Mr. Chairman, I understand the great fiscal pressure under which the chairman put together his appropriations bill. I applaud his efforts to make this a fair bill, not only for the taxpayers of the country but also by addressing the out-of-control spending that is costing our children their future earnings.

With that in mind, I would like to address the level of the general strengthening institutions program, title III(A) of the Education Act. I am concerned that the current funding level of the program will not allow the Federal Government to fully fund continuing multiyear grants. Under the administration's request, the title III grants will be phased out over 2 years, with public community colleges cut out of the system immediately.

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Mr. BUNN of Oregon. As the gentleman knows, I offered an amendment during the full committee to partially restore the necessary funding to the title III program. But due to the tight constraints that we are working under, we were unable to find adequate funding for the program.

I ask the subcommittee chairman if the other body does find a way to more fully fund the title III section A program, if there is a way to consent to the other body's funding level?

Mr. PORTER. Mr. Chairman, will the gentleman yield?

Mr. BUNN of Oregon. I yield to the gentleman from Illinois.

Mr. PORTER. Mr. Chairman, I understand that the level of funding in our bill would perhaps create financial difficulties for many of the institutions that have relied on this funding in the past and I will work with the members of the conference in the other body to achieve a higher level of funding of transition funding for this program than was possible in this bill.

Mr. BUNN of Oregon. I thank the gentleman and appreciate his efforts on behalf of community colleges of the Nation.

Mr. HOYER. Mr. Chairman, I yield 2 minutes to the gentlewoman from Hawaii [Mrs. Mink].

Mrs. MINK of Hawaii. I thank the gentleman from Maryland for yielding me time.

Mr. Chairman, I stand here in absolute dismay at this bill that we are being asked to vote on today, which decimates the funding for education throughout the country. This debate is basically a debate of the disavowal of the majority of our national promise that we would care, defend, and protect our Nation's children.

Under this camouflage of budget rhetoric, the majority party has appropriated an appropriations bill that cuts $3.9 billion from our education programs and dismantles a 30-year record of increasing support for our children.

I feel betrayed because I always believed the discussions with respect to our national priority, always put our children on the top. In discussing our care and compassion for children in this country, we always pledged our full support to their education.

Mr. Chairman, we all recognize that there are vast differences in our country, rural, urban America, rich and poor, but we have always said that the National Government has a responsibility to make sure that no matter what the circumstances of poverty or whatever the location is in geography, that the children would be protected and that the assurance of equal educational opportunity was a solemn pledge and contract that we made for our children.

This appropriation bill denies that. It takes money away from children in the poorest of circumstances, children who come from middle America, who have disabilities, who have difficulties, who come from troubled circumstances, who have handicaps, who have deficiencies in learning. The smallest of our children all over the country are going to be hurt by this budget. I ask this House to vote it down..

Mr. HOYER. Mr. Chairman, I yield 3 minutes to the gentleman from Indiana [Mr. Roemer].

Mr. ROEMER. Mr. Chairman, I was on the floor 1½ hours ago talking about how this bill is devastating and cutting Head Start children out of the program when even President Reagan, President Bush, talked about how much do we increase this bipartisan program that is working. Where in Michigan City, IN, 80 children are waiting to get into the program, this bill is going to say to these children, not only can you not get in, we do not have room for you; we are going to cut more children out of Head Start. That is what this bill says.

This bill is like a Shakespearean comedy of errors. It is tragically almost funny. We debated drug-free schools the last few years and I have joined with my colleagues on the Republican side, many of whom I have the utmost respect for, and the gentleman from Delaware, Mr. Castle and I, Mr. Barrett and I proposed amendments to restore Dare and drug-free school money. This year, we are cutting drug-free school money by over 50 percent.

Mr. Chairman, it is not that Democrats want the status quo and Republicans want to balance the budget. I voted for a balanced budget amendment. I led the efforts to cut a space station that is $80 billion over budget. I will vote to cut 20 B-2 bombers that the Pentagon doesn't even want out of the budget. Let us make up our minds what is important around here.

A recent survey done by the Columbia University Institute asked our schoolchildren, What is the biggest problem you face in school today? Is it an algebra equation? They did not say that. Was it a biology test? No. Was it a gun in a school? No. By a 2-to-1 margin, children in America today said, we are afraid of drugs in our schools, 2 to 1.

So what are we doing about it? We cut the drug-free school money by over 50 percent. What does that tell you about our priorities? I want to move toward a balanced budget. I want to make some of the tough cuts to move there, but we should do that in a fair and evenhanded manner.

Mr. Chairman, it seems sometimes around here that if you have got a lobbyist working for you, you are going to do real well. You are going to maintain the B-2 bomber. You are going to maintain a space station. You are going to maintain hydrogen programs. But if you are a child, if you are in a Head Start program, if you are in a drug-free school program, you are on your own. Good luck.

Mr. Chairman, that is not what the priorities of America should be about today.

Doris Kerns Goodwin has got a wonderful book and I will have to continue my review of that wonderful book later.

Mr. PORTER. Mr. Chairman, I yield 4 minutes to the gentleman from Arkansas [Mr. DICKEY], an excellent member of our subcommittee.

Mr. DICKEY. Mr. Chairman, I think what we need to do is have the gentleman from Indiana [Mr. ROEMER] go talk to the members of the subcommittee of the Labor-HHS Committee on Appropriations because what happened one night was that Head Start was made available to have funds restored to the tune of $161 million. Every member of the subcommittee who were Democrats voted against Head Start, $161 million.

Those of us who voted for both of those issues said we wanted to put children first. We wanted Head Start to come first, and those members on that subcommittee could have taken the argument of the gentleman from Indiana and said, we want to honor Head Start.

Who did they honor? We honored lawyers in the NLRB, $26 million. The offer was made to your colleagues, let us give this to Head Start because we are listening to what you are saying that it is important——

Mr. ROEMER. Mr. Chairman, will the gentleman yield?

Mr. DICKEY. I yield to the gentleman from Indiana.

Mr. ROEMER. As the gentleman knows, I am not a member of the Committee on Appropriations. I did not vote on that particular appropriations bill as it was going through at 1 or 2 o'clock in the morning. But certainly we have the ability on the floor today to try to correct the bill that is kicking 48,000 children off of Head Start, and I know the gentleman from Arkansas [Mr. DICKEY] would love to support those children.

We do not want to go to places like Michigan City, IN, where 880 children are waiting to get on Head Start, where I only have 35 percent of my eligible children enrolled, and tell the children there, which ones are going to get kicked off, I ask the gentleman?

Mr. Chairman, I would not want to be going into Head Start programs around this country saying, you, you, and you are out of Head Start. That is not the direction this country should be going in.

Mr. DICKEY. Reclaiming my time, all I am trying to say, for the sake of the people who might be listening to this conversation, is that your talking should be to them, not to us. If we had been successful on our end of the table late that one night for Head Start, we would have $161 million restored.

Not one of your colleagues voted in favor of that because they wanted to honor things like lawyers, and they wanted to honor the NLRB that is going out here and causing destruction in our economy and walking over people who are trying to keep jobs in place so that we can have taxes so we can have more money for education.

All I am saying is it does not seem proper. It is not right that we get to the point where we start talking about you all over there, or you all over there, when we are all trying to help Head Start.

Mr. ROEMER. Mr. Chairman, will the gentleman yield further?

Mr. DICKEY. Certainly, I yield to the gentleman from Indiana.

Mr. ROEMER. I would just like to engage the gentleman, the Republican gentleman from Arkansas, in a colloquy. He and I worked together on many issues. This should not be a partisan issue. We have always agreed in this body to support Head Start and increase funding on Head Start, whether it was in committee or on the floor.

Now, for the first time, we are kicking children off. How can we work together to restore that cut, increase Head Start?

Mr. DICKEY. I think what we ought to do is we ought to look from the standpoint of trying to help the children, rather than trying to make a political statement. What is unfortunate about this is that $161 million could have been restored to Head Start and it was not because there were other programs that were preferred over this.

Now, if your colleagues could talk it over and we could talk it over, then we would not have this partisanship. The partisanship occurred. All five Democrats voted against Head Start in both of those instances, and there are two standing right here that will also try to make this a partisan issue and say that we somehow are at fault for not bringing Head Start in in the proper funding.

Mr. HOYER. Mr. Chairman, will the gentleman yield?

Mr. DICKEY. I yield to the gentleman from Maryland.

Mr. HOYER. The gentleman from Arkansas [Mr. DICKEY] is my friend and we work closely together on some things, but so that everybody on the floor knows what we are talking about, has sought to cut justice for workers.

We will pursue it further.

Mr. DICKEY. I will be happy to.

Mr. HOYER. Mr. Chairman, I yield 2 minutes to the gentlewoman from North Carolina [Mrs. CLAYTON].

Mrs. CLAYTON. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, this bill clearly demonstrates our Nation's commitment to education and to our youth, mostly words but not real resources. Where a Nation invests its resources indicates its priorities. Education should be our Nation's priority.

This bill is blindness march toward a balanced budget, without consideration of the merits of the programs proposed to be cut or eliminated.

But worse, this bill ignores the pain it will cause to the many children, youth, and elderly of America. This is a shame.

The Labor-HHS bill is an obstruction to education.

Half of the cuts in the bill—some $4.5 billion—comes from education.

Fifty thousand disadvantaged children who need a little help in the beginning of our lives—at the onset of their education—will not get that help. Head start is cut by $137 million. Healthy Start is cut by 52 percent.

Thousands of needy school children, in my congressional districts during their most important educational and formative years, will be without vital support. Title I is cut by $1.1 billion. Drug-free schools is cut by 59 percent. The Goals 2000 Program is eliminated, and, vocational education is cut by 27 percent.

And, thousands of those school children, willing to work, who have found hoe in a mountain of hopelessness, will not be able to work. The School-to-Work Program is cut by 22 percent. And, worse, the Summer Jobs program is terminated.

The privilege of an education belongs to all in America. Many have toiled long and hard to achieve that aim.

The Labor-HHS appropriations bill, with the stroke of a pen, takes that privilege away.

The deep and irresponsible cuts in education are made worse by other cuts in this bill.

In fact, more than 170 programs are eliminated by the kind of slicing and carving undertaken in this bill, like nothing we have ever seen before in the history of this Nation.

Even the Low-Income Home Energy Assistance Program [LIHEAP] is eliminated.

This bill says to young people in America, "You have no future" and to seniors, "You have no past."

Mr. Chairman. I am at a loss.

Critical programs are being cut—programs that have served our citizens well—and, the savings will go to increasing the wealth of the wealthy.

Mr. Chairman, our colleagues tell us that this bill and others puts us on the glide to a balanced budget.

To balance, however, means to steady. Steadiness promotes stability. Stability promotes security. And, security is what every American seeks.

This bill gives us neither steadiness, nor stability, nor security. It is not good for this Nation. It should give us shame.

Vote "No" on this bill.

□ 1330

Mr. PORTER. Mr. Chairman, I yield 4 minutes to the gentleman from Michigan [Mr. HOEKSTRA], a member of the authorizing committee.

Mr. HOEKSTRA. Mr. Chairman, I thank the gentleman from Illinois [Mr. PORTER] for yielding this time to me.

This morning in the Committee on the Budget we had the opportunity to have what I thought would be a good dialog and debate about much of what has been going on here on the floor today, a discussion and a debate about what our policy agenda is on both sides of the aisle as the President and as the majority here in the House both strive to reach for a balanced budget. But then it became very, very clear that the two sides are playing with a different set of rules. The Republican plan scored under this Congressional Budget Office does within 7 years get to a balanced budget. The President's plan scored under the same rules, however, enables the president to have $200 billion more per year to spend.

So, as we are talking about how are we going to achieve and what policies are we going to implement to achieve a balanced budget, we are finding that one side is playing with one hand tied behind their back. One side actually gets to a balanced budget, the other side can continue going around the country and can continue going around to special interest groups promising a whole set of programs and priorities and spending that really does not exist and that totals out to about $200 billion.

We also find that the other side is really trying to perpetuate a program and a philosophy that over many years we know does not work, and this book here, "Reviving the American Dream," written by Alice Rivlin, who is the head of the Office of Management and Budget, Director of the Office of Management and Budget, she highlights the failed policies that in many cases we are finding are being debated in this bill. Here is what she said about education, and remember this person works for the President:

> Improving education will take bottom-up reform, Presidential speeches and photo opportunities, national testing and assessment, federally funded experimental schools. Even new grants spent in accordance with Federal guidelines can make only marginal contributions in fixing the schools. The popular Federal Head Start Program demonstrates that preschool education helps children from poor families cope better in school. The negative legacy of Head Start, however, is that States and communities have come to believe that the responsibilities for preschool education lie with Washington, not with them. Change would come more rapidly if concerned citizens, parents, and educators worked to improve their own preschools instead of lobbying Washington to allocate more funds for Head Start.

Mr. Chairman, she goes on to say that top-down management by the Federal Government is unlikely to bring about needed change in education, skilled training, and other areas where reform is essential. She also goes on to state that when these programs and responsibility for these programs are moved from the Federal Government to the State government, we will see more action, more effectiveness, and better results.

This is coming from the administration.

All of what we are seeing here debated from the other side is a continuation of pushing policies and programs that we have had for too long and that we know do not work. Let us embrace the future, let us move to a balanced budget, and let us move to move decisionmaking where it is most appropriate.

Mr. HOYER. Mr. Chairman, I yield such time as he may consume to the gentleman from North Carolina [Mr. WATT].

Mr. WATT of North Carolina. Mr. Chairman, I rise in strong, vigorous opposition to this bill and title III, and I rise today to protest the shortsighted cuts included in this mean-spirited bill. In an effort to frantically balance the budget on the backs of poor and middle income families, Republicans have completely lost sight of those important, cost-effective programs which work well.

One such program is the Low-Income Home Energy Assistance Program. This program is not welfare. Each State participates in this program. It reaches more than 5.8 million people nationwide. Last year, the average benefit for the 452,000 recipients in my home State of North Carolina was $91. Seventy-nine percent of these recipients have an average income of less than $8,000. In many cases this was the safety net that kept the poor and elderly from being cold or freezing to death.

Who are these people, you might ask. In North Carolina, almost 64,000 households have recipients over the age of 60. Almost 60,000 households have recipients who are children under the age of six. And over 36,000 households have recipients who are disabled. How can we expect these people, whose annual income is less than the poverty level, to survive these vicious cuts?

These cuts border on being criminal, Mr. Chairman. If they're not criminal, they're certainly irresponsible. We should not penalize these people because they are poor. Yet that is exactly what we are going to do by passing this mean-spirited bill.

In this body, we have a tendency to get caught up in arguing over numbers and lose sight of the people whose lives depend upon these programs. This program is a success. Let's not let the Low-Income Home Energy Assistance Program become another victim in the Republican numbers game. This program will not break the Government but it will break the little comfort and will of the 452,000 recipients in my State who depend on this program.

I urge every Member of this House to reject this bill.

Mr. HOYER. Mr. Chairman, I yield 1 minute to the gentleman from Philadelphia, PA [Mr. FOGLIETTA].

Mr. FOGLIETTA. Mr. Chairman, I rise today to urge my colleagues to vote against this shortsighted, hard-hearted Labor-HHS-Education appropriations bill. As chairman of the Congressional Urban Caucus, I tell you that this bill is the most antiurban, Government act since President Ford told New York City to drop dead. It is antifamily. Antichild. Antisenior. Antieducation.

Our constituents sent us to Congress to make choices on their behalf. Sometimes they are tough choices. But the choices made in this bill are nothing but harsh, mean, and cruel. The education title demonstrates this vividly.

Last week, this Congress protected Gallo Wine's welfare program—giving them tax dollars to market their wine to the French.

But today, we vote to send our kids to school to fend for their lives—on their own—against guns and drugs. The French get Gallo wine, while our children risk their lives in schoolyards. Bad choice.

Time and time again, this Congress spares the space station from extinction. But today, we'll cut vocational skills programs for youths who will never make it to college. We'll build shelter in space, but leave our young people little or no job opportunity at home. Bad choice.

This Congress spends billions to build B-2 bombers that we don't need. The cold war is over. Yet today, we'll vote to cut Head Start. Thus, we're making fat-cat defense contractors fatter, while Head Start turns into a no start. Bad choice.

This is a lesson in poor choices. Wrong choices. The best thing—the only thing—we can do is throw this bill out and try again. Again, I urge my colleagues to vote a resounding "no" against this legislation.

Mr. HOYER. Mr. Chairman, I yield 1 minute to the gentleman from New Mexico [Mr. RICHARDSON], one of the whips on the Democratic side who has done such extraordinary work internationally.

Mr. RICHARDSON. Mr. Chairman, I cannot support this bill. The education cuts in it are devastating for the country and for my State.

In one school district where 60 percent of the students beginning school do not speak English, these cuts mean that 6,000 students will not understand what is being taught.

Bilingual education programs teach students like Elisa, who started the 2d grade not able to speak one word of English. Last year Elisa walked across the stage as the valedictorian of her 1,200 member graduating class.

Impact aid funds provide a kindergarten for Gallup-McKinley County

School District. The cuts contained in this bill mean 300 children will not go to kindergarten.

Clovis municipal school system will lose a school counselor who works with children who are at risk of drug and alcohol abuse.

The Belen School District has over 1,700 children who need reading and math help. With cuts to chapter 1 funding, the school district will have to choose which lucky 400 students out of 1,700 will get the help they need.

Mr. Speaker I cannot go back to my district and look into the faces of children and explain to them that I voted to eliminate their chance to go to college, stay away from drugs and violence, and improve their reading and math skills.

Vote against this bill.

Mr. PORTER. Mr. Chairman, I yield 4 minutes to the gentleman from Florida [Mr. MILLER], a member of the subcommittee.

Mr. MILLER of Florida. Mr. Chairman, I think it is a shame that this debate constantly veers away from the true issue for which we are here in Congress and here today. We are currently facing one of the most important moral and economic challenges of our time, to balance the Federal budget. For too long the Federal Government has lived beyond its means, and our problem in getting this budget into balance is spending. We have got to cut the spending side. President Reagan said the problem we had was not that we are taxed too little, we spend too much. We must cut spending and control the spending in order to balance our budget.

Mr. Chairman, due to this gluttonous behavior here is what we are facing today. The national debt is almost $5 trillion. What are the practical implications of this? In just 2 years the Federal Government will pay more for interest on the debt than we pay for national defense. Think about that. What does that say of our national priorities?

If we had adopted the President's budget proposal, the amount U.S. taxpayers will pay in taxes over the next 11 years for interest would have equaled the entire debt we have today. This is a kind of out-of-control spending, without regard to consequences. That spending must be under control now.

The Democrats cannot believe that we are only going to spend $60 billion, over $60 billion in this program. We are spending over $60 billion in this one appropriation bill for the discretionary programs alone. "Why would Republicans want to make cuts in Federal spending," the frustrated minority keeps asking. Here is the answer:

Next year we are going to spend $235 billion for interest on the national debt. That is four times what we are spending on this bill, four times more then we are going to spend on interest on the national debt, and we keep wanting to increase it.

Someone said, "What is our priority of spending?" A Member on the other side was asking, "What is our priority of spending? Where do we rate priorities?" Well, if we just want to keep spending, spending, spending, our priority must be more interest on the national debt. We are overspending this year by $670 for every man, woman, and child in the United States, and that just adds to our national debt, and that increases our interest that we are going to pay.

Now I am a big supporter of education. I am a former college professor. My son just graduated from college. My daughter is just getting ready to start graduate school, getting a master's in social work, by the way. So I feel very strongly about the need for education, but education is primarily a local, State, and family matter. Ninety-five percent of the money for elementary and secondary education comes from the State and local government, not the Federal Government. Unfortunately for the 5 percent of money the Federal Government provides, we get all the bureaucracy, all the regulations that are imposed in our local schools.

In 1950 the average family sent 5 percent of their wages to Washington. Today, with a bloated Federal Government, we are sending 24 percent of our money to the Federal Government. We are not spending 24 percent of our incomes for Federal Government. We cannot continue doing it. What will be the best thing we can do for our children today is to not continue to fund these duplicative wasteful programs and the huge bureaucracy in the Department of Education. Let us prioritize our spending.

Before the Democrats stand up again and rant and rave about Republicans, just stop and think for a moment that we are going to spend four times as much in interest for the national debt than we are going to spend for the Department of Labor, the Department of HHS, the Department of Education. That's the disgrace that we must stop.

I urge my colleagues to support this bill.

Mr. HOYER. Mr. Chairman, I yield 1 minute to the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Chairman, I thank the gentleman from Maryland [Mr. HOYER] for yielding this time to me.

Mr. Chairman, there are many reasons to vote against this Labor-HHS bill, but this education title is just an abomination. It cuts $3.7 billion from last year's education budget, a 14-percent decrease, and it is $5.2 billion less than the Clinton administration requests for an investment in our children.

The sad thing is to hear our colleagues come to this floor and say we have to cut the education of our children to balance the budget. I ask my colleagues, "Don't you know by now you're never going to be able to balance the budget unless we invest in our children, unless we give them personal opportunity, unless we give them the earning power, the education to achieve the earning power to contribute to the competitiveness of our country?" So balancing the budget is tied to investing in our children. Any family can tell us that.

Their protestations about balancing the budget ring hollow in light of the fact that they are cutting education for children in order to give a tax cut to the wealthiest Americans. They tried trickle down once. It didn't work then, and it will not work now. Vote "no" on this bad bill.

Mr. HOYER. Mr. Chairman, I yield 1 minute to the distinguished gentlewoman from Texas [Ms. JACKSON-LEE].

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Ms. JACKSON-LEE. Mr. Chairman, I thank the gentleman from Maryland for his kindness and his leadership.

First, Mr. Chairman, we begin to eliminate good health for our children, and then we go on and put the nail in the coffin by taking away the dollars for their education.

What we are doing today with the Labor-HHS bill is simply saying that we are taking $266 million from the safe and drug-free schools program, we are taking some $174 million from our special education program, $325 million from our vocational and adult education program and $701 million from student financial assistance.

Let me talk about special education, and that is special. It is for our special children, not our children that we have given up on. It is the child that needs an extra helping hand, the child that can be a successful contributor to this society and yet today we find that this legislation is undermining that child's opportunity to get an education.

And what about vocational and adult training for dislocated workers, opportunities for them to start anew?

Mr. Chairman, this is not a bill for our future. It is one that nails the coffin shut on the lives of Americans. I oppose the major cuts in this legislation in vital health and education services, that Americans need and deserve.

Mr. MILLER of Florida. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. MCKEON].

Mr. MCKEON. Mr. Chairman, I rise to discuss a few key points on higher education that are contained in this bill.

First let me say this. In a perfect world, a world without these enormous deficits as far as the eye can see, it would be nice for us to consider providing additional support to our Nation's college students. They hold the future of the Nation in their hands, and they deserve our support, all that we are able and can afford to give.

However, this is not a perfect world. Given our current fiscal environment we have one overriding issue we must focus on over and over above all others, and that is reducing the Federal deficit. Given this priority, this is a bill that does the best it can for higher education. This is a bill that does a number of important things for higher education, such as providing the highest maximum Pell grant in the history of the program. It saves important campus-based programs such as work study and SEOG. It restricts the Department of Education's ability to spend wastefully on its gold-plated direct loan program by eliminating its ability to spend on lavish trips for bureaucrats and campaign ads for the President.

These key items as well as other key education reforms that my subcommittee is considering provide important supporting to higher education. Because of the fiscal realities we are facing, the time is now to bring much-needed focus to Federal higher education programs.

This bill does what it needs to do. It puts us on a path toward a balanced budget while at the same time supporting key higher education programs for young Americans.

Mr. HOYER. Mr. Chairman, I yield 1½ minutes to the gentleman from New York [Mr. ENGEL].

Mr. ENGEL. Mr. Chairman, I bring today to the floor this shirt which says "shame." It was given out yesterday by people in the labor movement, but it is just as good to illustrate what we are doing to the children of America today, for shame.

S is for selling out the children of America, selling them out by eliminating the safe and drug-free schools program, by a 27-percent cut in vocational and adult training, $1.2 billion cut from title I, the Goals 2000 education standards eliminated, 50-percent cut in bilingual education.

H is for Head Start, which will lose more than $137 million when we sacrifice our future.

A is for the aged, which will have to choose between food and heat when we destroy their low-income home energy assistance program.

M is for mean spirited, which is what these attacks on the most vulnerable in our society are.

E is for enough, enough of taking from working people, the aged, our children, to pay for the Republican tax cuts for the rich, these same people who gained the most from the trickle-down years.

Mr. Chairman, this is a sad day for this institution, and it is a sad day for America. It has been said that we should be judged by how we treat those who are least able to defend themselves. By that standard, our Republican friends should feel nothing but shame for what they are about to do.

This is the worst bill I have seen in my 7 years in Congress, and it should be soundly defeated. Shame on all of us if we pass this bill. Shame on what we are doing to the children of America, to the working people of America and to the elderly of America, all to pay for a tax cut for the rich. Shame.

Mr. MILLER of Florida. Mr. Chairman, I yield 5 minutes to the gentleman from Texas [Mr. BONILLA], my colleague from the subcommittee.

Mr. BONILLA. Mr. Chairman, I think those who oppose this bill should be ashamed of themselves for working off of a fallacy and a myth in this country that somehow throwing money at an educational problem is going to solve it.

I do not need a lecture from anyone in this Chamber about what it is like to grow up in a low-income neighborhood. I did such a thing. I went to a high school that had a 50-percent dropout rate where, when I started high school in south San Antonio, all of the teachers quit because of the mess that the school board was involved in at the time.

And you know what made a difference in me finishing school? It was not a government program. It was the fact that my parents cared enough to get involved in my education, to show up at the after-school projects and some of the events that we held in the evenings to promote education. It was not because someone threw a bunch of money at us and suddenly decided that they were going to help me graduate.

The problem with education in this country is that the parental responsibility is broken down in neighborhoods. We need to work at a grassroots level, at a civic level like I do, trying to talk to parents at schools, trying to organize efforts and support efforts in our local neighborhoods to get parents to be involved in a person's education.

We only have to look right here in our own backyard, in Washington, DC, where we spend over $9,000 per capita for each student to put them through the D.C. school system. What good has that done? They have a terrible success rate.

It is unfortunate that that has occurred, but it is because adults in this country have not taken the responsibility upon themselves to get involved and be responsible for their child's education. It is not going to matter what we do up here with Federal programs.

There are some that work. We are supporting Head Start. The 190-percent increase over 5 years, we are for that because it is a program that works. We are going to help the TRIO program because that works as well. We are fully funding that this year. We are funding bilingual education programs to the point where they can be administered in a transitional way and not allow students to exist on a bilingual program forever and they never learn to adapt to the English-speaking society that we have and succeed.

We are also supporting the greatest increase, to refer to this chart, the greatest increase in history, the greatest increase that is allowed by law in Pell grants, because this is a program that has helped kids as well that want to go to college.

So we are trying to preserve the good programs that work in this country, but do not stand up here and give me a lecture and give us lectures about what it takes to help people in low-income neighborhoods. We understand that very well on this side of the aisle, and we want to continue to support these good programs. Do not stand up and give us a lecture about what it is like to grow up in a low-income neighborhood. We understand that very well. So do not act like you understand it any better than we do.

Mr. HOYER. Mr. Chairman, I yield myself 30 seconds.

Understanding it is not enough, I say to my friend, the gentleman from Texas, you need to act on your understanding, not just talk about it.

Mr. Chairman, I yield 1 minute to the very distinguished gentleman from New York [Mr. OWENS].

Mr. OWENS. Mr. Chairman, all taxes are local. The Federal money came from the local level. We pay our income taxes and send them to Washington.

We need our money back for education. The States and the cities are not going to be able to take care of the education problems.

Let me just tell you about two schools in my district. Public school 208 in East Flatbush, Brooklyn, is one of them. Nearly 70 percent of all the children are from low-income families. Most of them are working poor. The school is overcrowded, filled to 120 percent capacity, with an average class size of 30. About one-third of the students test below what the State considers minimum competency in math and reading. If this bill passes next year, the title I tutoring of 270 of these children will no longer be there.

Prospect High School is another school in my district. It is 68 percent of students from low-income families. The building is almost 70 years old, in shocking disrepair. Many of the classrooms do not even have blackboards. There are not even enough chairs in the cafeteria to seat all the students, so some of them must stand up and eat or they eat propped up against the wall. Extracurricular activities are nonexistent. If this bill passes next year, these students will not have title I programs they need, 1,000 students will miss out on title I programs.

Mr. HOYER. Mr. Chairman, I yield 1 minutes to the gentleman from Massachusetts [Mr. OLVER], the distinguished successor of Silvio Conte, who would have opposed this bill.

Mr. OLVER. Mr. Chairman, I heard this bill described today as a careful consideration of priorities and elimination of useless Federal programs. Well, Mr. Chairman, I do not consider education goals for the year 2000 as useless, nor dropout prevention useless, nor education for homeless children useless, nor a Teacher Corps useless, nor workplace literacy useless, and I deplore the cuts in student financial aid and Head Start for affording 8,000 students and cuts in safe and drug-free schools.

And as for priorities, Mr. Chairman, the start-up cost for the B-2 bombers, the 20 new B-2 bombers which are unneeded and were not even asked for by the Pentagon, they would pay for all the costs of all those cuts in all these education programs that we are talking about today.

The Republican priorities here are simply wrong. We should kill this turkey. As the gentleman from Wisconsin had said, we should kill this turkey of a bill.

□ 1400

Mr. HOYER. Mr. Chairman. I yield 1 minute to the gentleman from Texas [Mr. GENE GREEN].

Mr. GENE GREEN of Texas. Mr. Chairman, I thank the gentleman from Maryland for yielding me this time. I serve on the Committee on Economic and Educational Opportunities and am proud to serve there.

Like my colleague from Texas himself, I remember where I come from, and I remember in 1965 was the first time we received public Federal education funds at the school that I went to, at Jeff Davis High School in northside Houston. We did not have audiovisual equipment until we got that funding.

Nowadays it pays for much more than hardware. It pays for teachers and better education. That is why I wanted to serve on the Committee on Economic and Educational Opportunities. I represent a district that the median income is $20,000, compared to my Republican colleagues which is double that and more.

If we are going to increase that level of funding for our families, then we have got to do it with better education. This bill today, cutting it is wrong. The difference between the Democrats who are opposed to this bill and the Republicans is that we remember where we come from and we know what we have to do to provide a better quality of life for the future of the United States, and that is provide more education funding.

Mr. PORTER. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I sat back in my office and I am watching the rhetoric on both sides, and I think there are some things that we can actually work to help some of these things. We have got an amendment, for example, that is coming up that is going to provide $6 million in outlays, in which we are going to be able to plus-up the Eisenhower grants. We talk about we want teachers to be better and our students to be better. I understand you all are going to accept the amendment, which is great. This is the kind of thing we need to fight toward, to work together.

I also feel eventually I would like to take education and would like to move most of it to the States. We get a very low percentage of the tax dollars back down to the classroom. A lot of it is eaten up with the in-between in the bureaucracy. I think it is better off down there. But in the meantime, what we need to take a look at is, while we are doing this, education is front loaded. It is forward funded. And unless we provide some transportation or some in-between time to do that, we are going to actually damage some of the things that we need to do.

We are going to provide the money for Eisenhower grants. We are going to provide the money to help impact aid for B's and B's. We are going to take some of the money, over $100 million, and put back into other programs, in job training for students. These are the kinds of things that I would hope my colleagues would focus on.

Yes, I think in some places we have probably gone a little too far. Let us work together and bring it back in line. Let us work at it, instead of just firing rockets at each other all day long.

Mr. HOYER. Mr. Chairman, I yield 1 minute to the gentleman from Guam [Mr. UNDERWOOD].

Mr. UNDERWOOD. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, we are engaged in a great debate of priorities on this floor and it is a necessary debate. We have been told by the other side that we are establishing priorities with this appropriation, that this is the basic purpose here—we want to create the glide path to a balanced budget.

Nothing could be truer and it is abundantly clear that the priorities of the other side do not include children, the priorities of the other side do not include programs which will help our young people take advantage of economic opportunities, become more competitive in the world market, in short, become educated. The priorities of the other side do not include education, planning for it, using it as a basis to expand opportunity for the most vulnerable in our society.

The other side has made the comparison to doing our own family budget and that we must get our own Nation in order in the way we get our own home in order. Well based on what the other side has come up with, we have a family budget which has invested in burglar alarms at the expense of school books, a family budget which has invested in military toys instead of computers and a family budget which guarantees that your rich uncle will be getting more in the future than your retired grandmother.

Mr. HOYER. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio [Mr. STOKES], a senior Member of our body and a member of our subcommittee.

Mr. STOKES. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, we need to be up front in telling the American people what this bill does to the education of the Nation's children. We need to tell parents how this bill threatens the quality of their children's education, their school safety, and their future career opportunities. And, while we are doing this, let's be mindful that everyday parents across-the-country are telling their children to study hard, get a good education, and you will be a success.

Parents need to know that the Republicans on the committee voted against amendment after amendment to even partially restore funding to critical education programs. Even as we meet here today, the Republicans have said that these cuts are meaningless.

Well, I do not think that the parents of the 1 million children that will be denied title-I assisted learning in reading and math will find the over $1 billion cut in title-I meaningless. I do not think that parents who are concerned about drugs and crime in their community's schools will find the $266 million cut in safe and drug free schools meaningless.

Mr. Chairman, our children should not be forced to pay for a tax cut for the wealthy. Let's not deny our children their chance to achieve the American dream. For the children's sake, I ask my colleagues to vote against H.R. 2127.

Mr. PORTER. Mr. Chairman, I yield 2 minutes to the chairman of the Republican Conference, the gentleman from Ohio [Mr. BOEHNER].

Mr. BOEHNER. Mr. Chairman, I want to thank the chairman of the subcommittee for the fine job that he had done and for yielding me this time.

Mr. Chairman, to my colleagues that have been about watching this debate over the last several days and to people whom I am sure have been watching it, probably wondering why all of this rancorous debate, why all of this strife. A lot of people might call it partisan bickering, yelling at one another. But what is really going on here I think we all understand is a very serious debate about what the appropriate role of the Federal Government here in Washington is today.

Now, last November the American people, I think, made a big decision. They sent this town a very serious message, that they want government in Washington to be smaller, less costly, and less intrusive into their lives.

While they said that, they sent a new Congress here to change the way Washington does its business. Probably our largest priority is to actually put forward, and we are going to pass, a plan that will actually balance the Federal budget here in Washington. As we do that, we are going to reinvent government here in Washington and reinvent the role of government here in Washington.

I am surprised as I listen to some of the debate from my colleagues on the other side of the aisle, that they think that compassion ends at the outer edges of the beltway in Washington, that our States and local communities, that parents do not really care about what happens to their children's future.

Well, they do.

Another point I would make is that as we redesign this Government and shrink this Government, what we are going to do is save the future for our children and theirs. I ask my colleagues on the other side of the aisle who have designed these 240 Federal education programs, what good it really does for our children and theirs if we are going to have these programs, but we are going to let them pay for them over the next 40, 50, 60 years, because all it is doing is adding to the national debt?

How fair is that? The fact is I think we can go a lot further moving these programs back.

Mr. Chairman, I urge my colleagues to support this bill.

Mr. PORTER. Mr. Chairman, I yield 2 minutes to the gentleman from Kentucky [Mr. WARD].

Mr. WARD. Mr. Chairman, I would like to engage the gentleman from Illinois [Mr. PORTER] and the distinguished chairman of the subcommittee, in a brief colloquy if I may.

Chairman PORTER, I greatly appreciate your taking the time to talk with me about my concerns over the 40-percent cut made in the budget of the American Printing House for the Blind. As you know, the American Printing House is located in my district, in Louisville, KY, and carries out the mandate of the 1879 Act of Congress to promote the education of the blind.

Over these many years, the American Printing House has produced and distributed special educational materials to legally blind students enrolled in pre-college programs. In fact, I understand that the Hadley School for the Blind in your district utilizes American Printing House materials.

Mr. Chairman, the 1995 budget last year provided $107 per youngster for a total of $6.6 million in the budget. The cut in this bill would have a very detrimental effect on the ability of the American Printing House to carry out its vital mission. If the cut proposed becomes final, legally blind students in every State will have less access to the educational aides that are produced only at the Printing House for the Blind.

Mr. Chairman, I know you share my concern for these young people. When the House goes to conference with the other body, I would be most grateful for any help you can give to restore the necessary funding for the American Printing House for the Blind.

Mr. PORTER. Mr. Chairman, will the gentleman yield?

Mr. WARD. I yield to the gentleman from Illinois.

Mr. PORTER. Mr. Chairman, I am very well acquainted with the work of the American Printing House for the Blind, both through the Hadley School and through my work on the subcommittee. I do share the gentleman from Kentucky's interest in providing for the educational needs obviously of blind people. In conference I will do all I can to increase the amount of funding for the American Printing House.

Mr. WARD. Mr. Chairman, I thank the gentleman very much, on behalf of all those people at the American Printing House for the Blind, for his assistance.

Mr. PORTER. Mr. Chairman, I am very pleased to yield 1 minute to the gentleman from Delaware [Mr. CASTLE].

Mr. CASTLE. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I would just like to speak very briefly about three areas of concern that I have. I think, first of all, it is probably not the end of the world that we are making some cuts in education. I think we can probably live with some of that. But there are areas about which I am concerned.

I believe the goals panel, the national goals panel is a very, very important step we should reinstate. I am talking about $3 million or some relatively small amount of money. But those goals are not standards, they are not telling anybody how to do anything, they are goals that we need to reach by the year 2000 and I do not think we are doing it.

I would hope at some point as this goes through the Senate and goes through conference, we will look at the safe and drug-free schools, and hopefully we can restore that money, because I think that program has worked so significantly well.

Also, if there is anything left over, I think that the chapter 1 program has by and large worked effectively in the United States of America. I realize that we have to make the cuts, and I realize we are going to have to make a lot of tough decisions, but I also believe these are programs we should look at.

So I would urge all of us as we continue this to take a look at those particular programs.

Mr. HOYER. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, we started this debate talking about opportunity, and that all of us on this floor, I believe, are for an opportunity society, and that, generally speaking, our constituents believe that opportunity's door is through the schoolhouse.

The schoolhouse door is the door that has given most Americans the opportunity to better themselves, prepare themselves for the workplace, prepare themselves to be responsible, participating citizens. Yes, taxpaying citizens of our country who wanted to participate in making America great, they have done so.

We have then talked about, however, the deficit, and how the deficit is of great concern to all of us. I want to tell again my friends that I voted for the balanced budget amendment. I voted for the Stenholm amendment, which would balance the budget in 7 years. I did not vote, however, for a large tax cut in the face of large deficits. It clearly does not make sense, because we need to get the deficit down first.

The only reason I continue to suggest that we need to make these draconian cuts in education, in shortchanging the children of America, is because of the necessity of the Republican side to get to some numbers caused by their very significant tax cut of $245 billion.

Now, someone said oh, yes, but that is distributed evenly throughout middle American the middle class, and the rich were not getting rich, and it was unfair of us to say we were taking $9 billion from children and putting that $9 billion, just a portion of the $245 billion, over here for a tax cut for the wealthy.

My friends, here is the distribution: Here is the distribution of the tax cut. On the far right you have the bottom 20 percent, then the second 20 percent, the third, the fourth, and the top 20 percent. But then, my friends, you have the top 1 percent, and the tax cut they get.

Now, I suggest if somebody says this is factually incorrect, I am sure they will correct me. But I am sure that I will not be corrected, because this is the accurate depiction of what your tax cut will result in and that is the distribution.

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Twenty thousand dollars that everybody in the top 1 percent will get is being taken from Head Start children, chapter 1 children, student loan children, energy assistance, from this bill.

Now, an additional argument that was made was, it all ought not to be in Washington. We agree with that. As a matter of fact, we agree very much that it ought to be local people, local school systems, local parents, local teachers that become engaged in how to make the education of our children better and more effective.

That is why only 2 percent, only 2 percent of the money in this bill for education is kept in Washington; 98 percent, out to students, goes out to State school systems and local school systems. Hear me now, 98 percent. That is not a bureaucracy in Washington being made fat. That is Washington trying to make sure that, as a nation, these are not just Maryland students and California students and Maine students and Florida students. These are Americans who will participate in the future in making America great. That is why we who represent all of the American people direct ourselves to this program.

It is $3.8 billion cut in education in this bill, again, I suggest to you, made necessary not by budget deficit reduction but by the $245 billion in the tax cut. You have to get it from somewhere, and the kids are here, and that is where you are getting it.

Now, title I, 1 million students are being cut out. Safe and drug-free schools, 60 percent is being cut. I frankly do not have any of my constituents come up to me and say, hey, we have accomplished our objective. We have safe schools, no violence in them, no drugs in them; we do not need to make the effort anymore. They do not believe that. We still have a very virulent cancer on our community, and it is drugs and violence in our schools. We need to help.

We are not the sole answer, but we need to help our local school systems, Goals 2000. The former Governor of Delaware rose and said this is a good program. The gentleman from Wisconsin [Mr. GUNDERSON] came up and said, the macroobjective of bringing the deficit down is excellent. I disagree with that. But the micromethod you have undertaken on your side of the aisle, he said, Republicans, you are wrong. That was Mr. GUNDERSON from Wisconsin, not the gentleman from Maryland, Mr. HOYER.

Under the Reagan-Bush 12 years, we quadrupled the budget. Let me say to my Republican friends again, not one red cent was spent in America from 1981 to 1993 that Ronald Reagan and George Bush did not sign off on. They could have stopped any and all funding in its tracks. They did not do that. They chose to endorse the priorities that were sent to them.

This President, by the way, is not going to do that, because he is right. These priorities stink and he is going to veto this bill. I am going to support his veto and applaud him in effort. I guarantee you in my opinion the American public are going to support him, too.

Why? Because over 90 percent of them think, yes, balancing the deficit is important, but saying to a child, you will not be able to compete, you will not be able to have a job, you will not be able to support your family, you will not be able to compete in global economy but, by the way, you will owe less debt, you think that makes any sense to them? They will not have a job. They will not care what debt they owe.

Vote against this cruel cut in education for our children.

Ms. JACKSON-LEE. Mr. Chairman, well, here we go again. Once more, my Democratic colleagues and myself are needing to stand up against the majority's assaults on poor women, children and the elderly.

Poor women on Medicaid who will be denied good health care for them and their children. The legislation even undercuts the very successful healthy short program that give poor children early preventive health care.

The Head Start program gives millions of American children the opportunity to start their adolescent and academic development on the right foot. The Republicans are choosing to reduce funding for this program. I can envision it now * * * little by little, they will try to dwindle this program into obscurity as well. We will not stand for this.

And our poor seniors. What will come of them during this so-called revolution? We have already seen a glimpse of what the majority wishes to do to the Medicare program * * * and now, they want not to reduce funding for the Low Income Home Energy Assistance program, but to eliminate it!

Houston, a city that experiences extreme temperatures and a high heat index, needs a program like LIHEAP. I spoke today with the Houston Harris County Area Agency on Aging about the effects on our seniors if this program is eliminated. The outlook is not good.

In our most recent Houston heat wave, the city's multi-purpose and senior centers increased their hours of operation for the emergency placement of elderly citizens at alternative sites—they needed a cooler place to stay * * * not only for their health, but for their safety. This can often be a life or death situation. Swiftly eliminating a program of such importance is irresponsible legislating.

I urge my colleagues to oppose this legislation which effectively disregards this Nation's commitment to life, liberty, and equality for all.

Mr. LEVIN. Mr. Chairman, I rise in opposition to these unwise and unwarranted cuts to the future of our country. By cutting funds to student aid programs we are dulling the edge of our Nation's future competitiveness.

This bill decimates the Perkins Loan Program for our neediest students. In my district 682 students at Macomb Community College alone may be forced to leave school.

This bill takes seed money away from the Michigan Competitive Scholarship Program, which provides college assistance to disadvantaged students who show unusual academic promise. Isn't academic promise what we're trying to encourage?

And 250,000 currently-eligible students will be denied a Pell Grant. This is not progress, this is moving backwards.

Finally, for our youngest kids, Safe and Drug-Free Schools funding is reduced by more than 50 percent, cutting $9.2 million from my state's DARE and school-based anti-drug efforts.

Why is this happening? Because Republicans have put a priority on tax cuts for very wealthy families that just don't need it. These priorities are backwards and just plain wrong.

The CHAIRMAN. All time for general debate on title III has expired.

Are there amendments to title III?

Mr. PORTER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I will take just a moment because the gentleman was unable to yield to me. I had yielded to a Member on his side as part of our debate.

I say that sounds wonderful, but with the cuts in this section of the bill, in education, they amount to exactly three-quarters of 1 percent of the money spent in education in our country this year, three-quarters of 1 percent is what these cuts amount to. The sky is not falling. The sky is not falling.

AMENDMENT OFFERED BY MR. GOODLING

Mr. GOODLING. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. GOODLING: Page 45, line 7, strike "$1,057,919,000." and insert "$1,062,788,000, of which $4,869,000 shall be for the National Institute for Literacy; and".

Page 49, line 1, strike "$255,107,000" and insert "$250,238,000".

The CHAIRMAN. Pursuant to the order of the House of August 2, 1995, the gentleman from Pennsylvania [Mr. GOODLING] will be recognized for 10 minutes, and a Member opposed to the amendment will be recognized for 10 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. GOODLING].

Mr. GOODLING. Mr. Chairman, I yield myself such time as I may consume.

Today I am offering an amendment to support the continued funding of the National Institute for Literacy. In my mind, there is no more effective solution to many of the social ills facing today's society than ensuring that we have a literate society. Unfortunately, in the United States of America we do not. A large percentage of our people have an eighth grade literacy ability.

Mr. Chairman, I yield to the gentleman from Ohio [Mr. SAWYER].

Mr. SAWYER. Mr. Chairman, I rise in support of the Goodling amendment to restore funding for the National Institute for Literacy. We have done a great deal of work over the last 5 years. It has been in the best tradition of the bipartisan effort that we have enjoyed for many years on our committee. Adult literacy problems remain in the forefront of America's educational and productive economic needs throughout the country. The National

Institute for Literacy has been instrumental in forwarding its goals.

I have to add that, even with this amendment, the bill will continue to force programs that invest in our people to fight for the same pot of insufficient funds, but this amendment reflects a return to the kind of bipartisan support for adult education and literacy that has been so important to our work together.

Funding from OERI to the National Institute for Literacy extends this bipartisan commitment to education research. However, given the cuts in education research and the increase in number of programs that would come out of the OERI line item, I would like to ask the gentleman from Pennsylvania to clarify if it is his intention in any way to affect the current distribution of funding levels between the education and the research centers and the clearinghouses within the overall OERI budget, or is it simply a positive step toward ensuring the availability of all times of educational research.

Mr. GOODLING. Mr. Chairman, I appreciate the gentleman's support for the amendment. He has always been in the forefront in our fight to improve the literacy of this country.

It is fitting that we are standing here today since we stood together on this floor in 1991, and the gentleman is correct about the intention of my amendment. I have no intention of affecting the current structure of funding for the lab, center, and clearinghouses within OERI.

Mr. SAWYER. Mr. Chairman, I appreciate the commitment of the gentleman from Pennsylvania, his leadership in this arena, commend him for his support for this and research activities. I urge my colleagues to fight against illiteracy and yield back the balance of my time.

Mr. GOODLING. Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Does the gentleman from Wisconsin, [Mr. OBEY] wish to be recognized in opposition to the amendment?

Mr. OBEY. Yes, Mr. Chairman.

The CHAIRMAN. The gentleman from Wisconsin [Mr. OBEY] is recognized for 10 minutes.

Mr. OBEY. Mr. Chairman, I yield myself such time as I may consume.

I will not make a big thing of this because I understand that it is just a small item, but I did nonetheless want Members to understand that, while everyone would like to restore funds for the institute for literacy, it does come at a cost. I do not think that cost is advisable.

The amendment, as I understand it, obtains the funding for the gentleman's purposes by reducing the increase in the education research account by $5 million so there would be $15 million above last year left in the education research account.

The problem with that is that, while it sounds like that account is being healthily enhanced, the problem is that, in fact, this bill is cutting some 70 education programs, which the gentleman from Illinois, the distinguished chairman of the subcommittee, has described as being duplicative. We have said about 115 times on this side of the aisle that we agree with the elimination of many of those programs in the interest of consolidation and in the interest of rationalizing administrative structures and delivering more service for dollars spent. And because of the deficit squeeze.

But the problem with the elimination of those 70 programs is that we have been told by the committee that because those programs represent about $200 million in previous expenditures, some of those people interested in those programs have been told, well, you can try to apply, you can try to be funded in some way out of education research.

If you are cutting out $200 million and telling folks to go apply at door B but door B is only increased by $20 million, then you have got a very small percentage chance of actually getting an answer when you knock on that door.

So while I am certainly not going to strenuously insist on my point, and I am not even going to push this to a rollcall, I assure the gentleman from Pennsylvania, I take this time mainly to explain the fact that there is a cost to this amendment.

I am dubious about the value of the trade-off. I recognize the intention of the gentleman, but I wanted to indicate that, if this were pushed to a rollcall, I for one would vote "no" because I think that, while we can have great arguments about the Federal role in education, it seems to me there can be no argument about the necessity for the Federal Government to try to stimulate research which can help us find answers to many questions which have so far being unanswerable.

Mr. Chairman, I yield such time as he may consume to the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Chairman, I thank the gentleman for yielding to me.

I rise to make a couple of observations. The chairman of the committee just a few seconds ago—he would not yield to me—said, look, we are just cutting a little bit of money and the sky is not falling. Well, apparently the gentleman from Pennsylvania believes the sky is falling as it relates to the literacy council.

Other colleagues on his side of the aisle said, we ought to send the money out of Washington. We ought to let the local people make the decision. We ought to have local application. We ought to have local people working on that.

Is it not ironic that the first amendment offered is to add $5 million, and do you know where that $5 million goes? Here in Washington, not out to the States, not out to local school systems, not out to local literacy councils, here in Washington.

So, my friends, I say to you, we have had a lot of rhetoric about the awful Democrats that centralizing money in Washington, and the first amendment offered by the Republican chairman of the committee, of the authorizing committee, offers an amendment to restore totally $5 million which, if divided, obviously, into 50 states, means $100,000 a State. But it does not go to the States. It stays right here in Washington,

I find it a little bit ironic. I am not against it, by the way. I want to tell the gentleman from Pennsylvania, for whom I have a great deal of respect and with whom, as he knows, I agree on his comments in the earlier part of our debate where we need to make sure that programs work effectively. He and I agree on that, whether it is chapter 1, Head Start or any other program. I am not just spending these resources and not making sure they work. But the fact of the matter is, this money, as the distinguished ranking member knows, stays right here in Washington with all those Washington bureaucrats. I am shocked that this amendment would be offered.

Mr. OBEY. Mr. Chairman, I reserve the balance of my time.

Mr. GOODLING. Mr. Chairman, I yield myself 1 minute.

I want to make several points. First off, there is a 23.5-percent increase in the bill at the present time for OERI.

Second, I want to take issue, great issue with whether the money stays in Washington, DC. We have a lot of literacy programs. We need a combination, we need somebody to be a clearinghouse. We need somebody to make sure that the local and the State government efforts are coordinated. That is exactly where this money is going, my dear man from Maryland, the money is going for the development of technical assistance and information that is provided to State and local programs. They need that kind of assistance. We give them that kind of assistance, and OERI still has a 17-percent increase in this budget.

I cannot think of a better way to spend money, if you really are interested in tackling the illiteracy problem that exists in the United States.

Mr. Chairman, I reserve the balance of my time.

□ 1430

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Chairman, as I understood the gentleman's answer was that the local governments needed to have this information coordinated and sent back to them on literacy.

Mr. Chairman, I agree with the gentleman. What I said was that the $5 million was for work done here in Washington to coordinate that information, to send it back to the locals. But the money that the gentleman's amendment is adding back in is going to be spent here in Washington. I believe I am correct on that. If I am not, I stand to be corrected, but staff seems to believe that is the case.

The gentleman, in his answer to me, simply said that we sent it back, that we sent that information back. That is correct. He said they need it; they need that kind of coordination from Washington. I appreciate his observation.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, if the gentleman will look on page 1079 of the hearings, part 5, you will find absolutely no question this is a Washington-based activity.

Mr. HOYER. Mr. Chairman, reclaiming my time, I thank the gentleman for calling my attention to the specific page and am pleased to hear that I was correct.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. OWENS].

Mr. OWENS. Mr. Chairman, I think it is important to note that there has been a misstatement about adding $5 million. This is squeezing $5 million out of other programs that are already in OERI. OERI's budget was increased by 17 percent, but at the same time, they were forced to assume responsibility for a number of other programs that were defunded.

Mr. Chairman, if we add up the money taken away from those other programs, like the desegregation centers, the technical assistance centers, we will find what is taken away from them is far greater than the increase that OERI received. Assuming that this colloquy had some meaning, the colloquy protects the labs, the centers, and one other item that was mentioned there as being protected. Only those 3 items are protected. All of the other entities that are included in OERI will have to suffer as a result.

Mr. Chairman, this is a squeezing, because of the fact that we start out with the wrong amount for OERI to begin with, because we have the wrong amount for the Department of Education totally. The problem is, back to the B-2 bombers, back to the F-22s, back to all the wastes that exist in other parts of the budget. We are forcing the other education programs to eat each other, and that is not proper.

We should not be laboring under the illusion, thinking that $5 million is being added here and that is going to take care of the literacy program and none of the other programs in OERI will be hurt. Many vital programs in OERI have already been eliminated and they must make up for that and assume those responsibilities with the existing money that they have.

Mr. Chairman, this amendment does not allow them to do that. It only places a greater burden on what is left in OERI, including the funding of five institutes that have to be started up and they are part of the existing OERI structure that has been approved.

All of that is being put under the hammer in terms of $5 million being taken away.

Mr. GOODLING. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, of course the money does not come from the existing programs; it comes from the increase. There is still a 17-percent increase for all of those programs.

Mr. OBEY. Mr. Chairman, I yield myself such time as I may consume, to make one point.

Mr. Chairman, there is $20 million increase in the budget for this operation. There is a potential increase in responsibilities of $200 million. Sounds to me like that is about 10 cents on the dollar. Far from having increased ability to do the research they need, they are going to be squeezed incredibly. I think Members need to understand that.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment of the gentleman from Pennsylvania [Mr. GOODLING].

The amendment was agreed to.

The CHAIRMAN. Are there additional amendments?

AMENDMENT NO. 129 OFFERED BY MR. HASTERT

Mr. HASTERT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. HASTERT: Page 54, line 14, strike "objective criteria" and insert "specific criteria".

The CHAIRMAN. Pursuant to the order of August 2, 1995, the gentleman from Illinois [Mr. HASTERT] will be recognized for 10 minutes, and a Member opposed will be recognized for 10 minutes.

Does the gentlewoman from Hawaii [Mrs. MINK] take the time in opposition?

Mrs. MINK of Hawaii. I do, Mr. Chairman.

The CHAIRMAN. The gentlewoman from Hawaii [Mrs. MINK] will be recognized for 10 minutes.

The Chair recognizes the gentleman from Illinois [Mr. HASTERT].

Mr. HASTERT. Mr. Chairman, I want to acknowledge the work of the gentlewoman from Connecticut [Mrs. JOHNSON] in bringing to my attention a possible unintended consequence of the current title IX language included in H.R. 2127.

As one who has pointed out the unintended consequences of title IX, in general, I certainly do not want to create any possible problems. I commend the strong commitment of the gentlewoman from Connecticut to the promotion of women's athletics and to title IX in general. We agree that women's opportunities must continue to grow.

Mr. Chairman, I yield such time as she may consume to the gentlewoman from Connecticut [Mrs. JOHNSON] to discuss the concern that she has with the current language in H.R. 2127.

Mrs. JOHNSON of Connecticut. Mr. Chairman, the current language reads that the Office of Civil Rights of the Department of Education must have updated policy guidance, including objective criteria clarifying how colleges and universities can demonstrate, first, a history and continuing practice of program expansion; and, second, full and effective accommodation of the interests and abilities of the underrepresented sex.

I believe the word "objective" can, ironically, be a subjective standard. It is my fear that parties who oppose title IX, or schools that simply do not wish to comply, could take the policy guidance developed, by OCR, to court over whether or not the criteria developed are truly objective.

If such a court case was pending, Mr. Chairman, it is entirely possible that funding for OCR's enforcement of all civil rights laws would be in jeopardy. This is absolutely ludicrous and far from the gentleman's intent and far from anyone's intent in proposing the language in the bill.

My concern is alleviated by the substitute amendment we offer today, which replaces objective criteria with specific criteria. This language still ensures OCR must provide more guidance to schools by December 31, 1995. However, it is hard to argue in court that criteria are not specific. Therefore, I do not believe the same threat of a loss of funds for civil rights enforcement due to court cases exists with this language.

Mr. HASTERT. Mr. Chairman, reclaiming my time, I further emphasize the intent of this language is to make sure that OCR issues clear guidance to make the second and third prongs of the opportunities test of title IX usable for colleges and universities. Current guidance is simply not working. We definitely do not want to eliminate funding for the enforcement of important civil rights laws.

Mr. Chairman, I reserve the balance of my time.

Mrs. MINK of Hawaii. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, last week I filed an amendment which would have struck all of the language with reference to title IX, because I felt that it would do egregious harm to the enforcement of the program and to all the wonderful things that title IX has achieved over the years since 1972.

I want to acknowledge the willingness of the gentleman from Illinois [Mr. HASTERT] to modify the language of the provision in the appropriations bill and to address our very grave concerns about the use of the word "objective" and how it could completely modify the enforcement potential of title IX with respect to athletic programs.

In taking the lead, my colleague, the gentlewoman from Connecticut [Mrs. JOHNSON], has shown great leadership. The gentlewoman's concern was brought to my attention at one of our meetings. I shared that concern, and we have been working together to try to work our modification of the language.

However, Mr. Chairman, I stand in opposition to the inclusion of any language whatsoever. I appreciate the modification that it makes is less onerous to the department and less difficult to deal with. However, my general feeling is that this language is not necessary, should not be included as legislation in an appropriations bill, and certainly, from the majority point of view, where it has been expressed on so many occasions that we ought not to be micromanaging the executive branch, this is a clear indication of micromanagement in an area where I do not feel this type of instruction is either useful or necessary.

Mr. Chairman, I would like to point to a letter which was sent to two of our colleagues on that side of the aisle. It is a letter from the U.S. Department of Education in June 1995. We had public hearings on this issue and the gentleman from Illinois [Mr. HASTERT] came and testified and provided us with a clear view of the concerns that the gentleman was raising with respect to the intercollegiate athletic programs.

The Department of Education pointed out that, notwithstanding the views that are out there in the public, the Department of Education's guidelines clearly point out that the three areas of concern that have been expressed in the hearings are in the alternative that is repeatedly expressed at the hearings, and that these three guidances that have been elaborated in part of the policy documents of the Department, are expressed in alternatives. It is not a situation where all three of these guidelines need to be complied with.

The first has to do with substantial, proportionate enrollment. That is an alternative.

The second alternative is the establishment of history and continuing practice of program expansion for members of the underrepresented sex. That is an alternative way in which the universities' programs could meet the requirements of title IX.

The third alternative is whether full and effective accommodation of the interests and abilities of the underrepresented sex have been accommodated by the universities' programs. That is another alternative.

Mr. Chairman, it seems to me that the hearing clearly put forth the Department's understanding as to how they apply these guidance criteria and that in no case does the department take the point of view that all three criteria need to be met.

Furthermore, Mr. Chairman, the Department has recently stated that they are in the process of trying to meet these concerns that are out there in the various universities, and that they are in the process of putting forth new guidance with respect to these three guidance positions.

Mr. Chairman, the Department has more than adequately stated their position and clarified the problem. This provision in the appropriations bill is totally unnecessary. I would have hoped that the provision would have been stricken, together with all of the other legislative language that had been included in the global amendment of the gentleman from Wisconsin [Mr. OBEY] the other day, but it was not, so the problem still persists.

Mr. Chairman, I yield such time as he may consume to the gentleman from Michigan [Mr. BONIOR], our minority whip.

Mr. BONIOR. Mr. Chairman, I thank my colleague for yielding and I want to commend her and the gentlewoman from Connecticut [Mrs. JOHNSON] for their leadership on this issue.

Mr. Chairman, as a young man, 32 years ago, I was fortunate enough to receive an athletic scholarship to the University of Iowa. Quite frankly, had I not received that scholarship, I am not so sure that I would have been able to continue my education at that time.

I went through the University of Iowa, played football, and I do not recall at that time if there were any women at that university who were on athletic scholarships.

Mr. Chairman, title IX, instituted 20 years ago, has helped literally tens of thousands of women and young women in this country get an education who normally would not have had a chance to get an education.

☐ 1445

The opportunity that an athletic scholarship provided me in terms of my education is now available, the door is now open to literally tens of thousands of young women. It has been a tremendous success, and I would hope that we would not in this Congress or in this legislation or in this amendment roll back the door, roll back the opportunities that are available to young women.

I want for my daughter the same opportunities that my son will have, and title IX has provided that for literally countless numbers of young women today in America.

Even though title IX has been in force for over 20 years now, women athletes still have far fewer opportunities to play in intercollegiate sports than male athletes. While women are over half the undergraduates in our colleges and universities, female athletes are limited to just one-third of all varsity slots.

I might also point out at this point, Mr. Chairman, that men's athletic opportunities have not suffered overall as a result of title IX. Men's participation in intercollegiate sports has increased since the passage of title IX. In fact, for every new dollar spent on women's sports, two new dollars have been spent on men's sports. So let us not turn back the clock. Let us keep the door open. Let us make sure that these young women coming out of high school today who would normally not have had a chance to get an education and live a dream that many of them seek, have that opportunity, and I encourage my colleagues to be supportive of this program.

I want to associate myself at this time with the remarks of the distinguished gentlewoman from Hawaii [Mrs. MINK].

Mr. HASTERT. Mr. Chairman, I yield myself 2 minutes.

I would like to associate myself and address myself to the gentleman, the minority whip. You know, the purpose of this thing, I absolutely support women's athletics. As a matter of fact, my spouse is a women's athletic coach, and I think it has been great, the growth that title IX has brought forward in the last few years.

The problem is in my district and in districts across this country, many schools, when confronted, because the law has not been clearly laid out for them, especially in two of the three prongs, they have decided, many schools have decided, not to expand women's sports but to instead cut back men's sports to meet the proportionality rule. That certainly was never the intent of the law.

What we are asking in this is for them to set up a more definite, specific language so they can meet those last two wordings of those tests.

I think that is certainly something that we can work together on, that I am completely dedicated to and, as a matter of fact, one of the things that has happened across this country, in the gentleman's State of Michigan, my State, Iowa, your alma mater State, we have lost literally hundreds of minor men's sports teams because of this type of cutback, swimming programs, gymnastic programs, wrestling programs, those types of sports. Those participants have lost the opportunity to participate.

We are hoping that we can clarify that language and make it easier for everybody to have an opportunity to compete.

Mr. Chairman, I yield 2 minutes to the gentlewoman from Connecticut [Mrs. JOHNSON].

Mrs. JOHNSON of Connecticut. Mr. Chairman, I would just like to say that as one who probably would not be here today if I had not had the opportunity to participate in a very competitive women's sports program, I am pleased that we are all united on the value of title IX. We would not have the women in basketball, women excelling at the Olympics, women tennis players of the excellence and caliber, women drivers, women excelling in all of the sports, without title IX, and I commend my friend, the gentleman from Illinois [Mr. HASTERT], and the gentleman from Oklahoma [Mr. ISTOOK], for their commitment to title IX and making sure it works well for women throughout America in the course of our discussions about this amendment.

It is very important that the Federal Government be able to work with institutions so that competitive sports is a strong, healthy part of the lives of all Americans, and I believe it is critical that together we assure that not only are these regulations completed on time but they are completed in a way that the universities and colleges of America can comply with them readily, and we can all assure that progress is made toward equal opportunity for sports, to participate in competitive sports in the decades ahead for all of our kids.

I thank the gentleman from Illinois for his work on this important issue.

Mrs. MINK. Mr. Chairman, I yield the remainder of my time, 1 minute, to the gentlewoman from California [Ms. WOOLSEY].

Ms. WOOLSEY. Mr. Chairman, I rise in support of my colleagues, the gentlewoman from Hawaii [Mrs. MINK] and the gentlewoman from Connecticut [Mrs. JOHNSON] and in support of title IX.

I would just like to say that I have very athletic children. In fact, my youngest son is an Honorable Mention All-American college football player. I know how important that experience was to him. He also has a brother that is an athlete and a sister that is an athlete. It was equally important for them to have athletic experience. It gave them a grounding that we cannot overlook, and it taught all of them, boys and girls alike in my family, teamwork, taught them individual competitiveness, and it taught them self-assurance and self-respect.

We must, must support title IX, and we cannot ever take away from that program. As a matter of fact, I do not suggest that we cut men's sports. I suggest we expand our contribution to all sports.

Mr. HASTERT. Mr. Chairman, I yield 1 minute to the gentleman from Wisconsin [Mr. GUNDERSON].

Mr. GUNDERSON. Mr. Chairman, I rise in strong support of this amendment. I want everyone to understand this is not a debate about title IX. This is a debate about some kind of clarity and equity in the enforcement of title IX.

We have held hearings on this issue in front of our subcommittee in the Committee on Economic and Educational Opportunities as recently as July. I received a personal letter from Norma Cantu, the assistant secretary, where she said:

> I agree OCR should take steps to clarify our existing standards and to ensure that colleges and universities fully understand what steps are required to comply with title IX.

I have to tell you this right here is just part of the communication between the University of Wisconsin and the Office of Civil Rights on this issue, and it is clear that the Office of Civil Rights has decided you meet standard 1 or you do not qualify, and if you do not accept standard 1, initially, we are going to require additional remedial corrections by you; it is absolutely absurd. Either this office clarifies and corrects this, or next year we are going to have to prohibit any funding for this particular activity, and I hope none of us arrives at that point in the process.

Mr. HASTERT. Mr. Chairman, I yield myself 1 minute

Mr. Chairman, the whole purpose of putting this, as I regret in doing it because it stemmed out of a letter written to the Office of Civil Rights on June 30 with 134 signatures asking for clarification. We have never received that clarification.

It is not out intent to stop or to limit any activity, athletic activity, but we want to clarify that for schools who are participating.

I think this language takes that action, and I ask for a positive vote on this amendment.

Mr. EWING. Mr. Chairman, I rise in strong support of the Hastert amendment. In my district in east-central Illinois, I represent Illinois State University which has been wrestling with the gender equity issue for the last half year. In the last 6 months, the university has seen lawsuits raised for fraud, the canceling of its men's wrestling and soccer programs, and student athletic scholarships canceled. We have a policy at the Department of Education that is in desperate need of clarification and review.

In May of this year, the Postsecondary Education, Training and Lifelong Learning Subcommittee held hearings in which it was abundantly clear that universities nationwide had no idea if they were in compliance with gender unity or not. In some cases, even after schools had been OK'd by the Department of Education for title 9 compliance they later found in court that they were not in compliance at all.

Back at Illinois State University, the men's wrestling and soccer teams have been eliminated in the name of gender equity while women's soccer has been added. I am happy to see that many young women have gained new opportunities in sports at ISU, but I am also disappointed that many young men have lost opportunities as well, especially when they had been recruited to the university to participate in those programs. In 1974, when Congress first enacted gender equity its intent was clear: Expand athletic opportunities for female athletes. The authors of this legislation never intended to eliminate opportunities for men. Nevertheless, in the middle of their spring semester many young men were told that their team was going to be eliminated and that if they wanted to play soccer or wrestle they would have to do it somewhere else. These students had invested time and hard work, and were very disappointed, so disappointed that these young athletes now have an attorney.

We have heard that the gender equity regulations are under review, but promises are no longer good enough. This inconsistent and confusing regulation is another example of the Federal Government micromanaging the local lives of Americans. I urge a "yes" vote on the Hastert amendment which will require the Department to clarify their regulations by December 31, 1995.

Mr. BARRETT of Nebraska. Mr. Chairman, I rise in support of the amendment offered by Representative HASTERT that modifies a provision in H.R. 2127 that would require the Department of Education's Office of Civil Rights [OCR] to clarify its enforcement policy of title IX of the Educational Amendments Act of 1972.

Colleges and universities across Nebraska have asked that the Department clear up the confusion that's been created because OCR has failed to clarify two of the three tests that ensure women and men have equal athletic opportunities.

While we all want to ensure that all students have equal opportunities to participate in and have athletic programs, the Department has continued to apply only one of three tests that are supposed to be used to help schools decide if they're meeting this requirement. Because of the Department's actions, there now exists a quota system in college athletics.

The other two tests have become meaningless because schools have no objectionable standard in which to gage full compliance with title IX.

The Hastert modifying amendment simply requires that that the Department issue specific standards on these two tests by the end of this year, so that colleges and universities will finally be able to evaluate their programs based on solid standards, instead of the current quota system.

Mr. Chairman, current title IX enforcement is threatening viable athletic programs that have benefited men and women. In Nebraska, our outstanding football program has provided a valuable source of income to the athletic department which has in turn helped the University's other athletic programs. It would be unfortunate that what has taken years to develop and has become the pride of Nebraska, could be threatened because the Department has failed to fully clarify title IX's opportunities tests.

I urge my colleagues to support the Hastert amendment to H.R. 2127.

Mr. HASTERT. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Illinois [Mr. HASTERT].

The amendment was agreed to.

Mr. THORNTON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to express my appreciation to the distinguished colleagues on both sides of the aisle who truly believe that education is important. The gentlewoman from New York [Mrs. LOWEY] will be bringing forward an amendment to accent education.

This is an important occasion because we are addressing problems that will affect the future of the United States well into the next century.

We are concerned because our Nation has deep problems. We are wrestling with the problems of poverty, because we have had an imbalance in our budget.

But we are also wrestling, I submit, with a larger poverty, a poverty of vision and of self-assurance that would teach us that we have the resources in this Nation to enter the next century as the greatest Nation on Earth economically, the mightiest militarily, and the strongest in pursuit of democratic ideals. But we are too poor, we are told and I am here today to say that I am tired of people saying that this country is too poor to meet its obligations to our young people for an education, we are too poor, to meet our commitment to our veterans, we are too poor, we are told, to continue to live up to the trust of Medicare.

Mr. Chairman, this Nation does have financial problems. We have great financial problems. I have been told that every person in this country owes $18,000 in debt. That is a terrible amount of debt. It is terrible to think that we are that deeply in debt.

But let me tell you something, Mr. Chairman, this is not the worst debt this country has ever had. At the end of World War II, after the Great Depression and after fighting Germany and the Axis powers and Japan to a victory, this Nation owed 120 percent of its gross national product in debt, head over heels in debt. We owed $260 billion and our total income, for everyone, was only $212 billion. By contrast, in the 1970's, we had pulled our debt down to 23 percent of our gross national product. By wise investments and increased productivity we reduced our debt down to 23 percent of our gross national product in the 1970's. Then we went on a spree of spending more and cutting revenues, creating huge deficits with the result that our debt is nearly 70 percent of our gross national product. This is bad, but not as bad as the 120 percent at the end of World War II.

These percentages of financial poverty are not as important as the poverty of courage, the poverty of vision. At the end of World War II our Nation was head over heels in debt, worse than at any point in its history, but we did not say, "We are too poor to meet our obligations to our servicemen, we are too poor to educate our young people." No, sir, we did not say that.

One of the last things President Franklin Delano Roosevelt proposed before he died at Warm Springs was that when they return from conflict, we should establish a GI bill to provide an education for every serviceman and servicewoman in this country. Mr. Chairman, we are not too poor to educate our children. We were not then, and we are not now.

Just a few years later, another great President, Dwight David Eisenhower, proposed to a country which was still head over heels in debt, that we are not too poor to build an interstate system that stretches from Maine to California, from Florida to Washington, and we built the infrastructure of this country so we could have a thriving economy which has made us the mightiest Nation on Earth.

Mr. Chairman, I am deeply concerned that today, as we address the problems of the future, we are making the excuse we are just too poor, we just cannot afford it, we just cannot afford to educate our children, to keep our commitment to our elderly, we cannot keep our commitment to our veterans, because, you see, we are broke, we are broke. We owe $18,000 per person.

□ 1500

But where in that accounting of debt are our assets? How much is it worth to be an American citizen? Mr. Chairman, please tell me why people from Central America and the Caribbean and East Europe are battering the doors of this country down to move here? Do you believe they want to come in and help us carry that $18,000 of debt; that they just want to be a part of this bankrupt country? No. sir.

They know what every American citizen knows, that we are the richest and most powerful Nation on the face of the earth and that what we have is much greater than what we owe. We have an obligation to invest our money wisely.

The CHAIRMAN. The time of the gentleman from Arkansas [Mr. THORNTON] has expired.

(On request of Mr. WILLIAMS, and by unanimous consent, Mr. THORNTON was allowed to proceed for 3 additional minutes.)

Mr. THORNTON. Mr. Chairman, the point is, that every businessman worth his salt has debts far greater than $18,000, but will wisely make investments for future returns. Everyone knows that poverty is not a thing to be proud of, nor ashamed of, but to be gotten rid of as quickly as conveniently possible, and as my grandad told me, if you are head over heels in debt, you cannot spend your way out of debt, but you cannot starve you way out of debt. The only way to get out of debt is to work your way out of debt, and the way you do that is by investing in the future, in the education and training of our young people.

Mr. WILLIAMS. Mr. Chairman, will the gentleman yield?

Mr. THORNTON. I yield to the gentleman from Montana.

Mr. WILLIAMS. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, along with the attention that I think we owe the gentleman in the well is also our attention to his statements about the poverty of courage and boldness and grandness in America today.

Let me extend that just one additional step. Not only were those who came before us in Franklin Roosevelt and Harry Truman's time and the citizens who served with them, not only did they have great courage, even in the face of debt, but they understood something that this particular Congress appears not to understand, and that is, investments in education will, in fact, in the near term, reduce the deficit.

Mr. Chairman, a former Speaker of this House asked for a review of a cost-benefit analysis of the cost of the GI bill and the benefits returned to the Treasury. When the results came back, they were astonishing. The GI bill has now paid off the entire capital cost of World War II several times. Had we not spent that education money in the 1940's, the debt would be much higher than it is today.

One of the reasons that debt continues to rise under Republican Presidential leadership is because they do not understand the necessity of investment. Businesspeople understand it. Certainly the Japanese have understood it. America not only lacks, it seems to me, in its leadership the power of courage today, but we misunderstand the necessity of investments, such as continued and increased national investments in education.

Mr. THORNTON. Mr. Chairman, reclaiming my time, every family in America understands the importance of educating our children, and, Mr. Chairman, I come before you today urging support of the Lowey amendment and to urge that we recapture the self-assurance, courage, and vision which guided us after World War II to invest in the future. An investment in education reduces our deficit, and secures our future.

AMENDMENT NO. 30 OFFERED BY MRS. LOWEY

Mrs. LOWEY. Mr. Chairman, I offer an amendment, marked as amendment No. 30.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 30 offered by Mrs. LOWEY: On page 45 line 15, strike "and 3" and insert

"3 and 4" and on page 45 line 17, strike $6,916,915,000 and insert $6,920,915,000.

The CHAIRMAN. Pursuant to the order of the House of August 2, 1995, the gentlewoman from New York [Mrs. LOWEY] will be recognized for 20 minutes, and a Member opposed will be recognized for 20 minutes.

The Chair recognizes the gentlewoman from New York [Mrs. LOWEY].

Mrs. LOWEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today to oppose the bill's cuts in student aid. Unfortunately, these cuts only foreshadow the $10 billion in student aid cuts which will be made this fall in the reconciliation bill. This bill alone cuts the Perkins loan program, one of the oldest and most important Federal student aid programs in this country.

Three-quarters of a million students across America depend upon the Perkins program. In my State of New York alone, Perkins provided low interest loans to nearly 60,000 deserving students.

As you can see on this chart, over 88 percent of undergraduate students who benefit from Perkins loans come from families with incomes under $50,000. These are kids from hard-working, middle-class families who are feeling squeezed, squeezed in whatever they do in their life. These families need more, not less, help to send their kids to college.

The bill completely eliminates another program, State student incentive grants. Over 200,000 students depend upon these grants. The modest $63 million which the Federal Government spends on the program drives over $650 million in State funds, a huge return on the Federal dollar.

The elimination of SSIG will not be made up by other sources of student aid. Where will these 200,000 students turn for help?

Let me tell my colleagues about two students who depend on Federal student aid. Sebastian Tuccitto of the Bronx attends St. John's University in my district. Sebastian is in his junior year studying accounting. Unfortunately, like so many other families in this country struggling to get by, Sebastian's parents cannot contribute much to his education. His father is a carpenter who was injured on the job and his mom works at a supermarket. Neither of his parents went to college, and let me say, school is anything but fun and games for this young man who works several jobs struggling to get that education. He works at least 20 hours a week while he attends school and he still gets a 3.1 GPA.

Does this Congress really want to make it more difficult for young men like this to go to college?

Or Denise Fiacco who will be a senior at a State school where she will major in chemistry and math. Like Sebastian, Denise is on her own. Her parents are not able to help with her tuition so Denise works to earn money for school which supplements her student aid. She even had to drop out of school for a year in order to earn money for college.

Is this Congress willing to tell Denise and Sebastian that they cannot be part of the American dream? Are we today in the United States of America, the most prosperous Nation in the world, going to tell these young people that we are not going to invest so they can get the skills so they can earn their way in this great country our ours so they can compete in the global marketplace?

A college degree today is simply a matter of economic survival. Again, my colleagues, look at this chart. Look at the facts. A person with a college degree earns close to twice as much as someone with only a high school education earns. The more a person learns, the more a person earns.

Are we willing to tell Denise and Sebastian that we do not care about their future today? I certainly am not.

I cannot find any way, my colleagues, to defend these cuts. We are going to hear a lot of excuses, but there is no way to defend these cuts. Let us not balance the budget on the backs of our Nation's future, our students. Let us give each and every student the same chance at the American dream that our own children have.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Does the gentleman from Illinois wish to be recognized in opposition?

Mr. PORTER. Mr. Chairman, I would.

The CHAIRMAN. The gentleman from Illinois [Mr. PORTER] is recognized for 20 minutes.

Mr. PORTER. Mr. Chairman, I yield to myself such time as I may consume.

Mr. Chairman, the bill contains the largest single year increase in Pell grants ever and raises the maximum grant to the highest level in history, $2,440. This is the program that provides access to the most financially needy students in America who would otherwise not be able to afford to go to college.

The bill fully funds the supplemental educational opportunity grants at the President's request and at the 1995 level. The bill fully funds the work study program at the President's request at the 1995 level. The bill fully funds the TRIO program at the President's request at the 1995 level. That is over $7 billion in student assistance and it is all grant assistance, not loans that have to be repaid.

As the gentlewoman from New York notes, we have reductions in funding for two programs which together previously represented less than 3 percent of Federal student financial assistance in this bill. The Perkins loan program is a revolving loan program that already has $6 billion in assets in it. I might note that the President himself proposed terminating capital contributions for this program last year as we have done in this bill.

The Perkins funds are funds that are controlled and matched by over 2,000 participating schools. Loans are made by the schools and when they come into repayment, new loans are made.

Our bill in no way affects the $6 billion in those revolving loan funds.

It is true, however, that we are not adding new capital to the program. In this budget environment, we simply cannot be increasing the program. But the funding that is already out there is going to stay there. Now loans will be made.

Earlier, the gentleman from Wisconsin suggested that hundreds of thousands of students are not going to get loans because we are not adding $158 million in new capital to the Perkins program. That contention is simply wrong. Every kid that would be served by Perkins if we put that $158 million in new capital in the program will qualify for a direct student loan or a Federal family education loan. This decision on Perkins will not prevent a single student anywhere from getting a Federal loan, period.

Now, we have some who have suggested that if we do not add capital to this program, it will wither and die over time. This is also misleading, Mr. Chairman. Students pay 5 percent interest on Perkins loans, which means that they repay more than they are loaned. So the program actually grows over time. In addition, schools must match at least one-third of the Federal contribution. They tell us that this is a very high priority program for them.

Well, if the schools continue making their contribution to the program in addition to the $6 billion they already have in their revolving funds, the program will continue to grow.

The only way Perkins will shrink in the absence of Federal capital contributions is if schools do a poor job of collecting loans, if they permit defaults in excess of 5 percent plus their contributions to the programs.

Mr. Chairman, the gentlewoman's heart is in the right place, but the Perkins program is going to remain strong. It is going to continue to grow despite this small, reasonable contribution to deficit reduction.

I want to address the issue of the State student incentive grant program for which the Federal contribution is terminated in this bill. Just like Perkins, this is a program that President Clinton proposed to terminate last year and he still proposes terminating it.

This program was created in 1972 as a temporary incentive program to encourage States to establish their own need-based grant programs. It was not intended to be a permanent subsidy to the States. In 1972, only 26 States had need-based grant programs. Today, all 50 States and the District of Columbia have these programs.

As the National Performance Review indicated, the program has achieved its purpose and should now be terminated. In addition, today 46 States overmatch the SSIG requirement; 42 States award need-based aid other than SSIG and 33 States award non-need-based grants; 23 States make grants to part-time students and 21 States make grants to graduate students. Clearly, the Federal responsibility and role have disappeared.

According to the Department of Education, the Federal contribution to SSIGs represents only 2.5 percent of grants awarded by States. The members of our subcommittee felt, I think rightly, that at a time when we have to reduce spending in this bill by 13 percent overall, 9 percent in this cycle, it is certainly fair to ask the States to accept a reduction in Federal subsidies of their grant programs of only one-fifth of that amount.

Some critics have suggested that some states may discontinue their grant programs if the SSIG funding is terminated. I cannot imagine a more irresponsible response to this bill. All of the States have had 24 years of Federal assistance to get their systems up and running and to become self-sufficient. If the States cannot become self-sufficient in 24 years, they have either grossly mismanaged their education funds or they have abused the Federal assistance by treating it as a permanent operating subsidy rather than as start-up assistance, as it was intended.

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Mr. Chairman, this bill and the student loan entitlements will make available to students $35 billion in student financial assistance in 1996. These reasonable reductions and strong support for student aid proposed in this bill will not adversely affect students, and they should be adopted.

The sky is not falling.

Mr. Chairman, I reserve the balance of my time.

Mrs. LOWEY. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Chairman, the Perkins Loan Program began in 1958 in response to the Russian Sputnik program. It was part of the National Defense Education Act. I would not be here in Congress today if it were not for that National Defense Education Act. That is what enabled me to get a college education.

This Congress, a long time ago, decided to give people like me the opportunity to work their way up the opportunity ladder, and I am very grateful for it. About one-third of the Members of this Congress have been beneficiaries of the very same program which we are suggesting now that we will not fund for the first time since 1958. I ask my colleagues to not pull the ladder of opportunity up after they have climbed it before they let others do the same thing. Give them the same opportunity that we have had.

The Republican majority says, "Oh, don't worry, don't worry. This isn't much of a cut." Tell that to the 150,000 students who are not going to get Perkins loans. Tell that to them. Go ahead. And keep in mind the second step is going to come in September when the reconciliation bill comes to this House, and in that bill the Congress is going to be cutting $10 billion additional money out of student aid. That is estimated to increase the cost to student borrowers on average by 20 percent. If my colleagues think increasing the cost to student borrowers by 20 percent is opening the door of opportunity, I think they need a new dictionary.

I just cannot believe that we are about to do this. You talk about a $10 billion reduction, they talk about the elimination of the Perkins loan program, as though it is nothing at all. Well, if it is not real savings, then how are we going to be able to use that $10 billion for the purpose you intend, which is again to provide those tax cuts for people making more than $100,000 a year. It is a bad mistake.

Defeat this bill.

Mrs. LOWEY. Mr. Chairman, I yield 1 minute to the gentleman from Texas [Mr. DOGGETT].

Mr. DOGGETT. Mr. Chairman, I thank the gentlewoman from New York [Mrs. LOWEY] for yielding this time to me.

Mr. Chairman, Lu Ann Nye and her daughter are the kind of folks that are going to be impacted by what is happening here today. She is a courageous woman who had the courage to leave welfare, and go back to Austin Community College, and get a degree to support her daughter. Our Republican friends came after the daughter and her friends when they began cutting school lunch earlier in the year. Now they come after the big brothers, and the big sisters, and the older students, like Lu Ann, and cut into their Federal study financial assistance, and when they cut, it is not just dollars that they are cutting, but the hopes, and the aspirations, and the dreams of a generation of people, up to, as the chairman said, the ranking member said, 150,000 young people on the Perkins loan program.

How extraordinary it is that this House is headed by a Speaker who is a sometime professor of history at a time that we are ending an historic Federal commitment to education.

Mr. RIGGS. Mr. Chairman, I yield such time as he may consume to the gentleman from San Diego, CA [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Chairman, there is a difference in philosophy, and I think, if debate boils down, I think we ought to point out the differences in philosophy.

This side of the aisle are saying that we are cutting education. On our side we think that they will fail to see the solution to a very simple problem, that there is too much bureaucracy that eats up the dollars that we send back to the Federal Government, and, by the time we send it back to the States, we only get about 23 cents out of every dollar back down into the classroom.

The second misnomer is it is not their money. Every time that my colleagues take and give a dollar out, they have got to first take it away from somebody. They are taking it away from the very people that they try to give it back to, and they give it out, and only 23 cents on the dollar. I say to my colleagues they sure could not run a business like that.

So, if my colleagues want to increase the amount of spending on education, we need to send it back to the States. We also need to limit the size of State government so that that bureaucracy does not eat up the money for the very thing that we are trying to do.

Let me give my colleagues a classic example. I have got a school in Scripps Ranch. That school has got fiber optics into it. It was a partnership between the city and State. We have got computers in every classroom. I have got boys and girls in vocational education swinging hammers. They are building modular units. And guess what? They are selling those units, and then they reinvest the money in high-tech education equipment within that school. Those that are college-bound in architecture, design, and computerization are also encouraged, and they have actually redesigned the whole school, and guess what, in the summertime the partnership of labor and private enterprise are higher in those same kids.

Now think of the advantage that these kids have over someone that does not have that program. It is on a local level.

And then they chastise us and say we do not care about kids because we are cutting money from the summers jobs program. The summer jobs program has probably taught less than 5 percent of the kids how to work and how to get a job. The place to teach kids on how to survive in the future is in education, is at the site, either vocational or those that go for college bound, and we need to take those kinds of moneys and invest them in those programs.

We double our knowledge every year now, not 30 years like we used to, Mr. Chairman, and, if we do not have the facilities for the kids to learn, then they have a legitimate gripe that the difference between those that have money and those on a low-income will increase disproportionately, and that is what we need to do.

If my colleagues really want to take a look at how to kill education, keep the Federal bureaucracy going. We have got to eliminate the power of Members in this body to send home dollars so that they can get reelected over and over, and take that power away and give it back to the people, and that is the difference of opinion.

We are not killing education. We are giving the power of the people and the States the power to control their own destiny and take the money and the power away from Washington, DC. That is the total difference.

Now the gentleman from Wisconsin [Mr. OBEY] said that, if it had not been for the National Defense Education Act, he would not be here. Many of us wish in that case that it had never existed. Mr. Chairman, I am joking. The gentleman from Wisconsin [Mr. OBEY] is a good friend.

But in the grant that the gentleman from Mississippi [Mr. MONTGOMERY] worked hard on, those are good grants out of the Federal Government.

Education is financed by 95 percent in the States. We only fund about 5 percent, and we are destroying it? No, what we are doing is saying we need to turn that 5 percent, get most of it back into the classroom, eliminate the bureaucracy in Washington, limit the bureaucracy in the States, and get more of the money down into the classroom. That is not a concept that should be beyond the Members over here, but yet they want to hang on to the power, the power to get reelected.

And I look at the Pell grants, and the history and look at the number of dollars that have been taken from the GI bill. We did not have the bureaucracy we had when the GI bill was stated. Most of it went directly down to those people that loaned it, and, Mr. Chairman, when my colleagues think about cutting education they should take a look and mention the school lunch. The school lunch program is set to feed those kids that need it, 185 percent below poverty level, and the gentleman from Texas fails to see that solution also. Why should the Government, why should they have the power to send dollars to feed my daughters? They do not need the money, but yet they want the exclusive right to control all the dollars.

That is wrong, Mr. Chairman, and that is the difference between the philosophies. Let us take care of the people that really need it, and let us take the power away from the Federal Government. I am trying to take my own power away, and my colleagues', and treat that power and get it to the kids and to the families. That is the difference of opinion. We are not cutting education. My colleagues are stopping education from growing because of the big-government Clinton politics that their side supports.

Mrs. LOWEY. Mr. Chairman, I yield 2 minutes to the gentleman from Montana [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Chairman, beginning with Thomas Jefferson and throughout the ensuing two centuries this Nation has followed a grand and productive tradition of the local, State, and Federal education partnership. Today with shame the U.S. House of Representatives sounds an unprecedented retreat on that centuries-old commitment to America's students, and this amendment describes why.

Three years ago this Congress passed, and President Bush thankfully signed, the Middle Income Student Assistance Act, of which I was the sponsor. Today with shame the House of Representatives reneges on that commitment.

Perkins student loans are particularly valuable to middle-income college students and their families, and with shame this House is about to vote to cut 157,000 middle-income students off of that assistance. I say to my colleague, those aren't bureaucrats, Mr. CONNINGHAM. Those are middle-income students, American citizens. Today the House changes in the Pell grant program will deny 220,000 middle-income students a Pell grant. Those aren't bureaucrats. Those are your kids.

AmeriCorps accepts middle-income people, as it should, and they can earn $9,000 in college stipends. Shamefully that program was eliminated by the Republican majority law week.

These efforts of the new majority in this House aimed at America's middle-income struggling parents and students are shameful, and they are unnecessary, and they are imprudent, and they are unwise, and worse, my colleagues, they will end up increasing the Federal deficit in just the next decade. That is the shame.

Mrs. LOWEY. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Rhode Island [Mr. REED].

Mr. REED. Mr. Chairman, I rise in support of the amendment offered by the gentlewoman from New York [Mrs. LOWEY].

Mr. Chairman, the legislation before us will impose severe cuts on educational assistance, and it will deny millions of Americans the chance to go to college, and this is an opportunity that is increasingly elusive for middle-income Americans, and I would like to illustrate the effect of these cuts by introducing my colleagues to a young lady. Her name is Jenifer. She is from Hockum, WA. She is one of eight children, the first in her family to go to college. Jenifer lives on her own. She supports herself, and indeed she helps her family with their expenses. Her father is a logger, and he makes about $28,000 a year. She has to pay a tuition of about $11,600 a year. She commutes 60 miles a day to school. She works 30 hours a week in her hometown, and she works an additional 15 to 20 hours at her college, and when she graduates she wants to become a teacher. Jenifer currently receives Federal financial assistance in the form of Pell grants, Perkins loans, State student senate grants, all of which are reduced or eliminated under this legislation. Under this bill she would most likely loose her SSIG grant and her Pell grant, and the amount of her Perkins loan would either be reduced, at best, or eliminated. This adds up for her education to an additional $2,000 to $3,000 in added costs, and I ask my Republican colleagues where is she going to get this money? She cannot possibly work any longer. She already commutes 60 miles a day to school, but I tell my colleagues what I think is likely to happen.

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She very well might be forced to drop out and to compromise her chance for a college education. She represents exactly the type of young person we should support, but instead this legislation is taking away that support.

We must continue to support higher education through these programs. We must continue to provide people a chance to achieve the American dream. Let us not take that dream away by passing this legislation. Let us reinforce and reinvent the future of this country.

Mr. RIGGS. Mr. Chairman, I yield 4 minutes to the gentleman from Louisiana [Mr. LIVINGSTON], the distinguished Chairman of the Committee on Appropriations.

Mr. LIVINGSTON. Mr. Chairman, it has been a long day or two on this bill. Every time I walk into the Chamber I hear some of the most incredible stuff imaginable. The world is truly coming to an end, according to the other side. We are reneging on our commitments, whether you are talking about violence against women, which has nothing to do with this section of the bill but I know is a primary source of concern for the gentlewoman from New York who spoke earlier on that.

We are spending more on this bill than has ever been spent on that program. Speaking of spending more than ever—$278 billion—is what this bill would spend—$278 billion on health, education, labor issues, and workfare issues—$270 billion—more than we spent on defense of the Nation.

Now, $7 billion of that would be spent directly on education assistance for people who do not have any money, $7 billion. As I said earlier, you remember Everett Dirksen's comment that a billion dollars here and a billion dollars there and pretty soon you are speaking of real money, $7 billion is a lot of money. Not only is it a lot of money, but the fact is it breaks down into some 240 separate programs, each with its own constituency, each with its own bureaucracy, each overlapping, each spending money unnecessarily.

I heard the gentleman who preceded me say unnecessary cuts. I would say there is unnecessary spending because we are spending money on bureaucracies that compete with each other to shovel out money. But whose money is it? The money belongs to the American taxpayer. As long as these people can stand there and say how much they are doing for people in America, using money from the American taxpayer, as long as they can write the checks, as long as they can pass out the credit card, they are happy. They do not want to streamline Government. They do not want to cut back. They do not want to make it more efficient. And then they have the gall, the audacity, the effrontery to stand in this well and say how badly we are cutting.

Let me show you how we are cutting. Here is a good example. We have heard Pell grants talked about for the last several minutes. This bill supports student assistance by providing the largest maximum Pell grant award in history, $2,440 per student. Now, that is the largest amount ever in the history of the Pell grant system, $2,440 per student.

So are we cutting back? Oh my goodness, we are giving more money to the students than ever before. In the work study program it is fully funded at last year's level, $617 million. The program provides grants to 3,700 schools to provide work study opportunities for 713,000 students who receive $1,092 per year.

The Federal supplemental education opportunities grants program provides $583 million, and the Trio program provides $463 million, which benefits minority and disadvantaged students. They are both preserved at last year's spending levels. Let me repeat that for those that missed it, last year's spending levels.

There is $6 billion left in the Perkins loan program, which we heard so much about. If schools manage their portfolios, do not permit defaults and continue their current contributions, that account could actually grow so not a single student will go without aid as a result of these actions.

Now they say the sky is falling, the world is coming to an end, but not a single student will go without aid as a result of these actions. I urge the adoption of this bill.

Mrs. LOWEY. Mr. Chairman, I yield 1½ minutes to the gentlewoman from California [Ms. WOOLSEY].

Ms. WOOLSEY. Mr. Chairman, this Congress has passed some awful legislation, but this bill is worse than I ever thought possible.

Mr. Chairman, this bill signals the beginning of the end of the Federal Government having any responsibility whatsoever, in helping middle income and low income students get a college education.

Mr. Chairman, I know first hand the importance of education, because, 27 years ago, I was a single, working mother receiving no child support.

I was forced to go on welfare, even though I was working, in order to give my three small children the health care, child care, and food they needed.

Fortunately, I had advantages that many mothers on welfare do not. You see, I had an education. I had some college and I had good job skills.

But, just because I made it off welfare, I will never, not for 1 minute, think that so can others with fewer advantages—those with less education, or no education at all. That is why, for the life of me, I cannot understand why some Members who used student aid, the G.I. bill, as a ladder to make a better life for themselves now want to pull that ladder up behind them.

This righteous attitude of "I did it, so why can't you" has no place in this body. It has no place because it leads to elitist and dangerous policy like the drastic cuts in student loans we are considering today.

These cuts make it clear that the Gingrich Republicans would rather invest in a tax break for the fat cats, then student loans for low and middle income families.

Mr friends, I could go on and on about the other faults of this bill, but they are much too numerous to mention.

But, one thing is for sure. This bill will go down in history as a declaration of war on our children, our working families, and seniors.

I urge all Americans who care about the education of their children to tell their Representatives to oppose this bill.

Mr. RIGGS. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania [Mr. GOODLING], the distinguished chairman of the Committee on Economic and Educational Opportunities.

Mr. GOODLING. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I take this time just to make two observations. One I made yesterday when the gentleman from Ohio offered his amendment where I indicated that he was buying 40 minutes of time, but he was not buying any education or any training.

I have to say the same is true, of course, in this amendment, where we are buying 40 minutes of time or how much ever time it is but only buying $600,000 worth of outlays in money.

The second observation I want to make, two or three speakers ago made the statement that we are cutting out the Perkins loan, and I want to make very sure that nobody goes home with that thought in mind, because, of course, the $6 billion in the revolving fund is still there. The encouragement is to make sure that you collect it so it can revolve so more students can use it.

So we are not cutting out the Perkins loan, as a matter of fact. What we are doing is allowing the $6 billion in the revolving fund to continue. I wanted to make those two observations to bring a little reality to the debate.

Mrs. LOWEY. Mr. Chairman, I yield 1½ minutes to the gentleman from Texas [Mr. GREEN].

Mr. GENE GREEN of Texas. Mr. Chairman, I thank my colleague for yielding me the 1½ minutes.

Mr. Chairman, the value of a college education is unquestioned in our society yet the Republican majority has decided that a college education should only be granted to those with enough cash to pay up front. By reducing the funding available to the Federal student loan program, 5 million undergraduate students will see increased costs for their college education. Again, the Republicans are asking a generation of Americans who did not run up our debt to pay the cost of reducing the deficit.

The message is simple. If your parents are wealthy, you can expect the finest education anywhere in the world. However, if you are from a working class family you can expect to work harder, make less, and have no hope of a college education unless you can manage to work full-time while you go to school just to pay the interest on your college debt.

This is the most profound attack on the American dream in over 20 years. By eliminating the opportunity of a college education, the Republicans are sentencing millions of young Americans to the McJob market: low pay, no benefits, no potential for growth.

In essence, the cuts in higher education equal an attack on the standard of living for every American. A less educated society demands less in the terms of salary and cheap labor results in mega-profits. We are no longer in the era of sending jobs overseas for cheap labor, the Republicans are attempting to grow their own cheap labor right here in the United States by ensuring that the children of the well-off get educated and the children off the middle class and working class become the cheap labor force of the future.

Mrs. LOWEY. Mr. Chairman, I yield 2 minutes to the gentlewoman from Michigan [Ms. RIVERS].

Ms. RIVERS. Mr. Chairman, in 1935 Thomas Wolfe said, America, it is a fabulous country. It is the only country where miracles not only happen but they happen all the time.

Well, Mr. Chairman, I have lived an American miracle. I began my adult life as a mother at 18, mother of two by 21, and my husband and I struggled with the problems that ordinary people all over this country are facing. We know first hand what it is like to be in a job market without any real skills, to go without health insurance, to have a table full of bills that add up to more money than there is in the checkbook. Yet today I have both undergraduate and law degrees, and I have had the opportunity to serve my community at all levels in government.

What happened? Hard work and lots of it. But hard work was not enough for me or for many other people in this country. Without the helping hand of student loans and grants, my college education would have been out of my reach. My husband and I could not afford it. My parents were not in a position to help me. My father was a mailman, my mother was a homemaker, ordinary people without resources to contribute to my education. Financial aid was the key to my success.

Of course now, as a Member of Congress, I can easily pay for my children's education. In fact, all 435 Members of this body can pony up the money necessary for college tuition. In fact, these cuts we are discussing will not hurt the children of the people who are vigorously defending them.

It is also interesting to note that many of the individuals who support these cuts took help from these very programs when they were on the way up. What hypocrisy. I guess it is easy to pull up the ladder of success once you and your children are safely on top.

But what about students like me, the children of mailmen, of autoworkers, of waitresses, of cabbies, of ordinary people all over this country who want so very much for those kids?

Mr. Chairman, we must keep the doors of educational opportunity open. Miracles are waiting to happen.

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Mr. RIGGS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me just say I have to marvel at some of the comments coming from the other side of the aisle. one would think that we have in fact defunded or we are proposing to eliminate funding for worthy and needy college bound students, when nothing could be further from the truth. What we are actually talking about here is increasing access for needy young people in America to a college education.

Now, the gentleman from Illinois, Mr. PORTER stood just a moment ago and explained I thought very thoroughly, very patiently, that we are increasing in this bill funding for the Pell Grant Program. In fact, we are providing the largest maximum Pell grants in the history of the country, $2,440 per student.

We are also in this bill making sure, of course, that the Perkins Loan Program, the revolving loan program, continues in existence. That program has $6 billion in assets already in it. Assuming that the default rate stays at a reasonable level, that program should continue for a considerable length of time, in fact in perpetuity. Loans are made by the schools participating in this program. and, frankly, we have over 2,000 schools participating in the Perkins program today.

All we are doing here in response to the amendment of the gentlewoman from New York [Mrs. LOWEY] is, frankly, acceding to a budget recommendation made by the administration, which proposed to eliminate the capital contribution to the Perkins Loan Program.

We also want to stress, again, Mr. Chairman, that we have attempted to be responsive in the preparation of this particular bill. Chairman PORTER cited earlier that the bill fully funds the supplemental education opportunities grants at the President's budget request and at the 1995 level. The bill also fully funds the work study program at the President's request and the 1995 level. The bill fully funds the TRIO program, which is designed to assist minority and disadvantaged students, at the President's request and the 1995 level.

Taken together, that adds up to over $7 billion in student assistance. It is all grant assistance, not loans, that have to be repaid. We can stand today and say to our Democratic colleagues that in fact we have made a good faith effort here to increase access to a college education. We have provided again the largest maximum increase in Pell grants in history, and, frankly, the gentlewoman's amendment should be defeated in the face of this overwhelming evidence that no needy, qualified young person who is college bound is going to go without Federal assistance should they qualify.

Mr. Chairman, I reserve the balance of my time.

Mrs. LOWEY. Mr. Chairman, I yield 2 minutes to the gentleman from Oregon [Mr. DEFAZIO].

Mr. DEFAZIO. Mr. Chairman, I thank the gentlewoman for yielding me this time.

Mr. Chairman, the chairman of the full committee got before us and he gave us some mind-boggling numbers. Let us reduce it to something a little more understandable. There are a few people who did not make it into his scale. There are 2,600 young people in the State of Oregon getting State student grants this year who will not get those grants next year because we are zeroing out that program. That is 2,600 Oregonians.

That is mirrored time and time again around the country. State student incentive grants are gone. They are zeroed out. They can go over and apply for the increased Pell grants. We heard a lot about the increased Pell grants. It is partially true. They are increasing the amount of the grant, but there are an estimated 221,000 students who would be eligible under this year's income guidelines, middle-income kids, who will not be eligible under their new guidelines.

So yes, those lucky few who still get the grants will get a little bit more, but 221,000 middle-income American kids, scholastically qualified to go to college, will not get help with Pell grants next year because of changes they are making in the program. Seven hundred fifty-seven thousand Perkins loan kids are put at risk because of the changes we are making in the program.

I got student loans, many of you got student loans. Let us remember back to those distant days. There are others here who are much more wealthy, they never needed student loans. Try and have a little compassion. Try and understand the plight of the average American family. I know it is hard when you are at $133,600 a year and you live in the cocoon of Washington, DC to understand average American families. But just try. They need this help so their kids can do a little better, like we did.

Mrs. LOWEY. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentlewoman from New York is recognized for 2 minutes.

Mrs. LOWEY. Mr. Chairman, yes, in the words of the gentleman from California [Mr. CUNNINGHAM], there really is a difference in philosophy, and nothing has made it clearer than the debate we have seen over this amendment, and in fact through the entire bill. We have heard people say "Cut the bureaucrats."

Mr. Chairman, we are cutting kids; we are not cutting bureaucrats. These are loans to middle-income kids, families who are striving, who are working hard to find the American dream. We are not cutting bureaucrats. Let us tell it to Denise, let us tell it to Sebastian in my district, let us tell it to the million or more youngsters who are not getting a student loan as a result of our actions today. And the best is yet to come, because we have seen promises in the budget, in the reconciliation bill of the leadership, that would cut even more deeply into student loan programs.

We are talking about the American dream. We are talking about investing in our youngsters. We are talking about giving youngsters the opportunity to get that education, to work hard, so they can be something.

Government should not be a handout, government should be a hand up. I cannot think of any program that fulfills that philosophy. Oh, yes, the distinguished chairman of the committee said that we have the gall, the audacity, to fight for these programs. Yes, we have the gall, yes, we have the audacity, to stand up for working families, to stand up for their children, to stand up for the future of our country.

Let us be sure that our student loan program is protected. Let us be sure that we continue to establish our priorities and invest in our young people and our future.

Mr. RIGGS. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, in response to the comments by the gentleman from Oregon, I would just like the gentleman to know that not everyone on this side of the aisle is completely heartless and insensitive. I am currently supporting my 19, soon-to-be-20-year-old son, who is attending a vocational education program in the Washington metropolitan area, so I think I know a little bit about the kind of financial commitment it takes to help support a dependent child obtain a career education.

Second, Mr. Chairman, I simply would like to say that, again, in cutting the State student incentive grant program, in eliminating the capital contribution to the Perkins program, we have adopted proposals made by the President and his administration to terminate those two particular programs.

Overall, Mr. Chairman, in this bill, the funding in this bill, coupled with student loan entitlements, will make available to students $35 billion in student financial assistance in 1996. We think that demonstrates strong support for student aid. I urge Members to oppose the amendment.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentlewoman from New York [Mrs. LOWEY].

Mrs. LOWEY. Mr. Chairman, pursuant to an agreement with the majority, I ask unanimous consent to withdraw my amendment, because there could not possibly be enough resources allocated in this bill to make up for the cuts.

The CHAIRMAN. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Mr. PETRI. Mr. Chairman, I move to strike the last word.

Mr. Chairman, this bill contains legislative provisions concerning the new direct student loan program that would severely damage the Department of Education's ability to manage that program effectively; and that constitutes blatant protection for special interests at the taxpayers' expense.

The bill cuts student loan administrative funds from $550 million to $320 million, and reserves half of that for the guarantee agencies. Since the guarantee agencies were projected to receive only $156 million based on this year's ACA formula and next year's projected loan volume, they are guaranteed a $4 million increase by this bill, and it could be more. Meanwhile, funds available for the Department are cut from $394 to $160 million. That's a cut of $234 million, or 60 percent. The Department says it could easily live with a $100 million cut, and perhaps it could absorb somewhat more. But a 60 percent cut is nothing more than a clear attempt to totally gut the administration of direct loans. This is a stealth attack on that program carried out in this appropriations bill where it does not belong, before the proper authorizing committee has considered the issue.

Now when we are cutting everything else, why on Earth are we guaranteeing an increase of at least $4 million, and possibly much more, for these guarantee agencies? Is this the Guarantee Agency Protection Act? This is ridiculous.

Chairman PORTER argued in his "Dear Colleague" letter yesterday that guaranteed loans, with 69 percent of the total loan volume, would be managed with only half of the administrative funds, namely this $160 million reserved for the guarantee agencies. I respect my colleague so highly that I know he has been terribly misled by someone, for he would never knowingly put out such total claptrap. Here is what guarantee agencies get in addition to the $160 million in administrative cost allowance. They get a 1 percent fee from borrowers, totalling about $170 million next year. By the way, that is not scored by CBO as a cost of guaranteed loans, even though the Federal Government gets to keep that amount on direct loans. They get the interest on their $1.8 billion of taxpayer-provided reserve funds. At 6 percent, that would be about $108 million. That's also not scored as a cost of guaranteed loans, even though the taxpayers could take back that entire $1.8 billion under 100 percent direct lending. They get to keep 27 percent of whatever they collect on loans after they have gone into default. That's about $300 million a year. By the way, it also gives them an incentive to allow loans to go into default. Finally, they make untold profits as secondary market players by arbitraging with tax free bonds at cost to the taxpayers of $2.3 billion over 5 years, also not scored as a cost of guaranteed loans even though it would not happen with direct loans.

All told, the guarantee agencies support their 8,000 employees with revenues of about $638 million plus their arbitraging profits. Actually, 5,000 employees are supported by the $638 million, an average of $127,600 per employee. But these agencies aren't the servicers of most guaranteed loans at all. The lenders do that using part of the interest paid by students. These agencies are nothing but middlemen who would be completely unnecessary under direct lending. Their entire $638 million plus cost could be wiped out. So, the claim that $160 million of their funds represents the total cost of administering guaranteed loans is an outrageous distortion.

Now let's look at the Department's funds. Of the $394 million the Department was to get next year, it says $200 million was for the guaranteed loan program—to administer the default payment system, the loan application and management system, and the collection system. By the way, the recent CBO scoring actually counted that money as a cost of direct loans rather than of guaranteed loans—an inexcusable plain error.

Now, if the department has only $160 million to administer both guaranteed and direct loans, including the entire cost of direct loans—even the servicing—there's no way that can be done without gutting direct loans. That's the real purpose of these provisions, and we should not be fighting that battle on this bill.

The second purpose is to protect the guarantee agencies. If that's not obvious from the provision increasing their ACA to $160 million, it's obvious from the provision preventing the Secretary from taking back any of their reserve funds. With direct lending growing, we will not need as many guarantee agencies. Why prevent us from taking back the reserves when any of them go out of business? This is blatant special interest protection, and we should be ashamed to be putting it in this bill.

Mr. Chairman, the gentleman from New Jersey, [Mr. ANDREWS] and I were going to offer an amendment to eliminate these terrible provisions. Because he cannot be here today, and because we have not had enough time to educate the Members about these issues, I will not offer that amendment. But I do urge the committee to reconsider this issue, and change these provisions in conference.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I take this time simply to try to tie up some loose ends on the last discussion. By all means, cut the deficit. By all means, for the 105th time we say: "We agree, cut duplicative programs and cut waste." But you cannot have it both ways. You cannot say to the American people, "Oh, we are going to have sweeping change throughout this country," and then say, "Oh, but, by the way, do not worry about it, folks; nobody will feel anything when we make these major cuts."

The distinguished chairman of the Committee on Appropriations says let us quit taking money from the taxpayers. The fact is that the education programs we have been describing have been our Nation's effort to give money back to those working taxpayers. Evidently our friends on the majority side do not want to do that, at least not as much as we used to. Instead, they want to give billions of dollars back to the truly needy corporations of this world, everybody from AT&T, Texaco, International Minerals, Xerox, Union Camp, Panhandle, Grace, you name it. They want to give them back billions of dollars, because they want to eliminate the corporate minimum tax. Even though companies make billions of dollars in profits, they do not pay zip in taxes. So you put corporations ahead of students and working families. I do not think that makes much sense.

We are also told, "Oh, we are increasing opportunity." Very interesting. The last time I looked, the discretionary funds in this bill went from $72 billion last year to $62 billion this year. That is a $10 billion reduction. In addition to that, in the reconciliation bill which you intend to do, it is to take away another $10 billion in student aid and raise the cost to the average student getting help under these programs by 20 percent over their lifetime.

You say, "Oh, we didn't cut Pell." Thank God for small favors. But the fact is that the Pell program under this budget is still in real dollar terms $300 below where it was in 1991.

The reason we are upset with these reductions in education is because this is what has happened in the budget since 1980. In 1980, what we spent on our budget on investment, and I mean investment in kids by way of education, investment in infrastructure by way of decent roads and bridges, investment in science so we could make the economy grow and create better opportunity for everybody, investment was 16 cents out of every budget dollar in 1980, before Ronald Reagan walked into the White House.

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By 1992 it had been cut down to 9 percent. That is about a 40-percent reduction as the share of our national budget. That is a mistake. We are eating our own seed corn. When you deny student loans to kids, that is exactly what you are doing. It is penny-wise and pound-foolish, and it is cruel to boot. We urge Members to vote no on this bill.

Mr. TORRICELLI. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to engage in a colloquy with the gentleman from California [Mr. RIGGS].

Mr. Chairman, last year I introduced H.R. 1337, legislation which provided competitive grants for public secondary schools wishing to increase their academic year.

Mr. Chairman, on this floor we debate the question of funding in education. It is, of course, not only a question of funds. Our students can do no more than we challenge them to do. America has the shortest school day and the shortest school year in the industrialized world. The language that was included in the elementary and secondary schools reauthorization bill provided for a Federal program to allow school districts to begin experimenting with a longer school year.

That legislation included an explicit authorization for $90 million for fiscal year 1995 and such sums as may have been necessary in the ensuing 4 years to begin experimentation with a longer school year.

In title II of the bill we are currently debating, $842 million is authorized for school improvement programs. While I regret the Committee on Appropriations was unable to specifically allocate money for this program, I would like to make it clear that this is not a reflection of a lack of support for the authorization that this Congress voted upon last year but, rather, a simple reflection of the reality of difficult fiscal constraints that the committee currently faces.

Mr. Chairman, it is my understanding that efforts are under way in the other body to include a limited appropriation which would enable this program to commence. Should this occur, it is my hope that the House conferees, on a bipartisan basis, will consider the importance of extending the school year, as evidenced by last year's authorization, and carefully consider appropriating a limited amount of funds.

Mr. Chairman, in my own district in the community in which I live, in Englewood, NJ, we have begun exactly this program. We have found that during the summer months much of what students learned in the preceding year is lost. Indeed, studies have found that up to a third of the new school year is lost simply refreshing students about what they forgot from previous instruction.

I believe that experimentation to extend this year and, indeed, to lengthen the day would do a great deal as, unfortunately, our German and Japanese competitors have already found, to improve instruction.

I would like, Mr. Chairman, like to include in the RECORD the authorizing language from last year and a full statement of my own in support of a longer school year.

Mr. Chairman, I rise in strong support of the Longer School Day Program.

While we have spent a good deal of time over the past few years debating the quality of what we teach in the schools, we have paid little attention to the far simpler question of whether we are spending enough time teaching. I was pleased when Congress finally gave serious consideration to lengthening the school year in the United States so that our students can compete on equal footing with their counterparts in other countries.

In 1991, Congress authorized the National Education Commission on Time and Learning to conduct a comprehensive review of the relationship between time and learning in the Nation's schools. The report released last year confirms that the United States will not maintain its economic superiority unless we provide our children with a competitive education by reforming the structure of or school year.

The report specifically cites that the current American educational system consists of 6 hour days where students spend less than half of their school day studying core academic subjects. It also notes that in order to graduate from high school, the United States currently requires a 180-day school year. In contrast, our counterparts in Germany have a 210-day schedule and Japan imposes a 240-day school year.

The International Educational Association conducted a study which compared the academic skills of the top 1 percent of all 12th graders. Those from the United States ranked dead last. Their study also found that among 15 developed and less developed countries, students from the United States scored at or near the bottom in the areas of Advanced Algebra, Functions/Calculus and Geometry.

These numbers show how woefully inadequate our school system is in preparing our children to compete in the global economy. American students quite simply are not learning what they should be. The Longer School Year program would establish a grant program for public secondary schools who increase the academic day to 7 hours and the school year to 200 days.

A longer school day and school year clearly makes sense in a society where in 90 percent of the two-parent families, both parents work. Keeping kids off the streets and in schools should be an especially welcome relief to parents who cannot afford after-school day care or summer camp. Schools also provide a safe haven for students who come from disintegrated families, are malnourished, or are susceptible to drug abuse and violence.

At a time when international tests are showing American students scoring well below students from other countries; a time when corporate leaders are beginning to complain about a lack of skilled workers; and a time when we are clearly falling behind our economic rivals in the world marketplace, we must question whether we are doing kids a favor by granting them a long summer vacation.

My program would establish competitive grants for public secondary schools wishing to increase their academic day to at least 7 hours and their school year to at least 200 days. We are unquestionably doing our children a disservice by not requiring more time in school. It is time for Congress to send out a positive message to our Nation's youth.

Mr. Chairman, I yield to the gentleman from California [Mr. RIGGS].

Mr. RIGGS. Mr. Chairman, I thank the gentleman for yielding and commend him for his efforts. I can personally say, as a former school board member in my home communities and two-term school board president, that two essential reforms, based on my experience, would be the gentleman's efforts to lengthen the school day and also efforts in local communities across the country to reduce class size. So I thank the gentleman for bringing this program to my attention and to the attention of the chairman, the gentleman from Illinois [Mr. PORTER], and the other members of the subcommittee. Again, I commend the gentleman for his longstanding commitment to this issue.

I can tell the gentleman that the committee's decision not to specifically allocate funds for this program is not an indication of a lack of support for its merits. Should the other body appropriate money for this program, the gentleman has my assurance and the assurance of Chairman PORTER and the other conferees that we will give the program every consideration that it deserves.

Mr. TORRICELLI. Mr. Chairman, I thank the gentleman for his support, for his words and, of course, the gentleman from Illinois [Mr. PORTER], my friend.

I believe that, if the other body were to decide to invest these sums, it would be an important statement to local communities. All of our States and communities differ. A longer school day or year might make sense in some States more than in others. But it is an experiment that is worth pursuing, as indeed this Congress voted on a bipartisan basis in the authorization bill.

I thank the gentleman again for his comments.

Mr. RIGGS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I yield to the gentleman from Nebraska [Mr. BARRETT], my good friend and colleague.

Mr. BARRETT of Nebraska. Mr. Chairman, I thank the gentleman from California for yielding to me.

Mr. Chairman, I was tied up in some meetings today and was unable to be on the floor during debate on title II of H.R. 2127. I had hoped to be able to have a few minutes to discuss some concerns that I had about the funding provided in the bill for some of the various programs that address the health care delivery needs of rural America.

I would like to associate myself with some of the comments that were made earlier by the gentleman from Kansas [Mr. ROBERTS] and the gentleman from Texas [Mr. STENHOLM] and some of my other rural colleagues.

I have a statement to submit for the RECORD expressing my particular concern about the funding which is eliminated for the Office of Rural Health Policy and a letter addressing the importance of that funding from Dr. Keith Mueller of the University of Nebraska Medical Center.

Mr. Chairman, I insert those materials in the RECORD, as follows:

Mr. Chairman, I appreciate the opportunity to express to Chairman PORTER and the rest of the House my concern about one area of funding eliminated by this bill—that for the Federal Office of Rural Health Policy.

The Appropriations Committee stripped the Office of Rural Health Policy of $9.4 million, essentially its entire budget. Supposedly, we are told, the office may continue to exist because the salaries for its staff are funded under another line item. But no one can tell me that an office without programs to administer is going to survive, and that means rural health care takes another shot in the back of the head.

The $9.4 million for the ORHP is a mere drop in the bucket of this $256 billion bill. That funding can easily be found, but those of us concerned about the ongong struggle of rural health care are hampered in offering amendments to restore that funding—we run up against the hurdles of dealing with unauthorized programs on appropriations bills and into the brick wall of this very urban-dominated House.

Attempts to assure me that the functions of the ORHP are duplicative and its programs will be picked up elsewhere are, in reality, no assurance whatsoever. The office was established for the very reason that those other programs for years and years ignored and overlooked the needs of the rural health care.

Let me share with my colleagues comments from one of the leading experts of rural health care, Dr. Keith Mueller, who has been a constant and reliable source of information for this Congress in recent years because of the research programs he oversees at the University of Nebraska Medical Center, some of which admittedly, are a result of federal funding.

Dr. Mueller writes:

> I sympathize with the imperative to eliminate unnecessary bureaucracies, but the ORHP does not fall into that classification. Contrary to the perception stated in [the report], the ORHP does much more than support state bureaucracies. Less than one full time equivalent position is devoted to the important task of assistance to state offices of rural health. The more important roles of ORHP are direct assistance to rural communities (telemedicine [for example]), developing a rural health agenda, maintaining resources for rural health analysis, monitoring regulatory activities to assess rural impact, and providing policy relevant research to a wide audience. The loss of these functions of the ORHP would be a tremendous loss to rural America.

At the proper time, Mr. Chairman, I will ask that Dr. Mueller's entire letter be included in the RECORD.

This money has a tangible and important impact on improving and maintaining access to health care for more than one-fourth of this country's population. That's a fair return on our tax dollars, and it should meet the test of programs worth retaining.

If today we can't get the amendment passed to restore ORHP funding, we will turn to the other body for help, and I want to urge Chairman PORTER to then look on this funding favorably in conference.

UNIVERSITY OF NEBRASKA,
MEDICAL CENTER,
Omaha, NE, July 25, 1995.

Hon. BILL BARRETT,
U.S. House of Representatives,
Washington, DC.

DEAR CONGRESSMAN BARRETT: I am writing to ask you to consider supporting the Gunderson/Poshard amendment to restore funding for the Federal Office of Rural Health Policy. The programs of ORHP benefit rural America in many ways, including direct benefits to Nebraska.

I sympathize with the imperative to eliminate unnecessary bureaucracies, but the ORHP does not fall into that classification. Contrary to the perception stated in the Chairman's mark of the budget resolution in the House, the ORHP does much more than support state bureaucracies. Less than one full time equivalent position is devoted to the important task of assistance to state offices of rural health. The much more important roles of ORHP are direct assistance to rural communities (telemedicine), developing a rural health agenda (National Advisory Committee), maintaining resources for rural health analysis (national clearinghouse), monitoring regulatory activities to assess rural impacts, and providing policy relevant research to a wide audience (rural health research centers). The loss of these functions of the ORHP would be a tremendous loss to rural America.

The ORHP has been responsible for a special grants program to assist rural health care providers and communities in developing telemedicine systems. The grants awarded thus far include one in Kearney, Nebraska. The grants make it possibly for rural providers to initiate telemedicine systems now rather than wait for urban-based systems to possibly extend such services, and terms of use, later. The ORHP provides technical assistance to grantees, and has been instrumental in advancing our knowledge of how to use this technology effectively.

The National Advisory Committee on Rural Health, staffed by the ORHP, has produced annual reports that identify critical issues in rural health that are affected by federal policies. The most recent report focused on potential changes in Medicare policies, especially reimbursement for health providers. The Committee helps researchers and policy makers alike anticipate need for further analysis and policy development. Another valuable resource is the Rural Health Clearinghouse, which provides information to rural health providers, researchers, and community leaders in an on-line modality. The cornerstone of the ORHP programs, in my view, is the research center program. The ORHP provides modest support to develop and sustain rural health research centers. The ORHP also helps those centers develop research agendas and produce reports that are written for the policy maker audience. Those reports address pressing policy issues with research results that can help improve policy. A few examples are:

"The National Health Service Corps: Rural Physician Service and Retention," University of Washington, WAMI Rural Health Research Center

"The Feasibility of Health Care Cooperatives in Rural America: Learning from the Past to Prepare for the Future," University of North Carolina (UNC) Rural Health Research Program

"A Predictive Model for Retention of Rural Nurses," University of North Dakota Rural Health Research Center

"Access of Rural Medicaid Beneficiaries to Mental Health Services," Maine Rural Health Research Center

"Health Care Reform for Rural Medicaid: Finding Solutions with Limited Resources," New York Rural Health Research Center

"A DRG-Based Service Limitation System for Rural Primary Care Hospitals," Minnesota Rural Health Research Center.

The University of Nebraska Center for Rural Health Research received ORHP support for two years under this program, extended with special awards for two years to produce a series of *Policy Briefs* that critique health reform proposals from a rural perspective. We would compete for the next cycle of center support from ORHP if this program continues. The ORHP has supported, through the budget for the Maine Center, some of the work of the Rural Health Delivery Expert Panel of the Rural Policy Research Institute, on which I serve.

I cannot imagine how rural health would continue to have a voice within the Department of Health and Human Services without the ORHP. This Office is a true success story, developing programs that make important contributions directly to rural citizens and directly to you and others who must make important policy decisions. Please support the Gunderson/Poshard amendment to restore funding. Even with rural programs, there are lower priorities than this Office. I would be pleased to comment further or answer any questions. Thank you.

Sincerely,

KEITH J. MUELLER,

Professor and Director, Nebraska Center for Rural Health Research.

Mr. RIGGS. Mr. Chairman, I would like to say in response to the comments made by the distinguished ranking member earlier, I would just like to point out for the other Members that approximately 30 percent of the spending cuts that were made to the various programs under the jurisdiction of the Labor-HHS-Education Appropriations Subcommittee were made in fact in the context of the emergency supplemental appropriations and rescissions package. I think it is important to note that for the record since that legislation has now become law with the bipartisan support of both bodies, both Houses of the Congress and, of course, the President's cooperation and signature.

AMENDMENT OFFERED BY MR. CUNNINGHAM

Mr. CUNNINGHAM. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CUNNINGHAM: Page 42, beginning on line 13, strike "That notwithstanding" and all that follows through the comma on line 20.

Mr. CUNNINGHAM (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. Pursuant to the order of the House of August 2, 1995, the gentleman from California [Mr. CUNNINGHAM] and a Member opposed will each be recognized for 10 minutes.

Mr. OBEY. Mr. Chairman, I would like to be recognized in opposition to the amendment.

The CHAIRMAN. The gentleman from Wisconsin [Mr. OBEY] will be recognized for 10 minutes.

The Chair recognizes the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Chairman, I yield myself such time as I may.

Mr. Chairman, I believe that Members on the other side of the aisle do have some legitimate issues. One of the issues, in my opinion, is that while we attempt to move this money back to the States that I know an example in the State of California, the devastating defense cuts have cost us nearly a million jobs. We have little things called gnat catchers and spotted owls that have affected those positions. We have had natural disasters, and the people in the State of California, on a State level and a Federal level, are taxed at pretty much an extreme rate.

It is very difficult to pass a school bond to build a school or to provide for that instruction.

When we affect education, we also affect, because it is forward-funded, not only the funds in the future but the funds that go down right now.

We have to provide a transition for those. This particular amendment helps that. It also sets the stage for a direction where we can reallocate and put a little different priority and put some of those dollars back into education. The amendment improves the Labor-HHS-Education appropriations bill that deletes legislation language in the bill that prohibits impact aid funding to schools for what they call military B kids.

Impact aid, for the Members, if you are a military recipient of funds and you register, say, in the State of Illinois and you move to the State of California, you still pay your State taxes. You shop at the commissary; you shop at the exchange. All those taxes go not to the State where your children go to school. You impact that school, but they do not get any money back for it. So what we are doing is shifting the money.

All this amendment does is, in the current language it restricts it only to impact aid. Impact aid students are those students that live on base with their parents. But the majority of Members, both Republicans and Democrats that represent districts, those military families live off base and do not qualify for that funding. This amendment eliminates that.

Second, it sets the stage. I have got two of my colleagues that, one is the gentleman from Nebraska [Mr. CHRISTENSEN], the other one is the gentleman from Texas [Mr. EDWARDS], from the other side of the aisle, who have been bulldogs on this issue. They have fought tooth, hook, and nail to preserve something that is very important, not just in their districts but around this country.

What it does, it is also going to allow us later on in an amendment to put over $18 million in authority into BA. We are going to put $15 million more back into Eisenhower grants for teacher training. We are asking our teachers to increase it. We are also going to put another $100 million in BA into the vocational education programs.

This amendment does not affect it, but it is part of a series of amendments that we are going to offer to try and help the gentleman with some of his reservations and put the money back into education. Mr. CHRISTENSEN and Mr. EDWARDS have been tigers in this field. I want to commend Members from both sides of the aisle in helping us with this.

What it is going to do is allow us to take that impact of those students and put some of it back in.

I would also like to thank my colleague from California, Mr. RIGGS, who has also been fighting not only on impact aid but these other areas to fight for that.

Mr. Chairman, I yield to the gentleman from California [Mr. RIGGS].

Mr. RIGGS. Mr. Chairman, I rise to engage in a brief colloquy to clarify one particular point with the gentleman regarding his amendment.

I would like to clarify that his amendment does not affect the hold harmless prohibition in the bill?

Mr. CUNNINGHAM. Mr. Chairman, this amendment has zero effect, no effect on hold harmless.

Mr. RIGGS. Mr. Chairman, I thank the gentleman for yielding.

Mr. CUNNINGHAM. Mr. Chairman, I will not eat up the whole 10 minutes. I think this is an important piece of legislation. I think it is a piece of legislation that Members on both sides of the aisle will support or can support by taking some of those dollars and allowing the impact of military families on the school systems to help relieve those school systems and also help the teacher training and also come back and help the vocational education program.

Mr. Chairman, I reserve the balance of my time.

Mr. OBEY. Mr. Chairman, I yield myself such time as I may consume.

Let me simply say that I do not want to make a Federal case out of this. Again, while I have misgivings about it, I will not push it to a roll call.

Let me simply explain to the Members of the House the situation we are in. It appears that at this point that what the gentleman is asking will in fact result in a negligible impact on a lot of districts. We are not quite certain, frankly, because we do not yet have an official computer run from the agency or CBO or anybody else.

The problem is that, at least I feel that there is a much bigger impact on the local school districts with A's than there is with B's, because you have a double loss of property tax base with the folks involved.

I also would point out that whether or not this turns out to be a reasonable balance depends upon a further contribution from the defense bill. And while I expect that that is going to occur, we do not have any official certainty that it is going to occur.

Mr. Chairman, I am minimally enthused about the gentleman's amendment, to put it politely, for the moment. But as I say, while I have misgivings about it, I am not going to push it to a vote. I understand the gentleman from Illinois [Mr. PORTER] is going to accept it.

Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. EDWARDS].

Mr. EDWARDS. Mr. Chairman, I want to thank the minority ranking member for yielding.

I would like, if I could, to have a discussion with the gentleman from California [Mr. CUNNINGHAM], who has worked very hard, the gentleman from Virginia [Mr. BATEMAN], the gentleman from Nebraska [Mr. CHRISTENSEN], and others of us, trying to find money for impact aid.

I do want to be clear. This amendment does not add a single dollar to the impact aid program that has not already been appropriated in the defense appropriations bill or elsewhere. If that is correct, I must say I am personally disappointed, because at one point I thought there was an understanding that some of this money was going to be directed to impact aid. And if it has not, we keep going on promises made and yet no action seems to occur to find any new dollars for impact aid.

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If I am wrong, I stand corrected, but to be clear, this amendment does not add any new appropriations to impact aid; is that correct?

Mr. CUNNINGHAM. Mr. Chairman, will the gentleman yield?

Mr. EDWARDS. I yield to the gentleman from California.

Mr. CUNNINGHAM. Mr. Chairman, I fully understand the frustration of the gentleman from Texas. I also have gone through a lot of frustration on this particular issue.

The reason that I brought up the impact later on and what we are going to do is, first of all, this amendment does not add direct dollars, but it gives the flexibility to move. If the gentleman's particular district has impacted A's or B's, it gives it that flexibility, and all this initial stage is doing is trying to remove it.

The second aspect of it, the $35 million from the defense authorization bill, I have been guaranteed, I would say to the gentleman from Wisconsin [Mr. OBEY], that this is going to happen and it is going to go into the general fund.

Mr. Chairman, I am also supporting an amendment of the gentleman from Texas [Mr. EDWARDS] later on, from other sources to impact, to put the $23 million into that fund also. It is kind of a series of packages, but I also understand the gentleman's reservations.

Mr. EDWARDS. Mr. Chairman, reclaiming my time, I appreciate the good intentions and I hope something will come about, but as of now, this bill cuts impact aid to military children's education by over $40 million.

Mr. OBEY. Mr. Chairman, I yield myself 30 seconds to say that the gentleman indicates that he is guaranteed that the $35 million in the defense bill will materialize. That requires a little matter of having to pass the House, pass the Senate, go into conference; and frankly, at this point, I do not know if the defense bill is going to be finished before we leave here for the August recess.

The gentleman may have a greater comfort level in the security of that guarantee than I have.

Mr. CUNNINGHAM. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I recognize the problem. The way this House works sometimes boggles all of us. As far as the scoring, when they did away with the old system and they went to the A system only, the formula was a little different. We are going to make sure in the future legislation that the formulas agree, so that we do have strong confidence that it is a positive impact.

Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois [Mr. PORTER].

Mr. PORTER. Mr. Chairman, I apologize for not being able to be on the floor for the discussion. I strongly support the amendment.

Mr. Chairman, I think that everyone should understand that I probably have more impacted schools and students than many in the House. I have a vital personal interest in the Impact Aid Program.

I believe that when we finish our work on this bill, we will have achieved 95 percent of last year's funding level for Impact Aid. I believe we will have protected severely impacted schools in an ironclad way, and I believe that the Senate mark on Impact Aid will be at about 98 percent of last year's level.

Mr. Chairman, we have a very good chance of ending up with very little reduction in the program at a time when cuts are being made in many other areas. I believe we have done the best possible job that we can do on this. I will certainly be putting it at a high priority in conference, Mr. Chairman, and I think everyone will be pretty well satisfied, when we get finished, that the job has been done properly.

Mr. CUNNINGHAM. Mr. Chairman, the reason for part of that is, the gentleman from Texas [Mr. EDWARDS], the gentlewoman from Hawaii [Mrs. MINK], the gentleman from Nebraska [Mr. CHRISTENSEN], and the coalition that is supportive of this issue. I would like to personally thank them in public.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentleman from Texas [Mr. EDWARDS].

Mr. EDWARDS. Mr. Chairman, I thank the gentleman from Illinois [Mr. PORTER] for his comments and commitments to impact aid. I know he has a genuine interest in that effort and has worked tirelessly on behalf of the program.

Mr. Chairman, I do want to make the record clear to people throughout this country and to Members of Congress that, after speeches on the floor by the majority leader several months ago and several other Members of the majority party, this bill, as of today, cuts $47 million out of education funds for the children of military families, children whose parents may be serving overseas, children who may not see their parents months on end.

Mr. Chairman, I hope to have the chance to continue to work with the gentleman from Illinois [Mr. PORTER] and the gentleman from California [Mr. CUNNINGHAM], but I do not mind saying I am disappointed that, as of today, this bill cuts $47 million out of that terribly important education program.

Mr. Chairman, children whose parents have been willing to put on the uniform and fight for our country deserve the commitment of this Congress.

Mr. CUNNINGHAM. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the gentleman from Illinois [Mr. PORTER], the gentleman from Texas [Mr. ARMEY], the Speaker, and I have met and they have promised me their commitment to this. This whole package is part of those pledges that you talked about and that the gentleman from Illinois [Mr. PORTER] spoke of.

I do not think the gentleman from Illinois can do any more for us. I wish we could do more, and in the future, I promise to work with the gentleman to even make it "more better," as they say.

Mr. Chairman, I also understand the gentleman's concerns. The gentleman has my tireless pledge to make sure that that happens, and I have the pledge of the Speaker and the majority leader to help do that.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by gentleman from California [Mr. CUNNINGHAM].

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to title III?

Mr. RIGGS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to engage the gentleman from Illinois [Mr. PORTER], my subcommittee chairman, in a brief colloquy with regard to continued funding for the National Education Goals Panel.

Mr. Chairman, as the gentleman from Illinois knows, we have received a very recent communication dated, actually, August 1, a letter from a bipartisan group of six State Governors, to the gentleman from Illinois and the gentleman from Louisiana [Mr. LIVINGSTON].

Mr. Chairman, I briefly would like to read this letter for the record. It says:

> Following the historic 1989 education summit in Charlottesville, Virginia, the Governors and President Bush agreed on education goals for the Nation and created the National Education Goals Panel as an accountability mechanism to monitor and report on the Nation's progress towards

achieving the goals. We believe that the panel continues to play a significant role in assisting States as they work to improve educational performance for all students.

The Goals Panel members have recently initiated new efforts to collect and distribute information on the development of world class academic standards and assessment of student achievement at the State level. This kind of information will fill an essential need for State policymakers.

While we recognize the difficult decisions that you face, we strongly urge you to continue funding for the National Education Goals Panel in the appropriations process.

The letter is signed by Governors Bayh of Indiana; Hunt of North Carolina; Romer of Colorado; Engler of Michigan; Rowland of Connecticut; and Whitman of New Jersey.

Mr. Chairman, as you know, and as the concern of the Governors indicates, our bill presently eliminates funding for the National Education Goals Panel. We have acknowledged the letter from the Governors today, and the important role, as they suggest, that the national Education Goals Panel plays in helping States develop and implement academic standards within their own States.

The Goals Panel is made up primarily of Governors and State legislators for the primary purpose of helping States determine how to best implement academic standards based on the needs of their students.

Mr. Chairman, I ask the gentleman from Illinois [Mr. PORTER] whether he will be able to commit to restoring funds for the National Education Goals Panel in conference and work with me as, a fellow conferee, to get the Senate to restore these funds?

Mr. PORTER. Mr. Chairman, if the gentleman would yield, I received a call from Gov. Tommy Thompson of Wisconsin, the State neighboring my State of Illinois, and had a discussion about the panel. I will do the best I possibly can to restore funds for the National Education Goals Panel in the conference.

Mr. RIGGS. Mr. Chairman, I yield to the gentleman from Delaware [Mr. CASTLE], our friend and colleague and the former Governor of Delaware.

Mr. CASTLE. Mr. Chairman, I will be brief, but I could not support this colloquy more, and all Members should.

Mr. Chairman, this panel has ultimately set goals for America which are extraordinary. The Governors support it. It is across all of the States. Just because there has been some confusion about what is in the goals, it does not mean that the panel should not continue to exist.

Mr. Chairman, I appreciate the tremendous effort by the gentleman from California. I am sure that every single Governor in the country and every child in America does as well.

Mr. RIGGS. Mr. Chairman, reclaiming my time, we look forward to working with the governors and the National Education Goals Panel as we prepare our education reform block grant bill in the Committee on Economic and Educational Opportunities.

Mr. Chairman, I include the letter and newspaper editorial for the RECORD:

AUGUST 1, 1995.

Hon. BOB LIVINGSTON,
Chair, Committee on Appropriations,
Washington, DC.

DEAR CHAIRMAN LIVINGSTON: Following the historic 1989 education summit in Charlottesville, the Governors and President Bush agreed on education goals for the nation and created the National Education Goals Panel as an accountability mechanism to monitor and report on the nation's progress toward achieving the goals. We believe that the Panel continues to play a significant role in assisting states as they work to improve educational performance for all students.

The Goals Panel members have recently initiated new efforts to collect and distribute information on the development of world class academic standards and the assessment of student achievement at the state level. This kind of information will fill an essential need for state policymakers.

While we recognize the difficult decisions that you will face, we strongly urge you to continue funding for the National Education Goals Panel in the appropriations process.

Sincerely,

Gov. EVAN BAYH,
State of Indiana.
Gov. JAMES B. HUNT JR.,
State of North Carolina.
Gov. ROY ROMER,
State of Colorado.
Gov. JOHN ENGLER,
State of Michigan.
Gov. JOHN G. ROWLAND,
State of Connecticut.
Gov. CHRISTINE T. WHITEMAN,
State of New Jersey.

JUST PLAIN DUMB

(By David S. Broder)

BURLINGTON, VT.—Louis V. Gerstner Jr., the chairman of IBM and the man who has engineered its recent turnaround, had a message for the nation's governors when he appeared before their annual summer meeting here this week. Warning that real reform requires resources, Gerstner said, "True change agents put their money where their mouth is."

That message has broad application, not only to the governors but to the self-styled revolutionaries in Washington, who often appear to be letting their budgetary goals predetermine the way they are reshaping programs and agencies.

But there is particular pertinence for one small program that has been a bipartisan project of the governors and now is threatened by small-minded economizers in Congress.

"A decade ago, farsighted governors of both parties including both Bill Clinton of Arkansas and his would-be 1985 Republican opponent, Lamar Alexander of Tennessee, launched a program to raise the achievment standards in American shcools. Their "national goals" effort was embraced by President Bush in 1989 at his "education summit in Charlottesville, Va. Last year, it was written into "Goals 2000" legislation by Congress with strong support from President Clinton.

A small but critical piece of the law was the creation of the National Education Goals Panel to ride herd on the project.

Now the House Republicans have moved to kill the entire Goals 2000 program, including the $2.7 million for the goals panel. Even before they heard Gerstner, the governors were saying that strangling this effort is dumb.

That is the view not just of long-time education advocates such as North Carolina's Jim Hunt and Colorado's Roy Romer, both Democrats, but of conservative reformers such as Wisconsin's Tommy Thompson and Michigan's John Engler, both Republicans.

Thompson told me that because so few of the governors who met with Bush in 1989 to launch this campaign are still around, and because few businessmen are as committed to the cause of Gerstner, "we need to jump-start this effort again."

Thompson and Romer both acknowledge that whether they like it or not, the federal grants to states for Goals 2000 programs are likely victims of the budget-cutters. But the goals panel is, in Thompson's words, "the catalyst" and the forum that is needed to keep the effort going.

The governors' original notion was a simple one. In a competitive world, the quality of the education America's youngsters receive is the prime determinant of the nation's future well-being. So they set out goals for themselves. Among others, they said, by 2000, all children would start school ready to learn and at least 90 percent of them would finish high school. Every graduate would have demonstrated competence in nine basic subjects.

No one could argue with the goals. But by setting their deadline so far in the future, Gerstner said, the governors "left a little bit too much . . . cover" for themselves. And, he pointedly said, "Goals aren't worth a damn if you don't measure every day" how near or far the schools are from achieving them.

Last week, in a report that was as direct as Gerstner's speech, the American Federation of Teachers (AFT) documented how far we are from being able to measure that progress.

While every state but Iowa has began to develop tougher academic standards for its students, only 13 states have standards that are "clear and specific enough" to guide curriculum development. While 33 states have or are developing student assessments geared to those standards, only seven states require high school seniors to meet the standards set for 10th-, 11th- or 12th-graders in order to graduate.

The public has become skeptical about education "reforms" that are designed to provide comfort for teachers or students, instead of ensuring that knowledge and skills are actually acquired. This effort falls into the latter category.

The AFT wants an end to platitudes, instead of saying that fifth-graders "should be able to use basic science concepts to help understand various kinds of scientific information," as one state does, the model should be another state's requirement that those 10-year-olds "should be able to describe the basic processes of photosynthesis and respiration and their importance to life."

That same kind of rigor is what the governors are seeking—and what the goals panel is all about.

Killing it would be one of the dam-best things Congress could do.

The CHAIRMAN. Are there additional amendments to title III.

If not, the Clerk will designate title IV.

The text of title IV is as follows:

TITLE IV—RELATED AGENCIES

ARMED FORCES RETIREMENT HOME

For expenses necessary for the Armed Forces Retirement Home to operate and maintain the United States Soldiers' and Airmen's Home and the United States Naval Home, to be paid from funds available in the Armed Forces Retirement Home Trust Fund, $58,186,000, of which $2,051,000 shall remain available until expended for construction and renovation of the physical plants at the United States Soldiers' and Airmen's Home and the United States Naval Home: *Provided*, That this appropriation shall not be available for the payment of hospitalization of members of the Soldiers' and Airmen's Home in United States Army hospitals at rates in excess of those prescribed by the Secretary of the Army upon recommendation of the Board of Commissioners and the Surgeon General of the Army.

Corporation for National and Community Service

DOMESTIC VOLUNTEER SERVICE PROGRAMS, OPERATING EXPENSES

For expenses necessary for the Corporation for National and Community Service to carry out the provisions of the Domestic Volunteer Service Act of 1973, as amended, $168,974,000.

Corporation for Public Broadcasting

For payment to the Corporation for Public Broadcasting, as authorized by the Communications Act of 1934, without regard to section 396(k)(3)(B)(iii), an amount which shall be available within limitations specified by that Act, for the fiscal year 1998, $240,000,000: *Provided*, That all funds appropriated herein shall be made available only if authorized: *Provided further*, That no funds made available to the Corporation for Public Broadcasting by this Act shall be used to pay for receptions, parties, or similar forms of entertainment for Government officials or employees: *Provided further*, That none of the funds contained in this paragraph shall be available or used to aid or support any program or activity from which any person is excluded, or is denied benefits, or is discriminated against, on the basis of race, color, national origin, religion, or sex: *Provided further*, That for any fiscal year, the Secretary of the Treasury shall, notwithstanding section 396(k)(2)(B) of the Communications Act of 1934, make funds available to the Corporation for Public Broadcasting in accordance with the payment methods required under Office of Management and Budget Circular A-110 to minimize the time between the transfer of funds from the Federal Treasury and the outlay or expenditure of such funds by the Corporation.

Federal Mediation and Conciliation Service

SALARIES AND EXPENSES

For expenses necessary for the Federal Mediation and Conciliation Service to carry out the functions vested in it by the Labor Management Relations Act, 1947 (29 U.S.C. 171–180, 182–183), including hire of passenger motor vehicles; and for expenses necessary for the Labor-Management Cooperation Act of 1978 (29 U.S.C. 175a); and for expenses necessary for the Service to carry out the functions vested in it by the Civil Service Reform Act, Public Law 95-454 (5 U.S.C. chapter 71), $31,896,000.

Federal Mine Safety and Health Review Commission

SALARIES AND EXPENSES

For expenses necessary for the Federal Mine Safety and Health Review Commission (30 U.S.C. 801 et seq.), $6,467,000.

National Commission on Libraries and Information Science

SALARIES AND EXPENSES

For necessary expenses for the National Commission on Libraries and Information Science, established by the Act of July 20, 1970 (Public Law 91-345, as amended by Public Law 102-95), $450,000.

National Council on Disability

SALARIES AND EXPENSES

For expenses necessary for the National Council on Disability as authorized by title IV of the Rehabilitation Act of 1973, as amended, $1,397,000.

National Labor Relations Board

SALARIES AND EXPENSES

For expenses necessary for the National Labor Relations Board to carry out the functions vested in it by the Labor-Management Relations Act, 1947, as amended (29 U.S.C. 141–167), and other laws, $123,233,000: *Provided*, That no part of this appropriation shall be available to organize or assist in organizing agricultural laborers or used in connection with investigations, hearings, directives, or orders concerning bargaining units composed of agricultural laborers as referred to in section 2(3) of the Act of July 5, 1935 (29 U.S.C. 152), and as amended by the Labor-Management Relations Act, 1947, as amended, and as defined in section 3(f) of the Act of June 25, 1938 (29 U.S.C. 203), and including in said definition employees engaged in the maintenance and operation of ditches, canals, reservoirs, and waterways when maintained or operated on a mutual, nonprofit basis and at least 95 per centum of the water stored or supplied thereby is used for farming purposes: *Provided further*, That notwithstanding any other provisions of law, no part of this appropriation may be used by the National Labor Relations Board for the investigation or prosecution of alleged unfair labor practice charges under section 8 of the National Labor Relations Act, where such charges are based, in whole or in part, on an employer's taking any adverse action, including refusal to hire, discipline, or discharge, against an individual(s) who is an employee or agent or is otherwise working under the control and supervision of a labor organization, until such time as the United States Supreme Court has held that such individual(s) are or are not protected under section 8 of the National Labor Relations Act: *Provided further*, That no part of this appropriation may be used by the National Labor Relations Board to petition a United States district court for temporary relief or a restraining order as described under section 10(j) of the National Labor Relations Act unless there is a reasonable likelihood of success on the merits of the complaint that an unfair labor practice has occurred, there is a possibility of irreparable harm if such relief is not granted, a balancing of hardships favors injunctive relief, and harm to the public interest stemming from injunctive relief is tolerable in light of the benefits achieved by such relief: *Provided further*, That no part of this appropriation shall be available for the exercise of the National Labor Relations Board's authority under section 10(j) of the National Labor Relations Act (29 U.S.C. 160(j)) unless four-fifths of the Board's members have voted to exercise such authority, where five Board members are voting: *Provided further*, That no part of this appropriation shall be available for the exercise of the National Labor Relations Board's authority under section 10(j) of the National Labor Relations Act (29 U.S.C. 160(j)) unless before determining that an action for injunctive relief is warranted the Board allows a named party to an injunction an opportunity to review and respond to the General Counsel's memorandum of recommendations and to present oral evidence.

National Mediation Board

SALARIES AND EXPENSES

For expenses necessary to carry out the provisions of the Railway Labor Act, as amended (45 U.S.C. 151–188), including emergency boards appointed by the President, $8,000,000.

Occupational Safety and Health Review Commission

SALARIES AND EXPENSES

For expenses necessary for the Occupational Safety and Health Review Commission (29 U.S.C. 661), $8,200,000.

Physician Payment Review Commission

SALARIES AND EXPENSES

For expenses necessary to carry out section 1845(a) of the Social Security Act, $2,923,000, to be transferred to this appropriation from the Federal Supplementary Medical Insurance Trust Fund.

Prospective Payment Assessment Commission

SALARIES AND EXPENSES

For expenses necessary to carry out section 1886(e) of the Social Security Act, $3,267,000, to be transferred to this appropriation from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds.

Social Security Administration

PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

For payment to the Federal Old-Age and Survivors Insurance and the Federal Disability Insurance trust funds, as provided under sections 201(m), 228(g), and 1131(b)(2) of the Social Security Act, $22,641,000.

In addition, to reimburse these trust funds for administrative expenses to carry out sections 9704 and 9706 of the Internal Revenue Code of 1986, $10,000,000, to remain available until expended.

SPECIAL BENEFITS FOR DISABLED COAL MINERS

For carrying out title IV of the Federal Mine Safety and Health Act of 1977, $485,396,000, to remain available until expended.

For making, after July 31 of the current fiscal year, benefit payments to individuals under title IV of the Federal Mine Safety and Health Act of 1977, for costs incurred in the current fiscal year, such amounts as may be necessary.

For making benefit payments under title IV of the Federal Mine Safety and Health Act of 1977 for the first quarter of fiscal year 1997, $170,000,000, to remain available until expended.

SUPPLEMENTAL SECURITY INCOME PROGRAM

For carrying out titles XI and XVI of the Social Security Act, section 401 of Public Law 92-603, section 212 of Public Law 93-66, as amended, and section 405 of Public Law 95-216, including payment to the Social Security trust funds for administrative expenses incurred pursuant to section 201(g)(1) of the Social Security Act, $18,753,834,000, to remain available until expended: *Provided*, That any portion of the funds provided to a State in the current fiscal year and not obligated by the State during that year shall be returned to the Treasury.

For making, after June 15 of the current fiscal year, benefit payments to individuals under title XVI of the Social Security Act, for unanticipated costs incurred for the current fiscal year, such sums as may be necessary.

For carrying out title XVI of the Social Security Act for the first quarter of fiscal year 1997, $9,260,000,000, to remain available until expended.

LIMITATION ON ADMINISTRATIVE EXPENSES

For necessary expenses, including the hire of two medium size passenger motor vehicles, and not to exceed $10,000 for official reception and representation expenses, not more than $5,275,268,000 may be expended, as authorized by section 201(g)(1) of the Social Security Act or as necessary to carry out sections 9704 and 9706 of the Internal Revenue Code of 1986 from any one or all of the trust funds referred to therein: *Provided*, That reimbursement to the trust funds under this heading for administrative expenses to carry out sections 9704 and 9706 of the Internal Revenue Code of 1986 shall be made, with interest, not later than September 30, 1997.

In addition to funding already available under this heading, and subject to the same terms and conditions, $407,000,000, for disability caseload processing.

In addition to funding already available under this heading, and subject to the same terms and conditions, $228,000,000, which shall remain available until expended, to invest in a state-of-the-art computing network, including related equipment and administrative expenses associated solely with this network, for the Social Security Administration and the State Disability Determination Services, may be expended from any or all of the trust funds as authorized by section 201(g)(1) of the Social Security Act.

OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $4,816,000, together with not to exceed $21,076,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.

RAILROAD RETIREMENT BOARD

DUAL BENEFITS PAYMENTS ACCOUNT

For payment to the Dual Benefits Payments Account, authorized under section 15(d) of the Railroad Retirement Act of 1974, $239,000,000, which shall include amounts becoming available in fiscal year 1996 pursuant to section 224(c)(1)(B) of Public Law 98–76; and in addition, an amount, not to exceed 2 percent of the amount provided herein, shall be available proportional to the amount by which the product of recipients and the average benefit received exceeds $239,000,000: *Provided*, That the total amount provided herein shall be credited in 12 approximately equal amounts on the first day of each month in the fiscal year.

FEDERAL PAYMENTS TO THE RAILROAD RETIREMENT ACCOUNTS

For payment to the accounts established in the Treasury for the payment of benefits under the Railroad Retirement Act for interest earned on unnegotiated checks, $300,000, to remain available through September 30, 1997, which shall be the maximum amount available for payment pursuant to section 417 of Public Law 98–76.

LIMITATION ON ADMINISTRATION

For necessary expenses for the Railroad Retirement Board in administering the Railroad Retirement Act and the Railroad Unemployment Insurance Act, $90,912,000, to be derived as authorized by section 15(h) of the Railroad Retirement Act and section 10(a) of the Railroad Unemployment Insurance Act, from the accounts referred to in those sections.

SPECIAL MANAGEMENT IMPROVEMENT FUND

To effect management improvements, including the reduction of backlogs, accuracy of taxation accounting, and debt collection, $659,000, to be derived from the railroad retirement accounts and railroad unemployment insurance account: *Provided*, That these funds shall supplement, not supplant, existing resources devoted to such operations and improvements.

LIMITATION ON THE OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General for audit, investigatory and review activities, as authorized by the Inspector General Act of 1978, as amended, not more than $5,100,000, to be derived from the railroad retirement accounts and railroad unemployment insurance account.

UNITED STATES INSTITUTE OF PEACE

OPERATING EXPENSES

For necessary expenses of the United States Institute of Peace as authorized in the United States Institute of Peace Act, $6,500,000.

The CHAIRMAN. Are there amendments to title IV?

AMENDMENT NO. 25 OFFERED BY MR. HOEKSTRA

Mr. HOEKSTRA. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. HOEKSTRA: Page 55, strike line 20 and all that follows through page 56, line 19 (relating to the Corporation for Public Broadcasting).

The CHAIRMAN. Pursuant to the order of August 2, 1995, the gentleman from Michigan [Mr. HOEKSTRA] will be recognized for 10 minutes, and a Member opposed will be recognized for 10 minutes.

Mr. OBEY. Mr. Chairman, I claim the time in opposition.

The CHAIRMAN. The gentleman from Wisconsin will be recognized for 10 minutes in opposition.

The Chair recognizes the gentleman from Michigan [Mr. HOEKSTRA].

Mr. HOEKSTRA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, if we take a look at the document next to me, there is something seriously wrong with this document. It is a check. Take a note of the date. This is a check that is going to be issued on August 3, 1995. It is for the amount of $240 million.

Mr. Chairman, we are not arguing about the amount, but if Members take a look at the memo line, it says "For fiscal year 1998." That is the debate that we are having here on the floor today.

Mr. Chairman, This is not about the merits of the Corporation for Public Broadcasting. It is about the concept of advanced funding for this program for 2 years. In other words, what this means is that the appropriations bill we are considering today will determine the funding level for the Corporation for Public Broadcasting, not for 1996 like every other program we are considering today, not for 1997, but for 1998, in the amount of $240 million.

This appropriation, this should be considered in 1997, not in August of 1995.

Mr. Chairman, I reserve the balance of my time.

Mr. OBEY. Mr. Chairman, I yield myself 3½ minutes.

Mr. Chairman, I find it ironic that this amendment is being offered at the same time, in the same week, that we are apparently going to be considering the ill-considered telecommunications bill. The Corporation for Public Broadcasting has already been cut to the tune of 18 percent in the fiscal 1997 appropriation.

Mr. Chairman, I certainly do not like all of the product that I see on public television, but I know I certainly do not like a whole lot more that I see on commercial television.

Mr. Chairman, my wife and I have two grown sons. Frankly, with some of the garbage and sex and violence that I see on commercial television these days, I am glad they grew up earlier than some of the children who are watching that stuff now.

We are going to be debating on the telecom bill whether we ought to use the V-chip to give parents the opportunity to decide for themselves whether garbage on television, whether public or commercial, will come into their own homes. We are about to enter the world of 500 channels and parents, I think, would like a little assurance that they are going to have some ability to decide what is going to happen, what kind of stuff is going to be entering their home, as someone said last night, whether they are out of the house or in the kitchen.

At the time that we are apparently going to turn down the V-chip, and unleash commercial television and live straight by commercial values, at the expense of family values, it seems ironic to me that at the same time we are going to scuttle what I think most objective people would say is a television product of considerably higher quality, in most instances, than we get on commercial television.

□ 1630

We get a lot of fine programming on commercial television, but certainly a lot of it is an awful lot of junk, and I like to know that we have public television to serve as sort of at least a competitor for conscience, to try at least in some way to have an alternative standard that you require commercial television to meet. And that is, I think, one role that public broadcasting plays. And it obviously is important, not just on television but on radio as well.

We have had this debate many times. We will have it many times more. It just seems to me that just the cost of, and again I will go back to that, just the cost of one B-2 bomber would pay the entire cost of our Federal contribution to public broadcasting for a good 5 years and maybe more, depending on what the cost of that baby is finally going to be.

So I would urge that we consign this amendment to the oblivion it so richly deserves.

Mr. HOEKSTRA. Mr. Chairman, I yield 2 minutes to my colleague, the gentleman from Ohio [Mr. BOEHNER].

Mr. BOEHNER. Mr. Chairman, I find little to disagree with the gentleman from Wisconsin, the ranking member on the Committee on Appropriations. I like public TV. I like what they do.

The question here is the same question we have been debating on many other issues this afternoon and over the last several months, is: What is the appropriate role of the Federal Government today?

For 20 years the Federal Government has been funding the Corporation for Public Broadcasting. I and others would like to see the Corporation for Public Broadcasting continue, but I would like to see it continue without Federal funds, and I think over the next 2 years we can help the Corporation for Public Broadcasting in that transition to private funding to do the great work that they have been doing.

The reason that I am here tonight to talk about this issue goes beyond that. We have kept our promises to the American people all year about the changes that we wanted to make in Government. We committed to the American people that it would not be business as usual. But what is usual and business as usual in this bill today that causes this amendment to come forward is that we are talking about fiscal year 1998 funding. All of this bill, the rest of this bill, talks about funding that begins in October 1995.

It does not call for funding in 1997. We are talking about 1998 funding.

There is no other program that I know of in the Federal Government that forward funds programs the way we have for the CPB for 20 consecutive years.

Even if you disagree and you want to continue to fund them, I do not know why we should make that commitment today to fund the Corporation for Public Broadcasting in 1998.

Let us support the Hoekstra amendment. Eliminate 1998 funding, and then let us continue to work at how we can move CPB in a transition to funding from the private sector.

Mr. HOEKSTRA. Mr. Chairman, I yield 1 minute to the gentleman from Florida [Mr. WELDON].

Mr. WELDON of Florida. Mr. Chairman, I got up on this floor earlier today, and I talked about a painter in my district who had a paint stirring stick that he had been using for 5 years, and he saved about 5 cents a day, he figured out about $200, by wiping that thing off and reusing it. And he said to me, he said, "Think about me and my trouble making ends meet and having to wipe this stick off all the time, every time you think about raising taxes or spending money."

Here we are today, and we are being asked to spend money for the Corporation for Public Broadcasting in 1998. I cannot now look that man in the face and say, "Yes, I think we spent your hard-earned money properly," when we forward funded the Corporation for Public Broadcasting into the year 1998.

I think the gentleman from Michigan [Mr. HOEKSTRA] has a very reasonable amendment. It will go a long way to helping us reach a balanced budget in the future, and it is responsible spending. I support the Hoekstra amendment.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois [Mr. PORTER], the distinguished subcommittee Chair.

Mr. PORTER. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I think this is a very, very ill-advised amendment. It is an amendment that was offered in the subcommittee, failed on a large vote, failed in the full committee. I think it will fail in the House in the same way.

We have a process that we have been engaged in for some time now, working to ensure that CPB becomes an independently funded agency without a Federal subsidy and that in the meantime we preserve the essence of what public broadcasting is without commercializing it. We do not know how long it will take to move to that independent stream of revenue or streams of revenue. We are depending, of course, upon the authorizing committee to work through that legislation and to provide that guidance.

Very frankly, the authorizing committee has not had time yet because of the telecommunications bill to address this issue.

It is a forward funded program. It has always been a forward funded program. That is the authorizing law that we are working with.

We have moved through a series of downsizing, rescinding funds for fiscal years 1996 and 1997, to the tune of about $100 million, so we are definitely making cuts in the program. This will bring it down again to a yet lower level, and as part of the language of our bill, we have also taken $18 million of interest that they would otherwise have earned away from them. So we are downsizing it very substantially.

But to send a signal now that we are not going to support the Corporation for Public Broadcasting in terms of its future and work it over across into an independently funded agency it seems to me is a very, very bad signal to send, indeed.

This country values public broadcasting. It is an integral part of our culture that adds greatly, and I would urge the Members to strongly oppose this amendment.

Mr. HOEKSTRA. Mr. Chairman, I yield 1 minute to the gentleman from Arkansas [Mr. DICKEY].

Mr. DICKEY. Mr. Chairman, I think a significant thing that we need to consider in this discussion is whether or not we are going to be censors, whether the Government is going to be censors of what goes on with public broadcasting, whether it is TV or radio or whatever.

For instance, if we happened to like what is going on in NPR and we happened to think it is a proper conservative type of viewpoint, we might be for it right now. Next Congress, we might change our mind, and we might say, "No, it is too liberal or it is too conservative," and those folks might not like it.

So what we have is an opportunity. If we keep financing from the Federal Government, we have an opportunity of being judges all the time. We have no business being that.

We have fought problems with our economy. We have problems with other people watching this financing and what they say is, "What are they going to do with that which can be funded from private enterprises?" I think we owe it to those people we are cutting in other areas, to be just as fair with them as we are with the Corporation for Public Broadcasting.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentlewoman from New York [Mrs. LOWEY].

Mrs. LOWEY. Mr. Chairman, let us be clear about this. Rather than taking a big sledgehammer to the Corporation for Public Broadcasting, what the gentleman is trying to do with this amendment is chip away and chip away. This amendment is simply a continuation of the attack against public television.

The supporters of the amendment say that CPB does not deserve an advance appropriation. How can the Republican leadership expect CPB to move toward more independence from Federal funding without giving them the time to plan ahead? Either Congress wants to work cooperatively with the public television stations or not.

At least those Members who are very clear and say, "Kill it, kill it," are being honest. Let us not go around the edges. Let us be clear about our motives.

Mr. HOEKSTRA. Mr. Chairman, I yield 1 minute to the gentleman from Arizona [Mr. SHADEGG].

Mr. SHADEGG. Mr. Chairman, I rise today in strong support of the Hoekstra amendment.

We do not need at this point in America's financial history, with the budget crisis we face, to embrace the creation of yet one more new semi-entitlement. There is a serious effort going forward today by Members of this Congress, the gentleman from Texas [Mr. FIELDS] and the gentleman from Wisconsin [Mr. KLUG], to work toward a plan to defund the Corporation for Public Broadcasting into the future, and they ought to be allowed to do that without a bias of having created an entitlement status for the Corporation for Public Broadcasting. It simply makes no sense.

In fiscal year 1995, to appropriate $240 million to fund the Corporation for Public Broadcasting not in 1996, not in 1997, but in fiscal year 1998, that, I would argue, is the creation of a subsidy that we do not need.

I urge my colleagues to support the amendment.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. ENGEL].

Mr. ENGEL. Mr. Chairman, this is a very dangerous amendment, and it really ought to be defeated, and it ought to be defeated soundedly.

The Corporation for Public Broadcasting, public radio and television, has worked. It is the perfect example of a public-private partnership that has worked.

Why do we want to kill something that has worked? I am the father of three children. We are all fathers, mothers, grandmothers, and grandfathers here, and we know that children's television, "Sesame Street," "Mr. Rogers," works.

CPB funds serve as seed money for new programs and station support. For every Federal dollar that we give, they raise $5 and $6 of moneys. It is very, very important seed money. Federal seed money is crucial to public broadcasting.

Ending this partnership will only hurt the children and families who rely on public broadcasting as their source for news and education.

There are many, many things we do here. Some make sense and some do not. This amendment certainly does not make sense. If anything, we ought to restore the $20 million and fully fund public broadcasting.

Defeat this ill-advised amendment.

Mr. OBEY. Mr. Chairman, I yield 30 seconds to the gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE. Mr. Chairman, this is not a question of money. It is really a question of policy, and this little fellow—pointing to baby picture—who is exploring right now, is an example of curiosity that is promoted by public broadcasting stations. It means the opportunity for our children to hear and to see and to learn. It means the opportunity to grow and to thrive for all children in our communities without access to cable or other sources of learning tools.

Do you realize that you do not need a big TV to look at a public broadcast station? You do not need a big TV in Houston TX, to look at channel 8, to view Sesame Street, to look at it and to learn to count numbers and count your ABC's. This is family viewing in the real sense of the term. PBS provides diverse political opinions, historical exposé, children's T.V., and straight-forward news programs.

Let us not make the wrong policy decision. Support public broadcast today! Oppose the Hoekstra amendment.

Mr. OBEY. Mr. Chairman, I yield 30 seconds to the gentleman from New York [Mr. NADLER].

Mr. NADLER. Mr. Chairman, this is not a question of a budget here. We are talking about a total appropriation of less than 1/200th of 1 percent of the Federal budget, 1/200th of 1 percent. So it is not a question that we cannot afford the money.

What is a question here is an ideological determination that Government has no role in making sure that children have educational television to see, that alone among industrialized democratic countries in the world, we would not have any public noncorporate television, and this amendment ought to be defeated.

□ 1645

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts [Mr. MARKEY].

Mr. MARKEY. Mr. Chairman, it is an outrage that Congress is being asked on the same day to kill public television, kill Big Bird, kill the Children's Network, and at the same time to deny parents a violence chip to protect their children against excessive violence and sexual content on commercial television.

There is only one place parents can turn today for good children's programming. That is public television. Commercial television is awash with the explicit sexual and violent programming that is troubling every parent with adolescent children in this country, and on the same day during the same debate, we would have a killing of the one thing that every parent relies upon every day, Big Bird and public television, in an effort to deny a violence chip for every television to keep out that which is disturbing every parent of every child in this country. It is a shame and it should be defeated.

Mr. HOEKSTRA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, shame, shame, shame is exactly the appropriate way to describe this debate and how it has been characterized. This is not about a debate about the value of the Corporation for Public Broadcasting. This is about how the House will run its business.

We have funded the Corporation for Public Broadcasting for 1996. We have funded it for 1997. This is a debate about policy. In the long run, the chairman of the authorizing committee supports this amendment. He believes that during the next 2 years perhaps this Congress can decide on a long-term plan for how we will work and how we will fund the Corporation for Public Broadcasting.

Mr. Chairman, it is not tied up in the telecommunications bill. This program is not authorized through 1998. The Committee on Commerce will soon consider reauthorization.

It is ludicrous for this House to write a $240 million check for 1998 when it is very likely that a plan will soon emerge to make CPB a freestanding entity.

It is not about Big Bird. It is not about "Sesame Street." It is about this Congress developing an approach that means that we will run it in a more businesslike manner, but we will have a greater respect for those dollars that our taxpayers send us.

Mr. Chairman, there is no need for advance funding. This stops the concept of advance funding. As one of the earlier speakers said, it has almost moved the CPB to its status of an entitlement program.

Now is the time to start funding this program in the appropriate way. Go through an authorization process, either in the rest of this year, 1995, or we have all of 1996 to consider, or we have all of 1997 to consider reauthorization.

Let us take that time. Let us do the program right. Let us spend $240 million in the right way. Let us not spend $240 million for a program that is not authorized and that needs to be reauthorized and that will be reconsidered. Let us go about establishing a process that gives the American people some degree of confidence that we are spending their money in a proper and an appropriate way and not in an ill-conceived and unwise way.

Mr. Chairman, I yield back the balance of my time.

Mr. OBEY. Mr. Chairman, I yield 10 seconds to the gentlewoman from Maryland [Mrs. MORELLA].

Mrs. MORELLA. Mr. Chairman, I just want to urge Members to oppose the Hoekstra amendment because CPB funding is crucial to bringing together the other necessary funding to complete major projects. Americans want it. It only costs us $1.09 per person.

Mr. Chairman, I rise to express my support for continued Federal funding for public broadcasting and my opposition to the Hoekstra amendment.

There are two primary reasons for forward-funding of CPB. The gentleman's amendment exemplifies one of those reasons, that is, to protect public broadcasting from immediate, politically motivated attacks on its funding.

In addition, broadcast productions, particularly in television, require some lead time to get going. Forward funding provides public broadcasters with advance planning capability which allows them to move forward in arranging for funding of productions. CPB funding is crucial to bringing together the other necessary funding to complete major projects.

PBS and NPR provide so much for so little: they cost each one of us only $1.09 per person. Americans overwhelmingly approve of Federal funding for public television and radio, with only 13 percent favoring a reduction or elimination. Although the Federal allocation is small, it is vital seed money that makes everything else possible.

I urge Members to oppose the Hoekstra amendment.

Mr. OBEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I simply want to say this is, in fact, what is really going to happen under the majority party budget. Whether there is any money in this bill or not for public broadcasting, this amendment makes clear that the intent is eventually to wipe it out. It simply does it at a sooner period of time. It takes the hypocrisy away.

It is a bad amendment substantively, but it does have the usefulness of demonstrating what the long-term plans really are.

Mr. MARTINI. Mr. Chairman, I rise today in opposition to the Hoekstra amendment that will eliminate all funding for the Corporation for Public Broadcasting [CPB] in fiscal year 1998.

In reviewing this week's "TV Week," I would like to share with all of you the list of exceptional programming made available through the existence of the Public Broadcasting Service: children's educational programming such as "Sesame Street" and "Kidsongs"; documentaries about science and nature, as well as sports programming; musical entertainment including "Evening at Pops" and "Austin City Limits"; and the ever popular "Masterpiece Theatre."

This list of programming is but a taste of the wide range of positive PBS programming. Of course, during the week we are all too familiar with additional programming such as the "MacNeil/Lehrer Newshour."

I do not believe that any Member in this body can, in earnest, question the overall quality and educational benefit of the Corporation for Public Broadcasting. I supported the budget proposal to phase out funding for CPB and I support privatization; however, rash decisionmaking, which is what this amendment represents, will ruin our opportunity to preserve public broadcasting for generations to come.

We have taken the necessary steps toward the privatization of CPB, as well as toward a balanced budget. Let us not get so caught up in this whirlwind of fiscal constraint, so as to sacrifice those things that make this Nation great.

CPB is a clear benefit to society. Let's encourage an orderly transition to privatization and avoid this tragic and rash mistake. I urge a vote against this amendment.

Mr. CRANE. Mr. Chairman, my colleagues here in the House are aware of my opposition to the Corporation for Public Broadcasting. I believe that the Federal funding for CPB is unneeded, misguided, and detrimental to the overall health of the Nation and therefore I would prefer to see the CPB eliminated immediately. However, I recognize that other Members in this body feel differently.

Some believe that the CPB should continue to be funded. Others support a gradual phaseout. While I regret the fact that compromise on this issue is necessary, I believe the Hoekstra amendment takes a position on which all sides can agree.

As other speakers here have reminded us, the CPB funding in this bill is not for fiscal year 1995, it's not for fiscal year 1996, and it's not even for fiscal year 1997. We would be funding the CPB for fiscal year 1998, more than 2 years down the road. I cannot imagine any rationale for forward-funding CPB by 2 full years that would not apply to virtually every other Government program. Much to my disappointment, the Hoekstra amendment will not eliminate the CPB. It will simply say that CPB should be on the same year-to-year funding cycle as every other discretionary program. The Hoekstra amendment will simply allow the Congress to address this issue in 1997.

My colleagues should keep in mind the fact that the CPB has not yet been authorized for fiscal year 1998, making it even more important that Congress have the opportunity to address the funding question at some later date. The chairman of the authorizing subcommittee, Mr. FIELDS of Texas, has announced that he intends to dramatically reshape the program, making it less dependent on the Federal subsidy. If we appropriate $240 million in fiscal year 1998 dollars, we will have blatantly usurped the authority of Mr. FIELDS and others on his subcommittee. Since funding for the next 2 years is already in place, Congress should feel no need to rush through an unauthorized appropriation. In 1997, once an authorization has been debated and approved, Congress would be free to appropriate as it saw fit.

I believe that Congress should delay making a decision about CPB funding until the uncertainties about the program having been resolved. I hope all Members, whether they believe in immediate elimination, whether they support a gradual phaseout, or whether they would like the program to continue unchanged, would recognize that delaying a decision about CPB is a positive step toward responsible budgeting. Again, this is not the amendment I would like to see but I believe it is an amendment that all Members should support. Vote "yes" on the Hoekstra amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. HOEKSTRA].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. HOEKSTRA. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to the order of the House of August 2, 1995, further proceedings on the amendment offered by the gentleman from Michigan [Mr. HOEKSTRA] will be postponed.

The CHAIRMAN. Are there further amendments to title IV?

Mr. ENGEL. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I originally had an amendment which would restore the $20 million to public broadcasting that was allocated for fiscal year 1996 from 240 to 260. I will not offer that amendment because frankly I think this bill is so terrible and so bad that nothing can improve it and nothing can make it better.

Mr. Chairman, I do want to use the opportunity to talk about public broadcasting and what it means and why it is so important that not only do we not cut it, but that we absolutely have to continue to fund it at current levels and even increase funding.

I know that many of my colleagues are debating a communications bill and we are very concerned about violence on TV. We talk about the V-chip and we are very concerned about what our children see.

I appreciate public radio and television. I know that my children have grown up on public television, and I know when I put on a public television station they will be seeing wholesome, good learning entertainment. I do not have to worry about violence. I do not have to worry about a million commercials. I do not have to worry about anything that is negative. I know that it is all going to be positive.

There is so much in Government that does not work. There is so much in private industry that does not work. We have an example here on a public-private partnership that works and works well, and yet this is what we are penalizing.

It makes no sense to me whatsoever, unless there is some ideological bend that some people feel that they do not like public broadcasting for whatever reasons.

Public broadcasting has a very good mix. William Buckley's Firing Line is on public broadcasting. No one can say that is a liberal elitist program. There is a good mix. People appreciate it. My constituents appreciate it. For every dollar we give them, they raise $5 or $6, and our dollars are important seed money to continue public broadcasting.

Mr. MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. ENGEL. I yield to the gentleman from California.

Mr. MILLER of California. Mr. Chairman, I want to thank the gentleman for yielding me time, and if I could join in and associate myself with his remarks and point out the fact that I think what many Americans, and certainly many Americans families, find comfortable about public broadcasting is that it is directed at trying to achieve the best with our children, and it places a value on our children. It places a value on our children learning. It places a value on the media that we offer to our children. It is for that reason that millions of American parents are comfortable with their children watching public broadcasting and children's TV in the morning and in the afternoon.

They are comfortable with their children using this to amend what they are doing in early childhood education, in their elementary education, to learn critical thinking, to learn mathematics, to learn language skills, and to learn about other cultures. Parents make this decision every day, to turn on that TV and to offer this programming to their children.

Parents also recognize, as the gentleman from New York pointed out, that this is not TV that is driven by commercials. This is not TV, as the gentleman from New York pointed out, that is driven by the best interests of the cereal companies or the movie companies or the candy companies or the toy companies. This is about TV. It recognizes excellence and it recognizes the excellence of our children, of each of our own children, and about recognizing that our children are capable of so much, that they can acquire so much knowledge, they can acquire so many functions if properly told about them and schooled in them, and public TV is providing that service.

Mr. Chairman, that is why people rail against amendments. It is not an issue of forward funding or not forward funding. It is an issue of crippling a success story that is embraced by millions of American families who are looking out for the very, very best in their children, and in many instances those families do not have a lot more to offer.

There is an awful lot of things going on in some of those families that cause great stress and great strife and people are home alone, but where do they go when they want comfort? Where do they go where they trust with their children? They go to children's TV on public broadcasting.

Mr. Chairman, we cannot leave these children to the will of the toy companies and the cereal companies. What those boards of directors decide to purchase has nothing to do with the interest of our children.

The CHAIRMAN. The time of the gentleman from New York [Mr. ENGEL] has expired.

(At the request of Mr. MILLER of California and by unanimous consent, Mr. ENGEL was allowed to proceed for 3 additional minutes.)

Mr. MILLER of California. Mr. Chairman, if the gentleman will yield further, what they do is see how many children they can acquire in one-half hour's time, that those cereal companies can acquire; they will acquire violence. If it is something else that brings children's attention, they will do that.

Mr. Chairman, that is not what we want. That is not the standard that we have come to know in America's families. I want to thank the gentleman from New York for taking this additional time to raise these points about the relationship between America's families and public TV.

Mr. ENGEL. Mr. Chairman, I want to thank the gentleman from California [Mr. MILLER] and I want to say, we talk about family values in this country and in this Congress. I can think of no greater family values than the ones we see on public television.

Mr. BOEHLERT. Mr. Chairman, will the gentleman yield?

Mr. ENGEL. I yield to the gentleman from New York.

Mr. BOEHLERT. Mr. Chairman, I rise in strong opposition to the elimination of funding for public broadcasting. The day may come when we do not need public broadcasting, but we are hardly at that point now. I fear that the Corporation for Public Broadcasting's opponents have let their dreams of a high-tech world obscure today's reality.

Today, a sizable portion of the American public does not have access to cable, and even if it did, has the private sector provided the kind of programming of which this Nation can be proud? I don't think so.

Mr. Chairman, you need not take my word for it. Look at what even the people who oppose public broadcasting are saying about commercial television, about all the violence on television.

Mr. ENGEL. Reclaiming my time, because I think the gentleman makes a very important point that 40 million Americans do not have access to cable TV, and so public television is really the only chance they get to see these kinds of educational programs.

Mr. BOEHLERT. That is a very important point. I would agree.

Mr. ENGEL. Mr. Chairman, I yield to the gentleman from New York.

Mr. BOEHLERT. Maybe at some future date the private sector will create a "Sesame Street" or a Barney or an "All Things Considered" or a "MacNeil/Lehrer Report." It is just a little hard to depend on because it has never actually happened.

The American public supports public broadcasting because it provides a valuable service, a service that promotes good values, a service that would not otherwise be available. Let us ensure that that service continues.

Mr. ENGEL. Mr. Chairman, I yield to the gentlewoman from California [Ms. WOOLSEY].

Ms. WOOLSEY. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I rise in strong opposition of the Hoekstra amendment.

Public broadcasting is an important source of education and cultural programming for adults and children in my district and across the Nation.

Public television provides viewers with the kind of high-quality programming that cannot be found on commercial stations, and it is often the only source of educational programming available to the many households that do not subscribe to cable television.

As a mother of four, I remember how difficult it was to find entertaining and educational programs for my children. Like many parents who do not want their children watching the increasingly violent and adult-oriented programs found on commercial television, I relied on PBS.

Public Television also provides Adults with informative programs such as "Frontline"; "Nova"; "the MacNeil-Lehrer Newshour"; and, national public radio keeps millions of Americans informed about issues affecting their lives every day.

For the price of $1 per person, the Corporation for Public Broadcasting ensures that every American household, rich or poor, urban or rural, has access to a wide range of educational and cultural programming.

Mr. Chairman, this is a small price to pay for the valuable services provided by PBS stations throughout the Nation.

I urge my colleagues to oppose the Hoekstra amendment, and support the Corporation for Public Broadcasting.

□ 1700

Mrs. MEEK of Florida. Mr. Chairman, I move to strike the last word.

Mr. Chairman, there is a move here in Congress to eliminate political advocacy on the part of nonprofit businesses and nonprofit groups. My argument, Mr. Chairman, is based on the fact that Federal funds should not be used for political advocacy. We all agree with that. But I strongly oppose any effort to keep people who are political advocates and who are receiving funds, private funds of their own, not to be able to speak out. It gives more favorable treatment to some, as I have heard, American businesses, than to others. We all know that many corporations get Federal funds through various programs that the bill, in itself, coming through this House calls grants. Under this bill they are prohibited from using more than 5 percent of their own funds for political activity. But other corporations get Federal funds by selling to the Federal Government. The bill does not apply to them. This is patently unfair, Mr. Chairman.

Recently I got a letter from a constituent who owns a farm, and it is an incorporated farm, and it is in Florida. His letter said to me that his company employs 175 people to grow crops. He urged me to support a particular bill here in the Congress. Now he is engaged in political advocacy, but he is using his own funds, but, if these bills that are going through the Congress now, and these amendments, if they pass, this farmer would not be able to use his own private funds for political advocacy.

The sponsors of these amendments in this bill concede that under the bill one-half of any crop insurance payments a farmer gets is considered a grant. So under this bill, Mr. Chairman, a farmer in my district could be barred from receiving crop insurance during the next 5 years because of his political advocacy and writing to me, his elected Congressperson. Even if he should get to Congress the crop insurance, he will have to file a lot of cumbersome reports on how much money he spends on political advocacy. I really ask each one of my colleagues to read the Dear Colleague letters that are coming to them regarding this political advocacy bill.

On the other hand, a Federal contractor, one of the country's biggest corporations, can use his own funds to run large newspaper advertisements urging Congress to fund certain military projects, and I support many of these projects, but I am concerned because of this kind of political advocacy one group of military industry can use their own private funds, but they also receive public funds, and this farmer from my district could not.

I think the playing field should be level, Mr. Chairman, for political advocacy. It makes a big defense company or a big industry, it should make them play by the same rules as little companies like this little farmer from Homestead, FL.

I urge my colleagues to look very closely at this Dear Colleague letter that is going around asking them to support an amendment and a bill that would take away political advocacy from people who use their own private funds. It is a dangerous amendment. Watch it, and, when it comes, please defeat it.

The CHAIRMAN. Are there additional amendments to title IV?

If not, the clerk will designate title V.

The text of title V is as follows:

TITLE V—GENERAL PROVISIONS

SEC. 501. The Secretaries of Labor, Health and Human Services, and Education are authorized to transfer unexpended balances of prior appropriations to accounts corresponding to current appropriations provided in this Act: *Provided*, That such transferred balances are used for the same purpose, and for the same periods of time, for which they were originally appropriated.

SEC. 502. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 503. (a) No part of any appropriation contained in this Act shall be used, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, radio, television, or film presentation designed to support or defeat legislation pending before the Congress, except in presentation to the Congress itself.

(b) No part of any appropriation contained in this Act shall be used to pay the salary or expenses of any grant or contract recipient, or agent acting for such recipient, related to any activity designed to influence legislation or appropriations pending before the Congress.

SEC. 504. The Secretaries of Labor and Education are each authorized to make available not to exceed $15,000 from funds available for salaries and expenses under titles I and III, respectively, for official reception and representation expenses; the Director of the Federal Mediation and Conciliation Service is authorized to make available for official reception and representation expenses not to exceed $2,500 from the funds available for "Salaries and expenses, Federal Mediation and Conciliation Service"; and the Chairman of the National Mediation Board is authorized to make available for official reception and representation expenses not to exceed $2,500 from funds available for "Salaries and expenses, National Mediation Board".

SEC. 505. Notwithstanding any other provision of this Act, no funds appropriated under this Act shall be used to carry out any program of distributing sterile needles for the hypodermic injection of any illegal drug unless the Secretary of Health and Human Services determines that such programs are effective in preventing the spread of HIV and do not encourage the use of illegal drugs.

SEC. 506. (a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) NOTICE REQUIREMENT.—In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

SEC. 507. When issuing statements, press releases, requests for proposals, bid solicitations and other documents describing projects or programs funded in whole or in part with Federal money, all grantees receiving Federal funds, including but not limited to State and local governments and recipients of Federal research grants, shall clearly state (1) the percentage of the total costs of the program or project which will be financed with Federal money, (2) the dollar amount of Federal funds for the project or program, and (3) percentage and dollar amount of the total costs of the project or program that will be financed by nongovernmental sources.

SEC. 508. None of the funds appropriated under this Act shall be expended for any abortion except when it is made known to the Federal entity or official to which funds are appropriated under this Act that such procedure is necessary to save the life of the mother or that the pregnancy is the result of an act of rape or incest.

SEC. 509. Effective October 1, 1993, and applicable thereafter, and notwithstanding any other law, each State is and remains free not to fund abortions to the extent that the State in its sole discretion deems appropriate, except where the life of the mother would be endangered if the fetus were carried to term.

SEC. 510. Notwithstanding any other provision of law—

(1) no amount may be transferred from an appropriation account for the Departments of Labor, Health and Human Services, and Education except as authorized in this or any subsequent appropriation act, or in the Act establishing the program or activity for which funds are contained in this Act;

(2) no department, agency, or other entity, other than the one responsible for administering the program or activity for which an appropriation is made in this Act, may exercise authority for the timing of the obligation and expenditure of such appropriation, or for the purposes for which it is obligated and expended, except to the extent and in the manner otherwise provided in sections 1512 and 1513 of title 31, United States Code; and

(3) no funds provided under this Act shall be available for the salary (or any part thereof) of an employee who is reassigned on a temporary detail basis to another position in the employing agency or department or in any other agency or department, unless the detail is independently approved by the head of the employing department or agency.

SEC. 511. None of the funds made available in this Act may be used for—

(1) the creation of a human embryo or embryos for research purposes; or

(2) research in which a human embryo or embryos are destroyed, discarded, or knowingly subjected to risk of injury or death greater than that allowed for research on fetuses in utero under 45 CFR 46.208(a)(2) and 42 U.S.C. 289g(b).

For purposes of this section, the phrase "human embryo or embryos" shall include any organism, not protected as a human subject under 45 CFR 46 as of the date of enactment of this Act, that is derived by fertilization, parthenogenesis, cloning, or any other means from one or more human gametes.

SEC. 512. None of the funds made available in this Act may be used to carry out any Federal program, or to provide financial assistance to any State, when it is made known to the Federal official having authority to obligate or expend such funds that—

(1) such Federal program or State subject any health care entity to discrimination on the basis that—

(A) the entity refuses to undergo training in the performance of induced abortions, to provide such training, to perform such abortions, or to provide referrals for such abortions;

(B) the entity refuses to make arrangements for any of the activities specified in subparagraph (A); or

(C) the entity attends (or attended) a postgraduate physician training program, or any other program of training in the health professions, that does not (or did not) require or provide training in the performance of induced abortions, or make arrangements for the provision of such training; or

(2) in granting a legal status to a health care entity (including a license or certificate), or in providing to the entity financial assistance, a service, or another benefit, such Federal program or State require that the entity be an accredited postgraduate physician training program, or that the entity have completed or be attending such a program, if the applicable standards for accreditation of the program include the standard that the program must require or provide training in the performance of induced abortions, or make arrangements for the provision of such training.

SEC. 513. (a) CONGRESSIONAL FINDINGS REGARDING APPROPRIATE MINIMUM LENGTH OF STAY FOR ROUTINE DELIVERIES.—The Congress finds that—

(1) the Guidelines for Perinatal Care of the American Academy of Pediatrics and the American College of Obstetricians and Gynecologists recommend, when no complications are present, a postpartum hospital stay of 48 hours for vaginal delivery and 96 hours for caesarean birth, excluding the day of delivery;

(2) the American College of Obstetricians and Gynecologists reports that it has become common for insurers to limit length of stay to up to 24 hours following vaginal delivery

and up to 72 hours following caesarean delivery, and the American College of Obstetricians and Gynecologists has received reports of insurers proposing limits of 12 hours, and in some cases 6 hours, for routine deliveries;

(3) the American Medical Association recently expressed concern about the trend toward increasingly brief perinatal hospital stays as routine practice in the absence of adequate data to demonstrate the practice is safe;

(4) the American College of Obstetricians and Gynecologists has stated that the trend toward earlier discharge is "equivalent to a large, uncontrolled, uninformed experiment that may potentially affect the health of American women and their babies";

(5) a recent study by Dartmouth-Hitchcock Medical Center found that within an infant's first two weeks of life there is a 50 percent increased risk of readmission and 70 percent increased risk of emergency room visits if the infant is discharged at less than two days of age;

(6) studies have shown that early release of infants can result in jaundice, feeding problems, respiratory difficulties, and infections of the cord, ears, and eyes;

(7) the American Medical Association has urged hospitals and insurance companies, in the absence of empirical data, to allow the perinatal discharge of mothers and infants to be determined by the clinical judgment of attending physicians not by economic considerations; and

(8) the American Medical Association recommends that the decision regarding perinatal discharge should be made based on the criteria of medical stability, delivery of adequate predischarge education, need for neonatal screening, and determination that adequate feeding is occurring and with consideration of the mother's social and emotional needs and preferences.

(b) SENSE OF THE CONGRESS.—It is, therefore, the sense of Congress that—

(1) the Maternal and Child Health Bureau should promptly collaborate with other concerned national organizations to encourage well-designed studies, separating economic concerns from concerns about the health and well-being of mothers and children, to identify safe neonatal practices with regard to the hospital discharge of mothers and infants and establish appropriate medical care procedures during the perinatal period;

(2) decisions on how long mothers and newborns should stay in the hospital after delivery and before discharge should be made by doctors and patients together based on the medical and health care needs of the mother and newborn and not by hospitals, health insurers, health services organizations, and health benefit plans based primarily on economic considerations; and

(3) until further empirical data are collected so as to indicate a need for change in current Guidelines, hospitals, health insurers, health services organizations, and health benefit plans should abide by the current Guidelines for Perinatal Care of the American Academy of Pediatrics and the American College of Obstetricians and Gynecologists, that state that the general time for discharge for mother and baby should be at least 48 hours following uncomplicated vaginal delivery and at least 96 hours following uncomplicated caesarian birth and that permit early discharge if specified criteria are met.

AMENDMENT OFFERED BY MR. HOEKSTRA

The CHAIRMAN. The Chair will now put the question on the amendment in title IV on which further proceedings were postponed.

The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Michigan [Mr. HOEKSTRA] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 136, noes 286, not voting 12, as follows:

[Roll No. 618]

AYES—136

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bliley
Boehner
Bonilla
Bono
Brownback
Bryant (TN)
Bunning
Burton
Callahan
Canady
Chabot
Chambliss
Christensen
Chrysler
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Crane
Cremeans
Cunningham
DeLay
Dickey
Doolittle
Dornan
Dreier
Dunn
Ehrlich
Emerson
Everett
Ewing
Fields (TX)
Funderburk
Ganske
Gillmor
Goodlatte
Goss
Graham
Gutknecht
Hancock
Hastert
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hostettler
Hunter
Hutchinson
Inglis
Istook
Johnson, Sam
Kasich
Kim
Kingston
Klug
Knollenberg
Largent
Latham
Laughlin
Lewis (KY)
Linder
Livingston
LoBiondo
Manzullo
McCrery
McIntosh
McKeon
Metcalf
Miller (FL)
Molinari
Myers
Myrick
Neumann
Norwood
Nussle
Packard
Parker
Paxon
Petri
Pombo
Quillen
Radanovich
Rohrabacher
Roth
Royce
Salmon
Sanford
Saxton
Scarborough
Seastrand
Sensenbrenner
Shadegg
Shuster
Smith (MI)
Smith (NJ)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Talent
Tate
Thornberry
Tiahrt
Walker
Wamp
Watts (OK)
Weldon (FL)
Weller
White
Whitfield
Wicker
Zeliff
Zimmer

NOES—286

Abercrombie
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blute
Boehlert
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Bunn
Burr
Buyer
Calvert
Camp
Cardin
Castle
Chapman
Chenoweth
Clay
Clayton
Clement
Clinger
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Costello
Coyne
Cramer
Crapo
Cubin
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
Dellums
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Duncan
Durbin
Edwards
Ehlers
Engel
English
Ensign
Eshoo
Evans
Farr
Fattah
Fawell
Fazio
Fields (LA)
Flake
Flanagan
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Furse
Gallegly
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gilman
Gonzalez
Goodling
Gordon
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastings (FL)
Hayes
Hefner
Hilliard
Hinchey
Hoke
Holden
Horn
Houghton
Hoyer
Hyde
Jackson-Lee
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnston
Jones
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
King
Kleczka
Klink
Kolbe
LaFalce
LaHood
Lantos
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lightfoot
Lincoln
Lipinski
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McDade
McDermott
McHale
McHugh
McInnis
McKinney
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Mica
Miller (CA)
Mineta
Minge
Mink
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Nadler
Neal
Nethercutt
Ney
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Porter
Portman
Poshard
Pryce
Quinn
Rahall
Ramstad
Rangel
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Ros-Lehtinen
Rose
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schaefer
Schiff
Schroeder
Schumer
Scott
Serrano
Shaw
Shays
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (TX)
Spratt
Stark
Stokes
Studds
Stupak
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornton
Torkildsen
Torres
Torricelli
Traficant
Tucker
Upton
Velazquez
Vento
Visclosky
Vucanovich
Waldholtz
Walsh
Ward
Waters
Waxman
Weldon (PA)
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (FL)

NOT VOTING—12

Ackerman
Andrews
Bateman
Filner
Moakley
Reynolds
Thurman
Towns
Volkmer
Watt (NC)
Williams
Young (AK)

Messrs. CRAPO, FLANAGAN, and PORTMAN changed their vote from "aye" to "no."

Messrs. TIAHRT, HOBSON, COX of California, and GOODLATTE changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. WATT of North Carolina. Mr. Speaker, I was unavoidably detained on August 3 and was not present for rollcall vote No. 618. Had I been present, I would have voted "no" on rollcall vote No. 618.

The CHAIRMAN. Are there amendments to title V?

AMENDMENT OFFERED BY MR. KOLBE

Mr. KOLBE. Mr. Chairman, I offer an amendment, numbered 28.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. KOLBE: Page 69, strike lines 12 through 17 and insert the following:

SEC. 509. Notwithstanding any other provision of title XIX of the Social Security Act, for quarters beginning on or after October 1, 1993, the Federal medical assistance percentage applicable under such title with respect to medical assistance which consists of abortions furnished where the pregnancy is the result of an act of rape or incest shall be 100 percent.

POINT OF ORDER

Mr. DOOLITTLE. Mr. Chairman, I have a point of order against the amendment.

The CHAIRMAN. The gentleman will state his point of order.

Mr. DOOLITTLE. Mr. Chairman, I have a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriation bill and therefore violates clause 2 of rule XXI.

The CHAIRMAN. Does the gentleman from Arizona wish to be heard on the point of order?

Mr. KOLBE. Mr. Chairman, I would like to be heard on the point of order. I am prepared to concede the point of order because clearly, under the Rules of the House, this does violate the provision about adding legislative language in an appropriation bill. I ask that the amendment be read and called up and this matter be brought up simply to make the point, as we will on the next amendment, that clearly the language that we are going to be dealing with also was language on an appropriation bill and had it not been protected by the Rules Committee would also have been stricken.

So, Mr. Chairman, I would concede the point of order that this amendment is not in order and would hope that we would be able to have a debate on something that is less than perfect, in my opinion, but will nonetheless serve the purposes of this debate.

The CHAIRMAN. The gentleman from Arizona concedes the point of order. The point of order is sustained.

□ 1730

AMENDMENT OFFERED BY MR. KOLBE

Mr. KOLBE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. KOLBE: On Page 69, strike lines 12–17.

The CHAIRMAN. Under the order of August 2, 1995, the gentleman from Arizona [Mr. KOLBE] will be recognized for 20 minutes, and a Member opposed will be recognized for 20 minutes.

Prior to the beginning of the debate on this amendment, the Committee will rise informally in order that the House may receive a message.

MESSAGE FROM THE PRESIDENT

The SPEAKER pro tempore (Mr. LAHOOD) assumed the chair.

The SPEAKER pro tempore. The Chair will receive a message.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Edwin Thomas, one of his secretaries.

The SPEAKER pro tempore. The Committee will resume its sitting.

□ 1732

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1996

The Committee resumed its sitting.

The CHAIRMAN. The gentleman from Arizona [Mr. KOLBE] is recognized in favor of his amendment. Does any Member rise in opposition to the amendment?

Mr. ISTOOK. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Oklahoma [Mr. ISTOOK] will be recognized for 20 minutes in opposition to the amendment.

Mr. KOLBE. Mr. Chairman, I ask unanimous consent that I be permitted to yield 10 minutes of my time to the gentlewoman from New York [Mrs. LOWEY], and that she be permitted to yield time from that 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. KOLBE. Mr. Chairman, I yield myself such time as I may consume.

I rise today in strong support of this motion to strike the language which is section 509 in the Labor-HHS-Education bill which allows States to deny Medical funding for abortions for rape and incest. This was language that was added during the full committee consideration of the bill, and it was tagged as a States rights issue.

I had an amendment that was not made in order which would have reinstated the current requirement that makes medicaid abortions available in circumstances involving life of the mother, rape, or incest, but relieves the States of any financial participation in cases of rape or incest if they choose not to fund them.

Mr. Chairman, as I said, last year there were all of two Medicaid-funded abortions in the entire country in cases of rape or incest. The amendment that I offered in the committee I think was a fair compromise for Members who do support States rights, but who recognize that poor women who are pregnant as a result of a heinous crime like rape or incest should not be discriminated against in the process.

Unfortunately, as we have just heard, with it being stricken here, Members of this body will not have the chance to vote on what was to have been the Kolbe-Pryce-Fowler amendment. Therefore, I am cosponsoring with the gentlewoman from New York [Mrs. LOWEY] and the gentlewoman from Maryland [Mrs. MORELLA], this motion, so we can return to the original Hyde language. And I want to make that clear. We are talking about going back to the Hyde language, which requires States to fund abortion under Medicaid in the cases of life of the mother, rape, and incest.

Mr. Chairman, the 103d Congress passed the Hyde amendment by a large margin, 256 to 171. A majority of the Congress, many of whom are pro-life, agreed that these three exceptions are reasonable and clearly not abortion on demand as now argued by some on the other side. So unless this amendment to strike passes, we will be taking a giant step backward away from the Hyde language.

It is a sad day to see this body divided over an issue as important as providing a legal abortion for a poor woman who is a victim of rape or incest. If any of us in this body had a daughter or sister who became pregnant as a result of one of these heinous crimes, they would certainly want to have the option of being able to seek an abortion. But that would not occur for poor people in our country, at least not if our amendment fails.

Mr. Chairman, I urge our colleagues to vote "yes" on the Kolbe-Lowey-Morella motion to strike.

Mr. Chairman, I reserve the balance of my time.

Mr. ISTOOK. Mr. Chairman, I yield myself 1½ minutes.

Mr. Chairman, I rise in opposition to the amendment. Twice this year, Mr. Chairman, the Committee on Appropriations has seen fit to include the language which is currently in the bill which the gentleman from Arizona seeks to strike.

Mr. Chairman, this is not about access to abortion. This is about under what circumstances will the taxpayers of the United States and of the individual States be compelled to pay for individual's abortions.

Under the language previously of this Congress, until the Clinton administration, States had the option, but were not compelled, to provide public funding for rape and incest abortions. However, a directive issued by the Clinton administration in December 1993 told the States that they must ignore their own laws and must provide State funds for those abortions.

Mr. Chairman, this directive of the Clinton administration overturned the laws of 36 States. I rise in support of 36 of the United States of America, Mr. Chairman, who have seen fit to have a standard different than what the gentleman from Arizona seeks to impose.

The language that is currently in the bill makes it clear that the ability of States to combine state money with Federal money to pay for abortions in case of rape and incest is an option. They may choose to exercise it, but they are not compelled to do it. The gentleman from Arizona would wish to have the states compelled, as the Clinton administration desires.

Mr. Chairman, I reserve the balance of my time.

Mrs. LOWEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am pleased to sponsor this amendment with my colleagues, the gentleman from Arizona [Mr. KOLBE] and the gentlewoman from Maryland [Mrs. MORELLA]. This amendment strikes the language in the bill that would allow States to eliminate funding of abortions in the case of rape and incest. This provision callously victimizes victims, it is draconian, it is extreme, it is cruel, and it is unfair.

As the bill is now written, States are given the green light to eliminate Medicaid funding of abortions for the most vulnerable Members of our society, impoverished victims of rape and incest. This bill subjects women who have been raped or subjected to incest to further indignity. This bill sends rape victims a very clear message: You must have your rapist's baby. It tells victims of incest, you must have your father's child. Mr. ISTOOK'S own State of Oklahoma sent that message last year to a 20 year old poverty stricken woman impregnated by her own father. This woman could not obtain an abortion because Oklahoma refused to comply with Federal law.

Make no mistake, my colleagues: If this amendment is adopted, States like Oklahoma will stop providing abortion coverage for victims of rape and incest. In fact, we can be fairly certain that 27 States will stop providing this coverage.

Let us be very clear however: This provision has nothing to do with States rights. The Medicaid statute does not give States the right to pick and choose which procedures they will cover and which they will not. A State's participation in Medicaid is voluntary. However, once the State chooses to participate, it must comply with Federal statutory and regulatory requirements. States rights, Mr. Chairman, is just a smoke screen designed to hide the fact that this amendment would deny poor victims of rape and incest the means to exercise their reproductive rights.

Mr. Chairman, this provision is not merely a clarification of the Hyde amendment. Since the 1993 statute change, three Federal appellate courts and Federal district courts in 11 States have rejected challenges by States that did not want to comply with the rape and incest language. There is not a single case, Mr. Chairman, in which a court has sided with States that did not want to comply.

The law is very clear: States must fund Medicaid abortions in the case of rape, incest, and life of the pregnant woman. So we are clear, this is not just the way the Clinton administration has interpreted the law, it is the law as it has been interpreted by the courts. In fact, Supreme Court Justice Scalia, an abortion opponent, refused to stay an order to a State to pay for abortion services for victims of rape and incest. The reason for his refusal was that the law is clear, States are obligated to pay. The provision added by the full committee does not clarify existing law; it changes it.

Mr. Chairman, in conclusion, let us not be fooled. This provision is about denying poor victims of rape and incest the right to have an abortion. It is extreme, it is out of the mainstream. It is very clear that Americans do not believe that victims of rape and incest should be forced to carry their pregnancies to term.

I know my colleagues, regardless of your views on choice, many of my colleagues would support this amendment. Let us not victimize the victims again. Please support this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. KOLBE. Mr. Chairman, I yield 1 minute to the distinguished gentlewoman from Connecticut [Mrs. JOHNSON].

Mrs. JOHNSON of Connecticut. Mr. Chairman, I rise in support of the Lowey-Morella-Kolbe amendment to strike the language that would make Medicaid coverage of abortions for poor women who are the victims of rape or incest a state option.

The Hyde amendment supported women who are victims of rape and incest. Rape and incest are not about abortion. They are about violence. They are about brutality. They leave life-long scars—fear, anger, inability to love and trust.

In the Crime Bill, Republicans sponsored and protected funds and programming to prevent and punish violence against women. How can we now lay aside compassion?

Think. Rape is someone grabbing you, assaulting you, overwhelming you with fear for your life and then violating you in the most deeply personal and destructive way. Please, leave to the victim the decision as to whether to carry or not to carry any possible product of such violent, vicious and terrible act as that of rape.

Trust America's women. They will choose wisely and in harmony with their consciences. What more could we ask in a society that prizes personal freedom and responsibility?

The American people are not divided on this issue. They agree that women who are victims of rape and incest should have choice. That is all, choice. I am proud to represent the voice of victimized women, in their search for their rights, your respect, and the compassion of a society unable to defend them.

Please support the Lowey-Morella-Kolbe amendment.

Mr. ISTOOK. Mr. Chairman, I yield myself 15 seconds.

Mr. Chairman, as the lady from New York noted, 11 States have already taken the administration to court because their laws are being threatened. In addition, the Clinton administration has sent notices threatening to cut off funds to another seven States. This decision properly should be made by the States, not by Washington.

Mr. Chairman, I yield 1½ minutes to the gentleman from New Jersey [Mr. SMITH].

Mr. SMITH of New Jersey. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I rise in strong support of the underlying Istook language that was approved by the full Committee on Appropriations and in opposition to the Kolbe strike. The current language, which this amendment would delete, is a noble attempt to protect the powers of the States and the rights of taxpayers who do not wish to pay for abortions.

The current language also protects the constitutional prerogative of Congress as the only branch of the Federal Government with the authority to make laws. It does this by repealing the Clinton administration's strained and unfaithful interpretation of the Hyde amendment. The Istook language guarantees that in cases where the demand for an abortion rises from rape or incest, States may resolve this very difficult dilemma in the manner most consistent with values of their own citizens expressed through their State representatives. The amendment before us would strike the Istook language. It would thereby save the Clinton rules and force all States to fund abortion in these situations.

Supporters of the Kolbe strike claim that they are preserving the Hyde amendment. In fact, the Clinton rules which they are seeking to reinforce effectively undermine the Hyde amendment.

☐ 1745

The Kolbe amendments, under the pretext of preserving it, would defeat it. On the Hyde amendment language, let me remind Members when it was offered by the distinguished gentleman from Illinois, was permissive, not mandatory. It allows States, it allows them, does not force them to add Medicaid funds for abortions resulting from rape or incest, but it respects the State law when that State law is more protective of those children in that very difficult situation. It took the Clinton administration to urge that the Kolbe strike amendment be defeated.

Mrs. LOWEY. Mr. Chairman, I yield 45 seconds to the gentlewoman from New York [Mrs. MALONEY].

Mrs. MALONEY. Mr. Chairman, I rise in support of the Kolbe-Lowey amendment. In response to the gentleman from Oklahoma [Mr. ISTOOK], the reason the 11 States lose is that the Federal law is very clear that States do not have an option.

I strongly support this amendment; the right to choose is meaningless without the means to choose. Without Medicaid funding, a poor woman who has been the victim of a crime will not be able to obtain a legal abortion. She will be forced to spend 9 months reliving the crime. I cannot believe that anyone in this room would want to compel a woman to carry a child that is conceived as the result of rape or incest. Support the Lowey-Kolbe amendment.

Mr. ISTOOK. Mr. Chairman, I yield 2 minutes to the gentlewoman from California [Mrs. SEASTRAND].

Mrs. SEASTRAND. Mr. Chairman, I rise today to oppose the Kolbe amendment, and I am in strong support of the Istook language in this bill.

Notwithstanding the rhetoric of the other side, this is really an issue of States rights. Do the States have the right to enforce their own laws or not?

It has been a central goal of this reform-minded 104th Congress to return power to the States. A good argument can be made that the 10th amendment to the Constitution has enjoyed something of a rebirth in this Congress. However, the Clinton administration continues to buck this trend because they believe Washington, DC should impose its will on all 50 States.

In 1993, the Clinton administration directly contradicted the intent of the Hyde amendment when they forced States to fund abortions in the circumstances of rape and incest—even though it was expressly against State law to do so. States had no choice but to comply with the Clinton directive because the Federal Department of Health and Human Services threatened to cut off Medicaid funding altogether.

By requiring States to spend Medicaid dollars on these abortions, Clinton invalidated laws in almost three-fourths of the States—including his own State of Arkansas. In fact, the States of Nebraska, North Dakota and Arkansas were forced by the courts to pay for abortion on demand—regardless of the circumstances—for all women who qualified for Medicaid dollars.

Mr. Chairman, what the Istook language does is simply return decision-making power to the States where it should be. States across America do not need the Federal Government imposing its will upon them. I ask for a no vote.

Mr. KOLBE. Mr. Chairman, may I inquire of the Chair the time remaining on all sides?

The CHAIRMAN. The gentleman from Arizona [Mr. KOLBE] has 7 minutes remaining, and the gentleman from Oklahoma [Mr. ISTOOK] has 15 minutes remaining, and the gentlewoman from New York [Mrs. LOWEY] has 5¼ minutes remaining.

Mr. KOLBE. Mr. Chairman, I reserve the balance of my time.

Mr. ISTOOK. Mr. Chairman, I yield 90 seconds to the gentleman from Arkansas [Mr. HUTCHINSON].

Mr. HUTCHINSON. Mr. Chairman, I thank the gentleman for yielding time to me.

In Arkansas, my home State, we have an unborn child amendment that was adopted by a vote of the people of Arkansas. It is in our State constitution. It prohibits the spending of public money for any abortion unless the procedure is needed to save a woman's life, a decision by the voters of the people of Arkansas. Regardless of how you feel about that decision, it was the people's decision.

The issue in the debate this evening is not abortion, it is not abortion funding, it is not rape and incest, and everybody would like to cloud the issue. The issue is, do the people of a sovereign State in this country have the right to rule and to pass their own laws and to make their own constitution? For over a year and a half now my State has been in litigation over this. The effect of that litigation is that the courts have taken the ruling of bureaucrats in Washington in HCFA, and they have allowed those regulations passed by HCFA to overrule the constitution of the State of Arkansas, an amendment adopted by the people of Arkansas.

What we are doing in the Istook amendment is absolutely in accord with the whole sentiment of this Congress. We have said the States ought to have more authority in welfare. We have said the States ought to have more authority in crime. We have said the States ought to have more authority and control in the area of education.

Why in the world would we reverse that and say in this particular area that we in Washington have more moral authority than the people of my home State? Why should we say that we have a right to overrule what they, not by a poll, not by the State legislature, but by a vote of the people.

I urge Members to support the Istook amendment and to defeat the Kolbe motion to strike.

Mr. KOLBE. Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from Maryland [Mrs. MORELLA], cosponsor of this amendment.

Mrs. MORELLA. Mr. Chairman, please, my colleagues, do not be confused and misled. We are simply following the Hyde amendment as passed in 1993 to require States to provide Medicaid abortion coverage in cases of rape or incest.

What we do is strike the bill language that would allow States to prohibit rape and incest coverage. Since Hyde added rape and incest in 1993, I want to point out three Federal appellate courts and Federal district courts in 13 States have agreed that States participating in Medicaid must comply with the Hyde amendment and provide rape and incest coverage. That is, each and every Federal court that has considered the issue has said that, no diversions.

State participation in Medicaid is voluntary, but once the State participates in Medicaid, they must follow the Federal Medicaid requirements.

Abortions as a result of rape and incest are rare. As was mentioned, they represent a very small percentage of abortion. In 1994, Federal funding covered only two abortions. These circumstances are very tragic and rare. But they are the result of violent, brutal crimes against women.

The Istook language in the bill is extreme, and the States rights planning is a facade; make no mistake about it. This amendment could result in at least 27 States refusing to pay for abortion for rape and incest victims. We cannot all call for an end to violence against women in one breath and then in the next breath vote to prevent victims of rape and incest, brutally violent crimes, to lose their rights to end such pregnancies.

I urge my colleagues, my friends, to vote for the Kolbe-Lowey-Morella amendment.

Mrs. LOWEY. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Chairman, I rise in favor of the Kolbe-Lowey amendment and for the fact that States do not own women.

Mrs. LOWEY. Mr. Chairman, I yield such time as he may consume to the gentleman from Florida [Mr. HASTINGS].

Mr. HASTINGS of Florida. Mr. Chairman, I rise in strong support of the Lowey-Kolbe amendment to strike section 509 of this bill. I had drafted my own amendment to strike this section, but given the leadership that Representatives LOWEY and KOLBE have shown on this issue, I will not offer my own amendment and I will support their efforts.

It has been my understanding, since I was afforded the opportunity to join this august body, that authorizing language is attached to authorizing bills, and funding decisions are made in appropriations bills. Since section 509 is certainly authorizing language, and H.R. 2127 is an appropriations bill, I question the constitutionality of this section.

But more importantly, Mr. Chairman, I am disgusted by the intent of this language. It is sickening that those persons who do not believe in a woman's right to choose are using every legislative vehicle possible to chip away at the Supreme Court's ruling in Roe versus Wade. They are using every opportunity, from denying Federal employees access to abortions, to this pathetic attempt to deny abortion services to women who are victims of rape or incest.

This is not about transferring decisionmaking authority to the States. This is not about less Federal intervention. This is about finding ways to end the legal practice of abortion. This is about making it more difficult and more complicated for women to access any abortion services.

It is outrageous that we will allow States to not provide abortions to women who have been raped! What if these women cannot pay for their own abortions? Should they be forced to bear the child of a rapist? This is a dangerous, sinister attempt to erode the civil liberties of women. Do not stand for it! Support the Lowey-Kolbe amendment!

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair will remind all visitors in the gallery that they are here as guests of the House and that any manifestation of approval or disapproval of the proceedings is in violation of the rules of the House.

Mrs. LOWEY. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Oregon [Ms. FURSE].

Ms. FURSE. Mr. Chairman, I rise in support of the Lowey amendment. Rape is a crime. Let us not punish the victims of the crime.

Mrs. LOWEY. Mr. Chairman, I yield 45 seconds to the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Chairman, I thank the gentlewoman for yielding time to me.

Mr. Chairman, I rise today in strong support of the Kolbe-Lowey-Morella amendment, which deletes the provision in the bill permitting States to decide whether to use Medicaid funds to pay for abortions in the case of rape or incest.

This language in the bill is discriminatory and unfair. If the availability of abortion services under Medicaid is not uniform across State lines, we are clearly discriminating against poor victims of rape and incest who do not have the means to travel to obtain these services.

This language blames the victims of violent, horrible, unthinkable crime. How dare we give the States the option to decide whether victims of rape and incest should be responsible for the consequences of crimes perpetrated against them.

This language is not at all about States' rights, as some of our colleagues would have us believe. States have the choice whether or not to participate in the Medicaid program—they do not and should not have a right to pick and choose which procedures they will cover.

The Kolbe-Lowey-Morella amendment would delete this language and continue current policy, which is fair and correct in mandating that Medicaid funds pay for abortions in the case of rape, incest, or life endangerment of the mother.

This is not an issue of States rights, it is about individual rights, and it is an issue of fairness. I urge my colleagues to protect the rights of vulnerable victims and support the Kolbe-Lowey-Morella amendment.

Mr. ISTOOK. Mr. Chairman, I yield 1 minute to the gentleman from Florida [Mr. STEARNS].

Mr. STEARNS. Mr. Chairman, let me be just perhaps a calming voice on this. I heard my good colleague the gentlewoman from Maryland [Mrs. MORELLA], talk about the Hyde amendment in 1993. Most of us voted for the Hyde amendment and we did that because we did not have the majority at that time and we felt the Hyde amendment was something that was better than what the loyal opposition would offer. So we voted on that with the understanding that if we ever had the opportunity we would try and develop a provision that would permit the States to decide whether to use Medicaid funds to pay for abortion in the case of rape or incest.

So I am really trying to say to my colleagues that it is not a question of the Hyde amendment being the law of the land and perhaps we should continue that. What we all believe is that we should move it back to the States and let the States decide, because in each State's particular circumstances, they will have a better understanding of how to prohibit abortions, how to help women. And certainly it is nothing to do with brutal crimes against women. It is all talking about a procedural context, and we should remember that. And in the end, I want Members to support the Istook language.

Mr. ISTOOK. Mr. Chairman, I yield 1½ minutes to the gentleman from California [Mr. DOOLITTLE].

Mr. DOOLITTLE. Mr. Chairman, the other side would have us believe this is really a debate about the fairness of who can get the abortions and under what circumstances. I do not think it is appropriate to even get into that.

The fact of the matter is, the Hyde amendment, the existing law, allowed States to use their money to provide abortions in the case of rape or incest. It did not require it. But our liberals here want to require it, because they believe in the result.

We are a Federal system of laws with 50 sovereign States. This amendment, resisting this amendment will preserve what the existing law is. Supporting the gentleman from Oklahoma [Mr. ISTOOK] will in fact recognize the sovereignty of the States. Those States' citizens, many of them have determined under what conditions their tax money is to be used to provide abortions. It is not right that we should sit here in Washington with a command and control directive from the top telling them what they should do.

This amendment of Mr. ISTOOK makes clear that States can fund these programs according to their laws. That is the position that we as a body should uphold.

I would ask for Members support for the gentleman from Oklahoma [Mr. ISTOOK].

Mr. ISTOOK. Mr. Chairman, I yield such time as he may consume to the gentleman from New York [Mr. FORBES].

Mr. FORBES. Mr. Chairman, I rise in strong support of the Istook language and for the preciousness of all life.

Mr. ISTOOK. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. DELAY].

Mr. DELAY. Mr. Chairman, I think it is pretty unfortunate that we have to come down to the well on this issue. I think if we just took abortions out of this debate, we would have an automatic unanimous vote against this amendment.

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Mr. Chairman, I think it is pretty unfortunate that we have to come down to the well on this issue, because this is a States' rights issue. The Clinton administration decided upon its own initiative that it would impose the will of the Federal Government on States. That is what this is all about.

This is a States' rights provision that, frankly, I think corrects an injustice and reaffirms the principle that States should decide whether or not or how they spend their funds.

The gentleman just before me said, and I want to reemphasize this, the Hyde amendment did not impose paying Medicaid funds for rape and incest. What it said was those States that use Medicaid funds for rape and incest can continue to do so.

Mr. Chairman, it is amazing to me that some of the Members have come down here and said, We are going to make them pay, whether they like it or not. They ought to be making those same speeches in the legislative bodies of the States.

If my colleagues do not like the position that the States have taken on rape and incest and how Medicaid funds would be used to pay for abortions for rape and incest, then go change the laws of the States.

But to have the Federal Government support the Clinton administration's total philosophy that "big brother" Washington, DC knows more what is good for you than you do is total repudiation of the last election.

If there was one message coming from the last election, it is that the American people are fed up with Washington dictating to them how they are going to live, how they are going to spend their State funds, and how they are going to do business in their own States.

Mr. Chairman, all we are saying with the Istook amendment is let the States decide how to spend their own funds.

I ask a "no" vote on the Kolbe amendment.

Mr. KOLBE. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, the last two speakers, including the gentleman from California, made the point that this is a States' rights issue and that the other side is trying to force these abortion services. Let me make it clear, that that was the gentleman who moved to strike my amendment which would have allowed the States to have that option.

Mr. Chairman, that could have been there if we had made that amendment in order and they allowed the Committee on Rules to do so. So let us make no mistake about it.

Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts [Mr. TORKILDSEN].

Mr. TORKILDSEN. Mr. Chairman, I applaud the gentleman from Arizona [Mr. KOLBE] for his motion to strike. I would have gladly supported his previous amendment, if it had been allowed to be debated.

Mr. Chairman, I voted for the Hyde amendment in the 103d Congress and I continue to support that by voting for the Kolbe-Lowey-Morella motion to strike.

When a State chooses to participate in Medicaid, it must comply with Federal standards and standards require funding for abortion in the case of protecting the life of the mother, rape and incest.

Mr. Chairman, the overwhelming majority of Americans agree with this standard. This is not an issue of State's rights. This is an issue of common sense.

Preserving the human dignity of all Americans, particularly victims of these vicious crimes, must remain our priority. I stand by the 1993 Hyde amendment and urge all my colleagues to do the same by voting for the motion to strike.

Mr. ISTOOK. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, despite what some people may claim, the law of 36 States are in jeopardy if we do not defeat the Kolbe motion, including the laws of the gentleman's own State.

Mr. Chairman, these are the States whose laws are being overturned by the Clinton administration directive: Alabama, Arizona, Arkansas, Colorado, Delaware, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maine, Michigan, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Mexico, North Dakota, Ohio, Oklahoma, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Iowa, Minnesota, Pennsylvania, Virginia, Wisconsin, and Wyoming.

Mr. Chairman, I rise to uphold the laws of those States against the people who are trying to say that Washington will overrule them and Washington will control all the important issues.

Mr. Chairman, I reserve the balance of my time.

Mr. Chairman, I yield 2 minutes to the gentlewoman from Washington [Mrs. SMITH].

Mrs. SMITH of Washington. Mr. Chairman, what I would like to start with is talking about the States' rights movement in the Nation.

Mr. Chairman, the Nation is saying more and more that big government, big brother should not be making decisions, and a lot of the women's movement is saying the same thing.

Mr. Chairman, where we seem to be differing here, although probably if you polled the women of America they would agree with States' rights, but where we seem to be differing here, for some reason on this one it is OK for us to override 30-some State legislatures who made decisions, tell those people who were elected they are wrong, and change their law to mandate that their tax dollars from their citizens who elected them should be used for abortions.

Mr. Chairman, that is the word no one wants to talk about it. They always call it choice. That is what we are talking about and the American people know it. Let us talk about it. Abortion means terminating the life of a baby before it is born and not letting it be born.

That is the unspoken word we need to say: "Abortions." Let us go to what the American people say again. They say that our tax dollars should not be funding this procedure. Even people that believe in some cases that abortion is OK, they do not believe, in any poll out there, that their money should be funding, taxpayer money should be funding this, because of the issue of the conscience of this Nation.

Mr. Chairman, I yesterday listened to people plead passionately for choice, but they did not plead passionately for what we are talking about.

I encourage my colleagues to stand up for States' rights.

Mrs. LOWEY. Mr. Chairman, I yield 1 minute to the gentlewoman from California [Ms. HARMAN].

Ms. HARMAN. Mr. Chairman, the right to choose is a constitutionally protected right, not a right subject to each State's prerogative. It is a right guaranteed to every woman, not to every State. But with every appropriation's anti-choice rider that passes, the Congress votes to deny more women the constitutional right to an abortion, leaving Roe versus Wade a shell of the protections envisioned by the Supreme Court.

This provision is perhaps the cruelest of all. It victimizes women who have already been victims of horrible crimes and who have endured tremendous suffering. Let the record be clear, women are not using the rape and incest exception to the Hyde amendment as a loophole to obtain abortion services.

In fact, this provision is not even about saving taxpayer dollars. It is about furthering an extreme anti-choice agenda with the ultimate end of criminalizing all abortions. Vote to strike.

Mr. KOLBE. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Kansas [Mrs. MEYERS].

Mrs. MEYERS of Kansas. Mr. Chairman, I rise in support of women who have already been victimized once and in strong support of the Kolbe-Lowey amendment.

Mr. KOLBE. Mr. Chairman, I yield such time as he may consume to the gentleman from New York [Mr. BOEHLERT].

Mr. BOEHLERT. Mr. Chairman, I rise in strong support of the Kolbe-Lowey amendment.

Mr. Chairman, I rise in strong support of this amendment, which does nothing more than return this bill to the terms of current law. Current law is hardly radical. It says that, throughout the Nation, Medicaid must fund abortions in cases of rape, incest or danger to the mother's life.

Medicaid is a national program, a federal program. It ought to offer the same minimal, basic coverage nationwide. And that's what this is—minimal, basic coverage.

We're not talking about funding abortions that are sought as a form of birth control or out of convenience or out of concern about the ability to responsibly parent a child. We're talking about federal funding for women who are the victims of rape and incest. These are not people who chose to get pregnant who could be accused of acting irresponsibly in any conceivable way. These women are victims of vicious, inhumane crimes. We ought to be seeking to help them.

Forty-six years ago, during the early debates over civil rights, Hubert Humphrey challenged the Democratic party to walk out of the shadows of states' rights and into the bright warm sunshine of human rights. Voting for this amendment is our chance to place human rights above states' rights.

I urge my colleagues to vote for this amendment and not to add to the misery of women who have suffered the pain and indignity of rape and incest.

Mr. KOLBE. Mr. Chairman, I yield 1 minute to the gentlewoman from New Jersey [Mrs. ROUKEMA].

Mrs. ROUKEMA. Mr. Chairman, I rise in strong support of the Lowey amendment as a Republican, as a woman, as a mother of 3, and as a grandmother.

This is a defining moment. This is a bottom-line issue on which we have to stand up and be counted. It is our obligation to make that very clear. Those who want Roe v. Wade overturned have won many of the votes recently and have forced the issue, but it seems to be that they are doing everyone a disservice. It has gotten to an extreme when they're talking about denying choice to a woman who is a victim of rape or incest. They are denying the rights under the Hyde amendment for women who are victims of rape and incest, the rights that other Americans are entitled to.

Mr. Chairman, the bill before us is saying, who cares if you have experienced rape or incest, deal with it. Find another way to pay for it. Part of life is dealing with hardship so it does not matter how much more physical and mental abuse you have to endure by carrying a forced pregnancy. And, while I would prefer to not have to speak about this issue in such terms, it is the only way to discuss in real terms the effect of the language contained in the bill.

We should not even be debating this issue. This is a constitutionally protected right. This is a legal medical procedure. This decision should be left to the woman involved after consultation with her family, her physician and her religious counselor. This profound moral decision should be protected by all 50 States. This should continue to be a right for all Americans, not only those who can afford it. No Second-Class citizens

Mrs. LOWEY. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. WAXMAN].

Mr. WAXMAN. Mr. Chairman, I rise in favor of the motion to allow Medicaid abortions in cases of rape and incest.

Mrs. LOWEY. Mr. Chairman, I yield 45 seconds to the gentlewoman from New York [Mrs. SLAUGHTER].

Mrs. SLAUGHTER. Mr. Chairman, I would like the RECORD to reflect that according to a Time-CNN poll, by an overwhelming majority of 84 percent, the public supports government funding for abortion in cases of rape.

When this Medicaid statute was written, it was clear that Congress intended the program to cover all medically necessary devices and services. It did not say a State could pick and choose. Is it possible to imagine a service more important than the option to have an abortion if you are a poor woman, or a girl, who has been raped or is an incest survivor? These women are already victimized; and this House, by this hard-hearted, discriminatory language does even more to discriminate against them all over again.

Mr. Chairman, the right to choose an abortion in these circumstances should not just be the right of wealthy women; it is blatantly unfair. Nor should abortion opponents be allowed to argue that this service has been overused.

Mr. Chairman, I include the following for the RECORD:

I would like to put it into the Record that: by an overwhelming margin of 84%, the public supports government funding for abortion in cases of rape, according to a Time/CNN poll.

This bill also nullifies the requirement that medical residency programs must provide training in abortion techniques unless the individual or institution has a moral objection to it. And, it bans Federal funds from being used for embryo research which leading scientists and endocrinologists tell us may hold the key to curing such diseases as diabetes and Alzheimers.

Mr. Chairman, this Congress is out of step on issues of women's reproductive health care. I urge my colleagues to stand up for women and vote against this very bad bill.

Mr. ISTOOK. Mr. Chairman, I yield 1 minute to the gentleman from Arkansas [Mr. DICKEY].

Mr. DICKEY. Mr. Chairman, I do not know much about politics, but I do know what I saw when Arkansas people got together and filed an amendment that said, "We want to vote on whether or not to have publicly funding abortions." We passed that Arkansas constitutional amendment, and it became the public policy of our State.

Mr. Chairman, we have heard today things like "States rights issue as a facade," "States do not have an option," and "If it is a States' rights reason, it should be discarded." I do not think that is correct.

Mr. Chairman, I agree with Bill Clinton, who was the Governor at the time of this particular amendment, when he said, "We should not spend State funds on abortions because so many people believe abortion is wrong." I do support the concept of the proposed Arkansas constitutional amendment, No. 66, and agree with its stated purpose.

Mr. Chairman, we are asking that the States be allowed to decide this issue. That is the reason we are asking our colleagues to vote "no" on the Kolbe amendment and "yes" on the Istook amendment.

Mr. KOLBE. Mr. Chairman, I yield 30 seconds to the gentleman from New Jersey [Mr. FRELINGHUYSEN].

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in support of the motion of the gentleman from Arizona [Mr. KOLBE].

Mr. Chairman, today, we must ask ourselves whether or not we will respect the rights and needs of victims of rape and incest. The victims of these horrendous crimes are unfairly caught in the cross fire of a debate that fails to recognize their rights.

In past weeks, we spoke loudly in defense of the rights of women and children in Bosnia who have been victims of rapes. Should we speak any less of the rights of rape victims here at home? I think not.

Mr. ISTOOK. Mr. Chairman, I yield 1 minute to the gentleman from Florida [Mr. WELDON].

Mr. WELDON of Florida. Mr. Chairman, while it is true that in polling data we can generate polls that show that most Americans support legalized abortions in the setting of rape and incest, and there may be some polls by some publications that claim that the voters actually want to fund it, the truth is that 36 States, through the hard work of their State representatives, their State senators and their Governors have chosen. They do not want to fund this thing.

Mr. Chairman, one of the first things Bill Clinton did when he was elected is, he said, "You have got to fund it." Yes, there are lots of courts that have gone along with that.

What the gentleman from Oklahoma, [Mr. ISTOOK] is saying is that if the States choose that they do not want to fund it, their laws that were duly enacted by their State legislators and their Governors should be respected. I think the language of the gentleman from Oklahoma [Mr. ISTOOK] is very reasonable language, and I totally support the language.

Mr. Chairman, I would urge my colleagues to vote "no" on the Kolbe amendment.

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Mrs. LOWEY. Mr. Chairman, I yield 45 seconds to the gentlewoman from New York [Ms. VELÁZQUEZ].

Ms. VELÁZQUEZ. Mr. Chairman, I rise in strong support of the Lowey-Kolbe amendment. A far right, anti-women minority in this chamber has inserted a repulsive provision into this bill. The radical minority plans to prohibit the use of Medicaid funds to pay for abortions for women who are raped or victims of incest. This bill serves to penalize poor women for their economic status.

If we discriminate against women who are least likely to be able to afford to pay for an abortion during the traumatic and physically devastating circumstances of rape or incest, then many poor woman who can not afford to pay for the procedure will be forced to carry their pregnancy to term.

This provision is just another step backward to a time when the Government made decisions about womens reproductive health and back alley abortions were common.

Rich women can afford abortion services in cases of rape or incest, however this bill serves to penalize poor women for their economic status.

I urge my colleagues to join me and the majority of the American people in preserving every woman's right to control her own body. Support the Lowey-Kolbe amendment.

Mr. KOLBE. Mr. Chairman, I yield 1 minute to the gentlewoman from Florida [Mrs. FOWLER].

Mrs. FOWLER. Mr. Chairman, this whole conflict is not about States rights—if it were, we would be considering the Kolbe-Pryce-Fowler amendment which would have protected States' rights.

What is really at issue here is whether poor women should be able to get an abortion if they are victims of rape or incest. I want to ask my colleagues—if you were poor and your mother, your sister, or your daughter found herself pregnant as the result of rape or incest, how would you feel?

If you vote for the motion to strike, you will be preserving the 1993 Hyde language—which was overwhelmingly supported by pro-life members. If you vote "no", you will be denying assistance to women who are in a desperate situation as the result of a criminal act. Vote to strike this provision.

Mr. ISTOOK. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois [Mr. HYDE], who has been the sponsor of that, and we have heard about the language of the amendment, to explain the true situation.

Mr. HYDE. Mr. Chairman, I am certainly against violence against women. I am also against violence against innocent, unborn children.

You can punish the rapist. I do not know what crime the unborn child has committed.

The Supreme Court, when it found a statute imposing capital punishment on a rapist unconstitutional, said, "The punishment is grossly disproportionate to the crime." What crime has the unborn child committed? Unless, of course, you want to put more value on a spotted owl or a snail darter than an innocent, unborn child.

Now, I am the author of the Hyde amendment. Does legislative intent mean anything? I did not intend that to be mandatory, but to be permissive. I do not support abortions as a result of rape or incest, because I view the child in the womb as a human life.

Abortion is a terrible thing. Rape is a horrible thing. The only thing worse than rape is abortion. That is killing. That is killing.

Violence in the womb against an innocent human being is, it seems to me, the ultimate crime.

I do not say that a woman who has been raped has anything less than a horrible situation. But there is adoption. There is private funding. But do not tell the States who do not want to fund with tax dollars abortions, do not lack the moral imagination to understand, there are two people involved, not just the woman, tragic as that is. That is a call on our love, on our concern, on our help. But why compound the wrong by executing an innocent human life?

If you believe the unborn is a bunch of cells, a tumor, an appendix that could be taken out, then go ahead and dispose of her. But its a tiny human life—and deserves a chance to live.

Vote for Istook.

Mrs. LOWEY. Mr. Chairman, I yield 45 seconds to the gentlewoman from California [Ms. WOOLSEY].

Ms. WOOLSEY. Mr. Chairman, a few weeks ago, military women, who are stationed overseas lost their right to use their own money to find a safe and legal abortion in a military hospital.

Then, Federal employees were denied their right to receive safe and legal abortions through their own insurance plans. Now, rape and incest victims, will be victimized again by this appropriations bill. Today, Medicaid recipients are losing their right to make decisions about their own reproductive health care, unless my colleagues stand up now, before it is too late, before the right to choose rings hollow for most American women.

Support the Lowey-Morella-Kolbe amendment, support a woman's right to choose.

Mr. KOLBE. Mr. Chairman, I yield the remainder of my time, 1 minute, to the gentlewoman from Ohio [Ms. PRYCE].

Ms. PRYCE. Mr. Chairman, proponents of the bill's current language claim to protect State's rights, but in the process they are punishing victims of tragic, violent crimes, and they forget that no State is forced to take Medicaid funds, but if they do, human decency dictates that we cover women who are faced with unwanted pregnancies as a result of such heinous, violent crimes. We are talking about poor women who have, by no fault of their own, been brutally victimized.

Last Congress, we determined that rape and incest are legitimate exceptions. This is the correct standard and one which should be applied consistently, one that does not further victimize the victims of sexual abuse, and one that innocent victims of our society's most horrible, most terrible, and most degrading of acts should not have to follow.

Vote to strike the Istook language.

Mrs. LOWEY. Mr. Chairman, I yield 45 seconds to the gentleman from Virginia [Mr. MORAN].

Mr. MORAN. Mr. Chairman, this really boils down to one most basic question that I would like to ask all my male colleagues to ask of themselves: If your daughter, your sister, your mother, were raped and became pregnant as a result of that rape, do you really want us men in this body or the men that comprise the majority of every other State legislature around the country making that most personal decision for her?

I know in your hearts the answer is "no," and that is why you must support this amendment.

Mrs. LOWEY. Mr. Chairman, I yield myself 30 seconds, the remainder of my time.

Mr. Chairman, I would just like to remind everyone again, this amendment is very clear. If Members vote against this amendment, they are sending a message to the women of America that the victims of rape must carry that rapist's child, that the victims of incest must carry their father's child.

The law is very clear. States' rights is always the last resort of scoundrels.

Mr. ISTOOK. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, many horrible things happen in life. We try to remedy them. Not all of them can be remedied from Washington, DC.

We have a system of government with 50 States that have obligations to their people.

Mr. Chairman, we are covering victims of rape and incest under the amendment that is now in the bill. Everyone lives in a State that is eligible for Federal funds to pay for an abortion procedure for a victim of rape and incest under Medicaid funding, every single State in the country.

It is then the choice of the State whether to do so. Thirty-six States, far and away the majority of the States in this country, have declared through their people the public policy that says, "We are not going to use our funds to do that."

If these people have a complaint, let them take it to their home States. They uphold, I am sure, their State governments and their State legislatures. If they have a gripe with them, take it to them. They do not want to do that. Our constitutional system says they should, but they do not wish to follow it.

They intend for Washington to be in charge of everything, and as difficult as it may be sometimes, we must let the States make tough choices, not say that they are all the responsibility to be made in Washington.

When he was Governor of Arkansas, Bill Clinton wrote, "I am opposed to abortion and to government funding of abortions." That was in 1986. He said he opposed what these people now proposes, and then in 1993, as President, he had a directive issued telling States they must do so.

Just because he flip-flopped does not mean we should.

Mr. Chairman, I oppose the Kolbe amendment and ask the vote accordingly.

Mr. WAXMAN. Mr. Chairman, I rise in support of the Kolbe amendment to restore the requirement of current law that a State must pay for abortions resulting from rape or incest for women who are eligible under the State Medicaid Program.

We are dealing with a few simple facts here. Abortion is a legal medical procedure in this country. Rape and incest are illegal crimes in this country. The involuntary pregnancy resulting from one of these crimes is a terrible burden for the victim. It is wrong to make her plight more burdensome and more difficult by keeping her from the medical services that she decides she needs.

Under the bill sent to this House by the Appropriations Committee, the victim of the crime of rape and the victim of the crime of incest are punished. If they are poor—and that is what women eligible for Medicaid are—and they cannot afford to pay out of their own pockets for an abortion, their access to this legal medical procedure is eliminated.

In the name of morality, the Members of this House are substituting their judgment for the judgment of the unfortunate women who have been the victims of these unspeakable crimes. In denying her the choice of an abortion, this bill assaults these women a second time, and compounds the agony they already face.

Women who are the victims of rape or incest have been harmed enough by their criminal assailants. We should not be party to compounding that harm.

I urge Members to do the only humane thing: vote for the Kolbe amendment; retain the requirements of the current law.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Arizona [Mr. KOLBE].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. KOLBE. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to the order of August 2, 1995, further proceedings on the amendment offered by the gentleman from Arizona [Mr. KOLBE] will be postponed.

AMENDMENT OFFERED BY MR. GANSKE

Mr. GANSKE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

> Amendment offered by Mr. GANSKE: strike line 7 and all that follows through page 72, line 15 (relating to certain medical training programs).

The CHAIRMAN. Pursuant to the order of August 2, 1995, the gentleman from Iowa [Mr. GANSKE] and a Member in opposition each will be recognized for 10 minutes.

Does the gentleman from Texas [Mr. DELAY] wish to be recognized in opposition to the amendment?

Mr. DELAY. I do, Mr. Chairman.

The CHAIRMAN. The gentleman from Texas [Mr. DELAY] will be recognized for 10 minutes.

The Chair recognizes the gentleman from Iowa [Mr. GANSKE].

Mr. GANSKE. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, the amendment that I have offered with the gentlewoman from Connecticut [Mrs. JOHNSON] is simple. It allows professionally licensed organizations to continue to set their own standards for the education and accreditation of their members.

The bill, as it stands, replaces decisionmaking by the Accreditation Council on Graduate Medical Education [ACGME] with that of politicians. My amendment strikes that language.

This debate may produce the spectacle of the four physicians of this body debating on the floor of this institution residency requirements for graduate medical education. That is a sad way to do professional accreditation.

The language in this bill was adopted in response to the ACGME attempting to put into language longstanding practices for ob/gyn residents. These guidelines were unanimously approved and recognize the importance of ensuring that residents are fully trained.

However, any person or program with a religious or moral objection to abortion does not have to perform abortions. The bill, however, would deny funds to those health care entities that follow these nationally recognized standards because it mentions the word "abortion."

Let me be clear. This is the language we are debating. The language and the accreditation says,

> No program or resident with a religious or moral objection will be required to provide training in or to perform induced abortions. Otherwise, access to experience with induced abortion must be part of residency education.

This is a reasonable standard. It recognizes the importance of exempting abortion training for any person or program who objects. The standard merely states that other residents should have access to experience with induced abortion. Induced abortions include medically indicated abortions such as those that protect the life of the mother. The ACGME standard strikes a reasonable balance that does not need to be legislated by Congress.

□ 1830

Mr. DELAY. Mr. Chairman, I yield 2½ minutes to the gentleman from Florida [Mr. WELDON], who is an internist and a trained physician.

Mr. WELDON of Florida. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, the ACGME is the Accreditation Council for Graduate Medical Education. It is the body that makes the determination whether or not a residency program, be it in internal medicine or obstetrics and gynecology, is accredited. It has a tremendous amount of delegated power and authority because the Government of the United States has decided that it will not reimburse hospitals with tax dollars under the Medicare and Medicaid programs unless the residents serving those patients in that hospital are in an ACGME accredited program.

Now, the abortion industry is facing a tremendous problem nationwide. It is called the graying of the industry. The abortion providers are all getting old. They have a serious problem with the shortage of providers. In steps the ACGME, and I will read to you the beginning part of what my colleague from Iowa left out. It says, "Experience with induced abortions must be part of the residency."

Yes, there is a conscience clause, but what will happen? The same thing that happened to me when I was a medical student.

In the middle of the night, I did not know any better, so I went in the room and I saw it. I saw a 15-year-old girl be dragged in by her mother. She was in the late half of her second trimester. She was showing. She did not want the abortion, and her mother made her do it, a saline-induced abortion. And that is why I am pro-life. It was brutal and it was wrong and it should be illegal. And now we have got the ACGME stepping in here.

Let me tell you what the Alan Guttmacher Institute says about this issue. Requiring residency programs to provide abortion training would convey the message that abortion is a core service within the ob-gyn specialty. Nobody wants to do it.

I learned communism was wrong when I was a little kid because I saw on the TV that people were climbing over the walls in Berlin to get out, and I knew they were dying to get into the United States. They were voting with their feet.

The doctors in this country have voted with their feet. They do not want to do this procedure and now we have the ACGME with the power of the Federal Government behind it stepping in and saying, you have got to train them. You have got to do it. Oppose the Ganske amendment. Support the language in the bill the way it is.

Mr. GANSKE. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey [Mr. FRELINGHUYSEN].

Mr. FRELINGHUYSEN. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I rise in support of an amendment offered by the gentleman from Iowa, Dr. GREG GANSKE.

Mr. Chairman, let me speak from a layperson's perspective. My primary concern is that we want those who practice obstetrics and gynecology, or any other kind of medicine, to be trained in every legal medical procedure. I certainly would want to know that those treating my loved ones, families or friends, would have the best or most complete training in order to safeguard their lives in either emergency or nonemergency situations.

Quite frankly, and to close, Congress simply has no business legislating on this issue. Let us keep the heavy hand of government out of graduate medical education.

I am including for the RECORD a letter from the American College of Obstetricians and Gynecologists:

THE AMERICAN COLLEGE OF
OBSTETRICIANS AND GYNECOLOGISTS,
Washington, DC, August 2, 1995.

Hon. RODNEY FRELINGHUYSEN,
514 Cannon House Office Building
Washington, DC.

DEAR CONGRESSMAN FRELINGHUYSEN: On behalf of the American College of Obstetricians and Gynecologists (ACOG), an organization representing physicians dedicated to improving women's health care, I am writing to urge you to support a motion that will be offered by Representatives Greg Ganske and

Nancy Johnson to strike Section 512 of HR 2127, the Labor, Health and Human Services Education and Related Institutions FY96 Appropriations Act. This section would prohibit the government from recognizing the Accreditation Council on Graduate Medical Education (ACGME) as the accrediting body for residency programs in Obstetrics-Gynecology if the current ACGME standards regarding abortion training are not reversed.

Section 512 was added to HR 2127 during the Appropriations Committee markup by Representative Tom DeLay and is designed to override new ob-gyn residency training requirements adopted by the ACGME. The ACGME is a private medical accreditation body composed of the American Medical Association, the American Hospital Association, the American Association of Medical Colleges, the American Board of Medical Specialties, and the Council of Medical Specialty Societies that is responsible for establishing medical standards for more than 7,400 residency programs. Earlier this year, the ACGME adopted modifications of the requirements that Obstetrics and Gynecology residency programs must meet to be accredited. These modifications include the following:

Experience with induced abortion must be a part of residency education, except for programs and residents with moral or religious objections. This education can be provided outside the institution. Experience with management of complications of abortion must be provided to all residents. If a residency program has a religious, moral or legal restriction which prohibits the residents from performing abortions within the institution, the program must ensure that the residents receive a satisfactory education and experience managing the complications of abortion. Furthermore, such residency programs (1) must not impede residents in their program who do not have a religious or moral objection from receiving education and experience in performing abortions at another institution; and, (2) must publicize such policy to all applicants to that residency.

During the Congressional debate on this issue, misconceptions about the ACGME language have arisen that I wish to clarify. First and foremost, under the ACGME requirements, no institution or individual can be required to participate in the training of induced abortion. Thus, Section 512 seeking to override the ACGME language in order to protect institutions and individuals opposed to abortion is unnecessary given that the requirements already guarantee that any program or resident with moral or religious objections are exempted from the training. ACGME has demonstrated its fairness and its commitment to this principle by altering its language when it was argued that the requirement forced more involvement than those opposed to abortion were comfortable with. Now all that is required of a program that chooses not to provide abortion training for moral or religious reasons is that they notify residents that the program does not offer the training and that they not impede residents from getting the training elsewhere. In addition, training in elective abortions is not specified. Rather, the language requires that training in induced abortions take place.

Congressional override of the ACGME training requirements sets a very dangerous precedent. Never before has Congress sought to override educational standards, let alone standards for training in medicine. ACOG is forced to oppose any new involvement of the government in the education of physicians.

Although Section 512 is intended to address the ACGME abortion training requirements, it actually goes much farther by prohibiting federal and state programs that receive federal funds from relying on ACGME accreditation for Ob-Gyn residency programs. This could create havoc in the medical education field.

For example, to assure that federal funds are being provided for quality medical education, the Medicare program requires that to be eligible for federal funds a residency program must be accredited by ACGME. Section 512 states that the Medicare program cannot rely on ACGME accreditation, but fails to provide any indication of what standards should be used as a substitute. If Section 512 becomes law, the Medicare program would be faced with four choices in order to comply: (1) to establish a separate federal accreditation standard and compliance process for Ob-Gyn residencies; (2) to require the states to establish such a standard; (3) to encourage the formation of an alternative private accreditation standard; or (4) to have no standard and allow residence programs to receive federal funding with no quality demonstration.

In ACOG's view, none of these alternatives are desirable and several would create major problems for Ob-Gyn residency programs. The first two options involve government in a field that has traditionally been left to the private sector. No doubt establishing new government standards would be time consuming and duplicative of the work ACGME has done for years. Even if this is accepted as an appropriate role, the fate of Ob-Gyn residencies and those that are enrolled in such programs would be in doubt until such new standards could be put in place. The third option, while not involving the government, would cause the same disruptions and uncertainty, as current laws require that one must have completed an ACGME accredited program in order to become board certified in Obstetrics and Gynecology. If the government chooses any of the above options, programs would have to be accredited twice if they desire to receive federal funds and to have their residents eligible for board certification. It is unlikely that a program that does not have federal funds or whose residents are not eligible for board certification could survive. The final option removes all protections of quality, which clearly is not the desire of physicians and their patients, nor should it be the intent of the Congress.

Clearly, Section 512 could have many unintended consequences for the federal government, states, the medical education field, physicians, and their patients. Although ACOG is opposed to any federal intervention in the ACGME accreditation process, we recognize that there are those who believe Congress should intervene in this process. For those individuals, ACOG must point out that Section 512 is more far-reaching than necessary, is vague, and non-specific and should be opposed. ACOG urges you to support the Ganske-Johnson motion to strike this provision when the full House considers the Labor, HHS Appropriations bill later this week.

Sincerely,

RALPH W. HALE, MD,
Executive Director.

Mr. DELAY. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan [Mr. HOEKSTRA].

Mr. HOEKSTRA. Mr. Chairman, let us be clear about what is going on here. We are moving from the status quo. Ob-gyns were never required to perform abortions. This is pro-life. Do we not think there are enough abortions already? Here is why we are doing it.

The ACLU says, abortion mandatory training would be a major step so that we can substantially have a greater number of programs teaching abortions.

The New England Journal of Medicine talks about this conscience clause. Residents who wish to opt out of abortion training should be required to explain why in a way that satisfies stringent and explicit criteria. This is not an easy way to opt out.

The Guttmacher Institute says, yes, let us move this, and with mandatory training, we can make this a core service around the country in every hospital.

Mr. Chairman, is that what we want? The Catholic Health Association says, and I agree, these program requirements are unacceptable. The intent is to expand access to induced abortion.

We had hearings on this in my subcommittee. Not once did the ACGME bring up women's health. Not once were they talking about providing women's health care. They are talking about expanding the access to abortion.

All I can say is it is ironic that at this point, people that are pro-choice now are saying to residents, you must, you must perform one of the most reprehensible and revolting medical procedures in this country today.

Mr. Chairman, what a point that we are moving to. I strongly urge opposition to the Ganske amendment.

Mr. GANSKE. Mr. Chairman, I yield myself 15 seconds.

Mr. Chairman, two points. First, the ACGME was not invited to the hearing. Second, the ACGME has never said that residents would be stigmatized. That was an individual editorial printed not by the residency requirement committee.

Mr. DELAY. Mr. Chairman, I yield 30 seconds to the gentleman from Michigan [Mr. HOEKSTRA] to respond.

Mr. HOEKSTRA. Mr. Chairman, later on today I would like to give my colleague from Iowa transcripts of the hearing. ACGME was there. They testified. We were glad to have them there.

Mr. GANSKE. Mr. Chairman, I yield myself 15 seconds.

Mr. Chairman, the ACGME was only invited by the minority.

Mr. GANSKE. Mr. Chairman, I yield 1 minute to the gentleman from Texas [Mr. BENTSEN].

Mr. BENTSEN. Mr. Chairman, I thank the gentleman from Iowa for yielding me time.

Mr. Chairman, I thank the gentleman for the opportunity to speak on this amendment. This amendment is not a pro-choice or pro-life issue. It is an issue of Congress overriding medical accreditation standards designed to provide a comprehensive medical education for thousands of physicians.

The Accreditation Council for Graduate Medical Education [ACGME] is a private medical accreditation body responsible for establishing medical standards for more than 7,400 residency programs in this Nation.

This amendment would remove a provision in the bill which allows institutions to bypass the accreditation process if the standards include training in abortion procedures.

Under ACGME requirements, no institution or individual is required to participate in abortion training. Any program or resident with a moral or religious objection is exempted.

Congress has never before sought to override private education standards, let alone standards for training in medicine. In a time when Congress is reducing the size and influence of government, this amendment hardly makes sense.

It is clear that some in this Congress want to take away the right to choose for all women. This stealth campaign against a woman's right to an abortion—a right guaranteed by law—but now they are going after the medical schools and the doctors, and that is just plain wrong.

Mr. GANSKE. Mr. Chairman, I yield 1 minute to the gentlewoman from New Jersey [Mrs. ROUKEMA].

Mrs. ROUKEMA. Mr. Chairman, I rise in strong support of the Ganske-Johnson amendment.

Mr. Chairman, all that this amendment does is strike the prohibitive language presently contained in the bill thereby maintaining Federal requirements concerning the Accreditation Council on Graduate Medical Education's evaluation of residency programs in obstetrics and gynecology.

Mr. Chairman, this past June, the Accreditation Council proposed important reforms that would respect and protect the rights of those programs and residents with moral or religious objections to abortions. And, let me make clear to my colleagues just what these reforms said.

These reforms state that those residents who want to receive abortion education outside of the institution they are attending cannot be impeded from doing so. And, at those institutions that do not train residents in performing abortions, they must provide residents with satisfactory experience and education in managing the complications of abortion.

And, this experience and education is well described in a Dear Colleague circulated in opposition to the Ganske-Johnson amendment. And I quote:

> Ob/Gyn residents already learn the techniques to handle pregnancy, miscarriages and complications from abortions and, in learning these, learn the medical techniques to handle those extremely rare situations in which an abortion is actually performed in response to a women's health emergency.

Mr. Chairman, it is quite clear from both the stated reforms and comments of my colleagues opposed to the current standards that no resident or institution opposed to abortion is required to practice such a procedure. But, this simple truth does not matter to some abortion opponents.

Under the language in H.R. 2127, not only would Federal and State accreditation requirements be nullified if abortion training is a criterion, but the Accreditation Council could not even license or provide financial assistance to any institution that provides training in induced abortions or assists a resident in receiving training outside of that institution.

Mr. Chairman, this is just plain absurd. Lets get the facts straight. Once again, abortion opponents are taking the issue too far. Nothing under current regulations forces abortion training for residents and conditions licensure and financial assistance on institutions opposed to abortion.

Let's recognize this for what it is—

Totalitarian un-American-like interference in Medical education curricula—Is the Federal Government really going to dictate to professionals how their educations should be structured and their academic freedoms curtailed? And if you think I distort or exaggerate turn the issue around—suppose the pro-choice advocates required all academic centers, even religious institutions to teach abortion medical techniques and to perform abortions against their convictions. That would be a violation of their own convictions just as this provision is a violation of professional and academic freedoms. We are talking about a medical procedure that is legal under the laws of our country and confirmed by the Supreme Court. A medical procedure that should be taught to medical profession as long as their own moral convictions aren't violated.

Mr. DELAY. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey [Mr. SMITH]

Mr. SMITH of New Jersey. Mr. Chairman, let me say very closely that the DeLay amendment does not force the accreditation council to change its accreditation standards, but it does say that in determining who can receive Federal benefits, the Federal Government will not be guided by an organization that discriminates against institutions which do not offer, quote, experience with induced abortion as a standard part of their medical training.

Mr. Chairman, this amendment would deny doctors the right to choose not to do abortions. This is a very heavy-handed push by the abortion industry because fewer and fewer residents and members of the medical profession are going into the abortion industry. This is a heavy-handed effort to use the power of the Federal purse to coercion, to force, to pressure.

Yes, there is some opt out language, but this would mainstream the killing of unborn children on demand for any reason whatsoever, and to coerce these individual residents and their residency programs to be a part of that. This is a part of the abortion industry's push. I hope that this amendment gets rejected.

Mr. GANSKE. Mr. Chairman, I yield 1 minute to the gentlewoman from New York [Mrs. LOWEY].

Mrs. LOWEY. Mr. Chairman, every day I hear my Republican colleagues say we should keep the Government out of business, we should keep the Government out of education, we should keep the Government out of the environment. Yet, here we are debating whether or not the Government should interfere with the decision-making process of a private organization.

Mr. Chairman, we are debating whether the lawyers and the business people who sit in Congress should be deciding the curriculum for graduate medical education. So much for small government.

The medical experts at ACGME understand that basic women's health includes the full range of reproductive services, including abortion. They understand that women's lives will be put at risk if OB-GYNs are not trained to serve all of their health needs.

Mr. Chairman, who are we in this body to impose our medical expertise on the doctors and patients of America?

I urge my colleagues to support this amendment and it should reject the hypocrisy of so-called proponents of small government.

Mr. DELAY. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, in 1 minute, I might say, if the moral language brought out by the gentleman from Iowa provided any comfort to these teaching institutions, why are they against his amendment and for my amendment in this bill?

We must act on this because Medicare and other Federal benefits and the heal programs that loans to these doctor students are based upon accreditation. Simply put, the accreditation council has issued guidelines which require medical students to be trained in performing abortions, and the language in this bill ensures that Federal programs and States receiving funds under the bill do not penalize doctors and hospitals that refuse to perform abortions when they give accreditation and receive Federal dollars to practice medicine. We are getting the Government out of these private institutions.

What has happened is this ACGME has decided to get involved in abortion politics and to force abortion training on people that do not want it. Vote no on the Ganske amendment.

Mr. GANSKE. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. WAXMAN].

Mr. WAXMAN. Mr. Chairman, the amendment is about who controls medical education, the Government or the medical profession.

The American College of Obstetricians and Gynecologists have made a determination that while abortion is a legal procedure, medical schools should ensure that students know what is safe, ethical, and legal and what is malpractice.

□ 1845

I strongly support the Ganske amendment. Government should not be telling schools what they can and cannot teach.

Mr. GANSKE. Mr. Chairman, I yield 1 minute to the gentleman from Michigan [Mr. DINGELL].

Mr. DINGELL. Mr. Chairman, I rise in support of the amendment. This bill is not the place to debate the standards, and the time and the fashion of accrediting health professional schools. We should not be using this bill to get crosswise with the legitimate programs of accreditation which rest with the standards of practice of medical professional societies.

Since this House convened for the first time this year, I have been hearing from this side of the aisle my colleagues saying it is time for government to get out of decisions which are made by citizens on matters which affect them. I see no reason why we should not apply that very sensible rule here at this time. Accreditation is something which relates to professional competence, and professional competence requires that people who engage in professional activities should know all about all parts of their business.

I happen to personally oppose abortion, but I recognize the need to have a properly trained medical profession in this country.

Mr. GANSKE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let us look at the language in the requirements. The language says no program or resident with a religious or moral objection will be required to provide training in or to perform induced abortions. This is reasonable. This amendment is about government involvement in professional accreditation.

Whatever my colleagues' position on abortion, I urge them to support this amendment and resist the effort to overturn who controls professional standards.

I am antiabortion, as is the cosponsor, but we agree that Congress should not set a precedent which would place us in the position of being Big Brother to every licensed professional in America. Who would be next? Teachers? Nurses? Architects? Engineers? Accountants? Or lawyers?

Mr. Chairman, this bill sets a very worrisome precedent. Will the ACGME's moral and religious exemption be eliminated by a future Congress less concerned about the rights of individuals or hospitals to not perform abortions?

Support the Ganske-Johnson amendment and limit the intrusion of the Federal Government into private accreditation.

Mr. Chairman, I yield the balance of my time to the gentlewoman from Connecticut [Mrs. Johnson].

The CHAIRMAN. The gentlewoman from Connecticut is recognized for 30 seconds.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I rise today to join my colleague from Iowa in support of the Ganske-Johnson amendment. This amendment preserves the traditional process of allowing private accrediting boards to set their standards free from Congressional interference.

Let us understand clearly the implications of the underlying bill. It sets the precedent for congressional meddling in accrediting standards for the training of doctors now, but potentially lawyers, teachers, accountants, or any other privately accredited profession in the future. It is ludicrous to presume that Congress is capable of judging and amending the standards set by bodies such as the Accreditation Council for Graduate Medical Education, (a professional accrediting board comprised of the American Medical Association, American Association of Medical Colleges, and several others). This body has traditionally determined the standards to which physicians and medical schools must adhere. They revise their accrediting standards on a regular basis, in order to take into account changes in the world around them, and their decisions have been universally respected. Never has Congress sought to intervene!

Let me be clear. This amendment is about standard-setting and who should establish professional standards. Are we prepared to judge that inducing an abortion is not medically different from managing a spontaneous abortion (also known as miscarriage) in which some dilation has naturally occurred, and some contraction of the uterus has thickened its walls? Do we want to rule here today that there is no greater danger of perforating a uterus when no contractions have occurred than when contractions have occurred? Do you want a physician who lacks the knowledge of what to expect, and therefore how to react? As a woman, I don't want you judging this. I want the experts setting these standards. The fact that the physicians in this House disagree on the ACGME policy underscores the importance of keeping this issue out of the political arena.

I urge my colleagues to keep government where it belongs, outside the process by which America has always set high standards for its medical training institutions. Vote "yes" on the Ganske-Johnson amendment.

Mr. DELAY. Mr. Chairman, I yield such time as he may consume to the gentleman from Washington [Mr. MCDERMOTT].

Mr. MCDERMOTT. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Iowa [Mr. GANSKE].

Mr. DELAY. Mr. Chairman, I yield the balance of my time to the gentleman from Oklahoma [Mr. COBURN], who is trained as an ob/gyn.

The CHAIRMAN. The Chair recognizes the gentleman from Oklahoma [Mr. COBURN] for 3 minutes.

Mr. COBURN. Mr. Chairman, I would make a correction. I am trained as a family practice resident and obstetrician.

As many of my colleagues know, I am an actively practicing obstetrician, and this past weekend I spent a great deal of time and had great pleasure delivering a number of newborn Oklahoma babies. Therefore, the subject I am going to talk about is based upon profound, prolonged, and years of experience. I cared for over 5,000 women, delivered in excess of 3,000 babies, and, yes, have had the unfortunate circumstances of having had to perform abortions to save the life of women. But I think it is interesting that we should talk about what the issues really are.

Many people have said that the Government should not be involved in this issue. The fact that we are involved in this issue is because a government-ordained accrediting agency has stepped outside the bounds of medicine and into the bounds of political expediency and political correctness. That is why it is being addressed in this legislation. The action of the Congress in this bill is appropriate to see that the organizations stay within the bounds of their charter, and that is our oversight responsibility.

Now the other issue: The ACGME argument is a fallacious argument. Any doctor trained to handle the first or second trimester of pregnancy is already trained to do a induced abortion. The argument is specious. They already have all the skills that are necessary to perform an induced abortion. So, if the basis of this argument from ACGME is not based on medical need, what could it possibly be based on? For such an accrediting body to act in such an irresponsible fashion the reason is very simple. It is very sly, but it is very simple. It is based on desensitization and coercion in order to obtain a certain desired political result.

Mr. Chairman, there is a shortage of abortionists in this country, not because they lack training, but because most physicians abhor the procedure of abortion and refuse to do that procedure. The way they would have us fix this is to coerce training for every resident physician. Those who object? Yes, they can opt out, but the real fact of being in a residency program is, if someone tries to opt out, they are going to be coerced in a number of ways that will make it very difficult for them to be in that residency. So, the real result of the policy is to coerce a certain action.

This is an accreditation for quality medical care. This is about increasing the supply of abortionists, and this is an area of active responsibility by this Congress to confront those who have shirked their delegated responsibility and have abused it for political purposes. Let us call it what it is. It is social and political engineering. It has nothing to do with quality medical care or quality medical training, and it has nothing to do with quality resident training.

Mr. WAXMAN. Mr. Chairman, this amendment is about who controls medical education—the Government or the medical profession.

Medical schools and professional societies have directed their own curriculum standards since the beginning of organized medical training.

The Federal Government has never interfered in that effort, even after years of proposals about things that various politicians have thought would be a good idea.

The political manipulation of curriculum and licensure is wrong. Congress should leave medical education to educators and should leave professional licensure to professionals.

The American College of Obstetricians and Gynecologists have made a determination that while abortion is a legal procedure, medical schools should ensure that students know what is safe, ethical and legal and what is malpractice.

If you want to limit abortion, you should vote to limit abortion—and there are plenty of chances in this bill to do that. But you should not vote to get the Federal Government involved in classrooms, curriculum, and school accreditation.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa [Mr. GANSKE].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. GANSKE. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to the order of the House of Wednesday, August 2, 1995, further proceedings on the amendment offered by the gentleman from Iowa [Mr. GANSKE] will be postponed.

Are there further amendments to title V?

AMENDMENT OFFERED BY MR. BLUTE

Mr. BLUTE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. BLUTE: Page 75, after line 24, insert the following section:

SEC. 514. Of the total amount made available in titles I through IV of this Act, there is hereby made available for carrying out title XXVI of the Omnibus Budget Reconciliation Act of 1981 an amount that is equal to 2 percent of such total amount (exclusive of funds that are by law required to be made available) and that is derived by hereby reducing each account in such titles (exclusive of such funds) on a pro rata basis to provide such 2 percent.

The CHAIRMAN. Pursuant to the order of August 2, 1995, the gentleman from Massachusetts [Mr. BLUTE] and a Member opposed will each be recognized for 10 minutes.

Mr. OBEY. Mr. Chairman, I claim the time in opposition to the gentleman's amendment.

The CHAIRMAN. The gentleman from Wisconsin will be recognized for 10 minutes in opposition.

The Chair recognizes the gentleman from Massachusetts [Mr. BLUTE].

Mr. BLUTE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, my amendment is fairly simple and straightforward. The Low Income Home Energy Assistance Program [LIHEAP] was not funded in the appropriations process this year. I think that was a mistake. Through this amendment I seek to correct that situation by reducing the overall funds available in the bill by 2 percent and applying that money to LIHEAP. This would provide—according to CBO—$500 million in funding for this authorized program, less than the program received last year but maintaining an important effort to help real people with real problems.

LIHEAP provides much-needed energy assistance services for thousands of poor and elderly Americans in my State of Massachusetts as well as in other cold weather States who otherwise could not afford to heat their homes during the cold winter months. It is estimated that nearly 6.1 million households nationwide received heating assistance during fiscal year 1994 and about half of those households contained an elderly or disabled person. Furthermore, in areas of the country where the economy is experiencing only a very modest recovery, the impact of cutting fuel assistance will be especially detrimental.

LIHEAP-eligible Americans don't have the resources necessary to take care of the heating bill for a variety of reasons, and this money is needed to help them pay the utility bill. Low income households spend more of their total income for heating than the rest of us. That leaves precious little left for other necessities.

Without LIHEAP funding, the choice for these people is between eating a meal or heating their homes during the harsh winter months. In my opinion, that is no choice at all. Make no mistake about this program. It deals with a basic human need: adequate shelter during extreme weather conditions.

It should also be pointed out, that if LIHEAP funding is eliminated, the private sector may not necessarily be able to absorb fuel assistance costs. In New England, the primary fuel consumed during the winter is heating oil. While large electric or gas utilities may be able to absorb the costs for needy customers who cannot afford to pay their bills, small independent heating oil companies cannot afford to lose that revenue. In fact, home heating oil companies already sell the fuel at substantially reduced prices to their LIHEAP customers. Placing an additional financial burden on these small businesses is not a smart thing to do, and it will not work.

LIHEAP opponents will tell you that the program was created to provide temporary relief during the energy crisis when fuel prices were high. The fact of the matter is, even though fuel costs have stabilized, income levels have not kept pace and many people still find themselves unable to afford adequate heat in their homes. The number of senior citizens on fixed incomes has increased, continuing the substantial need for this program.

But, Mr. Chairman, LIHEAP doesn't only help those enduring extreme cold. We all are well aware of the recent tragedy and loss of life across the country due to the massive heat wave. In an effort to help those who cannot even afford a simple fan to help deal with the scorching heat, last week the President released $100 million in emergency LIHEAP funds to assist 19 States hit in the heat wave. With no relief in sight from this heat, more LIHEAP funding may be necessary to help defray the cost of the cooling bill.

The elimination of LIHEAP funding makes a bad situation even worse. If the Labor-HHS bill passes without restoring LIHEAP funds, the next time the temperature climbs into triple digits, there won't be any money to help people cope and the toll on our citizens could be devastating.

The best part about LIHEAP is that it is a block grant program. It provides specific funds to the states to disburse them in the best manner for each particular State and caps administrative expenses at 10 percent. LIHEAP is not another bureaucratic welfare program long on good intentions but sadly short on outcome. I strongly believe that reducing the deficit should be a top priority, and that is why my amendment cuts funding in other areas of the bill to pay for the restoration of LIHEAP. A program as important as LIHEAP is to the well-being of Americans living in areas of the country that experience temperature extremes should not be compromised.

LIHEAP is not a welfare program. It is a subsidy that helps economically disadvantaged hard working families and older Americans make ends meet. For this reason, I hope that you will join me in preserving funding for LIHEAP, vote for the Blute amendment.

☐ 1900

Mr. OBEY. Mr. Chairman, I yield myself 4 minutes.

Mr. Chairman, this is one of the most spectacular cover-up amendments that I have seen offered in a long time. I am the sponsor, the original sponsor, of the low income heating assistance program. Silvio Conte and I and Ed Muskie started that program a long time ago. We did it because we were tired of seeing senior citizens have to choose between paying their prescription drug bills and heating their homes.

God knows, there has been no one in this House through the years who has been a bigger defender of the low income heating assistance program than I have. I think it is absolutely crucial, but I want to tell you that this amendment is a last-minute operation which effectively simply covers political tracks for past actions taken in this House. That is the effect of it.

If you wanted to keep funding for LIHEAP in the budget, the time to do that is when you voted for the budget resolution that guaranteed that seniors would get clobbered in this bill. If you wanted to save LIHEAP, the time to do that was when we had a fight in the Committee on Appropriations over the 602(b) allocation made by the chairman which decided how much money would be available to this subcommittee and how much money would be available to Defense.

At that time, I offered an alternative which every single Republican opposed in that committee, every single one, which would have added $3 billion to this bill and then some and made it possible for us to save LIHEAP. The only real way, the only real way that you can save LIHEAP is to defeat this entire bill so that you can send it back to the committee, send the Defense bill back to the committee, and redo the 602 allocations so you have got some real room to fix LIHEAP.

If you do not do that, you are pretending that you are going to finance LIHEAP and you say: "Oh, it is only going to be a 2 percent cut in other programs." Baloney. Head Start has already been cut by a huge amount. Education has already been cut by $2.5 billion. Older workers have already lost 14,000 jobs, and you are going to cut them again. Drug-free schools have already been cut by 50 percent.

You are going to wind up, if you pass this amendment, cutting cancer research, cutting heart disease research, cutting Alzheimer's research, cutting virtually every medical research operation out at NIH.

There is nothing wrong with half of the gentleman's amendment, the half that tries to save the LIHEAP program. But the place that he gets the money from ought to be totally unacceptable to anybody who cares about education, about job training, about health care or senior nutrition or senior jobs.

I do not know of many senior citizens who appreciate being put in the position where they have to choose between having a tough time paying their home heating bills and dying because cancer research is not going to be strengthened. I do not think that is a choice we ought to be putting most seniors in. I certainly do not think that that is the kind of choice that many Members of this House tonight are going to find very useful.

So I would simply say I very much want half of the gentleman's amendment, but I am not going to stand here and pretend that this is the way to fix it. The only way that you can really preserve the ability to protect LIHEAP without cutting cancer research, without cutting NIH, without cutting senior nutrition is to beat this bill, send it back to committee, get a new 602 allocation so that you do not have to decide which senior citizen is going to take it in the chops.

Mr. BLUTE. Mr. Chairman, I yield 30 seconds to the gentleman from Arkansas [Mr. DICKEY].

Mr. DICKEY. Mr. Chairman, I would like to refute the gentleman from Wisconsin [Mr. OBEY] in one respect, and that is he talks about we are taking money away from Head Start; $161 million was proposed to be given to Head Start in our subcommittee meeting. You could have voted for that twice. Twice you said no. Twice you said Head Start was not a priority. You said twice that it was not a priority.

You considered other things more important than Head Start, one of which was to keep 628 lawyers well financed, well paid in the National Labor Relations Board.

Mr. OBEY. Mr. Chairman, I yield myself 1 minute.

You betcha I voted against your amendment because of where you took the money. You had a personal axe to grind with Overnite Truck, with the NLRB because you did not like what they had done in the Overnite Truck situation.

So what did you do? After you sent a letter to the NLRB telling them you wanted them to rule a certain way and they did not rule that way, you offered an amendment to cut the guts out of their budget, and then you put it in Head Start.

And you want us to give you gold stars? Baloney. I think that is crossing the line. I am not only proud that I voted against your amendment, I think you should have been ashamed for offering it.

Mr. BLUTE. Mr. Chairman, I yield 1 minute to the gentleman from Buffalo, NY [Mr. QUINN].

Mr. QUINN. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, this is about priorities today in this discussion, and I rise today as I have in the past to speak on the merits of the LIHEAP program. This important program, of course, provides cash supplements to assist low income households to pay winter heating bills. It is disturbing to many of us today that we have this bill before us that has no funding in the Federal year of 1996, and these serve probably the poorest households in the country and across all of our districts.

Many of our low-income citizens must pay a high percentage of their incomes already and quite simply cannot meet to pay their own energy needs. These LIHEAP recipients have an average income during the course of a year of only a little bit over $8,000 a year. Without some kind of assistance for their heating needs, these people could be absolutely put in dire straits.

The effects of being without heat are obvious to those of us who come from the Northeast and understand these kind of temperatures that we are looking at, not only the summer problems, of course, but those in the winter.

Mr. Chairman, I am proud to offer my support for the gentleman's amendment.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois [Mr. PORTER], the distinguished subcommittee chairman.

Mr. PORTER. Mr. Chairman, the $1.2 billion that Mr. BLUTE would add in his amendment would require a $63 million reduction in job training, a $17 million additional reduction in community health centers, a $13 million reduction in AIDS treatment services, the same amount that was added in the full committee by Mr. RIGGS, a $41 million reduction in the CDC, $1 million in the program of violence against women, reduce cancer research by $45 million, including breast cancer and cervical cancer, would cut heart disease research by $27 million.

It would cut drug abuse prevention and treatment programs by $36 million, Head Start by $68 million. Title I education for disadvantaged children, already reduced by $1.2 billion, would be cut another $120 million. Pell grants would be cut $114 million. Social Security would be cut $118 million.

I believe that we are at a point of decision as to whether a program that no longer has any Federal rationale for its existence here and that ought to be handled by the States and now amounts to simply a subsidy of the utilities who ought to handle this problem for all of their customers, whether this program continues or not I think it is time say it has got to be terminated. We do not have the money when we are running huge deficits to keep alive programs which have long since lost any reason to exist at the Federal level.

I would urge the vote, the Members to vote "no."

Mr. BLUTE. Mr. Chairman, I yield myself 30 seconds just to respond.

Mr. Chairman, in my district, in districts across the country, this is a very important program. Indeed the programs that the gentleman from Illinois [Mr. PORTER] has mentioned are all important programs, no doubt, but I do not think they have the direct implication of the well-being and indeed the very health of senior citizens and others as this important program does. This literally is the difference between a winter of health problems or not. I think it is very important.

Mr. Chairman, I yield 2 minutes to the distinguished gentleman from New Jersey [Mr. LoBIONDO].

Mr. LoBIONDO. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I rise in support of the Blute amendment. I believe strongly in cutting spending and balancing the budget. And I know that in order to do that, we are going to have to make some tough decisions.

But getting rid of the LIHEAP program is a mistake.

Mr. Chairman, many areas throughout the Nation have been experiencing a brutal heat wave—a heat wave that has claimed the lives of people in their homes and apartments. And it is tragic.

But the flip side of this happens in my home State in the winter. Where senior citizens and the poor literally freeze to death in their homes.

This amendment will help countless of poor people in my district to pay their energy bills and for many of them, it is a matter of life and death.

I know opponents will say that LIHEAP is a relic of the energy crisis, that energy prices have dropped since then and therefore we no longer need the program.

But every winter I get calls from constituents and they have to decide whether or not to pay their utility bill or buy food because they don't have enough money to do both. When that happens, Mr. Chairman, it means little to the people who cannot afford it that energy prices have gone down.

Mr. Chairman, I am not a Member of Congress who has been defending the status quo or advocating more spending. I believe in balancing the budget and I have come to this floor time and again to support spending cuts below the levels produced by the Appropriations Committee.

I commend the gentleman from Massachusetts for his amendment and ask for a "yes" vote from my colleagues on both sides of the aisle.

Mr. OBEY. I yield 1½ minutes to the gentlewoman from New York [Mrs. LOWEY].

Mrs. LOWEY. Mr. Chairman, I am very pleased to hear Mr. BLUTE and my Republican colleagues speak so glowingly about LIHEAP. I know how important this program is in New York and the Northeast and other areas of this country, and I support those words.

However, the only way we can fix it, and let us face it, let us talk about the facts, is to defeat this bill and send it straight back to the committee.

Because I want it made very clear to the American people what this amendment does. It will cut breast cancer screening $3 million; Healthy Start, $1 million; Head Start, $68 million; mental health services, $7 million; drug treatment, $24 million; student aid, $140 million; maternal and child health, $14 million; and on and on and on.

This bill is broken. It is making severe cuts not only in vital programs like LIHEAP but in all the programs I talked about. Let us defeat this bill. Let us send it back to the committee and let us hope we can do it right the next time.

Mr. BLUTE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we also face a tremendous financial crisis in our country. We need to have a balanced budget. I think that is of prime importance to the future of our country for all Americans. So just as they do in State legislatures, we are going to be forced to make tough choices, to make tough tradeoffs, some of which we do not like.

The fact is that the ultimate good of balancing the budget is essential. In this case, we are showing where the money is coming from, from more than a budget.

Some of those things that are in there are important, but I would submit to the Members of this Congress and the people of this country that this program is an essential program, is an important program, and it has direct effect on real people and their relative health and well-being during the extreme weather conditions that we find across our country.

It is a national program. All States are eligible for this assistance. The President just released $100 million to 19 States as a result of the recent heat wave.

It is a State-controlled program. It limits administrative expenses to 10 percent. It helped more than 6.1 million households last year.

Cuts in LIHEAP would disproportionately hurt those most vulnerable, the disabled, elderly, and young children. Fifty percent of LIHEAP-eligible households have an elderly or handicapped person residing in them. I happen to think this is an important program. I am willing to see other programs lose revenue to fund this important program.

☐ 1915

Mr. OBEY. Mr. Chairman, I yield myself the balance of my time.

Our job is not to defend programs. It is to defend people. I would say to the gentleman, the real level of your dedication to LIHEAP will be seen by how he votes on final passage on this turkey of a bill.

I am the original author of the LIHEAP program, but I am not cynical enough to suggest that it be financed by cutting Social Security, cutting cancer research, cutting breast cancer research, cutting drug treatment, cutting student aid, cutting senior citizen nutrition.

I would suggest instead of cutting these programs, why not bring an amendment up here to cut the B-2, to cut the F-22? Why not take the money out of there? The gentleman voted for a budget which allowed the Pentagon to get an increase to $7 billion, while he took $9 billion out of this bill. Now he is suffering the consequences and he is wimping out. That is what is behind this amendment.

I urge a "no" vote.

Mr. STOKES, Mr. Chairman, the actions taken by the majority on the committee devastate the quality of life for two of what should be the most cherished segments of our society—our children and our elderly. This bill is bad for children and bad for the elderly.

The $24 million cut in meals for the elderly means that 12 million meals would no longer be available. Tens of thousands of elderly would be forced to go hungry. In my State of Ohio, the elderly would lose over 400,000 meals. Those in California would lose over 1 million meals, Louisiana over 240,000, Texas over 750,000, Mississippi over 100,000, Arkansas over 190,000, Oklahoma over 200,000, New York over 1 million, Michigan over 500,000, Illinois over 400,000, the list goes on and on.

While we are asking the elderly to go hungry, we are also asking them to ignore their need for heating in winter and cooling in summer. H.R. 2127 eliminates funding for LIHEAP. One would think that the 700 tragic and needless deaths from the recent heat wave would be enough to make us realize what is wrong with this bill. Without LIHEAP, over 6 million people will no longer have the energy assistance they need, and would be forced to make life threatening choices.

With respect to our children, while they are the weakest and most vulnerable in our society. They are among the hardest hit by this bill. The $55 million, or over 50 percent, cut in the Healthy Start Program means that over 1 million women would be denied the comprehensive prenatal and other health care, social and support services they need. The Nation's effort to combat infant mortality at a time when progress is just beginning to be made in addressing this national health problem would be devastated. With respect to Head Start, the $137 million cut means that nearly 50,000 fewer children will be served.

Mr. Speaker, I ask my colleague to show some mercy on our children and our elderly, reject H.R. 2127

Mrs. KENNELLY. Mr. Chairman, this appropriations bill makes many painful and unnecessary cuts. But nowhere is this bill more damaging than in its refusal to help millions of elderly and low-income people pay their energy bills.

Eighteen months ago, we went through a brutal winter with temperatures plunging below zero for weeks on end. LIHEAP was there to shield millions of seniors and children from the cold.

This month, the temperature climbed into the hundreds, causing hardship for many families in my district and in districts across the country. Again, LIHEAP was there to protect them from the heat—and the President's emergency release of $100 million LIHEAP funds was quite literally a life-saver for millions of people.

In the coming years, we will face extreme cold and unbearable heat again. And once again, our constituents will look to LIHEAP for assistance. But if we pass this bill as is, LIHEAP won't be there for them.

Opponents of LIHEAP admit that program works, but they think that cutting it is a smart way to reduce the deficit. I can tell you that when the country calls for fiscal responsibility, it is not suggesting that we leave seniors and children to suffer in severe weather.

Cutting an effective program like LIHEAP is a penny-wise, pound-foolish proposal that will endanger our society's most vulnerable members.

Mr. ENGLISH of Pennsylvania. Mr. Chairman, I want to commend Chairman PORTER for completing the fiscal year 1996 Labor, Health and Human Services, and Education appropriations bill under circumstances that can be described only as Herculean. I am a strong supporter of the Low-Income Home Energy Assistance Program [LIHEAP] and this is where I respectfully differ from my colleague from Illinois.

To put it quite simply, this program insures many families in my district that they do not have to choose between eating or heating. I have heard the argument that this program is no longer needed, that this program was crafted only a vehicle to get our Nation's poorest out of the energy crisis of the 1970's. But, I believe that is incorrect. LIHEAP is still necessary; unaffordable utility costs continue to be a crisis for low-income households.

The facts speak for themselves. LIHEAP brings potentially life-saving heat to nearly 6 million poor families, or roughly 12 million individuals with an average income of $8,000; of these individuals about 30 percent are elderly, and 20 percent are disabled. These families spend three times as much of their income on energy as does the average American household and the average program benefit is only $200.

We need to assure our constituents of our ongoing efforts to reform Federal social service programs, and to allow greater local flexibility. Because of its 10 percent cap on administrative expenses, LIHEAP delivers maximum benefits to those in need without any fraud or abuse. Eliminating an effective program like LIHEAP sends a confusing and inconsistent message to the states. In closing, I understand the budgetary reality in which we legislate, but I cannot stand silent as this Appropriations Subcommittee attempts to eliminate this effective Federal program.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts [Mr. BLUTE].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. BLUTE. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to the order of the House of August 2, 1995, further proceedings on the amendment offered by the gentleman from Massachusetts [Mr. BLUTE] will be postponed.

The CHAIRMAN. Are there further amendments to title V?

If not, the Clerk will designate title VI.

The text of title VI is as follows:

TITLE VI—POLITICAL ADVOCACY

PROHIBITION ON THE USE OF FEDERAL FUNDS FOR POLITICAL ADVOCACY

SEC. 601. (a) LIMITATIONS.—Notwithstanding any other provision of law, the following limitations apply to any grant which is made from funds appropriated under this or any other Act or controlled under any congressional authorization until Congress provides specific exceptions in subsequent Acts:

(1) No grantee may use funds from any grant to engage in political advocacy.

(2) No grant applicant may receive any grant if its expenditures for political advocacy for any one of the previous five Federal fiscal years exceeded its prohibited political advocacy threshold (but no Federal fiscal year before 1996 shall be considered). For purposes of this title, the prohibited political advocacy threshold for a given Federal fiscal year is to be determined by the following formula:

(A) calculate the difference between the grant applicant's total expenditures made in a given Federal fiscal year and the total grants it received in that Federal fiscal year;

(B) for the first $20,000,000 of the difference calculated in (A), multiply by .05;

(C) for the remainder of the difference calculated in (A), multiply by .01;

(D) the sum of the products described in (B) and (C) equals the prohibited political advocacy threshold.

(3) During any one Federal fiscal year in which a grantee has possession, custody or control of grant funds, the grantee shall not use any funds (whether derived from grants or otherwise) to engage in political advocacy in excess of its prohibited political advocacy threshold for the prior Federal fiscal year.

(4) No grantee may use funds from any grant to purchase or secure any goods or services (including dues and membership fees) from any other individual, entity, or organization whose expenditures for political advocacy for the previous Federal fiscal year exceeded 15 percent of its total expenditures for that Federal fiscal year.

(5) No grantee may use funds from any grant for any purpose (including but not limited to extending subsequent grants to any other individual, entity, or organization) other than to purchase or secure goods or services, except as specifically permitted by Congress in the law authorizing the grant.

(6) Any individual, entity, or organization that awards or administers a grant shall take reasonable steps to ensure that the grantee complies with the requirements of this title. Reasonable steps to ensure compliance shall include written notice to a grantee that it is receiving a grant, and that the provisions of this title apply to the grantee.

(b) ENFORCEMENT.—The following enforcement provisions apply with respect to the limitations imposed under subsection (a):

(1) Each grantee shall be subject to audit from time to time as follows:

(A) Audits may be requested and conducted by the General Accounting Office or other auditing entity authorized by Congress, including the inspector general of the Federal entity awarding or administering the grant.

(B) Grantees shall follow generally accepted accounting principles in keeping books and records relating to each grant and no Federal entity may impose more burdensome accounting requirements for purposes of enforcing this title.

(C) A grantee that engages in political advocacy shall have the burden of proving, by clear and convincing evidence, that it is in compliance with the limitations of this section.

(2) Violations by a grantee of the limitations contained in subsection (a) may be enforced and the grant may be recovered in the same manner and to the same extent as a false or fraudulent claim for payment or approval made to the Federal Government pursuant to sections 3729 through 3812 of title 31, United States Code.

(3) Any officer or employee of the Federal Government who awards or administers funds from any grant to a grantee who is not in compliance with this section shall—

(A) for knowing or negligent noncompliance with this section, be subjected to appropriate administrative discipline, including, when circumstances warrant, suspension from duty without pay or removal from office; and

(B) for knowing noncompliance with this section, pay a civil penalty of not more than $5,000 for each improper disbursement of funds.

(c) DEFINITIONS.—For purposes of this title:

(1) POLITICAL ADVOCACY.—The term "political advocacy" includes—

(A) carrying on propaganda, or otherwise attempting to influence legislation or agency action, including, but not limited to monetary or in-kind contributions, endorsements, publicity, or similar activity;

(B) participating or intervening in (including the publishing or distributing of statements) any political campaign on behalf of (or in opposition to) any candidate for public office, including but not limited to monetary or in-kind contributions, endorsements, publicity, or similar activity;

(C) participating in any judicial litigation or agency proceeding (including as an amicus curiae) in which agents or instrumentalities of Federal, State, or local governments are parties, other than litigation in which the grantee or grant applicant: is a defendant appearing in its own behalf; is defending its tax-exempt status; or is challenging a government decision or action directed specifically at the powers, rights, or duties of that grantee or grant applicant; and

(D) allocating, disbursing, or contributing any funds or in-kind support to any individual, entity or organization whose expenditures for political advocacy for the previous Federal fiscal year exceeded 15 percent of its total expenditures for that Federal fiscal year.

(2) INFLUENCE LEGISLATION OR AGENCY ACTION.—

(A) GENERAL RULE.—Except as otherwise provided in subparagraph (B), the term "influence legislation or agency action" includes—

(i) any attempt to influence any legislation or agency action through an attempt to affect the opinions of the general public or any segment thereof, and

(ii) any attempt to influence any legislation or agency action through communication with any member or employee of a legislative body or agency, or with any government official or employee who may participate in the formulation of the legislation or agency action.

(B) EXCEPTIONS.—The term "influence legislation or agency action" does not include—

(i) making available the results of nonpartisan analysis, study, research, or debate;

(ii) providing technical advice or assistance (where such advice would otherwise constitute the influencing of legislation or agency action) to a governmental body or to a committee or other subdivision thereof in response to a written request by such body or subdivision, as the case may be;

(iii) communications between the grantee and its bona fide members with respect to legislation, proposed legislation, agency action, or proposed agency action of direct interest to the grantee and such members, other than communications described in subparagraph (C);

(iv) any communication with a governmental official or employee; other than—

(I) a communication with a member or employee of a legislative body or agency (where such communication would otherwise constitute the influencing of legislation or agency action); or

(II) a communication the principal purpose of which is to influence legislation or agency action; and

(v) official communications by employees of State or local governments, or by organizations whose membership consists exclusively of State or local governments.

(C) COMMUNICATIONS WITH MEMBERS.—

(i) A communication between a grantee and any bona fide member of such organization to directly encourage such member to communicate as provided in paragraph (2)(A)(ii) shall be treated as a (2)(A)(ii) communication by the grantee itself.

(ii) A communication between a grantee and any bona fide member of such organization to directly encourage such member to urge persons other than members to communicate as provided in either clause (i) or (ii) of paragraph (2)(A) shall be treated as a communication described in paragraph (2)(A)(i).

(3) The term "legislation" includes the introduction, amendment, enactment, passage, defeat, ratification, or repeal of Acts, bills, resolutions, treaties, declarations, confirmations, articles of impeachment, or similar items by the Congress, any State legislature, any local council or similar governing body, or by the public in a referendum, initiative, constitutional amendment, recall, confirmation, or similar procedure.

(4) The term "grant" includes the provision of any Federal funds, appropriated under this or any other Act, or other thing of value to carry out a public purpose of the United States, except: the provision of funds for acquisition (by purchase, lease or barter) of property or services for the direct benefit or use of the United States, or the payments of loans, debts, or entitlements; or the provision of funds to an Article I or III court.

(5) The term "grantee" includes any recipient of any grant. The term shall not include any state or local government, but shall include any recipient receiving a grant (as defined by subsection c(4)) from a state or local government.

(6) The term "agency action" includes the definition contained in section 551 of Title 5, United States Code, and includes action by state or local government agencies.

(7) The term "agency proceeding" includes the definition contained in section 551 of Title 5, United States Code, and includes proceedings by state or local government agencies.

DISCLOSURE REQUIREMENTS

SEC. 602. (a) Not later than December 31 of each year, a grantee shall provide (via either electronic or paper medium) to each Federal entity that awarded or administered its grant an annual report for the prior Federal fiscal year, certified by the grantee's chief executive officer or equivalent person of authority, and setting forth: the grantee's name, the grantee's identification number, and—

(1) a statement that the grantee did not engage in political advocacy; or,

(2) a statement that the grantee did engage in political advocacy, and setting forth for each grant—

(A) the grant identification number;

(B) the amount or value of the grant (including all administrative and overhead costs awarded);

(C) a brief description of the purpose or purposes for which the grant was awarded;

(D) the identity of each Federal, state and local government entity awarding or administering the grant, and program thereunder;

(E) the name and grantee identification number of each individual, entity, or organization to whom the grantee made a grant;

(F) a brief description of the grantee's political advocacy, and a good faith estimate of the grantee's expenditures on political advocacy;

(G) a good faith estimate of the grantee's prohibited political advocacy threshold.

(b) OMB COORDINATION.—The Office of Management and Budget shall develop by regulation one standardized form for the annual report that shall be accepted by every Federal entity, and a uniform procedure by which each grantee is assigned one permanent and unique grantee identification number.

FEDERAL ENTITY REPORT

SEC. 603. Not later than May 1 of each calendar year, each Federal entity awarding or administering a grant shall submit to the Bureau of the Census a report (standardized by the Office of Management and Budget) setting forth the information provided to such Federal entity by each grantee during the preceding Federal fiscal year, and the name and grantee identification number of each grantee to whom it provided written notice under section 1(a)(6). The Bureau of the Census shall make this database available to the public through the Internet.

PUBLIC ACCOUNTABILITY

SEC. 604. (a) Any Federal entity awarding a grant shall make publicly available any grant application, audit of a grantee, list of grantees to whom notice was provided under section 1(a)(6), annual report of a grantee, and that Federal entity's annual report to the Bureau of the Census.

(b) The public's access to the documents identified in section 4(a) shall be facilitated by placement of such documents in the Federal entity's public document reading room and also by expediting any requests under section 552 of title 5, United States Code, the Freedom of Information Act as amended, ahead of any requests for other information pending at such Federal entity.

(c) Records described in section (a) shall not be subject to withholding except under exemption (b)(7)(A) of section 552 of title 5, United States Code.

(d) No fees for searching for or copying such documents shall be charged to the public.

SEVERABILITY

SEC. 605. If any provision of this title or the application thereof to any person or circumstance is held invalid, the remainder of this title and the application of such provision to other persons and circumstances shall not be affected thereby.

FIRST AMENDMENT RIGHTS PRESERVED

SEC. 606. Nothing in this title shall be deemed to abridge any rights guaranteed under the first amendment of the United States Constitution, including freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to the order of the House of August 2, 1995, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: amendment No. 32 offered by the gentleman from Arizona [Mr. KOLBE], amendment No. 10 offered by the gentleman from Iowa [Mr. GANSKE], amendment No. 18 offered by the gentleman from Massachusetts [Mr. BLUTE].

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 32 OFFERED BY MR. KOLBE

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona [Mr. KOLBE] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 206, noes 215, not voting 13, as follows:

[Roll No. 619]

AYES—206

Abercrombie
Ackerman
Baesler
Baldacci
Barrett (WI)
Bass
Becerra
Beilenson
Bentsen
Berman
Bilbray
Bishop
Blute
Boehlert
Bono
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Castle
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Coyne
Cramer
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Dunn
Durbin
Edwards
Ehrlich
Engel
Eshoo
Evans
Farr
Fattah
Fawell
Fazio
Fields (LA)
Flake
Foglietta
Foley
Ford
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frost
Furse
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gilman
Gonzalez
Goodling
Gordon
Goss
Green
Greenwood
Gunderson
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Horn
Houghton
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnston
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kleczka
Klug
Kolbe
Lantos
Lazio
Leach
Levin
Lewis (GA)
Lincoln
LoBiondo
Lofgren
Longley
Lowey
Luther
Maloney
Markey
Martinez
Martini
Matsui
McCarthy
McDermott
McHale
McInnis
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Meyers
Mfume
Miller (CA)
Mineta
Minge
Mink
Molinari
Moran
Morella
Nadler
Neal
Obey
Olver
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Pickett
Pomeroy
Porter
Pryce
Ramstad
Rangel
Reed
Richardson
Rivers
Rose
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer

Scott
Serrano
Shaw
Shays
Sisisky
Skaggs
Slaughter
Smith (MI)
Spratt
Stark
Stokes
Studds
Tanner

Thomas
Thompson
Thornton
Torkildsen
Torres
Torricelli
Traficant
Tucker
Upton
Velazquez
Vento
Visclosky
Ward

Waters
Watt (NC)
Waxman
White
Wilson
Wise
Woolsey
Wyden
Wynn
Yates
Zeliff
Zimmer

NOES—215

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bereuter
Bevill
Bilirakis
Bliley
Boehner
Bonilla
Bonior
Borski
Brewster
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Callahan
Calvert
Camp
Canady
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Costello
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Doyle
Dreier
Duncan
Ehlers
Emerson
English
Ensign
Everett
Ewing
Fields (TX)
Flanagan
Forbes
Frisa

Funderburk
Gallegly
Gillmor
Goodlatte
Graham
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Holden
Hostettler
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson, Sam
Jones
Kanjorski
Kasich
Kildee
Kim
King
Kingston
Klink
Knollenberg
LaFalce
LaHood
Largent
Latham
LaTourette
Laughlin
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
Lucas
Manton
Manzullo
Mascara
McCollum
McCrery
McDade
McHugh
McIntosh
Mica
Miller (FL)
Mollohan
Montgomery
Moorhead
Murtha
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood

Nussle
Oberstar
Ortiz
Orton
Oxley
Packard
Parker
Paxon
Peterson (MN)
Petri
Pombo
Portman
Poshard
Quillen
Quinn
Radanovich
Rahall
Regula
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shuster
Skeen
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Stupak
Talent
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thornberry
Tiahrt
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wolf
Young (FL)

NOT VOTING—13

Andrews
Bateman
Buyer
Filner
Geren

Gutierrez
McKeon
Moakley
Reynolds
Thurman

Towns
Williams
Young (AK)

□ 1936

Mr. TUCKER and Mr. EDWARDS chaned their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. GUTIERREZ. Mr. Speaker, on rollcall No. 619 to continue the current policy to allow the use of Medicaid funds to pay for abortions in cases of rape and incest, I was inadvertently delayed while off the floor. Had I been present, I would have voted yes.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to the order of the House of today, the Chair announces he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each amendment on which the Chair has postponed further proceedings.

AMENDMENT NO. 10 OFFERED BY MR. GANSKE

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Iowa [Mr. GANSKE] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

Amendment No. 10 offered by Mr. GANSKE.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 189, noes 235, not voting 10, as follows:

[Roll No. 620]

AYES—189

Abercrombie
Ackerman
Baesler
Baldacci
Becerra
Beilenson
Bentsen
Berman
Bilbray
Bishop
Boehlert
Bono
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Castle
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Coyne
Cramer
Danner
Davis
DeFazio
DeLauro

Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Dunn
Durbin
Edwards
Ehrlich
Engel
Eshoo
Evans
Farr
Fattah
Fawell
Fazio
Fields (LA)
Flake
Foglietta
Ford
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frost
Furse
Ganske
Gejdenson
Gephardt
Gibbons
Gilchrest
Gilman

Gonzalez
Goodling
Green
Greenwood
Gunderson
Gutierrez
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hoke
Horn
Houghton
Hoyer
Jackson-Lee
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnston
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kleczka
Klug
Kolbe
Lantos
Lazio
Leach
Levin
Lewis (GA)
Lincoln

Lofgren
Lowey
Luther
Maloney
Markey
Martinez
Martini
Matsui
McCarthy
McDermott
McKinney
Meehan
Meek
Menendez
Meyers
Mfume
Miller (CA)
Mineta
Minge
Mink
Molinari
Moran
Morella
Nadler
Nethercutt
Obey
Olver
Owens

Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Pickett
Pomeroy
Porter
Portman
Pryce
Ramstad
Rangel
Reed
Richardson
Riggs
Rivers
Rose
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Shays

Sisisky
Skaggs
Slaughter
Stark
Stokes
Studds
Thomas
Thompson
Torkildsen
Torres
Torricelli
Traficant
Velazquez
Vento
Visclosky
Ward
Waters
Watt (NC)
Waxman
White
Wilson
Wise
Woolsey
Wyden
Wynn
Yates
Zeliff
Zimmer

NOES—235

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bereuter
Bevill
Bilirakis
Bliley
Blute
Boehner
Bonilla
Bonior
Borski
Brewster
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Costello
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
de la Garza
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Doyle
Dreier
Duncan

Ehlers
Emerson
English
Ensign
Everett
Ewing
Fields (TX)
Flanagan
Foley
Forbes
Fox
Frisa
Funderburk
Gallegly
Gekas
Geren
Gillmor
Goodlatte
Gordon
Goss
Graham
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Holden
Hostettler
Hunter
Hutchinson
Hyde
Inglis
Istook
Jacobs
Johnson, Sam
Jones
Kanjorski
Kasich
Kildee
Kim
King
Kingston
Klink
Knollenberg
LaFalce
LaHood
Largent
Latham
LaTourette
Laughlin
Lewis (CA)
Lewis (KY)
Lightfoot

Linder
Lipinski
Livingston
LoBiondo
Longley
Lucas
Manton
Manzullo
Mascara
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McKeon
McNulty
Metcalf
Mica
Miller (FL)
Mollohan
Montgomery
Moorhead
Murtha
Myers
Myrick
Neal
Neumann
Ney
Norwood
Nussle
Oberstar
Ortiz
Orton
Oxley
Packard
Parker
Paxon
Peterson (MN)
Petri
Pombo
Poshard
Quillen
Quinn
Radanovich
Rahall
Regula
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg

Shaw
Shuster
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stockman
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thornberry
Thornton
Tiahrt
Tucker
Upton
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wolf
Young (FL)

NOT VOTING—10

Andrews
Bateman
Filner
Moakley
Reynolds
Serrano
Thurman
Towns
Williams
Young (AK)

☐ 1943

Mr. ROSE changed his vote from "no" to "aye."

So, the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 18 OFFERED BY MR. BLUTE

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Massachusetts [Mr. BLUTE], on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 53, noes 367, answered "present" 3, not voting 11, as follows:

[Roll No. 621]

AYES—53

Allard
Baesler
Baldacci
Blute
Boehlert
Bono
Camp
Castle
Chrysler
Clinger
Danner
Ehlers
Emerson
English
Flanagan
Foglietta
Forbes
Fox
Frank (MA)
Frisa
Houghton
Johnson (CT)
Kelly
Kennedy (MA)
Kennelly
Kildee
King
Klug
LaFalce
Lazio
LoBiondo
Martini
McDade
McHugh
McNulty
Meehan
Molinari
Neal
Ney
Olver
Petri
Quinn
Ramstad
Reed
Schaefer
Shuster
Skelton
Slaughter
Solomon
Torkildsen
Volkmer
Walsh
Whitfield

NOES—367

Abercrombie
Ackerman
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Boehner
Bonilla
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Canady
Cardin
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
de la Garza
Deal
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehrlich
Engel
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Fields (LA)
Fields (TX)
Flake
Foley
Ford
Fowler
Franks (CT)
Franks (NJ)
Frelinghuysen
Frost
Funderburk
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee
Jefferson
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Jones
Kanjorski
Kaptur
Kasich
Kennedy (RI)
Kim
Kingston
Kleczka
Klink
Knollenberg
Kolbe
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy
McCollum
McCrery
McDermott
McHale
McInnis
McIntosh
McKeon
McKinney
Meek
Menendez
Metcalf
Meyers
Mfume
Mica
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nadler
Nethercutt
Neumann
Norwood
Nussle
Oberstar
Obey
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Radanovich
Rahall
Rangel
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanford
Sawyer
Saxton
Scarborough
Schiff
Schroeder
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Sisisky
Skaggs
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Stockman
Stokes
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Tiahrt
Torres
Torricelli
Traficant
Tucker
Upton
Velazquez
Vento
Visclosky
Vucanovich
Waldholtz
Walker
Wamp
Ward
Waters
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Wicker
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (FL)
Zeliff
Zimmer

ANSWERED "PRESENT"—3

DeFazio
Jacobs
Sanders

NOT VOTING—11

Andrews
Bateman
Filner
Moakley
Payne (VA)
Reynolds
Thurman
Towns
Williams
Wilson
Young (AK)

☐ 1951

Mr. SKELTON changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Are there amendments to title VI?

AMENDMENT NO. 64 OFFERED BY MR. SKAGGS

Mr. SKAGGS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 64 offered by Mr. SKAGGS: Page 76, strike line 1 and all that follows through page 88, line 7.

The CHAIRMAN. Pursuant to the order of the House of August 2, 1995, the gentleman from Colorado [Mr. SKAGGS] will be recognized for 20 minutes, and a Member opposed will be recognized for 20 minutes.

The gentleman from Oklahoma will be taking the time in opposition; is that correct?

Mt. ISTOOK. Yes, Mr. Chairman.

The CHAIRMAN. The Chair recognizes the gentleman from Colorado [Mr. SKAGGS].

Mr. SKAGGS. Mr. Chairman, I yield myself 3½ minutes.

Mr. Chairman, it is important as we start consideration of this amendment, to strike what is referred to as the Istook amendment out of this bill, that we understand what the amendment is and what it is not, that we attempt to separate myth from fact.

Let me make a generalization to begin with, which I intend to support with some specifics. The generalization is this: This proposal, now 13 pages buried in this appropriations bill, is an incredibly intrusive scheme designed to do one thing, and that is to control certain kinds of political activity in this country, activity that is clearly protected by the Constitution of the United States and the first amendment. It is designed to keep many Americans and their organizations from participating fully in the political life of this great and free land.

That may seem incredible to Members. How could we be running so directly into the teeth of the first amendment? So let me try to give some particulars.

The first question to be answered is who is covered under this legislative proposal. We need to look at the particulars. The devil is truly in the details here. A grant here is not just Federal money, it is a provision of anything of value. Any grantee who receives a grant is covered. And although there has been a lot of propaganda put out about this, individual persons, notwithstanding the amendment of the gentleman from Illinois [Mr. PORTER] at the beginning of the debate on this bill, will still be subject to five out of the eight very major restrictions that this legislation involves. All business and organizations, not just nonprofits, will be subject to these very restrictive provisions.

Those are the definitions. How do the definitions apply to reality? Here are some—I stress "some"—of the individuals, businesses and organizations that are going to become subject to this political reporting and control regime:

People getting science research grants at your local college or university; pregnant women in your district getting Women, Infant and Children vouchers and early childhood care; after you may have a disaster, anybody getting FEMA disaster relief; meals on wheels; BUREC water; even day care subsidies.

What happens to these people? Controls on their privately funded political activity. They must handle their affairs according to generally accepted accounting principles; they are subject to Federal audits by the GAO and IG; subject to lawsuits by zealous citizens that want to take on the task of being a private attorney general; they must certify their political activity to the United States Government; and all of that gets collected in a Big Brother-like centralized computer in Washington, DC, that will keep track of the political communications and contributions in this country.

It is a stunningly chilling proposal that should scare the heck out of every single one of us.

Mr. Chairman, I reserve the balance of my time.

Mr. ISTOOK. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, the language which the gentleman from Colorado wishes to take out of this bill was placed there by an open and public vote after much debate by the Committee on Appropriations.

□ 2000

It also relates to hearings that have been held on three occasions in recent weeks by committees of this body.

Mr. Chairman, the reason is in the United States, taxpayers' money from the Federal Government, approximately $40 billion, with a B, each year goes to tens of thousands of organizations; not for a contract, not for services rendered or an exchange of goods for cash, but as grants, as gifts from the Federal Government to promote certain purposes.

Mr. Chairman, the difficulty is these groups are heavily engaged in lobbying activity and political advocacy in trying to advance a political agenda. The language which the gentleman seeks to take out says basically two things: Those who receive these gifts of taxpayers' dollars, first, cannot use any of the taxpayers' money for lobbying; and, second, if they want these handouts from the Federal Government, then they should not use any more than 5 percent of their other money for any type of lobbying activity.

That 5 percent parallels restrictions already placed on nonprofit organizations through the IRS code. They are not prohibited from activity. Their free speech rights are reserved, but no longer will taxpayers' money be used for welfare for lobbyists, Mr. Chairman.

Public money should not be used to try to promote bigger Government, bigger taxes, greater expenditures, and more feeding at the Federal trough. That is what the language seeks to do, which we desire to preserve by defeating the Skaggs amendment.

Mr. Chairman, organizations that are on the public dole should not claim it as free speech. It is taxpayer subsidized speech.

Mr. Chairman, I reserve the balance of my time.

Mr. SKAGGS. Mr. Chairman, I yield 1½ minutes to the gentlewoman from New York [Ms. SLAUGHTER].

Ms. SLAUGHTER. Mr. Chairman, I rise in strong support of the Skaggs amendment. The Istook language to restrict nonprofit organizations and companies from using their own private funds for political advocacy is the most far reaching, radical approach to silencing the opposition that I have ever witnessed as a Member of this institution. This language is simply not necessary; current law already prohibits the use of any Federal funds for lobbying. If there is concerns about enforcement, then lets deal with that.

I have several concerns regarding the Istook provisions. Perhaps the most pertinent would be the fact that this new mandate is being pushed through the House with little or no discussion. An appropriations bill is clearly not the vehicle for authorizing this type of assault on the Bill of Rights. I find it interesting that the Subcommittee on National Economic Growth, Natural Resources, and Regulatory Affairs of the Government Reform and Oversight has held two hearings on this language after it was adopted in the Appropriations Committee. Hearings are held to allow the public to comment and present testimony on pending legislative action. What has been done in this situation is that the Republicans have reached a conclusion and are now misusing the hearing process to build their case. It would be like a jury deciding the innocence or guilt of the defendant prior to the trial and then conducting the trial, picking witnesses based on their predetermined verdict.

I urge the adoption of the Skaggs amendment. In any case, I am sure the courts would find this all unconstitutional if it should pass, but we should not allow this assault on the first amendment rights of groups like the March of Dimes, Mothers Against Drunk Driving, and veterans organizations. These groups should not have a grand new bureaucracy imposed upon them.

Mr. ISTOOK. Mr. Chairman, we will later have the Chairman of the Committee on the Judiciary to address the constitutional issue.

Mr. Chairman, I yield 1 minute to the gentleman from Texas [Mr. DELAY], the majority whip.

Mr. DELAY. Mr. Chairman, this is a glorious day. We are revealing Washington's best-kept secret: welfare for lobbyists.

This is an amendment that exposes what has been going on in this town for many, many years, where organizations from the left like Act-Up all the way to the U.S. Chamber of Commerce have taken Federal funds and have lobbied for more Federal funds.

It is a cycle, a continuous cycle that we have to break, and we hope to break it tonight. As the gentleman says, there is $40 billion in Federal grants each year that goes into lobbying and we are not limiting anyone. They can spend up to a million dollars. Is a million dollars not enough to lobby in this town? We are not closing anybody down, but what we are doing is we are breaking that chain that has controlled this town for so long.

This bill attacks the problem directly and indirectly. Money is fungible. If we give them Federal grants in one pocket they can take other moneys to lobby with. Stop welfare for lobbyists. Vote "no" on the Skaggs amendment.

Mr. SKAGGS. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Illinois [Mr. YATES].

Mr. YATES. Mr. Chairman, when I came to the House as a freshman many, many years ago, Speaker Sam Rayburn spoke to the freshman class and said that the floor of the House is great theater. He said, "Don't take the floor unless you know what you are talking about."

We have tried to obtain answers from the gentleman from Oklahoma [Mr. ISTOOK]. We have tried to obtain answers on definitions. Nothing has greeted us except distortion and misrepresentation. He speaks as though this were a bill directed against lobbyists.

Take a look at what the definitions are. The definitions themselves show that it is not only the average lobbyist. This is what it says is covered: carrying on propaganda or otherwise attempting to influence legislation or agency action.

Anybody who writes his Congressman, any constituent of yours who writes his Congressman about one of the issues and who happens to have a Federal grant is subject to that definition.

Mr. ISTOOK. Mr. Chairman, there is an exemption for individuals.

Mr. Chairman, I yield 2 minutes to the gentlewoman from Washington [Ms. DUNN].

Ms. DUNN of Washington. Mr. Chairman, I rise in opposition to the Skaggs amendment which is really an effort to remove the language that ends Government subsidies for advocacy groups.

In 1990, more than 40,000 organizations from all across the political spectrum received a total of $39 billion—yes, billion—in Government grants. Many of these groups turn around and aggressively lobby Congress on behalf of their own special interests. It is a vicious circle, and the taxpayer loses.

Mr. Chairman, we are talking about giving taxpayer dollars to advocacy groups so that they can use those taxpayer dollars to hire people to lobby for more taxpayer dollars.

A couple of months ago, my parents received a direct mail scare piece from one of these Federal grant recipient groups alleging—falsely—that I, as a Member of Congress, was going to wipe out my parents' retirement plans by blindly cutting their Medicare benefits.

My father, age 84, called my congressional office here in Washington, DC, wanting to know if it were true the Republicans wanted to ruin his retirement by slashing his Medicare coverage.

Mr. Chairman, this is a flat-out lie. There are no plans to cut Medicare, only hopes to save it. Yet this particular organization that sent my parents the mailing receives $86 million of taxpayer funds each year to help pay for its scare-tactic lobbying. This is outrageous, and a huge conflict of interest and should be ended.

Mr. Chairman, the taxpayers are buried in debt. We do not need to add insult to injury by taking their money to give it to groups which often exist largely to lobby for more money from the taxpayer.

This is not a question of whether or not we support the various groups that receive these taxpayer dollars, it is a question of whether special interests should be allowed to use those taxpayer dollars to advance their agendas.

Side with the taxpayers, support this provision, and reject this amendment.

Mr. SKAGGS. Mr. Chairman, I yield 1½ minutes to the gentlewoman from Illinois [Mrs. COLLINS], the distinguished ranking member of the Committee on Government Reform and Oversight.

Mrs. COLLINS of Illinois. Mr. Chairman, I rise in support of the amendment of the gentleman from Colorado.

The gentleman's amendment would strike title VI of the bill about which I have great concerns.

Over 400 different groups have opposed the restrictions on political advocacy contained in title VI of the bill. These groups include the Red Cross, the American Cancer Society, the Boy Scouts, the Girl Scouts, the YMCA, the YWCA, and many others.

Title VI contains severe, new restrictions on the amount a small charitable organization can spend on political advocacy. Title VI also limits for the first time the amount that certain public interest groups can spend on political advocacy. It also imposes burdensome new reporting and accounting requirements on all Federal grantees.

Mr. Chairman, I thought the new Republican majority was all about lifting government regulation from the American people; but, the restrictions on political advocacy in this bill do just the opposite. Title VI of this bill tells everyone from the YMCA to the Association of Retarded Citizens how much of their own money they can spend on political advocacy.

These restrictions are so broad that universities and colleges would have to report and account annually for the political activities of its trustees, its faculty, and its students. The Red Cross would have to require all of its volunteers to fill out political advocacy statements and to account for their political activities. In addition, all those receiving Federal grants would have the burden of proving that they have not spent more than 5 percent of their own money on political advocacy in any one of the last 5 years.

Clearly, these provisions impose new regulatory burdens; they do not lift existing ones. I can only conclude, therefore, that the proponents of this provision are not interested in lifting government regulation for everyone.

If we look at the way title VI works, we get an idea of who the proponents want to regulate, and who they do not. For example, big companies and big charities that receive Federal grants will not be affected by the spending limitations in title VI. Their overall budgets are so large that they would never spend as much on advocacy as the bill permits.

Furthermore, these new restrictions discriminate against smaller, non-profit groups which would be allowed to spend only a quarter as much of their own funds on political advocacy as larger non-profits. In addition, these limitations would only apply to Federal grantees, while defense and other government contractors would be able to engage freely and without limitation in the same political activities.

Question: Why should the YMCA be subject to severe, new limitations in asking Congress to allow it to continue providing after-school services, but General Dynamics be completely free to lobby all it wants for a new purchase of fighter planes? Does this sound fair?

The proponents like to say these new restrictions are needed because money is fungible. They say that even if grant funds cannot be used for lobbying, it frees up other money that can.

If the argument is that money is fungible, then the restrictions the proponents want to put on grantees should also be put on defense and other contractors. Federal dollars that go to firms in the form of contracts are every bit as fungible as Federal dollars that go to charities and other entities in the form of grants.

Proponents also like to say they simply do not believe that the taxpayer should have to subsidize the political activities of those who received Federal grants. Who does?

Lobbying with Federal grant money has been prohibited since 1919.

The only new policy in this proposal, is the restriction on political advocacy that an organization pays for with its own, privately generated money.

Title VI provides a very sweeping definition of political advocacy. It includes everything from contacts with a local water and sewer agency, to contacts with federal agencies, the Congress, as well as litigation before the courts.

Political advocacy is also defined to include, and I quote, carrying on propaganda. Who is supposed to decide what propaganda is—the bill gives us no clue at all.

It is clear, Mr. Chairman, that if this provision is enacted, every Federal agency will potentially be able to decide for itself what propaganda is. These agencies compile reports on the political activities of its grant recipients, and the result will be nothing less than a national data base on political advocacy.

I think that is a result that can serve no useful purpose. It could, however, restrain and inhibit freedom of political debate like nothing we have seen since the 1950's.

In fact, David Cole, a constitutional law professor at Georgetown University Law Center, said:

> The Istook bill is constitutionally flawed in numerous respects, most fundamentally because it restricts the rights of all federal grantees to use their own money to engage in core First Amendment protected activities, including public debate on issues of public concern, communication with elected representatives, and litigation against the government.

Mr. Chairman, I urge my colleagues, as strongly as I possibly can, to vote for the gentleman's amendment, so that title VI may be stricken from the bill.

Mr. ISTOOK. Mr. Chairman, of course, only groups which ask for and get Federal handouts are covered.

Mr. Chairman, I yield 2 minutes to the gentleman from Illinois [Mr. HYDE], the chairman of the Committee on the Judiciary.

Mr. HYDE. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, if there is anything unjust, almost by definition, it is being coerced out of funds and having them spent on causes one violently disagrees with. That is really at the heart and soul of having funds that one must pay to get into a school or to be a student in good standing, and have those funds subsidizing causes that may violate their conscience or their sense of prudence or proportion. It is just the definition of injustice.

If a cause is worthy of its name, it will be supported. If you build it, they will come. But to coerce money for lobbying on things that you abhor is just wrong. I do not want public funding of elections, my money, to go to pay for Lyndon LaRouche's campaign, and I daresay the Members do not either.

If a charity deserves contributions they will get them, but do not have them coerced out of people who resist.

Mr. SKAGGS. Mr. Chairman, I yield 1½ minutes to the gentleman from North Dakota [Mr. POMEROY].

Mr. POMEROY. Mr. Chairman, I find almost amusing the suggestion that this is somehow an antilobbying bill. As I walk down the halls coming over to the floor of the House, just like everyone else, I pass lobbyists, lots of lobbyists, but they are not lobbyists representing the homeless associations and nonprofit groups across the country. They are not lobbyists representing the nonprofit battered spouse shelters.

They are lobbyists from the defense contractors. They are lobbyists from the highway contractors. They are lobbyists from the space station contractors. We have written them out of this exclusion. We do not deal with them at all. That is where the lobbying is coming from.

I asked myself why in the world would we draw a distinction like that. Is there something about a space station lobbyist whose company makes their entire revenues from space station contracting that makes their advice on Federal legislation more valuable than coming from an advocate for a battered spouse who happens to donate her time helping victims of domestic violence? Why in the world would we draw a distinction like that? Shelters do not have a lot of PAC money. They do not support political action committees, but in fact the contractors do, the space station contractors do, the defense contractors do, the highway contractors do. That is why this mean-spirited amendment has been drawn to choke out the voices of those who cannot be heard and leaving unchecked the raw lobbying clout of some of the most mighty contractors in this country.

Mr. ISTOOK. Mr. Chairman, I yield 1 minute to the gentleman from Arizona [Mr. HAYWORTH].

Mr. HAYWORTH. Mr. Chairman, I rise in strong opposition to the Skaggs amendment to strip the provision in this bill which once and for all puts an end to federally funded welfare for lobbyists.

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Now, it is an indication of just how difficult it is to bring this Federal deficit spending under control when we have to fight off an attempt from the same old crowd, the guardians of the old order who think it is absolutely essential to take our Federal tax dollars and pay people to come in here and lobby us. Aside from the outrageous use of taxpayers' dollars to keep lobbyists on the Federal trough, it is also used by Federal agencies as an escape hatch for the Hatch Act.

Let me give you an example. The National Fish and Wildlife Foundation, a private, nonprofit foundation and organization, received $7.5 million in Government grants and then was asked by the Secretary of the Interior to lobby Congress on behalf of the National Biological Service. This is nonsensical. Shame to those who would continue this type of practice. It has to stop.

We can made the sea change now. "No" on Skaggs and "yes" on the end of welfare for lobbyists.

Mr. ISTOOK. Mr. Chairman, I yield 1 minute to the gentleman from Washington [Mr. TATE].

Mr. TATE. Mr. Chairman, I was talking to one of my constituents the other day, and he said, "Randy, do I got this right? I work hard, I sent my tax dollars to Washington, DC, then they give it to groups to lobby against things I do not believe in."

Let me give you an example. The American Bar Association received, what, $10 million last year, then staged a rally against the flag amendment.

They lobby for all kinds of things we do not believe in.

I have heard arguments across the aisle about free speech. How can it be free if the taxpayers have to pay for it. I have heard about that this somehow is Big Brother. Nothing could be more Big Brother than going into my wallet, taking my money, and then spending it for causes I do not believe in.

How can you look in the eyes of my taxpayers who already are paying enough and ask them to take a little bit more so we can send it back to Washington, DC, so they can lobby for causes I do not believe in? It is time that those lobbyists get out of laying sideways in the public trough and get back out into the trenches. It is time to end welfare for the lobbyists.

I urge your opposition.

Mr. SKAGGS. Mr. Chairman, I yield 1½ minutes to the distinguished gentleman from Florida [Mr. HASTINGS].

Mr. HASTINGS of Florida. Mr. Chairman, I rise in strong support of the Skaggs amendment to title VI.

This title is particularly hypocritical since some of the same Members who support this language are the ones who killed lobbying reform legislation last year. Why did they kill lobbying reform? Because they said it would have stifled grassroots lobbying efforts. But it is this language which will stifle grassroots lobbying and stifle free speech.

This language restricts the use of private funds for lobbying by individuals and organizations. This is an insidious assault on the freedoms of all Americans who choose to avail themselves of the political process.

This is clearly an attempt by Republicans to stifle the voice of the liberal-earthy-cunchy-labor-supporting-branola-eating individuals and organizations which devote themselves to making America a better place by utilizing their constitutionally mandated right to influence the political process.

The entire premise of this title is bizarre. There seems to be among conservative groups the misconception that nonprofit groups are using Federal dollars to lobby.

This is illegal. There are already laws on the book that prohibit the use of Federal dollars to lobby. In fact, if it is found that Federal moneys have been used to lobby, the group found in violation must return the money. They are then prohibited from applying for future grants, and there is a serious risk that criminal procedures will be brought against them.

I find it ironic that this language mandates stringent reporting requirements, when one of the goals of the restrictive Republican revolution has been to remove the Federal Government from the everyday lives of the American public. Requiring all Federal grantees to fill out lengthy reports is extraordinarily intrusive.

I am amazed that the Republican Party, who tried to end the school lunch program because "the Governement should stay out of the business of feeding our children," is the same party that wants to force the American public to report their political activities. Senator McCarthy is dead, but his legacy clearly lives on.

The intent of this language is obvious. It is to send the message to labor-oriented persons, nonprofits, and grassroots organizations not to disagree with the conservatives. It tells those groups that they may participate in the democratic process only if they agree with the Republicans. Well, I for one will not support censorship. This is the United States of America, not Fidel Castro's Cuba. Support free speech by supporting the Skaggs amendment.

Mr. ISTOOK. Mr. Chairman, I yield myself 15 seconds to point out what often seems to be forgotten. We are not talking about free speech. We are talking about people who expect the taxpayers to buy them a microphone or a broadcasting studio or a printing press. We are talking about groups that ask for and receive billions of dollars of taxpayers' money.

Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. RIGGS].

Mr. RIGGS. Mr. Chairman, I thank the gentleman, my colleague on the Committee on Appropriations, for his fine work in this area.

This is a tough fight, but I urge my colleagues to resist the Skaggs amendment and point out that we are going to hear a lot about first amendment rights being discussed out here on the floor this morning, this evening, soon to be morning.

Anyone that takes a careful look at this amendment knows the first amendment rights are not being infringed upon. There are plenty of advocacy groups out there across the land, by the way, nonprofit educational research institutes, who are sharing their insights with us elected policymakers without using the taxpayers' money. This is really one of those times when we have to, if you will pardon the expression, put up or shut up.

If we believe in lobbying reform in this body, the Istook, and others, amendment is a very fine place to start, and I urge my colleagues oppose the Skaggs amendment. Support the Istook language in the base bill reported out by the Committee on Appropriations.

Mr. SKAGGS. Mr. Chairman, I yield 1½ minutes to the gentleman from New York [Mr. NADLER].

Mr. NADLER. Mr. Chairman, much of the debate on this bill, I am sad to say, has been full of sophistry and a little hypocrisy.

Remember the law says you cannot use Federal money to lobby, period, existing law. What this bill says, and remember, we have paid professional lobbyists all over this town. This bill does not affect them. We have companies represented by those paid professional lobbyists who get billions of dollars of Federal contracts. This bill does not affect them.

What this bill says is, to quote from yesterday's Chicago Tribune, if you are a nonprofit group and you get a grant to run a homeless shelter, shut up; if you are a for-profit group with a contract to run a homeless shelter, you are free to speak.

In short, this amendment stifles nonprofit service groups which get money from the Federal Government to carry out purposes that the Government decides are for a public purpose, just the same as Lockheed gets money from the Federal Government to carry out a program of defense development that Government decides is a public purpose.

But we tell the local group that is running a homeless shelter shut up, but Lockheed can spend billions on lobbyists.

This amendment stifles nonprofit service groups while continuing to allow defense contractors, agribusiness, professional paid lobbyists and a host of others who also receive billions of dollars of tax dollars in Federal money not to be gagged. Why do we not gag these lobbyists, too? Because it is not in your ideological purpose to do so.

Mr. ISTOOK. Mr. Chairman, I yield 2 minutes to the gentleman from Maryland [Mr. EHRLICH], one of the coauthors of this amendment which is now under scrutiny.

Mr. EHRLICH. Mr. Chairman, I thank the gentleman for yielding this time to me.

Mr. Chairman, enough of the demagoguery, enough of the spin.

I want to talk about some facts. Fact No. 1, I rise to speak for the unrepresented here, which is the American taxpayer, the folks not outside that door lobbying this Congress.

Second, with respect to the scare tactics employed by the other side on this issue, if you read the bill, if you look at the facts, the facts are as follows: This bill does not cover recipients of entitlements. This bill does not cover individuals. This bill does not cover recipients of school loans. This bill does not cover the courts. This bill does not cover State government. This bill does not cover educational loans. They are the facts. Read the bill.

Third, Mr. Chairman, the definition of a grantee and the definition of a Federal contractor, there is a clear distinction in the law. This, Mr. Chairman, this is the law, and these are the regulations with respect to laws governing Federal contractors.

We do not have law with respect to Federal grantees. That is what this bill is about. That is what this initiative is about.

Fourth, for some reason, Mr. Chairman, over the course of the last 30 years there has grown a distinction between nonprofits who perform advocacy and perform service. This whole initiative is to get nonprofits back to actually doing what the taxpayers expect them to do, perform the service. Do not lobby the Congress for additional money and then keep coming back time after time after time. Do what you are supposed to do, do the right thing.

Mr. Chairman, lastly, what this whole initiative is about, and I congratulate my cosponsors of the amendment, is to empower the American taxpayer. It is true lobbying reform. It is why we were sent to this Congress.

Mr. SKAGGS. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Maryland [Mr CARDIN].

Mr. CARDIN. Mr. Chairman, let us be truthful with our constituents as to what the circumstances are. You cannot use taxpayer money, Federal funds, to lobby. That has been the law. That is currently the law. Grantees cannot use Federal funds to lobby.

What this bill does is punitive against certain groups on their rights to petition their Government: the Cancer Society in dealing with health care issues, special education groups from dealing with the needs of children, the NAACP in dealing with civil rights matters. These are groups that are impacted by this bill.

We are right, the defense contractors who receive the largest amount of Federal funds are free to use their funds to lobby Government. Why should not private groups be able to use their own funds to lobby Government? That is their right. They should be able to do it.

Let us not be hypocritical and say some groups are subject to these rules and others are not.

Vote for the Skaggs amendment.

Mr. Chairman, I rise in strong support of the Skaggs amendment. The Istook rider restricts citizens from exercising their first amendment right to petition the Government. The first amendment to our U.S. Constitution states:

> Congress shall make no law * * * abridging the right of the people * * * to petition the Government for a redress of grievances.

Presently, there are adequate laws which guarantees that Federal dollars are not used for lobbying. Therefore, this rider is telling the citizens of the United States that they cannot use their own, non-Federal dollars as they so choose.

In addition, the Istook rider is unjust. It applies to the most vulnerable in our society, the poor, the homeless, the elderly, the disabled. Many of these groups were, in fact, founded specifically to advocate on behalf of the disposed. However, the largest recipient of Federal money, Defense contractors, are not covered by this rider. Therefore, the American Red Cross could be barred from advocating for disaster relief, or the National Cancer Society could be barred from advocating for health, but Defense contractors will be free to lobby without limitation.

Furthermore, this rider defines public advocacy to include public interest litigation, in which groups advocate change in public policy. Think of the civil rights suits which may not be brought because they are deemed political advocacy. For example, the NAACP receives Federal grants as defined by the rider. Most recently, the NAACP received a grant to participate in an education campaign on fair housing. However, the NAACP also argued Brown versus Board of Education before the Supreme Court, which changed our Nation's policy regarding school segregation.

Mr. Chairman, the Istook rider is unconstitutional, unjust, and restricts important public advocacy. I urge my colleagues to vote "yes" on the Skaggs amendment.

Mr. ISTOOK. Mr. Chairman, I yield 3 minutes to the gentleman from Indiana [Mr. MCINTOSH], the other principal coauthor of this measure, who has had hearings in the subcommittee.

Mr. MCINTOSH. Mr. Chairman, we have an opportunity to root out one of Washington's best kept little secrets: welfare for lobbyists. This bill will guarantee that Americans' taxpayer dollars do not go to fund lobbying here in Washington.

My subcommittee held 3 days of hearings. We found that the Federal Government pays out $40 billion in grants to subsidize rich, multimillion-dollar outfits. We also heard from real charities who are striving to help real people.

I want to share with my colleagues and the American people about one such person whose story deeply, deeply moved us. Mrs. Hannah Hawkins, who is pictured here, is a retired welfare pensioner from the inner city. She did not seek welfare for lobbyists. Instead, Mrs. Hawkins donated her own pension money to set up a program to help poor inner-city kids. She opened up her own home so kids could have a place to go after school rather than joining a gang, doing drugs or ruining their lives. Mrs. Hawkins is a hero in her neighborhood.

There are thousands of heroes like Mrs. Hawkins who work to help the elderly, the poor, the disabled and our children in the inner cities and the rural communities throughout America. Many do the work silently and outside the lights of television cameras, that keep their communities knit together.

But some groups are using a large percentage of their funds, much of it from taxpayer funds, in order to play politics rather than help real people. They started down the road of much special interest politics, becoming high-powered lobbyists, and they have become intoxicated on the power brought by the welfare for lobbyists. They have forgotten Mrs. Hawkins and her kids. She does not need a lobbyist. She does not need Federal money. She needs people in her community who are willing to give their love, to reach out and care for their neighbors.

The choice for us today is clear. Are we going to be on the side of the well-heeled, fat, rich lobbying organizations, or are we going to be on the side of Mrs. Hawkins and her kids and thousands and thousands of people like her in America? Those of us on the side of the American taxpayer and Mrs. Hawkins and her kids say it is time to end welfare for lobbyists.

I say vote "no" on the Skaggs amendment. Put a stop to welfare for lobbyists.

Mr. SKAGGS. Mr. Chairman, I yield such time as he may consume to the gentleman from New York [Mr. SCHUMER].

Mr. SCHUMER. Mr. Chairman, I rise in strong support of the Skaggs amendment.

Mr. SKAGGS. Mr. Chairman, I yield such time as he may consume to the gentleman from Minnesota [Mr. SABO].

Mr. SABO. Mr. Chairman, I rise in strong support of the Skaggs amendment.

Mr. Chairman, I rise to express my strong support for the Skaggs amendment to strike title VI from H.R. 2127, and put an end to efforts to prohibit political advocacy by organizations that receive Federal grants.

Today we are considering fiscal year 1996 appropriations for the Departments of Labor, Health and Human Services, and Education. It is largely through the funding cuts in this legislation that the new Republican leadership hopes to balance the budget by the year 2002 while simultaneously increasing defense spending and cutting taxes for wealthy individuals and corporations. This legislation tells American workers and students, the children and the elderly, the middle class and the disadvantaged to absorb painful budget cuts so that the very wealthiest can prosper further still. This objective is at the core of the Republicans' fiscal agenda.

Equally disturbing, however, is the fact that this Republican bill reaches far beyond domestic budgeting matters. It actually attempts to regulate the participation of some organizations in the political process by curbing their ability to engage in political advocacy.

Provisions in title VI—adopted as the Istook amendment—would effectively suppress the political voices of certain organizations by severely restricting advocacy by those receiving Federal grants. Current law already bans the use of public funds for political advocacy. However, these provisions extend the prohibition far beyond the reach of Federal dollars. Federal grantees would be forbidden to use more than 5 percent of their own private funds to engage in political advocacy.

A very select group of organizations would be impacted by these prohibitions. In an unjustifiable break with current laws, the political activities of Federal grantees alone are singled out while Federal contractors are left alone. Additionally, the provisions are drafted so that it will impose greater burdens on grantees that operate on a shoe-string budget than those who are well-funded.

Federal grantees would be permitted to use up to 5 percent of their budget for political advocacy, or up to 1 percent if their annual budget exceeds $20 million. Therefore, a corporate grantee with a $100 million budget would still be permitted to spend $1 million for political advocacy. It is unlikely that such a large sum would force the company to alter their lobbying budget significantly from its levels under current law. However, a nonprofit organization with a $100,000 budget could confront considerable difficulties with a $5,000 ceiling imposed on its political advocacy.

Consequently, corporate and business entities which receive Federal grants and contracts would not be forced to change the way they do business. Small nonprofit organizations would. I believe these provisions were drafted in order to silence particular voices. It is no coincidence that those nonprofits which oppose the Republicans' fiscal and social agendas are the organizations impacted by this proposal.

In order to uncover the true intent of this provision. I offered an amendment to the Istook amendment when the Appropriations Committee considered the Labor, Health and Human Services bill. My amendment would have extended the same prohibitions to the beneficiaries of Federal contracts and loans. If the intent of the original amendment was to safeguard taxpayer dollars, then proponents should have viewed my amendment as an improvement. If, however, the intent of the original amendment was to curb a certain type of political advocacy, then my amendment would have been regarded as an unacceptable obstruction to that goal. My amendment failed in an 18–29 vote, and the Istook amendment was adopted.

Is this what the American people want? I don't believe citizens want to bias the political debate in this country by silencing university researchers and children's advocates, while extending open arms and deep pockets to legions of corporate lobbyists.

We are fortunate that those who drafted this proposal were unavailable to assist in drafting the Bill of Rights. Title IV engages in blatant first amendment infringement. It seeks to prohibit free speech in public policy making. It is shameful that such a deliberate attempt to silence particular points of view has worked its way through the legislative process to confront us here on the floor of the House of Representatives. I urge my colleagues to put an end to this. Vote in favor of the Skaggs amendment.

Mr. SKAGGS. Mr. Chairman, I yield 1 minute to the gentlewoman from Hawaii [Mrs. MINK].

Mrs. MINK of Hawaii. Mr. Chairman, I rise in strong support of the Skaggs amendment.

This title VI is the most frightening piece of legislation that I have read since coming to the Congress. It is not only unconstitutional but it is a blatant attempt to stifle and control the expression of ordinary citizens who just happen to belong to an organization that may have received a grant from the Federal Government. Its reach is broad and extensive. It tells you that if you want to qualify for a Federal grant, you have to be sure that the people that you buy goods and services from have not ever been in a position of asking the Congress to support or defeat any legislation.

I cannot think of anything more stunning than this complete denial of what we are all about. We are here as Members of a democratic, representative Government that seeks to encourage people to contact us.

Vote for the Skaggs amendment.

Mr. Chairman, I am alarmed by the inclusion in this Appropriations bill of 13 pages which strip away individual rights guaranteed to each and every one of us to petition our Government for any reason whatsoever. Title VI of this bill states that you can't get any Federal funds if you participate in political advocacy.

This bill if passed would prohibit any person who received a Federal grant under any law, not just this act, from speaking out on any matter relating to laws whether, State, Federal or local. The prohibition against "political advocacy" which includes attempts to influence legislation or agency action explicitly prohibits communication with legislators and their staffs. The definition of "grantee" includes the entire membership of the organization who are explicitly prohibited from communicating with legislators or urging others to do so.

This bill disqualifies anyone from receiving a Federal grant if for 5 previous years it used funds in excess of the allowed threshold.

Further anyone receiving Federal grant money cannot spend it on the purchase of goods and services from anyone who in the previous year spent money on political advocacy in excess of the allowed limit.

Political activity is defined as including publishing and distributing statements in any political campaign, or any judicial litigation in which Federal, State, or local governments are parties, or contributing funds to any organization whose expenses in political advocacy exceeded 15 percent of its total expenditures.

This title of the bill is totally and completely unconstitutional. It is a blatant unlawful effort to stifle dissent and advocacy. It is contrary to basic principles of our democracy. It is a gag law. It must be defeated.

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Mr. ISTOOK. Mr. Chairman, I yield 1 minute to the gentleman from Minnesota [Mr. GUTKNECHT].

Mr. GUTKNECHT. Mr. Chairman, I would like to thank the gentleman for yielding me this time.

Mr. Chairman, I would like to quote Thomas Jefferson. We heard a lot about the first amendment tonight and let us just hear from the gentleman who actually wrote the first amendment.

He said:

> To compel a man to furnish funds for the propagation of ideas he disbelieves and abhors is sinful and tyrannical.

It is sinful and tyrannical. That really is what is at stake tonight, Mr. Chairman and Members.

One example we heard in committee, a group that lobbies on the Hill and, incidentally, has a very large PAC, last year, they got 96 percent of their funds from the taxpayers. And guess what? They turn right around and come back and ask for more money from the taxpayers. To ask the taxpayers to continue to fund this kind of abuse is wrong.

But let us really talk about what is so perverse here.

I would like to thank Arianna Huffington. She not only testified but wrote a guest op-ed piece earlier. She said, what is happening in America today is many of these nonprofit groups are not helping people who need help. They think it is their mission to get the government to help them. And we should stop it.

Please vote "no" on this amendment.

Mr. SKAGGS. Mr. Chairman, I yield 1 minute to the distinguished gentleman from California [Mr. MILLER].

Mr. MILLER of California. I will tell you what is perverse. It is the gentlemen on this side trying to equate the fat-cat lobbyists sitting in their offices and the office of the gentleman from Texas [Mr. DELAY] and office of the gentleman from Ohio [Mr. BOEHNER] writing the regulatory reform act and gutting the Clean Water Act and to equate that with people in the Red Cross and equating that with people who are helping citizens who are dying of cancer and helping hospices and helping our kids stay drug free.

The gentleman did not think they were on the dole when the Mississippi River overflowed its banks and you wanted the Red Cross' help. They did not think they were on the dole when the hurricane came through Florida last night and you wanted their help. But you think they are on the dole if they want to comment on emergency regulations or FEMA, if they want to comment and tell us how to do it better.

You do not think they are on the dole when they run a hospice and a member of your family is dying of cancer, but if they want to comment on a regulatory action you think they are on the dole. That is perverse.

That is what is perverse. Because the fat-cat lobbyists are not these people. The fat-cat lobbyists are sitting in your office and they are contributing to your campaigns and the Peace and Freedom whatever-it-is Foundation, Arianna Huffington, was started with staff money from the Speaker's Office, and the wallet you took out of your pockets was paid for by the taxpayers. That is perverse.

The gentleman from Texas [Mr. DELAY] says this is a glorious day.

Let me explain something to you.

Mr. EMERSON. Regular order.

Mr. MILLER of California. This is regular order with me when I get angry. Yes.

Mr. HAYWORTH. Regular order.

Mr. MILLER of California. It it a glorious day.

The CHAIRMAN. The Committee will be in order.

Mr. MILLER of California. It is a glorious day. If you are a fascist, it is a glorious day. That is what it is about.

Mr. EMERSON. Regular order.

Mr. MILLER of California. Come on, give me a prayer now. Talk to me now. Help me now. Give me a prayer. Let us go. It is tough out there, ladies and gentlemen. It is hard down there.

The CHAIRMAN. The gentleman from California [Mr. MILLER] has an obligation to the Rules of the House.

Mr. MILLER of California. I do.

The CHAIRMAN. The gentleman has an obligation to the Rules of the House. The gentleman is out of order.

Mr. MILLER of California. Yes, and so is this law out of order.

The CHAIRMAN. The gentleman will be in order.

Mr. MILLER of California. The gentleman is in order.

The CHAIRMAN. The gentleman is not in order. The gentleman should take his seat.

Mr. MILLER of California. No, I prefer to stand.

The CHAIRMAN. The gentleman embarrasses himself and the House when he carries on in the manner that he just did.

Mr. MILLER of California. The gentleman did not embarrass himself.

The CHAIRMAN. The gentleman did embarrass himself.

Mr. MILLER of California. Do not speak for me. Do not speak for me.

The CHAIRMAN. The Chair, regardless of all Members, will maintain regular order. Regular order is being observed.

Mr. MILLER of California. That is right.

The CHAIRMAN. The Chair requires of all Members that they obey the Rules of the House.

PARLIAMENTARY INQUIRY

Mr. DURBIN. Parliamentary inquiry.

The CHAIRMAN. The time is controlled. To whom does anyone wish to yield time?

Mr. DURBIN. Parliamentary inquiry.

The CHAIRMAN. The time is controlled, and the gentleman has to be yielded to for a parliamentary inquiry.

Mr. DURBIN. Parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman from Illinois [Mr. DURBIN] is recognized.

Mr. DURBIN. Mr. Chairman, under what rule of the House can the Chair make an editorial comment about a Member speaking on the floor?

The CHAIRMAN. The Chair was attempting to bring order to the House and was pointing out to the Members that they had a responsibility to the Rules of the House.

Mr. DURBIN. The Chair has violated the rules himself.

The CHAIRMAN. The Chair has not violated the rules. The Chair is completely within his bounds to try to maintain order in the House of Representatives, and all Members have an obligation to the Chair.

Mr. MILLER of California. The Chair was not in bounds to speak for the Member.

The CHAIRMAN. Who yields time?

Mr. ISTOOK. Mr. Chairman.

The CHAIRMAN. The gentleman from Oklahoma [Mr. ISTOOK].

Mr. ISTOOK. Mr. Chairman, I would inquire whether the extra time consumed by the last speaker would not be charged against the time of the other side?

The CHAIRMAN. Since the gentleman was out of order, the Chair is not going to take the time out of the gentleman from Colorado. That would not be fair to the gentleman from Colorado.

Mr. ISTOOK. Certainly we would not wish to visit that upon the gentleman from Colorado.

The CHAIRMAN. But the gentleman from Oklahoma is free to yield time.

Mr. ISTOOK. Mr. Chairman, I yield 1 minute to the gentleman from Arizona [Mr. SHADEGG].

Mr. SHADEGG. Mr. Chairman, it is truly sad when we see a display as the one we just saw. It is regrettable that the proponents of this amendment do not want to deal in fact.

In point of fact, we are told the amendment does not apply to lobbyists. This town is knee deep in lobbyists for organizations that get grants and then turn around and use substantial portions of their money to oppose or influence legislation.

Here in fact is the list of those organizations which get grants, and grants are gifts of taxpayers' money. Those grants, last year they got $163 million in gifts of taxpayers' money that we voted to give them, and they turned around and used their monies to lobby us.

No one told you what the bill said. No one said?

What it says is any one of those organizations can come and lobby. We have heard a dozen times from the other side that they cannot come and lobby. Every single one of those times we were being told an untruth. In point of fact, each of those organizations can come forward and spend up to 5 percent of their budget to lobby us, but let us talk about one.

The National Council of Senior Citizens got $72 million last year, and they spent 95 percent of that money to lobby.

Mr. SKAGGS. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey [Mr. MENENDEZ].

Mr. MENENDEZ. Mr. Chairman, I strongly support the Skaggs amendment. Let me tell my colleagues the package we see on the floor is one of the most chilling pieces of legislation possibly in this century, and it is nothing less than a conspiracy to silence those who have politically and ideologically different views than the Republican majority.

Because if that was not the case, then in fact what would happen is they would have included those who make a profit from the Federal Government and use that profit to come back and lobby the Federal Government for more. They would have included all the nonprofit organizations that support them, the informational ones that tell how the Members voted and now they will be rated here. Yet they get contributions that are tax deductible, equally as fungible.

Even the gentleman from Oklahoma [Mr. ISTOOK] in his testimony said both tax exemptions and tax deductibility are a form of subsidy that is admitted through the tax system. Yet he excluded them from his piece of legislation which had to be included in an appropriations bill because it could not stand the daylight of scrutiny.

Mr. ISTOOK, Mr. Chairman, how much time is remaining?

The CHAIRMAN. The gentleman from Oklahoma [Mr. ISTOOK] has 3 minutes and 45 seconds remaining, and the gentleman from Colorado [Mr. SKAGGS] has 4 minutes remaining.

Mr. ISTOOK. The gentleman from Colorado has the excess time remaining, is that correct?

The CHAIRMAN. The gentleman from Colorado [Mr. SKAGGS] has 4 minutes compared to the gentleman from Oklahoma [Mr. ISTOOK's] 3 minutes 45 seconds.

Mr. SKAGGS. If only we were so precise in the drafting of this proposal.

Mr. Chairman, I yield 1 minute to the gentlewoman from North Carolina [Mrs. CLAYTON].

Mrs. CLAYTON. Mr. Chairman, the political advocacy provisions of this bill found in title VI are both dangerous and perilous prescriptions for disaster. It is the most shameful, the most chilling piece of legislation under the name of reform. And particularly it is shameful to come from the party who has said we want to get the government off of our backs. Particularly it is shameful to come from the party who says we do not want more regulation.

Who would be covered by this? Anybody who received Federal grants. Do we include the freedom of speech? Any college? Any nonprofit organization?

This is not about reform. This is not really subjecting the fat cats. This is really chilling because they want to silence the little voices, those who speak for the average person, those who speak for the little person should feel they have no longer a voice in this democracy. Shame on you.

Mr. ISTOOK. Mr. Chairman, I yield myself 15 seconds.

Mr. Chairman, I would like to share, since Members have mentioned the U.S. Supreme Court and constitutional issues, in 1983 the U.S. Supreme Court wrote, legislature's decision not to subsidize the exercise of a right does not infringe on that right. Congress has the authority to determine if the advantage the public receives is worth the money it pays to subsidize it.

Mr. Chairman, I yield 30 seconds to the gentleman from Arkansas [Mr. DICKEY].

Mr. DICKEY. Mr. Chairman, the question is power. Power is flowing from over there, away from over there, and that is why we have such a tremendous reaction. All we are saying is we do not want the power players who respond and support you as candidates. We want to stop that, because the American people do not want that to happen.

We understand that we could wait, and this thing would flow, and we would get the same support that you all would get, but it is corruption when we do it with Federal dollars. It is corruption, and we do not want it.

Mr. SKAGGS. Mr. Chairman, I yield such time as she may consume to the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Chairman, I rise in strong opposition to this frightening language in the appropriations bill and in support of the Skaggs amendment.

Mr. SKAGGS. Mr. Chairman, I yield 1 minute to the gentlewoman from Florida [Mrs. MEEK].

Mrs. MEEK of Florida. Mr. Chairman, let me tell you something. You better be careful of the Istook amendment. You think it is going to be good for you. It is going to be poisonous.

First of all, it is drafted very poorly. It does not define anything. An elementary drafting person could do a better job, because you would know what he meant.

You do not know what grant means. You do not know what contract means. Nothing in this thing says so.

Another thing you are not looking at. This bill keeps the grantee from using his or her own private funds.

I get letters every day. I had a letter from a farmer in my district, and I want to say to the gentleman from Oklahoma [Mr. ISTOOK], do not mess with my farmers. They will write me a letter and in that letter they use their own funds to write me.

If this amendment were to pass, this would be a form that would be wrong under the Istook bill. So you be careful. How would you treat them differently? Suppose right now we spend a lot of money here allowing the big companies to come in and talk to us?

My friend, chairperson of the committee, showed I am showing a very big firm that lobbies me. They spent this amount of money to lobby. Is this fair?

Mr. SKAGGS. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois [Mr. DURBIN].

Mr. DURBIN. Mr. Chairman, I rise in support of the Skaggs amendment and opposed to the Istook language.

Why do the Gingrich Republicans fear free speech?

Six screwballs burned the American flag last year and these so-called conservatives want to amend the Bill of Rights for the first 5 in over 200 years.

Garrison Keillor needles them on public radio and these rightwingers run to eliminate public broadcasting.

And now this Istook proposal to muzzle political rhetoric for organizations he finds objectionable.

But these conservatives know full well that after all these voices are silenced their special interest friends, their big business buddies, will still be politically articulate.

Big business will have a bigger voice and the average American will lower their voice to conservatives supposedly committed to strict construction of the Constitution.

Mr. SKAGGS. Mr. Chairman, I yield a half minute to the gentleman from Wisconsin [Mr. OBEY], our distinguished ranking member on the full committee.

□ 2045

Mr. OBEY. This has nothing to do with the majority party's desire to curb lobbyists. It has everything to do with the desire to stifle expression on the part of the new authoritarians who control this House. Their amendment does not apply to corporate lobbyists who can do full page ads telling us every day to spend $50, $60, $70 billion of taxpayers' money on airplanes we do not need while we are trying to starve our own folks. We should be ashamed of ourselves. This amendment is an absolute joke and it is a disgrace to the Congress.

Mr. ISTOOK. Mr. Chairman, I yield 45 seconds to the gentleman from Virginia [Mr. DAVIS].

Mr. DAVIS. Mr. Chairman, I thank the gentleman from Oklahoma [Mr. ISTOOK] for yielding me time.

Colleagues, the 1994 elections were about change, but it is clear from the discussion in this Chamber tonight that the old habits die hard. We came here to change government, and despite the rhetoric we have heard this evening from the other side, the existing language in the appropriation bill does not affect the Red Cross, it does not affect the YMCA, it does not affect the churches and other genuine charitable organizations. They are not affected. They do not spend 5 percent of their time lobbying the Federal Government doing inside activities. They are genuine charitable organizations.

Mr. Chairman, for those who are tired of business as usual, of having tax dollars go to special interest groups who come back here and try to funnel back that money to the group giving them money in the first place, this is our time, this is our moment. Let us defeat this amendment.

The CHAIRMAN. The gentleman from Oklahoma [Mr. ISTOOK] has 2 minutes 15 seconds remaining, the gentleman from Colorado [Mr. SKAGGS] has 1½ minutes remaining, and the gentleman from Oklahoma [Mr. ISTOOK] has the right to close.

Mr. SKAGGS. Mr. Chairman, I yield myself my remaining time.

Indeed, Mr. Chairman, the American Red Cross would be affected, and there is no better example of the perverse application of this very ill-conceived idea than that. They have written to all of us saying that they fear the consequences of this amendment and how it would impede the effective carrying out of their very important mission.

This does not just affect organizations spending 5 percent of their own private funds, it affects them if they spend one dime on political activity. Every one will have to come in and go through the rigmarole of reporting and participating in the incredible proposition of a national political database, maintained by the Federal Government. The Founding Fathers must be revolted at the very concept.

Mr. Chairman, if we want such a big brother operation, with a Washington, DC computer keeping track of political activity in this country, vote against this amendment. If we believe in the land of the free, in which we should welcome the full-voiced participation in the political debate of this country by every American without fear of intimidation, vote yes for this amendment.

Mr. ISTOOK. Mr. Chairman, I yield such time as he may consume to the gentleman for Wisconsin [Mr. ROTH].

Mr. ROTH. Mr. Chairman, I thank the gentleman for yielding and I am strongly opposed to this amendment.

First, let me congratulate the gentleman from Oklahoma for drafting this provision, and the Appropriations Committee for including this in the bill.

Here's the bottom line. If the Skaggs amendment passes, taxpayer funds will keep on flowing to lobbyists, pressure groups, and other special interests.

The American people voted last fall for change. One change that every taxpayer deserves is to keep his tax dollars out of the lobbyist's pockets.

If anything, the bill does not go far enough. I think this should apply to Federal agencies as well.

When we were working on reform of our bloated foreign aid bureaucracy. We caught AID red-handed, trying to block our bill.

So I view this title as just a first step.

Let's defeat the Skaggs amendment, let's pass this ban on taxpayer funds for lobbyists, and then let's take the next step and shut down the lobbying at the Federal agencies, who are working overtime to block the people's agenda.

Mr. ISTOOK. Mr. Chairman, I yield such time as he may consume to the gentleman from Mississippi [Mr. WICKER].

Mr. WICKER. Mr. Chairman, I rise in strong opposition to the Skaggs amendment.

Mr. Chairman, I rise to support the McIntosh-Istook-Ehrlich provision in H.R. 2127, the Labor, Health and Human Services and Education Appropriations Act for fiscal year 1996, and to oppose the Skaggs amendment to strike.

As a member of the Appropriations Committee who serves on the Labor, HHS and Education Subcommittee, I was pleased to support the inclusion of this important amendment when Mr. ISTOOK offered it at the full committee markup. The Appropriations Committee debated this measure fully and sent it on to the full House following a recorded vote of 28 to 20.

Mr. Speaker, the McIntosh-Istook-Ehrlich amendment provides that any nonprofit or charity which receives Federal grants certify at year's end that it has not spent more than 5 percent of its entire budget on political advocacy or lobbying. The Office of Management and Budget is directed to produce a single form which will be acceptable for all grantees to submit to the General Accounting Office [GAO] and to the grant making agency or department once a year.

There is no reason for any charity to spend a large percentage of its annual budget on lobbying if the charity receives Federal taxpayer funding in the form of grants. I urge you to oppose the Skaggs amendment, and support the retention of the McIntosh-Istook-Ehrlich language in this Labor, HHS appropriations bill before us today.

Mr. ISTOOK. Mr. Chairman, I yield the remainder of the time to the majority leader, the gentleman from the lone star State of Texas [Mr. ARMEY].

The CHAIRMAN. The gentleman from Texas is recognized for 2 minutes and 15 seconds.

Mr. ARMEY. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I want to thank the gentleman from Oklahoma [Mr. ISTOOK], the gentleman from Indiana [Mr. MCINTOSH], and the gentleman from Maryland [Mr. EHRLICH] for the offering of this important legislation.

This is good legislation, well drafted, well thought out, carefully balanced. It represents the best work of the best legal minds on this subject, and if we pass it today it will be a great day for the taxpayers of this country. If this language is about anything, it is about cleaning up the way this House works and the way this city works. The first step in cleaning up Washington must be to end the practice of special interests using taxpayers' dollars to lobby for still more taxpayers' dollars.

Mr. Chairman, we are not breaking new ground here, we are building on existing law; and, indeed, the existing law was originally crafted by the senior Senator from West Virginia. However broadly Senator BYRD's views differ from my own, he and I share this: We share a determination to keep the spending process honest. We both believe the practice of federally subsidizing a solicitation of further Federal subsidies is wrong.

Ladies and gentlemen, any idea on which ROBERT BYRD and DICK ARMEY agree on must surely qualify as a self-evident truth. In 1990, Senator BYRD added an amendment to the Interior appropriations bill designed to end taxpayer finance advocacy. It was a small step, and not a wholly successful one, but it was a step. So today we come to build on that step. Our friends on the other side of the aisle should join us in this effort, not oppose it.

This legislation does not just save the taxpayers potentially billions of dollars, it also sends a powerful message to the special interests who occupy so much office space in this city. The bill says something I think the American people would regard as common sense: Government should assist the needy, not those whose business it is to lobby the government in the name of the needy.

Mr. Chairman, despite what some of our opponents have said, let us remember that this language is content neutral. It applies equally to the left and to the right. It hits both the U.S. Chamber of Commerce and Greenpeace. We are not favoring any special interest, we are imposing openness and honesty on all special interests in order to benefit the public interest.

This debate is about reform. It is about making this government honest so that the American people might again be able to trust their Government. I urge my colleagues to oppose the amendment from the gentleman from Colorado [Mr. SKAGGS] and support the Istook-McIntosh rider and end welfare for lobbyists. Let us tell those who would advocate for more money for themselves with the public's money, do it on your own time and your own dime. Vote "no" for the amendment.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Colorado [Mr. SKAGGS].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. SKAGGS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 187, noes 232, not voting 16, as follows:

[Roll No. 622]

AYES—187

Abercrombie
Ackerman
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bishop
Boehlert
Bonior
Borski
Boucher
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Canady
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Costello
Coyne
Cramer
Danner
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gilchrest
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Horn
Houghton
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
LaHood
Lantos
LaTourette
Leach
Levin
Lewis (GA)
Lincoln
Lipinski
Lofgren
Lowey
Luther
Maloney
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Mollohan
Moran
Morella
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Pomeroy
Poshard
Rahall
Rangel
Reed
Richardson
Rivers
Roemer
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Shays
Skaggs
Skelton
Slaughter
Spratt
Stark
Stokes
Studds
Stupak
Thompson
Thornton
Torkildsen
Torres
Torricelli
Traficant
Tucker
Velazquez
Vento
Visclosky
Ward
Waters
Watt (NC)
Waxman
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOES—232

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bilbray
Bilirakis
Bliley
Blute
Boehner
Bonilla
Bono
Brewster
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Castle
Chabot
Chambliss
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Hostettler
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Largent
Latham
Laughlin
Lazio
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Montgomery
Moorhead
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Ortiz
Oxley
Packard
Parker
Paxon
Peterson (MN)
Petri
Pickett
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shuster
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thornberry
Tiahrt
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (FL)
Zeliff
Zimmer

NOT VOTING—16

Andrews
Bateman
Bereuter
Chenoweth
Dooley
Filner
Holden
Manton
McDade
Moakley
Reynolds
Thurman
Towns
Volkmer
Williams
Young (AK)

☐ 2110

The Clerk announced the following pair:

On this vote:

Mr. Filner for, with Mrs. Chenoweth against.

Mr. ZIMMER and Mr. WATTS of Oklahoma changed their vote from "aye" to "no."

Mr. BEVILL and Mr. SHAYS changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

☐ 2115

AMENDMENT OFFERED BY MR. SAXTON

Mr. SAXTON. Mr. Chairman, I offer an amendment on behalf of the gentleman from Virginia Mr. BATEMAN.

The Clerk read as follows:

Amendment offered by Mr. SAXTON: Page 88, after line 7, insert the following new title;

TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. 701. The amounts otherwise provided by this Act are revised by reducing the aggregate amount made available from the general fund for "Centers for Disease Control and Prevention—Disease Control, Research, and Training", reducing the amount made available for "Administration for Children and Families—Refugee and Entrant Assistance", and increasing the aggregate amount made available for "Impact Aid" (and the portion of such amount made available for basic support payments under section 8003(b)), by $10,000,000, $25,691,000, and $22,000,000, respectively.

Mr. SAXTON (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The CHAIRMAN. Pursuant to the order of August 2, 1995. The gentleman from New Jersey [Mr. SAXTON] will be recognized for 10 minutes in support of his amendment, and a Member in opposition will be recognized for 10 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. SEXTON].

Mr. SAXTON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise for the purposes of offering this amendment, and to have a colloquy with the gentleman from Illinois [Mr. PORTER], the gentleman from Texas [Mr. ARMEY], the gentleman from Nebraska [Mr. CHRISTENSEN], and the gentleman from Texas [Mr. EDWARDS], and then I will ask that the amendment be withdrawn.

Mr. Chairman, the amendment which I have offered on behalf of the gentleman from Virginia [Mr. BATEMAN] is an amendment which the gentleman from Virginia has worked long and hard over the last months to bring about. Unfortunately, as we all know, the gentleman from Virginia is home recuperating today from an illness, so on behalf of the gentleman from Virginia [Mr. BATEMAN], I would like to enter into a colloquy with the distinguished subcommittee chairman, the gentleman from Illinois [Mr. PORTER].

Mr. Chairman, the amendment that is pending, offered on behalf of the gentleman from Virginia, would transfer $22 million to impact aid, providing a total of $667 million for fiscal year 1996. The Labor-HHS-Education appropriations bill, when combined with the $35 million in the fiscal year 1996 DOD appropriations bill, would provide $702 million for impact aid, 96.4 percent of last year's level.

I would like to yield to the distinguished chairman to solicit his views on our goal of providing no less than 96 percent of last year's level, and possibly as much as 98 percent of last year's funding level, to impact aid for fiscal year 1996. The Labor-HHS-Education conference report, including $35 million of fiscal year 1996 DOD appropriations in the conference report, is what we are interested in.

I would like to ask the chairman of the subcommittee for his thoughts as to the outcome which he will seek through the conference and the conference report.

Mr. PORTER. Mr. Chairman, will the gentleman yield?

Mr. SAXTON. I yield to the gentleman from Illinois.

Mr. PORTER. Mr. Chairman, I would assure both the gentleman from New Jersey [Mr. SAXTON], the gentleman from Virginia [Mr. BATEMAN], who cannot be with us, and the gentleman from Texas [Mr. EDWARDS], the cosponsor of the amendment, that I will make every effort to work to insist that the impact aid funding level provided in the fiscal year 1996 Labor-HHS and Education appropriations conference report, when combined with the $35 million in the DOD appropriations conference report, will equal no less than 96 percent of last year's funding level, a total of $728 million.

That would represent a provision of no less than $664 million for impact aid through this bill and the remainder in the DOD bill, and I am sure the gentleman recognizes that this is a subject in which I have a great personal interest, as well.

Mr. SAXTON. I thank the gentleman.

Mr. Chairman, I yield 1 minute to the gentleman from Texas [Mr. EDWARDS].

Mr. EDWARDS. Mr. Chairman, I appreciate the gentleman yielding time to me.

Mr. Chairman, while I would have preferred that the $83 million in cuts in this bill to impact aid, which supports the education of military children, while I would wish those cuts had been zeroed out by tonight, I respect the commitment of the chairman, the gentleman from Illinois [Mr. PORTER], the gentleman from New Jersey [Mr. SAXTON], and the distinguished majority leader for saying that these cuts will be zeroed out or at least brought back to the point where impact aid funding this year will approach 96 to 98 percent of the previous fiscal year's funding level.

I would like to ask the distinguished chairman, the gentleman from Illinois [Mr. PORTER], and the distinguished majority leader a question, if I could; specifically, if for any reason in the defense appropriations conference committee bill, for any reason in the defense appropriations conference committee bill that $35 million we added back in the House is reduced or zeroed out, is it still the good faith commitment of the gentleman from Illinois [Mr. PORTER] and the gentleman from Texas [Mr. ARMEY] to see that impact aid children will receive 96 to 98 percent of the Federal 1995 funding level?

Mr. PORTER. If the gentleman from New Jersey [Mr. SAXTON] will continue to yield, I will tell the gentleman, I will do my best to see that it happens, yes.

Mr. SAXTON. Mr. Chairman, I yield such time as he may consume to the gentleman from Nebraska [Mr. CHRISTENSEN].

Mr. CHRISTENSEN. Mr. Chairman, I just want to thank the majority leader for helping with our military families. Education is very important, and in light of the fact that we are tightening the belt, I want to thank the subcommittee chairman for really going to bat for our military families and for their education.

I also want to thank my friend on the other side of the aisle, the gentleman from Texas [Mr. EDWARDS] for all his hard work; he has worked arduously, worked hard, and worked with a strong belief. It has been a team effort, a bipartisan effort. I just want to also thank the gentleman from Virginia, [HERB BATEMAN] who is not here tonight, but we are committed on this, and we want to thank everybody for their hard work.

Mr. SAXTON. Mr. Chairman, I would like to thank the gentleman from Texas, the majority leader, for his cooperation throughout the day and over the past months on this issue.

Mr. ARMEY. Mr. Chairman, will the gentleman yield?

Mr. SAXTON. I yield to the gentleman from Texas.

Mr. ARMEY. Mr. Chairman, I would like to assure the gentleman from New Jersey [Mr. SAXTON], the gentleman from Virginia [Mr. BATEMAN], who I am sure is tuned into this matter as he is recuperating at home, and the gentleman from Texas [Mr. EDWARDS], and I would also like to assure the gentleman from Nebraska [Mr. CHRISTENSEN], and I assume, I hope it will comply with the intent of the gentleman from Missouri [Mr. SKELTON], when I say that I support the proposal to provide no less than $664 million for impact aid in the fiscal year 1996 Labor-HHS-Education appropriations conference report, and no less than $35 million of the fiscal year 1996 DOD appropriations conference report. This represents a sum that is no less than 96 percent of last year's funding level.

It is my goal, working with all the members of the conference, to secure fiscal year 1996 funding of no less than 98 percent of last year's funding level for impact aid. I am very confident that with the best efforts that we all make, that we should have some success and can be optimistic about achieving that goal. I want to thank all the gentlemen for their efforts on behalf of this colloquy, and, certainly, I appreciate the spirit of cooperation we enjoyed all day long.

Mr. SKELTON. Mr. Chairman, will the gentleman yield?

Mr. SAXTON. I yield to the gentleman from Missouri.

Mr. SKELTON. Mr. Chairman, I merely wish to, of course, thank the majority leader for his comments. I would like to associate myself with the statement made by the gentleman from Texas [Mr. EDWARDS]. This is of extreme importance to military families all across the Nation. I thank him for his diligence and efforts on this behalf.

Mr. EDWARDS. Mr. Chairman, if the gentleman will yield once more, I would also like to particularly express my thanks to the gentleman from Rhode Island [Mr. KENNEDY] for lending his full support to this endeavor from the very beginning and for working so skillfully behind the scenes, the gentleman from Texas [Mr. COLEMAN], the gentleman from Oklahoma [Mr. WATTS] for his keen interest and diligence in seeing this through, and the gentleman from Virginia [Mr. DAVIS] who also was a key player behind the scenes as well as publicly. In addition to the gentlemen who have already spoken, I think we all owe a special, special expression of gratitude to the gentleman from Virginia [Mr. BATEMAN], who, despite a recent illness, has made an absolutely Herculean effort on behalf of the children of military families. The constituents of the gentleman from Virginia owe him a debt of thanks, and all military families throughout America owe him a debt of thanks. I would like to take this time to express my personal appreciation for his leadership on this effort.

Mr. SAXTON. Mr. Chairman, it is my intent to ask that the amendment be withdrawn, and we had hoped to be able to conclude this colloquy in 5 minutes or less. We are currently over that. I know that there are many people who feel deeply about this subject, and the fact of the matter is we are not going to take any action tonight on this, so they will be permitted to submit their statements for the RECORD in writing.

Mr. PALLONE. Mr. Chairman, will the gentleman yield?

Mr. SAXTON. I yield to the gentleman from New Jersey.

Mr. PALLONE. Mr. Chairman, I would like to thank the gentleman from New Jersey [Mr. SAXTON] and the gentleman from Texas [Mr. EDWARDS] for their efforts on this behalf, and point out how important it is to make sure we have additional funds for impact aid.

We have a situation in Monmouth County, which I represent, where some of the towns now have such a gap, if you will, between the actual cost of educating military children and what they actually receive in impact aid that it has actually become a major problem, to the point where the boards of education in some of the towns are actually saying that they do not want the military families anymore, because they are not getting sufficient impact aid.

I hate to see a situation where we get to that point. I think it is important for us to continue to provide adequate funding so there is some relationship between the actual cost of education for military children and actually what the Federal Government provides. I thank the gentleman again.

Mr. SAXTON. Mr. Chairman, I ask unanimous consent that the amendment be withdrawn.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

AMENDMENT OFFERED BY MR. SOLOMON

Mr. SOLOMON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SOLOMON: Page 88, after line 7, insert the following new title:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. 701. None of the funds appropriated in this Act may be made available to any institution of higher education when it is made known to the Federal official have authority to obligate or expend such funds that—

(1) any amount, derived from compulsory fees (such as mandatory nonrefundable fees, mandatory/waivable refundable fees, and negative checkoffs), compulsory student activity fees, or other compulsory charges to students, is used for the support of any organization or group that is engaged in lobbying or seeking to influence public policy or political campaigns; and

(2) such support is other than—

(A) the direct or indirect support of the recognized student government, official student newspaper, officials and full-time faculty, or trade associations, of an institution of higher education; or

(B) the indirect support of any voluntary student organization at such institutions.

The CHAIRMAN. Pursuant to the order of August 2, 1995, the gentleman from New York [Mr. SOLOMON] and a Member opposed will each be recognized for 20 minutes.

Mr. OBEY. Mr. Chairman, I would like to claim the time in opposition to the amendment.

The CHAIRMAN. The gentleman from Wisconsin [Mr. OBEY] will be recognized for 10 minutes.

The Chair recognizes the gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, almost two centuries ago Thomas Jefferson, the founder of the Democrat Party, said this: "To compel a man to furnish contributions of money for the propagation of opinions in which he disbelieves is sinful and tyrannical." That was Thomas Jefferson, and that is what this amendment is all about.

Mr. Chairman, I rise today to offer this students' rights amendment aimed at protecting the political self-expression of college students by prohibiting any direct Federal funds to colleges and universities that subsidize political groups through compulsory student activities through negative check-off provisions.

Mr. Chairman, groups like PIRG, Members all know who they are, will ask, "How can you possibly define a student political group?" That is easy. Political organizations or political groups are defined very clearly as groups whose primary activity is seeking to influence public policy or political campaigns. This definition is taken straight out of section 501(h) of the Tax Code.

Mr. Chairman, on many college campuses the funding of PIRG is obtained through a negative check-off system on the tuition bills of students, including my own children. At some universities, including New York State college campuses, the fees are mandatory and nonrefundable. This means that many students are being coerced into funding political groups whose fundamental political philosophies and activities are totally contrary to their own.

This is wrong, and my amendment would put an and to it by prohibiting negative check-offs, but allowing positive check-offs. It is as simple as that. That is what this amendment is all about.

□ 2130

Mr. Chairman, the amendment exempts from this limitation the recognized student government and student newspaper on campus as well as all university officials and all full-time faculty of the institution. The amendment is narrowly drawn in order not to impinge in any way on political speech on campuses, fund-raising activities by political groups or political activity of any kind.

Nothing in this legislation prohibits any person from raising money or engaging in political activity on or off campus. They can solicit contributions just like any other organization.

Mr. Chairman, the hysterical response from Nader's PIRGs around here, and you see them running up and down the subways—maybe we ought to extend this lobby ban to include the subway downstars—many of the PIRGs around the country underscores the need for the Solomon amendment. Rather than being a gag rule as they maintain, it attempts to curb the coercive funding methods that are used to take money from unsuspecting or otherwise unwilling students and parents to fund their political and their lobbying efforts.

I say, let them raise their money like any other organization Mr. Nader. Members, if your constituents, parents and students, want to support PIRG or any other organization like the Democratic Party, like the Republican Party, they have every opportunity to contribute voluntarily or where allowed, in most campuses, to make a positive checkoff which could be for PIRG, for the Democrat Party, for the Republican Party, or Mr. Perot or anybody else.

Mr. Chairman, this has been going on for 20 years now, and these compulsory funding schemes have bilked tens of millions of dollars out of my constituents and yours. Ten million dollars this year alone.

Here is an article from the Wall Street Journal by John R. Silber, a very, very prestigious former president of Boston University. He describes this sordid practice which he says is rampant on some colleges throughout this Nation.

He points out that PIRGs are organized by States with local chapters, on individual campuses, not primarily for educational purposes but for political advocacy, such as being—and listen to this, would you—a plaintiff in the United States Supreme Court case opposing the Solomon amendment back in 1983 which denied Federal aid to students who refused to obey the law and register for the draft.

In another case, of blatantly supporting the political campaign for President of former Senator Gary Hart. My kids were forced to contribute to Senator Hart's campaign. That is what this is all about.

Please also read the article by Jeff Jacoby of the Boston Globe this week. I quote:

"It ought not take an act of Congress to stop Nader's raid on college tuition payments. But millions of those payments are subsidized with Federal loans and grants. Congress is entitled to insist that the money it appropriates for education be used for education, not for special-interest lobbying. If college presidents cannot be counted on to ensure basic fairness, and if Governor Christie Whitman of New Jersey"—who just enacted this law there—"is the only governor in America tough enough to brave Ralph Nader's slanders, then the time has come for Congress to act."

That is what John Silber, a Democrat, president of Boston University, has said.

Fellow Members of Congress, do something for these parents and these students that they cannot do for themselves. Support the Solomon amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. OBEY. Mr. Chairman, I yield myself 3½ minutes.

Mr. Chairman, this is not about Ralph Nader. I would need more fingers to count the arguments that I have had with Ralph Nader. This goes far beyond the so-called PIRG issue. This simply prohibits colleges from supporting any activity to influence public policy with fees collected from students in any way. That does not just include the kind of mandatory fees the gentleman was talking about. It also includes tuition itself. You could not support any activity that included debate on campus about a public policy issue. You could not inform students about public policy issues that affected those students. It would even probably apply to college support for student newspapers if they editorialized on public policy. It would prohibit the holding of public policy forums, even if positions were not taken.

I would call this instead the Paperwork Enhancement Act of 1995. It would require the Secretary to develop a process to permit complaints to be filed with the Secretary, to allow institutions to respond to complaints, to adjudge complaints, and to permit decisions to be appealed. The regulations would have to define criteria that allowed institutions to pick and choose which groups are educational and which are seeking to influence public policy. I invite you to define that line.

I really think that what this does is just go counter to the very idea of what a university is supposed to do and supposed to be. It even prevents on-campus discussion of public policy paid for with tuition.

I guess what I would really say is, this amendment so fits into the already existent extremism of the bill that it is perfectly fitting that the amendment be offered to this bill. If that is the philosophy of the majority party, then indeed go ahead and adopt it. It simply makes a bad bill a whole lot worse and it makes it a lot easier to vote against.

But with all due respect, I would think there are enough people on this side of the aisle who care about the right of individual expression, of student expression, the right of academic freedom, the right indeed for a university to be a place where you sift and winnow and give people an educational experience. But having seen some of the extreme propositions already added to this bill, I am not in the least bit surprised. It is here and I would be shocked, I guess, if it is not adopted.

Mr. Chairman, I reserve the balance of my time.

Mr. SOLOMON. Mr. Chairman, the gentleman must have been reading from a different amendment. This is identical to the New Jersey law just passed by Governor Whitman and their legislature.

Mr. Chairman, I yield 2 minutes to the distinguished gentleman from New Jersey [Mr. FRELINGHUYSEN].

Mr. FRELINGHUYSEN. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I rise in strong support of the Solomon amendment. The question before us tonight is simple. Should students and parents decide how to spend their money, or should political organizations be allowed to covertly siphon dollars from students and parents for agendas they do not espouse?

In New Jersey, the choice was obvious. This March Governor Whiteman signed a bill that does exactly what the Solomon amendment would do. The Governor said the following: "PIRG is the only one, the only organization in the country we could find that has enjoyed this kind of negative checkoff."

But New Jersey PIRG found a loophole. They were so fearful of losing their funding bonanza that they devised a plan to get around the law. Unfortunately, a State judge approved the plan, so this fall thousands of people will again be hoodwinked into donating to a cause they may not agree with.

My friend Alex DeCroce, and assemblyman from New Jersey, wrote me a letter which I have here today. It says:

> A broad based Federal standard enacted this fall to eliminate the negative checkoff would resolve our dilemma in New Jersey and give public institutions across the Nation the ability to protect consumers.

Mr. Chairman, we have all heard the great weeping and gnashing of teeth from opponents of this amendment. Why are they so frightened? If these agendas are so important, they should have no trouble in raising money through voluntary contributions.

This amendment is all about free speech. It restores the rights of students and parents to decide what causes they wish to support. I strongly support the Solomon amendment and urge my colleagues to vote for it.

Mr. Chairman, I submit for inclusion in the RECORD the letter I received from Assemblyman DeCroce:

NEW JERSEY GENERAL ASSEMBLY,
Morris Plains, NJ, July 28, 1995.

Hon. RODNEY P. FRELINGHUYSEN,
House Office Building, Washington, DC.

DEAR REPRESENTATIVE FRELINGHUYSEN: I am very pleased to learn that the US Congress is willing to tackle the "negative check-off" issue that unfairly burdens many of our students and their families. As the sponsor of A-380, the New Jersey legislation which addressed that issue, I was jubilant when the bill passed both the General Assembly and the Senate and less than 24 hours later was signed by Governor Whitman.

Unfortunately, on July 5, 1995, a Superior Court judge decided that the NJ PIRG plan to separate their lobbying efforts from their educational functions, which was devised to circumvent the new law, was found to be acceptable. This means that the Fall, 1995 student tuition bills for Rutgers, The State University of New Jersey, include a negative check-off for NJ PIRG.

Once we have resolved this issue in New Jersey, which we intend to do, our constituents attending school in other states can still fall prey to the negative check-off. A broad based federal standard enacted this fall to eliminate the negative check-off would resolve our dilemma in New Jersey and give public institutions across the nation the ability to protect consumers.

Under separate cover you will receive my complete file on A-380. I am anxious to work with you to see a resolution to this issue. My personal best wishes.

Sincerely,

ALEX DECROCE.

Mr. OBEY. Mr. Chairman, I yield 4 minutes to the gentleman from California [Mr. FAZIO].

Mr. FAZIO of California. Mr. Chairman, I thank my friend for yielding me the time.

Mr. Chairman, I rise in strong opposition to the campus gag rule, which the Solomon amendment encompasses. Mr. Chairman, this is the Congress of devolution. We are being told relentlessly day after day that we should shift back to the Government that is closest to the people the responsibility for self-Government.

Here is a good example of where, when we discover we are not happy with some decisions made at the level of Government closest to the students in this country, on the campus, we are going to intervene and somehow reverse our thrust and go back in the direction of imposing a standard from the Federal level on every campus institution across this country.

This is really thin skinned of us. Obviously students are people who at their level of development have many different views that clash with the established view. Many of us will be picketed on campuses because we are for the moment politically incorrect.

What are we doing here? We are speaking out in a way that only we have the authority to stifle that dissent. I think it is really shameful that we would be so thin skinned that we cannot stand the battle of ideas in the marketplace that a campus represents in our society.

We should be encouraging young people to be involved in their self-government. We should be encouraging them to enter into the debate. We have so many sitting on the sidelines who do not have the interest, let alone the initiative, to start taking on the responsibility of self-government.

What are we doing here? We are simply telling student governments around the country who they can and cannot fund. In our zeal to get at one group, the public interest research groups, because we do not like their lineage—and I share the problems the gentleman from Wisconsin [Mr. OBEY] has with the great Mr. Nader—we have overshot the mark.

We have hit organizations across the spectrum, pro-life groups and pro-choice groups, all kinds of groups, students working at Amnesty International, students working in Habitat for Humanity, students involved in hunger issues. Any kind of activism which has benefited from the decision of a student government to fund their activities has been swept up into this gag rule amendment.

This is something we ought to repudiate in the context of what so many of us have said as we paraphrase Voltaire: "I disapprove of what you say but I will defend to the death your right to say it." That is a pretty basic tenet of democracy.

There is nothing here that avoids the fact that we want to be big government nannyist censors. We want to tell people what they can join, what they can be involved in and how they can, in their own self-government on these campuses, decide to fund them. It is not the right time, it is the wrong time for us to enter into this. It ought to be put to death on a bipartisan basis, as it was in committee, after an extensive debate on a 2-to-1 bipartisan vote.

I know there are many who will speak today in behalf of academic freedom. I think we are just simply asking for young people to be able to exercise their basic right to a representative form of democracy.

Vote down the Solomon gag rule amendment.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. FAZIO of California. I yield to the gentleman from Minnesota.

□ 2145

Mr. VENTO. Mr. Chairman, I could not agree more. I think that in the amendment, the authors of this amendment are saying more about their credibility than they are about the students' credibility.

The fact of the matter is that our higher education institutions are the crucible of democracy in this Nation. Democracy is not something that we grow up with in the sense it is something that has to be learned. These institutions are a strength and they are in fact teaching that. It is this locus that we are interfering with, we are getting involved with.

I hope this House will overwhelmingly reject the amendment and I commend the gentleman from California for his statement.

Mr. Chairman, I am opposed to the Solomon amendment for several reasons.

Advocates of this amendment label free speech and political activities as lobbying; the real problem is that we need more involvement, not less. What the amendment advocates are saying is that, "We don't want people involved." Non-profits, student groups by any definition are the voice of the American people not the special interests, not the big money political—quite the contrary.

This amendment is a blatant attack on the U.S. Constitution and every American's right of free speech. This amendment takes away that right from a highly visable group of Americans, college students. If we start down the path of discriminating against college students, what group is next, where could you stop.

Certainly it is the mission of a college or university to provide a marketplace for the free flow of ideas, and this extends beyond the confines of the classroom. Political lectures, debates, conference, research, and participation in politically active student groups, all offer important educational opportunities to college students. This amendment would impair such educational activities and in effect have a chilling effect upon the free discourse of our educational institutions.

University and college campuses have a long tradition of providing students with opportunities to develop their civic interests, leadership skills, and responsible citizenship, and as a result, have produced many creative leaders. One of the reasons that many of my colleagues indeed are Members of this body today is because of the leadership opportunities that they were afforded in the higher education institutions across this Nation.

Every generation of college students since America's independence have enjoyed the opportunity to participate in political organizations. This amendment will take away that opportunity that right from this generation of college students, and all generations to come. We should not deny them the freedom to participate that has been enjoyed by earlier American generations. This participation has been a hallmark of our society. Democracy and involvement is a process that must be learned. Our education institutions are naturally a locus of such experimentation and trial by young adults testing their skills. The competition of ideas that this House would fear such participation speaks to the Solomon amendments credibility not the students. I strongly oppose this amendment, a gag rule attempt to rewrite the U.S. Constitution which would impair the crucible of our Nation's democracy and strengthen, our educational system and future generations of American citizens.

Mr. SOLOMON. Mr. Chairman, as I yield 2 minutes to the gentlewoman from California to rebut the gentleman from California, let me yield myself 30 seconds first to tell my good friend, the gentleman from California [Mr. FAZIO], we are going to a free market system. That is what the Solomon amendment does.

Let me just tell the gentleman something, that we give them the right to contribute to every one of those, but it is done voluntarily by the student, not forced down their throats by the State government in California.

Mr. Chairman, I yield 2 minutes to my good friend, the gentlewoman from California [Mrs. SEASTRAND], and she will rebut what the gentleman had to say.

Mrs. SEASTRAND. Mr. Chairman, I rise in strong support of the Solomon amendment. The amendment protects student rights and student beliefs from being misrepresented.

It also protects the American taxpayer from furnishing hard-earned tax dollars from being used to finance political organizations, regardless of whether the American taxpayer supports, opposes, or is indifferent to the viewpoints held by these organizations.

Our responsibilities as Members of Congress is to ensure the American people that the Federal Government is spending their tax dollars wisely on necessary programs. Federal funds being contributed to political organizations such as the College Republicans, College Democrats, or the PIRG, the public interest research groups, throughout the country is not wise and they are not necessary programs for the Federal Government to cover even if we did not have to contend with an almost $5 trillion Federal debt.

Opponents of this amendment are referring to it as a "student gag rule." Do not be deceived by this. This amendment would in no way prohibit political organizations from soliciting either financial or political activity assistance from college students, nor would it prevent students from voluntarily contributing to the political organizations of their choice. It merely protects students from being forced into funding these activities through their tuition bills.

In addition, the amendment provides an exemption for all officials of the universities that recognize student government and the official student newspaper on campus. This amendment ensures that all university officials and the student government are free to engage in lobbying activity, as is their fundamental right in a democratic society.

The fact of the matter is that the false gag rule perception is being spread by many of the PIRG's, the public interest research groups, lobbying this issue with Federal funds they received by students in mandatory, nonrefundable, and negative check-off fees from college student tuition bills.

Again, I would say this is a misuse of taxpayers' money and should no longer be allowed.

Mr. OBEY. Mr. Chairman, I yield 1½ minutes to the gentleman from New Jersey [Mr. PALLONE].

Mr. PALLONE. Mr. Chairman, I just wanted to follow up on what the gentlewoman from California [Mrs.

SEASTRAND] said, and I have a great deal of respect for her, but it is not really accurate that this amendment is dealing with the issue of Federal funds going to the student groups.

What the amendment does essentially is to say that the university will not be able to receive or utilize Federal funds that it gets for almost every purpose if it allows students to organize and by majority vote decide to have a referendum where an assessment is put on the students which individual students can get out of. That is what the amendment says.

It is a very broad brush here. The gentleman from Wisconsin [Mr. OBEY] pointed out, and I am glad the gentleman from New York [Mr. SOLOMON] is willing to admit that basically he is trying to go after the native group or the PIRG group here, but if you look at the amendment, what it says, it paints a very broad brush.

It is going to make it very difficult for student groups that want to speak out, and it puts in effect a gag on these student groups and punishes the university if they simply let a referendum take place where student activities are assessed for a particular purpose or organization.

This is not compulsory. There is nothing to prevent individual students from checking off that they do not want to participate and do not want to contribute their funds. It is strictly voluntary. To make such a distinction between a negative and a positive check-off in my mind makes no sense.

Mr. Chairman, I respect the gentleman from New Jersey [Mr. FRELINGHUYSEN] for what he said, but the bottom line is this has already had a very negative impact in New Jersey on the ability of student groups to organize and to speak out and exercise their First Amendment rights.

Mr. SOLOMON. Mr. Chairman, I reserve the balance of my time.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan [Mr. BONIOR], the distinguished minority whip.

Mr. BONIOR. Mr. Chairman, this is indeed a dangerous amendment and when you put it in the context of what we have been through this Congress, it is even more frightening.

We started this Congress by having the research arm of our party, the Democratic Study Group, shut down. We then marched to shutting down the Congressional Black Caucus, the Congressional Hispanic Caucus, the Women's Caucus.

Then the Republican extremists decided this institution knows no bounds. They went outside the institution and began to shut down the Corporation for Public Broadcasting, the National Endowment for the Arts, and now they are marching to campuses to take on young men and women who we encourage every day on this floor to participate in their government, and they are trying to shut them down.

Mr. Chairman, this is a shameful amendment. I encourage each and every one of my colleagues to vote against this and let the citadel of free expression in our society, the university, the colleges, the campuses, allow them to flourish in the historic context in which they have been made great throughout the centuries.

What are you afraid of? What are you afraid of from students expressing their free will and their views and their thoughts? Vote "no" on the Solomon amendment.

Mr. SOLOMON. Mr. Chairman, the gentleman from Michigan [Mr. BONIOR] made the same argument 13 years ago about the first Solomon amendment.

Mr. Chairman, I yield 2 minutes to the gentleman from Mississippi [Mr. WICKER], a freshman Member of this body.

Mr. WICKER. Mr. Chairman, I thank the gentleman from New York [Mr. SOLOMON] for yielding me the time.

I certainly rise in support of the Solomon amendment. When Mr. SOLOMON began his remarks, I believe I heard him say that you would hear some hysteria tonight from the opponents of this amendment and I think now we know exactly what the gentleman from New York was referring to.

I have not been here long, but I have learned that when you are opposed to an amendment or to a concept here in the House of Representatives, you get up and say it is a "gag rule." You throw out terms like "dangerous" and "chilling." You say it is an attack on the First Amendment and on free speech. Nothing could be further from the truth in this case.

It is also important that we actually read the amendment and correct some of the misstatements that have been made tonight. Student governments are excepted from this amendment. Student newspapers are not affected by this amendment. Officials and faculties are specifically, by the wording of the amendment, not subject to the language of the amendment.

Now, back several years ago when I was in college, I was a campus activist. You might find that surprising, but I was involved in campus politics. I believe political discourse should flourish at colleges and universities, but I think what organizations ought to actually do is set up a table during registration and collect dues. What this amendment does is go farther than that. It says these campus groups can have a positive check-off. The crux of the amendment is this: Should we compel students to contribute money to an organization they do not believe in? Should we compel students to contribute money to a point of view they do not support?

I say to you, Mr. Chairman, and to the Members of this House, such practices are wrong. That is what this amendment is about. I urge a "yes" vote on the Solomon amendment.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts [Mr. MARKEY].

Mr. MARKEY. Mr. Chairman, we are being told that we do not have time to debate the telecommunications bill in the light of day, so the U.S. Congress can debate whether or not students on campus have the right to be able to organize student activities any way that they want. That is what we are taking time out here in the U.S. Congress to do.

Now, every one of these activities has been authorized either by the State legislature, the university officials, or by the students themselves. They have determined in each one of these States how they want to have these activities on their own campuses conducted.

In about 4 hours, we are going to have a vote that the majority opposes that is going to give parents the right to be able to block violence that is invading their living rooms for their adolescent children. Many on the majority side are opposed to the Government intervening there, and yet here we are with the majority telling us their 18- to 20-year-old sons and daughters on campus cannot make up their own mind on how they want to organize to ensure that they have a public interest activity that they are able to advance as they see fit.

Mr. SOLOMON. Mr. Chairman, yielding myself 15 seconds, I will say to my good friend from Massachusetts, did you ever hear of Senator Stan Rosenbaum and Representative Paul E. Carin, two prominent Democrats in the State legislature of Massachusetts? They want to end compulsory student fees because they gag students. You ought to talk to them.

Mr. Chairman, I yield 1 minute to the gentleman from Georgia [Mr. KINGSTON], a very distinguished Member.

Mr. KINGSTON. Mr. Chairman, I agree with the previous speaker: This is a "no brainer." If our constituents were watching this, but they are probably doing something a little more intellectually challenging like watching Gilligan's Island reruns, they would be appalled to think that we can look them in the eye and say, "Yes, it is fair that you work all your life to write a $2,000 tuition check to the university of your choice and part of that money goes to a special interest group and the only way you can get it back is to file something like a tax return and then you get your money back." That is absurd.

If PIRG and all these groups that are benefiting from them are good, let them compete just like the College Democrats and the College Republicans do. All day long we have heard from the left that this bill is bad for students, bad for parents, hurts college tuition. If you want to help college tuition, vote for the Solomon amendment and restore some of that tuition.

Mr. OBEY. Mr. Chairman, I yield 10 seconds to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Chairman, the gentleman from New York [Mr. SOLOMON] mentioned Senator Stanley Rosenbaum. It is Rosenburg. That may not be an important difference to you. The point is they are State legislatures. You mentioned a State Senator and a State representative. You said before, only one Government had the guts. That is the crux of it, the State legislatures. They should do it. You do not believe in States' rights. It is a phoney.

Mr. SOLOMON. I am glad you are with me.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentleman from Minnesota [Mr. SABO], the distinguished Chairman of the Committee on the Budget.

Mr. SABO. Mr. Chairman, a little while ago, we dealt with Medicaid. It is a Federal program. The Federal Government pays 50 to 70 percent of the cost and the House voted to say that in the name of States' rights, a woman who has been raped or a woman who suffered from incest and become pregnant should not have funds available for an abortion.

Now we are saying that in the university or a college, the Congress is going to tell them how they run their student fees. How ridiculous are we getting? Talk of arrogance of power.

The gentleman from Massachusetts [Mr. FRANK] is right: If a governor wants to decide, a legislature, the board of regents, the student government. But all this talk of decentralization, all of a sudden we are trying to tell universities and collages how to run their student fees.

□ 2200

Let us stop it. Let us go on to serious debate.

Mr. SOLOMON. Mr. Chairman, that gentleman was from Minnesota. His students were forced to give $250,000 to Ralph Nader.

Mr. Chairman, I yield 1 minute to my good friend, the gentleman from Appleton, WI [Mr. ROTH].

Mr. ROTH. Mr. Chairman, I thank the gentleman from yielding me this time.

We were talking about arrogance of power. Let us take a look at this amendment.

Many time this debate gets far afield. This amendment says this, and I quote, "Prohibit the dissemination of Federal funds to institutions of higher learning when that institution uses compulsory fees for public policy, influence, or political campaigns," compulsory. Everyone in this House should be opposed to compulsory fees for lobbyists like Ralph Nader. I cannot believe anybody in this House would vote against this amendment.

I thank the gentleman from New York for having the courage to propose an amendment like this. It is about time. For 40 years we have been going down this road of compulsory fees. It is about time we tell our students in the universities they do not have to knuckler under.

This amendment is going to end welfare for Ralph Nader. That is enough for me to vote for this amendment.

Now let this House say we have had enough of Ralph Nader, too, and vote for this amendment.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. HORN.]

Mr. HORN. Mr. Chairman, I had always thought Republicans believed in local control, and now suddenly we are believing that this Congress should be the big nanny of American higher education.

Being a former university president with 300 students groups on the campus, I want to say that last thing we need to do is spend our time intruding on the private and the public universities of America.

As an undergraduate, I went to a university where you could not have a political speaker on campus unless someone answered it, so when the Republican leader of the Senate came, we had a student assistant debate William F. Knowland. Now, that was Stanford University. Those days are over.

When my son went there three decades later, if he did not like a group to whom the student body contributed, you could go in and get your 75 cents back or whatever the amount was.

What this amendment will do is objected to by Arkansas Students for Life, Illinois Students for Life, student chapter of the National Wildlife Federation, the National Catholic Student Coalition.

Let us stop the nonsense and let us turn this amendment down.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. NADLER].

Mr. NADLER. Mr. Chairman, what is the majority party afraid of today? First we seek to stifle not-for-profit groups. Now we seek to invade the free speech rights of students.

Because this amendment is so vague, it would create a chilling effect on all speech in any college or university receiving Federal funds under this amendment. If a student group were to engage in activity that is interpreted by a Federal bureaucrat as an attempt to affect public policy, every student at the institution would risk losing Federal student loans. A student receiving credit for congressional internship programs supported by the university could put in jeopardy all the university funding that benefits the students at that institution.

Why are we dictating to the States, to the students, to the college administrations how they ought to use their funds, not the Federal funds, their funds?

We have, in the arrogance of power, decided that we know best. We are going to tell every State Governor, every college, every student body what to do. That is not what I thought this was all about.

Mr. SOLOMON. Mr. Chairman, I yield 1 minute to the gentleman from Michigan [Mr. UPTON], who looks like a student.

Mr. UPTON. Mr. Chairman, I thank the gentleman for yielding me this time, and I think that perhaps I still look like a student because I need a haircut, thanks to the gentleman from Texas [Mr. ARMEY], with the schedule we have been on. We have not been able to see folks otherwise we would like to see.

Mr. Chairman, I do remember well when I was a student, and I remember well paying into this fund, and you know what, I did not like it, and I could not get my money back, and that is wrong. That is wrong to force us to contribute to an organization that we may not be willing to support.

As I understand it, this amendment provides a voluntary checkoff so that the student, he or she, can decide what they want and what they do not want. I think that is the fair way to go, and that is why I rise in support of this student-friendly amendment.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Chairman, it seems to me we have been about the business over the last few days in this Congress of saying if we do not agree with your views, we are going to find a way to penalize you. We are going to find a way to try to intimidate you. We are going to try to find a way to quite you, to shut you up. That is not America. That is beneath us.

This amendment is beneath us. All of us know it is directed at the PIRG's, and all of us have had an opportunity to be annoyed by the PIRG's. But, very frankly, I am annoyed by a lot of people, and I am sure I annoy a lot of people, and that is the greatness of America. We get the opportunity to annoy one another.

Let us continue that right in America.

Mr. SOLOMON. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. FORBES], a fellow New Yorker in the State where Ralph Nader gets $1 million.

Mr. FORBES. Mr. Chairman, I thank the gentleman from New York for yielding me this time.

As a student at the State University of New York, I was required, and my parents were required, to pay a mandatory student fee. And from that fee, a nonrefundable mandatory fee, and part of that money was used to fund off-campus groups that had nothing to do with education.

Great discussions over the last several months particularly have talked about choice. Well, what is wrong with allowing students the opportunity to choose and to write their own checks to their own special interest groups that they want to fund? Instead of forcing students to pay and their parents to pay fees that go to off-campus groups that have nothing to do with education, I would suggest that we support the Solomon amendment and give the right of choice back to the students.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. WAXMAN].

Mr. WAXMAN. Mr. Chairman, the choices are being taken over by the Federal Government. Just look at what we have done this evening on this bill. The Federal Government is going to tell the schools, medical schools what they can and cannot teach. The Federal Government is going to say whether a woman will really have a choice for abortion if she is raped or is pregnant because of incest. The Federal Government is going to tell nonprofit groups they cannot express their own opinion. Now we are taking away the choice from universities and campuses to allow greater speech.

We have heard over and over again tonight that the Republicans seem to want to silence one particular group on the campuses. That is not the American way.

You are going to silence one group you disagree with. You are also going to silence some groups with whom you may agree.

Let us have a diversity of opinions. Let us have a free marketplace of ideas.

Those who called for free market economics ought to be for free market ideas as well.

PARLIAMENTARY INQUIRY

Mr. DEFAZIO. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN pro tempore (Mr. LAHOOD). The gentleman will state his parliamentary inquiry.

Mr. DEFAZIO. Mr. Chairman, I have noted that repeatedly the gentleman from New York has stood up and made a rebuttal statement or a statement that does not pertain to the yielding of time or to the introduction of the next speaker. I would like to know if the rules of the House allow for that or whether or not all of those comments should be counted against his time or whether those are out of order.

The CHAIRMAN pro tempore. The Chair will state that the time that the gentleman has used has been taken off of the time that he is allowed for his time on this amendment.

Mr. DEFAZIO. I thank the Chair.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentleman from Virginia [Mr. DAVIS].

Mr. DAVIS. Mr. Chairman, it is with reluctance, I say to the gentleman from New York [Mr. SOLOMON], I have to oppose his amendment.

I came to Washington to fight against more power and decisionmaking coming from this Congress, and I just was very proud to vote with my colleagues a few minutes ago to end welfare for lobbyists.

But I think this goes a little bit too far. If you do not like compulsory fees and how they are spent, you have other choices. You can work with student organizations to change the way those decisions are made. But I do not think we need to focus here in Washington to try to change it here from this Congress.

It seems to me, in my judgment, are we now setting the standard for political correctness here from the House of Representatives, from Washington, DC? I do not think so.

I highly respect my colleague from New York, but in my judgment, this goes too far.

I remember my days as a student at Amherst College at the height of the antiwar movement. I was chairman of the Conservative Union. I remember, in those days, not getting a voice.

I do not think these decisions ought to be measured from Washington. There ought to be other ways to change it.

I oppose this amendment.

Mr. SOLOMON. Mr. Chairman, I yield 1½ minutes to the gentleman from California [Mr. COX], a member of the Republican leadership, speaking for the leadership for this amendment, our policy chairman.

Mr. COX of California. Mr. Chairman, I want to thank all of my colleagues for their cheerful demeanor at this time of night. The debate has been an interesting one to listen to, and it caused me to rise in support of the gentleman from New York [Mr. SOLOMON] because I have observed both as a student on campus that campus liberals and former campus liberals have difficulty distinguishing between other people's money and their own.

What we are talking about in the Solomon amendment is whether or not Federal funds should be used to subsidize institutions that use compulsory fees for public policy influence or political campaigns, and that is wrong.

When we do telecommunications, we are going to vote on a bill that outlaws slamming, that is, when a long-distance company calls you and says, "Do you want to switch," and if you do not affirmatively say "no," they go ahead and switch you anyway. That is wrong. That is dishonest. That is illegal, and we are to fix it when we do telecom. It is wrong whether it is labor union dues that are spent against the wishes of labor union members to fund political campaigns they do not agree with, or students on campus whose dues are taken without their affirmative consent.

The same liberals who for years have regulated every aspect of American life with thousands of pages much legalese tell us now it is too complicated to let students check a box that, yes, they would like their money to go to a political campaign or political influence.

The fact is it is easy, it is right, and it is fair. Vote for the Solomon amendment.

Mr. SOLOMON. Mr. Chairman, I yield myself the balance of my time.

Let me just tell the gentleman from Virginia [Mr. DAVIS] for a minute, the gentleman says let the students correct it. I want you to go out and check the record that in every campus in America where the students have been given the right for a referendum, do you know what they have done? They have rejected mandatory activity fees. They have rejected the negative checkoffs, because they want the positive checkoff, the right to do it, and it was not just overwhelming. The smallest ratio was 75 percent rejecting mandatory activity fees. That is exactly what we are doing here. We are giving them that right, if they want the Federal dollars.

This does not touch Pell grants and individual grants going to students. It is only to those universities that are depriving those students of the referendum to let them check off a positive checkoff. That is exactly what this amendment does. It does nothing else.

I invite you all to come over here and read the amendment. If you want to do what is right for the students of this country, you vote "yes" on the Solomon amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. OBEY. Mr. Chairman, I yield the remainder of my time, 1½ minutes, to the distinguished gentleman from Illinois [Mr. DURBIN].

Mr. DURBIN. Mr. Chairman, let me tell you what this debate is all about. Too many Members of this new Gingrich Republican Party are frightened by freedom of expression in the United States.

Six screwballs to out and burn the American flag last year. The Gingrich Republicans come in and want to change the Bill of Rights for the first time in over 200 years. Garrison Keillor gets on public radio and needles them, and they decide to do away with the Corporation for Public Broadcasting. A Congressman receives a few letters from advocacy groups he does not care for, he introduces an amendment to shut them down so they can no longer lobby Capitol Hill.

☐ 2215

And now we have an amendment offered by the gentleman from New York

[Mr. SOLOMON] which seeks to silence controversial discussions on college campuses, a place where we should encourage these discussions on the right and on the left. That is what America is all about.

I say to my friends in the Republican Party, if your revolution is so right, so popular, so American do not be afraid of the court of public opinion. That is what America is all about.

This amendment is not conservatism, it is elitism. Defeat this abomination. Defeat the Solomon amendment.

Mr. MINETA. Mr. Chairman, I rise in opposition to this amendment.

This amendment is a Federal intrusion to the integrity of college and university campuses all around the country, and an attack to one of our most fundamental rights—the freedom of speech.

Aptly termed the "campus gag rule," this amendment assaults the freedom of speech of our students, faculty, staff, and all who want to participate in an exchange of ideas—in the very institutions where freedom of thought is supposed to flourish and be embraced.

We cannot be expected to produce the leaders, the political thinkers, and civic-minded citizens of the future, if we stifle their ability to participate in discussions on issues and public policy that will shape their world of tomorrow. Participation, service, and activism enhances the educational experience of students, and sometimes inspires us to become involved in the very issues that affect our communities.

Mr. Speaker, this amendment stilts the academic and intellectual freedom of some of our brightest citizens. And it only serve to further isolate our citizens from participating in the public policy discussions that influence their lives. I urge my colleagues to vote against this amendment.

Mr. RICHARDSON. The Solomon amendment is noting but campus gag rule.

This amendment adds an unprecedented level of Federal intrusion into local decision making.

It prevents university and college campuses from being free to make their own decisions about how best to encourage a marketplace of ideas and opposing viewpoints.

Our college students represent our best hope for developing the next leaders of this Nation. This amendment prevents students from entering into important debates and from pursuing campus activities which they believe in.

The bottom line is that student's must have the ability to influence policy and must be allowed to get involved in issues that they support.

I urge my colleagues to vote no on the Solomon amendment.

WHO OPPOSES THE CAMPUS GAG RULE?

(The Solomon amendment to the Labor, HHS and Education appropriations bill)

National education organizations including: American Association of State Colleges and Universities, American Association of University Professors American Council on Education, Association of American Universities.

American Federation of Teachers, National Association of State Universities and Land Grant Colleges, National Education Association, National Association of Independent Colleges and Universities.

Over 50 national student and citizen groups including: American Planning Association, Consumer Federation of America, Environmental Defense Fund, Habitat for Humanity International, National Catholic Student Coalition National Catholic Student Coalition, National Student Campaign Against Hunger and Homelessness.

National Wildlife Federation, Oxfam America, People for the American Way, Physicians for Social Responsibility, Presbyterian Church (USA), Washington office, United States Student Association (USSA).

Over 100 local citizen groups including: Arkansas Students for Life, Long Island Soundkeeper, Florida PIRG, Illinois Citizens for Life, Sierra Club of Indiana.

Hands Across New Jersey, Pennsylvania Council of Churches, Consumers Union, Southwest Regional Office, United We Stand, Texas, Watch Our Waterways.

Over 100 local educators including: California State University, Office of the Chancellor; University of California, Office of the President; Central Baptist College, Dean; The Regents of the University of Colorado; Connecticut College, President; The American University, Chair Board of Directors; Delta College, Dean; Emory University, President; Illinois Community College Board, Executive Director; Illinois Board of Regents, Chancellor; University of Maine System, Chancellor; University of Mississippi, Chancellor; Hastings College, President.

Dartmouth College, President; University of New Hampshire, President; Nassau Community College, President; University of New Mexico, Acting President; Ohio State University, Provost; Oklahoma State Regents for Higher Education, Chancellor; Oregon State System of Higher Education, Chancellor; Bucknell University, President; University of Texas Board of Regents, Chancellor; University of Utah, President; Virginia State University, Vice President; Washington State University, President; University of Wisconsin System, President.

Ms. BROWN of Florida. Mr. Chairman, I rise today on behalf of the college students in Florida, and against the Solomon amendment. This amendment would deprive our students, our future citizens, of the ability to exercise their democratic rights to free speech.

This amendment is a gag rule—pure and simple. It would prevent students from deciding to use their own fees for causes they determine are important. It interferes with student and university decision making. Ironically, this amendment would interfere with students rights to protest against the $4.5 billion cuts for education in this very bill.

Don't the decisions about which groups and activities students choose to fund with their own fees belong to the students—not the Federal Government? Don't a majority of students vote or petition for these fees in the first place? Isn't that the lesson of democracy we should be teaching our students?

We do not need to interfere with the decisions of student bodies about how their fees should be spent—especially if they choose to enter debated of public policy of our democracy. We should be encouraging them to participate in our democracy—not curb their participation.

The CHAIRMAN pro tempore (Mr. LAHOOD). The question is on the amendment offered by the gentleman from New York [Mr. SOLOMON].

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. SOLOMON. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 161, noes 263, not voting 10, as follows:

[Roll No. 623]

AYES—161

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Bartlett
Barton
Bass
Bereuter
Bliley
Boehner
Bonilla
Bono
Brewster
Bryant (TN)
Bunning
Burton
Buyer
Callahan
Calvert
Canady
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Coble
Collins (GA)
Combest
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehrlich
English
Ensign
Everett
Fields (TX)
Forbes
Fowler
Franks (CT)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gillmor
Graham
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hostettler
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kingston
Knollenberg
Largent
Latham
Laughlin
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McDade
McHugh
McInnis
McKeon
Metcalf
Mica
Montgomery
Moorhead
Myrick
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Pombo
Quillen
Radanovich
Riggs
Roberts
Rogers
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Seastrand
Sensenbrenner
Shadegg
Shaw
Shuster
Sisisky
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Talent
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tiahrt
Upton
Vucanovich
Waldholtz
Walker
Weldon (FL)
Weller
Wicker
Zeliff
Zimmer

NOES—263

Abercrombie
Ackerman
Baesler
Baldacci
Barcia
Barrett (NE)
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blute
Boehlert
Bonior
Borski
Boucher
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TX)
Bunn
Burr
Camp
Cardin
Castle
Chrysler
Clay
Clayton
Clement
Clinger
Clyburn
Coburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Cooley
Costello
Coyne
Cramer
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Ehlers
Emerson
Engel
Eshoo
Evans
Ewing

Farr
Fattah
Fawell
Fazio
Fields (LA)
Flake
Flanagan
Foglietta
Foley
Ford
Fox
Frank (MA)
Franks (NJ)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gilchrest
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kleczka
Klink
Klug
Kolbe
LaFalce
LaHood
Lantos
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lincoln
Lipinski
Lofgren
Longley
Lowey
Luther
Maloney
Manton
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McDermott
McHale
McIntosh
McKinney
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Molinari
Mollohan
Moran
Morella
Murtha
Myers
Nadler
Neal
Nethercutt
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Porter
Portman
Poshard
Pryce
Quinn
Rahall
Ramstad
Rangel
Reed
Regula
Richardson
Rivers
Roemer
Rohrabacher
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schiff
Schroeder
Schumer
Scott
Serrano
Shays
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Spratt
Stark
Stokes
Studds
Stupak
Tanner
Tejeda
Thomas
Thompson
Thornberry
Thornton
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Velázquez
Vento
Visclosky
Walsh
Wamp
Ward
Waters
Watt (NC)
Watts (OK)
Waxman
Weldon (PA)
White
Whitfield
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (FL)

NOT VOTING—10

Andrews
Bateman
Filner
Moakley
Petri
Reynolds
Thurman
Volkmer
Williams
Young (AK)

□ 2236

Messrs. EWING, SAWYER, PORTER, and HOEKSTRA changed their vote from "aye" to "no."

Mr. BASS changed his vote from "no" to "aye."

PERSONAL EXPLANATION

Mr. VOLKMER. Mr. Speaker, earlier this evening I missed rollcall vote No. 623, the Solomon amendment. Had I been present, I would have voted "no."

AMENDMENT OFFERED BY MR. GORDON

Mr. GORDON. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore (Mr. LAHOOD). The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. GORDON: At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. . None of the funds made available in this Act may be used for grants to students at an institution of higher education under the Pell Grant program under subpart 1 of part A of the Higher Education Act of 1965 when it is made known to the Federal official having authority to obligate or expend such funds that such institution is ineligible to participate in a loan program under part B of title IV of such Act as a result of a default rate determination under section 435(a) of such Act.

The CHAIRMAN pro tempore (Mr. LAHOOD). Pursuant to the order of August 2, 1995, the gentleman from Tennessee [Mr. GORDON] will be recognized for 10 minutes, and a Member opposed will be recognized for 10 minutes.

The CHAIR recognizes the gentleman from Tennessee [Mr. GORDON].

Mr. GORDON. Mr. Chairman, I yield myself 5 minutes.

The gentlewoman from New Jersey [Mrs. ROUKEMA] and I have a commonsense and, I think, an uncontroversial amendment. In 1982, we had a $3 billion student loan program in this country and a 10-percent default rate. Ten years later, in 1992, we had a $7 billion student loan program and a 54-percent default rate. We were spending more money on defaults in 1992 than we spent on the whole program 10 years before that.

Mr. Chairman, that resulted from a variety of reasons, one of which is the Department of Education simply was not doing a good job in overseeing the program and collecting, and the other problem was there were a number of schools that had extraordinarily high default rates, 50, 60, 70, 80 percent, because they were more interested in getting a student's money than in giving a student an education. With the help of a number of the folks here in this Chamber tonight, we instituted a number of reforms in the student loan program integrity provisions.

One of the major reforms that was made in the student loan program was to kick out of the program those schools with high default rates, and the result has been, in the first year of that, last year, we saved $600 million for the taxpayers; this year it is estimated $1.2 billion; and that figure will continue to climb. What we found is that a number of those schools said, "Fine, we will just get out of the student loan program, but we want to continue to get the Pell grants because there is no accountability for Pell grants."

Right now, Mr. Chairman, we have $320 million a year in Pell grants going to schools that have been determined to be so irresponsible that they should not be in the loan program. The gentlewoman from New Jersey [Mrs. ROUKEMA] and myself have a simple amendment that simply says that if you are a school that has been kicked out of the student loan program because of high default rates, then your school is not eligible for Pell grants. That is the bulk of the amendment. I know there will be some questions.

Mr. Chairman, I yield 5 minutes to the gentlewoman from New Jersey [Mrs. ROUKEMA], and I ask unanimous consent that she be permitted to control that time.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. GORDON. Mr. Chairman, I reserve the balance of my time.

Mrs. ROUKEMA. Mr. Chairman, I yield myself such time as I may consume, and I want to rise in strong support, of course, of this amendment. I am happy to join again with the gentleman from Tennessee [Mr. GORDON] on this amendment. As he has stated, we successfully passed similar language in 1992 on this very floor, which most of the people here voted for at that time, but it was mysteriously dropped in conference. We are coming back to that now.

I think it is a straightforward amendment, as the gentleman has already said, and I want my colleagues to listen to this now. It would prevent a postsecondary school from participating in the Pell Grant Program if the school is already ineligible to participate in the student loan program.

□ 2245

That is plain and simple if they have very high default rates and do not meet the criteria in the legislation of today.

My colleagues, this bill is an example of how we are trying desperately to save the taxpayers' money, and it is appropriate, therefore, that we add this reform to this bill so that again, we can go along with the savings that we know are really out there for the taxpayers.

The gentleman from Tennessee [Mr. GORDON] has already outlined some of the savings, but I would like to add to what he said about the benefits that we have already seen in this just 2 years. In just the short time that this reform has already been in effect, the Department of Education has documented substantial results, having already saved millions of taxpayers' dollars, and it disqualified at least 129 of the schools. However, that is not enough.

Mr. Chairman, the Senate Committee on Governmental Affairs Permanent Subcommittee on Investigations held hearings just 3 weeks ago to examine this very question of the Pell Grant Program in proprietary schools. That hearing disclosed that a California-based trade school, which had repeatedly failed to reimburse loans and filed false loan applications had received almost $58 million in Pell grants in just a few short years, which made it the

16th largest Pell grant recipient in the Nation.

Mr. Chairman, this amendment says, enough is enough. We are trying to save the taxpayers' dollars, we are trying to balance the budget. Make our Pell grant money go farther, save the students and save the taxpayers from the scam schools.

Mr. Chairman, I yield 1 minute to my colleague, the gentleman from Pennsylvania [Mr. GOODLING] Chairman of the Committee on Economic and Educational Opportunities, for his observations on this issue.

Mr. GOODLING. Mr. Chairman, I thank the gentlewoman for yielding time to me.

Mr. Chairman, our two colleagues have an excellent amendment. I just want to make a little history for the benefit of this Department of Education and any future department to make sure that they understand there is an exception in the legislation that the Secretary can make, and that is put there primarily because a community college, for instance, may have only four loans. They may have two defaults. That is not what the gentlewoman is talking about, and we want to make sure that the department understands that, and they are protected.

Mrs. ROUKEMA. Mr. Chairman, that is a very useful contribution, and I thank the gentleman.

There have been some that have raised the question with me, and I have tried to assure them that that problem is taken care of, and it should not adversely affect their community colleges.

Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois [Mr. PORTER], chairman of the subcommittee.

Mr. PORTER. Mr. Chairman, I thank the gentlewoman for yielding.

Mr. Chairman, I think the amendment makes eminent good sense and we would accept it and urge its adoption.

Mrs. ROUKEMA. Mr. Chairman, I reserve the balance of my time.

Mr. GORDON. Mr. Chairman, I yield 30 seconds to my friend, the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Chairman, if I could ask either the gentlewoman from New Jersey or the gentleman from Tennessee, both who have worked incredibly hard on this problem, in the case of a public institution, a community college which we have a lot of obviously in California and Texas and other places, what happens there? I mean it is the student who is in default, but you have other students who want to come to the institution who are eligible for Pell grants. Would they be denied Pell grants? You talk about we have a very limited number of loans. But would that be true?

The CHAIRMAN pro tempore (Mr. LAHOOD). The gentleman's time has expired.

PARLIAMENTARY INQUIRY

Mr. MILLER of California. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN pro tempore. The gentleman will state it.

Mr. MILLER of California. Has the time in opposition been claimed?

The CHAIRMAN pro tempore. It has not.

Mr. MILLER of California. Mr. Chairman, could I claim the time in opposition?

The CHAIRMAN pro tempore. Does the gentleman oppose the amendment?

Mr. MILLER of California. I think I might, Mr. Chairman.

The CHAIRMAN pro tempore. The gentleman from California is recognized for 10 minutes in opposition to the amendment.

Mr. MILLER of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, my concern is public institutions. Pell grants, as I understand it in California, are used mainly at the community college level much more so than the loan program. But you could have a limited number of students who have loans and they default on them, and then that spills over to the students who want to get an education and are qualified for a grant and need the grant to go to school. Can you help me with that?

Mr. GORDON. Mr. Chairman, will the gentleman yield?

Mr. MILLER of California. I yield to the gentleman from Tennessee.

Mr. GORDON. Mr. Chairman, let me repeat what I think Chairman GOODLING put forth earlier.

Mr. Chairman, what the gentleman is talking about is a valid situation. You will have some community colleges that may have four people there on loans and have 4,000 on Pell grants. You have a situation because there is such a small loan volume that you could have two of those four that have defaulted, and so they are in a high default rate situation.

As was pointed out, this was never intended to cut that school off from Pell grants. It gives the Secretary of Education the authority, and encourages them, to waive this prohibition in that situation.

Mr. MILLER of California. I thank the gentleman.

Mr. GOODLING. Mr. Chairman, will the gentleman yield?

Mr. MILLER of California. I yield to the gentleman from Pennsylvania.

Mr. GOODLING. Mr. Chairman, I would like to also say that the students would not be punished because they could come under existing law for mitigating circumstances.

Mr. MILLER of California. Mr. Chairman, I thank the gentlewoman from New Jersey and the gentleman from Tennessee who have worked hard on this, and they have removed my opposition, so I yield back the balance of my time.

Mr. GORDON. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, if I might just quickly close by saying we talked about saving the taxpayers' money, and we are going to do that. But what we are also going to do is save opportunities with this bill. We are going to save the opportunities of those individuals that are going to a high default rate school that really is not giving an education. They are going there under false pretenses, and they are not going to get a good education. Now they can take that Pell grant and have it directed to a good school and have their opportunities fulfilled too. So we know we save money, and we also save opportunities.

Mr. Chairman, I yield such time as she may consume to the gentlewoman from New Jersey [Mrs. ROUKEMA].

Mrs. ROUKEMA. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I would simply underscore what the gentleman has said. In my closing remarks I stated we are not only saving the taxpayers, but we are concerned about the students that are being used and deprived of an education and we want them to get that good education.

Mr. Chairman, I rise in strong support of the amendment offered by myself and my colleague from Tennessee [Mr. GORDON]. And, I would like to congratulate him for his continued efforts on this issue. For my colleagues who were not here a few years ago, the gentleman from Tennessee and I successfully passed similar language to the 1992 Labor-HHS-Education appropriations bill, but it was mysteriously dropped in conference.

Mr. Chairman, this amendment is straightforward. It would prevent a postsecondary school from participating in the Pell Grant Program if that school is already ineligible to participate in the federally guaranteed student loan program. Plain and simple, this legislation will make sure that if you have high default rates, then you should not receive any title IV higher education funding period.

Mr. Chairman, as all of my colleagues know, this is a critical time for our country. Congress is trying to save taxpayer dollars while improving the quality of post-secondary education that is available to all Americans. We took strong steps forward in achieving this in 1992 when we reauthorized the Higher Education Act with nearly 100 sorely needed reforms that were good for students and good for taxpayers.

Reforms such as the 3 year 25 percent cohort default rate were intended to put an end to risk-free Federal subsidies for those unscrupulous, for-profit trade schools who promise students a good education that leads to a good job and then fail to deliver on that promise—at the expense of both students and the taxpayer. If these schools violated these rules, then they would be bounced from the program.

Mr. Chairman, we have already determined that schools with unacceptably high student loan default rates should not be permitted to participate in the federally guaranteed student loan program. I submit that if a school is deemed ineligible to participate in the federally guaranteed student loan program, then obviously it should not qualify for the Pell Grant Program. And, as I already mentioned, while the House passed modified language addressing this concern in 1992, it was mysteriously dropped in conference. So, we are back here today discussing the one that got away.

Today we have an opportunity to stretch our Pell grant funds by disqualifying those schools that we have already disqualified from the federally guaranteed student loan program.

Data recently compiled by the Department of Education has revealed that, as a result of the 1992 reform addressing 25 percent cohort default rates, 544 proprietary schools no longer participate in the Guaranteed Student Loan Program. But, at least 129 of these disqualified schools continued to participate in the Pell Grant Program and subsequently continued to receive millions in Pell grants since 1991.

And, these figures do not even include all of the schools who voluntarily withdrew from the loan program because of the prospect of sanctions. In many of these cases, schools just chose to stop certifying loan applications instead of notifying the Department of Education that they were ending their participation in the program.

To top it off, the Senate Governmental Affairs Permanent Subcommittee on Investigations held hearings 3 weeks ago to examine the abuse of the Pell Grant Program by proprietary schools. That hearing disclosed that a California-based trade school which had repeatedly failed to reimburse loans and filed false loan applications received almost $58 million in Pell grants from 1990 to 1995 making it the 16th largest Pell grant recipient in the Nation.

Mr. Chairman, the Title IV Student Aid Program currently serves 2,487 proprietary schools, and proprietary schools represent 41 percent of all Pell grant recipients. And, despite corrective actions taken through the 1992 higher education amendments to prevent fraud and abuse of the Federal student aid program, this hearing only confirms that similar problems still persist, and that much more needs to be done to stop them.

Enough is enough. Make our Pell grant money go farther. Save the taxpayers from scam schools. Throw the scam schools out of the Pell program. Protect our students and our taxpayers. Support this critical amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Tennessee [Mr. GORDON].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. LAZIO OF NEW YORK

Mr. LAZIO of New York. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LAZIO of New York: Page 88, after line 7, insert the following new title:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. 701. The amount otherwise provided by this Act for "Corporation for National and Community Service—Domestic Volunteer Service Programs, Operating Expenses" is hereby increased by $13,793,000.

The CHAIRMAN pro tempore. Pursuant to the order of the House of August 2, 1995, the gentleman from New York [Mr. LAZIO] will be recognized for 10 minutes, and a Member opposed will be recognized for 10 minutes.

The Chair recognizes the gentleman from New York [Mr. LAZIO].

Mr. LAZIO of New York. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to begin by thanking Mr. PORTER, who has done a wonderful job in assisting on this amendment.

Mr. Chairman, I rise today to offer an amendment which restores money to the National Senior Service Corps, part of the Domestic Volunteer Service Programs. The National Senior Service Corps is a very successful program essential to today's senior citizens. The National Senior Service Corps includes: the Foster Grandparents Program, the Senior Companion Program, and RSVP—the Retired and Senior Volunteer Program. The additional funds from this amendment, which is totally offset by the savings in the last amendment by Mrs. ROUKEMA and Mr. GORDON, will be equally divided among these three programs.

The funding level in this bill represents a reduction of 15 percent from the 1995 level and returns the National Senior Service Corps to 1988 funding levels.

These programs have brought needed services to communities across America and provided hundreds of thousands of service opportunities to older Americans. The seniors throughout our country represent a huge resource which we have only begun to realize.

We are a young Nation which prides itself on our youthfulness and vigor. We have a tendency to look toward our children and rely on them to realize our hope for tomorrow. I share this vision, and believe that children are the ultimate reason for which we do our work here in Congress. I also believe, however, that the senior citizens of this country have a wealth of experience and knowledge which must be engaged. As we look at some of the enormous social problems we face today, it is essential that as a nation we look toward those who have faced and overcome adversity before, and now stand as examples of that which makes America great. We need to realize that senior citizens are an essential part of the solution to many of today's ills.

It is easy to look at a bill such as the one before us today and miss the true meaning behind the numbers. The reduction to the National Senior Service Corps represent community needs which will go unmet. These programs have proven to be incredibly successful throughout their existence, and have engaged seniors in valuable community service making them part of the solution and giving them meaning. This amendment will restore nearly $14 million of those funds.

The failure to adopt this amendment will mean:

A total of 3,208 Foster Grandparent service years—carried out by approximately 4,800 older volunteers—would be eliminated. This is the equivalent of 46 local projects—out of a current total of 279 projects. These Foster Grandparents would have served almost 12,500 infants, children, and young people with a variety of disabilities, including those who were abused or neglected, homeless, in trouble with the law, afflicted with a serious illness, or otherwise in need of person-to-person services from a caring older person.

An estimated 1,220 Senior Companion service years—involving over 1,700 older volunteers—would be eliminated. These Senior Companions would have served thousands of frail adults who need assistance with the activities of daily living to remain independent in their communities. Communities and families of these frail adults would have to find some other way—very likely costly institutionalization—to replace the 1.3 million hours of service they would loose each year.

In RSVP, where volunteers receive no stipend, the reduction would eliminate over 153 projects—from a current project level of 759—serving over 12,200 local agencies and organizations in approximately 300 counties in all 50 States. These projects enroll approximately 91,800 RSVP volunteers—all seniors who rise in the morning with a sense of purpose, if the reduction is implemented.

I ask my colleagues, should we not utilize the talent and experience of America's senior citizens? The Lazio amendment would restore much of the money for these vital programs, and continue to engage our senior citizens in valuable community service.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. LAZIO of New York. I yield to the gentleman from Wisconsin.

Mr. OBEY. If we could shorten things up by accepting the amendment, would the gentleman be persuaded to shorten things up?

Mr. LAZIO of New York. Mr. Chairman, I would be happy to do that, if the gentleman would indulge me for about 30 seconds to yield to a colleague of mine who very much wanted to speak to this.

Mr. OBEY. Mr. Chairman, if the gentleman would then yield me 30 seconds I would appreciate it, and then we would be happy to accept the amendment.

Mr. LAZIO of New York. I thank the gentleman.

Mr. Chairman, I yield 30 seconds to the gentleman from Nevada [Mr. ENSIGN].

Mr. ENSIGN. Mr. Chairman, I rise in strong support of the Lazio amendment to H.R. 2127, the Labor/HHS/Education Appropriations Act.

I want to thank my colleague for offering this amendment today. The Lazio amendment would restore $13 million to the National Senior Volunteer Corps. Millions of seniors across the Nation—including hundreds in my congressional district in southern Nevada—are dependent on the friendship, knowledge, and confidence they gain from National Senior Volunteer Corps programs. Foster Grandparents, Retired Senior Volunteers, and Senior Companions are making a difference in our hospitals with the terminally ill, homeless shelters where many have lost hope, juvenile detention facilities with troubled youth, and in schools where drug use is rampant. These programs represent true volunteerism and a welcome challenge to seniors. Our communities are better places to live because of the commitment of senior volunteers.

I know that we are facing tight budgetary times. Difficult decisions must be made to balance the budget. However, I don't believe that we should curtail volunteer opportunities by 15 percent for seniors when an increasing segment of our population is aging. The growing aging population is living longer and healthier lives. Seniors have the extra time to share their knowledge, experience, and wisdom, and I believe the small Federal investment we make for our seniors is well spent. In fact, Federal funding for programs such as Foster Grandparents from State and Private sources is leveraged several times by State and private dollars.

Mr. LAZIO of New York. Mr. Chairman, I yield 30 seconds to the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Chairman, I would simply like to say on this side, we accept the amendment. This is a tiny fixup in a massively messed up bill, but we have no problem with the particulars of this amendment.

Mr. LAZIO of New York. Mr. Chairman, I thank the gentleman, and I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from New York [Mr. LAZIO].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. SANDERS

Mr. SANDERS. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment Offered by Mr. SANDERS: Page 88, after line 7, insert the following new title:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. 701. (a) LIMITATIONS ON USE OF FUNDS FOR AGREEMENTS FOR DEVELOPMENT OF DRUGS.—None of the funds made available in this Act may be used by the Director of the National Institutes of Health to enter into—

(1) an agreement on the conveyance or licensing of a patent for a drug, or another exclusive right to a drug.

(2) an agreement on the use of information derived from animal tests or human clinical trials conducted by the National Institutes of Health on a drug, including an agreement under which such information is provided by the National Institutes of Health to another on an exclusive basis; or

(3) a cooperative research and development agreement under section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a) pertaining to a drug.

(b) EXCEPTIONS.—Subsection (a) shall not apply when it is made known to the Federal officer having authority to obligate or expend the funds involved that—

(1) the sale of the drug involved is subject to a reasonable price agreement; or

(2) a reasonable price agreement regarding the sale of such drug is not required by the public interest.

The CHAIRMAN pro tempore. Pursuant to the order of the House of August 2, 1995, the gentleman from Vermont [Mr. SANDERS] will be recognized for 10 minutes and a Member opposed will be recognized for 10 minutes.

The Chair recognizes the gentleman from Vermont [Mr. SANDERS].

□ 2300

Mr. PORTER. Mr. Chairman, I claim the time in opposition.

The CHAIRMAN. The gentleman from Vermont [Mr. SANDERS] will be recognized for 10 minutes in support of his amendment, and the gentleman from Illinois [Mr. PORTER] will be recognized for 10 minutes in opposition.

The Chair recognizes the gentleman from Vermont [Mr. SANDERS].

Mr. SANDERS. Mr. Chairman, I yield myself 3½ minutes.

Mr. Chairman, the people of this country want to know why the taxpayers of the United States are providing billions of dollars a year to the National Institutes of Health to research and develop new drugs, and the major beneficiaries of that investment are not American consumers, but large multi-billion dollar pharmaceutical companies. The taxpayers pay for the research, and the pharmaceutical companies make huge profits by selling the taxpayer-developed drugs at outrageously high prices.

Mr. Chairman, 42 percent of all U.S. health care research and development expenditures is paid for by the U.S. taxpayer. The result of this is that the NIH has created many of the new and most important drugs which are on the market today. Of the 37 cancer drugs discovered since 1955, 92 percent of them, 34 cancer drugs, were developed with Federal funding. In other words, the overwhelming majority of new cancer-fighting drugs developed in the last 40 years were developed with taxpayer funding.

Mr. Chairman, given that reality, it seems to me that the citizens of this country, who have already paid for the development of these drugs with their tax dollars, should not be ripped off when they purchase these products at the drugstore. They should not be forced to pay outrageously high prices so that the pharmaceutical companies can make exorbitant profits. Sadly, that is not the case today.

In April, 1995, the NIH dropped the Bush administration's reasonable pricing policy, which was aimed at giving U.S. taxpayers a return on their investment by preventing drugs developed with taxpayers' dollars from being sold back to them at competitive prices. This amendment would simply restore the Bush administration's reasonable pricing clause, but would still provide the NIH with flexibility to waive the pricing clause if it is in the public interest to do so.

Mr. Chairman, let me give the Members a few brief examples of why we need a reasonable pricing policy. Over the course of 15 years, the U.S. taxpayer spent $32 million at the NIH to develop Taxol, an anticancer drug that treats breast, lung, and ovarian cancers. Following the successful development of this anticancer drug, Bristol-Myers-Squibb was provided commercial rights and extensive government information on Taxol. Bristol-Myers-Squibb then turned around and sold the drug to consumers at roughly 20 times what the drug costs to produce. The result, a cancer patient taking Taxol today may pay in excess of $10,000 for the treatment, while the cost to Bristol-Myers-Squibb of manufacturing the drug is about $500.

Mr. PORTER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is a very, very complex issue. The gentleman's amendment relates to the reasonable pricing clause that was in effect for NIH collaborative research until last April. The complexity of the issue has generated a great deal of controversy.

NIH very wisely conducted an extensive review of the policy, holding public hearings, consulting with scientists, patient and consumer advocates, and representatives of academia and industry. Dr. Varmus, the appointee of this administration, as Director at NIH, determined that, and I quote:

> The pricing clause has driven industry away from potentially beneficial scientific collaborations with the Public Health Service scientists, without providing an offsetting benefit to the public.

Mr. Chairman, the reviews also indicated that NIH research was adversely affected by an inability of NIH scientists to obtain compounds from industry for basic research purposes. Other safeguards, such as termination clauses and public access requirements, are already built into NIH technology licensing process. In addition, NIH has issued a statement of objectives they intend to follow in licensing NIH patents. Except for the Bureau of Mines, no other agency, except NIH, has had a reasonable pricing clause. No law or regulation expressly requires or permits NIH to enforce such a provision.

As I said, Mr. Chairman, this is a complex issue and one that has potentially very significant ramifications, both for future scientific progress and the growth of industries such as biotechnology. NIH has studied this issue extensively. I would like to rely on Dr. Varmus' judgment on the matter, and I would hope that Congress does not attempt to intervene in this process. Thus, I must oppose this amendment.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. PORTER. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I appreciate the gentleman yielding to me.

Mr. Chairman, I must say that I can understand the position of the gentleman from Illinois, [Mr. PORTER] but I guess I would say after all of the decisions that have been made in this House tonight that have come down against average people and against common people, this is at least one decision that would be made on the side of common people, working people, and against the side of those who would gouge them. I personally, on behalf of this side, would accept the amendment.

Mr. PORTER. Mr. Chairman, I yield 2½ minutes to the gentleman from Georgia, [Mr. NORWOOD].

Mr. NORWOOD. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in opposition to the Sanders amendment, because I believe it would restrict drug companies from producing the very medicines that save life prolong life, and improve life. We have the greatest biotech industry in the world, an industry that already spends $7 billion each year on its own research.

Yes, drug prices are high, but they are high for a variety of reasons, one of which is the cost of research is very high, and drug companies have to put up with so much interference from the Federal Government. If we try to regulate drug prices, as in this amendment, we will only make the critical voyage to discovery of new medicines more difficult.

Some people think that the Government should set prices for all drugs. I think that is wrong, and I am certain it is wrong for patients who ultimately benefit from the new medicines. It would also hurt the taxpayers, since the Government spends so much of our tax dollars on health care. The dollars spent by the taxpayers for basic research at NIH ultimately benefit the Government through lower medical costs, and more importantly, it benefits all patients. We should not do anything to obstruct the research drug companies are carrying out today.

Mr. Chairman, this amendment will hurt research and ultimately it will hurt patients. We cannot let this Government set any prices, but most certainly, not drug prices. I urge my colleagues to vote against this amendment.

Mr. SANDERS. Mr. Chairman, I yield 3 minutes to the gentleman from Rhode Island [Mr. KENNEDY].

Mr. KENNEDY of Rhode Island. Mr. Chairman, the cost of prescription drugs, especially for senior citizens in my State of Rhode Island, is prohibitively high. I am sure each one of us, if we went back to our districts and asked our senior citizens what they are concerned about, among other things on the top three of their list would be the cost of prescription drugs.

This amendment says that when the taxpayers foot the bill for research, they should not have to pay for it again at the prescription counter. Prescription drugs are the lifeline for so many Americans. They are also the key to the bottom line for some of our largest companies. During the 1980's, drug prices rose 152 percent. Profits also reached new heights. By 1990, the drug industry was the Nation's most profitable, with an annual profit, annual, on average of 13.6 percent. This is more than three times the profits of the Fortune 500 companies, so do not say there is not enough money for R&D in the drug companies' budgets.

The United States is the only industrialized Nation that does not regulate prices or profits on drug companies. We pay a price for that. In this country we spend 25 to 40 times the cost of prescription drugs in this country than they do in other countries around the world.

In light of these facts, the amendment of the gentleman from Vermont [Mr. SANDERS] is a pretty tame amendment. It basically says drugs developed by the taxpayers cannot be sold back to the taxpayers at excessive prices. Without a reasonable pricing clause, the taxpayers pay first to develop these drugs through the NIH budget. Then they pay again when they try to pay for them, when they go to the hospital.

The Members know what we are talking about. It is up to the NIH to make this reasonable clause thing stick, and say:

> We are going to work with the drug companies, but we are not going to use taxpayer monies to come up with these drugs, and then allow these drug companies to run away with the R&D that we financed, so they can profit and send these exorbitant profits that these drug companies are making back on the stock market.

Make no mistake about it, these drug companies are making three times what the average Fortune 500 company is making, so I do not want to hear a lot about how we are going to gouge the drug companies if we do not permit them to use the taxpayer money, to use it for R&D.

Mr. PORTER. Mr. Chairman, I yield 2½ minutes to the gentleman from Wisconsin [Mr. ROTH].

Mr. ROTH. Mr. Chairman, this amendment would deny NIH support for new drugs unless there are government price controls on approved drugs. The question is do we want price controls. The last time we had price controls was in the early 1970's. They were a total flop, a total failure. This amendment would take us back to the era of big government. Wage and price controls have been discredited since ancient times. I cannot believe that the people who are offering this amendment are serious. Rather than setting up more hurdles and more disincentives, we should give incentives to our companies to promote miracle drugs.

I ask the Members to look around them. There are people, right here in this Chamber, alive thanks to the drugs produced by the free enterprise system. If we are thinking human beings, we should encourage and provide incentives to the companies who produce and discover more miracle drugs. AIDS, cancer, heart disease, all cry out for cures, do they not?

We cannot have it both ways. We cannot strangle incentives and then complain about the lack of cures for these dreaded diseases. This amendment epitomizes basically the old, discredited, liberal welfare state philosophy. Today is the day of the opportunity society, and socialism is not in vogue. Let us not go back to the old, failed policies of the past. Let us look to the future. Vote against this wrongheaded amendment. Let us work for cures in AIDS, cancer, heart disease, and other dreaded diseases that plague mankind. Vote against this amendment.

Mr. SANDERS. Mr. Chairman I yield 2½ minutes to the gentleman from Oregon [Mr. DEFAZIO].

Mr. DEFAZIO. Mr. Chairman, we have heard a bizarre version of reality from the other side of the aisle. First of all, let us talk about at what stage that 2 percent of the money that goes into research, in drug research in this country, is paid for by the taxpayers of the United States.

Often private companies enter into agreements with the NIH to develop new drugs using that public research. In my State they developed a drug which came from a yew tree, a tree that grew on public lands. Here is the way it works: The taxpayers paid for all the research, we discovered and developed Taxol, the NIH entered into an exclusive agreement with one company, Bristol-Myers-Squibb, to sell that drug. The drug research was done by the taxpayers. The resource grew on public lands. The company got the profits. A $500 production cost dose of that critical cancer drug for ovarian cancer costs $10,000.

Now we are saying, "Oh, well, these drug companies, we would not want to control their prices." Then if they do not want to have price controls, they should not benefit free from public research. That is the bottom line here. They are not paying the development costs; the taxpayers are. Then the taxpayers have to go out and pay for profit rates of 20 times the cost of production.

Mr. Chairman, this is, plain and simple, another ripoff. It is all about money. It is not only about taxpayer money, it is about political contributions; $357,500 in the first 2 months of this year were contributed to the Republican National Committee by the pharmaceutical industry. We can bet there will be a lot of righteous indignation on that side of the aisle tonight, because it is about what really runs this place, campaign contributions, and taxpayers' money, while we fleece them out of the other pocket by talking about free enterprise.

□ 2315

Mr. PORTER. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. WALSH].

Mr. WALSH. Mr. Chairman, I thank the distinguished chairman of the subcommittee for yielding me the time.

Mr. Chairman, I rise today in strong opposition to the Sanders amendment. This amendment would only succeed in preventing potentially promising new drug development that would benefit all Americans.

The Federal Government cannot be expected to do all research by itself. NIH has neither the mandate nor the resources to bring drugs to the commercial market. In order to speed the development of new life-saving drugs, NIH often benefits from working with business and this cooperation enhances the health of all Americans.

We should not be putting price controls on the development of new drugs as this amendment would do. The NIH reasonable pricing clause, which proponents of this amendment would like to reinstate, is a restraint on the new product development that the public has identified as an important return of their taxpayer dollars.

We need to be proactive in finding important new cancer drugs and in other significant health advances. One of NIH's statutory missions is to transfer promising technologies to the private sector for commercialization. Often government-industry joint collaborations are the most effective means of ensuring that promising new drugs are brought to market in the shortest possible timeframe.

The Director of the National Cancer Institute has said that the drug Taxol is the most important advance in the treatment of cancer in a decade.

We should not be afraid of industry making a reasonable profit on their R&D (research and development) expenditures. After all, a business needs to be able to recoup its return on investment and, in case you haven't noticed, we are a capitalist country not a socialist country. The U.S. pharmaceutical industry is one of the few sectors of the economy where we have a positive trade balance and this healthy private/public partnership has created a positive environment in which medical advances have proliferated and this has benefited all segments of our society. Clearly the taxpayers' investment wins a valuable return portion in jobs and public health.

This amendment would have the adverse effect of inhibiting the development of innovative medical breakthroughs and it would be contrary to the public interest. I urge my colleagues to oppose this amendment.

Mr. SARBANES. Mr. Chairman, I yield 1 minute to the gentleman from Illinois [Mr. DURBIN].

Mr. DURBIN. Mr. Chairman, I think we ought to clarify this debate. We are not talking about the government controlling prices of pharmaceuticals and drugs. We are only talking about specific categories of drugs developed under research at taxpayers' expense. An example is Levamisole which was a drug, a veterinary drug, 6 cents a dose, they discovered they could use it to treat colon cancer. The company that took that government research and sold it then started selling that 6-cent drug for $6. So consumers across America got no benefit from the government research.

The same thing is true with Taxol. Government research developed this drug that cost $500, then it was sold to consumers by a private company for $10,000. At a time when health care costs are going through the roof, when we worry about the vitality of programs like Medicare, we have got to do what we can to help consumers across America.

The gentleman from Vermont [Mr. SANDERS] is merely promoting a policy which was accepted by this government under Republican administrations for years and years. I urge the Members to think twice about opposing this amendment which will help keep health care costs under control.

Mr. SANDERS. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from Vermont is recognized for 1 minute.

Mr. SANDERS. Mr. Chairman, this is not price controls. I am surprised to hear my colleague referring to George Bush as a socialist. He would be very upset about it. His administration developed this policy, because they believed quite correctly that if the taxpayers put money into the development of a drug, they have the right to get something out of that investment, that the company cannot simply charge any amount of money they want making that drug unaffordable to the American people. Let us stand up for the taxpayers. Let us stand up for the consumers. Let us vote for this policy that was instituted by George Bush.

Mr. PORTER. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from Illinois is recognized for 1½ minutes.

Mr. PORTER. Mr. Chairman, I would simply remind the gentleman from Vermont that the NIH has rejected this policy under the Clinton administration. I want to repeat what I said earlier. NIH has reviewed the policy extensively, they have held public hearings, they have consulted with scientists, patient and consumer advocates and representatives of academia and industry and Dr. Varmus determined that the pricing clause has driven industry away from potentially beneficial scientific collaborations with scientists from NIH without providing an offsetting benefit to the public. I think he has made a determination that we should respect. I would urge the amendment be rejected.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Vermont [Mr. SANDERS].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. SANDERS. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to the order of the House of August 2, 1995, further proceedings on the amendment offered by the gentleman from Vermont [Mr. SANDERS] will be postponed.

AMENDMENT OFFERED BY MR. EMERSON

Mr. EMERSON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. EMERSON: Page 88, after line 7, insert the following new title:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. 701. Limitation on Use of Funds.—None of the funds made available in this Act may be used for the expenses of an electronic benefit transfer (EBT) task force.

The CHAIRMAN. Pursuant to the order of the House of August 2, 1995, the gentleman from Missouri [Mr. EMERSON] and a Member opposed will each be recognized for 10 minutes.

The Chair recognizes the gentleman from Missouri [Mr. EMERSON].

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. EMERSON. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I simply say in the interest of time, there may be some problems with this. I think if there are, we can look at it in conference. In the interest of saving time, I would be willing to accept the amendment if we could move ahead.

Mr. PORTER. Mr. Chairman, if the gentleman will yield, we accept the amendment.

Mr. EMERSON. Mr. Chairman, I thank the gentleman for accepting the amendment.

Mr. Chairman, this amendment is very simple—money appropriated for the Department of Health and Human Services—or any other agency in this bill—shall not be used to fund the Federal EBT task force in any way. This task force is pursuing a nationwide Electronic

Benefits Transfer system that uses an Invitation for Expression of Interest which limits procurement to only financial institutions, a non-competitive procurement process.

Last May, the Subcommittee of Department Operations, Nutrition, and Foreign Agriculture, of which I am chairman held a hearing concerning the food stamp program and EBT. We heard from two States, Maryland and Texas, who did not limit their procurement and have non-financial institutions running their programs. They raved about their State EBT programs and the administration of those programs.

Several organizations have expressed concern that the EBT task force's method of procurement is unfair, including the Independent Bankers Association of America. When considering the fact that the EBT task force has limited the competition to financial institutions, one would not think a group like the Independent Bankers would be complaining. However, they write on July 12: "The Independent Bankers Association of America believes that the strategy for the nationwide implementation of Electronic Benefits Transfers is unfair and anti-competitive for all but a few financial instituions."

By opposing provisions in H.R. 4, the Personal Responsibility Act that exempt States from coverage under regulation E, the EBT task force has been criticized by such groups as the National Governor's Association, the National Conference of State Legislatures, the National Association of Counties, and the American Public Welfare Association. These organizations point to the EBT task force's position on regulation E as just one example of the task force's misguided policies. This regulation would require that States which deliver benefits through EBT to replace all but $50 of benefits in the event that cards are lost or stolen. Regulation E would cost States an additional $827 million per year for AFDC, Food Stamps, and general assistance. If regulation E remains on the books, the nationwide implementation of the Electronics Benefit Transfer system will be in jeopardy. Besides regulation E, H.R. 4 includes provisions to ensure state control of EBT. Yet, the EBT Task Force opposes these provisions too.

I recently wrote a letter with my distinguished colleague from California, Mr. CONDIT, to Treasury Secretary Rubin expressing our concern about the actions being taken by the EBT Task Force. We asked Secretary Rubin to suspend the present Invitation for Expression of Interest process and allow the Congress to work with the EBT task force, social service groups, and other interested public welfare associations. But the task force continues to move forward with the IEI non-competitive procurement system despite all the concerns expressed by the Congress and various public interest groups.

I want to make it exceedingly clear to my colleagues that I support EBT. In fact, I believe that EBT will play a fundamental role in comprehensive welfare reform. I simply want to ensure that States are given the opportunity and the flexibility to implement good EBT systems within their State.

We must give careful consideration to any role for the national government in the execution of EBT programs for State-administered Federal benefits. This amendment sends a clear message that when actions are taken that significantly affect the administration of benefits to millions of Americans, Congress must not and will not be shut out of the process. I strongly urge my colleagues to adopt this amendment.

Mr. Chairman, I yield such time as he may consume to the gentleman from Iowa [Mr. LATHAM].

Mr. LATHAM. Mr. Chairman, I rise to support the amendment offered by Mr. EMERSON. The Federal Electronic Benefits Transfer Task Force is working to create a new Federal bureaucracy and restrict State control over EBT systems.

This amendment will halt the activities of the Federal EBT Task Force which has interfered with States' plans to develop EBT programs. This amendment will not in any way hinder the ability of every State to move forward with implementing EBT on their own. Six States have already set up EBT systems and 20 States are moving to do the same.

As Congress works to reduce the size of the Federal bureaucracy and give more authority to the States, I urge my colleagues to support this amendment and reduce funding for this big-government task force.

Mr. EMERSON. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri [Mr. EMERSON].

The amendment was agreed to.

AMENDMENTS NO. 132 AND 133 OFFERED BY MR. MENENDEZ

Mr. MENENDEZ. Mr. Chairman, I offer two amendments, and in order to save time, I ask unanimous consent to have them considered en bloc.

The CHAIRMAN. The Clerk will designate the amendments.

The text of the amendments is as follows:

Amendment No. 132 offered by Mr. MENENDEZ. Page 80, strike lines 13 through 22 and insert the following:

"(C) any act of self-dealing (as defined section 4941(d) of the Internal Revenue Code of 1986, determined by treating only government officials described in paragraph (1) or (2) of section 4946(c) of such Code as disqualified persons) between such an official and any organization described in paragraph (3) or (4) of section 501(c) of such Code and exempt from tax under section 501(a) of such Code;".

Page 84, at the end of line 15, insert the following: "In the case of an organization described in paragraph (3) or (4) of section 501(c) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code, all of the funds of such organization shall be treated as from a grant."

Amendment No. 133 offered by Mr. MENDENDEZ: At the end of the bill, insert after the last section (preceding the short title) the following new section:

Sec. . None of the funds made available by this or any other Act may be used to pay the salary of any government official (as defined in paragraph (1) or (2) of section 4946(c) of the Internal Revenue Code of 1986) when it is made known to the Federal official having authority to obligate or expend such funds that there has been an act of self-dealing (as defined section 4941(d) of such Code, determined by treating such government officials as disqualified persons) between such government official and any organization described in paragraph (3) or (4) of section 501(c) of such Code and exempt from tax under section 501(a) of such Code.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

Mr. PORTER. Mr. Chairman, reserving the right to object, we believe that the amendments may be subject to a point of order, and I would reserve a point of order until we make that determination.

The CHAIRMAN. The gentleman reserves a point of order. Does the gentleman object to the consideration en bloc?

Mr. PORTER. Mr. Chairman, we do not have copies of the amendments, so we would reserve the right to object until we can see the amendments.

Mr. MENENDEZ. Mr. Chairman, if the gentleman will yield, both of the amendments were printed in the RECORD.

Mr. PORTER. Mr. Chairman, further reserving the right to object, I would inquire of the gentleman whether it is 132 and 133; is that correct?

Mr. MENENDEZ. That is correct.

Mr. PORTER. Mr. Chairman, I object to their being considered en bloc because I believe there is a point of order against one of the amendments.

The CHAIRMAN. Objection is heard.

AMENDMENT NO. 132 OFFERED BY MR. MENENDEZ

Mr. MENENDEZ. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 132 offered by Mr. MENENDEZ: Page 80, strike lines 13 through 22 and insert the following:

"(C) any act of self-dealing (as defined section 4941(d) of the Internal Revenue Code of 1986, determined by treating only government officials described in paragraph (1) or (2) of section 4946(c) of such Code as disqualified persons) between such an official and any organization described in paragraph (3) or (4) of section 501(c) of such Code and exempt from tax under section 501(a) of such Code;".

Page 84, at the end of line 15, insert the following: "In the case of an organization described in paragraph (3) or (4) of section 501(c) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code, all of the funds of such organization shall be treated as from a grant."

Mr. PORTER. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. The gentleman from Illinois reserves a point of order.

Pursuant to the order of the House of August 2, 1995, the gentleman from New Jersey [Mr. MENENDEZ] and a Member opposed will each be recognized for 10 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. MENENDEZ].

Mr. MENENDEZ. Mr. Chairman, I yield myself such time as I may consume.

I hope that the gentleman will not insist on his point of order because this goes to the very heart of what the majority has tried to do in terms of the Istook amendment which is dealing with welfare for lobbyists and we just simply want to clarify it and improve upon that part which already exists under a legislating provision in an appropriations bill for which there are 29 different such provisions of legislating in this appropriations bill which have been protected under the rule, and, therefore, my understanding of the rules, is permitted to be amended once in fact it has been protected under the rule.

What we seek to do is to improve upon and assist with what the gentleman from Oklahoma [Mr. ISTOOK] is trying to do. What we do is three different things, or two in this particular amendment: One is deal with a question of political advocacy in self-dealing. The other one which is a question of value that is listed in the amendment which is presently part of the legislation as it exists, which is to now go forward from that thing of value and include tax exemption.

Let me get briefly to the heart of why we believe, if you believe in the first place as the majority has argued in the past amendment that was had by the gentleman from Colorado [Mr. SKAGGS] that it is a terrible feature to have the ability to have Federal dollars be used and in some way have those dollars shifted insofar as freeing up private dollars to be used for political advocacy or advocacy of a certain point of view, then it clearly must be as the intentions of the gentleman from Oklahoma [Mr. ISTOOK] was cited when he came in his testimony before the committee that both tax exemptions and tax deductibility are a form of subsidy that is administered through the tax system, a tax exemption has much the same effect as a cash grant to the organization of the amount of tax it would have to pay on its income, then clearly this amendment is in order. Let me go through why.

The fact of the matter is, is that if you believe that having a grant to an organization, that that permits them to free up private moneys, because you cannot use Federal moneys to go ahead and have advocacy, then it is clear that those who are enjoying nonprofit status and that lobby the Congress of the United States but that are receiving a benefit of fungible dollars because, in fact, such an exemption has the same effect as a cash grant under the case of Reagan versus Taxation with Representation of Washington, and if you also want to clean up what I heard wanted to be cleaned up, which is in fact using the resources of the Federal Government directly or indirectly to lobby the same Federal Government, then you also want to prevent self-dealing.

In that respect, I would point to some of the testimony that has been taken in this regard, look at what the Association for Retarded Citizens said when they contended that without their right to participate in litigation, the organization would not have been able to successfully sue the State of Pennsylvania which eventually led to the national recognition of the right of retarded citizens to a public education and they went on to contend that currently while they did not spend more than 5 percent of their budget for advocacy, the new definition would require including in the total activities not now included and therefore exploitive.

But let us get to why I believe that it was the intention of this amendment and it is proper to proceed that nonprofit organizations also be included.

□ 2330

501(c)(3) tax-exempt organizations are limited in their lobbying by current law to produce and distribute materials which clearly violate the spirit of the restrictions of both current law and the proposed changes contained in the Istook amendment, simply by printing a disclaimer at the bottom of such materials declaring that their comments are not meant to be construed as lobbying.

We have seen a lot of those letters. As a matter of fact, on the Istook amendment, we had the National Taxpayers Union, that is a 501(c)(4) tax-exempt group, urging support for the amendment and also the defeat of the motions to strike it and clearly said, "We are going to also rate you on this." But this is a clear example of lobbying undertaking with a subsidy of tax-exempt dollars.

Let us go to organizations closely linked to politicians, which, in fact, is in essence self-dealing. Let us look at the questions of the Progress and Freedom Foundation as an example of that. According to an Associated Press article of February 17 of this year, "The Progress and Freedom Foundation made a substantial investment in Newt Gingrich during its first year in business."

Now it goes on to say that "Documents filed with the Internal Revenue Service and made public Thursday show that more than 80 percent of the tax-exempt think tank's first year expenses went to two programs that gave Mr. Gingrich national television exposure. The records show the foundation spent $460,000-plus in the period from April 1 of 1993 to March 31 of 1994. The largest expenditure, over $290,000, was related to sponsoring the broadcasts of Mr. Gingrich's college courses Renewing American Civilization. An additional $94,000 was raised by the foundation, which underwrote a televised call-in show in which Mr. Gingrich served as a co-host."

It goes on to say, "While Mr. Gingrich has no formal ties to the foundation, its president, Jeffrey Eisensack, previously, headed GOPAC," and it goes on to say that the foundation worked out of GOPAC's headquarters for several months. More than half of the money spent by the organization over the 20-month period from its founding, $632,000 was for the class and the call-in show, and as a not-for-profit organization, the foundation is exempt from taxes and donors can claim a charitable deduction on their income tax returns.

That is in essence what Roll Call wrote this week in their front-page article about the questions and the concerns about these type of organizations and self-dealing.

If we believe that it is wrong to permit a nonprofit group that comes and receives a grant to go ahead and lobby the Federal Government through their private resources, not their Federal dollars, which is against the law, then it must also be the intention to stop those nonprofit organizations that receive tax deductibility and therefore by doing so have fungibility of Federal dollars that all of us as Federal taxpayers participate in and for which they receive those who contribute a deduction.

Then it must be the intent clearly to include those so that we can level the playing field and stop that undue political influence, and also to look at organizations that continuously lobby the Federal Government, give us letters, and tell us, "This is the way you should be voting, this is the way we believe in," and in fact have the benefit of Federal dollars through tax exemption as well. That must be. It must be in the purity of the desire which needs to be addressed in the Istook amendment.

Therefore, I believe our amendment is in order, and if not, then we see the hypocrisy of those who would silence voices that in fact receive what they consider a fungible benefit, a benefit that is transferable because they receive a Federal grant and cannot use that money but in fact have private resources to be able to use.

We want to stop that, but we would not stop organizations by which an individual, a Member of this Congress, for example, could go ahead and use that tax-exempt organization, get the benefits, the fungible benefits of taxpayer dollars or another organization who lobbies a certain view, a certain idealistic view and continues to promote it, receives the benefit of tax-exempt dollars, and not be able to go ahead and stop those because we believe that those are okay but ours are not. It simply does not make sense. If we want to in fact keep the integrity of what is being suggested wants to be stopped, we should be pursuing the amendment.

Mr. Chairman, I reserve the balance of my time.

POINT OF ORDER

Mr. PORTER. Mr. Chairman, I make a point of order because the amendment proposes to change existing law and constitutes legislation on the appropriations bill and violates clause 2 of rule XXI.

The CHAIRMAN. Does the gentleman from New Jersey wish to be heard on the point of order?

Mr. MENENDEZ. Mr. Chairman, I wish to be heard on the point of order.

Mr. Chairman, let me just say I am shocked that in fact you want to persist on a point of order when this bill has been legislated 29 times. There is legislation in the appropriations bill. You also so eloquently stated that you wanted to be sure that in fact the Federal Government did not use its dollars in any way, directly or indirectly, to be lobbied and therefore to seek even greater dollars to be spent on behalf of those causes, yet there is an objection.

I would urge the Chair that based upon the fact that this is already protected under the rule and therefore subject to amendment and the amendment simply deals with the questions of advocacy which is dealt with under the protected part of the bill by the rule and with the question of a thing of value which we extend to tax exempt that it is appropriate to have the amendment proceed.

The CHAIRMAN. The Chair is prepared to rule.

The pending text title VI of the bill, comprises extensive legislative language permitted to remain in this general appropriations bill by House Resolution 208. The provisions of title VI establish a set of restrictions on Federal "grantees" who engage in "political advocacy." In the pending text, the term "grant" includes a range of payments and benefits in cash and in kind.

The amendment offered by the gentleman from New Jersey proposes to include additional legislation by extending the range of the term "grant" to include certain benefits derived from a specified tax status which, in turn, derives in part from unrelated criteria.

The Chair finds that the amendment does not merely perfect the legislation already in the bill. Rather, the amendment proposes additional legislation, in violation of clause 2 of rule 21.

The point of order is sustained.

PARLIAMENTARY INQUIRY

Mr. MENENDEZ. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MENENDEZ. Mr. Chairman, do I understand the Chair's ruling to say that you are calling the amendment out of order in view of the fact that it wishes to extend that which is a thing of value to something that we determine to be nonprofit and that therefore those people who take advantage of such a nonprofit organization for political purposes to lobby the Government of the United States, that that is out of order?

The CHAIRMAN. The ruling of the Chair speaks for itself.

AMENDMENT NO. 130 OFFERED BY MR. SAM JOHNSON OF TEXAS

Mr. SAM JOHNSON of Texas. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 130 offered by Mr. SAM JOHNSON of Texas: Page 88, after line 7, add the following new title:

TITLE VIII—OTHER PROGRAMS

PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

SEC. . In addition to amounts otherwise provided in this Act, for carrying out programs under the head "SCHOOL IMPROVEMENT PROGRAMS"; for carrying out programs under the head "VOCATIONAL AND ADULT EDUCATION, respectively, $50,000,000 and $100,000,000, to be derived from amounts under the head "AGENCY FOR HEALTH CARE POLICY AND RESEARCH—HEALTH CARE POLICY AND RESEARCH" $60,000,000: *Provided*, That, notwithstanding any other provision in this Act, none of the funds under the head "AGENCY FOR HEALTH CARE POLICY AND RESEARCH—HEALTH CARE POLICY AND RESEARCH" shall be expended from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds.

The CHAIRMAN. Pursuant to the order of August 2 1995, the gentleman from Texas, Mr. SAM JOHNSON, will be recognized for 10 minutes, and the gentleman from Wisconsin, Mr. Obey, will be recognized for 10 minutes in opposition.

The Chair recognizes the gentleman from Texas, Mr. SAM JOHNSON.

Mr. SAM JOHNSON of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, as you may or may not know, this is not the original amendment that I offered. My original amendment completely eliminated funding for the Agency for Health Care Policy and Research and used the savings for deficit reduction. However, it became necessary to make changes and offer the compromise that is before us today.

I have chosen to support this compromise amendment because it accomplishes two goals.

First, I believe that a cut of $60 million is an important first step toward the total elimination of this Agency. Next year, we can fight for total elimination of this Agency. We owe that to the taxpayers of this country.

The second, and most important part of this compromise, is the stipulation that AHCPR will not be able to continue to take $5.8 million each year from the Medicare trust fund as they have been doing since their creation in 1989.

Whether the Agency is eliminated or not, this house can not, in good conscience, take money from our Medicare system which will be broke by the year 2002. So, by supporting this amendment, you will be increasing the Medicare trust fund by $5.8 million.

I would like to share with you how AHCPR uses Medicare funds and its appropriated moneys. They are used to produce studies such as, and I quote, "Cardiologists Know More About New Heart Attack Treatments Than Primary Care Doctors"—and quote—the "Doctor-Patient Relationship Affects Whether Patients Sue for Malpractice".

Can you believe that a Government that has a $5 trillion debt take money from Medicare and spends millions on an agency that produces these types of reports and a host of others that are duplicative and useless.

The Office of Technology Assessment has concluded that AHCPR's guideline program is one of 1,500 such efforts performed by both the Federal Government and the private sector.

It is obvious that we do not need to fund this Agency that employs 270 bureaucrats and in 6 years has spent 778 million taxpayer dollars—$29.4 million of which has been siphoned off from the Medicare trust fund.

Let me reiterate this point. If we don't pass this amendment, $5.8 million will be taken out of Medicare next year and every year after that. In 7 years when Medicare goes broke, this agency will have stolen $80 million from our senior citizens.

The American people want a balanced budget. They want the Government to stop spending their money on things that we don't need and can't afford. And we don't need, nor can we afford, the Agency for Health Care Policy and Research. A better name for this Agency would be the Agency for High Cost Publications and Research.

I urge members to help lower the deficit, help save Medicare, and help protect taxpayers from having to fund a needless bureaucracy—help save medicare—vote for this amendment.

I would hope that the gentleman would help us accept this.

Mr. Chairman, I reserve the balance of my time.

Mr. OBEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the gentleman from Texas, Mr. SAM JOHNSON, has asked if I would accept his amendment. Let me say I have great misgivings about it. I agree with the gentleman from California [Mr. THOMAS] on this, and I agree with the gentleman from Texas [Mr. ARCHER].

I am very reluctant to accept the amendment. I guess I could be persuaded to do so provided that my colleagues understand one thing: When you propose to cut Medicare by $270 billion, what you are telling the American people is that you can do it all without hurting senior citizens. I very,

very deeply question that, but if we are to minimize the hit on recipients of Medicare, we have to know how we can save money by eliminating waste in Medicare.

This agency which you are cutting is the agency that is supposed to supply us with that information by doing the outcomes research that they do. I was going to read a whole series of examples of how we have had major savings in health care costs on a number of procedures, but in the interests of time I will not, with this simple statement: I will for the moment accept this simply because it helps on the vocational education side, but I think it is going to be essential, if this turkey of a bill ever manages to squeak out of this place, I think it is going to be essential for us to repair the damage in conference to this agency, because without it you can kiss goodbye any hope that you can cut any money out of Medicare without a substantial clobbering of senior citizens.

Mr. CHRISTENSEN. Mr. Chairman, I rise in support of the Johnson amendment.

While I wish we were eliminating the Agency for Health Care Policy and Research [AHCPR] as the original amendment proposed, I'm all in favor of cutting $60 million from an agency that is:

First, it is duplicative, since AHCPR is one of 10 Federal agencies that performs technology assessments; and

Second, it is wasteful, given such important published findings as "Cardiologists Know More About Heart Attack Treatments than Primary Care Doctores."

Most importantly, this amendment will return almost $6 million to the Medicare Trust fund, a fund that is slated to go broke in just 7 years.

If you are truly concerned about restoring fiscal sanity to our Federal Government, if you are truly concerned about the future of our Medicare system, then you will support the Johnson amendment.

Mr. CUNNINGHAM. Mr. Chairman, this amendment cuts appropriations for the Agency of Health Care Policy Research by half. It generates savings of $60 million in budget authority, and $18 million in outlays. The savings is then transferred to two high-priority education programs.

The merged Chapter 2-Eisenhower Professional Development Program receives $6 million in outlays, generating $50 million in budget authority.

And the Carl Perkins Vocational Education Basic State Grants Program receives $12 million in outlays, generating $100 million in budget authority.

The amendment is outlay neutral. It stays within the 602(b) budget allocation of the Labor-HHS-Education bill. In short, we have to evaluate our priorities. While health policy research is important, the education of our children is more important.

It has the support of the authorizing and appropriating subcommittee and full committee chairmen, and the support of the leadership.

Mr. BONILLA. Mr. Chairman, in our subcommittee I have been asking questions of the AHCPR for more than 3 years now.

For 3 years, I have tried to question whether or not this Agency was duplicative and questioned some of the researchers motives and biases.

Each year I was told this Agency was doing wonderful work and I should support it. However, I keep questioning what it does.

In the 5 years AHCPR has been around it has released 15 guidelines, an average of 3 per year. The AHCPR has spent over $775 million during that same time.

Anyone who produced so little in the private sector would be fired. In fact the private sector during the same time published 1,800 guidelines.

This year the Physician Payment Review Commission reported to Congress and stated that the guidelines produced by AHCPR are having little impact on clinical practice, are difficult to implement, and are used infrequently by the private sector.

With budgets tight, Congress should consider the Texas example. Under the authority of the Texas Workers Compensation Commission, a committee comprised of representatives of the general public, medical professionals, and representatives of the insurance industry generated clinical practice guidelines that are user friendly, practical, and expected to improve the quality of patient care at a reduced cost.

The participants involved in this process donated their time, and even paid their own expenses. All this was undertaken against a backdrop of major reform of the Texas workman's compensation laws, reforms which reduced the number of lawsuits, raised the amount of compensation available to injured workers, and transformed a budget deficit into a budget surplus.

Unfortunately for the AHCPR, the new Congress is beginning to treat do-nothing agencies the same way the free market treats donothing businesses.

Vote "yes" on the Johnson amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. SAM JOHNSON of Texas. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. SAM JOHNSON].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. KLECZKA

Mr. KLECZKA. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. KLECZKA:

Page 88, after line 7, insert the following new title:

TITLE VII—CPI INDEX

SEC. . None of the funds made available in this Act may be used by the Bureau of Labor Statistics to implement a change in the consumer price index (which is used to determine cost of living adjustments for such programs as social security) except when it is made known to the Federal official to whom the funds are made available that the House of Representatives and the Senate have authorized a change in such index based upon a comprehensive revision of the market basket.

The CHAIRMAN. Pursuant to the order of August 2, 1995, the gentleman from Wisconsin [Mr. KLECZKA] and a Member opposed will be recognized for 10 minutes.

The Chair recognizes the gentleman from Wisconsin [Mr. KLECZKA].

Mr. PORTER. Mr. Chairman, if the gentleman will yield, we accept the amendment.

Mr. KLECZKA. Mr. Chairman, if the gentleman does not mind, I will explain the amendment. Mr. Chairman, we will not use the 10 minutes. I would like to briefly explain what the amendment does and then yield briefly to the gentleman from Massachusetts [Mr. FRANK], my colleague and the coauthor of the amendment.

Right now the Bureau of Labor Statistics is going through a very comprehensive revision of the CPI and they are looking at all the various components of market basket. In this bill we provide some $11 million for that exercise and some 60 people.

We do not in this amendment impede that exercise. It is something that is done every 10 years. It is necessary to do. However, we anticipate some major changes are going to be made in the CPI, the index which drives many programs around here, especially the Social Security Program.

Because of the fact that there is going to be a rather large impact, it is the desire of the authors of the amendment not to have some faceless bureaucrat make those downward changes in 1999, but have this Congress the Members of the House and Senate look at that, take it up, talk about it, and then pass on it.

What brought this to my attention, Mr. Chairman, is the fact that in the budget resolution that we originally addressed in the House, there was a $22.8 billion reduction in Social Security benefits because this change was anticipated. Those dollars are being used in these budget resolutions for deficit reduction.

Once it went to conference, the Senate modified that and they indicated that this reduction, which is currently being worked on, we do not know what it is going to be for sure, however, they guesstimate that it will entail some $7.6 to $8 billion cut in Social Security benefits.

The reason that it is so important at this time is for us to sit idly by and let a bureaucrat reduce COLAs, reduce Social Security in this country for our senior citizens, while we know full well, and the gentleman from Wisconsin just addressed that, we are going to be looking at a $270 billion cut in Medicare.

□ 2345

I happen to serve on the Subcommittee on Health in the Committee on Ways and Means, which will be addressing that massive cut. To think that there will be no effect on the seniors of this country is totally mistaken. There are going to be massive changes in out-of-pocket expenses, in deductibles being paid, so that, coupled with a decrease in COLA, is sure going to provide a real problem for our seniors.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. KLECZKA. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, I thank the gentleman for yielding this time to me.

The balanced budget that the Republicans have put forward is balanced only because in part it assumes that older people who get Social Security cost-of-living increases will get less than they would get under the current rules. What the Republican budget proposes is that the amount by which older people are compensated for inflation be substantially reduced.

As my friend, the gentleman from Wisconsin, said in the House budget that went through, the cumulative total in 2002, the first year of budget balance which comes from a reduction in what would otherwise have been paid to older people under the Consumer Price Index cost of living, is $22.6 billion. Members will remember we tried to say you could not count a reduction in Social Security cost-of-living payments as part of your budget balancing, and that was rejected, and it was rejected for a good reason, because the Republican budget is not in balance unless they succeed in getting a lower Consumer Price Index compensation.

What the gentleman from Wisconsin is saying is we should vote on that, and the reason I think that justifies it is this: We did not politicize that CPI. The Speaker said earlier this year that he would abolish them if they did not reduce the CPI. He backed down on that, but that threat is still hanging over there.

So we have had the high-level Republican leadership tell the CPI they would be abolished, the Bureau of Labor Statistics, they would be abolished if they did not cut it back. We have the Republican budget resolution, which assumes the Bureau of Labor Statistics will reduce the CPI that older people living on $8,000, $9,000, $10,000 a year will get less for inflation. If they live in assisted housing, their rent will go up when they get less money to pay for it.

What we are saying is, given the threats that have been made, given this budget assumes the cost-of-living increase will be reduced, given that the Republican budget is balanced only if you assume older people get less money than they would now be entitled to get for inflation, we should vote on that, because we do not think the Bureau of Labor Statistics should be pressured without a vote, but by political threats and other things, into making that downward reduction.

That is all the gentleman is saying. I think it is the least we can do.

Mr. KLECZKA. Mr. Chairman, let me indicate my gratitude to the chairman of the committee, the gentleman from Illinois [Mr. PORTER], for accepting the amendment.

I will not ask for a recorded vote. However, I will trust their good faith to take this to the conference and fight for it, although I am quite nervous over that happening without a rollcall vote, but nevertheless let that happen, and I will be watching.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. Does any Member wish to be heard in opposition to the amendment?

If not, the question is on the amendment offered by the gentleman from Wisconsin [Mr. KLECZKA].

The amendment was agreed to.

Mr. GRAHAM. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to engage the subcommittee chairman, Mr. PORTER in a colloquy with regard to increasing funds for the Vocational Education Basic State Grant Program to the postrescission level. As you know the Economic and Education Opportunities Committee recently reported a bill which consolidates over 35 education and job training program into one Youth Development and career preparation block grant and reduced the funds for this program by 20 percent. The bill we are considering today further cuts the Vocational Education Basic State Grant Program from that reduction. My colleague, Congressman SAM JOHNSON's amendment adds $100 million to that program and I had an amendment to increase that amount by $15 million which almost reaches the post-rescission level for this program. I do not plan to offer this amendment because I understand the gentleman will work to restore the Vocational Education Basic State Grant Program to the post-rescission level in conference.

Is that your understanding?

Mr. PORTER. Mr. Chairman, will the gentleman yield?

Mr. GRAHAM. I yield to the gentleman from Illinois.

Mr. PORTER. Mr. Chairman, yes, I will assure the gentleman that I will do everything I can to restore funds to the Vocational Education Basic State Grant Program to the postrescession appropriation level.

Mr. GRAHAM. I thank the gentleman and look forward to working with him on this effort.

Mr. Chairman, I yield back the balance of my time.

AMENDMENT OFFERED BY MR. EWING

Mr. EWING. Mr. Chairman, I offer an amendment, amendment No. 19.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. EWING: Page 88, after line 7, insert the following new title:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. 701. None of the funds made available in this Act may be used to enforce the requirements of section 428(b)(1)(U)(iii) of the Higher Education Act of 1965 with respect to any lender when it is made known to the Federal official having authority to obligate or expend such funds that the lender has a loan portfolio under part B of title IV of such Act that is equal to or less than $5,000,000.

The CHAIRMAN. Pursuant to the order of the House of August 2, 1995, the gentleman from Illinois [Mr. EWING] will be recognized for 10 minutes, and a Member will be recognized in opposition for 10 minutes.

The Chair recognizes the gentleman from Illinois [Mr. EWING].

Mr. EWING. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment is to address a rather simple problem dealing with our student loan problem.

In the Higher Education Act of 1992, there were some requirements for audits of all lenders who participate in the Federal family education loan program. Small banks and credit unions which maintain service and provide student loan portfolios have found that this audit requirement is very expensive and, in many cases, consumes almost all of the profit from the loans which they make, they usually make on small portfolios, from $3,000 to $5,000.

The audits have cost from $2,000 to $14,000. We can see that this very clearly forces small lenders out of the business of lending to students.

Recently, I contacted the Department of Education about a waiver, and they said that was not possible.

I have absolutely no doubt that this was not the intention of this Congress. The office of the inspector general at the Department of Education has also expressed concern regarding the burden and stated, "We are concerned that the costs may outweigh the benefits of the legislative required annual audits."

These audits are not even required to be filed in Washington. They are put in a drawer and left in the local bank.

I would ask that this amendment be approved which merely, for a 1-year period, says this audit requirement for banks with less than $5 million in student loans will not be enforced until the authorizing committee can correct this inequity.

Mr. GOODLING. Mr. Chairman, will the gentleman yield?

Mr. EWING. I yield to the gentleman from Pennsylvania.

Mr. GOODLING. Mr. Chairman, I would hope that both sides would accept this amendment for the sake of students and give us that year. What has happened was not intended with the reauthorization of the legislation in 1992.

If we have a year, we can work out what the inspector general has indicated should be done. So give us a year and we can correct it and at the same time we will not cause any students to lose loans because we have taken away the very lenders that should be out there who cannot afford to do it, of course, if the audit is higher than their loan portfolio.

Mr. EWING. Mr. Chairman, I appreciate that assurance from the chairman of the committee.

Mr. Chairman, in partnership with Mr. LEWIS of Kentucky, I have introduced an amendment to H.R. 2127 which will eliminate funding for an ineffective and burdensome regulation now mandated by the Higher Education Act of 1965, as amended by the Higher Education Act of 1992. This act blindly requires all lenders who participate in the Federal Family Education Loan Program to perform expensive, comprehensive annual audits on their student loan portfolios.

In our respective districts, the gentleman from Kentucky and I represent small banks and credit unions which maintain and service small student loan portfolios in compliance with the Federal Family Education Loan Program. The profit on these portfolios is estimated to around 3 to 5 thousand dollars annually, while the audit require by the Department of Education costs anywhere from 2 to 14 thousand dollars annually. As you can see it is beyond common sense for small lenders to service these loans and participate in the FFEL program. In fact, many small lenders are selling their portfolios and leaving the student loan business altogether. This is not fair to the smaller lenders who wish to service and maintain student loans and it reduces consumer choice and convenience. If this policy is enforced this Congress will effectively cut small lenders out of the student loan business and deny consumers the opportunity, especially in rural areas, to receive personal attention at their local bank.

Recently, I contacted the Department of Education about the possibility of a waiver or alternative to this detrimental mandate. The Department stated, "* * * lender audits are required by statute * * *" and that the "* * * statute does not provide authority for the Department to waive the annual audit based on the size of the lender's FFEL portfolio or the cost of the audit." Furthermore, according to the Department of Education's Office of the Inspector General, lender portfolios totaling less than 10 million dollars do not even have to send their audit to the Department for review. They are only required to "* * * hold the reports for a period of three years and shall submit them only if requested." That means lenders waste thousands of dollars on a compliance audit that is never sent anywhere. I have no doubt that protecting the integrity of the student loan program is important to all of us. However, this current situation does not protect any portfolios under $10 million because no one reviews the results of the audits.

The Office of the Inspector General at the Department of Education has also expressed concern regarding this burden in their Semiannual Report (October 93–March 94) stating, "* * * we are concerned that the cost may outweigh the benefits of legislatively required annual audits of all participants, regardless of the size of their participation or the risk they represent to the program." In this report the Inspector General recommends that a threshold be established for requiring an institutional audit, "* * * and we continue to believe that a threshold is necessary for both the institutional and lender audits. Such a threshold would eliminate the audit burden from the smaller participants in the program while helping assure that scarce Departmental resources are focused on the areas of greatest risk."

The Ewing/Lewis spending limitation amendment will strike funding for the enforcement of the audit requirement on loan portfolios equal to or less than $5 million dollars in fiscal year 1996. We believe this amendment is important to the future involvement of many institutions' participation in the FFEL program.

While by now many lenders have either complied with the audit or sold their portfolios for fiscal year 1995, we must provide relief to those lenders who still own their portfolios in the next fiscal year. The Ewing/Lewis amendment works in concert with the Department of Education and the authorizing committee which have both expressed the need for an audit threshold.

Mr. Chairman, the Ewing/Lewis amendment is simple. It strikes funding for enforcement of a bad statute until Congress has the opportunity to fix this legislation. The Congressional Budget Office has reviewed this amendment and said that it is revenue neutral. This amendment will help the little guy in the student loan business and ensure consumer choice and convenience. I urge a "yes" vote on the Ewing/Lewis amendment.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Does any Member seek recognition in opposition to the amendment?

Mr. OBEY. Mr. Chairman, I do.

The CHAIRMAN. The gentleman from Wisconsin [Mr. OBEY] is recognized for 10 minutes.

Mr. OBEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would simply say very quickly that I come from a rural district. I have many small financial institutions, and I suspect that what the gentleman is trying to accomplish may very well be right on the button. I do not want to suggest that it is not.

But I have to say this: It is now 5 minutes to midnight. We are talking about taxpayers' money, and what the amendment does is to exempt from audit requirement a number of financial institutions who deal with this program. I am certain that the authorizing committee has the capacity to come up with the kind of exemptions that we ought to provide for those financial institutions.

With all due respect, I do not think that 20 people on this House floor have any idea what we ought to be doing on this tonight. And because we are talking about taxpayers' money, because I have a funny quality of not liking to be embarrassed by finding that some strange things have happened with taxpayers' money, I am reluctant to just say we are going to exempt these folks from audit, because I think there might be another way.

So I am not going to press this. I am not going to push it to rollcall or anything like that. If the gentleman from Illinois [Mr. PORTER] wants to accept it, that is his prerogative on behalf of the committee.

I simply say I have great misgivings, and even it is accepted, I want to say that I will have to be very, very much persuaded in conference before we allow this to move ahead.

Mr. Chairman, I reserve the balance of my time.

Mr. EWING. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois [Mr. PORTER].

Mr. PORTER. Mr. Chairman, I do accept the amendment.

Mr. EWING. Mr. Chairman, I yield 2 minutes to the gentleman from Kentucky [Mr. LEWIS], my coauthor of this amendment.

Mr. LEWIS of Kentucky. Mr. Chairman, this amendment is good for young men and women who need a loan to go to college.

That's what the Ewing-Lewis amendment is about.

I believe Members on both sides of the aisle agree that we need to reduce the regulatory burden on businesses and private citizens.

Many regulations are too expensive, too burdensome and just plain silly.

The Ewing-Lewis amendment would do away with such a regulation—a regulation that threatens the student loan program.

Three years ago the Higher Education Amendments Act was passed. Just months ago, and 3 years later, the Office of the Inspector General came up with a gem: Every bank and credit union will have to conduct an independent, retroactive audit of their student loan program.

It might sound like a decent idea.

Unfortunately, the audits will cost between $3,000 and $14,000—perhaps more. That's going to cause many of the smaller banks and credit unions in Kentucky's 2nd district—and all over the U.S.—to give up on student loans.

A credit union in Bowling Green, Kentucky has reduced their loan portfolio from $3 million last year to $300,000 this year—yet they'll still have to fork over between $3,000 and $5,000 for each audit.

This money is not in the credit union's budget—so other services will be affected.

The Kentucky Credit Union League says many members are getting out of the student loan business altogether—they said this regulation is the last straw.

Mr. Chairman, these are not huge, rich institutions. They're banks and credit unions made up of farmers, small business men and women, and middle-income folks.

Banks and credit unions are already subject to four separate audits.

The Ewing-Lewis amendment would exempt banks and credit unions with less than $5 million in student loans from this regulation—which takes effect this September 30th.

Mr. Chairman, we need to make it easier for students to obtain college loans—and we need to encourage banks and credit unions to make these loans.

This regulation is heading towards small banks and credit unions like a freight train—and it's going to derail the student loan program when young men and women need it most.

I urge my colleagues to vote "yes" on Ewing-Lewis and say "yes" to allowing students to continue to seek college loans.

Mr. EWING. Mr. Chairman, I yield such time as he may consume to the gentleman from Iowa [Mr. LATHAM].

Mr. LATHAM. Mr. Chairman, I am inserting in the RECORD a statement in favor of the amendment.

Mr. Chairman, I rise in strong support of the Ewing Amendment to provide regulatory relief to small lenders who participate in the student loan program.

We talk so much in this House about supporting education, and every one of us here tonight can do that by voting for this amendment.

Small community financial institutions in my district have been calling my office to let me know that they may stop participating in the program because the costs of these audits exceed the entire value of their student loan portfolios.

Faced with that situation, they have no alternative but to stop providing loans.

That denies young people in my district access to the loans they need to finance their education.

I would like to commend Mr. EWING and Mr. LEWIS for offering this amendment. Also, I'd like to thank both Chairmen GOODLING and PORTER for being very helpful and receptive when I first brought my concerns with this situation to their attention.

Finally, I'd like to say to President Clinton that this is one education problem we can solve without spending a penny—in fact we will save some money by correcting this provision.

I hope all of you will join us in supporting this amendment and I hope the President will move to announce a waiver from this regulation for small lenders so that small lenders won't drop out of the student loan program.

Mr. EWING. Mr. Chairman, I yield such time as she may consume to the gentlewoman from New Jersey [Mrs. ROUKEMA].

Mrs. ROUKEMA. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I rise in support of the amendment offered by my colleague from Illinois Mr. EWING and I do so wearing two hats.

As my colleagues know, I chair the Financial Institutions Subcommittee of the Banking Committee. Additionally, I am the third-ranking member of the Committee on Educational and Economic Opportunities. On that Committee, I have worked long and hard to restore and ensure the integrity to our various title 4 federal student assistance programs.

In many respects, the 1992 Higher Education Act was landmark legislation because it finally, finally took aim at the scam schools—schools that were ripping off their own students and the taxpayers.

Mr. Chairman, that Higher Education Action contained over 100 new provisions designed to crack down on a range of abuses. Frankly, we got it right on most of these integrity provisions. But we're here this evening talking about one reform that needs fine-tuning. And that is the provision that requires independent audits for every bank's student loan portfolios.

The Ewing amendment is a common-sense amendment. It would exempt from these auditing requirements banks with small student loan portfolios—under $5 million.

As a Member of the Opportunities Committee, I recognize the need for the Department of Education to monitor student lenders. But the Department and the guaranty agencies already have the authority to examine portfolios. That means these mandatory independent audits are redundant.

As the Chairman of the Financial Institutions Subcommittee, I am keenly aware of the regulatory burden these types of audits place on small banks. Because of their special nature, in many cases these audits completely overwhelm the bank's yield on the loans. (There's the story of the small bank that made $60.14 in loan origination fees for its one student loan but is being forced to pay for a $3,500 audit or be in violation of law.)

Obviously it will not take long for these banks to fold their tents and withdraw from the battlefield. To quit the program. And I submit that it won't take too many of these withdrawals to accelerate any developing access problems.

Mr. Chairman, I support the Ewing amendment. And I look forward to working with the gentleman and the small banking communities to find a permanent "fix" for this problem.

Mr. EWING. Mr. Chairman, I yield such time as he may consume to the gentleman from Nebraska [Mr. BEREUTER].

Mr. BEREUTER. Mr. Chairman, I rise in support.

Mr. Chairman, this Member rises in strong support of the Ewing amendment.

Without this amendment, on September 30, 1995, all guaranteed student lenders will be required to submit to unnecessary, expensive, and counterproductive audits. Small community lenders will be forced out of the guaranteed student loan program. They will not be able to offer this service to their customers in their small towns because the compliance costs will simply be too high for the lenders to be able to afford the program.

One lender has been informed that an audit of their $3.5 million portfolio will cost eleven thousand dollars. Costs that high will outweigh any profit a lender could make and will drive lenders from the program. Students will face a lack of loan availability, and small lenders will lose one more avenue to serve the credit needs of their communities.

Even the Department of Education admits that these audits are unnecessary for lenders with small portfolios of loans. The Department of Education, Federal and State financial institution regulators, and student loan guarantee agencies already conduct financial and compliance audits of lenders. And now, unless this amendment is passed, those lenders will be required to submit to expensive, retroactive audits for student loans made in 1993 and 1994. As a lender in this Member's district wrote, "This is a classic example of legislation that inequitably impacts independent businesses by capriciously forcing us to retroactively pay charges that were completely unknown to us at the time."

Mr. Chairman, the audit requirements for lenders with small portfolios will reduce loan availability, harm small lenders' ability to serve their communities, and will gain nothing for the Federal Government.

The distinguished gentleman from Illinois is to be commended for this commonsense amendment. This member is pleased to support him, and urges support for the Ewing amendment.

Mr. EWING. Mr. Chairman, I yield back the balance of my time.

Mr. OBEY. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. EWING].

The amendment was agreed to.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

□ 2400

Mr. Chairman, I believe that we are at the end and if we are I would simply want to say that the most that can be said about this bill, or everything that can be said about this bill has been said, I hope.

I do not want to take any more time than necessary. I simply want to say this is one mean and ugly piece of work. It makes deep cuts in programs that protect workers' pension, health benefits frauds, industrial accidents, and the right to request for pay and better working conditions.

It cuts buildings and Federal payments to local school districts. It will force educational quality to go down and property taxes to go up.

It hammers vulnerable Americans, devastates training programs, and cuts student loans.

For the first time in 37 years this bill will provide no contribution to the national defense education loan fund. It devastates training programs.

We are quick in this Congress to promise training when we are rounding up votes for some new trade deal that will boost the profits of big multinational corporations, but when it comes to paying for that training we forget about our commitments, do we not?

That is what has happened, is it not?

The bad news does not end there. We also have legislation which is loaded with special interest provisions. It is a tool by which the rights of citizens affected by this legislation to petition

Congress and make their views known is being denied and squelched in many ways.

I would say all in all that this is the most vicious exercise of public power that I would ever hope to see in this democracy on an appropriation bill. I hope the American people wake up very soon to what is going on.

This is an antieducation, antiworking family, antiwoman, antiopportunity appropriation act of 1995. It would end the bipartisan commitment to education, to worker dignity, to dignified retirement that has existed in this House for as long as I have been here.

I will simply say this, it is up to Republicans, who I know are troubled with the extremism of this bill, to decide whether this bill will succeed in breaking that bipartisan commitment.

I hope that you do not let it do it so that we can send this bill back to committee, repair the 602 allocation, remove the imbalances that presently are demonstrated in this bill, and resume the bipartisan commitment regardless of which party is in control of this joint, resume the bipartisan commitment that this country simply must have if we are to make the investments we need and move this country forward.

The CHAIRMAN. Are there other amendments to the bill?

If not, the Clerk will read the last 3 lines.

The Clerk read as follows:

> This Act may be cited as the "Department of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1996".

AMENDMENT NUMBER 63 OFFERED BY MR. SANDERS

The CHAIRMAN. Pursuant to the order of the House of August 2, 1995, proceedings will now resume on amendment number 63 offered by the gentleman from Vermont [Mr. SANDERS].

The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Vermont [Mr. SANDERS] on which further proceedings were postponed and on which the noes prevailed by a voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device and there were—ayes 141, noes 284, not voting 9, as follows:

[Roll No. 624]

AYES—141

Abercrombie
Ackerman
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Berman
Bevill
Bishop
Bonior
Borski
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Costello
Coyne
de la Garza
DeFazio
Dellums
Dicks
Dingell
Dixon
Doggett
Doyle
Duncan
Durbin
Edwards
Engel
Evans
Farr
Fattah
Fazio
Fields (LA)
Flake
Foglietta
Ford
Frost
Furse
Gephardt
Gibbons
Gonzalez
Green
Gutierrez
Hall (OH)
Hefner
Hilliard
Hinchey
Holden
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kingston
Kleczka
LaFalce
Lantos
Lewis (GA)
Lincoln
Lipinski
Lowey
Luther
Maloney
Manton
Martinez
Mascara
Matsui
McDermott
McHale
McKinney
McNulty
Miller (CA)
Mineta
Minge
Mink
Moran
Murtha
Nadler
Oberstar
Obey
Olver
Ortiz
Owens
Pastor
Payne (NJ)
Poshard
Rahall
Rangel
Reed
Rivers
Rohrabacher
Rose
Roybal-Allard
Rush
Sabo
Sanders
Schroeder
Schumer
Scott
Serrano
Shays
Skaggs
Skelton
Slaughter
Spratt
Stark
Stokes
Studds
Stupak
Tanner
Tejeda
Thompson
Torres
Torricelli
Towns
Tucker
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Wilson
Wise
Woolsey
Wyden

NOES—284

Allard
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bentsen
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Boucher
Brewster
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
Deal
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dooley
Doolittle
Dornan
Dreier
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Eshoo
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gejdenson
Gekas
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Gordon
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee
Jacobs
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kennedy (MA)
Kennelly
Kim
King
Klink
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Lofgren
Longley
Lucas
Manzullo
Markey
Martini
McCarthy
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Meehan
Meek
Menendez
Metcalf
Meyers
Mfume
Mica
Miller (FL)
Molinari
Mollohan
Montgomery
Moorhead
Morella
Myers
Myrick
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Orton
Oxley
Packard
Pallone
Parker
Paxon
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Richardson
Riggs
Roberts
Roemer
Rogers
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shuster
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Talent
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thornton
Tiahrt
Torkildsen
Traficant
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Wynn
Young (FL)
Zeliff
Zimmer

NOT VOTING—9

Andrews
Bateman
Filner
Moakley
Reynolds
Thurman
Williams
Yates
Young (AK)

☐ 0023

Messrs. TAUZIN, PETERSON of Florida, HASTINGS of Florida, POMEROY, MEEHAN, RICHARDSON, MFUME, GEJDENSON, HOYER, and WYNN, and Mrs. MEEK of Florida, Mrs. KENNELLY, and Ms. DELAURO changed their vote from "aye" to "no."

Mr. DIXON changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore (Mr. WALKER). There being no further amendments, under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. LAHOOD) having assumed the Chair, Mr. WALKER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2127) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1996, and for other purposes, pursuant to House Resolution 208, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore (Mr. LAHOOD). Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment?

(Mr. FRANK of Massachusetts asked and was given permission to proceed out of order.)

LEGISLATIVE PROGRAM

Mr. FRANK of Massachusetts. Mr. Speaker, I have been discussing with some other Members what the schedule is. I think we are close to an agreement, which would obviate the need for the nine separate votes and reconsiderations on the amendments that were adopted in the Committee of the Whole, most of which were perfectly nice amendments.

I wondering if anyone could give me any guidance on what we are likely to be doing next, because that would have some influence on what we would be doing now. I would be glad to yield. I know we are making a lot of progress. I do not insist on everything, but I would like a little comfort level before I sit down.

Mr. LINDER. Mr. Speaker, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from Georgia.

Mr. LINDER. Mr. Speaker, the gentleman who can answer this is about to approach the microphone.

Mr. FRANK of Massachusetts. Mr. Speaker, for the first time I have all this time and I have nothing to say.

Can we go back on the Solomon amendment while we are waiting?

Mr. ARMEY. Mr. Speaker, who controls the time?

Mr. FRANK of Massachusetts. I do, and I would yield to the gentleman.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Massachusetts controls the time.

Mr. ARMEY. Mr. Speaker, would the gentleman restate his inquiry?

Mr. FRANK of Massachusetts. Before we pass the point at which separate votes cannot be demanded, I was trying to get some kind of comfort level about the chances of working out a schedule which would have us come back in first thing in the morning to do the telecommunications bill and whatever else we could finish, and I yield to the gentleman from Texas.

Mr. ARMEY. Mr. Speaker, if the gentleman will yield, believe me, I can assure the gentleman from Massachusetts [Mr. FRANK] that I understand the gentleman's need for a comfort level. We are working on a unanimous-consent request with respect to the remaining program for tonight and tomorrow, and we have negotiations under way right now. Unhappily, the gentleman's request for information comes at a time when we do not have this all in detail.

I guess, Mr. Speaker, the only thing I can tell the gentleman right now is we are working on it and we hope to have it concluded as quickly as possible.

Mr. FRANK of Massachusetts. Mr. Speaker, I thank the gentleman for that. This is, obviously, not the only bus in town, so I will give up the time here, with the understanding that we are trying hard to work this out, and if we are not able to work it out, I think we will have some difficulty.

I would relinquish the time, and I certainly have no pressing need for separate votes at this point, apparently.

□ 0030

The SPEAKER pro tempore (Mr. LAHOOD). Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. OBEY

Mr. OBEY. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. OBEY. Mr. Speaker, I think that is safe to say.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. OBEY moves to recommit the bill to the Committee on Appropriations with instructions to report it back forthwith with an amendment as follows:

On page 18, strike lines 17 through 24.

On page 20 strike out lines 15 through 22.

On page 58 strike all beginning after the word "purposes" on line 20 through page 60 line 8.

The SPEAKER pro tempore. The gentleman from Wisconsin [Mr. OBEY] is recognized for 5 minutes.

Mr. OBEY. Mr. Speaker, I certainly will not take the 5 minutes. I simply want to say two things. First of all, I want to alert members to the fact that there will be two votes, obviously, with a motion to recommit, and then final passage.

What this recommittal motion simply does is to try to redress some of the damage that this bill does to the dignity of workers in this country. It strikes sections 103, which would block the President's authority to enforce executive orders, barring striker replacements on Federal contracts. Second, it strikes section 105, which blocks development of workplace standards related to ergonomic injures. Third, it strikes limitations on the National Labor Relations Board authority to protect collective bargaining rights of workers, the 10(j) injunctions.

Mr. Speaker, we have already had the debates on all of these. There is no point in pursuing it. I would simply urge an "aye" vote on the motion to recommit, and I would ask for a rollcall. I would remind people there would be two votes.

The SPEAKER pro tempore. Does the gentleman from Illinois [Mr. PORTER] rise in opposition?

Mr. PORTER. Mr. Speaker, I do.

The SPEAKER pro tempore. The gentleman from Illinois is recognized for 5 minutes.

Mr. PORTER. Mr. Speaker, we began hearings on this bill on January 4. We have been through a very long process in bringing it forward, including a subcommittee markup that lasted over seven hours, three days in full committee, and we have spent 26 hours on the floor debating the bill and amendments to it.

It has been shaped through a very long process and a very fair process. There are provisions in the bill I do not agree with, as you know, but we have been through a process I believe in very deeply.

Mr. Speaker, the bill will be further shaped in this process, one that has been followed for over 200 years, a process that is designed to be highly deliberative, highly participatory, and to find exactly where the American people are on all of these issues, and that is where we will ultimately end up.

Mr. Speaker, I would ask the Members to support the work that we have engaged in, to oppose the motion to recommit, and to support the bill, and to move it forward in the legislative process.

Mr. Speaker, I yield to the gentleman from Pennsylvania [Mr. GOODLING].

Mr. GOODLING. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I want to make very sure that everyone understands under the striker replacement issue, there is only one issue in this piece of legislation. That issue is very simply, who has the responsibility under our form of government to legislate. I do not believe there is anyone in the House of Representatives, anyone in the United States, that believes it is anybody other than the Congress of the United States. It is not the executive branch, it is the Congress, and that is the issue that you are faced with in this legislation, and in this motion to recommit.

Mr. PORTER. Mr. Speaker, I yield to my colleague, the gentleman from Illinois [Mr. FAWELL].

Mr. FAWELL. Mr. Speaker, just very briefly, the other issue involves a so-called 10(j) preliminary injunction, and all that is requested in reference to the granting of such a preliminary injunction is that it be understood that it is an extraordinary remedy, and that the usual rules of equity do control, and that the NLRB would have to prove that there is the extraordinary remedy, and irreparable harm would have to be shown if the injunction is not granted. That is all that it does. I think it is a very reasonable request.

Mr. Speaker, I would ask that you vote "no" on the motion to recommit.

Mr. PORTER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. OBEY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there where—ayes 188, noes 238, not voting 8, as follows:

[Roll No. 625]

AYES—188

Abercrombie
Ackerman
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bishop
Bonior
Borski
Boucher
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Costello
Coyne
Cramer
Danner
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gilman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Horn
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
King
Kleczka
Klink
LaFalce
Lantos
Lazio
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McHugh
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Mollohan
Moran
Murtha
Nadler
Neal
Ney
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Peterson (FL)
Peterson (MN)
Pomeroy
Poshard
Quinn
Rahall
Rangel
Reed
Richardson
Rivers
Roemer
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Skaggs
Skelton
Slaughter
Smith (NJ)
Spratt
Stark
Stokes
Studds
Stupak
Tejeda
Thompson
Thornton
Torres
Torricelli
Towns
Traficant
Tucker
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Wilson
Wise
Woolsey
Wyden
Wynn

NOES—238

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brewster
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Diaz-Balart
Dickey
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Montgomery
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Payne (VA)
Petri
Pickett
Pombo
Porter
Portman
Pryce
Quillen
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Smith (MI)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (FL)
Zeliff
Zimmer

NOT VOTING—8

Andrews
Filner
Moakley
Reynolds
Thurman
Williams
Yates
Young (AK)

☐ 0054

Messrs. LAZIO of New York, TEJEDA, ORTIZ, and NEY changed their vote from "no" to "aye."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the passage of the bill.

Pursuant to clause 7 of rule XV, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 219, nays 208, not voting 8, as follows:

[Roll No. 626]

YEAS—219

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bilirakis
Bliley
Boehlert
Boehner
Bonilla
Bono
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Foley
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Graham
Greenwood
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Hoke
Hostettler
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
Longley
Lucas
Manzullo
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Montgomery
Moorhead
Myers
Myrick
Nethercutt
Neumann
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Petri
Pombo
Porter
Portman
Pryce
Quillen
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Talent
Tate
Tauzin
Taylor (NC)
Thomas
Thornberry
Tiahrt
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (FL)
Zeliff

NAYS—208

Abercrombie
Ackerman
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bishop
Blute
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Castle
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Costello
Coyne
Cramer

Danner
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Flake
Flanagan
Foglietta
Ford
Frank (MA)
Franks (CT)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gonzalez
Gordon
Green
Gunderson
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Heineman
Hilliard
Hinchey
Holden
Horn
Houghton
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lincoln
Lipinski
LoBiondo
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Mollohan
Moran
Morella
Murtha
Nadler
Neal
Ney
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Poshard
Quinn
Rahall
Rangel
Reed
Richardson
Rivers
Roemer
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Sisisky
Skaggs
Skelton
Slaughter
Spratt
Stark
Stenholm
Stokes
Studds
Stupak
Tanner
Taylor (MS)
Tejeda
Thompson
Thornton
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Wilson
Wise
Woolsey
Wyden
Wynn
Zimmer

NOT VOTING—8

Andrews
Filner
Moakley
Reynolds
Thurman
Williams
Yates
Young (AK)

☐ 0112

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. FILNER. Mr. Speaker, I was unable to attend the session on Thursday, August 3, 1995. Had I been present, I would have voted as follows: 618—"no"; 619—"yes"; 620—"yes"; 621—"no"; 622—"yes"; 623—"no"; 624—"yes"; 625—"yes"; 626—"no".

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 2127, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1996

Mr. LIVINGSTON. Mr. Speaker I ask unanimous consent that in the engrossment of H.R. 2127 the clerk be authorized to correct section numbers, punctuation, cross references, and to make other conforming changes as may be necessary to reflect the actions of the House today.

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from Louisiana?

There was no objection.

HOUR OF MEETING, ORDER OF BUSINESS AND PROVIDING FOR FURTHER CONSIDERATION OF H.R. 1555, COMMUNICATIONS ACT OF 1995

Mr. ARMEY. Mr. Speaker, I should advise the members that pending the following unanimous-consent request, this could be the last vote of the night.

Mr. Speaker, I ask unanimous consent that the House convene at 8:00 a.m. today and that there be no intervening motion from the time of convening until the Pledge of Allegiance; and that further consideration of the bill H.R. 1555 in the Committee of the Whole pursuant to House Resolution 207 shall also be governed by the following order:

First, immediately after the Pledge of Allegiance, the House shall resolve into the Committee of the Whole for the further consideration of H.R. 1555 pursuant to House Resolution 207 without intervening motion;

Second, consideration in the Committee of the Whole shall proceed without intervening motion except the amendments printed in the House Report 104–223, except one motion to rise, if offered by Representative BLILEY;

Third, that any amendment adopted in the Committee of the Whole shall be deemed as having been adopted in the House; and

Fourth, that Representative CONYERS shall have permission to modify amendment number 2–2.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

Mr. DINGELL. Mr. Speaker, reserving the right to object, and I do not think that I will object, but I want to make a couple of comments.

Like every other Member of this body, I have received a deluge of mail on the subject of this bill. Like the gentleman from Illinois [Mr. FLANAGAN] yesterday, I took the trouble to check into the behavior of those who stimulated that mail. I found, as did the gentleman from Illinois [Mr. FLANAGAN], that the stimulators of that mail had used the names of people who were unaware of the use of their names, that those who put that mail campaign together made false statements about the persons who had signed the letters, and led the people to sign the mail without any correct impression of what the content of the mail or the campaign was to be. Under the proposal tomorrow, I cannot discuss that matter at that time.

I want to make it very clear that I intend to follow up on this matter and to see to it that the miscreants who have engaged in this improper practice are exposed in proper fashion and that their behavior which demeans themselves, the legislative practices of this body and the democracy of which we are a part is properly exposed.

I will be sending them a letter on behalf of a number of my colleagues about this serious and gross misbehavior. Anyone who would like to join in signing the letter will be welcome at this desk tomorrow. I would also say that I intend to see to it that this kind of practice does not again infect the legislative process.

Mr. BLILEY. Mr. Speaker, will the gentleman yield?

Mr. DINGELL. Further reserving the right to object, I yield to the gentleman from Virginia.

Mr. BLILEY. Mr. Speaker, I want to applaud the gentleman for his statement. I intend to work closely with you, if you will have me, to see that jointly we pursue this matter to its proper conclusion. I thank the gentleman for yielding.

Mr. BARTON of Texas. Mr. Speaker, will the gentleman yield?

Mr. DINGELL. Further reserving the right to object, I yield to the gentleman from Texas.

Mr. BARTON of Texas. Mr. Speaker, as the subcommittee chairman of oversight investigations, a post the gentleman from Michigan [Mr. DINGELL] held for so many years with such distinction, if his investigations uncover something that is worthy of investigation by that subcommittee, I will be happy to work with the gentleman and the full committee chairman to fully follow up on whatever he finds out.

Mr. DINGELL. Mr. Speaker, further reserving the right to object, I can think of no Member who would do a finer job in setting right this matter. I want to thank the gentleman from Texas and also my dear friend the gentleman from Virginia.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

Mr. GEPHARDT. Mr. Speaker, reserving the right to object, I will not object, but I would like to ask the majority leader if Members could be assured that there would not be a vote in the morning until 8:45 a.m.

Mr. ARMEY. Mr. Speaker, if the gentleman would yield, we will convene at 8 a.m. and go immediately into consideration of the chairman's amendment. The debate on that amendment would be 30 minutes. So even a 15-minute vote could not, even under the greatest conditions of expediency, be completed until 8:45 a.m. The gentleman is correct.

Mr. GEPHARDT. I thank the gentleman.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

ADMINISTRATION'S NATIONAL URBAN POLICY REPORT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Banking and Financial Services:

To the Congress of the United States:

I transmit herewith my Administration's National Urban Policy Report, "Empowerment: A New Covenant With America's Communities," as required by 42 U.S.C. 4503(a). The Report provides a framework for empowering America's disadvantaged citizens and poor communities to build a brighter future for themselves, for their families and neighbors, and for America. The Report is organized around four principles:

First, it links families to work. It brings tax, education and training, housing, welfare, public safety, transportation, and capital access policies together to help families make the transition to self-sufficiency and independence. This linkage is critical to the transformation of our communities.

Second, it leverages private investment in our urban communities. It works with the market and the private sector to build upon the natural assets and competitive advantages of urban communities.

Third, it is locally driven. The days of made in Washington solutions, dictated by a distant Government, are gone. Instead, solutions must be locally crafted, and implemented by entrepreneurial public entities, private actors, and a growing network of community-based firms and organizations.

Fourth, it relies on traditional values—hard work, family, responsibility. The problems of so many inner-city neighborhoods—family break-up, teen pregnancy, abandonment, crime, drug use—will be solved only if individuals, families, and communities determine to help themselves.

These principles reflect an emerging consensus in the decades-long debate over urban policy. These principles are neither Democratic nor Republican: they are American. They will enable local communities, individuals and families, businesses, churches, community-based organizations, and civic groups to join together to seize the opportunities and to solve the problems in their own lives. They will put the private sector back to work for all families in all communities. I therefore invite the Congress to work with us on a bipartisan basis to implement an empowerment agenda for America's communities and families.

In a sense, poor communities represent an untapped economic opportunity for our whole country. While we work together to open foreign markets abroad to American-made goods and services, we also need to work together to open the economic frontiers of poor communities here at home. By enabling people and communities in genuine need to take greater responsibility for working harder and smarter together, we can unleash the greatest underused source of growth and renewal in each of the local regions that make up our national economy and civic life. This will be good for cities and suburbs, towns and villages, and rural and urban America. This will be good for families. This will be good for the country.

We have undertaken initiatives that seek to achieve these goals. Some seek to empower local communities to help themselves, including Empowerment Zones, Community Development banks, the Community Opportunity Fund, community policing, and enabling local schools and communities to best meet world-class standards. And some seek to empower individuals and families to help themselves, including our expansion of the earned-income tax cut for low- and moderate-income working families, and our proposals for injecting choice and competition into public and assisted housing and for a new G.I. Bill for America's Workers.

I am determined to end Federal budget deficits, and my balanced budget proposal shows that we can balance the budget without abandoning the investments that are vital to the security and prosperity of the country, now and in the future. I am confident that, working together, we can build common ground on an empowerment agenda while putting our fiscal house in order. I will do everything in my power to make sure this happens.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *August 3, 1995.*

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1114

Mr. KLINK. Mr. Speaker I ask unanimous consent to remove my name as cosponsor of H.R. 1114.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

PROVIDING FOR ADJOURNMENT OF THE HOUSE FROM THURSDAY, AUGUST 3, 1995, OR FRIDAY, AUGUST 4, 1995, TO WEDNESDAY, SEPTEMBER 6, 1995 AND ADJOURNMENT OR RECESS OF THE SENATE ON SATURDAY, AUGUST 5, 1995, THROUGH SATURDAY, AUGUST 19, 1995, TO TUESDAY, SEPTEMBER 5, 1995

Mr. ARMEY. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 92) and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 92

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on the legislative day of Thursday, August 3, 1995 or the legislative day of Friday, August 4, 1995, pursuant to a motion made by the Majority Leader, or his designee, it stand adjourned until noon on Wednesday, September 6, 1995, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this resolution, whichever occurs first; and that when the Senate recesses or adjourns on any day beginning on Saturday August 5, 1995, through Saturday, August 19, 1995, pursuant to a motion made by the Majority Leader, or his designee, in accordance with this resolution, it stand recessed or adjourned until noon on Tuesday, September 5, 1995, or until such time on that day as may be specified by the Majority Leader or his designee in the motion to recess or adjourn, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and Senate, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

PERMISSION FOR SUNDRY COMMITTEES AND THEIR SUBCOMMITTEES TO SIT FOR BALANCE OF WEEK DURING THE 5-MINUTE RULE

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that all committees and their subcommittees be allowed to sit for the balance of the week while the House is under the 5-minute rule with the exception of the Committee on Resources.

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from Texas?

Mr. WATT. Reserving the right to object. Mr. Speaker, and I will not object, I am advised by the Democratic leadership that they have consented to the request.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

FRANCE MOVES UP NUCLEAR EXPLOSIONS FOR THIS MONTH

(Mr. FALEOMAVAEGA asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous material.)

Mr. FALEOMAVAEGA. Mr. Speaker, I want to thank the editorial board of the New York Times for an excellent editorial commentary this morning, entitled, "Mr. Chirac's Nuclear Blunder" and I recommend the article to my colleagues and the American people.

Mr. Speaker, I will say again and again—shame on you President Chirac of France—shame on you President Chirac and your military cronies—the gall and arrogance to come marching to the South Pacific to explode eight nuclear bombs starting this month.

Mr. Speaker, as I indicated yesterday to my colleagues and to all the citizens of our country who may be listening to this television broadcast, the government of France has just announced it will now begin its program of exploding its first nuclear bomb within 3 weeks of this month rather than next month.

What has happened, Mr. Speaker, is that the President of France and his advisors have totally underestimated the outrage of millions of people around the world, and the leaders of nations from the Pacific Region from Asia, from Latin America, and even from Europe—all expressing resentment and disappointment for France's recent decision to resume its nuclear testing program on certain atolls in the South Pacific.

Mr. Speaker, several known leaders of governments around the world have asked their constituencies to boycott all French made goods and products in their countries—in other words, don't buy French wine, French perfumes and cosmetics, French foods, French clothing, French shoes—French everything and anything that is manufactured or produced in France. Mr. Speaker, I wish I did not have to make this appeal to the American people not to purchase French goods and products, but how else is the French government going to take responsibility for its announced policy to resume nuclear testings in the middle of the Pacific Ocean?

It seems to me, Mr. Speaker, that the President of France can better utilize the 1 billion dollars he plans to spend for these eight nuclear bomb explosions—to resolve the serious problem of unemployment French citizens are now confronted with—a 12-percent unemployment rate right now in France.

Mr. Speaker, if President Chirac really wants to prove how much of a world class leader that he claims to be—be a real man by showing real compassion and sensitivity to the hazards and dangers of nuclear bomb explosions—don't explode any more nuclear bombs in French Polynesia.

[From the New York Times, July 30, 1995]

ASIAN NATIONS PUTTING PRESSURE ON FRANCE OVER NUCLEAR TESTS

(By Philip Shenon)

BANGKOK, THAILAND, July 29.—With France only weeks away from returning nuclear tests in the Pacific, governments across Asia and the south Pacific are demanding that the French reconsider, and there are warnings of an economic boycott that could damage the French economy.

The most potent threat may come from Japan, where the Government has bitterly criticized the decision by President Jacques Chirac to resume nuclear testing in French Polynesia this fall after a three-year moratorium. Mr. Chirac says his decision is irrevocable.

Last week 47 Japanese lawmakers, many of them prominent members of parties in the coalition Government, called for a boycott of French luxury goods, a threat that carries weight given the affection of millions of Japanese consumers for brand-name French fashion, perfumes and liquor.

The Japanese market accounts for as much as half of the profits for some French makers of luxury goods, and shares of several of those companies have been tumbling in the French stock markets as a result of the protests in Japan.

"Nations that possess nuclear weapons must show their wisdom and set an example to countries that do not have nuclear weapons," the Japanese Science and Technology Minister, Makiko Tanaka, said in a letter to Mr. Chirac. Prime Minister Tomiichi Murayama has accused France of "betraying" nonnuclear countries with the resumption of nuclear tests.

Mr. Chirac announced in June, shortly after his election, that France would carry out eight underground explosions in two tiny Polynesian atolls—Mururoa and Fangatauta—from September through May. After that, he has promised, France will sign the Comprehensive Nuclear Test Ban Treaty and end nuclear testing forever.

The French Government has said it needs to carry out the tests to check the reliability and safety of its existing nuclear arsenal. But that has not satisfied foreign leaders and environmental campaigners who say computer simulations would offer much the same information.

There is debate among scientists about the environmental impact of the tests, with French geologists insisting that none of the radiation from the test sites can leak from the hard basalt bedrock of the atolls. Scientists elsewhere are not so sure, concerned that radiation could reach the ocean through a porous layer of limestone.

The decision to resume the tests has been criticized by the United States, Britain and Russia—nuclear powers that have all halted testing.

Last week, the lower house of the Russian Parliament condemned the French tests, describing as "dangerous such testing in the fragile systems of coral reefs." Only China, which has continued to conduct underground nuclear experiments at Lop Nor in the western province of Xianjiang, has continued to test.

Although they can threaten nothing like the economic wallop of a Japanese boycott, the Governments of Australia and New Zealand have offered far stronger words against the French.

"An arrogant action of a European colonial power," Prime Minister Jim Bolger of New Zealand has said of the French tests. The Australian Prime Minister, Paul Keating, described the tests as "deplorable."

"We are determined to maintain the pressure on France to modify its program to desist from testing weapons and also to encourage further international focus on France," Mr. Keating said last week in Melbourne after meeting with Mr. Bolger.

[From the Washington Post, Aug. 2, 1995]

FRANCE MOVES UP PACIFIC A-TEST SCHEDULE

(By William Drozdiak)

PARIS, Aug. 1.—France is accelerating the timetable for a series of nuclear tests in the South Pacific to avert a confrontation with protest groups and to defuse a diplomatic crisis that is damaging the country's image as well as its pocketbook, French officials said today.

President Jacques Chirac announced two months ago that France would conduct eight nuclear explosions at the Mururoa coral atoll from September through May before signing a comprehensive test-ban treaty. But officials said the schedule will be moved up so the tests can begin later this month and conclude more quickly. Four of the eight nuclear devices are now ready, sources said.

By triggering the first blast this month, French officials hope to avoid a showdown with a "peace flotilla" organized by Greenpeace and other ecology groups. The Greenpeace ship Rainbow Warrior II is now close to Fiji, but other boats that will make up the protest fleet are still gathering in New Zealand and are at least four weeks' sailing time from the test site.

France's planned speed-up reflects a growing fear in the government that the hostile reaction provoked by Chirac's decision to conduct tests could spin out of control unless Paris moves quickly to muffle the global outrage.

French officials anticipated a brief spasm of protests but figured the promise to sign the treaty and close down the test site would appease world opinion. Instead, the protests have gathered strength and threaten to seriously harm sales of French exports worldwide.

Australia and New Zealand have declared they will suspend all defense cooperation with France unless the tests are abandoned. Antinuclear groups in Japan and Germany—two of France's biggest markets for its consumer products—have been accumulating support for a campaign to boycott French wines, clothing and other luxury goods.

In the latest twist to the nuclear controversy, Australia barred a French company from bidding on a $740 million contract to supply jet fighters because of the planned tests. In response, France recalled its ambassador from Canberra. The Foreign Ministry said today that the ambassador was withdrawn to demonstrate outrage at the way Australia has waged its protests. The ministry cited several hostile acts, including blocking the delivery of mail and diplomatic bags, allowing protesters to obstruct access to the French Embassy and delaying French ships in Australian ports.

The loss of the potential contract for up to 40 light jet fighters was the heaviest price Paris has paid since arousing the fury of Asian and Pacific nations with its decisions to resume tests after a three-year moratorium.

France is one of the world's leading arms exporters and has targeted Asia as one of the most important future markets for such big-ticket exports as naval frigates and fighter planes. French officials said their arms industry is in fierce competition with the United States and needs to capture a good chunk of Asian markets to cut losses in the defense sector.

"Nuclear tests should not be mixed up with the question of arms industry contracts," Defense Minister Charles Million said, "I want the French people and foreigners to understand this is a sovereign act which will enable France to remain a great power and also permit it to join a comprehensive test ban treaty from 1996 while retaining a credible and reliable deterrent force."

Millon said he was surprised that Australia had not protested Chinese nuclear tests, which although conducted on China's mainland are closer to Australia than is the site of the French tests. He also repeated Chirac's invitation to any scientist to visit the Mururoa atoll once the tests have taken place to verify that no wildlife has been affected.

France says that no radioactivity can escape because the nuclear blast occurs 1,800 to 3,000 feet underground and the heat from the blast vitrifies the volcanic rock around the device. But documents released by France's Atomic Energy Commission and published today in the newspaper Le Monde showed that at least three of more than 200 French nuclear tests since 1960 led to some contamination at the Mururoa atoll.

[From the New York Times, Aug. 3, 1995]

MR. CHIRAC'S NUCLEAR BLUNDER

France's new President, Jacques Chirac, seems determined to squander the good will that greeted his arrival in office. Heedless of the damage he is inflicting on French interests and the world's hopes for reining in nuclear weapons, he persists in his plan to resume underground nuclear tests in the South Pacific next month.

Paris says the tests are needed to insure the reliability of France's nuclear weapons stockpile before a comprehensive test-ban treaty is negotiated next year. That is a specious argument. Reliability can be adequately assured by computer simulations. More fundamentally, breaching the de facto test ban now observed by all nuclear powers except China undermines French nuclear security.

Charles de Gaulle developed France's nuclear arsenal as a cold-war deterrent and a symbol of French independence from the American nuclear umbrella. With the end of the cold war, the arsenal no longer has any obvious military use. France's nuclear security today depends not on deterring Soviet attack but on preventing potential nuclear powers like Iraq and Iran from developing weapons on their own.

Preventing the spread of nuclear weapons depends in turn on global efforts against proliferation. Earlier this year, France joined the other nuclear nations in lobbying for an indefinite extension of the Nuclear Nonproliferation treaty. They persuaded non-nuclear countries to go along by pledging to negotiate a formal ban on nuclear testing by next year. France's decision to test this year does not violate the letter of that pledge. But it surely violates its spirit.

Critics of the French tests also worry about the risk, however small, of environmental catastrophe. France has already exploded more than 100 nuclear weapons at its Mururoa Atoll test site. The coral that makes up the atoll sits atop the crater of a submerged volcano. The nuclear explosions take place within a shaft drilled into the underlying volcanic rock. Each blast can cause limited fracturing of nearby rock.

As long as the surrounding mass of the volcano remains intact, the radioactive byproducts remain safely contained. But some scientists worry that the combined effects of further testing and natural erosion could cause a slow leak of radioactive material or an abrupt falling away of the volcanic wall, releasing massive radioactive waste.

These two concerns—about proliferation and the environment—have provoked strenuous international opposition. Polls also show that a majority of people in France itself oppose the tests.

The strongest reaction so far has come from Australia, which this week barred a French aerospace concern from bidding on a $547 million jet fighter contract. The government in one Australian state has said that it will no longer entertain French bids on a $9 billion water privatization project. Other regional governments in Australia are also contemplating costly reprisals.

Mr. Chirac's response has been to call France's Ambassador home "for consultations." That is a standard form of diplomatic protest. But in this case, real consultations—not only with Australia but with other critics—would be a far better idea. Mr. Chirac has badly underestimated the opposition to testing. He has also reacted with more stubbornness than statesmanship to his critics. He still has time to extricate himself and France from a costly and dangerous mistake.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. WILLIAMS (at the request of Mr. GEPHARDT) for today and the balance of the week, on account of son's wedding.

Mr. YATES (at the request of Mr. GEPHARDT) after 10:30 p.m. tonight, on account of personal reasons.

Mr. ANDREWS (at the request of Mr. GEPHARDT) for today and the balance of the week, on account of illness in the family.

EXTENSION OF REMARKS

(The following Members (at the request of Mr. GEPHARDT) to revise and extend their remarks and include extraneous material:)

Mr. OBEY, for 5 minutes, today.
Mr. UNDERWOOD, for 5 minutes, today.
Mr. PALLONE, for 5 minutes, today.
Ms. KAPTUR, for 5 minutes, today.
Ms. DELAURO, for 60 minutes, today.
Mr. OWENS, for 60 minutes, today.
Ms. NORTON, for 60 minutes, today.
Ms. KAPTUR, for 60 minutes, today.
Mr. DICKS, for 60 minutes, today.
Mr. DIXON, for 60 minutes, today.
Mr. MENENDEZ, for 60 minutes, today.

ADJOURNMENT

Mr. ARMEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 25 minutes a.m.), under its previous order, the House adjourned until today, Friday, August 4, 1995, at 8 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1303. A communication from the President of the United States, transmitting his request to make available emergency appropriations totaling $53,000,000 in budget authority for the Department of Commerce for fisherman relief programs in the Northeast, the Northwest, and the Gulf of Mexico; also making available emergency appropriations for the Department of Justice, FEMA, and the Judiciary and to designate the amount made available as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, pursuant to 31 U.S.C. 1107 (H. Doc. No. 104–107); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SPENCE: Committee on National Security. H.R. 1350. A bill to amend the Merchant Marine Act, 1936 to revitalize the United States-flag merchant marine, and for other purposes; with an amendment (Rept. 104–229). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BACHUS (for himself, and Mr. KING):

H.R. 2177. A bill to require congressional approval for certain uses of the exchange stabilization fund; to the Committee on Banking and Financial Services.

By Mr. BROWN of Ohio (for himself, Mr. GEPHARDT, Mr. DINGELL, Mr. BORSKI, Mr. RUSH, Mr. KLINK, Mr. MANTON, Mr. STOKES, Mr. TOWNS, and Ms. FURSE):

H.R. 2178. A bill to promote redevelopment of brownfields by providing Federal assistance for brownfield cleanups, and for other purposes; to the Committee on Commerce.

By Mr. CUNNINGHAM (for himself, Mr. BILBRAY, Mr. HUNTER, and Mr. PACKARD):

H.R. 2179. A bill to amend the Marine Mammal Protection Act of 1972 to support the International Dolphin Conservation Program in the eastern tropical Pacific Ocean, and for other purposes; to the Committee on Resources.

By Mr. DORNAN (for himself, Mr. BURR, Mr. LARGENT, Mr. SAM JOHNSON of Texas, Mr. WELDON of Florida, Mr. DOOLITTLE, Mr. SCARBOROUGH, Mr. Livingston, Mr. Salmon, and Mr. Norwood):

H.R. 2180. A bill to repeal the Federal charter for the National Education Association; to the Committee on the Judiciary.

By Mr. RICHARDSON (for himself, Mr. Boehlert, Mr. Gejdenson, Mr. Hinchey, and Mrs. Morella):

H.R. 2181. A bill to enhance the National Park System, and for other purposes; to the Committee on Resources.

By Mr. FRANKS of New Jersey (for himself, Mr. Zimmer, Mr. Hancock, Mr. Cunningham, Mr. Sensenbrenner, Mr. Frazer, Mr. LoBiondo, and Mr. Saxton):

H.R. 2182. A bill to amend the Immigration and Nationality Act with respect to treatment of aliens who claim asylum after passing through a third country which could provide asylum; to the Committee on the Judiciary.

By Mr. GOODLATTE:

H.R. 2183. A bill to amend title 18, United States Code, to reduce the size of grand juries; to the Committee on the Judiciary.

By Mr. MORAN:

H.R. 2184. A bill to amend title 5 of the United States Code to provide for the continuance of pay during lapses in appropriations; to the Committee on Government Reform and Oversight, and in addition to the Committee on Appropriations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MORELLA (for herself, Mrs. Lowey, Ms. Eddie Bernice Johnson of Texas, Ms. Norton, Mr. Stearns, Mrs. Meek of Florida, Ms. Pelosi, Ms. Rivers, Mr. McDermott, Mr. Yates, Mr. Frost, Ms. McKinney, Ms. Roybal-Allard, and Mr. Sanders):

H.R. 2185. A bill to amend title XVIII of the Social Security Act to provide for coverage of bone mass measurements for certain individuals under part B of the Medicare Program; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. REGULA (for himself, Mr. Sawyer, Mr. Stokes, Mr. Hall of Ohio, Mr. Oxley, Mr. Hobson, Mr. LaTourette, Mr. Brown of Ohio, Mr. Boehner, Ms. Pryce, Ms. Kaptur, Mr. Hoke, Mr. Ney, Mr. Cremeans, Mr. Kasich, Mr. Gillmor, and Mr. Traficant):

H.R. 2186. A bill to establish the Ohio & Erie Canal Corridor National Heritage Corridor in the State of Ohio; to the Committee on Resources.

By Mr. STUDDS:

H.R. 2187. A bill to deauthorize a portion of the navigation project for Cohasset Harbor, MA; to the Committee on Transportation and Infrastructure.

By Mr. TORKILDSEN (for himself, and Mr. Meehan):

H.R. 2188. A bill to establish in the Department of the Interior the Essex National Heritage Area Commission, and for other purposes; to the Committee on Resources.

By Mr. CHAMBLISS (for himself, Mr. Bishop, Mr. de la Garza, Mr. Rose, Mrs. Clayton, Mr. Baesler, Mrs. Thurman, Mr. Farr, Mr. Stenholm, Mr. Lucas, Ms. McKinney, Mr. Latham, Mr. Thompson, Mr. Kingston, Mr. Hefner, Mr. Norwood, Mr. Sisisky, Mr. Funderburk, Mr. Richardson, Mr. Lewis of Georgia, Mr. Jones, Mr. Brewster, Mr. Burr, Mr. Peterson of Florida, Mr. Heineman, Mr. Tejeda, Mr. Watts of Oklahoma, Ms. Brown of Florida, Mr. Hastings of Florida, Mr. Clyburn, Mr. Pastor, Mrs. Meek of Florida, and Mr. Lewis of Kentucky):

H.R. 2189. A bill to amend the Agricultural Adjustment Act of 1938 and the Agricultural Act of 1949 to provide price support and national poundage quotas for the 1996 through 2000 crops of peanuts, and for other purposes; to the Committee on Agriculture.

By Mr. McCRERY (for himself, Ms. Dunn of Washington, Mr. Brewster, Mr. Herger, Mr. Payne of Virginia, Mr. Bunning of Kentucky, Mr. Hancock, Mr. Christensen, Mr. Laughlin, Mr. Tauzin, Mrs. Meyers of Kansas, Mr. Cramer, Mr. Roberts, Mr. Condit, Mr. Taylor of North Carolina, Mr. Hall of Texas, Mr. Blute, Mr. Baker of Louisiana, Mr. Baesler, Mr. Weller, Mr. Parker, Mr. Hastings of Washington, Mr. Hayes, Mr. Knollenberg, Mr. Browder, Mr. Lewis of California, Ms. Danner, Mr. Hostettler, Mrs. Lincoln, Mr. Souder, Mr. Hutchinson, Mr. Johnson of South Dakota, Mr. Pete Geren of Texas, Mr. Ewing, Mr. Canady, Mr. Barrett of Nebraska, Mr. Longley, Mr. Peterson of Minnesota, Mrs. Smith of Washington, Mr. Holden, Mr. Lucas, Mr. Tanner, Mr. Nethercutt, Mr. LaHood, Mr. Cooley, Mr. Metcalf, Mr. Allard, Mr. Rose, Mr. Dickey, Mr. Deal of Georgia, Mr. Chambliss, Mr. Watts of Oklahoma, Mr. Montgomery, Mr. Stenholm, Mr. Hunter, Mr. Largent, Mr. Ensign, Mr. Coburn, Mr. Combest, Mr. Dicks, Mr. Bilbray, Mr. Pombo, Mr. Crapo, Mr. Dooley, Mr. Oxley, Mr. Ballenger, Mr. Barcia of Michigan, Mr. Livingston, Mr. Portman, Mr. Barton of Texas, Mr. Nussle, Mr. Callahan, Mr. Everett, Mr. Kingston, Mr. Calvert, Mr. Collins of Georgia, Mr. Kasich, Mr. Chapman, Mr. Doolittle, Mr. Fazio of California, Mr. Schaefer, Mr. Tate, and Mr. Goodlatte):

H.R. 2190. A bill to amend the Internal Revenue Code of 1986 to allow a family-owned business exclusion from the gross estate subject to estate tax, and for other purposes; to the Committee on Ways and Means.

By Mr. STUPAK (for himself and Ms. Pelosi):

H.R. 2192. A bill to amend title 18, United States Code, to restrict the mailorder sale of body armor; to the Committee on the judiciary.

By Mr. ARMEY:

H. Con. Res. 92. Concurrent resolution providing for an adjournment of the two Houses; considered and agreed to.

By Mr. STOCKMAN:

H. Res. 210. Resolution providing for the consideration of the bill (H.R. 464) to repeal the prohibitions relating to semiautomatic assault weapons and large capacity ammunition feeding devices; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

147. By the SPEAKER: Memorial of the House of Representatives of the State of Oregon, relative to urging the Congress of the United States to transfer title of the Oregon and California railroad grant lands to the State of Oregon; to the Committee on Resources.

148. Also, memorial of the House of Representatives of the State of Oregon, relative to urging the Congress of the United States to amend the Constitution of the United States to require a balanced Federal budget; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. METCALF introduced a bill (H.R. 2191) to authorize the Secretary of Transportation to issue a certification of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Sundown*; which was referred to the Committee on Transportation and Infrastructure.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 248: Mr. Ackerman.

H.R. 263: Mr. Filner.

H.R. 264: Mr. Filner.

H.R. 271: Mr. Zimmer.

H.R. 491: Mr. Bono, Mr. Crane, and Mr. Schiff.

H.R. 500: Mr. Laughlin.

H.R. 539: Mr. Hayes and Mr. Oberstar.

H.R. 575: Mr. Reed.

H.R. 579: Mr. Zimmer.

H.R. 580: Mr. Laughlin and Mr. Bryant of Texas.

H.R. 708: Mr. Farr.

H.R. 719: Mr. Zimmer.

H.R. 733: Mr. Stupak, Mr. Stockman, Mr. Duncan, and Mr. Emerson.

H.R. 734: Mr. Stupak, Mr. Stockman, and Mr. Duncan.

H.R. 743: Mr. Doolittle and Mr. Stump.

H.R. 752: Mr. Lantos, Mr. Engel, Mr. Brownback, Mrs. Lincoln, Mr. Nethercutt, Mr. Holden, Mr. Cooley, Mr. McHale, Mr. Kennedy of Rhode Island, Mr. Gillmor, Mr. Kleczka, Mr. Browder, Mr. Visclosky, and Mr. Hilliard.

H.R. 789: Mr. Burr and Mr. Hoekstra.

H.R. 803: Ms. Molinari.

H.R. 833: Mr. Skaggs.

H.R. 922: Mr. Wynn.

H.R. 957: Mr. Ewing, Mr. Andrews, Mrs. Meek of Florida, Mr. Ensign, Mrs. Fowler, and Mr. Goodling.

H.R. 991: Mr. Zimmer.

H.R. 1003: Mr. Ewing and Mr. Jacobs.

H.R. 1024: Mr. Zeliff and Mr. Zimmer.

H.R. 1061: Mr. Frost and Mr. Romero-Barceló.

H.R. 1130: Mr. Weldon of Florida.

H.R. 1146: Mr. Zimmer.

H.R. 1210: Mr. LaHood.

H.R. 1253: Ms. Lofgren, Mr. Evans, Mr. Becerra, Ms. Woolsey, and Ms. Furse.

H.R. 1368: Mr. Zimmer.

H.R. 1404: Mr. Gilman, Mr. Reed, Mr. Shaw, Mr. Moorhead, Mr. Berman, and Mr. Horn.

H.R. 1458: Mr. Spence.

H.R. 1539: Ms. Pelosi.

H.R. 1594: Mr. Gilchrest.

H.R. 1619: Mr. Allard and Mr. Fazio of California.

H.R. 1747: Mr. CALLAHAN, Mr. EHLERS, Mr. WILLIAMS, Mr. STUPAK, Mr. MASCARA, Mr. HASTERT, and Mr. KOLBE.

H.R. 1762: Mr. GIBBONS, Mr. QUINN, and Mr. INGLIS of South Carolina.

H.R. 1769: Mr. ROYCE.

H.R. 1776: Mr. LUCAS and Mr. FOX.

H.R. 1781: Ms. LOFGREN.

H.R. 1787: Mr. BRYANT of Tennessee, Mr. CANADY, Mr. STEARNS, and Mr. HASTERT.

H.R. 1801: Mr. ZIMMER.

H.R. 1846: Ms. LOFGREN.

H.R. 1863: Mr. FRAZER, Mrs. COLLINS of Illinois, Mr. KOLBE, and Mr. STOKES.

H.R. 1915: Mr. KIM, Mr. CAMP, Mr. HANCOCK, Mr. SPENCE, Mr. JONES, Mr. LIVINGSTON, and Mr. REGULA.

H.R. 1949: Mrs. CLAYTON.

H.R. 1993: Mr. ZIMMER.

H.R. 2008: Mr. CRANE.

H.R. 2019: Mr. MORAN.

H.R. 2047: Mr. HYDE, Mr. FUNDERBURK, Mr. SENSENBRENNER, Mr. BARTLETT of Maryland, Mr. HASTERT, and Mr. BRYANT of Tennessee.

H.R. 2105: Mr. DEFAZIO, Mr. PALLONE, Mr. LATOURETTE, Mr. REED, Mr. TORRICELLI, and Mr. TRAFICANT.

H.R. 2143: Mr. FRAZER and Mr. GOSS.

H.R. 2148: Mr. CHABOT.

H.R. 2170: Mr. GILCHREST.

H.J. Res. 89: Mr. KING, Mr. GREENWOOD, and Mr. SOLOMON.

H. Con. Res. 54: Mr. LOBIONDO.

H. Con. Res. 78: Mr. MOAKLEY, Mr. CLAY, Mr. JOHNSON of South Dakota, Mr. STUPAK, Mr. DEUTSCH, Ms. NORTON, Mr. DURBIN, Ms. VELÁZQUEZ, Mrs. MEEK of Florida, Mr. HEFNER, Mrs. MORELLA, and Mr. UNDERWOOD.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 789: Mr. LEWIS of Georgia.

H.R. 1114: Mr. KLINK.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 2126

OFFERED BY: MR. CALLAHAN

AMENDMENT NO. 73: Page 94, after line 3, insert the following new section:

SEC. 8107. LIMITATION ON PROCUREMENT OF CERTAIN VESSEL PROPELLERS AND SHIP PROPULSION SHAFTING.

(a) Subject to subsection (c), none of the funds made available by this Act may be used to procure vessel propellers six feet in diameter or greater when it is made known to the Federal official having authority to obligate or expend such funds that such propellers are not manufactured in the United States and do not incorporate castings that are poured and finished only in the United States.

(b) Subject to subsection (c), none of the funds made available by this Act may be used to procure ship propulsion shafting when it is made known to the Federal official having authority to obligate or expend such funds that such ship propulsion shafting is not manufactured in the United States.

(c) The limitation in subsection (a) or subsection (b), as the case may be, does not apply when it is made known to the Federal official having authority to obligate or expend such funds that adequate domestic supplies of propellers described in subsection (a) or of ship propulsion shafting are not available to meet Department of Defense requirements on a timely basis.

H.R. 2126

OFFERED BY: MR. CALLAHAN

AMENDMENT NO. 74: Page 94, after line 3, insert the following new section:

SEC. 8107. None of the funds provided in title II of this Act for "FORMER SOVIET UNION THREAT REDUCTION" may be obligated or expended to finance housing for any individual when it is made known to the Federal official having authority to obligate or expend such funds that such individual was a member of the military forces of the Soviet Union or that such individual is or was a member of the military forces of the Russian Federation.

H.R. 2126

OFFERED BY: MR. DEFAZIO

AMENDMENT NO. 75: Page 94, line 3, insert the following new section:

SEC. 8017. None of the funds appropriated by this Act shall be obligated or expended for the salaries or expenses of any member of the Armed Forces or any Department of Defense employee in connection with the administration of construction of any golf course or other golf facilities at Andrews Air Force Base, Maryland.

H.R. 2126

OFFERED BY: MR. DEFAZIO

AMENDMENT NO. 76: Page 94, after line 3, insert the following new section:

SEC. 8107. None of the funds available to the Department of Defense for the current fiscal year or prior fiscal years shall be obligated or expended for costs incurred by the introduction of the United States Armed Forces into hostilities, or situations where imminent involvement in hostilities are clearly indicated by the circumstances, in the territory of the former Yugoslavia unless such introduction is previously authorized by law.

H.R. 2126

OFFERED BY: MR. NEUMANN

AMENDMENT NO. 77: Page 94, after line 3, insert the following new section:

SEC. 8107. None of the funds available to the Department of Defense for the current fiscal year shall be obligated or expended for costs incurred by the participation of United States Armed Forces units in any operation in the territory of the former Yugoslavia above the level of forces so deployed as of date of enactment.

H.R. 2126

OFFERED BY: MR. NEUMANN

AMENDMENT NO. 78: Page 94, after line 3, insert the following new section:

SEC. 8107. None of the funds available to the Department of Defense for the current fiscal year shall be obligated or expended for costs incurred by the deployment of United States Armed Forces in any operation in or around the territory of the former Yugoslavia above the level of such forces so deployed as of August 4, 1995 or to expand the mission currently being carried out by such forces as of such date: Provided, That this section shall not apply to emergency air rescue operations, the airborne delivery of humanitarian supplies, or the planning and execution of OPLAN 40104 to extract UNPROFOR personnel.

H.R. 2126

OFFERED BY: MR. SKELTON

AMENDMENT NO. 79: Page 94, after line 3, insert the following new section:

SEC. 8107. None of the funds provided in this Act may be obligated or expended for the provision by the United States of military training for military forces of the Government of Bosnia and Herzegovina.

H.R. 2127

OFFERED BY: MR. BATEMAN

AMENDMENT NO. 137: Page 25, line 5, strike $2,085,831,000 and insert $2,075,831,000.

Page 35, line 21, strike $411,781,000 and insert $399,781,000.

Page 42, line 7, strike $645,000,000 and insert $667,000,000.

Page 42, line 7, strike $550,000,000 and insert $572,000,000.

EXTENSIONS OF REMARKS

RECOGNIZING 13 RETIRED MEMBERS OF THE FREMONT FIRE DEPARTMENT FOR THEIR 370 YEARS OF SERVICE

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 3, 1995

Mr. STARK. Mr. Speaker, today, I would like to pay tribute to 13 firefighters for their years of service to the city of Fremont. These firefighters have collectively provided 370 years of protection to the citizens of Fremont. In addition to their dedicated years of public service, these individuals also served their country in branches of the armed services. I would like to share with you and my colleagues some of their accomplishments.

Robert Andrade, over 29 years of distinguished service. Hired September 1, 1964, promoted to captain on April 16, 1972, and retired May 31, 1994. Captain Andrade made many significant contributions to the department, particularly in the training division and in fire hose and nozzle research and development. He served 3 years in the U.S. Navy and was active during the Cuban missile crisis.

Robert L. Asher, Jr., over 26 years of distinguished service. Hired January 3, 1967, promoted to captain on April 16, 1972, and retired June 9, 1993. Captain Asher served in the fire suppression division for the majority of his career, with 1 year in the fire prevention division. He coached little league baseball and CYO basketball for several years. He was also a volunteer assistant football coach at Ohlone College in Fremont.

Edward Bauchou, over 30 years of distinguished service. Hired March 15, 1963, promoted to engineer December 1, 1982 and retired July 1, 1993. Mr. Bauchou served in the fire suppression division his entire career. He also served 3 years in the U.S. Navy and was on active duty during the Korean conflict. Mr. Bauchou coached several years in CYO Basketball and in the city of Fremont youth baseball. Mr. Bauchou was a volunteer catechism and first aid instructor at Saint Leonard School in Fremont.

Richard L. Cabral, over 29 years of distinguished service. Hired September 1, 1964, promoted to captain July 1, 1979 and retired December 3, 1993. The majority of Captain Cabral's career was spent in fire suppression with years of exemplary service in the fire prevention division. He ended his assignment as the assistant fire marshal. Captain Cabral coached 8 years in CYO Basketball, little league baseball and youth football. He was also a volunteer football coach at St. Mary's High School in Berkeley, CA.

John R. Ford, over 25 years of distinguished service. Hired October 16, 1968 and retired December 15, 1993. Mr. Ford worked in the fire prevention division, was a member of the hazardous materials response team, and was one of the first tillermen on the department. He served 4 years in the U.S. Navy and also volunteered as a first aid and CPR instructor at the Church of the Latter Day Saints. He is currently active as a director at his local homeowners association.

Campbell G. Gillies, over 29 years of distinguished service. Hired on September 1, 1964 and retired March 1, 1994. Mr. Gillies was one of the first tillermen trained to work on Fremont's tillered ladder trucks. Mr. Gillies' entire career was in fire suppression. He coached 2 years of little league baseball and was also active in the Boy Scouts for about 5 years. Mr. Gillies served for several years as the president of his local homeowners association in the Mission San José area of Fremont.

Robert A. Guardanapo, over 29 years of distinguished service. Hired on June 1, 1964, promoted to captain on April 16, 1972 and retired December 15, 1993. Captain Guardanapo's years of service were mostly in the fire suppression division, with 8 months in fire prevention. He coached for several years in CYO Basketball and has been an active member of the Elks Club for many years. Captain Guardanapo helped to organize the Desert Storm Veterans appreciation event in the city of Fremont.

Frank A. Horat, over 33 years of distinguished service. Hired on August 1, 1960, promoted to captain on April 16, 1972 and retired October 30, 1993. Captain Horat's years of service were all in the fire suppression division. He also served 8 years in the National Guard. He also coached 4 years with the Centerville Little League and 3 years with CYO basketball.

William J. Kaska, over 26 years of distinguished service. Hired on October 16, 1968 and retired on January 26, 1995. Mr. Kaska's years of service were all in the fire suppression division. He also served 3 years in the U.S. Naval Reserve. He was active in the Boy Scouts of America as an assistant scoutmaster for 35 years and coached 7 years in Fremont youth baseball. Mr. Kaska also assisted with the Fremont Fire Department Historical Project.

Donald H. Promes, 31 years of distinguished service. Hired March 15, 1963, promoted to captain on April 16, 1972 and retired June 30, 1994. In addition to Captain Promes' years as a suppression officer, he worked as a fire inspector investigator in the Fire Prevention Division for 7 years. He also served 6 months in the U.S. Army. Captain Promes coached Fremont youth baseball for 7 years and 8 years in CYO youth basketball.

John L. Schacherer, nearly 30 years of distinguished service. Hired on September 1, 1964 and retired August 1, 1993. Mr. Schacherer spent his career in fire suppression and was one of the first tiller-qualified firefighters. He also served in the U.S. Navy for 4 years.

Richard M. Schreiber, over 25 years of distinguished service. Hired on March 1, 1968, promoted to engineer on December 1, 1982 and retired on October 30, 1993. Mr. Schreiber spent his entire career in fire suppression and is especially remembered for his fabrication skills in apparatus outfitting. Mr. Schreiber also served 5 years in the Marine Reserves. His community service includes coaching little league baseball, CYO basketball and also youth track. Mr. Schreiber is currently volunteering as the Bucks Lake Homeowners Association director and is also on the board of directors for Gallippi Ranch. Mr. Schreiber was also an active PTA member for many years.

Philip L. Soria, over 29 years of distinguished service. Hired on September 1, 1964, promoted to captain on July 1, 1974 and retired August 1, 1993. Captain Soria served as the training officer of the Fremont Fire Department. As well as working several years in the fire prevention division, he was an acting battalion chief in his final year. Prior to joining the department, he served 3 years in the U.S. Army where he attained the rank of corporal. Captain Soria has coached many years in little league baseball, youth soccer, adult soccer and was also active as an adult soccer referee. Captain Soria was very involved in Fremont's Sister City Program. He delivered a donated fire engine to Fremont's Mexican sister city. Captain Soria was a volunteer adult literacy teacher and active as a room parent for his children's elementary school.

Mr. Speaker, I come before you today to recognize these men for all their years of public service and commitment to our community. On Friday, September 8, 1995, these individuals will be honored by local officials, their colleagues, friends and families at a dinner in Fremont, CA. I hope you and my colleagues will join me in congratulating these role models and wishing them well in their future endeavors.

SUPPORT OF THE DAVIS-MORAN AMENDMENT

HON. DAVID FUNDERBURK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 3, 1995

Mr. FUNDERBURK. Mr. Speaker, last week I supported the Davis-Moran amendment to the VA/HUD appropriations bill. In my district in North Carolina the EPA has increased its permanent bureaucracy by hiring employees away from the private sector. This amounts to a confiscation of the primary asset—their human capital—of these small private, for-profit, taxpaying companies.

EPA's contractor conversion program in the Office of Research and Development was created not because of the private contractor's

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

performance but because of EPA's own poor contract management. Rather than fixing their problem, EPA saw an opportunity to divert our attention, expand its bureaucracy, and raid the resources of its private sector competitors.

EPA promised the Congress that savings would accrue to the Government if the contractor conversion program was approved. In fact, they projected over $6 million in savings in fiscal year 1996 for ORD alone. But like many bureaucrats' promises it was all smoke and mirrors. Instead of a surplus, they've come running back to Congress asking for more money.

Mr. Speaker, it is high time to end this unfair practice. I believe that private contractors constitute a flexible and efficient mechanism for the delivery of necessary research services. Private companies should not have to worry that their human capital will be raided by a bloated, out-of-control government bureaucracy.

FAREWELL TO THERESA VOILS

HON. G.V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 3, 1995

Mr. Montgomery. Mr. Speaker, I want to take a minute to thank one of the public servants who takes care of us, the public servants—the people who stand at the door of this great Chamber and bring messages, tell us that constituents are waiting and generally are of great service to the running of our governmental system. I am talking about the doorkeepers—the Chamber security as they are now known.

As of Friday, we are losing a smiling face and a helpful assistant. Theresa Voils who has served us for 5 years, is going back to her home State of Indiana. She is going to finish her degree in political science at Indiana University and no doubt—after standing at the door of this House Chamber she will have some great stories to tell.

Mr. Speaker, I want to salute Ms. Voils for her service and thank her for the invaluable assistance she has provided to me and the hundreds of other Representatives in this body. She hopes to return to this Chamber someday. I, for one, will welcome her back and wish her well in Indiana.

VILLAGE OF TANNERSVILLE CELEBRATES CENTENNIAL

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 3, 1995

Mr. SOLOMON. Mr. Speaker, I have always been proud of the heritage and physical beauty of the 22d Congressional District of New York, which I have the privilege of representing. It is for the history and the picturesque sites and towns that I return home every weekend.

We often forget, Mr. Speaker, that the real America is not Washington, but the small towns and villages where real people live and work. I would like to talk about one such village today.

The village of Tannersville, NY, is nestled in the majestic peaks of the Catskill Mountains in Greene County. Early on, the tanning industry was thriving and was the focal point of the region, behest the name Tannersville. However, the arrival of the Ulster and Delaware Railroad in 1882 brought a tourist boom to the village which still exists today. This boom prompted the building of new roadside stores, sidewalks, and expanded streets leading to vacation hideaways in the countryside. This industry contributed to the rapid expansion of Tannersville's public services not to mention the village's cultural heritage. The influx of part-time neighbors such as Mark Twain and Maude Adams made musicals, stage performances, and dancing all a part of life in Tannersville.

Mr. Speaker, massive fires coupled with the devastation of the Great Depression in the 1930's couldn't keep this village down. Following World War II the tourist industry again resurfaced and with the arrival of nearby Hunter Mountain ski slope and other winter recreation spots, there was a new focus on tourism. Now, the various village shops, inns, and restaurants offer both hometown hospitality and down home charm to the thousands of tourists who flock to this picturesque mountaintop community throughout all seasons.

Mr. Speaker, I take great price in representing the people like those who make their home in Tannersville. They truly reflect those traditional American qualities of pride and community which made our Nation great. Just ask anyone who visits the area from near or far and they'll tell you the citizens of Tannersville exemplify the terms courtesy and hospitality while offering a sincere sense of camaraderie. These characteristics are most definitely a product of their history and way of life making Tannersville an ideal place to work and raise a family or vacation year round.

Mr. Speaker, I ask that you and all Members rise with me today and salute the village of Tannersville on their 100th anniversary and wish the people there many more years of prosperity and comfort.

COMMEMORATING THE 10TH ANNIVERSARY OF THE TOMAS RIVER CENTER

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 3, 1995

Mr. TORRES. Mr. Speaker, I rise today to congratulate the Tomas River Center [TRC] on its 10th anniversary.

TRC was established in 1985 by a group of visionary college presidents and chief executive officers of major corporations. Named after former University of Riverside chancellor, Tomas Rivera, an accomplished scholar and community activist, the center is a national institute for policy studies. It conducts relevant and timely research and policy analysis on issues important to the U.S. Latino community.

As the Nation's premier Latino organization for policy analysis and research, TRC strives to foster sound public policies and programs concerning the Latino community, particularly in the areas of education, immigration, and civic empowerment.

TRC's rigorous research and critical analysis has consistently led to a better understanding of the needs of the Latino population. TRC conducted an extensive analysis of 1990 census data to provide information available on ethnicity, employment, and income for use in the affirmative action debate. TRC is currently researching the availability of computers in the classrooms and homes of Latino students to determine whether they are receiving the education needed to participate in 21st century society.

Mr. Speaker, it is with pride that I rise to recognize the Tomas Rivera Center on the occasion of its 10th anniversary and I ask my colleagues to join me in extending best wishes and continued success to TRC.

THE BUDGET CRISIS

HON. ERNEST J. ISTOOK, JR.

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 3, 1995

Mr. ISTOOK. Mr. Speaker, my fellow Oklahoman, Paul Harvey, recently gave this commentary on the budget debt and the cronic budget deficit. This reemphasizes the importance of our work on balancing the budget within the next 7 years and reversing the trend of Federal budgets of the past. It is important for Congress to continue working to restore fiscal integrity to the Federal Government.

[Paul Harvey commentary follows:]

TOO MANY ALARMS

There are too many alarms going off: Americans are refusing to heed any of them.

Seismologists predict quakes which may or may not happen and about which we can't do anything anyway.

Even the sky is falling, as ten thousand hunks of space junk wait their turn for reentry.

Daily headlines threaten us with invasions of killer ants, killer bees and killer diseases for which we have no cure.

And so it is that it is that a time bomb more certain than any of these is mostly ignored.

We are about to be buried alive under a national debt of 4.8 trillion dollars and it's growing 10 thousand dollars a second!

But are not both the President and the Congress promising to defuse the bomb? They are.

President Clinton says he can balance the budget in ten years; Congress talks of doing it in seven.

But nobody is doing it!

And history justifies anxiety.

The President who promises to balance the budget in ten years told Larry King in June of 1992 that he'd accomplish that objective in five years.

However, instead of presenting a balanced budget in 1993—the year he took office—he increased our debt by $253 billion.

Then, instead of presenting a balanced budget in 1994, he increased our debt another $203 billion.

Then, instead of presenting a balanced budget for 1995, he proposed a budget that would increase our debt another $320 billion.

Then, instead of promoting Congress' plan to balance the budget in seven years, he's threatening to veto it claiming that that's going too fast!

Now, a full three years after Mr. Clinton promised to present a five-year plan to balance the budget, he is promising—oh, so promising—to balance the budget in ten.

If the situation were less dire . . . if the time bomb were not so big and so unstable perhaps we could wait and see and hope and pray that this time—this time—something will be done.

We must not wait.

Even Newt Gingrich says it may take ten years. We may not have ten years.

Every child born today will pay a lifetime tax rate of over 82%.

Every child born tomorrow will pay $187,000 in taxes for the interest on what we owe.

That's just the interest . . . $187,000 in Interest on our debt.

Every American man, woman and child will owe $24,000 by the year 2000, and that, by the way, is just one presidential election away.

WILLIAMS D. EVANS: DAYTON INVENTOR'S CONTRIBUTION TO ENDING WORLD WAR II

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 3, 1995

Mr. HALL of Ohio. Mr. Speaker, I rise to call to the attention of my colleagues the achievements of William Deane Evans and his contribution to ending World War II. Mr. Evans is a resident of Madison Township in the Third Congressional District of Ohio, which I represent.

Mr. Evans developed an improvement to the bombsight that was used on the Enola Gay on its historic mission 50 years ago this month that helped bring a speedy end to World War II. The improved bombsight was also used on the Bockscar, which is on display at the United States Air Force Museum in my district.

Mr. Evans, an innovative engineer, was responsible for numerous other technological developments in aviation that improved the fighting capabilities of our airmen during World War II and later. These inventions include the automatic parachute opener and a bag to protect downed flyers in freezing weather.

Last year, the Dayton Daily News ran an article by Dale Huffman detailing some of the achievements by Mr. Evans. For the benefit of my colleagues, the article is reprinted here.

[From the Dayton Daily News, Aug. 14, 1994]

DAYTONIAN'S BOMBSIGHT AIDED U.S.

(By Dale Huffman)

Things were cloaked in top secrecy, and it was two years after World War II ended before William Deane Evans found out he had played a strategic role in one of history's gruesome turning points.

His contribution was created in a three-car garage behind a home in the 600 block of Volusia Avenue in Oakwood.

It was there in 1944 that Evans, a 29-year-old engineer, was commissioned for a special assignment by the bomb control department at Wright-Patterson Air Force Base. In that garage, he worked for Kendal Clark, an engineer who later invented the automatic washer for Frigidaire in Dayton. Evans developed a bombsight. It was used on the Enola Gay, a B-29 aircraft, to drop the atomic bomb on Hiroshima, Japan, 49 years ago this month.

Evans is 79 now and lives on Brenton Drive in Madison Twp. with Helen, 78 his wife of 55 years. Their home is cluttered with possessions and mementos, and photographs that document their years together.

But there are no photos, no blueprints no prototypes, no physical evidence of the mounmental contribution he made for his country in the controversial atomic attack that claimed 130,000 Japanese lives and hastened the end of the war.

Evans is a portly, kindly looking man with a short white beard and thinning snow white hair. He has diabetes and a pacemaker.

But his mind is keen and, at request, he sat down and deftly sketched a hand drawing of the bombsight he developed those years ago.

"They took everything at the time, it was all such top secret," he said. "They locked the finished plans, the prototype, everything up in some valut somewhere and I have no idea if those items still exist today."

He used a lot of engineering terms as he rambled, but he tried to simplify a description of his device and how it worked.

"Often, on a fairly cloudy time of day, only snatches of clear air were present for the bombardier to fix the sight on the target. Time was crucial. We designed a set of optics tied into the bombsight, which would in effect put crosshairs on the target, instead of in the eye piece.

"To do this, we made the cross of light and focused it at infinity. A light shone through a reticle, which was projected onto a telescope mirror. If the bombardier could see the target, he could swing the sight to fix the cross on the target in the short time the non-clouds permitted him."

His device was used Aug. 6, 1945, when the atomic bomb was dropped on Hiroshima, Japan surrendered, ending World War II on Aug. 14, after a second bomb was dropped on Nagasaki on Aug. 9, 1945.

It was in 1947, two years after the bombings and V-J Day, that Evans read about the bombsight in a magazine, recognized it as his work, made some calls and confirmed his sighting mechanism had been used.

"So many little shops were working here in the Dayton area during the war," he said. "Many contributions were being made to the government and to the military.

"The little guys did the behind-the-scenes work. We developed. Then our products were tested by the government, eventually used, quite successfully at least in this case, and then the higher-ups would take the credit. I am not being sarcastic about it," he said, smiling. "It was just done that way."

Evans has known all these years that his device played a big part in the bombings. Yet, he has seldom talked about it, even to family, his wife says. He has never before been interviewed about it for a publication.

As the countdown is now under way to the 50th anniversary of V-J Day, Helen Evans said she thought it was time the world knew about her husband's contribution.

"I initiated this, so that he would get some credit," she said. "All his life, he has been so modest. He is such a fine man and such a hard worker. But he never has gotten his due. He helped change the face of history. In his own way he helped end a war."

Her husband spoke. "I am . . . glad that Harry Truman did what he did. He knew that if he didn't, what we would lose a lot more American men . . . that their blood would flow. Sure we are sorry anyone had to die. But the war had to be stopped. I am behind Mr. Truman in what he did.

"And, quite candidly, I am . . . glad that I was an engineer and able to support my country by developing this bombsight. We all give as we can and we all pull together in war."

Evans got his engineering degree at Ohio State University and spent his life in the profession. From 1970 to 1984, he owned and operated his own company called Plastomatics in Dayton.

"Bill always worked hard, but always was his own man," Mrs. Evans said. "He also trusted a lot of people and was naive in business. He would develop something, or invent something, and someone else would take it and make a lot of money on it.

"Bill has always been a workaholic. He didn't care about making money or building a fortune. He just loved what he did. He worked 80-hour weeks and would forget to come home. He is an incredible person when it comes to dedicating yourself to a challenge."

She smiled and added, "We never had a lot of money. But we have always been happy. We have always been comfortable. We have had ups and downs, but we have survived. And I love Bill so much for all that he has done. He is a wonderful man who simply wants to know what makes things tick."

Evans smiled, reached over and lovingly tapped his wife's arm.

After a few moments he said, "I guess I feel it's fun to be fooled in this world. But it's . . . more fun to know."

HONORING DON MOSER UPON HIS RETIREMENT

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 3, 1995

Mr. GORDON. Mr. Speaker, I rise today to pay tribute to a dear friend, Don Moser, who has contributed much to my hometown of Murfreesboro, TN. He has been a wonderful source of advice and support over the years, and I wish him well upon his retirement.

Don has served Murfreesboro for many years. From his undergraduate days at Middle Tennessee State University, to serving as president of the local chamber of commerce, Don has contributed time and time again.

He cochaired the recent fund raising drive to secure funds for the chamber's new headquarters building and has been a long time member of the Murfreesboro Water and Sewer Board. Don's love for his community can be seen in his commitment to the Rutherford 20/20 Task Force, which is hard at work planning for the future of Rutherford County.

Most in our community will tell you if you want something done and done right, call on Don and his wife, Jean; they are the busiest people in town. They complement each other well and make an unstoppable team.

The banking community is sure to feel his absence after 38 years as an active leader and friend. He is retiring as regional president of Third National Bank in Murfreesboro.

Don is an avid golfer and I feel sure that many of his free days now will be spent hitting the links. He and Jean plan to do some traveling, as well as spending time with their two grown children, Donald S. and Michelle.

The bank's loss is the community's gain, for he will now have even more time to contribute, and we are grateful. Please join me in congratulating this outstanding individual.

COMMENDING KEITH JEWEL

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 3, 1995

Mr. JACOBS. Mr. Speaker, Keith Jewel is just that. For the House of Representatives, he has been a splendid gem for a very long time.

Keith is the one who takes the pictures of the Boy Scouts and Girl Scouts on the steps of the Capitol. And before one makes too light of that, remember this: to high school kids who visit Washington, the experience lasts forever. The taxpayers got their money's worth from Keith's service. And we have all enjoyed his warm and friendly personality. He goes on now to a well earned retirement. And we wish him the happiness he has given so many others through the years.

A TRIBUTE TO ALBERT BARNES JR.

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 3, 1995

Mr. LEWIS of California. Mr. Speaker, I would like to bring to your attention the fine work and outstanding public service of Mr. Albert Barnes, Jr. Al, a dedicated professional and longtime community activist, is retiring as the southeast California district manager for the United Parcel Service [UPS]. A tribute will be held in his honor on August 24 to recognize his years of service to California's Inland Empire.

Al began his career with UPS as a delivery driver in Dayton, OH in 1967. Two years later, he became a supervisor and in 1972, was named center manager. Al served as a feeder manager, package division manager, and hub division manager before joining the Arizona District as a division manager in 1975. In addition, he has served on a number of special assignments and worked as a member of the UPS Part-Time People Support Committee.

In 1989, Al was named southeast California district manager for UPS, which has become one of the most respected corporate citizens in the region. Al was in charge of the planning, construction, and opening of the largest UPS west coast air hub in Ontario, CA in 1992. To say the least, Al has played an extraordinary and active role in our community. In addition to his outstanding business contributions, Al has been a longtime supporter of and deeply involved with the Boys and Girls Club of the Inland Empire as a member of the board of directors.

Mr. Speaker, I ask that you join me, our colleagues, and Al's family and many friends in recognizing his many fine achievements and selfless contributions. I'd also like to wish Al, his wife Margaret, their daughter, Rebecca, and sons John, Mike, and Ed the very best in the years ahead. Throughout his career, Albert Barnes has touched the lives of many people and it is only fitting that the House of Representatives recognize him today.

TRIBUTE TO CONGRESSMAN THOMAS MORGAN

HON. FRANK MASCARA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 3, 1995

Mr. MASCARA. Mr. Speaker, I rise with pride today to pay tribute to a man who served the people of Pennsylvania and this Nation for 32 years.

Dr. Thomas Morgan passed away on July 31, 1995. He retired from Congress in 1977, but the memory of "Doc" Morgan will be engraved in American politics, having guided our Nation through significant world events.

We can point with pride to a man who rose to the chairmanship of the prestigious House Foreign Affairs Committee, advising Presidents and Secretaries of State, while never compromising the integrity of the institution in which he served.

I was pleased to know "Doc" Morgan and honored to now represent the district he once served. After he retired, we regularly kept in touch. He was always a man of his word, with a depth and breadth of knowledge that he maintained all the years of his life.

It is an honor and a privilege to be standing before you today, where he once stood, representing the next generation of southwestern Pennsylvanians.

I hope that I can do credit to his legacy while serving in the U.S. Congress. I extend every sympathy to those who are now grieving his loss. He will not be forgotten.

THREATENED PRESIDENTIAL VETO OF LEGISLATIVE BRANCH APPROPRIATIONS BILL

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 3, 1995

Mr. PACKARD. Mr. Speaker, President Clinton has declared his intention to veto the 1996 legislative branch appropriations bill. It should no longer surprise me that the President has once again chosen to put petty politics above the interests of effective and efficient Government, but it does. This is not because the President rarely threatens veto, far from it, in fact, it is beginning to appear that this is the norm. Rather, the President surprises me because there is absolutely no justification, however flimsy, for such a threat.

President Clinton alleges that we are taking care of our own business before we take care of the people's. This is simply not the case. There is nothing unusual about sending the legislative branch bill first. Traditionally, the legislative branch has been done first because it has tended to be the least controversial. Furthermore, all 13 appropriations bills have never been sent to the President at the same time.

The fiscal year 1996 legislative branch appropriations bill is a good piece of work, crafted with the assistance of Democrats and receiving bipartisan support all along the way. The bill sets out to downsize and streamline Government in pursuit of a balanced budget. By providing $206 million in deficit reduction, it shows that Congress is committed to cutting itself first. The message of this bill that President Clinton does not understand is that reform starts at home. This Congress is committed to achieving a balanced budget and we will not be stopped by a President intent on meddling in the affairs of the House out of petty political motives.

75TH ANNIVERSARY OF WWJ NEWSRADIO 950

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 3, 1995

Mr. BONIOR. Mr. Speaker, later this month, on August 20, 1995, America's first commercial radio station, WWJ Newsradio 950, will be celebrating its 75th anniversary. For three quarters of a century the listeners in metropolitan Detroit have tuned in to 950 AM for news, sports, and entertainment.

Back in 1920, when radio was still in its infancy, and long before television, WWJ was pioneering a new way for people to become and remain informed and entertained. On that historic August 20th, listeners heard: "This is 8MK calling." It was just one of the many firsts for WWJ.

WWJ Newsradio was first to broadcast a news program, election returns, and sports. WWJ was also first to do a play-by-play sportscast live from the scene. On October 25, 1924, Ty Tyson described the University of Michigan's 21 to 0 victory over the University of Wisconsin. WWJ continues to carry U of M football to many fans throughout southeast Michigan. WWJ also broadcast the first play-by-play of a Tiger baseball game on April 19, 1927. The Tigers beat the Cleveland Indians 8 to 5 with famed Tiger Marty McManus making several outstanding plays at second base.

WWJ has a proud heritage and a reputation for integrity and public service. In the words of one of the WWJ newsradio team members, "tradition is exceeded only by our commitment to continued service."

Celebrating a 75th anniversary is a proud milestone. Through the Depression and too many wars, the New Deal and the Great Society, the folks at WWJ have been with us all the way. I applaud WWJ for keeping our community well-informed.

I urge my colleagues to please join me in saluting WWJ on the event of its Diamond Anniversary. The people of metropolitan Detroit have long depended on its role in the community and we hope the next 75 years will continue to be as successful.

CREATING A 21ST GOVERNMENT

HON. STEVEN SCHIFF

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 3, 1995

Mr. SCHIFF. Mr. Speaker, in our recent series of field hearing on creating a 21st government, the Committee on Government Reform and Oversight traveled to Cleveland, OH. Members heard testimony from several experts in the field of government restructuring.

One of our panelists was the Mayor of Philadelphia, Edward Rendell, who described the structure of the city of Philadelphia's government when he took office in January 1992. He concluded that:

> The city was operating with management systems that were designed for a different era. The city's budget process, personnel system, contracting process, management hierarchy, and information system were layered with unwieldy, bureaucratic practices that did not encourage innovative and effective management of limited resources.

As a public servant myself, I have watched our Federal Government structure grow out of control for decades. Perhaps we can learn from these cities and apply some of their successful reorganization methods to the Federal Government. Republican members of the Committee on Government Reform and Oversight remain dedicated to creating a Government structure through innovation, revitalizing management practices, and distinguishing the functions that are needed to produce the results that the American public demands.

HONORING THOSE WHO SERVED THE CAUSE OF FREEDOM IN WORLD WAR II

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 3, 1995

Mr. FIELDS of Texas. Mr. Speaker, for America, World War II began on a day that will live in infamy, and it ended at the dawn of the nuclear age. In between those two events, America and the world as a whole changed forever, as did the lives of each and every American alive at that time.

Americans have begun observing the 50th anniversary of the end of World War II—a horrible war that inflicted more pain, death and destruction on the world than any conflict before it or since. It was a war that claimed the lives of more than 1 million young Americans struggling to defend liberty here at home and around the world. It was war that injured and maimed hundreds of thousands of military personnel and civilians alike. It was a war in which young men demonstrated superhuman courage and determination in places like Pointe du Hoc and Iwo Jima. And it was a war in which others demonstrated almost inhuman depravity in places like Auschwitz and Dachau.

It was in which my father, Jack Fields, Sr., fought as a bombardier aboard a B–24 Liberator in Europe.

But why did he and millions of other peace-loving Americans, eagerly answer the call to take up arms during World War II?

Like millions of other young men in towns and cities across this great country, my father joined the war effort because he knew that there are things worth fighting, and dying, for: ideals like freedom and democracy, and places like America in which those ideals had been brought to life. Like millions of other veterans, he did his part in a worldwide effort to free those who had been conquered and enslaved by the forces of darkness. Countless young Americans traveled far from their homes, risked their lives and endured terrible hardships to defeat the forces that had, temporarily, defeated democracy in western Europe and throughout much of Asia. They did so as well because they knew that the cause in which they were engaged was just. They knew that God would watch over them, as He had always watched over America. And they knew that with His help, they would prevent the flame of freedom from flickering out on this planet.

Many brave young men gave their lives in that successful struggle to ensure that freedom lived on. Many more suffered wounds and injuries that changed their lives forever. Most, thank God, just returned home, found jobs and raised their families. But they, too, were changed by the war. They knew first-hand its horrors, but they knew that it had been necessary to preserve the American way of life that too many of our citizens take for granted.

The men who fought and won World War II were, for the most part, ordinary Americans from ordinary towns across our country. But they had accomplished an extraordinary feat: they had preserved freedom in America and England; they had restored freedom to France; and they had helped bring about a rebirth of freedom in post-war Germany, Italy, and Japan. The world, then, not only America, owes each and every one of them a huge debt of thanks.

But America owes them even more. It owes them this solemn promise: that each of us will do everything we can to keep America militarily strong—so strong that never again will young Americans be called upon to fight and die in a world war to defend democracy and freedom, because no one will ever again dare threaten democracy and freedom anywhere around the world.

PROTECT EQUAL JUSTICE FOR ALL—DON'T CUT THE LEGAL SERVICES CORPORATION

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 3, 1995

Mr. SANDERS. Mr. Speaker, I rise in support of the Legal Service Corporation, and in opposition to the destructive 30 percent cut of that program in the Commerce-State-Justice appropriations bill.

Mr. Speaker, a bedrock principle of this Nation is equal justice for all. But we all know that access to justice for ordinary Americans usually means access to legal counsel.

Often, the most vulnerable among us—those most in need of legal help and representation—cannot afford an attorney. That is why the Supreme Court ruled everyone has a right to a lawyer in a criminal case, and it is why President Nixon founded the Legal Service Corporation to offer low-income Americans representation in civil court.

Mr. Speaker, when this House voted to slash funding for the Legal Service Corporation, in my view it voted to restrict access to justice for the over 15 percent of Americans who live in poverty. Mr. Chairman, that is unconscionable.

Legal services attorneys were there for family farmers who couldn't afford high-priced, downtown lawyers, when they helped prevent over 250,000 illegal farm foreclosures. In Vermont and across this country, they are there for battered women seeking orders of protection, child support enforcement, and divorces from abusive spouses. These attorneys were there to safeguard coal miners' rights in Kentucky, and to protect Oregon farmworkers from beatings, kidnappings and illegally low wages.

These public servants are funded by a model of efficiency and federalism. Only 3 percent of Legal Service Corporation expenditures go to administrative costs, meaning 97 percent goes directly to provide legal services for poor Americans. There is no large bureaucracy; the approximately 100 employees of the Corporation spend their time distributing Federal funds to 323 independent, local legal services programs and ensuring they receive the support needed to deliver top notch legal level help. Each individual program is a private, nonprofit corporation governed by a locally appointed board of directors.

Mr. Chairman, the Legal Service Corporation simply extends equal rights and justice to all Americans; it does exactly what Government should be doing. If we are serious about deficit reduction, we should cut the hundreds of billions of dollars in corporate welfare in the Federal budget. We should eliminate tax give-aways to the rich before we eliminate these protections for the most vulnerable members of our society.

For the benefit of my colleagues, I ask unanimous consent to insert into the RECORD a resolution from the New England Bar Association board of directors, which succinctly makes the case for the Legal Service Corporation.

NEW ENGLAND BAR ASSOCIATION

BOARD OF DIRECTORS RESOLUTION

Whereas, equal justice is fundamental to the American system of government under laws; and

Whereas, the inability to afford legal counsel effectively denies access to justice for individuals with legal needs; and

Whereas, the New England Bar Association is strongly committed to support adequate legal services for the poor; and

Whereas, the federal Legal Services Corporation is the organization charged by Congress with funding legal services programs throughout the country to deliver civil legal services to the poor; and

Whereas, local legal services programs funded by the Legal Services Corporation represent the federal government's effort to fulfill the promise that all Americans have an equal opportunity to utilize the justice system, and

Whereas, local legal services programs funded by the federal Legal Services Corporation are a frugal and effective expenditure of federal tax dollars, inexpensively and efficiently serving a broad range of persons with typical legal problems through more than 900 local offices and effectively leveraging local, state and private funds as well as pro bono services from the private bar, and

Whereas, the future of the Legal Services Corporation is at a critical juncture, facing Congressional threats to eliminate or severely cut funding of the Legal Services Corporation; and

Whereas, it is imperative that bar associations and others concerned with equal access to justice and legal services for the poor continue to express support for the civil legal services delivery system which has served the legal needs of the country's poorest citizens; and

Now, therefore, be it resolved that the New England Bar Association Board of Directors urges all members of the Congressional delegation to support adequate funding for the Legal Services Corporation to address the tremendous unmet need for civil legal services for the poor.

Be it further resolved that the New England Bar Association strongly opposes any amendments to the Legal Services Corporation Act to restrict legal services and pro bono programs in their use of IOLTA and other government and private monies; create obstacles to low income people obtaining justice in the courts and legal system; impinge on confidentiality between attorneys and their clients; or dismantle local control and destroy the effectiveness of the current legal services delivery system.

LAFAYETTE, IN: NAMED ALL-AMERICAN CITY

HON. JOHN T. MYERS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 3, 1995

Mr. MYERS of Indiana. Mr. Speaker, the National Civic League named Lafayette, IN an All-American City at its annual convention in June. Lafayette was one of only 10 cities nationwide that received this designation out of 145 communities under consideration. The citizens of Lafayette will observe the well-deserved recognition this Sunday with a day long celebration.

Lafayette was recognized by the National Civic League for the ability of its citizens to effectively solve problems by working together as a community. I can attest to that ethic as it relates to the Lafayette railroad relocation project. This massive rail relocation effort was designed by city officials, corporate and business leaders and local citizens with the safety needs of the community in mind. I am continually amazed at the near unanimous support the project receives from all of the community's citizens.

The willingness of the community to help its neighbors is exhibited by the altruistic work done by the Lafayette Neighborhood Housing Services and the family services organizations. These nonprofit groups, comprised of lenders, city officials, businesses, residents, and other interested parties, have successfully developed 50 safe and affordable rental units for lower-income citizens. No one can argue that Lafayette doesn't take care of its own.

Lafayette is a city that has retained the values of hard work, faith, and patriotism even as it has grown into a major metropolitan area. It is a community that should serve as a model to cities across the Nation and I am proud to represent its citizens in Congress.

Mr. Speaker, I want to congratulate Lafayette on this designation and encourage the citizens and elected officials to wear the title of "All-American City" with pride. It is certainly deserved.

IN HONOR OF THOMAS K. BLALOCK

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 3, 1995

Mr. STARK. Mr. Speaker, I rise today to recognize Mr. Thomas K. Blalock, the public works director of of the city of Fremont in California's 13th Congressional District. Tom is retiring after 34 years of dedicated service to our community.

Tom began his professional career in Fremont in November 1960, when he became Fremont's assistant city engineer. As assistant city engineer, he was responsible for managing the engineering division and overseeing the areas of project design, construction management, real property, and traffic engineering. In March 1975, Tom became Fremont's director of public works where, for the last 20 years, he has managed from 172 to 254 employees in four areas: engineering, maintenance, integrated waste, and administration.

Tom has been a resident of the South Bay for over 43 years. After graduating from San José State University with an engineering degree in December 1954, he began his career as a planning aide in the city of Mountain View, where he had worked as an engineering aide throughout college. In April 1955 he moved to the city of Sunnyvale to work as a design and traffic engineer. He held this position until November 1960 when he came to Fremont.

Tom belongs to a number of professional organizations including the American Public Works Association [APWA] of which he is a life member. In 1991, he was the recipient of the APWA's Samuel A. Greely Award. He is also a member of the American Society of Civil Engineers [ASCE] where he has served as an executive board member for 10 years in the urban planning and development division. In 1985, he received the ASCE's Harland Bartholomew Award, a national award for urban and regional planning. He is also a member of the League of California Cities. In 1991, he was president of the league's public works officers department and has also served on a number of the league's policy committees.

Tom has also served on the boards of many of our community organizations including the Chadbourne School Family and Faculty Association, from 1962 to 1965, and the Mission San José High School Parent Faculty Association, where he was chair from 1976 to 1978. He also participated as a Mission San José Little League umpire from 1970 to 1974 and has been an active member of St. Anne's Episcopal Church, serving both as bishop's committee member and a senior warden. He was a member of the Children's Home Society of California for 14 years and represented that organization at the both local and the state level.

Although Tom's expertise will be sorely missed by those in the city of Fremont, he was elected last November to the Bay Area Rapid Transit [BART] Board for region 6. Therefore, citizens in this area will continue to benefit from his knowledge of and involvement with engineering and transportation issues.

Mr. Speaker, I'd like to recognize Mr. Thomas K. Blalock for his commitment to our community. I hope you and all of my colleagues will join me and all of Tom's friends and neighbors in congratulating him on his retirement and wishing him well in all of his future endeavors.

TRIBUTE TO THE LATE LEW ENGMAN

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 3, 1995

Mr. WAXMAN. Mr. Speaker, I rise today to pay tribute to Lew Engman. Lew died on July 12 of this year at the age of 59. His sudden and premature death saddened all of his friends and associates who knew and worked with Lew over the years.

Lew was an honorable and honest man who was a pleasure to deal with. Whether or not you had a difference of views, you could depend on him to be straightforward, fair-minded, and true to his word. And a difference in view never translated into personal enmity or unpleasantness.

At the time of his death, Lew was president of the Generic Pharmaceutical Industry Association. Previously, when I first got to know him in the early 1980's, he was president of the sometimes rival Pharmaceutical Manufacturers Association, representing the industry's research firms. That Lew could head both associations, first one then the other, yet never be caught in contradiction or inconsistency, says a lot about the integrity with which he went about everything he did. In each case, he managed to stay totally loyal to his clients, and totally dependable as a man of his word.

I got to know Lew during the negotiations that led to passage of the 1984 Drug Price Competition and Patent Term Restoration Act. In securing support for that act, we had to balance the research-based drug companies' need for an adequate patent term with the goal of the generic drug industry to be on the market and able to compete as soon as those patents expired, with all the benefits that could bring to the public.

The issue was complicated, and the players fractious. Lew Engman put his name on the line to seal the compromise, approved by his companies, that made a bill possible. And when later some of his members broke ranks, he stuck to his word. His refusal to break his promise to Senator HATCH and me cost him his job, a considerable irony in view of the fact that the patent-restoration half of the compromise which he worked so skillfully to obtain might never have occurred without his deft guidance.

In the end, passage of the 1984 Waxman-Hatch Act was a testament to Lew Engman's conviction that the best form of legislation can achieve the aims of private interests while serving the public interest as well.

Lew of course had achieved a lot long before I knew him. An antitrust lawyer and economist by training, he had served in the Nixon and Ford administrations, as general counsel to the President's special assistant for consumer affairs, on the White House Domestic Council staff, then as Chairman of the Federal Trade Commission from 1973 to 1976. In the latter position, Lew was one of the first Government officials to note that some Federal agencies had become servants of the industries they regulated, and to call for some deregulation where appropriate.

I won't try to list all of Lew's achievements. Suffice it to note that two decades ago, Time magazine picked him among the country's young leaders to watch, and Lew proved the pick a good one. It saddens me that we will watch him no more; at just 59 and full of energy, he was far too young to die.

CITIZEN EXCHANGE PROGRAMS CRITICAL TO FOSTERING BETTER UNDERSTANDING BETWEEN NATIONS

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 3, 1995

Mr. HOYER. Mr. Speaker, I rise today to express my concern about the proposed cuts in the commerce, state, justice, and related agencies appropriations bill for fiscal year 1996 as it relates to educational and cultural exchange programs within the United States Information Agency.

As a member of the Commission on Security and Cooperation in Europe, I have witnessed first-hand the importance of people-to-people exchanges. They are instrumental in promoting our country and the democratic ideals that make our country great.

In addition, like many Members of this House, both Republican and Democrat alike, I, too, have been a part of a citizens exchange program. The American council of young political leaders, one of the recipients of USIA funding, was formed nearly 30 years ago as a non-profit bi-partisan educational exchange organization to enhance foreign policy understanding and exposure among rising young American political leaders and their counterparts around the world.

Since its establishment, Mr. Speaker, more than 3,000 political leaders from the United States and 2,000 foreign delegates have participated in some 500 governmental and business exchanges with their counterparts in more than 70 countries. The ACYPL's efforts are a key component of not only our exchange programs but in fostering better relations and understandings between nations. I am only sorry that programs such as ACYPL's may be at risk as a result of these proposed cuts in educational and exchange programs.

SISTER GRACE IMELDA BLANCHARD

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 3, 1995

Mr. GILMAN. Mr. Speaker, it is with deep regret that I inform our colleagues of the passing of a truly outstanding and caring individual who dedicated her life to the education of our young people.

Sister Grace Imelda Blanchard was in many ways the epitome of those with whom so many Americans are familiar—the women of the religious community who truly believed that expanding the minds of young men and women was instrumental in carrying out God's intentions.

A native of New Haven, CT, Sister Grace received her bachelor of arts degree from Albertus Magnus College in 1936, a master's in secondary supervision in 1943, and a Ph.D. in education from New York University in 1968. Realizing that only by becoming a religious would she be able to fully devote her life to education, she entered the order of the Dominican Sisters of Newburgh, NY, on September 8, 1957. She subsequently entered the novitiate June 11, 1958; made her first profession June 17, 1959, and her final profession August 21, 1962.

Sister Grace's career as an educator encompassed a number of high schools, but it was at Mount Saint Mary College in Newburgh that she truly made her mark, beloved by her students, by her peers, by the administration, and by the community at large. She was an associate professor from 1968 to 1977 and a professor of education from 1978 to 1983. The administrators at Mount Saint Mary asked Sister Grace to take charge of the college's efforts to receive grant funding. They could not have made a better choice, for Sister Grace soon became a regular visitor to my congressional offices and other offices throughout Washington and Albany, where her perseverance and expertise in obtaining funding for the students became legendary.

Sister Grace was universally respected because she never hid the fact that she considered the education of the students to be her prime responsibility. We all admired the professional manner in which she knew how to obtain funding in an ever more competitive environment.

Sister Grace Imelda's accomplishments were not confined to her college. Her work on the literacy program for adults at the local high school, at the soup kitchen at St. Patrick's Church in Newburgh, and as a catechetical teacher in Montgomery, NY, made her known and loved in all of those communities.

In 1986, Sister Grace was presented with the Mount Saint Mary Faculty Award. The text of that award states:

> We are in her debt, not only for her stewardship over grants and goals, but also because she makes us better individuals. It is possible to calculate the dollars she has obtained for the college in writing Title III Grants, but impossible to measure her more priceless contribution of self.

Sister Grace Imelda was traveling to the founding chapter of the Dominican Sisters of Hope in Massachusetts when she was taken ill. We lost her while the chapter was in session and she was buried with a rite of committal on July 24. However, on next Monday, August 7, will mark a memorial mass in her honor at the college chapel, where her many friends and admirers will gather to bid farewell to a remarkable woman.

I happened to speak to Sister Grace just a few days prior to her passing. As was her practice, she had called to remind me that education must remain one of Congress' top priorities, and to underscore the need for continued quality in higher education. As always, Sister Grace was seeking future funding to assist in the laudable goals of her college.

Mr. Speaker, I extend my condolences to her sister-in-law, to her niece, to her four nephews, and to her many grandnieces and grandnephews. Their grief may be tempered with the knowledge that it is shared by many, and by the realization that Sister Grace Imelda Blanchard was a rare individual who will long be remembered.

TRIBUTE TO DR. ALICE WALKER-DUFF

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 3, 1995

Mr. DIXON. Mr. Speaker, I am pleased to have this opportunity to salute the outstanding contributions made by Dr. Alice Walker-Duff to the children of Los Angeles. As executive director of Crystal Stairs, Alice presides over one of the largest nonprofit and most enduring child care resource and referral providers in California. She has earned a well deserved reputation as an indefatigable advocate for comprehensive, quality early child development services as an essential ingredient to helping children mature into successful, productive adults.

Alice's career with Crystal Stairs began nearly two decades ago. It was not, however, the career she had envisioned but one that she came to out of a desire to help her good friend and Crystal Stairs' founder, Karen Hill-Scott. In the early 1970's, in a venture that would serve as the precursor to Crystal Stairs, Alice and Karen had teamed together to found the Childcare Resource and Referral Service. The program was the sole African-American alternative program in California. It offered working parents, most often single mothers, with quality child care development services, affording many the opportunity to return to school or to the employment roles.

In the mid 1970's, while supervising a classroom project in one of her urban planning classes at UCLA, where she taught, Karen discovered there was a paucity of information available at the city and county level regarding available day care providers located in the urban areas of Los Angeles. Armed with this information, she applied for and received funding from the State of California to establish an agency that would address this shortage. Thus was born Crystal Stairs, a nonprofit agency incorporated in 1980 that supervises and certifies affordable, safe, and reliable child care development providers in the African-American community of southern California.

Alice agreed to help Karen by managing the day-to-day operation and management of Crystal Stairs. Karen was still a professor at UCLA and she needed an individual who was smart, politically savvy, and above all, knowledgeable about early childhood development. Although the initial agreement had Alice remaining at Crystal Stairs for just 8 short months, 2 years ago, when Karen stepped down as executive director to serve as a consultant in children's television programming, Alice settled in as the agencies executive director.

During her nearly 20 years of dedicated service and commitment to Crystal Stairs and the children of Los Angeles, Alice has been instrumental in expanding the agency's outreach to include a comprehensive array of services, including child-care research, a food program in Los Angeles, Orange, and Riverside Counties; parenting classes, and employment training programs.

Last year, Crystal Stairs added one more jewel to its crown with the opening of SAGE, a child-care center in the Nickerson Gardens public housing development. The center offers a range of afterschool classes, including instruction in computer skills and math and art classes. SAGE is providing a tangible resource to the children of Nickerson Gardens by helping to enhance their development and offering a beacon of hope for a future that is too often viewed as hopeless.

Mr. Speaker, I am proud and honored to salute the outstanding accomplishments of Dr. Alice Walker-Duff to the Los Angeles community. Her career has been marked by a level of excellence that is worthy of the accolades she receives this day. She has labored nobly and steadfastly in her quest to ensure that children receive the appropriate day care and essential nurturing to which all children are entitled. Please join me in commending her for her contributions to the children of Los Angeles, and in extending to her, her husband attorney Joe Duff, and their two daughters Gingi and Laura, our appreciation and best wishes for continued success in the future.

HONORING VETERANS OF THE KOREAN WAR

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 3, 1995

Mrs. KENNELLY. Mr. Speaker, as we remember the 42d anniversary of the armistice of the Korean war, and as we dedicate the new Korean War Veterans Memorial on the Mall, I want to commemorate the patriotism of the 1.5 million Americans who served, the courage of those who were wounded or taken prisoner-of-war, and the sacrifice of the more than 54,000 who did not come home. These soldiers, including many from my congressional district and the State of Connecticut, have made an indelible contribution to our nation and to our world by exemplifying America's uncompromising devotion to freedom.

The soldiers who fought in Korea were the first American servicemen and women to directly contest a Communist army. Their bravery in combat against North Korea and China proved that the United States would not appease Communist aggression. Their defense of freedom in one corner of the world gave hope to millions of people under Communist rule in other corners that the democratic nations had not forgotten their plight. Korea was the first volley in the battle that was won when the Berlin Wall came down and the Soviet Union crumbled.

Our Korean war soldiers also demonstrated to the world that we were ready and willing to help even our smallest and most distant allies fend off foreign aggression. While no one questioned America's strategic interest in defending Europe during the world wars, our commitment to our friends in Asia was not as certain. But in the summer of 1950, the United States spoke loud and clear: we would stand up for freedom anywhere it was threatened by tyranny. That message still resonates today.

But our soldiers did not merely engage in battle against international aggression; it was a contest between democracy and totalitarianism. In Korea, our soldiers proved that Americans did not just talk about the importance of democracy—they would risk their lives for it. The march of American soldiers up the Korean peninsula from Pusan to the 38th Parallel was a remarkably brave demonstration of our commitment to lead by example. Today, as nations on every continent strive towards democracy, they rightfully look to us for moral guidance.

By fighting side-by-side with soldiers from around the world, American soldiers also demonstrated that multi-national coalitions can bring about peaceful ends. When we contemplate the awesome success of Desert Storm 4 years ago, we can look back to Korea as the prototype.

Through these accomplishments, the soldiers of the Korean war left an indelible mark on the modern world. Sadly, Korea is at times called the forgotten war. But the freedom and security it brought the world will long be remembered.

Were it not for the courage of our soldiers, South Korea would not be a free and prosperous nation, one of our most trusted and valuable allies in the Pacific rim.

And were it not for the fortitude of our neighbors, relatives and friends in uniform who joined the battle against North Korea, the fall of Communism in Eastern Europe and in Central America would have been far less assured.

Most importantly, were it not for the selflessness of American servicemen and women who triumphed over dictatorship in a country many had never even heard of, the guiding light of democracy we extend to other nations would not be nearly as bright.

We still live in a dangerous, unpredictable world. But the heroic, selfless efforts of Americans in places like Inchon, Chosin, and Pusan have ensured that future generations of Americans will live in a world where freedom is cherished and tyranny is repelled. For that, we owe the veterans of the Korean war our eternal gratitude.

I commend the Korean war veterans from the First District of Connecticut and from around the United States on the occasion of the 42d anniversary of the end of the Korean war.

CLEANING UP BROWNFIELDS

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 3, 1995

Mr. DINGELL. Mr. Speaker, I rise with my colleagues from Ohio, Mr. BROWN, and my colleague from Missouri, the distinguished minority leader, Mr. GEPHARDT, to introduce legislation which, if enacted, will promote the cleanup of lands containing abandoned or under used industrial facilities where legal, environmental, and financial barriers prevent redevelopment.

Contaminated, often vacant industrial sites, known as brownfields, pose significant economic and environmental challenges for communities throughout southeastern Michigan. These challenges are formidable, but not insurmountable. I will explore the issues which determine how to succeed in converting our brownfields in Downriver and Detroit back to engines of economic progress.

Industrial properties, contaminated from years of use, are very difficult to redevelop. Even ongoing operations may be difficult to sustain. Cleanup costs are high and liabilities for past contamination scare potential purchasers, developers, and lenders. However, not cleaning and reusing these sites means that sites with the potential to contribute to local economic development and job creation sit dormant, and pollution remains unchecked. The lack of usable properties in long-term manufacturing centers like those in metropolitan Detroit and other cities encourages builders and investors to look for more distant locations for development.

The bill which I am sponsoring with my colleagues will address these concerns by providing more than $100 million over 3 years so that local governments can choose and develop the sites which have the best chance of success if they are cleaned up. The grants will be used to assess the environmental conditions and economic potential of a site. Loans will allow cities and other development authorities to finish the job. Perhaps most important, current Federal laws would be amended to reduce fears of liability for purchasers and lenders. Together with the enhanced public funding, it is hoped that these steps will leverage additional private investment in brownfields.

I am pleased to say that local governments in my congressional district are not waiting for this legislation to get started on these efforts. However, organizations like the Southeast Michigan Council of Governments [SEMCOG] and the Port of Monroe assure me that this legislation should help guarantee success.

Mr. Speaker, I look forward to working with my colleagues on the Commerce Committee to see how this legislation fits with efforts to reauthorize the Superfund.

BROWNFIELD BILL—SECTION-BY-SECTION ANALYSIS

SECTION I. FINDINGS

SECTION II. FINANCIAL ASSISTANCE

Purpose

Provide financial incentives that encourage redevelopment efforts of brownfield sites.

Help create a more level playing field relative to the more desirable "greenfields".

Aid with the expenses involved with cleanup activities at brownfield sites.

Summary

Provides grants to local governments for site investigations to assess the level of contamination; authorizes $15 million each fiscal year from the Superfund trust fund.

Provides interest-free loans to local governments for cleanup activities. Such loans are to be repaid within 10 years to be deposited back into the Superfund trust. Authorizes $30 million each fiscal year from the Superfund trust fund for such purposes.

Establishes a 3 year sunset for authorization of funds.

Permits local governments to submit to EPA an application for a grant or loan for specific redevelopment project(s).

Specifies criteria by which applications are ranked; includes: Stimulation of economic development (eg. job creation, increased revenue); extent local community participates and supports remediation and development; financial involvement of State and local governments (in lieu of matching requirement); extent the local community supports the redevelopment project(s); and extent health and environmental risks (or threat of) are reduced.

SECTION III. LENDER LIABILITY

Purpose

Encourage lenders to help finance brownfield redevelopment efforts by reducing liability fears induced by unfavorable court interpretations. The US v. Fleet Corp. court ruling inflicted uncertainty among lending institutions regarding liability.

Clarify activities that lenders can perform without being held liable under Superfund.

Summary

Upholds EPA's 1992 Lender Liability rule which was invalidated by a court ruling:

Species lender's activities that give rise to potential liability. These include undertaking responsibility for hazardous substance practices and day-to-day decisionmaking with respect to environmental compliance and operational functions.

Specifies activities that do not give rise to liability. Includes: Mere capacity to influence or unexercised right to control facility operations; actions to require environmental inspection and/or cleanups; work out' activities (eg. preventing foreclosure by restructuring terms).

To remain exempt from liability after foreclosure, a lender must sell, re-lease, or otherwise divest itself of the property in a reasonably expeditious manner.

SECTION IV. PURCHASER LIABILITY

Purpose

Protect new purchasers and redevelopers from liabilities for past problems.

Under N.Y. v. Shore Realty, the court held the current owner responsible for response costs; it reasoned that CERCLA unequivocally imposes strict liability on the current owner of a facility from which there is a release without regard to causation.

Summary

Exempts prospective purchasers from liability when acquires ownership of a facility and establishes each of the following:

All active disposal of hazardous substances at the facility occurred before that person acquired the facility.

Person made all appropriate inquiry into the previous ownership and uses of the facility and poverty.

The person provided all legally required notices with respect to the discovery or release of any hazardous substances at the facility.

The person exercised appropriate care with respect to hazardous substances found by stopping on-going releases and preventing future releases of hazardous substances.

SECTION V. FIDUCIARY LIABILITY

Purpose

Reduce banks' fears of liability in their capacity as a fiduciary. Fiduciaries are wary of accepting real estate into their trust portfolios due to unfavorable court decisions.

Summary

Limits the liability of fiduciaries (trustees) to the value of the assets of the trust or estate unless: Person undertakes fiduciary status to avoid preexisting personal liability; fiduciary is personally, causing or contributing to release of hazardous substance; fiduciary participates in planning and implementing a scheme to evade CERCLA; and fiduciary fails to comply with requirements set by EPA.

Fiduciaries undertaking or directing others to undertake a response/cleanup action under CERCLA are precluded from liability.

IN SUPPORT OF SUPERFUND REFORMS TO PROMOTE THE REDEVELOPMENT OF "BROWNFIELDS"

HON. RICHARD A. GEPHARDT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 3, 1995

Mr. GEPHARDT. Mr. Speaker, I join today with Mr. BROWN of Ohio, Mr. DINGELL, Mr. STOKES, Mr. BORSKI, Mr. RUSH, Mr. KLINK, Mr. MANTON, Mr. TOWNS, and Ms. FURSE in introducing legislation to redevelop abandoned or underutilized industrial sites. As many as 500,000 sites that once sustained industrial or commercial activities now lie vacant or idle across the country in our rural and urban areas. Returning these sites to productive use must be an important national goal.

This legislation is intended to promote the cleanup and redevelopment of such abandoned properties, commonly referred to as "brownfields." Too often the private sector is deterred from redeveloping such brownfields because of their high cleanup costs and the potentially open-ended liability associated with undiscovered contamination. Likewise, cities have lacked the resources to assess contamination levels at abandoned sites or to help finance cleanups.

Like many cities across the country, St. Louis has hundreds—perhaps thousands—of abandoned sites that sit idle and need to be reused. In many cases, private owners have simply given up on their properties, allowing them to revert to the public domain; the municipality of St. Louis owns more than 40,000,000 square feet of abandoned property and buildings. But many other underused sites remain in private hands as well.

St. Louis has seen some neighborhoods deteriorate as investment and jobs have gone elsewhere. Many times it has been more attractive for businesses to invest in untouched property that does not carry with it potential environmental liability and expensive cleanup costs. Thus, many sites—the old Carondelet Coke plant in south St. Louis City, areas along the Mississippi riverfront, and the former National Lead site in St. Louis County—remain unused.

Our goal is to encourage the cleanup and reuse of brownfields for productive uses, thus bringing new job opportunities to blighted areas. This bill contains provisions to encourage private sector investment in redevelopment and provide cities with the resources to coordinate site characterization and promote cleanups. There are three major objectives.

First, this legislation provides cities new resources necessary to promote the cleanup of sites. Developers or purchasers often find capital out of reach when potentially costly environmental liabilities are present. In addition, cities often have difficulty in obtaining the necessary resources to assess the extent of toxicity of individual sites, the first step in brownfield redevelopment.

To help provide funding that the private sector cannot always provide, the bill authorizes the EPA to provide funds from the Superfund trust fund for cleanup activities. Local government entities, such as the St. Louis community development agency, would be able to apply and compete for interest-free loans or grants to perform site assessments and cleanup activities. The grants and loans would be competitively awarded based on their capacity to create new jobs, as well as the amount of local participation and financial support.

The cities have emphasized that site characterizations and assessments are extremely useful in marketing contaminated sites to prospective buyers or developers. After determining the level of contamination, parties are more inclined to invest in brownfield properties since the projected cleanup costs are better known. This bill authorizes the EPA to provide up to $15 million annually from the Superfund to local governments to perform such assessments. Furthermore, to facilitate cleanups, the bill authorizes the use of up to $30 million annually in loans to finance remediation activities.

Second, this legislation clarifies the lender liability issue in order to encourage private sector investment. The Fleet Factors case obscured the intent of Superfund's secured-lenders exemption. This confusion has made many lenders reluctant to become involved in potentially contaminated properties. Bankers now often fear that their interest may make them subject to cleanup liability for newly discovered or released contamination. The bill makes it clear that lenders who are merely performing a lending function and not managing a site's daily operations or contributing to the contamination can lend for redevelopment purposes without fear of incurring large environmental liabilities. The bill also provides protections to lenders who act in their capacity as fiduciaries.

Third, this legislation provides protection for good faith prospective purchasers. To protect innocent landowners from Superfund liability when they acquire property subsequently found to be contaminated, the bill exempts prospective purchasers from such liability if certain precautionary measures are taken. Under Superfund, the owner of a contaminated tract of land may be held responsible for cleaning it up even if the pollution was created by the prior owner. Thus, potential purchasers are often deterred from investing in sites with potential contamination. This provision allows a purchaser who checks the site carefully before purchase to avoid liability if contamination is subsequently discovered.

This legislation is the result of our discussions with many leaders on this issue. St. Louis Mayor Freeman Bosley, Jr., cochair of the U.S. Conference of Mayors' Brownfields Committee, has been committed to finding solutions to problems associated with brownfields. We have also worked closely with St. Louis lenders, environmentalists, and the St. Louis Regional Commerce and Growth Association. Finally, I am pleased that this bill has the support of the National League of Cities. Their contributions helped us focus on the most critical problems and develop solutions that are workable in an era of fiscal limits.

This legislation does not solve all aspects of the brownfields redevelopment problem. The solutions require a comprehensive reform of the Superfund bill, of the sort that nearly passed the House last year. There are also other aspects of the problem—such as those involving the treatment of leaking underground storage tanks—that must be addressed as well.

Generally, this legislation begins us on the way toward confronting the most important factors that have blocked the redevelopment of communities throughout urban and rural America. I thank all of my colleagues, particularly Mr. BROWN and Mr. DINGELL, for their hard work in developing this bill.

A BROWNFIELDS CLEANUP PROGRAM

HON. ROBERT A. BORSKI

OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, August 3, 1995

Mr. BORSKI. Mr. Speaker, I am pleased to join today with the gentleman from Ohio [Mr. BROWN], the gentleman from Michigan [Mr. DINGELL], the ranking Democratic member of the Commerce Committee, and the Democratic leader, Mr. GEPHARDT, to introduce legislation to help cities attract jobs by cleaning up brownfields sites.

This initiative will bring jobs to Philadelphia and every other city that has been facing inflexible environmental laws.

This bill is necessary because Superfund has become an obstacle to the economic redevelopment of our cities. Superfund has become a job-killer in our Nation's cities and that has to be changed.

Mayor Ed Rendell of Philadelphia, America's mayor, made revision of the Superfund brownfields program a prominent part of his new agenda for urban America.

The current Superfund Program has required America's cities to fight the battle for jobs with one hand tied behind their backs. Cities must be able to attract jobs—new jobs—if they are going to be able to expand their tax bases and provide funds for all the other services that are essential in urban areas—schools, housing, transit and many others. Cities cannot survive without new jobs.

In Philadelphia, the city is attempting clear away the more than 30,000 abandoned buildings that dominate far too much of the city. They want to clear the lots for development but they have run into a stone wall because no developers want to touch land that poses the threat of Superfund involvement.

Our Commissioner of Licenses and Inspections, who is in charge of this effort, testified before the Subcommittee on Water Resources and the Environment about an atmosphere of fear among prospective developers.

It is clear that we must take the steps that are necessary to dispel the atmosphere of fear that pervades our cities.

This bill that we are introducing today will help Philadelphia and all the other cities with the same problem a small measure of help by setting aside Superfund money to be used just for these sites.

During the next 3 years, $45 million would be available for grants to cities for preliminary site characterization work and $90 million would be provided for loans to cities for clean-up.

The bill also includes protection for prospective purchasers—people who want to buy property but may be scared away by the potential liability.

Under this bill, prospective purchasers who have no connection with the waste disposal will be shielded from liability.

The brownfields problem has a major impact on communities across the country. Experts have estimated as many as 500,000 contaminated sites that could be available for productive industrial development if the liability issue was settled.

EPA Administrator Carol M. Browner has done a good job moving this program in the right direction with her brownfields action agenda, especially removing 25,000 sites from the CERCLIS list.

That removal eliminates the taint of a Superfund listing from sites that don't belong on a Superfund list.

More must be done legislatively to focus attention on the brownfields problem.

As the ranking Democratic member on the Water Resources and Environment Subcommittee, I am prepared to offer this bill during the Superfund debate in the Transportation and Infrastructure Committee.

BROWNFIELDS LEGISLATION INTRODUCED

HON. SHERROD BROWN

OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Thursday, August 3, 1995

Mr. BROWN of Ohio. Mr. Speaker, today, I am introducing legislation along with my colleagues Mr. DINGELL of Michigan, Mr. GEPHARDT of Missouri, Mr. BORSKI and Mr. KLINK of Pennsylvania, Mr. RUSH of Illinois, Mr. STOKES of Ohio, and Mr. MANTON and Mr. TOWNS of New York, to address the dire need for the development of so-called Brownfields.

Those of us who have seen industries come and go in our congressional districts know the problems resulting from land that had been used for industrial purposes which is now abandoned—left barren and often contaminated—with no hope of productive use. Our legislation will address this problem in four important ways.

First, the bill would establish a grant program for local communities to use to determine the extent of the contamination of the property. While many sites could be re-developed with a minimal investment, local communities cannot be sure of this until the assessment is done. This bill offers these communities an opportunity to assess the situation so that prompt action can be taken to clean up the site.

Second, this legislation would establish a revolving loan fund for local governments to fund the actual clean-up actions. Mr. Speaker, we know it is essential that we be fiscally responsible in the development of new Federal programs. For this reason, we established a loan program for the local governments to assist them in getting the land to a place where it will begin to produce revenue. But we require the loan to be repaid over 10 years—a time frame which allows them the opportunity to begin to recoup their investment.

Third, the bill would protect the purchaser of such properties as long as the purchaser does due diligence to find the problem and cooperate with the clean-up response. Under the current Superfund law, purchasers could be liable for clean-up even if they did not own the land when it was polluted. This provision should help attract new purchasers to these lands and encourage the voluntary clean-up of sites.

Fourth, and finally, the bill would protect the lending institutions from becoming the deep-pockets at sites where their participation was limited to the lending of money. Unfortunately, the current laws has allowed innocent lenders to be held liable for the clean-up of properties for which they provided the financial backing and nothing more. It is contrary to the intent of the Superfund Program to discourage voluntary clean-up actions such as those that would be backed by financial institutions. Yet, that is the result of the current law. Institutions are afraid to lend the financial backing when they could be held liable for millions in clean-up costs.

Mr. Speaker, I believe our legislation will provide a boost in the arm to local communities across this nation which are struggling to re-create productive properties. It will revive local economies, reduce threats to public health and improve the environment. I hope my colleagues will offer their support by cosponsoring this bill.

A TRIBUTE TO KANWAL SIBAL

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 3, 1995

Mr. GILMAN. Mr. Speaker, during the past 3 years the relationship between the United States and the Government of India has dramatically improved. India is no longer a country with which our Government has a reserved relationship. It is now a nation which is one of our Nation's major emerging markets. There are many reasons for the improvements in our relationship with India.

Prime Minister Narashimha Rao has embarked on a bold economic reform program which has made our Nation India's largest trading partner. India's Finance Minister, Man mohan Singh, has worked tirelessly to build economic bridges between the Indian consumers and important American companies. Our diplomatic relationship with India will only succeed, however, if the Indian Embassy successfully conducts its relationships with the Congress, the State Department, and other agencies of our Government. During the past 3 years the Indian Embassy has been an important player in our nearly improved relationship with the world's largest democracy.

Mr. Speaker, Kanwal Sibal has served in Washington with distinction for the past 3 years as the Deputy Chief of Mission. Prior to coming to Washington, Kanwal Sibal served as India's Ambassador to Turkey. Now, with the completion of a successful tour in Washington, Kanwal Sibal is about to become India's Ambassador to Egypt.

Mr. Speaker, I know many of my colleagues join with me in congratulating Kanwal Sibal for the successful completion of his assignment to Washington. I call to the attention of my colleagues an article which appeared in the July 14, 1995, edition of News India-Times regarding Kanwal Sibal's years here in Washington. I know my colleagues will agree with the praise accorded to Ambassador Sibal. Kanwal Sibal will be missed in Washington, but I am certain he will ably represent his nation in Cairo and I request that the attached News India-Times article be printed at this point in the RECORD:

[From the News India-Times, July 14, 1995]

SATISFACTION AT THE END OF A SUCCESSFUL INNINGS

(By Tania Anand)

WASHINGTON.—"The canvas is huge, the players numerous. No embassy or government can be in control all the time. One has to be genuinely modest about making any claims or reordering India-US relations." The man reflecting is Kanwal Sibal, deputy chief of mission at the Indian embassy. Having completed three years as the chief of the IFS battery in Washington, Sibal will make way for Shyamala Cowsik, who takes his place on September 1.

In an extensive interview with News India-Times at the end of an eventful term which saw India move from an inconsequential point outside the US radar screen to a centerpoint as one of the foremost Big Emerging Markets identified by the US government, Sibal was modest about his role in the transition.

"A lot of our progress is thanks to policies back home. My role, as part of the team, has been essentially consolidating on the positive trends that are occurring." Following are excerpts from the interview, conducted in two sessions in his office last week.

On Indo-US relations when he assumed office in September 1992: There were a lot of uncertainties in our relationship. There was a lack of confidence in US intentions toward India. We were feeling US pressure specially on the nuclear proliferation issue and within a few months on human rights. There were sanctions on ISRO the technology transfer issue culminated in pressure on Russia to cancel the cryogenic engines, there was concern on intellectual property rights. There was pressure from Congress on Kashmir and Punjab and generally on human rights.

The atmosphere in relations between the two countries became even more difficult by statements made on Kashmir which seemed to suggest a reopening of the accession question there was a third party to the Indo-Pak dialogue on Kashmir.

The economic reforms process was not more than a year old and had not begun to register either at the government or at the business level. From the government point of view India was not blinking on the US radar screen. It was very difficult to get the attention of the policy-makers.

On relations today in general: Today on all fronts the scenario is much better. It has obviously been a team effort where everybody has contributed. Yet having said that I will take some credit for the contribution.

Our relationship with the US is highly complex. The US is the world's foremost power, we are not. In many areas, the US holds the strong hand vis-a-vis all countries. This makes the task of dealing with the US a challenging one. The decision making process here is complex. The capability of innumerable agencies to block a decision here has to be understood. These non-governmental agencies are powerful but from our point of view irresponsible. They do not think in a narrow agenda and push it to the maximum. Yet the overall atmosphere has improved vastly.

On nuclear proliferation: We have certainly made significant advance in persuading the American side that India's security dilemmas cannot be adequately dealt with within the India-Pakistan or South Asian framework. The US is no longer persisting with a proposal that would limit the nuclear non-proliferation dialogue to just India and Pakistan. There have been no new pressures on India on the NPT front despite its indefinite extension.

Mode of communication: A significant advance following Strobe Talbott's visit to India was to take the dialogue on issues away from the glare of publicity. The US government recognizes today that public pressure on India will not help.

On human rights: There has been a significant change in the US public position on human rights in India and the tone of comments. They publicly recognize the significant work done on this front in India and the National Human Rights Commission has been well received.

On the India-Pakistan issues: We might have wanted the US to be more positive in its support for Indian positions and more willing to take public and official cognizance to Pakistan's continuing support to terrorism in India. The US has acknowledged the fact that India has made serious and genuine efforts at dialogue on Kashmir. They are also willing to acknowledge that elections would be a good route to follow in promoting democratic processes.

They have not supported Pakistani efforts at New York or Geneva to move resolutions against India. The kind of negative statements that were being made by some elements on the US side have not been reiterated—there is a greater sense of measure in comments being made. The joint statement between President Clinton and Prime Minister Rao clearly said all issues between India and Pakistan should be resolved bilaterally.

On transfer of technology: The ISRO sanctions have not been renewed. Yet on the issue of transfer of technology more work needs to be done. Still, we have moved from a position where we were deeply concerned to a dialogue.

On relations with the Congress: We have made a very major advance in our relationship with individual Congressmen and Senators and in the general mood of Congress.

The India caucus which was the first individual country caucus on the Hill is a big asset. It is bipartisan with 61 members and gives us a platform on which to build our relationship with the Congress. The crowning success of the caucus has been the recent defeat of the Burton amendment which was sprung upon the House with no lead time. It was the sustained contact with the Congress and the Indian-American community that helped defeat the move.

On the economic relationship: Certainly, India has begun to blink on the U.S. radar here. Five high-level visits in one year is unprecedented—four Cabinet level visits plus the visit of Mrs. Hillary Clinton. It has led to others wondering what this signifies in Indo-US relations.

We have been working closely with the India Interest Group to give it a certain profile, getting incoming visitors from India to meet them as a group and also getting them high-level appointments when they visit India. We have also been trying to forge a close working relationship between the India Interest Group and the India Caucus to make them mutually reinforcing.

On defense ties: It has been our effort to build a closer relationship with the Pentagon because during the Cold War the fact that the Pentagon was neglected has not helped our overall relationship. It has been our conscious effort to develop greater links with Pentagon and there has been a substantial improvement in our dialogue with them on various issues.

On India's lobbyist: It has been both a process of learning and achievement. It was a new experience, starting from scratch, and has resulted in a multiplier effect of our own efforts.

On relations with Indian-American community: We have vastly improved the mechanics of interaction with the Indian-American community for grassroots campaign. We have developed a list of important Indian-Americans who have credible political links and supply them regularly with information on developments in India and Indo-U.S. relations. Over the last three years we have taken several steps to transform what was earlier a disorganized and unfocused effort into a highly systemized and focused effort.

TITLE X OF H.R. 2127

HON. KAREN McCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 3, 1995

Ms. MCCARTHY. Mr. Speaker, today I walk with my head held high and with great pride as a Member of the U.S. House of Representatives. Last night Members from both sides of the aisle stood together and said to families across this Nation that their Government does support title X funding. Title X is part of the Public Health Service Act, sponsored by then-Congressman George Bush, and signed into law by President Nixon in 1970. I am proud to be a part of a majority in the U.S. House of Representatives with the common sense to set family planning funding as a priority.

The title X program has been reauthorized six times since 1970 and has always received broad bipartisan support. The 104th Congress has put aside partisan politics and restored adequate funding for family planning and health care services. In my district, title X means women can afford preventive health services like pap smears and gynecological exams. In my district, title X means women can afford vital pre- and neo-natal health care to prevent problems with pregnancies. In my district, title X means women can afford contraceptive health services to prevent unwanted pregnancies. In my district, title X means men can afford screening tests for prostate cancer. In my district, title X means that a woman's income level will not control her health or that of her family.

Mr. Speaker, at the end of this week, when I return to my district for the August work period, I can tell the women of Jackson County MO, that the House is committed to their family planning and health care needs. I can now go back to my district with pride for the work this body has done to preserve a 25-year commitment to the families of this Nation.

It is unfortunate, however, Mr. Speaker, that I will be unable to tell my constituents that I voted for the overall Labor-HHS-Education Appropriations bill of which title X is a part. The measure contains extreme and unfair cuts to valuable, proven programs that educate children, invest in working people, and protect our Nation's health and safety. We must invest in our country's future by supporting education and training to promote long-term economic growth and higher living standards. We must continue to invest in programs like Cradles and Crayons that benefit our children. I regret that this bill does not represent the priorities Jackson Countians want.

OSTEOPOROSIS

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 3, 1995

Mrs. MORELLA, Mr. Speaker, osteoporosis is a major public health problem affecting 25 million Americans, 20 million of whom are women. The disease causes 1.5 million fractures at a cost of $10 billion annually in direct medical expenses. One in two women and one in eight men over the age of 50 will fracture a bone due to osteoporosis. A woman's risk of osteoporosis is equal to her combined risk of contracting breast, uterine and ovarian cancer.

Osteoporosis is largely preventable and thousands of fractures could be avoided if low bone mass was detected early and treated. However, identification of risk factors alone cannot predict how much bone a person has and how strong or weak bone is. Experts estimate that without bone density tests, up to 40 percent of women with low bone mass could be missed—an unacceptable diagnostic error rate.

Unfortunately, Medicare's coverage of bone density tests is inconsistent. The program covers several types of tests such as single photon absorptiometry, measurement of the wrist and radiographic absorptiometry, hand; however, it leaves the decision to the Medicare carriers whether to cover quantitative computed tomography, spine, and dual energy x-ray absorptiometry or DXA—spine, hip, and total body—one of the most common methods used by scientists. The Food and Drug Administration has approved all of these methods except the radiographic absorptiometry.

Medicare covers DXA in 42 States, while parts of four additional States are covered. This leaves four States and the District of Columbia without coverage. A national average allowable charge of $124 was established for DXA by the Health Care Financing Administration this year, yet a national coverage decision does not exist.

Inconsistency of coverage policy is confusing and unfair to beneficiaries. If a Medicare beneficiary lives in Florida, DXA is covered; if she lives in New Jersey, it is not covered. If she lives in Baltimore County in Maryland, it is covered; if she lives in Montgomery County, MD, it is not covered.

Today, I am introducing a bill, together with Congresswomen NITA LOWEY and EDDIE BERNICE JOHNSON, as well as 10 other original cosponsors, to standardize Medicare's inconsistent coverage of bone density tests—the only sure method to determine bone mass and avoid some of the 1.5 million fractures caused annually by osteoporosis. The bill would also clarify that Medicare will cover other scientifically proven techniques to detect bone loss, such as biochemical markers. These inexpensive lab tests can be important adjuncts to bone mass measurement in the effort to detect and treat individuals who are at risk of osteoporosis. Considering that bone density tests are already covered by a large majority of the Medicare carriers, this bill will not add significantly to the costs of the Medicare program.

I urge my colleagues to join us in introducing this bill to help women and men prevent fractures caused by osteoporosis.

HONORING CAPT. DEAN O. TRYTTEN ON HIS RETIREMENT

HON. BOB INGLIS

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 3, 1995

Mr. INGLIS. Mr. Speaker, today I pay tribute to an outstanding naval officer, Capt. Dean O. Trytten, who is retiring from the U.S. Navy after 30 years of distinguished service. It is a pleasure to share with my colleagues just a few of his many accomplishments.

Captain Trytten, raised in Lake Mills, IA, enlisted in the Navy in 1965 and was commissioned through the Navy's NESEP Program. He was selected for the Navy's NESEP Program while a student at Nuclear Power Training School in Windsor, CT.

A dedicated student, Captain Trytten received his bachelor of science degree in electrical engineering from North Carolina State University [NCSU]. Later, he returned to school, and in 1982 he earned his master of science in mechanical engineering from the naval post graduate school in Monterey, CA. Captain Trytten was also awarded the prestigious "Top Snipe" award at SWOS Department Head School.

Captain Trytten's initial sea assignment was to the U.S.S. *Cannole* (DE 1056), where he served as main propulsion assistant. Subsequent sea tours included repair officer/engineering officer on the U.S.S. *Portland* (LSD 37), engineering officer on the U.S.S. *Joseph Hewes* (FF 1078) and maintenance manager/service life extension program [SLEP] coordinator on the U.S.S. *Independence* [CV 62].

During a period of rapidly changing force structures and declining resources, Captain Trytten served as ship superintendent at Philadelphia Naval Shipyard for the SLEP of U.S.S. *Forrestal* [CV 59], repair officer at SIMA San Diego, force maintenance officer at COMNAVSURFPAC, ship modernization and maintenance branch head at OPNAV, and most recently distinguished himself through exceptional meritorious service as special assistant for quality at the NAVSEA Inspector General's Office.

Captain Trytten has been awarded many decorations, including four Meritorious Service Medals, the Navy Commendation Medal, Battle Efficiency "E", Good Conduct, and two National Defense, Humanitarian Service, and Sea Service Medals. Captain Trytten's accomplishments during his service are in keeping with the finest traditions of military service and reflect great credit upon him and the U.S. Navy.

Mr. Speaker, I ask you and my colleagues to join me in congratulating Capt. Dean Trytten on this momentous occasion. As Captain Trytten retires to Greenville, SC, I take this opportunity to express my gratitude for his faithful and dedicated service to the U.S. Navy and wish him my sincerest best wishes upon his retirement.

A CALL TO REPEAL GOALS 2000

HON. SONNY CALLAHAN

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 3, 1995

Mr. CALLAHAN. Mr. Speaker, as the House considers the Labor, Health and Human Services, and Education appropriations bill, considerable attention will be devoted to the issue of education. America's schools will only improve if Federal and State Governments stop burdening schools and teachers with regulations and instead give them the freedom to experiment and change. Flexibility and innovation are key elements of genuine education reform, not centralized and rigid Federal rules. The provisions of Goals 2000 do not coincide with our efforts to shift more power to the States, and I believe that funding for this program should be discontinued. At this time, I would like to submit a joint resolution on behalf of the Alabama State Legislature calling for the repeal of Goals 2000.

H.J.R. 353

Whereas, Goals 2,000: Educate America Act and related implementing legislation, ESEA Reauthorization Act, P.L. 103–382, which was passed by the Congress in 1994, require the federalization called restructuring of America's educational system; and

Whereas, the act for the first time in American history, provides a framework to establish national education goals, with the power in federal, state, and local rules; and

Whereas, this federalization which Goals 2,000 describes 101 times as voluntary, is in effect involuntary because it requires that for a state to receive any federal funds, including Chapter 1 funds, a state must submit to national content standards, national student performance standards, federally approved state assessments testing to cover all students regardless of where they are educated, federally approved control of information through technology plans in all programs, federally approved school readiness programs which will necessitate home inspections mandatory community service, school to work programs directing all businesses to require certificates of mastery for all workers, and government oversight of the family; and

Whereas, this federalization also mandates equalized spending per pupil for a state, local, educational agency, or school; and

Whereas, the Alabama Legislature last year rejected outcome-based education; and

Whereas, the federal government does not have the legal constitutional authority to implement a national curriculum or otherwise to usurp state rights; and

Whereas, American education has been effective when it has taught the basic under local control; and

Whereas, supervision and education of children must remain the right of parents, and the Goals 2,000 required parent contracts negate this parental authority; Now therefore be it

Resolved by the Legislature of Alabama, both Houses thereof concurring, That the Legislature calls upon the Alabama Congressional Delegation to repeal Goals 2,000 in order to reverse the power it gives to the federal government; and be it further

Resolved, That a copy of this resolution be sent to each Alabama Congressional member.

REMEMBERING OUR HMONG ALLIES

HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 3, 1995

Mr. RADANOVICH. Mr. Speaker, 1995 marks the 20th year since the fall of Long Chieng, the CIA headquarters in Laos, where the Secret War was staged.

The Hmong suffered tremendous casualties as a direct result of their alliance with the United States during the Vietnam War. The Hmong heroically acted as our counterinsurgency force for over 10 years fighting some of Ho Chi Minh's best divisions to a standstill. These courageous actions disabled North Vietnamese forces, preventing them from waging war with Americans in South Vietnam.

Mr. Speaker, I call my colleagues' attention to Jane Hamilton-Merritt's article that appeared in The New York Times and urge that we remember our former Hmong allies who are now refugees of the Secret War. At this point, I wish that the article be inserted into the RECORD.

[From the New York Times, June 24, 1995]

REFUGEES OF THE SECRET WAR

(By Jane Hamilton-Merritt)

Buried in the sweeping foreign aid package passed by the House on June 8 is an amendment that could rescue thousands of desperate refugees. The amendment would end the forced repatriation of Hmong refugees in Thailand to Communist Laos, where they face persecution by a Government with one of the worst human rights records in the world.

The Senate should preserve this amendment when it takes up the bill, later this summer. It is the least Washington can do for the Hmong. They are being persecuted in part because they were persecuted in part because they were valuable allies in America's "secret war" in Laos that accompanied the war in Vietnam.

Perhaps 30,000 Hmong are trapped in Thailand in refugee camps and in jails, and some have spent years in hiding. Many are military veterans who were recruited and trained by the C.I.A. to fight North Vietnamese troops in Laos. An ethnic minority in the country, the Hmong aided the American effort throughout the Kennedy, Johnson and Nixon administrations.

Fighting to save Laos from a Communist takeover, the Hmong helped us by gathering intelligence, rescuing downed American pilots and sabotaging the entrance of the Ho Chi Minh supply trail into South Vietnam.

Speaking on behalf of Hmong veterans and their families, William Colby, the former Director of Central Intelligence, told the House Subcommittee on Asia and Pacific affairs last year that for 10 years the Hmong kept Hanoi's army in northern Laos to approximately the same battle lines it held at the beginning of the war, though the number of troops increased from 7,000 to about 70,000 by the end of the conflict—troops that were not available to kill Americans in South Vietnam:

For the Hmong, the sacrifice was enormous. Perhaps 10 percent of the population—30,000 people—died.

In 1975, the new Communist regime in Laos singled out for persecution Hmong who had been allied with the United States.

In the last two decades, tens of thousands of Hmong have been killed or imprisoned in "seminar camps," which are essentially concentration camps.

Many others escaped across the Mekong River to northern Thailand, and others have resettled in the United States, France, Australia and Canada.

Before the end of this year, camps in Thailand will close and 30,000 Hmong and Lao refugees will be forced back to Laos. This is all the direct result of a misguided international program known as the Comprehensive Plan of Action, which has been in place since 1989. The program, developed to resolve the problem of the Vietnamese boat people, also affects other Indochinese asylum-seekers such as the Hmong.

The plan was drafted by State Department and United Nations officials with no public debate—although it is financed in part by American tax dollars. It has been responsible for the forced return of thousands of refugees, including the Hmong, to repressive countries, though the State Department refuses to acknowledge this.

A March report from a fact-finding mission to Thailand sponsored by Representative Steve Gunderson, Republican from Wisconsin, concludes that the State Department had not been truthful.

The fact-finding team charges the State Department with "deception" and "whitewash" to "cover up misdeeds of officials involved in helping pressure and force Hmong/Lao refugees from Thailand to Laos" and also to "cover up their persecution and murders" in Laos. The report accuses staff members of the United Nations High Commissioner for Refugees of giving "misleading" information to Congress that claimed that forced repatriation of the Hmong was not occurring.

Mr. Gunderson's findings confirm what has been reported for years by Hmong victims and their families in the United States, journalists and human rights organizations.

In a 1989 report about screening of Hmong refugees and asylum-seekers in Thailand, the Lawyers Committee for Human Rights warned: "Screening is conducted in a haphazard manner with little concern for legal norms. Extortion and bribery are widespread."

Opponents of the House provision in the foreign aid bill claim that it will cause greater numbers of refugees and could cost the United States more money. But as Representative Bill McCollum, Republican of Florida, pointed out in a recent House floor debate, the bill would not increase the number of refugees admitted to this country.

The amendment, he said, is about "getting the United States out of a scandalous international program." And, he said, "It is also about allocating what few spaces we do have for refugees to those who need and deserve our help."

The Hmong veterans in Thailand are in a sense America's 1st remaining P.O.W.'s. They fought with Americans and we left them behind. It is well within Governement's powers to save the Hmong veterans and their families.

The amendment to the House bill, proposed by the Chairman of the International Operations and Human Rights Subcommittee, Representative Christoper Smith, Republican of New Jersey, is a start and should be supported in the Senate. We can help these people without significantly adding to this country's refugee population and to our financial burdens. It would be the humane and just thing to do. It is a moral obligation.

INTRODUCTION OF THE GRAND JURY REDUCTION ACT

HON. BOB GOODLATTE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 3, 1995

Mr. GOODLATTE. Mr. Speaker, this Congress has taken unprecedented action in reducing the size of the Federal Government. No Government agency has escaped our careful scrutiny as we have searched for places to trim Government waste.

Today, I am introducing a bill that will trim a bit further. I believe it is time to turn our attention to the grand jury process.

Currently grand juries consist of at least 16 and no more than 23 members and an indictment may be found only upon the concurrence of 12 or more jurors. Reducing grand jury size has had considerable support and in fact the Judicial Conference recommended a cut in grand jury size as long ago as 1974.

A panel of 23 is administratively unwieldy, costly, and unnecessary. According to the Administrative Office of the U.S. Courts, in fiscal year 1992 the average number of grand jurors which sat on a grand jury in session was 19.8. In fact, some grand juries sit with only 16 jurors, the number necessary for a quorum under present law.

In fiscal year 1992 total grand jury payments totalled $16,526,275 or $67 per day per juror. We would see significant cost savings if the number of grand jurors was received.

This would be a practical, as well as a cost-savings, reform, In a 1977 hearing on grand jury reform the counsel of the Administrative Office of the U.S. Courts testified that "our experience is that it is easier to summon a smaller panel than a larger one from throughout the larger districts."

My bill amends 18 U.S.C. 3321 to reduce the number of grand jurors necessary for a grand jury to be impaneled. Under my bill every grand jury impaneled before any district court shall consist of not less than 9 nor more than 13 jurors. An indictment may be found only if at least 9 jurors are present and 7 of those present concur. Judges across my congressional district have endorsed this reduction.

The Judicial Conference is scheduled to meet again in September. I am hopeful that the Conference will endorse my proposal at this meeting.

As a member of the Courts and Intellectual Property Subcommittee, I see this as an initial step toward larger judicial reform which the subcommittee will undertake later this Congress. I urge my colleagues to support this important proposal.

TRIBUTE TO WILLIAM KATTAK

HON. WILLIAM J. MARTINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 3, 1995

Mr. MARTINI. Mr. Speaker, I rise today to mourn the passing of a valued member of the Eighth Congressional District in New Jersey.

In the wake of the celebration surrounding the opening of the Korean War Memorial, William Kattak died on the morning of July 31, 1995. As a proud veteran of the Korean war, Mr. Kattak was a patriotic American. He was a former commander of John Raad Post, the American Legion, commander of Passaic County American Legion and a 4th Degree Knight of Columbus.

Along with an ardent commitment to the United States of America, Mr. Kattak enjoyed a lengthy term as a public servant to Passaic County. For more than two decades, he served as the Passaic County clerk where he enjoyed the respect of the entire community. In addition, as an attorney, he served as Passaic County assistant prosecutor, trustee of the Passaic County Bar Association and department head of New Jersey judge advocate. However, Mr. Kattak will probably best be remembered for designing unique alternatives to increase efficiency and reduce bureaucracy in local government. For instance, he was personally responsible for devising a method to invest bail money which, in turn, netted Passaic County taxpayers hundreds of thousands of dollars.

Even with all the meaningful accomplishments in public service, Mr. Kattak will be missed most by his loving family and close friends. He is survived by his wife Adrianne; three daughters, Joanne, Susan and Diane; four brothers and three sisters. The sorrow for the loss of William is summed up in the words of his daughter Diane. "He was the guardian angel in our family. He took care of us and nobody will ever replace him. He was the best father anyone could ever ask for".

Mr. Speaker, I ask that we all bow our heads in the memory of a great American, wonderful husband and loving father. Passaic County lost a great man, but the Kattak family lost a cherished member of a caring family.

THE BATEMEN-SAXTON-EDWARDS IMPACT AID COMPROMISE

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 3, 1995

Mr. KENNEDY of Rhode Island. Mr. Speaker, I rise in strong support of the agreement on Impact Aid that has been struck this evening, and I applaud Mr. BATEMAN, Mr. SAXTON, Mr. EDWARDS, and Mr. PORTER'S commitment to ensure adequate funding be provided to the Impact Aid Program when the House and Senate conference on this legislation.

The reason this agreement is so critical is because today we are faced with an $83 million gap in one of our countries most vital functions: the ability to educate our children and ensure our Nation's prosperity for generations to come. For the past 45 years the Federal Government recognized its obligation to compensate school districts for the costs of educating children whose patents live or work on federally owned land. I ask my colleagues today, what has happened to that obligation? Has the Federal Government become so single-mined in its attempt to reduce the deficit that it has become blind to the needs of our Nation's children.

Many of these children are those of the men and women who serve in our Nation's armed services. Is cutting their children's education how we choose to pay back the people who faithfully serve our country? In my opinion it's a crime to tell the children of military impacted communities that they have to receive a substandard education because the Federal Government does not want to pay it's fair share.

Many schools have had to close due to cutbacks in the Impact Aid Program. Many more have had to incur huge deficits just to keep operating. From Nebraska and South Dakota to New Jersey and New York schools of all sizes have had major difficulty keeping their doors open.

But the necessity of Impact Aid goes far beyond the 1.8 million children who are eligible under the program. Terminating the program will also have a significant impact on the 20 million students who attend schools that are dependent on Impact Aid funding. In my own district, thousands of children in the Middletown, Newport, and Portsmouth school districts are largely effect by the Impact Aid Program. What will happen to these children if this program goes unfunded? Where will they go if their school closes down?

Impact Aid is about more than education, it is also about the strength of communities. The people of Middletown, RI tell me they are particularly proud of the community, their schools, and their military population. For over 200 years these same people have extended themselves to the military and have achieved an excellent reputation that is passed from generation to generation of servicemen and women at the Naval base on Aquidneck Island. But there are limits to these relationships. It is unreasonable to expect local taxpayers to increasingly subsidize the education of military students.

Even with full funding of Impact Aid, Middletown Public Schools still experience over a $4 million loss in tax revenue from land occupied by the Navy instead of private housing or businesses. If the proposed reductions go into effect, a bad situation will become undoubtedly worse.

Mr. Speaker, the choice is ours and the choice is clear. We can choose to fund the future of America's students today or be prepared to pay the costs of an uneducated and unskilled work force tomorrow. I am gratified the leadership of this body has made the right choice and has committed itself to providing for our children's future.

FREDDIE MAC'S 25TH ANNIVERSARY JULY 24, 1970—JULY 24, 1995

HON. RICHARD H. BAKER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 3, 1995

Mr. BAKER of Louisiana. Mr. Speaker, 25 years ago, Congress took a bold and innovative approach to help millions of American families own a home. During 1969 and 1970, hard-working Americans who wanted to buy a home were confronted with an economic nightmare of high inflation and escalating interest rates. In short, money to buy a home was scarce and expensive.

On July 24, 1970, in response to the collapse of the country's mortgage finance system, Congress created the Federal Home Loan Mortgage Corporation, commonly known as Freddie Mac. Its mission was clear: to help Americans buy homes by tapping a consistent flow of funds from national and international capital markets.

Freddie Mac has dedicated its resources and innovation to fulfilling that mission. Since 1970, Freddie Mac has purchased $1.2 trillion in mortgage loans, which has enabled 16 million American families achieve the dream of an affordable and decent house.

Freddie Mac purchases mortgage loans from lenders, packages these loans into securities, and sells these securities to investors.

Through this process, Freddie Mac has created a broad, liquid, and efficient nationwide secondary mortgage market that is the envy of the world.

As my colleagues are acutely aware, in these times of severe budget restraints, it is important that the private and the public sector join as partners to increase housing opportunities for low- and moderate-income families. Freddie Mac is an exemplary model of this partnership. Freddie Mac has worked with State and local governments to leverage resources for homeowners across the Nation. In addition, Freddie Mac has increased its mortgage purchases of low- and moderate-income homebuyers from 28 percent in 1993 to 38 percent in 1994. Many of these mortgages are for homes owned by minority homebuyers and in central cities and in rural areas.

Mr. Speaker, by every measure Freddie Mac is a great success. As we work to consolidate government to serve taxpayers more effectively, we call on Freddie Mac to continue its commitment to all American homebuyers from all walks of life.

I am sure that my colleagues and the American people join me in expressing our appreciation and congratulations to Freddie Mac on their 25th anniversary. We wish Freddie Mac well in its next 25 years.

PROTECT FUNDING FOR THE CORPORATION FOR PUBLIC BROADCASTING

HON. MIKE WARD

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 3, 1995

Mr. WARD. Mr. Speaker, I rise today in strong support of the continued funding of the Corporation for Public Broadcasting and in opposition to the proposed funding cuts in the Labor/HHS/Education Appropriations Act.

This legislation provides $240 million for the Corporation for Public Broadcasting for fiscal year 1998. This figure represents a $20 million decrease in funding from the 1997 allocation and is $56.4 million below President Clinton's request. Let me put it another way, this is a $20,000 funding cut for the Corporation for Public Broadcasting.

The Corporation for Public Broadcasting has already suffered an 11.8 percent cut in the rescissions bill passed earlier by this House. This further reduction proposed by the Labor/HHS/Education appropriations bill will be devastating.

One needs only to consider the impact these funding cuts will have upon rural television stations, primarily in areas where access to cable television is extremely limited and where the only educational television and radio programs come from public broadcasting. In Kentucky, the majority of residents rely on public broadcasting for all educational programming, including programs which enable individuals to obtain high school equivalency degrees and attend college courses via television. Public broadcasting also provides invaluable children's programs to help educate children at home as well as in school.

I urge my colleagues to consider the impact these funding cuts would have upon those who rely on public broadcasting the most. I urge my colleagues to oppose these cuts and work together to protect the Corporation for Public Broadcasting.

INTRODUCTION OF A BILL TO REDUCE POLITICAL ASYLUM ABUSE

HON. BOB FRANKS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 3, 1995

Mr. FRANKS of New Jersey. Mr. Speaker, today I am introducing a bill to root out fraud and abuse in our current system of political asylum.

Throughout the world, the human rights of prisoners of conscience and political opponents are casually exploited. Amnesty International's annual report, released last month, cites the fact that 78 countries still hold "prisoners of conscience."

For those people, the United States must extend its hand and offer refuge through political asylum.

Our Nation has always been a beacon of hope for people around the world seeking a safe haven from political, ethnic, racial, or religious persecution.

But it is important to keep the doctrine of political asylum in perspective. It represents only one element of America's immigration policies.

Last year, for example, our Government allowed more than 800,000 aliens to legally enter the United States. Of that total, only 11,784 were granted political asylum.

And until 1980, political asylum was a treasured and sparingly-used provision in our immigration laws, enabling our Nation to fulfill its commitment to protect those fleeing their homelands because of oppression.

But changes made in the asylum laws in the 1980s opened up the system to widespread abuse.

These well-intended but ill-conceived reforms included providing an unintended economic incentive for aliens to seek entry into the United States by claiming political asylum.

Most importantly, it gave asylum seekers permission to legally work in the United States while their claims were being considered by officials of the Immigration and Naturalization Service [INS].

Although President Clinton recently modified the work-permit provision, the floodgates had already been opened.

Asylum seekers have been pouring into the United States in staggering numbers.

Prior to 1980, less than 5,000 people a year sought political asylum in the United States. But last year alone, a record number, 150,000 in all—filed claims of political asylum. The New York-New Jersey metropolitan region is becoming a magnet for individuals seeking the protected status of political asylum. During the first quarter of this year, 8,165 people applied for asylum through the Newark District Office. Another 8,795 aliens made the same claim at the New York INS office.

The political asylum process has spun out of control.

Moreover, political asylum has become an increasingly popular route to circumvent safeguards in the law that help us to weed out bogus and fraudulent claims.

Contrary to popular opinion, it is not easy to gain legal entry into the United States. That fact can be attested to by the 3.4 million people around the world who are waiting for visas to be issued by our Government in order that they can legally come to the United States. Some of those people, depending on their home country and the immigration quota that applies to it, wait up to 10 years before they are issued a visa.

While many of those who arrive on our shores seeking political asylum have an arguable basis for their claim, others use it as an opportunity to leap frog over those 3.4 million people who are waiting in line for the issuance of their visa.

Even though the criteria are lax, the law on political asylum is clear when in says that the asylum candidate "must face a reasonable fear of persecution."

Today, there are people boarding planes and boats around the world, hoping to start a new life in the United States with phony claims of political asylum. And the odds are they'll be successful.

Political asylum has become a popular backdoor entrance to the United States. And with good reason. The system is easy to exploit.

By simply stepping off a plane and proclaiming the magic words "political asylum," an individual gains special status that enables him to stay in the United States until his claim is verified. The lengthy and cumbersome process of reviewing asylum cases is filled with opportunities for an individual, with no legitimate claim of political asylum, to slip away and become part of our Nation's ever-increasing population of illegal immigrants.

New Jersey has become a major center for illegal immigrants. The INS ranks my State sixth in the Nation in the number of illegal immigrants.

Of the thousands of people who arrive each year in the New York-New Jersey area seeking political asylum, only 1.6 percent are actually detained until the outcome of their claim is determined.

The sheer volume of asylum claims and the severe shortage of detention facilities, has forced the Immigration and Naturalization Service to release a vast majority of those awaiting adjudication of their claim of political asylum. They are set free—released on their own recognizance and told to return on a specified date for a hearing.

At least one-third of those set free will never be seen again. They simply disappear, joining the ranks of the illegal immigrant population in our area.

Of all the political asylum claims, only 10 to 15 percent are found to be legitimate by the INS and are granted permission to remain in the United States. The others are ordered back to their homeland.

But when the time comes to report for deportation, the vast majority—more than 90 percent—do not show up. And in all likelihood will never be found. They too have joined the illegal immigrant population.

The backlog of pending asylum applications has swelled to almost 450,000 cases, leading to extensive delays. Those unfortunate individuals with legitimate claims of political as asylum are forced to spend months and even years in this country living with the uncertainty of not knowing whether they will be forced to return to their homeland.

The facts leave little doubt that the current system of political asylum is out of control.

Today, I am introducing legislation that will significantly modify how the INS deals with claims of political asylum. It is designed to send a clear signal around the world that fraudulent claims of political asylum will no longer be tolerated. The goal of my legislation is to preserve the fundamental principle of political asylum, while closing up the giant loopholes that are corrupting the process.

My bill targets individuals who escape or leave their homeland and travel to another country before coming to the United States.

It establishes a series of procedures that will have the effect of deterring those with no legitimate claim of political asylum from ever venturing to the United States.

Let me explain the key provisions of the bill.

It seems to me that an individual who fears for his safety because he is suffering severe discrimination or life-threatening treatment should be required to stop at the first country that would offer him "safe haven."

But under the current law, these refugees most often choose to pass by the first country that could offer safe haven and continue their journey to the United States. Fifteen years and hundreds of thousands of claims for political asylum later has taught us that many of these individuals are not seeking a safe refuge that comes from political asylum, they are actually looking for the economic opportunities that America has to offer.

Under my legislation, anyone who passes through another country that could offer a safe haven for political asylum would not be allowed to travel through to the United States and remain here while their claim is being adjudicated.

Upon entering the U.S., these asylum seekers would be sent back within hours to the country they passed through that would offer them political asylum. European countries have been following a similar course of action for many years.

In 1990, The European Community convened the Dublin Convention to establish a uniform standard for examining applications for asylum seekers that travel through several countries. The purpose of the Convention was to ensure that an application was examined by only one Member State, ignoring the preferences of asylum seekers that results in "nation shopping." Members incorporated the "country of safe haven" principle which requires asylum requests to be reviewed by the first country which the applicant arrives in outside his country of origin.

In July of 1993, Germany overhauled their asylum law, effectively reducing their monthly asylum application load from 37,000, after an explosion of asylum applications that increased from 20,000 in 1983 to 438,000 a decade later. Germany's asylum laws also include a "country of safe haven" provision making certain asylum applicants ineligible.

It's time the United States follow the lead of the European Community and adopt the "first safe haven" approach. By doing so, we would eliminate the incentive for aliens to "nation shop," looking around for the country they believe offers them the best opportunity for economic prosperity, not political freedom.

In order to ensure that those with legitimate claims for asylum are protected and find a safe haven, my bill provides added protection for legitimate asylum seekers. Under special circumstances, it allows them to stay in the United States awaiting a hearing. An alien who returned to the first country they passed through which could offer a safe haven, but was denied entry, would be allowed to remain in the United States pending a hearing. In addition, if an individual can demonstrate that being returned to the first country of safe haven could subject him to further persecution, he too would be allowed to stay. But the bill attaches a significant condition to asylum-seekers who are returned to the United States—one that further discourages abuse of the system. While they are in the United States awaiting a hearing on whether they can stay here legally, they must be held in a detention facility.

This fall Congress is expected to take up the issue of immigration reform. In the coming weeks, I will work to make sure this new approach to granting political asylum is included in the immigration reform package to be considered by the House.

The United States is a Nation of immigrants. We should continue to embrace people of different races and cultures who want to make America their new home. Their presence enriches our culture and makes our Nation a very special place.

America should continue to be the land of opportunity for legal immigrants but not for those who take advantage of our generosity and our compassion to enter the country illegally. I urge my colleagues to cosponsor my legislation.

THE CONGRESSIONAL ASSAULT ON TRIBAL SOVEREIGNTY

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 3, 1995

Mr. RICHARDSON. Mr. Speaker, I share the grave concerns of my colleagues and the more than 550 American Indian and Alaska Native tribes of this Nation regarding the unprecedented budgetary cuts and assaults on tribal sovereignty currently underway in the 104th Congress. As the former chairman of the House Subcommittee on Native American Affairs, I find it especially difficult to watch as this body attempts to undermine the hard fought victories that Indian tribes have won in the past 30 years.

It is hard to understate the enormity of the cuts in this year's appropriations bills. For instance, the House Interior appropriations bill cuts BIA and Department of Education funding for Indian education by $61 million, eliminates important scholarships and adult education, and restricts funding of self-determination contracts and self-governance compacts. The Interior bill fails to include enough funding for the Indian Health Service to maintain its current level of services. And, the House Interior report penalizes tribal self-determination and economic growth by requiring the Secretary of the Interior to prepare a means testing report on Indian tribes who conduct gaming operations.

The Commerce, Justice appropriations bill eliminates the line-item for Indian legal services. The Agriculture appropriations bill calls for the termination of the commodities program. The VA–HUD appropriations bill cuts funding for new Indian housing by two-thirds. The Labor-HHS appropriations bill eliminates additional Indian education funding, funding for the protection of tribal elders, reduces meals for tribal elders by $845,000, and eliminates the low-income heating assistance program. In addition, the Labor-HHS bill would put sharp curbs on the amount of political or legal advocacy that tribal governments or organizations could undertake at the Federal level.

The tribal outcry that has arisen because of these actions and others should tell us that we need to seriously examine and rethink our relationship with Indian country. In order to do so, we must:

Recognize that tribes are sovereign entities and not merely another set of minority or special interest groups.

Acknowledge our moral and legal responsibility to protect and aid Indian tribes.

Adhere to a set of principles that will enable us to deal fairly and honestly with Indian tribes.

From the founding of this Nation, Indian tribes have been recognized as distinct, independent, political communities exercising the powers of self-government, not by virtue of any delegation of powers from the Federal Government, but rather by virtue of their own inherent sovereignty. The tribes' sovereignty pre-dates the Constitution and forms the backdrop against which the United States has entered into relations with the Indian tribes.

The United States also has a moral and legal trust responsibility to Indian tribes. Since the founding of the country, the U.S. has promised to uphold the rights of Indian tribes, and serve as the trustee of Indian lands and resources. The U.S. has vowed, through treaties such as the 1868 Navajo treaty, that Indians would be housed, educated, and afforded decent health care. We have failed on nearly every count.

Perhaps we need to look to the past in order for us to understand our proper relationship with Indian tribes. More than two centuries ago, Congress set forth what should be our guiding principles. In 1789, Congress passed the Northwest Ordinance, a set of seven articles intended to govern the addition of new States to the Union. These articles served as a compact between the people and the States, and were to forever remain unalterable, unless by common consent. Article three set forth the Nation's policy towards Indian tribes:

> The utmost good faith shall always be observed towards the Indians; their land and property shall never be taken away from them without their consent * * * but laws founded in justice and humanity shall from time to time be made, for preventing wrongs to them * * *.

Each of us should memorize these words. Our forefathers carefully and wisely chose these principles to govern the conduct of Congress in its dealing with American Indian tribes. Over the years, but especially in this Congress, we have strayed from these principles—the principles of good faith, consent, justice and humanity. It is time for us to return to and remain faithful to these principles.